UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS
SECOND SESSION

VOLUME 146—PART 18

NOVEMBER 1, 2000 TO JANUARY 2, 2001
(PAGES 25787 TO 27328)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2000

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

SENATE—*Wednesday, November 1, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, in these troublesome days of conflict and consternation, frustration and fatigue, stress and strain, we come to You seeking Your special tonic for tiredness. I intercede on behalf of the Senators and their staffs and all who are feeling the energy-sapping tension of this time. I claim Your promise, "As your days, so shall your strength be."—Deuteronomy 33:25. Your strength is perfectly matched for whatever life will dish out today. You promise us the stamina of ever-increasing fortitude. In the quiet of this moment, we open the flood gates of our souls and ask You to flood our minds with a refreshing renewal of hope in You, our emotions with a calm confidence in help from You, and our bodies with invigorating health through You.

Thank You, mighty God, Creator of the universe and Re-creator of those who trust You, for this most crucial appointment of the day with You. You have commanded us to be still and know that You are God. Lift our burdens, show us solutions to our problems, and give us the courage to press on. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHARLES E. GRASSLEY, a Senator from the State of Iowa, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will immediately proceed to a cloture vote on H.R. 2415, the bankruptcy legislation. Following the vote, it is hoped, if cloture is invoked, that there will be a reasonable amount of postcloture debate time to be followed by a vote on the adoption of the conference report.

As a reminder, the Senate will recess for the weekly party conferences from 12:30 to 2:15 p.m.

Also, today a vote on a continuing resolution may be necessary. But we are working on how that will be handled, and we should be able to determine that right after this recorded vote. If there is a vote on the continuing resolution, it is expected to be late this afternoon. But we are seeing if some other arrangement can be worked out. Senators will be notified if and when that vote is scheduled.

BANKRUPTCY REFORM

Mr. KENNEDY. Mr. President, I urge the Senate to reject the motion to invoke cloture on this flawed legislation. For three years, proponents and opponents of this so-called Bankruptcy Reform Act have disagreed about the merits of the bill. The credit card industry argues that the bill will eliminate fraud and abuse without denying bankruptcy relief to Americans who truly need it.

But scores of bankruptcy scholars, advocates for women and children, labor unions, consumer advocates, and civil rights organizations believe that the current bill is so flawed that it will do far more harm than good.

Every Member of the Senate must analyze these arguments closely and separate the myths from the facts. I believe a fair analysis leads to the conclusion that this bankruptcy bill is the credit industry's wish list to increase its profits at the expense of working families.

Proponents of the bankruptcy legislation argue that the current bill is an appropriate response to the bankruptcy crisis. But the facts indicate the opposite. The crisis is overstated, if it exists at all, and is no justification for this sweetheart deal for the credit card industry.

For several years, bankruptcy filings were on the rise. But current data reflect a decrease in filings. The so-called bankruptcy crisis has reversed itself—without congressional assistance. According to a report last month, the personal bankruptcy rate dropped by more than 9 percent in 1999, and continued to decline at a greater than 6 percent annual rate in the first nine months of this year. Bankruptcies are now at substantially lower levels than in 1997, 1998, or 1999. There have been 138,000 fewer personal bankruptcies in the current year than during the corresponding period of 1998, a cumulative two-year decline of over 15 percent.

This decline in personal bankruptcies is consistent with the view held by leading economists—the bankruptcy crisis is correcting itself. A harsh bankruptcy bill is unnecessary.

Supporters of the bill also argue that we need tough new legislation to eliminate fraud and abuse in the bankruptcy system and to instill responsibility in debtors. The argument sounds good, but it masks the truth about this excessively harsh and punitive bill.

The current bill is based on biased studies that have been bought and paid for by industry dollars and an industry public relations campaign that unfairly characterizes the plight of honest Americans. Supporters of a bankruptcy overhaul initially relied on a Credit Research Center report in 1997, which estimated that 30 percent of Chapter 7 debtors in the sample could pay at least 21 percent of their debts. But, as the Congressional General Accounting Office responded, "the methods used in the Center's analysis do not provide a sound basis for generalizing the Center report's findings to the . . . national population of personal bankruptcy filings."

VISA U.S.A. and MasterCard International funded several additional studies. One study determined that losses due to personal bankruptcies in

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

1997 totaled more than $44 billion. This study appears to be the source of the creditor rhetoric that bankruptcy imposes a hidden tax on each American family of $400 every year. But once again, the GAO concluded that the study's findings are shaky—at best. As the GAO stated, "we believe the report's estimates of creditor losses and bankruptcy system costs should be interpreted with caution."

The most recent and unbiased study—completed by the Executive Office for the U.S. Trustees—concluded that "only a small percentage of current Chapter 7 debtors have the ability to pay any portion of their unsecured debts." That's consistent with the conclusion reached by others, including Time magazine, which reported that by the time individuals and families file for bankruptcy protection, more than 20 percent of their income before taxes is being used to pay interest and fees on their debts. The article goes on to say that "The notion that debtors in bankruptcy court are sitting on many billions of dollars that they could turn over to their creditors is a figment of the imagination of lenders and lawmakers."

We know the specific circumstances and market forces that so often push middle class Americans into bankruptcy.

We know that in recent years, the rising economic tide has not lifted all boats. Despite low unemployment, a soaring stock market, and large budget surpluses, Wall Street cheers when companies—eager to improve profits by down-sizing—lay off workers in large numbers. In 1998, layoffs were reported around the country in almost every industry—9,000 jobs were lost after the Exxon-Mobil merger—5,500 jobs were lost after Deutsche Bank acquired Bankers Trust—Boeing laid off 9,000 workers—Johnson & Johnson laid off 4,100. Kodak has cut 30,000 jobs since the 1980s and 6,300 just since 1997.

Often, when workers lose a good job, they are unable to recover. In a study of displaced workers in the early 1990s, the Bureau of Labor Statistics reported that only about one-quarter of these laid-off workers were working at full-time jobs paying as much as or more than they had earned at the job they lost. Too often, laid-off workers are forced to accept part-time jobs, temporary jobs, or jobs with fewer benefits or no benefits at all.

Divorce rates have soared over the past 40 years. For better or worse, more couples are separating, and the financial consequences are particularly devastating for women. Divorced women are four times more likely to file for bankruptcy than married women or single men. In 1999, 540,000 women who head their own households filed for bankruptcy to try to stabilize their economic lives. 200,000 of them were also creditors trying to collect child support or alimony. The rest were debtors struggling to make ends meet. This bankruptcy bill is anti-woman, and this Republican Congress should be ashamed of its attempt to enact it into law.

Another major factor in bankruptcy is the high cost of health care. 43 million Americans have no health insurance, and many millions more are under-insured. Each year, millions of families spend more than 20 percent of their income on medical care, and older Americans are hit particularly hard. A 1998 CRS Report states that even though Medicare provides near-universal health coverage for older Americans, half of this age group spend 14 percent or more of their after-tax income on health costs, including insurance premiums, co-payments and prescription drugs.

These are the individuals and families from whom the credit card industry believes it can squeeze another dime. The industry claims that these individuals and families are cheating and abusing the bankruptcy system, and that are irresponsibly using their charge cards to live in luxury they can't afford.

These working Americans are not cheats and frauds—but they do comprise the vast number of Americans in bankruptcy. Two out of every three bankruptcy filers have an employment problem. One out of every five bankruptcy filers has a health care problem. Divorced or separated people are three times more likely than married couples to file for bankruptcy. Working men and women in economic free fall often have no choice except bankruptcy. Yet this Republican Congress is bent on denying them that safety net.

This legislation unfairly targets middle class and poor families—and it leaves flagrant abuses in place. Time and time again, President Clinton has told the Republican leadership that the final bill must included two important provisions—a homestead provision without loopholes for the wealthy, and a provision that requires accountability and responsibility from those who unlawfully—and often violently—bar access to legal health services. The current bill includes neither of these provisions.

The conference report does include a half-hearted, loop-hole filled homestead provision. It will do little to eliminate fraud. With a little planning—or in some cases, no planning at all—wealthy debtors will be able to hide millions in assets from their creditors. For example, Allen Smith of Delaware—a state with no homestead exemption—and James Villa of Florida—a state with an unlimited homestead exemption—were treated differently by the bankruptcy system. One man eventually lost his home. The other was able to hide $1.4 million from his creditors by purchasing a luxury mansion in Florida.

The Senate passed a worthwhile amendment to eliminate this inequity, but that provision was stripped from the conference report. Surely, a bill designed to end fraud and abuse should include a loop-hole free homestead provision. The President thinks so. As an October 12, 2000 letter from White House Chief of Staff John Podesta says, "The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap."

Yet there is no outcry from our Republican colleagues about the injustice, fraud, and abuse in these cases. In fact, Governor Bush led the fight in Texas to see that rich cheats trying to escape their creditors can hide their assets under Texas' unlimited homestead law.

In 1999, the Texas legislature adopted a measure to opt-out of any homestead restrictions passed by Congress. The legislature also expanded the urban homestead protection to 10 acres. It allowed the homestead to be rented out and still qualify as a homestead. It even said that a homestead could be a place of business. This provision gives the phrase "home, sweet home" new and unfair meaning.

The homestead loop-hole should be closed permanently. It should not be left open just for the wealthy. I wish this misguided bill's supporters would fight for such a responsible provision with the same intensity they are fighting for the credit card industry's wish list, and fighting against women, against the sick, against laid-off workers, and against other average individuals and families who will have no safety net if this unjust bill passes.

This legislation flunks the test of fairness. It is a bill designed to meet the needs of one of the most profitable industries in America—the credit card industry. Credit card companies are vigorously engaged in massive and unseemly nation-wide campaigns, to hook unsuspecting citizens on credit card debt. They sent out 2.87 billion—2.87 billion—credit card solicitations in 1999. And, in recent years, they have begun to offer new lines of credit targeted at people with low incomes—people they know cannot afford to pile up credit card debt.

Supporters of the bill argue that the bankruptcy bill isn't a credit card industry bill. They argue that we had votes on credit card legislation and some amendments passed and others did not. But, to deal effectively and comprehensively with the problem of bankruptcy, we have to address the problem of debt. We must ensure that the credit card industry doesn't abandon fair lending policies to fatten its bottom line and ask Congress to become its federal debt collector.

Two years ago, the Senate passed good credit card disclosure provisions that added some balance to the bankruptcy bill. It's disturbing that the provisions in the bill passed by the Senate this year were watered down to pacify the credit card industry. Even worse, some of the provisions passed by the Senate were stripped from the conference report.

The hypocrisy of this bill is transparent. We hear a lot of pious Republican talk about the need for responsibility when average families are in financial trouble, but we hear no such talk of responsibility when the wealthy credit card companies and their lobbyists are the focus of attention.

The credit card industry and congressional supporters of the bill attempt to argue that the bankruptcy bill will help—not harm—women and children. That argument is laughable.

Proponents of the bill say that it ensures that alimony and child support will be the number one priority in bankruptcy. That rhetoric masks the complexity of the bankruptcy system—but it doesn't hide the fact that women and children will be the losers if this bill becomes law.

Under current law, an ex-wife trying to collect support enjoys special protection. But under the pending bills, credit card companies are given a new right to compete with women and children for the husband's limited income after bankruptcy.

It is true that the bill moves support payments to the first priority position in the bankruptcy code. But that only matters in the limited number of cases in which the debtor has assets to distribute to a creditor. In most cases—over 95 percent—there are no assets, and the list of priorities has no effect.

The claim of "first priority" is a sham to conceal the real problem—the competition for resources after bankruptcy. This legislation creates a new category of debt that cannot be discharged after bankruptcy—credit card debt. It will, therefore, create intense competition for the former husband's limited income. Under current law, he can devote his post-bankruptcy income to meeting his basic responsibilities, including his student loans, his tax liability, and his support payments for his former wife and their children. But if this bill becomes law, one of his so-called "basic" responsibilities will be a new one—to Visa and MasterCard. We all know what happens when women and children are forced to compete with these sophisticated lenders— they always lose.

As thirty-one organizations that support women and children have said, "Some improvements were made in the domestic support provisions in the Judiciary Committee . . . however, even the revised provisions fail to solve the problems created by the rest of the bill, which gives many other creditors greater claims—both during and after bankruptcy—than they have under current law."

In addition, as 91—91—bankruptcy and commercial law professors wrote, "Granting 'first priority' to alimony and support claims is not the magic solution the consumer credit industry claims because 'priority' is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95% of bankruptcy cases make no distributions to any creditors because there are no assets to distribute. Granting women and children first priority for bankruptcy distributions permits them to stand first in line to collect nothing."

Based on the discredited bankruptcy studies, creditors also argue that "no one will be denied bankruptcy protection. The ten percent of filers with the highest incomes and the lowest relative debt would be required to repay a portion of what they owed and the balance would be discharged, just as it is under current law." That's another credit card industry myth.

There is no doubt that this legislation will be harmful to working families who have fallen on hard times—families like those described in a Time magazine article earlier this year.

That article discussed the financial difficulties of the Trapp family, whom I had the privilege of meeting several months ago. They are not wealthy cheats trying to escape from their financial responsibilities. They are a middle class family engulfed in debt, because of circumstances beyond their control. Like half of all Americans who file for bankruptcy, the Trapp family had massive medical expenses—over $124,000 in doctors' bills that their insurance didn't cover.

The plight of the Trapp family is similar to that of many other American families with serious illness and injury. The combination of a major medical problem and a job loss pushed Maxean Bowen—a single mother—into bankruptcy. She was a social worker in the foster-care system in New York City when she developed a painful condition in both feet that made her job, which required house calls, impossible. As a result, she had to give up her work and go on the unemployment rolls. Her income fell by 50 percent. She had to borrow from relatives, and she used her credit cards to make ends meet. Like so many others in similar situations, she believed that she would soon recover and be able to pay her debts. But, like thousands who file for bankruptcy, even when Maxean was able to work again, she owed far more than she could repay.

Maxean tried paying her creditors a few hundred dollars when possible, but it wasn't enough to keep her bills from piling up because of interest charges and late-payment fees. She said she was "going crazy."

Some of my colleagues have argued that Maxean Bowen, Charles and Lisa Trapp, and others featured in the Time magazine article wouldn't be subject to the harsh provisions in the bankruptcy bill before us today. But, although the conference report now includes a "means test safe harbor" for the poorest families, a careful, objective analysis demonstrates that all Americans would be affected by the provisions in the bill.

For example, proponents of the bill argue that the Trapp family would not be affected by the means test because their current income is below the state median income. That's not true. Before Mrs. Trapp left her job, the family's annual income was $83,000 a year or $6,900 a month. Under the bill, the Trapp family's previous six months' income would be averaged, so that they would have an assumed monthly income of about $6,200—above the state median—even though their actual monthly gross income at the time of filing was $4,800.

Based on the fictitious income assumed by the bankruptcy legislation, the Trapp family would be subject to the means test. And the means test formula—using the IRS standards—would assume that the Trapps have the ability to repay more than their actual income would allow.

Similarly, although the safe harbor provision would protect Maxean Bowen from the means test, other substantive and procedural provisions in the bill would apply to her. Maxean didn't have the money to pay her bankruptcy attorney and had to obtain financial assistance from relatives. If this legislation becomes law, the new requirements may make bankruptcy relief prohibitive.

The individuals and families featured in the article are well aware of the distortions and misrepresentations of their cases by defenders of this harsh Republican bill and by apologists for the credit card industry. The outraged response by these debtors is eloquent and powerful. As they have emphatically replied,

> During the last year, each of us declared bankruptcy. It was one of the most difficult decisions any of us had to make, coming at the darkest hours in our lives. We saw no other way to stabilize our economic situations. Each of our families is now on the long path of trying to right ourselves financially . . . We have read the statements you have made about our cases on the floor of the Senate and in Mr. Gekas' letter to Time. We deeply resent the fact that you have misrepresented our cases to the American public. Contrary to what you have stated, each of us would have been severely affected by your bankruptcy bill.

Finally, proponents of the bill argue that it will help small businesses. Again, this is another credit card industry myth.

According to the Administrative Office of the Courts, business bankruptcies represented 2.9 percent of all filings in 1999. Since June 1996, those filings have declined by over 30 percent—30 percent. The relatively low number of business bankruptcy filings and the fact that filings are decreasing indicate that drastic changes in the law are unnecessary.

This bankruptcy reform bill isn't based on any serious business need. In fact, its overhaul of Chapter 11 will hurt—rather than help—small businesses. Chapter 11 was enacted to serve the interests of business debtors, creditors, and the other constituencies affected by business failures—particularly the employees. A principal goal of Chapter 11 is to encourage business reorganization in order to preserve jobs. Supporters of the bill ride roughshod over this important goal. They create more hurdles, additional costs, and a rigid, inflexible structure for small businesses in bankruptcy. As a result, fewer small business creditors will be paid, and more jobs will be lost.

This fundamental defect led AFL-CIO President John Sweeney to write, "The Bankruptcy Reform Act of 2000 is an attack on working families. It will undermine a critical safety net for both families and financially vulnerable businesses and their workers. Businesses filing bankruptcy cases would be required to follow stringent new rules which create significant substantive and procedural barriers to reorganization and therefore place jobs at risk. Costly, unnecessary, and inflexible procedures will increase the risk that small businesses will be unable to reorganize. The bill also threatens jobs in significant real estate enterprises and retailers."

As I mentioned earlier, a large number of professors of bankruptcy and commercial law across the country have written to us to condemn this bill and to urge the Senate not to approve it. As their letter eloquently states in its conclusion:

> These facts are unassailable: H.R. 2415 forces women to compete with sophisticated creditors to collect alimony and child support after bankruptcy. H.R. 2415 makes it harder for women to declare bankruptcy when they are in financial trouble. H.R. 2415 fails to close the glaring homestead loophole and permits wealthy debtors to hide assets from their creditors. We implore you to look beyond the distorted "facts" peddled by the credit industry. Please do not pass a bill that will hurt vulnerable Americans, including women and children.

It is clear that the bill before us is designed to increase the profits of the credit card industry at the expense of working families. If it becomes law, the effects will be devastating. The Senate should reject this defective bankruptcy bill and the cynical attempt by the Republican leadership to pass it on the last day of this Congress. This bill is bad legislation. It eminently deserves the veto it will receive if it passes.

I urge the Senate to reject this cloture motion, and to reject this bill. I ask unanimous consent that the letter from the 91 law professors I mentioned be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

October 30, 2000.

Re: The Bankruptcy Reform Act Conference Report (H.R. 2415)

Dear Senators: We are professors of bankruptcy and commercial law. We have been following the bankruptcy reform process with keen interest. The 91 undersigned professors come from every region of the country and from all major political parties. We are not a partisan, organized group, and we have no agenda. Our exclusive interest is to seek the enactment of a fair and just bankruptcy law, with appropriate regard given to the interests of debtors and creditors alike. Many of us have written before to express our concerns about the bankruptcy legislation, and we write again as yet another version of the bill comes before you. This bill is deeply flawed, and we hope the Senate will not act on it in the closing minutes of this session.

In a letter to you dated September 7, 1999, 82 professors of bankruptcy law from across the country expressed their grave concerns about some of the provisions of S. 625, particularly the effects of the bill on women and children. We wrote again on November 2, 1999, to reiterate our concerns. We write yet again to bring the same message; the problems with the bankruptcy bill have not been resolved, particularly those provisions that adversely affect women and children.

Notwithstanding the unsupported claims of the bill's proponents, H.R. 2415 does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose the pending bankruptcy bill. The concerns expressed in our earlier letters showing how S. 625 would hurt women and children have not been resolved. Indeed, they have not even been addressed.

First, one of the biggest problems the bill presents for women and children was stated in the September 7, 1999, letter: "Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy."

This increased competition for women and children will come from many quarters: from powerful credit card issuers, whose credit card claims increasingly will be excepted from discharge and remain legal obligations of the debtor after bankruptcy; from large retailers, who will have an easier time obtaining reaffirmations of debt that legally could be discharged; and from creditors claiming they hold security, even when the alleged collateral is virtually worthless. None of the changes made to S. 625 and none being proposed in H.R. 2415 addresses these problems. The truth remains: if H.R. 2415 is enacted in its current form, women and children will face increased competition in collecting their alimony and support claims after the bankruptcy case is over. We have pointed out this difficulty repeatedly, but no change has been made in the bill to address it.

Second, it is a distraction to argue—as do advocates of the bill—that the bill will "help" women and children and that it will "make child support and alimony payments the top priority—no exceptions." As the law professors pointed out in the September 7, 1999, letter: "Giving 'first priority' to domestic support obligations does not address the problem."

Granting "first priority" to alimony and support claims is not the magic solution the consumer credit industry claims because "priority" is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95% of bankruptcy cases make NO distributions to any creditors because there are no assets to distribute. Granting women and children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

Women's hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other recurrent collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. The credit industry carefully avoids discussing the increased post-bankruptcy competition facing women if H.R. 2415 becomes law. As a matter of public policy, the country should not elevate credit card debt to the preferred position of taxes and child support. Once again, we have pointed out this problem repeatedly, and nothing has been changed in the pending legislation to address it.

If addition to the concerns raised on behalf of the thousands of women who are struggling now to collect alimony and child support after their ex-husband's bankrupticies, we also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the many provisions that apply without regard to income, will fall hardest on them. Under this bill, a single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

Finally, when the Senate passed S. 625, we were hopeful that the final bankruptcy legislation would include a meaningful homestead provision to address flagrant abuse in the bankruptcy system. Instead, the conference report retreats from the concept underlying the Senate-passed homestead amendment.

The Homestead provision in the conference report will allow wealthy debtors to hide assets from their creditors.

Current bankruptcy law yields to state law to determine what property shall remain exempt from creditor attachment and levy. Homestead exemptions are highly variable by state, and six states (Florida, Iowa, Kansas, South Dakota, Texas, Oklahoma) have literally unlimited exemptions while twenty-two states have exemptions of $10,000 or less. The variation among states leads to two problems—basic inequality and strategic bankruptcy planning. The only solution is a dollar cap on the homestead exemption. Although variation among states would remain, the most outrageous abuses—those in the multi-million dollar category—would be eliminated.

The homestead provision in the conference report does little to address the problem. The legislation only requires a debtor to wait two years after the purchase of the homestead before filing a bankruptcy case. Well-counseled debtors will have no problem timing their bankruptcies or tying-up the courts in litigation to skirt the intent of this provision. The proposed change will remind debtors to buy their property early, but it will not deny anyone with substantial assets a chance to protect property from their creditors. Furthermore, debtors who are long-time residents of states like Texas and Florida will continue to enjoy a homestead exemption that can shield literally millions of dollars in value.

These facts are unassailable: H.R. 2415 forces women to compete with sophisticated creditors to collect alimony and child support after bankruptcy. H.R. 2415 makes it harder for women to declare bankruptcy when they are in financial trouble. H.R. 2415 fails to close the glaring homestead loophole and permits wealthy debtors to hide assets from their creditors. We implore you to look beyond the distorted "facts" peddled by the credit industry. Please do not pass a bill that will hurt vulnerable Americans, including women and children.

Thank you for your consideration.

Peter A. Alces, College of William and Mary; Peter C. Alexander, The Dickinson School of Law, Penn State University; Thomas B. Allington, Indiana University School of Law; Allan Axelrod, Rutgers Law School; Douglas G. Baird, University of Chicago Law School; Laura B. Bartell, Wayne State University Law School; Larry T. Bates, Baylor Law School; Andrea Coles Bjerre, University of Oregon School of Law; Susan Block-Lieb, Fordham University School of Law; Amelia H. Boss, Temple University School of Law; William W. Bratton, The George Washington University Law School; Jean Braucher, University of Arizona; Ralph Brubaker, Emory University School of Law.

Mark E. Budnitz, Georgia State University; Daniel J. Bussel, UCLA School of Law; Arnold B. Cohen, Villanova University School of Law; Marianne B. Culhane, Creighton Law School; Jeffrey Davis, University of Florida Law School; Susan DeJarnatt, Temple University School of Law; Paulette J. Delk, Cecil C. Humphreys School of Law, The University of Memphis; A. Mechele Dickerson, William & Mary Law School; Thomas L. Eovaldi, Northwestern University School of Law; David G. Epstein, University of Alabama Law School; Christopher W. Frost, University of Kentucky, College of Law; Dale Beck Furnish, College of Law, Arizona State University; Karen M. Gebbia-Pinetti, University of Hawaii School of Law; Nicholas Georgakopoulos, University of Connecticut School of Law visiting Indiana University School of Law; Michael A. Gerber, Brooklyn Law School; Marjorie L. Girth, Georgia State University College of Law; Ronald C. Griffin, Washburn University School of Law; Professor Karen Gross, New York Law School; Matthew P. Harrington, Roger Williams University; Kathryn Heidt, University of Pittsburgh School of Law; Joann Henderson, University of Idaho College of Law; Frances R. Hill, University of Miami School of Law; Ingrid Hillinger, Boston College; Adam Hirsch, Florida State University; Margaret Howard, Vanderbilt University Law School; Sarah Jane Hughes, Indiana University School of Law; Edward J. Janger, Broklyn Law School.

Lawrence Kalevitch, Shepard Broad Law Center, Nova Southeastern University; Allen Kamp, John Marshall Law School; Kenneth C. Kettering, New York Law School; Lawrence King, New York University School of Law; Kenneth N. Klee, University of California at Los Angeles School of Law; Don Korobkin, Rutgers-Camden School of Law; John W. Larson, Florida State University; Robert M. Lawless, University of Missouri-Columbia; Leonard J. Long, Quinnipiac University School of Law; Professor Lynn LoPucki, University of California Law School; Lois R. Lupica, University of Maine School of Law; William H. Lyons, College of Law, University of Nebraska; Bruce A. Markell, William S. Boyd School of Law, UNLV; Nathalie Martin, University of New Mexico School of Law; Judith L. Maute, University of Oklahoma Law Center; Juliet Moringiello, Widener University School of Law; Jeffrey W. Morris, University of Dayton School of Law; Spencer Neth, Case Western Reserve University; Gary Neustadter, Santa Clara University School of Law; Nathaniel C. Nichols, Widener at Delaware; Scott F. Norberg, University of California, Hastings College of the Law; Dennis Patterson, Rutgers-Camden School of Law; Dean Pawlowic, Texas Tech University School of Law; Lawrence Ponoroff, Tulane Law School; Nancy Rappoport, University of Houston College of Law; Doug Rendleman, Washington and Lee Law School; Alan N. Resnick, Hofstra University School of Law.

Steven L. Schwarcz, Duke Law School; Alan Schwartz, Yale University; Charles J. Senger, Thomas M. Cooley Law School; Stephen L. Sepinuck, Gonzaga University School of Law; Charles Shafer, University of Baltimore Law School; Melvin G. Shimm, Duke University Law School; Ann C. Stilson, Widener University School of Law; Charles J. Tabb, University of Illinois; Walter Taggert, Villanova University Law School; Marshall Tracht, Hofstra Law School; Bernard Trujillo, U. Wisconsin Law School; Frederick Tung, University of San Francisco School of Law; William T. Vukowich, Georgetown University Law Center; Thomas M. Ward, University of Maine School of Law; Elizabeth Warren, Harvard Law School; John Weistart, Duke University School of Law; Elaine A. Welle, University of Wyoming, College of Law; Jay L. Westbrook, University of Texas School of Law; William C. Whitford, Wisconsin Law School; Mary Jo Wiggins, University of San Diego Law School; Jane Kaufman Winn, Southern Methodist University; School of Law; Peter Winship, SMU School of Law; Zipporah B. Wiseman, University of Texas School of Law; William J. Woodward, Jr., Temple University.

Mr. GRASSLEY. Mr. President, we are about to vote on cloture on the bankruptcy bill. I urge my colleagues to vote for cloture.

The conference committee that produced this Bankruptcy Conference Report had an even 3-3 ratio. Obviously with this ratio, Democrats on the conference held an absolute veto over the bankruptcy bill. But here we are voting on a conference report that has the support of conferees on both sides of the aisle.

What's at stake with this vote?

If you vote "no" on cloture you are voting against bankruptcy protections for family farmers.

If you vote "no" on cloture you are voting against targeted capital gains tax relief for family farmers in bankruptcy.

If you vote "no" on cloture you are voting against a "Patients' Bill of Rights" for residents of bankrupt nursing homes.

If you vote "no" on cloture you are voting against provisions that Federal Reserve Chairman Alan Greenspan and Treasury Secretary Larry Summers say are crucial for protecting our financial markets.

There's a lot at stake with this vote. Let's vote for farmers. Let's vote for a "Patients' Bill of Rights" for residents of bankrupt nursing homes. Let's vote to protect our financial markets. Let's vote to protect our prosperity.

I urge my colleagues to vote for cloture.

Mr. LOTT. I believe we are ready to proceed to the vote.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2415, a bill to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

Trent Lott, Chuck Grassley, Jeff Sessions, Richard Shelby, Fred Thompson, Mike Crapo, Phil Gramm, Jon Kyl, Jim Bunning, Wayne Allard, Thad Cochran, Craig Thomas, Connie Mack, Bill Frist, Bob Smith of New Hampshire, and Frank Murkowski.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

•The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2415, a bill to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (When his named was called). Present.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. ASHCROFT), the Senator from Montana (Mr. BURNS), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mr. GORTON), the Senator from Minnesota (Mr. GRAMS), the Senator from North Carolina (Mr. HELMS), the Senator from Oklahoma (Mr. INHOFE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arizona (Mr. MCCAIN), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

I further announce that, if present and voting, the Senator from Montana (Mr. BURNS) and the Senator from North Carolina (Mr. HELMS) would each vote "yea."

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The result was announced—yeas 53, nays 30, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—53

Abraham
Allard
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Bunning
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Enzi
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Johnson
Kyl
Lincoln
Lugar
Mack
McConnell
Miller
Murkowski
Nickles
Robb
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—30

Akaka
Baucus
Boxer
Bryan
Conrad
Dodd
Dorgan
Durbin
Edwards
Feingold
Harkin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Levin
Lott
Mikulski
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—16

Ashcroft
Bingaman
Burns
Feinstein
Frist
Gorton
Grams
Helms
Inhofe
Jeffords
Lautenberg
Leahy
Lieberman
McCain
Santorum
Specter

The PRESIDING OFFICER (Mr. L. CHAFEE). On this vote, the yeas are 53, the nays are 30, and 1 Senator responded present. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

Mr. MOYNIHAN. May we have order.

The PRESIDING OFFICER. May we have order in the Chamber please.

The majority leader.

Mr. LOTT. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the bankruptcy bill.

The PRESIDING OFFICER. The motion is so entered.

Mr. LOTT. Mr. President, I note that I will renew this motion with a vote at a time when we have the largest possible number of Senators here. I note there are some absentees, and I believe that could have made a difference in this vote. But we will persist in our effort to pass this important legislation.

I thank Senator GRASSLEY and Senator TORRICELLI and all who worked very hard on it. We will have another vote before the year is out, whenever that may be.

FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to Calendar No. 817, H.R. 4986, regarding foreign sales corporations, and following the reporting by the clerk, the committee amendments be immediately withdrawn, the compromise text regarding FSCs, which is contained in the tax conference report, be added as an amendment, which I will send to the desk, the bill then be immediately read for a third time, and passage occur, all without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, reserving the right to object.

Mr. GRAMM. Could we have order, Mr. President.

The PRESIDING OFFICER. There will be order in the Senate, please.

Mr. WELLSTONE. Some of us had amendments we wanted to offer. That is part of the legislative process. I want to have 10 minutes to speak on an amendment I wanted to offer on this bill..

Mr. LOTT. Mr. President, I respond to the Senator that I had planned to ask for a period of morning business with Senators permitted to speak for up to 10 minutes each. I will be glad to specify that the Senator would have the first 10 minutes to comment on this issue.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, in the interest of allowing the Senate to vote, and following the majority leader's suggestion, I ask unanimous consent for 10 minutes in morning business to address this issue.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, is there objection to my request?

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I will not object.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

An act (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic.)

H.R. 4986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "FSC Repeal and Extraterritorial Income Exclusion Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986. •

SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

"SEC. 114. EXTRATERRITORIAL INCOME.

"(a) EXCLUSION.—Gross income does not include extraterritorial income.

"(b) EXCEPTION.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

"(c) DISALLOWANCE OF DEDUCTIONS.—

"(1) IN GENERAL.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

"(2) ALLOCATION.—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

"(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

"(B) the extraterritorial income derived from such transaction which is not so excluded.

"(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

"(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer.".

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

"Subpart E—Qualifying Foreign Trade Income

"Sec. 941. Qualifying foreign trade income.

"Sec. 942. Foreign trading gross receipts.

"Sec. 943. Other definitions and special rules.

"SEC. 941. QUALIFYING FOREIGN TRADE INCOME.

"(a) QUALIFYING FOREIGN TRADE INCOME.—For purposes of this subpart and section 114—

"(1) IN GENERAL.—The term 'qualifying foreign trade income' means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

"(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

"(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

"(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

"(2) ALTERNATIVE COMPUTATION.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

"(3) LIMITATION ON USE OF FOREIGN TRADING GROSS RECEIPTS METHOD.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

"(4) RULES FOR MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

"(5) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

"(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

"(b) FOREIGN TRADE INCOME.—For purposes of this subpart—

"(1) IN GENERAL.—The term 'foreign trade income' means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

"(2) SPECIAL RULE FOR COOPERATIVES.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

"(c) FOREIGN SALE AND LEASING INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'foreign sale and leasing income' means, with respect to any transaction—

"(A) foreign trade income properly allocable to activities which—

"(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

"(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

"(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

"(2) SPECIAL RULES FOR LEASED PROPERTY.—

"(A) SALES INCOME.—The term 'foreign sale and leasing income' includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

"(B) LIMITATION IN CERTAIN CASES.—Except as provided in regulations, in the case of property which—

"(i) was manufactured, produced, grown, or extracted by the taxpayer, or

"(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

"(3) SPECIAL RULES.—

"(A) EXCLUDED PROPERTY.—Foreign sale and leasing income shall not include any income properly allocable to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

"(B) ONLY DIRECT EXPENSES TAKEN INTO ACCOUNT.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

"SEC. 942. FOREIGN TRADING GROSS RECEIPTS.

"(a) FOREIGN TRADING GROSS RECEIPTS.—

"(1) IN GENERAL.—Except as otherwise provided in this section, for purposes of this subpart, the term 'foreign trading gross receipts' means the gross receipts of the taxpayer which are—

"(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

"(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

"(C) for services which are related and subsidiary to—

"(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

"(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

"(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

"(E) for the performance of managerial services for a person other than a related person in furtherance of the production of foreign trading gross receipts described in subparagraph (A), (B), or (C).

Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

"(2) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS EXCLUDED.—The term 'foreign trading gross receipts' shall not include receipts of a taxpayer from a transaction if—

"(A) the qualifying foreign trade property or services—

"(i) are for ultimate use in the United States, or

"(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

"(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

"(3) ELECTION TO EXCLUDE CERTAIN RECEIPTS.—The term 'foreign trading gross receipts' shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

"(b) FOREIGN ECONOMIC PROCESS REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

"(2) REQUIREMENT.—

"(A) IN GENERAL.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

"(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

"(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

"(B) ALTERNATIVE 85-PERCENT TEST.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to each of at least 2 subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

"(C) Definitions.—For purposes of this paragraph—

"(i) Total direct costs.—The term 'total direct costs' means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

"(ii) Foreign direct costs.—The term 'foreign direct costs' means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

"(3) Activities relating to qualifying foreign trade property.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

"(A) advertising and sales promotion,

"(B) the processing of customer orders and the arranging for delivery,

"(C) transportation outside the United States in connection with delivery to the customer,

"(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

"(E) the assumption of credit risk.

"(4) Economic processes performed by related persons.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

"(c) Exception From Foreign Economic Process Requirement.—

"(1) In general.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed $5,000,000.

"(2) Receipts of related persons aggregated.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

"(3) Special rule for pass-thru entities.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

"SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) Qualifying Foreign Trade Property.—For purposes of this subpart—

"(1) In general.—The term 'qualifying foreign trade property' means property—

"(A) manufactured, produced, grown, or extracted within or outside the United States,

"(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

"(C) not more than 50 percent of the fair market value of which is attributable to—

"(i) articles manufactured, produced, grown, or extracted outside the United States, and

"(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

"(2) U.S. taxation to ensure consistent treatment.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

"(A) a domestic corporation,

"(B) an individual who is a citizen or resident of the United States,

"(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

"(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).

Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

"(3) Excluded property.—The term 'qualifying foreign trade property' shall not include—

"(A) property leased or rented by the taxpayer for use by any related person,

"(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

"(C) oil or gas (or any primary product thereof),

"(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96-72, or

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

"(4) Property in short supply.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President's determination that the property is no longer in short supply.

"(b) Other Definitions and Rules.—For purposes of this subpart—

"(1) Transaction.—

"(A) In general.—The term 'transaction' means—

"(i) any sale, exchange, or other disposition,

"(ii) any lease or rental, and

"(iii) any furnishing of services.

"(B) Grouping of transactions.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

"(2) United States defined.—The term 'United States' includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

"(3) Related person.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

"(4) Gross and taxable income.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

"(c) Source Rule.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

"(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

"(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States.

"(d) Treatment of Withholding Taxes.—

"(1) In general.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term 'withholding tax' means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

"(2) Exception.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

"(e) Election To Be Treated as Domestic Corporation.—

"(1) In general.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

"(2) Applicable foreign corporation.—For purposes of paragraph (1), the term 'applicable foreign corporation' means any foreign corporation if—

"(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation's trade or business, or

"(B) substantially all of the gross receipts of such corporation may reasonably be expected to be foreign trading gross receipts.

"(3) Period of election.—

"(A) In general.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

"(B) Termination.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

"(C) Effect of revocation or termination.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

"(4) Special rules.—

"(A) Requirements.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

"(B) Effect of election, revocation, and termination.—

"(i) Election.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

"(ii) Revocation and termination.—For purposes of section 367, if—

"(I) an election is made by a corporation under paragraph (1) for any taxable year, and

"(II) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

"(C) Eligibility for election.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

"(f) Rules Relating to Allocations of Qualifying Foreign Trade Income From Shared Partnerships.—

"(1) In general.—If—

"(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

"(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

"(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

"(2) Special rules.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

"(A) any partner's interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

"(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

"(g) Exclusion for Patrons of Agricultural and Horticultural Cooperatives.—Any amount described in paragraph (1) or (3) of section 1385(a)—

"(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

"(2) which is designated by the organization as allocable to qualifying foreign trade income in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.".

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period "or under section 114".

❚(2) Section 245 is amended by adding at the end the following new subsection:

❚"(d) Certain Dividends Allocable to Qualifying Foreign Trade Income.—In the case of a domestic corporation which is a United States shareholder (as defined in section 951(b)) of a controlled foreign corporation (as defined in section 957), there shall be allowed as a deduction an amount equal to 100 percent of any dividend received from such controlled foreign corporation which is distributed out of earnings and profits attributable to qualifying foreign trade income (as defined in section 941(a)).".❚

❚(3)❚ *(2)* Section 275(a) is amended—

(A) by striking "or" at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting ", or", and by adding at the end of paragraph (4) the following new subparagraph:

"(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941)."; and

(B) by adding at the end the following the following new sentence: "A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C).".

❚(4)❚ *(3)* Paragraph (3) of section 864(e) is amended—,

(A) by striking "For purposes of" and inserting:

"(A) In general.—For purposes of"; and

(B) by adding at the end the following new subparagraph:

"(B) Assets producing exempt extraterritorial income.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2)).".

❚(5)❚ *(4)* Section 903 is amended by striking "164(a)" and inserting "114, 164(a),".

❚(6)❚ *(5)* Section 999(c)(1) is amended by inserting "941(a)(5)," after "908(a),".

❚(7)❚ *(6)* The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

"Sec. 114. Extraterritorial income.".

❚(8)❚ *(7)* The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

"Subpart E. Qualifying foreign trade income.".

❚(9)❚ *(8)* The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

SEC. 5. EFFECTIVE DATE.

(a) In General.—The amendments made by this Act shall apply to transactions after September 30, 2000.

(b) No New FSCs; Termination of Inactive FSCs.—

(1) No new FSCs.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) Termination of inactive FSCs.—If a FSC has no foreign trade income (as defined in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) Transition Period for Existing Foreign Sales Corporations.—

(1) In general.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002; or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person; and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) Election to have amendments apply earlier.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) Related person.—For purposes of this subsection, the term "related person" has the meaning given to such term by section 943(b)(3) of such Code, as added by this Act.

(d) Special Rules Relating to Leasing Transactions.—

(1) Sales income.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so

added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) LIMITATION ON USE OF GROSS RECEIPTS METHOD.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendment) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

• Mr. McCAIN. Mr. President, I oppose H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. Unfortunately, this legislation is an example of corporate welfare. Further, it does not adequately change the old Foreign Sales Corporation (FSC) program to prevent disputes with the European Union.

I am concerned that this legislation is an example of the costly corporate welfare that cripples our ability to respond to truly urgent social needs such as health care, education, and national security. The FSC benefits many major U.S. corporations, including General Electric, Boeing, Motorola, Caterpillar, Allied Signal, and Cisco Systems. In addition, the FSC also helps foreign firms, like Rolls Royce, that have plants located in America. However, few of these benefits actually trickle down to help the American worker. Instead, as the Congressional Budget Office points out, "many FSCs are largely paper corporations with very few employees." On February 24, 2000, the Appellate Body of the World Trade Organization upheld a decision that this provision is an export subsidy and violates our WTO obligations.

This pending legislation is the third version of an export subsidy that was first introduced as the Domestic International Sales Corporation provision in the Revenue Act of 1971. However, this version of the bill does little to change the effects of the FSC, and actually makes it a bigger corporate giveaway. This legislation technically eliminates the FSC, but then replaces it with a new extraterritorial tax system that essentially maintains the current subsidy. In addition, this new scheme expands the subsidy to include full benefits for defense contractors and extends benefits to agricultural cooperatives. In order to meet WTO concerns, this legislation also allows foreign firms greater ability to utilize the FSC. The total cost of rewriting and expanding the FSC subsidy will cost the American taxpayers $42 billion between 2001 and 2010—all of which will come out of the surplus.

There is also extensive evidence that this export subsidy does not work very well. In a recent report, the Congressional Research Service states that the FSC increased the quantity of U.S. exports by a range of two-tenths of one percent to four-tenths of one percent. This report also states that "traditional economic analysis indicates that FSC reduces overall U.S. economic welfare." The CBO agrees that "export subsidies, such as FSCs, reduce global economic welfare and typically even reduce the welfare of the country granting the subsidy, even though domestic export-producing industries benefit." CBO also points out that FSCs increase both imports and exports, due to the effects of export subsidies on foreign exchange rates. This "beggar-thy-neighbor" effect will actually cause U.S. domestic companies in import-competing industries to reduce domestic investment and employment.

Finally, there is no assurance that this system actually fixes the problem. The European Union has agreed to wait until November, before announcing a $4 billion list of retaliatory tariffs against the FSC subsidy. However, they have not agreed to the actual changes in this legislation. The EU still has concerns about provisions in this legislation that grandfather the FSC, and they intend to have it reviewed by the WTO. It is fair to expect that we will end up debating this issue again within the next two years. It makes more sense for the Senate to eliminate the FSC completely in line with our obligations to the WTO.

Mr. President, our country is now in a position where we can begin paying down the national debt. Every American shoulders somewhere in the range of $19,000 in federal debt, because of the fiscal irresponsibility of their elected officials. I would like to make it clear that I remain a staunch supporter of free trade and open markets. However, if we intend to support a free trade regime that helps American consumers and taxpayers, we must not continue our policy of giving large corporations and special interests giant export subsidies.

This FSC legislation is simply an unnecessary federal subsidy that does not provide a fair return to the taxpayers who bear the heavy burden of its cost. I urge my colleagues to oppose this legislation, and instead examine the prospect of completely eliminating the FSC subsidy.•

Mr. BAUCUS. Mr. President, I rise to support the legislation before us today on Foreign Sales Corporations, FSC. However, I really object to the fact that we even have to address the issue of the FSC during this session of Congress.

The European Union, despite rhetoric in support for the WTO, is taking action after action that raises real doubt about their commitment. Let's quickly review the history that brought us to this place today.

The United States created the DISC in the early 1970s. Given the different nature of the U.S. and the European tax systems, the purpose was to put American exporters on an equal footing with their European competitors. In the 1980s, in response to a negative finding at the GATT, we replaced it with the FSC to make it GATT-compatible. The Europeans accepted this alteration.

Fast forward to the 1990s. The EU lost cases to the United States on beef hormones and on bananas. These were difficult issues for Europe. Yet, the EU did not seek a negotiated solution. Nor did they try to take corrective action. Instead, the EU used every legal and procedural trick in the GATT and WTO book to weasel out. They lost at every turn. This behavior of the EU, honoring the letter of the WTO while ignoring its spirit, is inappropriate and irresponsible. The EU should be a leader in ensuring that the credibility and integrity of the WTO process is maintained. They shouldn't be taking cheap legal dodges. Why should other WTO members comply promptly with WTO decisions if the EU thumbs its nose at the system?

Finally, the EU could no longer delay and circumvent implementation of these WTO decisions. The U.S. retaliates. Then, all of a sudden, we find ourselves challenged at the WTO on FSC. As far as I know, European companies did not beat a path to EU headquarters in Brussels insisting that they take us on over the FSC. Trade ministers in European capitals did not rush to Brussels with demands to file this case against us. Rather, the EU bureaucrats, angry at having lost two important cases to the United States, were going to fight back. So, we end up with the FSC case, and another example of the EU undermining the global trade system.

Deputy Secretary of the Treasury Stu Eizenstadt has done yeoman's work in trying to resolve this problem. The legislation before us is the fruit of his labor. And we should all thank him for working so hard, with so many diverse interests, to craft a solution. Yet, from Europe, all we have heard is a series of denunciations. An insistence that this legislation violates the WTO. An apparent eagerness to move ahead with a massive multi-billion dollar retaliation list against the United States. What a travesty!

I support this change in our law. And I express my appreciation to the other Senators who have allowed this legislation to move forward under unanimous consent, despite their interest in offering amendments to the bill. But I also call on the political leadership in Europe to step back and look at what their representatives in Brussels are doing. Please reflect on the danger to the integrity of the WTO of the actions that your EU bureaucrats have taken.

The committee amendments were withdrawn.

The amendment (No. 4356) was agreed to.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The bill (H.R. 4986), as amended, was read the third time and passed.

Mr. ROTH. Mr. President, this bill passed by the Senate satisfies the United States' WTO obligations and ensures that U.S. companies will compete on a level playing field in the global marketplace.

By enacting this legislation, we will avoid a needless trade dispute, protect the American economy, and satisfy our international obligations to our trading partners. This bill also represents a continuation of this Senate's outstanding record of accomplishment in promoting free trade. This legislation is the third significant piece of trade legislation passed by the Senate this year. I believe you would have to search long and hard to find a better record of trade legislation.

I don't believe it is necessary to go through the extended history of the dispute between the United States and the European Union that gave rise to the need for the bill before us. The bill represents a good faith attempt to comply with the WTO's ruling that the current FSC provisions constitute an illegal export subsidy. This bill withdraws the current FSC provisions and, in their place, makes fundamental adjustments to the Internal Revenue Code that incorporate territorial features akin to those of several European tax systems. The bill not only addresses the specific concerns raised by the WTO, it also takes into account the comments received from the EU in the course of consultations over the last eight months.

I want to stress the need to pass this bill. Failure to do so could result in the imposition of retaliatory duties against American exports to the European Union. Under the WTO rules, the EU will have the right to retaliate against U.S. exports as of today unless this legislation is passed. A failure to enact this legislation would prove costly for the American worker, the American farmer, and for American business.

So it is with a great sense of satisfaction that we pass this bill today. I compliment the Senate on its farsighted vote for passage of this legislation.

The staff of the Joint Committee on Taxation has prepared a technical explanation of H.R. 4986, as amended by the Senate. This explanation, entitled the "Technical Explanation of the Senate Amendment to H.R. 4986, the 'FSC Repeal and Extraterritorial Income Exclusion Act of 2000', November 1, 2000 (JCX-111-00)," provides a detailed description of this bill and embodies the Finance Committee's legislative intent regarding H.R. 4986. Taxpayers may rely on this technical explanation (JCX-111-00) in interpreting the provisions of H.R. 4986. In addition, regulations issued by the Department of Treasury should be consistent with the language and intent of this technical explanation.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there be a period of morning business with Senators permitted to speak for up to 10 minutes each between now and 12:30 p.m., with the time equally divided between the two leaders. And I ask consent, in order to get some fair debate, that the distinguished ranking member of the Finance Committee be recognized for the first 10 minutes, Senator WELLSTONE for the second 10 minutes, Senator GRAMM for the third 10 minutes, and Senator DURBIN for the fourth 10 minutes.

Mr. DASCHLE. Mr. President, reserving the right to object, I just do so to inquire of the majority leader about the schedule for the remainder of the day. It appears that the only remaining legislative item to be taken up today may be the continuing resolution.

Mr. LOTT. Correct.

Mr. DASCHLE. As I understand it, we do not have an objection to taking up the continuing resolution under a voice vote.

Mr. BUNNING. Yes, we do.

Mr. DASCHLE. We do have an objection?

Mr. BUNNING. Yes, we do.

Mr. LOTT. Mr. President, if the Senator would yield, as we had discussed, we hope when the House does act within the next, hopefully, 20 or 30 minutes, we would talk further and make some decisions about whether or not we would want to modify that continuing resolution in any way.

If we couldn't, of course, then we would see if we could clear it by a voice vote. We don't have it done yet, but we haven't gotten to that point yet. Within 30 minutes, we hope to get a clarification of when a vote would occur or if any modification might be forthcoming.

I don't want to go too far beyond just saying that right now. Senator DASCHLE and I are exchanging ideas. I do think we have reached a point where we need to make some decisions. Senators as well as House Members and the administration need to know what to expect. I think, to be perfectly honest, nobody wants to step up and say we have to look at an alternative. I am prepared to do that. I believe Senator DASCHLE is prepared to join me in that. We ask your indulgence for at east 30 minutes, and then we will see what we can do at that point.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, I amend my request that after Senator DURBIN, Senator HUTCHISON be included in the queue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

TRADE ISSUES

Mr. MOYNIHAN. Mr. President, the majority leader has, on several occasions, noted that this Congress, particularly this session of this Congress, has been singular in the number of major trade measures that have been enacted.

With the cooperation of the minority leader, with the full support of the chairman of the Finance Committee, Senator ROTH—who was here just a moment ago but whose schedule required that he leave as soon as the unanimous consent measure was adopted—we have agreed to major trade legislation with sub-Saharan Africa —that entire part of the continent; to expand the Caribbean Basin Initiative, which is hugely important in the aftermath of the North American Free Trade Agreement—which suddenly put island nations and nations on the isthmus below Mexico at a disadvantage, which no one intended and which we have now been able to redress in some considerable measure. The permanent normal trade relations with China was one of the most important pieces of legislation we have dealt with in a half century in the Congress. And we passed the Tariff Suspension and Trade Act of 2000, granting, among other things, permanent normal trade relations to Georgia, just last week.

Now as the closing days are at hand, or may be at hand—in any event, it is the first of November—we have taken this action by unanimous consent to adopt an amended version of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. That is a long title for a simple proposition. The World Trade Organization ruled that a measure in our Tax Code which has been in place for many years now, the Foreign Sales Corporation, which gave a tax benefit for income earned overseas—it was to encourage overseas sales—was contrary to the World Trade Organization rules.

I think we do not disagree; when we look at the rules, look at the law, the ruling was correct. But we had to then change our laws in order to give equivalent treatment to American corporations working overseas so that they would remain competitive in those markets, but would not be in violation of the WTO rules. If we were not to do that, sir, and do it today, we would be subject to $4 billion a year in tariff retaliation from the European Union. It had the potential of a ruinous trade war. We have seen the animosity that arises over bananas. How the United States ever got into the business of exporting bananas, I do not know. I think

I understand some of the politics involved, but that was unfortunate. But look at how quickly reactions occurred in Europe. Just wait, if $4 billion in retaliatory tariffs were to close off American access to European markets selectively—the more sensitive items chosen, the greatest damage doable—if that were the disposition of the ministers in Brussels, and it might well be.

Well, it is not going to happen. We have done this properly. It is no coincidence that the Finance Committee, under the chairmanship of my revered friend from Delaware, Senator ROTH, adopted this measure—it is a House measure, of course—on the same day we passed out the bill to grant China permanent normal trade relations. These are trade matters of great importance.

We did it. The House and Senate subsequently agreed to a slightly different version, which we have adopted today. It will have to go back to the House. There will be no problem. The House conferees have already agreed, in the comprehensive tax bill and the Balanced Budget Refinement bill, to the exchanges.

So it is a good day and a good morning's work. Not every morning do we avoid a trade war. This morning we did. We did not have an hour to lose. The deadline was November 1. We often do things at the last minute around here. But we often do things well also.

I see my friend from Texas is on the floor. I know he would agree that avoiding a trade war over the Foreign Sales Corporation is a very good thing indeed. We have done it this morning with not a moment to lose. My friend from Texas will recall the deadline of November 1. And it is now November 1. We have done well.

I thank Senator DURBIN and others who had amendments they wanted to offer—Senator WELLSTONE, Senator BRYAN. They had every right to do so, and they could have done so. They chose not in the larger interest of the United States. I think we should express our particular gratitude to them for their forbearance.

I have said my piece. I thank all on behalf of Senator ROTH and the Finance Committee, which acted unanimously in this regard. We have dodged a big bullet. We did it usefully and quickly in the spirit of cooperation about trade matters, which will mark this Congress. Perhaps we might even get that fact reported in the press somewhere. If not, we can maybe start a web site of our own. It would be worth it.

Mr. President, I thank you for your courtesy. I see the assistant majority leader on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to address the Senate for 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I thank my colleague from New York for his leadership, as well as Senator ROTH.

This is an area where we have worked in a bipartisan way with the administration. It is important on international trade work. It is important that we avoid countertariffs that could possibly be enacted. I think it is good news. I am glad we were able to get it passed. I am glad we could have some bipartisan cooperation. I think in many respects that is due to the leadership of the Senator from New York and the Senator from Delaware. I compliment both for their leadership, and I am pleased we are able to pass this legislation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am actually going to take about 2 minutes. I know Senator DURBIN wants to speak.

I say to Senator MOYNIHAN from New York that it is an important bill. There were a number of us, however, who objected. I know how strongly Senator MOYNIHAN feels about this legislation. I know that this is an important issue in our trade policy. I want him to know, given the tremendous respect I have for him—I think the tremendous respect that every Senator has for him—that for my own part my standing objection was focused not so much on the substance of this legislation. It was what some of us have been talking about over and over again, which is that the Senate cannot function as a great institution when Senators are not allowed to bring amendments to the floor.

There are some aspects of this bill that bother me. One of them has to do with hundreds of millions of dollars of subsidy for the tobacco industry to peddle tobacco in poor countries and in developing countries, which I think has the consequence of killing children. We don't need to be subsidizing this. Senator DURBIN is far more the expert. He can speak more about the substance of it.

I wanted to offer an amendment. I wanted to join Senator DURBIN with an amendment to knock this corporate welfare subsidy to tobacco companies out.

I am also concerned about additional subsidies that go to the pharmaceutical industry, and, frankly, the doubling of the subsidy that goes to arms exports.

The point is that it is hard to be a good Senator and it is hard for the Senate to be a good Senate when we don't have the opportunity to come to the floor with amendments and try to improve a piece of legislation. Senators can vote up or down. I know that Senator MOYNIHAN is in favor of this process.

I take exception with the majority leader over the way we are doing this. Now we are at the very end of the process, and we certainly don't want to see harsh consequences as a result of this not going through. That is why I won't object.

I will listen to the counsel of the Senator from New York. I find his counsel usually to be wise counsel.

I hope the Senate will operate differently and that there will be an opportunity for Senators to come to the floor with amendments and to be legislators to try to improve policy.

I find it outrageous, unconscionable, and egregious that we still have corporate welfare for the tobacco industry to peddle its death products to other nations and ultimately end up killing young people and children. That to me is outrageous.

I yield the floor. I yield my time to Senator DURBIN.

Mr. MOYNIHAN. Mr. President, I thank the Senator from Minnesota. He feels strongly. And he is right. But there are moments when we just have to get something done and go on to the next measure.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mr. DURBIN. Mr. President, it is my understanding that Senator WELLSTONE yielded to me the remainder of his time.

The PRESIDING OFFICER. He did, but the order was for the Senator from Texas to proceed.

The Senator from Texas.

Mr. GRAMM. Mr. President, if the Senator from Illinois is going to talk about the issue before us, I would like to grant him the courtesy of letting him go ahead and speak. I am going to thank the Senator from New York, as I always do. But I want to speak about another subject. If he wants to talk about this subject, let me yield to him, and if the Chair will come back to me when he finishes his 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank my colleague from the State of Texas. We disagree on substance but we have a cordial relationship on the Senate floor. I thank him for his courtesy.

I also congratulate Senator MOYNIHAN for his leadership in the closing months of this session. Senator MOYNIHAN, as he is facing retirement, has really been a leader on issues that will have a lasting impact on this world. It has been the hallmark of his congressional and public career. I note in personal conversations with him that he takes great pride in these accomplishments. I believe they will inure to the benefit of this country for generations to come. I thank him for his great service to the State of New York and to our Nation throughout his public life.

This morning I had an opportunity to object and could have been one, I guess, to stop this effort to enact at the last minute this Foreign Sales Corporation provision. I did not. The decision not to object was made after a lot of deliberation and consideration.

I would like to describe the reason why I was prepared to object and offer an amendment, and to assure my colleague that they have not heard the end of this debate.

This Foreign Sales Corporation provision is a $4 billion annual subsidy to over 7,000 companies in America which export overseas. Between 15 and 30 percent of their income from sales overseas will not be subject to taxes in the United States.

That is a windfall to these companies. It is a windfall which gives them an opportunity for more profits and, I argue as well, to create more jobs.

In many instances, in my State this Foreign Sales Corporation provision means that some of the major exporters from Illinois and across the United States have a chance to thrive and grow.

I am one who is a Democrat and proud of it and proud of my labor support. But I also believe very passionately that globalization and free trade are the future.

If they in fact are the future, we should do everything legally possible to encourage export that creates good paying jobs in the United States. And for that reason, I don't stand in general objection to the Foreign Sales Corporation. I believe that what we are talking about in this provision can be good for our economy and our workers, and in that respect I can support it. But I do have an objection to one element of it. When you look at the over 7,000 corporations that are going to benefit from this tax subsidy, you will find on that list names of three corporations which I would like to call to your attention: Philip Morris, R.J. Reynolds, and Brown & Williamson.

To make it clear, we are saying that the companies that make tobacco products can now continue to sell them overseas with a subsidy from the Federal Treasury to the tune of over $100 million a year. We are saying to these purveyors of these deadly tobacco products that we, in fact, are going to help you in selling your product overseas.

Allow me to put this in perspective. The tobacco companies I have named will have domestic profits in the U.S. of $7.2 billion, and we are giving them $100 million to subsidize the sale of tobacco products overseas. Some would stand up and say, well, Senator, why would you pick out the tobacco companies? If you are going to go after companies and the products they make, why wouldn't you go after a lot of other companies, too?

Perhaps some arguments can be made along those lines. But let me tell you why I think we should deal with tobacco exports in a different manner than other products being exported. I will use for my evidence on this the statements of Philip Morris, self-published on their website as of 10 days ago. You see all these soft, little gauzy commercials about Philip Morris feeding poor people, helping the elderly, providing scholarships. My friends and those who are witnessing this debate, this is just eyewash. This is an effort by the tobacco companies to tell you they are warm and loving people.

Well, these warm and loving people sell a product that kills 400,000 Americans a year. The No. 1 preventable cause of death in America today continues to be tobacco. We have just enacted legislation giving a Federal tax subsidy to these same tobacco companies to sell this deadly product overseas. Is there any doubt that it is deadly? Well, for decades, the tobacco companies said: You can't prove it; there is no science behind it. We can prove that tobacco may not be harmful.

Well, they finally gave up on that sad and disgraceful claim. This is what their web site started publishing 10 days ago. This is Philip Morris. I will read it into the RECORD:

> Cigarette smoking and disease in smokers: We agree with the overwhelming medical and scientific consensus that cigarette smoke causes lung cancer, heart disease, emphysema, and other serious diseases in smokers. Smokers are far more likely to develop serious diseases like lung cancer than nonsmokers. There is no safe cigarette. These are and have been the messages of public health authorities world-wide. Smokers and potential smokers should rely on these messages in making all smoking-related decisions.

Having said that, we have just awarded to the companies that make this deadly product, and want to sell it overseas, a $100 million-a-year tax subsidy. Do you know what that means? It means that the United States of America, which for over a century has been a leader in public health causes around the world, is now going to be a leader in purveying this deadly cigarette and tobacco product in Third World countries.

Visit any country that you choose overseas and look at what you see. With the exception of countries such as Poland which, surprisingly, has enacted good legislation to stop tobacco advertising that appeals to children, in country after country, you find the most outrageous, disgraceful activity by American tobacco companies subsidized by American taxpayers selling their deadly product overseas.

In the Philippines, a very Catholic country, they give away these calendars showing religious images with American tobacco products. These are the things which American tobacco companies will now be doing with the help of this tax subsidy from Federal taxpayers.

Allow me to tell you what we face here. Since 1990, Philip Morris sales have grown by 80 percent overseas. Smoking currently causes more than 3½ million deaths each year throughout the world. Within 20 years, the number is expected to rise to 10 million, with 70 percent of all deaths from smoking in developing countries. Listen to this statistic. This ought to tell you how important this issue is to the world. Tobacco will soon be the leading cause of disease and premature death worldwide, surpassing AIDS, malaria, and tuberculosis.

Do you take any pride as an American citizen that it is our tobacco companies selling these products to children and to unsuspecting people around the world, which will soon be the public health scourge of our globe? Do you take any comfort or satisfaction in the decision we have just made within a few minutes to give a $100 million subsidy each year to these tobacco companies so they can peddle this deadly product to kids and unsuspecting people in countries around the world? Can you hold your head up high as an American, proud that we are now subsidizing this deadly product? Can you visit these countries and see the Marlboro Man and all of the logos we have seen disappearing in America re-emerging in these Third World countries as more and more people are lured into tobacco addiction? Can you be proud as an American of that fact?

I am not. I am saddened by it. I am saddened that this leadership refused to allow this bill to even be considered on the floor for an amendment. But that has been the story of the Senate for month after month. We have been afraid to face the reality of debate, afraid to face the tough votes. And for some members from those States that produce tobacco or happen to be friendly to tobacco companies, it would have been a tough vote. But these Senators have been protected from even facing this issue. It is a tax subsidy to tobacco companies that will literally kill people around the world.

This country, of which I am so proud to be part, and the State I represent—I am so proud to be their Senator here—will become known to people around the world as the source of death and disease. People now are worried about death from malaria and tuberculosis and AIDS. Sit tight because in a few years you will see other deadly diseases coming across your land—emphysema, lung cancer, heart disease—from America's tobacco products. Marlboros, Camels, all of these products will be overseas.

After they put on these sweet little commercials about how much they just love these children and they love these elderly people—they put on these sweet little commercials and spend a lot of money to tell you how lovable Philip Morris is—go to the Philip Morris web site and see what this lovable company sells to make the profits to take Meals on Wheels to an elderly lady.

They sell a product which they now readily concede causes death and disease. After 40 years of denial, they finally admitted it. We have decided that we want to subsidize their efforts. It is a sad day in the Senate. I can certainly support this tax effort for the many corporations that will use it responsibly to sell good products overseas, but to think that this Senate will be party to this decision, it is a sad day.

It is no surprise. A few years ago when we wanted to hold the tobacco companies accountable for their solicitation of children, it was stopped by the Republican leadership in the Senate. When the Clinton-Gore administration said these tobacco companies owe Federal taxpayers for what they have done to them over the years as they settled, and pay the States for what they had done to their citizens as well, the Republican leadership said, no, stop the lawsuit; don't sue the tobacco companies; leave them alone. These poor tobacco companies, leave them alone. They only have $7.2 billion annually in profits.

Well, I believe the Clinton-Gore administration is right. I believe the American people deserve this lawsuit. They deserve the tobacco companies being held accountable and they deserve that these companies finally stop soliciting our children, addicting our children, aggressively stop selling their products to our children. I have been in Congress for 18 years. For the last 12 years, I guess I have fought on this issue more than any other. I can assure my friends in the Senate it is not the end of the debate. To those who want to give this gift to the tobacco companies, they can expect this fight to continue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

CONGRATULATING SENATOR MOYNIHAN

Mr. GRAMM. Mr. President, I congratulate our dear colleague from New York. I thank him for his leadership in defense of trade. We had these running debates, most of them related to the Presidential campaign. Most have nothing to do with the business of the Senate in these waning hours of the session. Instead they are about who deserves or what deserves credit for the golden economic era in which we live. I think the plain answer is, more than anything else, the creation of a wealth-generating machine through world trade is responsible for this economic golden age in which we live.

Our colleague is what I think of as an "old-timey" Democrat. There used to be a lot more of them here than there are now. Unfortunately, there is going to be one fewer. Some might think the number would be zero after Senator MOYNIHAN. But there was a time when there was a bipartisan consensus in favor of world trade. Unfortunately, now it is so easy to demagog against trade because you can identify a potential loser. If a company shuts down, whether it was inefficient or "moved off to Mexico," the claim is, "They moved off to Mexico." Everybody who loses a job there knows it. But the 10 or 100 jobs we create for every 1 we lose, people do not know why they were created. So it is hard, politically, to stand up for economic freedom. But what is a more basic economic freedom than the right to produce things and sell them all around the world?

I would also like to say, in an era where a lot of people are running away and hiding on the issue of Social Security or pretending the problem is somehow going to go away, I again congratulate our colleague from New York for being willing to stand up on that issue. He has made it clear that unless we do something about Social Security, unless we create a wealth source to pay benefits, we are perpetuating a cruel hoax where we are going to end up, in 12 or 15 years, having to make excruciatingly painful choices. These are not just choices about spending cuts versus taxes, but really they are choices we will have to make between our parents and our children, between the security of our parents and the economic opportunity of our children. We will have to make those choices because of failed leadership right now to deal with this issue.

I did not want to pass up this chance to say to my colleague from New York I am glad he came our way. I am proud to call him my friend and colleague.

I remember the first dealing I ever had with the Senator from New York. It was on a TV talk show. I don't know if he remembers it. We sort of had a sharp exchange. I would like to say I am not as ignorant as I used to be. I thank our colleague from New York for being an instructor for me and for America. I am proud of his academic background. I am proud to share it with him.

Mr. MOYNIHAN. Mr. President, I thank my learned and ever accommodating—almost always accommodating friend. I have learned so much from him. If he knew how little economics I brought to this body, he would appreciate how much he has added to it. I am grateful, as a scholar ought to be. Across the aisle, I admire him so much and only wish he were on this side. But he has helped both sides on the issues that matter. That is what is important. I thank my friend.

COMPREHENSIVE TAX AND MEDICARE CONFERENCE REPORT

Mr. ROTH. Mr. President, I would like to address the comprehensive tax and Medicare conference report that is pending before the Senate. We have worked long and hard on this package, but the result is certainly worth the effort. If our objective is to provide legislation that promotes an environment conducive to jobs, opportunity and growth—security for our families and retirees—and greater access to quality health care, then this is a package worthy of praise.

The numerous provisions in this legislation are too many to address in a single floor statement, and they certainly cover a lot of important initiatives. But they have a central theme: strengthening individuals and families—increasing prosperity, building security in retirement, promoting access to health care, improving quality of life, and assisting small businesses and farmers.

This legislation offers over 50 provisions to strengthen IRAs and pension plans. With broad bipartisan support, it increases IRA contributions from $2,000 to $5,000, and allows a $1,500 IRA catch-up contribution for those age 50 and above. The increase in the amount an individual is allowed to put away will enable IRA participants to earn a full $1 million more for retirement, if they save the maximum amount each year and begin their program at age 25.

This is tremendous empowerment, Mr. President, but it is only the beginning of what this legislation will do. It also allows individuals to increase contribution limits in 401(k), 403(b), and 457 plans from $10,500 to $15,000 a year. And it allows employees over the age of 50 to make additional $5,000 contributions to these plans.

This is especially important for women, many of whom take time off from work to raise children. Now, when they return, they can make critical catch-up payments to strengthen their retirement savings. And for those individuals who change jobs, this legislation provides easier transfers to be made between IRAs and employer plans, and it reduces the complexity of plan administration.

One of the most innovative new tools provided in this legislation is the creation of the Roth 401(k). Like the Roth IRA, the Roth 401(k) will allow employees to make after-tax contributions to accounts where distributions will be tax free at retirement. This allows investment income to grow faster, as it is taxed only once—when it is earned. Interest build-up and withdrawal—like the Roth IRA—remain free from taxation.

To increase access to quality health care, this legislation includes major refinements to the Balanced Budget Act of 1997. These are in addition to $27 billion worth of refinements enacted last year, as part of the Balanced Budget Refinement Act of 1999. This legislation offers improved benefits for Medicare seniors, expanding preventative benefits, lowering out-of-pocket outpatient costs, and covering several new exams, screening and therapies.

Going even further, this legislation provides improved access to Medigap coverage and protects access to important drugs. It lowers out-of-pocket hospital costs, strengthens rural, teaching, and critical access hospitals, and protects funding for home health services. It also increases access to care for nursing home patients. In the area of health care, alone, this legislation provides more than $30 billion in additional funding over the next five years.

Retired Americans will also be happy to note that this legislation fixes a math mistake made in computing the Social Security cost-of-living adjustment for last year. The increase should have been 2.5% instead of the 2.4% that was actually awarded. The correction we've included in this bill means seniors will be receiving more than $5 billion in additional payments over the next ten years.

For children, we take an important step to strengthen the State Children's Health Insurance Program by establishing policies for the retention and redistribution of unspent SCHIP funds. We also include measures to begin to protect the financial integrity of the Medicaid program. For individuals and families, we provide an above-the-line deduction for payment of medical insurance premiums for those who do not participate in an employer-sponsored medical plan.

We also provide an above-the-line deduction for long-term care insurance, and we allow individuals who incur long-term care expenses providing for relatives an extra tax deduction.

To help our family farmers and small businesses, this legislation offers a 100% deduction for payment of medical insurance for self-employed individuals. It creates FFARM accounts—tax-deferred savings accounts for farmers and fishermen, allowing a deduction of up to 20% of the income deposited into a custodial account.

Going even further to provide tax relief for small businesses, this legislation extends the Work Opportunity Tax Credit. It allows small businesses to use cash accounting methods without limitation, and clarifies and extends a number of expansion provisions and business deductions, including the business meal deduction. And these are only a few of many other provisions to support America's small businesses, the engine behind the historic economic expansion our nation enjoys.

Again, increasing opportunity and improving the quality of life is what this legislation is all about. For this reason, we have also included an important provision to help AMTRAK build important infrastructure, to improve services, and help answer critical transportation needs throughout the country. There are some areas, Mr. President, where congestion from auto and air traffic are running at maximum levels. The answer is a modernized and efficient rail service—one that includes high-speed trains, not only to move passengers along the Eastern corridor, but all across America.

As a New York Times editorial correctly observed: "Eighteen of the 20 most congested airports nationwide are in cities on designated high-speed rail corridors. The time has come for Congress and transportation officials to promote high-speed rail service as a means alleviating air traffic congestion."

Strengthening AMTRAK will not only help ease car and air congestion, but it will also help revitalize inner cities, encouraging downtown redevelopment. It will also promote jobs in construction, engineering, manufacturing, and service industries.

Finally, Mr. President, to strengthen our urban areas and promote greater opportunity for individuals and families in our cities, this legislation creates 40 new "renewal communities" and gives those poor areas a number of tax incentives to assist them in building up their economic base. Among other things, these communities—located in urban and rural areas—would get a zero percent capital gains rate to attract much needed investments. This bill also provides incentives to invest in low income areas around the country and to clean up brownfields anywhere in the U.S. This community renewal package also contains long awaited increases in the low income housing tax credit and the private activity bond volume cap. Both of these caps have not been adjusted since 1986 and have lost over 40 percent of their original value. This package also contains a number of measures to help school renovation and construction.

Each of the provisions in this legislation will go far toward promoting an environment of opportunity and growth—security for our families and retirees—greater access to quality health care, and an improved quality of life.

Mr. President, as we consider this conference report on legislation to provide tax relief and to protect and strengthen Medicare and Medicaid, there is a lot of talk about the irregular process by which the legislation was created. No one is more unhappy than I that regular order was not adhered to. I have long labored in trying to reach a bipartisan consensus on the many important matters that comes before the Finance Committee.

However, I do not believe it useful for me to dwell on the causes of irregular order. Suffice it to say that cooperation must come from both sides. When it doesn't, when Senators instead invoke their rights at every turn, bipartisanship suffers.

As to the President's veto threat, it should be remembered that our early Presidents believed that the veto was available only to check the Congress from going beyond its constitutional authority. Later Presidents judged legislation on the whole of its merits: does the bill do more harm than good? I find it hard to find in his letter any mention of the harm he sees in this legislation. Rather, he says that this legislation is different from what he proposed, and therefore, he has "no choice but to veto it." I find this assertion somewhat remarkable.

The Congress and the Presidency are comprised of 536 individuals. In fashioning legislation as far-reaching as this, no one can expect perfection from his own point of view. When I read the President's list of disappointments, I did not find it any longer than mine. And my reaction is generally shared by my colleagues. We are all pleased by some items. We are all disappointed by some other items, or by their omission.

That is because, Mr. President, this legislation is bipartisan in its content. Republican Members may be displeased that we included school construction bonds or dropped the FUTA tax reduction. Democrats may be displeased that we included a tax break for employees to buy their own health insurance or that we dropped the low-income savers tax credit. But where there are over a hundred provisions, it is not possible to write a bill the way each of us might wish.

It was clearly our intention to put together a package that would be signed into law. It was my desire that Senator MOYNIHAN be present during House-Senate negotiations, but the House majority objected. So, instead, I kept Senator MOYNIHAN informed, sought his counsel, and advocated his cause.

I think he did fairly well. He was successful in garnering increased funding for graduate medical education, increased funding for hospitals, increased DSH payments in both Medicare and Medicaid, and—this is very important—a special transition rule for New York with respect to the Medicaid upper payment level issue. On the tax side, he successfully obtained the AMTRAK provision to build a train station in New York City. And, as I recall, he was also an advocate of section 809 and 815 insurance provisions that have been included in the conference report.

Senator MOYNIHAN also asked, as did others, for the inclusion of long-term health care provisions and inclusion of a school-construction bond proposal. These were incorporated in a modified form. Perhaps not a total victory, but a substantial one nevertheless.

This progress was not accomplished easily. The chairman of the Ways and

Means Committee has been steadfastly opposed to the creation and expansion of tax credits. Thus he fought the inclusion of several tax credit proposals, including those for AMTRAK and for school construction.

He was able to block several of them but not these two supported by the Senator from New York. And because these provisions were included, the chairman of the Ways and Means opposes this conference report.

Some Members have taken to the floor to try to create a picture that a few of us got in a room and wrote a bill entirely our way. But the fact is that some in the room lost and some outside the room won. And that is because, as a group, we had a paramount objective of constructing a balanced bill that would be signed into law.

I recall my own effort to remove the application of the nondiscrimination clause from the catch-up provision of the retirement security title. Everyone in the room agreed with my position. But the bill is not written that way. My amendment was dropped out of deference to the wishes of a Democrat, Congressman BEN CARDIN, who had worked on this legislation in the House.

We tried to write a balanced bill that would be signed into law.

In each of the past four weeks, there was some reason to believe that Congress was about to finish its work for the year. So in drafting this bill, we had to act quickly. I have given a great deal of thought to the process employed. I do not believe that if we had had bipartisan meetings with votes on the particular items, the text of the bill would be any different. What was lost in the process followed was any bipartisan appreciation of why the text is what it is. That is unfortunate.

At this stage, all I can ask is that you look at the text and decide if this is a good bill. You owe it to your constituents to do that. Do you want to provide Social Security recipients with the increased COLA they deserve? Do you want to protect American businesses from European Union retaliation against our exports? Do you want to update our tax laws to provide for greater retirement security? Do you want to provide tax incentives for impoverished communities? Do you want to provide more money for hospitals, hospices, home health, and nursing homes? Do you want to increase the minimum wage?

Or do you want to deny all the benefits of this legislation to your constituents because of the procedure by which the text was born?

This bill does not contain everything I'd like to see. It's not perfect. But it's a good bill, one that will help a great many Americans. It will help individuals and families prepare for greater security in retirement. It will help seniors receive improved Medicare coverage and a higher cost-of-living adjustment in their Social Security checks.

It will help small businesses and family farmers. It will improve education and ease traffic congestion. It will improve inner cities and help our hospitals. These are good objectives. They are objectives shared on both sides of the aisle.

And I encourage my colleagues to join me in voting for this legislation.

DECISIONS FOR THE NEW CONGRESS

Mr. GRAMM. Mr. President, I want to comment on where we are. I am sure the American people are confused. They hear the President saying one thing, they hear Congress saying another. They see chaos, they see gridlock, they see politics as usual. I am sure they are wondering what is this all about. Let me try, in the remaining moments I have, to explain.

We are at the end of an 8-year Presidency. Americans are going to the polls next Tuesday to make a fundamental decision. But we have a President in the White House now who would like to make the decision for the future while he is still President, by forcing Congress to spend far beyond the budget we wrote and far beyond the budget he wrote. The President has, in essence, said that if we will spend 30 percent more on social programs in Health and Human Services than we spent last year, if we will then make some permanent changes in law in addition to that spending, such as giving amnesty to people who have broken the Nation's laws and come to the country illegally, he will sign this bill and let us go home.

Let me tell you why we are not going to do that and why we are going to resist. First, I do not believe the American people want Bill Clinton, or this Congress for that matter, making decisions for the new President and the new Congress. It is time to have an election. It is time to move on. What we have is a President who almost is unhappy because the focus of attention is on the two men who are now running for President. And so, he believes that by vetoing bills he has agreed to sign and by demanding more and more spending, he gets his name back in the paper and gets on television.

Let me tell you why we should say no. We should say no because the American people ought to decide. If we did what Bill Clinton is calling on us to do, before the new President ever took his hand off the Bible we would have spent between a third and a half of the budget surplus.

I think the American people think they are deciding in this election. If people want to spend this money, they can vote for AL GORE. If they want to use the money to let working people have a tax cut and to invest it in rebuilding Social Security and Medicare, they can vote for George Bush. But however they are going to vote, Bill Clinton should not be making the decision to spend it before the American people can vote.

Let me convert it down to a simple number. For every day that we simply fund at this year's level the remaining parts of Government that are not yet appropriated for, we save between $88 and $133 million a day. By just continuing to fund at this year's level and waiting for the next President to arrive, over a 12-month period we would spend $32 billion less by not creating all these new programs, by not hiring all these new Government employees, by not making the President the president of every school board in America.

Nobody knows what $32 billion is so let me convert it into something you know. As you know, you can buy a very nice pickup truck for $20,000. You can buy basically a loaded Chevrolet or Ford pickup, full-size pickup, for $20,000. By simply saying no to Bill Clinton for 6 more days and simply leaving spending at its current level, for the rest of the year we could buy 1.6 million pickup trucks. I think the American people understand what 1.6 million pickup trucks are.

I know there are some people who hope, even at this last minute, to cut a deal with Bill Clinton and bring to the floor of the Senate a bill that will spend $32 billion more on social programs. Let me tell you, today is Wednesday. We are going to have an election on Tuesday. They have never put an election off in American history. I just want to say to people, a deal is not going to happen. If a deal is cut today, spending $32 billion, basically taking 1.6 million pickup trucks right off people's driveways and out of their garages, I am going to object. We are not going to vote to spend that money before the people of America can vote in this election.

They are going to decide, depending on how they vote. They may tell us to spend it and a lot more, or they may say give some of it back. We may create a wealth base for Social Security but that is going to be decided by voters. But what is not going to be decided by this President and what is not going to be decided by this Congress before the election is that we are going to go on a massive spending spree. That is not going to happen.

How do I know it is not going to happen? Because today is Wednesday. Under the rules of the Senate, if a few people say no, it can't be done, it will not be done.

I think what we ought to do on a bipartisan basis is to pass a resolution funding the Government through the election, let the American people speak, and let them say what they want to happen with this money. Not

Bill Clinton because he is on the way out. Let them say through this election and whom they elect what they want done.

It is not the time to be listening to the voices of the past. It is time to be looking to the future. Let's pass this CR through the election, keep spending where it is right now, and let the American people speak on Tuesday. Then we can come back here, we will have heard the message from back home, and we can respond to it.

I think that is the rational thing to do, and that is what I am going to support. I also believe that is what is going to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

TRIBUTE TO TEXAS SAILORS LOST ABOARD THE U.S.S. "COLE"

Mrs. HUTCHISON. Mr. President, I rise today to talk about a very sad time. It has been a sad time for America. I want to focus on the sadness in Texas.

Mr. President, last week Texas laid to rest three of her sons, killed in the terrorist attack on the U.S.S. *Cole*. Seaman Timothy Gauna of Rice, Petty Officer Ronchester Santiago of Kingsville, and Fireman Gary Swenchonis of Rockport, were killed in the October 12 disaster.

Since then, I have visited with the families of these three sailors. I met with some of them at the *Cole* memorial service in Norfolk, VA. Fine, loving individuals, they are trying, as we all are, to make sense of the senseless.

These young men had their lives ahead of them. They wanted to go to college, to travel, to raise their own families. They volunteered for the Navy because they loved their country and wanted to give something back, and now they are gone.

It may not be possible for us to understand the magnitude of this loss to the families involved.

Can we know the anguish of Mr. Swenchonis, whose son Gary was laid to rest in the same cemetery as Gary's grandfather? A son with just 2 months left on his enlistment?

Will we ever understand the loss of Rogelio Santiago, a Navy veteran himself, who was planning a trip with his son Ron to his native Philippines in December?

Have we ever experienced the bewilderment of Sarah Gauna, who said she would never hang up the phone with her boy until she had made him laugh, as she waited days to learn the awful truth about Timothy?

We cannot feel the depth of sorrow of these families, but we are all diminished by their loss because U.S.S. *Cole* was a small patch of American soil and on that patch we lost our own.

Today, as we come and go in our ordinary routine, life is anything but routine for those they left behind.

Today, the U.S.S. *Cole*, crippled but proud, has begun the long journey home. She is under tow for a rendezvous with another larger vessel that will literally carry her home to America.

The ship is cold. It is dark and quiet. But the spirit of the fallen Texans and the 14 others who lost their lives carries on in the valiant efforts of their 300 shipmates. They saved the ship and they mean to rebuild it to fight another day.

In the words of her Commanding Officer, "We're going to get this ship back home [and] put back together so that she can again sail and defend American freedom throughout the world."

That is exactly what is going on today in so many other distant places across the globe. Today we remember the *Cole*, but she was just one representative of a proud service that is still on watch.

Today as most Americans get up for work, have breakfast with their families, perhaps attend a son or daughter's school play or athletic event, we may not think much about the tens of thousands who left their families alone on a pier months ago to sail into harm's way, expecting, but not really knowing for sure, if they would come home.

Just today—November 1—on, over, or under the seven seas, more than 41,000 sailors and marines are standing watch on the bridge of a warship, landing aircraft onto the deck of a carrier, manning nuclear power plants leagues beneath the surface, training to land ashore from the sea.

These thousands do not count a much greater number ashore who repair the ships, maintain the aircraft, and perform a host of other activities that mark an ordinary day in the life of a superpower.

Those young men and women are out there serving under our flag in places where they are not always welcome but whose presence is reassuring.

Every once in a while, we hear from them. Not when they are landing their fighter onto the rolling deck in pitch blackness, scared but exhilarated all the same. We do not read about it when they bring their ship alongside an oiler, two 10,000-ton machines just 90 feet apart at 15 knots for 3 hours replenishing their stores at sea to extend the reach of freedom.

There are no cameras there for the 19 year-old Marine guard at the gate of the overseas naval installation at 3 o'clock in the morning who must decide in an instant whether the vehicle approaching him is loaded with explosives or is just a shipmate coming back from liberty.

They do not seek our recognition, but at times, that is demanded of us. Unfortunately, now is one of those times. At a time such as this, we cannot believe what we see but we marvel at the courage and dedication of these young people.

I received an e-mail message that has been circulated around the world, shared with me by Knox and Kay Nunnally, whose son attends the Naval Academy. A helicopter pilot from the U.S.S. *Hawes* recorded what he saw when he was assigned the task of taking airborne photos of the stricken *Cole* pierside in Yemen, just days after the tragedy. His words bring home to us just what it is we ask of our sailors and marines:

> I will tell you that right now there are 250-plus sailors just a few miles away living in hell on earth. You can't even imagine the conditions they're living in, and yet they are still fighting 24 hours a day to save their ship and free the bodies of those still trapped and send them home.
>
> As bad as it is, they're doing an incredible job. The very fact that these people are still functioning is beyond my comprehension. Whatever you imagine as the worst, multiply it by ten and you might get there.
>
> I wish I had the power to relay to you what I have seen, but words just won't do it. I do want to tell you the first thing that jumped out at me—the Stars and Strips flying. I can't tell you how that made me feel . . . even in this God forsaken hell-hole our flag was more beautiful than words can describe.
>
> The U.S.S. *Cole* and her crew is sending a message: even acts of cowardice and hate can do nothing to the spirit and pride of the United States. I have never been so proud of what I do, or of the men and women that I serve with as I was today.

Mr. President, it has been said that young fighting men and women don't endure the risks they do for such lofty goals as patriotism, freedom, democracy, or all the other reasons why older generations send young generations into war.

Rather, these young men and women fight for the buddy next to them in the foxhole; in the next bunk over; in the back of the cockpit.

If that is so, then there can be no greater honor for Timothy Gauna, Ron Santiago, and Gary Swenchonis than that their sad and painful deaths force us to remember, through them, their shipmates and all the other thousands of American fighting men and women who are out there doing the extraordinary everyday, just so that we can live our everyday lives.

As we remember the words of the Navy Hymn, we honor the memory of these three Texans by calling to mind those they left behind:

O hear us when we cry to thee, for those in peril on the sea.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

THE BANKRUPTCY BILL

Mr. BIDEN. Mr. President, we just had a vote on a cloture motion on the bankruptcy bill, which did not prevail: that is, cloture was not invoked. I just want to make a short statement now because we will be back at this again.

This has been a prolonged and complicated process that brought us to this point today. I personally believe it need not have been so long nor have been so complicated. We should not have had to wait for this legislation as long as we have. We should have just stepped up to this earlier. But here we are.

I heard a number of things stated in the well of the Senate as we were voting on cloture relative to this legislation about which I think people were misinformed. A lot of statements were being made that did not reflect what is actually in this bankruptcy bill.

I know many of my colleagues are not happy with the bill. But on balance the bankruptcy reform bill still deserves the strong support of the Senate. We will return to this issue later this month, and I would like to put to rest some of the assertions made.

We have what we call a very strong safe harbor provision in this bill, to protect families that are below the median income, along with allowing them adjustments for additional expenses, that will assure that only those with the real ability to pay in bankruptcy are steered from chapter 7 to chapter 13.

The Senate language, giving judges the discretion to determine whether or not there are special circumstances that justify those expenses, prevailed over the very strict House language. The bottom line is, if you are someone who is listed by the national statistics as being poor—many folks keep saying poor folks will be hurt by this—you are not even in the deal here. You are not even in the deal. You are protected. That is what we mean by the safe harbor.

This provision has been strengthened with an additional protection for those between 100 and 150 percent of the national median income. So if you have an income that is 150 percent above the median income, you will get only a very cursory means test.

I heard on the floor today people saying how poor folks and lower middle income folks were really going to be hurt by this. That is simply not true.

Compared to current law, this provision provides increased protection against creditors who try to abuse the so-called reaffirmation process.

This bill imposes new requirements on credit card companies to explain to their customers the implications of making minimum payments on their bills every month.

A feature of this legislation that I think deserves much more emphasis is historic improvement in the treatment for family support payments, child support, and alimony. I heard my colleagues on my side of the aisle down there saying this hurts women and children.

Compared to current law, there are numerous new, specific protections for those who depend on support payments and alimony payments. The improvements are so important that they have the endorsement—I want everybody to hear this—they have the endorsement of the National Child Support Enforcement Association. This is the outfit that comes to us and says: Look, you have to provide additional help in seeing to it that child support payments are paid by deadbeat dads. The National Child Support Enforcement Association, the National Association of District Attorneys, the National Association of Attorneys General, they all support this bill because of these protections. These are the people who actually are in the business of making sure family support payments are made.

One passage from the letter sent to the Senate Judiciary Committee deserves repeating. Referring to critics of the legislation, those men and women who are on the front lines of the struggle to enforce family support agreements say:

> For the critics appear content to sacrifice the palpable advantages which this legislation would provide to support creditors—

That is, the women and children who depend on support payments.

> to defeat of this legislation, based on the vague and unarticulated fears that women will be unfairly disadvantaged as bankruptcy creditors—in more ways than one, the critics would favor throwing out the baby with the bath water.

This is a letter from the people who go out on behalf of women, collecting child support payments for their children.

They say this bankruptcy bill is a good bill.

I think the last line from the letter deserves special stress. I quote:

> No one who has a genuine interest in the collection of support should permit such inexplicit and speculative fears to supplant the specific and considerable advantages which this reform legislation provides to those who need support.

I can think of no stronger rebuttal to the arguments we have seen and heard recently about the supposed effects of this legislation on women and children who depend on alimony and child support.

Mr. President, I ask unanimous consent that the full text of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTRICT ATTORNEY FAMILY
SUPPORT BUREAU,
San Francisco, CA, September 14, 1999.

Re S. 625 [Bankruptcy Reform Act].

DEAR SENATORS: I am writing this letter in response to the July 14, 1999 letter prepared by the National Women's Law Center. That letter asserts in conclusory terms that the Bankruptcy Reform Act would put women and children support creditors at greater risk than they are under current bankruptcy law. The letter ends with the endorsement of numerous women's organizations.

I have been engaged in the profession of collecting child support for the past 27 years in the Office of the District Attorney of San Francisco, Family Support Bureau. I have practiced and taught bankruptcy law for the past ten years. I participated in the drafting of the child support provisions in the House version of bankruptcy reform and testified on those provisions before the House Subcommittee on Commercial and Administrative Law this year.

I believe it is important to point out that none of the organizations opposing this legislation which are listed in the July 14th letter actually engages in the collection of support. On the other hand, the largest professional organizations which perform this function have endorsed the child support provisions of the Bankruptcy Reform Act as crucially needed modifications of the Bankruptcy Code which will significantly improve the collection of support during bankruptcy. These organizations include:

1. The National Child Support Enforcement Association.
2. The National District Attorneys Association.
3. The National Association of Attorneys General.
4. The Western Interstate Child Support Enforcement Council.

The thrust of the criticism made by the National Women's Law Center is that by not discharging certain debts owed to credit and finance companies, the institutions would be in competition with women and children for scarce resources of the debtor and that the bill fails "to insure that support payments will come first." They say that the "bill does not ensure that, in this intensified competition for the debtor's limited resources, parents and children owed support will prevail over the sophisticated collection departments of these powerful interests."

With all due respect, nothing could be further from the truth. While the argument is superficially plausible, it ignores the reality of the mechanisms actually available for collection of domestic support obligations in contrast with those available for non-support debts.

Absent the filing of the bankruptcy case, no professional support collector considers the existence of a debt to a financial institution as posing a significant obstacle to the collection of the support debt. The reason is simple: the tools available to collect support debts outside of the bankruptcy process are vastly superior to those available to financial institutions and, in the majority of cases, take priority over the collection of non-support debts.

More than half of all child support is collected by earnings withholding. Under federal law such procedures have priority over any other garnishments of the debtor's salary or wages and can take as much as 65% of such salary or wages. By contrast the Consumer Credit Act prevents non-support creditors from enforcing their debts by garnishing more that twenty-five percent of the debtor's salary.

In addition, there are many other techniques that are only made available to support creditors and not to those "sophisticated collection departments of . . . [those] powerful interests:" These include:

1. Interception of state and federal tax refunds to pay child support arrears.
2. Garnishment or interception of Workers' Compensation or Unemployment Insurance Benefits.
3. Free or low cost collection services provided by the government.
4. Use of interstate processes to collect support arrearage, including interstate earnings withholding orders and interstate real estate support liens.
5. License revocation for support delinquents.
6. Criminal prosecution and contempt procedures for failing to pay support debts.
7. Federal prosecution for nonpayment of support and federal collection of support debts.
8. Denial of passports to support debtors.
9. Automatic treatment of support debts as judgments which are collectible under state judgment laws, including garnishment, execution, and real and personal property liens.
10. Collection of support debts from exempt assets.
11. The right of support creditors or their representatives to appear in any bankruptcy court without the payment of filing fees or the requirements of formal admission.

While the above list is not exhaustive, it is illustrative of the numerous advantages given to support creditors over other creditors. And while all of these advantages may not ultimately guarantee that support will be collected, they profoundly undermine the assumption of the National Women's Law Center that the mere existence of financial institution debt will somehow put support creditors at a disadvantage. To put it otherwise, support may sometimes be difficult to collect, but collection of support debt does not become more difficult simply because financial institutions also seek to collect their debts.

The National Women's Law Center analysis includes without specification that the support "provisions fail to insure that support payments will come first, ahead of the increased claims of the commercial creditors." Professional support collectors, on the other hand, have no trouble in understanding how this bill will enhance the collection of support ahead of the increased claims of commercial creditors. To them, such creditors are irrelevant outside the bankruptcy process. And in light of the treatment of domestic support obligations as priority claims under current law and the enhanced priority treatment of such claims in the proposed legislation, this objection seems particularly unfounded.

Where support creditors are indeed at a disadvantage under current law is during the bankruptcy of a support debtor. Under existing bankruptcy law support creditors frequently have to hire attorneys to enforce support obligations during bankruptcy or attempt the treacherous task of maneuvering through the complexities of bankruptcy process themselves. Attorneys working in the federal child support program—indeed, even experienced family law attorneys—may find bankruptcy courts and procedures so unfamiliar that they are ineffective in ensuring that the debtor pays all support when due. Ideally, procedures for the enforcement of support during bankruptcy should be self-executing and uninterrupted by the bankruptcy process. The pending bankruptcy reform legislation goes far in this direction. To suggest that women and children support creditors are not vastly aided by this bill is to ignore the specifics of the legislation.

In the first place support claims are given the highest priority. Commercial debts do not have any statutory priority. Thus when there is competition between commercial and support creditors, support creditors will be paid first. And, unlike commercial creditors, support creditors must be paid in full when the debtor files a case under chapter 12 or 13. Unlike payments to commercial creditors, the trustee cannot recover as preferential transfers support payments made during the ninety days preceding the filing of the bankruptcy petition, and liens securing support may not be avoided as they may be with commercial judgment liens. Unlike commercial creditors, support creditors may collect their debts through interception of income tax refunds, license revocations, and adverse credit reporting, all—under this bill—without the need to seek relief from the automatic bankruptcy stay.

In addition, support creditors will benefit—again, unlike commercial creditors—from chapter 12 and 13 plans which must provide for full payment of on-going support and unassigned support arrears. Further benefits to support creditors which are not available to commercial creditors is the security in knowing that chapter 12 and 13 debtors will not be able to discharge other debts unless all postpetion support and prepetition unassigned arrears have been paid in full.

Finally, and most importantly, support creditors will receive—even during bankruptcy—current support and unassigned arrearage payments through the federally mandated earnings withholding procedures without the usual interruption caused by the filing of a bankruptcy case. Like many other provisions of the bill, this provision is self-executing, the bankruptcy proceeding will not affect this collection process. Frankly, and contrary to the assertions of the National Women's Law Center, it is difficult to conceive how this bill could better insure that "support payments will come first, ahead of the increased claims of the commercial creditors."

The National Women's Law Center states that some improvements were made in the Senate Judiciary Committee. This organization may wish to think twice about that conclusion. What the Senate amendments did was to distinguish in some cases between support arrears that are assigned (to the government) and those that are unassigned (owned directly to the parent). The NWLC might have a point if assigned arrears were strictly government property and provided no benefit to women and children creditors. However, upon a closer look, arrears assigned to the government may greatly inure to the benefit of such creditors.

In the first place the entire federal child support program was created to recover support which should have been paid by absent parents, but was not. Such recovered funds became and remain a source of funding to pay public assistance benefits, especially by the states which contribute about one half of the costs of such benefits.

More directly significant, however, is the fact that under the welfare legislation of 1996 (the Personal Responsibility and Work Opportunity Reconciliation Act) support arrearage assigned to the government and not collected during the period aid is paid reverts to the custodial parent when aid ceases. This scenario will become increasingly common in the very near future as the five year lifetime right to public assistance ends for individual custodial parents. In such cases this parent will face the double whammy of being disqualified from receiving the caretaker share of public assistance and—because of the Senate amendments—not receiving arrears or intercepted tax refunds because they were assigned at the time the debtor filed for bankruptcy protection.

In addition, prior to the Senate Judiciary Committee amendments a debtor could not obtain confirmation of a plan if he were not current in making all postpetition support payments. The advantage of this scheme was that it was self-executing. Under the Senate amendments a debtor may obtain confirmation even when he is not paying his on-going support obligation. He is only required to provide for such payments in his plan. In such cases it will then be the burden of the support creditor to bring a bankruptcy proceeding to dismiss the case if the debtor stops paying. While this procedure is a welcome addition to the arsenal of remedies available to support creditors, it should not have supplanted the self-executing remedy which required the debtor to certify he was current in postpetition support payments before the court could confirm the plan.

While the Senate version of bankruptcy reform should certainly be amended to restore the advantages of the earlier draft, it does, even in its present form, provide crucial improvements in the protections and advantages afforded spousal and child support creditors over other creditors during the bankruptcy process. These improvements will ease the plight of all support creditors—men, women, and children—whose well-being and prosperity may be wholly or partially dependent on the full and timely payment of support. Congress has created the federal child support program within title IV–D of the Social Security Act. It is the opinion of those whose job it is to carry out this program that the Bankruptcy Reform Act provides the long overdue assistance needed for success in collecting money during bankruptcy for child and spousal support creditors.

Most of the concerns raised by the groups opposing the bill do not, in fact, center on the language of the domestic support provisions themselves. Instead they are based on vague generalized statements that the bill hurts debtors, or the women and children living with debtors, or the ex-wives and children who depend on the debtor for support. It is difficult to respond point by point to such claims when they provide no specifics, but they appear to fall into two categories.

The first suggests that the reform legislation will result in leaving debtors with greater debt after bankruptcy which will "compete" with the claims of former spouses and children. As discussed above there is little likelihood that such competition would adversely affect the collection of support debts. In any event the bill does little to change the number or types of nondischargeable debt held by commercial lenders. it will slightly expand the presumption of nondischargeability for luxury goods charged during the immediate pre-bankruptcy period and will make debt incurred to pay a nondischargeable debt also nondischargeable. It is doubtful that either provision will, in reality, have much effect on the vast majority of "poor but honest" debtors who do not use bankruptcy as a financial planning mechanism or run up debts immediately before filing for bankruptcy in anticipation of discharging those obligations.

The second contention is presumably directed at a number of provisions in the bill that are designed to eliminate perceived abuses by debtors in the current system. The primary brunt of this attack is borne by the so-called "means testing" or "needs based bankruptcy" provisions which would amend the current language of Section 707(b). Most of the opposition appears to stem from the notion that means testing would be a wholly novel proposition. Such a conclusion is plainly incorrect. Virtually every court that has ever considered the issue holds that Section 707(b) already includes a means test or, more accurately, a hundred or a thousand means tests, one for each judge who considers the issue. The current Code language sets no standards or guidelines for applying this test, thus leaving the outcome of a motion subject to the unstructured discretion of each bankruptcy judge. The proposed bankruptcy reform legislation attempts to prescribe one test that all courts must apply.

The precise terms of that standard have been under constant revision since the bankruptcy reform bills were introduced last year, and undoubtedly they will continue to be fine-tuned to ensure that they strike a balance between preventing abuse and becoming unduly expensive and burdensome. But mere opposition to any change in the present law, and vague claims that any and all attempts to address such existing abuses as serial filings are oppressive and will harm women and children, does nothing to advance the dialogue. And worse, the critics appear content to sacrifice the palpable advantages which this legislation would provide to support creditors during the bankruptcy process for defeat of this legislation based on vague and unarticulated fears that women will be unfairly disadvantaged as bankruptcy debtors. In more ways than one the critics would favor throwing out the baby with the bath water. No one who has a genuine interest in the collection of support should permit such inexplicit and speculative fears to supplant the specific and considerable advantages which this reform legislation provides to those in need of support.

Yours very truly,

PHILIP L. STRAUSS,
Assistant District Attorney.

Mr. BIDEN. Mr. President, I want to briefly address two issues that have been raised by the President and by the opponents of this legislation. I honestly believe, compared to the many substantial victories for the Senate position in this legislation, these two issues fall short of justifying a change in the overwhelming support bankruptcy reform has received in the last two sessions of Congress.

First, there is the issue of this homestead cap. I heard people on the floor voting, saying: There is no protection in here, no protection at all. You just let people get away. You allow the Burt Reynolds of the world to go out there and buy multimillion-dollar homes and then declare bankruptcy. This is unfair.

First of all, do you think any of the creditors want that to happen? The companies are concerned about this, along with interest groups that are concerned about this. And on the consumer side, do you think they want people being able to escape having to pay what they owe because they are able to bury assets in a multimillion-dollar home?

So where is this coming from? First, the homestead cap. One of the most egregious examples of abuse under the current law is the ability of wealthy individuals, on the eve of filing for bankruptcy, having the ability to shelter their income from legitimate creditors by buying an expensive home in one of a handful of States that have an unlimited homestead exemption in bankruptcy. This is one of the most egregious abuses, but it is actually pretty rare, involving only a few of the millions of bankruptcies that have been filed in recent years. Nevertheless, it is an abuse that should be eliminated.

There are reasons that the Senate included a strong provision. That was a hard cap of $100,000 in the value of a home; that is, if your home was worth more than $100,000, your creditors could go after the remainder of that money, but if it was $100,000 or less, your creditors could not get it because we have a principle in this country of not taking away your home based on bankruptcy.

This provision, though, was struck by the House. They did not like the hard cap of $100,000. So what we did was we reached a compromise to avoid the worst abuses as a last-minute move to shelter assets from creditors. That last-minute move to avoid legitimate debts has been eliminated.

To be eligible under any State's homestead exemption, a bankruptcy filer must have lived in that State for the last 2 years before filing. If you buy a home within 2 years of filing, your exemption is capped at $100,000. Put another way, you have to have a pretty good estate plan in order to escape bankruptcy by buying a multimillion-dollar home.

You have to know, under the law, if we had passed it today—and 2 years from now you go bankrupt—so you go out 2 years ahead of time and move into a State that allows you to buy a multimillion-dollar home to escape bankruptcy. So you move into that State 2 years ahead of time, and 2 years ahead of time you buy the home. You take all your assets that you are worried it is going to cost you, and you put them into a home.

Let me tell the Senate, that is a pretty good plan. I don't know how many people know over 2 years ahead of time that they are going to go bankrupt and take all their money out and put it into a home. Granted, I would prefer a hard cap, but the truth is, if you don't buy the home 2 years prior to declaring bankruptcy, the cap is $100,000. So there are a lot of canards that have been used to defeat this cloture motion. I might say to my colleagues, if they want to eliminate the worst abuse of the homestead exemption, then they should have voted for the conference report.

That brings me to the last major issue, the one that has, unfortunately, generated a lot more heat than light. That is what we have come to call—and I saw my colleague a moment ago—the SCHUMER amendment, because of the energy and dedication of my friend and worthy opponent, in this case—hardly ever in any other case—Senator SCHUMER. We all know of the confrontations, sometimes peaceful, sometimes tragically violent, that have occurred in recent years between pro-life and pro-choice groups over access to family planning clinics. Because of the threat to the constitutional right of the people who run those clinics and their patrons, Congress, with my support and President Clinton's signature, passed a bill, the strongest proponent of which was the Senator from New York, the Free Access to Clinic Entrances Act of 1993. The law makes it a crime punishable by fines as well as imprisonment to block access to family planning clinics.

Some of those who have been arrested and prosecuted under the law have brazenly announced that they plan to declare bankruptcy to escape the consequences of their crimes, specifically to avoid paying damages. Some of those individuals have, in fact, filed bankruptcy. But in no case—in no case that I am aware of or anyone else can show me or no case that the Congressional Research Service was able to find—has any individual escaped paying a single dollar of liability by filing bankruptcy. Not a dollar, not a dime, not a penny, it hasn't happened. I don't believe it will happen.

The reason is simple: Current bankruptcy law already states that such settlements for "willful and malicious conduct" are not dischargeable in bankruptcy. If that were not enough, current case law supports a very strong reading of the provisions of the current law. When one clinic demonstrator who violated a restraining order attempted to have a settlement against her be wiped out in bankruptcy, her claim was rejected out of hand by the court. The violation of the restraining order setting physical limits around the clinic has been ruled to be willful and malicious under the current code. The penalties assessed against the violator were not dischargeable in bankruptcy.

I ask unanimous consent to print in the RECORD a letter from the Congressional Research Service confirming, as of October 26, that an exhaustive authoritative search did not reveal any reported decisions where such liability was discharged under U.S. bankruptcy code.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 26, 2000.

MEMORANDUM

To: Hon. Charles Grassley, Attention: John McMickle

From: Robin Jeweler, Legislative Attorney, American Law Division

Subject: Westlaw/LEXIS survey of bankruptcy cases under 11 U.S.C. §523.

This confirms our phone conversation of October 25, 2000. You requested a comprehensive online survey of reported decisions considering the dischargeability of liability incurred in connection with violence at reproductive health clinics by abortion protesters. Our search did not reveal any reported decisions where such liability was discharged under the U.S. Bankruptcy Code.

The only reported decision identified by the search is *Buffalo Gyn Womenservices, Inc.* v. *Behn (In re Behn)*, 242 B.R. 229 (Bankr. W.D.N.Y. 1999). In this case, the bankruptcy court held that a debtor's previously incurred civil sanctions for violation of a temporary restraining order (TRO) creating a buffer zone outside the premises of an abortion service provider was nondischargeable under 11 U.S.C. §523(a)(6), which excepts claims for "willful and malicious" injury. The court surveyed the extant and somewhat discrepant standards for finding "willful and malicious" conduct articulated by three federal circuit courts of appeals. It granted the plaintiff's motion for summary judgment and denied the debtor/defendant's motion to retry the matter before the bankruptcy court. Specifically, the court held:

> "[W]hen a court of the United States issues an injunction or other protective order telling a specific individual what actions will cross the line into injury to others, then damages resulting from an intentional violation of that order (as is proven either in the bankruptcy court or (so long as there was a full and fair opportunity to litigate the question of volition and violation) in the issuing court) are ipso facto the result of a 'willful and malicious injury.' "—242 B.R. at 238.

Mr. BIDEN. Again, Mr. President, the only case I could find, in fact, held, as I had predicted, that willful and malicious conduct denies you from being discharged in bankruptcy, in a case where a woman was arrested for violating a restraining order or getting too close to the clinic, tried to discharge the fines against her in bankruptcy, and could not.

I repeat: No one has escaped liability under the Fair Access to Clinic Entrances Act through the abuse of the bankruptcy code, not one. As strongly as feelings are on both sides of this issue, the Schumer amendment is, I must say, a solution in search of a problem. I would support it just to make sure we have the extra protection, but in the absence of the Schumer amendment, there is no reason for the Senate to reverse its opinion on the legislation that had received such strong support.

We voted today on trying to get to a conference report that had a strong Senate stamp on it. I think we made a mistake. I think part of the reason why we made a mistake in not invoking cloture was we had a number of absences. There are 16 or 17 or 18 absences, as I count it; 15 or thereabouts were for cloture. But we will come back to it again, as the majority leader has said.

This does not in any way do anything to allow people to violate the free access to clinics law. And it actually helps women and children who depend on support payments and alimony payments. I will speak to it more later.

I see the majority leader is on the floor for important business. I thank the Chair and yield the floor.

Mr. LOTT. Mr. President, I thank Senator BIDEN for his comments and for yielding the floor at this time.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 122

Mr. LOTT. Mr. President, I ask unanimous consent that at 2:15 p.m., the Senate turn to the continuing resolution, H.J. Res. 122, if received from the House, and the resolution be read the third time, agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2000

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate proceed immediately to Calendar No. 428, H.J. Res. 84, and following the reporting by the clerk, the amendment at the desk sponsored by myself be agreed to, the resolution be read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (H.J. Res. 84) making further continuing appropriations for the fiscal year 2000, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

The amendment (No. 4357) was agreed to, as follows:

> Strike all after the resolving clause and insert the following:
>
> That Public Law 106-275, is further amended by striking the date specified in section 106(c) and inserting "November 14, 2000."
>
> Amend the title so as to read: "Making further continuing appropriations for the fiscal year 2001, and for other purposes."

The resolution (H.J. Res. 84), as amended, was read the third time and passed.

Mr. LOTT. Mr. President, I announce then to the Senate that the continuing resolution to be passed at 2:15 today provides for a continuing of the Government for 1 day. The resolution just passed provides for Government funding through November 14, 2000.

I thank the Democratic leader for his cooperation on this. I know he has been involved in this process, trying to find a date that is fair and reasonable to all interested parties. I know it is not easy, but I think this is the right thing to do. I hope the House will accept this resolution and then we would proceed to wrap things up after that.

In light of this agreement, there will be no further votes today. All Senators will be notified when the next vote will occur in the Senate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the majority leader leaves, we understand his role. He is the leader here, and it is not easy. I can't speak for everyone on this side, but I can speak for a few. We hope when we come back that we will come back with a fresh view as to what needs to be done and hopefully we can get things done.

I ask the leader, is there some assurance—I guess that is the word—is there some certainty that the House will accept this? What has the leader learned?

Mr. LOTT. Mr. President, I have spoken to the Speaker of the House. There have been staff contacts with the leadership on both sides of the aisle. It is my impression that the leadership on both sides will work for this to be accepted. We had some discussion about a different date, but the House felt very strongly that this date was preferred to the later one, and that is basically one of the reasons why we settled on this date. Hopefully, they will move quickly to accept this and then we will be able to go do our responsibilities in other areas.

I say also that while we will be home and will not be here for awhile, there has been further progress made on the Labor-HHS and Education appropriations bill. I understand there are only a few issues remaining. The staff will not be on vacation. Work will continue. It would be my hope that the areas of disagreement can be worked out and when we come back on November 14, we will have a vote or two and that is all, that we would be done with it. But hope springs eternal, and it doesn't always come true. That is what we are thinking about right now.

Mr. REID. I say to the leader, the President is excited about this. It is my understanding that he will do what is necessary in this instance. I repeat that when we come back here, I hope we can move this forward. With minor exceptions, the work done by Senator STEVENS and Senator BYRD and others on the Labor-HHS bill is really good work. I hope we can wrap it up very quickly.

Mr. LOTT. We have seen here today persistence does pay off. Yesterday very little was said about it, but a lot of credit goes to the members of the committee that produced the Water Resources Development Act under the chairmanship of BOB SMITH. There was some disagreements with the House, but they put their shoulder to the wheel and we passed that very important legislation last night. Today, thanks to a lot of good effort by Senator DASCHLE and Senator REID, and working with Senators on our side, we were able to move the FSC legislation, which we had not been able to get done earlier. So at this very moment, we are continuing to work to get agreement on the bankruptcy vote. I agree that this is an indication of why we probably should take a time-out. We didn't pass that cloture today because of absentees. I believe when we get everybody here, cloture will be invoked, and we will go forward with that important legislation.

Again, I thank the Senator for his good work as always.

I yield the floor.

UNANIMOUS-CONSENT REQUEST—S. 13

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 13, the Class Act. I further ask consent that the Senate proceed to its consideration, and an amendment at the desk submitted by Senator SESSIONS be agreed to, the bill be read the third time and passed, and that the motion to reconsider be laid upon the table. Further, I ask that the bill remain at the desk, and that when the Senate receives from the House H.R. 254, the Senate proceed to its consideration, all after the enacting clause be stricken and the text of S. 13, as amended, be inserted in lieu thereof. I further ask that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and all previous action on S. 13 be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, a member of the minority has requested that on his behalf I object to this action, and based upon that request, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, Senator GRAHAM of Florida and I have been working on this bill. This legislation, in sum, provides that families that are saving for college tuition under prepaid college tuition plans, which are growing in popularity in America, the money they save and the interest that accrues on those plans not be taxable by the Federal Government. That is what this law would do if passed.

What we are doing in America today is we have a public policy to encourage families, through loan subsidies and other forms of incentives and delays in payments of interest, to borrow money to pay for college. But people who are saving money, even under State prepaid college tuition plans, are taxed on the money they save. This is a disincentive for the best way to pay for college tuition; that is, saving for college. Well over 40 States have these prepaid plans and the few States that don't are moving to develop them. It is working very well. The Federal tax policy ought to affirm what these States are doing and make this tax-free.

I just note that this is a middle class program. For example, 71 percent of the participating families in the Florida prepaid college program have annual incomes under $50,000, and 25 percent have incomes of less than $30,000; 81 percent of the contracts in Wyoming's savings plan have been purchased by families with annual incomes of less than $34,000; 62 percent of the contracts in Pennsylvania have been purchased by families with annual incomes of less than $35,000. The average monthly contribution to a family's college savings account in 1995 in Kentucky was $43.

So what we are saying is let's have a good public policy. Let's encourage people to save and make sure it is a wise thing for them to do financially. If we can achieve that, I think it would be good. As far as I understand, there is only one person in this who has an objection. I would be delighted to know who that was. Senator GRAHAM and I would like to talk to them to see if the problem they have can be worked out. I think it is good public policy. Both Vice President GORE and Governor Bush have made statements that clearly indicate their support for this kind of public policy. I am working with Senator DASCHLE, the Democratic leader, and I thank him for his assistance on this legislation, dealing with an issue he thought important to his State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

BANKRUPTCY REFORM

Mr. REID. Mr. President, I know my friend from Illinois wishes to speak at some length. First, I have a couple of comments. On the recently completed vote on cloture regarding bankruptcy, I think that is an example of why we need to follow Senate procedures the way we have for 200-plus years. Here is the bankruptcy bill brought up on a bill under the jurisdiction of the Foreign Relations Committee. Some Members who should have been weren't in that conference. I just think it is a very poor way to do business.

I think that we in the minority have been treated unfairly on a number of occasions this year. In an effort to show my displeasure—and that is a real soft, cool word because I feel more strongly than that—I voted against invoking cloture.

There comes a time when we have to work as legislators, and as Senators. If things don't change here, there are going to be other unfortunate procedures such as this, even though there is support for the substance of the legislation.

Also, Senator SCHUMER had a very strong point in this legislation. He and I cosponsored an amendment that is very simple. It said that these people—these very, in my opinion, evil people, who go to clinics where women come to get advice—some people may not like the advice they get in these clinics because some of the advice results in obtaining an abortion. But we live in a free country; people have the right to go where they want to go and talk about what they want. What these women are doing is lawful, not illegal. People spray chemicals into those facilities, and they can't get rid of the stench for up to 1 year, and many times they have to simply tear the insides of the facility down so it can be reused. In this legislation, Senator SCHUMER and I said if you do that, you cannot discharge that debt in bankruptcy as a result of the damages incurred, whether to the facilities or those women who use those facilities.

That provision should be in this legislation. For it not to be is wrong, and I understand that the chief advocate of the legislation—I don't know this to be a fact—Senator GRASSLEY, was willing to accept the provision. However, it was not in there. This is wrong and, as a matter of procedure and as a result of the substantive issue that I just talked about, I am satisfied with my vote. I have no second thoughts. I did the right thing. Unless there is a different method of approaching this bankruptcy reform, which I agree is badly needed, there are going to be roadblocks all along the way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

IN MEMORY OF MARLENE CALDWELL CARLS

Mr. DURBIN. Mr. President, I rise today to pay tribute to Marlene Carls, a very special person who worked in my Springfield office for nearly 20 years. Marlene passed away on October 24.

My wife Loretta first introduced me to Marlene almost 20 years ago when I was running for a seat in the U.S. House of Representatives. Loretta told me Marlene was an excellent worker and she hoped that she would join my campaign. So I sat down with Marlene and offered her a deal she could not refuse. I offered her a beat-up old desk, a run-down office, and not much pay, if she was willing to work for a candidate who had lost three straight elections. In a moment of weakness, she accepted. Marlene was part of our family from that day forward.

Marlene was born to be a caseworker and she was the best. She had a heart of gold. She cared so much for the people she was helping. She would take on immigration cases, foreign adoptions, and so many difficult and complicated matters. She would help constituents get the answers they needed. It wasn't just professional assistance to people in time of need; it was much more. Marlene Carls treated people asking for help as members of the family. She did her job so well that I used to get fan mail from constituents who could not thank me enough for the wonderful work that Marlene did.

With the immigration cases, we would continue to see the fruit of her work for many years. Marlene and I would go to naturalization ceremonies in Springfield twice a year. And as they would call out the name of a new citizen she would nudge me and say, "Boss"—she always called me "Boss"—"Boss, that's one of ours." It was the same kind of pride a mother has when her son or daughter crosses the stage at a graduation ceremony. She knew the people she had helped; she cared about them; she rejoiced in their success and happiness.

She showed the same caring for our military cases: mothers and fathers desperate to reach their sons and daughters in uniform—to bring them home for an emergency—to get them out of a scrape—or just to learn if they were alive in a crisis.

Marlene learned the military lingo and reached the point where she could charm the stripes off a sergeant or the stars off a general. Many families in Illinois found peace of mind because of Marlene Carls' hard work.

And she took such delight in knowing that someone's life had been made a little better off because of her efforts.

Marlene, or "Mo" as we came to call her, was proud of her family. Her son Kelly Carls, her daughter Cathleen Stock, and her two grandchildren, Kayla Lynn and Julia Anne Stock, were the apples of her eye. I was pleased to watch their progress through her eyes.

Marlene also had so many friends. At her memorial service last Friday in Springfield, the chapel was packed with family, fellow staffers, and friends from other governmental offices. The group from the National Park Service where we have our senatorial office came out in uniform to be there for Marlene—clergy from many different religions and many ordinary people who had the good luck of asking Marlene for a helping hand.

Mo was active as a volunteer for the Alzheimer's Association and the American Cancer Society. In everything she did, people and a concern for people took first place. In our office, her care for others and wise advice led people to call her "Mama Mo."

A lesser known fact is that Marlene was an amazing writer. I remember she had written a piece in a contest and won a free trip to Hollywood. She was just so proud of that.

She had a long-time dream to visit Ireland. Over her desk was a picture of herself and "Tip" O'Neill. She really valued that photograph as a reminder of her Irish heritage. She and Kathy Anderson of my staff had the trip to Ireland planned. But they weren't able to make the journey because of Marlene's illness. At her wake, I closed with an Irish blessing from all of us to a wonderful person and great public servant.

May the road rise up to meet you:
May the wind be always at your back.
May the sun shine warm upon your face,
The rain fall soft upon your fields.
And until we meet again,
May God hold you in the hollow of His hand.

We will dearly miss Marlene Carls.

(The remarks of Mr. DURBIN pertaining to the introduction of S.J. Res. 56 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

STELLER SEA LION

Mr. STEVENS. Mr. President, I have been criticized in the national media and many of the local media here about the Steller sea lion rider that is on the Labor, Health and Human Services appropriations bill. Riders are really emergency items of legislation that are necessary because of the time of year. We are about ready to end our deliberations and this is the only piece of legislation to which we could attach this provision.

I want to take time now to explain why this is necessary. The Labor, Health and Human Services appropriations bill still contains this provision.

The difficulty is that the National Marine Fisheries Service has shut down the Nation's largest fishery, and it does not even know why. In response to a lawsuit filed by extreme environmental groups, the National Marine Fisheries Service has failed to show any relationship between fishing and the Steller sea lion, which it considers to be endangered.

These procedural failures have led a Federal judge to shut down all fishing in the 100,000 square miles which encompass the prime fishing grounds for pollock off Alaska. This is an area larger than the State of Oregon and twice the size of New York. It is a coastline which would stretch from the District of Columbia to Florida.

The National Marine Fisheries Service continues to blame fishermen for the sea lion decline. Right now, Alaska fishermen and Alaska coastal communities are losing $1 million a day. If fishing does not resume in January, Alaska coastal communities will be ghost towns by the end of the year.

The Alaska groundfish fishery accounts for 40 percent of America's commercial fish harvest. Alaskan cod, pollock, and other species are sold in grocery stores and restaurants throughout our Nation.

Besides fishermen, the injunction that is in place impacts airlines, shipping companies, regional ports, and transportation labor. Alaska seafood exports contribute almost $1 billion towards our annual trade deficit. Most of that is exports to Asia. Incidentally, that is where we get most of our imports.

Alaska's annual seafood processing payroll is about $240 million. That is the processing of this product alone. Seafood exports offset the transportation cost of consumer goods imported by at least 15 percent. Dutch Harbor and Kodiak, two large seaports in my State, are the No. 1 and No. 4 fishing ports of the United States. Fishing in those communities pays the cost of teachers, police, firemen, and other public servants. The fishing industry is the only industry in those areas.

This was all brought about because of biological opinions that have been issued by the Fisheries Service. The National Marine Fisheries Service found that fishing did not harm sea lions on five separate occasions in the last decade: Twice in 1991, twice in 1996, and again in March of 1998. In April of 1998, extreme environmental groups filed suit to shut down these fisheries. The National Marine Fisheries Service's next biological opinion reversed the position of that agency 180 degrees. It reversed the prior five decisions and found that fishing had caused jeopardy to these sea lions.

There was no scientific breakthrough that led to that decision. In fact, what happened was they changed the person who wrote the decision. The Federal judge rejected the scientific analysis in that biological opinion as inadequate.

Today, the agency has still not justified the sea lion mitigation measures it wants to impose. Because of the agency's repeated failure to justify its own proposals, the judge shut down all fishing for pollock in this critical area. The new biological opinion is based upon a concept called "localized depletion." This is the hypothesis of the biologist who put together the last biological opinion that the judge refused to accept.

This is based on the idea that fishing vessels take food away from sea lions. There is no science to support that conclusion or that theory. In fact, the trawling that takes place for pollock occurs at depths below which the sea lions forage for food. Pollock schools are much larger than the entire fleet. They cover an area far beyond what a fleet could cover.

I have a chart that shows the concentrated fishing efforts of the pollock fleet in a period of 4 weeks in 1995. The total efforts of this fleet failed to disperse the massive school of pollock. Beginning the 26th of January, the pollock was concentrated. The next week it was still concentrated. The third week it was concentrated. The fourth week it was concentrated. Despite the fact the fleet was there on top of that pollock the whole time, the pollock did not move. In fact, the fishing effort did not disperse the pollock.

The concept the biologist used was the fishing effort in an area is localized, and it depletes the pollock locally and, therefore, there is no food for the sea lions after the trawling takes place. That is absolutely not true. Pollock move around in natural migration patterns, not as a result of fishing effort.

Few people realize this is the largest biological mass of fish in the world. It is an enormous fishery, and it has grown because of our fishing practices—it has not been depleted because of fishing practices.

The National Marine Fisheries Service has failed to study the impact of predators on the sea lion population. We now see in Alaska soaring numbers of killer whales and falling numbers of sea lions and other species upon which the killer whale preys. Science shows that killer whales feed on juvenile sea lions, the same age class of sea lions that is causing the overall decline in that species.

Recently, a killer whale washed up on a beach in Alaska. When it was examined, there were 14 steller sea lion tags in its stomach. One killer whale had eaten 14 sea lions.

In addition, I hope Members have seen video footage of killer whales in our State that take sea lions right off the beach. It is a monstrous video that shows how these enormous killer whales come right up on the beach and take the sea lions off the beach. The National Marine Fisheries Service admits the killer whale is a predator and is a major cause of the declining sea otter population in our State, but it is unwilling to accept the fact that killer whales are involved in the decline of the sea lion.

This is hard for us to understand, very frankly. There has been a shift in this decision, as I said, 180 degrees. We fail to understand why this monstrous agency, which I normally support, could be swayed by the decision of one man because of a lawsuit that was filed by extreme environmentalists.

Most scientists now believe that sea lions are declining as part of their natural population cycle. I have another chart that shows this cycle. As the temperature and other conditions in the North Pacific have changed, the sea lions have declined and the pollock have increased. One of the things that has happened in the North Pacific is the abundance of high oil content fish, such as herring, has fallen while the low oil content species, such as pollock and cod, have increased. Published research shows that sea lions need to eat high oil content fish to survive.

For instance, in southeastern Alaska where high oil content fish are still plentiful, a different subpopulation of steller sea lions is increasing in size while its western cousins are decreasing. We believe it is a problem of diet, as far as the sea lions' decline is concerned, and that those who assert that sea lions can survive on pollock alone are absolutely wrong.

Some scientists believe pollock fishing in critical habitats actually helps sea lions. This is because the pollock off my State are highly cannibalistic. Adult pollock eat juveniles in very large numbers. Trawlers target adult pollock which are over 3 years of age, whereas sea lions eat the smaller juvenile fish that would otherwise be eaten by the cannibalistic adult pollock population.

The net result of these ocean changes is that as our pollock population has increased, the sea lion population has decreased. Yet the decision of the biologist was that the reason for the sea lion population decline was the lack of availability of pollock. The National Marine Fisheries Service should know better than to shut down the largest private sector employer in Alaska without a good reason.

Right now they do not have a reason based upon science. Their conclusion is based entirely upon a lawsuit filed by an extreme environmental group, which also has no science behind it. This is absolutely wrong. That is why I have insisted on keeping this rider in place which will allow the fishery to continue on the basis of the protections that were already in place to protect the sea lions.

We have agreed not to invade the sea lion rookeries. In fact, we have set up protection areas around them. Our industry has contributed $1 million toward sea lion research to help find out some of the reasons for their decline.

We have appropriated a sizable amount of money to the National Marine Fisheries Service and the Alaska SeaLife Center to continue the research to find out why sea lions are declining. For myself and most of us who have spent our adult lives on the oceans around our State, I believe it is the overabundance of orcas, the killer whale population, that is causing the decline in the sea lions of the western population.

I repeat. Under the rider, fishing will continue until July 1, 2001 under all the restrictions that were in effect. These protective measures include restrictions on trawl fishing near sea lion rookeries, haul-outs, and foraging areas.

There are no-entry zones for fishing vessels near sea lion rookeries and haul-outs.

We have limitations on the harvest levels inside critical habitat.

We have split the pollock season into four different seasons to reduce the impact on the areas where the sea lions are.

We have reduced the daily catch rate through cooperative fishing. We have a very conservative process for setting the total allowable catch level, which actually is 13 percent lower than what would have been projected in 2001.

We require Federal observers to monitor harvest levels, including harvests inside any critical habitat area. And there are additional sea lion mitigation measures that are in effect.

We do not, however, believe there should be a complete cessation of this enormous fishery. This is an enormous fishery. Two and a half billion pounds of fish are brought ashore from this massive population every year. Yet as we show, as we take mature pollock, the pollock biomass continues to grow. If we do not take that mature pollock from this biomass, it will once again go back to eating its own young and decrease.

So this rider is absolutely necessary to preserve the most massive and valuable fishery off our shores. I do hope those who criticize it will take time to read the opinions I am going to place in the RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD summaries of the opinions that were written, the conclusions and opinions written before the extreme environmentalists entered this issue, and the summary of the one that has been filed now by those who came on the scene after that lawsuit was filed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, NATIONAL MARINE FISHERIES SERVICE, SILVER SPRING, MD, MARCH 2, 1998.

Memorandum for: Dr. Gary Matlock, Director, Office of Sustainable Fisheries.

From: Hilda Diaz-Soltero, Director, Office of Protected Resources.

Subject: Endangered Species Act Section 7 Biological Opinion on the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery, the 1998 Total Allowable Catch Specifications, and the effects on Steller Sea Lions (*Eumetopias jubatus*).

Attached is the Biological Opinion on the effects of the Fishery Management Plan (FMP) for the Gulf of Alaska groundfish fishery, the 1998 Total Allowable Catch specifications and its effects on the endangered western population of Steller sea lions (*Eumetopias jubatus*). The biological opinion concludes that the 1998 fishery is not likely to jeopardize the continued existence and recovery of Steller sea lions or to adversely modify critical habitat. Please note that the biological opinion only addresses the 1998 fishery, not the continued implementation of the GAO FMP for groundfish beyond 1998. The Alaska Region will need to reinitiate section 7 consultation for the fishery in 1999 and beyond.

Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD, April 19, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan and its Impacts on Endangered and Threatened Species.

Based on the attached Biological Opinion, we conclude that the Bering Sea and Aleutian Islands (BSAI) groundfish fishery, as currently managed and conducted, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

This opinion considers all aspects of the fishery including the Total Allowable Catch (TAC) specifications for 1991. Steller sea lion research efforts to assess the status of the population and the factors involved in the population decline will also continue. The available results will be used during the 1992 specification process.

The Steller sea lion final rule (November 26, 1990, 55 FR 49204) established 3-national-mile buffer zones around major sea lion rookeries in the Gulf of Alaska and the Bering Sea. As outlined in the final rule, NMFS intends to undertake further rulemaking after considering additional protective regulations and the need for critical habitat designation for Steller sea lions. NMFS will solicit comments from the Steller Sea Lion Recovery Team, other experts, and the general public on the need to modify the existing buffer zones or to create additional buffer zones.

An Incidental Take Statement is not included with this Biological Opinion because a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD, April 19, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the Gulf of Alaska Groundfish Fishery Management Plan and Its Impacts on Endangered and Threatened Species.

Based on the attached Biological Opinion, we conclude that the Gulf of Alaska (GOA) groundfish fishery, as currently managed and conducted, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

This opinion considers all aspects of the fishery including the Total Allowable Catch (TAC) specifications for 1991. Currently, this includes only an interim TAC of 17,500 metric tons (mt) for walleye pollock in the Western/Central Regulatory Area and 850 mt in the Eastern GOA Regulatory Area. The final pollock TAC specification for 1991 is still under review. Steller sea lion research efforts to assess the status of the population and the factors involved in the population decline will also continue. The available results will be used during the continuing 1991 TAC consultation and during the 1992 specification process.

The Steller sea lion final rule (November 26, 1990, 55 FR 49204) established 3-nautical-mile buffer zones around major sea lion rookeries in the Gulf of Alaska and the Bering Sea. As outlined in the final rule, NMFS intends to undertake further rulemaking after considering additional protective regulations and the need for critical habitat designation for Steller sea lions. NMFS will solicit comments from the Steller Sea Lion Recovery Team, other experts, and the general public on the need to modify the existing buffer zones or to create additional buffer zones.

An Incidental Take Statement is not included with this Biological Opinion because a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Silver Spring, MD, September 20, 1991.

Memorandum for: The Record.

From: William W. Fox, Jr.

Subject: Endangered Species Act Section 7 Consultation Concerning the 1991 Gulf of Alaska Groundfish Fishery Walleye Pollock Total Allowable Catch Specification.

Based on the attached Biological Opinion, we conclude that the fourth quarter 1991 Gulf of Alaska walleye pollock fishery, as herein described, is not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of the National Marine Fisheries Service.

The management measures implemented with the 1991 GOA walleye pollock total allowable catch (TAC) remain in effect. To minimize the likelihood that the fourth quarter harvest will exceed the 1991 TAC, NMFS will open the fishery for only a predetermined period of time. Daily reporting of all processors will be required, as well as 100 percent observer coverage on vessels over 60 feet in length.

An Incidental Take Statement is not included with this Biological Opinion because a limited incidental take is already authorized for Steller sea lions under Section 114 of the Marine Mammal Protection Act (50 CFR 229.8). In addition, the quota established in the regulations at 50 CFR 227.12(a)(4) has not been exceeded.

[Excerpts From Biological Opinion on 2000 TAC Specifications for BSAI and GOA Groundfish Fisheries, and the AFA]

REINITIATION—CLOSING STATEMENT

This concludes formal consultation on the 2000 TAC specifications for the BSAI and GOA groundfish fisheries, and the American Fisheries Act. As provided in 50 CFR 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or designated critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation of consultation.

The conclusions of this Biological Opinion were based on the best scientific and commercial data available during this consultation, NMFS recognizes the uncertainty in these data with respect to potential competition between the western population of Steller sea lions and the BSAI and GOA fisheries for Pacific cod. NMFS also recognizes that it has a continuing responsibility to make a reasonable effort to develop additional data (51 FR 19952). To fulfill this responsibility, NMFS has identified crucial information necessary to address this question again in one year. That information will result from analyses listed in the Conservation Recommendations. NMFS will consider the results of these studies as new information that reveals effects of the agency action that may affect listed species or designated critical habitat in a manner or to an extent not considered in this opinion.

* * * * *

CONCLUSION

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 Atka mackerel fishery, the cumulative effects, and the conservation measures that will result from recommendations of the NPFMC, it is NMFS's biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Steller sea lion or adversely modify its critical habitat. Barring any need for reinitiation prior to implementation of the fishery in 2003, this opinion will remain in effect until the end of calendar year 2002.

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 BSAI pollock fishery, and the cumulative effects, it is NMFS' biological opinion that the action, as proposed, is likely to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat.

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the proposed 1999–2002 GOA pollock fishery, and the cumulative effects, it is NMFS' biological opinion that the action, as proposed, is likely to jeopardize the continued existence of the western population of Steller sea lions and adversely modify its critical habitat.

* * * * *

After reviewing the current status of the Steller sea lion, the environmental baseline for the action area, the effects of the 1999 BSAI and GOA groundfish fisheries with the TAC levels proposed, the cumulative effects, and the conservation measures that will result from recommendations of the NPFMC, it is NMFS' biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Steller sea lion or adversely modify its critical habitat. This opinion is contingent upon development and implementation of a reasonable and prudent alternative to avoid jeopardy and adverse modification as found in the December 3, 1998 Biological Option on the BSAI and GOA pollock fisheries.

This opinion will remain in effect until the end of calendar year 1999, at which time the issue of competition between these fisheries and Steller sea lions should be re-examined. The conservation recommendations provided below include recommendations for studies to be completed in the interim period. The results of those studies should facilitate reexamination of the question of competition between these groundfish fisheries and the Steller sea lion.

Mr. STEVENS. Mr. President, there is no reason to interrupt this fishery. There is great reason to try to find out why the steller sea lion is declining. We have a massive effort to try to determine that. We will cooperate in any way we can to save this population. But we do not want to lose this massive biomass in the process.

If this trawl fishery does not continue, it will decline back to where it was before the trawl fishery was started. I think those who criticize us would do well to study the science and talk to people who know something about these steller sea lions and the fisheries, and quit listening to these extremist political people who are involved in this process, as far as the environmental groups are concerned.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. STEVENS. Mr. President, on behalf of the leader, I send a concurrent resolution to the desk providing for a conditional adjournment of Congress until November 14, 2000, and I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table. I ask that the clerk read the resolution.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will report the resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 159) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives:

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 14, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Monday, November 13, 2000, at 2 p.m., or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

There being no objection, the concurrent resolution (S. Con. Res. 159) was considered and agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PHYSICIAN-ASSISTED SUICIDE LAW

Mr. WYDEN. Mr. President, I am pleased this morning that the Senate thus far is functioning the way it should when it comes to new controversial matters such as my State's physician-assisted suicide law. I have been forced to filibuster the tax bill since late last week because at that time there was an effort to stuff the Nickles legislation into that package in the dead of night. This legislation troubles me greatly because I believe it will cause unnecessary suffering for patients in every corner of the country. It involves law enforcement—specifically, the Drug Enforcement Administration—in a process that is so sensitive with respect to helping patients who are suffering around our country.

This legislation has never been marked up by the committee of jurisdiction in the Senate. It has never been open to amendment by the Senate. It has not cleared even one of the traditional hurdles to which important legislation is subjected when it is introduced in the Senate.

This is legislation that has over 50 leading health organizations, including the American Cancer Society, stating that it is going to hurt pain care for the dying. It is also fair to say that the senior Senator from Oklahoma, Mr. NICKLES, has a number of organizations that support his efforts. When we have a number of organizations, respected organizations, that disagree about a very sensitive, totally new issue before the Congress, the Senate certainly should move carefully to evaluate the consequences of its actions.

I spoke with the President of the United States about this matter twice on Monday. I was pleased to read the comments of the President expressing concern about the bill's impact on pain care and on physicians. I am absolutely convinced that if this legislation were to become law, there would be many health care providers in this country who are opposed to physician-assisted suicide, as I am, who would be very fearful about treating pain aggressively because the Nickles legislation criminalizes decisions with respect to pain management.

The people of Oregon, who have a ballot in their hand such as this one right now, want to know that this ballot really counts. The people of Oregon, in coffee shops and beauty parlors all over the State, when they are considering how to vote right now, are asking themselves: Does this ballot really count? When we vote on a matter that is critical to us, particularly on a measure that has historically been left to the States, we want to make sure that people 3,000 miles away won't substitute their personal moral and religious beliefs for ours on a matter that has historically been left to us to decide.

I can tell the people of Oregon now that their vote still counts. As of today, whether you vote for my party or the party of Senator NICKLES, it doesn't matter. This ballot, as of this morning in the State of Oregon, still counts, regardless of whether you are a Democrat or a Republican, a Liberal, a Conservative, Independent. Regardless of your political persuasion, as of now in the State of Oregon, this ballot still counts.

Your vote is important. I hope folks at home exercise that right. Their vote still means something. I am going to do my best to see that it continues to count when Congress reconvenes after the election.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

COMMUNITY SCHOOL DISTRICT DEPENDENCE

Mr. CRAIG. Mr. President, as the Senator from Oregon is leaving the floor, I thank him for the cooperation and bipartisan work he and I were able to accomplish this year, through the Forests and Public Land Management Subcommittee that I chair on the Energy and Natural Resources Committee, by passing and yesterday having the President sign the community school district dependent bill that goes a long way toward stabilizing our schools and our county governances within the rural resource dependent communities of the western public land States.

Mr. WYDEN. Will the Senator yield briefly?

Mr. CRAIG. I am happy to yield.

Mr. WYDEN. I appreciate my colleague yielding. I thank him for the extraordinary bipartisan approach he has taken throughout this session.

I think 18 months ago, when the session began and we were tackling the county payments question, particularly rural schools and roads, nobody thought we could put together a bipartisan coalition. Two sides were completely dug in. One side said we should totally divorce these payments from any connection to the land; others went the other way and said let's try to incentivize a higher cut. I believe the Senator from Idaho, in giving me the opportunity that he has as the ranking Democrat on the forestry subcommittee, has shown that we can take a fresh approach on these natural resources issues—in particular, timber.

I appreciate my colleague yielding me the time. I am looking forward to working with him again next session because it was an exhilarating moment to have the first major natural resources bill in decades come to the floor of the Senate, as our legislation did.

I thank my colleague for letting me intrude on his time. I have had a chance to be part of a historic effort with my friend from Idaho, and it has been a special part of my public service. I thank him for that.

Mr. CRAIG. I thank the Senator from Oregon. Both he and I have learned that when you try to change a law that is actually 92 years old, or adjust it a little bit, it is difficult to do. We were able to do that. Next year, there will be a good number of challenges on public lands and natural resource issues. I look forward to working with Senator WYDEN.

ELECTRICITY PRICE SPIKES

Mr. CRAIG. Mr. President, I very recently came to the floor and expressed my grave concern about the reliability of affordable electricity. I am not alone in my concerns about this issue. Indeed, some of the loudest voices expressing similar concerns about energy prices are coming from not just Idaho but California, and specifically from my distinguished colleagues from California here in the Senate.

By my comments today, I do not diminish or in any way cast doubt about the substantial hardships experienced by the ratepayers in California, particularly southern California. Indeed, I have great empathy for them, primarily because Pacific Northwest ratepayers are bracing for power shortages in the near future that will cause energy prices to soar and hurt large and small businesses alike and put some residential customers in danger, especially during the cold and hot periods of the year in our region of the Pacific Northwest. I share equal concerns with the citizens of California.

We must confront the obvious facts facing all energy consumers today.

There is an energy supply crisis in the United States. It is clear that the administration didn't see it coming, or at least ignored it. We in the Congress heard no alarms from the Department of Energy and were given not enough warning during the last 8 years that an energy supply crisis was about to threaten the electrical industry of our country.

One of the very few pieces of energy legislation that was sent to Congress for review and passage was the administration's Comprehensive Electrical Competition Act in April 1999. This legislation was purported to result in $20 billion in savings a year to America's energy consumers. However, this legislation would not have precluded the crisis in California, the kind that Californians experienced this summer. Indeed, the legislation was full of mandates and rules that didn't offer any economic incentives or investments in new supplies.

Moreover, the legislation included a renewable portfolio mandate that did not include cheap hydropower as a renewable. I know the Presiding Officer and I talked about it at that time—that all of a sudden we had an administration that was not going to include hydropower as a renewable. This renewable portfolio requirement would have made electricity more expensive and more scarce to the consumer. Part of the problem in California appears to be that it is unwilling to accept the tradeoff of high prices required by environmental regulations. Either the tough environmental standards that currently exist in California are an acceptable cost of energy consumption or California must make necessary environmental adjustments for more abundant supplies at a cheaper price.

In addition, the administration must reexamine the use of the price caps that apparently have caused the supply problems in California.

Mr. President, these are some of the reasons why the legislation failed to get the desired support in Congress from a majority of the Members which included many Democrats as well as Republicans. We recognized you simply can't just go out and say here is the energy, what it is going to cost, cap it at prices, and put all these environmental restrictions on it. It is going to ultimately get to the consumer and, boy, did it get to them in California this summer. Many of us were justifiably concerned about the impact such legislation would have on the current electrical supply network that supports the most reliable electric service found anywhere in the world.

The administration did not adequately explain how the legislation would prevent energy supply problems from occurring if its legislation was passed—perhaps because it simply didn't have an adequate explanation or, if it knew the facts, it certainly wasn't willing to have them known publicly.

Rather than wait for Federal direction on this issue, many States embarked on their own experiment with electrical restructuring. Some of those State programs appeared to be experiencing some success by giving to their electricity consumers choice of energy suppliers without jeopardizing reliable service. However, other States are experiencing great difficulties ensuring reliable service at affordable prices. And California happens to be one of those States.

I am not interested in pointing blame for failures. I am interested in getting at the facts and understanding them as they relate to how they contributed to the failures so that objective assessments of future legislative proposals can be made to avoid what happened in California again in the coming years. Moreover, I want to ensure that the distinguished Members from California have all of the facts necessary to fully understand and appreciate the role the Bonneville Power Administration plays in the California markets. There were a lot of accusations made this summer about how the Bonneville Power Administration was handling its electrical supply. I think the facts are soon to be known and an entirely different story will emerge.

I fully expect the facts to prove that the Bonneville Power Administration has not contributed to the energy cost crisis in California and that BPA can and will continue to play a positive role in bringing affordable surplus electricity from the Pacific Northwest to the California markets when that surplus is available.

For these reasons, it is imperative to get relevant information about the California energy price crisis to Congress and the American people as soon as possible. It has come to my attention that the Federal Energy Regulatory Commission's investigative report on California's wholesale electricity markets is complete and ready for distribution. I was told just this morning that they have finally decided to release it.

Indeed, in a news report yesterday, I read that a Democrat Commissioner from FERC stated that the FERC could not find evidence that California power rates were unjust and unreasonable. The Commissioner also told the reporters that there was no evidence of abuse by energy companies operating within the State.

This is important information that must be shared and now will be shared with Congress and all electrical consumers. The news reports also say the Federal Energy Regulatory Commission report would address sweeping structural changes in California's independent supply operator, or ISO, which controls the high voltage transmission grid, and the State's power transmission grid, and the State's power exchange, where power is bought and sold.

It has come to my attention that the FERC report has been complete since October 16. There was some effort to keep it quiet, but it appears now to be breaking on the scene. This important information has been available and is now, as I say, beginning to come out. I do not understand why Congress should resist this kind of information. It ought to be made immediately available to Members of the Senate Energy and Natural Resources Committee and the committee of jurisdiction for FERC issues and shared with members of the House Commerce Committee, where all of these issues will have to be considered.

Indeed, one of the FERC Commissioners recognized its importance and talked about the issuance of this report. Commissioner Hebert captured these thoughts with some pretty eloquent words on October 19 when he said:

> Rather than wait for November 1 to release the findings of our staff's investigation—

Which they finally did. He felt it was important that they do it at this time. He said—

> I urge the Chairman to release the completed report now.

It seems that Commissioner is finally getting his way.

> Open government requires it; fairness does as well.

And, most importantly, on this kind of information.

> The people of California should have as much time as possible to digest findings and consider the options presented.
>
> Justice Brandeis often remarked, "Sunshine is the best disinfectant." Let the sun shine on our staff's report.

The Commissioner is speaking of the FERC staff.

> It can only help heal the raw emotions rampant in the State of California.

It is time Californians look at themselves and decide what went wrong in California because it wasn't as a result of the Bonneville Power Administration hoarding its power or choosing not to send power to California. It was California now finding out that some of the environmental restrictions they wanted in their marketplace are going to be very expensive restrictions indeed for which the average consumer of California will have to pay.

With that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUTCHINSON.)

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, H.J. Res. 122 is passed.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, for the leader, I ask unanimous consent that there be a period for morning business until 3 p.m. with the time between now and 3 p.m. divided between the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

FFARRM ACT

Mr. GRASSLEY. Mr. President, the tax relief bill we are about to pass contains many very popular tax cut measures that will be good for Americans and good for the country. One of the provisions included in the package is The Farm, Fisherman, and Ranch Risk Management Act—FFARRM.

This is a proactive measure that would give farmers a five-year window to manage their money. It would allow them to contribute up to 20% of the annual income to tax-deferred accounts, known as FFARRM accounts. The funds would be taxed as regular income upon withdrawal.

If the funds are not withdrawn five years after they were invested, they are taxed as income and subject to an additional 10% penalty. So, farmers will be able to put away savings in good years so they will have a little bit of a cushion in bad years.

Agriculture remains one of the most perilous ways to make a living. The income of a farm family depends, in large part, on factors outside their control. Weather can completely wipe out a farm family. At best, it can cause their income to fluctuate wildly. The uncertainty of International markets also threatens a farm family's income.

If European countries impose trade barriers on farm commodities, or if Asian countries devalue their currency, agricultural exports and the income of farmers will fall.

Today, farmers face one of their most severe crises with record low prices for grain and livestock. The only help for these farmers has been a reactionary policy of government intervention. While this aid is necessary to help farmers pull through the current crisis, it's merely a partial short-term solution.

Farmer Savings Accounts will help the farmer help himself. It's not a new government subsidy for agriculture and it will not create a new bureaucracy purporting to help farmers. It will simply provide farmers with a fighting chance to survive the down times and an opportunity to succeed when prices eventually increase.

Another important provision in this bill deals with farmers who want to income average but aren't able to because of the alternative minimum tax. A few years ago, Congress reinstated income averaging for farmers because we recognized that farmers' income fluctuated from year to year.

Unfortunately, many farmers are not able to make use of this benefit because they're subject to the alternative minimum tax. Our tax relief bill will fix this problem for tens of thousands of farmers.

There are many other farmer-friendly measures that I and others advocated in the Senate bill. Unfortunately, some of our House counterparts didn't agree with us. I believe that will change next year and I will certainly be working hard to pass these in the next Congress.

In the meantime, we have some very good and necessary pro-farmer proposals before us that can be passed this year.

I only hope the Clinton-Gore administration doesn't veto the family farmer by vetoing this bill.

Thank you Mr. President.

SMALL BUSINESS REAUTHORIZATION CONFERENCE REPORT

Mr. GRASSLEY. Mr. President, I would like to take a moment to discuss some of the health care provisions in the tax bill. It's not a perfect bill, but it contains a lot of items that will improve health care in this country.

Let me touch on the issue of Medicare equity. We in Iowa have been frustrated by the inequitable payment formulas that hurt cost-efficient states like ours. These disparities exist in both traditional Medicare and in the Medicare+Choice program. Well, this bill takes a major step toward correcting this injustice. I'd like to walk through some of the reasons why this bill is good for health care in Iowa.

This bill corrects the Medicare Disproportionate Share program, known as "DISH," as proposed in a bill I sponsored with Senator ROBERTS and others. This program helps hospitals that treat large numbers of uninsured patients. It's obvious that many rural Americans are uninsured, and that rural hospitals meet their duty to treat these people. But from its inception, this program has discriminated against rural hospitals. They have had to meet a much higher threshold than large urban hospitals have. Well, this bill finally equalizes the thresholds for all hospitals. There's still more work to do on this program, but this is a major step forward for equity in Medicare.

The bill also reforms the Medicare Dependent Hospital program, as proposed in legislation I co-sponsored with Senator CONRAD and many others. Many rural areas have aged populations, and this is especially true in Iowa. So this designation benefits small rural facilities that have more than 60% Medicare patients. But incredibly, hospitals only receive this benefit if they met that level way back in 1988! Unfortunately, the Medicare program is full of this kind of outdated, unreasonable rules. That's why we need Medicare reform. But in the meantime, I'm glad to report that this bill would correct this particular problem: if a rural hospital has been over that 60% level in recent years, it qualifies. That's great news for rural hospitals.

Other key provisions of the bill strengthen our Sole Community Hospitals, knock down obstacles to the success of the Critical Access Hospital program for rural areas, and enhance rural patients' access to emergency and ambulance services.

The bill also helps hospitals—including all Iowa hospitals, both urban and rural—by providing a full Medicare payment increase to offset inflation in 2001.

Low payment rates for Iowa and other efficient states have prevented the Medicare+Choice program from taking root in Iowa and offering seniors the full range of health care options available elsewhere. I am pleased that the bill provides a major boost to entice plans to enter such regions, raising the minimum monthly payments for plans in rural areas from $415 to $475 per month, and for urban areas from $415 to $525 per month. These increases were proposed in a bill I cosponsored with Senator DOMENICI and others, and I am hopeful that they will soon provide Iowans with the same range of choices available to seniors in other areas.

The bill gives rural seniors access to the best medical care through telemedicine, as I have worked with Senator JEFFORDS and many others to do. In rural areas, medical specialists are not readily available. For many seniors, traveling long distances is simply not feasible. But technology now makes it possible for patients to go to their local hospital or clinic and be seen by a specialist hundreds of miles away. We in Iowa have tremendous capacity to take advantage of this. Yet for too long, the Medicare bureaucracy has put up every barrier it could think of to telemedicine. But this bill changes that, greatly expanding the availability of Medicare payment for services provided by telemedicine. Medicare patients will now have access to the world's best doctors and medical care regardless of where they live.

The bill protects funding for home health services by delaying a scheduled 15% cut in payments, as well as providing a full medical inflation update. It's not secret that I, like many of my colleagues, would have preferred to see that 15% cut canceled permanently rather than simply delayed for another year. I hope that we will accomplish that next year.

The bill also protects the access of our neediest beneficiaries to home health services when they use adult day care services. Patients can only receive home care under Medicare if they are "homebound," and the bureaucracy has said that patients who leave their home for health care at an adult day care facility—such as many Alzheimer's patients—are no longer homebound. This has forced patients who are capable of living in their homes to move into institutions, just to get health care. I am very pleased that this bill includes the common-sense legislation I co-sponsored with Senator JEFFORDS to correct this Catch-22.

I am also very pleased that the bill addresses the Medicare hospice benefit, providing for a higher payment increase for inflation. The bill also deals with the "six-month rule" for hospice eligibility, clarifying that it is only a guideline, not an inflexible requirement. These provisions respond to concerns aired at my Aging Committee hearing on hospice in September, and I look forward to continued work in the 107th Congress to strengthen hospice care.

The legislation extends the moratorium on therapy caps and provides Medicare beneficiaries in nursing homes with access to critical services. The Balanced Budget Act of 1997 included a $1,500 cap on occupational, physical and speech-language pathology therapy services received outside a hospital setting. Thirty-one days after the law was implemented, an estimated one in four beneficiaries had exhausted half of their yearly benefit. Furthermore, it was those beneficiaries in need of the most rehabilitative care that were penalized by being forced to pay the entire cost for these services outside of a hospital setting. I fought successfully during last year's Balanced Budget Refinement Act for a two-year moratorium on the therapy caps while the Health Care Financing Administration studies the issue; I am pleased to see this effort recognized and the moratorium extended for an additional year.

The bill protects the right of patients in Medicare+Choice plans to return to their Medicare Skilled Nursing Facility of origin if they have to leave that facility for a brief hospitalization. Without this right, there have been instances in which patients in religiously affiliated nursing facilities have not been permitted to return to those facilities after hospitalization. I am gratified that the bill includes the legislation I co-sponsored with Senator MACK on this issue.

The bill discontinues a policy to phase out Medicaid cost-based reimbursement to our nation's 3,000 Rural Health Clinics and 900 Community Health Centers. In its place, it provides a reimbursement solution to ensure that these essential primary care providers can continue to serve millions of uninsured and under-insured Americans. The bill establishes a prospective payment system in Medicaid for federally certified Rural Health Centers and Community Health Centers. This provision creates an equitable payment system for these providers and ensures that the health care safety net remains strong and secure.

As one example, the legislation also provides Medicare beneficiaries with greater access to the most thorough type of colon cancer screening—colonoscopy. As Chairman of the Senate Special Committee on Aging, I held a hearing earlier this year to raise awareness about the far-reaching and devastating effects of colon cancer. This year 129,400 Americans will be diagnosed with this type of cancer and 56,000 Americans will die from it. However, if detected and treated early, colorectal cancer is curable in up to 90 percent of diagnosed cases. I fully support an expanded colon cancer screening benefit for Medicare beneficiaries and urge all older Americans to put the benefit to use.

For the first time, medical nutrition therapy may be reimbursed by Medicare for patients with diabetes or renal disease. As part of the Balanced Budget Act of 1997, Congress instructed the Institute of Medicine (IOM) to conduct a study of the benefits of nutrition therapy. IOM reported that nutrition therapy would improve the quality of care and would be an efficient use of Medicare resources. I cosponsored legislation to expand Medicare coverage to include nutrition therapy; offering coverage for beneficiaries with diabetes or renal disease is a step in the right direction.

In another first, this bill eliminates the arbitrary time limitation on Medicare coverage of immunosuppressive drugs following an organ transplant. Medicare covers expensive transplant operations but fails to follow through with coverage of the drugs necessary to preserve the transplanted organ; reimbursement is currently limited to the first three years following the procedure. While last year's BBRA extended coverage in some cases for an additional eight months, this legislation drops any time limitation for coverage of drugs critical to the health of transplant patients. This is common sense policy I am glad to support.

I plan to come to the floor on other occasions to discuss other provisions of this bill. While I'm not completely satisfied, I think there is a lot that will help Americans get the health care they need and deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to speak, if I may, over the next few minutes, on a couple of different, unrelated subject matters. The first I would like to spend a few minutes talking about is the situation in Colombia, South America, and, as we have watched events unfold over the last several days, the great concern I have about a deteriorating situation in that nation.

Then, second, I will spend a couple of minutes talking about two of our colleagues who decided to retire from the Senate this year, Senator CONNIE MACK of Florida, my good friend, and Senator PAT MOYNIHAN of New York. I will take a few minutes on these separate, distinct subject matters. I appreciate the indulgence of the Chair.

EVENTS IN COLOMBIA

Mr. DODD. Mr. President, I am deeply concerned about events in Colombia. It is a wonderful nation, one of the oldest continuous democracies in Latin America. It is a nation with a wonderful, rich heritage, delightful people, a nation that has made significant contributions to the stability and wellbeing in Latin America historically. Over the last few decades, we have seen Colombia become a nation whose sovereignty, whose very nationhood, is placed in jeopardy because of the turmoil that is shredding this marvelous nation and wonderful people.

Earlier this year, Congress considered the administration's $1.3 billion emergency request to support the program called Plan Colombia. I voted for that program, as did a majority of our colleagues in the Senate of the United States and the House of Representatives. I said at the time of the debate, that while I believed a substantial assistance package was absolutely necessary to help address the multiple challenges confronting the Colombian people and the Andean region as a whole, I would not have allocated the monies among the various programs in the exact same way as the administration had proposed, nor would I have fashioned the assistance package exactly the same way that the Congressional package which was signed into law.

That is often times the case here. This is not unique. But there were those who expressed deep concerns about how the package was put together. I happened to have been one of them. But I also thought it was so vitally important the United States should take a stand and try to do what we could to make a difference in Colombia, not just because of the relationship we have with the democratic nation to our south but for the very enlightened self-interest of trying to deal with the crippling problem of drug addiction and drug abuse in this country. Let me explain why, as many of my colleagues and others are already familiar.

I believe we as Americans need to respond to Colombia's difficulties because, among other things, Colombia is currently the world's leading supplier of cocaine and a major source of heroin. That means the difficulties Colombia faces are not simply a Colombian problem; they are our problem as well, since these illicit substances end up in the United States, in our cities and small towns all across this country.

Today there are an estimated 14 million drug consumers in the United States; 3.6 million of the 14 million are either cocaine or heroin addicts. Colombian heroin and cocaine are the substances of choice in nearly 80 percent of the total U.S. consumption of these drugs.

The impact on U.S. communities has been devastating. Every year, 52,000 Americans lose their lives in drug-related deaths throughout this Nation. The numbers are going up, and 80 percent of the product is coming from Colombia. This is why we cannot sit idly by and do nothing.

The economic costs, we are told, of these deaths and drug-related illnesses and problems exceed $110 billion a year. That is a sizable financial impact.

The $1.3 billion that we appropriated to help Colombia respond to this situation is what was decided would be helpful. That is why I supported it, despite, as I mentioned earlier, the difficulties I had with it.

A little history is important to give the American people some idea of what the nation of Colombia has been through over the last decade and a half or two decades.

Colombia's current crisis did not just happen overnight. Yet its civil society has been ripped apart for decades by the violence and corruption which rages in that nation. Colombia has long been characterized as having one of the most violent societies in the Western Hemisphere. It means historically Colombian civil leaders, judges, and politicians have put their lives in jeopardy simply by aspiring to positions of leadership and responsibility.

Over this past weekend, for example, there were press reports that 36 candidates running for Colombia's municipal elections had been murdered by the time of the election. That is just in the last 2 weeks. An additional 50 of these candidates for municipal office were kidnaped in the nation of Colombia. On a daily basis, judges, prosecutors, human rights activists, journalists, and even church officials live in fear for their lives.

That has been the state of Colombian life for far too long. Between 1988 and 1995, more than 67,000 Colombians were victims of political violence in the small nation to our south. Political violence continued in the last half of the 1990s. Between 10,000 and 15,000 people have lost their lives since 1995, losing between 2,000 and 3,000 people annually to this violence.

Life in Colombia has been made even more difficult as a result of additional violence and intimidation by drug traffickers, and these are one of the major causes of it. The right wing paramilitaries and left-wing revolutionary groups are also responsible. High-profile assassinations of prominent Colombian officials trying to put an end to the drug cartels began more than 20 years ago with the 1984 murder of the Minister of Justice, Rodrigo Lara Bonilla.

In 1985, a year later, terrorists stormed the Palace of Justice in Colombia and murdered 11 supreme court justices, gunned down 11 supreme court justices who supported the extradition of drug traffickers.

A year later in 1986, another supreme court justice was murdered by drug traffickers, as well as a well-known police captain and prominent Colombian journalist who had spoken out against these cartels. These narco-terrorists then commenced on a bombing campaign in that nation throughout the year on shopping malls, hotels, neighborhood parks, killing scores and scores of innocent people and terrorizing the general population.

Before the drug kingpin Pablo Escobar was captured and killed by the police in 1993, he had been directly responsible for the murder of more than 4,000 Colombians. That was one individual.

It is rather heartening that despite the deaths that occurred just in the last few days and the kidnappings of people who run for public office, despite the fears that are pervasive in this society, some 140,000 people allowed their names to appear on electoral ballots last Sunday for various government offices including governors, mayors and other municipal posts. It is an act of real courage.

We are about to have an election in this country, and we think it is a tough day if we face a negative ad run by one of our opponents or if we get a screen door slammed in our face or someone calls us a name. In Colombia, when you run for public office, even at very local levels your life is in jeopardy for doing so.

I express my admiration for the Colombian people and the people of great courage who run for public office who try to maintain this stability which is critically important.

In the midst of all of this, there are over a million displaced people in Colombia. An estimated 1.5 million Colombians have been displaced because of the narco-trafficking wars, and civil conflict that has raged in their society. Thousands upon thousands leave Colombia, their native country, every single year, many coming to the United States, many to Europe and elsewhere to flee the ravaging terrorism that is raging throughout their country.

This is the background for what has occurred over the four decades and why I wanted to take a few minutes this afternoon and make a couple of suggestions to the incoming new administration, whether it is an administration under Vice President GORE and JOE LIEBERMAN or one under George Bush and Dick Cheney. It will be important as we look at Latin America, that this be one of the dominant and first issues to be analyzed and discussed and a new formulation put together to help us do a better job in contributing to the solution of this problem.

In 1994, it became clear that drug money had penetrated even the highest levels of Colombian society and called into question the legitimacy of the Presidential election of Ernesto Samper. Even today fear of kidnaping and targeted killings by members of Colombia's drug organization has Colombia citizens living in fear for their lives.

Colombia's tragic situation was very much on my mind when I voted for the emergency assistance requested this year. I said at that time that I believed it was critically important that we act expeditiously on the assistance package because our credibility was at stake with respect to responding to a genuine crisis in our own hemisphere, one that was directly affecting the lives of our own citizens.

We also needed to make good on our pledge to come to the aid of President Pastrana and the people of Colombia in their hour of crisis, a crisis that has profound implications for institutions of democracy in Colombia and throughout this hemisphere.

No one I know of asserts that things have dramatically turned around in Colombia since Congress passed the emergency supplemental package. Colombians across the political spectrum struggle each and every day to cope with the escalating violence of warring right-wing and left-wing paramilitary organizations and the existence of narco-trafficking terrorists prepared to coopt all forms of civil society for its own financial gains.

The Colombian economy is in distress with the worst recession in modern history causing significant unemployment, hardship among Colombia's middle class and its poorest people.

The economic situation in the countryside is deeply troubling. A significant percentage of its rural population is barely able to eke out a living, as I mentioned earlier, with more than 1 million rural Colombians already displaced from their villages from economic necessity or continuing fear of the civil conflict.

Not surprisingly, these displaced persons have become the innocent foot soldiers in the ever-expanding illicit coca production that gets processed into cocaine and ultimately finds its way into American schools and neighborhoods across this Nation.

As we have seen over the last several weeks and months, these problems have not remained within Colombia's borders, another reason why I felt a certain urgency to talk about this subject matter this afternoon. The nation of Ecuador has felt the effects of conflict in southern Colombia as refugees from the drug war have fled across the border into Ecuadorean territory.

Kidnaping for ransom, a weekly occurrence in Colombia, seems to have affected its neighbors. Several weeks ago, 10 foreign nationals working for an oil company in Ecuador were abducted into southern Colombia. Two hostages were able to escape, but the fate of the remaining eight is unknown. Sporadic conflict has occurred in recent days with other neighbors.

A Panamanian village was attacked by members of a paramilitary unit and Colombian authorities have lodged complaints about alleged border incursions by Venezuelan forces seeking to eradicate illicit crops close to the Colombian-Venezuelan border. The Brazilian Government has deployed 22,000 troops to the Amazon region in order to strengthen its defenses along its 1,000-mile border with Colombia. Sporadic fighting between Colombia forces and FARC units—that is the left-wing guerrilla forces—have led to unwelcome incursions into Brazilian territory by both organizations.

Narco-traffickers have also begun to exploit the Amazon region of Brazil for their own purposes as well.

The Colombian problem is spreading. It is now reaching the borders of its neighbors—Ecuador, Brazil, Venezuela, and Panama. This situation must be high on the agenda of this incoming administration and some new formulation of how to address this is in desperate need.

On the assistance front, at the moment the United States is carrying the lion's share of responsibility for trying to help Colombia, I mentioned the $1.3 billion in emergency aid we adopted this year. That has to change. It cannot just be the United States. Colombia's requirements are significant and varied, and there are many areas where European and regional assistance would be extremely beneficial to the Colombian people who are on the front lines of this conflict.

Innocent men, women, and children are trapped in the middle of clashes among guerrilla organizations, drug cartels, and Colombia's security and police forces. Government efforts to either protect them or create a climate where alternative gainful employment is available have been insufficient, to put it mildly. U.S. financial assistance is heavily focused on the military component of Colombia's counter narcotic efforts, with lesser amounts available for other programs, such as alternative development programs, the protection of human rights workers, resettlement of displaced persons, and judicial and military reforms.

The United States should do more to assist Colombia on the economic front by moving forward in the remaining days of this Congress—now that we are going to have a lame duck session. This Congress should extend NAFTA parity to Colombia and other members of the Andean Trade Preference Agreement. This would tremendously help Colombia work its way out of its current economic recession, by giving a boost to an important domestic industry, in creating more jobs for average Colombians other than in the coca fields producing cocaine.

I have enormous respect for the manner in which President Pastrana has quickly and so aggressively taken steps to entice Colombia's largest guerrilla organizations to come to the negotiating tabling following on the heels of his election into office.

President Pastrana is a courageous leader, one who has personally been victimized by these kidnapings I mentioned earlier, someone who has shown great courage, great leadership, in trying to bring an end to the civil conflict in his country. So I admire him immensely and have great respect for the efforts he has made.

The agenda for these ongoing talks that President Pastrana has pursued was intended to cover the waterfront of economic and social issues that must be addressed if four decades of civil conflict are to be brought to a close in Colombia.

Unfortunately, for a variety of reasons, there has been little tangible progress to date in these peace efforts—not because of any lack of effort on the part of President Pastrana, I might add.

I believe Colombia needs more assistance from the international community to help it find a formula for jumpstarting this peace process and dealing with the social and economic problems in the country that have produced it.

I laud the interest and attention given to the peace efforts by the United Nations Secretary General, but others in a position to be constructive should also become engaged before the process collapses entirely.

Moreover, in the final analysis, it is not going to be possible to rid Colombian society of the narco-trafficking cancer while the civil conflict is ongoing and a hindrance to building broad-based support for Colombia's counter narcotics initiatives. U.S. domestic and international support would be more readily sustainable were that the case as well.

The international community, by and large, has given only lip service to Colombia's problems and has resisted publicly endorsing Plan Colombia or helping with the peace process. If regional or European political leaders have suggestions for better ways to go about containing illicit drug production in Colombia, and elsewhere, then let them speak up.

I think it is critically important that the Organization of American States take a far more active role in assisting with Colombia's current crisis, particularly with respect to enhancing regional support. Among other things, I believe OAS Secretary General Cesar Gaviria should give serious consideration to convening an emergency summit meeting of the region's leaders before this year's end. The purpose of this summit would be to reach agreement on additional regional steps to ensure that the operations in Colombia do not adversely impact others in the region, either through increased refugee flows or relocated illicit drug operations.

European governments, particularly those that have expressed concerns about the social and political fallout of Plan Colombia and the ongoing civil conflict, need to do far more than simply wring their hands. Civil society needs to be strengthened in Colombia in order to ensure that every Colombian's rights are protected.

Additional judicial and military reforms must be implemented in order for the rule of law to become the norm and military impunity to cease once and for all. Economic investments, especially in alternative development programs, must be forthcoming if peasants who currently depend on coca cultivation to feed their families are to have meaningful alternative employment. All of these areas are well within the financial resources and expertise of our European allies to undertake, if they are truly concerned about the future of Colombia.

For their part, Colombian authorities must undertake a sustained and serious dialog with local mayors, church officials, civic leaders, and affected communities throughout Colombia to hear from them their concerns and fears about aspects of Plan Colombia that may result in thousands more displaced Colombians, particularly in the rural areas of that nation.

While aerial eradication of cocoa crops seems the most effective method for attacking illicit production at the source, authorities should also be open to at least considering the possibility of funding other methods of eradication, such as manual eradication utilizing local farmer organizations.

Mr. President, to sum up, what I am calling for is a major international commitment to tackle the Colombian crisis. President Clinton has determined that Plan Colombia is worthy of U.S. support; that is in our national interest to do so—and I believe it is—given the impact we are feeling in our own society as a result of the narco-trafficking that occurs here.

A bipartisan Congress signed up to that position when it voted to appropriate the $1.3 billion in emergency assistance. Having said that, I do not believe Plan Colombia can ultimately be successfully implemented if only the U.S. and Colombian Governments are participants. Unless U.S.-Colombian authorities come to this view fairly soon and begin a serious effort to regionalize and internationalize this effort, Plan Colombia is going to die on the vine for lack of political support.

Time is running out for the people of Colombia. Frankly, time is running short for everyone committed to democracy and democratic values in that country. We must not let international reticence or inertia allow the drug kingpins to win the day.

TRIBUTE TO SENATOR CONNIE MACK

Mr. DODD. Mr. President, it is with particular and personal regret that I deliver these remarks today about the Senator from Florida. In a number of areas and on a range of issues, I, like many of us, have come to rely on CONNIE MACK's knowledge and good judgment—and his good humor. He has been an outstanding Senator. More importantly, I have come to cherish his friendship and the friendship of his wonderful wife and partner for four decades, Priscilla.

CONNIE MACK is concluding his 12th year of service in the Senate. In that period of time, he has accomplished a great deal for his State and for our country. He has worked diligently and effectively to protect the environment of his State. He stood against drilling off Florida's vast and majestic shoreline. He has promoted the restoration of the Florida Everglades, one of our Nation's premier national treasures. Time and time again, in ways large and small, CONNIE MACK has acted to safeguard his State's rare and fragile natural beauty. For this generation, and for generations to come, the name of CONNIE MACK will mean a great deal—to the citizens of Florida and people throughout the country—if for no other reason than for that contribution.

Perhaps the most profound contribution, however, of this very warm and gracious colleague of ours is the contribution he has made to our Nation in the area of cancer awareness and medical research. In these areas, it can be said, I believe without any hesitation, that no one has done a greater service to his fellow Americans in these last number of years than CONNIE and Priscilla MACK.

CONNIE and Priscilla know through hard personal experience the terrible toll that cancer and disease can take on individuals and families. They know as well as anyone that early detection of cancer is the first and best weapon in the battle to save lives. That is why they have made early detection of cancer not just a concern, but a cause.

By educating others about the importance of early detection, by spreading awareness that it is an easy, fast, and safe way to save lives, they have played a very critical role in helping countless Americans avoid the full devastation of this disease. I daresay, among those tens of thousands of American men and women who every year conquer cancer because they detected it early, a great many of them owe a debt of thanks to CONNIE and Priscilla MACK.

Together, they have received numerous honors and awards, including: the National Coalition for Cancer Research Lifetime Achievement Award; the National Coalition for Cancer Survivorship Ribbon of Hope Award; the American Cancer Society's Courage Award; and Susan Komen Breast Cancer Foundation's Betty Ford Award.

But Senator MACK has not been satisfied just with promoting early detection. He has worked for a day when early detection of cancer and other diseases will no longer be necessary because they will no longer exist. He has worked diligently and successfully to increase our Nation's investment in medical research. He understands that research can provide answers and ultimately cures for many of the ailments that continue to plague humankind. Maybe not today, but one day.

And years from now, when—we hope—cures will be found, America and the world will reflect with gratitude on those who dared to envision a better future by supporting the basic research from which those cures derived. And among those whom future generations will thank, I believe that few will be thanked more than the Senator from Florida, CONNIE MACK.

In addition to witnessing his work on the environment and health, I have had the pleasure to serve with Senator MACK on the Committee on Banking, Housing, and Urban Affairs. There he brought his vast experience as a community banker to bear on the critical financial services issues of the day. And today our Nation's policies in the area of financial services bear the imprint of his experience and judgment.

CONNIE and I also served together for a time on the Foreign Relations Committee. There, too, he distinguished himself by his thoughtful, courteous manner. And while we did not always agree—in fact, we used to have some good, healthy arguments on American-Cuban policies—I never faced a more diligent or worthy opponent than CONNIE MACK. I always respected his positions and the people he represented in those debates. He is a worthy ally and opponent. I shall miss him.

For me, CONNIE MACK has been not only a colleague. He has been a gifted, accomplished leader. He has been a gentleman. And he has been a friend. He has graced this institution with civility and reason. He and Priscilla will be sorely missed. I look forward to many years of continued friendship.

TRIBUTE TO SENATOR MOYNIHAN

Mr. DODD. Mr. President, the last colleague I want to spend a few minutes talking about is one we have all come to know and appreciate for his valued service in the Senate and his valued service to this country over many, many years.

PAT MOYNIHAN is a special Senator and a special individual. It is exceedingly difficult to summarize in words what this remarkable man has meant to the Senate, what he has meant to our Nation, and, indeed—and this is no exaggeration—what he has meant to the world in which we live.

As a soldier, a teacher, an author, an ambassador, and, over the past number of years, a Senator, very few have done so much so well. Few have put so much learning and such deep understanding to the service of the common good.

If America is the world's indispensable nation, it can be said that PATRICK MOYNIHAN is one of America's indispensable leaders. He is the only American ever to serve in four successive Presidential administrations.

Two of those administrations were headed by Republican presidents and two by Democrats—reflecting a bipartisan appreciation of this man's rare gifts of insight and effective action.

PAT MOYNIHAN served as a leading domestic policy advisor under Presidents Kennedy, Johnson, and Nixon. Later he would be selected by President Nixon to serve as United States Ambassador to India, and by President Ford to serve as our Nation's representative to the United Nations.

PAT MOYNIHAN has written or edited some eighteen books. The subjects of those books reflect the extraordinary range of his intellect—from poverty, race, education and urban policy to welfare, arms control, government secrecy, and international law. The list goes on.

He has received over sixty honorary degrees from institutions of higher learning all across the globe.

He has received countless awards which, like his writings and his honorary degrees, speak to his vast curiosity and accomplishment.

Among these awards are: the American Political Science Association's Hubert Humphrey Award for "notable public service by a political scientist"; the International League of Human Rights Award; the John LaFarge Award for Interracial Justice; the Agency Seal Medallion of the Central Intelligence Agency for "outstanding accomplishments . . . with full knowledge that his achievements would never received public recognition"; the Thomas Jefferson Award for Public Architecture from the American Institute of Architects; the Thomas Jefferson Medal from the American Philosophical Society for Distinguished Achievement in the Arts or Humanities; and the Heinz Award in Public Policy for "having been a distinct and unique voice in this century—independent in his convictions, a scholar, teacher, statesman, and politician, skilled in the art of the possible."

Earlier this year, the United States Courthouse on Pearl Street in New York City was named after the senior Senator from New York. It is a fitting and appropriate honor. No one has done more than he to make our Nation's public buildings and public spaces reflect the high ideals and common purposes of America's citizenry.

For four decades he has labored to transform Pennsylvania Avenue in our Nation's capital. More than anyone else, he is responsible for reviving this majestic boulevard—in fulfillment of L'Enfant's noble vision of a "grand axis . . . symbolizing at once the separation of powers and the fundamental unity in the American government." Today, his guiding hand can be seen in even a cursory glance down that avenue—in the Navy Memorial, Pershing Park, the Reagan Building, and Ariel Rios—not to mention neighboring masterpieces such as Union Station and the Thurgood Marshall Building.

Thomas Jefferson once said that "Design activity and political thought are indivisible." The sentiments behind those words are not just shared by PAT MOYNIHAN. They have functioned as a kind of code of conduct in his careful approach to developing America's public places. And perhaps no American since Jefferson himself has had a more profound impact on the look and feel of those places than the man to whom I pay tribute today.

But he has not only worked to enshrine our ideals in our public places. He has ennobled our public discourse, and enhanced life for all Americans. In so many areas he has made a deep and lasting contribution. He has worked to protect our natural treasures, as well as our man-made ones. He has been a leader—and often a visionary—in supporting cleaner, safer, faster modes of transportation. He has fought a long and sometimes lonely battle for humane and effective welfare policy.

He has rung a warning bell to call upon our Nation to reform retirement programs for future generations. And always, always, he has worked to promote peace and freedom throughout the world.

I had the honor of serving with Senator MOYNIHAN on the Special Committee on the Year 2000 Technology Problem. Senator BENNETT and I chaired that Committee—and I think I can speak for both he and I in saying that no one did more to focus the Senate and the nation's attention on the urgent need to address the Y2K problem than the senior Senator from New York. In fact, I distinctly recall a "Dear Colleague" letter he sent to every Senator several years ago, in which he warned about a looming technological crisis then known to only a handful of people, most of them computer scientists. It was typical PAT MOYNIHAN: erudite, prescient, compelling.

PAT MOYNIHAN knows the good that government can accomplish when its leaders act with vision, courage, and cooperation.

But he also knows what government cannot, and should not, do or try to do. He told us years ago, for instance, that there is no substitute for a strong family.

He understands only too well the sentiments expressed by the poet William Butler Yeats:

> Parnell came down the road, he said to a cheering man:
> Ireland will get her freedom and you will break stone.

Like Yeats, PAT MOYNIHAN knows that freedom achieved is a victory in and of itself. And while we may be cheering, we have to go back to the drudgery of day-to-day life. But freedom and democracy are to be cheered.

The Senate will not see another like PAT MOYNIHAN for some time because there has been no one like him. There has been no one like him with whom I have had the privilege and pleasure of serving. He has done a remarkable job for this Nation. He has made this Senate a better institution because of his presence here.

We will miss him and his good wife, Liz, who has done so much in her own right. We wish them the very best as they begin this new chapter of their extraordinary lives. The Good Lord is not done with PAT MOYNIHAN yet. All of us expect great things coming from this very distinguished man.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

TRIBUTE TO SENATOR PAT MOYNIHAN

Mr. MURKOWSKI. Mr. President, I listened with great attention to my friend, Senator DODD, who I think expresses the feelings that we all have for Senator MOYNIHAN. I first met Senator MOYNIHAN before I came to the Senate. He visited Alaska, my home. Nobody could suggest that he is anything but awe-inspiring, enthusiastic, and interested, the type who leaves one after a short meeting with the feeling that here indeed is an extraordinary individual, a true statesman, a visionary. And the type of individual who we have all had an opportunity to share and enjoy and love during his tenure here.

I extend my heartiest best wishes to Senator MOYNIHAN and his family as he departs this body, and it is with fondness for the contributions he has made. He has made this a much better body because of his contributions. I share the sentiments of my colleague from Connecticut.

NUCLEAR WASTE IN CALIFORNIA

Mr. MURKOWSKI. Mr. President, let me remind those of you who have followed the issue of energy in this country and the contribution of the nuclear industry of 20 percent of the electricity that is generated in this Nation, with an observation that I made some time ago, and that is this industry is strangling on its waste as a consequence of the inability of the Federal Government to honor the sanctity of a contract made some years ago—that the Government would take that waste beginning in 1998. The ratepayers, over the last decades, have extended about $11 billion to the Federal Government to ensure that the Federal Government would be financially able to take the waste.

The bottom line is that 1998 has come and gone, and the Federal Government is in violation of its contractual commitment. As a consequence, litigation is pending for this breach of contract, subjecting the taxpayers to somewhere between $40 billion and $60 billion in liability.

Now, I stated some time ago on this issue that if you throw the waste up in the air, it has to come down somewhere. Nobody wants it. I was wrong on that. It was thrown up in the air and now it is coming down. Where is it coming down? Well, it is coming down in California, in a place called San Onofre. That is near La Jolla, north of San Diego. It is on the California coast where there are decommissioned and operating nuclear plants.

I ask unanimous consent that an article from the Los Angeles Times of today, November 1, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Nov. 1, 2000]

APPROVAL OF NUCLEAR WASTE PLAN ADVOCATED

(By Seema Mehta)

Staff at the state's top coastal agency recommended approval this week of Southern California Edison's plans to store thousands of spent nuclear fuel rods at San Onofre nuclear power plant, at least until 2050.

Environmentalists say the California Coastal Commission will be approving the creation of a coastal nuclear waste dump just south of the Orange County border, but the agency's staff says it has no choice under federal law.

"The state of California is preempted from imposing upon nuclear power plant operators any regulatory requirements concerning radiation hazards and nuclear safety," the staff for the coastal commission emphasized in bold letters in its report.

A federal official said that there was no risk from the closely monitored nuclear waste, and that environmentalists were needlessly sounding alarms.

"There's a lot of fear among people who really don't understand the nature of the material," said Breck Henderson, a spokesman with the U.S. Nuclear Regulatory Commission. "Everyone thinks nuclear waste is 55-gallon drums full of green golb that we're going to throw in a hole in the ground. They think the drums will rust away and, pretty soon, the water in their tap glows green when it comes out. That's just not the way it is."

The plant's two remaining operating reactors, which provide energy for 2.5 million homes from Santa Barbara to San Diego, are due to shut down by 2022. A smaller reactor was shut down in 1992. By law, the U.S. Department of Energy must safely dispose of all the site's fuel rods, which contain spent uranium and will be radioactive for thousands of years.

But no high-level radioactive dump exists yet, and controversial plans for a possible site in the Yucca Mountains in Nevada are moving at a snail's pace. Feasibility studies and other technical evaluations of the remote Nevada site, 237 miles northeast of Los Angeles and 90 miles northwest of Las Vegas, have been so delayed that activists worry that temporary storage facilities at San Onofre will become a de facto permanent, West Coast repository for nuclear waste.

"Nothing about storing nuclear waste is temporary," said Mark Massara, Sierra Club's coastal programs director. "Without any planning oversight or review, we're establishing a nuclear waste dump on one of most heavily visited beaches in all of Southern California."

Henderson of the nuclear commission conceded that Yucca Mountain is a "political football, I don't know too many people who expect to start shipping fuel there [soon]."

However, he insisted that the federal government has to take responsibility for the fuel, and it will eventually. But with a long line of utilities across the country waiting to get rid of nuclear waste, all sides agree there will be nuclear waste at San Onofre for a good half-century.

Spent nuclear fuel is stored in metal containers under water in cooling pools at the plant. They will be wrapped in two layers of steel and moved to reinforced concrete casks, said Ray Golden, spokesman for San Onofre.

This method, known as dry casking, is considered safer than the cooling pools because it requires less maintenance, leaving less room for error, Henderson said.

But activists worry that the casks will be housed next to working reactors, and could be vulnerable to terrorist attack.

Henderson said antinuclear groups often use such scare tactics. He said his agency would never allow on-site storage if it were unsafe. The casks will weigh more than 100 tons, and could withstand shots from anti-tank weapons.

"You'd have to hug it for a year to get the same radiation as an X-ray," he said.

State coastal commissioners can't debate any of these issues.

"The commission would have liked the ability to look at it, to review whether this was appropriate," said commission Chairwoman Sam Wan. "But we didn't have the legal right to do so."

Mr. MURKOWSKI. Mr. President, this article explains that "The California Coastal Commission will be approving the creation of a coastal nuclear waste dump just south of the Orange County border."

The repository will be at the San Onofre Nuclear Power Plant, and thousands of spent nuclear fuel rods would be stored there by Southern California Edison until the year 2050. That is 50 years, Mr. President. Isn't it interesting that the State of California, which has refused to site even a low-level nuclear waste storage facility in the Mojave Desert is now going to be home to a high-level nuclear waste dump near the beaches of southern California?

Referring briefly to the proposed Ward Valley waste facility, which would handle medical waste and other low-level waste—the Secretary of the Interior, Bruce Babbitt, stopped this site from becoming a reality. As a consequence, that waste is currently stored in hospitals and research facilities and universities—generally, anywhere near where the waste is created. A lot of it is medical waste and other low-level waste associated with diagnostic tests, cancer treatment and other types of medical and scientific research. But it is all over the place. It is in places that weren't designed to store that waste long-term.

However, national environmental groups and Hollywood activists made Ward Valley a rally cry, claiming water would be contaminated by the waste and seep through the desert and ultimately into the Colorado River. This is low-level material that we are talking about. It involves clothing, like gloves and coveralls from utility workers, material from medical research and any other items that have come into contact with radioactive materials. This low-level waste is produced at hospitals, powerplants, and research facilities that store this waste and periodically transfer it to waste facilities in South Carolina or Utah.

However, these same groups apparently are powerless to stop the San Onofre storage. Why? Because the responsibility to regulate high-level waste belongs to the Federal Government, not the State. And since the Federal Government has not done its job, the bottom line is that there is no Federal repository for high-level nuclear waste, as promised by the U.S. Government. It is an obligation that has been unfulfilled by the eight years of the Clinton-Gore administration, who has chosen to ignore the contract, hoping they can get out of town and the election will be over before this issue comes up.

How ironic that this issue of the failure of the Federal Government to honor its contract should come up just a little less than a week before the election. As I have stated, that repository was supposed to open in 1998. Failure to do so left the States to come up with their own solutions and subjects the taxpayers to billions of dollars in liability. High-level waste includes spent fuel rods removed from nuclear reactors. This Senator from Alaska introduced S. 1287 in this Congress to allow the high-level nuclear waste to go to the proposed Yucca Mountain high-level storage facility in Nevada for temporary storage as soon as the facility was licensed in 2006.

The California delegation voted against that bill and the Clinton administration vetoed the bill. We are one vote short of a veto override. One of the arguments made was that there was a possibility that the nuclear waste could seep into the water table and move into California. Imagine that. Now I don't believe that is possible, nor do a great number of respected scientist. However, isn't it ironic that Californians will now have to cope with those fears in their own backyard because Yucca is still not opened? Rather than worry about waste in Nevada, they get to worry about waste in California. The site at San Onofre has operational nuclear plants as well as a shut down research reactor. Unfortunately, once shut down begins, they have no place to take the waste, so the waste stays there on the area adjacent to the Pacific Ocean, an area not designed for long-term storage of waste. Nevertheless, there is no alternative because the Federal Government has failed to fulfill its obligation to take spent fuel beginning in 1998.

Let me make it clear, I don't believe there is any danger from the dry casks that will be stored at San Onofre, any more than there was a danger from the low-level waste that would have been effectively stored in the Mojave Desert that could not safely be stored at the Ward Valley site. This California solution—if it is a solution—simply confirms what we have been saying all along: No one wants this waste, but it has to go somewhere. It has finally come down and landed in San Onofre. If the waste isn't ultimately shipped to the temporary facility at Yucca Mountain, it is going to be stored at 80 sites throughout the United States. California now may have its own central repository, at least for Southern California Edison.

Mr. President, this solution is not a solution. And what people need to realize is this situation is really just the tip of the iceberg. While it is applicable to California today, there are over 80 sites throughout this country that will become de facto Yucca Mountains. That is the consequence of not opening up a permanent storage site. And many other states are in the same situation as California—waste to store and no place to store it. To give you some idea, in Florida, 16 percent of the electricity comes from nuclear plants, 5 nuclear power reactors, and almost 2,000 metric tons of waste is in storage. In Michigan, 24 percent of the electricity comes from 4 nuclear power reactors, with 1,500 metric tons of waste on hand there.

In Ohio, 11 percent of electricity is generated from nuclear energy by two nuclear plants with 520 tons of waste.

In Washington State, 6 percent of the electricity comes from nuclear, and there is about 300 tons of research reactor fuel.

In Pennsylvania, 38 percent of its power comes from nine nuclear reactors with 3,000 metric tons of waste.

This situation in California just proves what I have been saying all along. If we don't take responsible action now to solve our high-level waste problems by siting a repository in the Nevada desert, we will end up with somewhere in the area of 80 to 100 sites throughout the Nation storing this waste in environments that are not approved environments for long-term storage. What is happening in California today will happen all over the nation. They will now have, in California, their very own mini-Yucca Mountain for the next 50 years.

The voters in California, Pennsylvania, Michigan, Wisconsin, Ohio, Florida, and Illinois need to understand who bears the responsibility for this lack, if you will, of a conscientious effort to take the waste at the time it was contracted for in 1998.

I can only assume that Vice President GORE wants to keep this waste in the States near schools, and hospitals—wherever it is temporarily stored. And the reality of what happened in California today at San Onofre is simply the tip of the iceberg.

This administration has been totally inept in meeting its responsibilities to the nuclear industry; It has breached a contract, it has ignored the contribution of the nuclear industry and its contribution to providing 20 percent of the clean, emissions-free power generated in this country; and, totally ignored the reality that with that clean power comes the responsibility of determining how to handle the waste.

They have handled it all right. They set it in concrete in California in the new site, as I have indicated, at San Onofre, north of San Diego near La Jolla, CA.

Imagine creating a coastal nuclear waste just south of Orange County.

ANNIVERSARY OF THE SAVANNAH RIVER SITE

Mr. THURMOND. Mr. President, I rise today to congratulate the Savannah River Site, located in my hometown of Aiken, South Carolina, on it's fiftieth anniversary. On November 28, 1950, President Truman announced the construction of the Savannah River Site. In celebration of this important milestone, I would like to insert the following essay recounting the rich history of this American institution into the CONGRESSIONAL RECORD.

I would also like to extend my appreciation to Mr. James M. Gaver, the Director of the Office of External Affairs at the Savannah River Operations Office and the unofficial "Savannah River Site historian" for writing the following composition. I ask unanimous consent that his essay be inserted into the RECORD.

Without objection the essay was ordered printed in the RECORD.

ESSAY BY MR. JAMES M. GAVER

For the Central Savannah River Area (CSRA), the Cold War created greater change than the Civil War, an unlikely storyline in the deep South. Between 1950 and 1955 a transformation occurred with breathtaking speed that eradicated small railroad towns, farms, and mill villages typical of mid twentieth-century Southern life on the Savannah. These familiar agrarian settings were replaced with a technological complex built and operated by men and women who came from all parts of the country. International events and science had come to South Carolina and Georgia in the form of the Savannah River Plant. This industrial complex of nine manufacturing and process areas integrated into one plant was needed to produce plutonium and tritium for the nation's defense.

The participants in the making of the Savannah River Plant—scientists, engineers, construction workers, local politicians, community members, and uprooted residents—were a study in diversity. Yet each, driven by patriotism, contributed to the success of the project. The production line and laboratory were the chosen theaters of war for the scores of scientists, industrial managers, engineers, and support personnel of all descriptions. With families in tow, they became atomic age homesteaders within the Savannah River Valley. Environmental researchers joined their ranks, charting physical change within the plant area and helping give birth to the discipline of ecology. Construction workers and craftsmen came in droves to participate in an industrial and engineering "event" that ranked with the construction of the Panama Canal. Industrial boosters and state and local politicians crowed at the site selection that rooted atomic energy development in the CSRA. For them, the country's need marvelously coincided with the economic need of their constituencies. The final profile belongs to the 6,000 individuals or 1,500 families relocated from the 315 square mile area selected for the plant in Aiken, Barnwell, and Allendale counties, South Carolina. Their contribution was remarkable, changing the course of their family's histories.

With Japan's surrender on August 14, 1945, Americans began to celebrate the end of the war and make plans for the future. Their euphoria was shortlived. It was swiftly replaced by images of an Iron Curtain, Soviet domination and terror, mushroom clouds, fears of radiation, and the potential for mass destruction. The Cold War began in Europe over the remains of Nazi Germany as the Allies began planning for postwar Europe. Germany was divided into two nations and the U.S. Congress appropriated billions of dollars to our Allies in Western Europe for defense and economic aid.

Between 1945 and 1947, mistrust between the United States and Soviet Russia hardened into belief systems. The Truman Doctrine presented to Congress on March 12, 1947, sketched out the political situation. Two worlds were emerging, one in which people lived in freedom, while the second was bent on coercion, terror, and oppression. Global conflict resulted as opposing economic and social systems were pitted against one another on a technological battlefield. Furthermore, continued advancement within the atomic bomb program that had just ended one war was considered critical to wage the next.

After a job well done, some Manhattan Project scientists and engineers returned to the private sector. Du Pont, the main contractor for Hanford, also retired from the field of atomic energy. The Manhattan Project continued with a core group of atomic bomb project veterans under the direction of the indomitable General Leslie Groves.

The nation's third and fourth plutonium bombs, Shot Able and Shot Baker, were tested at Bikini Atoll in the Pacific in July 1946. These tests gave an invited audience of military officers, congressmen, journalists, and scientists firsthand knowledge of the power of the bombs. The high profile of the tests ensured that atomic weapons research and development remained in the forefront of the nation's defense strategy during this uneasy peacetime.

Responsibility for America's atomic arsenal had been transferred from the military to the civilian Atomic Energy Commission (AEC) established by the Atomic Energy Act of 1946. The commission was composed of a five-member board that served full-time, assisted by scientific and military advisory committees. Headed by TVA veteran David Lilienthal, the AEC was in the process of recasting the nation's atomic energy program when the Soviets exploded their first atomic weapon on August 27, 1949. On September 23, 1949, President Truman announced the end of the U.S. monopoly in atomic bombs. The Soviet test, named Joe I by the American press, shocked the American public, its leaders, scientists, and intelligence agencies. The Commission and its advisors began a new evaluation of their proposed program energized by "the old spirit of emergency."

The need for the thermonuclear bomb provoked serious debate within a small circle of individuals that included the members of the AEC's General Advisory Committee, the AEC commissioners and staff, the Senate and House Joint Committee on Atomic Energy, Defense Department officials, and a group of concerned scientists. Would an H-bomb improve our retaliatory strength enough to justify the diversion of materials from the A-bomb program? Would large bombs such as the "Super" merely give the illusion of security? No consensus was reached. Truman then created a subcommittee of the National Security Council. Secretary of State Dean Acheson, Secretary of Defense Louis Johnson, and AEC Chairman David Lilienthal were appointed to provide direction. President Truman received the sub-committee's recommendation that the United States should proceed with an all-out nuclear effort. He signed this recommendation to develop all forms of atomic weapons, including the "Super," on January 31, 1950. This recommendation would lead to the announcement of the Savannah River Plant by the close of the year.

Preliminary designs for the new hydrogen bomb required quantities of tritium, a radioactive isotope of hydrogen, to be fused with deuterium, another isotope of hydrogen, for energy release. While Hanford's production reactors were already producing tritium, weapon design in the early 1950s suggested a dramatic increase in the need for tritium. To provide tritium for design and testing purposes for the short term, Hanford's reactors would be used. For long term production, the AEC determined that two new production reactors of significantly different design were to be built at a new location. In May 1950, the cost of the new plant was forecasted at $247,854,000 and a base of operations was established in Washington in late June to shepherd the new plant into reality. Curtis Nelson was selected as the AEC manager for the new project. Nelson was a likely candidate. A civil engineer by training with experience in managing large construction projects, he was on assignment as U.S. liaison to Canada's nuclear program at Chalk River, Ontario, when he was posted as the manager for the new project. Highly enriched uranium (HEU) fuel rods were needed to increase tritium production, but the process for making tritium was not yet fully tested. Data from Canada's NRX heavy-water reactor that used HEU fuel rods could provide data for the American effort and Nelson was already on hand. Cooperation with the Canadian program could be helpful in America's bid to win the arms race.

Du Pont was chosen as the prime contractor for the plant. The chemical firm's work during the Manhattan Project at Oak Ridge on the X-10 complex; the design, construction, and wartime operation of the production facility at Hanford; and Du Pont's postwar role as technical advisors on various developing atomic energy projects positioned the Delaware-based firm for the job. Du Pont was released from its Hanford assignment in 1946 at its own request, turning over operation of the plant to General Electric. Four years later, the firm, then headed by atomic energy pioneer Crawford Greenewalt, was asked by the White House and the Commission to reprise its role. Du Pont's acceptance of the enormous job was announced on August 2, 1950. The Du Pont firm established the Atomic Energy Division (AED) within its Explosives Department and began putting together a team for the new project and division.

Planning began immediately with site selection and reactor design uppermost in mind. Du Pont worked closely with the AEC, helping to mold the plant it would operate. When the North Korean Army drove across the 38th parallel into the Republic of Korea in June 1950, the Atomic Energy Commission decided to add three more reactors to the two already planned, adding to the complexity of the proposed plant. With legislation in place to provide a legal basis for the AEC's intended acquisition, a tract in South Carolina's Barnwell and Aiken counties was chosen out of 114 candidate sites for the new plant. The search that began in June ended on November 10th with the search committee's recommendation for the South Carolina site. Water, abundant in supply and low in mineral content, topography, the isolated character of the site, an available labor pool, and military defense all figured into the Site's selection.

Reaction to the public announcement of the site selection on November 28, 1950 was jubilant in Georgia and South Carolina. Senator Edgar A. Brown and Augusta's Chamber of Commerce Secretary, Lester Moody, had been working for months to secure the new plant for the CSRA. Clark Hill Dam, Hartwell Dam, and the new H-bomb plant were evolutionary steps in the shaping of the area's industrial future. Atomic piles, known as reactors, would soon rub shoulders and share the river water with Graniteville and Augusta's textile mills. Newspaper headlines clamored that Augusta would become a metropolis, Aiken a "fast growing city," and Barnwell and environs would quickly follow suit.

Slicing through the clamor were the voices of those displaced by the plant. Residents of Ellenton (population 600), Dunbarton (population 231), Hawthorne, Meyers Mill, Robbins, Leigh, and farmers and tenants within the outlying areas listened sadly and carefully as AEC, U.S. Army Corps of Engineers, Du Pont, and local officials outlined what was ahead for them. Eighteen months were allotted for the staged evacuation of 1500 families. Ellenton residents were to be evacuated by March 1, 1952, Dunbarton residents by June 15. Land appraisers would contact owners, beginning the acquisition process. Those in construction priority areas had six weeks notice. The many families who rented or sharecropped for their livelihood were also deeply affected. In a month usually filled with warm thoughts of home and the upcoming holidays, "the DPs," those displaced by the federal taking, grappled with future plans under the scrutiny of reporters who told their story to the nation. Some displaced families chose to physically move their homes out of the area, relocating in the new town of New Ellenton, Jackson, or other environs. Others moved to existing neighboring communities.

The original boundaries also included the communities of Jackson and Snelling; when acquisition plans were finalized, these communities were not affected. In 1952, a corridor was added from the site to the Savannah River along Lower Three Runs Creek in Barnwell and Allendale counties. The South Atlantic Real Estate Division of the U.S. Army Corps of Engineers (COE) conducted the acquisition program, ultimately acquiring 1,706 tracts of land, totaling 200,742 acres. Seventy four percent of the acquired properties were farms cultivated in corn, cotton, and peanuts. Small tenant farms were in the majority; the agricultural labor pool was predominantly African American. The plant area was closed to the public on December 14.

Sign posted at Ellenton, South Carolina border. "It is hard to understand why our town must be destroyed to make a bomb that will destroy someone else's town that they love as much as we love ours, but we feel that they picked not just the best spot in the U.S. but the best in the world. We love these dear hearts and gentle people, who live in our home town."

Between January 1951 and 1955, the Atomic Energy Commission constructed a self-sufficient industrial plant that was considered the largest single construction job it had ever undertaken. Its magnitude and scope were unequaled, in a half century punctuated by immense engineering and construction projects such as the Panama Canal, Tennessee Valley Authority, and the AEC's own Manhattan Project-era plants at Oak Ridge, Tennessee, and Hanford, Washington. At peak construction in September 1952, 38,582 workers labored 54 hours a week under the direction of Du Pont engineers. South Carolina (25,019) and Georgia (13,776) contributed the majority of the project's construction force; however, forty-nine states and the Panama Canal Zone were also represented in the ranks.

Design flowed from Du Pont and its subcontractors drawing tables through the national laboratories and the Atomic Energy Commission. Five reactors, two chemical separations plants, a heavy water plant, a fuel and target manufacturing area, and laboratories were joined by over sixty miles of railroad, 230 miles of new roads, the state's first cloverleaf intersection, power plants, and other infrastructure. Three safety awards were earned by the project, a coup for Du Pont's Construction Field Manager Bob Mason. And an esprit de corps, shown in the project newspaper "SRP News and Views" and in athletics and other recreational events, was fostered by the schedule, secrecy, purpose, and magnitude of the project.

Between 1950 and 1960, the Savannah River communities grew substantially as they absorbed the incoming work force. Augusta grew by 25 percent, North Augusta tripled its population, while Aiken, Williston, and Barnwell doubled in size. Jackson, a rim community, achieved town status, as did

New Ellenton located to the north of the plant.

The trailer cities that had housed the construction workers and their families were archaeological sites by 1960. More lasting were an estimated 5,465 homes built to accommodate operating staff and their families in the surrounding counties. The Housing and Home Finance Administration provided grants after AEC review to offset the expansion of basic community services. The affected communities experienced growing pains in all directions, as schools, roads, water and sewage systems, parks, and basic community needs were all impacted.

Inside the plant fence, the Community Chest Program was chosen by the plant management as a way for workers to show their community support. Each year money was energetically collected in support of this program, and contributors would indicate which community should receive their donation. In 1952, $50,908 were contributed; a year later contributions soared to $74,015. The new atomic community already had neighborhood pride.

In education, the AEC made great strides in the fields of science and technology. Under an agreement with the Southern Regional Education Board in 1956, a cooperative program began in which college students could attend classes and work at the plant alternating terms. Georgia Institute of Technology and University of Florida students were the first to sign up. Grants were also made to regional universities to fund the development of programs in atomic energy and related fields. At the high school level, science students were invited on Thomas Alva Edison's birthday to come to the plant and tour facilities to learn about the peaceful applications of atomic energy. Civic talks were given and science fairs held. Finally, membership in professional organizations abounded and local chapters of heretofore national organizations were established in the Central Savannah River Area.

Massive amounts of concrete, steel, rebar, lumber, and macadam were used to create the Savannah River Plant. Construction statistics are staggering, attesting to the epic nature of the undertaking. However, the construction activity was confined to an industrial core area, leaving a large buffer zone of land untouched by industrial construction. In this zone, an equally epic undertaking mostly orchestrated by nature occurred. A "garden" grew up around the machine.

The U.S. Forest Service, under contract with the AEC, set out about 10,000,000 pine seedlings along the plant perimeter for screening and erosion control in 1952-53, and then launched a forest management program for an additional 60,000 acres. Their efforts, combined with the retirement of thousands of acres of farmland from cultivation, the impact of intensive grading from construction, and human neglect factored into the making of a new landscape. A green space with an incredible diversity of plant and animal life grew up in its stead.

Scientific knowledge concerning the environmental impact of industry, atomic or otherwise, was limited in 1950. Ecology was a developing field. The AEC, with a strong sense of stewardship, invited scientists from the Universities of Georgia and South Carolina to collect baseline data on plant and animal communities that would provide a "before" picture with which to measure the impact of the Plant's processes on the environment. Du Pont, already a leader in the field of industrial ecology, was responsible for bringing a team from the Academy of Natural Sciences in Philadelphia under the leadership of Dr. Ruth Patrick to the plant to perform a biological study of the Savannah River. The University of Georgia developed a program that went beyond inventory, that became the Savannah River Ecology Laboratory. Under the direction of Dr. Eugene Odum, a large-scale study of ecological succession began. Ecologists studied the dynamics of change within the environment as the impress of centuries of agriculture disappeared and natural succession occurred. Radiation ecology studies were also an early research focus. While the Cold War mission was the prime mover in the shaping of the Savannah River Plant, the stewardship of the land acquired for that purpose was also part of the compact made with the American people.

Since those earliest days, the employees of the Savannah River Site have had sustained success in meeting their commitments to the nation. They have safely fulfilled their primary mission of producing plutonium and tritium for the national defense—to this day the Site has maintained a 100 percent on-time record of production and delivery of tritium to the Department of Defense. In the realm of basic science, they advanced the knowledge of particle physics with the proof of the existence of the neutrino in 1956. Their advances in nuclear materials production led to additional missions of creating radioactive isotopes for medical diagnosis and treatment; industrial and research programs; and NASA space missions, from Voyager to Cassini, now on its way to Saturn. They designed and built the largest radioactive waste vitrification facility in the world, the Defense Waste Processing Facility, where highly radioactive liquid waste is transformed into a solid glass form for safe storage and ultimate disposition. Their early concern for the environment and study of the ecological consequences of their operations led to the designation of SRS as the first National Environmental Research Park in 1972. They discovered the natural habitat of the bacterium that causes Legionnaires' Disease.

The end of the Cold War brought significant change to the Savannah River Site. The national defense mission continued with the recycling and replenishment of tritium from dismantled nuclear weapons, but increased attention was brought to bear on waste management and environmental restoration activities. This new focus included adapting defense-specific technologies to peacetime applications, which benefitted greatly from the Site infrastructure and the historical expertise of the Site workforce. For example, Site expertise in handling tritium (a form of hydrogen) has yielded hydride technologies that have applications in the transportation and energy industries. Advances in robotics and environmental monitoring and cleanup technologies, such as proving the existence of deep subsurface microbes and employing them for in-situ remediation of wastes, have led to applications not just at SRS, but across the country and around the world. The Savannah River Ecology Laboratory, widely recognized as the birthplace of the modern science of ecology, has a laboratory at Chernobyl, Ukraine, where scientists share their expertise in helping the Ukrainians recover from that disaster.

Today, the future of the Savannah River Site looks as bright as it did 50 years ago. In the area of stockpile stewardship, it will continue its key national defense mission as the nation's sole source for tritium using a new Tritium Extraction Facility now under construction. It will also provide a backup source for plutonium weapon components, called pits, should the nation require that increased capacity. In the area of nuclear materials stewardship, it will contribute to our nation's nonproliferation efforts to reduce the global nuclear danger. It will receive surplus weapons plutonium from other DOE sites for safe, secure storage pending disposition; some of the plutonium will be stored in one of the old reactors which previously created the plutonium. It will prepare that surplus plutonium for final disposition. One new facility will immobilize the plutonium in ceramic disks that will be encased in canisters of protective radioactive glass at the Defense Waste Processing Facility. Other new facilities, the Pit Disassembly and Conversion Facility and the Mixed-Oxide Fuel Fabrication Facility, will convert the plutonium from dismantled weapons into commercial reactor fuel which will provide electrical power while it is slowly converted into non-weapons-usable spent fuel. It will also down-blend weapons-usable highly enriched uranium into a low-enrichment form usable as fuel in commercial power reactors. In the area of environmental stewardship, it will develop technologies and practices to manage wastes and clean up the environment more efficiently and cost effectively. Its longstanding support for, and from, its neighbors in the Central Savannah River Area will reinforce its commitment to success in all these endeavors.

FAREWELL TO TOM McILWAIN

Mr. LOTT. Mr. President, before this session of the 106th Congress comes to an end, I'd like to take the time to say farewell to Tom McIlwain, who served on my staff this year as a fellow from the National Marine Fisheries Service (NMFS). Prior to coming to my staff in March, he served as Fishery Administrator for the NMFS Southeast Fishery Center. Tom is a native of my hometown, Pascagoula, Mississippi. He understands the importance of oceans and fisheries issues to the Gulf Coast, and the Mississippi coast in particular.

This is Tom's second stint as a fellow on my staff. Back when I was a member of the other chamber, and Tom worked for the State of Mississippi, he spent a year as a fellow on my staff advising me on oceans and fisheries matters. Tom is a longtime expert in this area. His advice and counsel was just as vital to me this year as it was back then.

As a member of the Senate Committee on Commerce, Science, and Transportation, I have participated in development and passage of a number of oceans and fisheries authorization bills during this session, and Tom has advised me on every one of them. This year alone, he assisted in the enactment into public law of the National Marine Sanctuaries Amendments Act of 2000, Fishermen's Protective Act Amendments of 1999, Yukon River Salmon Act of 1999, and the Fisheries Survey Vessel Authorization Act of 1999, and the Senate passage of the Pribilof Islands Transition Act, the Coastal Zone Management Act of 2000, Atlantic Coastal Fisheries Act of 2000, Shark Finning Prohibition Act, Coral Reef Conservation Act of 2000, and Marine Mammal Rescue Assistance Act of 1999. I expect several of the latter bills to be enacted this year.

Tom also identified key funding shortfalls in NMFS and State of Mississippi programs for the Gulf of Mexico. His concern that Gulf of Mexico needs were being overlooked as NMFS funding was increased to address high-profile issues in other regions of the country led me to fight for additional funding for our region. The NMFS appropriation for Fiscal year 2001 includes an additional $8.25 million for red snapper research and $1 million to expand the NMFS Mississippi Laboratory at Pascagoula. I know he is pleased with that the State of Mississippi will receive much needed additional funding for coastal impact assistance, almost $28 million in Fiscal Year 2001. This vital piece of the Conservation and Reinvestment Act was authorized and funded this year.

I wish Tom and his wife Janet all the best as they prepare for his next assignment within NMFS. I know that whatever he does, he will bring to it the same keen insight, practical solutions, and good humor that has served him so well in the past.

A MEMORIAL TO ELIZABETH KNIGHT BUNCH

Mr. LOTT. Mr. President, we were all saddened to learn of the death of a long-time Senate employee and good friend, Ms. Betty Bunch. Betty died last week after a long struggle with a pulmonary infection.

Betty started working for the Senate on January 3, 1977, when she moved to Washington, DC, to be the office manager for Senator Malcolm Wallop, the Republican Senator from Wyoming. As a graduate of the University of Wyoming, Ms. Bunch worked for some years at the University before deciding to move East with the Senator.

After serving Senator Wallop for 10 years, Betty transferred to the Committee on Rules and Administration and worked for ranking member Senator TED STEVENS of Alaska. In July 1991, Betty moved to the Senate Sergeant at Arms office and worked on a number of projects for the Education and Support Services team of the Computer Center.

One of Betty's major projects was to assist with the final construction planning for the Sergeant at Arms' operations move to the Postal Square building. She was very involved in the relocation of the Senate's computer and communications center and staff, as well as the financial and procurement staffs. This was a major initiative, and Betty accomplished it with the utmost professionalism.

Betty continued on a number of special projects for the Sergeant at arms until her retirement in June 1999. In total, Betty served the Senate well for over 22 years.

We will all miss her loyalty, professionalism, integrity, and wonderful sense of humor. Her son Jamie and daughter-in-law Glennis are in our thoughts and prayers.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

November 1, 1999:

Carlester Johnson, 17, Memphis, TN;
Rory Longs, 20, Chicago, IL;
Orlando Rangel, 23, Chicago, IL;
Patrice Thomas, 21, Houston, TX;
Donnell Tucker, Jr., 22, Baltimore, MD;
Adrian Miller, 43, Detroit, MI; and
John Ellis Wright, Jr., Fort Wayne, IN.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

HEALTH CARE FINANCING ADMINISTRATION

PAYMENTS FOR OUTPATIENT SERVICES

Mr. GRAMM. Mr. President, I am very concerned about how the Medicare program has chosen to pay the 10 free-standing cancer hospitals for outpatient services. It appears that the Health Care Financing Administration has ignored the explicit intent of the provisions we enacted last year as part of the Balanced Budget Refinement Act—provisions intended to help these critically important health care institutions.

Mr. ROTH. Senator, I share the Senator's concern. Last year, the Congress was concerned about how cancer hospitals would fare under the new Medicare outpatient prospective payment system. Cancer hospitals face many unique costs and the advent of exciting new treatments caused many to question the wisdom of applying the new outpatient prospective payment system to these facilities. To this end, the Finance Committee proposed and the Congress enacted provisions to protect these important facilities.

In brief, this provision created a permanent "hold harmless" for cancer hospitals. We instructed the Medicare program to pay cancer centers the same proportion of the facility's cost covered in 1996. In addition, we instructed the Secretary of the Department of Health and Human Services to make interim payments to these facilities consistent with this hold harmless.

Mr. GRAMM. The Secretary has ignored our concerns and intent. The Secretary has allowed the Medicare program to withhold 15 to 20 percent of the interim payments owed to cancer facilities. The Medicare program will not pay cancer hospitals these withheld funds for up to 4 years.

Mr. ROTH. I investigated this issue with the Health Care Financing Administration, HCFA, to ensure that they are not proceeding in a way that disadvantages these facilities and protects access to important cancer services. It is my understanding that the Medicare fiscal intermediaries are keeping the interim payments to these facilities artificially low in order to avoid the risk of overpayments.

While I think it is appropriate to make interim payments to facilities as accurately as possible, paying these facilities as low as 80-85 percent of what HCFA estimates final costs to be seems too low. If in fact these reductions are lower than previous rates of reduction when a system transition has been implemented, then I strongly urge HCFA to immediately review their proposal to make upward adjustments in the payment rates. Also, I urge the Administration to give special attention to the expeditious handling of the initial cost reports from cancer hospitals as they are submitted over the next few months in order to determine what appropriate payment levels need to be.

Mr. GRAMM. I agree with the Senator. I believe that the Secretary's actions are counter-productive and I strongly urge including language in the CONGRESSIONAL RECORD that would make our intent clear.

Mr. ROTH. I, too, support restating within the CONGRESSIONAL RECORD our intent with regard to last year's Medicare bill.

LABOR-HHS-EDUCATION FUNDING BILL

Mr. KENNEDY. Mr. President, in every area of public policy, we have to make choices and set priorities.

How much do we spend on defense? And how much do we spend on domestic priorities?

How much do we protect our forests and natural resources? How much do we allocate to health care, education, law enforcement, and other obvious priorities?

How heavy should the tax burden be? How much do we need to do to protect Medicare and Social Security for the future generations?

Often, we have to make difficult choices.

But when it comes to protecting workers from injuries in the modern workplace and increased investments in education, I say there is no choice. It's not one or the other. We must do both.

But I'm convinced that our Republican friends want to do neither.

They don't want to protect workers from the dangers of the modern workplace. They don't want to protect them from repetitive motion injuries in their offices. Or from eyestrain at their computer screens.

But they also don't want to make the targeted investments in education that we need for smaller class sizes, quality teachers, and modern schools.

On Sunday night, Republican and Democratic House and Senate appropriators and the White House came to a bipartisan agreement on increasing funding for the nation's schools and communities.

On Monday, the Republican leadership rejected that agreement, jeopardizing critical support for the nation's public schools, college students, families, and workers.

Once again, the GOP Congress has earned the name the "Anti-Education Congress."

Once again, the GOP Congress is putting special interests ahead of education.

They failed to reauthorize the Elementary and Secondary Education Act for the first time in 35 years. Last May, we considered only eight amendments to the bill over six different days, when Senator LOTT suddenly abandoned the debate and moved to other legislation. The bill has never seen the light of day again.

By contrast when the bankruptcy bill was debated, our Republican colleagues did everything they could to satisfy the credit card companies. That bill was debated for 16 days, and 55 amendments were considered.

Now, while schools and parents wait to see whether Congress will increase its investment in education, Republicans find time to bring up the bankruptcy bill again.

Obviously, when the credit card companies want a bill, our Republican friends put everything else aside to get it done. But when it comes to education, the voices of parents and children and schools and communities always go unheard.

Every year since they have been in the majority, Republicans have left education funding until the very end. As we've had to do every year since the GOP took over the majority in Congress in 1995, we must be especially vigilant on education funding. Over and over, we've heard the Republican rhetoric of support, but the reality is just the opposite.

They say education is a priority. We thought the Republicans might finally put aside their opposition to education. But it's all talk and no action.

At the beginning of this Congress, on January 6, 1999, Senator LOTT said, "Education is going to be a central issue this year . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important."

As recently as July 25, Senator LOTT said, "We will keep trying to find a way to go back to this legislation this year and get it completed."

They say they want to invest in education, but their record shows they won't and don't. Year after year, it's the same sad story.

In 1995, they tried to abolish the Department of Education and slash $1.7 billion of education funds.

In FY96, they proposed to cut discretionary funds for education by $3.9 billion, and to cut for student loans by $14 billion.

In FY97, they proposed to cut education by $3.1 billion. In FY98, they tried to cut education by $200 million below the President's request, and in FY99 they tried to cut education by $2.8 billion below the President's request.

With the strong leadership of President Clinton, all of these reactionary GOP anti-education schemes were defeated, and federal funding for education steadily increased.

Nevertheless, the anti-education Republicans in Congress continue to give education the lowest priority. They say they want to make education a high priority—but their rhetoric never matches the reality. It's four weeks after the fiscal year began, and the Republicans have just rejected a strong bipartisan education funding agreement. And now, for the GOP, the education funding bill is MIA—missing in action.

The House Republican majority did break their word when they rejected the bipartisan education funding agreement. They broke their word to the appropriators and the White House who negotiated the agreement. And, they broke their promise to the American people that they would do something for education across the country.

I want to be sure that my colleagues on both sides of the aisle understand what was at stake in the agreement.

By rejecting the agreement, the Republican leadership is rejecting $1.75 billion to reduce class size. That's an increase of $450 million over last year, to help communities hire an additional qualified teachers to reduce class size in the early grades to 18.

By rejecting the agreement, the Republican leadership is rejecting $1 billion for after-school activities—an increase of $547 million over last year.

Each day, 5 million children, many as young as 8 or 9 years old, are home alone after school. Juvenile delinquent crime peaks in the hours between 3 p.m. and 6 p.m. Children left unsupervised are more likely to be involved in anti-social activities and destructive patterns of behavior.

Under the successful 21st Century Community Learning program, students are able to have expanded learning opportunities in school facilities, in cooperation with community organizations and other educational and youth development agencies.

Massachusetts has greatly benefitted from this successful program. Worcester Public Schools received a $1.2 million federal grant recently to expand after-school opportunities. Boston received $306,000, so that three middle schools in high need areas can create high-quality learning centers that meet the needs of their communities. Chelsea, Holyoke, and Springfield have also received grants under this vital program. We should help more communities increase after-school opportunities for children.

By rejecting the agreement, the Republican leadership is also rejecting $585 million for teacher quality programs, an increase of $250 million over last year. That means denying millions of teachers access to high quality professional development and mentoring. With training in proven effective teaching practices and the newest technologies, teachers can help all children meet high academic standards and graduate from school prepared for the 21st century workplace.

By rejecting the agreement, the Republican leadership is rejecting $6.6 billion for IDEA, an increase of $1.7 billion over last year. That means undermining local efforts to help children with disabilities get a good education.

By rejecting the agreement, the Republican leadership is rejecting $250 million for states to help failing schools, an increase of $116 million over last year. That means denying help needed to turn around thousands of low-performing schools.

By rejecting the agreement, the Republican leadership is rejecting a maximum Pell grant of $3,800, an increase of $500 over last year. That means denying many needy college students a much-needed increase in their Pell grants.

By rejecting the agreement, the Republican leadership is rejecting $325 million for GEAR UP, an increase of $125 million over last year. That means denying low-income middle and high school students the extra mentoring and financial assistance they make college a reality for their future.

By rejecting the agreement, the Republican leadership is rejecting a new program to provide $1.333 billion for school repair and renovation. That means denying schools the support they need to meet their most urgent repair and renovation needs.

Elementary and secondary schools are in urgent need of repair and renovations, so that students can learn and teachers can teach in safe and up-to-date facilities. It's estimated that $112 billion is needed, just to repair existing schools across the nation in poor condition. Nearly one third of all public schools are more than 50 years old. 14 million children in a third of the nation's schools are learning in substandard buildings. Half of all schools have at least one unsatisfactory environmental condition. The problems with ailing school buildings aren't the problems of the inner city alone. They exist in almost every community—urban, rural, or suburban.

Sending children to learn and teachers to teach in dilapidated, overcrowded facilities sends a message to these students and their teachers. It tells them they don't matter. No CEO would tolerate a leaky ceiling in the board room, and no teacher should have to tolerate it in the classroom. We need to do all we can to ensure that children are learning in safe, modern buildings.

Republicans have also rejected the Administration's proposal to provide $25 billion in interest-free bonds to help communities build and modernize 6,000 new schools to alleviate overcrowding and repair crumbling and dilapidated buildings.

The President's proposal is the right approach because it maintains Davis-Bacon protections for workers. The Davis-Bacon Act requires contractors to pay construction workers locally prevailing wages, thereby ensuring that federally assisted construction projects are not used to undermine local wages. Paying prevailing wages ensures that taxpayers have quality construction work performed by well trained, highly skilled, efficient workers. It is short-sighted and unacceptable to build new schools for children to improve their learning, and then allow construction workers to be paid sub-standard wages.

Republicans opposed to Davis-Bacon continue to repeat the myth that the Davis-Bacon Act increases the cost of school construction. Study after study shows that it does not. Recent studies of prevailing wage laws in Michigan, in Maryland and other Mid-Atlantic states, and in New Mexico and other western states, show that prevailing wage laws do not increase the cost of school construction.

Congress has given strong bipartisan support to the Davis-Bacon Act ever since it was first passed in 1931. Paying prevailing wages makes good policy sense. It enhances productivity and quality. It strengthens skills training in the construction industry. It protects the wages and benefits of local construction workers. Even Ronald Reagan promised to support Davis-Bacon.

Republican leaders should be ashamed of themselves for denying this urgently needed help for schools, communities, and families across the country.

The Republican Congress has put education last too many times, and it should be held accountable in the voting booths on November 7.

Voters should also recognize that the Republican candidate for President, Governor Bush, has a track record that is no better on education, and he should be held accountable, too.

If Governor Bush's record in Texas is any indication, average Americans—who work day after day to make ends meet—will be an after-thought in a Bush Administration.

The Republican Congress says he has the answers on education. He calls his record in Texas an "education miracle." But if you look at the record, it is more of an "education mirage" than an "education miracle."

Under Governor Bush, in 1998, according to the National Center for Education Statistics, Texas ranked 45th in the nation in high school completion rates. 71 percent of high school dropouts in Texas are minorities. Hispanic students in Texas drop out at more than twice the rate of white students in the state.

So if education is the biggest civil rights issue in America, as Governor Bush claimed in the Presidential debates, he flunked the test in Texas.

Last August, the College Board reported that nationally, from 1997 to the year 2000, SAT scores have increased—but in Texas, they have decreased. In 1997, Texas was 21 points below the SAT national average—and by 2000, the gap had widened to 26 points.

Then, last Thursday, Governor Bush heard more bad news. The RAND Corporation released an education bombshell that raises serious questions about the validity of even the gains in student achievement in Texas claimed by the Governor.

The RAND bombshell was all the more embarrassing, because in August, Governor Bush said, "Our state . . . has done the best . . . not measured by us but measured by the RAND Corporation, who take an objective look as to how states are doing when it comes to educating children."

Clearly, at that time, Governor Bush trusted the conclusions made by the RAND Corporation. He was referring to a RAND report that looked at scores in Texas from 1990 to 1996. In fact, Senator HUTCHISON cited those findings on the floor of the Senate on Thursday.

But most of the years covered by the earlier RAND report were before Bush became Governor. The new RAND report, released earlier this week, analyzes scores from 1994 to 1998, when George W. Bush was the Governor.

The achievement gap in Texas is not closing—it is widening. And what is the Governor's solution? Tests, tests, and more tests. In August, Governor Bush said, "Without comprehensive regular testing, without knowing if children are really learning, accountability is a myth, and standards are just slogans."

We all know that tests are an important indication of student achievement. But the RAND study questions the validity of the Texas state test, because Governor Bush's education program was "teaching to the test," instead of genuinely helping children to learn.

If we want a true solution, we should look at the success of states such as North Carolina, which is improving education the right way—investing in schools, improving teacher quality, and expanding after-school programs—all in order to produce better results for students. SAT scores went up in North Carolina by 10 points between 1997 and 2000.

The Bush Plan mandates tests and more tests for children—but it does nothing to ensure that schools actually improve and children actually learn.

We know that immediate help for low-performing schools is essential. We know that we can turn around failing schools, when the federal government and states and parents and local schools work together as partners to provide the needed investments.

In North Carolina, low-performing schools are given technical assistance from special state teams that provide targeted support to turn around low-performing schools. In the 1997-98 school year, 15 North Carolina schools received intensive help from these state assistance teams. In August 1998, the state reported that most of these schools achieved "exemplary" growth—and not one of the schools remained in the "low-performing" category. Last year, 11 North Carolina schools received similar help. Nine met or exceeded their targets.

That's the kind of aid to education that works—not just tests, but realistic action to bring about realistic change for students' education.

Instead of taking steps that work, Governor Bush abandons low-performing schools. He proposes a private school voucher plan that drains needed resources from troubled schools and traps low-income children in them.

In the Vietnam War, it was said that we had to destroy some villages in order to save them. That's what Governor Bush has in store for failing schools—a Vietnam War strategy that will destroy schools instead of saving them.

Parents want smaller class sizes, where teachers can maintain order and give children the one-on-one attention they need to learn.

Parents want qualified teachers for their children—a qualified teacher in all of their classes.

Parents want schools that are safe and modern learning environments for their children.

Parents and students alike want an increase in Pell Grants, to help students afford the college education they need in order to have successful careers in the new economy.

The vast majority of Americans want us to address these challenges. And AL GORE and Democrats in Congress will do just that. They will continue to fight hard and well for the education priorities that parents and local schools are demanding.

EDUCATION PRIORITIES

Mr. VOINOVICH. Mr. President, today is November 1st, one month after the beginning of the new fiscal year and less than one week before the 2000 elections. Most of us in this body had anticipated that by now, we would be home in our respective states instead of here in Washington. However, we are once again in the midst of gridlock with a President who, despite his eight years in office, still does not understand how to delineate the proper role of government at the federal, state and local level.

Our forefathers referred to this differentiation as federalism, and outlined this relationship in the 10th Amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Just the other day, in response to his veto of the Treasury-Postal appropriations bill, the President made the claim that we in Congress were taking care of ourselves first before we take care of education, and that he could not "in good conscience" sign a bill that would do so.

I would say to the Chair that I am as committed to the need to provide our children with a quality education as any member of this body—Democrat or Republican—and just as committed as the President.

But what the President and my friends on the other side want to do with respect to education is all wrong and it smacks of election year politics.

The reality is that the President has his priorities all mixed up. Over the last eight years, he has missed a fundamental opportunity to reform Social Security. Over the last eight years, he has missed the opportunity to reform Medicare. Over the last eight years, he has missed the opportunity to revamp and upgrade our military.

As my colleagues know, both Governor Bush and Vice President GORE have made education among their top priorities in their campaigns. As such, I believe in a few short months from now, Congress and the new President will work together to craft an ESEA reauthorization bill, which I am confident will pass quickly and be signed into law.

However, instead of waiting a few months to allow his successor the opportunity to reauthorize the Elementary and Secondary Education Act, ESEA, this President seems consumed with constructing education policy through the appropriations process.

In this appropriation cycle, the President has demanded more than $4 billion in new education spending primarily for additional teachers, after school programs and school facilities, plus billions of additional dollars for school construction bonds.

Let me state emphatically to my colleagues: these activities are not federal responsibilities.

What is a federal responsibility is giving state and local leaders the flexibility to spend funds the way that makes the most sense for their particular school districts.

On this side of the aisle, we are saying, "we trust our teachers, and principals and school superintendents to make decisions on education spending." We are saying we will give you education funds and if you want to spend them on hiring teachers or building schools you can, but if your needs are new technology or books or training or special education, you ought to be able to spend the money on those programs. This is the right approach.

Throughout American history, the federal government's role in educating America's youth has traditionally been relatively minor. The U.S. Constitution and the Federalist Papers affirm that the primary responsibility for education lies with those closest to our students in our states and localities.

It is parents, teachers, local school districts and states who have done the lion's share with respect to educating our children, not Washington. And the numbers back up this fact.

Right now in America, the Federal Government only provides 7 percent of the funds for education.

Let me repeat that because that fact is hardly ever discussed: the Federal Government only provides 7 percent of the funds for education in this nation.

That means 93 percent of each dollar that is spent on education comes from state taxes or local taxes or some other non-federal source.

Yet, this Administration would have the American people believe that all good things spring from Washington and that "top down" command-and-control policies from the White House work best.

To them, the local school districts in America—the parents and teachers and administrators across this nation—have no earthly idea how to educate their own children, nor do they know what their needs are.

Believe it or not, most states are already investing in teachers and in school construction and in technology and after school programs.

Most States have the money to pay for education—for teachers, for classroom materials, and for school construction.

The National Governors Association reports that 46 states have a budget surplus and at least 36 states have a comfortable surplus. As a result, many states have been able to increase spending on education while cutting taxes.

Does it make sense, then, for the White House to dangle a $4 billion carrot in front of America's school districts when so many states are reporting budget surpluses and are cutting taxes?

The federal government has billions of dollars of unmet needs.

We have a national debt of $5.7 trillion—a debt that is costing us $224 billion in interest payments a year, and $600 million per day just to pay the interest.

Out of every federal dollar that is spent, 13 cents will go to pay the interest on the national debt. In comparison, 16 cents will go for national defense; 18 cents will go for non-defense discretionary spending; and 53 cents will go for entitlement spending. Right now, we spend more federal tax dollars on debt interest than we do on the entire Medicare program.

Yet the President is willing to spend billions of dollars on what are state and local government responsibilities instead of targeting those funds on what are true federal needs.

Clearly, states are the ones with the resources for school construction, and they are, in fact, using them for that purpose.

When I was Governor, I felt so strongly about the importance of building new schools that I started the Ohio School Facilities Commission. Because of what we were able to do in Ohio, the General Accounting Office reported earlier this year that Ohio's increase in school construction spending from 1990–1997 was the ninth greatest in the nation in percentage terms, and the eighth greatest in terms of dollar amount.

In addition, thanks to the settlement our states have negotiated with the tobacco industry—something I fought hard to achieve—Ohio has more than $10 billion in additional revenues.

Governor Taft has pledged to fully address the facility needs of every Ohio school district within the next 12 years. His proposal for allocating $23 billion in state and local resources included a plan to fund the building needs of Ohio's 49 vocational school districts, accelerate the pace of work for our largest urban school districts, and in short give all districts an opportunity to address their immediate facility needs.

And in New Jersey, Governor Christine Todd Whitman announced recently that her state has begun spending money on a plan to build $12 billion worth of classrooms over the next 10 years.

States have invested in teachers as well. In Ohio, we realized that young teachers needed mentors to show the way. So we started a program that pays teachers $1,500 to serve as mentors to younger teachers.

And because professional development is important, I initiated Ohio's participation in the National Board of Professional Teaching Standards.

I felt it was so important for us to prepare our teachers that we began encouraging teachers in Ohio to participate by paying their application fees and the cost to take the test. Teachers who passed the National Board of Professional Teaching Standards certification process were rewarded with a bonus of $2,500 for 10 years.

As a result of these commitments, Ohio has ranked fourth in the nation in professional development by the National Commission on Teaching and America's Future. And Congress continues to recognize the value of this organization.

In short, like most states, Ohio is getting it done for education. But what really upsets me is the fact that the President is calling on Ohio taxpayers to send money to Washington so that the federal government can turn around and send it to states that are not meeting their responsibilities—responsibilities that are totally and absolutely state or local obligations.

Right now, the President is pushing to spend $1.75 billion on a school class size reduction program, but, with 120,000 teachers already in Ohio, this program at best yields only 1.5% increase in the number of teachers in my state.

In fact, even if the President gets all the money he wants, 47% of Ohio's public school districts and community schools will not even receive enough money from the President's program to hire a single teacher. Not a single one.

The Clinton class size reduction proposal undermines local control and the ability of school districts to spend money where it is needed most. But it goes to the point that the Clinton-Gore administration wants to be all things to all people.

I say to my colleagues, if we really want to do something for education, then we should live up to the federal commitment to IDEA.

In 1975, Congress passed the Individuals with Disabilities Education Act (IDEA), a program designed to help mainstream young men and women with disabilities so they could obtain a quality education. Congress thought it was such a national priority, that it promised that the Federal Government would pay up to 40 percent of the cost of this program.

However, through fiscal year 2000, the most that Washington provided to our school districts under IDEA is 12.6 percent of the educational costs for each handicapped child. The remainder of the cost for IDEA falls on State and local governments.

Earlier this year, the Senate passed two amendments that I offered regarding IDEA. The first said that Washington should live up to its commitment to fund IDEA at the 40% level before it allocates new education money.

The second would allow school districts to use federal money for IDEA. Or, if the district wanted to spend the money on new teachers or new facilities, they could do so.

If the Federal Government was fully funding IDEA, most of the education initiatives the President and my colleagues are proposing—school construction, after-school programs, and new teachers—could be and likely would be taken care of at the State and local level.

The Federal Government does have important responsibilities like national defense, infrastructure, Medicare and Social Security and we must also look at real federal priorities such as prescription drugs and responding to the cries of our health care system that has been short changed by the 1997 Balanced Budget Act. However, Washington must figure out how to sustain paying for its responsibilities before making new commitments.

Because of the President's spending programs, the Labor HHS appropriations bill is, at last count, already at $113 billion. Last year, we spent $96 billion for the same bill. That's nearly an 18 percent increase.

This appropriations bill contains more than $43 billion for the Department of Education. In the President's own budget, he asked for only $40 billion. Still, that is almost double the $21.1 billion in discretionary education spending allocated by the Federal Government just 10 years ago in fiscal year 1991, and nearly 5 times the $8.2 billion spent on discretionary education spending 25 years ago in 1976.

The President and my colleagues across the aisle must stop acting as if they are the Nation's school board, trying to fund every education program possible.

I believe our State and local leaders should be given the flexibility they need to spend their Federal education dollars to live up to our obligations with respect to IDEA, freeing them to address state and local education needs that have not yet been met.

It is my hope that in the waning days of this Congress, we will find the strength to recognize what is a federal responsibility and what is not and act accordingly. We can no longer count on the President to do so: it is up to us.

OBJECTION TO PROCEEDING TO H.R. 4020

Mr. WYDEN. Mr. President, I rise today to state my objection to any unanimous consent request for the Senate to proceed to or adopt H.R. 4020, authorizing the expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove, unless or until S. 2691, to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, is discharged, unamended, from the House of Representatives Resources Committee and passed, unamended, by the House of Representatives. I do so consistent with the commitment I have made to explain publicly any so-called "holds" that I may place on legislation.

S. 2691 is a bipartisan bill, authored by myself and Senator SMITH of Oregon, and supported by all the members of Oregon's congressional delegation. It passed the Senate Energy and Natural Resources Committee, as well as the entire Senate, unanimously. This legislation protects the current and future drinking water source for the city of Portland, home to one in four Oregonians.

Despite its broad support, and my personal appeal to the Resources Committee, that committee has failed to act on it. Oregonians expect their elected representatives will act responsibly to protect Portland's drinking water source. As a result, I cannot agree to H.R. 4020 until S. 2691 clears the House of Representatives unamended.

THE BANKRUPTCY REFORM BILL

Mr. KERRY. Mr. President, I strongly believe that reform of our bankruptcy laws is necessary. During the 105th and 106th Congress, I have supported legislation to reform bankruptcy laws and end the abuse of the system. However, I am very disappointed that I am unable to support the conference report of the Bankruptcy Reform Bill because I believe it is unfair and unbalanced, was completed without appropriate consideration by the Minority party, includes an inequitable homestead provision and is unfair to many working families.

I am very concerned that the decision to file for bankruptcy is too often used as an economic tool to avoid responsibility for unsound business decisions and reckless acts by both individuals and businesses. There has been a decline in the stigma of filing for bankruptcy and appropriate changes are necessary to ensure that bankruptcy is no longer considered a lifestyle choice.

This legislation includes a number of important reforms which I support. I am pleased that the small business provisions originally included in the Senate bill have been changed to give small businesses adequate time to develop a reorganization plan during bankruptcy proceedings. I had previously included an amendment to the Senate bill that increased this time for small businesses. I am also pleased that the conference report includes my amendment to expand the credit committee membership under Chapter 11 bankruptcies to include small businesses. I believe this will ensure better access and information for small businesses creditors. Unfortunately, reasonable and necessary reforms were included in a bill that on the whole fails to take a balanced approach to bankruptcy reform. I had hoped that through a legitimate legislative process we would arrive at a compromise that would have ended the abuses but still provided our most vulnerable citizens with adequate protections. Instead, I believe that the conference report protects wealthy debtors by allowing them to use overly broad homestead exemptions to shield assets from their creditors. The Senate passed, by a bipartisan vote of 76–22, an amendment to create a $100,000 nationwide cap on any homestead exemption. However, this provision was not included in the Conference Report. Instead, the conferees included a meaningless cap with a two-year residency requirement that wealthy debtors could easily avoid. Moreover, the bill's safe harbor is illusory and will not benefit individuals in most need of help. Because the safe harbor is based on the combined income of the debtor and the debtor's spouse, many single mothers who are separated from their husbands and who are not receiving child support will not be able to take advantage of the safe harbor provision.

I am also very disappointed that the conference report does not include an amendment offered by Senator COLLINS and myself, which was included in the Senate bill, that would make Chapter 12 of the Bankruptcy Code, which now applies to family farmers, applicable for fishermen. I believe that this provision would have made bankruptcy a more effective tool to help fishermen reorganize effectively and allow them to keep fishing while they do so.

In addition to its failure to protect many consumers, the bill fails to require that the credit industry share responsibility for reducing the number of bankruptcy cases. It does not require specific disclosures on monthly credit card statements that would show the time it would take to pay off a balance and the cost of credit if only minimum payments are made. It also does nothing to discourage lenders from further increasing the debt of consumers who are already overburdened with debt.

Finally, this bill is the result of a conference process that violated and deprived the rights of Senators. In October, the House appointed conferees for the Bankruptcy Reform Act and without holding a conference meeting, the Majority filed a conference report striking international security legislation and replacing with a reference to a bankruptcy reform bill introduced earlier that same day. This makes a mockery of the legislative process and demeans the United States Senate.

I am hopeful that during the 107th Congress, we can develop bipartisan legislation that would encourage responsibility and reduce abuses of the bankruptcy system.

BBA CUTS TO MEDICARE PROVIDERS

Mr. BAUCUS. Mr. President, I rise today to bring attention to the important issue of the Balanced Budget Act, BBA, of 1997, its revision in 1999, and the importance of providing further relief to the many patients and providers who have been negatively affected by its implementation.

The BBA included a series of cuts to Medicare providers, including hospitals, nursing homes, and home health agencies. Though intended to cut about $112 billion from Medicare over the five-year period from 1998 to 2001, recent estimates indicate that over twice that amount will be cut by the BBA. And although Congress restored about $16 billion in funding to Medicare in 1999, much work remains to be done. Particularly in rural America, Congress should restore funding to Medicare programs for telehealth, hospital and home health care, among others.

Nationwide, 25 percent of seniors live in rural areas. And though the BBA has hit all hospitals hard, rural facilities have suffered disproportionately from the 1997 legislation. According to a June report by the Medicare Payment Advisory Commission, small rural hospitals have significantly lower operating margins than rural facilities, on average 0.4 and 3.8 percent, respectively. Congress will do America's rural hospitals a great disservice by not enacting further BBA relief this year.

With respect to telemedicine, a means of providing care for Medicare beneficiaries with the use of advanced telecommunications equipment, Congress can act this year to further the use of this important tool. Mr. President, in my state of Montana, where over 75 percent of seniors live in rural areas, there is no psychiatrist east of Billings—an area the size of the State of Florida. Telemedicine could work wonders toward providing rural beneficiaries with access to specialty care, including psychiatric care. Although Congress mandated telehealth reimbursement as part of the BBA, the scope of that reimbursement is very limited.

We should also provide relief for home health care, one of the areas hit hardest by the BBA. Originally scheduled for a $16 billion cut, home health payments under Medicare were actually reduced by more than $68 billion, over four times the original amount intended. We need to preserve access to home care services by eliminating the scheduled 15 percent additional reduction in Medicare reimbursement. We should also provide 10 percent bonus payments to rural home care agencies, a provision that was included in both the Senate Finance and House Ways and Means BBA relief bills this year.

Mr. President, Congress should not let politics and partisan priorities to interfere with providing a basic human need to the people of our country. I urge my colleagues join me by acting on further BBA relief this year.

ERGONOMICS

Mr. KENNEDY. Mr. President, OSHA has been attempting to implement an ergonomics standard for the past ten years. But each year, Congress has delayed the standard. And now, even though a bipartisan group of appropriators agreed to a reasonable compromise on this issue late Sunday night, the Republican leadership rejected it—because the business lobbyists demanded it and insisted that millions of workers wait even longer for a safe and healthy workplace.

Each year, 1.7 million workers suffer from ergonomic injuries, and nearly 600,000 workers lose a day or more of work because of these injuries suffered on the job. Ergonomic injuries account for over one-third of all serious job-related injuries.

These injuries are painful and often crippling. They range from carpal tunnel syndrome, to severe back injuries, to disorders of the muscles and nerves. Carpal tunnel syndrome keeps workers off the job longer than any other workplace injury. This injury alone causes workers to lose an average of more than 25 days, compared to 17 days for fractures and 20 days for amputations.

The ergonomics issue is also a women's issue, because women workers are disproportionately affected by these injuries. Women make up 46 percent of the overall workforce—but in 1998 they accounted for 64 percent of repetitive motion injuries and 71 percent of carpal tunnel cases.

The good news is that these injuries are preventable. The National Academy of Sciences and the National Institute of Occupational Safety and Health have both found that obvious adjustments in the workplace can prevent workers from suffering ergonomic injuries and illnesses.

Congress has a responsibility to ensure that the nation's worker protection laws keep pace with changes in the workforce. Early in this century, the industrial age created deadly new conditions for large numbers of the nation's workers. When miners were killed or maimed in explosion after explosion, we enacted the Federal Coal Mine Safety and Health Act. As workplace hazards became more subtle, but no less dangerous, we responded by passing the Occupational Safety and Health Act to address hazards such as asbestos and cotton dust.

Now, as the workplace moves from the industrial to the information age, our laws must evolve again to address the emerging dangers to American workers. Ergonomic injuries are one of the principal hazards of the modern American workplace—and we owe it to the 600,000 workers who suffer serious ergonomic injuries each year to address this problem now.

Ergonomic injuries affect the lives of working men and women across the country. They injure nurses who regularly lift and move patients. They injure construction workers who lift heavy objects. They harm assembly-line workers whose tasks consist of constant repetitive motions. They injure data entry workers who type on computer keyboards all day. Even if we are not doing these jobs ourselves, we all know people who do. They are mothers and fathers, brothers and sisters, sons and daughters, friends and neighbors—and they deserve our help.

We need to help workers like Beth Piknick of Hyannis, Massachusetts, who was an intensive care nurse for 21 years, before a preventable back injury required her to have a spinal fusion operation and spend two years in rehabilitation. Although she wants to work, she can no longer do so. In her own words, "The loss of my ability to take care of patients led to a clinical depression. . . . My ability to take care of patients—the reason I became a nurse—is gone. My injury—and all the losses it has entailed—were preventable."

We need to help workers like Elly Leary, an auto assembler at the now-closed General Motors Assembly plant in Framingham, Massachusetts. Like many, many of her co-workers, she suffered a series of ergonomic injuries—including carpal tunnel syndrome and tendinitis. Like others, she tried switching hands to do her job. She tried varying the sequence of her routine. She even bid on other jobs. But nothing helped. Today, years after her injuries, when she wakes up in the morning, her hands are in a claw-like shape. To get them to open, she has to run hot water on them.

We need to help workers like Charley Richardson, a shipfitter at General Dynamics in Quincy, Massachusetts in the mid-1980's. He suffered a career-ending back injury when he was told to lift a 75 pound piece of steel to reinforce a deck. Although he continued to try to work, he found that on many days, he could not perform the lifting and the use of heavy tools. For years afterwards, his injury prevented him from participating in basic activities. But the loss that hurt the most was having to tell his children that they couldn't sit on his lap for more than a few minutes, because it was too painful. To this day, he cannot sit for long without pain.

We need to protect workers like Wendy Scheinfeld of Brighton, Massachusetts, a model employee in the insurance industry. Colleagues say she often put in extra hours at work to "get the job done." She developed carpal tunnel syndrome, using a computer at work. As a result, Wendy lost the use of her hands, and is now permanently unable to do her job, drive a car, play the cello, or shop for groceries.

Even though it may be too late to help Beth, Elly, Charley and Wendy, workers just like them deserve an ergonomics standard to protect them from such debilitating injuries.

As long ago as 1990, Secretary of Labor Elizabeth Dole in the Bush Administration called ergonomic injuries "one of the nation's most debilitating across-the-board worker safety and health illnesses." Since that time, over 2,000 scientific studies have examined the issue, including a comprehensive review by the National Academy of Sciences. All of these studies tell us the same thing—it's long past time to enact an ergonomics standard to protect the health of American workers and prevent these debilitating injuries in the workplace.

Last fall, when we considered the Labor-HHS appropriations bill, opponents of an ergonomics standard wanted us to wait for the National Academy of Sciences to complete a further study before OSHA establishes a standard. But it was just another delaying tactic. As we said then, over 2,000 studies on ergonomics have already been carried out.

In 1997, the National Institute for Occupational Safety and Health reviewed 600 of the most important of those studies. In 1998, the National Academy of Sciences reviewed the studies again. Congress even asked the General Accounting Office to conduct its own study.

The National Academy of Sciences found that work clearly causes ergonomic injuries. They concluded that "the positive relationship between the occurrence of musculoskeletal disorders and the conduct of work is clear." The National Institute for Occupational Safety and Health agreed. They found "strong evidence of an association between MSDs and certain work-related physical factors."

The Academy also found that ergonomics programs are effective. As the Academy found, "Research clearly demonstrates that specific interventions can reduce the reported rate of musculoskeltal disorders for workers who perform high-risk tasks." The GAO has concluded that good ergonomics practices are good business. Its report declared, "Officials at all the facilities we visited believed their ergonomics programs yielded benefits, including reductions in workers' compensation costs."

The truth is that the Labor Department's ergonomics rule is based on sound science. In addition to the National Academy of Sciences and the National Institute of Occupational Safety and Health, medical and scientific groups have expressed widespread support for moving forward with an ergonomics rule. The American College of Occupational and Environmental Medicine, representing over 7,000 physicians, has stated that "there is . . . no reason for OSHA to delay the rule-making process while the NAS panel conducts its review." The American Academy of Orthopedic Surgeons, representing 16,000 surgeons, the American Association of Occupational Health Nurses, representing 13,000 nurses, and the American Public Health Association, representing 50,000 members, all agree that an ergonomics rule is necessary and based on sound science.

Many members of the business community support ergonomics protections, because they agree that good ergonomics practices are good business. Currently, businesses spend $15 to 20 billion each year in workers' compensation costs related to these disorders. Ergonomic injuries account for one dollar of every three dollars spent for workers' compensation. If businesses reduce these injuries, they will reap the benefits of lower costs, greater productivity, and less absenteeism.

That's certainly true for Tom Albin of Minnesota Mining and Manufacturing, who said, "Our experience has shown that incorporating good ergonomics into our manufacturing and administrative processes can be effective in reducing the number and severity of work-related musculoskeletal disorders, which not only benefits our employees, but also makes good business sense."

Similarly, Peter Meyer of Sequins International Quality Braid has said, "We have reduced our compensation claims for carpal tunnel syndrome through an effective ergonomics program. Our productivity has increased dramatically, and our absenteeism has decreased drastically."

This ergonomics rule is necessary, because only one-third of employers currently have effective ergonomics programs. Further delay is unacceptable, because it leaves too many workers unprotected and open to career-ending injuries. Ten years is long enough. Since OSHA began working on this standard in 1990, more than 6.1 million workers have suffered serious injuries from workplace ergonomic hazards.

It is time to end these injuries—and end all the misinformation too. The current attack on OSHA's ergonomics standard is just the latest in a long series of mindless attacks by business against needed worker protections for worker's health and safety. Whose side is this Congress on? American employees deserve greater protection, not further delay. It's time to stop breaking the promise made to workers, and start supporting this long overdue ergonomics standard now.

WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. TORRICELLI. Mr. President, I applaud the Senate's passage of the Water Resources Development Act of 2000, WRDA, S. 2796. This legislation is critical to my State of New Jersey, which is so dependent upon its rivers, estuaries, and coasts for its livelihood. New Jersey relies on these unique resources as avenues for freight and business, recreational and harvest fishing, and a vibrant tourism industry. Indeed, it is imperative that these resources be kept environmentally and economically viable.

Along these lines, I am pleased that the Senate has agreed to pursue environmentally responsible alternatives for addressing flooding along the Passaic River. I originally introduced language to address this issue, which represents a new era in flood control, in 1998. S. 2796 authorizes the U.S. Army Corps of Engineers (Corps) to use up-to-date criteria in developing a new environmentally and economically responsible alternative. Such an alternative will take into account non-structural options, such as land buyouts and wetlands preservation. The bill also directs the Corps to study the possible acquisition of open space in the Highlands region of New Jersey as a way of reducing low-land flooding.

I also applaud the Senate's authorization of more than $1.7 billion to bring the channels of the New York and New Jersey Harbor to a depth of 50 feet. This authorization is based on the findings of the New York-New Jersey Harbor Navigation Study which was designed to evaluate the navigational needs of the Port of New York and New Jersey over the next 50 years. The results of the study have made clear the need for deepening the channels of Port Jersey, Kill Van Kull, Newark Bay, Arthur Kill, and Bay Ridge Channels to a depth of 50 feet.

While the region has relied on the maritime industry for over two hundred years, the port lacks the capacity to accommodate new deep draft shipping vessels. More than a decade ago, Congress authorized the deepening of these channels to 45 feet which has begun and is on track to be completed in the next few years. But this is only the beginning. In order to maintain the 165,000 jobs and $22 billion in annual economic activity port commerce generates, these channels must go to 50 feet.

Once clean materials from these deepening projects, and other projects from around the nation, have been dredged we should not neglect possible beneficial uses. Within WRDA, there is a $2 million annual authorization for the Corps to develop a program that will allow all eight of its regional offices to market eligible dredged material to public agencies and private entities for beneficial reuse.

I want to thank my colleagues, particularly Senators SMITH, BAUCUS, and VOINOVICH for their assistance and cooperation in developing this legislation. My colleagues have been remarkably helpful in this matter, having worked closely with me to ensure that the final bill incorporated language based on my legislation S. 2385, the Dredged Material Reuse Act, which I introduced earlier this year. They have understood the need, and I am grateful that they have agreed to include it in this legislation.

Beneficial reuse is a largely underutilized concept. As a result, unwanted dredged material is often dumped on the shorelines of local communities. Through a program of beneficial reuse the dredged material would be sold to construction companies and other developers who would be eager to have this material available.

Mr. President, the people of Southern New Jersey are all too familiar with this situation. Current plans by the Corps calls for more than 20 million cubic yards of unwanted material dredged from the Delaware River to be placed on prime waterfront property along the Southern New Jersey shoreline. However, with some effort and encouragement, the Corps has recently identified nearly 13 million cubic yards of that material for beneficial reuse in transportation and construction projects.

We should learn from beneficial reuse that contracting companies, land development companies, and major corporations want this material. This means we need to encourage the Corps to market dredged material for beneficial reuse up-front so that communities will not be confronted with the same problems faced by the citizens of Southern New Jersey.

The program created by this legislation will give the Army Corps the authority and the funding they require to begin actively marketing dredged material from projects all across the United States. It recognizes the need to keep our nation's rivers and channels efficient and available to maritime traffic while ensuring that communities are treated fairly.

Of equal, if not greater importance, to the small businesses and shore communities of New Jersey is the protection of our beaches. Recreational activity at our beaches is extremely important to NJ, supporting an annual tourist economy of $17 billion.

However, due to beach erosion, many of our shore communities have lost revenue on which they depend. This lost revenue affects the local tax base, property values, results in lost jobs and diminished quality of life in coastal regions.

Rebuilding and protecting our beaches is vital to the health of our economy. With 127 miles of shoreline and a booming tourist industry, simply watching the beaches erode is not an alternative. From commercial and recreational fishermen, to bait and tackle shops and restaurants, our shore communities depend on healthy coastlines.

With this in mind, I applaud the Senate for authorizing in WRDA several Corps projects to protect and re-nourish New Jersey beaches.

One project authorizes the Corps to re-nourish beaches along the entire stretch of Long Beach Island, from Barnegat Inlet to Little Egg Inlet, in Ocean County, New Jersey. This $51.2 million project authorizes the Corps to create dunes and beaches along the coastline municipalities of Long Beach Island, including: Harvey Cedars, Surf City, Ship Bottom, Beach Haven and Long Beach Township.

Another project for shore protection authorizes the Corps, at a total cost of $30 million, to re-nourish beaches on the 1.8 mile stretch in Port Monmouth along the Raritan Bay and Sandy Hook Bay Shoreline, by constructing floodwalls, levees, dunes, dune grass, dune fencing, dune walk-overs, and suitable beachfill.

Finally, I commend the Senate for including language I supported that would direct the Secretary of the Army to develop and implement procedures to give recreational benefits the same budgetary priority as storm damage reduction and environmental protection in cost-benefit analysis for Corps beach replenishment projects. Currently, the Corps is not required to list recreation benefits in its cost-benefit analysis of beach projects. This language is similar to legislation I introduced earlier this year, and I am pleased that this initiative has been passed in the Senate's WRDA Conference Report.

Prior to the 1986 Water Resources Development Act, the Corps viewed recreation as an equally important component of its cost-benefit analysis. However, the 1986 bill omitted recreation as a benefit to be considered, and New Jersey coastal communities have suffered.

It is imperative that federal policy base beach nourishment assistance on the entirety of the economic benefits it provides. Beach replenishment efforts ensure that our beaches are protected, property is not damaged, dunes are not washed away, and the resources that coastal towns rely on for their lifeblood are preserved.

Mr. President, it is for these reasons that I support the passage of WRDA. New Jersey relies on its unique water resources and this legislation will go a long way towards maintaining our economic and environmental health.

SPACE AND THE CHALLENGES AHEAD

Mr. AKAKA. Mr. President, this past week Washington, DC was the site of a global meeting of space faring nations at the International Space Symposium. A question raised at this event was how the United States' position, as a leader in both government sponsored and commercial space industry and exploration, is to be maintained in the future in light of emerging competitors and markets around the world.

As a partner in the construction of the International Space Station, we have entered into the greatest example of international cooperation to date. As NASA director Dan Goldin remarked at the Symposium, the Space Station will be a partnership of 16 countries, including the U.S., Russia, Japan, the eleven members of the European Union, and Brazil. The Expedition 1 crew left for the Space Station at 1:53 AM, Tuesday morning, marking October 31, 2000, as the date that humanity began its permanent residence in space. American astronaut Bill Shepherd and Russian cosmonauts Yuri Gidzenko and Sergei Krikalev will dock with the Space Station on Thursday and begin assembly tasks as new elements are added to the orbiting outpost. At completion, the Space Station will have a pressurized volume larger than the cabin and cargo hold of a 747 airliner. Of the seven modules, six will house laboratories. With these, the United States and the nations of the world will have the opportunity to use the resources and capabilities of the Space Station for scientific and technological research. The U.S. laboratory module will have racks, or lab space, for individual experiments, as well as sites where independent research payload can be attached. Some portion of each will be dedicated to commercial use.

As expected, a host of physical science experiments will use the research racks, payload sites, and Earth-viewing windows. Platforms will also be available to test communications systems. Exciting experiments are proposed in the life sciences and other fields only now recognizing the opportunities that exist in space. Studies in porous-ceramic bone replacement, gene transformation, and drug design will all benefit from extended experiments in the weightless environment of the Space Station. The ISS also provides an avenue for other countries to have access to space, for experimentation and exploration, thereby diminishing the need for their own space launch vehicle and potential missile capabilities. We must seize this opportunity for international cooperation, fair access to space, and limitless scientific and technological advancement.

As the International Space Station demonstrates, the future poses many opportunities for the Unites States in space. However, it likewise presents several risks. Also discussed at the International Space Symposium were the threats facing the U.S. space industry. One of the largest and most worrisome for our long-term health and viability is a lack of trained, competent, technically skilled workers. The space sector employs between 400,000 and 1,000,000 people. Assuming a 25 year career span, this indicates a need for about 150,000 new employees a year. This does not take into account the fact that the space industry workforce is aging and that the skills used in the space sector, such as system level engineering, problem solving and trouble shooting, and general technical aptitude, are needed in other industries as well. A recent study found that the space sector dropped from being the third most popular field for young people to enter in 1990 to seventh in 1999. The space industry is finding it harder to both recruit and retain technically skilled workers.

I bring this to our colleagues' attention, Mr. President, because the federal government is facing a similar threat. Shortages in workers with scientific and technical training are being faced by many Executive agencies and government labs, as well as the federal space community. As difficult as it is for the commercial space industry to recruit and retain qualified employees, it is even harder for the federal government. Now, and for the foreseeable future, the federal government will continue to be the biggest client for the space industry with its civil and military space ventures. The federal government needs to be able to make decisions regarding selection of products, services and systems and have the personnel to use them. It must also have the personnel to advise Congress and federal regulatory agencies in making intelligent, informed and prudent decisions that will encourage competition and success in the commercial space industry.

The Federal and commercial space industry recognize the risk the shortage of technically skilled workers present to the nation's long-term prosperity and viability. As the ranking member of the Subcommittee on International Security, Proliferation and Federal Services, I am interested in how we can avert what most certainly poses a threat to our national security and economic well-being. The Federal Government is attempting to address those factors in its work environment that make it less attractive to technically skilled workers, while emphasizing the rewarding and fulfilling public service careers available. A way for the Federal Government to increase the number of qualified workers could be a partnership with universities to encourage the skills and training needed to enter the field. The Federal Government should aggressively promote its student loan repayment program to attract young college graduates who may turn away from Federal service because they are burdened with school debts. This program, which has been authorized since 1991, was never implemented due to budget cuts, hiring freezes, and downsizing over the past decade. Since last March, Senators DURBIN, VOINOVICH, and I have urged the Office of Personnel Management to implement the loan repayment program because we viewed it as an opportunity to encourage young people to join the Federal Government. We were successful in expanding the benefit beyond the scope of the initial authorization through an amendment to the FY01 DoD Authorization Act, which was signed by the President on October 30, 2000.

The loan repayment program will be a critical component for the Federal Government in its effort to recruit and retain highly qualified professional, technical, or administrative personnel by allowing Federal agencies to repay up to $40,000 of an employee's student loans. In addition to attracting recent college graduates, efforts to retain experienced federal employees will include loan repayment programs for those who pursue additional academic training. We stand at the threshold of an age of opportunity and challenge. Our future as a global leader in space depends on having the people to meet this challenge. I urge my colleagues to join me in fostering an interest in public service among our nation's youth so that they will pursue careers that further our nation's federal space programs.

THE SMALL BUSINESS, HEALTH, TAX, AND MINIMUM WAGE ACT

Mr. JOHNSON. Mr. President, I am deeply concerned that important efforts to support small businesses are jeopardized by the many unrelated amendments that have been added to H.R. 2614 the Small Business, Health, Tax, and Minimum Wage Act. I ask my colleagues to join me in working to pass important legislation vital to preserve the Certified Development Company Program, the Small Business Innovation Research Program, and the reauthorization of the Small Businesses Administration. As Congress prepares to adjourn, it is irresponsible to prevent action on these important issues.

I am very concerned that innocent provisions that support small businesses and job creation are being held hostage in a debate over unrelated issues. H.R. 2614 was introduced as a bill to amend the Small Business Investment Act to make improvements to the certified development company program. This program provides gap financing which is vital to foster entrepreneurship and create economic opportunities. In recent days, however, this bill has been loaded down with numerous provisions that completely overshadow this program and threaten to shatter our chance to authorize these programs before Congress adjourns.

I am proud to speak out on behalf of the real intent of H.R. 2614 which would help small businesses succeed. There is an old proverb used in my state of South Dakota which advises: "Don't put off until tomorrow what can be done today." Today, we should strip out the politically charged amendments that have been tacked onto this bill and pass legislation both parties agree is important to our economy, our local communities, and many businesses and families across the country.

It is careless not to reauthorize these important programs because of election year politics which bogged down the legislation with unrelated issues. Congress should vote on the genuine issues with regard to small business programs. We must not let certain partisan differences cause us to turn away from our opportunity to promote the entrepreneurial spirit of our country.

There are many issues before this body which evoke strong differences of opinion, however, authorizing these important small business programs are not among them. I urge my colleagues to join me in securing the passage of this important legislation and not allow these widely supported initiatives to fall victim to nonrelated amendments thrown together in the closing days of Congress.

DIRECT-TO-CONSUMER ADVERTISING AND RISING PRESCRIPTION DRUG PRICES

Mr. JOHNSON. Mr. President, anyone who has lived or visited in the United States during the last few years has been exposed to a phenomenon which is uniquely American. I speak of the direct-to-consumer advertising of prescription medicines.

U.S. pharmaceutical manufacturers will spend an amount this year very close to $2 billion on advertising to the general public. This can be compared to about just $150 million in 1993—which explains why no one can avoid these advertisements even if they wanted to. They are ubiquitous—TV, radio, newspapers, and magazines are all replete with prescription drug ads.

Typically, the drugs that are most heavily advertised are among those that ultimately are the most heavily prescribed. According to a recently released National Institute for Health Care Management study, for example, the seven drugs in 1999 which had more than $1 billion in sales were advertised an average of $58.5 million each. Together, they contributed an estimated 24.3 percent toward the increases in total expenditures of prescription drugs during 1999.

Clearly, advertising works, just as it always has.

Advocates of this relatively new technique to increase name brand prescription sales will say that consumers become more aware of treatment possibilities and may have a better starting point for discussion with their physicians. Other observers believe this practice artificially increases demand from consumers who are still not fully educated enough to know about less expensive, or maybe even safer, alternatives. Certainly, the advertising costs are passed along to the consumer.

Is the information value worth the yearly increases in drug costs that advertising inevitably causes? Are patients getting the best individualized choices of medicines or the just best advertised ones? Are generic drugs, often an excellent cost-effective alternative, getting equal consideration?

Frankly, I have my concerns about this practice. Many professional organizations have gone on record as opposing the kinds of direct-to-consumer advertising that goes on today. I believe it bears very close watching and we all need to closely scrutinize its value and its place within the health care system.

NEW JERSEY STORMWATER MANAGEMENT PROJECT

Mr. TORRICELLI. Mr. President, I rise today regarding a matter of great importance to the entire State of New Jersey. My home state is confronted with an array of complex challenges related to the environment and economic development. However, one issue in particular, the over development of land and stormwater management, has become especially concerning because of the impact it is having on our watersheds and floodplains.

As you may know, this past August vast parts of northern New Jersey were devastated by flooding caused by severe rainfall. The resulting natural disaster threatened countless homes, bridges and roads, not to mention the health, safety and welfare of area residents. The total figure for damages in Sussex and Morris Counties alone has been estimated at over $50 million, and area residents are still fighting to restore some degree of normalcy to their lives. According to the Federal Emergency Management Agency, in just those two counties, 34 dams were damaged, 6 bridges were damaged and 4 were destroyed, and 10 municipal buildings were damaged.

While the threat of future floods continues to plague the region, one New Jersey institution is taking concrete steps to prevent another flooding catastrophe. The New Jersey Institute of Technology, NJIT, has been studying the challenges posed by flooding and stormwater flows for some time, and is ready to create a multi-agency federal partnership to continue this important research.

NJIT is one of New Jersey's premier research institutions and is uniquely equipped to carry out this critical stormwater research. The university has a long and distinguished tradition of responding to difficult public-policy challenges such as environmental emissions standards, aircraft noise, traffic congestion and alternative energy. More broadly, NJIT has demonstrated an institutional ability to direct its intellectual resources to the examination of problems beyond academia, and its commitment to research allows it to serve as a resource for unbiased technological information and analysis. Indeed, I originally requested that NJIT be given the funds to take on this Stormwater flood control and management project.

Despite that, the 2000 Water Resources Development Act, WRDA, still presents an excellent opportunity for NJIT to partner with the federal government and solve the difficult problem of flood control. At my request, and in close coordination with my House colleagues from the state delegation, the final version of this important legislation includes a provision directing the U.S. Army Corps of Engineers to develop and implement a stormwater flood control project in New Jersey and report back to Congress within three years on its progress. While the Corps of Engineers is familiar with this problem at the national level, it does not have the first-hand knowledge and experience in New Jersey that NJIT has accrued in its 119 years of service to New Jersey. Including NJIT's expertise and experience in this research effort is a logical step and would greatly benefit the Army Corps, as well as significantly improve the project's chances of success.

Therefore, I urge the New York District of the Corps of Engineers to work closely with my office and NJIT to ensure the universities full participation in this study. By working together, we can create a nexus between the considerable flood control expertise of the Army Corps and NJIT, and finally solve this difficult problem for the people of New Jersey. I hope my colleagues will support my efforts in this regard.

SENATE'S FAILURE ON JUDICIAL NOMINATIONS IN 106TH CONGRESS

• Mr. LEAHY. Mr. President, of the 105 judicial vacancies that have occurred so far this year, the Senate has acted to fill only 39. The last year of the Bush Administration, a presidential year in which we had the reverse situation with a Republican President and a Democratic Senate, the Senate confirmed 66 judges—70 percent more than the number confirmed this year. Over the 2-year span of this Congress, the Senate will have confirmed only 73 judges. By contrast, the Democratic Senate in the last two years of President Bush's Administration confirmed 124 judges—70 percent more judges than the number confirmed by this Congress. Indeed, in the last eleven weeks of Congress in 1992, a Democratic Senate held four judicial nominations hearings and confirmed 29 judges. In the last eleven weeks of this Congress, Republicans will have managed to hold no hearings and confirm no judges.

President Clinton has tried to make progress on bringing greater diversity to our federal courts. He has been successful to some extent. With our help, he could have done so much more. We will end this Congress without having acted on any of the African American nominees sent to us to fill vacancies on the Fourth Circuit and finally integrate the Circuit with the highest percentage of African American population in the country, but the one Circuit that has never had an African American judge. We could have acted on the nomination of Kathleen McCree Lewis and confirmed her to the Sixth Circuit to be the first African American woman to sit on that Court. Instead, we will end the year without having acted on any of the outstanding nominees to the Sixth Circuit pending before us.

This Judiciary Committee reported only three nominees to the Courts of Appeals all year. We held hearings without even including a nominee to the Courts of Appeals and denied a Committee vote to two outstanding nominees who succeeded in getting hearings. I certainly understand the frustration of those Senators who know that Roger Gregory, Judge James Wynn, Kathleen McCree Lewis, as well as Judge Helene White, Bonnie Campbell and others should have been considered by this Committee and voted on by the Senate this year.

There continue to be multiple vacancies on the Third, Fourth, Fifth, Sixth, Ninth, Tenth and District of Columbia Circuits. With 24 current vacancies, our appellate courts have nearly half of the total judicial emergency vacancies in the federal court system. I note that the vacancy rate for our Courts of Appeals is more than 12 percent nationwide. If we were to take into account the additional appellate judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, S. 3071, a bill that was requested by the Judicial Conference to handle current workloads, the vacancy rate on our federal courts of appeals would be more than 17 percent.

The Chairman declares that "there is and has been no judicial vacancy crisis" and that he calculates vacancies at "less than zero." The extraordinary service that has been provided by our corps of senior judges does not mean there are no vacancies. In the federal courts around the country there remain 66 current vacancies and 12 more on the horizon. With the judgeships included in the Hatch-Leahy Federal Judgeship Act of 2000, there would be over 135 vacancies across the country. That is the truer measure of vacancies, many of which have been long-standing judicial emergency vacancies in our southwest border states. The Chief Judges of both the Fifth and Sixth Circuits have had to declare their entire courts in emergencies since there are too many vacancies and too few Circuit judges to handle their workload.

After creating 85 additional judgeships in 1990, Congress reduced the vacancies from 131 in 1991, to 103 in 1992, to 112 in 1993, to 63 in 1994. Vacancies were going down and we were acting with Republican and Democratic Presidents to fill the 85 judgeships created by a Democratic Congress under a Republican President in 1990. We will end this session with more vacancies than at the end of the session in 1994, without having added the judgeships requested by the Judicial Conference. Since Republicans assumed control of the Senate in the 1994 election, the Senate has not closed the vacancy gap at all and the workloads in many of our courts have gotten significantly worse. More vacancies are continuing longer, and it has taken longer to confirm nominees to existing vacancies. We have lost ground and squandered opportunities for progress in the past six years.

As I have pointed out, the vacancies are most acute among our Courts of Appeals and in our southwest border States. We have not acted to add the judgeships requested by the Judicial Conference to meet increased workloads over the last decade. According to the Chief Justice's 1999 year-end report, the filings of cases in our Federal courts have reached record heights. In fact, the filings of criminal cases and defendants reached their highest levels since the Prohibition Amendment was repealed in 1933. Also in 1999, there were 54,693 filings in the 12 regional Courts of Appeals. Overall growth in appellate court caseload last year was due to a 349 percent upsurge in original proceedings. This sudden expansion resulted from newly implemented reporting procedures, which more accurately measure the increased judicial workload generated by the Prisoner Litigation Reform Act and the Antiterrorism and Effective Death Penalty Act, both passed in 1996.

I regret to report again today that the last confirmation hearing for federal judges held by the Judiciary Committee was in July, as was the last time the Judiciary Committee reported any nominees to the full Senate. Throughout August, September, October, and now into November, there were no additional hearings held or even noticed, and no executive business meetings included any judicial nominees on the agenda. By contrast, in 1992, the last year of the Bush Administration, a Democratic majority in the Senate held three confirmation hearings in August and September and continued to work to confirm judges up to and including the last day of the session. During that presidential election year the Senate confirmed 66 judges; this year the Senate will not reach 40.

I continue to urge the Senate to meet its responsibilities to all nominees, including women and minorities. That highly-qualified nominees are being needlessly delayed is most regrettable. The Senate should have joined with the President to confirm well-qualified, diverse and fair-minded nominees to fulfill the needs of the federal courts around the country.

I regret that the Judiciary Committee did not hold additional hearings after July, that the Senate only acted on 39 nominees all year, and that we took so long on so many of them. I deeply regret the lack of a hearing and a vote on so many qualified nominees, including Roger Gregory, Judge James Wynn, Judge Helene White, Bonnie Campbell, Enrique Moreno and Allen Snyder. The Senate squandered a number of important opportunities to help our courts and should have accorded these qualified and outstanding nominees fair up or down votes.●

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

● Mrs. FEINSTEIN. Mr. President, I am pleased to have worked with Senator COLLINS on Senate passage of S. 2924, the "Internet False Identification Prevention Act of 2000." This legislation is an important step forward in the fight against identity theft.

"The Internet False Identification Prevention Act of 2000" recognizes that the crime of identity theft has entered the Internet age, and that the Federal government has a responsibility to bring our identity theft laws up to speed. The primary law governing false identification documents was enacted in 1982, well before the advent of websites and e-mail.

Specifically, this legislation prohibits individuals from knowingly producing, distributing, or offering for download from the Internet computer files or templates that are designed to make counterfeit identification documents.

While the total number of false identification documents sold on the Internet is unknown, purveyors of false identification documents have used the Internet to sell their wares to a much broader market, and to distribute these documents as quickly as they can be downloaded from a website. According to a study by the Senate Committee of Government Affairs, one web site operator reported that he sold 1,000 fake IDs a month yielding $600,000 in annual sales.

The "Internet False Identification Prevention Act of 2000" also closes a loophole in current law that permitted manufacturers of false identification documents to escape liability by displaying a disclaimer, "Not a Government Document." These disclaimers, however, can be easily removed. The bill also directs the Attorney General and the Secretary of the Treasury to coordinate efforts to investigate and prosecute the distribution of false identification documents on the Internet.

I would note that this bill contains an exemption from criminal liability for certain "interactive computer services." This language reflects a narrow, one-time solution and I want it to be clear that this should not be considered as a precedent.

Congress has debated the issue of whether the liability of certain Internet service providers should be limited with respect to particular activities of their subscribers or users of their services. This is a complicated question, requiring careful deliberation and evaluation of the short- and long-term consequences. A full debate on this issue is needed in the 107th Congress.•

ADDITIONAL STATEMENTS

RECOGNIZING THE ROLE OF PHARMACISTS

• Mr. JOHNSON. Mr. President, every year in October there is recognition made of our nation's pharmacists in the form of National Pharmacy Week. This year's designation was October 22–28, 2000. I would like to take a few minutes to talk about that profession and its role in the safe, cost-effective delivery of medication to American citizens.

I have great respect for the innovation that this nation's scientists have demonstrated to continually produce new and better "wonder drugs" that have played a major role in the prevention and treatment of disease Farther down the line within the drug delivery system are pharmacists, using those same drugs every day, getting them to patients along with information for their safe use.

The role of the pharmacist is changing. In addition to the traditional role of accurately dispensing prescription drugs, today's pharmacists are successfully involved in all areas of the drug use process. The result of this involvement, often termed "pharmacy care" has made a huge positive difference in many studies within the areas of anticoagulation, asthma and diabetes treatment, pain control and many others. When pharmacists are proactively involved, there have been demonstrations of not only increased effectiveness and fewer adverse reactions, but cost savings as well.

Within the startling report issued earlier this year by the Institute of Medicine, which pointed out that tens of thousands of American die every year from medical errors, was a recommendation to increase the utilization of pharmacists and pharmacy care.

So today I would like to congratulate the pharmacy profession for its accomplishments in improving patient care. During this Congress several bills have included provisions to encourage and support pharmacy care. I believe this is a fascinating approach that we should strongly consider as we continue to work toward optimizing the safe and cost-effective use of prescription drugs.•

TRIBUTE TO MARY JANE COLTON ON HER RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mary Jane Colton, who will retire from my staff next week after 20 years of service to the people of New Hampshire as an employee of the U.S. Senate.

Mary Jane is known throughout the state for her compassion and success in helping New Hampshire citizens with problems they may be having with the federal government. As a chief caseworker on my staff, and as State Office Director for Senator Gordon Humphrey before me, she was critical in managing a constituent service operation that was second to none. Mary Jane helped many senior citizens, veterans, parents, and communities with problems they had with the federal government. From assisting a small community in its battle to receive its own zip code, to helping a local veteran get a long-awaited service medal, Mary Jane's legacy has had a great impact on the Granite State.

Mary Jane's compassion is also evident in her home and personal life. For many years she has cared for her elderly and infirm parents in her home, so they would not be separated by being placed in a state nursing home.

As Mary Jane leaves public service, I wish her the best in all of her future endeavors. I know she will be working full-time on her passion: Antiques. She will now be able to focus on her on-line antiques business—an enjoyable and hopefully lucrative second career.

Good luck, Mary Jane. Thank you for all that you have done for me and for the people of New Hampshire. It is an honor to represent you in the U.S. Senate.•

TRIBUTE TO ERIC KINGSLEY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Eric Kingsley as he leaves his position as Executive Director of the New Hampshire Timberland Owners Association, NHTOA.

Eric's five year tenure at NHTOA has been marked by progress and success. The organization's programs and services have grown to meet the needs and concerns of its members, and have established a strong, stable foundation for the association's future.

Through the years, I have grown to value Eric's input on the many issues that significantly impact New Hampshire's timberlands. Eric has done an outstanding job of keeping me, and other policymakers, informed on the issues and has been a true leader in making sure the voice of NHTOA was heard throughout the country.

Of all of Eric's achievements at NHTOA, perhaps his most important success came this past spring. Eric helped lead the charge to defeat the Environmental Protection Agency's ill-considered proposal to treat some forestry activities as "point source pollution" under the Clean Water Act. These rules, known as the Total Maximum Daily Loads—TMDL Rule—would have required landowners, foresters, and homeowners to obtain federal permits before conducting a timber harvest and could have exposed them to lengthy bureaucratic delays and costly citizen lawsuits.

This past May, I held a field hearing in Whitefield, New Hampshire, on the TMDL rule. Eric was a persuasive witness, providing thoughtful and compelling testimony. He also organized hundreds of foresters to ensure their message was heard loud and clear in Washington. Thanks in large part to Eric's leadership on this issue, EPA withdrew the section of the TMDL rules that adversely affected forestry.

My staff and I have also worked closely with Eric on issues of importance to the White Mountain National Forest. When the President issued his "roadless" initiative stripping the people of New Hampshire and New England of the opportunity to have a meaningful voice in the management of their public lands, Eric was there to ensure we took this Administration to task.

Eric also rose to the occasion in the face of destruction from Mother Nature's wrath. The Ice Storm in January 1998 brought unprecedented challenges to New Hampshire's forest lands. Hundreds of thousands of acres were significantly damaged. Eric worked closely with me and my colleagues to help us turn this tragedy into an opportunity. Today, not only has the federal government provided resources to help recover from the storm, but we have a record number of acres under forest stewardship plans.

My staff and I have worked with Eric on a wide variety of other issues during his time at NHTOA. I have always been impressed with his dedication and the depth of knowledge he displayed on issues ranging from estate tax reform to rural economic development. Eric has always been an effective and honest advocate for the causes he holds close to his heart. I know he will be greatly missed by NHTOA's 1,500 members.

I wish Eric well in all his future endeavors, and am confident he will succeed in whatever pursuits he chooses. It is an honor to represent him in the Senate.●

MESSAGE FROM THE PRESIDENT

REPORT ON THE CONTINUATION OF THE SUDAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 137

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2000, to the *Federal Register* for publication.

The crisis between the United States and Sudan that led to the declaration on November 3, 1997, of a national emergency has not been resolved. The Government of Sudan has continued its activities hostile to United States interests. Such Sudanese actions and policies pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Sudan.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 31, 2000*.

CONTINUATION OF SUDAN EMERGENCY

On November 3, 1997, by Executive Order 13067, I declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Sudan. By Executive Order 13067, I imposed trade sanctions on Sudan and blocked Sudanese government assets. Because the Government of Sudan has continued its activities hostile to United States interests, the national emergency declared on November 3, 1997, and the measures adopted on that date to deal with that emergency must continue in effect beyond November 3, 2000. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency for 1 year with respect to Sudan.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 31, 2000*.

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The following bills, previously signed by the Speaker of the House, were signed on today, November 1, 2000, by the President pro tempore (Mr. THURMOND):

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness."

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 710. An act to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudens Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2951. An act to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under the Act, to extend the authorization of appropriations for the Act, and to improve the administration of the Act.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

At 11:25 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2789. An act to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigration status for certain United States international broadcasting employees.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 207. An act to amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.

H.R. 1653. An act to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

H.R. 2903. An act to reauthorize the Striped Bass Conservation Act, and for other purposes.

H.R. 4020. An act to authorize the addition of land to Sequoia National Park, and for other purposes.

H.R. 5540. An act to extend for 11 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted; to provide for additional temporary bankruptcy judges; and for other purposes.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 782. An act to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for olders individuals, and for other purposes.

H.R. 4864. An act to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

At 12:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution:

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

At 3:00 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 2462) to amend the Organic Act of Guam, and for other purposes.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve recordings that are culturally, historically, or aesthetically significant, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 397. Concurrent resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 1, 2000, he had presented to the President of the United States the following enrolled bills:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness."

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 710. An act to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1088. An act authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1367. An act to amend the Act which established the Saint-Gaudes Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 3267: An original bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Health Benefit Act of 1992 and adjust inequities related to the United Mine Workers of America Combined Benefit Fund (Rept. No. 106–512).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 3267. An original bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Health Benefit Act of 1992 and adjust inequities related to the United Mine Workers of America Combined Benefit Fund; from the Committee on Finance; placed on the calendar.

By Mr. SMITH of Oregon:

S. 3268. A bill to amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT:

S. Con. Res. 159. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. SMITH of Oregon:

S. 3268. A bill to amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills; to the Committee on Environment and Public Works.

FISHERMEN AND AQUACULTURE OIL SPILL ASSISTANCE ACT

Mr. SMITH of Oregon. Mr. President, today I am introducing legislation to address concerns raised by a number of my constituents with respect to the Oil Pollution Act in the aftermath of the New Carissa incident. This legislation, the Fishermen and Aquaculture Oil Spill Assistance Act, is the first step toward ensuring that small businesses, such as the fishermen and shellfish producers in my state, who are impacted by these oil spills, are not victimized a second time by a lengthy claims procedure under the OPA.

For the benefit of my colleagues who are not aware of this incident, the New Carissa was a large wood-chip freighter that ran aground near Coos Bay, Oregon last year and leaked 60,000 gallons of oil. This devastated the coastal environment in that area, and temporarily damaged some of the important oyster beds for which Coos Bay is well-known in the seafood industry. In fact, we still have the ship's stern section sitting off-shore, marring the natural beauty of the Oregon coast.

Over the last several months I have heard from my constituents from that part of the Oregon coast, who are extremely dissatisfied with both the emergency response planning and the claims process under the Oil Pollution Act as it applies to aquaculture producers. With respect to the emergency response plans, the complaint has been that the concerns of shellfish producers are not necessarily taken into account in the development of these plans and that quick action in the early hours of a spill could protect the areas where the oyster beds are present. On the matter of the claims process, the complaint has been that there is little small businesses can do in the immediate term if the responsible party fails to make the interim payments to claimants required under the OPA.

This legislation addresses the concerns by authorizing the President to offer loans to fishermen and aquaculture producers who are mired in the claims process, but have not been receiving the required interim payments. This would help these small, often family-owned, businesses meet their most pressing expenses should the claims procedure become a drawn out affair. Secondly, this legislation calls upon the Secretary of Commerce and the Administrator of the Environmental Protection Agency to study the claims process and the emergency response plans to determine if they adequately protect the interests of seafood producers and submit any recommendations to the Congress. Ultimately, my aim is to ensure that future oil spill incidents do not cause the same problems to others that oyster producers in Oregon have suffered following the New Carissa spill.

I am pleased that my friend from the Oregon delegation, Mr. DEFAZIO, intends to introduce a companion measure today in the House of Representatives. Over the upcoming holidays we intend to look over this matter again and reintroduce this legislation, after receiving further feedback from our constituents, early in the 107th Congress.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fishery and Aquaculture Oil Spill Assistance Act".

SEC. 2. INTEREST; PARTIAL PAYMENT OF CLAIMS.

Section 1005 of the Oil Pollution Act of 1990 (33 U.S.C. 2705) is amended by adding at the end the following:

"(c) LOAN PROGRAM.—

"(1) IN GENERAL.—The President shall establish a loan program to assist injured parties in meeting financial obligations during the claims procedure described in section 1013.

"(2) CONDITION FOR LOAN.—A loan may be awarded under paragraph (1) only to a fisherman or aquaculture producer to whom a responsible party has failed to provide an interim payment under subsection (a).".

SEC. 3. USES OF THE FUND.

Section 1012(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)) is amended—

(1) in paragraph (5)(C), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(6) the making of loans to assist any injured party in paying financial obligations during the claims procedure described in section 1013.".

SEC. 4. STUDY.

Not later than 270 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a study that contains—

(1) an assessment of the effectiveness of the claims procedures and emergency response programs under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) concerning claims filed by, and emergency responses carried out to protect the interests of, fishermen and aquaculture producers; and

(2) any legislative or other recommendations to improve the procedures and programs referred to in paragraph (1).

Mr. DURBIN:

S.J. Res. 56. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

THE ELECTORAL COLLEGE

Mr. DURBIN. Mr. President, earlier this morning I held a press conference with a colleague of mine from the State of Illinois, RAY LAHOOD. RAY LAHOOD is a Congressman from the city of Peoria, and a Republican. It was interesting to see a bipartisan press conference at this point in the congressional session.

Congressman LAHOOD and I agree on an issue which could become supremely important in just a few days. Given the tight Presidential race this year, we have the possibility that the winning candidate for President might not win the popular vote in our country. This potential outcome highlights a serious and persistent flaw in our current system of electing a Chief Executive of the United States.

I am introducing a joint resolution to amend the Constitution to replace the electoral college with the direct election of the President and Vice President.

I introduced a similar measure in 1993 with Congressman GERALD KLECZKA of Wisconsin in the House. I will be doing the same in the Senate. But I hope to attract the support of colleagues on both sides of the aisle regardless of the outcome on November 7.

The electoral college is an antiquated institution that has outlived its purpose. It was the product of contentious debate and a great deal of controversy. Most of the delegates to the Constitutional Convention in 1787 felt that the process of selecting a President should not be left up to a direct vote of the people. And most agreed with the sentiments of George Mason of Virginia, who said, "it were as unnatural to refer the choice of a proper character for Chief Magistrate to the people, as it would be to refer a trial of colors to a blind man."

After a prolonged debate, an indirect method of electing the President was adopted. This compromise plan, known as the Electoral College Method, provided for the election of the President and Vice President by State appointed electors. Under Article II, Section 1, Clause 2 of the Constitution as amended by the 12th Amendment in 1804, each state is required to appoint in a manner determined by the state legislature a number of electors equal in number to its congressional representation. If no candidate receives a simple majority of electoral votes, then the House of Representatives chooses the President from the three candidates with the greatest number of votes and the Senate similarly chooses a Vice President from the top two contenders for that office.

The commonly held opinion among the delegates in 1787 was that matters of such gravity should not be left up to the average citizen. Moreover, the discussions of the convention reveal that the delegates questioned whether voters in one State could have enough relevant knowledge regarding the character of public men living hundreds of miles away. In addition, the delegates from the less populous States were concerned that a direct election of the President would enhance the power and prestige of the more populous states.

But today, these concerns are no longer compelling—if they ever were.

The 17th amendment to the Constitution was ratified in 1913 and provided for the direct popular election of U.S. Senators. Before that, Senators were chosen by State legislatures. But come 1913, we decided to trust the people to choose the Senators. I don't believe our Nation suffered by that decision. I think the Senate as an institution has been enhanced by that decision. It is no longer a back-room deal in a State capitol that sends a Senator to Washington, it is a decision made by the people of each State in an open and free election.

The incredible advances in communication technologies since the 18th Century render moot the concerns that citizens do not have enough information to make an informed decision about a President. Clearly potential voters today have more information about presidential candidates than their counterparts had 200 years ago regarding their directly elected Representatives to Congress.

It has been argued that smaller States have a slight advantage in the current system, because states receive a minimum of three electoral votes, regardless of their population. However, any serious study of presidential campaigns would demonstrate that the more populous states, with their large electoral prizes, as well as medium sized swing states, have the true advantage. The winner-take-all aspect in each State motivates presidential candidates to focus on States with a moderate or large number of electoral votes, assuming the candidates believe they have a chance to win the popular vote there. Less populous States with only a few electoral votes are largely ignored. Also States that are heavily leaning toward one of the presidential candidates are similarly ignored.

You do not see AL GORE and JOE LIEBERMAN spend that much time in the State of Texas, nor do you find George W. Bush visiting the State of New York very often. Most campaigns have written off certain States. So the people in that State do not see much of the Presidential campaign except for national coverage.

Clearly, there is a reason why there have been more congressionally proposed constitutional amendments on this subject than any other. The electoral college system, as it stands today, has several major defects. The most significant of these are the result of voting schemes other than a direct popular vote. The most prevalent example is the unit vote or so-called winner-take-all formula. The unit vote is the practice of awarding all of a State's electoral votes to the candidate with a popular vote plurality in the State, regardless of whether the plurality is one vote or one million votes. All States and the District of Columbia with the exception of the States of Maine and Nebraska have adopted this method.

In doing my research on this isue, I learned that Maine and Nebraska vote by congressional district and allocate their Presidential electors accordingly.

The first problem with the electoral college system is that it is inherently unfair and may disenfranchise voters. Senator Birch Bayh—father of our colleague, Senator EVAN BAYH—discussed this problem on the floor of the Senate when he introduced a resolution to abolish the electoral college on January 15, 1969. During his floor statement he said:

> As a result, the popular vote totals of the losing candidate at the State level are completely discounted in the final electoral tabulation. In effect, millions of voters are disenfranchised if they happen to vote for the losing candidate in their State.

The famous Missouri Senator Thomas Hart Benton, who was the first Senator to serve in the Senate for 30 years, further pointed out the injustice of this system when he said:

> To lose votes is the fate of all minorities, and it is their duty to submit; but this is not the case of votes lost, but of votes taken away, added to those of the majority and given to a person to whom the minority is opposed.

Another problem with the electoral college system is that it often leads to wide disparities between the popular vote and the electoral vote. For example, since 1824, when the popular vote first began to be recorded along with the electoral vote, winners of presidential elections have averaged 51 percent of the popular vote as compared to an average of 71 percent of the electoral vote. In comparison, the losing main opponents have averaged 42 percent of the popular vote, but just 27 percent of the electoral vote. Year to year statistics vary greatly.

A more serious problem is that the electoral college system can lead to Presidents who received fewer popular votes than their main opponent. In fact, this has happened 3 times out of the 42 presidential elections since 1824.

Another indication as to the likelihood of a non-majority President can be seen in the elections of 1844, 1880, 1884, 1960, and 1968, in which the main opponent lost the popular vote by an average of only 0.3 percent. This is in stark contrast to the winning margin in electoral votes for these elections, which averaged 17 percent. Other close presidential elections occurred in 1916, 1948, and 1976. In those years, if a mere few thousand votes had been switched in a few key states where the vote was close, a different candidate would have won the White House. In 1916, for example, a shift of only 2,000 votes in California would have made Charles Evans Hughes President, despite Woodrow Wilson's half-million popular vote advantage. And in 1976, a 6,000 vote shift in Ohio and a 4,000 vote shift in Hawaii would have elected Gerald Ford, even though Jimmy Carter won the popular vote by 1.6 million ballots.

One can conclude that approximately one in fourteen presidential elections have resulted in a non-majority President, while one in five have nearly resulted in one.

Senator Birch Bayh eloquently pointed out the risk of this system in his floor statement on January 15, 1969:

> The present electoral vote system has in the past, and may in the future, produce a President who has received fewer popular votes than his opponent. I cannot see how such a system can be beneficial to the American people. I see, instead, only grave dangers that could divide this Nation at a critical hour if the President-elect lacked a popular mandate.

The third pernicious flaw in the electoral college system is that it produces artificial distortions in the political process. The fact that presidential candidates cater to the larger and swing states often gives undue influence to a limited number of contested States. So-called safe States are given scant or no attention by candidates—who have limited time, energy, and resources. Senator Thomas J. Dodd, the distinguished Senator from Connecticut who was known as an ardent crusader and civil rights advocate, argued convincingly on this subject soon after President Kennedy's narrow victory in 1960. He said:

> The shift of a few thousand votes in these States would have elected Dewey in 1948. The shift of a few thousand votes in Illinois and New Jersey could have changed the result of an election as close as this past one. There is something wrong with an election, system which hinges, not on the vote of 70 million, but on the vote of several thousand in a few key States.

The issue isn't simply that every vote matters in a close election. The issue is the injustice of a few thousand votes in just a few states having a disproportional impact on a National election. Why should a vote in Missouri or Florida be worth more to a presidential candidate than one in Wyoming, Mississippi, or Rhode Island?

The fourth and last major flaw in the electoral college system is that electors, in general, are not bound to cast their vote in accordance with the popular vote results from their State. While some States require a binding oath or pledge under penalty of law, the majority of States have no or an insignificant penalty. This leads to the disturbing possibility that a President, in an election with a close electoral vote, could win through subterfuge. Instances of rogue electors casting votes contrary to the results in their State have occurred in the following years: 1948, 1956, 1960, 1968, 1972, 1976, and 1988.

Since 1797, when Representative William L. Smith of South Carolina offered the first Constitutional amendment proposing to reform our procedure for electing the President, hardly a session of Congress has passed without the introduction of one or more similar proposals. According to the Congressional Research Service, approximately 109 constitutional amendments on electoral college reform were introduced in Congress between 1889 and 1946. Another 265 were introduced between 1947 and 1968. The distinguished Senator from South Carolina Olin Johnston summed up the sentiments of many of the critics of the electoral college system when he said on the floor of the Senate on January 5, 1961:

> All of these proposals recognized . . . that the so-called electoral college system has never functioned as contemplated by the framers of the Constitution.

While all of these attempts failed, the most successful effort took place after the 1968 presidential election when third party candidate George Wallace received 46 electoral votes. In that election, there was considerable concern that no candidate would receive a majority of electoral votes and that the new President would be selected by the House of Representatives. As a result, H.J. Res. 681 was introduced by Representative Emanuel

Celler in the 91st Congress, proposing to abolish the electoral college and replace it with the direct popular election of the President and Vice President. Included in H.J. Res. 681 was a provision for a runoff election if no candidate received at least 40 percent of the popular vote. While this joint resolution passed the House on September 18, 1969, by a vote of 338–70, it died in the Senate because of a filibuster by Senators from small States and southern States.

The joint resolution I am introducing today is similar to H.J. Res. 681, in that it calls for the direct election of the President and Vice President and includes a provision for a runoff election. More specifically, in the event that no candidate receives at least 40 percent of the popular vote, a runoff would be held 21 days after the general election between the two candidates with the greatest number of popular votes. This resolution builds upon a proposal I offered with Representative GERALD KLECZKA in 1993 and other resolutions introduced in the current Congress by Representatives RAY LAHOOD and JAMES LEACH.

Every public opinion poll indicates that an overwhelming majority of Americans want to elect their President directly by popular vote. Direct popular election has been endorsed in the past by a large number of civic-minded groups including the American Bar Association, the AFL–CIO, the UAW, U.S. Chamber of Commerce, the National Federation of Independent Business, and the NAACP.

If we believe that the President represents and speaks for the people of this great country, then we have an obligation to allow the people to have their voices heard. Abraham Lincoln once said, "Public opinion is everything. With it, nothing can fail. Without it, nothing can succeed."

Mr. President, to reiterate, as Congressman LAHOOD and I said in our bipartisan press conference, although this is an issue which apparently seems so rational and so easy to argue, it is one that has run into a lot of debate on the floor of the Senate. I spoke to one of my colleagues from a smaller State and told him what I was doing. He said: I'll oppose you all the way because my tiny State has three electoral votes, and the Presidential candidate has been spending a lot of time in my State and would spend no time there if we had to rely on a popular vote.

But it seems strange to me we rely on a popular vote for virtually every other election in America but not the Presidential election. If we have a disparity between the popular vote for President and the electoral vote for President, if we have someone elected President who does not receive a majority of the votes of the American people, it will create a problem for that administration. It is tough enough to lead in this great Nation, tough enough for a President to muster popular support for difficult decisions to be made. But if that President does not bring a mandate from the people to the office, his power will be diminished.

I sincerely hope that does not occur. But whether or not, I hope my colleagues will join me supporting this effort to abolish the electoral college and say we trust the people in this country. The arguments made over 200 years ago do not apply today. The people of this country should choose the President as they choose Members of Congress as well as U.S. Senators.

I ask unanimous consent a copy of the legislation be printed in the CONGRESSIONAL RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 56

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. The President and Vice President shall be elected by the people of the several States and the district constituting the seat of government of the United States.

"SECTION 2. The electors in each State shall have the qualifications requisite for electors of Representatives in Congress from that State, except that the legislature of any State may prescribe less restrictive qualifications with respect to residence and Congress may establish uniform residence and age qualifications. Congress shall establish qualifications for electors in the district constituting the seat of government of the United States.

"SECTION 3. The persons having the greatest number of votes for President and Vice President shall be elected, if such number be at least 40 per centum of the whole number of votes cast for such offices in the general election. If no persons have such number, a runoff election shall be held 21 days after the general election. In the runoff election, the choice of President and Vice President shall be made from the persons who received the two highest numbers of votes for each office in the general election.

"SECTION 4. The times, places, and manner of holding such elections, and entitlement to inclusion on the ballot for the general election, shall be prescribed in each State by the legislature thereof; but Congress may at any time by law make or alter such regulations. Congress shall prescribe by law the time, place, and manner in which the results of such elections shall be ascertained and declared.

"SECTION 5. Each elector shall cast a single vote jointly applicable to President and Vice President in any such election. Names of candidates shall not be joined unless they shall have consented thereto and no candidate shall consent to his or her name's being joined with that of more than one other person.

"SECTION 6. Congress may by law provide for the case of the death of any candidate for President or Vice President before the day on which the President-elect or the Vice President-elect has been chosen; and for the case of a tie in any such election.

"SECTION 7. Congress shall have the power to implement and enforce this article by appropriate legislation.

"SECTION 8. This article shall take effect one year after the twenty-first day of January following ratification.".

ADDITIONAL COSPONSORS

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

SENATE CONCURRENT RESOLUTION 159—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. LOTT submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 159

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 14, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Wednesday, November 1, 2000, or Thursday, November 2, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until noon on Monday, November 13, 2000, at 2 p.m., or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED

FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000

LOTT AMENDMENT NO. 4356

Mr. LOTT proposed an amendment to the bill (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; as follows:

Strike all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

(a) Short Title.—This Act may be cited as the "FSC Repeal and Extraterritorial Income Exclusion Act of 2000".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) In General.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

"SEC. 114. EXTRATERRITORIAL INCOME.

"(a) Exclusion.—Gross income does not include extraterritorial income.

"(b) Exception.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

"(c) Disallowance of Deductions.—

"(1) In general.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

"(2) Allocation.—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

"(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

"(B) the extraterritorial income derived from such transaction which is not so excluded.

"(d) Denial of Credits for Certain Foreign Taxes.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

"(e) Extraterritorial Income.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer.".

(b) Qualifying Foreign Trade Income.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

"Subpart E—Qualifying Foreign Trade Income

"Sec. 941. Qualifying foreign trade income.

"Sec. 942. Foreign trading gross receipts.

"Sec. 943. Other definitions and special rules.

"SEC. 941. QUALIFYING FOREIGN TRADE INCOME.

"(a) Qualifying Foreign Trade Income.—For purposes of this subpart and section 114—

"(1) In general.—The term 'qualifying foreign trade income' means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

"(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

"(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

"(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

"(2) Alternative computation.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

"(3) Limitation on use of foreign trading gross receipts method.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

"(4) Rules for marginal costing.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

"(5) Participation in international boycotts, etc.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

"(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

"(b) Foreign Trade Income.—For purposes of this subpart—

"(1) In general.—The term 'foreign trade income' means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

"(2) Special rule for cooperatives.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

"(c) Foreign Sale and Leasing Income.—For purposes of this section—

"(1) In general.—The term 'foreign sale and leasing income' means, with respect to any transaction—

"(A) foreign trade income properly allocable to activities which—

"(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

"(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

"(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

"(2) Special rules for leased property.—

"(A) Sales income.—The term 'foreign sale and leasing income' includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

"(B) Limitation in certain cases.—Except as provided in regulations, in the case of property which—

"(i) was manufactured, produced, grown, or extracted by the taxpayer, or

"(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

"(3) Special rules.—

"(A) Excluded property.—Foreign sale and leasing income shall not include any income properly allocable to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

"(B) Only direct expenses taken into account.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

"SEC. 942. FOREIGN TRADING GROSS RECEIPTS.

"(a) Foreign Trading Gross Receipts.—

"(1) In general.—Except as otherwise provided in this section, for purposes of this subpart, the term 'foreign trading gross receipts' means the gross receipts of the taxpayer which are—

"(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

"(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

"(C) for services which are related and subsidiary to—

"(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

"(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

"(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

"(E) for the performance of managerial services for a person other than a related person in furtherance of the production of

foreign trading gross receipts described in subparagraph (A), (B), or (C).
Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

"(2) Certain receipts excluded on basis of use; subsidized receipts excluded.—The term ‘foreign trading gross receipts’ shall not include receipts of a taxpayer from a transaction if—

"(A) the qualifying foreign trade property or services—

"(i) are for ultimate use in the United States, or

"(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

"(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

"(3) Election to exclude certain receipts.—The term ‘foreign trading gross receipts’ shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

"(b) Foreign Economic Process Requirements.—

"(1) In general.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

"(2) Requirement.—

"(A) In general.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

"(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

"(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

"(B) Alternative 85-percent test.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to each of at least 2 subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

"(C) Definitions.—For purposes of this paragraph—

"(i) Total direct costs.—The term ‘total direct costs’ means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

"(ii) Foreign direct costs.—The term ‘foreign direct costs’ means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

"(3) Activities relating to qualifying foreign trade property.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

"(A) advertising and sales promotion,

"(B) the processing of customer orders and the arranging for delivery,

"(C) transportation outside the United States in connection with delivery to the customer,

"(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

"(E) the assumption of credit risk.

"(4) Economic processes performed by related persons.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

"(c) Exception From Foreign Economic Process Requirement.—

"(1) In general.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed $5,000,000.

"(2) Receipts of related persons aggregated.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

"(3) Special rule for pass-thru entities.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

"SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) Qualifying Foreign Trade Property.—For purposes of this subpart—

"(1) In general.—The term ‘qualifying foreign trade property’ means property—

"(A) manufactured, produced, grown, or extracted within or outside the United States,

"(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

"(C) not more than 50 percent of the fair market value of which is attributable to—

"(i) articles manufactured, produced, grown, or extracted outside the United States, and

"(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.
For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

"(2) U.S. taxation to ensure consistent treatment.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

"(A) a domestic corporation,

"(B) an individual who is a citizen or resident of the United States,

"(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

"(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).
Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

"(3) Excluded property.—The term ‘qualifying foreign trade property’ shall not include—

"(A) property leased or rented by the taxpayer for use by any related person,

"(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

"(C) oil or gas (or any primary product thereof),

"(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96–72, or

"(E) any unprocessed timber which is a softwood.
For purposes of subparagraph (E), the term ‘unprocessed timber’ means any log, cant, or similar form of timber.

"(4) Property in short supply.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President's determination that the property is no longer in short supply.

"(b) Other Definitions and Rules.—For purposes of this subpart—

"(1) Transaction.—

"(A) In general.—The term ‘transaction’ means—

"(i) any sale, exchange, or other disposition,

"(ii) any lease or rental, and

"(iii) any furnishing of services.

"(B) Grouping of transactions.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

"(2) United states defined.—The term ‘United States’ includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

"(3) Related person.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

"(4) Gross and taxable income.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

"(c) Source Rule.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

"(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

"(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States.

"(d) Treatment of Withholding Taxes.—

"(1) In general.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term 'withholding tax' means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

"(2) Exception.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

"(e) Election To Be Treated as Domestic Corporation.—

"(1) In general.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

"(2) Applicable foreign corporation.—For purposes of paragraph (1), the term 'applicable foreign corporation' means any foreign corporation if—

"(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation's trade or business, or

"(B) substantially all of tne gross receipts of such corporation are foreign trading gross receipts.

"(3) Period of election.—

"(A) In general.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

"(B) Termination.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

"(C) Effect of revocation or termination.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

"(4) Special rules.—

"(A) Requirements.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

"(B) Effect of election, revocation, and termination.—

"(i) Election.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

"(ii) Revocation and termination.—For purposes of section 367, if—

"(I) an election is made by a corporation under paragraph (1) for any taxable year, and

"(II) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

"(C) Eligibility for election.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

"(f) Rules Relating to Allocations of Qualifying Foreign Trade Income From Shared Partnerships.—

"(1) In general.—If—

"(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

"(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

"(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

"(2) Special rules.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

"(A) any partner's interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

"(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

"(g) Exclusion for Patrons of Agricultural and Horticultural Cooperatives.—Any amount described in paragraph (1) or (3) of section 1385(a)—

"(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

"(2) which is allocable to qualifying foreign trade income and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

"(h) Special Rule for DISCs.—Section 114 shall not apply to any taxpayer for any taxable year if, at any time during the taxable year, the taxpayer is a member of any controlled group of corporations (as defined in section 927(d)(4), as in effect before the date of the enactment of this subsection) of which a DISC is a member."

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period "or under section 114".

(2) Section 275(a) is amended—

(A) by striking "or" at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting ", or", and by adding at the end of paragraph (4) the following new subparagraph:

"(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941)."; and

(B) by adding at the end the following the following new sentence: "A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C).".

(3) Paragraph (3) of section 864(e) is amended—

(A) by striking "For purposes of" and inserting:

"(A) In general.—For purposes of"; and

(B) by adding at the end the following new subparagraph:

"(B) Assets producing exempt extraterritorial income.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2)).".

(4) Section 903 is amended by striking "164(a)" and inserting "114, 164(a),".

(5) Section 999(c)(1) is amended by inserting "941(a)(5)," after "908(a),".

(6) The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

"Sec. 114. Extraterritorial income.".

(7) The table of subparts for part HI of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

"Subpart E. Qualifying foreign trade income.".

(8) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

SEC. 5. EFFECTIVE DATE.

(a) In General.—The amendments made by this Act shall apply to transactions after September 30, 2000.

(b) No New FSCs; Termination of Inactive FSCs.—

(1) No new FSCs.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) Termination of inactive FSCs.—If a FSC has no foreign trade income (as defined

in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) Transition Period for Existing Foreign Sales Corporations.—

(1) In general.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002; or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person; and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) Election to have amendments apply earlier.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) Exception for old earnings and profits of certain corporations.—

(A) In general.—In the case of a foreign corporation to which this paragraph applies—

(i) earnings and profits of such corporation accumulated in taxable years ending before October 1, 2000, shall not be included in the gross income of the persons holding stock in such corporation by reason of section 943(e)(4)(B)(i), and

(ii) rules similar to the rules of clauses (ii), (iii), and (iv) of section 953(d)(4)(B) shall apply with respect to such earnings and profits.

The preceding sentence shall not apply to earnings and profits acquired in a transaction after September 30, 2000, to which section 381 applies unless the distributor or transferor corporation was immediately before the transaction a foreign corporation to which this paragraph applies.

(B) Existing FSCs.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957) if—

(i) such corporation is a FSC (as so defined) in existence on September 30, 2000,

(ii) such corporation is eligible to make the election under section 943(e) by reason of being described in paragraph (2)(B) of such section, and

(iii) such corporation makes such election not later than for its first taxable year beginning after December 31, 2001.

(C) Other corporations.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957), and such corporation shall (notwithstanding any provision of section 943(e)) be treated as an applicable foreign corporation for purposes of section 943(e), if—

(i) such corporation is in existence on September 30, 2000,

(ii) as of such date, such corporation is wholly owned (directly or indirectly) by a domestic corporation (determined without regard to any election under section 943(e)),

(iii) for each of the 3 taxable years preceding the first taxable year to which the election under section 943(e) by such controlled foreign corporation applies—

(I) all of the gross income of such corporation is subpart F income (as defined in section 952), including by reason of section 954(b)(3)(B), and

(II) in the ordinary course of such corporation's trade or business, such corporation regularly sold (or paid commissions) to a FSC which on September 30, 2000, was a related person to such corporation,

(iv) such corporation has never made an election under section 922(a)(2) (as in effect before the date of the enactment of this paragraph) to be treated as a FSC, and

(v) such corporation makes the election under section 943(e) not later than for its first taxable year beginning after December 31, 2001.

The preceding sentence shall cease to apply as of the date that the domestic corporation referred to in clause (ii) ceases to wholly own (directly or indirectly) such controlled foreign corporation.

(4) Related person.—For purposes of this subsection, the term "related person" has the meaning given to such term by section 943(b)(3).

(5) Section references.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision shall be considered to be a reference to a section or other provision of the Internal Revenue Code of 1986, as amended by this Act.

(d) Special Rules Relating to Leasing Transactions.—

(1) Sales income.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) Limitation on use of gross receipts method.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendment) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

CONTINUING APPROPRIATIONS FY 2000

LOTT AMENDMENT NO. 4357

Mr. LOTT proposed an amendment to the bill (H.J. Res. 84) making further continuing appropriations for the fiscal year 2000, and for other purposes; as follows:

Strike all after the resolving clause and insert the following:

That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "November 14, 2000".

Amend the title so as to read: "Making further continuing appropriations for the fiscal year 2001, and for other purposes."

WILLIAM KENZO NAKAMURA UNITED STATES COURTHOUSE

HERBERT H. BATEMAN EDUCATIONAL AND ADMINISTRATIVE CENTER

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following bills which are at the desk: H.R. 5302; and, H.R. 5388.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 5302) to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington as the "William Kenzo Nakamura United States Courthouse."

A bill (H.R. 5388) to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuse as the "Herbert H. Bateman Educational and Administrative Center."

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. MURKOWSKI. Mr. President, I further ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to any of these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 5302 and H.R. 5388) were read the third time and passed.

GEORGE E. BROWN, JR., U.S. COURTHOUSE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5110, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5110) to designate the U.S. Courthouse located at 3470 12th Street, Riverside, California as the "George E. Brown, Jr., U.S. Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5110) was read three times and passed.

NATIONAL RECORDING REGISTRY IN THE LIBRARY OF CONGRESS

Mr. MURKOWSKI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 4846)

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendments of the Senate to the bill (H.R. 4846) entitled "An Act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.".

Mr. MURKOWSKI. I ask unanimous consent the Senate recede from its amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR NOVEMBER 2, 2000, AND NOVEMBER 14, 2000

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Tuesday, November 14, under the provisions of S. Con. Res. 159.

I further ask unanimous consent that if the House of Representatives does not pass H.J. Res. 84 as passed by the Senate, the Senate reconvene at 8:30 p.m. on Thursday, November 2. I further ask unanimous consent that on Tuesday, November 14, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then proceed to a period of morning business until 12:30 p.m., with the time equally divided between Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I further ask unanimous consent that the Senate stand in recess from the hour of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MURKOWSKI. Mr. President, for the information of all Senators, the Senate, therefore, will convene on Tuesday, November 14, at 12 noon, or at 8:30 p.m. tomorrow if a problem arises with the long-term continuing resolution. The Senate will be in a period of morning business on Tuesday, November 14 until the Senate recesses for the weekly party conferences at 12:30. Negotiations will continue during this short break, and therefore Senators should be aware that votes are expected to occur on November 14.

Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as the Senator from the State of Idaho, I ask unanimous consent that the quorum call be rescinded.

Without objection, it is so ordered.

RECESS UNTIL TUESDAY, NOVEMBER 14, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess under the provisions of S. Con. Res. 159.

Thereupon, the Senate, at 3:33 p.m., recessed until Tuesday, November 14, 2000, at 12 noon.

HOUSE OF REPRESENTATIVES—*Wednesday, November 1, 2000*

The House met at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Come let us worship God together.

We rejoice and give thanks to our God who has raised up heroic people in every age.

The Lord is true to His name and faithful to His promises. The Lord rewards the just and is compassionate to the brokenhearted.

May we be inspired by those who have gone before us and are remembered to this very day for their noble deeds and their lives of dedication to establish this Nation in a oneness that brings justice to all.

May God be blessed again today in us and in our common endeavors to serve God's people.

Blessed be God now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 313, nays 58, answered "present" 1, not voting 60, as follows:

[Roll No. 586]

YEAS—313

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Combest
Cooksey
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Hall (TX)
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Owens
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wilson
Wolf
Woolsey
Young (FL)

NAYS—58

Baird
Becerra
Borski
Brady (PA)
Capuano
Clay
Condit
Costello
Crane
DeFazio
English
Filner
Gejdenson
Green (TX)
Gutierrez
Gutknecht
Hayes
Hefley
Hilliard
Holt
Hooley
Hulshof
Kucinich
LaFalce
Latham
LoBiondo
McDermott
McGovern
McNulty
Menendez
Miller, George
Moran (KS)
Neal
Oberstar
Obey
Olver
Pallone
Pickett
Ramstad
Rothman
Sabo
Sanchez
Schaffer
Slaughter
Stark
Stenholm
Strickland
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (NM)
Visclosky
Weller
Wicker
Wu
Wynn

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—60

Archer
Barcia
Bilbray
Boucher
Brown (FL)
Brown (OH)
Burton
Campbell
Canady
Coburn
Collins
Conyers
Cook
Cox
Danner
Dickey
Dicks
Dingell
Dooley
Dunn
Fowler
Franks (NJ)
Greenwood
Hall (OH)
Hansen
Hastings (FL)
Hill (MT)
Hunter
Jackson-Lee (TX)
Kasich
Kennedy
Klink
Lantos
Lazio
Martinez
McCollum
McCrery
McIntosh
Metcalf
Mica
Mollohan
Ose
Peterson (MN)
Pomeroy
Reyes
Salmon
Scarborough
Scott
Shaw
Shays
Smith (NJ)
Stabenow
Talent
Turner
Waters
Watts (OK)
Waxman
Wexler
Wise
Young (AK)

☐ 1025

Mr. KUCINICH and Mr. HILLIARD changed their vote from "yea" to "nay".

Mrs. KELLY changed her vote from "nay" to "yea".

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. LATOURETTE). Will the gentleman from Michigan (Mr. KILDEE) come forward and lead the House in the Pledge of Allegiance.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. KILDEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 122, and that I might include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 662, I call up the joint resolution (H.J. Res. 122) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of the House Joint Resolution 122 is as follows:

H.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "November 2, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 662, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is another one of those 1-day continuing resolutions. Since the President of the United States refuses to sign more than a 1-day continuing resolution, this is something that we have to do. It is pure and simple. It is no different than what we did yesterday and the day before and the day before and the day before and the day before.

Mr. Speaker, as I have said so many times on so many of these CRs that I am basically through with presenting this continuing resolution. I will be prepared to reserve the balance of my time unless there is some reason that I need to respond to a situation that we did not anticipate.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 11 minutes.

Mr. Speaker, as my colleagues know, we are stuck here because the major appropriation bill that is yet to be resolved had been brought to a compromised conclusion by the conferees Sunday night; and then when the majority party leadership reviewed that compromise on Monday morning, they said "No way baby".

What blew up the agreement was the objection of the majority party leadership to the language in the conference report that would have, after a 10-year struggle, finally allowed, after yet one more 6-month delay, for the enforcement of a rule by OSHA to protect workers from debilitating, career ending workplace injuries caused by repetitive motion.

□ 1030

I want to review for my colleagues the history of OSHA for those of my friends on the Republican side who were not here when OSHA was created. I was. I want you to know who the sponsor of the OSHA legislation was. It was a man by the name of Bill Steiger, who was my best friend in the House, a Republican from Wisconsin. We went to college together. We were in the legislature together. We served here together. And then he, unfortunately, died at age 40.

It was always my belief that, if he had lived, he would have been the first Republican Speaker. He was a wonderful human being and a very balanced one, a strong conservative. But he was the sponsor of the OSHA legislation. He was the first employer in Washington for a fellow by the name of Dick Cheney. So that ought to give you some idea of Bill's political philosophy. I think the gentleman from Illinois (Mr. HYDE) served with him. Some of you will remember Bill.

When OSHA was adopted, the Chamber of Commerce insisted that the standards that were used by OSHA be the consensus standards which had been developed by business advisory committees and OSHA simply took those standards and enforced them as their own.

An article on the business page of "The Washington Post" this morning points out that "80 percent of all current OSHA health and safety standards are the same voluntary standards U.S. businesses were using in the late 1960s reflecting a long history of business and political opposition to new OSHA standards." And that is the case.

The history on this floor after OSHA was established has been a 2-decade long effort on the part of the majority party to resist new protections for workers. The cotton dust standard. You fought that for 4½ years and tried to have it delayed twice by legislative limitations. The methychloride standard to prevent leukemia. My brother-in-law died of leukemia and was always convinced it was workplace related. The standard to prevent that exposure in the workplace was resisted, and several times the majority tried to offer legislative language forbidding OSHA from proceeding with this standard.

The lead standard. We know what lead does to brain development. We know what it does for brain damage. The majority party tried to stop that standard. And for a decade they have been trying to stop the standard on repetitive motion injuries so that human beings do not go around with this kind of problem.

At first the actions taken by the majority party in the Committee on Appropriations in the form of an amendment by the gentleman from Texas (Mr. BONILLA) centered around denying OSHA the opportunity to even gather information about the occurrence and incidence of repetitive motion damage in the workplace.

Then after they failed to stop the gathering of information, then they switched rationales and said, "Oh, we do not have enough information." And so, no matter how much information was developed by OSHA, they still said, "Oh, we need more. We need more. Do not know enough. Do not know enough." And so that standard has been delayed for years and years.

Now, we finally reached, after four successive delays imposed by this House and after a promise a year and a half ago that you would impose no more delays, the majority leadership is once again trying to promote delay of both the implementation and the promulgation of the standard to protect people like the woman in this picture.

And so, what happened? We finally reached agreement after 4 hours of going word by word over language. Both sides left the room numerous times to consult their lawyers. Senator STEVENS did. The White House people in the room did. It was scrubbed by lots of lawyers who were outside the room, but it was checked repeatedly. We finally had a deal. As I said last night, it was even sealed with toasts of Merlot.

And then what happened? Well, what "The Washington Post" reports this morning that "Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with the Republican negotiators early Monday. Led by the U.S. Chamber of Commerce and the National Association of Manufacturers, the industries include groups representing trucking companies, bakeries, soft drink makers, and parcel delivery companies."

And then it goes on to say, "Business leaders have also bankrolled political ads over the workplace rules. In recent weeks, the National Association of Manufacturers has been running radio ads in key congressional districts." So on and so forth.

The article ends by quoting a 32-year-old woman, Heidi Eberhardt, who said, "I do not know if I will ever be able to type again. I will always have to be careful with my hands. If I had had any kind of ergonomic knowledge back then, I would not be injured today."

What we are trying to do is to prevent that from happening to other Heidi Eberhardts in the future.

Now, in my view, there is only one reason for what happened that night. It was my position, and in that conference, I opposed the conference deal that the White House cut with the Republican majority because I felt that after all these years there should be no further delay, none whatsoever. The compromise that was cut is that it was finally agreed to allow a standard to be promulgated but it could not be enforced in any way until after July. So that, if a new President was elected who disagreed with that standard, he would have time to go through the Administrative Procedures Act and repeal it; and he could, incidentally, suspend it the day he walked into office. We feel that within 45 days, certainly within 60, he could shut it off.

I am convinced that the only reason the majority party leadership is doing this is because, if their party leader wins the White House, they want him to be able to stop that regulation without ever having to publicly stand up and oppose it.

Now, as we used to hear when there was a Republican President, we used to hear there is only one President at a time. Well, there is only one President at a time; and in my view, this President, after over 10 years of analysis and study and review, he has the right to impose a standard which was called for for the first time by a Secretary of Labor by the name of Libby Dole. She is the one who started this process, and she is the one who initially said that this was needed and crucial for the safety of people in the workplace. I would urge you to remember, that is why we are stuck here on the CR.

If the majority party leadership wants to get out of town, there is only one thing they have to do. All they have to do is take the D.C. bill, the Treasury-Post Office, and the Legislative appropriations bill and, by reference in the Labor, HHS bill, put it together, stick to the original deal on Labor, HHS, and so far as appropriations are concerned, we could be out of here in one day. That would leave only the Commerce, Justice State bill remaining.

For the life of me, I do not see how those differences are going to be bridged in this short period of time. But all other appropriations work could be done. That is what the leadership could do. All it has to do is to honor the agreement that was reached, reference those other four bills, and we could be out of here in a day and a half going back and reintroducing ourselves to our constituents.

So that is what I would hope the majority leadership would do in the interest of ending this session with some degree of comity. But I am afraid that the same principle that is operating here to prevent helping this woman in the picture is the same principle that had been operating here for months on other issues. We have been trying to get prescription drug coverage all year long. But in the end, the majority party has decided that a tax cut that primarily benefits the top 2 percent of people in this country outweighs the need for millions of Americans to have prescription drug coverage. The same principle.

Who wins in the end? Money. That is what this is about. It is about money. Shame.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to say to my friend who just spoke in the well in reference to his statement that the majority party wants to get out of town, well, we would all like to get home. But I want him to know and I want everybody to know we are here for the long haul, we are here to get the job done, we are here to do the people's business however long it takes.

And these 1-day CRs, one after the other after the other after the other, use up a lot of time. We could be productive in other ways. We are not anxious to get out of town and leave the business undone. We are anxious to get out of town when the business is complete, and we are not going until we are finished and we have done it in a responsible way.

Now, the gentleman has made a substantial case about this agreement on ergonomics. I want to remind the Members what I have reminded them of before when the gentleman makes that argument. We reached an agreement. We started Sunday about 4 o'clock and we finally ended up about 1 o'clock Monday morning.

The gentleman from Wisconsin (Mr. OBEY) was there and I was there, Senator STEVENS and Senator BYRD were there. Senator HARKIN was there. Jack Lew from the White House was there. We negotiated in good faith and we reached an agreement, and we have not gone back on that agreement.

Now, the agreement was to allow the new President adequate time to make a decision. We do not know for sure how it is going to go either way regardless of which Presidential candidate is elected. But that was the agreement we reached, and nobody has gone back on that agreement.

Here is where the difference is. The difference is the language that was written that was checked by the White House lawyers. I do not know that we left the room. I did not leave the room to consult with any lawyers. But we took the word of the White House that that language did what they said it did.

Now, Senator STEVENS is a lawyer. The gentleman from Illinois (Chairman PORTER), the chairman of the subcommittee, is a lawyer. We wrote the language at least eight or nine times to try to make sure that it did what the agreement said.

Now for someone to suggest that we are going back on our agreement just is not accurate. We are not trying to change the agreement with you one iota. All we are trying to do is make sure that the language that is finally written actually does what the agreement was supposed to do.

Now, what is wrong with that? That, in my opinion, is being responsible to make sure that our actions and our words are the same. Actions speak louder than words.

□ 1045

Actions speak louder than words, and action should at least be the same as the words. That is where we have the disagreement. We are trying to work it out.

Mr. Speaker, I yield 6 minutes to the distinguished gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is my hope that they will be able to work out the language to reflect the agreement that they came to so that this House could move forward. But I think it is very important, too, for the body to think carefully about what is at stake in these ergonomic regulations because this controversy does go to very fundamental principles and it is true. Those fundamental principles are part of the Presidential election going on around us. I do not believe as a Republican, and I am proud of this but I also know that there are many Democrat friends of mine who agree with me, that the Federal Government should mandate on State governments that somebody injured as a result of an ergonomics injury should get 90 percent of wage replacement and full benefits when someone working right beside them but injured by a piece of steel falling on their foot and crushing all the bones in that foot gets the State compensation under workmen's comp rules, usually about 75 percent, I believe, in Connecticut. Why would we mandate inequitable compensation rules? Why would we mandate compensation rules that depend on what kind of injury you got?

I have had ergonomic problems. I have had carpal tunnel syndrome in both my wrists, and I have had operations on both my wrists and, thank you, it worked beautifully. But why when I was home recovering should I get 90 percent of wage replacement when my friend severely injured in a fall at a construction site would get the State's rate which is always in every case at least below that 90 percent? Why would we mandate inequity on working people? Why would we do that?

Furthermore, one of the plants in my district was a research site for these ergonomic regulations, and the researchers from the government as well as the workers as well as the management found certain repetitive motion problems that they could not find a solution for. Yet under these regulations you do not even have to have a pattern of problems. You can have one single incident and then you are mandated by law to adopt an incredibly costly and burdensome administrative process and fix the problem. Now, if we have already seen problems in the research process that we do not know the answer to, why would we penalize every small business in America?

This is going to be extraordinarily costly, extraordinarily burdensome to small business. This is not only a very good example of the difference between the parties on the issue of local control and respect for State and local government but it is a very good example of the difference between the parties on the issue of small business. Small business is the engine of America's economy. It is the job creator. It is the inventor. It is our strength. Yet we would lay over it this program that would begin to suffocate it. I have to say that this President has been absolutely blind to the value of small business. He wanted to go in and inspect your home office, have the government come in and inspect your home office to be sure that you had a correct chair. He has no respect for privacy, no respect for small business, and these ergonomic regulations are about fundamental principles of the role of the Federal Government and fairness to working people in America. They are a big issue.

Ironically, this President has fought against riders on appropriations bills. Riders are legislating on appropriations bills. Often I have agreed with him on those riders and said, Let's get the riders off the appropriations bills. This is a big issue in environmental areas. This is a big issue in choice areas. But now in your areas you want riders. You not only want this rider, you want a mammoth health program that has received not one single hearing and that is going to knock the stilts out from under private sector health insurance. Mark my words. Already employers in my district are beginning to drop family coverage because now it is $7,000 a year because their kids can go into our Huskie program under CHIP. That is not a bad solution. But not even to have a hearing on whether your big expansion of CHIP to all families in all situations, what impact that is going to have on the private insurance system, how much weight that is going to transfer from the private sector to a taxpayer-funded program is grossly irresponsible.

Mr. Speaker, this is about principle. It is about the principle of local control and State responsibility in our society. It is about the principle of a sound legislative practice governing authorizing of major programs. It is about the principle that a free market depends on that allows small business to be inventive, nimble and strong. I stand firmly behind our leadership in negotiating appropriations bills and not legislating new programs and creating standards that vary and treat working people unfairly.

I would call on all of us to move forward. We should have overridden the President's veto. We should resolve the issues on HHS, and we should move forward and go back home and campaign and let this be fought out on the level that it should be fought out, on the Presidential level.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Let me say, first of all, I do not believe it is the role of the Congress to debate the substance of a rule which is not yet promulgated, because I think that this body is primarily influenced by political decisions rather than on the basis of merit. It is a political institution. OSHA does not get campaign contributions based on how they rule. A lot of Members of Congress do get campaign contributions on the basis of how they vote.

The gentlewoman is mixing apples and oranges. The fact is that States, different States have different standards. Some of them use 75 percent of gross pay and others use 90 percent of net pay. The fact is when OSHA comes down on the side of using 90 percent of net pay, that is virtually the same as using 75 percent of gross pay. The gentlewoman in my view is simply confusing the issue when she tries to suggest that there is a great variance here.

But what is really at question is this: in the Washington Post article this morning, we have a very interesting quote that answers what the gentlewoman just said. She said the issue is whether State or Fed should rule. That is not the issue here. I want to read what Harley Shaiken, labor relations specialist at the University of California said. He said,

> The question is whether the best role in this field is to have the government essentially set the rules of the game in some circumstances versus putting a much heavier reliance on corporations to police themselves in an increasingly competitive globalized economy.

Now, we all know what will happen to workers if the government does not serve as an umpire to protect the weak from the powerful. With all of the pressure that globalization brings on corporations for a profit, with all due respect to my friends on the majority side of the aisle, I am not about to trust the self-policing of some of these industries given the fact that their self-policing for years has led us to a situation where we have 600,000 Americans who suffer from these injuries every year.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the Committee on Appropriations.

Mr. KINGSTON. I thank the gentleman from Florida for yielding me this time.

I also appreciate the passion and the sincerity of the Democratic and the Republican leadership and the appropriators in trying to work out this situation. I know that you have been hard at it, and I know that you have worked hard over the weekend. But as I sat there listening to you, it was curious to me. I kept hearing about some unelected guy, Jack Lew or somebody, and I kept hearing this vague generic reference to the White House, but I did not hear about the President, and I am concerned. Maybe the gentleman from Florida could tell me. Was the President of the United States negotiating with you or not? I will be glad to yield to the gentleman from Florida or maybe somebody could help me from the Democrat side in these very, very important, high-level negotiations which the President is keeping Congress in town at the cost of millions of dollars to the taxpayers that of course could be going to health care or education or worker safety.

What was the President doing? Was he there Saturday night? He was not there, was he? Was he there Sunday night? He was not there again, was he? Was he there Monday night? He was not there Monday night. Well, surely he showed up Tuesday night. No, wait. He was in Kentucky.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Maryland.

Mr. HOYER. This President, I will tell you, and I have been here for a long period of time, has been more engaged in working with Congress than any of his predecessors. Period. The gentleman has not been here as long as some of the rest of us have been, but this President is more engaged in the legislative process than any President I have had the experience of serving with.

I will tell you further in response to your observations that the principals were not in the room. The gentleman from Texas (Mr. DELAY) apparently was not in the room. That was one of the problems because he is the one that after an agreement was reached apparently took the deal back and said, "I won't agree."

Mr. KINGSTON. Let me reclaim my time. The gentleman is right. I have not been here as long as some of these in-town government people. I know, for example, the Vice President is very proud he has been here 24 years. He came straight from the hotel room to the floor of the Congress. But to a lot of us being in the private sector is a badge of honor, and I am glad I have not been here all my life because I am proud that I have had private sector experience.

My question was, is the President who is so engaged, was he here for these negotiations Saturday, Sunday, Monday, Tuesday?

Mr. KOLBE. Mr. Speaker, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Speaker, yesterday after this deal fell apart and we were trying to get it back together, and clearly the President's help would have been very essential, the President was unfortunately engaged in campaigning in Kentucky in a congressional race and then in New York. I believe there is a Senate race there he has some interest in that he was fundraising for. So the President has not been available throughout this time for these negotiations.

Mr. KINGSTON. Of course I am saying that I know where the President was. He was out campaigning. He was out fundraising. But this is a legitimate question. If it is worth the taxpayers to pay millions of dollars to keep the Congress, 435 Members and 100 Members of the Senate, in town to negotiate, then certainly it is worth his time to be here. I do not think you are negotiating in good faith when you are not here, when everybody else is coming to the bargaining table to try to work something out but the President is in New York campaigning, he is in Kentucky campaigning, he is, I understand, on his way to California campaigning. Now, if he were in the Middle East, I would say that is understandable. If he was in North Korea, I understand that. But, instead, he is campaigning.

Here is where we are on all our bills. This is the appropriations rundown. We have come up with levels of spending for Agriculture, for Commerce, State and Justice, for Defense, Energy and Water, Foreign Operations, Interior, VA-HUD, and we are pretty much where the President is. I will say sometimes we are up and sometimes we are down, but this is the chart. It is open for public record. We are trying to work things out. But it is not enough. It is never enough with this President.

I want to quote and close with a question by 16-year-old Sarah Schleck from Albert Lea, Minnesota, to why are we still in town because the President wants to spend more money. She said, the 16-year-old wisdom, "Isn't our government big enough already?" Must we really stay in town so that we can spend a couple of more billion to pay off one constituency group or another? I do not think we should do that. I think that this House, the Democrat and the Republican leadership, ought to come to its own conclusion, give it to the President, and then maybe we can go back home and tell the folks what we are up to.

□ 1100

Mr. OBEY. Mr. Speaker, I yield myself a minute and a half.

Mr. Speaker, the previous gentlemen has given the most off point speech that I have heard on this floor since the last time he addressed this body.

Let me simply say, Mr. Speaker, that the reason the President was not in the room is because since the President stole Mr. Gingrich's socks the last time they negotiated together, your leadership has refused to sit down in an omnibus meeting with him and put it together. That is why he was not there. You very well know you would not even let the President's representative come into the room until 10:00 at night. You first insisted we negotiate all other remaining items. The gentleman from Georgia (Mr. KINGSTON) further ought to know, even if you do not, you ought to know there is not a single dollar difference remaining in this issue. This has nothing to do with how much we spend. The issue is who we spend it on and which side are we on. Big business, big business or the working people of America?

We ought to have a decent balance between the interests of both, but you want it all one way for the top dogs in this society. No way. No way.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Speaker, "The New York Times," considered one of the most authoritative papers in the country, even in the entire world, and the gentleman over here said oh, right, and laughed, well, I just want to remind the gentleman that earlier this year the Vice Presidential nominee, Mr. Cheney, even described one of "The New York Times" reporters as big time.

Well, today that big time newspaper has offered its opinion of this Congress, and I quote, "the 106th Congress, with little to show for its 2-year existence, has all but vanished from public discourse on almost every matter of importance: Gun control, patients' bill of rights, energy deregulation, Social Security, Congress has done little or nothing."

Mr. Speaker, it goes on to say, "if Congress has done a lousy job for the public at large, it is doing a fabulous job feathering its own nest and rewarding commercial interests and favored constituencies with last minute legislative surprises that neither the public nor most Members of Congress have digested," end of quote.

But, Mr. Speaker, if one asks me, the story of this Republican Congress is not only being written by The New York Times editorial page, listen to what others are saying around the country. The Baltimore Sun, "The Republicans in Congress still cannot get their act together." Roll Call, "What a mess. House leaders have been utterly uninterested in working with House Democrats." The Washington Post, "Gagging the Senate. It has been a time-serving Congress in which the majority, having lost control of the agenda, has mainly tried to give the impression of dealing with issues that it systematically has finessed."

"The un-Congress," The Washington Post, "the un-Congress continues neither to work or adjourn. For 2 years, it has mainly pretended to deal with the issues that it has systematically avoided."

The Baltimore Sun, "Republican Gridlock Again in Congress. Whatever happened to the fine art of compromise," they say. "It seems to have vanished from the lexicon of the Republicans on Capitol Hill."

The USA Today, just a couple of days ago, "This Congress is a monument to fiscal irresponsibility."

The Los Angeles Times today, "A Sputtering Finale. It is fitting that as it sputters toward an end, this Congress is engaged in an unproductive game of political brinkmanship with the President. This 106th Congress will not be missed."

Well, those are people who are looking from the outside and judging the catastrophe that has befallen all of us here in this Chamber in this Republican-led Congress. If you want the real story of the 106th Congress, just talk to the millions of families that the Republican leadership has turned its back on. Talk to the older people who desperately need prescription drugs. Talk to young parents who want to send their kids to safe, modern public schools. Talk to the men and working women of this country who work in restaurants and child care centers and work to take care of our elderly and our sick; and the janitorial crews, all of those folks struggling to earn a decent wage.

Talk to the patients and doctors and families battling against HMO executives for their right to quality health care. That is who is paying the true price for the failure and the indifference of this Republican Congress; not the K Street lobbyists or the crowd down at the country club. It is the American working families, Mr. Speaker. That is who we are here to serve, and I would tell my friends on this side of the aisle, if the Republican leaders cannot understand that, it is high time they step out of the way in favor of us who do understand it.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, what I am hearing today is a lot of political campaigning.

The problem is the minority does not like the majority. We love them in the minority, and we hope that they stay the minority for many, many years.

There is a difference between the parties. There is a reason that one party is a majority and the other party is a minority, but here is an interesting point. We have come together. There are arguments about whether the President was in the room or not. He was represented but he was not in the room. He was busy doing other things. We understand that. The President is looking for whatever he is looking for out there around the country, mostly money for campaigns, but let me say what the President thinks about this Congress.

Some heard me read this last night. I am going to read it again today, in view of some of the rather strong diatribes that I have heard here. The President said on Monday in his press conference, he said, "Again we have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions." Now, if only we could get to the bipartisanship that he talks about here. I am glad he feels that way because on the majority side we have tried to be bipartisan. We get really excited when the minority leader comes to the floor and says, come on guys, we have to get together. We have to be bipartisan and get the work done. But speaker after speaker after speaker who followed the minority leader's admonition brought out their vicious partisan attacks on the majority party.

Well, Mr. Speaker, we are the majority; and we have made a decision on what we believe is the right thing to do, and we are satisfied that we agreed with President Clinton when he said the era of big government is over, standing right there in the well of the House.

The era of big government is over. We are tired of the government being everything. There is a responsible role for the government, but it is not to run everybody's life. Whatever the government does should be done in a responsible fashion, and not one that meets the whims of somebody's political campaign. Political campaigns ought to be back home on the campaign trail, not here in the people's House. It is our job to get the people's work done and put their work ahead of politics. People above politics, and that is what we are going to stand for every day. We are not going to be stampeded by the political rhetoric that comes out of the minority party who is so anxious to become the majority party again.

Well, people of America are going to make that decision. They are going to decide whether they want to go back to the old days of decades of deficit spending, interest payments on the national debt that almost exceed the investment in our national defense; whether they want to go back to the days of raiding the Social Security trust fund to spend for their big spending programs. We have stopped that. Our majority party, the Republican Party, has stopped that. We are not spending money out of the Social Security trust fund. We are paying down the debt. We have balanced the budget, and, oh, we had a lot of opposition to what we had to do to accomplish all of these things, but we stood fast. We are going to continue to stand fast for what we believe in, and the ideals that the American people agreed with when they made us the majority party.

Mr. Speaker, I yield 3 minutes to my friend, the gentleman from California (Mr. THOMAS), who has an interesting chart that I think will demonstrate this.

Mr. THOMAS. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time.

Mr. Speaker, in an attempt to improve the atmosphere here, I do want to reach out in a bipartisan way and indicate to the gentleman from Maryland (Mr. HOYER) that he has had extensive legislative experience here in this body. He has seen a number of Presidents in terms of the way they have performed. He has indicated that this current President has been more active, more involved than any other President that he is aware of. So I guess I am a little confused, and I would like to reach out because why would quotes from third parties then be relied on, the liberal fourth estate newspaper folk who have not been in the room, to try to characterize the way in which we have operated? Why would the quote from the gentleman who has been most involved of any Presidents be relied on?

So instead of looking at what some editorial writer writes, who has never been in the room, let us take a look again at what this President, who has been the most active President working with Congress in the minds of people who have been here a long time, and he said, quote, President Clinton, on October 30, just a couple of days ago, "we," we, kind of an encompassing word, the government, the executive branch, the legislative branch, "we have accomplished so much in this session of Congress in a bipartisan fashion."

Now I take him at his word, the guy who has been more involved than any other President, we have accomplished so much in this session of Congress in a bipartisan fashion.

"It," this Congress, "has been one of the most productive sessions."

Now I know he has only been around 8 years, and others who have been around longer can grade how productive the sessions are, but if this President has been the most active of any President we have seen, I will accept his judgment. His judgment is, we have done a lot in a bipartisan fashion. This has been one of the most productive sessions ever. Why rely on third parties? Go to the horse's mouth.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply want to congratulate the gentleman from California (Mr. THOMAS), because that is the largest stretch I have ever seen. I want to congratulate them. They have been so desperate to find any way to suggest that they have accomplished anything of significance in this session of Congress that they even have stretched to rely on their old reliable friend, President Clinton, the man to whom they have given so much substantive support when in a moment of conciliatory weakness he engaged in a little bit of rhetorical hyperbole to say something nice about the majority.

If that is the best that you can find, be my guest. The people who serve in this Chamber know what you have accomplished. The people waiting for prescription drugs know what you have accomplished. The people waiting for a patients' bill of rights know what you have accomplished. The people waiting for a minimum wage bill know what you have accomplished. On the big stuff, the result unfortunately is zip. You passed a lot of stuff through here that would help the very wealthiest 2 percent on the Tax Code. Outside of that, you are still dragging behind about 8-to-0 in terms of meeting your major responsibilities.

Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT).

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise in support of this continuing resolution, our twelfth in 5 weeks, to keep the government operating; but I deeply regret that we have reached this point and I am deeply disappointed by what has happened to America's education priorities in the last 72 hours.

On Sunday night, after 3 days of no negotiations, Republicans met face-to-face with Democrats on a good faith basis to resolve our differences on education. Democrats asked Republicans whether they had full authority to negotiate a final deal and they answered, yes. In an example of bipartisan compromise, both sides came together and both sides sought common ground. Negotiators toiled late into the evening. Each side made concessions, as must be done in a bipartisan compromise, and consensus was reached through sensible dialogue. I give great credit to the gentleman from Florida (Mr. YOUNG), and I give great credit to the gentleman from Wisconsin (Mr. OBEY), and the Senators who were involved. The bill that came out of that room was a bipartisan bill that would have lifted up every community and every school in this country. This bill included full funding for 100,000 new teachers, teacher training, after-school programs and a billion dollars for school repair and school modernization.

Less than 12 hours after the agreement was reached, the leaders of the Republican Party ripped this deal apart as a favor to a business lobby.

□ 1115

The Republican leadership bowed to business lobbyists who, according to the Washington Post, were making, and I quote, "urgent calls to the Hill to try to block this compromise," simply because they did not like worker safety provisions that protected workers from repetitive stress injuries. This Republican-led Congress scuttled a bipartisan agreement that would have provided local districts with the means to hire new teachers and build new classrooms so that we could get smaller classroom sizes, so that our children could be better educated.

Mr. Speaker, I guess it is not a surprise, because Republican leaders have spent the last 6 years frustrating America's agenda, a bipartisan agenda, by giving in to special interests. On every one of these issues, the Republican leadership has taken the side of the special interests over America's agenda.

We tried to get an affordable, effective prescription medicine program; we forced it on to the agenda with the help of Republican members, and it was scuttled in conference; and it is not going anywhere, because I guess the pharmaceutical companies did not want it.

We worked with Republicans to force on to the agenda of this House an effective and enforceable Patients' Bill of Rights, and it has been stifled in a conference committee because I guess the insurance companies did not want it.

We could have had targeted tax cuts for college and long-term care and child care, but instead we passed huge tax cuts for the top 1 percent of Americans instead of getting something done in a bipartisan way that we could have gotten done.

We fought for sensible gun safety legislation, but it is stifled in a conference committee, I guess as a favor to the National Rifle Association.

We have tried to get a sensible increase in the minimum wage; but it too is stifled, even though it has strong bipartisan support.

We forced on to the agenda of this House campaign finance reform, which is desperately desired by the people of this country, and it too passed by a bipartisan vote in this House, and it has been stifled in a conference committee.

There is a pattern here, Mr. Speaker. There is a pattern. Bipartisan efforts, which even passed by bipartisan votes on the floor, are being held hostage by the special interests of this country and by the Republican leadership that is running this Congress.

The Speaker said 2 years ago that the trains were going to run on time and that we would finish our budget in regular order. Well, it is 4 weeks into the fiscal year, we are 6 days away from a general election, and we have not gotten the work done that we could have gotten done if the leadership of this Congress would have simply let the bipartisan majority that was trying to break out and do these things to be able to do them. And as a result, we have a dysfunctional Congress; we have an ineffectual Congress.

Education is our most important priority. We have schools with cracked walls and no air-conditioning and leaky windows. We have cornices falling off of buildings. We have kids in temporary structures, in movable classrooms, in inadequate facilities in the wealthiest Nation on Earth. Our children deserve our help in getting them the world-class education that every child in this country deserves.

Let us pass this resolution, let us stay here in these next days, and let us get the job done for America's children. We may not be able to do the health issues, campaign reform, gun safety or the minimum wage; but in the name of common sense, let us get done something in these last 2 or 3 days for the children of this country. Let us get them better classrooms, let us get them more teachers, let us get them a better education.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would just like Members to know that I have a great respect for the minority leader who just spoke, but some of the things that he said I do not disagree with. I think there is either a misunderstanding about what the situation is, or there is misrepresentation of the situation. Now, the items that the minority leader just talked about that were in this package that we negotiated until the wee hours of Monday morning, the good things that were in that package, they are still there. To try to imply that they are not there is just not accurate, and it is not fair, because the good things that he said were in there are still there.

What is the major change? We have gone over it and over it and over it. We will go over it again. The major change was on the ergonomics language. We reached an agreement. We continue to this minute to have that same agreement. The difference is, we are trying to make sure that the language actually does what the agreement says. But as far as the other items that the minority leader said got blown apart, that is not true. They did not get blown apart. They are still in the package. So either it is being misunderstood, or it is being misrepresented. Misunderstanding, we can understand that; but misrepresenting, we are not prepared to accept that.

Mr. TIERNEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Speaker, maybe the gentleman can help me understand something.

Sunday night, you ostensibly had an agreement, and now the gentleman tells me it is just some legal language. I practiced for about 22 years, most of it in business law, contracts, things of that nature, as well as others. So I guess what the gentleman is telling us is that all night Monday, all day Tuesday, all night Tuesday, and then on Wednesday, the gentleman's lawyers have yet to come up with language that would be acceptable to accomplish the purposes that are wanted, so therefore, we are still here, and we are going on and on. Is that what I understand to be the case?

Mr. YOUNG of Florida. Mr. Speaker, let me suggest to the gentleman that their own lawyers at the White House either misunderstood or misrepresented. The lawyers from the White House that were checking, because Jack Lew called his lawyers, at least he told us he called his lawyers, and they said, yes, this language does what the agreement says. Now, if their lawyers cannot figure it out, and our lawyers did not figure it out, maybe we ought to take a little bit of time to do it and to do it right.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Speaker, this is an interesting debate today. The gentleman from Georgia, a good friend of mine, stood up and asked a simple question: Was the President of the United States in the meeting, and he was attacked when he left the podium, because that is an unreasonable question to ask. Then the gentleman from California, good friend of mine, comes before this honorable body and puts a quote before us about what the President of the United States said, and he was attacked. I would never stand on this floor and accuse the President of the United States of being a liar. Yet, members of his own party did that, because they said he did not mean what he said. Obviously, we would never impugn what the President said in that fashion.

Then, the Republican leadership was attacked because they are running this House. Well, let me read to my colleagues from the Hill newspaper, what the Hill newspaper says today: "Despite President Clinton's pledge to stay here with you and fight for his legislative priorities, not one House Democrat leader was present last weekend for all 7 votes taken on session-ending procedural matters."

My Democrat colleagues might attack the Republican leadership, they might impugn the Republican leadership; but if it were not for the Republican leadership on this floor, there would be no leadership at all.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I would like to lower the tenor of the debate and accept a couple of offers, correct one statement, and accept one offer today to see if we might find a way to take this restless herd and not start a stampede, but start it in a slow walk to a solution.

The first thing I hope everybody will understand and stop bringing the posters to the floor saying how much is enough when we all should know by now, $645 billion is enough. We are not talking about money. Anybody that proposes spending more money is going to have to find it somewhere else, because the appropriators have got their orders. I think the gentleman from Florida (Mr. YOUNG), as chairman of the Committee on Appropriations, is doing a good job. My fuss is not with him, but it is with the leadership of the House that seems to not be willing to bring this thing to a culmination.

Now, it seems to me, and I have listened today, there is an agreement within reach on ergonomics, there is an agreement within reach on school construction, in the appropriate places by the appropriate leaders. There is an agreement in place on immigration, if we can just find that appropriate place. The one area that we do not have an agreement though, and it seems from what I have heard said, is in the area of Medicare and the BBA fix. That is what we are saying.

To the gentleman from California, the chairman of the committee that made the speech a moment ago, there is a willingness on this side to reopen that particular part of the tax bill and do a little better job for our hospitals, our rural hospitals, our nursing homes, and others. There is some additional knowledge in this House, other than the chairman of the committee, the same man that wrote the BBA fix in the first place in 1997, that had to be convinced to do more at that time, and I see the gentleman from Iowa (Mr. NUSSLE) on the floor who has been a tremendous leader in the Rural Health Care Coalition. We know this. We can have a better agreement, and that is one that we must get done, or we will not finish by the election, or by January 1, unless we can do more.

So in the spirit of bipartisanship, there is a large number of Democrats; in fact, there are 137 on my side of the aisle that said we should not spend $645 billion this year, we should only spend $633 billion.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time for a closing statement.

Mr. OBEY. I yield myself the remaining time.

Mr. Speaker, when we are in negotiations, the only way that we can reach agreement is to reduce those agreements to writing, and that is what we did. It took 4 hours to get the language right for both sides, because the lawyers who were in and out of the room talked to each other, and this was the language that they came up with. The only thing that changed was the amount of heat that the majority party leadership took from the big business lobbyists in this country. That is the only thing that changed.

It has been clear to me from the beginning that the majority leadership did not ever want us to conclude action on this bill, and what is going on now to me is very clear. This session is over. This session is over. The leadership is going through the pretense that something else is likely to happen, but behind the scenes, what they are trying to do is to get negotiated a longer-term CR so that they can get out of here, leaving undone this issue, so that they do not have to face the issue of education funding before the election, and they do not have to ever vote on scuttling the deal on protecting workers' health, which we had in this bill.

So what they may do is to send up some meaningless let-us-pretend compromise language to the White House, language that has probably already been rejected. But the fact is, they want to slip out of town. If they cannot do that, then the next best thing to do is to pretend that they expect something to happen in the future. It is clear to me that the majority party leadership will not let anything further happen on this bill if it means antagonizing their big business lobbyist friends. That is the problem.

The solution on this issue that we had in the conference was a balanced one. It said, the rule could be promulgated to protect workers from repetitive motion injury, but that the future President, if he wanted, would have 6 months to repeal it. That was the balance between the interests of business and the interests of workers who have no one to rely upon but us. It is clear the leadership pulled the plug on the deal because they do not want that, and they do not want this bill to go forward. That is sad.

□ 1130

So we will wind up not only with the workers not being protected, but we will wind up without the education achievements that we could have had in this bill, without the health research achievements we could have had in this bill, without the worker protections we could have had in this bill.

This could have been a bipartisan closure for the Congress. Thanks to the leadership's genuflecting to special interests, it will now not be. That is the saddest thing of all about this session.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, with all of the rhetoric we have heard here this morning, the truth of the matter is that it all revolved around one issue. That is the issue of the language trying to comply with the agreement that we reached early Monday morning, on the issue of the language relative to ergonomics.

Now, the only reference in that negotiating session to having checked with a lawyer is from the Office of Management and Budget. They are representing the President, who suggested that he had checked with his lawyers and that they decided that the language actually did what the agreement supposedly did.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would tell the gentleman, I am sorry but that is just not true. Both Mr. STEVENS and the White House left the room on at least two occasions to check the language with their legal experts. The gentleman knows that.

Mr. YOUNG of Florida. I do not know that. I do not know that the Senator checked with his lawyers. I do not know that.

Mr. OBEY. Mr. STEVENS said he did. I take his word for it.

Mr. YOUNG of Florida. Mr. Speaker, I might have been talking to the gentleman at the time. I did not hear him say that.

I did hear the Director of OMB say that he checked with his lawyers and that this was their understanding. Misunderstanding is one thing and misrepresenting is something entirely different.

On the issue of ergonomics, just let me suggest one thing. I asked the staff of the Committee to give me a dictionary description of the word "ergonomics." It goes something like this: "The science of doing the same thing over and over until the simple act of repetition causes bodily harm."

That is what we have been doing here in the House for the last couple of weeks, over and over again, continuing resolution after continuing resolution, the same arguments over and over again, most of which do not have anything at all to do with this continuing resolution.

Mr. OBEY. Mr. Speaker, if the gentleman will yield for the last time on that, that is a great line. The difference is that, for the workers we are trying to protect, it is no laughing matter because it is their livelihood.

Mr. YOUNG of Florida. The gentleman and I, as he knows, while we tend to be good friends and I have every confidence in his trustworthiness, when he tells me something I know that I can believe it, and

I think that he feels that he can believe what I say to him, but we have some strong disagreements, general philosophical disagreements.

He knows that and I know that. That is why we have the two political parties, rather than just one.

But anyway, the deal, as the minority leader referred to it as "the deal," and I refer to it as a conference report, the conference report continues to contain all of the items that the minority leader talked about that were in that deal that were so good that fell apart. They did not fall apart, they are still there. They are still in the package. They are still part of the conference report.

Mr. Speaker, I have just 2 minutes left, and I do not know if we are going to have this argument again tomorrow, though we probably will. But something offended me yesterday that I did not really have the time to respond to in the way that I wanted to. That was when one of the speakers on the minority side accused and referred to our leadership as legislative terrorists.

I thought about that overnight and I really got upset about that, Mr. Speaker. Our leadership are not legislative terrorists. They are firm, they are strong, they have their commitments, and they have their convictions.

I want to tell Members about the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). He is a very strong man of great integrity. He leads this House the best that he can, realizing that he has one of the smallest majorities that has ever existed in this House in its entire history.

The gentleman from Illinois (Mr. HASTERT) is not a legislative terrorist, by any means. The gentleman from Illinois has done everything that he could to keep this House together, to keep it moving, to get our job done, while remaining true to the principles upon which the majority of this House was elected.

So I did take offense at that. I try to ignore most of the offensive things that I hear in these debates, but I could not let this go without having made some comment about this suggestion that our leaders were legislative terrorists.

They are strong and they are determined. They have tremendous conviction. They are committed. They are going to do their job regardless of the accusations and the rhetoric that comes from their opposition.

I say amen to that, because that is why we are here. We are here to do a job for the people of America. We are here to put people above politics. We are here to do our job and then go home and do our campaigning on the campaign trail, not in the House of Representatives, where all of the people should be represented here.

So Mr. Speaker, I just hope that the House will pass this continuing resolution. I hope that we can find a way to get this business completed without having to spend hours and hours every day just on one more CR because the President of the United States refuses to be realistic and sign more than a 1-day continuing resolution.

Mr. Speaker, we are here to cooperate, we are here to serve in a bipartisan fashion, but we are not here to yield or compromise on our principles.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 662, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 371, nays 13, not voting 49, as follows:

[Roll No. 587]

YEAS—371

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Baird
Barton
Capuano
Costello
DeFazio
Ford
Hilliard
LaFalce
Miller, George
Phelps
Stupak
Thompson (MS)
Visclosky

NOT VOTING—49

Archer
Bilbray
Boucher
Brown (FL)
Brown (OH)
Campbell

Canady
Collins
Conyers
Danner
Delahunt
Dickey
Dicks
Dingell
Dooley
Dunn
Evans
Fowler
Franks (NJ)
Greenwood
Hansen
Hastings (FL)
Hill (MT)
Jackson-Lee (TX)
Kasich
Kennedy
Klink
Lantos
Lazio
McCollum
McCrery
McIntosh
Mica
Mollohan
Moore
Neal
Ose
Salmon
Scarborough
Scott
Shaw
Shays
Talent
Turner
Waters
Watts (OK)
Waxman
Wexler
Wise

□ 1159

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill and a joint resolution of the House of the following titles:

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2000, and for other purposes.

PERSONAL EXPLANATION

Mr. BOYD. Mr. Speaker, I was unavoidably detained on rollcall vote 580 and rollcall vote 581.

Mr. Speaker, had I been present, I would have voted no on rollcall vote 580 and no on rollcall vote 581.

□ 1200

"THE LONG PARLIAMENT"

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes we can get wisdom from the ages. I am not a fan of Oliver Cromwell. His semi-genocidal attacks on the Irish was certainly one of the low points in history. But even he occasionally got something right.

During the 1650s, there was a Parliament in England which could not seem to find a way to leave London. Oliver Cromwell decided they needed some encouragement. Some of what he said in his gentle way, waiving a sword seems to me to be not entirely inappropriate. So I would, therefore, like to read some excerpts from Oliver Cromwell's speech to what was called "The Long Parliament."

> It is high time for me to put an end to your sitting in this place . . .

"Ye are grown intolerably odious to the whole nation. You were deputed here to get grievances redressed; are not yourselves become the greatest the grievance? Your country therefore calls upon me to cleanse the Augean stable by putting a final period to your . . . proceedings in this house and which by God's help and the strength he has given me I am now come to do. I commend ye therefore upon the peril of your lives to depart immediately out of this place. . . Go and get out, make haste ye venal slaves be gone. So take away that shining bauble there and lock up the doors.

HOUR OF MEETING ON THURSDAY, NOVEMBER 2, 2000

Mr. YOUNG of Alaska. Mr. Speaker, I move that when the House adjourns today, it adjourn to meet at 6 p.m. tomorrow.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 239, nays 130, not voting 63, as follows:

[Roll No. 588]

YEAS—239

Abercrombie
Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Cubin
Davis (IL)
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dixon
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoeffel
Hoekstra
Holt
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McHugh
McInnis
McKinney
Meehan
Meeks (NY)
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Oxley
Packard
Paul
Pease
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanford
Sawyer
Saxton
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stump
Stupak
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—130

Ackerman
Allen
Andrews
Baca
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berry
Blumenauer
Bonior
Capuano
Carson
Clay
Clayton
Clyburn
Costello
Coyne
Crowley
Cummings
Cunningham
DeFazio
DeGette
DeLauro
Deutsch
Doggett
Doyle
Edwards
Evans
Farr
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Holden
Hooley
Hoyer
Inslee
Jefferson
Johnson, E. B.
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Larson
Lee
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Schakowsky
Sherman
Slaughter
Spratt
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velázquez

Visclosky
Watt (NC)
Weiner
Weygand
Woolsey
Wynn

NOT VOTING—63

Archer
Baird
Bilbray
Boucher
Brown (FL)
Brown (OH)
Burton
Campbell
Canady
Collins
Conyers
Cox
Danner
Davis (FL)
Delahunt
Dickey
Dicks
Dingell
Dooley
Dunn
Emerson
Forbes
Fowler
Franks (NJ)
Greenwood
Hansen
Hastings (FL)
Hill (MT)
Hinojosa
Hulshof
Jackson-Lee (TX)
Jenkins
Jones (OH)
Kasich
Kennedy
Klink
Lantos
Lazio
Markey
McCollum
McCrery
McIntosh
McKeon
Meek (FL)
Mica
Mollohan
Neal
Nussle
Ose
Peterson (PA)
Salmon
Scarborough
Scott
Shaw
Shays
Smith (WA)
Talent
Turner
Waters
Watts (OK)
Waxman
Wexler
Wise

☐ 1220

Messrs. MORAN of Virginia, OLVER, DEUTSCH, OWENS, and FARR of California changed their vote from "yea" to "nay."

Mr. WU changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMITTEE ON RESOURCES CONTEMPT RESOLUTION

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks at this point in the RECORD.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise again in strong opposition to this Contempt of Congress resolution.

When there are so many important issues such as energy and health care and education policy which have languished in this Congress, it is ridiculous that this vendetta is taking the time of the House.

The crime charged in this resolution is the refusal of three witnesses to answer certain questions from Republican members of the Committee on Resources.

Let's be clear: these three individuals have worked to assure that the taxpayers receive a fair share of the royalties from oil companies drilling on public lands.

Those same oil companies, who have never received a Republican subpoena, have shortchanged the taxpayers by billions of dollars in royalty under payments, as most recently evidenced by a total of $438 million in settlement payments in litigation which inspired the committee's investigation.

We should be spending our time and resources in Congress on issues that really matter to the American people.

We should not use the vast powers of Congress to punish those who helped to blow the whistle on the oil company rip-offs and who, understandably, refused to cooperate with a rogue committee operating without regard to the House rules.

And we should not be burdening the U.S. Attorney, who has plenty of work to do combating serious crimes, with an ill-conceived contempt resolution based on an investigation so procedurally flawed that the criminal charges would not survive judicial review.

Let's start by making it clear what this contempt resolution is not about.

The question before the House is not whether the arrangement between the project on Government Oversight and two Federal employees to share royalty underpayment litigation awards was illegal or even improper.

Federal employees have been allowed, under certain circumstances, to participate as whistle blowers in False Claims Act litigation. In this case, the POGO arrangement is under active investigation by the Department of Justice.

But no one has been indicted, no one has been tried, and certainly no one has been convicted. For Congress to prejudice that process with premature conclusions of illegality would be irresponsible.

So, let us be clear what this resolution is about.

The real question before the House is whether three individuals who were subpoenaed as witnesses by the Committee on Resources should serve up to a year in prison for violating a Federal criminal statute.

As is the case with all criminal statutes, the three individuals cannot be convicted of Contempt of Congress unless guilt is proven beyond a reasonable doubt in a court of law.

Before we consider a resolution that could subject three citizens to criminal jeopardy, let's look carefully at the case the committee has brought before the House.

The courts have held the congressional process in strict scrutiny, and in 1983 acquitted the last person charged by the House with contempt.

In this investigation, the Committee Republicans have repeatedly failed to follow the House Rules. For over a year, they ignored House Rule XI governing investigations despite Democratic objections. They further violated House Rules by curbing the rights of Democratic members to question witnesses at hearings.

They abused those witnesses by, among other things, not allowing them to make opening statements at hearings, despite Democratic objections.

One Republican member called the Department of the Interior employee a "common thief" prior to his appearance before the committee.

In short, as we detail in the Dissenting Views, this partisan investigation has been biased, unfair, and was a rogue operation that violated the Rules of the House and of the committee.

Moreover, the committee Republicans failed to demonstrate—either to the witnesses or the Democratic members—a clear nexus between the questions and the purpose of the investigation. Specifically, they failed to establish a foundation for the questions that make them "pertinent" for purposes of applying the contempt statute to refusals to answer.

And the courts have insisted that questions must be "pertinent" at the time they are asked of a witness at a hearing. After the fact rationale is not sufficient.

My point in mentioning the procedural flaws in the committee' investigation is to show that there are many reasons for members to be very cautious before concluding that these three citizens are guilty of Contempt of Congress.

And unless members are convinced that the committee's process can withstand judicial scrutiny and the statutory elements of contempt have been proven beyond a reasonable doubt, then they should not vote for this resolution.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 31, 2000.

STOP THE POGO PERSECUTION

DEAR COLLEAGUE: Today the House will unwisely reconsider the resolution (brought up on the floor last Friday and withdrawn by its sponsor) that charged three individuals with the crime of Contempt of Congress for failing to cooperate with a Committee on Resources investigation. This rare exercise of congressional power could subject these individuals to criminal prosecution and up to one year in jail.

This charge was prompted by the Project on Government Oversight's (POGO) decision to share $767,200 of a $1.2 million False Claims Act settlement with two federal employees who had long worked to curb underpayments of royalties owed to the United States by oil companies. Faced with multibillion dollar allegations of royalty rip-offs, 15 oil companies have reached settlements with the Department of Justice totaling $438 million.

The Department of Justice is investigating whether the payments by POGO were inappropriate or illegal actions. Despite that review, the Resources Committee Majority has duplicated DOJ's effort and issued dozens of subpoenas, held multiple hearings, and consumed nearly two years and many tens of thousands of dollars searching for additional evidence of wrongdoing by POGO and its associates while proclaiming their alleged guilt.

And what about the oil companies who have paid $438 million in settlement for cheating the American people—and especially children whose schools utilize royalty payments—out of the money they are owed? The Committee Majority has let the oil company misconduct go scot free:

ZERO—Hearings on oil royalty underpayments;

ZERO—Investigations of oil royalty underpayments;

ZERO—Subpoenas issued to oil companies.

ZERO—Condemnation of oil company royalty rip-offs.

To bring the full power of the committee down upon three individuals who have worked to curb oil company fraud without any effort to address billions of dollars in fraudulent underpayments is a blatant misuse of the Committee's resources and the Congress' time. For the House to further condemn these individuals because they declined on advice of counsel to respond to questions which were not pertinent in an abusive investigation which was not conducted in compliance with House rules, is beneath the standard Congress should use when employing the weighty hand of criminal contempt.

If the Majority insists on further discussion and votes on the Contempt resolution, we strongly advise you to vote "No" and protect private citizens and whistleblowers from such misuse of Congress' prosecutorial authority.

Sincerely,
George Miller, Edward Markey, Earl Blumenauer, Peter DeFazio, Bob Filner, Carolyn Maloney, Robert Underwood, Jay Inslee, Janice Schakowsky.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, October 31, 2000.

THE POGO INVESTIGATION: CONTEMPT FOR INDIVIDUAL RIGHTS AND THE HOUSE RULES

DEAR COLLEAGUE: The Committee on Resources' Majority is asking you to vote for a resolution which charges three citizens with the statutory crime of contempt of Congress. Those three individuals, associated with the Project on Government Oversight (POGO), would be subject to criminal prosecution and up to one year in prison. The contempt resolution, which will come up again on the floor tonight, is a substitute for much broader charges of contempt reported by the committee.

Before you vote to send three people you've never ever seen to jail, consider whether you can rely on a rogue committee investigation that has abused the rights of witnesses and Members and failed to adhere to the House rules. In applying the criminal contempt statutes, the Supreme Court has required that a committee strictly follow its own rules and those of the House. *Yellin* v. *United States*, 374 U.S. 109 (1962). Yet the conduct of the Committee on Resources' investigation related to the pending contempt resolution is so egregious that it would dishonor the House to subject it to judicial review Among the many procedural deficiencies are the following:

(1) Failure to conduct the investigation within the jurisdiction of the committee under House Rule X, Clause 1. The Majority has not maintained a consistent purpose for its investigation within the scope of the committee's authority as delegated by the House. The Supreme Court has held that a clear line of authority for the committee and the "connective reasoning" to its questions is necessary to prove pertinency in statutory contempt. *Gojack* v. *United States*, 384 U.S. 702 (1966). Instead, the Majority has constantly shifted their explanations of what they are investigating and why. For example, on March 6, 2000, Chairman Young wrote to POGO's attorney to explain that broad subpoenas were necessary "to begin weighing the merits of those conflicting statements" made in civil litigation. How a probe of potential perjury in a lawsuit relates to the committee's legislative jurisdiction over oil royalty management laws and policies was not clear at the time to witnesses—who declined to answer questions which were not pertinent—and remains unclear to Democratic Members.

(2) Failure to follow House Rule XI, Clause 2(k) applicable to investigative hearing procedures. It was not until June 27, 2000—over a year after subpoenas were issued—that Chairman Young authorized Subcommittee Chairman Cubin to "begin an investigation to complement the oversight inquiry underway." This is a meaningless effort to draw a distinction between "oversight" and an "investigation" when no such distinction exists for purposes of House Rule XI, Clause 2. Accordingly, over the protests of Democratic Members, the Majority failed to follow House Rues applicable to the rights of witnesses in Subcommittee hearings held May 4, and May 18, 2000. These flaws range from the failure to provide witnesses with the committee and House Rules prior to their testimony, to the failure to go into executive session.

(3) Failure to allow Members to question witnesses under House Rule XI, Clause 2(j). On multiple occasions, the Subcommittee Chair prevented Democratic Members from exercising their rights to question witnesses, either under the five-minute rule or time allocated to the Minority under clause 2(j)(B).

(4) Failure to have a proper quorum under committee Rule 3(d). The Committee rules require a quorum of members, yet no such quorum was present during the hearings at the times of votes on sustaining the Subcommittee Chairman's rulings on whether questions were "pertinent."

(5) Failure to allow subpoenaed witnesses to make an opening statement under committee Rule 4(b). This rules states, "Each witness shall limit his or her oral presentation to a five-minute summary of the written statement, unless the Chairman, in conjunction with the Ranking Minority Member, extends this time period." In contravention of this rule and longstanding committee practice, the Chair refused to grant hearing witnesses the opportunity to make opening statements. Democratic objections were overruled.

(6) Failure to hold a hearing on the contempt issues. It is fundamentally unfair not to allow the parties charged with contempt an opportunity to explain their legal arguments for declining to answer questions or supply specific documents in contention. The Chair repeatedly refused the efforts of Democratic Members to recognize legal counsel to address the Subcommittee on these issues. The failure to provide due process in a hearing to those accused of violating a criminal statute further weakens the Majority's case.

(7) Failure to fully inform Members of the committee. At the July 19th committee markup of the contempt resolution, the Majority failed to provide Members with the language of the contempt statutes. They cited no judicial standards or precedents of the House for applying those criminal statutes in a contempt proceeding. They did not adequately explain or refute the legal rationale that the subpoenaed parties, based on advice from counsel, had asserted when they declined to answer specific questions which were not pertinent to the investigation. And they neglected to explain to Members that the witnesses had appeared at hearings and produced thousands of pages of documents in compliance with multiple subpoenas.

No matter what wrongdoing may be alleged, all citizens of the United States have the right to expect that they be given fair treatment and due process in compliance with the rules. The real threat to the integrity of the House of Representatives stems from the abusive and irresponsible manner in which the Committee on Resources investigation was conducted. To subject this record to judicial review—in what would be the first contempt of Congress referral since 1983—could threaten to undermine the powers of the House to conduct legitimate oversight and investigations in the future.

By offering a substitute for the original resolution, the sponsors have tacitly acknowledged that the broad contempt charges of contempt reported by the committee were unsustainable. Especially when considered in the context of the myriad procedural deficiencies in this investigation, this latest change of direction ought to give Members ample reason to vote "NO" on the contempt charges.

Sincerely,

GEORGE MILLER,
Senior Democratic Member.

POSTPONING CONSIDERATION OF COMMITTEE ON RESOURCES CONTEMPT RESOLUTION

(Mr. YOUNG of Alaska asked and was given permission to address the House for 1 minute.)

Mr. YOUNG of Alaska. Mr. Speaker, as many of my colleagues know, we were going to take up the contempt report following this vote. We have decided not to do that until a later time. It is not because of the issue. It is because of the number of people that saw fit to leave this body on both sides of the aisle to return to their homes. It will be considered next time.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1022) on the resolution (H. Res. 665) waiving points of order against the conference report to accompany the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with today.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

VOICING CONCERN ABOUT SERIOUS VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN MOST STATES OF CENTRAL ASIA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 397, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 397, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 3, answered "present" 1, not voting 66, as follows:

[Roll No. 589]

YEAS—362

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Chenoweth-Hage
Metcalf
Paul

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—66

Archer
Bilbray
Bliley
Boehlert
Boucher
Boyd
Brown (FL)
Brown (OH)
Campbell
Canady
Chambliss
Collins
Conyers
Cunningham
Danner
Delahunt
Dickey
Dicks
Dingell
Dooley
Dunn
Emerson
Fowler
Franks (NJ)
Greenwood
Hansen
Hastings (FL)
Hayes
Hill (MT)
Hinojosa
Hutchinson
Istook
Jackson-Lee (TX)
Jones (OH)
Kasich
Kennedy
Kilpatrick
Klink
Lantos
Larson
Lazio
McCollum
McIntosh
McKeon
Meek (FL)
Mica
Mollohan
Neal
Nussle
Ose
Pitts
Salmon
Sanchez
Scarborough
Scott
Shaw
Shays
Talent
Turner
Velázquez
Waters
Watts (OK)
Waxman
Weldon (FL)
Wexler
Wise

□ 1243

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

> S. Con. Res. 159. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. HOLT. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

> Mr. HOLT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources for local school construction and, instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Delaware (Mr. CASTLE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

I would like to speak today on why we are still in session in November and why we may have a lame duck session in front of us. In fact, I would like to speak about work not done. And I am not talking about the Patients' Bill of Rights or gun safety legislation or campaign finance reform or minimum wage legislation or workplace safety legislation or prescription medicine coverage under Medicare.

Yes, that is some of the work that is not done. But in particular I would like to talk about overcrowding in our schools and the need to provide adequate classrooms for our students so that we may educate them for the 21st century.

□ 1245

I have visited nearly 100 schools in my district, and everywhere I go I hear from parents and teachers and administrators and students about the problems of overcrowding. It is no wonder. The number of school children is growing at a record pace. In the last 11 years, the student population of South Brunswick in my district has doubled from 3,500 to 7,000 students. In Montgomery, total enrollment has more than doubled in the past 6 years from 1,500 students to more than 4,000 students.

In some of my school districts, the number of children in kindergarten outnumbers the number of students in grade 12. One does not need higher mathematics to understand the implications of these numbers.

Our classrooms are overcrowded. To alleviate this crowding, many of the schools in my district are installing trailers. Now, while trailers may be a temporary solution, they are ill-suited for classroom use. Not only are they expensive to install and maintain, but their long, narrow floor plan creates an awkward learning environment.

Moreover, in many cases they are not connected to the Internet; and of course, students get wet when it rains and they have to go to the main building. Many schools do not have a choice about whether or not to use trailers. With the cost of a new school at tens of millions of dollars, our property taxpayers can no longer afford to shoulder this financial burden alone. This is evident in the fact that a number of the school construction referenda in my district have had very close votes, some of them resulting in turning down the referendum and the inability of the school district to proceed with the construction.

New Jersey communities, as in many other parts of the country, need assistance in building new classrooms and schools. A recent report issued by the National Education Association estimates that $322 billion is needed to repair and modernize America's public schools and to construct new classrooms. Last month, the U.S. Department of Education issued its annual baby boom echo report that documents not only the record 53 million children in our Nation's schools today but projects explosive enrollment growth over the next 10 years. We cannot continue to delay on this issue. We should take care of this issue before we leave Washington.

It is time we stopped talking about improving education and actually act on it. We have bipartisan legislation that the Republican leadership has refused to act on. The President's proposal, as introduced by Representative JOHNSON and the gentleman from New York (Mr. RANGEL) would provide $25 billion in new tax credit bonds to help build and modernize 6,000 schools. This new type of bond would provide interest-free financing to help State and local governments pay for school construction and renovation. There would be no Federal involvement in the selection, in the design, in the implementation of school modernization projects. The only Federal role would be in providing tax-subsidized financing under the same procedures that are currently utilized for tax exempt bonds.

In addition, the President has proposed $1.3 billion in loans and grants to fund 8,300 emergency renovation and repair projects in America's schools. This is for schools where there is a critical, immediate need such as dangerous electrical plumbing or asbestos problems.

Now, this part of what I am talking about was in the agreement for the Labor-HHS, Education appropriations agreement that fell apart after the lobbyists for special interests forced the leadership to drop it over the issue of worker safety.

Our schools should not be lost in the last-minute wrangling over these appropriations bills. Our schools must be made safe for our children. There is no logic in refusing to act on these important proposals. The Federal Government assists the States in other areas of local need. We give millions of dollars at the local level to help them build roads and bridges. We respond to emergencies.

All of these are important areas of assistance but so are our children. We have a responsibility to ensure that our children are receiving the best education possible for all children and that our students are not falling over one another in crowded hallways and classrooms.

Mr. Speaker, I urge my colleagues to support this motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I have watched this debate taking place on the floor. This certainly is deja vu. This is about at least, I guess, the third time that we have had the exact same debate on the same issues. There are a couple of points that are very clear to me. One is that there are, I think, enormous problems with respect to school repairs, school construction across the United States of America. We have a growing population of school-age youth in our country, and I think we do need to address that. As a matter of fact, I think Republicans and Democrats agree on that. As a matter of fact, I think in terms of the dollars that are being allocated to this, there is agreement as well, particularly on the grant side of it, of the $1.3 billion.

The basic difference is how is that going to be done. Is it given to the local districts for flexibility, which is what the Republicans believe? Or should it be given directly from the Federal Government to wherever the schools are, which is what the Democrats believe?

There is not that much disagreement.

The other point is this: when we talk about that extent of money, we are talking about a very small percentage, less than one half of 1 percent, I think about a third of 1 percent of the total needs which are out there, even by the most minimal standards. So I think it is somewhat unfair for any of us to stand here or for the President, for all that matters, to stand before the people of America and say that this is going to solve the problems of school construction.

Hopefully, we can work something out eventually, and it is being worked on. It is in the language of the Labor-HHS Education bill that may come back before us; and when we do, we can help with the problem. But it is a fairly small contribution to the solution of the problem. I think it is something that we should do. The agreement is relatively sound. The disagreements are relatively minor, and we should go forward.

I guess until that time we will play politics with it and continue ahead.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GOODLING), the chairman of the House Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time.

Mr. Speaker, I am amused by this performance again today. I am amused because, of course, our constituents, if any of them are watching, I think in New Jersey they probably have already gone back from their lunch break and in Oregon they have not gone to their lunch break yet, so I do not know if anybody is watching; but if they are, they are very fortunate because they get to see the same play that was put on on the same stage Saturday afternoon. The only difference is, they replaced the leading ladies with the leading men. So that is the only difference today. Of course, the same thing is true today that was true on Saturday. We have settled this issue. We spent days and nights with the administration, Saturdays and Sundays, to settle this very issue.

We have an agreement. They know on the other side that we have an agreement. We have an agreement on class size. They know that. So here we go through this same charade one more time. As I said, it is a replay of Saturday.

Well, I always have to laugh when somebody mentions roads and bridges. Of course that is an interstate problem. That is also a dedicated tax problem. So it has nothing relevant to do with this; but again, time and time again, I have tried to tell, particularly center city representatives for 26 years, as a matter of fact, if they would just do something about their mandate, the special ed, can one imagine what local school districts would have been able to do with class size reduction? Can one imagine what local school districts could have done with preventative maintenance and remodeling? Well, of course, if we just look at the facts, we know. We know that Los Angeles, for instance, would get an additional $100 million every year. Multiply that by 25, and that sounds like pretty big money; New York City, $170 million extra every year. That is big bucks. Even Newark would get $7 million or $8 million, $9 million every year to do all the kind of things that they would do if they did not have to fund the Federal mandate.

When I became chairman after all of those years of sitting there on the minority trying to encourage them along with the gentleman from Michigan (Mr. KILDEE) to do something about the unfunded special ed mandate, they were only up to 6 percent. I am happy to say at the end of this year we will probably be up to 15 percent and that is a long, long way.

It is also interesting that this issue comes up again this particular year. Why is that interesting? Well, the former majority decided that in 1995 that they would pass the School Facilities Infrastructure Improvement Act. Now that is a big title. It sounds very interesting. That was passed in 1995, and the appropriators put $100 million in at that particular time. Guess what? Somebody brought about a recession to that effort. Now, who was that somebody? Somebody sent us a notice and they said, and I quote, "The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reason explained above, the administration opposes the creation of a new Federal grant program for school construction."

Is that not interesting in this same administration who is now seeking for something else?

Let me again close by simply saying, I know there must be political purposes for this. There has to be some reason for it, but it has already been concluded. After lengthy negotiations, it has already been completed and agreed to by those of us who were negotiating and by the White House, as was and is the class size reduction legislation.

So again it is just an exercise in futility. I do not know what it is, as a matter of fact; but obviously, as I said, not too many people in New Jersey and Oregon will be watching this debate, and that is unfortunate because they will not get to hear, if they did not hear it Saturday, the same repeat of what we did on Saturday.

Mr. Speaker, negotiators have made substantial progress on the issue of school construction, and I am optimistic that we will soon be able to reach agreement on this issue.

I have made it clear to the administration that state and local flexibility must be a component of federal funding for classroom modernization and renovation. I would like to see a substantial portion of the funding available for other pressing needs, such as activities related to the Individuals with Disabilities Act.

I am not doing this to be stubborn. School districts across America are clamoring for help with the additional costs of educating special needs children. When Congress passed the law requiring public schools to provide educational services to these children, we promised that the federal government would help with the increased costs.

We promised to provide 40 percent of the national average per pupil expenditure. Here we are, 25 years later, and we are only at 13 percent—significantly less than what we promised. And we've only reached that under the Republican Congress, because that 13 percent represents a doubling of what the federal government was providing when we became the Majority.

The result of our failure to provide the promised funds is that school districts are using their own money to make up the shortfall. These are funds which could otherwise be used for school maintenance costs and other local needs. If the federal government were actually providing the 40 percent we promised, school districts across the country would receive significant funding:

New York would receive an increase of more than $170 million;

Los Angles would receive nearly $100 million more:

Chicago would get an additional $76 million;

Miami would receive an increase of $45 million; and

Newark would receive an increase of $8 million.

The primary responsibility for school construction should remain at the state and local levels. However, the federal government can provide assistance to help states and localities comply with federal laws that mandate school building modernization.

The Administration has switched positions on whether the federal government has a role in school construction over time.

The Congress under Democrat control appropriated $100 million for Fiscal Year 1995 for the School Facilities Infrastructure Improvement Act. But the President rescinded this, and subsequently, the program has received no funding.

Following the rescission of funds for FY 1995, the President's FY 1996 budget request did not include any money for the "Education Infrastructure Act." In fact, Department of Education budget documents stated:

> The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers; we are opposed to the creation of a new Federal grant program for school construction. . . . No funds are requested for this program in 1996. For the reason explained above, the Administration opposes the creation of a new Federal grant program for school construction.

Mr. Speaker, I again point out that this motion to instruct conferees is irrelevant given our current negotiations on the Labor/HHS/Education appropriation's legislation. As such, I oppose the gentleman's motion.

MEETING THE FEDERAL IDEA MANDATE

[Selected Cities]

City	Funds received [1]	If 40% mandate met	Additional funds needed to meet commitment of States
New York	$41,435,700	$212,316,300	$170,880,600
Los Angeles	23,145,989	118,600,048	95,454,000
Chicago	18,438,243	94,477,557	76,039,400
Miami	10,873,800	55,717,300	44,843,500
Philadelphia	7,501,863	38,439,546	30,937,600
Jacksonville	7,305,504	37,433,402	30,127,900
Houston	5,738,851	29,405,873	23,667,000
Dallas	3,881,900	19,890,700	16,008,800
Washington, DC	3,047,500	15,615,500	12,568,000
St. Louis	2,032,800	10,416,100	8,383,300
Newark	1,932,760	9,903,462	7,970,700
Pittsburgh	1,514,077	7,758,131	6,244,000

[1] 1995 data (most recent available).

Mr. HOLT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. ETHERIDGE), one of the leading men in this debate on school construction and classroom construction, who will explain why this has not yet been settled and why it is necessary for us to bring this up yet again today.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of the Holt motion. I thank the gentleman from New Jersey (Mr. HOLT) for his leadership on this important issue because my friend, the gentleman from New Jersey (Mr. HOLT), has not only been a Member representing his people but he has only been here about 2 years and he has already made a tremendous difference for his district and for this country on the issue of children.

Let me say to my friend, the gentleman from Pennsylvania (Mr. GOODLING), who said he was amused, I want everybody to understand that I am not amused. I do not get amused one little bit when we are talking about issues that affect children. I was the State superintendent of my school system in North Carolina for 8 years, an office to which the people elected me twice. I do not get amused when we are talking about the needs of children. I know we talk about rhetoric, and is this a political issue? Darn right, it is a political issue. Everything we do in this body is about politics. But this is the kind of politics we ought to be dealing with for the children of this country, because they cannot vote; they cannot sit in this body. If we cannot do it, then who does it?

Yes, I recognize only 7 percent of the money comes through the Federal Government, but there are places in this country where they are hurting, and they have great needs today, and we have a responsibility. Yes, we do provide money for roads; and, yes, we do provide money for prisons and a number of other things. And to say it is interstate money, the answer is, yes, it is dedicated; but there was a time when there was no money dedicated and there were those that said we ought not to be putting it in. I happen to read history, and I remember that. We can do it for our children, too, Mr. Speaker.

Let me just share a couple of quick statistics before my time runs out. In my home district, there are a number of areas, and I am in a district where we have spent a lot of money and we have raised taxes to build schools. We have 55 trailers in the small county of Franklin that is struggling now to meet their needs; 16 in Granville; 41 in my home county of Harnett; 98 in Lee; 40 in Nash County; 162 in Sampson; 76 in Wilson; a total of 530 in our capital county, and they are working hard.

□ 1300

Yes, this is an issue we ought to deal with; and yes, this Congress ought to act. I ran for this office 4 years ago because I was tired of the Republican leadership in this Congress at that time who wanted to close down the Department of Education, close school lunch programs. It was cynical against education. We have changed our rhetoric, yes; we have changed it, but there is still a deep resistance to helping public education. We should come together. We should not be here arguing about these issues. Children are not Democrats nor Republicans. They are children. And we can help. We have the resources to do it. Now is the time to act. We do not need to put it off until next year. We should not put it off until next year because if we put it off until next year, there are going to be children in cramped quarters; and we will not be able to reduce the class sizes the way we ought to to teach them properly, and I am here to tell my colleagues that children know the difference between a quality facility and a poor one.

How do we tell a child that quality education is important, and we then send them to a run-down school? They know better. No, it is not our total responsibility, but we can sure help. We can provide the leadership and show the way, and I think this Congress ought to do it. I am willing to do my part, and I ask all of my colleagues on both sides of the aisle to do the same.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished gentleman from Delaware (Mr. CASTLE), the former governor of Delaware and now standing Congressman, for yielding me this time.

I too share the same passion the gentleman from North Carolina does about education. He was an elected superintendent; I was a State board chairman in neighboring States in the South. I respect the gentleman from New Jersey (Mr. HOLT) and his comments about helping public schools, and I am sure the comments that are to come. I am not amused in one way, but I share amusement in another way with the chairman, because we are repeating a debate we did Saturday afternoon.

But just for the sake of facts, I want to take the comments we have heard from the other side so far and place them in perspective.

First of all, the conferees have agreed on $1.3 billion. The disagreement is over whether it is done one way or another way, and I will get into that in a minute. On Saturday when we had the debate, everyone agreed the unfunded school construction in the United States of America is $303 billion. The public should listen to this, that if we do $1.3 billion a year, then in 300 years we would have solved the problem. Well, that is not going to happen and that is ridiculous. As the gentleman from North Carolina said, we cannot do it all, but we can help, and therein is why everybody needs to understand the basic agreement that exists between the parties today is to do exactly that. Mr. Speaker, $1.3 billion, in which school systems can make the decision as to where best within certain parameters the Federal Government can help. Maybe it is asbestos removal, maybe it is ADA improvements, maybe it is the satisfaction of any number of Federal mandates.

But we must be clear. We cannot mislead the American people to believe that there is enough money in Washington to build the schools needed in the United States of America. The unfunded need in American schools today exceeds the budget surplus projected for the next year. So should we spend it all and not save Social Security and not save Medicare which are our responsibilities? No. Although I would love to do anything I could to relieve the property tax in my home district, the fact of the matter is that the United States of America, the dedicated tax for public education is the property tax in our local areas, because people get to vote on it. Therefore, they can have schools that are accountable. Therefore, they can spend the money wisely. If there was a pot in Washington and the belief that we would build all of their schools, New Jersey would never pass a new bond referendum to build schools; and we would have failed on a false promise, because we do not have the money.

Mr. Speaker, I respect every Member of this House, and I love children; and I support public education with all of my heart. But I do not believe, and we are on the momentary cusp of settling what is already settled in making a $1.3 billion contribution to local schools, Democrats and Republicans alike. We should not leave Washington or leave this House with the misperception that there is enough money for us to build the schools that are needed in America, that Congress can reduce local property taxes for schools. If we do that, we have offered false hope and false promise.

Instead, what we should say is we are willing to do our part on that which we have mandated; we are willing to give local schools flexibility, and we have joined together in a bipartisan effort to do that. But to leave any other false promise out there is wrong for children, it is wrong for America, and it is wrong for public education.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. CROWLEY), my colleague, a freshman Member of Congress and an outstanding member of our freshman class, who will explain that indeed, $1.3 billion is not enough, but why we should do it and we must do it now.

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding me this time to speak on an issue of grave importance to my constituency. I say that because I represent a district that has the most overcrowded school district in the City of New York, School District 24, which right now is operating at 119 percent. In the year 2007, I will have three of the most overcrowded school districts, three of the top five in New York City, School Districts 24, 30, and 11, which will be operating, right now are operating at 119 percent, 109 and 107 respectively. In my district in the year 2007, every school district in my district will be operating at or above capacity. If that is not an emergency, I do not know what is.

I have a very diverse district, a district made up of many different cultures and ethnic groups. But what really, I think, New York is known for, really a melting pot, if there was ever such a thing as a melting pot, my district is it. But my children and our schools are at a severe disadvantage.

Mr. Speaker, the average school age in my district is 55 years of age. One out of every school in New York City is over 75 years of age. We still have schools in my district that are being heated by coal, heated by coal in my district.

Mr. Speaker, I support the Rangel-Johnson bill, sending $25 billion around this country to construct and modernize schools. The $1.3 billion is not enough, but if we have the $1.3 billion, where is it? We have not voted on this floor yet.

Maybe I will agree with the gentleman from Pennsylvania. Maybe this is a waste of time. Maybe this is all a song and dance. Maybe we have been through this 100 times before. But it seems as though everything we have done here lately has been a song and dance. Committees come together and bipartisanly agree on budget bills, and then the leadership of the House determines that the bill is no good, we have to go back to the drawing board again. So it seems as though song and dance is the name of the game here lately.

Mr. Speaker, I do not think $1.3 billion is enough; but it is something, it is a start, but I would like to see it on the floor. I would like to see the $1.3 billion brought to the floor and acted on.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the committee.

Mr. GOODLING. Mr. Speaker, I just want to again remind Members that for instance, as I said, New York City would get an additional $170,880,600, if I would have gotten some help, other than from the gentleman from Michigan (Mr. KILDEE), to get that 40 percent back there. Again, I repeat, we have agreed, through bipartisan negotiations with the White House, we have agreed on the $1.3; we have agreed how it should be spent and how it should be distributed. That has all been done. If we can wrap up ergonomics, it is all over.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to put all of this in perspective. First, this is the fourth time that we have argued almost the exact same language on this floor. It is one of these situations in which it has all been said; but not everybody has said it, except that everyone is saying it more than one time at this point now as well. That is fine. I think it is a very important discussion. I do not mind that particularly, except that we are sort of plowing ground that has already been plowed.

There are certain basic facts that need to be pointed out, and I pointed out some of those at the beginning; but I just want to reiterate these facts. One is that the amount of money that we are talking about in this particular motion to instruct conferees is the grand total of $1.3 billion, a very large sum of public money that we have in the Federal Government to expend on this problem. But in conjunction with how much it would take in order to solve all of the problems of school repairs and construction, which is a minimum $300 billion today, and I have seen estimates as high as $500 billion, $1.3 billion is not very much. At the most, it is a little more than one-third of 1 percent, and if the numbers are higher than we think it is at $300 billion, it drops substantially below that. So we are talking about a fairly small contribution to the solution in this, setting aside of course the Rangel-Johnson thing which, hopefully, also will be resolved at some point.

Now, we in the Federal Government only put in about 6 or 7 percent of all of the dollars that go into public education in this country, and most of the money which we put in goes to specific areas that we have carved out, such as educating or helping to educate children with disabilities, for example, or individuals who are from poorer backgrounds and need additional help in a program called Title 1. That is what we do. We have not in the past really done a lot with respect to construction. But I think we agree, certainly we as Republicans agree, we have put it in the Labor-HHS-Education appropriation bill the same amount that we are talking about here today, so there is agreement on that.

A couple of other facts, for whatever they are worth. In the last 5 years, under the tutelage of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Illinois (Mr. PORTER) in the Committee on Appropriations, the contribution to education by the Federal Government in the budget has been 8.2 percent, on average. In the 5 years before that which was under the control of the Democrats, it was 6 percent per year, not the 8.2 percent it is now. In this year's appropriation bill, which is a key appropriation bill that we are all waiting for around here and the reason that we debate this every afternoon, this particular issue, because it is not done, the increase for this year is 20 percent, which is a recognition I think that everyone is becoming more in tune to the fact that this is the number one issue as far as the country is concerned, a grand total for K through 12 of about $45 billion, a substantial donation to local and State governments.

So we are not talking about any differences in dollars, and we are not talking about the ability to fix up all of the problems of all of the schools of all of us who are going to stand up and say our schools have problems. That is a recognized fact. We have many good educators here, starting with the chairman, who was a superintendent, and two gentlemen here have spoken, North Carolina and Georgia, who were the heads of education in their States. I was a governor of my State and I saw the same thing. I went into every single school in my district as well, but I also fought to get some referenda passed and did other things, because I think we have to do it on a local basis.

There are slight differences, not in dollars, but in how the money would be used. In the appropriation bill which we are discussing now, before we get to the motion to instruct conferees, we as Republicans have said, let us give flexibility with respect to this money in terms of what they are going to be able to do with it. Let the local and the State people be able to make the decision. And within the Democrat proposal that is in the motion to instruct conferees, I would describe it, and some may disagree with this, but I would describe it as being more rigid in terms of how that money would be used without as much flexibility.

There are schools in this country, and I just was to two of them in the last few months in Delaware, two brand-new schools. They do not need construction money or repair money, they do not even need to reduce class size, but they would like to prepare their teachers better if they could, so perhaps they would like to use the money otherwise. My own view point of that is if we could put money in title VI, which is the flexibility of a block grant, we should do that as often as we can here in Washington, because I think it gives our local districts the flexibility in turn to be able to make the decisions to help with the education there.

So that is a difference perhaps in philosophy, but I am afraid that what we are talking about here on the floor of the House of Representatives is unfortunately the politics of all of this; and to me, there is not a lot of difference between the politics of it; It is just a slight philosophical difference, as we have here. I hope it gets worked out. I hope it gets worked out in the Labor-HHS-Education appropriation bill and maybe eventually in this tax bill as far as the Rangel-Johnson proposal is concerned.

□ 1315

But the bottom line is that we are arguing about something which hopefully would be helpful but cannot go as far as some people would like in terms of what we would do with respect to our schools.

Also, I do not think the Federal government could afford to get into $300 or $400 billion dollars. I think it is very wrong for us to stand up and suggest that we are going to solve the problems of the schools. Where there are trailers now, there are probably going to be trailers later. Unfortunately, when there are schools not in good repair, maybe they will still stay not in good repair. But I think we can help in some way so maybe we can move in that direction.

That is where we are. It is a relatively minor circumstance we are dealing with here, but it is a major problem out there in terms of what has to be done.

What I really hope is this, that we do pass something. I do not really care if Republicans or Democrats get credit for it. I hope we pass something. I hope we can use that as the initiation or the instigation of additional local and State money being put into schools to fix up schools for our children, because I think we all agree that educating our children is as important as anything we can do in this country. Obviously, we need good facilities if we are going to do that.

I just wanted to make those basic points as we go through and continue with this argument.

Mr. Speaker, I reserve the balance of my time.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES), who will explain why it is necessary for us to plow this field again, if I may use a rural metaphor for a gentlewoman from an urban district, because we do not yet have it. There may be an agreement, as the gentleman from the other side said, but show us the vote.

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleague, the gentleman from New Jersey, for yielding time to me and for the opportunity to address this body.

Mr. Speaker, I wish, as the gentleman is seated there, that he would tell me how much money is allocated for Ohio schools in the proposal that he says is about to come to the floor. I will walk over and get that information from the gentleman when we get done.

But I was a prosecutor and I was a judge. I saw what poor education can do for children. I saw more money allocated to build prisons in Ohio and across this country than to build schools.

If we are serious about school construction, why do we not take that $4 billion that we gave the Defense Department that they did not need and build some more schools in this country? Overcrowding, aging, is a significant issue for schools in our country.

I have a specific example. In the city of Cleveland, just less than a month ago a high school roof fell in on the public school. To fix that roof, it cost $2 million. We need money in our systems to fix schools, modernize all these aging buildings where we are sending our children.

We work on modernizing our cars for emissions standards. We deal with issues of smoke detectors, checking toys for children, all kinds of other things. We know our schools are in a hazardous condition. We have children who are suffering from asthma from problems within those schools. We need to fix it.

Right now we are in one of the best economic times we have ever been in, and our children ought to reap the benefit. They should not have to wait until they are adults and seniors to reap the benefit, they should reap it now, because we will reap the benefit. Having smart children who grow into smart adults who grow into smart grandparents will make a difference in our country.

I say, Mr. Speaker, let us get the money on the table. Fund our schools, stop funding prisons. Fund our schools, stop funding the defense at the level it is.

I want to support the defense and I want the military to be ready, but give me that $4 billion and put it in public schools.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and for his leadership in presenting this motion to instruct.

Mr. Speaker, I listened with great interest as our distinguished colleague, the gentleman from Pennsylvania (Mr. GOODLING), was talking about what is in this bill.

Indeed, there are many good things in it for education. That is why the Democratic negotiators, with the gentleman from Wisconsin (Mr. OBEY) leading our side, on the House side, were willing to agree to the compromise bill.

In recognizing all of the good provisions for education that are in the bill, it makes one wonder why the Republican leadership would pull the rug from under its own negotiators, make their words worthless in reaching an agreement, when so many good provisions are in there for education.

Of course, the reason is that they were beholden to the extreme elements in the business community who would not accept a compromise on workplace safety.

Mr. Speaker, I have five children, four grandchildren. I am glad we want smart grandparents, too. We have an expression: The children can hear us.

Children are very smart. We tell children that their education is very important to their self-fulfillment, to their ability to earn a living, and also to the competitiveness of our great country.

Yet, we send children another message when we say to them, now, you go to school in a place that is dilapidated, that is leaking, that is not wired for the future. When we say that to kids, they see the hypocrisy of it, the inconsistency of it.

The strongest message we can send children about the value of education is to send them to a place that is appropriate for them where children can learn, where teachers can teach, and where parents can participate.

So it is really quite sad that when this compromise was reached, the leadership did not respect the word of its own negotiators on the Republican side. That is what has made the motion to recommit by the gentleman from New Jersey (Mr. HOLT) so necessary. If it is not going to be a compromise, we want the original provisions that the Democrats had been advocating for smaller classes and more modern schools for our children.

Mr. CASTLE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, first of all, let me just make very clear with respect to what we have just heard that the whole reason that the deal fell apart with respect to the labor-HHS-education bill had nothing to do with the education dollars.

Let me make it also clear again what I have said about three times already today, but it does not seem to sink in. That is that the amount of money that is in this legislation, the $1.3 billion, is the exact same amount that is being talked about on the other side of the aisle.

Let me make it finally very clear, to the gentlewoman from Ohio as well as others, that the increase in education funding in the appropriation bill that funds K through 12 education this year is 20 percent, 20 percent, which is probably the highest percentage increase education has ever received in the United States of America.

That has been a combination of Republicans and Democrats. I am not saying Republicans deserve sole credit for that.

Let me just repeat, finally, over the last 5 years that increase has been 8.2 percent. The school construction program was never discussed before, but it is actually in the Republican labor-HHS-education bill. There is no ignoring education on this side of the aisle in any way whatsoever.

Mr. HOLT. Mr. Speaker, I am pleased to yield 2 minutes to my colleague, the gentleman from New Jersey (Mr. MENENDEZ), a champion for education and adequate school facilities.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I want to congratulate my colleague, the gentleman from New Jersey (Mr. HOLT), for his leadership in offering this motion, a motion that recognizes that the Nation's competitive future in a global marketplace depends on how well this and the next generation are educated. Since the Nation's competitive future is at stake, there is clearly a Federal role to play, and a defined Federal role.

We Democrats are not as pessimistic as the view that many of our Republican colleagues have expressed here. No, this may not be all of the money necessary to rebuild all of our schools, but it is a beginning to use as a leverage for States, municipalities, school districts to join in that effort and to stimulate local resources in that regard.

Since we are talking in terms of our competitive future at stake in terms of education, it is appropriate that the Federal government say, "We want these monies used for these purposes in order to stimulate schools and municipalities to follow in that effort." If we leave it wide open to discretion, they may not very well use it for school construction.

Across the country we tell children education is a value, and then we send them to schools that speak of a totally different value, like the South Street School in my district, a school built 115 years ago as a factory, a school that today is a school, a school that has no hallways. One walks up a flight of stairs, goes into one classroom off the landing on one side, the other on the other side. There are no technology connections to the future, no blackboards we can read. There are temporary units, 20 years ago they were temporary, still being used today. How do we educate a child under that set of circumstances?

What the gentleman from New Jersey is trying to say is since the Nation's competitive future is at stake by how well educated these kids are, we need to be able to have a defined Federal purpose.

Lastly, I keep hearing we have an agreement. We keep having Members say, "We do not agree on Davis-Bacon, we do not agree on flexibility." That is not an agreement.

Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of the motion offered by my friend, the gentleman from New Jersey (Mr. HOLT).

The fact is that our economy has changed and education may have changed, but the connection between education and success and opportunity for the future has never changed. It is stronger now than ever. We need to provide our youngsters with that competitive advantage that my colleague just talked about, and we do that through education.

Mr. Speaker, after years of waiting, we came to a bipartisan agreement, bipartisan. Republicans and Democrats agreed that we would deal with the needs of America's schools in the education spending bill.

We did it. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY), two leaders that I have a great deal of respect for, sat down in good faith. They hammered out a bipartisan bill.

It would have made one of the greatest investments in public education in a generation. Congress would have passed that bill with bipartisan support and the President would have signed it.

But let us take a look at what happened instead. I quote today's Washington Post:

"Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with Republican negotiators early Monday, led by the U.S. Chamber of Commerce and the National Association of Manufacturers. Business leaders have also bankrolled political ads over the issue that they disagreed on."

That is what happened. We worked to get this agreement, the special interests weighed in with the Republican leadership, and they blew up the deal. Why? Because big business did not like a part of the bill that protects the health and safety of workers from crippling repetitive stress injuries.

So big business said, "Jump," and the Republican leadership said, "How high?" And jump they did. They scuttled the bipartisan agreement. They put the whole investment in education in serious jeopardy.

The Republican leadership is telling America's schoolchildren, "Wait, because the special interests must be served." That is wrong. It is wrong. It is unfair. It is an affront to the values of American families, who want their kids to be able to go to a first-class school.

Mr. CASTLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, a couple of points. One is, again, we have in the basic appropriation bill that is going through, that will pass here eventually, the $1.3 billion for construction.

Secondly, it is a 20 percent increase in education for this year.

I want to look at the history of this for a moment. This is very important, because we are only talking about 5 years ago.

The Congress, under Democrat control, appropriated $100 million for fiscal year 1995 for the School Facilities Infrastructure Improvement Act. But the President rescinded this, and subsequently the program has received no funding.

Following that rescission of funds for fiscal year 1995, the President's fiscal year 1996 budget request did not include any money for the Education Infrastructure Act.

In fact, the Department of Education budget documents stated: "The construction and renovation of school facilities has traditionally been the responsibility of State and local governments, financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reasons explained above, the administration opposes the creation of a new Federal grant program for school construction."

That was the last year that the Democrats had control of the House of Representatives here, and they refused to do anything about school construction in conjunction with the President.

Now that it is a popular issue politically out there, everyone is talking about it. I do not have a great problem with that because I think we should be doing that, but it is the Republicans who have led the charge for expending more money and making sure we are helping our schools.

Mr. HOLT. Mr. Speaker, I am happy to yield 15 seconds to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I wanted the gentleman to clarify his remarks about the President rescinding money for infrastructure. It was a Republican-controlled Congress that rescinded the money. They came in just after that bill was passed. It was the Senator from Illinois that led that and got $100 million into the budget, and it was a Republican-controlled Congress who rescinded that.

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Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), another champion for excellent education.

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise to support the motion to instruct conferees to put our children's education first by giving them modern, safe schools, and smaller class sizes.

We, as Members of the 106th Congress from both parties, could not find a more legitimate, nor a more timely, use of a proportion of our surplus than to help our communities build new schools and equip those schools with up-to-date technology. All of our public school kids deserve an equal opportunity for a good education, including those who come from communities with the highest property tax burdens who therefore cannot afford to build and repair their schools.

Mr. Speaker, the average age of our public schools is now 42 years, a third of them are in bad need of repair or complete replacement.

As only one example, in my district in Greenfield, Massachusetts, a town of 20,000 people, the middle school was closed because the walls were literally crumbling, threatening the safety of the students. Now the middle school students are crammed into the town's overcrowded high school which has a leaking roof.

Mr. Speaker, last week, the majority passed the flawed $2½ billion school construction bond program in their tax bill. In that same bill, they gave $18 billion, seven times as much in a variety of business tax breaks, including, of all things, additional tax deduction for business meals and the repeal of taxes for producers and marketers of alcoholic beverages.

Remember the three martini lunches?

Those are simply wrong priorities. We should not put tax breaks for business ahead of our schools and our children's education.

Mr. Speaker, I urge my colleagues to accept this motion and thereby improve the Labor-HHS bill.

Mr. Speaker, if, as the gentleman from Pennsylvania, (Mr. GOODLING) has said, this issue is all agreed, then bring the negotiated Labor, Health and Education agreement to the floor, and we will take a long step toward completing our work.

Mr. CASTLE. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce, we probably said this about 10 times, we keep thinking this is the last time he is going to be on the floor, but we keep coming back. This is truly a friend of education in the United States.

Mr. GOODLING. Mr. Speaker, I just want to take a couple of minutes, because I do not think most people know what is in the agreement when I sit here listening to the discussion.

First of all, please do not use the word construction. We are not talking about construction at all. The $1.3 billion has nothing to do with construction. The $1.3 billion is renovation, modernization. The whole thing is renovation and repair, that is what the $1.3 billion is all about.

Do not get people out there thinking that somehow or another with $1.3 billion we are going to do some construction. Obviously, you cannot construct two classrooms or three classrooms with $1.3 billion, so let us make sure we have our terminology correct.

That construction business they are talking about over on bond issues and so on, but not $1.3 billion.

First of all, under the proposal, everybody understands we are talking about $1.3 billion. It does not matter whether you are the White House, whether you are Republicans or Democrats. It is $1.3 billion.

Under this proposal, we say 75 percent would be allocated to school districts for one-time competitive grants for classroom renovation and repair. A portion of the funds would be targeted to high-poverty schools and rural schools.

School districts would receive 25 percent of the funds through competitive grants for use under the Individuals with Disabilities Education Act or school technology, discretion of the local agency. It goes out based on title I formula to the States, and then those grants go from that point on.

Criteria for awarding renovation grants to school districts would include the percentage of school children counted for title I grants, the need for renovation, the district's fiscal capacity to fund renovation repairs without assistance, a charter schools ability to access public financing and the district's ability to maintain the facilities if renovated.

Funds for renovation repair could be used for emergency repairs for health and safety, compliance with the Americans with Disabilities Act, access and accommodations provisions for the Rehabilitation Act, and asbestos. No new construction would be allowed, except in connection with Native American schools. The 25 percent would be distributed to school districts through competitive grants.

Under the $25 million, they could use that for charter school demonstration projects to determine in public schools what is the best means for leveraging the money.

Again, I want to make sure we understand what it is that the Democrats have agreed to, the Republicans have agreed to, and the White House has agreed to.

Mr. HOLT. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE), my distinguished colleague who will explain that we do indeed understand what is stated here.

Mr. PRICE of North Carolina. Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. HOLT), my colleague, for this motion to instruct. On this Labor HHS appropriations bill or on another pending bill, we must address this issue of school construction. The gentleman from New York (Mr. RANGEL) and Representative JOHNSON have offered a very positive proposal, as has the gentleman from North Carolina (Mr. ETHERIDGE), my colleague, with his particular focus on high-growth areas.

Mr. Speaker, I come from one of those high-growth areas, where thousands of students are going to school in hundreds of trailers, and we have to do something about it.

Some have portrayed this as some kind of grab for Federal control; that could not be more inaccurate. The decision about when and how and if to build would remain with local authorities, but the Federal Government would be a partner, using tax credits for bond holders to lessen the interest burden on local communities, to stretch those bond dollars further, and to relieve pressures on the local property tax.

A survey in my district recently showed that over 90 percent of our students grades K through 3 were going to school in classes of over 18. Almost one-third of the students were going to school in classes of 25 or more. We need to do better than that.

I fully expect us to approve a bond issue next Tuesday that will help in my district's largest county, but we have to stay with this challenge.

We need to recruit more well-trained teachers, and we need to build and modernize school facilities so that those teachers and their students can do their best work.

Vote for this motion to instruct. This Congress should not adjourn before we have addressed the pressing needs in our communities for school construction.

Mr. CASTLE. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, again, I just want to repeat. We are not talking about school construction in this one $1.3 billion so everybody understands that.

But I do want to correct the gentlewoman from Connecticut (Ms. DELAURO), she made a statement that it fell apart because of the Republicans. It did not fall apart because of the Republicans. It did not fall apart because of the Democrats. It did not fall apart because of the White House, although I think the White House may have known that what they agreed to was not the language that was written.

As soon as we saw the language, it was obvious what they thought they were doing they were not doing, and that all deals with ergonomics. I am sure that will be repaired. It was not Republicans. It was not Democrats. It is was not the White House. It was the language.

Mr. HOLT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I wish to thank the gentleman from New Jersey (Mr. HOLT) for bringing up this important issue of not only construction but modernization, which we need both. It is not one issue, but it is both issues. I think it is important that we look at it.

Mr. Speaker, I would like to address this from California's perspective. By the year 2003, California will have to provide more new schools than the entire number of schools that exist in Nebraska. This is in the whole State of Nebraska, California will need more than the whole State, it will cost approximately $6 million to provide new buildings.

Our existing schools need to be modernized and repaired at a cost of over $10 million, and 60 percent of our public schools in California are more than 25 years old.

It is important that we look and put a high priority in education. Education is the number one priority. If we do not invest in education, we are failing America. We need to invest in our future. We need to look at our children to make sure that we create an atmosphere that is good for them. That means that they have to have the construction in the schools there.

In California, alone, we have more portable trailers than we do anything else. When we look at safety, it is important that we provide a safety environment for our children as well. If we do not have, what is going to happen to America? We need to invest in education. This is the beginning.

We need to invest both in modernization and school construction, if we need to meet the demands of our future as well. We want to make sure our children have an opportunity to learn, an opportunity and environment that is conducive like anyone else.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after the funds for construction or renovation were taken away in fiscal year 1995—we are talking about 5 years ago now—the President's fiscal year 1996 budget request did not include any money for the Education Infrastructure Act.

I think it is important, and I did this earlier, but I want to put this in, this is exact quotes from what the Department of Education budget documents stated, this is President Clinton, "the construction and renovation of school facilities has traditionally been the responsibility of State and local governments financed primarily by local taxpayers. We are opposed to the creation of a new Federal grant program for school construction. No funds are requested for this program in 1996. For the reason explained above, the administration opposes the creation of a new Federal grant program for school construction."

It is now 5 years later the tea leaves are reading a little differently. People seem to favor education and all of a sudden we have a reversal of fortune as far as school construction is concerned from the administration and obviously from some of the people who have spoken here.

Mr. Speaker, I would just say that on this side of the aisle, we have met the needs of education from the Federal point of view, as well as we could, having higher percentages of increases, 8.2 percent for the last 5 years versus 6 percent for the 5 years before that under the Democrats. This year, in particular, the increase, Mr. Speaker, is 20 percent from last year to this year. It meets all of the requests as far as construction is concerned of $1.3 billion that the President has made.

I do not know what the arguments are, but they are relatively small time as far as any differences that can be picked upon that the Republicans have proposed to try to help with these problems and the problems of education.

Mr. HOLT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY) a champion for education for all.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of the Holt motion to instruct on H.R. 4577, because we cannot expect our children to get a first-rate education in second-rate and third-rate school buildings. A recent GAO study on the condition of America's schools found that 60 percent of schools in America need at least one major repair or they need renovation.

On top of that, and we have said it today, even though it is not part of this, on top of repairs and renovation, we also have a great need for new schools, in my home State alone, in California, more than 30,000 additional classrooms will be needed in the next 8 years.

What is the message that we are sending our young children, when their communities boast new, shiny shopping malls and new sports stadiums, while we tell them that they must try to learn in overcrowded, crumbling schools?

This is the time, Mr. Speaker, for us to show our children that they are absolutely as important as a new mall or a new stadium.

A vote for the Holt motion is a vote for this Nation's most precious resource, our children. Our children are 25 percent of our population. Our children are 100 percent of the future of our Nation.

Mr. CASTLE. Mr. Speaker, I yield 2¼ minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I have no doubt that both sides care about education. I think that from the bottom of my heart. But the way we get there is different. My colleagues on the other side have their interests. We have ours.

When my colleagues on the other side talk about school construction, for example, my colleagues on the other side want it to fall under Davis-Bacon which costs 35 percent more. We want to let the schools keep the money. My colleagues on the other side want it to go to the unions.

The only interests that both sides should have here is the school children, not the unions. I had a hearing when I was chairman of the Authorization Committee, some of my colleagues were here at that hearing.

□ 1345

We had 16 people from all over the country. They said they had the absolute best program in the entire world. At the end of the hearing, as chairman, I said, which one of you have any one of the other 15 in your district? Of course, none.

We said that is the whole idea. We want to send you the money directly to the school where the parents, the teachers, the community can make those decisions on spending education dollars, not Washington bureaucrats. That way, you get more effective results.

In my opinion, that is a lot of the reason why Head Start and some of the other education programs do not work. They are underfunded, because there are too many other bureaucracies that eat up the money, and one gets very little money down to the classroom in the Federal program.

Federal education spending is only about 7 percent, yet it ties up a lot of the money at the local level. We think that is wrong. So when one talks about children, we want the money to get down to children, not the unions, not the liberal trial lawyers and special education administrators, not the bureaucracy back here in Washington; but to children, to teachers, to the community.

I would say to my colleagues, we care about education, and I believe you do. But let us both come together and get the maximum amount of dollars to the schools, not the special interests.

Mr. HOLT. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New Jersey has 4¼ minutes remaining.

Mr. HOLT. Mr. Speaker, I yield myself 30 seconds just to address the comment there, because here we go again. This has been held up. The agreement has been held up over worker safety. We have failed to get the minimum wage.

I have to remind the gentleman from California (Mr. CUNNINGHAM) who just spoke that Davis and Bacon were two Republicans who thought that it was really unfair to have outside workers come in and, not just undercut wages, but undercut working standards. That is what we are trying to preserve here.

As I understood from the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Delaware (Mr. CASTLE), this was in fact agreed upon. Davis-Bacon is not the issue here.

Mr. Speaker, I am now pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. OWENS), a member of the Committee on Education and the Workforce.

Mr. OWENS. Mr. Speaker, there are two very good academic studies that have been done that show that Davis-Bacon does not increase the cost of schools. In fact, the best schools and the best buildings are put up by Davis-Bacon contractors, so much so that the Fortune 500 corporations have recently decided that they prefer to hire Davis-Bacon contractors because they get the best work done in the final analysis.

We have all kinds of impediments being thrown in the way of the use of Federal dollars to solve a basic problem. In the context of a $230 billion surplus, why are we quibbling about $1.3 billion for school renovations, repair, construction, whatever one wants to say? If a coal burning furnace in the school is removed, are we going to call that renovation or repair? I do not care. Let us get the deadly fumes and the pollution of the coal burning furnace out of the schools.

We have more than 100 schools in New York that still have coal burning furnaces. Do we have to have the Federal Government do this? Obviously we do since the States are lagging so far behind. Or perhaps the Federal Government can serve as a stimulus, and by providing some of the money, stimulate and embarrass the States and the local governments into doing far more.

The estimate is that we need about $320 billion just to take care of infrastructure needs for the current enrollment, without projecting future enrollment. That is the estimate of the National Education Association. One might say they are a teacher organization, they are biased.

Well, the education commissioner recently came up with a statement that $127 billion is needed. Some years ago, 1994, the General Accounting Office said we needed $110 billion then.

The need is great. We are going to improve education. The least we can do is take care of the highly-visible infrastructure problems. It does not require the Federal Government getting involved with decision making. It is a capital expenditure.

You go in; you give help; you get out. It is the best way to spend Federal dollars, most efficient way to spend Federal dollars. Let us do it today.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, the other side of the aisle spent a lot of time talking about two deceased Republican Members of Congress, Davis and Bacon. We on this side are talking about the future of the children of our communities.

My father taught all his life in public schools. He retired as a principal. Oftentimes he and many of his fellow educators would tell me, please, get rid of the burden imposed upon us by the Federal Government. Let us teach the kids. Give us the resources to do it.

In this bill we have the resources. We have spent 20 percent more than last year on education. Our construction dollars are identical to what the demands of the minority are. We are meeting in the middle to try and solve the problems for children.

The rhetoric should stop. The actions should start. The children will be able to learn if we pass this bill without some of the sentiment attached.

I can just tell my colleagues, going to classrooms every time I am in Florida, I find kids eager to learn. Yes, the conditions are poor. But I was in a portable in 1973 in high school. I was in the same conditions then, and that is when the Democrats ran this place. For 40 years, they ran it; and, finally, education is getting better, thanks to the majority party today.

The SPEAKER pro tempore. Each side has 1¾ minutes remaining. The gentleman from New Jersey (Mr. HOLT) has the right to close.

Mr. CASTLE. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have not been able to make the point, I do not believe, for the membership of the Congress that we are not talking about school construction. So I guess I will now address everyone who is sitting up here and everyone who might be watching it, please do not get the idea that we are talking about school construction.

We are talking about $1.3 billion that the President asked for for renovation and repairs, $1.3 billion. That is what the President asked for. That is what the Democrat-Republican group on the Committee on Appropriations said he gets. That is what those of us who negotiated how the money goes out said, here is your $1.3 billion. Renovation and repair. A done deal.

Let me once again say, under this proposal $1.3 billion would be distributed to States under the title I formula, with a set-aside for small States. Seventy-five percent would be allocated to school districts for one-time competitive grants for classroom renovation and repair.

A portion of the funds would be targeted to high-poverty schools and rural schools. School districts would receive 25 percent of the funds through competitive grants from the State for use under the Individuals with Disabilities Education Act and school technology. That is what we have negotiated. That is what the President has asked for. That is what everybody has agreed will happen.

The legislation we are discussing now has not been sidetracked, as I said before, because of Republicans. It is sidetracked because, at midnight or after midnight, they thought they had language that they, the Republicans, Democrats and the White House, agreed to in relationship to ergonomics. They discovered after rereading it that it did not do what they said at all. We now have new language, hopefully, that will go forward. But it is a done deal.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their comments to the Chair.

Mr. HOLT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the speakers here have made it clear why it is necessary to instruct the conferees to depart from the Senate amendment, which denies the President's request for dedicated resources for local school construction and instead broadly expands block grants.

The other side has said we are plowing the same ground. Any farmer in my district will tell us that one can plow ground again and again. Until one plants, one cannot reap.

We want to make sure that we actually get some benefits, that the students of America can reap the benefits here. Talk is cheap. We have yet to have a vote on this. That is why it is necessary to instruct conferees so we can bring to the floor legislation that will take care of the decrepit and crumbling schools and the pressing need for construction of new classrooms.

We are not here to refight partisan squabbles of 1995 and 1996 the other side seems to want to do, about who killed what and who rescinded what. That is not the point. The point is that, today, we have a multi-hundred billion dollar need in the schools of America to provide adequate facilities so students can learn for the 21st century.

That is why it is necessary to instruct the conferees to depart from the Senate language so that we can actually, not just talk about providing these facilities for the students of America, but vote on it and see that it is done.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of the motion to instruct Labor-HHS Appropriations Conferees to insist on dedicating funding for school construction.

Right now, three-quarters of the nation's schools need funding to bring their buildings into a "good overall condition."

Right now, the average age of a public school building is 42 years, an age when schools tend to deteriorate.

How can a child learn when she has to cross a courtyard to get to a temporary trailor for one of her classes?

How can a child learn when her classes are held in janitor closets?

How can a child learn when her school needs emergency repairs?

How can a child learn when her class meets in a hallway?

How can a child learn when the school is crumbling around her?

We have an obligation to do something about this problem. And our children should not have to wait.

Two hundred and thirty Members of Congress support the Johnson-Rangel school construction measure.

This bipartisan bill helps communities to modernize their current schools and construct new facilities so our children will learn in the finest facilities possible.

Mr. Speaker, it is unconscionable that while the Republican leadership can't set aside $25 billion for modernization and construction of new schools, it has no problem giving $28 billion in tax breaks to big businesses, HMOs, and insurance companies.

It is unfortunate that we are at the end of the appropriations process and the education priorities are still not taken care of.

Our number one priority must be education. And school construction funding must happen this year.

Our children are counting on us.

Mr. HOLT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HOLT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 176, nays 183, not voting 73, as follows:

[Roll No. 590]

YEAS—176

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Larson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Weiner
Weygand
Woolsey
Wu
Wynn

NAYS—183

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chenoweth-Hage
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Martinez
McCrery
McInnis
Metcalf
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Paul
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Watkins
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—73

Ackerman
Archer
Bilbray
Bishop
Boehlert
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Campbell
Chambliss
Clay
Collins
Conyers
Danner
Davis (FL)
Dickey
Dicks
Dingell
Dooley
Dunn
Emerson
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Gejdenson
Gibbons
Greenwood
Hansen
Hastings (FL)
Hayes
Hill (MT)
Hinojosa
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Kasich
Kennedy
Kilpatrick
Klink
Lantos
Lazio
Lucas (OK)
McCollum
McIntosh
McKeon
Mica
Mollohan
Neal
Northup
Ose
Peterson (PA)
Pickett
Sabo
Salmon
Saxton
Scarborough
Scott
Shaw
Shays
Spratt
Talent
Turner
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Wexler
Wise

□ 1416

Mr. NUSSLE, Mr. GALLEGLY, Mrs. WILSON, Mr. EHLERS, Mrs. ROUKEMA, and Mr. PORTMAN changed their vote from "yea" to "nay."

Mr. NEY changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SAXTON. Mr. Speaker, on rollcall No. 590, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. GIBBONS. Mr. Speaker, I was unavoidably detained and missed House rollcall Vote No. 590. Had I been present, I would have voted "nay."

Mr. SOUDER. I erroneously voted in favor of rollcall vote No. 590, the Holt Motion to Instruct Conferees on H.R. 4577, the Departments of Labor, Health, and Human Services, and Education and Related Agencies Appropriations Act for fiscal year 2001. I intended to vote "nay" on that rollcall vote.

NATIONAL RECORDING PRESERVATION ACT OF 2000

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4846) to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 2, line 13, after "recordings" insert "and collections of sound recordings".

Page 2, line 20, after "recordings" insert "and collections of sound recordings".

Page 2, line 23, strike out "10" and insert "25".

Page 3, line 4, after "recordings" insert "and collections of sound recordings".

Page 3, line 10, after "recording" insert "or collection of sound recordings".

Page 3, line 14, after "recording" insert "or collection of sound recordings".

Page 3, line 22, after "recording" insert "or collection of sound recordings".

Page 4, line 11, after "recording" insert "or collection of sound recordings".

Page 4, line 20, after "recording" insert "or collection of sound recordings".

Page 4, line 22, strike out "recording," and insert "recording or collection,".

Page 6, line 21, after "access" insert "(including electronic access)".

Page 11, line 21, after "TION" insert "OR ORGANIZATION".

Page 13, line 5, after "recordings" insert "and collections of sound recordings".

Page 14, after line 21, insert:

(c) ENCOURAGING ACCESSIBILITY TO REGISTRY AND OUT OF PRINT RECORDINGS.—The Board shall encourage the owners of recordings and collections of recordings included in the National Recording Registry and the owners of out of print recordings to permit digital access to such recordings through the National Audio-Visual Conservation Center at Culpeper, Virginia, in order to reduce the portion of the Nation's recorded cultural legacy which is inaccessible to students, educators, and others, and may suggest such other measures as it considers reasonable and appropriate to increase public accessibility to such recordings.

Page 15, after line 7, insert:

SEC. 126. ESTABLISHMENT OF BYLAWS BY LIBRARIAN.

The Librarian may establish such bylaws (consistent with this subtitle) as the Librarian considers appropriate to govern the organization and operation of the Board, including bylaws relating to appointments and removals of members or organizations described in section 122(a)(2) which may be required as a result of changes in the title, membership, or nature of such organizations occurring after the date of the enactment of this Act.

Page 16, after line 18, insert:

SEC. 133. ENCOURAGING ACTIVITIES TO FOCUS ON RARE AND ENDANGERED RECORDINGS.

Congress encourages the Librarian and the Board, in carrying out their duties under this Act, to undertake activities designed to preserve and bring attention to sound recordings which are rare and sound recordings and collections of recordings which are in danger of becoming lost due to deterioration.

Page 16, line 19, strike out "133" and insert "134".

Amend the title so as to read: "An Act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings and collections of sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.".

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WU. Mr. Speaker, I rise to offer the motion to instruct that I presented yesterday pursuant to clause 7(c) of rule XXII.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. WU moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4577, be instructed to insist on disagreeing with provisions in the Senate amendment which denies the President's request for dedicated resources to reduce class size in the early grades and instead, broadly expands the Title VI Education Block Grant with limited accountability in the use of funds.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Delaware (Mr. CASTLE) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I urge the leadership to keep our promise to the Nation's school children by continuing the program to reduce class size in the early grades. For the past 2 years, this Congress has provided funds through the class size reduction initiative to reduce class size in the early grades to a size of students of 18 or less.

I have seen this program work in my home State of Oregon. At Reedville Elementary School in Aloha, Oregon, there was an extraordinarily large incoming class of first graders of 54 students. Instead of the two first grade teachers that they did have, the class size reduction initiative permitted Reedville Elementary School to hire an additional first grade teacher, and because of this program, working exactly as intended, Reedville Elementary School has three classes of 18 first graders instead of two classes of 27 first graders. Something similar has been happening at William Walker Elementary School in Beaverton, Oregon, where class size in first grade was reduced from an average of 25 to 22. It would have been reduced more if not for significant and unexpected population growth.

This program is working. It has worked for the past 2 years. We should keep our agreement with each other across this aisle, but, more importantly, our agreement with the school children of Oregon and America and work as hard as we can before this session ends to reduce class size in the early grades.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise in opposition to the specifics of the motion to instruct conferees presented by the distinguished gentleman from Oregon; but in the principle of what he is saying, I reach full accord and agreement, and I think frankly most Members here probably do and most people involved with education probably do.

I have been worried about education for many, many decades now in my State of Delaware. I have visited all of the public schools in Delaware at one time or another. I have been in those classes, and I have watched what happens as you get smaller class sizes, particularly with the younger ages, with the use of teachers or teacher aides who can achieve the level of being able to teach at a teacher's level, and I have seen the benefits that come from that. That is something that we in my State have done. With legislation we have mandated, particularly in the lower class sizes, the lower ages and we think that has made a difference as far as all this is concerned.

I think we as Republicans have recognized that fully in the Congress of the United States. As a matter of fact, I think it is very important to point out, and to me this is the crux of this whole discussion we are having right here, and, that is, that what is conspicuously absent from this motion to instruct is language requesting further increases in education spending.

The Republican Congress has provided dramatic education spending increases in recent years. In the 5 years before this, we have increased spending for education by 8.2 percent a year, well above the cost of inflation and well above the 6 percent a year in the 5 years before that when the Democrats were in control of the Congress of the United States of America. As I have said in the previous discussion, the increases for this year in the Labor-HHS-Education bill for K–12, and there is no argument with this, there are arguments with another part of that bill right now, are 20 percent which is a dramatic commitment to education. We in the majority side, of course, are very proud of that.

That having been said, we need to deal with this particular issue. Again we are not dealing with numbers. We are dealing with flexibility and how one is going to spend money. We are willing to expend the money, but we have indicated that, of the $1.7 billion request, that three-quarters of it should go to class size and a quarter of it should go for teacher training, unless you have more than 10 percent who are not qualified to teach a course, in which case 100 percent would go for class size.

Why do it that way? It is very simple, Mr. Speaker. As you go across the United States of America, you are going to find that there are 15,000 school districts with over a million classrooms. You are going to find classrooms that have a large number of students in them, with good teachers, who have the ability to handle those children and teach them well. You are going to find other circumstances in which you have a classroom with somebody who could be a good teacher but needs some sort of training in order to become better. You are going to have a variety of situations with teachers and aides where they are able to make it all come together and teach kids as well as possible, all driving at the purpose of the motion to instruct oonferees, that is, to reduce class size but, more importantly, to make sure that we are teaching those children as well as we possibly can.

We say give them that flexibility, give them some flexibility in some instances to be able to train teachers better. There are too many teachers, frankly, who are teaching courses for which they are ill prepared. Perhaps they did not study that as a substantive course when they prepared to be a teacher; perhaps they just do not have the knowledge. Perhaps they do not have teaching skills. We say that we need to address that.

But that is not what is really important. What is important is we are saying, Let's put some flexibility into the program. The decision should not be made here in Washington at the Department of Education or at the White House. It should be made back in Oregon, Delaware, Pennsylvania, or wherever it may be, or done in the various towns and school districts within our States as they make the decision as to what is in the best interests of those children for their education.

Those are the differences. The differences are not great, but they are important and they are distinguishable differences. I happen to believe the flexibility side of it is the side which is right. Obviously, the gentleman from Oregon feels differently; but my view is that we have put the money in, we have provided the necessary flexibility, we are trying to help with more teachers and help teachers prepare better. If we do that, then we have taken the right steps to help all of our children with their education.

Mr. Speaker, I reserve the balance of my time.

Mr. WU. Mr. Speaker, I yield myself 1 minute.

I thank the gentleman from Delaware. The gentleman must recall that we worked closely together on the Education Flexibility Partnership Act. We both believe in flexibility. We both believe in local control. In the funding for the class size reduction program, last year we negotiated additional flexibility for the use of these funds. We negotiated an increase in flexibility in using the funds for teacher training from 15 percent going up to 25 percent.

I must point out to the gentleman that local school authorities are using only 8 percent of those funds for teacher training. The rest they are using for class size reduction as was originally intended. The gentleman and I share our interest in flexibility. However, it appears to me that local school authorities are using the funds for class size reduction the way that we think they would.

Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of the motion offered by the gentleman from Oregon (Mr. WU). Every parent wants to send their child to a public school with the best qualified teachers, high standards that challenge students, and that provides the kind of discipline that our youngsters need. That means an investment in teacher training, a commitment to turning around failing schools and helping schools with the cost of special education, helping school districts build and modernize 6,000 crumbling schools.

But at the center of every quality school are high-quality teachers. There is a serious teacher shortage on the horizon. Class sizes are already exploding, making it more difficult for teachers to reach every student and to be able to inspire them. Studies clearly show that reducing class size makes a tremendous difference. By keeping class size down, classrooms can become again a place of learning, of discipline, where teachers can teach and children can learn.

This is not about numbers. It is about an educational environment. We ought to be able to do that for America's families and for America's children.

Despite what my colleagues say on the other side of the aisle, this issue is not settled and that is for one specific reason: the Republican leadership of this House went back on their word. They wrecked a bipartisan agreement that would have made this investment in schools. And they did it all because of an issue that was totally unrelated to education, but an issue that the special interests could not abide. So the Republican leadership faced the choice. They could side with public school children or they could side with the special interests. The choice that they made speaks volumes about their priorities and their values. They stood with the special interests.

Let me quote the Washington Post today: "Fierce lobbying by powerful corporate groups with considerable sway among the GOP leadership helped kill a deal sealed with Republican negotiators early Monday, led by the U.S. Chamber of Commerce and the National Association of Manufacturers."

They stood with the special interests. That is why we are here today. That is why we are fighting to make this education investment happen. We cannot trust the Republican leadership to keep their word and invest in schools unless we keep their feet to the fire. We have got to speak up for America's public schools, to make sure that the voices of America's public schools and the children that rely on them are heard in this House. Ninety percent of our youngsters are in public schools today. We should not be here for the special interests, but because of America's children.

Pass this motion. Let us do something positive for America's children and for America's families today. That is what our values dictate that we do in this body.

□ 1430

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, as I said at the beginning of the last discussion on school renovation, how lucky people are if they did not get to see it on Saturday, they now get to see the same production on the same stage today. They get to see it twice in a couple of days. The only difference is that the leading players were leading ladies on Saturday. Today the leading players are leading men. That is the only difference in the debate and the discussion.

Of course, again, we are talking about something that is already a done deal. Last year, we tried to make it very clear to the President that everybody understands that class size reduction in early grades is very, very important if, if there is a quality teacher to put in the classroom. I could not get him to talk about quality, but I am so happy that the last year and a half that is all he has been talking about. So I made some progress.

When we were negotiating last year, fortunately one of the largest school districts of the newspaper that covers that area had the entire front page said, parents, do you understand that 50 percent of the teachers that are teaching your children are not qualified? So every time I would talk about flexibility, I would open this up. We were not talking about flexibility to do anything you want under the sun. We were saying, wait a minute. If they have 50 percent of unqualified teachers in that classroom now, should we not be allowing them to use some of this; perhaps they have some potentially very good teachers, that, with some additional instruction, some additional help, could make a first class teacher? Of course, what happened? The first group of teachers hired under this program, over 30 percent were not qualified, and the tragedy was that they went right into those same school districts where they already had 20, 30, 40 and 50 percent unqualified teachers. That is exactly what I knew would happen. We should have taken a lesson from Governor Wilson. He pushed the same issue, but he did not have the flexibility in it.

So what happened? In Los Angeles, they hired 30 some percent of totally unqualified teachers. When a new classroom is created, it has to have someone in that classroom. So they had to hire unqualified teachers.

Fortunately, we got our message through last year. We negotiated in good faith. We got our flexibility to make sure that if potentially there were good teachers, there was an opportunity to make them real quality teachers. There is no substitute, after the parent, for a quality teacher in the classroom. I do not care whether it is a marble building, whatever it is. It is the quality teacher in the classroom.

Mrs. Yost had to teach all of us in one building, 100-year-old building I might mention. She had to teach all the special needs children. She had to teach everybody. She had to teach all four grades, but she was an outstanding quality teacher and she could do that.

So what we negotiated last year, what we got, was that there has to be the flexibility. What we have already negotiated again this year is exactly what we got last year, and, therefore, it is a done deal. So we are here, again as I said before, maybe in Oregon they are not on lunch break yet, but I do not know why we are going through this same procedure that we went through on Saturday. I said all we did was change the leading characters. I said that to two of the ladies that were the leading characters on Saturday and they said well, we thought we would give the men a chance today. So I guess that is what it is all about.

We want reduced class size if there is a class quality teacher to put in that classroom. The biggest job we are going to have from now until I do not know when is getting quality teachers in the center-city America and quality teachers into rural America. I do not know the answer to that. We have tried to give all sorts of monetary benefits. We will reduce their loan if they will just commit to going there and teaching. It has not worked. We have tried to have alternative certification, but we do not have anything to do with certification.

So if we get someone that wants to change their career in the middle of their lives, they are not going to go back and take 30 credits in pedology. I do not blame them. I have had 90 of them. That is enough for a lifetime. You are going to have to find some way to get quality teachers in center-city America and rural America. We have not come up with that solution.

As I have mentioned many times, it used to be easy because we had the brightest and best women who had two choices. They could be a teacher or they could be a nurse if they wanted to be a professional. That is gone forever and, therefore, getting teachers in areas that are quality teachers is very difficult.

This great idea that we will have national certification, what does that do for center-city America? It does nothing. It does nothing, because where do they go? They go where they are sure that they will have an opportunity to teach as they want to teach.

So, again, we are going through an exercise today, as we went through on Saturday, which is an exercise in futility. It has already been negotiated. It is exactly the same as last year, which makes everybody happy because now we are talking about a quality teacher in the classroom. Do not reduce the class from 23 to 18 and put somebody in that classroom that does not know how to teach and does not have the qualifications to teach, because I will guarantee that the only thing that will have been done is spare five other people from being in a classroom where there is not a quality teacher.

So let us quit playing the games. Let us get on with the business. It is negotiated. It is there. It is the same as last year. It gives us the flexibility we say one positively has to have if they are going to get quality teachers in classrooms. That should be our whole emphasis: Quality, quality, quality.

I sat there for 20 years and all I ever heard was, if we just had another $5 billion, if we could just cover another 100,000 children, then all the problems would go away.

Nobody ever asked, are we covering them with quality or are we covering them with mediocrity? In many instances we were covering them with mediocrity. That is a tragedy. The disadvantaged under title I are still disadvantaged. We have not closed the achievement gap at all. We have to have a quality teacher in a classroom and then reduce class size. Do not put the cart before the horse. Do not try to eliminate the flexibility to try to make existing teachers who are in that workforce now anything other than better teachers. That is what we should be doing. That is what we agreed to do, and, therefore, as I said, it is a done deal, same as last year; and again hopefully, we will not make the mistake we made the first year, because the first year 30 percent of all of those who were hired had no qualifications whatsoever and tragically went into the very classrooms in center-city America where the very best teacher was needed. That was a real tragedy. We cannot let that happen.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to agree with the distinguished chairman on one issue, and that is I agree with the chairman and with the Bard that we are but players temporarily on this stage, but it is not so for the children of America. For each day that passes in their school year we never get that day back. We never get a day back when we miss a day of quality education, and that is what makes this debate absolutely crucial.

I disagree with the distinguished chairman on two important issues. This is not exactly the same as last year. The dollar amounts are different. There is a one-third increase in this bill for the class size reduction program; and, in addition, the chairman's concern about qualified teachers is addressed because there is a requirement this year for 100 percent qualification for the teachers hired under this program.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, I would like to thank my friend and colleague, the gentleman from Oregon (Mr. WU), for bringing this important issue to the attention of the Congress.

As a former teacher, Mr. Speaker, I rise in strong support of the class size reduction program. There is overwhelming data to demonstrate the single most significant factor in boosting academic achievement in the classroom is the presence of a fully qualified teacher in smaller classrooms, and in conjunction with high standards.

What this means is that we can search out the very best teachers in the country. We can send them through top-of-the-line training programs. We can give them the latest technology and textbooks, but if we do not do something to reduce the size of the classrooms, particularly in kindergarten through third grade, which exceeds over 30 students in many of our schools, we will not be giving our children the education they deserve.

In the 1999/2000 act, due to the class size reduction program, schools in my district received the following: 17 new first grade teachers; 14 new second grade teachers; 12 new third grade teachers; and 3 new teachers for other grades. When I visit with school administrators, when I visit with parents, when I visit with teachers, they like this program. They say it works.

This is a program that makes a difference in their schools. Altogether, this program has helped our Nation's schools hire 29,000 highly qualified new teachers. If we eliminate this program, we not only jeopardize the gains we have made but we will prevent schools from hiring additional 20,000 qualified teachers to serve over 2.9 million children.

As the end of this session draws near, hopefully it draws near, this is a program that we cannot let fall through the cracks. We talked this session a lot about having a surplus. We need to use that surplus to pay down the debt. We need to use that surplus to shore up Social Security and Medicare. We need to use that surplus for reasonable tax cuts, but we need to use that surplus to continue the investment in our children.

I urge my colleagues to support this motion.

Mr. CASTLE. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I just want to repeat one more time, there is no argument about whether reducing class size is good in early grades if there is a quality teacher to put in the classroom. Everybody agrees to that. I did that 30 years ago as a superintendent of schools. I did not come to Washington and ask to do that. I went to my school board and asked to do that, and they agreed. I hope no one on that side was somehow or another saying these qualifications were put in because somebody on that side or somebody down at the White House wanted to do it. The qualification issue was forced upon the administration, and I was one of the leading enforcers, and the gentleman from California (Mr. GEORGE MILLER) helped me, I might also say, when the Secretary came up to enlist his support last year. He said he was tired of the gentleman from Pennsylvania (Mr. GOODLING) beating us up over the issue of quality.

Again, let me remind everyone that this year's negotiation is even better, because last year we said if there was more than 10 percent unqualified teachers 100 percent of the money could be used to improve the quality of the teachers in the force, if the State was an ed-flex State. The White House agreed with us. We will remove the ed-flex State business so all of those center cities now have an opportunity, as a matter of fact, to use their money to improve the quality of teachers in their classrooms.

Mr. WU. Mr. Speaker, I yield myself such time as I might consume, to say that the chairman and I share a passion for flexibility at the local level.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from Oregon (Mr. WU) for yielding me such time.

Mr. Speaker, I do not doubt for one minute the commitment by my colleagues and the Chair on the other side of the aisle for 1 minute his dedication towards helping reduce class sizes throughout this country.

I just want to talk about the effects that it had on New York City. For the bill that was passed last year, the 1999/2000 act, New York City received $61 million in Federal class size reduction funds. In addition, the city received some $49 million in State funds to help reduce the size of classes as well. The State and Federal funds created 950 new smaller classes in grades K through 3 with an average of about 20 students in each class. New classes were created in 530 of the district's 675 schools; remarkable usage of that Federal and State dollars.

The Independent Education Priorities Board recently completed a study, and the study revealed, among improvements reported, results were that noticeable; declines in the number of disciplinary referrals; improved teacher morale; a focus on prevention rather than remediation; and higher levels in classroom participation by students. This is really working, and we want to see that continue.

I understand this may have taken place on Saturday, the debate as well again, and once again we find ourselves in the same act being repeated, but we had an agreement. The conferees met. The conference report was signed, and the leadership, the GOP leadership, killed that deal, making a mockery, in my opinion, of the conferee process. So if this is a show, if this is a ploy, the Republican leadership has created it.

I suppose we will take this play on the road. We will take this play off Broadway and on the road back to our districts, and I guess on Tuesday the people will decide who was right and who was wrong.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI), a senior member of the Committee on Education and the Workforce in the House of Representatives.

□ 1445

Mr. PETRI. Mr. Speaker, I thank the gentleman from Delaware (Mr. CASTLE) for yielding me this time.

I rise in opposition to the motion because it is a step backwards as far as flexibility is concerned for local school districts, and that is very important.

The legislation that we are basically talking about increases funding for schools and for hiring teachers and for teacher training, and that carries forward a pattern that we have seen under the chairmanship of the gentleman from Pennsylvania (Mr. GOODLING) during the last 6 years in this committee. He has constantly talked to us, as we have heard here this afternoon, about the importance of having quality in education; and he has not just talked about it, he is the point man in negotiations over a number of budgets and has actually managed to get significant flexibility in these programs.

What is the difference? Well, let me just give my colleagues an example. If one happens to represent a relatively rural area or an area with a small school district, without the efforts of the chairman of this committee in negotiations, one would get nothing out of this program, because half the school districts in the country, their share of the money we are talking about would be less than the salary of one teacher. Because of the flexibility that the gentleman from Pennsylvania (Mr. GOODLING) negotiated a year ago in the budget, if we do not get enough money under this Federal program to hire even one teacher, then one gets the money for teacher training and upgrading, and one can participate in this program. That is half the school districts in the United States.

He also fought repeatedly to try to have as much of the funds we are talking about in this program to be able to be used not just to hire bodies, but to assure quality, by teacher training and a variety of other approaches, and that is important. In the real world, the area that I represent, I visit a lot of schools and, by the way, in our State, school construction is going forward at a very great pace because of changes in the way the State aid program works. And the new schools, of course, are much different than the older schools. We have electricity, not just a couple of lights, but wired all the way through, and the kids are going to be learning with computers and personal computers as an aid from early grades on in the next few years. The whole configuration of the school and how it works changes.

Also, we are in our communities trying to get much more parental and community involvement in education. I was just recently at a school district dedication where there was, in addition to the classrooms, a senior citizens center. Why? Because they wanted to have a separate entrance for the senior citizens and then the doors open so that seniors could be honorary grandparents to young kids and read with them and have them as friends. We have had a family crisis in our country. We have many families with just one parent and that person having to work, and what is to happen to the little kid? There is no one taking an interest in them.

So trying to do things like this makes a lot of sense, and just a one-size-fits-all that does not provide flexibility would miss opportunities in the areas I represent and all across the country. So I hope my colleagues will listen to the gentleman from Pennsylvania (Mr. GOODLING) and not support the motion.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume to point out that on a bipartisan basis we passed that flexibility. We all believe in that flexibility. The gentleman from Delaware and the chairman share that perspective, as do most of my colleagues on this side of the aisle.

Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I want to acknowledge the leadership of the gentleman from Portland, Oregon (Mr. WU), not only on this important motion, but on his work throughout this session of Congress on behalf of schoolchildren and teachers in the Committee on Education and the Workforce. It has been very important not only to Oregon, but it has certainly been important to the children that I represent down in central Texas.

Mr. Speaker, as I was sitting here last night of, at all times, on Halloween evening, amidst the colossal mismanagement of this Congress that has continued throughout the last 2 years, I could not help but think that perhaps this House was haunted, haunted by the ghost of Newt Gingrich, or perhaps it is only that the extremist spirit that we faced throughout his leadership never really left the House.

The program that we debate today is patterned after the program that Newt Gingrich and his extremists fought back at the time that they were shutting the government down and inconveniencing people across this country. At that time they opposed our proposed 100,000 federally financed cops on the streets of America. I think that this COPS program has worked.

But if we were to replay the arguments of those who opposed that program, our Republican colleagues, they would sound very much like the arguments that we have just heard against the gentleman's very insightful, intelligent, and important motion. At the time of the last Republican government shutdown, they were saying, "oh, let us just give the States all the money and let them run it through their bureaucracy." They were saying, "well, maybe there will not be enough qualified people out there to work in our neighborhoods and help us deter and reduce crime"; and they fought us through two, three sessions of this Congress against the 100,000 Cops on the streets of America, until they were finally convinced by the people of America, that this was a rather good Federal initiative.

I can tell my colleagues that in Travis County, in the center of Texas, we have over 200 additional law enforcement officers in our neighborhoods, protecting our families and our businesses as a result of the COPS program. This 100,000 teacher program that the gentleman from Oregon is supporting takes exactly the same approach, and it is already beginning to work. Last session, over the objections of the Republican leadership, we got additional teachers into the classrooms specifying that that was going to be a specific purpose of our appropriations bill for education. At the beginning of this current school year, with my school superintendent there in Austin, Texas, I went out at that happy time when new teachers and parents and kids were sharing the excitement of a new school year. There to greet those students in Travis County, Texas, were 72 new teachers employed as a result of this classroom size reduction initiative. Not one of them would have been funded had the Republicans prevailed during the last session.

What we are saying through this motion is, it works, just like our COPS program. Let us support new, well qualified teachers, so that classes will be of a size where they can maintain discipline and can work in creative ways with these young minds. There is substantial evidence that if we have smaller classroom sizes, our students can benefit. So we say through this motion, let us do something constructive to back up local efforts, not to interfere with them, give them the flexibility that they need, but back them up in their efforts to improve the quality of education.

Mr. Speaker, as we review this Republican Congress, we have to say that, with reference to this motion and so many others, that the words that come to mind are failure and flop and fiasco. Unfortunately, the report card for the performance of this Republican leadership is pretty much straight Fs. In contrast, the approach that the gentleman from Oregon (Mr. WU) has suggested is an enlightened one that can really help improve the quality of education for young people in the center of Texas, in Oregon, and across this country.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. ISAKSON), another strong member of the House Committee on Education and the Workforce.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for yielding me this time.

I do not know who is enlightening whom, but I would like to say a few things. This motion, while superfluous really, and I think the gentleman really knows that, and based on some of his own statements I think he realizes it is, it does give me a chance to come down and jog everyone's memory. Because of the gentleman from Pennsylvania (Mr. GOODLING), the chairman of your committee and mine, last year, when the President's plan for 100,000 teachers was the focal point of the debate on the budget, it was our chairman who convinced the President that there are not 100,000 certified in-field teachers who are not working, and that if we gave the option to certify some of those that were already teaching and were not certified by use of some of the funds, and the flexibility to do it, then we could not only reduce classroom size, but we could also enlighten students by having better qualified existing teachers.

Last week, in our hearing in the Committee on Education and the Workforce when asked the question, are there 100,000 certified in-field teachers to be hired, Secretary Riley said, no, there are not. Because he knows that as well, and he acknowledged the need for training.

Another enlightening statement, and it has not been mentioned yet, and we all deserve credit. Let us get out of this finger-pointing. This one issue we pretty much agree on except when facts are manufactured. But the fact of the matter is that under title I of this year, 66,002 title I teachers are being hired with Federal money, and 107,000 paraprofessionals, that is notwithstanding the 100,000 teachers and class size reduction.

For someone to say that our Congress is a fiasco, that our leadership is not responding, I do not see it. In fact, the truth of the matter is, and I know the gentleman's intentions are well intended, and I know the gentleman cares, and I know in his opening statement he said Oregon has already benefited, Oregon has already benefited because last year this Chairman and your President agreed we ought to train them and hire them and they did in Oregon get more teachers. And this year, it has already been agreed to, though yet to be signed, a portion that deals with classroom size reduction is better in money, as the gentleman said, than last year's. The truth of the matter is, the unintended consequence of this resolution would be less qualified teachers in America's public schools, because it would take the flexibility to use 25 percent of the money to train noncertified teachers who are already in the classroom, and I know the gentleman does not mean that to happen, and I would never accuse him of intending for it to happen.

But, Mr. Speaker, why do we not for once agree that we have made major steps in education. We have followed a leader. We have responded to a President. And in the end, America's classrooms are less crowded in K through 3. Teachers who were not certified are being certified and/or gone and Georgia and Pennsylvania are better off for it.

Mr. WU. Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from Oregon (Mr. WU), my freshman colleague. It has been a great first term for us, and I have had a great time working with him.

Mr. Speaker, to the gentleman from Georgia (Mr. ISAKSON), my good friend, the only thing I can say to the gentleman is that consider this: a less qualified teacher with a smaller class is better than a less qualified teacher with too many children. That is just basic mathematics. But the gentleman was being revealing in his statements and enlightening.

I am fortunate to have a brand-new young staff member on my staff, and she just completed a year of teaching in elementary school, and she wrote this statement for me. Her name is Beverly Smith, and she said, a teacher told this story: imagine throwing a birthday party for your child and 25 of his or her 7-year-old classmates decided to come. You have hats, a full-service amusement center, and the parents will pick the children up in just 2 hours. Now, imagine those same kids, for 7 hours in a classroom with one teacher. Let us face it. It is difficult to learn to be an innovative and inquisitive thinker in a class of 25 or more students. In fact, with 25 students, the teacher may never even get the chance to ask every student a question.

We need smaller class sizes. This is what Beverly Smith says. Otherwise, the students shut down, the teachers burn out, and we find ourselves back at square one. We want to provide quality education for each and every student, not just the chosen ones, not just the privileged ones. We want every student to get quality attention in education every day.

□ 1500

See, that is what class size reduction is all about. It is about giving students the opportunity to practice the skills they need to succeed, not only today but also in the future.

I am thankful for Beverly Smith, and I am thankful for the dedication of her and all the other teachers who work in classrooms. Let us give them some support. Reduce the class size. Help them to get better qualified and help our Nation.

Mr. CASTLE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would like to just sort of review where we started all this, because sometimes I think we get a little beyond where we really have commenced and where we are going.

Basically, the request in terms of dollars to go to teachers is the same in terms of what is in the bill, what the minority is requesting, as what we have provided at $1.7 billion. As a matter of fact, we have agreed on this side that 75 percent of that money should go to the class size issue which they are mentioning.

So basically we are arguing over the other 25 percent, and the question is, should that 100 percent go to class size or should it go to teacher training to help with quality.

Obviously, I come down on the side of more flexibility. A little bit later, when I have a little more time, I am going to talk about that.

I would like to talk about Mrs. Buckles for a moment. I had her in seventh grade. She taught us diagraming in seventh grade. I am surprised I survived all that.

I can tell the Members, the woman could teach brilliantly, as a matter of fact. I learned something about the construction of a sentence, which I remember to this day because of her ability to teach. I do not think it would have made any difference if there were five people in that classroom or 100 people in that classroom, she had the ability to get our attention, the ability to enforce discipline, the ability to process the work that was there. Everybody in that classroom learned dramatically as a result of being in there with Mrs. Buckles. A good teacher can do that.

I have also visited elementary schools in Wilmington, Delaware, and other parts of Delaware where I have seen teachers I thought needed extra assistance in terms of what they are doing, and perhaps needed another teacher to help reduce class size, or a teacher aide.

I think we need to provide those teachers the inspiration, the educational experience, the training, perhaps the quality experience, whatever it may be in order to improve their teaching.

Frankly, where we lose a lot of teachers is in their first or second year of teaching. In fact, maybe the young lady who has gone to work for the gentlewoman from Ohio is in that capacity. We lose them because they do not necessarily have the proper training. That is where the greatest percentage of teachers is lost. We need to retain them, as well.

That is why I beseech everybody here to get behind the concept of having some flexibility on these particular dollars which we are talking about. I hope we can come to an agreement at some point on it.

Mr. WU. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would like to just point out to the gentleman from Delaware that in fiscal year 1999 funding, school districts, local educational authorities, used only 8 percent of the allocations under this fund for personal development and teacher training.

We upped that amount from 15 percent to 25 percent, but the evidence from the flexibility that we have granted local education authorities is that we have lots of flexibility under this program because they are not using anything close to the 15 or the 25 percent of the monies that they can for teacher training under this program.

I must further add that the reason why we are here today, this is not an exercise in futility. This is not a dry fire exercise. The reason why we are here today is because the passage of each and every day means the loss of an opportunity to make a difference in a child's life.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. OWENS), my colleague on the Committee on Education and the Workforce.

Mr. OWENS. Mr. Speaker, we have a problem of a failure of vision, a failure to understand that every time the word "flexibility" is used, it is used in a way which says that there is a limited pot of money here. We want to squeeze it in as many ways as possible. We want to give the flexibility to the people who have neglected the priority in the first place.

The State governments have neglected the priority. The local education agencies either have neglected the priority or they do not have the funds. We have only a few basic initiatives being undertaken by the Federal government.

The initiative is based on a recognition of the need. There is a need for smaller class sizes. There is clear research that has proven that smaller class sizes are very effective. The class size of the class my colleague, the gentleman from Delaware (Mr. CASTLE), went to when he was young did not have any 32 youngsters in it, I can assure the Members.

There is a clear need for a focus in this area. There is a clear need for a focus on school repair, innovation, and construction, as we were talking about before.

The American voters have made it quite clear that they understand the need. They have the common sense to see that we need more government assistance in education, and underneath that, they have pinpointed certain areas where the need is.

Instead of my Republican colleagues, the Republican majority, recognizing that we should approach the problem comprehensively, with a comprehensive plan, where we have additional money for teacher development, professional development, as well as money to reduce class sizes, they want to seize upon the fact that here is an initiative that is moving, it has the approval of the populace out there, it is popular; therefore, let us strangle it and wrestle it until we get something out of it that we can use for some other purpose: We can hand money to the Governors, or hand money to the local elected officials.

Let us have an additional amount of money for professional development. Mr. Speaker, let us have a comprehensive approach: more money for professional development, more money for certification of teachers, more money for the recruitment of teachers, more money for undergrads.

We have a major crisis underway already. We need many more teachers. We need numerous incentive programs. Across-the-board, we should recognize the need to move to take care of our brain power needs in America. Our brain power needs are overwhelming. With our nickel-and-dime approach, squeezing each program, trying to get flexibility, trying to use the same money in two or three different ways, that is not appropriate. We need a brain power approach which requires that the Committee on Education and the Workforce have the courage and vision to take a comprehensive approach.

Mr. WU. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI), a senior member of the Committee on Appropriations.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to join those who have commended the gentleman for his leadership on the education issue so important to our country.

I would also like to commend the gentleman from Pennsylvania (Mr. GOODLING). This may be the last debate on education, one never knows.

I listened with great interest to the gentleman's comments earlier about all of the good provisions that were in the Labor-HHS appropriations bill, and now bemoan the fact that the Republican leadership has walked away from all the good things that the gentleman says are in there.

Of course, I think it is important for us to do everything in our power to help equip our children with the tools necessary for them to reach their self-fulfillment. It is in their personal interest, as well as in the competitiveness of our great country, to have an educated work force.

That is why it is so sad to see the Republican leadership walk away from the Labor-HHS bill that was negotiated by chairmen, respective chairmen in the House and Senate, on this bill.

If it is, as the gentleman says, as the gentleman from Pennsylvania (Mr. GOODLING) and others on the majority have said, that it contains all of these great provisions, why squander all of that just to pander to the needs of the extreme in the business community that does not want to have workplace safety for so many millions of Americans who are susceptible to repetitive stress injuries?

I want to get back to the professional development that the gentleman from New York (Mr. OWENS) talked about. He has been a champion over the years on this, as well.

The research that is contained in this very bill, the funding for the National Institutes of Health and the institutes within that that study how children learn, tells us that children learn better in smaller classes. Indeed, they do better in smaller schools.

We cannot have smaller classes and smaller schools without school construction. We talked about that in the previous motion to instruct.

The motion of the gentleman from Oregon (Mr. WU) addresses the need for more teachers. If we are going to have the smaller classes that the scientists tell us help children learn better and thrive better and succeed, then it is necessary, of course, to have more teachers, better trained, and have the professional development that is necessary.

The $1.7 billion that was in the bill is a good start. It goes a long way. Then we see the need that this very science describes that we in this body fund, that we support, and then, what, turn away from it because the business community did not like chapter and verse of an agreement reached in good faith by Republicans and Democrats in a bipartisan way on the Labor-HHS appropriations bill?

So again, I always say the same thing: The children can hear us. They hear us when we speak, especially when we speak about them. Let us not send them a mixed message that education is important, but we do not want to spend the money on it to help them reach their fulfillment. Education is fulfillment, it is important, except if the business community does not like some other comma or semicolon in the bill.

I urge my colleagues to support the gentleman's motion to instruct.

Mr. WU. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. ANDREWS), my colleague on the Committee on Education and the Workforce.

Mr. ANDREWS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the motion of the gentleman from Oregon (Mr. WU). I congratulate and thank him for his tireless efforts in his first term on behalf of the principle of reducing class sizes. I think his motion correctly understands a problem that we do have and a tradition that we should have.

I certainly respect the judgment of local school districts. I admire those who serve on school boards and who work in the school districts. I also understand, though, that there is an unfortunate tradition of growing redundant administrative staffs in local school districts. There is an unfortunate tradition of diverting resources away from direct instruction to the education bureaucracy at the local level.

That is why I am very reluctant to change this administration's emphasis from targeted dollars for class size reduction to a more flexible discretionary block grant that I believe would not serve the purposes that I believe we all seek to serve.

The tradition that we ought to keep is a tradition of some decisions at the national level for national purposes. We should make a national decision at the national level to favor smaller class sizes, particularly in the primary grades, in order to enhance reading skills and other skills for students.

Mr. Speaker, when we passed the 100,000 police, we did not give every mayor in the country a block grant and say, "Go out and try to reduce crime." We instructed the local governments to hire more police officers, and it worked.

When we passed a water resources bill in this House, we did not go to the local elected officials and say, "Which flooding problems or drainage problems do you have? Figure out how to solve them, and here is some money." We say, "build this dam" or "dredge this river" or "solve a certain problem."

We should not substitute our judgment for those of local elected people, but we should not abdicate our right and responsibility to make certain crucial judgments for the commonwealth of a nation.

I think the motion of the gentleman from Oregon (Mr. WU) reflects one of those judgments. I urge its adoption.

Mr. CASTLE. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding time to me.

First of all, I want to make sure everybody understands there is no discretionary block grant. We are not talking about any discretionary block grant. There is not such in what we have negotiated.

What we have negotiated is the same as what we negotiated last year. The reason we were able to negotiate it last year is because the President understood, after experience, that I was right. When he discovered that 30 percent of the first group were not qualified and went into areas where they already had 30, 40, 50 percent unqualified teachers, he realized that was a mistake.

So all we said last year, and say this year, is that if there are some teachers who have potential, please use some of the money to make sure that they become quality teachers.

I am so glad to hear that everybody has accepted the idea of flexibility. Boy, I will tell new members on the committee, for 20 years in the minority I could not even get the gentleman's side to put the word in the American dictionary, or any dictionary, as a matter of fact.

But again, the public is probably wondering, what is it they are discussing? They are talking about 100,000 teachers. Do they not realize there are 16,000 public school districts? Do they not realize there are 1 million classrooms? That is just a spit in the ocean.

Well, it is a spit in the ocean, but it is the right spit, because it will go to rural America. It will go to center city America, where the problem is the greatest, trying to attract quality teachers.

But again, I just heard down in the well one more time how wonderful it is to have 18 in a classroom. I do not know where the 18 came from. All the research would indicate if we cannot get down to 12 or 13, we are probably not making much difference.

However, what the gentlewoman should have said was if there are 23 in the classroom and the teacher is qualified, please do not take my five youngsters in order to bring that down to 18, and put them into some classroom where the teacher is not qualified.

□ 1515

Any parent wants their child to be in a classroom where the teacher is fully qualified enthused and dedicated.

Again, let us not talk about the Republican leadership bringing this to an end, that is not what it is all about. When we are negotiating at midnight and 1 o'clock and 2 o'clock in the morning and we do not have everybody there that we should to look at language, all three sides thought that they negotiated the same thing, then they read the language and discovered, as a matter of fact, that is not what they negotiated at all.

Now we are on the business of trying to make sure that what all three sides think they agreed to is written in such a manner that that is what it says, and my colleagues would not want it to be any other way.

Again, let me remind everyone what we are doing this year is what the White House agreed to last year, to make sure that we talk about quality in every classroom; that we do not try to put somebody in a classroom that is unqualified just to reduce the class size; that, as a matter of fact, we try to find some way, some way to get qualified teachers into center-city America and rural America, a difficult job my colleagues will have to solve after I am gone.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Let me start, Mr. Speaker, by just pointing out what the gentleman from

Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce has stated again, which has already been stated several times. We are not talking about a difference in money here at all. The $1.75 billion is in the Labor, HHS Education bill. It is a controversial bill, but not about that sum of money, I think we all know that, that sum of money will survive all of this.

As a matter of fact, 75 percent of it will be used for the exact purpose that is talked about in the motion to instruct conferees offered by the gentleman from Oregon (Mr. WU), the reduction of class size and a balance to be used for teacher training.

This is not a block grant situation, but the balance will be used for teacher training. So we are talking about a minor degree of flexibility.

Here is what I would ask everybody to do, maybe there are some people listening in their offices and they have a moment to do this before they vote on this or on the Labor, HHS bill, but to call their Governors up, I do not care if they are Republicans or Democrats, and ask them about this. Ask them if they want it mandated that they have to use all this money to hire teachers or if they could have some flexibility to use some of the money for teacher training.

Mr. Speaker, I would be willing to wager a small bet, if you will, that 100 percent of those answers would be give us whatever flexibility you can in order to use that money so we can accommodate our State and our local school districts as best we can.

Mr. Speaker, at a recent committee hearing, I asked Secretary Riley, who, of course, is a former Governor, if he would prefer to have some measure of flexibility in the use of Federal funding which, as my colleagues will recall, it accounts for about 6 percent of all Federal spending, and he was unresponsive to that. But I would point out that the one issue I know of that all of the Governors got behind in the last couple of years and that has been referred to by the gentleman from Oregon (Mr. WU), too, is the Education Flexibility Partnership Act, which I think speaks volumes about flexibility in this area, it is called Ed Flex.

We did get it passed. We all agreed to it in every way we possibly could. So my judgment is that we are talking about flexibility. We are talking about giving us the opportunity to be able to spend money properly.

Let me finally just say this, and I will quote, "we can reduce the education gap between rich and poor students by giving schools greater flexibility to spend money in ways they think most effective, like reducing class sizes in early grades." They are also those who support, and again I quote, "granting expanded decision-making powers at the school level, empowering principals, teachers and parents with increased flexibility in educating our children," and that ends the quote.

We have fought a lot about this, but it is interesting to note that those quotes that I just gave my colleagues are two principles which can be found on page 86 of then Governor Bill Clinton and Senator AL GORE's book Putting People First.

I think we can all agree that education flexibility is what is needed here. Twenty-five percent of this money is for choice of the district. They can use it all for class size reduction if they want. They even have that option as well.

Let us give them the flexibility; and I politely say that, because I respect what the gentleman from Oregon (Mr. WU) is trying to do. But I would urge all of us to turn down the motion to instruct conferees to give the flexibility to the States to improve education for all of our children.

Mr. Speaker, I yield back the balance of my time.

Mr. WU. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the facts are sometimes inconvenient. Facts can be somewhat inconvenient. We have been hearing that there is no difference between what would happen if we did not pass this motion and what would be happening under last year's appropriations and next year's appropriations. That is absolutely not true. That is absolutely not true.

Class size reduction program, a 30 percent increase, that would not happen if we go home under a continuing resolution as is currently proposed. Next, school renovation, school renovation, there will be no school renovation money if we go home under a continuing resolution as is currently proposed.

Next, 21st century community learning centers offering families a safe place and their children to learn, there is 100 percent increase in funding for 21st century community learning centers that would not occur if we go home without this next new appropriation completely done.

Eisenhower Professional Development grants, a two-thirds increase for the Eisenhower grants.

Finally, Pell Grants, a $500 increase in Pell Grants, that would not occur, not occur if we go home under a continuing resolution, rather than getting the work of the House done.

Why have we not been getting the work of the House done? We did reach agreement on all of these education issues, but the deal was broken. I noticed this motion on Sunday, with an intent to bring it up on Monday, but we had an agreement as of Sunday night.

Because powerful special interests called into the Republican leadership, and I do not fault the gentleman from Pennsylvania (Chairman GOODLING) and I do not fault the gentleman from Delaware (Mr. CASTLE) for this, but because telephone calls were made, that deal to increase education funding, to increase Pell Grants, to increase 21st center learning centers, to increase teachers, to reduce class size, that deal was broken.

In my congressional district, I commissioned a study on class size, only 6.4 percent of students in my congressional district are in class sizes of 18 or fewer. The other students, the other 94 percent of Oregon's students in the 1st Congressional District are equally split between class sizes of 19 to 24 students, or 25 or more.

More devastatingly, in Clackamas County, almost 50 percent of students in kindergarten through third grade are in class sizes of 25 or more.

In Multnomah County, Portland, the percentage of students in grades K through 3 in classes of 25 or more is also at almost 50 percent. In Washington County, it is more than one-third of the students. In Yamhill County, it is almost one-third of the students.

This is a program which makes a difference. I saw it. I visit schools all the time, as my colleagues do. At Reedville Elementary School in Aloha, it worked exactly as intended by adding only one additional first grade teacher, it brought the average class size down from 27 students to 18 students.

Mr. Speaker, with all due respect, the studies do show that when we bring class size down from 27 to 18, it makes a measurable difference which lasts over the years. The SAGE study from Wisconsin demonstrates that, the STAR study from Tennessee demonstrates that, and even the program in California, which has been very difficult to measure, indicates that in the third grade, there are measurable differences.

But the fact is this: This class size initiative makes a difference. I have seen it make a difference. I have seen it cut class size from 27 to 18, but it is not being done today, because powerful interests called the leaders of this Chamber.

I want the students of America to have the same access to leadership as these powerful interests.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Oregon (Mr. WU).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WU. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 168, nays 170, not voting 94, as follows:

[Roll No. 591]

YEAS—168

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gonzalez
Gordon
Hall (OH)
Hall (TX)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kind (WI)
Kleczka
Kucinich
Lampson
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (NJ)
Snyder
Stabenow
Stenholm
Strickland
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Weiner
Woolsey
Wu
Wynn

NAYS—170

Aderholt
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Castle
Chabot
Chenoweth-Hage
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Everett
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Gutknecht
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kingston
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCrery
McInnis
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Oxley
Packard
Paul
Pease
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stump
Sununu
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Watkins
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—94

Ackerman
Archer
Barr
Bilbray
Bishop
Bliley
Boehlert
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Calvert
Campbell
Cannon
Chambliss
Collins
Conyers
Danner
Davis (FL)
Deal
Dickey
Dicks
Dingell
Dooley
Dunn
Emerson
English
Ewing
Forbes
Fowler
Frank (MA)
Franks (NJ)
Gejdenson
Graham
Green (TX)
Greenwood
Gutierrez
Hansen
Hastings (FL)
Hayes
Hill (MT)
Hinojosa
Hyde
Jackson-Lee (TX)
Jenkins
Kasich
Kilpatrick
King (NY)
Klink
Knollenberg
LaFalce
Lantos
Largent
Larson
Lazio
McCollum
McIntosh
McKeon
Meehan
Meeks (NY)
Mollohan
Murtha
Neal
Ney
Ose
Peterson (PA)
Phelps
Pickett
Pomeroy
Rohrabacher
Ros-Lehtinen
Rothman
Salmon
Scarborough
Schaffer
Scott
Shaw
Shays
Sisisky
Spratt
Stark
Stupak
Talent
Tancredo
Turner
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
Wise

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Messrs. SHIMKUS, RILEY, EHLERS, and TAYLOR of Mississippi changed their vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

LEGISLATIVE PROGRAM

Mr. BONIOR. Mr. Speaker, I would like to inquire of the majority the schedule for today and the remainder of the week.

Mr. Speaker, I inquire of the majority, whomever may want to respond, about the schedule. Members are confused with respect to when we will finish today, if we will finish today, if we will meet on Friday and Thursday, or on the weekend.

We would like to know on our side of the aisle, and I imagine Members on their side of the aisle would like to know, as well. If there is someone over there who could apprise us where we are in terms of the schedule, we would appreciate it.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS) if he could help us with the schedule for today and the remainder of the week.

Mr. THOMAS. Mr. Speaker, my understanding is that we are here tonight, that we have a functional CR for tomorrow and that that will be good until Thursday. So clearly, we will be here tonight, we will work all day Thursday, and we may very well be here on Friday.

My understanding is that the House will convene at 6 p.m. tomorrow, and we will continue to work.

Mr. BONIOR. Mr. Speaker, can the gentleman tell me whether he anticipates the Committee on Appropriations meeting on the Labor, HHS bill and if there will be any other conferences meeting?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that the answer to that question probably lies more on his side of the aisle than ours.

Mr. BONIOR. Mr. Speaker, our people are ready. They are right here.

Mr. THOMAS. Mr. Speaker, we are ready.

Mr. BONIOR. Mr. Speaker, will the gentleman tell us the room number and we will be there. In fact, we will even bring the coffee, the pizza, the pop, whatever they want.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, as we move forward tonight, I will try to get that room number for him and we will continue to work the rest of the evening. We will be here tomorrow convening at 6 p.m., and we will work through Thursday evening and possibly into Friday morning.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments. May I ask him one other question.

The gentleman said possibly into Thursday or Friday or Saturday. That is not clear yet, I anticipate, whether we are going to work the weekend. Is that correct?

Mr. THOMAS. Mr. Speaker, I say to the gentleman, all things are possible if we only believe. That will be determined, I assume, as we continue our work schedule. As the gentleman knows, we have been functioning with 1-day CR's, and it has been difficult to predict beyond the 1 day.

I have provided information which I believe the leadership would back up all the way through tomorrow to midnight or perhaps slightly beyond. That is stretching the 1-day CR to more than 1 day. And then we will make decisions after that.

One day at a time I believe was the request that the President had made, and we have been following that.

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I wonder if the gentleman from California (Mr. THOMAS) could answer this question: Could he tell us what legislation is expected to be on the floor yet today and what legislation is expected to be on the floor tomorrow?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that I do appreciate the attention I am receiving and that I could run off a list of legislation for him if that would make him feel more comfortable; but, frankly, it would not be worth squat right now.

We believe that WRDA will be up. That is something that was sent over to us by the Senate. And we believe, if we could move forward on that piece of legislation as we have done on a daily basis that that would be a continuing and significant step forward.

Mr. OBEY. Mr. Speaker, if the gentleman from Michigan (Mr. BONIOR) will continue to yield, does the gentleman expect WRDA to be up today or tomorrow after 6.

Mr. THOMAS. Mr. Speaker, our belief is it will be up at the latest tomorrow after 6.

Mr. OBEY. Mr. Speaker, since my understanding is that the House is not going into session until 6 o'clock tomorrow, how can it be up before 6 o'clock?

Mr. THOMAS. Mr. Speaker, I said at the latest 6 o'clock. That means 6 o'clock may very well be the time at which it comes up or later.

Mr. OBEY. Mr. Speaker, does the gentleman mean the earliest?

Mr. THOMAS. Mr. Speaker, if the gentleman prefers "earliest," I will say "earliest."

Mr. OBEY. Mr. Speaker, no, that is what I thought the dictionary said.

If I could say to the gentleman from Michigan (Mr. BONIOR), it is obvious to me that there is no game plan which the majority wishes to disclose to the minority at this time.

Good luck and Godspeed. May they find one before the day is over.

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would ask the gentleman from California (Mr. THOMAS) that, if we do not reach any agreement, will some method be arranged so that we will have the opportunity to go home to vote on Tuesday?

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, that functions under a 24-hour continuing resolution and the answer to the question of the gentleman will probably work its way to the surface sometime over the next 24 hours.

Mr. RANGEL. Mr. Speaker, but it is his present thinking and that of, for lack of a better word, the leadership that we could be working here until the election?

Mr. THOMAS. Mr. Speaker, well, I understand we are here on the 24-hour continuing resolution at the request of the President; and if there is any other suggested work schedule, maybe he can telephone us from California or send us an e-mail from California to let us know we could be doing something else.

Mr. RANGEL. Mr. Speaker, the President is trying desperately hard not to close down the Government and this is why he is signing these resolutions.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman, if he is searching for the Government in Kentucky and in California, he could find quite a bit of it right here in Washington, D.C.

Mr. RANGEL. Mr. Speaker, well, since he is the President of all of these United States and the leader of the free world, I think that we should give him some flexibility.

But I want to thank the gentleman for his concise answers.

Mr. THOMAS. Mr. Speaker, I will tell the gentleman that the problem with the flexibility is that the taxpayers are funding the need to pass the CR and take it to wherever he happens to be. It would certainly be a more convenient procedure if he were at 1600 Pennsylvania Avenue so we could operate on a daily basis.

Mr. RANGEL. Mr. Speaker, I cannot begin to tell my colleague how thankful we are for how helpful he has been to us this evening.

Mr. THOMAS. Mr. Speaker, we are here to serve.

CONTINUATION OF SUDAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–307)

The SPEAKER pro tempore (Mr. HASTINGS of Washington) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Sudan emergency is to continue in effect beyond November 3, 2000, to the *Federal Register* for publication.

The crisis between the United States and Sudan that led to the declaration on November 3, 1997, of a national emergency has not been resolved. The Government of Sudan has continued its activities hostile to United States interests. Such Sudanese actions and policies pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Sudan.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *October 31, 2000.*

□ 1600

CONDEMNING THE HARSH TREATMENT OF EDMOND POPE

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, it saddens me that my speeches on the floor condemning the harsh treatment of Edmond Pope have become all too regular. Mr. Pope, an American businessman being held in Russia on charges of espionage, has been in prison now for 213 days.

I learned yesterday that during his trial, apparently Mr. Pope's jailers discovered he was doubled over in pain unable to continue the trial. Other reports suggest he collapsed after returning to his prison cell. What do they expect, Mr. Speaker? Six months into his imprisonment, he has not been seen by anyone but the prison doctor despite his frail health and history of cancer. If this prison doctor is as qualified to practice medicine as Ed's captors are to deliver justice, we have reason to fear for his health.

Ed Pope has been held in unspeakable conditions in a Russian prison courtesy of a government that simply cannot let go of its legacy of human rights abuses. While we do not yet know the nature of his illness, he is obviously very sick.

I am absolutely outraged over the barbaric treatment Ed Pope continues to receive. He must be released immediately, Mr. Speaker. At a minimum he deserves the basic human right of being able to get appropriate medical care and an English-speaking doctor to review the results.

LEGISLATIVE LIMBO

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, we just had an exchange on the floor where the minority whip asked some questions about what the schedule was. I was trying to get clarification as well because I understand we are here on a daily CR at the behest of the President, who suggested we stay here on a 24-hour basis to get our work done. Now in the last 12 hours, I understand Mr. DASCHLE and Mr. GEPHARDT met with Mr. Podesta from the White House and suggested that we have a 14-day CR that has been taken up by the Senate and passed and the Senate has left town.

Now, we did not negotiate that. We did not request it. We did not ask for it. We are here working, and we will continue to work. But I would like somebody to come to the floor today and make the point whether in fact Mr. GEPHARDT and others negotiated a 14-day CR with Mr. LOTT, the majority leader on the Senate side, so we can figure out are we working this weekend, are we going to do the people's work, or are we taking a 14-day break to campaign on behalf of the minority.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GOVERNOR BUSH MISSES MARK ON COUNTRY PROSPERITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, in a few days a great fiscal debate will be decided by the people of this country. Before they make that decision, we need to focus on some of the statements of the Governor of Texas as he tells us about his fiscal plan.

Mr. Speaker, we are told by the Governor of Texas that every American who pays taxes deserves tax relief and will get tax relief under his plan. The facts are clearly otherwise and the Governor of Texas knows better. He knows that under his plan some 15 million Americans who pay FICA tax and have it taken from their wages every day are going to get not a penny of tax relief while at the same time the Governor of Texas will provide nearly half his total tax relief package to those who already are in the best-off 1 percent of American families. Not one penny for those taxpayers who work in nursing homes, who clean our buildings and who wash our cars; yet hundreds of billions of dollars for the wealthiest 1 percent.

We are told, also, by the Governor of Texas, and I think he does this for political reasons, that policy here in Washington is not in any way responsible for our current prosperity. Now, I can understand why his consultants, his political consultants, would tell him to try to argue to the American people that the last 8 years of the Clinton-Gore administration is just a coincidence with our 8 years of economic prosperity. But in doing so, he lays the foundation for very dangerous policies. You see, Mr. Speaker, if fiscal responsibility here in Washington did not lead to prosperity in the country, then we are free here in Washington to be as fiscally irresponsible as we like without eliminating or curtailing that prosperity.

The fact is that while the lion's share of the credit goes to the hard-working American people and their ingenuity and their dedication, they were working hard and they were showing ingenuity back in the late 1980s and early 1990s, and this country was not prosperous because we did not have the fiscal responsibility brought to this town by the Clinton-Gore administration.

When the Governor of Texas tells us that what government does does not matter, then he lays the foundation for the fiscally irresponsible tax cuts that we cannot afford.

Finally, the Governor of Texas claims that he will provide over 10 years only $223 billion of tax relief to the wealthiest 1 percent of Americans. He reaches this through what can only be called false fiscal facts and fuzzy figures. He does this by ignoring his promise, often repeated, to repeal the estate tax. When he repeals the estate tax, which he has promised to do, then the wealthiest 1 percent of Americans will receive over $700 billion every decade in tax relief. The effect then is to provide nearly half the tax relief to the wealthiest 1 percent and to provide them with more tax relief than the total the Governor of Texas would have us spend on health care, shoring up Medicare, providing a greater level of readiness for our military forces, and improving our educational system. More for 1 percent than for those four top national priorities.

Mr. Speaker, the choice before America is clear. On the one hand, we can improve our schools, strengthen our military, provide a prescription drug benefit under Medicare, safeguard Social Security, pay off the national debt, and provide for continued prosperity; or on the other hand, we can opt for nearly $700 billion, probably over $700 billion just for the wealthiest 1 percent. I know that we have got to make a responsible decision. I hope when we do so, we recognize that choosing a President is not a popularity contest. It is, rather, choosing a plan by which the economy of this country will be managed over the next 4 years.

PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, beginning on April 12, for the 21 weeks that the House has been in session, I have read 22 letters from MI seniors who desperately need help with their high prescription drug costs.

In that time, I have been pushing consistently for prescription drug coverage under Medicare. Our time is nearly up, and we still have not passed this important legislation.

Looking back through the 22 letters that I have read on the House floor, I am reminded of why it is so important to modernize Medicare and provide prescription drug coverage for seniors. I would like to share excerpts from these letters to remind my colleagues why we must enact a Medicare prescription drug benefit.

From Mary Hudson of Fenton: "Last summer, I went to a doctor . . . and was given a prescription costing $44—which I got filled. But the other was $90—which I would not [fill]. Who can afford these prices and pay other bills too?"

From Ethel Corn of Marquette: "Here is our prescription bill for what we can afford—and you can see I don't get all of mine."

Jackie Billion of Lansing: "Quite often I have to decide whether I get some of my prescriptions or eat. I hope and pray that seniors will receive prescription coverage."

From Louise Jarnac of Cheboygan: "The last time I got my prescription it was $99.99 . . . this time it was $103.49. Most of the time I can't afford it and go without until I can get it again."

BUDGET BATTLE CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, it is 4:12 p.m., the House has finished its regular business for the day, the government does not yet have a budget for the fiscal year which began 1 month ago today, and no meetings are scheduled.

When the Republican leader who stood up on that side to represent the schedule to us on the minority earlier was asked, okay, where are we negotiating?, he said, well, he would try and get back to us with a room number on that. That was after they attempted to castigate this side, castigate the President and others for not negotiating in good faith. They have not, and they, of course, control all the space around here, scheduled a room.

Why have they not scheduled a room? Because they have no intention of continuing negotiations. We are limping along day to day because the majority failed to get its work done. They did not have a budget for the fiscal year which began on October 1. We have gone through a series of continuing resolutions. I believe today was the 11th.

Now, there was one little ray of hope on Monday. They negotiated all weekend. Everybody designated their hitters to go into the room. And they came to an agreement. They toasted that agreement. They left the room. The White House negotiators went back to the White House and the President said good for you. He stood behind what they did. The Senate negotiators went back to the Senate and their leaders, both sides of the aisle, stood behind them and said good for you. The Democratic negotiators came back to our side of the aisle and we said, Didn't think you could get it done. Good for you. But then in the strangest turn of events, the Republicans, the Republican leadership, pulled the rug out from the people that they sent in as their designated hitters to negotiate.

Now they are saying, Well, the President wasn't in the room. Of course the President was not in the room. The President does not sit down for endless hours working on details on legislative bills. That is our job. And we got the job done. But then you, because of the phone calls from the National Association of Manufacturers, the U.S. Chamber of Commerce and other very, very powerful special interest groups who are funding huge television campaigns right now on behalf of the majority and on behalf of the majority's candidate for President and against members of the minority said, No. No, you can't have that agreement. They stood up, saluted and said, okay.

It would have provided for additional workplace health and safety for American workers. Hundreds of thousands of workers who are injured every year would have benefited from that legislation and the financial and political masters of the majority on that side told them they could not do that. They were the only people to renege on the deal. Republicans in the Senate stood behind it, the President stood behind it, the Democrats in the House and in the Senate stood behind it; but no, the Republican leadership in the House killed the deal. And now they are pretending they want to work, but they have no discussions set. They do not even have a room scheduled.

This is really kind of a sad commentary at this ending of a Congress. I really think that we could do with a little bit of honesty around here. If they do not want to negotiate, if they just want to stay in town to make some kind of a bizarre point, then they should just be honest about it. Do not pretend. Do not go off on this stuff about, Oh, the President's not in the room. You know that no President sits down to discuss legislative details. But when they sent a hitter there, someone to go as a designated person to negotiate, this President stood behind his person. You did not stand behind your negotiators. Guess what? The Speaker was not in the room. The gentleman who killed the bill, the gentleman from Texas (Mr. DELAY), the majority whip, was not in the room. The majority leader, the gentleman from Texas (Mr. ARMEY), was not in the room.

We could have that argument all day long. Oh, your leader wasn't in the room. Oh, your President wasn't in the room. That is not what is going on here. The real shots are being called not over there with the leadership but with their funders, the people who are funding their campaigns. They call the real shots and they jerked the rug out so we do not have a deal. And it is not going to happen before the election because they cannot risk offending those people before the election.

So let us just admit that. Let us have the majority admit to that instead of continuing this farce and these false accusations.

ON IDEA FULL FUNDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, as our conferees deliberate the appropriations for the Department of Labor, Health and Human Services and Education, I would like to take this opportunity to urge and insist upon the highest level of funding possible for special education State grants.

November 29 of this year celebrates the 25th anniversary of the enactment of IDEA. For almost a quarter of a century now, the Federal Government has assisted in the education of our children with disabilities and for almost that same quarter of a century, the Federal Government has failed to meet its obligations.

A Kansas school on average uses 20 percent of its budget for special education purposes. Schools in my area of Kansas cannot afford to put one-fifth of their entire budget into special education. This year Kansas schools will spend $454 million in meeting the Federal special education mandate. Of this total, only $38 million, about 8 percent, will come from the Federal Government despite our previous commitment 25 years ago of a 40 percent commitment.

In my previous service as a member of the Kansas Senate, we struggled each and every year to adequately fund the education of students in our State. In actual dollars if special education were actually funded at that 40 percent, Kansas would receive $181 million from the Federal Government. This means $143 million in Kansas State and local education funds would be available for other educational needs.

These numbers make it clear that special education costs consume education budgets of State and local school districts. Schools are not maintained properly, teachers do not get hired, and classroom materials do not get purchased. Our schools are not asking for new Federal programs. They are asking for the Federal Government to pay its share of special education costs so that other funds can be freed up for maintaining buildings, hiring teachers and buying classroom materials.

Congress has made significant progress in recent years to increase Federal funding for special education. In my 4 years as a Member of Congress, we have increased IDEA State grants from $3 billion to $5 billion. That is a 67 percent increase in just 3 years.

□ 1615

We still have a long way to go. For far too long, the Federal Government has mandated this program without paying its share. Today let us make the commitment to change all that and support full funding of IDEA.

GAO STUDY ON RUSSIAN TRANSITION TO MODERN ECONOMY IS DISPIRITING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. LEACH) is recognized for 5 minutes.

Mr. LEACH. Mr. Speaker, in June of 1998, the Committee on Banking and Financial Services held a series of hearings on financial instability around the world, including Russia, whose economy was soon to be devastated by the collapse of its domestic bond market and a devaluation of the ruble.

Afterward, I asked the General Accounting Office to conduct a study of the effectiveness of U.S. and other western assistance in facilitating Russia's transition from a failed Communist-style command economy to a modern market economy. The committee's ranking member, the gentleman from New York (Mr. LAFALCE), joined me in that request.

The GAO has now completed its works and the findings are disturbing, indeed dispiriting. Between 1992 and September of 1998, the United States and the West, including the International Monetary Fund, the World Bank and the European Bank for Reconstruction and Development, provided some $66 billion in assistance to Russia, not counting food aid, trade credits and debt rollovers. Of this, the

United States contributed $2.3 billion in bilateral grants under the Freedom Support Act to address humanitarian needs and support economic and democratization reform. According to the GAO report which was issued today, far from putting post-Communist era Russia on a course of prosperity and stability, these funds were largely wasted. Russia's economic decline has been more severe and its recovery slower than anticipated, the GAO report notes. Progress toward reaching broad program goals have been limited.

The assistance was, in fact, worse than wasted. Because donors lacked clear strategy and coordination, as the GAO observes, the money which was virtually thrown at Russia contributed to the spread of a culture of corruption and the concentration of some of the country's most valuable economic assets in the hands of a handful of oligarchs who operate on the margin of, if not altogether outside, the law.

These politically powerful economic groups have had little interest in reform. Thus, to a significant degree, western aid programs were not only ineffective; they provided fuel to groups that opposed reform.

Consider the Russian banking system. Donors recognized that an efficient and competitive financial system was a basic need if the economy was to prosper. To this day, however, 8 years after the collapse of Communism and the break-up of the Soviet Union, Russia does not have a banking system worthy of the name. There are more than 1,000 banks in Russia, but their total assets are only about $65 billion, the level of a mid-size provincial bank in the United States.

This is because the Russian public does not trust their own banking institutions. Most of these banks, particularly the small ones, exist as money laundering platforms to help their clients evade taxes, duties and other legal requirements, and to spirit capital to overseas havens. More than $100 billion has fled the country, and some estimates place the amount much higher.

The GAO analysis released today underscores an unfortunate but inescapable conclusion: The United States and the West missed one of the great foreign policy opportunities of this century, to bring Russia into the Western family of nations, politically as well as economically. Despite the aid, Russia's economic decline was among the most severe and its recovery among the most limited among transition countries in Eastern Europe and the former Soviet Union. Many Russians have concluded that the West deliberately impoverished their country. Today only 37 percent of the Russian people have a favorable view of the United States, down from some 70 percent in 1993.

Among the key findings of the GAO report are:

One, that the U.S. and the West failed to object strongly to the corrupt loans for shares privatization scheme that consolidated the business empires of Russia's oligarchs.

Two, Russia's primary motivation of borrowing from the IMF was less to stabilize and reform its economy than to become eligible for debt relief from the United States and other creditor countries through the Paris Club.

Three, the IMF was pressured by key shareholders to support new loans for Russia in 1994 and 1996 in an effort to demonstrate U.S. and Western political support for President Yeltsin.

Four, despite compelling evidence of an absence of the rule of law and massive governance challenges, explicit anti-corruption efforts have represented a relatively small share of international assistance to Russia.

And lastly, little or no progress has been made in strengthening Russia's banking and financial system.

The recent rise in world oil and commodity prices has improved the trade balance of Russia, but continuing capital flight indicates major legal reforms have yet to occur. As a result, the business climate in Russia is still unfavorable. In a recent strategy review, the EBRD concluded, severe weakness in the rule of law continues to undermine investment. The power of vested interest to hold back critical reforms must be effectively checked. Standards of corporate governance need to be strengthened. Without demonstrable progress in these areas, Russia's impressive recovery is not sustainable.

Despite these failures and frustrations, the U.S. cannot afford to remain uninvolved with Russia. Stretching across 11 time zones, twice the distance from New York to Honolulu, almost halfway around the world, Russia is a country without which no serious international issue can be resolved.

In recent years, some progress has been made in nuclear weapons reduction and security; and in April, Russia finally ratified the START II agreement. But many other problems remain. Among them is Russia's decision to build nuclear reactors in Iran and transfer missile technology to that country.

In this context, the recent revelations that the U.S. and Russia had entered into a secret agreement to allow Moscow to continue arms to Iran are especially troubling. It would appear that the Clinton-Gore administration, in its relations with Russia, chose to abandon the principles of progressive diplomacy established at the beginning of the century by Woodrow Wilson in his demand for open covenants, openly arrived at.

The still secret Gore-Chernomyrdin agreement not only flouted law, but also failed to safeguard our national interest and security. In what amounted to an inverted arms-for-hostage deal, U.S. policy was, in effect, taken hostage by a Russian arms strategy designed to destabilize the Middle East.

The agreement's apparent purpose was to facilitate a Russian aid policy that resulted in the squandering of American tax dollars for the benefit of a kleptocratic elite, rather than the Russian people.

The legitimization of Russian arms sales in defiance of law is hardly in the interest of a safer world. The naivete of this approach is matched only by the perfidiousness of its execution.

From an American perspective, it would appear that one of the purposes of the Gore-Chernomyrdin Commission may have been to burnish the Vice President's foreign policy credentials and make his management of U.S.-Russia relations a centerpiece of his potential campaign themes.

It is now self-evident that U.S. policy failed, and the Gore-Chernomyrdin Commission is a symbol of that failure.

The question is how the U.S. and the next Administration should proceed from here. Though isolationism is always at issue in our democracy, the American tradition is dominated by pragmatic and compassionate internationalism. Most Americans recognize that what happened in Russia, still a nuclear superpower with a seat on the UN Security Council, is profoundly important to our national security. A peaceful and democratic Russia remains a compelling U.S. interest. Consistent with the strong humanitarian strain in our foreign policy, Americans maintain an interest in helping the Russian people achieve a market economy based on the rule of law.

America need not turn its back on the international financial institutions, but it has an obligation to see that taxpayer resources are not squandered, nor used to enrich the few at the expense of the many. Americans should continue to be prepared to support genuine Russian efforts to help themselves. Here, it must be understood that Russia's economy will remain hapless unless the Russian government begins to deal effectively with corruption and takes the necessary steps to establish an intermediary financial system that services a saving public, instead of a thieving elite.

No nation-state can prosper if it lacks a place where people can save their money with confidence and seek lending assistance with security. Russia, which is the land mass most similar to our own, has been kept back for most of this century by the Big "C" of Communism and is now being kept back by the little "c" of corruption—which may prove more difficult to root out than Communism was to overthrow.

What the Russian people—and those of so many developing countries—deserve is a chance to practice free market economics under, not above, the rule of law. If attention is paid, above all, to establishing honest, competitive institutions of governance and finance, virtually everything else will fall into place.

Unfortunately, over the past six or eight years the basics of law and economics have been ignored for the sale of the politics of expediency and neither the national interest of America nor Russia has been advanced by a mistargeted and mismanaged aid program.

It is time that the symbiotic statecraft symbolized in the Gore-Chernomyrdin relationship that has legitimized and ensconced crony capitalism in Russia be brought to a halt. It is time for the American people to insist that their leaders concern themselves with the plight of the Russian people rather than the well being of a new class of kleptocrats.

IT IS TIME TO PUT PEOPLE BEFORE POLITICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, just a few minutes ago I asked a question on the House floor as to the schedule because it seems to me that there is some confusion. We have been asked now vis-a-vis the Senate to have a potential 14-day CR.

Now, to refresh the memory of those listening, we were asked by the President to stay and work day in and day out 24-hour CRs until we get our work done, and we have done that. We have tried to work. We have tried to negotiate. Now it appears that sometime within the last 12 hours, Mr. DASCHLE, the gentleman from Missouri (Mr. GEPHARDT), and Mr. Podesta, the President's chief of staff, had a meeting and decided to take a 14-day CR over to the Senate and place it on TRENT LOTT's desk and ask for unanimous consent, and apparently the Senate has taken them up on their offer for a 14-day CR because the politics of confusion is not working for them.

Many of the Members on my side of the aisle, including one of our most vulnerable members, the gentleman from California (Mr. ROGAN), remained in Washington, D.C. to do the people's business because he believes more in the sanctity of the voting process here than going home to protect his reelection. The courage that he has displayed will ensure his reelection, because he truly represents his district.

Unlike some of the Democratic House leaders featured today in the Hill Magazine, Wednesday, November 1 edition, and let me read the headline because it is telling. Last night I heard the chants, work, work, work from the minority side of the aisle; gets everybody festered up, ready to do the people's business. Let me read this because it is telling. Democratic House leaders miss weekend votes. Despite President Clinton's pledge to stay here with you and fight for the legislative priorities, not one House Democratic leader was present last weekend for all 7 votes taken on session-ending procedural matters.

The gentleman from Missouri (Mr. GEPHARDT), the gentleman from Rhode Island (Mr. KENNEDY), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Michigan (Mr. BONIOR), all missed votes while we worked trying to solve some very, very difficult issues. Some are on immigration. We have heard a blanket amnesty requested by the President, and I am all for letting people stay in America that have been tortured and oppressed from their homelands, but let us get the record straight. We do not want to just give everybody amnesty until we figure out who they are, why they are here, what their backgrounds are, do they have criminal records.

Every time they talk about blanket amnesty, people in Haiti and Cuba and other places decide maybe it is worth risking their life to come on a raft to the United States, because if they just reach our shores they will be allowed to stay because some day a future Congress will blanket amnesty them as well.

So those that go legitimately to the INS process 2 and 3 years at a time, waiting for some response that they may be citizens, are basically shunned and turned away because they do not and are not covered by blanket amnesty.

Now the Republican majority has proven itself capable of staying here in town working until the job is done. We were blamed for the shutdown of government. I remembered some on the other side howling about shutting down the government; it is the Republicans' fault. The Chamber is empty today and the Republicans are talking, I being one, and am prepared to stay through Tuesday, election day, to make certain we deliver a budget that is good for America, good for kids and schools, good for Medicare recipients, good for hospitals.

We have delivered that bill and we have delivered tax relief, and we have done so in a prudent, sensible, cost-effective manner; but we are tied up on a couple of issues and they are refusing to budge. The President is in California, Kentucky, New York, except, excuse me, let me flash back, stay here with you, said the President, until our job is done. Well, he is in New York with his wife campaigning. He will not sign a bill helping women with cervical and breast cancer. He will not do a White House ceremony because it may involve the gentleman from New York (Mr. LAZIO) and that would give him unfair publicity in a very tough Senatorial contest.

Seemed like the White House had no problems finding a picture of the gentleman from New York (Mr. LAZIO) and Mr. Arafat at a common reception when a delegation went to visit Israel and Palestine and areas of that nature in order to talk to the people to bring about peace. They can find a photo, but they cannot make time for a bill signing.

Mr. Speaker, one other critical matter coming before the Congress, and I can assure you it will get done, and that is the Everglades. Thanks to the Speaker today and others who have urged our leadership to move forward on the Everglades, we are going to see a bill before this session of Congress ends, not in lame duck but in this session, before Friday. If the other Members of the minority think it is too important to go home and campaign, well how about it, because you are missing anyway.

We are going to stay here and make certain the principles of the democracy are upheld, that we fight the good fight on behalf of our constituents. Our constituents are as important as theirs are, but I urge every Member to stop the rhetoric and nastiness and aspersions and start focusing on why we are here.

I think we have made some tremendous successes, and I compliment the other side of the aisle on a number of them but I suggest that in this day and era we need goodwill, not a poisonous atmosphere. It is time to put people before politics.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that it is not in order in debate to characterize Senate action or, except as provided in rule XVII, to refer to Senators.

ARMY DIVISIONS WERE DECREASED, NOT INCREASED, UNDER DEMOCRAT ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, we have some very serious issues on the table during this national campaign, one that involves truly all the Members of the House of Representatives, many members of the Senate and, of course, the Presidential candidates. In the last debate between Vice President GORE and Governor Bush, Vice President GORE said that he had increased a number of Army divisions.

Mr. Speaker, I think it is important for the American people to know that is not the case. When the Clinton-Gore administration took over in January of 1993, we had 14 Army divisions.

□ 1630

Today, we only have 10. So under President or Vice President GORE's leadership, along with that of President Clinton, we have actually cut the Army to 10 divisions; we have not increased it. So somewhere along the line he inadvertently invented four U.S. Army divisions.

Mr. Speaker, along with slashing the size of the Army, this administration has, I think, cut the Navy to 316 ships from 546 ships. That is a cut of almost

40 percent. They have cut the Air Force from 24 active fighter airwings to only 13. It is time to rebuild national security.

The interesting thing about these massive cuts in force structure, meaning we have about 60 percent of the military that we had when this administration took over, is that generally speaking, one would expect, when we cut a sports organization or we cut a business organization, we would think that when we cut it down in size, the half that one has left, if one cuts it in half, is going to be better prepared, better equipped and better trained than the big operation that one had earlier. That core should be a good, highly-efficient, highly-prepared operating core, whether it is in sports or in business or in the military world.

Well, the sad thing about this cut in our military force structure, cutting the Army from 18 to 10 division, cutting our fighter airwings from 24 to 13, and cutting our Navy from 546 ships to only 316 ships, the tragedy is, the small military we have today after these slashes is not as prepared as the big military that we had during Desert Storm. The chief of staff of the Army has told us that we are now some $3 billion short on ammunition for the Army. The Marine Corps has told us that they are $200 million short on ammunition. The Air Force chief of staff has told us that we are roughly 50 percent short on precision munitions. Those are the munitions that we have, where instead of carpet-bombing a bridge, one can fly in and put one precision munition, very, very accurate, on one strut of that bridge and knock the bridge down. It is a highly-efficient way to project American power.

So the Air Force told us they have cut those munitions down to the point where they only have 50 percent of what they need. The Navy has informed us that they only have 50 percent of their requirement for Tomahawk cruise missiles. Those cruise missiles are what we use to go into an area that is heavily defended, where if we send pilots in to drop bombs out of planes, we might lose some of those pilots. So those cruise missiles, those Tomahawks are very valuable; but today we only have 50 percent, according to the Navy, of what we need.

Now, along with that, we see the mission capability rate of our frontline fighter aircraft just dropping off the cliff. Mission capability rate is how many of our aircraft work. If I ask my neighbor, what is your mission capability rate of your cars and he said, a minute and I will tell you, and he went outside and he tried to start them, and he had two cars and only one started, he would come back in and say, it is 50 percent, only one of the two cars starts.

Well, the mission capability rate for our frontline fighters, the F–15E and the F–16, has dropped into the 70 percent rate. That means that it has dropped about 10 points from the 83 percent-or-so mission capability rate to an average of about 72, 73 percent. That means out of 100 aircraft, 30 of them cannot get off the ground and cannot go do their job. So now there is this shortage of fighter airwings, these 13 fighter airwings we have, are only about 70 percent ready to go. That means we really only have about nine airwings that really are ready to go out and engage the enemy.

So Mr. GORE has not presided over a resurrection of the U.S. military; he has presided over a decline.

Mr. Speaker, I think that help is on the way.

BREAST CANCER DRUGS: INTERNATIONAL PRICE COMPARISON

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, by now, most Americans are aware that prescription drug prices are higher in the United States than any other industrialized country; 2, 3, even 4 times higher. It is difficult to believe that drug manufacturers manipulate prices even when a drug is used to treat a life-threatening illness like cancer. Unfortunately, that is exactly what the drug makers are doing.

A study I released yesterday looks at the prices charged for drugs used to treat breast cancer. Mr. Speaker, 8,600 women in Ohio will be diagnosed with breast cancer this year; and 1,900 will die from this disease. In the counties I serve as a Congressman, women with breast cancer pay 2½ times more for the 5 most commonly used breast cancer drugs than women in Canada pay, in France pay, in England pay and in Italy pay. Tamoxifen, the most widely used cancer drug, has the highest-priced differential. A monthly supply of Tamoxifen costs an uninsured woman in my district $114. In Canada, it costs $12; in France, it costs $10.20. We are talking about price differentials in the 850 percent to 1,000 percent range. It is unbelievable and it is unconscionable. A woman diagnosed with breast cancer needs to devote all of her energy to fighting that cancer. The toughest battle should be surviving the cancer, not finding ways to pay for medications. Prescription drug prices are priced unreasonably, unjustifiably, and outrageously high in the United States.

Drug prices are two and three and four times higher here than in other industrialized countries. Why? Because the prescription drug industry can get away with it. We do not negotiate prices because this Republican-led Congress will not do that. We do not demand that drug manufacturers reduce their prices to reflect the taxpayer-funded portion, almost half, the taxpayer-funded portion of the research and development. Why? Because this Congress will not do that. We do nothing to help the 44 million Americans under 65 and the 11 million over 65 who lack insurance for prescription drugs, again because this Congress has failed to enact Medicare coverage for prescription drugs.

The U.S. is the wealthiest Nation in the world. Our tax dollars finance a significant portion, almost half, of the research and development underlying new prescription drugs. Why do we tolerate congressional inaction? The prescription drug industry has a huge stake in the status quo and spends lavishly to preserve it. They pour money into political campaigns, $11 million in this year alone, $9 million of it going to majority Republicans. They pour money into high-pressure lobbying, they pour money into front groups that pose as consumer organizations like Citizens for Better Medicare. They try to scare Americans into believing that if we do not let drug manufacturers charge obscenely high prices, then they will not do research and development anymore; yet drug companies could afford. to spend $13 billion promoting their products last year.

Drug companies' profits outpace those of any other industries by 5 percentage points at least. The drug industry consistently leads other industries in return on investment, return on assets, return on equity. Thanks to huge tax breaks, the drug industries' effective tax rate is 65 percent lower than the average in other U.S. industries. Why? Because this Congress will not do anything about it. It doesn't matter whether we could take steps to make prescription drugs more affordable in this country; the only thing that matters is this country has failed to take steps to do that.

Drug industry lobbying convinced the Republican leadership to weaken a bill that would have allowed Americans to buy larger quantities of prescription drugs from Canada and other countries where drugs are priced lower. Whether we build on the progress of at least some legislation depends on which party controls the White House and which party controls Congress. Republicans and Democrats should be united, Mr. Speaker, in their determination to address the prescription drug issue. Unfortunately, that is not the case. The Republican majority has consistently bucked every attempt to seriously address prescription drug coverage under Medicare and to seriously address prescription drug pricing. I urge my colleagues to check the record. It will bear me out.

Mr. Speaker, we cannot afford to waste another minute, much less another session of Congress pretending to address the prescription drug industry with watered-down legislation and unworkable Medicare prescription drug proposals. The public should demand policymakers to deliver a strategy that prevents the drug industry from robbing us blind. We should not leave here before the election until this Congress passes prescription drug coverage under Medicare and does something about the outrageously high prices that prescription drug companies charge American citizens.

CONGRESS HAS NOT DONE AMERICA'S BUSINESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PALLONE. Mr. Speaker, I was not planning on talking about this this evening, but I heard what my colleague from Florida (Mr. FOLEY) said about where we are tonight and the possibility of adjournment; and I have to respond to it, because I think it was very unfair to the minority side and to the Democratic side here.

The gentleman from Florida suggested that somehow the Democrats wanted to go home and that the Republicans were the ones that were keeping us here. I find it rather ironic. He talked about the fact that the other body, the other body passed a 2-week continuing resolution so that we could go home for the election and not come back for 2 weeks, and we know who is in the majority, both in the other body as well as in the House of Representatives, and that is the Republicans.

The motion in the other body to adjourn for 2 weeks came from the Republican leadership, not from the Democrats. The same is true here. As Democrats, if the Republican leadership in this House wants to take up that resolution that came up from the other body, I assure my colleagues that most, if not all, Democrats will vote no. We have made it quite clear as Democrats in the House of Representatives that we have no intention of going home, and that we are not in favor of a continuing resolution that would take us out of here for 2 weeks, and any suggestion to the contrary is not based on the facts, because we are not in the majority. How would we possibly be in a position in either House of the Congress to make a decision to adjourn for any period of time when we are not in the majority? It simply makes no sense.

I have to take offense to the fact that somehow he was suggesting that the Democratic leadership wanted to go home. It was the Republican leadership in the other body that brought up the resolution, and if anything is done with that resolution, it will have to be the Republican leadership that brings it up.

There is absolutely no question that the Democrats want to stay here and work, and we have made the point over and over again; and I certainly have myself, along with some of the Members that are joining me here tonight, particularly on the health care issues, that we do not want to go home until we pass HMO reform and the Patients' Bill of Rights, until we pass a Medicare prescription drug benefit plan for our seniors. We have been very critical of the fact that the Republican leadership refuses to bring these major issues and major policy concerns up to be addressed here in the House of Representatives. At the same time, it is abundantly clear that the Republican leadership does not want to even get its basic work done by passing the budget, the appropriations bills. A good percentage, I think 5 or 6, of the appropriation bills are still pending, and every effort on our part to try to resolve those and say that we should be meeting to resolve them continues to be met, but with the other side saying, well, we need more time, or we cannot accept your proposals, or we do not want to meet on common ground.

Mr. Speaker, I wanted to highlight an editorial that was in today's New York Times that talked about how ineffectual this Republican Congress has been. I think, with the concurrence of my colleagues here, maybe I will just, I will put this up for my colleagues and others to see. This was in today's New York Times, and it is entitled, as my colleagues can see, "An Ineffectual Congress." If my colleagues do not believe me and my characterization of the Republican leadership's efforts of basically being ineffectual, well, then just take some sections from this editorial from the New York Times today. I just want to read a few of the parts of it that I think are particularly relevant.

It says, "The 106th Congress, with little to show for its 2 years of existence, has all but vanished from public discourse. In past Presidential campaigns, Congress has at least been an issue, but nobody, least of all the presidential candidates, is talking about this particular Congress and the reason is plain. On almost every matter of importance, gun control, Patients' Bill of Rights, energy deregulation, Social Security, Congress has done little or nothing, failing to produce a record worthy of either celebration or condemnation, nor has it been able to complete even the most basic business, the appropriations bills that keep the government functioning. Three have been vetoed," and it says, "Absent a burst of statesmanship in the next few days, it is possible that Congress will have to come back after Election Day to complete work on the Federal budget."

□ 1645

I think that is almost certain at this point. The other body has actually left.

But the editorial continues:

"But if Congress has done a lousy job for the public at large, it is doing a fabulous job of feathering its own nest and rewarding commercial interests and favored constituencies with last-minute legislative surprises that neither the public nor most Members of Congress have digested."

Mr. Speaker, I have said over and over again that what the Democrats have been saying on the floor of this House for 2 years is that we want to address these issues that are important to the average person: HMO reform, Medicare prescription drugs, education issues. You name it, we are looking at the concerns that the average person has.

What do we see with the Republican leadership? All they want to do is address concerns of special interests. The reason that they could not agree on a Labor-HHS appropriations bill and had to finally blow up the negotiations the other day was because the Democrats had put in the bill provisions for people, what we call ergonomics, people who have repetitive motions in their work, using their fingers, and what they do on the job and suffer from it, and we wanted to address that worker safety issue.

The Chamber of Commerce came in and said, we do not want that in there, so they blew up the Labor appropriations bill.

The reason we do not have a Patients' Bill of Rights is because the Republicans basically are in the pocket of the HMOs, and they want to do the bidding of the HMOs. They do not want HMO reform.

The reason we do not have a Medicare prescription drug benefit is because the drug companies oppose it and the Republican leadership is in the pocket of the drug companies and has to do their bidding, so they cannot bring up the Medicare prescription drug benefit.

This is laid out abundantly clear. Just another section, if I could, from this New York Times editorial.

It says, and this is the President, it says, "But most of his energy has been spent beating back last-minute riders he does not like. At last count, there were well over 200 special-interest items 'in play.' Originally they were attached to the Commerce-Justice-State spending bill. When the President threatened a veto, they jumped like fleas to the Labor-Health and Human Services bill."

That is what we are having here, special interest riders. The President says, no, we are not going to do that for these special interests, we are here for the people. The Republicans, they just move them from one bill to the next.

"Most of these items," according to the New York Times, "are garden-variety pork projects. But some involve real substance and bad policy. One egregious example is a bill that passed the Senate Agriculture Committee without hearings. . . . It would broadly prohibit states from using their authority to write food safety regulations stronger than those required by the federal government."

Again, people are concerned about food safety and what they eat. No, Republicans cannot do something about that because of their special interest friends.

I do not have to go on and on. I just want to read the last paragraph on this ineffectual Congress in today's New York Times. It says, "The Republicans believe that somehow they will profit from these confrontations. But Mr. Clinton has won these stand-offs in the past, and there is no reason why he cannot do so now."

So when my colleague, the gentleman from Florida on the other side of the aisle, criticizes President Clinton, President Clinton is trying to do his job, protect the public from food safety problems, health care problems, whatever. What do the Republicans do? They just stand for the special interests.

It is very sad and it is very unfortunate, their efforts this evening on the other side of the aisle to somehow characterize us as wanting to go home. We are not the ones in charge, we are not the ones in the other body who passed the resolution to go home, and we are not going home.

I yield to my colleague, the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. I appreciate the gentleman yielding to me, Mr. Speaker.

Mr. Speaker, I hate this wrangling. I get so uncomfortable with what is happening out here with Democrats and Republicans, Republicans and Democrats. But there is also the idea that we have to sometimes just sort of set the record straight.

All of us would be preferring to work in a very positive way for the American people, but I have to say something to my colleague, the gentleman from Florida, who spoke earlier when he was kind of giving us a hard time about who left during this weekend.

What I found interesting about it was that he mentioned people who quite frankly are not even on the Committee on Appropriations, people who would have had no ability to really do the deal because it had to have been worked through the appropriators, and that is how this process supposedly works.

I checked the RECORD, and the gentleman from Wisconsin (Mr. OBEY), who is the ranking member of the Committee on Appropriations for the Democrats, and also who is the ranking member on the Health and Human Services bill, was here this weekend and was willing to work.

But I even went a step further, because they talked about, oh, "They just want to go home and campaign." When I looked at this last vote, just this last vote that we took, it was Republicans missing were 50, Democrats were 45. So in fairness in looking at what is going on here, there are Members who have left, who have gone back to their districts. It is not just one side, it is a combination. They believe that there is something they need to be doing otherwise, and that is their prerogative, because they have to meet with their own voters.

Just to set the story straight, there really is commonality here as far as who is leaving, who is not. It is my understanding that Mr. LOTT was at home last weekend as well, so he also would have been one who would have made the deal. We need to get over that, because I have some issues that the folks at home are really asking me to do.

Quite frankly, I have been kind of watching some of the ads when I have been home in Florida, some of the ads. It seems to me, interestingly enough, whether one is a Democrat or Republican, everybody says, oh, I want a prescription drug benefit.

But when we get down to the meat and the actual way of passing a bill that will be beneficial, we are this far apart. We are so far apart on that part of it, and the fact that we believe that there ought to be a Medicare prescription drug benefit, not one that is left up to the HMOs and to private insurance companies.

Quite frankly, in the committee when we had a discussion, the private insurance companies told us, "We do not have an instrument to sell that just covers prescription drugs, and we will not have that available to us."

But on top of that, we had a debate on this floor 3 nights ago about the whole idea of what is happening across this country. Nine hundred thousand seniors are being pulled out of their HMO coverage, losing their prescription drug benefit. I do not mind if the HMO is there, because we do this in a voluntary way and we make sure that they help their seniors with a prescription drug. But the fact of the matter is that if they are not there and they cannot do it, then we need to have the safety net for these other people.

It really hurts me. I have to read this story to the gentleman. This actually was done in Hernando County in Florida, where the last two HMOs pulled out. We are fortunate enough because we have been able to actually get two more in there, so we think there is comparability, and I am not sure that all the benefits are the same because we have not seen all of it yet, because we actually started signing up people today.

But there is a woman, a young woman in Florida, quite frankly, who is Lucy Maimone, we will just do Lucy for a moment, and it says this is the story for her.

"Lucy pricks her finger and smears a dot of blood onto a small box that reads 'blood sugar levels'. '114, that's good,' she says. Ready for the first of two daily walks, she is dressed in her white sneakers and maroon windbreaker. The 73-year-old woman has been treading through her neighborhood twice a day after morning toast and late afternoon supper on the advice of her doctor, who cut off Lucy's cholesterol pills because her Medicare-HMO insurance will not stretch to the end of the year.

"The cholesterol pills could go. The medicine for her diabetes couldn't. Lucy says, before munching on three quarter-size peach glucose tablets to avoid going into shock during the walk, 'The walk may not be as effective as the cholesterol pills,' she says, 'but it helps.'

"On the small screen of the television set which carries seven channels grainily, political commercials repeatedly interrupting rowdy guests, the commercials were aimed straight at Lucy. 'See? I don't want an HMO,' she yells as the commercial accuses Republican candidate George W. Bush as relying too heavily on Medicare HMOs to cover seniors' prescription drugs. 'I have been stuck with HMOs for 4 and 5 years, and all of a sudden they are pulling out. What is to say they won't pull out?'"

And she is saying to us, could we not have done something this year for Medicare? But it goes on further, because this is about three stories of people in this area.

"Like the couple before this, the Nicos, Lucy falls between the cracks. Her $860 monthly income is too much to qualify for State Medicaid assistance for her prescription drugs, but it is too little to afford much more than that. So she skimps on everything. There is no car for grocery shopping. There is a two-wheeled cart that she makes do. Forget cable or any outside recreation like dinner or movies.

"Aside from these walks, the highlights of these days consist of cuddling with her salmon-colored cat, Bingo. 'She is my life right now,' Lucy says of Bingo. That is what really keeps me going, when she comes and sits with me.' Her warm brown eyes well with tears behind her brown-rimmed glasses. 'Sometimes I get so depressed I cry. I came here to have a good life, and what do I have but worries?'"

That is the unfinished business that we have left in this House. If I have to stay here until election day, if I thought that we could get a Medicare prescription drug benefit, one that was voluntary, that brought in all of the other people who distribute or deliver a drug benefit, I would be willing to do that. I do not know how we go home and tell Lucy.

But what bothers me the most is the commercials that are running that have made people believe that they have passed some kind of a piece of legislation up here that gives them that safety net. That has not happened in this House. That has not happened in the Senate. If anything, when the Senate walked out of here today, which they did, there is no Medicare buy-back bill, either, nothing that takes care of nursing homes, nothing taking care of home health care, nothing that takes care of accountability for HMOs to say they have to stay 2 or 3 years, nothing that gives money back to the hospitals.

We could have figured this all out if we would have just taken the time to sit together, Democrats and Republicans, working in the people's House as they elected us to do.

What do we say to Lucy? More importantly, what do they say to Lucy?

Mr. PALLONE. Mr. Speaker, I appreciate what the gentlewoman said. I think what she did in giving us an example of an individual who is impacted by the lack of action here is so important, because that is what I really believe it is all about, to be down here for.

In other words, we bring up these issues like a Medicare prescription drug benefit, HMO reform, because we believe that these are the things that have an impact and these are the things that really make a difference for people.

I think one of the reasons that the gentlewoman and I in particular stress health care as an issue, because there are others that we could talk about, is because we know that, particularly with reference to health care, it has a direct impact on people. If they cannot lead a healthy life, then what kind of life do they have?

I just want to say briefly, before I yield to our other colleague, that the saddest thing I think in what the Republicans are trying to say in these commercials is that they try to give the impression, as the gentlewoman said, that somehow there is going to be a universal prescription drug benefit available under their proposals.

It is simply not true. The only thing they have proposed and this they tried to pass, and Governor Bush is talking about, is basically giving a subsidy, a small amount of money, I call it a voucher, to people of lower income; not the people eligible for Medicaid, which is really low, I think you have to be under $10,000, but at a little higher level.

They are saying to them that they can go out and use that to try to get an HMO to cover them, or try to buy an insurance policy to cover prescription drugs. That is not even an option because it does not exist.

Most of the seniors, certainly every middle-class senior, the majority, would not benefit in any way, even if that passed. They have not passed it. They brought it up, and it has not gone through both Houses and been sent to the President. Not only have they not really passed it, but even if they did pass it it would be meaningless, and yet they put on commercials acting as if they have done something.

Mrs. THURMAN. If the gentleman will continue to yield, Mr. Speaker, a couple of nights ago we were on this floor again. I went through what one of my constituents had sent me as to what was even happening with the premiums, changes from one plan to another.

They said, we no longer have this plan, here is the new plan. In there, they talk about the fact that they are going to go from $19 from last year, which was what their cost was on the premium, to $179 a month.

□ 1700

And then you go through it and in every category. The copayments, for whatever reason, go up from $20 to $35, and/or the benefit has been cut. In the prescription drug area, it has been cut.

So even whether we gave them whatever, the fact of the matter is even if they had the HMO there, actually they are not going to be able to afford it. It has outpriced them, and I think one of the things that bothers me about this too, is, these are Medicare dollars as well. Remember it is not only do they get the $179 from the patient or the person who would get the benefit, they are also getting money, our Medicare, our tax dollars that we get through the payroll given to these as well. They get whatever that number is, depending on what part of the country they are in, plus whatever their treatment is.

This could be $700 per patient, which is more costly than what it costs us for a Medicare fee for service, and we could be providing a prescription drug for about $26 a month.

Mr. PALLONE. I agree. And the thing that is amazing about it is that the traditional Medicare program has one of the lowest overheads of any administrator programs. I think it is like less than 3 percent. In terms of overhead for Medicare right now, if you add a prescription drug benefit and you want to do it in a way that has a very low overhead or administrative costs, what better way to do it than to put it under Medicare? HMOs.

The overhead is so much greater, and this option of somehow finding a prescription-only policy, I mean that just does not exist.

Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding to me and thank the gentleman for all of his hard work on this issue and organizing this special order. And I think one of the things that the gentlewoman from Florida (Mrs. THURMAN) emphasized that is really important here when we talk about finishing our business, when we talk about coming to the end of a session and what have we done, the gentlewoman dramatized that we talk about programs, I mean, we are legislators. We are here. We are in committees. We deal with programs, and we talk about programs. But what the gentlewoman has really highlighted is the fact that these programs impact real people's lives.

So when we say we are ending a session and what have we done and what do we have left to do, we have heard this long list, and many of us throw it out; Medicare+Choice; prescription drugs; minimum wage; making sure that Social Security is solvent; that Medicare is on a good, sound basis; patients' bill of rights; but each one of these programs and ideas is something that has an impact on millions of people in our society.

When we are saying we do not want to go home, what we are really talking about, let us just to pick an example, in terms of prescription drugs, there are so many people out there that are not covered that do not have prescription drugs. And I think each of us in doing townhall meetings and in participating with constituents in our districts and getting feedback back and forth, where we hear the stories of senior citizens, saying, one, I cannot afford them, so I have to make a choice between drugs and food.

Mr. Speaker, I actually had a woman stand up in a townhall meeting. I was opening up and asking for suggestions, and she said, well, I have already heard this plenty of times. She says I don't have the money. I am going to go ahead and eat; I am not going to listen to my doctor. I am not going to get the prescription drugs.

What we really have is a situation when we come to the end of a session, and I am striving to respond now in a diplomatic fashion, because I agree with the gentlewoman from Florida (Mrs. THURMAN) that we should not be wrangling over this, we should be putting our minds to work. We should be settling down to work.

Mr. Speaker, what we are talking about here is making sure that the work we started at the beginning of the year, the big, long list I just went through, prescription drugs, Medicare, fixing those problems with the HMOs and them cutting people off, minimum wage, Social Security solvency, all of those that we finish, but there is one other point here is that if we go home now, we are 1 month into the fiscal year.

All of these big departments that impact people's lives also, the Department of Education, the Department of

State, the Department of Justice, they cannot be planning for the year.

We hear a lot about rhetoric on the other side of running government as a business. And we hear a lot on our side. I mean, many of us stand up and say we think it is important to run government as a business. If we are running government as a business and trying to give government agencies the ability to function in an effective way, one of the things we do is we allow them to know what their budget is going to be a year ahead of time.

We are now in a situation with these budget issues where we are already into them. We have expended a month, and we are on continuing resolutions. Who knows when it is going to end. But I know there is a deep desire just to wrap this up on the one issue of going home. There is a deep desire on our side of the aisle to stay here, to very much want to get the work of the people done.

I would just like to say a few words on the prescription drug issue a little bit more in detail, because I saw this morning on the television about this issue. They were doing some polling, and they said, this time and in this Presidential election is one of the first times that senior citizens are more undecided, senior citizens. And they were asking the person, why is it that. Apparently what they said is, they are very confused about the prescription drug issue. They hear about these two different plans, and they hear about the proposals that are out there and they do not quite understand them.

Mr. Speaker, I thought that I would spend a little bit of time talking about that, because I think it is an enormously important issue in our Presidential election going on right now, and when somebody makes a choice in the Presidential campaign, there are going to be two different plans that are out there.

First of all, there is a plan that has been proposed, the Vice President is very supportive of it, many on the Democratic side are supportive of it, as to making a prescription drug benefit as a part of Medicare through a modest premium, through voluntary participation, making sure that everyone is covered that wants to be covered, because you are allowing them to come into a voluntary situation, and that would be a program that is going to cost some money, but it is a program that everybody knows would work and would be a reality if we just put our minds together and do it.

We passed the other plan, which is very close to Governor Bush's plan, the plan that passed the House, and that is a plan that was tried out in the State of Nevada. And by the way, I voted against the plan that came through the House, the much ballyhooed plan that they talk about saying that prescription drug benefits are going to be provided.

What that plan does is, basically you throw money at HMOs and insurance companies and say set up a plan and make it work in the private sector, because we do not want Government involved. Well, what happened is they did it in the State of Nevada. They passed a law. They said let us set it up in the private sector. They put everything into place. The remarkable thing is that the insurance industry was brutally frank with the State of Nevada, they stepped forward and said there is no market. We cannot do this. This is not something that is going to happen in the way that you have designed it.

In fact, in Nevada, no insurance companies have stepped in. Nobody has done it. There is not a reality, and I think that the thing we need to explain to people is there are big differences here. There are big, big differences between these two plans. I know that the gentlewoman from Florida (Mrs. THURMAN) has something to say on this issue.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I just want to ask a question to my colleagues, because I think I remember something also in one of the plans where they would, instead of doing a Federal plan through the Medicare system, there was actually talk about sending some of these dollars in a block grant back to the States as well, which might have been what the gentleman from New Jersey (Mr. PALLONE) was referring to in the amount of money that would go back, then we would sit around waiting for another year for them to determine how to even spend this money out there to those folks that need it.

Mr. PALLONE. First of all, I would say that the gentleman from New Mexico (Mr. UDALL) was right, the Nevada plan is almost exactly the same as what the Republican leadership brought forth in the House. It is almost exactly the same, but Governor Bush's proposal basically gives money to the States in a block grant to try to cover people in some way. That is his proposal.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. The other thing that I would say is that when we send it through, and maybe the gentleman can give us an idea of what happened in Nevada where when you rely on the private insurance, and there is nothing wrong with private insurance, I am not suggesting that some of the money that we have even talked about, because it is a voluntary system, would be used to help and prop up even some of those because of the higher costs of medicines.

But what I have looked at is, and certainly it has been the experience as we looked at HMOs who are pulling out who use this as one of the reasons that they are pulling out, is as we have in Medicare, we have at least some government, I hate to say this, but some government looks at what the real costs of it is, without any administrative costs, without any profit being built in, so we have a better opportunity to really use the dollars that we have available to us for really providing the benefit instead of having to look at what somebody else's bottom line is. No different than what we have done under Medicare.

Mr. PALLONE. If I could just reclaim a little time, the problem with the HMOs, and we have said it before, is three things. First of all, they had the administrative costs because they are for profit in most cases and the situations of CEOs getting huge sums and using it for all kinds of things.

Then you have the advertising costs in order to lure people into the program. They spend a tremendous amount of money on advertising. I have seen that in New Jersey, and I have used examples before.

Then they use the money also to lobby, and that is where we get back to the special interests on the Republican side, they use it to lobby here and to finance campaigns against HMO reform and against the prescription drug benefit.

All of those three add to the costs and tremendously to the costs in many cases.

Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, one of the points that is related here, and these are the same HMOs and the same insurance companies that have pulled out in New Mexico.

Mrs. THURMAN. And also Florida.

Mr. UDALL of New Mexico. In Florida, New Jersey, and here we are, we have a situation where HMOs stepped into Medicare and said we are going to make it better. We are going to make it better than the Government does it, and they get into it and then when they do not make the profit they would like to make, they cut and run.

Really what we had happen when we got into that situation where we are talking about Medicare+Choice, we had 17,000 seniors cut off in New Mexico, and so you can imagine the phone calls.

I had a town hall meeting at a local hospital, huge auditorium, we filled the auditorium. It was standing-room only. Here are all of these senior citizens. What am I going to do? Where am I going to go?

They had some heart-wrenching decisions before them. Unfortunately, it was not like in the district of the gentlewoman from Florida when she talked about maybe some came in again, they said they are out. They are gone. They are not coming back.

Mr. Speaker, I want to read a part of the General Accounting Office's report that dealt with this, because I think this is the report that was released in September, Medicare+Choice, plan withdrawals indicate difficulty of providing choice while achieving savings. And that report said, and I think it demonstrates why we do not just throw money at the problem. Why we need accountability.

Here is what the report said, although industry representatives have called for Medicare+Choice payment rate increases, it is unclear whether increases would affect plans participation decisions. In 2000, 7 percent of the counties within Medicare+Choice plan in 1999 received a payment rate increase of 10 percent or more.

□ 1715

Nonetheless, nearly 40 percent of these counties experienced a plan withdrawal. Ten percent increase or more, 40 percent experienced a plan withdrawal. This suggests that the magnitude of rate increases needed to make participating in Medicare a sufficiently attractive business option for some plans may not be reasonable in light of countervailing pressures to make the Medicare program financially sustainable for the long-term.

So, really, what we are doing here when we talk about prescription drugs and HMOs, and we talk about this Medicare situation, they have a pretty bad record when it comes to Medicare+Choice.

I think we ought to be very, very cautious with any plan where we say the HMOs are going to run the plan. That is the thing that really disturbs me about this plan that passed the House, that I voted against, that Governor Bush is a great supporter of and really believes that the private sector and the HMOs are going to solve it. They have not solved these other problems. I think they have got some very serious problems here.

Mr. PALLONE. Mr. Speaker, let me just make two points. I think the point of the gentleman from New Mexico (Mr. UDALL) there with that GAO report is so important in light of two things that have happened here. First of all, we know that last week the Republicans passed this tax bill that gave a lot of money back to the HMOs. The lion's share of the money that was going back for Medicare and Medicaid reimbursement increases in funding went, instead of going to the hospitals or the nursing homes, the basic providers, it went to the HMOs.

I am particularly, and all of us were, very critical to the fact that there were no strings attached. The Republicans wanted to give all this money to the HMOs, but they did not require, as we saw it, that they stay in the program for 3 years or they provide the same level of benefits that they had initially promised.

Now given what the gentleman from New Mexico said in that GAO report, to not attach some strings or accountability, as the gentleman termed it, and give them more money makes absolutely no sense. The GAO report says that will not accomplish anything based upon past experience.

The other thing is that, in our proposal, our Medicare prescription drug proposal, as opposed to the Republican and Governor Bush's proposal, in our prescription drug proposal, which is under Medicare, because it is under Medicare, it is universal, and one has a guaranteed basic benefit package; in other words, that one can go to any pharmacy, that one is going to get any drug that is medically necessary as defined by the pharmacist or the physician, and one knows what one's copayment is going to be. All that is set as part of a basic benefit package.

But under Governor Bush's proposal and the Republicans' proposal, all they are doing is giving money to the HMOs and saying to you, you can go out and try to get an HMO that will cover you, but you do not know whether or not that is going to be a good plan, what the copayment is going to be, what the premium is going to be, whether they will cover the drugs that you need, are medically necessary. All that is up in the air depending on what you can negotiate with them.

Again, based on past experience, you are not going to be in a very good position, you are not offering them that much money, and they are going to negotiate you down so you do not even know what kind of basic medicine package that you are going to get. It makes no sense.

The other thing is that we do not even say that we are against HMOs. Because if we pass our Democratic Medicare prescription drug proposal, one can stay in the basic traditional fee-for-service plan and get the basic benefit, but one can still offer the HMO. One can still go into an HMO.

But now, unlike the current law or unlike what the Republicans are proposing, if one goes into the HMO, they have to offer those same pharmaceutical benefits. They have to give one the drug that is medically necessary. They have to guarantee that they are doing the same thing as everyone else. That is the difference.

So we do not even stop one from going to the HMO. But we make sure that the HMO is giving one what is fair and what one needs. I mean, it is such a tremendous difference.

Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Mr. Speaker, I appreciate that. I think some of the stuff that we have heard tonight of who has pulled out and what is happening out there, we did another survey in our State, similar to what we had done with the cost of prescription drugs, as differences between who was a customer and then from Mexico and Canada. Then we went a step further because we wanted to know just what was happening in the State.

We found that, in 1998, there was only about 29 percent of our Floridians that actually had no prescription drug coverage. But that has gone up to, now in 1999, 41 percent.

I want to just take a moment, though. I, quite frankly, think we should applaud the American seniors in this country and their families, because I think this issue is intergenerational. They are the ones who have come to us. They have shown up. They have shared their stories. They have shared the kinds of things that they are having to go through on an everyday basis.

I really do believe, had it not been for the fact that they had gotten a Medicare prescription drug under Medicare Choice, then it was taken away from them, they have now truly understood the issue and what it means to them and their health and to their own security.

So when I go out to talk to my seniors, I tell them thank you for bringing this issue to us. Because I have never seen an issue of this magnitude take off as quickly and have so much support, whether we agree or disagree with our colleagues about it. Never have we ever seen this kind of an issue be raised so quickly and try to come up with some kind of an answer to it.

But I also want to be a fiscally responsible person here, too. I mean, I came here in 1993. I saw the burgeoning budget deficits. We paid those off. We have done those kinds of things. We also know, because of the baby boomers and what is going to happen in the future, one of the things that we need to remember about this and about this issue, it is also a cost-effective tool for us.

Because the more dollars that we have that we spend in the preventive area of making sure that people have their medications, that they have their cholesterol medicine, that they have their blood pressure medicine, that they have their help with diabetes, all of those kinds of things that helps us identify and keep under control, the less cost it is to us in the Medicare dollar in general, less times having to go to the hospital, not as dramatic kinds of procedures that would have to be done.

Because we have actually, to the benefit, through research and other things, have been able to find ways to help them control and to give them a quality of life.

So I think, if for no other reason than because of what we are going to be facing in the outcome years, that these are other reasons that we need to be looking at this.

This is a fiscally responsible program, not to mention what it does for our seniors and their families. Because for every pill that they cannot buy and a parent or the child of a parent who is having to go through this, who has a child that needs to go to college or save for whatever reason and cannot because they need to be the ones helping them because they cannot afford it, and they have no where else to turn, I mean, I understand the intergenerational of this.

Mr. UDALL of New Mexico. Mr. Speaker, if the gentleman from New Jersey will yield, one of the issues in talking about prescription drugs is different ways of tackling it. I am a cosponsor with the gentleman from Maine (Mr. ALLEN).

Mrs. THURMAN. I am, too.

Mr. UDALL of New Mexico. I know the gentleman from New Jersey (Mr. PALLONE) is also. That seems to me a piece of legislation. I do not think on this side of the aisle we are always talking just government. We are talking about ways we can get prescription drugs the most effectively and with the least amount of bureaucracy to senior citizens.

The Allen bill does something very, very simple. We have a preferred customer cost, preferred customer price that the big guys, the HMOs, the Veterans Administration, the large purchasers, they get that preferred customer price.

We all know from checking this out and having the various studies that have been done by the Government Operations Committee, one was done in my district, where it showed a differential on eight of the most commonly used drugs of about 115 percent. So there is the preferred customer price, which is down here, and the uninsured senior is 115 percent higher, higher price. So we have price discrimination going on. There are real problems with that.

Well, what the Allen bill does is something that is very, very simple and a very simple concept. It just says we are going to say there is one price; that this preferred customer price shall also be the price for uninsured seniors. All the pharmacies in my congressional district were very interested in that idea because they have been seeing the seniors.

As I went around my district and I heard from the owners of the pharmacies, they say they come in, they cannot afford it, we try to find a way for them. They said we would pass on the cost savings. If you require them to sell it at the same price, we would pass that on to the senior citizens. So I think that is a very simple solution.

When we talk about staying here and doing our work, if we did not want to look at Medicare, and we wanted to try this as a first step before we put a Medicare prescription drug benefit into place, we can try that as a first step, because we know what a big impact it will have.

Mrs. THURMAN. Mr. Speaker, we have also and actually passed on this floor the importation, another way we were trying to figure out ways to drive costs down. The biggest problem is that, if I remember correctly, one of the problems was that there was no safety protections for seniors and making sure that the drugs that they were going to import or the pharmacist that would import it would have those safety measures.

To the point of the gentleman from New Mexico (Mr. UDALL), that is the point, we are trying to find everyday ways. Do my colleagues know what, instead of having to stand up here and find those ways, I think we could, I mean I think we could actually craft something. I think we could be doing some things. But, unfortunately, I have to go home and tell Lucy and Bingo that we are not going to be able to help them this year. But we are going to be working again for them next year.

Mr. PALLONE. Mr. Speaker, I just wanted to comment on some of the things the gentlewoman from Florida (Mrs. THURMAN) said, because I think they are so important.

First of all, on the whole prevention issue, obviously if one has a Medicare prescription drug benefit, one is going very far towards looking at the prevention issue. Because, I mean, the biggest prevention issue right now is that Medicare does not include prescription drugs.

When Medicare was started in the 1960s, prevention, particularly with regard to the prescription drugs, was not a major issue. There were not that many. People did not rely upon them so much.

But the modern miracle, if you will, for the last 30 years has been the fact that we have been able to produce, and the pharmaceutical industry has produced, all these drugs that actually make it so people do not have to go to the hospital, do not have to go to the nursing home.

It was ironic to me, though, because when I saw the prioritization of this Medicare reimbursement rate, this money that the Republicans put in the tax bill last week that was going to try to help out with various health care providers, that the least amount of money went to those providers. In other words, if we think about it, if we think about it, the HMOs really, they are insurance companies. So when one gives them money, they have got all the overhead and the lobbying and the advertising and everything we have already discussed as opposed to giving it to the basic providers.

A lot of those basic providers are prevention oriented, for example, home health care agencies. Prescription drugs are a method of prevention. But home health care is a way of avoiding nursing home care or a way of avoiding hospital stays. So why not give more money to home health care agencies, because they will prevent people from having to be institutionalized.

Mrs. THURMAN. Mr. Speaker, if the gentleman will yield, I would like to go back to something that the gentleman from New Mexico (Mr. UDALL) said about running things as a business. One of the things that we have been critical about in this bill as well is to look at the dollar amounts but also look at the time period in which we would extend these until we could get some accurate information back in.

We know that the Balanced Budget Amendment Act in 1997 that we made some decisions that may have gone deeper than what has been anticipated. So in this bill, as in the 1999 bill, every year, we keep giving them a year extension, a year extension, a year extension. Now they have already been through one-eleventh of their fiscal year, or what potentially would be their fiscal year, and they cannot plan.

When we are in a crisis of having health care services available to folks, how do we go to these nursing homes and say, okay, you can go out there for 11 more months, and you can staff like we should have to make sure that your patients are being taken care of? Or how do we say to these nursing practitioners who are going to these homes, we are going to beef up our agency now because we have got 2 years to work through some of these problems and show what is going on?

Again, they have 11 months. This had happened to them every year. I mean, it is just, as a plain business, you cannot plan around crisis.

□ 1730

Mr. PALLONE. Just to give you an example, I had a hospital in my district close, South AmBoy Memorial Hospital, last year. It closed the door, Medicare reimbursement rate.

I visited with some of the nursing homes a couple weeks ago and was told a number of them are facing bankruptcy. They cannot get the skilled nurses to come in. I mean, there is no way. They are suffering, and we are giving the money to the HMOs.

I just wanted to comment because I thought my colleague brought up the issue of price discrimination and that is important. If you listen to Governor Bush, and this goes back to I guess the first debate or each earlier around Labor Day, when he just came out and slammed Vice President GORE when he said that their Medicare prescription drug benefit was price controls. He did not even get into the Allen bill. He said that even our benefit plan was price control.

One of the things that really bothers me with the Republican leadership is that so often, and the prescription drug issue is a good one, they just get into this whole ideology that Government does not work and we do not want to do anything with the Government and that is why they cannot accept a prescription drug benefit under Medicare because Medicare is a Government program, or at least ostensibly a Government program, so they get into all these ways trying to get around that by throwing money in the private sector.

And the same thing with the Republicans on this issue of price discrimination. They do not call it price discrimination. They say it is price control. And they cannot accept the notion that we have in the Allen bill that somehow the Government should be negotiating to try to bring costs down. They do not have anybody to negotiate with them.

In our Medicare bill, we do not even have the Allen provision. We do not go that far. We just say that in each region of the country we are going to have a benefit provider that will go out and negotiate a good price, which will probably bring the cost down 10 or 15 percent. But even then Governor Bush says that is price control.

I just want the Republicans to forget about the ideology and talk about what works particularly. I do not care, I am not concerned with idealogy, government versus no government, left versus right. I just think we have to look at what works. Medicare works. It does not make any sense to have Lucy and the others suffer because of some idealogy.

Mrs. THURMAN. Mr. Speaker, if the gentleman would continue to yield, I just want to make one point before we walk off this floor. The reason that we are even able to have this debate today, the only reason we have this debate today, is because our House is in fiscal responsibility right now. Because I have heard on this floor over and over, Well, you could have done it. You could have done it before. You could have done it here then.

They talk about this education. They talk about that and everything. The fact of the matter is that, until this last year or so, we had been looking at deficits; and now we have an opportunity to strengthen some areas within and for the people of this country because we believe that we can do the Medicare prescription drug benefit and we can do the school programs and we can pay down the debt. And we should be making no doubt about it. Because I am really tired of hearing that about you could have done this for the last 8 years.

Well, first of all, we have not been in the majority for the last 8 years but about 6. And secondly, there was no surplus of money. There was nothing in this Congress except deficits. It is time that the American people understand. All we are doing is standing up for the things that we believe are right that we have an opportunity to debate and talk about now which was not available to us before.

Mr. PALLONE. Mr. Speaker, if my colleagues listen to what the Democrats are saying about the surplus versus what the Republicans are saying about the surplus, the whole emphasis for the Democrats is paying down the debt and retirement security.

The idea is that the majority of the surplus would be used to shore up Social Security and Medicare because we know at some point down the road that they are going to have shortfalls in their trust fund, and we need to shore up those programs. And the two go hand-in-hand because, as you pay down the debt, you make it possible to have the money available to shore up those two programs.

The Republicans keep talking about this huge tax cut. They actually tried to pass it. Governor Bush keeps saying he wants to do it. It would take us back to deficits. Then the money would not be available for prescription drugs, for shoring up Social Security and Medicare and there would not be any retirement security. I mean, in many ways I think that is the most crucial aspect of this election November 7 is who is going to favor having the money available to shore up those two retirement security programs.

Mr. UDALL of New Mexico. Mr. Speaker, I wanted to go back to the point of the gentleman about the argument that is out there about Government not working.

Well, the HMOs have not worked when it comes to Medicare+Choice. And it is evident in my district. You cut off 17,000 people. Many of them are in rural areas. And the thing I did not like about the bill that came before the House of Representatives is it discriminated between rural areas and urban areas and you had a cut-off. You were going to increase the reimbursement to $475 in rural areas and then have the cities at $525.

Well, it is more expensive to provide health care in rural areas. I think if we were going to raise it, we should not have discriminated; and I think we needed rural provisions in that Medicare+Choice Medicare bill that we were considering along with these accountability provisions that we talked about.

I mean, what is so bad about saying to an HMO, you are going to stay in a community for 3 years? It seems to me if they get in there and they start setting up their program and they start providing service, with the kind of money we are throwing at them and the billions of dollars, they ought to stay there for 3 years. And I think that we are all in agreement on that.

Unfortunately, we were not able to get a bill. This is another example of something that we need to finish before we go home. We need to put that in place because there are senior citizens out there in my district, in New Jersey, and in Florida and all across the country that today do not have Medicare+Choice and are hurting as a result of it.

Mr. PALLONE. Mr. Speaker, my understanding is we only have 15 percent of Medicare recipients, seniors, that are in HMOs. Yet, in that tax bill, over 40 percent of the money was going to HMOs. And they had a certain pot of money in this Republican tax bill and when you started taking out over 40 percent for the HMOs, you do not have much left to deal with rural hospitals and rural health care facilities and some of these other things. That is the problem, they just prioritize the HMOs too much with no strings attached.

Mrs. THURMAN. Mr. Speaker, on that point, I think this is the other problem that it is the providers that have to contract with the HMOs to even be able to have a network system available for the Medicare+Choice program to work. And so, it really meant you had to do two things. One was you had to make sure that there were providers available. That would be your hospitals and other assorted benefit groups that would be helping you with these patients. And when you keep them on a yearly string, or what I might call a lifeline, they cannot plan, they cannot make any decisions as to whether or not they can have a contract with an HMO because they may not be there the following day.

So it is not just about money. It is also about having the networks within those rural areas to provide those services. We do not hear much about that, but it is a very important part of this debate.

Mr. PALLONE. Mr. Speaker, I want to thank both of my colleagues for joining me tonight. The point is we are going to probably be here a few more days, and we just have to keep pressing. Whether we deal with the larger issues of Medicare, prescription drugs, HMO reform, or even if we are just able to do something to provide more funding for the basic providers, like the hospitals and nursing homes, as opposed to the HMOs, we are just going to continue to speak out and make that point.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 5110. An act to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse".

H.R. 5302. An act to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

H.R. 5388. An act to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Education and Administrative Center".

The message also announced that the Senate recedes from its amendments to the bill (H.R. 4846) "An Act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes."

TRANSFER OF RUSSIAN TECHNOLOGY TO ISRAEL'S ENEMIES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to share with our colleagues some very startling information and some information that should concern every citizen in America but also every citizen in Israel because Vice President AL GORE has caused increased danger to the security and safety of every man, woman, and child living in Israel today.

That is a pretty bold statement. Why do I make that? Is it because the election is on Tuesday? No. It is because of what this Congress has just learned. The greatest threat to Israel's security is the transfer of technology from Russia to Israel's enemies, Iran and Iraq especially, and Syria and Libya.

For the last 10 years, this Congress, with bipartisan votes, has worked diligently to stop the transfer of technology to Iran because Iran's goal is to annihilate Israel and to do it with weapons of mass destruction, missiles, weapons of mass destruction involving chemical biological or nuclear agents. But Iran or Iraq do not possess that capability. They have got to buy it. They have got to acquire it.

Mr. Speaker, over the past 8 years, we have worked with this administration in what we thought was a good-faith effort to stop proliferation. I have been down in the White House twice in personal meetings with the Vice President along with colleagues from the House and the Senate where we talked specifically about stopping technology from flowing to Iran because Iran will use this technology not only against Israel but to destabilize the Middle East and eventually to harm America and its allies.

Well, Mr. Speaker, we now have found an unbelievable revelation. In 1995, unbeknownst to anyone in this Congress despite our Constitution that says that no one, including the President, can negotiate a treaty without the advice and consent of the Congress, Vice President AL GORE arranged for a secret memorandum with the Prime Minister of Russia, Viktor Chernomyrdin.

Mr. Speaker, I will include for the RECORD articles and direct quotes from this memorandum which I am holding up in front of me.

> MOSCOW JOINT STATEMENT OF MAY 10, 1995
>
> (4) Russia will terminate all arms-related transfers to Iran not later than 31 December 1999. The United States will continue not to engage in any arms-related transfers to Iran.
>
> * * * * *
>
> (6) In light of the undertakings contained in the Joint Statement and this Aide Memoire, the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise under domestic law with respect to the completion of the transfers disclosed in the Annex . . .

Mr. Speaker, what does this memorandum, signed by AL GORE, our Vice President, and Viktor Chernomyrdin say that was not given to anybody in this Congress? It is a joint statement called the Moscow Joint Statement of May 10, 1995. It talks about Russia's obligations to stop proliferation of technology to Iran specifically. Let me read section 4.

"Russia will terminate all arms-related transfers to Iran not later than 31 December 1999. The United States will continue not to engage in any arms-related transfers to Iran."

Number 6: "In light of the undertakings contained in the Joint Statement and this aid memoir, the United States is prepared to take appropriate steps to avoid any penalties to Russia that might otherwise arise out of domestic laws with respect to the completion of the transfers discussed and disclosed in the annex."

The Vice President on his own, without informing anyone in this body or the other body, arranged for a secret deal with Viktor Chernomyrdin that said to Russia they could continue to sell technology to Iran which directly has increased the threat to every man, woman, and child living in Israel and every one of our allies that are within the range of Iran's weapons of mass destruction.

And to add insult to injury, Mr. Speaker, there was a classified memo that our Secretary of State sent to the Russian foreign minister in January of this year. I want to quote from this memo. I am quoting the U.S. Secretary of State Madeleine Albright. This is to the Russian foreign minister.

"We have also upheld our commitment not to impose sanctions for those transfers disclosed in the Annex of the Aide Memoire. The annex is very precise in its terms and we have followed it strictly. It does not include missile and nuclear-related cooperation with Iran," in other words allowing it, "nor does it include conventional arms transfers to other state sponsors of terrorism."

□ 1745

Listen to what Secretary Albright went on to say. "Without the Aide Memoire," without this document that GORE negotiated privately, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws."

Following is the excerpt from the memo:

> We have also upheld our commitment not to impose sanctions for those transfers disclosed in the Annex to the Aide Memoire. The Annex is very precise in its terms and we have followed its strictly. It does not include missile and nuclear-related cooperation with Iran, nor does it include conventional arms transfers to other State Sponsors of terrorism.
>
> Without the Aide Memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws.

So now we have the Secretary of State acknowledging publicly in a letter that we got declassified, thank goodness we have a media that is willing to stand up and expose this kind of action, while the Congress was working in good faith to stop proliferation of technology to Iran, Vice President AL GORE was allowing that technology to flow to Iran and never told the Congress.

Mr. Speaker, this is outrageous. This is unconstitutional. This is immoral. Because we through one person, and he is not the President and he is not the Congress, through one person, our country allowed Iran to receive technology from Russia that is covered under our arms control agreements with Russia which no individual has the right to overtake or to supersede. Yet Vice President GORE did it. Every Member of Congress, Democrat and Republican, needs to ask the question of the Vice President, who do you think you are? The President could not even do this without the advice and consent of the Congress, to arrange a secret deal with his friend Viktor Chernomyrdin that allowed for 5 years Russia to continue to transfer technology to one of Israel's boldest and most aggressive enemies.

Mr. Speaker, tonight we are going to expose this in detail. We are going to talk about the policies of this administration. Before I yield to my good friend and colleague, I want to say one final point. 1992 was the start. When Boris Yeltsin stood atop that tank outside the Russian White House in Moscow, with tens of thousands of Russians around him announcing he was throwing off Communism, that the Soviet Union was disbanding, he waved a Russian flag and an American flag and he declared that Communism was dead and a new strategic partnership. That was in 1992. Russia and America together.

This was the scene last fall in downtown Moscow, Mr. Speaker, as tens of thousands of Russians stood outside of our embassy throwing paint at our embassy, firing weapons at our embassy and burning the American flag. The first speech given by President Putin when he took office in January of this year was to announce a new strategic relationship for Russia, Russia and China against America. The policies of this administration and this Vice President have now put us at odds unlike any other time since the height of the Cold War against the Russian people.

Tonight we are going to discuss those issues. I now yield to our distinguished leader, our whip, the honorable gentleman from Texas (TOM DELAY).

Mr. DELAY. I thank the gentleman for yielding to me. I want to congratulate the gentleman from Pennsylvania (Mr. WELDON), who really understands these issues on bringing this special order to the floor. The gentleman speaks Russian as many in the House know and has been to Russia many, many times, so he knows what he is speaking about. The gentleman has met with many members of the Duma, many members in the Russian Government, and has been a great liaison with Russia and this House of Representatives.

I wanted to say that because he has the most credibility of any Member in this House on issues dealing with Russia. And he understands how the failed Clinton-Gore administration's foreign policy has affected Russia.

Mr. Speaker, the recent revelations that Vice President GORE and former Russian Prime Minister Chernomyrdin entered into a secret agreement to allow the Russian Government to sell dangerous weapons systems to Iran, contrary to a nonproliferation law that the Vice President himself authored with Senator JOHN MCCAIN, shed more light on the Clinton-Gore administration's inability to effectively provide for our national security. Allowing these systems to be delivered to Iran, a nation that is at the top of the list of terrorist states, again reveals this administration's failed, rudderless foreign policy based on appeasement rather than strength. Perhaps nowhere has this failed foreign policy borne more bitter tasting fruit than in those missed opportunities in Russia.

Mr. Speaker, when this administration first took office in 1993, Russia was an emerging democracy that for the first time looked to America with open eyes and open arms. But, sadly, after years of misplaced policies, Russia's optimism has been replaced by skepticism.

The Vice President headed up the administration's Russia policy, a policy which can now only be judged as a total failure. Unfortunately, the Vice President was in over his head and the results were disastrous. Anti-American sentiment, as the gentleman says, and look at that chart that shows the anti-American sentiment among the Russian people. It is at its highest point since the fall of the Soviet Union. Russia continues to be a major proliferator of weapons of mass destruction and, most troubling, to me at least, it has entered into a strategic military partnership with Communist China, one of our most serious potential adversaries. The administration has done nothing to discourage this emerging military relationship and incredibly insists that the Russian Government selling dangerous sunburn missiles to China, missiles specifically designed to destroy American warships, poses no serious threat to U.S. security.

Instead of leading Russian policy with a very firm hand, Vice President GORE led with closed eyes and an open pocketbook. The collapse of Russia was fueled by the administration's insistence on pouring good money after bad. Billions of dollars were wasted propping up failing, inefficient, and corrupt institutions. The administration was committed to Boris Yeltsin at all costs while he and his cronies used the government to fuel their own appetites for wealth and power.

According to the Speaker's Advisory Group and the document, the document that was produced just a few weeks ago by that group, by the way, I would tell the Speaker that the American people can get this document on the Web site at policy.house.gov and receive a very complete analysis of the failed Clinton administration policy when it comes to Russia.

According to this group, and I am quoting here from this study, "The Gore-Chernomyrdin Commission contributed to a deliberately uninformed U.S. policy toward Russia. It refused to acknowledge failure and, even worse, celebrated failure as if it were success. The Clinton administration's dependence on the Gore-Chernomyrdin Commission, coupled with the commission's refusal to listen to independent information, meant that the administration's Russia policy was both procedurally and substantively unsound."

This administration had an opportunity to help Russia enter into the 21st century as an emerging and thriving democracy. Unfortunately, the Vice President's misguided policies helped fuel Russia's economic collapse and led to our relations being worse than any time since the end of the Cold War.

Mr. Speaker, it is time we stopped feeding failure. Russia needs to take responsibility for its future and be held accountable for its mistakes. The Russian Government should know that we are committed to building a very strong friendship, but the foundation of that relationship must be a mutual commitment to freedom, democracy, and individual liberty. We should not restructure or forgive the billions of dollars Russia owes us until they show progress towards building democratic institutions committed to the rule of law, that they stop selling weapons to the Chinese, Iranians and other potentially dangerous states and dismantle their spy facility in Lourdes, Cuba.

Contrary to the view of this administration, the Russian Government does not have veto authority over our national security policy. We should not be held back from building a national missile defense system by an invalid and outdated ABM treaty predicated on an absurd Cold War notion that the only way our people can be totally secure is to be totally vulnerable.

The Russian Government should know that the American people are committed to building a comprehensive missile defense to protect our people and our allies, and we will not be deterred in doing so.

Mr. Speaker, there is still great potential in Russia, and with real leadership we can build our relationship. But we must acknowledge that real reform does not lie in any single man or leader, but in the institutions that build the foundations for democracy. Without those foundations, without the rule of law, democracy cannot take hold. Russia is blessed with a rich heritage and tremendous resources. I hope the next page in their long history will show a commitment to democracy, the rule of law and individual liberty. If it does, the United States will be ready to stand with them as true allies.

But our relationship with Russia must be based on respect and trust, not personal friendships and wishful thinking. Serious problems require serious leadership. The Russian Government should know that the United States will hold out a helping hand when that hand will be welcomed as a symbol of democratic partnership, not some sweetheart deal.

I just challenge the national media. As the gentleman knows, I think the national media has shirked its responsibility, particularly in this campaign, by not looking at the actual actions that Vice President GORE took in carrying out the Clinton-Gore foreign policy. If they would look at what part Vice President GORE played in foreign policy, they would find a situation where there was no leadership, where there was appeasement rather than strength, where there was a complete disaster in most cases.

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to thank our distinguished whip for appearing tonight. He is very busy. I want to also thank him and point out to our colleagues, the whip is very much interested in working together to build a solid foundation with the Russian people. In fact, he led a delegation to Russia in the last session of Congress to try to foster that one-on-one positive relationship between the people of Russia and the people of the U.S.

We do not have a problem with the people of Russia. We want to be their friends. We want to be their strong trading partners. What we do not want to have is the reinforcement of a government that is not acting in the best interests of Russia. That is why the Russian people no longer trust America. In fact, as I pointed out the other night, one of my Duma friends was visiting here 2 years ago; and he made the statement that for 70 years, the Soviet Communist Party spent billions of dollars to convince the Russian people that Americans were evil and they failed. He went on to say in just a matter of a few short years, your government has managed to do what the Soviet Communist Party could not do, and that is to convince the Russian people that Americans are evil.

Mr. Speaker, we have a real problem right now. You cannot blame the Russians. If they saw billions of dollars of IMF money that was supposed to go to help them build roads and bridges and schools and communities end up in Swiss bank accounts and U.S. real estate investments and if they saw our President and our Vice President going like this and like this pretending they did not see it because they did not want to embarrass their personal friends, Boris Yeltsin or Viktor Chernomyrdin, no wonder the Russian people do not trust Americans. No wonder they do not trust what our intentions were. That is why 8 years after Russia became a free democracy, the people of Russia question what America's real intentions are.

With that, I would like to yield to one of our most eloquent and outspoken rising stars in the Congress from the great West from the State of Arizona, our good friend J.D. HAYWORTH.

Mr. HAYWORTH. I think my friend from Pennsylvania for yielding.

Mr. Speaker, tonight we gather here because still we must do the people's business. Mr. Speaker, I am well aware of the fact that there are those who look at the calendar and the pending national elections and seem to think that everything must inevitably be colored with the hue of partisan politics.

Mr. Speaker, it should be our goal, no matter our partisan labels, whether Republicans or Democrats or Independents, to put people before politics. It is in that spirit that I rise this evening with my colleagues, because what has been discovered is so disturbing that it transcends traditional party politics. We are not talking about typical disagreements or differences in philosophy. To amplify the words of our majority whip, the gentleman from Texas, in his remarks, Vice President GORE, while a member of the United States Senate, worked closely with my Senator from Arizona, JOHN MCCAIN, and a bill was passed, written by those two gentlemen, that became law that dealt with weapons sales by the Russian republic to the nation of Iran.

□ 1800

It was an effort on the part of our government to issue sanctions to try and prevent the sale of those weapons of mass destruction, because of their destabilizing, in effect, Mr. Speaker, because they represent a clear and present danger to allies of the United States and indeed the United States itself. My friend from Pennsylvania mentioned the State of Israel, still in the news, still involved in conflict and uncertainty, and the tragedy of the situation, as revealed in the documents now entered into the RECORD, and I thank my friend from Pennsylvania because the State Department has been reticent in even allowing copies of those documents to be in the possession of the proper committees of this House, even though that has happened.

What the documents reveal should shock every American. The Vice President of the United States, one of the architects along with Senator MCCAIN, of a policy that would impose sanctions on Russia if weapons of mass destruction continue to be sold, worked out an agreement in private with the Russian leader, Viktor Chernomyrdin, excusing the Russians from continued sale of those weapons to Iran; in fact, inviting those sales to continue.

Mr. Speaker, stop and imagine the implication of what is part of the RECORD. Understand these were not six disabled tow missiles. We are talking about an arsenal that included three Kilo Class submarines, the best technology heretofore developed for conventionally powered submarines for silence and stealth and secrecy as those submarines patrol the oceans and seas of the world: an incredible advantage for a nation which sadly remains on the outside looking in, in essence an outlaw nation.

Indeed, Mr. Speaker, we will remember at the outset of this Congress, and I violate no confidences, I violate no classified documents, a bipartisan committee, including a former Member of this House who later became Secretary of Defense, the gentleman from Illinois, Mr. Rumsfeld chairing the Commission, along with the first director of the CIA under President Clinton, Mr. Woolsey, came to this House and talked about the growing proliferation of weapons of mass technology by outlaw nations, including Iran, Iraq, North Korea, where trouble continues; and our Secretary of State just returned from a visit.

We are talking about a situation that goes directly to the heart of our future, perhaps to the survival of our friends, and ultimately to the type of national security we can provide from those who would aspire to become Commander in Chief. The whip was quite right, Mr. Speaker. Our colleagues in the fourth estate, the journalists, aside from a front page article 3 weeks ago in The New York Times, followed up with work in The Washington Times and other periodical publications such as Insight on the News, aside from those publications, Mr. Speaker, the silence of the television networks in this Nation has been deafening.

Madam Speaker, who will tell the people? Who will tell the people of this breach of faith? It falls to this House, to this people's house, and the grand design of our founders in this constitutional republic with separate and coequal branches of government.

Madam Speaker, to stand and tell the people something is seriously wrong, the State Department should turn over every document related to this; and the Vice President of the United States, Madam Speaker, should stand before the people he hopes to lead not with excuses, not with fables, not with stories, but with the truth. At last, Madam Speaker, at long last, is not the truth what the American people deserve?

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my distinguished friend and colleague, the gentleman from Arizona (Mr. HAYWORTH), for his eloquent statement.

Let me say to our colleagues who are watching us back in their offices, everybody may be saying, well, there go those Republicans 1 week or a few days before the election trashing AL GORE. Why were not they bringing this forward last year?

Let me remind my colleagues, this story broke October 13 of this year in The New York Times. Prior to October 13, none of us knew that Vice President GORE had worked out a secret deal in 1995 that Madeleine Albright referred to in a January 2000 memo this year. Prior to October 13, none of us knew this. Well, that is only 2 weeks ago, 2 weeks ago. Thank goodness we have a free press. Two weeks ago The New York Times ran a copy of this document that I have now put in the CONGRESSIONAL RECORD that our Members of Congress were not aware of, that no member of the Intelligence Committee, no member of the leadership was asked to see by the Vice President when he cut the deal in 1995.

We were not made aware of this until we read the story in The New York Times, along with the rest of America on October 13, and then The Washington Times reported the story after that, and other media. It has not been picked up by the TV media, and that is a legitimate question. Why has it not been?

Now, why is this so outrageous, Madam Speaker? Why? Because this technology that has been transferred is used to improve the accuracy of systems against America and our allies. Is this isolated? Let me give you two examples. Madam Speaker, I was in Moscow in January of 1996. The Washington Post had just run a front page story with the headline, America Has Caught the Russians Illegally Transferring Guidance Systems to Iraq. I was in Moscow. I went to our embassy, and I asked for a meeting with our ambassador, who, at that time, was Tom

Pickering. He is now the number three person in the State Department. I said, Mr. Ambassador, what was the response of the Russians when you asked them about the transfer of the accelerometers and gyroscopes to Iraq?

He said, Congressman WELDON, I have not asked the Russians yet.

I said, Mr. Ambassador, you are our representatives here. Why would you not ask the Russians? It was a front page story back home. It is a violation of an arms control treaty, the missile technology control regime.

He said, that has to come from the White House.

So I came back to Washington, and I wrote the President a letter in the end of January, 1996. Dear Mr. President, you must have read the story in The Washington Post. What are you going to do about it? If this occurred, it is a serious violation because it gives Iraq a capability that they cannot build on their own.

The President wrote me a response in March of that year.

> Dear Congressman Weldon, you are correct. If this transfer took place, it would be a serious violation of the missile technology control regime and there are required sanctions in that treaty; and I assure you if we can prove it, we will impose the sanctions. But, Congressman Weldon, we have no proof that this transfer took place.

Well, as I have done in speeches around the country, I bring the proof for the American people to see. This is a Soviet-made gyroscope and a Soviet-made accelerometer. I cannot tell you where I got these devices, but I can say they were clipped off of an SSN–19 Soviet missile that used to be aimed at an American city. We caught the Russians transferring these devices not once, not twice, but at least three times. The American government has over 100 sets of these devices today. We never imposed the sanctions required by the treaty; yet we have the proof. We have the evidence.

Now, what would Iraq use these devices for? They would use them to improve the accuracy of the same missile that killed those 28 young Americans in 1991 who came home from Desert Storm in body bags because their country let them down, because we could not defend against a low complexity SCUD missile. These devices Iraq cannot build. They have to buy them, and the only place to get them is from Russia.

We caught them. It is a violation of an arms control treaty. The President told me, if we could prove it he would take action. We have the evidence, and we never took any action.

In fact, Mr. Speaker, the logical question is, why would we not take action against Russia if we know they were deliberately violating a treaty? And the answer is rather simple. Our policy for the past 8 years toward Russia has been based on personal friendships; the personal friendship of President Clinton with the leader of Russia, Boris Yeltsin, and the personal friendship between AL GORE and Viktor Chernomyrdin.

In 1996, when we caught the Russians transferring these devices to Iraq, it was the reelection year for President Yeltsin. Unbeknownst to us but now available to our colleagues as an appendix to a book written by Bill Gertz called "Betrayal," is a classified cable that President Clinton sent to Boris Yeltsin in that election year, the same year this transfer took place. What did that cable say? Dear Boris, we wish you well in your election, and I will make sure that nothing happens in America that jeopardizes your reelection.

That must have included holding Russia accountable for illegally transferring technology to the enemies of America and our allies.

The second example, a year later, Madam Speaker, the President of Israel, President Netanyahu, goes to the great length of announcing to the world that Israel has evidence that Russia's space agency has signed contracts with the agency in Iran building their missile systems, which is again, a violation of treaties and U.S. laws that Russia has agreed to abide by.

The Congress was incensed. Democrats and Republicans said, what is going on here? What is wrong with Russia? We are helping them with their space station. We are working with them on technology, on helping their economy. Why are we not stopping this technology transfer?

So the Congress introduced legislation, bipartisan, the gentleman from New York (Mr. GILMAN) and Jane Harmon, immediately got over 200 cosponsors to force the imposition of sanctions on Iran for violating arms control agreements.

The Congress called over the CIA. The director of the Nonproliferation Center for the CIA at that time was Dr. Gordon Ehlers; and Dr. Ehlers did something you cannot do very often in this administration. He told the Congress the truth. He said, yes, the CIA has evidence, and we agree with Israel, that the Russian space agency has contractual relations with Iran to help them build their missile systems. Gordon Ehlers was forcibly removed from his job because he simply told the truth.

The Congress was incensed. The bill was scheduled to come to the House Floor for a vote. Three days before or 4 days before the bill was to come up on the House floor for a vote, my office got a call from the Vice President's office. Would you tell your boss, the staffer said to my staff, that Vice President GORE would like to meet with Congressman WELDON in the Old Executive Office Building. My staff told me. I said, sure, I will be happy to go down and meet with him. I said, what is the topic? They said the Iran missile sanctions bill.

I drove down to the White House, went into the Old Executive Office Building where the Vice President's office is, and there in the meeting room, along with myself, were some of the following people: Senator CARL LEVIN, Senator BOB KERRY, Senator JOHN MCCAIN, Senator JON KYL, Congressman Lee Hamilton, the gentleman from New York (Mr. GILMAN), Congresswoman Jane Harmon, Democrats and Republicans from the House and the Senate who were assembled while the Vice President and Leon Firth, the security adviser, pleaded with us for 1 hour not to bring up the Iran missile sanction bill. He pleaded with us that this would harm the personal relationship that Bill Clinton had with Boris Yeltsin and that AL GORE had with Viktor Chernomyrdin.

When the Vice President finished lobbying us, all of us, Democrats and Republicans together, said, Mr. Vice President, it is too late. The technology is flowing. It is continuing to flow into Iran, and it is not being stopped.

Later that week, that bill passed the House with 396 votes. That was not a partisan bill. Almost every Republican and most all of the Democrats supported the bill to slap the administration across the face because they were not enforcing an arms control agreement that we had entered into with Russia to stop technology from going to Iran.

□ 1815

Two months later, after we came back from Christmas break, the Senate was going to take up the same bill. My office got another call from the Vice President's office. Again, they asked me to go down to the White House to meet with the Vice President, and again I drove down to the Old Executive Office Building. Again, while I was there, along with the same core group of people, in fact, I think Senator LIEBERMAN may have been in the meeting, the Vice Presidential candidate, I think he was in the meeting with us; and for 1 hour and 30 minutes with Jack Caravelli from the NSC, the National Security Council, and with Leon Firth, the Vice President lobbied us not to have the Senate pass the Iran missile sanctions bill. When he finished we said the same thing: it is too late, Mr. Vice President.

The following week, the Senate voted that bill; 96 Senators voted for the bill, which meant it had a veto-proof margin in the House and in the Senate. But let me tell my colleagues what is so disgusting, Madam Speaker. In neither of those two meetings, which were private meetings with the Vice President and Members of Congress, did the Vice President tell us that he had worked out a secret deal with the Russians to stop proliferation. In neither of those two meetings, with CARL LEVIN, with

BOB KERREY, with JOHN MCCAIN, with Lee Hamilton, and with the gentleman from New York (Mr. GILMAN) in neither of those meetings did the Vice President hold this document up and say, well, do not worry, fellows, I have a secret deal with the Russians. He never told us. Yet, that deal had been concluded 2 years earlier.

Now, why am I so incensed? Because, Madam Speaker, for the past 8 years, this administration has called upon me time and again to get Republicans to support their objectives in regard to Russia. Every time a vote would come up for cooperative threat reduction funding for the Nunn-Lugar program, I would get a call from the White House to help out, and I would help out. Every time the administration wanted something done on our side, I would be glad to help out. When they wanted to convince the Russians that we were taking the right action in Bosnia, I traveled to Moscow with information from the State Department to convince the Russians of the merits of the President's position. Yet, the Vice President did not have the decency to tell not only me, but Members of Congress, that he had cut a secret deal with the Russians to continue to allow technology to flow to Iran.

Madam Speaker, that is not allowed under our Constitution.

Now, the President can set foreign policy; he can enter into treaties, although they have to be ratified by the Senate, but he can do that. The Vice President has no ability to negotiate secret agreements with any Nation, especially when he does not come back and tell the Congress. In fact, the most outrageous part of this whole thing, Madam Speaker, is there is another document I have not gotten ahold of; I will have it and it will be in the CONGRESSIONAL RECORD eventually. That other document is a letter that Viktor Chernomyrdin wrote to Vice President GORE after this deal was cut. I know how the letter started. It said, Dear AL. Dear AL. This was in late 1995. I am going to quote from the letter. I do not have the letter yet, I am getting it. Quote: "It is not to be conveyed to third parties, including the U.S. Congress." So the Prime Minister of Russia sends a letter to our Vice President where he confirms the fact that Russia will continue to send technology to Iran, even though it violates our laws and treaties, and furthermore, Chernomyrdin says, and you cannot tell your Congress that we have entered into this agreement.

Madam Speaker, that is not just outrageous, that is sickening. That is absolutely sickening, that the leader of Russia, Victor Chernomyrdin, could have an agreement with our Vice President that the Congress should not be informed. And there it is, Madam Speaker. It is a quote directly from that letter. I will have that letter in the RECORD.

So a secret deal is cut by AL GORE with Viktor Chernomyrdin that allows technology to flow to Iran, even though those of us in the Congress in both parties are saying it has to stop, it is getting out of hand, it is threatening Israel, APEC is going crazy because they know what happened to the Israeli people in the midst of Desert Storm when they were killed by those Scud missiles, and we are seeing some of that today over in the Middle East. And our Vice President agrees to a letter from Viktor Chernomyrdin that the U.S. Congress should not be informed, and this man supposedly wants to be our President.

I now yield to the gentleman from California (Mr. ROYCE), who has traveled to Russia. He has been a leader in working with their corruption problems. As a member of the Committee on Banking and Financial Services, he has reached out to help them put into place their financial house. He has offered to assist them in bringing stability to the Duma, using some of the techniques we use in our Congress in a bipartisan manner to help oversee the financial transactions that have occurred in Russia. I am happy that he is here tonight, and I yield to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Speaker, I just want to mention that the gentleman from Pennsylvania (Mr. WELDON) is one of our foremost experts in the House on advanced weapons technology, and also he has led some 21 trips now to Russia. He speaks Russian, and he has been perplexed, as I have, by this report in The New York Times that without reporting to Members of the House and the Senate, the Vice President had concluded his secret agreement with then-Russian Prime Minister Viktor Chernomyrdin, a secret agreement not to enforce U.S. laws requiring sanctions on any country that supplies advanced conventional weapons to Iran.

As we look at the list of those particular weapons, we see that it includes the advanced submarines, the ultra-quiet, ultra-silent kilo-class submarines that are so difficult to detect, that it includes torpedoes and antiship mines and hundreds of tanks and armored personnel carriers. I think these submarines are but one example of exactly the type identified by Congress when it passed the law as posing a risk to U.S. forces operating in the Middle East.

Madam Speaker, the report of the Speaker's Advisory Group, and I would just mention to the Members, this can be found on policy.house.gov, if Members would like to get a copy of Russia's Road to Corruption. That report notes the unjustified confidence in unreliable officials like Chernomyrdin; it notes the refusal by the administration to acknowledge mistakes and revised policies accordingly; and it notes the excessive secrecy designed to screen controversial policies from both Congress and the public.

This secret agreement, I think, exemplifies every one of these flaws and, tragically, as the Times reported, the decision to flout U.S. law gained us nothing from the Russians. In spite of evidence that both Russian government agencies and private entities were directly involved in proliferation to such states as Iran and Iraq, the Clinton administration continued to rely on personal assurances from a very small cadre of contacts in the Russian Government. Our administration officials, including Vice President GORE and Deputy Secretary of State Talbot, accepted these assurances, despite clear evidence of continued proliferation, rather than believe or admit that proliferation could continue, despite the stated opposition of their partners.

Now, I wanted just to bring to light a second secret Gore-Chernomyrdin deal that was described in the Washington Times on October 17 in a classified "Dear Al" letter to AL GORE in late 1995. Chernomyrdin described Russian aid to Iran's nuclear program, and the letter states: "This information is not to be conveyed to third parties, including to the United States Congress." Not to be conveyed to the United States Congress.

As with the first Chernomyrdin deal, this agreement too has been kept secret from us. This letter from Chernomyrdin to GORE indicates that GORE acquiesced to the shipment of not only conventional shipments to Iran in violation of the act, but also of nuclear technology to Iran. According to Vice President GORE, when we listen to his rationale, he says, well, the purpose of this secret deal was to constrain Russian nuclear aid to Iran in the construction of two nuclear reactors. If that is so, Vice President GORE plainly did not succeed, because in August of this year, the CIA reported that Russia continues to provide Iran with nuclear technology that could be applied to Iran's weapons programs. That is what our Central Intelligence Agency is telling us.

The chairman of the House Committee on International Relations, the gentleman from New York (Mr. GILMAN), asked the administration on October 18 if it had pointed out to GORE's Russian partner that it is not the American way for the President to keep secrets from Congress when it comes to such serious national security concerns as the proliferation of nuclear technology. The chairman has yet to receive an answer. The law requires, and I am going to quote it here, that "The text of any international agreement to which the United States is a party be transmitted to Congress as soon as practical, but in no event later than 60 days after it is reached." The law does not contemplate, as the gentleman from California (Mr. COX), the

House Policy chairman, pointed out, does not contemplate that Congress will discover such agreements 5 years after the fact by reading about them through leaks to a newspaper. The Senate Foreign Relations Committee requested the first secret Gore-Chernomyrdin agreement on Friday, October 13, the day that The New York Times revealed it; and now, weeks later, the administration has yet to produce this agreement, or the second Gore-Chernomyrdin letter dealing with nuclear transfers to Iran.

Madam Speaker, I yield back to the chairman.

Mr. WELDON of Pennsylvania. Madam Speaker, I thank my colleague for his eloquent statement and for his tireless work, and I want to acknowledge his leadership in trying to build a stable relationship with Russia. I know the Russians appreciate that, I know the respect the gentleman has, and as a member of the Committee on Banking and Financial Services, they look to him for guidance as they did last year when he was there to help establish a sound financial system.

Now, someone listening to this in their office or one of our constituents might say, well, wait a minute. The President does have a right to negotiate secret agreements, and we are not saying that that is not the case. The President does have a right to act in our best interests and sometimes he may have to make an agreement. But there is a process in place for a few Members of the House and the Senate to be told about those kinds of arrangements. We have a House Select Committee on Intelligence and a Senate Select Committee on Intelligence. They are a very small number of Members from both parties, they are bipartisan, most of their meetings are held in private on the fourth floor of this building, and they are briefed by the administration or the CIA on sensitive issues that cannot be disclosed in public.

Madam Speaker, that is not what we are talking about. Because number one, this was not the President acting; this was an agreement between the Vice President and the prime minister of Russia. Number two, the Vice President cannot make treaties. There is no place in the Constitution for the Vice President to represent America, unless the President for some reason is incapacitated. Number three, any agreement has to be shared with the leadership in the Congress so that Congress is aware of what is transpiring.

□ 1830

None of those things happened, Madam Speaker. We only found out about it 5 years later because a New York Times writer got a copy of this memo and spread the story out on the front page of the New York Times.

Madam Speaker, how could it come that our Vice President could have this kind of a relationship with Viktor Chernomyrdin? It goes back to what I said at the outset, our policy with Russia has been flawed. It was based on personal friendships as opposed to support for institutions.

I wanted Boris Yeltsin to succeed as much as President Clinton did when he took office. I was a big supporter of his. But instead of supporting a person, as Republicans did with the Shah of Iran, for instance, we should have been supporting the institution of the presidency. We should have been supporting the institution of the parliament, which in Russia is the Duma and the Federation Council. We should have been supporting the institution of a court system, of a free market system.

But instead, our policy was based on personal friendships between two sets of people, Bill Clinton and Boris Yeltsin, AL GORE and Viktor Chernomyrdin.

In fact, Madam Speaker, there is another document that needs to be brought forward so the American people can see it. That relates to the special relationship that Vice President GORE had with Viktor Chernomyrdin.

During the days that Viktor Chernomyrdin was the Prime Minister of Russia, there was a process started called the Gore-Chernomyrdin Commission to work in a very positive way, much of which I supported, on helping build stable relations. But the Vice President became too enamored with the man, as opposed to the process.

Our intelligence community got some evidence that Viktor Chernomyrdin was involved in corrupt activities in Russia with the oil and gas industry. So as they do frequently, our CIA wrote a memo that went to the Vice President, a classified memo, which they do frequently, to the Vice President telling him that the CIA had evidence that his partner and friend, Viktor Chernomyrdin, was involved in corruption with the Russian oil and gas industry.

What was the Vice President's response? He was very upset, red-faced, and allegedly wrote the word "bull," and I cannot say the last four letters, but Members can use their imagination, across the front of the memo, and sent it back to the CIA, because he did not want to hear it. He did not want to hear that our intelligence community said his partner was involved in corruption. The Russian people knew he was involved in corruption, which is why he ultimately had to leave office. But our Vice President did not want to hear it.

Here is the rub, Madam Speaker. When the Vice President was asked about this memo on Tim Russert's show nationally telecast just a few weeks ago, the Vice President's statement to Tim Russert was that it never happened, it was not true.

However, in our Russia Task Force, we interviewed a CIA lawyer. Guess what he informed the committee: that more than one CIA analyst saw the notation on a document relating to Chernomyrdin. So now we have a CIA lawyer saying, yes, we have a document that at least two people have seen with the word "bull" scribbled across the front of it relating to Chernomyrdin.

The White House stated in a letter in October of this year that, after a diligent search, "We cannot locate that document, and neither can the CIA." If that is the case, it means the document is either lost or stolen. Federal law prohibits the destruction of White House records. If that occurred, that is a Federal offense.

But now, mysteriously, the White House counsel now acknowledges that the Vice President "recalls having a strong reaction to a CIA report when it was originally shown to him," and that "he may have uttered such a comment and it may have been written down by someone else."

So we went from a complete denial by the Vice President of ever having written any such statement down and ever knowing about it to now having White House counsel saying, well, yes, he did perhaps utter that statement when he saw the report, but he does not think it was he that wrote it down. Somebody else must have written that word down based on what the Vice President was saying.

The problem was, Madam Speaker, the President and the Vice President did not want to hear the bad news. We all wanted Yeltsin and Chernomyrdin to succeed, but the to deal with Russia, we have to be candid and consistent.

Do Members know why the Russian people hate Americans today, Madam Speaker? It is because they feel we let them down. When Boris Yeltsin left office last fall, the polls in Moscow were showing his popularity was 2 percent. Only 2 percent of the Russian population supported Boris Yeltsin, but Bill Clinton and AL GORE still support him.

When the Russian people knew that Boris Yeltsin's friends, including his daughter, Tatiana, and the bankers that he put into office, the oligarchs, were stealing billions of dollars of money that were going to Russia to help improve the economy, the Russian people knew what was going on. They knew that we knew what was going on. We pretended we did not see it because Bill Clinton and AL GORE did not want to embarrass their friends.

When technology was being transferred to Iraq and Iran, the Russians knew that we knew it was taking place, but they knew that we were hiding that fact. They lost respect for us, because they knew that all America was trying to do was to basically wash over any problems that Russia had.

When Lieutenant Jack Daley, a 15-year career naval intelligence officer, was lasered in the eye by a Russian spy ship out in Puget Sound, the administration's response was to send a secret cable to Moscow telling the Russians that we have caught them lasering one of our military persons in the eye.

What was the response of the administration? They tried to ruin the career of Jack Daley. After 15 years of the highest ratings in the Navy, in two consecutive ratings he was given the lowest rating that he could get, and his superior officer told him this, and I quote directly, "Jack, you don't know the pressure I am under to get rid of your case."

Thank goodness we have a group of stalwart Democrats and Republicans in this body, people like the gentleman from Washington (Mr. DICKS), who joined with us and called the Defense Department and said they cannot do this to an American soldier in uniform. He has been injured. He has been lasered by the Russians, and they were taking the side of Russia.

Thank goodness we stood up, and in September of last year former deputy Secretary of Defense John Hamre called me on the phone and said, Curt, we have just convened a special board of inquiry and they have just reported that Jack Daley was wronged. He got his promotion.

How about Jay Stuart, a career Department of Energy intelligence official who had an outstanding career, given the highest award, but because he was telling Hazel O'Leary that there were problems with Russia's nuclear weapons, his job was eliminated. His career was ruined.

Or how about Notra Trulock, whose simple offense was he told the truth? He has not been able to work for the past 3 months.

Time and again, Madam Speaker, this administration has played politics with our relationships. Today our relationship with Russia is as bad as it ever was under the Communist rule. In fact, I would say it is far worse than that, because the Russians no longer trust us. They do not know what our foreign policy is. They think it is a roller coaster, up and down. We use Russia when it is to our convenience, and we ignore them when it is in our best interests, according to our administration.

Madam Speaker, I can tell the Members this, that it is absolutely unacceptable that the Vice President of the United States 5 years ago entered into a secret agreement with the Prime Minister of Russia that allowed technology to flow to Iran, as acknowledged by Secretary Albright in her letter that I just put in the RECORD, that would have been subject to sanctions under U.S. laws and arms control treaties.

The President wonders why this Congress will not support treaties that he has brought up, like the treaties involving strategic arms reductions, or treaties involving chemical weapons, or treaties involving a nuclear test ban? How can this Congress trust this administration on treaties when we have had secret deals and arrangements made by individuals that basically say those treaties are not worth anything?

Madam Speaker, this is not the way this country has operated. We have had some embarrassing things occur in our history by leaders in both parties. I am not saying this is only done by Democrats, because that would be false. But I have never seen an incident where a Vice President negotiated a secret deal to allow technology to continue to flow to one of our enemies, and agree with the leader of that country that the Congress should be kept uninformed, even though we admitted that every violation that occurred was a violation of an arms control agreement that would have required sanctions.

Madam Speaker, there is no wonder why we do not have the respect around the world from China, Russia, from the Middle East, the Palestinians, North Korea. Foreign policy has to be based on consistency and candor, and we have neither.

Mr. GILMAN. Madam Speaker, I want to commend the gentleman from Pennsylvania, Mr. WELDON, for organizing this discussion of the Clinton Administration's policy toward Russia, and I thank him for inviting me to participate in it.

During the six years that I have chaired the Committee on International Relations, we have been keenly interested in U.S. relations with Russia. The members of our Committee have become increasingly concerned in recent years as the optimism that we had about the prospects for reform in Russia have evaporated. Sadly, the policies of the Clinton Administration have failed to consolidate democracy, free markets, and respect for human rights in Russia.

The failure of the Clinton Administration policy has many dimensions, and my colleagues have touched on many of those dimensions today. I will focus my remarks on one dimension that is of particular concern to me: the failure to stem Russian proliferation of dangerous weapons and weapons-related technologies to Iran.

Congress has tried repeatedly over the years to force the Executive branch to do something about Russian proliferation to Iran. When Vice President AL GORE was still a Senator, he joined with Senator JOHN MCCAIN to author legislation known as the Iran-Iraq Arms Non-Proliferation Act of 1992. More recently, Congressman GEJDENSON and I worked with Senator TRENT LOTT and Senator JOE LIEBERMAN to enact the Iran Nonproliferation Act of 2000.

These laws, and others that have been enacted between 1992 and this year, attempted to discourage Russian proliferation to Iran by threatening to impose U.S. sanctions.

I regret to inform my colleagues that these laws appear to have failed. They have failed not because they were badly written, but because the Clinton Administration has put at least as much effort into avoiding having to apply them as it has put into applying them.

Our Committee held a hearing three weeks ago on the Administration's systematic disregard of the recently-enacted Gilman-Gejdenson-Lott-Lieberman Act. Our hearing revealed that the Administration has failed to submit either of the first two reports on proliferation to Iran required to be submitted under that law, and that the National Aeronautics and Space Administration has adopted a legal interpretation of the law designed to eviscerate it. Clearly NASA wants to continue business as usual with Russia as if this law had never been enacted. NASA's legal interpretation of the Gilman-Gejdenson-Lott-Lieberman Act was denounced on a bipartisan basis at our hearing.

Even more alarming, we have learned from press reports that Vice President GORE signed an agreement with Russia in 1995 in which he agreed to permit certain Russian arms sales to Iran to proceed, and he promised that no sanctions would be imposed under the Gore–McCain Act. To get to the bottom of this alarming news, we have asked the Administration to let us see the full text (including all attachments) of the agreements they signed. To date, the Administration has refused to show the full text to anyone in this body other than the Speaker and the Minority Leader.

Madam Speaker, it is clear that this Administration has a lot of explaining to do about its policy toward Russia.

Yesterday I joined with the distinguished Chairman of the Committee on Armed Services, the gentleman from South Carolina, Mr. SPENCE, and the distinguished Chairman of the Permanent Select Committee on Intelligence, Mr. GOSS, in sending a letter to the President demanding full disclosure to Congress of all secret deals with Russia regarding proliferation to Iran. I submit our letter to be inserted at this point in the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 31, 2000.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT. We are deeply concerned about information that has emerged recently about secret understandings reached between your Administration and the government of the Russian Federation regarding proliferation to Iran. A distinguished bipartisan group of eleven former secretaries of state, secretaries of defense, national security advisors, and CIA directors has also expressed alarm about your Administration's acquiescence in such proliferation from Russia to Iran, as well as the Administration's failure to fully disclose its policy to Congress.

We share the view of these distinguished former officials that there can be no justification for your Administration's acquiescence in the transfer to Iran of advanced military equipment such as modern submarines, fighter planes, and wake-homing torpedoes. Such transfers jeopardize the lives of our military personnel in the Persian Gulf region and put at risk the security of our nation and of our allies in the region. Moreover, Iran, as the world's leading sponsor of international terrorism, may well be a conduit for arms and technology to terrorist groups. Obviously these groups pose an imminent threat to U.S. personnel worldwide, as demonstrated by the recent attack on the U.S.S. Cole.

The Administration's failure to fully inform Congress of this policy presents a threat of a different character. Congress cannot effectively exercise its constitutional responsibilities if kept in the dark about such matters. Continued efforts by the Administration to withhold information about such policies from Congress is inconsistent with the constitutional separation of powers.

We are especially troubled by the fact that both the policy adopted by the Administration, and the Administration's decision to withhold from Congress key documents relating to that policy, may have violated U.S. law. The Gore-McCain Act (50 U.S.C. 1701 note) may have been violated by the Administration's commitment in the June 30, 1995, Aide Memoire not to sanction certain weapons transfers from Russia to Iran. That agreement was required to be transmitted to Congress under the Case-Zablocki Act (1 U.S.C. 112b), but the Administration chose instead to withhold that agreement from Congress. And against this background, the Administration has persisted in disregarding the recently-enacted Gilman-Gejdenson-Lott-Lieberman Act (Public Law 106–178) regarding proliferation to Iran.

In view of the serious questions that have been raised, we believe that the only acceptable course for the Administration at this point is full disclosure. In order to permit you to clear the air regarding allegations that officials of your Administration have secretly committed our nation to policies which at best undermine our national security, and at worst may violate U.S. law, we respectfully submit the following request for relevant documents.

We would appreciate your transmitting the documents described in paragraph (1) to the Committee on International Relations no later than Thursday, November 2nd. We would appreciate your arranging for the custodians of the remaining documents to transmit them to their oversight committee of the House of Representatives no later than Friday, December 1st. Please be assured that we will properly protect all classified information submitted in response to this request.

(1) Documents in the custody of the Secretary of State:

(A) The Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, along with all annexes thereto that have at any time been in effect (including any amendments to such annexes).

(B) The letter dated December 9, 1996, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore, any correspondence from the U.S. Government to which that letter was responding, and any U.S. Government response to that letter.

(C) The letter dated January 13, 2000, from Secretary of State Madeleine Albright to Russian Foreign Minister Igor Ivanov, transmitted by the Department of State on January 13, 2000, in a telegram designated “State 008180”.

(D) The letter dated December 17, 1999, from Russian Foreign Minister Igor Ivanov to Secretary of State Madeleine Albright.

(E) The Department of State telegrams designated “State 243445”, “State 244826”, “Moscow 32441”, and “Moscow 362”, referred to in the Department of State telegram designated “State 008180” of January 13, 2000.

(2) Documents in the custody of the Secretary of State, the Secretary of Defense, the director of Central Intelligence, or any agency or establishment within the Intelligence Community:

(A) All documents that contain, refer, reflect, or relate in any way to transfers or possible transfers of goods or technology from Russia to Iran in violation or potential violation of commitments contained in the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, or the letter dated December 9, 1995, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore.

(B) All documents that contain, refer, reflect, or relate in any way to possible revisions to the understanding set forth in the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, and the annexes thereto.

(C) All documents that contain, refer, reflect, or relate in any way to possible application of the Case-Zablocki Act (1 U.S.C. 112b) to the Aide Memoire dated June 30, 1995, signed by Vice President Al Gore and Russian Prime Minister Viktor Chernomyrdin, or the letter dated December 9, 1995, from Russian Prime Minister Viktor Chernomyrdin to Vice President Al Gore.

(D) All documents that contain, refer, reflect, or relate in any way to consideration of whether goods or technology transferred from Russia to Iran contributed to efforts by Iran to acquire destabilizing numbers and types of advanced conventional weapons.

(E) All documents that contain, refer, reflect, or relate in any way to consideration of whether weapons transferred from Russia to Iran destabilized the military balance in the Persian Gulf region, or enhanced Iran's offensive capabilities in destabilizing ways.

(F) All documents that contain, refer, reflect, or relate in any way to other secret understandings or agreements, or secret provisions of understandings or agreements, reached by the Clinton Administration with Russia regarding transfers to Iran or any other country of weapons-related goods, services, or technology.

(3) Documents in the custody of the Administrator of the National Aeronautics and Space Administration:

(A) All documents that contain, refer, reflect, or relate in any way to the rationale or justification for purchase from the Russian Aviation and space Agency of the items referred to in the letters dated February 11, 2000 and February 15, 2000, from the Administrator of the National Aeronautics and Space Administration to Chairman F. James Sensenbrenner, Jr., of the Committee on Science (exclusive of those items that, as of the date of the adoption of this resolution, already have been acquired from the Russian Aviation and Space Agency).

(B) All documents that contain, refer, reflect, or relate in any way to utilization of the exception for crew safety contained in section 6(f) of the Iran Nonproliferation Act of 2000 (Public Law 106–178), or interpretation of the term “necessary to prevent the imminent loss of life by or grievous injury to individuals aboard the International Space Station” as contained in that section.

We appreciate your prompt attention to this request.

With warmest regards,

Sincerely,

BENJAMIN A. GILMAN,
Chairman, Committee on International Relations.

PORTER J. GOSS,
Chairman, Permanent Select Committee on Intelligence.

FLOYD SPENCE,
Chairman, Committee on Armed Services.

GENERAL LEAVE

Mr. WELDON of Pennsylvania. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

TIPPING THE BALANCE: GEORGE W. BUSH AND THE SUPREME COURT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Madam Speaker, when women and Americans go to the polls on Tuesday, I believe there will be two words more important and more at stake than any other. These two words are not “Democrat” and “Republican,” they are not “House” and “Senate,” and they are not even “Gore” and “Bush.”

The two words that this election comes down to are “Supreme Court.” The next President of the United States will appoint at least two or three, maybe even more, Supreme Court Justices. He will define our constitutional rights not for the next 4 years, but for the next 40.

If G.W. Bush is elected and the balance of the court tips right, which it will, far right, the consequences are clear: civil rights, privacy rights, and reproductive rights will be in jeopardy. Our environmental protections, affirmative action, and the separation of church and State will all be on the line, because the fact is these two words, “Supreme Court,” can come down to just one vote.

Right now, one single vote protects a woman's right to choose and recognizes her fundamental control over her own body. Both Planned Parenthood versus Casey and Stenberg versus Carhart demonstrated that a woman's right to choose is fragile. It hangs by the slimmest of margins five to four.

Without the protection of Roe v. Wade, Congress and many State legislators have proven that they are willing to pass laws restricting abortion procedures, even when a woman's health is at stake. Yet, to overturn Roe, to put a woman's health and her very life at risk, G.W. Bush would not need to use three appointments or even two. It would just take one.

He says he trusts the people and not the government to make their own decisions. He must not be talking about women. One vote. There are those who say there is no way to predict. They say Justices are independent; that Reagan appointed Sandra Day O'Connor, who is pro-choice; that the would-be impact of G.W. Bush on the bench is exaggerated.

But I think that the best way to measure someone is through not what they say but what they do. When asked what kind of Justices he would appoint to the bench, Governor Bush said very clearly, strict constructionists, like Scalia and Thomas, the far right of the current court. Governor Bush is not just looking to tip the balance to the right, he wants to knock the scales over.

If Members doubt that Scalia, Thomas, and Bush would wipe out many of the protections Americans hold dear and undermine decades of Supreme Court decisions, just look at the Scalia and Thomas dissents.

Scalia, Thomas, and Bush would exempt elections for State judges from all provisions of the Voting Rights Act.

Scalia, Thomas, and Bush would permit sex discrimination in jury selection.

Scalia, Thomas, and Bush would eliminate affirmative action.

Scalia, Thomas, and Bush would restrict remedies for discrimination, while at the same time making it harder to prove discrimination.

And who would join Scalia, Thomas, and Bush? Let us look at the possible short list: J. Michael Luttig of the Fourth Circuit. He wrote the opinion that prevents women from suing their attacker in Federal court under the Violence Against Women Act.

Judge Luttig, along with another potential Bush pick, Fourth Circuit Chief Justice J. Harvie Wilkinson, led the charge to overturn the Miranda decision that says, you should know your rights if you are arrested.

Judge Emilio Garza said Roe v. Wade may not be constitutional law.

Justice Samuel Alito is so conservative that he is now referred to as "Scalito," and Judge Edith Jones, a severe critic of death penalty appeals. She overruled a decision that a Texas death row inmate deserved a new hearing, even though his lawyer literally slept through part of the trial.

□ 1845

These judges are not the extreme on Bush's list. They are the list. They are not the exceptions to the rule, they make the rules, and we will have to abide by them.

If you believe in women's rights, AL GORE should shape the court. If you believe that minorities should be counted and respected; if you believe everyone is innocent until proven guilty; and if you believe, like I do, that justice should be blind and not asleep, AL GORE should shape the court.

AL GORE, not Scalia, Thomas and Bush, should protect our rights for the next generation.

When we vote, we will elect a President for 4 years. Supreme Court appointments last a lifetime. Two words, Supreme Court; one vote, one choice, AL GORE.

THE HORRIBLE DEBT OUR NATION FACES

The SPEAKER pro tempore (Mrs. WILSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 60 minutes.

Mr. TAYLOR of Mississippi. Madam Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM), my colleague, for joining me tonight.

Madam Speaker, I have come to talk about what I consider to be one of the greatest threats to our Nation, and that is the horrible debt that our Nation faces and the absolute reluctance on the part of both Presidential candidates and almost everyone who seeks higher public office to deal with it.

Mr. Speaker, when I go down the street in my home State of Mississippi and folks ask me where do their tax dollars go, they are almost dumbfounded when I tell them that the largest expenditure of their Nation is interest on our Nation's debt.

Yesterday our Nation spent $1 billion on interest on the national debt. We did the same thing today. We did it 3 days ago. We did it 5 days ago. We have done it every day for the past year. Unless we change the way we are doing business here in our Nation's capitol, we will spend at least a billion dollars on the national debt tomorrow, the next day, and every day for the rest of our lives.

What do we get for that? It does not educate one child. It does not build one inch of highways. It does not build one war ship to defend our Nation. It does not pay the kids in uniform. It is squandered down a rat hole and most appropriately, and something most Americans would find very disturbing, is about one third of the interest on our Nation's debt is fully paid to foreign lending institutions. See German and Japanese lending institutions actually control the papers on about one third of our Nation's debit.

For my father and your fathers, those who fought the great World War II to save us from the tyranny of then Nazi Germany and Imperial Japan, you have to imagine how upset they would be to realize that the nations they saved us from now control America's financial future because they control our debt.

Madam Speaker, I often wonder how this incredible misperception of a big budget surplus could come from, because we hear it every day. I hear otherwise educated people talk as if they are mindless idiots. So when they talk about an alleged surplus, I really wonder again where it comes from.

I think I know one of the places that it came from. This was an ad that was run in several national publications, including the USA Today. It was run December 6 of 1995, and it features then head of the Republican National Committee, a face that most of you would remember, a guy named Haley Barbour from the State of Mississippi.

It is a full-page ad. He is holding a million dollar check, and it says up top, heard the one about the Republicans getting Medicare? It says down here the fact is that the Republicans are increasing Medicare spending by more than half. I am Haley Barbour. I am so sure of this fact that I am willing to give you this check for a million dollars if you can prove me wrong.

He goes on down here to have the actual terms of that challenge. Here is why you have no chance for a million dollars. The Republican National Committee will present a cashier's check for $1 million to the first American who can prove the following statement is false, in quotations, in November of 1995, the U.S. House and Senate passed a balanced budget bill. It increases total Federal spending on Medicare by more than 50 percent from 1995 to the year 2002 pursuant to congressional budget standards.

Madam Speaker, what was called to his attention in a hand-delivered letter just a few days later is that the bill that they passed for that year to run the Nation was not a balanced budget bill.

For you at home, for me, for our Nation, for my State, a balanced budget is when you spend no more than you collect, where you are collecting your salary and what you spend or what this Nation or my State collects in taxes and what they spend. If you spend more than you are collecting, then it is not a balanced budget, that is a deficit budget.

Remember this change was made on a budget that passed in November of 1995, so that would have been the budget for the fiscal year 1996, running from October 1 1995 through September of 1996. As we can see, and this is for those of you who have your computers at home, the source for this is the United States Government annual reports for the fiscal years 1996, 1997, 1998 and 1999, all taken from the monthly Treasury statements for the month of September for those years.

What you can see is for the fiscal year 1996, the first year that the challenge would have been in effect, the Republican Congress passed a budget that was $221 billion, $960 million in deficit. That is almost a billion a day that they were spending more than they were collecting in taxes, so maybe they did not get to the balanced budget quite as quick as they thought they could.

For fiscal year 1997, Federal funds were $145,217,000 in deficit. As you can see, these are the trust funds, things like the Social Security trust fund, but for the Federal trust funds, the real portion that we determine, there was no balanced budget. Fiscal year 1998, $88,088,000 in deficit. Fiscal year 1999, $82,998,000 in deficit.

All of these years later, the Nation finally turned a surplus in September of the year 2000. It was not easily accomplished. I came to the House floor in the month of July to point out that through the end of June, our Nation was running an $11 billion annual operating deficit. Again, these are from the monthly Treasury statements, Department of Treasury, table 8, page 30.

What you do not see is and what you do not hear is when they talk about a big surplus, they are not telling you that that surplus is in the Social Security trust fund, the military retiree trust fund, the Medicare trust fund, the highway trust fund. The key word in each of these sentences is the word trust.

These are taxes that are collected from a specific group of people and set aside by people who trust our Nation to spend them on nothing but that one purpose. When my young daughter teaches sailing lessons during the summer and she pays Social Security on that paycheck, she trusts that money will be set aside so that years from now when she is a senior citizen that money will be available for her Social Security.

When you go to the gas pump and pay gasoline taxes, you trust that that money will be set aside to build roads.

When a military person serving our Nation in places like Korea, places like Bosnia, Kosovo pays into his trust fund, he trusts that that money will be set aside for when he retires so that his retirement check is sent every month.

When someone pays into the Medicare trust fund, all of us are counting on that money being set aside so that when we need those services, that money will be there.

The only surpluses that are out there are in the trust funds. So to say that I am going to have a big tax break or we are going to spend a whole lot more money because of these big surpluses, my question to those people are, who are you going to steal it from? Are you going to take it from people's Social Security trust fund? Are you going to take it from their Medicare trust fund? Are you going to steal it from the military retirees? Are you going to steal it from the people who bought gasoline and paid the tax on that?

Madam Speaker, the one bright light of this year, I think, as far as this Congress is concerned is that for the first time in 30 years, the Nation collected more than it spent. It collected about $8 billion more than it spent on expenditures for the Nation. So for the first time in 30 years, there actually was a surplus.

What that fails to note is that there was an extraordinary amount of money collected in the month of September and a reduction in normal operating expenditures. It was an accounting game that was played so that we could have a surplus.

One of the games that was played was a very unfortunate trick to the people who serve our Nation in uniform. They are normally paid on the last of the month, but because September 30, 2000 fell into fiscal year 2000 and October 1 was in fiscal year 2001, Congress voted to delay their pay to October 1, so that that $2½ billion accounting cost would go on this year and not on last.

If you are a Congressman, and everybody knows congressmen make good money, having to wait between a Friday and a Monday for your paycheck, not that big of a deal. But if you are an E–3, an E–4, an E–5 out there, if you are a young lieutenant with a couple of kids running around the house, that weekend of waiting to buy baby formula or Pampers or whatever was an incredible inconvenience to them.

So from my Republican colleagues who are regularly telling me that they support the troops, I ask my colleagues if they support them so much, why did they delay their pay just so they could pretend to balance the budget?

Madam Speaker, this is the American financial portfolio that the next President of the United States will inherit. There is no surplus. Our Nation is almost $6 trillion in debt. The public debt on September 30, 2000 was $5,674,178,209,887.

For George Bush or AL GORE to say because we had an $8 billion surplus that we should go out and start great, new spending programs or cut taxes by over a trillion dollars is literally like a fellow who has not made his way for 30 years.

He has not broken even 1 month for 30 years, and he finally clears a profit of $1,000 and he is getting ready to celebrate with that $1,000 and going on a spending spree, totally ignoring that during those 30 years he has grown the equivalent of $686,000 of credit card debt, $686,000 versus 1; that is what $8 billion compares to this debt that we owe and we continue to pay a billion dollars interest every day.

Madam Speaker, that is the public debt of the United States, again, contrary to what my Republican colleagues are saying, they are not paying it down. It increased by $17,970,308,271.43 last year.

For those of you who doubt my figures, I would encourage you on your computers http://www.publicdebt.treas.gov/opd/opdpenny.htm. It is public record, that is what we owe.

Mr. Barbour, since my Republican colleagues have made such a good point about the need for people to be honest, to be forthright, to stick to their word, I am asking you tonight on national television to stick to your word. You made a promise. You made a pledge. You laid down a challenge. I accepted your challenge. I hand delivered my response to the Republican National Committee a couple of blocks from here.

☐ 1900

Your response to my challenge was to sue me and about 80 other Americans who did nothing more than to answer your challenge.

I am a Congressman. It is pretty easy for a Congressman to find a lawyer. Some of the people that you sued served in the United States military. Many of them were retirees on fixed income. I call that low-balling tactics. So in response to your suing me, I have also had to hire an attorney. But I will make this promise to you when you keep yours. And after I have to pay the attorneys that I had to hire because you sued me, I will take that million dollar check and what I do not have to pay to the lawyers and donate it to the University of Southern Mississippi.

But I am going to remind every American that I do not want to hear you or any of my Republican colleagues talk about honesty in government until you keep your word.

Mr. Speaker, I yield to my friend, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank my friend from Mississippi for yielding to me, and I thank him for continuing to come to the floor and to make the very valid points about this so-called surplus.

I also appreciate him bringing up the word "honesty." Because each and every one of us that is elected to this body are basically honest people, 435 Members; but many times in the heat of political battle we tend to stretch the truth when it is perceived to be politically advantageous.

And when we start talking about the debt and the fact we are here tonight, Mr. Speaker, three of us in this Chamber right now working, at least three of us are working, and I would renew the invitation to any of my colleagues on the other side of the aisle who might be back in their offices working to come to the floor and to participate in this discussion, challenge the gentleman from Mississippi (Mr. TAYLOR) on that which he has said and challenge me on some of the things that I am going to say. Because I do not intend to misrepresent the truth tonight.

But things are getting a little ridiculous around the House of Representatives. The Senate went home today. "With the budget unresolved, the Senate agreed to adjourn until after the election." And they are gone. But yet, we have already heard speakers on this floor today saying we are going to work throughout the weekend.

I would like to work throughout the weekend to resolve this budget impasse before the election, because I am not real sure we are going to do a very credible job after November 7, any better than we are doing before. There are a lot of people out in the country now beginning to talk about the job that the 106th Congress is doing.

The San Jose Mercury News, on October 24: "Congress has been doing very little but doing it very expensively. What the Republicans have not needed from Clinton is any encouragement to spend money. Facing a close election, they have not only been giving Clinton what he wants but pumping money into their own districts with a fire hose."

Eight of the 10 appropriations bills that Congress has passed and sent to the President would spend more than the President had requested. According to the estimates of the Congressional Budget Office, the 10 appropriations bills that this Congress has sent to the President would spend $505.5 billion in outlays, which is 10.7 more than the $494.8 billion the President requested including the supplementals calculated by the Congressional Budget Office.

The increase in discretionary spending caps for fiscal year 2001 adopted by the House on a party line vote as part the Foreign Operations appropriations conference report, rollcall No. 545, would allow Congress to increase discretionary spending above the amount requested by the President by $13 billion in the budget already and $8 billion in outlays.

Now, what has this got to do with what the gentleman from Mississippi (Mr. TAYLOR) has just been saying? Everything.

Discretionary spending is that which the Congress appropriates. The only way we can spend that money, the only way the President can spend that money, and we keep hearing about the President spending money, and I have now been privileged to serve in this body with four Presidents and they are all alike regarding the Constitution, but no President may spend money that the Congress does not first appropriate, whether it is for foreign aid, whether it is for highways, whether it is for agriculture, whatever it may be.

According to the bipartisan Concord Coalition, if discretionary spending continues to increase at the same rate it has over the last 3 years under the Republican Congress for the next 10 years, nearly two-thirds of the projected $2.2 billion surplus that is non-Social Security will be wiped out.

Now, that is a fact. That is why the chart of the gentleman and what he says about the surplus is critical to the actions that we are taking today.

Let me quote another newspaper. Everybody gets all upset when we talk about newspapers from the Northeast, but let us talk about the Des Moines Register, October 27: "If nothing else, this session of Congress should lay to rest the cliche about Democrats being the party of big spenders and the Republicans being the party of less government. The Republicans that control this Congress are setting the record for big spending. The Republican majority stands accused of wallowing in classic pork barrel politics."

Now, here is the main point that I want to plug into the discussion tonight. We should have completed our work we said by October 5 or October 6. We are now 32 days into the new fiscal year, and we still have not gotten an agreement.

Now, there is a lot of finger-pointing going on. And, oh, have we heard it again today, who is to blame for the stalemate, and a lot of rhetoric about who wants to work. And I think it is going to get even more ridiculous tomorrow. Because here we are basically having completed our work for today at 4 o'clock in the afternoon as far as legislation is concerned and we will not go back into the session for any work, "legislation," until 6 o'clock tomorrow evening. But most of us and my colleague and the gentleman from Mississippi (Mr. TAYLOR) and I, we understand that the work we are talking about should be going on in a conference between the appropriators and the House, majority and minority, and appropriators in the Senate, majority and minority.

But we have already heard the Senate has gone home. There are no meetings going on. And again, if someone can clarify this, if there are meetings, then I want to stand corrected. Because I do not wish the CONGRESSIONAL RECORD tomorrow to have me saying something that is untrue. If there are meetings going on at this moment or were there any meetings to work out the differences yesterday, I would love for the CONGRESSIONAL RECORD to show documentation that there was one meeting to resolve the budget differences that we are talking about that have kept the House in and that are going to keep us here through the election.

This is the rhetoric going on. That is fine. We can talk about work all we want to. But if there is no work going on, who are we kidding? Why did the congressional leadership not accept the President's offer to meet yesterday to discuss an agreement on responsible tax relief and a Medicare package that provides assistance to health care providers as well as beneficiaries instead of providing over 40 percent of the funding for HMOs? Why was there not that invitation?

You would think, based on the rhetoric that we have heard on the floor, that the President has been out of town campaigning. But I believe if you check the White House attendance record you will find that the President was available all day last Friday, all day last Saturday, all day Sunday, of which the first meeting that occurred, the first work that occurred in the Congress over the weekend occurred beginning at 10 o'clock Sunday night and concluded at 1:20 with an agreement that then blew up. The President was available all day Monday. He was available until 1 o'clock yesterday. He was in town today. His schedule is flexible for the remainder of the week. Why has the leadership of the Congress not engaged the President on any one of those days? That is, I think, a serious legitimate question.

The administration and the Democratic negotiators tell me that they continue to be available and will be available to meet with the Republican leadership to negotiate on these items. Can anyone from the other side tell me of a single invitation to meet and negotiate over the remaining items that the administration or Democrats from Congress have refused to attend?

Now, we can stay here and pretend that we are working by having one vote each day or two. We will approve the Journal and then we will have a 24-hour extension. But who are we kidding? Who are we kidding if there are no negotiations going on between our leaders?

Now, I think it is important to remember that the leadership of this House said early this year we were going to complete our work on time, we were going to run the trains on time, but we would not negotiate with the President of the United States. That is fine. That is a prerogative of leadership to make a plan. But I think again a little practical constitutional reminder is in order.

This President, the previous three Presidents, the next President, you cannot be a President in the Congress unless you have two-thirds of the vote. You can disagree. You can dislike him. You can call him names. That is one of the great privileges that we have in this country is to criticize the President and criticize the Congress. It is one of the marvels of our system. It is called freedom of speech. We can be as critical as we want to. But in the end, it is incumbent upon the Congress to get our work done.

And the majority party in the Congress is responsible for getting our work done. It is not the minority. You cannot blame it on the minority leader as some are doing now. You cannot blame it on the minority in the Senate. Oh, you can do it. It is the easiest thing in the world to say it. But the truth is, under our constitutional form of government and our rule of majority, the only action that can be taken is that which is approved by the majority.

Now, if you want to override a Presidential veto, there is a way to do it. You find 73 Democrats to vote with you, assuming all Republicans are in agreement. It is called two-thirds. To get two-thirds, though, you have to at least try to work with the other side of the aisle. At no time in these last few days as we are talking about working has there been any serious overtures over to this side of the aisle that I am aware of to begin working on compromises. We are basically down to three or four things that are keeping us from completing our work and going home for the election. Immigration. A lot of controversy on that one. But there is a good solid middle ground that I think the majority on both parties can support. School construction. Again I think there is a good solid middle ground that could be worked out if folks sat down and just worked on that issue or awfully, awfully close.

The appropriators, the gentleman from Florida (Chairman YOUNG) and the gentleman from Wisconsin (Mr. OBEY), have done great work and they are deserving of no criticism. And I mean no criticism of the gentleman from Florida (Chairman YOUNG) and the other appropriators. That is not the problem.

We have a crisis of leadership of refusing to do that which is necessary to get the work of the House completed. And here I have seen charts, bringing up charts here saying, "How much is enough?" I hope we have burned those charts because they are inaccurate. They are inaccurate. We have stated how much money is going to be spent in 2001. The majority party very clearly voted to increase the cap by over $100 billion more than the budget that they had originally called for in the 1997 Budget Act.

□ 1915

So that is all behind us. Anyone that is proposing to spend new money or more money, whether it is the President or anyone else, knows that if it is an appropriated dollar, that it is going to have to come out of somebody else's pocket. The gentleman from Mississippi has pointed out that when we start talking about spending, we are taking it out of somebody's pocket. It is coming right out of somebody's pocket, no matter how you choose to spin it.

Well, I hope that sometime tonight, or tomorrow or by 6 o'clock tomorrow that the leadership of this House will realize that it makes no sense to continue to say that we are working if nothing is going on.

Mr. TAYLOR of Mississippi. I thank the gentleman from Texas. The gentleman from Texas and I come from different parts of the country and therefore represent different interests. The gentleman from Texas comes from an extremely agricultural part of Texas. He chose to serve on the Committee on Agriculture. As a matter of fact, he is the ranking Democrat on that committee. I come from an extremely patriotic part of the country. I happen to be fortunate enough to know two living Medal of Honor recipients, and we have a number of military installations and defense contractors in south Mississippi, one of them being Ingalls Shipbuilding, built over half the ships in the fleet.

One of the misstatements that is often said on this House floor is that it is somehow President Clinton's fault that the fleet is shrinking, that there are fewer airplanes, fewer people in uniform. I would like to remind my colleagues that say that, and I am sorry that none of them are on the floor here tonight, to read the Constitution of the United States. Article 1, section 8, that part that gives Congress its responsibilities, says it is Congress' job to provide for the national defense, that it is Congress' job to provide for the Army and the Navy.

I would further remind my colleagues that article 1, section 9 of the Constitution, and I encourage all of you to read it at home, says that no money may be drawn from the Treasury except by an appropriation by law. So what does that mean, when they say the President did not build enough ships, he did not build enough airplanes? No, what it really means is that they have not put enough money in their budget that passed with an overwhelming majority of their votes to build those ships.

Specifically, Mr. Speaker, I would like to remind the American public that on January 1, 1995, the day the Republicans officially took over the responsibility of running both the House and the Senate, our Nation's fleet had 392 ships in the Navy. Today, the fleet is 318 with the *Cole* being out of commission. So it is 317. Our fleet is now the smallest it has been since 1933. This with a Republican majority in the House and the Senate that can put all the money they choose to, if they choose to, into the defense budget.

Mr. Speaker, my criticism is that in search of tax breaks geared mostly toward the wealthiest Americans, you have shortchanged the troops. We have got kids flying around in old helicopters 30 years old. The newest Huey out there that our soldiers are flying around in is over 30 years old. The newest C–141 out there that our Air Force crews are flying right now is nearly 30 years old. We have the smallest number of ships that we have had since 1933 during the Depression. Again, article 1, section 9 says that no money may be drawn from the Treasury except by an appropriation by Congress.

Now, somebody out there will say, maybe the President vetoed those defense bills. And he did veto some of them. But never over spending. He vetoed them over social issues, and I disagreed with him on those social issues. I do not think we ought to be performing abortions at military hospitals. I was not for the "don't ask, don't tell" policy. But those are social issues. He never vetoed a defense bill over spending. So when I hear people come to the floor and say, Well, it's Clinton's fault, I beg to differ. It is your fault. In search of tax breaks for the wealthiest Americans, you have shortchanged America's defense, and I will scream it from the highest mountaintop because I know it to be true.

One of the things that I hope the next President will concentrate on is America's defense, because again I hear many of my Democratic colleagues talking about everything but defense, and quite frankly I hear far too many of my Republican colleagues talking about everything but defense. We have a Nation that wants to get involved in school construction. Where I come from that has traditionally been a local responsibility. We are talking about getting involved in all sorts of things that are normally State and local responsibilities when the greatest national responsibility is to balance our budget and defend the Nation. That is what we ought to be doing, and that is what we ought to be doing very well.

I want to point out to my colleagues that I do not think my Republican colleagues have done that very well.

Mr. STENHOLM. Mr. Speaker, another area that we have been very derelict on in the 106th Congress and that has to do with energy policy. We paid a pretty good price, it was not nearly as bad as it could have been, with Desert Storm. But we had to send our youngest and finest into harm's way, and it was one of the toughest votes that I have had to cast in support of President Bush's move to send our troops over to the Middle East. Everyone knew we did not go over there to put the emir back on his throne in Kuwait. We went over there to defend the Free World's access to oil.

There for a while after that, I thought that Congress and the administration would begin to recognize that the lack of an energy policy in the United States is a national security policy. But we have gone through one more Congress now and one more administration without dealing with an energy policy. Oh, the finger-pointing has been going on, but you do not solve problems with finger-pointing. One of the things that I think the gentleman from Mississippi and I, and I believe the gentleman in the chair fits right into this mix, whether it is Idaho, Mississippi or Texas, my folks do not like to hear criticism of the other guy. They do not like to hear Democrats criticizing Republicans, Republicans criticizing Presidents unless you offer a constructive alternative, unless you say, I'm against this but here's what I'm for.

And here I believe that the reason that we are here tonight and we still have not completed our work, it has been a failure of leadership, of recognizing that we had, or we should have, passed a budget that could have restrained spending. We did not agree with the President's original call. We, the Blue Dogs, did not agree with the President's original spending call of $637 billion. And we did not agree with the Republicans' call for $625 billion, because we did recognize there needed to be some additional spending, in the defense area in particular but in rural America, in education; and, therefore, we suggested a compromise between what the President proposed and what the majority in the Congress proposed.

We got 138 Democrats to support our budget, and we got 37 Republicans to support it. Hindsight being 20/20, I just wonder where we would be tonight had we passed the Blue Dog budget and had 290 votes if that was a problem, but I do not see where that would have been a problem with the President. If he had 138 Democrats and all of the Republicans saying let's hold spending down, I doubt seriously you would have had a President saying, let's spend more. We will never know the answer to that. That is the kind of rhetoric that everybody has fun with.

I want to mention one other area and this one really bothers me today. That is in the area of health care. The balanced budget agreement of 1997 cut the Medicare and Medicaid reimbursement rates way too much. We have literally destroyed our small hospitals, and quite a few of our large hospitals are having trouble. Therefore, I do not choose to say just rural, that happens to be my district, and a lot of times communities like Abilene and San Angelo of 100,000 population do not consider themselves rural but for purposes of health care come a lot closer. But we have reached an impasse. The Senate has gone home without even taking up the so-called tax cuts and/or balanced budget giveback for 2001. If we should end up doing nothing, we will do irreparable harm to the health care delivery system. Nursing homes, we have, I am told, over 200 bankrupted today. I know I have several in my district that, unless we do our work and recognize that we do have to put some more money back into Medicare-Medicaid, we have got real troubles.

But yet the chairman of the committee has said unequivocally we will not renegotiate that which the committee did in a purely partisan way, with no input from the administration, no input from our side of the aisle. The same gentleman that wrote the balanced budget agreement health care provisions in 1997 is the same gentleman that tonight is saying under no circumstances will we renegotiate the health care provisions, because he believes he is right.

Well, he may be right. But some of the rest of us may also be right, and this is where our Constitution provides that you seek compromise. Compromise is not a four-letter word. There are sincere Members of Congress on both sides of the aisle that would like to sit down and to reach a compromise on some of these issues and not have a confrontation. But you cannot do that from the minority side of the aisle.

I spent the first 16 years of my life here in the Congress in the majority and found myself defending myself from some of the same things that I hear my colleagues today accusing me of today, big-spending, liberal Democrats. How can this be, Mr. Speaker? When you are in the minority, you do not control what comes out of the Congress. When you control both the House and the Senate, it is your game plan. If the President is from the other party, you have got to override him. To override him, you have got to reach out to folks on the other side of the aisle and the current leadership of the House; and I want to say this very respectfully, the current leadership has chosen confrontation over compromise. That had something to do with political strategy. And we are sure going to find out come next Tuesday what worked and what did not.

But in the meantime, look at what we are doing. We will have a new President come November 7, at least elect a President-elect, and we will have a new Congress. I do not know whether it is going to be a Democratically controlled Congress, which I kind of hope for, or Republican, but whoever is in control is really immaterial. It is really immaterial. Somehow, some way we have got to get back on track. We have got to listen to the gentleman from Mississippi when he points out validly that our debt is still going up.

My last comment at this stage is yesterday I was back home in my district, and I had a group of seniors from Paradise High School that came out. We got into a little bit of this budget and impasse and you do not want to get too detailed because most folks' eyes glaze over when we start talking about these numbers, but I made the point of $4.6 trillion projected surplus and how can you spend projected surpluses when you cannot predict tomorrow and that the Blue Dogs have said we ought to use most of this money to pay down the debt because that is the only way you change the charts of the gentleman from Mississippi where they are meaningful is by paying down the debt.

One young lady raised her hand and said, "Mr. Congressman, how can we have a surplus when we owe $5.7 trillion?" Try answering that question to a senior and getting away with it.

Mr. TAYLOR of Mississippi. I thank the gentleman. Just two last points I would like to make because I know the gentleman from Florida (Mr. MICA) has been very patient waiting on us.

Number one, getting back to defense. I would gladly compare the last 6 years that the Democrats ran the House versus the first 6 years of the Republicans. In the last 6 years of the Democratically controlled House, this Nation funded 56 new naval vessels. In the first 6 years that the Republicans ran the House, they funded only 33. I have heard people this day give speeches about Democrats being weak on defense; and yet in the 6 years, the last 6 years we controlled the House, we built almost 20 more ships than the present majority.

I would also remind people that as we begin to look at paying off this horrible debt, I would ask every American from a patriotic point of view to keep one thing in mind. Almost $5 trillion of this $5,676,178,209,886 worth of debt occurred in the lifetimes of those of you born since 1980. One of the common misperceptions is that, well, if we are this far in debt and our Nation has been around for almost 200 years that we somehow have done a proportional share of that debt. That is wrong.

□ 1930

Almost all of this debt, if you have been born since 1980, has occurred in your lifetime on benefits that were there for you, either winning the Cold War, building roads, taking care of health care, whatever.

I think that this generation has a moral obligation to pay our bills. I am the father of three. I am not going to stick my children with my bills. To do so would be morally wrong. As a United States Congressman, I think it is morally wrong for this generation to stick the next generation of Americans with our bills. I would pray that those seeking this office, I would pray that those seeking the office of the Presidency of the United States, would come to the conclusion that before we talk about trillion dollar tax breaks, mostly geared towards those people who could write thousand dollar contributions to their campaign, or before we talk about new spending for new programs that have traditionally been handled by the States, that we pay our bills and not stick our kids with our expenses.

Mr. STENHOLM. Mr. Speaker, he reminded me of two other points that need to be made regarding the debt. Nothing up on your chart shows the unfunded liability of our Social Security system; almost $8 trillion that that system is unfunded. Now, that will not affect anyone on Social Security today. Anybody 55 years of age and older does not have to worry about that, but my two grandsons have to worry about it because no one disagrees that unless we make some changes soon in the Social Security system that our children and grandchildren are going to have a real, real problem. That is the relevance of the charts that the gentleman from Mississippi (Mr. TAYLOR) was pointing out to us a moment ago. When you start borrowing from the trust funds, which we did, which we did for year after year after year, but now we have an opportunity to stop it. When you have an opportunity to stop it, we would like to really stop it, not just rhetorically but actually.

The record is going to show that this Congress has spent a good bit, we do not know how much yet because we are not through, will have spent a good part of this projected surplus.

Now, I want to also call attention to the alternative Medicare and Medicaid give-back bill that some of us would like to see considered. It is a much better bill than the one that we have been told by the current majority that we have to take or leave. It offers stronger protections for beneficiaries. It makes major improvements for beneficiaries, especially low-income seniors, children and working families. It will really help your hospitals, nursing homes, home health agencies and hospices get the help they need so that they can stay open and provide access for seniors. It gives them certainty. Instead of giving just 1 year of guarantee of certainty, we say give our hospitals, our nursing homes, 2 years so that they can begin to plan to undo the terrible damage that has been done over the last several years.

It requires HMOs to offer a stable 3-year contract of service to your constituents as a condition of getting increased payments. What is wrong with that? Or at least why would we be opposed to giving 3 years guarantee if you are an HMO while at the same time saying we cannot give but 1 year certainty, why not give a little more certainty to all involved in health care? Now, this is an alternative. I mentioned that if you are going to be opposed, as I very strongly am, to the version that we have been given on a take it or leave it basis, we have offered something that negotiators could sit down and not give everybody everything of what they want perhaps but at least have a good discussion.

Mr. Speaker, that is the problem. I want to repeat so that every one of our colleagues who are hard at work in their offices tonight, that we are getting a little bit ridiculous in saying we are going to stay here and work when the only people that are required to stay here and work are our staffs, when the negotiators that are responsible for pulling together this last bit of compromise necessary are not even meeting. Some of the most vocal critics on this floor have missed vote after vote after vote, which indicates they have been on the floor criticizing inaction and pointing the finger at the other end of Pennsylvania Avenue but have not been here themselves and working.

We can stop there. Mr. Speaker, there is a lot of folks on our side of the aisle that are willing to help stop it, but it has to start somewhere and it has to start with leadership. Let me remind everybody again, the Senate has gone home. They have said in the climate that we are operating in now we cannot get any more work done.

If that is true, and that was the will of the Senate, the majority in the Senate have said let us go home. If we are not going to work, which we are not, then what are we going to do, Mr. Speaker? Let us not indicate we are going to work over the weekend and all we are going to do is cast two votes every day, a 24-hour CR and an approval of the journal. We will look awfully foolish. In fact, we have already looked rather foolish.

In the meantime, we are spending this surplus at a record rate. One Member, a very, very distinguished Member on the other side of the Hill has stated that he has found $21 billion in this $645 billion that is questionable spending. Well, that is done. Boy, it really makes our challenges for the future greater. In the short term, we are sure looking ridiculous as a Congress. Quit pointing the finger at those on our side of the aisle. We are in the minority. You cannot blame the minority for not getting our work done. That is a responsibility that comes with the majority; and I hope after November 7 I can get the criticism honestly.

REPUBLICAN AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to address the House tonight. Many of the Members are curious as to what is going to happen. The House and Congress have a responsibility to pass measures to fund our Government. I do want to say that the two previous speakers on the minority side, the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Texas (Mr. STENHOLM), are not usually part of the problem; they are usually part of the solution. They are conservative and very moderate in their views and also very fiscally responsible, and I applaud their efforts. I worked many times with the gentleman from Texas (Mr. STENHOLM), on the balanced budget amendment. I remember coming as a freshman with a gleam in my eye, coming from the private sector saying that we must balance the budget. He, in fact, was one of the leaders on the other side calling for fiscal responsibility. So I do not consider the gentleman from Mississippi (Mr. TAYLOR) or the gentleman from Texas (Mr. STENHOLM) part of the problem.

We do have disagreements on some of the reasons why we are here. The reason why we are here is we have 435 folks. I always joke that my wife and I almost not a day passes, although I love her dearly, been married 28 years and there is only two of us but there is not a day that the two of us do not disagree on something. That does happen. As the gentleman from Virginia (Mr. WOLF) says, imagine serving in a place where you have 435 class presidents and all of them think they are right; not to mention that we have to deal with another body, the very esteemed Senate that Bob Dole used to say one of the things he enjoyed over there with the Senators is watching paint dry.

They sort of take their time in getting things done. That may be the case here, and that was really what the Founding Fathers intended that we do have someone that can look at problems with a longer term and then the House, which is the people's house and immediately responsible, we are all up for election every 2 years and responsive to the people, but we are here because there are differences. Some of them are glossed over by the media and not apparent, and many people in America, my colleagues, are out there just trying to make a living, get their kid through school and pay their bills and make certain that they provide for their future and they do not pay a whole lot of attention until hopefully an election comes up or some major issue, but there are some differences. There are some things in the bill that are unpalatable that are just not acceptable to us on this side.

I come from a State, Florida, that has suffered from illegal immigration. In fact, I held a hearing in Fort Lauderdale yesterday and after the hearing I met with Coast Guard officials; and they said, Mr. MICA, we have some news for you and it is not too pleasant. They said the numbers of illegal immigrants coming in to Florida off the coast has dramatically increased. I said, where are they coming from? They said, it is from all over, Chinese, coming in through the Caribbean and the Florida waters, Haitians, Dominicans, South Americans in large numbers. We have a number of countries in South America that are undergoing severe crisis, Colombia. The situation in Panama has been difficult since the United States left there. Ecuador, Venezuela has been destabilized by some of its current government and other problems throughout Latin America.

So I think that one of the provisions that has raised some great concern is the President's insistence on granting amnesty to literally millions of individuals. Now, I must also speak from the standpoint of being the grandson of immigrants on both sides of my family, Italian and Slovak immigrants who came here almost 100 years ago, worked in the factories and worked real hard to raise families and did not have any government programs; had to come here in good health; had to fend for themselves and something has gone wrong if, in fact, we do agree to granting amnesty at this time. What a message that would send to so many people abroad. The United States does not pay any attention to its laws. You can come in illegally and you will be granted amnesty and can stay here. It is sad. We have also created sort of a haven and magnet.

One of the ladies that I talked to recently at home came up to me and she said, Mr. MICA, I have a neighbor down the street and she is here. She is not a citizen. And she said to me, Mr. MICA, I get less than $500 a month in Social Security. I worked all my life. I am an American. I was born here and the lady down the street is not a citizen, not here in the same manner that others have come here. She gets more payments than I do. She has all kind of benefits and health care and other things that she did not have. Somehow the system has skewed in the wrong direction. But for us to cave in at this point and to go along with the President's demand to grant amnesty to millions of people who are here illegally, it just sends the wrong message.

For those who came legally and worked and raised families, were contributing citizens, one of the neat papers I have in my family's little folio is the naturalization papers of my grandparents. I know how much they treasured becoming citizens in a legal manner. Again, we throw a lot of that out the window if we just cave and accept this. What a wrong message we send. Here we are increasing the bipartisan and immigration spending in these bills, but why bother if we ignore the laws that set some parameters and some standards by which you become a citizen in an orderly fashion? Let me say I am a strong proponent of legal immigration.

□ 1945

It has made this country great. It is diversity; it is bringing people from all over the world together in a melting pot and allowing people to be their best. To have the best opportunity is something I would never want to diminish in any way. But this is wrong. It is a wrong message. I am sorry we have a disagreement on this; but again, it is something that I think lies below the surface, but also creates opposition at this juncture.

There are other serious differences: school funding. Now, all of these differences are not money, and I have to agree with the gentleman who just spoke on the other side, we are spending in these bills more than we would want. Some of us like myself and some of the others who spoke again from the other side are fiscal conservatives, and we want to stay within those limits that we worked for in 1997 to create a balanced budget, to get our Nation's finances in order. Mr. Speaker, one can do amazing things when one has their finances in order, whether it is personal or Federal. It is not that complicated. We just had to limit the amount of expenditures not exceeding the money coming in, the revenues; and we balanced the budget in a short period of time. But we have to stick to that formula.

Now, we are very fortunate. The economy has dramatically improved. We have more money coming in. The estimates are somewhere around $240 billion. We do not know exactly how much we are going to spend of that annual surplus. It may be $30 billion, $40 billion, I have heard estimates as high as $60 billion, and some of us on both sides of the aisle disagree with that.

But at some point we have to stop the expenditure of that surplus, because then our promises and our pledges to balance the budget that we made in 1997 are meaningless. So there are many people who do not want to go home. They will stay here through the election; they will stay here until the Potomac freezes over and we can put up the Christmas lights and begin that celebration of the holiday, because they do not want to spend us back into deficit. They do not want to spend the surplus.

One of the things we have tried to do on our side is come up with a 90–10 formula, that we use 90 percent of the surplus to pay down the national debt. I know one of the hardest things I have when I go home is convincing folks that we have actually paid down a little bit of the national debt. When I leave here, whenever I leave here, I think I am going to look back and say that under my service, and under the service of some of those who were fiscally responsible, we began paying down that enormous debt, and it is not $3 trillion to $5 trillion. Even the previous speakers alluded to the incredible debt we have of money that has been taken out of Social Security, taken out of trust funds, taken out of pension funds, unfunded liabilities. So it is much more. We have just paid down a little tiny bit. But for those of us who feel it is important to be here, to be responsible, to not yield any further on spending, it is another reason to be here.

We do have differences. There are people who would spend it all; there are people who have been here who have spent it all. There are differences in Medicare and payments for HMOs.

I sat on the floor and heard the debate this week. One of the great things about being here when we do not have a full legislative agenda and running to hearings and all of that is one can actually listen to more of the debate. I thought the HMO debate was quite interesting. I have had folks write me and say, Mr. MICA, I want to address my concerns to you, and one gentleman from Winter Springs, Florida, wrote and said, Mr. MICA, I want to address you and the other dummies in Congress. I thought he had a very good point, because he was trying to illustrate that we are not paying attention to what is happening out there with HMOs. He said, you are arguing about whether I can sue my HMO. He said, Mr. MICA, my third HMO has gone under, out of business. I am concerned I do not have an HMO that I could even sue. And that is part of the problem, is that HMOs which were designed to give broad health care at low cost with a minimum package of benefits have now been forced to go under.

But the debate was interesting. Some from the other side say, we are paying HMOs too much money. Part of the debate here also is how much in this final bill that we do pay HMOs. We have HMOs that are closing, they are closing for our seniors, they are closing in rural areas. They are not closing because they are making too much money. Some folks on the other side said, well, they are getting huge amounts of money. Well, part of the debate here is over whether we pay them 1 percent or somewhere in the neighborhood of 4 percent. I would venture to say that if someone is going under, it is not because they are making too much money. Some HMOs are for profit.

We also heard accusations that executives of HMOs were getting huge fees, and that may be true in some cases. We also heard the gentlewoman from New Mexico (Mrs. WILSON), who came up and said, I hate to tell my colleagues, but my HMOs in Mexico are all not-for-profit, run by various churches, Catholic and other churches, so they are not getting too much money in her State. They need the funds to survive and to provide health care.

Mr. Speaker, we cannot have people forced out of nursing homes. There have been record bankruptcies in nursing homes in this country. We cannot have people forced in rural areas not to have health care provided.

Now, it would be nice, in one of the motions to instruct, to require HMOs to provide service forever and ever, but that does not happen. It does not happen in the real world. HMOs, whether they are not-for-profit or for-profit, if they do not meet the bottom line, they will fold. So we have a responsibility to make certain that these health care service providers, whether it is home health assistance, which is so important; whether it is hospitals, nursing homes. Again, not-for-profit or for-profit, HMOs do require our attention.

There has been agreement on almost all the points, although I know there is a disagreement on the lawsuit point, but I can tell my colleagues that as chairman of the Subcommittee on Civil Service for 4 years in the Congress, I oversaw the largest health care plan in the country, the Federal Employees

Health Benefit Program. It serves 4.2 million Federal retirees and employees. I will tell my colleagues, I watched that program, and partly under my tenure, the President came up with a so-called Patients' Bill of Rights, or patients' protection proposal. We conducted hearings on that, and I lined the folks up and said, well, what is the patients' protections going to do? What medical benefit is there going to be to it? No one could testify to a medical benefit. This particular proposal did not have a lawsuit element in it. But each of them testified that there is no specific medical benefit.

What we saw happen is that the President, by Executive Order, which he does so often, instituted that on the Federal Employees Health Benefit Plans. There were almost 400 to choose from before he imposed these new regulations and requirements and paper work and reporting on them, and that has dropped dramatically the last I heard, 60 or 70 had dropped out, because again, when we impose more regulations, more costs to deliver the health care, some of these marginal providers will not be able to perform. What was interesting too is we saw dramatic increases, almost double digit, when the private sector was having 4, 5, 6 percent Federal employees, including Members of Congress have been getting close to double digit increases.

So the more regulation we put on health care, the more restrictions we impose, and we do need some reform of HMOs. The law has not kept up with the delivery of service. But we have to understand, the more we require of them and the more paperwork and the more reporting, the more the cost is.

We are going the wrong way in looking at suits. Talk to anyone in the medical profession today. It is no longer a question of getting compensation where someone has been negligent. It is almost a case now of extortion, where suits are being filed. They never even make it to court. If we do not think that adds into our health care costs, whether it is drugs or hospitals or any health care provider, every health care provider is conducting what they call defensive medicine. You go in for a hang nail and they are going to run 20 tests on you, because if something goes wrong, they are liable to be sued. But we are headed in the wrong direction there.

Prescription drugs is a similar issue. I do not know if my colleagues have noticed the lack of some vaccines on the market. I held hearings on the question of some of the immunization vaccines; and immunization vaccines, I am told, can be produced for $1 or less per vaccination. But what has happened is, first of all, very few people, I think we are down to one or two manufacturers, who will even produce vaccines. The cost of the vaccine, the substance, may be $1, but the insurance on the vaccine and the other costs may, in fact, be $18 to $20, if we can find someone who will insure you, and if someone will produce it in the United States.

That is why drugs are cheaper in Mexico. We do not have the protections, we do not have the liability, and if we talk to those involved in drug manufacturing even in Europe; in Europe, I asked the drug manufacturers when I met with them how much R&D they do, and they said zero, zip. We do not want to discourage R&D; we should be supporting R&D. By research and development, we can bring the costs down, and that is something we should be looking at.

By limiting some of the exposure on these suits, we can also bring the costs down. If you have someone who has lost a loved one or a limb or someone who has been negligent, they should be properly compensated for that negligence, but the whole system is out of kilter; and that is part of the problem.

But part of the reason we are here is to make certain that our nursing homes are provided adequate compensation, that they are not closing down, and that our HMOs are adequately compensated. We cannot continue to limit their reimbursement to 1 or 2 percent, when even inflation is higher than that rate or their cost is higher. It will not work. They will go out of business. We can play these games, but we cannot force people to provide health care if the bottom line is not met.

So those are some of the reasons that we are here tonight. There are differences. I am hoping they can be settled. I do not enjoy being here; I would much rather be with my family.

One of the other issues, and I am going to really talk about two issues here, Mr. Speaker, and I want to talk a minute about something I heard yesterday morning. I turned on the television and in his bombastic manner, Vice President GORE, he was saying he was going to save Social Security. I sort of broke into chuckles, having come to the Congress in 1993, I sort of thought, I guess yesterday was Halloween and here was the Vice President saying he is going to save Social Security. It just struck me as very humorous. Because when I came here, as Vice President, I never heard him ever offer a solution to Social Security. In fact, he is one of the people who was in the other body, the United States Senate in the Congress, when year after year they raided Social Security. We have to remember, in 1993, when he became Vice President of the United States, they submitted, the Clinton-Gore administration submitted a budget to this Congress; I came here as a freshman, and that budget had in it a $200 billion-plus deficit that they presented to us.

□ 2000

Now, that deficit alone was bad enough because that is $200 billion, but on top of that, they were taking all the money out of the social security trust fund.

So here is the person who is now saying he is going to save it proposing a budget that had a $200 billion deficit, and raiding all the money in social security. Not only had they raided it in 1993, they raided it in every year I believe he served in the United States Congress.

So for him yesterday on Halloween to get up and say he was going to save social security, and I am sorry I have to chuckle. I just could not keep a straight face. Here he had proposed a budget again that was running us further into debt, $200 billion just for that year, and on top of that taking the money out of the trust fund, and had done that year after year after year. So suddenly he has become the savior of social security.

What is sad about that budget too is if we looked at that budget, and we have copies of the budget that was presented by the Clinton-Gore administration in 1993, this year in 1999 it would have projected a close to $200 billion deficit this year. That was with, in 1993, the largest tax increase passed in the history of Congress being part of their package and remedy.

So they increased taxes. The deficit was running $200 billion plus, a $200 billion plus projected deficit, even with that tax increase they proposed to us. The records are there. I am not exaggerating this in any way.

It does concern me that the people who raided the trust funds, and if it was just social security, that would not be excusable, but they took from the highway trust fund. They diverted money from the infrastructure of the country. When we fill up our tank and pay gasoline tax to the Federal government, now it is 18.4 cents, they were taking money out of the highway trust fund dedicated for infrastructure and spending it on other programs. They were taking money out of aviation trust funds.

As chairman of the Subcommittee on Civil Service, I was absolutely appalled, stunned. When I came from the private sector as a businessperson to take over chairing the Subcommittee on Civil Service and I looked at Federal employees' pension funds, there are about 38 Federal employees' pension funds, it is absolutely incredible that about 33, I believe, of the 35 had zero dollars in them.

They did the same thing to social security that they did to these pension funds, Federal employees' pension funds. They put in nonnegotiable certificates of indebtedness of the United States, paying the lowest possible interest rate, but there is no hard cash in all but a couple of these funds. The few that have some hard cash in them, it is a minuscule amount.

The gentlemen that were speaking before me talked about unfunded liabilities for social security. If we start adding in unfunded liabilities for these pension funds, we are talking probably in the neighborhood of a $19 trillion-plus deficit. There are trillions of unfunded liabilities. So here again, the folks that were taking out, the tax and spenders were taking out of these funds money that should have been set aside.

This raises a very important issue. I really admire the courage of our Republican nominee, George W. Bush, because it is a very tricky issue. Seniors become very concerned when they hear anything about reforming social security. Everyone knows we have a problem.

I borrowed these charts from the gentleman from Michigan (Mr. SMITH), who comes to the floor very often and does a great job on explaining the problem with social security.

But for a presidential candidate to stand up and say, we have to do something about this, and propose some reforms, I think is very significant. He is not brushing over this issue. It is an issue that needs addressing.

Members can see from this chart that the gentleman from Michigan (Mr. SMITH) provided, we have a short-term surplus right now if we continue with a good economy and all of that, and we are good stewards, we keep the money in the trust fund, we do not raid the trust fund. But if we get down here to somewhere around 2011, it begins to go south. This is the problem we have to face.

Now, some of the solutions that are being proposed are not realistic. Governor Bush is in the private sector. I came from the private sector. There are only several things that one can do.

First of all, we can either increase the contribution, the payroll tax for social security. We have done that. If Members have not looked at their paycheck lately, and the gentleman from Michigan again brings out a great chart, it even caught my eye, but 78 percent of the workers in this country pay more in payroll taxes than they do in income taxes.

This is part of the problem. We have gone from a 2 percent charge for social security back in 1940 to 12.4 percent, so people are paying as much as $9,448 in the year 2000. We cannot tax our way into making this solvent. It just will never keep up to get us out of this red hole.

The other part of the problem is, and this is, again, one of the charts of the gentleman from Michigan (Mr. SMITH) which I will borrow tonight, it just shows we have 38 workers, I believe, in 1940, or at the time we started social security a little bit before that, I believe, and in 2000 we have six, and we go down to just four here in 2025. So we have fewer workers contributing, even paying. That makes the equation even worse.

Another factor is, just like the gentleman from Florida (Mr. MICA), who is getting older by the hour serving in Congress, particularly in these long sessions, the population is growing older. We are living longer. People used to retire and they died earlier. Now, through medicine and again many health improvements, people are living longer. So we have fewer people contributing, we have people living longer, and we are starting to max out on our tax base.

So this is the coming problem. Governor Bush has said very simply, we have to get, first of all, some pressure and some relief. No one wants to touch the benefits of anyone now. The only way we could really change this equation without either increasing taxes, now, there is another source of taxes that would be Federal taxes to put in to subsidize this, but again, it would be a very awesome responsibility.

So today we have to start planning for retirees for tomorrow, young people. They are not going to get that, first, when we have no money. There was no hard money in the funds. And again, the folks who I chuckled about who are here to save social security were taking any hard money out, putting in these nonnegotiable certificates of indebtedness of the United States.

What were they paying in return? They are paying on average 1.9 percent. Even a senior citizen who does not know much about finances would be very reluctant to put their savings account in a bank that paid a 1.9 percent return.

I know we want also security for our social security dollars, or any trust funds or pension funds. That is important, that they be secure. But even with government-backed securities, we could double and triple the return. Even by giving people a small option to take part of their money in an account with their name on it, they could get a better return. There is no way we can solve this problem without owning up to the problem. There is no way we can solve it without reforming it.

Now, no one will change any of the existing benefits. In fact, we can grow the benefits if there is a better return from the funds, and again, on only secured investments. We are not talking about penny stocks or investment in speculative issues, we are talking about backed by the security, full faith and credit of the United States of America.

But a few dollars of these funds could turn this situation around. It is the only way we can turn it around. We are starting to max out again on what we can tax folks for.

We have this expanding population of elderly. I read a report from the University of Florida, my alma mater, their school of medicine. By mid century, we will have 2.5 million centenarians, I believe that is the term, people who are 100 years old, 2.5 million.

It also said in the article that when Willard Scott started announcing the birthdays, I guess it was in 1980, they got in about 400 requests maybe in the year in 1980. Now they are coming in by the thousands. The population of elderly is dramatically growing.

So we have to be honest, we have to own up. We cannot scare senior citizens. All Republicans have elderly relatives, parents, and many of them, my family has many who have relied on social security, who have worked hard and did not have any pensions, and rely on it. My mother did, and other family members. So we would not want to do anything that would reduce benefits or endanger the fund.

But I am so glad to have someone who comes from the business sector look at this, as Governor Bush has done, and said, we have to make a change.

It is interesting, if Members travel around the world to Third World countries or other countries who have had failed social security systems, they are making some of the same changes that are proposed. So we do not want to be behind the Third World countries, we want to push off the inevitable disaster that we can face here in not preparing for retirement security for our young people today and those who are older.

One of the other provisions that we have had in the tax bill that the President vetoed, we had actually two provisions, that was to increase IRAs from $2,000 to $5,000. It was a good provision. It allows people to save money for themselves. Not everybody can save that amount of money.

One of the other provisions we had in there was to allow people over 50 to double some of their contributions, because people who are 50 are going to need to retire early.

I regret that the President vetoed those measures. We thought we had an agreement. That is another reason why we are here, because it is unfortunate, but I think the President put politics in front of people. We cannot do that, we really cannot. I know it is sort of a last gasp here to focus attention on his presidency. But people, I think, have tired of that method of bickering, of a lack of agreement.

We thought we had a gentleman's or a gentlewoman's agreement on some of these issues, and now at the last minute to cloud them, to politicize them, to put the political fortunes ahead of the people's fortunes I think is really unfortunate. I am dismayed by it. I think we will all be happy when this era is behind us. People do not send us here to bicker and fight, they send us here to solve their problems. This is a problem that we face, a very serious problem.

Mr. Speaker, I also want to talk tonight about something that I have talked about for probably some 40 or 50 special orders, something that is extremely important. I chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources. I inherited 18 or 19 months ago from the gentleman from Illinois (Mr. HASTERT), who is now the Speaker of the House, the responsibility to oversee our national drug policy.

The gentleman from Illinois during his tenure and service in this subcommittee's responsibility made a great attempt and some tremendous progress in restarting our war on drugs. Quite frankly, I have heard many people say that the war on drugs is a failure. I cite that the war on drugs basically closed down with the beginning of the Clinton-Gore administration in 1993.

The Clinton-Gore administration took some very specific steps that got us into a situation that we are trying to bail out of right now with drug abuse at record numbers, with drug deaths at record levels. I inherited that responsibility. I take it very seriously.

Even when I was a Member of the House in 1993 to 1995, when the Democrats controlled the White House, the House, and the United States Senate, I requested hearings on the House side. There was one oversight hearing in 2 years conducted.

□ 2015

It was shameful that they would dismantle a serious war on drugs that had been developed by the Reagan-Bush administration and had made such tremendous progress and declining drug use in this country, but they made some very serious mistakes and they have had some serious consequences.

When you close down a war on drugs, you pay the price, and we are now paying the price. It is an expensive price. As our subcommittee learned in the last month, drug-induced deaths in the United States now exceed homicides for the first time. I believe these are the 1998 figures. I do not have 1999, but I think the situation that we will get from last year is even worse.

More people are dying from drug overdoses and drug-related deaths than by homicides. It is a problem that has been swept under the table. A problem that has been compounded by some horrible policy decisions of the Clinton-Gore administration.

This chart illustrates where we have come from, 11,700 deaths to 16,926 deaths. I have not doctored these figures. They are provided by the administration. They are, in fact, a record of failure, a record of illegal narcotics becoming a national epidemic, a national scandal and very little being done.

I do want to say that we have made an attempt as a new majority to try to put back together Humpty Dumpty, try to put together a serious war on drugs. One of the things, of course, that is lacking is a national leadership on the issue, which we saw under President Reagan, who made this an issue, which we saw under President Bush.

They started initiatives, the source country programs, to stop drugs at their source, the most cost-effective way to keep the flood and tide of illegal narcotics coming in. If that is not a responsibility to protect our shores from deadly death and destruction of illegal narcotics, I do not know what is a Federal responsibility.

But they dismantled those programs, slashing the international and source country programs by more than 50 percent, by slashing the interdiction programs, by taking the military out, by cutting the Coast Guard budget and the antinarcotics effort.

A report that was released to me in the early part of this year by the General Accounting Office said that antidrug smuggling efforts flights, surveillance flights, had been cut some 68 percent from 1993 to 1999 by the administration. Maritime interdiction had been reduced by 62 percent, and those actions have some very serious consequences, and that is a tide of hard drugs, drugs that are pure and deadly, unlike anything we have seen in the past.

One of the problems that we have is again the administration closing down the war on drugs.

I did not say this, the Drug Czar, Barry McCaffrey, he said in 1996, in September of 1996, the U.S. took its eye off the drug war, and this is the results as of 1996. Unfortunately, the story gets even worse. This is what Barry McCaffrey said. Of course, this is the consequences of, first of all, coming in and firing everyone but 20 of the 120 folks in the drug czar's office. That was cutting the size of government.

Then hiring Jocelyn Elders as the chief health officer who just said maybe, or comments of the President, which he was quoted as having said if I had it to do over again, I would inhale.

These things have a direct effect. Young people pick this up, and we see the results. We also saw the results of their closing down some of these antinarcotics efforts.

This is not my quote; this is the DEA official, when I was with the DEA just a few years ago, I was spending half of my time figuring out ways to eliminate or downsize agency operations, while the drug cartels were expanding theirs. And this is Phil Jordan, a high-level DEA official. He said that in 1998. Again, reflecting on the closedown on the war of drugs, not what I am saying, what DEA officials said.

Mr. Speaker, since this may be my last special order for some time, I want to make sure we get all of this in here. Again, these charts and information were provided, some of it, by the administration. This is by our Subcommittee on Criminal Justice, Drug Policy and Human Resources. We know where the problem has been, where cocaine and heroin have been coming from, and they have been coming from South America, primarily Colombia and also Peru and Bolivia that we do not see on here, up until the Clinton administration, they were transited and actually the dealerships and cartels were located in Colombia, and then came up through Mexico into the United States.

Mr. Speaker, to deal with this, in the Reagan administration, at Panama, and this is Panama here, I have this little sticker, this is where we headquartered our forward-operating locations, FOLs they call them, to go after drug traffickers, at least as far as surveillance, getting the information to the countries, the countries would either go after the traffickers, shoot them down or whatever.

The first thing that the Clinton administration did was stop these flights and also sharing the information, which even the Democrats went crazy over. Then the next step that the administration took was to decertify Colombia without what they call a national interest waiver, that was to allow Colombia to get aid to fight narcotics.

So they blocked aid to Colombia in a policy decision of the Clinton-Gore administration. From 1993 to present, Colombia has become and almost produced absolutely no native poppies or heroin, it came from zero in 1993 in this chart, producing 75 percent of the heroin coming in to the United States, and I guess it is now world production. That again is through some direct policy decisions.

Incidentally, the Panama-forward surveillance operations which were closed down while the administration unfortunately bungled the negotiations to let our antinarcotics surveillance missions continue there, we are now building in Aruba; Curacao; El Salvador; and Manta, Ecuador; and three more operating locations which will not be available until 2002. So we have dramatically reduced our ability to conduct surveillance operations.

Again, that is why we see this flow of incredible flow of heroin coming in to the United States. A whole series of bungling by the Clinton-Gore administration, made Colombia the number one producer of heroin from zero when they took office, and that would not be bad enough, but we have had to fund a $1.3 billion emergency package after Barry McCaffrey declared last year that Colombia had become what he said was a flipping nightmere.

We had to have an emergency package, which never got to our desk until February, but we did pass it, got it through here, did a responsible thing. I am not happy that we had to spend that much money, but there are consequences to policy actions that are failure, and the Clinton-Gore administration turned Colombia into a basket case and a major producer of narcotics.

The same thing happened with cocaine, almost no cocaine was produced there. Interestingly enough, Mr. HASTERT, the former chair of this subcommittee and current Speaker of the House, and I went down to Peru and Bolivia. We worked with President Fujimori, with President Hugo Banzart, and we have been able to cut almost 60 percent of the production of cocaine with very little money.

The opposite is true where the Clinton-Gore administration blocked assistance to Colombia back in 1993, 1994, 1995, 1996, could not even get last year helicopters down there that had been appropriated by us to go after some of this stuff. So we turned Colombia, through, again, inept policy from just a transit country and minor producer into the major producer of cocaine coming in incredible volumes.

Another failure of the administration is when you just say maybe or you have the lack of leadership or appoint a health surgeon officer who sends out just say maybe to our kids, this is the result. It is not a doubling, but a dramatic increase in the amount of kids that have used marijuana, students who have used marijuana in this country.

Today I saw in the paper, statistics that have been released that, in fact, marijuana use among college students rose 22 percent between 1993 and 1999, according to the study this week released by Harvard School of Public Health.

There are consequences to a lack of leadership and lack of policy. And these are pretty specific. Now, a lot of people say marijuana is a soft drug. Marijuana that is coming in, it is not soft. It will damage young adults and adults. It is highly potent. It is not the stuff of the 1960s and the 1970s. And everyone who has testified before our subcommittee says it is a gateway drug, almost everyone who uses it goes on to another drug. I might correct myself, not everyone, but a large percentage, unfortunately, and almost all of those, and I should correct myself there who have used harder drugs say that they, indeed, have used marijuana to begin with.

The long-term prevalence of drug use, in the Reagan- Bush administration, there was a 50 percent drop in drug use in the United States, when you have a policy and a policy that deals with the supply, deals with demand, deals with leadership, even going into Panama, remember in 1989, President Bush went in to Panama with our troops and took out Noriega, put his rear-end in jail in the United States for drug trafficking and drug money laundering, that was leadership. This is a successful war on drugs, a 50 percent decline.

This is the Clinton-Gore record. A little help was on the way here from when we sort of restarted the efforts. So you see a slight change in that, hopefully that will continue. But this is what their policy did, a flood of drugs; and drug use dramatically increased, and you can look at it. This is the heroin chart, again, supplied by the administration, and also reputable sources, this one is from the University of Michigan who does a study.

Look at the use, the prevalent use of marijuana dramatically under the Bush administration, you see drops leveling out here.

And the trends in lifetime cocaine use, back in 1991, 1992, you see the bottom, so to speak, this is 8th grade, 10th grade and 12th grade in cocaine use. The administration also has the distinct record of having the average heroin user age drop from 25 in 1993 to 17 today.

Again, the Clinton-Gore legacy that I do not think you will hear about in any of these commercials or ads.

Now, we do require also, and as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, we do require that we have a specific plan. This is the plan. We are trying. This plan is supposed to have a goal of getting us down to a 3 percent drug use, instead of a 3 percent drug use, the latest reports are going from 6.4, 6.20 to 7 percent.

This is a performance measure that we have asked, so instead of heading towards this goal, we are reaching 7 percent of the population who are now drug users. So this is their plan. This is the results. If your children, you feel, are at risk, you should be very concerned about these trends.

□ 2030

You can look at this chart, too, and see what they did. They cut the interdiction funds. They cut the international source country fund. They put all the money into treatment, and we have just about doubled the money on treatment. The Republicans have even added money in treatment. We have added money in education. You do have to have a balanced approach. But when you cut interdiction in international, you have a surge of narcotics that you cannot keep up with. That is partly what we have faced.

A lot of people say just keep putting more money in treatment. They said that in Baltimore. In Baltimore they have gone from just a handful of addicts to somewhere in one in eight in the population are now drug addicts in Baltimore. They sloughed off on the law. They had a liberal mayor. We have put tremendous amounts of money into treatment. We will continue to do that for successful programs, but you cannot treat yourself out of the problem. This is the Baltimore record. Not only have they have had record numbers of homicides in that locale in Baltimore, they have stayed in the 300 range consistently. We see 1999 also 300, with some 60,000, 70,000 addicts.

Tough enforcement locales like Rudy Giuliani in New York have cut dramatically the murder rate which was some 2,000 a year down to the mid-600s: incredible changes of a 58 percent reduction in crime. This man should be nominated for a Nobel Peace Prize for what he did for one of the largest cities in the world. It is just incredible what he has done. All the seven major felony categories have had dramatic decreases, an overall 58 percent reduction in those major felony crimes. Murders, thousands of people are alive in New York because he had a tough zero-tolerance policy. Thousands of people are dead in Baltimore for a liberal policy, if you look at the record over these years.

What is interesting is, Mr. Giuliani also did it with fewer incidents of using firearms in going after folks, fewer complaints against his officers; and he also increased the officers by some 20 percent. You can go back and look at the complaints filed against the Koch administration, the Dinkens administration. They were two and three times what they were under Mr. Giuliani. In spite of the comments of some of those who say to the contrary, those are the facts.

The Washington Times outlined just a few months ago what we are facing now is we face heroin in record numbers, overdose deaths. Now we are facing Ecstasy and cocaine in tremendous proportions. Massachusetts, here is a headline from this week: "Massachusetts Worst in Drug Use Survey; some categories highest in the United States. Half of the principals polled say drug use getting worse." Heroin in inner-cities worse, and if we looked at the population of our most at-risk in this country, according to 1999 National Household Survey on Drug Abuse, drug use increased from 5.8 percent in 1993 to 8.2 percent in 1998 among young African Americans.

Our minorities are the hardest hit. You will not hear that in the campaign commercials. Among Hispanics from 4.4 percent in 1993, the beginning of the Clinton-Gore administration, to 6.1 in 1998, even worse I am sure in 1999. They do not want to release those figures before the election. But our African Americans, our Hispanics are dying at a disproportionate rate, jailed at a disproportionate rate, and victimize the people of those communities by drug abuse. It is not a pretty picture. It is not a legacy I would be proud of. I have done my best to try to bring solutions, to restart the war that was sabotaged by the Clinton-Gore administration.

The next President, whoever that is, must provide the leadership. The Congress must put together a plan that includes education, prevention, interdiction, use of military, whatever resources possible. We have never lost this many people even in some of our battles that we are losing to drug deaths in this country. No family in this Nation now is spared from the destruction of life and well-being and happiness from drug abuse.

With one final warning to my colleagues who may be listening at this late hour, I will just put this chart up. This does show methamphetamine. I talked about Ecstasy, but in closing here anyone who is watching this, this is a normal brain and this is a brain that we could put Ecstasy up here and show you the same thing, the brain scans that have been provided to our subcommittee. Basically, it induces a Parkinson's type destruction of brain tissue.

This is what methamphetamine will do to you, Ecstasy. People think that these are harmless drugs and young people are dying and having their brains damaged, their bodies damaged by use of this. This is what these illegal narcotics and designer drugs will do to you today. They are not harmless, and that is why we have laws to control them.

So people look at what this does to your brain. I hope Members will convey this to their constituents, particularly the young people who we are now seeing as the victims of so many of these drug tragedies throughout the United States.

Mr. Speaker, again I appreciate your patience. I know that we have further business to conduct, but I am not sure if I will have another opportunity. I want to thank the staff who have endured my 50-some Special Orders. I take this very seriously, and it is a serious problem for the country. Again, we must address it in a bipartisan manner but learn in fact from the past and do a much better job to bring the most serious social problem our Nation has faced in a generation under control.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today after 3:00 p.m. on account of business in the district.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. SCOTT (at the request of Mr. GEPHARDT) for today on account of personal business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today after 12:30 p.m. and November 2 on account of a death in the family.

Mr. HANSEN (at the request of Mr. ARMEY) for today and the balance of the week on account of his wife's major surgery.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. BRADY of Texas, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. PORTMAN, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

OMITTED FROM THE CONGRESSIONAL RECORDS OF TUESDAY, OCTOBER 31, 2000

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2638. An act to adjust the boundaries of the Gulf Islands National Seashore to include Cat Island, Mississippi; to the Committee on Resources.

S. 2751. An act to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Resources.

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes; to the Committee on the Judiciary.

S. Con. Res. 158. Concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II; to the Committee on International Relations.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 660. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 848. An act for the relief of Sepandan Farnia and Farbod Farnia.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 1444. An act to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

H.R. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

H.R. 3184. An act for the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3414. An act for the relief of Luis A. Leon-Molina, Ligia Parron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 4312. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 4646. An act to designate certain National Forest System Lands within the boundaries of the State of Virginia as wilderness areas.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

H.R. 5266. An act for the relief of Saeed Rezai.

H.R. 5410. An act to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.R. 5478. An act to authority the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1474. An act providing for conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Sanctuaries Act, and for other purposes.

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 2, 2000, at 6 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10850. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sodium o-nitophenolate, sodium p-nitrophenolate, sodium 5-nitroguaiacolate, and the End-Use Product Atonik Exemption From the Requirement of a Tolerance and Temporary Exemption From the Requirement of a Tolerance [OPP-301043; FRL-6740-9] (RIN: 2070-AB78) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10851. A letter from the Counsel for Legislation and Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting the Department's "Major" final rule—HUD's Regulation of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) [Docket No. FR-4494-F-02] (RIN: 2501-AC60) received November 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10852. A letter from the Acting Assistant General Counsel, Regulations, Department of Education, Office of Postsecondary Education, transmitting the Department's "Major" final rule—Federal Perkins Loan Program (RIN: 1845-AA15) received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10853. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 99F-2673] received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10854. A letter from the Lieutenant General, USAF, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Poland for defense articles and services (Transmittal No. 01-00), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10855. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting the Department of the Navy's proposed lease of defense articles to Poland (Transmittal No. 01-01), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

10856. A letter from the Acting Deputy Solicitor, Department of the Interior, transmitting the Department's final rule—Legal Process: Testimony of Employees and Production of Records (RIN: 1090-AA76) received August 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10857. A letter from the Executive Director, Marine Mammal Commission, transmitting the annual report pursuant to the Federal Managers' Financial Integrity Act and the Inspector General Act for FY 2000, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

10858. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report under the Inspector General Act for FY 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lamoni, IA [Airspace Docket No. 00-ACE-10] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bonham, TX [Airspace Docket No. 99-ASW-34] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10861. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oelwein, IA; Correction [Airspace Docket No. 00-ACE-12] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10862. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Coffeyville, KS [Airspace Docket No. 00-ACE-15] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10863. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D and Class E Airspace, Great Falls International Airport, MT; Removal of Class D and Class E Airspace, Great Falls Malmstrom AFB, MT [Airspace Docket No. 00-ANM-03] received October 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10864. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of Wisconsin, and Final Rule [FRL-6896-9] (RIN: 2040-AD66) received Novemebr 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10865. A letter from the Chief Counsel, Bureau of the Public Debt, Department of Treasury, Fiscal Service, transmitting the Department's final rule—Regulations Governing Fiscal Agency Checks, Regulations Governing Book-Entry Conversion of Detached Bearer Coupons and Bearer Corpora—received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 665. Resolution waiving points of order against the conference report to accompany the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 106-1022). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 2, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than November 2, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 2, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 2, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 2, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 2, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 2, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than November 2, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 2, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 2, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TRAFICANT:

H.R. 5611. A bill to ensure the availability of funds for ergonomic protection standards; to the Committee on Education and the Workforce.

By Mr. RANGEL (for himself, Mr. DINGELL, Mr. SPRATT, Mr. STENHOLM, Mr. BROWN of Ohio, Mr. BERRY, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Ms. BALDWIN, Mr. BOUCHER, Mr. CARDIN, Mr. COSTELLO, Mr. COYNE, Mr. DEFAZIO, Mr. DIXON, Ms. ESHOO, Mr. GREEN of Texas, Mr. HALL of Ohio, Mr. HILLIARD, Mr. JACKSON of Illinois, Mr. KLECZKA, Mr. LEVIN, Mrs. LOWEY, Mr. MATSUI, Mr. MCGOVERN, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, Mr. OBERSTAR, Mr. RAHALL, Mr. SAWYER, Mr. SKELTON, and Mr. STUPAK):

H.R. 5612. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to provide benefits improvements and beneficiary protections in the Medicare and Medicaid programs and the State child health insurance Program (SCHIP), as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KNOLLENBERG (for himself, Mr. LAHOOD, Mr. SHIMKUS, Mr. BRADY of Texas, Mr. DUNCAN, Mr. MANZULLO, Mrs. MYRICK, Mr. CHAMBLISS, Mr. SAM JOHNSON of Texas, Ms. GRANGER, Mr. JENKINS, Mr. FOSSELLA, Mr. MCINTOSH, Mr. HEFLEY, Mr. TRAFICANT, and Mr. BARTON of Texas):

H.R. 5613. A bill to require an extension of the comment periods relating to certain proposed rules; to the Committee on Commerce.

By Mr. ACKERMAN:

H.R. 5614. A bill to amend part C of title XVIII of the Social Security Act to improve the Medicare+Choice Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBURN (for himself and Mr. NORWOOD):

H.R. 5615. A bill to prohibit the use of Federal funds for the conduct or support of programs of HIV testing that fail to make every reasonable effort to inform the individuals of the results of the testing; to the Committee on Commerce.

By Mr. CROWLEY:

H.R. 5616. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to taxpayers who purchase and install qualified security devices; to the Committee on Ways and Means.

By Mr. DEFAZIO:

H.R. 5617. A bill to amend the Oil Pollution Act of 1990 to improve provisions concerning the recovery of damages for injuries resulting from oil spills; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 5618. A bill to authorize the Secretary of Agriculture to convey National Forest System Lands for use for educational purposes; to the Committee on Resources.

By Mrs. LOWEY (for herself, Mr. BROWN of Ohio, Ms. MCKINNEY, Mr. KILDEE, and Mr. RANGEL):

H.R. 5619. A bill to require the Federal Communications Commission and the Federal Trade Commission to prevent fraudulent and misleading advertising by carriers providing "dial-around" long distance services; to the Committee on Commerce.

By Mrs. MALONEY of New York:

H.R. 5620. A bill to require operators of electronic marketplaces to disclose the ownership and management of such marketplaces to market participants, and for other purposes; to the Committee on Commerce.

By Mr. RUSH:

H.R. 5621. A bill to amend the Balanced Budget Act of 1997 to apply the Medicaid disproportionate share hospital payment transition rule to public hospitals in all States; to the Committee on Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

487. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Resolution 2000-H8125 petitioning the Congress of the United States to Fulfill Its Commitment of Forty Percent Federal Funding in its Reauthorization of the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

488. Also, a memorial of the General Assembly of the State of Rhode Island, relative to Resolution 2000-H8119 petitioning the State Department, The German Government and German Industrial Complex Resolve the Remaining Issue Left in the Aftermath of World War II, Namely a Just Equitable and Inclusive Settlement of the Slave Labor Forced Labor Discussions in Bonn and Washington; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 908: Mrs. CHRISTENSEN.
H.R. 1214: Ms. SLAUGHTER.
H.R. 1228: Ms. DELAURO.
H.R. 1625: Mr. UDALL of New Mexico.
H.R. 1657: Ms. CARSON.
H.R. 4536: Mr. HILLIARD.
H.R. 4966: Mr. COYNE.
H.R. 5152: Ms. LOFGREN.
H.R. 5185: Mr. KILDEE.
H.R. 5219: Mr. FOLEY, Mr. RANGEL, and Mr. PRICE of North Carolina.
H.R. 5259: Mr. ROGERS.
H.R. 5274: Mr. LEACH.
H.R. 5330: Mr. PRICE of North Carolina.
H.R. 5438: Mr. BOUCHER.
H.R. 5469: Mr. KINGSTON.
H.R. 5499: Mr. KLECZKA.
H.R. 5516: Mr. SMITH of Texas, Mr. GUTKNECHT, Mr. WELDON of Florida, Mr. CALVERT, Mr. EHLERS, and Mr. BARTON of Texas.
H.R. 5530: Mr. BERMAN, Mr. WAXMAN, Mr. BOEHLERT, Mr. GOODLATTE, and Mr. ETHERIDGE.
H.R. 5585: Mr. FARR of California, Mr. MEEKS of New York, Mr. ABERCROMBIE, Mrs. TAUSCHER, Mr. HOEFFEL, Mr. NADLER, Mr. BAIRD, Mr. WEINER, Mr. BRADY of Pennsylvania, Ms. LOFGREN, Mr. BLUMENAUER, and Mr. THOMPSON of Mississippi.
H.R. 5603: Ms. MCKINNEY.
H. Con. Res. 337: Ms. SANCHEZ.
H. Res. 420: Mrs. TAUSCHER.

EXTENSIONS OF REMARKS

HONORING ROXCY O'NEAL BOLTON

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, today, I would like to honor Roxcy O'Neal Bolton, a pioneer feminist in my congressional district, who championed the rights of women by widening the gate to equality.

Born in Mississippi in 1926, Roxcy Bolton has always been a trailblazer. She was a persistent advocate who served as a powerful voice for women whose needs were not being addressed.

Through her actions, Roxcy demonstrated her courage and conviction. She showcased the problems facing the women of her time, and encouraged them to take action and expand the fight for equal rights.

In South Florida, Roxcy's plight for equality helped to facilitate change. In the workplace, Roxcy demanded equal respect, equal opportunity and equal pay for men and women. In dining clubs, as was the custom of the time, working men had special dining areas. During business day lunch hours, men were seated and served quickly while women, and even working women with short lunch hours, had to wait in line, looking at empty seats in the men's section. By writing letters, meeting with restauranteurs, and organizing women, Roxcy Bolton changed this policy and, soon, the "men only" policy became obsolete.

Roxcy was also a fighter on behalf of abused women. In 1972, she founded Women in Distress, the first women's rescue shelter in Florida to provide emergency housing, rescue services, and care to women who found themselves in situations of personal crisis. During that time, no one talked about rape, much less did anything about it. Brave victims who actually reported their trauma were often treated callously. Roxcy was not afraid to speak on behalf of these women, and she did so publicly with a march against rape down Flagler Street in downtown Miami. Approximately 100 women gathered to march with Roxcy to make the community take notice of their concerns. It was the first time women had taken to the streets, and Roxcy knew that if women banded together they were going to make a difference. Shortly thereafter, Roxcy approached every local official and persuaded them that something had to be done. In 1972, her efforts resulted in the first Rape Treatment Center in the country located in my congressional district at Jackson Memorial Hospital in Miami. In 1993, this Rape Treatment Center was named after Roxcy Bolton.

Roxcy also organized Florida's first Crime Watch meeting to help curb crime against women. She has served on many boards and commissions working for women's rights, and has been the recipient of numerous civic awards relating to her work with women's rights.

In 1992, she helped form the Women's Park, the first park in the United States dedicated to all women who have made contributions to our community.

Roxcy continues to be a champion for womankind. She continues to preserve and recognize women's role in history, and fight for human rights, social welfare issues, and an end to sexual discrimination in employment and in education.

Mr. Speaker, I am proud to have Roxcy O'Neal Bolton in my congressional district, and I wish her many more successful years in the ongoing struggle for women's issues. I ask my colleagues to join me in saluting this Florida heroine for her remarkable dedication to women and for making South Florida a better place to live.

TRIBUTE TO THE ALLIED ORGANIZATIONS OF GUYANA, INC.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. TOWNS. Mr. Speaker, today I pay tribute to a remarkable cultural and humanitarian organization which has helped to promote and sustain the national pride of the Guyanese community in America and to provide humanitarian assistance to indigent groups in Guyana. Today, I celebrate the 40th anniversary of the Allied Organizations of Guyana.

This organization was established in 1960 to promote the cultural, social, economic, and political welfare of the Guyanese American community and to provide humanitarian assistance to indigent groups in Guyana. During its stewardship of 40 years, it has achieved both objectives. It has helped to create a national pride among Guyanese in America, while providing vital humanitarian assistance to indigent groups in Guyana, such as the Archer's Home, the Dharma Sala, the Children's Wing of the Georgetown Public Hospital, and the Convent of Mercy.

The organization was founded in 1960 by two outstanding Guyanese Americans—Dr. Aaron (Neddy) Peters and Dr. Thomas E. Thompson. Neddy Peters was a successful physician of Guyanese descent who had established a large and successful medical practice in the Bedford Stuyvesant section of Brooklyn. He devoted a considerable portion of his time, energy and financial resources to promoting humanitarian efforts in the U.S. and Guyana. So devoted was Neddy Peters to the nation of Guyana that he requested that his body be returned and interred in the soil of Guyana. He died in 1971 and his body was interred in Guyana.

Dr. Thomas Eustace Thompson was a well-known teacher and administrator in the public school system in New York, who has lived in the Crown Heights section of Brooklyn. Like Neddy Peters, he devoted a considerable portion of his time, energy, and financial resources to promoting the arts and culture of Guyana. Together with his wife, Dr. Marguerite Thompson, he had accumulated the largest collection of Guyanese artifacts in the world. The collection was recently destroyed by fire; and it is our fervent hope that Guyanese organizations can put together the resources to replenish and restore this magnificent collection.

The name of those associated with this organization are too numerous to mention, but among the prominent supporters were Eustace Bowen, Frank Applewaite and P.J. Storey from the Georgetown Dramatic Club; David Nurse, Euphemia Nurse and Clarence Griffith from the Help Guyana Movement; Pearl Softleigh from Daneco; Rev. Gladwyn Frazer and Edward S. Butts from the British Guiana Benevolent Association; Theresa Bowling, Ivan Cameron, Dolly Davis, Leslie Hendricks and Claire Johnson from the Guyana group in Queens; Dr. Thomas E. Thompson. Victor Blair and Dr. Marguerite Thompson from the Guyana Educational and Cultural Association.

HONORING CLAYLA DAVIS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. THOMPSON of California. Mr. Speaker, today I honor Ms. Clayla Davis for her 41 years of dedicated service to the people of Napa County, California. Ms. Davis is retiring on December 31st of this year from an exceptional 25-year career as Director of the Saint Helena Public Library.

Ms. Clayla Davis has lived in Napa County for most of her life. Prior to being hired as Director of the Saint Helena Public Library in 1975 she distinguished herself in several posts at the Napa City-County Library.

Ms. Davis shepherded the Saint Helena Public Library through several difficult transitions. Soon after taking over she oversaw an ambitious expansion plan to move the library into a new building. When a series of budget cuts in 1978 imposed a 29 percent funding reduction midway through construction, Ms. Davis rescued the project through a series of sort-term fiscal austerity measures. In the 1990s Ms. Davis saw the library through two major remodeling and expansion efforts, effectively doubling its size.

Ms. Davis was instrumental in modernizing Saint Helena library resources. She led the library into the computer age; from one computer to aid circulation to comprehensive resource integration throughout the library. Furthermore, Ms. Davis was instrumental in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

development of Solano, Napa, and Partners (SNAP); a library consortium that provides patrons in two countries with shared data base and efficient interlibrary loan services.

Ms. Davis cultivated a strong "Friends of the Library" organization which succeeded in raising over $2 million for building projects and capital funds. Ms. Davis also established a partnership with the Napa Valley Wine Library Association, increasing the library's extensive collection of wine-related books and other resource materials into a nationally recognized collection.

Ms. Davis' commendable career was marked by exceptional customer service as a librarian and Director. A friendly atmosphere and superior service prevailed in both libraries where she worked, a result of her positive outlook that was contagious among her staff. Ms. Davis was particularly attentive to the needs of children and families, ensuring a welcoming atmosphere of warmth and curiosity for every visit.

In addition to her considerable contributions to the public library, Ms. Davis has been a dedicated wife, mother and grandparent. She and her husband Buz have been blessed with three children and several grandchildren and great-grandchildren.

Mr. Speaker, it has been my great honor to represent Ms. Clayla Davis as her Congressman. Clearly, her life has been one of great public service, dedication and commitment. For these reasons, it is necessary that we honor this woman for her distinguished service to the people of Saint Helena and all of Napa County, California.

MIRIAM G. CANTER MIDDLE SCHOOL DEDICATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. RUSH. Mr. Speaker, I recognize the dedication of the renaming of Chicago's Louis Wirth Experimental School to the Miriam G. Canter Middle School. Miriam G. Canter, my constituent and my friend, died on October 22, 1999. However, her dedication and commitment to her community and the public school system, lives on in the lives of the students at Louis Wirth Experimental School.

This school, located in my district, was founded in 1969 by a group of influential parents and community residents, led by Mrs. Canter. As a parent and long time, proud resident of Chicago's Hyde Park neighborhood, she had a vision for her community's children. She believed they needed a school that would offer modern, flexible educational programs designed to use children's experiences to enhance their learning.

Over the years, Mrs. Canter's vision has been realized. Since its founding, the school has provided enriching educational programs that prepare children for success in high school and beyond. In addition, Mrs. Canter retained an active interest in the Wirth School long after her own children graduated. She served as president of the Parent Teachers Association and remained an active member of the Local School Council under her passing. In fact, her last fight was to get a new gym and lunchroom added to the facility.

So, in a lasting tribute, on October 12, 2000, the community, Local School Council and the Chicago Public School System will dedicate the renaming of the Louis Wirth Elementary School to the Miriam G. Canter Middle School. I stand in total agreement with this action and believe it is a most appropriate way to honor this mother, community leader, and public school advocate.

Truly, her work embodies the spirit of advocacy that will ensure educational excellence in the nation's public schools for our children.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. WELLER. Mr. Speaker, on Saturday afternoon, October 28, 2000, I had a family matter to attend to in my district and I was unable to cast votes on two Motions to Instruct the Conferees on H.R. 4577, the Labor-Health and Human Services Appropriations Act for FY2001.

The first Motion to Instruct the Conferees, which passed the House by a vote of 305–18, instructed that the highest level of funding for Low Income Home Energy Assistance Program (LIHEAP) be enacted.

Mr. Speaker, I fully support this Motion to Instruct the Conferees and had I been present for the vote, I would have voted yes. I have long been a strong supporter of the LIHEAP program. As you know, the LIHEAP program was fully funded in the preliminary conference agreement at the President's requested funding level of $1.1 billion for fiscal year 2001, plus an additional $300 million for emergencies. It is my understanding that recent negotiations on H.R. 4577 resulted in an additional $300 million for LIHEAP, bringing the FY 2001 total to $1.7 billion. Additionally, Republicans have agreed to advance-fund another $1.4 billion for FY2002, so that States can begin to plan for next year. The President requested a total of only $1.1 billion for LIHEAP this year, therefore we are $600 million over the President's funding request.

Again, Mr. Speaker, I fully support the LIHEAP program and these increased funding levels. Had I been present, I would have voted yes on the Motion to Instruct the Conferees to help my constituents in Chicago and Chicago's South Suburbs cope with rising heating costs and the upcoming winter.

The second Motion to Instruct the Conferees on H.R. 4577 failed to pass the House by a vote of 150–159. This motion would have instructed the Conferees to agree with President Clinton's proposals on classroom size reduction and school construction.

Mr. Speaker, I have long been an advocate of making educating America's children one of our top priorities here in Congress. Preliminary funding levels for H.R. 4577 included more than $43 billion for federal education funding. This is $562 million more than the President requested and $5 billion more than last year. Special Education Grants would be funded at $6.3 billion, $1 billion over the President's request. Impact Aid would be funded at $1.3 billion, $258 million more than the President's request, and $78.5 million more than last year. Head Start is increased $33 million over the President's request bringing total FY01 funding to $6.3 billion.

Certainly, I believe that education should be a top priority, as should smaller classrooms and neighborhood schools that are not falling apart. Had I been present for the vote, I would have supported the motion to instruct which encourages the conferees to work with the bipartisan proposal on school construction and efforts being led by Congresswoman NANCY JOHNSON on this issue.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. TIAHRT. Mr. Speaker, on October 31, I was unavoidably detained and missed rollcall vote 585. Rollcall vote No. 585 was on passage of H.J. Res. 121, making further continuing appropriations for the fiscal year 2001, and for other purposes. Had I been present, I would have voted "yea" on H.J. Res. 121.

IN MEMORY AND HONOR OF DAUNE MARIE WEISS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. STUPAK. Mr. Speaker, when Andrew called me in Washington and asked me to honor Daune today, I was honored.

In Washington, we still do not have a budget and we are operating on a 24-hour continuing budget resolution—one day at a time—one day at a time.

For Chris and Sarah, Peter, Andrew, Robert Palmbos, the Langestaff, Weiss, and Weber families, and for all of us who knew and loved Daune and Dick, we must take it one day at a time—every day will be a challenge—some days, you feel like you cannot or do not even want to get out of bed, to face another day without Daune—without our loved one.

For my family, we know, we still struggle each day without our B.J.

But like Daune—we must move forward each day with all the confidence and gusto. Daune, the mother, the wife, the teacher, the sister, the friend, the community leader and business woman, showed us, taught us with her "can do" attitude to approach each challenge with enthusiasm, because behind that "Buergermeister" smile there was a strong woman who would not be denied, she was a kind, gentle, loving person—a love that engulfed her family and penetrated throughout the Gaylord community.

I still remember when we were staying at the Holiday Inn, and my sons forgot their swimming suits. Great disappointment was written all over them. Of course, Daune asked them, what was wrong? When our young sons told her their dilemma of having to spend a day at the Holiday Inn without their swimming suits—it just wasn't going to be fun.

Daune just smiled and said to our sons "Come on, follow me" and she marched them back to a storage room with a box full of suits, and sure enough there were two suits that fit the boys. They were thrilled as they ran off to the pool.

When we told our son Ken about the sad news, he used one word to remember Daune by, "Lederhosen."

In 1993, our first Alpenfest parade, Daune made sure we all had the appropriate dress and "Lederhosen," all the way down to the little Alpine hats for our boys, ages 11 and 13. I told them they did not have to wear the hats, but they had to wear the "Lederhosen"—they did, but only once. I still have my "Lederhosen" and they have taken on a new meaning.

No matter what time I would arrive at the Holiday Inn, it seemed like Daune was always there. Usually it was late at night. I would look "wrung out" and Daune would see me—her motherly instincts would take over—she would put her hands on her hips, and through that smile, would sternly ask me why was I not getting enough sleep and when was the last time I ate, and quite frankly, I could not remember, so she would say, "Come on, follow me" and we would go back into the kitchen and she would build me a sandwich, no matter what time it was.

The last time I checked into the Holiday Inn it was late. Dick Bebbell was at the front desk. He learned from Daune and asked if I was hungry, and no offense to Dick Bebbell, but Daune's sandwich had a better touch to it.

By her example, Daune taught us all kindness. That is what made her Holiday Inn staff the best!

For all of us Democrats, from all the campaigns of Irwin, Weiss, STUPAK, all Democrats, we knew we had an ardent supporter, an unending volunteer, and a great friend in Daune Weiss. There may not be a lot of Democrats in Otsego County, but we had Daune and she never let us down!

Daune, you never let us down. As we continue on in life, one day at a time, whether we are working in Washington, DC, Newberry, Gaylord, Moran, Northern Michigan University, Colorado, MSU, or Lake Superior State University, the mother, the sister, the teacher, the businesswoman, our "Buergermeister," now with "angelic" wings will guide us, as we face each day, as we face each challenge. Through Daune's warm, contagious smile, we can do it, we will do it—for Daune, one day at a time.

SHAMBALA WILD ANIMAL PROTECTION ACT WILL REGULATE POSSESSION OF WILD ANIMALS TO PROTECT PUBLIC AND ASSURE ANIMAL WELFARE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. LANTOS. Mr. Speaker, hardly a week goes by without a child or an adult—a member of the family or an innocent neighbor—being injured or even killed by a "pet" lion, tiger, or other wild animal. Owning these wild animals is a serious responsibility, but it is unfortunately a responsibility that is not taken seriously by some people.

In response to this serious problem, Mr. Speaker, earlier this year I introduced H.R. 5057—the Shambala Wild Animal Protection Act. The legislation would amend the Animal Welfare Act to protect public safety by placing restrictions and controls on the personal possession, breeding, import, export, transfer, or sale of protected wild animals such as lions, tigers, leopards, and similar animals. The bill directs the Secretary of Agriculture to establish standards that must be met to permit personal possession of these wild animals where no regulation currently exists. The purpose of this legislation is to establish criteria for ownership both to protect the public and to assure that these beautiful animals are treated humanely.

In developing this legislation, Mr. Speaker, I have worked with leaders of the animal sanctuary community who, like me, have been alarmed about the many incidents relating to death and injury resulting from irresponsible possession of wild animals. The principal leader of this effort is Tippi Hedren of the Roar Foundation and the Shambala Preserve in California. Ms. Hedren is the star of Alfred Hitchcock's classic films, The Birds and Marne, and other films.

The legislation would require a permit for the personal possession of such animals, but any agency or official of the Federal Government or of a state or local government or research facility which is currently regulated under the Animal Welfare Act would not be required to obtain this additional permit. Zoos, animal parks, and wildlife sanctuaries also would not need this additional permit if the facility has been licenced by state or local authorities whose standards meet or exceed the requirements that would be established in bill.

Individuals currently possessing protected wild animals on the effective date of the enactment of this legislation would retain possession if they apply for a permit within one year of the date of the enactment of the legislation. The Secretary of Agriculture through the Animal and Plant Health Inspection Service would establish specific personal permitting requirements, as well as housing and care standards for each species covered by the legislation.

Mr. Speaker, a number of our distinguished colleagues have joined me as cosponsors of H.R. 5057, including Mr. ABERCROMBIE of Hawaii, Mr. DEFAZIO of Oregon, Ms. ESHOO of California, Mr. FARR of California, Mr. FILNER of California, Mr. GALLEGLY of California, Mr. KASICH of Ohio, Mr. KLECZKA of Wisconsin, Mr. KUCINICH of Ohio, Ms. LOWEY of New York, Mr. MORAN of Virginia, Ms. MORELLA of Maryland, Mr. NEAL of Massachusetts, Mr. PALLONE of New Jersey, Mr. PORTER of Illinois, Ms. RIVERS of Michigan, Mr. SHAYS of Connecticut, Mr. STARK of California, and Mr. WAXMAN of California.

This fall, Mr. Speaker, under the sponsorship of my friend and colleague from California, RICHARD POMBO, we introduced H.R. 5360, which would direct the Secretary of Agriculture to conduct a comprehensive evaluation of federal and state laws that regulate private ownership of these exotic wild animals and would also direct the Secretary to make recommendations to the Congress regarding these matters. We felt that such a study would provide the necessary groundwork to deal effectively and knowledgeably to achieve the goals of H.R. 5057.

I regret, Mr. Speaker, that despite the length of time we have spent in session this fall, we have not been able to deal with either the Shambala Wild Animal Protection Act or, at the very least, with the more modest proposal I made with Congressman POMBO in H.R. 5360 to undertake a thorough analysis of existing laws and regulations at the state and federal level and to propose to the Congress ways to deal with the matter of private ownership of these animals.

Mr. Speaker, if my constituents return me to the Congress in the upcoming elections, I intend to pursue this matter in the next session of the Congress. I strongly urge my colleagues to join me in the effort to deal with this serious public safety and animal welfare issue.

INTRODUCTION OF THE SECURITY FOR ALL ACT

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. CROWLEY. Mr. Speaker, I introduced legislation today to provide important tax deductions to both individuals and businesses who invest in security devices for their property.

Fortunately, during the past several years the rates of property crime have been decreasing nationally. Even then, we still do have a real problem of property crime in this Nation.

Annually, millions of dollars are lost by robberies or thefts to people's homes and businesses. This Congress should do everything it can be encourage crime prevention and protection for law-abiding citizens.

It is for that reason, that I introduced the Security for All Act. My legislation would amend our current Federal Tax Code to provide for deductions to individuals and businesses for the installation of qualified security devices.

According to the FBI's 1999 Uniform Crime Reports, in my hometown of New York City, there were over 40,000 burglaries and over 140,000 larcenies of both personal and commercial property.

Besides the high monetary costs burdened by our society by these crimes, there are the uncounted personal costs of recognizing a stranger came into your home, riffled through your stuff and stole your possessions.

The need for his technology has already affected consumers and businesses. The need for hotels to switch to electronic access control locks to replace traditional key locks was done out of a necessity to protect the consumer and to protect the hotel industry for insurance purposes. In a similar fashion, discounted insurance rates would benefit the homeowner and the small business owner.

We must do everything in our power to stop these criminals, and I view my bill as a solid preventive effort at accomplishing this goal.

CONGRATULATIONS TO COFFEE REGIONAL MEDICAL CENTER

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to congratulate Coffee Regional Medical Center located in Douglas, GA, for receiving the 2000 Georgia Rural Health Association Rural Hospital of the Year Award.

Moving into their new facility in 1998, Coffee Regional Medical Center is serving our community by promoting health and delivering health related services. Furthermore, this new facility has enabled Coffee Regional Medical Center to reduce operating expenses and increase profitability. This new facility has become a source of pride for the citizens of Coffee county, and I want to congratulate them on their accomplishments.

The Rural Hospital of the Year Award is given on the merits of demonstrated excellence in service and organization and can be viewed as a model institution for others.

Furthermore, I want to congratulate George Heck, President and CEO, as well as the entire staff of the Coffee Regional Medical Center for excelling in efficiency, quality of care, community support, volunteer programs, and relevance to the rural community of Coffee County. I wish them all continued success in serving the people of Coffee County, GA.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mrs. MALONEY of New York. Mr. Speaker, I was unavoidably detained in my district on Monday, October 30. The following indicates how I would have voted had I been present.

For rollcall vote No. 577, I would have voted "aye."

For rollcall vote No. 578, I would have voted "aye."

For rollcall vote No. 579, I would have voted "nay."

For rollcall vote No. 580, I would have voted "nay."

For rollcall vote No. 581, I would have voted "aye."

For rollcall vote No. 582, I would have voted "nay."

For rollcall vote No. 583, I would have voted "aye."

A TRIBUTE TO SID YATES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, Sid Yates was an exemplary democrat. I have never met anyone who did a better job of helping the citizens of this country govern ourselves. Sid Yates belied the view that passion about issues and civility towards people were somehow inconsistent. He cared deeply about a broad range of issues, and knew a good deal about all of them because he was a man of deep learning and high intelligence. But he never let either his knowledge or his commitment interfere with the respect he showed to others, and his interaction with his Congressional colleagues was, as I have said, a model of how government should be carried out in a democracy.

Others will be describing his extraordinarily effective advocacy of the arts, an advocacy that meant so much because it came from someone who was himself deeply appreciative of the value of culture to the quality of human life. We knew him as well as a dedicated defender of our common natural heritage, embodied in our parks, and of his fierce defense of civil liberties and racial fairness. I want to talk here about one particularly important aspect of his work that did not get a great deal of publicity, because he did not want it to, but which was of great significance in this nation.

For all of the years that I served in Congress until he retired. Sid Yates was the senior Jewish Member of the House in point of service—as well as in other ways of an intangable sort. He presided regularly over an informal Caucus of Jewish Members on issues that were of particular importance and often of great sensitivity. During the period that Sid performed this role, there were efforts in our society to drive wedges between Jewish and African American Members of the House, as people sought to drive those wedges between our two communities elsewhere. Many of us on both sides worked hard to prevent this from happening, and no one was more important in our success in this regard than Sid Yates. Sometimes the important accomplishments of a person are the things that he or she kept from happening, as much as the things he or she caused to happen. In Sid Yates' case, among the towering monuments that this great man left us is his leadership role in frustrating the efforts of those who would have set Jewish and African American Members of Congress quarreling over the fate of negotiations in the Middle East, over the foreign aid bill, over affirmative action and other important issues. I am very proud that throughout my service we have remained largely united in defense of important steps towards justice in our nation and in the world, and Sid Yates' important role in this should be acknowledged.

Mr. Speaker there are people whom one admires, but whom one does not necessarily want as a seatmate on a long plane ride. Sid Yates was a wonderful man who did great things for society, and was a delight to be with, listen to and learn from. We miss him greatly.

TRIBUTE TO RAMON B. PRICE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. RUSH. Mr. Speaker, I pay tribute to Mr. Ramon B. Price, who passed on Friday, September 29, 2000. While Ramon was the youngest brother of Chicago's late mayor Harold Washington, Ramon was better known as a great costume designer, painter, sculptor, illustrator, historian, educator, and ambassador of Afro-American Art, who devoted his life to the service of his community.

Ramon Betrell Price was born on July 18, 1930 in Chicago, Illinois. He earned a Bachelor's Degree in Art Education from the School of the Art Institute, and went on to receive a Master's Degree at Indiana University.

From the beginning of his career, Ramon had been engaged in education. His early career in education not only helped him develop his passion for art, but encouraged his enthusiasm for public service. After his honorable discharge from the Marine Corps, Ramon spent the next 17 years teaching art at various High Schools, and colleges, in and around Chicago.

In 1973, Ramon began his tenure as Chief Curator of the DuSable Museum of African American History—the oldest museum of African American History in the nation.

In an effort to create an exchange of ideas, and culture, Ramon traveled extensively on behalf of the DuSable. Not long before his passing, he led a group of artists and patrons to the Festival del Caribe in Santiago, Cuba. Ramon regularly traveled to Africa, and to Bahia, Brazil, where he worked closely with the "Sisterhood of Boa Morte," a sorority which traces its origins back to the time of slavery. He was also a co-founder of both the Afro-American Artist Round Table (AVAR); and the Artists for Senhora Vadente's Settlement House in Salvador de Behai, Brazil.

Ramon worked on many projects, assisting anyone who asked. When his friends needed assistance, support or guidance, Ramon was always one on which they could depend. To Ramon, art was inexorably linked to education. This philosophy is most beautifully, and poignantly expressed through his own words: "Art, in its broadest sense, is a culmination of all human experiences. If one is faithful to the idea that art is essentially a means of communication, then the artist as teacher is as he should be. This is especially important to me in relation to my art and its most immediate audience . . . my black brothers and sisters." Ramon was a true gentleman and scholar; and he will truly be missed.

HONORING KARAN MACKEY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. THOMPSON of California. Mr. Speaker, today I honor Karan Mackey for her 22 years of dedicated service to the people of Lake County, California. Ms. Mackey is retiring on January 2, 2001 from a distinguished 16-year career as a member of the Lake County Board of Supervisors.

Karen Mackey was raised in the Sacramento area and has resided in Lake County for over 25 years. Prior to commencing elected service, her professional background was in youth counseling, casework, adult volunteer programs, and senior center development.

Karan Mackey's career in public service began with the Lakeport City Council where she was first elected in 1978. Not long afterwards Ms. Mackey was selected to serve as Mayor of Lakeport City and did so for two terms. In 1984 she was elected to her first term on the Lake County Board of Supervisors representing the Fourth Supervisorial District. She served several terms and attained major leadership positions that included Vice Chair and Chair of the Board of Supervisors (BOS), California State Association of Counties representative for the BOS, Chair of the Clear Lake Resource Management Committee, BOS representative to the Redwood Empire Association, BOS representative on the North Coast Emergency Services Joint Powers Authority, and numerous other committees and advisory groups.

Ms. Mackey has been a tireless representative of the Fourth Supervisorial District. As spokesperson for Lake County's largest agricultural district has she has been a steadfast advocate of farming issues. Ms. Mackey was also instrumental in seeking out and securing funding for jail construction, a critical district issue. Other important district issues to which she has distinguished herself include water quality (including the Basin 2000 project), flood protection, transportation, seniors, economic development, enhancement of the Clear Lake Fishery, and public safety.

In addition to her considerable public successes, Ms. Mackey has been a dedicated wife and mother. She is married to Hugh Mackey and the two have four children: London, Chelsey, Cody and Tad.

Mr. Speaker, it has been my great honor to represent Ms. Karan Mackey first as her State Senator and now as her Congressman. Clearly, her life has been one of great public service, dedication and commitment. For these reasons, it is necessary that we honor this woman for her distinguished service to the people of Lake County, California.

10TH ANNIVERSARY OF CHRISTIAN FAITH BAPTIST CHURCH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. TOWNS. Mr. Speaker, as Christian Faith Baptist Church of Raleigh, North Carolina celebrates its 10th Anniversary, let me congratulate the members of the congregation and their pastor, the Rev. Dr. David C. Forbes, Sr. for their dedicated work in serving the emotional and spiritual needs of Raleigh residents. I also want to recognize Sister Gladys Graves and Sister Delores Steele for their leadership in making the celebration a success.

Since Christian Faith Baptist Church was founded on February 18, 1990, your distinguished pastor and congregation have exemplified the very best in humanity through a common commitment to the Christian faith. That's why it is altogether fitting that you chose these simple words as your anniversary theme: "Remembering God's Call, Rejoicing in God's Faithfulness and Re-committing to God's Work." Christian Faith Baptist Church has lived by these words for the past ten years.

I commend you on your immense contributions during these past 10 years. Those sixty-five kindred souls, who came together at Roberts Park Center on Sunday, February 18, 1990, are a celebration of His provision in church growth and discipleship. Now, as a closely-knit church family with over five hundred disciples working diligently to support twenty-eight ministries, the established discipleship and service has been firmly established as the focus of Christian Faith Baptist Church.

Let me again offer my sincere congratulations on this, your 10th Anniversary Celebration.

"CUBA FOR KIDS" TEACHES CHILDREN ABOUT CUBAN HISTORY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, on November 12, 2000 the Cuba for Kids Foundation will celebrate the official launch of "Cuba for Kids," a bilingual book dedicated to stimulating in children an interest in Cuba and Cuban history.

"Cuba for Kids" is a children's book which explains some of Cuba's most significant historical periods, teaches important historical lessons, and recounts many of the unique social and political figures in Cuban history.

Unveiled by the non-profit Cuba for Kids Foundation, "Cuba for Kids" is the product of a collaboration by noted scholars, psychologists, and social workers, including Dr. Jaime Suchlicki, Director of the University of Miami's Institute of Cuban and Cuban-American studies.

Founded by a group of young professionals and led by Dr. Ismael Roque-Velasco, author of "Cuba for Kids," the Cuba for Kids Foundation is dedicated to promoting Cuban heritage, and arousing in younger generations an interest and appreciation of Cuban culture and history.

As a former school administrator, and the mother of two school age girls, I am hopeful that parents, grandparents, and teachers will find "Cuba for Kids" a useful tool in making Cuba's dynamic culture and history accessible to children.

Noted artists including actor Andy Garcia, and musicians Gloria and Emilio Estefan have described "Cuba for Kids" as an essential document in educating our children on Cuba's beautiful heritage, as well as a beautiful way to keep Cuba and its history alive in the hearts of children.

I wish to add my voice to those community leaders in Miami such as Jon Secada, Christina Saralegui, Celia Cruz, and Arturo Sandoval who are taking part in the ceremonial launching of "Cuba for Kids."

I also wish to specifically congratulate Dr. Ismael Roque-Velasco, and men and women at the Cuba for Kids Foundation, on the release of this wonderful new book.

IN MEMORY OF JOSEPH DONNELLY

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. MURTHA. Mr. Speaker, it is with deep sense of personal loss but also enduring respect and admiration that I come before my Colleagues in the House of Representatives to pay tribute to the memory of Joe Donnelly.

Joe Donnelly was a journalist. The long-time editor and co-publisher of the Indiana Gazette in Indiana, Pennsylvania, he recently passed away at the age of 76. However these statements of fact do not begin to describe or define the man or the impact his life had on his profession and his community. His departure leaves at once both a gaping hole and an enduring legacy in the region served by the newspaper he and his late wife Lucilla published for years under the hundred-year-old daily header: "The Gazette wants to be the friend of every man, the promulgator of all that's right, and a welcome guest in the home."

That phrase could describe Joe Donnelly, the man, as well. In an age when national newspapers increasingly come under influences that are often negative and at odds with the ideals of journalistic ethics and objective reporting, Joe Donnelly remained a positive force not only through his leadership of a venerable publishing operation but through the examples he set every day in his community involvement. He was extremely well respected by his colleagues both for his ethics and his management style. And, acknowledged for his active involvement in civics and his church, he once received the Benemerenti Award from Pope Paul VI in person.

It is probably no accident that the same town that produced an American hero like Jimmy Stewart also produced a man like Joe Donnelly, a Marine combat veteran of two wars. His long list of interests, awards and achievements indicate a tireless pillar of American values, which he certainly was. In his church, his town, and his family life, he set an example that will continue to influence the values of the generations who follow him. A colleague at the Gazette recalled him, "He came up the long way, form the bottom and really worked hard at it." The journalistic legacy of Joe Donnelly lives on in his son and daughters, who continue to run the Gazette even as they raise his four grandchildren. The broader lessons of the importance of hard work, of giving of oneself to church and community, and of humility, are what we can all take from the memory of this unique American.

Joe, we miss you and we thank you. Goodbye, Marine.

INTRODUCTION OF CORRECTED VERSION OF DEMOCRATIC MEDICARE AND MEDICAID GIVE-BACKS BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. RANGEL. Mr. Speaker, on behalf of Representative DINGELL and myself, we are re-introducing today the Democratic version of the Medicare and Medicaid give-backs bill, that includes the provisions in the House-passed bill of Thursday, October 26th plus the beneficiary and provider improvements requested by the President and detailed in the Administration's veto letter of October 17th.

Yesterday, a version of this bill was introduced (H.R. 5601), but because of mechanical problems in the electronic transmission of the bill, a number of errors occurred.

When considering the Democratic position on how to improve the Medicare, Medicaid, and S–CHIP programs, please refer to the bill introduced today H.R. 5612, not to H.R. 5601.

IN HONOR OF ELLEN COKINOS ON THE OCCASION OF HER RECEIVING THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION'S COMMUNITY LEADERSHIP AWARD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. BENTSEN. Mr. Speaker, I rise to honor Ellen Cokinos, Founder and Executive Director of Houston's Children's Assessment Center, on the occasion of her receiving the Director's Community Leadership Award from the Federal Bureau of Investigation. Ellen Cokinos, through her leadership and unwavering commitment to protect the most defenseless in our community—children, deserves to be held up as a national role model.

For nearly a decade, Ellen Cokinos and the Children's Assessment Center have conducted a "quite revolution" in the treatment of child sexual abuse. Under Ellen Cokinos' direction, the Children's Assessment Center has set the standard for creating child-friendly intervention systems for sexually abused children by developing a comprehensive, coordinated team approach that draws from both the public and private sector. Ellen Cokinos has led a movement to change the way government agencies deal with sexually abused children by instituting a multi-disciplinary approach to the prevention, assessment, investigation, and treatment of child sexual abuse.

An internationally-recognized expert in her field, Ellen Cokinos deserves praise for her role in educating the larger community about violence prevention through establishing programs to foster greater awareness of child sexual abuse. I have had the great privilege of working with Ellen Cokinos on initiatives to promote the health and safety of Houston's children. The impact of the Children's Assessment Center, Ellen Cokinos' brainchild, reaches well beyond the more than 38,000 children it has served. This award is recognition of the invaluable contribution Ellen Cokinos has made to bringing about a fundamental change in how abused children are treated.

Mr. Speaker, as one who has worked closely with Ellen Cokinos, I know what she is a child advocate without equal and one of our community's great leaders. Therefore, Mr. Speaker, I rise with great pleasure to honor Ellen Cokinos, on the occasion of her receiving the FBI's Director's Community Leadership Award.

MEDICARE, MEDICAID, AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. CRANE. Mr. Speaker, as we continue to consider the fate of the tax bill passed by the House of Representatives last week, I would implore the President not to veto this bill. As you know, this package includes the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 that provides much needed relief from the unintended consequences of the Balanced Budget Act of 1977 to a variety of Medicare providers including: hospitals, nursing homes, home health agencies, hospice services, and Medicare+Choice.

Among the various provisions included in the Medicare relief portion of this package aimed at improving the quality of care our nation's seniors depend on, I would like to call your attention to an important public health issues that is in the Medicare relief portion of this package. We have all heard from our nation's hospitals about the unintended consequences of the Balanced Budget Act of 1997 and it's effect on their ability to provide a variety of services to their patients. One area that has been hard hit is hospitals' ability to treat patients with state-of-the-art blood products. In testimony before the Committee on Ways and Means Subcommittee on Health, the American Hospital Association specifically cited the costs associated with blood as one of the reasons that Congress should restore the full market basket index.

Patient access to a safe and adequate blood supply is a national health priority and has been recognized by members of this body, the American public, and the nation's public health leaders. Yet, many of us have heard from the American Red Cross, America's Blood Centers, and the American Association of Blood Banks over the past year about hospitals having trouble affording new, innovative blood therapies that help to ensure that the nations blood supply is safe for patients. Additional funding is needed if we are going to remain commitment to providing the safest blood supply possible.

The blood banking and transfusion medicine communities are constantly working to assure that safety improvements for blood are implemented as soon as they become available. Two recent initiatives have been introduced to increase the safety of the blood supply—Nucleic Acid Testing and leukoreduction. Nucleic acid testing allows for early detection of infectious diseases (such as HIV and hepatitis C (HCV)) in blood by detecting the genetic material of viruses. Leukoreduction, the removal of leukocytes (white cells) from blood components can reduce the frequency and severity of complications from transfusions. Unfortunately these new screening protocols significantly increase the cost of blood products. Nucleic Acid Testing and Leukoreduction increase the cost of blood products by over 40 percent for both hospitals and blood banks.

Our Nation's nonprofit blood collection centers operate in the same managed care environment as our hospitals. While volunteers freely give the gift of blood, our nonprofit blood centers must recover the cost associated with providing a safe, state-of-the art product. This includes the cost associated with collecting, testing processing, storing, and distributing blood for patients in need.

Nonprofit blood centers pass these charges onto hospitals, which, in turn, must get timely and adequate reimbursement for these lifesaving and life-enhancing products. Unfortunately, the current system by which the Health Care Financing Administration (HCFA) determined hospital inpatient reimbursement rates does not account for these new and improved safety measures in a timely manner.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act directs HCFA and MedPAC to review how hospitals are reimbursed for blood and to make the necessary changes to provide for fair and timely reimbursement. While those studies will not be complete, nor will the recommendations be acted upon during the current fiscal year, we must act now to ensure that patients are receiving the safest possible blood products.

The American Hospital Association along with the American Red Cross, America's Blood Centers, and the American Association of Blood Banks have all recognized the importance of this legislation. By restoring the full inflationary update to the Market Basket Index for hospitals, Congress is providing the nation's hospitals and blood centers with the means to afford new blood therapies and to ensure that patients are treated with the safest possible products.

HONORING TOBY ROSENBLATT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. PELOSI. Mr. Speaker, Toby Rosenblatt is a remarkable individual we are fortunate to have in our San Francisco midst. He has accomplished extraordinary feats in various roles and over many years of public service to the community.

Toby was honored today by Secretary of Interior Bruce Babbitt for his outstanding work to preserve the scenic and recreational lands of our Golden Gate National Parks in the San Francisco Bay Area. He has made an immense and indelible contribution to our natural landscape. The San Francisco community joins the Department of Interior in congratulating Toby on this special recognition to a most deserving individual.

One of the highlights of this lifetime of accomplishment is Toby's leadership to return Crissy Field, a former World War II airstrip, to historic wetlands along the Presidio's window to the Bay. This is a phenomenal accomplishment—to bring the resources, talent and energy together in a great success that reverberates for the entire Bay Area Community, as well as for all of our national parks.

As Chairman of the Golden Gate National Parks Association (GGNPA), Toby has led the successful drive to bring over $50 million in private donations to this spectacular project. By engaging the public in this effort, Toby had sparked a new awareness in the importance of our national parks and has led the way in forging the most successful public-private partnership in the history of the National Park Service. As the Secretary's citation notes: Under Toby's leadership at the GGNPA, "the Parks Association has become a national leader of NPS friends groups . . ." with contributions totaling over $50 million, "the largest of any individual friends group."

In addition to serving as the volunteer Chairman of the GGNPA, Toby also wears the hat of Chairman of the Presidio Trust. In this capacity, he has led the Trust in preserving the Presidio's integrity as a national park and in meeting the goal set by Congress to reduce costs.

On behalf of our community, I extend my congratulations to Toby for this well-deserved honor, and also to his wife, Sally, and their sons Jamie and Adam.

Toby has served as the epicenter for many great accomplishments at the GGNPA and the Presidio and we look forward to his continued leadership in our community on behalf of our national parks.

TRIBUTE TO DAVID M. EVANS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. HOYER. Mr. Speaker, on October 4, a man of great knowledge, talent and dignity passed away. David Meredith Evans was an officer in the Foreign Service, serving his country in that capacity from 1963 until 1995. He was 64 years of age. I came to know him during his last assignment before retiring, when he served as the Senior Adviser on the staff of the Commission on Security and Cooperation in Europe, better known to us as the Helsinki Commission.

I was Chairman of the Helsinki Commission at the time and relied heavily on his expertise in the early 1990s, when the former Soviet Union and the countries of East-Central Europe were in a state of transition and, in some cases, turmoil. With the Cold War coming to a close, it was a challenge for many foreign policy experts to understand the new world into which we were heading. David, however, had a keen sense of where things were heading, both in terms of the wonderful possibilities and of the dangerous obstacles that stood in the way. Thanks in large part to him, the Helsinki Commission played a prominent role during that period: observing the first multi-party elections countries from the Warsaw Pact held in at least four decades; organizing congressional delegations to these countries to learn firsthand what was happening; attending meetings of what is now the Organization for Security and Cooperation in Europe (OCSE) to raise concerns about human rights violations in particular; and overseeing the drafting of Commission reports which helped educate policy-makers about what needed to be done.

David Evans had a strong background in Soviet and East European affairs going back to his education at Harvard University and his tours at the U.S. embassies in Moscow, Belgrade and Warsaw. He had focused considerably on economic and trade issues, and he understood early on that the entrepreneurial spirit and free market, not the collectivism and central planning of communism, were what the people in these countries needed. He further understood that this could not happen without the development of democracy, and he became a committed human rights advocate. Indeed, the Commission's first encounters with David Evans were during OSCE negotiations on economic, scientific and environmental questions. Rather than pushing generic "international cooperation" in these areas, he pushed for improved human contacts through developing the tourist industry; he criticized the Soviets for taking action against scientists like Andrei Sakharov who expressed independent political views; he promoted the right of environmental activists in the Soviet Union and East-Central Europe to raise their concerns without being punished by the state.

David also had a particular expertise on Yugoslav affairs, and while the violent demise of Yugoslavia beginning in 1991 had a strong affect on all of us, it brought him a personal anguish. He spoke the language fluently, traveled there frequently with the Commission staff and worked tirelessly to make us aware of what was happening and why. He was in Sarajevo in March 1992, when the city was first surrounded by Serb militants, and got a glimpse of the nightmare that Bosnia and its capital would have to endure one month later and the more than three years thereafter.

I worked mostly with David, however, in dealing with the break-up of the Soviet Union and the emergence of new countries about which we knew little. I can remember mostly his seriousness of purpose combined with a good sense of humor. Among other things, he introduced us all to the word "gefuffle," his description of a scene of chaotic confrontation where people are shouting at each other. And, as I said, he was a man of great dignity. He was, for example, generally conservative and formal in his attire. Still, he would travel to some of the muddiest, dustiest, dilapidated places in Europe without hesitation in order to carry out the Helsinki Commission's mandate.

In the five years he was with the Helsinki Commission, the staff truly appreciated his presence and sense of purpose. They could rely on him to provide the direction and judgment needed to carry out their tasks. They could also count on his support for their efforts to promote human rights when those from other branches of government or countries sought to minimize human rights in international relations. Many of the same staff are still at the Commission, and kept in touch with him in his retirement. Indeed, he continued his activism during this period, working to preserve country estates and museums throughout Russia.

Along with his wonderful family, friends, fellow foreign service officers and Commission staff, I will miss David Evans and will always remember and value his advise and presence while at the Helsinki Commission. He was, Mr. Speaker, an American who dedicated his life to representing his country and the ideals on which it is based, and I am grateful to have known him.

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. REYES. Mr. Speaker, I rise today in support of S. 1880. This bill, the "Health Care Fairness Act" will improve the health of minority populations including Hispanics, African Americans, Native Americans, Alaska Natives and Asian-Americans. I am a cosponsor of H.R. 3250, the House companion to S. 1880. Mr. Speaker, as you know, minority communities suffer disproportionately from many health problems and have higher mortality rates than whites for many treatable health conditions. They also continue to suffer from inequities in the U.S. health care system.

The legislation that is on the House floor today will increase federal commitment to biomedical research on minority health and will improve health related data collection on minorities. This legislation will implement demonstration projects that address bias in the health care system that adversely impact minority populations and will establish pilot projects in medical schools to reduce racial and ethnic health disparities. This bill will also make grants available for the development of health care education curriculum and for continuing health education professional development. Another important aspect of this bill is that it will elevate the Office of Minority Health to a Center of Research on Minority Health at NIH. The Center will conduct and support basic and clinical research, training, the dissemination of health information, and other programs with respect to minority health.

Mr. Speaker, more needs to be done in our country to address the disparities in healthcare for minorities. The Health Care Fairness Act is a step in the right direction and I urge my colleagues to support this important piece of legislation.

THE RIGHT TO KNOW ACT OF 2000

HON. TOM A. COBURN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. COBURN. Mr. Speaker, a young woman visits a health clinic. She consults with a nurse, undergoes a series of tests and exams and then is sent home with a clean bill of health. She is not, however, perfectly healthy. She is infected with HIV. The clinic tested her, without her knowledge, and never told her the results. Because she was never told, she has been denied medical treatment that would have kept her healthy. Because she is never told, she unknowingly places others at risk for contracting the disease, including her husband and children. And because she is never told, her life is prematurely cut short and she dies from AIDS.

At 51 clinics across the country, the federal Centers for Disease Control and Prevention (CDC) is financing such a project. As a practicing physician, I find this to be highly unethical and appalling. In essence, government scientists have reduced men and women to bacteria in a Petri dish, disposal subjects for experimentation.

Because the CDC has failed to properly monitor the HIV epidemic with the same reliable reporting system used to track every other disease, the agency implemented these so called serosurveillance, or "blind", studies to determine the size and demographics of the HIV/AIDS epidemic.

The director of research at the Pediatric AIDS Foundation in California, Arthur Amman, has compared the CDC's blind testing to the notorious Tuskegee study that followed 400 black Alabama sharecroppers infected with syphilis in order to observe the disease's progression. Begun in the early 1930s, the Tuskegee 'experiment' financed by the Public Health Service, continued until 1972 despite the fact that treatment became available in the 1940s.

Likewise, the CDC's 'blind' HIV testing began in the 1980s and continues today even though medical treatment for HIV is now available.

Of those found to be HIV-positive through these government funded tests, up to 90 percent did not themselves receive an HIV test at some clinics according to the CDC's own data. That means at these locations, nine out of ten individuals that the CDC diagnosed as infected, were never told they are infected with a terminal and contagiouis disease.

The CDC rationalizes these 'bline' tests by conducting the surveys in facilities which offer counseling and voluntary HIV testing to all patients. Regardless of whether testing is or is not otherwise available, it is criminal that anyone diagnosed with a life threatening, contagious disease is not told and is instead allowed to die and infect others. It is even more despicable that those charged with protecting the public's health are running this program.

The Right to Know Act will prohibit the CDC, or any other federal agency, from conducting or supporting such an unethical practice. It will require that whenever an HIV test is conducted using federal funds that every reasonable effort is made to find and disclose to the tested individuals the results, together with appropriate counseling. Never again should anyone ever be denied the knowledge of an HIV diagnosis or the medical care that can save their lives.

I am hopeful that Congress in the remainder of the 106th Congress will include this life saving proposal in an appropriate legislative vehicle headed to the President's desk.

COMMEMORATING THE 75TH ANNIVERSARY OF THE WILMER EYE INSTITUTE AT JOHNS HOPKINS

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. STEARNS. Mr. Speaker, today I pay tribute to the Wilmer Eye Institute at Johns Hopkins in Baltimore, Maryland. The Institute celebrated its 75th anniversary in April of this year and is known throughout the world for its outstanding staff and exceptional care that is delivered at the facility.

The Wilmer Eye Institute has been designated as the best overall department of ophthalmology in the country. This distinction marks the fifth consecutive year that it has received this honor. This is the first year that Wilmer has been designated best in all categories by the Ophthalmology Times, which includes best overall, best research, best clinical, and best residency. The fact that it is the only department to be given such recognition by a peer survey of department chairmen and directors of residency programs across the United States makes this an even greater honor.

The Wilmer Institute has an interesting history. Back in the 1920's, Mrs. Aida Breckenridge, who suffered from glaucoma, was treated by Dr. William Holland Wilmer. To show her gratitude Mrs. Breckenridge persuaded 700 other grateful patients to build an eye hospital to honor him. Through her efforts $3.7 million was raised and the Wilmer Eye Institute was dedicated in 1929. It was the first eye hospital to combine patient care with teaching and research.

Since it was founded, the Institute has made many significant contributions throughout the years. In 1947, physicians on staff at Wilmer were responsible for writing the textbook on the subject of Nueroophthalmology and are still considered to be the authority on this subject.

I would like to mention several major achievements made by Wilmer Institute to correct diseases that impair eye sight. In 1956, scientists at Wilmer discovered that excess oxygen in incubators causes retinal damage in many premature infants. This discovery resulted in a dramatic decrease in the number of blind preemies.

Then, in 1979, the Dana Center under the auspices of Wilmer opened the first and only preventive ophthalmology center in the United States. The Center has been instrumental in saving the sight of millions of people all over the world. The Dana Center can list among its many accomplishments the following discoveries by its researchers; overexposure to ultraviolet light from the sun significantly increases the risk of developing cataracts; demonstrated the link between smoking and cataracts; found that glaucoma strikes African-Americans at five times rate of white Americans, and are developing more effective screening techniques for this disease; and the Center was also instrumental in leading to the development of the first safe drug to treat and control river blindness.

Perhaps one of the most meaningful discoveries made by its researchers occurred in 1983 when Vitamin A capsules were given to children in developing countries to prevent blindness. Another benefit of this discovery was a 30 percent drop in the death rate among these children.

The Wilmer researchers continued to make other noteworthy discoveries throughout the 1980s. In 1987, the Institute developed one of the most effective eye drops to treat the eye pressure caused by glaucoma. Cornea surgeons at Wilmer successfully used excimer laser energy to erase scars on the cornea which delayed and in some cases eliminated the need for a transplant.

These are but a few of the many, many contributions that have been made since the founding of the Wilmer Institute 75 years ago. I believe we all owe Mrs. Breckinridge our gratitude for her keen insight and tireless efforts to promote the establishment of this premiere eye institute.

Mr. Speaker, I can't speak highly enough about the Wilmer Institute which is responsible for preventing the loss of sight of millions of people around the world. It is precisely for this reason that it is regarded as the best eye hospital in the world by doctors surveyed in the U.S. News and Report. It has proven time and time again that it is on cutting edge when it comes to treatment of eye disorders. I'm not surprised the first ophthalmic genetic center in the United States was established at Wilmer.

The leading causes of blindness are cataracts, infection, diabetes, macular degeneration, and glaucoma. In the words of Dr. Morton Goldberg, Chairman of the Wilmer Eye Institute, "My prognosis for the future of eye care and eye research is higher than it ever has been." This type of optimism from the number one ophthalmology institution in the country should be very comforting for every individual who has a history of eye disease in his or her family.

Many of us here in Congress have had first hand experience with being treated at the Wilmer Institute and know that it has and will continue to do an outstanding job in caring for its patients. Let me offer my congratulations and best wishes to the staff for their years of hardwork and dedication. Congratulations to the Wilmer Institute at Johns Hopkins in Baltimore, Maryland as they celebrate their 75th anniversary this year.

GENETIC ENGINEERING: A TECHNOLOGY AHEAD OF THE SCIENCE AND PUBLIC POLICY?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. KUCINICH. Mr. Speaker, genetically engineered (GE) food is and should be controversial. However, one voice has tended to dominate official discourse on the subject—that of the agri-business industry. These corporations and their paid public relations spokespersons have claimed: that GE food is identical to foods bred by selective (traditional) breeding; GE food is safe; GE food is associated with good environmental practices; and GE food will cure world hunger. Federal regulators have largely left these claims unchallenged, permitting the industry to introduce GE food rapidly and widely without producing scientific evidence to back their claims.

The public is skeptical. There is a growing popular movement that is critical of GE food promises and suspicious of its industry proponents. In other countries, consumers have flatly rejected GE food, and opposition to GE food is growing in this country. I believe that GE food is an example of a radically new technology, the massive commercialization of which has out-paced science and public policy.

In this article, I wish to examine the industry's claims and scrutinize federal actions. I will then present alternatives.

IS GE FOOD JUST LIKE TRADITIONAL FOOD?

There are significant and obvious differences between the genesis of traditional food and the manufacturing of GE food. Scientists note that conventional breeders rely on processes that occur in nature (such as sexual and asexual reproduction) to develop new plants. By contrast, genetic engineers use "gene guns" and bacteria among other methods to forcibly insert or "smuggle" foreign genetic material into a plant or animal. Genetic engineers also use genetic elements such as viruses which "turn on" the foreign genes in the new host organism as well as genes for antibiotic resistance that mark which cells have accepted the foreign genetic material.

Conventional breeders are bound by species boundaries that allow them to transfer genetic material only between related or closely related species. By contrast, the very purpose of genetic engineering is to allow scientists to transfer genes from completely unrelated life forms, creating such concoctions as corn that exudes toxins found in soil bacteria or tobacco that glows due to the insertion into its genome or a firefly gene.

Scientists warn that genetic engineers cannot always accurately predict the outcome of their experiments. Many scientists argue that the genetic engineering process is inherently unpredictable and that genetic engineers are operating with incomplete knowledge about how genes interact with each other and with their external environment. While genetic engineers can with some precision locate and isolate a trait or gene to be inserted, they cannot control with any precision where that gene will be inserted into the host plant or how it will interact with other genes in the host plant. The new gene may disrupt the function or regulation of a plant's existing genes.

Field trials and lab research have documented the unpredictable nature of GE plants. In a 1990 study, scientists attempted to suppress the multiple colors of petunia flowers by turning off pigment genes in the plant. Researchers predicted that all the engineered flowers would be the same color. The flowers, however varied in terms of the amount of color in their flowers and in the pattern of color in individual flowers. Some flowers also changed color as the season changed.

The unpredictability of GE crops was further highlighted in 1997, when farmers growing GE cotton reported that the plants had stunted growth, deformed root systems and produced malformed cotton bolls.

IS GE FOOD SAFE?

Despite endless reassurances by biotechnology companies and the Food and Drug Administration (FDA) that GE food is safe to eat, several concerns have arisen. Genetic engineering has the potential to introduce new alergens and toxins into food, increase levels of natural toxins, reduce the nutritional quality of food and increase the rate of antibiotic resistance in bacteria. Yet, our experience with GE crops is limited. They have only been growing on a wide scale for five years and, consequently, have only been part of the American diet for the same amount of time. The long-term consequences of a diet of GE food are therefore unknown. To date, not a single peer-reviewed study has been conducted on the long-term consequences for humans of eating a diet of GE food. Moreover, without segregation and labeling protections in place to inform consumers about what they are eating, it will be difficult to pinpoint and monitor whether the presence of GE material in food products is impacting human health.

The lack of long-term safety studies has correctly led the Environmental Protection Agency (EPA) to not approve Starlink corn for human consumption because of concerns with potential allergens. Unfortunately, this corn was found in Taco Bell taco shells found on our grocery stores. Kraft, the maker of these taco shells, recalled 2.5 million boxes of these contaminated shells.

ENVIRONMENTAL IMPACTS ASSOCIATED WITH GE FOOD

Despite claims that GE crops will help the environment, to date, the main focus of biotechnology has been to generate herbicide resistant crops and pest and disease resistant crops—crops that encourage more intensive use of pesticides. The failure of GE to move agriculture in a more sustainable direction is a serious threat to the environment.

Equally serious is the threat of genetic pollution which is potentially irreversible. Studies are revealing that predictions of gene flow, harm to beneficial insects, insect resistance, and the

Numerous studies have shown the potential fallout of transgenic "insect-resistant" crops on the environment. Both lab and field studies have confirmed that pollen from B.t. corn is lethal to monarch butterfly larvae. Swiss entomologists have found that lacewings and lady bugs are negatively impacted when they feed on organisms that have ingested the GE corn. Research undertaken at the New York University shows that contrary to expectation, B.t. toxins bind to soil particles and can persist in the soil for up to 250 days. These toxins have been shown to harm soil microorganisms that break down organic matter.

Given that half of our cotton crop and nearly one-third of our corn crop are GE "insect resistant" varieties, it is alarming that such studies were not conducted earlier, underscoring the fact that the experiment with GE crops is taking place in farmers' fields and on consumer plates rather than in controlled, laboratory settings.

Insect resistance to the B.t. toxin poses a serious threat for organic farmers who use the toxin in a natural spray as part of an integrated pest management scheme. A study published in Science found that a common pest of cotton was able to build up resistance to insect resistant varieties very quickly. If the toxin is rendered useless, organic farmers will be deprived of an essential tool.

Not content with simply engineering food crops, biotechnology companies are introducing new test tube "products." GE engineered salmon that are close to commercialization may be able to "outcompete" wild salmon in reproduction and further deplete this endangered species. Genetically engineered trees are also in the product line and may introduce ecological threats to our national forests.

CAN BIOTECH FEED THE WORLD?

There is no question that the nations of the world must take action to stop global hunger. It is a travesty that 800 million people go hungry each day. Biotech proponents argue that genetic engineering is the solution to the problem because it will increase crop yields to feed a growing population. A techno-fix, however, ignores the root causes of hunger.

Hunger persists today despite the fact that increases in food production during the past 35 years have outstripped the world's population growth by 16 percent. Indeed, the United Nations Food and Agriculture Organization recently stated that growth in agriculture will continue to outstrip world population growth. The Institute for Food Policy notes that there is no relationship between the prevalence of hunger in a given country and its population. The real causes of hunger are poverty, inequality and lack of access. Too many people are too poor to buy the food that is available (but poorly distributed) or lack the land and resources to grow it themselves.

The much heralded "Green Revolution" was an example of the failure of new technology applied to farming to reduce hunger. Using the technology, developing countries significantly increased crop yields, but they nevertheless failed to eliminate hunger, because they failed to address the root social and economic causes of hunger. Furthermore, the Green Revolution exacerbated poverty and social inequality. It favored larger, wealthier farmers who could afford the new high yielding crop varieties and the chemical fertilizers, pesticides, and irrigation systems that accompanied them. Left behind were poorer farmers unable to afford such inputs. In the meantime, the heavy use of chemical fertilizers and pesticides generated resistant pests and degraded the fertility of the soil, undermining the very basis for future production.

The growing use of patents to "protect" biotechnology innovations also threatens subsistence farmers in the developing world and could exacerbate hunger. Patents have been taken out on plants, animals, bacteria as well as genes, cells and body parts. Sanctioned and imposed by the global trading system, this "commodification of life" has allowed multinational companies to patent staple crops in developing countries such as yellow beans in Mexico, South Asian basmati rice as well as medicinal herbs, livestock and marine species. Such a predatory system threatens to enable companies to maximize their control over farming processes and the world's food resources.

Landmark studies are showing that traditional farming methods, including multi-cropping and small scale techniques are proving to be just as effective in producing high yields as conventional farming. Most recently, in one of the largest agricultural experiments ever, thousands of rice farmers in China were able to double the yields of their crops simply by planting a mixture of two different rices—a practice that did not require using chemical treatments or investing any new capital. Clearly, these types of farming methods are suited to local needs and ecosystems. They will protect the environment and increase an affordable food supply. Biotechnology, however, will likely repeat the failure of the Green Revolution's fertilizers and pesticides. Biotech will not solve the problem of world hunger but may exacerbate it.

HONORING BRUCE S. HASLAM

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. HOEFFEL. Mr. Speaker, today I recognize Lieutenant Bruce S. Haslam, who is retiring after 26 years from the Abington Township Police Department in Montgomery County, Pennsylvania.

Lt. Haslam began his career in law enforcement as a Patrol Officer and moved up the ranks to Detective Lieutenant. He has been involved in many programs throughout his tenure and the community has benefited greatly from his service.

Lt. Haslam developed and implemented one of the first Officer Street Survival programs in the region. He has been involved in the Abington Police D.A.R.E. program from its inception. Today, the D.A.R.E. program is taught in all Abington schools.

Helping victims of domestic violence has been a priority for Lt. Haslam. He coordinated domestic violence issues for the department by working with state and county agencies to combat this abuse.

Lt. Haslam served the larger community as well. He was in active duty in the United States Army and is now a Colonel in the U.S. Army Reserves. He participated in special assignments in Haiti in 1994 and returned to service in Bosnia from 1998–1999.

It is an honor and privilege to recognize Lt. Bruce Haslam as he retires from the Abington Township Police Department. I congratulate him on 26 years of extraordinary service to the people of Abington and the United States of America.

INTRODUCING A BILL TO DEFEND AMERICAN JUDGMENT AND FREEDOM

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. KNOLLENBERG. Mr. Speaker, today I submit legislation to save Americans' opportunities and to embrace Americans' judgment and freedom. This legislation defends the people's right to fully participate in government and to retain some measure of control over our own lives against this insatiable Administration, ever seeking greater powers over us, the people.

My bill extends the public comment period on the flawed regulatory proposals pertaining to clothes washers, air conditioners and heat pumps. I am proud that a bipartisan group of fifteen esteemed colleagues join with me as original cosponsors of the bill. The bill will ensure that the voice of America's working people is heard.

The special interests left the American consumers and taxpayers out of the backroom scam. The American family and the working people are being asked to bear the burden of these proposed regulations.

The average American family is not yet aware of the proposed mandate. They have not been informed of the cost they will be asked to shoulder—over one thousand dollars in total per household according to the scant government estimates. They have not been told of the loss of consumer choice that these intrusive regulations would entail.

Today's struggle hits American families where we live, in our homes.

1. The proposed mandate would hurt working Americans by severely limiting our options of clothes washers, air conditioning, and heat pumps.

2. Worse yet, the proposed mandate would force us against our will to buy products that we refuse to buy.

3. It gets still worse—we will have to pay hundreds of dollars more per product—paying as much as five times the cost of the product we currently select.

4. It gets even worse—the special interest groups know and have publicly stated that they know the American people don't want these products.

5. No, we're not done yet. The special interest groups themselves wrote the mandate!

6. Consumers and taxpayers were not represented.

7. In a backroom scam to benefit themselves, the special interest groups took an oath to work together purposefully to the detriment of consumer selection and to subjugate the will of the people.

8. Is there no end to the hypocrisy? A key part of the scam includes taking hundreds of millions of taxpayer dollars over and above taking hundreds of millions of consumer dollars. That's right—the scam includes 60 million dollars per manufacturer in tax breaks over and above the hundreds of millions of dollars per manufacturer in increased revenue forcibly taken from the purchasers in sales of the products.

9. Worse yet, the U.S. government colluded with the special interests and the U.S. Department of Energy has rubber stamped the mandate that the special interests concocted.

10. On top of all that, taxpayer dollars are being used in egregious public relations for the mandate against the people's will. Specifically, our tax dollars are being used for a free country/western music concert series to promote the mandate. Also, our tax dollars are being used to give away free washing machines to the people in Bern, Kansas, and Reading, Massachusetts as a promotion for the mandate.

Americans are not able to respond without additional time over and above the absolute minimum 60 days allowed by law. American working families are not equipped to read the voluminous and tediously technical Federal Register each day. In contrast, the special interest groups have fleets of lobbyists and computers and lawyers to comb through and analyze on a daily basis the regulatory proposals that affect them. The special interest groups exploit the disparity to tread on the will of the people. Well, sixteen of us Members of Congress have already taken up the "Don't Tread on Me" flag and more will join us.

A real issue here is the rush to regulate. Secretary Bill Richardson stated the Department is "on a rush to establish a . . . legacy." The Department has done the absolute minimum it can to allow the people's voice to be heard by setting the minimum comment period of 60 days. The Department has given Congress virtually no time to act, just proposing the regulation on October 5, 2000. we the people deserve more time than the minimum to defend our will.

This situation is exactly the type in which more time for people's comments is in order. All the elements for a comment extension are present here:

1. Virtually all American families are affected by the mandate;

2. The burden of regulations affects the American people so directly;

3. The inclination of the American people is thwarted by the mandate;

4. These mandated products are available now and people, as a rule, refuse to purchase them;

5. The cost increase of the mandate is so high, more than doubling the cost in many cases;

6. A last-minute rush to regulate has been admitted by the Secretary;

7. Having stated on May 23, 2000, that the rule would be proposed in June of 2000, the Department of Energy is grossly behind schedule with an October 5, 2000 publishing of the proposal;

8. Working Americans should not suffer as a result of gross bureaucratic delays and ineptitude, thus we Americans should not have our

comment limited as a result of bureaucrats rushing to make up for their administrative problems and errors; and

9. American families do not have the luxury to read the Federal Register daily.

We are here to represent Americans' interests in a government of the people, by the people, and for the people.

When it comes to clothes washers, these regulations will impact the vast majority of households in America—over 81 million households. The Administration's own analyses show that millions of consumers will never be able to recoup the higher cost. Low-income households, households with fewer occupants—such as senior citizens living alone—who use washers less frequently, and those households in areas where energy costs are disproportionately harmed.

Purchasing a new washer, air conditioner or heat pump for one's home or apartment is not a trivial matter. Several hundred dollars must be parted with, typically with little if any ability to plan for such a large expenditure. Now the Administration is making such a purchase much more expensive and in the process eliminating consumer choice. Even according to the most favorable determinations, the cost of a new washing machine will increase by at least an extra $240. In viewing available costs for front-loading machines, that number appears quite low. Several of the front loading machines are actually twice the cost of a standard top-loader and in some instances cost over $1000. When it comes to new air conditioners and heat pumps, the added initial costs are estimated to be at least $274 and $486 respectively. Keep in mind that these products are available now and the people refuse, as a rule, to purchase them.

Apart from the higher cost and reduced freedom of choice, the Administration has not been fair to consumers and taxpayers during the development of the standards. DoE is supposed to disclose potential standards and impact analyses in a public process. Instead it bases its regulatory decisions on proposals submitted by special interest groups meeting in backrooms. Persons and groups who normally would speak to and defend the interests of consumers and taxpayers, and who have in years past been invited to participate, have been excluded.

Under the clothes washer standards, the agreement reached by the special interest groups and submitted to DoE on July 27, 2000 demonstrates that the interests of consumers and taxpayers are not represented. Not only would the proposed standards impose huge additional costs, but also the "joint stakeholders" have proposed and agreed to lobby jointly for massive new tax credits for appliance manufacturers for each energy-efficient appliance that they produce. Up to $100 per new unit manufactured with a cumulative of up to $60 million per manufacturer. This new tax shelter for appliance manufacturers means that the U.S. taxpayer carries an even larger share of the federal tax burden in addition to the higher appliance costs.

Congress must assure that consumers are protected against faulty Administration regulations. A public comment period of 120 days more is necessary, given that the public has been largely excluded from the rulemaking process. This time will allow a thorough review and evaluation to be conducted and a proper determination as to whether consumers interests are being protected.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. ISAKSON. Mr. Speaker, on rollcall No. 585, had I been present, I would have voted "yes."

IN HONOR OF DIANE JOHNSON FOR HER PUBLIC SERVICE AND FOR HER COMMUNITY INVOLVEMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Diane Johnson, who has been a dedicated public servant, working tirelessly to implement housing programs and promote community development across the State of New Jersey.

As the housing director of Mt. Carmel Guild, Newark, Diane Johnson was responsible for publicly funded housing programs for low- and middle-income families, which placed over 150 families in jobs or training programs, enabling many families to purchase their first homes.

Mrs. Johnson has worked for the New Jersey Office of Housing and Urban Development (HUD) since 1972, during which time she has held a variety of leadership positions, such as director of the Housing Management Division, deputy office manager, and acting office manager.

In 1994, President Clinton appointed Mrs. Johnson as a HUD State Coordinator. Her duties included overseeing a staff of 126 employees, and administering HUD funds and $300 million of HOPE VI grants. Mrs. Johnson also manages one of our Nation's largest housing and community development portfolios, and she is HUD's representative to New Jersey's congressional delegation, Governor, and State legislature.

Mrs. Johnson is the chairperson of the Federal Executive Board of Northern New Jersey; vice chair of St. James Prep School; vice chair of Newark Federal Kids-Care, Inc.; member of the board of trustees of the United Way of Essex & West Hudson; and member of the board of trustees for the New Jersey Symphony Orchestra.

In recognition of her hard work and dedication at HUD and her community service, Diane Johnson has received many distinguished service award certificates, proclamations, and commendations from the New Jersey congressional delegation and a variety of State agencies, community groups, and professional associations.

Today, I ask my colleagues to join me in honoring Diane Johnson for her hard work at HUD, and for her years of service to the State of New Jersey, where she has helped build houses, develop and revitalize communities, and change lives for the better.

TRIBUTE TO JAPANESE DIPLOMAT CHIUNE SUGIHARA, HONORED AT LAST IN JAPAN FOR SAVING LIVES OF JEWS DURING THE HOLOCAUST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. LANTOS. Mr. Speaker, on September 1, 1939—the day the Second World War began with the Nazi invasion of Poland—the government of Japan named Chiune Sugihara its consul in Lithuania. As the war progressed in its destruction and as the Nazi anti-Semites began their systematic extermination of Jews in Nazi-conquered territory, Sugihara was besieged by Jews seeking visas to flee the Nazi Holocaust.

After requesting authorization three times to issue Japanese visas to these victims of Nazi persecution and being rejected twice and ignored once, he disregarded his government's instructions and issued thousands of visas to Polish Jews. Mr. Sugihara signed visas day and night for thirty days. Thanks to these documents, many of the refugees were able to escape to Kobe, Japan, and from there were able to find refuge in other countries.

Not long after issuing these visas in Lithuania, Mr. Sugihara was assigned to serve in Germany. When he returned to Japan at the end of World War II, the Japanese government forced him to resign from the diplomatic service. He was told that this was because of "that incident in Lithuania." Mr. Sugihara died in 1986 at the age of 86 without ever being officially recognized for his outstanding humanitarian service by the government of Japan.

Outside Japan Chiune Sugihara has long been recognized as a hero. The government of Lithuania named a street in his honor. Israel has designated him a "Righteous Gentile." The United States Holocaust Memorial Museum here in Washington has presented a special exhibit paying tribute to his efforts.

Mr. Speaker, earlier this month—at long last—the government of Japan acknowledged the true heroism of its own citizens. On the 100th anniversary of the birth of Chiune Sugihara and 14 years after his death. In a modest ceremony at the Foreign Ministry in Tokyo, Japanese Foreign Minister Yohei Kono apologized to Yukiko Sugihara, the widow of Chiune Sugihara: "Here we praise Chiune Sugihara's courageous and humanitarian act conducted in an extreme situation amid the Nazi persecution of Jews." He apologized to Mrs. Sugihara "for the long neglect" and promised that he would "see that his achievements are known to future generations."

On this occasion, the Foreign Minister unveiled a plaque honoring Mr. Sugihara. The copper plaque was placed on the wall of the Foreign Ministry's Diplomatic Record Office in Tokyo, and it reads, in part: "A courageous diplomat of humanity. In commemoration of the 100th anniversary of his birth."

Also this month in Los Angeles a documentary film, "Sugihara: Conspiracy of Kindness" which chronicles the heroism of Chiune Sugihara, was awarded the Pare Lorentz prize of the International Documentary Association. The IDA prize has been called "the Oscar of the documentary world." The film also received the Best Documentary award at the Hollywood Film Festival this past August.

Mr. Speaker, I invite my colleagues in the Congress to join me in honoring Chiune Sugihara on the 100th anniversary of his birth. I welcome the action of the government of Japan in belatedly recognizing the courage and humanity of this outstanding diplomat. Long after the faceless nameless bureaucrats who blindly and timidly followed instructions are forgotten by history, the determination and compassion of Chiune Sugihara will continue to serve as an example of the finest of human action and bring honor to his memory.

FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE AMENDMENTS OF 2000

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I rise in strong support of H.R. 207, to amend title 5, of the United States Code, which provides that federal physicians comparability allowances be treated as part of basic pay for retirement purposes.

Across our country, hundreds of federal physicians are working on cures for AIDS, epilepsy, cancer, and heart disease, protecting the safety of food and drugs, and providing medical care to such segments of our population including Native Americans, Defense personnel and their dependents. In the district that I represent, more than 200 of these federal physician's are employed either by the Indian Health Service or the Veterans Administration.

Today, the government does not pay physicians on the same scale as physicians employed in hospitals, HMOs, and universities. Therefore, one of the most important points of this legislation is that the inclusion of this special pay in retirement calculations will further help the recruitment efforts by federal agencies such as the Indian Health Service, the National Institutes of Health, and the Food and Drug Administration. This legislation will strengthen the quality of our federal clinical and medical research programs and have a beneficial effect on health care both on the national and local levels.

I am pleased with the bi-partisan support for H.R. 207, co-sponsored by myself, and CONNIE MORELLA. This legislation would ensure that all federally employed physicians are treated equally in terms of retirement pay calculations.

This is a good bill because it is the fair, equitable, and a just course of action that we should take.

HONORING LIEUTENANT PETER C. HASSON

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. HOEFFEL. Mr. Speaker, today I congratulate Lieutenant Peter C. Hasson upon his retirement from the Abington Township Police Department in Montgomery County, Pennsylvania. It is an honor to recognize Lt. Hasson and his outstanding service to the entire Abington community.

Lt. Hasson served the Abington Township Police Department for 28 years and is currently Chief of Police of Lower Moreland Township. He began his career as a Patrol Officer and was promoted to Patrol Sergeant and then Patrol Lieutenant.

For 12 years, Lt. Hasson served as Patrol Commander, which oversees the single largest division of the police department. He served as Commander of the Abington Police Tactical Team and as Commander of the Abington Police K9 Unit. Lt. Hasson was also instrumental in starting the Abington Police Community Policing Division.

In addition to serving the people of Abington, Peter Hasson served his country on active duty in the United States Marine Corps, serving in Vietnam and receiving the Purple Heart.

It is a privilege to honor the contributions of Lt. Peter Hasson to the Abington Township Police in Montgomery County, Pennsylvania. His dedication and service is appreciated by all those whose lives he has touched.

HONORING SAINT JOSEPH'S UNIVERSITY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. BORSKI. Mr. Speaker, today I honor the sesquicentennial of Saint Joseph's University, a liberal arts university that has been striving for excellence and balance in its academic programs since 1851. For working within the framework of the Jesuit tradition of service to others for 150 years, St. Joseph's University should be commended for its commitment and dedication.

Originally established at Saint Joseph's Church on Willing's Alley in Philadelphia, one block from Independence Hall, the University has moved to several locations within the city as it has grown, including 17th and Stiles Streets, where Saint Joseph's Preparatory School is still located. Saint Joseph's College moved to its present location on City Avenue in the Overbrook section of Philadelphia in 1927. It was recognized as a university in 1978.

Saint Joseph's University is a proud member of the Big 5 and the Atlantic 10 conference. Its sustained commitment to ever-rising SAT test scores of incoming freshmen. The University is ranked #10 among all regional colleges and universities in the northeast quadrant of the nation by U.S. News & World Report. The school's academic excellence is reflected in the ever-growing number of undergraduate applications received each year.

More than 36,000 active alumni from all walks of life are proud to call Saint Joseph's University their alma mater. By providing high-quality education, the University contributes to the intellectual and economic infrastructure of the city, the commonwealth, and the nation.

With a 150 year tradition of academic excellence, the University remains dedicated to its founding principle: that a liberal arts based education teaches disciplined reasoning, effective communication, and a love of learning. It is this philosophy that has brought the university so much success and I wish to recognize its commitment to society and the community. I offer my best wishes to St. Joseph's University for all its future endeavor.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. WELLER. Mr. Speaker, on rollcall Nos. 572 and 573 I was unable to be present. Had I been present, I would have voted "yea" on both.

A TRIBUTE TO LOS ANGELES POLICE OFFICER LOUIE VILLALOBOS

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to a law enforcement officer who has fallen in the line of duty.

Police officers undertake a solemn oath to protect and serve their fellow citizens and if necessary, sacrifice their lives to fulfill this duty. Los Angeles Police Officer Louie Villalobos has paid the ultimate price for the preservation of public safety and civility in the cities of my district.

When honoring the memory of Officer Villalobos, I can say that he was truly a hero, some who was selfless and always giving to others. Without trepidation, he confronted the dangers inherent in his line of work and ultimately gave his life while serving our community. Moreover, he carried out his duties each day with courage and honor. His commitment and courage will serve as an inspiration for all of us.

Mr. Speaker, distinguished colleagues, please join me in honoring officer Louis Villalobos of the Los Angeles Police Department. He gave his life to protect the residents of our community, doing so with extraordinary courage, valor and honor.

IN HONOR OF CELIA CRUZ, THE QUEEN OF SALSA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Celia Cruz, "the queen of salsa," one of the greatest singers of salsa music, who has entertained audiences around the world for five decades.

Celia Cruz has mesmerized audiences for five decades with her exceptional singing talent and her wonderful charisma. She has been one of the single greatest influences on salsa music, recording more than 70 albums, and receiving more than 100 awards, which included a Grammy in 1989 following twelve nominations. In addition, she has been honored with stars and street sections in some of the world's most visited avenues, such as the Walk of Fame in Hollywood and the Calle Ocho in Miami. Celia has also received honorary degrees from Yale, Florida International University, and the University of Miami.

Celia began her illustrious career in Cuba in the late 1940s, and joined the legendary group La Sonora Matancera in the early 1950s. After several successful recordings, the group's music was in demand beyond the borders of Cuba.

In 1960, Celia left Cuba for the United States, where her career blossomed and where she became a household name. During her first decade in the United States, she recorded several albums with the great Tito Fuente, and together they captured the hearts of nontraditional fans of salsa, a phenomenon known as "the Salsa of the 70s." Celia has also collaborated with other great Latin artists, including Johnny Pacheco, Willy Colón, and la Fania All Stars, as well as great American artists, such as Dionne Warwick, Patti Labelle, David Byrne, Gloria Estefan, and Wyclef Jean.

Today, I ask my colleagues to join me in honoring Celia Cruz—a great artist and entertainer, and a salsa icon.

TRIBUTE TO CHARLES E. BRYANT, HI-DESERT WATER DISTRICT GENERAL MANAGER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. LEWIS of California. Mr. Speaker, in California's High Desert, water is one of the most valuable commodities, and the people who obtain and distribute this precious liquid are among the hardest working public servants in the 40th Congressional District. I would like today to offer a salute to an exemplary public servant who had spent years ensuring water is delivered in a dry place: Charles E. Bryant, general manager of the Hi-Desert Water District, which serves 25,000 people in Yucca Valley, California.

Mr. Bryant came to the Hi-Desert Water District in 1992 after serving as city administrator for the City of Hawaiian Gardens, California and a member of the board of directors of the Elsinore Valley Municipal Water District for 10 years. His extensive background prepared him to help run a far-flung but growing water district, but no amount of experience could prepare him for what happened within two weeks of his arrival. The Landers Earthquake, a massive 7.4 on the Richter Scale, damaged 40 percent of the district's 274 miles of pipelines. Working around the clock, Mr. Bryant and the dedicated staff of the district had everything repaired and working within two weeks.

Under Chuck Bryant's leadership, the district has joined with the Mojave Water Agency to build and operate the Morongo Basin Pipeline and the Hi-Desert Pipeline Extension and a 5 million-gallon reservoir that brings the area's residents water from the California Aqueduct. Working with my office, the district has joined the Bureau of Reclamation's Title 16 Program, and could qualify for $12 million in grants for wastewater treatment facilities. The district has also sought and received other grants for wastewater facility construction and for removal of nitrates from local water.

Looking ahead to the future, Mr. Bryant oversaw creation of an "in-house capital replacement program" to replace and modernize the district's delivery system over 12 years. Other efficiency measures have improved customer service and placed the district on its most stable financial foundation.

Mr. Speaker, Chuck Bryant has decided to retire from the Hi-Desert Water District, and I would ask my colleagues to join me in thanking him for his years of public service, and wishing him well in his future endeavors.

HONORING DR. HOWARD SILVER FOR HIS SERVICE AS CHAIR OF THE COALITION FOR NATIONAL SCIENCE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. BENTSEN. Mr. Speaker, as Co-Chair of the Congressional Biomedical Research Caucus, I want to recognize the outstanding contribution that Howard J. Silver, Ph.D. has made during the past six years as the Chair of the Coalition for National Science Funding (CNSF). As the volunteer leader of this volunteer organization dedicated to increasing support for investment in science, Dr. Silver has worked tirelessly on behalf of researchers in all fields of science. His efforts at building and mobilizing a coalition of diverse organizations has been a model of effective advocacy. Under his direction, the scientific community has brought the accomplishments of the National Science Foundation (NSF) to a broad audience, explaining the many ways in which NSF-funded research has improved our understanding of the world and increased our standard of living. These achievements and their clear benefit to all Americans are why I have been, and will remain, a staunch supporter of increased funding for NSF.

Dr. Silver has been with the Consortium of Social Science Association (COSSA since 1983. He has been COSSA's Director since 1988 and is responsible for planning and directing all of the consortium's programs and initiatives. Dr. Silver previously was a consultant for legislative and political research, a political manager, and a legislative analyst in the Department of Education. He earned his Ph.D. in political science from Ohio State University, and he has taught political science and public policy at several colleges and universities.

In recent budgets and appropriations bills, the Administration and Congress have recognized the value of the NSF and the research. that it supports. These actions will result in continued progress in science and technology that will benefit Americans now and in the future. The contributions of Dr. Silver and CNSF to the heightened appreciation of NSF have been substantial. Through his advocacy, I am pleased that this year the NSF will receive $4.4 billion an increase of $514 million than last year and a 13 percent increase above this year's NSF budget. This increase will help to ensure that move merit-based, peer-reviewed grants will be funded. Today, one in three grants is not funded because there is insufficient funding for them.

Samuel E. Rankin, III of the American Mathematical Association will have the honor of succeeding Dr. Silver. He should have the scientific community's continued support as he endeavors to continue the course that Howard J. Silver charted so ably for the past six years.

TRIBUTE TO STEVE ALLEN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. SHERMAN. Mr. Speaker, today I pay tribute to the late Steve Allen, one of the most prolific comedians, actors, and writers in our country for the past 50 years. Mr. Allen, the original host of the "Tonight Show," passed away at his youngest son's home in Encino, California, on October 30, 2000.

Mr. Allen started his show-business career at a radio station in Phoenix, Arizona. He was drafted by the Army during World War II, but was released shortly thereafter because of his asthma. He then moved to Hollywood for a job with a radio station. Mr. Allen transferred his radio act to television with "The Steve Allen Show," which debuted on Christmas in 1950.

Mr. Allen's greatest success came with the "Tonight Show," which began in New York in 1953. He is credited with establishing almost all of the conventions of late-night television—the opening monologue, chatting with the bandleader, and relying on a regular lineup of characters. His successors, Jack Paar, Johnny Carson and Jay Leno on "Tonight," and David Letterman on "Late Night with David Letterman," followed suit.

Mr. Allen's show involved madcap antics and was wholly unpredictable. For example, Mr. Allen, who was 6-feet 3-inches tall, plunged into a huge bowl of salad for a wrestling match on the show. He once peddled hot dogs on the street, dressed as a vendor. He also featured actors Bill Dana, Louie Nye, Tom Poston and Don Knotts for a scripted version of "Man on the Street" interviews. Mr.

Allen also did these for real. Another recurring routine involved Mr. Allen reading actual angry letters to the New York Daily News with all the artificial righteous indignation they indicated. The skits were hilarious. Mr. Allen left "Tonight" at the end of the 1956 season. From 1956 through 1961, Mr. Allen hosted a reprise of "The Steve Allen Show," which was in the time slot against "The Ed Sullivan Show."

Throughout his television career, Mr. Allen showcased improv actors, and on-the-edge bookings for the era, including Lenny Bruce and Bob Dylan. He also invited jazz musicians to his shows. Mr. Allen showcased soloists with the "Tonight" band and interviewed legendary musicians for a television program called "Jazz Scene U.S.A."

Mr. Allen appeared on other television shows. He created "Meeting of Minds," which won an Emmy in 1981 for best informational series. The show presented imaginary debates between historical figures such as Charles Darwin, Attila the Hun and Marie Antoinette. Mr. Allen also appeared in several movies, wrote over 8,000 songs, and wrote numerous books on a variety of topics.

Mr. Allen is survived by his wife, the actress Jayne Meadows, four sons, 11 grandchildren and three great-grandchildren.

Mr. Speaker, distinguished colleagues, please join me in paying tribute to Mr. Steve Allen for his contribution to the entertainment world and for helping each of us laugh.

PROVIDING FOR SPECIAL IMMIGRANT STATUS FOR CERTAIN U.S. INTERNATIONAL BROADCASTING EMPLOYEES

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill S. 3239 which would amend the Immigration and Nationality Act to provide special immigrant status for certain international broadcasting employees.

S. 3239 would establish a new immigrant visa category for international broadcasting employees which would be subject to numerical limitations. It would provide a maximum of 200 visas in the first year, which would deal with the current critical shortage of international broadcasters. Then it would provide a maximum of 100 visas annually for three successive years. Also, it would waive the labor certification requirement for the broadcasters who receive the visas.

The people who work in the international broadcasting industry are highly skilled individuals. They must have journalistic skills. They must be fluent in a number of languages. And they must have an in-depth knowledge of the people, history, and cultures of other nations. Historically, it has not been possible to find a sufficient number of people in the American workforce who have this combination of skills.

The availability of these visas would help to provide needed broadcasters for the Voice of America ("VOA"), Radio Free Asia, Inc. ("RFA"), and Radio Free Europe/Radio Liberty, Inc.

This bill would provide the assistance that the international broadcasting industry needs to continue to provide essential news coverage around the world. I urge Members to support it.

REPRESENTATIVE SIDNEY YATES: A GENTLEMAN, A STATESMAN AND A HERO

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. SCHAKOWSKY. Mr. Speaker, to all those who love the arts, cherish the environment, or are part of the ongoing struggle for human rights, Sidney Yates was a hero. He will be remembered for his tireless support of the National Endowments for the Arts and Humanities, his advocacy for Native Americans, his work to protect treasures of nature from the Sequoias to Chicago's lakefront. He was elected in 1948, the year the state of Israel was born and he worked throughout his career to foster U.S.-Israel friendship. Millions of people can thank Sid Yates for the Holocaust Museum for which he was largely responsible.

For the occasion of his 90th birthday last summer, Congressman BARNEY FRANK and I circulated a huge card for Sid Yates, and members were literally lined up waiting for their chance to sign. I was pulled into the Republican cloakroom so that more of his former colleagues could wish him well. The words that kept coming up as members talked about him were "gentleman" and "statesman." There was reverence in their voices when they spoke of his elegance and eloquence.

The voters of the 9th District were proud to elect Sid Yates as their Representative twenty-four times because they knew that he would never fail them. He never wavered from his principles and values, liberal values he shared with the vast majority of his constituents. Through all the years—the McCarthy era, the Reagan and Bush years—Sid Yates was steadfast, never bending with the political winds or polls. He was beloved in his district and he is deeply missed.

HONORING THE CAREER OF MR. GARY S. THURBER

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. DAVIS of Virginia. Mr. Speaker, today I pay tribute to Mr. Gary S. Thurber, who is retiring from the Defense Logistics Agency (DLA), Fort Belvoir, Virginia, on November 3, 2000. His distinguished government career spans 30 years. Mr. Thurber currently serves as the Executive Director, the highest civilian position, at Headquarters, Defense Logistics Agency. His record of achievement during this period reflects great credit upon himself and upon the organizations with which he has served. His contributions to the National Defense will be missed as he moves on to new opportunities.

Mr. Thurber is a member of the Senior Executive Service and has received numerous awards over his 30-year career, including the Meritorious Executive Presidential Rank Award in 1994 and the DLA Exceptional Civilian Service Award in 1995 and 2000.

After serving in the U.S. Army for three years, Mr. Thurber worked at the Air Force Contract Management Division, Air Force Systems Command, Kirtland AFB, New Mexico, from October 1973 through July 1990. He joined the Defense Logistics Agency in July 1990 and has served in the following leadership positions: Chief, Plans, Policy and Systems Division; Executive Director, Contracting; Deputy Director, Corporate Administration; Associate Director for Operations, Defense Contract Management Command; Associate Director for Acquisition, Defense Contract Management Command; Director, Defense Energy Support Center; and Director, Corporate Administration.

Mr. Speaker, in concluding, I am honored to ask my colleagues to join me in congratulating Mr. Gary Thurber on his retirement from Federal Civil Service. He epitomizes the dedication and professionalism that make our Federal government a model all over the world.

CONCERNING VIOLENCE IN MIDDLE EAST

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 24, 2000

Ms. LEE. Mr. Speaker, I rise in strong opposition to H. Con. Res. 426, which states that "The Palestinian leadership not only did too little for far too long to control the violence, but in fact encouraged it."

Israel has been the United States' strongest ally in the Middle East, and I continue to support Israel's statehood and efforts to maintain secure borders. At the same time, I support the Palestinians' effort to have a homeland. Consequently, I support the peace process and I strongly believe a negotiated settlement is the only way Israel and the Palestinians will develop a lasting peace.

It is specifically for that reason that I voted against H. Con. Res. 426. If the United States is to be able to maintain its role as a credible peace broker, it is my belief that we must maintain our legitimacy by avoiding adopting one-sided resolutions. For that same reason, I voted to condemn the United Nations Resolution ES–10–6, which singled out and opposed Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory.

Israel's security is a priority in our foreign policy. As Israel's ally, we should do everything we can to help reduce tensions in that part of the world. This resolution will not stop the violence or end instability in the Middle East.

The Primary objective of the United States should be to help end the current violence so that all parties can begin to resume peace talks. We must focus on supporting balanced measures that restore peace, stability, and the confidence of both parties.

I urge my colleagues to support balanced measures that promote peace and stability during this dire time in the Middle East.

PERSONAL EXPLANATION

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. PORTMAN. Mr. Speaker, it was necessary for me to be in my district yesterday to meet a long-standing obligation. Consequently, I was unable to be present for rollcall No. 584 and rollcall No. 585. Had I been present, I would have voted "yea" in both cases.

INTRODUCTION OF THE ELECTRONIC MARKETPLACE OWNERSHIP DISCLOSURE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mrs. MALONEY of New York. Mr. Speaker, today I introduced the Electronic Marketplace Ownership Disclosure Act.

The intent of this legislation is to increase the information available to businesses and consumers who conduct commerce on the Internet.

The Internet has transformed the economy, increasing efficiencies and allowing commercial transactions to take place on a global scale never before contemplated. Increasingly, Internet commerce websites serve as neutral third-party platforms that match buyers with sellers.

The value of these sites, whether they serve as marketplaces for financial services products or airline tickets, is their neutrality and convenience. Industry and consumers can be confident that they are receiving the best possible prices based on the fact the Internet platform over which they are conducting business does not have an interest in the transaction.

The Electronic Marketplace Ownership Disclosure Act is intended to prevent the creation of sites that appear to be neutral third-parties but are actually owned by business interests that take part in the transactions conducted on the site.

This legislation requires the proprietors of Internet commerce websites to disclose, on the site, the extent to which an Internet marketplace's controlling equity holders plan to become trading participants on the site. It also requires Internet commerce websites to disclose the identity of their corporate parents.

As a member of the Banking Committee, I believe businesses and consumers have the right to know when they conduct a foreign currency exchange on an Internet commerce site, that the proprietors of the site are participating in the transaction. The global, amorphous nature of the Internet is its great strength. This legislation only seeks to increase public confidence in it as a tool for commerce.

I am an ardent believer in government taking a hands off approach to Internet commerce. This legislation merely requires disclosure and is not intended to create a burden on Internet companies. I look forward to comments on this legislation and will introduce it again next year.

CONGRATULATING THE JUNIOR LEAGUE OF SANTA BARBARA FOR 75 YEARS OF SERVICE TO THE COMMUNITY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. CAPPS. Mr. Speaker, I honor the Junior League of Santa Barbara for 75 years of service to the community of Santa Barbara. I have had the privilege of working with the Junior League for several years and know of the impact the League has had on countless children and young people.

The Junior League of Santa Barbara was founded and admitted to the Association of Junior Leagues on January 2, 1925. The Santa Barbara League's first program included a camp for underprivileged children and a program that saved many children from tuberculosis. In 1948, the Volunteer Bureau was organized as a clearinghouse for volunteers for civil, cultural and education agencies, and in 1957, the Welfare Council was established with the Junior League's assistance to improve health, recreation, and welfare of Santa Barbara County. During the 1960's the Junior League provided funds to the Fellowship House, the Goleta Boys and Girls Clubs, Head Start, the January 28th Committee, and the educational facility at the Child's Estate. The League was reorganized in 1971 and began a number of new projects, including a matinee concert series with the Santa Barbara Symphony, a workshop for elementary school teachers in environmental education, and the Courthouse Tours program.

In the early 1980's the League began the Alcohol Abuse and Youth Project, donated funds toward the renovation of the CALM house, and began the Hospice Volunteer management project, followed by projects on foster care and alcohol abuse prevention, and community advocates for quality child care. Through its Public Affairs Committee, the League focused on crime prevention in 1985, and worked with local law enforcement entities and nonprofits such as Shelter Services for Women, and later began several new projects, including Anger Management, Volunteer Support for Senior Services, Friday Night Live Safe Rides, and the Literacy Support Project. In the early 1990's the Junior League began the Teenage Pregnancy and Parenting Project, made a substantial donation to the Red Cross for victims of the Painted Cave Fire, and initiated the Valued Youth Partnership program, participated in the Sexual Abuse Response Team Coalition, and started the Peace Education Project. In the late 1990's, the League partnered with the Blood Bank, the Storyteller Preschool for homeless children and began the Community Health Collaborative Project focusing on a Pediatric Enrichment Project including STARBRIGHT World and Well Gowns.

Mr. Speaker, I believe that it is organizations like the Junior League that serve as an example of dedication and commitment to those in need for our community and the nation. I ask my colleagues to join me in honoring and commending the Junior League of Santa Barbara on the League's 75th anniversary.

PERSONAL EXPLANATION

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Ms. KILPATRICK. Mr. Speaker, due to a death in the family, I was unable to vote on the floor today. Had I been present, I would have voted "aye" on H. Res. 665 (rollcall No. 589), "aye" on the motion to instruct offered by Mr. HOLT (rollcall No. 590), and "aye" on the motion to instruct offered by Mr. WU (rollcall No. 591).

SENATE—*Thursday, November 2, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 8:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Reverend Daniel P. Coughlin, Chaplain, U.S. House of Representatives, Washington, DC.

We are pleased to have you with us.

PRAYER

The guest Chaplain, Reverend Daniel P. Coughlin, offered the following prayer:

God ever faithful and lasting in love, Your word speaks wisdom to our minds and brings peace to our hearts. Be with us this evening.

Grant perseverance to the Members of the Senate as they endeavor to bring their work to completion. By Your holy inspiration, You have begun this good work in them. Through Your spirit, You continue to guide them; and by Your grace You will bring this work to fulfillment.

Our hope and our prayer is that in all things Your holy will may be accomplished and all honor, glory, and power be given to You now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable FRANK MURKOWSKI, a Senator from the State of Alaska, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

Mr. MURKOWSKI. Mr. President, I take this opportunity to welcome the President pro tempore, the senior Senator in this body, Senator THURMOND. I also thank the guest Chaplain for the prayer.

SCHEDULE

Mr. MURKOWSKI. On behalf of the leader, I wish to announce that today the Senate will immediately proceed to an adjournment resolution calling for a conditional adjournment of the Congress; that is, a 1-day continuing resolution and a consent governing the next few Senate session days.

The session is expected to last only a few minutes and obviously no votes will occur. However, Members are reminded that a rollcall vote is expected to occur the first day back, on November 14. Senators will be notified as to the exact time of the vote via the hotline system.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.J. Res. 123, the continuing resolution; that the resolution be read three times and passed, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (H.J. Res. 123) was read three times and passed.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that a resolution I send to the desk calling for a conditional adjournment of the Congress, the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Con. Res. 160) was agreed to, as follows:

S. CON. RES. 160

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, November 2, 2000, or on Monday, November 6, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 14, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, November 2, 2000, Friday, November 3, 2000, Saturday, November 4, 2000, Sunday, November 5, 2000, Monday, November 6, 2000, Tuesday, November 7, 2000, Wednesday, November 8, 2000, or Thursday, November 9, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 13, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

ADDITIONAL STATEMENTS

STELLAR SEA LION

• Mr. STEVENS. Mr. President, after my remarks yesterday on the Steller sea lion decline, members of the press corps asked me for proof. This article provides a good summary of the research behind the sea lions' decline. I would also point out that the burden should be on the plaintiffs and the agency to prove that fishing has caused the sea lions' decline.

I ask that an article from the Pacific Fishing magazine be printed in the RECORD.

The article follows.

[From Pacific Fishing, Nov. 2000]

THE WRONG CURE?

Now that an unproven hypothesis has beached the North Pacific trawl fleet, environmental litigators have what they want. Are they honest enough to support research on whether their "reasonable and precautionary" solution really helps sea lions?

(By Jeb Wyman and Brad Warren)

When Judge Thomas S. Zilly banned trawling in 50,000 square miles of water designated as critical habitat for Steller sea lions, he issued a legal finding that groundfish fisheries off Alaska posed "a reasonably certain threat of imminent harm" to the endangered animals.

That phrase means plenty in court, but it doesn't carry much weight in the world of science, where evidence of the supposed threat from fishing has been repeatedly characterized as "tenuous." Significantly, even the judges stopped short of endorsing any particular theory about what's shrinking the sea lion population. Instead, he focused on a legal principle established by prior courts' interpretations of the Endangered Species Act: If government and industry can't demolish the contention that fishing threatens the Stellers, then they must assume it does and restrain fisheries accordingly. (See "Who Killed the Stellers?" Pacific Fishing, October 2000, page 20.)

This converts a merely plausible threat to the Stellers into a legal mandate. Thus the three environmental groups that filed the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

lawsuit never had to prove that fishing is killing off sea lions. Nor did they need to show even that fishing is a more likely suspect than the other culprits that scientists are investigating. Those culprits include thorcughly documented changes in ocean climate and shifts in the available prey base for Stellers; they also include killer whales that have been videotaped devouring sea lions—a diet that one study calculates to account for most of the Stellers' recent rate of decline.

A WEAK HEART

In fact, the environmentalists' case is weakest at its heart. It depends upon the theory of "localized depletion." This theory contends that trawl nets temporarily scoop out holes in schools of fish, or disperse them, for long enough so that Steller sea lions can't find enough food and thus are going extinct. No matter how it plays in court, in the harsh light of scientific inquiry the evidence and the logic behind this theory still are viewed as shaky, and other theories carry greater credence. For starters, the only field research to find evidence for localized depletion focused entirely on the Atka mackerel fishery, and even there the study's methodology and conclusions have been challenged by other scientists. Some scientists point to the complete absence, so far, of published field studies on whether pollock or cod fishing causes localized depletion. "That's all basically a hypothesis," says Dr. Dayton Lee Alverson, a senior scientist who served on a federal panel investigating the Steller sea lion decline.

Scientists have many misgivings about the localized depletion hypothesis. For one, it appears that Stellers eat different fish than trawlers catch. Alverson points out that the Stellers' known foraging depths are much shallower than the waters where most pollock trawling occurs. Scientists also agree that the Stellers forage on smaller fish than trawlers target.

Another point of dispute is just how long any supposed "hole" or "dispersal" in schools may last. The assertion that "depletion" persists for long enough to strave sea lions relies on assumptions that few scientists or fishermen with any sea time can credit: that nearby fish don't swim into the gap left behind a trawl, and that fish don't migrate. (It's hard to show depletion after a fishing season when you know the fish would normally move on anyway.) If schools didn't "in-fill," why would trawlers keep towing the same patch of water over and over? If migration didn't occur, why would fish seasonally pass through various fishing locations?

"CONJECTURES," NOT "FACTS"

The National Marine Fisheries Service has drawn sharp criticism in the scientific community for allowing the tenuous hypothesis of localized depletion to drive fishery management. The North Pacific Fishery Management Council's Scientific and Statistical Committee, which includes scientists from universities and fisheries agencies around the country, has roundly condemned NMFS's new draft environmental assessment of cod fishery impacts on Stellers, which basically extends the depletion assumption to cod fisheries. The document relies on a "flawed" analysis to support that assumption, and it "fails to clearly differentiate between conjectures and facts," the committee wrote in September. Calling for research to "find out what works and what doesn't" in protecting Stellers, the committee wrote: "No one would object to the adoption of reasonable measures to arrest the decline if there was some assurance that they would lead to some improvement." But the scientists observed that the present lack of convincing evidence to balame fishing puts the council in a bind: "If there is a connection between current fisheries and Steller sea lions and no action is taken, the council would be derelict in its responsibility to conserve resources under its domain. If other factors are responsible and the council imposes stringent measures, then the council would deprive individuals and even communities of their livelihoods with no justification."

But the theory of localized depletion is crucial to the trawlers' foes, because it is clear that the U.S. fishery has not caused large-scale depletion of pollock stocks off Alaska. Between 1980 and 1990, when Steller numbers dwindled most rapidly, total pollock biomass in the Bearing Sea averaged 13.3 million metric tons, nearly twice the average of the previous decade. Catches averaged 1.1 million mt, representing a harvest rate between 5% and 15% of the total biomass. With 12 million tons of pollock remaining in the water, on average, how likely was it that the 40,000 or so Stellers in the endangered western population couldn't find enough pollock to eat? Between 1970 and 1980, when Alaska's western and eastern Stellers combined numbered between 200,000 and 250,000 animals, average pollock biomass was just 6.9 million tons.

So for most of the years of Steller decline, more pollock has been available for them to eat than during the previous 20 years, when the sea lion population was an order of magnitude larger. As biologists say, it's a "negative correlation."

What's more, attempts to link population crashes at Steller rookeries with commercial fishing have come up short. A 1989 paper by NMFS biologists Richard Merrick and Tom Laughlin found only a handful of correlations, which turned out to be both positive and negative. A 1996 study by David Sampson showed a big decline in Steller numbers at rookeries near heavy pollock winter fishing and in places where no winter catches had occurred at all. In other words, the animals did badly whether anyone fished near them or not.

Still, the theory of localized depletion remains the focus of the Steller debate. The only attempts to measure localized depletion have tried to show declining Catch Per Unit of Effort (CPUE) over time. If localized depletion is occurring, the density of fish schools will decrease as vessels soak up the fish. As total catch accumulates, every hour of trawling should produce fewer and fewer fish. Studies chasing this reasoning, however, rely on a key assumption that many scientists say just doesn't make sense: These studies assume that the schools are closed systems, with no fish entering or leaving the "box," either by migration or mortality. They assume that only fishing removes fish.

REPEAT THAT, PLEASE?

Repeated efforts to prove localized depletion by demonstrating a decline in CPUE have had mixed results. Only one field study supports the notion of localized depletion: NMFS biologist Lowell Fritz's research on the Atka mackerel fishery in 1998 found a "statistically significant" CPUE decrease in 16 of 26 areas. Martin Smith, a graduate student at the University of California at Davis, reworked data in a March 1999 report and concluded that depletion had occurred in five of six locations. But similar studies on the pollock and cod fisheries have produced less conclusive results. Plots of daily cod catch in 1998, measured as catch per hour of towing, produce an untidy geography of dots, with peaks and valleys and plateaus. Localized depletion, as shown by declining CPUE, isn't at all clear. It takes a statistician's determined hand to massage the data into a gently sloping line.

What does that gently sloping line indicate? If fish don't move, a gently sloping line is what you'd expect: after all, fish are being pulled into boats. But as many fisherman and scientists point out, it's unreasonable to assume that fish don't move. Fishermen follow fish to stay on top of them: witness this year's pollock A season, when trawlers roved into, through, and out of the Bering Sea's' Catcher Vessel Operational Area, shadowing the pollock. Allen Shimada and Daniel Kimura, who tagged 12,396 cod between 1982 and 1990 and charted their movements around the Bering Sea, amply documented the fact that cod migrate.

A central problem in studies of localized depletion is the quality of the data. None of the localized depletion studies have used data that adequately account for variations in boat and net size. More horsepower means a bigger net; a bigger net means more fish per hour of towing. The slightly lower CPUE toward the end of the 1998 cod season, for example, might only reflect the departure of big boats with big nets from the fishery. It could also reflect cod incidentally caught by boats in other fisheries, or normal seasonal movements that make cod harder to catch.

Terry Quinn, a statistician and population dynamics professor with the University of Alaska-Fairbanks and also a member of the North Pacific Fishery Management Council's Scientific and Statistical Committee, has begun a two-year stud of localized depletion data. "There's a great deal of frustration among us scientists," he says. "As the resource manager, the council has the responsibility to manage the fish population for fishermen, as well as the whole health of the ecosystem. But the evidence for a strong relationship between the fishery and the Steller sea lion is tenuous at best. It focuses attention away from other theories, such as ecosystem change, that also deserve attention. If you focus only on a single issue you might blow it."

In this case, the single issue that environmentalists have litigated into the status of orthodoxy rests on a slender pedestal of scientific evidence. No scientific publication has accepted a paper analyzing localized depletion.

WHO SWIPED LUNCH?

In contrast, the scientific literature teems with papers describing the profound climatic regime shifts of the North Pacific. Following the regime shift in 1976–77, after roughly a 20-year "cool" period, the stocks of dozens of fish species experienced drastic changes. Small-mesh surveys of the Gulf of Alaska conducted by NMFS since 1953 have accrued more than 90,000 individual catch records. They record the precipitous decline of shrimp, capelin, Tanner crab, red king crab, herring, greenling, and Atka mackerel during the current "warm" period. While these stocks withered, others surged: pollock, sole, arrowtooth flounder, jellyfish, halibut, and others.

As fish stocks rearranged themselves, so did higher predators. The Stellers took a nose dive: an annual 24% decline between 1980 and 1990 followed that regime shift in the late 1970s. As the rich, oily prey species declined, so did the marine mammals that eat them. The Steller's pinniped cousins, harbor seals, lost 80–90% of their population in that same decade; Northern fur seals are at about 50% of their historic population.

Populations of kittiwake and murres, coastal seabirds that forage on the same fish as Stellers, also plunged.

So, was it Mother Nature that swiped the sea lions' nutritious lunch, giving them nothing but a horde of groundfish full of empty calories to eat? The "junk food" theory says so. This theory suggests that Stellers now eat too much low-fat pollock and cod because of their superabundance, and eat too few fat-rich species like herring, sandlance, capelin, and smelt because there aren't enough around. The premise relies on 50 years of studies on the diet of Stellers, based on stomach contents and scat analyses. But scat analyses are imperfect because the bones of forage species such as capelin don't usually endure the digestive process. In other words, if Stellers eat a lot of them, the scat might not show it.

It's also uncertain whether Steller sea lions eat opportunistically or selectively, whether they eat a different meal every dive, whether they eat different foods during different seasons. Nonetheless, a number of respected researchers are convinced that the Steller diet includes a far greater percentage of pollock since the regime shift. Among them is Andrew Trites, the head of the Marine Mammal Research Unit at the University of British Columbia and the director of a multi-university research consortium in the U.S. and Canada that has been trying to sort out what's happening to the Stellers and the ocean ecosystems where they live. Trites says the data show that Stellers in the Gulf of Alaska have steadily increased their diet of pollock, from 32% in 1976–78 to 85% by 1990–93. After the same time, consumption of fatty fishes decreased from 61% to 18%.

Besides the evidence of sea lion diet changes, nutritional stress has for years been a favorite explanation for the Stellers' decline because of other observations. Stellers are smaller than they once were, and reproductive success has dropped by about a third—classic signs of an ecosystem with reduced carrying capacity.

Still, not everyone believes in the junk-food theory. "The junk-food theory is junk," says Vidar Wespestad, a biologist formerly at NMFS and now a consultant for the whiting fishery. "The genus name for pollock is Theragra, which means 'animal food.' When the species was named at the start of the 19th century, I'm sure it was based on the fact that it was noted as a major food item of sea lions. The whole food thing is tenuous. There has never been shown to be a food problem with Steller sea lions in the wild. You don't find emaciated Stellers washing up on the beaches."

Whether or not Stellers always ate pollock, Trites's empirical work is widely considered a solid showing that Stellers cannot live on pollock alone. In a paper published this year in the Canadian Journal of Zoology, Trites and his colleague David Rosen present results of dietary experiments with six juvenile Stellers. The sea lions received alternating diets of herring and pollock, as much as they wanted to eat, for periods of 11 to 24 days. The animals individually lost between 1.4% and 16.4% of their body weight, an average of more than half a kilogram a day, on the all-pollock diet. Trites and Rosen attribute the results to the measured lower nutritional value of pollock than herring, and the higher energy cost to digest it. Clearly it is "much more difficult for Steller sea lions to thrive on a diet consisting primarily of pollock," he writes. "Steller sea lions would have to consume an average of 56% more pollock than herring to maintain a comparable net energy intake."

It happens that, in the Bering Sea, nature lately has set the Steller's table with a diet mainly of pollock. Other scientists have also found evidence that this may be unhealthy for Stellers. A study by NMFS biologist Richard Merrick in 1997, for instance, determined that Steller populations with the least diet diversity—those eating the highest percentage of pollock—suffered the greatest decline.

If, in fact, too much pollock is harming the Stellers, there's a peculiar irony afloat: fishing may actually help the Steller population. Adult pollock (three year and older) are cannibals, voraciously feeding on smaller juvenile pollock, which are the preferred prey of Stellers. Trawlers target adult pollock, reducing their consumption of juveniles. Year-by-year graphing of adult pollock biomass compared to juvenile biomass neatly shows the inverse relationship of adult to juvenile pollock.

Even so, don't expect Stellers to rebound just by increasing fishing effort. According to John Piatt, a researcher at the U.S. Geological Survey's Alaska Biological Research Center, large predatory groundfish currently eat 10 to 100 times more forage fish than seabirds, marine mammals, and humans combined. It may be, as Andrew Trites says, that "the solution to restoring the numbers of Steller sea lions is probably out of human control."

But whether it's hunger or some other cause of death, the reaper has been selective. Population studies by Anne York of NMFS's Alaska Fisheries Science Center found that adult survival was essentially stable; juveniles, however, declined 10–20%, and her work is widely cited. So what's killing the young?

WHO ATE THE STELLERS?

Maybe orca whales. Skippers have plenty of anecdotal reports of orcas attacking Stellers, but the discovery of tags from 14 Stellers in the belly of an orcas that washed ashore in 1992 in Price William Sound constitutes striking scientific evidence that Stellers sea lions, endangered or not, are on the orcas's menu. Researchers at Seward's Alaska Sea Life Center have videotaped orcas charging up the beach at Chiswell Island to snatch Stellers. Studies by Craig Matkin, a recognized authority on Alaska orcas, calculate that 125 marine mammal-eating orcas (known as "transients") prey on the endangered western Steller population, and between 10% and 15% of their diet consists of sea lions. According to Matkin, the orcas likely erode the Steller population each year by 3.8%. That's big chunk of NMFS's observed annual decline of 5.2% on average since 1990. Other researchers believe that orcas have been forced to find something besides Stellers to eat, now that the sea lions are scarce. Jim Estes, a researcher at UC-Davis, discovered that orcas have been preying on sea otters with such zeal that between 1993 and 1997 they devoured 76% of the sea otter population at Kuluk Bay, Adak. Unlike fishermen, orcas and ocean climate regimes don't pay much heed to federal regulations. Officials at NMFS would be uncorking a political firestorm—and possible a whole new conservation problem—if they moved to cull killer whales in order to protect Stellers. That leaves NMFS facing intense pressure to crack down on fisheries, even though there's little evidence that this will help.

LET'S TEST THE CURE

To Ken Stump, a consultant to Greenpeace who is credited as the architect of the environmentalists' case against NMFS, the circumstances look like a clear mandate. Scientific uncertainty should not mean inaction, he contends. "I'd be the first to say that we need more research, but in the near term we aren't going to get any closer to the truth," he says. "In light of the available information, there is no good justification for letting the fisheries pack it in in critical habitats. It is eminently reasonable and precautionary to reduce the impacts of these fisheries while further research continues. It's the one thing we have any control over."

With its inconsistent and fumbling legal defense, NMFS gave Judge Zilly little choice but to agree with Stump. Someday, the result probably will be construed as a grand experiment: Let's see if fishing less helps the sea lions. Yet the trawl injunction is anything but scientific. Scientists have insisted for years that barring trawlers from designated critical habitat forecloses any chance of learning whether they really do starve out the animals. That's because the strategy fails to establish "control" zones where fishing is allowed inside critical habitat for comparison to similar zones where fishing is prohibited. As the council's Scientific and Statistical Committee put it in September, it would be helpful "to open some rookeries to controlled fishing in connection with observation on the foraging of Steller sea lions in the area." Calling for a more "science based" process, the committee observed that fishery managers can have no confidence they have done their job fairly or well.

According to the committee, "The only way out of this morass is to design a research and management plan that tests hypotheses related to the Steller sea lion decline and increases the understanding of the potential interactions between groundfish fisheries and Steller sea lions."

Whether that can happen ultimately depends upon the courts and, perhaps, Congress. Either way, the environmental litigants in the sea lion case probably would have to sign off on such a research plan. So far that doesn't look likely.

In conversation, Stump bristles at the mention of Andrew Trites, a scientist who admits he started years ago with the assumption that fishing must be to blame for the Steller's decline but found evidence of other causes instead. In print (Pacific Fishing, October 2000, page 6), Stump rails bitterly against the view that natural causes may account for the Steller's decline. In meetings in Alaska, he publicly taunts Dickie Jacobson, the mayor of Sand Point, Alaska, who says Stump's "eminently reasonable" solution puts his whole community at risk and could spell "the end of the Eastern Aleut world."

Stump has good reason to be threatened by such possibilities. He and his allies have scored their legal triumph by exploiting a wide gap in the available science; ignorance is literally their opportunity. They're laughed off requests to help pay for the research necessary to find out what's really killing sea lions. Little wonder. Any genuine scientific test of trawl closures carries a risk for them: Having vanquished trawlers from critical habitat and successfully divided the fishing industry against itself, why should the victors want to learn whether they picked the wrong cure for sea lions?●

CLOTURE VOTE ON BANKRUPTCY REFORM

● Mr. DORGAN. Mr. President, yesterday I voted against cloture on the bankruptcy reform bill. I voted against cloture even though I support bankruptcy reform, and even though I supported this legislation when it originally passed the Senate.

However, I oppose the motion to invoke cloture because I am troubled by some of the actions of the Republican majority. Neither the House nor the Senate ever formally named any conferees. Instead, the majority created a sham conference, hollowing out the State Department authorization bill and inserting the provisions of the bankruptcy reform. And even though the original bankruptcy reform bill that passed the Senate was a product of bipartisan input, the majority party did not include any Democrats in the discussions regarding the final package. Negotiators made significant changes to the bill without any input from Democrats. Important provisions were dropped; others were changed dramatically. All of this without the benefit of a formal conference that allows for debate and compromise by both parties. Under these circumstances, I could not support cloture.

I still support efforts to reform our bankruptcy laws, and I hope we can achieve this goal before the Senate adjourns sine die. I am disappointed by the way in which the legislative process has been twisted and broken by the majority in the development of this bill. That is why I opposed cloture.•

IDAHO SUPPORTS WWII MEMORIAL

• Mr. CRAIG. Mr. President, on November 11 of this year, we will commemorate the sacrifice made by veterans and all Americans during World War II by dedicating the National World War II Memorial. The Memorial is a tribute to the men and women who risked their lives for our freedom and democracy. Sixteen million men and women served our country during this war, and many more contributed on the home front. Each day, more veterans pass away, and it is imperative we remember the great effort they made, securing the liberties we enjoy in the United States of America.

Hundreds of Americans from all sectors of our society joined the effort to show their appreciation to America's World War II generation by raising millions of dollars. The Memorial was almost completely funded by private contributions, and among the many who contributed to this effort were students from Eagle High School in Eagle, Idaho.

In November of 1999, high school students Fi Southerland and Kate Bowen decided to raise $20,000 for the National World War II Memorial. These students were soon joined by many of the Eagle High students and staff. With the assistance and under the direction of their high school teacher, Gail Chumbley, they held various events to raise money. I am pleased to report that this group of outstanding young people and the many others involved in the project have not only met the goal of raising $20,000 but have actually surpassed it by seven thousand dollars.

Those who participated in this effort expressed how the effort changed their perspective on the great sacrifice made by our War Veterans. The students said one of the most satisfying parts of this year-long project has been letters and stories they have received from people involved in WWII. One of the most interesting was from a man who was not a veteran, but born in Holland and lived through the war and now is a United States citizen. He told the students that as a child, he heard the allied bombers flying overhead at night on their way to Germany, his parents called the "sound of freedom."

Kate Bowen summed up the reasons for raising the funds. "The effort is about paying respect to that generation. Look at what they did for us." We recognize, with gratitude, the difference World War II veterans made in our every day lives. I commend all those involved with this project for their dedication and hard work, and hope their interest and concern will inspire others.

Other students and organizations involved in the project include Kristen Ediger, Sam Johnson, Karl Krohner, Hilary Case, Lacey Rammel-O'Brien, Katria Taylor, Amy Marcotte, Darcy Haney, David Sant, Tony Bergman, Jennifer Martinez, Chase Deobald, Cassie Southerland, Kiley Southerland, Kristen Clark, Lindsey Marshall, Robert Frazier, Josh Miller, Melissa McGrath, Catherine Sant, Bryan Jolly, Brandon Putzier, Melvin Delic, Jason Steik, Shaun Huntington, Deanne Jenkins, Tana Martin, Traci Mayhugh, Tysen Janak, Carolyn Michaud, Jimmy Hallyburton, Taylor Cooley, Cory Snethen, Brian Price, Elizabeth Pearson, Aimee McCauley, Dawn Leavitt, Matt Reines, Devan Satterly, Ashley Ellis, Craig Cahan, Justin Bodine, Jason Gates, Patrick Bulson, John Winder, Shyann Harris, Shannon Bruce, Michael Johnson, James Burdick, Edis Kajic, Merzine Ceric, Jason Kalk, Steve McClenny, Casey Spirk, Conrad Crisman, Paul Moore, Jason Lindquist, Steven Baker, Nathan Nichols, Katie Miller, Adam Brundy, Jason Peterson, Jeff Auchampach, Roy Brewer, Danny Edvalson, Larissa Martinson, Robbie Buck, Travis Barney, Nicola Miller, Ryan Griffiths, Bret Anderson, Diana Chong, Andrea Banks, Brad Smith, Dena Smith, Robert Frazier, Kia Black, Cathy Peterson, Heidi Webb, Jeff Collier, Kimber Crosgrove, Jennifer Pengelly, Ryan Small, Linda and Mike Bowen, Kacey Bowen, Kelly Bowen, Lili Gonzales, Lindsay Miller, Brandon Rapp, Clipper Net, Chapparal Elementary School, Amanda Vissotski, Amy Barnes, Eagle Middle School, McMillian Elementary, Bill and Wendy Southerland, Emerson and Patricia Smock, Bruce Gestrin, Eagle Albertons, Dick Bengoechea, Andrea Mahan, Lori Smock, Joanna Lee, Eagle Lions Club, Eagle Volunteer Fire Department, Eagle Chamber of Commerce, Chad Chumbley, Henni Keller, Pat O'Oloughlin and Kepa Zubizaretta.•

DEPARTMENT OF ENERGY ADMINISTRATIVE CHARGES

• Mr. BINGAMAN. Mr. President, in 1998, I co-authored section 3137 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), which dealt with research and other activities conducted at Department of Energy (DOE) laboratories and facilities for other entities.

Section 3137(b)(2)(A) allows the Secretary of Energy to impose a federal administrative charge in an amount not to exceed 3 percent of the cost of the research carried out by Federal agencies and other entities at DOE laboratories and facilities. My preference in putting forward this language was to eliminate such charges altogether, but I agreed to some flexibility so that such a change could be phased in. We are now in fiscal year 2001, and the President has signed a bill providing for full appropriations for the Department. I would urge at this point that the phase-out of administrative costs be completed by DOE. For example, it makes little sense to have one Federal agency racking up administrative charges against other Federal agencies for the privilege of using Federal facilities. We should encourage such sharing of common assets in the name of efficient administration, instead of keeping incentives to have each agency build its own duplicative equipment and facilities. Additionally, it is in the public interest to encourage outside use of DOE facilities by other entities. This is because outside entities that want to use DOE laboratory facilities are likely to have similar research interests and aims with the DOE researchers at the labs who also use these facilities. The opportunity for enhanced scientific interaction from facilitating their use of these facilities can result in additional scientific efficiencies that will benefit the government.

Accordingly, Mr. President, I urge that the Secretary of Energy reduce these administrative costs to zero for fiscal year 2001 and each succeeding fiscal year.•

GEORGE E. BROWN, JR. UNITED STATES COURTHOUSE

• Mrs. BOXER. Mr. President, I am pleased that the Senate yesterday passed legislation to name the new federal courthouse in Riverside, California the George E. Brown, Jr. United States Courthouse.

It is altogether fitting that the federal courthouse in Riverside be named for the late Representative Brown. It was through his work for the people of the 42nd district of California that the courthouse was built. I only wish that he had lived to see its grand opening next year.

George was a champion of justice. Before he could vote, he helped to integrate university student housing. He fought against the internment of Japanese-Americans in World War II and stood on the side of workers in labor battles. George always asked us to use all of our assembled knowledge to improve the lives of our fellow humans and our world. In my long association with George Brown, I always knew on which side he would stand: on the side of justice.

Since his death, we have seen many tributes to the late George Brown. The USDA Salinity Laboratory at the University of California bears his name. The giant Sequoias that George loved now are protected with monument status, and he was remembered at the dedication ceremony. More tributes are planned. However, I am particularly pleased that the federal court building in Riverside will be known as the George E. Brown, Jr. United States Courthouse.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 2, 2000, during the recess of the Senate, at 2:50 p.m., received a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1474. An act providing conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Marine Sanctuaries Act, and for other purposes.

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

H.R. 660. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 848. An act for the relief of Sepandan Farnia and Farbod Farnia.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 1444. An act to authorize the Secretary of the Interior to establish a program to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

H.R. 2941. An act to establish the Las Cienegas National Conservation Area in the State of Arizona.

H.R. 3184. An act for the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3414. An act for the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 4312. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 4646. An act to designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas, and for other purposes.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

H.R. 5266. An act for the relief of Saeed Rezai.

H.R. 5410. An act to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.R. 5478. An act to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of the Alexander Hamilton, commonly known as the Hamilton Grange to the acquired land.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purpose.

Under the authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. THURMOND) on November 2, 2000.

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1550. An act to authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal yeas 2001, 2002, and 2003, and for other purposes.

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes.

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 5110. An act to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse."

H.R. 5302. An act to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse."

H.R. 5388. An act to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Educational and Administrative Center."

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND) on November 2, 2000.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, November 2, 2000, he had presented to the President of the United States the following enrolled bills:

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2951. An act to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

At 8:30 p.m., received a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Con. Res. 160. A concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1304

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1304, a bill to amend the Family and Medical Leave Act of 1993 to allow employees to take school involvement leave to participate in the academic school activities of their children or to participate in literacy training, and for other purposes.

S. 3110

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 3110, a bill to ensure that victims of domestic violence get the help they need in a single phone call.

S. 3164

At the request of Mr. BAYH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3164, a bill to protect seniors from fraud.

S. 3246

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3246, a bill to prohibit the importation of any textile or apparel article that is produced, manufactured, or grown in Burma.

SENATE CONCURRENT RESOLUTION 160—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. MURKOWSKI submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 160

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, November 2, 2000, or on Monday, November 6, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 14, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, November 2, 2000, Friday, November 3, 2000, Saturday, November 4, 2000, Sunday, November 5, 2000, Monday, November 6, 2000, Tuesday, November 7, 2000, Wednesday, November 8, 2000, or Thursday, November 9, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 13, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

ORDER OF PROCEDURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that if between today and November 14 the Senate receives from the House of Representatives continuing resolutions funding the Government for 1 day at a time, the individual resolutions be agreed to and the motions to reconsider be laid upon the table.

I further ask that if the House of Representatives passes a continuing resolution that contains language other than the funding of the Federal Government for 1 day, the Senate automatically reconvene 2 hours after receipt of the papers in the Senate and it be pending in the Senate following the granting of the routine convening requests.

I further ask unanimous consent that if the House of Representatives does not pass S. Con. Res. 160, the Senate reconvene on Monday, November 6, at 11 a.m. for a pro forma session only; that immediately following the convening on Monday, the Senate immediately stand in recess until 11 a.m. on Thursday, November 9, for a pro forma session only. I ask consent that following the convening on Thursday, the Senate stand in recess until 11 a.m. on Monday, November 13, for a pro forma session only. I ask consent sent that following the convening on Monday, the Senate automatically stand in recess until 12 noon on Tuesday, November 14, 2000, as provided in the previous order.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. I must say the cooperation on the unanimous consent leads this Senator from Alaska to dream a little bit about some of the bills that he would like to pass by unanimous consent such as the ANWR issue and university lands, but I guess Senate tradition dictates otherwise so it is back to reality, Mr. President.

ORDER FOR RECESS

Mr. MURKOWSKI. Mr. President, in the closing script, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Tuesday, November 14 under the provisions of S. Con. Res. 160.

PROGRAM

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I would announce that if the House of Representatives does not pass S. Con. Res. 160, the adjournment resolution, then the Senate reconvenes for three pro forma sessions between now and November 14. If the House passes clean continuing resolutions each day, those resolutions will be passed upon arrival in the Senate. Also, as a reminder to all Senators, the weekly party caucuses will occur on Tuesday, November 14. Therefore, the Senate will be in recess between the hours of 12:30 and 2:15 p.m.

RECESS UNTIL TUESDAY, NOVEMBER 14, 2000

Mr. MURKOWSKI. Mr. President, seeing no other Members here and no one seeking recognition, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the provisions of S. Con. Res. 160.

There being no objection, the Senate, at 8:37 p.m., recessed until Tuesday, November 14, 2000, at 12 noon.

HOUSE OF REPRESENTATIVES—*Thursday, November 2, 2000*

The House met at 6 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

This evening as we gather, Lord God, we remember all those who gave us life. We remember those who enrich the life of this Nation with love and dedication, generosity and compassion. We recall the Members of this House and the dear members of family and friendship who have gone the way of all life on Earth.

May those who have preceded us in the ways of faith be rewarded for their just deeds and the lively peace and joy they brought to this world.

As we reflect upon those whose memory moves us this evening, especially those who have died during the 106th Congress, we seek the consolation You alone can give and the insight born of faith.

Renewed in the bonds that unite us forever, grant us wisdom in the midst of present difficulties and the bright promise of a just reward on that day when all come to rejoice in You who live now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. NORWOOD) come forward and lead the House in the Pledge of Allegiance.

Mr. NORWOOD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 123 and that I may

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the provisions of House Resolution 662, I call up the joint resolution (H.J. Res. 123) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 123 is as follows:

H.J. RES. 123

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275, is further amended by striking the date specified in section 106(c) and inserting "November 3, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 662, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume merely to point out that this is a 1-day continuing resolution. In addition to having this resolution before the House, after the gentleman from Wisconsin (Mr. OBEY) makes his opening statement, I will be asking unanimous consent to consider an amendment that I have at the desk.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, I suppose there is virtually no reason for anyone to say anything, given what the reality is around here. But I would, nonetheless, like to make a few observations about why we are going through this surreal exercise this week, this evening, tomorrow and for God knows how long.

We were told at the beginning of the year by the majority party leadership that they were going to restore regular order to the House. Then this House proceeded to pass a phony budget resolution and a series of phony appropriation bills which pretended to fit within that budget resolution.

It did that, not because of any fault of any of the majority members of the Committee on Appropriations; we did it because they, in fact, had no choice but to proceed under that phony budget resolution.

The result is that, for 10 months, this House pretended to the public that it was going to spend about $40 billion less than virtually everyone in this House on both sides of the aisle knew we would in the end wind up spending.

The purpose of passing those fraudulently shrunken appropriation bills was to open up enough room in that phony budget so that the majority leadership could pretend that there was enough room in that budget for the huge tax cuts which they then proceeded to pass, the majority of benefits which went to those in our society who make $300,000 a year or more.

The leadership of the majority preached bipartisanship; but in fact, they blocked bipartisan majorities from passing the Patients' Bill of Rights. They held the minimum wage hostage to tax benefits that were nine times as large as the benefits afforded to workers under those minimum wage increases. They even refused to reform the so-called Freedom to Farm Act, which is the single biggest failure of farm policy in this country since the days of Ezra Taft Benson, and that is going some.

Lastly, the leadership of the majority party blocked a bipartisan conference on the Labor, Health and Education bill that would have taken us a long way toward reducing class size, strengthening teacher training, providing larger Pell Grants for struggling middle-income families trying to send their kids to college, providing us some 5,000 additional after-school learning centers for kids so that they do not have to go home at night to an empty house because both parents are working outside the home.

Since that bill was blown up, it has been apparently the goal of the majority party leadership to leave without ever bringing to a vote that bipartisan conference report.

Apparently the majority caucus is split. I am told by a number of you that, if this bill goes into a lame-duck session, that there are a good number of our friends on the majority side who would like to scale back significantly the size of those education and other increases in that Labor-Health-Education bill.

In my judgment as someone who has served here for over 30 years, the chaotic results of the policy pursued by the leadership left us at the end of the fiscal year with only two of the 13 appropriation bills that were supposed to be passed actually being finished by the House and the Senate. The House passed all 13 of its appropriation bills, but the Senate did not.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

So we were left with only two of those 13 bills. We were left with only two of those 13 bills passed. Both bills that were passed had been signed by the President. So none of the delays associated with the other 11 bills were in any way the responsibility of the White House.

Now, the majority leadership wants to go home. We all want to go home.

I will say to the gentleman interrupting that no one in this House has worked harder than I have. I will compare my record to yours anytime.

I think I have the floor, Mr. Speaker.

The SPEAKER pro tempore. The Chair requests that various conversations going around the Chamber will be removed to the cloakroom.

Mr. OBEY. Mr. Speaker, I thank the gentleman for obtaining order, and I thank most Members of the House for their courtesy.

What I was about to say is that the majority leadership would like us to go home, and we would all like to go home, but there is apparently a significant difference between the wishes of the majority leadership in the Senate and the majority leadership here.

I honestly believe that you want us in the minority to give you cover for your failure to produce on the whole range of legislative items by voting to get Congress out of town before we have all done our duty. I think that duty includes passing the Patients' Bill of Rights, passing a bill that provides prescription drugs under Medicare, passing a bill that provides the minimum wage increase for the least among us.

So now we are caught in what one reporter today called this Potemkin charade. It is being pretended that there is work being done here because, apparently, what the majority leadership wants to do is to keep the lights on even though the House is empty and keep the lights on to pretend that there is activity in the kitchen, when in fact there is not. The stove is off. The oven is empty. The oven is cold.

No major legislation, save perhaps one water project bill is in the works. What an unhappy, pitiful end to this session.

I want to say to my friends on the majority side of the aisle, I like and respect virtually every single one of you. Some of you I do not know as well as others. But when I think of the people I have known in my life, there is no more decent person than the gentleman sitting in the front row here, the gentleman from New York (Mr. HOUGHTON), or the gentleman from Illinois (Mr. HYDE) or the gentleman from Florida (Mr. YOUNG) or the gentleman from Georgia (Mr. NORWOOD) or a number of others of you. The gentleman from Wisconsin (Mr. PETRI) I saw sitting here; we have been friends for years. I cherish some of the friendships that I have had with people on both sides of the aisle.

□ 1815

But what I despise is what this kind of chaotic governance in this House has done to this institution and to the legislative process. And most of all what I despise is what this House has failed to do to represent and help the people we are supposed to be representing. When I see what this institution has failed to do, that is when I am truly saddened and appalled.

I do not make this statement out of any sense of personal dislike for any one of you. But sometimes parties or institutions do things collectively which they would never do individually, and I believe this year that has happened in this place. And that is why this Congress, in my sad judgment, regardless of the meaningless votes that will occur the next 2 days, because this session is over any way you slice it, we just have an inability to admit it, so this Congress will go down as one of the lesser footnotes in history and it very richly deserves it.

Mr. OBEY. Mr. Speaker, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the amendment that I have placed at the desk be considered adopted.

The SPEAKER pro tempore (Mr. THORNBERRY). The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida:

Insert before the period at the end the following:

, and by adding, at the end, the following new section:

"SEC. 120. Notwithstanding any other provision of this joint resolution, except section 107, $7,100,000 shall be available for obligation by the Administrator of General Services for expenses necessary to carry out the Presidential Transition Act of 1963 (3 U.S.C. 102 note)."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I think the purpose is self-evident, but I wonder if the gentleman from Florida (Mr. YOUNG) would be kind enough to take just 1 minute so that the Members understand what we are doing.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the amount of $7,100,000 was in the Treasury-Postal bill for the purpose of the transitioning to a new administration. $5.27 million was for the implementation of the transition of the new administration, the new President. $1.83 million was for the incumbent President to exit the White House and to exit the administration.

Since that bill was vetoed that money is not available. This amendment authorizes the same amount of money that was in the Treasury-Postal bill. It is important that we do this because the new administration has to begin work immediately after the election by preparing for the transition, interviewing potential appointments and staffers. There is travel involved. There is vetting of major appointments. This begins the day after election day, so it is important that we do this.

Mr. OBEY. Mr. Speaker, I thank the gentleman for his comments. We certainly have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The joint resolution is considered as having been read for amendment.

By order of the House today, the amendment is adopted.

Pursuant to House Resolution 662, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 310, nays 7, not voting 116, as follows:

[Roll No. 592]

YEAS—310

Abercrombie
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Berkley
Biggert
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clyburn
Coble
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Cubin
Cunningham
Davis (FL)

Davis (VA)
Deal
DeGette
DeLauro
DeLay
DeMint
Deutsch
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Engel
English
Eshoo
Evans
Everett
Farr
Filner
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pombo
Porter
Portman
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—7

Berry
Capuano
DeFazio
Ford
LaFalce
Phelps
Stenholm

NOT VOTING—116

Ackerman
Allen
Baird
Barrett (WI)
Barton
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blumenauer
Boucher
Brown (FL)
Calvert
Campbell
Capps
Clay
Clayton
Clement
Coburn
Collins
Conyers
Costello
Crowley
Cummings
Danner
Davis (IL)
Delahunt
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Dunn
Ehlers
Ehrlich
Emerson
Etheridge
Ewing
Fattah
Forbes
Fowler
Frank (MA)
Franks (NJ)
Ganske
Gejdenson
Gephardt
Goodling
Granger
Greenwood
Hall (OH)
Hansen
Hastings (FL)
Hefley
Hill (MT)
Hinchey
Hinojosa
Hunter
Jones (OH)
Kasich
Kennedy
Kilpatrick
Klink
Lantos
Lazio
Maloney (NY)
McCollum
McIntosh
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mollohan
Morella
Neal
Nethercutt
Oberstar
Ose
Owens
Payne
Pickett
Pitts
Pomeroy
Price (NC)
Pryce (OH)
Reyes
Riley
Rivers
Rodriguez
Rush
Salmon
Scarborough
Schaffer
Shays
Smith (MI)
Smith (WA)
Spratt
Stabenow
Stark
Stupak
Talent
Tancredo
Towns
Turner
Velázquez
Visclosky
Waters
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Wise

□ 1845

Mr. WELLER and Mr. HALL of Texas changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HINCHEY. Mr. Speaker, I was delayed en route. The plane just arrived. As a consequence I got in the House just a few minutes after the vote was closed. Had I been here, I would have voted in the affirmative.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 592, had I been present, I would have voted "yea" in support of H.J. Res. 123.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on November 1, I was away from the House on personal business. Accordingly, I was unable to cast certain rollcall votes. If I were present, I would have voted the following:

"Yes" on rollcall vote 586 on approving the Journal; "yes" on rollcall vote 587, H.J. Res. 122; "no" on rollcall vote 588; "yes" on rollcall vote 589; I would have voted "yes" on rollcall vote 590, H.R. 4577, a motion to instruct conferees; and I would have voted "yes" on rollcall vote 591, H.R. 4577.

Additionally, Mr. Speaker, on October 19, I was away from the House on a personal matter, and I was unable to cast a rollcall vote. However, if I were present, I would have voted "yes" on rollcall vote 540, H.R. 4541, the motion to pass the Commodity Futures Modernization Act.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, on October 30 I was unavoidably detained and missed rollcall vote 583. In addition, yesterday due to pressing business back in my district, I missed rollcall vote 591. Had I been present, I would have voted "yes" on rollcall vote 583 and 591.

DEMOCRATIC LEADER MISSES PRECEDING VOTE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, we returned tonight once again to do the business of the people in an effort, even at this late date, to put people before politics. How sad it was to note in the rollcall vote that just preceded that our colleague from Missouri, the minority leader, the Democratic leader of this House, was absent. I hope there is no personal concern that took him home. In fact, we understand that he may be home campaigning in stark contrast to his public comments.

Mr. Speaker, tonight this is the situation that confronts us. Most of us are here working in Washington, D.C., working. But I would show you the Midwest, the great State of Missouri. Our friend, the Democratic leader, who said it was so important to stay here and do our work, it appears he is home campaigning, Mr. Speaker; and our friend, the President of the United States, is campaigning in California. Curiouser and curiouser the conduct of those in whom the public trust is placed.

THIS SESSION IS OVER

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I just want to take issue with the last speaker. It is very obvious that the Republican leadership has no intention of doing any more work here in the House of Representatives. There is barely a majority here to even vote on any measure. The Senate has already left. The other body has already left. To suggest in any way to the American people after having spent 2 years without passing a Patients' Bill of Rights, without passing a Medicare prescription drug benefit, without doing anything with regard to education initiatives that somehow this House or the other body are going to do some work over the next few days before the election is patently absurd.

Let us not kid the American people. This session is over. I am here and a lot of us are here, but we know very well that no work could possibly be done and the Republicans have failed to accomplish anything for the American people. They might as well admit it rather than keeping on with this rhetoric this evening.

BIPARTISANSHIP

(Mr. THOMAS asked and was given permission to address the House for 1 minute.)

Mr. THOMAS. Mr. Speaker, one of the things that I think we ought not to try to do, I mean, I do not mind it if somebody wants to argue on one side of the issue or on the other side of the issue, but you really ought not to try to argue on both sides of the issue.

The gentleman from New Jersey just stood up and said we did not pass a Medicare prescription drug bill. Perhaps he ought to check C-SPAN. I just finished watching a press conference of his leader, Mr. GEPHARDT, and the Senate leader, Mr. DASCHLE. The gentleman from Missouri was reviewing the bipartisan legislation that the Democrats were instrumental in passing. Now, we were pleased that five Democrats joined with us, they were the difference in the majority, in passing a Medicare prescription drug measure off the floor of the House. But the gentleman from Missouri just took credit for that prescription drug measure passing the House, saying that is evidence of their bipartisan nature.

Come on. Figure it out. One side or the other. But do not be on both sides of your mouth.

A FAILED CONGRESS

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, the fact of the matter is that we have spent 2 years here, 2 years; and the majority in this House that told us the trains were going to run on time, the train has crashed into the barrier here because they have not been able to have the trains run on time.

We did pass in this House a bipartisan bill for a Patients' Bill of Rights. We passed a bipartisan bill for campaign finance reform. We have bipartisan agreement on common sense gun safety legislation. We could have done something about a Medicare prescription drug benefit where all of our seniors were covered. The very fact of the matter is that the Republican leadership of this House is in the pocket of the special interests, refuses to pass any of this legislation, could not pass all of their appropriations bills, cannot get a budget off the ground, and do not know what to do to get out of here. They do not have a program; and if they had a program, they cannot get themselves organized to get it passed in this body. A failed Congress by any sense of the imagination.

WHO IS WORKING?

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Let me see if I have got this straight. The Democrats are complaining because we have not gotten our work done, but we are supposed to work out a compromise with the President and the minority. We are here working; we are here in Washington working.

That is right here. The minority leader, the gentleman from Missouri (Mr. GEPHARDT), is over here in Missouri; and the President is out in Beverly Hills, California, campaigning. Who do you think is trying to get their work done?

WHO IS HERE?

(Mr. RANGEL asked and was given permission to address the House for 1 minute.)

Mr. RANGEL. Mr. Speaker, I just wanted to share with the gentleman from Indiana (Mr. BURTON) that he better not start labeling people who are not on the floor. I am too civil to get involved in the so-called Republican leaders that are not with us this evening, and so I will not engage in that.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I think they are here. Would you like for us to go get them for you?

Mr. RANGEL. I do not know whether I saw the gentleman from Oklahoma (Mr. WATTS) here. Did you see him here today? Because he did not vote.

Mr. BURTON of Indiana. His father just died. That may not count. I do not know.

Mr. RANGEL. Is my colleague, the gentleman from New York (Mr. LAZIO), here?

Mr. BURTON of Indiana. Is he in leadership?

Mr. RANGEL. I thought he was part of the whip organization.

EVERGLADES NATIONAL PARK

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, earlier it was described that there is just one little water bill to pass in the Congress, so why waste our time. That was stated by the minority appropriations senior member. The little water project described is the Everglades funding, a national park that we all have responsibility for.

So I would suggest as Congress convenes tomorrow at 9 o'clock, we have a chance, a majority Congress by Republicans, to pass one of the most comprehensive environmental bills in probably my lifetime and my term in Congress. So I think coming back tomorrow is indeed appropriate. I hope some of the other Members show up for the vote because the most important vote they will get to cast this year involves a national park, not a Florida park, Everglades National Park.

I commend this Congress, our leaders, the gentleman from Florida (Mr. SHAW), and others who have brought this bill to the floor, Senator SMITH from the Senate who has ushered that bill to our Chamber. And I am delighted and will be proud as a Floridian to cast that important vote tomorrow at 9 o'clock.

I urge my colleagues to return from campaigns and vote with us on the Everglades.

A DO-NOTHING CONGRESS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I am glad we are going to vote on the WRDA bill tomorrow. Why did we not vote on it in September or July or June? This Congress has been a do-nothing Congress. I am amazed. I have the Governor of my State going around the country saying he is going to bring Democrats and Republicans together, he is going to bring us together. I just wish he would bring the Senate Republicans and the House Republicans together, because here we had an agreement to leave. I do not like to have lame-duck sessions. I want people who are elected and have to answer to the voters here. But now we are here to cast one vote, and tomorrow maybe one or two votes.

I wish Governor Bush would get the Senate Republicans and the House Republicans together before they want to talk to us Democrats, and maybe we can get something done for the American people.

FAMILY OPPORTUNITY ACT OF 2000

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, tonight I would like to give thanks to my colleagues for the continued work that we are having and making on the Family Opportunity Act of 2000, H.R. 4825. This Family Opportunity Act is important for families. It allows families to stay together when they may have a child that is born with a severe medical problem.

Mr. Speaker, H.R. 4825 also helps parents who have the opportunity to work without fearing the loss of Medicaid services for their disabled child instead of refusing jobs, pay raises and overtime.

□ 1900

Mr. Speaker, H.R. 4825 is bipartisan; it is bicameral, 139 House cosponsors and 77 Senate sponsors.

Mr. Speaker, H.R. 4825 is a bill we are still working on. We will not give up on it until we leave, and I want those people who are working on this to know that I support their efforts and appreciate them very much.

LET US NOT PRETEND

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, here we are 2 nights after Halloween, more than a month after the budget is due, engaged in some sort of bizarre charade. Let us not pretend to be working on the budget agreement. Just do not pretend anymore. Agreement was reached, last weekend, and the Senate Republicans stood behind their negotiators. The Senate Democrats stood behind their negotiators. The House Democrats stood behind their negotiators. The President stood behind his negotiators. But the Republican leaders, at the last second, pulled the plug after the phones rang off the hook from the National Association of Manufacturers and the U.S. Chamber of Commerce, who objected to any possibility that at some future date even a President Bush, if he gets elected, might not have the guts to kill workplace health and safety reforms.

That is what is going on here, plain and simple. Let us not pretend. Do not pretend. The American people do not like lies.

WHERE IS OUR PRESIDENT?

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, where is our President? While we are here working conducting necessary business, I understand our President is out campaigning. He is not in the Middle East solving problems. He is not working on North Korean peace, but he is out campaigning. Mr. President, the town of New Castle, the Village of Chappaqua, needs you here to work with us to help them. Because you chose to veto the Treasury Postal bill, the supervisor of the town I represent, the town where Chappaqua is, has indicated she may have to raise taxes, your taxes in Chappaqua, Mr. President, by 3.5 percent to cover the cost of the extra police protection for you.

The citizens of Chappaqua ought not to have to carry this burden because you chose to veto a bill. This burden, Mr. President, is just one example of where you have put politics over people. Mr. President, please stop campaigning. Come back to Washington and do your job.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair reminds all Members to address their remarks to the Chair only, not to the President or others.

LAME DUCK

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, shame on us for pursuing this bizarre charade of a session. The House is gone. We all know we are coming back for a lame duck session, and to criticize those like the gentleman from New York (Mr. LAZIO) who cannot be here, how dare you attack our friend from New York in that way. We instead should adjourn this House; and we should instead reconvene the week after the election, and hopefully then we will get a prescription drug benefit in Medicare; hopefully then we will raise the minimum wage; and hopefully then the Republican leadership will stand behind its negotiators so we can actually get something done in this House.

WE SHOULD BE PROUD OF WHAT THE CONGRESS HAS DONE

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, this Congress has accomplished much, and I think we should be proud of what the Congress has done. We said we wanted to preserve and protect Social Security and Medicare, and we have. We stopped the raid on Social Security that had been going on for decades, and we made the system stronger by passing legislation locking away 100 percent of the Social Security surplus for Social Security; not for any other spending programs.

Republicans said we would eliminate the deficit and pay down the debt, and we have. In fact, over just the past 3 years we have paid down $360 billion in debt. Over the next 5 years, our tax cuts will provide the average household almost $2,000 in tax relief, and this includes the $500 per child tax credit we enacted; and we are just getting started. Let us continue working on behalf of all Americans to protect and preserve Social Security; to provide tax relief; to pay off the Federal debt and to strengthen education.

HIGHER PRICES WILL NOT WASH

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, how much is enough indeed, Mr. Speaker? The Clinton-Gore administration keeps asking for more and more and more from the American people, more and more in the way of money for their liberal special interests; billions and billions of dollars, in fact. But as if that were not bad enough, the Clinton and Gore administration demand to take even more of America's freedoms. They take and they take and they take. Their big government philosophy crowds out room for our freedoms.

Let me just give one timely example from this past month. The Clinton and Gore administration want to take away our freedom to select washing machines, air conditioners, and heat pumps and to force us to pay hundreds of dollars more for products that we refuse to buy. They proposed that rule just last month on October 5, 2000, which would steal that much more of our liberty. How much is enough? When the big hand of the Federal Government opens the door to our homes and invites itself in, it is time to say enough is enough.

GOVERNMENT IN LIMBO

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, here we are in Washington and the situation is that we have passed 13 out of 13 appropriation bills, and we are trying to work with the President of the United States to finalize these bills. This is always the case. It has always been this way. Both sides always claim victory, but in truth Democrats and Republicans come together because the American people want something done, but now we are unable to do that. The first time in history the Congress cannot adjourn. And why can it not adjourn? Because the President, as I speak, is in California today campaigning. Now, if he was in the Middle East avoiding war, hey, I am with him all the way. If he was in North Korea, if he was in Haiti or something, we are with him all the way. He is in California. Congress is here in Washington, D.C. The Democrat leader, the gentleman from Missouri (Mr. GEPHARDT), is home in St. Louis campaigning. Because of this, taxpayers have a government that is somewhat in limbo. When we get the new President, Mr. Bush, I hope he will bring both sides together because that is what we need.

WE WILL NOT GIVE IN

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, the question that everybody is trying to wrestle with is why are we still here?

Let me, first of all, say everyone is entitled to their own opinion. They are not entitled to their own facts. Let me just offer my opinion as to why we are still here. It really does come down to some fairly simple questions, and the first one is how much is enough? Now, the Committee on the Budget worked out with the Senate earlier this year a budget agreement that said we could legitimately meet the needs of the Federal Government for about $1.9 trillion. The President of the United States wants more, and no matter how much more we give him he keeps moving the bar. Even today we do not know how much the President really wants to spend, but it is not just about spending. The President thought that in our eagerness to get home and campaign that we would roll, we would roll over and he would get what he wanted on ergonomics, on blanket amnesty for illegal aliens.

Know what? He was wrong. I am so proud of the House of Representatives and our leadership because we said no. We are not going to give in to even more spending. We are not going to give in to blanket amnesty for illegal aliens, and we are not going to give in to a bad ergonomics policy that hurts small business.

FORKED TONGUE TALK

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I was not going to speak tonight but I cannot believe what I am hearing, this forked tongue talk. First we have the gentleman from Florida (Mr. FOLEY) saying we are going to come down here tomorrow and we are going to pass a bill and we have enough people to do that. And then he gets up and says nothing can happen in Washington because the President is moving around the country. Thank God the President is moving around the country. Thank God over 100 Members of Congress are not here tonight.

Know where they are? They are out where the American people want Members of Congress to be on the eve of an election. They want to be face-to-face with the people they are going to vote with.

□ 1907

Thank God the President is moving around the country. This is a sham what is going on here. This is an attempt to try to keep some endangered species.

Mr. Speaker, I have heard word on the Republican side of the aisle that some of their Members are saying it is a lot safer for them to be here because they are running such tough races, and if they have to get out there and respond to the challenger's opposition, they could not make it, they are not going to get elected. What a sham.

The Republicans control this place, all the rules, all the committees, all the decisions, all the votes. The Republicans have the majority. They can get in here and out of here as fast as they want to. So just because the President is traveling around the country; as commander in chief he can travel all over the world and do American business. Thank God he is not in Washington, and we should not be in Washington, either.

EXTRAORDINARY HAPPENINGS ON THE HILL

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. WALDEN of Oregon. Mr. Speaker, it is extraordinary tonight to listen to this, because there are 73 Democrats missing. The Democrat leader is missing. It is a little hard to negotiate when they are not in town. Our leadership is here and we are here.

But more importantly for the American people to understand, for 30 years around this place, whenever they wanted to spend more money than they had, the Democrats would just take the money out of the Social Security fund and leave an IOU behind.

We changed that in this Congress. We changed that. We created the lockbox that safeguards Social Security and Medicare. We also put money into paying down debt. There has been $350 billion paid down in the last 3 years. We hope to pay down another $240 billion in this budget alone. That is why we are standing here ready to fight, because we want to pay down debt, not just grow the government. We want to do meaningful tax relief, not just add to the burden of working Americans.

Tomorrow, we are going to do something extraordinary for the State of Florida and for the United States, and that is approve the Everglades legislation.

READY TO WORK

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, they have mentioned that there are so many people gone. I just want my constituents to know that I am still here. This is KAREN THURMAN from Florida, and I am ready right now to pass the Everglades bill. We were told last night before we left here that we would, in fact, have the Everglades bill on the floor tonight. I do not know why we have to wait until tomorrow to get this up. It could have been done; it would have been passed. It sounds to me like everybody stayed here because we think it is an important bill to get done. It is a national thing, and we want it done. But I do not know why we are waiting until tomorrow morning and not getting it done tonight.

So to my constituents, I want them to know, I am here, I am ready to work, and I am ready to save the Everglades.

STOP THE FINGERPOINTING

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I hope we can put an end to the fingerpointing. It is time for us to close down this part of the session of the House of Representatives.

Mr. Speaker, I want all of those that have been doing the fingerpointing, I want to ask, were there any meetings to work out the differences yesterday? Were there any meetings today? Have there been any meetings between the leadership of the House and the White House since 1:20 last Sunday night? Can anyone from the other side of the aisle tell me of a single invitation to meet and truly negotiate over the remaining items that the administration or Democrats from Congress refused to attend? If they can, take another 1 minute and say so. If not, let us quit the fingerpointing and realize we have to come back after the election and finish the work of this Congress. This is not doing any good, what we have heard tonight, not one bit of good. We are not doing anything. It is ridiculous. We could have voted on the Everglades yesterday. We could vote on it tonight. We do not have to come back tomorrow, but we will be here tomorrow.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING ROXCY O'NEAL BOLTON, SOUTH FLORIDA'S PIONEER FEMINIST

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, tonight I would like to honor Roxcy O'Neal Bolton, a pioneer feminist in my congressional district who has and continues to champion the rights of women by widening the gate to equality.

Born in Mississippi in 1926, Roxcy Bolton has always been a trailblazer. She is a persistent advocate who continues to serve as a powerful voice for women whose needs and pleas had not been heard.

Through her actions, Roxcy has always demonstrated her courage and her deep convictions. She showcased the problems facing women of her time, and continues to encourage women to take action and to extend the fight for equal rights.

In South Florida, Roxcy's fight for equality helped to facilitate change. In the workplace, Roxcy demanded equal respect, equal opportunity, and equal pay for men and women.

For example, in dining clubs, as was the custom of the time, working men had a special dining area. During business day lunch hours men were seated and served quickly, while women, working women with short lunch hours, had to wait in line, looking at empty seats in the men's section.

By writing letters, meeting with restaurant owners, and organizing women, Roxcy Bolton changed this policy, and soon the "men only" policy in South Florida became obsolete.

Roxcy was also a fighter on behalf of abused women. In 1972 she founded Women in Distress, the first women's rescue shelter in Florida to provide emergency housing, rescue services, and care to women who found themselves in situations of personal crisis.

During that time, no one talked about rape, much less did anything about alleviating the horrendous trauma that the victim undergoes. Brave crime victims who actually reported their rapes were often treated callously.

Roxcy, however, was not afraid to speak on behalf of these unfortunate women, and did so publicly, with a march against rape down Flagler street in downtown Miami. Approximately 100 women gathered to march with Roxcy to make the community take notice of their concerns, of their anguish, of their need. It was the first time that South Florida women had taken to the streets, and Roxcy knew that if women banded together, we were going to make a difference.

Shortly thereafter, Roxcy approached every local official and persuaded them that something had to be done about treating rape as the violent crime that it is. In 1972, her efforts resulted in the first rape treatment center in the country, located in my regional congressional district at Jackson Memorial Hospital in Miami. In 1993, this rape treatment center was correctly named after Roxcy Bolton.

Roxcy also organized Florida's first crime watch meeting to help curb crime against women. She has served on many boards and commissions, working for women's rights, and has been the recipient of numerous civic awards related to her work with women's rights. In 1992, she helped form the Women's Park, the first park in the United States dedicated to all women who have made contributions to our community.

To this day, Roxcy continues to be a champion for humankind. We cannot keep her down. She continues to persevere and to recognize women's role in history. She continues to fight for women's rights, human rights, social welfare issues, and to put an end to the sexual discrimination in employment and in education.

Mr. Speaker, I am proud to have Roxcy O'Neal Bolton in my congressional district, and I wish her many more successful years in the ongoing struggle for women's issues. I ask my colleagues to join me in saluting this Florida heroine for her remarkable dedication to women, and for making South Florida a better place in which to live.

We are a richer community for having hard-charging feminists like Roxcy O'Neal Bolton in our midst.

GOVERNOR GEORGE W. BUSH'S FALSE STATEMENTS ABOUT HIS TAX PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, we should not pretend that we are working here toward a final solution. We all know we are coming back after the election. The people who know this best are the Republican Senate leadership. They have all gone home, so why are we pretending we are going to cut a deal without the Senate leadership?

This country needs an election so that the people can tell us that we need more Federal investment in education, that we need a prescription drug benefit that is part of Medicare, and that we need an increase in the minimum wage.

I trust next Tuesday that message will be heard here in Washington loud and clear.

Mr. Speaker, one thing that could prevent us from hearing that message is a misconstruction of the Governor of Texas' tax plan, because there are two false statements that have been made by the Governor about his own plan. I trust that he has not made these statements deliberately, but simply because he has not read and studied his own tax plan, and that these are innocent, though major, mistakes.

The first is that the Governor of Texas tells us that under his plan, every American who pays taxes will get tax relief. He has said this over a dozen times, and it is false a dozen times. In fact, under his tax plan, 15 million American families who pay Federal taxes will get not one penny of tax relief.

Of course, over $700 billion of tax relief over 10 years will go to the wealthiest 1 percent of Americans, but not one penny will go to 15 million American families who work every day, who pay taxes to the Federal government in the form of FICA taxes taken from their wages, and who work at the lowest-paying jobs in our society.

The second false statement made by the Governor in both the second and third debates was that his plan provided only $223 billion over 10 years of tax relief to the wealthiest 1 percent of Americans. He was off. It is really closer to $700 billion of tax relief, because in stating the degree of tax relief that he provides to the wealthiest 1 percent, he simply forgot that his plan involves the repeal of the estate tax, which will eventually cost this country $50 billion a year, or $500 billion over the 10 years that is our traditional measure of the effect of tax proposals.

That is why it is true that the Governor's tax plan will provide more to the wealthiest 1 percent of Americans than he proposes to provide to strengthen our military, improve our education, improve Medicare, and provide for our health care system, or improve our health care system, combined.

Mr. Speaker, I now want to address the need for school construction, which is also a tax issue, because the tradition in this country is that the Federal government provides help for those school districts that have old schools that have need for new schools because of growth, or that need schools with smaller classrooms to provide for smaller class sizes, and therefore need more classrooms.

The tradition is that we do that through the Tax Code by allowing school districts to issue tax-exempt bonds. We on the Democratic side have urged that $25 billion of urgently-needed capital be provided to these school districts, not in the form of tax-exempt bonds but in the form of tax credit bonds, which will be even better for the school districts because they will not have to pay even reduced interest, they will pay no interest at all. The Federal Government will pick up the tab.

In fact, though, the tax bill that left this House provided only half of the $25 billion of tax credit bonds that these school districts need. But that tax bill did address another problem. That problem appears to be that the subspecialist tax lawyers who specialize in tax-exempt bonds feel their job is too boring. I could not agree with them more.

I myself am a tax nerd of long standing, but even I, after many years of reading the tax regulations, had but one solace, and that is, at least my job was not as boring as those of my brethren who subspecialized in tax-exempt school bonds.

Now these bond counsel want something exciting, and they have persuaded this House to supposedly help school districts by changing the arbitrage rules so that school districts will be encouraged not to use school bond money to build schools, but to delay that for up to 4 years, and to take that money on an exciting trip to Wall Street. Mr. Speaker, school bonds should be used to build a school on Elm Street, not a skyscraper on Wall Street.

But the main component of the tax bill that this House passed designed to help school districts is one that does not provide them with tax credits, does not cut their interest costs, does not provide capital to build schools, but instead, encourages those school districts to gamble with the school bond money.

Mr. Speaker, that is how Orange County, California, went bankrupt. That is no help to school districts at all. We need to take back that bill and provide a full $25 billion of tax credit bonds so schools can be built around the country.

DEPARTMENT OF ENERGY STANDARDS ON CLOTHES WASHERS ERODES FREE MARKETPLACE AND ELIMINATES CONSUMER CHOICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. KNOLLENBERG) is recognized for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, over the last few years, the extreme green have colluded with appliance manufacturers, with the rubber stamp of the Department of Energy. This collusion, if left unchecked, will erode the free marketplace, and it would eliminate consumer choice.

I am talking about the DOE's recent decision to propose mandates for clothes washers. On October 5, the Department of Energy rolled out its latest tome of regulations on American household appliances. Their proposed mandate would require that consumers buy clothes washers that are available now but which consumers refuse as a rule to buy.

Those requirements mean only one thing, that the type of washing machine in tens of millions of American homes will soon become a thing of the past. It means that the reliable, affordable, effective washers to which we are all accustomed will have to be replaced.

The Department of Energy, the appliance manufacturers, and a handful of extreme special interest groups together wrote this new mandate. They left out a few people: the consumers and the taxpayers. In my opinion, the consumers and the taxpayers are the biggest stakeholders when it comes to home appliances. They are the ones who have to shell out their hard-earned money when their washer breaks down.

Unfortunately, it is the 81 million owners of washing machines in homes across the U.S. who were the only ones left out of this decision. The average American family is not yet even aware of the proposed mandate.

Mr. Speaker, how many working families do we know who come home after a long day at the office to sit down and read the tedious technical Federal Register every day? I can assure the Speaker, not very many. It is for exactly this reason I am raising this issue, to make the public aware of the flawed regulations coming out of the DOE.

Not only is the Federal government going to take away their choice in the marketplace, but to add insult to injury, it is going to force them to shoulder the inordinate additional cost of meeting the new mandate.

I do not know how many Members of Congress have been out shopping for a front-loading washing machine lately, but if they had, they would come in with a clear case of sticker shock. Many models meeting the proposed efficiency levels are well over $1,000; yes, I said over $1,000. Compare that to the typical top-loading machine that sells for around $400.

Even by the scantest DOE calculation, the consumer will have to part with at least $240 extra for washers that meet this new requirement. All told, that adds up to over $1,000 more per household. Again, those are the low estimates.

The administration's own analysis shows that millions of customers and consumers will never be able to recoup the higher prices. Low-income households, households with fewer occupants, such as senior citizens living alone who use washers less frequently, and those households in areas where energy costs will be disproportionately higher are the ones most affected. Those who can least afford it are unlikely to recover the additional cost that is required.

Then, after having to pay hundreds more at the appliance showroom, the proposal provides for the manufacturers to recoup millions of taxpayer dollars. Let us get this straight. That is right, the back-room deal includes $60 million per manufacturer in tax breaks, tax breaks for the manufacturers, not for the consumers.

Mr. Speaker, several points need to be made concerning these proposed regulations. First, the regulation would hurt working families by severely limiting what type of clothes washers, and it also includes air conditioning and heat pumps, can be purchased.

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It forces homeowners to buy products they have shown they do not like. Front loading machines make up less than 10 percent of current washer sales. The special interest groups have even publicly stated that American consumers simply do not want this type of washer.

Let me quote for my colleagues what some of the appliance manufacturers have said, I am quoting, "selling in the marketplace is easy if there's a standard in place. It's not a matter, necessarily, of consumer acceptance."

Another executive from the appliance industry claims, and I am quoting, "Federal standards provide the only meaningful route to appropriately higher energy efficiency for appliances."

Here is where it gets downright sad. Taxpayer dollars are being spent for outlandish trumpeting public relations events the new mandates. The examples include tax dollars spent on a few country western music series to promote the regulations and also to give away free washing machines. Who do you suppose pays for those? Try the Department of Energy.

Back in May, May 23, the Department of Energy stated that the new regulations would be proposed in June of 2000. Finally, in October, DOE got around to publishing the proposal with a deadline for public comment only 60 days later. It would appear after months of bureaucratic delay, the Energy Department now appears in a rush to regulate. Secretary Bill Richardson said that the department is, I quote, "on a rush to establish a legacy."

The Department has done the absolute minimum it can do to allow the people's voice to be heard by setting the minimum comment period of 60 days. That is why I introduced legislation to extend the public comment period to 120 days.

I ask for consideration from all of my colleagues. I have over 20 cosponsors at the present time. Please, come on board, support a common sense bill.

Mr. Speaker, over the past few years, the "Extreme Green" have colluded with appliance manufacturers with the rubber stamp of the Department of Energy. This collusion, if left unchecked, will erode the free marketplace and eliminates consumer choice. I am talking about DOE's recent decision to propose mandates for clothes washers.

On October 5, the Department of Energy rolled out its latest tome of regulations on American household appliances. Their proposed mandate would require that consumers buy clothes washers that are available now, but which consumers refuse, as a rule, to buy. Well, those requirements mean only one thing—that the type of washing machine in tens of millions of American homes, will soon become a thing of the past. It means that the reliable, affordable, effective washers to which we are all accustomed, will have to be replaced.

The Department of Energy, the appliance manufacturers and a handful of "extreme" special interest groups together wrote the new mandate. They left out a few people—the consumers and the taxpayers. Well, in my opinion, the consumers and taxpayers are the biggest "stakeholders" when it comes to home appliances. They're the ones who have to shell out their hard-earned money when their washer breaks down. Unfortunately, it is the 81 million owners of washing machines in homes across the United States who were the only ones left out of this decision.

The average American family is not yet even aware of the proposed mandate. Mr. Speaker, how many working families do you know that come home after a long day at the office and sit down to read the tediously technical Federal Register every day? I can assure you—not many. It is for exactly this reason that I am raising this issue, Mr. Speaker, to make the public aware of the flawed regulations coming out of DOE.

Not only is the Federal Government going to take away their choice in the marketplace, but to add insult to injury, it is going to force them to shoulder the inordinate additional cost of meeting the new mandate. I don't know how many Members of Congress have been out shopping for a front-loading washing machine lately. But if they had, they would have come home with a clear case of sticker-shock. Many models meeting the proposed efficiency levels are well over $1,000. Yes, I said over $1,000 for a home washing machine. Compare that to the typical top-loading machine that sell for under $400. Even by the scantest DOE calculation, the consumer will have to part with at least $240 extra for washers that meet the new requirements. When it comes to the regulations on new air conditioners and heat pumps, the additional initial costs are estimated to be at least $274 and $486 respectively. All told that adds up to over a thousand more dollars per household. Again, those are the low estimates. The administration's own analyses show that millions of consumers will never be able to recoup the higher cost.

Low-income households, households with fewer occupants—such as senior citizens living alone—who use washers less frequently, and those households in areas where energy costs will be disproportionately harmed. Those who can least afford it are unlikely to ever recover the added additional cost.

Purchasing a new washer, air conditioner, or heat pump for one's home or apartment is not a trival matter. These appliances cost several hundred dollars and the purchase is typically required with little if any ability to plan for such a large expenditure. Now the administration is making such a purchase much more expensive and eliminating consumer choice in the process.

Then, after having to pay hundreds more at the appliance showroom, the proposal provides for the manufacturers to recoup millions of taxpayer dollars. That's right—back-room deal includes $60 million per manufacturer in tax breaks. Tax breaks for manufacturers—not the consumers. This new tax shelter for appliance manufacturers means that the U.S. taxpayer carries an even larger share of the Federal tax burden in addition to the higher appliance costs.

In crafting their backroom deal, the special interests—these so-called joint stakeholders—decided that U.S. consumers and taxpayers would gladly accept their decision. I for one, don't think they should. America was founded upon the fundamental principles of freedom. Freedom to choose our words, freedom to choose the type and location of where we work, and the freedom to make individual choices in a free an open marketplace. Government should not be in the business of regulation, for the sake of regulation. Too many Washington bureaucrats and lobbyists are spending too much of the taxpyaers money on needless regulations.

Mr. Speaker, several points need to be made concerning these proposed regulations. First, the regulation would hurt working Americans by severely limiting what type of clothes washers, air conditioning, and heat pumps can be purchased. It forces homeowners to buy products that they have shown that they don't like. Front loading machines make up less than 10 percent of current washer sales. They are available out there in the marketplace, the simple fact is that the consumer doesn't want to buy them. The special interest groups have even publicly stated that American consumers simply don't want this type of washer.

Let me quote for you what some of the appliance manufacturers have said. ". . . selling it in the marketplace is easy if there's a standard in place. Its not a matter, necessary, of consumer acceptance." Another executive from the appliance industry claims, ". . . Federal standards provide the only meaningful route to appropriated higher energy efficiency for appliances, because consumers have historically shown a disinclination to pay more for products that are more environmentally friends. That is true even when the total cost of owning and operating such products is less than that of current models."

Now here is where it gets downright sad. Taxpayer dollars are being spent for outlandish public relations event trumpeting the new mandates. The examples include tax dollars spent on a free country/western music concert series to promote the regulations and also to give away free washing machines to the people in Bern, Kansas, and Reading, Massachusetts to promote the front-loading washers.

Mr. Speaker, back on May 23, 2000, the Department of Energy stated that the new regulations would be proposed in June 2000. Finally in October, DOE gets around to publishing the proposal with a deadline for public comment only 60 days later. It would appear that after months of bureaucratic delay, the Energy Department now appears in a rush to regulate. Secretary Bill Richardson has been stated that the Department is "on a rush to establish a . . . legacy."

The Department has done the absolute minimum it can to allow the people's voice to be heard by setting the minimum comment period of 60 days. Working Americans should not suffer as a result of gross bureaucratic delays and ineptitude. Americans should not have their input limited as a result of bureaucrats rushing through midnight regulations before the close of this administration. The Department has given Congress and the American people virtually no time to examine the new rules. The people deserve more time than the minimum to defend our rights.

That is why I have introduced legislation to extend this public comment period and to defend the people's right to fully participate in government and to retain some measure of control over own lives against an insatiable administration, seeking ever-greater powers over them.

My bill would extend the public comment period on the flawed regulatory proposals pertaining to clothes washers, air conditioners, and heat pumps. I am proud that a bipartisan group of now over 20 esteemed colleagues have now joined me in my efforts.

Americans should be granted more than the absolute minimum 60 days allowed by law. The special interest groups had several years to craft this new mandate—the people need more than 2 months to respond. The special interest groups exploit the disparity to tread on the will of the people. This bill seeks to rectify that disparity and to protect the best interests of the people.

All the elements for a comment extension are present. Nearly all American families are directly and substantially affected, the inclinations and desires of the people are thwarted, the cost increase of the mandate is high—more than doubling costs in some cases, and a last minute rush for "Midnight Regulation" is being pursued by the administration.

Apart from the higher cost and reduced freedom of choice, the Administration has not been fair to consumers and taxpayers during the development of the standards. DOE is supposed to disclose potential standards and impact analyses in a public process. Instead it bases its regulatory decisions on proposals submitted by special interest groups meeting in backrooms. Persons and groups who normally would speak to—and defend—the interests of consumers and taxpayers, and who have in years past been invited to participate, have been excluded.

Congress must assure that consumers are protected against faulty administration regulations. A public comment period of 120 days is required, given that the public has been largely excluded from the entire rulemaking process. This additional time will allow a thorough review and evaluation and a proper determination that has the consumers best interests in mind. I urge all Members to join me and fight to stop the erosion of the free marketplace and to prevent the elimination of consumer choice.

THE WORK OF THE HOUSE OF REPRESENTATIVES IS NOT DONE

The SPEAKER pro tempore (Mr. THORNBERRY). Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, this is the latest a Congress has met, absent a national emergency like World War II before an election. Now the work is not done. We do not yet have a fiscal year 2001 budget and the fiscal year began on October 1, which means that many essential government functions have yet to receive regular funding.

In an effort to achieve that, furious negotiations took place over the weekend. In fact, at 1:20 in the morning, night, agreement was reached between the Republicans in the House and the Senate, and the Democrats in the House and the Senate, and the White House.

There has been much talk on the other side of the aisle about the fact that the President was not in the room. They are right, the President was not in the room. They had 210 items in disagreement. This was grinding work for legislators and staff, but the President did something that the Republican leadership did not do. The President empowered and sent his head of office of management and budget and gave him the authority to negotiate and said I will stand behind you. Go get the best deal you can get.

At 1:20 in the morning the people in the room decided they had the best deal they could get. Now, the next morning, the President stood behind his negotiator. The Republicans in the Senate stood behind their negotiator. The Democrats on the Senate stood behind their negotiator. The Democrats in the House stood behind their negotiator, but the whole agreement was blown up and Congress is still here because of one group, the Republican leadership.

When their negotiator came in who they had thought, he thought they had, empowered to negotiate for them, they said you did what? You did what? You reached an agreement on workplace health and safety? Do you not know that the people who are paying for our elections, paying for us to keep the House of Representatives and win the Presidency object to that. And the phone has been ringing off the hook. They already heard about it.

The National Association of Manufacturers called. The U.S. Chamber of Commerce called. By God we would not even want to have contingent, contingent workplace health and safety regulations, which is what the agreement was. Everybody says we do not know who the President is going to be, and what the Republicans negotiated was we will have new workplace health and safety regulations, but they will not go into effect until next June.

Apparently, the Republican leadership who is touting they are leading in the polls for the House and for the Presidency does not even trust their candidate for President not to sign these reasonable workplace health and safety regulations come next June, because they blew up the negotiations.

Since then they have pretended, by keeping us here, that we are negotiating. We are not negotiating. In fact, the Republican who last night, the leader who stood up to engage in the discourse with the Democrat side of the aisle, when he was asked where and when will the negotiators next meet, he said, we will get back to you on that. Well, guess what? They have not called. They have not called.

The Senate left town in disgust, Democrats and Republicans alike. We are still here, and they are pretending that they are being reasonable in negotiating, because they are trying through a stealth agenda to hide what they are going to do if they control everything next year, and that is something people need to think about is what if they control everything. Workplace health and safety increases out the window. Deal with global warming, very serious problem, no way. They do not believe in it.

How about the oil companies? The oil companies are gouging the heck out of the American people. I have introduced legislation here to deal with that problem. No, cannot deal with the oil companies. They are big contributors too.

We heard earlier about a Medicare prescription drug benefit. Well, that was pretty inaccurate, because actually what the so-called bipartisan agreement which had about a dozen Democrats on it, Blue Dogs, that passed here was not on Medicare. It was to set up a new, very expensive, privatized system of pharmaceutical coverage for seniors that provided actually nothing. Because the head of the Health Insurance Industry of America said, well, you know, we are really not interested. None of my companies are interested in offering a pharmaceutical benefit only.

Then the Republicans came up with a new plan, we will bribe you to do that. We will give subsidies to you. We will give you the subsidies. You get the subsidies, you take them, no matter what, if you say you will offer a plan, with no conditions on the plans they will offer, no conditions on deductibles, no conditions on who they would redline out and not cover, no conditions on patients' appeals or rights.

They said that is not enough, some of those drugs are pretty expensive. They said well, we do not want to get in the face of the pharmaceutical industry, then they give subsidies to the pharmaceutical industry also. This is a farce.

REFUTING STATEMENTS REGARDING LACK OF PROGRESS OF THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I am here in Washington, D.C. representing the constituents of the 16th district in Florida, and I have heard a lot of conversation tonight about the lack of progress of this Congress. I must refute those statements vehemently and personally.

I came to Congress in 1994 with a freshman class of the 104th Congress. What we inherited at that time was 40 years of Democratic leadership which brought us to record deficits, annual deficits, huge amount of monies owed, the U.S.Treasury or the taxpayers, $5.7 trillion of accumulated debt, a government that was spending money out of Social Security, Medicare and every other trust fund that they could find, and borrowing money out of Social Security in order to camouflage the real size of the deficit annually.

When we were elected, we were told that we could expect, if we allowed the President and the majority party at that time to continue their spending ways, we would be probably this year spending in excess of $200 billion or $300 billion over and above what came in in revenues.

Interestingly, 6 years later, as I am about to celebrate my sixth anniversary of being elected to this important and fine office, we have a balanced budget. We have welfare reform. We have reduced capital gains, which has led to the largest expansion on Wall Street and more income made by Americans in the equity markets than in our history.

We have increased Medicare funding, and we have created a lockbox hopefully for Social Security. We have passed a marriage penalty elimination, but the President vetoed it. We passed estate tax relief, but the President vetoed it. We passed a repeal of a phone tax, but the President vetoed it.

Mr. Speaker, we have restored military funding that was cut by this administration year after year. The White House sent us budgets that were inadequate for our military, and the Republican majority had to step up and make certain that our men and women in uniform were not only properly funded, trained, but that the personnel support that they need, the transportation support that they needed would, in fact, be there in a time of crisis.

People say we are just sitting around doing nothing. I think when you have a fight over real issues, then it is worth staying. We can go back to the ways of yesterday and spend, spend, spend to our heart's content and not care about the voters, because after all it is all about Members of Congress. I have to get elected, so I have to bribe my constituents in order to make sure they vote for me. So they spend money just willy nilly out of the pockets.

It is not theirs to pay, it just comes in the form of borrowed notes; and we fund the government excessively. We are here today over a few very, very minor issues. Yes, it was stated the President is away. He is in California.

There are other Members of their side of the aisle away campaigning, because, after all, control of Congress is more important than doing the people's work, being in charge somehow around here is more important than accomplishment. I always heard from my parents put people before your politics, make certain you take care of those who cannot take care of themselves.

As a Member of Congress, I voted for Head Start and a number of programs that the minority side has asked for. But at the same time, I recognize we have to have some fiscal restraint.

The gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, bent over backwards to give the President and the White House and the minority side as much money as we possibly could find in order to make certain that their needs were met. But in the waning hours, it just was not enough, because it was more about shutting this place down, about causing gridlock, about trying to pretend that somehow nothing has been accomplished in this Congress.

Campaign finance reform, we passed in the House. Patients' bill of rights, we passed in this House. I mentioned the tax cuts previously, so there is a record of accomplishment. People do not raise their voices.

People do not need to belly ache and browbeat. People need to come together and solve the problems that face America. That is why we were elected. We were elected to make certain, yes, in a partisan sense as a Republican, to represent the core elements of what my party is all about. The gentleman from California (Mr. HORN), who will speak in a moment, and I veer off from time to time on our party for a number of issues, because we believe we have to represent our districts, mine in Florida, his in California. We care enough about our constituents to say we will do what is right, not what is political.

The last 48, 72 hours, I have heard nothing but bellyaching from the other side of the aisle that has made me nauseous. It is not about doing something for people. It is about winning an election. It is about trying to gain power for the shear sake of having power. It is about being called chairman. That is not what this process is about; that will be decided November 7, and God bless America, it will be decided by people who pay taxes, who vote in this country, who make a difference, and who send us the money we spend here.

Let us stop the acrimony. Let us stop the nonsense and let us stop the partisanship from that side of the aisle and recognize there has been a number of good accomplishments by the 106th Congress.

SETTING THE RECORD STRAIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is important this evening to be able to set the RECORD straight. I am glad that my colleagues were able to individually really focus us on why we are here. I am here; but, frankly, I will be in my district tomorrow, because the real solution to this problem presented itself on late Monday evening, Sunday night, Monday day of last week, when there was a real agreement that would have brought us to the conclusion of this session.

It is interesting that over the course of debate that we have heard this evening, we have heard someone talk about taxes in upstate New York, not relevant to the American people, dealing with bringing closure to the appropriations process and ensuring that the government can run.

We saw some Members of this House present a map to talk about where the President of the United States, the commander in chief is and other Members of this House, none of that relevant. It has nothing to do with the negotiations process. All of this is dilatory tactics led by the Republican majority to press their points.

One of the leaders of the Republican majority said we are not going to let them go home because they will spend the weekend demagoguing and talking about trying to take back the House when we know that they will not. Those are not words from Democrats, those are Republican words.

Frankly, Mr. Speaker, I would like us to resolve this. Let me tell you why. Rushing to the airport today to get back for one vote, of course, I thought the Everglades vote would be on the floor tonight, but unfortunately, it is not. I support it and would have looked forward to voting for it and will vote in the RECORD when I return, if I am so elected, that I would have supported it, but on rushing to the airport, I stopped by a senior citizen center and spoke to senior citizens. I am sorry I did not have more time, but, obviously, I had to get back to Washington for important deliberations of which I hoped that I would have been able to participate in and to secure a vote for the future of our great Nation.

I told those senior citizens that we were still trying to work on answering the question why health maintenance organizations, insurance companies, HMOs were closing up in cities and States across the Nation.

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I did not have much time to talk to those seniors, some of them with a number of ailments, some of them confused about why their HMOs closed. But on that very note, they applauded. They wished me well. They said, we know you have to get back to the airport.

That is what we are fighting for, a distinction between giving $34 billion to HMOs versus giving monies to hospitals in rural and urban centers to keep their doors open, and giving the $34 billion to HMOs with no accountability whatsoever.

What that means is that we can give them the money to recoup what they say are their losses; but the minute they receive their paycheck, they can immediately close up in Iowa City; Detroit, Michigan; Houston, Texas; New York, New York; Atlanta, Georgia, and leave seniors in a lurch. This is what this debate is about.

So the Republican majority can get up and talk all day about work, work, work. I will not be here. I will be in my district tomorrow, because there is no work. Frankly, I believe if we had work, we would have had the Labor-HHS bill, just as we have heard our colleagues say, the negotiators, negotiated the resolve of this bill.

They had an agreement on education funding. They had an agreement dealing with school construction. They had an agreement on Medicare. But, yet, the special interests took control. The U.S. Chamber of Commerce and others said we cannot deal with those workplace safety rules. Frankly, I also spoke to my constituents about that.

We use these large terms, "workplace safety." Do my colleagues know what we are fighting about? How many of us have had the carpal tunnel syndrome, where one cannot move the hand? One might be on the computer or word processing or playing the piano, but one may be able to continue to work.

But the factory workers who get this syndrome cannot continue to pluck the feathers off a chicken or put the machine parts together. They cannot continue their work.

The only thing we have asked for is that rules will be implemented after the next President is elected. They squashed it, stomped on it, and said no way. Millions of Americans suffer with this syndrome.

We have been fighting for 3 or 4 years to get these kind of workplace safety rules so that these people who are on this kind of income working in factories in America would have some kind of protection.

But we blew up the last bill, the Labor-HHS appropriations bill, primarily because of that issue. Then of course we have heard all the characterization of immigrants. We are trying to provide opportunity for access to legalization of immigrants who are already in this country working, paying taxes, owning homes, and having children going to school. This is not a blanket amnesty. This is where we messed up, Mr. Speaker.

So to set the record straight, some of us are going home to work. We are going to wait on the Republicans until they find out that we are really working for Americans and get the job done.

H.R. 5622: A NEW VERSION OF THE MEDICARE INFRASTRUCTURE INVESTMENT ACT

The SPEAKER pro tempore (Mr. THORNBERRY). Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, we all know that Medicare is a vital program for nearly 40 million seniors. But we also know serious management deficiencies continue to plague this program resulting in the waste or misspending of billions of dollars for Medicare.

Last year, the Medicare program made improper payments totaling an estimated $13.5 billion for claims that were, to quote our auditors in the General Accounting Office, "that it was just not reasonable, not necessary and not appropriate."

In report after report, the General Accounting Office and other government auditors have outlined and detailed the problems in Medicare's financial management, and they repeatedly have offered this key recommendation: Medicare must develop a fully integrated financial management system that is standardized with all of its contractors so that timely, accurate, and meaningful information can be developed to control this $300 billion-a-year program.

Mr. Speaker, in May of this year, I introduced legislation that I believe would move us toward that goal, the Health Care Advanced and Informational Infrastructure Act. A similar bill was introduced in the other body by Senator LUGAR. Both of us believed that enacting sound and effective controls on Medicare programs must be made a high priority.

On July 11, 2000, the Subcommittee on Government Management, Information and Technology, which I chair, held a hearing on that bill, and witnesses included representatives from the General Accounting Office, the Health Care Financing Administration that administers Medicare, and the Medicare health providers and those who provide and service the computer systems that currently process Medicare claims and payments. These witnesses pointed out significant concerns. We listened.

We have now introduced tonight a new bill and a new version H.R. 5622. That legislation will address the concerns that were raised at the hearing while retaining the intent of the original proposal.

Similar to H.R. 4401, the new bill is designed to force the creation of an advanced information infrastructure that will allow the Medicare program to instantly process the vast number of straightforward transactions that now clog the pipeline and drain scarce health care resources.

This bill is the result of an extensive bipartisan work with both majority and minority staff on our subcommittee and the full committee. In addition, we have consulted with the Health Care Financing Administration's chief information officer as well as the staff in the General Accounting Office to ensure that the provisions of the bill accomplish the worthy goals of the previous bill without inflicting unintended consequences.

This bill establishes a commission to work with the Secretary of Health and Human Services and the chief information officer of the Health Care Financing Administration. We want a modern integrated computer system. This system is to provide Medicare beneficiaries with an immediate point of service verification of insurance coverage and an understandable explanation of benefits.

In addition, the bill would simplify the process for health care providers by giving them immediate information about their patients' Medicare benefits and a detailed explanation of why a benefit has been denied.

Unlike H.R. 4401, this bill does not call for immediate payments to health care providers, which was a significant concern to the General Accounting Office and the Health Care Financing Administration. According to health care providers who testified at the July hearing, Medicare often pays claims more quickly than private insurance companies.

The new bill also eliminates a requirement that the advanced informational system include the Federal Employees Health Benefits Program. We need to look at that for modeling. It does, however, require that the new system be structured so that it might be expanded for use by other government health plans; if they choose to do so, that is. Indeed, if this system is designed and developed as the bill requires, others will surely want to use it.

In addition, the bill expands the commission to include representatives of health care providers, Medicare information technology suppliers, and Medicare beneficiaries.

This bill is careful to avoid mandates that would undermine privacy rights. The privacy is of paramount concern and must be safeguarded in the design of an advanced network of the financial management systems for Medicare.

When seniors walk into the doctor's office, they deserve to know immediately what their Medicare benefits are and what copayments are or deductibles they will have to pay. When they leave the office, they deserve to have a simple statement explaining what was done and what is owed.

The goal of this bill is to reduce and, where possible, to eliminate excessive paperwork currently required by the Medicare program. Greater efficiency will free doctors to spend more time treating patients.

Mr. Speaker, the legislation could save billions of dollars in needless Medicare paperwork and inefficiencies and put an end to the many time-consuming and confusing complications both for the doctors and for the patients.

Mr. Speaker, Medicare's financial management systems and their annual reports of billions misspent would then be something of the past.

Mr. Speaker, I include a copy of H.R. 5622 for the RECORD as follows:

H.R. 5622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Program Infrastructure Investment Act of 2000".

(b) PURPOSE.—The purpose of this Act is to design a strategy for the implementation of an advanced informational infrastructure for the administration of parts A and B of the medicare program in coordination with the Administrator of the Health Care Financing Administration and the Chief Information Office of the Health Care Financing Administration.

SEC. 2. ESTABLISHMENT OF THE HEALTH CARE INFRASTRUCTURE COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of Health and Human Services a Health Care Infrastructure Advisory Commission (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall carry out the following duties:

(1) In conjunction with the Administrator and Chief Information Officer of the Health Care Financing Administration, the Commission shall develop a strategy to create an advanced informational infrastructure for the administration of the medicare program under parts A and B of title XVIII of the Social Security Act, including claims processing by medicare carriers and fiscal intermediaries and beneficiary information functions.

(2) 18 months after the date all of the members of the Commission are appointed under subsection (c)(2), the Commission shall submit to Congress (and publish in the Federal Register) an initial report that describes a strategic plan to implement an advanced information structure for parts A and B of the medicare program, including a cost estimate and schedule for the plan, that—

(A) complies with all existing Federal financial management and information technology laws;

(B) provides immediate, point-of-service information on covered items and services under the program to each beneficiary, provider of services, physician, and supplier;

(C) ensures that strict security measures are integral to and designed into the system that—

(i) protect the privacy of patients and the confidentiality of personally identifiable health insurance data used or maintained under the system in a manner consistent with privacy regulations promulgated by the Secretary under the Health Insurance Portability and Accountability Act of 1996;

(ii) guard system integrity in a manner consistent with security regulations promulgated by the Secretary under such Act; and

(iii) apply to any network service provider used in connection with the system;

(D) immediately notifies each provider of services, physician, or supplier of any incomplete or invalid claim, including—

(i) the identification of any missing information;

(ii) the identification of any coding errors; and

(iii) information detailing how the provider of services, physician, or supplier may develop a claim under such system;

(E) allows for proper completion and resubmission of each claim identified as incomplete or invalid under subparagraph (D);

(F) allows for immediate automatic processing of clean claims and subsequent payment in accordance with the provisions of sections 1816(c)(2)(B)(i) and 1842(c)(2)(B)(i) of the Social Security Act (42 U.S.C. 1395h(c)(2)(B)(i) and 1395u(c)(2)(B)(i)) so that a provider of services, physician, or supplier may immediately provide the beneficiary with a written explanation of medical benefits, including an explanation of costs and coverage to any beneficiary under parts A and B at the point of care;

(G) allows for electronic payment of claims to each provider of services, physician, and supplier, including payment through electronic funds transfer, for each claim for which payment is not made on a periodic interim payment basis under section 1815(e)(2) of such Act (42 U.S.C. 1395g(e)(2)) for items and services furnished under part A;

(H) complies with all applicable transactions standards adopted by the Secretary under the Health Insurance Portability and Accountability Act of 1996;

(I) provides for system specifications that are flexible, modular in nature, scalable, and performance-based; and

(J) is designed to be used, or easily adapted for use, in other health insurance programs administered by a department or agency of the United States.

(3) Not later than one year after the date the Commission submits the initial report under paragraph (2), the Commission shall submit to Congress (and shall publish in the Federal Register) a final report on the Secretary's progress in developing an advanced informational system.

(4) Each report required under this subsection—

(A) shall include those recommendations, findings, and conclusions of the Commission that receive the approval of at least a majority of the members of the Commission; and

(B) shall include dissenting or additional views of members of the Commission with respect to the subject matter of the report.

(c) Membership.—

(1) Composition.—The Commission shall be composed of 13 voting members appointed in accordance with paragraph (2) and two ex officio voting members designated under paragraph (3).

(2) In general.—Not later than 90 days after the date of the enactment of this Act, members of the Commission shall be appointed as follows:

(A) The Director of the Defense Advanced Research Projects Agency shall appoint one member.

(B) The Director of the National Science Foundation shall appoint one member.

(C) The Director of the Office of Science and Technology Policy shall appoint one member.

(D) The Secretary shall appoint one member who represents each of the following:

(i) Physicians and other health care practitioners.

(ii) Hospitals.

(iii) Skilled nursing facilities.

(iv) Home health agencies.

(v) Suppliers of durable medical equipment.

(vi) Fiscal intermediaries and carriers.

(E) The Secretary shall appoint two members who represent information technology providers, one who represents medicare information technology providers and one who represent health industry information technology providers.

(F) The Secretary shall appoint two members who represent medicare beneficiaries.

(3) Ex officio members.—The following shall serve as ex officio members of the Commission:

(A) The Secretary, who shall be the chairperson of the Commission.

(B) The Chief Financial Officer of the Health Care Financing Administration.

(4) Qualifications.—Each of the members appointed under paragraph (2) shall be knowledgeable in advanced information technology, financial management, or electronic billing procedures associated with health care benefit programs. One of the members appointed under paragraph (2)(F) shall have expertise in health information privacy.

(d) Meetings.—

(1) In general.—The Commission shall meet at the call of the chairperson, except that it shall meet—

(A) not less than four times each year; or

(B) on the written request of a majority of its members.

(2) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(e) Compensation.—Each member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission. Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) Staff.—

(1) In general.—The chairperson of the Commission may, without regard to the civil service laws and regulations, appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) Compensation.—The chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) Detail of government employees.—Upon request of the chairperson, the head of any Federal department or agency may detail to the Commission, without reimbursement, basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act. Such detail shall be without interruption or loss of civil service status or privilege.

(g) Procurement of Temporary and Intermittent Services.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(h) Termination.—The Commission shall terminate on the date that is 60 days after the date the Commission submits to Congress the final report under subsection (b)(3).

(i) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for the Commission to carry out its duties under this section.

(2) Availability.—Any sums appropriated under paragraph (1) shall remain available until the termination of the Commission under subsection (h).

(j) Definitions.—In this section:

(1) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(2) Administrator.—The term "Administrator" means the Administrator of the Health Care Financing Administration.

(k) Applicability of FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

SEC. 3. IMPLEMENTATION OF SYSTEM.

(a) Annual Reports on Implementation.—Not later than 6 months after the Commission publishes in the Federal Register the final report required under section 2(b)(3) and annually thereafter until the date of final implementation under subsection (b), the Secretary shall submit to Congress a report on the progress of the Health Care Financing Administration on implementing a modernized advanced, integrated informational infrastructure for the administration of parts A and B of the medicare program.

(b) Final Implementation.—Not later than 10 years after the date of the enactment of this Act, the Secretary shall fully implement a modernized advanced, integrated informational infrastructure for the administration of parts A and B of the medicare program.

SEC. 4. ADMINISTRATIVE SIMPLIFICATION.

Section 1173(a) of the Social Security Act (42 U.S.C. 1320d-2(a)) is amended by adding at the end the following new paragraph:

"(4) Interactive transactions.—If the Secretary adopts a batch standard for a transaction under paragraph (1) that involves a health care provider, not later than 24 months after the adoption of the batch standard, the Secretary shall also adopt an interactive standard that is compatible with the batch standard so that the provider may immediately complete the transaction at the point of service.".

CONGRESS STILL WORKING FOR BETTERMENT OF NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Gilchrest) is recognized for 5 minutes.

Mr. GILCHREST. Mr. Speaker, we are here Thursday evening, and we all know that we are going to be here tomorrow, Friday. What I would like to tell my colleagues, all of them on both sides of the aisle, is that we are here to continue the process of legislating.

Some of the things that we are trying to work out here, one, for example, is to provide health care prescription drugs for Americans that need that service and do not have it right now.

We are working to create a system where no legal immigrants are turned away from our shores. We are working to ensure worker safety and much-needed, in certain circumstances, compensation for those who are injured in a variety of ways.

We are working to build schools for those municipalities around the country that need new construction. We are working to enhance the economy by stimulating productivity in the private sector. Some of that is by a tax structure. Some of that is opening new markets overseas.

We are working here, Mr. Speaker, to find ways to make this great country energy independent. We are working here, specifically what we will do tomorrow is to ensure that the environment is clean and sustainable.

Now, how do we do all those things while we are here working? Well, it is pretty fundamental. We as Members of Congress, both the Democrats and Republicans, and the two Independents, we come here every day, we exchange information. There is a sense of tolerance for somebody else's opinion. Then we vote. If you get 218 votes, you have the majority. Our fundamental democratic process is based on the majority. So if we have 218 votes, then that bill is passed out of the House and goes over to the Senate.

We hear a lot about gridlock and partisan politics, both here on the House floor and in the media, certainly. Well, I am here to say that partisan politics is actually the strength of our system. That means each of us is allowed to come here and express our deeply felt convictions without fear of any retribution or retaliation.

When we stand here and disagree with the Democrats or Republicans disagree with Republicans, or Republicans disagree with the President, that is the strength of our Nation, which is the diversity of thought.

Now, one cannot express one's difference of opinion in Cuba. One cannot express one's difference of opinion in Iraq to Saddam Hussein because one would disappear and never be seen again. But here on the House floor, the fundamentals of democratic process is that every individual Member of Congress, whether one is the Speaker or a new freshman, has an opportunity to be a responsible advocate for what one believes. If one can talk to 218 Members, and they see one as credible and one has the right information, then one will get their vote, and one's bill will pass.

So the strength of our country is that we each have the availability to us, because of our Constitution, to express our heartfelt convictions.

There is one other thing that we need to do here on a regular basis, but especially now before this general election, is to tap the energy of the American people with all their diversity and their initiative and innovation. We need to inspire the American people to participate in the democratic process so that all of us collectively together can make the possibilities for this Nation and this world limitless.

PUTTING PEOPLE ABOVE POLITICS

The SPEAKER pro tempore (Mr. PITTS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, we are joined here tonight by the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Minnesota (Mr. GUTKNECHT). What we want to talk about is what we have tried to do in our individual careers, and we believe that this Congress has, and that is putting people above politics.

See, when we were elected in Arizona, in Minnesota, and, in my case, Georgia, we did not go out there and say I am going to be a Republican, and I am going to only be a Republican and I am going to only represent Republicans. We went out there to say the American people want a change. We are going to try to put people above politics. We are going to try to stick to that.

Do my colleagues know what, I have found that a lot of times in these negotiations, the Democrats have a lot of good things to offer. What we try to do is put the best of the Democratic ideas and the best of the Republican ideas forward for the best for the American people.

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That is one reason why we are still here in Washington after the Senate has already adjourned. It is one reason we are still here to fight for the things that we believe in. It would be a lot more convenient for us during this election time to be back home pounding the streets in our own districts, but there are some things that we need to fight for.

My wife, Libby, often reminds me that she does not mind driving the car pool alone and being alone at parties and taking care of the kids and sitting down at the dinner table and seeing my empty chair night after night if I am here to make a difference.

But if I am not making a difference and it is politics as usual, then it is time to go home. But so far we are here to put people before politics.

Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia for yielding.

As he mentioned his beloved spouse, Ms. Libby, my thoughts turn to home and Ms. Mary and a conversation that my bride, Mary, and I had just last night.

This is a great honor to serve in the Congress of the United States. Evoking the memories of one who served at the other end of Pennsylvania Avenue before coming here, John Quincy Adams, he was heard to say, "There is no greater honor than serving in the people's house."

And so, Mr. Speaker, I think back to my conversation last night with Mary when she said, honey, we would love to have you at home. The kids have spelling tests. There is a lot going on. But you and the other Members of Congress need to stay there and complete the work you were sent to do. And as is often the case, Mary provides good advice, the kind of common sense that comes from Main Street, America, that may be disrupted in the Beltway and with the pundits and with the dominant media culture always ready to play a game of gotcha, especially now, Mr. Speaker, when we look at the calendar and see what approaches.

Fast approaching is the first Tuesday following the first Monday, election day, where our constituents, where citizens across America will make a choice. Conventional wisdom, our friends in the fourth estate, indeed our friends on the other side of the aisle, albeit sotto voce, from the other side of the aisle, say, we need to be at home. But the fact is we are here and here we will remain to put people before politics, to complete our work, to understand there are legitimate differences between people of the two major parties and those independents who join us here.

Mr. Speaker, I also think, in a sense, being entrusted with this role is not unlike applying for a job. And I have yet to take a job application and find a place to fill out partisan identification. I never see a spot on the resume or on a job application which asks whether you are a Republican or a Democrat or an Independent.

So putting partisanship aside, I think it is important for every Member who can possibly be here to return to this Chamber. And that is why I noted with great dismay tonight, as we cast the vote to make sure our Government was funded for another day, our friend the gentleman from Missouri (Mr. GEPHARDT), who happens to be the leader of the Democratic party in this Chamber, chose to be out campaigning in Missouri.

Mr. Speaker, how sad it is also that the President of the United States, who a week ago informed the Senate majority leader that due to a fund-raiser in New York, he would be unavailable for consultation until after 1 o'clock in the morning, followed the next day by a round of golf and going in person to the final game of the World Series, he would be unavailable for consultation, now that same President of the United States finds himself not in the resplendent White House but instead 3,000 miles to the west in California out campaigning.

Mr. Speaker, my colleagues, let us make this very clear. The President of the United States is not our campaigner in chief, he is the commander in chief. He is the Chief Executive. And we should expect nothing less of our President than his presence here in Washington to achieve a hard-won consensus and compromise.

Mr. KINGSTON. Mr. Speaker, it is ironic, and I am not trying to give anyone a geography lesson, but it is interesting that here we are in Washington, the gentleman from Minnesota (Mr. GUTKNECHT) is in Washington, the gentleman from California (Mr. HORN) is in Washington, 300-some-odd Members of Congress are in Washington, and I will point out 73 Democrats are not, but the gentleman from Missouri (Mr. GEPHARDT) is in Missouri campaigning, the leader. Mr. Clinton is here in California in the district of the gentleman from California (Mr. HORN) politicking. Again, the rest of us, 300-some-odd people, have flown to Washington for negotiations to try to finish up; and yet they have decided to leave Washington. And you cannot get your work done. It takes two to dance, and you have to have two at a bargaining table as well. And you cannot bargain, you cannot negotiate when other people have walked out of negotiations.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I just want to first of all say I am really proud of what this Congress has done, and I am proud of what we are doing right now. And I do not know if most people understand what the reason is that we are still here in Washington on just a few nights before the general election, but I honestly believe that there were people down at the other end of Pennsylvania Avenue that thought, well, if we just hold them hostage in Washington, eventually we will get the Members to say, we got to go home and campaign, we got a campaign going on, we got to get out of here, we got to get out of here; and the longer they held us hostage, the more that they could extract in terms of more spending, in terms of policy changes.

I am proud of the fact that we said no, no, we are not going to do that. We are more than willing to meet the President more than halfway. We are more than willing to relax the spending caps, which some of us do not think was a very good idea. But we do not think it is a very good idea to give blanket amnesty to over four million illegal aliens. We think that is a very bad idea. And I think most of our constituents believe that is a very bad idea.

Mr. KINGSTON. Mr. Speaker, I want to kind of underscore what we are talking about, four million people who sneaked into the United States illegally against laws, the President wants to give blanket citizenship to. When we say "amnesty," we mean citizenship.

That is the size roughly of Montana, Delaware, Alaska, North Dakota, Wyoming, and Vermont. That is what we are talking about. And on just one stroke of the pen, the President wants to make them citizens.

Mr. GUTKNECHT. Mr. Speaker, the gentleman mentioned those States, Montana, Delaware, Alaska, North Dakota, Wyoming and Vermont. But he did not say combined, all of those States combined.

Now, I do not think there is anybody in INS who thinks this is a very good idea. I do not think there are many Americans who think that is a very good idea.

The other issue is ergonomics. Certainly we have got to make some allowances for people who have repetitive motion injuries. No question about that. But the policy that was being attempted to be foisted down our throats could have had devastating impacts on small businesses. And so, we are not eager to do that.

We are willing to negotiate. We are willing to meet the President more than halfway. The question is, is he? And so far we have not seen a whole lot of flexibility from the White House. Clearly what they are trying to do is hold us hostage. I am proud of the fact that our leadership said, no, we are not going to do that. We are not going to play that game anymore. We are not going to bust the spending caps the way we have in the past.

So I am glad that we are still here. I would rather be home. My wife would love to have me home. She was so lonely, she hates to fly, but last week she was willing to get on a plane and fly out here she said because she was starting to miss me, believe it or not. But I think the people's business is important, and I think we should not allow the poison of partisan politics right before an election to get us to accept a bad deal for the American people.

So I am proud that we are here. I am proud of what we have accomplished in the last 6 years. And hopefully we will have a chance to continue that kind of progress, whether it is balancing the budget, continuing to make certain that our welfare system encourages work and personal responsibility, a whole long list of things that we have missed over the last 6 years. We cannot turn our backs on that now.

Mr. HAYWORTH. Mr. Speaker, as we are joined by our friends on the left, and we welcome them in the spirit of consensus and compromise, I just thought about a comment our own President made in a press conference a few days ago when he said that this bipartisan Congress has accomplished so much. And I think about stopping the tax on earnings limits, what in essence was an unfair tax on senior citizens.

For the record, the gentleman could you put that statement in our CONGRESSIONAL RECORD.

Mr. KINGSTON. Mr. Speaker, the gentleman referenced this quote. And maybe while we are looking at it, "We have accomplished so much in this session of Congress in a bipartisan fashion. It has been one of the most productive sessions." President Bill Clinton, October 30, 2000.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague for reading that into the RECORD. I think it points out that the mantra that was heard heretofore, indeed the mantra that some of our friends on the left came back with tonight of a "do nothing Congress," even our own President, who happens to be a member of the other party, said that this has been one of the most productive sessions.

I think that is something upon which we ought to agree. Certainly we moved in a bipartisan fashion with a prescription drug benefit for our seniors. We moved, as I mentioned earlier, to end the unfair, in essence, tax on Social Security in terms of an earnings limit for those seniors who continue to choose to work past the age of retirement. We have moved in many different areas in terms of educational flexibility, a bill that was backed by every one of the 50 Governors in our United States regardless of whether they are Democrat, Republicans, or Independents.

So we have had consensus, compromise and progress. And it is unfortunate that at this time, at this juncture, when agreement can be so close, and perhaps it is inevitable it is a function of the calendar, that there are those who are tempted either to play a game of gotcha or one-upmanship to say we want to work but instead turn home to campaign.

The President, who we hoped was here to finally work this out, chose to go overfly my State and go to California again to campaign. We respect the fact that people want to get the issues to the folks, but it seems to me they are putting the cart before the horse. Our most important job is to be true to the oath of office that we have taken to be here doing our work regardless of the date on the calendar.

Mr. KINGSTON. Mr. Speaker, the gentleman from Texas (Mr. STENHOLM) has joined us. Mr. Speaker, I yield to the gentleman.

Mr. STENHOLM. Mr. Speaker, I would like to participate with my three colleagues tonight. We were talking a moment ago about being here and working, and I heard comments made about we are glad to be here and working.

I would agree with you if we were here working. But can anyone of the three of you tell me any meeting that has occurred between the negotiators, the leadership since 1:20 Sunday night as far as work to do the things we need to do?

When you put the poster up a moment ago about four million illegal aliens, this Member would join you in opposing that. That is not what we are talking about, and you know it. But it can be negotiated back and this is what we could do. We could work out an agreement on that that I think all four of us would agree to. It could be done.

But my question is this: Can you name one meeting that has occurred since 1:20 Sunday night, or Monday morning actually, that has occurred that has actually been a working meeting that would provide for some hope of resolving some of these difficulties?

Mr. HAYWORTH. Mr. Speaker, if the gentleman from Georgia will continue to yield, first of all, let me note a common bond of agreement, since we both represent border States, the concern about how we deal with the real question of uniting families but at the same time not rewarding those who intentionally break the law. I think we have a consensus there. So let me build from there. Because, Mr. Speaker, I think it is important to show the American people that there can be some common agreement.

Mr. Speaker, I do this not to be flippant, but perhaps my friend from Texas is more aware of the President's schedule. Can he tell me, was the President of the United States available for meetings past 1:20 a.m. Monday?

Mr. STENHOLM. Mr. Speaker, if the gentleman would continue to yield, the President was available all day Friday, all day Saturday, all day Sunday, all day Monday, until 1 o'clock on Tuesday, and was available for a period of time on Wednesday.

At no time was there ever any request by the leadership of the House to negotiate on the questions of which you are talking about according to my information.

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Mr. GUTKNECHT. I respect the work the gentleman from Texas has done on the budget. Generally speaking, we agree on a lot more things than we disagree on. But on this whole issue of the budget, the four of us, I would suspect, in a matter of a few hours could probably work out the final details of this budget, language on what we are going to do to reunite families and still preserve the basic notion of our immigration policy. Even on ergonomics, I think we could probably work out language that would be satisfactory to the four of us. But that is not the real question. The real question is, would the President sign it? I think that is where we have the real problem. Because the President has basically played this game of chicken, believing that we would ultimately cave on very important policy questions. He was wrong. He miscalculated this year. Some of us said, no, there is a line beyond which we simply will not retreat.

I think we have spent too much money this year. I think you agree with me on that. I think we should have kept those spending caps. I think we can legitimately meet the needs of the Federal Government and all the people who depend upon it for $1.86 trillion. That is what our spending agreement was with the Senate. We have gone over those spending caps already. We can point fingers and say it was the Republicans in the Senate or it was the Republicans in the House or it was the administration or it was this guy or that guy. But we could reach that agreement between the four of us, and I suspect within a few hours we could have that agreement worked out. But I will also suspect the President would not sign that bill.

Mr. KINGSTON. Let me say, also, I am going to find out if our leaders balked at any meetings. I know in a negotiation dance there are a lot of nuances and people do sometimes do a little head fake this way and that way. It takes place in all negotiations. I do not know all of it, what has not gone on; but I know this, that we were here all last week, including Friday, including Saturday, including Sunday. We were not in session Monday, although I will say my mind is a little bit foggy right now if we were here Monday. I know we were here Tuesday. We were here Thursday.

Mr. OBEY. Would the gentleman like me to give him an instance?

Mr. KINGSTON. I will be glad to yield in a minute. Let me finish. The point is, we are here. The President is in California. If he wants to get an agreement, you got to be there. And he is not here. It distresses me. We had a Member here who ironically represents the town where Mrs. Clinton has bought a house, and they had something in the Treasury-Post Office bill that was vetoed by this President, then he left town. I do not know if that is part of the New York strategy or what. To me he needs to be here.

Mr. OBEY. The gentleman asked a question. Would the gentleman like an answer on that?

Mr. KINGSTON. I yield to the gentleman from Wisconsin.

Mr. OBEY. I would be happy to tell you that on three successive days, the majority negotiators on the appropriation bills in question made it quite clear that representatives from the White House were not welcome in those meetings until other items were first negotiated. And on the night that the agreement was put together, the representatives of the White House, and it was Mr. Lew from the budget office, Mr. Lew was specifically told that he was not welcome in those meetings until after 10 o'clock at night. The President is not a part of those negotiations. He has delegated Mr. Lew to represent him in all instances, and Mr. Lew was available at all times requested by your party. You know that as well as I do.

Mr. KINGSTON. Reclaiming my time, maybe the President ought to delegate the rest of the job on over to somebody else if he does not want to do it. I do not know one person in the United States of America who voted for Jack Lew.

Mr. OBEY. Who did your leadership delegate it to?

Mr. KINGSTON. If the President was in the Middle East or in North Korea avoiding war or in someplace like that.

Mr. OBEY. Who did your leadership delegate negotiating authority to?

Mr. KINGSTON. If the gentleman will remember, keeping a little courtesy here, I have the floor. I will try to answer your question.

Mr. OBEY. Do you remember?

Mr. KINGSTON. Here is the point. The President of the United States does not come to these meetings. I came from the private sector.

Mr. OBEY. The President of the United States was specifically excluded from the meetings.

Mr. KINGSTON. I may be naive because I come from the private sector and I do not understand all of Washington and I do not know all the nuances of Washington, but it would appear to me that in the 11th hour of the closing sessions of the United States Congress that the President would lower himself to show up to the meetings and not send some unelected Jack Lew guy. Mr. Lew might be brilliant. In fact, maybe he should be President and maybe that would have been a better choice of a nominee. But the reality is the President was not there.

Mr. GUTKNECHT. I just want to come back to this point. Does anybody in this House believe that if we had an up-and-down vote on blanket amnesty for over 4 million illegal aliens, does anybody here believe it would pass? So why are we talking about it in the conference? Where did this come from? I do not think it was our negotiators who said, What we ought to really do is give blanket immunity, blanket amnesty to 4 million illegal aliens. I understand that is one of the sticking points. Maybe I am misinformed. Maybe I do not know what is going on in those conference committees. But our negotiators come back and say, We don't want to do this but the White House is saying we've got to do that.

Mr. OBEY. If the gentleman will yield, the gentleman is misinformed. That item was not even in the Labor-H appropriations bill.

Mr. GUTKNECHT. Where is it then? Who is talking about it?

Mr. OBEY. That is in the State-Justice-Commerce bill, and each side has recognized that bill is going nowhere. The only issue that had a chance of passing was the Labor-HHS appropriations bill.

Mr. KINGSTON. Reclaiming my time, there again if the President is so proud about giving citizenship to 4 million illegal aliens, why does he not come here and defend his position instead of having somebody do it for him?

Mr. GUTKNECHT. Or bring it to the floor for a vote. That is all I am asking for.

Mr. HAYWORTH. I appreciate the efforts of my friends on the left and certainly the ranking member of the Committee on Appropriations to offer his perspective tonight. Certainly he has been involved in a variety of talks dealing with spending and certainly offers his own testimony to his point of view and political philosophy time and again on this floor. We welcome that because it is legitimate to have differences.

The point I would make, and this goes back to our early days in the House. I remember one night when the President and First Lady very graciously welcomed new Members of Congress to the White House for a meeting. As you might expect, Mr. Speaker, and maybe my colleagues remember in their early days of Congress when they had a chance to go to the White House, it is a fairly important occasion. I remember that night, the First Lady started the meeting and the President joined us later because he had to break away from personal negotiations to try and end the baseball strike.

Mr. Speaker, we know baseball is our national pastime; indeed, my friend from Wisconsin and I have discussed baseball time and again, but that is a leisure pursuit. We can talk about the business of sports and how important that may be; but, Mr. Speaker, I think what we are saying tonight is if it was important enough for the President of the United States to insert himself into a negotiation about the baseball strike, if it is important enough for the President of the United States to attempt to take a leadership role in negotiations in the Middle East, if it is important enough for the President of the United States to make a phone call between two domestic partners dealing with the status of their relationship, certainly, Mr. Speaker, it is important enough for the President of the United States to return to Washington and come join us personally to try to achieve an agreement.

Mr. STENHOLM. If the gentleman will yield, precisely. A moment ago the gentleman from Arizona made a statement that he and I agree on. I think upon a proper reflection of the question of how many of those citizens, or noncitizens, illegals, that might need to be reunited with their family, we probably could agree, and it will be considerably less than 4 million. But both of us represent border States, both of us understand that there are certain things that need to be done in that, but not 4 million; and it was never a part of the Labor-HHS discussions. My point here is that reasonable people can work this out. This is what I am suggesting tonight.

Again I want to say to my friend from Arizona, the President was available, at the White House, at the other end of Pennsylvania Avenue on Friday, on Saturday, on Sunday, on Monday, on Tuesday until 1 o'clock, again on Wednesday. At no time did the leadership of my House of Representatives ever make a request to meet with the President.

Mr. HAYWORTH. To your knowledge.

Mr. STENHOLM. That is what I say. When I come to the floor, and I appreciate the courtesies given to me, if I ever say anything that is untrue, I would like for somebody to come to the floor and correct me. Therefore, that is what I believe according to what I understand and if anybody can correct me, if you can correct me or if any one of the leadership can come in and say, What he is saying, the gentleman from Texas is all wet, come in and tell me. Otherwise, let us not keep pointing the finger of blame.

Mr. HAYWORTH. I would concur. There is no reason to point the finger of blame. I was simply saying to my friend from Texas, we may not be privy to all the discussions. We may not be privy to all the schedules. Indeed as we have seen with some of the other verbal gymnastics that have gone on in preceding days, while we have not had firsthand knowledge, there has been a very curious process that has continued here of, sadly, not the gentleman from Texas, but perhaps others saying one thing while they would do another. It is not an attack on my friend's integrity. We agree on a great deal here.

Mr. GUTKNECHT. Let me just say, I feel a little like Will Rogers. He once said, "All I know is what I read in the newspapers." All I know is I thought we had an agreement on the Treasury-Postal bill. I thought I read, now maybe he was misquoted, that the President was going to sign the bill. In this business we all know that our word is pretty important. I am not privy to the negotiations. I do not know what has been going on in those meetings exactly. But, as I say, all I know is what I read in the newspapers. And when I read that the President said, "I'm going to sign that bill" and then in the dead of night he vetoes it and you have Senators saying that is a declaration of war against the Congress, that is not the way to resolve these differences.

Here is my real point. Because I was in the State legislature for 12 years. I have been frustrated since I came here at the way we end these budget sessions, the way we end a session. Because in the legislature, we had Republican governors with Democratic legislatures and we had Democratic governors where the Republicans controlled half the legislature. But in both cases what we did at the end of the session is the governor brought in the legislative leaders, they sat down like real human beings, they sat down reasonably and said, Okay, guys, let's figure out how big is the pie going to be. That was the first question. You decided how much you were going to spend. We had to balance our budget, so that made it somewhat easier.

Once you knew how much you were going to spend, whether that was $14.3 billion or whatever the number was, it was relatively easy then to sit down and work out, well, how much goes to transportation, how much goes to education, how much goes to criminal services, how much goes to the various other departments, welfare and so forth.

We have never done that. The President has never brought, as far as I know, the legislative leaders in and said, Let's decide how much we are going to spend. Here is the problem. Because what happens is as soon as we think we have an agreement on how much we are going to spend on Treasury-Postal, first of all he vetoes it but then secondly he says, Wait a second. We've got to have more money over here; we've got to have more money over there. You cannot negotiate a moving target. In my opinion that is a terrible, terrible way to do the business of the people of the United States of America.

We ought to agree, first and foremost, we are only going to spend, and at this point I do not care what the number is, but we ought to all agree that all we are going to spend this year is $1.91 trillion or whatever that number is. Once we have that number and with just a little bit of leadership from somebody down at the other end of Pennsylvania Avenue, that agreement could be made in a half an hour. Then we could all begin to work out how much we really need for Treasury-Postal, how much we really need for Energy and Water, how much ought to go for Health and Human Services, how much goes to education. All those other things are relatively easy once you decide how big the pie is. Maybe I am just crazy, because that is the way 50 States do it, and yet it cannot be done here at the Federal level.

Mr. STENHOLM. Here again, we keep talking about, the sign is up again, "How much is enough?" The majority party set a new set of caps at $645 billion when you attached it to the Foreign Operations bill. I did not vote for it because that is too much. But you did.

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You keep pointing the finger of blame. I am not here tonight to point the finger of blame. What I am trying to say is the $645 billion is set; and if in the final negotiations on all the appropriations, whatever the President makes us do, if we spend more than $645 billion, you know, all of us know, we will have to sequester and we will have to cut across the board in order to bring it back to $645 billion, unless the new Congress is like the past three Congresses, we do not live up to the budget rules.

We all understand that.

Mr. KINGSTON. Let me claim some time here and say these are some of the things in the President's budget: 2,300 new jobs at the Department of Agriculture; 2,800 at the IRS, like we all want that; almost 3,400 at the Department of Veterans Affairs, that might be a good idea there, after years of this administration cutting it; 1,300 at the Department of Interior; 1,000 at the Department of Commerce; 2,700 at the Department of Transportation.

Some examples of the President new spending proposals, $15 million to increase food stamp spending for migrant children; $85 million for the Clean Air Partnership Act; $30 million for information immigration initiative; $4.25 million for the international environmental monitoring program; $15 million for money laundering strategy; $100 million for nongame wildlife grants to States; $30 million for the Delta Regional Authority; $100 million for the long-term Russian initiative. I do not know if that was alluding to a document of Mr. Chernomyrdin; but $10 million for the fishery vessel buyout; $5.5 million for the Global Disaster Information Network; $4.5 million for the Indian Country Tourism Development; $10 million for gun destruction. These were all in the President's budget proposal, which was dead on arrival. I do not think any of the Democrats even voted for it.

What concerns me in these back rooms when you have somebody negotiating from the White House is how many of these are sneaked back into the budget? That is where I get concerned.

The gentleman from Wisconsin.

Mr. OBEY. I would like to simply state that, first of all, your leadership made clear at the beginning of the year that they had no intention of getting in a room with Bill Clinton because they said that when Newt Gingrich got in a room to negotiate with Bill Clinton that the President stole his socks. I think was the term of your majority whip.

With respect to some of the items you just mentioned, is the gentleman aware that the item in conference to add the funding for food stamps for the children of immigrants was offered by a Republican subcommittee chairman? The gentleman has questioned the expenditure for money laundering. Is the gentleman for illegal money laundering?

Mr. KINGSTON. Actually, I am a Republican. I do not know that much about money laundering, particularly foreign money.

Mr. OBEY. Well, Richard Nixon knew an awful lot about it, did he not?

Mr. KINGSTON. There must have been some students of Nixon who are alive and well today in Washington.

Mr. OBEY. Is the gentleman suggesting the President should not try to deal with the laundering of drug money?

Mr. KINGSTON. Here is not what I am suggesting. Here is what I am saying. The President's budget was full of all kinds of new spending initiatives and new fee proposals. Some of those may be very good. But I know this, that his budget was voted down on a bipartisan basis by this House of Representatives.

Mr. OBEY. No, it was not.

Mr. KINGSTON. What my concern is, is some of this back on the table. The gentleman, with his knowledge knows, how in conferences things do pop back on the table; some very good, some with lots of merit, but there are also things that do not have that much merit and need to be vetted a little, and that is my point.

Mr. OBEY. Would the gentleman yield further?

Mr. KINGSTON. Yes, and then let me yield to the other gentleman.

Mr. OBEY. What I find amusing is that the majority party insisted on raising the military budget by $20 billion above last year. They insisted on passing appropriation bills that had some $9 billion above the President's level for a variety of items, especially projects for Members in their districts, but then when it comes to education, which is where the final division lay, you were objecting in conference, or your representatives were, to our raising Pell grants to the amount that you yourself said you wanted them funded at in May. And your representatives were objecting to our raising funding for special education to the same level that you said on the floor you wanted it raised to in March of this year.

So we were simply trying to prevent hypocrisy from having a bad name.

Mr. KINGSTON. I appreciate the gentleman standing up for the Republican House Members in those conferences.

The gentleman from Arizona.

Mr. HAYWORTH. It begs a larger question. My friend from Wisconsin mentioned special education. Indeed, what we have done here in terms of funding, IDEA, has been to increase by some 100 percent the amounts of funds there. What we have also done under the leadership of the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce, was to fulfill a promise made when my friend was here much earlier. Almost a quarter century ago when I was still in high school, when this Congress went on record saying it would supply 40 percent of the total funding for that program, it took this Congress, the same Congress that balanced the budget, the same Congress that kept its hands out of the Social Security money, the same Congress that kept its hands out of the Medicare cookie jar, it took this Congress to achieve that promise.

So I appreciate my friend's point of view from his inside view of the Committee on Appropriations, but I think from time to time we need to step back and take a look at the big picture.

Mr. OBEY. If the gentleman would yield, he is misinformed on that.

Mr. HAYWORTH. I would yield to my friend from Minnesota.

Mr. OBEY. Would the gentleman yield on that question, because those numbers are wrong.

Mr. GUTKNECHT. Let me pose another question. Then I would be happy to yield to the gentleman.

Mr KINGSTON. The gentleman from Minnesota and then the gentleman from Wisconsin.

Mr. GUTKNECHT. The gentleman has taken some umbrage at us asking the question, how much is enough?

Mr. OBEY. I would be very happy to answer that question, if you would yield me some time.

Mr. GUTKNECHT. Let me just complete my thought here. Our colleague from Texas was quite upset that we had raised the spending caps, and so am I. But as far as I can remember, the President has signed the Defense bill. He did not quarrel with that. So we really are left with this question. Perhaps the gentleman from Wisconsin can tell us how much would be enough? How much more spending do we have to agree to?

Mr. OBEY. If the gentleman would yield time so I can answer the question.

Mr. GUTKNECHT. I would be happy to. What is the final number?

Mr. OBEY. Would the gentleman yield me some time so I can answer the question?

Mr. KINGSTON. Let me say this.

Mr. OBEY. I did not think the gentleman wanted a real answer.

Mr. KINGSTON. I am going to yield time. I do want to remind my friends that as somebody who does special orders, never have Republicans received so much time during the Democrat hour, just to say that for a little advertising. And in the spirit of Hershey, let me yield to the distinguished gentleman.

Mr. OBEY. I thank the gentleman. Let me point out with respect to IDEA, the fact is what was at stake in conference is whether or not we would be allowed to add an additional $300 million to the level that you appropriated in the House-passed bill. Your negotiators consistently resisted that until the last day when we finally obtained support for an additional $300 million above the House bill.

That means that we are still only funding 17 percent of the promise that the Congress made on IDEA when we should be under 40 percent under the authorization.

Mr. HAYWORTH. Would the gentleman yield? That is exactly the point.

Mr. OBEY. You do not want an answer, do you?

Mr. HAYWORTH. That is the point I made to my friend from Wisconsin, who for a time chaired the Committee on Appropriations. The fact is, the problem is, the promise was made nearly a quarter century ago. My friend from Wisconsin raises what should be considered a triumph, that after long and hard negotiating an agreement was reached. But the question was begged nearly a quarter century ago. Where was the funding then?

Mr. OBEY. I see. If the gentleman would yield, when you want to raise IDEA it is okay; but when we want to add money to special education, then it is not okay. Is that it?

Mr. HAYWORTH. If my friend would yield the time, this is precisely the point.

Mr. OBEY. I see.

Mr. HAYWORTH. This is precisely the point. I think my friend misunderstands the historical context because my friend had margins of votes in excess of 100 and could have, during the days when he controlled the purse, could have fully funded IDEA had he chosen to with other Members of the majority party then. That was then. This is now.

I think it is profound, Mr. Speaker, that we have moved to fund the program, and I champion the fact that my friend sat down to negotiate.

Mr. KINGSTON. Let me claim some time here because I really think this is a good dialogue; and I would say amongst those who are on the floor tonight, as long as we are talking we can move the ball further down the road and we can get somewhere with it.

I want to shift just slightly the focus, though. As I see the President's proposal to federalize school construction, one of the things that is disturbing to me, and the gentleman from Texas (Mr. STENHOLM) somewhat agreed the other night, and I will let him restate whatever his position is, is the President's insistence, apparently a union payoff, to have Davis-Bacon part of local school construction, which means the cost of local school construction will be up 25 percent. And that item is on the table, as I understand it. And that is something disturbing to me because when I go back to Glynn County, Brantley County, Wayne County, Georgia, they do not want to know, hey, the good news is the Federal Government is going to have more money for school construction; the bad news is it is going to cost you 25 percent more, and you probably should have just done it without the Federal Government's help.

Could the gentleman from Wisconsin enlighten us where that is in the negotiation?

Mr. OBEY. I would be happy to, if the gentleman would let me respond, and I thank the gentleman for the time.

As the gentleman knows, there are two pieces to the school construction and school modernization proposals. In the bipartisan agreement, which your leadership blew up, in that bipartisan agreement, the construction modernization program was included in the bipartisan agreement.

The school construction item was not. The school construction item under that agreement was moved to the tax bill, and the argument was left to the tax bill and to whatever fate the tax bill would experience.

So in the package that your negotiators and I, representing the Democrats, agreed to, we have the school modernization program that was funded at a level of, I believe, $1.3 billion, and then 25 percent of the overall amount that originally had been aimed at school modernization was, at the insistence of the gentleman from Pennsylvania (Mr. GOODLING) and Republicans, provided for other programs. It could have been used for either technology or it could have been used for special education. That was a bipartisan agreement which we agreed upon, and your leadership then blew up.

Mr. KINGSTON. Let me say this: As I understand it, the reason why there was agreement on it is it was in exchange for other concessions which the White House was offering, and when the White House reneged on their part of the bargain then our House leadership said, okay, if that is the case then we are going to go back to square one.

Mr. OBEY. That is a totally false statement.

Mr. KINGSTON. That is what we understand from our leadership, and they have said that so far.

Mr. GUTKNECHT. If the gentleman would yield.

Mr. OBEY. As is often the case, the gentleman's understanding is faulty.

Mr. GUTKNECHT. Let me just come back. I am trying to keep a running total here, and you said all we needed was an extra $300 million for IDEA above and beyond what we already spent.

Mr. OBEY. No, I believe we need $4 billion additional in IDEA.

Mr. GUTKNECHT. If I could just finish here, then you said but we also want another $1.3 billion for school construction. Is that all we are talking about?

Mr. OBEY. No.

Mr. GUTKNECHT. Because I understood that we were about $8 billion apart. Now back in Minnesota and Wisconsin, $8 billion is a lot of money. There must have been more money somewhere else.

Mr. OBEY. I would be happy to give the gentleman the rest of the list if you would yield.

Mr. GUTKNECHT. If you could just give us the numbers. How far apart are we in the numbers?

Mr. OBEY. We were not apart on any number. Every number in the bill had been agreed to by the negotiators. There was no disagreements left on the numbers.

Mr. GUTKNECHT. They may have been agreed to by the negotiators, but ultimately you have to get 218 votes around this place. Some of us are a little upset about how much we have spent already, as the gentleman from Texas (Mr. STENHOLM) indicated already.

Mr. OBEY. You do not want to hear the answer, do you?

Mr. KINGSTON. Let me reclaim the time here. One of the problems that we are having here is that it does appear often that when questions are answered they go on into speeches, and if we could just answer the questions it would probably be a lot faster.

The gentleman from Minnesota.

Mr. GUTKNECHT. I think we, Members of the House, members of the general public, need to understand how much is enough? I mean, at what point do you see, yeah, that is all we want to spend. Is it $645 billion? Is it $660 billion? Is it $700 billion? We never get a clear answer to that question.

Mr. OBEY. Would the gentleman yield so I can respond?

Mr. GUTKNECHT. Yes.

Mr. KINGSTON. Yes.

Mr. OBEY. I repeat, there was not a single difference remaining on numbers.

Mr. GUTKNECHT. But I did not hear a number.

Mr. OBEY. We had an agreement.

Mr. GUTKNECHT. What is the number? How much?

Mr. OBEY. Of what? The number of what?

Mr. GUTKNECHT. How much you want to spend? That is the question we have been asking all week. How much is enough?

Mr. OBEY. I will be happy to answer.

Mr. GUTKNECHT. Is it $670 billion? Is it $700 billion?

Mr. OBEY. You asked what the differences were on the table, and I told you there were no dollar differences.

Mr. GUTKNECHT. How long do we have to wait? Lord, Lord, how long will it be? When will they tell us how much is enough? We have already gone over the spending caps.

Mr. OBEY. The gentleman is debating himself.

□ 2045

Mr. HAYWORTH. Mr. Speaker, I think this is indicative of the process. I appreciate the good-faith efforts of the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, who has served with distinction for going on 3 decades in this Chamber, but here is the quintessential difference. My friend from Minnesota is asking, what is the bottom line? My friend from Wisconsin wants to revisit a process which he knows full well also entails sitting down and achieving consensus, not only with those at the table, but also with those in the White House who earlier tonight he said could negotiate for the President, in lieu of the President, the same way it works here, where your side has a point of view, our side has a point of view, and we attempt to reach a consensus.

So I would again be interested to hear if there was, in fact, a number, rather than a process. What is the number? Mr. Speaker, my colleagues, how much is enough?

Mr. OBEY. Mr. Speaker, I would be happy to answer that, if the gentleman will yield. The gentleman asked me two different questions. I answered the first and the gentleman would not let me answer the second. Would the gentleman let me answer the second?

If the gentleman wanted to know what we were asking for on education, what we were asking is that we add $4.2 billion above the conference bill for education. That is what we were asking for. We were asking for additional funding for after-school centers, additional funding for smaller class size, additional funding to correct the fact that one out of every 10 teachers is not certified to teach the subject that they are teaching, and additional funding to provide the largest increase in the Pell grants in the history of the program. And we had agreed, Republican and Democrat alike, on ever single one of those dollars. The Republican leadership blew it up, over a totally different issue not involving money at all.

Mr. HAYWORTH. Mr. Speaker, what was the issue?

Mr. OBEY. The gentleman knows very well what the issue was.

Mr. HAYWORTH. No, we do not.

Mr. OBEY. The issue was whether or not the Congress should be allowed to block the President's effort to institute protection for workers against repetitive motion injuries.

Mr. HAYWORTH. Mr. Speaker, if the gentleman from Georgia will yield, because that is something very different. The President of the United States came out and said that it was the special interests who stopped this, not a legitimate question of policy. I am glad my friend from Wisconsin brought up the fact, and we affirm tonight, that there was a legitimate difference in terms of protecting small business people, and employers, and claiming that somehow people are captive of the special interests. I yield back to my friend from Georgia.

Mr. OBEY. No, no.

Mr. KINGSTON. I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Again, Mr. Speaker, the gentleman from Wisconsin is talking a policy issue, and we are trying to solve the appropriation bills.

Mr. OBEY. Mr. Speaker, my colleagues on the other side are not trying to solve anything tonight.

Mr. GUTKNECHT. Mr. Speaker, whether it is illegal aliens or ergonomics, they are policy questions which I am not certain would pass.

Mr. KINGSTON. Mr. Speaker, reclaiming my time, as I understand it, the House level of the Labor, Health and Human Services bill was about $106 billion, and the gentleman wants to add $4.2 billion.

Mr. OBEY. No, that is not correct.

Mr. KINGSTON. Mr. Speaker, can the gentleman tell me what the number was?

Mr. OBEY. The number is $608.2, the House number.

Mr. KINGSTON. Okay. Plus, then it would be $108. But then what we are arguing about are the riders that the President wants to put on there.

Mr. OBEY. No, no, it was a Republican item. That was a Republican rider which the gentleman voted for.

Mr. KINGSTON. If the gentleman will yield.

Mr. OBEY. The President was opposing your rider.

Mr. KINGSTON. It is a rider, and the President is wanting to put the rider on the bill.

Mr. OBEY. And your leadership voted to blow it up.

Mr. KINGSTON. Mr. Speaker, the gentleman from Texas has been standing here politely, and I yield to him.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding. If we can kind of get back to the basic thesis of the whole 1-hour tonight that the gentleman from Georgia has started. On the question of how much is enough that my colleagues keep asking, but they are not listening to what is being said by someone who is on the Committee on Appropriations. The $645 billion has been set as a cap. Any additional fussing about additional money is going to have to be resolved under the House rules, which I assume you all will support; I certainly will.

Now, when we start talking about ergonomics, let the record show, that was a rider added by your side of the aisle, which I supported. And let the record show that on school construction, I do agree that Davis-Bacon should not be applicable to local bond issues. But that was a rider that your side put on, not our side, but I happen to agree.

Immigration, we have already talked about that one. I think we can find a middle ground that will treat people of our country who are doing tremendous service to our country fairly by finding an agreement, and I think the gentleman from Arizona and I would agree on that. But the $4 million is an erroneous number and should not be coming out on the House floor.

The one area that I really disagree with the majority party on is in the area of hospitals, home health, nursing homes and other health care providers, the BBA fix. I happen to totally disagree with what your side has put together regarding how we are going to deal with a very serious problem facing our rural hospitals, which is my district, nursing homes; and I suspect we all agree to that. But you put together a package, your side put together a package, which you allowed no one on my side of the aisle to have any input into, and no one in the administration to have any input into, and you said, take it or leave it. Some of us said we think we can do better.

If there is one reservation that I have about us going home before completing this, it is in this area, because it is giving a tremendous amount of uncertainty; but we are not going to finish that, because the Senate has gone home. But that is one area in which, again, I think, I think that reasonable people on both sides, once we get away from this rhetoric, the blame game, and I am not here defending the President, or defending my leadership, or defending anybody else, except when I think they are right, and in this case, I think they are right.

Mr. KINGSTON. Mr. Speaker, let me reclaim the time, because we are going down to the wire and the gentleman has made his point.

I want to point out that that bill was endorsed by the Rural Hospital Association and the American Hospital Association, and I believe the American Cancer Society. There was a whole list of associations who endorsed that.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, there is another important point. I appreciate my friend from Texas and his version of events, and I understand how he perceives this, but if I am not mistaken, the Subcommittee on Health of the Committee on Ways and Means offered that, and we can go back and check the vote, but I believe it was unanimous.

Mr. STENHOLM. Mr. Speaker, it was the Committee on Commerce.

Mr. HAYWORTH. There actually is joint jurisdiction.

Mr. TANNER. Mr. Speaker, it was the Committee on Commerce, it was not the Committee on Ways and Means.

Mr. HAYWORTH. I stand corrected.

Well, then, the Commerce section of the jurisdiction was cosponsored in bipartisan fashion by the gentlewoman from New Mexico (Mrs. WILSON), and the gentleman from Minnesota (Mr. LUTHER), and there was bipartisan consensus bringing that out and bringing it to the floor.

Now, good people can disagree. My vantage point is, also representing rural hospitals, I took a look at that $31 billion package, realizing that the bulk of the funding goes to the hospitals; some $11 billion, Mr. Speaker, and my colleagues, that is not hay, that is real money, going to help people. My friend has a different point of view, but I do not see how we can turn our backs on that.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, I just want to come back. Apparently we are very close to an agreement on how much is enough: $645 billion, is that right? The gentleman from Wisconsin, is that the final number, $645 billion?

Mr. OBEY. Mr. Speaker, the gentleman totally misses the point. The issue is not how much was going to be spent, it was where it was going to be spent and what the priorities were going to be. There was no disagreement on the total amount of funding.

Mr. GUTKNECHT. Mr. Speaker, I do understand that, that there are differences in priorities. I understand that. I come from a different district than the gentleman from Wisconsin, and we all have different priorities, but we still have never gotten to the point as far as I am concerned of how much do we want to spend? What is the total number? Because then ultimately, reasonable people, and it happens in every State legislature, once they agree on how big the pie is, they can all sit down and decide how much is going to go to these various different programs.

Mr. OBEY. Mr. Speaker, but the problem is, my Republican colleagues passed a budget resolution which pretended that they were going to spend $40 billion less than they knew they were going to spend.

Mr. GUTKNECHT. I guess we are not going to get an answer.

Mr. OBEY. That is the problem.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, how much is enough? $645 is the number. We can fuss about how we spend it, but $645 billion is the number. So let me remind everyone now when we are talking about numbers, when we started this year, the Republican budget said 627 was enough. The President said 637 was enough. The Republicans said that was too much. The Blue Dogs came in at 633 and said that is a reasonable compromise.

Well, where would we be tonight had the Republicans accepted our version and we would have been standing here tonight, and I suspect the gentleman from Wisconsin would have been agreeing with us on the 633, just like we are saying on the 645.

Mr. KINGSTON. Mr. Speaker, if I can claim some time, having come from the State legislative ranks and now serving on the Committee on Appropriations, one of my big disappointments is that it seems that regardless of who is in charge, the budget is ignored; and I think we have to all hold the line on spending. I do not know why we ignore it year after year.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, again, I thank my friend from Texas for bringing up a point and for his unending advocacy of the position of the Blue Dog Democrats. We look forward to working at a conservative governing coalition with my friend, provided that those who decide who comes back to this institution see fit to return to us, and we look forward to that.

Yes, I think it begs a larger question of budget reform; but it still does not change the dynamic, which is even if we were to agree on a number, is there any guarantee that our President would likewise agree? And therein lies the problem: a continual moving target.

Mr. OBEY. Mr. Speaker, the President does not sign the budget resolutions. The President has no authority under the law to sign budget resolutions.

Mr. HAYWORTH. Again, I thank my friend from Wisconsin who is a master of process. However, there is a larger question.

Mr. Speaker, I extended to the gentleman the courtesy of not interrupting his speech, and I would appreciate the chance to respond, and then if my friend from Georgia chooses to yield the gentleman time, he can do so accordingly.

Mr. Speaker, the American people want to know, can we come to an agreement. I think there are many different alternatives there, many different ways to get there. But I would hope that in the immediate days ahead, the President will return from the campaign trail, and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader, will return from the campaign trail, and that working together, we can find a way to put people before politics.

I have a great deal of respect for my friends on the other side of the aisle. There is not total agreement, but then again, that is the virtue, even with the challenge of serving in this institution; and I hope that we can put people before politics and people before process.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Texas.

Mr. STENHOLM. Mr. Speaker, I appreciate the gentleman's courtesy, and I will be very brief.

Mr. KINGSTON. Let me say one thing about the courtesy. I appreciate you all mentioning that, but we are here, as my Democratic colleagues all are here, because we really do want to resolve this. We have philosophical differences, but I think everybody in this Chamber knows that the people want a product here. So I think we are all here because we want to do the right thing.

Mr. Speaker, I yield to the gentleman.

Mr. STENHOLM. Mr. Speaker, I totally agree. When we talk about process, for 16 years of my 22, I was in the majority party, and many on the Republican side blamed me as a Democrat for being part of the big spending problem. And I had to accept it, because we were in the majority.

My frustration with the Republican side, with the Republican leadership, not with my colleagues here tonight, but my frustration is, the Republicans continue to point the finger of blame at the minority side, and everyone that understands the process, understands that minorities cannot achieve that which the majority does not go along with.

Mr. Speaker, a little constitutional reminder: when the President is of the other party, the President has sufficient power, and the only way we can beat a President is with a two-thirds vote override. When we have a very small majority, it is important that we work to achieve some help on the other side.

My frustration is that at no time during the last 2 years has the Republican side ever attempted to work to override the President.

Mr. KINGSTON. Mr. Speaker, we only have 2 minutes remaining. I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, in summation, I think people of goodwill ought to be able to resolve this. I think the American people are really pretty tired of the partisan bickering. I have said from the beginning, it would seem to me that reasonable people could come up with a final number and then work out these differences.

I do not think they are that big, but apparently some people believe that they could gain some political advantage by holding the Congress hostage through the month of October, and that strategy has not worked. Now, maybe after the break, we can come back and get this thing resolved.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Georgia, and I thank my friends from the other side of the aisle who have taken the time to come down and offer their insights, their perspectives. I think even as frustrating as it gets, I think we ought to give thanks that we bring to this Chamber honest opinions and convictions, deeply held; and in an imperfect world, we attempt to find some sort of consensus and compromise. I think it is worth noting, as my friend from Texas has pointed out time and again, we have exceeded in terms of spending; and as my friend from Minnesota points out, the target tends to change, and again the question is, how much is enough?

Mr. KINGSTON. Mr. Speaker, I want to thank the participants of this Special Order and thank everyone for trying to keep working on these things dark into the night. Maybe, if we can get a few of our colleagues back here with us, we could resolve this.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 160. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

□ 2100

ISSUES OF CONCERN TO THE AMERICAN PEOPLE NOT ADDRESSED BY THE 106TH CONGRESS

The SPEAKER pro tempore (Mr. PITTS). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, earlier this evening I was concerned because I think the impression was being given by the Republican leadership and my colleagues on the other side of the aisle that if we stayed here the next few days, that we were going to be able to accomplish something.

I think that was a false impression, because we all know that the other body has already gone home and passed a continuing resolution that brings the other body back I think on November 13 or 14. So as much as my House colleagues and the Republican leadership here in the House may feel that they are accomplishing something by being here for the next few days prior to the election, the bottom line is that they cannot accomplish anything because the other body, the Senate, is simply not here.

So it is hard for me to understand why my colleagues on the Republican side are being critical because some Members of either party do not happen to be here, because we all know that absolutely nothing can be accomplished.

I have listened to the debate back and forth in the last hour or two, and I know that what we are trying to do, what my Republican colleagues were trying to do, certainly, was to suggest that there have been great accomplishments made in this Congress.

I have been very critical of the fact, particularly with regard to health care, that the issues that the American people really care about, the ones that affect their lives, whether it be Medicare prescription drugs, because they do not have access to prescription drugs or because they are not affordable, or the issue of HMO abuse and the need for reform of the HMO system, these types of issues have not been addressed.

Also, there is the issue of trying to deal with the uninsured. We have now 42 million Americans who do not have health insurance. That needs to be addressed. It is not being addressed.

Reference was made to the fact that the Democrats have been trying to pass a labor-health appropriations bill that would provide additional funding for local education, give money back to the school districts around the country so they can hire more teachers and reduce class size, give money back so they can modernize their schools, renovate school buildings that are falling apart, or build new schools where there is overcrowding.

That has been a major issue in one of these appropriation bills that is still outstanding, yet it has not been addressed by the Republican leadership.

There are so many issues like that. The larger issue of what we are going to do about social security and Medicare is important, because we know that in another 20 or 30 years the money is going to start to run out, and the question is whether or not we are going to have some kind of long-term plan to do that, to deal with that.

These are the issues that my constituents talk about when I go home. They are concerned about quality education, they are concerned about health care, they are concerned about retirement security with regard to social security. These issues have not been addressed.

There is absolutely no way those issues are going to be addressed in the next few days prior to the election, so to suggest somehow that they could be I think is just basically a hoax, if you will, on the American people. There is no basis to it whatsoever.

Several times my colleagues, myself and others, have made reference particularly to an editorial that was in the New York Times just this past Wednesday, November 1. I thought that pretty much summed it up. I am not going to read the whole editorial, but it is entitled "An Ineffectual Congress."

It says: "The 106th Congress, with little to show for its 2 years of existence, has all but vanished from public discourse." What they mean by that is that nobody is really paying attention to what we do anymore. It is no wonder that certain numbers of our colleagues on both sides of the aisle have gone home prior to the election, because they know that there is nothing to be done here.

The editorial continues. It says: "Nobody, least of all the presidential candidates, are talking about this particular Congress, and the reason is plain. On almost every matter of importance, gun control, Patients' Bill of Rights, energy deregulation, social security, Congress has done little or nothing, failing to produce a record worthy of either celebration or condemnation."

I suppose it is the ultimate ridicule when the New York Times tells them that they have done neither anything good nor bad, they have done nothing at all.

"Nor has the Congress been able to complete even the most basic business, the appropriation bills that keep the government functioning. Three have been vetoed. Absent a burst of statesmanship in the next few days, it is possible that Congress will have to come back after election day to complete work on the Federal budget."

The bottom line is, once the other body, the Senate, went home, that is a fait accompli. That is going to happen. There is absolutely no way that anything happens here. It is going to happen on November 13, in what we call a lame duck session. There is no way to avoid that anymore because the other body has left.

The editorial goes on to say: "But if Congress has done a lousy job for the public at large, it is doing a fabulous job of feathering its own nest and rewarding commercial interests and favored constituencies with last-minute legislative surprises that neither the public nor most Members of Congress have digested."

What we have been saying, a lot of the Democrats have been saying, the problem with the Republican leadership is not only have they not done the people's business to get the appropriations and budget through, not only have they not addressed the major issues, such as health care, but they are doing nothing. If they do anything, it is something that favors the special interests.

It is very sad. I have seen this happen with almost every major issue. If we talk about prescription drugs, I made the point earlier this evening, when we were having some dialogue during the 1-minute speeches, that this body never passed, the Republicans never passed, the Medicare prescription drug bill.

Mr. Speaker, my point is that what we have seen with the Republican leadership is that whatever they do is essentially favoring special interests.

When I was talking earlier this evening during the 1-minutes, one of my colleagues on the Republican side, I think the gentleman from California who is on the Committee on Ways and Means, he said, well, we passed a Medicare prescription drug bill. Well, it is not true, we did not pass a bill. The Republicans did not bring up a bill that would actually put a prescription benefit under Medicare.

What they did was passed a system which I call a voucher, where they essentially give some money to seniors and say, go out and try to find an HMO or some kind of insurance company that will cover your prescription drugs.

The bottom line is that the seniors cannot do that because it is outside of Medicare. There is not an insurance company that is going to give them that kind of policy for the amount of money that the Republicans are offering. They may end up in an HMO. We know about all the problems we have had with HMOs that have dropped seniors.

So they have not passed a Medicare prescription drug bill, a benefit under Medicare. The reason is because the pharmaceutical companies do not want that to happen. They do not want to have a benefit under Medicare. They want to see what they can do somehow to avoid Medicare covering prescription drugs.

So there are so many examples like this with the special interests. I see some of my colleagues are here, Mr. Speaker. I yield to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I thank the gentleman from New Jersey for yielding to me. He is right about the prescription drug issue.

Let me just say this: The prescription drug issue cannot be resolved through an insurance-based model. I am in the insurance business at home, and was before I came here. Insurance is based on a spreading of risk.

To use an example, if an insurance company insures 100 homes against fire, the odds are only two of them or one of them are going to burn that year, so they use the premiums paid for the other 98 or 99 to pay the one that burned.

The problem with the Republican model is that they want to use the HMO model for a prescription drug benefit, and it will not work because every policyholder will also be a claimant, and there is no way that works under an insurance model.

The reason Medicare came into being was because senior citizens who are sick and old could not get insurance, health insurance, for any price in the private marketplace, and with good reason, they are old and sick. I will be old and sick some day, if I am not already. That will not work.

What we have to have if we are going to have a meaningful program is we have to have a Medicare derivative that is a part of Medicare to say to seniors, this is your prescription drug benefit, no matter where you live or what you do. Now, I want to thank the gentleman for having this special order tonight to let us have a chance to discuss this.

Mr. PALLONE. Mr. Speaker, I appreciate what the gentleman said, because in fact, and I think the same person who represented the health insurance industry who addressed the Committee on Commerce that I am on went to the gentleman's Committee on Ways and Means hearing when the Republican prescription drug proposal came up, and he said, I forget his name, I think Kahn is his name, he said exactly that. He said the reason that this Republican proposal will not work is because the prescription drugs are a benefit, they are not something that is a risk, so everybody wants it. Everybody is going to sign up. Everybody needs the prescription drugs, and no insurance company is going to insure something that everybody is going to take advantage of.

Mr. TANNER. No insurance company can survive when every policyholder is also a claimant. That is not hard to understand.

Mr. PALLONE. Exactly. That is why they said they would not do it.

In fact, they had the example we mentioned several times here on the floor where I think it was back in March of this year the State of Nevada passed on a State level a plan or proposal that was very similar to the Republican model that the gentleman mentioned, and for something like 6 months they could not get any insurance company to come in and even propose to sell the insurance.

I was told a couple of weeks ago they finally got one company that says that they might be able to do it, but I have to see over the next few weeks whether that happens or not. But for 6 months they could not find anybody to even consider it, for exactly the same reason, that it is a benefit that everybody is going to take advantage of.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY), who has been on our Health Care Task Force. He is one of the co-chairs for the whole 2 years, and has talked a lot about this.

Mr. BERRY. I thank my colleague from New Jersey, Mr. Speaker, and I thank him also for his leadership and the leadership of our other colleagues who have joined us here this evening, the distinguished gentlemen from Texas and Tennessee.

Mr. Speaker, we have heard much rhetoric, election-year rhetoric this evening, and for the last few weeks especially. There is plenty of effort to say, let us blame someone.

I have only been here almost 4 years, and it has been interesting to listen to this rhetoric, and interestingly enough, it is always the Democrats that cause the problem. Even when we were not in the White House, it was the Democrats. When we are not in charge of the Congress, it is the Democrats. It does not make any difference, even when we are not in the majority and when we are not in the White House, we still cause the problem. I find that a bit interesting.

The fact is, the question about how much is enough is answered by the majority party. That is the Republicans. Just a few weeks ago they raised the budget limits, the budget caps, one more time. I did not vote for it, I do not think anyone in this room voted for it, but they raised it. They are in the majority. That is their job.

As they asked that question, I also wonder, how much is enough, when they tried to give $11.5 to the insurance companies last week that there is absolutely no justification for. How much is enough? Maybe we should give these insurance companies, they think maybe $20 billion. How much is enough? That is enough money to provide a real nice prescription drug benefit for our seniors for a year.

They tried to give $15 billion to the bond arbitrage folks that do that job, instead of letting it go to the schools, like we had intended. How much is enough? How much money do we just give away when there is absolutely no indication that there is a need for that money?

So I wonder myself how much is enough. I think we have had enough. I think it is time for this Congress to face up to its obligations. I can tell the gentleman this for absolute certainty: In the district that I am fortunate to represent, and I was there this morning, I met with more senior citizens that still do not have a prescription drug benefit with their Medicare policy. They are still paying three times as much for their medicine as any other country in the world, and it is not right. It is not fair. It does not make any difference whether it is the Democrats or Republicans. It does not make any difference about how much is enough.

□ 2115

We know that that is not fair. It is not right, and it is time we do something with it about it. This Congress is not here tonight dealing with that like they should be. We are listening to all of these silly questions. We are listening to this rhetoric, and it is time that this Congress dealt with that. Our Republican colleagues just a few minutes ago they said we passed a prescription drug benefit; that is just simply not true. They did not pass one. They voted on one in this House. They did not make it into law. They never intended to.

They did not help those seniors I just talked about. They still have the problem. We still have seniors in the district that I represent that do not know whether or not tonight they are going to have something to eat because they had to buy their medicines. That is not right. It is not right for our colleagues across the aisle to try to cloud the issue.

We had their Presidential candidate a few weeks ago in a debate. He loved to use the word fuzzy numbers. He kept talking about fuzzy numbers. Well, there is nothing fuzzy about a senior citizen that does not have the money to buy the medicine and buy their food. There is nothing fuzzy about that. There is nothing cute about it. There is nothing funny about it, and it is a shame that the Republicans have chosen to just ignore this issue, let it go on and on and hope it will go away somewhere.

We have real people that feel real pain, and it is not right. These are the people that worked hard, played by the rules, and we had assured them we were going to give them health care and Social Security when they retire and things will be all right if you do this. It is not right to let that continue to happen.

Mr. Speaker, I can tell my colleagues another thing for certain, we do not have a patients' bill of rights. They have done the same thing. We have people in the district that I represent tonight that do not know whether or not the insurance is going to pay for their health care or not, because some clerk said we can make more money for the company if we do not pay for it. The doctor and the patient still cannot make that decision, and it is not right.

It is time that we do something about it. My distinguished friend and colleague, the gentleman from West Texas (Mr. STENHOLM), mentioned earlier this evening the one thing we absolutely cannot do is allow this Congress to end until we deal with the Medicare reimbursement schedules for our hospitals, nursing homes and our home health care providers and some of our other Medicare providers.

We are about to tear and destroy the very fabric of rural health care in this country if we do not do something about this, and we should do it in the morning. We should come back to this floor and take care of that problem. It is not right. I know for certain that those things have not been dealt with appropriately by this Congress.

It does not make any difference whether it is Republicans or Democrats. We have real people feeling real pain and doing without the necessities of life and the richest country that has ever been in the history of the world and we have people over here asking silly questions like how much is enough.

Mr. PALLONE. Mr. Speaker, I just wanted to mention briefly what happened with the HMOs, this bill that was mentioned that came up last week.

In New Jersey, and I think nationwide, we know that only 15 percent of the seniors are in an HMO, only 15 percent of the Medicare recipients are in an HMO. In my district, and I am sure in many of my colleagues, I guess it was July 1 or just prior thereto, a lot of the seniors who were signed up for the HMOs got a notice saying that by the end of the year they were going to be dropped.

They were very upset and they called my office and they wrote to me. A lot of them did not even know that they could go back to the traditional Medicare, which they can, but as my colleagues know, that traditional Medicare does not have a prescription drug benefit. So they were very upset with the fact that they were being dropped.

I, in response to that, actually introduced a bill that would give a higher reimbursement rate to the HMOs, but I also realized that just giving them more money was not going to be good enough, that we had to put some kind of accountability in there. And as my colleagues know, I have talked about and we have actually voted on it, although the Republicans voted against it, the idea that they would have to stay in the system, in the Medicare system, for 3 years if they have a higher reimbursement rate, and they could not reduce their benefits, they could not, you know, for example, decide they were not going to observe prescription drugs. Of course, Republicans opposed that.

What basically the Republican leadership did with this bill is to say we are going to give you all this extra money. The gentleman mentioned $11 billion, and that is about 40-some percent of the total that is going in this bill back to providers, between the hospitals, the nursing homes, the home health agencies, the HMOs. The HMOs get over 40 percent, yet they only represent 15 percent of the seniors.

They are dropping almost a million seniors now since they got involved in the Medicare program. It is just crazy. How do you do that? How do you do that? The answer is very simple, and that is because the HMOs are aligned with the Republican leadership, and they are opposing the HMO reform. They are opposing the Medicare prescription drug, and they basically take the money that they get and they use it to lobby and to work against candidates who support Medicare prescription drug benefit and HMO reform.

Mr. Speaker, I mean it is just so obvious how this special interest money is operating here. They just want to give more money to the HMO. I do not know how they get away with it. Hopefully they will not get away with it.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank my friend from New Jersey (Mr. PALLONE) for yielding, and I want to pick up on the gentleman's comments and the comments of the gentleman from Arkansas (Mr. BERRY) a moment ago in which he talked about his concern about us leaving town without dealing with the Medicare/Medicaid givebacks. That bothers me.

It bothers a lot of my constituents who are worried that this finger-pointing game that we are in and this impasse that we are in is going to end, that we are going to end up this year without dealing with their problem, and we are not.

I wished it were possible for to us do it tomorrow morning, but my purpose in being here for the third time today is to begin hopefully to stop the finger-pointing and begin to acknowledge the fact that we are not going to accomplish anything more of substance this year until the election, not this year, until the election. We say we are going to be working.

I am chuckling now and, I guess, permit me one little finger-pointing of my own, Mr. Speaker, tonight. There has been a lot of rhetoric that we are here to work, but the only person I see from the other side of the aisle that is here right now is the Speaker, the gentleman from Pennsylvania (Mr. PITTS). And I apologize for keeping the gentleman, and I apologize for keeping these staff here tonight if we are convincing that we are doing work to resolve this problem, because we are not.

The Senate has gone home. I am afraid that we are going to come here in the morning and we are going to start the finger-pointing all over again, and that is not going to resolve anything. The facts are this Congress has thus far failed in doing our work, and we have failed in dealing with our hospitals and our nursing homes. We have failed to resolve that. And as we heard the previous discourse, but when we had our friends from the other side here, and they were so kind to yield to us, we could find that there was a lot of room and agreement, but the leadership of the House and the White House, et cetera, have not been able to resolve it. That is what I am worried about.

I would hope that anyone that is concerned about us going home December the 31 without resolving the health care or the Medicare/Medicaid giveback, the BBA fix, that you would breathe easier, because we will not finish this year's work without dealing with that problem for sure. Perhaps, we can deal with some of the others.

I would hope we can deal with the pharmaceutical question. I would hope we can deal with the patients' bill of rights. I would hope that we can do a lot of other things, but if we have to prioritize, this is one that is of a high priority.

It is important, I think, for us to stop the finger-pointing. I think that is clear, and the people are going to separate that one come November the 7th. No matter how you color it, there has been a failure of leadership in the Congress of doing our work, and as I said a moment ago, I get a little bit testy when I hear it blamed on the minority.

As I said before, I have been here in the majority for 16 years, and I caught a lot of blame, because when we Democrats had control of the House, we were not perfect. But I get a little bit ticked now when I continue to get the blame for not getting our work done. For my friends on the other side of the aisle to continue to come in and to blame the President, because he made us increase spending to $645 billion, I remember so many times in which I have said when I was here with the Reagan administration and the Bush administration and, before that, the Carter Administration, Presidents do not spend money.

There is no possible way for a President to spend money that the Congress does not first appropriate. Now, it often depends on who is in charge and who is pointing the fingers who you were going to blame, but it matters not whether it was a Republican President or a Democratic President, you are still not going to spend money that the Congress does not first appropriate.

If you have a difference between the administration and the Congress, because they are in different parties, if you are going to beat the President, which it seems there has been a dedication, at least on some in the leadership on the other side of the aisle that they have got to beat the President, the only way you beat the President is by getting a two thirds vote. That is what the Constitution provides.

I have said over and over if you want to beat the President, you have to got to reach out to the other side.

My frustration on the one area that I am the most extremely concerned about is in the area of the balanced budget givebacks, if we should not accomplish our work, I will have 10 hospitals to 12 hospitals in my district close within the next 6 months. If we are not able to resolve that question, that is what will happen.

But what my friends in this body, particularly on the majority side, do not seem to understand, the same leader that was responsible for the most part for writing the Balanced Budget Agreement in 1997 that has caused the problem for Medicare and Medicaid is the same leader that has given us his version of how we fix it and said take it or leave it and we will not negotiate that any further.

Now, we have a bill, as my friend, the gentleman from New Jersey (Mr. PALLONE), has stated, we have a bill that has been reintroduced in which we will deal with some specifics. I think it is extremely important that we give a full hospital prospective payment system update for 2 years, not just for 1 year. Because we have so many of our hospitals today that are dealing with so much uncertainty. They are already in the red. They are facing difficulty of borrowing money, and all it seems that the majority wants to say is we are going to give you one more year and then we are going to start cutting you again.

How are you going to deal with that?

Our bill improves the formula for rural disproportionate share hospitals, a higher level of reimbursement for rural hospitals that serve low-income individuals of which, unfortunately, rural America is not sharing in the economic boom that the rest of America is sharing in, and, therefore, we on this side believe that that should be acknowledged. The majority has said, thanks but no thanks; this is all we can do.

We provide for a 10 percent bonus for rural health agencies to compensate for the high cost of travel. The majority has said thanks but no thanks. We provide for a 2-year delay in the 15 percent cuts in payments for home health agencies. Again, the majority has said thanks but no thanks.

Interestingly, this might sound like that we are wanting to spend more money, but our bill actually spends less over 5-year and 10-year periods than the majority proposal does.

You would never believe that when you listen to the majority in here, and particularly the gentleman from California, who so eloquently talks about his version of it. I do not pretend for a moment that I am smarter than they are, but I do respectfully ask from time to time to at least consider the views of some on this side of the aisle and allow us to have some input.

The gentleman from Arkansas (Mr. BERRY), the gentleman from New Jersey (Mr. PALLONE) have spent hours looking at the pharmaceutical benefit question. The gentleman from New Jersey (Mr. PALLONE) has looked at the education question over and over and over again. He has some different ideas.

What is wrong with allowing the minority to have some input? If you do, you might be surprised. You might be surprised and find out that if the President disagrees, then there might be 290 that would disagree with the President, but I do not think that that would happen.

Again, this "how much is enough?" I do not remember how many times we have to answer the question. We still bring out the silly chart. When you are in the majority, you run this place, or at least you try to. You set the cap at $645 billion, which is $12 billion more than I think it ought to be, and $8 billion more than the President thought it ought to be. And no matter how many times you say how much is enough, you are not going to change that fact.

Let me just say enough is enough. We have to find a way to wind this down. There is nothing else going to happen of a positive nature, other than perhaps we will pass the National Park bill tomorrow morning. From what I understand, we are going to spend some more money, you might have to increase the budget caps again, not with my vote.

We might do that tomorrow on the budget. I do not know. I hope I am wrong what I have been hearing about that. We ought not to have been here today. We ought not to have been here yesterday. Here again, the finger-pointing. I hope tomorrow that we can get through this without any more finger-pointing.

Let us let all the finger pointing stop tonight. I was reminded a long time ago, when you are pointing a finger, there are three pointing back at you.

□ 2130

There are three pointing back at me tonight.

But I, again, will make this request, in case there is going to be a temptation of the other side to point the finger again in the morning regarding where the President is tonight and where the Minority Leader is tonight, where they are tomorrow. Were there any meetings to work out the differences yesterday? Were there any meetings last Friday, last Saturday, last Sunday, last Monday, last Tuesday up to 1 o'clock and even yesterday?

Were there any meetings requested by the other side of the aisle to my side of the aisle in which we said, thanks, but no thanks, we do not wish to negotiate? If there are, I would like for somebody to come in and correct me, and I will eat the humble pie. But I think the facts are there had not been.

It is all a rhetorical game. It is all political rhetoric that is designed to benefit somebody by November 7. Well, it does not solve many problems. What we should have been doing last Friday since we were here working and every time we say this, work, work, work, well, there is four of us here working tonight.

But we are immaterial at this point in time, because the Senate has gone home. The House, all 435 of us, could be here working, and nothing would come of it. So hopefully tonight will be the last time until November 8 that we start the finger pointing.

But I hope when we come back November 8 or 9 or whenever we come back in the lame duck session, that we will come back with a different attitude, whoever wins the majority. I hope there will be enough of us to say enough is enough, not on the spending level, but enough is enough with the finger pointing.

I certainly hope, and I assure those out there in each of our 50 States that are worried about whether we are going to get our Nation's business done by December 31, "you ain't seen nothing yet" as far as disruptions if we find we are unable to work out a satisfactory compromise that will deal with our nursing homes and our hospitals and our reimbursement rate. That one is a must.

I say this very respectfully and with a lot of assurance, there will be bipartisan agreement to that. This will not be a partisan issue after November 7. There are enough folks, Mr. Speaker, on the other side of the aisle that absolutely agree.

Our problem tonight is a leadership problem. It has been a strategy, and we will see next week whose strategy has worked and whose has not. But I hope tomorrow, and to those that say it has got to be bipartisan, let the record clearly show, if it takes a Democrat to say it is time for us to go home and come back in a lame duck session, Mr. Speaker, I am saying it right now. Nothing additional of a positive nature can be accomplished past tomorrow.

Mr. PALLONE. Mr. Speaker, I just have to reiterate the same thing. I mean, the bottom line is that we are having these discussions about what should be or what legislation we would like to see pass, but there is absolutely no way that any of it can because the other body has left.

So probably the best thing to leave everyone with tonight is the notion and the understanding that all these suggestions about working or continuing the session over the next few days just do not make any sense because there is no way to get anything done as long as the other body has left.

I just wanted to say a couple of things now. The gentleman from Texas (Mr. STENHOLM) brought up this whole issue of the balanced budget amendment givebacks or however we are describing it, the problem, with the balanced budget agreement, that we still have a problem with our hospitals, our nursing homes, because the reimbursement level is not high enough, and the effort that we have been trying to work on a bipartisan basis, theoretically, to try to work that out and give some more money back.

It is interesting because we have been critical of the Republican proposal that was voted on last week because it basically gave most of the money or the lion's share of the money to the HMOs without any accountability and did not give enough money to the hospitals, the nursing homes, the home health cares, the basic providers of health care services.

But the bill that the gentleman from Texas talked about, the Democratic alternative, actually the one that we brought up as an alternative to this Republican bill, actually, when I look at it, most of it was actually adopted in my committee in the Committee on Commerce on a bipartisan basis.

I do not know exactly what happened to it after it left the Committee on Commerce because we had a unanimous vote with both Democrats and Republicans to do exactly what the gentleman is proposing, which would have helped the hospitals and nursing homes. Somehow, by the time it got from the committee to the floor, it changed dramatically to what we have now.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding to me. I thank the gentleman for making that point. That is a good question. What did happen? When we have a unanimous vote in the Committee on Commerce, what happened in the Committee on Ways and Means?

What is it that causes the leadership now to say what we did in the Committee on Commerce is no good, but what was done in the Committee on Ways and Means, not in a bipartisan way, but in a pure partisan way, is the only way to go, and we have to take it or leave it. I do not understand that.

That is not what this body, this House of Representatives, this body that has for so long prided itself on doing the people's business, on having committees that actually function, and having committees that will listen to the minority, and if I minority has a good idea, accept it.

I happen to serve on the Committee on Agriculture. I am the minority on the Committee on Agriculture. Under the leadership of the gentleman from Texas (Chairman COMBEST), we do not have that problem. We have always had a give-and-take. We do not have any problems. When you see Committee on Agriculture bills come to the floor, very seldom do you have differences from the Committee. Very seldom do we get unanimous agreement in this House, but the process worked.

The process in the Committee on Ways and Means is not working. Because the gentleman from Tennessee (Mr. TANNER) who was here a moment ago is on the Committee on Ways and Means, but he is on the minority. When you stop allowing the minority to have their views heard and voted upon and then it voted down, then you bring it to the floor, and if you get disagreement here, then you had better hope that you have got the President with you because, if not, nothing is going to happen. But something broke down, and that is what is causing the fussing today.

But I suspect that, if we had a unanimous agreement in the Committee on Commerce, that when we come back after November 7, that cooler heads will prevail, and that if by chance, their bill, our bill, it would not surprise me if we are going to have bipartisan support for it when it comes back. Those that say no, we are only going to do it our way or the highway, perhaps they will be on the highway.

Mr. PALLONE. Mr. Speaker, I think the only thing I can conclude is that the major difference, of course, is that, by the time the bill came to the floor, it was weighted heavily in favor of the HMOs. Of course I conclude that that is because the majority, the Republican leadership wanted to give a lot more money to the HMOs. I think that is really what happened.

I just wanted to make a few points. I do not want to belabor it too much, because I do not know how much more time we have or how much my colleagues want to speak. But I would say that the three issues that I sort of highlighted and that the gentleman from Arkansas (Mr. BERRY) have highlighted also over the last 2 years, when we talk about health care, HMO reform, prescription drug benefit under Medicare and trying to help the 40 million plus uninsured all relate to this bill that we have been talking about tonight.

What the Democrats try to do and what we did on a bipartisan basis in the Committee on Commerce with the bill actually helped in each of those areas in some ways because probably the biggest initiative to try to deal with the uninsured was the kids health care initiative that we passed on a bipartisan basis a couple years ago.

In this bill that we were trying to bring to the floor last week as an alternative to the Republicans with their HMOs, we actually expanded the kids health care program to do more outreach and to sign up more kids so that we would actually reduce the ranks of the uninsured.

In addition, in this bill, we talk about HMO reform. In the bill, there was an appeals process for people under Medicare who had been denied an operation or length of stay in the hospital a particular procedure by the HMO, that they could take an appeal where they were granted rights very similar to the Patients' Bill of Rights that passed in this House on a bipartisan basis.

But of course the Republican leadership has stymied. So in that bill, which, again, they rejected, we actually would try to make a little bit of a step towards HMO reform as well.

Then, finally, the whole issue of prescription drugs was addressed to some extent because, right now, the main way that people get prescription drugs under Medicare is if they are able to sign up for an HMO. What we did in our bill was to say that, if the HMOs are going to get more money, they had to stay in the program for 3 years, and they could not reduce their benefits, which is primarily prescription drugs.

So with this bill that the gentleman from Texas (Mr. STENHOLM) was talking about, this Democratic, really, bipartisan alternative that the Republican leadership rejected, we were in some small way addressing each of these major health care issues that the gentleman from Texas, the gentleman from Arkansas (Mr. BERRY) and I have been talking about and trying to address.

So granted there is not any time left before the election, but when we come back for the lame duck session, if we could manage to get this alternative with regard to the givebacks, the higher Medicare reimbursement rate passed, we would make a small step towards dealing with some of these health care issues, in my opinion.

It is very unfortunate that the Republican leadership rejected this and just went ahead with this bill that really does nothing but help the HMOs without any accountability.

I mean, it is one of the reasons that I am so upset with the fact that they rejected this and they refused to negotiate, and essentially nothing is happening. I yield to the gentleman.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, well, I think the gentleman from New Jersey (Mr. PALLONE) makes a strong point and also the gentleman from Texas (Mr. STENHOLM).

The fact remains that we have not gotten the job done for the American people on health care. One of the proudest moments that I have there in this House was the day that we passed, in a bipartisan way, a strong bipartisan way, a meaningful, effective Patients' Bill of Rights.

Republicans and Democrats worked together to get the job done. We have proven over and over again in this body that, when we work together, good things happen. Very seldom does a really meaningful piece of legislation ever go through this House that is not bipartisan. Yet, we continue this partisan bickering. The American people do not care about this. They want us to get the job done, and it is time for us to do that.

I would hope that, when we do come back, whether it be this year or in the 107th Congress, that we will, in a bipartisan way, address these things that are so desperately needed in this country, like a Patients' Bill of Rights, and do it in a bipartisan way.

I have never on issues pertaining to health care and the budget had any effort whatsoever made from the other side to even listen to our ideas, much less accept them, work together and try to work out a solution. I think it would be a wonderful thing if we would do that in a bipartisan way and solve some of these problems.

We have got to solve the problem of our reimbursements for our hospitals, nursing homes, home health care providers. We know that.

The distinguished gentleman from Texas (Mr. STENHOLM) has said earlier we cannot allow our rural hospitals to be destroyed because we did not deal with this problem. We have got to have prescription medicine for our seniors, and in a meaningful way, not in some clever gimmick that someone has thought up. We can do this in a bipartisan way.

I hope we come back after this time that we have spent here adjourns, and we go home, that we come back with a new resolve to get the job done in a bipartisan way.

□ 2145

Certainly I think, to answer that question once again, how much is enough, certainly this is enough, and it is time for us to stop this, get the job done, get our work done, do what the American people sent us here to do, and not continue this partisan bickering that we get blamed for and justifiably so. I thank the gentleman from New Jersey for his leadership.

Mr. PALLONE. I want to thank my colleagues. I think that we have made the point well this evening that we really want to get the work done and we want to accomplish things for the average American. Our only frustration tonight has been that we know that the Senate is out and there is no time to do this between now and election day. So let us just hope that tomorrow as the gentleman from Texas said that we stop the partisan bickering and basically recognize the fact that the time has run out and the only way we are going to accomplish this is when we come back after the election.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today and November 3 on account of business in the district.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today and November 3 on account of business in the district.

Mr. REYES (at the request of Mr. GEPHARDT) for today and before 2:00 p.m. November 3 on account of personal business in the district.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on account of district-related business.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. KNOLLENBERG, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. HORN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GILCHREST, for 5 minutes, today.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on the House Administration, reported that the committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1550. An act to authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes.

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes.

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 5110. An act to designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse".

H.R. 5302. An act to designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

H.R. 5388. An act to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Education and Administrative Center".

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedure and conditions for the award of matching grants for the purchase of armor vests.

ADJOURNMENT

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Friday, November 3, 2000, at 9 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Scotland, Germany, Italy, Qatar, Jordan and England, August 7–19, 2000:											
Hon. Floyd D. Spence	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
	8/14	8/16	Qatar		470.00						470.00
	8/16	8/18	Jordan		232.00						232.00
	8/18	8/19	England		218.00						218.00
Hon. Solomon P. Ortiz	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
Commercial airfare							2,255.36				2,255.36
Hon. Herbert H. Bateman	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Latvia		538.00						538.00
	8/12	8/15	Estonia		342.00						342.00
	8/15	8/17	Germany		286.00						286.00
	8/17	8/19	England		436.00						436.00
Hon. Owen B. Pickett	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
	8/14	8/16	Qatar		470.00						470.00
	8/16	8/18	Jordan		232.00						232.00
	8/18	8/19	England		218.00						218.00
Hon. Tillie K. Fowler	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
	8/14	8/16	Qatar		470.00						470.00
	8/16	8/18	Jordan		232.00						232.00
	8/18	8/19	England		218.00						218.00
Hon. John M. McHugh	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
	8/14	8/16	Qatar		470.00						470.00
	8/16	8/18	Jordan		232.00						232.00
Commercial airfare							1,634.66				1,634.66
Mr. Robert S. Rangel	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
Commercial airfare							1,868.80				1,868.80
Mr. Peter M. Steffes	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
	8/14	8/16	Qatar		470.00						470.00
	8/16	8/18	Jordan		232.00						232.00
	8/18	8/19	England		218.00						218.00
Mrs. Maureen P. Cragin	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
	8/14	8/16	Qatar		470.00						470.00
	8/16	8/18	Jordan		232.00						232.00
	8/18	8/19	England		218.00						218.00
Travel to Mexico, September 21–22, 2000:											
Hon. Ciro D. Rodriguez	9/21	9/22	Mexico		217.25						217.25
Committee total					24,847.25		5,758.82				30,606.07

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FLOYD D. SPENCE, Chairman, Oct. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Cynthia Fogleman	8/8	8/12	South Africa		629.06						629.06
	8/12	8/15	Mozambique		374.06						374.06
	8/15	8/17	Zimbabwe		247.05		5,872.88				6,119.93
James McCormick	8/8	8/12	South Africa		812.00				75.00		887.00
	8/12	8/15	Mozambique		557.00						557.00
	8/15	8/17	Zimbabwe		430.00						430.00
	8/18	8/20	India		951.04						951.04
	8/18	8/20	Sri Lanka		500.00		7,965.85				8,465.85
Committed total					4,500.21		13,838.73		75.00		18,413.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM LEACH, Chairman, Oct. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Abramowitz	7/7	7/8	Romania		125.00						125.00
Commercial airfare	7/7	7/8					91.92				91.92
David Adams	7/29	7/31	Venezuela		530.00						530.00
	7/31	8/1	Colombia		193.00						193.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2000—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	8/1	8/2	Nicaragua		284.00						284.00
Hon. Cass Ballenger	7/29	7/31	Venezuela		50.00				[3] 1,280.09		1,330.09
	7/31	8/1	Colombia		153.30						153.30
	8/1	8/2	Nicaragua		113.00						113.00
Paul Berkowitz	8/24	8/25	Thailand		182.00		527.57		[3] 11.10		720.67
	8/25	8/28	Bhutan		225.00						225.00
	8/28	8/30	Nepal		372.00		167.95		[3] 9.69		549.64
	8/30	8/31	India		260.00						260.00
Commercial airfare	8/23	8/31					5,631.90				5,631.90
Deborah Bodlander	7/2	7/6	Israel		1,244.00						1,244.00
	7/6	7/10	Lebanon		810.00						810.00
Commercial airfare	7/1	7/10					5,733.13				5,733.13
Malik Chaka	7/1	7/2	Guinea		186.00						186.00
	7/2	7/5	Sierra Leone		300.00						300.00
	7/5	7/7	Guinea		372.00						372.00
Commercial airfare	7/1	7/7					4,792.51				4,792.51
Mark Clack	7/1	7/2	Guinea		186.00						186.00
	7/2	7/5	Sierra Leone		300.00						300.00
	7/5	7/7	Guinea		325.00						325.00
Commercial airfare	7/1	7/7					4,792.51				4,792.51
	7/26	7/30	Nigeria		559.00						559.00
Commercial airfare	7/25	7/31					5,508.61				5,508.61
John Conger	9/14	9/18	Colombia		684.00						684.00
Commercial airfare	9/14	9/18					1,827.80				1,827.80
Hon. John Cooksey	7/1	7/2	Guinea		186.00						186.00
	7/2	7/5	Sierra Leone		300.00						300.00
	7/5	7/6	Guinea		186.00						186.00
Commercial airfare	7/1	7/6					6,223.11				6,223.11
Hon. William D. Delahunt	7/29	7/31	Venezuela		222.50						222.50
	7/31	8/1	Colombia		193.00						193.00
	8/1	8/2	Nicaragua		284.00						284.00
Nisha Desai	8/15	8/20	India		1,460.04						1,460.04
	8/20	8/24	Sri Lanka		767.05						767.05
Commercial airfare	8/14	8/24			1,309.00		7,792.92				7,792.92
Barbara Feinstein	7/8	7/15	South Africa		1,309.00						1,309.00
Commercial airfare	7/6	7/16					8,091.27				8,091.27
Adolfo Franco	8/8	8/12	South Africa		812.00						812.00
	8/12	8/15	Mozambique		557.00						557.00
	8/15	8/17	Zimbabwe		430.00						430.00
	8/18	8/20	India		951.04						951.04
	8/20	8/24	Sri Lanka		767.04						767.04
Commercial airfare	8/7	8/25					6,850.85				6,850.85
Mark Gage	7/8	7/8					2,274.22				2,274.22
Charisse Glassman	8/15	8/17	Eritrea		368.00		228.00				596.00
	8/17	8/18	Saudi Arabia		166.00		451.98				617.98
	8/18	8/24	Ethiopia		880.00		3,933.58				4,813.58
	8/24	8/26	Sudan		530.00						530.00
Commercial airfare	8/14	8/15					3,676.00				3,676.00
Amos Hochstein	7/2	7/6	Israel		1,004.00						1,004.00
	7/6	7/10	Lebanon		650.00						650.00
Commercial airfare	7/1	7/10					5,733.17				5,733.17
Hon. Tom Lantos	8/26	9/1	Russia		1,750.00				[3] 221.77		1,971.77
Commercial airfare							258.00				258.00
Hon. Barbara Lee	7/8	7/10	South Africa		342.00		151.95		[3] 523.63		1,017.58
Commercial airfare	7/6	7/11					7,901.00				7,901.00
John Mackey	8/21	8/23	United Kingdom		616.00						616.00
	8/23	8/27	Ireland		924.00				[3] 504.94		1,428.94
Commercial airfare	8/21	8/27					1,149.36				1,149.36
	9/14	9/18	Colombia		884.00						884.00
Commercial airfare	9/14	9/18					1,827.80				1,827.80
Caleb McCarry	6/29	7/4	Mexico		1,115.00						1,115.00
Commercial airfare	6/29	7/4					691.63				691.63
Kelly McDonald	9/14	9/18	Colombia		684.00						684.00
Commercial airfare	9/14	9/18					1,827.80				1,827.80
Kathleen Moazed	8/24	8/25	Thailand		182.00		527.57				709.57
	8/25	8/28	Bhutan		225.00						225.00
	8/28	8/30	Nepal		372.00		167.95				539.95
	8/30	8/31	India		260.00						260.00
Commercial airfare	8/23	8/31					5,631.90				5,631.90
Vince Morelli	7/29	7/31	Venezuela		430.00						430.00
	7/31	8/1	Colombia		193.00						193.00
	8/1	8/2	Nicaragua		14.00						14.00
Frank Record	7/2	7/6	Israel		1,104.00						1,104.00
	7/6	7/10	Lebanon		700.00						700.00
Commercial airfare	7/1	7/10					5,733.17				5,733.17
Grover Joseph Rees	8/12	8/18	Kenya		791.00						791.00
	8/18	8/19	Sudan		234.00						234.00
	8/19	8/20	Kenya		158.50						158.50
	8/20	8/21	Sudan		234.00						234.00
	8/21	8/26	Kenya		722.50		153.00				875.50
Commercial airfare	8/11	8/26					6,721.40				6,721.40
Matthew Reynolds	8/1	8/3	Australia		319.00				[3] 197.17		516.17
	8/3	8/6	East Timor		450.00						450.00
	8/6	8/11	Indonesia		839.00						839.00
	8/11	8/13	Hong Kong SAR		555.00				[3] 103.10		658.10
Commercial airfare	7/30	8/13					8,493.91				8,493.91
Peter Yeo	8/2	8/3	Australia		165.00						165.00
	8/3	8/6	East Timor		450.00						450.00
	8/6	8/7	Indonesia		277.00						277.00
Commercial airfare	8/1	8/8					7,445.94				7,445.94
Committee total					34,465.97		123,011.38		2,851.49		160,328.84

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Indicates delegation costs.
[4] Commercial airfare from Romania to U.S.

BENJAMIN A. GILMAN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dana Rohrabacher	8/25	8/27	Paris, France		594.00		(3)				594.00
	8/27	8/29	Moscow, Russia		712.00		(3)				712.00
	8/29	8/31	St. Petersburg, Russia		686.00		(3)				686.00
	8/31	9/1	Dublin, Ireland		281.00		(3)				281.00
Eric Sterner	8/25	8/27	France		594.00		(3)				594.00
	8/27	8/29	Russia		712.00		(3)				712.00
	8/29	8/31	Russia		686.00		(3)				686.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Richard Obermann	8/25	8/27	France		594.00		(3)				594.00
	8/27	8/29	Russia		712.00		(3)				712.00
	8/29	8/31	Russia		686.00		(3)				686.00
	8/31	9/1	Ireland		281.00		(3)				281.00
Harlan L. Watson	9/7	9/16	Lyon, France		2,000.00		6,622.03				8,622.03
Committee total					8,819.00		6,622.03				15,441.03

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

F. JAMES SENSENBRENNER, JR., Oct. 30, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Ruben Hinojosa	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/15	Italy		526.00						526.00
	9/21	9/22	Mexico		(3)		2,251.80				2,251.80
Committee total											4,337.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Unavailable.

JAMES M. TALENT, Chairman, Oct. 16, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10866. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate [Docket No. FV00-931-1 FIR] received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10867. A letter from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting the Department's final rule—Pork Promotion, Research, and Consumer Information Program: Amendment to Procedures for the Conduct of Referendum [No. LS-00-10] received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10868. A letter from the Congressional Review Coodinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Addition to Quarantined Areas [Docket No. 00-076-1] received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10869. A letter from the Associate Administrator, Agricultural Marketing Service, Science and Technology Program, Department of Agriculture, transmitting the Department's final rule—Changes in Fees for Science and Technology (S&T) Laboratory Service [Docket No. S&T-99-008] (RIN: 0581-AB91) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10870. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports [Docket No. 99N-1852] received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10871. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology and Urology Devices; Effective Date of the Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device; Correction [Docket No. 94N-0380] received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10872. A letter from the Chief, Legal Branch, Competitive Pricing Division, Federal Communications Commission, Common Carrier Bureau, transmitting the Commission's final rule—National Exchange Carrier Association, Inc. Petition to Amend Section 69.3 of the Commission's Rules [CC Docket No. 99-316; RM-9486] received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10873. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting 1999 Report Pursuant to sec. 655 of the Foreign Assistance Act of 1961, pursuant to Public Law 104—164, section 655(a) (110 Stat. 1435); to the Committee on International Relations.

10874. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Review of the Financial Transactions and Activities of Advisory Neighborhood Commission 8D for the Period October 1, 1997 through August 31, 2000," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

10875. A letter from the Associate Special Counsel for Planning and Advice, Office of Special Counsel, transmitting the Office's final rule—Filing complaints of prohibited personnel practices or other prohibited activities; Filing disclosures of information; Advisory Opinions—received October 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10876. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040-0040-01; I.D. 102400C] received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10877. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Jet Routes J-78 and J-112; Evansville, IN; Correction [Airspace Docket No. 99-AGL-48] (RIN: 2120-AA66) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10878. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Cameron, MO [Airspace Docket No. 99-ACE-49] received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10879. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Monticello, IA [Airspace Docket No. 00-ACE-5] received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10880. A letter from the Director, Office of Regulations Management, Veterans Health Administration, Department of Veterans' Affairs, transmitting the Department's final rule—VA Payment for Non-VA Public or Private Hospital Care and Non-VA Physician Services that are Associated with Either Outpatient or Inpatient Care (RIN: 2900–AK57) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10881. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, Fiscal Service, transmitting the Department's final rule—Marketable Book-Entry Treasury Bills, Notes, and Bonds: Minimum Par Amounts Required for STRIPS—received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10882. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Allocation of Partnership Debt (RIN: 1545–AX09) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10883. A letter from the Acting Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Revisionsto Payment Policies Under the Physician Fee Schedule for Calendar Year 2001 [HCFA–1120–FC] (RIN: 0938–AK11) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 3, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than November 3, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 3, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 3, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 3, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 3, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 3, 2000.

H.R. 4857. Referral to the Committee on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than November 3, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 3, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 3, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HORN (for himself and Mr. CALVERT):

H.R. 5622. A bill to establish a commission to create a comprehensive strategy for an integrated, advanced informational infrastructure for the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 5623. A bill to amend the Clean Air Act to ensure that adequate actions are taken to detect, prevent, and minimize the consequences of accidental releases that result from criminal activity that may cause substantial harm to public health, safety, and the environment and to ensure that the public has access to information regarding hazardous chemicals in the community and the potential for accidental releases of those chemicals, and for other purposes; to the Committee on Commerce.

By Mr. MOORE (for himself, Mr. HOYER, Mr. SAWYER, Mr. SERRANO, Mr. MORAN of Virginia, Mr. HINCHEY, Mr. MENENDEZ, Mr. FILNER, Mr. GREEN of Texas, Mr. NADLER, Mr. BLUMENAUER, Mr. MALONEY of Connecticut, Mr. ROTHMAN, Mr. SANDLIN, Mr. SHERMAN, Mr. INSLEE, Ms. BERKLEY, Mr. CROWLEY, Mr. HILL of Indiana, Mr. HOLT, Mr. LARSON, Mr. LUCAS of Kentucky, and Mr. WU):

H.R. 5624. A bill to amend the Federal Election Campaign Act of 1971 to require persons making certain campaign-related telephone calls to disclose the identifcation of the person financing the call, and for other purposes; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 908: Mr. JEFFERSON.

H.R. 1228: Mr. LANTOS.

H.R. 2166: Mr. REGULA and Mr. MENENDEZ.

H.R. 2433: Mr. COBURN.

H.R. 2953: Mr. STENHOLM.

H.R. 4154: Mr. COX.

H.R. 4215: Mr. GOODLATTE.

H.R. 4274: Mr. KENNEDY of Rhode Island.

H.R. 4308: Mr. TRAFICANT.

H.R. 4654: Mr. CALVERT.

H.R. 4728: Mr. DEAL of Georgia and Mr. MORAN of Virginia.

H.R. 5147: Mr. OBERSTAR, Mr. BENTSEN, and Mr. MEEHAN.

H.R. 5185: Ms. SCHAKOWSKY.

H.R. 5194: Mr. GONZALEZ.

H.R. 5200: Mr. GONZALEZ.

H.R. 5516: Mr. CRAMER, Ms. MILLENDER-MCDONALD, and Mr. HILLIARD.

H.R. 5552: Mr. PETERSON of Minnesota and Mr. GUTIERREZ.

H.R. 5585: Mr. MOORE, Mr. CAPUANO, Mr. HINCHEY, and Mr. FORD.

H.R. 5612: Mr. GEPHARDT, Mr. BONIOR, Mr. BALDACCI, Mr. BENTSEN, Mr. BLAGOJEVICH, Ms. CARSON, Mr. CUMMINGS, Mr. EVANS, Mr. FILNER, Mr. FROST, Mr. HALL of Texas, Mr. HINCHEY, Mr. HOLDEN, Mr. INSLEE, Ms. KAPTUR, Mr. LARSON, Mrs. MALONEY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mrs. MEEK of Florida, Ms. PELOSI, Mr. PHELPS, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. SCHAKOWSKY, Mr. TANNER, Mrs. THURMAN, Mr. TOWNS, and Mr. TURNER.

H.R. 5613: Mr. DEAL of Georgia, Mr. DEMINT, Mr. BACHUS, Mr. RYUN of Kansas, and Mr. MILLER of Florida.

H. Con. Res. 401: Mr. PRICE of North Carolina.

H. Res. 654: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. UDALL of New Mexico.

EXTENSIONS OF REMARKS

TRIBUTE TO JUDGE DAVID E. RUSSELL

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. MATSUI. Mr. Speaker, I rise in tribute to Judge David E. Russell, Chief Bankruptcy Judge of the United States Court of Appeals for the Eastern District of California. After 14 years as a Bankruptcy Judge and 40 years of service in the legal profession, Judge Russell has announced his retirement. He will be honored at a retirement party on Friday, November 3, 2000 at the Tsakopoulos Library in Sacramento. As his friends and family gather to celebrate, I ask all of my colleagues to join with me in saluting his remarkable career.

David E. Russell was born on March 19, 1935 in Chicago Heights, Illinois. He was married on October 31, 1982 to Sandra Niemeyer, and they are the proud parents of seven children.

He began his education at the University of California at Berkeley, graduating in 1957 with a Bachelor of Science in Accounting. He went on to obtain his Jurisprudence Doctorate from Boalt Hall, University of California at Berkeley in 1960.

David Russell began his career as an accountant for Lybrand, Ross Brothers and Montgomery in San Francisco, CA. Here he stayed for three years, during which time he was admitted to the California Bar in 1961. In 1965, he became a partner with Russell, Humphreys and Estabrook. Later to be known as Russell, Jarvis, Estabrook and Dashiell, he continued to work with the firm as a lawyer until 1986.

In 1986, David Russell was appointed to a 14-year term as a United States Bankruptcy Judge. In those 14 years, Judge Russell has developed a reputation as a fair and honest man, and he has served his appointment admirably. I am honored to have the opportunity to congratulate Judge Russell as he begins his well-deserved retirement.

Mr. Speaker, as Judge David Russell's friends and family gather to celebrate his retirement, I would like to take this opportunity to pay tribute to a truly remarkable person. His career with the United States Court of Appeals has indeed been commendable. I ask all of my colleagues to join with me in wishing him continued success in all his future endeavors.

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 1999

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. UNDERWOOD. Mr. Speaker, I would like to express my support of S. 1880, the Health Care Fairness Act of 2000. As an original co-sponsor of H.R. 3250, the House companion measure, I have long-supported legislation to expand research and education on the biomedical, behavioral, economic, institutional, and environmental factors contributing to health disparities in minority and underserved populations.

I would like to commend my colleagues, Representatives CLYBURN, LEWIS, THOMPSON, JACKSON, RODRIGUEZ, ROYBAL-ALLARD, and Senator EDWARD KENNEDY, who have worked long and hard to get this bill to the floor.

In recent years, advances in the prevention, diagnosis, and treatment of disease has improved the health status and quality of medical care to the overall U.S. population. However, while we are experiencing remarkable improvements in the health status of the overall U.S. population, we find this has not translated into similar benefits for minority populations. In fact, minority populations continue to experience disproportionate rates of disease, morbidity, and mortality. Numerous studies have proven that race and ethnicity correlate with persistent, and often increasing, health disparities among U.S. populations. These alarming disparities deserve our focused attention and call for action.

The passage of the Health Care Fairness Act would, for the first time, focus research and attention to health disparities such as those that exist in Guam, with the creation of a National Center on Minority Health and Health Disparities within the National Institutes of Health to conduct research on minority health problems and commission the National Academy of Sciences to conduct a comprehensive study of the data collection systems and practices of the Department of Health and Human Services. S. 1880 would also establish pilot projects in medical schools to develop educational tools that will reduce racial and ethnic health disparities. These improvements will increase our knowledge to the nature and causes of these disparities, as well as improve the quality and outcomes of health care services to minority and underserved populations.

As the Chairman of the Congressional Asian Pacific American Caucus and a member of the Congressional Hispanic Caucus, I am keenly aware of the health care needs of minority communities. Particular needs regarding language and cultural competency are often not being met in our public health centers and hospitals.

On the island of Guam, Chamorros, who are the indigenous population, and other Asian and Pacific Islander groups represent a large majority of the 150,000 population. With an island largely comprised of minority populations, it is challenging to meet specific health needs of our diverse community with the limited resources that are currently available. In the case of Chamorros, diabetes affects Chamorros at five times the national average and infant mortality rates are more than double the national average. Chamorros also suffer from higher than average rates of cardiovascular disease, cancer, and Lytico-Bodig, a disease endemic to Guam, which is a combination of Parkinsonian dementia and amyotrophic lateral sclerosis. The case of mental illness is also a great concern to Guam residents with rising incidences of attempted and completed suicides.

The overall Asian Pacific American population is often mislabeled as the "model minority" with few health or social problems. This is a huge misnomer as emerging data reveals significant health disparities and barriers to health care and social service access exist within Asian Pacific American communities. As a group, Asian Pacific Americans experience the highest incidences of tuberculosis. Particular Asian Pacific Americans sub-population groups experience diabetes, hepatitis B, cervical cancer, liver cancer, lung cancer, nasopharyngeal cancer, and mental illness at alarming rates. Recognizing the challenges presented by the great diversity of Asian Pacific Americans and other minority populations is key to addressing the health care needs of all Americans.

The Asian Pacific American population includes indigenous and immigrant populations, which comprises 10.4 million Americans or approximately 5 percent of the U.S. population. Asian Pacific Americans represent the fastest growing and most diverse racial and ethnic group in the U.S. with more than 30 different sub-populations and are expected to reach 10 percent of the U.S. population by 2050. Approximately 20 percent of Asian Pacific Americans are currently uninsured.

It is clear that the face of America is becoming increasingly diverse as its minority populations continue to grow. And as our minority populations increase, so does the complexity of our health needs. Therefore, I urge your support of S. 1880, the Health Care Fairness Act, to develop programs and comprehensive strategies to address the health disparities among ethnic and minority groups. This bill represents a comprehensive bi-partisan effort to address the inequities in health care for all Americans.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN RECOGNITION OF HAROLD NICHOLSON

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to pay tribute to a dedicated and hardworking gentleman on the occasion of his retirement. Harold Nicholson devoted thirty-three years of his life to the Somerset Rural Electric Cooperative, Inc., in Somerset, PA. He was its manager for the past nineteen years, longer than any other manager in the entity's sixty-one year history.

But Mr. Nicholson not only managed the cooperative, he was in many ways its heart, soul and voice. Originally hired to provide member services, he started the SREC's monthly newsletter for which he also wrote and photographed. It became the precursor of the statewide Penn Lines magazine. Mr. Nicholson served on numerous committees within the National Rural Electric Association and was chairman of its Marketing and Energy Management committee. Additionally, he was active with the statewide Pennsylvania Rural Electric Association, where he served on the Power Supply and Engineering Committee, Transmission Policy, and Risk Management Committees and co-chaired its Consumer Choice Marketing and Consumer, Employee and Board Education Task Force committees.

He has been named Pennsylvania Rural Electric Association Man of the Year (1992), the organization's highest honor.

In addition to his many career-related credits and initiatives, he has served his community in a variety of other capacities. They include Managing Editor of the Meyersdale Republican; board member and past president of the Meyersdale Lions Club; on the Economic Development Committee of the Southern Alleghenies Planning and Development Commission; was a charter member and secretary of the Long Range Planning Committee with the Somerset County Vocational Technical School; served on the board of the Appalachian Intermediate Unit 8 serving the area's school districts; served for sixteen years including as president on the Meyersdale Area School Board; member of the Somerset County Chamber of Commerce; and a member of the Partnership for Rural Industrial Development Enterprises (PRIDE) as Secretary.

Harold Nicholson has been and continues to be an outstanding member of his community. I wish him all the best for a fulfilling and happy retirement to enjoy with his wife, four children and nine grandchildren.

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IN HONOR OF THE FRANCISCAN FRIARS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to the Franciscan Friars. The Franciscan Friars of the Santa Barbara Province have been compassionately responding to the needs of San Franciscans since 1887. It is my pleasure to honor them for their tremendous contributions on the Fiftieth Anniversary of one of their most successful projects, the St. Anthony Foundation.

The Franciscan Friars improve our city through their work at St. Boniface Church. For years, they have been feeding the poor and homeless and caring for those in need. In particular, the Friars have ministered to the immigrant communities of San Francisco's Tenderloin District, first with the German community and expanding more recently to the Hispanic, Vietnamese and Filipino communities.

The St. Anthony Foundation was founded by Franciscan Friar Alfred Boeddeker, while pastor of St. Boniface Church, to "feed, clothe, heal and shelter the needy, empower the powerless, and promote a social order in which all persons flourish." Today, the Foundation serves an extraordinary number of people with their drug rehabilitation, food, health, housing, and other social service programs. The Franciscan Friars have provided the spirit, vision, and direction for the St. Anthony Foundation to complete 50 years of service to the most marginalized in our community.

The Franciscan Friars and the St. Anthony Foundation make San Francisco a better place. Their selfless dedication to those in need calls us to a higher standard. It is my honor to commend them on fifty years of service through the St. Anthony Foundation.

* * *

THANK YOU TO ADAM TUNE FOR SERVICE ON MY STAFF

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. GORDON. Mr. Speaker, I want to give thanks and special recognition to an intern in my office, Adam Tune

Adam attends my alma mater, Middle Tennessee State University. While still in high school he managed to work 25 hours each week, took college level preparatory courses and maintained good grades.

Interns play an invaluable role in helping congressional offices function efficiently and effectively, often performing the most thankless but essential tasks required. Adam pitches in where ever and when ever he is needed, never complaining and always accomplishing his work on-time and of the higher quality.

Adam loves politics and admires this institution. This high regard is reflected each and every day in his attitude and dependability.

Adam has been an invaluable member of my staff and deserves the highest praise for his contribution.

It has been a pleasure to have Adam Tune serve in my office and I join my staff in thanking him for all his hard work.

TRIBUTE TO ROXCY BOLTON

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mrs. MEEK of Florida. Mr. Speaker, I rise today to pay a special tribute to Florida's pioneer feminist, a great woman, and a friend, Ms. Roxcy Bolton. There are not many people around like Roxcy, and I am so proud to recognize her many accomplishments.

She is a trail blazer, a persistent advocate, a remarkable woman. She put the spotlight on women, showcased their problems, and encouraged other women to take action and expand the fight for equal rights. She has proven time and again that one person can make a difference.

Roxcy O'Neal Bolton was born in 1926 in Mississippi. She became a businesswoman and was active in community and political organizations. She married Commander David Bolton U.S.N. who was later president of Men for the Equal Rights Amendment (ERA).

In 1966, Bolton helped form Florida's National Organization for Women, serving as charter president of the Miami Chapter and National Vice President in 1969.

In 1972, she founded Women in Distress, a non-profit agency providing emergency housing, rescue service and multi-discipline assistance to women in situations of personal crisis. It was the first women's rescue shelter in Florida.

In 1974 she was instrumental in establishing the Rape Treatment Center, the first of its kind at Jackson Memorial Hospital in Miami. That same year, Bolton organized Florida's first Crime Watch program to help stem crime against women.

She also founded the Women's Park in Miami and has been the recipient of numerous awards relating to her work in women's rights. In 1984, she was inducted into the Florida Women's Hall of Fame.

Less trumpeted are her countless acts of compassion: for the woman about to be replaced in her job by someone younger and better connected; for the man who is demoted from his city job because he cannot read; for the prostitute working to earn her high school equivalency diploma; for the woman who sleeps and eventually dies on the steps of a downtown church.

It is no wonder why any letter addressed simply Roxcy, Coral Gables, Fla. arrives in due course at Bolton's house.

Mr. Speaker, Ms. Bolton has been called, and rightly so, South Florida's "Mother of Feminism". I strongly believe that my state of Florida is a much better place for women . . . and all people . . . because of Roxcy Bolton. On behalf of the people of the 17th Congressional District, I salute her.

A TRIBUTE TO AMELIA MARY HALLE HINKLEY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. McCOLLUM. Mr. Speaker, today I pay tribute to Amelia Hinckley, of Warner Robins, Georgia, who passed away on September 22, 2000. Amelia, or Amy as she was known to her friends and family, was born in West Palm Beach, Florida on December 29, 1962, to Roger and Phyllis Halle.

She graduated from Stetson University in Deland, Florida, in 1984 with a double major in History and Spanish. On December 29, 1984, Amy married James Hinckley, also a Stetson graduate. Amy was a talented and dedicated educator. She began her teaching career in Texas, where she taught English as a second language to disadvantaged children of inner-city Dallas, Texas.

After several years, she and Jim moved to Florida where she nurtured new immigrant children in Central Florida. Amy loved every minute of her work. When her husband got a job as the junior high school band teacher in Warner Robins, Amy found a home at the Stratford Academy in Macon, Georgia, where she taught Spanish to high school students for nearly nine years.

Amy was a kind and loving woman, who was very involved in her community. She was a member of Faith Lutheran Church in Warner Robins, where she was active as a pianist for the Praise Band and also served as their organist. Amy was an avid traveler—organizing and chaperoning annual trips to Spain and France with her Stratford students. The itinerary for those trips always included lots of learning and lots of fun.

Mr. Speaker, the state of Florida, the Stetson graduating Class of 1984, and the community of Warner Robins will miss Amelia Mary Halle Hinckley and the wonderful contributions she made to everyone she touched.

TRIBUTE TO BILL WILLIAMS

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. DUNCAN. Mr. Speaker, at the end of this calendar year, another remarkable chapter in the history of East Tennessee will come to an end. Mr. Bill Williams, co-anchor of Channel 10 News (NBC), will soon be retiring.

Mr. Williams is one of East Tennessee's most highly respected broadcast journalists. Seen every weeknight on WBIR–TV's top rated newscast, Bill is recognized for his superb handling of the daily news and for his compassion in dealing with human issues. He is best known for "Monday's Child," an adoption program originated by Bill back in 1980 and broadcast weekly on Action 10 News. More than 570 of the special needs children introduced on the program have found permanent homes and loving families.

Since joining the WBIR news team in 1977, Bill has been recognized frequently for his contributions to broadcast journalism. Included among his many other honors are the Brotherhood/Sisterhood Award presented by the National Conference of Christians and Jews and induction into the "Silver Circle" by the National Academy of Television Arts and Sciences.

In May of this year Bill was awarded an honorary Doctor of Divinity degree from Carson Newman College, and "Child Help U–S–A" honored Bill with that organization's annual "Angel Award," in recognition of his tireless efforts on behalf of area children.

After 23 years on the 6:00 p.m. and 11:00 p.m. desk, Bill is now easing into retirement and will be leaving in December. However, Bill plans to remain a part of WBIR for a long time, especially continuing his hosting of Monday's Child, the Children's Hospital Telethon and Mission of Hope.

Mr. Speaker, I know that I join with the citizens of the City of Knoxville in congratulating Bill Williams for his service and devotion to the people of East Tennessee. I wish him well in the years to come. I ask my fellow colleagues and other readers of the RECORD to join me in thanking Bill Williams for his many years of service and contributions to East Tennessee. Our Nation is certainly a better place because of people like Bill Williams and his family.

TRIBUTE TO BILL BARRETT OF NEBRASKA

SPEECH OF

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. MINGE. Mr. Speaker, I rise to add my comments to the many voices honoring BILL BARRETT, the honorable gentleman from Nebraska, who is retiring from a long career of public service at the end of this Congress.

Congressman BILL BARRETT has been a valuable and influential voice in agriculture. He has served his constituents well, and has been an able leader in the House of Representatives. Congressman BARRETT came to the House with a background in community service in local government, a member of the Nebraska Unicameral Legislature, and with business experience in a 3-generation firm specializing in insurance and real estate. This foundation of government and business has served him well in his ten years in the House of Representatives. During his years of service he has gained the respect and admiration of members on both sides of the aisle.

Mr. Speaker, I have served with Congressman BARRETT on the Agriculture Committee and have come to appreciate his leadership as Vice-Chairman as well as his role as Chairman of the General Farm Commodities, Resource Conservation and Credit Subcommittee. His close and frequent contact with his constituents, combined with his seniority has made him an effective leader in Congress. As we have faced difficult decisions he has always worked hard on behalf of his constituents, and with respect for his fellow Members. I share his concern for balancing the federal budget and for wise and disciplined use of taxpayers money.

As Chairman of the General Farm Commodities Subcommittee, he has extended his courtesy to me as we brought an oversight field hearing in Minnesota, lending his influence to issues of conservation and preservation of the environment in Minnesota.

I am especially proud to have worked with Congressman BARRETT as we served as two of the four co-chairs of the Alcohol Fuels Caucus. During our work to promote ethanol, I have found Congressman BARRETT to be innovative and enthusiastic in his advocacy on behalf of all corn growers. Through co-authorship of bills supporting the usage of renewable resources in the production of energy, he has helped to provide economic opportunity for agricultural producers, a self-sustaining energy program, and a cleaner environment for the nation.

This legislative body will miss the wise and thoughtful influence of one of its leaders. I will miss a good friend and colleague.

CENTRAL NEW JERSEY RECOGNIZES REV. DAVID H. McALPIN, JR., FOR HIS SERVICE TO THE COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. HOLT. Mr. Speaker, I today pay tribute to an individual who, throughout his long and distinguished career has been tireless in his efforts to help the people of central New Jersey and the Nation. This Friday, November 3, Rev. David H. McAlpin, Jr., is being honored as he steps down as president of the Trenton Area Habitat for Humanity. I want to take this moment to thank him and Habitat for Humanity for their long service to the Nation and its needs.

We are all very familiar with the fine work that the Habitat for Humanity does in providing affordable housing and creating safe, self-sustaining communities. Habitat has built over 61,000 houses throughout the world for needy families. Their programs are a classic example of providing opportunities for deserving Americans, through their selling of completed houses with no-interest mortgages to families who complete 500 hours of work hours or "sweat equity," earned through participating in other building projects.

Reverend McAlpin, as president of the Trenton Area Habitat for Humanity, has worked with over 2,000 committed volunteers to provide decent housing for all low-income central New Jersey residents. Since its inception in 1986, Trenton Area Habitat has completed 39 houses in the Trenton and Princeton areas. I join with the people of central New Jersey, and the nation in congratulating him on his fine efforts and the work of Habitat for Humanity. His example shows us all what the American people can be capable of if they all come together to solve the Nation's problems.

Reverend McAlpin is truly a remarkable citizen who sets an example for us all. I urge all my colleagues to join me in recognizing his dedication to our community and the needs of our Nation.

HONORING DONNA McPHERSON

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. GARY MILLER of California. Mr. Speaker, it is with great honor that I honor Ms. Donna McPherson, an operations supervisor, at the Pomona, CA, Social Security Administration Office.

Ms. McPherson has been with the Social Security Administration since 1989. She began her career with the agency at the Ontario, CA office as a claims representative and was later promoted to her current position of operations supervisor in Pomona, CA. She currently facilitates a variety of Social Security Administration outreach forums and ensures that the work of those under her supervision is completed in a timely and accurate manner. Additionally, she is the direct liaison for congressional inquires.

The outstanding work of Ms. McPherson has been recognized by many. She has received the annual Special Act Award numerous times. This award is given to Social Security Administration employees who excel at their duties above and beyond what is required, or accomplish something unique on the job. Ms. McPherson has done both, and as a result, she received this award in 1991, 1993, 1997, and 1999. In addition, she has also received the Performance Award which recognizes a continual commitment to the job and outstanding performance in all areas of the workplace, and the On the Spot Award for her problem-solving skills.

When she is not excelling in her responsibilities at the Social Security Administration, she enjoys spending time with her family and friends, attending to the numerous cats and dogs under her care, and playing Bunko. Ms. McPherson is also active with her church and devotes much of her time to the women's prayer group.

Ms. McPherson's coworkers describe her as hard-working, reliable, dedicated, and most importantly, as a person who goes the extra mile for Social Security clients. Indeed, I have found her to be an invaluable resource. Ms. McPherson takes special consideration to ensure that her correspondence with my office is prompt and frequent, an attribute which serves to greatly assist me in responding to my constituents in an efficient manner. Her knowledge of Social Security policy is immense, and her ability to translate complex, directives into an easy to understand language is remarkable. She often invests personal time and concern in order to ensure each constituent's satisfaction.

Ms. Donna McPherson makes government work by cutting through the redtape of bureaucracy one person at a time. Mr. Speaker, I ask that this 106th Congress join me in thanking Ms. McPherson for her dedication and commitment, praising her for a consistent record of hard work, and recognizing her as an asset to the Social Security Administration and the constituents of California's 41st Congressional District.

IN RCOGNITION OF THE 150TH ANNIVERSARY OF HEIDELBERG COLLEGE, TIFFIN, OH

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pride that I today express a special tribute and congratulations to Heidelberg College on the anniversary of its founding. This November 11th marks 150 years since the college first opened its doors in Tiffin, Ohio. These 150 years have marked 15 decades of service to its students and the community.

Founded by members of the German Reformed Church in 1850, Heidelberg College began humbly, on the third floor of a building in the business district in Tiffin. Since then, it has grown both in size and number far beyond what its founders could ever have dreamed.

Currently, the college is located on a 110-acre campus in northwestern Ohio. Heidelberg offers 36 courses of study in 19 different fields of concentration, both for undergraduates and graduate students. As a church-based liberal arts college, an area of particular emphasis for Heidelberg is the integration of faith into academic and professional life. Heidelberg students, and the communities into which they enter after graduation, benefit greatly from this faith-based approach.

While the college is located in Ohio, it truly has a global view. As part of their undergraduate experience at Heidelberg, many students take advantage of a variety of domestic and foreign off-campus study programs, these include opportunities to study for a semester at American University here in Washington, DC, a year at Heidelberg University in Germany, or to take classes at its Japan Campus in Sapporo, Japan.

As a mark of its dedication to the community, Heidelberg College does not just cater to the traditional student, but is also pioneering lifelong learning opportunities for the nontraditional student. Whether through its Weekend College program on its main campus or at its Maumee Branch extension, Heidelberg offers a variety of ways for these adult learners to earn bachelor's degrees.

Another way that Heidelberg College serve the community is through its Water Quality Laboratory. With its state of the art equipment, the laboratory undertakes research directed at understanding the long-term effects of agricultural chemicals and runoff, especially in Lake Erie. The work is critical in analyzing the dangers that these chemicals may pose to humans and ecosystems in the Ohio and Great Lakes area.

Mr. Speaker, the foremost way an institution such as Heidelberg serves the community however, is through its graduates. In 150 years, Heidelberg graduates have offered the highest level of commitment to their communities, and especially Ohio. Whether they are businessmen, scientists, or artists, Heidelberg alumni have been true to the college's goal of graduating "whole persons who can act effectively with human values in a world of continuing change." I hope that my colleagues will join me in congratulating the college on its history of service to Ohio, the Nation and the world throughout the past 150 years. Additionally, we wish the Heidelberg community the best in the future.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. DEMINT. Mr. Speaker, due to air traffic congestion, I was unavoidably detained in my district last night. Had I been present, I would have voted "yes" on both Roll Call Votes 584 and 585.

TRIBUTE TO SUSAN E. POOLE ON HER RETIREMENT FROM THE CALIFORNIA INSTITUTION FOR WOMEN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. BACA. Mr. Speaker, I would like to recognize Susan E. Poole, who is retiring from state service after more than 28 years, most recently as Warden of the California Institution for Women. I would like to acknowledge Susan's dedication, extensive education and accomplishments. It is truly a pleasure to salute her service to the people of the State of California.

A list of positions Susan has held over the years demonstrates her long and distinguished tenure of service: Warden of the California Institution for Women; Assistant Deputy Director of Institutions Division; Correctional Administration Program Administrator; Assistant Transition Coordinator; Correctional Counselor III; Staff Services Manager; Associate Personnel Analyst; Administrative Assistant II; Staff Services Analyst; Correctional Counselor; Correctional Sergeant; Correctional Program Supervisor; Correctional Officer; Teaching Assistant.

Susan has received a distinguished list of awards for her exemplary performance, including Outstanding Young Woman of America for 1983; Leadership Award—Brotherhood Crusade—1998; James E. Stratten Award—Association of Black Correctional Workers 1991 and 2000—for Outstanding Community Service and Dedication to Excellence; Resolution #1322—Honorable Ruben Ayala for Career and Civic Achievements as Warden at CIW for more than a decade, 1998; California's Warden of the Year Nominee for the North American Association for Wardens and Superintendents—1998; Certificate of Recognition—Honorable Larry Walker, County Supervisor, 4th District—1998; and Certificate of Recognition—Honorable Fred Aguiar, 61st Assembly District.

Susan has an unflinching commitment to public service, as demonstrated by the large number of organizations to which she has given her time and talent: American Correctional Association; Association of Black Correctional Workers; Correctional Peace Officers

Foundation; Criminal Justice Advisory Council, California State University, San Bernardino; National Association of Blacks in Criminal Justice; Lamda Kappa Mu Sorority; Member, Board of Directors, Mt. Baldy United Way; Member 3rd Vice Chair, Board of Directors McKinnley Children's Center, Member/3rd Vice Chair, Board of Directors McKinnley Children's Center; Member/Vice Chair Opportunities Unlimited; Member, Association of Women Executives in Corrections.

In addition, Susan has compiled an impressive list of work-related activities during her notable career, including Consulting to CDC Labor Relations Board; Member of Oral Interview Panel—Las Vegas Metropolitan Police Department; Guest Lecturer at UCLA, USC, UCR, and Riverside City College; EEO Counselor, CDC, Consultant to National Institute of Corrections (NIC); Consultant to National Institute of Justice (NIJ); Former Chairperson CDC Training Advisory Committee (DTAC)(5 years); Former Member CDC Executive Women's Advisory Committee (EWAC)(3 years); Member, United Way Resource Allocation Committee (Mt. Baldy Region).

I know we all wish Susan joy and success in this new adventure in her life. I wish Susan my good prayers and best wishes, with the hope for a long, productive, and enjoyable retirement. The people of the State of California thank you for your service!

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. BOYD. Mr. Speaker, on rollcall Nos. 589, 590, and 591 I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall votes 589, 590, and 591.

IN HONOR OF THE CHILDREN'S ASSESSMENT CENTER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Children's Assessment Center located in Houston, Texas as it begins its tenth year of service to Harris County's children.

The Children's Assessment Center (CAC) was founded in 1991 to address the unique needs of sexually abused children in Harris County. Since the Center first opened, it has served more than 38,000 children by fulfilling its mission to protect children by providing a professional, compassionate and coordinated approach to the treatment of sexually abused children. The CAC also helps to advocate on behalf of these children through the court system. I believe that the "one-stop" shopping provided at the CAC is the right approach to ensure that these children receive services in one convenient, nurturing environment. Sexual abuse is one of the most heinous crimes and we must work together to protect these children.

The CAC is a collaborative effort between the Harris County Commissioners' Court and the Children's Assessment Center Foundation. The CAC's $10.5 million state-of-the-art facility, located in my district, was specially designed to provide an environment that will meet each child's needs for warmth, support, and protection. The CAC is also a member of the National Children's Alliance and the largest of its kind in the nation. The Center houses professionals from fifteen partner agencies, including law enforcement, the University of Texas Health Science Center Medical School, psychological/psychiatric professionals and students, and governmental investigative entities which work cooperatively to protect children and investigate sexual abuse. This team approach is critically important to successfully helping these children to recover from sexual abuse.

Earlier this year, the CAC was awarded the Legacy Award for Excellence and Innovation by the National Association of Counties at a ceremony held at the U.S. Capitol. This Legacy Award for Excellence was presented to the CAC because it had shown itself to be the program that most fully embraced the spirit of volunteerism and has set itself apart from all others across the nation with its distinct and unparalleled services. Each year, the CAC works with more than 150 volunteers who assist in protecting and improving the lives of sexually abused children in Harris County. None of these accomplishments would have been possible without the leadership of Ellen Cokinos, the Executive Director of the CAC. Ellen has worked tirelessly on behalf of these children and we should all thank her for her leadership in helping these children to heal.

I want to commend the Children's Assessment Center, its staff, Board members and volunteers for their leadership in helping sexually abused children and applaud their efforts to raise awareness about the special needs of sexually abused children.

CENTRAL NEW JERSEY WELCOMES KURT LANDGRAF—PRESIDENT OF THE EDUCATION TESTING SERVICE

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. HOLT. Mr. Speaker, today I recognize Kurt Landgraf. Recently, Mr. Landgraf, former chairman and CEO of DuPont Pharmaceuticals, took over as president and CEO of the Education Testing Service in Princeton, NJ. ETS develops and annually administers over 11 million tests worldwide on behalf of clients in education, government, and business.

Mr. Landgraf served as associate marketing director of ETS from 1970 to 1974. Following that he held various marketing and financial management positions with Upjohn Co. In 1980, Mr. Landgraf joined E.I. DuPont de Nemours & Co., where he worked within the pharmaceuticals division.

In 1993, Mr. Landgraf was appointed president and CEO of DuPont Merck Pharmaceutical Co. At the same time, the Harvard Business Review Case Study highlighted Mr. Landgraf's efforts to create a highly diverse and inclusive organization.

In 1996, Mr. Landgraf was appointed chief financial officer of E.I. DuPont de Nemours & Co. Later, he would be appointed executive vice president and chief operating officer and chairman of DuPont Europe.

Kurt brings solid leadership, combined with the global business experience, understanding of education issues and strong support of ETS' mission to the position. Mr. Landgraf excelled as a senior executive of a successful company and has a solid track record in identifying and developing talent, a perfect complement to ETS' mission.

Once again, I welcome Kurt Landgraf to ETS and ask all my colleagues to join me in recognizing his achievements.

HONORING SUSAN POOLE

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. GARY MILLER of California. Mr. Speaker, today I honor Ms. Susan Poole, Warden of the California Institution for Women, as she retires after 28 years of outstanding service.

Ms. Poole began her career with the State Department of Corrections in 1972. She has served as a Correctional Counselor III, Assistant Transition Coordinator, Program Administrator, Correctional Administrator, Assistant Deputy Director, and Warden. In each of these positions, Ms. Poole has succeeded above and beyond the call of duty.

As Warden of the California Institution for Women, Ms. Poole has been responsible for the administration and direction of all department policies. She has focused her attention on improving the internal management of the department as well as its reputation with community organizations. As a result of her leadership, the department was able to set high standards and develop clear goals and strategies which contribute to the mission of California Institution for Women.

While striving to meet the high goals of the Institution, Ms. Poole also set high personal goals. After receiving a BA from the University of Redlands, Ms. Poole continued her education through career training and educational programs. She has taken courses in management, women's studies, and prison security.

Ms. Poole's hard work and expertise has been recognized by many. In 1983, she was awarded the "Outstanding Young Women of America" Award. She is also the recipient of the Leadership Award—Brotherhood Crusade, the James E. Stratten Award for Outstanding Community Service and Dedication to Excellence, and numerous accolades from local government officials. In 1998, she was nominated as California's Warden of the Year, by the North American Association for Wardens and Superintendents.

Mr. Speaker, I ask that this 106th Congress join me in recognizing the contributions Ms.

Susan Poole has made to the California Corrections Community over her 28 years of dedicated service.

RECOGNITION OF THE LEARN SHOP, INC.

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mrs. MORELLA. Mr. Speaker, it is with great pride that I recognize the achievements of Learn Shop, Inc., a Montgomery County based United Way organization that is dedicated to improving economically disadvantaged school communities throughout the Baltimore-Washington Metropolitan area. Entering its second year, their "Drive for Supplies" program has made significant advances towards reducing poverty in school communities by aiding underprivileged students, schools, and communities. This creative recycling program, in conjunction with Montgomery County Public Schools, encourages students at the end of the school year to donate their used but usable school supplies to impoverished students in disadvantaged school communities.

The "Drive for Supplies" program has already had significant success in its first year. At the end of last school year, with the full support of Montgomery County Public School Superintendent Dr. Jerry Weast, the program collected $75,000 in school supplies. Learn Shop Inc. is helping students realize that what was previously regarded as trash can be turned into usable school supplies, clothing, and computers. These items not only help disadvantaged students in other school communities but it also gives students a sense that they are filling a need in the world.

Along with promoting community action, the "Drive for Supplies" saves schools money each year by reducing disposal costs while also reducing waste in our community. For their innovation, "Drive for Supplies" has enjoyed a glowing recognition from the Environmental Protection Agency.

Children and communities positively affected by the "Drive for Supplies" program have been more than grateful for Learn Shop Inc.'s efforts. Not only has Learn Shop Inc. distributed school supplies to local area children, they have also donated supplies to refugee students affected by the war in the Balkans in Kosvo. The "Drive for Supplies" program truly has the ability to reach thousands of students across the world.

Beginning with Maryland and the Mid-Atlantic Region, Learn Shop hopes to expand the program around the nation, in hopes of reducing poverty nationally and helping children in need. I applaud the efforts of Learn Shop and encourage them to continue all the work that is greatly needed in our communities.

PERSONAL EXPLANATION

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to inform the House about my leave of absence from March 21 through March 24 of this year. I was out of the country on official business. Accordingly, I was unable to cast any votes.

If present, I would have voted "no" on rollcall vote No. 75, H. Con. Res. 290, the Budget Resolution for FY 2001.

"Yes" on rollcall vote No. 74, on agreeing to the Spratt amendment to H. Con. Res. 290.

"No" on rollcall vote No. 73, on agreeing to the Sununu amendment to H. Con. Res. 290.

"Yes" on rollcall vote No. 72, on agreeing to the Stenholm amendment to H. Con. Res. 290.

"Yes" on rollcall vote No. 71, on agreeing to the DeFazio amendment to H. Con. Res. 290.

"Yes" on rollcall vote No. 70, on agreeing to the Owens amendment to H. Con. Res. 290.

"No" on rollcall vote No. 69, on a motion that the Committee rise to H. Con. Res. 290.

"No" on rollcall vote No. 68, providing for consideration of H. Con. Res. 290, establishing the congressional budget for the United States Government for FY 2001.

"No" on rollcall vote No. 67, providing for consideration of H. Con. Res. 290, establishing the congressional budget for the United States Government for FY 2001.

"Yes" on rollcall vote No. 66, on approving the Journal.

"Yes" on rollcall vote No. 65, on passage of H.R. 3822, the Oil Price Reduction Act of 2000.

"No" on rollcall vote No. 64, providing for consideration of H.R. 3822, the Oil Price Reduction Act of 2000.

"No" on rollcall vote No. 63, on passage to S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

"Yes" on rollcall vote No. 62, to commit with instructions S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

"No" on rollcall vote No. 61, whether the House will consider S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

"No" on rollcall vote No. 60, providing for consideration of S. 1287, the Nuclear Waste Policy Amendments Act of 2000 (H. Res. 444).

"No" on rollcall vote No. 59, providing for consideration of S. 1287, the Nuclear Waste Policy Amendments Act (H. Res. 444).

"Yes" on rollcall vote No. 58, on approving the Journal.

"Yes" on rollcall vote No. 57, expressing the sense of the House of Representatives that the National Park Service should take full advantage of support services offered by the Department of Defense (H. Res. 182).

TRIBUTE TO DYLAN GEORGE MOHAN

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. TALENT. Mr. Speaker, today I honor the May 16, 2000, birth of Dylan George Mohan. Dylan was born at Sibley Memorial Hospital in Washington, DC, at 8:56 p.m. He is the son of Kristin Young and Matthew Mohan. Dylan is the first grandson of his grandparent George and Phyllis Young and grandparents Jim and Mary Mohan.

Mr. Speaker, I ask you to join me in congratulating this new family and to wish Dylan much joy and happiness in the years to come.

HONORING REV. CURTIS COFIELD II, ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to join the Immanuel Baptist Church and the New Haven community in paying tribute to my dear friend and an outstanding member of the New Haven, CT, community—Rev. Curtis Cofield. As a pastor and community leader, Reverend Cofield has dedicated his life to making a real difference in the lives of the residents of Greater New Haven.

The clergy has always played a vital role in our community and Reverend Cofield is a sterling example. His commitment to the service of our community through religious leadership is admired by many and rivaled by few. His involvement, not only with the congregation of the Immanuel Baptist Church, but with the entire community, has had a tremendous impact on many lives, especially those who face arduous struggles and frustrating situations in their daily lives. Working with his wife Elsie and the AIDS Interfaith Network, Reverend Cofield has helped hundreds of individuals and their families cope with the devastating effects caused by this terrible illness. For years, he has ministered to the spiritual needs of countless people in the New Haven community—strengthening the bonds of faith and helping to build stronger neighborhoods of which we can all be proud.

Throughout his decades of service to the New Haven community, Reverend Cofield has been a leading advocate for some of our country's most vulnerable citizens. He has served as a strong voice for their best interests. As a member of over 30 service and religious organizations throughout his career, he has demonstrated a remarkable commitment to ensuring that his actions and participation enriched his community. I have always held a deep admiration for community service and those who provide it. With his extraordinary record of service, Reverend Cofield serves as an example to all that one person really can make a difference.

As the first African-American chairman of the Connecticut State Freedom of Information

Commission, organizing founder of the Dwight Neighborhood Corporation, and as a pastor at Immanuel Baptist Church, Reverend Cofield has enriched the lives of residents in New Haven and across the State of Connecticut. His dedication has been recognized locally, nationally, and internationally. The myriad awards and honors that adorn his walls are testimony to his unparalleled commitment and dedication.

It is with great pride that I stand today to join Elsie, his children, family, friends, and the entire New Haven community to extend my deepest thanks and appreciation to Reverend Curtis Cofield for all of the good work he has done. As a pastor, community leader, and friend, he has touched the lives of thousands and leaves a legacy of dedication and inspiration second to none.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Ms. CAPPS. Mr. Speaker, I wish to express my support for H.J. Res. 123. Had I been present, I would have voted "aye."

Mr. Speaker, I stayed in Washington until the last possible moment, hoping that Congress could finish the business of the people of the Central Coast and all Americans. There are critical unresolved issues still on the table—including school modernization, common-sense tax relief, and adequate funding for Medicare.

I am deeply dismayed that the Congressional leadership has decided to push these issues off to a lame duck session. The American people deserve better.

LAOTIAN-AMERICANS FROM PROVIDENCE, RHODE ISLAND PARTICIPATION IN U.S. CONGRESSIONAL FORUM ON LAOS

SPEECH OF

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 1, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, many of my constituents form Rhode Island recently participated in a U.S. Congressional Forum on Laos held on October 19. Laotian and Hmong leaders from around the United States and the globe gathered to present testimony to policymakers and Members of Congress. They joined in a special ceremony in Congress to honor former Congressman Bruce Vento, who recently passed away, for his leadership role on behalf of the freedom-loving for the people of Laos.

Mr. Speaker, I am proud to represent a significant Laotian and Hmong-American population in Rhode Island. I share their deep concern about their relatives and countrymen still in Laos—and the need for human rights and democracy. My uncle, President Kennedy, also believed strongly in freedom for the people of Laos, and committed the United States to that goal. I am honored to continue that fight in the United States Congress today, and firmly believe that forums like this are an excellent way to work toward that goal. I also appreciate their efforts to honor my colleague, former congressman Bruce Vento, for his work on behalf of freedom and human rights for Laotian people.

Mr. Speaker, I want to thank Mr. Thongsavanh Phongsavan, of the Lao Representatives Abroad Council, based in Providence, Rhode Island, for his important work in the Laotian community. I am grateful that Laotian students from Rhode Island played a leadership role in the event, including Mr. Thongkhoune Pathana, Ms. Viengsavanh Changhavong, Ms. Sothida Bounthapanya, and Ms. Ammala Douangsavan. Many Hmong-Americans also attended from Providence including Mr. Xay Ge Kue, Mr. Xia Xue Kue, Mr. Toua Kue, and Mr. Nhia Sue Yang. I also want to thank Mr. Philip Smith, Executive Director for the Center for Public Policy Analysis, for helping to convene this important forum. The National Democratic Institute (NDI) and many other important organizations were able to speak and participate with regard to the ongoing need to promote human rights and democracy.

Mr. Speaker, I would commend my colleagues in Congress the following testimony of Mr. Thongsavanh Phongsavan from the Lao Representatives Abroad Council:

Thank you Mr. Philip Smith, Honorable Congressman, Honorable Senator, Your Excellency, and Distinguished Guests:

On behalf of the Laotian Representatives Abroad Council I am deeply encouraged by the promise that this historic U.S. Congressional Forum VI hold for the future. With the wisdom of our Laotian Leaders, this new era of co-operation will inspire peace and prosperity for many generations to follow. This new age will also give rise to opportunities for our peoples unimaginable only a short while ago. In the eyes of industrialized nations, no longer will we be viewed as a group of ethnicities closed and divided, but as a model of the tremendous progress that freedom, democracy and free enterprises can achieve in the Laos.

Now more than ever, we need to work together to secure this vision of hope. At this point there can be no turning back: only the swift and purposeful push towards a more productive future. Indeed, the Twenty-First Century is our oasis in the desert. It is a place where Laotian people and ideas will come together for the betterment of all of Humanity, Respect and justice to all.

Laotian Representatives Abroad Council and Lao Progressive and their emissaries have been hard at work to help bring these new developments into focus. Working not only with the Laotian people, but with peoples of all ethnicities, it has achieved tremendous economic opportunity through the expansion of business development, job opportunity, education, social orientation, and political consultations.

For more than 30 generations, the people of Laos and their leaders have stood proud despite the winds of social burden. The history of our nation runs deep and wide. And from the beginning, its many political, social and economic struggles have been overcome in the name of freedom, democracy and prosperity.

With French colonization late in the last century and the sociopolitical breakdowns that followed, Laos 65 ethnic groups were divided by pressure from within and without—as other, developing nations, aspired to progress. Men, women and children bound by a common vision of hope fought for independence. But isolated by differences of language and culture within their own borders, their collective strength was diminished.

The ensuring years provided few signs of relief. Relations among the struggling classes and the French remained tenuous at best. And despite the growing numbers of young Laotian being educated in French universities by the 1920's higher education was yet restricted to all but Laos' social elite.

Lack of education and poor agriculture imbued further hardships for both the people and the land. The colonist, indifferent to the idea of investing in the masses through improved social opportunity, employed unskilled labor in mining operations: the harsh conditions of which caused many workers to perish. Times grew much worse for the rural and uneducated people. And without a means of unifying their philosophies, de Gaulle and other leaders could place little hope on maintaining Laos' status quo as a French colony.

Lao History in its later chapters is plagued by struggles of even greater intensity. Prolonged war ensued between the Pathet Lao and the Royal government. And this turmoil was further compounded by the fact that government control in Vientiane passed back and forth between General Phoumi Nonsavan's pro-Western alliance, and Laos' Neutralists, which were led by Prince Souvanna Phouma.

The stunning success of the LPF and its allies in winning thirteen of the twenty-one seats contested in the May 4, 1958, elections to the National Assembly changed the political atmosphere in Vientiane. This success had less to do with the LPF's adroitness than with the ineptness of the old-line nationalists, more intent on advancing their personal interests than on meeting the challenge from the LPF. The two largest parties, the Laos Progressive Party and the Independent Party, could not agree on a list of common candidates in spite of repeated prodding by the United States embassy and so split their votes among dozens of candidates. The LPF and the Peace (Santiphab) Party carefully worked out a strategy of mutual support, which succeed in winning nearly two-thirds of the seats with barely one-third of the votes cast. Souphanouvong garnered the most votes and became chairman of the National Assembly. The Laos Progressive Party and the Independent Party tardily merged to become the Rally of the Laos People (Lao Rouam Lao).

In the wake of the election fiasco, Washington concentrated on finding alternatives to Souovanna Phouma's strategy of winning over the Pathet Lao and on building up the Royal Lao Army as the only cohesive nationalist force capable of dealing with the communists' united front tactics. On June 10, 1958, a new political grouping called the Committee for the Defense of the National Interests (CDNI) made its appearance. Formed mainly of a younger generation not tied to the big families and as yet untainted by corruption, it announced a program for revitalizing the economy, forming an anticommunist front that excluded the Pathet Lao, suppressing corruption, and creating a national mystique.

Washington which was paying the entire salary cost of the Royal Lao Army, was enthusiastic about the "young turks" of the CDNI. This enthusiasm was not altogether shared by United States ambassador Horace H. Smith, who asked what right a group untested by any election had to set its sights on cabinet appointments. Whereas Souvanna Phouma tried and failed to form a government, creating a drawn-out cabinet crisis, Phoui Sunanikone eventually succeeded and included four CDNI members and Phoumi Nosavan in a subcabinet post.

In 1961, a 14-nation conference held in Geneva sought to defuse the conflict by establishing a neutralist coalition government under Souvanna Phouma. However, the warring factions soon clashed again. And in the increasing chaos that followed, Laos' upheaval would be viewed as merely an appendage to the Vietnam War.

The final coalition government was established in April, 1974. This entity was led by Souvanna Phouma, and included his half-brother, the Pathet Lao Leader Souphanouvong. After south Vietnam's and Cambodia's fall to Communist rule in 1975, the Pathet Lao assumed full control in Laos. In December of that year, Souvanna Phouma's government was terminated and the Royal Monarchy abolished. As many as 30,000 former government and police officials were sent to political reeducation centers. And against this great body of humanity, many serious abuses of human rights were witnessed.

After 1975 an estimated 400,000 refugees, including most of Laos' educated and wealthy elite, fled the country. Laos signed a peace accord with Vietnam in 1977, and a border delineation treaty with that country in 1986. Vietnam then agreed to provide Laos with aid to develop its agriculture, forestry, industries, and transportation facilities; and to allow duty-free access to port facilities in Da Nang. Laos' alliance with Vietnam and the former Soviet bloc was bolstered after Vietnam's invasion of Kampuchea in 1979.

As the Twenty-First Century is at our hand, important changes in the Lao infrastructure are again imminent. Just as the stone age wheel precede the ox cart and wagon, each advancement we make today is an investment toward the future. Among the important changes we must not prepare for is the enactment of socio-economic reforms. Surely with a strong foundation on which to build,

Both high level and intermediate talks among our leaders and those of the industrialized nations will aid in this transition. Participation in such dialogue will also improve relations with our neighbors; promoting understanding, while forging a new alliance among those who embrace this long awaited opportunity.

The teaching of English as a Second Language is also a vital necessity. This advantage will not only help us fulfill the promise of unifying the people of our region, but aid in the development and expansion of commercial interests throughout the world. To achieve this result without compromising our respective traditions or values, improved teaching in all areas of study shall play a decisive role, with present advancements in education, technology and industry—Televisions, Computers and internet access in the classroom are among the chosen tools for building a better future.

Laos is also blessed with an abundance of undeveloped natural resources. Gold, Oak timber, Raw minerals, Gemstones and Hydroelectric Power are among the most substantial of its treasures. Along with the installment of valid reforms, development in farming, construction and hybrid technologies will easily bring this country's economy over the top within the next five to ten years.

Educators, students and interested members of the business and private sectors may also take an active role in this development. Individually or as part of an established group, they themselves have the power to initiate political, economic and social reforms through positive involvement in their own land.

Specific ways in which these steps can be followed include:

1. Reading and learning about the history of Southeast Asia and it's struggles.
2. Becoming involved through further sociopolitical study and debate.
3. Acquiring specific knowledge and technology in fields relation to agriculture, medicine, electronics and engineering.
4. To aid in this transition by lending your direct support to our nation and its people.

Writing or speaking with U.S. Congressmen, Senators and even the President will also help to set the wheels of progress into motion. Promoting the involvement of other nations and leaders will add credibility and support to these efforts, while establishing a dialog of wise words and encouragement that will achieve enormous benefits for this worldly cause.

Improved teaching is but one avenue to be fully explored and attended. Equally important considerations are met as we reach each new crossroad in the quest for a greater unity. Improved agriculture, communications private ownership and the recognition of minorities are just some of the prevailing elements of an economically stable system. In the context of greater struggles, political reforms and the redefinition of Civil freedoms will promote a wider approval of this cause.

Today we stand united, as the dawning of a new and enlightened age has arrived. Only with our combined efforts could such a proud and prosperous moment come to bear. And with the health and well-being of our children in our hands, together we will strive to uphold the values that will lead our people into a brighter future.

The establishment of universal reform leading to free, multi-political party elections will provide our cultures the competitive edge that is needed. This adoption of democratic systems will give our leaders not onlv a confident voice, but allow a greater sense of identity for our people to embrace.

Last but most important is the question of our youth. As our children come of age in the prosperous civilization that is our future, what will be the quality of their existence? With overpopulation, pollution and the twin civilians of hunger and disease. The conservation of forests, wildlife, clean air and water must not take second place to our more immediate desires—for once these diminishing resources are gone, there will be no means of replenishing them. This threatens the very core of our existence on this fragile planet, as without adequate methods to assure the protection of our natural environment, we may one day be without the life sustaining elements that we so humbly share.

The next few years 2002 will provide the test from which these hopes will be won or defeated, without the cooperation and commitment of great nations and leaders, this enormous challenge will most certainly be lost. To seize this opportunity and achieve and effective head start as the dawning of this millennium year. We must now join hands with a single vision—and with the

The ultimate realization of these goals will require the continued support of everyone who shares this vision of social and economic prosperity. It will require the active participation of people of different ideas and ideologies to bring about such Freedom and Change. Achieving these solutions may not always be easy, but the alternatives are far less forgiving. The imprisonment, torture and eventual execution of H.R.H., King Sisavang Vathana, is but one lasting reminder of this tragic legacy.

The drive toward social reconstruction is our greatest challenge. The coming age will be the turning point from which our success or failure will be determined. In building this bridge in the 21st Century, we must be willing to follow but one voice. We must be able to look to one person who will lead us on this course, and who will speak for all who have succeeded in conquering odds that had once seemed insurmountable.

Working as a team, we will succeed together the needed resources to make this bold vision a reality. To achieve this cooperation, better means of communication among our leaders, allies and supporters must now be sought and clear.

Developing these vital links will be the first step in building a greater unity. For once a true sense of solidarity is established with our neighbors throughout this land, more ambitious roles for the Loatian people and their neighbors will begin to take shape. However, without bold intervention by the end of this year, the future of Laos as an independent nation is far less certain. With conflicting ideologies on both sides of its borders, and with its young and old griped by the differences of age, language and culture, the Leadership's reluctance to join hands and resist oppression now threatens this best chance for Democracy and Freedom of our people.

Indeed, the key to a free and Democractic Laos may be found in the partnership of citizens young and old. While traditions live long and new ideaologies are often favored over those of the past, people on both sides of the issue must come to the bargaining tables for the sake of their national sovereignty. Accomplishing this may not be an easy task, but prevailing over any struggle has never been simple. The best solution to this multi-sided issue lies with willingess of each division to set aside it differences, and to consider this new and determined plan. Laotian Representatives Abroad Council and The Lao Progessive Party will play an active role in these joint endeavors. Together, with the strong and powerful will of both our friends and former adversaries, Southeast Asia's mission to achieve free and lasting reforms will be down in history as the greatest success of the 21st Century.

The establishment of new opportunity through peaceful diplomacy will be the rising sun of our future. Working in partnership toward this common vision, we are certain that a greater understanding can and will be achieved. The point that one must realize is that these changes will not be made for the benefit of the elite few, but for the common good of our future generations.

Improved education, health and employment are all central to these efforts. So too is the introduction of multi-party elections, a unifying language and free trade. A truly free society is one based on a prosperous economy and enterprise. Our wish is to create opportunity from which our nation, her neighbors and all hard working people will universally benefit. Laotian Represetnatives Abroad Council and The Lao Progressive Party had demonstrated that this model of socioeconomic reform is an attainable goal.

Through it's efforts here in America, it has worked to foster Humanity and Progress; sparing many of thousands from great hardship through the promotion of these principals.

Your challenge, should you choose to accept it, will be to use your wisdom and experience in finding ways to develop peaceful cooperation around Asia and the World, whether you are a representative of Laos or a sensible neighbor, we must now joint hands or accept the failures of our action. We must also educate our young to the old and new systems before their sense of national identity is lost. The adoption of these fundamental principals during this time of reconciliation will not only assure your country's acceptance into the United Nations, but awaken the free world to southeast Asia's immense capability and strength.

Thank you very much for allowing me this opportunity to speak with you today. I wish to express my deepest gratitude for your show of faith. It is with great confidence in you, my friends that I accept this great challenge and reaffirm my delegation's commitment of support.

TURKEY AND POSSIBLE MILITARY EQUIPMENT SALES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. SMITH of New Jersey. Mr. Speaker, the United States has a longstanding dynamic relationship with our NATO ally, the Republic of Turkey, and I believe that the strength of that relationship relies on forthright candor. I have willingly recognized positive developments in Turkey, and I have sought to present fairly the various human rights concerns as they have arisen. Today, I must bring to my colleagues' attention pending actions involving the Government of Turkey which seem incongruous with the record in violation of human rights. I fear the planned sale of additional military aircraft to Turkey could potentially have further long-term, negative effects on human rights in that country.

As Chairman of the Helsinki Commission, I presided over a hearing in March of 1999 that addressed many human rights concerns. The State Department had just released its Country Reports on Human Rights Practices covering 1998. Commissioner and Assistant Secretary of State for Democracy, Human Rights and Labor Harold Hongju Koh noted in testimony before the Commission that "serious human rights abuses continued in Turkey in 1998, but we had hoped that the 1998 report would reflect significant progress on Turkey's human rights record. Prime Minister Yilmaz had publicly committed himself to making the protection of human rights his government's highest priority in 1998. We had welcomed those assurances and respected the sincerity of his intentions. We were disappointed that Turkey had not fully translated those assurances into actions."

I noted in my opening statement, "One year after a commission delegation visited Turkey, our conclusion is that there has been no demonstrable improvement in Ankara's human rights practices and that the prospects for much needed systemic reforms are bleak given the unstable political scene which is likely to continue throughout 1999."

Thankfully, eighteen months later I can say that the picture has improved—somewhat.

A little over a year ago the president of Turkey's highest court made an extraordinary speech asserting that Turkish citizens should be granted the right to speak freely, urging that the legal system and constitution be "cleansed," and that existing "limits on language" seriously compromised the freedom of expression. The man who gave that speech, His Excellency Ahmet Necdet Sezer, is the new President of the Republic of Turkey. Last summer several of us on the Commission congratulated President Sezer on his accession to the presidency, saying, in part:

> We look forward to working with you and members of your administration, especially as you endeavor to fulfill your commitments to the principles of the Helsinki Final Act and commitments contained in other Organization for Security and Cooperation in Europe (OSCE) documents. These human rights fundamentals are the bedrock upon which European human rights rest, the solid foundation upon which Europe's human rights structures are built. It is worth remembering, twenty-five years after the signing of the Final Act, that your predecessor, President Demerel, signed the commitments at Helsinki on behalf of Turkey. Your country's engagement in the Helsinki process was highlighted during last year's OSCE summit in Istanbul, a meeting which emphasized the importance of freedom of expression, the role of NGOs in civil society, and the eradication of torture.
>
> Your Presidency comes at a very critical time in modern Turkey's history. Adoption and implementation of the reforms you have advocated would certainly strengthen the ties between our countries and facilitate fuller integration of Turkey into Europe. Full respect for the rights of Turkey's significant Kurdish population would go a long way in reducing tensions that have festered for more than a decade, and resulted in the lengthy conflict in the southeast.
>
> Your proposals to consolidate and strengthen democracy, human rights and the rule of law in Turkey will be instrumental in ushering in a new era of peace and prosperity in the Republic. The Helsinki Final Act and other OSCE documents can serve as important guides in your endeavor.

We all recall the pending $4 billion sale of advanced attack helicopters to the Turkish army. I have objected to this sale as leading human rights organizations, Turkish and western press, and even the State Department documented the use of such helicopters to attack Kurdish villages in Turkey and to transport troops to regions where civilians were killed. Despite repeated promises, the Turkish Government has been slow to take action which would hold accountable and punish those who have committed such atrocities.

And we recently learned of the pending sale of eight even larger helicopters, S–80E heavy lift helicopters for Turkey's Land Forces Command. With a flight radius of over three hundred miles and the ability to carry over fifty armed troops, the S–80E has the potential to greatly expand the ability of Turkey's army to undertake actions such as I just recounted.

Since 1998, there has been recognition in high-level U.S.-Turkish exchanges that Turkey has a number of longstanding issues which must be addressed with demonstrable progress: decriminalization of freedom of expression; the release of imprisoned parliamentarians and journalists; prosecution of police officers who commit torture; an end of harassment of human rights defenders and re-opening of non-governmental organizations; the return of internally displaced people to their villages; cessation of harassment and banning of certain political parties; and, an end to the state of emergency in the southeast.

The human rights picture in Turkey has improved somewhat in the last several years, yet journalists continue to be arrested and jailed, human rights organizations continue to feel pressure from the police, and elected officials who are affiliated with certain political parties, in particular, continue to be harassed.

Anywhere from half a million to 2 million Kurds have been displaced by the Turkish counter insurgency campaigns against the Kurdistan Workers Party, also known as the PKK. The Turkish military has reportedly emptied more than three thousand villages and hamlets in the southeast since 1992, burned homes and fields, and committed other human rights abuses against Kurdish civilians, often using types of helicopters similar to those the Administration is seeking to transfer. Despite repeated promises, the Government of Turkey has taken few steps to facilitate the return of these peoples to their homes, assist them to resettle, or compensate them for the loss of their property. Nor does it allow others to help. Even the ICRC has been unable to operate in Turkey. And, finally, four parliamentarians—Leyla Zana, Hatip Dicle, Orhan Doğan, and Selim Sadak—continue to serve time in prison. We can not proceed with this sale, or other sales or transfers, when Turkey's Government fails to live up to the most basic expectations mentioned above.

Mr. Speaker, I think it is also time that the United States establishes an understanding with Turkey and a credible method of consistent monitoring and reporting on the end-use of U.S. weapons, aircraft and service. An August 2000 report from the General Accounting Office (GAO) entitled "Foreign Military Sales: Changes Needed to Correct Weaknesses in End-Use Monitoring Program" was a cause for concern on my part regarding the effectiveness of current end-use monitoring and reporting efforts. While we had been assured that end-use monitoring was taking place and that the United States was holding recipient governments accountable to the export license criteria, the GAO report reveals the failure of the Executive Branch to effectively implement monitoring requirements enacted by Congress. For example, the report points out on page 12:

> While field personnel may be aware of adverse conditions in their countries, the Defense Security Cooperation Agency has not established guidance or procedures for field personnel to use in determining when such conditions require an end-use check. For example, significant upheaval occurred in both Indonesia and Pakistan within the last several years. As a result, the State Department determined that both countries are no longer eligible to purchase U.S. defense articles and services. However, end-use checks of U.S. defense items already provided were not performed in either country in response to the

> standard. DSCA officials believed that the State Department was responsible for notifying field personnel that the criteria had been met for an end-use check to be conducted. However, DSCA and State have never established a procedure for providing notification to field personnel.
>
> Currently, the end-use monitoring training that DSCA provides to field personnel consists of a 30-minute presentation during the security assistance management course at the Defense Institute of Security Assistance Management. This training is intended to familiarize students with en-use monitoring requirements. However, this training does not provide any guidance or procedures on how to execute an end-use monitoring program at overseas posts or when to initiate end-use checks in response to one of the five standards.

In the past there have been largely ad hoc attempts to report on the end-use of U.S. equipment. Therefore, I was pleased to support the passage of H.R. 4919, the Security Assistant Act of 2000 that was signed by the President on October 6. Section 703 of this Act mandates that no later than 180 days after its enactment, the President shall prepare and transmit to Congress a report summarizing the status of efforts by the Defense Security Cooperation Agency to implement the End-Use Monitoring Enhancement Plan relating to government-to-government transfers of defense articles, services, and related technologies. I want to commend House International Relations Committee Chairman BEN GILMAN for his efforts in trying to make our end-use monitoring and reporting programs effective and accurate. I look forward to working with him and others to ensure that an effective and credible monitoring program is put in place without further delay.

We must be consistent in our defense of human rights, and our relations, including our military relations, must reflect that commitment. For this reason, Mr. Speaker, I am not prepared to support the sale of additional weaponry and aircraft to Turkey at this time.

TRIBUTE TO BILL BARRETT OF NEBRASKA

SPEECH OF

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. JENKINS. Mr. Speaker, I rise today to join my colleagues in honoring the distinguished gentleman from Nebraska, the Honorable BILL BARRETT.

In addition to being a successful businessman, BILL has been a dedicated public servant, serving his country in the U.S. Navy, serving in many local and State capacities, representing Nebraska in the State legislature as speaker, and serving as a hard-working, conscientious Member of this institution since 1991. He has worked tirelessly for his constituents in one of the largest and most rural congressional districts in the country.

During this time he has been an effective advocate for issues of importance to the Nation with his work on the House Committee on Agriculture and Education and the Workforce. As a colleague who also represents a district with significant farming interests, he has been of significant help to me through his work as chairman of the House Subcommittee on General Farm Commodities, Resource Conservation, and Credit.

Most importantly, BILL is a man of honor and integrity who is respected by colleagues on both sides of the aisle. He has been a tremendous asset to the House of Representatives, working with Members in a bipartisan fashion. As long as I have known BILL, he has been a humble, tenacious, and effective voice for his constituents. I am honored to have had the opportunity to work with BILL BARRETT over the past 4 years. He is a good friend and a great Congressman.

Mr. Speaker, over the past 10 years BILL BARRETT has served the people of the Third District of Nebraska and the people of this country with honor and distinction. The House of Representatives will miss his service.

GENETIC ENGINEERING: A TECHNOLOGY AHEAD OF THE SCIENCE AND PUBLIC POLICY?

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Mr. KUCINICH. Mr. Speaker, Federal regulatory review of biotechnology products is patchy and inadequate. Spread out over three regulatory agencies—the Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA) and the Environmental Protection Agency (EPA)—the system is characterized by huge regulatory holes that fail to safeguard human health and environmental protection. Furthermore, independent scientific advice available to the agencies is severely limited.

Despite the fact that GE food may contain new toxins or allergens, the FDA determined in 1992 that GE plants should be treated no differently from traditionally bred plants. Consequently, the FDA condones an inadequate premarket safety testing review and does not require any labeling of GE food products. The FDA has essentially abdicated these responsibilities to the very companies seeking to market and profit from the new GE products. FDA's recent proposed rule for regulating biotechnology will hardly change the present system. Although the proposal requires that companies notify the Agency before marketing new GE products, it still fails to require a comprehensive pre-market safety testing review or mandatory labeling.

The FDA's 1992 decision to treat GE food as "substantially equivalent" to conventional food (thereby exempting most GE food on the market from independent premarket safety testing or labeling) is a violation of the public's trust and an evasion of the Agency's duties to ensure a safe food supply. The concept of "substantial equivalence" has been challenged in numerous scientific journals. FDA's failure to label GE foods led a 1996 editorial in the New England Journal of Medicine to conclude that "FDA policy would appear to favor industry over consumer protection."

EPA's regulation of environmental hazards is equally inadequate. Under the nation's pesticide laws, EPA regulates biological pesticides produced by plants. It does not, however, regulate the plants themselves, leaving that duty to the USDA. Consequently, EPA regulates the B.t. toxin, but not the corn, cotton or potato plants exuding the toxin. EPA has allowed B.t. crops to come to the market without conducting a comprehensive environmental review. Much further research is needed on the impacts of "pest protected" crops as outlined by a National Academy of Sciences report. For plants engineered for other traits, such as herbicide tolerance or disease tolerance, EPA does no environmental review at all.

The USDA's Animal Plant and Health Protection Service (APHIS) is charged with evaluating potential environmental impacts of field tests of GE crops. However, having virtually abandoned its original permit system which registered an environmental impact assessment before a field test, the Agency can no longer claim to be doing its job. APHIS has adopted a much less rigorous "notification" system which permits researchers to conduct field trials without conducting an

The National Academy of Sciences (NAS), the premier scientific body in our nation, has recently published a scientific assessment of GE foods. Unfortunately, many of the scientists on the NAS review committee had financial links to the biotech industry. The failure of the NAS to find an unbiased panel is problematic because their mission to supply decision makers and the public with unbiased scientific assessments cannot be achieved. This reduces the lack of independent science for our regulatory agencies to rely upon.

POPULAR DEMAND FOR AN EVOLUTION IN POLICY REGARDING GE FOOD

A strong testament to consumers' desire for labeling and greater safety testing of GE food is the flurry of legislative activity and ballot initiatives that have taken place at the state and local levels. Over the past year, the city councils of Boston, Cleveland and Minneapolis have passed resolutions calling for a moratorium on GE food, and Austin has called for the labeling of all GE food. Boulder, CO has banned GE organisms from 15,000 acres of city-owned farmland. Bills requiring labeling of GE food were introduced in the state legislatures of New York, Minnesota, California and Michigan. The state legislature in Vermont considered legislation that would require farmers to notify the town hall if they were planting genetically engineered seeds. In California, a task force is exploring whether schools should be serving GE food, and in 1999 a petition signed by over 500,000 people demanding labeling was submitted to Congress, President Clinton and several federal agencies including the FDA.

In survey after survey, American consumers have indicated that they believe all GE food should be labeled as such. Consumers have a right to know what is in the food they eat and to make decisions based on that knowledge. While some observe strict dietary restrictions for religious, ethical or health reasons, others simply choose not to be the first time users of these largely untested foods.

The failure to label GE crops and food is short-sighted and could close off key markets for U.S. farm exports. Labeling protections have been established in Europe, Japan, South Korea, Australia and New Zealand. The Cartagena Biosafety Protocol drafted early this year allows nations to refuse imports of GE organisms.

OTHER IMPACTS OF GE FOODS DESERVING ATTENTION

The gene revolution is being led by the agri-business industry. These are a handful of multinational companies which own much of the world's supplies of seeds, pesticides, fertilizers, food and animal veterinary products. The result of numerous acquisitions and mergers, the agri-business conglomeration has spent millions of dollars on research and development of GE products. Given such heavy investment, it should come as no surprise that its primary goal is to recover its expenses and turn a profit.

It is to profit-seeking companies, therefore, that we are ceding the right to re-engineer the earth—our plants, our food, our fish, our animals, our trees, even our lawns. Genetic engineering in

Marketed by agrichemical companies, genetic engineering in agriculture promises to perpetuate the present industrialized system of agriculture—a system characterized by large farms, single cropping, heavy machinery and dependence on chemical pesticides and fertilizers. Such a system has consolidated acres into fewer and larger farms, marginalizing small farmers and reducing the number of people living on farms and in rural communities.

With a goal of marketing GE seeds worldwide, genetic engineering will continue the trend of industrialized farming to reduce crop diversity, making our food supply increasingly vulnerable to pests and disease. The Southern Corn Leaf Blight which in 1970 destroyed 60 percent of the U.S. corn crop in one summer, clearly demonstrates that a genetically uniform crop base is a disaster waiting to happen. The linkages of genetically engineered seeds and pesticides, such as Monsanto's GE Roundup Ready Seeds will ensure continued use of agricultural chemicals.

Genetic engineering is likely to further diminish the role of the farmer. GE seeds are designed to be grown in a large scale agricultural system in which farmers become laborers or "renters" of seed technology. Desperate to increase their yields to make up for low prices, many U.S. farmers have adopted the "high-yielding" GE seeds. In doing so, they have been forced to sign contracts legally binding them to use proprietary chemicals on their transgenic crops and in some cases to permit random inspections of their fields by biotechnology company representatives who check that farmers are not saving and reusing the licensed seed. Despite the premium farmers pay for high tech seeds, they receive no warranty for the performance of these seeds as the contracts protect biotechnology seed companies in the event of seed failures.

A PROTECTIVE REGULATORY STRUCTURE

Despite the uncertainties associated with genetic engineering, nevertheless, GE crops covered 71 million acres of U.S. farmland last year, and GE ingredients are present throughout the food supply. Ranging from ice-cream and infant formula to tortilla chips and veggie burgers, foods produced using genetic engineering line our supermarket shelves. These foods are unlabeled and have not been appropriately assessed for safety. Consumers, therefore, are unwitting subjects in a massive experiment with their food.

Our regulatory system has clearly failed to ensure the protection of human health, the environment and farmers. In response I have authored legislation in the 106th Congress that would fill the regulatory vacuum.

To ensure food safety, I have introduced a bill that requires that GE food go through the FDA's current food additive process, acknowledging that a food is fundamentally altered when a new gene is inserted into it. The review process would look at concerns unique to GE products including allergenicity, unintended effects, toxicity, functional characteristics and nutrient levels.

To date, the public has been largely left out of the biotechnology regulatory process, and that needs to change. Consequently, I propose that the FDA conduct a public comment period of at least 30 days once a completed safety application is available to the public. All studies performed by the applicant must be made available including all data unfavorable to the petition. The FDA should also maintain a publicly available registry of the GE foods for which food additives are pending or have been approved.

When the FDA was called upon to confirm the Taco Bell taco shell contamination for a possible regulatory enforcement action, it was unable to do so because it lacked the necessary testing protocols. The FDA should correct this failure by immediately creating testing protocols for all GE foods and test for potential contamination in these foods. Until then, the FDA cannot determine the ingredients in our food supply, it is unlikely that the FDA can ensure the American public that other foods are not contaminated.

I have also introduced a bill requiring mandatory labeling of GE foods or foods containing GE ingredients so that American consumers can make informed choices about what they are eating. Packaged foods carry nutritional labels, drugs and medications come with descriptions of their contents. There is no reason that GE food should not also be labeled granting consumers their fundamental right to know what is in their food.

Clearly, environmental regulations for the release of the GE organisms need to be strengthened. Similarly, the USDA allows field trials of all GE plants that prevent adequate assessments of the environment risks posed by these plants. Though genetically engineered fish are predicted to be commercialized by 2001, it is still unclear which agency will regulate them. The US Fish and Wild Life Service as well as the National Marine and Fish Service must pay a role in developing regulations for GE fish.

Finally, Congress should hold hearings on the failure of the regulatory agencies in protecting the American public.

CONCLUSION

The controversy surrounding genetically engineered food should not be a surprise to anyone. The mechanical manipulation of genes in the food one eats instinctively raises questions of health and safety. We instinctively trust farmers to grow and raise our food, but we must question the motivation of large corporations who want to create impure food for pure profit. When we feed our family, we don't take chances. If we are not sure how old the leftovers in the back of the fridge are, we throw them out. And as long as we are not convinced that this new technology is flawless, people should be hesitant to serve genetically engineered food to their children. New technologies always have unforseen effects. The American consumer does not want to be a part of an experiment at their dinner table.

IN CELEBRATION OF THE 140TH ANNIVERSARY OF LAKESHORE AVENUE BAPTIST CHURCH, OAKLAND, CALIFORNIA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 2, 2000

Ms. LEE. Mr. Speaker, I wish to celebrate the one hundred and fortieth anniversary of the establishment of the Lakeshore Avenue Baptist Church in Oakland, California. This milestone will be commemorated on Sunday, November 12, 2000.

Lakeshore Avenue Baptist Church was founded in 1860 in Oakland, California, and is a member of the American Baptist Churches. This congregation first began as the First Baptist Church of Brooklyn, California, a community that was near Lake Merritt but is now a part of the City of Oakland, California. Once Brooklyn became a part of Oakland, the name of the church changed to the Tenth Avenue Baptist Church. Since that time, the church's structure was destroyed twice by fire, first in 1945 and again in 1955, but through the faith and dedication of the congregation, the present structure was built and dedicated in 1957 as the Lakeshore Avenue Baptist Church.

Lakeshore is one of our most diverse congregations in our community with a membership of 55% African American, 40% Caucasian and 5% Asian Americans.

Lakeshore contributes to the community in many ways. For sixty years, they have sponsored one of the oldest weekday religious radio programs. Lakeshore also worked to integrate the neighborhood surrounding the church, founded the Lakeshore Children's Center (now the Children's Peace Academy), established a Hunger Task Force which supports hunger relief programs in the Bay Area, assisted immigrants and refugees in settling in Oakland, and co-founded the Oakland Coalition of Congregations.

Lakeshore Avenue Baptist Church is a great source of civic pride and a valuable resource for the community, I proudly join the church's members, friends and neighbors in saluting and honoring the history and spirit of this landmark church.

HOUSE OF REPRESENTATIVES—*Friday, November 3, 2000*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of all grace, You have called men and women from across this Nation to assemble and serve as the 106th Congress.

Be with each and every Member now and through the coming weeks.

Those who serve here in the House of Representatives feel privileged to serve. They believe in serving the people of this Nation; they really serve You.

Guide them with Your spirit of wisdom and understanding.

In all circumstances, be close to them with Your abiding presence and the gift of peace.

When they are tested or called to suffer a little, let them know, You, Yourself, will restore, confirm, strengthen and establish them as Your very own.

To You be dominion and power now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PEASE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PEASE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 46, not voting 134, as follows:

[Roll No. 593]

YEAS—253

Abercrombie
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Berkley
Biggert
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boyd
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Combest
Cooksey
Cox
Coyne
Cramer
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Doggett
Doyle
Dreier
Duncan
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Fletcher
Foley
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Largent
Larson
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Payne
Pease
Petri
Phelps
Pickering
Pitts
Portman
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stearns
Stump
Sununu
Tanner
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (PA)
Wilson
Woolsey
Wu
Wynn
Young (FL)

NAYS—46

Aderholt
Berry
Blagojevich
Borski
Brady (PA)
Capuano
Condit
Costello
Crane
Crowley
DeFazio
English
Hilliard
Holt
Hulshof
Jefferson
LaFalce
Latham
Lewis (GA)
Lipinski
LoBiondo
Markey
McDermott
McGovern
McIntyre
Meeks (NY)
Menendez
Moore
Moran (KS)
Obey
Olver
Pallone
Pascrell
Pastor
Peterson (MN)
Ramstad
Rothman
Sabo
Stenholm
Strickland
Tauscher
Taylor (MS)
Thompson (CA)
Udall (CO)
Weller
Wicker

NOT VOTING—134

Ackerman
Allen
Archer
Baird
Ballenger
Barton
Becerra
Bentsen
Berman
Bilbray
Bishop
Blumenauer
Boswell
Boucher
Brown (FL)
Burton
Calvert
Campbell
Capps
Carson
Clay
Clayton
Clement
Clyburn
Collins
Conyers
Cook
Danner
Davis (IL)
DeGette
Delahunt
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dunn
Ehlers
Emerson
Ewing
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Ganske
Gejdenson
Gephardt
Granger
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hefley
Hill (MT)
Hinchey
Hostettler
Hutchinson
Jackson-Lee (TX)
Johnson, Sam
Kasich
Kennedy
Kilpatrick
King (NY)
Klink
Lantos
Lazio
Leach
Lee
Lofgren
Maloney (NY)
Martinez
McCarthy (MO)
McCollum
McIntosh
Meehan
Meek (FL)
Miller, Gary
Miller, George
Mollohan
Neal
Nethercutt
Oberstar
Ose
Owens
Pelosi
Peterson (PA)
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Reyes
Riley
Rodriguez
Rush
Salmon
Sanchez
Sanders
Schaffer
Serrano
Shays
Slaughter
Smith (WA)
Spratt
Stabenow
Stark
Stupak
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Thompson (MS)
Tierney
Towns
Turner
Visclosky
Waters
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
Whitfield
Wise
Wolf
Young (AK)

□ 0923

Mr. HALL of Texas changed his vote from "nay" to "yea".

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 593, on November 3, 2000 I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 593, I was in my congressional district on official business. Had I been present, I would have voted "nay."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. PEASE). Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONFERENCE REPORT ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 665 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 665

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Texas (Mr. FROST); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only on this resolution.

H. Res. 656 provides for consideration of S. 2796, the Water Resources Development Act of 2000. The rule waives all points of order against the conference report and against its consideration. In addition, the rule provides that the conference report shall be considered as read. This is the standard rule for this type of conference report, and it is without controversy as far as I know. I urge my colleagues to support this rule.

The Water Resources Development Act, more commonly known as WRDA, is a critically important vehicle for environmental restoration projects. This year's bill is particularly noteworthy because it includes a plan to restore the Nation's Everglades in Florida. This restoration effort is the largest, most comprehensive restoration program ever attempted.

Not too long ago, most folks would have predicted it would be impossible to craft a restoration plan that gets it right and also wins the support of every major stakeholder involved in the Everglades. But that is exactly what this Congress has done. It is precisely the model for how we should deal with all of our environmental issues.

We drop the posturing. We quit using the trite catch phrases. We bring people together, and we actually sit down at the table and rationally discuss the issues and work in good faith for the greater good based on science-based principles.

I am not entirely naive, and I understand that the reason it worked with the Everglades is that the parties realized that this was too important to let go further amuck. But this precisely is my point.

All environmental issues are important and should deserve the same attention and the same approach. We should not sacrifice the environment anywhere for short-term gain. I hope that the folks out there who make a living doing so will learn the lesson of the Everglades.

Mr. Speaker, folks on the other side of the aisle talk a lot about a do-nothing Congress. I note that President Clinton asserted recently that this has been one of the most productive sessions ever, which I think is a real tribute to our Speaker, the gentleman from Illinois (Mr. HASTERT), frankly a direct disavowal of the statements of the gentleman from Missouri (Mr. GEPHARDT), Minority Leader, that we are a do-nothing Congress.

But today's action is yet another in a very, very long list of examples that prove the Republican Congress delivers on Americans priorities. The challenge this Congress faced was to craft the plan that truly improves the hydrology and the hydroperiods and restores the unique natural environment of the Everglades, along with the other partners involved, the state of Florida and the interests that are involved in the areas of the Everglades.

The costs of doing nothing were far too great. The magnificent Everglades have suffered through years of neglect and misunderstanding. Doing nothing would have ensured disaster. Disaster, incidentally, had begun spreading to Florida Bay and even to the nearby coral reefs, which are unique in themselves.

Even so, as is often the case, the impulse to do something can often lead to unintended consequences. So, technically, we faced an incredible challenge. As daunting as the engineering problems are, even more so is the challenge of getting various stakeholders who often would not even speak to each other to find common ground. That is the snapshot of the immense challenge that we faced at the beginning of this process.

Well, here we are with a conference report, a final agreement. So it bears asking how we have tackled what Florida Governor Jeb Bush has now termed "perhaps the defining environmental issue of this new century". I think it is the defining issue. The Everglades bill is simply at the top of a very long list of environmental achievement for this Congress.

A lot of folks deserve our thanks for getting us here. The State of Florida and Governor Jeb Bush have demonstrated an unmistakable commitment to this effort and led at every point in the process. The Clinton administration also deserves our praise.

In terms of steering the proposal through Congress, our two Senators deserve an inordinate amount of praise and recognition. In the House, the entire delegation supported the effort. But the House efforts were kept on track by the patience, perseverance and able leadership of the gentleman from Florida (Mr. SHAW), our delegation chairman.

□ 0930

I do not believe it is an understatement to say that the gentleman from Florida (Mr. SHAW) was the key to our efforts here in the House. Anyone who cares about the Everglades should extend their gratitude to the gentleman from Florida (Mr. SHAW). I think he has done an extraordinary job.

It goes without saying that the Committee on Transportation and Infrastructure and the gentleman from Pennsylvania (Chairman SHUSTER) did an impressive job of stewardship on the Everglades, as well. This is, after all, where the bill comes from. And I want to commend them for their leadership in this regard.

Mr. Speaker, all these folks and many more deserve our thanks for making this historic achievement possible. This is a noncontroversial rule. It is an historic environmental restoration bill. As far as I know, it has bipartisan support.

I encourage my colleagues to support both the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule is the standard rule for consideration of a conference report in the House and is of no controversy. This conference report for the Water Resources Development Act of 2000 has been a matter of little controversy over the past few days, as the Chairman of the Committee on Transportation and Infrastructure has sought assurances from his leadership that funding for additional environmental infrastructure spending would be included in the Labor, HHS appropriations conference report.

I am supposing, Mr. Speaker, given the fact that we are now considering this rule, that the gentleman from Pennsylvania (Mr. SHUSTER) has received these assurances and whenever the Congress actually considers the Labor, HHS conference report, next week, Thanksgiving, Christmas, whenever that might be, the funding he has sought will be provided for in it.

Mr. Speaker, this is a very good bill in large part because of the funding in it for the restoration of the Florida Everglades. This project is one that has long been sought by environmentalists and Floridians of all stripes, Republicans and Democrats alike.

This project is not a partisan project and no one should assume that it has come about because of the influence of any one Member of Congress. Rather, this is a project that has been a long time in the making on a bipartisan basis and should receive bipartisan support here today.

Mr. Speaker, I support this conference report; and I support the efforts of the Chairman of the Committee on Transportation and Infrastructure. I only hope he enjoys the same kind of support from the Republican leadership and the assurances he has received will be fulfilled when we return after the election.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, it is my privilege to yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), my friend, the distinguished chairman of the Committee on Appropriations and the dean of the Florida delegation and the person who is most responsible for crafting the mechanics that have brought this legislation to the floor today.

Mr. YOUNG of Florida. Mr. Speaker, I rise in extremely strong support of this rule and this legislation to finally address the critical needs of the Florida Everglades, the most unique ecosystem anywhere on the face of this planet that is in danger of being lost for eternity.

We are at a critical mass in the issue of the Everglades, but today I think is going to be one of the better days in the House. On a very strong bipartisan basis, we are going to make an overt effort to begin to recover and protect the Florida Everglades.

The Everglades is home to some 68 endangered species of wildlife and plant life. Not only that, the issue of water in our part of Florida is extremely critical, water for people, water for agriculture, water for industry, water that today is running off at a billion gallons a day into the Gulf of Mexico, water that we are losing that is essential to the preservation of the Everglades and to the use of the people in Florida.

We have been appropriating money for the Everglades ever since 1993. We have appropriated over $1.3 billion for the Everglades, but there has not been a real plan. There has not been real management. Today we create legislation that will bring about a real plan that will bring about real management. We have already appropriated for this fiscal year $218.2 million. The Congress has already expressed its determination to save the Everglades, but we needed this plan along with the funding. And so, today we have the plan. I am satisfied that it will pass with a large vote.

I want to compliment my colleagues on both sides of the aisle in this House and our colleagues in the other body and, as the gentleman from Florida (Mr. GOSS) said, the administration. Because it has been a total cooperative work effort.

Mr. Speaker, I want to say just in a few closing comments thanks to the gentleman from Florida (Mr. GOSS) for the strong leadership that he has provided on this historic legislation to preserve and protect the Everglades and to echo his comment about the gentleman from Florida (Mr. SHAW), who is the chairman of the Florida Delegation. He has been just outstanding in his leadership in keeping the delegation together and keeping this issue alive as we worked through the trials and tribulations of this Congress. He has been a dynamic leader. And I will say that, if anybody gets a lot of credit today, it should be the gentleman from Florida (Mr. SHAW). But so should all the members of our delegation, Republicans and Democrats, who have worked together as a solid team to make this happen.

The Governor of Florida, Governor Jeb Bush, has walked the halls of the Congress trying to create and to sustain support for this Everglades project. The Governor of Florida and the legislature in Florida all deserve tremendous credit for where we are arriving today. And, of course, the State of Florida will pay 50 percent of all of the costs involved in this project. It is a 50–50 deal despite the fact that the Florida Everglades is unique to the entire world.

And so, Mr. Speaker, I am extremely happy to be where we are, that we are going to pass this rule, and that we are going to pass this legislation and we are going to take a major important step toward the preservation of the Florida Everglades, the most unique ecosystem anywhere on the face of this planet.

Mr. Speaker, I rise today to strongly support this historic legislation to restore one of our nation's greatest environmental and ecological treasures, the Florida Everglades.

The Florida Everglades is unlike any other ecosystem in the world. It is comprised of more than 18,000 square miles of fresh water marshes spanning from Lake Okeechobee in the north to the Florida Keys in the south. Larger in land mass than Massachusetts, Connecticut, Rhode Island and Delaware combined, it is home to more than 60 individual endangered or threatened species of plants and animals, most or all of which will be come extinct without action.

Unfortunately, the Florida Everglades are dying. In response to flood concerns threatening the southern half of the state, a flood control plan was developed in the 1940s. The plan would soon establish hundreds of miles of canals and levees to ensure proper drainage. It worked too well. Fifty years later, almost half of the Everglades have been lost. Life-giving fresh water has been diverted out to sea, and the delicate balance of fresh and salt water that is unique to the Everglades has been upset. Without immediate action, the ecosystem as we know it will be unrecoverable. Furthermore, the Florida Aquifer faces the threat of saltwater intrusion, compromising the already scarce supply of potable water to the residents of South Florida.

However, with the action of the Congress today, we can begin to reverse the damage and restore this pristine ecosystem. The restoration plan developed to address this crisis is the culmination of years of research by state and federal scientists, private environmental and agricultural experts and the United States Army Corps of Engineers. The restoration plan is comprised of 68 individual projects to be completed by the Corps of Engineers over the next 30 years at a total cost of over $7 billion, to be divided equally with the state of Florida. The bill we approve today is the first step toward implementation of the restoration plan. It authorizes $1.2 billion for 10 initial projects and four pilot projects to test new technology critical to the restoration. Once completed, the plan will restore more than 1.7 billion gallons of fresh water per day, replicating the original sheet flow of water through the natural system. This massive undertaking is the largest environmental restoration plan in history and comes at a cost not to be dismissed. However, the fact remains that without this plan, the Everglades will die.

As Chairman of the Appropriations Committee, I have worked hard to protect the Florida Everglades. My committee has included, to date, $730,000,000 in Department of Interior funding for the Everglades and $142,360,000 in the Energy and Water Appropriation for Everglades related projects. These funds have gone toward land acquisition and critical projects that began the journey toward recovery of this ecosystem. The State of Florida has matched every dollar with water reuse and recovery projects and the most ambitious land acquisition agenda of any State in history.

Mr. Speaker, the Everglades restoration plan enjoys the support of the entire Florida Congressional delegation, the Governor of Florida, the Administration, and nearly every major environmental and agricultural organization in Florida, as well as the Seminole Tribe and the Miccosukee Tribe of Florida. Without this plan and without action by this Congress, we threaten the existence of one of our greatest national treasures. Let's do the right thing and restore the Everglades so that future generations of Americans can know and enjoy this natural wonder.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend from Texas for yielding me the time.

Mr. Speaker, I wish I could rise today and offer my unqualified support for the conference WRDA bill that is before us today. But I want to be clear that the version that came out of the House I thought had a lot of good provisions in it that have been watered down now. Changes were made on the Senate side, however, that I think set us back in two major areas of concern.

One is the much needed comprehensive Corps reform that I think is desperately needed for that embattled agency.

Earlier this year, I, along with a few other of my colleagues, introduced comprehensive Corps reform, H.R. 4879. This was not an anti-Corps reform bill that we introduced. It merely reflected the need for some change for the embattled agency to lift the cloud that currently hangs over it.

The original WRDA coming out of the House contained some pilot projects for important independent peer reviews that I think is needed in order to let the sun shine in on the Corps' water resource projects.

Unfortunately, instead of adopting the pilot language in the conference report, they instead stripped it out of the language and, in fact, ordered another couple of studies for the National Academy of Sciences to conduct over the next couple of years, one involving independent peer review mind you.

The problem I have with that, however, is that the National Academy of Science has already devoted years of study to this and, in fact, last year already released a comprehensive review and recommendations for Corps reform in the "New Directions and Water Resources Planning" for the U.S. Army Corps of Engineers.

It was this study that came out last year that provided the basis of much of what was contained in my comprehensive Corps reform bill. I do not think it is necessary for us to be allocating a few million more dollars for the National Academy of Sciences to continue their study on Corps reform when, in fact, they have already done it in depth with great analysis and with a lot of fine recommendations that we need to move forward on.

There are, however, some good provisions in this bill regarding Corps reform. One provision requires enhanced public participation in the review of feasibility studies and Corps projects and also one that directs the Secretary to design mitigation projects using contemporary understanding of science and mitigating adverse environmental effects, which was, language that was included in the Corps reform bill that we had introduced earlier this year.

So I think we still need to do more work. I do not think now is the time to conduct more studies with the National Academy of Sciences.

But the other provision of this, Mr. Speaker, relates to how we can better preserve and protect another vitally important natural resource in this country, the Mississippi River Basin. And with that, we are very pleased that we were able to keep in the conference report a scientific modeling program on sedimentation and nutrient flows for the Mississippi River Basin.

Any expert on the river will tell you that problem is the number one danger facing that important ecosystem. In fact, it is North America's largest migratory route, as well as providing incredibly important functions relating to commercial navigation, tourism, and recreation activities.

I think having the scientific modelling program in place is an important first step in being able to direct targeted resources in a more cost-effective manner in order to preserve this important natural resource.

Unfortunately, again the language on the House was not adopted. The Senate, in fact, included a 50-50 cost share with States, which many of us think is going to put the modeling program in danger. Hopefully, the States will recognize the need to participate. But many of the people who we got feedback from at the State level were concerned about the 50-50 cost-share that is ultimately included in this bill. We are just going to have to wait and see how that plays out.

But finally this WRDA bill has good language in regards to a lower Mississippi River resource assessment, basically directing an assessment on information needed for river-related management, habitat needs, the need for river-related recreation and access in the lower part of the Mississippi River Basin.

We have a very successful Environmental Management Program that affects the Upper Mississippi River with habitat restoration, and long-term resource monitoring. Now is the time to start treating the Mississippi as the continuous ecosystem that it is and take a holistic approach. I believe this Lower Mississippi River resources assessment is the first step to extend EMP to lower regions of the River so we have a comprehensive and holistic approach to river management.

Finally, I want to commend the leadership on the House, the chair and the ranking members of the appropriate committees for the work they have put into this important bill and especially the attention that has been given on the House side in regards to steps we can take for Corps reform and how we can better manage and preserve and protect the Mississippi River Basin.

Mr. GOSS. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from the west coast of Florida (Mr. MILLER) my close colleague and distinguished friend.

Mr. MILLER of Florida. Mr. Speaker, I thank my colleague from the west coast of Florida for yielding me the time.

Mr. Speaker, as we conclude the 106th Congress, it is really a pleasure to have such a significant piece of legislation that has very wide bipartisan support. This is a bill that is especially concerned about the Everglades issue that has the support of the administration and Democrats and Republicans in the House and the Senate.

When our Founding Fathers wrote the Constitution, it made it very difficult to pass legislation, because the way it is set up we go to subcommittee and full committee and the floor of the House, and we have to get a conference where the House and the Senate agree and get an agreement with the agencies of the Federal Government. It is indeed a very complex challenge. But we are here today with final passage of a very, very significant piece of legislation, the most significant environmental bill I think in many a year to reverse a half century of environmental damages done to the Florida Everglades.

I want to give compliments and thanks to the leadership that has brought this forward, Senators MACK and GRAHAM on the Senate side and Senator BOB SMITH, the chairman of that committee.

On the House side, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. BORSKI) and the gentleman from New York (Mr. BOEHLERT), the ranking member, and the chairman of the subcommittee on the House side. And within the Florida Delegation, again all the Republicans and Democrats have come together, but the gentleman from Florida (Mr. SHAW), who is the chairman of the Florida delegation, has really led the effort to make sure that it is being pushed forward, pushing the Senate leadership, pushing our leadership, pushing the committee chairman to get to this bill. It is too important to not let die. We need it. Thank goodness we are going to end the 106th Congress or come close to ending it with such a significant piece of legislation.

To my conservative colleagues, there is a concern because of the total cost of it because it is billions of dollars over several decades. But, first of all, it is a split. The Federal Government will pick up about 50 percent. The State and local government will pick up about 50 percent.

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There were safeguards built in so that the money will not get totally out of control.

The reason we are doing this is the Federal government, through the Corps of Engineers some 50 years ago, started digging these dikes and canals and environmentally caused the problem.

Since they caused the problem, they have to be part of the solution. That is the reason we are here today, is they are going to have to remove some 240 miles of levees and canals that were built over the past decades that have now diverted 2 billion gallons of water that should flow to the Everglades that now is pushed through the Caloosahatchee River or the Saint Lucie Inlet, pushing the water into the Atlantic Ocean, the Gulf of Mexico.

We need to allow that to flow into the Everglades, just as Marjory Stoneman Douglas wrote in her classic book 50 years ago, River of Grass. We need to make sure that fresh water flows through there.

We are never going to get total restoration, because a lot of it is now in agricultural use, a lot is already developed. But we can at least bring it back as best we can to how a century ago it was that river of grass.

I am pleased to have this before us, and I complement the gentleman from Florida (Mr. SHAW). I hope we have a unanimous vote on this bill.

Mr. GOSS. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to commend everybody involved, and the powerful leaders, the gentlemen from Florida, Mr. YOUNG and Mr. GOSS.

I serve on the Committee on Transportation and Infrastructure, formerly known as the Committee on Public Works. I can remember the gentleman from Florida (Mr. SHAW) as a member of the Committee on Public Works bringing forth the idea of cleaning up the Everglades and cleaning up those systems that contribute, ultimately, to the destination points where the accumulation of these things happened.

I have also watched in the Congress the gentleman from Florida (Mr. DEUTSCH), and I think he has done a good job in bringing the Everglades program forward. I want to compliment those two gentlemen for the bipartisanship that happened here.

Back when the gentleman from Florida (Mr. SHAW) was talking about the Everglades, I was talking about the upper Ohio Valley and the Pennsylvania steel mills, the Gary, Indiana, and Chicago area, and all of those rivers polluted by the steel industry that ultimately led that contaminant downstream into points where the impact of contamination made it now so terrible that the gentlemen from Florida, Mr. SHAW and Mr. DEUTSCH, and everybody else had to deal with that issue in their home State.

Mr. Speaker, I was able to get the Mahoning River in Youngstown, Ohio, designated and authorized as one of only five rivers in America eligible for environmental dredging.

Here is the problem we face: Florida can evidently afford this 50 percent match to clean up the Everglades, but the city of Youngstown in the Mahoning Valley, depressed, cannot afford the 50 percent match.

Here is the dilemma. While we continue to have the upper river system contaminants continuing to flow, cleaning up the ultimate depositories do not ultimately serve the best interests of America.

I want to compliment the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. BORSKI), and the gentleman from New York (Mr. BOEHLERT). They have been great leaders on this issue.

But I am appealing that we must reduce and if necessary eliminate the matching monies necessary for economically depressed communities who have contaminated rivers who will continue to contaminate the Everglades and the depositories of our great Nation.

That issue, I say to the gentleman from Pennsylvania (Mr. SHUSTER), must be addressed. My local community cannot meet the match. I have been getting all the monies for the studies, everything the Army Corps of Engineers has done. But I think we need relief to those upper systems who are continuing to contaminate those systems we clean up.

I say to the gentlemen from Florida, Mr. SHAW and Mr. DEUTSCH, congratulations, and I hope they will help me in the future to eliminate or reduce the local match for impacted areas like ours that cannot afford to clean up those contaminated rivers.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. SHAW), the distinguished chairman of the Florida delegation, a man to whom many nice and well-deserved compliments have been paid in getting us to this point.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding time to me, and I very much appreciate the work of this great body.

Mr. Speaker, as extraordinary as it has been to see traditional adversaries come together this year on comprehensive Everglades restoration legislation contained in the Water Resources Development Act, something else is going on here which I think is very special and I think is very worthwhile noting.

Skeptics have been saying, and they have been at our heels in recent weeks, we will not get it done. To them I say, we will. Some have gone around the country saying a Republican Congress cannot work with a Democrat administration to produce good policy for the American people. We have and we will. Others have lost patience and doubted our ability to lead and get this done in this short span of time. Well, we have proven them wrong, also.

The fact is this: When both parties come to the table with sincere good-faith efforts to get something done without hidden agendas and with eyes towards the next generation and not just the next election, building upon relationships of good will, not destroying them, we can do good things for our country and for the entire globe.

We all recognize the importance of this legacy, not only on the land and water, but on the people who live in Florida and visit this national treasure, and want to make sure that it is there for future generations.

My colleagues know, I have worked my entire career and will continue to work to build bridges across the aisle. There is no better example of doing that, as I am looking at my colleague, the gentleman from Florida (Mr. DEUTSCH) and looking at my colleague, the gentleman from Florida (Mr. GOSS), whose congressional districts share the Everglades, to say that this is certainly a very fine moment.

I have offered several bills on the environment, but none makes me prouder to have my name on it than the comprehensive Everglades restoration bill, because I have been looking after this piece of my backyard for my entire life.

I am eager to see this legislation pass, not because the base Everglades bill has my name on it, but because it is the right thing to do and because a broad cross-section of Americans have put their support and their hard work into getting us to this day.

I urge the passage of this resolution, this rule, and also push for the passage of the underlying bill.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to another distinguished gentleman from Florida (Mr. FOLEY), my friend and colleague from the east coast, who also has been very instrumental in pulling all the parties together in an amicable way to reach this solution.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman for bringing this rule to the floor. Of course, I urge all Members to support this very important landmark legislation. It is one of the proudest moments that I will probably have here on the floor is to see the Florida delegation unanimous on an issue of importance to our State and to our Nation.

Many people look at the Everglades and say it is Florida's issue, it is Florida's problem. But it is America's crown jewel. It is something we share not only with ourselves as natives of Florida, but also those 45-plus million visitors who come to Florida for the pristine wonderment of whether it be our oceans, our Everglades, our Keys, or our panhandle.

Marjory Stoneman Douglas penned a novel, the River of Grass, about the wonders of the Everglades. Back in the thirties when candidates were running for office, one notably Mr. Broward, who became Governor, used to say the slogan, elect me Governor and I will drain that swamp, known as the Everglades, so we will have development.

How wrong they were then, how right we are today, to reverse decades of abuse and neglect of our national park; to start paving the way, if you will, and maybe that is not the correct expression, paving the way, but creating the dynamics by which we can reengineer Florida's multitude of plumbing projects in order to make the Everglades once again the clean and pristine waterway and natural habitat that it is and should be.

The delegation has been led by so many champions, too many to mention, back in the days of the governorship of BOB GRAHAM, now Senator, CONNIE MACK, and others.

We are truly a bipartisan State as it relates to the Everglades. Lawton Chiles, in his memory, would be so proud today to know after the years he served as our chief executive that one of his greatest efforts is now coming to fruition.

The chairman of Florida's delegation was mentioned. There is a lot to be said for seniority in this process. The 20 years of the gentleman from Florida (Mr. SHAW) of service to Floridians, to those in Dade, Broward, and Palm Beach County, the hallmark of his 20-year tenure here, results in this bill being brought to the floor because he pleaded with the Speaker and all parties at the table, with the gentleman from Pennsylvania (Mr. SHUSTER) and others, to make sure that this bill became the final act of this final hour of the 106th Congress.

What a tribute and what a legacy to his grandchildren, 13 I believe now in number, maybe 11, two to come, 13 soon will know that their grandpoppy made possible this historic day on a Friday before we adjourn and return to our constituencies in Florida.

So I salute every Member, Democrat and Republican, in our delegation, every person who will vote for this bill, and I urge, I hope, a unanimous acceptance of the fact that we take on the national responsibility of our national park, the Everglades, by signalling to the world we are prepared to lead, we are prepared to clean up our act, and we are prepared to make it the great park that it truly is.

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I urge adoption of this rule.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to point out, I see my friend, the gentleman from Florida (Mr. DEUTSCH), who did not speak on this. I have been privileged to have worked with him for a number of years on this, back and forth. The gentleman from Florida has the front door, I have the back door. Most people prefer to go in the front door, but the back door is equally good. We have gotten along very, very well over the years.

I think of the number of days I have actually been in the Everglades with BOB GRAHAM. I remember an occasion where I stood on the banks of the then straight Kissimmee Channel, and he said, we are going to put some wrinkles back in this. He got a truck, and we started pouring dirt back into the channel. I thought, this has got to be against the law. We are all going to end up in deep trouble.

All of these programs that have taken so many people so much vision to work out the formula to get all of the interested parties going in the same direction have been referred to in this discussion. It is an extraordinary story, and I hope some day somebody will write the book. It will be a wonderful book about what Americans can do in this country when they work together.

I am very pleased to express my strong support for this good piece of bipartisan legislation, and I urge support for the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SHUSTER. Mr. Speaker, pursuant to House Resolution 665, I call up the conference report on the Senate bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 31, 2000, at page H11624.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Pennsylvania (Mr. BORSKI) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

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Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is particularly fitting, I believe, that the last major piece of legislation that is brought before the Congress before we return home for the election next Tuesday is the water resources bill, which includes the largest environmental restoration project in the history of the world, the restoration of the Everglades.

As the chairman of that conference, I can say with absolute certainty that we would not be here today doing this, if it were not for the gentleman from Florida (Mr. SHAW). The gentleman has been the ultimate driving force.

When we were negotiating and thought that we had our hands tied in our negotiations with the other body, looked like we were not going to get anywhere, it was the gentleman from Florida (Mr. SHAW) who insisted that we stay at the table. And while there are many people on both sides of the aisle who deserve credit for this legislation, we would not be here today if it were not for the gentleman from Florida.

The conference report includes water resource development projects for America. It responds to the Nation's water infrastructure and environmental restoration needs. It includes important authorizations, modifications and improvements to the Army Corps of Engineers water resources programs and projects as well.

Mr. Speaker, I certainly want to thank my colleagues on both sides of the aisles for working so hard for this environmental restoration and water resources bill. With its estimated total costs of $7 billion, it invests in America's future by authorizing new projects for navigation, flood control, shore protection, environmental restoration, water supply, and recreation.

It fosters partnerships between Federal and non-Federal agencies. It authorizes 30 new water resource projects that have received or will receive favorable review from the Corps. It modifies over 50 existing water resources projects. It authorizes 58 new studies.

It includes the various policy and procedural reforms to improve public participation. It authorizes the environmental restoration projects and programs that address several national needs throughout the country, including, Illinois, Missouri, Mississippi, the Ohio rivers and the Lower Columbia Estuary, including Pugent Sound and the Chesapeake Bay.

WRDA 2000 approves and authorizes the first increment of the comprehensive Everglades restoration plan, and it should be emphasized the text in this bill, which will become law, is the language that the gentleman from Florida (Mr. SHAW) introduced in his bill, H.R. 5121, some time ago.

My colleagues should know, however, that the Senate conferees did not accept some of the critical, important provisions included in the bill that passed the House by a vote of 394–14.

While this is a good package on balance, it does fail to include environmental infrastructure projects under the Corps of Engineers jurisdiction. It also fails to include the text of the bill by the gentleman from California (Chairman DREIER) relating to cleanup of the San Gabriel and Central Basins and the text of the bill from the gentleman from Florida (Mr. DEUTSCH) and the gentleman from Florida (Mr. SHAW), H.R. 673, relating to water quality protection in the Florida Keys.

It was with great reluctance, but with a desire to ensure enactment of this legislation that the House conferees ultimately agreed to the Senate's request to delete these provisions. However, as part of that compromise, there was also an agreement that these projects could or should be considered in the context of proposed legislation yet to move through the Congress if the so-called environmental infrastructure package also included important legislation addressing combined sewer overflow and sanitary overflows.

House conferees have lived up to that commitment submitting to the Committee on Appropriations a package of environmental infrastructure projects that passed the House overwhelmingly on October 19, as well as the broadly supported text of the bill offered by the gentleman from Michigan (Mr. BARCIA), the Wet Weather Water Quality Act which was reported by our committee on October the 6.

Mr. Speaker, this environmental infrastructure legislation provides needed assistance to help communities throughout the Nation to keep raw sewage out of citizens' basements and backyards. It protects streams and rivers and bays, the Florida Keys, and the drinking water supply for over 1.3 million residents in California.

It is regrettable that we could not retain these provisions in this legislation today, but I am pleased with the assurances we received that they will be included as we wrap up our appropriations bill when we come back after the election.

Mr. Speaker, I urge my colleagues not only to support this landmark legislation on the floor, but to work with our friends and the appropriators and the House and Senate leadership to ensure that the rest of the environmental infrastructure provisions in the conference are enacted before the end of the 106th Congress.

Mr. Speaker, in closing, I would note that the Committee on Transportation and Infrastructure of the Congress is the most productive committee of the Congress, the most bipartisan committee of the Congress. This Congress has passed 109 pieces of legislation through the House and 42 pieces of legislation which are becoming law. So I want to thank my colleagues on both sides of the aisle and our committee for their tremendous efforts so that our committee could, indeed, do the people's business in this Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BORSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference report. This conference report reflects the bipartisanship that is the hallmark of our success on the Committee on Transportation and Infrastructure. We invest in America's future by providing critical infrastructure, while working to restore, enhance and protect the environment.

Mr. Speaker, I particularly want to pay tribute to our distinguished chairman, the gentleman from Pennsylvania, (Mr. SHUSTER). It seems appropriate that the last major authorization bill to pass this Congress would be under his leadership. His success in leading this committee on a bipartisan basis is well known.

He has earned a great reputation for that bipartisanship; and because of his great efforts and success throughout the past 6 years, certainly the people of our Commonwealth of Pennsylvania and people throughout the United States of America are benefiting from the improved infrastructure. He has been a great chairman. He is one who I take great pride in serving.

Mr. Speaker, I also want to say a word, if I may, about the gentleman from New York (Mr. BOEHLERT), my subcommittee chairman, my good friend. There is, I think, very few people in this whole Congress, Mr. Speaker, who stand so firmly for the environment as the gentleman from New York (Mr. BOEHLERT); and no one I know in the entire Congress who is more willing to cross the aisle and do the people's business.

Mr. Speaker, the projects included in the conference report form the water-based infrastructure that is a key component of the Nation's transportation system. Projects in the water resources bill also protect lives and property from floods and hurricanes, and they provide drinking water and electricity to our cities and factories.

Projects are the more visible aspect of the conference report, but there are also provisions that will improve the way in which the Corps implements its programs. I am disappointed that the conference report does not include the House-passed provisions concerning mitigation.

We should be requiring the Corps to be more aware earlier of possible adverse environmental impacts. I intend to revisit this issue in the next Congress.

The agreement also deletes House language that required the Secretary to establish a 3-year program of independent peer review of up to five projects.

While some have argued for a permanent peer review program, I believe that a pilot program would have allowed the Committee on Transportation and Infrastructure to evaluate its effectiveness.

Next Congress, those who advocate permanent peer review may prevail.

I strongly support the requirement to monitor the performance of up to five projects for 12 years. Today we authorize and construct projects, but we do not adequately follow up on whether the expected benefits are ever realized.

This monitoring will be an important tool in helping the Corps and the Congress produce a more effective Corps civil works program.

The conference report approves the Comprehensive Everglades Restoration Plan as a framework for modification and operational changes to the Central and South Florida project to restore, preserve, and protect the Everglades ecosytem. It also authorizes the first installment of the plan for $1.4 billion. The total plan will cost at least $7.8 billion and take 36 years to construct.

Since 1986, Mr. Speaker, Congress has tried to maintain a 2-year cycle to enact water resources legislation. Such a cycle is important to providing certainty and stability to the program. This conference report is a continuation of that process and should receive strong bipartisan support today in the House.

Mr. Speaker, I ask my colleagues to join me in supporting the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of our Subcommittee on Water Resources and Environment.

Mr. BOEHLERT. Mr. Speaker, this comprehensive, bipartisan legislation will help save the Everglades, restore rivers and watersheds throughout the country, keep communities safe from floods and hurricanes, and repair and improve America's water transportation infrastructure, which is the lifeblood of our domestic and global economy.

As chairman of the Subcommittee on Water Resources and Environment, I can tell my colleagues that this legislation has been long in the making.

Our subcommittee held hearings throughout the year, as well as last year, on the bill's key issues and provisions. We have, on a bipartisan basis, reviewed hundreds of project requests and scores of important and timely water policy issues.

I think the committee leadership and the conferees have done a good job of balancing competing interest and treating Members and their constituents fairly.

Mr. Speaker, this is landmark legislation. It is our best hope to save the Everglades and to restore the balance between the human environment and the natural system in South Florida. The world is watching, and I am proud of what this institution has produced at this critical moment.

There are many players in this exciting drama. We owe a debt of gratitude to Governor Jeb Bush of Florida, the entire Florida legislature and the bipartisan Florida congressional delegation led by the tenaciousness of our colleague, the gentleman from Florida (Mr. SHAW). He is the prime motivator behind this legislation, and he is due a round of thanks.

Through their efforts, we are able to move forward with a consensus package that gives overall approval to the 36 year, $7.8 billion plan and specifically authorizes $1.4 billion in projects to get the water right.

I want to emphasize, as this legislation does itself, that the primary purpose of this landmark, unprecedented activity in the Everglades is to restore the natural system. We must continue to be reminded of that fundamental truth, and people like Bob Semple will be watching, as they should.

We are going to have to monitor this project closely and continue to review the science to ensure that it accomplishes this fundamental goal. Indeed, as the project moves forward, we may need more legislative safeguards, such as requiring explicitly that 50 percent of the restoration benefits be achieved by the time that 50 percent of the funds are spent. For now, this legislation sets us on the right path.

Mr. Speaker, the conference report does not include everything one would have hoped for as is to be expected with difficult compromises. For example, the Senate prevailed in deleting important provisions on environmental infrastructure for the Nation and regional environmental restoration for areas such as the Missouri River, the San Gabriel Basin in California, and the Florida Keys. Make no mistake about it, though, on balance, this conference report is a good, solid compromise that will advance ecosystem restoration and protection throughout the country.

Mr. Speaker, I would be remiss in not thanking all the staff of the House, Senate, and administration for their efforts to make this happen. In particular, I want to thank Sara Gray, a staff member in my office and then on the Committee on Transportation and Infrastructure, for her efforts relating to WRDA 2000. Sara, if you are taking a break now from your studying for law school exams and watching these proceedings, thanks for all you did to help the committee keep track of and review the many requests for projects and provisions.

Mr. Speaker, the conference report on S. 2796 is landmark environmental legislation. It did not come about by accident. It is by design by a painstaking bipartisan process.

Let me say also that the Everglades are a treasure not just for Florida, but for America; and we are preserving and enhancing that magnificent resource.

Finally, let me say as we come to the end of 6 years of bipartisanship on the subcommittee what a pleasure it has been to work with my colleague, the gentleman from the Commonwealth of Pennsylvania (Mr. BORSKI), to fashion responsible legislation in a responsible way. It was a give and take, always with the best interest of America at heart.

It has been a rare privilege for me to chair this subcommittee and to work with such a distinguished man as the gentleman from Pennsylvania (Mr. BORSKI).

I say to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), you have been the best. And from this Member and all our colleagues, we owe a debt of gratitude to the chairman of the Committee on Transportation and Infrastructure for his outstanding leadership.

□ 1015

ANOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). All Members are reminded that their remarks should be directed to the Chair.

Mr. BORSKI. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in strong support of this legislation. Let me begin by congratulating the gentleman from Pennsylvania (Mr. SHUSTER), the chairman, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. BORSKI), ranking members, for a fine job on this legislation, as on so many pieces of legislation that have come out of the generally bipartisan work of the Committee on Transportation and Infrastructure.

Mr. Speaker, I confess, I know very little about the Everglades. I am not going to speak about the Everglades. But I know a fair amount about the Port of New York and New Jersey. In this bill is some absolutely essential provisions for the Port of New York and New Jersey.

This bill authorizes funding to deepen the channels to Newark and Elizabeth and Howland Hook and Bayonne and, for the first time, to Brooklyn to 50 feet, so that we can accommodate the deeper superships that are coming in.

Mr. Speaker, the shipping companies are following the airlines and going to a hub and feeder port system. But there is going to be, in 15 years, one major port on the Eastern Seaboard, and that should be in the United States. We are in competition with Halifax as to which is going to be the major hub port on the Eastern Seaboard.

The provisions in this bill enabling us to get to 50 feet in the Port of New York and New Jersey will go a long way to making sure that we have the hub port on the American coast in New York and not in Halifax. That will be instrumental in hundreds of thousands of jobs and a great deal of maritime commerce in the United States, which is very important to us, obviously.

This bill is particularly important because it recognizes, confirms the report of the chief engineer for the Army Corps which, for the first time, recognizes the necessity or the possibility, even, of a major container shipping port in Brooklyn on the east side of the harbor instead of having the ports only on the west side.

If we are going to be the hub port and we are going to be able to take 14 million or 15 million TEUs or 16 million TEUs, if we are going to be able to go up to the forecast 15 million or 16 million or 17 million TEUs, twenty-foot equivalent units, in the next 20 or 30 years, as is forecast, we are going to need all the land available for ports on both sides of the harbor, in New York, and New Jersey and Bayonne and Howland Hook and Elizabeth and Newark and Brooklyn. This bill, for the first time, makes that possible.

We will need to do a lot of additional work and probably additional appropriations to make that happen, but this bill makes it possible. It is a very far-sighted piece of legislation. I am very appreciative of it. I rise in full support of it.

The SPEAKER pro tempore. The Chair notes that the gentleman from Pennsylvania (Mr. SHUSTER) has 18 minutes remaining. The gentleman from Pennsylvania (Mr. BORSKI) has 23½ minutes remaining.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, let me begin by commending the gentleman from Pennsylvania (Chairman SHUSTER), and the Committee on Transportation and Infrastructure for expeditiously bringing us this bill today.

I would also like to commend the gentleman from Florida (Chairman SHAW) for his dogged determination in bringing this bill to the floor. We all love the Everglades. Without the gentleman's hard work and dedication, we would not be here today addressing this subject. I think the world should know that the gentleman from Florida (Mr. SHAW) had a lot to do with making this possible.

It is also important to my district, Mr. Speaker, Congress recognizes the importance of preserving and protecting our beaches from further erosion. This bill does that for the beaches on Long Beach Island.

New Jersey is the most densely populated State in the Nation with the coastal communities continuing to grow at a rapid pace. In addition, tourists double and sometimes triple the local population in the summer as people flock to the shore.

The continued economic health of the coastal communities depend on a sustainable shoreline that will protect existing homes and businesses from continued erosion and storm damage. The narrowing and lowering of beaches and dunes along Long Beach Island has reduced the storm protection that would otherwise have been available.

Major storms which occurred in March of 1984, October of 1991, January of 1992 and December of 1992 have taken their toll on our beaches. This continued storm damage has eroded the beaches completely in some areas where the water is actually washing under homes.

The storms of 1992 qualified for disaster assistance from the Federal Emergency Management Agency, and many areas of the shoreline have not fully recovered even today.

We have been working on this project for 8 years with the cooperation of the Corps of Engineers. It is designed to repair Long Beach Island's beaches, to protect them for the next 50 years. Therefore, I would like to urge my colleagues to vote in support of the Water Resources Development Act, WRDA, because of its vital importance in funding projects that will protect coastal communities from future storm damage throughout the country.

Mr. Speaker, again, I thank the gentleman from Florida (Mr. SHAW) for the important part that he played in bringing this bill to the floor.

Mr. BORSKI. Mr. Speaker, I am pleased now to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the distinguished vice chairman of our caucus.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I also want to congratulate the gentleman from Pennsylvania (Chairman SHUSTER), to congratulate the gentleman from New York (Mr. BOEHLERT), the gentleman from Minnesota (Mr. OBERSTAR), our ranking Democrat, and the gentleman from Pennsylvania (Mr. BORSKI) for working together to bring this bill in the late stages of this Congress. It is an incredibly important piece of legislation which has been crafted which has been critical to help our country's waterways.

The country needs this legislation to improve our ports, our channels, our waterways and our environment. We also need it to reduce flooding, increase our competitiveness, and create more jobs. That is why it is critical to pass this Water Resources Development Act.

Now, this legislation could not arrive at a more critical time for the Port of New York and New Jersey, which generates 180,000 jobs and $20 billion of economic activity. That is because right now in my own home district where the Port of Elizabeth and Newark, which is really where the greatest activity within the port region resides, our port is beginning to handle more traffic and cargo. It is creating more jobs.

But without the authorization for deeper channels contained in this bill, all of this recent growth is in jeopardy. Deepening the port means more trade and commerce with a better environment. Not deepening the port means commerce, goods and, most importantly, jobs generated by the port all being shipped to Canada. Consumers in the New Jersey, New York metropolitan area would have to pay more to get goods to their shelves.

Now, I am concerned the conference report does not include a provision giving the local sponsor of the Port Jersey Channel deepening credit for the work it has done and will do prior to the signing of its final agreement. But I plan to work with my colleagues to pass this provision before we adjourn.

In the past, WRDA has contained important provisions on sediment decontamination, the beneficial use of dredge material, and environmental dredging. That is because we know that commerce and the environment are not mutually exclusive issues. They are interdependent concerns that determine the quality of life for our constituents. So we can deepen the port of New York and New Jersey in an environmentally responsible way.

I look forward to continuing to work with the committee to make sure that growth takes place in the days ahead.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. REGULA), my good friend and classmate.

Mr. REGULA. Mr. Speaker, today I rise in support of the conference report for S. 2796, the Water Resources Development Act, and would like to emphasize my support specifically for the Everglades language.

As many of my colleagues have already stated during this debate, the Everglades provisions represent a major step toward restoration of this unique ecosystem. As chairman of the Subcommittee on Interior of the Committee on Appropriations, I have become involved in this restoration effort as it directly impacts the natural areas in Federal ownership, including Everglades National Park, Big Cyprus Natural Preserve and several national wildlife refuges. Their future and that of the numerous species who make the Everglades their home depend upon the success of this effort. Only if the Corps of Engineers carries out their restoration initiative properly will they survive.

I might say that, in our committee, we have appropriated $738 million as our share of this project with a total of about a $1.35 billion thus far for the Federal Government.

I commend the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the House Committee on Transportation and Infrastructure, for recognizing that the environment must be the primary beneficiary of the water made available through the comprehensive plan for the restoration.

The object of the plan is to restore, preserve, and protect the natural system while also meeting the water supply, flood protection and agriculture needs of the region. I might emphasize I think this is very commendable that the point of protecting the water supply for the Everglades is a primary objective here.

As we make our way through this massive ecosystem restoration, I intend to work with my colleagues on both sides of the aisle to ensure that we remain focused on the restoration of the natural areas.

I commend the Members on their bipartisan work in bringing this legislation to the floor today and urge the Members of the House to support and pass it.

Mr. BORSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT), senior member of the committee.

Mr. TRAFICANT. Mr. Speaker, I am going to ask the gentleman from Pennsylvania (Chairman SHUSTER) for a colloquy so if he can hang around a minute. But I want to start out by saying that I am not surprised.

Mr. SHUSTER. Mr. Speaker, if the gentleman will yield, I am at the gentleman's beck and call.

Mr. TRAFICANT. Mr. Speaker, I am not surprised that the leadership of the gentleman from Pennsylvania (Mr. SHUSTER) has basically been unparalleled. The reason for that is he is a brilliant Pitt man. The University of Pittsburgh almost whacked out Virginia Tech last week, and they are on the rise. But I want to pay special tribute to a Pittsburgh alum who has distinguished himself head and shoulders above most.

I want to also thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. BOEHLERT), the gentleman from Pennsylvania (Mr. BORSKI), the gentleman from Florida (Mr. SHAW), the gentleman from Florida (Mr. DEUTSCH), and everyone involved here.

But as I talked on the rule, I talked about a problem that I think must be addressed by this committee. No matter how many ultimate depositories of water that are impacted upon by contaminated flow from upstream upriver contaminated points and sources of points, there will never be a cleanup of our environment.

Now, here is the trick bag I am in, Mr. Speaker. I have been able to get over a couple million dollars to start the cleanup of the Mahoning River that runs right through the middle of the third largest steel producing region in the world at one time, and the contaminants are 4 and 5 feet deep. They must be cleaned.

Now we are at the point where we need a 50 percent match. My depressed community cannot afford that match. So as a result, while we are cleaning up these down-river depositories, we continue to have the overflow from the contaminant source point contamination situation.

With that in mind, in the colloquy, I want to know if the gentleman from Pennsylvania (Chairman SHUSTER) is willing, even though he will not be chairman, he will be one of the most powerful Members in this body, be willing to work with me next year to reduce and, when necessary because of such a depression, if necessary, to eliminate that match so as we could stop the continuing contamination of the Everglades and other points downstream?

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. Mr. Speaker, I am glad to yield to the gentleman from Pennsylvania (Chairman SHUSTER).

Mr. SHUSTER. Mr. Speaker, it is always my pleasure to work with the former Pitt quarterback. I will be happy to do so.

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. SHUSTER). I take that as a yes answer. I will hold him to that.

I compliment everybody for this great bill. I support it.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. LAHOOD), a distinguished member of our committee.

□ 1030

Mr. LAHOOD. Mr. Speaker, I also want to compliment the chairman for getting this bill to the floor and also our leadership for having this bill on the floor today and having a vote on it.

I represent a district that has 200 miles of the Illinois River all along my district. This bill includes an authorization to really begin to clean up and fix up and stop the siltation that has occurred on the Illinois River that is inhibiting transportation, inhibiting recreation, and inhibiting the great ascetic value that the Illinois River provides from Chicago all the way to Alton.

This is a very good project, and it is a project that has brought together a lot of agricultural interests, a lot of business interests, a lot of transportation interests, a lot of conservation interests. The Nature Conservancy has done a great job on the Illinois River. We have a great CREP program that sets aside land along the Illinois River. This really brings it all together.

I want to thank the Lieutenant Governor of our State, the Governor of our State, and all Members of our delegation who have supported this every effort. I appreciate again the opportunity to have this included in this important bill.

Mr. BORSKI. Mr. Speaker, I am now pleased to yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL), a valuable member from our committee.

Mr. PASCRELL. Mr. Speaker, I want to thank the gentleman for yielding me the time.

Mr. Speaker, this is unprecedented legislation in an unprecedented session. I want to congratulate the gentleman from Pennsylvania (Chairman SHUSTER). I want to congratulate the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Pennsylvania (Mr. BORSKI) on a great job well done. They have set the pace in this session.

I rise in strong support of the Water Resources Development Act, this conference report. As a member of the Committee on Transportation and Infrastructure, I was pleased to work with my colleagues on a bipartisan basis to construct legislation to amend the Clean Water Act to establish a nationally consistent wet weather control standard for combined sewer and overflows.

This bill was drafted by the committee and is a combination of two bills that were introduced in the 106th Congress. I am pleased that language from a bill that the gentleman from Ohio (Mr. LATOURETTE) and I introduced, the Combined Sewer Overflow Control and Partnership Act of 1999, is included.

I say to the chairman, the ranking member, those involved, this legislation is not the sexy material which we in the legislature like to talk about many times, but there are not too many communities throughout the land that have the wherewithal or the resources to deal with the problem of combined sewer overflows. They just do not have the dollars and yet they are supposed to comply with EPA regulations and standards. Some of those communities have already been fined. This is going to go a long way in cleaning up our water system in the United States.

The language that the gentleman from Ohio (Mr. LATOURETTE) and I wrote authorizes $1.5 billion for grant to municipalities and States for these projects. It authorizes $45 million in grants for demonstration projects on the use of watershed management for wet weather control in urban areas and to determine the most effective management practices for wet weather flows. This is a tremendous victory for towns all over America.

The grant programs established in this legislation will finally give these towns, large and small, resources they need to clean up their sewer systems and to comply with the Clean Water Act.

Urban wet weather pollution affects every community in this Nation. Discharges from urban areas and sewer systems during wet weather occur in either one or a combination of forms, including combined sewer overflows and sanitary sewer overflows.

These discharges constitute the most pervasive, most costly municipal challenge to achieving the goals of the Clean Water Act. In other words, without this legislation, this is not going to get done. The problems are extremely evasive, very broadly due to the intermittent and temporary nature of storm events that caused it.

The bill that the gentleman from Ohio (Mr. LATOURETTE) and I introduced strengthens the Clean Water Act to address the highest priority municipal water quality issues by including targeted reforms that redirect the Environmental Protection Agency's wet weather program in hopes of yielding greater success.

I encourage all my colleagues to support this conference report. I again thank the chairman and thank the ranking member.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Florida (Mr. MICA), a member of our committee.

Mr. MICA. Mr. Speaker, I especially want to thank the chair of the full committee, the gentleman from Pennsylvania (Mr. SHUSTER), for his leadership. And I wanted to reach across the aisle and thank the gentleman from Minnesota (Mr. OBERSTAR) and others who have worked so hard in making certain that today we saw this legislation before the Congress.

I particularly, as an observer of this process, want to pay thanks to the gentleman from Florida (Mr. SHAW). We have 435 Members, but to get something to final passage takes the perseverance and the dedication and commitment. I was in the legislature in Florida back some 20-some years ago, and they talked about saving the Everglades. I have been in the Congress for nearly 8 years, and they have talked about saving the Everglades. This today shows and demonstrates what the persistence of one individual can do and has done.

So I salute the gentleman from Florida (Mr. SHAW) for his tremendous efforts. I think as we grow older we see how important it is that we preserve the natural treasures around us and certainly the Everglades is a national treasure. So today is an important day, an historic day. But one individual has helped make that possible. So I come to the floor to salute my colleague, the gentleman from Florida (Mr. SHAW), again for making what others have talked about a reality.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I am pleased to rise in support of this WRDA conference report. This bill has two very important authorization projects for the residents of Marin and Sonoma counties in my district in California.

Along with the committee's majority leadership, I would like to thank the gentleman from Pennsylvania (Mr. BORSKI) and the gentleman from Minnesota (Mr. OBERSTAR) and their staffs for all the work they have done, as well as my Bay Area colleague on the subcommittee, the gentlewoman from

California (Mrs. TAUSCHER) for her assistance. It has taken some hard work of each of them and for the Petaluma community, but I am delighted that this conference report is a home run for my city. On behalf of the city government and my neighbors in Petaluma, I greatly appreciate the effort of the committee to work through a complex situation.

This new authorization for the Petaluma River Control Project will keep residents and businesses safe. It will also make affordable the protection that residents need without putting an unfair financial burden on the city.

I realize this authorization is not, however, all about me and about my city. This authorization is about the blueprint for restoring the Florida Everglades. The people I represent are very supportive of this restoration of such an important ecosystem, and we are looking forward to it being restored to its natural glory.

Mr. Speaker, it is going to be fun to work together and vote together on a bipartisan issue. I thank my colleagues for my gift, and I thank them for making this possible for our Nation.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. CAMP) who has been tenacious in his efforts to protect the Great Lakes.

Mr. CAMP. Mr. Speaker, I want to thank the distinguished chairman of the Committee on Transportation and Infrastructure for his leadership on this legislation. Without his efforts, this bipartisan bill would not be on the floor today.

Water scarcity is becoming a worldwide problem. Over 166 million people in 18 countries are suffering from water shortages, and almost 270 million in 11 additional countries are considered water stressed. Experts predict that by 2025, one-fourth of the world will suffer from lack of water. Given the pressures of dropping water tables, present-day water usage cannot be sustained. Some are trying to change fresh water from a resource to a commodity.

Given these statistics, it is not surprising that there are now proposals to withdraw bulk quantities of water in the Great Lakes Basin. After all, the Great Lakes comprise one-fifth of the Earth's fresh water resources and contain over six quadrillion gallons of water.

This year, lake levels are at an all-time low, which is especially concerning after the wet summer we have had. The Detroit News reported that Lake Superior is seven inches below its long-term average, near lows not seen since 1920; Lake Michigan and Huron are six inches below average. Now is the time to work on this matter. Prudent management of our natural resources means looking ahead and planning for the future. We must be responsible stewards of our environment to ensure that our children are not denied the resources that we are able to enjoy today.

For the past 15 years, the governors of the Great Lakes States, in consultation with the Canadian premiers, have effectively managed the Great Lakes Basin. Today we have the opportunity to protect regional control of the basin and ensure its long-term stability.

I have worked very diligently with the gentleman from Michigan (Mr. EHLERS) and the gentleman from Michigan (Mr. STUPAK) and Senator ABRAHAM in the other body to include language in this conference report which ensures that control of Great Lakes water remains in the hands of the Great Lakes governors. The language in this bill is the culmination of a great deal of work to assure that these waters are effectively protected.

I urge Members of the Great Lakes States and all Members of Congress to join me in supporting this legislation.

Mr. BORSKI. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their hard work on this bill.

I would like to especially recognize the landmark legislation with respect to the Everglades on which my colleague from school and the gentleman from Florida (Mr. DEUTSCH) has been working on for a very long time. Hopefully, some day the Columbia River Gorge in the Pacific Northwest would receive some similar treatment as the Everglades are receiving today because the Columbia Gorge combines natural beauty along with being a commercially crucial transportation corridor. The major cities and towns of the Northwest depend on the Columbia River and that gorge. And yet the gorge is also an ecological singularity. It is truly unique and deserves special consideration. But that is in the future.

There are small parts of this bill which are absolutely vital to the Pacific Northwest. I cite, in particular, the work which is going to be done on the Astoria, Oregon East Mooring Basin. There is a causeway there which needs to be moved so that the breakwater which protects the east basin, the restoration work can continue. In this bill there is authorization to move that causeway so that the Corps of Engineers can continue to work on restoring the Mooring Basin's breakwater and that will preserve that Mooring Basin as an economic resource for the fishing families of the Pacific Northwest.

I thank the committee for its work.

□ 1045

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise in strong support of this bipartisan legislation. I want to salute the gentleman from Pennsylvania (Mr. SHUSTER) and the members of the Committee on Transportation and Infrastructure and particularly the Speaker of the House for bringing this important legislation to the floor. I also want to take a moment and salute my colleague on the Committee on Ways and Means, the gentleman from Florida (Mr. SHAW). We know it was because of the gentleman from Florida's leadership that this legislation to restore the Everglades is on the House floor today. I want to salute the gentleman from Florida and thank him for his leadership.

It is the little things that mean a lot for a lot of communities. I want to thank the Committee on Transportation and Infrastructure under the gentleman from Pennsylvania as well as this House for their bipartisan support for three things that matter a lot to the folks back home in Illinois, three projects that mean a lot to the communities that I represent.

I want to thank this House for their support in our efforts to restore the channel adjacent to Ballard's Island outside of Marseilles on the Illinois River. We, of course, recognize that in this legislation. You have also provided the opportunity for the Ottowa YMCA and its effort to serve thousands of Illinois Valley residents by allowing it to have an easement on property currently owned by the Army Corps of Engineers.

Last, I want to thank this body for transferring property currently owned by the Army Corps of Engineers to the Joliet Park District for a new headquarters. I urge bipartisan support for this legislation.

Mr. BORSKI. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of the commitment that this bill represents today to a partnership that started many, many years ago in the State of Florida, the commitment to begin to return the Everglades to its natural splendor. Amid all the rancor and strife that has overwhelmed this House the last few days, I think it is important to stop and appreciate how we got to where we are in the Everglades. This is the product of years of cooperation between not just Republicans and Democrats but Floridians. Our Senator BOB GRAHAM, then Governor, started this effort. He and CONNIE MACK have represented a wonderful bipartisan commitment to get this done. And now the gentleman from Florida (Mr. SHAW) and the gentleman from Florida (Mr. DEUTSCH) in the House together with our delegation as Floridians have worked together to produce this product. This is an excellent example of the partnership, and it is an excellent example of what happens when we come together as Floridians and now as Americans to protect a national treasure and begin a very difficult and long-term commitment towards restoring the splendor of the Everglades.

This is an important issue not just as far as preserving a natural resource, it is also a very important issue to Florida as far as water quality. The southern part of our State heavily depends upon the Everglades as an important source of drinking water and public health, and the country has come together to help us preserve that. We are very grateful.

Mr. BORSKI. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Florida (Mr. DEUTSCH) and note that he is the Congressman who represents the National Park of the Everglades and has been a tenacious fighter for the Everglades in his 8 years here.

Mr. DEUTSCH. Mr. Speaker, today we are witnessing Congress at its best. In fact, we are really witnessing government at its best and I think in many ways even America at its best. There has been a lot of praise that has been given on this House floor, and I want to add to that. The gentleman from Pennsylvania (Mr. SHUSTER), I think, has worked harder in his committee in terms of really trying to improve the lives of Americans in terms of infrastructure which is really what creates jobs and hopefully is what we do as Members of Congress. I really praise him for his work. I particularly also praise him for his insistence in terms of the other projects that he has been fighting for and not just in terms of the Everglades but in terms of other projects that are needed.

But in particular in terms of the Everglades, what I think the gentleman from Pennsylvania stated previously and understands is that as important as this authorization is, and this truly is historic legislation, there is more that needs to be done. The Keys wastewater treatment bill which is part of the package that the gentleman from Pennsylvania mentioned previously is part of the restoration efforts that we need to continue not just in the Everglades but in Florida Bay and throughout the area. The gentleman from Minnesota (Mr. OBERSTAR) as well has been a leader in terms of infrastructure on this bill and the gentleman from Pennsylvania (Mr. BORSKI) as the ranking member, the gentleman from New York (Mr. BOEHLERT) as the chairman have also been incredibly helpful. Praise has also I think been given and well deserved to the chairman of our delegation, the gentleman from Florida (Mr. SHAW). The gentleman from Florida (Mr. SHAW) really has taken an incredible leadership role on this issue. It is the base of the legislation, his bill. He has worked well with all of us and has been a leader through many troubled times in terms of this bill's trouble but finally literally as we pass it in hopefully a few minutes, maybe even unanimously, it will happen.

Let me also mention, and again it has been mentioned on this floor, the administration. President Clinton and Vice President GORE have made Everglades restoration their number one environmental infrastructure proposal. I cannot imagine how we would be here today without that commitment from the President and the Vice President. In the last 8 years, in the 8 years I have been in Congress, we have actually appropriated over $1.2 billion during that period of time. The chairman of the Committee on Appropriations, obviously we could not have done that without his help, but this entire Congress deserves praise in terms of our efforts.

It has also been mentioned again just the bipartisan nature of this, and I think praise also goes to the last five Governors of the State of Florida, Governor GRAHAM, Governor Martinez, Governor Chiles, Governor McKay and Governor Bush, all of whom have been instrumental in terms of Everglades restoration. This is the largest environmental restoration project in the history of the world, $7.8 billion. It authorizes immediately $1.2 billion; it authorizes immediately 10 specific projects, including the C-14 basin storage reserve, reservoirs and Everglades agricultural area, four pilot projects as well. It is done in a design build concept which is really the state of the art in terms of these types of infrastructure projects. Congress will continue to be engaged throughout this entire process, which literally is a 36- to 38-year process.

This bill is really about the future. I doubt, although it is possible that some Members of this Chamber will still be serving in Congress 38 years from now. Hopefully each of us will still be alive 38 years from now and we will be able to see the fruits of our labor in terms of an ecosystem that has been restored. There is only one Everglades on the planet Earth. This is it. This is the Everglades. Everglades is an Indian word for river of grass. It is a 100-mile wide river, only about a foot deep, and flows into Florida Bay. That is why I was really saying America at its best, because we are really restoring an ecosystem. That is exactly what we are doing. We have made the turn already over the last 8 years; but now this plan in place, a really well thought out government at its best, policymaking at its best, has set a road map for us to actually come to that complete restoration which hopefully will occur over that period of time.

Many people have mentioned some personal things in terms of the Everglades. I live close to the Everglades, at my back door. As has been mentioned, all of Everglades National Park is in my district. I represent probably a majority of the Everglades as well. But I have spent time in the Everglades. I have taken my children to the Everglades. I have camped in the Everglades. I wish that each of my colleagues would have that experience as well. Because this is legislation that is not really for us, it is for our children and for our grandchildren as well. I urge its passage.

Mr. BORSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

It is fitting that the last major vote that occurs in this Congress prior to the election will be this vote which comes from the Committee on Transportation and Infrastructure. Indeed our committee, this means that this will be the 42nd law which has been generated from our committee and sent to the President for his signature, and I am told that the President will sign it.

This committee, the Committee on Transportation and Infrastructure, has been the most productive committee of the Congress and the most bipartisan. I thank my colleagues on both sides of the aisle for doing that.

When this bill passes today, it will be sent over to the enrolling clerk, it will take several days for the final document to be enrolled, and then will be sent to the President for his signature. Certainly many people deserve credit; but I emphasize that, as the chairman of the conference, I can tell you with absolute certainty we would not be here today doing this if it were not for the gentleman from Florida (Mr. SHAW), who has been the driving force behind this historic legislation, the largest environmental restoration legislation in the history of the world.

Mr. Speaker, I am honored to yield the balance of my time to the gentleman from Florida (Mr. SHAW) so he may close this historic debate.

Mr. LIPINSKI. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Illinois.

Mr. LIPINSKI. Mr. Speaker, I simply want to congratulate the gentleman from Pennsylvania (Mr. BORSKI), the gentleman from New York (Mr. BOEHLERT), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Pennsylvania (Mr. SHUSTER) for this outstanding piece of legislation. It helps Illinois and Chicago tremendously. I want to salute the gentleman from Pennsylvania (Mr. SHUSTER) for the fantastic leadership that he has displayed with this committee over the course of the past 6 years. No matter what happens on November 7, I sincerely look forward to working with him as closely as I have in the past 6 years, in fact, in the past 18 years that I have been on this committee. I thank the gentleman from Florida (Mr. SHAW) for yielding to me.

Mr. SHAW. Mr. Speaker, I come to the Democrat side of the aisle this morning to close this argument, not to get in anybody's face but to demonstrate the solidarity of this great body and what we are experiencing today. The gentleman from Florida (Mr. DEUTSCH); all of the Florida delegation; the gentleman from Florida (Mr. DAVIS); of course the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the committee; the gentleman from Pennsylvania (Mr. BORSKI); the gentleman from New York (Mr. BOEHLERT); the gentleman from Minnesota (Mr. OBERSTAR); of course the gentleman from Florida (Mr. YOUNG), who has been absolutely there for us the entire way. There are just so many. The entire Florida delegation, the gentleman from Florida (Mr. GOSS), the gentleman from Florida (Mr. MILLER), there are just so many that have worked so hard to see that we got here this day. But we also have our heroes in Florida, many of them not with us.

I want to associate myself with the remarks of the gentleman from Florida (Mr. DEUTSCH) in ticking off the Members, former Members of this body as well as the former Governors who have worked so hard, Senator GRAHAM as Governor and as a Senator, Senator CONNIE MACK, former Senator and Governor Chiles, who really had a sensitivity toward the Everglades and to saving the Everglades, and, of course, Governor Jeb Bush who has been absolutely tireless in his efforts to pull together this legislation and communicating with the Speaker and the majority leader and other people to see that we got where we are today.

I have been confident the whole time that I have been working on this bill that we would be able to get to this day, and I have had that confidence because I have seen the bipartisan support that we have been able to generate; and the locomotive on this entire bill, of course, is the largest restoration, environmental restoration project in the history of the world. It started with the destruction of the Everglades. The gentleman from Florida (Mr. FOLEY) spoke of it earlier this morning during the debate on the rule, where Governor Broward, for whom my home county is named, ran on the platform that he was going to drain that swamp, the Everglades. We almost got there. Thank God we stopped it. We have had great cooperation from the Army Corps of Engineers through this whole project. Mr. Westfahl has been absolutely tireless in working with us. Secretary of Interior Mr. Babbitt has been tremendously helpful and sensitive to the needs of Florida and to the needs of the Everglades. This destruction is not just down in the Everglades itself. It starts out up just south of Orlando, and it stretches down all the way through Florida Bay and off the Keys, the Florida Keys. The water has been rerouted in so many ways that the sheath flow has been almost completely destroyed. The salinity of Florida Bay goes up and down so that the natural grasses that are on the floor of the Florida Bay are in deep trouble. This makes all of the fish life, the shellfish and other fisheries that are in that area, puts them in grave danger and that could affect the whole fishing industry for the entire State of Florida. It is fitting and proper that the Federal Government at least pay half of the cost of the restoration of this great natural resource. But I think one of the great miracles of pulling this thing together is that all of the interests came together. The agricultural interest which was at complete odds with the environmental interest of the Everglades have come together with the environmentalists, the developers have come together as the municipalities. The Indian tribes that are there have signed on. It was just a tremendous job that has been done in bringing these people together.

This is a historic day. November 3 is the day that we took the first step in really restoring this great national treasure.

Mr. Speaker, this is really a great day for this country; it is a great day for Florida. I urge a "yes" vote.

Ms. LEE. Mr. Speaker, I stand in strong support for the Water Resource Development Act Conference Report. The conference report authorizes various types of water resource development projects, including the Florida Everglades restoration project.

I am particularly pleased that the bill includes a project to create a riparian and pedestrian corridor from Lake Merritt to the Oakland Estuary. Lake Merritt is home to the nation's oldest nationally registered wildlife refuge and is the jewel of Oakland. This project will allow for natural tidal flows into the lake and channel area that will significantly improve water quality, support wetlands habitat and provide for more environmentally sensitive flood control in the Lake Merritt watershed. The proposed project is intended to result in a restoration of the area into a new urban greenbelt corridor, comparable to such places as San Antonio's Riverwalk.

I want to thank my colleague, Representative ELLEN TAUSCHER, her staff and the committee for their help in securing this project. I am confident that this important project will restore wildlife habitat, allow for natural tidal flows, but will also provide for a new significant recreational attraction and create jobs in small businesses surrounding the lake area.

Mr. FOSSELLA. Mr. Speaker, I am very pleased that we are adopting today the Water Resources Development Act of 2000 (WRDA). This important bill includes authorization of 50-foot deepening projects for all of the major channels in the Port of New York and New Jersey (the "Port")—including the Arthur Kill Channel. These deepening projects are critical to the port's ability to handle the larger ships that are now calling on ports throughout the world. This deepening will enable the Port to remain competitive with other ports already equipped with deeper drafts and help to maintain and enhance our region as a hub for international trade.

The Port is the largest container port on the east coast, moving more than 2.3 million TEU's of containers annually and directly serving over 35 percent of the U.S. population. As a result of its strategic location in the middle of one of the nation's largest and most affluent consumer markets, the Port provides same day delivery of goods to more than 18 million people. Over the next 10 years, cargo volumes in the Port are expected to double and over the next 40 years, quadruple. The new generation of cargo ships will require greater depths to accommodate their enormous size and container capacity. Some portions of the Port are currently too shallow to accommodate most modern container and military ships. Given the increased competition from other ports, especially Halifax which has depths of 60 to 70 feet, this comprehensive deepening of the Port is imperative.

This project has enjoyed the support of the New York and New Jersey delegations as well as the Governors of both states. I'd like to thank Chairman SHUSTER, Subcommittee Chairman BOEHLERT and Ranking Member OBERSTAR for all of their hard work on this crucial bill. I commend all of my colleagues for coming together to pass this bill important not only to Staten Island and Brooklyn, but to our Nation as a whole.

Mrs. MEEK of Florida. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I rise today in support of the Water Resources Development Act Conference Report, in particular, the section on the restoration of the Everglades. We are on the verge of passing historic legislation to restore America's Everglades.

Mr. Speaker, the Everglades are dying. All of us know that we must act now or we lose what is left of the Everglades within a few years. No one disputes that the Federal Government is largely responsible for the damage that was done to the Everglades. Fifty years ago, the Federal Government established the Everglades National Park but simultaneously, a series of canals, levees and other flood control structures constructed by the Southern and Central Florida Project disrupted the lifeblood of the Everglades—the flow of clean fresh water.

As a result of these 50 years of neglect and abuse, the State of Florida has lost 46 percent of its wetlands and 50 percent of its historic Everglades ecosystem. Sixty-eight plant and animal species have become threatened or endangered with extinction while urban and agricultural runoff have produced extensive water quality degradation throughout the region.

The Federal Government has a clear interest in restoring this ecosystem since a large portion of the lands owned or managed by the Federal Government will receive the benefits of the restoration—4 national parks and 16 national wildlife refuges which make up half of the remaining Everglades. The need for action is clear. That is why I am so pleased that we are coming together to solve this problem. The legislation before us today represents an unprecedented compromise supported by the administration, the State of Florida, environmental groups, farmers, home builders, water utilities, Indian tribes and industry. These diverse groups represent every major constituency involved in the Everglades restoration. And they are all on board. Not because they all got what they wanted, but because they all understood the urgency of passing this legislation to save America's Everglades.

Mr. Speaker, America desperately needs this bill. I urge all my colleagues to join me to preserve America's Everglades and to ensure that one of the world's most endangered ecosystems is not lost.

Mr. STUPAK. Mr. Speaker, I am grateful that the Senate has recognized the need to protect the Great Lakes water from diversion and export. Yesterday, the other body passed legislation that focuses on protecting this precious resource from foreign companies and countries who target the Great Lakes for their fresh, drinking water.

The Great Lakes is the largest body of fresh water, containing more than 20 percent of the planet's fresh water, and is the primary source of drinking water for millions of people. These lakes, however, are being targeted outside the continent because the global water demand is doubling every 21 years. The World Bank predicts that by the year 2025, more than 3 billion people in 52 countries will suffer water shortages for drinking or sanitation.

Unfortunately, this legislation does not go far enough to ensure a federal role in protecting the Great Lakes from such threats. The language passed by the Senate is nonbinding and thus does not ensure a role for the Secretary of State or any other federal official or agency in devising and approving water conservation standards for the region.

Despite opposing arguments, water diversion from the Great Lakes must involve the federal government. Notably, only the federal government may enter into treaties with the Canadian government. Only the federal government may devise a uniform national policy on diversions. And, only the federal government may set and enforce policies on international waters that apply to four of the five Great Lakes. The federal government's role in this issue is clearly delineated and it must maintain a strong involvement to prevent future diversions.

This entire issue was spurred in 1998 when a Canadian company planned to ship 3 billion liters of water from Lake Superior over 5 years and sell it to Asia. That same year I authored legislation, that the House of Representatives passed, urging the United States government to oppose this action. While the permit was subsequently withdrawn, the House passage of my resolution could not stop future requests. In fact, the United States cannot stop diversions and withdrawals in Great Lakes water that is under the control of Canada.

Obviously, the federal governments of Canada and the United States must be involved to ensure that diversions from the Great Lakes do not occur. The legislation that passed the Senate yesterday fails to include such a protection. It encourages the Provinces of Ontario and Quebec to be included in developing conservation standards. But even if they are present during such discussions, their contribution is made only to existing United States federal law, not to that of Canadian federal law. Without similar restrictions in Canadian federal law, we may be confronting another company's request to remove Great Lakes water in the next few years. We cannot risk this real threat.

I thank the Senate for its consideration of this serious issue and hope that the next Congress may better protect the Great Lakes and the 35 million people who live within its basin.

Ms. BERKLEY. Mr. Speaker, I rise today in strong support of the Water Resource Development Act, which includes a provision to help restore Lake Mead and the Las Vegas Wash and Wetlands in southern Nevada.

The Las Vegas Wash and Wetlands is the only major drainage channel for the entire 1,600-square-mile Las Vegas Valley. On average, 153 million gallons of water, including harmful pollutants, flow each day through the Las Vegas Wash, then through the Las Vegas Wetlands eventually draining into Lake Mead, which is Las Vegas Valley's primary source of drinking water. Fortunately, the Las Vegas Wetlands filter out harmful pollutants before they enter into Lake Mead.

In 1972, the Las Vegas Valley had 135,552 people and 2,000 acres of wetlands. Today, the Valley has over 1.2 million people and only 200 acres of wetlands left. The Valley's tremendous growth has severely eroded the Las Vegas Wash and Wetlands. If left alone the wetlands will disappear, and Lake Mead will become badly polluted resulting in an environment disaster threatening local fish and wildlife species and the health of area residents.

The future of Lake Mead and the Las Vegas Wash is the future of our community, so this is hugely important to southern Nevada.

I've grown up with Lake Mead and the Wash and I've seen over the years how they've become more and more polluted. Not only do we rely on Lake Mead and the Wash for clean drinking water, but they provide one of our greatest recreational and scenic areas. If we want our children to continue to have access to this tremendous asset, we have to come together now to save the Lake and restore the fragile Wash.

This important legislation authorizes $10 million in funding for the implementation of a water resources plan adopted by the Las Vegas Wash Coordinating Committee. The plan directs federal, state, and local officials to work together to restore the wetlands at the Las Vegas Wash and to improve water quality at the Lake.

Mr. Speaker, this legislation is crucial to the continued growth and environmental sustainment of southern Nevada. I praise the bipartisan efforts that created this bill, and I urge my colleagues to support it.

Mr. THUNE. Mr. Speaker, I rise today to lend my strong support to S. 2796, the Water Resources Development Act of 2000. I also would like to thank Chairman SHUSTER and ranking member OBERSTAR as well as the Chairman of the Water Resources and the Environment Committee, Mr. BOEHLERT, and the subcommittee's ranking member, Mr. BORSKI, for their willingness to work with me on a title of this bill of great importance to my state of South Dakota and to the future of the Missouri River.

Title IX of the bill creates the Missouri River Restoration Program. The program takes a very thoughtful and practical approach to the vexing and growing problem of sediment accumulation in the Missouri River in South Dakota.

As my colleagues may be aware, the Flood Control Act of 1944 authorized the construction of six dams on the Missouri in Montana, North Dakota, and South Dakota. These dams, a part of the Pick-Sloan program, have brought a number of benefits to the people in my state and to the states upstream and downstream from South Dakota.

However, the creations of these dams and vast reservoirs also dramatically changed the course of the river, and consequently, how the river interacts with the land and all things living along the river. One of the negative impacts has been the deposition of millions of tons of silt into the reservoirs. Prior to the construction of the dams, the sediment would have flowed down the river, eventually settling as the water approached the Gulf of Mexico. That is no longer the case; instead, the sediment is dropping out of suspension and accumulating in new areas.

That accumulation now is causing flooding in residential and commercial areas in places like Pierre and Fort Pierre, South Dakota. And the new shape of the river has caused increased erosion throughout the river system in South Dakota.

Places like Springfield and Yankton, located on or near Lewis and Clark Lake, have benefited greatly the recreational opportunities of the river since the construction of Gavins Point Dam. But the problem I described above threatens those benefits. And those threats have been well documented in a number of studies by independent groups and the U.S. Army Corps of Engineers. The latest study was authorized in WRDA in 1999 at my request. Those studies have been instrumental in the development of this legislation.

Title IX will give power and resources the state, tribal, and local governments need to work with the Corps and other federal agencies to tackle these problems head-on. The restoration program creates a governing board made up of local interests as well as state and federal officials to develop a plan to reduce sedimentation at the source, develop ways to reduce the sediment, and preserve the health and viability of the river. The program is authorized at $10 million per year for each of the next 5 years. Even though some of the identified solutions exceed this authorization level by almost twofold, the $50 million total will allow for significant and important work to move forward.

I am confident that positive results will become obvious once this group goes to work. And as those results reveal themselves, I am hopeful that this body will be willing to consider changes in the legislation to ensure maximum local control and adequate resources.

I have introduced H.R. 5527, the Missouri River Restoration Act of 2000. That bill has served as a model for title IX of this bill and will continue to serve as a framework for future amendments to title IX if necessary.

Again, I want to thank Chairman SHUSTER and Chairman BOEHLERT for their support of my request on this issue and a number of other issues throughout my service in the House.

I look forward to WRDA 2000 being signed into law and for improvements to begin on the Missouri River in South Dakota, ensuring this great treasure is available for generations to come.

Mr. PICKETT. Mr. Speaker, the conference report on Water Resources Development Act of 2000 has my full support. I commend Chairman SHUSTER and Mr. OBERSTAR for their considerable efforts to bring this legislation before the House of Representatives for final consideration.

Section 338 of the conference agreement concerns a project at Sandbridge Beach in the city of Virginia Beach, Virginia. I am particularly grateful to Chairman SHUSTER for his personal commitment to favorably resolving this issue. The project was authorized for construction by Section 101(22) of WRDA 1992. Due to severe conditions at Sandbridge in 1998, the City of Virginia Beach entered into a Project Cooperation Agreement with the Corps of Engineers to complete construction of the hurricane and storm protection project. The City expended $7.8 million to complete construction that was executed by the Corps of Engineers. Section 338 will assist the City of Virginia Beach in maintaining this hurricane and storm protection project. Project maintenance is critical to the future protection of public and private property in the area. I thank the Chairman for the considerable time, patience and effort he expended on this issue. I urge my colleagues to support this conference report.

Mr. BEREUTER. Mr. Speaker, this Member rises today in strong support of the S. 2796, the Water Resources Development Act (WRDA) conference report. This Member commends the distinguished gentleman from Ohio (Mr. SHUSTER), Chairman of the Transportation Committee, the distinguished gentleman from Minnesota (Mr. OBERSTAR), Ranking Member on the Transportation Committee, the distinguished gentleman from New York (Mr. BOEHLERT), Chairman of the Water Resources and Environment Subcommittee, and the distinguished gentleman from Pennsylvania (Mr. BORSKI), the Ranking Member on the Subcommittee for all their hard work in bringing this important conference report to the Floor. This Member is especially appreciative that he has had the opportunity in the 106th Congress to serve on the Transportation Committee and the Water Resources and Environment Subcommittee. Clearly, it has been a highlight of the 106th Congress for this Member.

This important legislation presents a tremendous opportunity to improve flood control, navigation, shore protection and environmental protection. This Member is pleased that the conference report we are considering today includes contingent approval for the sand Creek watershed project in Saunders County, Nebraska. This proposed project, which is a result of the Lower Platte River and Tributaries Flood Control Study, is designed to meet Federal environmental restoration goals, help provide state recreation needs, solve local flooding problems and preserve water quality. It is sponsored jointly by the Lower Platte North NRD, the City of Wahoo and Saunders County.

The plans for the project include a nearly 640-acre reservoir, known as Lake Wanahoo, wetlands restoration and seven upstream sediment nutrient traps. The Sand Creek watershed project would result in important environmental and recreational benefits for the area and has attracted widespread support. It is especially crucial that the Sand Creek project is included in WRDA this year as the Nebraska Department of Roads is ready to begin design of an expressway in that area that will be routed across the top of a dam if the project is approved. If the Sand Creek project is not included in WRDA, a new bridge will have to be planned and built, which probably would make the project not economically feasible.

This Member is also very pleased that contingent authorization of the Antelope Creek flood control project is included in WRDA 2000. Antelope Creek runs through the heart of Nebraska's capital city of Lincoln. The purpose of the project is to solve multi-faceted problems involving the flood control and drainage problems in Antelope Creek as well as existing transportation and safety problems all within the context of broad land use issues. This Member continues to have a strong interest in this project since he was responsible for stimulating the City of Lincoln, the Lower Platte South Natural Resources District, and the University of Nebraska-Lincoln to work jointly and cooperatively with the Army Corps of Engineers to identify an effective flood control system for Antelope Creek in the downtown area of Lincoln.

Antelope Creek, which was originally a small meandering stream, became a straightened urban drainage channel as Lincoln grew and urbanized. Resulting erosion has deepened and widened the channel and created an unstable situation. A ten-foot by twenty-foot (height and width) closed underground conduit that was constructed between 1911 and 1916 now requires significant maintenance and major rehabilitation. A dangerous flood threat to adjacent public and private facilities exists.

The goals of the project are to construct a flood overflow conveyance channel which would narrow the flood plain from up to seven blocks wide to the 150-foot wide channel. The project will include trails and bridges and improve bikeway and pedestrian systems.

Another Nebraska project was included on the contingent authorization list for Western Sarpy and Clear Creek for flood damage reduction. Frankly, this Member must say he has reservations about the Clear Creek project in light of comments from his constituents in adjacent Saunders County.

In closing, Mr. Speaker, this Member urges his colleagues to support this important conference report. In the short time left in the 106th Congress, we must work to ensure WRDA becomes law this year.

Mr. UDALL of Colorado. Mr. Speaker, when we considered this bill last month I had some serious reservations about it, especially those parts dealing with oceanfront development, dredging, and other projects to be carried out by the Corps of Engineers.

I thought the House should have had the chance to consider amendments that would have improved the bill and regretted that it was considered under procedures that did not permit that.

However, I voted for the bill because I strongly support authorizing the important program of environmental restoration for the Everglades.

The bill then went to conference with the Senate, and today we are considering a revised version that was produced in that conference.

Compared with the original bill, the conference report is much improved and deserves to be passed and sent to the President for signing into law.

As has been noted already, the conference report not only authorizes restoration work for the Everglades, it also includes important provisions to improve the way the Corps of Engineers carries out its work. I do not think they fully address all the changes that need to be made, but they are an improvement and deserve support.

So I will vote for the conference report, and urge its approval by the House.

Ms. BROWN of Florida. Mr. Speaker, I rise in full support of the WRDA Conference Report. Let me begin by commending the Chairman of the full committee Chairman SHUSTER and ranking member OBERSTAR. Subcommittee Chairman BOEHLERT and ranking member Mr. BORSKI also deserve special commendation. This important piece of legislation is necessary to improve our ports, waterways and environment. I am especially pleased that the restoration of the Everglades is included in this WRDA package. Though this precious natural resource is located in my home state of Florida, let there be no mistake this is America's Everglades and the bipartisan nature of the restoration effort reflects this.

In addition, it is widely known that I have serious concerns regarding the participation and inclusion of socially and economically disadvantaged businesses in the Everglades Restoration Plan, the largest environmental restoration project in the history of this nation. The Ranking Member, Mr. OBERSTAR and the administration has been extremely sensitive to this concern and I appreciate his efforts to address the issue. I have received numerous correspondences from residents of my district and across my state, urging that we pass this measure before we adjourn. I urge strong support for this Conference Report and again thank the Chairman and Ranking member for their usual fine work.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of the Conference Report on S. 2790, the Water Resources Development Act of 2000, the biennial authorization bill for programs and projects of the U.S. Army Corps of Engineers.

Since the landmark water resources legislation of 1986, the former Public Works and Transportation Committee, now renamed the Transportation and Infrastructure Committee, has worked to maintain a consistent two-year authorization schedule for the Corps. It is critical to maintain this two-year cycle to provide continuity to the program and certainly to the non-federal, local sponsors who support Corps projects. This biennial cycle also affords Congress the opportunity to monitor and, if necessary, amend the workings of the Corps program.

This Conference Report authorizes projects for the entirety of the Corps civil works program. It includes navigation, flood control, shoreline protection, and environmental restoration and protection.

This bill both builds and rebuilds the Nation's infrastructure. It will allow us to expand international trade through projects to improve our coastal ports and inland navigation system. Through flood control and hurricane and storm damage reduction measures, it will help to meet critical needs to protect lives and property.

It is no secret that one of the issues that delayed House consideration of this bill until last month was the applicability of the Davis-Bacon Act to non-federal contributions to federal projects of the Corps. I have always believed that Davis-Bacon applies to all aspects of a federal public works project, regardless of whether the Corps is performing the work, or a non-federal sponsor is contributing the work. The key element is that these have always been federal public works projects, and Davis-Bacon should apply.

I was surprised that the Corps was not consistently applying the Davis-Bacon wage protection provisions to the non-federal contribution for Corps projects. I was prepared to offer legislative language to the bill to rectify this situation—ensuring that the Corps would apply Davis-Bacon Act protections to all aspects of its program.

I am pleased to say that such legislative action is no longer necessary. Following numerous meetings with the Corps, the Department of the Army, and the Department of Labor, there is agreement within the Administration that my view of the applicability of the Davis-Bacon Act is the correct one. The Davis-Bacon Act wage provisions apply to non-federal contributions to federal Corps of Engineers projects. It applies regardless of whether the non-federal contribution is in cash, or in-kind work for which credit or reimbursement is sought.

I appreciate the Administration working with me to make sure that the protections of the Davis-Bacon statute are provided to all workers on all federal public works.

Mr. Speaker, this bill contains an important tribute to our late colleague, and my friend, Bruce Vento. This bill will rename a portion of the Boundary Water Canoe Area Wilderness in my district as the Bruce Vento Unit of the Boundary Waters Canoe Area Wilderness.

Bruce served people of his district nobly, with dignity, with passion, and with purpose. He did the same for the Nation, particularly in preserving and enhancing its parks and wilderness areas. Bruce has been credited with championing hundreds of bills into law that protect and preserve our precious natural resources. I believe that it is most appropriate that one of those precious resources in our home state of Minnesota bears his name in perpetuity, and I am proud that this tribute will be in my Congressional district.

Mr. Speaker, local newspapers have devoted a lot of time and effort over the past nine months to criticizing the Corps. But, the Corps is a proud institution with a long history. It deserves our praise and respect. Let me share some of its history with my colleagues.

First, I welcome the opportunity to pay tribute to the organization frequently mentioned in debate here but whose accomplishments are almost never discussed, the Corps of Engineers. The Corps celebrates its 225th birthday this year. During those years it has established itself as the Nation's oldest, largest, and most experienced government organization in the area of water and related land engineering matters. It has provided extraordinary, competent, lifesaving, economic development enhancing service to this country for two and a quarter centuries.

Few people today know that the Corps of Engineers, among its many responsibilities, once had jurisdiction over Yellowstone National Park. The Corps managed Yellowstone Park for 30 years. Lieutenant Dan Kingman of the Corps, who would later become the Chief Engineers, wrote:

"The plan of development which I have submitted is given upon the supposition and in the earnest hope that it will be preserved as nearly as may be as the hand of nature left it, a source of pleasure to all who visit and a source of wealth to no one."

A few years later, John Muir, founder of the Sierra Club, said:

"The best service in forest protection, almost the only efficient service, is that rendered by the military. For many years, they have guarded the great Yellowstone Park, and now they are guarding Yosemite. They found it a desert as far as underbrush, grass and flowers are concerned. But, in two years, the skin of the mountains is healthy again, blessings on Uncle Sam's soldiers, as they have done the job well, and every pine tree is waving its arms for joy."

Another great American said: "The military engineers are taking upon their shoulders the job of making the Mississippi River over again, a job transcended in size only by the original job of creating it." That was Mark Twain.

Those statements together pay tribute to what the Corps of Engineers has done so admirably, and the great legacy they have left for all Americans protected in floods, enhanced with river navigation programs, and, of immense importance to me, by protecting the great resource of the Great Lakes—one-fifth of all the fresh water on the face of the Earth.

The Corps of Engineers deserves recognition for all of these works and the great contribution it makes to the economic well-being, and to the environmental enhancement of this country.

Mr. Speaker, I find it ironic that even while some criticize the Corps, the central piece of this legislation is a project to invest nearly $8 billion in federal, state, and local funds for the greatest environmental restoration project ever conceived. A project that has the support of the Administration, Members of Congress from both sides of the aisle, the environmental community, Florida, affected Indian Tribes, local governments, and the business community of South Florida. This critical project has not been entrusted to an agency incapable of carrying out its mission. No, the project has been entrusted to the only agency capable of carrying out the mission.

The Everglades are dying from years of population growth, and a Corps project that works all too well in draining them. While some criticize the existing Corps project for having harmed the Everglades, it should be recalled that the current system of canals, levees, and pumps that redirect water from the Everglades to the ocean was built with the support and encouragement of Florida and local residents.

The project has provided the desired flood and hurricane protection, as well as water supply for South Florida. Unfortunately, when the project was constructed, no one envisioned the dire consequences for the Everglades ecosystem.

The restoration project initiated in this bill will help restore the Everglades by changing the plumbing of South Florida to more closely resemble historical patterns and amounts. Today, the Everglades receive the wrong amount of water at the wrong times of the year. The Everglades restoration project, when fully implemented, will provide a more natural flow through the Everglades, and the Everglades National Park. It will do so without diminishing flood and hurricane protection for South Florida.

Mr. Speaker, scores of individuals worked for many years to develop the comprehensive plan to restore the Everglades. For many, their efforts have been acknowledged here and in the Senate. However, I will compliment one individual who has worked tirelessly toward the Everglades restoration project, and whose name has not been mentioned on this Floor.

Mr. Gary Hardesty of the Corps of Engineers headquarters office has given of himself above and beyond the call of duty to make the Everglades restoration happen. He coordinated the Comprehensive Everglades Restoration Plan, was responsible for drafting the Report of the Chief of Engineers, wrote Congressional testimony for numerous hearings, and provided detailed and accurate information to the House and Senate in the drafting of the bill. As Members of Congress know well, there are less visible individuals who make the work we do possible. For the Everglades, Mr. Hardesty is one of the individuals that made the Everglades restoration possible. He deserves the Nation's recognition and gratitude.

The Conference Report is not just the Everglades and other projects. It also includes a number of provisions to improve the operation of the Corps program. But, I am disappointed that more of the program improvements contained in the House amendment were not acceptable to the Senate. In particular, it is unfortunate that the Conference Report does not include House language to ensure that Corps' projects will successfully mitigate any adverse environmental impacts associated with its projects. I intend to revisit this issue next Congress.

The Conference Report expands the ability of non-governmental entities to participate as non-federal sponsors of projects. This is particularly important for environmental restoration and improvement projects where local organizations are anxious to work with the Corps to improve the environment.

Mr. Speaker, this water resources bill is worthy of strong bipartisan support. It is consistent wiht other Water Resources Acts that

Congress has approved overwhelmingly over the past 15 years. We should give this Conference Report that same overwhelming support today.

I urge all Members to support the Conference Report on S. 2796, the Water Resources Development Act of 2000.

Mr. BARCIA. Mr. Speaker, I would like to thank Chairman SHUSTER, Mr. OBERSTAR, and my Subcommittee Chairman Mr. BOEHLERT, and Ranking member Mr. BORSKI for their support and dedication in moving this important legislation forward. Additionally, I would like to express my gratitude for their tireless efforts to move my bipartisan legislation, H.R. 828. While it is not part of this package, I am pleased that an agreement was reached that will result in the eventual passage of this important legislation.

I would also like to express appreciation to all those Members who played a key role including Congressman LATOURETTE who is a leader on this issue as well.

I am pleased that we will pass WRDA today, legislation that will have a positive impact on communities across the country and I look forward to continuing our work to provide clean water for the citizens of this great nation.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 312, nays 2, not voting 119, as follows:

[Roll No. 594]

YEAS—312

Abercrombie
Aderholt
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berkley
Berry
Biggert
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chabot
Coble
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Fletcher
Foley
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Moore
Moran (KS)
Murtha
Myrick
Nadler
Napolitano
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reynolds
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Weiner
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Chenoweth-Hage
Sanford

NOT VOTING—119

Ackerman
Allen
Archer
Baird
Ballenger
Becerra
Bentsen
Berman
Bilbray
Bishop
Blumenauer
Boswell
Boucher
Calvert
Campbell
Capps
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Conyers
Danner
Davis (IL)
DeGette
Delahunt
Dickey
Dicks
Dingell
Dooley
Dunn
Ehlers
Emerson
Ewing
Farr
Fattah
Filner
Forbes
Fowler
Frank (MA)
Franks (NJ)
Ganske
Gejdenson
Gephardt
Granger
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hefley
Hill (MT)
Hutchinson
Jackson-Lee (TX)
Jones (OH)
Kasich
Kennedy
Kilpatrick
King (NY)
Klink
Lantos
Lazio
Lee
Lofgren
Maloney (NY)
McCarthy (MO)
McCollum
McIntosh
McKinney
Meehan
Meek (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moran (VA)
Morella
Neal
Nethercutt
Oberstar
Ose
Owens
Paul
Pelosi
Pickett
Pomeroy
Price (NC)
Reyes
Riley
Rodriguez
Rush
Salmon
Sanchez
Schaffer
Serrano
Shays
Slaughter
Smith (WA)
Spratt
Stark
Stupak
Talent
Tancredo
Taylor (NC)
Thompson (MS)
Tierney
Towns
Turner
Visclosky
Waters
Watts (OK)
Waxman
Weldon (FL)
Wexler
Weygand
Whitfield
Wise

□ 1127

Mrs. CHENOWETH-HAGE changed her vote from "yea" to "nay."

Mr. DUNCAN changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 594, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 594 on November 3, 2000, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall votes Nos. 593 and 594, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes Nos. 593 and 594. Had I been present, I would have voted "yea" on both rollcall votes Nos. 593 and 594.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I wish to state for the RECORD how I would have voted if I had been present today. Rollcall 593, Approving the Journal, "aye." Rollcall 594, Conference Report on WRDA, "aye."

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 2796.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001, CONDITIONAL ADJOURNMENT OF THE HOUSE, AND AUTHORIZING ORGANIZATIONAL CONFERENCES AND CAUCUSES

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the House discharge the Committee on Appropriations from further consideration of, and hereby pass, House Joint Resolution 124; take from the Speaker's table House Joint Resolution 84, with Senate amendments thereto, and concur in each of the Senate amendments; take from the Speaker's table Senate Concurrent Resolution 160 and agree to the same; and hereby adopt a resolution providing that any organizational caucus or conference in the House of Representatives for the 107th Congress may begin on or after November 13, 2000; that the texts of each measure be considered as read and printed in the RECORD, and that motions to reconsider each of these actions be laid on the table.

The Clerk read the titles of the resolutions.

The text of H.J. Res 124 is as follows:

H.J. RES. 124

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "November 4, 2000".

The text of the Senate amendments to H.J. Res. 84 is as follows:

Senate amendments:

Strike out all after the resolving clause and insert: *That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "November 14, 2000"*.

Amend the title so as to read: "Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.".

The text of S. Con. Res. 160 is as follows:

S. CON. RES. 160

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, November 2, 2000, or on Monday, November 6, 2000, on a mot'on offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, November 14, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, November 2, 2000, Friday, November 3, 2000, Saturday, November 4, 2000, Sunday, November 5, 2000, Monday, November 6, 2000, Tuesday, November 7, 2000, Wednesday, November 8, 2000, or Thursday, November 9, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Monday, November 13, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The text of H. Res. 666 is as follows:

H. RES. 666

Resolved, That any organizational caucus or conference in the House of Representatives for the One Hundred Seventh Congress may begin on or after November 13, 2000.'

SEC. 2. As used in this resolution, the term "organizational caucus or conference" means a party caucus or conference authorized to be called under section 202(a) of House Resolution 988, Ninety-third Congress, agreed to on October 8, 1974, and enacted into permanent law by chapter III of title I of the Supplemental Appropriations Act, 1975 (2 U.S.C. 29a(a)).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONDITIONAL ADJOURNMENT OF THE HOUSE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 6 p.m. on Saturday, November 4, 2000, unless it sooner has been informed by the President of the enactment into law of House Joint Resolution 84, in which case the House shall stand adjourned pursuant to Senate concurrent resolution 160 until 2 p.m. Monday, November 13, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CROMWELLIAN ADJOURNMENT

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I had originally intended to take about 15 minutes to recite my objections to our leaving with all of the unfinished business, but I have been persuaded by those with greater wisdom to simply remind the House of something the gentleman from Massachusetts said yesterday. He showed us the statement of Oliver Cromwell upon dismissing Parliament in 1653, which reads as follows: "Ye who are grown intolerably odious to the whole Nation; you who are deputed here by the people to get grievances redress'd, are yourselves become the greatest grievance. Your country, therefore, calls upon me to cleanse this Augean stable, by putting a final period to your iniquitous proceedings in this House; and which, by God's help and the strength he has given me, I am now come to do; I command ye therefore, upon the peril of your lives, to depart immediately out of this place; go, get out! Make haste! Ye venal slaves be gone! So! Take away that shining bauble there, and lock the doors. In the name of God, go!"

□ 1130

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman will yield, the gentleman is a student of Oliver Cromwell, and I enjoy reading Cromwell's very famous statements as well.

I would like to respond to the gentleman's Cromwell quote by reading another one. These were Oliver's dying words.

He said, "It is not my design to drink or to sleep, but my design is to make what haste I can to be gone." So goodbye, God bless you, see you in two weeks.

APPOINTMENT OF THE HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MONDAY, NOVEMBER 13, 2000

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 3, 2000.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through November 13, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The Speaker pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure, which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, October 5, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Capitol Building, Washington, DC.

DEAR SPEAKER HASTERT: On Wednesday, September 27, 2000, the Committee on Transportation and Infrastructure, pursuant to 40 U.S.C. §606, approved twenty-two resolutions concerning GSA's FY 2001 Capital Investment Program.

Please find enclosed copies of these resolutions.

With warm regards, I remain.

Sincerely,

BUD SHUSTER,
Chairman.

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 15, 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday, November 15, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday November 13, 2000, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AN APT DESCRIPTION OF THE END OF THIS SESSION OF THE 106TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, T.S. Eliot said: That is the way the world goes, not with a bang but a whimper. It seems like an apt description of the end of this session.

Mr. Speaker, I include for the RECORD an article from Slate, which is a magazine, an online magazine, entitled "Ralph the Leninist."

The article referred to is as follows:

[From Slate magazine, Oct. 31, 2000]

RALPH THE LENINIST

(By Jacob Weisberg)

Over the past 10 days, liberals have been voicing shock and dismay at the imminent prospect of their old hero, Ralph Nader, intentionally throwing the election to George W. Bush. A first, eloquent protest came 10 days ago from a group of a dozen former "Nader's Raiders," who asserted that their former mentor had broken a promise not to campaign in states where he could hurt Gore and begged him to reconsider doing so. Others, including Newsweek columnist Jonathan Alter, have expressed a similar sense of disappointment and betrayal.

Nader's response to all this heartfelt handwringing has been to scoff and sneer. On Good Morning America, he referred contemptuously to his old disciples as "frightened liberals." The Green Party nominee is spending the final week of the campaign stumping in Michigan, Minnesota, Wisconsin, Oregon, and Washington—the very states where a strong showing stands to hurt Gore the most. Nader has said he wants to maximize his vote in every state in hopes of attaining the 5 percent of the vote that will qualify the Green Party for $12 million in federal matching funds in 2004. Speaking to foreign journalists in Washington yesterday, he explicitly rejected Internet vote-swapping schemes that could help him reach this qualifying threshold without the side effect of electing Bush president. In various other TV appearances, Nader has stated bluntly that he couldn't care less who wins.

This depraved indifference to Republican rule has made Nader's old liberal friends even more furious. A bunch of intellectuals organized by Sean Wilentz and Todd Gitlin are circulating a much nastier open letter, denouncing Nader's "wrecking-ball campaign—one that betrays the very liberal and progressive values it claims to uphold." But really, the question shouldn't be the one liberals seem to be asking about why Nader is doing what he's doing. The question should be why anyone is surprised. For some time now, Nader has made it perfectly clear that his campaign isn't about trying to pull the Democrats back to the left. Rather, his strategy is the Leninist one of "heightening the contradictions." It's not just that Nader is willing to take a chance of being personally responsible for electing Bush. It's that he's actively trying to elect Bush because he thinks that social conditions in America need to get worse before they can get better.

Nader often makes this "the worse, the better" point on the stump in relation to Republicans and the environment. He says that Reagan-era Interior Secretary James Watt was useful because he was a "provocateur" for change, noting that Watt spurred a massive boost in the Sierra Club's membership. More recently, Nader applied the same logic to Bush himself. Here's the Los Angeles Times' account of a speech Nader gave at Chapman University in Orange, Calif., last week: "After lambasting Gore as part of a do-nothing Clinton administration, Nader said, 'If it were a choice between a provocateur and an anesthetizer, I'd rather have a provocateur. It would mobilize us.'"

Lest this remark be considered an aberration, Nader has said similar things before. "When [the Democrats] lose, they say it's because they are not appealing to the Republican voters," Nader told an audience in Madison, Wis., a few months ago, according to a story in The Nation. "We want them to say they lost because a progressive movement took away votes." That might make it sound like Nader's goal is to defeat Gore in order to shift the Democratic Party to the left. But in a more recent interview with David Moberg in the socialist paper In These Times, Nader made it clear that his real mission is to destroy and then replace the Democratic Party altogether. According to Moberg, Nader talked "about leading the Greens into a 'death struggle' with the Democratic Party to determine which will be the majority party." Nader further and shockingly explained that he hopes in the future to run Green Party candidates around the country, including against such progressive Democrats as Sen. Paul Wellstone of Minnesota, Sen. Russell Feingold of Wisconsin, and Rep. Henry Waxman of California. "I hate to use military analogies," Nader said, "but this is war on the two parties."

Hitler analogies always lead to trouble, but the one here is irresistible since Nader is actually making the argument of the German Communist Party circa 1932, which helped bring the Nazis to power. I'm not comparing the Republicans to fascists or the Greens to Stalinists for that matter. But Nader and his supporters are emulating a disturbing, familiar pattern of sectarian idiocy. You hear these echoes whenever Nader criticizes Bush halfheartedly, then becomes enthusiastic and animated blasting the Green version of the "social fascists"—Bill Clinton, Gore, and moderate environmentalists. It's clear that the people he really despises are those who half agree with him. To Nader, it is liberal meliorists, not right-wing conservatives, who are the true enemies of his effort to build a "genuine" progressive movement. He does have a preference between Republicans and Democrats, and it's for the party that he things will inflict maximum damage on the environment, civil rights, labor rights, and so on. By assisting his class enemy, Nader thinks he can pull the wool from the eyes of a sheeplike public.

If Nader's goal were actually progressive reform—a ban on soft money, a higher minimum wage, health-care coverage for some of the uninsured, a global warming treaty—it would be possible to say that his strategy was breathtakingly stupid. But Nader's goal is not progressive reform; it's a transformation in human consciousness. His Green Party will not flourish under Democratic presidents who lull the country into a sense of complacency by making things moderately better. If it is to thrive, it needs villainous, right-wing Republicans who will make things worse. Like Pat Buchanan, Nader understands that his movement thrives on misery. But the comparison is actually unfair to Buchanan (words I never thought I'd write) because Buchanan doesn't work to create more misery for the sake of making his movement grow the way Nader does. From a strictly self-interested point of view, Nader's stance is the more rational one.

So Gore supporters might as well quit warning the Green candidate that he's going to put George W. Bush in the White House. Ralph Nader is a very intelligent man who knows exactly what he's doing. And they only seem to be encouraging him.

Mr. Speaker, this article lays out, I think, the basic premise by which this Congress failed to deal with the Patients' Bill of Rights, education, prescription medicines for senior citizens.

In talking about the Ralph Nader campaign, it said that Mr. Nader has made it perfectly clear what his strategy was. It is the strategy of Lenin; that is, to "heighten the contradictions." That is in quotes.

Now, the whole idea of bringing down the political process to make things better out of the ashes is one that has been very actively pushed by Mr. Nader in his campaign. He said it very directly in many places. He said, "We are hoping that we will destroy the Democratic Party, and that from that will rise a new party on the left."

This House and its failure to deal with these major issues today and in this session are a direct result of a strategy very similar announced by Speaker Gingrich. His idea, when he was in the minority, was to destroy the House; to do everything possible to discredit the government, to discredit the House of Representatives, to bring it into ill repute with everybody in the public.

Now we come to this session. He started it 6 years ago. He tried it for 2 years. He lost seats in the next election. He tried it again. He lost seats in the next election. And the third time they tried it, they lost seats in the next election.

Now, what we have got here is a situation where the Congress simply did not function. All that lovey-dovey kissy-face that was going on a few minutes ago is basically to obscure the fact that, although the Republican leadership said, "We will pass the budget and all its parts by a timely date the first of October," but in fact, we stand here today, 1 month after the new fiscal year is in, and we have not passed three major bills. The Senate and House Republicans could not get their act together and get it down to the President.

They say, well, the President was not going to sign it. They never could get an agreement among themselves to send the bill down to the President and veto it if he chose. They sent some down, which he vetoed. But if they cannot decide among themselves, maybe they should go down and sit down with the President and negotiate and get the people's business done.

They could not do it. They could not bring themselves to. Having created these contradictions and all the fighting in here, they could not then sit down with the President and negotiate how to deal with tax relief for the middle class, how to deal with educational financing for schools. They could not deal with the Patients' Bill of Rights. They could not deal with prescription drugs for senior citizens.

I do not know how any State is going to plan their budget when they have no budget from the United States government. They are just sort of sitting out there waiting.

There are hospitals. The BBA givebacks, that is, the restoration of the unfortunate cuts that were made in Medicare, which have put hospitals all over this country in serious problems, have not been done.

We are going into an election with a hospital in every one of the 435 districts represented in this House where they do not know how much money they are going to have, or if they are going to have any money to make up for the deficits they are running now.

This comes from this idea that somehow they can radically rip this government up and start over new. It is a fallacious idea that Mr. Nader is using, and it was a fallacious idea that Mr. Gingrich used in this House.

We must come back here and work together in the future, or this country will suffer immensely.

TRIBUTE TO JIM AND BETTY McCANN ON THEIR RETIREMENTS FROM THE NEW BRUNSWICK DISTRICT OFFICE OF THE HONORABLE FRANK J. PALLONE, MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to pay tribute today to two of my longest serving and most loyal staffers, Jim and Betty McCann, who retired this year from my New Brunswick district office.

Mr. Speaker, it is not unusual to have an outstanding individual on your staff for a long time, but to have two outstanding individuals who also happen to be married to each other is most unusual and most fortunate for me.

Jim and Betty McCann worked for my predecessor, the late Congressman James Howard, in the 1980s. Jim Howard recognized early on that Jim and Betty had the talent and the personalities to handle the varied and difficult job of running a congressional district office.

Just as we know that not everyone has the special skills needed to be a successful politician, so, too, not everyone has the versatility and interpersonal and organizational skills to survive and excel on a congressional staff.

After Jim Howard passed away and I was elected in 1988, I urged Betty and Jim to stay on and work for me. When redistricting reshaped the districts in New Jersey and I ran and won in the Sixth Congressional District, I set up a new office in New Brunswick, New Jersey, in the Middlesex County portion of my district.

Jim and Betty's experience on congressional and case work matters were very important to the success of my new office, which handled a tremendous amount of constituent casework and important projects in the most populous and ethnically diverse area of my district.

In all those years, I did not think I ever heard a word of complaint about the operation of the New Brunswick District Office. I knew it was being well administered, so I could divert my attention to other important issues in Middlesex County, secure in the knowledge that the equally important constituent matters were being carefully attended to.

I was often complimented in person and in letters about Jim and Betty's service to the Sixth District, and I would like to quote from some of the hundreds of letters that I have received thanking me, or thanking me for their efforts, over the years.

The first, Mr. Speaker, is from a physician in my district. He writes:

"Dear Congressman Pallone:

I am writing this letter to thank you and your outstanding office staff for the great effort in dealing with my difficult case. Mrs. McCann has been very helpful, sincere, and had the leading role in solving my complicated case.

Over the past few months, I have been dealing with Mrs. McCann, and she has always been very cooperative and always walks the extra mile to get things done properly. I was very impressed by her knowledge of the immigration laws and rules and her superior ability to approach a difficult case like mine. . . . She is a superb caseworker."

I have another letter from a retired lieutenant colonel regarding Jim McCann. It says, "Dear Congressman Pallone, I am writing to thank you and a member of your staff, Jim McCann, for responding so quickly and effectively to my family in time of need.

My wife's brother recently died after a long illness. He was a retired Navy Chief Petty Officer and wished to be buried at sea. Because of Jim McCann, who made the arrangements with the Coast Guard in New Jersey and who personally appeared at dockside on the day of the burial, the occasion proceeded smoothly.

I was struck by how quietly and efficiently Mr. McCann coordinated the details without intruding on the grief of the immediate family. He is a very considerate individual who gave up a good portion of his Saturday to represent your office. I am personally very grateful."

Mr. Speaker, Jim and Betty epitomize the best in congressional service. Working long and hard and not seeking the limelight, they loyally served the residents of the Sixth Congressional District by walking that extra mile to get things done properly.

I want to thank them deeply, and wish them a happy and productive retirement.

WHICH CANDIDATE WOULD ENSURE THE CONTINUED SOLVENCY OF SOCIAL SECURITY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I was just on an interview with the Wall Street Journal asking me what I thought would happen after the election of the President, and which person might move ahead to make sure that we save social security.

Working on this problem of keeping social security solvent, and having introduced four bills on social security, I made my comment that the greatest risk is doing nothing at all and simply saying, look, we are going to keep your benefits coming. Do not worry about it. Because the greatest problem is that if we keep putting off a solution, then what we are doing is ensuring that our kids and our grandkids are going to have an enormous tax burden to keep social security solvent.

Social security has a total unfunded liability, according to Alan Greenspan of the Federal Reserve, of $9 trillion. That means we have to put $9 trillion in right now and have that start drawing a real return of at least 6.7 percent interest to keep social security solvent over the next 5 years. The social security trust fund contains nothing but IOUs on a ledger down in Maryland where every time the government borrows that money, either to pay back debt or expand social programs, just another figure is written on that ledger.

The challenge is coming up with the money to keep paying the benefits for social security that we have promised the American people.

□ 1145

To keep paying promised Social Security benefits, if we do nothing, the payroll tax is going to have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent.

This is the problem. We have surpluses coming in after the big tax increase in 1983. Those surpluses are going to run out. We are going to have to start coming up with additional funds from someplace starting in 2015. That red portion on the bottom left of that chart is the taxes that our kids are going to have to pay in addition to current taxes, $9 trillion today in tomorrow's dollars, it is $120 trillion over the next 75 years.

This is what we have done on tax increases so far. That is why the evidence is there that probably if we keep putting it off, we are simply going to increase taxes on our kids and American workers even again.

In 1940, it was 1 percent for the employee and the employer for a maximum of $60 a year; 1960, 3 percent on employee/employer total of 6, on the first $4,800 to be $288. Today, in the year 2000, since the 1983 tax increases, it is 12.4 percent on the first $76,200 for a total of $9,440 a year for each worker. And that is part of the problem. We have gone from 38 workers for each 1 retiree in 1940; today we have three workers paying in their Social Security tax immediately sent out in benefits. And the estimate is that in 25 years, it is just going to be two workers working.

Mr. Speaker, it has to be changed. I think that Governor Bush has been willing to step up to the plate saying look, we cannot just talk about it. We have to do something about it. He has been criticized by Vice President Gore. And Vice President Gore's plan is to take the interest savings on the debt held by the public, the interest savings on the debt held by the public, the debt held by the public right now is $3.4 trillion. The interest savings are $260 billion a year.

It is not going to accommodate the $46 trillion that we are going to need between now and 2054. It is just another way of examining the Vice President's suggestion that we use the blue part, or $260 billion a year, to accommodate the $46 trillion that is going to be needed in addition to Social Security taxes.

It still leaves a $35 trillion deficit. I just urge everyone, as they size up their candidates, try to pick the candidate that is willing to step forward on this issue. Next year is our best chance to solve Social Security. Let us do it.

REMEMBER ELECTIONS ARE IMPORTANT

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, nothing shocked me more, left me less prepared than the sudden burst of sanity that swept this hall just an hour ago when we decided to finally leave town.

Mr. Speaker, I am hardly prepared to deliver these remarks, but seeing as no one else wishes to address the House at this time, I have put together a few notes of a speech I thought I would be delivering 3 hours or 4 hours from now. What is apparent, as we leave town, is that elections are important, that whether we get a patients' bill of rights, whether we get Medicare to provide coverage for pharmaceuticals, whether we get Federal aid for education and for school construction, and I will be talking about that a little later, whether we protect our environment and protect the women's right to choose, increase the minimum wage, protect Social Security, all of these things are on the line next Tuesday.

Mr. Speaker, until we left town, there was the illusion that the country could get these democratic proposals adopted in what I call "Democrat-lite" form, that we would pass some bill that seemed to address the issues that we Democrats have put on the agenda, like the issues I just mentioned, education, health care, that we have put these issues on the agenda, but that the majority would pass some sort of "lite" version of these bills, and at least make the country think that these issues had been dealt with.

Mr. Speaker, now as we adjourn, the words "do nothing Congress" rings in our ears, for we have accomplished not even the minimum required of this Congress. In fact, a Senate and a House both controlled by the majority party have not even sent to the President for his analysis all of the 13 appropriations bills that should have reached there in September.

So we have a do-nothing Congress, a Congress that has not addressed the issues that we Democrats have put on the agenda. It has not addressed them, even in some sort of mild or illusory form. We have an election coming up that will help us address those issues.

Before I move off of this topic, I do think that it was wrong to criticize our colleagues who were not here yesterday, participating with us in this charade where this House pretended that we were going to reach a compromise on all of the issues, even though the Senate, including the Republican Senate leadership, had already left town. Those in the majority who would criticize, the gentleman from New York (Mr. LAZIO), our colleague, for not being here yesterday should not have issued that criticism to a Member of this House.

I know that the gentleman from New York (Mr. LAZIO) had campaigning to do in New York and chose not to join us yesterday, but we were hardly doing important work.

But at this point, I want to focus on the school construction issue. The tax bill that we just passed out of this House dealt in a poor way with the crisis that is facing this country; and that crisis is the need to build new schools, to refurbish older schools, to renovate schools, to wire schools for the Internet, to do the things that are normally done by school districts by issuing school bonds.

The tradition in this country has been for this Congress to help school districts issue school bonds and to do so by using the Tax Code for us to provide a subsidy to those who hold school bonds, so that investors will buy school bonds, even though they yield a rather low rate of interest.

We have done this in the past by providing an exemption from taxation for all of the interest paid on school bonds and other municipal bonds. We need to do more, because even when we exempt the interest, the school bonds end up having to yield 5 percent or 6 percent and many school districts cannot afford to pay 5 percent or 6 percent. So we on the Democratic side said we need to provide for the issuance of $25 billion worth of a new kind of school bond with even greater benefits under the Federal Tax Code and even lower costs to the school district.

We did not design to bond where the interest was not merely tax exempt, but instead the school district did not have to pay interest at all, but the bond holder, instead of getting even a reduced interest payment from the school district, received a tax credit for holding the bond. An outstanding way to use our Tax Code to turn to school districts that would otherwise have to pay $100,000 a year to service a particular bond, tell them they can raise that same amount of money, build that same size of a school and only make annual payments of $66,000 a year, a greater Federal subsidy for those school districts that issue school bonds to renovate and build new schools.

We thought that it was necessary to provide this $25 billion of special aid to our local schools over a 2-year period, roughly $12½ billion a year. The Republicans decided instead to provide per year less than half of what was necessary, but rather to provide $5 billion a year over 3 years on a per-year basis less than half.

They also, and this troubled me, weaseled the Davis-Bacon provisions so that these school bonds could be used to build substandard schools at substandard wages for those building them. We do not need slipshod workmanship. We do not need substandard schools. We do not need to weasel around the Davis-Bacon action that has assured that our public buildings built with Federal dollars are built well.

Mr. Speaker, we have a very watered-down version of the Democratic proposal, which is clearly insufficient, but what is worse is that the same tax bill which came before this House, and which most of us on this side voted against, also provided for another method of helping school districts, a method that costs the Federal Government well over $2 billion, but was actually worse than nothing.

What was this? How do we figure out a way to pretend to help school districts and actually hurt them? We changed the arbitrage rules, or at least the majority would have us change the arbitrage rules in the Tax Code. What are those rules? The rules say this: If a public entity, a school, a city, is going to issue tax exempt bonds for a public purpose, they need to use the money for that public purpose. This avoids the possibility that some school district would issue a lot of bonds at a real low interest rate, so they borrow money cheap. Instead of using the money for a public purpose, they would just use the money to invest on Wall Street.

We have arbitrage rules for a reason. That is if the Federal Government is going to subsidize borrowing, the borrowing should be for something like building a school, not building a portfolio.

But what the Republican bill would do is change those rules and identify that change as our way of helping school districts, a special encouragement from the Federal Government. Here, school districts, is how we are going to help you. How? Issue the bonds, issue tax exempt bonds. We are not going to let you issue those credit bonds because those would help you too much. The Democrats wanted to give you that much help, but the Republicans want to provide that only in very small quantity, issue regular tax exempt bonds, pay 5 percent or 6 percent interest and then take the money to Wall Street. We are sure you will earn 8 percent or 9 percent or 20 percent or 80 percent or 2000 percent on your money, and you will be allowed to keep the profit.

This is the Republican way of building schools, by building portfolios. This is how Orange County, California went bankrupt a few years ago. We should be trying to build a school on Elm Street, not a skyscraper on Wall Street.

We should not be turning to schools and saying we will not provide you with adequate help to issue bonds and use the money to build schools, but we will instead encourage you to issue bonds and use the money to play the market.

I know that our friends on Wall Street would prefer that, a whole new customer, but I was surprised to find the real impetus for this proposal. It comes from people I used to work with, the tax lawyers who are subspecialists in tax exempt municipal bonds.

Mr. Speaker, I am sympathetic with them. You see, I was a tax nerd for a lot of years. For over a dozen years, I practiced tax law, and after a day of reading the most complex regulations printed in the finest print, I had but one solace, one joy, one redemption, and that was that my job was not quite as boring as those of my colleagues who subspecialized in the tax law of municipal bonds, even among tax nerds that is regarded as a boring job.

□ 1200

So this tax provision that is stated to try to help our schools was in essence designed to provide excitement to tax bond counsel, to say they are not just going to issue bonds and build schools and deal with, frankly, excessively complex provisions in doing it; but instead they are going to issue bonds and then, with the members of the school board, go play the market with the money.

Mr. Speaker, we need schools. We need to see them built soon. We need the school districts to handle their fiscal affairs safely. That is the chief problem. The way to deal with it is to provide Federal subsidies to school districts who are issuing these school bonds by making those bonds tax credit bonds.

There may, in fact, be another problem, and that is that my former colleagues, the tax bond counsel, lead excessively boring lives. But it would be cheaper to buy a Ferrari for every bond counsel than it would be to urge school districts across this country to play the market and keep the supposed profits as the federally encouraged way for the Federal Government to help them finance school construction.

So when we return for our lame-duck session, if someone is concerned with the lack of excitement of tax lawyer subspecialists, let them put forward a bill to provide a free Ferrari to every bond counsel. But if we are concerned with building schools, let us not change those arbitrage provisions. Let us not pretend that we are helping schools by urging them to gamble school bond proceeds.

Instead, let us instead adopt the plan that is bipartisan, that has been in this House for over a year that was put forward by the gentleman from New York (Mr. RANGEL), and by the gentlewoman from Connecticut (Mrs. JOHNSON). To put forward that bill and pass a full $25 billion of tax credit bonds to provide the maximum possible assistance to local schools.

Let me now launch into a second topic, a topic about which I have addressed this House in the past; and that is the mischaracterizations of statements made by the Governor of Texas. I refer not to his comments about events long ago in Kennebunkport, but rather his own description of his tax plan.

I do not know whether it is because the Governor has not read and fully understood his tax plan or whether the Governor just cannot get away from constantly mischaracterizing it to the American people. But there are several myths that are repeated, frankly, almost every day on the campaign stump. I would like to set them straight.

The first is that the Bush plan would provide a tax relief to every taxpayer. This is simply false. See, Mr. Speaker, there are 30 million Americans who pay FICA tax, have it pulled out of their wages by the Federal Government every year, but who do not pay income tax. These 30 million Federal taxpayers receive not one penny of tax relief from a candidate who has promised tax relief to everyone.

Now, I should caution that, of these 30 million taxpayers, a little fewer than half receive the earned income tax credit which we on this side of the aisle have fought for so hard and so long. So ultimately, one could say their total combined Federal tax liability was at zero. That may be the case. It may be that the Governor's proposal simply shortchanges 15 million Americans.

But to repeat on the stump every year, every day, again and again, that one has a proposal which will provide tax relief to all American taxpayers while leaving out 15 million Americans who pay money to the Federal Government in excess of any credits they receive who are Federal taxpayers, no matter how one counts it, these 15 million should not be left out.

But if the Governor wants to leave them out of his plan, he ought to have the integrity to say so and tell us that, yes, he wants to provide almost half of his tax relief package to the best-off 1 percent of Americans, but that he wants to give not one penny to those who clean up in nursing homes and in buildings, those who wash cars and those who clean up at restaurants. He wants to provide not one penny to 15 million of the most struggling, hardworking families in America who pay taxes. He ought to have the courage of his conviction. He ought to be forthright.

There is a related aspect of the Governor's proposal, and that is the brouhaha over whether he is, indeed, providing over or close to half his benefits to the wealthiest 1 percent of Americans.

This is clearly the case, but not something the Governor is willing to acknowledge. See, in the debates, he said that his plan provided only $223 billion of tax relief over a 10-year period to the wealthiest 1 percent.

Now, $223 billion even over 10 years sounds like a lot of tax relief, but it is a lot more than that. See, the Governor, in his fiscal statements in adding up his program, the Governor leaves out the repeal of the estate tax.

Now, in talking vaguely about his tax plan, in firing up the troops, he says he is going to eliminate the death tax. But in talking about the fiscal effect of his program, he forgets the fiscal effect of eliminating that tax.

Now that fiscal effect can be hidden by phasing in the elimination of the tax and using fuzzy phase-in figures. But the fact remains that, over a 10-year period, once it is fully effected, the repeal of the estate tax will cost $50 billion a year. That is $500 billion over 10 years. Virtually all of that saving goes to the wealthiest 1 percent of Americans. A little bit is shared by percentile number 2, the people who are in the second percent of the wealthiest Americans.

I mean, that is, I guess, what the Governor has to consider to be really sharing the wealth with everybody. He includes, not just the wealthiest 1 percent, but a small piece goes to that second 1 percent, leaving out only 98 percent of Americans.

So we are talking about a plan which not only provides $223 billion of tax relief to the wealthiest 1 percent on their income tax returns, but virtually another $500 billion on the estate tax, well over $700 billion of tax relief.

I wonder frankly why the Governor would state that he is only providing $223 billion. Again, he ought to have the courage of his convictions. He ought to be forthright; and he ought to have integrity. Integrity requires that he admit that it is, indeed, true that, under his plan, the wealthiest 1 percent of Americans receive more than he proposes to spend on strengthening our military and education and health care and pharmaceuticals for our seniors combined.

The most important issues facing us receive less help than 1 percent of Americans and, frankly, 1 percent that perhaps need it least.

Now I want to emphasize I have sympathy for all taxpayers. I wish we could abolish all taxes. They are each painful. But when we start to provide tax relief, to the extent that we can afford to provide tax relief, should we not focus on Bill Gates' maid before we focus on the as-yet-unborn Bill Gates, Jr. and his eventual estate tax return? Should we not focus on people struggling to get by rather than people struggling to hold on to multibillion dollar empires?

I strongly support estate tax reform, which we can do at a rather modest cost. At a rather modest cost, we can make sure that every family in America will not pay a single penny of estate tax on its first $2 million of assets.

We can provide that, when those assets are locked up in a farm or a family held business, that we can draw the line at $3 million or $4 million. That is the kind of estate tax reform that we can easily afford. But the absolute abolition of the estate tax is so expensive that, when the Governor adds up his own program, he leaves it out.

It is troubling to me that the press has not picked this up. But eyes begin to glaze over, I see a few eyes glazing over now, as figures are reviewed. But we are in a great debate about figures. This is not a popularity contest, but rather is a focus on who will be running the largest economy in the history of the world.

Which brings me to another issue, and that is, how has this economy run so well and who deserves the credit. I think we all agree that the lion's share of that credit goes to American working families, American scientists and executives and entrepreneurs whose hard work and ingenuity has built a new economy, the envy of the rest of the world.

But wait a minute. Our people were hard working and ingenious in the mid-1980s, the late 1980s, and the early 1990s. In fact, during that period, Alan Greenspan was running the Federal Reserve Board. But Alan Greenspan at the Federal Reserve Board, the ingenuity of American entrepreneurs, the hard work of American people all together gave us a terrible economy in 1991.

What was missing? A key ingredient was missing. That ingredient was fiscal responsibility here in Washington.

Now, I realize that it is in the Governor's political interest to ignore that key ingredient, to say that we can have prosperity as long as Americans work hard. Well, Americans have always worked hard, but we have not always been prosperous.

It is in his political interest to say that we can always have prosperity as long as Americans work hard because he does not want to admit that the Clinton-Gore administration provided that key element that had been previously missing in our economic life, and that was fiscal responsibility. That fiscal responsibility is the hardest thing to accomplish in Washington.

I think the public understands the pressures on us and how often we buckle to those pressures. Here in Congress one can be very popular, standing behind this podium or that podium, and calling for a reduction in taxes or calling for an increase in those items of expenditures which are popular. Many of us have done that.

But imagine how difficult it is for a President, for a political leader to stand before the country and suggest exactly the opposite on both fronts, how only incredible leadership fortitude can turn to a Congress and to a country and say, yes, we would be more popular if we cut taxes, but we are not going to, or at least we are not going to do so to an irresponsible degree.

Yes, there are pressing priorities and pork projects that would be popular either nationally or in a particular region, and we are going to resist so many of them.

Back in 1991, scholars wondered whether America was ready for self-government, because, after all, the incredible pressure to have lower taxes and higher expenditures seemed to be in control here in Washington.

The Clinton-Gore administration came here and with great pain and with the political loss of some people who lost their careers in this House for the benefit of the country, we passed some very difficult bills, and that was hard.

□ 1215

And then as the country got more prosperous and there were increased pressures from those who say, oh, the deficit is down, let us abolish the estate tax, as we had to stand up to those who would squander the surplus, the Clinton-Gore administration stood there again and again.

How easy it would have been for this Federal Government to have engaged in an orgy of profligate spending and irresponsible tax cuts. But the Clinton-Gore administration prevented that from happening. It is not easy. And that is why we enjoy the combination of hard work and ingenious effort from the American private sector and fiscal responsibility to levels that would absolutely have dumbfounded anyone who was looking at the situation just 8 or 9 years ago, a level of fiscal responsibility that almost matches the hard work and ingenuity of the American people.

What worries me most is that, for political reasons, the Governor has said that what goes on in Washington does not matter. Yes, he is under tremendous political pressure to say that 8 years of Clinton-Gore did nothing for the country's economy. But when he does this, he must argue that fiscal responsibility had nothing to do with the country's economy. And if that is true, then what is to prevent us from engaging in a wild frenzy of spending and tax cuts and deficit spending at that?

When the Governor builds the rhetorical and philosophical foundation for the belief that what goes on in Washington has nothing to do with our prosperity, he grants a license to Washington to do whatever we want since it does not risk our prosperity.

The facts are clearly otherwise. In the absence of fiscal responsibility, this economy will not work. It will not work because, under George Herbert Walker Bush, we had deficits of over $250 billion a year. What does that deficit mean? It means that those thinking of investing in bonds, those thinking of investing in stocks believe that we are going to have inflation in years to come, demand high interest rates, high rates of return and, as a result, a business cannot get the capital it needs to expand. It means that in a country that, frankly, does not save enough, the Federal Government is going into the private markets and scooping up almost a quarter, sometimes even a third, of the valuable capital not for investment, which is what capital is for, but, rather, scooping it up and using it just to deal with ongoing Federal operations.

When I say scooping it up, what I mean is that there is a certain amount of money to be invested by the private sector in stocks and bonds and bank accounts, and a Federal Government that runs a deficit issues more and more bonds, receives more and more of that investment capital, and leaves less and less capital available to build homes and to bill businesses.

So fiscal responsibility is important and whatever political advantages there may be for saying that what has gone on in Washington in the last 8 years has nothing to do with our prosperity over the last 8 years should be repudiated.

Now, I want to deal with the argument that is made usually by Republican Members of this House. They start with one chart, which I am going to show you, a Republican chart. I have had it redone. And then they reach a particular conclusion without showing you the second chart.

You will see the chart put forward by Republican speaker after Republican speaker showing that Federal receipts as a percentage of our GDP have grown.

Why is that? It is not because we have changed tax provisions. We have changed rather few. It is because the country is more prosperous. People now find themselves in higher tax brackets even when those brackets are adjusted for inflation because they are doing well in the market, they are exercising stock options. This is not everybody, but it is enough to drive higher Federal receipts.

But this chart is often put forward by the Republican side to argue that there must be some huge explosion in liberal spending in this town that is responsible for these increases in Federal receipts as a percentage of GDP.

Let me go on to the second chart. This is the chart they will not show you, Federal Government expenditures as a percent of GDP dropping every year, every year. Well, expenditures are going down as a percent of GDP receipts are going up.

Is this some liberal conspiracy to spend more money? Obviously not. Expenditures are on their way down. What we are doing is paying off the huge multi-trillion-dollar national debt. And it is about time. We are building up a surplus in the Social Security fund which we have locked up there for Social Security beneficiaries. And it is about time. It is just in the nick of time.

The chart that shows that Federal receipts are up simply shows that a more prosperous Nation will pay higher capital gains taxation, higher estate taxes, simply because more prosperous people pay more taxes. The chart here shows that fiscal responsibility has reigned on the expenditure side in this Federal Government and that we have begun the long period of paying off our national debt, the vast majority of which was run up during the Reagan-Bush administrations.

So we on the Democratic side get criticized for paying the debt run up during their administrations. It just shows you how absurd some of the fiscal analysis has been.

Now, at this point let me address the most fiscally irresponsible proposal that has been put forward in this campaign, and that is the plan of Governor Bush to promise the same trillion dollars to two groups of people.

Now, when I first got to Congress, everybody said Social Security is in deep trouble, that Social Security may not be able to survive. And after a while, we improved the economy so that more workers are paying more money into Social Security, and we are now in a position with a few very minor additions to the Social Security trust fund that have been proposed to ensure that the Social Security system is solvent for 50 or even 75 years.

But no one thinks that there is just a huge pile of unneeded money in the Social Security trust fund except perhaps the Governor of Texas. He has promised to take a trillion dollars over the next decade and put it in special extra accounts for young workers. This is money that is needed to pay Social Security benefits to older workers and our retirees. He makes this promise; and he promises whole new benefits, you will be able to play the market, you will get rich, you will have a lavish retirement and even more.

Social Security has always been there to provide security for those who live into their retirement years and who otherwise, without Social Security, would not have that as a source of income and might not have any other source of income.

But one thing with Social Security is, when you die, you are done. There is a small death benefit. But we cannot afford to turn to the sons and daughters of a man or woman who dies at age 66 and say, well, you know, your parents did not live as long as expected. Actuarially, they should have lived to age 80. We planned to pay them until age 80. Here is a big check. We cannot afford to do that.

The reason we cannot afford to do that is that next door there will be another senior who will not only live to age 80 but will live to age 1001, and if you are going to be able to afford to make Social Security benefit checks to those who live far longer than expected, you cannot write huge residual checks to the families of those who live shorter than expected.

But Bush has promised huge checks inheritable by the heirs of those who participate in this new Social Security system and extra retirement bordering on luxury combined with a whole new inheritable benefit.

How does he propose to provide this trillion dollars of extra benefits to buy the votes of younger Americans? At the same time, this trillion dollars is needed to pay retirement benefits to those who are presently retired.

Well, the story is not quite as simple as I make it out to be. The Governor is correct when he says that Social Security is scheduled to have a $2.7 trillion surplus by the year 2010. So if you have a $2 trillion-plus surplus, what is the matter with the Governor buying some votes by giving away a trillion dollars of it or not giving away but providing additional benefits not previously there?

The problem is that we need a $2.7 trillion surplus in Social Security and more to prepare for the baby boomer retirement, that demographic bulge when you raid the surplus held in Social Security to the tune of a trillion dollars on the theory that there will still be plenty of money left there in 2010, you assure the bankruptcy of Social Security in a year, approximately 2020.

Because once the baby boomers retire and for as long as we are receiving Social Security benefits, there will be a need to pay out of Social Security more than it is taking in. And that is why you need a large surplus in Social

Security in the year 2015 or thereabouts when the baby boomers start to retire.

□ 1230

So we have a candidate for President who promises a trillion dollars to two different groups of people: those who are older and those who are young. He can do it by raiding the Social Security trust fund which he correctly points out has well over $2 trillion in it and could be used to provide massive benefits and special accounts to the tune of well over $2 trillion so long as we did not care what happened to the solvency of Social Security after 2010. I for one think that we should worry about the solvency of Social Security. It is not so dire that we should scare people into thinking Social Security will not be there for them when they retire. But there is not such a huge surplus that we can provide whole new benefits to new voter blocs unconceived of at the time Social Security was put together to be paid for out of supposedly huge surpluses in the Social Security trust fund.

Mr. Speaker, that really concludes what I wanted to say about fiscal policy. I want to focus next on events in the Middle East.

We all pray for peace in the Middle East, but it is important that we focus on the reasons for the rioting, the reasons for the conflict breaking out recently. We are told that this conflict broke out because General Sharon, the leader of the minority side of Israeli politics, chose to visit the site where Solomon's Temple once stood, the site where Jesus confronted the money changers, that he chose to visit that site and that the Palestinian Authority found that visit, just the fact that he was visiting, so offensive that they have begun weeks of violent confrontations.

Let me put this into context. First, Mr. Sharon contacted the Palestinian Authority and indicated his desire to visit the site of Solomon's Temple, the site that is the holiest site in the Jewish religion, so holy that many Jews will not visit there because it is too holy to visit; but he chose to go there, and I respect that. And he was told, fine, visit that site. Simply do not go into the mosques that have been built there. He reached that agreement. It was choreographed that soon after this planned, expected, and scheduled visit by Mr. Sharon, the Palestinian Authority unleashed its malicious, disguised as disorganized, rioters in announced, planned days of rage for the purpose of causing as much violence and death as possible. But even if Mr. Sharon's visit had not been scheduled and approved, a statement by the Palestinian Authority that Mr. Sharon cannot visit the Temple Mount and to do so will cause violence, what does that mean?

I know that Israel, as to every holy site under its control, has an absolute policy that everyone of every religion, and three great religions have holy sites in a relatively small area there, everyone is entitled to visit. Certainly that policy should apply to the Temple Mount in the center of Jerusalem, Israel's capital. But to say that a Jew cannot visit that site, does that mean a Christian cannot visit that site? I hope not. Because over the centuries, much blood has been spilled by the right to establish the right of pilgrims to visit the holy sites in the Holy Land.

And then we are told, well, it is not because Mr. Sharon is a Jew but because his politics are controversial, that it was somehow appropriate for the Palestinian Authority to react angrily to his visit. Wait a minute. What if Israel said that Reverend Sharpton could not visit Bethlehem, or Pat Buchanan could not visit Bethlehem because they have controversial positions, positions that many Israelis and many American Jews disagree with? If we are going to say that access to the holy sites is not available to those with controversial political positions, then we have ended the time when the holy sites are available to all pilgrims of all religions. It is the responsibility of the Palestinian Authority to make the holy sites available to everyone who wishes to visit. And if they are incapable of doing so, they should turn not only legal control but physical control of those sites over to Israeli security forces so that the Israelis are in a position to assure access, and we, all of us of all faiths, are free to visit.

I am troubled, also, but intrigued by the recent decision of the Palestinian Authority to send some of its wounded people to Baghdad for treatment. Now, our heart goes out to anyone injured in this conflict, whether that person be an innocent bystander or whether that person be someone engaged in physical violence. Once they are wounded, our heart goes out to them. But this does not mean we can ignore the implications of sending these people to Baghdad for treatment. What does it mean?

First, it means that all the discussion of the sanctions against Iraq being bad and being harmful to the people of Iraq are exploded. Iraq not only has the medical capacity to treat its own people, it is bringing in people from two countries away to provide medical treatment. This is proof that through the export of oil under the oil for food and medical supplies program, Iraq is able to generate as much in the way of food and medicine as it needs. In fact, Iraq has been exporting both food and medicine; and now by importing patients, they in effect are exporting medicine or medical care as well.

The fact is that the people of Iraq are being held hostage by Saddam Hussein. He would starve millions with full warehouses of food. He would starve millions if he thought that by their death they would create a picture on CNN that would compel the United States to eliminate the controls on his economics and allow him to export all the oil he wants, keep all the money, spend none of it for food, probably, and spend it all building his military. He would kill millions of his own people if he thought that would give him the chance to build nuclear weapons. And it does not matter what sanctions we impose, he will starve people to create the pictures he needs to pressure the United Nations to let him spend all his money, or all that he would choose to, on nuclear weapons.

The second thing that is interesting about the sending of these individuals for treatment to Baghdad is that it shows the close alliance between Arafat and some of those around him on the one hand, or at least many of those around Arafat on the one hand, and the Butcher of Baghdad on the other. Those who are wounded in this Intifada have a certain celebrity status in the Arab world. The Egyptian Government, the Jordanian Government, many governments in the area with fine hospitals and a dedication to the peace process would have happily accepted for treatment all those injured as a result of these unfortunate occurrences. They would have received better treatment in Amman or Cairo than could be available in Baghdad, but they were sent to Baghdad as a sign of solidarity between the Palestinians and Saddam Hussein and an endorsement and a thank you to Saddam Hussein for resisting the peace process.

Even when it comes to the treatment of those injured, there seems to be less attention paid to the individual who is hurt and more attention to building a consensus for war.

I finally want to point out that the entire discussion in the Middle East is land for peace. But all too often the discussion is about land and not about peace. The discussion is about this acre or that acre and whether Israel will make this territorial concession or a further territorial concession or be driven from this or that parcel. Whether the Israelis will be driven from Joseph's Tomb which will then be destroyed in an act of religious savagery or antireligious savagery, all the discussion is about what land Israel will give up. We need to have a discussion in land for peace with the other side of that equation, peace; and peace is more than a day without a riot or a day without a bomb.

Peace is the universal recognition throughout the Middle East that Israel is a natural part of that region. If Israel is to make the territorial concessions which it has offered to make, it is entitled to the kind of peace the Netherlands enjoys. Does the Netherlands have the most powerful army in Europe? I do not think so. No huge air force. What the Netherlands has is universal acceptance throughout its region that there could not be a Europe without a Holland. And that is why one could not even imagine that people would be demonstrating in Paris shouting for the eradication of the Netherlands. No one is marching through Madrid screaming death to the Dutch. But if you recast that to the Middle East, not a day goes by, certainly not a week goes by without a huge demonstration in one of Israel's neighbors in which thousands of people call for the extermination of the Israeli state and the Israeli people. That is not peace. And the end of those actions is not even being discussed.

Peace is more than a day without a riot. Peace is every textbook published by every government from Tehran to Tunis to Rabat acknowledging that Israel is an inherent part of the Middle East with a right to live. And if instead what is being offered to Israel is this shallow, temporary cease-fire, then one need not wonder why Israelis are reluctant to make territorial concessions. Land for peace is not land for a temporary lull. Because once territorial concessions are made, those concessions are permanent, measurable, and irreversible. We need an establishment of peace which is permanent and irreversible. That begins by a dedication to the Palestinian Authority to insist that every governmentally paid textbook everywhere in the Middle East shows Israel as an organic part of the Middle East with every right to be there. It does not mean huge territorial concessions by the Israelis in return for a handshake that can later be reversed.

Now, I recognize that even the description of peace I have provided is ephemeral and that the hope that Israel would be accepted someday in the Middle East the same way that says the Netherlands is accepted in Europe may go beyond any reasonable expectation. But clearly an Israel that is willing to give up 90, 95 percent of the territory in question is entitled to every possible effort that might lead in 50 years to the kind of peace that Israel deserves.

☐ 1245

I believe that that concludes my remarks, except to say that when this Congress returns, we may have to deal with the possibility of a unilateral declaration of statehood by the Palestinian Authority. Such a declaration would be a renunciation of the peace process, a renunciation not only of Camp David but also of Oslo, and such a renunciation must be met by the United States with complete repudiation. It should include all of the steps outlined in a bill passed this House just a few weeks ago, which should also include the immediate movement of the American Embassy to Jerusalem, where it should have been all along.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of business in the district.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mrs. MINK of Hawaii (at the request of Mr. GEPHARDT) for today on account of business in the district.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. McDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. DOOLITTLE) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

ADJOURNMENT

Mr. LUCAS of Oklahoma. Mr. Speaker, pursuant to Senate Concurrent Resolution 106, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the previous order of the House of November 3, 2000, the House stands adjourned until 6:00 p.m. on Saturday, November 4, 2000, unless it has sooner been informed by the President of the enactment into law of House Joint Resolution 84, in which case the House shall stand adjourned pursuant to Senate Concurrent Resolution 160 until 2 p.m. Monday, November 13, 2000.

Thereupon (at 12 o'clock and 47 minutes p.m.), pursuant to Senate Concurrent Resolution 160, 106th Congress, and its previous order, the House adjourned until Monday, November 13, 2000, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the third quarter of 2000 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Jay Jakub, Staff	7/16	7/22	Europe		1,500.00						1,500.00
Commercial airfare							5,655.79				5,655.79
Pat Murray, Staff	7/17	7/22	Europe		1,300.00						1,300.00
Commercial airfare							5,647.24				5,647.24
Merrell Moorhead, Staff	7/17	7/22	Europe		1,300.00						1,300.00
Commercial airfare							5,647.24				5,647.24
John Stopher, Staff	8/7	8/12	Europe/Asia		1,482.00						1,482.00
Commercial airfare							5,890.87				5,890.87
Beth Larson, Staff	8/16	8/27	Asia		3,882.50						3,882.50
Commercial airfare							5,337.00				5,337.00
Wyndee Parker, Staff	8/16	8/27	Asia		3,882.50						3,882.50
Commercial airfare							5,337.00				5,337.00
Diane Roark, Staff	8/16	8/26	Asia		3,516.50						3,516.50
Commercial airfare							4,300.93				4,300.93
Committee total					16,863.50		37,816.07				54,679.57

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PORTER J. GOSS, Chairman, Oct. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Richard Burr	8/7	8/10	Scotland		1,038.00						1,038.00
	8/10	8/12	Germany		522.00						522.00
	8/12	8/14	Italy		526.00						526.00
	8/14	8/16	Qatar		470.00						470.00
	8/16	8/18	Jordan		464.00						464.00
	8/18	8/19	England		218.00						218.00
Alison Taylor	8/23	8/25	Canada		385.00		640.04				1,025.04
Joseph Stanko	8/23	8/25	Canada		385.00		584.50				969.50
Christopher Knauer	9/7	9/8	Beijing		552.00						552.00
	9/9	9/11	Lianyungang		558.00						558.00
	9/12	9/12	Shanghai		303.00						303.00
	9/13	9/15	Hong Kong		690.00						690.00
	9/16	9/18	India		669.00		7,744.13				8,413.13
Alan Slobodin	9/7	9/8	Beijing		552.00						552.00
	9/9	9/11	Lianyungang		558.00						558.00
	9/12	9/12	Shanghai		303.00						303.00
	9/13	9/15	Hong Kong		690.00						690.00
	9/16	9/18	India		669.00		7,744.13				8,413.13
Committee total					9,552.00		16,712.80				26,264.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Oct. 31, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Daniel Bryant	8/28	8/30	The Netherlands		818.49						818.49
	8/30	9/1	Germany		595.00						595.00
Commercial airfare							2,050.22				2,050.22
Carl Thorsen	8/28	8/30	The Netherlands		818.49						818.49
	8/30	9/1	Germany		595.00						595.00
Commercial airfare							2,050.22				2,050.22
Committee total					2,826.98		4,100.44				6,927.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HENRY HYDE, Chairman, Oct. 30, 2000.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1, AND SEPT. 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Erika Schlager		7/14	United States				5,578.00				5,578.00
	7/15	7/21	Bulgaria		1,201.00						1,201.00
Orest Deychakiwsky		7/14	United States				5,578.00				5,578.00
	7/15	7/21	Bulgaria		975.00						975.00
Janice Helwig	7/1	8/3	Austria				1,453.00				1,453.00
	8/4	8/18	United States				5,224.00				5,224.00
	8/19	9/30	Austria		12,895.00						12,895.00
Maureen Walsh		8/20	United States				1,149.00				1,149.00
	8/21	8/23	England		676.00						676.00
	8/23	8/27	Ireland		581.00						581.00
Committee total					16,328.00		18,982.00				35,310.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHRIS SMITH, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10884. A letter from the Acting Assistant General Counsel for Regulations, Office for Civil Rights, Department of Education, transmitting the Department's final rule—Conforming Amendments to the Regulations Governing Nondiscrimination on the Basis of Race, Color, National Origin, Disability, Sex, and Age Under the Civil Rights Restoration Act of 1987 (RIN: 1870–AA10) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10885. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's consolidated report for the year ending September 30, 2000, on the Federal Managers' Financial Integrity Act and the results of internal audit and investigative activities, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10886. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Habitual Residence in the Territories and Possessions of the United States (RIN: 1115–AE61) received September 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10887. A letter from the Program Analyst, FAA, Department of Transporation, transmitting the Department's final rule—Airworthiness Directives; Cessna Model 560XL Airplanes [Docket No. 2000–NM–255–AD; Amendment 39–11850; AD 2000–15–51] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10888. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher GmbH & Co. Model ASW–27 Sailplanes

[Docket No. 99–CE–70–AD; Amendment 39–11609; AD 2000–04–26] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10889. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; REVO, Incorporated Models Lake LA–4, Lake LA–4A, Lake LA–4P, Lake LA–4–200, and Lake Model 250 Airplanes [Docket No. 99–CE–27–AD; Amendment 39–11746; AD 2000–10–22] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10890. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737, 757, 767, and 777 Series Airplanes [Docket No. 98–NM–355–AD; Amendment 39–11848; AD 2000–15–16] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10891. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Model S–61 Helicopters [Docket No. 2000–SW–18–AD; Amendment 39–11805; AD 2000–13–06] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10892. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 98–ANE–51–AD; Amendment 39–11559; AD 2000–03–02] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10893. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF34 Series Turbofan Engines [Docket No. 99–NE–49–AD; Amendment 39–11560; AD 2000–03–03] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10894. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL–600–2B19 Series Airplanes [Docket No. 98–NM–260–AD; Amendment 39–11828; AD 2000–14–17] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10895. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 98–NM–316–AD; Amendment 39–11754; AD 2000–11–06] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10896. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–218–AD; Amendment 39–11845; AD 2000–15–13] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10897. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes [Docket No. 2000–NM–219–AD; Amendment 39–11846; AD 2000–15–14] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10898. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87); Model MD–88 Airplanes; and Model MD–90–30 Series Airplanes [Docket No. 99–NM–227–AD; Amendment 39–11849; AD 2000–15–17] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10899. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100 and -200 Series Airplanes [Docket No. 99–NM–320–AD; Amendment 39–11851; AD 2000–15–18] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10900. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. PA–42 Series Airplanes [Docket No. 2000–CE–20–AD; Amendment 39–11817; AD 2000–14–08] (RIN: 2120–AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10901. A letter from the Co-Chairmen, National Commission For The Review Of The National Reconnaissance Office, transmitting a report titled "The National Reconnaissance Office at the Crossroads"; to the Committee on Intelligence (Permanent Select).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 4, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than November 4, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 4, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 4, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 4, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 4, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 4, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than November 4, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 4, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 4, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COX (for himself and Mr. Wu):

H.R. 5625. A bill to amend the Immigration and Nationality Act to establish a pilot program under which an alien may be provided H–1B nonimmigrant status without regard to the numerical limitation applicable to that nonimmigrant category if the United States employer seeking the alien's entry makes a qualifying scholarship contribution to an institution of higher education in the United States; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 5626. A bill to amend the Federal Power Act to provide additional authority to the Federal Energy Regulatory Commission to order refunds of unjust, unreasonable, unduly discriminatory or preferential rates and charges for electricity, and for other purposes; to the Committee on Commerce.

By Mr. LUCAS of Oklahoma:

H.R. 5627. A bill to designate the national aviation center located at 5020 South Meridian Avenue in Oklahoma City, Oklahoma, as the "Glenn English Customs National Aviation Center"; to the Committee on Transportation and Infrastructure.

By Mr. SHADEGG (for himself, Mr. Coburn, Mr. Salmon, and Mr. Aderholt):

H.R. 5628. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide for a patients' bill of rights, patient access to information, and accountability of health plans, and to expand access to health care coverage through tax incentives; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H. Res. 666. A resolution relating to early organization of the House of Representatives for the One Hundred Seventh Congress; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SHAW introduced a bill (H.R. 5629) to permit the Asphalt Commander to be placed under a foreign registry; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1592: Mr. Traficant.

H.R. 2774: Mr. Gonzalez.

H.R. 4416: Mr. CONDIT, Mr. PALLONE, Mr. KIND, and Mr. NADLER.

H.R. 4941: Mr. FILNER and Mr. EHRLICH.

H.R. 5091: Ms. HOOLEY of Oregon.

H.R. 5572: Mrs. TAUSCHER and Mr. MCGOVERN.

H.R. 5612: Mrs. MINK of Hawaii, Mr. BISHOP, Mr. HOEFFEL, and Ms. SLAUGHTER.

H.J. Res. 23: Mr. BLAGOJEVICH.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

117. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 555 of 2000 petitioning the United States Congress to enact the Younger Americans Act; to the Committee on Education and the Workforce.

118. Also, a petition of the Saipan and the Northern Islands Municipal Council, The Mariana Islands, relative to Resolution No. 6SMC-3RS-25 petitioning the Northern Mariana Islands Commonwealth Legislature to enact legislation to hold a referendum on the Federal Take Over in the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

EXTENSIONS OF REMARKS

TRIBUTE TO JUDGE J. CLAYTON WARNOCK

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. CHAMBLISS. Mr. Speaker, I want to pay tribute to Judge J. Clayton Warnock who has admirably served his community in Treutlen County, GA, for more than half a century.

Judge Warnock was named Treutlen County attorney in 1947 and has also served as Solicitor of City Court and Judge of City Court of Soperton, which became the State Court of Treutlen County in 1968. During his years on the bench, Warnock reviewed over 40,000 cases, only two of which were appealed and those decisions were upheld by the Appellate Court. Judge Warnock resigned in 1991 for health reasons but continued to play an active role in the community of Treutlen County Hospital Authority and the Treutlen County Development Authority.

Judge Warnock played an instrumental role in founding the county development authority and creating economic opportunities in Treutlen County, which have helped create and sustain jobs that are critical to livelihoods of many men and women in middle and south Georgia.

His perseverance in following the law, his dedication to justice, his earnest work for the people of Georgia, and his commitment to improving the lives of the families of Treutlen County have characterized his service as a community leader. His life has been one of great public service, dedication, and commitment. It is my great honor to represent Judge Warnock and the people of Treutlen County for whom he has done so much. I applaud Judge Warnock for his leadership and distinguished service, congratulate him on a job well done, and wish him all the best in his future endeavors.

TRIBUTE TO THE HONORABLE ARAM SEVERIAN

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a proud American and distinguished Californian, the Honorable Aram Severian, on the occasion of his retirement from the Superior Court of San Mateo County, CA.

Aram Severian began his career in private practice, but soon moved to public judicial work. He became deputy district attorney of San Mateo County in 1971 and commissioner of the San Mateo County Superior Court in 1976. In December 1986, Governor George Deukmejian appointed Aram Severian to the San Mateo County Municipal Court. In 1989, he became the presiding judge and in December of that year, Governor Deukmejian again recognized Judge Aram Severian and appointed him to the Superior Court in San Mateo County. He has served with distinction as the presiding judge of the Superior Court since 1994.

Judge Aram Severian has generously donated his personal time and energy to community service throughout his life. He served as director of the United Cerebral Palsy Foundation of San Mateo, coached Little League baseball in Foster City and he has been the chairman of the Parish Council at his Armenian Apostolic Church. Time and again Judge Aram Severian has given of himself and his talents for the betterment of our community.

Aram Severian has an exceptional partner in life in Hasma Severian, who in her own right is a highly regarded member of our community, and is respected for her years of important advocacy and volunteerism and who today, remains devoted to the Redwood City Library. They are the proud parents of three grown children, Michael, Linda and Lisa.

Judge Aram Severian's life of community leadership and public service is instructive to us all. His dedication to the ideals of democracy and his record of wise and fair adjudication stands tall, and it is therefore fitting that he is being honored on the occasion of his retirement from the Superior Court of San Mateo County.

So today, Mr. Speaker, I ask my colleagues, to join me in honoring this great and good man whom I'm proud to call my friend for over 30 years. We are indeed a better country and a better people because of him.

100TH ANNIVERSARY OF BLOCK COMMUNICATIONS, INC.

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Ms. KAPTUR. Mr. Speaker, I rise today to recognize the 100th anniversary of Block Communications, Inc. The Block family and its extended mass communications family celebrates this significant milestone on November 2, 2000.

Born in Lithuania, moving to Germany for a time until his family immigrated to the United States, Paul Bloch began working in the newspaper business at age eleven when the Elmira Telegram in Elmira, New York hired him. Through age twenty, Paul Bloch—who by now had Americanized the family name to Block—worked in every department of the Elmira Telegram learning the trade and becoming especially adept at sales. Then, in 1895 and with the encouragement of his employer, Paul Block made the move to New York City where he found employment selling advertising for newspapers across the country as a national representative for the A. Frank Richardson Company.

In 1900, Paul Block decided to venture out on his own, and by 1910 Paul Block and Associates was among the major national newspaper advertising representative firms. Further branching out, Paul Block organized a group of investors in order to purchase the Newark Star Eagle in 1916. Purchases of several other newspapers soon followed, and in ten years Paul Block owned the Detroit Journal, The Toledo Blade, and the Pittsburgh Post-Gazette. Paul Block struggled to keep his business alive through the decade of the Depression, and the company was again thriving upon his death in 1941.

The company continued in the Block family and eventually became known as Blade Communications Inc. Through the latter half of the century the company diversified to include cable and broadcast television, telecommunications, and Internet opportunities. Blade Communications Inc. holds fourteen communication companies today. To mark the company's centennial, the company's name was changed once more to Block Communications Inc.

The Block family remains a strong fixture in Toledo, Ohio and Pittsburgh, Pennsylvania, where it still owns The Blade and the Post-Gazette. The Block imprimatur is evident in many of these cities' major projects and institutions, and the family remains an integral component of both communities. I join with many others as we salute one hundred years of Block family tradition in communications and community, and look forward to the next one hundred years.

HONORING THE SANDY SPRING MUSEUM IN ROCKVILLE, MARYLAND

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mrs. MORELLA. Mr. Speaker, today I speak of the success of the Sandy Spring Museum in Rockville, Maryland, on the occasion of its 20th anniversary celebration. Twenty years ago the museum started with a few dozen people in the basement of a Sandy Spring Bank branch office. Today it has more than 1,000 members, a nine acre campus, and a million dollar building.

The Sandy Spring Museum is a valuable asset to our community in that it provides educational and informational services to its citizens, especially students. The Museum provides such worthwhile services as a yearly

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

musical concert series, an art gallery, and a large public research library. In addition, it houses thousands of artifacts related to the Sandy Spring community, which is over 250 years old.

Most of the success of the Museum is due to the dedication and support of the officers, staff, and members, and I commend them for their service. Through their hard work, the Museum has been successful in contributing to the preservation of the heritage of our community. It is with great pride that I congratulate the staff and members of the Sandy Spring Museum as well as the entire community as they celebrate their achievements and the heritage of their community.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I missed the following recorded votes due to funeral services for my father. I wish the RECORD to reflect how I would have voted on the following had I been present:

No. 587, H.J. Res. 122: Passage of Continuing Appropriations for FY2000, "aye"; No. 588, Motion regarding House Meeting Hour for November 2, 2000, "aye"; No. 589, H. Con. Res. 397: Passage of resolution voicing concern about serious human rights violations and fundamental freedoms in Central Asia, "aye"; No. 590, H.R. 4577: Passage of Holt motion to instruct conferees on Labor/HHS/Education Appropriations, FY 2001, "no"; No. 591, H.R. 4577: Passage of Wu motion to instruct conferees on Labor/HHS/Education Appropriations, FY2001, "no"; No. 592, H.J. Res. 123: Passage of Continuing Appropriations for FY 2000, "aye"; No. 594, S. 2796: Passage of Water Resources Development Act of 2000 Conference Report, "aye."

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. HINOJOSA. Mr. Speaker, on November 2, I was away from the House and missed one vote. Had I been present I would have voted as follows: Roll No. 592, Further Continuing Appropriations—"yea."

FINANCIAL TIMES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. BEREUTER. Mr. Speaker, this Member would like to bring the following insightful opinion piece from the November 1, 2000, edition of the Financial Times to the attention of his colleagues. Written by Mr. Jagdish Bhagwati, the Andre Meyer senior fellow in international economics at the Council on Foreign Relations in New York, this commentary accurately describes the weak record of the current Administration over the past eight years in achieving needed comprehensive trade liberalization. It then forcefully identifies the disturbing consequences for further liberalization, which is beneficial to the United States and the international trading system, should Mr. GORE win the presidency. I submit the following article into the RECORD.

DISCRIMINATION DISGUISED AS FREE TRADE

Many card-carrying Democrats among America's trade experts are unable to make up their minds as the day approaches when they must cast their vote for George W. Bush or Al Gore.

When they think of social issues, the Supreme Court vacancies to be filled and spending on liberal programmes, they turn to Mr. Gore. But when they think of the Clinton-Gore administration's record on trade policy and of what Mr. Gore promises to do, they sit up and shudder.

The unpleasant reality is that the outcome of the election has huge implications—disturbing under Mr. Gore and comforting under Mr. Bush—for trade liberalisation and the trading system.

Start with the current administration's record. True, the White House saw through both the Uruguay round of trade talks and the North American Free Trade Agreement. But while the administration fought hard and well—as indeed a Republican administration would have done—both were Republican initiatives that the present administration inherited when they were already at an advanced stage. Furthermore, the real heroes who delivered the majority votes were Republicans.

The Democratic administration's only home-grown success has been with Permanent Normal Trade Relations for China. But the deal was entirely one-sided, with China giving the U.S. everything on market access and the U.S. giving China nothing but entry into the World Trade Organization.

The Democratic team passed off these deals as a great victory for the US and for free trade. But no amount of spin can hide the ineptitude that led to the first ever failure in 1997 by a US administration to get fast-track authority renewed by Congress: Bill Clinton managed to bring only a fifth of House Democrats on board to vote for renewal.

Nor can one forget or forgive the debacle in Seattle last year when a deadly mix of mismanagement and calculated cynicism—pandering to the labour unions with an eye to the elections—dashed hopes of launching a new round of multilateral trade negotiations and brought the WTO into unmerited disrepute.

Underlying these failures, and prospective problems under a Gore presidency, are two legacies of this administration: surrender to the notion that free trade requires "fair trade"; and a capitulation to labour unions that fair trade requires market access to be conditional on a social clause at the WTO on fulfilment of labour standards, now tactically defined as "workers' rights".

The rise of fair trade owes much to the first Clinton-Gore administration's fixation with Japan. Bent on branding Japan as an "unfair trader" and going for high-profile but fruitless confrontations such as the car dispute, the administration made "unfair trade" a favoured tactic in the political domain.

The labour lobbies have been smart enough to adapt their demands accordingly. For decades they have worried about foreign competition and outflow of investment, especially in labour-intensive goods such as apparel and shoes. Now, they have a great new argument: unless labour standards elsewhere are similar to those in the US, trade is unfair and must be stopped. This way, you get on to higher moral ground. You also do so in the battle over markets. If poor countries accept the demands, their costs should rise and the competition will be reduced. By contrast, if they do not their exports will be cut off. This is a cynical game where governments that badly need support from the labour unions even as they turn to the "third way" see domestic political gain in caving in to these demands. The Clinton-Gore team—unlikely Tony Blair's British government—is no stranger to this tactic. Last week's announcement of a free trade agreement with Jordan—with labour and environmental standards stipulated in the text—left John Sweeney of the AFL–CIO trade union jubilant and fired up for the election. Charlene Barshefsky, the US trade representative, has called it a "template" for all trade treaties by the US.

Only a significant power would have the hubris or the chutzpah to present a trade agreement with a monarchy essentially dependent on the US, with a minuscule trade volume, as a model for the rest of the world to emulate.

But that Al Gore thinks so is certain. Indeed, his policy statements and the Democratic platform are unambiguous: no trade liberalisation without such preconditions. If so, we can forget the WTO where nothing but a big north-south divide will follow, as it did in Seattle largely as a result of this issue.

And so, under Mr. Gore, Washington will contemplate more templates with inconsequential performers, multilateral trade liberalisation will languish, and the WTO will atrophy as the world is plagued by yet more inherently preferential free trade agreements masquerading as genuine nondiscriminatory free trade. Is this what we deserve?

TRIBUTE TO BILL BARRETT OF NEBRASKA

SPEECH OF

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. KNOLLENBERG. Mr. Speaker, the respected representative of Nebraska's Third Congressional District, the Honorable BILL BARRETT, is retiring from this House at the end of the 106th Congress. BILL has served five productive and distinguished terms in this House. I know that BILL's presence here in Congress will be sorely missed. I wish BILL the best of luck in the coming years. The gain of Lexington, Nebraska is a loss for this body and the American people.

BILL BARRETT was elected in 1990 and his constituents have sent him back every election since, and by resounding margins I might add.BILL has served not only the needs of his mainly rural Nebraska constituents, but the needs of farmers across the nation. In 1996 BILL was instrumental in passing the Federal

Agriculture Improvement Reform Act or FAIR Act—legislation authorizing the majority of U.S. agricultural programs until 2002. And BILL has been a leader in his efforts to improve education in rural communities across the United States, particularly as a respected Member of the Education and the Workforce Committee. BILL's hard work and dedication on Agricultural matters will be missed, he leaves some very large shoes to fill come January.

Then there is the matter of our resemblance. Some have claimed that BILL and I are similar in appearance. To compound matters even further, there is a third Member, TOM EWING of Illinois—and TOM is also retiring this year—who is said to share our resemblance. Well, I can't say for certain which of the three of us gets the better end of that comparison, but I do know that I wouldn't mind being confused for BILL BARRETT when it comes to this enthusiasm for smaller, more efficient government. Since helping to bring a Republican majority to Congress in 1994, BILL BARRETT has been a steadfast voice in bringing fiscal responsibility back to the federal budget process. His efforts to ensure a balanced budget and to restrain federal spending over the past ten years have been instrumental in bringing about the budget surplus that we enjoy today. That is something that BILL can be very proud of during this retirement years.

I've known BILL and Elsie since I was first elected to this House in 1992. BILL quickly became a trusted friend, one who could always be counted on to provide clear and useful information, wise insight, and good, solid counsel. To a freshman Member of Congress in 1992, BILL's friendship and wisdom meant a great deal to me. It still does. I place the highest value on that friendship.

I wish BILL and his family heartfelt congratulations on his retirement and I thank him for his many years of public service to America.

TRIBUTE TO THE HONORABLE SIDNEY R. YATES

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. PICKETT. Mr. Speaker, it is with sadness and a sense of loss that we ponder the passing of a truly great public servant, Sidney Yates. I had the pleasure of working with Sid during my entire career in the U.S. House of Representatives. During that time, I came to know him as a tireless servant to the people of the Ninth Congressional District of Illinois and the nation as a whole.

Sid served with distinction in the House of Representatives for 24 terms. During his tenure, he was a constant champion of the arts and, as Chairman of the House Interior Appropriations Subcommittee, an unswerving advocate for the conservation of our public lands. To many of his colleagues, however, Sid was an inspiring example of dedication, character and integrity. He has been and will continue to be missed in the halls he walked in for so many years.

TRIBUTE TO LINCOLN S. TAMRAZ

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American who has been honored with the AMVETS Silver Helmet Americanism Award, Lincoln S. Tamraz.

Lincoln S. Tamraz has been an active member of AMVETS for over 50 years. He has held numerous leadership positions, including being elected national commander' of AMVETS. He worked successfully to establish the Assyrian American AMVETS Post No. 5. Mr. Tamraz is serving his second term as national president of the Past Association of National Commanders.

In addition to his extraordinary leadership of AMVETS, Mr. Tamraz has also dedicated himself to spreading the ideals of the American flag. He has been an active member of the AMVETS Flag Day committee where he has assisted with the establishment of the Avenue of Flags, which places flags on the graves of veterans in Illinois cemeteries. He has also tirelessly worked to ensure that Chicago public schools receive an American flag each year.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Lincoln S. Tamraz and his superb leadership and patriotism of over half a century. I am exceedingly proud to know him and honor him for making our country a better place for all.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. ETHERIDGE. Mr. Speaker, on rollcall No. 592, H.J. Res. 123, the 13th Continuing Appropriations Resolution, had I been present, I would have voted "yea."

MINORITY HEALTH AND HEALTH DISPARITIES RESEARCH AND EDUCATION ACT OF 2000

SPEECH OF

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 1, 2000

Mr. WATTS of Oklahoma. Mr. Speaker, I would like to begin by thanking my House colleagues JOHN LEWIS, BENNIE THOMPSON, CHARLIE NORWOOD, and JESSE JACKSON, Jr. who are champions in this important effort to address the issue of minority health disparities. This is a matter of deep concern to not only African-Americans, but also to Hispanic-Americans, Native-Americans, and other minorities who are clearly underserved by the American health care system.

Despite continuing advances in research and medicine, disparities in American health care are a growing problem. This is evidenced by the fact that minority Americans lag behind in nearly every single measure of health quality. Those measures include life expectancy, health care coverage, access to care, and disease rates. Ethnic minorities and individuals in medically underserved rural communities continue to suffer disproportionately from many diseases such as cancer, diabetes, and cardiovascular diseases. There have been numerous studies in scientific journals showing the severity of racial and ethnic health disparities and the need for action in order to remedy this grave problem.

For these and countless other reasons, it is time for the Nation to focus on this problem and to work to bring fairness to our minority citizens in the Nation's public and private health care systems. There is no better place to start this effort than the focal point for Federal health research, the renowned and highly respected National Institutes of Health.

Since 1996, Congress has increased funding for basic medical research at NIH from $12 billion to over $18 billion—over a 50 percent increase. These funds support 50,000 scientists working at 2,000 institutions across the United States. I have been proud to support these increases, but I think it is now time that we target some portion of those funds on the Nation's most acute health problems among our minority citizens—and I might add, minority taxpayers.

Let me say that I am delighted to be a cosponsor of H.R. 3250. Among other provisions, this legislation will elevate the existing office of Research on Minority Health at NIH to a National Center for Research on Minority Health. This upgrade to the level of National Center would in itself underscore the importance of this work, and along with expanded research and education, improved data systems and strengthened public awareness, we will be taking a great leap forward in addressing this critical national problem.

The Minority Health and Health Disparities Research and Education Act will increase our knowledge of the nature and causes of health disparities, improve the quality and outcomes of health care services for minority populations, and aid in bringing us closer to our mutual goal of closing the long-standing gap in health care.

I am deeply committed to this legislation, and I urge you to support my colleagues and me in our effort to rectify this inequality in health care.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. HINOJOSA. Mr. Speaker, on November 1, I missed several votes. Had I been here I would have voted as follows: Roll No. 588, that when the House adjourns today, it adjourn to meet at 6 p.m. on Thursday, November 2—"no"; Roll No. 589 to agree to H. Con. Res. 397, Violation of Human Rights in Central Asia—"yea"; Roll No. 590, Holt Motion to Instruct—"yea"; Roll No. 591, Wu Motion to Instruct—"yea."

THE WESTFIELD SHOPPINGTOWNS IN MARYLAND

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mrs. MORELLA. Mr. Speaker, for the third year in a row, the Westfield Shoppingtowns in Maryland have been fulfilling dreams in their local communities.

Westfield Works Wonders is a fundraising event that has helped over 125 Maryland nonprofits raise funds for their organizations. Traditionally held on the Sunday before Thanksgiving, tickets to the event are sold by local charities for an exclusive evening of shopping and festivities. One hundred percent of the ticket proceeds benefit the participating charities.

This year Westfield Works Wonders will be held on Sunday, November 19th from 6:30 to 9:30 p.m. at Westfield Shoppingtowns Montgomery Mall, Wheaton, and Annapolis. Last year over $160,000 was raised for the participating organizations.

I applaud the Westfield Shoppingtowns for their committed spirit of volunteerism and extend best wishes for a "wonderful" evening.

A TRIBUTE TO SIDNEY YATES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Ms. KAPTUR. Mr. Speaker, it is a great honor for me to be able to enter these precious remembrances of our dear friend and able attorney, Congressman Sidney Yates, into the CONGRESSIONAL RECORD. His illustrated career spanned half a century, 24 terms as a Member of the people's House. And what a stellar human being, citizen, and Member he was! I had the distinct pleasure of serving with him on the Appropriations Committee and in that capacity deepened my respect for him each passing year.

When I think of this true gentleman from Illinois, I remember his engaging smile, his brillant intellect, his love of the arts and of the environment, his puckish humor, and his devotion to human and civil rights. His knowledge of the Rules of the House knew no equal. And he applied his legislative skills with a mastery that elevated us all. Yes, Sid Yates, Master of the House.

How many times I recall Sid standing up for recognition in the Committee to carry his arguments. Eloquent. I admired his ability highly. So erudite was he, holding the attention of all listeners. Were it not for the fact that he left the House briefly to run for the U.S. Senate, I have no doubt he would have attained the Chairmanship of the Appropriations Committee. He certainly possessed all the ability and respect required of it.

Just before Sid left Congress, I asked him what he considered his major accomplishments as a tenured Member of this body. I thought he would answer that his legacy included major expansion of our national park system, or our institutions of art and culture, or improvements to his home district on Chicago's northwest side. Or, I imagined he would mention the major donations of art he had given to museums across our nation. For indeed his accomplishments included all of these. Yet he mentioned none of this. First, he said he considered his efforts to achieve the integration of the Capitol Police Force in the late 1940's to be a stellar achievement. Then, he said helping establish the United States Holocaust Memorial Museum would remain in his memory always.

One cold winter evening, when the National Gallery of Art had a modernist exhibition, I was strolling through the galleries and came upon Sid with his beloved wife, Addie. As always, he greeted me warmly and called me "dearie", too, as I imagine he did with all the women Members. He was always encouraging, cajoling, lifting us all. I think he took special satisfaction in helping the minority of women in this institution rise to full acceptance.

My heartfelt sympathies go out to the family of this magnificent man who loved his nation and dedicated his entire life to the business of democratic governance. What a joy to have known him and learned from him! What a legacy he has left for America.

RESOLUTION RECOGNIZING THE ARMENIAN GENOCIDE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Ms. ESHOO. Mr. Speaker, the Congress was set to vote on a historic resolution recognizing the Armenian Genocide but it was pulled because the lobbying power of the Turkish Government has once again stifled it. Opponents have argued that passage of this resolution would severely jeopardize United States-Turkey relations. This resolution is not an indictment of the current Turkish Government nor is it a condemnation of any current leader of Turkey. It is an acknowledgment of genocide perpetrated by the Ottoman Empire almost a century ago.

In 1915, 1.5 million women, children, and men were killed and the Ottoman Empire forcibly deported 500,000 Armenians during an 8-year reign of brutal repression. Armenians were deprived of their homes, their dignity, and ultimately their lives. Yet America, the greatest democracy and land of freedom, has not made an official statement regarding the Armenian Genocide. I am dismayed and angered by this hypocrisy and I will not rest until this resolution passes the Congress.

The Armenian Genocide has been acknowledged by countries and international bodies such as Argentina, Belgium, Canada, the Council of Europe, Cyprus, the European Parliament, France, Great Britain, Greece, Lebanon, Russia, the United Nations and Uruguay. All of these countries and organizations believed that recognizing this resolution outweighed any potential repercussion from Turkey. We should be part of this honor roll of nations and organizations.

Mr. Speaker, as the only Member of Congress of Armenian and Assyrian descent, I am very proud of my heritage. I sat at the knees of my grandparents and elders as they told their stories of hardship and suffering endured by so many at the hands of the Ottoman Empire. That is how I came to this understanding and this knowledge and why I bring this story to the House of Representatives.

It is important to appreciate fully that the Armenian people have made great contributions to our nation. They have distinguished themselves in the arts, in law, in academics, in every walk of life and they continue to make significant contributions in communities across our country today.

It is time, Mr. Speaker, that Congress begin to heal the wounds of the past. It's critically important for our nation to acknowledge what happened, but also as a nation it is important to understand that we are teaching present and future generations of the Armenian Genocide.

In closing, I want to express my gratitude to the Armenian community for their hard work on this resolution. This work is not in vain because we've brought the genocide into our nation's consciousness against great odds. In another Congress, in another time, we shall complete this effort and I shall do everything I can to see that this resolution and all it represents will be the official expression of our nation.

HONORING JENNIFER AND MARK EDWARDS, JR.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. ETHERIDGE. Mr. Speaker, today I congratulate Jennifer and Mark Edwards, Jr. of Raleigh, North Carolina. On October 31, 2000, they welcomed into the world a seven-pound, four once baby girl, Avery Sutton Edwards. As the father of three wonderful children myself, I know that there is nothing more wonderful and joyous than the experience of watching a child grow. I know that they will treasure every new day with their new daughter. Faye joins me in wishing the Edwards family great happiness during this very special time of their lives.

TENNESSEE DIVISION I GOVERNORS CUP RECIPIENTS

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. BRYANT. Mr. Speaker, today I congratulate the Adamsville, Tennessee Junior/Senior High School Band for winning the governors cup in the Tennessee Division I State Championship.

In addition to winning this distinguished award, the band also did well in several areas. The band received first place in the percussion division and third place overall in the guard division. The field commander was fourth overall and the band received an award for High Music. The band percussion color guard and the field commander received superior ratings from the judges.

I would like to further recognize Ms. Lyndi Henline, the first chair trumpet, who was recognized as being the best soloist in the competition. Band director Frankie Congiordo, assistant band director Scott King and color guard coordinator Kelly Wilder should be commended for their tremendous coaching job. But these accomplishments required a fine group of young adults and I would like to recognize the whole band and color guard for their accomplishments.

The members of the band and color guard are: Felicia Jenan Acker; Jonathon Garrett Alexander; Catherine Elizabeth Bart; Jennifer Lynne Boyd; April Lynn Britt; David Seth Brooks; Jessie Lauren Bryant; Jessica Brooke Carr; Brandon James Choate; Alex Sagan Eubank; Lauren Elaine Finley; Jessica Ashley Bearden; Kevin Wesley Blythe; Christy Lynn Brewer; Allyson Paige Browning; Matthew Rogers Browning; Adam Neal Carothers; Stephanie Anne Casey; Trina Corine Doyle; Adam Ryan Eubank; Matthew David Ferguson; Lydia Ruth Gillis; Lyndi Nicole Henline; Sean Michael Humphries; Matthew Ryan Lott; Sara Elizabeth Norris; Alison Marie Oldaker; Lakesha Laquia Patterson; Jennifer Dawn Pickens; Justin Randall Qualls; Christopher Lyn Ritter; Carrie Beth Roach; Tabatha Ann Robertson; Felicia Lynn Frazier; Kellan Ann Hanson; Justin Lynn Jones; Lindsay Carol Locke; April Chalice Pickens; Britney Nicole Rose; Adam Dwayne Shambeau; Christopher John Stricklin; Mallory Brooke Tucker; Miranda Lee Weeks; Allison Renee White; Natalie Brooke White; Zachary Michael Yarbrough; Ann Hark; Robbin Leora Acker; Magan Devena Alexander; Brandon Ray Brown; Glynnis Michelle Gerstenkof; Nathan Allen Haynes; Brenda Nicole Spence; Holly Renee Spencer; Ashley Brooke Terry; Mary Elizabeth Wiley; Jana Michelle Henry; Jennifer Crystal Merryman; Kimberly Denise Moore; Mary Beth Pickens; Christina Jewel Rootes; Amber Lynn Starnes; Whitney Michelle Tennyson; Maria Danielle Wiley; Megann Jean Wright; Matthew Raymond Robinson; James Justin Roy; Daniel Ray Rusell; David Lawrence Russell; Stefanie Annette Spence; Cory Alan Tucker; Elizabeth Arianne Turner; Mitzi Lynn Williams; Rhianna C. Axley; Jessica Renne Curtis and Rebecca Adeline Davis.

Adamsville High School Principal Brian Jackson and Assistant Principals Mike Kimmon and Greta Bachuss should be proud of the accomplishments of their students and directors. I know that many parents are involved in the band boosters association and I am very appreciative for their hard work as well.

Mr. Speaker, I am proud to say that the Adamsville Junior/High School band represented the town of Adamsville to the best of their ability and was rewarded with so many honors. I wish this team the best of luck in all their future endeavors.

U.S. EDUCATION EXPENDITURES

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. ARCHER. Mr. Speaker, this election year, time and time again, on the campaign trail, in the halls of Congress, and out in neighborhood communities, the subject of education spending is high on the minds of many. While many individuals and groups call out for more and more federal spending, they perhaps do not realize that government spending on education (at all levels) has increased more than six-fold in the past 25 years. The United States spent twice as much on education as it did on national defense in 1998. Those who clamor for better education through increased spending should look at the vast expenditure increases we've made in the last quarter century and consider whether the improvements made have lived up to the dollars spent.

In July 1974, I entered into the CONGRESSIONAL RECORD remarks concerning my extensive study of U.S. education expenditure at the time. Now a quarter of a century later, I am including some updated facts on U.S. education spending.

EXPENDITURES ON U.S. EDUCATION

Education is still the largest occupational group in America. In 1998 there were nearly 6 million Americans employed as teachers in levels K through college. Nearly 1 in 5 of the world's teachers is an American teacher.

Education expenditures per student in public elementary and secondary schools have increased by leaps and bounds since the end of World War II. The following figures show expenditures for public elementary and secondary schools on a per student basis based on fall enrollment (all figures in constant 1998–99 dollars).

1947–48	$1,119
1957–58	1,793
1967–68	2,963
1977–78	4,404
1987–88	5,577
1997–98	[1]6,275

[1] Estimated.

Likewise, per student expenditures of all institutions of higher education and degree-granting institutions have gone up dramatically since the end of World War II. The following figures show educational and general expenditures per student in fall enrollment (all figures in constant 1995–96 dollars).

1947–48	$3,946
1957–58	6,078
1967–68	8,444
1977–78	7,925
1985–96	[1]10,583

[1] Estimated.

1. Total U.S. expenditure on education (federal, state, local, and private) in 1998, at all levels, was $618.6 billion. This is twice as much as the amount spent for national defense, $310.3 billion in 1998. This is compared to $98 billion spent in 1974 on all levels of education.

2. Total public expenditure (federal, state, and local) in 1998 was $429.2 billion. Total private spending was $189.4 billion, or about 30.6% of the total education expenditure. Total public expenditure in 1974 amounted to $79 billion.

3. In 1998, $371.9 billion was spent on elementary and secondary schools. Of that, private expenditures amounted to $36.4 billion, or 9.8%. Back in 1974, $61.6 billion was spent on elementary and secondary schools, both at the public and private level.

4. In 1998, $246.7 billion was spent on higher education. Of that, private expenditures amounted to 62%. In 1974, I found that $34.7 billion was spent on higher education and of this amount $23 billion was public and $11.7 billion was private.

5. Of the total public funds spent on education in 1998, $52.3 billion were appropriated at the federal level, $222.6 billion at the state level, and $154.3 billion at the local level. $189.4 billion was spent at the private level in 1998.

6. The U.S. has spent 7.3% of its GDP on education since 1991.

7. In 1998, the U.S. spent a total of $2,287 per capita on all levels of education. By comparison, in 1970, the U.S. spent an average of $308 per capita on total U.S. education expenditures.

8. According to 1994 UNESCO figures, European nations averaged $982 per capita in education outlays. The U.S. spent twice that per capita in 1994 at $2,286.

9. Also according to 1994 UNESCO figures, the United States budget for education in 1994 was $481.7 billion. This is nearly equal to the total budget for education in all of Europe, $492.6 billion. Additionally, the U.S. is host country to 30% of the foreign students seeking an education outside of their home country.

10. Although education spending represents a small part of the federal budget, education is still the single largest item in state and local budgets. Education accounts for 12.4% of state expenditures and 36.8% of local expenditures.

Looking back historically over the past few decades:

In 1978, federal education spending was $14.6 billion, state education spending was $51.1 billion, and local education spending was $39.1 billion. Private educational expenditures were $35.6 billion. The total U.S. education spending at all levels was $140.4 billion.

In 1988, federal education spending was $26.7 billion, state education spending was $121.3, and local education spending was $79.3 billion. Private educational expenditures were $86.1 billion. The total U.S. education spending at all levels was $313.4 billion.

In 1998, federal education spending was 52.3 billion, state education spending was $222.6 billion, and local education spending was $154.3 billion. Private educational expenditures were $189.4 billion. The total U.S. education spending at all levels was $618.6 billion.

It is important to ask ourselves then, while education expenditures have been steadily increasing, has the quality of education also been rising in tandem? Are students and parents getting more for their money, as they should be? Our children deserve the best possible education that we can give them, either public or private. Before we dedicate even more resources to federal education spending, we should investigate whether throwing more money into a deep well is the best path to follow for our nation's school children.

IN TRIBUTE TO THE HONORABLE CHARLES CANADY

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to my friend and colleague, CHARLES CANADY of Florida. I have had the good fortune to serve with CHARLES CANADY on the Committee on the Judiciary. In his capacity as Chairman of the Constitution subcommittee, as in all his professional roles, he had served with honesty, dedication, and integrity. Therefore, I know I echo the sentiments of our colleagues, both on the Judiciary Committee and throughout the House, when I say that we will miss our friend, CHARLES CANADY.

CHARLES CANADY has served as a tireless advocate for the people of Florida's 12th Congressional District. At the same time, he has fought on behalf of all Americans to bring morality and common-sense to the laws governing our great nation. Even when issues as controversial as partial birth abortion came up, he stuck by his principles. When the country was divided during the impeachment nearly two years ago, he stood firmly behind the rule of law.

One of CHARLES CANADY's guiding principles is that government should not divide its citizens, but unite them. It should not place Americans into separate racial, gender, or ethnic groups. Rather government should strengthen those bonds that make us all Americans. Throughout his tenure in the House, CHARLES CANADY has remained committed to working toward realizing this goal.

For these and many other reasons, both CHARLES CANADY's constituents and his colleagues will miss him. Back in 1992, CHARLES CANADY pledged to serve no more than four consecutive terms in this body. While I admire his commitment to keeping his word, I know I speak for many of our colleagues when I say the House is losing one of its most effective Members. I wish CHARLES CANADY the best in whatever the future holds.

PERSONAL EXPLANATION

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. CANNON. Mr. Speaker, I rise for a point of personal privilege. I was unavoidably detained during a vote on the motion by the gentleman from Oregon to instruct conferees on the Fiscal Year 2001 Labor-HHS Appropriations Bill, rollcall vote No. 591.

Had I been present I would have voted "no."

TWO CENTRAL NEW YORK HIGH SCHOOLS WIN NEW YORK STATE MARCHING BAND COMPETITION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. WALSH. Mr. Speaker, on Saturday, October 29, 2000, two Central New York high schools won their respective divisions at the 2000 New York Field Band Conference Championship in Syracuse, New York. West Genesee High School located in Camillus, New York won their 12th straight title in the National Division of the competition. C.W. Baker High School in Baldwinsville, New York placed first in the Division III large-school competition.

Today, I would like to recognize the hard work, dedication and support of the band members, leaders and parents. Excellence has been achieved only through the dedication of so many, and I congratulate all of them on their success.

Forty bands competed in the championship competition held at the Carrier Dome on the Syracuse University Campus. West Genesee competed against six other teams in the National Division. Since 1974, West Genesee has won 23 of the past 27 New York State Field Band Conference Championships. The 2000 "Wildcat" Band has 170 members in grades 9–12. The end of the 2000 season marks the bands seventh consecutive undefeated year in New York State competition.

C.W. Baker High School competed against nine schools in the Large School, Division III component of the competition. The win marked "the Bee's" third New York State Championship victory. The 2000 Baker High Band has 70 members in grades 8–12.

I am pleased to congratulate all of the participants, supporters and leaders of West Genesee High School and Baldwinsville C.W. Baker High School Marching Bands.

MISSED OPPORTUNITY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mrs. CAPPS. Mr. Speaker, I stayed in Washington until the last possible moment, hoping that Congress could finish the business of the people of the Central Coast and all Americans. There are critical unresolved issues still on the table—including school modernization, common-sense tax relief, and adequate funding for Medicare.

I am deeply dismayed that the congressional leadership has decided to push these issues off to a lame duck session. The American people deserve better. I support the Water Resources Development Act for a number of reasons. The bill authorizes a historic environmental restoration of our national treasure, the Everglades. Here on the Central Coast, I was pleased to help include $9.2 million in federally authorized funding for the Lower Mission Creek Area flood control project.

I am, however, very disappointed that two additional provisions that I secured in the House bill were stripped out by the Senate Leadership. I fought for authorization to fund the Los Osos sewage treatment. I also secured a $10.3 million authorization for a desalination project in Cambria. Both of these projects are important to the quality of life for thousands of San Luis Obispo county residents.

At this time, I am pleased to note that the leadership of both the House and Senate have pledged to include these projects in the final appropriations legislation that will pass when Congress reconvene after the election. My constituents can rests assured that I will work very hard to see that these critical programs are enacted.

HONORING CITIZENSHIP AND SERVICE

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. BUYER. Mr. Speaker, as we approach the final days of the 106th Congress, I would like to address what it means to be a citizen of these United States. America's national character has always been defined by hard work, discipline and commitment to a higher goal. These ideals have convinced patriots throughout our history to serve their nation and defend freedom and the rule of law in every corner of the globe. They have also inspired ordinary citizens to dedicate themselves to improving the lives of their neighbors through service to their communities.

With Veterans' Day now a week away, it is appropriate to pause and reflect on the service and sacrifice that so many of our citizens have made in defense of freedom. Tragically, this service has often exacted a terrible price. On October 12, 2000, seventeen American sailors gave their lives when a terrorist bomb exploded near the U.S.S. *Cole*, a Navy destroyer moored in Aden, Yemen. I extend my condolences to the families of those who died and my heart felt appreciation to all those who wear the uniform of America's armed forces. Your dedicated service ensures our nation's continued prosperity and well-being.

The obligation to serve one's nation is an important component of citizenship but it is not the sole domain of those who wear the uniform of the United States' armed forces. On the contrary, service comes in many forms. Participation in one's local government, church or charity is an important aspect of service to the nation. Active involvement in the lives of our families is an often overlooked and neglected aspect of service. Whatever the calling, selfless service to a higher goal satisfies an important obligation that we all have as citizens of our great nation.

As we approach Election Day 2000, it is important to recognize another equally important component of citizenship: Our right and duty to vote. Plato said, "The price of apathy towards public affairs is to be ruled by evil men." In our form of democracy, liberty cannot be preserved without the participation of the electorate. Yet, sadly, many of our citizens fail to exercise their right and responsibility to cast their vote for those who would govern them. This ambivalence erodes the rigor of our democracy and can lead to disastrous results for our nation. On Tuesday, November 7, 2000, honor your fathers and their fathers before them by exercising your civic responsibility at the voting booth.

The most visible and enduring symbol of a strong, active American citizenry is our flag, the Stars and Stripes. Two hundred and twenty-three years after Congress first authorized the flag, it stands as a powerful symbol of our Republic, the courage of those who have defended it, and the resolve of Americans to protect their freedom. It is a mighty symbol, not only to the citizens of this great nation, but also to those abroad who see it flying at our embassies or on the ships of our naval fleet.

The Continental Congress resolved that, "The flag of the United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation." This blueprint is representative of the unity that we have been able to forge in this melting pot of cultures, ethnic groups, and races. Regardless of where our families originated from, the rich heritage that they brought with them and the uniquely American culture that they have forged, represents one of our greatest strengths.

America is still recognized as the land of opportunity and some of our proudest citizens are the newest Americans. Dr. Lorne A. Schnell, the father of a member of my Congressional staff, was one of these proud new Americans. Originally from Saskatchewan, Canada, Dr. Schnell and his wife, Joanne, have lived in Bourbonnais, Illinois since 1984. Steadfastly proud of his Canadian heritage, he made the decision to become an American citizen last year. Dr. Schnell flew his American flag with unabashed pride and he was eagerly looking forward to voting in this first election next week. Sadly, this proud new American passed away suddenly on October 12, 2000, in Las Vegas, Nevada.

Dr. Schnell's life embodied the tenets of citizenship that I have discussed above. After a thirty-six year career in the pharmaceutical industry, he chose to dedicate his retirement years to serving his community. A gifted musician, avid golfer and talented woodworker, Dr. Schnell nonetheless committed countless hours to improving the lives of the people in his community. He worked hard to establish the Kankakee Valley Youth Orchestra and his vision was finally realized this summer. He also served on his church board of trustees and taught English as a second language to new immigrants.

President Richard Nixon said, "We must always remember that America is a great nation today not because of what government did for people but because of what people did for themselves and for one another." President Nixon's words embody the spirit of individual service and honor the extraordinary contributions of ordinary citizens like Dr. Lorne A. Schnell.

Liberty, justice, freedom and opportunity. These are not just idle words, they are the fundamental principles that make our Republic unique. Embrace these ideals and honor our forefathers by participating in the governance of your town, county, state and country. Volunteer your time and serve your community. Stand and proudly salute as your nation's flag passes by and instill in your children what it means to be an American citizen.

Citizenship is one of our nation's greatest strengths; it gives our nation's democracy vitality and longevity. As we face the uncertainties and challenges of the third millennium, the strength and character of the American citizenry provides us with the foundation to move forward as a nation. President Abraham Lincoln once said, "Whatever you are, be a good one." Heed President Lincoln's words by committing yourself to being an active participant in the well-being of your family and your community. Your dedicated service will help ensure the continuing prosperity of our great nation.

PAYING TRIBUTE TO CONGRESSMAN CHARLES CANADY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, it is with a mixture of sadness and enthusiasm that I bid farewell to a friend and colleague, CHARLES CANADY as he prepares to voluntarily end his service in the United States Congress.

I am sad because I have known CHARLES since our days in the Florida state legislature but am excited for him as he embarks on a new journey.

I have had the distinct pleasure of not only serving with Congressman CANADY here in the House, but also in the Florida legislature where during his first term he was honored as the Most Effective First Term Legislator.

I believe that designation has stayed with him throughout his tenure in the House where he has served his district, the state of Florida, and indeed the nation by working hard on behalf of Florida's agricultural industry, on legislation for lobbying disclosure reform and strengthening our criminal justice system.

The 1998 Almanac of American Politics summed it up when they said that "CANADY is hard-working and . . . strong in his convictions . . ."

I am certain his leadership will be missed by the constituents of Florida's 12th Congressional district. For myself, I can certainly say that his friendship and accomplishments in the House will be sorely missed and I know that he will continue to succeed in his role as Florida Governor Jeb Bush's General Counsel.

I am proud to have known and worked with Representative CANADY and I ask my Congressional colleagues to join me in paying tribute and saying good-bye to this dear friend.

IN HONOR OF THE 5TH ANNIVERSARY OF THE ASSOCIATION FOR THE RESEARCH OF MIDDLE EASTERN CULTURES AND THE MOROCCAN 45TH INDEPENDENCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to the Association for the Research of Middle Eastern Cultures, A.R.M.E.C., on its fifth anniversary, and to recognize the 45th Moroccan Independence Day. A.R.M.E.C promotes cultural, social, educational, and religious activities in order to facilitate the participation of the Middle Eastern community in American life.

A.R.M.E.C strives to promote interaction between individuals of various cultural and religious backgrounds in order to create an environment of mutual respect and understanding. For the past three years, they have honored and commended various Artists of the Year in order to further appreciate and bring recognition to the rich cultural heritage of the Middle East.

A.R.M.E.C.'s mission is to help facilitate a harmonious multicultural society. They sponsor various cultural and sporting events including conferences, musical performances, and traditional celebrations. In 1996, A.R.M.E.C. co-sponsored a family conference in Washington, D.C. with the theme: True Family Values for American Moslem Families. One hundred and fifty participants attended this conference to discuss how to improve the quality of families throughout the world.

Furthermore, Mr. Speaker, A.R.M.E.C. is involved in many humanitarian and social activities. After the death of King Hassan II of Morocco, A.R.M.E.C. made available for signing a condolence book addressed to his son and successor, King Mohammed VI. Following this year's devastating earthquake in Turkey, A.R.M.E.C. sent an appeal to its members to express their solidarity and generosity toward the people of Turkey.

The Association for the Research of Middle Eastern Cultures hopes to continue its efforts in familiarizing members with United States history, religious traditions, culture and laws, in order to facilitate integration into American society. Future projects include new immigrants support and assistance services, English and Arabic language classes, Middle East music and dance classes, and marriage and family counseling.

Mr. Speaker, I salute the Association for the Research of Middle Eastern Cultures and ask my colleagues in Congress to join me in recognizing the great contributions of A.R.M.E.C. and the Moroccan 45th Independence Day.

URGING THE SENATE TO CONTINUE TO BLOCK THE APPOINTMENT OF U.S. AMBASSADOR TO LAOS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. RADANOVICH. Mr. Speaker, I am troubled by the fact that the State Department has made almost no progress with regard to the disappearance of two Hmong Americans who went missing in Laos more than a year ago. Mr. Michael Vang, a constituent of mine from Fresno, CA, and Mr. Housa Ly, a constituent of Representative MARK GREEN from Appleton, WI, are believed to have been seized by the Pathet Lao along the border of Thailand and Laos. Our constituents have not been seen or heard from since.

I believe the U.S. Congress needs to get tougher with the military dictatorship in Laos and the bureaucrats at the State Department who are content to work gently and cooperatively with the same Lao officials who are likely responsible for the abduction of our constituents. The regime in Laos continues to brutalize and murder its own people, particularly the Lao and Hmong people—many of which have relatives in my Congressional district.

Congressmen Vento, GREEN and I helped to send a strong message to the State Department and to the Laos government last year with the passage of H. Res. 169, which was the first legislation to pass the House of Representatives specific to Laos—and it passed 412 to 20. Among other things it urged the Lao Government to return Mr. Ly and Mr. Vang, or their remains, to United States authorities and their families in America at once; it warned the Lao Government of the serious consequences, including sanctions, of acts of aggression against United States citizens; and finally it urged the Department of State and other appropriate United States agencies to share the maximum amount of information regarding the disappearance of Messrs. Ly and Vang. None of these things have come to pass.

So today I want to thank my colleague, Senator BOB SMITH from New Hampshire, for his efforts to place an ongoing hold on the appointment of a U.S. Ambassador to Laos until a fundamental overhaul of U.S. policy is made toward Laos, and until changes are made with regard to the way the State Department is handling the case of Mr. Michael Vang and Houa Ly.

There are others I would like to thank for their efforts to help us resolve this case. Ms. Susie Vang, the wife of Michael Vang, has repeatedly traveled from Fresno, California to provide crucial testimony at several important events highlighting this case in the 106th Congress. Chairman BEN GILMAN, Congressman MARK GREEN, Congressman Bruce Vento, Congressman RON KIND, Congressman WALLY HERGER and Congressman RICHARD POMBO were also among those who participated. Finally, I am grateful to the Lao Veterans of America, the largest group of Hmong and Lao veterans in the United States based in my district, for their active participation in facilitating Congress' efforts to bring these Hmong Americans home.

Mr. Speaker, I submit a letter into the RECORD that Congressman MARK GREEN and I recently sent to Senator BOB SMITH regarding the need to keep a hold on the appointment of a U.S. Ambassador to Laos until fundamental changes are made in the way the U.S. State Department handles the Government of Laos and our case.

OCTOBER 6, 2000.

Hon. BOB SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: We would like to thank you for your recent efforts in the Senate to delay the appointment of Douglas Hartwick as Ambassador to Laos. We agree with those efforts and encourage you to remain steadfast in your position.

For years we believe this Administration's policies toward Laos have been fundamentally flawed. Your placing a hold on Mr. Hartwick's Senate approval sends a powerful message that we in Congress reject this Administration's policies toward Laos, and are fully willing to support dramatic steps to force a change in those policies.

We support your efforts for a number of reasons. First and foremost is the State Department's handling over the past 17 months of the case of two Americans—our constituents—missing in Laos since April of last year.

As background, we offer the following brief review of the circumstances surrounding the disappearance of Messrs. Houa Ly of Appleton, Wisconsin, and Michael Vang of Fresno, California. According to America eyewitnesses who were traveling with Messrs. Ly and Vang, Lao government authorities are responsible for this disappearance—a belief we share. Given the Lao government's dismal record on human rights and other matters, we feel this allegation is entirely plausible.

These eyewitnesses have offered the following account of the incident:

"On April 19, 1999, a party of four Hmong-American men—Mr. Houa Ly, Mr. Michael Vang, Mr. Neng Lee and Mr. Hue Vang—were traveling in Thailand near the city of Chiang Khong. The group, having been advised that the nearby Thai-Lao border was open to tourists and the public, crossed the Mekong River into Laos.

"Once across the border, the party split into two groups. Mr. Ly and Mr. M. Vang began speaking to several men, some of whom identified themselves as authorities in the Lao government. Mr. Lee and Mr. H. Vang briefly left the area. When they returned, Mr. Ly and Mr. M. Vang were missing.

"After a brief search, Mr. Lee and Mr. H. Vang witnessed Mr. Ly and Mr. M. Vang being forced onto a boat by Lao men. The boat, with Mr. Ly and Mr. M. Vang aboard, sped away on the Mekong River. Mr. Ly and Mr. M. Vang have not been heard from since.

"On May 4, 1999, upon their return to Chiang Mai, Thailand, Mr. Lee and Mr. H. Vang reported this incident to the American Consulate. Two days later, according to Mr. Lee and Mr. H. Vang, an American official from the consulate informed them he had received reports that both men had been imprisoned and that Mr. Ly may have been killed.

"Subsequent independent reports have suggested that the two men are currently imprisoned by Lao government authorities."

This case was initially brought to our attention in May of last year. Since then, we have been working together with the families of Messrs. Ly and Vang and attempting to work with the State Department to get to the bottom of the matter.

We have repeatedly stressed the importance of this case to the State Department. Since our initial letter on the matter to Secretary Albright on May 19, 1999, we have worked to emphasize the urgent need to have this case resolved quickly for the sake of all involved. We have written letters, made repeated phone calls, sponsored meetings, organized briefings, held hearings and even passed House legislation dealing specifically with the disappearances.

By the State Department's own admission, the communist government of Laos has been largely uncooperative in the "joint investigation" of the matter undertaken by our two governments. The State Department has nevertheless continued to work directly with the Lao government in their investigation, despite evidence indicating Lao government involvement in the disappearance itself. The investigation, not surprisingly, has produced virtually no results.

Adding insult to injury, the treatment of the families of these two men at the hands of the State Department has been deplorable. Despite repeated State Department promises to keep family members regularly informed of progress and developments in the case, the families have reported that their contact with the State Department has been sporadic and inadequate. The families feel, and we agree, that the State Department has handled the Lao government with kid gloves while treating the families with skepticism and suspicion.

Also, in the course of pursuing answers in this case, Rep. Green and the Ly family were forced to file a formal Freedom of Information Act request with the State Department. An unforgivable seven months passed before the U.S. government documents on the disappearance were finally released to the family.

This pace of "progress" cannot be permitted to continue. We are resolute in our commitment to see this case resolved, and to provide the families of Mr. Houa Ly and Michael Vang the answers they deserve. We believe that is unlikely to occur unless there is a sweeping change in policy toward Laos within the State Department.

The case of these two men is but another result of the deferential, appeasement-oriented Laos policy the State Department has consciously decided to pursue. It is but one of number of damning examples that clearly demonstrate the flaws in that policy.

Consider the following as well:

1. Laos continues to exist as an old-style one-party communist state which maintains a monopoly on power and close relations with the world's remaining communist nations.

2. Human rights abuses by the Lao government continue to be appalling and widespread. The government deploys its security forces against many of its own citizens, including incidents last year in which pro-democracy student demonstrators were arrested and imprisoned. In addition, the Lao government denies its citizens' basic human liberties and rights, including freedom of speech, assembly and religion. These abuses have all been repeatedly documented by Amnesty International and other international organizations. Perhaps most alarming of all, at time when human rights in many areas of the world are improving, the human rights situation in Laos appears to be getting worse.

3. With the help of Vietnamese military forces, the Lao government has waged a systematic military campaign against the Hmong ethnic minority in the Laotian highlands. This campaign has caused inestimable civilian casualties and demonstrates that the regime in Vientiane is willing to wage outright war against its own people to maintain its increasingly unsteady grip on power.

As these distressing events have taken place, the State Department and the U.S. Embassy in Vientiane have utterly failed to recognize, document and address them. These actions by the Lao government continue to take place for the same reason actions by any dictatorship continue occurring: because no one in power has the courage and determination to stop them.

It is our hope that your brave action in the Senate will force a change in U.S. policy toward Laos, will help advance the case of our two missing constituents, and will assist in moving the people of Laos closer to a day when they will live without fear in a free and open society.

Sincerely,

MARK GREEN,
GEORGE RADANOVICH,
MEMBERS OF CONGRESS.

TRIBUTE TO BILL BARRETT OF NEBRASKA

SPEECH OF

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to my colleague from Nebraska, Congressman BILL BARRETT. BILL and I had the distinction of coming to Congress in the same year, and I have always appreciated his enthusiasm toward issues we have worked on together.

BILL is a fellow Member of Congress who knows the value of visiting constituents at home and where they work. Like me, he spends almost every weekend traveling in his home State so he can spend time with his constituents in their hometowns.

In his first term, BILL was tapped by leadership for two key committees—the Agriculture Committee and the Education and the Workforce Committee. He has worked hard at these assignments and his increasing seniority has allowed him to take a leadership role on a host of pivotal issues including; small business, child care, senior citizens, education, health care, rural development, agriculture, and other important issues.

As chairman of the General Farm Commodities Subcommittee, which he has chaired for three terms, and his assignment as vice-chairman of the Risk Management, Research, and Specialty Crops Subcommittee, BILL BARRETT has been on the forefront of agriculture policy. Through the subcommittees and as vice-chairman of the full House Agriculture Committee, he played a vital role in overseeing the 1996 Federal Agriculture Improvement and Reform Act, which unleashed U.S. agriculture from antiquated programs and overbearing Federal intrusion.

BILL has been a leader in balancing the Federal budget and reducing taxes. In the 106th Congress, he has worked to maintain fiscal discipline while paying down the national debt and ensuring the long-term viability of Social Security. His priorities for agriculture have included export market development, further regulatory relief, and improved risk management options.

In another parallel to my own experiences, BILL BARRETT's public service didn't begin in the Nation's capital. He started at the grassroots level and has been active in local, State, and national politics for many years. He was a member of the Nebraska Unicameral Legislature from 1979–90 and served as Speaker the last four of those years.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to join with members of the Nebraska Congressional delegation and the rest of his colleagues in the U.S. House of Representatives to honor the efforts and the many outstanding achievements of Representative BILL BARRETT. His many contributions as a Member of the House of Representatives will be long remembered in Congress and by the people of Nebraska.

HONORING CONGRESSWOMAN TILLIE FOWLER

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Ms. MILLENDER-MCDONALD. Mr. Speaker, it gives me great pride to congratulate my colleague and good friend Congresswoman TILLIE FOWLER on her exemplary service to her district and the nation as she retires from the U.S. Congress.

Congresswoman FOWLER is well known as a determined advocate for a strong national defense and has worked with great success on behalf of the military personnel and facilities in her district and around the country. Congresswoman FOWLER supported me immensely as I secured $5 million in the Fiscal Year 2000 Defense Appropriations bill for the Women in Military Service for America Memorial at Arlington National Cemetery. These funds were used for much needed maintenance to the memorial. Over the past 3 years Congresswoman FOWLER has joined me in organizing a wreath laying ceremony at the Women's Memorial to pay homage to the thousands of women who have served in our armed services. Congresswoman FOWLER has served graciously and energetically as co-host of this very touching ceremony. The Women's Memorial was dedicated on October 18, 1997 and stands as the nation's only major national memorial honoring women who have served in our Nation's Armed Forces during all eras and in all services.

I have been fortunate to serve with Congresswoman FOWLER on the House Transportation and Infrastructure Committee. Together, we have worked for needed improvements to road, mass transit, water, and public works infrastructure. She is one of the hardest working Members I have had the pleasure of working with on this committee. I applaud Congresswoman FOWLER for her dedication to serving the interests of her constituents and the nation. She has been an outstanding colleague and a good friend. I feel privileged to have worked with the Congresswoman and wish her God speed as she embarks upon another endeavor.

PERSONAL EXPLANATION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. CUMMINGS. Mr. Speaker, yesterday, I was unavoidably detained and missed rollcall No. 592. I would have voted "aye."

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I was absent from the House when the following votes were taken. Had I been present on the following items ,my vote would have been the same as indicated following the resolution.

Oct. 30, 583, H. Res. 663, on agreeing to the Resolution Providing for consideration of S. 2485; and Corrections in the enrollment of H.R. 2614, "yes"; Oct. 30, 582, H. Res. 663, on ordering the Previous Question Providing for consideration of S. 2485; and Corrections in the enrollment of H.R. 2614, "yes"; Oct. 30, 581, H. Res. 662, on agreeing to the Resolution Providing for consideration of certain joint resolutions making further continuing appropriations for 2001, "yes"; Oct. 30, 580, H. Res. 662, on Ordering the Previous Question Providing for consideration of certain joint resolutions making further continuing appropriations for FY 2001, "yes"; Oct. 30, 579, motion, on hour of meeting, "yes"; Oct. 30, 578 H.J. Res. 120, on Passage Further Continuing Appropriations for FY 2001, "yes"; Oct. 30, 577, Journal, on Approving the Journal, "yes"; Oct. 29, 576, H.R. 4577, on Motion to Instruct Conferees Making Appropriations for Labor, Health and Human Services for Fiscal Year 2001, "yes"; Oct. 29, 575, H.J. Res. 119, on Passage Further Continuing Appropriations for FY 2001, "yes"; Oct. 29, 574, Journal, on Approving the Journal, "yes"; Oct. 28, 573, H.R. 4577, on Motion to Instruct Conferees Making Appropriations for Labor, Health and Human Services for Fiscal Year 2001, "yes"; Oct. 28, 572, H.R. 4577, on Motion to Instruct Conferees Making Appropriations for Labor, Health and Human Services for Fiscal Year 2001, "yes"; Oct. 28, 571, H.J. Res. 118, on Passage Further Continuing Appropriations for FY 2001, "yes"; Oct. 28, 570, Journal, on Approving the Journal, "yes"; Oct. 19, H.R. 4541, to Authorize and Amend the Commodity Exchange Act to Promote Legal Certainty, Enhance Competition, and reduce Systematic Risk in Markets for Futures and Over the Counter Derivatives, and for other Purposes, "yes."

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. DINGELL. Mr. Speaker, recently, the House of Representatives passed legislation giving billions of dollars to Medicare providers, the bulk of which went to Medicare HMOs. This legislation did virtually nothing for providers under Medicaid. Yet, in almost every State across the nation, Medicaid payment rates are a fraction of what Medicare pays.

The motion offered by the gentleman from Texas, Mr. BENTSEN, insists that the conferees to the Labor HHS bill ensure provider payments in the Medicaid Program are adequate to ensure that the children, disabled, and working families covered by Medicaid have access to quality health care. I appreciate his commitment to readdress this in the next Congress.

Medicaid covers 38 percent of all births in this country. It pays for 30 percent of all visits to pediatricians. The Medicaid Program insures more than 21 million children in this country. It also pays for a significant portion of nursing home care for the elderly. Medicaid is an insurance program that provides care for the most vulnerable in our society. By failing to ensure that Medicaid provider payments are adequate, access is jeopardized and we are failing our children, our elderly parents, and the disabled who depend on this program for their health care.

In my home State of Michigan, I have worked to ensure providers get adequate reimbursement so that they will continue to participate in the Medicaid Program and provide quality care. But, the situation remains dismal. Medicaid payments for obstetric care in Michigan are less than half of the Medicare rate. Payment for primary care services is also barely half of what Medicare pays. This, at a time when the state has more than a billion dollars in budget surplus and will receive more than 300 million dollars this fiscal year in tobacco settlement money.

In Michigan, what is becoming increasingly troubling is that the state is attempting, by expanding the use of HMOs in Medicaid, to wash its hands completely of any responsibility to ensure providers are paid adequately. The state is shifting beneficiaries wholesale into managed care, yet the state is failing to monitor aggressively the adequacy of HMOs' payments to doctors, hospitals, and nursing homes that provide care for beneficiaries. In Michigan, inadequate provider payments by managed care plans under contract with the state have resulted in disruption in care and difficulty for many in obtaining care. Particularly acute problems have surfaced for individuals with HIV and children with special needs. We have a responsibility to ensure provider payments are adequate for beneficiaries whether they are in fee-for-service or managed care.

Nursing homes too, receive woefully low reimbursement to care for Medicaid beneficiaries. In 2000, it is projected that more than half of all nursing home care will be paid for by Medicaid. Yet, we know from research, much of which has been conducted by my colleague HENRY WAXMAN and the Government Reform Committee Democratic staff, that conditions in many nursing homes do not meet even the most basic standards.

Given that my colleague from Texas offered this motion, I would like to also mention a few facts about this problem in the state of Texas. A recent Government Reform Committee investigation in Texas examined the 1,230 nursing homes in that state which serve more than 86,000 Texans. Their investigation found that there are serious deficiencies in many of these homes. More than 80 percent of the homes violated federal health and safety standards during recent state inspections. More than half of the homes had violations that caused actual harm to residents or placed them at risk of serious injury.

The State of Texas ranks 45th out of 50 states in terms of nursing home payments for Medicaid beneficiaries. In 1999, the average Texas per diem rate was a little over $80 per person. The majority of nursing home beneficiaries are the frailest and most vulnerable of all. We have a responsibility to ensure that the payments for the care of our parents are adequate; that the payments do not encourage facilities to skimp on care; and that there is ample staffing to ensure the health and safety of nursing home residents. Unfortunately, many states have not been meeting these responsibilities.

Low provider payments also thwart efforts to promote dental health. A recent Center for Health Care Strategies report on increasing access to dental services in Medicaid noted: "In many states, dentists are not participating in Medicaid programs, mainly due to the low Medicaid reimbursement rates. Dentists have little financial incentive to see Medicaid patients, and often have a disincentive—they lose money on each patient, as reimbursement rates in many states do not cover costs." If states are not even paying dentists enough to cover costs, how can we expect them to participate?

A September 2000 study by the General Accounting Office confirms this problem: "While several factors contribute to the low use of dental services among low-income persons who have coverage for dental services, the major one is finding dentists to treat them. Some low-income people live in areas where dental providers are in short supply, but many others live in areas where dental care for the rest of the population is readily available."

In Texas in 1998, there were 8,656 active dentists in the state—only 1,923 of them—or 22 percent—treated Medicaid patients. This number is clearly not adequate to treat the 2,680,583 Medicaid patients enrolled in the state in that year. These low

Letters from the National Governors' Association and the National Council of State Legislatures threatened cuts in state Medicaid programs and reductions in coverage if the motion were adopted. I am appalled by their callous statements. It is miserly and uncompassionate to say that, in this time of record prosperity, states cannot afford to pay providers so that the most vulnerable, sickest, and frailest members of society can be assured decent care. Especially when on average nearly 60% of every dollar of Medicaid spending is contributed by the Federal Government.

Perhaps what the Republican governors who support the NGA threat mean is that they would choose to allocate their money differently. My home state of Michigan has managed to provide tax cuts for the rich in three of the past four years. Last year they enacted a $300 million tax cut, yet they have done little to address the inadequacy of provider payments in Medicaid. Many Republican governors, it appears, would rather help their wealthy friends, than spare a dime to help children, elderly, and pregnant women who depend on Medicaid for their health insurance coverage.

Some members that oppose ensuring adequacy of Medicaid payments argue that we voted for the repeal of the so-called "Boren Amendment" in the Balanced Budget Act of 1997 (BBA) and now we're reversing our position. I would just remind my colleagues that we voted for a lot of provisions in the BBA. Many of us also voted for Medicaid provider cuts. Now, however, we recognize the deep impact on these cuts on providers and beneficaries—both in Medicare and Medicaid.

We recently passed a bill that added billions to Medicare provider payments, but the Republican Leadership stripped out many of the provisions helping Medicaid providers. Medicaid providers must be paid adequately. How can we expect providers to remain committed to providing quality care and continue treating patients in Medicaid if their reimbursement does not even cover their overhead costs? About 20 percent of children in this country are covered by Medicaid, as are about four million seniors. They don't have legions of well-paid lobbyists roaming the halls of Congress, and they don't contribute large sums of money to political campaigns. But they need and deserve our help.

HOUSE OF REPRESENTATIVES—*Monday, November 13, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 13, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, we pray that these words of Psalm 27 we read with our eyes and pray with our lips, echo deep within until they become inscribed in the heart of each Member of this House.

"The Lord is my light and my salvation, whom should I fear?
The Lord is my life's refuge, of whom should I be afraid?
One thing I ask of the Lord; this I seek:
To dwell in the House of the Lord all the days of my life. . . ."

Make all of us seekers of Your light. May we rejoice always in Your salvation. May Your Spirit dwell deep within us that this House may be transformed into a house of prayer and a place of mutual respect, integrity, and justice now and forever. Amen

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 3, 2000 at 12:55 p.m.

That the Senate passed without amendment H.J. Res. 124.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE REGARDING COMMUNICATION FROM THE PRESIDENT PERMITTING CONDITIONAL ADJOURNMENT UNDER SENATE CONCURRENT RESOLUTION 160

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2000.

Hon. J. DENNIS HASTERT,
Speaker,
Washington, DC.

DEAR MR. SPEAKER: This is to advise that on November 4, 2000 at 10:46 a.m., I was notified that the President had signed the Continuing Resolution H.J. Res. 124, making further continuing appropriations for the fiscal year 2001, and for other purposes; and H.J. Res. 84, making further continuing appropriations for the fiscal year 2001, and for other purposes.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolutions on Friday, November 3, 2000:

S. 11, for the relief of Wei Jingsheng.

S. 150, for the relief of Marina Khalina and her son, Albert Miftakhov.

S. 276, for the relief of Sergio Lozano.

S. 768, to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

S. 785, for the relief of Frances Schochenmaier and Mary Hudson.

S. 869, for the relief of Mina Vahedi Notash.

S. 1078, for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513, for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 1670, to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1880, to amend the Public Health Service Act to improve the health of minority individuals.

S. 1936, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 2000, for the relief of Guy Taylor.

S. 2002, for the relief of Tony Lara.

S. 2019, for the relief of Malia Miller.

S. 2020, to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2289, for the relief of Jose Guadalupe Tellez Pinales.

S. 2440, to amend title 49, United States Code, to improve airport security.

S. 2485, to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 2547, to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

S. 2712, to amend Chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. 2773, to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2789, to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 2915, to make improvements in the operation and administration of the Federal courts, and for other purposes.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S. 3164, to protect seniors from fraud.

S. 3194, to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office."

S. 3239, to amend the Immigration and Nationality Act to provide special immigrant status for certain United States International Broadcasting employees.

H.J. Res. 84, making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 124, making further continuing appropriations for the fiscal year 2001, and for other purposes.

COMMUNICATION FROM DISTRICT CASEWORK MANAGER OF HON. RON PAUL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Dianna Gilbert, district casework manager of the Honorable RON PAUL, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 3, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the District Court of Brazoria County, Texas.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House.

Sincerely,

DIANNA GILBERT,
District Casework Manager
for Congressman Ron Paul.

COMMUNICATION FROM FINANCIAL COUNSELING DIRECTOR, OFFICE OF FINANCE

The SPEAKER pro tempore laid before the House the following communication from Jacqueline Aamot, financial counseling director, Office of Finance:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, November 7, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for production of documents issued by the United States District Court for the Northern District of Ohio.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JACQUELINE AAMOT,
Financial Counseling Director,
Office of Finance.

AN AGENDA FOR AMERICA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, for the first time in decades, the American voters have reelected a Republican House majority here in four consecutive elections. While the nay-sayers and political pundits have spent 2 years writing off our majority, we have spent 2 years forging a legislative agenda for America's families, an agenda that America has endorsed.

The political season, Mr. Speaker, is now over; and the time has come to look ahead. We will continue to work across party lines in a bipartisan fashion to ensure that seniors are secure in their retirement and that every child has a successful education and a safe school and that working families receive long overdue tax relief and that our country's military is indeed ready for any challenge.

These are the goals that the American people have entrusted us with, and we are meeting those goals. We stand ready to look forward to working in the 107th Congress to achieve these goals and for the common good of the American people and for the future of our great Nation.

EYES OF AMERICA ON FLORIDA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the eyes of America are on Florida, and they should be. The truth is, this is not a Washington matter; this is a matter for Florida. Let Florida count the votes, and if Mr. Bush continues to maintain his lead, and does win the popular vote in Florida, Mr. Bush should be installed as our next President.

Mr. Speaker, the electoral college system to elect Presidents has survived for over 200 years unchanged. I yield back the wisdom of our Founding Fathers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

CARRIAGE OF NONPROJECT WATER BY MANCOS PROJECT, COLORADO

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2594) to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

The Clerk read as follows:

S. 2594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the "project"), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation authorizes the Secretary of the Interior to enter into contracts with the Mancos Water Conservancy District and its member unit contractors to transfer nonproject water for any beneficial purpose, up to the extent of any excess capacity. Legislation such as this has passed Congress on several occasions since the Bureau of Reclamation does not have the authority to move nonproject water administratively, unless it is for irrigation purposes. The increased growth and resulting need to use water facilities more efficiently in the western United States have been the basis for Congress to authorize the Secretary of the Interior to enter into these contracts.

Mr. Speaker, I urge an "aye" vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2594 authorizes the use of Mancos Project facilities for the storage, diversion, or carriage of nonproject water.

Mr. Speaker, this legislation is not controversial, so we have no objection to its enactment.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge an "aye" vote on this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 2594.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CHRISTENSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONVEYANCE TO DOLORES, COLORADO, CURRENT SITE OF JOE ROWELL PARK

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1972) to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

The Clerk read as follows:

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF JOE ROWELL PARK.

(a) IN GENERAL.—The Secretary of Agriculture shall convey to the town of Dolores, Colorado, for no consideration, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for open space, park, and recreational purposes.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) is a parcel of approximately 25 acres of land comprising the site of the Joe Rowell Park (including all improvements on the land and equipment and other items of personal property as agreed to by the Secretary) depicted on the map entitled "Joe Rowell Park," dated July 12, 2000.

(2) SURVEY.—

(A) IN GENERAL.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) COST.—As a condition of any conveyance under this section, the town of Dolores shall pay the cost of the survey.

(c) POSSIBILITY OF REVERTER.—Title to any real property acquired by the town of Dolores, Colorado, under this section shall revert to the United States if the town—

(1) attempts to convey or otherwise transfer ownership of any portion of the property to any other person;

(2) attempts to encumber the title of the property; or

(3) permits the use of any portion of the property for any purpose incompatible with the purpose described in subsection (a) for which the property is conveyed.

(d) The map referenced in subsection (b)(1) shall be on file for public inspection in the Office of the Chief of the Forest Service at the Department of Agriculture in Washington, DC.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1972 was introduced by Senator ALLARD. This legislation would convey approximately 25 acres of Forest Service land to the town of Dolores, Colorado, for use as a park. The property has been used by the town of Dolores as a park under permit from the Forest Service.

Mr. Speaker, S. 1972 guarantees the reversion of the property back to the United States if the town attempts to transfer the title or permit the property to be used for any other purpose.

Mr. Speaker, I urge all Members to support S. 1972.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1972 directs the Forest Service to convey 25 acres of land to the town of Dolores, Colorado, for use as a local park. Dolores currently operates a park on those lands under a special-use permit. In addition, the lands are surrounded by town and private lands that are not contiguous to other national forestlands.

The bill does not require the town to compensate the Forest Service for the land, but the bill does provide that the lands must be used for a park, or they revert back to the Forest Service.

Mr. Speaker, we are generally reluctant to convey lands out of public ownership without payment of fair compensation. In this case, however, the administrative transfer to the town is consistent with its current uses and may facilitate improvements to the park facilities. Under these circumstances, we have no objection to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge an "aye" vote on this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 1972.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CHRISTENSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess for 10 minutes.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess for 10 minutes.

☐ 1433

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 o'clock and 33 minutes p.m.

REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. STATE AND LOCAL ENFORCEMENT OF FEDERAL COMMUNICATIONS COMMISSION REGULATIONS ON USE OF CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302a) is amended by adding at the end the following:

"(f)(1) Except as provided in paragraph (2), a State or local government may enact a statute or ordinance that prohibits a violation of the following regulations of the Commission under this section:

"(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

"(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

"(2) A station that is licensed by the Commission pursuant to section 301 in any radio service for the operation at issue shall not be subject to action by a State or local government under this subsection. A State or local government statute or ordinance enacted for purposes of this subsection shall identify the exemption available under this paragraph.

"(3) The Commission shall, to the extent practicable, provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

"(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government agency enforcing a statute or ordinance under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, enacted a statute or ordinance outside the authority provided in this subsection.

"(B) A person shall submit an appeal on a decision of a State or local government agency to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government agency becomes final, but prior to seeking judicial review of such decision.

"(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

"(D) If the Commission determines under subparagraph (C) that a State or local government agency has acted outside its authority in enforcing a statute or ordinance, the Commission shall preempt the decision enforcing the statute or ordinance.

"(5) The enforcement of statute or ordinance that prohibits a violation of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

"(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.

"(7) The enforcement of a statute or ordinance by a State or local government under paragraph (1) with regard to citizens band radio equipment on board a 'commercial motor vehicle', as defined in section 31101 of title 49, United States Code, shall require probable cause to find that the commercial motor vehicle or the individual operating the vehicle is in violation of the regulations described in paragraph (1).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Maryland (Mr. WYNN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on H.R. 2346.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

H.R. 2346 is an important initiative intended to improve compliance with the FCC rules governing citizens band radio service.

The House passed this bill in September by a voice vote, and the other body made a clarifying amendment to the bill when it passed the bill just last month. The result is the text that we see before us today.

Fundamentally, the bill is an effort to help eliminate the practices of the few CB radio users that have chosen to take advantage of the unlicensed nature of CB radios to operate outside the boundaries of the FCC rules. When some people choose not to follow those rules, unexpected and potentially harmful interference can result for users of other services.

Let me take a moment to talk about the amendment that the other body has made to the bill. The amendment was worked out by all parties, including my good friend, the gentleman from Michigan (Mr. EHLERS), and the American Trucking Association, the sponsor of the bill; and obviously the trucking association is a very interested group of American citizens.

First, the amendment protects against the possibility that the courts might construe the legislation to require a final decision in a State adjudication process, as distinguished from a mere final action of a State or a local enforcement agency, as a precondition of appeal to the FCC which has, of course, jurisdiction in the area.

This would prevent lengthy court action prior to appealing a decision of a State or a local agency.

The other body's amendment makes it clear that the legal standard of probable cause for commercial motor vehicles and operators under this legislation is a standard developed by the court system.

This eliminates a protection included in the House bill to help the operators of commercial motor vehicles that raised some unintended consequences and concerns. Accordingly, we should be able to drop that section of the bill.

Lastly, the amendment modifies a requirement that the FCC provide technical guidance to the State and local government agencies.

Mr. Speaker, I want to commend the gentleman from Michigan (Mr. EHLERS), my friend, for his work on this bill and ask all Members to support its passage

Mr. Speaker, I reserve the balance of my time.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2346, the Citizens Band Radio Enforcement bill. This legislation will go a long way towards solving an ever-increasing and intrusive problem, the illegal operation of CB radios.

To be sure and I must emphasize, the vast majority of CB operators are law-abiding citizens who use their radios properly. However, rogue operators do exist across the country who regularly operate their CB radios at power levels far above the legal limit. When these operators boost their CB power levels, it often causes bleeding into nearby frequencies.

I am actually reminded of an old science fiction program, the Outer Limits, in which a rogue radio operator boosted his frequency above allowable limits creating a highway for which an alien appeared on our planet. In the real world, however, Americans who are unfortunate enough to live near these illegal CB radio stations experience only interference with their telephones, televisions and other electronic equipment, a very serious problem. Worst, these transmissions are often profane and occur at all hours of the night and day. This intrusive practice is simply not a neighborhood nuisance, it borders on trespass.

Unfortunately, the Federal Communications Commission does not have the power or resources to adequately police illegal CB radio operators around the country. As a result, victims are left helpless to defend against this growing intrusion to their privacy and the quiet enjoyment of their homes.

The bill before us would protect the American public by allowing local law enforcement officials to enforce existing FCC rules regarding CB radios. Victims of this type of harassment can be given assistance by local authorities to shut down these rogue operators.

Mr. Speaker, I urge my colleagues to support this important consumer legislation with the improvements that have been described this evening.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), the author of the legislation who has worked tirelessly for many years now to bring this legislation to final action by the House and the Senate.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding the time to me.

Mr. Speaker, I am very pleased to rise in support of this legislation. It has taken a considerable amount of work over several years to reach this point.

It initially arose when a constituent contacted me; he was extremely frustrated, because they were unable to use their radios, television sets, and their cordless telephones, because a neighbor near them was blasting away at 100 watts of CB power when the legal limit is only 5 watts. He had illegally attached a high power amplifier to his CB system.

This person, my constituent, had contacted the police. They were unable to help. They simply said, we do not have jurisdiction. He had contacted State agencies. They also could not help. In both cases, he was told to contact the Federal Communications Commission. When he did so, they said, yes, this person is breaking the law, but we do not have the personnel to go everywhere in the country to take care of this matter. As a result of this situation I have introduced this bill.

Mr. Speaker, I initially thought this constituent's problem was a rather isolated incident. Once I introduced the bill, I heard from individuals and organizations across the country that were encountering the same problem. Since I had apparently hit a hot nerve with a number of members of the public, I decided this bill was worth pursuing.

The Senate has made minor changes to the bill which clarify it and which take care of some concerns of the truckers who, as my colleagues know, use CBs very heavily. They were worried about perhaps being harassed by improper use of this law, but we have taken care of that. I believe it is now in very, very good shape and will serve the purpose for which it was intended.

There will not be any further complications with it; therefore, I urge the Members of the House to concur in the Senate amendments and pass this bill.

Mr. WYNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just would like to commend the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. EHLERS), and another original cosponsor of this bill, the gentleman from Michigan (Mr. DINGELL), for the efforts to bring this bill to the floor today.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply want to say thank you to the gentleman from Maryland (Mr. WYNN), my friend, who has always demonstrated, as the Committee on Commerce often does, a bipartisan spirit to improve the condition of our consumer protection laws.

This certainly is not a bill that is going to reshape the economy of Louisiana or America or Michigan or Maryland, but it nevertheless is an unusually important bill to neighbors who cannot use their telephones and their television sets.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. EHLERS), my friend.

Mr. EHLERS. Mr. Speaker, I thank the gentleman from Louisiana (Chairman TAUZIN) for yielding me the time.

Mr. Speaker, I simply want to thank the members of the Committee on Commerce, especially the gentleman from Louisiana (Chairman TAUZIN), who has been very helpful in this, the gentleman from Maryland (Mr. WYNN), and the ranking member (Mr. DINGELL), and, of course, the gentleman from Virginia (Chairman BLILEY), who has also been involved in this. I appreciate their help in all aspects of this bill.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to point out, even while we are going through an awfully hotly contested election and waiting to find out who our next President may be, we are still working here and still improving the state of our Nation's laws and this small, but important area making sure that consumers enjoy their televisions and their radios and their mobile telephone sets in their homes.

This is an important bill that helps American families in a very special way when they run into this problem. It will give them local redress so they do not have to come all the way to Washington to get help.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. EHLERS), my friend, for persevering all this year to bring this to final action in this House. I want to thank the gentleman from Virginia (Chairman BLILEY), because without the assistance of the gentleman from Virginia, obviously, we would not have moved the bill to this point.

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on Commerce, and the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the Subcommittee on Telecommunications, Trade and Consumer Protection, for their extraordinarily bipartisan cooperation on this and so many communication bills that our committee works on.

Mr. Speaker, again, I want to thank the gentleman from Maryland (Mr. WYNN), my friend, for being here to help us finalize this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I would only like to say the gentleman from Louisiana (Mr. TAUZIN) has put a good perspective on this bill. It does not shake the Earth, but yet it is very important to our constituents to show that we are, in fact, here working, carrying out the public's business.

Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2346.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 44 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 p.m.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 125) making further continuing appropriations for the fiscal year 2001, and for other purposes, to the end that the joint resolution be hereby passed; and that a motion to reconsider be hereby laid on the table.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 125 is as follows:

H.J. RES. 125

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Public Law 106–275 is further amended by striking the date specified in section 106(c) and inserting "December 5, 2000", and by adding, at the end, the following three new sections:

"SEC. 121. (a) Notwithstanding any other provision of this joint resolution, except section 107, there are appropriated for all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2001, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 89, agreed to March 14, 2000 (One Hundred Sixth Congress), and Senate Concurrent Resolution 90, agreed to March 14, 2000 (One Hundred

Sixth Congress), $1,000,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2001. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2000: *Provided*, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service for the Joint Congressional Committee on Inaugural Ceremonies shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

"(b) During fiscal year 2001 the Secretary of Defense shall provide protective services on a non-reimbursable basis to the United States Capitol Police with respect to the following events:

"(1) Upon request of the Chair of the Joint Congressional Committee on Inaugural Ceremonies established under Senate Concurrent Resolution 89 (One Hundred Sixth Congress), agreed to March 14, 2000, the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States.

"(2) Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the joint session of Congress held to receive a message from the President of the United States on the State of the Union.

"SEC. 122. Notwithstanding any other provision of this joint resolution except Section 107, $5,961,000 shall be available for a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities.

"SEC. 123. Notwithstanding limitations imposed by this continuing resolution except Section 107, the Executive Residence at the White House is authorized to make expenditures to provide for the orderly transition and moving expenses following the election on November 7, 2000.".

SEC. 2. Notwithstanding section 106 of Public Law 106–275, funds shall be available and obligations for mandatory payments due on or about December 1, 2000, may continue to be made.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. OBEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida so he might be allowed to explain his motion.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to advise Members this extends the date of the original CR until December 5, 2000. It provides authority to make mandatory payments due on December 1, 2000, which are Social Security, Veterans benefits and other entitlement programs that have to be approved.

It amends the original CR, this is new, to provide $1 million for the legislative branch inaugural expenses that were contained in the vetoed legislative branch appropriations act.

Secondly, it provides $5.961 million for the District of Columbia inaugural expenses that are contained in the held-up District of Columbia appropriations act.

It provides approximately $200,000 for executive residence transition and moving expenses that were contained in the vetoed Treasury, Postal Service, General Government appropriations act.

That is what the CR does, Mr. Speaker.

Mr. OBEY. Mr. Speaker, continuing under my reservation of objection, let me simply say that my understanding is that this CR would continue to keep the government open through Tuesday, December 5.

It had certainly been my original hope that since the ergonomics issue, which has caused so much contention between the two parties, has now been issued, it had been hoped that since the objection to that standard is now moot, that we would, in fact, be able to move forward with the Labor, Health, Education conference, the remaining issues in that conference, and also reach a compromise with respect to the State, Justice, Commerce appropriations bill finishing the work of the Committee on Appropriations for this year.

It is apparent that the House leadership does not at this point want to release that bill. Under the circumstances, I would agree that there is no point in holding Members here with the unrealistic expectation that something is going to happen over the next week or so on the appropriations bills.

I think that under the circumstances, the date for the renewal of the resolution suggested by the gentleman makes sense.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would like to say I agree with what the gentleman from Wisconsin has said, and I hope that we can resolve these issues that have held us apart for these past few weeks.

Again, I think the gentleman would acknowledge what I am about to say that the issues that are holding us up from completing these bills are not appropriations issues, they are riders on appropriations bills.

I agree with the gentleman, I hope we can resolve them quickly and expeditiously and prepare for next year's appropriations process.

Mr. OBEY. Mr. Speaker, continuing my reservation of objection, I would hope that come December 5, we can do as I just described so that this lame duck session can, in fact, adjourn before it does too much damage to the Republicans.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

S. 2594, by the yeas and nays;

S. 1972, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CARRIAGE OF NONPROJECT WATER BY MANCOS PROJECT, COLORADO

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2594.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 2594, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 201, nays 151, not voting 80, as follows:

[Roll No. 595]

YEAS—201

Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood

Nussle
Ose
Oxley
Packard
Paul
Pease
Petri
Pickering
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—151

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Slaughter
Snyder
Spratt
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Wu
Wynn

NOT VOTING—80

Ackerman
Aderholt
Andrews
Ballenger
Becerra
Bishop
Borski
Boswell
Boyd
Brown (FL)
Burr
Carson
Clay
Coburn
Cooksey
Coyne
Danner
DeFazio
Deutsch
Diaz-Balart
Dickey
Dunn
Ehrlich
Farr
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Ganske
Gilchrest
Goodlatte
Green (TX)
Hall (OH)
Hansen
Hefley
Hoeffel
Holden
Hulshof
Jefferson
John
Kaptur
Kasich
Kennedy
Klink
Largent
Latham
Lowey
Maloney (NY)
McCarthy (NY)
McIntosh
McNulty
Meehan
Millender-McDonald
Miller (FL)
Moakley
Neal
Pascrell
Peterson (MN)
Peterson (PA)
Pitts
Price (NC)
Rogan
Rothman
Rush
Smith (WA)
Souder
Stark
Stenholm
Strickland
Talent
Taylor (NC)
Velázquez
Walsh
Wamp
Weiner
Wexler
Weygand
Wilson
Wise

☐ 1829

Messrs. HILL of Indiana, UDALL of Colorado and SHOWS changed their vote from "yea" to "nay".

Mr. TAYLOR of Mississippi changed his vote from "nay" to "yea".

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 595, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONVEYANCE TO DELORES, COLORADO CURRENT SITE OF JOE ROWELL PARK

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1972.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the Senate bill, S. 1972, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 201, nays 145, not voting 86, as follows:

[Roll No. 596]

YEAS—201

Archer
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cox
Crane
Cummings
Cunningham
Davis (VA)
Deal
DeGette
DeLay
DeMint
Doolittle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Petri
Pickering
Pickett
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (PA)
Weller
Wicker
Wolf
Wu
Young (AK)
Young (FL)

NAYS—145

Abercrombie
Allen
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bentsen
Berkley
Berman
Berry
Blumenauer
Bonior
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cramer
Crowley
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Fattah
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lipinski
Lofgren
Luther
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder

Spratt
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (NM)
Visclosky
Waters
Watt (NC)
Waxman
Woolsey
Wynn

NOT VOTING—86

Ackerman
Aderholt
Andrews
Armey
Ballenger
Becerra
Bishop
Borski
Boswell
Boyd
Brown (FL)
Burr
Carson
Clay
Coburn
Cooksey
Coyne
Cubin
Danner
DeFazio
Deutsch
Diaz-Balart
Dickey
Dunn
Edwards
Ehrlich
Farr
Filner
Forbes
Fossella
Frank (MA)
Frelinghuysen
Ganske
Gilchrest
Goodlatte
Green (TX)
Hall (OH)
Hansen
Hefley
Hoeffel
Holden
Hulshof
Jefferson
John
Kaptur
Kasich
Kennedy
Klink
Largent
Latham
Lowey
Maloney (NY)
McCarthy (NY)
McCrery
McIntosh
McNulty
Meehan
Millender-McDonald
Miller (FL)
Moakley
Neal
Pascrell
Peterson (MN)
Peterson (PA)
Pitts
Price (NC)
Rogan
Rothman
Rush
Sisisky
Smith (WA)
Souder
Stark
Stenholm
Strickland
Talent
Taylor (NC)
Velázquez
Wamp
Weiner
Weldon (FL)
Wexler
Weygand
Whitfield
Wilson
Wise

☐ 1837

Mr. UDALL of Colorado changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 596, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall vote No. 595 and rollcall vote No. 596. Had I been present I would have voted "nay" on rollcall vote No. 595 and "nay" on roll call vote No. 596.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, November 6, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope from the White House on Saturday, November 4, 2000 at 3:55 p.m., and said to contain a message from the President whereby he returns without his approval, H.R. 4392, the "Intelligence Authorization Act for Fiscal Year 2001".

Sincerely yours,

JEFF TRANDAHL,
Clerk of the House.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

Today, I am disapproving H.R. 4392, the "Intelligence Authorization Act for Fiscal Year 2001," because of one badly flawed provision that would have made a felony of unauthorized disclosures of classified information. Although well intentioned, that provision is overbroad and may unnecessarily chill legitimate activities that are at the heart of a democracy.

I agree that unauthorized disclosures can be extraordinarily harmful to United States national security interests and that far too many such disclosures occur. I have been particularly concerned about their potential effects on the sometimes irreplaceable intelligence sources and methods on which we rely to acquire accurate and timely information I need in order to make the most appropriate decisions on matters of national security. Unauthorized disclosures damage our intelligence relationships abroad, compromise intelligence gathering, jeopardize lives, and increase the threat of terrorism. As Justice Steward stated in the Pentagon Papers case, "it is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this Nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept . . . and the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely." Those who disclose classified information inappropriately thus commit a gross breach of the public trust and may recklessly put our national security at risk. To the extent that existing sanctions have proven insufficient to address and deter unauthorized disclosures, they should be strengthened. What is in dispute is not the gravity of the problem, but the best way to respond to it.

In addressing this issue, we must never forget that the free flow of information is essential to a democratic society. Justice Stewart also wrote in the Pentagon Papers case that "the only effective restraint upon executive policy in the areas of national defense and international affairs may lie in an enlightened citizenry—in an informed and critical public opinion which alone can here protect the values of democratic government."

Justice Brandeis reminded us that "those who won our independence believed . . . that public discussion is a political duty; and that this should be a fundamental principle of the American government." His words caution that we must always tread carefully when considering measures that may limit public discussion—even when those measures are intended to achieve laudable, indeed necessary, goals.

As President, therefore, it is my obligation to protect not only our Government's vital information from improper disclosure, but also to protect the rights of citizens to receive the information necessary for democracy to work. Furthering these two goals requires a careful balancing, which must be assessed in light of our system of classifying information over a range of categories. This legislation does not achieve the proper balance. For example, there is a serious risk that this legislation would tend to have a chilling effect on those who engage in legitimate activities. A desire to avoid the risk that their good faith choice of words—their exercise of judgment—could become the subject of a criminal referral for prosecution might discourage Government officials from engaging even in appropriate public discussion, press briefings, or other legitimate official activities. Similarly, the legislation may unduly restrain the ability of former Government officials to teach, write, or engage in any activity aimed at building public understanding of complex issues. Incurring such risks is unnecessary and inappropriate in a society built on freedom of expression and the consent of the governed and is particularly inadvisable in a context in which the range of classified materials is so extensive. In such circumstances, this criminal provision would, in my view, create an undue chilling effect.

The problem is compounded because this provision was passed without benefit of public hearings—a particular concern given that is is the public that this law seeks ultimately to protect. The Administration shares the process burden since its deliberations lacked the thoroughness this provision warranted, which in turn led to a failure to apprise the Congress of the concerns I am expressing today.

I deeply appreciate the sincere efforts of Members of Congress to address the problem of unauthorized disclosures and I fully share their commitment. When the Congress returns, I encourage it to send me this bill with this provision deleted and I encourage the Congress as soon as possible to pursue a more narrowly drawn provision tested in public hearings so that those they represent can also be heard on this important issue.

Since the adjournment of the congress has prevented my return of H.R. 4392 within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending H.R. 4392 to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 4, 2000*.

□ 1845

The SPEAKER pro tempore (Mr. PEASE). The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

On September 19, 2000, the Speaker inserted in the Extensions of Remarks portion of the RECORD a copy of a letter dated September 7, 2000, signed jointly by him and the Democratic leader and addressed to the President of the United States, expressing their views on the limits of the "pocket-veto" power and including a similar letter from Speaker Foley and Republican leader Michel sent to President Bush on November 21, 1989. Without objection, that correspondence is reinserted at this point in the RECORD, since no response has been received to the September 7, 2000, letter and the same assertion by the President of "pocket-veto" power during an intrasession adjournment of Congress to a day certain is contained in the veto message just read to the House.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2000.

Hon. WILLIAM J. CLINTON,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your actions on H.R. 4810, the Marriage Tax Relief Reconciliation Act of 2000, and H.R. 8, the Death Tax Elimination Act of 2000. On August 5, 2000, you returned H.R. 4810 to the House of Representatives without your approval and with a message stating your objections to its enactment. On August 31, 2000, you returned H.R. 8 to the House of Representatives without your approval and with a message stating your objections to its enactment. In addition, however, in both cases you included near the end of your message the following:

> Since the adjournment of the Congress has prevented my return of [the respective bill] within the meaning of Article I, section 7, clause 2 of the Constitution, my withholding of approval from the bill precludes its becoming law. The Pocket Veto Case, 279 U.S. 655 (1929). In addition to withholding my signature and thereby invoking my constitutional power to "pocket veto" bills during an adjournment of the Congress, to avoid litigation, I am also sending [the respective bill] to the House of Representatives with my objections, to leave no possible doubt that I have vetoed the measure.

President Bush similarly asserted a pocket-veto authority during an intersession adjournment with respect to H.R. 2712 of the 101st Congress but, by nevertheless returning the enrollment, similarly permitted the Congress to reconsider it in light of his objections, as contemplated by the Constitution. Your allusion to the existence of a pocket-veto power during even an intrasession adjournment continues to be most troubling. We find that assertion to be inconsistent with the return-veto that it accompanies. We also find that assertion to be inconsistent with your previous use of the return-veto under similar circumstances but without similar dictum concerning the pocket-veto. On January 9, 1996, you stated your disapproval of H.R. 4 of the 104th Congress and, on January 10, 1996—the tenth Constitutional day after its presentment—returned the bill to the Clerk of the House. At the time, the House stood adjourned to a date certain 12 days hence. Your message included no dictum concerning the pocket-veto.

We enclose a copy of a letter dated November 21, 1989, from Speaker Foley and Minority Leader Michel to President Bush. That letter expressed the profound concern of the bipartisan leaderships over the assertion of a pocket veto during an intrasession adjournment. That letter states in pertinent part that "[s]uccessive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress." It also states our belief that it is not "constructive to resurrect constitutional controversies long considered as settled, especially without notice or consultation." The Congress, on numerous occasions, has reinforced the stance taken in that letter by including in certain resolutions of adjournment language affirming to the President the absence of "pocket veto" authority during adjournments between its first and second sessions. The House and the Senate continue to designate the Clerk of the House and the Secretary of the Senate, respectively, as their agents to receive messages from the President during periods of adjournment. Clause 2(h) of rule II, Rules of the House of Representatives; House Resolution 5, 106th Congress, January 6, 1999; the standing order of the Senate of January 6, 1999. In Kennedy v. Sampson, 511 F.2d 430 (D.C. Cir. 1974), the court held that the "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment.

On these premises we find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. Such assertions should be avoided, in appropriate deference to such judicial resolution of the question as has been possible within the bounds of justifiability.

Meanwhile, citing the precedent of January 23, 1990, relating to H.R. 2712 of the 101st Congress, the House yesterday treated both H.R. 4810 and H.R. 8 as having been returned to the originating House, their respective returns not having been prevented by an adjournment within the meaning of article I, section 7, clause 2 of the Constitution.

Sincerely,

J. DENNIS HASTERT,
Speaker.
RICHARD A. GEPHARDT,
Democratic Leader.

CONGRESS OF THE UNITED STATES,
Washington, DC, November 21, 1989.

Hon. GEORGE BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: This is in response to your action on House Joint Resolution 390. On August 16, 1989, you issued a memorandum of disapproval asserting that you would "prevent H.J. Res. 390 from becoming a law by withholding (your) signature from it." You did not return the bill to the House of Representatives.

House Joint Resolution 390 authorized a "hand enrollment" of H.R. 1278, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, by waiving the requirement that the bill be printed on parchment. The hand enrollment option was requested by the Department of the Treasury to insure that the mounting daily costs of the savings-and-loan crisis could be stemmed by the earliest practicable enactment of H.R. 1278. In the end, a hand enrollment was not necessary since the bill was printed on parchment in time to be presented to you in that form.

We appreciate your judgment that House Joint Resolution 390 was, in the end, unnecessary. We believe, however, that you should communicate any such veto by a message returning the resolution to the Congress since the intrasession pocket veto is constitutionally infirm.

In Kennedy v. Sampson, the United States Court of Appeals held that "pocket veto" is not constitutionally available during an intrasession adjournment of the Congress if a congressional agent is appointed to receive veto messages from the President during such adjournment. 511 F.2d 430 (D.C. Cir. 1974). In the standing rules of the House, the Clerk is duly authorized to receive messages from the President at any time that the House is not in session. (Clause 5, Rule III, Rules of the House of Representatives; House Resolution 5, 101st Congress, January 3, 1989.)

Successive Presidential administrations since 1974 have, in accommodation of Kennedy v. Sampson, exercised the veto power during intrasession adjournments only by messages returning measures to the Congress.

We therefore find your assertion of a pocket veto power during an intrasession adjournment extremely troublesome. We do not think it constructive to resurrect constitutional controversies long considered as settled, especially without notice of consultation. It is our hope that you might join us in urging the Archivist to assign a public law number to House Joint Resolution 390, and that you might eschew the notion of an intrasession pocket veto power, in appropriate deference to the judicial resolution of that question.

Sincerely,

THOMAS S. FOLEY,
Speaker.
ROBERT H. MICHEL,
Republican Leader.

There was no objection.

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Permanent Select Committee on Intelligence.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the House discharge the Permanent Select Committee on Intelligence from further consideration of, and hereby pass, H.R. 5630.

The Clerk read the title of the bill.

The text of H.R. 5630 is as follows:

H.R. 5630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community management account.
Sec. 105. Transfer authority of the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Sense of the Congress on intelligence community contracting.
Sec. 304. National Security Agency voluntary separation.
Sec. 305. Authorization for travel on any common carrier for certain intelligence collection personnel.
Sec. 306. Update of report on effects of foreign espionage on United States trade secrets.
Sec. 307. POW/MIA analytic capability within the intelligence community.
Sec. 308. Applicability to lawful United States intelligence activities of Federal laws implementing international treaties and agreements.
Sec. 309. Limitation on handling, retention, and storage of certain classified materials by the Department of State.
Sec. 310. Designation of Daniel Patrick Moynihan Place.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

Sec. 321. Reorganization of Diplomatic Telecommunications Service Program Office.
Sec. 322. Personnel.
Sec. 323. Diplomatic Telecommunications Service Oversight Board.
Sec. 324. General provisions.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

Sec. 401. Modifications to Central Intelligence Agency's central services program.
Sec. 402. Technical corrections.
Sec. 403. Expansion of Inspector General actions requiring a report to Congress.
Sec. 404. Detail of employees to the National Reconnaissance Office.
Sec. 405. Transfers of funds to other agencies for acquisition of land.
Sec. 406. Eligibility of additional employees for reimbursement for professional liability insurance.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

Sec. 501. Contracting authority for the National Reconnaissance Office.
Sec. 502. Role of Director of Central Intelligence in experimental personnel program for certain scientific and technical personnel.
Sec. 503. Measurement and signature intelligence.

TITLE VI—COUNTERINTELLIGENCE MATTERS

Sec. 601. Short title.
Sec. 602. Orders for electronic surveillance under the Foreign Intelligence Surveillance Act of 1978.
Sec. 603. Orders for physical searches under the Foreign Intelligence Surveillance Act of 1978.
Sec. 604. Disclosure of information acquired under the Foreign Intelligence Surveillance Act of 1978 for law enforcement purposes.
Sec. 605. Coordination of counterintelligence with the Federal Bureau of Investigation.
Sec. 606. Enhancing protection of national security at the Department of Justice.
Sec. 607. Coordination requirements relating to the prosecution of cases involving classified information.
Sec. 608. Severability.

TITLE VII—DECLASSIFICATION OF INFORMATION

Sec. 701. Short title.
Sec. 702. Findings.
Sec. 703. Public Interest Declassification Board.
Sec. 704. Identification, collection, and review for declassification of information of archival value or extraordinary public interest.
Sec. 705. Protection of national security information and other information.
Sec. 706. Standards and procedures.
Sec. 707. Judicial review.
Sec. 708. Funding.
Sec. 709. Definitions.
Sec. 710. Sunset.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

Sec. 801. Short title.
Sec. 802. Designation.
Sec. 803. Requirement of disclosure of records.
Sec. 804. Expedited processing of requests for Japanese Imperial Government records.
Sec. 805. Effective date.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The National Reconnaissance Office.

(11) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 4392 of the One Hundred Sixth Congress (House Report 106-969).

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 2001 the sum of $163,231,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized 313 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Community Management Account by subsection (a), there are also authorized to be appropriated for the Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2002.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Community Management Account as of September 30, 2001, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than 1 year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), $34,100,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.

(3) LIMITATION.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.

SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) LIMITATION ON DELEGATION OF AUTHORITY OF DEPARTMENTS TO OBJECT TO TRANSFERS.—Section 104(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(2)) is amended—

(1) by inserting "(A)" after "(2)";

(2) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;

(3) in clause (v), as so redesignated, by striking "the Secretary or head" and inserting "subject to subparagraph (B), the Secretary or head"; and

(4) by adding at the end the following new subparagraph:

"(B)(i) Except as provided in clause (ii), the authority to object to a transfer under subparagraph (A)(v) may not be delegated by the Secretary or head of the department involved.

"(ii) With respect to the Department of Defense, the authority to object to such a transfer may be delegated by the Secretary of Defense, but only to the Deputy Secretary of Defense.

"(iii) An objection to a transfer under subparagraph (A)(v) shall have no effect unless submitted to the Director of Central Intelligence in writing.".

(b) LIMITATION ON DELEGATION OF DUTIES OF DIRECTOR OF CENTRAL INTELLIGENCE.—Section 104(d)(1) of such Act (50 U.S.C. 403–4(d)(1)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following new subparagraph:

"(B) The Director may only delegate any duty or authority given the Director under this subsection to the Deputy Director of Central Intelligence for Community Management.".

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.

TITLE III—GENERAL PROVISIONS

Subtitle A—Intelligence Community

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.

It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.

SEC. 304. NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION ACT.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 405 et seq.) is amended by inserting at the beginning the following new section 301:

"NATIONAL SECURITY AGENCY VOLUNTARY SEPARATION

"SEC. 301. (a) SHORT TITLE.—This section may be cited as the 'National Security Agency Voluntary Separation Act'.

"(b) DEFINITIONS.—For purposes of this section—

"(1) the term 'Director' means the Director of the National Security Agency; and

"(2) the term 'employee' means an employee of the National Security Agency, serving under an appointment without time limitation, who has been currently employed by the National Security Agency for a continuous period of at least 12 months prior to the effective date of the program established under subsection (c), except that such term does not include—

"(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

"(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

"(c) ESTABLISHMENT OF PROGRAM.—Notwithstanding any other provision of law, the Director, in his sole discretion, may establish a program under which employees may, after October 1, 2000, be eligible for early retirement, offered separation pay to separate from service voluntarily, or both.

"(d) EARLY RETIREMENT.—An employee who—

"(1) is at least 50 years of age and has completed 20 years of service; or

"(2) has at least 25 years of service,

may, pursuant to regulations promulgated under this section, apply and be retired from the National Security Agency and receive benefits in accordance with chapter 83 or 84 of title 5, United States Code, if the employee has not less than 10 years of service with the National Security Agency.

"(e) AMOUNT OF SEPARATION PAY AND TREATMENT FOR OTHER PURPOSES.—

"(1) AMOUNT.—Separation pay shall be paid in a lump sum and shall be equal to the lesser of—

"(A) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

"(B) $25,000.

"(2) TREATMENT.—Separation pay shall not—

"(A) be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

"(B) be taken into account for the purpose of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation.

"(f) REEMPLOYMENT RESTRICTIONS.—An employee who receives separation pay under such program may not be reemployed by the National Security Agency for the 12-month period beginning on the effective date of the employee's separation. An employee who receives separation pay under this section on the basis of a separation occurring on or after the date of the enactment of the Federal Workforce Restructuring Act of 1994 (Public Law 103–236; 108 Stat. 111) and accepts employment with the Government of the United States within 5 years after the date of the separation on which payment of the separation pay is based shall be required to repay the entire amount of the separation pay to the National Security Agency. If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position. If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

"(g) BAR ON CERTAIN EMPLOYMENT.—

"(1) BAR.—An employee may not be separated from service under this section unless the employee agrees that the employee will not—

"(A) act as agent or attorney for, or otherwise represent, any other person (except the

United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to the National Security Agency; or

"(B) participate in any manner in the award, modification, or extension of any contract for property or services with the National Security Agency,

during the 12-month period beginning on the effective date of the employee's separation from service.

"(2) Penalty.—An employee who violates an agreement under this subsection shall be liable to the United States in the amount of the separation pay paid to the employee pursuant to this section multiplied by the proportion of the 12-month period during which the employee was in violation of the agreement.

"(h) Limitations.—Under this program, early retirement and separation pay may be offered only—

"(1) with the prior approval of the Director;

"(2) for the period specified by the Director; and

"(3) to employees within such occupational groups or geographic locations, or subject to such other similar limitations or conditions, as the Director may require.

"(i) Regulations.—Before an employee may be eligible for early retirement, separation pay, or both, under this section, the Director shall prescribe such regulations as may be necessary to carry out this section.

"(j) Reporting Requirements.—

"(1) Notification.—The Director may not make an offer of early retirement, separation pay, or both, pursuant to this section until 15 days after submitting to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the occupational groups or geographic locations, or other similar limitations or conditions, required by the Director under subsection (h), and includes the proposed regulations issued pursuant to subsection (i).

"(2) Annual report.—The Director shall submit to the President and the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate an annual report on the effectiveness and costs of carrying out this section.

"(k) Remittance of Funds.—In addition to any other payment that is required to be made under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, the National Security Agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, an amount equal to 15 percent of the final basic pay of each employee to whom a voluntary separation payment has been or is to be paid under this section. The remittance required by this subsection shall be in lieu of any remittance required by section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).".

(b) Clerical Amendment.—The table of contents for title III of the National Security Act of 1947 is amended by inserting at the beginning the following new item:

"Sec. 301. National Security Agency voluntary separation.".

SEC. 305. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL.

(a) In General.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:

"TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL

"Sec. 116. (a) In General.—Notwithstanding any other provision of law, the Director of Central Intelligence may authorize travel on any common carrier when such travel, in the discretion of the Director—

"(1) is consistent with intelligence community mission requirements, or

"(2) is required for cover purposes, operational needs, or other exceptional circumstances necessary for the successful performance of an intelligence community mission.

"(b) Authorized Delegation of Duty.—The Director may only delegate the authority granted by this section to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations.".

(b) Clerical Amendment.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 115 the following new item:

"Sec. 116. Travel on any common carrier for certain intelligence collection personnel.".

SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.

Not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates and revises, as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120; 113 Stat. 1606).

SEC. 307. POW/MIA ANALYTIC CAPABILITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) In General.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 305(a), is further amended by adding at the end the following:

"POW/MIA ANALYTIC CAPABILITY

"Sec. 117. (a) Requirement.—(1) The Director of Central Intelligence shall, in consultation with the Secretary of Defense, establish and maintain in the intelligence community an analytic capability with responsibility for intelligence in support of the activities of the United States relating to individuals who, after December 31, 1990, are unaccounted for United States personnel.

"(2) The analytic capability maintained under paragraph (1) shall be known as the 'POW/MIA analytic capability of the intelligence community'.

"(b) Unaccounted for United States Personnel.—In this section, the term 'unaccounted for United States personnel' means the following:

"(1) Any missing person (as that term is defined in section 1513(1) of title 10, United States Code).

"(2) Any United States national who was killed while engaged in activities on behalf of the United States and whose remains have not been repatriated to the United States.".

(b) Clerical Amendment.—The table of contents for the National Security Act of 1947, as amended by section 305(b), is further amended by inserting after the item relating to section 116 the following new item:

"Sec. 117. POW/MIA analytic capability.".

SEC. 308. APPLICABILITY TO LAWFUL UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS.

(a) In General.—The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new title:

"TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

"APPLICABILITY TO UNITED STATES INTELLIGENCE ACTIVITIES OF FEDERAL LAWS IMPLEMENTING INTERNATIONAL TREATIES AND AGREEMENTS

"Sec. 1001. (a) In General.—No Federal law enacted on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2001 that implements a treaty or other international agreement shall be construed as making unlawful an otherwise lawful and authorized intelligence activity of the United States Government or its employees, or any other person to the extent such other person is carrying out such activity on behalf of, and at the direction of, the United States, unless such Federal law specifically addresses such intelligence activity.

"(b) Authorized Intelligence Activities.—An intelligence activity shall be treated as authorized for purposes of subsection (a) if the intelligence activity is authorized by an appropriate official of the United States Government, acting within the scope of the official duties of that official and in compliance with Federal law and any applicable Presidential directive.".

(b) Clerical Amendment.—The table of contents for the National Security Act of 1947 is amended by inserting at the end the following new items:

"TITLE X—ADDITIONAL MISCELLANEOUS PROVISIONS

"Sec. 1001. Applicability to United States intelligence activities of Federal laws implementing international treaties and agreements.".

SEC. 309. LIMITATION ON HANDLING, RETENTION, AND STORAGE OF CERTAIN CLASSIFIED MATERIALS BY THE DEPARTMENT OF STATE.

(a) Certification Regarding Full Compliance With Requirements.—The Director of Central Intelligence shall certify to the appropriate committees of Congress whether or not each covered element of the Department of State is in full compliance with all applicable directives of the Director of Central Intelligence relating to the handling, retention, or storage of covered classified material.

(b) Limitation on Certification.—The Director of Central Intelligence may not certify a covered element of the Department of State as being in full compliance with the directives referred to in subsection (a) if the covered element is currently subject to a waiver of compliance with respect to any such directive.

(c) Report on Noncompliance.—Whenever the Director of Central Intelligence determines that a covered element of the Department of State is not in full compliance with any directive referred to in subsection (a), the Director shall promptly notify the appropriate committees of Congress of such determination.

(d) Effects of Certification of Non-Full Compliance.—(1) Subject to subsection (e), effective as of January 1, 2001, a covered element of the Department of State may not retain or store covered classified material unless the Director has certified under subsection (a) as of such date that the covered element is in full compliance with the directives referred to in subsection (a).

(2) If the prohibition in paragraph (1) takes effect in accordance with that paragraph, the prohibition shall remain in effect until the date on which the Director certifies under subsection (a) that the covered element involved is in full compliance with the directives referred to in that subsection.

(e) Waiver by Director of Central Intelligence.—(1) The Director of Central Intelligence may waive the applicability of the prohibition in subsection (d) to an element of the Department of State otherwise covered by such prohibition if the Director determines that the waiver is in the national security interests of the United States.

(2) The Director shall submit to appropriate committees of Congress a report on each exercise of the waiver authority in paragraph (1).

(3) Each report under paragraph (2) with respect to the exercise of authority under paragraph (1) shall set forth the following:

(A) The covered element of the Department of State addressed by the waiver.

(B) The reasons for the waiver.

(C) The actions that will be taken to bring such element into full compliance with the directives referred to in subsection (a), including a schedule for completion of such actions.

(D) The actions taken by the Director to protect any covered classified material to be handled, retained, or stored by such element pending achievement of full compliance of such element with such directives.

(f) Definitions.—In this section:

(1) The term "appropriate committees of Congress" means the following:

(A) The Select Committee on Intelligence and the Committee on Foreign Relations of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on International Relations of the House of Representatives.

(2) The term "covered classified material" means any material classified at the Sensitive Compartmented Information (SCI) level.

(3) The term "covered element of the Department of State" means each element of the Department of State that handles, retains, or stores covered classified material.

(4) The term "material" means any data, regardless of physical form or characteristic, including written or printed matter, automated information systems storage media, maps, charts, paintings, drawings, films, photographs, engravings, sketches, working notes, papers, reproductions of any such things by any means or process, and sound, voice, magnetic, or electronic recordings.

(5) The term "Sensitive Compartmented Information (SCI) level", in the case of classified material, means a level of classification for information in such material concerning or derived from intelligence sources, methods, or analytical processes that requires such information to be handled within formal access control systems established by the Director of Central Intelligence.

SEC. 310. DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE.

(a) Findings.—Congress finds that—

(1) during the second half of the twentieth century, Senator Daniel Patrick Moynihan promoted the importance of architecture and urban planning in the Nation's Capital, particularly with respect to the portion of Pennsylvania Avenue between the White House and the United States Capitol (referred to in this subsection as the "Avenue");

(2) Senator Moynihan has stressed the unique significance of the Avenue as conceived by Pierre Charles L'Enfant to be the "grand axis" of the Nation's Capital as well as a symbolic representation of the separate yet unified branches of the United States Government;

(3) through his service to the Ad Hoc Committee on Federal Office Space (1961–1962), as a member of the President's Council on Pennsylvania Avenue (1962–1964), and as vice-chairman of the President's Temporary Commission on Pennsylvania Avenue (1965–1969), and in his various capacities in the executive and legislative branches, Senator Moynihan has consistently and creatively sought to fulfill President Kennedy's recommendation of June 1, 1962, that the Avenue not become a "solid phalanx of public and private office buildings which close down completely at night and on weekends," but that it be "lively, friendly, and inviting, as well as dignified and impressive";

(4)(A) Senator Moynihan helped draft a Federal architectural policy, known as the "Guiding Principles for Federal Architecture," that recommends a choice of designs that are "efficient and economical" and that provide "visual testimony to the dignity, enterprise, vigor, and stability" of the United States Government; and

(B) the Guiding Principles for Federal Architecture further state that the "development of an official style must be avoided. Design must flow from the architectural profession to the Government, and not vice versa.";

(5) Senator Moynihan has encouraged—

(A) the construction of new buildings along the Avenue, such as the Ronald Reagan Building and International Trade Center; and

(B) the establishment of an academic institution along the Avenue, namely the Woodrow Wilson International Center for Scholars, a living memorial to President Wilson; and

(6) as Senator Moynihan's service in the Senate concludes, it is appropriate to commemorate his legacy of public service and his commitment to thoughtful urban design in the Nation's Capital.

(b) Designation.—The parcel of land located in the northwest quadrant of Washington, District of Columbia, and described in subsection (c) shall be known and designated as "Daniel Patrick Moynihan Place".

(c) Boundaries.—The parcel of land described in this subsection is the portion of Woodrow Wilson Plaza (as designated by Public Law 103–284 (108 Stat. 1448)) that is bounded—

(1) on the west by the eastern facade of the Ronald Reagan Building and International Trade Center;

(2) on the east by the western facade of the Ariel Rios Building;

(3) on the north by the southern edge of the sidewalk abutting Pennsylvania Avenue; and

(4) on the south by the line that extends west to the facade of the Ronald Reagan Building and International Trade Center, from the point where the west facade of the Ariel Rios Building intersects the north end of the west hemicycle of that building.

(d) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of land described in subsection (c) shall be deemed to be a reference to Daniel Patrick Moynihan Place.

(e) Markers.—The Administrator of General Services shall erect appropriate gateways or other markers in Daniel Patrick Moynihan Place so denoting that place.

Subtitle B—Diplomatic Telecommunications Service Program Office (DTS-PO)

SEC. 321. REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE.

(a) Reorganization.—Effective 60 days after the date of the enactment of this Act, the Diplomatic Telecommunications Service Program Office (DTS-PO) established pursuant to title V of Public Law 102-140 shall be reorganized in accordance with this subtitle.

(b) Purpose and Duties of DTS-PO.—The purpose and duties of DTS-PO shall be to carry out a program for the establishment and maintenance of a diplomatic telecommunications system and communications network (hereinafter in this subtitle referred to as "DTS") capable of providing multiple levels of service to meet the wide ranging needs of all United States Government agencies and departments at diplomatic facilities abroad, including national security needs for secure, reliable, and robust communications capabilities.

SEC. 322. PERSONNEL.

(a) Establishment of Position of Chief Executive Officer.—

(1) In general.—Effective 60 days after the date of the enactment of this Act, there is established the position of Chief Executive Officer of the Diplomatic Telecommunications Service Program Office (hereinafter in this subtitle referred to as the "CEO").

(2) Qualifications.—

(A) In general.—The CEO shall be an individual who—

(i) is a communications professional;

(ii) has served in the commercial telecommunications industry for at least 7 years;

(iii) has an extensive background in communications system design, maintenance, and support and a background in organizational management; and

(iv) submits to a background investigation and possesses the necessary qualifications to obtain a security clearance required to meet the highest United States Government security standards.

(B) Limitations.—The CEO may not be an individual who was an officer or employee of DTS-PO prior to the date of the enactment of this Act.

(3) Appointment authority.—The CEO of DTS-PO shall be appointed by the Director of the Office of Management and Budget.

(4) First appointment.—

(i) Deadline.—The first appointment under this subsection shall be made not later than May 1, 2001.

(ii) Limitation on use of funds.—Of the funds available for DTS-PO on the date of the enactment of this Act, not more than 75 percent of such funds may be obligated or expended until a CEO is appointed under this subsection and assumes such position.

(iii) May not be an officer or employee of Federal government.—The individual first appointed as CEO under this subtitle may not have been an officer or employee of the Federal government during the 1-year period immediately preceding such appointment.

(5) Vacancy.—In the event of a vacancy in the position of CEO or during the absence or

disability of the CEO, the Director of the Office of Management and Budget may designate an officer or employee of DTS-PO to perform the duties of the position as the acting CEO.

(6) Authorities and duties.—

(A) In general.—The CEO shall have responsibility for day-to-day management and operations of DTS, subject to the supervision of the Diplomatic Telecommunication Service Oversight Board established under this subtitle.

(B) Specific authorities.—In carrying out the responsibility for day-to-day management and operations of DTS, the CEO shall, at a minimum, have—

(i) final decision-making authority for implementing DTS policy; and

(ii) final decision-making authority for managing all communications technology and security upgrades to satisfy DTS user requirements.

(C) Certification regarding security.—The CEO shall certify to the appropriate congressional committees that the operational and communications security requirements and practices of DTS conform to the highest security requirements and practices required by any agency utilizing the DTS.

(D) Reports to congress.—

(i) Semiannual reports.—Beginning on August 1, 2001, and every 6 months thereafter, the CEO shall submit to the appropriate congressional committees of jurisdiction a report regarding the activities of DTS-PO during the preceding 6 months, the current capabilities of DTS-PO, and the priorities of DTS-PO for the subsequent 6-month period. Each report shall include a discussion about any administrative, budgetary, or management issues that hinder the ability of DTS-PO to fulfill its mandate.

(ii) Other reports.—In addition to the report required by clause (i), the CEO shall keep the appropriate congressional committees of jurisdiction fully and currently informed with regard to DTS-PO activities, particularly with regard to any significant security infractions or major outages in the DTS.

(b) Establishment of Positions of Deputy Executive Officer.—

(1) In general.—There shall be two Deputy Executive Officers of the Diplomatic Telecommunications Service Program Office, each to be appointed by the President.

(2) Duties.—The Deputy Executive Officers shall perform such duties as the CEO may require.

(c) Termination of Positions of Director and Deputy Director.—Effective upon the first appointment of a CEO pursuant to subsection (a), the positions of Director and Deputy Director of DTS-PO shall terminate.

(d) Employees of DTS-PO.—

(1) In general.—DTS-PO is authorized to have the following employees: a CEO established under subsection (a), two Deputy Executive Officers established under subsection (b), and not more than four other employees.

(2) Applicability of certain civil service laws.—The CEO and other officers and employees of DTS-PO may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) Authority of director of omb to prescribe pay of employees.—The Director of the Office of Management and Budget shall prescribe the rates of basic pay for positions to which employees are appointed under this section on the basis of their unique qualifications.

(e) Staff of Federal Agencies.—

(1) In general.—Upon request of the CEO, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to DTS-PO to assist it in carrying out its duties under this subtitle.

(2) Continuation of service.—An employee of a Federal department or agency who was performing services on behalf of DTS-PO prior to the effective date of the reorganization under this subtitle shall continue to be detailed to DTS-PO after that date, upon request.

SEC. 323. DIPLOMATIC TELECOMMUNICATIONS SERVICE OVERSIGHT BOARD.

(a) Oversight Board Established.—

(1) In general.—There is hereby established the Diplomatic Telecommunications Service Oversight Board (hereinafter in this subtitle referred to as the "Board") as an instrumentality of the United States with the powers and authorities herein provided.

(2) Status.—The Board shall oversee and monitor the operations of DTS-PO and shall be accountable for the duties assigned to DTS-PO under this subtitle.

(3) Membership.—

(A) In general.—The Board shall consist of three members as follows:

(i) The Deputy Director of the Office of Management and Budget.

(ii) Two members to be appointed by the President.

(B) Chairperson.—The chairperson of the Board shall be the Deputy Director of the Office of Management and Budget.

(C) Terms.—Members of the Board appointed by the President shall serve at the pleasure of the President.

(D) Quorum required.—A quorum shall consist of all members of the Board and all decisions of the Board shall require a majority vote.

(4) Prohibition on compensation.—Members of the Board may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(5) Duties and Authorities.—The Board shall have the following duties and authorities with respect to DTS-PO:

(A) To review and approve overall strategies, policies, and goals established by DTS-PO for its activities.

(B) To review and approve financial plans, budgets, and periodic financing requests developed by DTS-PO.

(C) To review the overall performance of DTS-PO on a periodic basis, including its work, management activities, and internal controls, and the performance of DTS-PO relative to approved budget plans.

(D) To require from DTS-PO any reports, documents, and records the Board considers necessary to carry out its oversight responsibilities.

(E) To evaluate audits of DTS-PO.

(6) Limitation on authority.—The CEO shall have the authority, without any prior review or approval by the Board, to make such determinations as the CEO considers appropriate and take such actions as the CEO considers appropriate with respect to the day-to-day management and operation of DTS-PO and to carry out the reforms of DTS-PO authorized by section 305 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 305 of appendix G of Public Law 106–113).

SEC. 324. GENERAL PROVISIONS.

(a) Report to Congress.—Not later than March 1, 2001, the Director of the Office of Management and Budget shall submit to the appropriate congressional committees of jurisdiction a report which includes the following elements with respect to DTS-PO:

(1) Clarification of the process for the CEO to report to the Board.

(2) Details of the CEO's duties and responsibilities.

(3) Details of the compensation package for the CEO and other employees of DTS-PO.

(4) Recommendations to the Overseas Security Policy Board (OSPB) for updates.

(5) Security standards for information technology.

(6) The upgrade precedence plan for overseas posts with national security interests.

(7) A spending plan for the additional funds provided for the operation and improvement of DTS for fiscal year 2001.

(b) Notification Requirements.—The notification requirements of sections 502 and 505 of the National Security Act of 1947 shall apply to DTS-PO and the Board.

(c) Procurement Authority of DTS-PO.—The procurement authorities of any of the users of DTS shall be available to the DTS-PO.

(d) Definition of appropriate congressional committees of jurisdiction.—As used in this subtitle, the term "appropriate congressional committees of jurisdiction" means the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) Statutory Construction.—Nothing in this subtitle shall be construed to negate or to reduce the statutory obligations of any United States department or agency head.

(f) Authorization of Appropriations for DTS-PO.—For each of the fiscal years 2002 through 2006, there are authorized to be appropriated directly to DTS-PO such sums as may be necessary to carry out the management, oversight, and security requirements of this subtitle.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICES PROGRAM.

(a) Deposits in Central Services Working Capital Fund.—Subsection (c)(2) of section 21 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(c)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (H); and

(2) by inserting after subparagraph (E) the following new subparagraphs:

"(F) Receipts from individuals in reimbursement for utility services and meals provided under the program.

"(G) Receipts from individuals for the rental of property and equipment under the program.".

(b) Clarification of Costs Recoverable Under Program.—Subsection (e)(1) of that section is amended in the second sentence by inserting "other than structures owned by the Agency" after "depreciation of plant and equipment".

(c) Financial Statements of Program.—Subsection (g)(2) of that section is amended in the first sentence by striking "annual audits under paragraph (1)" and inserting the following: "financial statements to be prepared with respect to the program. Office of Management and Budget guidance shall also determine the procedures for conducting annual audits under paragraph (1).".

SEC. 402. TECHNICAL CORRECTIONS.

(a) Clarification Regarding Reports on Exercise of Authority.—Section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subsection (d)(1), by striking subparagraph (E) and inserting the following new subparagraph (E):

"(E) a description of the exercise of the subpoena authority under subsection (e)(5) by the Inspector General during the reporting period; and"; and

(2) in subsection (e)(5), by striking subparagraph (E).

(b) Terminology With Respect to Government Agencies.—Section 17(e)(8) of such Act (50 U.S.C. 403q(e)(8)) is amended by striking "Federal" each place it appears and inserting "Government".

SEC. 403. EXPANSION OF INSPECTOR GENERAL ACTIONS REQUIRING A REPORT TO CONGRESS.

Section 17(d)(3) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)) is amended by striking all that follows after subparagraph (A) and inserting the following:

"(B) an investigation, inspection, or audit carried out by the Inspector General should focus on any current or former Agency official who—

"(i) holds or held a position in the Agency that is subject to appointment by the President, by and with the advise and consent of the Senate, including such a position held on an acting basis; or

"(ii) holds or held the position in the Agency, including such a position held on an acting basis, of—

"(I) Executive Director;

"(II) Deputy Director for Operations;

"(III) Deputy Director for Intelligence;

"(IV) Deputy Director for Administration; or

"(V) Deputy Director for Science and Technology;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former Agency official described or referred to in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any of the officials described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the intelligence committees.".

SEC. 404. DETAIL OF EMPLOYEES TO THE NATIONAL RECONNAISSANCE OFFICE.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following new section:

"DETAIL OF EMPLOYEES

"Sec. 22. The Director may—

"(1) detail any personnel of the Agency on a reimbursable basis indefinitely to the National Reconnaissance Office without regard to any limitation under law on the duration of details of Federal Government personnel; and

"(2) hire personnel for the purpose of any detail under paragraph (1).".

SEC. 405. TRANSFERS OF FUNDS TO OTHER AGENCIES FOR ACQUISITION OF LAND.

(a) In General.—Section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f) is amended by adding at the end the following new subsection:

"(c) Transfers for Acquisition of Land.—(1) Sums appropriated or otherwise made available to the Agency for the acquisition of land that are transferred to another department or agency for that purpose shall remain available for 3 years.

"(2) The Director shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives an annual report on the transfers of sums described in paragraph (1).".

(b) Conforming Stylistic Amendments.—That section is further amended—

(1) in subsection (a), by inserting "In General.—" after "(a)"; and

(2) in subsection (b), by inserting "Scope of Authority for Expenditure.—" after "(b)".

(c) Applicability.—Subsection (c) of section 5 of the Central Intelligence Agency Act of 1949, as added by subsection (a) of this section, shall apply with respect to amounts appropriated or otherwise made available for the Central Intelligence Agency for fiscal years after fiscal year 2000.

SEC. 406. ELIGIBILITY OF ADDITIONAL EMPLOYEES FOR REIMBURSEMENT FOR PROFESSIONAL LIABILITY INSURANCE.

(a) In General.—Notwithstanding any provision of title VI, section 636 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note), the Director of Central Intelligence may—

(1) designate as qualified employees within the meaning of subsection (b) of that section appropriate categories of employees not otherwise covered by that subsection; and

(2) use appropriated funds available to the Director to reimburse employees within categories so designated for one-half of the costs incurred by such employees for professional liability insurance in accordance with subsection (a) of that section.

(b) Reports.—The Director of Central Intelligence shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee of Intelligence of the House of Representatives a report on each designation of a category of employees under paragraph (1) of subsection (a), including the approximate number of employees covered by such designation and an estimate of the amount to be expended on reimbursement of such employees under paragraph (2) of that subsection.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. CONTRACTING AUTHORITY FOR THE NATIONAL RECONNAISSANCE OFFICE.

(a) In General.—The National Reconnaissance Office ("NRO") shall negotiate, write, execute, and manage contracts for launch vehicle acquisition or launch that affect or bind the NRO and to which the United States is a party.

(b) Effective Date.—This section shall apply to any contract described in subsection (a) that is entered into after the date of the enactment of this Act.

(c) Retroactivity.—This section shall not apply to any contract described in subsection (a) in effect as of the date of the enactment of this Act.

SEC. 502. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN EXPERIMENTAL PERSONNEL PROGRAM FOR CERTAIN SCIENTIFIC AND TECHNICAL PERSONNEL.

If the Director of Central Intelligence requests that the Secretary of Defense exercise any authority available to the Secretary under section 1101(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 5 U.S.C. 3104 note) to carry out a program of special personnel management authority at the National Imagery and Mapping Agency and the National Security Agency in order to facilitate recruitment of eminent experts in science and engineering at such agencies, the Secretary shall respond to such request not later than 30 days after the date of such request.

SEC. 503. MEASUREMENT AND SIGNATURE INTELLIGENCE.

(a) Study of Options.—The Director of Central Intelligence shall, in coordination with the Secretary of Defense, conduct a study of the utility and feasibility of various options for improving the management and organization of measurement and signature intelligence, including—

(1) the option of establishing a centralized tasking, processing, exploitation, and dissemination facility for measurement and signature intelligence;

(2) options for recapitalizing and reconfiguring the current systems for measurement and signature intelligence; and

(3) the operation and maintenance costs of the various options.

(b) Report.—Not later than April 1, 2001, the Director and the Secretary shall jointly submit to the appropriate committees of Congress a report on their findings as a result of the study required by subsection (a). The report shall set forth any recommendations that the Director and the Secretary consider appropriate.

(c) Appropriate Committees of Congress Defined.—In this section, the term "appropriate committees of Congress" means the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE VI—COUNTERINTELLIGENCE MATTERS

SEC. 601. SHORT TITLE.

This title may be cited as the "Counterintelligence Reform Act of 2000".

SEC. 602. ORDERS FOR ELECTRONIC SURVEILLANCE UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Requirements Regarding Certain Applications.—Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended by adding at the end the following new subsection:

"(e)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

"(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

"(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.".

(b) Probable Cause.—Section 105 of that Act (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target."; and

(3) in subsection (d), as redesignated by paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (c)(1)".

SEC. 603. ORDERS FOR PHYSICAL SEARCHES UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) Requirements Regarding Certain Applications.—Section 303 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1823) is amended by adding at the end the following new subsection:

"(d)(1)(A) Upon written request of the Director of the Federal Bureau of Investigation, the Secretary of Defense, the Secretary of State, or the Director of Central Intelligence, the Attorney General shall personally review under subsection (a) an application under that subsection for a target described in section 101(b)(2).

"(B) Except when disabled or otherwise unavailable to make a request referred to in subparagraph (A), an official referred to in that subparagraph may not delegate the authority to make a request referred to in that subparagraph.

"(C) Each official referred to in subparagraph (A) with authority to make a request under that subparagraph shall take appropriate actions in advance to ensure that delegation of such authority is clearly established in the event such official is disabled or otherwise unavailable to make such request.

"(2)(A) If as a result of a request under paragraph (1) the Attorney General determines not to approve an application under the second sentence of subsection (a) for purposes of making the application under this section, the Attorney General shall provide written notice of the determination to the official making the request for the review of the application under that paragraph. Except when disabled or otherwise unavailable to make a determination under the preceding sentence, the Attorney General may not delegate the responsibility to make a determination under that sentence. The Attorney General shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event the Attorney General is disabled or otherwise unavailable to make such determination.

"(B) Notice with respect to an application under subparagraph (A) shall set forth the modifications, if any, of the application that are necessary in order for the Attorney General to approve the application under the second sentence of subsection (a) for purposes of making the application under this section.

"(C) Upon review of any modifications of an application set forth under subparagraph (B), the official notified of the modifications under this paragraph shall modify the application if such official determines that such modification is warranted. Such official shall supervise the making of any modification under this subparagraph. Except when disabled or otherwise unavailable to supervise the making of any modification under the preceding sentence, such official may not delegate the responsibility to supervise the making of any modification under that preceding sentence. Each such official shall take appropriate actions in advance to ensure that delegation of such responsibility is clearly established in the event such official is disabled or otherwise unavailable to supervise the making of such modification.".

(b) Probable Cause.—Section 304 of that Act (50 U.S.C. 1824) is amended—

(1) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) In determining whether or not probable cause exists for purposes of an order under subsection (a)(3), a judge may consider past activities of the target, as well as facts and circumstances relating to current or future activities of the target.".

SEC. 604. DISCLOSURE OF INFORMATION ACQUIRED UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 FOR LAW ENFORCEMENT PURPOSES.

(a) Inclusion of Information on Disclosure in Semiannual Oversight Report.—Section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following new paragraph:

"(2) Each report under the first sentence of paragraph (1) shall include a description of—

"(A) each criminal case in which information acquired under this Act has been passed for law enforcement purposes during the period covered by such report; and

"(B) each criminal case in which information acquired under this Act has been authorized for use at trial during such reporting period.".

(b) Report on Mechanisms for Determinations of Disclosure of Information for Law Enforcement Purposes.—(1) The Attorney General shall submit to the appropriate committees of Congress a report on the authorities and procedures utilized by the Department of Justice for determining whether or not to disclose information acquired under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) for law enforcement purposes.

(2) In this subsection, the term "appropriate committees of Congress" means the following:

(A) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(B) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

SEC. 605. COORDINATION OF COUNTERINTELLIGENCE WITH THE FEDERAL BUREAU OF INVESTIGATION.

(a) Treatment of Certain Subjects of Investigation.—Subsection (c) of section 811 of the Intelligence Authorization Act for Fiscal Year 1995 (50 U.S.C. 402a) is amended—

(1) in paragraphs (1) and (2), by striking "paragraph (3)" and inserting "paragraph (5)";

(2) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (5), (6), (7), and (8), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3)(A) The Director of the Federal Bureau of Investigation shall submit to the head of the department or agency concerned a written assessment of the potential impact of the actions of the department or agency on a counterintelligence investigation.

"(B) The head of the department or agency concerned shall—

"(i) use an assessment under subparagraph (A) as an aid in determining whether, and under what circumstances, the subject of an investigation under paragraph (1) should be left in place for investigative purposes; and

"(ii) notify in writing the Director of the Federal Bureau of Investigation of such determination.

"(C) The Director of the Federal Bureau of Investigation and the head of the department or agency concerned shall continue to consult, as appropriate, to review the status of an investigation covered by this paragraph, and to reassess, as appropriate, a determination of the head of the department or agency concerned to leave a subject in place for investigative purposes."; and

(4) in paragraph (5), as so redesignated, by striking "paragraph (1) or (2)" and inserting "paragraph (1), (2), or (3)".

(b) Timely Provision of Information and Consultation on Espionage Investigations.—Paragraph (2) of that subsection is further amended—

(1) by inserting "in a timely manner" after "through appropriate channels"; and

(2) by inserting "in a timely manner" after "are consulted".

(c) Interference With Full Field Espionage Investigations.—That subsection is further amended by inserting after paragraph (3), as amended by subsection (a) of this section, the following new paragraph (4):

"(4)(A) The Federal Bureau of Investigation shall notify appropriate officials within the executive branch, including the head of the department or agency concerned, of the commencement of a full field espionage investigation with respect to an employee within the executive branch.

"(B) A department or agency may not conduct a polygraph examination, interrogate, or otherwise take any action that is likely to alert an employee covered by a notice under subparagraph (A) of an investigation described in that subparagraph without prior coordination and consultation with the Federal Bureau of Investigation.".

SEC. 606. ENHANCING PROTECTION OF NATIONAL SECURITY AT THE DEPARTMENT OF JUSTICE.

(a) Authorization for Increased Resources To Fulfill National Security Mission of the Department of Justice.—There are authorized to be appropriated to the Department of Justice for the activities of the Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counter-espionage investigations, provide policy analysis on national security issues, and enhance secure computer and telecommunications facilities—

(1) $7,000,000 for fiscal year 2001;

(2) $7,500,000 for fiscal year 2002; and

(3) $8,000,000 for fiscal year 2003.

(b) Availability of Funds.—(1) No funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review for fiscal years 2002 and 2003 may be obligated or expended until the date on which the Attorney General submits the report required by paragraph (2) for the year involved.

(2)(A) The Attorney General shall submit to the committees of Congress specified in subparagraph (B) an annual report on the manner in which the funds authorized to be appropriated by subsection (a) for the Office of Intelligence Policy and Review will be used by that Office—

(i) to improve and strengthen its oversight of Federal Bureau of Investigation field offices in the implementation of orders under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

(ii) to streamline and increase the efficiency of the application process under that Act.

(B) The committees of Congress referred to in this subparagraph are the following:

(i) The Select Committee on Intelligence and the Committee on the Judiciary of the Senate.

(ii) The Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

(3) In addition to the report required by paragraph (2), the Attorney General shall also submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses the issues identified in the semiannual report of the Attorney General to such committees under section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) that was submitted in April 2000, including any corrective actions with regard to such issues. The report under this paragraph shall be submitted in classified form.

(4) Funds made available pursuant to subsection (a), in any fiscal year, shall remain available until expended.

(c) Report on Coordinating National Security and Intelligence Functions Within the Department of Justice.—The Attorney General shall report to the committees of Congress specified in subsection (b)(2)(B) within 120 days on actions that have been or will be taken by the Department to—

(1) promote quick and efficient responses to national security issues;

(2) centralize a point-of-contact within the Department on national security matters for external entities and agencies; and

(3) coordinate the dissemination of intelligence information within the appropriate components of the Department and the formulation of policy on national security issues.

SEC. 607. COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION.

The Classified Information Procedures Act (18 U.S.C. App.) is amended by inserting after section 9 the following new section:

"COORDINATION REQUIREMENTS RELATING TO THE PROSECUTION OF CASES INVOLVING CLASSIFIED INFORMATION

"Sec. 9A. (a) Briefings Required.—The Assistant Attorney General for the Criminal Division and the appropriate United States attorney, or the designees of such officials, shall provide briefings to the senior agency official, or the designee of such official, with respect to any case involving classified information that originated in the agency of such senior agency official.

"(b) Timing of Briefings.—Briefings under subsection (a) with respect to a case shall occur—

"(1) as soon as practicable after the Department of Justice and the United States attorney concerned determine that a prosecution or potential prosecution could result; and

"(2) at such other times thereafter as are necessary to keep the senior agency official concerned fully and currently informed of the status of the prosecution.

"(c) Senior Agency Official Defined.—In this section, the term 'senior agency official' has the meaning given that term in section 1.1 of Executive Order No. 12958.".

SEC. 608. SEVERABILITY.

If any provision of this title (including an amendment made by this title), or the application thereof, to any person or circumstance, is held invalid, the remainder of this title (including the amendments made by this title), and the application thereof, to other persons or circumstances shall not be affected thereby.

TITLE VII—DECLASSIFICATION OF INFORMATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Public Interest Declassification Act of 2000".

SEC. 702. FINDINGS.

Congress makes the following findings:

(1) It is in the national interest to establish an effective, coordinated, and cost-effective means by which records on specific subjects of extraordinary public interest that do not undermine the national security interests of the United States may be collected, retained, reviewed, and disseminated to Congress, policymakers in the executive branch, and the public.

(2) Ensuring, through such measures, public access to information that does not require continued protection to maintain the national security interests of the United States is a key to striking the balance between secrecy essential to national security and the openness that is central to the proper functioning of the political institutions of the United States.

SEC. 703. PUBLIC INTEREST DECLASSIFICATION BOARD.

(a) Establishment.—There is established within the executive branch of the United States a board to be known as the "Public Interest Declassification Board" (in this title referred to as the "Board").

(b) Purposes.—The purposes of the Board are as follows:

(1) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on the systematic, thorough, coordinated, and comprehensive identification, collection, review for declassification, and release to Congress, interested agencies, and the public of declassified records and materials (including donated historical materials) that are of archival value, including records and materials of extraordinary public interest.

(2) To promote the fullest possible public access to a thorough, accurate, and reliable documentary record of significant United States national security decisions and significant United States national security activities in order to—

(A) support the oversight and legislative functions of Congress;

(B) support the policymaking role of the executive branch;

(C) respond to the interest of the public in national security matters; and

(D) promote reliable historical analysis and new avenues of historical study in national security matters.

(3) To provide recommendations to the President for the identification, collection, and review for declassification of information of extraordinary public interest that does not undermine the national security of the United States, to be undertaken in accordance with a declassification program that has been established or may be established by the President by Executive order.

(4) To advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, and such other executive branch officials as the Board considers appropriate on policies deriving from the issuance by the President of Executive orders regarding the classification and declassification of national security information.

(c) Membership.—(1) The Board shall be composed of nine individuals appointed from among citizens of the United States who are preeminent in the fields of history, national security, foreign policy, intelligence policy, social science, law, or archives, including individuals who have served in Congress or otherwise in the Federal Government or have otherwise engaged in research, scholarship, or publication in such fields on matters relating to the national security of the United States, of whom—

(A) five shall be appointed by the President;

(B) one shall be appointed by the Speaker of the House of Representatives;

(C) one shall be appointed by the majority leader of the Senate;

(D) one shall be appointed by the minority leader of the Senate; and

(E) one shall be appointed by the minority leader of the House of Representatives.

(2)(A) Of the members initially appointed to the Board by the President—

(i) three shall be appointed for a term of 4 years;

(ii) one shall be appointed for a term of 3 years; and

(iii) one shall be appointed for a term of 2 years.

(B) The members initially appointed to the Board by the Speaker of the House of Representatives or by the majority leader of the Senate shall be appointed for a term of 3 years.

(C) The members initially appointed to the Board by the minority leader of the House of Representatives or the Senate shall be appointed for a term of 2 years.

(D) Any subsequent appointment to the Board shall be for a term of 3 years.

(3) A vacancy in the Board shall be filled in the same manner as the original appointment. A member of the Board appointed to fill a vacancy before the expiration of a term shall serve for the remainder of the term.

(4) A member of the Board may be appointed to a new term on the Board upon the expiration of the member's term on the Board, except that no member may serve more than three full terms on the Board.

(d) CHAIRPERSON; EXECUTIVE SECRETARY.—(1)(A) The President shall designate one of the members of the Board as the Chairperson of the Board.

(B) The term of service as Chairperson of the Board shall be 2 years.

(C) A member serving as Chairperson of the Board may be redesignated as Chairperson of the Board upon the expiration of the member's term as Chairperson of the Board, except that no member shall serve as Chairperson of the Board for more than 6 years.

(2) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Board.

(e) MEETINGS.—The Board shall meet as needed to accomplish its mission, consistent with the availability of funds. A majority of the members of the Board shall constitute a quorum.

(f) STAFF.—Any employee of the Federal Government may be detailed to the Board, with the agreement of and without reimbursement to the detailing agency, and such detail shall be without interruption or loss of civil, military, or foreign service status or privilege.

(g) SECURITY.—(1) The members and staff of the Board shall, as a condition of appointment to or employment with the Board, hold appropriate security clearances for access to the classified records and materials to be reviewed by the Board or its staff, and shall follow the guidance and practices on security under applicable Executive orders and Presidential or agency directives.

(2) The head of an agency shall, as a condition of granting access to a member of the Board, the Executive Secretary of the Board, or a member of the staff of the Board to classified records or materials of the agency under this title, require the member, the Executive Secretary, or the member of the staff, as the case may be, to—

(A) execute an agreement regarding the security of such records or materials that is approved by the head of the agency; and

(B) hold an appropriate security clearance granted or recognized under the standard procedures and eligibility criteria of the agency, including any special access approval required for access to such records or materials.

(3) The members of the Board, the Executive Secretary of the Board, and the members of the staff of the Board may not use any information acquired in the course of their official activities on the Board for nonofficial purposes.

(4) For purposes of any law or regulation governing access to classified information that pertains to the national security of the United States, and subject to any limitations on access arising under section 706(b), and to facilitate the advisory functions of the Board under this title, a member of the Board seeking access to a record or material under this title shall be deemed for purposes of this subsection to have a need to know the contents of the record or material.

(h) COMPENSATION.—(1) Each member of the Board shall receive compensation at a rate not to exceed the daily equivalent of the annual rate of basic pay payable for positions at ES–1 of the Senior Executive Service under section 5382 of title 5, United States Code, for each day such member is engaged in the actual performance of duties of the Board.

(2) Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of the duties of the Board.

(i) GUIDANCE; ANNUAL BUDGET.—(1) On behalf of the President, the Assistant to the President for National Security Affairs shall provide guidance on policy to the Board.

(2) The Executive Secretary of the Board, under the direction of the Chairperson of the Board and the Board, and acting in consultation with the Archivist of the United States, the Assistant to the President for National Security Affairs, and the Director of the Office of Management and Budget, shall prepare the annual budget of the Board.

(j) SUPPORT.—The Information Security Oversight Office may support the activities of the Board under this title. Such support shall be provided on a reimbursable basis.

(k) PUBLIC AVAILABILITY OF RECORDS AND REPORTS.—(1) The Board shall make available for public inspection records of its proceedings and reports prepared in the course of its activities under this title to the extent such records and reports are not classified and would not be exempt from release under the provisions of section 552 of title 5, United States Code.

(2) In making records and reports available under paragraph (1), the Board shall coordinate the release of such records and reports with appropriate officials from agencies with expertise in classified information in order to ensure that such records and reports do not inadvertently contain classified information.

(l) APPLICABILITY OF CERTAIN ADMINISTRATIVE LAWS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board under this title. However, the records of the Board shall be governed by the provisions of the Federal Records Act of 1950.

SEC. 704. IDENTIFICATION, COLLECTION, AND REVIEW FOR DECLASSIFICATION OF INFORMATION OF ARCHIVAL VALUE OR EXTRAORDINARY PUBLIC INTEREST.

(a) BRIEFINGS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) As requested by the Board, or by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, the head of any agency with the authority under an Executive order to classify information shall provide to the Board, the Select Committee on Intelligence of the Senate, or the Permanent Select Committee on Intelligence of the House of Representatives, on an annual basis, a summary briefing and report on such agency's progress and plans in the declassification of national security information. Such briefing shall cover the declassification goals set by statute, regulation, or policy, the agency's progress with respect to such goals, and the agency's planned goals and priorities for its declassification activities over the next 2 fiscal years. Agency briefings and reports shall give particular attention to progress on the declassification of records and materials that are of archival value or extraordinary public interest to the people of the United States.

(2)(A) The annual briefing and report under paragraph (1) for agencies within the Department of Defense, including the military departments and the elements of the intelligence community, shall be provided on a consolidated basis.

(B) In this paragraph, the term "elements of the intelligence community" means the elements of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(b) RECOMMENDATIONS ON AGENCY DECLASSIFICATION PROGRAMS.—(1) Upon reviewing and discussing declassification plans and progress with an agency, the Board shall provide to the head of the agency the written recommendations of the Board as to how the agency's declassification program could be improved. A copy of each recommendation shall also be submitted to the Assistant to the President for National Security Affairs and the Director of the Office of Management and Budget.

(2) Consistent with the provisions of section 703(k), the Board's recommendations to the head of an agency under paragraph (1) shall become public 60 days after such recommendations are sent to the head of the agency under that paragraph.

(c) RECOMMENDATIONS ON SPECIAL SEARCHES FOR RECORDS OF EXTRAORDINARY PUBLIC INTEREST.—(1) The Board shall also make recommendations to the President regarding proposed initiatives to identify, collect, and review for declassification classified records and materials of extraordinary public interest.

(2) In making recommendations under paragraph (1), the Board shall consider the following:

(A) The opinions and requests of Members of Congress, including opinions and requests expressed or embodied in letters or legislative proposals.

(B) The opinions and requests of the National Security Council, the Director of Central Intelligence, and the heads of other agencies.

(C) The opinions of United States citizens.

(D) The opinions of members of the Board.

(E) The impact of special searches on systematic and all other on-going declassification programs.

(F) The costs (including budgetary costs) and the impact that complying with the recommendations would have on agency budgets, programs, and operations.

(G) The benefits of the recommendations.

(H) The impact of compliance with the recommendations on the national security of the United States.

(d) PRESIDENT'S DECLASSIFICATION PRIORITIES.—(1) Concurrent with the submission to Congress of the budget of the President each fiscal year under section 1105 of title 31, United States Code, the Director of the Office of Management and Budget shall publish a description of the President's declassification program and priorities, together with a listing of the funds requested to implement that program.

(2) Nothing in this title shall be construed to substitute or supersede, or establish a funding process for, any declassification program that has been established or may be established by the President by Executive order.

SEC. 705. PROTECTION OF NATIONAL SECURITY INFORMATION AND OTHER INFORMATION.

(a) In General.—Nothing in this title shall be construed to limit the authority of the head of an agency to classify information or to continue the classification of information previously classified by that agency.

(b) Special Access Programs.—Nothing in this title shall be construed to limit the authority of the head of an agency to grant or deny access to a special access program.

(c) Authorities of Director of Central Intelligence.—Nothing in this title shall be construed to limit the authorities of the Director of Central Intelligence as the head of the intelligence community, including the Director's responsibility to protect intelligence sources and methods from unauthorized disclosure as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)).

(d) Exemptions to Release of Information.—Nothing in this title shall be construed to limit any exemption or exception to the release to the public under this title of information that is protected under subsection (b) of section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), or section 552a of title 5, United States Code (commonly referred to as the "Privacy Act").

(e) Withholding Information From Congress.—Nothing in this title shall be construed to authorize the withholding of information from Congress.

SEC. 706. STANDARDS AND PROCEDURES.

(a) Liaison.—(1) The head of each agency with the authority under an Executive order to classify information and the head of each Federal Presidential library shall designate an employee of such agency or library to act as liaison to the Board for purposes of this title.

(2) The Board may establish liaison and otherwise consult with such other historical and advisory committees as the Board considers appropriate for purposes of this title.

(b) Limitations on Access.—(1)(A) Except as provided in paragraph (2), if the head of an agency or the head of a Federal Presidential library determines it necessary to deny or restrict access of the Board, or of the agency or library liaison to the Board, to information contained in a record or material, in whole or in part, the head of the agency or the head of the library shall promptly notify the Board in writing of such determination.

(B) Each notice to the Board under subparagraph (A) shall include a description of the nature of the records or materials, and a justification for the determination, covered by such notice.

(2) In the case of a determination referred to in paragraph (1) with respect to a special access program created by the Secretary of Defense, the Director of Central Intelligence, or the head of any other agency, the notification of denial of access under paragraph (1), including a description of the nature of the Board's request for access, shall be submitted to the Assistant to the President for National Security Affairs rather than to the Board.

(c) Discretion To Disclose.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the public's interest in the disclosure of records or materials of the agency covered by such review, and still properly classified, outweighs the Government's need to protect such records or materials, and may release such records or materials in accordance with the provisions of Executive Order No. 12958 or any successor order to such Executive order.

(d) Discretion To Protect.—At the conclusion of a declassification review, the head of an agency may, in the discretion of the head of the agency, determine that the interest of the agency in the protection of records or materials of the agency covered by such review, and still properly classified, outweighs the public's need for access to such records or materials, and may deny release of such records or materials in accordance with the provisions of Executive Order No. 12958 or any successor order to such Executive order.

(e) Reports.—(1)(A) Except as provided in paragraph (2), the Board shall annually submit to the appropriate congressional committees a report on the activities of the Board under this title, including summary information regarding any denials to the Board by the head of an agency or the head of a Federal Presidential library of access to records or materials under this title.

(B) In this paragraph, the term "appropriate congressional committees" means the Select Committee on Intelligence and the Committee on Governmental Affairs of the Senate and the Permanent Select Committee on Intelligence and the Committee on Government Reform of the House of Representatives.

(2) Notwithstanding paragraph (1), notice that the Board has been denied access to records and materials, and a justification for the determination in support of the denial, shall be submitted by the agency denying the access as follows:

(A) In the case of the denial of access to a special access program created by the Secretary of Defense, to the Committees on Armed Services and Appropriations of the Senate and to the Committees on Armed Services and Appropriations of the House of Representatives.

(B) In the case of the denial of access to a special access program created by the Director of Central Intelligence, or by the head of any other agency (including the Department of Defense) if the special access program pertains to intelligence activities, or of access to any information and materials relating to intelligence sources and methods, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(C) In the case of the denial of access to a special access program created by the Secretary of Energy or the Administrator for Nuclear Security, to the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate and to the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 707. JUDICIAL REVIEW.

Nothing in this title limits the protection afforded to any information under any other provision of law. This title is not intended and may not be construed to create any right or benefit, substantive or procedural, enforceable against the United States, its agencies, its officers, or its employees. This title does not modify in any way the substantive criteria or procedures for the classification of information, nor does this title create any right or benefit subject to judicial review.

SEC. 708. FUNDING.

(a) Authorization of Appropriations.—There is hereby authorized to be appropriated to carry out the provisions of this title amounts as follows:

(1) For fiscal year 2001, $650,000.

(2) For each fiscal year after fiscal year 2001, such sums as may be necessary for such fiscal year.

(b) Funding Requests.—The President shall include in the budget submitted to Congress for each fiscal year under section 1105 of title 31, United States Code, a request for amounts for the activities of the Board under this title during such fiscal year.

SEC. 709. DEFINITIONS.

In this title:

(1) Agency.—(A) Except as provided in subparagraph (B), the term "agency" means the following:

(i) An Executive agency, as that term is defined in section 105 of title 5, United States Code.

(ii) A military department, as that term is defined in section 102 of such title.

(iii) Any other entity in the executive branch that comes into the possession of classified information.

(B) The term does not include the Board.

(2) Classified material or record.—The terms "classified material" and "classified record" include any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, regardless of physical form or characteristics, that has been determined pursuant to Executive order to require protection against unauthorized disclosure in the interests of the national security of the United States.

(3) Declassification.—The term "declassification" means the process by which records or materials that have been classified are determined no longer to require protection from unauthorized disclosure to protect the national security of the United States.

(4) Donated historical material.—The term "donated historical material" means collections of personal papers donated or given to a Federal Presidential library or other archival repository under a deed of gift or otherwise.

(5) Federal Presidential library.—The term "Federal Presidential library" means a library operated and maintained by the United States Government through the National Archives and Records Administration under the applicable provisions of the Federal Records Act of 1950.

(6) National security.—The term "national security" means the national defense or foreign relations of the United States.

(7) Records or materials of extraordinary public interest.—The term "records or materials of extraordinary public interest" means records or materials that—

(A) demonstrate and record the national security policies, actions, and decisions of the United States, including—

(i) policies, events, actions, and decisions which led to significant national security outcomes; and

(ii) the development and evolution of significant United States national security policies, actions, and decisions;

(B) will provide a significantly different perspective in general from records and materials publicly available in other historical sources; and

(C) would need to be addressed through ad hoc record searches outside any systematic declassification program established under Executive order.

(8) Records of archival value.—The term "records of archival value" means records that have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government.

SEC. 710. EFFECTIVE DATE; SUNSET.

(a) Effective Date.—This title shall take effect on the date that is 120 days after the date of the enactment of this Act.

(b) Sunset.—The provisions of this title shall expire 4 years after the date of the enactment of this Act, unless reauthorized by statute.

TITLE VIII—DISCLOSURE OF INFORMATION ON JAPANESE IMPERIAL GOVERNMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Japanese Imperial Government Disclosure Act of 2000".

SEC. 802. DESIGNATION.

(a) Definitions.—In this section:

(1) Agency.—The term "agency" has the meaning given such term under section 551 of title 5, United States Code.

(2) Interagency group.—The term "Interagency Group" means the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group established under subsection (b).

(3) Japanese imperial government records.—The term "Japanese Imperial Government records" means classified records or portions of records that pertain to any person with respect to whom the United States Government, in its sole discretion, has grounds to believe ordered, incited, assisted, or otherwise participated in the experimentation on, and persecution of, any person because of race, religion, national origin, or political opinion, during the period beginning September 18, 1931, and ending on December 31, 1948, under the direction of, or in association with—

(A) the Japanese Imperial Government;

(B) any government in any area occupied by the military forces of the Japanese Imperial Government;

(C) any government ,established with the assistance or cooperation of the Japanese Imperial Government; or

(D) any government which was an ally of the Japanese Imperial Government.

(4) Record.—The term "record" means a Japanese Imperial Government record.

(b) Establishment of Interagency Group.—

(1) In general.—Not later than 60 days after the date of the enactment of this Act, the President shall designate the Working Group established under the Nazi War Crimes Disclosure Act (Public Law 105–246; 5 U.S.C. 552 note) to also carry out the purposes of this title with respect to Japanese Imperial Government records, and that Working Group shall remain in existence for 3 years after the date on which this title takes effect. Such Working Group is redesignated as the "Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group".

(2) Membership.—Section 2(b)(2) of such Act is amended by striking "3 other persons" and inserting "4 other persons who shall be members of the public, of whom 3 shall be persons appointed under the provisions of this Act in effect on October 8, 1998.".

(c) Functions.—Not later than 1 year after the date of the enactment of this Act, the Interagency Group shall, to the greatest extent possible consistent with section 803—

(1) locate, identify, inventory, recommend for declassification, and make available to the public at the National Archives and Records Administration, all classified Japanese Imperial Government records of the United States;

(2) coordinate with agencies and take such actions as necessary to expedite the release of such records to the public; and

(3) submit a report to Congress, including the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary and the Select Committee on Intelligence of the Senate, describing all such records, the disposition of such records, and the activities of the Interagency Group and agencies under this section.

(d) Funding.—There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

SEC. 803. REQUIREMENT OF DISCLOSURE OF RECORDS.

(a) Release of Records.—Subject to subsections (b), (c), and (d), the Japanese Imperial Government Records Interagency Working Group shall release in their entirety Japanese Imperial Government records.

(b) Exemptions.—An agency head may exempt from release under subsection (a) specific information, that would—

(1) constitute an unwarranted invasion of personal privacy;

(2) reveal the identity of a confidential human source, or reveal information about an intelligence source or method when the unauthorized disclosure of that source or method would damage the national security interests of the United States;

(3) reveal information that would assist in the development or use of weapons of mass destruction;

(4) reveal information that would impair United States cryptologic systems or activities;

(5) reveal information that would impair the application of state-of-the-art technology within a United States weapon system;

(6) reveal United States military war plans that remain in effect;

(7) reveal information that would impair relations between the United States and a foreign government, or undermine ongoing diplomatic activities of the United States;

(8) reveal information that would impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services are authorized in the interest of national security;

(9) reveal information that would impair current national security emergency preparedness plans; or

(10) violate a treaty or other international agreement.

(c) Applications of Exemptions.—

(1) In general.—In applying the exemptions provided in paragraphs (2) through (10) of subsection (b), there shall be a presumption that the public interest will be served by disclosure and release of the records of the Japanese Imperial Government. The exemption may be asserted only when the head of the agency that maintains the records determines that disclosure and release would be harmful to a specific interest identified in the exemption. An agency head who makes such a determination shall promptly report it to the committees of Congress with appropriate jurisdiction, including the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Application of title 5.—A determination by an agency head to apply an exemption provided in paragraphs (2) through (9) of subsection (b) shall be subject to the same standard of review that applies in the case of records withheld under section 552(b)(1) of title 5, United States Code.

(d) Records Related to Investigations or Prosecutions.—This section shall not apply to records—

(1) related to or supporting any active or inactive investigation, inquiry, or prosecution by the Office of Special Investigations of the Department of Justice; or

(2) solely in the possession, custody, or control of the Office of Special Investigations.

SEC. 804. EXPEDITED PROCESSING OF REQUESTS FOR JAPANESE IMPERIAL GOVERNMENT RECORDS.

For purposes of expedited processing under section 552(a)(6)(E) of title 5, United States Code, any person who was persecuted in the manner described in section 802(a)(3) and who requests a Japanese Imperial Government record shall be deemed to have a compelling need for such record.

SEC. 805. EFFECTIVE DATE.

The provisions of this title shall take effect on the date that is 90 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. DIXON. Mr. Speaker, reserving the right to object, and I shall not object, I yield to the gentleman from Florida so that he might explain more fully what he is requesting of the House.

Mr. GOSS. Mr. Speaker, I thank my friend, the ranking member, for yielding; and I would be happy to explain the request.

As Members have just heard, the President vetoed the intelligence authorization bill, H.R. 4392. In doing so, the President cited a single provision, the prohibition on unauthorized disclosure of classified information, which we have just heard in the reading, as well intentioned but unacceptable in its current form. It is worth noting that the President accepted a share of the blame for the administration's, and I quote, "failure to apprise the Congress of the concerns" he expressed in his veto message as the bill was making its way through the legislative process.

But the veto message concludes by encouraging Congress to, and again I quote, "send me this bill with this provision deleted."

So at this late date, it is my belief that the best course of action is to do just that, to remove the one provision and send the authorization back to the President for his signature. The bill before us, H.R. 5630, is identical to the version of H.R. 4392 that passed the House and the Senate on October 12 of this year with one major exception. The language, formerly section 304, prohibiting the unauthorized disclosure of classified information has been removed in its entirety.

All the other provisions remain the same. I would stress that it is my intent that the provisions in H.R. 5630 be implemented in accordance with the recommendations contained in the conference report that accompanied H.R. 4392.

Passage of H.R. 5630 by the House today would send the revised version of the fiscal year 2001 Intelligence Authorization Act to the Senate for what I hope will be a speedy consideration and passage in that body.

I want to thank the gentleman from California (Mr. DIXON), the ranking member, along with the gentleman from California (Mr. LEWIS), the vice chairman, our appropriator, for cosponsoring H.R. 5630. I believe that all we want is to get this important bill back to the President for his signature.

Mr. DIXON. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York (Mr. NADLER) for a colloquy with the chairman of the committee.

Mr. NADLER. Mr. Speaker, one provision in this bill purports to expand the Nazi War Criminal Records Disclosure Act to include war crimes committed by the Imperial Japanese during World War II. The problem with this, as I see it, is that under title VIII of the bill, the CIA is given the power to exempt automatically all its operational files on Japanese war criminals from declassification. So it seems that the bill, or the conference report, sets up a double standard. CIA operational files relating to Nazi war crimes must be disclosed, but CIA operational files relating to Japanese war crimes may be absolutely shielded from disclosure.

In addition to that, some people read title VIII as shielding Nazi war crimes operational files from disclosure as well since title VIII explicitly covers allies of Imperial Japan, and Nazi Germany obviously was an ally of Imperial Japan.

Now, I know that the intent of the sponsors of the bill and the intent of the bill is to expand the Nazi War Crimes Disclosure Act to cover Japanese war crimes. I am somewhat concerned that inadvertently it may be shielding operational files of the CIA with respect to Japanese war crimes and maybe even going so far as to shield that with respect to Nazi war crimes. I would ask the gentleman what he can tell me to assure me that obviously it is not the intent or that this is not the effect.

Mr. GOSS. Mr. Speaker, if the gentleman from California will yield, I am very happy to confirm exactly that point. That is not the intent, to create a double standard. The intent was to create a uniformity of protection for classified information. We think we got it right. If it turns out that is wrong and there is something demonstrable, obviously we are prepared to go back and reaffirm our intent and make sure that that intent happens. There is no double standard. I think we discussed this not only in committee but in the discussion on the floor when we passed the bill. I think my comments are consistent, and, I hope, helpful.

Mr. NADLER. I thank the gentleman. I trust he will look into this because I am reflecting the concerns of one of the authors of the original Nazi War Crimes Disclosure Act, a former Member of this body, Liz Holtzman, who sent me a memo on this and called my office about it. It does seem to give a shield to operational details of the CIA with respect to Japanese war crimes. I can think of no reason. I cannot imagine that an American spy against Japan in World War II needs protection from disclosure at this point. If that were disclosed, he would probably be a hero. The Imperial Japanese are not looking for him at this point. So I hope that this will be looked into in conference and corrected if need be.

Mr. GOSS. If the gentleman will continue to yield, I want to assure the gentleman that I believe this is a nonproblem. If it turns out I am wrong, and I do not think I will be, I will be certainly a part of the solution.

Mr. NADLER. I thank the gentleman.

Mr. DIXON. Mr. Speaker, further reserving the right to object, I believe it is important to underscore the point the gentleman from Florida (Mr. GOSS) has made. It is certainly my expectation that the recommendations contained in the Statement of Managers which accompanied the conference report on H.R. 4392 will be accorded the same weight by the executive branch interpreting H.R. 5630 as would have been the case had H.R. 4392 been enacted. The Statement of Managers reflects the intent of Congress on how intelligence programs and activities authorized for fiscal year 2001 are to be conducted.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5630, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5630, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5630, the Clerk be authorized to make such technical and conforming changes as may be necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

DIRECTING TREATMENT OF BOUNDARIES OF LAWRENCE COUNTY AIRPORT, COURTLAND, ALABAMA

Mr. DUNCAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5111) to direct the Administrator of the Federal Aviation Administration to treat certain property boundaries as the boundaries of the Lawrence County Airport Courtland, Alabama, and for other purposes.

The Clerk read as follows:

H.R. 5111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAWRENCE COUNTY AIRPORT, COURTLAND, ALABAMA.

(a) IN GENERAL.—With respect to the airport located at Courtland, Lawrence County, Alabama (formerly known as the George C. Wallace Airport), the Administrator of the Federal Aviation Administration shall treat as the boundaries of the airport property those boundaries shown on the airport layout drawing produced by Garver, Inc., dated March 8, 1999, and approved by the Jackson Airport District Office of the Administration.

(b) TREATMENT OF NONAIRPORT PROPERTY.—The Administrator may not treat as airport property any real property not designated as airport property in the drawing referred to in subsection (a) regardless of whether such real property was designated as airport property at any time prior to March 8, 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. DUNCAN) and the gentleman from Massachusetts (Mr.

McGOVERN) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. I will be very brief. This bill would declare that the boundaries of the airport in Lawrence County, Alabama, are the boundaries set forth in the airport layout plan of March 8, 1999.

The effect of this bill is to remove Federal use restrictions on about 200 acres and let Lawrence County use the land to meet local needs.

Originally, this property was part of a military air base. It was transferred to Alabama at the end of World War II. Alabama's aeronautics commission ran the airport until 1980 when it sold it to TVA. The TVA, the Tennessee Valley Authority, sold it to Lawrence County in 1985.

Lawrence County applied for and received an Airport Improvement Program grant from the FAA in the late 1980s. At that time it submitted an airport layout plan showing the boundaries of the airport as containing about 600 acres.

On March 8, 1999, the airport revised its airport layout plan. The revised plan showed the airport as containing only 414 acres.

The FAA believes the 1980s airport layout plan, with 600 acres, controls. That is when the airport received its AIP grant from the FAA and promised to use its land only for airport purposes.

Generally, the Committee on Transportation and Infrastructure vigorously defends the need to preserve airport land. Last year, the Subcommittee on Aviation held a hearing on this subject. And AIR 21 contains several procedural protections to help preserve our Nation's airports.

However, in this case the gentleman from Alabama (Mr. ADERHOLT) has made a strong case for the need for this change. He has shown that the airport really only requires 414 acres to handle the aviation needs of the community. Also, it is my understanding that the FAA now supports reducing the size of the airport to 414 acres, but it does not feel it can do so without this legislation. Moreover, the FAA had previously given the airport a release from the deed restrictions on this land.

Therefore, for all these reasons, I support this bill and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill sponsored by the gentleman from Alabama (Mr. ADERHOLT), which directs the FAA to use a revised March 8, 1999, airport layout plan to determine the boundaries of the Lawrence County Airport, located in Courtland, Alabama. However, this bill is based on a unique set of circumstances and should not be viewed as a precedent for diverting revenues from the sale of airport property.

In the late 1980s, a master plan for Lawrence County Airport prepared by the Industrial Development Board of Lawrence County included more airport property than was needed for the current and foreseeable requirements of the airport. Although the excess property was included in exhibits to Federal grant agreements as airport property, it was not material to any FAA decision to award Airport Improvement Program funds for the development of the airport. In addition, the excess property was not included in the airport layout plan recently approved by the FAA.

Mr. Speaker, this bill would confirm the boundaries of the airport shown on the airport layout plan approved by the FAA on March 8, 1999, and release the sponsor from the obligation to put the proceeds of sale for property not within the agreed boundaries of the airport into the airport account.

Based on these unique circumstances, I urge my colleagues to support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Alabama (Mr. ADERHOLT), the sponsor of this legislation.

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Mr. ADERHOLT. Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Chairman SHUSTER); the ranking member, the gentleman from Minnesota Mr. OBERSTAR); and the gentleman from Tennessee (Chairman DUNCAN) for working with me to bring this bill for making a technical correction to the boundaries of the Lawrence County Airport to the floor this evening.

Back in 1999, as it has been stated before, the FAA approved a revised layout plan for the Lawrence County Airport in Courtland, Alabama, which states that the ownership and the management of the airport consists of approximately 414 acres. This plan has been approved by the FAA and the local industrial development board in Lawrence County, Alabama.

The FAA subsequently uncovered a map submitted in 1989 with a grant application for runway improvements showing the airport as consisting of approximately 600 acres. The additional acreage was incorporated into the grant application to accommodate an extension of the existing 5,000 foot runway to 7,000 feet each over a period of 20 years. There is no need for aircraft which require a 7,000 foot in the area, and this plan has not proceeded.

Due to the discrepancy between the old grant application and the FAA's revised layout plan, Lawrence County is not able to use the property. H.R. 5111 makes technical and conforming changes that clarify that the 414 acre layout plan is in effect.

Again, I would like it thank the chairman and the other members of the committee for their support, and ask my colleagues to support H.R. 5111.

Mr. OBERSTAR. Mr. Speaker, I do not intend to object to the bill sponsored by the Gentleman from Alabama, Mr. ADERHOLT, which directs the Federal Aviation Administration (FAA) to use a revised March 8, 1999 airport layout plan to determine the boundaries of the Lawrence County Airport, located in Courtland, Alabama. However, I want to make it clear that this bill should not be viewed as a precedent for diverting revenues from the sale of airport property.

Since 1982, and in subsequent reauthorization legislation, Congress has placed very strict conditions on the use of airport revenues to ensure that the revenues would be used primarily for airport purposes. In 1999, FAA issued its final revenue use policy, which states that any revenue from the sale of airport real property not acquired with Federal assistance will be considered airport revenue. Accordingly, the policy requires that the airport operator deposit the fair market value from the sale of the property into the airport account.

In the situation at hand, a master plan for Lawrence County Airport prepared by the Industrial Development Board of Lawrence County in the late 1980's showed more airport property that was needed for the current and foreseeable requirements of the airport. The excess property was included in exhibits to Federal grant agreements as airport property, but was not material to any FAA decision to award Airport Improvement Program funds for the development of the airport. However, the FAA recently approved an airport layout plan allowing for limited commercial development on approximately 200 acres of land surrounding the Lawrence County Airport.

This bill would confirm the boundaries of the airport shown on the airport layout plan approved by the FAA on March 12, 1999, and release the sponsor from the obligation to put the proceeds of sale for property not within the agreed boundaries of the airport into the airport account.

This narrow legislation is based on a unique set of circumstances and should not be considered a precedent for a change in the clear policy on use of airport revenues. I am strongly supportive of requiring that proceeds from the sale or rental of airport property must be used for the capital and operating costs of the airport.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and pass the bill, H.R. 5111.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on H.R. 5111.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ECONOMIC PROBLEMS AHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the financial markets are now nervously watching the impasse now reached in the Presidential election. Many commentators have already claimed the most recent drop in the market is a consequence of the uncertainty about the outcome of the election. Although it would be a mistake to totally dismiss the influence of the election uncertainty as a factor in the economy, it must be made clear that the markets and the economy are driven by something much more basic. We know that the markets have been off significantly for the past several months, and this drop was not related in any way to the Presidential election.

Confidence is an important factor in the way markets work, and certainly the confusion in the Presidential election does not convey confidence to investors and to the rest of the world.

Mises, the great 20th century economist, predicted decades before the fall of the Soviet system that socialism was unworkable and would collapse upon itself. Although he did not live to see it, he would not have been surprised to witness the events of 1989 with the collapse of the entire Communist-Soviet system. Likewise, the interventionist-welfare system endorsed by the West, including the United States, is unworkable. Even without the current problems in the Presidential election, signs of an impasse within our system were evident.

Inevitably, a system that decides almost everything through pure democracy will sharply alienate two groups, the producers and the recipients of the goods distributed by the popularly elected congresses. Our system is not only unfairly designed to take care of those who do not work, it also rewards the powerful and influential who can gain control of the government apparatus. Control over government contracts, the military industrial complex and the use of our military to protect financial interests overseas is worth great sums of money to the special interests in power.

Even though it is argued that there are huge budget surpluses in Washington, instead of budget compromise, a stalemate results. Each side wants even a greater share of the loot being distributed by the politicians. Even with the windfall revenues, no serious suggestion is made in Washington for cuts in spending.

Instead of moving toward a market economy and less dependency on the Federal Government in the midst of this so-called "prosperity," we continue to go in the other direction by internationalizing the interventionist-welfare system. Planning-by-government has gone international as the political power is delivered to organizations like the United Nations, the World Trade Organization, the International Monetary Fund and the World Bank. Although in the early stages of interventionism and government planning, especially when a great deal of wealth is available for redistribution, it seems to enhance prosperity while prolonging the financial bubble on which the economy is dependent. The monetary system, both our domestic system as well as the international fiat system, plays a key role in the artificial prosperity based on inflated currencies as well as debt and speculation.

The pretended goal of the economic planners has been economic fairness through redistribution of wealth, politically correct social consciousness, and an all-intrusive government which becomes a responsibility for personal safety, health and education while personal responsibility is diminished.

The goal of liberty has long been forgotten. The concentrated effort has been to gain power through the control of wealth with a scheme that pretends to treat everybody fairly. An impasse was destined to come, and already signs are present in our system of welfarism. This election in many ways politically demonstrates this economic reality. The political stalemate reflects the stalemate that is developing in the economy. Both will eventually cause deep division and hardship. The real problem, the preserving of the free market and private property rights, if ignored, will only make things worse, because the only solution that will be offered in Washington will be more government intervention, increased spending, increase in monetary inflation, more debt, greater military activity throughout the world, and priming the economic pump with more expenditures for weapons we do not need.

We have already seen signs of economic troubles ahead. Although the Fed plans for only a slight slow down and a so-called "soft landing," the correction from the monetary mischief of the last 10 years has already been determined. Although the dollar currently remains strong, because other currencies are so weak, there is a limitation on how long we can create new dollars without them being devalued. A weaker dollar will surely come in our not too distant future. Our huge current account deficit and trade imbalances warn us of that day.

Government statistics continue to tell us that price inflation is not a problem, and when an inflation statistic comes out it does not like, it drops out food and energy and claims the number is totally benign. Ask any housewife, and they will tell you that the cost of living is going up steadily and much more rapidly than the government will admit.

We in the Congress should be prepared for lower revenues in the future since the revenues received in the last couple of years were artificially created by a stock market that had skyrocketed due to the credit expansion by the Federal Reserve. These capital gains tax revenues will soon disappear.

The savings rates of the American people are now negative. Without savings, true capital investment cannot be maintained. Creation of credit out of thin air by the Fed was the original problem so it surely can't be the solution.

Even in the midst of our great imaginary budgetary surpluses, there has been no effort to cut. Once the economy tends to slow and more problems are apparent, expenditures are going to soar not only because of future problems but because of the new programs recently initiated.

A huge financial bubble has been created by the GSEs, such as Fannie Mae and Freddie Mac. The $33 billion of shareholder equities in these two organizations has been leveraged into $1.07 trillion worth of assets—a bubble waiting to be pricked.

The Congress has reacted to all these events irresponsibly by increasing spending, increasing spending, increasing tax revenues, doing nothing to reduce regulations and being totally apathetic toward the dollar and monetary policy. We in the Congress have a moral and constitutional obligation to protect the value of the dollar and to understand why it is so important to the economy that a central bank not be given the unbelievable power of inflating a currency at will and pretending that it knows how to find tune an economy through this counterfeit system of money.

Rising interest rates in the high yield bond market is giving us an indication that a serious problem is just around the bend. Commercial debt was but $50 billion in 1994 and is now ten times higher now at $551 billion. The money supply is now growing at greater than a 10% rate and the derivatives market, although difficult to calculate, probably exceeds $75 trillion. We also have consumer debt, which is at record highs and has not yet shown signs of slowing. The Dow Jones Industrial Average stocks are now 5 times book value, the highest in over a hundred years. There will come a day when most people come to realize the fraud associated with Social Security and the inability for it to continue as currently managed. Rising oil and natural gas prices, it is argued, are not inflationary, yet they are playing havoc with the pocketbooks of most Americans. The economies of Asia, and in particular Japan, will not offer any assistance in dealing with the approaching storm in this country. Our foreign policy, which continues to obligate our support around the world, shows no signs of changing and will contribute to the crisis and possibly our bankruptcy.

What must we do? We should develop more sensible priorities. We must restore confidence in freedom and recognize how free markets can solve our problems. We must have more respect for the Rule of Law and demand that Congress, the Courts, and the President live within the Rule of Law and stop arbitrarily flaunting the Constitution. If the Constitution is to be changed, it should be changed slowly and deliberately as is permitted, but never by fiat. We must eventually reconsider the notion of the original constitutional Republic as designed by our Founders. The monolithic centralized state was not the design nor is it supported by the Constitution. We were meant to have loose knit individual states with the states themselves managing their own affairs.

The political impasse we now see with the election process along with the divisions in the House and Senate is surely related to the economic and budgetary impasse that plagues Washington. Since interventionism (the planned welfare state) is unworkable and will fail, the surprising developments in this presidential election will accelerate its demise. The two are obviously related.

ENSURING FAIRNESS AND JUSTICE IN ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on November 7, 2000, some of the people were able to exercise their will. I believe that all of the people of this great Republic and great Nation should have that opportunity. Now we find ourselves, our eyes, the Nation's eyes, the world's eyes, on the great State of Florida.

First, let me thank my colleagues, the gentlewoman from Florida (Mrs. MEEK), the gentleman from Florida (Mr. HASTINGS), the gentlewoman from Florida (Ms. BROWN), the gentleman from Florida (Mr. WEXLER), and the gentleman from Florida (Mr. DEUTSCH) for their leadership, along with the gentlewoman from Florida (Mrs. FOWLER) in trying to explain to the American people what is happening in their great State.

I think the real key has to be that we must listen to the people of that State, the people of Florida, and, although so many of us would want to cast our opinions and our viewpoints, it is time now to let their will be heard. I think it is a very strong will; and, if we watch what is going on in Florida, we will see that the first order of recount was driven by the law of the State of Florida.

I was in Nashville, Tennessee, as the numbers began to crumble, and it was about 3 a.m. in the morning when the votes that were originally called for Governor Bush now deteriorated to just a difference of 569 votes between Vice President Gore and Governor Bush. So a recount was triggered, not by the Vice President or by the Governor, but by the laws of the State of Florida.

The recount was then further activated, if you will, by the laws of that State and the will of the people. They are asking that their recount be allowed to proceed. I believe it is extremely difficult to address the concerns of an accurate count without allowing an accurate count to take place. There were ballot deficiencies and irregularities. There was the butterfly ballot that confused many of the voters.

I have listened to the political pundits and media pundits. I am offended by insulting and making fun of those individuals who say that they had difficulty. In fact, I have heard and understand that many did ask, "could I get another ballot," or try to determine whether that could happen, and, unfortunately, in the rush of activities, they were told not.

I believe in "we, the people," and I think the focus should be on the people of Florida. I come from a county of about 1 million. 995,000 people voted in Harris County. We only discarded 6,000 votes in Harris County, Texas. But yet, in this county in Florida, 19,000 ballots were discarded. That is, of course, an exception, an aberration, that should be addressed.

I think it is unfair for the Secretary of State to demand that all be in by 5 o'clock on tomorrow. That is not responding to the will of the people. Let their voices be heard. It is evident by the decision that was made by the Federal judge today that ruled against eliminating the recounting that the people of Florida want. The judge called the Republican argument serious, but turned them aside, saying it was a matter for the State, not Federal courts, to decide.

Vice President GORE today said something that I think should apply reasonably to all of our thought processes. He said, "That is why I have believed from the start that, while time is important, it is even more important that every vote is counted and counted accurately."

There is no constitutional crisis here. Let us stop raising the ante. Let us stop spinning it so that people are in fear. I know there is a bit of humor around the world, but I believe we live in the greatest nation, and I am still proud of America. So let the world laugh a little bit. They always laugh at people they envy. Let us show them that, in the calm of day and night, we can quietly recount the votes and determine who the next President of the United States will be.

I tell you for one, supporting Vice President GORE, that I am willing to support whoever the new President is, and I would simply ask that person to represent all of us.

It is a tragedy what is going on in the State of Florida with the arguing back and forth, making distinctions about the State of Illinois or the State of New Mexico. The key is that the State of Florida is in play. Those 25 votes will name the next President of the United States, so it is there in the State of Florida where we should be most accurate with the votes.

Frankly, those voters deserve the right to be heard; and they deserve the right to have the questions answered about irregularities in the balloting, of being turned away, of being stopped, as they will.

I would ask the Secretary of State of that particular great State that she should listen to the people of the State. Does Governor Bush want Republican counties to be counted? I have no problem with that. I believe in fairness and justice, and if those counties can be recounted, then so be it. Yes, there will be further tests when the votes come in from the absentee balloting, and I believe that will be an added addition.

Mr. Speaker, I would simply hope that we allow the will of the people to be heard in their totality.

POINT OF ORDER

Mr. MICA. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. MICA. Mr. Speaker, is it not appropriate under the rules of the House that those in the gallery not express their favor or disfavor to a statement on the floor by a Member?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MICA. Mr. Speaker, could the Chair remind those in the gallery that that is inappropriate; that they are represented in the House by their representative, and they should not express their opinion for or against statements made on the floor?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

□ 1915

IMMEDIATE PASSAGE OF D.C. APPROPRIATION BILL CRITICAL FOR DISTRICT OF COLUMBIA

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I come to the floor this evening to make an urgent request of this body. This body may be about to go out until December 5. If it does so without passing the D.C. appropriation, we are putting the capital of the United States in mortal danger.

The District appropriation was passed 3 weeks ago. It is being held up now as a vehicle for the Commerce-Justice bill. I appreciate the conversations I have had with Members and their staffs and the way in which the gentleman from Texas (Mr. DELAY) and the way in which apparently the Senate is willing to release the D.C. appropriation. We found a way for the D.C. appropriation to be freed, while leaving the status quo in place as if it continued to be a vehicle to carry over the Commerce-Justice bill. That is the only reason it is being held.

Mr. Speaker, the crisis we face now is not only that this is a living, breathing city that cannot start any new programs; there is a special crisis. We face the possible closing of our city hospital, D.C. General, and its public clinics. The reason is that although the District can move around money to form a new, smaller hospital, the money for the transition costs, including the costs of severance pursuant to layoffs mandated in the appropriation bill, cannot, in fact, take place until the appropriation bill is passed. If we wait until December 5, we will be approaching the date when the hospital must close because it has run out of money.

Mr. Speaker, I am asking this House, before we go home, to release the D.C. appropriation. Nothing would be lost in freeing the D.C. appropriation, because the D.C. appropriation could be passed as a CR by reference, and that would leave the D.C. appropriation as it is now, except, in effect, it would slide from under its present vehicle and be passed as a bill, while the present situation of a vetoable D.C.-Commerce-Justice bill would remain. I know that sounds like gobbledegook; but in fact that is the way it would occur. The status quo would remain; but in fact, the appropriation would pass, because the CR would remain there as if our appropriation had not passed.

I appreciate that there has been considerable movement by the gentleman from Texas (Mr. DELAY), by the gentleman from Illinois (Mr. DAVIS), and by Senator STEVENS to be helpful; and I have spoken with the gentleman from Illinois (Mr. HASTERT), and he appears to believe that the Commerce-Justice-D.C. bill could be passed or, indeed, signed by the President. I have spoken with Jack Lew. Jack Lew informs me that surely the House must know that that bill will be vetoed. I do not know what it is that makes the Speaker believe that this is a nonvetoable bill, because that is what he has told me, that it contains at least some of what the President wants; but I am informed by the White House that most of the reason that this bill was vetoed remains, and it will continue to be vetoed.

Mr. Speaker, I am asking that the District be extracted from this mess. I recognize that if, in extracting us, some change that the House wanted not to make would be a sacrifice; but in fact, no such change is required on our part, because we found a technical way out for the District of Columbia, while leaving the situation as if the same vetoable bill was there.

There is lots to lose here for the District. Not only do we have all new programs, but also imagine trying to run a city 6 weeks into the appropriation year without being able to do urgent things like hire 175 new police officers, 88 new fire officers, without being able to hire social workers necessary for children in foster care. We have had a child killed this year in foster care because there were not enough social workers. Imagine not being able to give money to five new charter schools, charter schools that the Congress has asked us to pass; and finally, imagine what will happen if the hospital closes and we have no way to move money around to keep it open or to pay even for the transport of sick people so that they can be cared for in another hospital.

Mr. Speaker, a way has to be found; and I ask that this House not go home tomorrow before that way is found.

THE FLORIDA FIASCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I am joined tonight in this 5-minute Special Order with the gentleman from Florida (Mr. MICA) who, of course, has been very involved with this Florida situation. I wanted to just start out the evening to ask him, what is the gentleman's home county?

Mr. MICA. Mr. Speaker, I represent Volusia County, Orange County, and Seminole County, just above Orlando, in central Florida.

Mr. KINGSTON. Mr. Speaker, I think we are all learning where all the counties in Florida are located. Let me ask the gentleman this: Does the gentleman use the butterfly ballot in his county?

Mr. MICA. No, we do not.

Mr. KINGSTON. Mr. Speaker, what kind does the gentleman use?

Mr. MICA. Mr. Speaker, we use a simple ballot in which you have an arrow with a space in-between and you connect the lines.

Mr. KINGSTON. Now, the purpose of the butterfly ballot is what?

Mr. MICA. Well, the purpose of the ballot is the same as the ballot that we have; but let me tell the gentleman from Georgia, I sat in on the review of the ballots in Seminole County, Florida; and I have never in my life seen more ways to check a ballot in my life. It seems like a simple process to connect the lines, but people circle them, they X them, they cross from one to the other, and that is part of the problem we get into with some of these ballots. There are mistakes, and people submit improper completion of ballots, whether they are in my area or in Palm Beach County.

Mr. KINGSTON. Mr. Speaker, we keep hearing about these 19,000 ballots that were thrown out. A point of clarification. Actually, those are only the number of ballots that were discarded, people who did do their ballot wrong to step out and say, I messed up, could you give me another one, that ballot gets thrown in this discarded bin and then they go back in there, and they could do that four or five times.

Mr. MICA. Mr. Speaker, the gentleman is correct. In fact, in Duval County, which is Jacksonville, they had over 20,000 ballots that were discarded, a higher number with a lower population and lower voting number.

Mr. KINGSTON. Okay. So Duval County, 26,000 were thrown out. Are the Gore people working Duval? I have not heard of the Reverend Jackson going down there.

Mr. MICA. No, but if we get into these court-ordered recounts, we can go on. We have 67 counties to choose from, and we can continue this for some time.

We see some of the problem, particularly this subjective evaluation of ballots after they have been counted several times.

Mr. KINGSTON. Mr. Speaker, I think it is important to point out that in Palm Beach County, in 1996, 15,000 ballots were in the same situation.

Mr. MICA. The gentleman is correct.

Mr. KINGSTON. In 1996, 15,000, and this year, 19,000. Duval County, which leads Republican, actually 26,000.

We have, Mr. Speaker, a copy of the actual ballot that was used in Palm Beach County, Florida, and here it is. I will tell my colleagues, I know people get confused. However, when we think about Veteran's Day just passing and all of the people who have sacrificed their lives and died and been injured for the freedom of our country, one would think that the American electorate would at least take their time to fill out their ballot right and not do a lot of whining if they made a mistake. Here we have an arrow, George Bush for President; arrow, Patrick Buchanan, an arrow; and I understand it is absolutely legal to have the names on the right hand and the left-hand side of the arrow. AL GORE, an arrow. David McReynolds, an arrow, 6, 7; Harry Brown, an arrow.

I am really confused, Mr. Speaker, as to why this is so hard for people to understand. But then again, I know we get rushed on Election Day and people are entitled to make a mistake; but that is why they simply just walk out, say I made an error, I filled out the wrong arrow, give me another ballot; and that is what has, in fact, happened. I would ask the gentleman if that is not right.

Mr. MICA. Mr. Speaker, that is, in fact, what happened, not only in Palm Beach County, but in all of the 67 counties across Florida, that there were large numbers of ballots thrown out. Under our laws in Florida, one cannot vote for two people. Under our laws in Florida, one must indicate who one's choice is on the appropriate ballot. We have many different formats of ballots throughout the State.

Mr. KINGSTON. Mr. Speaker, I understand, however, ironically, that Mr. GORE's political operative here, William Daley, whose father, Richard Daley was notorious for ballot fraud, that is the word for it, in Cook County, Illinois, for so many years, his son, and I am not saying it is like father, like son, although others have; but his son is down here on behalf of Mr. GORE as his point man; and yet this is the same type ballot that they have in Illinois; is that not true?

Mr. MICA. Mr. Speaker, that is correct.

MORE ON THE FLORIDA FIASCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I thank the gentleman from Georgia (Mr. KINGSTON), and maybe he could remain.

I just want to go over a few points today. I would say to my colleagues that we do have an incredible process in our country. We all get to participate. Election day is an exciting day, and no American can be denied access to the ballot box under our laws. We want to make sure that everyone has equal access to the ballot.

There has been a great deal of confusion. Some of it has of course been in my State, even in my locale in central Florida. I have just returned from observing some of the process. In the Florida House of Representatives. I served on the ethics and elections committee and helped write some of the laws that we now work under, and some have been changed since I left there and came to Congress some years ago. But basically, under the laws of this State of Florida, and under the laws and the Constitution of the United States, there is one date set aside for the election of the President of the United States. Just look at article 2 of the Constitution and it is there, the method for electing the President. We all cast our ballots on that date.

In Florida, there was a vote taken, and the results of that vote are public record, and it is all submitted through the supervisor of elections to the State Secretary of State. In a close election, Florida law provides that where there is one-half of 1 percent difference, that there is an automatic recount. Neither side has to ask for a recount; a recount is ordered.

So in Florida we had under the Constitution and State laws a legal, valid election in which Governor Bush led. We had a recount. The Secretary of State gave them until Thursday at 5 p.m., last Thursday at 5 p.m., each county the right and obligation to submit a recount, and each one was to conduct that, and I believe the Secretary of State even gave some extra time. In my county, we stayed up until 4 a.m. in the morning, and we were the last, Seminole County, to report. All 67 counties in a recount reported under the laws of the State of Florida in proper order. Now we have gotten into recounts of the general election, recounts of the recount, and we are into this sort of fuzzy area.

Mr. Speaker, the law, and it has changed since I was in the legislature, allows for manual counts; but unfortunately, there are no guidelines for this. So what I saw over the weekend in these manual counts, even in Volusia County, is sort of disorganized; I do not want to say chaos, but it is sort of recounting the second time by the seat of your pants.

□ 1930

And it is somewhat subjective. That is what we do not want in this case. We have two valid counts, and that is what we need to take.

The gentleman from Georgia (Mr. KINGSTON) pointed out that in Palm Beach County there were some 16,000 invalid ballots. We have also documented throughout the State, almost in every county we had invalid counts.

So we have two counts. Tomorrow the Secretary of State, Katherine Harris, has very appropriately said she is going to abide by the law of the State of Florida. That is, by 5 p.m. they will certify a count. The three members of our State Canvassing Board, the Secretary of State, now the Commissioner of Agriculture since the Governor recused himself, and one other elections official will serve as the canvassing board, and at 5 p.m. those will be the votes that are counted.

Courts can extend this. They may very well do this. But the ultimate decision is up to those three individuals who will be the State certifiers.

Finally, let me just make one other point. The only other ballots that will be counted when all this is said and done, according, also, to law, and we must adhere to law, are the overseas ballots, which must be in by Friday at close of business.

All the rest of this, dragging people in from Chicago, Reverend Jackson from wherever he comes from, and all these other folks, is just in fact a sham, and it sort of insults the process. I am sorry to see that so many people have ganged in here. We need to follow the law and the procedures, and we will elect a president.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 37 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON) to finish off his comments.

VOTE COUNTING PROCEDURES IN FLORIDA IN THE PRESIDENTIAL ELECTION

Mr. KINGSTON. Mr. Speaker, I wanted to ask the gentleman from Florida (Mr. MICA), through the gentleman from Michigan (Mr. SMITH), I wanted to ask, the Governor has recused himself. Jeb Bush, Governor of Florida, since he is George Bush's brother, the President-elect, almost, he has taken himself out of this.

I know there are a number of judges who have donated to the Gore campaign. Now, I think it is obvious everybody involved probably has voted for one candidate or the other. A few may have voted for the third-party candidates, but generally speaking, most people in all of these rooms will have voted for Bush or GORE, so that is a given.

But I noticed there was a judge named I think LePore, another one named Kroll, all had given generously to the Gore campaign. Have they also taken themselves out or recused themselves?

Mr. MICA. I would tell the gentleman, Mr. Speaker, I do not know if they have. Unfortunately, this adds more questions to this whole process going on in Florida.

People want a fair count. They want all the votes counted. As I said, we had on election night a ballot that was valid, at least under the requirements of the congressional and constitutional law and, again, the State of Florida law. We had a recount as ordered by the State of Florida in a close election. That is an official recount. Each county had to certify those votes.

We are now getting into a very murky area with, again, these recounts. Some of them I think to date have shown in favor of Governor Bush, and some are yet to be tallied. That is not the question.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Speaker, it is interesting that I was getting my plane ticket to come back to Washington, and to get the plane ticket, I gave my ID at the counter. She saw I was a Congressman. She asked if I was a Republican or Democrat. The young lady said, "These Democrats are crybabies."

But it is more than that. I think it is a serious situation, as we start questioning the electoral process. We are now on the third count of these ballots. With these ballots, my County Clerk said if we handle them, run them through the voting machine so many times, they start falling out in those little keypunch holes. They are almost indiscernible and impossible to read.

When we saw on the television cameras people holding them up to the light, trying to discern what was the intent of the voter, I think if we do this in one locality not only is it unfair to the rest of the counties in the State of Florida, but certainly it is unfair to all of the voters in the United States. Some people were kept from the voting booth because of weather. Should they have another opportunity?

I guess I am concerned that this does not become a sore loser situation that is going to continue to take their contest to the courts. Once we get the courts involved, it is going to be very difficult.

I yield to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. I thank my colleague for yielding, Mr. Speaker.

The point I just wanted to make, and I think it is probably clear from this conversation, if we are going to recount in a Democrat county and the Democrats by a two-to-one margin decided they wanted to do a third recount, then what about a recount in all the other 67 counties, as my colleague, the gentleman from Florida (Mr. MICA), has indicated?

I think that was pointed out in the editorial this morning in the Washington Post, that basically that is not fair just to go into Democrat counties, and these are very heavily Democratic districts, counties, and recount these votes, and not go into all the other ones, particularly the Republicans, as we have mentioned.

Mr. SMITH of Michigan. Four Democrat counties, mostly Democratic officials supervising these elections.

Mr. STEARNS. All Democrats supervising elections, and then we go to a Democratic-appointed judge to verify it.

I represent Duval County, which went two-to-one for Governor Bush, and in that county they have a lot of the same questions.

We have to, in the end, question this recount as a delaying tactic. We have already recounted twice in Florida. I do not think we should do it again. I thank the gentleman for yielding.

Mr. MICA. If the gentleman will yield further, one of the things that concerns me about getting into this subjective third and in some instances fourth count is they are taking a ballot, holding the ballot up, and it may be marked for all Democrat members of different offices or officeholders on the Democrat side, and subjectively saying that since they voted for all and they did not vote for President, this must be a mistake, and count that in the Democrat column.

Now, that is not fair if they are doing it for a Republican or for a Democrat.

The other thing, too, I am concerned about is the judge-shopping. They are going out to find judges to come up with a decision that they like, but at some point this must stop. Florida law requires that at 5 p.m. tomorrow, and I am glad to see that our Secretary of State Harris is enforcing that law, that that ends the process.

We have had a period for a general election, as required by law; a recount, which was done in every one of the 67 counties; and some additional recounts which have already been done and also submitted. But to drag this on and on, tampering with the ballots, coming up with a subjective interpretation, or standing out on the street yelling "My vote wasn't counted" or "My vote should have been counted."

Mr. SMITH of Michigan. To define the word "subjective", it originally started to figure out what was the intent of the voter.

The good news, I think, is that we are going to end up with the whole country reviewing their election system. We are going to end up with consideration and reviews and hearings here in Congress of how can we assure that when individuals vote, that they are going to have their vote counted.

Also, there is a law in Florida, like most States, that says there is a responsibility on the part of the voter: that that voter has to consider the solemnity of the occasion in deciding how careful they are in that vote.

We cannot help but wonder, as we view some of the demonstrators out there, when did they decide that they voted wrong? If they decided when they were still in the booth, they had a chance to redo that vote. So in many occasions, it did not seem like the demonstrators started coming out and they were organized until after it was identified as a close election.

Mr. MICA. Mr. Speaker, I have received information that these demonstrators were paid, a PR firm was paid to make calls to get them out to start stirring this up. It is unfortunate it is being done in this manner. It is unfortunate because a lot of people voted with great sincerity, with great devotion to candidates on both sides.

It is also unfortunate because it will further divide this country, and more than anything, this country needs to be unified. We should not be pitting the young against the old, the rich against the poor, one social class or ethnic class against another, we should be bringing people together.

There will be, no matter how this is resolved, 50 percent, because this is a close election, of the people who will be disappointed. But we must have a process that adheres to the law, the law of the State of Florida and under the Constitution of the United States. We cannot make a mockery out of the process. Otherwise, not only will we have disappointment, we will have disillusionment with the system. That is what we do not want.

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Florida if the gentleman wanted to make a final comment.

Mr. STEARNS. I thank my colleague. My only point is that we still have the overseas ballots for Florida. They will be in and counted by the 17th, this Friday, I believe.

With that in mind, I think all we should do now is let us wait for the final count on the overseas ballots. That will determine Florida's 25 electoral votes. Then we will be fully appraised of who the winner is of this presidential election.

I think we should move forward with dispatch and, as the gentleman from Florida (Mr. MICA) and the gentleman have pointed out, we could have endless legal battles. That is not in the best interest of this country.

Mr. SMITH of Michigan. I thank the gentleman for his comments.

Mr. Speaker, I am going to spend a few minutes talking about social security. I was concerned during the presidential campaign that there was a lot of misinformation that went out. I am particularly concerned at some of what I would call demagoguing, as there were scare tactics frightening seniors that the other candidate might be ruining social security and disrupting its future, not only for the kind of benefits they might get, but for what kind of consequences might evolve to current workers in this country.

It seemed appropriate to do a brief review of what social security is, how it works, what the problems are, the insolvency situation, and some of the ways that we can keep social security solvent over the long run.

This first chart shows the future deficits after the year 2015. The little blue in the top left-hand corner shows the increased social security revenue, because taxes were increased in the 1993, the 1983 decision, and taxes were increased so high that it is bringing in more social security revenues than is needed to pay for current benefits.

I think it is good to remind ourselves that social security is a pay-as-you-go program. Workers in America pay their taxes in. By the end of the week, those taxes are sent out in benefits to current retirees. So it is sort of like a Ponzi game.

But the consequences of the future without doing this, if we put off this decision, if we do not make decisions, then we are faced with future deficits that, in the words of Alan Greenspan, equal an unfunded liability of $9 trillion. That compares to our current budget of $1.8 trillion a year.

If we were to come up with that $9 trillion, it would have to be invested in a savings account having a real return of at least 6.7 percent interest, a real return over inflation of 6.7 percent interest, to accommodate this red portion.

The red portion represents how much additional money will be needed in addition to the social security taxes coming in for those particular years.

I think it is important that we dwell on the fact that payroll taxes have just kept rising over the past. In the year 2000, we had a 15.3 payroll tax. As we see, in 1950, we started around 3½ percent. The consequences of not doing anything are either going to mean a tax increase or benefit cuts or substantial increase in borrowing.

The leading economists suggest that to borrow that $9 trillion today is going to represent, listen to this, $120 trillion in tomorrow's dollars that we are going to need to come up with in addition to social security tax revenues. So let us not put this load on our kids and our grandkids, or even on young workers today.

Social security began in 1935, and when Franklin Delano Roosevelt created the social security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social security, in all of the literature, as I have researched the archives, it was to be one leg of a three-legged stool, so that you would also have personal savings accounts and private pension plans to go along with the social security benefits.

It is interesting, going into the archives, Mr. Speaker, that when these decisions were made in 1935, the Senate, on two votes, voted that an option should be there to allow individuals to have their own private investments that could be invested by them, could only be used for retirement, like as a substitute for a government-run program. But in conference committee, the decision was made to make it totally a pay-as-you-go government program.

☐ 1945

Because of some of the problems we are running into in terms of fewer workers trying to pay their tax in to accommodate more and more retirees, Social Security has been deemed insolvent, and there will not be enough money there to keep Social Security going in the future without some changes, unless we do something. It is a system that is stretched to its limit.

Mr. Speaker, 78 million baby boomers begin retiring in 2008. The baby boomers are that gang of youngsters born right after World War II. Social Security spending exceeds tax revenues starting in 2015. So we run out of this huge tax increase that we put on American workers in 1983. And starting in 2015, we are going to have to come up with more money from someplace; and that is the real crux of the problem. Where do we get that money?

That is the problem of Social Security. How do you come up with that additional money? Social Security trust funds technically go broke in 2037, but the trust funds are a ledger. They are a bunch of IOUs that says Government owes Social Security this $800 billion, that is what the IOU amounts to today.

But the question still is, where do we come up with that money once there is less tax revenues coming. You have three choices. The three choices to come up with that money, and it makes no difference whether there is a trust fund or whether this Congress simply keeps its commitment to keep Social Security going. Number one, and the one that is very dangerous in terms of its impact on the economy and workers, is yet again, we increase taxes on the workers. Number two, we reduce benefits or other government spending. Number three, is you borrow that $120 trillion from the public.

So our debt of this country goes up substantially. And according to the economist, that kind of borrowing would be so disruptive to this economy that it would seriously be a negative impact on the kind of wage that Americans earn.

I think it is important to point out that insolvency is certain. It is not some guys with green eye shades out there making rough estimates. We know how many Americans there are, and we know when they are going to retire. We know that people will live longer in retirement. We know how much they are going to pay in, and we know how much they will take out.

Payroll taxes will not cover benefits starting in 2015 and the shortfalls will add up to $120 trillion between 2015 and 2075. I might say Barry is helping me. Barry Pump is helping me from the State of Iowa.

The coming Social Security crisis or pay-as-you-go retirement system will not meet the challenge of the democratic change. I talked a little bit about the reduced number of workers. This sort of depicts where we are going in terms of the number of workers that are asked to reach into their pockets and pay out their Social Security tax to accommodate every single retiree.

Back in 1940, we had 38 workers that we could divide the costs up between and among; and those 38 workers, back in 1940, paid in their taxes to accommodate each one retiree. Today, it is down to three workers. Within the next 25 years, the estimate is that it will be down to two workers paying in their Social Security tax for every one retiree. That means yet again, without some modifications to the program, we are going to end up substantially increasing taxes or cutting other spending or substantially increasing borrowing; and that is why I think it is so important that one aspect of the changes that need to be made is to get a better return on the money that is being sent in by workers and taxpayers today.

The average retiree gets 1.9 percent back on the money in taxes that they and their employer send in; 1.9 percent real return they can get. And we can do better than that on a CD account. The question then becomes how do you make the transition? There is no Social Security account with your name on it.

As I have made speeches around the country and in Michigan, there are a lot of people that think somehow there is an entitlement, somehow there is an account with their name on it, and it is adding up benefits and there is some kind of investment where they are assured of a return.

This is a quotation from the Office of Management and Budget, the President's own Office of Management and Budget, and I quote them, "these trust fund balances are available to finance future benefit payments and other trust fund expenditures, but, but only in a bookkeeping sense their claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public or reducing benefits or other expenditures."

It is interesting also, and I might comment that the Supreme Court now on two decisions has said that there is no entitlement to Social Security benefits. That the taxes you pay in are not related to in any way to some kind of a guarantee that you will receive benefits.

Taxes are simply a tax that the United States Congress and the President have decided to tax workers. Benefits are simply a benefit for retirees that Congress and the President have decided to give senior citizens.

There is another misconception that economic growth is somehow going to help Social Security. Not so. Social Security benefits are indexed to wage growth. Wage growth goes up faster than inflation, so benefits for retirees are going up faster than inflation.

I have introduced three Social Security bills now that have been scored by the Social Security Administration to keep Social Security solvent. I was named chairman of a bipartisan task force on Social Security. And so for the last 3 years, we have been looking into and studying what needs to be done with Social Security. What are the problems? What are the consequences? And how do we correct it?

In my bill, one way to slow down the increase for higher income retirees is do away with wage inflation and change it to simple inflation based on economic inflation. When the economy grows, workers pay more in taxes but will also earn more in benefits when they retire, because what you pay in taxes, what your earnings are directly related to what you are going to get in benefits.

You add to that wage inflation instead of traditional inflation, and we see benefits going up more than what is going to be paid in in the short run simply because of more people having a job and more people having higher incomes. So in the long run, a stronger economy does not solve the Social Security problem. You end up with a hole later on, and that is what this says.

Growth makes the numbers look better now, but leaves a larger hole to fill later. The administration has used these short-term advantages, an excuse to do nothing. Obviously, everybody that has looked at this last campaign between Governor Bush and Vice President GORE understands that there was a huge scare factor with seniors, that seniors can be frightened, and the reason is because a large number of those seniors depend on Social Security for most of their income.

When anybody starts talking about any changes, they do get nervous. I just hope that the demagoguing in this campaign has not done away or dramatically reduced the chance of this Congress next year and the President next year, whoever it is, to move ahead with Social Security reform; because the longer we put it off, the more drastic the solutions. The longer we put this off the more drastic solutions.

Let me just tell you the first bill I introduced when I came to Congress in 1993 was with very modest changes to make sure that we started getting some better return on the tax money sent in. Of course, you remember the chart of current surpluses, we have had all of these surpluses. Those surpluses have been squandered for the last 40 years because this body and the past Presidents have decided to use the extra money coming in from Social Security to spend on other programs. We have stopped that, by the way.

It is a little gimmicky, but the Republicans came up with this idea that they called a Social Security lockbox. It was good because the public liked the idea of us stopping spending the extra tax money coming in from Social Security. Now, until we find a way to best use that money to keep Social Security solvent, it is being used to pay down that part of the debt held by the public, and so the total debt of this country is not going down; what we are doing is using the Social Security surplus, sort of like using one credit card to pay off another credit card.

We are using the Social Security surplus to pay down that part of the Federal debt held by the public. It should be made very clear, because there were a lot of comments on this during this recent election by a lot of people that led the American people to believe that we were paying down the debt of the United States Congress. The total debt subject to the debt limit is not going down because of the fact that we are using the surplus from Social Security and the other trust funds to pay down the debt held by the public.

Public debt versus the Social Security shortfall. Vice President GORE suggested that we pay down the debt held by the public. The total debt held by the public is a little over $5.6 trillion, that part that is held by Wall Street, what Treasury bills, Treasury bonds, the debt held by the public is $3.4 trillion.

The Vice President suggested if we pay down this debt, we can use the savings on interest to accommodate the demands of Social Security over the next 54 years. This is the amount of money that is going to be the shortfall over the next 54 years in Social Security, $46.6 trillion, and so to pay down this debt of $3.4 trillion, the accommodation of that $260 billion that we save in interest every year is not going to accommodate that kind of shortfall.

Let us do it. It is a good start. Let us get the public debt paid down. Let us start paying down the total debt of this country. This is another way to depict what was just talked about.

Over the next 10 years, there is going to be $7.8 trillion coming into Social Security; $5.4 trillion are going to be used up in paying benefits. And that leaves a surplus of $2.4 trillion. And so what Governor Bush has suggested, what I am suggesting is that we take some of this surplus to start the personal retirement savings account.

I would stress these are the kinds of accounts that are limited. You can only invest the money in certain safe investments, and you can only use it for retirement. It is not like it has been suggested that everybody is going to have the chance to be, if you will, convinced by the snake oil salesman from someplace to invest their money because it has high returns.

Your investments are going to be limited, such as the thrift savings account for the Federal Government employees to some extent like the 401(k)s that a lot of our citizens have. But, again, now is the time that we need to start a transition to get a real return.

I am sure we can work with Democrats and Republicans if the decision is made not to demagogue this in the next election. Which brings me down to my conclusion, that the best time, the most opportune time to solve Social Security is going to be next year, the first year of a 4-year Presidential incumbency and the first year of a 2-year term for every Member of this particular House.

As you see on this chart, we end up with a savings. If we were to pay down the debt held by the public, we end up with a savings of $260 billion a year. If we keep that $260 billion and instead of using it to pay interest on the debt held by the public, we apply it to Social Security.

This bottom blue represents how much of the total Social Security benefits will be accommodated by that interest savings. You still end up with a shortfall of $35 trillion. The biggest risk, I am convinced, is doing nothing at all. Social Security has a total funded liability of over $9 trillion that I mentioned; that $9 trillion of unfunded liability today can be expressed in terms of $120 trillion in tomorrow's dollars. In the next 75 years' dollars, that is going to be—that amount is going to be short of what is needed to pay benefits over and above what comes in in Social Security taxes.

The Social Security trust funds contain nothing but IOUs to keep paying promised Social Security benefits. The payroll tax will have to be increased by nearly 50 percent, or benefits will have to be cut by 30 percent. Neither of those options is acceptable. Certainly a tax increase should not be acceptable.

But let me briefly review, Mr. Speaker, what we have done on increasing the Social Security taxes over the last 60 years.

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In 1940, the Social Security tax was 2 percent; 1 percent for the employee, 1 percent for the employer. It was on the first $3,000 of income, maximum tax. Employee and employer combined was $60. In 1960, we increased the tax to 6 percent, increased the base to $4,800. Again $288 a year was the total of employee-employer taxes on Social Security. 1980, it went up to 10.16 percent on $25,900. Today after the 1993 changes, it has now developed into a 12.4 percent tax on the first $76,200 of payroll. What do we do? That brings it to almost $9,500 per year. If we let this go, then we are asking so much of young workers, of our kids and our grandkids, to pay this exceptional tax.

I am a farmer from Michigan. I grew up with the idea that one tries to pay off the farm mortgage to leave one's kids a little better chance. But this body, this body and this Congress gets so, I think, wrapped up in the importance of spending today that we think taking money from them and leaving them an extra high mortgage justifies the kind of standard of living that we want and the kind of things that this body and the body down at the other end of the Capitol, the Senate, and the President want to spend money on.

That is what we are arguing about now on finishing off this year's budget, can we reduce the increase in spending.

Personal retirement accounts, let me talk about what would one do if one had some individual investments. What is compound interest? Compound interest means that, if one can invest one's money, one gets extra interest on it. It makes that fund larger. Then the interest on that extra amount of money that can grow, it can make an average worker a rich retiree.

If John Doe makes an average of $36,000 a year, and they are allowed to invest 4 percent of their Social Security tax in a private account, then instead of getting the $1,280 a year from Social Security, they would be receiving $6,514 a month from that kind of a personal retirement account.

When they passed the Social Security law in 1934, they said it is an option whether counties and States want to opt into the Social Security system or have their own retirement program. Galveston County, Texas opted to have their own personal investment. Let just take a look at what is happening there.

Death benefits under Social Security, $253; in Galveston, $75,000. Disability benefits, $1,280 under Social Security; the Galveston plan, $2,749. The retirement benefits, Social Security, $1,280, same as disability. The Galveston plan for retirement is $4,790 a month. Private investments and the magic of compound interest have to be part of what is going to keep this system solvent.

Personal retirement accounts, they do not come out of social security, they become part of one's Social Security retirement benefits. A worker will own his or her retirement account. It is limited to safe investments. It certainly can earn more than the 1.9 percent interest that an average retiree today is getting from Social Security. That is going to be much lower in the future.

San Diego is another area that has opted out of Social Security into a personal retirement account system. A 30-year-old employee there who earns a salary of $30,000 for 35 years and contributes 6 percent into his PRA would receive $3,000 per month in retirement; and, under the current system, he would contribute twice as much, but receive only $1,077 from Social Security.

Let me conclude by quickly running through these and making a comment. The U.S. trails other countries in saving its retirement system. Other socialized countries are moving into the private personal retirement accounts faster than the United States.

I represented the United States at a worldwide meeting on Social Security over in London 3 years ago. I was so surprised to see so many of the other countries that were so far ahead of us in getting such a much larger return and having success in keeping their public retirement pension solvent.

In the 18 years since Chile offered the PRAs, 95 percent of Chilean workers have received accounts. Their average rate of return has been 11.3 percent per year. Other countries, Australia, Britain, Switzerland all offer workers their own personal retirement accounts.

The British workers chose PRAs overwhelmingly for their top tier. So even from England, the socialized country, they moved into their own personal retirement accounts.

There are several ways we can do this. Some of the Democrats have expressed concern that the stock market is too risky. But one can decide what the balance is, whether it is 30 or 40 percent into bonds and 60 or 70 percent into equities. One can limit the equities to indexed stocks, indexed global funds, an index that is going to be across the board.

Over the years, the average for any 30-year period, if one starts working at age 20 and finished working at age 50, for a 30-year period, for the last 100 years, the average return on equity investments is 6.7 percent.

This is just sort of repeating myself a little bit. But based on a family income of $58,400 some, the return on a PRA is even better. If one invests 2 percent, as the blue; if one invests 6 percent, as the pink; and the purple is if one had invested 10 percent of one's income. But over 30 years, one would end up with almost $1 million. But over 40 years, it would be $1,000,389 if one worked for 40 years paying in 10 percent, being allowed to take 10 percent into one's private investments.

If I have one final message, certainly it would be that everybody has to make a greater effort, savings and investing; that Social Security cannot be one's total retirement account.

In our Social Security tax force, we had testimony that, within the next 25 years, people would have the option of living to be 100 years old if they wanted to. That not only offers a tremendous challenge to government run programs and their future solvency, but it emphasizes the need to move out of a fixed benefit program, at least partially, at least to some extent, and have a fixed contribution. But it also says that every individual today needs to make a more aggressive effort to save and invest. That is why this Chamber has decided to encourage savings and investment.

PRESIDENTIAL ELECTION

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 37 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, suddenly 37 minutes became available, and I thought I would come to this floor and address the issue that is on the minds of everyone in this country. I invite those of my colleagues who have a like mind to come down and share this 37 minutes with me. I have been joined by one of our colleagues from the Committee on the Judiciary, the gentlewoman from California (Ms. LOFGREN), who I will yield to after I deal with the first and second points.

The first point I want to make is that Vice President GORE did win the popular vote by well over 200,000 votes. Now, I know the point is often made that there are several hundred thousand votes still waiting to be counted in California. Well, I am from California as well as the gentlewoman from California (Ms. LOFGREN). California was won overwhelmingly by the Gore candidacy, and we know from our experience that that means that, if anything, the late absentee ballots, those counted because they were received virtually on election day, will, if anything, bolster this 216,000 vote lead.

Likewise, there are some uncounted votes in the State of Washington, mostly from the Puget Sound region, which Vice President GORE won overwhelmingly. So when the votes are cast, it will be clear what the popular vote is in America.

The American voters voted for AL GORE and JOE LIEBERMAN by a plurality of roughly a quarter million. But what is before us is the electoral college. The electoral college requires us, as a matter of law, to put aside that quarter million vote majority for AL GORE and, instead, focus on this on a State-by-State basis.

Now, there has been an attempt by Governor Bush to try to use political insult, if not political intimidation, for those of us who respect the rule of law and want that rule of law to go forward, those who want the courts to act as referees just as we have referees in football. I know some would argue it would be a more exciting game of football if we took the referees off the field, but if one believes in the rules, one has got to believe in the refs.

Now, Florida seems to turn first and foremost on the vote in Palm Beach County. If we are to have an accurate electoral college vote, we need to focus on the ballots in Palm Beach County. We will see that there is a very strong argument for a revote in that county.

The ballot which I am about to show my colleagues is acknowledged by virtually everyone to be very confusing. It did, in fact, confuse tens of thousands of voters in Palm Beach County. There were some 19,000 voters in that county who double punched, voted for two presidential candidates.

The Bush campaign has argued that is roughly analogous to a somewhat lower number, perhaps 14,000, who they say double punched in 1996. The only problem is that is a false number. It is not fuzzy math, it is false math. The figure that they use in 1996 is the sum of those who just skipped the Presidential race, did not want to vote for any of the Presidential candidates, and those in Palm Beach County in 1996 who mistakenly punched two holes.

In fact, the number of who punched two holes this time was roughly double the number who punched two holes in the prior election. That is because of the famous butterfly ballot which confused voters. Not only were they confused into voting twice, but they were confused into voting for Pat Buchanan. Pat Buchanan has admitted that many of the votes he received in Palm Beach County were not voters who wanted to vote for Pat Buchanan. If Pat Buchanan can admit that, why cannot Governor Bush?

But it is not enough that the ballot is confusing. The ballot is also in violation of Florida law in two important respects, both of which contributed to voters not being allowed to vote.

First, Florida law requires that the names be on the left and the holes be to the right of the name. If this ballot had been done legally, prepared legally, prepared according to Florida State statutes, we would not have this problem. These folks would be listed below the other folks. There would be one hole next to each name, and people would punch. That is not what happened. It was a ballot designed in violation of Florida law.

Second, the ballot laws of Florida require that the candidate be in a certain order. The party that won the governorship in Florida, the Republican Party, is entitled to go first. The party that came in second for the governorship, the Democratic Party, is entitled to go second. But if one pushes the second hole, one's vote is not counted for the Democratic Party. The second hole does not belong to the Democratic Party. The second hole belongs to the Reform Party. So one has a situation where the order of the holes is not as specified by Florida law. Those two problems, two violations of law led to the confusion.

Now, Florida law on this was announced just 2 years ago. In the 1990 Supreme Court case, in the Supreme Court of California, Bextrum versus Volusia County Canvassing Board in which the court finds substantial noncompliance with statutory election procedures. If the court makes a factual determination that reasonable doubt exists as to whether, a certified election expressed the will of the voters, then the court is to void the contested election, even in the absence of fraud or intentional wrongdoing.

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The court, the Supreme Court of Florida, has spoken to this very situation. We certainly have a situation where doubt exists as to what is the right outcome; there are more people gathered in our cloakroom some of the times than the total number of votes separating the two candidates in Florida; and substantial noncompliance with statutory election procedures was operative. So clearly, under Florida law, the court, in the standards it adopted in 1998, should order a revote in Palm Beach County.

I want to point out that it is premature for us to call for that here and now. No candidate for President has yet called for a revote in Palm Beach County. I think, however, the argument presented here would be a strong one to result in such a revote.

I should point out that there are other elements of this confusion. The first is reported in The Washington Post of this past Saturday where they reported that confused voters were besieging the county commissioners by telephone in the morning. By the afternoon, they were calling local radio shows. Then there was a hastily written memo from a county supervisor of elections distributed at the end, when most people had already voted, trying to explain the inexplicable. And, in fact, one senior leader, the president of the Century Village Retirement Community, said people were crying. They were coming to us to ask questions; the ballot was lousy; they did not know who they voted for.

I can go on and on with the discussion of the confusion and the sorrow, the anger and the frustration of the people of Palm Beach County as they were denied their right to vote by a ballot that violated the statutes of the State of Florida. But at this point, I know that I have two very patient colleagues, the first one serving on the Committee on the Judiciary, the gentlewoman from California (Ms. LOFGREN), who I know also wants to address these issues.

Ms. LOFGREN. Mr. Speaker, I thank the gentleman for yielding to me, and I just want to speak briefly on the issue of the recount.

It is true that I am a member of the Committee on the Judiciary and formerly taught at a law school and practiced law and the like, but I would like to speak this evening more as just a neighbor and a person who has just come to the Nation's capital from California fresh with the insights from the people who are in my neighborhood who say this: we are not in a crisis. We all wish this were over. We want it to be done. But we also know that we can be patient and get an accurate count.

I think it is time for all of us in America to ask everyone in the leadership of both parties to put patriotism ahead of partisanship. Now, it is true all of us had a favorite candidate. I hoped that AL GORE would be elected President, and some of my neighbors hoped that George Bush would be elected President. The truth is we do not know which of them will be elected. But we need to put our desire for our candidate to win to one side in favor of democratic processes. We need to make sure that the vote is counted accurately and that whatever happens reflects the will of the American people.

Now, I heard some rhetoric this evening that I found disturbing, in all honesty. It seemed to indicate or to infer that somehow because there was a hand count that there was something unsavory; that there would be something wrong or backhanded about this. But we know that these recounts are going on in a fish bowl. We have hundreds of people watching every single ballot; designated people from both parties. We have CNN, CBS, NBC, ABC, and the Fox News channel. It is a veritable convention looking at each ballot. It is very clear that there is nothing sneaky that is going to go on in these recounts. In fact, we will have the most accurate count possible.

Before I was in Congress, I was in local government for 14 years. I was on the board of supervisors, and we were in charge of elections. Elections are never perfect. Poll workers show up late, ballots get shredded, problems can occur. We know that that is true. But when elections are this close, recounts always occur. And we always, when I was in local government, we always respected that those recounts needed to occur so that the people's will could, in the end, rule the day.

When the recount will decide who will be the leader of the free world, of course we need, as the American people, to exhibit patience, and we have time for that patience to play out. We have a President. He will be President until January 20. So we certainly have time to make sure that all the votes get counted.

America has confidence that the current President of the United States, whether we support him or do not support him, was elected in a way that reflected the Constitution and the rules; and we need to make sure that the next President, whoever he is, has that same confidence on the part of the American people. That is why it is important for the partisans in this discussion to just back off, just back off and let the vote and the counting of the vote take place. If it is necessary, hand recount all of the votes in Florida. That would be fine.

Let us make sure that the people's will is reflected in the electoral college; and then all of us can live with the result, whatever it is. However disappointed we might be, whether it is our candidate or the other side, the American tradition is to allow the transition of power to proceed smoothly and to celebrate the fact that we are a violence-free democracy that understands that our institutions are more important than any election. So, please, let us, all of us, back off and put our patriotism ahead of our partisanship.

I thank the gentleman from California for yielding for these few comments.

Mr. SHERMAN. I thank the gentlewoman from California for her comments. I yield now to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my two colleagues from California. I do not intend to use a lot of time, but I just wanted to say that I totally agree with what the gentlewoman has said.

It disturbed me a great deal, to be honest, when I heard some of our colleagues from the other side of the aisle come here earlier this evening and sort of deride the process. I think at one point one of our colleagues from the Republican side suggested that the campaign manager for the Democrats was involved in fraud or that his father was involved in fraud. These kinds of comments are totally inappropriate. I do not even know if they are allowed under the rules of the House.

As the gentlewoman said, let us not get into this partisan argument and start calling names tonight. All the gentleman from California is saying, from what I understand, and I respect the gentleman a great deal for it, is that he just wants the will of the people to be heard. The gentleman just wants to make sure that if somebody voted, or intended to vote a certain way, that they be counted; that their sacred right to vote, which we cherish under our form of government, not be taken from them.

I just want to make two comments in that regard. One is that, again, it upset me today to think that the Republicans had gone into court to stop the recount. We know that these manual recounts occur from time to time and are necessary from time to time. I was actually involved with one myself going back almost 20 years, I think it was in 1981, when we had a very close gubernatorial race. I had to sit in a room and watch and see whether those, we called them chits in New Jersey, I guess they call them chads in Florida, to see whether they were actually punctured and the votes were counted. Ultimately it did not make that much of a difference in terms of the total vote count; but at least people were assured that someone was looking carefully, and in this case a number of people looking carefully, to make sure that their vote counted and their intention to vote a certain way was carried forth.

I feel the same way about this whole manual recount, and the gentleman's suggestion there about how this ballot was set up. I do not know whether this will end up in court or not; but it really pains me to think that anyone, whether they be Republican, as some of them earlier, a Democrat or anybody, would suggest that the will of the people should not be carried forth.

I think there is a real philosophical difference here. I heard some of my colleagues from the other side of the aisle saying, well, people have to be very careful when they go into vote; treat it as a solemn occasion and do not get it wrong. It is as if someone gets it wrong, that is their own problem; that is their fault; they have to carry the personal responsibility of having gotten it wrong. Well, the bottom line is that if the ballot is set up in a way to confuse and it is obvious the intent was to vote for a certain candidate and the vote was discarded, it seems to me it is incumbent upon us to make sure that that vote counts; whether there is a manual recount to check to see whether the chit was punctured or whether a new vote has to occur to make sure the people whose ballots were thrown out get an opportunity to vote. It just seems to me that what we want is for the people to be able to exercise their right to vote.

Mr. SHERMAN. If I can interject at this point.

Mr. PALLONE. Certainly. I would certainly yield back to the gentleman.

Mr. SHERMAN. Even those who say it is up to the voter to know the law, and if the voter gets it wrong, we will discard the voter's vote even if it is apparent how that voter voted, even those folks have got to admit the ballot was designed in violation of law. And if we are going to tell voters they are responsible for knowing the law, they have a right to a ballot designed in accordance with the law.

The law in Florida states if someone punches the second hole that they are voting for the party that came in second in the last gubernatorial election. Only on that ballot it is not designed that way. So it is simply wrong to be tough on the voters while forcing the voter not to be able to rely on the statutes of the State in which they reside.

Mr. PALLONE. I agree. And if the gentleman would just yield to me once more, very briefly, I strongly believe that we have to do whatever we can to make sure that a person's vote counts. If we do not, then what is going to happen is people are going to say why should I bother to vote.

The bottom line is that last Tuesday was a great day because so many people came out to vote. I know in my own district, in my own State of New Jersey, there was an overwhelming turnout. It was grand to see so many people come out because they thought it was going to be a close election, and it was, and they knew their vote would count. So let us not let them down by saying that their vote does not count, or something is done to make sure that their vote does not count. Because that will certainly discourage people from voting in the future, and I certainly do not want that to happen.

And, lastly, I would say this. Let us not make this a partisan process. I have to say that I am very partisan, as the gentleman knows, when I come to the floor of the House and I talk about issues. But this is not a question of an issue or a bill; this is a question of our democracy and upholding the Constitution. I would just expect that both sides of the aisle would simply not make this into a partisan battle. One may feel the votes should count or not count, or they may feel strongly about how people should exercise their right to vote; but let us not start the name calling, the way I heard before, against the candidates or against the parties or against the representatives. I do not really believe anybody wants that, and we should refrain from that. I yield back to the gentleman.

Mr. SHERMAN. I thank the gentleman from New Jersey for the tenor of his remarks, and I would join him in saying that perhaps the lowest point of the television debates and back and forths have been when there has been an attack made on the campaign chairman for the Gore campaign because of his father. I have never seen my father's integrity attacked on this floor; I have never seen the integrity of the father of the gentleman from New Jersey attacked on this floor; and I have certainly never heard of an attack on a Member's integrity for the purpose of discrediting his arguments on a bill. That behavior is certainly lower than this House has ever gone and, hopefully, the Bush campaign will not descend to those levels again.

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Mr. Speaker, I would like to continue to talk about how people reacted to that confusing and illegal ballot in Palm Beach, Florida. One elderly voter did the right thing. That voter asked for a second ballot, having ruined his first ballot. Bernard Holtzer, a retired community inhabitant, said he had unintentionally voted for Pat Buchanan on the first ballot and the clerk refused his request for a second ballot. Holtzer said, "I told the clerk I made a boo-boo and that I wanted a new ballot. And she told me there was nothing she could do about it."

That is the New York Times, this Saturday, reporting that not only was the ballot confusing and illegal but that the county workers did not in any way allow for the appropriate legal remedy. In fact, that same New York Times article points out that poll workers were under strict instructions to turn away voters who came to them with questions. Quoting one poll worker named Louise Austin, Ms. Austin said, "I had to follow the directive. 'Don't help anyone. Don't talk to anyone.'" Again, the New York Times reports that.

So there were as reported in both the New York Times and the Washington Post precinct workers who received instructions very late in the day telling them how to help confused voters. Of course that begs the question, what about the well over 75 percent of the voters who voted before those instructions went out to the poll workers?

So we have reason to believe that the only way that the people of Palm Beach County will be allowed to vote in this election, will have their franchise protected, is if there is a revote in Palm Beach County. Now, I know that is controversial and that is even a conclusion that I am not ready to fully embrace here tonight, because it is a premature conclusion. Because there is something that we all agree on, and, that is, the first step is a proper count of all the ballots that were cast. And a proper count is the best possible count. A manual recount is the best possible count.

First, it is argued we should not have a manual recount because somehow that is the second recount. You cannot recount after a recount. Well, let us straighten that out. This manual recount is the first recount requested by the Gore campaign. Because the election was so close, there was an automatic recount by machine in every county. But that was not at the request of the Gore campaign because the Gore campaign appears to want the most accurate possible recount. And so the Gore campaign has made only one recount request, and that is for a manual recount to be conducted in four counties. The Gore campaign never asked for a machine recount. And to say that the most accurate recount should be ignored because there was a worse system employed not at the request of any candidate is absurd.

Now, why is it that I say that a manual recount is the better recount? Well, we are told by James Baker that he prefers a recount using precision machines. These precision machines, 1950s technology, machines that cannot read a bent card, machines that jam up when you put a bent card in them, machines that cannot tell you what their standards are. Where there has been argument about whether a particular punch card should be counted, a swinging door chad, a partially detached chad, what are the machine's standards? We do not know. The engineers of the machines do not know. Sometimes the machine will count a bent ballot. Sometimes it will not. Sometimes if it is partially punched, the machine counts it. Sometimes it will not. The machine is not talking to anybody and nobody can look inside it while it is counting. It is not the same as having three citizens in full view, viewed by Republican and Democratic experts behind them, on cable television, counting the ballots one at a time.

Those who refer to precision machines are wrong, because the invention of man is indeed imperfect, far more imperfect than the creation of God. A human being watched and consulting other human beings, in full public, can look at a bent card, can look at a partially attached chad, can apply specific standards and can reach the correct conclusion. That is why in Seminole County, Florida, last week, they did a manual count, much to the glee of the Bush campaign which got 100 extra votes as a result of the manual count done after the machine count, the machine recount. Bush husbands and enjoys that 100 votes. In fact, it is a third of the lead he claims today. And it is all because in a Republican county they completed a manual recount.

To be detailed, what happened was if a card would not go through the machine, they would look at it, determine the vote of the voter, create a new ballot reflecting that intent, and run it through the Seminole County machine. That is a manual recount in Seminole County. Yet no one in the Bush campaign has asked for those 100 extra votes to be subtracted from their column.

But we do not have to look just at what is happening in Florida. We know by looking at Texas. Here is the statute, signed into law by Governor Bush, scarcely 3 years ago: a manual recount shall be conducted in preference to an electronic recount. How dare James Baker insult the Governor of Texas when he says that these words are wrong. Now, Mr. Baker says they have standards in Texas. They have, of course, standards in Florida as well. In each county in Florida, the election board identifies swinging door chads, partially attached chads; and the training is going on right now and yesterday so that each poll worker follows those instructions. Machines, of course, have no standards at all; but the poll workers in Florida, county by county, do.

But if James Baker and the Bush campaign think the problem is standards, why do they go to court to try to prevent an accurate recount? They should be coming to the election officials in Florida and suggesting standards. If there are wonderful standards available, proven, used in Texas, why does the Governor of Texas not share them with the people of Florida? The fact of the matter is there are not really specific standards in Texas that are any better than those in Florida. The Florida standards are just fine. The Bush campaign is not looking for a manual vote based on uniform standards. They are looking for a quick victory that ignores the will of the Florida voters. They are looking to stop the manual vote, not improve it.

That is why they went to court today and they asked a Federal judge. They would be the first to insult judges and the first to seek a court injunction and the first to be turned down by the courts. And they tried to get a Federal judge to prevent what the Texas Governor in his own State and his own statutes recognized as the most accurate method of recount. They failed. But justice may still not prevail, because the Secretary of State of Florida, herself the cochair of the Bush campaign, has to come up with this idea that all the counting has to be done by 5 p.m. tomorrow.

Now, is this based on Florida statute? No. It is based on a misreading of Florida statute. She cites section 102.111 which sets a 5 p.m. deadline. But a more recent Florida statute is in clear conflict with 111 and that is section 102.112, passed more recently, under our laws entitled to greater weight when there is direct conflict. It says, if the election returns are not received by the department by the time specified, such returns may be ignored.

So the Secretary of State, the cochair of the Bush campaign, has merely the discretion, if she wants to, to disenfranchise entire counties in Florida because they want to do an accurate recount. No court should allow such discretion to be used arbitrarily and no campaign should want its candidate for President to win because of such arbitrary and wrongful action. Who could deny this country an accurate recount by the methods signed into law in his own State by the Governor of Texas?

But it goes beyond that. Here, on a smaller chart, I have listed four Republican congressional candidates, each of whom wanted a manual recount. Each of them got a manual recount. Whether it was John Ensign running for the Senate 2 years ago or the famous Bob Dornan case, or whether it was Peter Torkildsen in 1996 or Rick McIntyre in 1984. In 1984, Rick McIntyre demanded and got a manual recount. And Dick Cheney was on this floor saying he would go to war over that request. The request was granted. I realize there were other controversies about that race. But Dick Cheney, when he was here, was here backing up Rick McIntyre's demand for a manual recount.

So of course there should be a manual recount. And of course attempts to say that it has to be done by 5 p.m. tomorrow are outrageous.

I will tell you how outrageous they are. Tonight, I hope, in several counties in Florida, people are going to be doing the manual recount all through the night. They are going to get tired. And James Baker is going to be on television saying, "Oh, my God, it can't be accurate. They were tired. They must be ignored." Why are they tired? Why are they working through the night? Because the Bush campaign wants to impose a ridiculous 5 p.m. deadline. Now, is this 5 p.m. deadline there to assure that the election is decided more quickly? No. There can be no decision in Florida until 5 p.m. Friday when those overseas ballots have to have arrived in Florida to be counted. So why 5 p.m. Tuesday as a deadline for completing a manual recount? Only one reason, to frustrate the manual recount, to make people be tired during the manual recount, to ridicule the manual recount. A manual recount, which is the method of choice in the State of Texas, because Governor Bush signed the law that made it so because he was right.

We have seen that the creation of God does a better job in this case than the invention of man and that human beings can do better. So it would be nice if the Governor was trying to get the most accurate recount instead of trying to slam the door on the most accurate recount.

Let me deal with one other issue. The Bush campaign says that what is unfair is that the media at around 7:40 p.m. or 6:40 p.m., anyway, 20 minutes before the polls were going to close in the Florida panhandle, called the Florida race. What the media did was inaccurate. They gave voters in the Florida panhandle inaccurate information. But is that the only stupid and inaccurate information to appear on television in this electoral season? The voters have a right under Florida law, under the U.S. Constitution, to vote and to have their will at the polls expressed. That is very different from saying that you have a constitutional right not to get bad information in the press, because I assure you there is no such right to get only accurate information in the press. We get inaccurate information in the press all the time, and the press has called Florida four or five different times. Every time they have called it wrong.

Mr. Speaker, to summarize, the popular vote will go overwhelmingly for AL GORE, the Vice President, and JOE LIEBERMAN, the Senator from Connecticut.

□ 2045

The ballot in Palm Beach County was responsible for twisting these results, which clearly possibly affected the results and was an illegal as well as a confusing ballot, a ballot in violation of two different Florida statutes, well-designed statutes, that were not carried out; and the Florida courts have recognized that where there is confusion because of a violation of the Florida elections code, a revote is called for. But before we get to a revote, we need to do everything possible to get an accurate count of the vote cast on election night; and that vote can best be recounted, as George Bush's signature indicates when he signed this bill, can best be recounted by a manual recount, the only recount requested by the Gore campaign, the only method that is recognized by the Governor of Texas as the most accurate way to do the recount.

Now, there are criticisms of what the standards are that are being used in the manual recount. Those who criticize have an obligation to make suggestions. They do not have the right to say that because they do not find perfection in the best and preferred method, that because they do not find it perfect, that it should be ignored.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today on account of an airplane cancellation.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HEFLEY (at the request of Mr. ARMEY) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today and November 14.

Mr. KINGSTON, for 5 minutes, today and November 14.

Mr. MICA, for 5 minutes, today.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On October 31, 2000:

H.J. Res. 121. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On November 1, 2000:

H.R. 4864. To amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist claimants for benefits under laws administered by the Secretary, and for other purposes.

H.R. 782. To amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

H.R. 2498. To amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 4788. To amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.

H.R. 4868. To amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.J. Res. 122. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On November 2, 2000:

H.R. 4312. To direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 3621. To provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 3388. To promote environmental restoration around the Lake Tahoe basin.

H.R. 1444. To authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

H.R. 660. For the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 848. For the relief of Sepandan Farnia and Farbod Farnia.

H.R. 3184. For the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3414. For the relief of Luis A. Leon-Molina, Ligia Padron, Juan Leon Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 5239. To provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

H.R. 5266. For the relief of Saeed Rezai.

H.R. 1235. To authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 1550. To authorize appropriations for the United states Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes.

H.R. 2462. To amend the Organic Act of Guam, and for other purposes.

H.R. 4846. To establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 5110. To designate the United States courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr. United States Courthouse".

H.R. 5302. To designate the United States courthouse located at 1010 Fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse".

H.R. 5388. To designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Batesman Education and Administrative Center".

H.J. Res. 102. Recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

H.R. 5478. To authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

H.R. 5410. To establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.R. 4794. To require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 4646. To designate certain National Forest System lands within the boundaries of the State of Virginia as wilderness areas.

H.J. Res. 123. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On November 3, 2000:

H.J. Res. 124. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 84. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. SHERMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 14, 2000, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10902. A letter from the Secretary, Department of Agriculture, transmitting the Department's final rule—National Forest System Land and Resource Management Planning (RIN: 0596–AB20) received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10903. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sulfentrazone; Pesticide Tolerances for Emergency Exemptions [OPP–301074; FRL–6751–7] (RIN: 2070–AB78) received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10904. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pyriproxyfen; Extension of Tolerance for Emergency Exemptions [OPP–301077; FRL–6753–3] (RIN: 2070–AB78) received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10905. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Copper Sulfate Pentahydrate; Exemption from the Requirement of a Tolerance [OPP–301060; FRL–6747–3] (RIN: 2070–AB78) received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10906. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting Office of Management and Budget Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

10907. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Fire Protection Engineering Functional Area Qualification Standard; DOE Defense Nuclear Facilities Technical Personnel—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10908. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, Office of Defense Programs, transmitting the Department's final rule—Planning and Conduct of Operational Readiness Reviews (ORR)—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10909. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, Office of Defense Programs, transmitting the Department's final rule—Criteria for Packaging and Storing Uranium-233-Bearing Materials—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10910. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, Office of Environment, Safety, and Health, transmitting the Department's final rule—Industrial Hygiene Functional Area Qualification Standard; DOE Defense Nuclear Facilities Technical Personnel—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10911. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule—Interpretive Clarification; Technical Correction [FRL–6898–8] received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10912. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; New Hampshire—Nitrogen Oxides Budget and Allowance Trading Program [NH–042–7169a; A–1–FRL–6871–2] received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10913. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 "Announcement of Proposal Deadline for the Competition for Fiscal Year 2001 Supplemental Assistance to the National Brownfields Assessment Demonstration Pilots" [FRL–6901–6] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10914. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Landfill Emissions From Municipal Solid Waste Landfills; State of Missouri [MO 117–1117a; FRL–6900–8] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10915. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program [MA–014–7195D; A–1–FRL–6882–5] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10916. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Massachusetts: Interim Authorization of State Hazardous Waste Management Program Revision [FRL–6900–5] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10917. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund Section 104; "Announcement of Proposal Deadline for the Competition for the 2001 National Brownfields Assessment Demonstration Pilots" [FRL–6901–5] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10918. A letter from the Assistant Bureau Chief, Management, International Bureau Satellite and Radiocommunications Division, Federal Communications Commission, transmitting the Commission's final rule—Availability of INTELSAT Space Segment Capacity to Users and Service Providers Seeking to Access INTELSAT Directly [IB Docket No. 00–91] received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10919. A letter from the Chairman, Securities and Exchange Commission, transmitting a Report on State Reciprocal Subpoena Enforcement Laws pursuant to the requirements of Section 102 of the Securities Litigation Uniform Standards Act of 1998; to the Committee on Commerce.

10920. A communication from the President of the United States, transmitting the President's bimonthly report on progress toward a negotiated settlement of the Cyprus question, covering the period August 1 to September 30, 2000, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

10921. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting the Commission's Consolidated Report for FY 2000, pursuant to 16 U.S.C. 469j(h); to the Committee on Government Reform.

10922. A letter from the Staff Director, Commission on Civil Rights, transmitting Second Annual Commercial Activities Inventory Report for the Commission on Civil Rights; to the Committee on Government Reform.

10923. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

10924. A letter from the Administrator, Office of Independent Counsel, transmitting the annual report on Audit and Investigative Activities in accordance with the Inspector General of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

10925. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a modification report on the Horsetooth, Soldier Canyon, Dixon Canyon, and Spring Canyon Dams, Colorado-Big Thompson Project, Colorado, Safety of Dams Program; and the Final Environmental Assessment and Finding of No Significant Impacts on Horsetooth Reservoir, Safety of Dams Activities, pursuant to 43 U.S.C. 509; to the Committee on Resources.

10926. A letter from the Acting Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule—Maryland Regulatory Program—received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10927. A letter from the Program Analyst, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727-100 and -200 Series Airplanes Equipped With an Engine Nose Cowl for Engine Numbers 1 and 3, Installed in Accordance With Supplemental Type Certificate (STC) SA4363NM [Docket No. 2000-NM-249-AD; Amendment 39-11839, AD 95-19-08 R1] (RIN: 2120-AA64) received November 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10928. A letter from the Deputy Chief Counsel, Office of Pipeline Safety, Department of Transportation, Research and Special Programs Administration, transmitting the Department's final rule—Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or more miles of pipeline) [Docket No. RSPA-99-6355; Amendment 195-70] (RIN: 2137-AD45) received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10929. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Rule to Amend the Final Water Quality Guidance for the Great Lakes System to Prohibit Mixing Zones for Bioaccumulative Chemicals of Concern [FRL-6898-7] (RIN: 2040-AD32) received November 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10930. A letter from the the Executive Secretary, the Disabled American Veterans, transmitting the 2000 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 106-308); to the Committee on Veterans' Affairs and ordered to be printed.

10931. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, Veterans Benefits Administration, transmitting the Department's final rule—Miscellaneous Montgomery GI Bill Eligibility and Entitlement Issues (RIN: 2900-AJ90) received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

10932. A letter from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting the Department's final rule—United States-Caribbean Basin Trade Partnership Act and Caribbean Basin Initiative (RIN: 1515-AC76) received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10933. A letter from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting the Department's final rule—African Growth and Opportunity Act and Generalized System of Preferences (RIN: 1515-AC72) received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following action occurred on November 4, 2000]

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 14, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 14, 2000.

H.R. 1882 Referral to the committee on Ways and Means extended for a period ending not later than November 14, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than November 14, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 14, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than November 14, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 14, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than November 14, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than November 14, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than November 14, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GOSS (for himself, Mr. DIXON, and Mr. LEWIS of California):

H.R. 5630. A bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select). Considered and agreed to.

By Mr. YOUNG of Florida:

H.J. Res. 125. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; considered and agreed to.

By Mr. RILEY:

H. Con. Res. 441. Concurrent resolution expressing the sense of Congress concerning the investigation into the terrorist attack on the U.S.S. *Cole* on October 12, 2000; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 655: Mr. COYNE.

H.R. 3650: Mr. LARSON and Mr. OWENS.

H.R. 4434: Mr. OXLEY.

H.R. 4606: Mr. SANDERS and Mr. WEXLER.

H.R. 4874: Ms. SCHAKOWSKY.

H.R. 5151: Mr. HUTCHINSON.

H.R. 5271: Mr. OBERSTAR.

H.R. 5500: Mr. LAZIO.

H.R. 5585: Mr. CARDIN, Mr. PASCRELL, Mr. THOMPSON of California, and Ms. MILLENDER-MCDONALD.

H.R. 5612: Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. HINOJOSA, Mr. WEINER, Mr. ROMERO-BARCELO, Mr. OWENS, Mr. UNDERWOOD, Mr. GUTIERREZ, Mr. BLUMENAUER, Mr. MENENDEZ, Mr. PASCRELL, and Mr. ETHERIDGE.

H.R. 5613: Mr. BURTON of Indiana, Mr. SMITH of Michigan, Mr. NETHERCUTT, Mr. SHADEGG, Mr. LEWIS of Kentucky, Mr. SCHAFFER, Mr. SANFORD, and Mr. TOOMEY.

H.J. Res. 48: Ms. SLAUGHTER.

H.J. Res. 56: Mr. MCGOVERN.

H.J. Res. 107: Mr. STRICKLAND.

H. Con. Res. 401: Mr. CARDIN.

H. Res. 420: Mr. REYES.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

119. The SPEAKER presented a petition of a Citizen of Austin, Texas, relative to petitioning the United States Congress To Propose For Ratification An Amendment To The United States Constitution That Would Abolish The Electoral College And Provide That The President And Vice-President, As A Ticket, Be Directly Elected By The Voters Of The United States; Further Providing for A Run-Off During The Month After The General Election If No Ticket Receives At Least 45% Of The Total Votes Cast Nationwide During The General Election; to the Committee on the Judiciary.

120. Also, a petition of a Citizen of Austin, Texas, relative to a petition to the United States Congress to support H.R. 2355 the "Employment Non-Discrimination Act"; jointly to the Committees on Education and the Workforce, House Administration, Government Reform, and the Judiciary.

EXTENSIONS OF REMARKS

DISBAND AMERICORPS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. SCHAFFER. Mr. Speaker, today I express my deep concerns about yet another wasteful and inefficient government program championed by the Clinton-Gore administration. AmeriCorps, the Nation's failed "volunteer" program, is currently up for reauthorization. Recently, 49 governors signed a letter to Congress requesting their support for the program. Fortunately, Colorado's Governor Bill Owens had the courage to stand alone in declining to sign, and I applaud him for his reluctance.

There are three indefensible problems with AmeriCorps. Before Congress considers acquiescing to Bill Clinton's demand for a $533 million increase, it should think long and hard about the disappointments of AmeriCorps.

First, AmeriCorps distorts the notion of volunteerism. The AmeriCorps web page boastfully states, "Service is and always has been a vital force in American life. Throughout our history, our Nation has relied on the dedication and action of citizens to tackle our biggest challenges." I could not agree more. Three-quarters of American families give to charity, and 90 million adults in our Nation volunteer. Americans are the most philanthropic people in the world.

This inevitably begs the question, why would the Federal Government set up a paid "volunteer" program when private citizens, churches, and organizations are fulfilling this role independently? Just as Bill Clinton has stripped the White House of dignity, he has adulterated the notion of American volunteerism.

Second, how many $500 million corporations in America are not auditable? Certainly none that survive. AmeriCorps' books have been unauditable since 1995, just two years after its inception. When AmeriCorps Inspector General, Luise S. Jordan, was asked at a 1999 Education Oversight and Investigations Subcommittee hearing if AmeriCorps was auditable, she replied, "Although the Corporation [AmeriCorps] puts its Action Plan into effect in December 1998, its August 21 update indicates that none of its goals to improve the Corporation's operations and its financial management have been achieved." As Members of Congress, it is our duty to shield the American taxpayer from such abuse. Furthermore, how can the Congress even consider reauthorizing a program with a 25-percent increase when, almost eight years after its inception, AmeriCorps is still not able to be audited because of its extreme financial disorganization?

Finally, Public Law 103–82 prohibits individuals or organizations who receive Federal funds from performing or engaging in partisan political activities. One of AmeriCorps' largest abuses of taxpayer dollars occurred in Denver, CO. The AmeriCorps division was supposed to use its "volunteers" to help the needy in northeast Denver. According to state records, the AmeriCorps leaders organized "volunteers" to make and distribute political fliers attacking Hiawatha Davis, a local city councilman. The Denver Rocky Mountain News reported, "The volunteers had to draft campaign fliers and distribute them door-to-door in April and May (1995) when Davis and [Mayor Wellington] Webb were fighting for re-election." Americans' tax dollars were used for political activities through AmeriCorps, in this case, which is but one example of a larger trend.

Mr. Speaker, the best action Congress could take is to disband AmeriCorps—that is obvious. Reauthorizing AmeriCorps and possibly increasing its budget by the President's request of $533 million would be foolish. To allow more tax dollars to be wasted on an ill-conceived Clinton-Gore social program is to belittle the authentic charity of philanthropic Americans and to treat their hard-earned money with unabashed disrespect.

A MILITARY INSIGNIA THAT MATTERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. BEREUTER. Mr. Speaker, recently the Chief of Staff of the Army took it upon himself to permit all members of the Army, including all reservists and National Guardsmen, to wear a black beret. Traditionally, this honor has only been conferred upon Army Rangers, with Airborne units being permitted to wear maroon berets and Special Forces the well-known green beret.

While the Army chief's motive of enhancing morale may have been laudable, the decision to permit all Army personnel to wear the prized beret diminishes its significance. A nation does not create crack troops by giving everyone the insignia that previously had been reserved only for the elite.

Mr. Speaker, symbols often have meaning. The symbolism and mystique of the black beret was earned on the battlefield, and in countless thankless peacekeeping operations. Making the prized black beret common headgear diminishes the efforts and the sacrifices of those who have earned the right to wear the beret. This Member urges the Army to reconsider this decision, and submits into the CONGRESSIONAL RECORD an article in the November 4, 2000 edition of the Omaha-World Herald entitled "Still Time to Save the Black Beret."

STILL TIME TO SAVE THE BLACK BERET

The black beret is a symbol of the mighty effort that U.S. Army Rangers put into training, readiness and service. An effort in the brass to usurp that badge of honor must feel like a bayonet in the gut.

Gen. Eric Shinseki, the new Army chief of staff, came up with the idea personally and unilaterally, apparently after giving a talk to an audience of black-bereted Rangers, maroon-bereted Airborne and green-bereted Special Forces. His thought: Give every member of the Army, including reservist, the right to wear a black beret. National Guard, too.

His reasoning: If the black beret is good for the elite Rangers, it would be good for everyone else, too. The Army must "accept the challenge of excellence," he said in announcing the change. The black beret "will be symbolic of our commitment to transform this magnificent Army into a new force."

Oh, and it's also a fashion statement, too, according to an Army spokesman. Black is the only color beret that would go with every Army uniform. So black it must be.

What is Shinseki thinking? These guys are the Rangers, the Army's least unconventional warriors. They do 15-mile runs just to get warmed up. With full pack. They are known for being able to survive off the land—on rats, snakes and insects if necessary. Their kind of combat is called, with good if understated reason, "extreme prejudice."

They often remain Rangers, in spirit at least, for the rest of their lives. They have active and up-front veterans organizations. And it is these organizations that stepped up to lead the objections to Shinseki's fashion statement. (Active-duty Rangers will, of course, obey any order fully and promptly, no matter how much the order might sear the soul.)

Shinseki offered to give the Rangers an alternative—a group of senior noncommissioned officers is going to come up with a substitute Ranger symbol. An alternative, whatever it might be, is not good enough, the veterans groups said.

Amen to that. Receiving the black beret is an honor earned by hard work, courage and commitment. Handing it out willy-nilly to every soldier who passes basic training is something akin to awarding the Medal of Honor to anyone who reaches the rank of private first-class. But, hey, they'll come up with some alternative or other to give to Medal-of-Honor winners. No prob.

The idea was ill-conceived from the start. Thankfully, there is time to get Shinseki's idea overturned. If veterans organizations can't do the job through official channels, they have said they will go to the new president, whoever he might be, and ask for an executive order. President Kennedy, after all, gave exclusive rights to green berets to the Special Forces. President Bush or President Gore could easily do the same for the Rangers.

And should.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONFERENCE REPORT ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

SPEECH OF

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. SHUSTER. Mr. Speaker, section 430, Atchafalaya River, Bayous Chene, Boeuf, and Black, Louisiana: Nothing in this section should be interpreted so as to delay the immediate implementation of solutions to improve navigation on the Atchafalaya River, Bayous Chene, Boeuf, and Black project as provided under existing authorities and directives.

Section 433, Lake Pontchartrain Seawall: The Corps should take into account the cost savings and benefits to the entire Lake Pontchartrain Hurricane Protection and Flood Control project when determining justification for modifications and rehabilitation to the seawall. Prior cost savings and benefits provided by the seawall should be taken into account when determining whether structural modifications and rehabilitation of the seawall are justified.

Section 530, Urbanized Peak Flood Management, New Jersey: Activities authorized by this section should be carried out in coordination with qualified academic institutions, such as the New Jersey Institute of Technology (NJIT). Conferees are also aware that NJIT has expressed interest in having its campus serve as the location for such research efforts.

Section 532, Upper Mohawk River Basin, New York: This important project has the potential to provide not just flood control and wildlife habitat (through wetlands restoration) but also water quality improvements and other environmental benefits.

Title VI, Comprehensive Everglades Restoration Plan: First, the provision recognizes the importance of the modified water deliveries project authorized by the Everglades National Park Protection and Expansion Act of 1989 by presuming that this project is completed.

While the primary purpose of the modified water deliveries project is to restore natural flows to the Everglades, it contains a number of provisions to provide critical flood control and property rights protections to private landowners potentially impacted by the projects.

Nothing in WRDA 2000 should be interpreted to diminish statutory protections to landowners in section 104 of Public Law 101–229.

Second, section 601(h)(3)(C)(ii) addresses the limitation on the applicability of programmatic regulations. Nothing in this paragraph affects the public's ability to participate and comment on the development of project implementation reports, project cooperation agreements, operation manuals, and any other documents relating to the development, implementation, and management of individual features of the Everglades restoration plan. In addition, nothing in this provision expands any agency's authority.

The Corps should undertake a significant public education and outreach effort to describe the Everglades project. I encourage the Corps to work closely with nonfederal institutions that have the respect of the community. I understand one such institution is the Museum of Discovery and Science in Fort Lauderdale, which has entered into an agreement with the south Florida ecosystem restoration task force to provide public education and outreach in conjunction with the restoration effort. As my colleague Representative CLAY SHAW mentioned during consideration of the house bill, the Museum of Discovery and Science is situated to carry out these functions through a planned facility and exhibition. I urge the Corps to work closely with the museum and to provide financial and technical assistance to ensure visitors to south Florida have a fair and balanced understanding of the comprehensive Everglades restoration plan.

Oklahoma-Tribal Commission: The managers find that the economic trends in southeastern Oklahoma related to unemployment and per capita income are not conducive to local economic development, and efforts to improve the management of water in the region would have a positive influence on the local economy, help reverse these trends, and improve the lives of local residents. The managers believe that State of Oklahoma, the Choctaw Nation, Oklahoma, and the Chickasaw Nation, Oklahoma, should establish a State-Tribal Commission composed equally of representatives of such nations and residents of the water basins within the boundaries of such nations for the purpose of administering and distributing from the sale of water any benefits and net revenues to the tribes and local entities within the respective basins; any sale of water to entities outside the basins should be consistent with the procedures and requirements established by the commission; and if requested, the secretary should provide assistance, as appropriate, to facilitate the efforts of the commission. Such a commission focusing on the Kiamichi River Basin and other basins within the Choctaw and Chickasaw Nations would allow all entities (State of Oklahoma, Choctaw and Chickasaw Nations, and residents of local basin(s)) to work cooperatively to see that the benefits and revenues being generated from the sale/use of water to entities outside the respective basins are distributed in an agreeable manner.

Mr. Speaker, many staff worked for many days and months on this landmark and legislation. At the risk of omitting some, I'd like to thank a few by name: Jack Schenendorf, Mike Strachn, Roger Nober, John Anderson, Donna Campbell, Corry Marshall, Sara Gray, Susan Bodine, Carrie Jelsma, Ben Grumbles, Ken Kopocis, Art Chan, and Pam Keller of the Transportation and Infrastructure Committee; Tom Gibson, Stephanie Daigle, Chelsea Henderson Maxwell, Ann Loomis, Jo-Ellen Darcy, Peter Washburn, Catherine Cyr, and C.K. Lee of the Senate; and Larry Prather, Gary Campbell, Milton Rider, and Bill Schmitz of the Corps of Engineers.

SECTION 1422 OF H.R. 4868

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. ARCHER. Mr. Speaker, H.R. 4868, as amended by H. Res. 644 which passed the House and Senate, contains a provision in section 1422 of the bill relating to petroleum and petroleum derivatives. These remarks explain the need for that provision.

In 1990 Congress simplified duty drawback for the petroleum industry by creating a separate section, 1313(p), under the drawback laws. For purposes of duty drawback, a finished petroleum derivative or a qualified article is commercially interchangeable under Subsection 1313(p) of the Tariff Act of 1930 based on Harmonized Tariff Schedule (HTS) headings or subheadings listed within that subsection. As a result, petroleum derivatives are considered to be of the same kind and quality and commercially interchangeable by virtue of matching the HTS classification codes for imports and exports.

In some instances, one or more petroleum derivatives, or products, are listed under a single HTS classification, making those derivatives commercially interchangeable under 1313(p). This long-standing practice is threatened by future modifications of the HTS that would split several products out from under a single HTS classification by creating new and separate HTS classifications, or categories, for those products. Such a "split" would inadvertently disallow drawback under Subsection 1313(p) for certain qualified articles that are now considered commercially interchangeable.

Section 1422 of H.R. 4868 addresses the "split" issue by ensuring that certain qualified articles remain commercially interchangeable as modifications to the HTS are made in which petroleum derivatives are split from single into separate HTS classifications or subheadings. Specifically, Section 1422 provides that any products that are currently commercially interchangeable will remain so based on those products' HTS subheading or classification as in effect on January 1, 2000. Thus, the language of Section 1422 would ensure that products or articles that are currently commercially interchangeable shall continue to be commercially interchangeable, irrespective of whether the HTS is modified and those same articles are split and listed under separate HTS subheadings. This section does not affect any future tariff simplification that would combine certain articles or products under a single eight-digit HTS subheading and thus make those products commercially interchangeable under 1313(p).

HONORING THE FIFTIETH ANNIVERSARY OF THE RUSSIAN AMERICAN CULTURAL SOCIETY OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to commemorate the Fiftieth Anniversary of the Russian American Cultural Society of Cleveland. This wonderful organization has been unifying the Russian population of Cleveland and celebrating the spirit of community since 1950.

The history of Cleveland's extraordinary Russian population begins in the post World

War II era. The first wave of immigrants left Russia after the civil war in the early 1920's and settled in France and Yugoslavia. Following World War II, many of these Russian immigrants left war-torn Europe and headed for the United States. A second wave of immigration came when a number of displaced Russian citizens chose to make a new start in the U.S. rather than return to the Soviet Union for repatriation. Of the thousands of Russian citizens who came to America in the 1940's, many chose Cleveland, Ohio as the city where they would begin their new lives.

Once settled in Cleveland, these Russian immigrants joined together in an admirable effort to preserve their valued Russian tradition, language, culture, and Orthodoxy. They took their first bold steps toward carrying on their Russian heritage in 1950 with the founding of the Russian American Cultural Society of Cleveland and the St. Sergius of Radonesh Russian Orthodox Church.

Due to the strong ethnic bond which the Cultural Society provided, its activity and membership grew exponentially. The society's most active years came under the region of Mr. G. Mesernicky, who was president during the 1960's and 70's. Under his leadership, the society operated a Russian language school, a radio program, a newsletter, and a youth group. It is clear that the society has succeeded in achieving its commendable goal of preserving Russian tradition in the city of Cleveland. To this day, they continue to bring Russian-Americans together for various cultural and social events, including picnics, concerts, lectures, plays, and most notably, the annual Tatiana Ball.

Mr. Speaker, I ask my fellow colleagues in the House of Representatives to join me today in congratulating the Russian American Cultural Society on its Golden Anniversary. They have made a lasting contribution to the city of Cleveland, and I wish them many more years of continued success.

MEMORIAL TRIBUTE TO THE LATE CONGRESSMAN SIDNEY YATES

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. GILCHREST. Mr. Speaker, Sid Yates—his tenure in Congress embodied knowledge, humility, and tolerance, the pillars that support the essence of democracy.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mrs. WILSON. Mr. Speaker, on October 10, 2000, I was unavoidably delayed in traveling to Washington, DC, as a result of a mechanical problem with an airplane. As a result, I was unable to attend three votes.

Had I been present, I would have voted: "Yea" on rollcall vote No. 519, the Pipeline Safety Improvement Act (S. 2438); "yea" on rollcall vote No. 520, allowing for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan and to eliminate certain waiting period requirements for participating in the Thrift Savings Plan (H.R. 208); "yea" on rollcall vote No. 521, the Lupus Research and Care Amendments (H.R. 762).

CONFERENCE REPORT ON S. 2796, WATER RESOURCES DEVELOPMENT ACT OF 2000

SPEECH OF

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, November 3, 2000

Mr. PASCRELL. Mr. Speaker, I wish today to thank Congressman BOB FRANKS and Congressman BOB MENENDEZ for including critical flood control research funding in the 2000 Water Resources Development Act for the State of New Jersey.

This issue is a matter of great importance to each of our districts and all of our constituents. Our home state is confronted with an array of complex challenges related to the environment and economic development. However, one issue in particular, the over development of land, is of special concern because of its impact on our watersheds and floodplains, and economic activity throughout the state.

As many of my colleagues already know, this past August vast parts of northern New Jersey were devastated by flooding caused by severe rainfall. The resulting natural disaster threatened countless homes, bridges and roads, not to mention the health, safety and welfare of area residents. The total figure for damages in Sussex and Morris Counties has been estimated at over $50 million, and area residents are still fighting to restore some degree of normalcy to their lives.

While the threat of future floods continues to plague the region, one New Jersey institution is taking concrete steps to prevent another catastrophe. The New Jersey Institute of Technology (NJIT) has been studying the challenges posed by flooding and stormwater flows for some time, and is interested in forming a multi-agency federal partnership to continue this important research.

NJIT is one of our state's premier research institutions and is uniquely equipped to carry out this critical stormwater research. The university has a long and distinguished tradition of responding to difficult public-policy challenges such as environmental emissions standards, aircraft noise, traffic congestion and alternative energy.

More broadly, NJIT has demonstrated an institutional ability to direct its intellectual resources to the examination of problems beyond academia, and its commitment to research allows it to serve as a resource for unbiased technological information and analysis.

An excellent opportunity for NJIT to partner with the federal government and solve the difficult problem of flood control has presented itself in the 2000 Water Resources Development Act (WRDA).

At the request of Congressman BOB FRANKS and Congressman BOB MENENDEZ, the final version of this important legislation includes a provision directing the U.S. Army Corps of Engineers to develop and implement a stormwater flood control project in New Jersey and report back to Congress within three years on its progress.

While the Corps of Engineers is familiar with this problem at the national level, it does not have the firsthand knowledge and experience in New Jersey that NJIT has accrued in its 119 years of service. I know that Congressman FRANKS and MENENDEZ have already submitted statements requesting NJIT participate in this important research, and I urge the Army Corps to agree to their proposal. Including NJIT's expertise and experience in this research effort is a logical step and would greatly benefit the Army Corps, as well as significantly improve the project's chances of success.

I urge the New York District of Corps of Engineers to work closely with my colleagues and me to ensure NJIT's full participation in this study. By working together, we can create a nexus between the considerable flood control expertise of the Army Corps and NJIT, and finally solve this difficult problem for the people of New Jersey. I hope my colleagues will support efforts towards this end.

HONORING MURRAY LENDER ON HIS 70TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I pay tribute to a community leader, a philanthropist, a humanitarian, and a great friend, Murray Lender, on the occasion of his 70th birthday.

Murray's father, Harry Lender, introduced bagels to the people of this country. Murray continued that tradition as chairman of Lender's Bagel Bakery, the world's largest bagel bakery. He revolutionized the bagel industry when he began the process of freezing bagels in the late 1950s, bringing to life his father's dream of "a bagel on every table." His astute business sense was recognized by the National Frozen Food Association, which inducted him into the Frozen Food Hall of Fame, only the sixth person to be so honored. He also received the International Deli-Bakery Association's Hall of Fame Award and has been selected Man of the Year by numerous industry associations. But these achievements are dwarfed by what Murray has done for the people of Greater New Haven, of Connecticut, and of his country through his myriad of philanthropic and humanitarian works.

Murray's efforts in New Haven have truly been exceptional. He and his family have given generously of their time and resources to Quinnipiac University. Murray was given the Distinguished Alumnus Award in 1991. His family's efforts have provided students with a top-notch business program that allows students to benefit from the practical knowledge, business acumen, and impressive record of success that Murray and his family have achieved. In 1997, Murray was awarded an honoray Doctorate of Humane Letters from his alma mater, Quinnipiac College. He currently serves on the Board of Trustees of Quinnipiac, where his contributions to that institution continue. In addition, he serves as co-chair of the Yale University School of Medicine Cardiovascular Research Fund.

Murray has also had a tremendous impact on our community through his work with a variety of service organizations including the New Haven Jewish Community Center, the American Heart Association, the Leukemia Society of America and the Juvenile Diabetes Foundation. While he built an incredibly successful business, Murray contributed not just money but, more notably, his time, to these worthy efforts.

Murray has also been an active member of our nation's Jewish community, participating in numerous events, contributing time and financial resources, and forwarding the cause of peace in the Middle East. The Anti-Defamation League has bestowed upon him its highest honor, the Torch of Liberty Award, in recognition of a profound record of public service.

In every way, Murray has been an outstanding citizen and community member. He serves as a role model to us all. He has had a profound effect on our community and our nation. I am honored to join his brother, Marvin; his sons, Harris, Carl and Jay; along with other family members and friends; in wishing him many more years of health and happiness. Happy birthday Murray.

IN RECOGNITION OF THE SHREWSBURY HIGH SCHOOL BASEBALL TEAM

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. McGOVERN. Mr. Speaker, today I join the community of Shrewsbury, Massachusetts in celebrating the outstanding accomplishments and performance of the Shrewsbury High School Colonials Baseball team. Their remarkable season came to an abrupt end on June 19th with their defeat in the Division 1 State Championship game. This defeat, however, could not detract from their magical season.

The mentality of the Colonials' baseball team can be summed up in a common idiom: "comback kids." Nevertheless, there is nothing "common" about this group of distinguished young men. Driven by the passionate leadership of Coach Dave Niro, the Colonials surprised many teams this year with late-inning rallies, strong defense and incredible hitting. As a matter of fact, four of their last six victories were of the come-from-behind variety. It was this "never-say-die" attitude that lifted the spirits and performance of the Shrewsbury High School Baseball team to a level that very few anticipated.

Teamwork was the key to the Colonials' highly successful season. Led on the field by co-captains Catcher Jimmy Board and First Baseman Jamie Buonomo, every player performed as if each game were his last: the sensational play of outfielders Shayne Barnes, Tommy Crossman, and Tim Kilroy; the outstanding defense of infielders Jon Bacott, Alex Biaz, Ryan Bigda, Bill Orfalea, and Andy Morano; the mastery of pitchers Shawn Walker, Lee Diamantopoulos, Brenda Slavin and Mike Sigismondo; the clutch hitting by designated hitter Matt Vaccaro; and the numerous contributions by players Bob Roddy, Nick Dion, Matt Amdur, Todd Cooksey, Tim Ford, and Brian Merchant. Also, special recognition must be extended to the coaches of this team: the aforementioned head Coach Dave Niro, and assistants P.J. O'Connell and Jay Costa.

It is with tremendous pride that I recognize the members of the Shrewsbury High School Colonials Baseball team for an unforgettable season. These outstanding young men make me so very proud. I congratulate them on their accomplishment and wish them the best of luck in the years to come.

IN HONOR OF THE 100TH BIRTHDAY OF HELEN OSK LEINHARDT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor Helen Osk Leinhardt, who will turn 100 years old on December 28, 2000. Ms. Leinhardt will celebrate her birthday alongside her son, Walter, her six grandchildren, and six great-grandchildren.

Ms. Leinhardt is quite an extraordinary woman. Born on December 28, 1900, the end of the first year of the 20th Century, Ms. Leinhardt was educated in New York City public schools and eventually became a teacher. She taught first and second grade in Brooklyn, New York for more than 30 years. A working mother at a time when it was still rare for women to work outside the home, Ms. Leinhardt raised two children, Walter and Alice. Alice unfortunately died three years ago. Throughout Alice's illness, Ms. Leinhardt, who was then in her late nineties, repeatedly walked the entire 40 blocks to and from the hospital to visit her daughter.

Mr. Speaker, I am proud to acknowledge the dedication and pioneering efforts of Ms. Helen Osk Leinhardt. A working mother whose great enthusiasm inspired a generation of students, Ms. Leinhardt is truly an inspiration to us all.

IN HONOR OF JOAN OLSEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. KUCINICH. Mr. Speaker, today I pay respect to Joan Olsen, who passed away recently at the age of 59 after battling with cancer. Mrs. Olsen was an outstanding citizen of the community of St. Colman's Church since 1987. She whole-heartedly involved herself in the education and computer assistance of the St. Colman's Church and community.

Joan grew up in Lakewood, but settled in Fairview Park after her marriage to Neal Olsen in 1967. Joan was drawn to St. Colman's Church in 1987 while researching her Irish genealogy. From the moment she joined St. Colman's Church, she was an active member and participant in the Parish and community. From her work experience between 1992 and 1994 in helping to computerize the Cuyahoga County Archive Records, Joan decided to computerize the Parish files. In 1995, she realized the importance of computer education and resolved to help the community obtain computers and to teach computer classes. Knowing that the community could not afford computers or computer classes, she contacted many businesses and was able to acquire newer model computers for the neighborhood. The computer lab was eventually placed in the parish school building, where Joan gave free computer classes to anyone interested. In addition to her computer classes, Joan taught Bible classes at St. Colman's Parish. She immersed herself further into the community when she offered to install computers in the homes of families.

Outside of the St. Colman's Parish community, Joan helped organize the West Side Community Computer Center. She did all of the networking and attended out-of-town conferences in preparation for the opening of the Center. Once again, she provided free computer classes.

Joan had many talents and interests, which she generously shared with her family, friends, and community. She taught knitting and weaving to the neighborhood children in addition to her already existing computer classes.

I am heartened to hear that the computer lab at St. Colman's Parish will be formally dedicated to Joan very soon. A woman of her caliber will be remembered not only in the minds and hearts of the St. Colman community citizens, but also by the new dedication of the computer lab. Joan Olsen has been a keystone to the community. Her absence will be greatly missed.

Mr. Speaker, I ask you to join me in expressing my deepest condolences to Joan's family and many friends, and honoring the memory of Joan Olsen.

HONORING LARRY McBRIDE—

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize an outstanding educator and administrator, Larry McBride of Rifle, Colorado. For the past twenty years Larry has served the Re-2 School District in the capacity of Associate Superintendent. Larry and his colleague Lennard Eckhardt are both retiring at the end of the school year. His contributions to the students and faculty of Re-2 School District are immeasurable and I would like to pay tribute to his service.

Larry was born in Tulsa, Oklahoma, attending high school at South High School in Denver. He enrolled at Fort Lewis College in Durango, Colorado and graduated with a degree in Social Sciences. Larry's plans of attending medical school were cut short as the country called its young men and women to service. After serving his country admirably in the US Navy, including one tour of duty in Vietnam, Larry returned a proud veteran and began his career in education.

He began his legacy of education as a high school government teacher in East Grand School District in Granby, Colorado. Larry's superb leadership skills were soon put to work, as he became the Director of Student Services. During his decade long tenure in Granby, he went on to serve as Elementary Principal, Assistant High School Principal and as Assistant Superintendent, before beginning his role as an administrator in Rifle. In 1979 Larry was hired as the Principal of Esma Lewis Elementary, working for only two years before becoming Associate Superintendent, a capacity in which he has served since 1981.

Larry has worked tirelessly to ensure that highest quality education is available for the students of Re-2 School District and his contributions are great in number. Larry has served his community in immeasurable ways and deserves the recognition and admiration of this body. On behalf of the State of Colorado and the US Congress I thank him for his contributions to America's youth and wish him the very best in all of his future endeavors.

HONORING FORMER CONGRESSMAN SIDNEY R. YATES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. FILNER. Mr. Speaker, Congressman Sidney Yates was a true patriot in every sense of the word. He was a stalwart advocate for issues near and dear to his heart and those of the people he represented.

Sid was an exemplary Member of the House Appropriations Committee and a great "cardinal." As Chairman and later the Ranking Member of the Appropriations Subcommittee for the Department of the Interior and Related Agencies, he single handily did more to protect the National Endowment for the Arts than any other Member in the House of Representatives. He kept the National Endowment going during the late eighties and early nineties—and the arts in America have been greatly advanced.

Sid Yates will always be remembered for his calm, reasoned thinking and sensible approach to getting his points across. He managed to show kindness to every single Member of Congress, yet never lost his own strong commitment to progressive causes. He will be missed by our whole Nation.

HONORING THE RETIREMENT OF GEORGE W. KUHN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. KNOLLENBERG. Mr. Speaker, today I commend Mr. George W. Kuhn of West Bloomfield, MI, on the occasion of his retirement. Mr. Kuhn has a long and distinguished career as a public servant in Michigan. I have known George for many years now. His good nature, dedication, and enthusiasm for his work are phenomenal. He is a trusted and dedicated individual who has much to be proud of as he enters his retirement years.

George Kuhn was born in Detroit in 1925, one of eleven siblings, to Dr. and Mrs. Charles and Ella Kuhn. His education spanned Albion College, Central Michigan University, Harvard, Wayne State, and the University of Michigan. George has accomplished much in his life, including several years as an employee of the Ford Motor Company and many more years of public service in southeastern Michigan.

George Kuhn proudly served his nation as an officer in the United States Navy during both World War II and the Korean Conflict. He retired with the rank of Navy Captain after 40 years of active and reserve service.

George served as Councilman and Mayor of Berkley, MI, during the 1950's and 1960's. He was elected a Michigan State Senator in 1966 and rose to become the Michigan Senate Whip in 1970. George has given many years of tireless dedication to the Republican Party in Michigan.

Since 1972, George has diligently served as the Oakland County Drain Commissioner. He has been re-elected to that post seven times. George has been instrumental in developing and bringing to fruition the Twelve-Towns Drain Project. So much so, that the project now bears his name. The George W. Kuhn Drain is vitally important to prevent flooding for residents in Oakland County. Coinciding with his 28 years as Drain Commissioner, George has been an active member of the Oakland County Parks and Recreation Commission.

Mr. Speaker, I ask my colleagues to join with the citizens of Oakland County in congratulating and honoring George Kuhn for his many years of service and devotion to the people of Michigan. I am glad to have known George these many years and I wish him, his wife Doris, and all of his family, my heartfelt congratulations on his retirement and I thank him for his many years of public service to Michigan and to the Nation.

HONORING JANE QUIMBY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. McINNIS. Mr. Speaker, it is with immense sadness that I rise to pay tribute to Jane Quimby of Grand Junction, Colorado. Jane recently passed away after battling a brain tumor. This remarkable community leader served the Grand Valley in immeasurable ways and at this moment I would like to honor her amazing life and outstanding service.

Jane served her community in a number of different capacities, but it is her involvement with the Grand Junction City Council that is most renowned. In 1973, Jane became the first female elected to the City Council. During a tenure in city government that lasted nearly a decade, Jane also went on to become the first female Mayor of Grand Junction.

While her work in city government was quite extensive and impressive, she also served her community by serving on a number of different organizations. She was a founding member of the Western Colorado Community Foundation and the Grand Junction/Mesa County Riverfront Commission. She served as a board member of the Mesa County Economic Development Council and as President of the Colorado Municipal League. Jane also served for nearly two decades as part of the Oversight Board for the Colorado Energy Impact Assistance Fund.

Jane worked very hard to ensure that Grand Junction and its surrounding communities were a better place for all to live and her work will not soon be forgotten. On behalf of the State of Colorado and US Congress I would like to honor my friend Jane Quimby for helping to make the Grand Valley the outstanding community it is today. She will be greatly missed.

TRIBUTE TO THE LATE SAM V. CURTIS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. BACA. Mr. Speaker, it is with great sadness that I note the passing of Sam V. Curtis, of Rialto, California, an uncommon, common man, known by all in his community.

Sam's favorite quote was from Dr. Martin Luther King, Jr.: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy." It is a fitting quote for Sam Curtis, a man who did not shy from fighting for justice and knowledge.

A man of high moral standards and humble beginnings, originally from Birmingham, Alabama, Sam Curtis cared about people personally, and served them with high distinction. He cared about the schools; his community; his country. A member of the American Legion Post 422 Rialto and the Rialto VFW, he served in the Naval Air Wing during World War II in the Aleutian Islands, receiving the Asian Pacific Campaign Medal and the World War II Victory Medal. He was a husband for over half a century, a father, a grandfather, a great-grandfather.

Sam was a close friend of my family and a consistent supporter of hard-fought causes. My wife Barbara and I share his family's quiet admiration for the measure of Sam's many accomplishments and his full life. Sam was truly the voice of the people, a principled man with a conscience, who served on the Rialto city council for sixteen years. Sam always had a dignity about him. He treated everyone the same way, with great respect.

A teacher at heart, Sam started out as an educator, spending 27 years as a government and history teacher in the Rialto and San Bernardino school districts. Sam always emphasized to his students that they could effect positive change, by going to city council meetings and becoming aware of what was happening in their community. It is a fitting tribute to Sam's legacy as an educator that an elementary school proudly bears his name today, the "Sam V. Curtis Elementary School."

It is impossible to find a former student whose life has not been changed positively by Sam, whether it is the beat cop on the street or the waitress in the corner coffee shop. Everyone can point to a turning point where Sam's teaching caused each to embark upon a course of action.

In his long life of public service, Sam embraced the principle that one person can make a difference, by leading by example, getting people involved, touching everything and everyone in the community, leaving his mark like a modern-day Johnny Appleseed.

Elected to the Rialto city council in 1976, Sam was known as a consumer advocate, fighting for the underdog, championing just causes such as discounts for senior citizens. He was unafraid to speak his mind and fight for what he believed, with passion, honor, vigor, and resoluteness. He would not compromise his beliefs.

People looked up to Sam because of his respect for the community and his integrity as a person. Fair and courteous, even to those with whom he disagreed on the issues, he was beloved by all. We can learn much by his example.

People were very proud of Sam, admiring his efforts and good works, whether it was fighting for the people as an elected official, or carrying on good works in the community through groups such as the Democratic Central Committee; the San Bernardino County Democratic luncheon club; Friends of the Rialto K–9's; the California Teachers Association; the Rialto Exchange Club; the Veterans Employment Committee; the Retired Teachers Association; the Rialto Historical Society; and the Sierra Club.

I would like to offer my condolences to Sam's family: his wife, Eileen; his three sons, Victor, David and Philip; his daughter, Patricia; his ten grandchildren; and his great-grandchild.

To Sam, we say: "our thoughts and prayers lift upwards to heaven, where surely you are at peace. And so we say 'goodbye, we miss you, God bless you. We shall remember you always, and your good deeds will live in our hearts.'"

VETERANS DAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. SKELTON. Mr. Speaker, last week, Americans paused to give thanks and to honor the veterans who have served our nation in times of war and in time of peace. The dedication of our women and men in uniform makes our nation strong and keeps us free.

I have made it my personal mission in Congress to ensure that our citizens and our government neither forget nor ignore the debt we owe to those who serve the United States so nobly. In wartime, the very best young people our country produces are asked to risk and possibly lose their lives in order to advance our national interests. In peacetime, serving as an airman, sailor, soldier, or marine also requires a great deal of hard work and sacrifice. Whether in war on in peace, those sacrifices are particularly difficult for the service members' families.

Just before Veterans Day, I received a copy of an article by Denny Bannister of the Missouri Farm Bureau entitled "Scars on Their Souls." I would like to submit this article and ask that it be printed in the CONGRESSIONAL RECORD along with my remarks. Denny's words explain so well what it means to serve our country and why we owe our veterans so much. His sentiments should help us remember that we need to honor our men and women in uniform not just on Veterans Day, but every day of the year.

SCARS ON THEIR SOULS

Like many veterans, I belong to the American Foreign Legion post in my hometown. Most American Legion posts are similar—we have fish fries on Friday nights, Bingo on Wednesdays, barbecues in the summer, country music on the jukebox, and there's a faint odor of stale beer, cigarettes and popcorn in the hospitality room.

When Legionnaires remove their trinket-covered American Legion caps, there's a lot of gray hair to be seen—if there's any hair to be seen at all. America's wartime veterans are aging rapidly. We are playing taps far too much these days for our comrades from World War II.

This year commemorates the beginning of the Korean War 50 years ago. Like our World War II veterans, Korean War vets are decreasing in numbers, and now the Vietnam era vets are beginning to retire. We know we are next.

Give most vets half-a-chance and they will share their military experiences with other vets. Give some vets half-a-chance and they will share their military experiences with everyone.

But there are a few vets who don't share their military experiences with anyone.

Some of them sit quietly in a corner or at the end of the bar, not really talking to anyone. Others might mingle and socialize—until the subject turns to war memories. Then they quietly withdraw.

One of my dearest friends served in Vietnam. I served during the war, but he served in the war—there is a big difference. I have a lot of good memories about my military experiences, memories I like to remember. He has a lot of memories about his military experiences he would like to forget. As close as we are, he has never shared them with me.

Everyone who fought for their country in every war was wounded in some way or the other—physically, spiritually or emotionally. Some wounds are much more serious than others, and they don't always come from bullets.

I have seen the scars from the entry wounds on my friend's abdomen and the scars from exit wounds on his back. As painful as these wounds must have been, the most painful wounds he suffered in Vietnam left scars on his soul. Try as he might, he cannot drink them away.

Legion posts are not elegant country clubs where prospects need pull, position and power to become members. Wealth is not an eligibility requirement. But for many of our veterans, the price for membership was terribly high.

Regardless of which era they come from, which war they served during or in, or which uniform they wore, our veterans deserve our heartfelt thanks—not only on Veterans Day, but every day we enjoy the freedoms they were willing to fight for. God bless them all.

HONORING LENNARD ECKHARDT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. McINNIS. Mr. Speaker, it is my privilege to rise today to praise an outstanding educator in Colorado, Lennard Eckhardt. For over two decades Lennard has served the Re-2 School District in Rifle, Colorado as both an Assistant Superintendent and as Superintendent. Recently Lennard, along with his colleague Larry McBride, announced they are retiring at the end of the school year. This will bring an end to a remarkable leadership team that has benefited the school district in immeasurable ways. As Lennard makes plans for his retirement I would like to honor his service as an educator and administrator.

Lennard was born in Cheyenne, Wyoming and attended school in Dix, Nebraska. After graduating from Dix High School, Lennard attended Colorado State College, now the University of Northern Colorado, in Greeley. After graduating with a degree in Physical Education and a minor in Social Studies, Lennard began his career in education. He first began teaching and coaching track in Fleming and Holyoke, Colorado before deciding to leave education and pursue private ventures in San Diego, California. His time in California was cut short by a phone call from an old friend with a job opportunity.

In 1977 Lennard was offered the position as principal of Riverside School in New Castle, Colorado. After serving as principal for two years he applied and was hired on as Assistant Superintendent. While serving in this capacity Lennard's natural ability to lead soon made him the prime candidate for the position of Superintendent and in 1987 he went on to become the head administrator of Re-2 School District.

For over twenty years Lennard, with Larry at his side, has fought hard to ensure that the young people of Rifle and its surrounding areas are receiving the highest quality education available. Over his tenure as adminstrator he has overcome great adversities ranging from the oil shale boom and bust of the early eighties to approving the first charter school in the district. Lennard has served his community admirably and on behalf of the State of Colorado and the US Congress I would like to thank Lennard for his immense contributions to education and I wish him the very best in all of his future endeavors.

TRIBUTE TO LYN CHAN, RECIPIENT OF THE NEA'S CHRISTA McAULIFFE AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Lyn Chan, a recently retired fourth-grade teacher who taught at the Skyline Elementary School in Daly City, California in my Congressional District. Ms. Chan has been awarded the Christa McAuliffe Award. This award, which is presented annually by the National Education Association (NEA), is the highest professional honor that the NEA can bestow upon its members.

Mr. Speaker, as my colleagues know, the Christa McAuliffe Award was created to honor the memory of Christa McAuliffe, the teacher chosen by NASA to be the first private United States citizen to participate in a space flight. After her death during the ill-fated Challenger shuttle launch in 1986, the NEA established an award in her honor to pay tribute to her professionalism, dedication, and desire to "touch the future" through excellence in teaching.

Mr. Speaker, Ms. Chan is certainly most deserving of this high honor. She exhibited outstanding innovation and contributed extraordinary service in the field of education. Utilizing advanced technologies such as laser discs, CD–ROMs, camcorders, robotics, and other such means, she fired the inquisitiveness of her students in their study of the sciences. Too often we hear about American students lagging behind the rest of the world in math and science skills. Ms. Chan is one teacher doing all she can to rectify this problem, and she deserves our commendation for her efforts. It is my sincere hope that other teaches will follow her excellent lead.

Ms. Chan also served as a mentor for the NEA Foundation's The Road Ahead program. This NEA program paired Ms. Chan with an elementary school and its faculty in Columbia, South Carolina. As a mentor to her South Carolina colleagues, Ms. Chan was able to provide her fellow teachers with advice, knowledge, and other tools necessary to integrate technology with teaching and learning.

Mr. Speaker, Lyn Chan was characterized by one of her colleagues as a "teacher who goes the extra mile not for rewards or recognition, but simply out of her love for teaching and a desire to help all students succeed." I cannot think of a higher compliment to extend to an educator. Mr. Speaker, it has also been said that Ms. Chan is the model of excellence in teaching because of her constant pursuit of new knowledge and skills to enhance her role as a professional educator, and through her innovative approaches in applying new technologies to teaching and learning. I urge my colleagues to join me in honoring and commending Ms. Chan on her accomplishments and particularly to join me in congratulating her for receiving the National Education Association's Christa McAuliffe Award.

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HONORING MAYOR JIMMIE R. YEE OF SACRAMENTO, CALIFORNIA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 13, 2000

Mr. MATSUI. Mr. Speaker, I pay tribute to Mayor Jimmie R. Yee of Sacramento, California. After Mayor Joe Serna, Jr. passed away, Jimmie Yee has filled in admirably as Mayor of Sacramento. A tribute dinner will be held in his honor on November 13, 2000. As his friends and family gather to celebrate, I ask all of my colleagues to join with me in saluting his outstanding career.

Over the years, Jimmie Yee has amassed a wealth of experience, both as a public servant and as an engineer. After obtaining a Bachelor of Science degree in Civil Engineering from the University of California, Berkeley in 1956, he went on to work as a California Structural and Civil Engineer. He proudly served his nation as a Captain in the U.S. Army Reserve Corps of Engineers from 1957–1965.

As an engineer, Jimmie Yee has been an active and influential member of our community. He has served as a Fellow on the American Society of Civil Engineers since 1954. In addition, he has been a Fellow, a member of the Board of Directors, Secretary-Treasurer, and President of the Structural Engineers Association of Central California. Furthermore, he has been affiliated with the Consulting Engineers Association of California and the National Council of Engineering Examiners, just to name a few.

Jimmie Yee first became involved in public service in 1973 as a member of the Sacramento Citizens Committee on Police Practices. Since then, he has served in numerous positions throughout local government. Most recently, he has served as a City Council member for the Fourth District of the City of Sacramento, a post he has held since 1992. After the death of Mayor Joe Serna, Jr. in 1999, Jimmie Yee was an overwhelming choice to fill in as interim Mayor.

In his short term as Mayor, Jimmie Yee has further enhanced his reputation as an honest and trustworthy public servant. He now plans to resume his position with the Sacramento City Council where he remains one of Sacramento's most popular and well-respected elected officials.

Mr. Speaker, as the grateful citizens of Sacramento gather for Mayor Yee's tribute dinner, I am honored to have this opportunity to pay tribute to a truly remarkable citizen of Sacramento. Jimmie Yee's contributions to our community as an engineer, community servant, and elected official have indeed been commendable. Every resident of Sacramento owes him a debt of gratitude. I ask all of my colleagues to join with me in wishing him continued success in all his future endeavors.

SENATE—*Tuesday, November 14, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 12:02 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign of our Nation, we trust You as ultimate Ruler of this land. Give us historically astute hindsight so we can have 20/20 vision to see that You are at work in the shadowy realms of the often ambiguous election processes. We grow in confidence as we remember that You have sustained us in crises over contested presidential elections at crucial times in our history. There is no panic in heaven; therefore there can be peace in our souls in the midst of the human muddle of this uncertain time.

You have all power, You alone are Almighty, and You are able to accomplish Your purposes and plans through the votes of Your people. You rule and overrule. When these votes bring us to results that are painfully close, give us patience to wait for a just resolution. Your intervening power is not limited: You are able to guide the candidates and their advisors about when and how to do what is best for America.

Lord, we all love a winner, but most of all, we want America to win in this conflict. With this as the focus of our attention, we intentionally turn away from divisive distrust of people and human systems to divinely inspired confidence in You. You are still in charge. In that liberating assurance, may the Senators and their staffs, and all of us who work with and for them, press on with alacrity to finish the work of the 106th Congress. You, dear God, are in control. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the majority leader.

THANKING THE CHAPLAIN

Mr. LOTT. Mr. President, I thank the Chaplain for his always meaningful prayer that was especially meant for the times we are in.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, we will shortly proceed to a continuing resolution that will fund the Government through December 5. I should note there were a number of conversations during the day on Monday between the leadership in the Senate and the House and the President. The agreement was that a continuing resolution to a later date would be appropriate. There were earlier dates considered, but there was conflict with House Members on November 27. That is why the date of December 5 was agreed to.

It is expected that the Senate will also receive the adjournment resolution from the House fairly quickly so that it can be considered prior to the policy luncheons. Both the continuing resolution and the adjournment resolution will be passed by unanimous consent. Therefore, no votes will occur during today's session.

I wish everyone a happy Thanksgiving and also urge that we complete our discussions at 12:30 p.m. as scheduled for the policy luncheons and that we move toward a quick adjournment when we return after the luncheons, hopefully by 2:30 p.m.

We will continue to work on the issues that are outstanding between the Republicans and the Democrats, House and Senate, and the administration during this interim period. Senator DASCHLE and I expect to meet tomorrow to talk over the substance of the issues pending.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m., with the time equally divided between the two leaders and each Member be limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIDEOTAPING CHAMBER ACTIVITY

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 384) relative to rule XXXIII.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, for the information of the Senate, this resolution provides for the videotaping of Senator BYRD's statement in the Chamber in December at the organizational meetings and the orientation of our new Members so that this tape will be available for historical and educational purposes.

Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 384) was agreed to, as follows:

S. RES. 384

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorize the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 2000.

ORDER FOR STAR PRINT—S. RES. 379

Mr. LOTT. Mr. President, I ask unanimous consent that Senate Resolution 379, as adopted by the Senate, be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

DETERMINING A PRESIDENTIAL WINNER

Mr. LOTT. Mr. President, I will make one comment at this point, and that is, this morning I had occasion to see Senator REID as he was passing by my office. We talked a little bit about history and the fact that the very office in the Capitol where I sit was where the House of Representatives met in 1801 to determine who would be President because there had been a tie in the election. The House of Representatives voted 36 ballots before they determined the winner by 1 vote to be Thomas Jefferson. He won over Aaron Burr. He

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

went on to be one of the greatest Presidents in the history of our country. I leave that for a little thought for all concerned, and now worried, about what the future holds.

I yield the floor.

Mr. REID. Mr. President, before the leader leaves the floor, it is my understanding Senator SPECTER wants to speak for about 10 minutes and then we can use up the rest of the time until 12:30. Is the leader expecting to recess at 12:30 and come back at 2:15 p.m.?

Mr. LOTT. That is my intent. While we may not have normal policy luncheons, it is my intent to recess at 12:30 so we can have luncheons as a group or individually, and we will come back after the luncheons, I presume at 2:15. Hopefully, we will close the session by 2:30. I will want to make sure that Senator DASCHLE has been consulted on that and agrees with that.

Mr. REID. I say to the leader that when we do reconvene at 2:15, or maybe even by 12:30, I will be in a position to tell the majority leader how many on our side wish to speak. I know Senator DASCHLE does. I know Senator DORGAN perhaps wants to speak. But I will, as soon as I learn, advise the staff and the Senator of how much time we will need.

Mr. LOTT. I yield the floor, Mr. President.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

MODERNIZING VOTING PROCEDURES IN FEDERAL ELECTIONS

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation which would seek to modernize voting procedures throughout the United States in Federal elections. I do not intend to become involved in the current controversies but instead have been considering where we go from here in order to try to prevent the kind of concerns and problems which we have at the present time.

In Pennsylvania, I have had considerable comment from my constituents about the issue as to, in the electronic age, with computers available and with electronic devices available why do we have some sections of the country voting by paper ballot and why do we have a great variety of election procedures in voting, so that there is not uniformity and there is not a prompt count.

Looking at that issue, it seems to me that we can do much better on how we vote in Federal elections. The thought on my mind is Congress should address this issue at least as to Federal elections, leaving the matters of State and local elections to State officials under our Federalist concepts.

It is not really practical for someone to lay out an entire bill with the procedures to implement these objectives, but it seems to me—and I have been talking to some of my colleagues about it, and there are a number of Senators who are thinking in the same direction—that it will be useful to establish a commission which would take up the question of how we have election procedures which take advantage of computers and electronics so that votes may be tabulated accurately and promptly, and not have the kinds of issues which arose in our election on November 7.

I do, therefore, submit, Mr. President, the structure of a bill to establish a commission for the comprehensive study of voting procedures for Federal elections, to take a look at not only Federal elections but State and local elections as well, but with the purpose of finding a way to have accurate reporting, electronic reporting, and speedy reporting.

This bill is not in concrete. I am now soliciting cosponsors. I think we will have other cosponsors shortly. Since we have an abbreviated session today, with only a limited amount of time, I am introducing the bill at this time.

Mr. President, I will make just a comment or two about the electoral college.

As we have moved ahead with the concerns under the current contest between Governor Bush and Vice President GORE, I have found many of my constituents—and have noted comments in the media across the country—who are surprised about the way the electoral college works.

Illustratively, in my State of Pennsylvania, with 23 electoral votes, and Vice President GORE having received 51 percent of the vote and Governor Bush having received 47 percent, that Vice President GORE got all 23 of Pennsylvania's electoral votes.

In discussions I have found—candidly, a surprise to me—a fair amount of concern among my constituents about changing the electoral college. There is some confusion that any change in the electoral college may have some impact on the current contest between Governor Bush and Vice President GORE, which, of course, is not the case. This current election is going to be determined under the existing rules of the electoral college as it now stands. It seems to me that consideration ought to be given to a modification.

One approach would be to go to the popular election of a President. That appears to be unrealistic because there are so many smaller States which have only one Member of the House, two Senators, so they get three electoral votes. On a proportionate basis, they would be entitled to a 1-435th proportion in relation to the House, there being 435 Members of the House, but they have a 3-535th proportion, taking the House's 435 Members and the Senate's 100 Members. Since it takes a two-thirds vote to pass a constitutional amendment in the Congress, and ratification by three-fourths of the States, I think it is unrealistic to look to the popular election of a President.

But there is an alternative way where it might be achieved: that is, with a proportional representation. S.J. Res. 51 was introduced in the 96th Congress by Senator Cannon, cosponsored by Senators THURMOND, Goldwater, Harry Byrd and Talmadge, which provided for a constitutional amendment for proportional representation, which might be the way to go.

Illustratively, in a State such as Pennsylvania, with 23 electoral votes, and a vote split of 51 percent and 47 percent, it might be divided as 12 votes for Vice President GORE and 11 votes for Governor Bush. I think this is going to require further study.

I do think it is plain that the purpose of having the electoral college, as reflected in the Federalist Papers, was to provide a buffer between the common voter, who was thought at that time not to be sufficiently informed to directly elect a President. That, of course, was changed when we had a constitutional amendment providing for the direct election of Senators.

In the original Constitution, Senators were elected by the State legislatures, so that the common man did not vote directly for a Senator. But that has been changed as we have come to understand that in modern times every voter has a full capacity to make the direct election of an elected official with Senators, and I think on the same analogy to the President as well. But because of the extra leverage for the smaller States, which I do not contest, the direct election is not realistic. But perhaps a proportional election through the electoral college might be appropriate, with the smaller States having the additional advantage of having two electors, accounting for their two Senators. I think that is going to require further study. Again, I have been discussing that with my colleagues.

I do think people in this country want to know what our plans are for the future. I also think there ought to be an awareness that many of us in the Congress are considering whether the electoral college should stand as it now is or whether it should be changed.

An intermediate ground may be this proportional voting of the electoral college, as reflected in S.J. Res. 51 from the 96th Congress. I believe there is no doubt that we need to modernize election procedures, and that the way to go would be a five-person commission with appointments made by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House. These matters ought to be subject to consideration to try to eliminate some of the problems which the country now faces.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on the Comprehensive Study of Voting Procedures Act of 2000".

SEC. 2. FINDINGS.

Congress finds that—

(1) Americans are increasingly concerned about current voting procedures;

(2) Americans are increasingly concerned about the speed and timeliness of vote counts;

(3) Americans are increasingly concerned about the accuracy of vote counts;

(4) Americans are increasingly concerned about the security of voting procedures;

(5) the shift in the United States is to the increasing use of technology which calls for a reassessment of the use of standardized technology for Federal elections; and

(6) there is a need for Congress to establish a method for standardizing voting procedures in order to ensure the integrity of Federal elections.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established the Commission on the Comprehensive Study of Voting Procedures (in this Act referred to as the "Commission").

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Commission shall complete a thorough study of all issues relating to voting procedures in Federal, State, and local elections, including the following:

(1) Voting procedures in Federal, State, and local government elections.

(2) Voting procedures that represent the best practices in Federal, State, and local government elections.

(3) Legislation and regulatory efforts that affect voting procedures issues.

(4) The implementation of standardized voting procedures, including standardized technology, for Federal, State, and local government elections.

(5) The speed and timeliness of vote counts in Federal, State and local elections.

(6) The accuracy of vote counts in Federal, State and local elections.

(7) The security of voting procedures in Federal, State and local elections.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations on the matters studied under subsection (a).

(c) REPORTS.—

(1) FINAL REPORT.—Not later than 180 days after the expiration of the period referred to in subsection (a), the Commission shall submit a report, that has been approved by a majority of the members of the Commission, to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) INTERIM REPORTS.—The Commission may submit to the President and Congress any interim reports that are approved by a majority of the members of the Commission.

(3) ADDITIONAL REPORTS.—The Commission may, together with the report submitted under paragraph (1), submit additional reports that contain any dissenting or minority opinions of the members of the Commission.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members of whom—

(1) 1 shall be appointed by the President;

(2) 1 shall be appointed by the majority leader of the Senate;

(3) 1 shall be appointed by the minority leader of the Senate;

(4) 1 shall be appointed by the Speaker of the House of Representatives; and

(5) 1 shall be appointed by the minority leader of the House of Representatives.

(b) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(d) VACANCIES.—A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority if its members.

(2) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 6. POWERS OF THE COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) WEBSITE.—For purposes of conducting the study under section 4(a), the Commission shall establish a website to facilitate public comment and participation.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Chairperson of the Commission, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(f) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes (42 U.S.C. 5).

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act.

SEC. 7. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 8. LIMITATION ON CONTRACTING AUTHORITY.

Any new contracting authority provided for in this Act shall be effective only to the extent, or in the amounts, provided for in advance in appropriations Acts.

SEC. 9. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4.

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to prohibit the enactment of an Act with respect to voting procedures during the period in which the Commission is carrying out its duties under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Commission to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, I understand we are in morning business; and we can speak for up to how long?

The PRESIDING OFFICER. Up to 5 minutes, with each side controlling 10 minutes total.

Mr. HARKIN. Mr. President, I commend and congratulate my friend and colleague from Pennsylvania for introducing this legislation to set up a commission. I think it is very timely.

I would just say to my friend from Pennsylvania, it seems that one of the things I have picked up in traveling around Iowa is that people are deeply concerned and somewhat unnerved by the fact that we have all these different types of voting machines around the United States. We are a mobile society. We move a lot. We go from one jurisdiction to another. You can go from one county to another and have a completely different system of voting on machines. Plus, some of these are really outdated. We have technology today that really can ensure that your vote is as you want it and that there are no mistakes made unless you intentionally want to do something such as that. We just have not adopted that new technology.

I think the proper course would be to set up some type of commission, give them the proper funding, and make sure it is a bipartisan commission that would be evenly divided, that could go out and look at these things and perhaps report back to Congress in due time. I understand the Senator said he wanted 1 year to report back, if I am not mistaken.

Mr. SPECTER. If the distinguished Senator will yield.

Mr. HARKIN. I yield.

Mr. SPECTER. The legislation provides that the commission would have 1 year to complete a study and then 6 additional months to file a report. It is structured to be bipartisan, with the leadership of the House and Senate each having one appointee and the President having a fifth appointee, so the bipartisanship would be assured.

If I may add, it is well known the Senator from Iowa and I worked very closely together on the Subcommittee on Labor, Health and Human Services, and Education. We just had a brief informal discussion, so I may have picked up a cosponsor here before 12:30.

Mr. HARKIN. I think you might. In fact, in my comments I was going to talk about that. Obviously, we are thinking along the same lines. I really do believe there ought to be more uniformity, especially in national elections, on the type of equipment that is used. I must admit, being from Iowa, we don't use punch cards. That went out years ago. I was quite surprised some States were still using punch cards. Really, they are open to all kinds of problems. Some States still use the old lever, the old hand-cranked machines.

I don't know; does the Senator know how many different types of voting machines are used in the United States today?

Mr. SPECTER. If the Senator will yield, I do not. There are even different kinds of machines used in Pennsylvania, and there are still many paper ballots which are being used. It is astounding not to have rapid, accurate results on election night, with computers being what they are and the possibilities of electronics. This may be a matter on which the Federal Government will have to do some financing. The study ought to be made. Congress ought to consider it and try to solve at least a big part of this problem.

Mr. HARKIN. I thank the Senator for his leadership on this issue.

Mr. REID. Mr. President, I ask unanimous consent the remainder of the Democratic time be allotted to the Senator from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator from Nevada.

I note many Americans have expressed concern about the time it is taking to determine whom the American people elected as President last Tuesday. We just came out of a meeting. A bunch of reporters stopped me just off the floor, talking to me about the crisis and shouldn't we have to get this resolved. I said: Wait a minute, there is no crisis in this country right now. Frankly, I am heartened to see that most Americans' first priority is to ensure the votes are counted with precision, accuracy, and fairness. The American people know how important is one of the bedrocks of our great democracy, the idea no matter how rich or poor, powerful or weak, no matter what race, creed, or sex, the vote of every American counts equally: One person, one vote.

We can all agree this Presidential election is one of the closest in our Nation's history. Now it appears that Vice President AL GORE has won the popular vote. He currently leads by about 223,000 votes. He also, right now, is ahead in the electoral college, but that electoral college outcome is much less clear. At this point, whichever candidate wins Florida probably wins the Presidency, and right now, according to the latest reports, only 388 votes separate the two candidates. To put it in context, that is .0067 percent of the votes in Florida.

Frankly, I think we can all agree the spirit of "whatever it takes to win and to heck with the will of the voters" has no place in American politics. So I was pleased to see the initial polling shows that these efforts have failed. According to a recent Newsweek poll, 72 percent of American adults believe that making certain the count is fair and accurate is more important than rushing to judgment to get matters resolved quickly.

Yes, democracy is slow. Yes, democracy takes time. But it is worth it, and the American people understand that. There is no crisis. We should take our time, and we should determine accurately what the will of the voters really is.

Much has been said of the hand counting of ballots in Florida, as if that were something strange and new. We do hand counting of ballots all the time for sheriff, for local county commissioner—all the time. This is done at every election in the United States, Federal and State and local, when it is very close. Why is the office of President less important than local sheriff? It seems to me if hand counting of a ballot is important for the local sheriff's race, it is equally important, even more important, for the highest office of the land.

It has been said that machines are neither Democratic nor Republican. That is true. But let's keep in mind, the only reason we use voting machines in this country is, No. 1, it is cheaper and, No. 2, it is quicker. Still, the most accurate way to determine each person's vote is to have that person walk into a voting place, give each a paper ballot, and have each go in there and mark the boxes with an x, fold the ballot, step out, and put it in a box. Then when the polls close, a committee looks at these ballots and counts each one. That is clearly the most accurate way of counting votes.

Why don't we do that in America? Obviously, you would not know the outcome of elections for months afterwards because it would take that long to hand count all the ballots. Second, it would be prohibitively expensive. But the idea that somehow machines are more accurate than human counts is just nonsensical. It is just not true. The human count is still the most accurate.

When the votes are really close and when the office is at stake because of the closeness of the votes—.0067 percent of the votes in Florida, as I stand here—it is incumbent upon us to do what we would do in a local sheriff's race or supervisor's race, and that is to hand count these ballots.

Again, having said that, I will have more to say about it later on this afternoon. I see the hour is 12:30 so the time has come for our recess. We will be back in at 2:15. At that time, I want to explore a little further the idea of having a standardized procedure for standardized voting machines for the entire country, one on which people can rely no matter where they live. People move all the time. They should not have to be confronted with different voting machines.

Mr. President, I ask unanimous consent to be listed as a cosponsor of the legislation just introduced by Senator SPECTER of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Has the hour of 12:30 arrived, Mr. President?

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. I think the resolution we have been waiting for has arrived.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: I understand that the Senate will reconvene at 2:15.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2:15 I be recognized for up to 15 minutes to finish my statement.

The PRESIDING OFFICER. I think we have a previous consent agreement that allows for each of the leaders to present a list of those who wish to speak.

Mr. HARKIN. I did not hear the President.

The PRESIDING OFFICER. I guess it is not an actual unanimous consent request.

Is there objection to the request? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I had asked for a quorum call for just a moment so that staff could complete certain paperwork. So it may be understood why I asked for the quorum call and asked that it be rescinded so promptly. On behalf of our distinguished majority leader, I have been asked to make this unanimous consent request.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the continuing resolution, H.J. Res. 125, funding the Federal Government through December 5, 2000; that the joint resolution be read the third time and passed, and the motion to reconsider be laid upon the table, all without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The joint resolution (H.J. Res. 125) was read the third time and passed.

Mr. REID. Mr. President, it is my understanding that when we come back at 2:15, there will be a time for morning business.

The PRESIDING OFFICER. That is correct.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 442

Mr. SPECTER. Again, on behalf of the majority leader, I ask unanimous consent that when the Senate receives the adjournment resolution from the House, the resolution be agreed to and the motion to reconsider be laid upon the table, all without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FITZGERALD).

The PRESIDING OFFICER. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. MURKOWSKI. On behalf of the majority leader, I ask unanimous consent that following the 15 minutes allotted to Senator HARKIN, Senator LOTT or his designee be recognized for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I indicated to the majority leader I would indicate when I came back how many speakers we have. Senator DODD indicated he wants to speak for half an hour. Senator HARKIN will speak for 15 minutes. The Democratic leader, Senator DASCHLE, wishes to speak for 15 or 20 minutes. Those are the only speakers we have had request time on this side. If there are any others, I will be happy to inform the Chair.

Mr. MURKOWSKI. Mr. President, in view of the request of the minority, I ask unanimous consent that following the 15 minutes allotted to Senator LOTT or his designee, there be an additional period for morning business until 4:15, with the time equally divided between the two leaders or their designees.

Mr. REID. Reserving the right to object, I just add to that unanimous consent request that during that period of time, Senator DODD be recognized for up to 30 minutes, and the Democratic leader for up to 20 minutes.

Mr. MURKOWSKI. It is my understanding that will be off of their time.

Mr. REID. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. The time will be equally divided between the two sides. I thank the Chair and I trust that meets the requests of all interested Senators.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I request 5 minutes of the time the majority leader has reserved.

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. Senator from Missouri is recognized.

OSHA ERGONOMICS RULE

Mr. BOND. Mr. President, I rise to call to the attention of my colleagues and the many people across this Nation the fact that the Occupational Safety and Health Administration has rushed to judgment and published a huge, extremely burdensome ergonomics rule. They had talked about this previously with bipartisan support. We had included in the Labor-HHS bill, as well as others, legislative vehicles stating that they should not go forward with this measure because of the burdens it imposed. I have in my hand the voluminous computer printout of the rule. I chair the small business committee, and I can just see the thrill and excitement with which a small business will view this rule coming down on their backs.

I hope this body can take action to stop the implementation of this rule until OSHA itself and the scientific evidence can provide real guidance to small business and other businesses on how to reduce ergonomics injuries.

In the last 7 years, the incidence of ergonomics injuries has gone down by a third—26 percent in carpal tunnel syndrome and 33 percent in tendonitis. It is in the interest of employers and employees to reduce to the greatest extent possible the very painful, time-consuming and profit-consuming impact of ergonomics injuries.

Well, OSHA decided they had been working on this for a long time and they wanted to get something out the door before the Clinton administration left office. Our political friends said we have to have an ergonomics rule. This overrules State workers compensation laws and tells employees if they have an ergonomics injury, they can collect more workers comp than the State provides them. We are overruling State workers comp laws.

It also tells employees that if you get an ergonomics injury—say you are in a bowling league on your own time, or you are crocheting in the evening and you come up with an ergonomics injury—if that is made worse by the job that you are doing, then your employer has had it. This ergonomics rule doesn't give any sound guidelines on how employers and employees working together can reduce ergonomics injuries. That is what we need from OSHA, not a punitive measure which says if somebody has an ergonomics injury, you are dead; your workers comp account is going to be held hostage and you are going to be subject to lawsuits.

All this says is, that if the highway speed limit sign says don't drive too fast and you are driving down the road at what you think is a reasonable speed and a State trooper flags you over and says: You know what, you were going 40 miles an hour, and I think 35 miles an hour is a reasonable speed, so you are guilty. That is precisely what they propose to do with this ergonomics regulation, and it affects businesses of all sizes.

I have talked to soft drink distributors who say: If we don't go out of business, we are going to have to buy equipment and get rid of employees to have machines doing the work. You can talk to people in the delivery business—express delivery or any other delivery business—and they know that no matter what they try to do, even if they continue to reduce the incidence of ergonomics injuries, any time there is an ergonomics injury, they are going to be held responsible even if they didn't initially cause it. Well, we have the Small Business Regulatory Enforcement and Fairness Act and we have lawsuits that are about to be filed by many organizations representing small business. I support those lawsuits. I hope this body can act to stop the implementation of this draconian rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa now has 15 minutes.

Mr. HARKIN. Mr. President, I understand I am recognized for up to 15 minutes.

The PRESIDING OFFICER. That is correct.

THE CLOSEST ELECTION IN OUR NATION'S HISTORY

Mr. HARKIN. Mr. President, as I said this morning, we can certainly all agree that this Presidential election is one of the closest in our Nation's history. While AL GORE appears to have won the popular vote, leading by 223,000 votes, the electoral college outcome is much less clear, even though Vice President GORE also leads in the electoral college vote at this time. At this point, whichever candidate wins Florida will probably win the Presidency. Right now, according to the latest reports, only 388 votes separate the two candidates. That is 0.0067 percent of the votes in Florida—less than seven-thousandths of 1 percent.

Yet when it appeared that the extremely close vote in Florida would decide the election, rather than waiting for a careful counting of the ballots as required by Florida law, the Bush campaign pushed for acceptance of the current count. The American people disagree. According to a recent Newsweek poll, 72 percent of American adults believe that making certain the count is fair and accurate is more important than rushing to judgment to get matters resolved quickly. Democracy is slow, yes; democracy takes time, yes; but democracy is still the fairest system of all, and the American people understand that.

It was very discouraging that just days after the Bush campaign sharply criticized our respected former Secretary of State, Warren Christopher, for leaving open the possibility of seeking judicial review of highly questionable portions of the process, the Bush lawyers themselves went to Federal court to block a hand recount of questionable ballots—a process that is generally recognized as much more accurate than machine counting.

I also find it highly ironic that the Bush lawyers chose to try to block a hand recount when they themselves, according to news reports, supported a hand recount in New Mexico. In fact, in 1997, Governor Bush himself signed a Texas law that seems to encourage hand recounts of disputed votes.

Now, as we all know, just a few hours ago, the latest attempt to block a complete and fair count has been upheld by a court in Florida, although an appeal is expected shortly, if in fact it hasn't happened by now.

The court ruled that Florida's Secretary of State, who was an active Bush supporter and traveled around the Nation on his behalf, could cut off the county's recount efforts at 5 p.m. this afternoon. She made the decision to end the count at that time, 5 p.m. today, knowing full well that the hand count of the ballots allowed by Florida law cannot possibly be completed by that point in time.

In America, we are certainly used to getting results of our elections from the news networks almost immediately after the polls close, sometimes 3 or 4 hours later in relatively close elections but almost certainly the next morning. However, we have to realize that what we heard from the networks early on election night were not actual election results but exit poll results based on a very few counted ballots. When the difference between the candidates falls below a couple of points, we have to wait for an actual vote count. When the difference falls below a few tenths of 1 percent, we have to wait for a careful recounting of the votes.

There are several important reasons for these procedures. First, precinct and county election officials are dealing with many numbers quickly on election night. Mistakes are unavoidable. But in this case, where the difference is not 1 percent or a half percent but less than seven one-thousandths of 1 percent, or just over 300 votes out of over 5 million cast, we cannot allow any room for error.

The very machines that we use to count votes are prone to inaccuracies. The inaccuracies in some Florida counties occurred because not all voters marked their ballots to the preset machine standards. In some cases, they were using punch cards. Well, people don't always push the paper dot out of the hole, and sometimes they don't totally fill in the circle with the No. 2 lead pencil; thus, the machines can't always detect these votes. In a typical election, this isn't a problem.

Election officials know that one out of every so many votes won't be counted by machines. I wonder how many American people know it is a given fact that one out of so many votes will not be counted by a machine. They are very inaccurate. In an election where one candidate wins by 5 percent or 8 percent of the vote, these inaccuracies make very little difference in the final outcome.

But in an election as close as this, every single one of these votes matters. We have to count every single last one of them. No American should be disenfranchised because of a mechanical error. That is why I believe we have to be patient and allow the process to continue.

Again, former Secretary of State James Baker keeps saying that we have already counted the votes twice. But what he doesn't mention is that these counts were both done with machines that have error rates far larger than the percentage of votes separating the two candidates. Machine error rates are far higher than seven-thousandths of 1 percent. Mr. Baker says that machines don't have bias, that they are neither Democratic nor Republican. I keep hearing this statement.

It is also true that machines are far too inaccurate for the kind of count we need in this election. These machines just cannot count all those ballots where the hole is not completely punched or the circle is not completely filled in. Only human beings who can see whether someone tried to punch through the paper or make a mark can do that. To those who say that machines are more accurate than human beings counting ballots I would just ask: Have you ever gotten a phone bill that was inaccurate? How about your credit card bill? Machines make mistakes all the time. If you are not careful in catching them, you may be paying a little too much on your phone bill when you pay it. That is why we carefully look over our bills. The only way to really accurately get a count is through the time tested, old-fashioned way of counting these ballots.

Why do we use voting machines? We do not use voting machines because they are more accurate. We use voting machines because, No. 1, they are quicker and, No. 2, they are less expensive. They do not cost as much. Still, the most accurate way of determining every person's vote is to have people walk into a voting place; you hand them a paper ballot. They walk into the booth; they take their pencil and they mark the X in the box or circle; they fold the ballot, stick it in the box, and when the polls close those ballots are hand counted by human beings, impartial panels—one from each party, let's say—counting these ballots.

If that is the most accurate way, why don't we do that in America? Because in a national election such as this it would take maybe a couple of months to count all the ballots nationwide, and we want to know before then what the results are. Plus the cost of paying humans to sit there and count the ballots would be exorbitant. So we must disabuse ourselves of this false notion that somehow voting machines are more accurate. They are not. The most accurate is still hand counting those ballots.

We have to remember also that there is nothing exceptional about conducting a recount. Both hand recounts and machine recounts are common in close elections. This happens all over America in every election. We have recounts even in local sheriffs' races. Imagine. Let's take the Florida race. Let's bring it home to a county. Let's say we are having a sheriff's race in a county and let's say there were 4,000 votes cast in the sheriff's race, 2003 for one candidate, 1,997 for the other. The county says it is too close; we are going to have a recount. They start hand recounting it. They hand recount 200 ballots out of the 4,000 and the outcome changes by 2 votes. Now, instead of being separated by 6 votes, the candidates are separated by only 4 votes.

Let's say the top ranking election official in the county comes in and says: Stop counting. You have counted 200 ballots; you cannot count anymore. What do you think the outcry would be like in that county?

What, you have counted 200 ballots, the vote has changed by 2, that could be 30 or 40 votes out of 4,000 ballots. That could reverse the original improperly counted outcome.

That is exactly what is happening in Florida on a much larger scale than the local sheriff's race to which I just alluded.

Secretary Baker protested that the election officials in control of the Florida counties being recounted are Democrats. I find it interesting he is not protesting that the chief election official in Florida is a Republican, the very official who decided today to suspend the ballot counting at 5 p.m. The Secretary also neglected to mention there are Republicans sitting in the counting rooms, monitoring the count to eliminate even the slightest possibility of partisanship. To this day I have not read or heard a single word in the newspaper or on the media anywhere to suggest that any improprieties in hand recounts have occurred. The American people can be satisfied that hand recounts are accurate and fair.

Again, what has happened today with the Secretary of State saying at 5 p.m. we have to have all the ballots in and stop counting the hand ballots—that is like in the local sheriff's race, you have counted 200 ballots out of 4,000, the votes have changed a couple, and the election official says: Don't count anymore. I think the American people understand this. They get it. You cannot just count a few and say we are going to stop there.

In our democracy, victory is determined by who gets the most votes in each State. I see no harm in waiting to make sure each count is fair and accurate. The electoral college doesn't vote until December 18, and their votes are tentatively set to be counted by a joint session of Congress on June 6, 2001. So we have plenty of time to make sure the true winner is named. So I submit the most fair and most accurate way of determining who won the electoral votes of Florida, because that is what is in contest right now, the electoral votes in Florida—the best way to determine that is to have a hand recount of all the ballots in Florida. I am told by those knowledgeable of this situation this could be done within probably 10 days to 2 weeks at the most. This could be done and then we would know with a finality and a certainty just who is selected to be the next President of the United States. If we do not do this, a cloud is going to hang over whoever is chosen to be the next President.

I think that is the proper way to proceed. It is improper, illogical, and not in the best interests of fairness and accuracy to stop the hand counting of ballots when only a few have been hand counted. I understand about 1 percent of the ballots in a couple of counties have been counted at this time.

With States such as Florida in question and with candidates separated by a tiny vote margin, it may take a few weeks to make a clear determination. I believe that is in our best interests. Slow down. We are not in any hurry. What is the rush to judgment? Let's take our time. Whoever is the President, is going to be President for the next 4 years. I submit what is important at this point in time is not whether Vice President GORE is the President-elect or Governor Bush is the President-elect. That is not what is important right now. What is important right now is the sanctity of each person's vote; to make sure that each person's vote is counted properly. That is what is important here. If we know—and we do know—that machines make mistakes, and we have seven-thousandths of a percent dividing these two candidates in the State of Florida, then the most fair way to do it is to hand recount these ballots.

For the life of me I do not understand why the Bush campaign is so opposed to this. As I said earlier, we have hand recounts.

The PRESIDING OFFICER. The 15 minutes of the Senator has expired.

Mr. HARKIN. I ask unanimous consent for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. As I said earlier, we have hand recounts every election in the United States. Most often they are on more local elections such as elections for county supervisor, maybe a State representative. But it is not unheard of to have hand recounts for the House of Representatives or for the U.S. Senate. It is just that we have never had a Presidential election this close. So if it is fair and logical and in the best interests of ensuring that every voter's vote is counted accurately, if it is in our best interests to do that in a race for sheriff, is it not even more in our interest to have that kind of hand recount in this race for the Presidency of the United States?

I believe those who are somehow trying to stop the hand recount in Florida, trying to say let's just take the machine count whatever it is and we will live by that, or I guess with some overseas ballots that are due in, knowing full well the margin of error in the machines is more than the percentage difference in the two votes—if you are making that argument, what you are basically saying is the most important thing is to stop the process right now. That is more important than deciding the fairness and accuracy of each person's vote.

There is no crisis in America. Frankly, I disagree with Secretary Baker completely. This morning he was saying the markets are now going to be upset by this. That is nonsense. That is just nonsense. The American people understand this. There is no crisis in America. We are going about our business. People are getting up and going to work every day. Nothing is happening. We can take our time. The President-elect is not sworn in until January 20. We have time to make sure the vote is accurate and fair. There is no need to pull the curtain down and say, no, we have to end it right now, when so much is in doubt, when the race is so close, and when a fair and accurate counting of the ballots may move it one way or the other.

I do not know; maybe Mr. Bush will win the election. As I have said, it is not important right now whether Mr. Bush wins or Mr. GORE wins. What is important is that every voter's vote in Florida is counted accurately and counted fairly, and whether that takes us 10 days or 12 days or 2 weeks, I believe the American people deserve to have those votes counted fairly and accurately.

Earlier today my colleague from Pennsylvania, Senator SPECTER, introduced a bill proposing the formation of a commission to examine methods to reduce the miscounting of votes at the polls. I have cosponsored that legislation with him because I believe we do need to look at this situation. I think we should carefully examine alternatives, given the experience we are now going through. We should examine the electoral college. Maybe it is not perfect, but I happen to think it may be more perfect than a direct election but I am willing to look at it. Perhaps we could allocate the elector's votes by electoral district as Nebraska and Maine have decided to do. Perhaps we should consider automatically giving these electoral votes to whoever wins the State, rather than electing individual electors who could actually vote against the will of the voters in their areas. But I am intrigued by having electoral votes determined by congressional districts as Maine and Nebraska do, as I said.

We ought to consider providing counties and States the necessary funds to assist them in modernizing and standardizing their voting methods. Although it may be somewhat more expensive—we don't know—there is voting technology that exists and is used today, or some of it may be not used, that could reduce voting errors and errors in vote tally. No technology will completely eliminate inaccuracies, but this election clearly demonstrates our current methods must be improved. That is why I joined with Senator SPECTER to cosponsor this legislation. I really do believe we need a more standardized methodology of voting machines in this country.

I asked my staff earlier, How many different kinds of voting machines do we have in this country? We have looked at this question and we do not know the answer.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. HARKIN. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. We do not know how many different kinds of voting machines there are in this country. Since we are a mobile people, we move from one State to another, one area of a State to another, they can go and be totally confused by a voting machine that is different than what they had used the election before. So I wonder aloud about maybe standardizing voting machines throughout the country so, no matter where you go, you have the same voting machine that you had before.

I also believe we have to look at the latest technology—it exists—which could reduce to the barest possibility that a person does not vote for whom he or she wants to vote. There are interactive devices; I have seen them demonstrated myself, devices that any person with a disability, whether you are blind or deaf or whatever you might be, could use alongside anybody else. It wouldn't differentiate.

It would ensure that when you walked out of that booth, you knew exactly for whom you voted or for what you voted in terms of some of the resolutions and other items that are on the ballots.

If nothing else, we ought to be about this in the next session of Congress. I commend my colleague from Pennsylvania for introducing this legislation in this session, and I look forward to cosponsoring it with him when we meet again in January.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ATLANTIC SALMON LISTING DECISION

Ms. COLLINS. Mr. President, it is with great disappointment that I rise today to comment on the decision announced yesterday by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to list as endangered Atlantic salmon in Maine. The decision represents an opportunity lost and reflects a process gone badly astray. It also raises serious questions about the mechanics of the Endangered Species Act, a law that I support, and how the Services have chosen to interpret and follow its dictates.

I rise also out of deep concern for the Atlantic salmon. The rivers of Maine once played host to magnificent runs of Atlantic salmon. Scores of fish returned each year to the streams where they were born after two- or three-year journeys out to sea, venturing thousands of miles off the coast of Maine, as far away as Newfoundland. The question is, "What is the best way to protect and restore these extraordinary fish?"

Yesterday's announcement is no small matter to my home State. It has serious implications for the aquaculture, blueberry, cranberry, and forest product industries that form the backbone of the economy in the most economically challenged area of Maine. The cruel irony underlying the decision is that Maine believed it had laid the issue to rest some three years ago when the Services withdrew a proposed listing and joined with the State in pursuing the Maine Salmon Conservation Plan. On December 15, 1997, the Services announced they were withdrawing their proposed listing of Atlantic salmon to pursue a "cooperative recovery effort spearheaded by the State of Maine." At that time Secretary of the Interior Bruce Babbitt announced:

> We are unlocking the full potential of rivers in Maine and opening a new chapter in conservation history. The governor showed great leadership in forging this collaboration, which will enhance the ecology and economy of the state for years to come. The seven rivers will continue to attract more anglers, boaters and other sportsmen who will help grow and sustain new jobs and revenue as the rivers continue to stand as a model for the nation.

At the same time, Assistant Secretary of Commerce for Oceans and Atmosphere and NOAA Deputy Administrator Terry Garcia praised Maine's salmon conservation plan with these words:

> This plan, which was developed by a state-appointed task force with input and advice from federal fisheries scientists, is an innovative effort to resolve the real world conflicts that occur when preserving a species clearly means rethinking traditional uses of a river. Our decision to protect salmon through this plan rather than through a listing under the Endangered Species Act highlights the ESA's flexibility and our willingness to consider state-designed plans.

Bruce Babbitt's and Terry Garcia's statements purported to highlight the ESA's flexibility and the Services' willingness to consider state-designed conservation plans. But the decision to list Atlantic salmon exposes the statements as hollow rhetoric and reflects a policy of inflexibility and of rejecting potentially effective state plans as alternatives to listing. In the end, Secretary Babbitt and Mr. Garcia reneged on their commitment to work with the state, within the framework of the state plan.

The Services have taken the implicit position that they are under no legally-binding obligation to abide by their earlier commitments to work with the state through the Maine Salmon Conservation Plan. In proposing the salmon listing, they abandoned the Plan, which the Services relied on to withdraw their 1995 proposal to list Atlantic salmon as threatened. Indeed, in withdrawing the proposed listing three years ago, the Services referred to the Plan as "a comprehensive collection of measures and protective actions that offer[s] a positive benefit to the species" and as a substitute for listing. Moreover, at the time, the Services signed a statement of cooperation with the State of Maine to support the Plan as the means toward restoring Atlantic salmon in the seven identified rivers. In short, the Services gave every indication that they were committing to the Plan as an alternative to listing the salmon under the Endangered Species Act.

And that is precisely how the ESA is meant to operate. Listing determinations may not be made until the Services take "into account those efforts, if any, being made by any State * * * to protect such species." As one court recently put it, "The ESA specifically requires [the Services] to consider conservation efforts taken by a state to protect a species." By its own terms, the ESA also encourages states "to develop and maintain conservation programs." This means that the Services can and should rely on a competent state plan to avoid listing a species as threatened or endangered. In Defenders of Wildlife v. Babbitt, decided just last year, the court ruled that the Fish and Wildlife Service properly relied, in part, on a cooperative state/federal conservation plan to withdraw a proposed rule to list the flat-tailed horned lizard under the ESA. The court reasoned as follows:

> The ESA was not implemented to discourage states from taking measures to protect a species before it becomes technically or legally "necessary" to list the species as threatened or endangered under ESA guidelines. Rather, states are encouraged to work hand in hand with other government agencies and conservation groups to implement evolving policies and strategies to protect wildlife over time. Though the ESA regulations may represent many species' last chance at survival, Congress surely did not intend to make it the only chance at survival.

The court's decision in the Defenders of Wildlife case hits the nail on the head. The ESA encourages state/federal cooperative efforts to protect and restore species before listing is required. This goal is supported further by the Services' own regulations, which authorize Candidate Conservation Agreements between the Services, states, and private entities. These agreements are "designed with the goal of precluding or removing any need to list the covered species," a goal shared by the Maine Salmon Conservation Plan. The Services' stated policies, too, profess to "[u]tilize the expertise of State agencies in designing and implementing prelisting stabilization actions * * * for species and habitat to remove or alleviate threats so that listing priority is reduced or listing as endangered or threatened is not warranted." The Services also are working to establish criteria for evaluating the certainty of implementation and effectiveness of formalized state conservation efforts in order to facilitate the development of such efforts. Again, the goal is to make listing a species as threatened or endangered unnecessary.

In short, the Services are well-aware that the ESA encourages cooperative, responsible conservation efforts such as Maine's plan. Three years ago Commerce Department official Terry Garcia celebrated the Plan as "highlight[ing] the ESA's flexibility and [the Services'] willingness to consider state-designed plans." Today, the Plan has been rejected as not "adequately address[ing] the increasing threats salmon are facing from aquaculture, fish disease, habitat modification and catch-and-release fishing." No compelling record has been established indicating that the Plan has not met its interim goals. No request was made to modify the Plan. It was simply abandoned.

The Services contend that the proposed rule was the direct result of a status review that they conducted some time in 1999 and issued in October of that year. Yet, the Status Review is riddled with logical fallacies and unsupportable conclusions. Moreover, its timing presents cause for concern.

Under the ESA, "species" is defined to include any "distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." In other words, a subpopulation of a given species can be listed under the ESA if, indeed, it is distinct and self-contained. In the current circumstance, the Services rely on a supposed distinct population segment of Atlantic salmon remarkable only for its genealogical diversity. The population segment proposed for listing includes salmon in eight Maine rivers—each of which has long been under an intensive federal stocking program—and, curiously, does not include Atlantic salmon stocked in the Merrimack and Connecticut Rivers.

As far back as 1979, Congress expressed great concern about the Services' misuse of distinct population segments. In the report accompanying the bill to re-authorize the Endangered Species Act that year, the Senate Committee on Environment and Public Works, while acknowledging there may be some instances where different population segments of a single species are appropriate stated, "Nevertheless, the committee is aware of the great potential abuse of this authority and expects the FWS to use the ability to list populations sparingly and only when the biological evidence indicates that such action is warranted." In this case, the population distinction proposed by the Services fails to meet the standard set by Congress due to both a long-running stocking effort and the use of a territorial boundary that has little to do with reproductive isolation.

The July 1999 Status Review documents a stocking effort in the Kennebec, Sheepscot, Ducktrap, Narraguagus, Pleasant, Machias, East Machias, and Dennys Rivers that dates back to 1871. Up until 1992, these various stocking efforts took no account of the river-specific genetics that form the basis of this proposed listing. In 1871, 1,500 parr from the Canadian province of Ontario were released into the Sheepscot River. That was the first of many instances of planned introduction of foreign salmon for the purpose of interbreeding into what the Services now claim to be a genetically distinct population segment. Over eight years in the 1960s, 136,500 parr and 65,700 smolt—100 percent of which came from rivers in Canada—were stocked in the Sheepscot river. As late as 1990 and 1991, 13 percent of a substantial stocking effort used fish from New Brunswick.

In fact, from 1970 to 1992, while many substantial stocking efforts occurred putting millions of fry, parr, and smolt in these Maine rivers, not a single effort used salmon from the home river. In a stocking program 128 years old, only in the last seven years have river-specific salmon been used. For the Services now to try to claim that the fish in the eight rivers constitute a distinct population segment after this massive, century-long effort designed purposefully to introduce fish from other rivers and other countries into the eight is plainly disingenuous.

The Biological Review Team acknowledges that historic stocking practices may have had an adverse effect upon the genetic integrity of local stocks but claims that the limited stocking abilities of these early efforts minimized interference with the genetic purity of these river stocks. This is inconsistent with other assertions in the biological review.

The Services claim escaped aquaculture salmon pose a grave threat to the river-specific genetics of the salmon they propose to list. On the one hand, the Services argue that the enormous stocking of non-river specific species did not change the genetic composition of these stocks because the 128-year stocking effort was primitive, even in 1991. Yet, on the other hand, the Services claim an estimated 113 suspected adult escapees in the last ten years from aquacultural facilities in the Gulf of Maine pose a grave threat to genetic makeup of these river-specific salmon. Simply put, the Services' position defies logic.

The ESA requires that a listing decision be made on the basis of scientific data relating to the status of the species taking into account state protection and conservation efforts. Nowhere does the ESA permit a listing decision to be driven by a national interest group's lawsuit meant to force a listing to occur. Yet, it appears this sort of motivation may underlie the Services' decision to abandon the Plan. I wrote Secretary Babbitt and then-Secretary Daley requesting documents concerning the listing process and, in particular, the decision to conduct the Status Review. The Status Review appears to have commenced shortly after a lawsuit was filed to force an emergency listing of the salmon. The documents shed light on the Services' motivations in ordering the Status Review and, ultimately, deciding to list Maine's Atlantic salmon.

I would like to take a few minutes today to share with my Senate colleagues what I found when I examined the documents provided to me by the Services, some pursuant to subpoena. I do so because the documents reflect a listing process that appears to have been badly out of step with the letter and spirit of the ESA.

It is important to keep some dates in mind. On December 18, 1997, the Services withdrew a proposed rule to list the very same Atlantic salmon under the ESA. Again, the withdrawal was made with much fanfare and was based in large part on the State's adoption of the Maine Salmon Conservation Plan. On January 27, 1999, Defenders of Wildlife and other plaintiffs filed suit against the Services claiming that the withdrawal was an arbitrary and capricious decision and seeking an emergency listing of the Atlantic salmon. Some time thereafter, the Services began a biological review of the status of Atlantic salmon in Maine. According to the Services, the review was completed in July 1999, though it was not released until October of the same year. In August 1999, a second lawsuit was filed against the Services. The two cases were eventually consolidated. Then, on November 17, 1999, the Services issued a proposed rule to list the Atlantic salmon as endangered. That proposed rule led to the recent listing decision.

More than anything else, the documents I requested show that concerns about losing the lawsuits influenced the Services ultimately to abandon the Maine Salmon Conservation Plan and to proceed toward an ESA listing. But the decision to abandon the plan was not easily reached. The documents show that, throughout much of 1999, the Services were in disagreement over whether to abandon the State plan. In a March 31, 1999 e-mail, for example, Department of Interior officials express dismay over the position of the Department of Commerce legal team, which purportedly believed that "the state should be given every opportunity to accomplish the conservation measures accepted under the 1997 non-listing decision." According to this same e-mail, the Commerce Department legal team felt that NMFS could "maintain a more productive relationship with the state if eventually forced to list by the court (as opposed to willingly listing)."

For its part, the Interior Department legal team apparently did not want NMFS to give the Maine plan a further chance. In an April 2, 1999 e-mail, an Interior Department lawyer wrote to a colleague at the Commerce Department that he had heard NOAA's general counsel had, "without consulting [the Fish & Wildlife Service], recommended that NMFS give the state a list of conservation plan deficiencies and a delay of several months to address them." The e-mail continues: "Today, I heard that NOAA Assistant Administrator for Oceans & Atmosphere Terry Garcia has picked up the idea and is running with it." The Interior Department lawyer went on to express his concern that giving Maine time to implement and improve the plan "will appear political, and will be difficult to defend on scientific grounds."

Another Interior Department attorney expressed her opposition to the NMFS proposal more pointedly. She argued that giving the State of Maine more time to conserve and restore Atlantic salmon through its plan would risk a loss in the ongoing salmon litigation. In her words, "racking up another loss on conservation agreements" such as Maine's would "threaten" the Service's ability to rely on such plans in the future in lieu of listing.

Yet this view was not shared equally by each Service. It appears that the Commerce Department was more optimistic that the Maine Salmon Conservation Plan could be relied upon as an effective defense to the ongoing litigation. Another e-mail, dated March 30, 1999 and between two Interior Department attorneys, notes a NMFS official's view that the state plan could provide "a viable defense" in the ongoing litigation. The Interior Department attorney disagreed, citing "serious litigation risks" and the potential for setting an adverse precedent that could "extend to future actions in lieu of listing."

The Services' differing stances on whether to support or abandon the State plan lasted at least into August 1999, mere months before the listing proposal was issued. An e-mail between two Interior Department attorneys, and which appears to have been written in August 1999, notes that "NOAA management apparently still feels ESA listing over state opposition is wrong." The e-mail goes on to characterize a Commerce Department attorney's "best scenario" as the State of Maine agreeing to a "friendly listing, perhaps as threatened." The notion of a "friendly" threatened listing also appears in an August 17, 1999 e-mail between the same two Interior Department lawyers. The e-mail discusses the view of the Commerce Department attorney as follows: "The Services could either immediately propose a threatened listing and start working on a 4(d) rule, or propose as endangered and back off to a threatened listing if the state plays ball for the next few months."

These documents are disturbing because they show that legal considerations—and not "solely . . . the best scientific and commercial data available," as required by law—motivated the Services' decision to abandon the state plan and list Atlantic salmon in the Gulf of Maine as endangered. Granted, there is a clear link between science and the viability of the Maine Salmon Conservation Plan. The plan is either effective in conserving and restoring Atlantic salmon, or it is not. But the fact that the Services differed as to whether the state plan could be relied upon as an effective defense in the salmon suits makes the decision to list appear more like a matter of litigation strategy than a matter of science. Indeed, in another e-mail, an Interior Department attorney explains the effort to complete the 1999 salmon status review as a means "to support whatever action [the Services] take next."

Ultimately, I believe that the Services should be able to rely on appropriate, effective state conservation plans in lieu of listing. At the same time, a state that makes the effort to craft an effective plan in cooperation with the Services, should be afforded assurances by the Services that the plan will not be abandoned, as Maine's plan was, after only one full year of implementation. A state should be encouraged to propose effective conservation plans and should be able to count on the Services' consistent support. A listing decision should not be affected by whether or not a state "plays ball." It should be affected by the actions a state has made and commits to make to conserve and restore a given species.

I wanted to speak to my colleagues today in the hope that the experience Maine has undergone will not be repeated. One potential solution was suggested five years ago, by President Clinton. In a 1995 white paper recommending changes to the Endangered Species Act, this administration wrote the following:

> To encourage states to prevent the need to protect species under the ESA, the ESA should explicitly encourage and recognize agreements to conserve a species within a state among all appropriate jurisdictional state and federal agencies. If a state has approved such a conservation agreement and the Secretary determines that it will remove the threats to the species and promote its recovery within the state, then the Secretary

should be required to concur with the agreement and suspend the consequences under the ESA that would otherwise result from a final decision to list a species. The suspension should remain in place as long as the terms or goals of the agreement are met.

Were such a standard adopted by policy or statute, Maine and other states would have the incentive to devise and fully implement effective conservation agreements. The alternative is what has taken place in Maine. A plan is announced with great fanfare and a listing proposal is withdrawn. One year and a lawsuit later, the Services reverse course, deeming the plan as unfit to rely upon as a litigation defense. This is the wrong result, and I would hope that during the next Congress, we can change the Services' policy or change the law to encourage responsible, effective state conservation plans.

Mr. President, in order to avoid taxpayer expense, I will not ask that the documents I referred to be printed in the RECORD. Instead, I will post the documents on my Web site. Thank you.

Mr. President, I yield the floor and, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE IMPORTANCE OF GETTING IT RIGHT

Mr. DODD. Mr. President, I rise to share for a few moments this afternoon, before we adjourn for the day, if not for the week, some thoughts on the ongoing events, most obviously, the 2000 Presidential election.

I will talk about some of the mechanics of this and some of the comments made earlier in the day by my colleagues from Iowa and Pennsylvania, and some thoughts that they shared.

Before getting to the substance of that, I am a Democrat. Obviously, as a Democrat, I am hopeful AL GORE and my colleague from Connecticut, JOE LIEBERMAN, will be elected President and Vice President. Certainly, I fully understand how colleagues of a different political persuasion and other Americans hope that George Bush and Dick Cheney will win the election. I suspect maybe the Presiding Officer may share those views.

The most important belief everyone ought to have is that this process, at the end of it, whenever that comes—whether it is the end of this week or sometime over the next several days or weeks—that if it takes a little time, that is uncomfortable, but the most important conclusion is that it be one the American people support, even those who would have wished a different outcome in the election.

I served on the Select Committee on Assassinations 20 years ago in which we reopened the investigation of the assassinations of John Kennedy and Dr. Martin Luther King. What possible analogy could those two events have with this? Well, my colleague from Rhode Island and others may recall that the Warren Commission, which did the initial investigation into the tragic assassination of President Kennedy, was urged at the time to hurry up, to rush to get the job done, and they did. In retrospect, they did as well as they could have under the circumstances. But there was sufficient pressure to get the job done. Several years later, we had all sorts of questions raised that the Warren Commission did not address during the period of its consideration. I don't think we ever would have satisfied some of the elements who are always going to be convinced of conspiracy theories. But for an awful lot of other Americans, had the Commission taken a bit more time and gone through the facts a bit more carefully, we could have avoided the problems that ensued thereafter, including a whole new investigation of the assassination some 13 years after the events occurred in 1963.

The analogy is this: Obviously, we are not talking about that length of time, but while I hear people urging a quick decision, a fast decision, we all understand, while we like clarity and we would like a decision made immediately, we need to place at least as much emphasis, if not more, on this decision being the right decision, that the decision is seen as being fair and just and an expression, as close as we can have in an election involving more than 100 million people across the country, of the will of the American people.

That is going to be difficult because of the closeness of the race. It is important to get this done quickly, but it is more important to get it done correctly.

We do not want a substantial percentage of the American public questioning the legitimacy of the 43rd President of the United States—whether that is AL GORE or Gov. George Bush. The American people should support that choice and have confidence that the choice was the right one. I hope that, while there are those clamoring for a quick decision, we get the right decision. Utilizing the courts and utilizing manual counting ought not to frighten people. Courts are used in our country when there is a dispute that can't be resolved, where facts and theories of law are in dispute. If that is the case, you go to court and try to get an answer. You would do that if you were talking about county commissioner or secretary of State. In the State of Florida, we should do no less with the office of the President of the United States. In the final analysis, the new President will look back and be grateful that we took the time to get it right; that we did not rush to a quick judgment here for the sake of what may appear to be sort of an early way to achieve a win.

Having said all of that, there will be much talk in the coming weeks about what went wrong here, what could have been done differently, and issues around the electoral college, whether we ought to keep it, abandon it, or reform it. Are there things we can do from a Federal standpoint to assist our respective States so we don't have the kind of confusion that has emerged here and regarding some of the ballot choices and equipment used to record people's votes? There will be all sorts of ideas shared.

My first suggestion and hope would be that people take time to step back and examine our current situation. I get nervous when people have quick solutions for an immediate problem that has emerged, such as here with this close election. Lets not forget that we have been a republic for 211 years. This will be the fourth such election out of 43 Presidential races where there has been a close race, where the popular vote and the electoral votes—and we don't know the final outcome of this one—have a different result.

Before we decide we want to radically abandon this system, my strong suggestion to my colleagues and others who will be commenting, is to take some time to think it through carefully and not rush out and be offering proposals and bills that we may come to regret. There have been some 200 proposals made to amend the Constitution regarding the electoral college over the last 200 years, many of which have been suggested over the last 40 years. Before we jump to these proposals, I suggest that we think them through.

I listened with interest earlier this day to our colleague from Pennsylvania, Senator SPECTER, discuss two issues that are obviously timely and important ones at this moment about reform in the electoral college. I wish to address those issues for a few minutes. First, let me join my colleague from Iowa, Senator HARKIN, in congratulating Senator SPECTER for introducing the concept of a bipartisan commission to examine whether we might—at least in federal elections—develop more accurate and uniform methods of recording and reporting the votes cast by the citizens of our Nation. I know at least one newspaper in the country—the New York Times—has already editorialized on this topic in favor of modernizing what many consider to be a ballot system that is in many respects and in many areas of the country fairly archaic in terms of its technological sophistication. I will join Senator SPECTER and others in developing a more thoughtful approach to this dilemma. It is a dilemma because control of elections has been left to the decision of States across the country. The federal role is somewhat limited in this, to put it mildly. It is more a question of how we can work with the States in a cooperative fashion when it comes to federal elections—elections beyond mere consideration for the offices in the respective States and counties. I think we have a legitimate interest. Certainly, that has been borne out by the events of the last week in this country. Certainly, we have seen, as I say, in the last week issues raised that none of us could imagine would have been brought up prior to the results on Tuesday night.

I think the events of the past week have shaken many Americans out of a false sense that our system—or should I say systems—of tabulating ballots is absolutely error free. It never has been perfect. No one disputes that the hallmark of our system—namely free and fair elections—is as strong as it has ever been.

Indeed, if we have learned anything over the past week, it is the truth of the maxim that it is as ingrained in our consciousness as the Pledge of Allegiance or the Preamble of the Declaration of Independence: In America, every citizen counts.

That is a mantra we hear over and over again: Every citizen counts. Every citizen has a part to play in choosing how we shall be governed. Many of us have said over the last week: Don't ever let me hear anybody say again that every vote doesn't count, or a single vote doesn't count. You have seen that the margins in the State of New Mexico in the Presidential race may be down to 17 or 20 votes. We had a congressional race in my State a few years ago where out of 200,000 votes cast, 4 ballots determined who the Congressman of the Second Congressional District would be. So we all say every vote counts, every citizen counts.

While our system may be the fairest in the world, we have been reminded over the past week that it is not infallible. Few areas of governance are as decentralized as voter administration. According to a news report today, election decisions are made not only by each of the 50 States but by more than 3,000 counties and towns, where they have separate rules outside of the State rules. So 3,000 different jurisdictions in this country have something to say about how elections are conducted in America. The methods of voting vary widely from jurisdiction to jurisdiction—from the marking of paper ballots to the use of the Internet, as we have seen.

By far the most common form of voting in our Nation remains the punching of paper ballots. It is estimated that some 40 percent of voters utilized that method to vote on election day. This is so despite the evidence that paper ballots are more vulnerable, than any other voting system, to voter error.

We have all become familiar in the past six days with the variety of ways a ballot now may be marked—language I never heard before, terminology I never heard mentioned. All of a sudden, we have all become familiar with things called "chads" and parts of chads. I never heard of a ballot being "pregnant," but I now know that it can be in this country, which is a startling revelation. So we have heard a new vernacular in our society. People everywhere are learning about the variations of the chad: the "pregnant" chad, the "dimpled" chad, the "hinged" chad, the "swinging" chad. These are all words that those who may have been involved in the arcane business of voter issues know, but for most Americans these are new words.

Beyond the punching of a paper ballot, some 20 percent of voters use mechanical lever machines that are no longer made. Another 25 percent fill in a circle, a square, or an arrow next to the candidate or ballot question of their choice. Only about 10 percent use a computer screen or other electronic means to have their votes recorded automatically.

One consequence of using a patchwork system where most votes are cast by paper ballot is that errors can affect outcomes. That is what the people and officials of Florida are obviously trying to contend with even as I speak on the floor of the United States Senate this afternoon.

Another consequence, however, should be just as much a cause for concern, and that is that in a great many jurisdictions the voting process might not only be prone to a significant risk of error, but a significant risk of delay on election day as well. Throughout the country during the past election, we heard a great many reports of long lines at the polls. One hour, two hours, three hours. People were waiting a long, long time in many parts of the Nation to cast their ballots.

Certainly, the vast majority of those who did endure these waits did so with patience and a deep sense of the importance of the moment. However, the question we must ask ourselves is what we might try to do to shorten those lines. We must recognize that, in an era when we can pay bills, buy goods and services, and do many other things by computer, fewer and fewer Americans are waiting in line for anything anymore.

As long lines continue to become an anachronism in other parts of our lives, voters' patience on election day can also diminish. If their patience diminishes, then more may choose not to vote, and that will be the worst result of all.

We must realize that—much as they might want to—many local jurisdictions simply lack the resources to modernize their voting systems. One county in a State of the eastern seaboard has records dating from the 1800s. Of 890,000 people on that county's voting rolls, a recent study found that 775,000 were either dead or living someplace else. I will repeat that. In one jurisdiction, of the 890,000 people on the county's voting rolls, 775,000 were either dead or living in another jurisdiction. That fact, and others, underscore that voting recordkeeping and equipment is expensive and also outdated. That is a simple and unavoidable fact for many communities that struggle to find resources to meet the daily needs of their people for police, fire protection, trash collection, and other services.

So I hope that as we move forward or toward the conclusion of this Congress and the commencement of the 107th Congress, and we all wait for January 20th, where a few feet from here a new President will be sworn into office as the 43rd President—during this time—and this is why we should do it now—we give serious consideration to the concept of a bipartisan commission to examine how we might encourage more accurate methods of recording votes by the citizens of our Nation.

I also hope that such a commission would provide guidance as to how we might assist communities in finding the means to do so. This is a valuable role that we can play to assist these counties and local communities with resources that will enable them to modernize the voting equipment that they lack today. I look forward to working with the Senator from Pennsylvania, the Senator from Iowa, and others—I am sure there will be many more—who are interested in working on this issue and giving it some serious attention.

Secondly, let me enter the discussion on the electoral college. My colleagues, Senator DURBIN, Senator HARKIN, Senator TORRICELLI, as well as Senator SPECTER and others, have discussed this matter in the last few days. On talk radio, in diners, in taxi cabs, and anywhere you want to go, you can now get into a deep conversation about the electoral college. We have all become familiar in the last few days. Many people were unaware that Presidents have been elected by the electoral college since the first days of the republic. So there has been educational value to this confusion over who the next President will be.

The electoral college is an arcane institution in the minds of many, but it has played a very important and valuable role. Certainly now is a good time to consider the role of the electoral college in electing American Presidents. I hope that we will proceed, as I said at the outset—with caution—on this matter.

I would be concerned, frankly, about abolishing the electoral college. Those who have urged us to do so ought to pause, step back, and give some thought to what they have suggested. If you think it is confusing in Florida today, imagine the difficulty in deciding a Presidential election as close as this, with ballots in contention and people going to court not in one State, but potentially in 50 States? So while I think the electoral college may need serious reform, we ought to be careful about abandoning it.

Notwithstanding the intentions of the Founders, many which remain valid, the electoral college continues to serve, in my view, an important function in our present day election system. While we elect one President for the Nation, it reminds us that we do so as a republic of States, not as a single political unit. Were we to elect the President solely on the basis of the popular vote, Presidential candidates would have little incentive, in my view, to visit with the people who live outside the major population centers. State boundaries would, for purposes of a Presidential election, be virtually wiped out, and candidates would have little incentive to learn from a State's officials and citizens about the concerns particular to their jurisdiction or State. So the consequences of abolishing the electoral college should be considered with grave, grave care. I am aware that there have been numerous proposals to modify the electoral college during the course of history. As I mentioned, the 12th amendment to the Constitution was ratified June 15, 1804. It represents one of those proposals and, today, the only successful one. One proposal was put forward in the 87th Congress, I might point out, by a Senator from Connecticut who happened to be my father, I discovered the other day. He offered it in January of 1961 after the Kennedy and Nixon election. He proposed then—and admitted there was nothing unique about his ideas; they were ones that were incorporated from the various other proposals that were suggested. So it was not an original set of ideas coming off that election which was a close election as well—he proposed a system where each State's electors would be apportioned to the candidates in proportion to the candidates' percentage share of the State's popular votes.

Nebraska, Iowa, and Maine do that today. In fact, States could do that on their own initiative. In fact, it would not require a change in the Constitution if the various States wanted to modify how they would allocate their electoral votes. Perhaps we should consider that proposal or some variation on it.

As I said, there were many proposals offered. Perhaps we should also consider the two States that do not apportion the votes on a winner-take-all basis: Maine and Nebraska. Perhaps we should consider—as Maine does now—apportioning its votes according to which candidate wins which congressional districts in a given State. That has had some value. In fact, you may recall in the waning days of this election, the Vice Presidential candidate, JOE LIEBERMAN, my colleague from Connecticut, made a special trip to Maine to campaign in one congressional district up there that was close. It turned out that trip he made had some value. It was worth one electoral vote. If you apportion these either by congressional district or by how many votes the respective candidates received, I could see Democrats going to places such as Utah, Arizona, Georgia, Mississippi—places in which we have not done very well in Presidential campaigns. I could see Republicans coming to Connecticut, Rhode Island, or Massachusetts where they may not get the winning margin, but they might get 40 percent, 45 percent. So it is worth it to go after those electoral votes.

Why is that good government? Because it is important that these candidates come to our respective States, learn about the people's concerns. It makes it more competitive, gets people involved; their vote means something, not only a popular vote but also an electoral vote.

So I think reform of the electoral college, and there are a variety of other ideas, is worth while. But again, I caution against the idea that somehow abandoning the system would serve the best interests of the country for over two hundred years.

These are important matters. They go to the heart of our democratic system, the electoral college, how we vote, how ballots are counted. I happen to believe we are going to come out of this in good shape. I know there are those calling this a constitutional crisis. It is not a constitutional crisis. The system is working. We are confronted with a unique situation, but the Founding Fathers and the framers of the Constitution in their wisdom anticipated there would be difficulties with Presidential elections. They set up a series of safeguards. They are not perfect. Some need to be changed, but they work. We are now confronting one unique in the two-century history of our Nation, but we will come out of this well. There are good people in Florida, good citizens who care about this, who will do the right thing before this process is concluded.

On January 20, we will gather on the west front of this majestic building and we will welcome with good heart and good spirit and great cheer the 43rd President of the United States. That President will be a very humbled individual.

There will be no announcements of mandates in this election. Maybe the American people showed their infinite wisdom collectively by saying by dividing this as evenly as we can, not only in this Chamber and the House, but the Presidential election, maybe you ought to try to work these things out; get together and resolve some of the outstanding problems we face every day such as a prescription drug benefit, a real Patients' Bill of Rights, improving the country's educational system, myriad transit problems, just to name a few. Those are the problems Americans wrestle with every day and they want to see us wrestle with them here and come up with some answers.

They may have just sent us the method and means by which we will achieve that in this coming Congress by making this election as close as it is so no one can claim they have a majority of Americans' solution to this problem. But they did speak with almost one resounding single voice. We ought to take a look at the electoral process and then get about the business of going to work on America's problems. By making this election as close as they have, I suggest they may have offered us the opportunity and means by which we could do in the coming Congress what we failed to do in the one we are now winding down.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

WORLD WAR II MEMORIAL GROUNDBREAKING CEREMONY

Mr. WARNER. Mr. President, last Saturday, I, along with tens of thousands of others, gathered along the Mall to observe the groundbreaking ceremony for the World War II memorial. It was a most moving and inspirational moment for all who attended and, indeed, for the untold millions who followed through the medium of television. All of the speakers at this ceremony were clearly inspired by the solemnity of the occasion.

I ask unanimous consent that the remarks of all the speakers in attendance be printed in today's RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. WARNER. Mr. President, I should now like to list those speakers in the order in which they took part in this program.

First, World War II Chaplain and retired Archbishop Phillip M. Hannan, who gave a most inspirational invocation. He is a highly decorated combat veteran of World War II. What a marvelous spirit he has. He set the tone for all others who followed;

Gen. Fred Woerner, Chairman, American Battle Monuments Commission;

Ohio Congresswoman MARCY KAPTUR, who launched the effort in Congress to authorize the national World War II memorial. Her initial efforts go as far back as 1987;

Luthur Smith, a World War II Tuskegee Airman;

I am privileged to have been associated with the men and women of the Armed Forces through much of my life, but his rendition of his last mission, and how he was shot down, and how the hand of providence literally extracted him from a flaming aircraft and brought his wounded body to ground—it brought tears to the eyes of all present. That is worth the entire statement to be put in the RECORD today.

Tom Hanks, actor, who starred in "Saving Private Ryan," has done so much work to make this memorial possible.

Senator Bob Dole, our beloved former colleague and the National Chairman, World War II Memorial Campaign, spoke with such moving eloquence. He, of course, I believe, deserves most special recognition for his efforts.

Fredrick W. Smith, founder and CEO, FedEx Corporation and National Cochairman, World War II Memorial Campaign, also a veteran, not of World War II but of subsequent campaigns;

Ambassador F. Hadyn Williams, Chairman, American Battle Monuments Commission, World War II Memorial Committee.

William Cohen, our former Senate colleague, and current Secretary of Defense; and the concluding remarks, again, a very stirring and eloquent statement by our President, William Jefferson Clinton.

In addition to those great Americans who spoke at the ceremonies, there were others there. I mention just those in Congress: our distinguished President pro tempore, STROM THURMOND; from the House of Representatives, Representatives JOHN DINGELL, BENJAMIN GILMAN, RALPH REGULA, BOB STUMP, JOE SKEEN, and, of course, former Representative Sonny Montgomery, who has done so much through the years for the men and women of our Armed Forces.

I again wish to give very special recognition and, indeed, it was by all present, to Senator Bob Dole for his inspired, relentless, and untiring efforts to make this memorial possible.

This memorial will be an educational reminder for future generations to the enormous commitment, at home as well as in the uniformed ranks, of the people of our great Nation. As Senator Dole often said throughout his efforts on behalf of this memorial: What would our world be today if freedom had not prevailed, had there not been the enormous commitment throughout the United States and, indeed, also, in our allies. What if freedom had not prevailed and the war had been lost? What would the world be today? That will be the question that those who visit for decades to come should ask of themselves as they quietly reflect on this magnificent structure and the symbolism of that effort.

EXHIBIT 1

ADDRESSES DELIVERED AT THE NATIONAL WWII MEMORIAL GROUNDBREAKING CEREMONY, NOVEMBER 11, 2000

REMARKS OF GENERAL FRED WOERNER, CHAIRMAN, AMERICAN BATTLE MONUMENTS COMMISSION

Mr. President, distinguished guests, honored World War II veterans, ladies and gentlemen: On behalf of the American Battle Monuments Commission, I welcome you to the official groundbreaking ceremony for the National World War II Memorial.

There are many here today I want to publicly recognize. First and foremost, our special guests, the members of the GI Generation—whose sacrifice and achievement we will commemorate on this magnificent site.

Mr. President, we are honored by your presence. You, of course, are no stranger to this project, having stood here with us five years ago today to dedicate this sacred ground for the memorial to America's World War II generation.

Ambassador Haydn Williams, ABMC commissioner and chairman of the World War II Memorial Committee.

Senator Bob Dole, national chairman of our fund-raising campaign, whose leadership personifies the generation we honor.

His national co-chairman, Frederick W. Smith, founder and CEO of FedEx Corporation. Together, their energy and commitment to the campaign brought remarkable results.

Ohio Congresswoman Marcy Kaptur, who launched the effort to authorize the National World War II Memorial in 1987.

Members of the President's cabinet: Secretary of Defense William Cohen, Secretary of Health and Human Services Donna Shalala, Secretary of Transportation Rodney Slater, Acting Secretary of Veterans Affairs Hershel Gober, and the White House Chief of Staff, John Podesta.

Two-time academy award winning actor Tom Hanks donated his time and considerable talent to serve as our national spokesman, taking a simple message to the American people: "It's Time to Say Thank You."

Friedrich St. Florian, design architect of the National World War II Memorial, who has led the creative design effort.

Pete Wheeler, Commissioner of Veterans Affairs for the State of Georgia and chairman of the Memorial Advisory Board.

Jess Hay, a member of the Memorial Advisory Board and chairman of the World War II Memorial Finance Committee.

Luther Smith, who flew with the Armed Tuskegee Airmen, and served as a member of our Architect-Engineer Evaluation Board.

World War II chaplain and retired Archbishop Philip M. Hannan, who has graced us with his inspirational invocation.

Joining the official party on stage are the commissioners and secretary of the American Battle Monuments Commission, and members of the Memorial Advisory Board.

We're delighted to welcome the former Secretary of Transportation, Secretary of Labor and President of the American Red Cross, Elizabeth Dole.

Members of Congress, without whose bipartisan support this memorial would not be possible. There are 22 World War II veterans still serving. We are honored to have seven of these vets with us today: Senators Strom Thurmond and John Warner, and Representatives John Dingell, Benjamin Gilman, Ralph Regula, Bob Stump, and Joe Skeen.

We offer a special welcome to former Representative Sonny Montgomery, whose name will forever be linked to veterans benefits and programs.

We're also pleased to acknowledge the presence of: The Mayor of the District of Columbia, Anthony Williams, Secretary of the Army, Louis Caldera, Vice Chairman of the Joint Chiefs of Staff, General Richard Myers, Chief of Staff of the Army, General Eric Shinseki, Coast Guard Commandant, Admiral James Loy, and Former Chairmen of the Joint Chiefs of Staff, Admiral William Crowe and General Colin Powell.

The organizations that guided our efforts over the past several years; Chairman J. Carter Brown and commissioners of the Commission of Fine Arts, Acting Executive Director Bill Lawson and members of the National Capital Planning Commission, Director Robert Stanton and associates from the National Park Service, Commissioner Bob Peck and associates from the General Services Administration, and Leo Daly, whose international firm serves as the project architect/engineer.

Finally, I'm pleased to welcome in our audience: Susan Eisenhower, representing her grandfather, President Dwight D. Eisenhower, the Supreme Allied Commander in World War II, the grandson of Sir Winston Churchill—Winston S. Churchill, World War II Medal of Honor recipient and former governor of South Dakota—Joe Foss, and baseball greats Bob Feller, Warren Spahn, Tommy Henrich, Bert Shepard and Buck O'Neil—all veterans of the Second World War.

Would all these distinguished guests in the audience please stand to be recognized.

If I had the time, I would name every one of you with us today, for you are all heroes in the eyes of the nation. It is a privilege for the American Battle Monuments Commission to host this ceremonial groundbreaking in your honor.

REMARKS OF THE HONORABLE MARCY KAPTUR

Reverend Clergy, Mr. President, Honored Guests All. We, the children of freedom, on this first Veterans' Day of the new century, gather to offer highest tribute, long overdue, and our everlasting respect, gratitude, and love to the Americans of the 20th century whose valor and sacrifice yielded the modern triumph of liberty over tyranny. This is a memorial not to a man but to a time and a people.

This is a long-anticipated day. It was 1987 when this Memorial was first conceived. As many have said, it has taken longer to build the Memorial than to fight the war. Today, with the support of Americans from all walks of life, our veterans service organizations and overwhelming, bipartisan support in Congress, the Memorial is a reality.

I do not have the time to mention all the Members of Congress who deserve thanks for their contributions to this cause, but certain Members in particular must be recognized. Rep. Sonny Montgomery, now retired, a true champion of veterans in the House, and Senator Strom Thurmond, our unfailing advocate in the Senate, as well as Rep. Bill Clay, of Missouri and two retired Members, Rep. Henry Gonzalez and Senator John Glenn.

At the end of World War I, the French poet Guillaume Apollinaire declaring himself "against forgetting" wrote of his fallen comrades: "You asked neither for glory nor for tears." Five years ago, at the close of the 50th anniversary ceremonies for World War II, Americans consecrated this ground with soil from the resting places around the world of those who served and died on all fronts. We, too, declared ourselves against forgetting. We pledged then that America would honor and remember their selfless devotion on this Mall that commemorates democracy's march.

Apollinaire's words resonated again as E.B. Sledge reflected on the moment the Second World War ended: ". . . sitting in a stunned silence, we remembered our dead . . . so many dead . . . Except for a few widely scattered shouts of joy, the survivors of the abyss sat hollow-eyed, trying to comprehend a world without war."

Yes. Individual acts by ordinary men and women in an extraordinary time—one exhausting skirmish, one determined attack, one valiant act of heroism, one dogged determination to give your all, one heroic act after another—by the thousands—by the millions—bound our country together as it has not been since, bound the living to the dead in common purpose and in service to freedom, and to life.

As a Marine wrote about his company, "I cannot say too much for the men . . . I have seen a spirit of brotherhood . . . that goes with one foot here amid the friends we see, and the other foot there amid the friends we see no longer, and one foot is as steady as the other."

Today we break ground. It is only fitting that the event that reshaped the modern world in the 20th century and marked our nation's emergency from isolationism to the leader of the free world be commemorated on this site.

Our work will not be complete until the light from the central sculpture of the Memorial intersects the shadow cast by the Washington Monument across the Lincoln Memorial Reflecting Pool and the struggles of freedom of the 18th, 19th, and 20th centuries converge in one moment. Here freedom will shine. She will shine.

This Memorial honors those still living who served abroad and on the home front and also those lost—the nearly 300,000 Americans who died in combat, and those, the millions, who survived the war but who have since passed away.

Among that number I count my inspired constituent Roger Durbin of Berkey, Ohio, a letter carrier who fought bravely with the Army's 101st Armored Division in the Battle of the Bulge and who, because he could not forget, asked me in 1987 why there was no memorial in our nation's Capitol to which he could bring his grandchildren. Roger is with us spiritually today. To help us remember him and his contribution to America, we have with us a delegation from his American Legion Post, the Joseph Diehn Post in Sylvania, Ohio, and his beloved family, his widow, Marian, his granddaughter, Melissa, an art historian and member of the World War II Memorial Advisory Board.

This is a memorial to heroic sacrifice. It is also a memorial for the living—positioned between the Washington Monument and Lincoln Memorial—to remember how freedom in the 20th century was preserved for ensuing generations.

Poet Keith Douglas died in foreign combat in 1944 at age 24. In predicting his own end, he wrote about what he called time's wrong-way telescope, and how he thought it might simplify him as people looked back at him over the distance of years. "Through that lens," he demanded, "see if I seem/substance or nothing: of the world/deserving mention, or charitable oblivion . . ." And then he ended with the request, "Remember me when I am dead/and simplify me when I'm dead." What a strange and striking charge that is!

And yet here today we pledge that as the World War II Memorial is built, through the simplifying elements of stone, water, and light, there will be no charitable oblivion. America will not forget. The world will not forget. When we as a people can no longer remember the complicated individuals who walked in freedom's march—a husband, a sister, a friend, a brother, an uncle, a father—when those individuals become simplified in histories and in family stories, still when future generations journey to this holy place, America will not forget. Freedom's children will not forget.

REMARKS OF LUTHER SMITH, WORLD WAR II TUSKEGEE AIRMAN

Mr. President, Senator Dole, General Woerner, distinguished guests. It's a thrill to be here this afternoon—to be among so many of my fellow World War II veterans.

Today's groundbreaking is a long-awaited milestone in the evolution of the National World War II Memorial. For today we celebrate the approval of Friedrich St. Florian's memorial design after a long and spirited public review process.

I had the privilege to serve as a member of the Architect-Engineer Evaluation Board that judged the 403 entries in the national design competition. We and the members of the Design Jury set out to select a design architect whose vision for the memorial matched the scale and significance of the event it commemorates as well as the classic beauty and nobility of the national landmarks that soon will be its neighbors.

The elegance and sensitivity of the approved design is proof that we selected the right person for this monumental task.

Fifty-nine years ago I was in my early twenties, as were many of you. Young, eager, wondering what the future held for me is Des Moines, Iowa. Little did I know that soon I would be flying with a group of men that would become known as the Tuskegee Airmen.

What a proud time for a young man in 1940's America. To be allowed to fly and fight for his country. To be part of an effort that united the nation in a way we hadn't seen before and haven't seen since.

I flew 133 missions in a combination of fighter aircraft. It was on my final scheduled mission, in October 1944, that my P-51 Mustang was brought down. We were strafing oil tank cars when a ball of fire erupted directly in front of me. I was in and out of the flames in less than a second, but the explosion blew out my cockpit windows, buckled the wing surfaces and destroyed much of the tail assembly. I was uninjured, but 600 miles from home in a crippled aircraft.

Flames soon enveloped the engine. I wanted to roll into an inverted position and fall free before opening my parachute, but I went into a spin and fell partially out of the cockpit. My right foot became wedged between the rudder pedal and brake, so I couldn't get into the cockpit or out.

The next thing I recall is looking up at a badly torn parachute. Somehow, I had pulled the ripcord while trapped semi-conscious in the aircraft. The opening parachute pulled me free, saving my life but fracturing my right hip.

I was falling too fast, head first, connected to the parachute by just one strap attached to my fractured hip. Unconsciousness again. I awoke crashing through trees. My chute caught in the top branches and kept me from smashing into the ground. I spent the last seven months of the war in German hospitals and the Stalag 18A prison camp. My injuries required 18 operations and three years of hospitalization.

I was lucky. I lived to tell the story. More than 400,000 Americans never came home to tell their stories. And more than 10 million of the 16 million that served in uniform are no longer with us to tell their stories.

I feel blessed to have had the opportunity to serve my country during her time of need, and to have played a small but rewarding role in the effort to establish a memorial to that time.

I look forward to the day when I can bring my grandchildren here to our National Mall, to walk among the landmarks of our young democracy, to enter one of the great gathering places in this special city—the World War II Memorial plaza—and share with them our nation's newest symbol of freedom.

The members of my generation hold within them thousands of stories like the one I shared with you today—stories of events that unfolded many years ago. The telling of those stories will end all too soon, but the lessons they teach must be remembered for generations to come.

The World War II Memorial will keep those lessons alive.

REMARKS OF TOM HANKS

In December of 1943, the Second World War appeared to have no end. The Invasion of Normandy was half a year away. The landing on Guam, the liberation of Paris and naval victories in the Philippine Sea would not happen until the following summer and fall. Americans at home had yet to hear of the Battle of the Bulge or Iwo Jima. American Soldiers had yet to touch the Siegfried Line or come anywhere near crossing the Rhine River.

The final cost of an allied victory was incalculable. The list of those names to be lost forever, not nearly complete.

In December of 1943, a war correspondent named Erine Pyle sat in a tent outside of Naples and wrote the following on his typewriter:

At the front lines in Italy—in this war I have known a lot of officers who were loved and respected by the soldiers under them. But never have I crossed the trail of any man as beloved as Captain Henry T. Waskow, of Belton, Texas.

Captain Waskow was a company commander in the 36th division. He had been in this company since long before he left the States. He was very young, only in his middle 20s, but he carried in him a sincerity and gentleness that made people want to be guided by him.

"After my own father, he comes next," a sergeant told me. "He always looked after us," a solder said. "He'd go to bat for us every time." "I've never known him to do anything unkind," another one said. I was at the foot of the mule trail the night they brought Captain Waskow down. The moon was nearly full at the time, and you could see far up the trail, and even part way across the valley. Soldiers made shadows as they walked.

Dead men had been coming down the mountain all evening, lashed onto the backs of mules. They came lying belly down across the wooden packsaddle, the heads hanging down on the left side of the mule, their stiffened legs sticking awkwardly from the other side, bobbing up and down as the mule walked.

The Italian mule skinners were afraid to walk beside dead men, so Americans had to lead the mules down that night. Even the Americans were reluctant to unlash and lift off the bodies, when they go to the bottom, so an officer had to do it himself and ask others to help.

The first one came early in the morning. They slid him down from the mule, and stood him on his feet for a moment. In the half light he might have been merely a sick man standing there leaning on the other. Then they laid him on the ground in the shadow of the stone wall alongside the road.

I don't know who that first one was. You feel small in the presence of dead men and ashamed of being alive, and you don't ask silly questions.

We left him there beside the road, that first one, and we all went back into the cowshed and sat on watercans or lay on the straw, waiting for the next batch of mules. Somebody said the dead soldier had been dead for four days, and then nobody said anything more about him. We talked for an hour or more; the dead man lay off alone, outside in the shadow of the wall. Then a soldier came into the cowshed and said there were some more bodies outside. We went out into the road. Four mules stood there in the moonlight, in the road where the trail came down off the mountain. The soldiers who led them stood there waiting.

"This one is Captain Waskow," one of them said quickly.

Two men unlashed his body from the mule and lifted it off and laid it in the shadow beside the stone wall. Other men took the other bodies off. Finally, there were five lying end to end in a long row. You don't cover up dead men in the combat zones. They just lie there in the shadows until somebody else comes after them.

The uncertain mules moved off to their olive orchards. The men in the road seemed reluctant to leave. They stood around, and gradually I could sense them moving, one by one, close to Captain Waskow's body. Not so much to look, I think, as to say something in finality to him and to themselves. I stood close by and I could hear.

One soldier came and looked down, and he said out loud: "God damn it!" That's all he said, and then he walked away. Another one came, and he said, "God damn it to hel' anyway!" He looked down for a few last moments and then turned and left.

Another man came. I think he was an officer. It was hard to tell officers from men in the half light, for everybody was grimy and dirty. The man looked down into the dead captain's face and then spoke directly to him, as though he were alive:

"I'm sorry, old man."

Then a soldier came and stood beside the officer and bent over, and he too spoke to his dead captain, not in a whisper but awfully tenderly, and he said:

"I sure am sorry, sir."

Then the first man squatted down, and reached down and took the captain's hand, and he sat there for a full five minutes holding the dead hand in his own and looking intently into the dead face. And he never uttered a sound all the time he sat there.

Finally he put the hand down. He reached up and gently straightened the points of the captain's shirt collar, and then he sort of rearranged the tattered edges of his uniform around the wound and then he got up and walked away down the road in the moonlight, all alone.

The rest of us went back into the cowshed, leaving the five dead men lying in the line end to end in the shadow of the low stone wall. We lay down on the straw in the cowshed, and pretty soon we were all asleep.—*Ernie Pyle, Italy, December 1943.*

REMARKS OF SENATOR BOB DOLE, NATIONAL CHAIRMAN, WWII MEMORIAL CAMPAIGN

Mr. President, Tom, and Fred, and our countless supporters and other guests. I am honored to stand here as a representative of the more than 16 million men and women who served in World War II. God bless you all.

It has been said that "to be young is to sit under the shade of trees you did not plant; to be mature is to plant trees under the shade of which you will not sit." Our generation has gone from the shade to the shadows so some ask, why now—55 years after the peace treaty ending World War II was signed aboard the USS *Missouri*. There is a simple answer: because in another 55 years there won't be anyone around to bear witness to our part in history's greatest conflict.

For some, inevitably, this memorial will be a place to mourn. For millions of others, it will be a place to learn, to reflect, and to draw inspiration for whatever tests confront generations yet unborn. As one of many here today who bears battle scars, I can never forget the losses suffered by the greatest generation. But I prefer to dwell on the victories we gained. For ours was more than a war against hated tyrannies that scarred the Twentieth Century with their crimes against humanity. It was, in a very real sense, a crusade for everything that makes life worth living.

Over the years I've attended many a reunion, and listened to many a war story—even told a few myself. And we have about reached a time where there are few around to contradict what we say. All the more reason, then, for the war's survivors, and its widows and orphans, to gather here, in democracy's front yard to place the Second World War within the larger story of America. After today it belongs where our dwindling ranks will soon belong—to the history books.

Some ask why this memorial should rise in the majestic company of Washington, Jefferson, Lincoln and Roosevelt. They remind us that the Mall is hallowed ground. And so it is. But what makes it hallowed? Is it the monuments that sanctify the vista before us—or is it the democratic faith reflected in those monuments? It is a faith older than America, a love of liberty that each generation must define and sometimes defend in its own way.

It was to justify this idea that Washington donned a soldier's uniform and later reluctantly agreed to serve as first president of the nation he conceived. It was to broadcast this idea that Jefferson wrote the Declaration of Independence, and later as president, doubled the size of the United States so that it might become a true empire of liberty. It was to vindicate this idea that Abraham Lincoln came out of Illinois to wage a bloody yet tragically necessary Civil War, purging the stain of slavery from freedom's soil. And it was to defend this idea around the world that Franklin D. Roosevelt led a coalition of conscience against those who would exterminate whole races and put the soul itself in bondage.

Today we revere Washington for breathing life into the American experiment—Jefferson for articulating our democratic creed—Lincoln for the high and holy work of abolition—and Roosevelt for upholding popular government at home and abroad. But it isn't only presidents who make history, or help realize the promise of democracy. Unfettered by ancient hatreds, America's founders raised a lofty standard—admittedly too high for their own generation to attain—yet a continuing source of inspiration to their descendants, for whom America is nothing if not a work in progress.

If the overriding struggle of the 18th century was to establish popular government in an era of divine right; if the moral imperative of the 19th century was to abolish slavery; then in the 20th century it fell to millions of citizen-soldiers—and millions more on the home front, men and women—to preserve democratic freedoms at a time when murderous dictators threatened their very existence. Their service deserves commemoration here, because they wrote an imperishable chapter in the liberation of mankind—even as their nation accepted the responsibilities that came with global leadership.

So I repeat: what makes this hallowed ground? Not the marble columns and bronze statues that frame the Mall. No—what sanctifies this place is the blood of patriots across three centuries, and our own uncompromising insistence that America honor her promises of individual opportunity and universal justice. This is the golden thread that runs throughout the tapestry of our nationhood—the dignity of every life, the possibility of every mind, the divinity of every soul. This is what my generation fought for on distant fields of battle, in the air above and on remote seas. This is the lesson we have to impart. This is the place to impart it. Learn this, and the trees planted by today's old men—let's say mature men and women—will bear precious fruit. And we may yet break ground on the last war memorial.

Thank you all and God bless the United States of America.

REMARKS OF FREDERICK W. SMITH, NATIONAL CO-CHAIRMAN, WWII MEMORIAL CAMPAIGN

When Senator Dole asked me to be a part of this campaign, my first thoughts were of my own family heroes—my Uncle Sam, my Uncle Bill, my Uncle Arthur and my father, all of whom served in World War II—two in the Army and two in the Navy.

Others in my family, including my mother, who is in the audience today, understood the sacrifice necessary to achieve victory and joined the millions of Americans who supported the war effort from the home front. I thought, what a shame that there isn't a memorial to represent the tremendous sacrifice and amazing achievements of their generation.

I can't imagine what this country or the world would be like had all of those who served so nobly overseas and at home not prevailed. It was the single most significant event of the last century.

Think back to the pre-war depression years. Factories were under-producing and 10 million Americans were unemployed. Countless more had substandard, low paying jobs.

Then, between 1941 and 1945, the number of jobless people dropped to one million, the output of manufactured goods increased by more than 300 percent, and average productivity was up 25 percent. America had become the world's arsenal of democracy.

Once mobilized, U.S. production lines annually turned out 20,000 tanks, 50,000 aircraft, 80,000 artillery pieces, and 500,000 trucks.

The enemy collapsed under America's superior capability to manufacture and deliver large quantities of equipment and supplies. Industry made an overwhelming contribution to final victory, and this effort transformed the nation forever.

But the national war effort extended beyond the factories and shipyards into every home and involved Americans of all ages.

Scrap drives for tin, iron, rubber and newspapers linked local neighborhoods to those on the front lines.

Victory gardens were planted, promoting pride in "doing your part" while reducing dependence on a system working overtime to supply food for our troops.

But nothing reflected home front commitment and resolution more than the blue and gold stars hung in the windows of homes across the nation: enduring symbols of service and sacrifice.

World War II set the stage for business and industrial growth that helped us rebuild the devastated nations of the world, and fueled a national prosperity that we continue to enjoy today.

Over the past three years, we once again witnessed a coming together of the American people in support of a worthy cause, and a willingness to share some of our great wealth to honor those who kept us free to pursue our individual dreams.

The funding of the memorial was made possible by corporations, foundations, and veterans organizations; by civic, professional and fraternal groups; by the states; by students in schools across the nation and hundreds of thousands of individual Americans.

I can't possibly name all of our contributors—many are listed in your program. But I do want to acknowledge a few whose generosity became the foundation of our success: The associates and customers of Wal-Mart and SAM'S Club stores, and the foundation and employees of SBC Communications, Inc., The Veterans of Foreign Wars and The American Legion, The Lilly Endowment and the State of Pennsylvania.

Their gifts led the way, but every bit as important were the grassroots efforts of Community Action Councils and individual volunteers across the country; and the enthusiasm of our young students, who showed their appreciation for their family heroes through a variety of school recognition and fund-raising activities.

Senator Dole and I thank all who lent their support to this campaign with their words of encouragement and generous gifts. It has been our pleasure to have played a role in helping America say thank you to our World War II generation.

REMARKS OF AMBASSADOR F. HAYDN WILLIAMS, CHAIRMAN, ABMC WWII MEMORIAL COMMITTEE

President Clinton, WWII Veterans and Ladies and Gentlemen:

I am grateful and privileged to have had the opportunity to serve on the American Battle Monuments Commission, and to have been involved in the planning for the World War II Memorial and at the beginning of my remarks, I would like to acknowledge the valuable help I have received from the members of the Battle Monuments Commission and the Memorial Advisory Board, especially the contributions of General Woerner, Dr. Helen Fagin, Rolland Kidder, Jess Hay, and General Pat Foote.

I would also like to thank General John Herrling, the Secretary of the American Battle Monuments Commission, and his staff for their support.

Today marks a special moment in the nation's history as we break ground for the National World War II Memorial here at the Rainbow Pool. No other location in America could possibly pay a higher tribute to the event it will commemorate and to those it honors and memorializes than this awe inspiring site—on the National Mall—the nation's village green. As David Shribman, of the Boston Globe, has written, "the Memorial, lying on the symbolic centerline of our nation's history, is fully deserving of this singular honor because World War II is central to our history, central to our view of our role in the world, and central to our values."

We are deeply appreciative to those who have made this site possible: the Congress for authorizing the location of the World War II Memorial in Washington's monumental core area; the Secretary of the Interior for endorsing and making the site available; and, finally, The National Commission of Fine Arts and the National Capital Planning Commission. After site visits and open public hearings, both of these commissions have approved and subsequently reaffirmed this magnificent location.

The glory of the Memorial is its setting, surrounded by the visual and historic grandeur of the Mall, and the beauty of it's open vistas—which will remain open thanks to Friedrich St. Florian's visionary design concept. The addition of the World War II Memorial to the Mall's great landmarks will represent a continuation of the American story. It will provide a linkage of the democratic ideals of the past. Joining the company of Washington and Lincoln, and the Capitol, the site will encourage reflection on American democratic core values across the span of three centuries. No other site in the nation's Capitol offers such visual and emotional possibilities.

At the dedication of this site five years ago today, President Clinton proclaimed that "from this day forward, this place belongs to the World War II generation and to their families. Let us honor their achievements by upholding always the values they defended and by guarding always the dreams they fought and died for—for our children and our children's children."

To this end, the Memorial will be a legacy, a noble gift to the nation from the American people to future generations. It will be a timeless reminder of the moral strength and the awesome power that can flow when a free people are at once united and bonded together in a just and common cause. World War II was indeed a special moment in time, one which changed forever the face of American life and the direction of world history . . . and, I might add, the lives of many, if not most, of those in the audience this afternoon.

When finished, the Memorial will be a new and important gathering place, a place for the joyous celebration of the American spirit and national unity. It will be a place for open democratic discourse, formal ceremonies, sunset parades, band concerts, and other memorial events. It will, in essence, be a living memorial, as well as a sacred shrine honoring the nation, the homefront, the valor and sacrifice of our Armed Forces, our allies, and the victory won in the Second World War.

Now is the time to move forward to meet our last and most important goal—the construction of the Memorial and its formal dedication on Memorial Day, 2003, a day that will mark the end of a long and memorable journey.

Thank you.

REMARKS OF THE HONORABLE WILLIAM S. COHEN, SECRETARY OF DEFENSE

President Clinton, Senator Dole, Fred Smith, General Woerner, distinguished guests, honored veterans, ladies and gentlemen.

We are gathering to break ground and to raise a memorial of granite and stone, but—as has been said this afternoon—more deeply to honor the lives of those who saved this nation, and this world, in its darkest hour. From Guadalcanal to Omaha Beach, the millions of Americans who changed the course of civilization itself will have their names etched in the book of history in a far more profound and permanent way than even the words to be inscribed on the arches that will rise around us.

The great warrior and jurist Justice Oliver Holmes, Jr. once looked into the eyes of his graying fellow veterans and spoke words that ring with vibrancy and relevance to us today, "The list of ghosts grows long. The roster of men grows short. Only one thing has not changed. As I look into your eyes I feel that a great trial in your youth has made you different. It made you citizens of the world."

We, the heirs of your sacrifice, are citizens of the world you made, and the nation you saved. And we can only stand in awe at your silent courage, at your sense of duty, and at the sacred gift that you have offered to all those who came after you. The honor of this day belongs to you.

A veteran of our great war for freedom at home, General Joshua Lawrence Chamberlain, who hailed from the great state of Maine, once said of his comrades, "In great deeds something abides. On great fields something stays. Forms change and pass, bodies disappear, but spirits linger to consecrate ground for the vision place of souls."

The men and women of America's armed forces, those who inherited four spirit, who defend the consecrated ground on which you fought, today carry on your noble work, preserving what you have created, defending the victory you achieved, honoring the great deeds and ideals for which you struggled and sacrificed. All of us, all of us, are truly and deeply in your debt forever.

Now, on the 50th anniversary of D-Day, standing on the bluff that overlooks Omaha Beach, President Clinton observed that it is a "hallowed place that speaks, more than anything else, in silence." So many years after the merciless sound of war had dissipated, the quiet and stillness of peace was hypnotically deep and profound.

Today, as we break ground on another silent sentry which will stand as a reminder of the long rattle of that now distant war, we are honored to have with us a commander-in-chief who has stood tall and strong for American leadership for peace and democracy, who refused to remain indifferent to the slaughter of innocent civilians, to the barbarity that we all thought that Europe would never see again, who refused to see evil re-ignited—the evil that you fought so hard to stamp out. He led our allies to defeat the final echo of the horrors from the 20th Century, preserving the victory you won so long ago.

For nearly four years now, it has been my honor to serve, and is now my great pleasure to introduce, the President of the United States, Bill Clinton.

REMARKS OF WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES

Senator Thurmond once told me that he was the oldest man who took a glider into Normandy. I don't know what that means, 56 years later, but I'm grateful for all of the members of Congress, beginning with Senator Thurmond and all the others who are here, who never stopped serving their country.

But most of all I want to say a thank you to Bob Dole, and to Elizabeth, for their service to America. As my tenure as president draws to a close, I have had, as you might imagine, and up-and-down relationship with Senator Dole. But I liked even the bad days. I always admired him. I was always profoundly grateful for his courage and heroism in war, and 50 years of service in peace.

After a rich and long life, he could well have done something else with his time in these last few years, but he has passionately worked for this day, and I am profoundly grateful.

I also want to thank the men and women and boys and girls all across our country who participated in this fund-raising drive, taking this memorial from dream to reality. Their stories are eloquent testimony to its meaning.

Senator Dole and I were sitting up here watching the program unfold today. He told me an amazing story. He said, "You know, one day a man from Easton, Pennsylvania, called our office. He was a 73-year-old Armenian-American named Sarkus Acopious." And he said, "You know, I'd like to make a contribution to this memorial. Where do I mail my check?"—this caller.

So he was given the address, and shortly after, this man who was grateful for the opportunities America had given him, a check arrived in the office, a check for $1 million.

But there were all the other checks as well, amounting to over $140 million in private contributions. There were contributions from those still too young to serve, indeed, far too young to remember the war. More than 1,100 schools across our nation have raised money for the memorial by collecting cans, holding bake sales, putting on dances.

Let me just tell you about one of them: Milwaukie High School in Milwaukie, Oregon. Five years ago, a teacher named Ken Buckles wanted to pay tribute to the World War II veterans. He and his students searched out local veterans and invited them to school for a living history day.

Earlier this week, Living History Day 2000 honored more than 3,000 veterans with a retreated USO show that filled a pro basketball arena. Last year's event raised $10,000 for the memorial, and students think that this year they'll raise even more.

Now what makes those kids fund raise and organize and practice for weeks on end? Well, many have grandparents and other relatives who fought in the war, but there must be more to it than that. They learned from their families and teachers that the good life they enjoy as Americans was made possible by the sacrifices of others more than a half century ago.

And maybe most important, they want us to know something positive about their own generation as well, and their desire to stand for something greater than themselves. They didn't have the money to fly out here today, but let's all of us send a loud thank you to the kids at Milwaukie High School and their teacher, Ken Buckles, and all the other young people who have supported this cause.

The ground we break today is not only a timeless tribute to the bravery and honor of one generation, but a challenge to every generation that follows. This memorial is built not only for the children whose grandparents served in the war, but for the children who will visit this place a century from now, asking questions about America's great victory for freedom.

With this memorial, we secure the memory of 16 million Americans, men and women who took up arms in the greatest struggle humanity has ever known.

We hallow the ground for more than 400,000 who never came home. We acknowledge a debt that can never be repaid. We acknowledge as well the men and women and children of the home front, who tended the factories and nourished the faith that made victory possible; remember those who fought faithfully and bravely for freedom, even as their own full humanity was under assault: African-Americans who had to fight for the right to fight for our country, Japanese-Americans who served bravely under a cloud of unjust suspicion, Native American code-talkers who helped to win the war in the Pacific, women who took on new roles in the military and at home.

Remember how, in the heat of battle and the necessity of the moment, all of these folks moved closer to being simply American.

And we remember how after World War II, those who won the war on foreign battlefields dug deep and gave even more to win the peace here at home, to give us a new era of prosperity, to lay the foundation for a new global society and economy by turning old adversaries into new allies, by launching a movement for social justice that still lifts millions of Americans into dignity and opportunity.

I would like to say once more, before I go, to the veterans here today what I said in Normandy in 1994: Because of you, my generation and those who have followed live at a time of unequaled peace and prosperity. We are the children of your sacrifice and we thank you forever.

But now, as then, progress is not inevitable. It requires eternal vigilance and sacrifice. Earlier today, at the Veterans Day ceremony at Arlington National Cemetery, we paid tribute to the fallen heroes of the United States Ship *Cole*, three of whom have recently been buried at Arlington. The captain of the ship and 20 of the crew members were there today. We honor them.

Next week I will go to Vietnam to honor the men and women America lost there, to stand with those still seeking a full accounting of the missing.

But at the same time, I want to give support to Vietnamese and Americans who are working together to build a better future, in Vietnam, under the leadership of former congressman and former Vietnam POW, Pete Peterson, who has reminded us that we can do nothing about the past but we can always change the future.

That's what all of you did after the war with Germans, Italians and Japanese. You've built the world we love and enjoy today.

The wisdom this monument will give us is to learn from the past and look to the future. May the light of freedom that will stand at the center of this memorial inspire every person who sees it to keep the flame of freedom forever burning in the eyes of our children, and to keep the memory of the greatest generation warm in the hearts of every new generation of Americans.

Thank you and God bless America.

RECOGNITION OF SALISSA WAHLERS

Mr. LOTT. Mr. President, I rise today to commend Salissa Wahlers of Gulfport, Mississippi, for her selection to the Peace Corps program. Salissa is teaching English in Uzbekistan, where she will be working for the next two years. This is only Salissa's most recent accomplishment, and it adds to a long list that has grown throughout her life.

Salissa graduated from Middlebury College where she received a Bachelor of Arts degree in political science and sociology/anthropology. She was named Woman of the Year by the Women's Studies Program while at Middlebury. While in college, Salissa participated in the semester abroad program by attending Monash University in Melbourne, Australia. Additionally, she attended a winter semester at Berea College in Kentucky as a part of her college's winter term exchange program.

Mr. President, Salissa worked for three years during college to complete her honors thesis, which is very impressive for an undergraduate student. Her hard work paid off when she was able to present part of her thesis at the Northeastern Anthropological Association Conference in Queens, New York, this spring. She is clearly a model student, and she exemplifies the rewards that individuals and society as a whole realize when education is a priority. I know her family, especially her mother, Kemmer McCall of Gulfport, is very proud of her.

VICTIMS OF GUN VIOLENCE

Mr. LEVIN. Mr. President, it has been over a year since the Columbine tragedy, but still this Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Last Tuesday, on Election Day, voters in Colorado and Oregon fed up with such violence voted overwhelmingly to close the gun-show loophole, which extends background checks to all prospective purchasers of firearms at gun shows. Voters in those states recognized the need to pass responsible gun laws that can keep our schools and streets safe. Now, Congress should follow their lead.

Until Congress acts, those of us in the Senate who are committed to enacting responsible gun laws, will read the names of a number of those who have lost their lives to gun violence in the past year. The following are the names of some of the people who were killed by gunfire one year ago today.

NOVEMBER 14, 1999

Kenneth Jeffcoat, 18, Washington, DC;

George Jones, 20, Washington, DC;

Derrick Rogers, 43, Detroit, MI;

Andrian Thomas, 23, Detroit, MI;

Unidentified male, 25, Long Beach, CA;

Unidentified male, 20, Norfolk, VA; and

Unidentified male, San Francisco, CA.

Following are the names of some of the people who were killed by gunfire one year ago on November 2, 1999, the last day the Senate was in session.

NOVEMBER 2, 1999

Robert Lee Covington, 51, Memphis, TN;

Carey Jackson, 34, Fort Worth, TX;
Eddie Kennedy, 28, Atlanta, GA;
Victor Killebrew, 36, St. Louis, MO;
Dwayne Lemon, 36, Chicago, IL;
Douglas Pendleton, 30, Chicago, IL;
Joseph Slater, 19, Kansas City, MO;
Angel Walker, 20, St. Louis, MO;
Charles Watts, 19, Philadelphia, PA;
Unidentified female, San Francisco, CA;
Unidentified male, 40, Honolulu, HI;
Unidentified male, 30, Honolulu, HI;
Unidentified male, 58, Honolulu, HI;
Unidentified male, 54, Honolulu, HI;
Unidentified male, 46, Honolulu, HI;
Unidentified male, 36, Honolulu, HI; and
Unidentified male, 36, Honolulu, HI.

The deaths of these people are a reminder to all of us that Congress must enact sensible gun legislation now.

ON THE RECENT ELECTION

Mr. LEAHY. Mr. President, I congratulate all those who participated in our recent Federal and State elections. In Vermont 63 percent of registered voters went to the polls and voted. In other States it was a bit more, in some a bit less.

The 2000 presidential election reminds us all that every vote counts. State electoral votes for President and Vice President may be decided in some States by the fewest in history, literally a handful of votes. In New Mexico, the counting continues and the outcome is very close. In Florida, the counting continues and the outcome is very close.

Likewise in Washington State, the vote for the Senator from Washington is still being counted and is very close. A number of House congressional races remain very close and final results may have to await recounts and the outcome of protests and challenges. The results of the Senate and House elections are such that the House and Senate themselves will have equal numbers or almost equal numbers of Democrats and Republicans.

I want to commend all those who participated. I welcome our newest Senators-elect. Many are in town this week. I welcome JEAN CARNAHAN, DEBBIE STABENOW, TOM CARPER, JON CORZINE, MARK DAYTON, BEN NELSON, BILL NELSON, and HILLARY RODHAM CLINTON. In addition, we may be joined by Maria Cantwell. We will be joined by GEORGE ALLEN, and JOHN ENSIGN. All will add greatly to our ranks and, I hope, to the Senate's ability to find answers to the problems of the American people.

The Congress will be confronted with a number of challenges. We will need to find ways to work together. In the Senate, the possibility of a Senate equally divided among Democrats and Republicans has prompted the Democratic Leader to make the suggestion that we consider new and less confrontational organizational principles that would include equal membership ratios on our Committees and equal staffing and equitable sharing of resources. Those are suggestions that should be seriously considered. I look forward to working with all Senators in the coming days: Senators in this Congress as we complete our work before adjourning sine die and Senators in the next Congress as we organize for our work in January.

DEPRESSION, SUICIDE, AND MEDICARE

Mr. WELLSTONE. Mr. President, I rise today to call attention to new data with respect to older Americans and mental illnesses that support swift consideration by the Senate of the Medicare Mental Health Modernization Act, S. 3233, a bill that I introduced on October 25, 2000.

Throughout my Senate career, I have been concerned about mental illness and the unfair discrimination faced by those with this serious illness. We now know from Surgeon General David Satcher, in his recent report, "Mental Health: A Report of the Surgeon General," that the rate of major clinical depression and the incidence of suicide among senior citizens is alarmingly high. This report cites that about one-half of patients relocated to nursing homes from the community are at greater risk for depression. Moreover, up to 37% of older adults treated in primary care settings experience symptoms of depression. At the same time, the Surgeon General emphasizes that depression "is not well-recognized or treated in primary care settings," and calls attention to the alarming fact that older people have the highest rates of suicide in the U.S. population. Contrary to what is widely believed, suicide rates actually increase with age, and, as the Surgeon General points out, "depression is a foremost risk factor for suicide in older adults."

Clearly, Mr. President, our nation must take steps to ensure that mental health care is easily and readily available under the Medicare program. S. 3233, the Medicare Mental Health Modernization Act, takes an important, first step in that direction. It is time to take this potential fatal illness seriously. I believe we must do everything we can to make effective treatments available in a timely manner for older adults and others covered by Medicare, and help prevent relapse and recurrence once mental illness is diagnosed.

The mental health community is very aware of the problems in the Medicare system and is fighting to improve it. I want to thank those groups that have supported this initial effort to improve mental health care in the Medicare program, particularly the American Mental Health Counselors Association (AMHCA) for their leadership role in fighting for improved mental health care coverage for seniors under Medicare. Their support joins that of the other major mental health groups mentioned in my earlier statement, as well as the Association for the Advancement of Psychology, the Clinical Social Work Federation, the Federation of Families for Children's Mental Health, the International Association of Psychosocial Rehabilitation Services, and the National Council for Community Behavioral Healthcare. I want to applaud the determination of these groups for stepping forward to fight for the rights of those with mental illnesses, and their commitment to improving mental health services funded by the Medicare program.

HONORING THE MARINE CORPS 225TH BIRTHDAY

Ms. LANDRIEU. Mr. President, On November 10th, we honored the 225th birthday of the United States Marine Corps. For more than two centuries, the United States Marine Corps has exemplified the highest virtues of loyalty, service, and sacrifice. From the Barbary coast to the far reaches of the Pacific, in the jungles of Vietnam and across the vast expanse of the Arabian desert, America's Marines have shown the world the meaning of "Semper Fi."

Through the long march of our history, few military organizations have been held in such high esteem as the United States Marine Corps. Our Marine Corps are men and women of great character. They are smart, tough, dedicated, and faithful, truly the best America has to offer. For 225 years, they have stood for all that is great about this nation: honor, courage, and commitment. Their values, sense of courage, and quiet, steadfast character remain timeless and valuable commodities for an age in which our Nation's interests face considerable new threats.

Throughout their great history, Marines protected America's interests, struggled against foes who attempted to do our country harm, and remained at the forefront of our Nation's efforts to maintain global peace and stability. In hundreds of distant lands, from Nicaragua to Lebanon to Somalia, Marines restored and maintained order, aided people in distress, provided protection for the weak, and upheld the values that have come to define our country on the world stage. Many made the ultimate sacrifice in the service of their country, and we honor their memory.

In my hometown of New Orleans, we are fortunate enough to be rich in Marine Corps history and tradition. We are the proud home of the Marine Forces Reserve Headquarters where Major General Mize commands more than 104,000 Reserve Marines all across the United States. We are also the home of the last Medal of Honor winner in the Vietnam War, General James E. Livingston. Despite the fact that then-Captain Livingston was wounded a third time and unable to walk, he steadfastly remained in a dangerously exposed area, supervising the evacuation of casualties. Only when assured of the safety of his men did he allow himself to be evacuated. His valor on the battlefield epitomizes the spirit of the Marine Corps.

As we set out in this new century, the importance of our Marine Corps has never been more clear. Tomorrow, as today and for generations past, the razor sharp readiness of the United States Marine Corps serves as a beacon to America's friends and a warning to our enemies, promising swift action, great victories and richer traditions yet to come.

On this day, I offer warmest regards to all who have worn the eagle, globe and anchor, and to the families who also serve by supporting them. You represent all that is wonderful about our Nation.

HELPING SOUTH DAKOTA COMMUNITIES FIGHT CRIME

Mr. JOHNSON. Mr. President, throughout the past year, I continued working with local and state community leaders and law enforcement officials all across South Dakota in an effort to find solutions to the most pressing problems facing the people of my state. A number of issues that Congress can address were brought to my attention through these meetings, and I continue to find this statewide dialog extremely valuable on further developing a community approach to reducing crime. I've worked on a bipartisan basis with my colleagues in the United States Senate to help South Dakota communities get the resources they need to address the crime problems they face.

COMMUNITY POLICING AND THE COPS PROGRAM

Community Policing has proven effective in reducing crime rates nationwide, and I am optimistic that such efforts in our small towns will prove equally successful. As you know, the majority of potential offenders, both juvenile and adult, in our state are still within reach of rehabilitation and support to put them back on track as productive, law abiding citizens.

I believe the Congress must assist state and local efforts to crack down on crime by continuing federal support through funding for localized programs. One of the most successful programs in South Dakota has been the COPS program. Since 1995, the COPS program has allowed South Dakota communities to hire 290 new police officers. In addition, the COPS program has expanded recently to help school districts hire police resource officers to deal with youth violence in South Dakota schools. The COPS in School's program has committed $1.25 million to South Dakota communities.

Although the COPS program has helped reduce the overall crime rate nationwide and has been extremely popular with local law enforcement in our state, I find myself once again working to make sure the program is adequately funded. I support the Administration's request of $1.3 billion for the COPS program to hire 7,000 new police officers nationwide, provide local law enforcement with advanced crime fighting technology, hire more community prosecutors, expand crime prevention programs, enhance school safety programs, and assist law enforcement on Indian Reservations. At this level of funding, South Dakota would receive an estimated $734,000 next year to help fight crime in our communities and in Indian Country.

However, the Senate and House Leadership's inability to pass the annual appropriations bills has put COPS funding in jeopardy. I will continue to work with my colleagues to increase funding for this critical program and am hopeful that common sense will prevail over partisan gamesmanship on this crucial issue.

THE KYL-JOHNSON FEDERAL PRISONER HEALTH CARE COPAYMENT ACT

Senator JON KYL (R-AZ) and I introduced two years ago a bill to require federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Fees collected from prisoners will either be paid as restitution to victims or be deposited into the Federal Crime Victims' Fund. I am pleased that the President recently signed into law the Kyl-Johnson Federal Prisoner Health Care Copayment Act.

South Dakota is one of 38 states that have implemented state-wide prisoner health care copayment programs. The Department of Justice supported extending this prisoner health care copayment program to federal prisoners in an attempt to reduce unnecessary medical procedures and ensure that adequate health care services are available for prisoners who need them.

My interest in the prisoner health care copayment issue came from discussions I had in South Dakota with a number of law enforcement officials and U.S. Marshal Lyle Swenson about the equitable treatment between presentencing federal prisoners housed in county jails and the county prisoners residing in those same facilities. Currently, county prisoners in South Dakota are subject to state and local laws allowing the collection of a health care copayment, while Marshals Service prisoners are not, thereby allowing federal prisoners to abuse health care resources at great cost to state and local law enforcement.

As our legislation moved through the Senate Judiciary Committee and Senate last year, we had the opportunity to work on specific concerns raised by South Dakota law enforcement officials and the U.S. Marshals Service. Senator KYL was willing to incorporate my language into the Federal Prisoner Health Care Copayment Act that allows state and local facilities to collect health care copayment fees when housing pre-sentencing federal prisoners.

VIOLENCE AGAINST WOMEN ACT

I am pleased the President recently signed into law a reauthorization of the landmark Violence Against Women Act. The legislation is part of a larger bill that also includes "Aimee's Law." I've supported Aimee's Law" in the past and am pleased this provision will help crack down on states that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for long prison terms.

I've been involved in the campaign to end domestic violence in our communities dating back to 1983 when I introduced legislation in the South Dakota State Legislature to use marriage license fees to help fund domestic abuse shelters. In 1994, as a member of the U.S. House of Representatives, I helped get the original Violence Against Women Act passed into law. Since the passage of this important bill, South Dakota has received over $8 million in funding for battered women's shelters and family violence prevention and services.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year, and over 40 domestic violence shelters and outreach centers in the state received funding through the Violence Against Women Act. Shelters, victims' service providers, and counseling centers in South Dakota rely heavily on these funds to provide assistance to these women and children.

The original Violence Against Women Act increased penalties for repeat sex offenders, established mandatory restitution to victims of domestic violence, codified much of our existing laws on rape, and strengthened interstate enforcement of violent crimes against women. I am pleased to support efforts this year that strengthen these laws, expand them to include stalking on the internet and via the mail, and provide local law enforcement with additional resources to combat domestic violence in their communities.

JUVENILE JUSTICE

While I am pleased that Congress continued to debate Juvenile Crime legislation this session, I am disappointed that Senate and House Leadership will allow Congress to adjourn without enacting important juvenile crime prevention programs into law. The leadership of several of America's law enforcement organizations, along with prosecutors and crime survivors, have consistently endorsed quality child care and after-school programs as a primary way to dramatically and immediately reduce crime.

I will continue to support significant increases in funding for Head Start, Early Head Start, after-school programs and the Child Care and Development Block Grant program in large part because of the potential these programs have to reduce juvenile crime and domestic violence nationwide.

COMBATTING METHAMPHETAMINE IN SOUTH DAKOTA

A number of South Dakota law enforcement officials and local leaders have told me that meth abuse has become one of their top crime-fighting priorities in the past few years. Meth abuse threatens our young people, law enforcement officers, and our environment. Once again, I led efforts to enhance punishments of meth operators, mandate restitution for meth lab clean-up, and increase funding for treatment and prevention efforts. I also joined Senator TOM HARKIN (D–IA) in successfully securing emergency funding for meth lab clean-up efforts in South Dakota and nationwide.

There is much to be done to bring crime rates in our state down, and to help every South Dakotan feel safe in their home and community. I look forward to continuing my work with state and local leaders, law enforcement agencies in South Dakota, and my Republican and Democratic Senate colleagues in Washington. Together, by focusing on community crime prevention and by investing in our kids, I believe we can make progress in addressing the unique needs of our South Dakota communities.

ADDITIONAL STATEMENTS

TRIBUTE TO COL. ROBERT F. SINK

● Mr. MILLER. Mr. President, history gives us many examples of men and women who went above and beyond the call of duty to serve our great country. In our military, there have always been men and women who were not satisfied with maintaining the status quo, but who, instead, strove to make our armed forces the world's finest and the most powerful. One such individual was the late Colonel Robert F. Sink, commander of the 506th Parachute Infantry Regiment in Toccoa, Georgia.

The 506th Parachute Infantry Regiment was constituted on July 1, 1942 in the Army of the United States, activated July 20, 1942 at Camp General Robert Toombs at Toccoa, Georgia, attached to the 101st Airborne Division on June 1, 1943 and assigned to the 101st Airborne Division on March 1, 1945. The camp located at Currahee Mountain in Toccoa was soon renamed Camp Toccoa and was chosen because of its rugged terrain. The 506th Regiment selected the symbol of the Currahee Mountain as its Coat of Arms and "Currahee" became its battle cry.

It was here, in Toccoa, that Col. Sink initiated his rigorous training program called "Muscle College" and set many of the standards for the paratrooper basic training program of the 101st Airborne Division. Because of Col. Sink's efforts, the 506th Parachute Infantry established records never before reached by any military unit in the world. Furthermore, Airborne infantrymen around the nation recognized the "Currahee trained" men from Camp Toccoa as a cut above their peers in strength and performance.

Col. Sink led his 506th Regiment into combat on D-Day at Normandy, then to Holland, Bastogne, France, Germany, and all the way to Hitler's "Eagle Nest." By the end of World War II, the 506th had received several coveted awards and decorations. The courageous service of the 506th Parachute Infantry Regiment was due, in no small measure, to the tireless efforts of Colonel Robert F. Sink, a true American hero. In honor of this great man, the Currahee Mountain Road, which changed the boys of the famous "Currahee" Regiment into men, will be fittingly renamed the "Col. Robert F. Sink Memorial Trail."

I hope my colleagues will join with me today in honoring this great man and his groundbreaking work on behalf of our nation's security. For those under Colonel Sink's tutelage who will travel back to Toccoa for this important reunion and celebration, I wish you the best and thank you for your service. Finally, special thanks should be extended to State Representative Mary Jeanette Jamieson for her work on this project. It was a pleasure to be involved in such a worthy effort.●

TRIBUTE TO REVEREND WILLIE JAMES

● Mr. LAUTENBERG. Mr. President, I rise today to recognize the great work of a civil rights pioneer and chapter president of the National Association for the Advancement of Colored People of Willingboro, New Jersey, Reverend Willie James, on the occasion of his receiving the award for exemplary community service.

Reverend James began his work for civil rights in 1958 when he attempted to buy a house in Willingboro's Levitt community. He was told that houses would not be sold to African-Americans. Reverend James decided to sue. Two years later, the United States Supreme Court officially integrated Willingboro, enabling Reverend James to become one of the community's first African-American residents.

In 1974, work demands forced Reverend James to move to Rhode Island. While in Rhode Island, Reverend James joined a statewide commission that studied disparities in white and minority prison rates than whites.

Eventually Reverend James returned to New Jersey where his level of activism flourished. He became president of the Willingboro chapter of the NAACP. During his time as president, Reverend James made great progress researching the issue of disproportionate African-American male imprisonment.

In the recent election, Reverend James and the local chapter of the NAACP worked on motivating minorities to vote. Reverend James is a recipient of more than 30 local and national awards for his commitment to public service.

I am pleased to honor Reverend Willie James on this joyous occasion. His family, his friends, and his community are indebted to him for his unyielding service. This honor is richly-deserved. I salute him on yet another great achievement.●

IN RECOGNITION OF MR. WOODROW W. WOODY

● Mr. LEVIN. Mr. President, on Thursday, November 16, 2000, the people of Michigan, will pay tribute to Mr. Woodrow W. Woody, president and owner of the longest running car dealership in the Nation—Woody Pontiac Sales, Inc. Mr. Woody, who continued active participation in the business, until he was 92 years old in June 2000, when he officially closed the Pontiac dealership he opened in the city of Hamtramck, MI in 1940.

Mr. Woody has come to be known as the pillar of his industry. In 1966, his dealership hit its peak year with the sale of 2,200 cars. Revered by his peers and the people of Michigan, he was inducted into the Automotive Hall of Fame. Over the 60-year operation of his dealership, Woody, as he is called by friends and family, estimates that he sold over 100,000 Pontiacs, one of General Motors' leading products. He says his success is due to his genuine love of life and people.

This immigrant from Lebanon, embodies the ultimate success story of the American dream. Much of why he is being honored is because of his dedication and loyalty to the citizens of the city of Hamtramck and his beloved Lebanon. When the economy recessed and auto sales reflected a downturn, Woody never considered moving his dealership from the community that supported him through prosperous times. Hailed for his philanthropic activities, he spearheaded a drive to build a new facility for the Hamtramck Public Library. In addition, he has worked with Junior Achievement and the Rotary Club for more than 50 years accomplishing projects which support community growth. Woody has also been just as committed to the people of his homeland, where he has built a school and medical clinic.

Although Woody promises to continue his work in the community, interacting with various civic and fraternal organizations for the good of the community, the industry has lost its senior statesman and he will be sorely missed. We all wish Woody continued health, happiness and prosperity in the years ahead. I am sure my colleagues join me in the celebration of the life of Mr. Woodrow W. Woody, extending to him the good will and wishes of the Senate.•

RECOGNITION OF BRIAN KAATZ, PHARM. D.

• Mr. JOHNSON. Mr. President, I rise today to express my appreciation for the contributions of Brian Kaatz, Pharm. D. who has worked as part of my staff for the past three months as a senior Fellow. Brian's expertise in the area of pharmacology has made him a tremendous asset to my legislative staff, and I am fortunate to have had his assistance. When he returns to the Department of Clinical Pharmacy at South Dakota State University in December, I know he will be missed immensely by me and my entire staff.

Fellows are often considered secret weapons to the Members they assist. Brian has been no exception. He came to my office with a distinguished professional career accompanied by a wealth of experience within the pharmacy industry. While his expertise lies in clinical pharmacy, Brian's interests range from issues involving infectious diseases and use of antibiotics, nutrition, health care ethics, drug policy and roles for pharmacists.

Currently a Professor and Department Head of Clinical Pharmacy at the South Dakota State University, Brian has had a career filled with accomplishments. He has been president of the South Dakota Society of Hospital Pharmacists, a member of the committee that re-wrote the pharmacy practice act passed by the South Dakota legislature in 1992, an official delegate several times to the American Society of Health-System Pharmacy annual meeting, and served as a consultant to several South Dakota hospitals and law firms. Additionally, Brian has authored or co-authored approximately twenty-five professional articles and is currently the editor of the South Dakota Journal of Medicine's Pharmacology Focus column, published monthly in South Dakota's Physician Journal. He has made numerous major presentations both regionally and nationally, and received several awards over the years for his notable career.

Throughout the past three months, Brian has worked on a number of projects in my office dealing with pharmacy and health care. Brian led research efforts regarding a comprehensive study comparing prescription drug prices throughout South Dakota and the impact of rising drug costs on those without insurance. Many millions of Americans, both Medicare age and younger have either inadequate or no prescription drug insurance at all. There are roughly 39 million Medicare beneficiaries in this country, one third of whom have no prescription drug coverage. At a time, when drug prices are rising at rates far greater than the rate of inflation and seniors around this country are forced to choose between buying food or pills, we have an inadequate Medicare program that provides no coverage for prescription drug costs. The study that Brian spearheaded provided me with crucial data and real life stories depicting the impact of this issue for South Dakotans, young and old alike. Brian's research furnished my office with up-to-date and unbiased information that enabled me to communicate effectively with my constituents, especially pharmacists, during this time. Unfortunately, Congress was not able to come to an agreement on how we provide Medicare beneficiaries with prescription drug coverage, therefore the information that Brian compiled for me will be critically important as I work on this issue in the 107th Congress next year.

Brian also facilitated discussions with the Government Accounting Office, GAO, on two subject matters involving direct-to-consumer advertising of prescription drugs and conflict of interest matters involving the Food and Drug Administration's Advisory Committee members. The research Brian conducted in these two areas will provide me with the basis for further discussions with GAO and congressional committees seeking hearings into these matters. Brian previously authored and co-authored two articles specifically on the subject of direct-to-consumer advertising and has completed extensive research in this field.

I ask to have the contents of these two articles printed in the RECORD following completion of my statement.

One of the most important tasks as a Senator is to communicate with your constituents back home. Balancing my duties in Washington with my schedule in South Dakota is often challenging due to uncertainties of the Senate schedule. Brian's established relationship with the South Dakota Pharmacist's Association, South Dakota Board of Pharmacy and several national pharmacy organizations was extremely crucial to his work with my office. He was able to advance discussions surrounding several issues with these groups which will aid me tremendously in my future work with prescription drugs, roles of pharmacists and other health policy matters.

Brian can take pride in his career and dedication to health care issues. He is a recognized health care expert, an educator, an author, an advocate and a friend. I wish to express my deep gratitude to Brian for a job well done. I wish him the very best in his future endeavors.

The articles follow.

[From the South Dakota Journal of Medicine, Dec. 1998]

DIRECT-TO-CONSUMER ADVERTISING OF PRESCRIPTION DRUGS: AN ETHICAL PERSPECTIVE

(By Brian Kaatz)

There is no doubt to anyone who reads this that the detailing and promotion of prescription drugs is big business. Thousands of sales representatives are employed and millions of dollars are spent annually to explain the putative advantages of certain products over others.

Notably, the effort by pharmaceutical manufacturers to expand market share of certain targeted prescription drugs has traditionally been directed solely to health professionals. This has changed in a big way.

Newspapers, magazines, and television are inundated with prescription drug promotions aimed at attracting the attention and interest of the public. Advertisements are intended to stimulate the individual interest of patients, which then potentially will result in inquiries (or demands) directly to physicians for that product. This approach may seem entirely satisfactory to the general public, but it is potentially problematic from several standpoints.

Even under the best of circumstances, most clinicians will admit that their knowledge of new drug products is far from complete. Ideally, a perspective of when or if to use a new product will come from careful surveillance of the primary literature, consultation with a respected and knowledgeable colleague, or from an unbiased, current review of a specific category of drugs. Many physicians pragmatically approach a new drug intending to be "neither the first nor last" to use it. This approach could understandably be thwarted if a number of patients persistently request a particular product as a result of the tried-and-true marketing approach of repetitive media encounters and high product visibility.

A patient may not be understanding if her physician tells her that he has no experience with a drug when at the same time the patient has seen it advertised maybe 20 times in the last two weeks. What is wrong with my doctor? Doesn't he watch TV?

The result may be subtle pressure or even coercion to prescribe the drug in question.

Tens of millions of dollars are spent advertising drugs like Claritin, Rezulin, Zocor, and Pravachol. Apparently, this approach has been especially successful since August of 1997, when the FDA allowed televised advertisements to be exempt from detailed descriptions of drug risks. This ruling at least relieved the viewing public from the sometimes bizarre, oblique ads that were seen prior to this, when requirements limited drugs to a name but no detail as to its use. Even relatively astute observers were sometimes confused about the intent of these commercials.

Now, patients and other interested parties are referred to the Internet or other sources "for more information," though they obviously are already headed down the road of special interest in that drug.

Beyond the easy questions that would ask, why can't these tens of millions of dollars be used to lower drug costs, or be put into research for new and safer pharmacologic entities, what of the ethics of direct-to-consumer advertising?

Patient autonomy has been argued elsewhere as being the preeminent ethics principle. There is a strong case for patients knowing as much as they can reasonably understand about disease processes and medication risks and advantages. There is also a strong case for patients being actively involved in their own therapeutic journeys and fully participating in these kinds of decisions. But can we relate direct-to-consumer advertising with true patient autonomy? Is advertising valuable in the effort to develop autonomous decision making? There is a case for answering these questions in the negative.

It must be remembered that patient autonomy does not begin and end with the simple act of a patient making a decision. To the contrary, autonomous decision-making occurs only when there is a fully informed decision-maker. Autonomy is based upon that important element. Thus, one can readily see that a brief, colorful advertisement by itself offers little in the way of full disclosure and does not contain the complete tools necessary to make an autonomous decision.

It perhaps is particularly important in these situations for doctors to maintain a healthy beneficent attitude which could result in a patient receiving a drug with which his physician is familiar and comfortable, rather than the one that is most persistently on prime time. It is not a disservice to attempt to dissuade a patient who is only partially armed with knowledge from committing to long term therapy with a potentially suboptimal drug. And it is not true autonomy that is being exerted when a patient presses for that drug. What might at first glance seem like autonomy lost is actually beneficence gained.

[From the Journal of Medical Humanities and Bioethics, Spring/Summer 1987]

THE PHYSICIAN AND THE PHARMACEUTICAL DETAIL MAN: AN ETHICAL ANALYSIS

(By Jerome W. Freeman and Brian Kaatz)

The principal focus of medical practice should be the patient's interest. The physician's conduct in the clinical realm should consistently reflect this. Arguably, this ideal is not always realized. An example of a circumstance in which the patient's interest does not predominate occurs in the context of the physician's interaction with pharmaceutical companies. These companies have a variety of marketing techniques directed at physicians in order to promote prescription drugs. This essay will explore the ethical implications of one aspect of these marketing programs—namely, the role of pharmaceutical salespersons. These men and women have a variety of titles including "sales representative," "medical sales liaison," and "detail man." The latter term is commonly used, apparently as a reflection of these representatives' efforts to provide physicians with details or data about drugs.

Before attempting to assess the ethical implications of pharmaceutical companies' marketing techniques, a specific inquiry into the goals and ideals of medical practice is warranted. Most physicians take for granted the notion that the patient's interest is of primary importance and that moral dilemmas in medicine are appropriately resolved through a patient-centered ethic. Kass reflects this view when he notes that "loyalty to the patient must be paramount, first, because the mysterious activity of healing depends on trust and confidence, which is lodged by the vulnerable and dependent patient with the physician, in the very act of submitting to his care."

The basis for such a patient-centered ethic derives from, and is consistent with, basic ethical principles. Veatch' characterizes these principles as the "basic social contract," and he points out that diverse ethical systems frequently arrive at a similar core of basic principles and derivative rules. Often such principles include autonomy, nonmaleficence and beneficence. On the basis of such articulated principles, society can proceed to define the nature of relationships between a profession and society. Veatch argues that this process can establish that a contract or covenant exists between the physician and society and between the physician and the individual patient. This covenant arguably mandates a patient-centered ethic in medicine, guided by adherence to those basic ethical principles society has defined and endorsed.

Of these major principles, autonomy dictates that the physician treat the patient with dignity and respect and that the patient be allowed to participate in his or her own health care decisions. Nonmaleficence warrants that the physician endeavor to avoid causing the patient harm through his actions. The sense of this principle, thought to derive from the Oath of Hippocrates, is often quoted in the Latin phrase primum non nocere (first, do no harm). Beneficence stipulates that the physician work actively to benefit the patient by contributing to his or her health and welfare.

In this ethical framework, it is possible to characterize the impact that pharmaceutical marketing techniques have on the physician-patient relationship. The pharmaceutical detail man promotes his company's products to physicians in a number of ways. He or she frequently calls on physicians in their offices and also meets with them in the hospital. Often in hospitals the representatives from various pharmaceutical companies participate in a rotational schedule for operating a drug display in a prominent location, usually near the physicians' entrance. A detail man frequently has one or two drugs to promote actively, and literature and visual displays which describe these agents. Each salesperson argues why his or her drugs are better than competitors' formulations. In addition to a verbal message and printed information, the detail man often has various "gifts" for the physician. Pens or writing pads inscribed with a particular drug name are common. Gifts also include free texts, medical equipment (such as reflex hammers and penlights), and medical bags (typically given to graduating medical students). Drug samples are frequently offered. In addition, the detail man may coordinate more elaborate gratuities such as cocktail parties, refreshments at medical meetings (such as those of state medical association groups) and the sponsorship of medical symposia. Specific examples of such marketing efforts are illustrative.

One of our community hospitals was approached by a drug salesperson to participate in a study involving an antibiotic that was on the market. This drug's utilization had been minimal because of increased cost to the patient and the fact that it offered no substantive therapeutic advantage. The proposal extended to the physicians and hospital was to use the drug on a given number of patients, at the patients' expense. Physician participants in the study were to be "reimbursed" 125 dollars for each patient enrolled. This sum was designated to cover "expenses" associated with the study.

A second example of an elaborate gratuity system has recently been utilized in our community. Selected physicians were invited by a pharmaceutical company's detail man to an expense-paid seminar in a popular vacation city. The meeting focused on a new antihypertensive drug (at the time, this drug company had the only formulation of this drug on the market). The educational component of the meeting was judged to be very good by the physician participants. This promotional package included airfare for the physician, lodging for the physician and spouse, meals, a cocktail party, and an evening of dining and dancing on a chartered river boat. In the year following this event, two other pharmaceutical companies have offered similar meeting packages to physicians in the community.

Such promotional efforts are clearly expensive. For instance, it has been estimated that each visit by a detail man to a physician costs the pharmaceutical company 75 dollars. Despite the expense, however, drug companies have found that the use of the detail man is the most effective means of promoting their products. These companies often prefer to characterize their detail man as "service representatives" purveying information, rather than as salespersons. One company not only requires the detail man to attend four tutorials a year, but also gives pharmacology tests to all its representatives quarterly. But such training does not negate the fact that, in practice, detail men function as aggressive, effective salespeople. Indeed, most of them are at least partially reimbursed on a commission basis. Their success as pharmaceutical representatives is clearly dependent upon their ability to sell drugs. Those drugs which representatives emphasize at any given time reflect corporate decisions based on such factors as competition, quotas and the patent status of the drugs.

Given the stated nature of the physician-patient covenant, the type of relationship that frequently exists between the physician and the detail man is ethically troublesome. More specifically, that relationship appears to violate all three of the basic ethical principles previously discussed. By virtue of the principles of autonomy and beneficence, the patient has a right to expect that he or she will be treated with dignity and respect. He or she expects to receive the best possible treatment the physician can generate. The patient has a right to assume that the physician's therapeutic decisions are based solely on scientific medical knowledge, unbiased by extraneous factors or inducements. Thus, the very nature of the physician-patient covenant, and the principles that underlie it, would seem specifically to preclude the physician from basing a drug-prescribing decision on factors other than what is objectively best for the individual patient. To the extent that the physician decides to try out a new drug or opt to prescribe regularly a medication simply because he likes a detail man or because he is consciously or unconsciously affected by his or her various inducements and salesmanship, the physician would seem to be violating the patient's trust. One wonders what a patient's reaction would be if he or she were explicitly aware that such interactions and inducements existed.

In addition, the principle of nonmaleficence can be violated by the physician-detail man relationship. Often the new drug formulations which are promoted offer no meaningful advantage over older drugs. Yet, in taking them, the patient risks the possibility of experiencing adverse effects as yet undiscovered or not well publicized (even when the drug has been approved by the Food and Drug Administration). The recent controversy surrounding the drug Oraflex constitutes such an example. This drug was vigorously promoted as a new, very effective agent for arthritic symptoms. Shortly after its release, this agent was removed from the market because it was associated with serious liver toxicity in some patients. Moreover, the patient usually pays considerable financial premium when a new drug formulation is used. Invariably, the newer drugs being marketed are significantly more expensive than older, and sometimes equally effective, drugs whose patents have expired (rendering them much less profitable to the pharmaceutical company). Again, the average patient has no insight into this fact. He or she certainly is not usually afforded the opportunity to decide autonomously whether the drawbacks and risks of a new drug formulation render it less advantageous than other, longer-established drugs. And indeed, even if the typical patient is given some knowledge of drug options, he or she lacks the expertise to participate seriously in the decision of which drug to employ. In fact, it is the physician alone who ordinarily must make the determination of which drug to employ. If this decision is based on sound, scientific data, the choice of a new and more costly drug may clearly be justified. However, to the extent that the physician does not rely on objective medical data (as published in medical journals or discussed at medical meetings), but rather derives his information from the drug companies' own representatives, a potential conflict of interest exists.

Pharmaceutical companies might respond to this assertion by observing that in our free enterprise system there is nothing wrong with vigorously marketing one's products. Indeed, in the open marketplace it is, of course, common to offer a variety of inducements, including rebates, coupons, gifts and other types of price reductions. However, this situation is not analogous to the relationship between the detail man and the physician. In the ordinary marketing arena, companies attempt to influence the purchaser and user of various products. This is categorically not the case in the relationship between the physician and the pharmaceutical companies. The patient is the passive, dependent recipient of the physician's practice decisions. By virtue of this fact, as well as the implicit covenant which exists between the physician and the patient, the physician has an obligation to strenuously avoid basing any prescription decisions on factors other than the strict medical indications for those drugs. To the extent that the physician is either unconsciously or manifestly induced to use the drugs of a given detail man or pharmaceutical company, in the absence of strict medical indication, a significant ethical problem exists.

The implications of this analysis are clearly troublesome. It would appear that the current standard of medical practice, in terms of the relationship between the physician and the pharmaceutical detail man, may readily promote outcomes not in the patient's best interest. Since the physician-patient covenant and the ethical principles which underlie it warrant that the patient's interests should be the prime focus of medicine, significant changes are warranted in the methods which pharmaceutical companies employ to market their drugs. Currently, pharmaceutical companies, medical organizations and individual physicians are clearly party to, as well as beneficiaries of the present marketing techniques. Thus, there are powerful incentives to maintain this longstanding system. The pharmaceutical companies' profit makes it understandably difficult for them to endorse sweeping changes in their current, successful marketing practices. Many medical organizations and their scientific journals are largely dependent on the advertising which is purchased by the drug companies. And certainly the individual practitioner, too, clearly benefits from the current system of gifts and gratuities.

Changes in the present system of drug marketing will doubtless come slowly. Most likely, improvements will evolve only as individual physicians become better educated about these ethical concerns and committed enough to demand alterations in the present marketing practices. The individual physician's role in this process should not be viewed as an optional one. Rather, the physician is ethically mandated to work for change in this realm of drug marketing. This responsibility derives from the physician's clinical covenant with the patient and the moral principles which underlie it.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate on November 3, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 124. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate on November 3, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedure and conditions for the award of matching grants for the purchase of armor vests.

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bill was signed by the President pro tempore (Mr. THURMOND).

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 3, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 160. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message also announced that the House has agreed to the amendments of the Senate to the joint resolution H.J. Res. 84) making further continuing appropriations for the fiscal year 2000, and for other purposes.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At 12:30 p.m. today, a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5111. An act to direct the Administrator of the Federal Aviation Administration to treat certain property boundaries as the boundaries of the Lawrence County Airport, Courtland Alabama, and for other purposes.

H.R. 5477. An act to establish a moratorium on approval by the Secretary of the Interior of relinquishment of a lease of certain tribal lands in California.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.J. Res. 125. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 442. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 3, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

The Secretary of the Senate reported that on November 6, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1474. An act providing conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Marine Sanctuaries Act, and for other purposes.

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

The Secretary of the Senate reported that on November 13, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 11. An act for the relief of Wei Jingsheng.

S. 150. An act for the relief of Marina Khalina and her son, Albert Miftakhov.

S. 276. An act for the relief of Sergio Lozano.

S. 768. An act to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

S. 785. An act for the relief of Frances Schochenmaier and Mary Hudson.

S. 869. An act for the relief of Mina Vahedi Notash.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 2000. An act for the relief of Guy Taylor.

S. 2002. An act for the relief of Tony Lara.

The Secretary of the Senate reported that on November 14, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 2019. An act for the relief of Malia Miller.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales.

S. 2440. An act to amend title 49, United States Code, to improve airport security.

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the States of Colorado, and for other purposes.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. 2773. An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2789. An act to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 3164. An act to protect seniors from fraud.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office."

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-11437. A communication from the Director of the Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "'Reasonable Charges for Medical Care or Services' and companion Notice document" (RIN2900-AK39) received on November 1, 2000; to the Committee on Veterans' Affairs.

EC-11438. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a notice relative to the water quality cooperative agreement allocation; to the Committee on Environment and Public Works.

EC-11439. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report which includes a classified annex and covers defense articles and services that were licensed for export; to the Committee on Foreign Relations.

EC-11440. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Cameron, MO; docket No. 99-ACE-49 [3-30/11-2]" (RIN2120-AA66) (2000-0267) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11441. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Jet Routes J78 and J112 Evansville, IN; docket No. 99-AGL-48 [3-3/11-2]" (RIN2120-AA66) (2000-0268) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11442. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727-100 and 200 Series Airplanes Equipped with an Engine Nose Cowl for Eng Numbers 1 and 3 Installed in Accordance with STC SA4363NM; docket No. 2000-NM-249 [8-1/11-2]" (RIN2120-AA64) (2000-0527) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11443. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes docket No. 98-NM-316 [8-1/11-2]" (RIN2120-AA64) (2000-0528) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11444. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Model 560XL Airplanes; docket No. 2000-NM-255 [8-8/11-2]" (RIN2120-AA64) (2000-0529) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11445. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Company GE90 Series Turbofan Engines; docket No. 98-ANE-51 [2-7/11-2]" (RIN2120-AA64) (2000-0531) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11446. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled

"Airworthiness Directives: Sikorsky Model S-61 Helicopters; docket No. 2000–SW–18 [7–3/11–2]" (RIN2120–AA64) (2000–0532) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11447. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: REVO inc. Models Lake LA4, LA4A, LA4P, LA 4 200, and Lake Model 250 Airplanes docket No. 99–CE–27 [5–26/11–2]" (RIN2120–AA64) (2000–0533) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11448. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Alexander Schleicher GmbH and CO Model ASW 27 Sailplanes; docket No. 99–CE–70 [3–8/11–2]" (RIN2120–AA64) (2000–0534) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11449. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: The New Piper Aircraft, Inc., PA–42 Series Airplanes; docket No. 2000–CE–20 [7–10/11–2]" (RIN2120–AA64) (2000–0535) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11450. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mitsubishi Heavy Industries, Ltd MU–2B Series Airplanes; docket No. 97–CE–21 [7–24/11–2]" (RIN2120–AA64) (2000–0536) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11451. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, –200 Series Airplanes; docket No. 99–NM–320 [8–8/11–2]" (RIN2120–AA64) (2000–0537) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11452. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–81, 9–82, 9–83, 9–87, and MD–88 Airplanes and Model MD 90–30 Series Airplanes; docket No. 99–NM–227 [8–8/11–2]" (RIN2120–AA64) (2000–0538) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11453. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Airplanes; docket No. 2000–NM–219 [8–8/11–2]" (RIN2120–AA64) (2000–0539) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11454. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 11 Airplanes; docket No. 2000–NM–218 [8–8/11–2]" (RIN2120–AA64) (2000–0540) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11455. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model C1–600–2B19 Airplanes; docket No. 98–NM–260 [7–24/11–2]" (RIN2120–AA64) (2000–0541) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11456. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–757–767 and 777 Series Airplanes; docket No. 98–NM–355 [8–8/11–2]" (RIN2120–AA64) (2000–0542) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11457. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Company CF34 Turbofan Engines; docket No. 99–NE–49 [207/11–2]" (RIN2120–AA64) (2000–0530) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11458. A communication from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties" (RIN2127–AI18) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11459. A communication from the Chief, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR; Fountain Power Boats Offshore Race, Pamlico River, Washington, North Carolina (CGD05–00–043)" (RIN2115–AE46) (2000–0017) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11460. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Physical Qualification of Drivers; Medical Examination; Certificate" (RIN2126–AA06) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11461. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Transportation of Household Goods' in Interstate or Foreign Commerce; Rules of Practice for Motor Carrier Safety and Hazardous Materials Proceedings" (RIN2126–AA56) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11462. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Guidelines for Development of Functional Specifications for Performance-Based Brake Testers Used to Inspect Commercial Motor Vehicles" (RIN2126–ZZ01) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11463. A communication from the Acting Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rule To Satellite Retransmissions of Broadcast Signals" (CS Docket No. 00–2, FCC 00–388) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11464. A communication from the Assistant Bureau Chief, International bureau Satellite and Radiocommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Report and Order in the Matter of Availability of INTELSAT Space Segment Capacity to Users and Service Providers Seeking to Access INTELSAT Directly" (IB Docket No. 00–91, FCC 00–340) received on November 9, 2000; to the Committee on Commerce , Science, and Transportation.

EC–11465. A communication from the Deputy Chief Counsel, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or more miles of Pipeline)" (RIN2137–AD45) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11466. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to a law, a report relative to commercial activities inventory; to the Committee on Governmental Affairs.

EC–11467. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a copy of a letter report entitled "Review of the Financial Transactions and Activities of Advisory Neighborhood Commission 8D for the Period October 1, 1997 through August 31, 2000"; to the Committee on Governmental Affairs.

EC–11468. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a copy of a letter report entitled "District's Unclaimed Property Program Needs Substantial Improvement"; to the Committee on Governmental Affairs.

EC–11469. A communication from the Benefits Manager, Rural America's Cooperative Bank, transmitting, pursuant to law, a report relative to the ACB Retirement Plan; to the Committee on Governmental Affairs.

EC–11470. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of Wisconsin, and Final Rule" (FRL #6896–9) received on November 2, 2000; to the Committee on Environment and Public Works.

EC–11471. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin Designation of Areas for Air Quallity Planning Purposes; Wisconsin" (FRL #6901–3) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11472. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program" (FRL #6897–4) received on

November 9, 2000; to the Committee on Environment and Public Works.

EC-11473. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Florida" (FRL #6902-4) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11474. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Asbestos Worker Protection" (FRL #6751-3) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11475. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List; Direct Final Process for Deletions" received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11476. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Rate-of-Progress Emission Reduction Plans" (FRL #6882-7) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11477. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program" (FRL #6882-5) received on November 2, 2000; to the Committee on Environment and Public Works.

EC-11478. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Massachusetts: Interim Authorization of State Hazardous Waste Management Program Revision" (FRL #6900-5) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11479. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 "Announcement of Proposal Deadline for the Competition for the 2001 National Brownfields Assessment Demonstration Pilots" (FRL #6901-5) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11480. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 "Announcement of Proposal Deadline for the Competition for Fiscal Year 2001 Supplemental Assistance to the National Brownfields Assessment Demonstration Pilots" (FRL #6901-6) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11481. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Landfill Emissions From Municipa; Solid Waste Landfills; State of Missouri" (FRL #6900-8) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11482. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule—Interpretive Clarification; Technical Correction" (FRL #6898-8) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11483. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Amend the Final Water Quality Guidance for the Great Lakes System to Prohibit Micing Zones for Bioaccumulative Chemicals of Concern" (FRL #6898-7) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11484. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidance on Managing Quality Assurance Records in Electronic Media" (NRC Regulatory Issue Summary 2000-18) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11485. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; New Hampshire—Nitrogen Oxides Budget and Allowance Trading Program" (FRL #6871-2) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11486. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Michigan" (FRL #6896-3) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11487. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act" received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11488. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act; Technical Amendment" (FRL #6899-72) received on November 9, 2000; to the Committee on Environment and Public Works.

EC-11489. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Allocation of Partnership Debt" (RIN1545-AX09) (TD 8906) received on November 2, 2000; to the Committee on Finance.

EC-11490. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to the Customs Regulations" (T.D. 00-81) received on November 9, 2000; to the Committee on Finance.

EC-11491. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "African Growth and Opportunity Act and Generalized System of Preferences" (RIN1515-AC72) received on November 9, 2000; to the Committee on Finance.

EC-11492. A communication from the Acting Assistant General Counsel for Regulations, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Conforming Amendments to the Regulations Governing Nondiscrimination on the Basis of Race, Color, National Origin, Disability, Sex, and Age Under the Civil Rights Restoration Act of 1987" (RIN1870-AA10) received on November 2, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11493. A communication from the Acting Assistant General Counsel for Regulations, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Institutional Eligibility; Student Assistance General Provisions; Federal Work-Study Programs; and the Federal Pell Grant Program" (RIN1845-AA19) received on November 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11494. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Postmarking Studies for Approved Human Drug and Licensed Biological Products; Status Reports" (Docket No. 99N-1852) received on November 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11495. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Gastroenterology and Urology Devices; Effective Date of the Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device; Correction" (Docket No. 94N-0380) received on November 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11496. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Addition to Quarantined Areas" (Docket #00-07601) received on November 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11497. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pork Promotion, Research, and Consumer Information Program: Amendment to Procedures for the Conduct of Referendum" (Docket #LS-00-10) received on November 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11498. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Science and Technology (SandT) Laboratory Service" (Docket #SandT-99-008) received on November 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11499. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate" (Docket #FV00-931-1 FIR) received on November 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11500. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfentrazone; Pesticide Tolerance for Emergency Exemptions" (FRL #6751-7) received on November 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11501. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Copper Sulfate Pentahydrate; Exemption from the Requirement of a Tolerance" (FRL #6747-3) received on November 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11502. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriproxyfen; Extension of Tolerance for Emergency Exemptions" (FRL #6753-3) received on November 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11503. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Material Inspection and Receiving Report" (DFARS Case 2000-D008) received on October 26, 2000; to the Committee on Armed Services.

EC-11504. A communication from the Alternate Office of the Secretary of Defense Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "TRICARE Dental Program—Final Rule" (RIN0720-AA58) received on October 26, 2000; to the Committee on Armed Services.

EC-11505. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Maryland Regulatory Program" (MD-047-FOR) received on November 9, 2000; to the Committee on Energy and Natural Resources.

EC-11506. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Notice of Revised Contract Rent Annual Adjustment Factors" (FR-4626-N-01) received on November 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11507. A communication from the Director of Congressional Affairs, Overseas Private Investment Corporation, transmitting, a draft of proposed legislation entitled "Freedom of Information"; to the Committee on the Judiciary.

EC-11508. A communication from the National Treasurer of the Navy Wives Clubs of America, transmitting, pursuant to law, a report of an audit for the period of September 1, 1998 through August 31, 1999; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 3269. A bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. HATCH (for himself and Mr. CAMPBELL):

S. 3270. A bill to amend title XVIII of the Social Security Act to provide for a modification of medicare billing requirements for certain Indian providers; to the Committee on Finance.

By Mr. TORRICELLI:

S. 3271. A bill to require increased waste prevention and recycling measures to be incorporated in the daily operations of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 384. A resolution relative to Rule XXXIII; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. TORRICELLI:

S. 3271. A bill to require increased waste prevention and recycling measures to be incorporated in the daily operations of Federal agencies, and other purposes; to the Committee on Governmental Affairs.

GREENING THE GOVERNMENT ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to offer the "Greening the Government Act of 2000." This bill would allow the Federal Government to use its purchasing power to conserve natural resources, create markets for the materials that the American people recycle in their home and office recycling programs, and reduce the toxicity of products commonly used by establishing an infrastructure for coordinating and expanding Federal recycling and "green" purchasing activities.

The Federal Government spends $275 billion each year buying goods and services. With this immense purchasing power, and through its research, development and assistance programs, it can influence markets to create more environmentally friendly products. Indeed, I believe that the Federal Government should be a leader in demonstrating how organizations can meet their mission in a cost-effective and environmentally protective way.

Tomorrow, we will celebrate America Recycles Day. Millions of Americans will re-dedicate themselves to recycling and, more importantly, closing the recycling loop by buying recycled content products. Hundreds of American companies are also recognizing the importance and cost-effectiveness of "greening" their operations. For instance, in my State of New Jersey, Telecordia Technologies has saved more than $3 million by recycling 72 percent of its waste. Telecordia saves $4,000 per week by simply replacing disposable cafeteria trays with recycled content plastic trays. I believe that the Federal Government can also achieve similar savings by "greening" its operations and encouraging environmental innovation. Indeed, the Federal Government's purchasing decisions can tremendously affect the environment we leave to future generations.

Building on the progress made during the past seven years under President Clinton's Executive Order 13101, "Greening the Government through Waste Prevention, Recycling, and Federal Acquisition," the Greening the Government Act of 2000 will establish a permanent infrastructure for coordinating, promoting, and expanding Federal recycling and "green" procurement activities. Under this legislation, the Environmental Protection Agency (EPA) will designate both recycled content products and environmentally preferable products and services for Federal agencies to purchase. The U.S. Department of Agriculture (USDA) will also create a list of biobased products for agencies to consider purchasing. Federal agencies will then incorporate procurement of these USDA and EPA-designated products and services into their acquisition processes. Finally, Federal research and development monies, technology transfer programs, and assistance programs will be expanded to facilitate the development of greener technologies.

In 1994, approximately 12 percent of the copier paper purchased by the Federal Government was recycled content paper, and that contained only ten percent postconsumer (recycled content) fiber. President Clinton increased the Federal postconsumer content standard to 30 percent. Today, 98 percent of the copier paper purchased from the Government Printing Office and General Services Administration contains 30 percent postconsumer fiber. The Greening the Government Act of 2000 raises the Federal content standard to 40 percent postconsumer fiber and, for the first time, requires agencies both to consider purchasing office papers bleached without chlorine and to purchase wood products made with sustainably grown wood.

We all know that it is not easy to buy "green" products. It is my intention that the "Greening of the Government Act" will encourage manufacturers to identify their products as "green," making it easier for all Americans to buy these products. It is time that the Federal Government truly live up to the resource conservation goals first established by Congress in 1976 within the Resource Conservation and Recovery Act and become a true role model in our nation's conservation efforts.

ADDITIONAL COSPONSORS

S. 876

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 876, a bill to amend the Communications Act of 1934 of require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

S. 3254

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Rhode Island (Mr. REED), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 3254, a bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes.

S. 3259

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 3259, a bill to amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities.

S.J. RES. 56

At the request of Mr. JOHNSON, his name was added as a cosponsor of S.J. Res. 56, a joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States.

SENATE RESOLUTION 384—RELATIVE TO RULE XXXIII

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 384

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorize the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 2000.

AMENDMENTS SUBMITTED

COUNTERTERRORISM ACT OF 2000

KYL (AND OTHERS) AMENDMENT NO. 4358

Mr. KYL (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill (S. 3205) to enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests; as follows:

In section 2(a), strike paragraph (3) and insert the following:

(3) Seventeen United States sailors were killed in the attack, and thirty-nine were injured.

In section 2(b)(1), strike "take immediate actions" and insert "continue to take strong and effective actions".

In section 3, strike paragraph (8) and redesignate paragraphs (9), (10), (11), (12), and (13) as paragraphs (8), (9), (10), (11) and (12), respectively.

In section 3(10), as so redesignated, strike "There are 28 organizations" and all that follows through the end and insert the following: "There are currently 29 FTOs. The National Commission on Terrorism recommended that the Secretary of State ensure that the list of FTO designations is credible and updated regularly.".

In section 3(12), as so redesignated, strike "Such controls were designed to prevent accidents, not theft.".

In section 7(c)(1), strike subparagraphs (A) and (B) and insert the following:

(A) The Committees on Appropriations, Armed Services, and the Judiciary and the Select Committee on Intelligence of the Senate.

(B) The Committees on Appropriations, Armed Services, International Relations, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

In section 9(a), strike "the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives" and insert "the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives".

In section 10(a), strike "Congress" and insert "the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives".

In section 12(a)(2)(A), insert after "the Secretary of Defense," the following: "the Secretary of Health and Human Services,".

In 12(a), add after paragraph (3) the following:

(4) The Attorney General shall consult with the Secretary of Health and Human Services in preparing any recommendations under paragraph (2)(B), and shall include in the report under paragraph (1) a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by such recommendations.

In section 12(b), add at the end the following: "The report shall include a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by the report.".

COUNTERTERRORISM ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3205 and, further, the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3205) to enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4358

Mr. WARNER. Senators KYL and FEINSTEIN have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KYL, for himself and Mrs. FEINSTEIN, proposes an amendment numbered 4358.

The amendment is as follows:

In section 2(a), strike paragraph (3) and insert the following:

(3) Seventeen United States sailors were killed in the attack, and thirty-nine were injured.

In section 2(b)(1), strike "take immediate actions" and insert "continue to take strong and effective actions".

In section 3, strike paragraph (8) and redesignate paragraphs (9), (10), (11), (12), and (13) as paragraphs (8), (9), (10), (11) and (12), respectively.

In section 3(10), as so redesignated, strike "There are 28 organizations" and all that follows through the end and insert the following: "There are currently 29 FTOs. The National Commission on Terrorism recommended that the Secretary of State ensure that the list of FTO designations is credible and updated regularly.".

In section 3(12), as so redesignated, strike "Such controls were designed to prevent accidents, not theft.".

In section 7(c)(1), strike subparagraphs (A) and (B) and insert the following:

(A) The Committees on Appropriations, Armed Services, and the Judiciary and the Select Committee on Intelligence of the Senate.

(B) The Committees on Appropriations, Armed Services, International Relations, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

In section 9(a), strike "the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives" and insert "the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives".

In section 10(a), strike "Congress" and insert "the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives".

In section 12(a)(2)(A), insert after "the Secretary of Defense," the following: "the Secretary of Health and Human Services,".

In 12(a), add after paragraph (3) the following:

(4) The Attorney General shall consult with the Secretary of Health and Human Services in preparing any recommendations under paragraph (2)(B), and shall include in the report under paragraph (1) a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by such recommendations.

In section 12(b), add at the end the following: "The report shall include a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by the report.".

Mr. LEAHY. Mr. President, Senators KYL and FEINSTEIN introduced S. 3205, the Counterterrorism Act of 2000, on October 12, 2000. They base their bill on recommendations made in a report called "Countering the Changing Threat of International Terrorism," issued on June 5, 2000 by the National Commission on Terrorism chaired by former Ambassador L. Paul Bremer III and Maurice Sonnenberg. The sponsors seek to have the Senate consider and pass the bill unanimously without hearings on its legislative language, without Committee consideration, without Senate debate and without amendment. In my efforts to be supportive of them I have shared with them concerns I have had about earlier versions of this legislation. In light of the improvements and corrections that the sponsors have now made, I am pleased to remove my objection to passage of the bill. I commend the sponsors for heeding constructive comments to improve the bill.

At the outset, I note that I have worked to help Senator KYL clear a number of matters of importance to him in this Congress. Most recently, the Senate passed on November 19, 1999, S. 692, the Internet Gambling Prohibition Act, and on September 28, 2000, repassed S. 704, the Federal Prisoner Health Care Copayment Act. Moreover, in the past few months, we have worked together to confirm three more judges for Arizona.

In past Congresses, I have also worked closely with Senator KYL. For example, in the 104th Congress, Senators KYL, GRASSLEY and I worked together to enact the National Information Infrastructure Protection Act. This law increased protection under federal criminal law for both government and private computers, and addressed the emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless certain extortion demands are met.

The NII Protection Act that I worked on with Senator KYL was intended to help law enforcement better address the problem of computer crime, in which cyber attacks are an important component. The Bremer-Sonnenberg Commission noted that, "[r]easonable experts have published sobering scenarios about the potential impact of a successful cyber attack on the United States. Already, hackers and criminals have exploited some of our vulnerabilities." In short, the Commission found that, "cyber security is a matter of grave importance."

As technology advances, the Congress must remain vigilant to ensure that our laws remain up to date and our local, State and federal law enforcement resources are up to the job posed by new technological challenges. That is why I have continued to work over this Congress with the Chairman of the Judiciary Committee and Senator SCHUMER on S. 2448, which the Senate Judiciary Committee unanimously reported favorably on October 5th for consideration by the Senate as the Internet Security Act amendment on another bill. This legislation would make changes to the federal Computer Fraud and Abuse statute and provide significant new resources to federal law enforcement for forensic computer crime work.

I have also been pleased to work with Senator DEWINE on S. 1314, the Computer Crime Enforcement Act, to help provide the necessary funding for training and equipment for state and local law enforcement to deal with computer crimes. The Senate Judiciary Committee unanimously reported this bill favorably to the Senate on September 21, 2000. Although he is not a cosponsor of these bills, I appreciate Senator KYL's support for both S. 2448 and S. 1314 as those bills moved through Committee. These complementary pieces of legislation reflect twin-track progress against computer crime: More tools at the federal level and more resources for local computer crime enforcement.

In addition, the Senate Judiciary Committee has considered and reported unanimously on May 18, 2000, S. 2089, the Counterintelligence Reform Act, which I was pleased to cosponsor with Senators SPECTER, TORRICELLI, and others. Senator KYL did not cosponsor this bill.

The Counterintelligence Reform Act is intended to improve the coordination within and among federal agencies investigating and prosecuting espionage cases and other cases affecting national security. Specifically, this legislation amends the Foreign Intelligence Surveillance Act to state explicitly that past activities of a target may be considered in determining whether there is probable cause to believe that the target of electronic surveillance is an "agent of a foreign power." This particular provision appears to address a criticism subsequently raised in the Bremer-Sonnenberg Commission report that the Office of Intelligence Policy and Review, which is the Justice Department unit responsible for preparing and presenting FISA applications to the FISA court, "does not generally consider the past activities of the surveillance target relevant in determining whether the FISA probable cause test is met."

The Bremer-Sonnenberg Commission report recommended that "the Attorney General should substantially expand" OIPR in order "[t]o ensure timely review of the Foreign Intelligence Surveillance Act applications." I concur with this recommendation. In fact, even before the Commission report was released and during Judiciary Committee consideration of S. 2089, I offered an amendment to S. 2089, which was approved by the Judiciary Committee, that would authorize an increase in the budget for OIPR from its current funding level of $4,084,000 to $7,000,000 for FY 2001, with increases up to $8,000,000 over the following two years, for expanded personnel and technology resources. The Select Committee on Intelligence also approved this budget increase for OIPR upon consideration of S. 2089, which subsequently was passed by the Congress as part of the Intelligence Authorization Act, S. 2507.

Recently, the Congress passed as part of the conference report on the Trafficking Victims Protection Act, H.R. 3244, the Justice for Victims of Terrorism Act with an amendment that Senator FEINSTEIN and I authored dealing with support for victims of international terrorism. Senator KYL did not cosponsor this amendment. This amendment is intended to enable the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, and the Leahy-Feinstein amendment will permit the Office for Victims of Crime to serve these victims better by expanding the types of assistance for which the VOCA emergency reserve fund may be used, and the range of organizations to which assistance may be provided. The amendment allows OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

This provision will also authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

At the same time, the provision will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which we authorized in an amendment I offered to the 1996 Antiterrorism and Effective Death Penalty Act.

The Leahy-Feinstein provision also clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately.

As is apparent from the work we have done both in this Congress and in prior Congresses, we all share the interest and concern of the sponsors of S. 3205 in protecting our national security from the threat and risks posed by terrorists determined to harm this country and its citizens and helping victims of terrorist acts. Yet, I have been concerned that earlier versions of this bill posed serious constitutional problems and risks to important civil liberties we hold dear. Unlike the secret holds that often stop good bills from passing often for no good reason, I have had no secret holds on S. 3205 or earlier versions of this legislation. On the contrary, when asked, I have made no secret about the concerns I had with this legislation.

An earlier version of this legislation, which Senator KYL tried to move as part of the Intelligence Authorization bill, S. 2507, prompted a firestorm of controversy from civil liberties and human rights organizations, as well as the Department of Justice. For example, the Department of Justice opposed the amendment on myriad grounds, including that (1) the provision amending the wiretap statute to permit law enforcement officers to share foreign intelligence or counterintelligence information obtained under a title III wiretap with the intelligence community "could have significant implications for prosecutions and the discovery process in litigation"; (2) the provision giving the FBI sixty days to report on the feasibility of establishing a dissemination center within the FBI on international terrorism raised sufficiently significant issues that "do not avail themselves of resolution in this very short time frame"; (3) the provision requiring the creation of a task force to disrupt the fundraising activities of international terrorist organizations would impose a "rigid, statutory mandate" that "would interfere with the need for flexibility in tailoring enforcement strategies and mechanisms to fit the enforcement needs of the particular moment"; and (4) the provision requiring the Attorney General to make legislative language recommendations on matters relating to biological pathogens were "invalid under the Recommendations Clause" and "interferes with the President's efforts to formulate and present his own recommendations and proposals and to control the policy agenda of his Administration."

Similarly, the Center for Democracy and Technology, the Center for National Security Studies and the American Civil Liberties Union, described in detail their concerns that "provisions in the Act pose grave threats to constitutional rights."

I shared many of the concerns of those organizations and the Justice Department, and note that the version of S. 3205 that we consider today addresses those concerns with substantial revisions to the original legislation. For example, no longer does the bill require a change in the wiretap statute allowing the permissive disclosure of information obtained in a title III wiretap to the intelligence agencies. No longer does the bill direct the Central Intelligence Agency to make legislative recommendations to enhance the recruitment of terrorist informants, without any countervailing considerations. Instead, the bill now requests a more balanced picture of the policy considerations that prompted the 1995 guidelines on the use of terrorists as informants and the limitations that may be necessary to assure that the United States does not encourage human rights abuse abroad.

After the bill was introduced, I first advised the sponsors of the bill and then the Senate about the remaining areas of concern that should be fixed in the bill before Senate passage.

In this regard, I note that Senator KYL suggested to the Senate on October 25th that if the Justice Department was satisfied with his legislation, I or my staff had earlier indicated that I would be satisfied. I respect the expertise of the Department of Justice and the many fine lawyers and public servants who work there and, where appropriate, seek out their views, as do many Members. That does not mean that I always share the views of the Department of Justice or follow the Department's preferred course and recommendations without exercising my own independent judgment. I would never represent that if the Justice Department were satisfied with his bill, I would automatically defer to their view. Furthermore, my staff has advised me that no such representation was ever made.

I am pleased that the further corrections to and refinements of this bill have now been made and that the version of the bill that the Senate is now being asked to consider and pass has been improved. First, the bill now contains the correct numbers of sailors killed and injured in the sense of the Congress concerning the tragic bombing attack on the U.S.S. *Cole*. I believe that each of the 17 sailors killed and 39 sailors injured deserve recognition and that the full scope of the attack should be properly reflected in this Senate bill. I commend the sponsors of the bill for correcting this part of the bill.

Second, the sense of the Congress originally urged the United States Government to "take immediate actions to investigate rapidly the unprovoked attack on the" U.S.S. *Cole*, without acknowledging the fact that such immediate action has been taken. In fact, the Navy began immediate investigative steps shortly after the attack occurred, and the FBI established a presence on the ground and began investigating within 24 hours. The Director himself went to Yemen to guide this investigation. That investigation is active and ongoing, and no Senate bill should reflect differently, as this one originally did. The corrected bill now urges the government "to continue to take strong and effective actions" to investigate this attack. I commend the Administration for the swift and immediate actions it has taken to investigate this attack and the strong statements made by the President making clear that no stone will be left unturned to find the criminals who planned this bloody attack.

Third, the "Findings" section of this bill contained several factual errors or inaccuracies that are now corrected. For example, the original bill stated that there are "38 organizations" designated as Foreign Terrorist Organizations (FTOs) when there are currently 29, which has been corrected. The original bill stated that "current practice is to update the list of FTOs every two years" when in fact the statute requires redesignation of FTOs every two years. This statement has been corrected. The original bill stated that current controls on the transfer and possession of biological pathogens were "designed to prevent accidents, not theft," which according to the Justice Department is simply not accurate. This inaccurate statement has been eliminated.

Fourth, the original bill required reports on issues within the jurisdiction of the Senate Judiciary Committee without any direction that those reports be submitted to that Committee. For example, section 9 of the bill required the FBI to submit to the Select Committees on Intelligence of the Senate and the House a feasibility report on establishing a new capability within the FBI for the dissemination of law enforcement information to the Intelligence community. My suggestion that these reports also be required to be submitted to the Judiciary Committees has been adopted.

Fifth, the bill requires reports, with recommendations for appropriate legislative or regulation changes, by the Attorney General and the Secretary of Health and Human Services on safeguarding biological pathogens at research labs, pharmaceutical companies and other facilities in the United

States. No definition of "biological pathogen" is included in the bill and the scope of these reports could therefore cover a vast array of biological materials. To address this concern over the potentially broad focus of this provision, the bill has been amended to include a direction to the Attorney General and the Secretary of Health and Human Services to define and determine the type and classes of pathogens that should be covered by any recommendations.

Finally, the bill would require reimbursement for professional liability insurance for law enforcement officers performing official counterterrorism duties and for intelligence officials performing such duties outside the United States. I scoured the record in vain for explanatory statements by the sponsors of this bill about their views on the need for this provision. Current law curiously provides for payments of only half the costs of professional liability insurance for law enforcement officers and federal judges to cover the costs of legal liability for damages resulting from any tortious act, error of omission while in the performance of the employee's duties and the costs of legal representation in connection with any administrative or judicial proceeding relating to such act, error or omission. 5 U.S.C. § 5941 prec. note. The Bremer-Sonnenberg Commission report recommended that the Congress amend current law to mandate full reimbursement of the costs of personal liability insurance for FBI and CIA counterterrorism agents. In light of this explanation, I am prepared to proceed while noting that this is an area that deserves more comprehensive review. The same reasons for providing full reimbursement for counterterrorism officers may apply to other law enforcement and intelligence officers.

The bill has been greatly improved since its first iteration, and I am pleased to withdraw my objection.

Mr. WARNER. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4358) was agreed to.

Mr. WARNER. I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3205), as amended, was read the third time and passed, as follows:

S. 3205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Counterterrorism Act of 2000".

SEC. 2. SENSE OF CONGRESS ON THE ATTACK ON THE U.S.S. COLE.

(a) FINDINGS.—Congress makes the following findings:

(1) On October 12, 2000, the United States naval vessel U.S.S. Cole was attacked in Aden, Yemen.

(2) The attack occurred while the U.S.S. Cole was refueling, and was unprovoked.

(3) Seventeen United States sailors were killed in the attack, and thirty-nine were injured.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) continue to take strong and effective actions to investigate rapidly the unprovoked attack on the United States naval vessel U.S.S. Cole;

(2) ensure that the perpetrators of this cowardly act are swiftly brought to justice; and

(3) take appropriate actions to protect from terrorist attack all other members and units of the United States Armed Forces that are deployed overseas.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The Commission on National Security in the 21st Century, chaired by former Senators Hart and Rudman, concluded that "[s]tates, terrorists, and other disaffected groups will acquire weapons of mass destruction and mass disruption, and some will use them. Americans will likely die on American soil, possibly in large number.".

(2) United States counterterrorism efforts must be improved to meet the evolving threat of international terrorism against United States nationals and interests. The bipartisan National Commission of Terrorism chaired by Ambassador Paul Bremer and Maurice Sonnenberg was mandated by Congress to evaluate current United States policy and make recommendations on improvements. This Act stems from the findings and recommendations of that Commission.

(3) The face of terrorism has changed significantly over the last 25 years. With the fall of the Soviet Union, many state-sponsored terrorist groups have been replaced by more loosely knit organizations with varying motives. These transnational terrorist networks are more difficult to track and penetrate than state sponsored terrorist groups, and their actions are more difficult to predict.

(4) State support of terrorism has not disappeared. Despite political change in Iran, the country continues to be the foremost state sponsor of terrorism in the world. In April 2000, the Department of State issued "Patterns of Global Terrorism", which provides a detailed account of Iran's continued support of terrorism.

(5) According to the report of the National Commission on Terrorism, there are indications of Iranian involvement in the 1996 bombing of the Khobar Towers complex in Saudi Arabia, in which 19 United States soldiers were killed and more than 500 injured. In October 1999, President Clinton officially requested cooperation from Iran in the investigation of the bombing. Thus far, Iran has not responded to this request.

(6) Terrorist attacks are becoming more lethal. A growing number of terrorist attacks are designed to kill the maximum number of people. Although conventional explosives have remained the weapon of choice, terrorist groups are investing in the acquisition of unconventional weapons such as nuclear, chemical, and biological agents.

(7) Syria was placed on the first list of state-sponsors of terrorism by the United States Government in 1979, due to its long history of using terrorism to advance its interests. Syria continues to support terrorist training and logistics.

(8) According to the National Commission on Terrorism, the 1995 guidelines of the Central Intelligence Agency on the use of terrorists as informants set up complex procedures for seeking approval to recruit as informants terrorists who have been involved in human rights violations. That Commission found that these guidelines have inhibited the recruitment of essential, if sometimes unsavory, terrorist informants. As a result, that Commission concluded that the United States has relied too heavily on foreign intelligence services in attempting to uncover information about terrorist organizations.

(9) No other country, much less any subnational organization, can match United States scientific and technological prowess (including quality control) in biotechnology and pharmaceutical production, electronics, computer science, and other pursuits that could help overcome and defeat the technologies used by future terrorists.

(10) Currently, the United States focuses its efforts to discourage private financial support to terrorists on prosecutions under the provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) and the amendments made by that Act. Under an amendment made by that Act, section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) requires the Secretary of State to designate groups that threaten United States interests and security as Foreign Terrorist Organizations (FTOs). There are currently 29 FTOs. The National Commission on Terrorism recommended that the Secretary of State ensure that the list of FTO designations is credible and updated regularly.

(11) It is in the interest of the United States that the Federal Government take a broader approach to cutting off the flow of financial support for terrorism from within the United States. Anyone providing to terrorist organizations funds that he or she knows will be used to support terrorist acts should be prosecuted under all relevant statutes, including statutes addressing money laundering, conspiracy, and tax or fraud violations. In addition, Federal agencies such as the Office of Foreign Assets Control (OFAC) of the Internet Revenue Service and the Customs Service should be better utilized to thwart terrorist fundraising. Such activities should not violate constitutional rights and values.

(12) Current controls on the transfer and possession of biological pathogens that could be used in biological weapons are inadequate. Controls on the equipment needed to turn such pathogens into weapons are virtually nonexistent. The National Commission on Terrorism concluded that the standards for the storage, transport, and handling of biological pathogens should be as rigorous as the current standards for the physical protection and security of critical nuclear materials.

SEC. 4. SYRIA.

It is the sense of Congress that the United States should keep Syria on the list of countries who sponsor terrorism until Syria—

(1) shuts down training camps and other terrorist support facilities in Syrian-controlled territory; and

(2) prohibits financial or other support of terrorists through Syrian-controlled territory.

SEC. 5. IRAN.

It is the sense of Congress that the United States should keep Iran on the list of countries who sponsor terrorism, and make no concessions to Iran, until Iran—

(1) demonstrates that it has stopped supporting terrorism; and

(2) cooperates fully with the United States in the investigation into the 1996 bombing of the Khobar Towers complex in Saudi Arabia.

SEC. 6. GUIDELINES ON RECRUITMENT OF TERRORIST INFORMANTS.

(a) Report on Guidelines.—Not later than six months after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, a report on the Director's response to the findings of the National Commission on Terrorism regarding the recruitment of terrorist informants.

(b) Report Elements.—The report under subsection (a) shall set forth the following:

(1) A detailed response to the findings referred to in that subsection, and a detailed description of any other policy considerations that prompted the 1995 guidelines of the Central Intelligence Agency on the use of terrorists as informants.

(2) Recommendations, if any, for legislation to enhance the recruitment of terrorist informants, including any limitations that may be necessary to assure that the United States does not encourage human rights abuse abroad.

SEC. 7. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) Review Required.—The Attorney General shall conduct a review of the legal authority of various Federal agencies, including the Department of Defense, to respond to, and to prevent, pre-empt, detect, and interdict, catastrophic terrorist attacks.

(b) Report.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report on the review conducted under subsection (a). The report shall include any recommendations that the Attorney General considers appropriate, including recommendations whether additional legal authority for particular Federal agencies is advisable in order to enhance the capability of the Federal Government to respond to, and to prevent, pre-empt, detect, and interdict, catastrophic terrorist attacks.

(c) Definitions.—In this section:

(1) Appropriate committees of congress.—The term "appropriate committees of Congress" means the following:

(A) The Committees on Appropriations, Armed Services, and the Judiciary and the Select Committee on Intelligence of the Senate.

(B) The Committees on Appropriations, Armed Services, International Relations, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) Catastrophic terrorist attack.—The term "catastrophic terrorist attack" means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 8. LONG-TERM RESEARCH AND DEVELOPMENT TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) Sense of Congress.—It is the sense of Congress that—

(1) there has not been sufficient emphasis on long-term research and development on technologies useful in fighting terrorism; and

(2) the United States should make better use of its considerable accomplishments in science and technology to prevent or address terrorist attacks in the future, particularly attacks involving chemical, biological, or nuclear agents.

(b) Establishment of Program.—Not later than one year after the date of the enactment of this Act, the President shall establish a comprehensive program (including a comprehensive set of requirements for the program) of long-term research and development relating to science and technology necessary to prevent, pre-empt, detect, interdict, and respond to catastrophic terrorist attacks.

(c) Report on Proposed Program.—Not later than 30 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the program. The report on the program shall include the following:

(1) A description of the proposed organization and mission of the program.

(2) A description of the current capabilities of the Federal Government to rapidly identify and contain an attack in the United States involving chemical or biological agents, including any proposals for future enhancements of such capabilities that the President considers appropriate.

(d) Catastrophic Terrorist Attack Defined.—In this section, the term "catastrophic terrorist attack" means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 9. DISSEMINATION OF LAW ENFORCEMENT INFORMATION TO THE INTELLIGENCE COMMUNITY.

(a) Report on Establishment of Intelligence Reporting Function.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report on the feasibility of establishing within the Bureau a comprehensive intelligence reporting function having the responsibility for disseminating among the elements of the intelligence community information collected and assembled by the Bureau on international terrorism and other national security matters.

(b) Report Elements.—The report under subsection (a) shall include the following:

(1) A description of the requirements applicable to the creation of the function referred to in that subsection, including the funding required for the function.

(2) A discussion of the legal and policy issues, including any reasonable restrictions on the sharing of information and the potential effects on open criminal investigations, associated with disseminating to the elements of the intelligence community law enforcement information relating to international terrorism and other national security matters.

SEC. 10. DISCLOSURE BY LAW ENFORCEMENT AGENCIES OF CERTAIN INTELLIGENCE OBTAINED BY INTERCEPTION OF COMMUNICATIONS.

(a) Report on Authorities Relating to Sharing of Criminal Wiretap Information.—Not later than 180 days after the date of the enactment of this Act; the President shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report on the legal authorities that govern the sharing of criminal wiretap information under relevant United States laws, including section 104 of the National Security Act of 1947 (50 U.S.C. 403-4). The report shall include—

(1) a description of the type of information that can be shared by the Department of Justice or other United States law enforcement agencies with elements of the United States intelligence community, including a description of all such information that the Department of Justice or other such law enforcement agencies currently share with elements of the United States intelligence community and the legal limitations if any, that apply to the use of such information by elements of the intelligence community; and

(2) recommendations, if any, for such legislative language as the President considers appropriate to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with elements of the United States intelligence community on matters such as counterterrorism.

(b) Definitions.—As used in this section, the terms "foreign intelligence" and "counterintelligence" have the meanings given those terms in paragraphs (2) and (3), respectively, of section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 11. JOINT TASK FORCE ON TERRORIST FUNDRAISING.

(a) Sense of Congress.—It is the sense of the Congress that—

(1) many terrorist groups secretly solicit and exploit the resources of international nongovernmental organizations, companies, and wealthy individuals;

(2) the Federal Government could do more to utilize all the tools available to the Federal Government to prevent, deter, and disrupt the fundraising activities of international terrorist organizations; and

(3) the employment of any such tools to combat terrorism must not violate speech, association, and equal protection rights guaranteed by the Constitution of the United States.

(b) Establishment of Joint Task Force.—Not later than six months after the date of the enactment of this Act, the President shall establish a joint task force for purposes of developing and implementing a broad approach toward discouraging the fundraising activities of international terrorist organizations. The approach shall utilize all criminal, civil, and administrative sanctions available under Federal law, including sanctions for money laundering, tax and fraud violations, and conspiracy. The approach shall not infringe upon constitutional and civil rights in the United States.

(c) Report.—Not later than one year after the date of the enactment of this Act, the joint task force established under subsection (b) shall submit to Congress a report on the activities of the joint task force. The report shall include any findings and recommendations (including recommendations for modifications of United States law or policy) that the joint task force considers appropriate regarding United States efforts to thwart the fundraising activities of international terrorist organizations while protecting constitutional and civil rights in the United States.

SEC. 12. IMPROVEMENT OF CONTROLS ON PATHOGENS AND EQUIPMENT FOR PRODUCTION OF BIOLOGICAL WEAPONS.

(a) REPORT ON IMPROVEMENT OF CONTROLS.—(1) Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the means of improving United States controls of biological pathogens and the equipment necessary to develop, produce, or deliver biological weapons.

(2) Subject to paragraph (3), the report under paragraph (1) should include the following:

(A) A list of the equipment identified by the Attorney General, in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Director of Central Intelligence, other appropriate Federal officials, and other appropriate members of public and private organizations, as critical to the development, production, or delivery of biological weapons.

(B) Recommendations, if any, for such legislative language as the Attorney General considers appropriate to make illegal the possession of the biological pathogens by anyone who is not properly certified for the possession of such pathogens, or for other than a legitimate purpose.

(C) Recommendations, if any, for such legislative language as the Attorney General considers appropriate to control the domestic sale and transfer of the equipment identified under subparagraph (A), including any appropriate steps to track, tag, or otherwise mark or monitor such equipment.

(3) The recommendations of the Attorney General under paragraph (2) shall take into consideration the impact of additional controls on legitimate industrial or medical activities, and shall include an assessment of the economic and scientific effects of such controls on such activities.

(4) The Attorney General shall consult with the Secretary of Health and Human Services in preparing any recommendations under paragraph (2)(B), and shall include in the report under paragraph (1) a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by such recommendations.

(b) IMPROVED SECURITY OF FACILITIES.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with other appropriate Federal officials and appropriate members of public and private organizations, shall submit to Congress a report with detailed analysis and recommendations for appropriate regulations, or modifications to current law, to enhance the standards for the physical protection and security of the biological pathogens described in subsection (a) at research laboratories and other facilities in the United States that create, possess, handle, store, or transport such pathogens in order to protect against the theft or other diversion for illegitimate purposes of such pathogens from such laboratories and facilities. The report shall include a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by the report.

SEC. 13. REIMBURSEMENT OF PERSONNEL PERFORMING COUNTERTERRORISM DUTIES FOR PROFESSIONAL LIABILITY INSURANCE.

(a) REQUIREMENT FOR FULL REIMBURSEMENT.—(1) Notwithstanding any other provision of law and subject to paragraph (2), the head of an agency employing a qualified employee shall reimburse the qualified employee for the costs incurred by the qualified employee for professional liability insurance.

(2) Reimbursement of a qualified employee under paragraph (1) shall be contingent on the submission by the qualified employee to the head of the agency concerned of such information or documentation as the head of the agency concerned shall require.

(3) Amounts for reimbursements under paragraph (1) shall be derived from amounts available to the agency concerned for salaries and expenses.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term "qualified employee" means an employee of an agency whose position is that of—

(1) a law enforcement officer performing official counterterrorism duties; or

(2) an official of an element of the intelligence community performing official counterterrorism duties outside the United States.

(c) DEFINITIONS.—In this section:

(1) AGENCY.—The term "agency" means any Executive agency, as that term is defined in section 105 of title 5, United States Code, and includes any agency of the Legislative Branch of Government.

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) LAW ENFORCEMENT OFFICER; PROFESSIONAL LIABILITY INSURANCE.—The terms "law enforcement officer" and "professional liability insurance" have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

Mrs. FEINSTEIN. Mr. President, today the Senate passed by unanimous consent important legislation Senator KYL and I sponsored that seeks to improve the United States' ability to prevent and respond to terrorist attacks. This bill, S. 3205, the Counterterrorism Act of 2000—together with a Kyl-Feinstein amendment making a few technical changes—implements major recommendations from a bipartisan, blue-ribbon commission on terrorism.

Let me describe what the bill would do. First, it urges that the U.S. government continue to take strong and effective actions to investigate the recent attack on the U.S.S. *Cole* and ensure that the perpetrators are brought to justice. The assault on the *Cole* is the worst against the U.S. military since the bombing of an Air Force barracks in Saudi Arabia killed 19 airmen in 1996. It is also the worst attack on a Navy ship since an Iraqi missile struck an American guided-missile frigate in 1987, killing 37 sailors.

Second, the bill requires the Department of Justice to review legal authority of federal agencies responsible for responding to a catastrophic terrorist attack and determine whether additional legal authority is necessary.

Third, the bill requires the president to establish a program for long-term research and development to counter catastrophic terrorist attacks and submit a report to Congress on this program. It also expresses the sense of Congress that there should be more long-term research and development in this area.

Fourth, the bill mandates that the attorney general issue a report on how to improve U.S. controls on biological pathogens and the equipment necessary to produce biological weapons, and requires the Health & Human Services secretary to issue a report on any appropriate actions that should be taken to protect against unlawful diversion of pathogens.

Fifth, the bill requires that the president establish a joint task force to develop a broad approach toward discouraging the fundraising activities of international terrorist organizations and that the task force issue a report.

Sixth, the bill requires the FBI to report on whether it can set up a central mechanism to distribute intelligence information it gleans about international terrorists to other members of the intelligence community.

Seventh, the bill directs the president to review the type of information shared by U.S. law enforcement agencies and intelligence agencies as well as legal limitations on the sharing of this information. The president shall provide any recommendations regarding the sharing of foreign intelligence or counterintelligence information between such agencies.

Eighth, the bill mandates that the CIA shall issue a report responding to the Commission on Terrorism's finding that the CIA should scrap a internal classified guideline requiring CIA agents to get approval from headquarters before recruiting unsavory individuals to act as informants about terrorism.

Ninth, the bill expresses the Sense of Congress that Syria and Iran should remain on the list of countries that sponsor terrorism.

Finally, the bill would ensure that federal counterintelligence personnel be fully reimbursed for buying insurance they purchase to protect themselves from liability if they are sued for their officially authorized activities. Currently, the government reimburses federal criminal law enforcement officers, supervisors, and management officials for one-half of their insurance expenses. These individuals purchase professional liability insurance because government representation may not be available to them.

However, FBI special agents and CIA officers who do counterterrorism work may not be reimbursed at all when they buy such insurance. This is particularly unfortunate because counterterrorism work is so risky—especially when the work occurs overseas. There can be few more dangerous tasks than infiltrating a terrorist cell in, say, Yemen or Afghanistan.

The Kyl-Feinstein Counterterrorism Act of 2000 is not a panacea for the problem of terrorism. Rather, it seeks to implement a number of specific improvements to our counterterrorism policy unanimously suggested by the Commission on Terrorism, a bipartisan group of experts.

The bill also lays the groundwork for a number of further improvements. We will be revisiting many of the issues covered by the bill in the next Congress once we receive more detailed information and recommendations from the Executive Branch. I look forward to working with my colleagues in Congress and with the next Administration to implement S. 3205.

I believe that we need to take strong action to combat terrorism. There is no question that terrorist attacks will continue and that they will become more deadly. Terrorists today often act out of a visceral hatred of the U.S. or the West and seek to wreak maximum destruction and kill as many people as possible.

At the same time, I believe that our counterterrorism policy must be conducted in a way that remains consistent with our democratic values and our commitment to an open, free society.

In many ways, the Kyl-Feinstein Counterterrorism Act of 2000 is a counterpart bill to the Justice for Victims of Terrorism Act that recently passed the Senate 95 to 0. That legislation, which I cosponsored, will make it easier for American victims of terrorism abroad to collect court-awarded compensation and ensure that the state sponsors of terrorism pay a price for their crimes.

While I strongly support assisting terrorist victims, I also believe that we need to do more to prevent Americans from becoming victims of terrorism in the first place. Thus, I am glad that the Senate has acted to pass S. 3205 with such dispatch. It is crucial to act now before terrorists strike again, killing and injuring more Americans and leaving more families grieving. I urge the House to pass S. 3205 before we adjourn.

In conclusion, I want to thank my good friend Senator KYL for his tireless efforts to get this bill passed. His work, as always, has been invaluable.

I also thank my other colleagues for their assistance in helping us pass this bill. I know Senator LEAHY, for instance, initially had a number of concerns with the legislation. I am grateful for the time he spent working through these issues with us, and I am glad that we can move this bill forward unanimously.

UNANIMOUS CONSENT AGREEMENT—H.R. 5633

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 5633, the appropriations bill to fund the District of Columbia, if the text is identical to the text I now send to the desk, then the bill be considered passed and the motion to reconsider laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I now send the text of the bill to the desk.

The PRESIDING OFFICER. The bill will be received.

ORDERS FOR TUESDAY, DECEMBER 5, 2000

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Tuesday, December 5, under the provisions of H. Con. Res. 442.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I further ask consent that when the Senate reconvenes on Tuesday, December 5, the Journal of proceedings be approved to date, and following the leaders' time, there be a period for the transaction of morning business until the hour of 12:30 p.m., with Members permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WARNER. The Senate will be considering a continuing resolution on Tuesday, December 5, and may be considering other legislative items. Therefore, votes could occur during Tuesday's session of the Senate. All Senators will be notified via the hotline system as to those votes when it becomes clear as to their time.

Again, I wish all Senators a safe and happy Thanksgiving. I do that on behalf of the bipartisan leadership in the Senate. I look forward to working with all Senators when they return on Tuesday, the 5th.

ORDER FOR RECESS

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the provisions of H. Con. Res. 442, following the remarks of Senator DASCHLE, should he seek the floor, for such period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE BUSINESS AND ELECTIONS

Mr. DASCHLE. Mr. President, although the Senate will not resume work in earnest today on the issues remaining before the 106th Congress, we certainly hope that when we do return on the 5th of December we will be able to complete action on the appropriations bills, the minimum wage increase, the Balanced Budget Refinement Act, and deal with the immigration issue, as well as a fair and balanced tax relief package.

In the 3 weeks until then, I certainly hope that both parties and the administration will redouble their efforts to reach agreement on these important issues. We do not have to wait until we get back. It is so troubling that we are so close to the end of the calendar year and we do not have as much to show for our efforts over the last 2 years as I would have liked.

The lameduck session will give us an opportunity to make progress on each of those issues. I hope we will seize that opportunity.

I have spoken with the majority leader about this issue, and about our desire to complete our work in a positive way. I think we agree: We need to work closely together in the final days of this Congress. He certainly reiterated his desire to do that.

When we left before the election, everyone assumed we would return to a relative certainty. We assumed we would have a President-elect. We assumed we would know the balance of power in the next Congress. Of course, to everyone's surprise, we still do not know either of these things.

The situation in which we now find ourselves is virtually unprecedented. It certainly is unusual. But with the elections this close, a period of uncertainty is certainly unavoidable.

While none of us has ever seen such a close Presidential election, some of us have seen this on a smaller scale. I am one of those people.

In 1978, in my first race for election to the House of Representatives, I was behind by 28 votes at the end of election night and was declared the loser. The next day, amid much confusion, I was actually declared the winner by 14 votes. Talk about a roller coaster ride. And that was just the first day.

Over the next few months, after more recounts, and the discovery of computational errors, and more confusion, the election went all the way to the South Dakota Supreme Court.

In August of 1979, the court heard oral arguments and examined every ballot.

Finally, on November 27, 1979—more than a year after the election—the South Dakota Supreme Court issued its decision. It added 5 more votes to the earlier total and declared me the winner by a margin of 110 votes, which I like to say in South Dakota is about 60 percent.

In recounting this story, I am not suggesting that we can afford to take that much time in getting a fair and accurate count in this Presidential election. Clearly, because of the surpassing importance of the Presidency, this election must be decided on an expedited basis. I am confident that it will be.

Instead, I tell this story to illustrate the point that our system has dealt successfully with close elections in the past.

My first race for Congress is just one example. There are many others. Even as we speak, votes are still being counted in another too-close-to-call race: the Senate race in Washington State.

Since last Tuesday, many colleagues have told me of similar experiences in their own elections. To a person, they all agree that the important thing is to take whatever time is needed to get a fair and accurate vote count. That is the only way to maintain public confidence in the outcome of the election. So yes, this is an unusual situation. But it is not a constitutional crisis.

In a Newsweek poll taken over the weekend, Americans were asked which was more important: Resolving the uncertainty over the election now so we know who the next President will be Or making certain to remove all reasonable doubt that the vote count in Florida is fair and accurate.

By a margin of 3 to 1, Americans say it is more important to get the results right than to get them right now.

Their response is proof of their faith in our system of government.

It is a system of unequaled strength and stability. And it should be allowed to work.

What we all need right now is patience.

What we do not need is "spin" from people with vested interests in the outcome.

It was particularly disturbing earlier today to see a representative of the Bush campaign on national television announce what he called a "compromise offer."

In fact, his proposal merely restated his campaign's previous position that ballots counted by hand after 5 o'clock this evening should be ignored.

He then went on to cite fluctuations in the stock market as proof that a winner must be declared in the presidential election now—even if it means sacrificing a full and fair count.

I hope that everyone involved in this critically important matter would refrain from such overheated rhetoric. It is not helpful to this process. We are all anxious to know who our next President is. We all want finality. But not at the expense of fairness.

That is what the Vice President wants.

That is what the American people want. That is what I believe Democrats and Republicans want.

That is what is needed to reassure voters in Florida and all across America that their votes in this election counted.

That is what is needed for Americans to reassure Americans that their faith in our election system is well-founded.

Regardless of who they voted for as long as Americans have this reassurance I believe they will accept the outcome of this election and give our next President their support.

It is worth exercising a little patience to get that result.

I yield the floor.

RECESS UNTIL TUESDAY, DECEMBER 5, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess.

Thereupon, the Senate, at 4:31 p.m., recessed until Tuesday, December 5, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate November 14, 2000:

DEPARTMENT OF STATE

LARRY CARP, OF MISSOURI, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RICHARD N. GARDNER, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAY T. SNYDER, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

HOUSE OF REPRESENTATIVES—*Tuesday, November 14, 2000*

The House met at 9 a.m.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

RECESS

The SPEAKER. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O God of power and mercy deliver Your people from every evil; let nothing harm the destiny of this Nation.

Give us the freedom of spirit and the health of mind and body to accomplish the work You have set before us.

May nothing prevent us from making right judgments and placing our trust in You.

Founded on truth, built on justice and animated by love, may this government serve Your people and grow every day toward a more humane balance witnessed by the world.

You are the Lord God living now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Ohio (Mrs. JONES) come forward and lead the House in the Pledge of Allegiance.

Mrs. JONES of Ohio led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests at the conclusion of legislative business.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which a vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "FSC Repeal and Extraterritorial Income Exclusion Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. REPEAL OF FOREIGN SALES CORPORATION RULES.

Subpart C of part III of subchapter N of chapter 1 (relating to taxation of foreign sales corporations) is hereby repealed.

SEC. 3. TREATMENT OF EXTRATERRITORIAL INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting before section 115 the following new section:

"SEC. 114. EXTRATERRITORIAL INCOME.

"(a) EXCLUSION.—Gross income does not include extraterritorial income.

"(b) EXCEPTION.—Subsection (a) shall not apply to extraterritorial income which is not qualifying foreign trade income as determined under subpart E of part III of subchapter N.

"(c) DISALLOWANCE OF DEDUCTIONS.—

"(1) IN GENERAL.—Any deduction of a taxpayer allocated under paragraph (2) to extraterritorial income of the taxpayer excluded from gross income under subsection (a) shall not be allowed.

"(2) ALLOCATION.—Any deduction of the taxpayer properly apportioned and allocated to the extraterritorial income derived by the taxpayer from any transaction shall be allocated on a proportionate basis between—

"(A) the extraterritorial income derived from such transaction which is excluded from gross income under subsection (a), and

"(B) the extraterritorial income derived from such transaction which is not so excluded.

"(d) DENIAL OF CREDITS FOR CERTAIN FOREIGN TAXES.—Notwithstanding any other provision of this chapter, no credit shall be allowed under this chapter for any income, war profits, and excess profits taxes paid or accrued to any foreign country or possession of the United States with respect to extraterritorial income which is excluded from gross income under subsection (a).

"(e) EXTRATERRITORIAL INCOME.—For purposes of this section, the term 'extraterritorial income' means the gross income of the taxpayer attributable to foreign trading gross receipts (as defined in section 942) of the taxpayer.".

(b) QUALIFYING FOREIGN TRADE INCOME.—Part III of subchapter N of chapter 1 is amended by inserting after subpart D the following new subpart:

"Subpart E—Qualifying Foreign Trade Income

"Sec. 941. Qualifying foreign trade income.

"Sec. 942. Foreign trading gross receipts.

"Sec. 943. Other definitions and special rules.

"SEC. 941. QUALIFYING FOREIGN TRADE INCOME.

"(a) QUALIFYING FOREIGN TRADE INCOME.—For purposes of this subpart and section 114—

"(1) IN GENERAL.—The term 'qualifying foreign trade income' means, with respect to any transaction, the amount of gross income which, if excluded, will result in a reduction of the taxable income of the taxpayer from such transaction equal to the greatest of—

"(A) 30 percent of the foreign sale and leasing income derived by the taxpayer from such transaction,

"(B) 1.2 percent of the foreign trading gross receipts derived by the taxpayer from the transaction, or

"(C) 15 percent of the foreign trade income derived by the taxpayer from the transaction.

In no event shall the amount determined under subparagraph (B) exceed 200 percent of the amount determined under subparagraph (C).

"(2) ALTERNATIVE COMPUTATION.—A taxpayer may compute its qualifying foreign trade income under a subparagraph of paragraph (1) other than the subparagraph which results in the greatest amount of such income.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

“(3) LIMITATION ON USE OF FOREIGN TRADING GROSS RECEIPTS METHOD.—If any person computes its qualifying foreign trade income from any transaction with respect to any property under paragraph (1)(B), the qualifying foreign trade income of such person (or any related person) with respect to any other transaction involving such property shall be zero.

“(4) RULES FOR MARGINAL COSTING.—The Secretary shall prescribe regulations setting forth rules for the allocation of expenditures in computing foreign trade income under paragraph (1)(C) in those cases where a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

“(5) PARTICIPATION IN INTERNATIONAL BOYCOTTS, ETC.—Under regulations prescribed by the Secretary, the qualifying foreign trade income of a taxpayer for any taxable year shall be reduced (but not below zero) by the sum of—

“(A) an amount equal to such income multiplied by the international boycott factor determined under section 999, and

“(B) any illegal bribe, kickback, or other payment (within the meaning of section 162(c)) paid by or on behalf of the taxpayer directly or indirectly to an official, employee, or agent in fact of a government.

“(b) FOREIGN TRADE INCOME.—For purposes of this subpart—

“(1) IN GENERAL.—The term ‘foreign trade income’ means the taxable income of the taxpayer attributable to foreign trading gross receipts of the taxpayer.

“(2) SPECIAL RULE FOR COOPERATIVES.—In any case in which an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products sells qualifying foreign trade property, in computing the taxable income of such cooperative, there shall not be taken into account any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

“(c) FOREIGN SALE AND LEASING INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘foreign sale and leasing income’ means, with respect to any transaction—

“(A) foreign trade income properly allocable to activities which—

“(i) are described in paragraph (2)(A)(i) or (3) of section 942(b), and

“(ii) are performed by the taxpayer (or any person acting under a contract with such taxpayer) outside the United States, or

“(B) foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside the United States.

“(2) SPECIAL RULES FOR LEASED PROPERTY.—

“(A) SALES INCOME.—The term ‘foreign sale and leasing income’ includes any foreign trade income derived by the taxpayer from the sale of property described in paragraph (1)(B).

“(B) LIMITATION IN CERTAIN CASES.—Except as provided in regulations, in the case of property which—

“(i) was manufactured, produced, grown, or extracted by the taxpayer, or

“(ii) was acquired by the taxpayer from a related person for a price which was not determined in accordance with the rules of section 482,

the amount of foreign trade income which may be treated as foreign sale and leasing income under paragraph (1)(B) or subparagraph (A) of this paragraph with respect to any transaction involving such property shall not exceed the amount which would have been determined if the taxpayer had acquired such property for the price determined in accordance with the rules of section 482.

“(3) SPECIAL RULES.—

“(A) EXCLUDED PROPERTY.—Foreign sale and leasing income shall not include any income properly allocable to excluded property described in subparagraph (B) of section 943(a)(3) (relating to intangibles).

“(B) ONLY DIRECT EXPENSES TAKEN INTO ACCOUNT.—For purposes of this subsection, any expense other than a directly allocable expense shall not be taken into account in computing foreign trade income.

“SEC. 942. FOREIGN TRADING GROSS RECEIPTS.

“(a) FOREIGN TRADING GROSS RECEIPTS.—

“(1) IN GENERAL.—Except as otherwise provided in this section, for purposes of this subpart, the term ‘foreign trading gross receipts’ means the gross receipts of the taxpayer which are—

“(A) from the sale, exchange, or other disposition of qualifying foreign trade property,

“(B) from the lease or rental of qualifying foreign trade property for use by the lessee outside the United States,

“(C) for services which are related and subsidiary to—

“(i) any sale, exchange, or other disposition of qualifying foreign trade property by such taxpayer, or

“(ii) any lease or rental of qualifying foreign trade property described in subparagraph (B) by such taxpayer,

“(D) for engineering or architectural services for construction projects located (or proposed for location) outside the United States, or

“(E) for the performance of managerial services for a person other than a related person in furtherance of the production of foreign trading gross receipts described in subparagraph (A), (B), or (C).

Subparagraph (E) shall not apply to a taxpayer for any taxable year unless at least 50 percent of its foreign trading gross receipts (determined without regard to this sentence) for such taxable year is derived from activities described in subparagraph (A), (B), or (C).

“(2) CERTAIN RECEIPTS EXCLUDED ON BASIS OF USE; SUBSIDIZED RECEIPTS EXCLUDED.—The term ‘foreign trading gross receipts’ shall not include receipts of a taxpayer from a transaction if—

“(A) the qualifying foreign trade property or services—

“(i) are for ultimate use in the United States, or

“(ii) are for use by the United States or any instrumentality thereof and such use of qualifying foreign trade property or services is required by law or regulation, or

“(B) such transaction is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured, produced, grown, or extracted.

“(3) ELECTION TO EXCLUDE CERTAIN RECEIPTS.—The term ‘foreign trading gross receipts’ shall not include gross receipts of a taxpayer from a transaction if the taxpayer elects not to have such receipts taken into account for purposes of this subpart.

“(b) FOREIGN ECONOMIC PROCESS REQUIREMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (c), a taxpayer shall be treated as having foreign trading gross receipts from any transaction only if economic processes with respect to such transaction take place outside the United States as required by paragraph (2).

“(2) REQUIREMENT.—

“(A) IN GENERAL.—The requirements of this paragraph are met with respect to the gross receipts of a taxpayer derived from any transaction if—

“(i) such taxpayer (or any person acting under a contract with such taxpayer) has participated outside the United States in the solicitation (other than advertising), the negotiation, or the making of the contract relating to such transaction, and

“(ii) the foreign direct costs incurred by the taxpayer attributable to the transaction equal or exceed 50 percent of the total direct costs attributable to the transaction.

“(B) ALTERNATIVE 85-PERCENT TEST.—A taxpayer shall be treated as satisfying the requirements of subparagraph (A)(ii) with respect to any transaction if, with respect to each of at least 2 subparagraphs of paragraph (3), the foreign direct costs incurred by such taxpayer attributable to activities described in such subparagraph equal or exceed 85 percent of the total direct costs attributable to activities described in such subparagraph.

“(C) DEFINITIONS.—For purposes of this paragraph—

“(i) TOTAL DIRECT COSTS.—The term ‘total direct costs’ means, with respect to any transaction, the total direct costs incurred by the taxpayer attributable to activities described in paragraph (3) performed at any location by the taxpayer or any person acting under a contract with such taxpayer.

“(ii) FOREIGN DIRECT COSTS.—The term ‘foreign direct costs’ means, with respect to any transaction, the portion of the total direct costs which are attributable to activities performed outside the United States.

“(3) ACTIVITIES RELATING TO QUALIFYING FOREIGN TRADE PROPERTY.—The activities described in this paragraph are any of the following with respect to qualifying foreign trade property—

“(A) advertising and sales promotion,

“(B) the processing of customer orders and the arranging for delivery,

“(C) transportation outside the United States in connection with delivery to the customer,

“(D) the determination and transmittal of a final invoice or statement of account or the receipt of payment, and

“(E) the assumption of credit risk.

“(4) ECONOMIC PROCESSES PERFORMED BY RELATED PERSONS.—A taxpayer shall be treated as meeting the requirements of this subsection with respect to any sales transaction involving any property if any related person has met such requirements in such transaction or any other sales transaction involving such property.

“(c) EXCEPTION FROM FOREIGN ECONOMIC PROCESS REQUIREMENT.—

“(1) IN GENERAL.—The requirements of subsection (b) shall be treated as met for any taxable year if the foreign trading gross receipts of the taxpayer for such year do not exceed $5,000,000.

“(2) RECEIPTS OF RELATED PERSONS AGGREGATED.—All related persons shall be treated as one person for purposes of paragraph (1), and the limitation under paragraph (1) shall be allocated among such persons in a manner provided in regulations prescribed by the Secretary.

“(3) SPECIAL RULE FOR PASS-THRU ENTITIES.—In the case of a partnership, S corporation, or other pass-thru entity, the limitation under paragraph (1) shall apply with respect to the partnership, S corporation, or entity and with respect to each partner, shareholder, or other owner.

“SEC. 943. OTHER DEFINITIONS AND SPECIAL RULES.

“(a) QUALIFYING FOREIGN TRADE PROPERTY.—For purposes of this subpart—

“(1) IN GENERAL.—The term ‘qualifying foreign trade property’ means property—

“(A) manufactured, produced, grown, or extracted within or outside the United States,

“(B) held primarily for sale, lease, or rental, in the ordinary course of trade or business for direct use, consumption, or disposition outside the United States, and

“(C) not more than 50 percent of the fair market value of which is attributable to—

"(i) articles manufactured, produced, grown, or extracted outside the United States, and

"(ii) direct costs for labor (determined under the principles of section 263A) performed outside the United States.

For purposes of subparagraph (C), the fair market value of any article imported into the United States shall be its appraised value, as determined by the Secretary under section 402 of the Tariff Act of 1930 (19 U.S.C. 1401a) in connection with its importation, and the direct costs for labor under clause (ii) do not include costs that would be treated under the principles of section 263A as direct labor costs attributable to articles described in clause (i).

"(2) U.S. TAXATION TO ENSURE CONSISTENT TREATMENT.—Property which (without regard to this paragraph) is qualifying foreign trade property and which is manufactured, produced, grown, or extracted outside the United States shall be treated as qualifying foreign trade property only if it is manufactured, produced, grown, or extracted by—

"(A) a domestic corporation,

"(B) an individual who is a citizen or resident of the United States,

"(C) a foreign corporation with respect to which an election under subsection (e) (relating to foreign corporations electing to be subject to United States taxation) is in effect, or

"(D) a partnership or other pass-thru entity all of the partners or owners of which are described in subparagraph (A), (B), or (C).

Except as otherwise provided by the Secretary, tiered partnerships or pass-thru entities shall be treated as described in subparagraph (D) if each of the partnerships or entities is directly or indirectly wholly owned by persons described in subparagraph (A), (B), or (C).

"(3) EXCLUDED PROPERTY.—The term 'qualifying foreign trade property' shall not include—

"(A) property leased or rented by the taxpayer for use by any related person,

"(B) patents, inventions, models, designs, formulas, or processes whether or not patented, copyrights (other than films, tapes, records, or similar reproductions, and other than computer software (whether or not patented), for commercial or home use), goodwill, trademarks, trade brands, franchises, or other like property,

"(C) oil or gas (or any primary product thereof),

"(D) products the transfer of which is prohibited or curtailed to effectuate the policy set forth in paragraph (2)(C) of section 3 of Public Law 96–72, or

"(E) any unprocessed timber which is a softwood.

For purposes of subparagraph (E), the term 'unprocessed timber' means any log, cant, or similar form of timber.

"(4) PROPERTY IN SHORT SUPPLY.—If the President determines that the supply of any property described in paragraph (1) is insufficient to meet the requirements of the domestic economy, the President may by Executive order designate the property as in short supply. Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order and ending with the date specified in an Executive order setting forth the President's determination that the property is no longer in short supply.

"(b) OTHER DEFINITIONS AND RULES.—For purposes of this subpart—

"(1) TRANSACTION.—

"(A) IN GENERAL.—The term 'transaction' means—

"(i) any sale, exchange, or other disposition,

"(ii) any lease or rental, and

"(iii) any furnishing of services.

"(B) GROUPING OF TRANSACTIONS.—To the extent provided in regulations, any provision of this subpart which, but for this subparagraph, would be applied on a transaction-by-transaction basis may be applied by the taxpayer on the basis of groups of transactions based on product lines or recognized industry or trade usage. Such regulations may permit different groupings for different purposes.

"(2) UNITED STATES DEFINED.—The term 'United States' includes the Commonwealth of Puerto Rico. The preceding sentence shall not apply for purposes of determining whether a corporation is a domestic corporation.

"(3) RELATED PERSON.—A person shall be related to another person if such persons are treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414, except that determinations under subsections (a) and (b) of section 52 shall be made without regard to section 1563(b).

"(4) GROSS AND TAXABLE INCOME.—Section 114 shall not be taken into account in determining the amount of gross income or foreign trade income from any transaction.

"(c) SOURCE RULE.—Under regulations, in the case of qualifying foreign trade property manufactured, produced, grown, or extracted within the United States, the amount of income of a taxpayer from any sales transaction with respect to such property which is treated as from sources without the United States shall not exceed—

"(1) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(B), the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States if the foreign trade income were reduced by an amount equal to 4 percent of the foreign trading gross receipts with respect to the transaction, and

"(2) in the case of a taxpayer computing its qualifying foreign trade income under section 941(a)(1)(C), 50 percent of the amount of the taxpayer's foreign trade income which would (but for this subsection) be treated as from sources without the United States.

"(d) TREATMENT OF WITHHOLDING TAXES.—

"(1) IN GENERAL.—For purposes of section 114(d), any withholding tax shall not be treated as paid or accrued with respect to extraterritorial income which is excluded from gross income under section 114(a). For purposes of this paragraph, the term 'withholding tax' means any tax which is imposed on a basis other than residence and for which credit is allowable under section 901 or 903.

"(2) EXCEPTION.—Paragraph (1) shall not apply to any taxpayer with respect to extraterritorial income from any transaction if the taxpayer computes its qualifying foreign trade income with respect to the transaction under section 941(a)(1)(A).

"(e) ELECTION TO BE TREATED AS DOMESTIC CORPORATION.—

"(1) IN GENERAL.—An applicable foreign corporation may elect to be treated as a domestic corporation for all purposes of this title if such corporation waives all benefits to such corporation granted by the United States under any treaty. No election under section 1362(a) may be made with respect to such corporation.

"(2) APPLICABLE FOREIGN CORPORATION.—For purposes of paragraph (1), the term 'applicable foreign corporation' means any foreign corporation if—

"(A) such corporation manufactures, produces, grows, or extracts property in the ordinary course of such corporation's trade or business, or

"(B) substantially all of the gross receipts of such corporation are foreign trading gross receipts.

"(3) PERIOD OF ELECTION.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, an election under paragraph (1) shall apply to the taxable year for which made and all subsequent taxable years unless revoked by the taxpayer. Any revocation of such election shall apply to taxable years beginning after such revocation.

"(B) TERMINATION.—If a corporation which made an election under paragraph (1) for any taxable year fails to meet the requirements of subparagraph (A) or (B) of paragraph (2) for any subsequent taxable year, such election shall not apply to any taxable year beginning after such subsequent taxable year.

"(C) EFFECT OF REVOCATION OR TERMINATION.—If a corporation which made an election under paragraph (1) revokes such election or such election is terminated under subparagraph (B), such corporation (and any successor corporation) may not make such election for any of the 5 taxable years beginning with the first taxable year for which such election is not in effect as a result of such revocation or termination.

"(4) SPECIAL RULES.—

"(A) REQUIREMENTS.—This subsection shall not apply to an applicable foreign corporation if such corporation fails to meet the requirements (if any) which the Secretary may prescribe to ensure that the taxes imposed by this chapter on such corporation are paid.

"(B) EFFECT OF ELECTION, REVOCATION, AND TERMINATION.—

"(i) ELECTION.—For purposes of section 367, a foreign corporation making an election under this subsection shall be treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

"(ii) REVOCATION AND TERMINATION.—For purposes of section 367, if—

"(I) an election is made by a corporation under paragraph (1) for any taxable year, and

"(II) such election ceases to apply for any subsequent taxable year,

such corporation shall be treated as a domestic corporation transferring (as of the 1st day of the first such subsequent taxable year to which such election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies.

"(C) ELIGIBILITY FOR ELECTION.—The Secretary may by regulation designate one or more classes of corporations which may not make the election under this subsection.

"(f) RULES RELATING TO ALLOCATIONS OF QUALIFYING FOREIGN TRADE INCOME FROM SHARED PARTNERSHIPS.—

"(1) IN GENERAL.—If—

"(A) a partnership maintains a separate account for transactions (to which this subpart applies) with each partner,

"(B) distributions to each partner with respect to such transactions are based on the amounts in the separate account maintained with respect to such partner, and

"(C) such partnership meets such other requirements as the Secretary may by regulations prescribe,

then such partnership shall allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from any transaction to which this subpart applies on the basis of such separate account.

"(2) SPECIAL RULES.—For purposes of this subpart, in the case of a partnership to which paragraph (1) applies—

"(A) any partner's interest in the partnership shall not be taken into account in determining whether such partner is a related person with respect to any other partner, and

"(B) the election under section 942(a)(3) shall be made separately by each partner with respect to any transaction for which the partnership maintains separate accounts for each partner.

"(g) EXCLUSION FOR PATRONS OF AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—Any amount described in paragraph (1) or (3) of section 1385(a)—

"(1) which is received by a person from an organization to which part I of subchapter T applies which is engaged in the marketing of agricultural or horticultural products, and

"(2) which is allocable to qualifying foreign trade income and designated as such by the organization in a written notice mailed to its patrons during the payment period described in section 1382(d),

shall be treated as qualifying foreign trade income of such person for purposes of section 114. The taxable income of the organization shall not be reduced under section 1382 by reason of any amount to which the preceding sentence applies.

"(h) SPECIAL RULE FOR DISCs.—Section 114 shall not apply to any taxpayer for any taxable year if, at any time during the taxable year, the taxpayer is a member of any controlled group of corporations (as defined in section 927(d)(4), as in effect before the date of the enactment of this subsection) of which a DISC is a member."

SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.

(1) The second sentence of section 56(g)(4)(B)(i) is amended by inserting before the period "or under section 114".

(2) Section 275(a) is amended—

(A) by striking "or" at the end of paragraph (4)(A), by striking the period at the end of paragraph (4)(B) and inserting ", or", and by adding at the end of paragraph (4) the following new subparagraph:

"(C) such taxes are paid or accrued with respect to qualifying foreign trade income (as defined in section 941)."; and

(B) by adding at the end the following the following new sentence: "A rule similar to the rule of section 943(d) shall apply for purposes of paragraph (4)(C).".

(3) Paragraph (3) of section 864(e) is amended—

(A) by striking "For purposes of" and inserting:

"(A) IN GENERAL.—For purposes of"; and

(B) by adding at the end the following new subparagraph:

"(B) ASSETS PRODUCING EXEMPT EXTRATERRITORIAL INCOME.—For purposes of allocating and apportioning any interest expense, there shall not be taken into account any qualifying foreign trade property (as defined in section 943(a)) which is held by the taxpayer for lease or rental in the ordinary course of trade or business for use by the lessee outside the United States (as defined in section 943(b)(2)).".

(4) Section 903 is amended by striking "164(a)" and inserting "114, 164(a),".

(5) Section 999(c)(1) is amended by inserting "941(a)(5)," after "908(a),".

(6) The table of sections for part III of subchapter B of chapter 1 is amended by inserting before the item relating to section 115 the following new item:

"Sec. 114. Extraterritorial income.".

(7) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart E and inserting the following new item:

"Subpart E. Qualifying foreign trade income.".

(8) The table of subparts for part III of subchapter N of chapter 1 is amended by striking the item relating to subpart C.

SEC. 5. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply to transactions after September 30, 2000.

(b) NO NEW FSCS; TERMINATION OF INACTIVE FSCS.—

(1) NO NEW FSCS.—No corporation may elect after September 30, 2000, to be a FSC (as defined in section 922 of the Internal Revenue Code of 1986, as in effect before the amendments made by this Act).

(2) TERMINATION OF INACTIVE FSCS.—If a FSC has no foreign trade income (as defined in section 923(b) of such Code, as so in effect) for any period of 5 consecutive taxable years beginning after December 31, 2001, such FSC shall cease to be treated as a FSC for purposes of such Code for any taxable year beginning after such period.

(c) TRANSITION PERIOD FOR EXISTING FOREIGN SALES CORPORATIONS.—

(1) IN GENERAL.—In the case of a FSC (as so defined) in existence on September 30, 2000, and at all times thereafter, the amendments made by this Act shall not apply to any transaction in the ordinary course of trade or business involving a FSC which occurs—

(A) before January 1, 2002; or

(B) after December 31, 2001, pursuant to a binding contract—

(i) which is between the FSC (or any related person) and any person which is not a related person; and

(ii) which is in effect on September 30, 2000, and at all times thereafter.

For purposes of this paragraph, a binding contract shall include a purchase option, renewal option, or replacement option which is included in such contract and which is enforceable against the seller or lessor.

(2) ELECTION TO HAVE AMENDMENTS APPLY EARLIER.—A taxpayer may elect to have the amendments made by this Act apply to any transaction by a FSC or any related person to which such amendments would apply but for the application of paragraph (1). Such election shall be effective for the taxable year for which made and all subsequent taxable years, and, once made, may be revoked only with the consent of the Secretary of the Treasury.

(3) EXCEPTION FOR OLD EARNINGS AND PROFITS OF CERTAIN CORPORATIONS.—

(A) IN GENERAL.—In the case of a foreign corporation to which this paragraph applies—

(i) earnings and profits of such corporation accumulated in taxable years ending before October 1, 2000, shall not be included in the gross income of the persons holding stock in such corporation by reason of section 943(e)(4)(B)(i), and

(ii) rules similar to the rules of clauses (ii), (iii), and (iv) of section 953(d)(4)(B) shall apply with respect to such earnings and profits.

The preceding sentence shall not apply to earnings and profits acquired in a transaction after September 30, 2000, to which section 381 applies unless the distributor or transferor corporation was immediately before the transaction a foreign corporation to which this paragraph applies.

(B) EXISTING FSCS.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957) if—

(i) such corporation is a FSC (as so defined) in existence on September 30, 2000,

(ii) such corporation is eligible to make the election under section 943(e) by reason of being described in paragraph (2)(B) of such section, and

(iii) such corporation makes such election not later than for its first taxable year beginning after December 31, 2001.

(C) OTHER CORPORATIONS.—This paragraph shall apply to any controlled foreign corporation (as defined in section 957), and such corporation shall (notwithstanding any provision of section 943(e)) be treated as an applicable foreign corporation for purposes of section 943(e), if—

(i) such corporation is in existence on September 30, 2000,

(ii) as of such date, such corporation is wholly owned (directly or indirectly) by a domestic corporation (determined without regard to any election under section 943(e)),

(iii) for each of the 3 taxable years preceding the first taxable year to which the election under section 943(e) by such controlled foreign corporation applies—

(I) all of the gross income of such corporation is subpart F income (as defined in section 952), including by reason of section 954(b)(3)(B), and

(II) in the ordinary course of such corporation's trade or business, such corporation regularly sold (or paid commissions) to a FSC which on September 30, 2000, was a related person to such corporation,

(iv) such corporation has never made an election under section 922(a)(2) (as in effect before the date of the enactment of this paragraph) to be treated as a FSC, and

(v) such corporation makes the election under section 943(e) not later than for its first taxable year beginning after December 31, 2001.

The preceding sentence shall cease to apply as of the date that the domestic corporation referred to in clause (ii) ceases to wholly own (directly or indirectly) such controlled foreign corporation.

(4) RELATED PERSON.—For purposes of this subsection, the term "related person" has the meaning given to such term by section 943(b)(3).

(5) SECTION REFERENCES.—Except as otherwise expressly provided, any reference in this subsection to a section or other provision shall be considered to be a reference to a section or other provision of the Internal Revenue Code of 1986, as amended by this Act.

(d) SPECIAL RULES RELATING TO LEASING TRANSACTIONS.—

(1) SALES INCOME.—If foreign trade income in connection with the lease or rental of property described in section 927(a)(1)(B) of such Code (as in effect before the amendments made by this Act) is treated as exempt foreign trade income for purposes of section 921(a) of such Code (as so in effect), such property shall be treated as property described in section 941(c)(1)(B) of such Code (as added by this Act) for purposes of applying section 941(c)(2) of such Code (as so added) to any subsequent transaction involving such property to which the amendments made by this Act apply.

(2) LIMITATION ON USE OF GROSS RECEIPTS METHOD.—If any person computed its foreign trade income from any transaction with respect to any property on the basis of a transfer price determined under the method described in section 925(a)(1) of such Code (as in effect before the amendments made by this Act), then the qualifying foreign trade income (as defined in section 941(a) of such Code, as in effect after such amendment) of such person (or any related person) with respect to any other transaction involving such property (and to which the amendments made by this Act apply) shall be zero.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 4986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is, once again, considering one of the most important bills of this Congress. It is critical for the continued U.S. competitiveness in the global marketplace. It is critical for our Nation's economic security. Most important, it is critical to preserve as many as 5 million jobs for American workers and their families. That is right, almost 5 million jobs hang in the balance.

Why? Because the U.S. has an ill-advised, antiquated system that overtaxes our businesses when they operate overseas and when they export, placing them at a gigantic disadvantage against their foreign competitors. This bill only partially addresses that gigantic disadvantage, a disadvantage so great that it is causing major U.S. businesses one by one to move overseas instead of being headquartered in the United States of America. This was evidenced recently by Chrysler becoming a German-based corporation, no longer headquartered in the U.S.

Mr. Speaker, we must pass this bill and have it signed into law immediately if we are to avert what could be the mother of all trade wars with the European Union. Last summer, the World Trade Organization ruled that our foreign sales corporation provisions in the U.S. Tax Code violated global trading rules. The U.S. appealed the decision, but lost; and the WTO set an original deadline of October 1 for the U.S. to comply with the decision. Despite a heroic effort by a bipartisan majority of members on the Committee on Ways and Means, the Senate Finance Committee, the White House, the Treasury, and the work of the Joint Committee on Taxation, we were unable to meet the October 1 deadline.

Now, to avoid immediate retaliation by the EU, the U.S. entered into an agreement with the EU which moved the deadline to November 1. Now that has also passed by. If we do not have this legislation signed into law by November 17, the EU will begin the ugly and devastating process of trade retaliation against American products, our workers, and our businesses. The clock is ticking, and only by acting now can we avoid a transatlantic trade war which will be destructive to all parties, perhaps to the world. There will be no winners in such a war, only losers; and the biggest losers will be American workers whose products will no longer have access to the European market on a competitive basis.

Moreover, I believe that passage of this legislation today, which reflects a bipartisan compromise with the Senate, fully agreed to by the administration, will put us into compliance so that we can avoid retaliation, even if the EU should challenge the substance of the underlying proposal.

Mr. Speaker, we have had a remarkable economic surge in the past few years. Failing to act on this legislation could very well halt and even reverse that progress. We cannot risk that happening.

The substance of the Senate amendment to H.R. 4986 is identical to title I of H.R. 5542, the "Taxpayer Relief Act of 2000," incorporated by reference into the conference report on H.R. 2614. The Senate amendment, like the language in the conference report on H.R. 2614, is a compromise between the versions of H.R. 4986 passed by the House and reported by the Finance Committee. Since the statutory language has been modified slightly from the version of H.R. 4986 reported by the Committee on Ways and Means, I am introducing into the RECORD an explanation of the Senate amendment prepared by the staff of the Joint Committee on Taxation. This explanation is substantially identical to the relevant Statement of Managers language in H.R. 2614. Senator ROTH has similarly endorsed this explanation. Accordingly, taxpayers are welcome to rely on this explanation (or, for that matter, the Statement of Managers language in H.R. 2614) for guidance in interpreting the statute.

Technical Explanation of the Senate Amendment to H.R. 4986, the "FSC Repeal and Extraterritorial Income Exclusion Act of 2000"

I. INTRODUCTION

This document, prepared by the staff of the Joint Committee on Taxation, is a technical explanation of H.R. 4986 as passed by the Senate on November 1, 2000. H.R. 4986 was passed by the House of Representatives on September 13, 2000. The Senate Finance Committee favorably reported the bill with an amendment on September 19, 2000. The conference agreement to H.R. 2614 included legislation that resolved the differences between the House and Senate on this matter. The Senate amendment to H.R. 4986, as passed by the Senate on November 1, 2000, adopts the compromise language of the conference agreement to H.R. 2614.

II. OVERVIEW OF PRESENT-LAW FOREIGN SALES CORPORATION RULES

Summary of U.S. income taxation of foreign persons

Income earned by a foreign corporation from its foreign operations generally is subject to U.S. tax only when such income is distributed to a U.S. persons that hold stock in such corporation. Accordingly, a U.S. person that conducts foreign operations through a foreign corporation generally is subject to U.S. tax on the income from those operations when the income is repatriated to the United States through a dividend distribution to the U.S. person. The income is reported on the U.S. person's tax return for the year the distribution is received, and the United States imposes tax on such income at that time. An indirect foreign tax credit may reduce the U.S. tax imposed on such income.

Foreign sales corporations

The income of an eligible foreign sales corporation ("FSC") is partially subject to U.S. income tax and partially exempt from U.S. income tax. In addition, a U.S. corporation generally is not subject to U.S. income tax on dividends distributed from the FSC out of certain earnings.

A FSC must be located and managed outside the United States, and must perform certain economic processes outside the United States. A FSC is often owned by a U.S. corporation that produces goods in the United States. The U.S. corporation either supplies goods to the FSC for resale abroad or pays the FSC a commission in connection with such sales. The income of the FSC, a portion of which is exempt from U.S. income tax under the FSC rules, equals the FSC's gross markup or gross commission income less the expenses incurred by the FSC. The gross markup or the gross commission is determined according to specified pricing rules.

A FSC generally is not subject to U.S. income tax on its exempt foreign trade income. The exempt foreign trade income of a FSC is treated as foreign-source income that is not effectively connected with the conduct of a trade or business within the United States.

Foreign trade income, other than exempt foreign trade income, generally is treated as U.S.-source income effectively connected with the conduct of a trade or business conducted through a permanent establishment within the United States. Thus, a FSC's income, other than exempt foreign trade income, generally is subject to U.S. tax currently and is treated as U.S.-source income for purposes of the foreign tax credit limitation.

Foreign trade income of a FSC is defined as the FSC's gross income attributable to foreign trading gross receipts. Foreign trading gross receipts generally are the gross receipts attributable to the following types of transactions: the sale of export property; the lease or rental of export property; services related and subsidiary to such a sale or lease of export property; engineering and architectural services for projects outside the United States; and export management services. Investment income and carrying charges are excluded from the definition of foreign trading gross receipts.

The term "export property" generally means property (1) which is manufactured, produced, grown or extracted in the United States by a person other than a FSC; (2) which is held primarily for sale, lease, or rental in the ordinary course of a trade or business for direct use or consumption outside the United States; and (3) not more than 50 percent of the fair market value of which is attributable to articles imported into the United States. The term "export property" does not include property leased or rented by a FSC for use by any member of a controlled group of which the FSC is a member; patents, copyrights (other than films, tapes, records, similar reproductions, and other than computer software, whether or not patented), and other intangibles; oil or gas (or any primary product thereof); unprocessed softwood timber; or products the export of which is prohibited or curtailed. Export property also excludes property designated by the President as being in short supply.

If export property is sold to a FSC by a related person (or a commission is paid by a related person to a FSC with respect to export property), the income with respect to the export transaction must be allocated between the FSC and the related person. The taxable income of the FSC and the taxable income of the related person are computed based upon a transfer price determined under section 482 or under one of two formulas specified in the FSC provisions.

The portion of a FSC's foreign trade income that is treated as exempt foreign trade income depends on the pricing rule used to determine the income of the FSC. If the amount of income earned by the FSC is based on section 482 pricing, the exempt foreign trade income generally is 30 percent of the foreign trade income the FSC derives from a transaction. If the income earned by the FSC is determined under one of the two formulas specified in the FSC provisions, the exempt foreign trade income generally is 15/23 of the foreign trade income the FSC derives from the transaction.

A FSC is not required or deemed to make distributions to its shareholders. Actual distributions are treated as being made first out of earnings and profits attributable to foreign trade income, and then out of any other earnings and profits. A U.S. corporation generally is allowed a 100 percent dividends-received deduction for amounts distributed from a FSC out of earnings and profits attributable to foreign trade income. The 100 percent dividends-received deduction is not allowed for nonexempt foreign trade income determined under section 482 pricing. Any distributions made by a FSC out of earnings and profits attributable to foreign trade income to a foreign shareholder is treated as U.S.-source income that is effectively connected with a business conducted through a permanent establishment of the shareholder within the United States. Thus, the foreign shareholder is subject to U.S. tax on such a distribution.

III. TECHNICAL EXPLANATION OF THE SENATE AMENDMENT TO H.R. 4986

Overview

The Senate amendment repeals the present-law FSC rules and replaces them with an exclusion for extraterritorial income. The Senate amendment, like the Senate Finance Committee reported version of the bill, does not include the provision in the House bill that provides a dividends-received deduction for certain dividends allocable to qualifying foreign trade income. The Senate amendment adopts the compromise language of the conference agreement to H.R. 2614.

Repeal of the FSC rules

The Senate amendment repeals the present-law FSC rules found in sections 921 through 927 of the Code.

Exclusion of extraterritorial income

The Senate amendment provides that gross income for U.S. tax purposes does not include extraterritorial income. Because the exclusion of such extraterritorial income is a means of avoiding double taxation, no foreign tax credit is allowed for income taxes paid with respect to such excluded income. Extraterritorial income is eligible for the exclusion to the extent that it is "qualifying foreign trade income." Because U.S. income tax principles generally deny deductions for expenses related to exempt income, otherwise deductible expenses that are allocated to qualifying foreign trade income generally are disallowed.

The Senate amendment applies in the same manner with respect to both individuals and corporations who are U.S. taxpayers. In addition, the exclusion from gross income applies for individual and corporate alternative minimum tax purposes.

Qualifying foreign trade income

Under the Senate amendment, qualifying foreign trade income is the amount of gross income that, if excluded, would result in a reduction of taxable income by the greatest of (1) 1.2 percent of the "foreign trading gross receipts" derived by the taxpayer from the transaction, (2) 15 percent of the "foreign trade income" derived by the taxpayer from the transaction, or (3) 30 percent of the "foreign sale and leasing income" derived by the taxpayer from the transaction. The amount of qualifying foreign trade income derived using 1.2 percent of the foreign trading gross receipts is limited to 200 percent of the qualifying foreign trade income that would result using 15 percent of the foreign trade income. Notwithstanding the general rule that qualifying foreign trade income is based on one of the three calculations that results in the greatest reduction in taxable income, a taxpayer may choose instead to use one of the other two calculations that does not result in the greatest reduction in taxable income. Although these calculations are determined by reference to a reduction of taxable income (a net income concept), qualifying foreign trade income is an exclusion from gross income. Hence, once a taxpayer determines the appropriate reduction of taxable income, that amount must be "grossed up" for related expenses in order to determine the amount of gross income excluded.

If a taxpayer uses 1.2 percent of foreign trading gross receipts to determine the amount of qualifying foreign trade income with respect to a transaction, the taxpayer or any other related persons will be treated as having no qualifying foreign trade income with respect to any other transaction involving the same property. For example, assume that a manufacturer and a distributor of the same product are related persons. The manufacturer sells the product to the distributor at an arm's-length price of $80 (generating $30 of profit) and the distributor sells the product to an unrelated customer outside of the United States for $100 (generating $20 of profit). If the distributor chooses to calculate its qualifying foreign trade income on the basis of 1.2 percent of foreign trading gross receipts, then the manufacturer will be considered to have no qualifying foreign trade income and, thus, would have no excluded income. The distributor's qualifying foreign trade income would be 1.2 percent of $100, and the manufacturer's qualifying foreign trade income would be zero. This limitation is intended to prevent a duplication of exclusions from gross income because the distributor's $100 of gross receipts includes the $80 of gross receipts of the manufacturer. Absent this limitation, $80 of gross receipts would have been double counted for purposes of the exclusion. If both persons were permitted to use 1.2 percent of their foreign trading gross receipts in this example, then the related-person group would have an exclusion based on $180 of foreign trading gross receipts notwithstanding that the related-person group really only generated $100 of gross receipts from the transaction. However, if the distributor chooses to calculate its qualifying foreign trade income on the basis of 15 percent of foreign trade income (15 percent of $20 of profit), then the manufacturer would also be eligible to calculate its qualifying foreign trade income in the same manner (15 percent of $30 of profit). Thus, in the second case, each related person may exclude an amount of income based on their respective profits. The total foreign trade income of the related-person group is $50. Accordingly, allowing each person to calculate the exclusion based on their respective foreign trade income does not result in duplication of exclusions.

Under the Senate amendment, a taxpayer may determine the amount of qualifying foreign trade income either on a transaction-by-transaction basis or on an aggregate basis for groups of transactions, so long as the groups are based on product lines or recognized industry or trade usage. Under the grouping method, ti is intended that taxpayers be given reasonable flexibility to identify product lines or groups on the basis of recognized industry or trade usage. In general, provided that the taxpayer's grouping is not unreasonable, it will not be rejected merely because the grouped products fall within more than one of the two-digit Standard Industrial Classification codes. The Secretary of the Treasury is granted authority to prescribe rules for grouping transactions in determining qualifying foreign trade income.

Qualifying foreign trade income must be reduced by illegal bribes, kickbacks and similar payments, and by a factor for operations in or related to a country associated in carrying out an international boycott, or participating or cooperating with an international boycott.

In addition, the Senate amendment directs the Secretary of the Treasury to prescribe rules for marginal costing in those cases in which a taxpayer is seeking to establish or maintain a market for qualifying foreign trade property.

Foreign trading gross receipts

Under the Senate amendment, "foreign trading gross receipts" are gross receipts derived from certain activities in connection with "qualifying foreign trade property" with respect to which certain "economic processes" take place outside of the United States. Specifically, the gross receipts must be (1) from the sale, exchange, or other disposition of qualifying foreign trade property; (2) from the lease or rental of qualifying foreign trade property for use by the lessee outside of the United States; (3) for services which are related and subsidiary to the sale, exchange, disposition, lease, or rental of qualifying foreign trade property (as described above); (4) for engineering or architectural services for construction projects located outside of the United States; or (5) for the performance of certain managerial services for unrelated persons. Gross receipts from the lease or rental of qualifying foreign trade property include gross receipts from the license of qualifying foreign trade property. Consistent with the policy adopted in the Taxpayer Relief Act of 1997, this includes the license of computer software for reproduction abroad.

Foreign trading gross receipts do not include gross receipts from a transaction if the qualifying foreign trade property or services are for ultimate use in the United States, or for use by the United States (or an instrumentality thereof) and such use is required by law or regulation. Foreign trading gross receipts also do not include gross receipts from a transaction that is accomplished by a subsidy granted by the government (or any instrumentality thereof) of the country or possession in which the property is manufactured.

A taxpayer may elect to treat gross receipts from a transaction as not foreign trading gross receipts. As a consequence of such an election, the taxpayer could utiize any related foreign tax credits in lieu of the exclusion as a means of avoiding double taxation. It is intended that this election be accomplished by the taxpayer's treatment of such items on its tax return for the taxable year. Provided that the taxpayer's taxable year is still open under the statute of limitations for making claims for refund under section 6511, a taxpayer can make redeterminations as to whether the gross receipts from a transaction constitute foreign trading gross receipts.

Foreign economic processes

Under the Senate amendment, gross receipts from a transaction are foreign trading gross receipts only if certain economic processes take place outside of the United States. The foreign economic processes requirement is satisfied if the taxpayer (or any person acting under a contract with the taxpayer) participates outside of the United States in the solicitation (other than advertising), negotiation, or making of the contract relating to such transaction and incurs a specified amount of foreign direct costs attributable to the transaction. For this purpose, foreign direct costs include only those costs incurred in the following categories of activities: (1) advertising and sales promotion; (2) the processing of customer orders and the arranging for delivery; (3) transportation outside of the United States in connection with delivery to the customer; (4) the determination and transmittal of a final invoice or statement of account or the receipt of payment; and (5) the assumption of credit risk. An exception from the foreign economic processes requirement is provided for taxpayers with foreign trading gross receipts for the year of $5 million or less.

The foreign economic processes requirement must be satisfied with respect to each transaction and, if so, any gross receipts from such transaction could be considered as foreign trading gross receipts. For example, all of the lease payments received with respect to a multi-year lease contract, which contract met the foreign economic processes requirement at the time it was entered into, would be considered as foreign trading gross receipts. On the other hand, a sale of property that was formerly a leased asset, which was not sold pursuant to the original lease agreement, generally would be considered a new transaction that must independently satisfy the foreign economic processes requirement.

A taxpayer's foreign economic processes requirement is treated as satisfied with respect to a sales transaction (solely for the purpose of determining whether gross receipts are foreign trading gross receipts) if any related person has satisfied the foreign economic processes requirement in connection with another sales transaction involving the same qualifying foreign trade property.

Qualifying foreign trade property

Under the Senate amendment, the threshold for determining if gross receipts will be treated as foreign trading gross receipts is whether the gross receipts are derived from a transaction involving "qualifying foreign trade property." Qualifying foreign trade property is property manufactured, produced, grown, or extracted ("manufactured") within or outside of the United States that is held primarily for sale, lease, or rental, in the ordinary course of a trade or business, for direct use, consumption, or disposition outside of the United States. In addition, not more than 50 percent of the fair market value of such property can be attributable to the sum of (1) the fair market value of articles manufactured outside of the United States plus (2) the direct costs of labor performed outside of the United States.

It is understood that under current industry practice, the purchaser of an aircraft contracts separately for the aircraft engine and the airframe, albeit contracting with the airframe manufacturer to attach the separately purchased engine. It is intended that an aircraft engine be qualifying foreign trade property (assuming that all other requirements are satisfied) if (1) it is specifically designed to be separated from the airframe to which it is attached without significant damage to either the engine or the airframe, (2) it is reasonably expected to be separated from the airframe in the ordinary course of business (other than by reason of temporary separation for servicing, maintenance, or repair) before the end of the useful life of either the engine or the airframe, whichever is shorter, and (3) the terms under which the aircraft engine was sold were directly and separately negotiated between the manufacturer of the aircraft engine and the person to whom the aircraft will be ultimately delivered. By articulating this application of the foreign destination test in the case of certain separable aircraft engines, no inference is intended with respect to the application of any destination test under present law or with respect to any other rule of law outside the Senate amendment.

The Senate amendment excludes certain property from the definition of qualifying foreign trade property. The excluded property is (1) property leased or rented by the taxpayer for use by a related person, (2) certain intangibles, (3) oil and gas (or any primary product thereof), (4) unprocessed softwood timber, (5) certain products the transfer of which are prohibited or curtailed to effectuate the policy set forth in Public Law 96–72, and (6) property designated by Executive order as in short supply. In addition, it is intended that property that is leased or licensed to a related person who is the lessor, licensor, or seller of the same property in a sublease, sublicense, sale, or rental to an unrelated person for the ultimate and predominate use by the unrelated person outside of the United States is not excluded property by reason of such lease or license to a related person.

With respect to property that is manufactured outside of the United States, rules are provided to ensure consistent U.S. tax treatment with respect to manufacturers. The Senate amendment requires that property manufactured outside of the United States be manufactured by (1) a domestic corporation, (2) an individual who is a citizen or resident of the United States, (3) a foreign corporation that elects to be subject to U.S. taxation in the same manner as a U.S. corporation, or (4) a partnership or other pass-through entity all of the partners or owners of which are described in (1), (2), or (3) above.

Foreign trade income

Under the Senate amendment, "foreign trade income" is the taxable income of the taxpayer (determined without regard to the exclusion of qualifying foreign trade income) attributable to foreign trading gross receipts. Certain dividends-paid deductions of cooperatives are disregarded in determining foreign trade income for this purpose.

Foreign sale and leasing income

Under the Senate amendment, "foreign sale and leasing income" is the amount of the taxpayer's foreign trade income (with respect to a transaction) that is properly allocable to activities that constitute foreign economic processes (as described above). For example, a distribution company's profit from the sale of qualifying foreign trade property that is associated with sales activities, such as solicitation or negotiation of the sale, advertising, processing customer orders and arranging for delivery, transportation outside of the United States, and other enumerated activities, would constitute foreign sale and leasing income.

Foreign sale and leasing income also includes foreign trade income derived by the taxpayer in connection with the lease or rental of qualifying foreign trade property for use by the lessee outside of the United States. Income from the sale, exchange, or other disposition of qualifying foreign trade property that is or was subject to such a lease (i.e., the sale of the residual interest in the leased property) gives rise to foreign sale and leasing income. Except as provided in regulations, a special limitation applies to leased property that (1) is manufactured by the taxpayer or (2) is acquired by the taxpayer from a related person for a price that was other than arm's length. In such cases, foreign sale and leasing income may not exceed the amount of foreign sale and leasing income that would have resulted if the taxpayer had acquired the leased property in a hypothetical arm's-length purchase and then engaged in the actual sale or lease of such property. For example, if a manufacturer leases qualifying foreign trade property that it manufactured, the foreign sale and leasing income derived from that lease may not exceed the amount of foreign sale and leasing income that the manufacturer would have earned with respect to that lease had it purchased the property for an arm's-length price on the day that the manufacturer entered into the lease. For purposes of calculating the limit on foreign sale and leasing income, the manufacturer's basis and, thus, depreciation would be based on this hypothetical arm's-length price. This limitation is intended to prevent foreign sale and leasing income from including profit associated with manufacturing activities.

For purposes of determining foreign sale and leasing income, only directly allocable expenses are taken into account in calculating the amount of foreign trade income. In addition, income properly allocable to certain intangibles is excluded for this purpose.

General example

The following is an example of the calculation of qualifying foreign trade income.

XYZ Corporation, a U.S. corporation, manufactures property that is sold to unrelated customers for use outside of the United States. XYZ Corporation satisfies the foreign economic processes requirement through conducting activities such as solicitation, negotiation, transportation, and other sales-related activities outside of the United States with respect to its transactions. During the year, qualifying foreign trade property was sold for gross proceeds totaling $1,000. The cost of this qualifying foreign trade property was $600. XYZ Corporation incurred $275 of costs that are directly related to the sale and distribution of qualifying foreign trade property. XYZ Corporation paid $40 of income tax to a foreign jurisdiction related to the sale and distribution of the qualifying foreign trade property. XYZ Corporation also generated gross income of $7,600 (gross receipts of $24,000 and cost of goods sold of $16,400) and direct expenses of $4,225 that relate to the manufacture and sale of products other than qualifying foreign trade property. XYZ Corporation also incurred $500 of overhead expenses. XYZ Corporation's financial information for the year is summarized as follows:

	Total	Other property	OFTP
Gross receipts	$25,000	$24,000	$1,000
Cost of goods sold	17,000	16,400	600
Gross income	8,000	7,600	400
Direct expenses	4,500	4,225	275
Overhead expenses	500		

	Total	Other property	OFTP
Net income	3,000		

Illustrated below is the computation of the amount of qualifying foreign trade income that is excluded from XYZ Corporation's gross income and the amount of related expenses that are disallowed. In order to calculate qualifying foreign trade income, the amount of foreign trade income first must be determined. Foreign trade income is the taxable income (determined without regard to the exclusion of qualifying foreign trade income) attributable to foreign trading gross receipts. In this example, XYZ Corporation's foreign trading gross receipts equal $1,000. This amount of gross receipts is reduced by the related cost of goods sold, the related direct expenses, and a portion of the overhead expenses in order to arrive at the related taxable income. Thus, XYZ Corporation's foreign trade income equals $100, calculated as follows:

Foreign trading gross receipts	$1,000
Cost of goods sold	600
Gross income	400
Direct expenses	275
Apportioned overhead expenses	25
Foreign trade income	100

Foreign sale and leasing income is defined as an amount of foreign trade income (calculated taking into account only directly-related expenses) that is properly allocable to certain specified foreign activities. Assume for purposes of this example that of the $125 of foreign trade income ($400 of gross income from the sale of qualifying foreign trade property less only the direct expenses of $275), $35 is properly allocable to such foreign activities (e.g., solicitation, negotiation, advertising, foreign transportation, and other enumerated sales-like activities) and, therefore, is considered to be foreign sale and leasing income.

Qualifying foreign trade income is the amount of gross income that, if excluded, will result in a reduction of taxable income equal to the greatest of (1) 30 percent of foreign sale and leasing income, (2) 1.2 percent of foreign trading gross receipts, or (3) 15 percent of foreign trade income. Thus, in order to calculate the amount that is excluded from gross income, taxable income must be determined and then "grossed up" for allocable expenses in order to arrive at the appropriate gross income figure. First, for each method of calculating qualifying foreign trade income, the reduction in taxable income is determined. Then, the $275 of direct and $25 of overhead expenses, totaling $300, attributable to foreign trading gross receipts is apportioned to the reduction in taxable income based on the proportion of the reduction in taxable income to foreign trade income. This apportionment is done for each method of calculating qualifying foreign trade income. The sum of the taxable income reduction and the apportioned expenses equals the respective qualifying foreign trade income (i.e., the amount of gross income excluded) under each method, as follows:

	1.2% FTGR[1]	15% FTI[2]	30% FS&LI[3]
Reduction of taxable income:			
1.2% of FTGR (1.2% *$1,000)	12.00		
15% of FTI (15% *$100)		15.00	
30% of FS&LI (30% *$35)			10.50
Gross-up for disallowed expenses:			
$300 *($12/$100)	36.00		
$300 *($15/$100)		45.00	
$275 *($10.50/$100)[4]			28.88
Qualifying foreign trade income	48.00	60.00	39.38

[1] "FTGR" refers to foreign trading gross receipts.

[2] "FTI" refers to foreign trade income.

[3] "FS&LI" refers to foreign sale and leasing income.

[4] Because foreign sale and leasing income only takes into account direct expenses, it is appropriate to take into account only such expenses for purposes of this calculation.

In the example, the $60 of qualifying foreign trade income is excluded from XYZ Corporation's gross income (determined based on 15 percent of foreign trade income). In connection with excluding $60 of gross income, certain expenses that are allocable to this income are not deductible for U.S. Federal income tax purposes. Thus, $45 ($300 of related expenses multiplied by 15 percent, i.e., $60 of qualifying foreign trade income divided by $400 of gross income from the sale of qualifying foreign trade property) of expenses are disallowed.

	Other property	QFTP	Excluded/disallowed	Total
Gross receipts	$24,000	$1,000		
Cost of goods sold	16,400	600		
Gross income	7,600	400	(60.00)	7,940.00
Direct expenses	4,225	275	(41.25)	4,458.75
Overhead expenses	475	25	(3.75)	496.25
Taxable income				2,985.00

XYZ Corporation paid $40 of income tax to a foreign jurisdiction related to the sale and distribution of the qualifying foreign trade property. A portion of this $40 of foreign income tax is treated as paid with respect to the qualifying foreign trade income and, therefore, is not creditable for U.S. foreign tax credit purposes. In this case, $6 of such taxes paid ($40 of foreign taxes multiplied by 15 percent, i.e., $60 of qualifying foreign trade income divided by $400 of gross income from the sale of qualifying foreign trade property) is treated as paid with respect to the qualifying foreign trade income and, thus, is not creditable.

The results in this example are the same regardless of whether XYZ Corporation manufacturers the property within the United States or outside of the United States through a foreign branch. If XYZ Corporation were an S corporation or limited liability company, the results also would be the same, and the exclusion would pass through to the S corporation owners or limited liability company owners as the case may be.

Other rules

Foreign-source income limitation

The Senate amendment provides a limitation with respect to the sourcing of taxable income applicable to certain sale transactions giving rise to foreign trading gross receipts. This limitation only applies with respect to sale transactions involving property that is manufactured within the United States. The special source limitation does not apply when qualifying foreign trade income is determined using 30 percent of the foreign sale and leasing income from the transaction.

This foreign-source income limitation is determined in one of two ways depending on whether the qualifying foreign trade income is calculated based on 1.2 percent of foreign trading gross receipts or on 15 percent of foreign trade income. If the qualifying foreign trade income is calculated based on 1.2 percent of foreign trading gross receipts, the related amount of foreign-source income may not exceed the amount of foreign trade income that (without taking into account this special foreign-source income limitation) would be treated as foreign-source income if such foreign trade income were reduced by 4 percent of the related foreign trading gross receipts.

For example, assume that foreign trading gross receipts are $2,000 and foreign trade income is $100. Assume also that the taxpayer chooses to determine qualifying foreign trade income based on 1.2 percent of foreign trading gross receipts. Taxable income after taking into account the exclusion of the qualifying foreign trade income and the disallowance of related deductions is $76. Assume that the taxpayer manufactured its qualifying foreign trade property in the United States and that title to such property passed outside of the United States. Absent a special sourcing rule, under section 863(b) (and the regulations thereunder) the $76 of taxable income would be sourced as $38 U.S. source and $38 foreign source. Under the special sourcing rule, the amount of foreign-source income may not exceed the amount of the foreign trade income that otherwise would be treated as foreign source if the foreign trade income were reduced by 4 percent of the related foreign trading gross receipts. Reducing foreign trade income by 4 percent of the foreign trading gross receipts (4 percent of $2,000, or $80) would result in $20 ($100 foreign trade income less $80). Applying section 863(b) to the $20 of reduced foreign trade income would result in $10 of foreign-source income and $10 of U.S.-source income. Accordingly, the limitation equals $10. Thus, although under the general sourcing rule $38 of the $76 taxable income would be treated as foreign source, the special sourcing rule limits foreign-source income in this example of $10 (with the remaining $66 being treated as U.S.-source income).

If the qualifying foreign trade income is calculated based on 15 percent of foreign trade income, the amount of related foreign-source income may not exceed 50 percent of the foreign trade income that (without taking into account this special foreign-source income limitation) would be treated as foreign-source income.

For example, assume that foreign trade income is $100 and the taxpayer chooses to determine its qualifying foreign trade income based on 15 percent of foreign trade income. Taxable income after taking into account the exclusion of the qualifying foreign trade income and the disallowance of related deductions is $85. Assume that the taxpayer manufactured its qualifying foreign trade property in the United States and that title to such property passed outside of the United States. Absent a special sourcing rule, under section 863(b) the $85 of taxable income would be sourced as $42.50 U.S. source and $42.50 foreign source. Under the special sourcing rule, the amount of foreign-source income may not exceed 50 percent of the foreign trade income that otherwise would be treated as foreign source. Applying section 863(b) to the $100 of foreign trade income would result in $50 of foreign-source income and $50 of U.S.-source income. Accordingly, the limitation equals $25, which is 50 percent of the $50 foreign-source income. Thus, although under the general sourcing rule $42.50 of the $85 taxable income would be treated as foreign source, the special sourcing rule limits its foreign-source income in this example to $25 (with the remaining $60 being treated as U.S.-source income).

Treatment of withholding taxes

The Senate amendment generally provides that no foreign tax credit is allowed for foreign taxes paid or accrued with respect to qualifying foreign trade income (i.e., excluded extraterritorial income). In determining whether foreign taxes are paid or accrued with respect to qualifying foreign trade income, foreign withholding taxes generally are treated as not paid or accrued with respect to qualifying foreign trade income. Accordingly, the Senate amendment's denial of foreign tax credits would not apply to such taxes. For this purpose, the term "withholding tax" refers to any foreign tax that is imposed on a basis other than residence and that is otherwise a creditable foreign tax under sections 901 or 903. It is intended that such taxes would be similar in nature to the gross-basis taxes described in sections 871 and 881.

If, however, qualifying foreign trade income is determined based on 30 percent of foreign sale and leasing income, the special rule for withholding taxes is not applicable. Thus, in such cases foreign withholding taxes may be treated as paid or accrued with respect to qualifying foreign trade income and, accordingly, are not creditable under the Senate amendment.

Election to be treated as a U.S. corporation

The Senate amendment provides that certain foreign corporations may elect, on an original return, to be treated as domestic corporations. The election applies to the taxable year when made and all subsequent taxable years unless revoked by the taxpayer or terminated for failure to qualify for the election. Such election is available for a foreign corporation (1) that manufactures property in the ordinary course of such corporation's trade or business, or (2) if substantially all of the gross receipts of such corporation are foreign trading gross receipts. For this purpose, "substantially all" is based on the relevant facts and circumstances.

In order to be eligible to make this election, the foreign corporation must waive all benefits granted to such corporation by the United States pursuant to a treaty. Absent such a waiver, it would be unclear, for example, whether the permanent establishment article of a relevant tax treaty would override the electing corporation's treatment as a domestic corporation under this provision. A foreign corporation that elects to be treated as a domestic corporation is not permitted to make an S corporation election. The Secretary is granted authority to prescribe rules to ensure that the electing foreign corporation pays its U.S. income tax liabilities and to designate one or more classes of corporations that may not make such an election. If such an election is made, for purposes of section 367 the foreign corporation is treated as transferring (as of the first day of the first taxable year to which the election applies) all of its assets to a domestic corporation in connection with an exchange to which section 354 applies.

If a corporation fails to meet the applicable requirements, described above, for making the election to be treated as a domestic corporation for any taxable year beginning after the year of the election, the election will terminate. In addition, a taxpayer, at its option and at any time, may revoke the election to be treated as a domestic corporation. In the case of either a termination or a revocation, the electing foreign corporation will not be considered as a domestic corporation effective beginning on the first day of the taxable year following the year of such termination or revocation. For purposes of section 367, if the election to be treated as a domestic corporation is terminated or revoked, such corporation is treated as a domestic corporation transferring (as of the first day of the first taxable year to which the election ceases to apply) all of its property to a foreign corporation in connection with an exchange to which section 354 applies. Moreover, once a termination occurs or a revocation is made, the former electing corporation may not again elect to be taxed as a domestic corporation under the provisions of the Senate amendment for a period of five tax years beginning with the first taxable year that begins after the termination or revocation.

For example, assume a U.S. corporation owns 100 percent of a foreign corporation. The foreign corporation manufactures outside of the United States and sells what would be qualifying foreign trade property were it manufactured by a person subject to U.S. taxation. Such foreign corporation could make the election under this provision to be treated as a domestic corporation. As a result, its earnings no longer would be deferred from U.S. taxation. However, by electing to be subject to U.S. taxation, a portion of its income would be qualifying foreign trade income. The requirement that the foreign corporation be treated as a domestic corporation (and, therefore, subject to U.S. taxation) is intended to provide parity between U.S. corporations that manufacture abroad in branch form and U.S. corporations that manufacture abroad through foreign subsidiaries. The election, however, is not limited to U.S.-owned foreign corporations. A foreign-owned foreign corporation that wishes to qualify for the treatment provided under the Senate amendment could avail itself of such election (unless otherwise precluded from doing so by Treasury regulations).

Shared partnerships

The Senate amendment provides rules relating to allocations of qualifying foreign trade income by certain shared partnerships. To the extent that such a partnership (1) maintains a separate account for transactions involving foreign trading gross receipts with each partner, (2) makes distributions to each partner based on the amounts in the separate account, and (3) meets such other requirements as the Treasury Secretary may prescribe by regulations, such partnership then would allocate to each partner items of income, gain, loss, and deduction (including qualifying foreign trade income) from such transactions on the basis of the separate accounts. It is intended that with respect to, and only with respect to, such allocations and distributions (i.e., allocations and distributions related to transactions between the partner and the shared partnership generating foreign trading gross receipts), these rules would apply in lieu of the otherwise applicable partnership allocation rules such as those in section 704(b). For this purpose, a partnership is a foreign or domestic entity that is considered to be a partnership for U.S. Federal income tax purposes.

Under the Senate amendment, any partner's interest in the shared partnership is not taken into account in determining whether such partner is a "related person" with respect to any other partner for purposes of the Senate amendment's provisions. Also, the election to exclude certain gross receipts from foreign trading gross receipts must be made separately by each partner with respect to any transaction for which the shared partnership maintains a separate account.

Certain assets not taken into account for purposes of interest expense allocation

The Senate amendment also provides that qualifying foreign trade property that is held for lease or rental, in the ordinary course of a trade or business, for use by the lessee outside of the United States is not taken into account for interest allocation purposes.

Distributions of qualifying foreign trade income by cooperatives

Agricultural and horticultural producers often market their products through cooperatives, which are member-owned corporations formed under Subchapter T of the Code. At the cooperative level, the Senate amendment provides the same treatment of foreign trading gross receipts derived from products marketed through cooperatives as it provides for foreign trading gross receipts of other taxpayers. That is, the qualifying foreign trade income attributable to those foreign trading gross receipts is excluded from the gross income of the cooperative. Absent a special rule, however, patronage dividends or per-unit retain allocations attributable to qualifying foreign trade income paid to members of cooperatives would be taxable in the hands of those members. It is believed that this would disadvantage agricultural and horticultural producers who choose to market their products through cooperatives relative to those and individuals who market their products directly or through pass-through entities such as partnerships, limited liability companies, or S corporations. Accordingly, the Senate amendment provides that the amount of any patronage dividends or per-unit retain allocations paid to a member of an agricultural or horticultural cooperative (to which Part I of Subchapter T applies), which is allocable to qualifying foreign trade income of the cooperative, is treated as qualifying foreign trade income of the member (and, thus, excludable from such member's gross income). In order to qualify, such amount must be designated by the organization as allocable to qualifying foreign trade income in a written notice mailed to its patrons not later than the payment period described in section 1382(d). The cooperative cannot reduce its income (e.g., cannot claim a "dividends-paid deduction") under section 1382 for such amounts.

Gap period before administrative guidance is issued

It is recognized that there may be a gap in time between the enactment of the Senate amendment and the issuance of detailed administrative guidance. It is intended that during this gap period before administrative guidance is issued, taxpayers and the Internal Revenue Service may apply the principles of present-law regulations and other administrative guidance under sections 921 through 927 to analogous concepts under the Senate amendment. Some examples of the application of the principles of present-law regulations to the Senate amendment are described below. These limited examples are intended to be merely illustrative and are not intended to imply any limitation regarding the application of the principles of other analogous rules or concepts under present law.

Marginal costing and grouping

Under the Senate amendment, the Secretary of the Treasury is provided authority to prescribe rules for using marginal costing and for grouping transactions in determining qualifying foreign trade income. It is intended that similar principles under present-law regulations apply for these purposes.

Excluded property

The Senate amendment provides that qualifying foreign trade property does not include property leased or rented by the taxpayer for use by a related person. It is intended that similar principles under present-law regulations apply for this purpose. Thus, excluded property does not apply, for example, to property leased by the taxpayer to a related person if the property is held for sublease, or is subleased, by the related person to an unrelated person and the property is ultimately used by such unrelated person predominantly outside of the United States. In addition, consistent with the policy adopted in the Taxpayer Relief Act of 1997, computer software that is licensed for reproduction outside of the United States is not excluded property. Accordingly, the license of computer software to a related person for reproduction outside of the United States for sale, sublicense, lease, or rental to an unrelated person for use outside of the United States is not treated as excluded property by reason of the license to the related person.

Foreign trading gross receipts

Under the Senate amendment, foreign trading gross receipts are gross receipts from among other things, the sale, exchange, or other disposition of qualifying foreign trade property, and from the lease of qualifying foreign trade property for use by the lessee outside of the United States. It is intended that the principles of present-law regulations that define foreign trading gross receipts apply for this purpose. For example, a sale includes an exchange or other disposition and a lease includes a rental or sublease and a license or a sublicense.

Foreign use requirement

Under the Senate amendment, property constitutes qualifying foreign trade property if, among other things, the property is held primarily for lease, sale, or rental, in the ordinary course of business, for direct use, consumption, or disposition outside of the United States. It is intended that the principles of the present-law regulations apply for purposes of this foreign use requirement. For example, for purposes of determining whether property is sold for use outside of the United States, property that is sold to an unrelated person as a component to be incorporated into a second product which is produced, manufactured, or assembled outside of the United States will not be considered to be used in the United States (even if the second product ultimately is used in the United States), provided that the fair market value of such seller's components at the time of delivery to the purchaser constitutes less than 20 percent of the fair market value of the second product into which the components are incorporated (determined at the time of completion of the production, manufacture, or assembly of the second product).

In addition, for purposes of the foreign use requirement, property is considered to be used by a purchaser or lesee outside of the United States during a taxable year if it is used predominantly outside of the United States. For this purpose, property is considered to be used predominantly outside of the United States for any period if, during that period, the property is located outside of the United States more than 50 percent of the time. An aircraft or other property used for transportation purposes (e.g., railroad rolling stock, a vessel, a motor vehicle, or a container) is considered to be used outside of the United States for any period if, for the period, either the property is located outside of the United States more than 50 percent of the time or more than 50 percent of the miles traveled in the use of the property are traveled outside of the United States. An orbiting satellite is considered to be located outside of the United States for these purposes.

Foreign economic processes

Under the Senate amendment, gross receipts from a transaction are foreign trading gross receipts eligible for exclusion from the tax base only if certain economic processes take place outside of the United States. The foreign economic processes requirement compares foreign direct costs to total direct costs. It is intended that the principles of the present-law regulations apply during the gap period for purposes of the foreign economic processes requirement including the measurement of direct costs. It is recognized that the measurement of foreign direct costs under the present-law regulations often depend on activities conducted by the FSC, which is a separate entity. It is recognized that some of these concepts will have to be modified when new guidance is promulgated as a result of the Senate amendment's elimination of the requirement for a separate entity.

Effective date

In general

The Senate amendment is effective for transactions entered into after September 30, 2000. In addition, no corporation may elect to be a FSC after September 30, 2000.

The Senate amendment also provides a rule requiring the termination of a dormant FSC when the FSC has been inactive for a specified period of time. Under this rule, a FSC that generates no foreign trade income for any five consecutive years beginning after December 31, 2001, will cease to be treated as a FSC.

Transition rules

Winding down existing FSCs and binding contract relief

The Senate amendment provides a transition period for existing FSCs and for binding contractual agreements. The new rules do not apply to transactions in the ordinary course of business involving a FSC before January 1, 2002. Furthermore, the new rules do not apply to transactions in the ordinary course of business after December 31, 2001, if such transactions are pursuant to a binding contract between a FSC (or a person related to the FSC on September 30, 2000) and any other person (that is not a related person) and such contract is in effect on September 30, 2000, and all times thereafter. For this purpose, binding contracts include purchase options, renewal options, and replacement options that are enforceable against a lessor or seller (provided that the options are a part of a contract that is binding and in effect on September 30, 2000).

Old earnings and profits of corporations electing to be treated as domestic corporations

A transition rule also provided for certain corporations electing to be treated as a domestic corporation under the Senate amendment. In the case of corporation to which this transition rule applies, the corporation's earnings and profits accumulated in taxable years ending before October 1, 2000 are not included in the gross income of the shareholder by reason of the deemed asset transfer for section 367 purposes that the Senate amendment provides. Thus, although the electing corporation may be treated as transferring all of its assets to a domestic corporation in a reorganization described in section 368(a)(1)(F), the earnings and profits amount that would otherwise be treated as a deemed dividend to the U.S. shareholder under the regulations under section 367(b) will not include the earnings and profits accumulated in taxable years ending before October 1, 2000. This treatment is similar to the treatment of earnings and profits of a foreign insurance company that makes the election to be treated as a domestic corporation under section 953(d), which election was a model for the election to be treated as a domestic corporation under the Senate amendment. Under section 953(d), earnings and profits accumulated in taxable years beginning before January 1, 1988 were not included in the earnings and profits amount that would be a deemed dividend for section 367(b) purposes.

Like the pre-1988 earnings and profits of a domesticating foreign insurance company under section 953(d), the earnings and profits to which this transition rule applies would continue to be treated as earnings and profits of a foreign corporation even after the corporation elects to be treated as a domestic corporation. Thus, a distribution out of earnings and profits of an electing corporation accumulated in taxable years ending before October 1, 2000 would be treated as a distribution made by a foreign corporation. Rules similar to those applicable to corporations making the section 953(d) election that prevent the repatriation of pre-election period earnings and profits without current U.S. taxation apply for this purpose. Thus, for example, the earnings and profits accumulated in taxable years beginning before October 1, 2000 would continue to be taken into account for section 1248 purposes.

The earnings and profits to which the transition rule applies are the earnings and profits accumulated by the electing corporation in taxable years ending before October 1, 2000. The transition rule will not apply to earnings and profits accumulated before that date that are succeeded to after that date by the electing corporation in a transaction to which section 381 applies unless, like the electing corporation, the distributor or transferor (from whom the electing corporation acquired the earnings and profits) could have itself made the election under the Senate amendment to be treated as a domestic corporation and would have been eligible for the transition relief.

The transition rule for old earnings and profits applies to two classes of taxpayers. The first class is FSCs in existence on September 30, 2000 that make an election to be treated as a domestic corporation because they satisfy the requirement that substantially all of their gross receipts are foreign trading gross receipts. To be eligible for the transition relief, the election must be made not later than for the FSC's first taxable year beginning after December 31, 2001.

The second class of corporations to which this transition relief applies is certain controlled foreign corporations (as defined in section 957). Notwithstanding other requirements for making the election to be treated as a domestic corporation provided under the Senate amendment's general provisions, such controlled foreign corporations are eligible under the transition rule to make the election to be treated as a domestic corporation and will not have the resulting deemed asset transfer cause a deemed inclusion of earnings and profits for earnings and profits accumulated in taxable years ending before October 1, 2000. To be eligible for the transition relief, such a controlled foreign corporation must be in existence on September 30, 2000. The controlled foreign corporation must be wholly owned, directly or indirectly, by a domestic corporation. The controlled foreign corporation must never have made an election to be treated as a FSC and must make the election to be treated as a domestic corporation not later than for its first taxable year beginning after December 31, 2001. In addition, the controlled foreign corporation must satisfy certain tests with respect to its income and activities. For administrative convenience, these tests are limited to the three taxable years preceding the first taxable year for which the election to be treated as a domestic corporation applies. First, during that three-year period, all of the controlled foreign corporation's gross income must be subpart F income. Thus, the income was subject to full inclusion to the U.S. shareholder and, accordingly, subject to current U.S. taxation. Second, during that three-year period, the controlled foreign corporation must have, in the ordinary course of its trade or business, entered into transactions in which it regularly sold or paid commissions to a related FSC (which also was in existence on September 30, 2000). If an electing corporation in this second class ceases to be (directly or indirectly) wholly owned by the domestic corporation that owns it on September 30, 2000, the election to be treated as a domestic corporation is terminated.

Limitation on use of the gross receipts method

Similar to the limitation on use of the gross receipts method under the Senate amendment's operative provisions, the Senate amendment provides a rule that limits the use of the gross receipts method for transactions after the effective date of the Senate amendment if that same property generated foreign trade income to a FSC using the gross receipts method. Under the rule, if any person used the gross receipts method under the FSC regime, neither that person nor any related person will have qualifying foreign trade income with respect to any other transaction involving the same item of property.

Coordination of new regime with prior law

Notwithstanding the transition period, FSCs (or related persons) may elect to have the rules of the Senate amendment apply in lieu of the rules applicable to FSCs. Thus, for transactions to which the transition rules apply (i.e., transactions after September 30, 2000 that occur (1) before January 1, 2002 or (2) after December 31, 2001 pursuant to a binding contract which is in effect on September 30, 2000), taxpayers may choose to apply either the FSC rules or the amendments made by this Senate amendment, but not both. In addition, a taxpayer would not be able to avail itself of the rules of the Senate amendment in addition to the rules applicable to domestic international sales corporations because the Senate amendment provides that the exclusion of extraterritorial income will not apply if a taxpayer is a member of any controlled group of which a domestic international sales corporation is a member.

Mr. Speaker, I urge all Members to support this vital, time-sensitive legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

In the efforts of the new Congress to be gentler, although I am adamantly opposed to this bill, I would like to give the two best shots they have to the gentleman from Texas (Mr. ARCHER), the distinguished chairman of the Committee on Ways and Means, and the gentleman from Michigan (Mr. LEVIN), the distinguished ranking member of the Subcommittee on Trade. I want to give him 4 minutes, and we will proceed to destroy their arguments in subsequent time.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I deeply appreciate the gentleman yielding me this time, under any terms.

Mr. Speaker, I rise in support of this bill. It passed the House earlier this session, 315 to 109, and we are considering it again today because the Senate, as the gentleman from Texas (Mr. ARCHER) mentioned, made a modification with the agreement of the House and the administration.

Let me take a few minutes to review the history as to why this bill is on the floor today. Our country has what is known as a worldwide taxation system. In general, U.S. residents are taxed on income, regardless of where it is earned. Rules such as the foreign tax credit ensure against double taxation. By contrast, most European countries have a form of territorial taxation. Under those systems, income is taxed only if it is earned within the territory of the taxing jurisdiction. This system tends to favor exports over comparable domestic transactions.

To put our exports on a level playing field with Europe and others, we enacted in 1971 the Domestic International Sales Corporation Law, DISC. The European community successfully challenged that law in the GATT, and we successfully challenged the territorial tax regimes of Belgium, France, and the Netherlands. These disputes ultimately were resolved in 1981 by an understanding adopted by the GATT Council.

Based on the 1981 understanding, we replaced the DISC with FSC, the Foreign Sales Corporation statute. The goal of that statute was to ensure that when U.S. producers of goods, both industrial and agricultural, export, our tax system does not put them at a disadvantage.

This system worked well for almost 20 years; but in 1988, the European Union decided to walk away from it, and challenge the FSC. In its decision adopted by the WTO earlier this year, the FSC statute was held to violate WTO's subsidy rules and the U.S. was directed to withdraw the subsidy by October 1.

Whatever one may think of the reasoning of the WTO dispute panel, our commitment to a rules-based trading system requires that we bring our law into compliance with its decision, and this bill does that precisely. It does so in a way that makes our tax regime a bit more like a territorial tax regime.

What this bill does is to define a category of foreign source income that is excluded from gross income and, therefore, not subject to U.S. tax. It makes clear that to come within this category, income need not arise from an export transaction. Qualifying transactions will include certain sales of property produced outside the United States. Thus, this bill definitively eliminates the export contingency that the EU argued was a WTO inconsistency.

At the same time, and I emphasize this, as is clear from the bill itself in the committee report, this bill does not provide an incentive for U.S. producers to move their operations overseas. It carefully defines the property that can be involved in transactions subject to the new tax regime. No more than 50 percent of the fair market value of such property can consist of, a, non-U.S. components, plus, b, non-U.S. direct labor. This provision has been carefully reviewed by those of us on the Committee on Ways and Means, as well as the Department of Treasury, and, I might add, the minority leader.

Enactment of this bill is critical to U.S. businesses, workers, and farmers. The cloud of the WTO decision affects everyone from airplane manufacturers and manufacturers of other industrial products to software developers, to wheat growers, and so on. If we fail to enact this bill, there is a serious risk that the EU will go back to the WTO. It would cause great harm to U.S. businesses, to workers, and to farmers.

As I said in September, there are other issues, tobacco issues, pharmaceutical issues. They cannot be considered, though, within this bill. If we need to amend, to modify U.S. laws, we should do so later on. But we have a constraint. The deadline was October 1, now it is November 17; and if we fail to act by that date, as I said earlier in September, we are going to hurt American businesses and the workers who work for them, and we are simply going to help European competitors. As I said a month ago, if we want to help European producers, vote against this bill. But if we want to help American workers, businesses and manufacturing goods, let us vote for this bill.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. CRANE), a respected member of the Committee on Ways and Means, who has worked so very hard on this legislation and the chairman of the Subcommittee on Trade.

Mr. CRANE. Mr. Speaker, I rise in strong support of this legislation, which fulfills the United States' obligation to bring the foreign sales corporation tax regime into compliance with WTO trade agreements. H.R. 4986 moves the U.S. closer to a territorial tax system, more like the one governing the international activities of so many European businesses.

Many issues divide the Congress in these days before and after the close national election. But with respect to the difficult choices facing us on FSC, both parties worked in concert with the administration to address a looming threat to innocent United States exporters. Make no mistake: this bill averts a trade war that is poised to hit unsuspecting U.S. exporters with millions of dollars of retaliatory tariffs.

Another issue we need to be very clear about, the FSC regime and its replacement reduced the anti-growth biases of our international tax system that would otherwise hamstring our companies and our workers. Some Members, even proponents of this legislation, sometimes have called the FSC replacement a subsidy. We need to be more careful with our language.

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This is not a subsidy. It is a partial, repeat, partial, reduction in an excessive tax burden our companies, and by extension, our workers, face when competing in the world economy.

By way of analogy, our current tax law is a felony. The fiscal replacement reduces the charge to a misdemeanor, but the net result still violates the economic law of neutrality that should govern all of our tax policies.

The European Union is challenging us, not as Republicans or Democrats, not as Congress or the administration, but as a country. By completing the difficult work necessary to send this bill to the President, we have put the United States in the best possible position to defend our interests in the WTO.

H.R. 4986 represents an achievement of bipartisan cooperation in the best interests of American businesses and workers. I urge a yes vote.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is an old rule of tax law which started with actually then Secretary of the Treasury Baker when we reformed the Tax Code under President Reagan. It was, if it quacks like a subsidy and walks like a subsidy and looks like a subsidy, it is a subsidy.

The distinguished chairman of the Subcommittee on Trade would discuss the overburden of taxation. When the pharmaceutical companies charge our people, our seniors, our young people, two to four times more for the same drug that they charge people in Europe, and yet they have the lowest tax rate of any industry group in this country, why should we give them hundreds of millions of dollars of subsidy, gift, reduction? Members may call it what they want, but we are rewarding the pharmaceutical industry for charging less in Europe and more in this country.

Tell me what it is, Mr. Speaker. I call it disgraceful, I call it obscene, $750 million a year to General Electric and Boeing to sell weapons, which they do not even sell, the State Department and the Defense Department arrange the sale of weapons. Yet, we give them a reduction of $750 million a year? That is a subsidy, pure and simple.

Now, software was mentioned. Those poor folks in Seattle. Software? Do Members know how much Microsoft paid in taxes last year? Zero, Mr. Speaker, a goose egg. This big or this big, zero is still zero. Yet, they get a subsidy which gets them down to zero for all the software they sell overseas. Is that a gift? And this poor overtaxed Bill Gates is walking around, so we subsidize his sales overseas.

Mr. Speaker, we have been doing this for generations. For 25 years, we have been giving $5 billion a year away in subsidies to corporations who would do the same thing whether or not they got this subsidy. And they do not set their prices based on their taxes. As any distinguished economist, like my friend, the gentleman from Illinois (Mr. CRANE), the distinguished chair of the Subcommittee on Trade, knows, corporations do not price their products based on taxes, they price their products based on competitive and manufacturing costs, all the other things, as he so well knows.

So all we are doing is giving a break, a tax break, a subsidy, to the richest corporations in this country, rewarding those corporations who gyp our senior citizens by overcharging in this country, by rewarding them.

And my distinguished friend, the gentleman from Texas, will tell us about tobacco, subsidizing the sale of tobacco to hook little kids in other parts of the world while we are trying to spend money here at home. Just think, if we had some of this $5 billion a year to spend to train our children not to smoke, how much healthier and safer they would be. Think if we had some of this $5 billion a year to spend on education to hire teachers, which the gentleman could not find the money to do on the Republican side. Think if we had this $5 billion a year to provide a drug benefit to the senior citizens.

No, we are going to continue this charade and give this money away in unconscionable subsidies to the corporations who least need it for doing what they would do anyway. It is the silliest kind of gift to the people who need it least, when we have people in this country who need help. We are turning our backs on the people in this country and helping the richest corporations in this country.

End this charade now and vote against this bill.

Mr. CRANE. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Speaker, first of all, with regard to tobacco subsidies, that would keep people from getting to the polls, I guess, if we eliminated subsidies.

But let me ask a second question. That is, do businesses pay taxes?

Mr. STARK. Most of these do not, no.

Mr. CRANE. No, do businesses pay taxes?

Mr. STARK. Some businesses do. The ones getting the subsidy for the most part do not. They have so many loopholes and subsidies, as in this, that they end up paying no taxes.

Mr. CRANE. Will the gentleman go back to Econ 101? Businesses do not pay taxes and never have. That is a cost, like plant and equipment and labor are costs.

Mr. STARK. Mr. Speaker, this is my time and I reclaim it. That is as silly as supply side economics. The gentleman ought to know better.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise simply to say that the gentleman from California says that it is a corporate subsidy if we do not double tax all of the earnings overseas. We are one of the very few developed countries in the world that double taxes earnings overseas. So if we eliminate partially, only partially, the double taxation of those earnings to be only partially competitive with our foreign competitors, he calls it a subsidy. I do not believe the American people would agree with that.

Mr. Speaker, I include for the RECORD a letter from Secretary Summers on behalf of the administration strongly supporting this legislation.

The document referred to is as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, November 2, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Enactment of legislation (H.R. 4986) repealing and replacing the Foreign Sales Corporation ("FSC") regime has been and remains a top priority for the President. As you know, H.R. 4986 is the product of a unique bipartisan effort involving the Administration, Chairmen Archer and Roth, Ranking Members Rangel and Moynihan, and their staffs.

It was carefully drafted to address issues raised by the WTO regarding the FSC regime. The Administration strongly supports passage of this legislation that has such important consequences for jobs, the national economy, and international relations with some of our most important trading partners.

Passage of H.R. 4986, is absolutely essential to avoiding the potential imposition by the European Union of significant sanctions on American industries and to satisfying the United States' obligations in the WTO. Failure to pass this legislation immediately will compromise the United States' ability to avoid a confrontation with the European Union. Moreover, it would jeopardize an important procedural agreement reached with the European Union to this end. The procedural agreement delays the possibility of retaliation by ensuring that the WTO will review the new replacement legislation before any decision may be made authorizing retaliation. The benefits of the agreement, however, are contingent upon the immediate enactment of the FSC replacement legislation.

Therefore, I urge you in the strongest possible terms to allow the House to act on H.R. 4986 as soon as possible.

Sincerely,

LAWRENCE H. SUMMERS,
Secretary.

Mr. Speaker, I include for the RECORD a statement of administration policy from OMB strongly supporting this legislation.

The document referred to is as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 12, 2000.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies)

H.R. 4986—FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000 (ARCHER (R) TEXAS)

The Administration strongly supports H.R. 4986, which would repeal provisions of the Internal Revenue Code relating to foreign sales corporations and provide an exclusion from U.S. tax for certain income earned overseas.

H.R. 4986 addresses the issues with respect to foreign sales corporations (FSCs) that were raised by the World Trade Organization (WTO) Appellate Body decision in February 2000. Because the legislation provides an exclusion for certain income earned overseas (referred to as "qualifying foreign trade income"), there is no forgone revenue that would otherwise be due and thus there is no subsidy. Further, by treating all qualifying foreign sales alike, regardless of whether the goods were manufactured in the United States or abroad, the proposed legislation is not export-contingent.

H.R. 4986 has been developed through an extraordinary bipartisan, bicameral process. The Administration believes that enactment of this law, prior to October 1, 2000, is necessary to avoid an immediate confrontation with the European Union (EU), to ensure that the United States is in compliance with the WTO Appellate Body decision, and to avoid possible sanctions that would otherwise be imposed by the EU. This legislation would assure that no U.S. companies are disadvantaged. Passage of this legislation is the only way to avoid potential EU sanctions against U.S. exports.

PAY-AS-YOU-GO SCORING

H.R. 4986 would affect direct spending and receipts; therefore, it is subject to the pay-as-you-go (PAYGO) requirement of the Omnibus Budget Reconciliation Act of 1990. The Joint Committee on Taxation estimates that the bill would produce revenue losses of $1.5 billion in fiscal years 2001 through 2005. The Administration's scoring of the bill is under development. The Administration will work with Congress to avoid an unintended sequester.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking Democrat on the Committee on Ways and Means, who has worked very closely with us from beginning to end on a bipartisan basis to get to where we are today, and who has contributed a great deal to this legislation.

Mr. RANGEL. Mr. Speaker, let me thank the chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER), my fellow Democrats, and join my colleagues on the floor in asking support for this piece of legislation, which is supported by the President and which our official Secretary Stuart Eizenstat, assistant Secretary Jon Talisman, have worked on, as well as the Senate, which has made some changes here.

It is interesting to note the concerns that some of my colleagues have about the policies of some of our domestic corporations, especially those dealing with pharmaceutical products, as well as tobacco.

It would seem to me within this body and the other body that we should be able to determine from a domestic point of view exactly to what extent we expect to control the conduct of these businesses in the United States.

But much like foreign policy, with all of the problems I have with my government, somehow when I leave the United States, those problems disappear when I am dealing with foreign bodies. I have concerns about the production and sale of tobacco, but not to the extent that I am prepared to accept a criticism of a foreign body as to how we conduct international business. This is especially so since I have more criticism about how foreign countries conduct their business, and I am not allowed to participate in terms of what I think is right and what I think is wrong and what I think is totally unfair.

For that reason, I have to support those people who diplomatically and legally have to work with the World Trade Organization, knowing that if we do not support our diplomatic efforts in this area, then it allows foreigners to arbitrarily select how they are going to penalize American businesses, American exports, American workers.

I just do not like that one bit. I do not like the idea that they can arbitrarily select those exports that we have that have nothing to do with pharmaceuticals, nothing to do with tobacco, and decide they have to punish us because they do not like the way we treat our exports.

We do not mind them looking over as to whether or not we have been fair in creating an even playing field for all of our businesses. We do not mind if they say they want to come to the table and renegotiate how we do this thing so we can say we do not like the way they treat their companies that are doing exports.

But it does appear to me that when we are dealing with the European Union, when we are dealing with the World Trade Organization, we should be able to stand by those people who negotiate on behalf of the United States of America, United States businesses, and those Americans.

We should be able to distinguish between our concern about how we treat American businesses here, how we penalize them for conduct that we think is unhealthy to the environment or to our people, distinguish that as it appears to be when foreigners are attempting to critique us, and indeed, provide sanctions against American businesses, the American community, American workers, and indeed, I would say, America in general.

So while I do not challenge the good-faith interests people have in challenging this legislation, I ask my colleagues to support it. For those that have reservations, I ask them to continue to study and find ways that we can reach objectives they want.

But on the international playing field, that flag should be flying for us. I support the flag, I support those people that negotiated with the WTO. I hope in the final analysis we get better than a fair advantage as it relates to American businesses, because as far as I am concerned, the more jobs for America, the better country we have.

Mr. STARK. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

□ 1030

Mr. Speaker, this bill has a whopping cost to Americans of $42 billion in this decade. To be bipartisan about it, in the words of Senator JOHN MCCAIN, "this legislation is an example of the costly corporate welfare that cripples our ability to respond to truly urgent social needs." Indeed it is.

To make matters worse, despite all the proclamations about how urgent this bill is and how we will avoid a trade war and save all of these jobs, to make matters worse, this bill does not work. And even its supporters concede in private that it will not work and that we will be back here as soon as the World Trade Organization considers and rejects this bill, doing this all over again, because of the well justified criticism that has been levied against this very obvious straight subsidy.

With good reason, the Europeans have already rejected this ill-conceived proposal. Not only does it not work in the world forum, it does not work, according to even Republican sources, like the Republican Congressional Budget Office. It announced in March of this year that "export subsidies" such as this bill "reduce economic welfare and typically even reduce the welfare of the country granting the subsidy."

The assistant director of the General Accounting Office in August of this year said "most of the benefits are received by a small number of large corporations." He noted: "Policymakers have available a number of tax and other government incentives that meet WTO standards, and that could be expanded to replace the prohibited direct tax subsidy provided by the FSC tax regime."

And to those who say they want more free trade, this bill does not provide free trade. It provides distorted trade and chooses winners and losers. This legislation asks local stores that sell groceries and clothing to customers at a mall or along Main Street across this country to pay higher taxes than the multinationals that sell cigarettes and machine guns abroad.

Mr. Speaker, $4 of every $5 in this bill go to companies that have assets exceeding $1 billion. It offers no significant benefit to smaller companies in this country.

Indeed, I think the Congress ought to heed the words of commentator Paul Magnusson in "Business Week" on September 4 of this year who wrote that "the larger problem with subsidies is that they invite countersubsidies and so accomplish little besides transferring money from consumers and taxpayers to politically powerful producers"; and that is exactly what is happening today. I agree with that commentary that "it's time to call a halt to such waste by both sides; getting rid of subsidies for exports would be a good place to start. The Clinton administration should drop its plans to expand FSC and get back to the negotiating table and start proposing some real solutions such as eliminating all export subsidies."

Indeed, the administration should have done just that. Now who is driving the corporate welfare Cadillacs that are lining up outside the Capitol to get more welfare under this proposal? Well, driver number one is Mr. Phillip Morris and the tobacco lobby. They get $100 million a year under this proposal to export death and disease to the rest of the world, to use the slick tactics that they developed here in America addicting our children to nicotine in order to encourage a global pandemic addicting the children of the world.

And to my colleagues from the tobacco-producing States, the industry does not even have to use American tobacco. All they have to do is slip a little Marlboro label on the package and they can use exclusively foreign tobacco, and still be tax subsidized by American taxpayers to the tune of over $100 million a year to promote death and disease.

The Clinton administration agreed to oppose this wrong. The administration were true to the last minute; and then they abandoned, in the face of the lobbying power of the tobacco industry, their stated willingness to end this promotion of death and disease.

Who is the second big corporate welfare Cadillac driver? There has been the suggestion that we could not have any amendments to this bill. Well, there was an amendment that was done behind closed doors, and the effect was to double, absolutely double with an increase by $300 million every year the amount of money that those who make weapons in this country will get by selling them abroad.

We already dominate the world scene in terms of the manufacture of weapons being sent to every arms race in every corner of the world. But under this bill, American tax payers will have to subsidize and offer more corporate welfare to those weapon manufacturers to keep up the good business they have that results in death and destruction all over this world.

Instead of being a leader and trying to reduce the amount of those arms races around the world, we are subsidizing it to the tune of $300 million more, even though last year, the Treasury said it was not a good idea, and the Defense Department, in 1994, indicated it was not necessary. Even though Republican groups in this Congress said it was unwise, they could not, in an election year, resist the dominance and power of the arms manufacturers.

And then another driver of this corporate welfare Cadillac is the pharmaceutical industry. It is an industry that today gets a reward for making prescriptions here in America and selling them for less abroad. They will get a tax subsidy, a bit of corporate welfare, for doing that at the same time they gouge consumers at home. This bill is wrong, that is why it was done behind closed doors, that is why they are fearful of amendments and discussion and it ought to be rejected.

Mr. DOGGETT. Mr. Speaker, this bill has a long title, but it is quite simply a welfare bill. It has a huge price tag that will cost Americans billions of dollars. It has been prepared entirely behind closed doors by those who will receive the welfare benefits. With the blessing of both the Clinton administration and the Republican leadership here in Congress, a very interesting process was followed: If one was going to get something out of this bill, they were invited to the behind-closed-doors negotiations. If they were left out, they were excluded from the negotiations to prepare this legislation.

Once this product of all of the clandestine wheeling and dealing sessions was presented to this Congress, every effort was made, both here in the House and across the Capitol in the Senate, to ensure that no questions were asked and no amendments were offered. There was as little talk possible about all of this behind-the-scenes wheeling and dealing to get as much welfare for themselves, by some who wrote the bill, as they possibly could: "Do not look at the details of the largesse, just give it to us as fast as you can."

This bill represents everything that is wrong with the special interest domination of the legislative process in America today. It provides ample justification for the cynicism that more and more Americans have that their government is not serving them, but serving only those who can afford to have a lobbyist and a political action committee located in Washington.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Illinois (Mr. CRANE) will control the time for the majority.

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have recognition of my opponents' opposition here to our bill. We had Smoot-Hawley in our party, and they shared many of the same convictions we heard here tonight. But I am happy that the gentleman from Missouri (Mr. GEPHARDT) and the gentleman from New York (Mr. RANGEL), our ranking minority member, are supportive of this bipartisan legislation.

Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), our distinguished colleague.

Mr. ENGLISH. Mr. Speaker, I am delighted to be here to urge strong bipartisan support for this very important legislation. Legislation that may be the most important action we take at the close of this Congress, and perhaps for years to come.

This is critical legislation to protect the jobs of working families who have members who work in some of our best-paying export oriented jobs in America. I am surprised to hear the strange rhetoric on the floor of this House that is essentially rhetoric directed against their jobs.

We have heard the opponents of this legislation adopt the same rhetoric of our European trade competitors in criticizing our tax system. The thing to understand and what FSC is intended to address, this legislation is not a welfare bill, corporate or otherwise. It is not a subsidy. It is an adjustment of our tax system to establish a level playing field, and that is what our European trade competitors have not wanted.

FSC was originally created and made necessary, only because the U.S. maintains an archaic worldwide tax system which taxes foreign-source income and because the U.S. taxes export income. By refusing to reform FSC today, this Congress would be inviting massive retaliation against U.S. export trade leaving our exporters and their employees high and dry. Failing to reform FSC today would make an already tough global market next to impossible for U.S. employers to compete in.

If we do not act today, we would impose a huge cost on the economy of this country, particularly on some of the industries in manufacturing that have the best paying jobs. If we do not act today, we would put our workers at a competitive disadvantage and effectively balance our budget on their backs.

Mr. Speaker, if we do not act today, we will explode our already large trade deficit and put our economy in a downward spiral because, if we do not act today, we will set up the dynamics for a trade war between Europe and the United States. We cannot afford that. They cannot afford that. We should not move down this slippery slope.

Pass this legislation. It is the one responsible thing we can do today.

Mr. STARK. Mr. Speaker, I am happy to yield 30 seconds to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I rise to express my concerns regarding H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. I urge congressional leaders and the Clinton administration to help the U.S. territories who will be adversely impacted by this legislation, particularly the U.S. Virgin Islands and Guam when the House reconvenes in December.

In Guam, there are over 200 FSC licenses generating around $170,000 to the government of Guam. However, license fees are only some of the direct benefits from FSC. Other direct benefits include compensation for the professional community. But be that as it may, I am appealing to the Clinton administration, particularly the Treasury Department, to offset the economic impact of today's legislation by allowing territories to promote economic self-sufficiency, including establishing empowerment zones for the territories and tax equity treatment for Guam.

Mr. Speaker, I rise to express my concerns regarding H.R. 4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000. I urge congressional leaders and the Clinton administration to help the U.S. territories who will be adversely impacted by this legislation, particularly the U.S. Virgin Islands and Guam, when the House reconvenes in December.

Since the WTO decision last fall on Foreign Sales Corporations (FSCs), I know that the administration worked closely with House Ways and Means Committee Chairman ARCHER and Representative RANGEL, the ranking member, to ensure that the United States passes legislation to meet the October 1, 2000, deadline set by the WTO to comply with its ruling. Although the deadline has passed, today's passage of H.R. 4986 is necessary to fulfill a commitment by U.S. officials to address the concerns raised by the European Union.

As many of you know, the WTO panel issued a ruling last fall that subsidies for Foreign Sales Corporations under U.S. tax laws violated the WTO Subsidies Agreement. U.S. negotiators have since worked in good faith on a proposal to retain many of the tax benefits of the FSC structure, while establishing a new structure which would be responsive to the European Union's challenge.

However, I simply want to express my concern over the impact that H.R. 4986 would have on the U.S. territories. Under the current FSC system, U.S. territories have been able to benefit through tax exemptions for U.S. exporting industries. With the repeal of the FSC system, we will no longer to be able to offer this incentive although I understand that current contracts will be honored.

In Guam, there are around 211 FSC licensees, generating around $170,000 to the Government of Guam. However, license fees are only some of the direct benefits from FSCs. Other direct benefits include compensation for Guam attorneys and other professionals, bank deposits, and funds generated through the hotel and restaurant industries that host FSC corporate meetings. Indirect benefits would be the cumulative effect that FSCs and other tax incentives have on attracting U.S. businesses to Guam.

Be it as it may, the writing is on the wall for FSCs as we now know it. Therefore, I am appealing to the Clinton administration, particularly the Treasury Department, to offset the economic impact of today's legislation with the means necessary to allow the U.S. territories to promote economic self-sufficiency during any negotiations with the Congress on any final omnibus budget or tax package.

Apart from H.R. 3247, which would provide empowerment zones for the U.S. territories, I have worked closely with my colleagues to enact legislation that I authorized which would level the playing field for foreign investors in Guam through the passage of the Guam Foreign Direct Investment Equity Act.

My legislation would provide Guam with the same tax rates as the fifty states under international tax treaties. Since the U.S. cannot unilaterally amend treaties to include Guam in its definition of United States, my bill amends Guam's Organic Act, which has an entire tax section that "mirrors" the U.S. Internal Revenue Code.

As background, under the U.S. Code, there is a 30 percent withholding tax rate for foreign investors in the United States. Since Guam's tax law "mirrors" the rate established under the U.S. Code, the standard rate for foreign investors in Guam is 30 percent.

The Guam Foreign Direct Investment Equity Act provides the Government of Guam with the authority to tax foreign investors at the same rates as states under U.S. tax treaties with foreign countries since Guam cannot change the withholding tax rate on its own under current law. Under U.S. Tax treaties, it is a common feature for countries to negotiate lower withholding rates on investment returns. Unfortunately, while there are different definitions for the term "United States" under these treaties, Guam is not included. Such an omission has adversely impacted Guam since 75 percent of Guam's commercial development is funded by foreign investors. As an example, with Japan, the U.S. rate for foreign investors is 10 percent. That means while Japanese investors are taxed at a 10 percent withholding tax rate on their investments in the fifty states, those same investors are taxed at a 30 percent withholding rate on Guam.

While the long term solution is for U.S. negotiators to include Guam in the definition of the term "United States" for all future tax treaties, the immediate solution is to amend the Organic Act of Guam and authorize the Government of Guam to tax foreign investors at the same rates as the fifty states. Other territories under U.S. jurisdiction have already remedied this problem through Delinkage, their unique covenant agreements with the federal government, or through federal statute. Guam, therefore, is the only state or territory in the United States which is unable to take advantage of this tax benefit.

As the House considers H.R. 4986, as amended by the Senate, I implore my colleagues and the Clinton Administration to support the Guam Foreign Direct Investment Equity Act to offset the adverse impact of H.R. 4986 on Guam. Please include equitable tax treatment for foreign investors in Guam during any final omnibus budget or tax package.

Mr. CRANE. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), our distinguished colleague.

Mrs. CHRISTENSEN. Mr. Speaker, I want to thank the distinguished gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, for yielding me this time to speak on an issue that is very important to all of the territories, and my constituents included.

Mr. Speaker, while H.R. 4986 is clearly necessary for our country to avoid having sanctions imposed on us by the European Union, for me and the people of the Virgin Islands, who I represent, its enactment into law will mean the loss of nearly $11 million to our already depressed local treasury.

Through no fault of our own and despite the efforts of my colleagues on the Committee on Ways and Means and the administration to mitigate the adverse effects on us, the Virgin Islands stands to lose hundreds of direct and indirect jobs in the FSC industry, in addition to the millions in FSC franchise fees that the local government collects.

This action by the European Union to challenge our FSC program in the WTO could not have come at a worse time for the Virgin Islands as our local economy continues to suffer from the effects of 10 years of devastation from several killer hurricanes.

What I want my colleagues to understand that while this bill is necessary because of what it means for the country, it is a blow for the people of the Virgin Islands and the other territories. It is my intention to continue to work with my colleagues in the Congress and the administration to assist the Virgin Islands and the other territories in replacing the loss of this program and the loss of revenues that this bill will mean for us.

Mr. Speaker, I thank the gentleman from Illinois once again for yielding me this time.

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I rise in strong opposition to the legislation.

We again find ourselves debating replacing a rather arcane section of the tax code that allows corporations to avoid a portion of their tax bill by establishing largely paper entities in a filing cabinet in a tax haven like Barbados with the equally arcane tax provisions of H.R.

4986, the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.

And, once again, the legislation has been brought to the floor under suspension of the rules, which cuts off any ability to improve what is a truly dismal bill.

Creating this new, expanded loophole to assist corporations in escaping their fair share of the tax burden in the U.S. makes a mockery of pleas by my colleagues to simplify the tax code and improve fairness.

For nearly two decades, beginning with the Revenue Act of 1971 (P.L. 92–178), the U.S. provided tax incentives for exports. However, our trading partners complained that these incentives violated our commitments under the General Agreement on Tariffs and Trade (GATT). While not conceding the violation, in 1984, Congress scrapped the Domestic International Sales Corporation (DISC) provisions and created the Foreign Sales Corporation (FSC) provisions. The differences are highly technical and probably only understood by international tax bureaucrats.

Under the FSC provision, corporations can exempt between 15 and 30 percent of their export income from taxation by routing a portion of their exports through a FSC. Our trading partners, specifically the European Union (EU), were not satisfied with the somewhat cosmetic changes made to the U.S. tax code.

Going back on a verbal gentleman's agreement not to challenge our respective tax codes under global trading rules, the EU filed a complaint with the World Trade Organization (WTO), successor to GATT, essentially arguing the same thing that was argued about DISCs. Namely that export subsidies were illegal under global trading rules by conferring an unfair advantage on recipient companies.

A secretive WTO tribunal ruled against the U.S. Dutifully, the U.S. appealed the decision. Earlier this year, the WTO appeals panel upheld the earlier decision and ordered the U.S. to repeal the FSC provision or risk substantial retaliatory measures.

Specifically, the WTO appeals panel wrote, "By entering into the WTO Agreement, each Member of the WTO has imposed on itself an obligation to comply with all terms of that Agreement. This is a ruling that the FSC measure does not comply with all those terms. The FSC measure creates a 'subsidy' because it creates a 'benefit' by means of a 'financial contribution', in that government revenue is foregone that is 'otherwise due.' This 'subsidy' is a 'prohibited export subsidy' under the SCM Agreement [Agreement on Subsidies and Countervailing Measures] because it is contingent on export performance. It is also an export subsidy that is inconsistent with the Agreement on Agriculture. Therefore, the FSC Measure is no consistent with the WTO obligations of the United States."

In other words, it is unfair and illegal under global trade rules for the U.S. tax code to provide welfare for corporations by allowing them to escape taxes that would otherwise be due.

At this point, one would expect that my colleagues who, on most occasions eloquently defend the need for "rules based trade" and "free markets", to adhere to the WTO directive and repeal FSC. Because I assumed my colleagues would want to be intellectually consistent, I introduced legislation shortly after the WTO ruling to repeal FSC.

After all, precedent proved the U.S. was more than willing to bend to the will of the WTO. When the WTO ruled against a provision of the 1990 Clean Air Act, the Environmental Protection Agency gutted its clean air regulations in order to allow dirtier gasoline from Venezuela to be sold in the U.S.

Similarly, when Mexico threatened a WTO enforcement action on a 1991 GATT case it had won that eviscerated the Dolphin Protection Act, the U.S. went along to get along. In fact, the Clinton Administration sent a letter to Mexican President Ernesto Zedillo declaring that weakening the standard by which tuna must be caught in "dolphin-safe" nets "is a top priority for my administration and me personally."

The WTO also ruled against the Endangered Species Act provisions that required U.S. and foreign shrimpers to equip their nets with inexpensive turtle excluder devices if they wanted to sell shrimp in the U.S. market. The goal was to protect endangered sea turtles. The Clinton Administration agreed to comply with the ruling.

Given this record of acquiescing to the WTO, one could be forgiven for assuming the Clinton Administration and Congress would behave in a similar manner when losing a case on tax breaks for corporations.

Of course, sea turtles and dolphins don't make massive campaign contributions, or any campaign contributions for that matter. But, the large corporations who would be impacted by the WTO decisions against FSCs do.

Apparently not bothered by the hypocrisy, immediately after the ruling by the WTO appeals panel, the Clinton Administration, a few Members of Congress, and the business community openly declared the need to maintain the subsidy in some form and began meeting in secret to work out the details on how to circumvent the WTO ruling and maintain these valuable, multi-billion dollar tax incentives.

Now, it is will-known that I am not a big fan of the WTO. It is an unaccountable, secretive, undemocratic bureaucracy that looks out solely for the interests of multinational corporations and investors at the expense of human rights, labor standards, national sovereignty, and the environment.

But, by pointing out that export subsidies like FSCs are corporate welfare, however, the WTO has done U.S. taxpayers a favor. Unfortunately, this legislation before us today only does wealthy corporations a favor.

I have several problems with H.R. 4986 besides the intellectual inconsistency. I will touch on each of these now.

First, and perhaps most importantly, there is little or no economic rationale for export subsidies like FSCs or the provisions of H.R. 4986. In its April 1999 Maintaining Budgetary Discipline report, the Congressional Budget Office (CBO) noted "Export subsidies, such as FSCs, reduce global economic welfare and may even reduce the welfare of the country granting the subsidy, even though domestic export-producing industries may benefit."

Similarly, in August 1996, CBO wrote, "Export subsidies do not increase the overall level of domestic investment and domestic employment . . . In the long run, export subsidies increase imports as much as exports. As a result, investment and employment in import-competing industries in the United States would decline about as much as they increased in the export industries."

Need further evidence? The Congressional Research Service (CRS) has written "Economic analysis suggests that FSC does increase exports, but likely triggers exchange rate adjustments that also result in an increase in U.S. imports; the long run impact on the trade balance is probably nil. Economic theory also suggests that FSC probably reduces aggregate U.S. economic welfare.

Of course, protests will be heard from supporters of H.R. 4986 that it gets rid of the export requirement. In testimony before the Ways and Means Committee, Deputy Secretary Eizenstat said the Chairman's mark is "not export-contingent." Of course, that claim is absurd. If a company sells products solely in the U.S., they don't qualify for the tax subsidy. That is, by definition, an export subsidy. Therefore, the criticisms of export subsidies previously mentioned would apply to this new legislation as well.

President Nixon originally proposed export subsidies, which became the DISC and then FSC, because he was alarmed at the size of the U.S. trade deficit, which was $1.4 billion in 1971, a number that seems almost quaint by today's standards. As Paul Magnusson noted in the September 4, 2000, Business Week, FSC "produced some hefty tax savings for big U.S. exporters, but it never did actually do much to narrow the trade deficit, which hit a record $339 billion last year." And which, I should add, has continued to set new records virtually every month this year.

I can't understand why it makes sense to subsidize U.S. exporters to the tune of $5 billion or more when the economic impact is "probably nil" or worse.

The economic rationale further deteriorates when one realizes, as the previous quotes suggest, that export subsidies discriminate against mom-and-pop stores who don't have the resources to export and against U.S. industries that must compete with imports. This means that export subsidies distort markets by pre-ordaining winners and losers. The winners? Large exporters and foreign consumers who get to enjoy lower priced U.S. products subsidized by U.S. taxpayers. The losers? Small businesses, U.S. taxpayers, and import-competing industries.

I find it interesting while Treasury has spent a great deal of time figuring out how to combat corporate tax shelters that have no economic rationale, as discussed in a July 1999 report, that they would push this corporate welfare, which also has no economic rationale.

So, who specifically benefits? The journal Tax Notes conducted a revealing study of FSCs in its August 14, 2000, edition. The article profiled the 250 companies that reported $1.2 billion in FSC tax savings in 1998. The top 20 percent of the companies in the sample claimed 87 percent of the benefits. The two largest FSC beneficiaries were the General Electric Company and Boeing, which saw their tax bills reduced by $750 million and $686 million, respectively from 1991–1998.

What are some of the other top FSC corporate welfare queens? Motorola, Caterpillar, Allied-Signal, Cisco Systems, Monsanto, Archer Daniels Midland, Oracle, Raytheon, RJR

Nabisco, International Paper, and ConAgra. The list reads like a who's who of extraordinarily profitable multinational corporations. Hardly companies that should need to feed from the taxpayer trough.

Furthermore, American subsidiaries of European firms take advantage of U.S. taxpayers through export subsidies. British Petroleum, Unilever, BASF, Daimler Benz, Hoescht, and Rhone-Poulenc are all FSC beneficiaries. The fact that foreign companies can also claim export benefits pokes a large hole in the argument that these tax benefits are needed to ensure the competitiveness of U.S. businesses.

Similarly, isn't it a bit odd that economists and U.S. policymakers like to lecture European nations about their high tax burdens, but now, suddenly their tax burden is too low and, therefore, U.S. companies need subsidies in order to compete?

Let's be clear, this legislation is not about the competitiveness of large, wealthy, multinational corporations based in the United States. It is about wealthy campaign contributors wanting to keep and expand their $5 billion-plus tax subsidies and elected officials willing to do their bidding.

Not only does H.R. 4986 allow these companies to continue receiving billions in tax breaks, but it actually expands them. This legislation will cost U.S. taxpayers another $300 million a year or more.

It is also unfortunate that this legislation subsidizes a number of industries—such as defense contractors, tobacco companies, and pharmaceutical firms—that have no business receiving any more taxpayer hand-outs.

Take the defense industry, for example. Under the current FSC regime, defense contractors can only claim 50 percent of the tax benefit available to other industries. The legislation before us today allows the defense industry to claim the full benefit available to others.

Leaving aside the fact that U.S. taxpayers are already overly generous to defense contractors, which no doubt they are, expanding this corporate welfare will have no discernable impact on overseas sales. The Treasury Department noted in August 1999, "We have seen no evidence that granting full FSC benefits would significantly affect the level of defense exports."

In 1997, the CBO made a similar point, "U.S. defense industries have significant advantages over their foreign competitors and thus should not need additional subsidies to attract sales."

Even the Pentagon has acknowledged this fact by concluding in 1994, "In a large number of cases, the U.S. is clearly the preferred provider, and there is little meaningful competition with suppliers from other countries. An increase in the level of support the U.S. government currently supplies is unlikely to shift the U.S. export market share outside a range of 53 to 59 percent of worldwide arms trade."

As Ways and Means Committee Member, Representative DOGGETT, noted in his dissenting views on H.R. 4986, "In 1999, without the bonanza provided by this bill, U.S. defense contractors sold almost $11.8 billion in weapons overseas—more than a third of the world's total and more than all European countries combined."

The U.S. should stop the proliferation of weapons and war, not expand it as this bill intends.

The pharmaceutical industry is another industry that does not need or deserve additional subsidies from U.S. taxpayers. The industry already receives substantial research and development tax credits as well as the benefits flowing from discoveries by government scientists. As Representative STARK noted in his dissenting views, drug companies lowered their effective tax rate by nearly 40 percent relative to other industries from 1990 to 1996 and were named the most profitable industry in 1999 by Fortune Magazine.

The industry sells prescription drugs at far cheaper prices abroad than here in the U.S. For example, seniors in the U.S. pay twice as much for prescriptions as those in Canada or Mexico. It is an affront to U.S. taxpayers to force them to further subsidize an industry that is already gouging them at the pharmacy as this bill would do.

In direct contradiction of various federal policies to combat tobacco related disease and death in the U.S., this legislation would force U.S. taxpayers to subsidize the spread of big tobacco's coffin nails to foreign countries. This violates the American taxpayers' sense of decency and respect. Their money should not be used to push a product onto foreign countries that kills one-third of the people who use it as intended.

By placing H.R. 4986 on the suspension calendar, debate is prematurely cut off and amendments to reduce support for drug companies, the defense industry or tobacco companies can not be considered. But, I guess that is just par for the course for a process that has taken place in relative secrecy between a few Members of Congress, the Administration, and the industries that stand to benefit from this legislation.

You may not hear this in the debate much, but it is important to point out that the EU has already put the U.S. on notice that H.R. 4986 does not satisfy its demands. According to the EU, H.R. 4986 still provides an export subsidy, maintains a requirement that a portion of a product contain U.S.-made components, and does not repeal FSCs by the October 1st deadline. Therefore, it is likely the EU will ask the WTO to rule on the legality of the U.S. reforms. Most independent analysts agree with the EU critique of H.R. 4986.

So, it is reasonable to assume the WTO will again rule against the U.S. and allow the EU to impose retaliatory sanctions against U.S. products. According to some press accounts, the EU would be able to impose 100 percent tariffs on around $4 billion worth of U.S. goods. These would be the largest sanctions ever imposed in a trade dispute. In other words, this inadequate reform of export subsidies will open up the U.S. to retaliatory action by the EU, which will harm exports as much or more than any perceived benefit that would be provided by H.R. 4986. Of course, the exporters that will be hurt by retaliatory sanctions probably won't be the same businesses that will enjoy the tax windfall provided by this legislation.

Mr. Speaker, ADM is not suffering. Cisco Systems is not suffering. Raytheon is not suffering. Miscroft is not struggling mightily to keep its head above water. But, the American people are. Schools are crumbling, 45 million Americans have no health insurance, individuals are working longer hours for less money with the predictable stress on families, million of seniors do not have access to affordable prescription drugs, and poverty remains stubbornly high, particularly among children.

Rather than debating how to preserve billions in tax subsidies for some of our largest corporations, we should be figuring out how to address some of these issues. How many times over are we going to spend projected, and I stress projected, surpluses. If we want to pay down the national debt, provide prescription drugs, shore up Social Security and Medicare, and increase funding for education, Congress cannot keep showering wealthy corporations with unjustifiable tax subsidies.

I will end with a quote from a newspaper I'm not normally inclined to agree with editorially, the Washington Times. In an editorial on September 5, 2000, the Washington Times wrote, "The Ways and Means Committee boasts that support for its revised FSC bill was bipartisan and near unanimous. It remains a bipartisan and near unanimous blunder."

I urge my colleagues to vote against H.R. 4986.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I rise today in opposition to this.

Mr. Speaker, basically, I want to point out in response to some of the comments made by our colleagues on the other side, this attempt to replace current legislation for the Foreign Sales Corporation tax provision really in some instances doubles the benefit that existing companies are now getting, in particular those of the arms manufacturers and exporters.

At the very least, we would hope we would have an opportunity to go through committee and deal with this on a matter where we could have some amendments and, if not eliminate this Foreign Sales Corporation tax provision, at least put amendments in there that would bring it back to what is now, as there is no basis in fact or any argument for why we are doubling in some instances the benefit the corporations would get.

In fact, passage of their particular replacement legislation is going to result in a rejection by the WTO. Everybody knows that in advance. We are going to be in a position where the United States companies are going to be penalized, and it is not going to be the companies necessarily that would be the ones benefitting from this proposed replacement legislation. There is going to be other small businesses, people that depend on financing their business operations and paying their help and their workers, who are going to be penalized when the WTO allows retribution for this.

We are going to be exposed to penalties that we ought not to be exposed to. This situation is not even a close call. Mr. Speaker, no one questions whether this is even good tax policy. The General Accounting Office, the Congressional Budget Office, the Congressional Research Service have all argued the foreign sales corporations have a negligible effect on trade.

□ 1045

In fact, the Congressional Research Service argues that one of the greatest beneficiaries of this tax preference is foreign consumers who will pay a lower price for products subsidized at our taxpayers' expense. As there exists no evidence that the foreign sales corporations actually improve United States trade or create jobs, this hardly seems to be a judicious use of some $5 billion.

Given that this bill was written almost completely behind closed doors, one would hope that it would at least be given a full public debate. Instead, proponents cynically assume that the public will not understand the matter of tax policy; indeed, they count on the public not understanding it, and they permit a measly 40 minutes of debate time.

Instead of actually debating the issue and letting the chips fall where they may, Mr. Speaker, they rush to submit something, anything to the WTO as soon as possible, even something they will most certainly reject, and have expedited the legislative process to a point of incoherence. We should vote against this legislation.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just commend our colleagues on the other side of the aisle who have joined in a collegial and bipartisan way in support of advancing a piece of legislation that is of profound significance and importance to the welfare of our economy and the advancement of our continuing role as the biggest export country on the face of this Earth.

We have an opportunity here to continue to move down that positive path. We have always had that good bipartisan support for these kinds of initiatives in the post-World War II era.

I thank Members on both sides, and I urge my colleagues to get behind this bill and vote aye.

Mr. PAUL. Mr. Speaker, today we are faced with a decision to do the right thing for the wrong reasons or the wrong thing for the wrong reasons. We have heard proponents of this FSC bill argue for tax breaks for U.S. exporters, which, of course, should be done. Those proponents, however, argue that this must be done to move the United States into compliance with a decision by the WTO tribunal. Alternatively, opponents of the bill, argue that allowing firms domiciled in the United States to keep their own earnings results in some form of subsidy to the "evil" corporations. If we were to evaluate this legislation based upon the floor debated, we would be left with the choice of abandoning U.S. sovereignty in the name of WTO compliance or denying private entities freedom from excess taxation.

Setting aside the aforementioned false choice of globalism or oppression by taxation, there are three reasons to consider voting against this bill. First, it perpetuates an international trade war. Second, this bill is brought to the floor as a consequence of a WTO ruling against the United States. Number three, this bill gives more authority to the President to issue Executive Orders.

Although this legislation deals with taxes and technically actually lowers taxes, the reason the bill has been brought up has little to do with taxes per se. To the best of my knowledge there has been no American citizen making any request that this legislation be brought to the floor. It was requested by the President to keep us in good standing with the WTO.

We are now witnessing trade war protectionism being administered by the World (Government) Trade Organization—the WTO. For two years now we have been involved in an ongoing trade war with Europe and this is just one more step in that fight. With this legislation the U.S. Congress capitulates to the demands of the WTO. The actual reason for this legislation is to answer back to the retaliation of the Europeans for having had a ruling against them in favor of the United States on meat and banana products. The WTO obviously spends more time managing trade wars than it does promoting free trade. This type of legislation demonstrates clearly the WTO is in charge of our trade policy.

The Wall Street Journal reported on 9/5/00, "After a breakdown of talks last week, a multi-billion-dollar trade war is now about certain to erupt between the European Union and the U.S. over export tax breaks for U.S. companies, and the first shot will likely be fired just weeks before the U.S. election."

Already, the European Trade Commissioner, Pascal Lamy, has rejected what we're attempting to do here today. What is expected is that the Europeans will quickly file a new suit with the WTO as soon as this legislation is passed. They will seek to retaliate against United States companies and they have already started to draw up a list of those products on which they plan to place punitive tariffs.

The Europeans are expected to file suit against the United States in the WTO within 30 days of this legislation going into effect.

This legislation will perpetuate the trade war and certainly support the policies that have created the chaos of the international trade negotiations as was witnessed in Seattle, Washington.

The trade war started two years ago when the United States obtained a favorable WTO ruling and complained that the Europeans refused to import American beef and bananas from American owned companies.

The WTO then, in its administration of the trade war, permitted the United States to put on punitive tariffs on over $300 million worth of products coming into the United States from Europe. This only generated more European anger who then objected by filing against the United States claiming the Foreign Sales Corporation tax benefit of four billion dollars to our corporations was "a subsidy."

On this issue the WTO ruled against the United States both initially and on appeal. We had been given till November 1st to accommodate our laws to the demands of the WTO.

H.R. 4986 will only anger the European Union and accelerate the trade war. Most likely within two months, the WTO will give permission for the Europeans to place punitive tariffs on hundreds of millions of dollars of U.S. exports. These trade problems will only worsen if the world slips into a recession when protectionist sentiments are strongest. Also, since currency fluctuations by their very nature stimulate trade wars, this problem will continue with the very significant weakness of the EURO.

The United States is now rotating the goods that are to receive the 100 to 200 percent tariff in order to spread the pain throughout the various corporations in Europe in an effort to get them to put pressure on their governments to capitulate to allow American beef and bananas to enter their markets. So far the products that we have placed high tariffs on have not caused Europeans to cave in. The threat of putting high tariffs on cashmere wool is something that the British now are certainly unhappy with.

The Europeans are already well on their way to getting their own list ready to "scare" the American exporters once they get their permission in November.

In addition to the danger of a recession and a continual problem with currency fluctuation, there are also other problems that will surely aggravate this growing trade war. The Europeans have already complained and have threatened to file suit in the WTO against the Americans for selling software products over the Internet. Europeans tax their Internet sales and are able to get their products much cheaper when bought from the United States thus penalizing European countries. Since the goal is to manage things in a so-called equitable manner the WTO very likely could rule against the United States and force a tax on our international Internet sales.

Congress has also been anxious to block the Voice Stream Communications planned purchase by Deutsche Telekom, a German government-owned phone monopoly. We have not yet heard the last of this international trade fight.

The British also have refused to allow any additional American flights into London. In the old days the British decided these problems, under the WTO the United States will surely file suit and try to get a favorable ruling in this area thus ratcheting up the trade war.

Americans are especially unhappy with the French who have refused to eliminate their farm subsidies—like we don't have any in this country.

The one group of Americans that seem to get little attention are those importers whose businesses depend on imports and thus get hit by huge tariffs. When 100 to 200 percent tariffs are placed on an imported product, this virtually puts these corporations out of business.

The one thing for certain is this process is not free trade; this is international managed trade by an international governmental body. The odds of coming up with fair trade or free trade under WTO are zero. Unfortunately, even in the language most commonly used in the Congress in promoting "free trade" it usually involves not only international government managed trade but subsidies as well, such as those obtained through the Import/Export Bank and the Overseas Private Investment Corporation and various other methods such as the Foreign Aid and our military budget.

Lastly, despite a Constitution which vests in the House authority for regulating foreign commerce (and raising revenue, i.e. taxation), this bill unconstitutionally delegates to the President the "authority" to, by Executive order, suspend the tax break by designating certain property "in short supply." Any property so designated shall not be treated as qualifying foreign trade property during the period beginning with the date specified in the Executive order.

Free trade should be our goal. We should trade with as many nations as possible. We should keep our tariffs as low as possible since tariffs are taxes and it is true that the people we trade with we are less likely to fight with. There are many good sound, economic and moral reasons why we should be engaged in free trade. But managed trade by the WTO does not qualify for that definition.

Mr. STARK. Mr. Speaker, I rise today in adamant opposition to H.R. 4986, the Foreign Sales Corporation replacement bill. This bill is a blatant form of corporate welfare, ruled illegal under international trade laws by the World Trade Organization (WTO). The U.S. has already missed two deadlines imposed by the WTO and the European Union for repealing the FSC. I don't know which is worse—that the current leadership is so incapable of governing that they can't meet an extended deadline, or that they have failed to comply with the WTO ruling by attempting to replace one export subsidy with something remarkably similar.

Then the Senate Finance Committee made some minor changes to the bill that appears to bring the U.S. closer to WTO compliance than the House version without sacrificing the current tax benefit received by Caterpillar Inc. This version came back to the House and was voted on in H.R. 2614, the $240 billion GOP tax package. The House leadership thought they were doing their corporate constituents a favor by attaching the FSC to a bloated tax package. Now we're here once again because the majority leadership thought they could bait Clinton into signing a bad tax bill if they attached the FSC to it. No such luck! Clinton has threatened to veto the tax bill and the Senate has no intentions of acting on it.

The bill before us today is nothing more than corporate welfare for some of the nation's most profitable industries. The European Union has filed a complaint with the World Trade Organization (WTO) that the FSC is an export tax subsidy and therefore illegal under international trade laws. I completely agree. Yet instead of repealing the tax subsidy and complying with our international trade obligations, this bill seeks to remedy the FSC with a near exact replacement.

The Institute on Taxation and Economic Policy recently released a report that shows a rise in pretax corporate profits by a total of 23.5 percent from 1996 through 1998. At the same time, U.S. Treasury corporate income tax revenues only rose by a mere 7.7 percent. In addition to the myriad of corporate tax deductions this Congress insists on expanding, programs such as the FSC can help explain the disparity in corporate profits and corporate income tax rates.

The FSC helps subsidize some of the most profitable industries such as the pharmaceutical, tobacco and weapons export industries. Why should Congress help out the pharmaceutical industry if the industry insists on charging U.S. consumers more for prescription drugs than they charge in Europe? We shouldn't! The pharmaceutical industry sells prescription drugs in the U.S. at prices that are 190–400 percent higher than what they charge in Europe. The U.S. subsidizes the pharmaceutical industry by approximately $123 million per year through the FSC. This is unfair to the American taxpayer and must not be allowed to happen.

The top 20 percent of FSC beneficiaries obtained 87 percent of the FSC benefit in 1998. The two largest FSC beneficiaries, General Electric and Boeing, received almost $750 million and $686 million in FSC benefits over 8 years, respectively. RJ Reynolds' FSC benefit represents nearly six percent of its net income while Boeing's FSC benefit represents twelve percent of its earnings!

It is high time we stop allowing corporate interests to dictate U.S. spending. We didn't pass a prescription drug benefit for seniors in the 106th Congress so we shouldn't be rushing through a piece of legislation that gives corporations a $5 billion per year tax break. I urge my colleagues to put working families, children and our seniors first, and oppose H.R. 4986.

Ms. KILPATRICK. Mr. Speaker, I rise today in opposition to the passage of H.R. 4986, the Senate Amendments to the Foreign Sales Corporation (FSC) Repeal and Extraterritorial Income Exclusion Act. While it is important that our nation's businesses have the benefit of a level playing field when competing against foreign businesses, we should not do so on the back of the American Public or to the detriment of the health and welfare of those outside of our borders. Let it not be said that we are a nation willing to sacrifice all principles for the welfare of our nation's businesses.

The measure before us, effective for transactions entered after September 30, 2000, will allow both individuals and companies an exemption from federal taxes of all income earned abroad (whether or not the product is manufactured in the United States or abroad). The measure does require that 50% of the components of the final product be manufactured in the United States. The measure also eliminates current law allowing for the creation of Foreign Sales Corporations. Although I supported the measure when it was originally considered in the House facts have come to light that have given me pause to support the measure.

I believe that there are questions concerning the process used to move this measure. The FSC is a complicated matter that warrants the full and deliberate consideration of the entire House. Considering this measure under suspension of the rules clearly inhibits this body's ability to make the most informed decision about this important matter which will affect the people we represent.

Policy questions concerning this matter also abound. For example, during consideration of the bill an amendment was pursued that would have exempted tobacco companies from the tax exemption provided under the measure. It is argued that this measure will give tobacco companies an estimated $100 million in taxpayer subsidies to export cigarettes. It is further argued that this subsidy provides incentives to tobacco companies to maximize and promote sales in other countries. It gives me pause to think that the policy Congress endorses in this measure will give the impression that while we care about the health risks imposed by tobacco use on American lives, we are not concerned about the health risks imposed by tobacco use on foreign lives.

Questions have also been raised on the effect this measure will have on the U.S. economy. Proponents of the measure argue that the bill will spur domestic investment and employment through an increase in exports, while opponents point to studies that indicate that "export subsidies, such as FSC's, reduce global economic welfare and typically even reduce the welfare of the country granting the subsidy . . . [C]ompanies in import-competing industries reduce domestic investment and employment." I am hesitant to support a measure that may in fact be detrimental to the well being of our nation's economy.

Mr. Speaker, for these reasons I rise in opposition to H.R. 4986, and I recommend a nay vote on its passage.

Mr. CRANE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4986.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. STARK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROHIBITION OF GAMING ON CERTAIN INDIAN LANDS IN CALIFORNIA

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5477) to provide that gaming shall not be allowed on certain Indian trust lands in California that were purchased with certain Federal grant funds, as amended.

The Clerk read as follows:

H.R. 5477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTION ON RELINQUISHMENT OF LEASE.

Prior to January 1, 2003, the Secretary of the Interior shall not approve the relinquishment of any lease entered into for the establishment of a health care facility for the members of seven Indian Tribes or Bands in San Diego County, California, unless the Secretary has determined that the relinquishment of such lease has been approved, by tribal resolution, by each of the seven Indian Tribes or Bands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation, authored by the gentleman from California (Mr. HUNTER), will establish a moratorium on the approval by the Secretary of Interior of the relinquishment of a release of a health clinic until that relinquishment has been approved by tribal resolution by each of the seven tribes which would comprise the Southern Indian Health Council in Alpine, California.

The clinic was acquired and constructed with Indian Community Development Block Grant funds and was constructed by the Southern Indian Health Council.

I ask for Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5477, as amended, is legislation which addresses the concerns of seven Indian tribes in Southern California to provide that lands purchased in part with Community Development Block Grant funding are used for health care facilities unless alternatives are approved by all of the tribes.

There have been a number of complicated issues with regard to the original version of this legislation; and through the work of the gentleman from California (Mr. HUNTER) and the gentleman from California (Mr. FILNER), those issues have been addressed.

We appreciate the work of our colleagues on this legislation and support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I want to thank the gentleman from Maryland (Mr. GILCHREST) for yielding me this time and taking the leadership, along with the Democrat side of the aisle. I note that this is bipartisan legislation supported by the gentleman from California (Mr. FILNER) and the gentleman from California (Mr. CUNNINGHAM) and the gentleman from California (Mr. BILBRAY) in the San Diego delegation.

Mr. Speaker, this is a fairly straightforward bill. This involves some 8-plus acres of land in the community in Alpine, California, in my congressional district in San Diego County. It is land that was purchased with Community Development Block Grant funds.

This land was purchased with these funds for the purpose of constructing a health clinic for the seven tribes that presently live or are located in that particular vicinity; and, indeed, the clinic today supports some 10,000 visits per year. Not only are tribal members admitted to the clinic but also nontribal members, so it is a valuable asset.

Part of the land was put in the name of one of the tribes, the Cuyapaipe tribe, which is a wonderful tribe, some 17 members whose traditional homelands are about 50 miles away. They propose at this time, Mr. Speaker, to build a casino on this health clinic land that was purchased with CDBGs.

We think, Mr. Speaker, having looked at this, that this is a fairly substantial departure from the tradition of allowing the autonomy and all of the activities that take place once the reservation status is attached to a piece of land to allow that to be expanded to change a health clinic, which has been purchased with Federal taxpayer dollars and which resides on land that was purchased with Federal taxpayer dollars, to allow that to be converted into a totally different use; that is, one of a casino.

So this bill puts a 2-year moratorium on this transfer for this purpose. We hope that that is going to allow the tribes to try to work out some type of an adjustment, maybe some type of an arrangement. We think it is appropriate to pass it at this time to keep this project from going forward. Again, this is supported by all the Members of the San Diego delegation. It is a bipartisan bill, and the gentleman from California (Mr. FILNER) is a cosponsor of this resolution.

Mr. CUNNINGHAM. Mr. Speaker, I rise today to support H.R. 5477, introduced by my colleague from California. Members should be aware that this legislation sets no new standards on Indian gambling. It addresses one specific problem with one specific parcel of land in San Diego County, California.

I would hope that the matter before the House would be free from controversy. This legislation is supported by the entire San Diego delegation, with Mr. HUNTER, Mr. FILNER and myself as sponsors.

This legislation prevents the Cuyapaipe Indian tribe from using land and buildings not connected to the tribe's traditional homeland and purchased with HUD Community Development Block Grants (CDBGs) for the establishment of a massive Indian gaming casino.

The Cuyapaipe Community of Diegueno Mission Indians recently announced a proposal to relocate an outpatient health care clinic operated by the Southern Indian Health Council (SIHC) in Alpine, California. The stated purpose of the relocation is to permit the Cuyapaipe to construct a gaming casino on the clinic property, which the Cuyapaipe claim as their reservation. The Southern Indian Health Council was organized in 1982 by seven Indian tribes in southern San Diego County to provide medical care to their members. The Council's clinic provides vital health care services to Indian and non-Indian patients in a rural area of San Diego County, serving over 10,000 patients per year, many of whom are from low income families.

The Bureau of Indian Affairs (BIA) has recently rejected the Cuyapaipe tribe's application to build the casino, finding the paperwork incomplete. This provides a temporary stay of construction, leaving the door open to the future conversion of the Cuyapaipe's health care center into a casino. The legislation before us today prevents the tribe from using the clinic property to build a casino.

Nothing in this legislation will prevent the Cuyapaipe from establishing gaming facilities on their traditional homeland. This bill does not affect the ability of the Cuyapaipe to build a casino on their own reservation. In fact, as amended, the bill goes to great pains to avoid stepping on the sensitive question of Indian gaming. It does not amend the Indian Gaming Regulatory Act, and the amended version before us does not even deal with the question of the rights of tribes to conduct gaming operations, or the relationship between tribal and state governments.

Instead, the bill seeks to resolve a dispute among several tribes, by requiring that they achieve consensus before changing the use of land taken into trust for all of them. As one additional protection, the bill sunsets in January of 2003, so the prohibition is actually a two-year moratorium

Mr. EVERETT. Mr. Speaker, I support my distinguished colleague's bill H.R. 5477, which would delay casino approval on Indian Trust Lands in California. I understand the distinguished gentleman's concern with Indian gaming and its effect on surrounding communities, especially when those effected communities are not in favor of such gambling operations. I have similar concerns and for that reason I, along with Congressman BOB RILEY, introduced legislation (H.R. 5494) to block any construction of a gambling operation on Indian burial lands in Wetumpka, Alabama, which is located in my district.

When the Creek Indians took possession of the burial lands in 1980, they did so with federal funds as part of an agreement with the federal government that the site would not be developed. In direct violation of the agreement, the Poarch Band of the Creek Indians now want to build a full-fledged casino on the property. H.R. 5494 would both block the establishment of a casino on the tribal grounds as well as order the Alabama Attorney General to pursue legal action in federal court against the Creeks if they go forward with the construction project.

In closing, let me say I understand why communities are concerned about such activities going on in their backyard. Moral objections to casino gambling notwithstanding, such gaming activities place untold burdens on local police, fire, rescue, and other public services, not to mention the stress on local utilities and infrastructure.

Mr. UDALL of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 5477, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to establish a moratorium on approval by the Secretary of the Interior of relinquishment of a lease of certain tribal lands in California.".

A motion to reconsider was laid on the table.

FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 4986.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 4986, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 316, nays 72, answered "present" 1, not voting 43, as follows:

[Roll No. 597]

YEAS—316

Abercrombie
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Owens
Oxley
Packard
Pastor
Pease
Pelosi
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—72

Andrews
Baldacci
Baldwin
Bonior
Brady (PA)
Brown (OH)
Capuano
Carson
Chabot
Chenoweth-Hage
Condit
Conyers
Cook
Costello
Davis (IL)
DeFazio
DeGette
Dingell
Doggett
Evans
Gutierrez
Hinchey
Holt
Hostettler
Jackson (IL)
Jones (OH)
Kilpatrick
Kucinich
LaFalce
Lee
Lewis (GA)
Lipinski
LoBiondo
Luther
Maloney (CT)
Markey
McGovern
McKinney
Menendez
Miller, George
Nadler
Oberstar
Obey
Olver
Pallone
Payne
Peterson (MN)
Rahall
Rivers
Rothman
Roybal-Allard
Rush
Sanders
Saxton
Schakowsky
Serrano
Shows
Slaughter
Stark
Strickland
Stupak
Taylor (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Woolsey

ANSWERED "PRESENT"—1

Paul

NOT VOTING—43

Ackerman
Ballenger
Becerra
Brown (FL)
Burr
Canady
Coburn
Coyne
Danner
Dickey
Farr
Fattah
Filner
Forbes
Ganske
Gejdenson
Goodlatte
Hefley
Holden
Hulshof
Jefferson
Kaptur
Kasich
Kennedy
Kleczka
Klink
Largent
Maloney (NY)
McCarthy (NY)
McIntosh
Meehan
Millender-McDonald
Moakley
Pascrell
Peterson (PA)
Porter
Riley
Stenholm
Talent
Taylor (NC)
Weiner
Weygand
Wise

☐ 1122

Messrs. SAXTON, COSTELLO, COOK and RUSH, Ms. VELÁZQUEZ, Mr. VISCLOSKY, Mr. BRADY of Pennsylvania and Ms. SLAUGHTER changed their vote from "yea" to "nay."

Messrs. HALL of Ohio, FORD, CUMMINGS and ENGEL changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 597, H.R. 4986, the Foreign Sales Corporation (FCS) Repeal and Extraterritorial Income Extension Act. Had I been present I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 597, I was in my Congressional District on official business. Had I been present, I would have voted "nay."

PROVIDING FOR CONDITIONAL ADJOURNMENT OF THE HOUSE AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. ARMEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 442) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 442

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Tuesday, November 14, 2000, or Wednesday, November 15, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, December 4, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Tuesday, November 14, 2000, or Wednesday, November 15, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, December 5, 2000, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1735

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 5 o'clock and 35 minutes p.m.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the bill (H.R. 5633) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes, to the end that the bill be hereby passed; and that a motion to reconsider be hereby laid on the table.

The Clerk read the title of the bill.

The text of H.R. 5633 is as follows:

H.R. 5633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2001, and for other purposes, namely:

FEDERAL FUNDS

Federal Payment for Resident Tuition Support

For a Federal payment to the District of Columbia for a nationwide program to be administered by the Mayor for District of Columbia resident tuition support, $17,000,000, to remain available until expended: *Provided*, That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions for higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized.

Federal Payment for Incentives for Adoption of Children

The paragraph under the heading "Federal Payment for Incentives for Adoption of Children" in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to read as follows: "For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: *Provided*, That such funds shall remain available until September 30, 2002, and shall be used to carry out all of the provisions of title 38, except for section 3808, of the Fiscal Year 2001 Budget Support Act of 2000, D.C. Bill 13–679, enrolled June 12, 2000.".

Federal Payment to the Chief Financial Officer of the District of Columbia

For a Federal payment to the Chief Financial Officer of the District of Columbia, $1,250,000, of which $250,000 shall be for payment to a mentoring program and for hotline services; $250,000 shall be for payment to a youth development program with a character building curriculum; $250,000 shall be for payment to a basic values training program; and $500,000, to remain available until expended, shall be for the design, construction, and maintenance of a trash rack system to be installed at the Hickey Run stormwater outfall.

Federal Payment for Commercial Revitalization Program

For a Federal payment to the District of Columbia, $1,500,000, to remain available until expended, for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to provide financial inducements, including loans, grants, offsets to local taxes and other instruments that promote commercial revitalization in Enterprise Zones and low and moderate income areas in the District of Columbia: *Provided*, That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline: *Provided further*, That not later than 180 days after the date of the enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

Federal Payment to the District of Columbia Public Schools

For a Federal payment to the District of Columbia Public Schools, $500,000: *Provided*, That $250,000 of said amount shall be used for a program to reduce school violence: *Provided further*, That $250,000 of said amount shall be used for a program to enhance the reading skills of District public school students.

Federal Payment to the Metropolitan Police Department

For a Federal payment to the Metropolitan Police Department, $100,000: *Provided*, That said funds shall be used to fund a youth safe haven police mini-station for mentoring high risk youth.

Federal Contribution to Covenant House Washington

For a Federal contribution to Covenant House Washington for a contribution to the construction in Southeast Washington of a new community service center for homeless, runaway and at-risk youth, $500,000.

Federal Payment to the District of Columbia Corrections Trustee Operations

For salaries and expenses of the District of Columbia Corrections Trustee, $134,200,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712) of which $1,000,000 is to fund an initiative to improve case processing in the District of Columbia criminal justice system: *Provided*, That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use any remaining interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, to carry out the activities funded under this heading.

Federal Payment to the District of Columbia Courts

For salaries and expenses for the District of Columbia Courts, $105,000,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,409,000; for the District of Columbia Superior Court, $71,121,000; for the District of Columbia Court System, $17,890,000; $5,255,000 to finance a pay adjustment of 8.48 percent for nonjudicial employees; and $3,325,000, including $825,000 for roofing repairs to the facility commonly referred to as the Old Courthouse and located at 451 Indiana Avenue, Northwest, to remain available until September 30, 2002, for capital improvements for District of Columbia courthouse facilities: *Provided*, That none of the funds in this Act or in any other Act shall be available for the purchase, installation or operation of an Integrated Justice Information System until a detailed plan and design has been submitted by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $34,387,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $3,325,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That, in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $3,325,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives: *Provided further*, That the District of Columbia Courts shall implement the recommendations in the General Accounting Office Report GAO/AIMD/OGC-99-226 regarding payments to court-appointed attorneys and shall report quarterly to the Office of Management and Budget and to the House and Senate Appropriations Committees on the status of these reforms.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105-33; 111 Stat. 712), $112,527,000, of which $67,521,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $18,778,000 shall be transferred to the Public Defender Service; and $26,228,000 shall be available to the Pretrial Services Agency: *Provided*, That of the amount provided under this heading, $17,854,000 shall be used to improve pretrial defendant and post-conviction offender supervision, enhance drug testing and sanctions-based treatment programs and other treatment services, expand intermediate sanctions and offender re-entry programs, continue planning and design proposals for a residential Sanctions Center and improve administrative infrastructure, including information technology; and $836,000 of the $17,854,000 referred to in this proviso is for the Public Defender Service: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That notwithstanding section 446 of the District of Columbia Home Rule Act or any provision of subchapter III of chapter 13 of title 31, United States Code, the use of interest earned on the Federal payment made to the District of Columbia Offender Supervision, Defender, and Court Services Agency under the District of Columbia Appropriations Act, 1998, by the Agency during fiscal years 1998 and 1999 shall not constitute a violation of such Act or such subchapter.

FEDERAL PAYMENT FOR WASHINGTON INTERFAITH NETWORK

For a Federal payment to the Washington Interfaith Network to reimburse the Network for costs incurred in carrying out preconstruction activities at the former Fort Dupont Dwellings and Additions, $1,000,000: *Provided*, That such activities may include architectural and engineering studies, property appraisals, environmental assessments, grading and excavation, landscaping, paving, and the installation of curbs, gutters, sidewalks, sewer lines, and other utilities: *Provided further*, That the Secretary of the Treasury shall make such payment only after the Network has received matching funds from private sources (including funds provided through loans) to carry out such activities in an aggregate amount which is equal to the amount of such payment (as certified by the Inspector General of the District of Columbia) and has provided the Secretary of the Treasury with a request for reimbursement which contains documentation certified by the Inspector General of the District of Columbia showing that the Network carried out the activities and that the costs incurred in carrying out the activities were equal to or less than the amount of the reimbursement requested: *Provided further*, That none of the funds provided under this heading may be obligated or expended after December 31, 2001 (without regard to whether the activities involved were carried out prior to such date).

FEDERAL PAYMENT FOR PLAN TO SIMPLIFY EMPLOYEE COMPENSATION SYSTEMS

For a Federal payment to the Mayor of the District of Columbia for a contract for the study and development of a plan to simplify the compensation systems, schedules, and work rules applicable to employees of the District government, $250,000: *Provided*, That under the terms of the contract the plan shall include (at a minimum) a review of the current compensation systems, schedules, and work rules applicable to such employees; a review of the best practices regarding the compensation systems, schedules, and work rules of State and local governments and other appropriate organizations; a proposal for simplifying the systems, schedules, and rules applicable to employees of the District government; and the development of strategies for implementing such proposal, including an identification of any statutory, contractual, or other barriers to implementing the proposal and an estimated time frame for implementing the proposal: *Provided further*, That under the terms of the contract the contractor shall submit the plan to the Mayor and to the Committees on Appropriations of the House of Representatives and Senate: *Provided further*, That the Mayor shall develop a proposed solicitation for the contract not later than 90 days after the date of the enactment of this Act and shall submit a copy of the proposed solicitation to the Comptroller General for review at least 90 days prior to the issuance of such solicitation: *Provided further*, That not later than 45 days after receiving the proposed solicitation from the Mayor, the Comptroller General shall review the solicitation to ensure that it adequately addresses all of the necessary elements described under this heading and report to the Committees on Appropriations of the House of Representatives and Senate on the results of this review: *Provided further*, That for purposes of this contract the term "District government" has the meaning given such term in section 305(5) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47-393(5), D.C. Code), except that such term shall not include the courts of the District of Columbia and shall include the District of Columbia Financial Responsibility and Management Assistance Authority.

METRORAIL CONSTRUCTION

For the Washington Metropolitan Area Transit Authority [WMATA], a contribution of $25,000,000, to remain available until expended, to design and build a Metrorail station located at New York and Florida Avenues, Northeast: *Provided*, That prior to the release of said funds from the U.S. Treasury, the District of Columbia shall set aside an additional $25,000,000 for this project in its Fiscal Year 2001 Budget and Financial Plan and, further, shall establish a special taxing district for the neighborhood of the proposed Metrorail station to provide $25,000,000: *Provided further*, That the requirements of 49 U.S.C. 5309(a)(2) shall apply to this project.

FEDERAL PAYMENT FOR BROWNFIELD REMEDIATION

For a Federal payment to the District of Columbia, $3,450,000 for environmental and infrastructure costs at Poplar Point: *Provided*, That of said amount, $2,150,000 shall be available for environmental assessment, site remediation and wetlands restoration of the 11 acres of real property under the jurisdiction of the District of Columbia: *Provided further*, That no more than $1,300,000 shall be used for infrastructure costs for an entrance to Anacostia Park: *Provided further*, That none of said funds shall be used by the District of Columbia to purchase private property in the Poplar Point area.

PRESIDENTIAL INAUGURATION

For a payment to the District of Columbia to reimburse the District for expenses incurred in connection with Presidential inauguration activities, $5,961,000, as authorized by section 737(b) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1-1132), which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

Children's National Medical Center

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $500,000 to be used for the network of satellite pediatric health clinics for children and families in underserved neighborhoods and communities in the District of Columbia.

Child Advocacy Center

For a Federal contribution to the Child Advocacy Center for its Safe Shores program, $500,000.

St. Coletta of Greater Washington Expansion Project

For a Federal contribution to St. Coletta of Greater Washington, Inc. for costs associated with the establishment of a day program and comprehensive case management services for mentally retarded and multiple-handicapped adolescents and adults in the District of Columbia, including property acquisition and construction, $1,000,000.

District of Columbia Special Olympics

For a Federal contribution to the District of Columbia Special Olympics, $250,000.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

Division of Expenses

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act and section 126 of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2001 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $5,677,379,000 (of which $172,607,000 shall be from intra-District funds and $3,250,783,000 shall be from local funds): *Provided further*, That the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2001, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

District of Columbia Financial Responsibility and Management Assistance Authority

For the District of Columbia Financial Responsibility and Management Assistance Authority (Authority), established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: *Provided*, That these funds be derived from accounts held by the Authority on behalf of the District of Columbia: *Provided further*, That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2001 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2): *Provided further*, That none of the funds contained in this Act or any other funds available to the Authority or any other entity of the District of Columbia government from any source (including any accounts of the Authority) may be used for any payments (including but not limited to severance or bonus payments, and payments under agreements in effect before the enactment of this Act) to any individual upon or following the individual's separation from employment with the Authority (other than a payment of the individual's regular salary for services performed prior to separation or a payment for unused annual leave accrued by the individual), except that an individual who is employed by the Authority during the entire period which begins on the date of the enactment of this Act and ends on September 30, 2001, may receive a severance payment after such date in an aggregate amount which does not exceed the product of 200 percent of the individual's average weekly salary during the final 12-month period (or portion thereof) during which the individual was employed by the Authority and the number of full years during which the individual was employed by the Authority.

Governmental Direction and Support

Governmental direction and support, $195,771,000 (including $162,172,000 from local funds, $20,424,000 from Federal funds, and $13,175,000 from other funds): *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further*, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further*, That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Office of the Chief Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That $303,000 and no fewer than 5 FTEs shall be available exclusively to support the Labor-Management Partnership Council: *Provided further*, That, effective September 30, 2000, section 168(a) of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1531) is amended by inserting ", to remain available until expended," after "$5,000,000": *Provided further*, That not later than March 1, 2001, the Chief Financial Officer of the District of Columbia shall submit a study to the Committees on Appropriations of the House of Representatives and Senate on the merits and potential savings of privatizing the operation and administration of Saint Elizabeths Hospital.

Economic Development and Regulation

Economic development and regulation, $205,638,000 (including $53,562,000 from local funds, $92,378,000 from Federal funds, and $59,698,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12–26): *Provided*, That such funds are available for acquiring services provided by the General Services Administration: *Provided further*, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

Public Safety and Justice

Public safety and justice, including purchase or lease of 135 passenger carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, and such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government $762,546,000 (including $591,565,000 from local funds, $24,950,000 from Federal funds, and $146,031,000 from other funds): *Provided*, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further*, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further*, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further*, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further*, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further*, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further*, That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further*, That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further*, That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further*, That commencing on December 31, 2000, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $998,918,000 (including $824,867,000 from local funds, $147,643,000 from Federal funds, and $26,408,000 from other funds), to be allocated as follows: $769,943,000 (including $629,309,000 from local funds, $133,490,000 from Federal funds, and $7,144,000 from other funds), for the public schools of the District of Columbia; $200,000 from local funds for the District of Columbia Teachers' Retirement Fund; $1,679,000 from local funds for the State Education Office, $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; and $105,000,000 from local funds for public charter schools: *Provided*, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of each fiscal year: *Provided further*, That the District of Columbia public charter schools will report enrollment on a quarterly basis upon which a quarterly disbursement will be calculated: *Provided further*, That the quarterly payment of October 15, 2000, shall be fifty (50) percent of each public charter school's annual entitlement based on its unaudited October 5 enrollment count: *Provided further*, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for public education in accordance with the School Reform Act of 1995 (D.C. Code, sec. 31–2853.43(A)(2)(D); Public Law 104–134, as amended): *Provided further*, That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: *Provided further*, That $76,433,000 (including $44,691,000 from local funds, $13,199,000 from Federal funds, and $18,543,000 from other funds) shall be available for the University of the District of Columbia: *Provided further*, That $200,000 is allocated for the East of the River Campus Assessment Study, $1,000,000 for the Excel Institute Adult Education Program to be used by the Institute for construction and to acquire construction services provided by the General Services Administration on a reimbursable basis, $500,000 for the Adult Education State Plan, $650,000 for The Saturday Academy Pre-College Program, and $481,000 for the Strengthening of Academic Programs; and $26,459,000 (including $25,208,000 from local funds, $550,000 from Federal funds and $701,000 other funds) for the Public Library: *Provided further*, That the $1,020,000 enhancement shall be allocated such that $500,000 is used for facilities improvements for 8 of the 26 library branches, $235,000 for 13 FTEs for the continuation of the Homework Helpers Program, $166,000 for 3 FTEs in the expansion of the Reach Out And Roar (ROAR) service to license day care homes, and $119,000 for 3 FTEs to expand literacy support into branch libraries: *Provided further*, That $2,204,000 (including $1,780,000 from local funds, $404,000 from Federal funds and $20,000 from other funds) shall be available for the Commission on the Arts and Humanities: *Provided further*, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further*, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further*, That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled "An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes", approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): *Provided further*, That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2001 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further*, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2001, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further*, That $2,200,000 is allocated to the Temporary Weighted Student Formula to fund 344 additional slots for pre-K students: *Provided further*, That $50,000 is allocated to fund a conference on learning support for children ages 3–4 hosted jointly by the District of Columbia Public Schools and District of Columbia public charter schools: *Provided further*, That no local funds in this Act shall be used to administer a system-wide standardized test more than once in FY 2001: *Provided further*, That no less than $436,452,000 shall be expended on local schools through the Weighted Student Formula: *Provided further*, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: *Provided further*, That the District of Columbia Public Schools shall spend $250,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina: *Provided further*, That the District of Columbia Public Schools shall spend $250,000 to implement a Failure Free Reading program in the District's public schools: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2001, an amount equal to 25 percent of the total amount provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2002 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2002: *Provided further*, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2001, an amount equal to 10 percent of the total amount provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2002 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2002.

HUMAN SUPPORT SERVICES

(INCLUDING TRANSFER OF FUNDS)

Human support services, $1,535,654,000 (including $637,347,000 from local funds, $881,589,000 from Federal funds, and $16,718,000 from other funds): *Provided*, That $25,836,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further*, That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.): *Provided further*, That $1,250,000 shall be paid to the Doe Fund for the operation of its Ready, Willing, and Able Program in the District of Columbia as follows: $250,000 to cover debt owed by the District of Columbia government for services rendered shall be paid to the Doe Fund within 15 days of the enactment of this Act; and $1,000,000 shall be paid in equal monthly installments by the 15th day of each month: *Provided further*, That $400,000 shall be available for the administrative costs associated with implementation of the Drug Treatment Choice Program established pursuant to section 4 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): *Provided further*, That $7,000,000 shall be available for deposit in the Addiction Recovery Fund established pursuant to section 5 of the Choice in Drug Treatment Act of 2000, signed by the Mayor on April 20, 2000 (D.C. Act 13-329): *Provided further*, That the District of Columbia is authorized to enter into a long-term lease of Hamilton Field with Gonzaga College High School and that, in exchange for such a lease, Gonzaga will introduce and implement a youth baseball program focused on 13 to 18 year old residents, said program to include summer and fall baseball programs and baseball clinics: *Provided further*, That notwithstanding any other provision of law, to augment the District of Columbia subsidy for the District of Columbia Health and Hospitals Public Benefit Corporation, the District of Columbia may transfer from other non-Federal funds appropriated under this Act to the Human Support Services appropriation under this Act an amount not to exceed $90,000,000 for the purpose of restructuring the delivery of health services in the District of Columbia: *Provided further*, That such restructuring shall be pursuant to a restructuring plan approved by the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Board of Directors of the Public Benefit Corporation: *Provided further*, That—

(1) the restructuring plan reduces personnel levels of D.C. General Hospital and of the Public Benefit Corporation consistent with the reduction in force set forth in the August 25, 2000, resolution of the Board of Directors of the Public Benefit Corporation regarding personnel structure, by reducing personnel by at least 500 full-time equivalent employees, without replacement by contract personnel;

(2) no transferred funds are expended until 10 calendar days after the restructuring plan has received final approval and a copy evidencing final approval has been submitted by the Mayor to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate; and

(3) the plan includes a certification that the plan does not request and does not rely upon any current or future request for additional appropriation of Federal funds.

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $278,242,000 (including $265,078,000 from local funds, $3,328,000 from Federal funds, and $9,836,000 from other funds): *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business: *Provided further*, That $100,000 shall be available for a commercial sector recycling initiative, $250,000 to initiate a recycling education campaign, $10,000 for community clean-up kits, $190,000 to restore a 3.5 percent vacancy rate in Parking Services, $170,000 to plant 500 trees, $118,000 for two water trucks, $150,000 for contract monitors and parking analysts within Parking Services, $1,409,000 for a neighborhood cleanup initiative, $1,000,000 for tree maintenance, $600,000 for an anti-graffiti program, $226,000 for a hazardous waste program, $1,260,000 for parking control aides, and $400,000 for the Department of Motor Vehicles to hire additional ticket adjudicators, conduct additional hearings, and reduce the waiting time for hearings.

Receivership Programs

For all agencies of the District of Columbia government under court ordered receivership, $389,528,000 (including $234,913,000 from local funds, $135,555,000 from Federal funds, and $19,060,000 from other funds).

Reserve

For replacement of funds expended, if any, during fiscal year 2000 from the Reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, Public Law 104–8, $150,000,000 from local funds: *Provided*, That none of these funds shall be obligated or expended under this heading until the emergency reserve fund established under this Act has been fully funded for fiscal year 2001 pursuant to section 450A of the District of Columbia Home Rule Act as set forth herein.

Emergency Reserve Fund

For the emergency reserve fund established under section 450A(a) of the District of Columbia Home Rule Act, the amount provided for fiscal year 2001 under such section, to be derived from local funds.

Repayment of Loans and Interest

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, $243,238,000 from local funds: *Provided*, That any funds set aside pursuant to section 148 of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1523) that are not used in the reserve funds established herein shall be used for Pay-As-You-Go Capital Funds: *Provided further*, That for equipment leases, the Mayor may finance $19,232,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further*, That $2,000,000 is allocated to the Metropolitan Police Department, $4,300,000 for the Fire and Emergency Medical Services Department, $1,622,000 for the Public Library, $2,010,000 for the Department of Parks and Recreation, $7,500,000 for the Department of Public Works, and $1,800,000 for the Public Benefit Corporation.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $39,300,000 from local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act, (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $1,140,000 from local funds.

Presidential Inauguration

For reimbursement for necessary expenses incurred in connection with Presidential inauguration activities as authorized by section 737(b) of the District of Columbia Home Rule Act, Public Law 93–198, as amended, approved December 24, 1973 (87 Stat. 824; D.C. Code, sec. 1–1803), $5,961,000 from local funds, previously appropriated in this Act as a Federal payment, which shall be apportioned by the Chief Financial Officer within the various appropriation headings in this Act.

Certificates of Participation

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

Wilson Building

For expenses associated with the John A. Wilson Building, $8,409,000 from local funds.

Optical and Dental Insurance Payments

For optical and dental insurance payments, $2,675,000 from local funds.

Management Supervisory Service

For management supervisory service, $13,200,000 from local funds, to be transferred by the Mayor of the District of Columbia among the various appropriation headings in this Act for which employees are properly payable.

Tobacco Settlement Trust Fund Transfer Payment

Subject to the issuance of bonds to pay the purchase price of the District of Columbia's right, title and interest in and to the Master Settlement Agreement, and consistent with the Tobacco Settlement Financing and Trust Fund Amendment Act of 2000, there is transferred the amount available pursuant thereto, but not to exceed $61,406,000, to the Tobacco Settlement Trust Fund established pursuant to section 2302 of the Tobacco Settlement Trust Fund Establishment Act of 1999, effective October 20, 1999 (D.C. Law 13–38; to be codified at D.C. Code, sec. 6–135), to be spent pursuant to local law.

Operational Improvements Savings (Including Managed Competition)

The Mayor and the Council, in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $10,000,000 for operational improvements savings in local funds to one or more of the appropriation headings in this Act.

Management Reform Savings

The Mayor and the Council, in consultation with the Chief Financial Officer and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $37,000,000 for management reform savings in local funds to one or more of the appropriation headings in this Act.

Cafeteria Plan Savings

For the implementation of a Cafeteria Plan pursuant to Federal law, a reduction of $5,000,000 in local funds.

ENTERPRISE AND OTHER FUNDS

Water and Sewer Authority and the Washington Aqueduct

For operation of the Water and Sewer Authority and the Washington Aqueduct, $275,705,000 from other funds (including $230,614,000 for the Water and Sewer Authority and $45,091,000 for the Washington Aqueduct) of which $41,503,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $140,725,000, as authorized by the Act entitled "An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes" (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174, 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $223,200,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

Sports and Entertainment Commission

For the Sports and Entertainment Commission, $10,968,000 from other funds: *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93-198; D.C. Code, sec. 47-301(b)).

District of Columbia Health and Hospitals Public Benefit Corporation

(INCLUDING TRANSFER OF FUNDS)

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11-212 (D.C. Code, sec. 32-262.2), $123,548,000, of which $45,313,000 shall be derived by transfer from the general fund, and $78,235,000 from other funds: *Provided*, That no appropriated amounts and no amounts from or guaranteed by the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) may be made available to the Corporation (through reprogramming, transfers, loans, or any other mechanism) which are not otherwise provided for under this heading until a restructuring plan for D.C. General Hospital has been approved by the Mayor of the District of Columbia, the Council of the District of Columbia, the Authority, the Chief Financial Officer of the District of Columbia, and the Chair of the Board of Directors of the Corporation: *Provided further*, That for each payment or group of payments made by or on behalf of the Corporation, the Chief Financial Officer of the District of Columbia shall sign an affidavit certifying that the making of the payment does not constitute a violation of any provision of subchapter III of chapter 13 of title 31, United States Code, or of any provision of this Act: *Provided further*, That more than one payment may be covered by the same affidavit under the previous proviso, but a single affidavit may not cover more than one week's worth of payments: *Provided further*, That it shall be unlawful for any person to order any other person to sign any affidavit required under this heading, or for any person to provide any signature required under this heading on such an affidavit by proxy or by machine, computer, or other facsimile device.

District of Columbia Retirement Board

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1-711), $11,414,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Correctional Industries Fund

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88-622), $1,808,000 from other funds.

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, $52,726,000 from other funds.

Capital Outlay

(INCLUDING RESCISSIONS)

For construction projects, an increase of $1,077,282,000 of which $806,787,000 is from local funds, $66,446,000 is from highway trust funds, and $204,049,000 is from Federal funds, and a rescission of $55,208,000 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,022,074,000 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal Aid Highway Act of 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2002, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2002: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

General Provisions

Sec. 101. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

Sec. 102. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

Sec. 103. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

Sec. 104. (a) Requiring Mayor to Maintain Index.—Effective with respect to fiscal year 2001 and each succeeding fiscal year, the Mayor of the District of Columbia shall maintain an index of all employment personal services and consulting contracts in effect on behalf of the District government, and shall include in the index specific information on any severance clause in effect under any such contract.

(b) Public Inspection.—The index maintained under subsection (a) shall be kept available for public inspection during regular business hours.

(c) Contracts Exempted.—Subsection (a) shall not apply with respect to any collective bargaining agreement or any contract entered into pursuant to such a collective bargaining agreement.

(d) District Government Defined.—In this section, the term "District government" means the government of the District of Columbia, including—

(1) any department, agency or instrumentality of the government of the District of Columbia;

(2) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Home Rule Act or any other agency, board, or commission established by the Mayor or the Council;

(3) the Council of the District of Columbia;

(4) any other agency, public authority, or public benefit corporation which has the authority to receive monies directly or indirectly from the District of Columbia (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia); and

(5) the District of Columbia Financial Responsibility and Management Assistance Authority.

(e) No payment shall be made pursuant to any such contract subject to subsection (a), nor any severance payment made under such contract, if a copy of the contract has not been filed in the index. Interested parties may file copies of their contract or severance agreement in the index on their own behalf.

Sec. 105. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 106. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

Sec. 107. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

Sec. 108. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

Sec. 109. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

Sec. 110. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

Sec. 111. (a) None of the funds provided under this Act to the agencies funded by this

Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2001, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in this Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center; unless the Committees on Appropriations of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a reprogramming of funds which transfers any local funds from one appropriation to another unless the Committees on Appropriations of the Senate and House of Representatives are notified in writing 30 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed two percent of the local funds in the appropriation.

SEC. 112. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 113. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 114. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2001, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2001 revenue estimates as of the end of the first quarter of fiscal year 2001. These estimates shall be used in the budget request for the fiscal year ending September 30, 2002. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 115. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Code, sec. 1-1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 116. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99-177), the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 117. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99-177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 118. ACCEPTANCE AND USE OF GIFTS. (a) APPROVAL BY MAYOR.—

(1) IN GENERAL.—An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2001 if—

(A) the Mayor approves the acceptance and use of the gift or donation (except as provided in paragraph (2)); and

(B) the entity uses the gift or donation to carry out its authorized functions or duties.

(2) EXCEPTION FOR COUNCIL AND COURTS.—The Council of the District of Columbia and the District of Columbia courts may accept and use gifts without prior approval by the Mayor.

(b) RECORDS AND PUBLIC INSPECTION.—Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a), and shall make such records available for audit and public inspection.

(c) INDEPENDENT AGENCIES INCLUDED.—For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) EXCEPTION FOR BOARD OF EDUCATION.—This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 119. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Code, sec. 1-113(d)).

SEC. 120. (a) MODIFICATION OF CONTRACTING REQUIREMENTS.—

(1) CONTRACTS SUBJECT TO NOTICE REQUIREMENTS.—Section 2204(c)(1)(A) of the District of Columbia School Reform Act (sec. 31-2853.14(c)(1)(A), D.C. Code) is amended to read as follows:

"(A) NOTICE REQUIREMENT FOR PROCUREMENT CONTRACTS.—

"(i) IN GENERAL.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any procurement contract proposed to be awarded by the public charter school and having a value equal to or exceeding $25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 7 days prior to the award of the contract.

"(ii) EXCEPTION FOR CERTAIN CONTRACTS.—The notice requirement of clause (i) shall not apply with respect to any contract for the lease or purchase of real property by a public charter school, any employment contract for a staff member of a public charter school, or any management contract entered into by a public charter school and the management company designated in its charter or its petition for a revised charter.".

(2) SUBMISSION OF CONTRACTS TO ELIGIBLE CHARTERING AUTHORITY.—Section 2204(c)(1)(B) of such Act (sec. 31-2853.14(c)(1)(B), D.C. Code) is amended—

(A) in the heading, by striking "AUTHORITY" and inserting "ELIGIBLE CHARTERING AUTHORITY";

(B) in clause (i), by striking "Authority" and inserting "eligible chartering authority"; and

(C) by amending clause (ii) to read as follows:

"(ii) EFFECTIVE DATE OF CONTRACT.—A contract described in subparagraph (A) shall become effective on the date that is 10 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.".

(b) CLARIFICATION OF APPLICATION OF SCHOOL REFORM ACT.—

(1) WAIVER OF DUPLICATE AND CONFLICTING PROVISIONS.—Section 2210 of such Act (sec. 31-2853.20, D.C. Code) is amended by adding at the end the following new subsection:

"(d) WAIVER OF APPLICATION OF DUPLICATE AND CONFLICTING PROVISIONS.—Notwithstanding any other provision of law, and except as otherwise provided in this title, no provision of any law regarding the establishment, administration, or operation of public charter schools in the District of Columbia shall apply with respect to a public charter school or an eligible chartering authority to the extent that the provision duplicates or is inconsistent with any provision of this title.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the District of Columbia School Reform Act of 1995.

(c) LICENSING REQUIREMENTS FOR PRESCHOOL OR PREKINDERGARTEN PROGRAMS.—

(1) IN GENERAL.—Section 2204(c) of such Act (sec. 31-2853.14(c), D.C. Code) is amended by adding at the end the following new paragraph:

"(18) LICENSING AS CHILD DEVELOPMENT CENTER.—A public charter school which offers a preschool or prekindergarten program shall be subject to the same child care licensing requirements (if any) which apply to a District of Columbia public school which offers such a program.".

(2) CONFORMING AMENDMENTS.—(A) Section 2202 of such Act (sec. 31-2853.12, D.C. Code) is amended by striking clause (17).

(B) Section 2203(h)(2) of such Act (sec. 31-2853.13(h)(2), D.C. Code) is amended by striking "(17),".

(d) Section 2403 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.43, D.C. Code) is amended by adding at the end the following new subsection:

"(c) Assignment of Payments.—A public charter school may assign any payments made to the school under this section to a financial institution for use as collateral to secure a loan or for the repayment of a loan.".

(e) Section 2210 of the District of Columbia School Reform Act of 1995 (sec. 31-2853.20, D.C. Code), as amended by subsection (b), is further amended by adding at the end the following new subsection:

"(e) Participation in GSA Programs.—

"(1) In general.—Notwithstanding any provision of this Act or any other provision of law, a public charter school may acquire goods and services through the General Services Administration and may participate in programs of the Administration in the same manner and to the same extent as any entity of the District of Columbia government.

"(2) Participation by certain organizations.—A public charter school may delegate to a nonprofit, tax-exempt organization in the District of Columbia the public charter school's authority under paragraph (1).".

Sec. 121. Reporting Requirements for the District of Columbia Public Schools and the University of the District of Columbia. (a) The Superintendent of the District of Columbia Public Schools (DCPS) and the University of the District of Columbia (UDC) shall each submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by DCPS and UDC; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education;

(5) all reprogramming requests and reports that have been made by UDC within the last quarter in compliance with applicable law; and

(6) changes made in the last quarter to the organizational structure of DCPS and UDC, displaying for each entity previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Superintendent of DCPS and UDC shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall—

(1) set forth the number of validated schedule A positions in the District of Columbia public schools and UDC for fiscal year 2001, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary;

(2) set forth a compilation of all employees in the District of Columbia public schools and UDC as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number; and

(3) be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

(c) No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of DCPS and UDC shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and UDC for such fiscal year: (1) that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures; and (2) that is in the format of the budget that the Superintendent of DCPS and UDC submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301).

Sec. 122. (a) None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action or any attorney who defends any action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 250 percent of the hourly rate of compensation under section 11-2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 250 percent of the maximum amount of compensation under section 11-2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11-2604(c), District of Columbia Code; and

(3) in no case may the compensation limits in paragraphs (1) and (2) exceed $2,500.

(b) Notwithstanding the preceding subsection, if the Mayor and the Superintendent of the District of Columbia Public Schools concur in a Memorandum of Understanding setting forth a new rate and amount of compensation, then such new rates shall apply in lieu of the rates set forth in the preceding subsection to both the attorney who represents the prevailing party and the attorney who defends the action.

Sec. 123. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Sec. 124. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Code, sec. 36-1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

Sec. 125. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools (DCPS) in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93-198; D.C. Code, sec. 47-301), or before submitting their respective budgets directly to the Council.

Sec. 126. (a) Acceptance and Use of Grants Not Included in Ceiling.—

(1) In general.—Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104-8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) Requirement of chief financial officer report and authority approval.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) Prohibition on spending in anticipation of approval or receipt.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(b) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 2000, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 127. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2001 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198), the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 128. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 2000, an inventory, as of September 30, 2000, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 129. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2001 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—Section 2408 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–625.7), is amended as follows:

(1) Subsection (a) is amended by striking "September 30, 2000" and inserting "September 30, 2000, and each subsequent fiscal year".

(2) Subsection (b) is amended by striking "Prior to February 1, 2000" and inserting "Prior to February 1 of each year".

(3) Subsection (i) is amended by striking "March 1, 2000" and inserting "March 1 of each year".

(4) Subsection (k) is amended by striking "September 1, 2000" and inserting "September 1 of each year".

(c) No officer or employee of the District of Columbia government (including any independent agency of the District but excluding the District of Columbia Financial Responsibility and Management Assistance Authority, the Metropolitan Police Department, and the Office of the Chief Technology Officer) may enter into an agreement in excess of $2,500 for the procurement of goods or services on behalf of any entity of the District government until the officer or employee has conducted an analysis of how the procurement of the goods and services involved under the applicable regulations and procedures of the District government would differ from the procurement of the goods and services involved under the Federal supply schedule and other applicable regulations and procedures of the General Services Administration, including an analysis of any differences in the costs to be incurred and the time required to obtain the goods or services.

SEC. 130. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools (DCPS) student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 131. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 132. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2001 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 133. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 134. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 135. Subsection 3(e) of Public Law 104–21 (D.C. Code sec. 7–134.2(e)) is amended to read as follows:

"(e) INSPECTOR GENERAL AUDIT.—Not later than February 1, 2001, and each February 1 thereafter, the Inspector General of the District of Columbia shall audit the financial statements of the District of Columbia Highway Trust Fund for the preceding fiscal year and shall submit to Congress a report on the results of such audit. Not later than May 31, 2001, and each May 31 thereafter, the Inspector General shall examine the statements forecasting the conditions and operations of the Trust Fund for the next five fiscal years commencing on the previous October 1 and shall submit to Congress a report on the results of such examination.".

SEC. 136. No later than November 1, 2000, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

SEC. 137. (a) None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 138. (a) RESTRICTIONS ON LEASES.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless the lease and an abstract of the lease have been filed (by the District of Columbia or any other party to the lease) with the central office of the Deputy Mayor for Economic Development, in an indexed registry available for public inspection.

(b) ADDITIONAL RESTRICTIONS ON CURRENT LEASES.—

(1) IN GENERAL.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, in the case of a lease described in paragraph (3), none of the funds contained in this Act may be used to make rental payments under the lease unless the lease is included in periodic reports submitted by the Mayor and Council of the District of Columbia to the Committees on Appropriations of the House of Representatives and Senate describing for each such lease the following information:

(A) The location of the property involved, the name of the owners of record according to the land records of the District of Columbia, the name of the lessors according to the lease, the rate of payment under the lease, the period of time covered by the lease, and the conditions under which the lease may be terminated.

(B) The extent to which the property is or is not occupied by the District of Columbia government as of the end of the reporting period involved.

(C) If the property is not occupied and utilized by the District government as of the end of the reporting period involved, a plan for occupying and utilizing the property (including construction or renovation work) or a status statement regarding any efforts by the District to terminate or renegotiate the lease.

(2) TIMING OF REPORTS.—The reports described in paragraph (1) shall be submitted for each calendar quarter (beginning with the quarter ending December 31, 2000) not later than 20 days after the end of the quarter involved, plus an initial report submitted not later than 60 days after the date of the enactment of this Act, which shall provide information as of the date of the enactment of this Act.

(3) LEASES DESCRIBED.—A lease described in this paragraph is a lease in effect as of the date of the enactment of this Act for the use of real property by the District of Columbia government (including any independent agency of the District) which is not being occupied by the District government (including any independent agency of the District) as of such date or during the 60-day period which begins on the date of the enactment of this Act.

SEC. 139. (a) MANAGEMENT OF EXISTING DISTRICT GOVERNMENT PROPERTY.—Upon the expiration of the 60-day period that begins on the date of the enactment of this Act, none of the funds contained in this Act may be used to enter into a lease (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless the following conditions are met:

(1) The Mayor and Council of the District of Columbia certify to the Committees on Appropriations of the House of Representatives and Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended.

(2) Notwithstanding any other provisions of law, there is made available for sale or lease all real property of the District of Columbia that the Mayor from time-to-time determines is surplus to the needs of the District of Columbia, unless a majority of the members of the Council override the Mayor's determination during the 30-day period which begins on the date the determination is published.

(3) The Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District.

(4) The Mayor and Council within 60 days of the date of the enactment of this Act have filed with the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate a report which provides a comprehensive plan for the management of District of Columbia real property assets, and are proceeding with the implementation of the plan.

(b) TERMINATION OF PROVISIONS.—If the District of Columbia enacts legislation to reform the practices and procedures governing the entering into of leases for the use of real property by the District of Columbia government and the disposition of surplus real property of the District government, the provisions of subsection (a) shall cease to be effective upon the effective date of the legislation.

SEC. 140. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority and any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted, and the District's Chief Financial Officer shall provide to the Committees on Appropriations of the Senate and the House of Representatives by the 10th day after the end of each quarter a summary list showing each report, the due date and the date submitted to the Committees.

SEC. 141. The proposed budget of the government of the District of Columbia for fiscal year 2002 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the operational improvements savings, including managed competition, and management reform savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 142. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as "other", "miscellaneous", or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 143. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 144. Notwithstanding any other provision of law, the Mayor of the District of Columbia is hereby solely authorized to allocate the District's limitation amount of qualified zone academy bonds (established pursuant to 26 U.S.C. 1397E) among qualified zone academies within the District.

SEC. 145. (a) Section 11232 of the Balanced Budget Act of 1997 (sec. 24–1232, D.C. Code) is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j); and

(2) by inserting after subsection (e) the following new subsection:

"(f) TREATMENT AS FEDERAL EMPLOYEES.—

"(1) IN GENERAL.—The Trustee and employees of the Trustee who are not covered under subsection (e) shall be treated as employees of the Federal Government solely for purposes of the following provisions of title 5, United States Code:

"(A) Chapter 83 (relating to retirement).

"(B) Chapter 84 (relating to the Federal Employees' Retirement System).

"(C) Chapter 87 (relating to life insurance).

"(D) Chapter 89 (relating to health insurance).

"(2) EFFECTIVE DATES OF COVERAGE.—The effective dates of coverage of the provisions of paragraph (1) are as follows:

"(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation, August 5, 1997, or the date of appointment, whichever is later.

"(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

"(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

"(3) RATE OF CONTRIBUTIONS.—The Trustee shall make contributions under the provisions referred to in paragraph (1) at the same rates applicable to agencies of the Federal Government.

"(4) REGULATIONS.—The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection.".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997.

SEC. 146. It is the sense of the Congress that the District of Columbia Financial Responsibility and Management Assistance Authority should quickly complete the sale of the Franklin School property, a property which has been vacant for over 20 years.

SEC. 147. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 148. (a) Chapter 23 of title 11, District of Columbia, is hereby repealed.

(b) The table of chapters for title 11, District of Columbia, is amended by striking the item relating to chapter 23.

(c) The amendments made by this section shall take effect on the date on which legislation enacted by the Council of the District of Columbia to establish the Office of the Chief Medical Examiner in the executive branch of the government of the District of Columbia takes effect.

PROMPT PAYMENT OF APPOINTED COUNSEL

SEC. 149. (a) ASSESSMENT OF INTEREST FOR DELAYED PAYMENTS.—If the Superior Court of the District of Columbia or the District of Columbia Court of Appeals does not make a payment described in subsection (b) prior to the expiration of the 45-day period which begins on the date the Court receives a completed voucher for a claim for the payment, interest shall be assessed against the amount of the payment which would otherwise be made to take into account the period which begins on the day after the expiration of such 45-day period and which ends on the day the Court makes the payment.

(b) PAYMENTS DESCRIBED.—A payment described in this subsection is—

(1) a payment authorized under section 11-2604 and section 11-2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act);

(2) a payment for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code; or

(3) a payment for counsel authorized under section 21-2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986).

(c) STANDARDS FOR SUBMISSION OF COMPLETED VOUCHERS.—The chief judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals shall establish standards and criteria for determining whether vouchers submitted for claims for payments described in subsection (b) are complete, and shall publish and make such standards and criteria available to attorneys who practice before such Courts.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the assessment of interest against any claim (or portion of any claim) which is denied by the Court involved.

(e) EFFECTIVE DATE.—This section shall apply with respect to claims received by the Superior Court of the District of Columbia or the District of Columbia Court of Appeals after the expiration of the 90-day period which begins on the date of the enactment of this Act.

SEC. 150. (a) Effective 120 days after the date of the enactment of this Act, it shall be unlawful for any person to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1000 feet of a public or private elementary or secondary school (including a public charter school). It is stipulated that based on a survey by the Metropolitan Police Department of the District of Columbia that sites at 4th Street Northeast and Rhode Island Avenue Northeast, Southern Avenue Southeast and Central Avenue Southeast, 1st Street Southeast and M Street Southeast, 21st Street Northeast and H Street Northeast, Minnesota Avenue Northeast and Clay Place Northeast, and 15th Street Southeast and Ives Street Southeast are outside the 1000-foot perimeter. Sites at North Capitol Street and New York Avenue Northeast, Division Avenue Northeast and Foote Street Northeast, Georgia Avenue Northwest and New Hampshire Avenue Northwest, and 15th Street Northeast and A Street Northeast are found to be within the 1000-foot perimeter.

(b) The Public Housing Police of the District of Columbia Housing Authority shall prepare a monthly report on activity involving illegal drugs at or near any public housing site where a needle exchange program is conducted, and shall submit such reports to the Executive Director of the District of Columbia Housing Authority, who shall submit them to the Committees on Appropriations of the House of Representatives and Senate. The Executive Director shall ascertain any concerns of the residents of any public housing site about any needle exchange program conducted on or near the site, and this information shall be included in these reports. The District of Columbia Government shall take appropriate action to require relocation of any such program if so recommended by the police or by a significant number of residents of such site.

FEDERAL CONTRIBUTION FOR ENFORCEMENT OF LAW BANNING POSSESSION OF TOBACCO PRODUCTS BY MINORS

SEC. 151. (a) CONTRIBUTION.—There is hereby appropriated a Federal contribution of $100,000 to the Metropolitan Police Department of the District of Columbia, effective upon the enactment by the District of Columbia of a law which reads as follows:

"SECTION 1. BAN ON POSSESSION OF TOBACCO PRODUCTS BY MINORS.

"(a) IN GENERAL.—It shall be unlawful for any individual under 18 years of age to possess any cigarette or other tobacco product in the District of Columbia.

"(b) EXCEPTIONS.—

"(1) POSSESSION IN COURSE OF EMPLOYMENT.—Subsection (a) shall not apply with respect to an individual making a delivery of cigarettes or tobacco products in pursuance of employment.

"(2) PARTICIPATION IN LAW ENFORCEMENT OPERATION.—Subsection (a) shall not apply with respect to an individual possessing products in the course of a valid, supervised law enforcement operation.

"(c) PENALTIES.—Any individual who violates subsection (a) shall be subject to the following penalties:

"(1) For any violation, the individual may be required to perform community service or attend a tobacco cessation program.

"(2) Upon the first violation, the individual shall be subject to a civil penalty not to exceed $50.

"(3) Upon the second and each subsequent violation, the individual shall be subject to a civil penalty not to exceed $100.

"(4) Upon the third and each subsequent violation, the individual may have his or her driving privileges in the District of Columbia suspended for a period of 90 consecutive days.".

(b) USE OF CONTRIBUTION.—The Metropolitan Police Department shall use the contribution made under subsection (a) to enforce the law referred to in such subsection.

SEC. 152. Nothing in this Act bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 153. (a) Nothing in the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301 et seq.) may be construed to prohibit the Administrator of the Environmental Protection Agency from negotiating and entering into cooperative agreements and grants authorized by law which affect real property of the Federal Government in the District of Columbia if the principal purpose of the cooperative agreement or grant is to provide comparable benefits for Federal and non-Federal properties in the District of Columbia.

(b) Subsection (a) shall apply with respect to fiscal year 2001 and each succeeding fiscal year.

SEC. 154. (a) IN GENERAL.—The District of Columbia Home Rule Act, as amended by section 159(a) of this Act, is further amended by inserting after section 450A the following new section:

"COMPREHENSIVE FINANCIAL MANAGEMENT POLICY

"SEC. 450B. (a) COMPREHENSIVE FINANCIAL MANAGEMENT POLICY.—The District of Columbia shall conduct its financial management in accordance with a comprehensive financial management policy.

"(b) CONTENTS OF POLICY.—The comprehensive financial management policy shall include, but not be limited to, the following:

"(1) A cash management policy.

"(2) A debt management policy.

"(3) A financial asset management policy.

"(4) An emergency reserve management policy in accordance with section 450A(a).

"(5) A contingency reserve management policy in accordance with section 450A(b).

"(6) A policy for determining real property tax exemptions for the District of Columbia.

"(c) ANNUAL REVIEW.—The comprehensive financial management policy shall be reviewed at the end of each fiscal year by the Chief Financial Officer who shall—

"(1) not later than July 1 of each year, submit any proposed changes in the policy to the Mayor and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority (Authority) for review;

"(2) not later than August 1 of each year, after consideration of any comments received under paragraph (1), submit the changes to the Council of the District of Columbia (Council) for approval; and

"(3) not later than September 1 of each year, notify the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate of any changes enacted by the Council.

"(d) Procedure for Development of First Comprehensive Financial Management Policy.—

"(1) Chief Financial Officer.—Not later than April 1, 2001, the Chief Financial Officer shall submit to the Mayor an initial proposed comprehensive financial management policy for the District of Columbia pursuant to this section.

"(2) Council.—Following review and comment by the Mayor, not later than May 1, 2001, the Chief Financial Officer shall submit the proposed financial management policy to the Council for its prompt review and adoption.

"(3) Authority.—Upon adoption of the financial management policy under paragraph (2), the Council shall immediately submit the policy to the Authority for a review of not to exceed 30 days.

"(4) Congress.—Following review of the financial management policy by the Authority under paragraph (3), the Authority shall submit the policy to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate for review, and the policy shall take effect 30 days after the date the policy is submitted under this paragraph.".

(b) Clerical Amendment.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450A the following new item:

"Sec. 450B. Comprehensive financial management policy.".

(c) Effective Date.—This section and the amendments made by this section shall take effect on October 1, 2000.

APPOINTMENT AND DUTIES OF CHIEF FINANCIAL OFFICER

Sec. 155. (a) Appointment and Dismissal.—Section 424(b) of the District of Columbia Home Rule Act (sec. 47-317.2, D.C. Code) is amended—

(1) in paragraph (1)(B), by adding at the end the following: "Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the appointment takes effect."; and

(2) in paragraph (2)(B), by striking the period at the end and inserting the following: "upon dismissal by the Mayor and approval of that dismissal by a ⅔ vote of the Council. Upon approval of the dismissal by the Council, notice of the dismissal shall be submitted to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives for a 30-day period of review and comment before the dismissal takes effect.".

(b) Functions.—

(1) In general.—Section 424(c) of such Act (sec. 47-317.3, D.C. Code) is amended—

(A) in the heading, by striking "During a Control Year";

(B) in the matter preceding paragraph (1), by striking "During a control year, the Chief Financial Officer" and inserting "The Chief Financial Officer";

(C) in paragraph (1), by striking "Preparing" and inserting "During a control year, preparing";

(D) in paragraph (3), by striking "Assuring" and inserting "During a control year, assuring";

(E) in paragraph (5), by striking "With the approval" and all that follows through "the Council—" and inserting "Preparing and submitting to the Mayor and the Council, with the approval of the Authority during a control year—";

(F) in paragraph (11), by striking "or the Authority" and inserting "(or by the Authority during a control year)"; and

(G) by adding at the end the following new paragraphs:

"(18) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

"(19) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

"(20) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

"(21) Administering the centralized District government payroll and retirement systems.

"(22) Governing the accounting policies and systems applicable to the District government.

"(23) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

"(24) Not later than 120 days after the end of each fiscal year, preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4).".

(2) Conforming amendments.—Section 424 of such Act (sec. 47-317.1 et seq., D.C. Code) is amended—

(A) by striking subsection (d);

(B) in subsection (e)(2), by striking "or subsection (d)"; and

(C) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

Sec. 156. (a) Notwithstanding the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Code 1-601.1 et seq.), or any other District of Columbia law, statute, regulation, the provisions of the District of Columbia Personnel Manual, or the provisions of any collective bargaining agreement, employees of the District of Columbia government will only receive compensation for overtime work in excess of 40 hours per week (or other applicable tour of duty) of work actually performed, in accordance with the provisions of the Fair Labor Standards Act, 29 U.S.C. §201 et seq.

(b) Subsection (a) of this section shall be effective December 27, 1996. The Resolution and Order of the District of Columbia Financial Responsibility and Management Assistance Authority, dated December 27, 1996, is hereby ratified and approved and shall be given full force and effect.

Sec. 157. (a) In General.—Notwithstanding section 503 of Public Law 100-71 and as provided in subsection (b), the Court Services and Offender Supervision Agency for the District of Columbia (in this section referred to as the "agency") may implement and administer the Drug Free Workplace Program of the agency, dated July 28, 2000, for employment applicants of the agency.

(b) Effective Period.—The waiver provided by subsection (a) shall—

(1) take effect on enactment; and

(2) terminate on the date the Department of Health and Human Services approves the drug program of the agency pursuant to section 503 of Public Law 100-71 or 12 months after the date referred to in paragraph (1), whichever is later.

Sec. 158. Commencing October 1, 2000, the Mayor of the District of Columbia shall submit to the Senate and House Committees on Appropriations, the Senate Governmental Affairs Committee, and the House Government Reform Committee quarterly reports addressing the following issues: (1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets; (2) access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs; (3) management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency; (4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools; (5) improvement in basic District services, including rat control and abatement; (6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but which the District failed to spend the amounts received; and (7) indicators of child well-being.

RESERVE FUNDS

Sec. 159. (a) Establishment of Reserve Funds.—

(1) In general.—The District of Columbia Home Rule Act is amended by inserting after section 450 the following new section:

"RESERVE FUNDS

"Sec. 450A. (a) Emergency Reserve Fund.—

"(1) In general.—There is established an emergency cash reserve fund (in this subsection referred to as the 'emergency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than February 15 of each fiscal year (or not later than October 1, 2000, in the case of fiscal year 2001) such amount as may be required to maintain a balance in the fund of at least 4 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2004, such amount as may be required to maintain a balance in the fund of at least the minimum emergency reserve balance for such fiscal year, as determined under paragraph (2)).

"(2) DETERMINATION OF MINIMUM EMERGENCY RESERVE BALANCE.—

"(A) IN GENERAL.—The 'minimum emergency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds.

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2001, 1 percent.

"(ii) For fiscal year 2002, 2 percent.

"(iii) For fiscal year 2003, 3 percent.

"(3) INTEREST.—Interest earned on the emergency reserve fund shall remain in the account and shall only be withdrawn in accordance with paragraph (4).

"(4) CRITERIA FOR USE OF AMOUNTS IN EMERGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy to govern the emergency reserve fund which shall include (but which may not be limited to) the following requirements:

"(A) The emergency reserve fund may be used to provide for unanticipated and nonrecurring extraordinary needs of an emergency nature, including a natural disaster or calamity as defined by section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) or unexpected obligations by Federal law.

"(B) The emergency reserve fund may also be used in the event of a State of Emergency as declared by the Mayor pursuant to section 5 of the District of Columbia Public Emergency Act of 1980 (sec. 6-1504, D.C. Code).

"(C) The emergency reserve fund may not be used to fund—

"(i) any department, agency, or office of the Government of the District of Columbia which is administered by a receiver or other official appointed by a court;

"(ii) shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year; or

"(iii) settlements and judgments made by or against the Government of the District of Columbia.

"(5) ALLOCATION OF EMERGENCY CASH RESERVE FUNDS.—Funds may be allocated from the emergency reserve fund only after—

"(A) an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the emergency reserve fund; and

"(B) with respect to fiscal years beginning with fiscal year 2005, the contingency reserve fund established by subsection (b) has been projected by the Chief Financial Officer to be exhausted at the time of the allocation.

"(6) NOTICE.—The Mayor, the Council, and (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) the District of Columbia Financial Responsibility and Management Assistance Authority shall notify the Committees on Appropriations of the Senate and House of Representatives in writing not more than 30 days after the expenditure of funds from the emergency reserve fund.

"(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal year by the following fiscal year. Once the emergency reserve equals 4 percent of total budget appropriated from local funds for operating expenditures for the fiscal year, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding year to maintain a balance of at least 4 percent of total funds appropriated from local funds for operating expenditures by the following fiscal year.

"(b) CONTINGENCY RESERVE FUND.—

"(1) IN GENERAL.—There is established a contingency cash reserve fund (in this subsection referred to as the 'contingency reserve fund') as an interest-bearing account (separate from other accounts in the General Fund) into which the Mayor shall deposit in cash not later than October 1 of each fiscal year (beginning with fiscal year 2005) such amount as may be required to maintain a balance in the fund of at least 3 percent of the total budget appropriated for operating expenditures for such fiscal year which is derived from local funds (or, in the case of fiscal years prior to fiscal year 2007, such amount as may be required to maintain a balance in the fund of at least the minimum contingency reserve balance for such fiscal year, as determined under paragraph (2)).

"(2) DETERMINATION OF MINIMUM CONTINGENCY RESERVE BALANCE.—

"(A) IN GENERAL.—The 'minimum contingency reserve balance' with respect to a fiscal year is the amount equal to the applicable percentage of the total budget appropriated from local funds for operating expenditures for such fiscal year which is derived from local funds.

"(B) APPLICABLE PERCENTAGE DEFINED.—In subparagraph (A), the 'applicable percentage' with respect to a fiscal year means the following:

"(i) For fiscal year 2005, 1 percent.

"(ii) For fiscal year 2006, 2 percent.

"(3) INTEREST.—Interest earned on the contingency reserve fund shall remain in the account and may only be withdrawn in accordance with paragraph (4).

"(4) CRITERIA FOR USE OF AMOUNTS IN CONTINGENCY RESERVE FUND.—The Chief Financial Officer, in consultation with the Mayor, shall develop a policy governing the use of the contingency reserve fund which shall include (but which may not be limited to) the following requirements:

"(A) The contingency reserve fund may only be used to provide for nonrecurring or unforeseen needs that arise during the fiscal year, including expenses associated with unforeseen weather or other natural disasters, unexpected obligations created by Federal law or new public safety or health needs or requirements that have been identified after the budget process has occurred, or opportunities to achieve cost savings.

"(B) The contingency reserve fund may be used, if needed, to cover revenue shortfalls experienced by the District government for 3 consecutive months (based on a 2 month rolling average) that are 5 percent or more below the budget forecast.

"(C) The contingency reserve fund may not be used to fund any shortfalls in any projected reductions which are included in the budget proposed by the District of Columbia for the fiscal year.

"(5) ALLOCATION OF CONTINGENCY CASH RESERVE.—Funds may be allocated from the contingency reserve fund only after an analysis has been prepared by the Chief Financial Officer of the availability of other sources of funding to carry out the purposes of the allocation and the impact of such allocation on the balance and integrity of the contingency reserve fund.

"(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal year by the following fiscal year. Once the contingency reserve equals 3 percent of total funds appropriated from local funds for operating expenditures, the District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding year to maintain a balance of at least 3 percent of total funds appropriated from local funds for operating expenditures by the following fiscal year.

"(c) QUARTERLY REPORTS.—The Chief Financial Officer shall submit a quarterly report to the Mayor, the Council, the District of Columbia Financial Responsibility and Management Assistance Authority (in the case of a fiscal year which is a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), and the Committees on Appropriations of the Senate and House of Representatives that includes a monthly statement on the balance and activities of the contingency and emergency reserve funds.".

(2) CLERICAL AMENDMENT.—The table of contents for the District of Columbia Home Rule Act is amended by inserting after the item relating to section 450 the following new item:

"Sec. 450A. Reserve funds.".

(b) CONFORMING AMENDMENTS.—

(1) CURRENT RESERVE FUND.—Section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (sec. 47-392.2(j), D.C. Code) is amended—

(A) in paragraph (1), by striking "Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act" and inserting "For each of the fiscal years 2000 through 2004, the budget of the District government for the fiscal year"; and

(B) by adding at the end the following new paragraph:

"(4) REPLENISHMENT.—Any amount of the reserve funds which is expended in one fiscal year shall be replenished in the reserve funds from the following fiscal year appropriations to maintain the $150,000,000 balance.".

(2) POSITIVE FUND BALANCE.—Section 202(k) of such Act (sec. 47-392.2(k), D.C. Code) is repealed.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2000.

TREATMENT OF REVENUE BONDS SECURED BY TOBACCO SETTLEMENT PAYMENTS

SEC. 160. (a) PERMITTING COUNCIL TO DELEGATE AUTHORITY TO ISSUE BONDS.—

(1) IN GENERAL.—Section 490 of the District of Columbia Home Rule Act (sec. 47-334, D.C. Code) is amended—

(A) by redesignating subsections (i) through (m) as subsections (j) through (n); and

(B) by inserting after subsection (h) the following new subsection:

"(i)(1) The Council may delegate to the District of Columbia Tobacco Settlement Financing Corporation (hereafter in this subsection referred to as the "Corporation") established pursuant to the Tobacco Settlement Financing Act of 2000 the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations which are used to borrow money to finance or assist in the financing or refinancing of capital projects and other undertakings of the District of Columbia and which are payable solely from and secured by payments under the Master Tobacco Settlement Agreement. The Corporation may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection and the provisions of the Tobacco Settlement Financing Act of 2000.

"(2) Revenue bonds, notes, and other obligations issued by the Corporation under a delegation of authority described in paragraph (1) shall be issued by resolution of the Corporation, and any such resolution shall not be considered to be an act of the Council.

"(3) The fourth sentence of section 446 shall not apply to—

"(A) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

"(B) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

"(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

"(D) any amount obligated or expended for repair, maintenance, and capital improvements to facilities financed pursuant to this subsection.

"(4) In this subsection, the term 'Master Tobacco Settlement Agreement' means the settlement agreement (and related documents), as may be amended from time to time, entered into on November 23, 1998, by the District of Columbia and leading United States tobacco product manufacturers.".

(2) CONFORMING AMENDMENT.—The fourth sentence of section 446 of such Act (sec. 47-304, D.C. Code) is amended by striking "and (h)(3)" and inserting "(h)(3), and (i)(3)".

(b) WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR TOBACCO SETTLEMENT FINANCING ACT.—Notwithstanding section 602(c)(1) of the District of Columbia Home Rule Act (sec. 1-233(c)(1), D.C. Code), the Tobacco Settlement Financing Act of 2000 (title XXXVII of D.C. Act 13-375, as amended by section 8(e) of D.C. Act 13-387) shall take effect on the date of the enactment of such Act or the date of the enactment of this Act, whichever is later.

SEC. 161. Section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009-293), as amended by section 153 of the District of Columbia Appropriations Act, 2000, is amended—

(1) by amending the second sentence of paragraph (2)(B) to read as follows: "Of such amounts and proceeds, $5,000,000 shall be set aside for a credit enhancement fund for public charter schools in the District of Columbia, to be administered and disbursed in accordance with paragraph (3)."; and

(2) by adding at the end the following new paragraph:

"(3) CREDIT ENHANCEMENT FUND FOR PUBLIC CHARTER SCHOOLS.—

"(A) DISTRIBUTION OF AMOUNTS.—Of the amounts in the credit enhancement fund established under paragraph (2)(B)—

"(i) 50 percent shall be used to make grants under subparagraph (B); and

"(ii) 50 percent shall be used to make grants under subparagraph (C).

"(B) GRANTS TO ELIGIBLE NONPROFIT CORPORATIONS.—

"(i) IN GENERAL.—Using the amounts described in subparagraph (A)(i), not later than 1 year after the date of the enactment of the District of Columbia Appropriations Act, 2001, the Mayor of the District of Columbia shall make and disburse grants to eligible nonprofit corporations to carry out the purposes described in subparagraph (E).

"(ii) ADMINISTRATION.—The Mayor shall administer the program of grants under this subparagraph, except that if the committee described in subparagraph (C)(iii) is in operation and is fully functional prior to the date the Mayor makes the grants, the Mayor may delegate the administration of the program to the committee.

"(C) OTHER GRANTS.—

"(i) IN GENERAL.—Using the amounts described in subparagraph (A)(ii), the Mayor of the District of Columbia shall make grants to entities to carry out the purposes described in subparagraph (E).

"(ii) PARTICIPATION OF SCHOOLS.—A public charter school in the District of Columbia may receive a grant under this subparagraph to carry out the purposes described in subparagraph (E) in the same manner as other entities receiving grants to carry out such activities.

"(iii) ADMINISTRATION THROUGH COMMITTEE.—The Mayor shall carry out this subparagraph through the committee appointed by the Mayor under the second sentence of paragraph (2)(B) (as in effect prior to the enactment of the District of Columbia Appropriations Act, 2001). The committee may enter into an agreement with a third party to carry out its responsibilities under this subparagraph.

"(iv) CAP ON ADMINISTRATIVE COSTS.—Not more than 10% of the funds available for grants under this subparagraph may be used to cover the administrative costs of making grants under this subparagraph.

"(D) SPECIAL RULE REGARDING ELIGIBILITY OF NONPROFIT CORPORATIONS.—In order to be eligible to receive a grant under this paragraph, a nonprofit corporation must provide appropriate certification to the Mayor or to the committee described in subparagraph (C)(iii) (as the case may be) that it is duly authorized by two or more public charter schools in the District of Columbia to act on their behalf in obtaining financing (or in assisting them in obtaining financing) to cover the costs of activities described in subparagraph (E)(i).

"(E) PURPOSES OF GRANTS.—

"(i) IN GENERAL.—The recipient of a grant under this paragraph shall use the funds provided under the grant to carry out activities to assist public charter schools in the District of Columbia in—

"(I) obtaining financing to acquire interests in real property (including by purchase, lease, or donation), including financing to cover planning, development, and other incidental costs;

"(II) obtaining financing for construction of facilities or the renovation, repair, or alteration of existing property or facilities (including the purchase or replacement of fixtures and equipment), including financing to cover planning, development, and other incidental costs; and

"(III) enhancing the availability of loans (including mortgages) and bonds.

"(ii) NO DIRECT FUNDING FOR SCHOOLS.—Funds provided under a grant under this subparagraph may not be used by a recipient to make direct loans or grants to public charter schools.".

SEC. 162. (a) EXCLUSIVE AUTHORITY OF MAYOR.—Notwithstanding section 451 of the District of Columbia Home Rule Act or any other provision of District of Columbia or Federal law to the contrary, the Mayor of the District of Columbia shall have the exclusive authority to approve and execute leases of the Washington Marina and the Washington municipal fish wharf with the existing lessees thereof for an initial term of 30 years, together with such other terms and conditions (including renewal options) as the Mayor deems appropriate.

(b) DEFINITIONS.—In this section—

(1) the term "Washington Marina" means the portions of Federal property in the Southwest quadrant of the District of Columbia within Lot 848 in Square 473, the unassessed Federal real property adjacent to Lot 848 in Square 473, and riparian rights appurtenant thereto; and

(2) the term "Washington municipal fish wharf" means the water frontage on the Potomac River lying south of Water Street between 11th and 12th Streets, including the buildings and wharves thereon.

SEC. 163. Section 11201(g)(4)(A) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1201(g)(4)(A)) is amended—

(1) by redesignating clauses (vi) through (ix) as clauses (vii) through (x), respectively; and

(2) by inserting after clause (v) the following:

"(vi) immediately upon completing the remediation required under clause (ii) (but in no event later than June 1, 2003), transfer any property located south of Silverbrooke Road which is identified for use for educational purposes in the Fairfax County reuse plan to the County, without consideration, subject to the condition that the County use the property only for educational purposes;".

SEC. 164. (a) Section 208(a) of the District of Columbia Procurement Practices Act of 1985 (sec. 1-1182.8(a), D.C. Code) is amended—

(1) in paragraph (4)(A), by striking "the same auditor)" and inserting "the same auditor, except as may be provided in paragraph (5)); and

(2) by adding at the end the following new paragraph:

"(5) Notwithstanding paragraph (4)(A), an auditor who is a subcontractor to the auditor who audited the financial statement and report described in paragraph (3)(H) for a fiscal year may audit the financial statement and report for any succeeding fiscal year (as either the prime auditor or as a subcontractor to another auditor) if—

"(A) such subcontractor is not a signatory to the statement and report for the previous fiscal year;

"(B) the prime auditor reviewed and approved the work of the subcontractor on the statement and report for the previous fiscal year; and

"(C) the subcontractor is not an employee of the prime contractor or of an entity owned, managed, or controlled by the prime contractor.''.

(b) The amendment made by subsection (a) shall apply with respect to financial statements and reports for activities of the District of Columbia Government for fiscal years beginning with fiscal year 2001.

SEC. 165. Section 11201(g) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1201(g)) is amended by adding at the end the following new paragraph:

''(6) MEADOWOOD FARM LAND EXCHANGE.—

''(A) IN GENERAL.—If, not later than January 15, 2001, Fairfax County, Virginia, agrees to convey fee simple title to the property on Mason Neck in excess of 800 acres depicted on the map dated June 2000, on file in the Office of the Director of the Bureau of Land Management, Eastern States (hereafter in this paragraph referred to as 'Meadowood Farm') to the Secretary of the Interior, then the Administrator of General Services shall agree to convey to Fairfax County, Virginia, fee simple title to the property located at the Lorton Correctional Complex north of Silverbrook Road, and consisting of more than 200 acres identified in the Fairfax County Reuse Plan, dated July 26, 1999, as land available for residential development in Land Units 1 and 2 (hereafter in this paragraph referred to as the 'Laurel Hill Residential Land'), the actual exchange to occur no later than December 31, 2001.

''(B) TERMS AND CONDITIONS.—(i) When Fairfax County transfers fee simple title to Meadowood Farm to the Secretary of the Interior, the Administrator of General Services shall simultaneously transfer to the County the Laurel Hill Residential Land.

''(ii) The transfer of property to Fairfax County, Virginia, under clause (i) shall be subject to such terms and conditions that the Administrator of General Services considers to be appropriate to protect the interests of the United States.

''(iii) Any proceeds derived from the sale of the Laurel Hill Residential Land by Fairfax County that exceed the County's cost of acquiring, financing (which shall be deemed a County cost from the time of financing of the Meadowood Farm acquisition to the receipt of proceeds of the sale or sales of the Laurel Hill Residential Land until such time as the proceeds of such sale or sales exceed the acquisition and financing costs of Meadowood Farm to the County), preparing, and conveying Meadowood Farm and costs incurred for improving, preparing, and conveying the Laurel Hill Residential Land shall be remitted to the United States and deposited into the special fund established pursuant to paragraph (4)(A)(viii).

''(C) MANAGEMENT OF PROPERTY.—The property transferred to the Secretary of the Interior under this section shall be managed by the Bureau of Land Management for public use and recreation purposes.''.

SEC. 166. Section 158(b) of the District of Columbia Appropriations Act, 2000 (Public Law 106–113; 113 Stat. 1527) is amended to read as follows:

''(b) SOURCE OF FUNDS; TRANSFER.—An amount not to exceed $5,000,000 from the National Highway System funds apportioned to the District of Columbia under section 104 of title 23, United States Code, may be used for purposes of carrying out the project under subsection (a).''.

SEC. 167. The explanatory language contained in the Joint Explanatory Statement of the Committee of Conference for District of Columbia Appropriations contained in the Conference Report to accompany H.R. 4942 of the 106th Congress shall be considered to constitute a joint explanatory statement of a committee of conference for the provisions in this Act. References in this joint statement to the conference agreement mean the provisions in this Act, references to the House bill mean the House passed version of H.R. 4942, and references to the Senate bill mean the Senate passed amendment to H.R. 4942.

This Act may be cited as the ''District of Columbia Appropriations Act, 2001''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. MORAN of Virginia. Mr. Speaker, reserving the right to object, I would just like a statement from the gentleman from Oklahoma (Chairman ISTOOK) to make it clear for the record that there are no material changes to the bill as reported out by the conference in agreement with the Senate.

Mr. Speaker, I yield to the gentleman if he wants to give those assurances.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman from Virginia for yielding to me.

This is identical to the conference report on the original D.C. appropriations bill for fiscal year 2001, H.R. 4942, with one technical exception, that exception is simply adding a new section, section 167 that makes the joint explanatory statement in the conference report on H.R. 4942 to apply to this new bill.

Mr. Speaker, that is the only difference, and it is just a technical one for the sake of a clear record.

Mr. MORAN of Virginia. Mr. Speaker, with that confirmation, I have no objection. I am glad to see this pass with unanimous consent of both parties.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 14, 2000 at 1:35 p.m.

That the Senate passed without amendment H.J. Res. 125

That the Senate passed without amendment H. Con. Res. 442

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bills and joint resolution during the recess today:

H.R. 2346, to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

H.R. 4986, to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

H.J. Res. 125, making further continuing appropriations for the fiscal year 2001, and for other purposes.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH DECEMBER 4, 2000

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 14, 2000.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through December 4, 2000.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is agreed to.

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday, December 4, 2000, the Speaker, majority leader and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, DECEMBER 6, 2000

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, December 6, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TRIBUTE TO THE LATE DAVID R. BROWER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, I rise this evening with deep respect, and with profound sadness in paying tribute to one of the greatest environmentalists of our time, Mr. David R. Brower, who passed away on Sunday, November 5, at his home in Berkeley, California.

Mr. Brower's distinguished career of dedication and commitment to the preservation of our environment spanned more than fifty years.

As a young man, Dave Brower fell in love with our planet, which he called Earth Island.

He served as the executive director of the Sierra Club in 1952, and later, founded two important environmental organizations, the Friends of the Earth and the John Muir Institute for Environmental Studies.

In addition, in 1982, he founded Earth Island Institute, an organization that promotes protection and conservation of wilderness around the world.

During his lifetime, he led hard fought fights to establish numerous national parks and seashores, including Point Reyes in northern California, the Northern Cascades, and the California Redwoods.

Among these accomplishments, in the 1960's, Mr. Brower's activism was instrumental in preventing the construction of two major dams in the Grand Canyon.

He was also successful in stopping plans to build dams at the Green River in Utah that would have seriously altered the landscape of the Dinosaur National Monument.

Furthermore, Mr. Brower played a crucial role in the passage of the Wilderness Act of 1964, which preserved millions of acres of public land so that its natural conditions will remain for future generations to enjoy.

Mr. Brower's strong conviction and foresight did not come without personal sacrifice.

He took many hard stances for environmental protection that he believed would benefit humanity, sometimes against his colleagues, and many times against governmental agencies. And these sacrifices make Mr. Brower truly heroic.

The death of Mr. Brower is a great loss to our nation. I, along with Mr. Brower's immediate family, friends, admirers and supporters, feel this monumental loss.

But as we mourn his death, we also remember the legacy of hope and inspiration David left behind for us as a true leader in conservation.

His passion for preserving our planet's remaining wilderness, our national parks, and seashores is a remarkable model of how one person can mobilize people's consciousness to change and to better our lives and our world.

I cannot fully express enough gratitude for the contributions David Brower has made to our society and to the viability of our planet, but I can say that he literally changed the world for the better.

Mr. Speaker, I would like to extend my deepest condolences to the late Mr. Brower's wife Anne, his four children Kenneth, Robert, Barbara, and John, his grandchildren, his friends, and supporters throughout the world.

To Mr. Brower—May the Earth receive you with the love and compassion that you gave it, and may God Bless You.

ENJOYING SERVICE AS MEMBER OF CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I rise today, because it is one of my last opportunities as a Member of this body to address my colleagues about whatever I might want to, and today I particularly want to say how much I have enjoyed my service as a messenger over the last 20 years. What a great honor and privilege it has been to have been a Member of this body.

I made many friends. I fought many battles on the floor of this House, and I would like to believe that my service will be left as very constructive. We had lots of things that happened in my tenure in serving the eighth district of Florida and prior to that, the fifth district; but we actually closed during that period of time nearly 40,000 cases for constituents in casework; nearly 400 high school interns came to Washington, D.C. to meet the Members of Congress, visit the House floor, attend congressional hearings and tour historic monuments, memorials, under my intern program; 422 high school students have received nominations during those years for my office to the Nation's military academies; 199 have received appointments; 15 senior interns participated in the Congressional Senior Intern Program to gain a first-hand look at how our government works and to provide valuable opinions on important issues; 8 High School pages have participated in the Congressional Page Program; 19 congressional art competitions have led to 19 works of high school art students hanging in the halls of this Congress.

I am proud of all of those. I am certainly proud of the staff work that has been done both personal staff and committee staff on my behalf and on the behalf of my constituents in the Nation over these years.

I can stand before you today and site legislative accomplishments and specifics; I am not going to do that. I look ahead more than I look back. I always have, and when one door closes another one opens. And I think that is what this Nation is about.

It is our young people that is what it is about. It is about the next generation, that is why we all serve in public life, that is why I served, that is what I am most proud of.

The contributions each of us make as we pass may be a small contribution now, but that can grow much greater later. And it is the duty, I think, of every American to participate in the electoral process and in the process of governance. Sometimes it may be in public office, sometimes it may be being no more than voting, but I hope that most young people who come forward in the near term will participate much more vigorously, getting involved in elections, being participants in their communities and community activities and in many other ways.

When they do so, I would like to believe that they will look at the next few years as pivotal years. We are the greatest free Nation in the history of the world. Our Founding Fathers gave us a Constitution with its checks and balances that make us like no other Nation. We have opportunities for everyone. Equal opportunities, if you just take advantage of them.

We are not perfect. Nobody is, but when you look around the world, you will see what a great Nation we have and what a great government we have.

□ 1745

In our institutions, I think that better government, not bigger government should rule the day; that when decisions can be made at the local level of government, that is where they should be made: the city level, the county level, the State level, the local school boards. Only as a last resort does Washington do it and only, of course, under certain constitutional circumstances.

I think that is the guiding principle that our Founding Fathers gave us, and it is one that I hope we all will cherish into the future. I believe that, in the nearer term, to make that more meaningful for all of us, there are several things that need to be done. I have to leave that to my colleagues in the next Congress since I will not be here for that.

One of those is, of course, principled in the idea of choice. I happen to believe that choices should be maximized for individuals. The government should be not making decisions for us, especially in Washington, where we can make them for ourselves. Whether that is in the realm of education, whether that is in the realm of Medicare or Social Security or whatever it is, the more choices that we can give to people to make them themselves rather than government making those decisions, rather than the government being our parent, if you will, the better off we will all be.

That is the same with local government. I believe that we should, as a Congress and as a Nation, at the Federal level delegate responsibility back to the States and the cities and the counties and let them make those decisions with the legislation we have here rather than making all the rules up either legislatively or administratively. I am for less regulation, less rules, more openness and more opportunity for locals to make those decisions and individuals to do it.

I think it is important in that same realm that we have tax simplification. We talk a lot about tax reform. I have since been here. I certainly do not believe we ought to have a tax on capital gains at all or double taxation on dividends or a tax on earned interest. I certainly do not think that we should have an estate or death tax or marriage penalty tax. It is important to reform those.

I think it is also important to have across-the-board tax cuts where ultimately everyone makes choices and decisions rather than targeted tax cuts where the government makes the choice only if one complies with this rule or that rule. But in the long run, the important part of tax reform is to make it simpler.

I would love to see a day, and I envision one, where every American can fill out their taxes, whatever it may be, be it income tax or sales tax or whatever, on a single sheet of paper. That is something that I would like to see. But as important as all of that is, I also believe that we have to rebuild our defenses. I believe that they have been built down way too far.

The next big challenge for this Congress, despite its differences, and it will have them, will be how do we rebuild those defenses the right way, to rebuild morale that is at its lowest point in years and years.

I urge my colleagues to do so, and I wish them well in making those decisions for our Nation's future.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, yesterday, November 13, I was unavoidably detained in my district and missed rollcall vote numbers 595 and 596.

I would like the RECORD to reflect that, had I been present, I would have voted no on both rollcall vote 595 and 596.

WHO WILL BECOME THE NEXT PRESIDENT?

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. SHERMAN. Mr. Speaker, I know that some of my colleagues have had to rush back to their office. One or two of them will hopefully join me here if they are of like mind and join in this discussion of what is the issue that is gripping America today; and that is the issue of who will become the next President, but more important, whether we can continue to have confidence in the democratic institutions of this country.

Now, let me deal with some of the basics first. The election last Tuesday produced a very clear winner of the popular vote. These were the results that were reported. My colleagues can read the numbers here. But GORE received almost a quarter of a million votes more than Mr. Bush. Now, I say a quarter million, because I know that the vast majority of ballots that have yet to be counted even today are absentee ballots from the State of California.

Mr. Speaker, I am from California. It is my business to know how absentee ballots and particularly late absentee ballots are likely to come in. I am confident that when those California votes are tabulated, not only will Mr. GORE have a lead of over 200,000, but a lead of 250,000.

But that is the popular vote, and we are a Nation dedicated to the rule of law. Our law calls for the electoral college to operate. But for that college to operate, there has to be a fair count and a fair vote in each State. That is why we must turn our eyes to the State of Florida where we will see a genuine contest.

One side in that contest is trying to seize power through political power, chiefly through the power of the governorship of Florida and the Secretary of State of the State of Florida, two elected officials, and is trying to malign the rule of law or rather just malign the court system, which is pretty much the same thing.

See, one can be a football coach who says I believe that football should be played by the rules, but first we have got to kick all the referees off the field. We all have been angry at a call by a referee. I have been in stadiums where people yell "kill the ref." I have never quite joined in such a statement. But imagine what football would be like if there were no referees or if there was an attempt to go to someone paid by one of the teams and have them arbitrate the disputes.

Now, our courts are not perfect. But they are far less political, let me tell my colleagues, than those of us who are elected officials.

So I would hope that the courts of Florida would ultimately and quickly resolve the issues that are before us. Now, the main issue before us is how the votes in the counties of Florida are going to be counted. But before we get there, I would like to focus a little bit on the ballot in Palm Beach County, the famous butterfly ballot.

Here is a picture of it. We have all seen it. It is confusing; 19,000 people double punched on this ballot. Some of them had voted for Buchanan by mistake and thought they could correct it by punching a hole for GORE. Some of them saw two holes to the right of the Democratic candidate and thought that, if they wanted to vote for GORE and LIEBERMAN, they needed to punch both holes to the right. Some were simply confused by an array of arrows pointing in different directions, left and right to a row of holes.

Now, it is said that the voters could have known about this ballot by looking at their sample ballot. Well, without the holes, this ballot tells one nothing. A sample ballot comes in, the names all seem to be there, the people glance at it, and decide who to vote for and then show up on election day. To say that looking at the ballot without the holes is the same as looking at it with the holes is simply absurd.

But it is not enough that the ballot is confusing. In fact, I believe that there is a Florida court decision that says that, if a ballot is merely confusing, the courts will not provide redress to those who were confused.

We are a Nation of the rule of law. But the Florida courts were very clear when the Supreme Court of the State of Florida ruled 2 years ago, in Beckstrom versus Volusia County Canvassing Board, that is Volusia County Canvassing Board, that where there is not only confusion, as there clearly was in this case, but also noncompliance with statutory procedures.

Then the court must provide redress, must adjust the election or allow for a new election if there is reasonable doubt as to whether the certified election expressed the will of voters and when that doubt extends to who won the election.

Well, there are more people in the cloakroom some of the times than the number of ballots that separates Mr. Bush from Mr. GORE in the vote in Florida. There is no doubt that any confusion in Palm Beach County could well have affected the result of the Presidency of the United States. There is no doubt that the ballot was confusing.

Many on the day of the election before they realized how important it would turn out to be started complaining about that confusion. There is no doubt that this ballot was in violation of Florida law, not just that it was confusing, not just a vague law of Florida that the ballot should be clear and unconfusing, but two very specific statutes.

The first Florida statute that is violated by this ballot is the one that requires that the names be on the left and the holes be on the right for every candidate for public office. Here, as we see, some of the names are on the left and the holes are on the right and sometimes the name is on the right and the hole is on the left.

Now when one looks at that Florida statute, just reading through a statute book, its wisdom is not all that apparent. The reason for complying with the law may not be all that clear. But it is by violating that law that the officials in Palm Beach County created the ballot that now has the whole world watching Florida.

The second statute in Florida also requires that the first ranking on the ballot, the first listing and the first hole goes to the party that won the last gubernatorial election in Florida. That is the Republican Party. My colleagues will notice the Republican Party on this butterfly ballot has the first listing and the first hole.

The second listing and the second hole is supposed to go to the party that came in second in the last gubernatorial election. That is the Democratic Party. As my colleagues can see, well, the Democratic Party does not have the second hole; the Democratic Party has the third hole. Whether one views it as the second listing or the third listing depends upon whether one has a tendency to go from left then right or left column and then right column. But one thing is very clear, this ballot does not award the second hole to the Democratic Party.

Every voter in Florida had the right to a ballot with the names on the left and the holes on the right. Every voter in Florida had a right if they wanted to vote for the Republican Party to punch the first hole; and if one wanted to vote for the Democratic Party for any office, punch the second hole.

Yet on this ballot, the second hole is for Pat Buchanan. That is why Pat Buchanan himself says that there are quite a number of votes, hundreds or perhaps thousands in Palm Beach County alone, that were registered as being for him but were not people who intended to vote for him.

So we are told that maybe there were not that many people confused. Well, the number of people voting for Pat Buchanan in this county and in this particular precinct exceeded any imaginable count for Pat Buchanan, even imaginable by him. But there were not only the Pat Buchanan ballots, but also those that were double-punched.

Now, in every election, there are people who just skip an office, even the Presidency. They go in, they say I do not like Nader, I do not like Bush, I do not know Gore, and I do not know who the Workers World Party is; and I am not going to vote for any of them, and they skip it. I am not talking about people who completely skip the Presidency. I am talking about those who voted twice due to a confusing ballot.

Now, in the 1996 election, far fewer people voted twice. James Baker, spokesman for the Bush campaign has tried to argue that there were 14,000 people who voted twice in Palm Beach County 4 years ago. That is not just fuzzy math, that is false math. See, that 14,000 figure is the sum of everybody in 1996 who just skipped the Presidential race, did not like Dole, did not like Clinton, just skipped it, and those who double-punched.

□ 1800

In fact, the number who double-punched last election was well less than half the number who double-punched in this election. This ballot was not only confusing, it led to confusion.

So what do we do about it? That needs to be determined, and it needs to be determined in the courts of Florida. But when faced with a similar circumstance, the courts have either ordered a new election or, and I do not recommend this approach at all, but Florida courts have done it, they have just statistically, quote, "corrected the ballot count." I do not think that is the way for the courts of Florida to go in something as important as the Presidency.

So I do not know whether the people of Palm Beach County will have their right to vote trampled upon by an illegal, as well as confusing, ballot and a refusal of the Florida courts to grant a revote. I know that that issue will not be reached for a while. But before we allow our impatience with this process to govern its outcome, let us remember how many Americans have died for the right to vote, not just in the suffragette movement, not just in the Civil Rights movement; but in every war America fought, people fought and died for our democracy. We can wait another week, even another 2 weeks, even 3 weeks.

In fact, there is no particular rush at all. Mr. Speaker, on January 6 at 1 p.m. in this very room the electoral vote tallies from each of the 50 States and the District of Columbia will be presented at that desk, and they will be added up and tallied by the Senate and the House of Representatives assembled in this room. On January 6. And if it takes Florida till about then to be absolutely certain how its electoral college votes should be cast, in a way that reflects the majority of voters, what is more important, our own impatience or our dedication to honor those who died to give us and to preserve for us a democracy?

Now, in talking about a revote, which might be necessary in Palm Beach, I am jumping the gun a little bit. None of the candidates for President has called for such a revote because the focus now is just to accurately count the votes in the 67 counties of Florida. And here there has been an attempt by one politically elected partisan officeholder to thwart an accurate count. That worries me. I am talking about Katherine Harris, Secretary of State of Florida, who is also co-chair of the Bush campaign in Florida. Unfortunately, she seems to be wearing her hat as co-chair of a campaign rather than as chief election officer, because I will review all of the obstacles that have been placed by the office of the Florida Secretary of State in the way of an accurate vote of Florida's counties.

I want to quote Ms. Harris on one point. Ms. Harris is quoted as saying just a few days ago, and I am reading from the Palm Beach Post, November 14, that she would be passionately interested in a Federal post in foreign affairs or the arts if the Governor of Texas wins. To that end, according to this newspaper, she not only campaigned for Bush in Florida but had gone to New Hampshire, where the associated press reports that she had been part of the "Freezin' For a Reason Campaign" of Floridians flying to New Hampshire to campaign for Mr. Bush.

Now, I think it is just fine to campaign for someone to be President. I did. But my fear is that her self-confessed and announced passion for a position in the Bush administration is clouding her ability to carry out the prime responsibility of a State's chief election officer, and that is the accurate and fair conduct of elections. Passion for winning a post in the Federal Government should not control the decision-making process, but I fear it has.

It is pretty well acknowledged that a manual vote is the right way to do a recount. Let me put to rest some of the mistaken beliefs. First, it is said, oh, this is the second recount, the third recount, the tenth recount. Not true. Under Florida law, and not at the request of the Gore campaign or anybody associated with it, the counties of Florida did do a manual recount. That is up to them. The Gore campaign requested only one recount in four of the 67 counties. In the other counties, they said, fine, go ahead, we will not even request a recount. So the Gore campaign was in a position to request a recount in every county, but it requested only four.

The Bush campaign did not request a recount in any of those counties. But that is not because, as they claim, they are so dedicated to the machinery being more accurate, because many of us in this hall have been involved in elections and recounts and close elections involving punched cards and we all know, as the Governor of Texas knows, that the most accurate way to do a recount of a punched card election system is by hand, with people from both parties examining the ballots.

Now, why is that true? We live in an age where machines are praised and people are chided. But in this case, the invention of man, the machine, is not nearly as great as the creation of God. First of all, we are dealing with 1950s technology here. This is no Internet double-checked modem. This is a punch card. This is 1950s technology. And these machines we are talking about, even if one votes properly, doing everything according to the instructions, punch the hole hard and straight through the card, a chad can be left on that card, sometimes partially attached, sometimes hanging off the back, sometimes hanging off the back and then, in handling it, it swings back, so that the machine cannot determine.

As a matter of fact, the machine is erratic. Take a ballot that has been just slightly dimpled, run it through the machine, and sometimes it counts it, sometimes it does not. Take a ballot where there is a swinging door chad on the back. Sometimes the machine counts the ballot, sometimes not.

James Baker has cried out for standards. Of course, the counties of Florida have their standards, publish their standards, train their employees by the standards, do that training in front of a cable television camera, for those who are glued to their sets, and we know what those standards are. In fact, we can argue about those standards. I believe the Gore campaign argues in favor of counting a dimpled ballot and the people in Palm Beach, Florida may not be counting a dimpled ballot, that is to say one where there is an impression but no perforation. Well, we should know what the standards are, we ought to try to agree on those standards, and we ought to make sure that every challenged ballot is counted according to standards.

What standards does the machine have? Sometimes dimpled ballot, yes; sometimes not. Sometimes swinging door chad; sometimes not. The machine is not talking. The engineers who made that machine are deep into retirement, and they are not talking either. Counting these cards by machine may be fast, but it is not the most accurate system.

Now, it is not enough for me to explain this, because the Governor of Texas already made his decision. In 1997, he signed into law a Texas statute, he signed it with his own pen, a new clearer statute for the State of Texas. What does it say? A manual recount shall be conducted in preference to an electronic recount. What does that mean? It means in Texas, if there are two candidates and both want a recount, the candidate who wants a machine recount only has to post a bond from which the fee may be taken, he may not get back his bond, his money, of $18 a precinct. Another candidate, more interested in accuracy, has to pay $30 a precinct as his or her bond.

And what if two candidates both want a recount? The candidate who wants a manual recount is preferred; that is to say, not necessarily to win the election, but the request for a manual recount has preference under the law of the State of Texas. Why? Because George W. Bush, when he signed this law, knew full well that a manual recount, while it may be a little more expensive, and by God I think the Presidency is worth $30 a precinct, while a manual recount may be a little more expensive and time consuming, it has preference because it is more accurate.

So why does James Baker tell us to use machines? He tells us that Texas has standards and Florida does not. Well, first, Florida does have standards. They simply vary from county to county. But the Palm Beach standards are as good as the Texas standards, the Broward standards are as good as the Texas standards. But if James Baker was not trying to obstruct an accurate recount, if he was hoping to have the votes counted accurately, he would not be blocking a manual recount, he would be aiding it.

And how could he aid it? Let us read, please show us, because no one has seen them, those supposedly in existence Texas standards for dealing with these punch cards, which they also use in Texas. Do they count dimpled ballots in Texas? I do not know, but I would like to know. And frankly, if James Baker, if George W. Bush can provide us with better standards, let us see them. But they have no interest in improving the accuracy of a manual count. They want to block a manual count.

They refer to these machines as precision machines. These are machines that jam if the ballot is bent a little bit. The card is bent a little bit. They deride human beings as in error, even teams of three human beings working carefully with the TV cameras. They deride that as being faulty and praise a machine that cannot read a bent ballot, that would disqualify and disenfranchise one of our senior citizens who fought on Normandy or Iwo Jima for the right of America to have a democracy, for his right and our right to vote, and his vote is going to be ignored by this supposed precision machine because, well, the ballot has a crease in it.

I cannot believe that the Governor of Texas would want to dishonor the oval office by sitting there only because creased ballots are not counted. I cannot imagine that someone would want to be President in denigration of the votes of a majority of the States with a majority of the electoral college votes. I understand he wants to be President, and it is his right to be President if he does not have a majority of the popular vote nationwide. But if he does not have a majority in States representing a majority of the electoral college, then he dishonors the Presidency by demanding it; and he places his own desire for power above patriotism when he does everything possible to get a woman who is passionately dedicated to holding office in his administration to deny the most accurate vote count.

□ 1815

Now, Mr. Speaker, I do want to deal with some of the other more extraneous issues that have come up, but first I want to deal with one more aspect of the argument as to what is the best type of count, the most accurate count. You see, Mr. Speaker, we serve here in the United States Congress, and four Republican candidates, let me repeat that, four Republican candidates for Congress have demanded and obtained manual recounts. They were Republicans, they wanted to sit in these chairs, and they got manual recounts.

By God, if filling one of these chairs is worthy of a manual recount, then certainly filling the chair in the Oval Office is worthy of a manual recount. You see, when John Ensign wanted to sit in the United States Senate in 1998, we gave him a manual recount, or the State of Nevada gave him a manual recount. Bob Dornan got more than one manual recount. Peter Torkildsen, in 1996, demanded and got a manual recount. And, finally, Rick McIntyre in 1994, Republican candidate, got a manual recount, and throughout that process his cause was passionately advocated by then Congressman Dick Cheney. So Dick Cheney thinks that a manual recount is appropriate in filling a seat in this hall. George Bush signs a law in his own State saying that a manual recount has preference whether you are filling the governorship of Texas or the lowest county clerk in the smallest county, lowest or smallest county clerk in the smallest county. But somehow obstacles are placed. But I think ultimately these obstacles will be ineffective because ultimately the side of democracy will prevail, and the same divine providence that has given us a democracy for these 200 years and many more will make sure that we have democracy in this election.

Now, first they went to Federal court. They attacked and vilified courts. They have particularly attacked and vilified the Federal courts, those on the Republican side, often from this Chamber. They ran to Federal court, not for the purpose of seeking a more accurate count but for the purpose of demanding a less accurate count. And the Federal court turned them down, and they turned around and they appealed to the 11th Circuit, a very Republican, very conservative Federal court, and I am confident that they will be turned down there as well. Because not only should a court not interfere to provide for a less accurate voting system but certainly the Federal courts should not interfere in what under our Constitution is very clearly a State matter.

Then they went to the Secretary of State and demanded a 5 p.m. deadline.

Why? To make sure that in Volusia County they had to stay up all night to do the manual recount and make the deadline so then James Baker could go on TV and say, "These human beings, you can't trust them, they were tired." Why were they tired? Because your person is imposing an unreasonable recount deadline, particularly unreasonable given the fact that Florida will not finish counting the absentee ballots from overseas until 5 p.m. Friday. So there is no speed-up here of when Florida will finish its vote tally. The sole purpose is not speed. The sole purpose is inaccuracy. And they hope to achieve it.

So then a court in Florida took a look at it and said, okay, all the counties can report their results by 5 p.m. today, and then they can go back and do a manual recount should they desire, and if they are dedicated to democracy they will, and then report that as a supplemental report. It will then be up to Ms. Harris to decide whether her passion for a Federal office exceeds her dedication to an accurate vote count, because then she will be confronted with whether to ignore this report or whether to record it. But if she arbitrarily and in passion for Federal office decides to ignore an accurate count, I am confident that the courts of Florida will order her to do the right thing. This election is too important to be decided by Ms. Harris' interest in a position in the arts or in foreign affairs in the Federal Government.

There is one other point I want to make, and, that is, we are told that we should ignore the problems in Palm Beach County because the press said some things they should not have said at around 20 minutes before the polls closed in the Florida panhandle. Keep in mind, a decade or two ago, the press would routinely report all through the day their exit polls and they would call States in the 1970s and the 1980s, they would call them just as soon as they could, whether the polls had closed in part of a State or none of the State or all of the State.

I am not prepared to throw out all the elections in the 1970s and 1980s just because the press did not have the good ethics which they have tried unsuccessfully to adopt for this election. But if we are going to start equating illegal ballots on the one hand to false press reports on the other, I would ask everyone to just make a mental checklist of how many false press reports we have had prior to the election, after the election. Are we going to disqualify the election just because at least to my way of thinking the press misreported the economic effect of Bush's Social Security plan? The press has a constitutional right under the first amendment to say what it wants, when it wants, where it wants. And the fact that they violated their own internal rules, adopted by some of them and not by others apparently, is no reason to throw out an election any more than the many times when the press violated its own rules of ethics by shifting a little bit this way or a little bit that way in a news report that should have been straight down the middle.

I see that I have been joined by the gentlewoman from Texas. Before I yield to her, I will ask how much time I have remaining.

The SPEAKER pro tempore (Mr. VITTER). The gentleman has 26 minutes remaining.

Mr. SHERMAN. With that, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from California for yielding. He has always been so articulate on issues dealing with taxation, and I am delighted that he has begun an explanation to the American people that is really, I believe, a key to understanding where we are on this day. This is Tuesday. It is now 7 days past the November 7 election that was held. I have several points that I would like to make clear. First of all, let us all acknowledge that we hold dear the right to elect the single candidate or the single person that represents all of the people of the United States. The House of Representatives is a people's House. We represent our respective congressional districts. The United States Senate has two Senators per State. But when it comes to the person that represents all Americans, it is in fact the President of the United States. Secondarily, we are a country that is guided by laws. We are governed by law, and we accept the governance of law as men and women under the laws and the flag of the United States of America. So we are not a country so much run by people, and when I say that, run by the whims that one group may have over another. We have laws that may govern decisions that are made. And the people concede to the laws, and the people express their voices about the laws or political choices through the vote.

Now, in a newspaper article that was dated on Thursday, November 9, we find that 105 million voters set a record turnout. Some 76 percent of the registered voters went to the polls. Interestingly enough, Vice President GORE is now at this juncture the leader in the popular vote and, of course, the electoral count, even though we realize that Florida is still in play. Now, I respect all of the local officials that we have come to know in Florida, the local canvassing committees, the superintendent of elections. Each and every one of them has made their best effort. And like my colleague from California, I acknowledge that there were counts or calls being made before the eastern time zone of Florida, the panhandle area, was able to vote. But we know that they voted. Hopefully they voted. And I agree that the kind of calling of numbers should be considered when we do not want to disenfranchise voters. But might I say that the calling, the original call for GORE was based upon exit polling. People went out of the polls thinking, particularly in Palm Beach County, that they had voted for the Vice President.

Now, I went to Nashville, obviously after we had concluded our work in Texas, and let me congratulate the elected officials in Texas and all the workers in Texas because we certainly worked very hard and we worked in agreement and disagreement, meaning that there were those who went and voted strongly for Governor Bush and those who voted for Vice President GORE, and we accept our differences and realize that this is democracy.

I went on to Nashville after they had called Florida for the Vice President. Let me make it perfectly clear, the Vice President was in no way eager to delay or to not respect the fact that this may have been a win for the Governor of the State of Texas. It was those individuals who were keeping watch that encouraged the Vice President to hold his decision to move forward with a concession speech because all had not been counted. This is not an instance where one man is grabbing power to create disarray in this country. And it is important to note that there is no constitutional crisis. In fact, the transfer of power does not occur until January 20, 2001. In fact, December 18 is more than 3 to 4 weeks away.

So what do we need to do in this period that we have? We need to allow Volusia County, Palm Beach County, Miami-Dade County I understand is proceeding with a recount, and I believe Broward County is reconsidering. We need to have the kind of manual recount that the 1997 law that Governor Bush signed into law for the State of Texas brings about. And I think the decision that Judge Lewis rendered today should be emphasized, and that is that the court held that the Secretary of State cannot arbitrarily declare that she will not permit votes to be counted that are received after 5 p.m. but that she must receive and be prepared to consider vote counts that are reported after that time. That was the principal objective of all of those who were arguing that the Secretary of State's decision was arbitrary in the first place not to allow the recount to occur.

This is not a decision from the top down. This is a decision or a desire from the bottom up. The people of Palm Beach County and other counties desire to have a manual recount. Yes, it was asked for officially within the time frame by the Gore camp but rightfully so in light of those who had argued that they were sorely confused when they went in and saw a ballot that had the areas to poke in contradiction to the memo that was sent out that all of those holes that should be pointed should have been to the right as opposed to some to the left.

So what we have at hand is an opportunity to have the Presidency earned and not handed to one candidate over another. You can be assured that the history of this Nation, some 400 years strong, will be a history that will warrant and will bring about a unified Nation that will rally around the ultimate winner of this Presidential election.

Why are we fearful? Why are we frightened? Why are we hesitant to know the actual winner? Why do we disallow the State of Florida, which is in play, and someone has said to the distinguished gentleman from California, well, we have got troubles in Iowa and troubles in Wisconsin and troubles in Illinois and troubles in New Mexico. If the people speak in those respective States, we will listen. But in the State of Florida, Florida is the key State that deals with whether or not either of the gentlemen will be the next President of the United States. That is the 25 electoral votes that are now in question. And it is the people of that State who have argued that they were confused and that a series of violations thwarted their being able to fully and justly vote their conscience.

□ 1830

If you have people coming out of the polls saying, I thought I had voted for Gore, but now I believe I voted for someone else, and this State is a State that will put whatever candidate it is over the top to make that person the President of all of the Nation, with 105 million voters of all walks of life, and the controversy in Florida being representative of people from all walks of life, this is not a black or white issue, or Hispanic or white issue, or any kind of issue, other than an American issue and a voters issue.

I recall that in some of our early histories, we were not all counted as voters. Non-property owners were not counted as voters. African Americans in the early census were three-fifths of a person and certainly not counted as a voter. Women were not allowed to vote.

We have a new America today, and I believe that this is a rush to judgment, and I hope we present our case where it is not being personalized. It may be that I am a Democrat and someone else is a Republican, but I can assure those who might listen that if these issues were in the forefront of the Bush camp, they would be pursued as vigorously by their constituency base as others.

I also note that I do not think any of us, I would say to the gentleman from California (Mr. SHERMAN), I do not think any of us have rejected any call for recounts by Governor Bush. I have not heard anyone say that they did not want it or we would stand in the way of it. I think whatever the rules are of the State of Florida, he has every right to call for such.

Mr. SHERMAN. If I can interject here, the Governor of Texas had, for most counties, 72 hours. If he was dedicated to an accurate count, he could have in all the counties or some of the counties, he could have asked for a manual recount. He knew a manual recount was the more accurate way to do it. He signed the law for the State of Texas, your State, that says that that is the preferred method of a recount.

But they were so dedicated to using political push to try to shame anybody into asking, to try to use this political spin to prevent an accurate count, that they themselves allowed the deadline to go by and did not ask for a recount by hand in any of the counties of Florida. Then they complain that right now there are only four counties of Florida planning to do a manual recount. It is as a direct result of their decision, which they had plenty of time to consider, not to ask for a recount by hand.

But I would say that neither you nor I nor the Vice President have said that we would oppose a manual recount in any county in Florida, notwithstanding the point that, on the one hand, Governor Bush wants to have his cake by being able to pound the table and try to use political spin to prevent an accurate recount; and then he might, we hope, change his mind and ask for an accurate recount in some of the counties that he is concerned with. I do not think I would oppose it, and I do not think you would oppose it.

Ms. JACKSON-LEE of Texas. If I might do so in order to close on the comment I made, and I thank the gentleman for his kindness, in fact it has been brought to my attention that Mr. Baker had indicated that hand counts have only occurred in Democratic precincts. It has come to my attention that seven counties have done some form of hand counts, and Bush has carried six of those counties. They did that on their own.

Mr. SHERMAN. Exactly. In Seminole County, for example, there was a hand recount that provided Bush with an additional 90-some votes. He is claiming the Presidency; he wants it awarded to him immediately on the basis of a lead of about 300 votes. Over 100 of those come from the hand count in just one county where he can say he did not ask for it, but he wants the votes from it.

Ms. JACKSON-LEE of Texas. It occurred. I think that point is very important. Of course, when you get sort of global news reporting, those finite points do not get offered because it appears, of course, that the voices that speak are only partisan.

As a member of the Committee on the Judiciary, I can assure you that, obviously, we may be looking at these issues, these sort of issues that have been brought to our attention maybe for months and months to come. That certainly will not be the time frame that the Presidency will be extended or the question of who will be President, but I just do not want us to give short shrift to some of the important issues that have been raised.

I do want to note that a large number of Voting Rights Act violations have been cited that will have to be addressed. That is why we have the Voting Rights Act of 1965. The lack of bilingual individuals at the poll, the fact that minority voters were being stopped in certain polling places, first-time voters who sent in voter registration forms prior to the State's deadline for registration were denied the right to vote because their registration forms had not been processed, not their fault. Citizens properly registered were denied to vote because election officials could not find their names. These are very large issues in a Presidential election.

I am looking at several pieces of legislation, one to study the impact of the electoral college. I know there is existing legislation to eliminate it. I do not know if we can make these immediate judgment calls right now; but, again, let me emphasize that the Vice President is the beneficiary of the votes of large numbers of Americans. 105 million came out to vote. So his efforts, I would hope, would be more focused or be perceived to be focused, as I believe they are, on getting an accurate and fair count for a position as important as the Presidency of the United States.

With the Voter Rights Act violations in play, with the whole idea of the people themselves wanting to have a recount, Palm Beach County in particular, with 19,000 ballots being thrown out in a county smaller than my county in Harris County, which only had 6,000. We had 995,000 voters, 6,000 discarded ballots as I understand it, and in that county in Palm Beach, 19,000, with people saying I thought I had voted for Mr. Gore, and as well with the ballot irregularity that I think my colleague will speak about in the continuation of this discussion, I can only say that what we should be doing is applauding what is happening in the State of Florida to the extent that there is such diligence to ensure that there is a fair and accurate count.

I would ask the Secretary of State, duly obligated to the people of the State of Florida, to lay aside any desires for partisanship that may be viewed necessary at this time, and to allow the people that she represents to carry forth with the manual recount that is now going on.

I would also ask her discretion in bearing with these unpaid, I do not know how many of them are paid, but I know in my community they are volunteers, that if by chance Friday night they are not finished and Saturday evening they are not finished, that there be some opportunity for this to be followed through.

I thank the gentleman very much for allowing me the opportunity to join him in what I think should be an explanation that is a sincere explanation for the betterment of this country.

Mr. SHERMAN. I thank the gentlewoman. I appreciate the comments of the gentlewoman from Texas and the wisdom she brings us from her service on the Committee on the Judiciary.

I want to expand on one thing the gentlewoman pointed out, and that is the perception that someone who happens to want an appointment in the Bush administration, and says so to the press, and who chairs his campaign in Florida, would be making these decisions. The ultimate decision should be made by the courts.

Now, they are not perfect either; but I have spent the last several years in partisan politics, and to leave this in the hands of a partisan politician is a big mistake. Instead, the courts of the State of Florida should carefully review the discretion of the Secretary of State and make sure that she does not act in a capricious or arbitrary manner.

Now, I want to refocus our attention on the ballot in Palm Beach County and remind the House that in 1998 the Florida Supreme Court ruled in Beckstrom versus Volusia County Canvassing Board that if the court finds substantial noncompliance with statutory election procedures and makes a factual determination that a reasonable doubt exists as to whether a certified election expresses the will of the voters, then the court is to void the contested election, even in the absence of fraud or intentional wrongdoing.

I do not allege any fraud or intentional wrongdoing in Palm Beach, Florida, but the court decision of the Supreme Court of Florida is clear: substantial noncompliance with the statutory election procedures. This ballot violates those two Florida statutes, for example, the one that requires the name on the left and the hole to be on the right.

But the real confusion caused by this ballot became apparent on election day. The Washington Post reported last Saturday that by mid-morning of election day, voters were calling county commissioners, State legislators and other elected officials to complain about the confusing butterfly ballot and request that something be done. By mid-afternoon, local radio talk shows were bombarded with calls by people complaining about the ballot. Then a hastily written memo late in the afternoon was distributed from the county supervisor of elections to the various polling places, but they arrived after the vast majority of voters had already voted.

Those who want to say that the complaints about this ballot began only when the pivotal nature of the vote in Palm Beach County was apparent to the world are wrong. The protest began on election morning, when the first voters left the polls confused by this ballot, this illegal ballot.

Now, for example, you had one individual, Kurt Wise, who is president of the United Civic Organization at the Century Village Retirement Community, who said elderly voters confusion with the butterfly ballot was brought to his attention. People were crying. They were coming to us asking questions. The ballot form was lousy. They did not even know who they had voted for.

That is the report of the Washington Post from last Saturday. Tears the very morning of the election, not the morning after.

Then when some elderly voters became aware that the ballot had caused them to make a mistake, they were not given a second ballot, as is their right under Florida law if they turn in their damaged ballot. Bernard Holtzer, a retirement community inhabitant, said that after he unintentionally voted for Pat Buchannan, and after looking at this ballot you can see how he would make that mistake, a clerk refused his request for a second ballot. "I told the clerk I made a boo-boo and that I wanted a new ballot, and she told me there was nothing I could do about it." That was the New York Times, reporting last Saturday.

Then there were the poll workers who were told not to help voters with the problem, or any problem. They were under strict instructions to turn away voters who came to them with questions. Louise Austin, a precinct worker in Bolston Beach, said after getting beseeched by questions, she and other workers turned the voters away who were seeking assistance. "People were coming up to me, and I had to follow the directive, do not help anyone, do not talk to anyone." That is the report of the New York Times from last Saturday.

So we see that there were a lot of problems in Palm Beach; a confusing ballot, a ballot in violation of Florida statute, and a Florida Supreme Court decision from 2 years ago that makes it clear that, under these circumstances, a new vote in Palm Beach is called for.

But before we get to whether there is a new vote in Palm Beach, we have to get an accurate count of the votes cast on election day, and that is why I am so disappointed and saddened that the Governor of Texas is trying so hard to prevent an accurate count.

Again, let me turn to the statute he signed into law in Texas. A manual recount shall be conducted in preference to an electronic recount. When confronted by this, James Baker had to stop talking about precision machines, because the machines in Florida and those in Texas are identical, and in Texas Governor Bush signed the law that said the human being outranks the machine.

He instead had to talk about standards. He has not shown us the standards in Texas; but what is worse, he has not suggested particular standards to any county in Florida. If James Baker has good standards, if George W. Bush has good standards, if somewhere in the deep bowels of the bureaucracy of Texas there are standards that could be helpful in providing the best possible manual recount, we ought to see them.

Instead, we are told that the machines are better than the human being. A machine that would take the ballot of a veteran of World War II and disenfranchise that veteran because there was a crease in the ballot, that is not a machine that should determine the Presidency of the United States.

☐ 1845

So to sum up, Mr. Speaker, we have a misleading ballot in one county that was illegal and under Florida law should lead to a new election in that county. We have a recount that should ultimately, under the laws of the State of Florida, lead to being the tally of manual recounts in the 40 counties in which those manual recounts were duly applied for, and if Mr. Bush wants to announce to the world that he is suddenly in favor of manual recounts, then I do not see anyone who would oppose him if he tried to get a manual recount in some of those other counties. I would point out, though, that I think James Baker would have a tough time being his spokesperson on that issue.

Speaking of Mr. Baker's acting as spokesperson, there is one small aspect of this I really want to focus on, and that is the tendency of those on the Bush side to insult the parents of the campaign chairman on the Gore side. We have many heated debates here in the House, but I have never insulted the father of any Member, and I never thought that even if the father of a Member of this House had done something erroneous or wrong, that that would be a reason to discard and discount what that Member had to say. So why is it that James Baker finds it necessary to insult Bill Daley by insulting his father, as if insulting a man's father proves the rightness of one's case. If the best debater they have, James Baker, has nothing to say but "so is your old man", then they have run out of things to say on the Republican side.

With that, Mr. Speaker, I am hopeful that democracy will prevail in this country.

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, NOVEMBER 3, 2000

THE FOLLOWING RESOLUTIONS APPROVED BY THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE WERE INADVERTENTLY OMITTED

Congress of the United States,
House of Representatives, Committee on Transportation and Infrastructure,
Washington, DC, October 5, 2000.

Hon. J. Dennis Hastert,
Speaker, House of Representatives,
Washington, DC.

Dear Speaker Hastert: On Wednesday, September 27, 2000, the committee on Transportation and Infrastructure, pursuant to 40 U.S.C. §606, approved twenty-two resolutions concerning GSA's FY 2001 Capital Investment Program.

Please find enclosed copies of these resolutions.

With warm regards, I remain

Sincerely,

Bud Shuster,
Chairman.

Enclosures.

Committee Resolution: Amendment—United States Courthouse, Laredo, Texas

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to Section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized for the construction of a 147,196 gross square foot United States courthouse, including 34 interior parking spaces, located in Laredo, Texas, at an additional construction cost of $9,000,000, for an estimated construction cost of $34,372,000 for a combined total cost of $45,531,000, a modified prospectus for which is attached to, and included in, this resolution. This resolution amends Committee resolution dated February 5, 1992, which authorized appropriations in the amount of $20,390,000 for site acquisition and construction; Committee resolution dated May 13, 1993, which authorized appropriations in the amount of $3,793,000 for site acquisition and design; Committee resolution dated May 17, 1994, which authorized appropriations in the amount of $24,341,000 for management and inspection costs, and the estimated construction costs; and Committee resolution dated July 23, 1998 which authorized appropriations for additional site costs of $500,000, additional management and inspection costs of $2,233,000 and an estimated construction cost of $25,372,000.

Provided, That the construction of this project does not exceed construction benchmarks as established by the General Services Administration.

Committee Resolution: Lease—Internal Revenue Service, Fresno, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 531,976 rentable square feet of space for the Internal Revenue Service currently located at 5045 E. Butler, Fresno, CA, at a proposed total annual cost of $9,841,556 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Federal Emergency Management Agency, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 339,247 rentable square feet of space and 12 parking spaces for the Federal Emergency Management Agency, currently located at 500 C Street SW, Washington, D.C. at a proposed total annual cost of $14,248,374 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease. The General Services Administration is authorized to enter into an interim lease, pending award of a lease authorized by this resolution, provided that the term of any such interim lease may not exceed 8 years in length, inclusive of options.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Department of Justice, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 113,525 rentable square feet of space for The Department of Justice, currently located at 901 E Street, NW, Washington, D.C. at a proposed total annual cost of $4,768,050 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Department of Veterans Administration, Department of Justice, General Services Administration, Bureau of Alcohol, Tobacco and Firearms, U.S.-Japan Friendship Commission, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 151,367 rentable square feet of space and 10 indoor parking spaces for the Veterans Administration, Department of Justice, General Services Administration, Bureau of Alcohol, Tobacco and Firearms, and the U.S.-Japan Friendship Commission, currently located at 1120 Vermont Avenue, Washington D.C. at a proposed total annual cost of $6,357,414 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Department of Housing and Urban Development, Washington, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 95,569 rentable square feet of space for the Department of Housing and Urban Development, currently located at 470/490 L'Enfant Plaza, SW, Washington D.C. at a proposed total annual cost of $4,013,898 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Social Security Administration, Woodlawn, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 824,563 rentable square feet of space and 2,132 surface parking spaces for the Social Security Administration, currently located at 1500 Woodlawn Drive, Woodlawn, Maryland at a proposed total annual cost of $14,347,396 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Department of Health and Human Services, Rockville, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 143,494 rentable square feet of space and seven parking spaces for the Department of Health and Human Services, currently located at 6010 Executive Blvd and 2101 E. Jefferson, Rockville, Maryland at a proposed total annual cost of $4,161,326 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Immigration and Naturalization Service, Garden City, NY

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the

Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 86,250 rentable square feet of space and 625 outdoor parking spaces for the Immigration and Naturalization Service currently located at 711 Stewart Avenue, Garden City, NY, at a proposed total annual cost of $3,536,250 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease Amendment—Internal Revenue Service, Philadelphia, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 452,262 rentable square feet of space for the Internal Revenue Service currently located at 11601 Roosevelt Blvd, Philadelphia, Pennsylvania at a proposed total annual cost of $5,776,341 for a lease term of ten years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution of November 10, 1999, which authorized a lease for up to 452,262 rentable square feet of space at an estimated maximum annual cost of $6,726,312 for five years.

Approval of this prospectus constitutes authority to executive an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Department of Defense, Arlington, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. 606), appropriations are authorized to lease up to approximately 170,459 rentable square feet of space for the Department of Defense currently located at Ballston Center Tower One, 800 N. Quincy St, Arlington, Virginia at a proposed total annual cost of $5,454,688 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Department of Labor, Arlington, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. 606), appropriations are authorized to lease up to approximately 81,313 rentable square feet of space and 3 parking spaces for the Department of Labor, currently located at Ballston Center Tower Three, 4015 Wilson Blvd, Arlington, Virginia at a proposed total annual cost of $2,602,016 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—General Services Administration, Philadelphia, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. 606), appropriations are authorized to lease up to approximately 160,200 rentable square feet of space and 38 parking spaces for the General Services Administration currently located at the Wanamaker Building, 100 Penn Square East, Philadelphia, Pennsylvania at a proposed total annual cost of $4,806,000 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Federal Bureau of Investigation, Las Vegas, NV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 106,955 rentable square feet of space and 160 parking spaces for the Federal Bureau of Investigation currently located at 700 East Charleston Boulevard, 333 North Rancho Drive, 5145 Cheyenne Avenue, 21 North Pecos and 1202 Sharp Circle in Las Vegas, Nevada, at a proposed total annual cost of $2,620,398 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—General Services Administration, Stockton, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 1,439,694 rentable square feet of space for the General Services Administration—Federal Supply Service currently located at Rough and Ready Island, Stockton, California at a proposed total annual cost of $2,764,212 for a lease term of five years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Department of Justice—Executive Office of Immigration Review, Northern Virginia

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 152,650 rentable square feet of space and 100 indoor parking spaces for the Department of Justice—Executive Office of Immigration Review, currently located at multiple locations throughout Northern Virginia at a proposed annual cost of $4,884,000 for office space, and a proposed annual cost of $114,000 for parking, for a proposed total annual cost of $4,998,000 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—United States Secret Service, Chicago, IL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 76,200 rentable square feet of space and 140 parking spaces for the United States Secret Service, currently located at 300 S. Riverside, Chicago, Illinois at a proposed total annual cost of $4,267,200 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

Committee Resolution: Lease—Corps of Engineers, Department of Housing and Urban Development, Equal Employment Opportunity Commission, Department of Transportation, Small Business Administration, Baltimore, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 311,713 rentable square feet of space and 89 structured parking spaces for the Department of Transportation, Small Business Administration, Equal Employment Opportunity Commission, Department of Housing and Urban Development, and Corps of Engineers, currently located at the City Crescent Building, 10 N. Howard St., Baltimore, Maryland at a proposed annual cost of $8,416,251 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION: LEASE—FEDERAL BUREAU OF INVESTIGATION, WOODLAWN, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 131,169 rentable square feet of space and 164 structured and 11 surface parking spaces for the Federal Bureau of Investigation, currently located at 7142 and 7127 Ambassador Road and 3100 Timanus Lane, Woodlawn, Maryland and 1520 Caton Center Road, Catonsville, Maryland at a proposed total annual cost of $5,094,604 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION: LEASE—U.S. CUSTOMS SERVICE, FOOD AND DRUG ADMINISTRATION, U.S. MARSHALS SERVICE, SEATTLE, WA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 56,210 rentable square feet of space and 93 indoor parking spaces for the United States Marshals Service, the U.S. Customs Service, and the Food and Drug Administration, currently located at 1000 Second Avenue, Seattle, Washington at a proposed total annual cost of $2,529,450 for a lease term of ten years, five years firm, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION: LEASE—NATIONAL INSTITUTES OF HEALTH, BALTIMORE, MD

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.S.C. §606), appropriations are authorized to lease up to approximately 392,482 rentable square feet of space for the National Institutes of Health Bayview Research Center, currently located at the Bayview Campus of Johns Hopkins University, Baltimore, Maryland at a proposed total annual cost of $20,016,582 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

COMMITTEE RESOLUTION: LEASE—FEDERAL TRADE COMMISSION, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, That pursuant to section 7 of the Public Buildings Act of 1959, (40 U.C.S. §606), appropriations are authorized to lease up to approximately 220,000 rentable square feet of space for the Federal Trade Commission, currently located at 601 Pennsylvania Avenue, NW, Washington, D.C. at a proposed total annual cost of $9,240,000 for a lease term of ten years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR of California (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. HILL of Montana (at the request of Mr. ARMEY) for today until 12:00 p.m. on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHERMAN) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

(The following Members (at the request of Mr. MCCOLLUM) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONYERS and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $845.00.

ADJOURNMENT

Mr. SHERMAN. Mr. Speaker, pursuant to House Concurrent Resolution 442, 106th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. VITTER). Pursuant to the provisions of House Concurrent Resolution 442, 106th Congress, the House stands adjourned until 2 p.m. on Monday, December 4, 2000.

Thereupon (at 6 o'clock and 47 minutes p.m.), pursuant to House Concurrent Resolution 442, the House adjourned until Monday, December 4, 2000, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and dollars utilized for official foreign travel during the third quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrive	Depart		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Abramowitz	3/28	4/1	Switzerland		402.00						402.00
Commercial airfare							4,131.00				4,131.00
David Adams	3/30	4/3	Colombia		772.00						772.00
Commercial airfare							1,827.80				1,827.80
	4/16	4/18	Bangladesh		419.00						419.00
	4/18	4/22	India		1,275.00						1,275.00
	4/23	4/25	Pakistan		449.00						449.00
							7,406.84				7,406.84
Hon. Cass Ballenger	4/1	4/2	Costa Rica		110.00						110.00
Bob Becker	4/26	4/28	Nicaragua		497.50						497.50
Commercial airfare							469.80				469.80
Paul Berkowitz	3/29	3/30	Belgium		246.00						246.00
	3/30	3/31	Switzerland		270.00						270.00

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrive	Depart		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	3/31	4/1	Italy		289.00						289.00
Commercial airfare							5,444.50				5,444.50
	4/15	4/22	China		1,756.00		555.92				2,311.92
Commercial airfare							4,170.80				4,170.80
	4/22	4/25	Taiwan		678.00						678.00
Commercial airfare							735.66				735.66
Hon. Kevin Brady	4/21	4/22	Croatia		64.50						64.50
	4/22	4/23	Bosnia		141.50						141.50
Peter Brookes	4/15	4/22	China		1,756.00		555.92				2,311.92
Commercial airfare							5,107.80				5,107.80
Sean Carroll	5/19	5/22	Haiti		292.00						292.00
Hon. William D. Delahunt	4/1	4/2	Costa Rica		173.00						173.00
Michael Ennis	4/16	4/18	Bangladesh		444.00						444.00
	4/18	4/22	India		1,217.00				[3] 95.17		1,312.17
	4/23	4/25	Pakistan		474.00				[3] 293.77		767.77
Commercial airfare							7,406.84				7,406.84
David Fite	4/18	4/22	India		1,214.00						1,214.00
	4/23	4/25	Pakistan		474.00						474.00
Commercial airfare							7,319.00				7,319.00
	5/27	5/31	Russia		898.00						898.00
	5/31	6/2	United Kingdom		642.00						642.00
Commercial airfare							6,419.07				6,419.07
Richard Garon	4/7	4/8	Dominican Republic		114.00						114.00
	4/8	4/9	Haiti		187.85				[3] 145.57		333.42
Commercial airfare							640.02				640.02
Kristen Gilley	4/25	4/27	Greece		288.00						288.00
	4/27	4/30	France		786.00						786.00
Commercial airfare							4,613.19				4,613.19
Charisse Glassman	5/13	5/15	Haiti		235.77						235.77
Commercial airfare							873.80				873.80
	5/19	5/22	Haiti		292.00						292.00
Amos Hochstein	5/28	5/31	Russia		728.00						728.00
	5/31	6/2	United Kingdom		622.00						622.00
Commercial airfare							6,419.00				6,419.00
John Mackey	3/30	4/3	Colombia		772.00						772.00
Commercial airfare							1,827.80				1,827.80
	4/24	4/27	Greece		288.00						288.00
	4/27	4/30	France		786.00						786.00
Commercial airfare							4,613.19				4,613.19
	5/17	5/20	Colombia		579.00						579.00
Commercial airfare							667.80				667.80
Caleb McCarry	4/7	4/8	Dominican Republic		174.00						174.00
	4/8	4/9	Haiti		189.89						189.89
Commercial airfare							640.02				640.02
	4/26	4/28	Nicaragua		497.50						497.50
	4/28	4/29	Panama		110.00						110.00
Commercial airfare							586.80				586.80
Kathleen Moazed	4/15	4/22	China		1,756.00		555.92				2,311.92
Commercial airfare							5,131.30				5,131.30
Hon. Donald M. Payne	5/14	5/15	Haiti		235.78				[3] 96.38		332.16
Commercial airfare							826.80				826.80
Stephen Rademaker	4/27	4/30	Slovak Republic		400.00						400.00
Commercial airfare							5,443.57				5,443.57
	5/28	6/1	Russia		1,200.00				[3] 954.52		2,154.52
Commercial airfare							5,812.01				5,812.01
Grover Joseph Rees	3/29	4/1	Switzerland		577.00						577.00
Commercial airfare							4,771.45				4,771.45
John Walker Roberts	5/28	5/31	Russia		918.00						918.00
	5/31	6/2	United Kingdom		622.00						622.00
Commercial airfare							6,419.07				6,419.07
Hon. Dana Rohrabacher	4/25	4/26	Macedonia		172.00						172.00
	4/26	4/27	Kosovo		0.00						0.00
	4/27	4/28	Austria		217.69						217.69
Commercial airfare							1,784.34				1,784.34
Tanya Shamson	5/20	5/23	Latvia		650.00						650.00
Commercial airfare							4,905.96				4,905.96
Peter Yeo	4/15	4/21	China		1,510.00		555.92				2,065.92
Commercial airfare							5,235.80				5,235.80
Grover Joseph Rees	5/30	6/6	Thailand		1,285.00		197.53				1,482.53
Commercial airfare							3,313.80				3,313.80
Committee Total					31,146.98		117,386.04		1,585.41		150,118.43

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Indicates delegation costs.

BEN GILMAN, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2000

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrive	Depart		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. equivalent or U.S. currency [2]

FOR HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN R. KASICH, Chairman, Oct. 31, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10934. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Louisiana [Docket No. 99-052-2] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10935. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Importation of Horses, Ruminants, Swine, and Dogs; Inspection and Treatment for Screwworm [Docket No. 00-028-1] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10936. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Spanish Pure Breed Horses from Spain [Docket No. 00-109-1] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10937. A letter from the Executive Vice President, Commodity Credit Corporation, Department of Agriculture, Warehouse and Inventory Division, transmitting the Department's final rule—Bioenergy Program (RIN: 0560-AG16) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10938. A letter from the Associate Administrator, Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Programs, transmitting the Department's final rule—Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in all Counties in Oregon, Except Malheur County; Suspension of Handling, Reporting, and Assessment Collection Regulations [Docket No. FV00-947-1 FIR] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10939. A communication from the President of the United States, transmitting his requests for emergency FY 2001 supplemental appropriations totaling $750 million in total grant assistance to the Governments in Israel, Egypt, and Jordan pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; (H. Doc. No. 106—313); to the Committee on Appropriations and ordered to be printed.

10940. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Housing Assistance Payments Program; Contract Rent Annual Adjustment Factors, Fiscal Year 2001 [Docket No. FR-4626-N-01] received November 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10941. A letter from the Secretary, Department of Education, transmitting the Department's final rule—Student Assistance General Provisions, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Federal Pell Grant Program (RIN: 1845-AA17) received November 14, 20000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10942. A letter from the Assistant Secretary, Occupational Safety and Health Administration, transmitting the Administration's final rule—Ergonomics Program [Docket No. S-777] (RIN: 1218-AB36) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10943. A letter from the Regulations Officer, NIH, Department of Health and Human Services, transmitting the Department's final rule—Traineeships (RIN: 0925-AA11) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10944. A letter from the Administrator, NHTSA, Department of Transportation, transmitting the Department's final rule—Civil Penalties, Registered Importers of Vehicles Not Originally Manufactured to Conform to the Federal Motor Vehicle Safety Standards [Docket No. NHTSA 2000-8253] (RIN: 2127-AI18) received November 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10945. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Rate-of-Progress Emission Reduction Plans [MA-25-7197a; A-1-FRL-6882-7] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10946. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL-6899-7] received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10947. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Michigan [MI74-02-7282a; FRL-6896-3] received November 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10948. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Florida [FL-86-200028(a); FRL-6902-4] received November 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10949. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin Designation of Areas for Air Quality Planning Purposes; Wisconsin [WI96-01-7327a; FRL-6901-3] received November 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10950. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program [MA-081-7211a; A-1-FRL-6897-4] received November 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10951. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Asbestos Worker Protection [OPPTS-62125B; FRL-6751-3] (RIN: 2070-AC66) received November 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10952. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Revision of Annual Charges Assessed to Public Utilities [Docket No. RM00-7-000; Order No. 641] received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10953. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, Office of Nuclear Reactor Regulation, transmitting the Commission's final rule—Guidance on Managing Quality Assurance Records in Electronic Media—received November 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10954. A communication from the President of the United States, transmitting notification that the Iran emergency is to continue in effect beyond November 14, 2000, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 106-310); to the Committee on International Relations and ordered to be printed.

10955. A communication from the President of the United States, transmitting notification that the national emergency with respect to the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons is to continue in effect beyond November 14, 2000, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 106-311); to the Committee on International Relations and ordered to be printed.

10956. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Iran that was declared by Executive Order No. 12170 of November 14, 1979, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 106-312); to the Committee on International Relations and ordered to be printed.

10957. A letter from the Ambassador, Republic of Slovenia, transmitting a report from the International Trust Fund for Demining and Mine Victim Assistance, Intermediate Activity Report 2000; to the Committee on International Relations.

10958. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the Inventory of Commercial Activities; to the Committee on Government Reform.

10959. A letter from the Deputy Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Sitka Pinnacles Marine Reserve [Docket No. 000616184-0290-02; I.D. 050500A] (RIN: 0648-AK74) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10960. A letter from the Attorney-Advisor, Federal Register, Certifying Officer, Department of the Treasury, Financial Management Service, transmitting the Department's final rule—Federal Claims Collection Standards (RIN: 1510-AA57 and 1105-AA31) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10961. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Inmate Discipline: Prohibited Acts [BOP-1083-F] (RIN: 1120-AA78) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10962. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule— Rules of Practice and Procedure (RIN: 3064-AC45) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10963. A letter from the Under Secretary of Commerce for Intellectual Property and Director, Patent and Trademark Office, transmitting the Office's final rule—Treatment of Unlocatable Patent Application and Patent Files (RIN: 0651-AB19) received November 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10964. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transporatation, USCG, transmitting the Department's final rule—Regulated Navigation Area; San Pedro Bay, California [CGD11-00-007] (RIN: 2115-AE84) received November 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10965. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, USCG, transmitting the Department's final rule—Safety Zone: Weekly Fireworks, Dockside Restaurant, Port Jefferson Harbor, NY [CGD01-00-217] (RIN: 2115-AA97) received November 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10966. A letter from the Chief, Office of Regulations and Administrative Law, Department of Transportation, USCG, transmitting the Department's final rule—Noxious Liquid Substances, Obsolete Hazardous Materials in Bulk, and Current Hazardous Materials in Bulk [USCG 2000-7079] (RIN: 2115-AF96) received November 9, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10967. A letter from the Chief, Regulations Branch, Customs Service, Department of Treasury, transmitting the Department's final rule—Technical Amendments to the Customs Regulations—received November 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10968. A letter from the Chairman, Trade Deficit Review Commission, transmitting a report on "The U.S. Trade Deficit: Causes, Consequences and Recommendations for Action"; to the Committee on Ways and Means.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 5, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than December 5, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 5, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than December 5, 2000.

H.R. 4548: Referral to the Committee on Education and the Workforce extended for a period ending not later than December 5, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than December 5, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 5, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Commerce, and Banking and Financial Services for a period ending not later than December 5, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 5, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than December 5, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DEFAZIO (for himself and Mr. LEACH):

H.R. 5631. A bill to establish a commission to study and make recommendations with respect to the Federal electoral process; to the Committee on House Administration.

By Mr. SCOTT:

H.R. 5632. A bill to amend the Higher Education Act of 1965 to permit Pell Grants to incarcerated students under limited conditions; to the Committee on Education and the Workforce.

By Mr. ISTOOK:

H.R. 5633. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations. considered and passed.

By Mr. HOUGHTON (for himself and Mr. RANGEL):

H.R. 5634. A bill to amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities; to the Committee on Ways and Means.

By Mr. HUTCHINSON:

H.R. 5635. A bill to amend the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. ROHRABACHER:

H.R. 5636. A bill to provide compensation for injury and property damages suffered by persons as a result of the bombing attack by the United States on August 20, 1998 in Khartoum, Sudan, and for other purposes; to the Committee on the Judiciary.

By Mr. ARMEY:

H. Con. Res. 442. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. PRICE of North Carolina:

H. Res. 667. A resolution requesting the President to furnish to the House of Representatives certain information held by the Archivist of the United States concerning the transmission of electoral information under section 6 of title 3, United States Code, by the States and the District of Columbia; to the Committee on House Administration.

By Mr. ROHRABACHER:

H. Res. 668. A resolution to provide for the consideration by the United States Court of Claims of a bill for compensation, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. PASCRELL.

H.R. 2635: Mr. COX.

H.R. 3249: Mr. PAYNE.

H.R. 3433: Mr. GONZALEZ.

H.R. 3698: Mr. GIBBONS.

H.R. 3710: Mr. GOODLATTE and Mr. SERRANO.

H.R. 3872: Mr. MCNULTY.

H.R. 4434: Mr. SCOTT.

H.R. 4481: Mr. GUTIERREZ.

H.R. 4506: Mr. MASCARA.

H.R. 4971: Mrs. CLAYTON.

H.R. 5065: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5208: Mr. GONZALEZ.

H.R. 5250: Mr. CLEMENT.

H.R. 5499: Mrs. MEEK of Florida.

H.R. 5585: Ms. DELAURO, Mr. FILNER, Ms. PELOSI, and Mr. PHELPS.

H.R. 5612: Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, and Mr. LAFALCE.

H.R. 5613: Mr. STEARNS.

H. Con. Res. 341: Mr. SHAW and Ms. ROS-LEHTINEN.

H. Con. Res. 412: Mr. GONZALEZ.

H. Con. Res. 430: Mr. DIAZ-BALART.

H. Con. Res. 431: Mr. PORTER and Mr. FILNER.

H. Res. 622: Mr. FARR of California.

H. Res. 635: Mr. HANSEN.

EXTENSIONS OF REMARKS

HONORING THE SPORLEDER FAMILY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. SCHAFFER. Mr. Speaker, on Monday, November 13, the Colorado Association of Soil Conservation Districts held its 56th annual meeting in Grand Junction, Colorado. This association gathers every year to recognize two land owners who have demonstrated leadership in conservation and stewardship. The work of this body and its members is truly a standard of exemplary commendation.

This year, Sig Sporleder, a member of the Upper Huerfano Soil Conservation District since 1951, was recognized for the outstanding ranching techniques he has implemented on his 2,367-acre ranch near Walsenberg, Colorado and named Conservationist of the Year for Ranching. He has controlled ranch erosion by installing dams and diversion ditches, and increased plant diversity and rangeland productivity by cross-fencing for rotational grazing systems. Mr. Speaker, Mr. Sporleder is not only a great conservationist but an upstanding member of our community. He is a member of the Colorado Cattlemen's Association, Farm Bureau and the Huerfano Stock-Growers Association. His contribution to cultivation and conservation practices is an encouragement to all of us who seek to preserve the integrity of the land.

IN HONOR OF RAY BRADBURY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate author Ray Bradbury, as he receives a lifetime achievement award to be presented by the National Book Foundation. A novelist, lecturer, social critic, screenwriter, playwright, poet and visionary, Ray Bradbury is a national treasure.

Born in 1920, the young Bradbury was an imaginative child prone to nightmares and frightening fantasies. He began writing at the age of twelve, and has not looked back. Operas, poetry, essays, plays, more than 500 short stories and 30 books later, Ray Bradbury has left a vast collection of thoughts and ideas which will assuredly withstand the test of time.

A man well grounded in reality, he has an amazingly distinct hold on the creative process that alludes most. He has said, "We are cups, constantly and quietly being filled. The trick is knowing how to tip ourselves over and let the beautiful stuff out." Indeed, Ray Bradbury has found the path to letting the "beautiful stuff out," for nearly 65 years. His works are well known by most, including his more popular The Martian Chronicles, Something Wicked This Way Comes, and Fahrenheit 451. Ray Bradbury's ideas are intertwined with our shared American culture, as nearly every high school student has at some point read one of his novels for a high school literature class. Fahrenheit 451, in which an autocratic society's government denies its people access to books, and thus creative thought and actions, is a classic example of Ray Bradbury's unique incorporation of fantasy, reality, and forewarning vision. It serves not only as a warning against censorship, but was firmly rooted in the American culture of the time, as it was written and published during the reign of Senator Joseph McCarthy.

Truly a modern creative genius, Ray Bradbury has won numerous awards for his writing, and was inducted into the Science Fiction Hall of Fame in 1970. After what has indeed been a lifetime of achievement, Mr. Bradbury is showing no signs of slowing down, as even now, at 80, he continues to write and lecture.

Mr. Speaker, I ask that my colleagues join me in honoring Ray Bradbury, a man who's vision and artistic creativity has challenged our collective memories, ideals and beliefs; and who has served as an inspiration to each of us and our future.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, I was unavoidably detained and missed the following votes: Rollcall No. 593, No. 594, No. 595, No. 596.

Had I been here I would have voted: "Yea" on No. 593, No. 594; and "Nay" on No. 595, No. 596.

GOVERNMENT SPENDING

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. SANFORD. Mr. Speaker, I rise today to leave in the record a few thoughts about where we are, and where we are going, with regard to government spending. Milton Friedman once said that the only real measure of government's size is what it spends. I had a hunch that he was right when I came to Washington, having been here for six years I am now certain he is correct.

It's not collusion, or a conspiracy, but unfortunately political forces regularly come together to mask the real size of government. Taxes may sit below the real cost of sustaining a program. That's happening now with Social Security where the $9 trillion liability, if annualized, would mean payroll taxes closer to 17% than 12%. Money can also be borrowed—we have $5 trillion in government debt, a great part of this went to consumption rather than investment—and as such basically means that the current generation handed the bill to the next for government services they enjoyed.

Friedman's historical argument is reinforced by the federal government's growth over the last 5 years. When I arrived in Washington in 1995 the federal government spent abut $1.5 trillion per year. It now spends almost $1.9 trillion per year. Washington looks, feels, and acts like a great spending machine, and I have seen first hand the tremendous bias toward spending inherent in our system of government. Few people take a trip to Washington because they want nothing from it, and you see this in several ways.

First, regular folks from back home come up—they admire what I have done and said on government spending and even say keep it up—but there is always this "one" program they want to tell you about. If you add up all the "one" programs—railroad retirement funding, money to fix the Pinckney historic site in Mount Pleasant, a new line item for firefighters, the local disabilities or humanities board's push for un-offset additional funding, etc, you get to a lot of money. These are your friends, the last thing in the world you want to do is say no.

Second, formal lobbies say basically the same things, but you didn't grow up across the street from the man or woman making their case. They sweeten their argument with a big PAC check or 1,000 letters of support from everyone on their mailing list. They are extremely effective. An example of this would be the sugar lobby. With the exception of maybe ten Congressional districts where sugar is the dominant crop, no one in the Congress could make the case for our sugar price support system without being laughed or booed out of the room. This system costs American consumers $1 billion a year in the form of higher sugar prices, and all this benefit gets handed down to truly a few—roughly 60 domestic sugar producers. The largest of these is the Fanjul family, who get $60 million a year of personal benefit as a result of the program. They are not

Finally, government watches out for its own. The military very effectively uses government dollars to turn around and lobby Congress for more. I don't mind because I see the military as a core function of the federal government, but when our office went after the East West Center, I was disturbed to see public monies used to craft responses used in defeating our efforts. Similarly, when I went after OPIC with TOM CAMPBELL the organization's intelligence

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was so good that I was getting calls from Mark Irwin and Dennis Baake. Mark I have only met a time or two at Renaissance Weekend. Dennis I have known for years; he uses OPIC funding with his company AES, but we have never before talked about OPIC. I still don't know how OPIC figured out I knew both these guys.

The bottom line is that we have a problem with spending in Washington and what this spending points to is even worse. In the early 1800's a little known Scottish historian after studying World History for the whole of his life said this:

"A democracy cannot exist as a permanent form of government it can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on, the majority always vote for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship. The average of the world's greatest civilizations has been 200 years. These nations have progressed through this sequence:

from Bondage to Spiritual Faith;
from Spiritual Faith to Great Courage;
from Great Courage to Abundance;
from Abundance to Selfishness;
from Selfishness to Complacency;
from Complacency to Apathy;
from Apathy to Dependency;
from Dependency back again into Bondage."

Tragically Alex Tyler's words have been born out by the history of the world.

Egyptians, advanced as they were, came and went—the Greeks laid the intellectual foundation for many of our government's practices but did the same. Rome, after controlling the entire known world, came to an end in 476 AD. The Byzantine Empire was around for another thousand years but ultimately crumbled as well in 1453. Italy, which dominated as the cultural center of the western world during the Renaissance, fell to Charles V in 1550 and Spain controlled one-fourth of the known world and one-half of

There are other examples, but a good part of each of these countries' or civilizations' end was tied to government overspending. Spain at the time of collapse spent forty cents of every dollar of government expenditure on interest payments which is unsustainable for a person or a country. Can you imagine spending forty cents of every dollar you earned to cover the tab on your credit card?

The bottom line is that I believe the biggest threat we have to National Security is our government's excessive spending. I have cast more than my share of votes against even suspensions and anything else that had much in the way of spending, but I have seen nothing structural to suggest people are willing to put the brakes on spending. This troubles me for our country's future. Oddly, the next economic slow-down may be our nation's best hope in efforts to attempt to put a bridle on the federal government's spending, but currently it doesn't look good. For the sake of our Republic, I hope the elected leadership of this country wakes up to the need to do something sooner rather than later because time is beginning to run short in solving what could shortly prove to be a math trap against each of us as taxpaying Americans.

HONORING OLYMPIC ATHLETE CHRISTINE SMITH COLLINS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. McGOVERN. Mr. Speaker, today I wish to join the City of Worcester in recognizing one of our most dedicated athletes, rower Christine Smith Collins. At the Sydney Olympics, Ms. Collins and her partner Sarah Garner captured the Bronze Medal in the lightweight double sculls.

Ms. Collins was an avid track runner before discovering rowing at Trinity College in Hartford, Connecticut, where she received her Bachelor's Degree with honors in 1991. Rowing certainly fit her well, as she has become the most decorated female rower in U.S. history. She has been an eight time national champion, won four world titles, and six world championship medals.

In addition to her success on the water, Ms. Collins is also a practicing attorney, receiving her degree from George Washington Law School in 1998. She was a law clerk to the Justices of the Superior Court of Massachusetts and is currently an associate at the law firm of Bowditch and Dewey, LLP in Worcester, Massachusetts.

Ms. Collins resides in Worcester with her husband Matt Collins, a physician at Family Health Center in Worcester and himself a former member of the U.S. Rowing Team and 1993 World Champion. I greatly admire her many accomplishments, both in and out of the water. Mr. Speaker, I ask that this House join me and the City of Worcester in honoring this tremendous athlete and to wish her much continued success in the future.

IN HONOR OF JANE L. CAMPBELL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. KUCINICH. Mr. Speaker, I wish today to congratulate Jane L. Campbell, the outstanding Commissioner from Cuyahoga County, Ohio who was recently named one of nine Public Officials of the Year by Governing Magazine.

As one of three Cuyahoga Commissioners for the most populous county in Ohio, Campbell manages human services, economics, infrastructure development and re-development and also oversees a budget larger than that of ten states. However, Campbell takes her job as County Commissioner far beyond these traditional duties. Currently, she is President of the Board of County Commissioners, Chairman of the Violence Against Women Act Committee and Children Who Witness Violence Committee, and a Board Member of the District One Public Works Integrating Committee (DOPWIC). Also, Campbell represents the County at the National Association of Counties and the County Commissioners Association of Ohio, and she was recently elected the Vice Chair of the National Democratic County Officials.

Jane Campbell is a natural leader. At just 47 years old, Campbell is already a seasoned politician, winning her first state legislative seat when she was still in her 20's. She successfully served six terms in the Ohio House of Representatives, where she was elected Majority Whip and Assistant Minority Leader by her colleagues. Over the course of her 12 years in office, Campbell had a strong record for children and families, law enforcement, development and welfare. In addition to being a talented legislator, Campbell was the founding Executive Director of WomenSpace, Executive Director of the Friends of Shaker Square and National Field Director of ERAmerica.

Campbell's hard work has earned her a number of awards and honors including, Crain's Cleveland Business Woman of Influence, One of the 100 Most Influential Women in Cleveland by Cleveland Magazine, A Woman to Watch in the 90's by Ms Magazine, One of 100 Young Women of Promise by Good Housekeeping, and Rookie of the Term by Columbus Monthly.

Mr. Speaker, I ask my fellow colleagues in the House of Representatives to join me today in recognizing Commissioner Jane Campbell. She is a truly remarkable woman who should be commended for her immeasurable contributions to our community and her endless dedication to public service.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. KENNEDY of Rhode Island. Mr. Speaker, I was unavoidably detained and missed the following votes: Roll Call No. 531, No. 532, No. 533, No. 570–576, No. 584–590, No. 592, No. 593, No. 594.

Had I been here I would have voted: Yea on No. 531, No. 532, No. 533, No. 570, No. 571, No. 572, No. 573, No. 574, No. 575, No. 576, No. 584, No. 585, No. 586, No. 587; Nay on No. 588; and Yea on No. 589, No. 590, No. 592, No. 593, No. 594.

ESTATE TAXES

HON. MARSHALL "MARK" SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. SANFORD. Mr. Speaker, I rise today to share the thoughts of a man whom I respected deeply, John Monroe J. Holliday. John did many things in South Carolina, one of which was host the Gallivants Ferry Stump. The Stump is a 180-year-old tradition built on kicking around political ideas face-to-face. It has been a spot where people in that part of rural South Carolina gathered and I've always enjoyed the chance to attend and compare notes and ideas with farmers and city folks alike. I have always considered myself a token Republican at this Democratic event, but it did me well as my elections have been won with the help of Democrats in western Horry County. John passed away last month and he will be missed by many South Carolinians.

One of the issues that John was very passionate about was the estate tax. Many times he wrote to me urging a change to the law. Two days before he died, he drafted a letter to me on the current estate tax policy in our country. I will let his final words on the subject speak for him.

I submit the following letter for the RECORD:

HOLLIDAY ASSOCIATES, LLC,
Galivants Ferry, SC, October 19, 2000.
Congressman MARK SANFORD,
Longworth Building,
Washington, DC.

DEAR MARK: The Holliday family has faced increased estate taxes on an annual basis for such a long time, and this increase is a result of Congress's failure to adjust the gift and estate tax exclusion by inflation. In 1987 the amount each individual could shelter from estate taxes was $600,000—in addition to the annual gift tax exclusion for each individual which I believe was $10,000. Margy and I have constantly taken advantage of the estate gift tax exclusion—in fact each year we were able to give to our daughters a total of $40,000.

From December 1986 to December 1987, the consumer price inflation rose from 109.6 to 113.3 or a little more than 3.6%. If both the gift and estate exclusions had been adjusted for this 3.6% inflation increase, we could have transferred an additional $50,840 to our children tax free. This is only a part of the additional benefits our family could have been entitled to. Any of the earnings on the $50,840 would have been excluded from our estate. If we assume a 10% annual growth rate from 1988 to the present, over $159,000 would have been excluded.

If we use these same assumptions and recalculate each year the impact that these hidden estate tax increases have on our estate, my family should have been entitled to a total exclusion of more than $8.8 million. The end result is that the estate will pay over $4,840,000 more in estate taxes!

The reality is that Congress has intentionally allowed the annual increases to take place under their current theory of "the rich are too rich". To avoid the wrath that they would have faced if the tax increases had been legislated, they have avoided accountability by allowing inflation to do their dirty work.

The failure to adjust exemptions like the estate and gift tax exclusions is nothing but a hidden tax increase! I believe as a result of these increases that it is more than appropriate for Congress to redress this injustice by making significant changes in the estate and gift tax exclusions.

I apologize for this long letter but some adjustments must be made to help this horrible situation.

With warm regards, I am
Yours very truly,
JOHN MONROE J. HOLLIDAY.

HONORING THE SHREWSBURY ROTARY CLUB

HON. JAMES P. McGOVERN

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 14, 2000

Mr. MCGOVERN. Mr. Speaker, I wish today to congratulate the Shrewsbury Rotary Club of Massachusetts, which is being recognized for exemplary involvement in community service. The Shrewsbury Rotary Club has been chosen as the 2000 recipient of The Harry Cutting, Jr. Award. This award is presented annually by Shrewsbury Community Services to an individual or organization that has worked to improve the lives of local families. Harry Cutting was a founding member of Shrewsbury Community Services and was dedicated to helping families in need.

The Shrewsbury Rotary Club exemplifies the meaning of community service and what Harry Cutting stood for as a member of this community. The club is involved on both the international and the local level, helping those in need. They have worked in conjunction with the University of Massachusetts Medical Center to transport medical supplies to Chernobyl and established the first rotary club in Kiev where they have formed a partnership and continue to assist those citizens in need. On the local level, they support the ecumenical council, assist in the local schools, lend a helping hand to senior citizens, and provide college scholarships to help local students pay for college.

I have a great appreciation for what this group has done to benefit the Shrewsbury community and I am especially proud of their accomplishments. Mr. Speaker, I ask that this House join me and the members of Shrewsbury Community Services in congratulating the Shrewsbury Rotary Club on receiving this prestigious award.

IN HONOR OF DR. CLAIRE A. VAN UMMERSON'S SERVICES TO CLEVELAND STATE UNIVERSITY

HON. DENNIS J. KUCINICH

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 14, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor of Dr. Claire A. Van Ummerson's outstanding dedication to serving the higher educational needs of the Cleveland area.

Claire A. Van Ummerson, Cleveland State University president since 1993, will leave the school by the end of June to take up a new position on the American Council on Education in Washington, DC. She has a long and prestigious career in the field of higher education. From 1986 through to 1992, Dr. Van Ummerson served as chancellor of the University System of New Hampshire. She has also been associated with the University of Massachusetts in Boston for many years in a variety of roles, including associate vice chancellor for Academic Affairs.

Dr. Van Ummerson's philosophy which is based on partnerships has been instrumental in ensuring progress at Cleveland State University. She advocates working with school systems, other universities, research institutes and businesses to strengthen academic programs and enhance the school's capacity to respond to the needs of the region. Such a philosophy demonstrates a true understanding of the education system and its interaction with the community as a whole.

Dr. Van Ummerson's contribution to education can be seen in the stature of Cleveland State University in our community. The University, which serves the educational needs of northeast Ohio, offers 65 undergraduate programs and has approximately 15,500 students. Its mission to promote an open and inclusive educational environment for members of the community has been served well under Dr. Van Ummerson's leadership.

My fellow distinguished colleagues, please join me in honoring Dr. Claire Van Ummerson's outstanding work as President of Cleveland State University, and in wishing her all the best for her future career in Washington, DC.

LET THE STATES PLAN TRANSPORTATION PROJECTS

HON. BOB SCHAFFER

OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, November 14, 2000

Mr. SCHAFFER. Mr. Speaker, as most Americans know, Members of Congress are frequently successful in attaching extraneous pieces of reauthorizing legislation to appropriations bills. These attachments are called "riders." These are last-minute attempts to pass legislative language that typically has not been subject to the standard deliberative process in committee and on the floor of the House. The FY 2001 Labor, Health, and Human Services Appropriations bill is no exception.

This appropriations bill contains a rider that could potentially have a negative impact on many of the 21 counties I represent in the 4th District of Colorado. It could adversely affect safety on Colorado Interstate 25, and would go against a fundamental position the Colorado Department of Transportation has consistently held firm. Termed the "Ports-to-Plains Corridor," this route is part of the national plan to facilitate transportation of goods from Mexico to the central West.

The Ports-to-Plains Corridor was given a designation as a high priority corridor in the Transportation Equity Act for the 21st Century Act of 1998. The language designates, "the Ports-to-Plains Corridor from the Mexican Border via I–27 to Denver, Colorado." It is my understanding Members of Congress and Senators from Texas, New Mexico, and Colorado negotiated a plan to attach language into the Fiscal Year 2001 Labor, Health, and Human Services Appropriations bill designating the Ports-to-Plains Corridor route from Laredo, Texas, to Dumas, Texas. It is also my understanding proponents of this route designation have previously attempted but failed to attach this language to the FY 2001 Transportation Appropriation bill and the FY 2001 District of Columbia Appropriation bill. Unfortunately, there are many problems with this truncated designation.

Mr. Speaker, in Colorado's Fourth Congressional District, city officials, county officials, and constituents in Baca, Prowers, Kiowa, Cheyenne, Lincoln, Kit Carson, Elbert, Arapahoe, Adams, Washington, Yuma, Morgan, Logan, Phillips, and Sedgwick counties have been in close contact with me since 1998 as we planned, along with state and federal offices, where the Port-to-Plains corridor would run through these eastern plains counties of Colorado. The economy on the eastern plains of Colorado, heavily dependent upon farming, ranching, and businesses associated with agriculture, is struggling as the farm economy across the nation currently is. Obviously, the Ports-to-Plains Trade Corridor would aid in the rejuvenation of this struggling agricultural economy as more commerce would be moving through the area, thereby creating opportunity for new business and jobs on the America's high plains.

Mr. Speaker, I am concerned there is a strong possibility the Ports-to-Plains Corridor could bypass eastern Colorado by proceeding northwest from Dumas, Texas, through New Mexico, and onto Interstate 25. Should proponents of the rider be successful in attaching the language to the FY 2001 Labor, Health, and Human Services Appropriation bill, there is a good chance eastern Colorado would not be included in the Ports-to-Plains Trade Corridor. Obviously, I cannot vote for a bill possibly allowing a tremendous economic plan for so many of the constituents I represent to slip away.

There are other problems with this premature designation. The four affected States, Colorado, Texas, New Mexico, and Oklahoma, are participating in a federally funded highway study entitled the Ports-to-Plains Corridor Feasibility Study. The study is being conducted by independent consulting firm Wilbur Smith Associates. The Texas Department of Transportation initially contracted Wilbur Smith Associates to conduct the study which was funded by the Federal Highway Administration (FHWA). The Colorado, Texas, New Mexico, and Oklahoma departments of transportation sit on the Ports-to-Plains Feasibility Study Steering Committee so as to maximize communication and opportunities between the four states.

According to Wilbur Smith Associates, the purpose of the study is to "to determine the feasibility of highway improvements between Denver, Colorado and the Texas/Mexico border, via existing IH 27 corridor between Amarillo and Lubbock, Texas." Wilbur Smith Associates has diligently kept the public informed by public meetings. "Two series of public meetings will be conducted for this project. . . . The second series of public meetings to be held around mid-January 2001 will present findings of the detailed evaluation of alternatives," according to Wilbur Smith Associates. The Transportation Subcommittee on Appropriations crafted the Ports-to-Plains

Wilbur Smith Associates informs me the target completion for the draft report is March 2001, while the target completion date of the final report is April or May 2001. Mr. Speaker, why proceed with route designations before the study to determine the best route is completed? I would encourage the Congress to slow down and allow Wilbur Smith Associates to complete this federally funded highway study before the federal government is allowed to supersede local and state authority, and preclude suitable public input.

Mr. Speaker, this is not the only highway study being conducted regarding the Ports-to-Plains Trade Corridor. The Colorado Department of Transportation (CDOT) will soon conduct its own study entitled "The Eastern Colorado Mobility Study." According to CDOT, the "purpose is to identify the feasibility of improving existing and/or building possible future transportation corridors and inter-modal terminals in eastern Colorado that will enhance the mobility of freight services within and through eastern Colorado." While the Eastern Colorado Mobility Study will be a comprehensive study, it will incorporate the Ports-to-Plains Trade Corridor. According to the Project Manager at CDOT, it has selected a consulting team, but the contract has not even been finalized. Mr. Speaker, again, why designate even a portion of a major trade corridor when the studies designed to plan the corridor have not even begun? For the RECORD, I will submit with these remarks a letter from the Executive Director of the Colorado Department of Transportation requesting no specific highway segments in Colorado be designated. The rider designating the specific route through Texas most likely will have an effect upon Colorado, so in order to uphold the wishes of the State of Colorado, I cannot condone a premature specific designation.

There is another matter at stake which potentially supersedes all others, and this is the issue of safety. The Colorado Department of Transportation has consistently and strongly opposed a route designation which would result in heavier traffic on Interstate 25. CDOT opposes more truck traffic on I–25, particularly between the congested I–25 segment of Pueblo and Fort Collins. Mr. Speaker, I hereby submit Colorado Resolution TC–798 for the RECORD, crafted by the Colorado Department of Transportation, detailing CDOT's specific position on this safety issue. Again, there is no way I can vote for the Fiscal Year 2001 Labor, Health, and Human Services Appropriations bill when it contains a provision that would cause a severe safety hazard along the most congested interstate and contradict the Colorado Department of Transportation's adamant position.

Additionally, Mr. Speaker, I understand there is language regarding the Ports-to-Plains Corridor mandating the Federal Highway Administration (FHWA) submit a route recommendation to the House and Senate Committees on Appropriations, the Senate Environment and Public Works Committee, and the House Transportation and Infrastructure Committee should Colorado, Texas, Oklahoma, and New Mexico not reach a unified consensus by September 30, 2001. While I understand obtaining route consensus between the involved states is an arduous task, I believe the September 30, 2001 deadline will be difficult to achieve considering the magnitude of the Ports-to-Plains Trade Corridor. Furthermore, I am concerned the FHWA's decision might not be the most appropriate one, and possibly would go against the relevant state departments of transportation studies and agreements. Highway planning should be determined by local governments and state departments of transportation, not dictated by a few. Mr. Speaker, It would be most prudent for Congress to withdraw this unwarranted rider included in the FY 2001 Labor, Health and Human Services Appropriation bill.

STATE OF COLORADO,
DEPARTMENT OF TRANSPORTATION,
Denver, CO, May 9, 2000.

Hon. ROBERT SCHAFFER,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN SCHAFFER: CDOT is very interested in the Borders and Corridors Program for Colorado and certainly would like to have a designation. However, there are several north-south corridors in eastern Colorado under consideration. It is difficult to determine at this time which corridor would best serve the interests of the people of Colorado as well as appropriate connections with neighboring states. The Transportation Commission needs to make a policy decision on this issue before proceeding with any official designation. CDOT is initiating a Feasibility Study to determine the best corridor for the state and provide a connecting corridor from the Texas Ports to Plains Transportation Corridor to the Heartland Express Corridor. This effort will be underway later this year.

Therefore, we would request that no specific highway segments in Colorado be designated until the Feasibility Study has been completed.

Sincerely,

THOMAS E. NORTON,
Executive Director.

From: Cavaliere, Dianne
Sent: Friday, January 21, 2000
To: Phillips, Joel
Subject: Ports to Plains Resolution

Resolution Number TC–798

Whereas, Ports to Plains was identified in TEA 21 as a "High Priority Corridor" in the "Borders and Corridors" Program; and

Whereas, CDOT supports this program as a long term corridor optimization program for trade and commerce pursuant to NAFTA; and

Whereas, the Ports to Plains program coincides with the Transportation Commission's policy for Management of the Transportation System by ensuring partnership with local governments, as well as other states, in order to facilitate the movement of people, goods, information and services; and

Whereas, CDOT is committed diverting traffic from congested segments of I–25 through infrastructure improvement in eastern Colorado and views the Ports to Plains program as an opportunity to pursue such goals.

Now, therefore, be it resolved that CDOT supports the Ports to Plains Feasibility Study (sponsored by TxDOT) and the pursuit of Federal discretionary funding for Ports to Plains through the "Borders and Corridors" program.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Ms. CARSON. Mr. Speaker, I was unavoidably absent yesterday, Monday, November 13, 2000, and as a result, missed rollcall votes 595 through 596. Had I been present, I would have voted "nay" on rollcall vote 595, "yea" on rollcall vote 596.

THE LIFE OF CONGRESSMAN SIDNEY YATES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. DAVIS of Illinois. Mr. Speaker, good morning. Today we gather with one accord to pay respect to the memory of our colleague Sid Yates. Public servant, staunch advocate of freedom of expression, leader, father, and friend, Mr. Yates' life is a true testament of the greatness one can achieve in this country when he has a good heart and character, a focused mind, and a determination to succeed.

Mr. Yates has never been a stranger to the ethic of hard work and leadership. Born in Chicago at the beginning of the 20th Century, Sidney Yates learned at an early age how to grapple with and overcome the trappings of adversity. Equipped with an arsenal of courage, he has conquered the lion's share of lows with true fighting spirit and has emerged victoriously. Losing both parents by the age of five, Mr. Yates was left with the responsibility of raising his younger sister and his little brother. In order to provide for his siblings, Mr. Yates worked as a carpenter for most of his childhood. At a time when most children are afforded the opportunity to hope, dream, play, and learn, Mr. Yates was forced to think in real terms. As a young provider, he was forced to make decisions that had an immediate impact on the lives of his loved-ones. As a champion, Mr. Yates accepted his role without reservations.

His role as leader eventually extended beyond his immediate family as he began a life of community service and public advocacy. He held numerous posts and positions on the local and state level. However, it was an upset victory in 1948 that brought Mr. Yates to Capitol Hill as a Representative of the 9th District of Illinois.

As Congressman, Mr. Yates proved to be a capable and effective leader. Not only was he successful in responding to the needs of his diverse constituency—born the son of Lithuanian Immigrants—Yates understood the importance of pushing the envelope and entertained innovative ideas and progressive policies that widened the scope to explore the unknown.

Mr. Yates' record of public service has left an indelible mark of greatness. His efforts have led to many historic victories. He has been a patron and protector of the Arts—As Langston Hughes would say, life for Sid Yates "ain't been no crystal stair. It's had a lot of cracks and holes in it; but he held on to his dreams for he knew that if dreams die, life becomes like a broken winged bird that cannot fly." Yes, Sid Yates continued to dream and continued to soar until his last days.

Thank You Sid!

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. BOYD. Mr. Speaker, I was unavoidably delayed on rollcall votes 595 and 596. Had I been present, I would have voted "nay" on both 595 and 596.

RECOGNITION OF STAFF SERGEANT GEORGE K. GANNAM FOR BEING AWARDED A PURPLE HEART FOR HIS SERVICE IN WORLD WAR II

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. KINGSTON. Mr. Speaker, today I recognize a great American hero, from my district Savannah, GA, George K. Gannam, for being awarded a purple heart for his service in World War II. We should all stand up and applaud Mr. Gannam for his dedication and service to our country. He was a brave and heroic man and deserves to be recognized as such.

Mr. Gannam was killed in the Japanese attack on Hickam Field on December 7, 1941. He was the first person from Chatham County to die in World War II. An eye witness reports that Mr. Gannam received mortal wounds while assisting other airmen to remove airplanes from a burning hangar during the height of the attack. Medical records indicate that Mr. Gannam died of multiple shrapnel and machine gun bullet wounds. As a result of his heroic actions he was awarded a purple heart.

The American Legion Post #184 in Thunderbolt, GA was named after him. This is a great recognition and will help keep his name alive for years to come.

Mr. Gannam's presence and dedication to our country helped insure the freedom we enjoy today. His unselfish acts made a difference to the families of each person he helped. America's military has always served with pride meeting the challenges necessary to maintain our national security, to protect American interests at home and abroad, and to guarantee our freedoms and way of life, and Americans owe them a great deal.

Please join me again in applauding Mr. Gannam. The dedication of this brave man helped shape our history. Without him our country's history would be different. Our society needs more people like him who unselfishly dedicate and give their lives as they fight for freedom for our country. This man was a very brave person and deserves to be recognized as an American Hero. I am pleased to submit a tribute of his life in the CONGRESSIONAL RECORD.

IN RECOGNITION OF STATE REPRESENTATIVE JIM BUCHY FOR HIS SERVICE TO OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to recognize an extraordinary member of the Ohio House of Representatives and his outstanding contribution and dedication to the State of Ohio. Representative Jim Buchy currently serves as Assistant Majority Leader, representing the 84th House District.

During Representative Buchy's tenure, he has focused on myriad issues that make him a recognizable name in Ohio politics. Several years ago, Representative Buchy sponsored legislation to reform the tort system in the State of Ohio. His efforts in this area have dramatically advanced the need for tort reform. Another important focus of Representative Buchy's work has been in the area of agriculture. He represents one of the most productive agricultural districts in the State of Ohio. He has championed legislation that streamlines farmers' responsibilities while balancing the need to protect our environment.

In eighteen years of service, Representative Buchy has received countless awards and recognition from various organizations. He has received numerous honors from the United Conservatives of Ohio, the Golden Feather Award from the Ohio Poultry Association, and the Outstanding Service Award in support of Vocational Education. Additionally, he has been honored by the National Federation of Independent Business as a Guardian of Small Business and has received the Ronald Reagan Excellence in Government Award.

I would also like to recognize his wife, Sharon, and their two children, John and Kathryn, for supporting Representative Buchy's efforts in the Ohio House of Representatives.

Mr. Speaker, Representative Jim Buchy is an asset to the State of Ohio and to his constituents. I ask my colleagues of the 106th Congress to join me in commending him for his eighteen years of service and to wish him the best in all of his future endeavors.

HONORING DR. MARCIA POSNER AND PHYLLIS AND STANLEY SANDERS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mrs. McCARTHY of New York. Mr. Speaker, today I commend the outstanding service of Dr. Marcia Posner and Phyllis and Stanley Sanders as they are honored by the Holocaust Memorial and Educational Center of Nassau County.

For the past eight years, the Holocaust Memorial and Educational Center for Nassau County has honored citizens who make selfless contributions of time and effort, not only to the Jewish community, but to the community at large. This year, they chose three wonderfully committed and inspiring individuals.

Dr. Marcia Posner works as a librarian and administrator at the Holocaust Memorial and Educational Center. Through her tireless work ethic she developed a library containing over 3,000 volumes and tapes, amassing a wealth of resources about the Holocaust. As Vice President of Programming, Dr. Posner is responsible for the development and execution of a large number of the programs, making the Center a pillar in the Long Island community.

Phyllis and Stanley Sanders exhibited exceptional leadership bringing success and benefits to countless organizations. Over the years, Phyllis and Stanley, often referred to as the "Dynamic Duo," committed themselves to a variety of causes affecting the Jewish community. Together, they are responsible, among other accomplishments, for education fundraising and air-lifting refugees from Russia to Israel. Their inexhaustible and creative efforts continue to inspire a multitude of organizations toward achieving higher goals.

I applaud the service and commitment of Dr. Marcia Posner and Phyllis and Stanley Saunders. The Long Island community as a whole benefits from the dedication of these individuals.

PATRICK JOSEPH DEVLIN, JR. MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate a member of my staff Mr. Patrick Devlin and his wife Helen on the birth of their first child, Master Patrick Joseph Devlin, Jr. Patrick was born on Saturday, November 11, 2000 and weighed 6 pounds and 14 ounces. Faye joins me in wishing Pat and Helen great happiness during this very special time in their lives.

Incidentally, Helen is a member of my colleague from Kentucky Mr. LEWIS' staff and I know he joins me in celebrating this new addition to both of our extended families.

As a father of three, I know the immeasurable pride and rewarding challenge that children bring into your life. Their innocence keeps you young-at-heart. Through their inquiring minds and wide-eyed wonder, they show you the world in a fresh, new way and change your perspective on life. A little miracle, a new baby holds all the potential of what human beings can achieve.

In this vein, I welcome young Patrick into the world and wish Pat and Helen all the best as they raise him.

A TRIBUTE HONORING MR. ROBERT DOYLE STOCK

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mrs. NAPOLITANO. Mr. Speaker, I rise today to pay tribute to a very special American citizen, Mr. Robert Doyle Stock of Norwalk, California, who passed away on November 5, 2000. Mr. Stock, a devoted family man, who led an exemplary life of service to family and country, deserves our praise and gratitude.

Bob Stock was a man of great character. Born on January 13, 1927 in Mount Pleasant, Pennsylvania, his family moved to California after the passing of his father, when Bob was still a child. Once in California, Mr. Stock attended Downey Junior High and later moved on to South Gate High School.

In 1944, at the age of seventeen, Mr. Stock joined the United States Marine Corps. He served as a rifleman in the Baker Assault Company 1st battalion, 22nd Marines, 6th Division and actively served in the invasion of Okinawa towards the end of hostilities in the Pacific Theater.

On his return stateside, Mr. Stock married Mildred Evelyn Dvorak on June 21, 1947. Bob and Mildred bought their first home in Norwalk in 1949, and raised nine children; Becky, Colleen, Bill, Roberta, Cathy, Susanna, John, Richard and Robert.

Mr. Stock was always proud to belong to the Greatest Generation which fought for the triumph of freedom over tyranny during World War II. A proud Irishman, he enjoyed reading, politics, remodeling his home, hunting, fishing and camping. Of particular interest to Bob was the Civil War, as evidenced by his collection of books and memorabilia that filled his den.

On Sunday, November 5 of this year, Bob left us while sitting in his den, on his favorite chair, while surrounded by his loving wife, children and grandchildren.

Mr. Speaker, I ask my colleagues to join with me in paying tribute to Robert D. Stock, honorable citizen of the United States, proud American veteran and patriot, devoted husband, father and grandfather. To his devoted wife Millie, my dear friend and neighbor, I extend my sincerest sympathy and pray for God's blessings in abundance upon her and her family.

STATEWIDE HONORS GIVEN TO LEXINGTON, MISSOURI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate Mayor Tom Hayes and the residents of Lexington, Missouri, for recently being honored by the Missouri Department of Economic Development.

Each year, the Missouri Department of Economic Development acknowledges community leaders and cities throughout the Show-Me State for their efforts in bolstering local community development. The Department's Missouri Community Betterment program, which is the oldest, continuous state-sponsored community improvement project in the nation, is designed to encourage communities to strengthen development ventures and create more jobs for Missourians.

In 2000, a number of Missouri's towns were honored at the 37th Annual Missouri Community Betterment Conference. One of the municipalities to receive statewide acclaim is my hometown of Lexington, Missouri, which received the 2nd place state award in its city category, the 2nd place state award in its category for Youth Leadership, and the coveted designation of "All Missouri Certified City".

Mr. Speaker, I am proud that the people of Lexington under the leadership of Mayor Tom Hayes have worked to improve economic development and ensure employment for those individuals who reside in Lexington and the surrounding area. I am certain that my colleagues in the House of Representatives will join me in honoring these fine Americans for receiving these well-deserved awards.

CHRISTINA TORRICELLI AND THE FOOD DEPOT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to an outstanding individual and a friend, Christina Torricelli. I would like to recognize the dedication and hard work rendered by Ms. Torricelli and her staff at the Food Depot in Santa Fe, New Mexico. Their intense and tireless efforts and commitment to alleviate hunger in New Mexico have resulted in feeding over 30,000 individuals a year in the northern part of my State. Over half of these individuals are under the age of 18.

In 1993, a study conducted by Tufts University estimated that New Mexico was second only to Mississippi in the percent of citizens that go hungry on a regular basis. This study initiated conversations between existing hunger relief organizations about accessing more food donations to address the increasing need for emergency food. As a result, The Food Depot was created. Today, the organization has established community partnerships with over fifty-five non-profit programs with services available, but not limited to homeless shelters, soup kitchens, low income families, the elderly, the physically/mentally challenged, disadvantaged children, those recovering from violence, and the homebound due to illness.

I must pay the Food Depot an overdue compliment on their actions during the devastating Cerro Grande fire, which occurred earlier this year in my district. This fire left hundreds homeless, but because of the labor of the Food Depot, they did not go hungry. The third day of the fire Ms. Torricelli and other staff members were up at 3 a.m., exhausted and trying to unload trucks of food and water donations. She asked a television station to broadcast an appeal for help. Within 15 minutes she had had an additional 20 volunteers.

The Food Depot has ensured that I am fully informed on issues related to ending hunger. Ms. Torricelli is especially fond of my colleague, Representative TONY HALL, who has done so much for the issues of ending poverty and hunger.

Mr. Speaker, Christina Torricelli is dedicated to improving life and ending hunger for New Mexico. I have tremendous respect for her. Although many view Christina's deeds as transcendent of human kindness, to her it is just a way of life.

YATES TRIBUTE

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, the late great Reverend Dr. Martin Luther King, Jr. once said, "Every man must decide if he will walk in the light of creative altruism or the darkness of destructive selfishness. This is the judgment. Life's most urgent and persistent question is what are you doing for others?" If service is the judgment, then heaven's gates have greeted the late Congressman Sidney R. Yates with open arms. Mr. Yates spent his life tirelessly, shamelessly, and unselfishly advocating for others who would have otherwise gone unheard. Our country would be a much better place if we all did.

Although our nation is a great one, it has not . . . because our laws and our statesmen, have not, always served the interests of certain persons and certain disciplines very well. However, in his more than sixty years of public service, Sidney Yates always did. I applaud him as a protector of the arts, a protector of the environment, a protector of children, and a protector of civil rights. His advocacy in these areas has never wavered.

I do not merely regard Mr. Yates as a great statesman for what he did, but when he did what he did. Sidney Yates has often stood up for people when doing so was not only unpopular, but in many instances, taboo. His advocacy for civil rights predates back to the 1940s, even though the Civil Rights Act was not passed until 1964. As the last of the New Deal Democrats and against the persistence of an emerging Grand Old Party majority in the 1990s, he fought to save, and did save, the National Education Association, the National Endowment for the Arts, and the nuclear submarine program. Furthermore, his leadership efforts have saved innumerable national parks and led to the establishment of the National Memorial Holocaust Museum. These are but a few of his contributions. Perhaps even more intriguing than what he accomplished was how he went about his work.

Although Congressman Yates was a hard worker, he, unlike many of us, was a rather silent and modest one. In his close to fifty years on Capitol Hill, he never held a press conference. He never even had a press secretary. He conducted his affairs and gained the trust and respect of his constituents the old-fashioned way. He earned it one act and one handshake at a time.

Although Sidney goes down as a member of Congress who served for the longest period of time, serving twenty-four full terms, his status when leaving the House in 1998 did not reflect that. His service record was interrupted in 1962 when he ran for a seat in the United States Senate for which he was unsuccessful. Although he won his U.S. House of Representatives seat back in 1964, but for his lack of continuity, he ranked 27th on the House Appropriations Committee when he otherwise would have been chairman. Although frustrated, as any of us would be, his manner of working and dedication to the betterment of life for America's citizens never faltered. A well-deserved honor, in 1993, toward the end of his career, President Clinton bestowed the Presidential Citizens Medal of Honor on Congressman Yates for his efforts on behalf of the arts and humanities.

Mr. Yates' belief has always been "[e]very civilization throughout history, you know, has been judged not by its military conquests but by its civilized achievements." He lived his life with this quote as his guide. Let it guide our lives. As we bid farewell to the great Sidney Yates, may his spirit of service to every American forever live in all of us.

GUAM INSURANCE WEEK

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. UNDERWOOD. Mr. Speaker, the governor of Guam has designated the week of November 12–18, 2000 as "Insurance Week." The focus of this proclamation is the Guam Association of Life Underwriters (GALU), a territorial chapter of the National Association of Insurance and Financial Advisors (NAIFA).

Chartered in 1972, the GALU is currently comprised of licensed general agents and subagents of the life insurance industry on the island of Guam. At the very onset of its inception, GALU worked toward bringing the industry together in order to improve the quality of products and services to the people of Guam. Between 1972 until 1990, GALU leaders David Cassidy, Carl Peterson, Charles Paulino, Frank Cruz and Evelyn Blas set the course which the association was to take. Under their leadership and guidance, GALU survived periods of economic slumps.

In the 1990's, past presidents Ben Toves, Frank B. Salas, Jess M. Dela Cruz, and Robert L. Wade Sr., worked toward providing continuing education for licensed agents. Together with the Guam Insurance Commissioner and the University of Guam, GALU made it possible for LUTC life insurance courses to be offered to agents on Guam. LUTC, the premier provider of sales skills training for the life and health insurance industry, enables local agents to achieve their highest potential through professional skills and leadership development training.

GALU's efforts toward the passage of Guam Public Law 25–134 further ensured the promotion of professionalism within the island's insurance industry. The law which requires 15 classroom hours per year for license renewal ensures that members remain in compliance with the rules and regulations of the insurance industry. In addition, personal enrichment among agents is also fostered by these annual sessions.

"Insurance Week" culminates with an induction ball to be held on November 17. At this point, I would like to take this opportunity to congratulate GALU's 2000–2001 Executive Officers: Fred Magdalera, President; Bobby Shringi, Vice President; Lourdes CN Ada, Secretary; Danilo S. Cruz, Treasurer; and the Board of Directors: Mercy Alegre, Jess Dela Cruz, Thad Jones, James Moylan, Patrick Matanane, John Baza and Roger Surban. I am sure that these officers will more than meet the challenge of operating in a rapidly changing environment. As they take upon the responsibilities of their respective posts, I wish these individuals the best for their ensuing terms. As we celebrate "Insurance Week," I commend the Guam Association of Life Underwriters for the excellent service it has provided the island and people of Guam.

IN RECOGNITION OF STATE SENATOR GRACE DRAKE FOR HER SERVICE TO OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. GILLMOR. Mr. Speaker, I rise today to recognize an extraordinary member of the Ohio Senate for her outstanding contribution and dedication to the State of Ohio. Senator Grace Drake currently serves as a Senator from Ohio's 22nd Senatorial district, which includes a portion of Cuyahoga County and all of Medina and Wayne counties.

As Chairperson of the Senate Health Committee since 1989, she has received countless awards for her work to ensure access to high quality, affordable health care for all Ohioans. She was also instrumental in the overhaul of Ohio's domestic relations laws, working to ensure that a child's needs are considered the top priority when determining custody.

Senator Drake has received awards and commendations from a wide variety of groups. She has received the Ohio Bar Association Distinguished Service Award, was inducted into the Ohio Women's Hall of Fame, received the President's Award for Distinguished Service from the Ohio Speech and Hearing Association, and she is a four time winner of the Watchdog of the Treasury award from the Unite Conservatives of Ohio. Additionally, she has received numerous awards for her work in the area of health care. The Ohio Hospital Association, the Ohio Academy of Nursing Homes, and the County Boards of Mental Retardation and Developmental Disabilities each have recognized her for distinguished service. She received an Honorary Doctorate in Public Administration from Cleveland State University and an Honorary Masters Degree in Anesthesiology from Case Western Reserve University.

Mr. Speaker, Senator Drake is a caring and effective legislator for the State of Ohio, and more specifically, for her constituents. I ask my colleagues of the 106th Congress to join me in commending her for her seventeen years of service and to wish her all the best in her future endeavors.

CARSON COMMENDS THE EINHORNS FOR CIVIC VIRTUE

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Ms. CARSON. Mr. Speaker, I am privileged to commend to the nation two distinguished citizens of Indianapolis, Claudette and Dr. Lawrence Einhorn. On Sunday, November 19, 2000, they are to be especially honored at the Indianapolis-Israel Dinner of State in Indiana's 10th Congressional District.

These true friends of the city have lived their lives as models of civic virtue for all to emulate. Claudette taught school and worked as a social worker before undertaking the challenge of motherhood, then operated her own small business. She has actively engaged with the work of Gleaner's Food Bank, the Dayspring Center Family Shelter, Meridian Street Co-Op, Dialogue Today, Arts Indiana, the Indianapolis Public School Education Foundation, and Common Cause and many other charitable and community organizations. She has served well the Jewish Community Center, the Jewish Community Relations Council, the Jewish Federation of Greater Indianapolis, the National Council of Jewish Women and Congressional Beth El Zedeck.

Dr. Einhorn, Distinguished Professor of Medicine at Indiana University and former President of the American Society of Clinical Oncology, is especially renowned as a collaborator in the development of the Einhorn Regimen, instrumental in vast reductions in the mortality rate for advanced testicular cancer. He has been honored with the Claude Jacquillat Award, the University of Utah Cartwright Award, the Dartmouth University Kaner Award, the University of Nebraska Carol Bell Cancer Award and has been named an Honorary Citizen of Paris.

Individually and together, the Einhorns personify the best traditions of service to the larger world. I ask, Mr. Speaker, that you and my other distinguished colleagues join me in commending each of the Einhorns for their lives of service to Indianapolis, to the Tenth Congressional District, to the nation and to the world.

WORLD WAR II MEMORIAL GROUNDBREAKING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. GILMAN. Mr. Speaker, I rise to comment on an important event which took place last weekend in Washington. This past Saturday, I joined President Bill Clinton, Secretary of Defense William Cohen, former Joint Chiefs of Staff Chairman Colin Powell, former Senator Bob Dole, motion picture actor Tom Hanks, and more than 10,000 World War II veterans and their families for the groundbreaking ceremonies for the new World War II Memorial in the Nation's Capital.

The official groundbreaking ceremony took place at a 7.4 acre site on the Mall, halfway between the Washington Monument and the Lincoln Memorial. The site for the Memorial had been previously dedicated on veterans day in 1995, with construction on the memorial expected to be finished by Memorial Day 2003.

As one of eleven World War II veterans who are current members of the House, I was pleased to be able to participate in this ceremony.

World War II was not only the defining event of our generation, it was the most significant event in the history of the world. This World War II Memorial is long overdue. It is important that it is completed while many of us who participated in the hostilities remain as witnesses.

The ground-breaking ceremony was made possible after the National World War II Memorial Foundation successfully raised an estimated $130 million needed for construction of the memorial. The funds were raised entirely from private donations from corporations, veterans organizations, school groups, and individuals. This fundraising campaign was led by former Senator Dole and Frederick W. Smith, chief executive officer of the Federal Express Company.

"We have reached a time," stated Senator Dole, "where there are few around to contradict what we World War II veterans say. All the more reason for the war's survivors, widows and orphans to gather here, in Democracy's front yard, to place the Second World War within the larger story of America. After today, it belongs where our dwindling ranks will soon belong—in the history books."

When completed, this World War II Memorial will stand as a permanent tribute to veterans of both the European and Pacific Theaters, as well as the dedication of the United States to the defense of freedom and liberty in the 20th century.

The original idea for the World War II Memorial originated with Representative MARCY KAPTUR who introduced legislation establishing the memorial in 1987 after a constituent pointed out to her that no such memorial had been dedicated up until that point.

In her remarks, Congresswoman KAPTUR (Ohio) stated: "individual acts by ordinary men and women in an extraordinary time bound our country together as it has not been since—bound the living to the dead in common purpose and in service to freedom, and to life."

This World War II Monument, which demonstrates America's dedication to the defense of liberty and freedom, will stand in the company of the monuments to Washington and Lincoln, its counterparts for the 18th and 19th centuries, respectively. This World War II Monument is also a tribute to the millions of Americans who worked for victory in the war effort on the home front.

Mr. Speaker, I submit the full statements of Senator Dole and Representative KAPTUR at this point in the RECORD:

SENATOR BOB DOLE, WORLD WAR II MEMORIAL GROUNDBREAKING, THE MALL, NOVEMBER 11, 2000

Thank you very much. Mr. President, Tom, and Fred, and our countless supporters and other guests. I am honored to stand here as a representative of the more than 16 million men and women who served in World War II. God bless you all.

It has been said that "to be young is to sit under the shade of trees you did not plant; to be mature is to plant trees under the shade of which you will not sit." Our generation has gone from the shade to the shadows so some ask, why now—55 years after the peace treaty ending World War II was signed aboard the USS Missouri—there is a simple answer: because in another 55 years there won't be anyone around to bear witness to our part in history's greatest conflict.

For some, inevitably, this memorial will be a place to mourn. For millions of others, it will be a place to learn, to reflect, and to draw inspiration for whatever tests confront generations yet unborn. As one of many here today who bears battle scars, I can never forget the losses suffered by the greatest generation. But I prefer to dwell on the victories we gained. For ours was more than a war against hated tyrannies that scarred the twentieth century with their crimes against humanity. It was, in a very real sense, a crusade for everything that makes life worth living.

Over the years I've attended many a reunion, and listened to many a war story—even told a few myself. And we have about reached a time where there are few around to contradict what we say. All the more reason, then, for the war's survivors, and its widows and orphans, to gather here, in democracy's front yard to place the Second World War within the larger story of America. After today it belongs where our dwindling ranks will soon belong—to the history books.

Some ask why this memorial should rise in the majestic company of Washington, Jefferson, Lincoln, and Roosevelt. They remind us that the mall is hallowed ground. And so it is.

But what makes it hallowed? Is it the monuments that sanctify the vista before us—or is it the democratic faith reflected in those monuments? It is a faith older than America, a love of liberty that each generation must define and sometimes defend in its own way.

It was to justify this idea that Washington donned a soldier's uniform and later reluctantly agreed to serve as first President of the Nation he conceived. It was to broadcast this idea that Jefferson wrote the Declaration of Independence, and later as President, doubled the size of the United States so that it might become a true Empire of Liberty. It was to vindicate this idea that Abraham Lincoln came out of Illinois to wage a bloody yet tragically necessary Civil War purging the strain of slavery from freedom's soil. And it was to defend this idea around the world that Franklin D. Roosevelt led a coalition of conscience against those who would exterminate whole races and put the soul itself in bondage.

Today we revere Washington for breathing life into the American experiment—Jefferson for articulating our democratic creed—Lincoln for the high and holy work of abolition—and Roosevelt for upholding popular government at home and abroad. But it isn't only Presidents who make history, or help realize the promise of democracy. Unfettered by ancient hatreds, America's founders raised a lofty standard—admittedly too high for their own generation to attain—yet a continuing source of inspiration to their descendants, for who America is nothing if not a work in progress.

If the overriding struggle of the 18th century was to establish popular government in an era of divine right; if the moral imperative of the 19th century was to abolish slavery; then in the 20th century it fell to millions of citizen-soldiers—and millions more on the home front, men and women—to preserve democratic freedoms at a time when murderous dictators threatened their very existence. Their service deserves commemoration here, because they wrote an imperishable chapter in the liberation of mankind—even as their Nation accepted the responsibilities that came with global leadership.

So I repeat: What makes this hallowed ground? Not the marble columns and bronze statutes that frame the mall. No—what sanctifies this place is the blood of patriots across three centuries. And our own uncompromising insistence that America honor her promises of individual opportunity and universal justice. This is the golden thread that runs throughout the tapestry of our nationhood—the dignity of every life, the possibility of every mind, the divinity of every soul. This is what my generation fought for on distant fields of battle, in the air above and on remote seas. This is the lesson we have to impart. This is the place to impart it. Learn this, and the trees planted by today's old men—let's say mature men and women—will bear precious fruit. And we may yet break ground on the last war memorial.

Thank you all and God bless the United States of America.

Remarks by the Honorable Marcy Kaptur (Ohio), World War II Memorial Groundbreaking Ceremony, November 11, 2000

We, the children of freedom, on this first Veterans' Day of the new century, gather to offer highest tribute, long overdue, and our everlasting respect and gratitude to Americans of the 20th century whose valor and sacrifice yielded the modern triumph of liberty over tyranny.

This is a long-anticipated day. It was 1987 when this Memorial was first conceived. As many have said, it has taken longer to build the Memorial than it took to fight the war. Today, with the support of our veterans service organizations and a small but determined, bipartisan group in Congress, the Memorial is a reality. I do not have the time to mention all the Members of Congress who deserve to be thanked for their contributions to this cause, but two Members in particular must be recognized. Rep. Sonny Montgomery, now retired, a true champion of veterans in the House, and Senator Strom Thurmond, our unfailing advocate in the Senate.

At the end of World War I, the French poet Guillaume Apollinaire declaring himself "against forgetting" wrote of his fallen comrades: "You asked neither for glory nor for tears. All you did was simply take up arms."

Five years ago, at the close of the 50th anniversary ceremonies for World War II, Americans consecrated this ground with soil from the resting places of those who served and died on all fronts. We, too, declared ourselves against forgetting. We pledged then that America would honor and remember their selfless devotion on this Mall that commemorates democracy's march.

Apollinaire's words resonated again as E.B. Sledge reflected on the moment the Second World War ended: ". . . sitting in a stunned silence, we remembered our dead . . . so many dead. . . . Except for a few widely scattered shouts of joy, the survivors of the abyss sat hollow-eyed, trying to comprehend a world without war."

Yes. Individual acts by ordinary men and women in an extraordinary time—one exhausting skirmish, one determined attack, one valiant act of heroism, one dogged determination to give your all, one heroic act after another—by the thousands—by the millions—bound our country together as it has not been since, bound the living to the dead in common purpose and in service to freedom, and to life.

As a Marine wrote about his company, "I cannot say too much for the men . . . I have seen a spirit of brotherhood . . . that goes with one foot here amid the friends we see, and the other foot there amid the friends we see no longer, and one foot is as steady as the other."

Today we break ground. It is only fitting that the event that reshaped the modern world in the 20th century and marked our nation's emergency from the chrysalis of isolationism as the leader of the free world be commemorated on this site.

This Memorial honors those still living who served abroad and on the home front as well as those we have lost: the nearly 300,000 Americans who died in combat, and those among the millions who survived the war but who have since passed away. Among that number I count my inspired constituent Roger Durbin of Berkey, Ohio, who fought bravely with the 101st Armored Division in the Battle of the Bulge and who, because he could not forget, asked me in 1987 why there was no memorial in our nation's Capitol to commemorate the significance of that era. I regret that Roger was not able to see this day. To help us remember him and his contribution to this Memorial, we have with us today a delegation from his American Legion Post and his beloved family, his widow Marian, his son, Peter, and his daughter, Melissa, who is a member of the World War II Memorial Advisory Board.

Only poets can attempt to capture the terror, the fatigue, and the camaraderie among soldiers, sailors, airmen, and marines in combat. This is a memorial to their heroic sacrifice. It is also a memorial for the living to remember how freedom in the 20th century was preserved for ensuing generations.

Poet Keith Douglas, died in foreign combat in 1944 at age 24. In predicting his own death, he wrote about what he called time's wrong-way telescope, and how he thought it might simplify him as people looked back at him over the distance of years. "Through that lens," he demand, "see if I seem/substance or nothing: of the world/deserving mention, or charitable oblivion . . ." And then he ended with the request, "Remember me when I am dead/and simplify me when I'm dead." What a strange and striking charge that is!

And yet here today we pledge that as the World War II Memorial is built, through the simplifying elements of stone, water, and light. There will be no charitable oblivion. America will not forget. The world will not forget. When we as a people can no longer remember the complicated individuals who walked in freedom's march—a husband, a sister, a friend, a brother, an uncle, a father—when those individuals become simplified in histories and in family stories, still when future generations journey to this holy place, America will not forget.

HONORING JOAQUIN LEGARRETA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a unique American who has served our nation with distinction and honor, Joaquin Legarreta, the Drug Enforcement Agency Deputy Attache for the United States in Mexico.

Mr. Legarreta has served the United States for 30 years in one of the most dangerous jobs we ask our public servants to do, to stand and fight on the front lines of our drug war, one of the great domestic and international policing challenges of the 20th Century, one already following us into the 21st Century. Thanks to men like Joaquin Legarreta, the United States is safer; but he would be the first to tell you that the task of his agency is not yet finished.

He began his service to our country in 1970 with the Bureau of Narcotics and Dangerous Drugs, the precursor to today's DEA (the DEA was formed in 1973). His star was already on the rise when he won the prestigious Administrator's Award in 1980, the award that recognizes excellence in agents whose work brings runners, and those for whom they work, to justice.

He won the Administrator's Award in 1980 for the Superfly operation. The DEA caught the Superfly, a "mother ship" from Colombia exporting $65,000 pounds of marijuana. A "mother ship" sits in international water and distributes its cargo to smaller ships for transport into the United States.

After terms of service that took him to major cities across the Southwest, including Houston, Laredo, El Paso, Brownsville and Sacramento, Legarreta joined the Intelligence Center for DEA, stationed, again, a El Paso. At that point, he began an even more dangerous line of work, work at which he is terribly adept. Today, he is charged with oversight of the DEA regional offices all over Mexico, traveling to them and conducting business on our behalf there.

During the course of his service, he has had numerous contracts put out on his life, a certain indicator that an agent is doing his job above and beyond the call of duty. Once, near the border, he was involved in a shootout in which one of his agents was shot; Legarreta picked him up, put him in the car and drove him to the hospital, saving his life.

He recently told a story that should make all of us proud. In Sacramento, his team executed a search warrant on a drug lab. Afterwards, an agent brought him a woman who had asked to talk to whoever was in charge. Thinking she was upset because flowers had been trampled or a dog kicked, he was overwhelmed when she thanked him for her freedom, and that of her neighbors.

With tears in his eyes, he recanted the story of this small woman with a sweater over her shoulders who grabbed his hand and said, "Thank you for freeing us." She told him that the people in the neighborhood had been prisoners in their own homes because of the drug lab. She wouldn't let go of his hand while they stood together for several minutes.

That, he says, made it all worthwhile. So, while we enjoy our comforts here today, I ask my colleagues to join me in commending this brave and unique patriot on the occasion of his retirement. I also thank his wife, Lupita, and their children, Lorena, Veronica, and Claudia, for sharing their husband and father with our nation.

INTRODUCTION OF A RESOLUTION OF INQUIRY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. PRICE of North Carolina. Mr. Speaker, I rise to introduce a Resolution of Inquiry to have the President direct the Archivist of the United States, the official of the United States Government responsible for coordinating the functions of the Electoral College, to provide the House of Representatives with full and complete information about the preparations that have been made for the various states to carry out the functions of the Electoral College this year.

It is not widely known that the House of Representatives and Senate have a critical role in counting the states' electoral ballots for President and Vice President of the United States. Many know of the ministerial function of the joint session that counts the ballots cast by the electors who are elected in their states. What is not widely understood is the precedent allowing Congress to decide which of two conflicting electoral certificates from a state is valid. Most important is the constitutional function of the Congress to formally object to the counting of the electoral vote or votes of a state and, by a majority of both the House and Senate, to disallow the counting of a state's electoral votes. The House of Representatives should not take this duty lightly, nor should we approach it unprepared.

I want to call attention to the 1961 precedent when a recount of ballots in Hawaii, which was concluded after the governor of that state had certified the election of the Republican slate of electors, showed that the Democratic electors had actually prevailed. The governor sent a second communication that certified that the Democratic slate of electors had been lawfully appointed. Both slates of electors met on the day prescribed by law, cast their votes, and submitted them to the President of the Senate. When the two Houses met in joint session to count the electoral votes, the votes of the electors were presented to the tellers by the Vice President, and, by unanimous consent, the Vice President directed the tellers to accept and count the lawfully appointed slate. Thus, the precedent holds that the Congress has the ability to judge competing claims of electors' votes and to determine which votes are valid.

The rejection of a state's electoral vote or votes is provided by 3 U.S.C. § 15. The relevant part reads as follows:

> [A]nd no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified.

The only occasion I am aware of when 3 U.S.C. § 15 was brought into play was January 6, 1969. The vote of North Carolina was stated to be 12 for Richard M. Nixon and Spiro T. Agnew and one for George C. Wallace and Curtis E. LeMay. Representative James G. O'Hara of Michigan and Senator Edmund S. Muskie of Maine protested the counting of the vote of North Carolina for Wallace and LeMay as not "regularly given."

The joint session then divided, and after the House and Senate individually debated the protest for two hours each, as provided by statute, they each voted to dismiss the objection and the vote for Wallace and LeMay was counted.

The circumstances that challenged the Congress in 1961 and 1969 were certainly different from those that may come to the Capitol doorstep early next year. If there is a single certainty about the election for president in 2000, it is that there is nothing certain. I believe it is in the interest of the members-elect of the 107th Congress that the 106th Congress make preparations for whatever may come to pass. I propose the first step in preparation is to pass a formal resolution of inquiry, which I have proposed today, to have the President direct the Archivist of the United States to provide the House of Representatives with full and complete information about the preparations that agency has coordinated to prepare the Electoral College to complete its constitutional function. We will need that information to know if the functions are faithfully and regularly carried out.

I also have requested the Congressional Research Service to provide information on state laws requiring electors to pledge their support for their political party's nominees for President and Vice President of the United States. Although there is precedent in the House and Senate for accepting the vote of a so-called "faithless elector," as cited in the 1969 instance where a North Carolina elector pledged to Nixon voted for Wallace, that was a case that did not involve state law requiring the faithfulness of electors. There is no precedent for counting or excluding the vote of a "faithless elector" when that elector's vote is cast in violation of state law. It is important that we in the House of Representatives have a thorough understanding of state law should such a situation arise in January 2001.

Mr. Speaker, time is of the essence in preparing Congress for counting the electoral votes in January. I urge the expeditious approval of this resolution of inquiry.

ELECTION 2000

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Ms. McKINNEY. Mr. Speaker, I am extremely disappointed with events in Florida, but it is important that I bring to your urgent attention, voting difficulties experienced in my District.

In 1996, there was heavy voter turnout in the Fourth Congressional District. The heavy turnout was responsible for sending me back to Congress after an unfriendly redistricting fight. However, at that time, voters were forced to wait for hours in order to cast their vote. Too many of them had to stand outside in the weather because the polling places were cramped and too small to accommodate the large number of voters who showed up to vote. People were standing outside and in some cases the lines extended down the street. We all were very proud to have excited the electorate to vote. However, that experience should have alerted the planners of our elections of the need for adequate facilities for voting; apparently it did not.

Regrettably, the electoral process in the Fourth Congressional District was once again marred by exactly the same logistical difficulties as were experienced in 1996, only this year they were even worse. From election day continuing through today, my office has received phone calls from constituents saying that they experienced excessively long delays in voting, some having to wait as long as five hours, and even worse, many said that they left the polling station without having voted at all. In stark contrast, I am told that the polling stations in the northern precincts of the district, which are majority white, moved quickly (in some cases in as little as 15 minutes) and voters did not experience any where near the difficulties experienced by black voters in the southern part of the District. I am concerned that we might be seeing a new pattern and practice that has black voter suppression as its intent.

Complaints in my district are rampant, and I've heard similar complaints from other parts of my State. I don't want to place blame on any of the innocent election workers whose task it was to service large numbers of voters under severe circumstances. In large measure, they did an admiral job under the circumstances. But the right to vote in this country is sacrosanct and that right should be protected. I am calling on the Department of Justice to investigate what happened in my district because sophisticated black voter suppression is still black voter suppression and that's against the law.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 2000.

HON. WILLIAM CLINTON,
President, Washington, DC.

DEAR PRESIDENT CLINTON: I am extremely disappointed to have to write this letter to you today. But in light of events in Florida, I think it is important that I bring to your urgent attention, voting difficulties experienced in Georgia's Fourth Congressional District.

In 1996, there was heavy voter turnout in the Fourth Congressional District. I am pleased about that. The heavy turnout was responsible for sending me back to Congress, Max Cleland to the Senate, and you to the White House. However, at that time, voters were forced to wait for hours in order to cast their vote. Too many of them had to stand outside in the weather because the polling place was cramped and too small to accommodate the large number of voters who showed up to cast their vote. People were standing outside and in some cases the lines extended down the street. We all were very proud to have excited the electorate to vote. However, that experience should have alerted the planners of our elections here of the need for adequate facilities for voting; apparently it did not.

We worked very hard this year to encourage all the voters in the district to participate in the November 7th election and as a consequence, there was once again a strong turnout. Regrettably, the electoral process in the Fourth Congressional District was once again marred by exactly the same logistical difficulties as were experienced in 1996, only this year they were worse. From election day continuing to today, my office and the DeKalb County NAACP have received countless phone calls from constituents complained saying that they experienced excessively long delays in voting, some having to wait as long as four to five hours, and even worse, many said that they had left the polling station without having voted at all. These constituents complained that the polling stations were completely underprepared for the turnout. There were simply too few voting booths, voter lists, and elections personnel at the black precincts in the Fourth Congressional District. In stark contrast, I am told that the polling stations in the northern precincts of the district, which are majority white, moved quickly (in some cases in as little as 15 minutes) and voters did not experience any where near the difficulties experienced by black voters in the southern part of the District.

By way of example, constituents complained that at Stone View precinct, there were at least 1200 people standing in line waiting to vote, but election officials confided that they could process only approximately 100 voters an hour and that at that rate voters would be voting until 8:00 a.m. the following morning. Hundreds of people eventually left the precinct without voting after having waited four to five hours to vote. Additionally, we received complaints that constituents waited as long as four to five hours in line only to be told when they finally arrived at the desk that they were at the wrong precinct and because of the lateness of the hour, they were not going to be able to vote at all.

Tragically, many of the people waiting in line to vote were forced to stand for hours in the rain with infants and young children. One constituent complained that after he had waited for hours to get his ballot form at the front desk, he was not allowed reentry into the building when he left the voting line to check on his small children who were outside. Also, several motor vehicle accidents occurred at polling stations, in large measure I am sure, because of the voting delays leading to traffic congestion at the polls.

In light of the above, I am extremely concerned that a new form of black voter suppression might have been experienced by voters in the Fourth Congressional District, constituting a potential violation of the Voting Rights Act.

Mr. President, I do not want to place blame on any of the innocent election workers whose task it was to service large numbers of voters under severe circumstances. In large measure, they did an admirable job under the circumstances. But the right to vote in this country is sacrosanct and that right should be protected.

I respectfully request your immediate investigation into this matter.

Sincerely,

CYNTHIA MCKINNEY,
Member of Congress.

TRIBUTE TO HOWELL L. HODGSKIN, JR. FOR LONGTIME SERVICE TO CENTRAL NEW YORK AND THE U.S. MILITARY ACADEMY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. WALSH. Mr. Speaker, at the conclusion of this admissions season, Mr. Howell L. Hodgskin, Jr. will retire after twelve years of service to Upstate New York as our region's admissions field representative for the United States Military Academy at West Point.

Mr. Hodgskin, a graduate of West Point and a one-time commissioned officer in the United States Army, has served as the U.S. Military Academy's liaison officer for seven different Members of Congress—SHERWOOD BOEHLERT, JOHN MCHUGH, MAURICE HINCHEY, Bill Paxon, TOM REYNOLDS, AMORY HOUGHTON, and me—as we annually seek to make nominations to the nation's service academies.

After distinguished service in the Army, Mr. Hodgskin was employed as a program manager and radar engineer for the General Electric Company in Syracuse from 1956 to 1989. Since his retirement from General Electric, Mr. Hodgskin has proved invaluable as Upstate's Congressional liaison to West Point. His contributions have assisted Central New York's finest young people in their efforts to enroll in the United States Military Academy.

As he prepares to step down from this important role, I salute him on behalf of the residents of New York's 25th Congressional District for his service and dedication to West Point and our nation. The best of luck always, Hodge.

TRIBUTE TO COMMANDER VIRGINIA TORSCH, UNITED STATES NAVAL RESERVE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to an exceptional leader in recognition of her remarkable service to her country, both on active duty and in the reserves, and as a staunch advocate of improved health care benefits for members of the uniformed services community. CDR Virginia Torsch's truly distinguished record merits special recognition on the occasion of her departure from The Retired Officers Association (TROA) to a position in the private sector.

CDR Virginia Torsch received her Bachelor of Science degree in Zoology from the University of Maryland in 1978, and completed her Master's of Health Science in International Health at Johns Hopkins School of Public Health and Hygiene, Baltimore, Maryland in 1982.

A year later, in 1983, CDR Torsch became a commissioned officer in the U.S. Navy's Medical Service Corps. She was sent to the Naval Hospital, Pensacola, Florida where she served eleven months as the Assistant Comptroller. She then transferred to the Armed Forces Medical Intelligence Center, Fort Detrick, Maryland as a medical intelligence research specialist, writing medical studies on countries in Southeast Asia. Three years later in 1987, CDR Torsch transferred to the Pentagon where she served on the Navy Surgeon General's staff as the Assistant for Fleet Support in the Medical Operations and Planning Division. During this tour, CDR Torsch also completed the Naval War College's seminar program, graduating with distinction in 1989. In November 1990, CDR Torsch affiliated with the Navy Reserves where she is currently attached to the National Naval Medical Command Bethesda 106 unit.

In December, 1990, after leaving active duty, CDR Torsch joined the Strategy 2000 staff at the Paralyzed Veterans of America (PVA). While there, she assisted with the development and publication of "Strategy 2000: The VA Responsibility in Tomorrow's National Health Care System", which analyzed the potential impact of national health care reform on the VA medical care system. CDR Torsch also tracked and analyzed health care reform legislation and initiatives, both at the national and state levels.

In October, 1992, CDR Torsch joined the staff at The Retired Officer's Association as the Assistant Director of Government Relations, Health Affairs, where for the last eight years she has worked tirelessly to advance legislation guaranteeing lifetime health care for uniformed services beneficiaries. Because of her strong health care background, CDR Torsch was made TROA's principal representative to The Military Coalition's Health Care Committee. To illustrate the significance of this assignment, it is helpful to note that The Military Coalition (TMC) is a

Shortly after beginning her liaison with TMC, CDR Torsch was elected to the position of the Co-chairman of the TMC Health care Committee because of her ability to articulate forcefully the urgency of providing lifetime health care to members of the greatest generation and their successors and in recognition of her practical insights on the best legislative strategy to achieve that goal. CDR was a major contributor to the Coalition's Health Alternative Reform Taskforce (CHART) study, which identified several innovative ways to provide lifetime health care to military beneficiaries who were locked out of military treatment facilities when they attained Medicare eligibility. That landmark study became the blueprint for several laws that were enacted in the last five years.

In 1997, Congress enacted a three-year demonstration of a concept called Medicare subvention, through which the Health Care Financing Administration would reimburse the Department of Defense (DOD) for care provided to Medicare-eligible members of the uniformed services community in Military Treatment Facilities (MTFs). That program, now called TRICARE Senior Prime, was included in the Balanced Budget Act of 1997 and is currently in operation at 10 MTFs.

Over the years, CDR Torsch and other members of The Military Coalition have worked very closely with my staff in developing an option to allow Medicare-eligible service beneficiaries to enroll in the Federal Employees Health benefits Program (FEHBP), the same program that is available to virtually all Federal civilian employees, Congressional staff members and Members of Congress. In 1998, an amendment to the FY 1999 National Defense Authorization Act (NDAA), which I sponsored along with my distinguished colleagues, WILLIAM MAC THORNBERRY and J.C. WATTS, provided authority for DOD to conduct a three-year demonstration to determine the financial and other impacts of allowing Medicare-eligible service beneficiaries to enroll in FEHBP. The test of FEHBP–65, as it is called, is also underway at 10 locations around the country. I am convinced the results of this demonstration will prove conclusively that

FEHBP is a cost-effective and viable option that should be made available to all retirees.

The FY 1999 NDAA also provided authority to conduct two other demonstrations for Medicare-eligible retirees which CDR Torsch and the coalition collaborated on with the Armed Services Committees: TRICARE as second-payer to Medicare; and the enrollment in DOD's mail order and retail pharmacy programs.

CDR Torsch's unwavering efforts to provide a meaningful health care benefit to Medicare-eligible members of the uniformed services community culminated this year when Congress established in the FY 2001 National Defense Authorization Act a lifetime entitlement to TRICARE for service retirees, their family members and survivors. Effective on October 1, 2001, the TRICARE-for-Life option will not require participants in this program to pay enrollment fees or deductibles. CDR Torsch and the Military Coalition also advocated successfully to have Congress offer a TRICARE prescription drug benefit in the final FY 2001 NDAA. As evidence of her commitment and effectiveness in advocating on behalf of military retirees, Congress also adopted a key recommendation offered by CDR Torsch in her testimony earlier this year that beneficiaries should not be required to pay enrollment fees or premiums to participate because doing so would deny this benefit to those who need it most.

Taken together, these initiatives comprise the most significant improvements in military health care ever undertaken. Thanks in large measure to the dedication by CDR Torsch, TROA and other advocates of military retirees, Congress has demonstrated its commitment to providing lifetime health care to our nation's military personnel and their families. I commend their involvement in this area and believe these efforts should prove invaluable in reversing declining retention and readiness trends in all services.

Mr. Speaker, CDR Torsch has been a leader in every sense of the word—a leader in TROA, the Military Coalition and the entire retired community. Her health care contributions have made an indelible mark on the lives of millions of retirees that will benefit them for years to come. I urge you to join me in wishing her continued success in her new endeavors and in her continued service to this nation.

CONCERNING ABILENE PHILHARMONIC ORCHESTRA

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. STENHOLM. Mr. Speaker, I would like to recognize the 50th anniversary of one of Abilene's oldest performing arts organizations, the Abilene Philharmonic Orchestra on December 2 of this year. This great symphony orchestra enriches the cultural life of a city in a unique way; it creates a place where fine musicians want to live and teach and perform. In the 1950-opening season, concerts were held in the old Abilene High School with audiences of less than 100 people. Currently the Abilene Philharmonic Orchestra performs in the Abilene Civic Center with crowds averaging 2,000. I would not only like to acknowledge this organization for their 50th anniversary, but also the impact they have had on the Abilene community.

HONORING A SPECIAL COLORADO FAMILY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. SCHAFFER. Mr. Speaker, today I rise to honor a hard working family from Flagler, CO. Florence Fuller works with her daughter and son-in-law, Sally and Mike Santala on their farm in northeast Colorado. They survive Florence's husband, Eddie, who began the family tradition of finding new ways of conserving natural resources on their farm. It is that tradition that has earned the Fuller family the Farming Conservationist Award from the Colorado Association of Soil Conservation Districts at its 56th annual meeting in Grand Junction, Monday, November 13. Each year, the association awards the title of Conservationist of the Year to landowners who exemplify leadership in land stewardship.

The Fullers first came to Kit Carson County in 1948 and immediately took a leadership role in their local community. Eddie Fuller helped organize the Flagler Soil Conservation District in 1951 and acted as the organization's Secretary-Treasurer for 16 years. The Fuller farm now encompasses 860 acres of cropland, 97 acres of hay meadow, and 2,500 acres of rangeland at the base of the Colorado Rocky Mountains. It is because of the Fuller family's innovative work with rotational grazing techniques and other conservation methods that the Colorado Association of Conservation Districts has bestowed upon them such an honor, and it is because of their contributions to their community and the environment that I stand here to recognize them today.

MOTION TO INSTRUCT CONFEREES ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT 2001

SPEECH OF

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 31, 2000

Mr. BARTON of Texas. Mr. Speaker, I rise today to oppose this motion. It is fitting this motion was brought on October 31, because this is pure Halloween politics by the minority party designed to scare Americans a week before the Presidential election. The timing of the motion, and the study upon which this motion is based, are questionable at best. One week before an election, the Minority Staff of the Government Reform Committee releases a report criticizing the condition of Texas nursing homes.

Some have tried to pass this study off as non-partisan. I have a hard time believing such a claim. This study was conducted unbeknownst to the majority staff at the Government Reform Committee. This was not an effort to accurately gauge the conditions of Texas nursing homes. This was purely political. The Gore-Lieberman website posted the study and commentary on it before it was released to Majority Members of the Government Reform Committee. It also breeds suspicion that days before this report was released, the Democratic National Committee began an advertising campaign on the state of nursing homes in Texas.

If this was a non-partisan study then are we supposed to believe that it was a mere coincidence the study was released on the heels of these ads being run. Even if we are to blindly accept such a coincidence, the release of the study to the Gore-Lieberman campaign before it was given to Majority Members of the Government Reform Committee clearly demonstrate that this study was nothing more than partisan political propaganda.

More disheartening than the timed release of this study was the facts ascertained and the conclusions reached by the study are a clear misrepresentation of the conditions of nursing homes in Texas. I agree that we must take steps to improve the care that patients receive in nursing homes. However, as a Texan I take great umbrage at this one-sided hatchet job designed to embarrass my state.

If we look at the objective facts we find a much different picture of Texas nursing homes than painted by the Minority Staff Report. In September 2000, the non-partisan General Accounting Agency (GAO) issued a comprehensive study that directly disputes the claims made in the partisan minority report. The GAO concluded that the percentage of homes in Texas cited for harm and immediate jeopardy deficiencies were half what the partisan Minority study claims.

The Minority Staff study claims that over 50 percent of the nursing homes in Texas had violations that caused actual harm to residents or placed them at risk of death or serious injury. According to the September GAO report, the percentage of homes with actual harm and immediate jeopardy deficiencies from January 1997 to July 2000 were only 25 percent—half what the Minority report stated. We must work to reduce this number, but it also clearly demonstrates how the Minority report attempted to overstate the problem in a partisan effort to embarrass Texas.

The University of California San Francisco Department of Social and Behavioral Sciences conducted a nationwide study of nursing facility deficiencies in which Texas nursing homes rated better than most other states. The study examined the percentage of nursing homes with deficiencies in ten different areas; Comprehensive Assessments, Accident Prevention, Housekeeping, Dignity, Physical Restraints, Food Sanitation, Accidents, Quality of Care, Pressure Sores, and Comprehensive Care Plans. In Calendar Year 1998, the last year of the study, Texas nursing homes had lower indices of deficiencies than the normal average in eight of these categories.

In the percentage of Quality of Care deficiencies, Texas nursing homes are below the national average, while a state like Connecticut is a staggering 19 percent above the national average, and above the national average in four of ten categories. In the percentage of Food Sanitation deficiencies, Texas is half a percentage point above the national average. However, Tennessee is over eight percent above the national average in Food Sanitation deficiencies. Instead of attempting to misrepresent the Texas record for political gain, the Gore-Lieberman ticket should be focusing their efforts on improving nursing home conditions in their home states.

In Texas we understand there are problems within our nursing home system, and we have taken steps to correct them. In 1995 and 1997, Texas passed legislation that instituted: new requirements for background checks on nursing home operators, new enforcement measures on non-compliant nursing homes, and mandated standards for quality of life and quality of care. A facilities compliance with these standards must be made available to the public and explained to nursing home residents as well as their next of kin.

According to a March 1999 GAO report on nursing homes, Texas spends more than other states on compliant expenditures per home. It also shows that the only state with more compliant visits per 1,000 beds is Washington. Many experts believe that compliant investigators are more important than the standard surveys required not less frequently than every 15 months. This is believed to be this case because complaints can be a good indicator of a current problem in a facility, that a compliant visit comes as a surprise and thus gives surveyors a more accurate picture of what is going on in a facility.

We passed the Boren Amendment in the Balanced Budget Act of 1997 to remove states Medicaid spending from the crippling effects of court mandated reimbursements. The Boren Amendment was enacted to provide more fiscal discipline in the Medicaid program. However, the vague wording of the amendment subjected states to numerous court orders that led to Medicaid spending spiraling out of control. A major proponent of eliminating the Boren Amendment was President Clinton. The President, in an August 1999 speech to the National Governors Association, stated, "We've waived or eliminated scores of laws and regulations on Medicaid, including one we all wanted to get rid of, the so-called Boren Amendment." Eliminating this provision was a bipartisan effort which both parties agreed to.

If the Boren Amendment is not working, and the proof is not there that it isn't, then let's follow the procedures dictated by the Balanced Budget Act of 1997. In this statue a provision was included that asks the Secretary of the Department of Health and Human Services to conduct a study on access to, and quality of, the services provided to beneficiaries subject to the rate setting method used by the states. That report is due 4 years after the enactment of B.B.A. 97 which puts us in August of next year. This report will give accurate information on the effects on repeal of the Boren Amendment, and if there is a need to have it reinstated.

This is Halloween, but don't be fooled. If we need to reexamine the repeal of the Boren Amendment let's wait until the Secretary is done with the report. This motion is not about patient care. This is about election year politics, and I urge all my colleagues to vote "no."

THE SKELETON IN THE CLOSET

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. CONYERS. Mr. Speaker, the following is an article which appeared in the November 2, 2000 edition of The New York Review of Books, which considers the differences among African-Americans and historians as to how slavery should be most accurately remembered.

Its author, George M. Fredrickson has observed that there is indecision among African-Americans as to how slavery should be remembered, which is brought about because some believe that the best course of action is not to act at all, in other words to forget it. They wish to simply neglect any detailed recollection of slavery because the pain of its memory is too difficult to bear. But others are convinced that everything about this peculiar institution should be brought to light. To them it seems the better course of action to emulate the strategy of the one ethnic group in the twentieth century, that was severely persecuted, but who remained determined not only to discuss their persecution, but to document and publicly display it by way of museums and oral histories and confirm for all time the incredible atrocities to which they were subjected.

Over the last six years, there has been an amazing outpouring of literature and research concerning the enslavement of African people in the United States and it appears that there is still more to come. In the article that follows, it is made clear that the perspective of the historian often affected his work and made the relationship between the slaves and the slavemaster a matter of his, the historian's, subjective interpretation. It also showed how many of the attitudes that buttressed the institution of slavery lived beyond the reconstruction era and persisted not only into the post reconstruction era but into modern times. Because of the growing number of legislators who are becoming attracted to this subject and the unresolved questions that swirl around it, this essay and other materials that it references continue to illuminate this terrible part of American history. Of growing concern is the challenge that this new information may help us in a constructive way to move forward as a nation that honors diversity rather than leading to finger pointing and accusations that will divide us further. There is a growing hope that the spotlight of truth can lead to constructive solutions and a new appreciation of the significance of a diversity which is uniquely American.

THE SKELETON IN THE CLOSET

(By George M. Fredrickson)

1.

One hundred and thirty-five years after its abolition, slavery is still the skeleton in the American closet. Among the African-American descendants of its victims there is a difference of opinion about whether the memory of it should be suppressed as unpleasant and dispiriting or commemorated in the ways that Jews remember the Holocaust. There is no national museum of slavery and any attempt to establish one would be controversial. In 1995 black employees of the Library of Congress successfully objected to an exhibition of photographs and texts describing the slave experience, because they found it demoralizing. But other African-Americans have called for a public acknowledgment of slavery as a national crime against blacks, comparable to the Holocaust as a crime against Jews, and some have asked that reparations be paid to them on the grounds that they still suffer from its legacy. Most whites, especially those whose ancestors arrived in the United States after the emancipation of the slaves and settled outside the South, do not see why they should accept any responsibility for what history has done to African-Americans. Recently, however, the National Park Service has begun a systematic review of exhibits at Civil War battlefields to make visitors aware of how central slavery and race were to the conflict.

Professional historians have not shared the public's ambivalence about remembering slavery. Since the publication of Kenneth Stampp's *The Peculiar Institution* in 1956 and Stanley Elkins's *Slavery* in 1959, the liveliest and most creative work in American historical studies has been devoted to slavery and the closely related field of black-white relations before the twentieth century. In the 1970s, there was a veritable explosion of large and important books about slavery in the Old South. But no consensus emerged about the essential character of anti-bellum slavery. What was common to all this work was a reaction against Stanley Elkins's view that slavery devastated its victims psychologically, to such an extent that it left them powerless to resist their masters' authority or even to think and behave independently. If slaves were now endowed with "agency" and a measure of dignity, the historians of the Seventies differed on the sources and extent of the cultural "breathing space" that slaves were now accorded. For Herbert Gutman, it was the presence among slaves of closely knit nuclear and extended families; for John Blassingame, it was the distinctive communal culture that emanated from the slave quarters; for Eugene Genovese, it was the ability to maneuver within an ethos of plantation paternalism that imposed obligations on both masters and slaves.

Clearly there was a difference of opinion between Blassingame and Gutman, on one hand, and Genovese on the other, about how much autonomy the slaves possessed. Genovese conceded a "cultural hegemony" to the slaveholders that the others refused to acknowledge. But even Genovese celebrated "the world that the slaves made" within the interstices of the paternalistic world that the slaveholders had made. At the very least, slaves had their own conceptions of the duties owed to them by their masters, which were often in conflict with what the masters were in fact willing to concede. Although all the interpretations found that conflict was integral to the master-slave relationship, the emphasis on the cultural creativity and survival skills of the slaves tended to draw attention away from the most brutal and violent aspects of the regime—such as the frequent and often sadistic use of the lash and the forced dissolution by sale of many thousands of the two-parent families discovered by Gutman.

There was also a tendency to deemphasize physical, as opposed to cultural, resistance by slaves. Relatively little was said about rebellion or the planning of rebellion, running away, or sabotaging the operation of the plantation. From the literature of the 1970s and 1980s, one might be tempted to draw the conclusion that slaves accommodated themselves fairly well to their circumstances and, if not actually contented, found ways to avoid being miserable. Out of fashion was the view of Kenneth Stampp and other neo-abolitionist historians of the post-World War II period that the heart of the story was white brutality and black discontent, with the latter expressing itself in as much physical resistance as was possible given the realities of white power. Interpretations of slavery since the 1970s have tended to follow Genovese's paternalism model when characterizing the masters or analyzing the master-slave relationship and the Blassingame-Gutman emphasis on communal cultural autonomy when probing the consciousness of the slaves. Tension between the cultural-hegemony and cultural-autonomy models has been the basis of most disagreements.

Beginning around 1990, however, a little-noticed countertrend to both culturalist approaches began to emerge. The work of Michael Tadman on the slave trade, Norrece T. Jones on slave control, and Wilma King on slave children brought back to the center of attention the most brutal and horrifying aspects of life under the slaveholders' regime. Tadman presented extensive documentation to show that the buying and selling of slaves was so central to the system that it reduces any concept of slaveholder paternalism to the realm of propaganda and self-delusion. "Slaveholder priorities and attitudes suggest, instead, a system based more crudely on arbitrary power, distrust, and fear," he wrote.

What kind of paternalist, one might ask, would routinely sell those for whom he had assumed patriarchal responsibility? Building on Gutman's discovery of strong family ties, Jones maintained that the threat of family breakup was the principal means that slaveholders used to keep slaves sufficiently obedient and under control to carry out the work of the plantation. There was no paternalistic bargain, according to Jones, only the callous exercise of the powers of ownership, applied often enough to make the threat to it credible and intimidating. Like Jones, Wilma King likens the master-slave relationship to a state of war, in which both parties to the conflict use all the resources they possess and any means, fair or foul, to defeat the enemy. She compared slave children to the victims of war, denied a true childhood by heavy labor requirements, abusive treatment, and the strong possibility that they would be permanently separated from one or both parents at a relatively early age. She presented evidence to show that slave children were small for their ages, suffered from ill health, and had high death rates. The neo-abolitionist view of slavery as a chamber of horrors seemed to be re-emerging, and the horror was all the greater because of the acknowledgment forced by the scholarship of the Seventies that slaves had strong family ties. What was now being emphasized was the lack of respect that many, possibly most, slaveholders had for those ties.

A recent book that eschews theorizing about the essential nature of slavery but can be read as providing support for the revisionists who would bring the darker side of slavery into sharper relief is *Runaway Slaves: Rebels on the Plantation* by John Hope Franklin and Loren Schweninger. This relentlessly empirical study avoids taking issue with other historians except to the extent that it puts quotation marks around "paternalist." It has little or nothing to say about slave culture and community. Its principal sources are not the many published narratives of escaped slaves, such as the ones now made available by the Library of America, but rather newspaper accounts, legal records, and the advertisements that describe runaways and offer a reward for their return.

The latter sources are especially useful because they contain candid descriptions of lacerated backs, branded faces, and other physical evidence of cruel treatment. Few runaways actually made it to freedom in the North. Most remained in relatively close proximity to their masters' plantations and were eventually recaptured. It was generally young men who absconded, but they did so in huge numbers. Few plantations of any size failed to experience significant absenteeism. Franklin and Schweninger are unable to determine "the exact number of runaways," but conclude very conservatively that there had to have been more than 50,000 a year. Slaves run off for a variety of motives—to avoid being sold or because they wanted to be sold away from a harsh master, to avoid family dissolution or to find kin from whom they had already been separated, to avoid severe whipping or as a response to it. The picture that emerges from the many vivid accounts of individual acts of desertion is of an inhumane system that bears no resemblance to the mythical South of benevolent masters and contented slaves. It is even hard to reconcile with the more sophisticated view that most slaveholders conformed to a paternalistic ethic that earned a conditional acquiescence from many of their slaves.

The masters found in this book are cruel and insensitive and the slaves openly rebellious. Although it rarely brought freedom, the mode of resistance described in *Runaway Slaves* could have positive results for the deserters. In some cases, they successfully made their return contingent on better conditions, or at least avoidance of punishment. In other words, running away could be a kind of labor action, the closest approximation to a strike that was possible under the circumstances. Very well written, filled with engrossing narrative, and exploiting valuable sources that the historians of slave culture and consciousness have tended to neglect, *Runaway Slaves* is a major work of history.

2.

But of course most slaves did not run away and some plantations did not have serious problems of desertion. Franklin and Schweninger might therefore be exposing only one side of a complex reality. The deep discontent of the deserters is obvious, but was their attitude typical or exceptional? To answer this question, it would be helpful to have direct testimony from slaves who stayed as well as those who fled. There are two principal sources of slave testimony—the published narratives from the nineteenth century, some of which have been collected by William L. Andrews and Henry Louis Gates for the Library of America, and the interviews with elderly ex-slaves conducted in the 1930s by WPA writers. Selections from the interview are now available in a book-audio set, published in conjunction with the Library of Congress and the Smithsonian Institution. Reading these books and listening to the tapes conveys, if nothing else, a sense of how diversely slaves could be treated and how variously they could respond to their circumstances. The narratives written by fugitives stress, as might be expected, the abuse and oppression from which their authors have fled. But the WPA interview include some that convey nostalgia for kindly or honorable masters and suggest that paternalism could, in some instances, be an ethical code as well as a rationalization for servitude.

One could conclude therefore that some masters were genuine paternalists who made their slaves grateful that their owners were among the decent ones (unlike, for example, the owner of a neighboring plantation who had a reputation for cruelty), while others were ruthless exploiters who treated their human property simply as tools of their own greed and ambition. Both bodies of sources have built-in biases that detract from their authority, as Franklin and Schweninger suggest in explaining why they made little use of them: "Suffice it to say that many of the persons who inhabit the pages of recent studies are either far removed in time and space from the South they describe, or, due to conventions, or the purpose of a diary, are less than candid in their observations."

An earlier generation of historians considered the kind of narratives collected by Andrews and Gates unreliable because they had allegedly been ghostwritten and embellished by white abolitionists for purposes of antislavery propaganda. Recent research, however, had established the authenticity of most of them. Original claims for their authorship and the existence of many of the people and events they describe have been verified. But how representative of the slave population in general were the life experiences and attitudes of these literary fugitives? They had to be literate to write their stories, and 95 percent of the slaves were unable to read and write. Four of the six accounts of escapes from the South to the North presented in *Slave Narratives*—those of Frederick Douglass, William Wells Brown, Henry Bibb, and William and Ellen Craft—feature fugitives who had white fathers. Two of them—Henry Bibb and Ellen Craft—were so light-skinned that they were able to pass for white.

Mulattos may have been a substantial minority of the slave population of the Old South, but literate, lightskinned mulattos were rare. It is nevertheless telling evidence of the callousness of Southern slaveholders that most of the children they sired with slave women were unacknowledged and kept in servitude, rather than being emancipated by their fathers, as was more likely to be the case in other slave societies. To attain freedom, the fugitives of mixed race had to use their degree of whiteness or access to education (which allowed them to forge documents) as devices for deceiving their pursuers. Upon arrival in the North, their value to the abolitionists came partly from the pathos that could be generated among color-conscious Northerners by the thought that someone who looked white or almost white could be a slave, especially if she were a beautiful young woman at the mercy of a lustful master. But the sexual exploitation of slave women of any pigmentation was a harsh reality, as the narrative of Harriet Jacobs, who went to extraordinary lengths to avoid the embraces of her owner, clearly illustrates.

The testimony collected by WPA interviewers in the 1930s suffers from very different and perhaps more severe limitations. Most of it, including much of what is included in Remembering Slavery, the recent selection edited by Ira Berlin, Marc Favreau, and Steven F. Miller, comes from those born in slavery but emancipated as children. Very few of them experienced slavery as adults and those who did were into their nineties by the time they were interviewed. Seventy- or eighty-year-old memories are notoriously fallible and can be distorted as a result of what may have happened more recently. Some of those who had lived through the era of lynching and Jim Crow segregation might view their experience as children who had not yet experienced the worst of slavery with a certain amount of nostalgia.

In most cases, moreover, the interviewers were Southern whites, and blacks at the height of the segregation era in the South would have been reluctant to express their true feelings about how their inquisitors' forebears had treated them. One would therefore expect the oral testimony to make servitude seem more benign than it actually was. But despite these inherent biases, there is in fact much evidence in Remembering Slavery to support the view that slavery was legalized brutality. Whipping, it is clear, was virtually omnipresent. Helplessly watching a parent being severely flogged was etched in the memory of many of the interviewees, and a surprisingly large number had been whipped themselves by masters or overseers, despite their tender ages. Sam Kilgore was exceptional in having a master who never whipped his slaves, but "Marster had a method of keepin' de cullud fo'ks in line. If one of dem do somethin' not right to dem he say: 'Don't go to wo'k tomorrow Ise 'spec de nigger driver am a-comin' pass an' Ise gwine to sell youse.'"

Whether discipline was obtained by constant use of the lash, by the threat of sale for any misbehavior, or both, the system revealed here is one that relied on fear and coercion rather than on any sense of a patriarch's responsibility to his dependents. There is also evidence in Remembering Slavery of what today would be considered the most flagrant kind of child abuse. Her mistress beat Henrietta King, an eight- or nine-year-old accused of stealing a piece of candy, while her head was secured under the leg of a rocking chair. "I guess dey must of whupped me near an hour wid dat rocker leg a-pressin' down on my haid," she recalled. As a result of the pressure, her face and mouth were permanently and severely disfigured.

In the light of such evidence, it is not readily apparent why Ira Berlin's introduction affirms that a paternalistic ethic prevailed among slaveholders. Was it really true in most cases that "the incorporation of slaves into what planters called their 'family, black and white,' enhanced the slaveholders' sense of responsibility for their slaves and encouraged the owners to improve the material conditions of plantation life"? Material conditions did improve during the nineteenth century, but an alternative explanation is available: slaves were valuable property that was appreciating in value. In the light of their financial interest in healthy, marketable slaves, the real questions might be why conditions on the plantations were often so harsh. A slave scarred by whipping depreciated in value, but whippings persisted; slave children were an appreciating asset; but, if Wilma King is correct, they were generally unhealthy and undernourished. (An image from more than one account in Remembering Slavery is that of slave children being fed at a trough like pigs.)

Paternalism in one sense of the word may be a byproduct of vast difference in power. Those who present no conceivable threat to one's security, status, or wealth may be treated with condescending and playful affection. It is clear from some of the recollections in Remembering Slavery that attractive slave children could became human pets of their masters and mistresses. Mature slaves who "played Sambo" could also arouse feelings of indulgence and receive special treatment. But the possession of great power over other human beings can also provoke irrational cruelty. The other side of the coin of paternalism in this psychological sense is sadism.

Berlin is on stronger ground when be notes that "the paternalist ideology provided slaveholders with a powerful justification for their systematic appropriation of the slaves' labor." But the racism that made it possible to consider blacks as subhuman was another possible justification. The two could be synthesized in the notion that blacks were perpetual children and had to be treated as such no matter what their actual ages. But if this was the dominant view it did not prevent a substantial amount of child abuse.

3.

Slave children are the subjects of Marie Jenkins Schwartz's Born in Bondage. It covers much of the same ground as Wilma King's Stolen Childhood, but in its effort to understand the master-slave relationship it leans toward the paternalism model more than toward the "state-of-war" analogy invoked by King and Norrece Jones. Consequently it presents a somewhat less horrific impression of what it meant to grow up on a slave plantation. It acknowledges the possibility of sale for adolescent slaves, noting that approximately 10 percent of them were sold from the upper to lower South between 1820 and 1860. But in claiming that "the risk of separation from families through sale was relatively low for very young children," it disregards the frequent sale of men without their wives and young children or of women with infants without their husbands that is acknowledged elsewhere in the book. Schwartz's conclusion that "slaves throughout the South worried about being sold" seems like an understatement in the light of what Norrece Jones has revealed about how masters manipulated intense fears of family separation to maintain discipline.

The conception of paternalism found in Born in Bondage is set forth in terms very close to those employed by Eugene Genovese. "The paternalistic bargain that slaveholders and slaves struck," Schwartz writes, "required each to give something to the other. Slaves displayed loyalty to their owners, at least outwardly, and slaveholders rewarded this with better treatment." She concedes that "the paternalistic attitude of owners was not the same thing as real benevolence" and that the slaves, aware of its self-serving nature, obeyed masters and mistresses "without internalizing the owner's understanding of class and race." But playing the prescribed deferential roles made life easier and must have become second nature for some. Children were quick to see the benefit of pleasing their owners, and the sheer presence of large numbers of children on most plantations was one factor encouraging a paternalistic ethos.

Putting aside the unresolved question of whether sincere and durable "paternalistic bargains" were normal or exceptional in slave governance, Schwartz makes the original and useful point that there was an inherent conflict between such paternalism (to whatever extent it may have existed) and the efforts of slaves to maintain a family life of their own. To the degree that masters took direct responsibility for slave children they undermined the authority of the parents and the unity of the slave family. But how likely in fact were slave owners to play such a role in the raising of slave children? Little evidence of this kind of attentiveness appears in the written and oral narratives. Accounts of slave children running about naked or in rags, being fed at troughs, or put to work at a very early age run counter to the impression of slaveholders acting in loco parentis. Although it offers some significant new insights, Born in Bondage should not displace Wilma King's Stolen Childhood and be taken as the definitive last word on growing up under slavery. Rather the two books should be read together as revealing different aspects of a complex reality.

Perhaps the time has come to get beyond the debate between the two schools of thought about the nature of antebellum slavery—the seemingly unresolvable disagreement over whether it can best be understood as resting on a "paternalistic bargain" between masters and slaves or simply on the application of force and fear in the service of economic gain. The reality reflected in the slave narratives and other primary sources is of great variation in plantation regimes. What proportion might be classified as paternalist and what proportion was based simply on "arbitrary power, distrust, and fear" cannot be quantified; it is a question that can be answered only on the basis of general impressions that will differ, depending on which sources are deemed representative and which anomalous. The side that a historian supports might be determined more by ideology or theoretical approach than by a careful weighing of the evidence.

It also seems possible that many slaveholders could fancy themselves as paternalists and act in ways that were totally at odds with their self-image. Walter Johnson's book on the slave market, Soul by Soul, in effect transcends the dichotomy by showing that a culture of paternalism and a commitment to commercialism were not incompatible. He also undermines another persistent and contentious either/or of Southern historiography, one that also involves the status of paternalism as ideology and social ethos. This is the question of whether "race" (inequality based on pigmentation) or "class" (stratification based on pre-modern conceptions of honor and gentility) was central to the culture and social order of the Old South.

Johnson takes us inside the New Orleans slave market, the largest and busiest in the South, and discovers that the buyers and sellers of slaves could easily mix the language and values associated with paternalism and commercialism. Unlike later historians, they saw no conflict between their needs for status and sound business practice. "I consider Negroes too high at this time," one slave owner told another, "but there are some very much allied to mine both by blood and inter-marriage that I may be induced from feeling to buy, and I have one vacant improved plantation, and could work more hands with advantage." Clearly the purchasers of slaves liked to think that they were doing a favor to those they acquired. They could buy themselves "a paternalist fantasy in the slave market" when they made a purchase that seemed to accord with the wishes of the person being bought, despite the fact that it could also be justified on strictly economic grounds. But, Johnson comments, "the proslavery construction of slave-market "paternalism" was highly unstable: it threatened to collapse at any moment beneath the weight of its own absurdity. One could go to the market and buy slaves to rescue them from the market, but it was patently obvious . . . that the market in people was what had in the first place caused the problems that slave-buying paternalists claimed to resolve."

Paternalism, Johnson concludes, was "a way of imagining, describing, and justifying slavery rather than a direct reflection of underlying social relations." It was therefore "portable" and could "turn up in the most unlikely places—in slaveholders' letters describing their own benign intentions as they went to the slave market." Paternalism was an illusion but one that was essential to the self-respect of many slaveholders, just as hardheaded commercial behavior was essential to their economic prosperity and social pretensions. As portrayed by Johnson, the slaves were not taken in by paternalistic rhetoric. But they could influence their own destiny in the slave market by the way they presented themselves: "The history of the antebellum South is the history of two million slave sales. But alongside the chronicle of oppressions must be set down a history of negotiations and subversions." Slaves brought to market could subvert their sale to undesirable purchasers by feigning illness or acting unruly and uncooperative, or, putting on a different mask, encourage their purchase by masters who had a reputation for good treatment or who already possessed some of their kinfolk. This form of black "agency" might be considered less decisive or heroic than the running away described by Franklin and Schweninger, but "these differences between possible sales had the salience of survival itself."

On the question of whether slavery and the Old South should be characterized by race or by class domination, Johnson suggests that both were present and that it is impossible to distinguish between them in their day-today manifestations. He advances the original and potentially controversial argument that to be truly "white" in the Old South one had to own slaves. Buying a first slave therefore brought racial status as well as a new class position. I would qualify the argument by limiting its application to "black belt" or plantation areas where a substantial majority of whites actually owned slaves. In the Southern backcountry and uplands, where nonslaveholding yeomen farmers predominated, the social "whiteness" of anyone who was not black or Indian was beyond question, and it was even possible to regard slaveholding itself as compromising whiteness by creating too much intimacy between the races.

Johnson also contends that differences in pigmentation were a major element in the expectations that purchasers had about the use they could make of the slaves they bought. Dark-skinned slaves were considered healthier and better suited to field labor. Male slaves who were light-skinned but not too light were thought to be good candidates for training in skilled trades. Very light-skinned males were difficult to sell, however, because of the fear that they could escape by passing for white (as Henry Bibb's narrative well exemplifies). Very light-complexioned females, on the other hand, brought high prices as "fancy women" or concubines. This was a color and class hierarchy more often associated with Latin America and the Caribbean than with America's characteristic two-category, white-over-black pattern of race relations. But Johnson argues that the physical aspect of the classification of slaves into different occupational groups was highly subjective and that observers described the pigmentation of slaves differently depending on what use they intended to make of them.

To some extent this was undoubtedly true. But it defies common sense to claim without qualification that "the racialized meaning of [a slave's body], the color assigned to it and the weight given to its various physical features in describing it, depended up the examiner rather than the examined." It is a useful postmodern insight that race and color are, to a considerable extent, "social constructions." But surely the differences between very light and very dark skin was a physical fact that had an independent effect on the evaluations being made. Except for this one instance, however, Johnson's discussion of the social and cultural construction of reality by whites and blacks in the slave market does not do violence to the inescapable external realities that limited the options and influenced the behavior of the buyers, the sellers, and the sold. By beginning the process of undermining and transcending the sharp dichotomies between paternalism and commercialism, and between race and class—on which historians of the Old South have been fixated for so long—Johnson has advanced the study of African-American slavery to a higher level.

HOUSE OF REPRESENTATIVES—*Monday, December 4, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As winter times descend upon this Nation, we gather today to seek the warmth of Your guidance and the strength to face cold, realistic winds, O Lord.

Though the days grow shorter our minds and hearts are in need of Your Spirit to broaden our vision and unite a nation.

Grant Your people patience. Teach us wisdom in our waiting.

As color fades from the earth help us to break deep down into new depths of understanding and once again be rooted in the principles of our constitution.

May the Members of this House and all public servants of the court and government be agents of stability and Your instruments of peace now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana (Mr. PEASE) come forward and lead the House in the Pledge of Allegiance.

Mr. PEASE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3205. An act to enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted by Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 14, 2000 at 7:14 p.m.

That the Senate passed without amendment H.R. 5633.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that pursuant to clause 4 of rule 1, the Speaker signed the following enrolled bill on Wednesday, November 15, 2000:

H.R. 5633, making appropriations for the Government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

COMMUNICATION FROM THE HONORABLE BILL ARCHER, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable BILL ARCHER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the United States District for the Southern District of Texas.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

BILL ARCHER,
Member of Congress.

COMMUNICATION FROM FINANCIAL COUNSELING DIRECTOR, OFFICE OF FINANCE

The SPEAKER laid before the House the following communication from Jacqueline Aamot, Financial Counseling Director, Office of Finance, House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House that the Custodian of Records, Office of Financial Counseling has received a subpoena for documents issued by the United States District Court for the District of New Jersey.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

JACQUELINE AAMOT,
Financial Counseling Director,
Office of Finance.

COMMUNICATION FROM ACTING ASSOCIATE ADMINISTRATOR, OFFICE OF HUMAN RESOURCES

The SPEAKER laid before the House the following communication from J. Michael Dorsey, Acting Associate Administrator, Office of Human Resources, House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule VIII of the Rules of the House that the Custodian of Records, Office of Human Resources has received a subpoena for documents issued by the United States District Court for the District of New Jersey.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

J. MICHAEL DORSEY,
Acting Associate Administrator,
Office of Human Resources.

COMMUNICATION FROM THE HONORABLE TODD TIAHRT, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable TODD TIAHRT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Municipal Court for the City of Wichita, Kansas.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House.

Sincerely,

TODD TIAHRT,
Member of Congress.

COMMUNICATION FROM DISTRICT DIRECTOR, OFFICE OF THE HONORABLE TODD TIAHRT, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Robert Noland, District Director, Office of the Honorable TODD TIAHRT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 17, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Municipal Court for the City of Wichita, Kansas.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House.

Sincerely,

ROBERT NOLAND,
District Director.

COMMUNICATION FROM THE HONORABLE SHERWOOD L. BOEHLERT, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable SHERWOOD L. BOEHLERT, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 29, 2000.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Supreme Court of New York, County of Onondaga.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

SHERWOOD L. BOEHLERT,
Member of Congress.

SWEETHEART NUCLEAR WASTE DEALS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise dismayed and appalled by the illegal sweetheart deals being made by the Department of Energy and the nuclear power industry.

These backroom agreements between the Clinton-Gore administration and the nuclear industry ignore the public safety and health of millions of Americans, and run completely contrary to the laws passed by Congress.

This Congress has always maintained that any nuclear waste repository project must be based on sound science and safety. However, documents recently released by the DOE show that the Department is not concerned at all with safety or science. Their prime concern is "selling" Nevada's Yucca Mountain project as a permanent nuclear waste dump, even though the final suitability studies have not been completed.

The DOE has chosen to risk the health and safety of millions of Americans and expose them to a devastating environmental disaster because it is an expedient answer to a problem faced by the nuclear industry.

Once again, Mr. Speaker, this administration has misled Congress, ignored the law, and jeopardized the safety of America.

TIME TO CERTIFY GEORGE W. BUSH AS THE NEXT PRESIDENT OF THE UNITED STATES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Josef Stalin once said: Those who cast the ballots decide nothing; those who count the ballots decide everything.

How true it is. The wrinkled, dimpled, even pregnant chads have been counted several times. The Florida Supreme Court went beyond its bounds in changing the intent of Florida law.

It is time for the courts and the lawyers to get out of the way and to certify George W. Bush as the 43rd President of the United States of America.

Enough is enough. The division and stratification must stop. I yield back the need to begin a transition to a George W. Bush administration.

VICE PRESIDENT GORE SHOULD CONCEDE THE PRESIDENTIAL ELECTION AND ALLOW THE PRESIDENT-ELECT TO BEGIN THE TRANSITION TO OFFICE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, almost 4 weeks ago the American people went to the polls to elect a new president. This election was close, but the election is over. Governor George Bush is the certified winner of 271 electoral votes. He is the president-elect.

However, Vice President GORE has taken the unprecedented step of contesting a presidential election in court. Governor Bush won the original vote in Florida. He then won the required recount vote and won again, and won again when the overseas ballots were included. He won a fourth time when the counties submitted the results of their hand counts and the Secretary of State certified the results.

For the first time in history, the party currently in control of the White House is refusing to cooperate with the transition to a new administration. Vice President GORE should concede, end his legal challenges, and allow the President-elect to prepare to take on the awesome responsibilities of the office.

☐ 1415

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas or nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

JAMES MADISON COMMEMORATION COMMISSION ACT

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3137) to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

The Clerk read as follows:

S. 3137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "James Madison Commemoration Commission Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Congressional findings.
Sec. 3. Establishment.
Sec. 4. Duties.
Sec. 5. Membership.
Sec. 6. Powers.
Sec. 7. Staffing and support.
Sec. 8. Contributions.
Sec. 9. Reports.
Sec. 10. Audit of financial transactions.
Sec. 11. Termination.
Sec. 12. Authorization of appropriations.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) March 16, 2001, marks the 250th anniversary of the birth of James Madison;

(2) as a delegate to the Continental Congress, and to the Annapolis Convention of 1786, James Madison foresaw the need for a more effective national government and was a persuasive advocate for such a government at the Philadelphia Constitutional Convention of 1787;

(3) James Madison worked tirelessly and successfully at the Constitutional Convention to mold a national charter, the United

States Constitution, that combined both energy and restraint, empowering the legislature, the executive, and the judiciary, within a framework of limited government, separated powers, and a system of federalism;

(4) James Madison was an eloquent proponent of the first 10 amendments to the Constitution, the Bill of Rights;

(5) James Madison faithfully served his country as a Representative in Congress from 1789 to 1797, as Secretary of State from 1801 to 1809, and as President of the United States from 1809 to 1817;

(6) as President, James Madison showed courage and resolute will in leading the United States to victory over Great Britain in the War of 1812;

(7) James Madison's political writings, as exemplified by his Notes on the Federal Convention and his contributions to The Federalist Papers, are among the most distinguished of American state papers;

(8) by his learning, his devotion to ordered liberty, and by the force of his intellect, James Madison made an indispensable contribution to the American tradition of democratic constitutional republicanism embodied in the Constitution of the United States, and is justifiably acclaimed as father of the Constitution;

(9) it is appropriate to remember, honor, and renew the legacy of James Madison for the American people and, indeed for all mankind; and

(10) as the Nation approaches March 16, 2001, marking the anniversary of the birth of James Madison, it is appropriate to establish a commission for the commemoration of that anniversary.

SEC. 3. ESTABLISHMENT.

A commission to be known as the James Madison Commemoration Commission (in this Act referred to as the "Commission") and a committee to be known as the James Madison Commemoration Advisory Committee (in this Act referred to as the "Advisory Committee") are established.

SEC. 4. DUTIES.

(a) COMMISSION.—The Commission shall—

(1) in cooperation with the Advisory Committee and the Library of Congress, direct the Government Printing Office to compile and publish a substantial number of copies of a book (as directed by the Commission) containing a selection of the most important writings of James Madison and tributes to him by members of the Commission and other persons that the Commission deems appropriate;

(2) in cooperation with the Advisory Committee and the Library of Congress, plan and coordinate 1 or more symposia, at least 1 of which will be held on March 16, 2001, and all of which will be devoted to providing a better understanding of James Madison's contribution to American political culture;

(3) in cooperation with the Advisory Committee recognize such other events celebrating James Madison's birth and life as official events of the Commission;

(4) develop and coordinate any other activities relating to the anniversary of the birth of James Madison as may be appropriate;

(5) accept essay papers (via the Internet or otherwise) from students attending public and private institutions of elementary and secondary education in any State regarding James Madison's life and contributions to America and award certificates to students who author exceptional papers on this subject; and

(6) bestow honorary memberships to the Commission or to the Advisory Committee upon such persons as it deems appropriate.

(b) ADVISORY COMMITTEE.—The Advisory Committee shall—

(1) submit a suggested selection of James Madison's most important writings to the Commission for the Commission to consider for inclusion in the book printed as provided in subsection (a)(1);

(2) submit a list and description of events concerning the birth and life of James Madison to the Commission for the Commission's consideration in recognizing such events as official "Commission Events"; and

(3) make such other recommendations to the Commission as a majority of its members deem appropriate.

SEC. 5. MEMBERSHIP.

(a) MEMBERSHIP OF THE COMMISSION.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 19 members, as follows:

(A) The Chief Justice of the United States or such individual's delegate who is an Associate Justice of the Supreme Court of the United States.

(B) The Majority Leader and the Minority Leader of the Senate or each such individual's delegate who is a Member of the Senate.

(C) The Speaker of the House of Representatives and the Minority Leader of the House of Representatives or each such individual's delegate who is a Member of the House of Representatives.

(D) The Chairman and the Ranking Member of the Committee on the Judiciary of the Senate or each such individual's delegate who is a member of such committee.

(E) The Chairman and the Ranking Member of the Committee on the Judiciary of the House of Representatives or each such individual's delegate who is a member of such committee.

(F) Two Members of the Senate selected by the Majority Leader of the Senate and 2 Members of the Senate selected by the Minority Leader of the Senate.

(G) Two members of the House of Representatives selected by the Speaker of the House of Representatives and 2 Members of the House of Representatives selected by the Minority Leader of the House of Representatives.

(H) Two members of the executive branch selected by the President of the United States.

(2) CHAIRMAN AND VICE CHAIRMAN.—The Chief Justice of the United States shall serve as Chairman of the Commission and the members of the Commission shall select a vice chairman from its members, unless the Chief Justice appoints a delegate to serve in his stead, in which circumstance, the members of the Commission shall select a chairman and vice chairman from its members.

(b) MEMBERSHIP OF THE ADVISORY COMMITTEE.—

(1) NUMBER AND APPOINTMENT.—The Advisory Committee shall be composed of 14 members, as follows:

(A) The Archivist of the United States or such individual's delegate.

(B) The Secretary of the Smithsonian Institution or such individual's delegate.

(C) The Executive Director of Montpelier, the home of James Madison, and the 2001 Planning Committee of Montpelier or such individual's delegate.

(D) The President of James Madison University in Harrisonburg, Virginia or such individual's delegate.

(E) The Director of the James Madison Center, James Madison University in Harrisonburg, Virginia or such individual's delegate.

(F) The President of the James Madison Memorial Fellowship Foundation or such individual's delegate.

(G) Two members, who are not Members of Congress but have expertise on the legal and historical significance of James Madison, selected by the Majority Leader of the Senate, and 2 members, who are not Members of Congress but have expertise on the legal and historical significance of James Madison, selected by the Minority Leader of the Senate.

(H) Two members, who are not Members of Congress but who have expertise on the legal and historical significance of James Madison, selected by the Speaker of the House of Representatives, and 2 members, who are not Members of Congress but who have expertise on the legal and historical significance of James Madison, selected by the Minority Leader of the House of Representatives.

(2) CHAIRMAN AND VICE CHAIRMAN.—The members of the Advisory Committee shall select a chairman and vice chairman from its members.

(c) TERMS.—Each member of the Commission shall be selected and each member of the Advisory Committee shall be selected not later than 90 days after the date of enactment of this Act and shall serve for the life of the Commission and the Advisory Committee, respectively.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made in subsection (a). A vacancy in the Advisory Committee shall be filled by the person holding the office named in subsection (b) or his designate.

(e) COMPENSATION.—

(1) RATES OF PAY.—Members of the Commission and the Advisory Committee shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission and the Advisory Committee may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) MEETINGS.—The Commission shall meet at the call of its chairman or a majority of its members. The Advisory Committee shall meet at the call of the chairman or a majority of its members.

(g) APPROVAL OF ACTIONS.—All official actions of the Commission under this Act shall be approved by the affirmative vote of not less than a majority of the members. All official actions of the Advisory Committee under this Act shall be approved by the affirmative vote of not less than a majority of the members.

SEC. 6. POWERS.

(a) DELEGATION OF AUTHORITY.—Any member or staff person of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take by this Act.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Commission may procure services and property, and make or enter into contracts, leases, or other legal agreements, in order to carry out this Act.

(2) RESTRICTION.—The contracts, leases, or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission.

(3) TERMINATION.—All supplies and property acquired by the Commission under this Act that remain in the possession of the Commission on the date of termination of the Commission shall become the property of the General Services Administration upon the date of the termination.

(c) INFORMATION.—

(1) IN GENERAL.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act. Upon request of the chairperson of the Commission, the head of the Federal agency shall furnish the information to the Commission.

(2) EXCEPTION.—Paragraph (1) shall not apply to any information that the Commission is prohibited to secure or request by another law.

(d) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to conduct meetings and carry out its duties under this Act. The Commission may also adopt such rules for the Advisory Committee.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies, and the Committee on the Judiciary of the Senate may mail items on behalf of the Commission.

(f) NECESSARY AND PROPER POWERS.—The Commission may exercise such other powers as are necessary and proper in carrying out and effecting the purposes of this Act.

SEC. 7. STAFFING AND SUPPORT.

The Chairman of the Committee on the Judiciary of the Senate, the Chairman of the Committee on the Judiciary of the House of Representatives, and the Librarian of Congress shall provide the Commission and the Advisory Committee with such assistance, including staff support, facilities, and supplies at no charge, as may be necessary to carry out its duties.

SEC. 8. CONTRIBUTIONS.

(a) DONATIONS.—The Commission may accept donations of money, personal services, and property, both real and personal, including books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials related to James Madison.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Any funds donated to the Commission may be used by the Commission to carry out this Act. The source and amount of such funds shall be listed in the interim and final reports required under section 9.

(2) PROCUREMENT REQUIREMENTS.—

(A) IN GENERAL.—In addition to any procurement requirement otherwise applicable to the Commission, the Commission shall conduct procurements of property or services involving donated funds pursuant to the small purchase procedures required by section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)). Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) shall not apply to such procurements.

(B) DEFINITION.—In this paragraph, the term "donated funds" means any funds of which 50 percent or more derive from funds donated to the Commission.

(c) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(d) REMAINING FUNDS.—Funds remaining upon the date of termination of the Commission shall be used to ensure the proper disposition of property donated to the Commission as specified in the final report required by section 9.

SEC. 9. REPORTS.

(a) INTERIM REPORT.—Not later than February 15, 2001, the Commission shall prepare and submit to the President and Congress an interim report detailing the activities of the Commission, including an accounting of funds received and expended by the Commission, during the period beginning on the date of enactment of this Act and ending on December 31, 2000.

(b) FINAL REPORT.—Not later than February 15, 2002, the Commission shall submit to the President and to Congress a final report containing—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission;

(3) the findings, conclusions, and recommendations of the Commission;

(4) specific recommendations concerning the final disposition of historically significant items donated to the Commission under section 8(a), if any; and

(5) any additional views of any member of the Commission concerning the Commission's recommendations that such member requests to be included in the final report.

SEC. 10. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Inspector General of the General Services Administration shall audit financial transactions of the Commission, including financial transactions involving donated funds, in accordance with generally accepted auditing standards. In conducting an audit pursuant to this section, the Inspector General shall have access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit, and shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(b) AUDIT REPORTS.—Not later than March 15, 2001, the Inspector General of the General Services Administration shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted before January 1, 2001. Not later than March 15, 2002, such Inspector General shall submit to the President and to Congress a report detailing the results of any audit of the financial transactions of the Commission conducted during the period beginning on January 1, 2001, and ending on December 31, 2001.

SEC. 11. TERMINATION.

The Commission and the Advisory Committee shall terminate not later than 60 days following submission of the final report required by section 9.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $250,000 for fiscal year 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentleman from Maryland (Mr. CUMMINGS), each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 3137.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to offer for consideration by the House S. 3137, the James Madison Commemoration Commission Act, introduced by Senator JEFF SESSIONS of Alabama. S. 3137, which was passed unanimously by the Senate on October 25, 2000, establishes a commission to commemorate the 250th anniversary of the birth of James Madison, which falls on March 16, 2001.

Born in 1751, James Madison was raised in Orange County, Virginia. He later attended Princeton University, then called the College of New Jersey, where he was a student of history and government.

Drawing from his studies, Madison served as a delegate to the Continental Congress and to the Annapolis Convention of 1786. More important, he was a fervent supporter of the bill of rights and an instrumental force in creating the United States Constitution, which is why he is often referred to as the Father of the Constitution.

James Madison also served as a representative in Congress from 1789 to 1797; the United States Secretary of State under President Thomas Jefferson from 1801 to 1809; and President of the United States from 1809 to 1817.

As President, James Madison led our young Nation in a war against Great Britain. While considered by many to be a draw, the war did serve to draw a diverse country closer together and to demonstrate to the world the strong resolve and will of the American people.

Mr. Speaker, in addition to advancing the interests of a growing Nation, Madison's written works have had a lasting impact. Historians acknowledge that among the most distinguished of American state papers are James Madison's notes on the Federal Convention and his contributions to The Federalist Papers, many of which are now housed at the University of Virginia.

Mr. Speaker, in order to honor this great American hero on the 250th anniversary of his birth, S. 3137 establishes a commission that will be charged with planning and coordinating activities to celebrate the life of James Madison.

This is the least we can do to recognize a man whose devotion to liberty made a lasting contribution to our system of government and to freedom-loving people around the world.

Mr. Speaker, like the bill to create the Abraham Lincoln Commission before it, I am proud to offer this legislation to my colleagues for consideration. Mr. Speaker, I urge my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, two resolutions previously passed by the House commemorated the life and achievements of James Madison, one of our Nation's Founding Fathers.

The act before us today, S. 3137, provides for a bipartisan and balanced selection of individuals to a commission that will direct the Government Printing Office to compile and publish a book containing important writings of James Madison.

In addition, S. 3137 establishes an advisory committee to work with the commission to identify writings to include in a book on James Madison.

The advisory committee is also tasked with compiling a list of events celebrating the birth and life of James Madison. The commission will consider the list in recognizing such events as official commission events.

In 1776, Madison was a member of the Virginia Constitutional Committee, the body that drafted Virginia's first constitution and a bill of rights which later would welcome a model for the Bill of Rights amending the United States Constitution.

When Madison was elected to the United States House of Representatives, he became the primary author of the first 12 proposed amendments to the Constitution. Ten of these, the Bill of Rights, were adopted.

At the Constitutional Convention, which opened on May 25th, 1787, Madison set the tone by introducing a document he authored, called The Virginia Plan. The plan called for strong central government consisting of a supreme legislature, executive and judiciary. It provided for a national legislature consisting of two houses: one elected by the people, and the other appointed by the first from a body of nominees submitted by State legislatures.

Representation in these bodies would be based on the population of States. It provided for an executive to be elected by the national legislature. The plan also defined a national judiciary and a Council of Revision charged with reviewing the constitutionality of legislation.

Mr. Speaker, I would urge all of our colleagues to vote in favor of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the driving force in the formation of the Constitution, James Madison organized the Convention, set the agenda, and worked through obstacles that threatened the process. The notes he took throughout the Convention constitute this country's best and most complete record of the 1787 Constitutional Convention. Madison's notes, which comprised a third of the Federalist papers, were published in the 1830s. Accordingly, I urge the approval of this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we have touched upon this afternoon, James Madison was a man who strongly embodied and advanced the principles that our government represents: economic freedom, limited government, the rule of law, individual liberty, and personal responsibility.

James Madison also was a man who believed in the greatness of the United States and hoped to see it always remain as a whole. In a note that was opened after his death in 1836, Madison wrote that, I quote, "the advice nearest to my heart and deepest in my convictions is that the union of the States be cherished and perpetuated."

At a time when we face unprecedented challenges to our electoral challenge, James Madison's words are something we should all heed.

Before I close, let me thank Senator SESSIONS for introducing this fine bill. Let me also thank the gentleman from Maryland (Mr. CUMMINGS) for his thoughts and the gentleman from Illinois (Mr. BURTON), chairman of the Committee on Government Reform, and the gentleman from California (Mr. WAXMAN) for allowing this bill to move forward.

Mr. Speaker, let me also thank the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service.

Mr. Speaker, I encourage all Members to support this bill.

Mr. PAUL. Mr. Speaker, I rise in opposition to the James Madison Commemoration Commission Act secure in the belief that were James Madison on the floor today, he would share my opposition to this bill. Congress has no constitutional authority to use taxpayer funds to promote the life and thought of any individual. Congressional actions exceeding the limitations on congressional power contained in Article 1, Section 8 of the Constitution undermine the very principles of limited government to which James Madison devoted his life. In fact, few have been as eloquent in pointing out how liberty is threatened when Congress exceeds its enumerated powers:

> If Congress can do whatever in their discretion can be done by money, and will promote the General Welfare, the Government is no longer a limited one, possessing enumerated powers, but an indefinite one, subject to particular exceptions.—Letter to Edmund Pendleton, January 21, 1792 (Madison, 1865, I, page 546)

Of course, Mr. Speaker, I wholeheartedly endorse the goals of promoting public awareness and appreciation of, the life and thought of James Madison. In fact, through my work with various educational organizations, I have probably done as much as any member to promote the thought of James Madison and the other Founding Fathers. James Madison's writings provide an excellent guide to the principles underlying the true nature of the American government. In addition, Madison's writings address many issues of concern to friends of limited government today, such as the need for each branch of government to respect the Separation of Powers, the threat posed to individual liberty by an interventionist foreign policy, and the differences between a Republic and a pure Democracy.

However, the continuing growth of the federal government and Congress' refusal to abide by its constitutional limits suggest that the people most in need of familiarization with the thought of James Madison are those who would support this bill.

Mr. Speaker, S. 3137 exceeds the constitutional limits on Congressional power, and thus violates the principles of limited government upon which our constitutional system was based. Therefore, I urge my colleagues to pay appropriate tribute to James Madison by rejecting this unconstitutional bill.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the Senate bill, S. 3137.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. BIGGERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1761) to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley, as amended.

The Clerk read as follows:

S. 1761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Reclamation.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner.

(3) STATE.—The term "State" means the Texas Water Development Board and any other authorized entity of the State of Texas.

(4) PROGRAM AREA.—The term "program area" means—

(A) the counties in the State of Texas in the Rio Grande Regional Water Planning Area known as Region "M" as designated by the Texas Water Development Board; and

(B) the counties of Hudspeth and El Paso, Texas.

SEC. 3. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto, shall undertake a program in cooperation with the State, water users in the program area, and other non-Federal entities, to investigate and identify opportunities to improve the supply of water for the program area as provided in this Act. The program shall include the review of studies or planning reports (or both) prepared by any competent engineering entity for projects designed to conserve and transport raw water in the program area. As part of the program, the Secretary shall evaluate alternatives in the program area that could be used to improve water supplies, including the following:

(1) Lining irrigation canals.

(2) Increasing the use of pipelines, flow control structures, meters, and associated appurtenances of water supply facilities.

(b) PROGRAM DEVELOPMENT.—Within 6 months after the date of enactment of this Act, the Secretary, in consultation with the State, shall develop and publish criteria to determine which projects would qualify and have the highest priority for financing under this Act. Such criteria shall address, at a minimum—

(1) how the project relates to the near- and long-term water demands and supplies in the study area, including how the project would affect the need for development of new or expanded water supplies;

(2) the relative amount of water (acre feet) to be conserved pursuant to the project;

(3) whether the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project; and

(4) if the project proponents have met the requirements specified in subsection (c).

(c) PROJECT REQUIREMENTS.—A project sponsor seeking Federal funding under this program shall—

(1) provide a report, prepared by the Bureau of Reclamation or prepared by any competent engineering entity and reviewed by the Bureau of Reclamation, that includes, among other matters—

(A) the total estimated project cost;

(B) an analysis showing how the project would reduce, postpone, or eliminate development of new or expanded water supplies;

(C) a description of conservation measures to be taken pursuant to the project plans;

(D) the near- and long-term water demands and supplies in the study area; and

(E) engineering plans and designs that demonstrate that the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project;

(2) provide a project plan, including a general map showing the location of the proposed physical features, conceptual engineering drawings of structures, and general standards for design; and

(3) sign a cost-sharing agreement with the Secretary that commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

(d) FINANCIAL CAPABILITY.—Before providing funding for a project to the non-Federal project sponsor, the Secretary shall determine that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

(e) REVIEW PERIOD.—Within one year after the date a project is submitted to the Secretary for approval, the Secretary, subject to the availability of appropriations, shall determine whether the project meets the criteria established pursuant to this section.

(f) REPORT PREPARATION; REIMBURSEMENT.—Project sponsors may choose to contract with the Secretary to prepare the reports required under this section. All costs associated with the preparation of the reports by the Secretary shall be 50 percent reimbursable by the non-Federal sponsor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000.

SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.

(a) PROJECT IMPLEMENTATION.—If the Secretary determines that any of the following projects meet the review criteria and project requirements, as set forth in section 3, the Secretary may conduct or participate in funding engineering work, infrastructure construction, and improvements for the purpose of conserving and transporting raw water through that project:

(1) In the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project.

(2) In the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.

(3) In the Cameron County, Texas Irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48-05540-002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998.

(4) In the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(b) CONSTRUCTION COST SHARE.—The non-Federal share of the costs of any construction carried out under, or with assistance provided under, this section shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State. The remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 1761.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1761 will enable the Bureau of Reclamation to develop a program to improve the supply of water in the Lower Rio Grande region of the State of Texas.

This action is needed for two reasons. The first concerns local weather patterns. There have been several periods in the last 10 years that rainfall in this area of Texas has been below normal. The second is that Mexico failed from the period 1992 through 1997 to deliver 1 million acre feet of water to the Rio Grande, which is a principal source of water for this area.

As of today, that deficit has not been corrected. In addition to setting up the general program, this legislation also provides authorization for four specific projects involving the lining of irrigation canals and substituting pipes for canals. Both will conserve significant amounts of water.

Mr. Speaker, I urge support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1761, a bill that provides for water conservation and water supply improvements in the Lower Rio Grande River Basin.

Projects such as canal lining, improvements to pipelines, installation of water meters will be eligible for financial assistance under this legislation. As we have seen in all the western States, projects like these can substantially improve the efficiency of existing water supplies and may even eliminate the need for additional new water supply projects.

Mr. Speaker, I want to congratulate my colleagues, the gentleman from Texas (Mr. HINOJOSA), the gentleman from Texas (Mr. ORTIZ), for all their work and effort on this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, first of all, I want to thank the gentleman from Alaska (Mr. YOUNG), my good friend; the gentleman from Nevada (Mr. GIBBONS); the gentleman from California (Mr. DOOLITTLE), chairman of the Subcommittee on Water and Power; the gentleman from California (Mr. DOOLEY), the ranking member; and the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, for the help that they have given us with this bill.

Mr. Speaker, I rise in support of this bill, S. 1761, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act.

This comprehensive water resources plan will serve the border region of south Texas, also known as Region M of the Texas State Water Plan.

Texas and many southwestern States live in a near-state of emergency when it comes to water resources. The Southwest is mostly desert, and water is hard to come by.

Last July, the Subcommittee on Water and Power held a hearing on this bill to examine the needs of water for south Texas and how to maximize the water we now have.

One of the most important things we examined in the hearing on this bill was the effect of Mexico's water deficit on the water shortage in south Texas.

The Texas Senate Water Plan depends upon the water we are supposed to get from Mexico under the 1944 treaty that divides the water from the Rio Grande between our two nations.

The continuing drought conditions in south Texas and enormous water deficit that Mexico has incurred under the water treaty are making a desperate situation much worse and it is making it much worse.

Mr. Speaker, I would like to thank Senator HUTCHINSON for working with us, and I urge my good friends to support this bill. It is a good bipartisan bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in support of this suspension. As a sponsor of the original House companion measure, I want to thank our Texas Senators for their hard work in moving this forward in that Chamber.

I also want to express appreciation to my colleagues, the gentleman from Texas (Mr. ORTIZ), the gentleman from Texas (Mr. BONILLA), the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. RODRIGUEZ), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Texas (Mr. THORNBERRY), as well as the gentleman from California (Mr. DOOLEY), the gentleman from California (Mr. GEORGE MILLER), for their diligent efforts that have brought us to where we are today.

Mr. Speaker, I also want to say a special thanks to the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, and the gentleman from California (Mr. DOOLITTLE), chairman of the Subcommittee on Water and Power. It truly has been a joint effort and a perfect example of the great work that can be accomplished here in this body.

In the south Texas/Rio Grande Valley, we are in a state of crisis. My colleagues may recall that last month on November the 3, The Washington Post ran a front page story headlined "Life Along the Rio Grande Defined by Lack of Water." That lack of, water, both quality and quantity, is the crisis we face.

If I may quote from this story: "Conflicts over access to a clean, cheap and sufficient supply of water are becoming a defining feature of life along the 2,100-mile United States-Mexico border, and of relations across it. While for many outsiders the border is synonymous with drug trafficking and immigration, when people who live here talk about confrontation between Mexicans and Americans, or tension between urban areas and farmers, or cooperation to solve problems, the dominant subject is always water."

□ 1430

There is no question that the key resource challenge of the 21st century on the border is going to be fresh water. Drought conditions over the last decade have made citizens of the region keenly aware of the significant impacts a dwindling water supply can and ultimately will have if the problem is not recognized and addressed.

Add to this situation the fact that, according to U.S. Census Bureau statistics, the border cities of Laredo and McAllen, Texas grew faster in the last decade than any metropolitan region in the United States except Las Vegas, and you will begin to fully comprehend the impending magnitude of the problem we face.

That is why last year I introduced legislation to rectify this problem. Joining me in this effort was the gentleman from Texas (Mr. BONILLA), the gentleman from Texas (Mr. REYES), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Texas (Mr. ORTIZ), and the gentleman from Texas (Mr. RODRIGUEZ). All of us recognized what needed to be done.

The suspension before us is a solid step in the right direction, one that will authorize the undertaking of a problem, rather the undertaking of a program to investigate, to conduct studies, and identify opportunities to improve our supply of water.

In closing, I want to say that I am talking more specifically about looking at alternatives which include lining irrigation canals and increasing the use of pipelines, flow control structures, meters and associated appurtenances of water supply facilities.

The Post article, one that I referenced at the beginning of my remarks, closed by saying "Without water, you're dead." By securing this Federal funding to help us implement a visionary plan, we are ensuring that our border region will continue to flourish and prosper. This is the least we can do, and it is our responsibility to do nothing less.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank, again, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Texas (Mr. ORTIZ) for all of their work.

I want to thank the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. DOOLITTLE), subcommittee chairman, for their efforts to bring this to the floor. I thank the gentleman from Nevada (Mr. GIBBONS) for managing it today on the floor. I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. GEORGE MILLER) for his leadership on this important bill before the floor today. I want to ask that all Members give it their full support.

Mr. REYES. Mr. Speaker, I rise in support of S. 1761, the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 1999. I am a cosponsor of the House companion bill. This legislation will allow for both the Department of the Interior and the Department of Agriculture to work with state and local governments to make improvements to irrigation canals and pipelines; to build and install flow control structures in irrigation canals; and to begin the use of water meters in irrigation canals. These measures will result in water savings for the entire Valley region, from El Paso to Brownsville.

The Rio Grande Valley of Texas which stretches from El Paso to Brownsville serves as the boundary between Mexico and the United States. It also has served as a major source of water supply for the region. The area includes the border cities of Cameron, Hidalgo, Starr, Willacy, Jim Hogg, Zapata, Webb, Maverick, Val Verde, Kinney, Terrell, Brewster, Presidio, Jeff Davis, Hudspeth, and El Paso. These border cities are in danger of diminishing their water supplies.

This bill is a stepping stone for these cities and counties to reinvent their water supply in order to ensure that future generations that reside in these areas are assured water for the future. Both the United States and Mexico must work together to implement these programs. Binational cooperation is the key in facilitating a successful and effective water conservation program. In addition to binational cooperation, it is important to assure that tribal concerns, tribal rights and American Indian sovereignty issues have been addressed during the implementation of this legislation. Any legislation that impacts tribal lands and resources in any way must include tribal consultation on a government to government basis.

The authors of this bill should be commended for authorizing the development of an on-farm education program to implement state-of-the-art water application and conservation techniques. Education is the first step in facilitating the process to take appropriate steps in conserving water for future generations. As a result, education programs will be implemented in collaboration with the International Boundary and Water Commission.

State, local, and tribal governments recognize the need to preserve and revitalize their water supplies; however, the federal government will need to assist these entities. Therefore, this bill authorizes $65,200,000 for cost sharing. The federal share will be 60 percent. Non-federal share is suggested to be 40 percent with no more than 30 percent paid by the state with the provision that the remainder of the non-federal share may include in-kind payment.

Further study is needed to evaluate the water supply for future generations. The bill authorizes additional study by the Departments of Interior and Agriculture on alternative water supply options. The study would include water reuse options and emphasizes conservation. Its evaluation will be funded by the federal government at 50 percent with the remainder deriving from non-federal dollars.

The water supply in the border region is in danger of running well below the amount that can provide for the people residing in these areas. This is a serious and on-going concern in my District of El Paso, Texas and other areas along the United States/Mexico border that needs to be addressed. S. 1761 will help our border communities renew their water supplies.

Mr. Speaker, once again, I encourage my colleagues to support the passage of this important legislation.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1761, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. GIBBONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the Senate bill (S. 2594) to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CARRIAGE OF NONPROJECT WATER BY THE MANCOS PROJECT, COLORADO.

(a) SALE OF EXCESS WATER.—

(1) IN GENERAL.—In carrying out the Act of August 11, 1939 (commonly known as the "Water Conservation and Utilization Act") (16 U.S.C. 590y et seq.), if storage or carrying capacity has been or may be provided in excess of the requirements of the land to be irrigated under the Mancos Project, Colorado (referred to in this Act as the "project"), the Secretary of the Interior may, on such terms as the Secretary determines to be just and equitable, contract with the Mancos Water Conservancy District and any of its member unit contractors for impounding, storage, diverting, or carriage of nonproject water for irrigation, domestic, municipal, industrial, and any other beneficial purposes, to an extent not exceeding the excess capacity.

(2) INTERFERENCE.—A contract under paragraph (1) shall not impair or otherwise interfere with any authorized purpose of the project.

(3) COST CONSIDERATIONS.—In fixing the charges under a contract under paragraph (1), the Secretary shall take into consideration—

(A) the cost of construction and maintenance of the project, by which the nonproject water is to be diverted, impounded, stored, or carried; and

(B) the canal by which the water is to be carried.

(4) NO ADDITIONAL CHARGES.—The Mancos Water Conservancy District shall not impose a charge for the storage, carriage, or delivery of the nonproject water in excess of the charge paid to the United States, except to such extent as may be reasonably necessary to cover—

(A) a proportionate share of the project cost; and

(B) the cost of carriage and delivery of the nonproject water through the facilities of the Mancos Water Conservancy District.

(b) WATER RIGHTS OF UNITED STATES NOT ENLARGED.—Nothing in this Act enlarges or attempts to enlarge the right of the United States, under existing law, to control any water in any State.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYANCE OF JOE ROWELL PARK TO DOLORES, COLORADO

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from the further consideration of the Senate bill (S. 1972) to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF JOE ROWELL PARK.

(a) IN GENERAL.—The Secretary of Agriculture shall convey to the town of Dolores, Colorado, for no consideration, all right, title, and interest of the United States in and to the parcel of real property described in subsection (b), for open space, park, and recreational purposes.

(b) DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The property referred to in subsection (a) is a parcel of approximately 25 acres of land comprising the site of the Joe Rowell Park (including all improvements on the land and equipment and other items of personal property as agreed to by the Secretary) depicted on the map entitled "Joe Rowell Park," dated July 12, 2000.

(2) SURVEY.—

(A) IN GENERAL.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(B) COST.—As a condition of any conveyance under this section, the town of Dolores shall pay the cost of the survey.

(c) POSSIBILITY OF REVERTER.—Title to any real property acquired by the town of Dolores, Colorado, under this section shall revert to the United States if the town—

(1) attempts to convey or otherwise transfer ownership of any portion of the property to any other person;

(2) attempts to encumber the title of the property; or

(3) permits the use of any portion of the property for any purpose incompatible with the purpose described in subsection (a) for which the property is conveyed.

(d) The map referenced in subsection (b)(1) shall be on file for public inspection in the Office of the Chief of the Forest Service at the Department of Agriculture in Washington, DC.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZATION OF USE OF FISCAL YEAR 2001 FUNDS FOR CERTAIN COAST GUARD PROJECTS

Mr. PETRI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5637) to provide that an amount available for fiscal year 2001 for the Department of Transportation shall be available to reimburse certain costs incurred for clean-up of former Coast Guard facilities at Cape May, New Jersey, and to authorize the Coast Guard to transfer funds and authority for demolition and removal of a structure at former Coast Guard property in Traverse City, Michigan.

The Clerk read as follows:

H.R. 5637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COSTS OF CLEAN-UP OF CAPE MAY LIGHTHOUSE.

Of the funds made available in the Department of Transportation and Related Agencies Appropriations Act, 2001 for environmental compliance and restoration of Coast Guard facilities, $100,000 shall be available to reimburse the owner of the former Coast Guard lighthouse facility at Cape May, New Jersey, for costs incurred for clean-up of lead contaminated soil at that facility.

SEC. 2. DEMOLITION AND REMOVAL OF BUILDING AT FORMER COAST GUARD PROPERTY IN TRAVERSE CITY, MICHIGAN.

Notwithstanding any other provision of law, and subject to the availability of funds appropriated specifically for the project, the Coast Guard is authorized to transfer funds in an amount not to exceed $200,000 and project management authority to the Traverse City Area Public School District for the purposes of demolition and removal of the structure commonly known as "Building 402" at former Coast Guard property located in Traverse City, Michigan, and associated site work. No such funds shall be transferred until the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be performed, and the Coast Guard shall transfer only that amount of funds it and the School District consider necessary to complete the project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, H.R. 5637. The purpose of this bill is to authorize certain appropriations contained in the fiscal year 2001 Department of Transportation Appropriations Act. Without the specific authorizations contained in this bill, the amounts already appropriated will not be available this budget year.

Section 1 of the bill authorizes the Coast Guard to spend $100,000 to reimburse the owners of the Cape May Lighthouse, formerly a Coast Guard facility, for the cleanup of lead contaminated soil found at the site of the lighthouse.

Section 2 of the bill authorizes the Coast Guard to transfer $200,000 and project management authority to the Traverse City Area Public School District for the purposes of demolition and removal of a building at a former Coast Guard property located in Traverse City, the district of the gentleman from Michigan (Mr. STUPAK).

I urge the Members to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5637 to allow environmental compliance funds of the Coast Guard to be used to clean up two former Coast Guard facilities.

More importantly, I want to express my appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Maryland (Chairman GILCHREST) for allowing these measures to be separated from the Coast Guard bill that is now stuck in conference and to allow it to come to the floor separately and recognizing the urgency and the importance of moving ahead with each of these projects.

It is very typical of our chairman to be understanding of the needs of Members, responsive to their concerns, and to be flexible in matters of this kind; and I greatly appreciate it.

I also am appreciative of the gentleman from Wisconsin (Mr. PETRI) taking the time to manage this bill on the floor so we could dispose of it early on in this reconvened session of the Congress.

These provisions all were agreed to by conferees on the Coast Guard Authorization Act of 2000, which is now unfortunately hung up over a non-Coast Guard item, two issues involving cruise ships.

Funds have been appropriated for each of these projects. But without this bill, the Coast Guard cannot move ahead to complete the projects. One will allow the Coast Guard to reimburse the owner of the former Coast Guard Lighthouse in Cape May, New Jersey, for the cost incurred in cleaning up lead contaminated soil at the facility. The other allows the Coast Guard to pay for the demolition and removal of a Coast Guard building in Traverse City, Michigan, which has pipes on the property that are laden with asbestos. In order for the property to be usable, the asbestos has to be removed.

The money is available, as I said. This is the authorization to proceed to complete the work.

Mr. Speaker, I want to take this opportunity to commend the gentleman from Michigan (Mr. STUPAK) on his persistence. He has pursued this matter vigorously on behalf of the people of his district, as he does in all matters. He is very forthright. The cause is just. But without a persistent Member keeping our attention focused on a matter of this kind, it could easily have been lost in the shuffle. With the gentleman from Michigan, that does not happen.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. STUPAK), in whose district this latter project is located, to elaborate on this matter.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time.

Mr. Speaker, I rise today in support of this legislation, as one of the provisions in the legislation brings us closer to removing an asbestos-contaminated building from the soccer fields in Traverse City, Michigan.

In 1996, Congress passed legislation to transfer land from the United States Coast Guard to the Traverse City Area Public Schools. This land was to become the site of soccer fields for the area's school and recreational soccer leagues. Unfortunately, the transfer included an asbestos-contaminated structure.

It is estimated, and thankfully through the help of a lot of Members, we have secured $200,000 necessary to remove this building. But in order to remove this asbestos-laden building, the Coast Guard asserts that it is unable to do so without an authorization. Therefore, this legislation authorizes the Coast Guard to demolish and remove the former Coast Guard building in Traverse City, Michigan.

It is crucial that this legislation be passed because asbestos has been discovered on the soccer fields. Other than the wooden studs, the building is entirely composed of asbestos: the insulation, the inside paneling, the shingles, the flooring, and the outdoor siding all contain this harmful material.

Weather and vandalism cause pieces of asbestos to break off from the building and spread across the grounds. Remnants of asbestos from former buildings on the site have also resurfaced on the soccer fields. Clearly, it is time to permanently clean up the site and prevent greater community exposure to the asbestos.

In addition, failure to remove the building will prevent the school district from expanding seating for the main field, which can draw up to 2,000 fans during tournaments. The ongoing problem has already postponed school district plans to add seven fields and a stadium.

Most importantly, this is a noncontroversial provision. The local community and the Coast Guard all support this language, which is the same as found in the stalled Coast Guard Authorization conference report. The local community has worked admirably with the Coast Guard to resolve this situation. I urge my colleagues to support this legislation.

Mr. Speaker, I would like to thank the gentleman from Wisconsin (Mr. PETRI), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Maryland (Mr. GILCHREST), and the gentleman from Oregon (Mr. DEFAZIO) for their help and cooperation.

I urge my colleagues to support this legislation. As the gentleman from Minnesota (Mr. OBERSTAR) said, we have been at this for about 4 years now. So we really hope this will pass right through both the House and Senate. We can get this matter resolved once and for all. I thank everyone for the cooperation.

Mr. LoBIONDO. Mr. Speaker, I am pleased that language has been included in H.R. 5637, the bill before us today authorizing reimbursement to the owner of the former Coast Guard lighthouse facility at Cape May Point State Park in New Jersey for costs incurred for clean-up of lead contaminated soil at that facility.

Since leasing this 1859 historic landmark in December, 1986, the Mid-Atlantic Center for the Arts, a non-profit cultural organization, has raised and spent nearly $2 million for restoration efforts. During the final work on the Lighthouse tower in the winter of 1998, the project was brought to a halt by the unexpected discovery of lead contamination in the soil. In order to open the facility to the more than 100,000 expected visitors during the 1998 season, the Mid-Atlantic Center diverted $98,953.00 from other projects to clean up the site.

Two years later, the Center has still not received the appropriate reimbursement from the U.S. Coast Guard. Because the Coast Guard has accepted responsibility for the lead contamination and supports this request, it is imperative that Congress follow through with the appropriate provisions in law allowing the funds to be released.

Section 202 of the Coast Guard Authorization Act of 1999 authorizes this appropriation to be used for this purpose and has previously passed the House. It is unfortunate this measure has been stalled in a House-Senate Conference Committee. The appropriated funds have already been included in the FY2001 Transportation Appropriations legislation signed into law last month. I commend the Chairman of the Transportation Committee for recognizing the urgency of this matter and allowing a separate bill to move forward. Congress must not let this funding commitment fall through the cracks again, and I urge passage of this legislation authorizing funding for this historic landmark.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and pass the bill, H.R. 5637.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5637.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 2 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 6 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 3137, by the yeas and nays; and

S. 1761, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

JAMES MADISON COMMEMORATION COMMISSION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 3137.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the Senate bill, S. 3137, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 3, not voting 70, as follows:

[Roll No. 598]

YEAS—359

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Paul
Royce
Sanford

NOT VOTING—70

Armey
Barrett (NE)
Becerra
Bilbray
Bonior
Boyd
Brady (TX)
Calvert
Carson
Castle
Chenoweth-Hage
Clay
Coburn
Cooksey
Cox
Deal
DeFazio
Delahunt
Dickey
Dixon
Doolittle
Fattah
Forbes
Fowler
Gejdenson
Gephardt
Graham
Granger
Gutknecht
Hilliard
Hinchey
Hulshof
Jefferson
Johnson (CT)
Jones (NC)
Klink
Lantos
Largent
Linder
Lipinski
Martinez
Miller (FL)

Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Murtha
Nadler
Northup
Owens
Pelosi

Peterson (PA)
Pryce (OH)
Quinn
Radanovich
Reynolds
Ryan (WI)
Sessions
Stabenow
Stark
Talent

Vitter
Wamp
Watkins
Watts (OK)
Wexler
Whitfield
Wise
Woolsey

□ 1822

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the provisions of clause 9 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

LOWER RIO GRANDE VALLEY WATER RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1761, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 1716, as amended, on which the yeas and nays are ordered.

This will be a 5 minute vote.

The vote was taken by electronic device, and there were—yeas 348, nays 6, not voting 78, as follows:

[Roll No. 599]

YEAS—348

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman

Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan

Camp
Canady
Cannon
Capps
Capuano
Cardin
Chabot
Chambliss
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings

Cunningham
Danner
Davis (IL)
Davis (VA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich

Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Payne
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes

Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Waters
Watt (NC)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Campbell
Coble

Hostettler
Paul

Royce
Sanford

NOT VOTING—78

Armey
Barrett (NE)
Becerra
Bilbray
Bliley
Boyd
Brady (TX)
Calvert
Carson
Castle
Chenoweth-Hage
Clay
Coburn
Cooksey
Cox
Davis (FL)
Deal
DeFazio
Delahunt
Dickey
Dixon
Doolittle
Duncan
Fattah
Forbes
Fowler

Gejdenson
Gephardt
Granger
Gutierrez
Gutknecht
Hilliard
Hinchey
Hulshof
Jefferson
Johnson (CT)
Jones (NC)
Klink
LaFalce
Lantos
Largent
Lewis (CA)
Linder
Lipinski
Maloney (CT)
Martinez
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan

Murtha
Nadler
Northup
Owens
Pastor
Pelosi
Peterson (PA)
Pryce (OH)
Quinn
Radanovich
Reynolds
Rogan
Ryan (WI)
Sessions
Stabenow
Stark
Talent
Vitter
Wamp
Watkins
Watts (OK)
Waxman
Wexler
Whitfield
Wise
Woolsey

□ 1832

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ECONOMIC UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, more and more people now are talking about an oncoming recession. I tend to agree. I think we are moving into a recession, and for good reasons. But already the question that comes up so often among politicians is, who will get blamed? Will the current President be blamed for the recession or will the next President be blamed? Will the current Congress be blamed for the recession or the next Congress?

I do not believe either should be blamed. I think we should deal with the real cause of the business cycle, and that is the Federal Reserve system. The Federal Reserve system causes and brings about a boom period in a cycle, but it also brings about the bust. Because the bust, the correction, is inevitable consequence of the boom caused by unduly inflating the money supply.

Soon we will hear from many, we have already heard some from the financial circles as well as from politicians, to lower interest rates. This will keep the economy from turning down. It will prevent the recession from coming. And if we do have a recession, it is always said, what you do is you lower the interest rates. But dwelling on the interest rates and not talking about what it takes to lower interest rates I think is a serious mistake.

The only way the Federal Reserve can lower interest rates is by inflating the money supply, increasing the money supply, which is the cause of our problems. So if the cause of our problem is the inflation, increasing the money supply which causes a boom, we can hardly solve our problems by further inflating. And then, too, there is a period of time in the business cycle where inflating the money supply or lowering interest rates do not get the response that many people hope for.

Take, for instance, what is happening in Japan today. There is no response whatsoever. They take interest rates down below one percent, and they cannot generate economic activity to really get them out of their slump.

The other irony of all this is that when we have an economic boom, another reason given for raising interest rates to slow up the economy is to stop the inflation. This is fallacious thinking because the inflation comes from the money supply. The idea that economic growth and prosperity and productivity causes inflation, that is the price type of inflation, is wrong. If we have good productivity, prices go down, they do not go up. So the whole notion that we have to slow up the economy in order to prevent inflation is absolutely incorrect.

The problem I see is that Congress for too long has conceded too much of their authority over control of the monetary system to the Federal Reserve system, which acts in secrecy.

It is something that is directly stated in the Constitution that the Congress shall have the responsibility over the money supply, not a Federal Reserve system. Quite frankly, the Federal Reserve system is not even authorized by the Constitution.

Now, if in the midst of a recession the Federal Reserve decides that they want to lower interest rates but the dollar is also dropping and we lower interest rates, we cause the dollar to go down and price inflation will occur because of that. So it is not quite so simple as saying, well, let us just tell the Fed what to do, lower the interest rates and it will solve our problems.

We have the problem of the international debt. We, as Americans, now owe more than any other country in the world. We owe $1.7 trillion. Our current account deficit is over $400 billion a month. We borrow well over $100 billion a day to support the international debt.

The reason we should be concerned about this more so than we are is the fact that, when we are in a recession, revenues go crashing down. The inflation that occurred over these past 10 years, which was artificially created, giant revenues from capital gains from this artificially high stock market. Well that is all being reversed now, so revenues are going to go down now, and we will have to deal with this in the next Congress.

Unfortunately, there are some who are concerned about this who say there is going to be gridlock and the two sides will not get together and the Government is now divided, the House and the Senate and the Presidency is undecided and therefore there will be gridlock. Quite frankly, I do not think that will happen. I sort of would hope that we would have some gridlock.

What I think is going to happen is that once the recession sets in and there is a need for additional spending and there will be no longer a concern at all about the deficit; and that is when the Congress will spend, the Federal Reserve will inflate. And it may temporarily help, but in the long-run it does not do the trick. It is not the way we gain economic prosperity out of a printing press. We just cannot allow a Federal Reserve to believe it creates capital by creating credit out of thin air.

We will soon be hearing a lot about interest rates. There will be a loud clamor from all quarters for the Fed to lower interest rates. It will be argued that it is necessary in order to help stop the stock market slide/crash and also to stimulate a sagging economy.

What we must remember though, is that every time someone pressures the Fed to lower interest rates, they are saying to the Fed that the money supply must be inflated. The only tool The Fed has for lowering interest rates is to increase the supply of money. They are arguing the case for further systematic and deliberate debasement of the U.S. dollar. Those who chant for lower interest rates are literally attacking the dollar.

And yet, depending on many variables, a deliberate attempt by the Federal Reserve to lower interest rates may instead lead to higher interest rates and precipitate a period of accelerating price inflation. Instead of boosting the stock market, this effort can do the opposite by producing conditions that will lower the stock market and do nothing to avert the economic slump that more people are now worried about.

Congress should be prepared for some surprises in the not-to-distance future. A slumping economy or definite recession will obviously lower revenues. This will reverse the illusion of the grand surpluses that everyone has been anxious to spend. Instead of expenditures being held under control, expect them to rise rapidly.

Many are starting to talk now about a legislative stalemate with no clear majority in the House and the Senate and the Presidency being uncertain. This concern about a stalemate is overblown. Not that the problem isn't serious, but I am certain that under the conditions that we are about to experience, the Congress and the President will be all too willing to deal with the deteriorating conditions with increased spending and with a concerted bipartisan effort to pressure the Federal Reserve to further inflate the currency in pursuing the fiction that the Federal Reserve can prevent a "hard landing" by merely increasing the money supply in an effort to dictate short-term Fed funds rates.

Although this will not be the impasse that many anticipate, the actual capitulation by both parties to deal with the oncoming economic slowdown will actually be more harmful than gridlock because Congress will undoubtedly do more harm than good to the economy.

For decades now the Federal Reserve has followed a policy of "fine-tuning" and economy and with the relative success of the recent boom cycle, it has been deceived into believing its ability is more than it actually is. But in this effort to fine-tune the economy the Federal Reserve, since the middle of 1999 until May of this year, has systematically raised the Fed's fund rates from 4.75% to 6.5%.

The explanation was that economic growth, when not controlled, leads to price inflation and therefore the economy had to be "cooled." A healthy free market economy should never have to be cooled, it should only be encouraged.

Ironically it's argued that the deliberate raising of the cost of borrowing money for everyone is that this will hold prices in check. Yet consumers and businesses suffer from this additional cost—pushing all prices upward. But even more ironic is the claim that they now care about "inflation" after a decade of massive monetary inflation—the real culprit—while ignoring the fact that the monetary supply is key to money policy not admitting the damage has already been done.

Signs of economic slowdown are now all around with the seriously slumping stock market being the most visible and eliciting the most concern. As the slowdown spreads and accelerates the politicians will be anxious to advise the Chairman of the Federal Reserve, Alan Greenspan. Politicians from both sides of the aisle will become deeply and especially concerned when the evidence is clear that the revenues are plummeting and the "surplus" is disappearing. Since this will challenge the ability of the politician to continue the spending spree many will become deeply and vocally concerned.

The big debate—already started—in the financial and political circles is when, how much, and how quickly the Federal Reserve should lower interest rates. Indeed all will clamor to lower rates to revive the economy again. With the signs of rising prices in many sectors, especially energy, and in spite of the weak economy we can expect the Federal Reserve chairman to issue precautionary statements. He will reiterate that he must watch out for the resurgence of (price) inflation. In spite of his statements about concerns for inflation, if the stock market slump and the economic slowdown are significant enough regardless of what he says, we can be certain of one thing, the money supply will continue to grow rapidly in an attempt to keep interest rates low. But Mr. Greenspan will never admit that inflating is exactly what he's been generously doing for the past 13 years.

A short time after Chairman Greenspan took over the reigns of the Federal Reserve the stock market crash of 1987 prompted him to alleviate concerns with a heavy dose of monetary inflation. Once again, the slump of 1991 and 1992, he again re-ignited the financial bubble by more monetary inflation. There was no hesitation on Mr. Greenspan's part to inflate as necessary to alleviate the conditions brought about by the Mexican financial crisis, the Asian crisis, the Russian ruble crisis, and with the Long-Term Capital Management crisis. Just one year ago the non-existent Y2K crisis prompted huge, unprecedented monetary inflation by the Federal Reserve. All these efforts kept interest rates below the market rate and contributed to the financial bubble that is now starting to deflate. But, there is no doubt that this monetary inflation did maintain an economy that seemed like it would never quit growing. Housing markets thrived, the stock market and bond market thrived, and in turn, the great profits made in these areas, especially gains made by stock market transactions, produced profits that inflated greatly the revenues that flowed into the Treasury. The serious problem that we now face, a collapsing stock market and a rapidly weakening economy, was caused by inflating the money supply along with artificially low interest rates. More inflation and continuing the policy of artificially low interest rates can't possibly be the solution to the dilemma we face.

We should never blame economic growth as the culprit. But artificial growth, mal-investment, overcapacity, speculation, and excessive debt that comes from systematic monetary inflation should be blamed, since these are all a result of Federal Reserve Board policy.

Let there be no doubt political and financial leaders will demand lower interest rates in order to alleviate the conditions that are developing. But just because a boom can come from generous Fed credit, it doesn't mean the bubble economy can be maintained or re-inflated by easy credit once a correction sets in.

Besides, Alan Greenspan knows full well that the scenario we are now experiencing can be made worse by lowering interest rates. Under the conditions we are facing it's very likely the dollar will weaken and deliberately lowering interest rates will accelerate this trend. Price inflation, which the Fed claims it is so concerned about, will not necessarily go away even with a weak economy. And the one thing we will come to realize that even the best of all central bankers, Alan Greenspan will not be able to determine interest rates at all times of the business cycle. Inflation premiums, confidence, the value of the dollar, and political conditions all can affect interest rates and these are out of the control of the Federal Reserve Board.

Congress definitely should be concerned about these matters. Budgetary planning will get more difficult as the revenues spiral downward and spending does the opposite. Interest on the national debt will continue and will rise as interest rates rise. The weak dollar, lower stock markets and inflation can affect every fixed income citizen, especially the Social Security beneficiaries. We can expect the World Trade organization managed trade war will actually get much worse under these conditions. Military conflict is not out of the question under the precarious conditions, that are developing. Oil supplies are obviously not secure and as we have seen the run up of prices to dangerously high levels.

The question is what should one expect the Federal Reserve Board to eventually do? We can expect it to continue to inflate as they have always chosen with every crisis. There's no evidence that Alan Greenspan would choose to do anything else regardless of this expression of concern about inflation and the value of the dollar. Greenspan still believes he can control the pain, produce a weakened economy that will not get out of control. But there's no way that he can guarantee that the United States might not slip into a prolonged lethargy, similar to what Japan is now experiencing. We can be certain that Congress will accommodate with whatever seems to be necessary for bailing out a weakened financial sector.

But all this will be done at the expense of the dollar. This is a dangerous process and makes our entire economic and financial system vulnerable.

We must someday recognize that neither Congress nor the Fed is supposed to "run" the economy. Yet we still live with the belief that the Administration, our Presidents, our Congress and the Federal Reserve should run the economy. This is a dangerous concept and always leads to the painful corrections to so-called the good times for which everyone is anxious to take credit.

Congress does have responsibility for maintaining a sound dollar and a free market and not much else. Unfortunately this responsibility that is clearly stated in the Constitution is ignored.

A major financial crisis is possible since the dollar is the reserve currency of the world, held in central banks as if it were gold itself. The current account deficit for the United States continues to deteriorate, warning us of danger ahead. Our foreign debt or $1.7 trillion continues to grow rapidly and it will eventually have to be paid.

Action by the Congress and the Federal Reserve will most likely make the correction that is now starting much worse. Also, under conditions such as these, personal liberty is always vulnerable by the advocates of big government. It is well known that during the times of military wars personal liberties are in endangered. Social wars such as the war on drugs are notorious for undermining the principles of liberty. So too, under economic conditions that are difficult to understand and deal with, personal liberty comes under attack. This should concern us all.

URGING VICE PRESIDENT GORE TO ACCEPT ELECTION RESULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODLATTE) is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Speaker, today two very important court decisions were handed down, one by the United States Supreme Court and one by the trial court in Florida, dealing with the issue of the Presidential election. These decisions were both again in favor of Governor Bush.

The decision of the Supreme Court vacated the ruling of the Florida court, which extended the time for the certification of the election results in Florida and remanded the case to the Florida court asking them to justify their action because they did not appear to have any legal justification for the actions that they had taken, essentially contravening the United States Constitution as well as the laws passed by the Florida legislature setting out a clear procedure for handling the election in Florida.

The Florida trial court judge today ruled in favor of the Bush campaign and against the Gore campaign on each and every one of the contested issues raised by the Gore campaign in Palm Beach County, in Miami-Dade County, and in Nassau County.

Since November 7, the Nation has been placed in a serious case of uncertainty. We have economic uncertainty. We have political uncertainty. And we have a Government that needs to be in transition but is delayed by the fact that the Vice President has not conceded this election.

We are now faced, 4 weeks from that election, with a continuing crisis of uncertainty. It is time for the Vice President to do the responsible thing and accept the results of this election.

Governor Bush was ahead at the time that the networks called Florida for Vice President GORE. He was ahead at the time they pulled it back. He was ahead the following morning when they called the election for Governor Bush. He was ahead when the election returns came in. He was ahead when they conducted the first automatic recount. He was ahead after the recount ordered by the Florida Supreme Court was continued. And he remains ahead today.

These two rulings make it very likely that he is going to remain ahead throughout this process. And to ease the country's uncertainty and to do the responsible thing by allowing president-elect George Bush to begin the process of transitioning to a new government and to have the ability to pull the entire country together, it is absolutely essential that the Vice President do the right thing.

The votes have been counted, recounted and counted again, and yet Vice President GORE has yet to concede. For the sake of the country, he should accept the outcome and move forward from this election with dignity. The country would be better served if the Vice President reconsidered his strategy of countless lawsuits which undermine and delay the process of selecting our next President.

Previous Presidential candidates chose the statesman-like route of accepting the will of the people and moving on. It is important for our next

President to have the ability to have the support of Vice President GORE as he moves into the transition process.

Governor George W. Bush has a record of bipartisan leadership. I look forward to working with him in that process and in the next Congress of the United States. But in order to get that process smoothly transitioned, we cannot afford to lose any more days than we already have, where 4 weeks that are ordinarily used to begin the very difficult task of selecting nearly 6,000 people to take positions from cabinet levels on down and then to begin the process of planning a legislative agenda for the American people.

All of these things are delayed by the uncertainty created by the current situation, which becomes increasingly clear is serving no good purpose. Every time we move further down the process, the results are the same. Governor Bush is still ahead in the election. And it seems to me, Mr. Speaker, that it is entirely appropriate at this time that the Vice President do the right thing for the country, the statesman-like thing for the country, and concede this election.

SEEKING PROTECTION FOR KASHMIRI PANDITS DURING CEASE-FIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted tonight to spend a few minutes saying, first of all, that I am pleased that the Government of Pakistan has positively responded to India's month-long cease-fire in Kashmir.

□ 1845

I think many of us know that about a week ago, India declared a cease-fire unilaterally, hoping that it would get a positive response from Pakistan as well as from some of the secessionist or separatist organizations that operate within Kashmir. We have found out over the weekend that Pakistan did decide, as the foreign secretary said, to observe maximum restraint with regard to its troops that were deployed along the disputed border in Kashmir.

Last week, Mr. Speaker, I wrote to the Pakistani ambassador in Washington asking his government to accept India's call for a cease-fire, and I was very pleased again to hear that Pakistan's foreign secretary had indicated now that they will also observe it. In addition, I thought it was particularly relevant that the All Parties Hurriyat Conference had indicated that they might be prepared to begin talks or negotiations with India with regard to Kashmir. Certainly having them come back to the table and have discussions with the Indian government with regard to Kashmir is a positive sign. Between the Pakistani actions and the actions of the All Parties Hurriyat Conference, we might actually see some positive developments over the next few weeks or the next few months with regard to peace in Kashmir.

However, in the midst of all this, I found it very unfortunate that the Kashmiri Pandits, the Hindus as well as the Sikhs, who are a minority in Kashmir, continue to be the victims of violence. Over the weekend again, we heard, in fact, on Friday that four sleeping Hindu children between the ages of 3 and 15 years old were shot and killed in a remote Kashmiri mountain village. This is the third attack on Kashmiri Pandits in less than a week since India declared the cease-fire.

Again, why is it that the minorities in Kashmir, the Pandits, the Hindu minority as well as the Sikhs who have also suffered and some have been killed over the last week since the cease-fire, continue to be the subject of these attacks? I can only hope that with the joint cease-fire that now appears to be in existence and the fact that there may be talks with some of the separatist groups, that the violence against minorities such as the Pandits and the Sikhs will stop, because for too long they have been the victims, if you will, more than any other group, of the problems and of the violence and of the continued dispute over Kashmir.

Mr. Speaker, today I wrote a letter to the Pakistani ambassador in Washington not only thanking him for deciding to go ahead with the cease-fire but also asking that steps be taken to try to end the violence against the Pandits. I wrote a similar letter to the Indian ambassador in Washington, not only commending him and Prime Minister Vajpayee for sticking with this Ramadan cease-fire for the month but also asking that steps be taken by the Indian government to try to protect the Kashmiri Pandits as well.

I wanted to add, Mr. Speaker, that the Prime Minister of India, Mr. Vajpayee, has to be commended not only for unilaterally declaring the cease-fire last week but also for doing so despite the fact that the separatist militants continued with their violent acts over this last week and despite the fact that many domestic opponents criticized his action. Prime Minister Vajpayee has told me many times that he cares for the plight of the Kashmiri Pandits and understands that there will never be peace in Kashmir unless they can live in their homes without fear. I also ask once again that when any peace talks take place over the next few weeks, that the status of the Pandits and their security also be raised in the context of those peace talks. If we are ever going to see toleration of all religions in Kashmir, it is certainly necessary that steps be taken now to protect them, to protect their security, and that reference be made to their status in the context of any peace talks that might take place.

INAUGURATION OF MEXICAN PRESIDENT VICENTE FOX

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, at a time when the world's attention is focused on the presidential election here in the United States, I would like to take a few minutes to talk about a very historic occurrence that took place at the end of last week. I had the honor, along with several of our colleagues, a delegation led by the gentleman from New York (Mr. GILMAN), the Secretary of State here, and several others, including the Governor of California, Gray Davis, to represent the United States at the inauguration of Vicente Fox in Mexico.

This inaugural took place last Friday morning. It was very thrilling because it was clearly one of the most historic developments in modern history for the western hemisphere. After over 7 decades of one-party control where the Institutional Revolutionary Party, established in 1928, had controlled Mexico, we saw an election take place on July 2 at which the opposition party, the National Action Party, and its nominee, Vicente Fox, was successful.

When we look at what it is that actually brought these free and fair elections about, it is very important to realize that it has been the expansion of our Western values that has been responsible for it and was really a coalition that consisted, I believe, of primarily the statement that was first made by Ronald Reagan in November of 1979 when he announced his candidacy for President in which he said he envisioned an accord of the Americas where we would have the free flow of goods and services.

As we all know, that ended up with legislation that passed in 1993 known as the North American Free Trade Agreement. While I know that NAFTA is often maligned, we have to realize that there has been tremendous success in Canada, the United States, and Mexico. We have seen a dramatic increase in the standard of living in all three countries, in large part due to the expanded trade that we have enjoyed.

Now, what happened was that 6 years ago, following the beginning of major economic reforms in Mexico, we saw the call by President Ernesto Zedillo for free and fair elections. He established an organization known as the IFE, the Federal Electoral Institute in Mexico, that would in fact be independent of the government and oversee the electoral process. It worked out extremely well, and we finally saw the completion of that tie between economic and political freedom last Friday.

We were very privileged, as I said, to be able to represent the United States. Our governor, Gray Davis, was the first governor of California since Earl Warren to attend an inauguration of a Mexican president. I believe the significance of that and the representation that we had from the United States is very, very important.

President Fox has a very interesting challenge ahead of him, but he had some moving remarks in his inaugural address. He talked about the challenge of improving the economy and making sure that no one in Mexico is left behind. He said, "We can't have islands of prosperity amidst seas of poverty." His commitment to ensuring that the children of Mexico are addressed, their needs are addressed and taken care of, his commitment to making sure that we see further deregulation so that the small business sector of Mexico can thrive is very, very important.

I will say that there is another issue that is very important, especially for my State of California, dealing with the challenge of illegal immigration which has been very great. President Fox is the first Mexican president to come forward and state unequivocally that Mexico needs every Mexican, meaning that he wants to create an economy so that people in Mexico will not have an incentive to flee across the border into the United States.

I am very, very encouraged about this wonderful relationship that we are going to have with Mr. Fox. I am convinced that the encouragement which we have provided through that election process has been very, very key to the success that we are seeing. I look forward to working with him and with my colleagues to strengthen this very, very important relationship.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2030

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARR of Georgia) at 8 o'clock and 30 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE JOINT RESOLUTION 126, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. SIMPSON. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the joint resolution (House Joint Resolution 126) making further continuing appropriations for fiscal year 2001, and for other purposes; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. DEFAZIO (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

Mr. DIXON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Mr. PASTOR (at the request of Mr. GEPHARDT) for today after 6:15 p.m. on account of official business.

Mr. GUTKNECHT (at the request of Mr. ARMEY) for today and December 5 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. BONILLA) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mr. SCARBOROUGH, for 5 minutes, December 5.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

September 19, 2000:

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, provide for the correction of retirement coverage errors under chapters 83 and 84 of such title, and for other purposes.

September 22, 2000:

H.R. 1729. An act to designate the Federal facility located at 1301 Emmet Street in Charlottsville, Virginia, as the "Pamela S. Gwin Hall."

H.R. 1901. An act to designate the United States border station located in Pharr, Texas, as the "Kika de la Garza United States Border Station."

H.R. 1959. An act to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the "Adrian A. Spear's Judicial Training Center."

H.R. 4608. An act to designate the United States courthouse located at 220 West Depot Street in Greenville, Tennessee, as the "James H. Quillen United States Courthouse."

September 29, 2000:

H.J. Res. 109. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

October 6, 2000:

H.R. Res. 110. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 940. An act to designate the Lackawanna Valley and the Schuylkill River National Heritage Areas, and for other purposes.

H.R. 2909. An act to provide for implementation by the United States of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, and for other purposes.

H.R. 4919. An act to amend the Foreign Assistance Act of 1961 and the Arms Exports Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

H.R. 5193. An act to amend the National Housing Act to temporarily extend the applicability of the downpayment simplification provisions for the FHA single family housing mortgage insurance program.

October 10, 2000:

H.J. Res. 72. Joint resolution granting the consent of the Congress to the Red River Boundary Compact.

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

H.R. 2647. An act to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

H.R. 3363. An act for the relief of Akal Security, Incorporated.

H.R. 4444. An act to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China.

H.R. 4700. An acto grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact.

October 11, 2000:

H.R. 4578. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

October 12, 2000:

H.R. 4115. An act to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes.

H.R. 4931. An act to provide for the training or orientation of individuals, during a Presidential transition, who the President's intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes.

October 13, 2000:

H.J. Res. 111. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 1162. An act to designate the bridge on United States Route 231 that crosses the Ohio River between Maceo, Kentucky, and Rockport, Indiana, as the "William H. Natcher Bridge."

H.R. 1605. An act to designate the Federal building and United States Courthouse located at 402 North Walnut Street in Harrison, Arkansas, as the "J. Smith Henley Federal Building and United States Courthouse."

H.R. 1800. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

H.R. 2752. An act to direct the Secretary of the Interior to sell certain public land in Lincoln County through a competitive process.

H.R. 2773. An act to amend the Wild and Scenic Rivers Act to designate the Wekiva River and its tributaries of Wekiwa Springs Run, Rock Springs Run, and Black Water Creek in the State of Florida as components of the national wild and scenic rivers system.

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4579. An act to provide for the exchange of certain lands within the State of Utah.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.R. 4642. An act to make certain personnel flexibilities available with respect to the General Accounting Office, and for other purposes.

H.R. 4806. An act to designate the Federal Building located at 1710 Alabama Avenue in Jasper, Alabama, as the "Carl Elliott Federal Building."

H.R. 5284. An act to designate the United States customhouse located at 101 East Main Street in Norfolk, Virginia, as the "Owen B. Pickett United States Customhouse.

October 17, 2000:

H.R. 1143. An act to establish a program to provide assistance for programs to credit and other financial services for microenterprise in developing countries, and for other purposes.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H-1B nonimmigrant workers, and for other purposes.

October 19, 2000:

H.R. 2302. An act to designate the building of the United States Postal Service located at 307 Main Street in Johnson City, New York, as the "James W. McCabe, Sr. Post Office Building."

H.R. 2496. An act to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

H.R. 2641. An act to make technical corrections to title X of the Energy Policy Act of 1992.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 2938. An act to designate the facility of the United States Postal Service located at 424 South Michigan Street in South Bend, Indiana, as the "John Brademas Post Office."

H.R. 3030. An act to designate the facility of the United States Postal Service located at 757 Warren Road in Ithaca, New York, as the "Matthew F. McHugh Post Office."

H.R. 3454. An act to designate the United States post office located at 451 College Street in Macon, Georgia, as the "Henry McNeal Turner Post Office."

H.R. 3745. An act to authorize the addition of certain parcels to the Effigy Mounds National Monument, Iowa.

H.R. 3817. A act to dedicate the Big South Trail in the Commanche Peak Wilderness Area of Roosevelt National Forest in Colorado to the legacy of Jaryd Atadero.

H.R. 3909. An act to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue, Chicago, Illinois, as the "Henry W. McGee Post Office Building."

H.R. 3985. An act to redesignate the facility of the United States Postal Service located at 14900 Southwest 30th Street in Miramar, Florida, as the "Vicki Coceano Post Office Building."

H.R. 4157. An act to designate the facility of the United States Postal Service located at 600 Lincoln Avenue in Pasadena, California, as the "Matthew 'Mack' Robinson, Post Office Building."

H.R. 4169. An act to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building."

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

H.R. 4435. An act to clarify certain boundaries on the map relating to Unit NC-01 of the Coastal Barrier Resources System.

H.R. 4447. An act to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building."

H.R. 4448. An act to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building."

H.R. 4449. An act to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building."

H.R. 4484. An act to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building."

H.R. 4517. An act to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building."

H.R. 4534. An act to redesignate the facility of the United States Postal Service located at 114 Ridge Street, N.W. in Lenoir, North Carolina, as the "James T. Broyhill Post Office Building."

H.R. 4554. An act to redesignate the facility of the United States Postal Service located at 1602 Frankford Avenue in Philadelphia, Pennsylvania, at the "Joseph F. Smith Post Office Building."

H.R. 4615. An act to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office."

H.R. 4658. An act to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the "J.L. Dawkins Post Office Building."

H.R. 4884. An act to redesignate the facility of the United States Postal Service located at 200 West 2nd Street in Royal Oak, Michigan, as the "William S. Broomfield Post Office Building.".

October 20, 2000:

H.J. Res. 114. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

October 23, 2000:

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4975. An act to designate the post office and courthouse located at 2 Federal Square, Newark, New Jersey, as the "Frank R. Lautenberg Post Office and Courthouse."

October 24, 2000:

H.R. 1509. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

H.R. 3201. An act to authorize the Secretary of the Interior to study the suitability and feasibility of designating the Carter G. Woodson Home in the District of Columbia as a National Historic Site, and for other purposes.

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 4063. An act to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

H.R. 5036. An act to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

October 26, 2000:

H.J. Res. 115. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 116. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

October 27, 2000:

H.J. Res. 117. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 34. An act to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System.

H.R. 208. An act to amend title 5, United States Code, to allow for the contribution of certain rollover distributions to accounts in the Thrift Savings Plan, to eliminate certain waiting-period requirements for participating in the Thrift Savings Plan, and for other purposes.

H.R. 1695. An act to provide for the conveyance of certain Federal public lands in the Ivanpah Valley, Nevada, to Clark County, Nevada, for the development of an airport facility, and for other purposes.

H.R. 1715. An act to extend and reauthorize the Defense Production Act of 1950.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislative of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 2879. An act to provide for the placement at the Lincoln Memorial of a plaque commemorating the speech of Martin Luther King, Jr., known as the "I Have a Dream" speech.

H.R. 2984. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to convey to the Loup Basin Reclamation District, the Sargent River Irrigation District, and the Farewell Irrigation District, Nebraska, property comprising the assets of the Middle Loup Division of the Missouri River Basin Project, Nebraska.

H.R. 3235. An act to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during nonschool hours.

H.R. 3236. An act to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

H.R. 3468. An act to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah.

H.R. 3577. An act to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho.

H.R. 3986. An act to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington.

H.R. 4002. An act to amend the Foreign Assistance Act of 1961 to revise and improve provisions relating to famine prevention and freedom from hunger.

H.R. 4132. An act to authorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 4389. An act to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

H.R. 4635. An act making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4681. An act to provide for the adjustment of status of certain Syrian nationals.

H.R. 5107. An act to make certain corrections in copyright law.

H.R. 5212. An act to direct the American Folklife Center at the Library of Congress to establish a program to collect video and audio recordings of personal histories and testimonials of American war veterans, and for other purposes.

October 28, 2000:

H.J. Res. 118. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 3244. An act to combat trafficking in persons, especially into the sex trade, slavery, and involuntary servitude, to reauthorize certain Federal programs to prevent violence against women, and for other purposes.

H.R. 4461. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

October 29, 2000:

H.J. Res. 119. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

October 30, 2000:

H.J. Res. 120. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 707. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

H.R. 1654. An act to authorize appropriations for the national Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes.

H.R. 2348. An act to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins.

H.R. 2389. An act to restore stability and predictability to the annual payments made to States and countries containing National Forest System lands and public domain lands managed by the Bureau of Land Management for use by the counties for the benefit of public schools, roads, and for other purposes.

H.R. 2842. An act to amend chapter 89 of title 5, United States Code, concerning the Federal Employees Health Benefits (FEHB) Program to enable the Federal Government to enroll an employee and his or her family in the FEHB Program when a State court orders the employee to provide health insurance coverage for a child of the employee but the employee fails to provide the coverage, and for other purposes.

H.R. 2883. An act to amend the Immigration and Nationality Act to modify the provisions governing acquisition of citizenship by children born outside of the United States, and for other purposes.

H.R. 3767. An act to amend the Immigration and Nationality Act to make improvements to, and permanently authorize, the visa waiver pilot program under section 217 of such Act.

H.R. 3995. An act to establish procedures governing the responsibilities of court-appointed receivers who administer departments, offices, and agencies of the District of Columbia government.

H.R. 4205. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4828. An act to designate the Steens Mountain Wilderness Area and the Steens Mountain Cooperative Management and Protection Area in Harney County, Oregon, and for other purposes.

H.R. 5417. An act to rename the Stewart B. McKinney Homeless Assistance Act as the "McKinney-Vento Homeless Assistance Act."

November 1, 2000:

H.J. Res. 121. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 122. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 209. An act to improve the ability of Federal agencies to license federally owned inventions.

H.R. 2607. An act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.

H.R. 2961. An act to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the visa waiver pilot program, and for other purposes.

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 3671. An act to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act to commemorate the centennial of the establishment of the first national wildlife refuge in the United States on March 14, 1903, and for other purposes.

H.R. 4068. An act to amend the Immigration and Nationality Act to extend for an additional 3 years the special immigrant religious worker program.

H.R. 4110. An act to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005.

H.R. 4320. An act to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

H.R. 4835. An act to authorize the exchange of land between the Secretary of the Interior and the Director of Central Intelligence at the George Washington Memorial Parkway in McLean, Virginia, and for other purposes.

H.R. 4850. An act to increase, effective as of December 1, 2000, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicle or tires or other motor vehicle equipment in foreign countries, and for other purposes.

H.R. 5234. An act to amend the Hmong Veterans' Naturalization Act of 2000 to extend the applicability of that Act to certain former spouses of deceased Hmong veterans.

November 3, 2000:

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

November 4, 2000:

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 124. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

November 6, 2000:

H.R. 468. An act to establish the Saint Helena Island National Scenic Area.

H.R. 1725. An act to provide for the conveyance by the Bureau of Land Management to Douglas County, Oregon, of a county park and certain adjacent land.

H.R. 3218. An act to amend title 31, United States Code, to prohibit the appearance of Social Security account numbers on or through unopened mailings of checks or other drafts issued on public money in the Treasury.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 3679. An act to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee.

H.R. 4315. An act to designate the facility of the United States Postal Service located at 3695 Green Road in Beachwood, Ohio, as the "Larry Small Post Office Building."

H.R. 4404. An act to permit the payment of medical expenses incurred by the United States Park Police in the performance of duty to be made directly by the National Park Service, to allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a State or political subdivision when required by State law, and for other purposes.

H.R. 4450. An act to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland as the "Judge Harry Augustus Cole Post Office Building."

H.R. 4451. An act to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building."

H.R. 4625. An act to designate the facility of the United States Postal Service located at 2108 East 38th Street in Erie, Pennsylvania, as the "Gertrude A. Barber Post Office Building."

H.R. 4786. An act to designate the facility of the United States Postal Service located at 110 Postal Way in Carrollton, Georgia, as the "Samuel P. Roberts Post Office Building."

H.R. 4811. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5083. An act to extend the authority of the Los Angeles Unified School District to use certain park lands in the City of South Gate, California, which were acquired with amounts provided from the land and water conservation fund, for elementary school purposes.

H.R. 5157. An act to amend title 44, United States Code, to ensure preservation of the records of the Freedmen's Bureau.

H.R. 5178. An act to require changes in the bloodborne pathogens standard in effect under the Occupational Safety and Health Act of 1970.

H.R. 5273. An act to clarify the intention of the Congress with regard to the authority of the United States Mint to produce numismatic coins, and for the other purposes.

H.R. 5314. An act to amend title 10, United States Code, to facilitate the adoption of retired military working dogs by law enforcement agencies, former handlers of these dogs, and other persons capable of caring for these dogs.

November 7, 2000:

H.R. 1651. An act to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country, and for other purposes.

H.R. 2442. An act to provide for the preparation of a Government report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgment of such injustices by the President.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees.

H.R. 4831. An act to redesignate the facility of the United States Postal Service located at 2339 North California Avenue in Chicago, Illinois, as the "Roberto Clemente Post Office."

H.R. 4853. An act to redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the "Arnold C. D'Amico Station."

H.R. 5229. An act to designate the facility of the United States Postal Service located at 219 South Church Street in Odum, Georgia, as the "Ruth Harris Coleman Post Office Building."

November 9, 2000:

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

H.R. 660. An act for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity.

H.R. 848. An act for the relief of Sepandan Farnia and Farbod Farnia.

H.R. 1235. An act to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

H.R. 2780. An act to authorize the Attorney General to provide grants for organizations to find missing adults.

H.R. 2884. An act to extend energy conservation programs under the Energy Policy and Conservation Act through fiscal year 2003.

H.R. 3184. An act for the relief of Zohreh Farhang Ghahfarokhi.

H.R. 3414. An act for the relief of Luis A. Leon-Molina, Ligia Padron, Rendy Leon Padron, Manuel Leon Padron, and Luis Leon Padron.

H.R. 4312. An act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts, and for other purposes.

H.R. 4646. An act to designate certain National Forest Service land within the boundaries of the State of Virginia as wilderness areas.

H.R. 4788. An act to amend the United States Grain Standards Act to extend the authority of the Secretary of Agriculture to collect fees to cover the cost of services performed under that Act, extend the authorization of appropriations for that Act, and improve the administration of that Act, to reenact the United States Warehouse Act to require the licensing and inspection of warehouses used to store agricultural products and provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes.

H.R. 4794. An act to require the Secretary of the Interior to complete a resource study of the 600 mile route through Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, used by George Washington and General Rochambeau during the American Revolutionary War.

H.R. 4846. An act to establish the National Recording Registry in the Library of Congress to maintain and preserve sound recordings that are culturally, historically, or aesthetically significant, and for other purposes.

H.R. 4864. An act to amend title 38, United States Code, to reaffirm and clarify the duty of the Secretary of Veterans Affairs to assist Claimants for benefits under laws administered by the Secretary, and for other purposes.

H.R. 4868. An act to amend the Harmonized Tariff Schedule of the United States to modify temporarily certain rates of duty, to make other technical amendments to the trade laws, and for other purposes.

H.R. 5110. An act to designate the United States Courthouse located at 3470 12th Street in Riverside, California, as the "George E. Brown, Jr., United States Courthouse."

H.R. 5266. An act for the relief of Saeed Razai.

H.R. 5302. An act to designate the United States courthouse located at 1010 fifth Avenue in Seattle, Washington, as the "William Kenzo Nakamura United States Courthouse."

H.R. 5331. An act to authorize the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass.

H.R. 5388. An act to designate a building proposed to be located within the boundaries of the Chincoteague National Wildlife Refuge, as the "Herbert H. Bateman Education and Administrative Center."

H.R. 5410. An act to establish revolving funds for the operation of certain programs and activities of the Library of Congress, and for other purposes.

H.R. 5478. An act to authorize the Secretary of the Interior to acquire by donation suitable land to serve as the new location for the home of Alexander Hamilton, commonly known as the Hamilton Grange, and to authorize the relocation of the Hamilton Grange to the acquired land.

November 13, 2000:

H.R. 782. An act to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

H.R. 1444. An act to authorize the Secretary of the Interior to establish a program to plan, design, and construct fish screens, fish passage devices, and related features to mitigate impacts on fisheries associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho.

H.R. 1550. An act to authorize appropriations for the United States Fire Administration, and for carrying out the Earthquake Hazards Reduction Act of 1977, for fiscal years 2001, 2002, and 2003, and for other purposes.

H.R. 2462. An act to amend the Organic Act of Guam, and for other purposes.

H.R. 2498. An act to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

H.R. 3388. An act to promote environmental restoration around the Lake Tahoe basin.

H.R. 3621. An act to provide for the posthumous promotion of William Clark of the Commonwealth of Virginia and the Commonwealth of Kentucky, co-leader of the Lewis and Clark Expedition, to the grade of captain in the Regular Army.

H.R. 5239. An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

November 15, 2000:

H.J. Res. 125. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

September 22, 2000:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1374. An act to authorize the development and maintenance of a multi-agency campus project in the town of Jackson, Wyoming.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

S. 2869. An act to protect religious liberty, and for other purposes.

October 2, 2000:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 2460. An act to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

October 6, 2000:

S. 430. An act to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

October 10, 2000:

S. 1295. An act to designate the United States Post Office located at 3813 Main Street in East Chicago, Indiana, as the "Lance Corporal Harold Gomez Post Office."

S. 1324. An act to expand the boundaries of the Gettysburg National Military Park to include the Wills House, and for other purposes.

October 12, 2000:

S. 704. An act to amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

October 13, 2000:

S. 302. An act for the relief of Kerantha Poole-Christian.

S. 366. An act to amend the National Trails System Act to designate El Camino Real de Tierra Adentro as a National Historic Trail.

S. 1794. An act to designate the Federal courthouse at 145 East Simpson Avenue in Jackson, Wyoming, as the "Clifford P. Hansen Federal Courthouse."

October 17, 2000:

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 2045. An act to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

S. 2272. An act to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and for other purposes consistent with the Adoption and Safe Families Act of 1997.

October 19, 2000:

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric project in the State of Idaho.

October 20, 2000:

S. 2311. An act to amend the Public Health Service Act to revise and extend programs established under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, and for other purposes.

October 24, 2000:

S. 1849. An act to designate segments and tributaries of White Clay, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

October 27, 2000:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

S. 2498. An act to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

S. 2686. An act to amend chapter 36 of title 39, United States Code, to modify rates relating to reduced rate mail matter, and for other purposes.

S. 3201. An act to rename the National Museum of American Art.

October 30, 2000:

S. 1809. An act to improve service systems for individuals with developmental disabilities, and for other purposes.

November 1, 2000:

S. 406. An act to amend the Indian Health Care Improvement Act to make permanent the demonstration program that allows for direct billing of medicare, medicaid, and other third party payors, and to expand the eligibility under such program to other tribes and tribal organizations.

S. 1296. An act to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System.

S. 1402. An act to amend title 38, United States Code, to increase the rates of educational assistance under the Montgomery GI Bill, to improve procedures for the adjustment of rates of pay for nurses employed by the Department of Veterans Affairs, to make other improvements in veterans educational assistance, health care, and benefits programs, and for other purposes.

S. 1455. An act to enhance protections against fraud in the offering of financial assistance for college education, and for other purposes.

S. 1705. An act to direct the Secretary of the Interior to enter into land exchanges to acquire from the private owner and to convey to the State of Idaho approximately 1,240 acres of land near the City of Rocks National Reserve, Idaho, and for other purposes.

S. 1707. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to provide that certain designated Federal entities shall be establishments under such Act, and for other purposes.

S. 2102. An act to provide the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes.

S. 2412. An act to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 200, 2001, 2002, and 2003, and for other purposes.

S. 2917. An act to settle land claims of the Pueblo of Santo Domingo.

November 6, 2000:

S. 614. An act to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

S. 2812. An act to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

S. 3062. An act to modify the date on which the Mayor of the District of Columbia submits a performance accountability plan to Congress, and for other purposes.

November 7, 2000:

S. 501. An act to address resource management issues in Glacier Bay National Park, Alaska.

S. 503. An act designating certain land in the San Isabel National Forest in the State of Colorado as the "Spanish Peaks Wilderness".

S. 835. An act to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

S. 1088. An act to authorize the Secretary of Agriculture to convey certain administrative sites in national forests in the State of Arizona, to convey certain land to the City of Sedona, Arizona for a wastewater treatment facility, and for other purposes.

S. 1211. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

S. 1218. An act to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes.

S. 1275. An act to authorize the Secretary of the Interior to produce and sell products and to sell publications relating to the Hoover Dam, and to deposit revenues generated from the sales into the Colorado River Dam fund.

S. 1586. An act to reduce the fractionated ownership of Indian lands, and for other purposes.

S. 2300. An act to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State.

S. 2719. An act to provide for business development and trade promotion for Native Americans, and for other purposes.

S. 2950. An act to authorize the Secretary of the Interior to establish the Sand Creek Massacre National Historic Site in the State of Colorado.

S. 3022. An act to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.

November 9, 2000:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 610. An act to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 710. An act to authorize a feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail.

S. 748. An act to improve Native hiring and contracting by the Federal Government within the State of Alaska, and for other purposes.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 1030. An act to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws.

S. 1367. An act to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes.

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1778. An act to provide for equal exchanges of land around the Cascade Reservoir.

S. 1894. An act to provide for the conveyance of certain land to Park County, Wyoming.

S. 2069. An act to permit the conveyance of certain land in Powell, Wyoming.

S. 2425. An act to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon, and for other purposes.

S. 2872. An act to improve the cause of action for misrepresentation of Indian arts and crafts.

S. 2882. An act to authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

S. 2951. An act to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the Upper Columbia River.

S. 2977. An act to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles.

November 13, 2000:

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

S. 1474. An act providing for conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Marine Sanctuaries Act, and for other purposes.

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

ADJOURNMENT

Mr. SIMPSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, December 5, 2000, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10969. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Change in Size Designation [Docket No. FV00-966-1 IFR] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10970. A letter from the Associate Administrator, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in States of Massachusetts, et al.; Increased Assessment Rate [Docket No. FV00-929-4 FIR] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10971. A letter from the Associate Administrator, Agricultural Marketing Service Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Processed Fruits and Vegetables [FV-00-326] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10972. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Minimum Size Requirements for Red Seedless

Grapefruit [Docket No. FV00-905-2 FR] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10973. A letter from the Under Secretary for Food, Nutrition and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Non-citizen Eligibility and Certification Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended by Public Laws 104–208, 105–33, and 105–185 (RIN: 0584–AC40) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10974. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit [Docket No. FV00–905–4 FIR] November 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10975. A letter from the Associate Administrator, Agricultural Marketing Service, Cotton Programs, Department of Agriculture, transmitting the Department's final rule—Amendment to Cotton Board Rules and Regulations Regarding Import Assessment Exemptions [CN–00–009] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10976. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Removal of Suspension Regarding Grade, Inspection, and Related Reporting Requirements [Docket No. FV00–928–1 FR] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10977. A letter from the Congressional Review Coordinator, Policy and Program Development, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations [Docket No. 99–092–1] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10978. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenhexamid; Pesticide Tolerances for Emergency Exemptions [OPP–301075; FRL–6752–4] (RIN: 2070–AB78) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10979. A communication from the President of the United States, transmitting a request to make available previously appropriated emergency funds for the Departments of Agriculture and Transportation, International Assistance Programs, and the Appalachian Regional Commission pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; (H. Doc. No. 106–317); to the Committee on Appropriations and ordered to be printed.

10980. A letter from the Acting Assistant Secretary for Health Affairs, Department of Defense, transmitting a report on the Third Party Collection Program Annual Report to Congress for FY 1999; to the Committee on Armed Services.

10981. A letter from the Chief of Naval Operations and Secretary, United States Navy, Department of Defense, transmitting a letter on the Navy Marine Corps Intranet contract; to the Committee on Armed Services.

10982. A letter from the Deputy Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of Defense, Department of the Air Force, transmitting a report by the Commander of Cheyenne Mountain Air Force Station, Colorado, of a cost comparison to reduce the cost of the Civil Engineering functions; to the Committee on Armed Services.

10983. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R–1089] received November 28, 2000, pursuant to 5 U.S.C 801(a)(1)(A); to the Committee on Banking and Financial Services.

10984. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Consumer Protections for Depository Institution Sales of Insurance [Docket No. R–1079] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10985. A letter from the Associate General for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting the Department's final rule—CDBG Program Regulations on Pre-Award Costs and New Housing Construction [Docket No. FR–4559–F–01] (RIN: 2506–AC06) received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10986. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Ireland, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10987. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's semiannual report on the activities and efforts relating to utilization of the private sector, pursuant to 12 U.S.C. 1827; to the Committee on Banking and Financial Services.

10988. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-B–7403] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10989. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-B–7402] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10990. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-B–7400] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10991. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10992. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10993. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-B–7328] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10994. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10995. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate for Pay-As-You-Go Calculations; to the Committee on the Budget.

10996. A letter from the Director, Office of Management and Budget, transmitting a report on the Cost Estimate for Pay-As-You-Go Calculations; to the Committee on the Budget.

10997. A letter from the Secretary, Department of Education, transmitting Final Regulations—Federal Perkins Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

10998. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, Office of Postsecondary Education, transmitting the Department's final rule—Institutional Eligibility; Student Assistance General Provisions; Federal Work-Study Programs; and the Federal Pell Grant Program (RIN: 1845–AA19) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10999. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report for the Fiscal Year 1996 of projects funded under Section 681(b)(A) of the Community Services Block Grant Act; to the Committee on Education and the Workforce.

11000. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Employee Retirement Income Security Act of 1974; Rules and Regulations for Administration and Enforcement; Claims Procedure (RIN: 1210–AA61) received November 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11001. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Amendments to Summary Plan Description Regulations (RIN: 1210–AA69; 1210–AA55) received November 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11002. A letter from the Director, Office of Wage Determinations, Wage and Hour Division, Employment Standards Administration, Department of Labor, transmitting the Department's final rule—Procedures for Predetermination of Wage Rates; Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction and to Certain Nonconstruction Contracts (RIN: 1215–AA94) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11003. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11004. A letter from the Secretary, Department of Agriculture, transmitting a report entitled "Horse Protection Enforcement" for FY 1999, pursuant to 15 U.S.C. 1830; to the Committee on Commerce.

11005. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting a report entitled, "Emissions of Greenhouse Gases in the United States, 1999"; to the Committee on Commerce.

11006. A letter from the Secretary, Department of Health and Human Services, transmitting a draft bill entitled the "National Health Service Corps Amendments of 2000"; to the Committee on Commerce.

11007. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Exemption From Federal Preemption of State and Local Cigarette and Smokeless Tobacco Requirements; Revocation [Docket No. 00N-1561] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11008. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Biological Products: Reporting of Biological Product Deviations in Manufacturing [Docket No. 97N–0242] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11009. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 93F–0319] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11010. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Uniform Compliance Date for Food Labeling Regulations [Docket No. 00N–1596] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11011. A letter from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Container Integrity [Docket No. NHTSA–00–8191] (RIN: 2127–AH94) November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11012. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units [AD-FRL–6905–1] (RIN: 2060–AF91) received November 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11013. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; State of New Hampshire; Revision to the Carbon Monoxide State Implementation Plan, City of Nashua; Carbon Monoxide Redesignation Request, Maintenance Plan, Transportation Conformity Budget, and Emissions Inventory for the City of Nashua; Carbon Monoxide Redesignation Request, Maintenance Plan, Transportation Conformity Budget, and Emissions Inventory for the City of Manchester [NH–45–7172a; A–1–FRL–6906–2] Received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11014. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Emission Guidelines for Existing Small Municipal Waste Combustion Units [AD-FRL–6899–5] (RIN: 2060–AI51) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11015. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—New Source Performance Standards for New Small Municipal Waste Combustion Units [AD-FRL–6899–6] (RIN: 2060–AI51) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11016. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Incorporation of Clean Air Act Amendments for Reductions in Class I, Group VI Controlled Substances [FRL-6906–4] (RIN: 2060–AI41) received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11017. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Michigan [MI75–7284a; FRL–6907–1] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11018. A letter from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands [ET Docket No. 95–183; RM–8553] Implementation of Section 309(j) of the Communications Act—Competitive Bidding, 37.0–38.6 GHz and 38.6–40.0 GHz Bands [PP Docket No. 93–253] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11019. A letter from the Acting Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Satellite Home Viewer Improvement Act of 1999; Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rules To Satellite Retransmissions of Broadcast Signals [CS Docket No. 00–2] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11020. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Rantoul and Gilman, Illinois) [MM Docket No. 98–214; RM–9353; RM–9568] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11021. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Greenwood and Mauldin, South Carolina) [MM Docket No. 99–313; RM–9753] received Novemebr 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11022. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Susquehanna, Pennsylvania and Conklin, New York) [MM Docket No. 99–278; RM–9424] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11023. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (New Richmond, Wisconsin, Coon Rapids, and Moose Lake, Minnesota) [MM Docket No. 00–37; RM–9749] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11024. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Promotion of Competitive Networks in Local Telecommunications Markets [WT Docket No. 99–217] Wireless Communications Association International, Inc. Petition for Rulemaking to Amend Section 1.4000 of the Commission's Rules to Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed to Provide Fixed Wireless Services; Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 [CC Docket No. 96–98] Review of Sections 68.104, and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network [CC Docket No. 88–57] to the Committee on Commerce.

11025. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Detroit, Howe, and Jacksboro, Texas, Antlers and Hugo, Oklahoma) [MM Docket No. 97–26; RM–8968; RM–9089; RM–9090] Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lewisville, Gainesville, Robinson, Corsicana, Jacksboro and Mineral Wells, Texas) [MM Docket No. 97–91; RM–8854; RM–9221] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11026. A letter from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Extension of the Filing Requirement For Children's Television Programming Reports (FCC Form 398) [MM Docket No. 00–44] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11027. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency

Communication Requirements Through the Year 2010; Establishment of Rules and Requirements For Priority Access Service [WT Docket No. 96-86] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11028. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Revised Filing Requirements Under Part 33 of the Commission's Regulations [Docket No. RM98-4-000; Order No. 642] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11029. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Collaborative Procedures for Energy Facility Applications [Docket No. RM98-16-001; Order No. 608-A] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11030. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Regulatory Issue Summary 2000-21 Changes To The Unplanned Scram And Unplanned Scram With Loss Of Normal Heat Removal Performance Indicators—received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11031. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Disclosure of Order Execution and Routing Practices [Release No. 34-43590; File No. S7-16-00] (RIN: 3235-AH95) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11032. A letter from the Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Firm Quote and Trade-Through Disclosure Rules for Options [Release No. 34-43591; File No. S7-17-00] (RIN: 3235-AH96) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11033. A letter from the Secretary, Office of the Chief Accountant, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Revision of the Commission's Auditor Independence Requirements [Release Nos. 33-7919; 34-43602; 35-27279; IC-24744; IA-1911; FR-56; File No. S7-13-00] (RIN: 3235-AH91) received November 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11034. A communication from the President of the United States, transmitting a report on developments concerning the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, and matters relating to the measures in that order, pursuant to 50 U.S.C. 1641(c); (H. Doc. No. 106—314); to the Committee on International Relations and ordered to be printed.

11035. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1703(c); (H. Doc. No. 106-315); to the Committee on International Relations and ordered to be printed.

11036. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11037. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11038. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective November 5, 2000, the 20% danger pay allowance for Albania will be terminated, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

11039. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11040. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report on progress toward regional non-proliferation in South Asia, pursuant to Section 620F(c) of the Foreign Assistance Act of 1961 April 1, 2000 through September 30, 2000; to the Committee on International Relations.

11041. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "The Annual Report," produced by the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training; to the Committee on International Relations.

11042. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the assessment of the cost effectiveness of using refurbished A-10 aircraft for the Department of State's coca eradication mission in Colombia; to the Committee on International Relations.

11043. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum Of Justification For Use Of Economic Support Funds (ESF); To Support Assistance To The Sudanese National Democratic Alliance (NDA); to the Committee on International Relations.

11044. A communication from the President of the United States, transmitting his report on the implementation of an alternative plan for Federal employee locality-based comparability payments (locality pay) for 2001, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 106—316); to the Committee on Government Reform and ordered to be printed.

11045. A letter from the Secretary, Department of Energy, transmitting the semiannual report of the Inspector General for the period April 1 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11046. A letter from the Secretary, Department of Labor, transmitting the Semiannual Report of the Inspector General of the Department of Labor covering the period April 1, 2000 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11047. A letter from the Comptroller General, General Accounting Office, transmitting List of all reports issued or released by the GAO in September 2000, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform.

11048. A letter from the Secretary, American Battle Monuments Commission, transmitting the Fiscal Year 2000 annual report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

11049. A letter from the Chair, Architectural and Transportation Barriers Compliance Board, transmitting the consolidated report in accordance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 app; to the Committee on Government Reform.

11050. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report of the Office of Inspector General covering the period April 1 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11051. A letter from the Executive Director, Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletion from the Procurement List—received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11052. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received November 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11053. A letter from the Director, Division of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs, Department of Labor, transmitting the Department's final rule—Government Contractors, Affirmative Action Requirements (RIN: 1215-AA01) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11054. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report on the Strategic Plan FY 2000—FY 2005; to the Committee on Government Reform.

11055. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report prepared by the Office of Inspector General for the period of April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

11056. A letter from the Chairman, Federal Maritime Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11057. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting a consolidated report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11058. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the 1998 annual report of the Foundation, pursuant to 20 U.S.C. 4513; to the Committee on Government Reform.

11059. A letter from the Executive Director, Marine Mammal Commission, transmitting the Marine Mammal Commission's Commercial Activities Inventory Report, as required by the Federal Activities Inventory Reform Act of 1998 and detailed in OMB Circular No. A–76 (revised); to the Committee on Government Reform.

11060. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Technical Updating Amendments and Correction to Certain Executive Branch Regulations of the Office of Government Ethics (RIN: 3209–AA00; 3209–AA04) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11061. A letter from the Special Counsel, Office of Special Counsel, transmitting the consolidated annual report for FY 2000 in compliance with the Inspector General Act; to the Committee on Government Reform.

11062. A letter from the Chairman, Postal Rate Commission, transmitting a report submitted in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11063. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report of the Securities and Exchange Commission for calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

11064. A letter from the Executive Director, State Justice Institute, transmitting an annual report in accordance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11065. A letter from the Director, The Peace Corps, transmitting a report on the Year 2000 Inventory of Commercial Activities and Annual Management Report in accordance with the Federal Activities Inventory Reform Act of 1998; to the Committee on Government Reform.

11066. A letter from the Director, The Woodrow Wilson Center, transmitting a consolidated annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act for fiscal year 1999; to the Committee on Government Reform.

11067. A letter from the Acting Director, Fish and Wildlife Service, Division of Endangered Species, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Tidewater Goby (RIN: 1018–AF73) received November 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11068. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana (RIN: 1018–AE00) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11069. A letter from the Assistant Secretary of the Interior, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule—Mining Claims Under the General Mining Laws; Surface Management [WO–300–1990–00] (RIN: 1004–AD22) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11070. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Colorado Regulatory Program [CO–032–FOR] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11071. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Texas Regulatory Program [SPATS No. TX–047–FOR] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11072. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Pennsylvania Regulatory Program [PA–126–FOR] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11073. A letter from the Deputy Chief for National Forest System, Department of Agriculture, transmitting a report of detailed boundary maps for the following rivers added to the National Wild and Scenic Rivers System by the Omnibus Oregon Wild and Scenic Rivers Act of 1988: McKenzie and North Fork of the Middle Fork of the Willamette on the Willamette National Forest, and the North Umpqua on the Umpqua National Forest; to the Committee on Resources.

11074. A letter from the Director, Fish and Wildlife Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Final Endangered Status for a Distinct Population Segment of Anadromous Atlantic Salmon (Salmo salar) in the Gulf of Maine [Docket No. 991108299–0313–02; I.D. 102299A] (RIN: 0648–XA39) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11075. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure [Docket No. 000822244–0291–02; I.D. 082100B] (RIN: 0648–AO66) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11076. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period [Docket No. 000119014–0137–02; I.D. 091800G] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11077. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 2 [Docket No. 000426114–0114–01; I.D. 101700E] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11078. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications; Extension of an Interim Rule [Docket No. 000426114–0114–01; I.D. 101700E] (RIN: 0648–AN53) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11079. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of Directed Fishery for Pacific MACKerel [Docket No. 000831250–0250–01; 102500C] received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11080. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Recreational Fishery Closure [Docket No. 991223347–9347; I.D. 102600C] received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11081. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program [Docket No. 000714206–0307–02; I.D. 061400A] (RIN: 0648–AM53) received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11082. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Maine Mahogany Quahog Fishery; Commercial Quota Harvested [Docket No. 991228355–0140–02; I.D. 110700C] received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11083. A letter from the Acting Assistant Administrator, National Ocean Service Coastal Services Center, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Coastal Services Center Broad Area Announcement [Docket No. 000927276–0276–01; I.D. No. 101000CH] (RIN: 0648–ZA94) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11084. A letter from the Assistant Attorney General, Department of Justice, transmitting a report of activities under the Civil Rights of Institutionalized Persons Act during Fiscal Year 1998, pursuant to 42 U.S.C. 1997f; to the Committee on the Judiciary.

11085. A letter from the Under Secretary of Commerce for Intellectual Property, and Director, Patent and Trademark Office, transmitting the Office's final rule—Simplification of certain requirements in patent interference practice (RIN: 0651–AB15) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11086. A letter from the Under Secretary of Commerce for Intellectual Property, and Director, Patent and Trademark Office, transmitting the Office's final rule—Rules to Implement Optional Inter Partes Reexamination Proceedings (RIN: 0651–AB04) received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11087. A letter from the Administrator, Federal Highway Administration, transmitting the Administration's status report entitled, "Fundamental Properties of Asphalts and Modified Asphalts-II," is submitted in accordance with Section 6016(e) of the Intermodal Surface Transportation Act of 1991(ISTEA), Public Law 102–240, and Section 5117 of the Transportation Equity Act of the

21st Century (TEA-21), pursuant to 23 U.S.C. 307nt; to the Committee on Transportation and Infrastructure.

11088. A letter from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting a report entitled "Roosevelt Inlet-Lewes Beach, DE, Interim Feasibility Study; Final Feasibility Report and Environmental Assessment"; to the Committee on Transportation and Infrastructure.

11089. A letter from the Administrator, FAA, Department of Transportation, transmitting a report on the "Application of New Standards or Technologies to Reduce Aircraft Noise Levels"; to the Committee on Transportation and Infrastructure.

11090. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L-1011-385 Series Airplanes [Docket No. 98-NM-35-AD; Amendment 39-11933; AD 2000-21-01] (RIN: 2120-AA64) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11091. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 2000-NM-325-AD; Amendment 39-11948; AD 2000-22-02] (RIN: 2120-AA64) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11092. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0100 Series Airplanes [Docket No. 2000-NM-17-AD; Amendment 39-11944; AD 2000-21-12] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11093. A letter from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Physical Qualification of Drivers; Medical Examination; Certificate [FMCSA Docket No. 98-3542 (formerly FHWA Docket No. 98-3542)] (RIN: 2126-AA06 (formerly 2125-AC63)) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11094. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2000-NM-121-AD; Amendment 39-11958; AD 2000-22-12] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11095. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes [Docket No. 2000-NM-114-AD; Amendment 39-11978; AD 2000-23-08] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11096. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Realignment of Federal Airways; IL [Airspace Docket No. 00-AGL-22] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11097. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Spey 555-15, -15H, -15N, and -15P Turbofan Engines [Docket No. 2000-NE-03-AD; Amendment 39-11981; AD 2000-23-11] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11098. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFE Company Model CFE738-1-1B Turbofan Engines [Docket No. 98-ANE-69-AD; Amendment 39-11982; AD 2000-23-12] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11099. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42-500 Series Aiplanes [Docket No. 2000-NM-26-AD; Amendment 39-11974; AD 2000-23-04] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11100. A letter from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Transportation of Household Goods in Interstate or Foreign Commerce; Rules of Practice for Motor Carrier Safety and Hazardous Materials Proceedings (RIN: 2126-AA56) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11101. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-600-2B16 (CL-604) Series Airplanes [Docket No. 2000-NM-315-AD; Amendment 39-11972; AD 2000-23-02] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11102. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA330F, G, and J Helicopters [Docket No. 2000-SW-14-AD; Amendment 39-11967; AD 2000-22-19] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11103. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model DH.125, Model HS.125, Model BH.125, Model BAe.125 Series 800A (Including Major Variants C-29A and U1-25), Model Hawker 800, Model Hawker 800XP, and Model Hawker 1000 Series Airplanes [Docket No. 99-NM-376-AD; Amendment 39-11949; AD 2000-22-03] (RIN: 2120-AA64) received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11104. A letter from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Guidelines for Development of Functional Specifications for Performance-Based Brake Testers Used to Inspect Commercial Motor Vehicles [FMCSA Docket No. FMCSA-98-3611] received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11105. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -9-20, -9-30, -9-40, and -9-50 Series Airplanes and C-9 (Military) Airplanes [Docket No. 2000-NM-344-AD; Amendment 39-11968; AD 2000-22-20] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11106. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; SOCATA—Groupe AEROSPATIALE Models MS 880B, MS 885, MS 892A-150, MS 892E-150, MS 893A, MS 893E, MS 894A, MS 894E, Rallye 100S, Rallye 150T, Rallye 150ST, Rallye 235C, and Rallye 235E Airplanes [Docket No. 2000-CE-34-AD; Amendment 39-11964; AD 2000-22-17] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11107. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2000-NM-130-AD; Amendment 39-11954; AD 2000-22-08] (RIN: 2120-AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11108. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Oak Grove, NC [Airspace Docket No. 00-ASO-33] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11109. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D and Class E4 Airspace; New Bern, NC [Airspace Docket No. 00-ASO-29] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11110. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E3 Airspace; Tallahassee, FL, and Class E4 Airspace; Dothan, AL; Vero Beach, FL; Athens, GA; Columbus Lawson AAF, GA; Meridian Key Field, MS; Meridian NAS-McCain Field, MS; and Florence, SC [Airspace Docket No. 00-ASO-38] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11111. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Kissimmee, FL [Airspace Docket No. 00-ASO-36] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11112. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30211; Amdt. No. 2018] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11113. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30210; Amdt. No. 2017] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11114. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Atlanta, TX [Airspace Docket No. 2000–ASW–19] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11115. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D and Class E4 Airspace; Gainesville, FL [Airspace Docket No. 00–ASO–35] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11116. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Willits, CA [Airspace Docket No. 00–AWP–8] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11117. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace, Robert Gray Army Airfield, TX; and Revocation of Class D Airspace, Hood Army Airfield, TX [Airspace Docket No. 2000–ASW–18] received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11118. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; International Aero Engines AG (IAE) V2500–A5 and -D5 Series Turbofan Engines [Docket No. 2000–NE–21–AD; Amendment 39–11953; AD 2000–22–07] (RIN: 2120–AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11119. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, -200B, -200C, -200F, and -300 Series Airplanes Delivered In or Modified Into the Stretched Upper Deck Configuration [Docket No. 2000–NM–136–AD; Amendment 39–11962; AD 2000–22–15] (RIN: 2120–AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11120. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives Final Rule; Correction [Docket No. 98–ANE–43; Amendment 39–11939; AD 2000–21–07] (RIN: 2120–AA64) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11121. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters [Docket No. 2000–SW–51–AD; Amendment 39–11960; AD 2000–20–51] (RIN: 2120–AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11122. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines, Correction [Docket No. 98–ANE–61–AD; Amendment 39–11941; AD 2000–21–09] (RIN: 2120–AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11123. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives Final Rule; Correction [Docket No. 98–ANE–48; Amendment 39–11939; AD 2000–21–08] (RIN: 2120–AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11124. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 99–NM–69–AD; Amendment 39–11906; AD 2000–19–05] (RIN: 2120–AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11125. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes [Docket No. 2000–NM–152–AD; Amendment 39–11963; AD 2000–22–16] (RIN: 2120–AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11126. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–10, -20, -30, -40, and -50 Series Airplanes and C–9 (Military) Airplanes [Docket No. 2000–NM–04–AD; Amendment 39–11961; AD 2000–22–14] (RIN: 2120–AA64) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11127. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents—Calendar Year 2001 [FRA–98–4898, Notice No. 3] (RIN: 2130–AB30) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11128. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Coastal Waters Adjacent to Florida [CGD 07–00–091] (RIN: 2115–AA97) received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11129. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulation; Charleston Christmas Parade of Boats, Charleston Harbor, SC [CGD–07–00–107] (RIN: 2115–AE46) received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11130. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Wrangell Narrows, Petersburg, AK [COTP Southeast Alaska; 00–016] (RIN: 2115–AA97) received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11131. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Atlantic Intracoastal Waterway, Key Largo, Monroe County, FL [CGD07–00–105] (RIN: 2115–AE47) received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11132. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Licensing and Manning for Officers of Towing Vessels [USCG 1999–6224] (RIN: 2115–AF23) received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11133. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR–42 and ATR–72 Series Airplanes [Docket No. 98–NM–259–AD; Amendment 39–11989; AD 98–09–16 R1] (RIN: 2120–AA64) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11134. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes [Docket No. 2000–NM–364–AD; Amendment 39–11985; AD 2000–23–13] (RIN: 2120–AA64) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11135. A letter from the Paralegal Specialist, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D Series Turbofan Engines [Docket No. 99–NE–25–AD; Amendment 39–11986; AD 2000–23–14] (RIN: 2120–AA64) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A), to the Committee on Transportation and Infrastructure.

11136. A letter from the Paralegal Specialist, Department of Transportation, FAA, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes [Docket No. 2000–NM–325–AD; Amendment 39–11948; AD 2000–22–02] (RIN: 2120–AA64) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11137. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants in FY 2001 [FRL–6908–9] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11138. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Risk Management—received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11139. A letter from the Director, Office of Science and Technology Policy, transmitting a report entitled "Climate Change Impacts on the United States: The Potential

Consequences of Climate Variability and Change"; to the Committee on Science.

11140. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation to amend the Small Business Act to increase the Sole Source Authority to adjust for inflation; to the Committee on Small Business.

11141. A letter from the Administrator, Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting the Department's final rule—Payment of Compensation and Timeliness of Determinations During a Continued Claims Series—received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11142. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision; Weisbart v. United States Department of Treasury and Internal Revenue Service—received November 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11143. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2000–54] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11144. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—2000 Base Period Concerning T-Bill Rate—received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11145. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update—received November 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11146. A letter from the Assistant Secretary for Economic Development, Department of Commerce, transmitting the Department's final rule—Implementation of the Economic Development Administration Reform Act of 1998 including Economic Adjustment Grants-Revolving Loan Funds [Docket No. 001024292–0292–01] (RIN: 0610–AA62) received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. The Failure to Produce White House E-Mails: Threats, Obstructions, and Unanswered Questions (Rept. 106–1023). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. Management Practices at the Office of Workers' Compensation Programs U.S. Department of Labor (Report 106–1024). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SHUSTER:

H.R. 5637. A bill to provide that an amount available for fiscal year 2001 for the Department of Transportation shall be available to reimburse certain costs incurred for clean-up of former Coast Guard facilities at Cape May, New Jersey, and to authorize the Coast Guard to transfer funds and authority for demolition and removal of a structure at former Coast Guard property in Traverse City, Michigan; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Michigan:

H.R. 5638. A bill to amend section 402 of the Federal Water Pollution Control Act to provide that States have the final authority to establish guidelines to determine which animal feeding operations are classified as concentrated animal feeding operations for purposes of the national pollutant discharge elimination system; to the Committee on Transportation and Infrastructure.

By Mr. MINGE:

H.R. 5639. A bill to authorize the payment of a gratuity to certain members of the Armed Forces who served at Bataan and Corregidor during World War II, or the surviving spouses of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.J. Res. 126. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

By Mr. PAUL (for himself, Mr. STUMP, Mr. METCALF, and Mr. SANFORD):

H. Con. Res. 443. Concurrent resolution expressing the sense of the Congress in reaffirming the United States of America as a republic; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. OXLEY and Mr. DEFAZIO.

H.R. 165: Ms. DELAURO.

H.R. 489: Mr. BARRETT of Wisconsin.

H.R. 2655: Mr. GOODE.

H.R. 2725: Mr. BOEHLERT.

H.R. 3981: Ms. KILPATRICK.

H.R. 4559: Mr. OWENS, Mr. WYNN, Mr. MCGOVERN, and Mrs. MALONEY of New York.

H.R. 5261: Mr. MCGOVERN.

H.R. 5345: Mr. MATSUI and Mr. CALVERT.

H.R. 5443: Mr. GREEN of Texas.

H.R. 5612: Mr. WEXLER, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. GONZALEZ, Mr. DOYLE, Mr. FARR of California, Mrs. CAPPS, Ms. DEGETTE, Mrs. CHRISTENSEN, Ms. BROWN of Florida, Mr. LANTOS, Mr. WAXMAN, Mr. SANDLIN, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. REYES, and Mr. NADLER.

H. Con. Res. 337: Mr. EDWARDS, Mr. PRICE of North Carolina, and Mr. ROTHMAN.

H. Con. Res. 341: Mr. ANDREWS.

PETITIONS, ETC.

Under clause 3 of rule XII,

121. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 583 of 2000 petitioning the New York State Thruway Authority to erect protective sound barriers along the stretch of the New York State Thruway on the northbound side from just east of Exit 14B to the place where the Thruway intersects with College Road, Monsey, New York in the Town of Ramapo; which was referred to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

A TRIBUTE TO BARBADOS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. TOWNS. Mr. Speaker, I wish today to pay tribute to the government and people of Barbados who are celebrating the 34th anniversary of their country's independence. Barbados is a country of limited size, and resources that has exerted a gigantic influence in the Caribbean and in the rest of the world.

It is the longest settled British colony in the Caribbean, originating with the English settlement at Holetown in 1627 and culminating with the attainment of independence on November 30, 1966. Its modern political history started with the civil disturbances of 1937, which led to the formation of the Barbados Labor Party. It is a vibrant two party democratic state, in which political power has alternated between the two dominant parties—the Barbados Labor Party and the Democratic Labor Party.

Barbadians have a long history of international migration, and have exerted a profound influence on the political culture of other nations, particularly the United States, Prince Hall, the father of the Black Masonic movement in the United States was born in Barbados in 1748. David Straker, Dean at Allen University in South Carolina, and one of the founding fathers of the NAACP was born in Barbados in 1842. Other Barbadians who have influenced the political culture of the United States were Congresswoman Shirley Chisolm, Supreme Court Justice Thomas Russell Jones and Ruth Goering, prominent district leader in Brooklyn.

Barbadians have also played a pivotal role in regional migration in the Caribbean. They migrated in large numbers to Guyana, where they became the teachers, police officers, civil servants, and trade unionists in that nation. They also migrated in large numbers to the Panama Canal Zone and constituted the labor force that helped build the seventh wonder of the world—the Panama Canal.

Today Barbados has emerged as one of the most stable and vibrant economies in the Caribbean. It has perhaps the best-trained civil service in the English speaking Caribbean, the most disciplined labor force, the lowest crime rate, and the highest literacy rate. Its economy has moved from a monoculture based in sugar to a more diversified service oriented economy based in tourism, insurance, offshore banking, and informational technology. While Barbados has been adversely affected by some of the recent restrictions on offshore financial centers imposed by developing countries such as the United States, independence has been an unadulterated blessing to this remarkable island nation, transforming it from a one crop economy to one of the flagship nations in the English speaking Caribbean.

THE 13TH ANNIVERSARY OF NANCY AND GEORGE KARVELLIS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Nancy and George Karvellis will celebrate their 13th Anniversary on November 18th, 2000;

Whereas, Nancy and George declared their love in a ceremony before God, family and friends;

Whereas, 2000 will mark 13 years of sharing, loving, and working together;

Whereas, may Nancy and George be blessed with all the happiness and love that two can share and may their love grow with each passing year;

Whereas, Mr. Speaker, I am pleased to congratulate the Karvellis' on their 13th anniversary. I ask that my colleagues join me in wishing this special couple many more years of happiness together.

HONORING DR. DAVID K. WINTER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mrs. CAPPS. Mr. Speaker, today I bring to the attention of my colleagues the outstanding work of Dr. David K. Winter. On Sunday, December 3, David received the Distinguished Community Service Award from the Anti-Defamation League. As someone who has worked closely with the ADL in its efforts to promote tolerance and combat hatred and prejudice, I am pleased that this prominent organization has chosen to honor David.

David has served as president of Westmont College in Santa Barbara for the past 24 years. As president, he has given his leadership to a number of organizations within American higher education. He has served on the boards of the National Association of Independent Colleges and Universities, the Council of Independent Colleges, and the Council for Higher Education Accreditation, where he served as the board's director for 3 years. In a survey of higher education officials and scholars who study the college presidency, David is one of the 100 most effective college leaders in the United States.

During his presidency, David has provided leadership in connecting Westmont College to the local community. He is very active in local organizations, serving as the director of the Montecito Association, the Montecito Rotary Club, the Channel City Club, the Santa Barbara Chamber of Commerce, and St. Vincent's school. He has also chaired the board of the Salvation Army Hospitality House, the Santa Barbara Industry Education Council, and the Santa Barbara County United Way Campaign, and served as vice chair of the Cottage Hospital board of directors.

Among the many awards and honors that David has received are the Santa Barbara Council on Alcoholism and Drug Abuse 1998 "Twelve Men of Distinction," the Santa Barbara News-Press 1998 Lifetime Achievement Award, and in 1999 he was honored by the John Templet on Foundation as one of the 50 college presidents who have exercised leadership in character development.

David is a frequent contributor to journals and speaker on the topic of the educational experience of undergraduate students, and issues of diversity and multiculturalism. I believe that David's service to his community is an example for our nation, and I am proud of his accomplishments.

IN RECOGNITION OF OHIO STATE SENATOR ROBERT R. CUPP FOR HIS SERVICE TO OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. GILLMOR. Mr. Speaker, I wish today to recognize an extraordinary member of the Ohio Senate and his outstanding contribution and dedication to the State of Ohio Senator Robert R. Cupp currently serves as President Pro Tempore, representing the 12th Senate District.

In Senator Cupp's 16 years of service to the State of Ohio, he has focused on a variety of important issues such as education, campaign finance and workers' compensation. In the area of education, Senator Cupp has been appointed to several commissions and boards for the purpose of looking specifically at the funding and success of Ohio's schools. Most notably, he served as Chairman of the Gillmor Commission on School Funding, a bipartisan committee that I initiated to improve the way by which Ohio funds its schools. Additionally, he sponsored legislation that expedites construction and repair of school facilities by streamlining the funding process and remove certain disincentives to school districts proceeding with their own funds. In the area of campaign finance reform, Senator Cupp has been a leader, introducing legislation that fundamentally changed campaign finance in Ohio. His legislation not only set limits on the amount of campaign contributions by individuals and groups, but also included stricter reporting requirements to track contributions. Finally, he has worked tirelessly to reform the workers' compensation system. Senator Cupp was instrumental in the passage of a law that creates a more efficient system for both injured workers and the employers. Some of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

reforms include controlling health care costs, coordinating and capping benefits, protecting employers from frivolous lawsuits, as well as eliminating waste, fraud, and abuse in the workers' compensation system.

Senator Cupp's awards and recognitions are numerous. He is a four-time recipient of the Watchdog of the Treasury Award from the United Conservatives of Ohio, has received the Guardian of Small Business Award, was named the 1990 Vocational Education Legislator of the Year, was awarded the State 4–H Alumni Award, and was twice honored with the Ohio State Bar Association's Distinguished Service Award. He was named by the Associated Builders and Contractors as Legislator of the Year in 1992, Legislator of the Year by the Ohio Association of Local School Superintendents in 1995, and in 1996, he was recognized as the Outstanding Legislator by the United Conservatives of Ohio.

I would also like to recognize his wife, Libby, and their two teenage sons, Matthew and Ryan, for supporting Senator Cupp's efforts in the Ohio Senate.

Mr. Speaker, Senator Robert R. Cupp is an asset to the State of Ohio and his constituents. I ask my colleagues in the 106th Congress to join me in commending him for his sixteen years of service and to wish him and his family the best in all of his future endeavors.

HONORING U.S. ARMY COLONEL DANIEL DEVLIN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. FARR of California. Mr. Speaker, I wish today to honor a true patriot, soldier and citizen. U.S. Army Colonel Daniel Devlin, who has helped shape thousands of young soldiers as the Installation Commander at the Defense Language Institute, Foreign Language Center and Presidio of Monterey, will be retiring from the Army after 31 years of service to his country.

Colonel Devlin began his service as an Armor Second Lieutenant in 1969, having graduated as a Distinguished Military Graduate from North Dakota State University. After service in various assignments from 1969–1976, he was selected for Soviet/East European Foreign Officer training, and attended civilian schools, the U.S. Army Russian Institute, and Command and General Staff College. From 1983–88 he served in the 66th Military Intelligence Group/Brigade with various assignments, and from 1988–90 he commanded the 6th Psychological Operations Battalion (Airborne) at Fort Bragg, North Carolina.

During Operation Desert Shield and Desert Storm, Colonel Devlin served as the Deputy Commander, 4th Psychological Operations Group in Saudi Arabia, then as a liaison officer to the American Embassy in Cairo, and finally as a liaison officer to the Joint Special Operations Command. In June of 1992, Colonel Devlin was assigned to the Pentagon as Chief of Psychological Operations and Civil Affairs for the Joint Staff.

My close association with Colonel Devlin began in February of 1996, when he came to Monterey to begin his tenure as Installation Commander of the Defense Language Institute and Foreign Language Center (DLIFLC), the premier foreign language school for the Department of Defense. His tenure at DLIFLC has resulted in a stronger and more vibrant academic and military institution. He created a teaching environment for DLI's highly qualified native language proficiency faculty that encouraged them to enhance their professionalism, resulting in the highest student proficiency scores. Language proficiency is an equally important aspect of post-Cold War military readiness. Also, Col. Devlin initiated a culture of "customer service" among the faculty and staff at the installation, through such means as pay increases based on merit and student performance.

Mr. Speaker, I have the unique distinction among my colleagues of representing the former Fort Ord, the largest closed military base in the nation. As the Installation Commander who oversaw the closure of a military community that once housed 29,000 residents, Colonel Devlin and I had the opportunity to work closely together, and I can truly attest to his leadership qualities, commitment to duty, attention to detail and willingness to go above and beyond the call of duty to ensure the smoothest possible transition to civilian use of the nation's largest piece of military real estate. While some of the most difficult challenges of closing the former Ford Ord are behind us, I regret that I am losing a close associate as the next phase of economic revitalization occurs on the Monterey Peninsula.

Webster's Dictionary defines friend as "a person whom one knows, likes and trust." Colonel Dan Devlin has truly been a friend to all residents of the Monterey Peninsula, and I am proud to call him my friend. I know all present today join me in wishing Colonel Devlin and his family a richly deserved retirement.

50TH ANNIVERSARY OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. LANTOS. Mr. Speaker, this fall, the countries of Europe celebrated in Rome the 50th anniversary of the signing of the European Convention on Human Rights.

As a result of the horrendous atrocities and suffering during World War II, the countries of Europe, in an effort to create greater unity, organized the Hague Congress on May 7, 1948, remembered as the "Congress of Europe." Several months later, five foreign ministers met in Brussels to set up the Council of Europe, consisting of a ministerial committee and a consulting body. The Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights) was drawn up within the newly-formed Council of Europe and signed on November 4, 1950. The Convention entered into force in September 1953.

The Convention was set up to take the first steps for the collective enforcement of certain rights enshrined in the United Nations Universal Declaration of Human Rights of 1948. These rights range from protecting freedom of thought to the right to a fair trial. The first country to ratify the convention was the United Kingdom, which approved the document on March 8, 1951. Thus far, 41 countries have ratified the Convention, which currently protects the rights of over 800 million people.

To mark the anniversary of the Convention, ministers from all of the countries which have ratified the Convention met for a two-day conference in Rome this fall. Lamberto Dini, the Italian Foreign Minister, opened the conference. He praised the achievements of the convention, but lamented the continuing abuses of human rights: "In too many countries the dignity of too many individuals continues to be stamped on and despoiled, too often amid general indifference." The delegates met not only to celebrate the achievements of the past, but also to discuss many current human rights issues. The importance of the Convention was further highlighted by the presence of delegates from the United States and Japan, neither of whom are members of the convention.

The vision set out in the Convention remains an unfinished project. Across the European continent, discrimination against vulnerable groups and individuals leads to mistreatment or torture, especially ethnic, religious and racial minorities, refugees and asylum seekers. Much work has been done by The European Committee for the Prevention of Torture, a body set up in 1987 within the Council of Europe; nevertheless, the fact that many human rights abusers are able to act with impunity and escape justice continues to be a serious problem. Recently, human rights have been violated on a large scale in Bosnia, Kosovo and Chechnya; the onus is on European nations to improve intervention and rapid response methods in order to prevent such violations of human rights occurring in the future. The countries of Europe should rest assured that the United States will stand with our European friends in their efforts to achieve the goals of the Convention.

PERSONAL EXPLANATION

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mrs. WILSON. Mr. Speaker, I regret that I missed the votes on Monday, November 13, 2000, on S. 2594 and S. 1972. I was delayed due to flight problems.

Had I been present I would have voted "yea" on S. 2594, a bill to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

Had I been present I would have voted "yea" on S. 1972, a bill to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

HONORING GENERAL ANTHONY ZINNI

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. HOEFFEL. Mr. Speaker, today I congratulate General Anthony Zinni on receiving the Montgomery County Chamber of Commerce Outstanding Citizen Award.

Gen. Zinni is a native of Conshohocken in Montgomery County, Pennsylvania and retired in July after 39 years of service in the Marine Corps. The General joined the Marine Corps in 1961 after graduating from Villanova University with a degree in economics. In addition to earning a bachelor's degree, Gen. Zinni holds a masters in international relations and management and supervision.

Gen. Zinni has held numerous command and staff assignments that include platoon, company, battalion and expeditionary force units. He has also been a tactics and operations instructor at several Marine Corps schools and colleges and was selected as a fellow on the Chief of Naval Operations Strategic Studies Group. General Zinni's joint assignments include command of a joint task force and a unified command. He has also had several joint and combined staff billets at task force and unified command levels.

During his distinguished career as a Marine, General Zinni served in the Mediterranean, Caribbean, Western Pacific, European and Korean headquarters. He supervised a number of security operations including Operation Provide Hope in the Soviet Union, Operations Restore Hope, Continue Hope and United Shield in Somalia as well as more than a dozen anti-terrorist operations in the Central Command. He also commanded major noncombatant evacuations in Liberia, Zaire and Sierra Leone and participated in presidential diplomatic missions in Somalia, Pakistan and Ethiopia.

It is an honor and privilege to recognize General Anthony Zinni for the extraordinary service and leadership he has provided to the citizens of the United States of America. I applaud the Montgomery County Chamber of Commerce in choosing such a deserving man for Outstanding Citizen of the Year.

HONORING SID YATES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. WAXMAN. Mr. Speaker,

> To be able to practice five things everywhere under heaven constitutes perfect virtue. . . . [They are] gravity, generosity of soul, sincerity, earnestness, and kindness.—Confucius

We are diminished by the death of our former colleague, Sid Yates, who was by every estimation a model legislator and one of the most decent men to have served in the House of Representatives.

Sid devoted his life to public service and spent nearly a half century in Congress working to better the lives of all Americans. As Chairman of the Interior Appropriations Subcommittee, he worked hard for the protection of our environment and the enrichment of our culture. He was committed to bringing cultural opportunities to Americans of all backgrounds in every part of the country and he made sure that the federal government played a strong role in nurturing the development of talented artists.

Sid always treated his congressional colleagues with respect and courtesy. In recent years, when federal funding for the arts became a polarizing issue, Sid responded to intolerance with tolerance and kindness. He was always an honest broker. He never questioned or impugned his opponents' motives. He was unwavering in his beliefs. And, he never abandoned principle for temporary political gain.

Sid left us a strong legacy of achievement on which to build and an example of true statesmanship.

TRIBUTE TO MINISTER CLEMSON BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. TOWNS. Mr. Speaker, I wish today to pay tribute to one of the outstanding videographers of the African experience in New York City, Minister Clemson Brown. During the past 25 years, Minister Brown and his ubiquitous video camera have captured over 20,000 hours of contemporary history in New York City. He has recorded and documented the issues that have shaped and defined the experiences of African people from Howard Beach to Central Park, from Clifford Glover to Amadou Diallo.

Minister Brown is currently involved in a project to create a new museum—the Living Museum of African People. It is to be a multimedia spectacular, consisting of exhibits, artifacts, and film representing a chronological timeline that extends from the dawn of human civilization in Africa and culminates in the present millennium. It is hoped that this museum will eradicate the racist stereotype that Africans are a people without a civilization, and create in young people a new sense of pride and self-worth.

For the past 25 years, he has recorded and documented the personalities and landmark events that have shaped and defined the destiny of African people. He is the president of Trans Atlantic Production, which has archived the world's largest collection of African and African-American history on videotape. More that 20,000 hours are raw and edited footage of film and videotape are included in this historical treasury.

Minister Brown is a world traveler, as well as a respected videographer. His work and abiding interest in the unsung people of the world have taken him all over the United States, as well as the Caribbean, Panama, Cuba, El Salvador, Nicaragua, England, Mexico, Ethiopia, and Kenya. He has traveled along with Reverend and Mrs. Jesse Jackson, the Reverend Herbert Daughtry, Dr. Yosef Ben Jochannan, and Dr. Ivan Van Sertima. Minister Brown served as head of the American delegation that journeyed to Kenya to investigate the promising AIDS therapy, KEMRON.

His interest in young people led to the production of over 75 major documentaries, which have been used as learning materials in scores of community programs, schools, and colleges across the country.

Minister Brown has also trained uncounted numbers of young people in the use of media equipment and video technology. He has done this through apprenticeship programs and the establishment of media training courses in schools in the New York City area.

He is married to Lady V. Brown and has two children—Clemson R. Brown and Herlinda Brown.

IN RECOGNITION OF STATE REPRESENTATIVE GENE KREBS FOR HIS SERVICE TO OHIO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. GILLMOR. Mr. Speaker, I wish today to recognize an extraordinary member of the Ohio House of Representatives and his outstanding service to the state of Ohio. Representative Gene Krebs currently represents Ohio's 60th House district, which includes part of Butler County and all of Preble County.

In his four terms in the Ohio House, Representative Krebs focused on many issues of importance to Ohioans. Most notably, he has directed much of his energy towards improving our schools. He sought many legislative reforms dealing with issues from school safety to funding. He fought to improve school safety by giving principals and school officials the power to properly deal with students who bring weapons to school. Additionally, he supported directing tobacco settlement funds to schools. He has also worked to ensure that schools in low-wealth districts have the needed funds to successfully compete with schools across Ohio.

Another of Representative Krebs' efforts in the Ohio House of Representatives focused on protecting Ohio farmers and preserving farmland. He sought to ensure that drought-ridden farmers receive a temporary tax break to avoid loan defaults, thereby preventing farmers from sinking lower into debt. By creating a farmland preservation task force, he worked to guarantee a strong future for Ohio's vital farming communities.

Fortunately, the state of Ohio will not lose this valuable asset. Representative Krebs has been elected to serve as a Preble County Commissioner. Preble County will continue to benefit from his knowledge and considerable experience.

I would also like to recognize his wife, Jan, and their two daughters, Kindra and Alaina, for supporting Representative Krebs' efforts in the Ohio House of Representatives.

Mr. Speaker, Representative Gene Krebs is an asset to the state of Ohio and to his constituents. I ask my colleagues in the 106th Congress to join me in commending him for his eight years of service and to wish him the best in all of his future endeavors.

CONGRATULATING JENNIFER BARRETT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. FARR of California. Mr. Speaker, I wish today in great admiration to extend my congratulations and to recognize one of my constituents for her accomplishments at the XIth Paralympaid in Sydney, Australia. Jennifer Barrett of Gonzales, California was selected to represent the United States at the games which took place October 18–29 of this year. The Paralympaid is a multi-disability sports competition at the most elite level of competition. Ms. Barrett not only qualified for the U.S. team, but came away with a silver and a bronze medal in the women's discus and shot put, respectively. Jennifer's distance in the shot put was a personal best at 9.97 meters.

Miss Barrett has won every major field competition available to amputees, and holds the prestigious world record for discus and the U.S. national record for shot put. Her athletic prowess has been notable since her win at the 1996 Atlanta Paralympic Games. It was at that game when Jennifer set the then-world record, and won a bronze in the shot put resulting in the current U.S. record. She continued with determination and skill, and in 1998 at the IPC World Championship won gold medals in both discus and shot put.

While earning her Bachelor of Arts in Liberal Studies at the Sonoma State University, Jennifer competed in throwing events with able-bodied athletes on the track and field team. She also holds an A.A. in general studies from Hartnell Junior College. Not only has Ms. Barrett excelled on the athletic field, but she is a published poet.

Jennifer's plans for the future are as commendable as her accomplishments in track and field. She plans to teach third grade with an emphasis on disability awareness in the classroom. In addition to her educational career goals, she also plans on working in prosthetics, coaching field events and "becoming a reading specialist." I believe her goals for the future will inspire young people the way she has been an inspiration to Gonzales and the Central Coast of California.

Mr. Speaker, I ask my colleagues to join me in commemorating Jennifer Barrett for her outstanding achievements in the United States Olympic community. May she continue to excel.

HONORING RUTH HARTER

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mrs. CAPPS. Mr. Speaker, today I bring to the attention of my colleagues the outstanding work of Ruth Harter. On Sunday, December 3, Ruth received the Distinguished Community Service Award from the Anti-Defamation League. As someone who has worked closely with the ADL in its efforts to promote tolerance and combat hatred and prejudice, I am pleased that this prominent organization has chosen to honor Ruth.

For over twenty years, Ruth has distinguished herself as a tireless community activist. Among other positions, Ruth served with distinction as Santa Barbara's Chairwoman of the Anti-Defamation League from 1986–1998 and is currently Chairwoman Emeritus and ADL National Commissioner. Additionally, Ruth is a founding-board member for both Beyond Tolerance and Latino-Jewish Roundtable. She is also a member of the Civic Light Opera, life member of Hadassah, and a sustaining member of the Women's Board of the Art Museum.

Ruth also served as a member of the Grand Jury from 1987–1988. After serving on the Grand Jury she was appointed by the Superior Court to serve on the Juvenile Justice/Delinquency Prevention Commission for the County of Santa Barbara from 1988–1999. During her tenure as chairwoman, from 1995–1996, she helped to develop the "Youth and the Law" program which is presently being taught in most 7th grade or Middle Schools in Santa Barbara County. For her efforts, Ruth was honored by the Superior Court in 1997 and 1999.

Ruth and her husband, Jerry, are founding board members of several organizations and active supporters of many charities. I believe that Ruth Harter's service to her community is an example for our nation, and I am very proud of her accomplishments.

IN MEMORY OF WILMER HALE, COSHOCTON FIRE DEPARTMENT CAPTAIN

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. NEY. Mr. Speaker, today I speak in memory of Wilmer Hale, who passed away on December 16th, 1975.

Wilmer was born in Coshocton to Willard and Anna Boyer Hale. He was a 1954 graduate of West Lafayette High and joined the fire department in December 1969. Wilmer attended numerous fire training schools, was a heart saver instructor for the Central Ohio Heart Association and worked for fifteen years on off-duty time at Shafer Awning. Wilmer and his wife, Betty Bonzi, had four children; Ronald, David, Wayne and Shelly.

Wilmer was killed on December 16th, 1975 when a brick wall collapsed and crushed him as he was fighting a blaze at the Buckeye Fabric Furnishing Company located at 14th and E. Main Street.

Mr. Speaker, it is a privilege for me to pay last respects to a man who gave so much of himself to his community and his family. On this, the 25th Anniversary of his untimely death, Wilmer is still missed by all whose lives he touched. I ask that my colleagues join me in remembering Wilmer Hale for his dedication and commitment to our area.

U.S. CHILD LABOR LAWS NEED REFORM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. LANTOS. Mr. Speaker, I rise today to share with my colleagues an article by Thomas Hine which appeared in the November 26, 2000 issue of The Washington Post. The article, "Working at 14—and Paying For It," deals with teenagers who work too many hours during school, and, according to the author, this can result in a higher incidence of drug and alcohol abuse and in a failed education. Mr. Hine discusses the effects, both positive and negative, of after-school work, and finds that working 10–12 hours a week has a positive influence on young people, but working more than 12 hours a week can be seriously detrimental. Mr. Hine implores parents to take teenage work seriously, and stresses the need to place limits on the hours they work. He challenges us to "help young people integrate work into their lives and maximize its potential as a tool to help them grow up."

Mr. Speaker, employment provides teenagers with valuable lessons about responsibility, punctuality, dealing with people, and money management, and it increases their self-esteem, encourages independence and teaches skills. On the other hand, long working hours are associated with all sorts of undesirable teenage behavior. According to Hine, working more than 11 hours a week is strongly correlated with teenage use of tobacco and alcohol, and working more than 26 hours a week shows the same correlation with marijuana and cocaine use. Studies have also found that teenagers working more than 11 hours a week have an increased rate of sexually transmitted diseases and unwanted pregnancies.

Working during the school year has become much more commonplace among America's youth over the past decades. Nearly a quarter of 14-year-olds and 38 percent of 15-year-olds have regular scheduled employment during the school year. When interviewed, eighty percent of high school students said that they have held jobs sometime during their high school years. Hine points out that young Americans are three times as likely to work than young people in Western Europe. Also, American youth who work average six times as many hours per work week as their European counterparts who are employed. Undoubtedly, those numbers reflect some of the reason for the comparative underachievement of American high school students.

Mr. Speaker, young people working more than 20 hours a week are also less likely to finish high school. The average employed American high school student works 17 hours a week. Link this with 35 hours a week spent in school and homework usually suffers. Young people also sacrifice sleep and exercise and spend less time with their families. When work and school obligations conflict, many students end up giving a higher priority to work.

Hine stresses that working in moderation, can be valuable. Teens who work 10–12 hours a week, actually receive higher grades than students who don't work at all. They learn important skills such as organization, teamwork, and responsibility. They exhibit a more mature attitude than their non-working classmates.

Mr. Speaker, under current Federal law, minors aged 14- and 15-years-old may not work for more than three hours a day and a maximum of 18 hours a week, when school is in session. It is also unlawful for 14- and 15-year-olds to work before 7 a.m. and after 7 p.m. so that work will not interfere with learning. Minors who are 16 and 17, however, face no federal restrictions when it comes to the number of hours they can work and they can work late into the night.

Mr. Speaker, teenagers should give education the top priority. This is nearly impossible when they are burdened with heavy work commitments. Our country is experiencing tremendous economic growth with low unemployment, resulting in a robust economy. This economic prosperity only creates greater pressures for employers to hire more teens and encourage them to work longer hours. We must not promote or permit practices that satisfy short-term economic demands without giving proper attention to the long-term future consequences of these policies.

Mr. Speaker, my legislation, H.R. 2119, the "Young American Workers' Bill of Rights Act" would provide tougher restrictions on the hours 14- and 15-year-olds can work, and would add new restrictions to minors aged 16 and 17. This legislation has the bipartisan support of over 60 Members of Congress. The "Young American Workers' Bill of Rights Act" would reduce and limit the hours 14- and 15-year-olds would be allowed to work from 18 hours a week to 15 hours a week. Also, there are currently no restrictions on the amount of hours minors ages 16–18 can work. The "Young American Workers' Bill of Rights Act" would change that. Under our legislation, if a teen aged 16, 17, or 18 and a full time high school student, he or she may not work more than 4 hours per day or more than 20 hours per week, and cannot work before 6 a.m. or after 10 p.m. when school is in session.

Mr. Speaker, I will reintroduce the "Young American Workers' Bill of Rights Act" in the 107th Congress, and I will urge that hearings be held on that legislation. Adoption of this legislation will reduce the problem of children working long hours when school is in session and strengthen existing limitations on the number of hours children under 18 years of age can work on school days. The bill would eliminate all youth labor before school, and work would be limited to 15 or 20 hours per week, depending on the age of the child. This is critical, Mr. Speaker, because the more hours children work during the school year, the more likely it becomes for education to be relegated to little more than a demanding nuisance.

Mr. Speaker, too many teenagers are working long hours at the very time that they should be focusing on their education. It is important for children to learn the value of work, but education, not minimum-wage jobs, are the key to our young people's future. Our legislation is an important step in re-focusing attention upon education.

Mr. Speaker, I ask that Thomas Hine's article "Working at 14—and Paying for It" from The Washington Post be placed in the RECORD for the benefit of our colleagues and urge this House to support meaningful comprehensive domestic child labor reforms and the adoption of H.R. 2119, the "Young American Workers Bill of Rights Act."

[From the Washington Post, Nov. 26, 2000]

WORKING AT 14—AND PAYING FOR IT

(By Thomas Hine)

While doing research on teenagers a few years ago, I left a question on an Internet message board, asking young people who work about their on-the-job experiences. The replies were overwhelmingly positive. Compared with school and the rest of their lives, these teens agreed, working gave them a feeling of being grown-up, even when their duties weren't very inspiring. One youngster gave an eloquent testimonial to the sense of freedom and personal satisfaction he felt when he put on a Ronald McDonald costume and entertained children. In the clown suit, he wrote, he was able to both be himself and have a positive impact on others.

It's easy to understand why young people like to work. First, of course, there's the money, the key to coolness for trend-conscious teens. But even more important is the sense of doing something that matters, of being essential. Adolescents—particularly the 14- and 15-year-olds who are joining the part-time work force in increasing numbers—thrive on the sense that somebody is counting on them.

And the retail and fast-food industries do just that, particularly during the holiday shopping season that began Friday. For the next several weeks, we will witness the ultimate expression of a powerful symbiotic relationship: the one between teenagers and the consumer society. Businesses get a plentiful supply of employees and high schoolers get a paycheck and a feeling of accomplishment. As a bonus, parents tend to give the arrangement almost unqualified approval, endorsing the self-reliance and personal responsibility that they believe comes with a job in the real world.

But the arrangement has less appealing and sometimes serious consequences, which even the most enthusiastic student-workers and their parents should consider.

To understand the consequences, you must first realize that for the most part we are not talking about kids picking up a few dollars in their spare time. Rather, we are talking about the majority who are members of a specific and unrecognized class. I call them the pampered proletariat.

These young people are "pampered" because they come largely from families with middle-class incomes or better, in which parents make few demands on their children's earnings. Instead, the youths can spend their wages on cars, clothes and entertainment. The retail industry is more than happy to cooperate: Teens are advertisers' darlings, both because they spend so much (more than $160 billion last year), and because they are assumed to be developing habits that will last a lifetime.

Nevertheless, they are a "proletariat," because high school students putting in long part-time hours constitute a distinct American working class, one that receives low wages and few benefits. Much like the poorly paid factory workers who make so many of our clothes, shoes and consumer goods in overseas sweatshops, these young people help keep our shopping bills down and our fast food affordable.

This pampered proletariat starts young. According to a 1999 study by the Bureau of Labor Statistics, nearly a quarter of 14-year-olds and 38 percent of 15-year-olds have regular scheduled employment (as opposed to casual baby-sitting or yard work) during the school year. By the time they are seniors, another BLS study found, 73 percent of young people work during at least part of the school year.

A few of these young people, the ones who get featured in news stories, are making good money in challenging high-tech and Internet jobs. But their numbers are insignificant. The great majority are working for low wages doing just about what you would expect: The top three jobs for boys, according to the BLS, are cook, janitor and food preparer. For girls, they are cashier, waitress and office clerk. These jobs may help teens understand the value of work, but they have little intellectual content; with electronic cash registers and scanners, even cashiers hardly have to deal with numbers.

Young Americans work far more than their counterparts in other developed nations. One 1997 study, which compared middle-class students from various countries, found that American students were three times as likely to work as those in Western Europe, and that they work six times as many hours each week. These figures undoubtedly reflect the effects of higher unemployment rates in Europe. But they also provide some context for understanding the comparative underachievement of American high school students.

The average employed American high school student works 17 hours a week during the academic year. (Partly because of the proximity of jobs, the students who work the most tend to come from higher-income areas.) During the holiday season, many young people find themselves under pressure from their supervisors to work extra hours. And since school vacations don't start until the shopping season is nearly over, many students will be juggling final exams, term papers and a heavier work schedule.

There is ample evidence that when the number of work hours exceeds 15 per week during the school year, the student workers suffer. On average, their grades go down and truancy increases. When work and school obligations conflict, the great majority will give top priority to their jobs. Unlike school, which is preparation for a distant goal, work feels more urgent, its crises are immediate and obvious—and it pays.

Moreover, a number of studies document that long work hours are associated with all sorts of undesirable teenage behavior. According to a recent study by the Centers for Disease Control (CDC), working more than 11 hours a week has a strong correlation with the likelihood that a teenager will smoke and drink, while more than 26 hours has the same correlation to the use of marijuana or cocaine. An earlier CDC study found that students who worked more than 11 hours a week had significantly higher rates of sexually transmitted diseases and unwanted pregnancies.

Not all the studies are so dismaying. In fact, there is a growing consensus that a modest amount of paid work—10 to 12 hours a week during the school year—has a positive impact on young people. Adolescents who work these kind of hours actually have higher grades than those who don't work at all. They learn to organize their time more effectively. The positive effects are strongest among lower-income students, whose long-term earning performance has been shown to be improved by work experience in their youth.

After all, even though we commonly think the chief job of teenagers is to go to high school, it really is to figure out how to become successful adults. A highly intensive work experience in a field closely related to their interests and abilities might help many young people reach that goal more effectively than finishing high school. But, for the moment, at least, dropping out carries a heavy economic penalty and social stigma, and most young people don't dare consider it.

Some companies that employ large numbers of young people thus argue that the low wages they pay are in the public interest because they're not high enough to tempt teens to drop out. But higher wages, if they were accompanied by a common expectation that young people would save a good part of those wages for further education and training, might serve society even better.

Ironically, there have been earnest murmurings of public concern about the most fortunate of young workers, those earning large salaries doing computer technical support or designing Web pages. I've heard commentators wonder whether these e-employees are in danger of losing their youth, whether they are growing up too fast. The vast low-wage majority seems, by contrast, to be hidden in plain sight, facing just as many adult-like anxieties and conflicts without the money or glamour. And they cope with them by using solutions they see grown-ups using, such as drinking alcohol and buying things they don't need. These are the youngsters we should worry about.

Young people working is not, in itself, a problem. Rather, problems occur when adults do not take the teenagers' work seriously. Too often we do not recognize its extent in their lives or its economic importance in ours. We do not recognize the difficulties and conflicts it raises for young people. We place few limits on their work; nor do we demand that they use their earnings responsibly. We don't raise enough questions about the cycle of consumption and self-indulgence that makes teenagers both a desirable market and an exploited labor force. And we don't help young people integrate work into their lives and maximize its potential as a tool to help them grow up.

So, when you're stressed out during this shopping season, don't take out your anger on the overworked young people who serve you in the stores. They have troubles of their own.

IN HONOR OF LARS-ERIK NELSON, WASHINGTON COLUMNIST FOR THE NEW YORK DAILY NEWS, ON HIS PASSING

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mrs. MALONEY of New York. Mr. Speaker, today I pay special tribute to Lars-Erik Nelson, Washington columnist for The New York Daily News, who passed away on November 20, 2000. Mr. Nelson, an enormously talented journalist, was revered by both his colleagues in the news media and by many members of this body.

Mr. Nelson served as the Washington columnist for the Daily News for nearly two decades. He was an imaginative, generous, and perceptive writer. His work has been especially noted for its nonpartisan, honest, and straightforward style. His column served as an ideal conduit through which his readers in New York City's five boroughs could gain accurate and concise insight into the political events and personalities inside the Beltway.

Many of Mr. Nelson's outside-Washington readers brushed up on their political awareness by reading his columns while riding New York City subways. His identification with New Yorkers was most evident in his clear yet flowing prose and served as his most noted trademark. Michael Oreskes, the Washington bureau chief of The New York Times said Nelson was "a journalist's journalist. Honest, forthright, wise and clearheaded. He was cerebral without being stuffy." Columnist Jimmy Breslin described Mr. Nelson, fluent in Russian and an accomplished watercolor painter, as "one of the few intellectuals left in the newsroom."

Lars-Erik Nelson, a native New Yorker who graduated from Columbia College, began his journalism career writing for several newspapers in the greater New York area. He then became a diplomatic correspondent for Reuters, where he specialized in Soviet and Eastern European affairs. While reporting in Europe and Russia, Mr. Nelson covered the fall of the Soviet Union and the end of the Cold War. After briefly working as the Moscow Bureau Chief of Newsweek, Mr. Nelson joined the Daily News in 1979, where he worked as Washington Bureau Chief from 1981 until 1993, when he became a Washington columnist for Newsday. He returned to the Daily News as a columnist in 1995. For the past two years, he has also been a regular contributor to The New York Review of Books.

Mr. Speaker, the journalistic communities of both Washington, D.C. and New York City have suffered the loss of a great writer and advocate for objective and sound journalism. Mr. Nelson, a veteran journalist who never missed an opportunity to share his advice with a rookie reporter, was a man who personified the ideal journalist. His remarkably astute columns should be looked upon as examples of superior journalism by younger journalists of today.

I express my most sincere condolences to both his family and coworkers. Lars-Erik Nelson will be sorely missed.

COLONEL THOMAS R. FRIERS TO RETIRE FROM THE UNITED STATES AIR FORCE ON 31 DECEMBER 2000

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. WELDON of Florida. Mr. Speaker, Colonel Friers' 28 years of service to our Nation culminate with his present assignment as Commander of the Department of Defense Manned Space Flight Support Office. Prior to entering the service, he received a Bachelor of Science degree in mechanical Engineering from Clarkson University, New York. He later received a Master of Science degree in Management from Central Missouri State University.

During the course of his Air Force career, Colonel Friers rose to the level of command pilot accumulating more than 4,000 hours of flying time in five fixed and rotary-winged aircraft. Colonel Friers served in a multitude of locations around the world from Vietnam to the Persian Gulf. He served at many levels: DOD Staff, Air Force Headquarters, and Major Command. Colonel Friers was awarded command a remarkable five times. He commanded a detachment, a squadron, a group, a DOD staff agency, and the Air Force's elite Combat Rescue School. He also served as flight examiner, aide to commander, director of command protocol, and chief of rescue division at the major command level.

The decorations from his 28 years of service include the Defense Superior Service Medal, the Legion of Merit, the Meritorious Service Medal with six oak leaf clusters, the Aerial Achievement Medal, and the Joint Service Commendation Medal.

Colonel Friers commanded troops during our Nation's triumph in the Persian Gulf. He also commanded during the Khobar Tower bombing, when his 1st Rescue Group lost 5 brave airmen.

During good times and bad, Colonel Friers has led with courage and distinction. Like our great national symbol, the eagles of a colonel are well suited to represent the character of this great leader.

HONORING HAROLD H. SEYFERTH

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. FARR of California. Mr. Speaker, I wish today to speak with great pride in paying tribute to an outstanding native Californian, Mr. Harold H. Seyferth. I had the privilege to speak at Mr. Seyferth's retirement party a year ago, and again am honored with the opportunity to speak about such an inspiring and motivating person. I am privileged to have worked with Mr. Seyferth in the community for he has shown tremendous leadership in California.

Mr. Harold Seyferth was born in Stockton, California, on the 22nd of January in 1922.

Fifty-eight years ago Mr. Seyferth joined the United States Navy. He trained for the Amphibious Forces and spent the balance of his naval career on LCT 173 making landings on islands in the Pacific; Mr. Seyferth has since then continued working in both our national and local communities. A committed, other-oriented and hard-working man, Harold Seyferth followed in his father's footsteps and became a Locomotive Engineer with Western Pacific Railroad after returning from WWII.

Three years after completing his military duties, he entered California State University at San Jose. As a university student, he attended daytime classes, worked at night and still found time to become involved in student government and several other organizations. He proceeded to graduate with honors and moved on to Stanford University. Upon completing his graduate work, Mr. Seyferth earned a fellowship in Public Affairs with the CORO Foundation.

Mr. Seyferth's community work is quite admirable and has positively affected multitudes of people. He has worked at various levels of government including an internship with the city of Oakland, San Jose City Planner, and an assistant to the City Manager of San Jose. He later became a planning consultant for the city of Mountain View and subsequently moved on to be City Manager for the city of Hollister. He also served as Property Manager for the city of Salinas and Chief Land Officer for the city of Seaside. In addition to his devotion to civil service, he has been an educator in many schools and communities. Throughout his lifetime, Mr. Seyferth has taught at Golden Gate University, San Jose State University, Hartnell College, Monterey College of Law, Monterey Peninsula College and various other professional seminars.

In recognition of his exemplary work Mr. Seyferth has earned the following honors: All American City Citizen Award, City of San Jose; Outstanding Citizen, City of San Jose; Charter Revision Commission, City of San Jose; Board of Directors, Boy's City Boys Club, San Jose; Board of Directors, American Cancer Society, San Jose; Board of Directors, Santa Clara County Farm Bureau; Board of Trustees, Enterprise School District; Chairman, Monterey County Parks Commission; Chairman, Citizens Advisory Committee, Local Coastal Plan; Chairman, Malpaso Property Owners Association; Chairman, Carmel Rivers Mutual Water Company; President, Monterey Peninsula Chapter, AARP; President, San Jose University Alumni Association, Monterey County Chapter; Founding member, Board of Directors-Friends of CSUMB; AARP/VOTE Coordinator 17th Congressional District; Board of Directors, Mariposa Hall, Inc.; Who's Who in America; Who's Who in the West; Who's Who in California; and Who's Who in Real Estate. A commendable, multi-talented and multi-interested man, Mr. Seyferth has continuously devoted himself to our community.

Mr. Speaker, it is my honor and true privilege to recognize and commend a hard working member of our community, a father, a leader and my friend.

THE PERIWINKLE NATIONAL THEATRE TAKES THE WAR ON DRUGS TO THE STAGE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues the outstanding work of the Periwinkle National Theatre.

Next week, the U.S. Department of Education is honoring the efforts of Ms. Sunna Rasch, director of the Periwinkle National Theatre, with the John Stanford Education Heros Award. This award, which has been in place for the last 3 years, highlights the achievements of outstanding individuals who have serviced the children in their community by using unique and effective methods to deliver an important educational message.

The Periwinkle National Theatre is dedicated to educating our youth about the harmful effects of drug and alcohol. In order to convey their very important message, the theater company performs plays for students, using characters and plots that these students are able to relate to. The characters presented in the plays act out the issues that are often connected to drug use, such as a lack of self-respect, conflict with parents, and peer pressure.

On February 17, 1999, the Middletown, NY, Times Herald Record published an article detailing one of the plays performed by the Periwinkle National Theatre. Directors Sunna Rasch and Judy Lorkowski contacted the Maple Hill Elementary school in Middletown, NY, because they had heard that a fifth-grader who attended the school was arrested 2 weeks earlier for selling marijuana and fake crack to his classmates.

The play, entitled "Halfway There," is a drug prevention fable that depicts young characters who are battling with problems of drug and alcohol addiction. Throughout the play a mysterious mime enters and leaves the stage as he represents drugs, peer pressure, and drug dealers. In the end, all of the characters destroy the mime, symbolizing their own defeat of their addictions. At the conclusion of the play, the actors held a discussion period with the students.

"What we are really trying to do is a community effort to attack the problem that's reared its ugly head, but is always latent," Lorkowski said.

I would like to take this opportunity to congratulate Ms. Sunna Rasch, current director of the Periwinkle program, for receiving the third annual U.S. Department of Education's John Stanford Education Heroes Award. Her service to the children and schools in our community, as well as other communities throughout New York and New Jersey, is commendable.

The work of the Periwinkle National Theatre and other organizations like it throughout the country is an important part of the necessary drug education of our children. We must continue to do whatever we can to prevent our youth from taking part in such harmful activities. Sunna Rasch is meritoriously fulfilling that goal.

TO HONOR DON ROSETTE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. BARRETT of Wisconsin. Mr. Speaker, I am pleased today to honor Don Rosette, a distinguished constituent in the city of Milwaukee.

Mr. Rosette is a true leader in Milwaukee who has graciously contributed this time and efforts to the betterment of the city. Under his leadership as its vice president general manager, WMCS AM–1290 radio has emerged as an involved partner in many community efforts. The station has also been recognized for excellence with two nominations for the National Association of Broadcasters' Marconi Award. Mr. Rosette is an accomplished member of several professional organizations and has been the recipient of numerous awards and honors himself, including the National General Manager of the Year, the Outstanding Leadership Award, and the "Men Who Dare" Award.

Don Rosettes' good work will benefit Milwaukee for years to come. Ten years ago, he founded the Christmas Family Feast in order to bring the community together to share a holiday meal. To this day, the Christmas Family Feast continues to serve a traditional Christmas dinner to more than 5,000 individuals each year.

In an effort to further improve the community, Mr. Rosette developed the 1290 Scholarship Fund, Inc. Since 1992, the fund has helped to raise $380,000 for exemplary youth since 1992. He also established the Dr. Martin Luther King, Jr., Day Breakfast to acknowledge leadership and give back to the community through the donation of proceeds from the event to charitable organizations.

As a cosponsor of the gun buy-back program in Milwaukee, Mr. Rosette has worked to rid our community of the dangers associated with gun violence. Thus far, the program has removed 1,500 handguns and has provided 1,000 trigger locks to gun owners. The city of Milwaukee is safer thanks to Don Rosette.

Mr. Speaker, I applaud Mr. Rosette for his excellence in the field of broadcasting and for his commitment to the well-being of others. His leadership and guidance has been an invaluable asset to the city of Milwaukee.

TRIBUTE TO LUISA VICTORIA IGLESIAS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. STARK. Mr. Speaker, Ms. Luisa Victoria Iglesias, affectionately known as "L.V.", is retiring after 37 years with the Federal Government. Although the number of years is not in itself remarkable, the fact that she is retiring at age 88 years and 9 months is truly remarkable. And equally remarkable is the importance of the work that she has performed in her career in the Federal Government.

Ms. Iglesias graduated from high school in Albany, NY in 1929 and from New York State Teachers College in Albany in 1933. In 1934 she became an English teacher at a high school in Guayama, Puerto Rico. While she was teaching, she continued her college studies by attending the University of Puerto Rico, receiving a certificate in social work in 1936.

In 1938, Ms. Iglesias held the position of Delegate to the Bureau of Women and Children in Industry in Mayaguez, Puerto Rico. She then moved to Caracas, Venezuela to become a Social Work Instructor, and shortly thereafter, she was promoted to Social Work Director in Maracaibo, Venezuela. Later, she returned to Puerto Rico to become a Medical Social Worker for the Crippled Children's Program in Santurce, Puerto Rico.

In 1942, Ms. Iglesias returned to the United States to attend the University of Chicago, where she received a Master of Arts in Social Work in 1943. She then returned to Puerto Rico and was promoted to Medical Social Work Supervisor. In 1945, Ms. Iglesias became Chief of the Bureau Public Assistance. In 1958 she was promoted to the position of Chief of the Organization and Methods section in the Department of Health, Puerto Rico.

During the years from 1952 through 1960, Ms. Iglesias continued to attend the University of Puerto Rico in the evening and attained another Masters degree in 1962. For several years during that time, she was a member of the Puerto Rico Social Work licensing board, and during the years 1957–58, she was a member of the Puerto Rico Parole Board.

Ms. Iglesias' career with the Federal Government began in 1963 when she started working for the Social Rehabilitation Service (SRS) in the former Department of Health Education and Welfare (DHEW). She was hired as a Social Administration Advisor (also known as a Family Services Technician); she was later promoted to Social Work Program Specialist and then to Associate Policy Control Officer.

Later, as the Policy Officer in the Office of the Associate Administrator for Policy Control and Coordination, SRS, Ms. Iglesias had final SRS approval authority on all Medicaid, welfare (aid to families with dependent children, AFDC), and social services regulations that were developed for the DHEW Secretary for publication in the Federal Register.

When SRS was abolished in 1977 and HCFA was created, Ms. Iglesias was assigned to HCFA as a Policy Coordination Officer in the Office of the Administrator, Executive Secretariat. In 1978, Ms. Iglesias was reassigned to the position of Supervisory Regulations Analyst in the Bureau of Program Policy. In the last HCFA reorganization, she became a member of the Office of Communications and Operations Support.

Mr. Speaker, listing the positions that Ms. Iglesias has held does not begin to describe the importance of the work that she has done. Long before the current effort to make Federal regulations more readable and understandable, Ms. Iglesias worked to achieve that end. Ms. Iglesias wrote the first regulations development manual in SRS—"the Policy Coordination Manual." Beginning with her work in SRS, she became known for her mandate that regulations must be written in a clear and comprehensible manner. She insisted that regulations should not simply repeat statutory language, and instead, charged her coworkers with providing interpretative rules and regulations that a layman could read and understand. A former English teacher who speaks Spanish fluently, Ms. Iglesias developed training materials and taught classes to ensure that staff develop clear, understandable regulations.

After SRS was abolished and HCFA was established (combining the Medicaid and Medicare programs), Ms. Iglesias remained in the Washington Liaison Office of HCFA (HCFA's headquarters became Baltimore) and took on the task of rewriting Medicare regulations. Medicare regulations were then "mixed" with the Social Security regulations in Title 20 of the Code of Federal Regulations (CFR). She worked with the CFR office to establish a separate title 42, Chapter IV of the Code of Federal Regulations and spent several years rewriting and recodifying the Medicare regulations in plain English.

In HCFA, Ms. Iglesias continued her efforts to make regulations—now Medicare regulations—clear and understandable. In 1978, Ms. Iglesias found further support for her cause that regulations must be "clear and readable" in the Deputy General Counsel for Regulation Review in the Department of Health and Human Services. She quickly began further efforts to indoctrinate staff not merely to restate the language of the law in regulations, but to apply all of the principles of the English language in developing comprehensible Federal Medicaid, welfare, and social services regulations for publication in the Federal Register.

As an example of her work, Ms. Iglesias has for years tried to simplify the definitions used in Medicare regulations by insisting that HCFA staff refrain from using multiple definitions of the same terms. Similarly, she has instructed HCFA staff that definitions of terms not be used to establish conditions or parameters in regulations. At that time, Ms. Iglesias exerted such energies that no one would have guessed that she was then in her early 70's. Because of her work, many people in HCFA refer to Ms. Iglesias as "Ms. CFR."

Ms. Iglesias is known for her love of swimming each morning from June through October (which, in part, may contribute to her good health), her love of attending symphonies at the Kennedy Center, her love of cruising around the world, her love of solving crossword puzzles and playing scrabble, her ability to work hard and fast, and her expectation of others to do the same.

Throughout the years, even after exerting such energies at work, Ms. Iglesias has kept up her extensive travels around the world. Even now, at her current age, she still takes at least one cruise each year, and sometimes two. She has visited such places as Spain, South America, Alaska, Russia, Greece, China, Africa, Iceland, Denmark, Scotland, England, Norway, New Zealand, Australia, Malaysia, Europe, Japan, Canada, Indonesia, the Canary Islands, and Hawaii.

Ms. Iglesias' immediate family includes two sons, Victor (who lives in Malaysia) and Carlos, two daughers-in-law, Alby and Linda, 2½-year-old triplet grandsons and a granddaughter, as well as a great grandson, with whom she must keep pace. And I understand that if she follows the same family of legacy of longevity as her aunt of 111 years of age now residing in Puerto Rico, she will have plenty of time to do this in her retirement.

Although they are happy for her, Ms. Iglesias' coworkers at the Health Care Financing Administration mourn their loss on her retirement. We can all be grateful for her efforts and her intense desire to make Medicare a better program by writing clear and understandable regulations. And I am sure that I join all Americans in wishing Ms. Iglesias much happiness and continued great cruising as she retires from the Health Care Financing Administration at age 88 after 37 years of Federal Government service.

A TRIBUTE TO SAM KNOTT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the life of Sam Knott. Sam was a devoted husband, father, and leader in the San Diego Community. It was the tragic death of his daughter Cara that made Sam a community leader, but it was his personal commitment to translate that personal anguish into public action that made him a leader.

As an infant, Sam moved with his family from St. Croix, Virgin Islands to San Diego, where his father, a physician, opened a general practice on 30th Street. Mr. Knott graduated from San Diego High School and earned a bachelor's degree at San Diego State where he majored in history and business. With hopes of pursuing a career in hospital administration, he earned a master's degree in public health at the University of California at Berkeley. He married Joyce, in August 1959. The following November, he began six months of active duty at Fort Ord in the National Guard. Mr. Knott served internships in hospital administration in Ventura and Hawthorne before returning to San Diego in 1970 to help coordinate the design and construction of Alvarado Convalescent and Rehabilitation Hospital. A few months after being transferred to the Los Angeles area as an administrative trouble-shooter, Mr. Knott left the medical field to work as a stockbroker for Paine Webber and Sentra. Later, Mr. Knott went into business on his own, which he pursued part time in recent years.

Since the 1986 death of his 20-year-old daughter, Cara, at the hands of a California Highway Patrol officer, Mr. Knott has been a steadfast leader in the San Diego Community. He has championed legislation that took effect in 1988 directing police to establish a priority in responding to missing-persons reports. While concentrating in recent years on legislative efforts affecting law enforcement policies. I have worked closely with Sam on his efforts to establish a digital network management system to improve communication among public safety agencies at all levels. Also, he was a ardent supporter of the Doris Tate Crime Victims Bureau, which represents families of victims of violent crimes.

Sam died on November 30, 2000, apparently of a heart attack, near a memorial garden in Rancho Peñasquitos that has been dedicated to his daughter. He was 63. He is survived by his wife, Joyce; daughters, Cynthia Knott of El Cajon and Cheryl Knott, a professor at Harvard University; a son, John of Pacific Beach; as well as, sisters, Julia Knott Fago of San Diego and Jean Thompson of La Mesa; brothers, Dr. Jim Knott of North Park and Joe Knott of Del Cerro; and three grandsons.

Let the permanent RECORD of the Congress of the United States show that Sam's life exemplified commitment and service to community, and that he leaves behind this legacy for his family, friends, and fellow Americans to emulate.

CONGRATULATING URSULINE IRISH HIGH SCHOOL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. TRAFICANT. Mr. Speaker, today I want to congratulate the Ursuline Irish High School Football Team and Coach Jim Vivo on their first Division IV State Championship. The Irish defeated Coldwater, at Fawcett Stadium, with a 49–37 victory.

The Irish broke ten championship game records and tied one. Running backs Delbert Ferguson (freshman) and Terrance Graves (sophmore) combined for 499 yards and seven touchdowns.

The team went 9–1 in the regular season and 14–1 overall to win the state title. I would like to extend my congratulations to Coach Jim Vivo, the Ursuline Irish Football Team, Principal Pat Fleming and the students of Ursuline High School as they celebrate this memorable achievement.

TRIBUTE TO DAVID S. BURGESS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in congratulating David S. Burgess on the occasion of his being honored this month on National Human Rights Day by the Benicia Healthy Cities Task Force for his lifetime achievements of social justice.

David S. Burgess, a resident of the city of Benicia, CA, since September 1990, has been honored by the publication of his biography, "Fighting for Social Justice." David represents the best of Christian social activism in our times, having given so much of his time, talent, and treasure to building a more just and caring society for more than severn decades.

Dave's commitment to social justice began in his teens and continued throughout his activist student years at Oberlin College and Union Theological Seminary in the late 1930's and early 1940's. He and his bride, Alice, worked side by side with, and ministered to, migrant workers in southern Florida and New Jersey in the early 1940's, learning first-hand about life on the edge, life without hope, antiblack cruelties, and company indifference to workers' basic needs.

Continuing to conduct farm camp church services, Dave became a labor union representative in the hope of making a practical difference. Through the next few years he combined his role as a minister and budding farm labor champion, assigned to locations by his church. He finished seminary and was organized into what became the United Church of Christ in 1943, ready to jump in as a full-time Christian activist on the union front. Between 1944 and 1947, he worked with tenant farmers and sharecroppers in New Jersey and Arkansas to revive hope by strengthening unions that had been bullied into silence. He learned to work with plantation owners, the victimized poor, Pentecostal preachers, members of a complacent middle class, and conservative mainline congregations.

Dave's diplomatic and fund-raising work in Arkansas resulted in his saving from a second assault 579 workers' homes, which had been built by the Farm Security Administration in 1940 with the assistance of Eleanor Roosevelt. His success in saving the Delmo Homes brought visitors—labor officials, columnists, and church workers—seeking the secrets of his success.

Dave then accepted a job from the Congress of Industrial Organizations (CIO) as chief organizer for the textile workers' union in South Carolina. He fought hard, not only against the companies

His acquaintance with Victor Reuther led to Dave accepting the job as the CIO's labor attache to the American Embassy in India, where from 1955 to 1960 he helped the now combined AFL–CIO as it attempted to strengthen India's steel unions. Dave became the chief of the India-Burma division of the United States Agency for International Development in 1961, where he worked on a recommendation for United States aid in education, agriculture, public health, and industrial development that became the foundation for United States foreign aid policy in Indonesia for the next three decades.

In 1963, Sargent Shriver asked Dave to head up the first Peace Corps program in Indonesia, a job fraught with challenge as the country was in political turmoil. He returned to work in the Peace Corps offices in Washington, DC, where he successfully opened up the Peace Corps to blue-collar workers with practical and manual skills.

Dave was the area director and deputy regional director of UNICEF in East Asia from 1966 to 1972, in Thailand, Malaysia, Singapore, and Hong Kong. His work focused on improving the welfare of poor children, youth, and mothers, supporting grammar schools, training teachers, and establishing rural health centers. In his last 2 years in the area, Dave worked in war-torn, flooded Bangladesh, getting food and medical supplies to mothers and children.

He ended his UNICEF career as a major spokesman for the organization in both the United States and Canada, changing its public image from that of an emergency relief agency to one with the broader mission of bettering long-term health care and improving the quality of life in poor countries.

As pastor of two blue-collar churches in Newark, NJ, through the 1980's, Dave returned to his early mission of working for racial integration and saving low-income housing. As executive director of the Metropolitan Ecumenical Ministries for 6 years, Dave focused the group's energy on the problems of racism, poverty, and injustice. His proudest achievement in Newark was saving the remaining 6,500 units of public housing after 812 of them had been dynamited by the city, with plans to raze the rest.

Moving to Benicia, CA, after a heart attack, Dave devoted himself in the 1990's to establishing low-income housing in his new hometown. He founded the nonprofit Affordable Housing Affiliation, which has broken ground for a small cooperative complex that is the first low-income housing built in Benicia in nearly two decades.

On December 10, 2000, many friends and family members will be joining Dave as he is honored on National Human Rights Day for his commitment and dedication to the issues of social justice, poverty, discrimination, inequality, and the needs of working people. I know that every Member of this House joins me in thanking Dave for his many decades of devoted service and the significant contributions that he has made to this nation and to the City of Benicia.

Dave's life has been a truly remarkable and admirable journey that will stand as a lesson to present and future generations on the important difference that one person can make in our society.

TRIBUTE TO MARY ALICE CARTER ON HER 80TH BIRTHDAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in honoring a very special person, Ms. Mary Alice Carter, as she celebrates an important milestone in her life.

Mary Alice Carter was born 80 years ago, on December 31, 1920, in Alamance County, North Carolina. Her proud parents were William and Maude Howard, and she was the 5th of four brothers and four sisters. Since her earliest years, her strong, living and vivacious personality has placed her at the center and circle of family and friends.

Seeking opportunities for herself and her family, she left the familiarity of her North Carolina home in 1964 and moved to Newark, New Jersey, and began a new life. Hard work has been the hallmark of Mary Alice's life, and to ensure the best life possible for her two daughters, she worked in a number of positions in hospitals and jails, and as a domestic. Her hard work enabled her daughters to pursue their goals, and both remain grateful to her for her sacrifices on their behalf. Mary Alice joined the New Hope Baptist Church right away after arriving in the North. Next to her family, her Church is her greatest love and forms the core of her life. For 35 years she has been active in its life, including being President of the Pastor's Aide Club from 1972 to 1993. She was honored to be named Mother of the Church, a position from which she inspires the lives of the young members of the Church and brings joy to her friends as well.

The home of Mary Alice is a central gathering place for family and friends alike. Her hospitality and living personality have brought people together for many years, with the most important moments: graduations, birthdays, holidays, church and community celebration—spent at Mary Alice's Her legendary cooking, particularly sweet potato pie and coconut cake, has been attracting family and friends alike for a lifetime.

Most important, in addition to being a role model for members of the community, she has been a devoted, supportive mother to her two children, Mary Lee and Susan; her four loving grandchildren, Loretta, Janice, Shawn and Samantha; and a new great-grandmother to Janesha.

As a loving family member, generous friend, and inspiring community member, Mary Alice Carter is greatly appreciated and loved by so many as she celebrates her 80th Birthday.

Mr. Speaker, as Mary Alice Carter's family and friends gather to honor her, let us join in sending our best wishes for a Happy 80th Birthday and many joyful times ahead.

A TRIBUTE TO ROBERT ADAMS ON HIS RETIREMENT FROM THE SOCIAL SECURITY ADMINISTRATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. KLECZKA. Mr. Speaker, I wish today to honor Mr. Bob Adams on his retirement from the Social Security Administration after over 33 years of dedicated service.

And although Bob's retirement is certainly well deserved, I have met the news with very mixed emotions. He has been my district office's contact at Social Security for as long as any of us can remember, and we will truly miss him.

Bob began his career with the Social Security Administration in 1967 as a claims representative in St. Paul, Minnesota, but was soon transferred to Colorado, and then Utah, where he was promoted to the position of Operations Supervisor. In 1977, he came to Wisconsin, where he has remained, first as an Operations Supervisor, and then quite recently as a Management Support Specialist.

In his 23 years at the Milwaukee South office in Milwaukee, Bob Adams has provided service to thousands of individuals in a professional, courteous and respectful manner. In addition, he has spent countless hours doing outreach in the community, providing agencies, businesses, schools and organizations with information about Social Security benefits. Bob has also been an effective, caring and fair supervisor to employees at the South office, and an enormous asset to staff in providing assistance with new computer technology.

One of Bob's duties at the South office has been acting as a liaison for congressional inquiries. Congressional staffers in our area have for many years benefitted from Bob's amazing knowledge of Social Security programs, and his ability to provide ready answers to even the most complex and technical of questions. He has always been willing to "go the extra mile" for my constituents, and has always been a great pleasure to work with. We will miss his extraordinary talents, his dedication to service, his warmth, and his ready wit!

Bob's commitment to the community has also played an important part in his personal life. Not only has he been very involved assisting the needy through programs at his church, but he recently also used vacation time to set up a medical clinic in El Salvador with his wife Debbie, who is a registered nurse practitioner.

Bob and Debbie will be returning to Minnesota soon and plan to spend more time with each other and with their two grown daughters. But I know that Bob's commitment to helping others will continue to keep him active in his community. Bob, my staff and I wish you well as you take on new challenges. God's blessings to you always, and once again, thank you.

HONORING CHANCELLOR DAVID WARD

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Ms. BALDWIN. Mr. Speaker, I rise today to congratulate Chancellor David Ward of the University of Wisconsin-Madison for his dedicated service to the students and faculty of this prestigious institution.

Originally from England, Chancellor Ward earned a Fulbright award to study in the United States in 1960 and received a doctorate from UW-Madison in 1963. His faculty career at the University spans more than thirty years, including serving as chair of the geography department from 1974 to 1977 and associate dean of the Graduate School from 1980 to 1987. David Ward was vice chancellor for academic affairs from 1989 to 1991, and served as provost, chief deputy to the chancellor, from 1991 to 1993. He became interim chancellor in January 1993, and was named chancellor in June 1993.

Recognized as an authority in historical urban geography, David Ward holds the Andrew Hill Clark Professorship of Geography, to which he will return after his sabbatical during 2001. He is a past president of the Association of American Geographers and initiated research on the rapid growth of English and American cities in the 19th and early 20th centuries.

As the University's chief executive, David Ward has greatly improved the quality of undergraduate education. He has increased opportunities for undergraduate research, enhanced student advising, and expanded access to courses. He funded the Undergraduate Research Scholars (URS) Program as part of his on-going effort to strengthen campus programs that offer academic enrichment for all students, especially those from underrepresented populations.

Under his leadership, UW-Madison issued "A Vision for the Future: Priorities for UW-Madison in the Next Decade." This document outlined the University's mission, vision and priorities, and provided a foundation for some of the most comprehensive initiatives in the history of the campus. Through his work, Chancellor Ward has also strengthened the Wisconsin Idea, which has long promoted a collaborative and integrated relationship between the University and the state. As a land grant institution, public service is a natural part of the University's existence. Hands-on work by students outside of the classroom as a means for gaining knowledge and for enhancing Wisconsin's communities has been encouraged by Chancellor Ward during his tenure. This encouragement has empowered students to gain knowledge in ways that are not possible in a classroom or a laboratory.

I am grateful for Chancellor Ward's commitment to undergraduate education and for his contributions to the University of Wisconsin-Madison.

HONORING MS. PAULA ROURKE

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. McGOVERN. Mr. Speaker, I would like to take a moment to recognize Ms. Paula Rourke of Shrewsbury, Massachusetts. Although Ms. Rourke passed away in 1999, her Spirit lives on in the community. She was recently honored by the Shrewsbury Fall Festival as a citizen who exemplified their motto by being "a True Spirit of Shrewsbury." Because of her community involvement, service, and dedication to others, Ms. Rourke is deserving of gratitude and acclaim.

Born and raised in Shrewsbury, Ms. Rourke was the oldest of seven children and a graduate of Quinsigamond Community College. Throughout the years, Ms. Rourke worked tirelessly with children and adults of special needs, coaching for the Special Olympics, mentoring and teaching valuable life skills. She was named Coach of the Year twice, and in 1998, she was inducted into the Hall of Fame of the Massachusetts Special Olympics. She also worked for over 25 years with the Shrewsbury Parks and Recreation Department and was described as the "heart and soul" of their summer program, accompanying the children on every field trip from Fenway Park to Nantasket Beach.

Paula Rourke loved Shrewsbury, and Shrewsbury loved her. She found delight in everything she did from the Shrewsbury Fourth of July Celebration to her fundraisers for special needs at the Knights of Columbus. She always gave unceasingly to her community. In recognition of Ms. Rourke I would not only to call her "a True Spirit of Shrewsbury" but "a True Spirit of the America."

EPSILON CHAPTER OF DELTA KAPPA GAMMA RECOGNIZED FOR EXCELLENCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to honor an exceptional group of women in my community, the members of the Epsilon Chapter of the Delta Kappa Gamma Society.

Established on May 11, 1929, in Austin, TX, the Delta Kappa Gamma Society is an international honorary society of over 150,000 key women educators residing throughout the United States and Europe. In South Florida, the Epsilon Chapter of the Delta Kappa Gamma Society began in 1938, when women banded together in sisterhood to uphold the role of women teachers. I am proud to say that the organization is today thriving in South Florida, and I congratulate Marian Krutulis for her tireless devotion and hard work while serving as president from 1996–98.

This sisterhood of devoted women educators and philanthropists has truly been a great asset to many in my community. The women of the Epsilon Chapter have achieved this role by striving to advance the professional interest and position of women in education, and by honoring South Florida's women who have evidenced distinctive service in any field of education. The Epsilon Chapter has also provided the same shining guidance to our community's schools where these women have committed themselves to the support and initiation of desirable legislation. Furthermore, through the endowment of scholarship aid to outstanding women educators pursuing graduate work, they are taking positive steps to invest in our community's future, educational excellence.

Mr. Speaker, I ask that my fellow colleagues join me in applauding these outstanding women who have devoted themselves wholeheartedly. Their cause is noble and their dedication has brightened the future of many women and students in our community.

TRIBUTE TO WARREN-CENTER LINE-STERLING HEIGHTS CHAMBER OF COMMERCE INDUCTEES

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. LEVIN. Mr. Speaker, I wish to recognize three community leaders as they are honored by the Warren-Center Line-Sterling Heights Chamber of Commerce. The first annual inductees into the Macomb Foundation's Hall of Fame are three individuals who have made outstanding contributions to improving the economic and community life of Macomb County: Tarik Daoud, owner of Al Long Ford in Warren; Gerald Elson, on behalf of General Motors Corp, and Mark Steenbergh, mayor of the city of Warren.

Mr. Tarik Daoud, owner of Al Long Ford in Warren, is honored for his long-standing commitment to the community. He is an active member of the local Chamber of Commerce and serves on the board of directors. Mr. Daoud is involved with the Lion's Club, has supported local high school sports programs and has served on the planning board of the Warren YMCA.

Mr. Gerald Elson, currently the vice president of General Motors and general manager of operations for the North American Car Group, and General Motors Corp., are being recognized and honored for their commitment to investing in the economic fabric of the city of Warren. The recent $1.2 billion investment in the Warren Tech Center will make it a premier international facility and help to solidify Warren's long-term economic vibrance.

And, finally, the Chamber recognizes a dedicated public servant, an individual committed to serving the residents of the city in which he was born and raised. Under Mayor Mark Steenbergh's leadership, the former tank plant is being transformed into an attractive and accessible industrial park, a project I had the pleasure to work on with him. Mark is also striving to improve the quality of life of Warren residents by pursuing plans to improve city services, rebuild older neighborhoods, and fashion a new community center for all the residents to enjoy.

Mr. Speaker, I ask my colleagues to join me in recognizing Tarik Daoud, Gerald Elson, General Motors, and Mark Steenbergh for their years of dedication and devotion to the people of our community.

TRIBUTE TO EDWARD A. STEVENSON, JR.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the late Edward A. Stevenson, Jr., an outstanding individual who dedicated his life to public service. He was honored on November 19 by family, friends, and public officials for his outstanding contributions to the community with a street renaming in his honor. This is a fitting tribute for a man who has given so much to our community.

The Honorable Edward A. Stevenson, Jr. was the only child of the distinguished former Assemblyman Edward A. Stevenson, Sr., who was the first Caribbean-American to serve in the New York State Assembly, representing the 78th Assembly District in the Morrisania section of the Bronx. He was also a founder of the Jackson Democratic Club in the South Bronx.

Mr. Speaker, like his father, Edward Stevenson, Jr. was an active public servant in the Democratic party both in the Bronx and citywide. He became a District Leader in the 78th A.D. and managed several political campaigns.

Under his leadership in the early 1970's, the Bronx Shepard's Restoration Corporation, composed of more than 100 religious organizations committed to rebuilding the Bronx, was founded. He understood the need for the rehabilitation and construction of new housing projects for the homeless, the elderly, and low- and moderate-income families, as well as in facilitating educational opportunities for our youth. He also served as Chairman of the Neighborhood Advisory Board and as a member of Community Board 9. In 1990, he founded Envirogard Corporation, a real estate enterprise to pursue residential property management. Stevenson Jr. also managed the 972-unit Lafayette-Boynton housing complex in the Soundview community.

Mr. Speaker, as cofounder of Voters Organized To Educate and Register (V.O.T.E.R.), a not-for-profit entity, he helped and encouraged thousands of Bronx residents to participate in the electoral process. Two days before his untimely death in December 1996, Edward Stevenson, Jr. was appointed Commissioner of the New York City Board of Elections for the Bronx.

Edward A. Stevenson, Jr. is survived by his wife Mildred and his eight sons, Greg, Eric, Eddie Jr., John, Cecil, Scott, Mark, and Motier. Like his father and grandfather, Eric is proudly continuing the family tradition of public service. The 34-year-old currently works as Community Coordinator under Bronx Borough President Fernando Ferrer.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the Honorable Edward A. Stevenson, Jr.

TRIBUTE TO TWENTIETH ANNIVERSARY OF REE'S CONTRACT SERVICE, INC.

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. MOORE. Mr. Speaker, I wish today to pay tribute to B. Marie Foster, the founder and president of Ree's Contract Service, Inc., as that Overland Park, Kansas, based firm celebrates its twentieth anniversary in business.

For several years prior to the founding of Ree's Contract Service, Ms. Foster was employed by government contractors, including Quality Maintenance of Kansas City and for Tombs and Sons, which assisted in the construction of the Alaska petroleum pipeline. Based upon the knowledge and experience she gained from those positions, Ms. Foster decided in September 1980 that she could provide quality services to the federal government through her own contracting firm. Working from her home, she won her first contract in November 1980 to provide armed guard services at the U.S. Weapons Testing Area in Jericho, Vermont, providing twenty-four hour service with four employees. In March 1981, Ms. Foster won her second service contract in Champaign, Illinois.

During 1981, Ree's Contract Services was awarded its first major contract at the Federal Law Enforcement Training Center in Glynco, Georgia. The firm contracted to provide services that included armed security guards, bus transportation, training support, janitorial services, and dormitory management. The firm held the armed guard service contract for three consecutive terms totaling fifteen years; the other service contracts were held for two consecutive terms. Two of the contracts were cost reimbursable with incentive fees, during the terms of the contracts from 1981–1995, the firm never received a rating of less than superior.

Ree's Contract Services, Inc., was incorporated on March 1, 1992. As founder, owner, president and operator of the firm since its inception, Ms. Foster has always believed that the actions of her employees are a personal reflection of herself, and that for her business to be successful, her employees must provide the highest quality service. Since her employees are her most valuable assets, Ms. Foster wants each one to know they are important and cared for by her.

Ree's Contract Services has developed into a successful contracting firm, ultimately growing to approximately 400 employees. The firm has held contracts providing services in 17 different states. Most recently, the firm was awarded the Heartland Regional Contract for guard services at all federal facilities under the management of the General Services Administration within Missouri, Kansas, Iowa and Nebraska.

As the result of Ree's Contract Service's employees' professionalism and provision of quality services, the firm has developed a reputation for excellence in government contracting. B. Marie Foster and the firm's employees should be extremely proud of this reputation and I know they will continue to expend every possible effort to maintain and improve that reputation. In 1996, the firm was nominated for the Small Business Administration's Prime Contractor of the Year Award; subsequently, for 1996 and 1997, the firm received the SBA Director's Award of Excellence.

Mr. Speaker, I am very pleased to have this opportunity to pay tribute to B. Marie Foster and Ree's Contract Service. I am proud to represent them in the U.S. House of Representatives and I wish Ms. Foster and her staff continued success in the years ahead.

HONORING ALLEN C. BARTEL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Mr. Allen C. Bartel who served as the Scoutmaster for Boy Scout Troop 31 in Edwardsville, IL. His service to scouting spanned over 15 years of his adult life. Mr. Bartel is retiring at the end of the year.

During that time, he guided 17 young men to the rank of Eagle and countless others through the wonderful experience of scouting. The role of the scoutmaster is more than teaching young men to tie knots and start campfires. They provide an educational program for boys and young men to build character, to participate in citizenship, and to develop personal fitness.

Those character issues emanate from the Scout Laws—A scout is: Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean and Reverent. Scouting is an excellent way to instill leadership qualities in our young men. Without the time and commitment of people like Allen Bartel, some boys may not be exposed to these important life lessons.

That is why I am honored to recognize the hard work and volunteer efforts of men like Allen. Thank you for making a difference.

HONORING DAVID BROWER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 4, 2000

Ms. PELOSI. Mr. Speaker, I rise to pay my final respects to David Brower, one of the true heroes of the environmental movement. David Brower was utterly devoted to the health of our planet. He affected America's physical and cultural landscape with his staunch defense of the Earth. He changed the way Americans view the environment and changed the environment in which they lived. David Brower was one of the Earth's greatest friends.

When David Brower joined the Sierra Club in 1933, the group was mainly an association of hikers interested more in enjoying nature than in preserving it. An able mountaineer, he spent a great deal of time climbing the peaks in Yosemite and nearby areas. During World War II, Brower joined the U.S. Army's 10th Mountain Division, where he wrote a training manual on mountaineering and taught climbing techniques.

In 1952, after having published the Sierra Club Handbook and having served on the Board of Directors, Brower became the first Executive Director of the Sierra Club. Under his leadership, the group, and indeed the conservation movement, changed dramatically. The organization of 2,000 hikers became a national political force with 77,000 members. Its budget grew from $75,000 to $3 million.

Brower turned the Sierra Club into an uncompromising defender of the Earth. One of his first campaigns was to stop the federal government from building dams in the Dinosaur National Monument on the Utah-Colorado border. Brower won by building public support for the cause through an array of innovative means; he produced a film about the area, conducted boat tours on the river, and published a book that supported his position. Over the years, he became known for these and other creative techniques including full-page newspaper advertisements and coffee-table books.

In the 1960's, he vigorously fought efforts to build two hydroelectric dams in the Grand Canyon. He also worked to create new national parks and national seashores and to pass the Wilderness Act of 1964 in Congress.

In 1969, he left his position as Executive Director of the Sierra Club. He immediately founded Friends of the Earth and co-founded the League of Conservation Voters and carried on with his work. In 1982, he founded the Earth Island Institute to support environmental projects in other countries. Most recently, he founded the Global Conservation, Preservation, and Restoration Service to work to restore damaged areas. Through these groups, he continued to be in the forefront of the environmental movement.

David Brower can never be replaced, but his work will live on in the people he inspired and the groups he founded. His principles dictated his every action, and his commitment was contagious. His impact was felt across the country and around the world. David Brower was the greatest conservationist of modern times, and he will be sorely missed.

My thoughts and prayers are with his wife Anne, his children, Kenneth, Barbara, Robert, and John, and all of his family.

HOUSE OF REPRESENTATIVES—*December 5, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 5, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LAHOOD) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The prophet Isaiah had a vision that helped people to see through the darkening days of winter.

"In days to come, the mountain of the Lord's house shall be established as the highest mountain and raised above the hills. All nations shall stream toward it; many people shall come and say: 'Come, let us climb the Lord's mountain, to the house of the God of Jacob, that he may instruct us in his ways, and we may walk in his paths.' "

Give direction, Lord God, to each step we take these days. Let us not be fearful of the heights; our eyes fixed on You. Free us to be led to Your dwelling place. Then we will be light to the world and an example to other nations.

By being truly present to one another and unafraid to address every need, we will establish true dialogue and soon find ourselves in a lasting house of justice and integrity where You live now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. MURTHA) come forward and lead the House in the Pledge of Allegiance.

Mr. MURTHA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

ALEXANDRE MALOFIENKO, OLGA MATSKO, AND VLADIMIR MALOFIENKO

The Clerk called the Senate bill (S. 199) for the relief of Alexandre Malofienko, Olga Matsko, and their son, Vladimir Malofienko.

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

TO DO THE WORK OF THE PEOPLE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as we prepare for the 107th Congress, I call upon my colleagues on the other side of the aisle to work with this Republican-led Congress to do the work of the people.

On November 7, the people of this country entrusted us with many responsibilities, including passing tax relief, implementing education reform, and ensuring quality and affordable health care for every American.

It is time that our hard-working families receive a break from the overwhelming tax burdens preventing many from saving for their child's education or even for their own retirement. It is time that our seniors be able to afford both food and medicine through a voluntary prescription drug benefit under Medicare. And it is time that our teachers and parents, not the Washington bureaucrats, are empowered to provide a quality education for America's children.

Working together, in a bipartisan fashion, we can accomplish these goals and many more.

It is my hope that my colleagues on the other side of the aisle will put political partisanship aside and join with me to do the work of the people.

CLINTON ADMINISTRATION HAS REINVENTED COMMUNISM

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America's trade deficit for September hit $35 billion for one month, $35 billion. America is heading for a $420 billion, 1-year trade deficit.

Unbelievable. If this continues, America will have a crash that will make 1929 look like a fender-bender.

What is even worse, China is now taking $100 billion of cash out of our economy, buying missiles, and pointing them at us.

Beam us up, all of us.

We must be stupid. Ronald Reagan almost destroyed Communism, and the Clinton administration has reinvented it, is now subsidizing it, and is now stabilizing it.

I yield back any common sense left and any patriotism left in this Congress.

AN ERA OF BIPARTISANSHIP

(Ms. ROS-LEHTINEN asked and was given permission to address the House

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Republicans have returned fiscal responsibility and discipline to Washington. When House Republicans became a majority in 1994, there were deficits as far as the eye could see. Today, because House Republicans held the line on spending and reined in President Clinton and House Democrats, there is boundless prosperity. And because of this, America has reelected a House Republican majority for four consecutive elections.

It is now time to work together across party lines. The American public has a right to expect their elected officials to work together to address the people's business. The next Congress, America's 107th, will have a unique opportunity to do this, making a fresh start with a new President in the White House.

Mr. Speaker, even in this time of prosperity, our Nation faces real challenges. There are challenges I know that we can meet by working together. And I am confident that I speak for all the Members of the new Congress in pledging to put people ahead of politics.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the joint resolution (H.J. Res. 126) making further continuing appropriations for fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 126

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275, is further amended by striking the date specified in section 106(c) and inserting "December 7, 2000".

The SPEAKER pro tempore. Pursuant to the order of the House of Monday, December 4, 2000, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on H.J. Res. 126.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the continuing resolution that we bring to the floor this morning is a 2-day extension to the current continuing resolution that will keep the remaining elements of the Government operating that have not yet had their regular appropriations bills enacted.

As our colleagues know, we really have only one appropriations bill that has not been concluded and most of the issues relative to not concluding that bill have been non-appropriations issues. They have been policy issues, legislative issues. Nevertheless, that bill is not completed.

There was a meeting at the White House yesterday between the bicameral leadership of the House and Senate, Republican and Democrat. We hope that that will produce some beneficial results. I believe that I speak for at least most of the Members of the House when I say that it is time to conclude the business of the 106th Congress, and it is time to begin preparation for the 107th Congress, which will convene in January. And the way to accomplish that is to conclude the business on this final appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me simply say hello to you and to my good friend, the gentleman from Florida (Mr. YOUNG).

Mr. Speaker, there is nothing very complicated about this resolution, but I think there is something very troubling that lies underneath it.

Up until yesterday, I had been fairly confident that the House, if it wished, could come to a conclusion on this year's appropriation bills and finish our work this week, our left-over work from the previous session.

I now am feeling much more pessimistic than I was, largely based upon conversations which took place at the White House last night and based upon newspaper accounts of people's comments after that meeting last night.

I was originally optimistic because I thought that, when we left, we had had very few differences that actually remained. They were largely focused on two appropriations bills, the Labor-Health bill and the State-Justice-Commerce bill.

On State-Justice there was the immigration controversy. And on the Labor-Health, the focus of objection to that bill, which was negotiated on a bipartisan basis and a bicameral basis, the principal objection that we heard when we came back was the language with respect to ergonomics. And that issue has now become moot because those regulations have been published.

So at this point, what I think we really face is the question of whether or not there is, as a price for getting our work done, we are going to be asked to in a major way pare back the level of appropriations for items such as education that are now contained in the Labor-Health education conference.

Mr. Speaker, we have the votes in both Houses for that Labor-Health and Education conference if the leadership will ever allow it to come to the floor. But so far, it is being prevented from coming to the floor by the leadership.

I would simply say that some may remember around here what happened over the past year. For the first 9 months of the year, it was apparent that the majority was intending to provide education numbers which were significantly below where those of us on this side of the aisle felt they ought to be. Then, with the putting together of the conference report of Labor-Health and Education in the closing days of the session before the election, everyone walked out of here and most people on both sides of the aisle campaigned for the funding levels that were provided in that bill.

Now, apparently after the election, we are seeing a reversion to form and once again we are being asked to make major reductions in education as a price for having a convenient end to the session.

I think that is a price that many of us are not going to want to pay. And that is why I am much more pessimistic that we will, in fact, get the work done that we should be able to get done this week.

I find it interesting that the majority party and Mr. Bush campaigned, at least rhetorically campaigned, as those folks who could best bring us together in a bipartisan fashion; and yet the very first thing that we are being asked to do since we have returned, the very first thing we are being asked to do by the House leadership is to in fact walk away from and scuttle a bill upon which agreement had been reached on a bipartisan basis.

I do not think that is a healthy way in which to conclude this session. I do not think that is a healthy way in which to begin our relationships for the coming session. But apparently that is the direction that the leadership is most comfortable with.

I regret that. And so I will happily support this 2-day continuing resolution in the waning hope that we will be able to reach agreement and get out of here at the end of those 2 days, but I do so with no illusions and no real expectations that the conditions are present for that kind of a bipartisan, early resolution of this session.

Mr. Speaker, I yield back the balance of my time.

□ 1015

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time. I do so to point out that the other bills that were passed, sent to the White House and were vetoed have basically been repaired and fixed. They are ready to move at a moment's notice and can be moved either separately or can be moved as part of an agreement on the Labor, Health and Human Services and Education Bill. I wanted to just make a brief point about that bill. That is the bill where we provide funding for medical research. We have made a commitment to double the investment in medical research over a 5-year period, and a substantial part of the increase in that bill goes to fulfill that commitment. Another very large part of the increase in that bill is money that we have approved for education, and the education amounts are actually greater than those requested by the budget that we received at the beginning of the year. So this is an important bill.

Our former colleague, Bill Natcher, use to come on the floor and make the comment that this is the people's bill, because the programs included in this bill deal with people. It is important that we do this job responsibly and not just pick a number out of the air and decide, well, that is a good number. That number should be based on what the real needs of the United States of America are today and will be in this coming fiscal year. It is essential that we approach that final deliberation with tremendous responsibility, but it is also essential that we get it done. To carry this over into the next year, into the next administration, into the next Congress, I think would be inexcusable. I would ask those Members who are interested to help us keep the momentum going, to get this bill completed and let us conclude the business of the 106th Congress.

Mr. Speaker, I would like to say a word of welcome back to all of those Members who are here for this lame duck session and my friend the gentleman from Wisconsin (Mr. OBEY). I look forward to our working together again during the next fiscal year.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to the order of the House of Monday, December 4, 2000, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 378, nays 6, not voting 48, as follows:

[Roll No. 600]

YEAS—378

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Barton
Costello
Dingell
Paul
Stupak
Visclosky

NOT VOTING—48

Allen
Armey
Barrett (NE)
Bryant
Burton
Chenoweth-Hage
Coburn
Deal
DeFazio
Delahunt
DeLay
Dickey
Dixon
Dooley
Doolittle
Edwards
Gejdenson
Gekas
Goode
Gutknecht
Hill (MT)
Hoekstra
Hulshof
Jefferson
Johnson (CT)
Jones (NC)
Klink
Lantos
Lipinski
Lowey
McDermott
Miller (FL)
Moakley
Peterson (PA)
Pomeroy
Rothman
Ryan (WI)
Sessions
Spence
Stark
Talent
Towns
Vitter
Waters
Weldon (FL)
Weldon (PA)
Wexler
Woolsey

□ 1042

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote. I would have voted in favor of H.J. Res. 126 (rollcall No. 600).

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5640) to expand homeownership in the United States, and for other purposes.

The Clerk read as follows:

H.R. 5640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Homeownership and Economic Opportunity Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.
Sec. 102. Grants for regulatory barrier removal strategies.
Sec. 103. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Sec. 201. Home equity conversion mortgages.
Sec. 202. Assistance for self-help housing providers.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.
Sec. 302. Pilot program for homeownership assistance for disabled families.
Sec. 303. Funding for pilot programs.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Sec. 401. Short title.
Sec. 402. Changes in amortization schedule.
Sec. 403. Deletion of ambiguous references to residential mortgages.
Sec. 404. Cancellation rights after cancellation date.
Sec. 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.
Sec. 406. Definitions.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Sec. 501. Lands title report commission.
Sec. 502. Loan guarantees.
Sec. 503. Native American housing assistance.

Subtitle B—Native Hawaiian Housing

Sec. 511. Short title.
Sec. 512. Findings.
Sec. 513. Housing assistance.
Sec. 514. Loan guarantees.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 601. Short title; references.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Federal manufactured home construction and safety standards.
Sec. 605. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 606. Public information.
Sec. 607. Research, testing, development, and training.
Sec. 608. Prohibited acts.
Sec. 609. Fees.
Sec. 610. Dispute resolution.
Sec. 611. Elimination of annual reporting requirement.
Sec. 612. Effective date.
Sec. 613. Savings provisions.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Sec. 701. Guarantees for refinancing of rural housing loans.
Sec. 702. Promissory note requirement under housing repair loan program.
Sec. 703. Limited partnership eligibility for farm labor housing loans.
Sec. 704. Project accounting records and practices.
Sec. 705. Definition of rural area.
Sec. 706. Operating assistance for migrant farmworkers projects.
Sec. 707. Multifamily rental housing loan guarantee program.
Sec. 708. Enforcement provisions.
Sec. 709. Amendments to title 18 of United States Code.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Sec. 801. Short title.
Sec. 802. Regulations.
Sec. 803. Effective date.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

Sec. 811. Prepayment and refinancing.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

Sec. 821. Supportive housing for elderly persons.
Sec. 822. Supportive housing for persons with disabilities.
Sec. 823. Service coordinators and congregate services for elderly and disabled housing.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

Sec. 831. Eligibility of for-profit limited partnerships.
Sec. 832. Mixed funding sources.
Sec. 833. Authority to acquire structures.
Sec. 834. Use of project reserves.
Sec. 835. Commercial activities.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Sec. 841. Eligibility of for-profit limited partnerships.
Sec. 842. Mixed funding sources.
Sec. 843. Tenant-based assistance.
Sec. 844. Use of project reserves.
Sec. 845. Commercial activities.

PART 3—OTHER PROVISIONS

Sec. 851. Service coordinators.

Subtitle D—Preservation of Affordable Housing Stock

Sec. 861. Section 236 assistance.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Sec. 901. Extension of loan term for manufactured home lots.
Sec. 902. Use of section 8 vouchers for opt-outs.
Sec. 903. Maximum payment standard for enhanced vouchers.
Sec. 904. Use of section 8 assistance by "grand-families" to rent dwelling units in assisted projects.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

Sec. 1001. Federal Reserve Board buildings.
Sec. 1002. Positions of Board of Governors of the Federal Reserve System on the Executive schedule.
Sec. 1003. Amendments to the Federal Reserve Act.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Sec. 1101. Short title.
Sec. 1102. Preservation of certain reporting requirements.
Sec. 1103. Coordination of reporting requirements.
Sec. 1104. Elimination of certain reporting requirements.

TITLE XII—FINANCIAL REGULATORY RELIEF

Sec. 1200. Short title.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

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TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the "Housing Affordability Barrier Removal Act of 2000".

SEC. 102. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

"(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking "STATE GRANTS" and inserting "GRANT AUTHORITY";

(2) in the matter preceding paragraph (1), by inserting after "States" the following: "and units of general local government (including consortia of such governments)";

(3) in paragraph (3), by striking "a State program to reduce State and local" and inserting "State, local, or regional programs to reduce";

(4) in paragraph (4), by inserting "or local" after "State"; and

(5) in paragraph (5), by striking "State".

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking "and for the selection of units of general local government to receive grants under subsection (f)(2)"; and

(2) by inserting before the period at the end the following: "and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act".

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

"(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).".

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting "and" after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 103. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "receive, collect, process, and assemble" and inserting "serve as a national repository to receive, collect, process, assemble, and disseminate";

(B) in paragraph (1)—

(i) by striking ", including" and inserting "(including"; and

(ii) by inserting before the semicolon at the end the following: "), and the prevalence and effects on affordable housing of such laws, regulations, and policies";

(C) in paragraph (2), by inserting before the semicolon the following: ", including particularly innovative or successful activities, strategies, and plans"; and

(D) in paragraph (3), by inserting before the period at the end the following: ", including particularly innovative or successful strategies, activities, and plans";

(2) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

"(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

"(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted."; and

(3) by adding at the end the following new subsections:

"(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

"(d) TIMING.—The clearinghouse under this section (as amended by section 103 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.".

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

SEC. 201. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMs.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

"(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

"(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

"(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

"(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

"(A) the mortgagor has received the disclosure required under paragraph (2);

"(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

"(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

"(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

"(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

"(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

"(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

"(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

"(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary.".

(2) REGULATIONS.—The Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) HOUSING COOPERATIVES.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (2), by striking "'mortgage',"; and

(2) by adding at the end the following new paragraphs:

"(4) MORTGAGE.—The term 'mortgage' means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

"(A) under a lease for not less than 99 years that is renewable; or

"(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

"(5) FIRST MORTGAGE.—The term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.".

(c) WAIVER OF UP-FRONT PREMIUMS FOR MORTGAGES USED TO FUND LONG-TERM CARE INSURANCE.—

(1) In general.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

"(l) Waiver of Up-Front Premiums for Mortgages to Fund Long-Term Care Insurance.—

"(1) In general.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (2)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

"(2) Authority to Refinance Existing Mortgage and Finance Closing Costs.—A mortgage described in paragraph (1) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) and any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.

"(3) Definition.—For purposes of this subsection, the term 'qualified long-term care insurance contract' has the meaning given such term in section 7702B of the Internal Revenue Code of 1986 (26 U.S.C. 7702B)), except that such contract shall also meet the requirements of—

"(A) sections 9 (relating to disclosure), 24 (relating to suitability), and 26 (relating to contingent nonforfeiture) of the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000); and

"(B) section 8 (relating to contingent nonforfeiture) of the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).".

(2) Applicability.—The provisions of section 255(l) of the National Housing Act (as added by paragraph (1) of this subsection) shall apply only to mortgages closed on or after April 1, 2001.

(d) Study of Single National Mortgage Limit.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z-20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act. Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 202. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) Reauthorization.—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

"(p) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001.".

(b) Eligible Expenses.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: ", which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land".

(c) Deadline for Recapture of Funds.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking "if the organization or consortia has not used any grant amounts" and inserting "the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used";

(B) by striking "(or," and inserting ", except that such period shall be 36 months"; and

(C) by striking "within 36 months), the Secretary shall recapture such unused amounts" and inserting "and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts"; and

(2) in subsection (j), by inserting after "carry out this section" the following: "and grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts".

(d) Technical Corrections.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking "Habitat for Humanity International, its affiliates, and other"; and

(2) in subsection (e)(2), by striking "consoria" and inserting "consortia".

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) Amendments.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) Downpayment assistance.—

"(A) Authority.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

"(B) Amount.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) In General.—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by one or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) Determination of Amount of Assistance.—

(1) In general.—

(A) Monthly expenses not exceeding payment standard.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) Monthly expenses exceed payment standard.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) Calculation of amount.—

(A) Low-income families.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) Income between 81 and 89 percent of median.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) Income between 90 and 99 percent of median.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) Income more than 99 percent of median.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) Inspections and Contract Conditions.—

(1) In general.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) Annual inspections not required.—The requirement under subsection (o)(8)(A)(ii) of section 8 of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) Other Authority of the Secretary.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) Assistance Payments Sent to Lender.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) Inapplicability of Certain Provisions.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) Reversion to Rental Status.—

(1) Non-FHA mortgages.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) All mortgages.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) Exception.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) Regulations.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) Definition of Disabled Family.—For the purposes of this section, the term "disabled family" has the meaning given the term "person with disabilities" in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) Authorization of Appropriations.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276; 112 Stat. 2613).

(b) Use.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) Matching Requirement.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Private Mortgage Insurance Technical Corrections and Clarification Act".

SEC. 402. CHANGES IN AMORTIZATION SCHEDULE.

(a) Treatment of Adjustable Rate Mortgages.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking "amortization schedules" and inserting "the amortization schedule then in effect";

(B) in paragraph (16)(B), by striking "amortization schedules" and inserting "the amortization schedule then in effect";

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) Amortization schedule then in effect.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

"(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

"(B) the unpaid balance of the loan after each such scheduled payment is made."; and

(2) in section 3(f)(1)(B)(ii), by striking "amortization schedules" and inserting "the amortization schedule then in effect".

(b) Treatment of Balloon Mortgages.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: "A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.".

(c) Treatment of Loan Modifications.—

(1) In general.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

"(d) Treatment of Loan Modifications.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.".

(2) Conforming amendments.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "section 3(f)(1)" and inserting "section 3(g)(1)";

(ii) in subparagraph (A)(ii)(IV), by striking "section 3(f)" and inserting "section 3(g)"; and

(iii) in subparagraph (B)(iii), by striking "section 3(f)" and inserting "section 3(g)"; and

(B) in paragraph (2), by striking "section 3(f)(1)" and inserting "section 3(g)(1)".

SEC. 403. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) Termination of Private Mortgage Insurance.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting "on residential mortgage transactions" after "imposed"; and

(2) in subsection (g) (as so redesignated by the preceding provisions of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "mortgage or";

(B) in paragraph (2), by striking "mortgage or"; and

(C) in paragraph (3), by striking "mortgage or" and inserting "residential mortgage or residential".

(b) DISCLOSURE REQUIREMENTS.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "mortgage or" the first place it appears; and

(ii) by striking "mortgage or" the second place it appears and inserting "residential"; and

(B) in paragraph (2), by striking "mortgage or" and inserting "residential";

(2) in subsection (c), by striking "paragraphs (1)(B) and (3) of subsection (a)" and inserting "subsection (a)(3)"; and

(3) in subsection (d), by inserting before the period at the end the following: ", which disclosures shall relate to the mortgagor's rights under this Act".

(c) DISCLOSURE REQUIREMENTS FOR LENDER-PAID MORTGAGE INSURANCE.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "a residential mortgage or"; and

(B) in paragraph (2), by inserting "transaction" after "residential mortgage"; and

(2) in subsection (d), by inserting "transaction" after "residential mortgage".

SEC. 404. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "cancellation date" the following: "or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)";

(B) in paragraph (2), by striking "and" at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) is current on the payments required by the terms of the residential mortgage transaction; and"; and

(2) in subsection (e)(1)(B) (as so redesignated by the preceding provisions of this title), by striking "subsection (a)(3)" and inserting "subsection (a)(4)".

SEC. 405. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) GOOD PAYMENT HISTORY.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "the later of (i)" before "the date"; and

(B) by inserting ", or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)" before the semicolon; and

(2) in subparagraph (B)—

(A) by inserting "the later of (i)" before "the date"; and

(B) by inserting ", or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)" before the period at the end.

(b) AUTOMATIC TERMINATION.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

"(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction."

(c) PREMIUM PAYMENTS.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

"(h) ACCRUED OBLIGATION FOR PREMIUM PAYMENTS.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.".

SEC. 406. DEFINITIONS.

(a) REFINANCED.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after "refinanced" the following: "(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))".

(b) MIDPOINT OF THE AMORTIZATION PERIOD.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by the preceding provisions of this title) the following new paragraph:

"(7) MIDPOINT OF THE AMORTIZATION PERIOD.—The term 'midpoint of the amortization period' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.".

(c) ORIGINAL VALUE.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by the preceding provisions of this title) is amended—

(1) by inserting "transaction" after "a residential mortgage"; and

(2) by adding at the end the following new sentence: "In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.".

(d) PRINCIPAL RESIDENCE.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by the preceding provisions of this title) by striking "primary" and inserting "principal"; and

(2) in paragraph (15) (as so redesignated by the preceding provisions of this title) by striking "primary" and inserting "principal".

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

SEC. 501. LANDS TITLE REPORT COMMISSION.

(a) ESTABLISHMENT.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the "Commission") to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—

(A) MEMBERS OF TRIBES.—At all times, not less than eight of the members of the Commission shall be members of federally recognized Indian tribes.

(B) EXPERIENCE IN LAND TITLE MATTERS.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) INITIAL MEETING.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) DUTIES.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and title documents and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary, and any amounts appropriated pursuant to this subsection shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 502. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year."; and

(2) in paragraph (7), by striking "each of fiscal years 1997, 1998, 1999, 2000, and 2001" and inserting "each fiscal year".

SEC. 503. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking "if the Secretary" and all that follows through the period at the end and inserting the following: "for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.".

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: "The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).".

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

"(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.".

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

"(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

"(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

"(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

"(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

"(4) may be corrected through the sole action of the recipient.".

(e) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

"SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

"If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).".

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

"SEC. 405. REVIEW AND AUDIT BY SECRETARY.

"(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

"(b) ADDITIONAL REVIEWS AND AUDITS.—

"(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

"(A) determine whether the recipient—

"(i) has carried out—

"(I) eligible activities in a timely manner; and

"(II) eligible activities and certification in accordance with this Act and other applicable law;

"(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

"(iii) is in compliance with the Indian housing plan of the recipient; and

"(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

"(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

"(c) REVIEW OF REPORTS.—

"(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

"(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

"(A) may revise the report; and

"(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

"(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.".

(f) ALLOCATION FORMULA.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking "The formula," and inserting the following:

"(A) IN GENERAL.—Except with respect to an Indian tribe described in subparagraph (B), the formula"; and

(2) by adding at the end the following:

"(B) CERTAIN INDIAN TRIBES.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437l) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.".

(g) HEARING REQUIREMENT.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking "Except as provided" and inserting the following:

"(1) IN GENERAL.—Except as provided";

(3) by striking "If the Secretary takes an action under paragraph (1), (2), or (3)" and inserting the following:

"(2) CONTINUANCE OF ACTIONS.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)"; and

(4) by adding at the end the following:

"(3) EXCEPTION FOR CERTAIN ACTIONS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

"(B) PROCEDURAL REQUIREMENT.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

"(i) provide notice to the recipient at the time that the Secretary takes that action; and

"(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

"(C) DETERMINATION.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.".

(h) PERFORMANCE AGREEMENT TIME LIMIT.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) IN GENERAL.—If the Secretary";

(2) by striking "(1) is not" and inserting the following:

"(A) is not";

(3) by striking "(2) is a result" and inserting the following:

"(B) is a result";

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: ", if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement"; and

(5) by adding at the end the following:

"(2) PERFORMANCE AGREEMENT.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

"(3) REVIEW.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

"(4) EFFECT OF REVIEW.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

"(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

"(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).".

(i) LABOR STANDARDS.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b)) is amended—

(1) in paragraph (1), by striking "Davis-Bacon Act (40 U.S.C. 276a-276a-5)" and inserting "Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)"; and

(2) by adding at the end the following new paragraph:

"(3) APPLICATION OF TRIBAL LAWS.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.".

(j) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

"209. Noncompliance with affordable housing requirement.".

(2) CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) TERMINATIONS.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).".

Subtitle B—Native Hawaiian Housing

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Hawaiian Homelands Homeownership Act of 2000".

SEC. 512. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (as added by this subtitle), eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who

either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479; 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 513. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"SEC. 801. DEFINITIONS.

"In this title:

"(1) Department of Hawaiian Home Lands; Department.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) Director.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

"(3) Elderly families; near-elderly families.—

"(A) In general.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

"(i) for an elderly family, an elderly person; or

"(ii) for a near-elderly family, a near-elderly person.

"(B) Certain families included.—The term 'elderly family' or 'near-elderly family' includes—

"(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

"(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

"(4) Hawaiian home lands.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920(42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(5) Housing area.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

"(6) Housing entity.—The term 'housing entity' means the Department of Hawaiian Home Lands.

"(7) Housing plan.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

"(8) Median income.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

"(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

"(B) the median income for the State of Hawaii.

"(9) Native hawaiian.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

"(iii) birth records of the State of Hawaii.

"SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

"(a) Grant Authority.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

"(b) Plan Requirement.—

"(1) In general.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

"(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

"(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

"(2) Waiver.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

"(c) Use of Affordable Housing Activities Under Plan.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

"(d) Administrative Expenses.—

"(1) In general.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

“(2) Administrative and planning expenses.—The administrative and planning expenses referred to in paragraph (1) include—

“(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

“(B) expenses incurred in preparing a housing plan under section 803.

“(e) Public-Private Partnerships.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

“SEC. 803. HOUSING PLAN.

“(a) Plan Submission.—The Secretary shall—

“(1) require the Director to submit a housing plan under this section for each fiscal year; and

“(2) provide for the review of each plan submitted under paragraph (1).

“(b) Five-Year Plan.—Each housing plan under this section shall—

“(1) be in a form prescribed by the Secretary; and

“(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

“(A) Mission statement.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

“(B) Goal and objectives.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

“(C) Activities plans.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

“(c) One-Year Plan.—A housing plan under this section shall—

“(1) be in a form prescribed by the Secretary; and

“(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

“(A) Goals and objectives.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

“(B) Statement of needs.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

“(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

“(I) the geographical needs of those families; and

“(II) needs for various categories of housing assistance; and

“(ii) a description of the estimated housing needs for all families to be served by the Department.

“(C) Financial resources.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

“(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

“(ii) the uses to which the resources described in clause (i) will be committed, including—

“(I) eligible and required affordable housing activities; and

“(II) administrative expenses.

“(D) Affordable housing resources.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

“(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

“(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

“(I) rental assistance;

“(II) the production of new units;

“(III) the acquisition of existing units; or

“(IV) the rehabilitation of units;

“(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

“(I) the involvement of private, public, and nonprofit organizations and institutions;

“(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

“(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

“(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

“(v) a description of—

“(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

“(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vi) a description of—

“(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

“(II) the requirements and assistance available under the programs referred to in subclause (I);

“(vii) a description of—

“(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

“(aa) transitional housing;

“(bb) homeless housing;

“(cc) college housing; and

“(dd) supportive services housing; and

“(II) the requirements and assistance available under such programs;

“(viii)(I) a description of any housing to be demolished or disposed of;

“(II) a timetable for that demolition or disposition; and

“(III) any other information required by the Secretary with respect to that demolition or disposition;

“(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

“(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

“(I) promote the safety of residents of the affordable housing;

“(II) facilitate the undertaking of crime prevention measures;

“(III) allow resident input and involvement, including the establishment of resident organizations; and

“(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

“(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

“(E) Certification of compliance.—Evidence of compliance that shall include, as appropriate—

“(i) a certification that the Department of Hawaiian Home Lands will comply with—

“(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

“(II) other applicable Federal statutes;

“(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

“(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

“(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

“(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

“(d) Applicability of Civil Rights Statutes.—

“(1) In general.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

“(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

“(B) to an eligible family on the basis that the family is a Native Hawaiian family.,

“(2) Civil rights.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

"(e) Use of Nonprofit Organizations.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

"SEC. 804. REVIEW OF PLANS.

"(a) Review and Notice.—

"(1) Review.—

"(A) In general.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

"(B) Limitation.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

"(2) Notice.—

"(A) In general.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

"(B) Effect of failure of secretary to take action.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

"(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

"(ii) the Director shall be considered to have been notified of compliance.

"(b) Notice of Reasons for Determination of Noncompliance.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

"(1) the reasons for noncompliance; and

"(2) any modifications necessary for the plan to meet the requirements of section 803.

"(c) Review.—

"(1) In general.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

"(A) set forth the information required by section 803 to be contained in the housing plan;

"(B) are consistent with information and data available to the Secretary; and

"(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

"(2) Incomplete plans.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

"(d) Updates to Plan.—

"(1) In general.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

"(2) Complete plans.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

"(e) Effective Date.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

"SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

"(a) Program Income.—

"(1) Authority to retain.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

"(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

"(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

"(2) Prohibition of reduction of grant.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

"(A) whether the Department retains program income under paragraph (1); or

"(B) the amount of any such program income retained.

"(3) Exclusion of amounts.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

"(b) Labor Standards.—

"(1) In general.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

"(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

"(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

"(2) Exceptions.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

"SEC. 806. ENVIRONMENTAL REVIEW.

"(a) In General.—

"(1) Release of funds.—

"(A) In general.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

"(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

"(ii) to the public undiminished protection of the environment.

"(B) Alternative environmental protection procedure.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

"(2) Regulations.—

"(A) In general.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

"(B) Contents.—The regulations issued under this paragraph shall—

"(i) provide for the monitoring of the environmental reviews performed under this section;

"(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

"(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

"(3) Effect on assumed responsibility.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

"(b) Procedure.—

"(1) In general.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

"(2) Effect of approval.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

"(c) Certification.—A certification under the procedures under this section shall—

"(1) be in a form acceptable to the Secretary;

"(2) be executed by the Director of the Department of Hawaiian Home Lands;

"(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

"(4) specify that the Director—

"(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

"(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

"SEC. 807. REGULATIONS.

"The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

"SEC. 808. EFFECTIVE DATE.

"Except as otherwise expressly provided in this title, this title shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

"SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

"(a) NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.—

"(1) PRIMARY OBJECTIVE.—The national objectives of this title are—

"(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

"(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

"(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

"(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

"(E) to—

"(i) promote the development of private capital markets; and

"(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

"(2) ELIGIBLE FAMILIES.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

"(B) EXCEPTION TO LOW-INCOME REQUIREMENT.—

"(i) IN GENERAL.—The Director may provide assistance for homeownership activities under—

"(I) section 810(b);

"(II) model activities under section 810(f); or

"(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

"(ii) LIMITATIONS.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

"(C) OTHER FAMILIES.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

"(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

"(ii) the need for housing for the family cannot be reasonably met without the assistance.

"(D) PREFERENCE.—

"(i) IN GENERAL.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

"(ii) APPLICATION.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

"(E) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

"SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

"(a) IN GENERAL.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

"(1) develop or to support affordable housing for rental or homeownership; or

"(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

"(b) ACTIVITIES.—The activities described in this subsection are the following:

"(1) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

"(A) real property acquisition;

"(B) site improvement;

"(C) the development of utilities and utility services;

"(D) conversion;

"(E) demolition;

"(F) financing;

"(G) administration and planning; and

"(H) other related activities.

"(2) HOUSING SERVICES.—The provision of housing-related services for affordable housing, including—

"(A) housing counseling in connection with rental or homeownership assistance;

"(B) the establishment and support of resident organizations and resident management corporations;

"(C) energy auditing;

"(D) activities related to the provisions of self-sufficiency and other services; and

"(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

"(3) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including—

"(A) the preparation of work specifications;

"(B) loan processing;

"(C) inspections;

"(D) tenant selection;

"(E) management of tenant-based rental assistance; and

"(F) management of affordable housing projects.

"(4) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

"(5) MODEL ACTIVITIES.—Housing activities under model programs that are—

"(A) designed to carry out the purposes of this title; and

"(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

"SEC. 811. PROGRAM REQUIREMENTS.

"(a) RENTS.—

"(1) ESTABLISHMENT.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

"(2) MAXIMUM RENT.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

"(b) MAINTENANCE AND EFFICIENT OPERATION.—

"(1) IN GENERAL.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

"(2) DISPOSAL OF CERTAIN HOUSING.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

"(c) INSURANCE COVERAGE.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

"(d) ELIGIBILITY FOR ADMISSION.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

"(e) MANAGEMENT AND MAINTENANCE.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

"SEC. 812. TYPES OF INVESTMENTS.

"(a) IN GENERAL.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

"(1) the discretion to use grant amounts for affordable housing activities through the use of—

"(A) equity investments;

"(B) interest-bearing loans or advances;

"(C) noninterest-bearing loans or advances;

"(D) interest subsidies;

"(E) the leveraging of private investments; or

"(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

``(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

``(b) Investments.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

“SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

``(a) In General.—Housing shall qualify for affordable housing for purposes of this title only if—

``(1) each dwelling unit in the housing—

``(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

``(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

``(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

``(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

``(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

``(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

``(I) avoid termination of low-income affordability, in the case of foreclosure; or

``(II) transfer ownership in lieu of foreclosure; and

``(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

``(b) Exception.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

“SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

``(a) Leases.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

``(1) do not contain unreasonable terms and conditions;

``(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

``(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

``(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

``(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

``(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

``(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

``(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

``(C) is criminal activity (including drug-related criminal activity) on or off the premises.

``(b) Tenant or Homebuyer Selection.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

``(1) are consistent with the purpose of providing housing for low-income families;

``(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

``(3) provide for—

``(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

``(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

“SEC. 815. REPAYMENT.

``If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

``(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

``(2) require repayment to the Secretary of any amount equal to those grant amounts.

“SEC. 816. ANNUAL ALLOCATION.

``For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

“SEC. 817. ALLOCATION FORMULA.

``(a) Establishment.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

``(b) Factors for Determination of Need.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

``(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

``(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

``(3) any other objectively measurable conditions that the Secretary and the Director may specify.

``(c) Other Factors for Consideration.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

``(1) geographic distribution within Hawaiian Home Lands; and

``(2) technical capacity.

``(d) Effective Date.—This section shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

“SEC. 818. REMEDIES FOR NONCOMPLIANCE.

``(a) Actions by Secretary Affecting Grant Amounts.—

``(1) In general.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

``(A) terminate payments under this title to the Department;

``(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

``(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

``(2) Actions.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

``(b) Noncompliance Because of a Technical Incapacity.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

``(1) is not a pattern or practice of activities constituting willful noncompliance; and

``(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

``(c) Referral for Civil Action.—

``(1) Authority.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

``(2) Civil action.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

``(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

"(B) for mandatory or injunctive relief.

"(d) REVIEW.—

"(1) IN GENERAL.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

"(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

"(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

"(2) PROCEDURE.—

"(A) IN GENERAL.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

"(B) OBJECTIONS.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

"(3) DISPOSITION.—

"(A) COURT PROCEEDINGS.—

"(i) JURISDICTION OF COURT.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

"(ii) FINDINGS OF FACT.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

"(iii) ADDITION.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

"(B) SECRETARY.—

"(i) IN GENERAL.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

"(I) may—

"(aa) modify the findings of fact of the Secretary; or

"(bb) make new findings; and

"(II) shall file—

"(aa) such modified or new findings; and

"(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

"(ii) FINDINGS.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

"(I) supported by substantial evidence on the record; and

"(II) considered as a whole.

"(4) FINALITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

"(i) the jurisdiction of the court shall be exclusive; and

"(ii) the judgment of the court shall be final.

"(B) REVIEW BY SUPREME COURT.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

"SEC. 819. MONITORING OF COMPLIANCE.

"(a) ENFORCEABLE AGREEMENTS.—

"(1) IN GENERAL.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

"(2) MEASURES.—The measures referred to in paragraph (1) shall provide for—

"(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

"(B) remedies for breach of the provisions referred to in paragraph (1).

"(b) PERIODIC MONITORING.—

"(1) IN GENERAL.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

"(2) REVIEW.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

"(3) RESULTS.—The results of each review under paragraph (1) shall be—

"(A) included in a performance report of the Director submitted to the Secretary under section 820; and

"(B) made available to the public.

"(c) PERFORMANCE MEASURES.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

"SEC. 820. PERFORMANCE REPORTS.

"(a) REQUIREMENT.—For each fiscal year, the Director shall—

"(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

"(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

"(b) CONTENT.—Each report submitted under this section for a fiscal year shall—

"(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

"(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

"(3) indicate the programmatic accomplishments of the Department; and

"(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

"(c) SUBMISSIONS.—The Secretary shall—

"(1) establish a date for submission of each report under this section;

"(2) review each such report; and

"(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

"(d) PUBLIC AVAILABILITY.—

"(1) COMMENTS BY BENEFICIARIES.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

"(2) SUMMARY OF COMMENTS.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

"SEC. 821. REVIEW AND AUDIT BY SECRETARY.

"(a) ANNUAL REVIEW.—

"(1) IN GENERAL.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

"(A) the Director has—

"(i) carried out eligible activities under this title in a timely manner;

"(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

"(iii) a continuing capacity to carry out the eligible activities in a timely manner;

"(B) the Director has complied with the housing plan submitted by the Director under section 803; and

"(C) the performance reports of the Department under section 821 are accurate.

"(2) ONSITE VISITS.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

"(b) REPORT BY SECRETARY.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

"(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

"SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

"To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

"SEC. 823. REPORTS TO CONGRESS.

"(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

"(1) a description of the progress made in accomplishing the objectives of this title;

"(2) a summary of the use of funds available under this title during the preceding fiscal year; and

"(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

"(b) RELATED REPORTS.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

"SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.''.

SEC. 514. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

"SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

``(a) Definitions.—In this section:

``(1) Department of Hawaiian Home Lands.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

``(2) Eligible entity.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

``(3) Family.—The term 'family' means one or more persons maintaining a household, as the Secretary shall by regulation provide.

``(4) Guarantee fund.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

``(5) Hawaiian home lands.—The term 'Hawaiian Home Lands' means lands that—

``(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

``(B) are acquired pursuant to that Act.

``(6) Native hawaiian.—The term 'Native Hawaiian' means any individual who is—

``(A) a citizen of the United States; and

``(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

``(i) genealogical records;

``(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

``(iii) birth records of the State of Hawaii.

``(7) Office of hawaiian affairs.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

``(b) Authority.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

``(c) Eligible Loans.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

``(1) Eligible borrowers.—The loan is made only to a borrower who is—

``(A) a Native Hawaiian family;

``(B) the Department of Hawaiian Home Lands;

``(C) the Office of Hawaiian Affairs; or

``(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

``(2) Eligible housing.—

``(A) In general.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

``(B) Housing plan.—A housing plan described in this subparagraph is a housing plan that—

``(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

``(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

``(3) Security.—The loan may be secured by any collateral authorized under applicable Federal or State law.

``(4) Lenders.—

``(A) In general.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

``(B) Approval.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

``(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

``(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

``(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

``(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

``(5) Terms.—The loan shall—

``(A) be made for a term not exceeding 30 years;

``(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

``(C) involve a principal obligation not exceeding—

``(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

``(ii) the amount approved by the Secretary under this section; and

``(D) involve a payment on account of the property—

``(i) in cash or its equivalent; or

``(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

``(d) Certificate of Guarantee.—

``(1) Approval process.—

``(A) In general.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

``(B) Approval.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

``(2) Standard for approval.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

``(3) Effect.—

``(A) In general.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

``(B) Evidence.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

``(C) Full faith and credit.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

``(4) Fraud and misrepresentation.—This subsection may not be construed—

``(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

``(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

``(e) Guarantee Fee.—

``(1) In general.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

``(2) Payment.—The fee under this subsection shall—

``(A) be paid by the lender at time of issuance of the guarantee; and

``(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

``(3) Deposit.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

``(f) Liability Under Guarantee.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

``(g) Transfer and Assumption.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

``(h) Disqualification of Lenders and Civil Money Penalties.—

``(1) In general.—

``(A) Grounds for action.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

``(i) has failed—

``(I) to maintain adequate accounting records;

``(II) to service adequately loans guaranteed under this section; or

``(III) to exercise proper credit or underwriting judgment; or

``(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

“(B) Actions.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

“(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

“(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

“(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

“(2) Civil money penalties for intentional violations.—

“(A) In general.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

“(i) to maintain adequate accounting records;

“(ii) to adequately service loans guaranteed under this section; or

“(iii) to exercise proper credit or underwriting judgment.

“(B) Penalties.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

“(3) Payment on loans made in good faith.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

“(i) Payment Under Guarantee.—

“(1) Lender options.—

“(A) In general.—

“(i) Notification.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

“(ii) Payment.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in one of the following manners:

“(I) Foreclosure.—

“(aa) In general.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

“(bb) Payment.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

“(cc) Subrogation.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(II) No foreclosure.—

“(aa) In general.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

“(bb) Payment.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

“(cc) Subrogation.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

“(B) Requirements.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

“(2) Limitations on liquidation.—

“(A) In general.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

“(B) Limitation.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

“(j) Hawaiian Housing Loan Guarantee Fund.—

“(1) Establishment.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

“(2) Credits.—The Guarantee Fund shall be credited with—

“(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

“(B) any amounts appropriated pursuant to paragraph (7);

“(C) any guarantee fees collected under subsection (d); and

“(D) any interest or earnings on amounts invested under paragraph (4).

“(3) Use.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

“(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

“(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

“(C) acquiring such security property at foreclosure sales or otherwise;

“(D) paying administrative expenses in connection with this section; and

“(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

“(4) Investment.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

“(5) Limitation on commitments to guarantee loans and mortgages.—

“(A) Requirement of appropriations.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

“(B) Limitations on costs of guarantees.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

“(C) Limitation on outstanding aggregate principal amount.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

“(6) Liabilities.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

“(7) Authorization of appropriations.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

“(k) Requirements for Standard Housing.—

“(1) In general.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

“(2) Standards.—The standards referred to in paragraph (1) shall—

“(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

“(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

“(i) be decent, safe, sanitary, and modest in size and design;

“(ii) conform with applicable general construction standards for the region in which the housing is located;

“(iii) contain a plumbing system that—

“(I) uses a properly installed system of piping;

“(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

“(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

“(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

"(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

"(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f-4), unless the Secretary determines that the requirements are not applicable.

"(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.".

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Manufactured Housing Improvement Act of 2000".

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 602. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

"SEC. 602. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

"(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

"(b) PURPOSES.—The purposes of this title are—

"(1) to protect the quality, durability, safety, and affordability of manufactured homes;

"(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

"(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

"(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

"(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

"(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

"(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

"(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.".

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking "dealer" and inserting "retailer";

(2) in paragraph (12), by striking "and" at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

"(15) 'consensus committee' means the committee established under section 604(a)(3);

"(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

"(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

"(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

"(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

"(20) 'monitoring' means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations promulgated under this title, giving due consideration to the recommendations of the consensus committee under section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

"(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.".

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking "dealer" each place it appears and inserting "retailer";

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking "dealer" each place it appears and inserting "retailer";

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking "dealer" and inserting "retailer";

(B) in subsection (b)(3), by striking "dealer or dealers" and inserting "retailer or retailers"; and

(C) in subsections (d) and (f), by striking "dealers" each place it appears and inserting "retailers";

(4) in section 616 (42 U.S.C. 5415), by striking "dealer" and inserting "retailer"; and

(5) in section 623(c)(9), by striking "dealers" and inserting "retailers".

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

"(A) shall—

"(i) be reasonable and practical;

"(ii) meet high standards of protection consistent with the purposes of this title; and

"(iii) be performance-based and objectively stated, unless clearly inappropriate; and

"(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

"(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

"(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

"(i) terminate on the date on which a contract is entered into under subparagraph (B); and

"(ii) require the administering organization to—

"(I) recommend the initial members of the consensus committee under paragraph (3);

"(II) administer the consensus standards development process until the termination of that agreement; and

"(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

"(B) COMPETITIVELY PROCURED CONTRACT.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

"(C) PERFORMANCE REVIEW.—The Secretary—

"(i) shall periodically review the performance of the administering organization; and

"(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

"(3) CONSENSUS COMMITTEE.—

"(A) PURPOSE.—There is established a committee to be known as the 'consensus committee', which shall, in accordance with this title—

"(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

"(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);

"(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation; and

"(iv) be deemed to be an advisory committee not composed of Federal employees.

"(B) MEMBERSHIP.—The consensus committee shall be composed of—

"(i) 21 voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

"(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

"(C) DISAPPROVAL.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

"(D) SELECTION PROCEDURES AND REQUIREMENTS.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

"(i) PRODUCERS.—Seven producers or retailers of manufactured housing.

"(ii) USERS.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

"(iii) GENERAL INTEREST AND PUBLIC OFFICIALS.—Seven general interest and public official members.

"(E) BALANCING OF INTERESTS.—

"(i) IN GENERAL.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

"(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

"(II) may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

"(ii) DOMINANCE DEFINED.—In this subparagraph, the term 'dominance' means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

"(F) ADDITIONAL QUALIFICATIONS.—

"(i) FINANCIAL INDEPENDENCE.—No individual appointed under subparagraph (D)(ii) shall have, and 3 of the individuals appointed under subparagraph (D)(iii) shall not have—

"(I) a significant financial interest in any segment of the manufactured housing industry; or

"(II) a significant relationship to any person engaged in the manufactured housing industry.

"(ii) POST-EMPLOYMENT BAN.—Each individual described in clause (i) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the 1-year following, the membership of the individual on the consensus committee.

"(G) MEETINGS.—

"(i) NOTICE; OPEN TO PUBLIC.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

"(ii) REIMBURSEMENT.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

"(H) ADMINISTRATION.—The consensus committee and the administering organization shall—

"(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

"(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

"(I) STAFF AND TECHNICAL SUPPORT.—The administering organization shall, upon the request of the consensus committee—

"(i) provide reasonable staff resources to the consensus committee; and

"(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

"(I) the support is necessary to ensure the informed participation of the consensus committee members; and

"(II) the costs of providing the support are reasonable.

"(J) DATE OF INITIAL APPOINTMENTS.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which a contractual agreement under paragraph (2)(A) is entered into with the administering organization.

"(4) REVISIONS OF STANDARDS.—

"(A) IN GENERAL.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

"(i) consider revisions to the Federal manufactured home construction and safety standards; and

"(ii) submit proposed revised standards, if approved in a vote of the consensus committee by ⅔ of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

"(B) PUBLICATION OF PROPOSED REVISED STANDARDS.—

"(i) PUBLICATION BY SECRETARY.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, cause such proposed revised standard to be published in the Federal Register for notice and comment in accordance with section 553 of title 5, United States Code. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard in accordance with such section 553 and any such comments shall be submitted directly to the consensus committee, without delay.

"(ii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

"(C) PRESENTATION OF PUBLIC COMMENTS; PUBLICATION OF RECOMMENDED REVISIONS.—

"(i) PRESENTATION.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

"(ii) PUBLICATION BY THE SECRETARY.—The consensus committee shall provide to the Secretary any revision proposed by the consensus committee, which the Secretary shall, not later than 30 calendar days after receipt, cause to be published in the Federal Register a notice of the recommended revisions of the consensus committee to the standards, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

"(iii) PUBLICATION OF REJECTED PROPOSED REVISED STANDARDS.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

"(5) REVIEW BY THE SECRETARY.—

"(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

"(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

"(C) PROCEDURES.—If the Secretary—

"(i) adopts a standard recommended by the consensus committee, the Secretary shall—

"(I) issue a final order without further rulemaking; and

"(II) cause the final order to be published in the Federal Register;

"(ii) determines that any standard should be rejected, the Secretary shall—

"(I) reject the standard; and

"(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

"(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

"(I) cause to be published in the Federal Register the proposed modified standard, together with an explanation of the reason or reasons for the determination of the Secretary; and

"(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(D) Final order.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

"(6) Failure to act.—If the Secretary fails to take final action under paragraph (5) and to cause notice of the action to be published in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

"(A) the Secretary shall appear in person before the appropriate housing and appropriations subcommittees and committees of the House of Representatives and the Senate (referred to in this paragraph as the 'committees') on a date or dates to be specified by the committees, but in no event later than 30 days after the expiration of that 12-month period, and shall state before the committees the reasons for failing to take final action as required under paragraph (5); and

"(B) if the Secretary does not appear in person as required under subparagraph (A), the Secretary shall thereafter, and until such time as the Secretary does appear as required under subparagraph (A), be prohibited from expending any funds collected under authority of this title in an amount greater than that collected and expended in the fiscal year immediately preceding the date of enactment of the Manufactured Housing Improvement Act of 2000, indexed for inflation as determined by the Congressional Budget Office.

"(b) Other Orders.—

"(1) Regulations.—The Secretary may issue procedural and enforcement regulations and revisions to existing regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

"(2) Interpretative bulletins.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

"(3) Review by consensus committee.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

"(A) the Secretary shall—

"(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

"(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

"(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

"(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

"(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments, along with the Secretary's response thereto, to be published in the Federal Register; and

"(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(4) Required action.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

"(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

"(B) reject the proposed regulation or interpretative bulletin and—

"(i) provide to the consensus committee a written explanation of the reasons for rejection; and

"(ii) cause to be published in the Federal Register the rejected proposed regulation or interpretive bulletin, the reasons for rejection, and any recommended modifications set forth.

"(5) Authority to act and emergency.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency that jeopardizes the public health or safety, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

"(A) provides to the consensus committee a written description and sets forth the reasons why action is necessary and all supporting documentation; and

"(B) issues the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code, and causes the order to be published in the Federal Register.

"(6) Changes.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.

"(7) Transition.—Until the date on which the consensus committee is appointed pursuant to section 604(a)(3), the Secretary may issue proposed orders, pursuant to notice and comment in accordance with section 553 of title 5, United States Code, that are not developed under the procedures set forth in this section for new and revised standards.";

(2) in subsection (d), by adding at the end the following: "Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.";

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

"(e) Considerations in Establishing and Interpreting Standards and Regulations.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—";

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking "subsection (f)" and inserting "subsection (e)"; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) In General.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

"SEC. 605. MANUFACTURED HOME INSTALLATION.

"(a) Provision of Installation Design and Instructions.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

"(b) Model Manufactured Home Installation Standards.—

"(1) Proposed model standards.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

"(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

"(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

"(2) Establishment of model standards.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

"(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

"(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

"(3) Factors for consideration.—

"(A) Consensus committee.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

"(B) Secretary.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

"(4) Issuance.—The model manufactured home installation standards shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

“(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

“(2) INSTALLATION STANDARDS.—

“(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

“(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

“(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

“(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

“(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

“(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

“(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

“(B) the training and licensing of manufactured home installers; and

“(C) inspection of the installation of manufactured homes.”.

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

“(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);”.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting “to the Secretary” after “submit”; and

(B) by adding at the end the following: “The Secretary shall submit such cost and other information to the consensus committee for evaluation.”;

(2) in subsection (d), by inserting “, the consensus committee,” after “public”; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

“(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.”.

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

“(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term ‘government-sponsored housing entities’ means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

“(2) FHA MANUFACTURED HOME LOAN.—The term ‘FHA manufactured home loan’ means a loan that—

“(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

“(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.”.

SEC. 608. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

(1) in paragraph (5), by striking “or” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.”.

SEC. 609. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

“SEC. 620. AUTHORITY TO COLLECT FEE.

“(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

“(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

“(A) conducting inspections and monitoring;

“(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

“(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

“(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

“(E) administering the consensus committee as set forth in section 604;

“(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

“(G) the administration and enforcement of the installation standards authorized by section 605 in States in which the Secretary is required to implement an installation program after the expiration of the 5-year period set forth in section 605(c)(2)(B), and the administration and enforcement of a dispute resolution program described in section 623(c)(12) in States in which the Secretary is required to implement such a program after the expiration of the 5-year period set forth in section 623(g)(2); and

“(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

“(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

“(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

“(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

"(1) as specifically authorized in advance in an annual appropriations Act; and

"(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

"(e) APPROPRIATION AND DEPOSIT OF FEES.—

"(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Manufactured Housing Fees Trust Fund' for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

"(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

"(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.".

SEC. 610. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by the preceding provisions of this title) the following:

"(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and"; and

(2) by adding at the end the following:

"(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

"(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection. The order establishing the dispute resolution program shall be issued after notice and opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

"(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.".

SEC. 611. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 612. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 613. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

SEC. 701. GUARANTEES FOR REFINANCING OF RURAL HOUSING LOANS.

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) GUARANTEES FOR REFINANCING LOANS.—

"(A) IN GENERAL.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts and subject to subparagraph (F), guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the requirements of this paragraph.

"(B) INTEREST RATE.—To be eligible for a guarantee under this paragraph, the refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(C) SECURITY.—To be eligible for a guarantee under this paragraph, the refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(D) AMOUNT.—To be eligible for a guarantee under this paragraph, the principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 200 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

"(E) OTHER REQUIREMENTS.—The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this paragraph, and no other provisions of paragraphs (1) through (12) shall apply to such loans.

"(F) AUTHORITY TO ESTABLISH LIMITATION.—The Secretary may establish limitations on the number of loans guaranteed under this paragraph, which shall be based on market conditions and other factors as the Secretary considers appropriate.".

SEC. 702. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking "$2,500" and inserting "$7,500".

SEC. 703. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking "nonprofit limited partnership" and inserting "limited partnership".

SEC. 704. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

"(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

"(2) RECORD RETENTION REQUIREMENTS.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

"(aa) DOUBLE DAMAGES FOR UNAUTHORIZED USE OF HOUSING PROJECTS ASSETS AND INCOME.—

"(1) ACTION TO RECOVER ASSETS OR INCOME.—

"(A) IN GENERAL.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

"(B) IMPROPER DOCUMENTATION.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

"(C) DEFINITION.—For the purposes of this subsection, the term 'person' means—

"(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

"(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; and

"(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

"(2) AMOUNT RECOVERABLE.—

"(A) IN GENERAL.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

"(B) APPLICATION OF RECOVERED FUNDS.—Notwithstanding any other provision of law, the Secretary may use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

"(3) TIME LIMITATION.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

"(4) CONTINUED AVAILABILITY OF OTHER REMEDIES.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.".

SEC. 705. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking "1990 decennial census" and inserting "1990 or 2000 decennial census"; and

(2) by striking "year 2000" and inserting "year 2010".

SEC. 706. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking "project" and inserting "tenant or unit".

SEC. 707. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p-2) is amended—

(1) in subsection (c), by inserting "an Indian tribe," after "thereof,";

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

"(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to exceed 40 years with a final payment of the balance due at the end of the loan term;";

(3) in subsection (i)(2), by striking "(A) conveyance to the Secretary" and all that follows through "(C) assignment" and inserting "(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment";

(4) in subsection (s), by adding at the end the following new subsection:

"(4) INDIAN TRIBE.—The term 'Indian tribe' means—

"(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation, as defined by or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.); or

"(B) any entity established by the governing body of an Indian tribe described in subparagraph (A) for the purpose of financing economic development.";

(5) in subsection (t), by inserting before the period at the end the following: "to provide guarantees under this section for eligible loans having an aggregate principal amount of $500,000,000";

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively; and

(8) by adding at the end the following new subsections:

"(u) FEE AUTHORITY.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

"(v) DEFAULTS OF LOANS SECURED BY RESERVATION LANDS.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe's reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.".

SEC. 708. ENFORCEMENT PROVISIONS.

(a) IN GENERAL.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

"SEC. 543. ENFORCEMENT PROVISIONS.

"(a) EQUITY SKIMMING.—

"(1) CRIMINAL PENALTY.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) CIVIL SANCTIONS.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than $25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

"(b) CIVIL MONETARY PENALTIES.—

"(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

"(A) submitting information to the Secretary that is false;

"(B) providing the Secretary with false certifications;

"(C) failing to submit information requested by the Secretary in a timely manner;

"(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

"(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

"(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

"(2) CONDITIONS FOR RENEWAL OR EXTENSION.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

"(3) AMOUNT.—

"(A) IN GENERAL.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

"(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

"(ii) $50,000 per violation.

"(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

"(i) the gravity of the offense;

"(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

"(iii) the ability of the violator to pay the penalty;

"(iv) any injury to tenants;

"(v) any injury to the public;

"(vi) any benefits received by the violator as a result of the violation;

"(vii) deterrence of future violations; and

"(viii) such other factors as the Secretary may establish by regulation.

"(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

"(5) REMEDIES FOR NONCOMPLIANCE.—

"(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

"(B) Reviewability of Determination.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.".

(b) Conforming Amendment.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 709. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) Money Laundering.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming)," after "coupons having a value of not less than $5,000,".

(b) Obstruction of Federal Audits.—Section 1516(a) of title 18, United States Code, is amended by inserting "or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949," before "shall be fined under this title".

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

SEC. 801. SHORT TITLE.

This title may be cited as the "Affordable Housing for Seniors and Families Act".

SEC. 802. REGULATIONS.

The Secretary of Housing and Urban Development (referred to in this title as the "Secretary") shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 803. EFFECTIVE DATE.

(a) In General.—The provisions of this title and the amendments made by this title are effective as of the date of enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) Effect of Regulatory Authority.—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

SEC. 811. PREPAYMENT AND REFINANCING.

(a) Approval of Prepayment of Debt.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) Sources of Refinancing.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) Use of Unexpended Amounts.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than 1 such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) Use of Certain Project Funds.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) Budget Act Compliance.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

SEC. 821. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

"(m) Authorization of Appropriations.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.".

SEC. 822. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

"(m) Authorization of Appropriations.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.".

SEC. 823. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2001, 2002, and 2003, for the following purposes:

(1) Grants for Service Coordinators for Certain Federally Assisted Multifamily Housing.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) Congregate Services for Federally Assisted Housing.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

SEC. 831. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following: "Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).".

SEC. 832. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended—

(1) by striking "non-Federal sources" and inserting "sources other than this section"; and

(2) by adding at the end the following new sentence: "Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.".

SEC. 833. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking "from the Resolution Trust Corporation"; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking "RTC Properties" and inserting "Acquisition"; and

(B) by striking "from the Resolution" and all that follows through "Insurance Act".

SEC. 834. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

"(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.".

SEC. 835. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: "Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.".

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

SEC. 841. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

"Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).".

SEC. 842. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended—

(1) by striking "non-Federal sources" and inserting "sources other than this section"; and

(2) by adding at the end the following new sentence: "Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.".

SEC. 843. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

"(4) TENANT-BASED RENTAL ASSISTANCE.—

"(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

"(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

"(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937."; and

(2) in subsection (l)(1)—

(A) by striking "subsection (b)" and inserting "subsection (b)(2)"; and

(B) by striking the last comma and all that follows through "subsection (n)".

SEC. 844. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

"(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.".

SEC. 845. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: "Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.".

PART 3—OTHER PROVISIONS

SEC. 851. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking "**MULTIFAMILY HOUSING ASSISTED UNDER NATIONAL HOUSING ACT**" and inserting "**CERTAIN FEDERALLY ASSISTED HOUSING**";

(2) in subsection (a)—

(A) in the first sentence, by striking "(E) and (F)" and inserting "(B), (C), (D), (E), (F), and (G)"; and

(B) in the last sentence—

(i) by striking "section 661" and inserting "section 671"; and

(ii) by adding at the end the following: "A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.";

(3) in subsection (d)—

(A) by striking "(E) or (F)" and inserting "(B), (C), (D), (E), (F), or (G)"; and

(B) by striking "section 661" and inserting "section 671"; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking "to carry out this subtitle pursuant to the amendments made by this subtitle" and inserting the following: "for providing service coordinators under this section";

(2) in subsection (d), by inserting ")" after "section 683(2)"; and

(3) by adding at the end following:

"(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.".

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking "and (F)" and inserting the following: "(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)".

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after "response," the following: "education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),"; and

(B) by adding at the end the following:

"(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

"(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

"(2) CONTENTS.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

"(A) informs such residents of—

"(i) the prevalence of telemarketing fraud targeted against elderly persons;

"(ii) how telemarketing fraud works;

"(iii) how to identify telemarketing fraud;

"(iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

"(v) how to report suspected attempts at telemarketing fraud; and

"(vi) their consumer protection rights under Federal law;

"(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

"(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.".

Subtitle D—Preservation of Affordable Housing Stock

SEC. 861. SECTION 236 ASSISTANCE.

(a) Extension of Authority to Retain Excess Charges.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended—

(1) in paragraph (2), by striking "Subject to paragraph (3) and notwithstanding" and inserting "Notwithstanding"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) Treatment of Excess Charges Previously Collected.—Any excess charges that a project owner may retain pursuant to the amendments made by subsections (b) and (c) of section 532 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1116) that have been collected by such owner since the date of the enactment of such Appropriations Act and that such owner has not remitted to the Secretary of Housing and Urban Development may be retained by such owner unless such Secretary otherwise provides. To the extent that a project owner has remitted such excess charges to the Secretary since such date of enactment, the Secretary may return to the relevant project owner any such excess charges remitted. Notwithstanding any other provision of law, amounts in the Rental Housing Assistance Fund, or heretofore or subsequently transferred from the Rental Housing Assistance Fund to the Flexible Subsidy Fund, shall be available to make such return of excess charges previously remitted to the Secretary, including the return of excess charges referred to in section 532(e) of such Appropriations Act.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

SEC. 901. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking "fifteen" and inserting "twenty".

SEC. 902. USE OF SECTION 8 VOUCHERS FOR OPT-OUTS.

(a) In General.—Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by striking "fiscal year 1996" and inserting "fiscal year 1994".

(b) Effective Date.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 903. MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS.

(a) In General.—Section 8(t)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(B)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by inserting before the semicolon at the end the following: ", except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families".

(b) Effective Date.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 904. USE OF SECTION 8 ASSISTANCE BY "GRAND-FAMILIES" TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following new paragraph:

"(6) Waiver of qualifying rent.—

"(A) In general.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

"(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

"(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

"(B) Eligible families.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.".

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

SEC. 1001. FEDERAL RESERVE BOARD BUILDINGS.

The 3rd undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended—

(1) by inserting after the 1st sentence the following new sentence: "After September 1, 2000, the Board may also use such assessments to acquire, in its own name, a site or building (in addition to the facilities existing on such date) to provide for the performance of the functions of the Board."; and

(2) in the sentences following the sentence added by the amendment made by paragraph (1) of this section—

(A) by striking "the site" and inserting "any site"; and

(B) by inserting "or buildings" after "building" each place such term appears.

SEC. 1002. POSITIONS OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) In General.—

(1) Positions at level I of the executive schedule.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Chairman, Board of Governors of the Federal Reserve System.".

(2) Positions at level II of the executive schedule.—Section 5313 of title 5, United States Code, is amended—

(A) by striking "Chairman, Board of Governors of the Federal Reserve System."; and

(B) by adding at the end the following:

"Members, Board of Governors of the Federal Reserve System.".

(3) Positions at level III of the executive schedule.—Section 5314 of title 5, United States Code, is amended by striking "Members, Board of Governors of the Federal Reserve System.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of enactment of this Act.

SEC. 1003. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) Repeal.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended by striking all after the first sentence.

(b) Appearances Before and Reports to the Congress.—

(1) In general.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 2A the following new section:

"SEC. 2B. APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.

"(a) Appearances Before the Congress.—

"(1) In general.—The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding—

"(A) the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and

"(B) economic developments and prospects for the future described in the report required in subsection (b).

"(2) Schedule.—The Chairman of the Board shall appear—

"(A) before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;

"(B) before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and

"(C) before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).

"(b) Congressional Report.—The Board shall, concurrent with each semi-annual hearing required by this section, submit a written report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, containing a discussion of the conduct of monetary policy and economic developments and prospects for the future, taking into account past and prospective developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.".

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Federal Reporting Act of 2000".

SEC. 1102. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3780).

(9) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o).

(10) Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(11) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(12) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2).

(13) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).

(14) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

(15) Paragraphs (1) and (2) of section 5302(c) of title 31, United States Code.

(16) Section 18(f)(7) of the Federal Trade Commission Act. (15 U.S.C. 57a(f)(7)).

(17) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(18) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(19) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(20) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i–3(g), and 635i–5(c)).

(21) Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)).

(22) Section 13 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2292).

(23) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)),

(24) Section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(25) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note).

(26) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(27) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(28) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(29) The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(30) The tenth undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(31) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(32) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(33) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(34) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

(35) Section 708(l) of the Defense Production Act of 1950 (50 U.S.C. Ap. 2158(l)).

(36) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 note).

(37) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

SEC. 1103. COORDINATION OF REPORTING REQUIREMENTS.

(a) Federal Deposit Insurance Corporation.—Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)) is amended by adding at the end the following new paragraph:

"(3) Coordination with other report requirements.—The report required under this subsection shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.".

(b) Board of Governors of the Federal Reserve System.—The 7th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by adding at the end the following new sentence: "The report required under this paragraph shall include the reports required under section 707 of the Equal Credit Opportunity Act, section 18(f)(7) of the Federal Trade Commission Act, section 114 of the Truth in Lending Act, and the 10th undesignated paragraph of this section.".

(c) Comptroller of the Currency.—Section 333 of the Revised Statutes of the United States (12 U.S.C. 14) is amended by adding at the end the following new sentence: "The report required under this section shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.".

(d) Export-Import Bank.—

(1) In general.— Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(A) by striking "a annual" and inserting "an annual"; and

(B) by adding at the end the following new sentence: "The annual report required under this subparagraph shall include the report required under section 10(g).".

(2) Technical and conforming amendment.—Section 10(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(g)(1)) is amended—

(A) by striking "On or" and all that follows through "the Bank" and inserting "The Bank"; and

(B) by striking "a report" and inserting "an annual report".

(e) Department of Housing and Urban Development.—Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536) is amended by adding at the end the following new sentence: "The report required under this section shall include the reports required under paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968, the reports required under subsections (a) and (b) of section 1061 of the Housing and Community Development Act of 1992, the report required under section 802 of the Housing Act of 1954, and the report required under section 4(e)(2) of this Act.".

(f) Federal Housing Administration.—Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992, is amended by adding at the end the following new sentence:

"The report required under this subsection shall include the report required under section 540(c) and the report required under section 205(g).".

(g) International Financial Institutions Act.—Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)) is amended by striking "Not later" and all that follows through "quarterly" and inserting "The Secretary of the Treasury shall report annually".

SEC. 1104. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) Export-Import Bank.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) in section 2(b)(1)(D)—

(A) by striking "(i)"; and

(B) by striking clause (ii);

(2) in section 2(b)(8), by striking the last sentence;

(3) in section 6(b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in section 8, by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) Federal Deposit Insurance Corporation.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

TITLE XII—FINANCIAL REGULATORY RELIEF

SEC. 1200. SHORT TITLE.

This title may be cited as the "Financial Regulatory Relief and Economic Efficiency Act of 2000".

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

SEC. 1201. REPEAL OF SAVINGS ASSOCIATION LIQUIDITY PROVISION.

(a) Repeal of Liquidity Provision.—Section 6 of the Home Owners' Loan Act (12 U.S.C. 1465) is hereby repealed.

(b) Conforming Amendments.—

(1) Section 5.—Section 5(c)(1)(M) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)(M)) is amended to read as follows:

"(M) Liquidity investments.—Investments (other than equity investments), identified by the Director, for liquidity purposes, including cash, funds on deposit at a Federal reserve bank or a Federal home loan bank, or bankers' acceptances.".

(2) Section 10.—Section 10(m)(4)(B)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) is amended by inserting "as in effect on the day before the date of the enactment of the Financial Regulatory Relief and Economic Efficiency Act of 2000." after "Loan Act,".

SEC. 1202. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—

(1) by inserting ", except with the prior written approval of the Director," after "or to retain"; and

(2) by striking "so acquire or retain" and inserting "acquire or retain, and the Director may not authorize acquisition or retention of,".

SEC. 1203. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is hereby repealed.

SEC. 1204. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(1) by redesignating section 5 as section 7; and

(2) by inserting after section 4 the following new section:

"SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

"(a) In General.—A national bank may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such bank owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or of a company that will, upon consummation of such reorganization, become a bank holding company.

"(b) Reorganization Plan.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

"(1) specifies the manner in which the reorganization shall be carried out;

"(2) is approved by a majority of the entire board of directors of the national bank;

"(3) specifies—

"(A) the amount of cash or securities of the bank holding company, or both, or other consideration to be paid to the shareholders of the reorganizing bank in exchange for their shares of stock of the bank;

"(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

"(C) the manner in which the exchange will be carried out; and

"(4) is submitted to the shareholders of the reorganizing bank at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

"(c) Rights of Dissenting Shareholders.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the bank who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

"(d) Effect of Reorganization.—The corporate existence of a national bank that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.

"(e) Approval Under the Bank Holding Company Act.—This section does not affect in any way the applicability of the Bank Holding Company Act of 1956 to a transaction described in subsection (a).".

SEC. 1205. NATIONAL BANK DIRECTORS.

(a) Amendments to the Revised Statutes.—Section 5145 of the Revised Statutes of the United States (12 U.S.C. 71) is amended—

(1) by striking "for one year" and inserting "for a period of not more than 3 years"; and

(2) by adding at the end the following: "In accordance with regulations issued by the Comptroller of the Currency, a national bank may adopt bylaws that provide for staggering the terms of its directors.".

(b) Amendment to the Banking Act of 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period ", except that the Comptroller of the Currency may, by regulation or order, exempt a national bank from the 25-member limit established by this section".

SEC. 1206. AMENDMENT TO NATIONAL BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by this title, the following new section:

"SEC. 6. MERGERS AND CONSOLIDATIONS WITH SUBSIDIARIES AND NONBANK AFFILIATES.

"(a) In General.—Upon the approval of the Comptroller, a national bank may merge with 1 or more of its nonbank subsidiaries or affiliates.

"(b) Scope.—Nothing in this section shall be construed—

"(1) to affect the applicability of section 18(c) of the Federal Deposit Insurance Act; or

"(2) to grant a national bank any power or authority that is not permissible for a national bank under other applicable provisions of law.

"(c) Regulations.—The Comptroller shall promulgate regulations to implement this section.".

SEC. 1207. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATIONS.

(a) Amendment to the Revised Statutes.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

"SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

"(a) General Prohibition.—No national bank shall make any loan or discount on the security of the shares of its own capital stock.

"(b) Exclusion.—For purposes of this section, a national bank shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.".

(b) Amendments to the Federal Deposit Insurance Act.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) by redesignating subsection (t), as added by section 730 of the Gramm-Leach-Bliley Act (Public Law 106–102; 113 Stat. 1476), as subsection (u); and

(2) by adding at the end the following new subsection:

"(v) Loans by Insured Institutions on Their Own Stock.—

"(1) General prohibition.—No insured depository institution may make any loan or discount on the security of the shares of its own capital stock.

"(2) Exclusion.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.".

SEC. 1208. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 475 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) in subsection (a)(1), by inserting "(or such other percentage exceeding 90 percent but not exceeding 100 percent, as may be determined under subsection (b))" after "90 percent";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"(b) Authority To Determine Percentage by Which To Discount Value of Servicing Rights.—The appropriate Federal banking agencies may allow readily marketable purchased mortgage servicing rights to be valued at more than 90 percent of their fair market value but at not more than 100 percent of such value, if such agencies jointly make a finding that such valuation would not have an adverse effect on the deposit insurance funds or the safety and soundness of insured depository institutions."; and

(3) in subsection (c), by striking "and" and inserting ", 'deposit insurance fund', and".

Subtitle B—Streamlining Activities of Institutions

SEC. 1211. CALL REPORT SIMPLIFICATION.

(a) Modernization of Call Report Filing and Disclosure System.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than 1 year after the date of enactment of this Act, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

(b) Uniform Reports and Simplification of Instructions.—The Federal banking agencies shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) Review of Call Report Schedule.—Each Federal banking agency shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

(d) Definition.—In this section, the term "Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

Subtitle C—Streamlining Agency Actions

SEC. 1221. ELIMINATION OF DUPLICATIVE DISCLOSURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) is amended by striking subparagraph (D).

SEC. 1222. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended by adding at the end the following new subparagraph:

"(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish a single uniform interest rate for or to make payments of post insolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.".

SEC. 1223. REPEAL OF REPORTING REQUIREMENT ON DIFFERENCES IN ACCOUNTING STANDARDS.

Section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)) is amended—

(1) in paragraph (1), by striking "Each" and all that follows through "a report" and inserting "The Federal banking agencies shall jointly submit an annual report"; and

(2) by inserting "any" before "such agency" each place that term appears.

SEC. 1224. EXTENSION OF TIME.

Section 6(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(1)) is amended by striking "1 year" and inserting "18 months".

Subtitle D—Technical Corrections

SEC. 1231. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

(a) IN GENERAL.—Section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496) is amended—

(1) by striking "7(b)(2)(C)" and inserting "7(b)(2)(E)"; and

(2) by striking ", as redesignated by section 2704(d)(6) of this subtitle".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496).

SEC. 1232. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking "subsection (d) of section 4" and inserting "subsection (c) or (d) of section 4".

SEC. 1233. AMENDMENTS TO THE REVISED STATUTES OF THE UNITED STATES.

(a) WAIVER OF CITIZENSHIP REQUIREMENT FOR NATIONAL BANK DIRECTORS.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by inserting before the period ", and waive the requirement of citizenship in the case of not more than a minority of the total number of directors".

(b) TECHNICAL AMENDMENT TO THE REVISED STATUTES.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking "to be interested in any association issuing national currency under the laws of the United States" and inserting "to hold an interest in any national bank".

(c) REPEAL OF UNNECESSARY CAPITAL AND SURPLUS REQUIREMENT.—Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is hereby repealed.

SEC. 1234. CONFORMING CHANGE TO THE INTERNATIONAL BANKING ACT OF 1978.

Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended in the second sentence, by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

□ 1045

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before the House today, the American Homeownership and Economic Opportunity Act, combines a number of important banking and housing proposals that were approved by the House on a bipartisan basis earlier in the session.

We are bringing this legislation back to the floor after a consultation with the other body with the expectation that this bill will eventually be enacted into law.

With regard to housing, the legislation draws substantially from H.R. 1776, the American Homeownership and Economic Opportunity Act, which passed the House by a vote of 417 to 8 on April 6.

Mr. Speaker, there are also provisions drawn from H.R. 202, the Preserving Affordable Housing for Seniors and Vulnerable Families into the 21st Century Act, another bipartisan bill designed to help the elderly and individuals with disabilities.

Let me stress that the housing provisions of this bill are a testament to the extraordinary work of the gentleman from New York (Mr. LAZIO), the chairman of the Subcommittee on Housing and Community Opportunity. During the last 6 years, the gentleman from New York (Chairman LAZIO) has been a recognized leader in Congress on affordable housing and community renewal issues, and in particular, as the author and champion of the historic Public and Assisted Housing Reform Act enacted in the 105th Congress.

In my experience, there has been no greater subcommittee chairmanship than that of the gentleman from New York, and his work will make a great deal of difference in the everyday lives of low-income Americans for generations to come.

There is an also great debt of gratitude owed in this act to the gentlewoman from New Jersey (Mrs. ROUKEMA), particularly for those parts of the bill that deal with deregulation and certain aspects in the banking industry.

Finally, let me just stress that this bill contains some very important manufactured housing provisions. Manufactured housing is an important part of the American housing mosaic, and modernizing the reform and regulations governing manufactured housing is long overdue. It is critical for the economy to improve the quality and affordability of such housing in the context of maintaining consumer protection and safety.

There are a number of other features in the bill that other Members are going to address, but let me just conclude by thanking all Members for their help and participation in this bill.

In particular, I want to thank the gentleman from New York (Mr. LAFALCE) for his graciousness and thoughtfulness, and the gentleman from Massachusetts (Mr. FRANK) for a number of very thoughtful additions to this bill. I am very, very much in both of their debts.

Mr. Speaker, the bill before the House today, the American Homeownership and Economic Opportunity Act, combines a number of important banking and housing proposals that were approved by the House on a bipartisan basis earlier in this session. We are bringing this legislation back to the House after consultation with the other body, with the expectation that this bill will eventually be enacted into law.

With regard to housing, the legislation draws substantially from H.R. 1776, the "American Homeownership and Economic Opportunity Act," which passed the House by a vote of 417 to 8 on April 6, 2000. There are also provisions drawn from H.R. 202, the "Preserving Affordable Housing for Seniors and Vulnerable Families into the 21st Century Act," another bipartisan bill designed to help the elderly and individuals with disablilites with their housing needs which passed the House on September 27, 1999 by a vote of 405 to 5.

Let me stress that the housing provisions in this bill are a testament to the extraordinary work of the gentleman from New York, RICK LAZIO, the Chairman of the Housing Subcommittee. During the last 6 years, Chairman LAZIO has been the recognized leader in Congress on affordable housing and community renewal issues, in particular, as the author and champion of the historic public and assisted housing reform enacted in the 105th Congress. In my experience, there has been no greater Subcommittee chairmanship than that of RICK LAZIO, and his work will make a real difference in the everyday lives of low-income Americans for generations to come.

Today, affordable housing continues to be out of the reach for many Americans. A strong economy has created a dynamic where in many parts of the country the cost of real estate is rising faster than income levels.

Secondly, although interest rates are not as high as at other times in our history, an unprecedented differential has nevertheless come into being between inflation and long-term interest rates, making financing of a home purchase extremely difficult.

Included in our bill are innovative homeownership programs to empower low-income recipients of Section 8 housing assistance to apply that assistance towards buying a home. Provisions included in this bill from H.R. 202 will help the elderly and individuals with disabilities immensely, and assist the construction and financing of more facilities for these populations. The legislation helps Native Americans and Native Hawaiians, and contains many more provision that will improve our Nation's housing and increase homeownership opportunities.

Finally, the bill also contains important provisions modernizing the Federal manufacturing housing regulatory regime. Manufactured housing is an important part of America's housing mosaic. Modernizing the reform and regulations governing manufactured housing is long overdue. It is critical to the economy to improve the quality and affordability of such housing in the context of maintaining consumer protection and safety.

With regard to the banking provisions of the bill, the legislation includes several provisions that the House has previously approved this session in separate pieces of legislation, combined with non-controversial, bipartisanly-supported elements of a regulatory relief package. Many of these regulatory provisions were contained in H.R. 4364 of the 105th Congress which the House approved by voice vote two years ago, and were carried over this session in legislation introduced in the House by the gentlelady from New Jersey (Mrs. ROUKEMA), the distinguished chair of our Financial Institutions Subcommittee.

In this package we are also renewing, some with slight changes, reporting requirements by the Executive Branch and independent regulators in some 45 instances, as provided for in legislation passed by the House last year on a voice vote. Included is the semi-annual report to Congress of the Federal Reserve Board on the conduct of monetary policy.

While the reports being renewed are deemed important for the oversight work of the Banking Committee, I know of no more important oversight responsibility of the Congress than the review of the Fed's conduct of monetary policy.

With regard to the Fed, there is one other section of the bill that deserves note. This is a section that provides pay parity for Fed Governors and their Cabinet and sub-cabinet counterparts.

Let me conclude by thanking all of those Members and staff on both sides of the House who have participated in putting together the legislation before us today, and to thank in particular Mrs. ROUKEMA, Mr. BEREUTER, Mr. LAFALCE and Mr. FRANK who have contributed so much to all aspects of this bill.

Mr. Speaker, I include for the RECORD the following material regarding H.R. 5640.

The material referred to is as follows:

H.R. 5640—SECTION-BY-SECTION

Section 1. Short Title and Table of Contents.

States that the act may be cited as the "American Homeownership and Economic Opportunity Act of 2000."

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Section 101. Short title.

This title may be referred to as the "Housing Affordability Barrier Removal Act of 2000."

Section 102. Grants for regulatory barrier removal strategies.

Authorizes $15 million for FY 2001 through FY 2005 for grants to States, local governments, and eligible consortia for regulatory barrier removal strategies. This is reauthorization of the same amount under an already existing CDBG setaside (Section 107(a)(1)(H)). Grants provided for these purposes must be used in coordination with the local comprehensive housing affordability strategy ("CHAS").

Section 103. Regulatory barriers clearinghouse.

Creates within HUD's Office of Policy Development and Research a "Regulatory Barriers Clearinghouse" to collect and disseminate information on, among other things, the prevalence of regulatory barriers and their effects on availability of affordable housing, and successful barrier removal strategies.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Section 201. Home equity conversion mortgages.

Allows for the refinancing of home equity conversion mortgages (HECMs) for elderly homeowners. Gives the Secretary discretion to reduce the single premium payment to an amount as determined by an actuarial study, to be conducted by the Secretary within 180 days of enactment, and to credit the premium paid on the original loan. Authorizes the Secretary to establish a limit on origination fees that may be charged (which fees may be fully financed). Waives counseling requirements if the borrower has received counseling in the prior five years and the increase in the principal limit exceeds refinancing costs by an amount set by the Department; provides a disclosure under a refinanced mortgage of the total cost of refinancing and the principal limit increase.

In cases where the reverse mortgage proceeds are used for long-term care insurance contracts, a portion of those proceeds may be used for up-front costs, such as initial service, appraisal and inspection fees. Requires HUD to waive the up-front mortgage insurance premium in cases where reverse mortgage proceeds are used for costs of qualified long-term care insurance contract.

Directs the Department to conduct an actuarial study within 180 days of enactment of the effect creating a single national loan limit for HECM reverse mortgages.

Section 202. Assistant for self-help providers.

Reauthorizes the self-help housing for FY 2001. Allows projects within 5 or more units to use their funds over a 3-year period. Allows entities to advance themselves funds prior to completion of environmental reviews for purposes of land acquisition.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Section 301. Downpayment assistance.

Public Housing Authorities (PHAs) are authorized to provide down-payment assistance in the form of a single grant, in lieu of monthly assistance. Such down-payment assistance shall not exceed the total amount of monthly assistance received by the tenant for the first year of assistance. For FY 2000 and thereafter, assistance under this section shall be available to the extent that sums are appropriated.

Section 302. Pilot program for homeownership assistance for disabled families.

Adds a pilot program to demonstrate the use of tenant-based section 8 assistance (section 8 vouchers) for the purchase of a home that will be owned by 1 or more members of the disabled family and will be occupied by that family and meets certain requirements. Requirements include purchase of the property within three years of enactment of this Act; demonstrated income level from employment or other sources (including public assistance), that is not less than twice the Section 8 payment standard established by the PHA; participation in a housing counseling program provided by the PHA; and other requirements established by the PHA in accordance with requirements established by the Secretary of HUD.

Section 303. Funding for pilot program.

Authorizes such sums as may be appropriated for a grant program to supplement demonstration programs approved under the Section 8 homeownership demonstration program. The program has a 50% match requirement.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Section 401. Short title.

Provides that this title may be cited as the "Private Mortgage Insurance Technical Corrections and Clarification Act".

Section 402. Changes in amortization schedule.

Clarifies that private mortgage insurance (PMI) termination/cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule then in effect (the most recent calculation); treats a balloon mortgage like an ARM (uses most recent amortization schedule); bases cancellation/termination rights on modified terms if loan modification occurs.

Section 403. Deletion of ambiguous references to residential mortgages.

Clarifies that borrowers' PMI cancellation and termination rights apply only to mortgages created after the effective date of the legislation (one-year after the date of enactment).

Section 404. Cancellation rights after cancellation date.

Clarifies that the good payment history requirement in the bill is calculated as of the later of the cancellation date or, the date on which a borrower requests cancellation. Provides that if a borrower is not current on payments as of the termination date, but later becomes current, termination shall not take place until the first day of the following month (eliminates lender need to check and cancel PMI every day of the month). Clarifies that PMI cancellation or termination does not eliminate requirement to make PMI payments legitimately accrued prior to any cancellation or termination of PMI.

Section 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.

Adds provision clarifying cancellation and termination issues related to terms ambiguous in law, including "good payment history", "automatic termination" and "accrued obligation form premium payments". Clarifies that PMI cancellation rights exist on the cancellation date, or any later date, as long as the borrower complies with all cancellation requirements. Clarifies that borrower must be current on loan payments to exercise cancellation.

Section 406. Definitions.

Sets forth definitions of: (a) refinanced; (b) midpoint of the amortization period; (d) original value; and (e) principal residence.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

SUBTITLE A—NATIVE AMERICAN HOUSING

Section 501. Lands Title Report Commission.

Subject to amounts appropriated, creates an Indian Lands Title Report Commission to develop recommended approaches to improving how the Bureau of Indian Affairs (BIA) conducts title reviews in connection with the sale of Indian lands. Receipts of a certificate from BIA is a prerequisite to any sale transaction on Indian lands, and the current procedure is overly burdensome and presents a regulatory barrier to increasing homeownership on Indian lands.

The Commission is composed of 12 members with knowledge of Indian land title issues (4 appointed by the President, 4 by the President from recommendations made by the Chairman of the Senate Committee on

Banking, Housing and Urban Affairs Committee, and 4 by President from recommendations made by the Chairman of the House Committee on Banking and Financial Services). Authorized at $500,000.

Section 502. Loan guarantees.

Premamently authorizes the section 184 Loan Guarantee Program for Indian housing.

Section 503. Native American housing assistance.

Makes the following amendments to the Native American Housing and Self-Determination Act of 1996 (NAHASDA):

Restricts Secretary's authority to grant waiver of Indian housing plan requirements, upon noncompliance due to circumstances beyond the control of the Indian tribe, to a period of 90 days. Allows Secretary to waive requirement for a local cooperation agreement provided the recipient has made a good faith effort to comply and agrees to make payments in lieu of taxes to the jurisdiction.

Sets forth requirement for assistance to Indian families that are now low-income upon a showing of need. Eliminates separate Indian housing plan requirements for small Indian tribes.

Provides Secretary with authority to waive statutory requirements of environmental reviews upon a determination that failure to comply does not undermine goals of the National Environmental Policy Act, will not threaten the health or safety of the community, is the result of inadvertent error and can be corrected by the recipient of funding. The intent is to address problems resulting from procedural, rather than substantive, noncompliance.

Authorizes tribal housing entities to provide housing on Indian reservations to full-time law enforcement officers, sworn to implement the Federal, State, county, or tribal law.

Revises provisions regarding audits and reviews by the Secretary by making applicable the requirements of the Single Audit Act to tribal housing entities; allowing these housing entities to be treated as a non-Federal entities; and, permitting the Secretary to conduct audits. The audits will determine whether the grant recipient has carried out eligible activities in a timely manner; has met certification requirements; has an on going capacity to carry out eligible activities in a timely manner; and, has complied with the proposed housing plan.

Prescribes formula allocation for Indian housing authorities operating fewer than 250 units by requiring the amount of assistance provided to these tribes to be based on an average of their allocations from the prior five (5) fiscal years (fiscal years 1992 through 1997).

Amends hearing requirements to allow the Secretary to take immediate remedial action if the Secretary determines that the recipient has failed to comply substantially with any material provision of NAHASDA resulting in continued federal expenditures not authorized by law.

Upon noncompliance with the law due to technical incapacity, requires a recipient to enter into a "performance agreement" with the Secretary before the Secretary can provide technical assistance.

For section 8 vouchers currently being used by an Indian tribe, requires counting such vouchers under the NAHASDA block grant allocation formula to ensure that families currently participating in the Section 8 voucher program will continue to be funded.

Repeals requirement regarding the certification of compliance with subsidy layering requirements with respect to housing assisted with grant amounts provided under the Act.

SUBTITLE B—NATIVE HAWAIIAN HOUSING

Section 511. Short title.

Provides that the subtitle may be cited as the "Hawaiian Homelands Homeownership Act of 2000."

Section 512. Findings.

Finds that Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States, and that Congress finds it necessary to extend the Federal low-income housing assistance available under the Native American Housing and Self Determination Act of 1996 to those Native Hawaiians.

Section 513. Housing assistance.

Provides the Secretary of HUD with authority to establish a program for the provision of block grants for affordable housing activities for Native Hawaiians, within the Native American Housing Assistance and Self Determination Act of 1996. The Secretary is to be guided by the program requirements of titles I, II and IV of the Native American Housing Assistance and Self-Determination Act in the implementation of housing assistance programs for Native Hawaiians under this title. The Secretary may make exceptions to, or modifications of, program requirements as necessary and appropriate to meet the unique situation and housing needs of Native Hawaiians. Sets forth definitions, the requirements associated with housing plans, and other program requirements.

Section 514. Loan guarantees.

Provides for loan guarantees for Native Hawaiian Housing. Loans guaranteed by the Secretary pursuant to this title shall be in amounts not to exceed one hundred percent of the unpaid principal and interest that is due on an eligible loan. A loan is an eligible loan if that loan is made only to a borrower who is a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, or a private nonprofit organization experience in the planning and development of affordable housing for Native Hawaiians.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Section 601. Short Title References.

States that this title may be cited as the "Manufactured Housing Improvement Act of 2000."

Section 602. Findings and purposes.

Current law provisions are replaced with a more detailed statement of the original intent of Congress when it enacted the Federal Manufactured Home Construction and Safety Standards Act. Adds a consensus standards development process to the purpose of the act. Expresses the continuing need for affordability and the need for objective, performance-based standards, while emphasizing the need for consumer protection.

Section 603. Definitions.

Adds several definitions to Section 603 of current law concerning the consensus committee and the consensus standards development process (Section —4). Adds a definition for the monitoring function and related definitions for primary inspection agency, design approval inspection agency, and production inspection primary inspection agency duties, which had not been previously defined. The term "dealer" has been replaced throughout with the term "retailer."

Section 604. Federal manufactured home construction and safety standards.

Section 604 of current law (P.L. 93-383) is revised to establish a consensus committee that would submit recommendations to the Secretary of HUD for developing, amending and revising both the Federal Manufactured Home Construction and Safety Standards and the enforcement regulations. These recommendations would be published in the Federal Register for notice and comment prior to final adoption by the Secretary. The committee shall be composed of 21 voting members, appointed by the Secretary, based on recommendations of administering organizations, who shall be qualified individuals (7 producers of manufactured housing, 7 users of manufactured housing, and 7 general interest groups and/or public officials), and one additional non-voting member to represent the Secretary on the consensus committee. The committee would function in accordance with the American National Standards Institute (ANSI) procedures for the development and coordination of American National Standards.

If the Secretary fails to take final action on a proposed revised standard, the Secretary shall appear before the housing and appropriation subcommittees and committees of the House of Representatives and the Senate and state the reasons for failure.

Further, if the Secretary does not appear in person as required, the Secretary will be prohibited from expending funds collected under authority of this title in any amount greater than that collected and expended in the fiscal year preceding enactment of the Manufactured Housing Improvement Act of 2000.

The revisions to section 604 would also clarify the scope of federal preemption to ensure that disparate state or local requirements do not affect the uniformity and comprehensive nature of the federal standards. At the same time, the bill would reinforce the proposition that installation standards and regulations remain under the exclusive authority of each state.

Section 605. Abolishment of the National Manufactured Home Advisory Council; manufactured home installation.

Section 605 of existing law (P.L. 93-383) would be repealed, abolishing the National Manufactured Home Advisory Council, which is replaced by the consensus committee formed under Section —04. A new section 605 is added, entitled "Section 605. Manufactured Home Installation," which give states five years to adopt an installation program. During this five-year period, the Secretary of the Department of Housing and Urban Development (HUD) and the Consensus Committee are charged with constructing a "model" manufactured housing installation program. In states that choose not to adopt an installation program, HUD may contract with an appropriate agent in those states to implement the "model" installation program.

Section 606. Public information.

Amends current requirements governing cost information of any new standards submitted by manufacturers to the Secretary by requiring the Secretary to submit such cost information to the consensus committee for evaluation.

Section 607. Research, Testing, Development, and Training.

Requires HUD Secretary to conduct research, testing, development and training necessary to carry out the purposes of facilitating manufactured housing, including encouraging GSE's to develop and implement secondary market securitization programs for FHA manufactured home loans, and reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes.

Section 608. Prohibited Acts.

Requires continued compliance with the requirements for the installation program required by Section 605 in any State that has not adopted and implemented a State installation program.

Section 609. Fees.

Amends current section 620 by allowing the Secretary to use industry label fees for the administration of the consensus committee, hiring additional program staff, for additional travel funding, funding of a non-career administrator to oversee the program, and for HUD's efforts to promote the availability and affordability of manufactured housing. Prohibits the use of label fees to fund any activity not expressly authorized by the act, unless already engaged in by the Secretary, makes expenditure of label fees to annual Congressional appropriations review. Requires HUD to be accountable for any fee increase by requiring notice and comment rulemaking.

Section 610. Dispute Resolution.

In order to address problems that may arise with manufactured homes, Section 610 gives the states five years to adopt a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers regarding the responsibility for the correction or repair of defects in manufactured homes that are reported during the one year period beginning on the date of installation. This also requires state issuance of appropriate orders for the correction or repair of defects in the manufactured homes that are reported during the 1-year period beginning on the date of installation under the dispute resolution program. In states that choose not to adopt their own dispute program, HUD may contract with an appropriate agent in those states to implement a dispute resolution program.

Section 611. Elimination of annual report requirement.

Eliminates existing annual reporting by the Secretary to Congress on manufactured housing standards.

Section 612. Effective date.

Effective date of the legislation is the date of enactment, except that interpretive bulletins or orders published as a proposed rule prior to the date of enactment shall be unaffected.

Section 613. Savings provision.

Existing manufactured housing standards are maintained in effect until the effective date of the Federal manufactured home construction and safety standards pursuant to the amendments made by this act.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Section 701. Guarantees for refinancing of rural loans.

Amends Section 502(h) of the Housing Act of 1949 to allow borrowers of Rural Housing Service single-family loans to refinance an existing direct or guaranteed loan with a new guarantee loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced; the same home is used as security; the principal is equal to or lower than the refinanced amount plus costs, discount points not exceeding 2 basis points and, an origination fee by the Agriculture Secretary [HR 3834 (Andrews) Homeowners Financing Protection Act (passed the House under suspension on September 19, 2000).]

Section 702. Promissory note requirement under housing repair loan program.

Increases amount of promissory note (instead of use of liens on property) amounts from $2,500 to $7,500 (adjusted from late 1970's amount to account for home repairs, e.g., roofing, heating systems, windows, etc.) without going through the formal loan process.

Section 703. Limited partnership eligibility for farm labor housing loans.

Technical amendment that clarifies that limited partnerships are eligible for loans under Section 514 (Farm Labor Housing) in cases where the general partner is a nonprofit entity.

Section 704. Project accounting records and practices.

Sets forth accounting and record keeping requirements, including maintaining accounting records in accordance with generally accepted accounting principles for all projects that receive funds under this program; retaining records available for inspection by the USDA Secretary for not less than six years, and other requirements.

Section 705. Definition of rural area.

Extends designation of rural areas, for purposes of the Rural Housing Service housing programs, for a narrow category of communities until the 2010 census.

Section 706. Operating assistance for migrant farmworkers projects.

Allows Section 521 operating assistance for farm labor housing complexes where "mixed" migrant and annual workers will live.

Section 707. Multifamily rental housing loan guarantee program.

Allows Native Americans to become eligible borrowers under the multifamily loan guarantee program; authorizes a "balloon payment" as a financing option; allows fees from lenders to be used to help offset program costs; and repeals existing prohibition against the transfer of property title from the lender to the federal government as well as the prohibition against the transfer of liability from one borrower to another.

Section 708. Enforcement provisions.

Provides criminal penalties and civil sanctions for violations of program requirements.

Section 709. Amendments to title 18 of the United States Code.

Amends Title 18 of U.S. Code—Money Laundering—to strengthen enforcement and prosecution of program fraud and abuse.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Section 801. Short Title.

This title may be cited as the "Affordable Housing for Seniors and Families Act."

Section 802. Regulations.

Provides that the Secretary of HUD shall issue regulations implementing the provisions of this title only after notice and opportunity for public comment.

Section 803. Effective Date.

Provides that the provisions of the title are effective upon enactment unless such provisions specifically provide for effectiveness or applicability upon another date certain.

SUBTITLE A—REFINANCING FOR SECTION 202 SUPPORTIVE HOUSING FOR THE ELDERLY

Section 811. Prepayment and refinancing.

Requires the Secretary to approve prepayment of mortgages for Section 202 properties if the sponsor (owner) continues the low-income use restrictions. Requires that upon refinancing, the Secretary make available at least 50% of annual savings resulting from reduced Section 8 or other rental housing assistance in a manner that is advantageous to tenants, which may include increasing supportive services, rehabilitation, modernization, and retrofitting of structure, and other specified purposes.

This allows sponsors to build equity in their project that can be used to refinance at lower interest rates. The refinancing may result in lower project based Section 8 if the sponsor elects to lower debt service in addition to the lower interest rate. The savings can then be used for improvements to the facility or services for residents.

SUBTITLE B—AUTHORIZATION OF APPROPRIATIONS FOR SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Section 821. Supportive housing for elderly persons.

Authorizes such sums for the existing program of supportive housing for the elderly (section 202 housing) for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

Section 822. Supportive housing for persons with disabilities.

Authorizes such sums for the existing program of supportive housing for the disabled (section 811 housing) for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

Section 823. Service coordinators and congregate services for elderly and disabled housing.

Authorizes such sums for grants for service coordinators, who link residents with supportive or medical services in the community, for certain federally assisted multifamily housing projects for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

SUBTITLE C—EXPANDING HOUSING OPPORTUNITIES FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Part 1—Housing for the Elderly

Section 831. Eligibility of for-profit limited partnerships.

Allows 202 sponsors to form limited partnerships with for-profits, but the nonprofits must be the controlling partner. Through this partnership, the sponsors could compete for the low income housing tax credit. With this change, owners could build bigger developments and achieve scale economies. The units financed under Section 202 would be governed by those rules, and the tax units would be governed under those rules. States would still be making the decision who gets the LIHTC, and the limited partnerships would have to compete like everybody else.

Section 832. Mixing funding sources.

Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 833. Authority to acquire structures.

Removes limitation allowing private nonprofit housing providers to acquire only RTC-held properties. RTC went out of business. This provision allows 202 projects to acquire properties.

Section 834. Use of project reserves.

Project reserves, a set-aside account funded through rent receipts for repairs to the building's structure or infrastructure over the years (roof, elevator, etc.), may be used to reduce the number of dwelling units in the 202 project. The use of these funds is subject to the Secretary's approval to ensure the use is designed to retrofit obsolete or unmarketable units.

During the cost containment phase of the Section 202 program, many efficiencies were built. In many cases, it is preferable to convert efficiencies to 1 or 2 bedroom apartments. In other instances, the project may want to reduce units to make room for a clinic or community space.

Section 835. Commercial activities.

Makes clear that commercial facilities may be located and operated in Section 202 projects, as long as the business is not subsidized with 202 funds. These facilities can benefit residents and bring some additional revenue (rent) to the project.

Part 2—Housing for Persons with Disabilities

Section 841. Eligibility of for-profit limited partnerships.

Provides that for-profit limited partnerships are eligible to participate in the 811 program established under this Act. The nonprofit will be the controlling partner, and the limited partnership may compete with for the LIHTC.

Section 842. Mixed funding sources.

Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for the disabled.

Section 843. Tenant-based assistance for persons with disabilities.

Provides that tenant-based rental assistance provided under Section 811 of the Cranston-Gonzalez National Affordable Housing Act may be provided by a private nonprofit organization as well as by a public housing agency as under current law. Caps the amount of tenant-based assistance under Section 811 at 25% of the yearly appropriation for Section 811 housing to ensure that money remains available for construction of affordable housing stock for the disabled.

Section 844. Use of project reserves.

Project reserves may be used to reduce the number of dwelling units in an 811 project to retrofit obsolete or unmarketable units. Allows flexibility to design the project in a way that makes it more comfortable and appealing for the residents.

Section 845. Commercial Activities.

Clarifies that commercial facilities may be located and operated in Section 811 projects, as long as the business is not subsidized with 811 funds.

Part 3—Other Provisions

Section 851. Service coordinators.

Allows service coordinators to assist low-income elderly or disabled families living in the vicinity of an eligible federally assisted project. Requires HUD and HHS to develop standards for service coordinators in federally assisted housing to educate seniors about telemarketing fraud and facilitating prosecution of such fraud. This change will make the project a focal point of the community, address the isolation many seniors feel particularly in rural areas—and help seniors protect themselves against fraud.

SUBTITLE D—PRESERVATION OF AFFORDABLE HOUSING STOCK

Section 861. Section 236 Assistance.

Allows owners of uninsured Section 236 projects to retain excess income. This money is needed for repairs to the aging projects. The FY 00 VA-HUD bill allowed uninsured Section 236 owners to retain excess income (which results when 30% of somebody's income exceeds the base rent established by HUD), but the authority had to be approved on an annual basis through the appropriations process. This provision puts the uninsured 236s on equal footing with the FHA insured projects, which are already allowed to retain excess income.

To the extent a project owner has remitted excess income charges to HUD since the date of enactment of the FY 1999 appropriations Act, the Department may return to the relevant project owner any such excess charges remitted. This would put these owners on an equal footing with those owners who had retained these excess charges and whom HUD has, through notice, permitted to retain such excess income.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Section 901. Extension of Loan Term for Manufactured Home Lots.

Extends the loan terms for manufactured home lots financed by insured financial institutions from 15 years, 32 days to 20 years, 32 days.

Section 902. Use of Section 8 Vouchers for Opt-Outs.

Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 by changing the effective date when Section 8 vouchers may be used in situations where owners opt out of the program from 1996 to 1994.

Section 903. Maximum payment standard for enhanced vouchers.

Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 to require that HUD may not limit the value of enhanced vouchers as provided under the statute if such limit would adversely affect the assisted families to which enhanced vouchers are provided.

Section 904. Use of section 8 assistance by "grand-families" to rent dwelling units in assisted projects.

Allows HOME funds (in rental units otherwise not eligible for HOME funds) to be used for facilities with units with low-income families having a grandparent residing with a grandchild, or in some cases, where great- and great-great grandchildren are residing in the unit, with neither of the child's parents residing in the household.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

Section 1001. Federal Reserve Board Buildings.

Allows the Federal Reserve Board to have more than one building.

Section 1002. Positions of Board of Governors of Federal Reserve System on the Executive Schedule.

Raises the pay of the Chairman of the Federal Reserve Board from Level II of the Executive Schedule to Level I (approx. $14,800) and the Board Members from Level III to Level II (approx. $10,500).

Section 1003. Amendments to the Federal Reserve Act.

Provides a new reporting requirement to replace the expired provisions relating to the semi-annual "Humphrey-Hawkins" reports requirements. Section 1002 requires the Chairman of the Federal Reserve Board to appear before Congress a semi-annual hearings to discuss monetary policy as well as economic developments and prospects for the future. The Chairman will appear before the House Banking Committee around February 20 of even numbered years and July 20 of odd numbered years, and before the Senate Banking Committee on February 20 of odd numbered years and July 20 of even numbered years. Either Committee may request the Chairman to appear after his scheduled appearance before the other.

Requires the Federal Reserve Board to submit, concurrent with each semi-annual hearing, a written report to both Committees discussing the same subjects, taking into account developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Section 1101. Short title.

The title is cited as the "Federal Reporting Act of 2000."

Section 1102. Preservation of certain reporting requirements.

This Section reinstates certain reports which expired in May 2000 pursuant to the Federal Reports Elimination and Sunset Act of 1995.

(1) President's economic report, together with the annual report of the Council of Economic Advisors. Due: During the first 20 days of each regular session.

(2) President's report on impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the US. Due: Annually (to Banking and Armed Services Committees) (This report discloses impact on the U.S. economy in cases where foreign governments, to justify the purchase of a U.S.-made defense systems, require technology transfers or direct in-country investments. Such concessions ensure the sale but may impair future sales or enhance the production capacity of a potential foreign competitor to the U.S.)

(3) Commerce Department report on operations under the Public Works and Economic Development Act of 1965 (by the Economic Development Administration) Due: Annually. (The EDA provides grants for public works and other assistance to alleviate unemployment in economically distressed areas.)

(4) HUD's agenda of all rules and regulations under development or review. Due: Semiannually (to Banking Committee).

(5) HUD report on early defaults on FHA-insured loans. Due: Annually. (The report includes data on lenders and the numbers of loans they make—and defaults and foreclosures thereon—by census tract.)

(6) Two HUD Reports related to rights: (a) Progress in eliminating discriminatory housing practices. Due: Annually. (The report reviews the nature and extent of progress in eliminating housing discrimination practices, obstacles remaining, and recommendations for legislation or executive action.) and (b) Data on applicants, participants, and beneficiaries of the programs administered by HUD. Due: Annually. (The report provides data on race, color, religion, sex, national origin, age, handicap, and family characteristics of applicants or participants in HUD programs.)

(7) Two HUD reports related to lead-based paint hazards: (a) Assessment of the progress made in implementing the various programs authorized by the Act. Due: Annually. (This report covers research/studies into lead poisoning and recommendations for legislative or other action to improve HUD's performance in combating such hazards.); and (b) Progress of the Department in implementing expanded lead-based paint hazard evaluation

and reduction activities. Due: Biennially. (This report is related to the one above and provides an assessment of HUD's progress in various lead-based paint abatement programs.)

(8) FHA annual report. Due: Annually. (The report provides an analysis of income-demographic borrower information, specifically related to incomes not exceeding 100% of area median income (AMI), 80% of AMI, 60% of AMI; minority central city and rural borrowers; and, HUD activities to ensure participation by these groups.)

(9) HUD annual report. Due: Annually. (This is an annual report by the Secretary to the President for submission to the Congress on all operations and programs under HUD's jurisdiction during the previous year.)

(10) HUD annual report. Due: Annually. (This is a general requirement for an annual report from the Secretary to the President on the activities of HUD for submission to Congress.)

(11) FEMA report on operations under the National Flood Insurance Act of 1968. Due: Biennially. (This report covers operations of the national flood insurance program offered to communities which enforce flood plain management measures.)

(12) HUD report on Indians and Alaska Native housing and community development. Due: Annually. (The report covers the housing needs of Indian tribes in the U.S. and HUD's activities in meeting such needs. It includes estimates of the costs of projected activities for succeeding fiscal years, statistics on the conditions of Indian and Alaska Native housing, and recommendations for new legislation.)

(13) HUD report on actuarial soundness of the Mutual Mortgage Insurance Fund. Due: Annually. (The report describes HUD actions to ensure the Fund maintains a capital ratio of at least 1.25 percent.)

(14) Treasury Department report on progress in enhancing human rights through U.S. participation in international financial institutions. Due: Quarterly (to Banking and International Relations Committees).

(15) Treasury Department reports: (a) Financial statement and report of transactions of the Exchange Stabilization Fund (ESF). Due: Monthly (to Banking Committee); and (b) Operations of the ESF. Due: Annually.

(16) OCC, FDIC, and Federal Reserve Board reports on activities of the consumer affairs division. Due: Annually. (These reports describe actions taken by the agencies to prevent unfair or deceptive acts or practices by banks and to address consumer complaints.)

(17) OCC Annual Report. Due: Annually.

(18) OTS report on minority institutions. Due: Annually. (This report relates to OTS actions to preserve minority ownership of minority financial institutions many of which serve lower income and minority communities.)

(19) Appalachian Regional Commission report to activities. Due: Annually. (The report covers Federal-State activities to support economic development in the 13 Appalachian states.)

(20) Export-Import Bank reports: (a) Export financing competition. Due: Annually. (This report reviews how well Ex-Im's programs compete with those of other export credit agencies, and includes other "sub-reports" which will also continue, i.e. the Trade Promotion Coordinating Committee (TPCC) Strategic Plan, Advisory Committee comments on Ex-Im's competitiveness, and Competitive Insurance Opportunities report on Ex-Im deals with respect to countries that deny opportunities to US insurance companies.); (b) Tied aid credits. Due: Biannually. (This report covers the tied aid credit program under which grants are made to supplement financing for a US export when it appears predatory financing will be available from another country for a competitor's product.); and (c) Operations as of the close of business each fiscal year. Due: Annually. (This report includes other "sub-reports" which would also be retained, i.e. environmental exports and small business exports. Three other sub-reports are listed for repeal under Section 1005.)

(21) FDIC report on operations of the Corporation. Due: Annually. (The report also includes information on the BIF and SAIF.)

(22) Federal Financing Bank report on activities of the Bank. Due: Annually. (The FFB lends to federal agencies to reduce the cost of borrowing, ensure coordination of borrowings with federal fiscal and debt management, and assure minimal disruption of private markets and institutions.)

(23) Federal Housing Finance Board Annual Report. Due: Annually.

(24) Federal Reserve survey of bank fees and services. Due: Annually. (The report covers discernible changes in cost and availability of bank services.)

(25) Federal Reserve assessment of the profitability of credit card operations of depository institutions. 15 U.S.C. 1637 Due: Annually. (The report also discusses trends in credit card interest rates.)

(26) Federal Reserve report on credit card price and availability information. Due: Semiannually. (The Board provides information on a sample of 150 card issuers twice a year.)

(27) Federal Reserve activities under the Equal Credit Opportunity Act. Due: Annually. (This information is included in the Board's annual report.)

(28) Federal Reserve report on administration of and recommendations as to changes in the Truth in Lending Act. Due: Annually. (The report provides information on compliance with TILA regulations.)

(29) Federal Reserve Board of Governors report of activities. Due: Annually.

(30) Federal Reserve report on policy actions of the Federal Open Market Committee and the Board. Due: Annually. (This is included in the Fed's annual report.)

(31) Federal Trade Commission's reports on administration of the Fair Debt Collection Practices Act. Due: Annually. (The report covers elimination of abusive debt collection practices.)

(32) National Credit Union Administration's report on operations and financial information. Due: Annually.

(33) Treasury Department report on activities and audit of financial statement of the Resolution Funding Corporation. Due: Annually. (REFCORP was established by FIRREA to raise funding for RTC resolution of insolvent S&Ls. Funds are appropriated to Treasury to pay interest on obligations issued by REFCORP.)

(34) Neighborhood Reinvestment Corporation's annual report. Due: Annually. (The corporation was set up to continue the work of the Urban Reinvestment Task Force in establishing neighborhood housing services and providing grants and technical assistance to facilitate reinvestment.)

(35) Voluntary agreements under the Defense Production Act. Due: At least annually. (This report is due to the Congress and the President from any individual(s) designated by the President, describing voluntary agreements and plans of action in effect for preparedness programs and expansion of production capacity and supply.)

(36) Justice Department report on data collection re banks and banking. Due: Quarterly. (This report details civil and criminal investigations and prosecutions relating to banking law offenses.)

(37) Federal Housing Administration Advisory Board report on assessment of the activities of the Federal Housing Administration; effectiveness of the Mortgagee Review Board. Due: Annually. (This report covers the soundness of FHA's underwriting procedures and other activities relating to the FHA's ability to serve nation's homebuyers and renters, as well as the effectiveness of the Mortgagee Review Board which takes action against mortgagees in violation of the Fair Housing Act or other statutory requirements.)

Section 1103. Coordination of Reporting Requirements.

Subsection (a) requires the FDIC's annual report to include the agency's annual consumer affairs report.

Subsection (b) requires the annual report of the Federal Reserve Board of Governor to include the Fed's annual report of activities under the Equal Credit Opportunity Act, the Board's annual consumer affairs report, the annual report on administration of the Truth in Lending Act, and the Fed's annual report on policy actions of the Federal Open Market Committee and the Board.

Subsection (c) requires the OCC annual report to include the agency's annual consumer affairs report.

Subsection (d) requires the Ex-Im Bank's annual report on export financing competition to include the tied aid report, and makes the latter an annual rather than semi-annual report.

Subsection (e) requires HUD's annual report to include the Department's two annual reports required under the Civil Rights Act relating to progress in eliminating housing discrimination and data on applicants and participants in HUD programs, the Department's annual and biennial reports on lead based paint, the Department's annual report on all HUD programs and operations, and HUD's annual report on housing programs related to Indians and Alaskan Natives.

Subsection (f) requires the annual report of the Federal Housing Administration to include the annual report on early defaults on FHA-insured loans and the annual report on the actuarial soundness of the Mutual Mortgage Insurance Fund.

Subsection (g) amends the International Financial Institutions Act to change Treasury's report on promoting human rights through international financial institutions from a quarterly report to an annual report.

Section 1104. Elimination of certain reporting requirements.

Provides for the repeal of certain Export-Import Bank reports. One is a report from the President requesting legislation if the amount of direct loan authority or guarantee authority available to the Export-Import Bank for the fiscal year involved exceeds the amount necessary. This report is being repealed because it is a corollary to the President's annual report on sufficiency of Ex-Im authority which expired pursuant to the sunset. There are four "sub-reports" to Ex-Im's annual report that are also to be repealed: (1) a report on specific Ex-Im's programs and activities to promote nonnuclear renewable energy resources and description of Ex-Im's actions to assist small business which is being repealed because this information is already included in other reports; (2) a report on Ex-Im's actions on maintaining "key linkage industries" which is unnecessary because Ex-Im's annual report covers exports for various industries; (3) a report on Ex-Im's measures to supplement financing for agricultural commodities which was enacted 20 years ago but which is no longer needed with Ex-Im continuing to be involved in this area; and (4) a report on Ex-Im's programs on the export of services which is also covered in the annual report since it is part of Ex-Im's activities.

This section also provides for the repeal of a semi-annual FDIC report on the agencies efforts to maximize the efficient use of private sector contractors to manage assets held by the agency. There is little need for the report today since assets have declined significantly since 1991. The 1999 report showed the agency had only about 3% of the assets in liquidation it had 7 years earlier.

TITLE XII—FINANCIAL REGULATORY RELIEF

Section 1200. Short Title.

This title may be cited as the "Financial Regulatory Relief and Economic Efficiency Act of 2000.

Section 1201. Repeal of Savings Association Liquidity Provision.

Repeals unnecessary provisions relating to savings association liquidity requirements.

Section 1202. Non-controlling Investments by Savings Association Holding Companies.

Allows a savings and loan holding company to acquire a five to twenty-five percent non-controlling interest of another SLHC or savings association, subject to the approval of the Director of the OTS.

Section 1203. Repeal of Deposit Broker Notification and Record Keeping Requirement.

Repeals requirement that brokers file a written notice with the FDIC before soliciting or placing deposits with an insured depository institution.

Section 1204. Expedited Procedures for Certain Reorganizations.

Simplifies procedures for a national bank reorganizing into a bank holding company.

Section 1205. National Bank Directors.

Permits national banks to elect directors to terms of up to 3 years on a staggered basis. Permits Comptroller to remove the limitation on the number of board members.

Section 1206. Amendment to Bank Consolidation and Merger Act.

Permits national bank, upon approval of Comptroller, to merge or consolidate with its subsidiaries or nonbank affiliates—with no increase in powers for the national bank.

Section 1207. Loans on or Purchases by Institutions of their own Stock.

Repeals prohibition on a bank owning or holding its stock, but retains prohibition on making loans or discounts on the security of its own stock.

Section 1208. Purchased Mortgage Servicing Rights.

Authorizes the appropriate Federal banking agencies to jointly simplify capital calculations by not requiring banks or thrifts to distinguish between types of mortgage servicing rights. This would allow regulators to value marketable mortgage servicing assets in capital determinations up to 100% of their fair market value rather than the current level which is limited to 90% of fair market value.

SUBTITLE B—STREAMLINING ACTIVITIES OF INSTITUTIONS

Section 1211. Call Report Simplifications.

Provides for the modernization of the call report filing and disclosure system.

SUBTITLE STREAMLINING AGENCY ACTIONS

Section 1221. Elimination of Duplicative Disclosure of Fair Market Value of Assets and Liabilities.

Clarifies that banking agencies need no longer pursue further development of the supplemental disclosure method. Even so, Section 36 of FDIA and its supporting regulations provide agencies with discretion to seek additional information in regulatory reports and annual reports regarding fair market value.

Section 1222. Payment of Interest in Receiverships With Surplus Funds.

Gives the FDIC the authority to establish a uniform interest rate with regard to receiverships.

Section 1223. Repeal of Reporting Requirement on Differences in Accounting standards.

Amends the requirement for each agency to produce an Annual Report on "Agency Differences in Reporting Capital Ratios and Related Accounting Standards." Instead, this provision directs the Federal banking agencies to jointly produce one report.

Section 1224. Extension of Time.

Extends deadline for new FHLB capital rules from 12 months to 28 months.

SUBTITLE D—TECHNICAL CORRECTIONS

Section 1231. Technical Correction Relating to Deposit Insurance Funds.

Makes technical correction to FDIA.

Section 1232. Rules for Continuation of Deposit Insurance For Member Banks Converting Charters.

Makes technical changes with regard to a cross-reference cite.

Section 1233. Amendments to the Revised Statutes of the United States.

503(a) Provides that the Comptroller may waive the U.S. citizenship requirement for up to a minority of a national bank's directors. The Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA) inadvertently deleted the long-standing authority of the Comptroller to waive the citizenship requirement for up to a minority of directors of national banks that are subsidiaries or affiliates of foreign banks.

503(b) Updates Section 11 to reflect that national banks no longer issue national currency, while maintaining the provision that prohibits the Comptroller from owning interest in the national banks they regulate.

503(c) Repeals Section 5138 of the Revised Statutes (first enacted in 1864), which imposes minimum capital requirements for national banks. This minimum capital requirement (ranging from $50,000 to $200,000) is obsolete, since Congress granted the Federal banking agencies the regulatory authority to establish minimum capital requirements in 1983.

Section 1234. Conforming Change to the International Banking Act of 1978.

Allows branches and agencies of foreign banks that satisfy the asset test imposed on domestic banks to be examined on an 18-month cycle instead of the 12-month cycle.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in October of this year, our House passed S. 1452, a bill that included a number of housing and banking provisions that had been developed on a bipartisan basis. Unfortunately, the majority party in the Senate took issue with a few provisions in that bill and refused to take it up.

Therefore, in the interest of enacting the great number of positive, noncontroversial provisions, in the interest of advancing legislation, we are therefore back before this body without the excellent provisions that the Senate refused to accept.

Most critically, I am extremely disappointed that today's bill drops a provision that I authored to authorize 1 percent down FHA mortgage loans for teachers, policemen, and firemen who would buy a home in the school district or local employing jurisdiction where they work.

The purpose of my bill was to provide low downpayment loans to these critical public servants to help them afford to buy a home in the community they serve, and to help schools and localities recruit teachers, policemen, and firemen.

The Congressional Budget Office had projected that this provision would generate $125,000 new loans to teachers, policemen, and firemen over the next 5 years. Moreover, CBO projects it would have increased the Federal budget surplus by $162 billion over the same 5-year period. It was a win-win situation. And, the provision was supported by the Fraternal Order of Police, the American Federation of Teachers, the National Education Association, the American Association of School Administrators, et cetera.

In short, it is most unfortunate that today's bill omits that critical provision. Be assured, the House will be back again next year fighting for its enactment.

The bill we are now considering includes not only the Manufactured Housing Improvement Act, largely the House version, for which both the gentleman from New York (Mr. LAZIO) and the gentleman from Massachusetts (Mr. FRANK) in particular deserve special credit, but a number of other initiatives that have had broad bipartisan support, including other housing proposals, language reauthorizing the Humphrey-Hawkins report and other key consumer housing reports, and some technical changes of importance to bank and thrift regulators.

With respect to housing provisions, today's bill includes a number of provisions with bipartisan support that have been pulled together from homeownership and elderly housing legislation that has previously passed the House. The bill addresses the challenge of meeting the affordable housing and health care needs of our growing elderly population.

I am especially pleased the House is again acting on my initiative to make FHA reverse mortgages more affordable when used to buy long-term care insurance. This provision has recently been enhanced by adding a requirement that any long-term care insurance policy must comply with disclosure, suitability, and contingent nonforfeiture requirements recently adopted under the National Association of Insurance Commissioners' model reg in order to qualify for the lower premium.

The bill also includes a number of provisions designed to encourage mixed-income mixed-finance elderly housing. This is something we need to do much more of. And it increases flexibility for federally-funded service coordinators, and provides more resources to sponsors of existing elderly housing to make needed capital repairs.

Our bill also represents a balanced resolution of the 3-year effort to reform our manufactured housing legislation. I would point out that the final product reflects a number of democratic pro-consumer initiatives.

For the first time, we will be establishing a national Federal installation standard, and requiring that there be a dispute resolution process in each State to adequately address consumer complaints.

With regard to the process of updating our construction and safety standards, we have revised the initial legislation to put HUD back in charge of setting standards, and have balanced the consensus committee process and eliminated its strong role in setting enforcement regulations, as proposed in previous drafts of this bill.

Should the present chairman of the Subcommittee on Housing and Community Opportunity wind up being Secretary of HUD, I think he will be especially happy that he conceded on those issues to us.

Finally, the legislation includes a number of noncontroversial but important provisions in the housing area, including technical corrections of the Private Mortgage Insurance Act, native Hawaiian housing legislation, Native American housing legislation, and a number of rural housing provisions.

The package also contains other important initiatives that have had broad bipartisan support in the House: legislation reauthorizing the critical Humphrey-Hawkins report and a number of other important consumer and housing reports that are essential in helping the authorizing committee to shape policy; some largely technical changes intended to remove some inefficiencies in the bank and thrift regulatory system.

As we reach the end of this congressional session, we should pass this very sound piece of banking and housing legislation.

Mr. Speaker, I would urge its adoption, and I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first in response to something the gentleman from New York (Mr. LAFALCE) said, let me stress that the gentleman from New York (Mr. LAZIO) and I were deeply disappointed that the provision mentioned was deleted from the bill, and I am hopeful in the next Congress we can move forward with that kind of provision. I would be delighted to assist the gentleman in that effort.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from New Jersey (Mrs. ROUKEMA), the subcommittee chairman.

Mrs. ROUKEMA. Mr. Speaker, certainly I rise in strong support of this bill.

As has been outlined, it comprehensively addresses a range of banking issues: as mentioned, the important housing provisions and regulatory burden restrictions and regulation provisions.

Certainly I want to thank the chairman, the gentleman from Iowa (Mr. LEACH), for his outstanding leadership for bringing this bill in this form back to the floor. As has been noted, it was passed in October, but it did not get approved in the Senate.

In any case, I want to point out how deeply involved a number of us have been on this legislation. I want to point out that it is very important for us to resolve them hopefully once and for all.

The regulatory relief provisions of the bill I would like to focus on because Congress has a defined responsibility, and we have recognized that, to assure the Federal laws and regulations and the supervisory system promote safety and soundness of the banking system. Unnecessary regulatory burdens by their very nature, as we have learned over and over again in these recent years, unnecessary regulatory burdens have the effect of undermining the ability of banks to operate efficiently and effectively.

I want to point out that I am pleased that this bill includes H.R. 1585, the Depository Institution Regulatory Streamlining Act, which I introduced in Congress and have gotten broad support for. So I am very pleased that this is included.

There are a number of technical provisions, but we widely agree on a bipartisan basis that this is necessary. I am pleased that the bill contains many of the provisions that we have worked together on in a cooperative fashion, both on a bipartisan basis with the industry and with the regulators and all the members of the Committee on Banking and Financial Services.

I want to stress here something that has not been mentioned specifically. That is the private mortgage insurance technical corrections and clarifications that are included in this bill.

In particular, this bill will clarify the cancellation and termination issues to ensure that homeowners will be able to cancel private mortgage insurance, PMI, as it is noted. This is what Congress intended in 1998 in the bills that we passed at that time.

This clarification will be particularly helpful to those with certain adjustable rate mortgages. The bill also ensures that defined terms, such as "adjustable rate mortgage" and "balloon rate mortgages", are used consistently and appropriately. So this particular piece of legislation is consistent also with what the gentleman from Utah (Mr. HANSEN), a leader on this issue, desires. His legislation and leadership has been helpful, and we have put it into this bill.

Again I want to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE), and look forward to clearing up a lot of ambiguities in the law through this legislation for the good of all people in housing, as well as regulatory relief.

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that I be allowed to control the time of the gentleman from New York (Mr. LAFALCE).

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that at this late date we are still able to move this bill forward. I would like to make a point that sometimes escapes our friends in the press and the rest of the press, which may be the majority.

The House is continuing to function, as will the other body. We will pass important legislation. There is this assumption among headline writers and some others that when there are major differences of opinion between the parties, somehow that means paralysis of the whole institution.

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This is one further example of the fallacy of that viewpoint. We are capable of strong disagreement on some important issues and at the same time being able to work together on nonideological matters that advance the public interest. This is an example.

There have probably been few times in our country's history when there has been a greater partisan division over some important subjects; that does not prevent this committee, and this House and, ultimately, this Congress from moving forward with an important piece of legislation that was more important than people will know, because it is not controversial.

We do have a journalistic tendency to equate controversy with importance, and if Members are not yelling at each other, nobody knows about it. This is a very significant piece of legislation that will advance important housing interests, and it will be done in this kind of fashion.

There are some very important specifics. The manufactured housing piece has been alluded to. I want to acknowledge that the gentleman from Indiana (Mr. ROEMER), who sits here and who will be speaking later, did an enormous amount of work with me and others in persuading us of the importance of sticking with it.

We had some disagreements. I do not think everything in this is perfect.

Mr. Speaker, I yield to the gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services, because he and I had a colloquy on the manufactured housing piece in the last discussion of this bill. And I would just like to incorporate it by reference and ask the gentleman if he agrees that our previous colloquy should stand with regard to this bill.

Mr. LEACH. Mr. Speaker, I fully agree with the gentleman from Massachusetts (Mr. FRANK), and I believe it was a thoughtful expression of concern on the gentleman's part in the last debate, and that colloquy should stand exactly as in this debate.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Iowa (Chairman LEACH), and I hope we have set an example for our colleagues by referring to something we both said before and not repeating it.

The manufactured housing piece is important, because manufactured housing is important. Manufactured housing is an undervalued housing resource, particularly for people of moderate income, and to the extent that we can advance the ability of the manufactured housing industry to supply that important niche in the housing market, we should take it. We advance it in this bill.

There are some gaps, as we have said, and I look forward to working on them next year. We also took some steps to further protect those tenants who are living in federally subsidized tendencies, not public housing, but privately owned, federally subsidized tenancies, who would otherwise have been victimized by a 20-year expiration date that was put into the law that should not have been. This tweaks further legislation, that we did in a favored way earlier, the gentleman from New York (Mr. LAZIO), chairman of the Subcommittee on Housing and Community Opportunity, and I had worked on. We in this past Congress, essentially protected virtually all of the tenants in those tenancies from eviction.

I wish we could have also protected the tenancies. We could not. That is, when the existing tenants leave, we will lose those subsidized units. That is something I hope we will address next year, but we have protected the tenancies.

I appreciate the ability to work with the gentleman from New York (Mr. LAZIO) on that, and we extend that somewhat here.

We do some other important things in this bill within the limits that were set for us, and this is the final point I want to make, this is an example of cooperation on a nonideological set of issues where we were able to, within the framework of existing programs and law, improve things.

There is one other specific thing I want to mention that is important, and that was we make it easier to ease Federal housing assistance supplied through HUD in conjunction with the low-income housing tax credit, and we should again be doing more of that next year. That is a very important piece that the gentleman from New York (Mr. LAZIO) and I have worked on, and I am very pleased that we have been able to do that to improve the efficiency of both programs so they can go further.

This leaves us, however, with an undone task. And I am grateful to the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAZIO), and the staffs of both committees who did an enormous amount of important technical work on this bill, which is primarily a technical bill. We did the best we could within the framework. Now is the time to address the framework.

There is a housing crisis increasingly in this country caused, ironically in some part, by prosperity because, as some people increase their wealth, those who are not participants in that prosperity find themselves squeezed. That is why we tried, as the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) mentioned, to extend some special help in cities to policeman and teachers, people who serve our public interests and who are sometimes required by law to live in the municipality where they work but find themselves by economic trends priced out of an ability to live there.

We tried to help them. It is time for us to get back in the business of increasing housing production. This bill and the previous bill that we adopted goes as far as it is possible to go without getting back in the housing production business, but the demands of this society are such that now we have to get back in the housing production business, and I hope we will be able to do that next year.

Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I am pleased to rise today in strong support of the American Homeownership and Economic Opportunity Act of 2000, legislation containing a number of housing measures which the House has already approved throughout the 106th Congress.

Though our economy is strong, it imperative that Congress continue to focus on the needs of those who are in need of clean, safe, and affordable housing. Furthermore, we must recognize that often outdated or poorly crafted regulations are the only barriers standing between working families and homeownership.

Accordingly, I want to thank our good friend and colleague, the gentleman from Iowa (Mr. LEACH), our distinguished chairman of the Committee on Banking and Financial Services for the introduction of this legislation now before us.

In addition, I want to commend the gentleman from New York (Mr. LAZIO), chairman of the Subcommittee on Housing and Community Opportunity, for his diligence and outstanding work in seeing these measures through to a successful conclusion. The gentleman from New York (Mr. LAZIO) throughout his tenure in the Congress has been a strong champion for affordable, accessible and quality housing for all of our citizens.

The legislation before us today provides grants to States and local governments to renew regulatory barriers against affordable housing. It also provides for the refinancing of home equity conversion mortgages for our elderly and provides authorization for public housing authorities to provide down payment assistance and important construction and safety standards for manufactured homes.

Moreover, this legislation provides numerous other worthy programs to streamline and provide homeownership opportunities.

Accordingly, Mr. Speaker, I urge all of our colleagues to support this important omnibus housing measure, and I thank the gentleman from Iowa for yielding the time to me.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER), who did so much to make sure that we address the manufactured housing issues in this bill.

Mr. ROEMER. Mr. Speaker, I thank my good friend, the gentleman from Massachusetts (Mr. FRANK) for yielding time to me, and I would like to start by talking about this bipartisan bill in a bipartisan way and saying to my colleagues here, as the gentleman from Massachusetts (Mr. FRANK), my good colleague said, to the people hopefully watching on television, that I hope this bill is a stepping stone for successes of a future Congress, that we can work together in a bipartisan way to help moderate- and low-income people get access to housing and help their children and help their families and help engage in this economy that has benefitted so many people but has also left some behind.

I want to especially thank the gentleman from Massachusetts (Mr. FRANK), my friend, and the gentleman from New York (Mr. LAFALCE) for never giving up on this bill at times when this process may have killed this bill or put it in the Senate, where we had some tough sledding for a while; and I want to thank the gentleman for your tenacity and your determination.

I want to thank the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAZIO) for their hard work on this legislation.

In perspective, Mr. Speaker, roughly one out of every four new homes in America is a manufactured home; and yet up until today, up until this historic moment, we have waited almost 26 years to update the regulatory infrastructure to say how we will produce and manufacture these homes that are increasingly better quality and increasingly places for people to start in the home equity ladder and moving up.

This is historic in meeting this challenge from the American people. I am very happy we finally are there today passing this legislation. Can we imagine if we were passing high-technology legislation that had not been addressed for 25 years given the changes in that industry over the last 8 years?

We have worked with President Bush and Secretary Kemp. We have worked with President Clinton and Secretary Cisneros and Secretary Cuomo and Mr. Apgar on this legislation, and I want to thank them and the Clinton administration for their hard work and their diligence and their patience and their tenacity to get this legislation through today.

In a broader sense, S. 1452 promotes and expands modified section 202, elderly, and section 811, disabled housing programs. It allows seniors to refinance federally insured reverse mortgages, and it includes numerous bank regulatory relief provisions. All of these provisions are very important in including people in the ladder of homeownership.

As a longtime advocate of manufactured housing, I have been working with the Department of Housing and Urban Development for successive Presidential administrations and for 8 years to pass this important regulatory change in the climate of how we address regulations for consumer safety and for safe products coming from the industry.

I am currently one of the authors and cosponsors of this Manufactured Housing Improvement Act, which has become title VII of this bill. It seeks to reform and improve the Federal manufactured housing program by modernizing 26-year-old statutory frameworks that have often been characterized by ineffective allocation of resources within the agency and a poor response to the needs and concerns of both manufacturers and consumers.

Mr. Speaker, I again thank my colleagues for this bipartisan legislation and hope this leads to bipartisanship in education and debt reduction and electoral reform and campaign finance reform in the next session of Congress.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me thank the gentleman from Indiana (Mr. ROEMER) for his thoughtful additions to this bill. Manufactured housing is clearly one of the most important aspects of the American housing mosaic and key to our future.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, this Member wants to express my appreciation and my commendations to the gentleman from Iowa (Mr. LEACH), Chairman of the Committee on Banking and Financial Services; the gentleman from New York (Mr. LAZIO), Chairman of the Subcommittee on Housing and Community Opportunity; the gentlewoman from New Jersey (Mrs. ROUKEMA); as well as the gentleman from New York (Mr. LAFALCE); the gentleman from Massachusetts (Mr. FRANK); and to the gentleman from Indiana (Mr. ROEMER) and others who have made important contributions in this legislation.

This legislation does, through a number of provisions, advance the cause of homeownership across the United States, as well as improving the housing opportunities for those Americans who rent their homes.

Mr. Speaker, I remind my colleagues that among the most poorly housed Americans are those that live on Indian reservations. In most cases, they live in housing that is public housing, but by the permanent extension of a demonstration program, section 184, we provide for the first time through this legislation a continuing opportunity for Native Americans living on Indian reservations to own their own homes. This Member believes that is a major contribution.

Additionally, as a part of that effort, through the establishment of an Indian Lands Title Report Commission, with a sunset, we will see direction and consistency given to the Bureau of Indian Affairs so that their procedures are standard and have a positive effect across the whole country for the use of section 184.

In the area of the housing programs of USDA, this legislation makes a number of very important advances. Among other things, it makes it possible for us to extend the provisions of the so-called "Norfolk amendment" to those medium-sized cities that are nonmetropolitan for the next decade.

These are important provisions of USDA's housing programs for those of us Americans who live in smaller cities and villages and on farms. Through this method and others, as we modernize and make it more likely that these USDA programs will be beneficially used by the USDA's clients across the country.

This legislation, H.R. 5640, contains many of the same provisions included in the earlier American Homeownership and Economic Opportunity Act, H.R. 1776, which passed the House by a vote of 417–8, on April 6, 2000, with this Member's support. Unfortunately, the Senate has yet to act on H.R. 1776. In addition, many of these provisions also were included in S. 1452, which passed the House on October 24, 2000, by a voice vote. Unfortunately, the Senate failed to act on S. 1452.

For many Americans, the most important investment they make is to purchase a home. Homeownership gives an individual or family a sense of pride in themselves, their home, as well as in their community. This legislation goes to great lengths to promote homeownership for Americans across the entire country.

The following are, in this Member's opinion, six significant provisions, among many others, of the American Homeownership and Economic Opportunity Act of 2000.

First, this legislation allows families to use their Federal monthly assistance for down payment assistance.

Second, this legislation amends Section 502(h) of the Housing Act of 1949 to allow borrowers of the Rural Housing Service (RHS) single-family loans to refinance either an existing Section 502 direct or guaranteed loan to a new Section 502 guaranteed loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced and the same home is used as security.

This Member supports this legislation as it utilizes the RHS Section 502 Single Family Loan Guarantee Program. In particular, this loan guarantee program, which was first authorized because of my initiative, has been very effective in non-metropolitan communities by guaranteeing loans made by approved lenders to low to moderate income households.

In particular, since its inception as a pilot program in 1991, the Section 502 Single-Family Loan Guarantee Program has facilitated over $10.2 billion in lending in non-metropolitan areas. This translates into 151,000 loans to families who now own homes which they otherwise may not have been able to purchase.

Third, this measure extends the grandfather status until the 2010 census for similarly situated cities nationwide like Norfolk, Nebraska, to continue to be able to use the USDA Rural Housing Service program. The current grandfather is until the 2000 census, which is currently under way. This Member introduced a bill earlier in the 106th Congress which would accomplish the furtherance of this grandfather provision until 2010.

Fourth, this legislation also includes a permanent authorization of Section 184, the Native American Loan Guarantee program, which this Member authored. Under current law, the Section 184 program is authorized through 2001. A very conservative estimate would suggest that the Section 184 program should annually facilitate over $72 million in guaranteed loans for privately financed homes for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

Fifth, a provision is included in this legislation which would create a short term Indian Lands Title Report Commission to improve the procedure by which the Bureau of Indian Affairs conducts title reviews in connection with the sale of Indian lands. This provision is identical to a bill that this Member introduced previously in the current 106th Congress. Moreover, this Commission should facilitate the Section 184 program to benefit additional Native Americans in purchasing homes.

Sixth, this Member is pleased that as a matter of equity, this legislation extends Native American housing assistance to Native Hawaiians. In particular, it applies the Section 184 Loan Guarantee program to the unique legal status of the Hawaiian home lands.

Lastly, it is important to note that this bill no longer contains the Federal Housing Administration (FHA) reduced downpayment provisions for municipal employees. This provision resulted in opposition to the bill by some in the Senate. Hopefully, the Senate will now finally act on the American Homeownership and Economic Opportunity Act of 2000.

In closing, this Member, because of the above provisions, and for other reasons, would encourage his colleagues to vote for H.R. 5640.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2¼ minutes to the gentlewoman from Ohio (Mrs. JONES), a very active member of the Subcommittee on Housing and Community Opportunity.

Mrs. JONES of Ohio. Mr. Speaker, I would like to thank the gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services, and the gentleman from New York (Mr. LAFALCE), my ranking member on the Committee on Banking and Financial Services, and the gentleman from Massachusetts (Mr. FRANK), the ranking member on the Subcommittee on Housing and Community Opportunity, for all the work that they do in this particular area.

In my first term of Congress, serving on the Subcommittee on Housing and Community Opportunity has been one of the most exciting opportunities that I have had. I am glad to serve as the chair of the Housing committee for the Congressional Black Caucus.

This piece of legislation will provide a number of incentives for housing ownership in my congressional district.

□ 1115

On December 1, I had the pleasure to have an opportunity to celebrate World AIDS Day and went to a facility in my congressional district funded as a result of some of the work that we have been doing on the Subcommittee on Housing and Community Opportunity to visit a home, a facility, where there are 14 apartments for people who are living with AIDS just to see in place some legislation that was proposed and passed. And actually seeing it in place was an exciting thing for me.

Let me point out two or three things that I think are particularly significant about this piece of legislation. One of those is wherein people can use section 8 dollars for down payment on a home. I believe that if we can have families who have wonderful homes or have comfortable homes where they can raise their families and live together and enjoy one another, we can deal with many of the issues that we address in our particular country.

One section, section 904, provides for section 8 housing assistance for grandfamilies, meaning grandparents or great grandparents who are raising their grandchildren. In my congressional district, that is a significant issue; and I am constantly confronted by grandparents and great grandparents saying "I need help." So I am so happy to see this in the legislation as well.

With regard to pilot programs for homeownership for disabled families, that is an important issue as well.

So I just come here to say I am pleased that we in this Congress on this date, December 5, are able to pass a significant piece of legislation that is bipartisan so that the public can see we are moving forward with the issues of the day and representing the American people.

Mr. LEACH. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. LAZIO), this body's great friend and I guess the term is "soon to be departed," but with our greatest, greatest esteem.

Mr. LAZIO. Mr. Speaker, let me thank the gentleman from Iowa (Mr. LEACH), the distinguished chairman of the Committee on Banking and Financial Services, not just for his persistence and hard work, his professionalism and dedication with respect to this bill, but as a partner and as a friend, as an honest broker, as somebody who has worked very hard over these last 6 years to enact sweeping housing legislation. I am very, very appreciative for his extraordinary efforts.

Mr. Speaker, I would also like to thank the members of the committee, the gentleman from Massachusetts (Mr. FRANK), who has been a terrific partner as well in working through in a bipartisan fashion many of these issues, the gentleman from New York (Mr. LAFALCE), Members on both sides of the aisle who have been tremendous advocates for housing.

Last, but certainly not least, I thank the people who staff the committee on both sides of the aisle, a thankless job that should be acknowledged; and, in my humble way, I hope I can right now.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LAZIO. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I would just on behalf of everyone on our side want to reciprocate, because the gentleman from New York (Mr. LAZIO) has been an exemplar of our ability to at the same time have disagreements on major policy issues that are legitimately debated and yet to be able to work in a very constructive fashion on a broad range of common agreement.

I thank the gentleman from New York for helping us set that wonderful example, and he can look back on a record of a very significant accomplishment of protecting vulnerable tenants.

Mr. LAZIO. Mr. Speaker, I thank the gentleman very much.

More than ever in the impending political environment, comity and bipartisan cooperation, as the gentleman from Massachusetts (Mr. FRANK) has just referred to, will be the overriding guiding principles that will shape public policy.

Mr. Speaker, like no other country in the world, Americans cherish the ideals of self-sufficiency and independence that is embodied in the family home. For many of us, the most important financial investment that we make in our lives is the purchase of a home. Homeownership creates a sense of community, binding neighbors together, investing all in the common good.

Today, two-thirds of Americans own their own homes, continuing a trend since the mid-1990s of historically high homeownership rates. Much of this success is attributed to the strong American economy, a product of Federal fiscal restraint, and the enterprising spirit of working men and women across the country.

Yet a paradox of the strong economy has been the rising real estate prices unmatched by a similar rise in income for many working families. For African American and Hispanic American populations, homeownership rates continue to remain under 50 percent.

We are also confronting a demographic explosion as America's baby boomers move into retirement years. Today, there are more than 33 million Americans age 65 years and older. By the year 2020, the number will grow to almost 53 million, or one in every six Americans. Already more than a million senior citizens across the country are experiencing worst-case housing needs.

Our challenge is to do more. Our blueprint is before us. Today we consider what in many ways is the final piece of the housing puzzle. During my time as chairman of the Subcommittee on Housing and Community Opportunity, we have enacted the most comprehensive public housing reform in 60 years. We have reformed Native American housing, section 8 housing. We have provided the first major partnership with the Habitat For Humanity, reverse mortgages for seniors. We have set in place mechanisms to provide permanent housing solutions to homelessness. Most recently, we have provided a means to preserve affordable housing for seniors and individuals with disabilities incorporated right in this bill.

Mr. Speaker, our proposal will build on these accomplishments and help provide millions more Americans with greater opportunity for affordable housing and homeownership. Let me mention just a few of the provisions that will make a very real difference in the everyday lives of Americans across the country.

Today, more than 3 million families receive annual rental assistance through HUD section 8 voucher program. Many of these families would rent for life, never being able to achieve a sense of homeownership, never being able to achieve and build personal equity.

Our proposal builds on a successful nonprofit demonstration project in my home district on Long Island to allow families receiving section 8 to aggregate up to 1 year's worth of assistance toward down payment and closing costs. So instead of a perpetual cycle of rental assistance, we are helping build personal wealth and a sense of pride. Most importantly, we are helping families across the country achieve the American dream of homeownership.

As we look to the future, for our parents and the generations to come, the issue of affordable housing will be as critical as the future of Social Security and Medicare. Without a roof over one's head, little else seems to matter.

Our proposal today also includes a comprehensive set of initiatives to give nonprofit housing providers greater flexibility and resources to grow the inventory of affordable housing for seniors and individuals with disabilities. If we do nothing else, we must provide security and peace of mind for those who have given so much for their families and to our country.

Mr. Speaker, our continuing challenge must be to recognize that the family home serves as a foundation for all else, where we teach our children right from wrong, our sanctuary from the rush of the outside world, and where we draw strength for the other pursuits of life and faith.

Today we take an important step toward an agenda for housing and the renewal of the American dream.

This legislator is very proud to be closing out his career doing just what he has always loved to do, legislating.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield the remaining time to the gentlewoman from California (Ms. LEE), one of our most active and dedicated supporters of the inadequate housing response.

Ms. LEE. Mr. Speaker, I want to thank the gentleman from Massachusetts for yielding me this time and also for his steady and committed work and focus on behalf of affordable housing initiatives throughout our country.

I also want to thank the gentleman from New York (Mr. LAFALCE), also the gentleman from Iowa (Mr. LEACH), our committee chair, and the gentleman from New York (Mr. LAZIO) for bringing this bill to the floor in such a bipartisan manner.

I come from one of the areas in the country which is really quickly becoming the least affordable area to live in, the Bay Area of California. So as a Member of this subcommittee, I have been very pleased to work with our leadership to develop this bill.

I want to just say a couple of things with regard to housing, because we know that housing is really not just a roof over one's head. Having a decent place to live can make all of the difference in the world in terms of the quality of life.

Also, homeownership provides one with a stake in the American dream. It provides the average, ordinary American with the ability to develop equity so that he or she may develop a small business or send their children to college. Not everyone has stock options. Not everyone can accumulate wealth through mutual funds and through planning in the stock market. So homeownership is so integral and so serious in terms of the ability to realize the American dream.

In a time when our country is experiencing a time of unprecedented economic growth, we must seize this opportunity to invest in those who need it the most. In communities across our Nation, like, again, in my district in Oakland, California, which, again, has been in the past been a very affordable city but now is becoming one of the least affordable cities, we have our nonprofits and developers and local governments working together to develop strategies to find solutions to our housing crisis. This bill will help us tremendously in our efforts.

Clearly, the Federal Government must always fight hard to maintain what we believe is a very central part to the American dream, and that is homeownership.

So I would like to thank both sides again for allowing us the opportunity to bring this bill forward. It is one of the most important pieces of legislation this year for my area. I want to thank my colleagues again for the opportunity to make my presentation.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, let me thank again the gentleman from New York (Mr. LAFALCE), the distinguished ranking member, and the gentleman from Massachusetts (Mr. FRANK), as well as the gentleman from New York (Mr. LAZIO) and the gentlewoman from New Jersey (Mrs. ROUKEMA), two extraordinary subcommittee chairmen, on this bill.

This is a bill that has returned to the House with a very important provision unfortunately deleted because it could not receive consensus in the other body. But I am very hopeful that this bill in its current form can be accepted by the other body and that we will have a change in law that will be for the good of the country and particularly for the good of those Americans that are on the cusp of being able to afford a family home. I urge acceptance of this bill.

Ms. PELOSI. Mr. Speaker, I rise in support of the American Homeownership and Economic Opportunity Act which would enhance America's affordable housing and promote homeownership opportunities. Far too many, an estimated 5.4 million Americans, suffer worst-case housing needs, paying more than 50 percent of their income for housing, and this bill takes important steps to address this and related housing needs. The bill would enable tenants to use their section 8 rental assistance as a downpayment toward homeownership, strengthen the service delivery of elderly and disabled service coordinators, and streamline manufactured housing standards.

I strongly support the important provisions in this bill that would protect tenants of project based section 8 buildings, especially those who have experienced conversion of their units to market rent levels, through owner opt-outs or prepayments. Tenant protections are needed to avoid displacing HUD tenants, to provide converted tenants with enhanced vouchers, and to reduce other harmful effects. It is vital that Congress enact all the needed legal steps and HUD take the needed administrative steps to ensure project based tenants may continue to reside in their units and are held harmless against conversion's adverse consequences. This bill takes important steps and in the next Congress, I will continue working toward this goal.

I strongly support this bill's reach back provision, "Use of Section 8 Vouchers for Opt-Outs", which would protect tenants whose properties were converted in the years before Congress addressed the owner opt-out problem. This provision would enable HUD to grant converted tenants protective enhanced vouchers in opt-out situations extending back to fiscal year 1994. This bill also contains an important provision, "Maximum Payment Standard for Enhanced Vouchers", which would grant some HUD discretion to limit the enhanced voucher payment standard, yet deny this discretion where it adversely affects HUD tenants. The House passed Manufactured Housing Improvement Act includes these provisions in sections 902 and 903. HUD also supports them.

It is disappointing that the Senate did not support, and this bill does not include, the House passed provisions to promote homeownership for public service employees, which would enable teachers and public safety officers to obtain FHA loans with a 1-percent downpayment. Earlier this year, in coordination with concerned constituents, I authored a successful amendment to the House passed American Homeownership and Economic Opportunity Act, H.R. 1776, to extend this opportunity to prekindergarten teachers. Many cities and rural communities, including the district I represent, San Francisco, suffer a shortage of quality teachers and are experiencing problems recruiting and retaining teachers. To alleviate this problem, we must take additional steps to help teachers and public sector employees obtain affordable housing in the communities they serve.

I urge my colleagues to support this bill and continue working to increase affordable housing opportunities across the country.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 5640.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5640.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FOREST SERVICE RELEASES PREFERRED PROPOSAL FOR ROADLESS AREA INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Wisconsin. Mr. Speaker, in the brief time I have today, I would like to talk about what consumer advocates would call a case of bait and switch. The shameful deceit of which I speak was made clear on November 13, because, on that day, the Clinton administration's Forest Service released their, quote-unquote, referred proposal for a roadless area initiative that will close off 60 million acres of public land from the public itself. As we have learned just recently, the Forest Service may actually issue the final version of this plan as early as next week.

This plan bans road construction, timber harvesting, and even road reconstruction in these areas. This affects 69,000 acres of the Chequamegon-Nicolet National Forest in my district, and, as I said, millions of acres all across our Nation.

It locks away all of this land from economic opportunities as well as from the taxpayers who use the land for recreation. I call it a bait and switch because, throughout this process, while the administration was talking a good game about continued access to the forest during the public comment period, they obviously intended all along to institute this much more sweeping, much more restrictive proposal after the public's opportunity for comment had expired.

□ 1130

Mr. Speaker, throughout this process, the people of northern Wisconsin have been assured and reassured that responsible timber harvesting would not be restricted under this plan. Now, the Forest Service drops this final proposal on the folks whose livelihoods are at stake and, to add insult to injury, offers them no chance whatsoever to comment, telling them that they have already had their chance to speak out.

This is an unbelievable act of arrogance by an outgoing administration, and it should outrage every Member of this body, no matter what their party, no matter how they feel about the issue itself. Our forests should not be locked away from the public by Washington bureaucrats.

Keeping our forests open to multiple uses is essential to preserving the way of life in my district and in forests all across America. Entire communities and their economies rely on this access for their very survival. And what is not discussed nearly often enough, keeping these areas open to responsible multiple use is essential to preserving the forests themselves.

Let us go back some time, to 1924, when the Wisconsin legislature originally decided to release these lands to the Federal Government to create the national forests. The Federal Government said explicitly and on the public record that it was acquiring these lands to restore them to a condition of maximum productivity and to maintain public access. That was the reason for taking these forests, to maintain public access. But, of course, the new restrictions that I am talking of fly in the face of that agreement.

Obviously, if the Wisconsin legislature, if the Wisconsin citizens knew then what we know now, they never would have transferred these lands. In fact, some of my constituents are even exploring legal action to try to reclaim these lands.

I am outraged and I am disappointed that the Forest Service has brushed aside so cavalierly the economic impact this policy will have on communities and citizens all across northern Wisconsin. Perhaps if the Forest Service had listened or accepted further comment from the people in my district, they would have understood the real impact of this policy.

I am going to do everything I can, and I am sure some of my colleagues will follow suit, to make sure that the people in communities like those in northern Wisconsin have the chance to publicly comment and have their opinions recorded. In fact, Mr. Speaker, I am going to place these letters that I have right here from my constituents into the CONGRESSIONAL RECORD. These letters are but a very small representation, a handful of the hundreds of letters that I have received opposing this plan.

There are comments like this one, from my constituent, Brian Swearingen, in Appleton, Wisconsin. He writes, "While the Forest Service suggests that it has the public interest in mind when advocating this initiative, little thought appears to have been given to the impact this policy will have on Americans who enjoy using our country's public lands."

I will submit these for the RECORD. We can only hope that the powers that be will take them into account.

APPLETON, WI, *November 17, 2000.*

DEAR REPRESENTATIVE MARK GREEN: As someone who enjoys visiting and using our public lands, I am writing you to express my grave concern over the various policy initiatives undertaken by the Clinton Administration to limit access to public lands. Of particular concern to me is the Roadless initiative sponsored by the U.S. Forest Service.

While the Forest Service suggests that it has the public interest in mind when advocating this initiative, little thought appears to have been given to the impact this policy will have on Americans who enjoy using our country's public lands. Of particular concern is the fact that senior citizens and those with disabilities will be locked out of our public lands if this initiative becomes effective.

It is important that the Congress begin to exercise oversight of the Forest Service especially since the agency seems to be forfeiting its responsibility to manage our national forests with a multiple use perspective. I believe that public lands can be utilized and kept environmentally safe all at the same time. Keeping people out of our public lands should not be an acceptable solution.

The U.S. Forest Service Roadless initiative must be stopped. Please become active on this issue.

Sincerely,

BRIAN SWEARINGEN.

FOREST SAWMILL, INC.,
Wabeno, WI, November 28, 2000.

DEAR REPRESENTATIVE MARK GREEN: Thank you for your help in the fight against the Roadless area. Here are some of my thoughts on the subject. First I believe we should be allowed to make public comment on the final plan, since it is so different from what we were being told at many of the meetings. In Mike Dombeck's opening letter he says that he wanted to thank all the people that participated in this rule making. The wealth of insight and experience improved the proposal and the analyses of social, economic, and environmental effects. In reading the summary, I get the feeling that none of our ideas were taken into account and that the meetings were just a smoke screen to make us believe we were getting input.

In looking at the job loss numbers, I believe they aren't accurate. I feel this because every job lost has a trickle down effect that travels through the whole community and the whole state.

The summary also states on page S–27 that timber production has been reduced from 12 Billion board feet in 1987 to 3 Billion board feet in 1999. This disturbs me because these areas are already greatly effected by the dramatic reduction already put in place through the last 12 years. Many of these areas are mere skeletons of what they were in the times of proper forest management. The western states are fine examples of this. The Forest Service's idea to fix the problem is to throw money at the problem. This is never a way to fix a problem. (The plan is described on page S–10.) The way to fix the problem, is to not create it in the first place. This could be done by properly managing the resources we are letting go to waste.

In closing I think we should give our forest back to foresters to manage. This means we should have foresters in every level of the Forest Service to help develop plans of action, instead of people with no idea of how properly managing a forest. During a meeting in Crandon, WI, one of the planners said, this was the best way to develop a plan with public input. I feel this job should be given to trained foresters, because to let the public decide is leaving the decision to people with no education on the subject. These people are ruled by whims, not any knowledge on proper management.

Sincerely,

EDWARD PIONTEK, JR.,
Vice President.

PINE RIVER TRANSPORT, LTD.,
Long Lake, WI, November 30, 2000.

Inventoried Roadless Area in Florence County

The 18,000 acre closure to timber cutting when coupled to all the other forest service set asides is going to further exacerbate the rapid drop in volume harvested from the Nicolet National Forest.

This in addition to the new Administration Rules on hours and the 95% reduction in the amount of sulfur in diesel fuel will make the continued operation of this trucking company very questionable, as fuel costs will soar.

Good management of our National Forests can provide all the multiple use benefits that we all value so highly. At the present time "Mother Nature" in the form of fire, wind and disease has taken over the management of the forests from the Forest Service.

It is my understanding that the so called "Roadless Area" in Florence County is actually fully roaded and is far from the inaccessible pristine areas referred to by Chief Dombeck.

We need some sort of common sense restored versus this high handed rule making of the Clinton-Gore administration.

Sincerely,

RICHARD CONNOR, Jr.

FLORENCE COUNTY FORESTRY AND PARKS, NATURAL RESOURCES CENTER,
Florence, WI, November 30, 2000.

To: Representative Mark Green.
From: David S. Majewski, Administrator, Florence County Forestry & Parks, Florence, Wisconsin.
Subject: Federal Roadless Initiative.

As I understand there is a need to comment on the proposed "Roadless Initiative" and send the comments to your office.

The present Administration is trying to ram through an effort on behalf of the "preservationists" that will affect many people and communities. Most of the people in this group live far away from the lands that are proposed in this effort and it does not impact their day to day lives or affect their livelihood.

This proposal is a smokescreen, to create more wilderness in the very near future. It is an attempt to stop timber management in these areas. It will affect the economy of many communities surrounding these National Forests. It will also cause many serious problems for forest protection, which include control of insects, disease, and fire.

The proposal is not good for the health of the forests, the economy of the areas, or the many recreational opportunities that are presently available when the forests are managed for multiple use. It is also not good stewardship of the land.

The Public Forests in the Lake States have been managed very conservatively since the early 1900's, the "Early Logging Era". Keeping healthy diverse aged forests is better for our environment than over-aged unhealthy forests. The Forests are used by a wide variety of recreation users and the current management provides for a sustained economy for these rural communities and the Nation. The current multiple use management also provides for healthy forests and very good habitat for a wide variety of wildlife. Many of the present wildlife species could not exist without it.

This initiative will: restrict if not eliminate timber management, cause deterioration of health forests, constrict all recreational opportunities, and inhibit habitat for the majority of the present wildlife. This initiative will not preserve these Forests for future generations but will cause more environmental damage when insects, diseases, and fires rage through these areas.

Thank you, for the opportunity to provide these comments.

Sincerely,

DAVID S. MAJEWSKI.

GOODMAN FOREST INDUSTRIES, LTD.,
Long Lake, WI, December 1, 2000.

Re Florence County Roadless Area

I attended a meeting today of the MI–WI Timber Producers Association and found that the 18,000 acre "Roadless" area in Florence County has been heavily logged in recent years and is well roaded.

Who is the Forest Service trying to fool on this? We in the industry believe in "multiple use" of our forest lands, however we can not tolerate any more "lockout" set asides to occur. Stumpage prices are already skyrocketing because of the fact the Forest Service is not even offering 50% of its operating plan on the Nicolet National Forest.

Please let me know if you think Congress can intervene. If not, then industry will have no choice but to take the U.S. Forest Service to court to stop this ridiculous set asides formation.

Sincerely,

RICHARD KRAWZE.

SHAWANO, WI, *November 29, 2000.*

DEAR REPRESENTATIVE MARK GREEN: I have been reading, with growing concern, about the Administration's efforts to restrict the use of our public lands and waterways. While I applaud the government's desire to ensure that our natural resources are there for future generations to enjoy, unilaterally cutting off access to these lands is misguided, wrong and in some cases, dangerous.

For example, if the goal of the Forest Service Roadless Initiative is to preserve these lands for our children and grandchildren to enjoy by not building roads and trails into these areas, how can they be expected to enjoy them when they cannot get to them?

By definition, the lands and adjacent waterways maintained by the federal land management agencies are public lands. They are maintained with funds provided by tax dollars as well as entrance and user fees. Yet, the public, as well as Congress, governors, local land managers and fire and rescue personnel, were not involved in the creation of these policies. Much of the Forest Service land has been statutorily designated as multiple-use land. By cutting off access to large portions of the land in its care, the Forest Service is defying a decades old congressional mandate.

Further, this type of thinking, returning our natural areas to what is being described as a pre-European state is very dangerous. As you know, much of our forest land in the western United States is burning out of control (in part as a result of other poorly designed policies). Without roads and firebreaks, the already difficult jobs of firefighters and other rescue personnel would be made even more difficult, if not impossible.

I do not believe that all public lands should be available for all uses. We all share a responsibility to treat our natural areas carefully and safely. However, if we all work together we can create a policy regarding our public lands and waterways that is fair, reasonable and physically and environmentally safe.

Please help us achieve this balance for this generation and those to come.

Sincerely,

KEVIN KING.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, on Saturday, I paid my last respects to a man that I knew since the age of 12, a man that I respected and admired immensely, Henry B. Gonzalez. I have called this special order so that we may honor Henry B., a friend and a former colleague.

I would like to express my condolences to his wife, Senora Gonzalez; my good friend and colleague, the gentleman from Texas (Mr. CHARLES GONZALEZ); and the entire Gonzalez family. My heart and prayers are with them in this time of sorrow.

Henry B. was one of the hardest working men I have ever known. My father often referred to him as "El

Compadre," the godfather. He was a true friend to all San Antonions and all Texans and throughout the country. From my father's radio I grew up listening to the words of Henry B. My dad's Compadre was famous for his blazing honesty, strong convictions, compelling oratory, and undying dedication to public service.

Long hours working at a Southside San Antonio gas station as a young man gave me the opportunity to meet dozens of people every day when I used to fill gas tanks. When I worked at the gas station and people came by, I checked their oil and washed their windows. I still vividly recall the day almost 40 years ago when I was working there at that gas station on Pleasanton Road and a special customer drove up and asked me to fill up his tank. When I realized that it was Henry B. Gonzalez who had parked next to me, I was filled with pride and excitement.

Even at that age, as a teenager, I knew Henry B. and the legacy that he was hard at work establishing. Congressman Gonzalez was a role model to all of us, a strong man with a strong work ethic fighting for all of us. But at the time, for me, he was one who needed gas; and I took pride in being able to fill up his gas tank at that age.

As the Nation pays tribute to Henry B. and the hard-fought battles he championed, Alamo City mourns the profound loss of one of the most well-known figures in Texas public office. He served proudly in the United States House of Representatives, but long before his famous days in Washington, our Compadre served as a civilian cable and radio censor for military and naval intelligence, as a Bexar County probation officer, the deputy director of the San Antonio housing authority, and as a city councilman in San Antonio and the Texas State Senate fighting for our communities.

Henry B. spoke for those who had no voice of their own. Then State Senator Gonzalez is also known for his famous filibuster. To this day, as a State Senator in Texas, he still holds the record for the longest filibuster. And his filibuster helped kill several bills, in fact almost 20 or 30 bills, that were still pending in the Texas House that would have overridden and circumvented the Supreme Court decisions regarding segregation.

Congressman Gonzalez shepherded the construction of a medical school in San Antonio and veterans hospital in San Antonio, he brought the HemisFair exposition to the city, he passed measures protecting San Antonio's vital drinking water supply, supported area military installations, and worked to expose the 1980 savings and loan scandal.

As a partisan firebrand in the United States Congress and chairman of the House Committee on Banking, Henry B. was tireless at his work. As chairman, he helped to usher over 71 bills through the legislative process. He was an advocate for making more credit available to small businesses, helping find safe places for people to put their savings, and reauthorizing the Federal housing loans and laws.

In 1997, from the floor of the United States House of Representatives, our Compadre introduced me to the country as I was sworn in to the Congress. As he introduced me to his colleagues of more than 30 years, I recalled with great pride his leadership throughout the years that he had espoused. I also thought back to that one day when some 40 years before that I had had a chance to meet him for the first time and marveled at how far our community and Nation had come because of this single man.

It is with deep sadness that we say good-bye to a true American hero. Henry B. dedicated his life to public service and we have all benefitted from his kindness and his wisdom.

Mr. Speaker, I will attach additional documentation on Mr. Gonzalez at this point for the RECORD.

HENRY B. GONZÁLEZ; UNITED STATES REPRESENTATIVE, DEMOCRAT OF TEXAS

Eighty-seventh–One Hundred Fourth Congresses, November 4, 1961–Present

A strong personality who has received national attention for his various crusades, Henry González was the first Hispanic Representative from Texas, and has served in Congress longer than any other Hispanic. He was born Enrique Barbosa González in San Antonio, Texas on May 3, 1916. His parents, Leonides González Cigarroa and Genoveva Barbosa Prince de González, fled to San Antonio from the state of Durango in northern Mexico during the Mexican Revolution in 1911. Leonides González had served as mayor of the town of Mapimi, Durango in Mexico. Henry González attended public schools and graduated from Jefferson High School in 1935. He continued his education at the University of Texas and San Antonio College. In 1943 he graduated from St. Mary's University School of Law. Shortly after the Japanese attack on Pearl Harbor, he was called to government service and worked as a civilian cable and radio censor for military and naval intelligence. After graduation he worked as assistant juvenile probation officer, quickly rising to chief probation officer of the Bexar County Juvenile Court. In 1947 he was hired by the Pan American Progressive Association as executive assistant. From 1947 to 1951 he helped his father ran a translation service in San Antonio.

In 1953, with the support of Mexican-Americans and Anglos, González was elected to the San Antonio City Council, serving as mayor pro-tempore for part of his first term. In the city council he spoke against segregation of public facilities, and the council passed desegregation ordinances. In 1956 he was elected to the State Senate; he was subsequently reelected and served until 1961. In 1957 González, along with Senator Abraham Kazen, attracted national attention for holding the longest filibuster in the history of the Texas Legislature, which lasted thirty-six hours. They succeeded in killing eight out of ten racial segregation bills that were aimed at circumventing the U.S. Supreme Court's decision in the Brown v. Board of Education case. Among his other achievements in the Senate were a slum clearance law and the passage of a bill for the creation of a medical school. In 1958 González unsuccessfully ran for Governor of Texas; although an unlikely candidate, he wanted to offer an alternative to the race between Governor Daniel and former governor W. Lee O'Daniel.

During the 1960 presidential campaign, John F. Kennedy requested González's help in organizing Viva Kennedy Clubs throughout the country. González and U.S. Senator Dennis Chávez of New Mexico served as national co-chairman.

González was elected to the U.S. House of Representatives in a special election to fill the vacancy caused by the resignation of Paul J. Kilday (D–TX), who had been appointed to the Court of Military Appeals. In 1961 he was elected with over half of the votes. Subsequently he has faced little challenge in reelection bids; he has generally won with at least eighty percent of the vote and a number of times he has run unopposed. Although he has supported and initiated legislation for the welfare of Hispanics, he has never run on a Hispanic platform.

As a Representative, González quickly got attention in 1963. He received substantial publicity when he voted against additional appropriations for the House Committee on Un-American Activities, because it received more money than other committees that produced more reports and legislation.

During his first term, González was assigned to the Committee on Banking and Currency, which in 1977 became the Banking, Finance, and Urban Affairs Committee, where he worked for the passage of a number of legislative proposals of the New Frontier and Great Society including the Housing Act of 1964. He worked on legislation that was eventually incorporated into the Equal Opportunities Act of 1964, and supported the Library Service Act of 1964, and the Civil Rights Act of 1964. In addition, Chairman Wright Patman (D–TX) appointed González as a special liaison representative on Latin-American affairs; González attended the Inter-American Development Bank Board of Directors conference in Panama in April 1964. During the 1960's he also campaigned to put and end to the bracero program, which allowed the use of foreign labor to harvest agricultural crops. He criticized the program for the deplorable conditions under which laborers worked.

In the 1970's González continued with his crusades. In 1977 he gained national attention as Chairman of the House Assassinations Committee that was established to investigate the murders of John F. Kennedy and Martin Luther King, Jr. Animosity developed between González and the attorney who headed the probe. González quit within weeks, due to the fact that in his opinion the investigation was doomed because powerful forces in organized crime were against it. He also urged an investigation of the murder of Judge John W. Wood in San Antonio. When the indictments were handed down, Federal prosecutors thanked González for his perseverance. As a member of the House Small Business Committee in the 94th Congress, González served as Chairman of the ad hoc subcommittee on the Robinson-Patman Act, Anti-trust Legislation, and Related Matters. He played a key role in salvaging the Robinson-Patman Act, which some consider to be the "Magna Carta" of small business. During the 1970's González opposed nuclear power and introduced legislation to phase out existing nuclear facilities, and continued his work in support of public housing.

In 1981 González became the Chairman of the Subcommittee on Housing and Community Development, where he worked on legislation to approve a program to assist families who faced foreclosure on their homes. Later he battled the Reagan administration when it proposed cuts in public housing programs.

With the leadership of González as Chairman of the Banking, Finance, and Urban Affairs Committee, the committee was able to enact many pieces of legislation, including flood insurance reform, major housing initiatives, increasing the accessibility to credit to small business, and strengthening anti-money laundering laws, bank fraud, and other financial crimes. In addition, through his efforts with legislation and through hearings, he succeeded in making the Federal Reserve more publicly accountable. During his ten year Chairmanship (1971–1981) of the Banking Committee's Subcommittee on International Development Institutions, and Finance, he sponsored an amendment to a number of international banking bills. The "González amendment," as it was commonly known, protects U.S. citizens from expropriation by countries that receive loans from international development institutions to which the U.S. contributes.

During his tenure as Chairman of the Banking Committee, González had to deal with the collapse of the savings and loan industry, a crisis he had predicted throughout the 1980's. In 1991 he led a restructuring of the federal deposit insurance system. As Chairman he earned a reputation for being a fair leader who allowed equitable participation in the creation of bills.

González was once again in the national spotlight in 1992, when he requested an investigation of the Bush administration's involvement in loans to Iraq.

In addition to his legislative career González has served seven times as a House Delegate to the Mexico-United States Interparliamentary Conference, and has received numerous awards from universities, including honorary doctorates from St. Mary's University and from Our Lady of the Lake College.

Henry B. Gonzalez of San Antonio—Elected 1961; 18th Full Term

BIOGRAPHICAL INFORMATION

Born: May 3, 1916, San Antonio, Texas.

Education: San Antonio College, 1937; U. of Texas, Austin, 1937–39; St. Mary's U. of San Antonio, LL.B. 1943.

Occupation: Teacher; public relations consultant; translator.

Family: Wife, Bertha Cuellar; eight children.

Political Career: Candidate for Texas House, 1950; San Antonio City Council, 1953–57, mayor pro tem, 1955–57; Texas Senate, 1957–61; sought Democratic nomination for governor, 1958; sought Democratic nomination for U.S. Senate, 1961.

Capitol Office: 2413 Rayburn Bldg. 20515; 225–3236.

COMMITTEES

Banking & Financial Services (ranking).

In Washington: Gonzalez, more than most other senior Democrats who once ruled the roost in the House, went into a shell with the Republican takeover in 1995. The energetic (if eccentric) former chairman of the Banking and Finance Committee was absent or inactive at many important committee sessions in the 104th Congress. An intensely proud man, he showed little interest in waging losing battles in committee, unlike many other Democrats who put up fierce resistance to the newly empowered GOP majority.

Ironically, Gonzalez's most notable achievement of late involved him defeating Democrats, and Republicans. In November 1996, he fended off two Democrats who challenged him for the ranking spot on Banking for the 105th Congress.

But one of the factors that kept him in the ranking seat was his promise to party colleagues that he would give up the seat after two more years and serve in an emeritus capacity—if Gonzalez, now past 80, tries for a 19th full term in the House in 1998.

The House Democratic Caucus let Gonzalez have two final years as ranking member after he made an emotional plea to stay on. The mercurial Texan, who legendary independent streak has long ruffled the feathers of House leaders, demonstrated a vigor in the caucus session that noticeably has been lacking since the GOP takeover. He emerged with a plurality of the vote in a three-way race with John J. LaFalce of New York and Bruce F. Vento of Minnesota, second- and third-ranking Democrats on the committee. Gonzalez got 82 votes, LaFalce 62 and Vento 47. LaFalce conceded rather than continuing the fight into a runoff, sparing the party a clash that made many Democrats uncomfortable.

The effort to topple Gonzalez arose after his repeated absences from committee meetings in the 104th caused even longtime supporters such as Barney Frank of Massachusetts to recommend that Democratic leaders push out Gonzalez.

"I think we had a very good six years under Henry," said Frank, who had been Gonzalez's conduit to the House Democratic leadership but supported LaFalce's challenge. "But the transition from chairman to ranking member was personally very tough for him."

Gonzalez's supporters mounted an active campaign. Committee colleague Joseph P. Kennedy II of Massachusetts said that Banking Democrats had pulled together to repel GOP initiatives even though Gonzalez himself had slowed. "What are we going to do, take away a ranking membership from a guy who is a folk hero among Democrats?" Kennedy asked. "This guy defines the Democratic Party's values."

Gonzalez helped himself with a masterful speech in which he made the one-last-term pledge that earned him the benefit of some members' doubt. "I say to you, I have served with honor and integrity and success. I have never failed myself and I have never failed you," Gonzalez told the caucus behind closed doors. "And so I appeal to you: Do the right thing. Do the fair thing. I appeal to your sense of justice: One last term as ranking member, and I will not disappoint you."

The caucus erupted in applause audible in the corridors of the Longworth House Office Building. "There were probably some votes that he swayed even in that speech, which is unusual around here," admitted LaFalce supporter Floyd H. Flake of New York. Gonzalez received two standing ovations, and balloting started immediately after his speech ended.

Gonzalez's victory came despite LaFalce received the Democratic Steering Committee's endorsement by a 22–19 margin, and Vento campaigning vigorously. "It's very difficult to express in words the profound sense of gratitude I feel at this moment," Gonzalez said after the vote. He said he did not harbor any ill feelings towards LaFalce or Vento, saying, "It's all part of the process. It's better to be tested and tried and win than not to be tried at all."

During a congressional career that has spanned nearly four decades and included three terms as chairman of the Banking Committee, Gonzalez has earned a reputation for iconoclasm that few can match. Republicans remember him for advocating impeachment of Presidents Ronald Reagan after the 1983 Grenada invasion and the 1987 Iran-contra scandal, and George Bush after the 1991 Persian Gulf War. But Gonzalez also has been an affliction to some in his own party. His bulldogging of savings and loan kingpin Charles Keating, Jr. played a part in ending the political careers of three Democratic senators with ties to Keating. And he gave no quarter when interrogating Democratic wise man Clark Clifford about his role in the world's biggest bank scandal, involving the Bank of Credit and Commerce International (BCCI).

Gonzalez's hands-off attitude toward Whitewater was rather out of character; in the past he had often shown himself to be an aggressive investigator. After the Gulf War, for instance, he waged a lonely crusade to expose what he saw as the U.S. government's wrongheaded pre-war attempts to curry favor with Iraq and help it strengthen its military—a policy he said had encouraged Iraqi leader Saddam Hussein to invade Kuwait.

But from the beginning, Gonzalez opposed using his Banking Committee to hold Whitewater hearings. He condemned Republican inquiries as a "witch hunt" and an "array of half-truths, old rumors, half-baked conspiracy theories and out-right lies." Gonzalez finally gave in, but when the hearings took place in August 1994, he made prolific use of the gavel to enforce a five-minute limit for questioners and limit the scope of the inquiry.

Before he assumed the Banking chairmanship, his record as a legislator was dismissed as thin, even as he was revered in San Antonio for his unstinting defense of the underclass. But in the six years he chaired Banking, Gonzalez significantly rehabilitated his image in Washington. He helped repair one of the biggest financial debacles in the nation's history—the near-collapse of the savings and loan industry. He also helped avert a lesser crisis affecting banks by shepherding an overhaul of the deposit insurance system in 1991. He earns credit for being one of the House's most committed fighters for affordable housing, although victories on that front have been few in recent years. And in the 103rd—a Congress that failed to enact major legislation in several areas it pursued—Gonzalez's committee passed two significant measures: in interstate banking law and a community development law that married bank regulatory relief with several schemes to encourage lending in distressed communities.

Gonzalez has been a fighter since the beginning of his career, whether pressing solo causes or setting personal quarrels. He is a passionate populist, and a sincere if long-winded one. He also can be stubborn, short-tempered and prone to eruptions of anger. In 1963, he threatened to "pistol whip" and then struck a House Republican who claimed Gonzalez's "left-wing voting record" served the socialist-communist cause. In a San Antonio restaurant 23 years later, Gonzalez struck a man who had called him a communist; prosecutors later dropped misdemeanor charges.

At Home: Like many Texas Democratic incumbents, Gonzalez felt some impact from the big GOP year of 1994. While his Republican opponent, Balcones Heights City Council member Carl Bill Colyer, pulled in less than 40 percent of the vote, he nevertheless held the incumbent to his lowest winning-margin since his first election in 1961.

The son of Mexican immigrants, Henry B. (as he is known both in Washington and in Texas) began climbing the local political ladder after World War II. He sought office while helping his father, the managing editor of a Spanish-language newspaper, run a translation service. Gonzalez made it to the state Senate in 1957 and quickly drew attention by filibustering against Democratic Gov. Price Daniel's bill to allow the state to close schools threatened by disturbances surrounding integration.

In 1958 Gonzalez ran as the liberal alternative to Daniel in the Democratic gubernational primary. He was beaten by a margin of more than 3-to-1, but the defeat only encouraged his ambition. Three years later, he sought the Senate seat vacated by Lyndon B. Johnson. While Gonzalez carried his home base, Bexar County, his statewide appeal as a candidate with a Hispanic name was limited. He ran sixth out of 73 candidates, gaining 9 percent of the vote.

But he soon had another chance. Later in 1961, Democrat Paul Kilday resigned from the House to accept a judgeship, and Gonzalez became the consensus Democratic candidate for the seat.

The special election was a clear liberal-conservative choice. Gonzalez was warmly endorsed by the Kennedy administration. John Goode, a former GOP county chairman, had the active assistance of Arizona Sen. Barry Goldwater and Texas' newly elected GOP senator, John Tower. With strong support in Hispanic areas, Gonzalez won with 55 percent. He became the first person of Mexican-American extraction to be elected to the House from Texas.

HOUSE ELECTIONS

	Total
1996 General:	
Henry B. Gonzalez (D)	88,190 (64%)
James D. Walker (R)	47,616 (34%)
Alejandro "Alex" DePena (LIBERT)	2,156 (2%)
1994 General:	
Henry B. Gonzalez (D)	60,114 (63%)
Carl Bill Colyer (R)	36,035 (37%)

Previous Winning Percentages: 1992 (100%); 1990 (100%); 1988 (71%); 1986 (100%); 1984 (100%); 1982 (92%); 1980 (82%); 1978 (100%); 1976 (100%); 1974 (100%); 1972 (97%); 1970 (100%); 1968 (82%); 1966 (87%); 1964 (65%); 1962 (100%); 1961, special election (55%).

CAMPAIGN FINANCE

	Receipts	Receipts from PACS	Expenditures
1996:			
Gonzalez (D)	$123,375	$46,600 (38%)	$86,231
Walker (R)	138,847	450 (0%)	138,735
1994: Gonzalez (D)	116,025	32,650 (28%)	55,382

DISTRICT VOTE FOR PRESIDENT

	Total
1996:	
D	82,892 (59%)
R	48,485 (35%)
I	7,285 (5%)
1992:	
D	81,373 (48%)
R	57,964 (34%)
I	28,970 (17%)

KEY VOTES

1997: Ban "partial birth" abortions	N
1996:	
Approve farm bill	Y
Deny public education to illegal immigrants	N
Repeal ban on certain assault-style weapons	N
Increase minimum wage	Y
Freeze defense spending	N
Approval welfare overhaul	N
1995:	
Approve balanced-budget constitutional amendment	N
Relax Clean Water Act regulations	N
Oppose limits on environmental regulations	Y
Reduce projected Medicare spending	N
Approve GOP budget with tax and spending cuts	N

VOTING STUDIES

Year	Presidential support		Party unity		Conservative coalition	
	S	O	S	O	S	O
1996	84	16	84	16	67	31
1995	82	14	82	11	48	44
1994	78	19	96	4	22	78
1993	90	10	95	5	34	66
1992	23	77	94	6	38	63
1991	32	67	93	7	16	84

INTEREST GROUP RATINGS

Year	ADA	AFL-CIO	CCUS	ACU
1996	80	n/a	38	15
1995	85	100	20	4
1994	75	100	25	15
1993	80	100	9	8
1992	80	92	38	4
1991	75	100	10	0

[From the San Antonio Express-News, Dec. 2, 2000]

POLITICAL LEADERS OFFER THEIR TRIBUTES

(By Gary Martin)

WASHINGTON.—A flag flew at half-staff Wednesday above the U.S. Capitol as former Rep. Henry B. Gonzalez's death was met with a national outpouring of sorrow and mourning.

President Clinton offered the country's condolences to the Gonzalez family.

"Henry will forever be remembered as a man of conviction and humility who devoted his life to lifting people up and building bridges of understanding," Clinton said in a statement released by the White House.

"Our thoughts and prayers go out to his wife, Bertha, his children, and his family and friends," Clinton said.

Gonzalez, 84, awoke feeling ill and was rushed to Baptist Medical Center in San Antonio, where he died Tuesday.

The feisty congressman was the first Mexican-American elected from Texas to serve in the House of Representatives. Now there are six from Texas, including three from San Antonio.

"Congressman Gonzalez was a trailblazer and a leader for all of Texas," Clinton said.

In addition to kicking down ethnic barriers, Gonzalez had a colorful career in the House that spanned 37 years.

It was sprinkled with acts of defiance—calling for the impeachment of two Republican presidents—and fisticuffs that led to national headlines when he punched a GOP congressman in 1963 and a restaurant patron at Earl Abel's diner in San Antonio 23 years later.

A maverick lawmaker who sometimes frustrated the leaders of his own party, Gonzalez wore his populist and liberal leanings on his sleeve, often dressed in seersucker or large-lapel suits that caused visitors and Gucci-dressed lobbyists on Capitol Hill to gawk.

"I do remember that. They were great suits," said a chuckling J.J. "Jake" Pickle, a former Democratic congressman from Austin and one of Gonzalez's closest friends.

"You could always spot Henry. But he wore, and said, what he thought. It offended some people. But Henry did it his way. And he was as fearless in his crusading, as he was right on most issues," Pickle said.

"He was one of the rarest political characters I have ever known. And he was champion for civil rights before we even knew what it was," said Pickle, who retired in 1994 after 30 years on Capitol Hill.

House Minority Leader Dick Gephardt said Gonzalez "always fought the good fight."

"Henry's passing leaves us all with a void that can't be filled," Gephardt said.

Despite a long legislative career, Gonzalez was most proud of legislation he shepherded through Congress to help the underprivileged gain a foothold to the American Dream.

"Millions of Americans will sleep tonight in homes made possible through Mr. Gonzalez's battles for affordable housing and community development," said Ralph Nader, the Green Party presidential candidate and consumer activist.

"Mr. Gonzalez's record will stand forever as a reminder of what legislators can accomplish when they have the courage and thought to follow their best instincts," Nader said.

His long list of fights and achievements on behalf of racial minorities, women and working families brought out a "Who's Who" of politicians paying respect.

"Henry B. Gonzalez was one of my heroes," former Texas Gov. Ann Richards said.

"He spoke out for people and the needs of the poor and working class long before it was easy to do. Henry B. was a catalyst for the advancement of the rights of Hispanics, people of color and women. Our gratitude is boundless," Richards said.

On Capitol Hill, where lawmakers were in adjournment until Monday, fax machines transmitted comments of praise and adulation for Gonzalez, who reluctantly left his Washington office because of illness in 1998.

Many colleagues were in the Capitol in 1997 when he left a session of Congress in an ambulance. A dental infection had traveled to Gonzalez's heart and damaged a valve. After a 14-month absence, he returned, only to announce his retirement.

His son, Charlie Gonzalez, was elected to succeed him.

Charlie Gonzalez said his father struggled with the illness and being away from Washington.

"It's been hard these last couple of years, being away from Congress," Gonzalez said moments after his father died.

A tireless advocate for San Antonio, Gonzalez was a New Deal Democrat who worked to bring pork barrel projects back to his congressional district, helping to establish Kelly AFB as one of the largest aircraft repair depots in the Air Force, and securing the 450-bed Brooke Army Medical Center.

Pickle said his biggest achievement was HemisFair 1968. Gonzalez funneled federal money into the project, prompting the city to name the nearby convention center after him.

"He put San Antonio on the map, through the HemisFair event," Pickle said.

Early in his congressional career, San Antonio loyalists would hold an annual dinner to honor Gonzalez, Pickle recalled, noting: "The program would last on and on and on.

"On two or three occasions I would just go to listen to him. About 10 p.m. and 11 p.m. they would get around to introducing Henry B."

Pickle said he was elated when Gonzalez, who was known for his lengthy speeches, announced at one event that he wouldn't make a speech.

Instead, the congressman planned to introduce his extended family, which would "fill up a phone book."

Pickle sneaked off.

"By the time I got back to Austin, he was still introducing his last cousin," he said.

"We were good friends," Pickle said. "I accepted his odd characteristics, as I know he accepted mine."

[From the San Antonio Express-News, Dec. 2, 2000]

PRAYER, PRAISE AT FUNERAL

(By Carmina Danini and Sherry Sylvester)

The rich, the poor, the powerful, the disadvantaged, the young and old gathered at San Fernando Cathedral on Saturday to celebrate the life of a man they sent to Congress for 18 consecutive terms.

Henry B. Gonzalez was paid tribute by colleagues, friends and family in a funeral the size of which is rarely seen in San Antonio—and one marked by laughter and applause.

Aired live on television, the Mass was part political rally and part toast to the life of a remarkable man who was honored in pure San Antonio style with "Amazing Grace" sung in Spanish to mariachi music.

Nearby, about three dozen mourners watched the Mass on two large screens in the City Council chambers.

The 84-year-old Gonzalez, who retired from public life two years ago after an illness brought on by a dental infection, died Tuesday afternoon.

For two days last week, thousands of San Antonians paid their respects and shared stories of the man who transcended his West Side background and captured the public's affection with an uncanny ability to connect with people.

Despite chilly temperatures, throngs of people stood inside the cathedral, in Main Plaza and along the four-mile route of the procession to San Fernando Cemetery No. 2, where he was buried alongside his parents, Leonides and Genoveva Gonzalez.

The oldest cathedral sanctuary in the United States was the perfect setting for the Mass of such a historic figure—a man beloved by those cramming the old church to capacity.

Many of them knew him. Others, like Lina Bello, a City Hall secretary in Taxco, Mexico, were visiting but were caught up in the ceremony.

San Antonians loved Gonzalez, said former U.S. Congressman Kika de la Garza, the Democrat from Mission, because he had "el don de gentes."

The Spanish phrase means having the capability to win the good will of people.

Former Housing Secretary Henry Cisneros said Gonzalez was never a "jefe politico" or political boss.

"He didn't control a political machine," Cisneros told mourners, many of whom arrived at the cathedral three hours early to ensure they had a place to sit at the Mass.

"His political code was a bond directly between him and the people. The only words that I find to describe this man is that he was a tribune of the people," Cisneros said.

Considered sacred in ancient Rome, the tribunes could defend commoners against unfair acts by officials.

Other speakers, many of whom worked alongside Gonzalez on Capitol Hill, told of his unwavering work on behalf of the voiceless.

"He was the champion of the common man and an extraordinary figure in Texas politics," said U.S. Rep. Martin Frost, D-Dallas, dean of the Texas congressional delegation.

Gonzalez's congressional colleagues came from all over Texas and the nation to say goodbye to a man they called a warrior, a statesman, a pioneer, a hero and a national treasure.

They also called him funny, brilliant, a maverick and a coalition builder who lived his life with gusto.

But the long line of elected officials who spoke also described their longtime colleague as a warm and loyal friend.

Bill Richardson, secretary of the U.S. Department of Energy, told people that Gonzalez loved Congress and the people of San Antonio.

"But he was not just yours," Richardson said. "He belonged to everybody. He was national, but he was local."

Richardson, who represented President Clinton at the Gonzalez funeral, knelt before Gonzalez's coffin before he spoke, calling Henry B. "a champion of the downtrodden."

U.S. Rep. Patrick Kennedy, D-Rhode Island, predicted that Gonzalez's legacy will never die because he had pursued the path of what was right instead of what was easy.

"Like FDR, Henry B. was loved for the enemies he made," Kennedy said.

"He had the privilege of being a thorn in the side of great privilege."

Cisneros called Gonzalez the single most important person in San Antonio's history and one of the great leaders of the 20th century.

"Hearts were touched and dreams were forged by what Henry B. Gonzalez inspired," Cisneros said. "We have lost a great one."

Frost, who served with Henry B. for a longer time than any other Texas congressman, called Gonzalez "an extraordinary figure in Texas history."

Frost said that during his time in Congress, Gonzalez always took the stand he believed was right.

Frost said that unlike many politicians, Gonzalez never cast a token vote for the other side in an effort to avoid looking "too liberal."

"He never threw a vote, he never trimmed his sails," Frost said.

Gonzalez's congressional colleagues credited him for creating housing laws, financial regulations that opened the way to home ownership and financial security for poor people.

U.S. Sen. Jack Reed, D-Rhode Island, told the mourners at San Fernando Cathedral that he had flown to San Antonio on Saturday because Henry B. had played a key role in rescuing his state of Rhode Island from a severe financial crisis.

"He brought hope to a state whose motto is hope," Reed said. "We could not have done it without Henry B."

Former Congressman Bob Krueger said that Gonzalez was able to follow his conscience in Congress and speak from his heart because he knew he had the support of the people of San Antonio.

Former Texas Attorney General Jim Mattox said he was a little ill at ease seeing so many political dignitaries at Gonzalez's funeral.

"I have a feeling that Henry B., would open the doors and make sure all the common folks could get in here," Mattox said.

U.S. Rep. Sheila Jackson Lee, D-Houston, thanked the Gonzalez family for allowing the high Mass to become a "state funeral," and Texas state Sen. Gonzalo Barrientos noted that he was in segregated schools when Henry B. first went to Congress. He thanked Gonzalez for making his career possible.

U.S. Rep. Lamar Smith, R-San Antonio, told the crowd about joking with Gonzalez about a young Republican in Congress who learned how to vote by watching Gonzalez and always voting the other way.

State Sen. Leticia Van de Putte, U.S. Rep. Maxine Waters, D-California, U.S. Rep. Ciro Rodriguez, D-San Antonio, former U.S. Rep. Bill Patman, U.S. Rep. Ken Bentsen, U.S. Rep. Henry Bonilla, R-San Antonio, and de la Garza also spoke eloquently about their comrade.

"Texas is a better place today because Henry B. Gonzalez spent 84 years on the face of this earth," Frost said.

Both Richardson and Jackson Lee told of the time, close to his retirement, when several young Democrats believed Henry B. should be replaced as chairman of the House Banking Committee.

"We needed 211 Democratic votes," Richardson said, "I was a little worried."

But Richardson said that Henry B. would not allow him to do any campaigning to keep him in the job.

When it came time for the Democratic Caucus to vote, Henry B. spoke last.

"I've never failed myself, and I've never failed you," Gonzalez said.

Richardson said he won the vote by a 3-to-1 margin.

"It wasn't even close."

A sorrowful Charlie Gonzalez paid the final tribute to his father with stories, jokes and poetry. Gonzalez said that he had no questions about whether or not his father was in heaven, saying he believed his father was probably talking politics with St. Peter.

"In heaven all the political yard signs will say 'Keep Henry B. in D.C.' and 'All the Way with LBJ' and, of course, 'Viva Kennedy.'"

Gonzalez said he wanted to thank everyone who had ever voted for his father. "You are the people who made his life possible," he said.

Gonzalez said that he and his family had been comforted in recent days by the knowledge that his father had left so much more to the world than he had taken.

The congressman shared some of the many stories he said he has heard since his father's passing from people who said Henry B. had touched their lives.

The younger Gonzalez said he had been visited by two brothers who had met Henry B. when he was their juvenile probation officer.

"He straightened us out," Gonzalez reported one brother saying. "He got me out of reform school and sent my brother there."

Gonzalez also read the William Wordsworth poem, "The Character of the Happy Warrior" as his elegy.

"He opened eyes, he opened hearts and that shall be my father's legacy," Gonzalez said.

Sitting on a back pew, Maria Palencia spoke proudly about the photos she had of Gonzalez holding her then-3-month-old granddaughter, Adelita Becerra.

"He went to Ruiz Elementary School, where my daughter was a teacher," Palencia said. "She had taken the baby to school that day."

The granddaughter is now 26 years old.

Outside the cathedral, people stood three deep as the pealing of bells competed with music by the Mariachis Campanas de America.

A few waved as the casket was placed inside the hearse. An elderly man who began weeping uncontrollably was led away by his daughter.

"We'll never have anyone like him ever again," the man said.

Mr. RODRIGUEZ. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. FROST), our dean and chairman.

The SPEAKER pro tempore. Pursuant to the designation of the minority leader, the balance of the time is reallocated to the gentleman from Texas (Mr. FROST), and the gentleman from Texas may proceed.

Mr. FROST. Mr. Speaker, I rise today in honor of my friend and colleague, the late Henry B. Gonzalez. I remember the day in January of 1979 that, as a new freshman Congressman from Dallas, I walked across the floor of the House and first introduced myself to Henry B. Gonzalez. I, of course, knew who he was and what he had stood for; but I am not sure he knew anything about me.

I mentioned to Congressman Gonzalez that my father was from San Antonio, that I had a lot of family in his district; and I said something about my 88-year-old grandmother, Pearl Frost, living in San Antonio. His eyes brightened, and he replied that of course he knew my grandmother. Well, after all, he knew everybody in San Antonio. From that moment on, Henry B. took a special interest in my career. He was very kind and very helpful as I started learning how to be a Congressman.

For 20 years, I had the chance to observe Henry B. up close. Several things struck me during that time. First, he was always true to his core beliefs. He never varied from his support for the downtrodden and in his support for equal justice for all people, regardless of race, color, or creed. Some Members of Congress will follow a zigzag path in their voting pattern from time to time, casting a conservative vote here and there so that opponents cannot call them a liberal in the next election. Henry B. never worried about that kind of thing. He was always on the side of the people, no matter what the issue. He did not try to trim his sails. He was who he was.

Second, Henry B. was well read, smart and very able. When he first became chairman of the House Committee on Banking, some Members questioned whether he had the temperament to chair a major committee. Some good-naturedly commented to him about how he had changed his wardrobe now that he chaired the Committee on Banking. He no longer wore brightly colored suits all the time, but could often be seen in dark pinstripes. They told him that he was even dressing like a banker.

The concerns about Henry B.'s ability to handle the Committee on Banking quickly disappeared. He was a steady chairman, fair to all sides, and he guided the committee through some very tough legislative balances. Early on, he correctly predicted problems faced by deregulating Texas savings and loans and, as chairman, crafted a fair, tough plan to correct these problems.

Finally, no one could ever say that he benefitted financially from his position, or that he was in any way influenced by special interest contributions. He simply did not need the contributions and probably would not have taken them even if he ever did have a campaign, which he usually did not. Most of us spent hours putting together our annual financial disclosure statements we had to file with the House. Henry B. filed the same statement every year. He had his congressional salary, and that was it.

During his final years as a Member of Congress, age finally had started to slow him down. He was challenged in the Democratic caucus in 1996 by two younger Members who wanted his position as ranking Democratic Member on the Committee on Banking. Henry B. rose in a hushed meeting of the caucus to ask his colleagues for one more term as the ranking member. He eloquently recounted his career, how he had fought for the people his entire life and what he had done as chairman of the committee. It was no contest. The caucus rallied behind this champion of the common man and the challenge disappeared.

As Molly Ivins said in a recent column, "Henry B. was not a saint, but he was a fighter. He was the genuine article, the real thing. He was an extraordinary figure in Texas political history who advanced the cause of Hispanics and all minorities in our State. Texas is a better place today because Henry B. Gonzalez spent 84 years on the face of the Earth. He will be remembered long after most of his contemporaries have been forgotten. And that's the way it should be. We love you, Henry, and we are better because you walked our way."

Mr. Speaker, I yield to the gentleman from Texas (Mr. BENTSEN), who served on the Committee on Banking and Financial Services with Mr. Gonzalez.

Mr. BENTSEN. Mr. Speaker, I thank my colleague from Texas for yielding to me, and let me say that the people of San Antonio, the people of Bexar County, Texas, and the people of Texas and the United States suffered a great loss with the passing of our former colleague, Henry B. Gonzalez, last week.

□ 1145

There is no question that Henry B. Gonzalez, in his service on the San Antonio City Council, in the Texas State Senate, and as a Member of this body, including the pinnacle of being the Chair of the House Committee on Banking, Housing and Urban Affairs did more for the people he represented than probably most Members who have served in this body. But more than that, Henry was a trail blazer for the Hispanic population of Texas and the United States, and he was a trail blazer and a leader for American consumers as well.

There is not a piece of legislation dealing with consumer rights, financial issues, or housing issues that was not greatly influenced or does not bear the mark of Henry B. Gonzalez that occurred over the last 30 years.

Henry B. Gonzalez was the father of the Community Reinvestment Act. He was the father of much of the financial services reform that occurred in the 1980s and 1990s. And he clearly was the father of the various laws dealing with public housing and housing assistance that were adopted by this body in the 1970s, 1980s, and 1990s.

Henry B. Gonzalez was always true to his word. He always rose to the occasion and conquered whatever task was put before him. As my colleague from Ft. Worth has mentioned, there were some who questioned whether or not he would be able to rise to the occasion as Chair of the House Committee on Banking, and there were some who questioned whether or not he would be able to go beyond issues related to consumer rights and community reinvestment and housing issues to deal with the tough, intricate issues of financial regulation, particularly in the midst of the savings and loan crisis of the 1980s. And yet Henry B. Gonzalez was the person who was able to show the leadership, to drive a force through the middle to pass the FIRREA and FIDICIA legislation and pass other legislation which brought this country out of its worst banking crisis since the Great Depression.

So, Mr. Speaker, I do not think there is any question that Henry B. Gonzalez did what he was asked and served with great distinction for the people of the 20th District of Texas and the United States.

I would just close by saying this: I had the honor of serving with Henry B. Gonzalez in two ways, one as a Member and also as staff; and I can remember, while in graduate school as a young staffer on the Hill long before the Conservative Opportunity Society and Members really knew what Special Orders were about, it was Henry B. Gonzalez who came to the floor every day and closed the House and would speak extemporaneously for 60 minutes about whatever issue he happened to be interested in, drawing back on his extensive knowledge of history and captivating the audience that was there, the new C-SPAN audience that was out there.

Later, as a member of the House Committee on Banking, when Henry was the most senior member, with all due respect to the chairman, but still the most senior member on the committee, and I the most junior member on the committee, he brought me along. And I will never forget, as the chairman of the committee knows this well, Henry B. Gonzalez, who built his career, who has the longest record for a filibuster in the Texas State Senate, fighting the so-called States' rights issues and the Jim Crow laws, that at the end of his career, it was Henry B. Gonzalez and I who were fighting for States' rights and the rights of Texas to determine its home equity laws.

We were not successful that day in the House Committee on Banking, as the chairman will remember. But, in the end, Henry prevailed and the issue went back to the State of Texas.

It was a great honor and privilege to serve with Henry B. Gonzalez. He will long be remembered not just in the 20th District and not just in Texas, but throughout the United States, for the work that he did for the American people. We are a better place for his service.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Iowa (Mr. LEACH), the current chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding. I particularly thank the gentleman for holding this Special Order in honor of his great Texas friend. In my time in the United States Congress, I have served with no more honorable a man.

Henry was an old-fashioned liberal, and he never had a conflict of interest. He did not just simply advocate, he lived campaign reform. His only special interest was his constituents. He never let them down. Nor did they ever countenance an alternative. Honesty has its rewards.

I might say that, while a bit more conservative and bent, I believe his values are very much reflected in his son, with whom we are also very honored to serve.

As colleagues on the Committee on Banking, Henry and I held differing positions on a number of issues, particularly matters involving the Federal Reserve. But Henry Gonzalez always had an element of justice, an element of good judgment on the side as, for example, when he sought to bring more transparency to certain operations of the Federal Reserve. He also led Congress in efforts to uncover money laundering in all parts of the country, particularly in his own region, the San Antonio Federal Reserve District.

It is sometimes said that the true riches in one's life can be measured by the lives that one has touched and changed for the better. Throughout his history in public service, Henry Gonzalez has served as a model for millions of Americans. And throughout his career, he steadfastly stood for those less advantaged. He has literally represented and improved the lives of hundreds of thousands of Americans.

For his honorableness, his commitment to basic values, for his remembrance of his roots, we in this House are deeply honored to have served with this man and we honor his memory.

Mr. FROST. Mr. Speaker, at this time it is my intention to yield to the gentleman from Maryland (Mr. HOYER), the co-chair of our Steering Committee. And then it is my intention to yield to members of the Texas delegation. And then to the extent that we have other Members who want to speak, I will be yielding to them. But I want to give our colleagues from Texas the opportunity to speak.

Mr. Speaker, I yield to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, I have 3 minutes. We have an hour Special Order. Each one of us that stands could spend an hour talking about our friend, Henry Gonzalez.

This is the people's House. We are proud of that. No person in history better represented an advocate for the people than Henry B. Gonzalez of Texas.

In a land of plenty, Mr. Speaker, and in a time of unprecedented economic prosperity across our Nation, many Americans, with no malicious intent in their hearts, may overlook the plight of the poor, the downtrodden, the vulnerable. That, however, could never ever be said of Henry B. Gonzalez of Texas, who passed away at the age of 84 just a few days ago.

Throughout his entire life in public service, including his 37 years in this Chamber, where he represented his beloved community of San Antonio, he was a battler for those who were struggling in our society. He was a champion of the underdog and for social justice throughout his 37-year career in this body and previously in local and State government. He was a man of integrity, compassion, commitment, courage, unquestioned honesty.

Born in 1916 to recent immigrants from Mexico, he knew firsthand discrimination and poverty. He entered public office after once resigning a position as a probation officer in juvenile court because he was prohibited from hiring an African American.

Henry's fight for social justice continued when he was elected to the San Antonio Council. He won approval for a measure there to desegregate city facilities long before it was the popular issue of the day.

In 1957, he became the first person of Mexican-American heritage elected to the Texas Senate. His legacy in that body, as has been referenced, certainly is focused on a 22-hour filibuster that he conducted to ensure the defeat of measures protecting school segregation. Henry could never, and would never, countenance rank injustice such as that.

Henry B. Gonzalez was not always successful in the short term, but his cry for justice in the long term was usually successful. Henry's indefatigable quest for social justice and equality continued, Mr. Speaker, when he was elected to the House in 1961.

Over the years, he rose to become the chairman of the Committee on Banking, as we have heard. In that regard, he fought for the little people, the people who did not have the lobbyists in Washington or the great money to advocate their position. And during his tenure on that committee, he was instrumental in helping to pass key housing legislation, repairing the Federal Deposit Insurance Corporation and cleaning up the savings and loan scandals of the 1980s.

While Henry was undoubtedly proud of his ethnic heritage, he always insisted that it did not determine his politics.

"I am a Democrat without prefix, suffix or apology or any other kind of modification," he once said.

Yes, Mr. Speaker, in this, the people's House, the people had no more articulate, no more committed, nor more courageous advocate than our friend Henry B. Gonzalez.

When I first came to this House in 1981, I was privileged to serve on the Committee on Banking. I was privileged to know him as a leader, as a role model, as a friend. America and its principles and Constitution had a great advocate in Henry B. Gonzalez. America, Texas, San Antonio, CHARLIE our colleague and his son, his other brothers and sisters, his wife, his family will miss him most. But, CHARLIE, know well that we miss him as well. We loved him when he served with us, and we love him now.

Robert Kennedy once said that:

> Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance.

Henry Gonzalez did much more than send forth a few tiny ripples of hope. His life's work and his legacy were a strong, powerful wave that gives all of us the energy and commitment to keep up the good fight, and keep the faith.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, to see the future we must stand on the shoulders of a giant. At this moment, I would like to offer my condolences to the Gonzalez family and to my good friend, the gentleman from Texas (Mr. GONZALEZ), for the loss of his father, a great American.

For me and many of us sitting in the House of Representatives today, Henry B. Gonzalez was a giant of a man. He was the key that opened up many doors that in the past had been closed to many of us.

People often speak of pioneers or of giants or of visionaries. Sometimes we use those words loosely. But there is literally no better example of those words than Henry B., as he will forever be remembered by those of us who loved him.

Henry B. was a pioneer for Texas and for Hispanic Americans throughout the

United States. He got a law degree in the days of segregation because he loved the law and he knew that fundamentally the law would eventually come to protect all Americans. He entered politics and was successful in municipal, State, and Federal elections even in the days of the elite primaries, legal segregation, and the poll tax.

It was no coincidence that the day Henry B. was sworn in as a Member of this body he clutched in his left hand the bill that he would drop that day to abolish the poll tax.

I remember, when I was a young constable back in the 1960s, I was running for county commissioner and I knew that there was a political rally in San Antonio. I drove all the way from Corpus Christi to see if I could talk to Henry B. I had never met Henry B. before. I waited until he was about ready to exit the stage of this theater and I introduced myself. I said, "Mr. Congressman, I am SOLOMON ORTIZ. I am a constable from a small town, and I am running for county commissioner. I would like to see if you would be kind enough to give me an endorsement."

Right on the steps as he walked down the stage in this theater, he said, sit down. And he sat right on the steps. He made one 30-second spot and a 60-second spot. I won that election as county commissioner. And then on my reelection, again an old friend by the name of Domingo Pena and Bob Cuellar, who operated the theater, we went to see Henry B. to see if he could come to my district for an event. He and his lovely wife, CHARLIE's mother Bertha, joined me. And we were very successful.

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We lost a man that was loved by many, many people. No matter how much he may have disagreed with those who served with him, he always treated each person with whom he worked with great respect. We have lost a great American.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, every day when this House goes into session, we put our hands over our heart and finish the pledge to our American flag with the words "with liberty and justice for all." All too often we then go back to our busy daily schedules of phone calls and meetings. But to Henry B. Gonzalez, those words "with liberty and justice for all" were not just a phrase to be spoken on the floor of this House the beginning of each day. They were not just a nice phrase to be put in high school civics textbooks. Those words were a passion of a lifetime. "With liberty and justice for all." He believed it. He fought for it. And he sacrificed for that high principle. Because of that, America is a better place today.

Henry B. Gonzalez personified to me what is good about America. What is good about America is not that we are a perfect land but that we are forever in the struggle to try to come closer to reaching the high ideals of our Constitution and Bill of Rights. Henry B. Gonzalez took the principles of that Constitution and the Bill of Rights and fought year in and year out to see that they were not just words on a piece of parchment, but they were a reality for all of God's children living here in America, people of all races and all colors and creeds and religions.

There is a saying that I will never forget that was given to me by a young Hispanic girl several years ago that I met. She was a 9-year-old girl fighting for her life against cancer. She gave me a little card that I will never forget, and I think it is appropriate to repeat the words of that little girl's card today, because to me they reflect the meaning of Henry B. Gonzalez's life.

This is how that card went—(The gentleman from Texas spoke in Spanish—"Cuando morimos, dejamos todo lo que tenerras y nas llevarnos todo lo que dimos"), when we leave this world, we leave behind all that we have but we carry with us all that we have given.

To me, Henry B. Gonzalez had a great deal to carry with him when he left this world, a person who never forgot the least of these amongst us. He made a difference for all Americans. He made America a better place for us and for our children. For that as well as his decency and his dignity, we will never forget our friend and colleague Henry B. Gonzalez.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) the dean of our delegation, for organizing this special order for our colleague, Henry B. Gonzalez. The United States lost a patriot; Texas lost a son; and I lost a mentor and a hero. Until today, I did not realize that he was a mentor for other people. When the gentleman from Texas (Mr. ORTIZ) told the story of Henry B. sitting down with him and working with him, I felt the same way more recently in 1993 and 1994.

Texas has had many colorful and distinguished leaders. Some have reached the level of legend. In Henry B.'s work not only in Congress but in the Texas Senate and in Bexar County and San Antonio, his dedication to his constituents has placed him in that top category of a Texas legend. Myself and my family express our deep regret to the Gonzalez family in their loss and our loss as a Nation.

I think a lot of us really need to talk about how Henry B. affected us individually. I had the same situation in 1993 and in early 1994. I was elected in 1992. I have some constituents in my district who actually were a part of the Henry B. Gonzalez campaign effort in the late 1950s. There are now still precinct judges, in Harris County, A.B. Olmos; and a number of people said, when you get to Washington as they supported me in 1992, you need to look up our friend Henry B. and follow Henry B.

When I was elected and I sat down with Henry B. Gonzalez, and I almost see him sitting here in this chair because he always sat just to the right of where I am standing, I sat down and introduced myself because as serving 20 years in the Texas legislature, Henry B. did not come to Austin very often. I remember meeting him a couple of times. But I sat down with him and introduced myself and said, "I'd like to work you. I'm not going to serve on the Banking Committee, but obviously I have some very close friends in Houston who are your longtime supporters." I would do that every few weeks and talk with him and see what was going on as a freshman Member.

I had an opponent announce in December of 1993. Henry B. in January and February of 1994 said, "By the way, I want to help you in your reelection. I'll do a radio tape or video or whatever." We never could set up the video and I always wanted him to come to Houston but he always passed on through and went back to San Antonio every weekend. Henry B. did that out of the graciousness of his heart, because he said, and I will remember these words, "I like the way you handle yourself here on the House floor." That was like somebody who you respected as a hero putting their hand on your shoulder and giving you such a great compliment. Henry B. did that. His filibuster in the Texas Senate in the late 1950s against the segregationist bills again makes him part of legend. He is only one of two Members of Congress whose pictures hang in the Texas Senate. The other Member is the late Barbara Jordan whose picture, along with Henry B.'s, also hangs in the Chamber of the Texas Senate.

Henry B.'s accomplishments and contributions are legendary. I think it is appropriate that we remember him and his leadership. Again as a Member from Houston-Harris County, we would not have the benefits we have with our homeless funding without Henry B. being chairman in 1993 and 1994 and helping us to this day receive recognition for our effort in our homeless funding.

Mr. Speaker, last week, I was saddened to hear of the passing of Congressman Henry B. Gonzalez. The United States lost a patriot, Texas lost a son, and I lost a mentor and hero. Texas has had many colorful and distinguished leaders. Some have reached the level of legend. Henry B. Gonzalez's work in Congress and his dedication to his constituents place him at the top of this category. Myself and my family express our regret to the Gonzalez family on their loss.

Congressman Gonzalez's distinguished 38-year congressional career demonstrated his deep commitment to public service and those in our society who had no one fighting on their behalf. Prior to his election to the U.S. House of Representatives in 1961, Henry B. Gonzalez served as a member of the San Antonio City Council, and as the city's mayor pro tem.

He was subsequently elected to the Texas State Senate where he will always be remembered as a champion of the common people. He was revered for leading a 36-hour filibuster against legislation which sought to uphold and facilitate the principles of segregation. Henry B. Gonzalez held the floor for 22 hours and two minutes, finishing shoeless and exhausted, but victorious.

He made such an impression on the Texas State Senate that his portrait hangs in the chamber in Austin. Only one other Member of Congress has ever had their portrait hung in the chamber, the late Barbara Jordan.

Henry B. Gonzalez's greatest accomplishments in the U.S. Congress were in the area of affordable housing. He insisted on protecting the rights of low-income citizens, even though it was not popular. As chairman of the House Banking Committee, he led efforts to repair the savings and loans industry and helped stop the crisis from spreading to banks by overhauling the deposit insurance system.

Throughout this service in Congress, Henry B. Gonzalez made it his mission to force the chief executive to justify any military action. In 1983, Congressman Gonzalez was the only Member calling for the withdraw of U.S. troops from Lebanon. He introduced a resolution to this affect and continue to speak out on this issue. Three days after his last statement on the subject, the Beirut bombing occurred.

Democratic Members of the House are also well aware of Henry B.'s efforts on behalf of the Democratic Party. He was an articulate spokesman in Presidential politics since 1960, when he served as the national co-chairman of the "Viva Kennedy" campaign.

I would like to extend my condolences to his family, especially to my colleague and friend Congressman CHARLIE GONZALEZ. I am proud to have known Henry B. Gonzalez, and I consider my self fortunate to have served with him and to have called him my friend. Henry B. is a true Texas legend and a great American.

Mr. FROST. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me rise and thank the gentleman from Texas (Mr. FROST) for providing for this hour.

As long as I can remember attempting to be a good citizen, from the days of not being quite old enough to vote, I remember the name of Henry B. Gonzalez. Henry B. Gonzalez came along in Texas before he was considered a minority. He attended the University of Texas before the university integrated or desegregated. And even during those times, he was committed to equality for all. He often had long statements concerning the poor, the disenfranchised being seen as equal partners. At the same time, he did not ignore his committed thinking and planning for those who were even more powerful as long as they were right and as long as he felt it was right. He truly believed, as we have heard, in liberty and justice for all.

He was a family man, a community man, a man who gave personal attention to his constituents. He sat on sidewalks with a card table and visited with people and opened his office door and made all welcome. I identify him as the single person on this floor that educated Members and the public on the banking industry. When all banks were failing and the S&Ls were going under, he frequently talked about rescuing them with public dollars and with the same dollars from people that never got service from them which led to CRA. Although some may have disagreed with him, all respected him no matter what party.

He will always be a hero of mine, a hero of the people, a hero of the common man, because he never left out those persons who were least able to speak for themselves. And so Henry B. Gonzalez made his mark not only in Texas but in this Nation, standing tall long before it was even thought about that Mexican Americans or the Hispanic population in this country as it has grown has now been considered a minority, but he did that. Speaking for all minorities prior to that time speaks to how committed he was to what was right and speaks to the issue of all being equal.

And so I will thank him and tell my grandchildren to thank him for his service.

Mr. FROST. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me add my appreciation to the gentleman from Texas (Mr. FROST) for organizing this very special tribute. A couple of days ago, on Saturday in the month of December, San Antonio, the entire city of San Antonio, paid a very special tribute to a national treasure. I want to thank the Gonzalez family for allowing us to come and share in a celebration of life. I would like to offer to Mrs. Gonzalez, Congressman Gonzalez' bride, Bertha, and the eight brothers and sisters my deepest sympathy for their loss.

I want my colleagues to know that Mr. Congressman Gonzalez sat right there three rows back on the floor of the House. It did not take long for new Members to gravitate toward his calm demeanor and very special spirit. I would like to call him a champion for the poor, an on-line fighter that did not diminish his burning desire for equality no matter who was against him. He was a genteel person, even though I am told that he knew a little bit about boxing, and he handled himself very well. But I saw him as someone patient with those of us who were new, a man who could be counted on.

I am reminded of his presence and friendship with President John Fitzgerald Kennedy, and the fact that he was with him on the day of his death in Texas. But in my remarks last Saturday, I ask my colleagues to indulge me to allow me to tell them what Henry Gonzalez means to me. I will never forget, though as a child I would not have known at the time, that in 1957 Henry Gonzalez stood in the Senate in the State of Texas and protected me. There was no other voice that could have protected me at that time. I had no champions. I had no knowledge. I was a child. I was young. And I would not have been aware that a State such as Texas had a governor that filed 16 segregationist legislative initiatives, 16, not one, not two, not three, not four but 16, and a lone Senator with his dear friend stood for 36 hours to protect me and the rest of America who looked like me and who of those he represented.

Thank you, Henry, for fighting against fear, for fighting against segregation and discrimination and racism. Thank you, Congressman Gonzalez, for acknowledging even though you led out on the Select Committee on Assassinations which I served as a staff member, thank you for acknowledging that you wanted the truth to be heard on that committee. Thank you, Chairman Gonzalez, for fighting for Federal housing and fighting against cuts. And thank you, Chairman Gonzalez, for allowing me to help nominate you to fight for your ranking position which you deserved on the Banking Committee.

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Lastly, let me thank the Gonzalez family for, I guess, bringing about our new leader, CHARLIE GONZALEZ, who his father was so very proud to watch being sworn in in 1999. Thank you for the sacrifice; thank you for what you have done for me and so many others.

Mr. FROST. Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman for organizing this time on the floor for us to pay special tribute to a very special man. It is very difficult to do this within 2 minutes, but let me try and share with you.

Saturday I attended the funeral services of Henry B. Gonzalez. It was the most beautiful service I have ever attended in my entire life. I guess that was the Highest Mass that was held there on Saturday. It was a beautiful cathedral, the oldest in the country. All of the elected officials from all over the State of Texas and all of the local elected officials attended. It was magnificent.

The church bells rang after the service, the town square was filled, the people were all over the steps, and the local newspaper did something I have never seen. They devoted more space to

Henry B. Gonzalez than I have ever seen devoted to anybody, any elected official, non-elected official, and I know why.

It is the same reason I attended the services. He was a man of impeccable integrity. He was a very special human being who knew who he was and knew from whence he came. He was the Honorable Mr. Chairman of the Committee on Banking and Financial Services, a man that had shown his commitment time and time again with the kind of legislation that he advanced.

He did not care about the perks, the ceremonies, the hot shots. None of that was what Henry cared about. He cared about the people. He helped me to become an active member of that committee.

When I came on to that committee, I did not want to be on that committee. I knew nothing about banking. But because of Henry B. Gonzalez, I was given an opportunity to advance amendments. He worked with me. He helped me to understand what the CRA was all about, he helped me to understand what the banking institutions of America were all about, he helped me to focus on the World Bank and the International Monetary Fund.

He was a learned man who displayed not only his historical knowledge, but his deep intellect on the floor of Congress time and time again.

He was honored in the most magnificent way, and he will be spoken about by many in the most magnificent ways that human beings can today because of who he was.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, a couple of years ago my wife, Cindy, and I sent out Christmas cards on which we signed it "Charlie and Cindy." We got a couple back saying, "Thank you for the Christmas card, but who are Charlie and Cindy?"

In San Antonio, no one ever asked the question, who is Henry B.? I have known and worked with many colleagues over the years, but none that had the absolute reverence shown to them by his constituency, and knowing him and favorably calling him Henry B.

CHARLIE, you had a great dad. I enjoyed 20 years of his life, getting to know him here on the House floor. We did not often vote together. In fact, more often than not we voted differently. But I found that at no time did I ever doubt the sincerity of the vote cast, the speech made, the point made, the dedication and the sincerity of his attempt to represent his people, his district and his views; and he articulated this in a way that this one more conservative Member never hesitated to say to those that differed, you might differ, but you can never doubt the sincerity.

This place, this Congress and this country, is a better country today because of the likes of Henry B. Gonzalez that comes to this body, represents the views and wishes of his district, and does it in a way that, not only his constituents, but the rest of us will never forget who Henry B. was and is today.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, although the occasion for these remarks is a sad one, I am honored to be able to participate in this special order paying tribute to Texas legend Henry B. Gonzalez. As he did for countless others since first being elected in 1960, Henry B. truly paved the way for my being here in Congress. His invincible will, demonstrated so many times during so many battles, served as an example to me, that while the fight may not always be easy, it is always worth waging.

His example set the bar for which all of us aspire. He was a great American, a selfless and principled public servant, the best of the best, a champion for the poor, a voice for the under-represented in Washington.

Only briefly did I have the pleasure of serving with him here in the House. During that all too short time, I can assure you I was eager to glean whatever I could from his treasured house of invaluable knowledge. In fact, not a day passes that I am not mindful of how he commented to me early on that he would never recommend I rope a cow as it is going down the mountain. It was sage counsel indeed, and it has served me well these past several years, as I know it will continue to do in the years to come.

To me, nothing is more important than standing up for what you believe in and having the fortitude to tackle the tough issues. Henry B. did exactly that, and he did it on his own terms and with the utmost integrity.

In closing, I have the greatest respect for all he accomplished, and I will always admire him. Henry B. Gonzalez represents not only the best that Congress can be, but I feel that the best that an individual can be. He was a true and caring representative of people, and I can think of no greater accolade.

I will miss him, Texas will miss him, America will miss him. His loss is truly immeasurable. CHARLIE GONZALEZ, his son, is my friend and my colleague; and I look forward to serving with him in this House of Representatives.

REQUEST FOR ADDITIONAL TIME

Mr. FROST. Mr. Speaker, I ask unanimous consent that my Special Order be extended by 15 minutes.

The SPEAKER pro tempore (Mr. LATOURETTE). Another Member may make that request, but the gentleman from Texas may not.

REQUEST FOR SPECIAL ORDER

Mr. KANJORSKI. Mr. Speaker, with the consent of the gentleman from Iowa (Mr. GANSKE), I ask unanimous consent that we extend this special order for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. KANJORSKI) will control the 15 minutes, beginning at 12:35.

GENERAL LEAVE

Mr. FROST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, last week we lost an icon in American life. I, like all of my colleagues here, can reflect back on just exactly what Henry B. meant, not just to me and to my family, but to Texans and the Hispanic community at large.

We had the privilege of hosting a retirement dinner for him when he retired a couple of years ago, and I can tell you, everyone that attended that retirement dinner, which was, by the way, televised on C-SPAN later on, commented on the fact that Henry B., while a legend, was an individual that had the common man's touch.

It has been said that to truly make a difference in your lifetime, you have to have the ability to walk among kings but never lose the common man's touch, and Henry B. had that common man's touch. He fought for the things that were important for all of us.

A lot of us here today are here because we stood on Henry B.'s shoulders. A lot of us here recognize that we would not be here had Henry B. not been a pathfinder, had not been an individual that opened the road for the rest of us.

While on the one hand it is a sad time to lose a man, a legend, a Texan, an American, truly a hero for all ages and for all this world, on the other hand it is also a time to celebrate his contributions, celebrate what he means to each and every one of us. And let us never forget that as long as he lives in our hearts, he lives in this world.

So to my good friend and colleague, CHARLIE GONZALEZ, as long as all of us have Henry B. in our hearts, he will never die.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, I would say to CHARLIE, each member of our delegation shares in your loss and we express our deep sympathy to you.

I guess the best story I ever heard about your father was really not about his early political races or about his 37 years in the Congress or about how he worked to single-handedly break down racial barriers in our country, but it is a story about how the 70-year-old Congressman slugged a man in a San Antonio restaurant who called him a communist.

Henry B. loved his country. He had the kind of fierce patriotism that has always driven America. He did not back off, he did not give in, and he was not afraid to take on the most powerful people in Washington, even if they happened to be in his own party.

Henry's early political career was marked with both important milestones and political failures. His success as the first Tejano to hold a seat on the San Antonio City Council, the Texas State Senate and here in the U.S. House of Representatives inspired a generation of leaders in the Mexican-American communities, many of whom are serving with us here today.

But Henry faced setbacks in his life as well. Half a century ago he thrust himself into San Antonio politics by trying to convince several of his friends to run for the legislature. It seems Henry had become convinced that Bexar County needed a full-time domestic relations court, and he knew the only way to get it was to get it through the legislature. After being unable to find anyone else to run, he ran himself. But he lost that first race. Today in Texas, however, domestic relations courts are a common fixture of the judiciary.

As with so many other issues which he championed as the lone voice crying in the wilderness, Henry was a trailblazer, a trailblazer for the downtrodden, the poor, the disadvantaged, the disenfranchised.

Henry B. Gonzalez once ran for Governor of Texas and for the United States Senate, only to come up short. But the fire inside Henry B. was fueled not by personal ambition, but by love for his country and a belief in a higher cause that could not be extinguished.

For 38 years, Henry fought for the cause of justice and equality in this House. He served under eight Presidents and he chaired the powerful Committee on Banking and Financial Services. He was a legend in Washington, a master of constituent service, and a patron saint of San Antonio politics.

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His passion was contagious. His legacy gives all of us the strength to fight, the confidence to succeed, and the resolve never to give up.

That story of the man who called Henry B. a Communist in Earl Abel's restaurant in 1986 reflected that rare combination of passion and character that mark the greatness of Henry B. Gonzalez. It is told that after being hit by the 70-year-old Congressman, that that diner who called him a Communist demanded of Henry B. an apology. Henry said his only regret was that he pulled the punch.

We do not know if Henry really pulled his punch that day, but Henry B. Was a fighter. He was in every sense a great American. If he did really go easy on the man in that restaurant that day, it would have been the only punch he ever pulled.

Mr. FROST. Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Texas for yielding to me.

I started my teaching career in San Antonio, and heard of Congressman Henry B. Gonzalez as I was a young teacher. I remember earlier than that even when he was first elected to Congress.

I remember that as the first Hispanic elected to the House of Representatives from Texas, that he instantly became a role model, not only for Hispanics in my area, but for everyone who believed that our country was changing and that opportunities were opening up for all minorities.

From his first day days in the House of Representatives, Chairman Gonzalez became known as a strong personality who was willing to listen to the other side of the argument, but in the end, was willing to fight for what he believed was right.

Chairman Gonzalez gave a voice to the voiceless, hope to the hopeless, and belief in a future to all of us.

As a college student, I had the opportunity to intern for Chairman Jack Brooks. Getting to see Henry B. during that time in action was one of the highlights of my summer here in Washington, D.C. in the late sixties. I know that that experience shaped how I approached being a Congressman.

So much has been said today about Henry B.'s commitment to the homeless, to the disenfranchised, to the less fortunate. His legacy will live forever and his good work will be continued through his other great legacy, our good friend, the gentleman from Texas (Mr. GONZALEZ). I know Henry B. Gonzalez will live on through his work as a Congressman and the impact it had on many of us in this great body.

The State of Texas is a better place, this Nation is a better place, and we are better people because of Henry B. Gonzalez' time on this Earth.

Mr. FROST. Mr. Speaker, I yield to the gentlewoman from California (Ms. ROYBAL-ALLARD.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I join my colleagues in paying tribute to a friend, a mentor, and a great American, Congressman Henry B. Gonzalez. Henry B., as he was known to his friends, served his constituents and our Nation with honor, dedication, and dignity.

I as a member of the Committee on Banking and Financial Services had the privilege of witnessing firsthand Henry B.'s skill and knowledge of the issues under his jurisdiction as chairman of the committee. I benefited and enjoyed the many stories he delighted in telling about his childhood and his many years in Congress, using his incredible institutional memory to make his point to the committee or to a witness. It did not matter whether that witness was a cabinet member or lobbyist, his lectures did not discriminate.

Henry B. was a courageous leader, never afraid to stand up for what he believed was right, particularly when it came to consumer protection and public housing. Under his leadership, he managed and led to enactment numerous bills, including complex legislation reforming the savings and loan industry, fundamental reform of the bank regulation, and the last major public housing legislation to become law.

Furthermore, as the first Hispanic Congressman from Texas, Henry B. was a pioneer who helped break down barriers and pave the way for others to follow. His success in spite of his humble beginnings gave hope and inspiration to others that they, too, could achieve their dream through hard work and commitment.

At a time when the American public was growing increasingly cynical about government and politicians, Henry B. was a shining example of what was right about public service, for no one could challenge his integrity, his honesty, or his decency.

Truly, Henry B. Gonzalez was a statesman who served his country and his constituents with passion, compassion, and commitment. He enriched the lives of all who knew him. I will sincerely miss Henry B. Gonzalez, and I am grateful and privileged for having had the opportunity to serve with him.

Mr. FROST. Mr. Speaker, I yield to the gentleman from New York (Mr. GILMAN), Chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, it is with profound sadness that I join with our colleagues in paying tribute to a distinguished Member of this body who was a unique lawmaker and spokesperson for his district in Texas. I thank the gentleman from Texas (Mr. FROST) for arranging this special order.

Henry B. Gonzalez served meritoriously in the Congress from 1961 until his retirement in 1998. Those 37 years were the most dramatic in the field of civil rights since the Civil War. Henry B. was in the forefront of the struggle for equality for all minorities, and especially the Hispanic population in his home State of Texas.

Henry was the first Member of Congress from Texas of Mexican heritage. His father was the editor of a Spanish language newspaper, and Henry first made his mark in the Texas State legislature, successfully filibustering against a bill that would have closed Texas schools rather than to comply with the court's orders to desegregate.

He came to the House in a special election to fill a vacancy in 1961, and very quickly established himself in the Congress as an articulate spokesperson for those seeking equality under the law.

Henry's most remarkable accomplishments were as Chairman of the Committee on Banking and Financial Services from 1989 to 1995. In that leadership position, Henry served with great fairness, and managed the approval of significant legislation impacting all Americans.

Perhaps the most significant tribute to Henry came from the other side of the aisle, from his former colleague, Representative Joseph B. Kennedy II of Massachusetts, who stated, "This guy defines his party's values."

Henry B. was the last one of our colleagues who was present that tragic day in Dallas, Texas, in 1963 when President John Kennedy was assassinated. He often reflected on the horror of that dark day in our Nation's history, but his faith in our form of government and his hope for the future remained unshaken throughout his career.

Henry was called the spokesperson for the underdog, but in many ways he is a beacon of hope for all of us. Mr. Speaker, I join in extending my deepest sympathies to his widow, Bertha, their eight children, including our good colleague, the gentleman from Texas (Mr. GONZALEZ), and most especially, to the people of the 20th District of Texas who have lost their hero, their staunch, devoted advocate.

TRIBUTE TO THE LATE HONORABLE HENRY B. GONZALEZ

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Pennsylvania (Mr. KANJORSKI) is recognized for 15 minutes.

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute not only to a fine Member of this House, but also to a friend, Henry B. Gonzalez.

When I think of Henry, I think of the tall redwood trees of California. Henry stood just that tall. He was part of the tall timber of America. As we analogize that to the House of Representatives, a lot of those tall timbers have left this House and this institution, with Henry just having been the last.

When I think of Henry, I think of the personal experiences I had, but most of all, what I conceive his philosophy of life to be. He was a man who held to the statement in the Declaration of Independence that all men are created equal, endowed by their Creator with certain inalienable rights, and among those are life, liberty, and the pursuit of happiness.

Henry was not only a man of this House, a man of Texas, and a great American, but Henry in fact was a man of humanity. I am sure that if Henry's life had extended beyond where it ended and he had the opportunity to survive and offer his leadership, he would have liked to have extended that principle that all men are created equal to all of humanity.

From a personal aspect, I knew Henry in serving in this House for the last 16 years, 14 years with Henry. About 2 or 3 hours of a trip in my district one day with Henry B. Gonzalez was probably the most satisfactory time I have ever spent while I have been in Congress. Henry had that gift of knowing history and not being a revisionist of history, and to tell it as it was as he went through the Johnson-Kennedy years in his early beginnings in this Congress. I will always cherish that moment.

But most of all, Henry was a man of conscience, and sometimes we have less of those men in this House and in this Nation than we would like. He served as an example to young Members such as me in the beginning of my term in this House, and he has done it for so many others, as we have heard today.

As we pay respect to the Gonzalez family for their great loss, we also indicate to the world that it has lost a man of humanity, Henry B. Gonzalez.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAFALCE), our ranking member of the Committee on Banking and Financial Services

Mr. LAFALCE. Mr. Speaker, when God created all his hundreds of billions of children over the years, he had a very special moment when Henry B. Gonzalez was created. Then, once Henry was born; he must have thrown that mold away, because I do not think we have ever seen or ever will see an individual like Henry B. Gonzalez.

I am in my 13th term. We have had 435 Members of the House in each of my terms. For so many of us, we blur and it is all gray. Not Henry B. Henry B. stands out as unique in our memory. I am proud to be here in honor of that memory.

He was a strong individual, strong-willed about issues that he believed in. What did he believe in? He believed in the poor, he believed in the voiceless. He believed that he had to stand up and speak up for them.

He would be so pleased today, as I know he was before he died, knowing that his work is being carried on by his son, the gentleman from Texas (Mr. GONZALEZ), because I'm sure he knows he could not have picked a more able individual to continue the tradition of the Gonzalez family.

I would send to the gentleman from Texas (Mr. GONZALEZ) on my own behalf, but in a sense on behalf of all people who have ever been touched by the gentleman's father, and that means millions, our heartfelt sorrow to the gentleman, to his mother, Bertha, to the entire Gonzalez family.

I only hope that the spirit of the gentleman's father, the principles that he stood for, the championing of the downtrodden, will never be forgotten by any Member of this House, and most especially by Members of the Democratic Party, his family that he loved so very much also. God bless.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, let me begin by extending to the Gonzalez family my most sincere condolences on the passing of a great individual, Mr. Henry B. Gonzalez. I was very fortunate to have a chance to serve with him, and it was a fitting tribute to be able to say that I served with someone whom I had respected for so many years and grew to believe was a mentor for many people who thought that oftentimes justice and opportunity would not be there for them.

Henry B. Gonzalez lived to serve the people, to champion the toil and sacrifice of working men and women, to give robust life to their voice, and to defend the precious victories for those whom too often society made winning very difficult.

Whether one was on the front line, in a dark alley, before an unfriendly court, or whether one was just fortunate enough to be in this, the people's House, one could not and will not ever find a greater fighter, a more compassionate and passionate and eloquent advocate, or a more decent and esteemed human being than Henry B. Gonzalez.

For many of us who saw him, we saw when he would be the only one to stand. Sometimes people did not understand why and where he was going, but by the time he was done, that light was very clear at the end of that tunnel. For many, they could not understand how for so many years this man could continue, but he did.

We are very fortunate that we are joined in this House of the people by someone who has had a chance to know him better perhaps than anyone who stands here and speaks, and that is our Congressman, the gentleman from Texas (Mr. GONZALEZ), who can continue to fight for many of the things that our esteemed friend, Henry B., always stood for.

It is in that vein that I think that most of us come here to say to the gentleman from Texas (Mr. GONZALEZ), to the rest of the Gonzalez family, that Henry B. cannot die. He lives, because what he stood for lives in the hearts of people from the beginning of time. And yet, there are people who will need to have Henry B.s because there are those who are still struggling.

I say to the gentleman and to all of the family, Henry B. has not left us, because there are many who wish to keep that fire going, and that fight. I thank Henry B. for having entered into the lives of so many of us, and for continuing to be there as we continue that fight.

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Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise today to honor a great individual, a pioneer, a leader, a positive role model, a visionary, an individual that had a lot of integrity, exemplified fairness, justice, our American principles, I speak of the late Henry Gonzalez, a father of a devoted congressman, my friend, CHARLES GONZALEZ of Texas.

Let me begin by stating what an honor it has been to serve with Charlie, a member of the Hispanic Caucus. We have fought hard to protect the civil liberties of the underserved in the communities around the Nation, an issue that Henry championed, an individual who was the founder of the Hispanic Congressional Caucus, an individual that believed in protecting the rights of working families, an individual who believed in protecting our communities, an individual who wanted to make sure that we gained respect.

In the Latino community we say "respecto." Respecto is so important to a lot of us. Henry B. Gonzalez exemplified that. He was a beacon of hope. He was an individual that wanted to make sure that every individual had their dreams and their hopes fulfilled. He was an individual that I did not have the privilege of serving with but had the opportunity to meet.

He is a true model for me and many individuals throughout the State of California, throughout the Nation. He will stand up as an individual who exemplified what we all want to be, all of us who are saying Henry B., you provided an opportunity for all of us to follow in your footsteps.

You are a pioneer who has opened the doors for many individuals to pursue an avenue, not only when he became the first Hispanic Representative from Texas, as I am the last Hispanic to be elected in the State of California, we want other individuals to be elected as well.

Henry, you have given us a lot of hope. You stood up for us. You fought for us. You will continue to be in our history books. As our children will read about you, you have left the legacy of honesty, of fairness, of a devoted father, of a husband.

Henry Gonzalez, you emphasize the meaning of democracy and what can be accomplished when that is structured. You are an individual who has stood up and fought, one who is willing not to take no for an answer, but willing to pursue what needs to be done.

My colleagues and my friends from both sides of the aisle respect his vision and his compassion. I wish the Gonzalez family my deepest condolences on the passing of a true gentleman, Henry B. Gonzalez.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for getting us this extra time.

Mr. Speaker, it is very interesting to see that so many people from the State of Texas, so many people who have served on the Committee on Banking and Financial Services, indeed, so many people who served with Henry B. in the Congress want to participate in the special order.

I think, Mr. Speaker, this is a very special day in the House of Representatives. All of us who serve here have a special honor, but to have served with Henry Gonzalez was a very special privilege indeed. He was a teacher, a teacher about principle, about integrity, about justice.

Mr. Speaker, I had the privilege of serving on the Committee on Banking and Financial Services under his leadership and saw firsthand his determined commitment to addressing the needs of the country's poorest people. He was a fierce advocate on behalf of those individuals and groups many would consider the least among us.

His leadership on many issues from insuring access to safe decent and affordable housing, to improving the living conditions of residents of the colonias made an enormous difference in the lives of countless people around the Nation. He was a passionate person, as we all know and as has been testified to here, but he was an extremely knowledgeable person, a very, very smart leader.

His passion was something that drove him, but his knowledge has benefitted all Americans, including his campaign to open the workings of the Federal Reserve to more public scrutiny, his stewardship of the investigation of the S&L scandal and his legislation to fix the FDIC. His zeal for truth and justice were a hallmark of his decades of public service.

I hope it is a source of comfort to you, CHARLIE, and to your family, that so many people share your grief, and are praying for you at this time. My condolences and those of all of my constituents to whom Henry B. was a hero. He visited us in San Francisco. The gentleman from Pennsylvania (Mr. KANJORSKI) was on that occasion when we honored Henry B. in San Francisco, and on behalf of those constituents, I extend to you, to your mother, Bertha, and to your entire family our deepest sympathy and our very great gratitude for the life and service of Henry B. Gonzalez.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR. Mr. Speaker, first of all, I want to extend my heartfelt condolences to Henry B.'s family, and I would also like to thank them for allowing us to share Henry B. Gonzalez.

Mr. Speaker, Henry B. Gonzalez was a voice and will continue to be a voice for the common person, and one of my highlights being in Congress was having the honor of serving with Henry B. Gonzalez.

I hope as he looks down upon us, it will give us the courage to fight for the common man and make sure that all people have the equality that they greatly deserve.

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to an extraordinary public servant from Texas, the late Honorable Henry B. Gonzalez of San Antonio, who died last week on November 28, 2000. Henry B., as he was affectionately known, was an active and beloved Member of the House of Representatives—and my friend—and he will be dearly missed by all.

Henry B. served the 20th Congressional District of Texas for 37 years as a dedicated and respected member of the House of Representatives. He held deeply rooted values and ideals and fiercely fought for those he represented. Henry B. Gonzalez was elected to serve in the House of Representatives in 1961, as the first Mexican-American from the State of Texas, and for the next 37 years he was a force with which to be reckoned. In 1989, he became Chairman of the Banking Committee, and during his tenure he served a critical role during the savings and loan crisis.

Gonzalez was devoted to his family, his profession, and to his community, and he leaves a legacy of service that will be remembered by his many friends and constituents. His Congressional legacy includes bringing the University of Texas Health Science Center and the Audie Murphy Veterans Hospital to San Antonio, as well as securing millions of federal dollars for housing, hospitals, urban renewal and schools, in efforts to make his Congressional district a better place in which to live. As a public servant, his legacy extends to the throngs of his friends and to many people that he never met. Henry B. reached out to try and help anyone in need and he was capable of friendship to those in all walks of life—with equal dignity for all.

It was a sad day for me when Henry B. decided to retire from Congress. As a friend and one of his colleagues from the Texas delegation, I hold the utmost respect and admiration for Henry B. Gonzalez. Like everyone else who knew and/or served with Henry—I felt a close and personal kinship to Henry. We shared many stories—and critiqued many of our old friends and colleagues. He always found something good and kind to say about those with whom he served. He also was capable of remembering those who slighted him or those he represented. Like the old saying—Henry was very much the epitome of being like fire and water—a faithful friend or a fearful enemy. I was privileged to be his close and personal—and admiring—friend.

Henry B. brought dignity and honor to Congress—and in all that he accomplished. His distinguished career and contributions to the State of Texas will be long remembered, and I would like to take this opportunity to join Charles and the rest of his family, his friends, and my peers in paying our last respects to Henry B. Gonzalez.

Mr. Speaker, as we adjourn today, may we do so in memory of this beloved statesman and public servant, the Honorable Henry B. Gonzalez.

Mr. COSTELLO. Mr. Speaker, I rise today to pay tribute to a former colleague and great member of this body, Henry B. Gonzalez. I am proud to have had the opportunity to serve for over a decade with Congressman Gonzalez, whose life and career were distinguished in so many ways. He is a legendary figure in Texas politics, being the first Mexican American elected to the Texas Senate. He then made an indelible mark on national politics, coming to the House of Representatives in 1961 and eventually ascending to the Chairmanship of the Banking Committee. Known for his great kindness and thorough constituent service, Henry B. Gonzalez was a leader of the civil rights movement, serving as a mentor and role model fore people and legislators of all races and backgrounds. In this way, his accomplishments transcended politics to touch our society at large, and it is this legacy that will never be forgotten.

Mr. Speaker, what I will remember most is the courage Henry B. Gonzalez brought to his work, taking on the toughest of issues, time and time again, through some of the hardest times our country has ever seen. He represented as well as anyone ever has the ideals of the Democratic Party, believing intensely in and fighting for the rights of the disenfranchised and the poor. His commitment to equal protection under the law never wavered, working tirelessly for affordable housing and enhanced consumer protections. These were principles which his son and our colleague, CHARLIE, continues to pursue. I wish CHARLIE and his family my heartfelt condolences, and hope we will all remember the example of Henry B. Gonzalez as we go about our work in Congress.

Mr. SMITH of Texas. Mr. Speaker, it is with a mixture of sadness and food remembrances that I stand before you to mourn the passing of former Congressman Harry B. Gonzalez, a man who served in this House for 18 terms.

On Saturday, I attended Congressman Gonzalez's funeral service in his beloved San Antonio and saw an extraordinary and sincere outpouring of gratitude from the city he served with devotion, honesty and integrity. He served San Antonio not only as a United States Representative, but also as a member of the San Antonio City Council and the Texas Senate.

Congressman Gonzalez, known with affection in our hometown as "Henry B." was eulogized by San Antonio Archbishop Patrick Flores quite simply as a "good and faithful servant." He was—consistently and persistently—a good and faithful servant to his beloved constituents in the 20th District of Texas.

Henry B. was also a staunch partisan and a worthy adversary. He was a man whose life was marked by devotion to family, to community, and to public service.

It was an honor—and on occasion a learning experience—to serve with him in the Bexar County congressional delegation.

In Texas there is a saying, attributed to a Texas Ranger of long ago, that advises that "No man in the wrong can stand up against a fellow that's in the right and keeps on a-comin'." Throughout his extraordinary life of public service, Henry B just kept on a-comin'.

Mr. GEPHARDT. Mr. Speaker, I am deeply saddened by the loss of Henry Gonzalez. Henry was a good colleague, a good friend, and a real champion of the poor and all underprivileged Americans.

In many ways, Henry was a trailblazer. The first Mexican-American from Texas to serve in the House, Henry always fought hard for his constituents in San Antonio. He was in the House for 37 years. His extraordinary length of service was matched only by his commitment to fairness and equality for every American, regardless of race, religion, or ethnicity.

Henry was one of the early leaders of the modern civil rights movement. In 1953, one year before the Brown vs. Board of Education decision, Henry was a member of the San Antonio City Council, and he helped pass a measure of desegregate city facilities. In 1956, three years later, Henry won election to the state Senate, and become the first Mexican-American in that body in over 100 years. By the way, he won that race by 309 votes—after three recounts, and it was a good thing that he won.

Because he continued the good fight. In 1957, Henry spent 22 hours filibustering bills that supported segregation.

Henry brought that same spirit to our Congress.

In 1961, he was sworn-in to the House, and as he raised his right hand, left hand, he clutched a bill to end poll taxes, which discriminated against the poor and minorities. And this bill ultimately found its way into the 1965 Voting Rights Act. As a Member of Congress, Henry fought for low-cost housing so people would have a roof over their heads. And he became a real force in our body for the principle of equal opportunity.

Henry was also one of the greatest Chairman of the House Banking Committee. He helped repair the Federal Deposit Insurance Corporation, and he helped steer the country through the savings and loan crisis.

Deeply committed to his constituents and to his Caucus, Henry was a terrific ally who did so much for Democrats because of what it meant for the American people.

Henry's passing leaves us with a void that can't be filled. But we will never forget his extraordinary dedication and service to this Congress and the country. His career is an inspiration to all of us, and humbly, we will work as hard as possible to fulfill his vision for all Americans.

Mr. PICKETT. Mr. Speaker, I rise today to pay tribute to my colleague for whom I have a profound sense of respect, the Honorable Henry B. Gonzalez of Texas. Congressman Gonzalez has had a long and distinguished career of public service as a pioneer in civil rights.

In the 1950s, Congressman Gonzalez served on the city council of San Antonio where he effectively spoke out against segregation of public facilities. As a Texas state senator, he led an effort to block racial segregation bills aimed at circumventing Brown v. Board of Education and emerged as a leading spokesman for social equality and for bridging racial divides in America.

After winning a seat in the House of Representatives, Henry worked for the passage of a number of legislative proposals of the New Frontier and Great Society, as well as the Equal Opportunities Act of 1964 and the Civil Rights Act of 1964. Later in his career, his leadership was an integral part of enacting legislation in flood insurance reform, major housing initiatives, increasing accessibility to credit for small businesses, strengthening laws on money-laundering, bank fraud and other financial crimes. Later, he skillfully and adeptly led restructuring efforts of the federal deposit insurance system following the collapse of the savings and loan industry in the late 1980s.

An honest man who dedicated his life to the public good, Congressman Henry Gonzalez served as a role model for all to follow. May God give his family, friends, colleagues and constituents the peace, strength, and understanding to sustain the grief of his loss.

Mr. MENENDEZ. Mr. Speaker, I rise to honor a great man and a genuine leader whom we lost one week ago today: Henry B. Gonzalez.

Henry B.—as his friends affectionately knew him—was a pioneer who came from the most humble beginnings. His parents, Mexican immigrants, raised him in San Antonio's West Side in a home with dirt floors and no running water. He experienced discrimination and segregation firsthand during his childhood and youth in Texas.

He defied all odds by putting himself through college, serving his community while at the San Antonio Housing Authority, and later in San Antonio's City Council. He went on to serve as a Texas state senator—the first Texan of Hispanic-descent to do so in over 100 years. He later achieved another first, becoming the first Mexican-American to serve the state of Texas in the U.S. House of Representatives.

Throughout his nearly 40-year congressional career, Henry B. served with distinction—always faithful to his morals and beliefs—and as a true Texan—with courage and determination. He was a tireless advocate of the poor and the disenfranchised in our country, and always carried in his heart a special place for the people of his hometown of San Antonio. He was instrumental in the dismantling of segregationist laws in Texas while in the state senate; he led the restructuring of our nation's financial services industry during the S&L crisis as Chairman of the House Banking Committee; and he championed projects and initiatives that brought economic development, access to healthcare, and jobs to his beloved San Antonio.

• Beyond Henry B.'s political and legislative accomplishments, he served as a role model for two generations of aspiring leaders. Scores of Texans—young and old, public servants and corporate leaders, Democrats and Republicans—can point to Henry B. as their inspiration and role model. His accomplishments were our accomplishments; for this we all owe him a debt of gratitude.

There's a popular Mexican dicho that states: El que da camino es por que ya andubo, which means: "He who makes a path does so because he has walked it." Henry B. blazed a path—not just for Hispanic leaders, but for all leaders, by having the courage to be the first.

Henry B.'s life was a fulfillment of the American Dream—it illustrates the greatness of America and the potential that is in each and every one of us, regardless of skin color, national origin, or economic background. I would like to offer my most sincere condolences to my friend, CHARLIE GONZALEZ, his family, and the people of San Antonio—you are in my prayers. I hope you will find comfort in that Henry B. lives on in the legacy he has bequeathed to all of us.

I ask my colleagues to join me in honoring our friend, Henry B.

Mr. KANJORSKI. Mr. Speaker, I yield to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, I want to thank the gentleman from Iowa (Mr. GANSKE) for his accomodation, and to everyone that has participated today in this special order, something that was so dear to dad.

This is obviously a very bitter sweet experience for a Member to be able to come up and address the House and talk about one's parent. It has been a difficult time for many reasons, many of you could understand, but to pay tribute to dad today here on the floor of the House, he would accept that only if we were paying tribute to all of those who served here before him, with him and after him.

He truly believed this was the greatest institution on the face of the Earth, and I am convinced that he was right. When a Member dies or a former Member dies, I truly believe that all of us show up that next morning, and we all have questions. We do not share these questions with one another for whatever reason, but I think that we question our own mortality to begin with. Then the next thing is we question our investment in our sacrifice as public servants.

Though we all recognize what a great privilege and honor it is to serve, we know the costs, not just to ourselves but to our families. All of you hearing me now happen to be a Member or a former Member know exactly what I am talking about. You start questioning whether you made a difference. You start questioning whether public service was worth it.

I like to think that my dad's life, that even especially in his death, it validates that it is a worthy and honorable sacrifice and that we are recognized and that we do make a difference in our own way not just Dad but everyone else.

Dad would be disappointed because I cannot exactly remember the quotation, but I believe it is from Julius Caesar by Shakespeare and that the good that men do is often interred with their bones.

I think that is everyone's greatest fear but probably more so ours than anyone else because there is so much sacrifice. There is so much hard work, to get here, to remain here, to do that which our constituents have sent us to do in representing their interests.

I want to tell you that at Dad's funeral, there was so much evidence that it does not have to be interred with our bones. That Dad's legacy lives every day in the lives of those that he served.

At the funeral home, at the viewing, at the church, at the vigil at the funeral service, at the cemetery, I cannot begin to tell you how many people came up and told us their individual stories, and for each of the Members here today and those that served before Dad, there are countless thousands of people out there that you have helped that you do not even realize, that they may not be thanking you today and it may be their children or grandchildren that will thank you tomorrow. But it is there for all of us.

That is why I say I think Dad's life and even in death, it validates that public service is the noblest of all callings; that is what my father taught me. Of course, he said that was second only to the priesthood.

For the families of the Members, because I have the distinction of actually having been a child of a public servant who dedicated nearly half a century to public service, as well as the Member of Congress, what it does to our families.

When we were at the cemetery and we were in the family car and we were coming out to go to the plot, there was probably a 90-year-old woman who handed us a little note, and it was just scribbled. And it was to my mother and to all of us in that car, and what it said was, thank you for sharing your husband, your father, your grandfather, and your great grandfather with all of us here in this city.

So I know there will be times for all of us when we wonder, but truly even the public understands the sacrifice. They may not tell you. But they love the fact that our families are willing to share us, because it is that kind of devotion and commitment that it takes.

So do not ever question public service. I can tell you if you are truly committed, dedicated and a humble public servant, as my father was, there are rewards way beyond the immediate. Many times you will not hear about it. My father may have heard of some of it, but he surely did not after November 28th when he passed on. But that is when we have the greatest outpouring.

Again, to everyone that has ever served here, and especially to their staffs and to their families, from the Gonzalez family, thank you so much for making my father's life so complete and making his dream of public service a reality.

Mr. Speaker, I wish to submit a tribute for my father by his former Chief of Staff and Press Secretary, Gail Beagle.

Tribute to the Late Henry B. Gonzalez, U.S. Representative From Texas

(By Gail Beagle)

In 1958 then Texas State Senator Henry B. Gonzalez ran for Governor of Texas. I had just graduated with a degree in journalism from Texas Woman's University at Denton, and with $100 I had borrowed from my life insurance policy I left from my hometown of Nederland for Austin to job-hunt.

In Austin I learned of a fundraiser for Sen. Gonzalez being held at a restaurant called Spanish Village. I took $10 of my $100, got a ride with a University of Texas student with whom I had interned the summer before on the San Antonio Light newspaper, paid my money at the door, and told Sen. Gonzalez of my interest in campaigning for him for Governor in Jefferson County. "I will be at my parents' home until I get a job in Austin," I said. "I anticipate I will be there through the Democratic Primary on July 26. Who is your Jefferson County campaign manager?," I asked. "No one," he replied. "You can be the campaign manager there!"

As an active member of the civil rights movement in the 1950's, I very much knew who State Sen. Henry B. Gonzalez of San Antonio was. He was the Senator who delivered in Austin an intelligent, impassioned filibuster against a package of bills promoting and facilitating segregation in Texas. He was a breath of fresh air on the Texas political horizon, a bright and shining star, and a public official unlike any I had ever seen before. It was my thought that I would never see another one like him again.

Subsequently I worked for him in the Texas State Senate during two legislative sessions (1959 and 1961), and served as his volunteer press aide in early 1961 in his bid to replace Lyndon Johnson as a U.S. Senator from Texas, after LBJ was elected both as Vice President and as a returning U.S. Senator. It was a wild and crazy special election with more than 70 fellow Texans battling it out, and with Gonzalez once again going primarily by stationwagon to the 254 counties across Texas.

However, just a few months late in the Fall of 1961, Sen. Gonzalez's great opportunity came with the appointment to the Court of Military Appeals of San Antonio's and Bexar County's long time Congressman, Paul Kilday. A special election was called and after a hard fought battle which brought former President Dwight Eisenhower to San Antonio to campaign for the opposition, Henry B., as he was affectionately called, was elected on November 5, 1961 to serve in Congress.

I had moved to San Antonio from Austin to campaign, and it was from San Antonio that I first left for Washington to serve newly elected Congressman Gonzalez.

HBG was active on many legislative fronts so it was easy to have something to report to the press, and it was easy to get together a good staff because there were so many enthusiastic and well qualified people who wanted to work for him.

The congressional work with the Congressman was fulfilling inasmuch as there was much to be accomplished with an office holder who with great gusto gave everything to his job as a public servant.

We worked the first six years creating a world's fair (HemisFair) for San Antonio with several pieces of legislation the Congressman succeeded in getting passed in both the House and the Senate and signed by the President into law. The Congressman also sent U.S. Department of Commerce officials to help local leaders make plans for getting the fair underway. At the same time we were helping the Congressman look out for the interests of our military bases in San Antonio, protect San Antonio's primary source of water, write housing and other legislation, and make it possible for constituents to have fair consumer banking practices, as well as many other equitable benefits under federal law.

While we were active in legislative participation, Congressman Gonzalez made sure that his offices in both Washington and San Antonio looked out for the interests of the poor and went to bat for constituents needing help with either the Veterans Administration, Social Security, immigration and naturalization, workmen's compensation, civil service (active or retired), the Armed Services, and other matters relative to federal agencies and departments.

Among other efforts, we also promoted interest among inter-city youth in getting a free college education and becoming military officers through nomination to one of the U.S. military service academies.

I recall with great pleasure the breakfast or luncheon meetings at the House Restaurant at the U.S. Capitol with newspaper reporters, members of the Administration in power, heads of various federal and Texas agencies, an airline safety consultant (who was also a good friend), and countless other friends and constituents (most of whom had their picture taken on the steps of the Capitol with the Congressman!).

While the hours could be long and arduous, especially for Kelsay Meek, who headed the Congressman's (the Chairman's!) Committee on Banking, Finance and Urban Affairs, and me, we were committed to the level of service that we knew Henry B. wanted to achieve.

The 150 or so former staff members, who served in varying lengths of time with me over a period of more than 30 years either on the personal staff in Washington or in San Antonio, as well as those who served on the Subcommittee (Housing and Community Development) and full Banking Committee, counted it as an honor and a privilege to serve the people's interests with Henry G. Gonzalez.

He lives eternally in our minds and hearts. He now lives with the angels, but we will see him again.

PROVIDING PATIENT PROTECTION LEGISLATION

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I am going to speak for a while today about an issue that has been before Congress for several years now and that will be an important issue in the 107th Congress that will start in January, and that is the issue of providing patient protection legislation to all the people in this country, protection from abuses by managed care organizations, HMOs.

Let me just review for my colleagues, maybe some of the new colleagues who may still be here in Washington after their orientation, where we have been; why we want to do this legislation; why 85 percent of the people in this country think that Congress should pass a strong, a real patient protection bill of rights and it should be signed by the next President of the United States.

A few years ago, there were a series of articles in the New York Post. They had headlines like these, HMOs cruel rules leave her dying for the doc she needs; or this headline, these are the types of headlines that people have seen all around the country, they are not just localized to New York City, The New York Post, what his parents did not know about HMOs may have killed this baby.

As the public became more and more aware of HMO abuses on denials of care that people truly deserved, they needed it to preserve their health and, in many cases, their lives, a perception began that set in in the public about the type of job that HMOs were doing in providing health care for the people who were in those HMOs, that perception was that they were not doing a very good job.

□ 1300

Once that perception sets in, then one starts to see a phenomenon where people can make jokes about that. In fact, we had a situation in a movie a few years ago with Helen Hunt and Jack Nicholson from a movie "As Good As It Gets," if you will remember, where Helen Hunt is explaining how this HMO is denying treatment to her son in the movie with asthma. Then she uses a string of expletives in describing her HMOs, and something happened that I have never seen happen in a movie theater before. I was there with my wife in Des Moines, Iowa. People actually stood up and clapped and applauded her line because they realized the truth of what she was saying.

Then we started to see cartoons in the newspapers. Here is one: the HMO claims department. We have an HMO claims reviewer. "No, we do not authorize that specialist. No, we do not cover that operation. No, we do not pay for that medication."

Then the reviewer hears something over her little earpiece telephone; and then she crossly says, "No, we do not consider this assisted suicide."

Here is another cartoon that appeared in a national newspaper. This was Don Wasserman from the Boston Globe; it also appeared in the Los Angeles Times: the patient is telling his doctor, "Do you make more money if you give patients less care?" The doctor says, "That is absurd, crazy, delusional." Then the patient says, "Are you saying I am paranoid?" The doctor says, "Yes, but we can treat it in three visits."

Now, this is one of the blackest humor cartoons I have ever seen: we have here a medical reviewer for an HMO. She says, "Kudly Care HMO. How may I help you? You are at the emergency room, and your husband needs approval for treatment? Gasping, writhing, eyes rolled back in his head? Hum, does not sound all that serious to me." Over there, "Clutching his throat, turning purple? Um-hum. Have you tried an inhaler?"

Then she says, "He is dead? Well, then, he certainly does not need treatment, does he?" Then she looks at us and says, "People are always trying to rip us off."

Now, I just recently learned something about this cartoon. The person who drew this cartoon did it from personal experience, from problems that a family member was having with his HMO. But it is not all just jokes, because behind that humor are some real-life cases.

This is a picture of a woman surrounded by her children and her husband who was featured in a Time Magazine cover story a few years ago. She lost her life because her HMO did not provide her with proper care and tried to and did influence the type of treatment she was getting. This little girl and boy would have a mother today maybe if that HMO had not tried to deny her care, had not denied her care.

A few years ago, a young woman was hiking in the mountains about 40 miles, 50 miles west of here. She fell off a 40-foot cliff. She broke her skull, she broke her pelvis, broke her arm. She was lying at the bottom of this 40-foot cliff. Fortunately, her boyfriend had a cellular. They were able to get a helicopter in. This shows her trundled up. She was life-flighted into an emergency room and taken care of. Her life was saved. She was in the intensive care unit for a month or so.

Then do you know what her HMO did? They denied to pay for her treatment. One would say, why would that be? I mean, this was a traumatic accident. Was there something in the contract that the HMO is not liable for taking care of accidents? No. The HMO said, "You know, according to our rules, before you go to an emergency room, you are supposed to phone ahead for prior authorization."

Well, I want to ask my colleagues something. What was she supposed to do in her semi-comatose state as she is lying at the bottom of her 40-foot cliff, with her nonbroken arm, pull out a cellular phone and dial a 1–800 number and get ahold of somebody 2,000 miles away and say, "By the way, I just fell off a cliff. I have a broken skull, a broken pelvis, and will you authorize me to go to an emergency room"? I mean, come on. But those are the types of games the HMOs have played.

Prior to coming to Congress, I was a reconstructive surgeon in Des Moines, Iowa. I took care of children that were born with birth defects like this. This is a little baby with a cleft lip and a cleft palate. One can see the hole on the roof of the mouth. Do my colleagues know what? In the last few years, more than 50 percent of the reconstructive surgeons in this country have had cases like this denied by the HMOs because they are, quote, "cosmetic." I mean, is that a travesty? That is a travesty.

Some really serious things can happen when an HMO makes a medical judgment and then something goes wrong.

This is a little boy here clutching his sister's shirt. One night about 3:00, he had a temperature of about 104, 105. He was really sick. So his mom did the right thing, according to the HMO. She phones the HMO and says "My little baby boy James looks really sick. I think he needs to go to the emergency room."

Well, this voice at the end of a 1,000-mile telephone line says, "Well, I guess I could authorize that, but I am only going to authorize it for this one particular hospital because that is who our HMO has the contract with."

A medical judgment was made at that moment by that medical reviewer who said we will only pay for your treatment if you go to this one emergency room, not realizing the seriousness of this condition and telling the mom take baby James to the closest emergency room right away. No, that is not what the HMO reviewer said. We will only authorize treatment at this one hospital.

Mom said, "Well, where is that hospital?" HMO reviewer said, "Well, I do not know. Find a map."

Well, it turns out that it is about 60 or 70 miles away on the other side of metropolitan Atlanta. So Mom and Dad wrap up little James. They get him into the car. They start driving. They pass three hospitals that had emergency rooms capable of taking care of him. But they are not medical people. They have been told to go to this one emergency room where they have authorization from their HMO. Mom and Dad do not know exactly how sick he is. They know he is pretty sick. So they push on.

Before they get there, little Jimmy has a cardiac arrest. So picture Mom and Dad, Dad driving like crazy to find the hospital, Mom trying to keep him alive. They finally pull into a hospital emergency room. Mom leaps out screaming, "Save my baby, save my baby." The nurse comes outside, starts resuscitation, gets some drugs in, gets the IVs going.

They keep him alive. They save his life. But, unfortunately, they do not save all of James. Because of that medical judgment that delayed his getting to an emergency room in a reasonable period of time and because of his cardiac arrest that resulted en route, Jimmy ends up with gangrene of both hands and both feet, which then have to be amputated.

Here is James, minus his hands, minus his lower legs, the direct result of a medical judgment by that HMO. Do my colleagues know something? Under Federal law, if James' insurance is through his parents' employer, then the only thing that can be recovered for James under Federal law is the cost of treatment denied; or in this case, the HMO has to pay for his amputations.

But James gets to live the rest of his life with no hands and no feet. He is doing pretty well. He is older now. He has prostheses that he pulls on to his legs with his stumps. He needs some help getting his bilateral hooks on. But do my colleagues know what, it is pretty hard for him to play basketball. He will never be able to touch the face of the woman that he marries with his hand.

That HMO, under Federal, if this is simply an employer plan, a self-insured plan, then that HMO would be liable for nothing other than the cost of paying for his amputations. That is part of the reason why 85 percent of the public is saying why is it taking so darn long for Congress to fix this thing which Congress made the problem in the beginning with this law about 25 years ago.

We had a lot of testimony before Congress on Patients' Bill of Rights. Four years ago now, we had testimony before the House Committee on Commerce. This was testimony from a medical reviewer. Her testimony had been buried in the fourth panel of the day, way late in the day after all the TV cameras had gone. But I think my colleagues ought to know what she said. She had been a claims reviewer for several HMOs.

Here is what she said: "I wish to begin by making a public confession. In the spring of 1987, I caused the death of a man. Although this was known to many people, I have not been taken before any court of law or called into account for this by any professional or public forum. In fact, just the opposite occurred. I was rewarded for this. It brought me an improved reputation in my job. It contributed to my advancement afterwards. Not only did I demonstrate I could do what was expected of me, I was the good company medical reviewer. I saved a half million dollars."

Well, I remember this testimony because, as she was speaking, a hush came over that hearing room. One could have heard a pin drop. The representatives of the HMOs and the insurance industry who were still there kind of looked down at the floor. Well, her voice was pretty husky, and I could see tears in her eyes.

She went on, "Since that day, I have lived with this act and many others eating into my heart and soul. For me, a physician is a professional charged with the care or healing of his or her human patients. The primary ethical norm is do no harm. I did worse. I caused death. Instead of using a clumsy bloody weapon, I used the simplest, cleanest of tools, my words.

"This man died because I denied him a necessary operation to save his heart. I felt little pain or remorse at the time. The man's faceless distance on that long telephone line soothed my conscience."

Like a skilled soldier, she went on, "I was trained for this moment. If any moral qualms would arise, I was to remember I am not denying care, I am just denying payment."

Well, by this time, the trade association representatives were a little pale in the room. Ms. Peeno's testimony continued: "At the time, this helped me avoid any sense of responsibility for my decision."

□ 1315

Now I am no longer to accept the escapist reasoning that allowed me to rationalize that action. I accept my responsibility now for that man's death, as well as for the immeasurable pain and suffering many other decisions of mine caused. And she then listed many of the ways that managed care plans deny care to patients, but she emphasized one particular issue, and that is the HMO's right to decide what care is "medically necessary."

She said, "There is one last activity that I think deserves a special place on this list, and this is what I call the smart bomb of cost containment, and that is medical necessities denials. Even when medical criteria is used, it is rarely developed in any kind of standard traditional clinical process. It is rarely standardized across the field. The criteria are rarely available for prior review by the physicians or members of the plan. We have enough experience from history to demonstrate the consequences of secretive, unregulated systems that go awry. One can only wonder," she finished, "how much pain, suffering and death will we have before we have the courage to change our course. Personally, I have decided that even one death was too much for me."

Well, after that testimony, and lots of other examples of HMO abuse, we had a full debate on the floor of Congress, October 1999, and we passed a bill called the Bipartisan Consensus Managed Care Reform Act of 1999, the Norwood-Dingell-Ganske bill, with 275 bipartisan votes. Sixty-eight Republicans defied the leadership of the House and made the right principled decision.

something that would address specifically the type of problem that we have, where under Federal law the HMOs, these employer HMOs, can decide to provide whatever treatment they think is necessary according to their own definition of what is necessary; and can then put their definition into a contract with the employer and, according to Federal law, it is then okay, as long as they follow their own definition.

Let me give an example. One HMO said, "We defined medical necessity as the cheapest, least expensive care." The cheapest, least expensive care. The picture I showed of the baby with the cleft lip and cleft palate, under that plan's definition, instead of standard surgical correction to allow the palate to work properly so that a kid can speak and eat without food going out their nose, instead of the standard treatment, which would require an operation, anesthesia, and a stay in the hospital, that plan can say, no, we are just going to provide what is called an obturator. It is like an upper denture plate. It is a piece of plastic. We could put that up there in that little baby's mouth and then food might not come out the nose so much. Would that little baby ever learn to speak correctly? It does not matter under that plan's definition because, after all, the piece of plastic is the cheapest, least expensive care. That is all they would be obligated to give. They could do that under Federal law, and that is why we need to fix that.

There were a number of other substitutes that came up before the House for a debate. They were all defeated in the House. And the devil really is in the details of those substitutes and in the bill that passed the Senate as well. By a very slim vote, along party lines, the bill that passed the Senate is, in my opinion, more of an HMO protection bill more than a patient protection bill.

Let me give an example of why some of these details are so important, because towards the end of our regular session this year, some Congressmen, friends of mine, classmates of mine from that revolutionary class of 1994, whose hearts are in the right places, but the Coburn-Shadegg "compromise bill" would have been a step backwards. It is important for people, especially as we are looking at having votes again on the floor of both the House and the Senate this coming year, it is important that people understand specifically why some of the specific language is so important.

The Shadegg bill would preempt State law. It would cut off developing State law. Every case against a health plan would have to go to Federal Court, regardless of whether it involved benefit questions or medical facts. That is page 84, line 9; page 91, line 3.

The Coburn-Shadegg compromise bill attempted a targeted removal of ERISA preemption, but in the same session reversed field from the Norwood-Dingell-Ganske bill and sends us back to current ERISA law, the type of law that has spawned so many problems. Page 90, lines 11 through 25.

Under the Shadegg bill, all emerging case law holding that quality of care cases can be decided by State courts would be cut off and reversed. Page 84, line 9.

Their bill would require injured patients to prove "bad faith," that is a contract term, "against a health plan's designated 'decisionmaker,' in order to prove a negligence action." Those requirements would make it almost impossible to hold health plans accountable for the types of decisions that resulted in that little boy losing both hands and both feet because of that HMOs medical judgment decision. That is on page 84, lines 9 through 37 of their bill.

Under their bill, the health plan's own definition of medical necessity, just what the medical reviewer who testified before the Committee on Commerce was saying is such a problem, the plan's own definition would be controlling. Bad definitions of medical necessity and other health plan contract terms would prevail in the review provisions of the Coburn-Shadegg bill. The cross-references to the terms and conditions are significantly different from the Norwood-Dingell bill. Page 86, lines 23 through 26.

The Shadegg bill then dropped language that would have automatically incorporated patient protections into all of the plan contracts. By dropping that language, he would allow flawed plan contract language to govern patient disputes, short of litigation. And in subsequent lawsuits, plans would be able to argue that the patients waived their statutory rights when they entered the plan contracts.

The gentleman from Georgia (Mr. Norwood), a stalwart on this issue, and I have gone around and around with the gentleman from Oklahoma (Mr. Coburn) on the issue of whether external review has to be completed before a lawsuit is initiated. What about this little boy who lost both hands and both feet? He would not have gone through an internal appeals process, an external appeals process. He was injured from the getgo. He ought to have relief. And furthermore, the Supreme Court has ruled that quasi-legal boards determining whether a suit can proceed are infringements of seventh amendment protections. Some have even tried to get provisions into other patient protection bills that say that if any part of the bill is deemed unconstitutional all the rest of it is void.

I am very hopeful that, after this election, in the 107th Congress, that will start January 3, we have a great opportunity to finally pass a real patient protection bill. So I want to speculate a little bit on how Congress would interact with Governor Bush, should he become President.

What is the outlook for the 107th Congress and a Bush administration on a patient bill of rights? Well, here is what Governor Bush wrote in the October 19, 2000 edition of the New England Journal of Medicine. "During my tenure in office, Texas enacted one of the most comprehensive patient protection laws in the Nation. Our law gives patients the right to seek legal action if they have been harmed. I allowed it to become law because there was a strong independent review process, previously enacted tort reform, and other protections designed to encourage a quick resolution rather than costly litigation."

Well, my colleagues, there are a lot of provisos in that statement. And I might also add that the Texas House and Senate passed the Texas bill with a veto-proof majority, in fact almost unanimously, after Governor Bush vetoed a patient protection bill the first time. But I am hopeful because Governor Bush many, many times during the campaign talked about the need for a real patient bill of rights, and one that included the right for legal redress.

So I want to help a President Bush, should he be declared the final victor. I want to help him get off to a great start in his administration by getting as big a vote in the House and in the Senate for a real patient bill of rights as we can. I think we are very close to 60 votes in the Senate. I am confident that we will get well over 280 votes here in the House, and we will be very close to veto-proof figures.

I have gone through the comments of many of the new Members and through their positions on a patient bill of rights. Many of our new Members made campaign promises in support of patient protection legislation. Many voted for strong patient protection as members of their State legislatures, so they have a past voting record. For my new colleagues, I ask them to be aware of the campaign of lies the HMO industry is spreading about our bipartisan bill. Most importantly, my colleagues' should note that under our bipartisan bill, unless that employer has exercised medical judgment that has resulted in harm or injury, employers cannot be held liable for damages in our bill. If an employer is not involved in the HMO's decision, there is no employer liability.

Now, a number of States, like California, Texas, and Maine have passed patient protection bills since 1997, and 27 others have debated them this past year. An awful lot of legislatures are going to be debating bills reintroduced in January. A New Jersey bill passed its State Senate 38 to 0, and I am sure will be reintroduced.

My point is this. A lot of what we have done in Congress has had salutary effects throughout the country. State legislatures are doing some of our job, but there are some aspects to Federal law particularly as it relates to the Employee Retirement Income Security Act. This was originally designed to be a consumer bill to ensure that employee pensions were protected but has since become a way for employers to provide less than adequate HMO care, and we need to fix that.

In the last few days, we have found out that Steve and Michele Bauman, are suing Aetna Health Care. They are claiming that its former policy of discharging newborns from hospitals after 24 hours led to the death of their first baby, Michelina, a day after she was sent home in 1995.

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This was one of the political cartoons that came out after the HMOs, as you will remember, said, we are going to institute a policy of drive-through deliveries. Here is the maternity hospital. You have your drive-through window. "Now only 6-minute stays for new moms." You have Mom and Dad with crying baby and the hospital person saying, "Congratulations. Would you like fries with that?"

Well, it was not so funny for the Baumans because their daughter was sent home immediately. She passed away within 24 hours. They make the case that that was improper medical judgment by their HMO to do that.

Now, the interesting thing about that is that they have taken their case all the way to the United States Supreme Court and the United States Supreme Court upheld a Federal Appeals Court ruling that the couple could bring suit against the HMO for malpractice in State court. That is what they are now doing.

So as we are moving at the Federal level here to enact a broad Patients' Bill of Rights protecting the rights of States in these areas, there will be, I predict, a strong move by the HMOs to try to get all of these State jurisdictions moved to Federal jurisdiction. That would be a huge mistake.

My colleague from Georgia (Mr. NORWOOD), a fellow stalwart on patient protections, certainly one of the more conservative Members of the House, a coauthor of the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act, had this to say in debate in October of 1999 on moving these suits to Federal court. This is what my colleague said:

"The Houghton amendment would make insurers liable in Federal court rather than State court. That is sort of the bottom line. Our bill, H.R. 2723, the Bipartisan Consensus Managed Care Reform Act, and every bill incidentally I have introduced on liability, ensures we want them to face State liability."

I would just like my colleagues to consider a thought. This is the gentleman from Georgia (Mr. NORWOOD), my compatriot on this. Consider this quote from Chief Justice Rehnquist: "Congress should commit itself to conserving the Federal courts as a distinctive judicial forum of limited jurisdiction in our system of federalism. Civil and criminal jurisdiction should be assigned to the Federal courts only to further clearly define and justify national interests, leaving to the State courts the responsibility for adjudicating all other matters."

The gentleman from Georgia (Mr. NORWOOD) continued, "In the Federal courts today, there are 65 vacancies and the courts anticipate another 16 vacancies forthcoming. Twenty-two courts are considered to be under emergency status. They do not have appropriate coverage from the bench to consider the cases before them. To this situation we are going to add a Federal tort?"

The gentleman from Georgia (Mr. NORWOOD) continues, "The Speedy Trial Act of 1974 requires the Federal bench to give priority to criminal cases over civil cases. In 1998, criminal case filings were up 15 percent. A single mother whose child needs constant care because of a decision made by an HMO will have to stand in line behind all of the drug dealers before she can try to hold the HMO liable for its action."

The gentleman from Georgia (Mr. NORWOOD) continues, "State courts are easier for patients to access. Almost every town in America has a State court. Federal courts are few and far between. States like Texas and Georgia and California already have moved to make insurers accountable for their actions. State courts are a more appropriate and accessible venue for personal injury and wrongful death."

The gentleman from Georgia (Mr. NORWOOD) continues, "Considering the problems that patients will have in accessing Federal court, it is hard to imagine that HMO liability meets the Chief Justice's definition of "national interest." It certainly does not meet the single mother's definition. Like all politics, all health care is really local. H.R. 2723 holds insurers liable for their decisions that harm or kill someone in the most appropriate venue, State courts."

And I could not say it any better than my colleague, the gentleman from Georgia (Mr. NORWOOD), on this issue.

But I predict, as we are moving through this in the year 2001, the HMOs are going to try to stick language into a bill that would move this developing case law, certified by the U.S. Supreme Court decision in the case of the Baumans losing their baby, they are going to try to move this by statute in the Federal courts.

There are a lot of reasons why we should not do it. But I will tell you what. I am a Republican. And my Republican colleagues on this side of the aisle, we have stood down here in the well many times arguing that the Federal Government should not be involved in areas where the States have traditional responsibilities. In fact, I believe that is an amendment in the Constitution.

So, my friends, when we look at this legislation this coming year, let us not preempt the work that has already been going on at the State level; but let us try to set up some standards for everyone, and let us go back and fix the problem that Congress created 25 years ago when they gave the HMOs legal carte blanche to do whatever they wanted to do regardless of the consequences.

I do not know any other industry in the United States that has that kind of legal protection. I think that if Congress brought a bill to the floor today to give that type of legal protection to Bridgestone-Firestone, I think every Member who voted for that would be voted out of office.

Now, that was what, 118 or 120 deaths caused by faulty tires. We are talking about millions of decisions made every day by the HMO industry that can affect a person's health, maybe their hands or their feet, or even their life. How can anyone reasonably argue that the House plan, the HMO, should be liable only for the cost of care denied when they make a medical judgment that is clearly negligent and hurts somebody?

I do not know what kind of responsibility we are talking about. We Republicans have been on this floor many, many times talking about how welfare recipients ought to be responsible. By George, if you are able-bodied and you get education and you get help in child care, you are going to have a limited time and you are going to go out and be responsible and get a job. But some people would argue that we ought to not have plans that are making life-and-death decisions responsible. Somehow there is an inconsistency there.

Well, my prediction for this coming year is that we are going to have a very good debate on this issue. If we see Governor Bush in the White House, I wish him the best. I want to see President Bush succeed by being a uniter, not a divider. I want to see him work in a bipartisan fashion. And one of the earliest things that we can do in this coming year is to pass the latest version of the Norwood-Dingell-Ganske bill, pass it by a big margin in the House, big margin in the Senate, send it to President Bush, and have him sign that bill. And I will tell you what. That would go a long ways to getting his administration off to a good start. And I would love to see that.

Well, Mr. Speaker, I think that we are going to have a lot to do in this coming year. It is a narrow margin that we have here in the House. It is

50-50 tie in the Senate. Some people say, oh, you know, there will just be gridlock and chaos. I am an optimist. I do not see the glass that is half empty. I see this glass as half full. And I think we have a real opportunity to do some things that will benefit our constituents.

HOUR OF MEETING ON WEDNESDAY, DECEMBER 6, 2000

Mr. GANSKE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Iowa?

There was no objection.

HOUR OF MEETING ON THURSDAY, DECEMBER 7, 2000

Mr. GANSKE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Wednesday, December 6, 2000, it adjourn to meet at 2 p.m. on Thursday, December 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. POMEROY (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. HILL of Montana (at the request of Mr. ARMEY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

(The following Members (at the request of Mr. GREEN of Wisconsin) to revise and extend their remarks and include extraneous material:)

Mr. GREEN of Wisconsin, for 5 minutes, today.

Mr. EHRLICH, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today and December 6, 7, and 8.

Mr. SALMON, for 5 minutes, today.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 41 minutes p.m.), under its previous order, the House adjourned until Wednesday, December 6, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11147. A letter from the Secretary, Department of Defense, transmitting the approved retirement and advancement to the grade of vice admiral on the retired list of Vice Admiral Daniel J. Murphy, Jr., United States Navy; to the Committee on Armed Services.

11148. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Consumer Protections for Depository Institution Sales of Insurance [Docket No. 2000–97] (RIN: 1550–AB34) received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11149. A letter from the Legislative and Regulatory Activities Division, Department of Treasury, Office of the Comptroller of the Currency, transmitting the Department's final rule—Consumer Protections for Depository Institution Sales of Insurance [Docket No. 00–26] (RIN: 1557–AB81) received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11150. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a transaction involving U.S. exports to India; to the Committee on Banking and Financial Services.

11151. A letter from the Director, Office of Management and Budget, transmitting a report on OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

11152. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing, and Handling of Food [Docket No. 99F–1912] received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11153. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 00F–1332] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11154. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations; Radionuclides; Final Rule [FRL–6909–3] (RIN: 2040–AC98) received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11155. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–6910–4] received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11156. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions from New Nonroad Spark-Ignition Engines Rated above 19 Kilowatts and New Land-Based Recreational Spark-Ignition Engines [FRL–6907–5] (RIN: 2060–AI11) received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11157. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Excess Emissions During Startup, Shutdown, Malfunction and Maintenance [TX–130–1–7473a; FRL–6907–8] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11158. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Petition By American Samoa for Exemption from Anti-Dumping Requirements for Conventional Gasoline [FRL–6908–8] (RIN: 2060–AI60) received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11159. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Partial Withdrawal of Direct Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District [CA 210–0266; FRL–6908–3] received November 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11160. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Georgia: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6907–3] received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11161. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revision to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program [AL–054–200027(a); FRL–6910–6] received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11162. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule—Options Price Reporting Authority [Release No. 34–43621; File No. 4–434] (RIN: 3235–AH92) received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11163. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 25–00 which constitutes a Request for Final Approval to conclude the Memorandum of Understanding with the United Kingdom for the Cooperative Framework for Engineering and Manufacturing Development (EMD) of the Joint Strike Fighter and the U.K. Supplement, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11164. A letter from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics

Traffickers: Additional Designations and Removals and Supplementary Information on Specially Designated Narcotics Traffickers, Foreign Terrorist Organizations—received November 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11165. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting a report on actions to establish a council to promote greater investment in sub-Saharan Africa; to the Committee on International Relations.

11166. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11167. A letter from the Secretary, Department of Education, transmitting the semiannual report of the activities of the Office of Inspector General for the period April 1 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11168. A letter from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting the Department's final rule—Environment and Natural Resources Division Case and Related Files System, JUSTICE/ENRD-003—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11169. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule—CaseLink Document Database for Office of Special Counsel—Waco, JUSTICE/OSCW-001—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11170. A letter from the Deputy Administrator, Environmental Protection Agency, transmitting a report on the "EPA's Inventory of Commercial Activities"; to the Committee on Government Reform.

11171. A letter from the Administrator, U.S. Agency for International Development, transmitting a report on Year 2000 A-76 Inventory for FY99; to the Committee on Government Reform.

11172. A letter from the Secretary, Judicial Conference of the United States, transmitting the Judicial Conference of the United States biennial report to the Congress on the continuing need for all authorized bankruptcy judgeships, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

11173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Comments on Items for Year 2001 Published Guidance Priority List—received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application of the Anti-Churning Rules for Amortization of Intangibles in Partnerships [TD 8907] (RIN: 1545-AX73) received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Stock Compensation Corporate Tax Shelter Notice—received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Trusts Not Considered Individuals for Purposes of Section 935—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11177. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the level of coverage and expenditures for Religious Nonmedical Health Care Institutions (RNHCIs) under both Medicare and Medicaid for the previous fiscal year (FY); estimated levels of expenditure for the current FY; and, trends in those expenditure levels including an explanation of any significant changes in expenditure levels from previous years; jointly to the Committees on Ways and Means and Commerce.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1689. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 7, 2000.

H.R. 1882. Referral to the Committee on Ways and Means extended for a period ending not later than December 7, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 7, 2000.

H.R. 4144. Referral to the Committee on the Budget extended for a period ending not later than December 7, 2000.

H.R. 4548. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 7, 2000.

H.R. 4585. Referral to the Committee on Commerce extended for a period ending not later than December 7, 2000.

H.R. 4725. Referral to the Committee on Education and the Workforce extended for a period ending not later than December 7, 2000.

H.R. 4857. Referral to the Committees on the Judiciary, Banking and Financial Services, and Commerce for a period ending not later than December 7, 2000.

H.R. 5130. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 7, 2000.

H.R. 5291. Referral to the Committee on Ways and Means extended for a period ending not later than December 7, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LEACH (for himself and Mr. LaFalce):

H.R. 5640. A bill to expand homeownership in the United States, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. WOLF:

H.R. 5641. A bill to establish a commission to review the Federal Aviation Administration; to the Committee on Transportation and Infrastructure.

By Mr. BONILLA (for himself, Mr. Cunningham, and Mr. Sam Johnson of Texas):

H. Con. Res. 444. Concurrent resolution expressing the sense of Congress that the right of all members of the uniformed services and their dependents to vote should be reaffirmed by having the Attorney General take all appropriate actions to protect those rights in the State of Florida; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII,

489. The SPEAKER presented a memorial of the Council of the District of Columbia, relative to Resolution 13-684, "African-American Civil War Memorial Transfer of Jurisdiction Resolution of 2000"; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1322: Mr. Gonzalez.

H.R. 1323: Mr. Burr of North Carolina.

H.R. 3272: Ms. Roybal-Allard.

H.R. 3433: Ms. Carson, Mr. Smith of Washington, and Mr. DeFazio.

H.R. 4874: Mr. Kildee.

H.R. 4964: Mr. Frelinghuysen.

H.R. 5116: Mr. Strickland and Mr. DeFazio.

H.R. 5500: Mr. Saxton.

H.R. 5631: Mr. Gillmor, Mr. Lampson, Mr. McGovern, Mr. Hastings of Florida, Mr. Lantos, Ms. Eshoo, Mr. Minge, Mr. Frost, Mr. Clement, and Mr. Filner.

H. Con. Res. 443: Mr. Tancredo.

SENATE—*Tuesday, December 5, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 12:01 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of our Nation, Lord of this Senate, and gracious Father of us all, we return to You in repentance, confessing our urgent need for Your grace. We cannot open the Senate today with a business-as-usual attitude. So much has happened in these past weeks in the contested Presidential election and the close Senate races. As tension mounts, patience wears thin, and party spirit threatens to displace the spirit of patriotism in America, we ask for Your healing spirit.

Life can make us bitter or better, resentful or resilient. The difference is in the opening of our minds and hearts to You. May this Senate exemplify to the Nation how reliance on You brings reconciliation in relationships. Help the Senators to model what it means to work together to complete the work of this 106th Congress. Heal our land, Lord, and make these Senators agents of healing.

Today, we celebrate the 98th birthday of Senator STROM THURMOND. We cherish our friendship with him and admire his patriotism. We marvel at his vigor and stamina. By Your providential care, on May 25, 1997, he became the longest serving Senator in the Nation's history. Yet it is not just the quantity but the quality of these years of service that motivate our admiration. May he know of our affirmation, feel our love, and be encouraged by Your blessing.

Now, Lord, we turn to the challenges of this day with the firm conviction that when we place our trust in You, You turn our struggles into stepping stones. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL B. ENZI, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair recognizes the majority leader.

HAPPY BIRTHDAY TO SENATOR STROM THURMOND

Mr. LOTT. Mr. President, on behalf of an admiring Senate, I extend happy birthday and best wishes to our great Senator, the favorite son of South Carolina, STROM THURMOND. What a career he has had and what an example he sets for all of us: A soldier, a patriot, a teacher, a political leader, a man of good will, and a gentle man. We appreciate his presence every day and hope he has a very happy day today and many more to come.

Mr. THURMOND. Mr. President, I thank the majority leader for his kind remarks. He has done a great job. I don't know of anyone who has done better. We are proud of him. I want him to know it. We are proud of the Senate and all it has accomplished, and we expect to do even more as the days go by.

Mr. LOTT. Mr. President, I thank Senator THURMOND, and I yield to Senator REID.

Mr. REID. Mr. President, I also express happy birthday wishes to Senator THURMOND. He is a wonderful example for all of us.

Mr. HOLLINGS. Mr. President, I rise today to offer my congratulations to Senator THURMOND on his 98th birthday. Few people are lucky enough to reach this milestone in their lives, but fewer still, if any, can claim a life as rich and colorful as STROM THURMOND's. He is what the lawyers call "sui generis"—one of a kind, unique. Last year, a monument to Senator THURMOND was dedicated on the grounds of the South Carolina Statehouse. It was a deserving tribute, but hardly necessary to mark his many contributions to our State and Nation. He is, after all, a living political icon. Generations of South Carolinians refer to him affectionately as "STROM" and his birthday is a celebration of service to our State. I know the people of South Carolina join me and Peatsy in sending Senator THURMOND our best wishes for a wonderful day.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period of morning business until 12:30 p.m. By previous consent, the Senate will recess from 12:30 to 2:15 for the weekly party conferences to meet. When we reconvene, the Senate may continue morning business. However, it is possible the Senate will have one or as many as four votes this afternoon. I don't want to lock it in at this point, but it is possible we could have a recorded vote at 2:15 on the continuing resolution that would be for 2 days. We also could have one or more votes this afternoon on or in relation to cloture on the conference report to accompany H.R. 2415, the bankruptcy legislation.

I see the distinguished assistant Democratic leader here. He may want to comment on that. I emphasize that we do expect at least a couple, maybe as many as four, votes this afternoon.

I welcome back all Senators of the 106th Congress. I hope this session can come to an early conclusion. It would be very important at this time, considering all that is going on. If we show we can act quickly on the remaining appropriations bills and dispose of the tax and Medicare issues, that will be very positive for our country. I look forward to working with the chairman and senior member of the Appropriations Committee to see if we can get that worked out and see if there is any way that maybe we can complete it by Thursday night when this continuing resolution will expire. We will get more information to all Senators later this afternoon, after consultation with the Democratic leaders.

I yield to Senator REID.

Mr. REID. Mr. President, Senator BYRD would like 15 minutes prior to the CR vote, to be divided between him and Senator STEVENS, to talk about that.

During our party conferences, we will find out if we need the two extra votes on bankruptcy. It is my understanding what the leader wants is to have a vote on cloture on bankruptcy. If we have to go through the drill, we will have to have a couple votes before we get to that. I will talk to the people in the Democratic Conference at 12:30 today and report back to the leader as quickly as I can.

I am happy to hear the majority leader talking about moving forward where we left off before the lame duck session started. There has been a tremendous amount of work that has gone into those appropriation bills, the balanced budget problem we have, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

add-ons, and the other things the leader has indicated we will try to move, rather than have a CR. I hope we do that. We await the direction of the majority in the next few days so we can go home and have a good Christmas.

Mr. LOTT. I thank Senator REID. We will have further announcements after consultation with the leadership on both sides of the aisle.

I thank the Chair and yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak therein for up to 5 minutes.

The Chair recognizes the Senator from Arizona.

HAPPY BIRTHDAY GREETINGS TO SENATOR THURMOND

Mr. KYL. Mr. President, congratulations to the majority leader, and happy birthday to our President pro tem, STROM THURMOND.

I remember on the 90th birthday of Senator THURMOND, a reporter asked him if he could expect to see STROM on his 100th birthday. Senator THURMOND looked him up and down and said: Well, you look fit enough to me. If you eat right and drink right, you ought to be around to see me then.

All of us are looking forward to the centennial birthday of Senator THURMOND.

RETIREMENT OF SENATOR CONNIE MACK

Mr. KYL. Mr. President, I rise this morning to express how much I am going to miss our colleague, CONNIE MACK, who retires at the end of this Congress, after three terms in the House of Representatives and two terms in the Senate.

My colleague, the first Republican in the history of the State of Florida ever to be reelected to the U.S. Senate, is a valued part of our party's leadership team. He has managed simultaneously to accomplish great things for the conservative cause while also increasing the level of civility in this body.

One is tempted to call CONNIE MACK Reaganesque in the way that he combines an agreeable disposition with rock-solid principles. As chairman of the Joint Economic Committee, and as a member of the Banking and Finance Committees, he led the successful effort in 1995 to cut congressional spending by 9 percent—the largest cut in 40 years. Connie is one of the people who has led Congress in forcing the Federal Government to put its financial house in order.

He has also left his mark in the areas of medical research and protecting the pristine environment in his home State of Florida. And he has been a warm, amiable gentleman in all seasons and all situations.

I served with CONNIE MACK in the House of Representatives to which he was elected in 1982. That was a pivotal time in our politics, as he has pointed out. America had made a clean break at that time from decades of ever-increasing governmental interference in the economy. He entered Congress as a small businessman, a banker, who understood that the engine of America's greatness is its private sector. Then-Congressman MACK took Ronald Reagan's political banner as his own. As CONNIE has written, "It can be summed up in one word: freedom." President Reagan inspired him into public service, and he has eloquently defended conservatism's most deeply held principles: limited government, standing up for democratic allies around the world, lowering the tax burden that Americans bear, taming the bureaucracy and the special interests, and returning to citizens control over their own lives.

We agreed on public policy questions, Senator MACK and I. But having said that, I also know that my colleagues who opposed him on issues admire and like him every bit as much as I do. CONNIE MACK is that kind of person.

Senator MACK said on the floor of the Senate recently—it was on an important foreign policy matter—that "we must speak the truth and stand on principle." That is what he has done daily. That is the virtuous example he has set. It is what has made him such a good public servant for Florida and America.

Mr. President, I know we will all miss our colleague, CONNIE MACK.

TRIBUTE TO SENATOR JOHN ASHCROFT

Mr. KYL. Mr. President, I want to say a few words about the wonderful work that my colleague, JOHN ASHCROFT, has done in the Senate during the last 6 years. Our colleague from Missouri has racked up an enviable list of accomplishments in his time in the Senate.

As you know, he was responsible for the "charitable choice" provision in the landmark 1996 welfare reform law, a provision that allows faith-based organizations to compete for Government resources to help poor families. These organizations had previously been shut out of the process. The Ashcroft provision gained such strong, bipartisan support that he has expanded it so that faith-based groups can now participate in Federal substance abuse treatment programs. Senator ASHCROFT has truly helped America find better ways to attack the problems we face in our communities.

He also led the way on another major public policy improvement in the area of Social Security. Social Security, as we know, has had surpluses routinely raided to finance deficit spending of the Federal Government. JOHN was a key Member of Congress who drew attention to, and halted, this practice so that these moneys are now used to pay benefits and only to pay benefits. He introduced the first lockbox proposal in the Senate. And, at his urging, budget procedures were changed so that the objectionable practice of diverting Social Security funds to pay for other Government operations could literally be ruled out of order.

I want to conclude by saying what an honor it has been to serve with a man of such intellect, compassion, and notable integrity as JOHN ASHCROFT. He has distinguished himself as a Missouri Senator, its Governor, its auditor, and its attorney general. One thing is certain: we have not seen the last of JOHN ASHCROFT. I trust that what lies ahead for someone of his caliber is further and even greater service to his State and to his country.

Thank you, Mr. President.

ORDER FOR RECESS

Mr. KYL. Mr. President, I ask unanimous consent that at the hour of 12:30 p.m. the Senate stand in recess until the hour of 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 126

Mr. KYL. Mr. President, I ask unanimous consent that at 2:15 p.m., the Senate proceed to H.J. Res. 126, the continuing resolution; further, that no amendments or motions be in order, and that there be 15 minutes equally divided between the chairman and the ranking member; that following that time the resolution be immediately read the third time, and the Senate proceed to a vote on passage of the resolution, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

SENATOR STROM THURMOND'S 98TH BIRTHDAY

Mr. BYRD. Mr. President, I rise this afternoon to add a few accolades to those that have already been expressed on the 98th birthday of our very distinguished and able colleague, Senator THURMOND.

Senator THURMOND and I have worked together in this Chamber for 42 years. I say this with a considerable amount of pleasure. I have always found Senator THURMOND to be straightforward, courageous—he is absolutely fearless—and always considerate of the viewpoints of others. We were here during the great civil rights debates of the 1960s. We have seen colleagues come and go. We have shared viewpoints on many of the great issues that have been debated upon this stage in the years that have gone by: The Civil Rights Act of 1964, the Voting Rights Act of 1965, the Panama Canal Treaties in the late 1970s—the many issues that have deeply affected our country and the people of our country.

While Senator THURMOND and I belong to different political parties, I think we have attempted to see through the fog of political debate, and we have attempted to speak and act in the best interests of the country as a whole. We have often risen above the political fray.

Senator THURMOND has always been very courteous to me. I can remember those years, now long ago, when Senator THURMOND lost his wife. He was a Democrat in those years, and I remember coming into the Senate Chamber on that morning after. Senator THURMOND sat there in the back row behind me that morning. I walked up to him, shook his hand, and told him of my sorrow at his loss.

I can remember when Senator THURMOND lost his daughter. I went to South Carolina to be with him in that time of trial and tribulation and sorrow. I saw the great outpouring of affection and love by his constituents in South Carolina.

I remember, too, the day in which there was a memorial service conducted for my grandson, Michael, who was tragically killed at the age of 17. I recall that at that memorial service there were two other Senators present—Senator Randolph, my colleague at that time in the Senate, and Senator THURMOND. My colleague today, Senator ROCKEFELLER, was there, but he was at that time the Governor of the State of West Virginia.

I shall never forget when STROM THURMOND came to my side at that moment of great sorrow when I gave up my grandson. Senator THURMOND has always been a Senator who sympathizes with the sorrows, the sadness, and the joys of his colleagues.

I went out here some distance from the Capitol a few years ago to attend the funeral service of a relative of one of my staff members. This relative was a black man. Who came to that funeral service? Me. I was there because it was a relative of one of my staff members. Senator THURMOND was there. He came there to show his sympathy and his concern to those bereaved people.

I marveled at his presence on that occasion. It made me wonder, how many funerals of persons of other races, of other parties, and of other creeds does this man attend around this city?

Let me just say today that it has also been not just a pleasure to serve with Senator THURMOND but it has been an honor. I salute him on this his 98th birthday.

Abraham lived to be 175. Isaac lived to be 180. Jacob lived to be 147. Joshua lived to be 110. Joseph lived to be 110. Moses lived to be 120. STROM THURMOND is only 98. I thank the good Lord that I can be here today to share with him this birthday of his.

Let me close by remembering a few lines, if I might, that were written by a poet.

Count your garden by the flowers,
Never by the leaves that fall.
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows.
Count your life by smiles, not tears.

On this beautiful December afternoon, Senator THURMOND:

Count your age by friends, not years.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from West Virginia for his kind remarks. He is a man of character, a man of ability, a man of dedication, a man for whom all of us have high respect.

He has done a fine job here in the Senate. Although we are in different parties, we have so much in common. I have enjoyed being here with him, and I thank him for his great service to his State and to our Nation.

Thank you, Mr. President.

Mr. BYRD. Mr. President, I understand Senator HARKIN wishes to make a few remarks before the Senate recesses and before the meetings of the two parties. I hope someone will indicate to Senator HARKIN that the floor is now available, if he would come at this time.

I understand he is on his way. If the Chair would just momentarily desist from using the gavel.

Mr. DURBIN. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Yes. I yield, if I have the floor, Mr. President.

Mr. DURBIN. Mr. President, I want to thank the Senator from West Virginia for his kind remarks in behalf of the birthday of our colleague from South Carolina, Senator THURMOND. Those were excellent remarks and tribute to a man with whom we have been proud to serve.

I would like to note, because the Senator is such a historian, that someone handed me a little piece of history which might be instructive to us in the days ahead.

The year was 1881, when a special session of the Senate convened on March 4, 1881. The session was called for the exclusive purpose of handling Cabinet and agency nominations for the new administration of President James Garfield. Republicans and Democrats were split evenly 37–37, with 2 independent Senators. Under normal circumstances, this short session should have lasted about 11 days. Due to intense partisanship, it resulted in deadlock. It ran for 11 weeks.

I hope that is a lesson to those of us who are trying to find a reasonable way to resolve our new challenge in the new Congress; that there are ways to do it so we can avoid that kind of deadlock and that kind of delay.

I see the Senator from Iowa present.

Mr. BYRD. Mr. President, If the Senator will yield, the two independent Senators on that occasion came from the State of Illinois. One was David Davis, a former Member of the Supreme Court. The other was William Mahone who hailed from the great State of Virginia, the mother of Presidents.

Mr. DURBIN. I thank the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

HEALTH AND EDUCATION APPROPRIATIONS

Mr. HARKIN. Mr. President, over a month has passed since the Republican and Democratic negotiators came to agreement on the health and education appropriations bill for this year. As I said back then, the agreement was reached as a product of long and difficult bipartisan negotiations. Senator STEVENS, Senator BYRD, Senator SPECTER, and I, along with Congressmen BILL YOUNG, Congressman DAVID OBEY, and Congressman JOHN PORTER, worked for months to craft this agreement.

Chairman STEVENS and Chairman YOUNG had been charged by their leadership to lead these negotiations to closure so that we could pass this very important bill. That is exactly what they did. At times when negotiations got heated, both sides hung in there, and in the end we came up with a compromise. Neither side liked everything that was in it, but it was a true compromise.

Less than 12 hours after we reached agreement, the faction within the House leadership led by Congressman DELAY and Congressman ARMEY decided to renege on our bipartisan conference. We were baffled by this sudden decision. We spent many late hours giving and taking, compromising, and negotiating. We came to an honorable, mutually satisfactory agreement.

As I said, no one was 100-percent happy with it. For example, I was extremely displeased that, at the insistence of Republicans, an important regulation protecting workers from workplace injuries—such as carpal-tunnel syndrome—was delayed yet again; despite the fact that last year's conference report contained explicit language, it would be delayed further.

Each year, over 600,000 American workers suffer disabling, work-related, musculoskeletal disorders that cost employers $15 billion to $20 billion a year in compensation. It may cost our economy as much as $60 billion total a year.

I was especially disappointed in the delay because this ergonomic provision, as a nonpartisan proposal, initiated under Labor Secretary Elizabeth Dole in the Bush administration 9 years ago.

While I was displeased with certain aspects of the bill, I was satisfied that the bill contained important provisions to improve the education of our kids, provide health care for working women, and safeguards for Social Security and Medicare. Those provisions are far too important to be destroyed by last-minute partisan politics.

There is a 21-percent overall increase in education funding in this bill and 35-percent more funding for class size reduction. This means 12,000 new teachers across America will be making a difference for 648,000 children.

There is school modernization funding that will generate approximately $9 billion for school repairs; $250 million to increase accountability to turn around failing schools; a 40-percent increase in IDEA grants, Individuals with Disabilities Education Act grants, to States; the largest increase ever in Pell grants, so that college is affordable to working families and their kids; 70,000 more kids will get Head Start under this bill; an additional $817 million for child care to serve 220,000 more children; another almost $.5 billion for afterschool care for 850,000 kids.

In the health care area, there will be 1.4 million more patient visits to community health centers under this bill with an additional $150 million; an additional $18 million for breast and cervical cancer screening; an additional $1.7 billion for NIH funding, the largest ever; home heating, an additional $300 million for the Low-Income Heating Energy Assistance Program.

In the end, each side won some battles and each side lost, but we ended up with a fair and honorable agreement that was in the best interests of our Nation. That is what bipartisan compromise is all about.

Some are suggesting we just adopt a full year's continuing resolution. Not only would that be an abdication of our responsibility, but it would be exactly the wrong start to the next 2 years of a possibly evenly divided Senate and closely divided House. It would toss out one of the best examples of bipartisan cooperation that we have had this year, the bipartisan cooperation to enact the Labor-Health-Education appropriations bill.

Even worse, Mr. President, a full year's continuing resolution would be a step backwards for the education of our kids and making health care available to all Americans. It would wipe out all the gains I have just mentioned that are included in the bill. We would be kissing goodbye all these important advances in class size reduction, Head Start, breast and cervical cancer treatment, and many others.

Among other things, a full year's continuing resolution would cut NIH research by 47 percent, denying funding to 4,500 new research project grants this year. This chart indicates that.

If we pass a 1-year continuing resolution, here is what will happen: Under the current bill on which we had bipartisan agreement, we will be able to fund 9,500 new research projects at NIH. If we have a 1-year continuing resolution at last year's level, we will have only 5,000.

The PRESIDING OFFICER. The hour has arrived for the party conferences to meet. The discussion on this issue will continue.

Mr. HARKIN. I ask unanimous consent to be recognized at 2:15 for 10 minutes.

The PRESIDING OFFICER. The unanimous consent divides time at that time, so I object.

Mr. HARKIN. I ask unanimous consent to be recognized at 2:15 to finish my statement.

The PRESIDING OFFICER. I have to object. We have divided the time at 2:15 on this issue.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:17 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. INHOFE].

UNANIMOUS CONSENT AGREEMENT—H.R. 2415

Mr. STEVENS. Mr. President, I ask unanimous consent that following the vote regarding the continuing resolution, the majority leader be recognized to offer a motion to proceed to the motion to reconsider the cloture vote relative to the bankruptcy bill. I further ask that the motion to proceed on the motion to reconsider be agreed to and the Senate then proceed to 10 minutes equally divided between the majority leader and Senator WELLSTONE, and following that time the Senate proceed immediately to the motion to invoke cloture on the conference report to accompany H.R. 2415, the bankruptcy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 126) making further continuing appropriations for fiscal year 2001 and for other purposes.

The PRESIDING OFFICER. There will be 15 minutes equally divided.

The Senator from Alaska.

Mr. STEVENS. Mr. President, this is a continuing resolution to give us until the close of business Thursday to complete the activities of this Congress. That is a large order, but I think it can be done if all Members of the House and Senate will cooperate.

We have in conference the major bill, the Health and Human Services bill, which we were prepared to act upon, but there were four basic differences in the conference that we could not resolve with the White House before the election. We are working on that. I can report to the Senate that our majority leader has just given us information about the meeting that he and other leaders had with the President last evening. I can tell you from my perspective, based on the report of the majority leader, I believe it is possible to finish by Thursday night if there is a will in both the House and Senate to do so.

It is my judgment—I am sure we are going to hear from the distinguished Senator from West Virginia that he shares this opinion—that the work of this Congress should be finished by this Congress. We put a lot of time and effort into these bills that are still pending in conference. I do believe it is possible for us to finish if all Members will cooperate with us.

The President has consented to making some reductions in the amounts proposed in these bills before the election. We are working on that with the staff of the House now in the appropriations process. I believe we will be able to report back sometime before the close of business today if the progress has led us to the point where we could file, or ask the House to file, a conference report tonight so it could be taken up by the House tomorrow.

Again, I will be pleased to report later. For now, it is my urging that Members of the Senate work with us to try to finish the business of this Congress, including the passage of all of the remaining appropriations bills, by the time given in this continuing resolution, which is the close of business Thursday.

I reserve the remainder of my time and suggest the absence of a quorum, the time not to be charged until the Senator from West Virginia claims his time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Currently, there are 5 minutes 14 seconds remaining on this side and 7½ minutes remaining on your side.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate has now before it the latest in a series of continuing resolutions in order to keep the operations of the Federal Government going for another 48 hours. This will be the 17th continuing resolution for the fiscal year which began on October 1 of this year—the 17th continuing resolution for the fiscal year. This is the largest number of continuing resolutions that has ever been required in order to enable Congress to complete its work on the 13 annual appropriations bills.

As Senators are aware, we have yet to complete action on 4 of the 13 fiscal year 2001 appropriations bills; namely, the Commerce-Justice-State-Judiciary, Labor-HHS, legislative branch, and Treasury-General Government appropriations bills. We are now into the third month of fiscal year 2001, and we have yet to get our work done on these very critical appropriations bills.

It seems to me that the best way to set the tone for the 107th Congress, which will begin on January 3, 2001, would be to finish the work of the 106th Congress immediately. The time has long since passed for us to end partisan bickering over issues in these various appropriations bills. Why should it take so long to reach a compromise on the remaining issues? What in the world is keeping us from completing action on these appropriations bills 2 months after the new fiscal year has begun?

We have been aware of those issues for months. Most of these issues do not involve appropriations at all. Rather, they involve legislative riders which have nothing to do with the operation of the Federal Government as far as funding levels are concerned. Of course, legislative riders are not new. The Wilmot Proviso was such a rider back in the days when slavery was being discussed.

These issues involve ergonomics, immigration, tobacco lawsuits, et cetera, matters that properly belong in the jurisdiction of other committees. We should not continue to tie up appropriations bills for a fiscal year that began more than 2 months ago—haggling over issues such as these.

The partisanship should end right now, right here this week, on these remaining appropriations bills. We should not permit ourselves to delay action on these matters until the next Congress or the next administration. The time has come for this 106th Congress to complete its work now; clean the slate so that the 107th Congress and the new administration can begin with a fresh start.

We have a tremendous opportunity here. We can demonstrate to the American people and to the world that even though the Presidential election is still in the courts, the people's branch—the people's branch—is here, the people's branch is functioning, and the people's branch intends to get our work done. We can demonstrate to the Nation and we can demonstrate to the world that there is stability in this Government even though the next President's name and the next President's party are yet not known.

The way we wind up this year's business can be a constructive harbinger for the way we approach next year's business with a new President and a closely divided Senate and House. We can start now to reassure the American people that we can stop the bickering, stop the wrangling, and begin to behave as adults instead of as 4-year-olds.

We can show the new Senators of both parties how to reach across the aisle for the good of the Nation. Comity and compromise will have to be the watchwords in the new year, and we can begin practicing that new tone right now.

I hope we can pass these four remaining appropriations bills over which the distinguished chairman, over which the staffs, over which the Members of both parties, both sides of the aisle, have spent hours and hours and days in efforts to complete the work, and I hope we can go home to ponder our new responsibilities. Repeatedly passing 48-hour continuing resolutions, or 24-hour continuing resolutions, and continuing to try to play for some partisan advantage sets exactly the wrong tone for next year's changed circumstances.

Senators, let us employ our intellects and our considerable talents for the good of the Nation. Let us do our duty and fund the Government, as we were expected to be doing. There is no advantage to putting off this work, no advantage whatsoever to putting it off any longer. There is only the very possible danger of poisoning the well from which we all must drink in a new and very different reality setting next year.

So I urge my colleagues on both sides of the aisle to work together with Chairman STEVENS and myself and with the leadership in seeing to it that we work together in a spirit of honest compromise to wrap up the remaining matters on the last four appropriations bills and get them to the President's desk for his signature this week.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I join with Senator BYRD on most of the comments he made. I am constrained to point out that I did argue with the White House at length not to put us through the process of having 1-day CRs. It is true this is the 17th one, but the bulk of them were for 1 or 2 days. And it takes us 2 days to pass one resolution, 1 day in the House and 1 day over here. As a consequence, we haven't been able to get anything done because we have been busy passing continuing resolutions, so we work the next day on another continuing resolution.

I share the frustration of the Senator from West Virginia with this process. The Senator is absolutely right; we are going into another year in just a matter of days, a time when this body will be split, 50 votes on each side of the aisle. In our Appropriations Committee, we work basically on a bipartisan basis. What we are asking is for the Senate and the House to work together now in these next 2 days and let us wind up this business. The State-Justice-Commerce bill is finished, for all intents and purposes. The Treasury-Postal and legislative bill, that was ready to be signed—and it wasn't signed because of a disagreement over the Health and Human Services bill—we were told would have been signed. So as a practical matter, we have one bill that is really in controversy, and that is the Health and Human Services bill.

As I reported to the Senate before the Senator returned, I tell my good friend, Senator BYRD, our leaders reported that the President has indicated a willingness to agree to some changes in that bill to meet the objections that were raised to the version of the bill prior to the election. I think we can do that today.

Unfortunately, once again we are in a situation where both Houses are involved in elections for the coming Congress. We will be involved tomorrow in indoctrination of new Senators for the next Congress. I am told that if we don't finish by Thursday, we will have to finish by Saturday, which means we will have to spend all day Thursday working on another continuing resolution to be able to stay until Saturday. This foolishness has to stop, if we are going to wind down this Congress and finish the business of this Congress in this calendar year. I think we can.

We are waiting now, Senator BYRD and I, to get together with Members of the House. Both Houses are involved in meetings for organization of the next Congress. I plead with Members to help us wind this down. We are within literally just two or three issues to be resolved on the Health and Human Services bill, and I think we can put them all together. I hope we will bring one resolution before the House and the Senate to approve all three bills. That can be done by Thursday night if there is goodwill here and the comity Senator BYRD has asked the Senate to show at this time.

For myself, I look forward to the challenge of working with a 50-50 balance in the Senate. It is going to be a great challenge for all of us, and it is going to be an opportunity for us to demonstrate to the American public that the Senate is still the basic portion of our Government that deals with resolution of conflicts. This is supposed to be a debating society, a debating body. I think it will be for 2 years to come. We are going to be doing our business right here on the floor, to a great extent. With the help of the Senate, we will finish this bill.

Does the Senator wish any more time?

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. STEVENS. Yes.

Mr. BYRD. I think we are all aware of the monstrous hoax that has been pulled upon the American people, the hoax that this year was the opening year of the 21st century. This year is the closing year of the 20th century. That is according to the old math as well as the new math. I hope it won't be said that the Senate dabbled and dabbled and waited until the 21st century, which begins on January 1, to complete the appropriations bills of the 20th century. Let's be about our work.

Mr. STEVENS. Mr. President, the Senator makes a good point. I will not argue with the Senator about which century it is. I do believe that next year is the first year of the next century. I join him in that.

Mr. President, I yield back the remainder of any time I may have.

The PRESIDING OFFICER. All time has expired. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading and was read the third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is, Shall the joint resolution pass? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—1

Leahy

The joint resolution (H.J. Res. 126) was passed.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. There are now 7 minutes equally divided before the next vote.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield 3 minutes of the 5 minutes on our side to Senator BIDEN.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will be reading from these charts some of the provisions of current law for women and children. We developed these child support provisions with Senators TORRICELLI, DURBIN, and DODD on the Democrat side. We have worked very hard to accommodate both sides.

For women and children, we give child support first priority status—up from seventh in line—meaning they will be paid ahead of the lawyers.

We make staying current on child support a condition of discharge.

We make debt discharge in bankruptcy conditional upon full payment of past due child support and alimony.

We make domestic support obligations automatically nondischargeable, without the costs of litigation.

We prevent bankruptcy from holding up child custody, visitation, and domestic violence cases.

We help avoid administrative roadblocks to get kids the support they need.

Those are some of the things we are doing for women and children in this bankruptcy bill.

There are more improvements over current law for women and children.

We make payment of child support arrears a condition of plan confirmation.

We provide better notice and more information for easier child support collection.

We provide help in tracking down deadbeats.

We allow for claims against deadbeat parents' property.

We allow for payment of child support with interest by those with means.

We facilitate wage withholding to collect child support from deadbeat parents.

We make great strides against deadbeats.

Pro-consumer provisions:

New disclosures by creditors and more judicial oversight of reaffirmation agreements, to protect them from being pressured into onerous agreements;

A debtor's bill of rights, to prevent bankruptcy mills from preying upon those who are uninformed of their rights;

New consumer protections under the Truth in Lending Act, such as required disclosures regarding minimum monthly payments and introductory rates for credit cards.

We provide penalties on creditors who refuse to renegotiate reasonable payment schedules outside of bankruptcy.

We have penalties on creditors who fail to properly credit plan payments in bankruptcy.

We have credit counseling programs, to help avoid the cycle of indebtedness.

We provide protection for educational savings accounts.

We give equal protection for retirement savings in bankruptcy.

This is a very good bankruptcy bill. We have worked hard to bring both sides together. It is something that is absolutely needed in this country.

I hope our colleagues will support us today in this motion to reconsider.

I reserve the remainder of the time in favor of Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I understand that I have possibly up to 2 minutes.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BIDEN. Mr. President, I will not use all of the time.

We will hear from our friend from Massachusetts and others on this floor about how this has harmed women and children in support payments. That is simply, flat out not true. We have improved the position of women. We have improved the position of children. We have improved the position of people who do not have much money.

We have included a safe harbor provision, saying that unless you meet a certain minimum income level, you don't even get considered in this process.

This is a good bill subject to a lot of exaggeration.

My good friend from New York had a very good provision which I supported relating to abortion clinics and bombs. There can't be any intimidation of any kind.

You cannot declare bankruptcy in this country under present bankruptcy law if you engage in activities which under the FACE Act are prohibited.

There is no court in the Nation that has said that. People are trying to get out of bankruptcy. They are trying to be discharged. But the courts have not discharged them and will not discharge them.

I would like to see the Schumer amendment become law. But, in fact, it is not necessary to protect the very people we want to protect and to hold responsible those who engage in that kind of activity under the FACE Act.

I hope reason will overcome passion. I hope the truth will overcome exaggeration. But I have been in this institution 28 years and who knows?

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota has 5 minutes.

Mr. WELLSTONE. Mr. President, being able to file chapter 7 bankruptcy is a major safety net for middle-class, low-income families.

I have heard my colleagues on the other side speak, but the truth is that every single civil rights organization, labor organization, consumer organization, and women's organization opposes this piece of legislation. It goes too far. It is too harsh. It is significantly worse from a bill that we once passed that indeed was much better.

I have a letter signed by 116 law professors who have said this bill is too harsh and should be defeated.

Finally, colleagues, this bill came to the Senate in a State Department embassy conference report which was gutted. This whole process is absolutely outrageous, and Senators who care about this legislative process and this institution should vote against cloture.

I yield 1½ minutes to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, it is fair in a time such as this to ask who the beneficiaries of this legislation are going to be and who is going to lose.

As the Senator from Minnesota pointed out, there is not one single organization that advocates for children that supports this legislation. There isn't a single organization that advocates for women that supports this piece of legislation. There is not one organization that represents working men and women that supports this legislation. There is not one group representing consumers that supports this legislation.

It fails the basic and fundamental test of fairness.

There are over 116 bankruptcy experts from around the country, representing all different views on this, legislation who have basically underscored what I have said. This is written in their letter. They say:

> We write yet again to bring the same message:
>
> The problems with the bankruptcy bill have not been resolved, particularly those provisions that adversely affect women and children.

Then it continues on page 2.

> Granting women and children a first priority for bankruptcy distribution permits them to stand first in line to collect nothing.

That is what this is really all about.

I hope that at this period in our election process we are not going to be out there trying to shortchange hard-working families, the children and women in our society, and the consumers of this Nation.

Mr. WELLSTONE. Mr. President, I yield 1 minute to Senator SCHUMER and 1 minute to Senator DURBIN.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, let me make it clear that without the Schumer amendment this bill does not help women. It would be the leading dagger in keeping a woman's right to choose.

If women support this, why do 16 of the leading women's groups sign a letter saying vote against the bill without the Schumer amendment. Why would we allow those who committed such crimes as posting the Nuremberg files and virtually urging people to harm doctors to escape under the cloak of bankruptcy?

We will go back to the days when 80 percent of the clinics are closed in America and a woman's right to choose is gone.

Whatever you feel about the particulars of the bankruptcy bill—and I agree with the Senator from Massachusetts about that—whether you are pro-choice or pro-life, people ought not take the law into their own hands and then hide behind the cloak of bankruptcy.

Members must vote no on this bill until the Schumer amendment is added back. It passed 80-20 originally on this floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. This bankruptcy bill has been a mangy stray dog that won't get off the back porch.

Let me tell you what is wrong with the bill. Does it improve the position of women and children? Sure, but it also improves the position of credit card companies, competing with the women and children for limited funds.

Does it close the homestead loophole? A little bit, but it allows those who are wealthy to find their way around their legal obligation in bankrupcy.

I have coauthored, cosponsored, and voted for bankruptcy reform when it was bipartisan and balanced. This bill is not. This bill was written by a conference committee dominated by one party. It is being shoved down our throats. It is time to shove that old dog off the back porch.

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture on the conference report to H.R. 2415.

The legislative clerk read as follows:

CLOTURE MOTION

> We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the conference report to accompany H.R. 2415, a bill to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes:
>
> Trent Lott, Chuck Grassley, Jeff Sessions, Richard Shelby, Fred Thompson, Mike Crapo, Phil Gramm, Jon Kyl, Jim Bunning, Wayne Allard, Thad Cochran, Craig Thomas, Connie Mack, Bill Frist, Bob Smith of New Hampshire, and Frank Murkowski.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the conference report accompanying H.R. 2415 shall be brought to a close?

The yeas and nays are required under this rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present

Mr. REID. I announce that the Senator from Vermont (Mr. LEAHY), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 31, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—67

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Craig
Crapo
Daschle
DeWine
Domenici
Enzi
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerrey
Kyl
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—31

Akaka
Baucus
Boxer
Bryan
Conrad
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Harkin
Hollings
Inouye
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—1

Leahy

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 31, and 1 Senator responded present. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH AND EDUCATION APPROPRIATIONS

Mr. HARKIN. Mr. President, I rise to continue to address the key pending piece of legislation that has not been enacted this year. It has been passed by both the House and Senate. In the conference committee, we finished our work. But it is sort of hanging in limbo. That is the funding bill for Education, Health and Human Services, other important programs such as the National Institutes of Health, and, of course, the low-income heating energy assistance program which is so vital to many of our low-income and elderly citizens who live in the northeastern part of the United States and in a lot of the other northern parts of America.

That bill right now is in limbo. We passed the appropriations bill in the Senate; the House passed the bill. Then ensued about 4 months of very tough negotiations between the House and the Senate, culminating in a marathon session that took place one weekend before we left, a couple weeks before the election, in which we agreed. When I say "we," I mean Chairman STEVENS of the Appropriations Committee; Senator BYRD, our ranking member on the full Appropriations Committee; Senator SPECTER, who is the chairman of the education appropriations subcommittee; and me. I am the ranking member on the subcommittee. On the House side, we had Chairman YOUNG of Florida, the chairman of the full Appropriations Committee; we had Congressman PORTER, who is chairman of the subcommittee on that side; Congressman OBEY, ranking member on the subcommittee, and also ranking member of the full Appropriations Committee. We all agreed.

It was a Sunday, and we were there until 2 a.m. on Monday morning. We finally agreed. The negotiations were heated. Many times we were hung up on certain things, but in the end we came up with a good compromise.

That was Monday morning. That was right before we left for the election. Less than 12 hours later, a faction within the House Republican leadership, led by Congressman DELAY and Congressman ARMEY, decided to renege on that bipartisan compromise. We were all baffled by this sudden decision. We spent many late hours compromising, negotiating, giving and taking.

I think we came to an honorable, mutually satisfactory agreement. Again, no one was 100-percent happy with it. For example, I was extremely displeased that an important regulation protecting workers from workplace injuries such as carpal tunnel syndrome was delayed yet again, for the third year in a row, despite the fact that last year's conference report contained explicit language stating it would not be delayed any further. Well, Republicans insisted we try to delay this yet again.

Each year, over 600,000 American workers suffer disabling, work-related, musculoskeletal disorders. This costs employers $15 billion to $20 billion a year in compensation. It may cost our economy upwards of $60 billion annually. I was especially disappointed because this so-called ergonomics provision was a nonpartisan proposal initiated under Labor Secretary Elizabeth Dole, a Republican, in the Bush administration 9 years ago.

Yet while I was displeased with this particular aspect of the bill, I was satisfied that the bill contained important provisions to improve education for our kids, improve health care for women and the elderly, fund needed research at the NIH, and safeguard Social Security and Medicare—provisions that are far too important to be destroyed by last-minute partisan politics.

In this bill, we had the highest increase ever in funding for education, with 35 percent more funding for class size reduction. It meant 12,000 new teachers would be hired across America. That is what was in the bill. There was school modernization funding that would generate about $9 billion in needed school repairs to some of our older schools; $250 million to increase accountability to turn around failing schools; a 40-percent increase in grants to States for the education of kids with disabilities and special needs; the largest increase we ever gave for IDEA, from $4.9 billion to $6.9 billion; the largest increase ever for Pell grants, to make college more affordable to working families. That is what was in this bill—the largest increase ever for Pell grants; the biggest increase for grants to States for educating kids with disabilities; school modernization, the first time ever, which would have funded about $9 billion in needed school repairs; 35-percent funding for class size reduction, the most ever. That is just in education.

In child care, again, was a record amount of money, an additional $817 million that would have covered 220,000 more children in America to have child care; afterschool care, $546 million in this bill, so that 850,000 children in America could have some form of afterschool care.

Health care. We added money so that 1.5 million more patient visits could take place at our community health centers around America. We put in an additional $18 million for breast and cervical cancer treatment and screening, an additional $1.7 million for NIH research—the highest level we have ever given, the biggest increase ever for funding at the NIH.

I mentioned earlier a record amount for LIHEAP, the Low Income Home Energy Assistance Program, so that the elderly and low income in the northeastern parts of our country can get the heat they need this winter.

That is what is in the bill. It addresses the educational needs of our country, child care, health care, medical research, and, as I said, things such as home heating for the elderly and low income.

Well, each side won some battles; each side lost some. Isn't that what compromise is about? Isn't that what bipartisanship is about, where I don't get my way all the time and you don't get your way all the time? Maybe I will get some of what I want and maybe you will get some of what you want. That is what bipartisanship is about. We hear all this talk about bipartisanship. It looks as if next year the Senate is going to be right down the middle, 50–50, for the first time ever. If there is ever a time that we need bipartisanship, where we have to mentally understand that we Democrats don't get our way all the time and you Republicans don't get your way all the time but we work these things out, it is now. That is what we did on this appropriations bill.

As I said, it took us almost 5 months of tough negotiations, with strong feelings about this. Finally, we shook hands and we all signed our names to it and we walked out of the room. Then, two Republicans on the House side, Mr. DELAY and Mr. ARMEY, turned thumbs down on it after we had done our work to reach a bipartisan agreement.

Well, if we are going to set the stage for working closer together next year, I suggest we start here and now with the appropriations bill for education. We have a bipartisan bill. Republicans and Democrats who worked on it for 5 months know all the line items that are in it. We all agree that some are progressive, some are conservative, and there are moderates—almost the entire spectrum of the political ideology was involved in this bill. Yet we all agree, except Mr. DELAY and Mr. ARMEY on the House side.

Why should two people in a position of power be able to tell the entire Congress and, in fact, the entire country that we are not going to have this bipartisan agreement that we reached, on which we worked so hard? Two people say that we are not going to have it.

Congressman YOUNG, with whom I served in the House, has been a distinguished House Member for a long time. He and I don't agree philosophically on a lot of things, but we worked it out. Along with Congressman OBEY, Senator STEVENS, and Senator BYRD, we worked these things out.

So I hope we can tell the American people on the crucial issues of education, health care, and child care, yes, we got the message from this election. Let's work in a bipartisan way, just as we did on this bill, and let's send this bill down to the President for his signature.

Some are now suggesting, I hear, that we adopt a full year's continuing resolution, that we disband all of the work we did on this bill and just go to a full year's continuing resolution. Not only would that be an abdication of our responsibility and send exactly the wrong message, but it would be exactly the wrong start for the next 2 years of an evenly divided Senate and a closely divided House. As I said, it would throw out one of the best examples of bipartisan cooperation that we were able to muster this year. Even worse, a full year's continuing resolution would be a step backward for the education of our kids and the health care available to all Americans. If we had a continuing resolution, it would wipe out all the gains I spoke of, including class size reduction, Head Start, and breast and cervical cancer treatment and screening.

I have a chart which shows one of the things that would happen if we do not adopt the appropriations bill on education and health.

As I said, we have the largest increase ever for NIH funding. Why did we do that? We did that because this Congress a few years ago voted overwhelmingly that we were going to double the funding in 5 years for the NIH. Republicans voted for it and Democrats voted for it.

Both Senator SPECTER and I took that charge. We have been adding that money to double that. This year we have a $1.7 billion increase for NIH funding to get it up to double.

That increase means that under the current bill about which I am speaking we will be able to fund 9,500 new research project grants over and above what we have had in the past.

If we have just a continuing resolution, we will be able to fund only 5,000, and 4,500 new research grants will not be funded next year if we don't get this bill to the President and have just a continuing resolution.

What does that mean? It means things such as Alzheimer's disease, child cancer, prostate cancer, breast cancer, childhood diabetes, HIV, Parkinson's disease, cerebral palsy—I have a whole list. I will not read the whole list—all of the things that we are very close to making breakthroughs on—spinal cord injury is another one—and are very close to making tremendous breakthroughs with the new tools that we have—the human genome project is being finished; stem cell research is being done. We are close to making tremendous breakthroughs. Who knows? One of these 4,500 grants that wouldn't be funded could be the one key that unlocked the door to which we could find interventions and a cure for Parkinson's disease. It could be one of those 4,500. But it won't be funded if we don't pass this bill. That is what is at stake.

These are the things that won't be funded: Research to develop drugs to prevent Alzheimer's disease, clinical trial efforts on childhood cancer, prostate cancer, breast cancer, childhood diabetes, and HIV. They are just a few of the things that would be cut back. A full year's continuing resolution would cut NIH research by 47 percent. Forty-five hundred new research project grants would not be funded.

I wanted to take this time because this is our first day back. We were back once since the election, but this is the first time we have been back to really get some legislative work done.

The Christmas season is about upon us. People will be anxious to get out of here and get home to spend time with their families and constituents. But we can't shortchange the American people.

Are we going to shortchange our kids? Are we going to say to the teachers across America that we are not going to reduce class size? Are we going to say to our property taxpayers around the country that we are not going to help them rebuild their crumbling schools; that they will have to take it out of their property taxes?

Are we going to say to families hard pressed, who need school care for their kids and who may live in a place where they really need some afterschool care, that we are not going to fund that either?

What about a working family that has a few kids and one of them is doing well in school and wants to go on to college but they can't afford it? They need a Pell grant. Yet we are not going to give the additional money for the Pell grants.

What about our school systems that are hard pressed around this Nation because more and more of the burden of educating kids with special needs is falling upon our local property taxpayers and they are finding it more and more difficult to meet their constitutional requirements of equal education for kids with disabilities but they aren't able to fund it because the property taxpayers are overburdened as it is?

We have a 40-percent increase in this bill to help our local schools make sure they can meet their constitutional obligation to educate kids with disabilities. We have a continuing resolution, and there that goes.

I think the election is very clear. People in America want us to operate in a bipartisan fashion. This is the opportunity for us to show them that we mean it.

We have a bipartisan bill passed by the Senate, passed by the House, worked out in conference committee, and agreed to by Republicans and by Democrats. Are we going to say that two people in the majority party in the House are able to say they don't like it? Is that what bipartisanship is going to be about around here—that we can all work in a bipartisan fashion but when it gets to the higher echelon of leadership in the House, they don't like it and they can operate by themselves? Is that what bipartisanship means? I don't think that is what the American people think bipartisanship means.

I believe the American people believe bipartisanship is exactly what we did on the education bill. We worked hard on it and lost. We negotiated. We sat and we sat and we talked and talked. We left and came back.

We finally worked it out—not to my satisfaction, not to the satisfaction, I am sure, of Senator SPECTER, and not to the satisfaction, I am sure, of any one of us.

We all had different ideas of what should be in it, but we all gave a little bit. In giving a little bit, we were able to get a bipartisan bill.

I say to my friends on the Republican side—I shouldn't say it here; we had agreement in the Senate. I would be preaching to the choir. But I say to my Republican friends on the House side that if you really want to show the American people that we can work in a bipartisan spirit, this is the chance to show it—with the education bill.

What a great Christmas gift this would be to the hard-working families of America, to our kids, and to the teachers. What a great Christmas gift this would be to millions of Americans who are suffering from debilitating illnesses such as Parkinson's, spinal cord injuries, diabetes, AIDS, and cancer. What a great Christmas gift it would be to them to say we are not going to back down and that we are going to fund the National Institutes of Health; we are going to put the money into this basic research to find the cures that we know are there.

I think that is the Christmas present Congress ought to give to the American people.

I am hopeful that before this week is out cooler heads will prevail and that we will take this bipartisan bill on education and health and send it down to the President, who has indicated that he would indeed sign it. That would be the best Christmas present we could give to the American people.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

PARK RINARD MEMORIAL

Mr. HARKIN. I should like to take a few moments today to honor the life of a great Iowan and a great American—a man who dedicated many years of his life in service to the people of Iowa and our nation—our friend Park Rinard.

It's been said that on the day John F. Kennedy died, a tailor in New York put a sign on the door of his shop that read, "Closed Due to a Death in the Family."

Well, that's how I felt when I heard that Park had passed away, like we had had a death in our family.

Unfortunately, I was unable to attend Park's funeral. It was held during the week before election day, and I had committed to campaign for Al Gore and other Democratic candidates in Iowa.

I felt awful that I would be missing the service, and I thought about taking the day off to attend it.

But then it occurred to me—by hitting the road and working to get good Iowa Democrats elected, I was paying my respects just the way Park would have wanted.

Park Rinard was a legend in Iowa Democratic politics. He began his political career back in 1957 as an aide to Governor Herschel Loveless.

He then befriended a rough-hewn, young, Iowa truck driver who had a beef with the state's trucking policies. Park persuaded this disgruntled fellow—a man by the name of Harold Hughes—to join the Democratic party and run for office. The rest, as they say, is history, and Hughes later referred to Park as his tutor in government.

Park went on to advise Senator John Culver, Congressman Neal Smith, and many others who have made their mark on our Nation.

Mr. President, when I think back on Park's career, I'm reminded of something that Adlai Stevenson once said: "Every age needs men who will redeem the time by living with a vision of things that are to be." That's a perfect description of Park Rinard.

Like my hero, Hubert Humphrey, Park believed that ". . . the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life—the sick, the needy . . ." And Park had a vision of government big enough and bold enough to encompass all of them.

He envisioned a government that trusted citizens—that believed in their strength and capacity to learn, work and serve a government that would invest in people and leave the potential of no citizen untapped. Through his work with Governor Hughes, Park transformed that vision into the wave of progressive legislation that characterized the "Golden Age" of Iowa politics.

During these years, Park helped establish Iowa's community college system, create the Iowa Civil Rights Commission, and appoint the first black state judge in Iowa. He worked to grant home rule for cities, increase spending for schools, and abolish the death penalty. And he successfully convinced Governor Hughes to oppose the Vietnam war. These achievements were Park's proudest legacies, and some of his most enduring.

But Park also had a vision for America—a vision which he spent the remainder of his career fighting for in Congress. He believed deeply in expanding women's rights, and he was a strong supporter of the equal rights amendment long before it penetrated the popular consciousness. He also spoke passionately about ending discrimination against gay Americans, long before many others.

But make no mistake about it, Park wasn't a knee-jerk liberal, not by a long shot. He just believed in a fundamental, basic, golden rule kind of fairness. That was his moral compass, and he steadfastly followed where it led. It is therefore unsurprising that Park had such disdain for polls and focus groups. For Park, politics wasn't about pandering and spin, it was about leadership and telling the truth.

And tell the truth he did. No matter whom he was speaking with, Park Rinard did not mince words. He was once asked by a hostile audience how his boss could even consider supporting food stamps for union strikers. Park simply replied, "hungry people are hungry people."

A gifted speechwriter, Park wielded the written word as forcefully as the spoken. He spent hours pecking away at his old manual typewriter, massaging policy into poetry often finishing a speech at the last possible moment, sometimes just minutes before his boss was scheduled to deliver it.

Park never hesitated to use his gift for strong language to stand up to his bosses—some of whom were nearly twice his size—when he thought they were wrong.

Park once told a fellow staffer, "Remember, you might work for one particular Senator, but your paycheck is from the Senate of the United States, and every employee of the Senate works for the people of America." That was Park's ultimate loyalty—to the people his bosses served. When Park stood up to his bosses, he was standing up for the American people.

And perhaps most extraordinary in this city that's seen its share of egos and ambition is that Park worked his magic entirely behind the scenes, happy to slip through back doors and pound out details in back rooms. Park felt that, as Ralph Waldo Emerson once noted, "There is no limit to what can be accomplished if it doesn't matter who gets the credit." He never cared who got the applause and the pat on the back for his own hard work. He just cared about doing right.

Park was fundamentally humble. He spent a lot of time among giants—Governors, Presidential candidates, great political leaders—but his ego never swelled to match. Park believed, as the saying goes, that "you don't have to be who's who to know what's what."

He was as comfortable lending a hand to a lost tourist, saying a kind word to a new intern, or shooting the breeze with a cafeteria employee as he was chewing out a Senator whom he felt had gone awry. There were no small people with Park Rinard.

All people mattered to Park—and his family mattered most of all. He was a devoted husband to his wife Phyllis, a proud father to his children Judy, David and Grant, and a doting grandfather to his grandson David Bayard. Their generosity in sharing him is appreciated by all of us enriched by his life.

The poet Henry Wadsworth Longfellow once wrote that "Lives of great men all remind us we can make our lives sublime, and, departing, leave behind us footprints on the sands of time." Park was a great man. And he left lasting footprints on the political landscape of Iowa and America.

Today, in part because of the foundation he laid, Iowa leads the nation in education and literacy, and it's ranked as one of the top ten states to raise a child. And today, because of the dialogues he helped begin, the idea of banning discrimination against women and minorities or passing hate crimes laws no longer seems novel, but natural.

These are Park Rinard's footprints—echoes from a golden time in our history when this slight, softspoken man made it his mission to create a more humane world for the most vulnerable among us.

With his words and ideas, both written and spoken, Park Rinard appealed to the best in those he worked for and stood for nothing less.

We are lucky that so many great men and women heeded his call and made good on his dreams.

I ask unanimous consent to have printed in the Record a copy of the eulogy read by Senator John Culver at Park Rinard's funeral.

There being no objection, the material was ordered to be printed in the Record, as follows:

Eulogy for Park Rinard

(By John C. Culver, November 3, 2000)

I am very honored that the family has asked me to say a few words today in memory of Park and in celebration of his remarkable life. He dearly loved his wife Phyllis for fifty-five years and deeply revered her knowledge of and passion for the arts. He took great pride in daughter Judy's work at the National Geographic and Smithsonian as a writer, and, of course, his grandson David Bayard. Son Jeff's career at the Library of Congress and the Smithsonian gave him enormous satisfaction. Park and Phyllis' devotion to their son Grant during his life was inspiring to all.

On behalf of everyone here, I want to sincerely thank the Rinard family for sharing Park who so greatly enriched each of our lives.

Senator Harold Hughes once described Park Rinard as "a quiet, peaceful man with a core of steel and a "heart of gold." He also said, "Park was the toughest man he ever met."

When he worked for us Harold Hughes and I were both over 6′2″ tall and unfortunately usually over 250 lbs. It was also falsely rumored that on occasion we could be somewhat intimidating. Harold and I had one other thing in common. We were both scared to death of Park—who was only half our size. I am convinced that what we respected was Parks' integrity and what we feared was that we would fail to live up to his expectations.

Park believed that being a good politician required one to lead and educate public opinion and not just to reflect it. Park always said that one of his primary responsibilities was to tell the elected officials he served what they didn't want to hear. Theoretically I agreed with him. However, there were times, I have to confess, that I found his zeal in carrying out this duty a bit excessive. But certainly his good judgment and candor served me well as I know it did Hershel Loveless, Harold Hughes, Bonnie Campbell, Neal Smith and countless others both in and out of public office.

As many of you know, Park had been secretary, friend, and companion to Iowa artist Grant Wood, who reportedly Latinized his name and called him Parkus. Several original Wood paintings graced Park's small office in Capitol Hill.

Among the many roles Park played for Wood was to model for some of his paintings. Apparently, on one occasion, he actually posed as George Washington. Now Park was a wonderful man and Grant Wood was a brilliant artist. But somehow that particular collaboration never survived to replace Gilbert Stuart's famous portrait of the Nation's first President.

Park was responsible for the transformation of Grant Wood from a shy individual, who avoided public speaking, into the national spokesman for Regionalism as a significant American Art Movement. When Grant Wood died, Park was there. He promised Wood that he would look after Grant's sister, Nan, which he did for the rest of her life. Nan's last conversation with Park was when he called to tell her that the U.S. Postmaster General had approved use of a Grant Wood painting for a postage stamp. The image of the stamp was Young Corn and Park said, "The painting represented Iowa as a state that nurtures its young people that they may grow to their full potential."

Park was a beloved figure because he treated everyone—regardless of their status in life—with genuine warmth and kindness. Once in a while, I couldn't find him, and someone would track him down in the Senate office basement, where he was providing personal counseling to one of the cafeteria workers. His son Jeff reminded him that his supportive advice, was often, "Don't lose your nerve."

Over the years, Park befriended an elderly woman named Ann, who operated a small newsstand where he would buy his newspapers each evening. One day Ann was upset because she had not received her New York Times delivery. Park was distressed because this would be a significant economic blow to her modest income. A group of wealthy N.Y. businessmen were coming that day to Washington to attend a conference Hughes was sponsoring on Vietnam. Park immediately called them and ordered them to bring a large bundle of New York Times newspapers with them. Thanks to Park, Ann did not lose a single sale that day!

Park loved to play tennis and he enjoyed cooking but his real passion was his garden. He was particularly proud of his blueberries and would bring boxes of them into the office and the staff would eat them out of paper cups on their desks during the day. One day Ed Campbell got a call from the Fairfax Hospital that Park would be late to work because he had been in an automobile accident. Ed rushed to the hospital where he found Park with a gash over his eye. Park explained that a newspaper flew onto his windshield and blinded him and his car hit a telephone pole. Ed said, "Park's only concern was that he could not deliver his prized blueberries and tomatoes to the office as they were now splattered all over the interior of his car."

One of the worst-kept secrets in the 1960's was that Park was Governor Hughes' right hand man, even through he held no official portfolio in state government, and was actually working with the Iowa League of Municipalities. Park operated not from a desk at the state House but downtown from a booth in King Ying Low's restaurant. The establishment didn't have a liquor license. Whenever I occasionally joined Park there for lunch, the proprietor, Park's close Chinese American friend, Louie Lejon, would inquire, "Mr. Rinard, your usual?" Park would respond, "That would be fine." I noticed that Park's "usual" somehow never smelled quite like the tea the rest of us were drinking out of our tea cups. When Park agreed to join me in the Senate, I inherited what was undoubtedly the largest Asian immigration caseload in the U.S. Congress. There must have been at least 550 Chinese immigrants certified to work in King Ying Low's Des Moines restaurant during my Senate term alone.

Park Rinard was the intellectual god-father of Iowa's progressive agenda for a half-century, and those years with Governor Hughes were really the "Golden Age." It was a time when: Community colleges were established; the Iowa Civil Rights Commission created; home rule for cities granted; state spending for schools, prisons, and welfare increased; the first black state judge appointed; and the death penalty abolished.

It is worthy of note that Iowa's State Government has not taken the life of even one person since Park involved himself in Iowa politics.

Decades later Park remained at the forefront of enlightened political thinking. He strongly advocated an Equal Rights Amendment to the Constitution for women. He surprised younger members of my Senate staff over 20 years ago by accurately predicting that the next significant civil rights challenge would be to overcome discrimination against gay Americans.

Bonnie Campbell once remarked that Park was so completely centered and certain in his liberalism that he knew instantly the proper position on an issue because of his "fundamental sense of fairness," while the rest of us had to at least think about it.

Growing up in Northern Iowa over four score years ago Park acquired values he would never abandon: common sense, cooperation, love of the land, sincerity, compassion, civility and justice.

These values formed the underpinning of his political philosophy: phrases like "the milk of human kindness," "the least of these" and describing something as being "clear as the noon whistle at Ida Grove." These phrases all slipped easily into his own speech patterns and the language he crafted for those in public life.

Many of us here today recall Park, smoking his pipe, while hunched over his ancient Olympia typewriter pecking out those many speeches. Park was a most gifted writer. However, unlike Federal Express he was reluctant to guarantee a precise arrival time for the finished speech draft. On more than one occasion, this led to serious staff anxiety and a near nervous breakdown for the person expected to deliver the prepared remarks at a particular event.

In 1968 at the Democratic National Convention in Chicago Harold Hughes was to place Eugene McCarthy's name in nomination. Park was in a Des Moines Hotel room where he was supposed to be writing Hughes' speech. Ed Campbell called Park and told him to put the speech on a plane. This was a time, of course, which predated the era of fax machines and e-mail. As zero hour approached, Hughes asked Ed "Where the hell is the speech?" Ed called Park. Park said "he was working on it and would send it by Western Union." Ed frantically got a room beneath the podium and with a technician arranged to have the speech pages put on a teleprompter as they arrived over the wire. Hughes was called to the Convention podium with no text and had to ad lib his opening before the first page arrived and was put on the teleprompter. Hughes literally gave the speech in Chicago while Park wrote it in Des Moines. At what appeared to be the conclusion Hughes turned to Ed and, putting his hand over the mike, asked in a stage whisper, "Is that the end?" It was, and Gene McCarthy's name was thereby officially placed in nomination as the Democratic Party candidate for President of the United States.

I know Park was not pleased with the condition of American Politics in recent years where mechanics have overwhelmed the issues. Park thought the dialogue had grown sterile and he had little interest in pollsters and consultants. However, he had an abiding faith in democracy and believed that politicians who speak to the best in their constituencies will draw it out. He did his best to make sure that we office holders did just that.

Whatever Governor Herschel Loveless, Governor and Senator Harold Hughes, Attorney General Bonnie Campbell, Congressman Neal Smith and I were able to collectively contribute in our public service careers was, in no small park, made possible because of Park Rinard. Park was truly an "Iowa Original." He uniquely sensed the soul of the state he selflessly served and loved for a life time. His legacy will endure for generations and Iowans will enjoy more opportunities and have a better life because of Park Rinard. What greater reward does life afford?

SENATOR RICHARD BRYAN

Mr. HARKIN. Mr. President, Senator DICK BRYAN is one of few people who has served in this Chamber who has literally devoted nearly his entire life to serving the people of his state and nation.

Senator BRYAN's distinguished career started the day he took the oath of office as president of his 8th grade class at John S. Park Elementary School. It continued when he took office as president of his sophomore and senior classes at Las Vegas High School and student body president at the University of Nevada-Reno.

After graduating from law school, he served as deputy district attorney in Clark County and was then appointed as Clark County's first public defender at age 28. He did two terms in the Nevada State Assembly. Two terms in the Nevada State Senate. A term as Attorney General. Two terms as Nevada Governor. And he's now done two terms in the United States Senate.

He is the only Nevadan ever to have served as his state's Attorney General, Governor, and United States Senator.

He's also one of few, if any, Senators who've managed to pull an extraordinary triple play and serve on the three major fiscal committees—Finance, Commerce, and Banking.

And he's used these positions to fight harder than just about anyone else here to protect American consumers.

As former member of the Consumer Affairs Subcommittee, he passed an amendment requiring the installation of passenger side air bags in all cars sold in America. Over the years, this piece of legislation has saved hundreds of lives.

Senator BRYAN was also one of the early leaders on privacy issues in this Congress. He led the charge to enact the Children's Online Privacy Protection Act—the first ever federal Internet privacy protection legislation. He has also been leading the fight to add new privacy regulations into the banking industry.

In addition, Senator BRYAN authored laws to reduce telemarketing fraud and to give consumers new rights in combating errors on personal credit reports. He passed the PMI legislation which protects people from having to pay hundreds, sometimes thousands of dollars to private mortgage insurance lenders once they have enough equity in their homes. And he was one of the lead sponsors of Airline Passenger Bill of Rights.

Along with Senator MCCAIN, he passed important boxing reform bills to protect the health and safety of boxers and to maintain the integrity of the sport.

And finally, he has worked tirelessly to protect his constituents from nuclear waste dumping in Nevada.

The one consolation I take when I think about him retiring from the Senate is that he'll finally get to spend more time with his terrific wife, Bonnie. I'm hopeful that the two of them will set aside some time to come out and visit me in Iowa, especially since Senator BRYAN actually has roots in my home state. His father, Oscar Bryan, was born in Des Moines. And Senator BRYAN's uncle by marriage, Keith More, practiced law in Harlan, Iowa for years. Keith's brother, Jack More, was chair of the Democratic State Party in Iowa and headed up Truman's efforts in 1948.

But, no matter what his current plans are, I have a sneaking suspicion that Senator BRYAN isn't going to stop serving his State and his country for a long time to come. He has done it honorably since he was a boy, and he still has a tremendous amount to offer.

SENATOR DANIEL PATRICK MOYNIHAN

Mr. HARKIN. Mr. President, Senator DANIEL PATRICK MOYNIHAN is the kind of scholar-public servant our founding fathers envisioned when they designed our great government. Senator MOYNIHAN has a keen intellect and a kind heart, and his distinguished career is a testament to the power of this combination.

Senator MOYNIHAN began serving this country just one year after he graduated from high school. He enrolled in the United States Navy from 1944–1947 and served in the Naval Reserve for 20 years.

After receiving his BA, MA and PhD, he went on to serve in the administrations of Presidents Kennedy, Johnson, Nixon, and Ford. In fact, he is the only person in American history to have ever served in the Cabinet or subcabinet of four successive presidential administrations.

He served as U.S. Ambassador to India from 1973–1975, U.S. Representative to the United Nations from 1975–1976, and he represented the United States as President of the United National Security Council in 1976.

He has authored or edited 18 books on topics ranging from the Reagan era to the American family to poverty to ethnicity to the practice of government. And he has received 62 honorary degrees.

Senator MOYNIHAN's list of legislative accomplishments is no less impressive. He produced the Intermodal Surface Transportation Efficiency Act of 1991 and the Transportation Equity Act for the 21st Century which provided money and incentives for States to build mass transit systems.

He has done outstanding work on cleaning up our environment through his legislation to clean up nuclear waste and toxic sites and to control acid rain.

He has also been a leader in transforming our social welfare system. His 1988 Family Support Act began the process of changing the AFDC program from an income security program to one which helps individuals secure employment. He has also sponsored a bill to improve the Social Security Administration and to keep Social Security solvent for the future.

And if you take a walk around this city—or any number of other American cities for that matter—you won't get far before you see a building that Senator MOYNIHAN helped to build or preserve. From the Old Patent Office which now hosts two Smithsonian museums, to the Old Post Office, to the Old Pension Building, which is now the National Building Museum, and many more.

The Senate will sorely miss its resident scholar. Senator MOYNIHAN combined a mind for philosophy, an eye for beauty, and a heart for service. And this city, the State of New York, and our Nation are the better for his sensitive and dedicated work.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Michigan, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2415

The PRESIDING OFFICER. In my capacity as a Senator from the State of Michigan, I ask unanimous consent that at 11 a.m. on Wednesday, the Senate resume postcloture debate regarding the bankruptcy bill and there be 6 hours for debate postcloture to be equally divided between the chairman and the ranking minority member, or their designees.

I further ask unanimous consent that at 2 p.m. on Thursday, the Senate proceed immediately to up to 30 minutes of debate for each of the following Senators: HATCH, GRASSLEY, WELLSTONE, and LEAHY, and following that time, at 4 p.m. on Thursday, the Senate proceed to a vote on adoption of the conference report, notwithstanding rule XXII, any intervening motion, action or debate, and that paragraph 4 of rule XII be waived.

Without objection, it is so ordered.

In my capacity as a Senator from the State of Michigan, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 3274 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DRUG FREE COMMUNITIES ACT SUCCESSES IN COLORADO

Mr. CAMPBELL. Mr. President, I would like to take a minute to call my colleagues' attention to a conference which is convening this week here in Washington, DC. The Community Anti-Drug Coalitions of America is sponsoring its National Leadership Forum XI from December 6–8, 2000. The National Leadership Forum is the largest meeting of grassroots and professional community coalition leaders in the country. CADCA expects approximately 1500 participants to participate in the Forum this year to network and learn about the most innovative programs, products and services working to reduce youth substance abuse in communities across the country.

As the chairman of the Treasury and General Government Subcommittee, I have a keen interest in these programs which receive support through the Drug Free Communities Act under the Treasury subcommittee's jurisdiction. The Drug Free Communities Act has seen some great successes. This program is funded at $40 million for fiscal year 2001, which is $5 million more than the administration requested. This program provides small grants to non-profit organizations that are trying to curb the impact of drugs in our communities.

One good example is in my own state of Colorado. The Drug Free Community grant recipient is called Grand Futures. This non-profit organization has implemented a program that attempts to directly influence the social behaviors that tend to lead to drug use. The basic premise is, if you can influence those activities that lead to or are related to drug use, you can impact the incidence of drug use itself.

Grand Futures, which receives funding under the Drug Free Communities Act, conducts tobacco and alcohol stings. In addition, Grand Futures also works with local businesses regarding employee alcohol consumption during working hours and conducts outreach efforts regarding patrons' drinking and driving behavior.

As a result of their work, Grand, Moffat and Routt counties in Colorado, the area which Grand Futures administers, has shown a significant drop in adult and juvenile violations of the state's liquor laws. For that same time and location, this area also experienced a corresponding decrease in adult and juvenile drug violations.

I think you can see that if we focus on the contributing factors of drug use, we can have an impact. Also, it demonstrates that when you allow the state and local organizations to tackle an issue and provide them the resources to do so, each in its own way, they can be more successful in their grassroots efforts than a large Federal program would be. People like those working at Grand Futures live in the community, and they understand the local environment and the potential constraints that an outsider may not. This can be something as simple as knowing what the local past time is for teens.

The Drug Free Communities Act demonstrates that groups like Grand Futures are well suited to tackle the drug problem with locally-based solutions tailored to address the community's unique situation. I would encourage my colleagues to look into their Drug Free Communities Act recipients in their own state. I think that they will find dedicated, hard-working organizations that are achieving success and deserve their support.

HONORING WILLIAM V. ROTH, JR.

Mr. BIDEN. Mr. President, I rise today to honor our respected colleague, my friend, and a true gentleman of the United States Senate—BILL ROTH.

I have had the honor to serve side-by-side with the senior senator from Delaware for nearly 28 years. Never once have any of you nor anyone in our home State of Delaware—ever heard me say an ill, unkind or negative word about him. And I might add —nor he of me. In my case, there is a good reason for this. He has never given me cause to say anything negative.

I, personally, and my state collectively—genuinely respect and like BILL ROTH. He is a true gentleman—with all the politeness, honesty and integrity that word connotes.

Personally, I will greatly miss his companionship and friendship. We have racked up more miles on Amtrak between Wilmington and Washington than probably anyone in history! On our train rides, we would often talk about how we could best work together on a project for Delaware. And we would discuss pressing legislative business. But we'd also talk about family and children and grandchildren.

BILL ROTH has served Delawareans with great distinction for 34 years. Since 1970, he has served in the Senate, and before that, four years in the U.S. House of Representatives. BILL ROTH is a living legend in Delaware. In a sentence—he is the longest-serving elected official in the history of Delaware.

And he has made his name known across this country, and throughout the world.

Think about the men and women who have served in the United States Senate—the true giants. Only a handful have programs or laws named after them and for which they will forever be known. BILL ROTH is one of those giants. He has not one, but two historic laws that bear his name—the Roth-Kemp tax cut of the 1980s, and of course, the Roth I.R.A.

On foreign affairs, Senator ROTH is an internationalist. He has met with and is respected by more world leaders than most U.S. Presidents. There is no doubt in my mind that without BILL ROTH, we would not have NATO enlargement or Normal Permanent Trade Relations with China. He is the former President of the North Atlantic Assembly—which is a parliamentary arm of NATO—and served as co-chair with me of the Senate NATO Observer Group. As a staunch believer in strong security alliances in not only Europe, but also Asia, he helped lead the effort for NATO enlargement and currently serves on the boards for the Center for Strategic and International Studies and the Board of the Pan-Pacific Association. He also is active in the Asia Pacific Parliamentary Forum.

Beside the international and financial arenas, Senator ROTH has made his mark on environmental issues as well. He is a recipient of the Wilderness Society's prestigious "Ansel Adams" Award for his work to protect pristine lands, such as the coastal plain of Alaska—fighting many in his own party who want to open up that national treasure to oil exploration.

The breadth of BILL ROTH's contributions to this nation seem to be without limits. He understands how government works and when it doesn't serve the public the way it should, he's stepped forward to fix things. Whether it's general government restructuring, overhauling the IRS to end taxpayer abuses, or reforming the welfare system, he has left his mark. And when Amtrak needed critical support to advance to high speed rail, he championed the act to commit more than $2 billion for capital improvements.

With all his distinguished awards and landmark legislation, BILL ROTH also is part of the so-called "Greatest Generation," serving our country in World War II. He rose to the rank of captain and earned the Bronze Star for his service in the Pacific.

Like his war service, there is much Senator ROTH does in Delaware for which he never seeks headlines nor credit. Every year, for the past 30 years, he has hosted and organized a Youth Conference for high school students throughout the State. This is an enormous undertaking to coordinate—involving high school principals, teachers, students and well-known keynote speakers. He has done it all solely for the kids. I am certain many of those students over the years are now serving as leaders in our businesses, non-profit organizations, and some even hold public office now themselves.

I realize it's rare, and somewhat awkward, for one member of this body to stand up and so publicly honor his fellow, distinguished Senator. But BILL

ROTH deserves that and much more. Senator ROTH has been a friend, partner and confidant to me over the years.

Delawareans also will miss the pleasant, extremely competent and caring service of Senator ROTH's staff. From veterans to members of the business community—from seniors to school students—from the fire service to the armed forces—from the City of Wilmington to the beach communities—Senator ROTH and his staff were highly regarded for their friendly, responsive and highly-professional constituent services.

And I know that beyond all his legislative accomplishments, Senator ROTH is most proud of his wife of 35 years—The Honorable Jane Richards Roth—his son Bud who is an attorney in Delaware—his daughter, Katy who is a physician—and his two grandsons, Bobby and Charlie.

This body is losing more than a powerful Committee chairman, who used that power wisely, judicially and compassionately. The United States Senate is losing a genuine gentleman. He has served the citizens of Delaware with honor and integrity for nearly 34 years. Our State, our country and the United States Senate are so much better for his service.

The British statesman and philosopher, Edmund Burke, said in a speech at Bristol:

> The worthy gentleman who has been snatched from us at the moment of the election, and in the middle of the contest, whilst his desires were as warm and his hopes as eager as ours, has feelingly told us what shadows we are, and what shadows we pursue.

Senator ROTH's shadow will stay with this body for years to come as we pursue the principles he stood for.

FATIGUE MANAGEMENT IS KEY TO IMPROVED HIGHWAY TRUCK SAFETY

Mr. GRAMS. Mr. President, highway safety, especially concerning long-haul trucks tends to be a contentious issue. It is generally understood that the long-haul truck driver faces a tedious and fatiguing task. Anyone trying to get to Florida from Minnesota in one day knows that. Government regulations on commercial truck drivers set parameters on hours of operation in the hope necessary rest can be achieved, thus preventing tired drivers from undertaking their critical duty. How can a government mandate for rest produce results?

Anyone in the business knows that the Administration's proposed regulations governing truck drivers have gone from bad to worse. We recently passed legislation delaying the implementation of a new proposed regulation. However, there is a solution. But first, some background.

Prescriptive Hours of Service regulations, HOS, have been unchanged for more than sixty years. After ten hours driving, a driver may not drive for eight hours. A driver may not drive more than seventy hours in eight days. Supposedly the non-driving time is intended to provide opportunity for sleep and other necessary activities. However, long-haul drivers may end a ten-hour driving period at a time of day when their physiological alerting system, or body clock, will not permit sleep. At the end of the non-driving period they may be tired but may legally drive. In many instances, they must drive fatigued in order to make timely delivery. There is consensus in the scientific community that any system of prescriptive hours of service regulation will result in drivers occasionally being prohibited from driving when they are alert and compelled to drive when they are tired.

It has come to my attention that a logical and creative alternative is at hand. One that offers the promise of not only improved highway truck safety, but improvement in the life-styles of the participants—the truck drivers—and in the efficiencies of the companies who employ them. The alternative is in managing fatigue.

The problem of operator inattention related to sleep deprivation has been the subject of medical, scientific and regulatory inquiry for many years. It is the consensus of the medical and scientific communities that the time has come to apply the knowledge gained by applying it in real operational conditions.

That possibility is upon us. Thanks in part to the efforts of one of my constituents, Mr. Donald G. Oren, President of Dart Transit Company of Eagan, Minnesota, a feasibility test has been successfully concluded. This is an exciting development.

Recently, the Safety Research Center, Bethesda, Maryland, under the direction of its President, Tony McMahon, together with Stanford University's Sleep Disorders Clinic and Research Center undertook a scientific experiment. William C. Dement, M.D., Ph.D., Professor of Psychiatry and Behavioral Sciences at the Stanford University School of Medicine, and the director of the Stanford Sleep Disorders Clinic and Research Center, a long-time student of and author on sleep disorders, developed a two-phase approach to developing a solution to driver fatigue. The first is to test and treat individuals for sleep disorders and the second is to teach them how to manage fatigue.

Doctors and scientists researching sleep have found that drowsiness results from sleep debt, which is cumulative. There are only two ways to build up a sleep debt: inadequate amounts of sleep and excessively frequent interruption of sleep as occurs in the obstructive sleep apnea syndrome and the restless legs syndrome. According to the December 1996 Driver Fatigue and Alertness Study commissioned by the Federal Highway Administration, the two most important factors in driver fatigue are time of day and the amount and quality of sleep received.

At the Stanford Sleep Center, drivers from two trucking companies were screened, treated for sleep disorders and trained in how to recognize sleep debt and fatigue and what to do about it. On October 18, 2000, Dr. Dement announced the results of that feasibility study involving nine drivers from Dart Transit, of Eagan, Minnesota, and Star Transport, of Morton, Illinois. The drivers spent two separate sessions of three days each at the sleep research facility at Stanford. Dr. Dement's findings are that effective training will cause behavior change and fatigue avoidance.

The next step is to develop a pilot program, which the Federal Motor Carrier Safety Administration, FMCSA, will be asked to undertake. FMCSA possesses the authority to conduct such a pilot program. It will be conducted under strictly controlled exemptions to hours of service regulations.

I am told that Clyde Hart, Acting Administrator of FMCSA, believes the idea has merit and is willing to entertain a pilot program proposal. The program will be undertaken by the Safety Research Center, Bethesda, Maryland, and the Stanford Sleep Research Center. It will begin with approximately 40 drivers each from Dart and Star. Screened, treated and trained, they would be exempted from the hours of service regulations (but not total hours that can be driven) to provide maximum flexibility to the trained drivers in managing their time. These drivers would be compared to a control group operating under current hours of service regulations. Assuming that the operations generate positive data, the program would be expanded to other companies. Progress would be evaluated on an ongoing basis and at the end of the three-year program it should be apparent that fatigue management should be a regulatory alternative to current hours of service regulation.

This is a most welcome and exciting development. To bear out this conclusion, I ask unanimous consent that two items be included in the RECORD: Dr. Dement's remarks to the media and a recent article from Traffic World.

There being no objection the material was ordered to be printed in the RECORD.

REMARKS BY WILLIAM C. DEMENT, M.D., PH.D., DIRECTOR OF THE STANFORD UNIVERSITY SLEEP DISORDERS & RESEARCH CENTER

JOIN THE SAFE TEAM: THE POINT OF THE LANCE FOR A SAFER AND MORE ALERT AMERICA

At a press conference on Capitol Hill in January 1993, I had the privilege of reporting the results of the two-year study of Sleep in

America by the National Commission on Sleep Disorders Research. The Commission had determined that there were two gigantic problems in our society, pervasive and severe sleep deprivation in every component of society, and a pandemic of undiagnosed and untreated or misdiagnosed and mistreated sleep disorders. The Commission also emphasized vigorously that the root cause of these problems was a total lack of effective public and professional awareness about sleep. Indeed, one of the most urgent recommendations of the Commission to the U.S. Congress was to launch an effective and broad based national awareness campaign. Sadly, this did not happen for several reasons including the budget deficit.

During the period of the Commission study and in many of the years since, I have learned that attempting to alleviate the societal problems relating to sleep has a special difficulty. The absence of prior exposure to sleep education allows inappropriate skepticism about the facts of sleep, retention of erroneous mythologies about sleep, and extreme difficulty in mobilizing an adequately large community of advocates.

In the aftermath of the failure to launch an effective National Awareness Campaign, we have persisted in attempting to develop an alternative strategy. The main thrust has been to identify a much smaller community, which, if adequately educated and trained, might be a catalyst for a larger societal change. Efforts have been made by me and others to educate primary care physicians, high school students, airline personnel, railroad personnel, and a variety of other specific groups such as Olympic athletes, shift workers, and so on. None of the efforts to date have been adequately successful, particularly as a catalyst.

All of this is by way of introducing what I will report in today's conference. I believe we have the absolutely best group from every point of view. This is not entirely new because this group has been the focus of much attention in recent years, a fair amount of it entirely unwonted. The group in question is long haul truck drivers. We are here to announce the success of a feasibility trial and the intention to submit a fatigue management pilot program to the administrator of the Federal Motor Carrier Safety Administration. In summarizing the continuing lack of effective education and awareness in America about sleep in 1993, I said that 100 or so sleep disorders centers are islands of awareness in a vast sea of ignorance; too small in number and too dispersed to constitute a catalytic educational force. That situation is only slightly changed today. There are more islands, but the vast sea of ignorance remains.

As exemplified on the October 16, 2000, cover of US News and World Report in an article titled, "Sleepless in America," our nation is carrying the largest sleep debt in history. Nearly every citizen has a bigger or smaller sleep debt. The question is why don't they know it. The reasons are as follows.

Most people don't know their personal sleep requirement.

Most people know nothing about sleep debt.

Most people don't understand the function of their circadian system (biological clock).

Most people don't know the significance of being tired all the time.

Most people know nothing about sleep disorders.

An extremely important principle is that there are two ways and only two ways to build up a sleep debt; inadequate amounts of sleep and excessively frequent interruption of sleep as occurs in the obstructive sleep apnea syndrome and the restless legs syndrome.

Sleep scientists have known these facts for more than two decades and have tried and tried to bring them effectively to the attention of key communities. One would think that learning these things would be a core part of many professional training programs, and if nowhere else, certainly in the transportation industry. Airline personnel need to know the principles of fatigue management, railroad personnel, maritime personnel, and the vast community of automobile drivers, but we have learned in our feasibility trial and I am now convinced, that the highest priority for intensive professional training regarding fatigue management should be long haul truck drivers. Of course, all drivers must have the ability to maintain attentive alertness while driving. However, the highest educational priority should be bestowed upon the community of long haul truck drivers who sit astride 40 tons of highly evolved and intricate machinery. In other modes of transportation, attentiveness every second is not required.

Thus, we propose a special program that involves (a) training to behavioral change and commitment and (b) screening for sleep disorders and ease of access for definitive diagnosis and effective treatment. Long haul drivers who are successful in completing this program will be transformed by sleep debt reduction and improved personal health, and they will become disciples seeking to recruit their fellow truckers.

Today, instead of what we are proposing, we have prescriptive hours of service which guarantee that there will be times when a driver must stop driving although he or she is fully alert. This may not be dangerous, but it is certainly frustrating. Unfortunately, the Hours of Service regulations also guarantee that there will be times when dangerously fatigued truck drivers can keep driving, sometimes for many hours. A typical scenario is that a driver must stop at a time when clock dependent alerting will not allow sleep. At the end of this period with very little rest, the driver is very tired but can now go for another 10 hours. If he chose instead to sleep, the rest period would be extended to 16 hours and his productivity would be greatly reduced.

Personally, I have wanted to carry out this type of intensive training with targeted personnel for more than 10 years. In 1990 and 91, we completed a study of 200 drivers and found that 75% of them had obstructive sleep apnea and that in interviews of more than 600, 82% said the signal to stop driving was "falling asleep." Now, two visionary companies, Dart and Star, have stepped forward and have supported such a program with their own resources. We have completed a feasibility study with nine drivers and in my more than 30 years as an educator, this was one of the best teaching experiences we have ever had. Initially, I was uncertain that we could accomplish the desired result in this community. I insisted on an adequate opportunity, which consisted of an initial three full days of education and training together with sleep disorders screening, diagnosis, and most importantly, treatment. Then three full days of additional education, review, and evaluation one month later. In brief, at the second session we learned that the prior training and screening had been successful beyond our wildest dreams. The fatigue of this group was greatly reduced; the success of CPAP treatment had a double impact because spouses experienced great relief. Finally, I believe that our initial group of drivers is now completely safe, feel much better, and have substantially improved cardiovascular health. They are the vanguard of a new breed of long haul trucker, and on their own initiative, they have named themselves "The SAFE TEAM" which stands for Sleep and Fatigue Experienced Truckers Educating America's Motorcarriers. I also believe that long-haul truckers will be the vanguard of educating our entire society.

We are ready and eager to go forward with a formal pilot project and will seek approval of the Office of Federal Motor Carrier Safety Administration. We will put in place technology to monitor SAFE TEAM drivers and to insure that waiver of hours of service and the essential flexibility is not abused. I see no likelihood of the latter because of the commitment of these drivers to safety, but political issues make it necessary.

The intense interaction of the Stanford group which includes SleepQuest and the School of Sleep Medicine as partners in the Stanford University Center of Excellence, the Safety Research Institute, and above all, the pioneering group of drivers revealed and clarified what will surely become the theme of the pilot project and beyond. Fatigue management education is the missing piece in the training of professional drivers. This is why the sleep training was embraced by the drivers and their companies and why we can predict that it will eventually be enthusiastically embraced throughout the entire long haul trucking industry.

[From Traffic World, Oct. 30, 2000]

ENLIGHTENED SELF-INTEREST

(By Frank N. Wilmer)

PILOT PROGRAM WOULD TEACH FATIGUE MANAGEMENT, PERMIT DRIVERS TO SET THEIR OWN WORK-REST CYCLES

When the shipment absolutely positively has to be there on time, perhaps the truck driver should take a nap. That's the opinion of Stanford University sleep scientist William Dement and safety consultant and former Federal Highway Administration chief counsel Anthony McMahon. They say drivers properly trained in fatigue management are more productive, more alert and safer. They also make more informed decisions on when to drive and when to rest than bureaucrats who prescribe a one-size-fits-all model.

Dement and McMahon intend to ask the Federal Motor Carrier Safety Administration to authorize a three-year pilot program under which prescriptive hours-of-service regulations would be scrapped temporarily in favor of enlightened self-interest by up to 80 drivers who successfully complete Dement's fatigue-management course. Where federal regulations now mandate a relatively inflexible driving schedule, the Dement-McMahon proposal would permit drivers to determine, within limits, when they are alert and able to drive safely.

The drivers' dispatchers as well as members of the drivers' families also would receive fatigue management training and drive time behind the wheel would be monitored electronically. McMahon said the pilot program, whose details would be fleshed out in collaboration with the FMCSA, likely would limit drivers to the same maximum 70 hours of driving time within eight consecutive days as now exist. But drivers would have greater flexibility to devise how they accumulate those 70 hours of driving time.

The proposed pilot program would involve Dart Transit of Eagan, Minn., which utilizes owner-operators, and Star Transport of Moton, Ill., which employs its own drivers. Dart CEO Glenn Werry and Star CEO Donald Oren have pledged to pay the costs of the pilot program, said McMahon.

"The experience at Stanford proves to me we can create a cadre of drivers who understand how sleep really works and will use new knowledge to drive more safely, reduce the dangers to themselves and others and improve their quality of life on and off the road," said Dement, a medical doctor who also holds a Ph.D. in neurophysiology.

The Dement-McMahon proposal is the first entrepreneurial approach to what has become a furious battle between the FMCSA and the trucking industry on how to revise arguably outdated safety regulations that prescribe the maximum number of hours commercial drivers may be behind the wheel.

An April FMCSA reform proposal would limit daily driving time to 12 hours, mandate 10 continuous hours of daily rest, prescribe up to four workday breaks totaling two hours and prohibit drivers from being behind the wheel for up to 56 consecutive hours each seven-day period even if it stranded them at truck stops.

The American Trucking Associations, which estimates the FMCSA's proposed hours-of-service revision could increase universities cloning the training program, said Dement.

Dart's Oren, who already sent some drivers through Dement's fatigue management course, said they previously "didn't worry" about how they spent their time before getting behind the wheel, but now ensure they do not have alertness-depriving "sleep debt" before driving. "It has become a way of life for them," said Oren.

FMCSA Acting Deputy Administrator Clyde Hart and ATA President Walter McCormick each told Traffic World they hadn't seen the proposal and thus could not comment.

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today, December 5, 1999:

Trennell Alston, 26, Baltimore, MD; Georges Ronnell Barnes, 29, Baltimore, MD; Mary Collien, 51, Baltimore, MD; Gilbert Gallegos, 76, Salt Lake City, UT; Donta Henson, 18, Chicago, IL; Nathan Hornes, 36, Oakland, CA; Makisha Jenkins, 18, Baltimore, MD; Christopher Jones, 17, Washington, DC; Greg Karavites, 38, Denver, CO; Jill Lundstrom, 25, Miami-Dade County, FL; Johnny Manning, 29, Minneapolis, MN; Mary Matthews, 39, Baltimore, MD; Bertess Montgomery, 87, Memphis, TN; Ramiro Peredez, 34, Atlanta, GA; Lionel Robinson, 23, Baltimore, MD; Patrick Michael Smith, 21, Washington, DC; Levanna Spearman, 23, Baltimore, MD; Alan Villarreal, 23, Houston, TX; Unidentified Male, Newark, NJ; and Unidentified Male, Newark, NJ.

Five of the people I mentioned were the victims of what has been described as one of the worst mass killings in Baltimore history. Mary McNeil Matthews; her mother, Mary Helen Collien; her daughter, Makisha Jenkins; and two family friends, Trennell Alston and Lavanna Spearman; were killed one year ago today by four men who burst into Mary McNeil Matthews' home and shot all five women.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

ENSURING TRAFFIC SAFETY—H.R. 5164

Mr. MCCAIN. Mr. President, in the weeks since Congress passed H.R. 5164, the Transportation Recall Enhancement, Accountability, and Documentation Act, and it was signed into law by the President, questions have been raised by some of my colleagues about the impact of the bill on small business. I want to make clear my intentions toward small manufacturers in passing this legislation.

Obviously, the bill is not intended to result in burdensome and ineffective regulations on small businesses or any size business for that matter. I would expect the Department of Transportation in establishing the regulations under the bill to go through the normal analysis required under existing law to ensure that regulations are not overly burdensome but are effective in advancing the cause of safety.

Let me be clear, however, the primary purpose of this bill and the Department of Transportation is to ensure the safety of the traveling public. No priority can or should be higher as the agency crafts these new regulations. I hope this responds to any concerns my colleagues may have about the provisions of the bill.

Mr. BOND. I thank the Senator and agree without reservation that the purpose of this legislation is to increase safety on the highways. No one in the small business community supports allowing defective auto parts or automobiles to be allowed on the road. After all, small businesses, their employees, and their owners are some of the drivers of the vehicles that would be identified under this law, and they are the other drivers on the road with these vehicles. They care as much as anyone else about highway safety. Without question, the safety of our roadways is one of our highest priorities.

I would just like to add one clarification. When the Department of Transportation promulgates the regulations required by this act, it is required under the Small Business Regulatory Enforcement Fairness Act (SBREFA) to determine whether the regulations will have "a significant economic impact on a substantial number of small entities." If the regulations rise to that level, the Department is required to conduct an initial regulatory flexibility analysis and a final regulatory flexibility analysis as described in SBREFA so that the impacts on small businesses can be identified and better understood. None of the requirements under SBREFA are intended to, or have been shown to, interfere in any way with an agency's regulatory objectives. In this case they would not impede, in any way, the Department of Transportation's ability to provide the maximum safety improvement on the highways as mandated under the TREAD Act.

This is the current law and is consistent with the provision in the TREAD Act which prohibits the Department of Transportation from issuing unnecessarily burdensome regulations. I just want to make it clear that we will be watching closely to make sure that the Department of Transportation adheres to the mandates of SBREFA.

DEPARTMENT OF ENERGY'S OFFICE OF SCIENCE

Mr. BINGAMAN. Mr. President, I rise today to address the importance of the Department of Energy's Office of Science, the nation's leading source for fundamental research in the physical sciences for the areas of physics, chemistry, and materials science, and a significant contributor to the biological sciences. Besides funding the individual researcher, the Office of Science leads our nation in providing specialized large user R&D facilities. A partial list of such facilities would include the Stanford Linear Accelerator, the Center for the Microanalysis of Materials at the University of Illinois, The Los Alamos Neutron Science Center, the High Flux Isotope Reactor at Oak Ridge, the high energy accelerators at the Fermilab and the National Synchrotron Light Source at the Brookhaven National Laboratory. These user facilities are national treasures. One cannot over emphasize their importance. They are used by not only university researchers from all 50 states but by industry in both the biological and physical sciences. In 1999, there were 5500 users on just the large light sources alone to investigate new structures of matter in both the biological and physical sciences. In the last four years, the number of biological researchers using these facilities has risen by a factor of four and now accounts for 40 percent of all users. Each of these 5500 investigations on just the light sources alone generates new intellectual property—a dominant export in the 21st century global economy. In short, these facilities provide the critical basic R&D that industry cannot and will not fund directly, R&D that is crucial to maintaining the tremendous technological engine of growth that fuels our economy today.

I would like to point out that in the 106th Congress there was a large and successful bipartisan campaign in both the House and Senate to support the Office of Science's budget request for Fiscal Year 2001. However, the Office of Science's 2001 budget request only met the level of its 1990 budget as adjusted in year 2000 dollars. In comparison the overall federal R&D budget for the life sciences has increased by 45 percent in the same period. The trends in the neglect of funding for the Office of Science are deeply disturbing and are now beginning to influence the basic indicators of intellectual property generation. If one tracks the submissions by U.S. researchers in some of our most prestigious physics journals you'll find that in 1990 the United States commanded the lead of submissions at about 50 percent worldwide. In 1999 the submission rate has dropped to about 25 percent worldwide. The momentum at a national level in the physical sciences is one of decline. We should be disturbed by this trend—the physical sciences are the foundation of the microchip industry, the telecommunications industry, the transportation industry and the petrochemical industry. We are talking about what fuels our engine of U.S. economic growth—high technology and maintaining a commanding lead in a 21st century global economy.

As the 107th Congress gets ready to start, we must pay more attention to the Office of Science and the role that it plays as a generator of a high tech workforce, intellectual property and economic growth. The Office can play an important role in large multi-user facilities for the development of nanomaterials by developing techniques that can literally position groups of atoms to develop a whole new generation of microchip and structural materials. Leadership in such materials research will help maintain our world dominance in the telecommunications and transportation industries. Yesterday a bipartisan group of this body sent to the President a letter supporting a significant increase in the budget of the Office of Science in fiscal year 2002. This letter follows up on the support that these members expressed earlier this year during the appropriation process and presages a commitment of bipartisan support for the Office of Science in the 107th Congress. Mr. President, I ask unanimous consent that this letter be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. Regardless of the final outcome of the Presidential election, it is my hope that both sides of the aisle will be able to come together next year on a strategy for the continued technological and economic competitiveness of the United States. I hope that support for the work funded by the Office of Science will be the cornerstone of that strategy.

EXHIBIT 1

UNITED STATES SENATE,
Washington, DC.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Thank you for joining us in providing strong support for the Department of Energy's Office of Science in this year's appropriation process. Together we have made great progress in advancing recognition of these critical scientific programs. Yet there remains much more that can be accomplished. Continued growth for these programs on par with that proposed for the National Institutes of Health (NIH) and National Science Foundation (NSF) is vital to continued advances in the fields DOE supports and to the training of future scientists and engineers to continue the tremendous advances that America brings to basic science and to the marketplace.

You are aware that the Department of Energy (DOE) is the leading source of federal support for the physical sciences in the nation. In the life sciences, the DOE initiated the Human Genome Program and co-manages this enormously important and promising effort with the National Institutes of Health. It also plays a leading role in supporting other biological sciences, environmental sciences, physics, chemistry, materials science, computer science, mathematics, and engineering. As a consequence, the DOE is responsible for a significant portion of federal R&D funding for scientists and students at our colleges and universities.

One of the primary responsibilities of DOE's Office of Science is to support large-scale specialized user facilities and large teams of scientists focused on national scientific priorities. This makes the Office of Science unique among, and complementary to, the scientific programs of other federal science agencies, including NIH and NSF. Each year over 15,000 sponsored scientists and students from academe, industry, and government—many funded by agencies other than the DOE—conduct cutting edge experiments at the Department's research facilities. DOE's investments in major facilities, smaller-scale user facilities, and in university-based laboratories not only sets it apart from other federal science agencies, but helps ensure that the nation maintains its world leadership across a broad range of scientific disciplines.

Economic experts maintain that today's unprecedented economic growth would not have been realized but for the substantial research investments by the public and private sectors over the past several decades. To maintain the tremendous advances that America brings to basic scientific research and into the marketplace, we need to continue to provide strong support for basic research across the scientific disciplines. Sound science policy also demands a balance between support of individual investigator driven science—such as that conducted by the NIH and NSF—and the maintenance and operation of major facilities, smaller specialized facilities, university based research facilities, and scientific teams such as those supported by DOE's Office of Science.

The appropriation of $3.19 billion for FY 2001 is only a start at addressing these challenges. Annual increases similar to NIH and NSF are needed and merited by the important and unique work being conducted by the DOE Office of Science. They would also build on the spirit of the Senate's passage of the Federal Research Investment Act (S. 296) which calls for doubling investment in civilian research and development efforts.

Support for increases in funding for the DOE Office of Science is critical if we are to attract and retain the best minds, support the construction and operation of modern scientific facilities, and continue to capitalize on the scientific vision that has been the trademark of the Office of Science for so many years. The budget request for FY 2002 is the logical place to continue this effort. We trust you agree and look forward to strengthening our scientific and technological capabilities in FY 2002 and beyond.

Sincerely,

Jeff Bingaman, Blanche L. Lincoln, Ron Wyden, Carl Levin, John F. Kerry, Frank H. Murkowski, Mike DeWine, Patrick Leahy, Ted Kennedy, Slade Gorton, Evan Bayh, Daniel K. Akaka, Paul Sarbanes, Herb Kohl, Patty Murray, John Edwards, Frank R. Lautenberg, John Breaux, Diane Feinstein, Barbara Boxer, Bill Frist, Fred Thompson.

INDIVIDUAL FISHING QUOTAS

Mrs. MURRAY. Mr. President, one of the most important issues we consider here in the U.S. Senate is how to balance our economic needs with our responsibility to conserve our natural resources.

I believe we can strike the right balance. With that hope, I'd like to talk about America's fisheries. In the Pacific Northwest, fishing is more than just a way of life. It is an important part of our economy and contributes to our region's culture.

Unfortunately, that way of life is becoming more difficult. Many fishing families are struggling because some fish stocks are at very low levels. For example, the West Coast salmon and groundfish and the Bering Sea/Aleutian Islands crab fisheries have declined dramatically in recent years. Washington's fishing families contribute to our economy and feed consumers both here and abroad, but too often they work within a system that threatens their safety and their livelihood. I've met with harvesters and processors from my region, and I've visited small towns in Washington state that depend on fisheries. The problems they face aren't limited to Washington state. They can also be seen in Alaska and other states.

In an effort to recover decreasing numbers of fish in our waters, fisheries managers have developed complex management systems to limit fishing. In some cases, our current policies encourage fishers to catch as many fish as possible over a limited period of time. This creates a dangerous and inefficient "race for fish", which requires fishermen to venture out in bad weather. In fact, one of the most dangerous occupations for young people today is to work in the Bering Sea/Aleutian Island crab fishery. The "race for fish" is one way to manage fisheries in which too many fishermen are competing for too few fish. However, there are alternatives to this management approach.

I'm proud that there is a growing interest in an innovative management tool called individual fishing quotas. This creative approach uses the marketplace to encourage a safer, more productive, and more sustainable fishing industry. In some cases, it would be a significant improvement over the status quo.

Individual fishing quotas or IFQs would bring some regularity to what are currently short-lived, intense fishing seasons. Under this system, each participant in a fishery would be allocated a percentage of that season's total fish catch. Because they are guaranteed a certain amount of fish, fishermen wouldn't have to "race for fish." They could stretch their fishing out over longer, more balanced fishing seasons.

I believe that individual fishing quotas can help fisherman, fisheries, conservation, and consumers. IFQs can help fishing families because boats won't need to go out in dangerous weather. In addition, because of the slower pace, fishermen would be less likely to lose fishing gear, a common problem in some fisheries. This new system can help fisheries because fishermen will be able to sell or lease quota. That means there will be fewer boats, which can mean cleaner, more efficient fisheries.

In addition, IFQs can improve conservation. In some cases when the fishery slows down, fishermen take better care of their catch and are more careful with bycatch. Let's look at just one example of how the speed of the current system hurts conservation. Currently, some North Pacific crabs that are too small to be caught legally end up trapped in crab pots. Under the race for fish, these pots are harvested so quickly that undersized crabs don't have time to escape. Under a slower fishery, those small crabs would have time to crawl out of the crab pots and grow to maturity, thereby helping to sustain the fishery into the future.

For consumers, IFQs mean they can enjoy fresh fish later in the seasons. For example, fresh halibut is now available more often as a result of a fish quota program put in place to manage halibut harvesting. Clearly, individual fishing quotas can be an effective management tool and can solve a lot of the problems facing fisheries today.

I'm pleased that many of my colleagues have expressed interest in IFQs. In fact, a number of members would like to see a national policy on IFQs developed. Since 1996, I've supported fish quotas and a national policy, and I reiterate my support again today.

But in the meantime, there are important steps we can take. When Congress reauthorized the Magnuson-Stevens Fishery Conservation and Management Act in 1996, Congress placed a four-year moratorium on new individual fishing quota programs. The moratorium on new quota programs expired on September 30, 2000. Now that this ban has expired, we should allow fishery management councils to develop additional fish quota programs. Councils should have the freedom to develop and implement these programs. I am not advocating that Councils be required to implement them, because individual fishing quota programs must be developed on a fishery-by-fishery basis. I do think, however, that individual quota programs should be available as one of the many management tools Councils may draw upon. I must add that all eight Councils have asked for this freedom and have asked for Congress to lift the moratorium.

However, I know that some members want to extend the moratorium. They don't want to allow some fisheries to go ahead with IFQs until there is a national policy in place. I understand and appreciate this perspective. I also recognize members of the environmental community would be more comfortable with such programs if a national policy were already in place. As I said, I support a national policy on these programs, and I look forward to working with my colleagues next year to develop one.

However, I would like to point out that all fishery management plans, including those that rely on quota programs, are required to meet the national standards already in the Act. Let me offer a few examples of these standards. Any fish quota program would have to meet National Standard 4, which prohibits conservation and management measures from discriminating between residents of different states. This standard also mandates that fishing privileges be allocated fairly and equitably, that they are calculated to promote conservation, and that they are carried out so that no entity shall have an excessive share. Any fish quota program would also have to meet National Standard 8, which requires such measures to take into account the importance of fishery resources to fishing communities. They would also have to meet National Standard 9, which requires measures to minimize bycatch, and National Standard 10, which addresses safety.

In addition, the Act requires all individual fishing quota programs approved on or after October 1, 2000, to meet several additional criteria. For example, these programs must be subject to review based on any future national policy and such revision may require reallocation of quota. These programs must also be effectively managed and enforced, which may require reliance on observers and/or cost-recovery fees. In addition, these criteria address the most contentious aspect of individual quota programs: the initial allocation of quota. The Act requires programs to ensure a fair initial allocation of quota, to prevent excessive control over quota, and to include a mechanism for entry-level fishermen, small vessel owners and crew members to access quota. I think all of these examples illustrate that some elements integral to a national policy on individual fishing quota programs are already included in the Act. I believe we are much closer to having a national policy in place than some people may believe.

Unfortunately, it appears likely that the moratorium will be extended. Therefore, I ask my colleagues to consider several caveats to this extension. First, I ask that the moratorium be extended for only 8 months. This will take the moratorium off the appropriations cycle. Placing the moratorium on the yearly appropriations cycle creates a precedent that is easy to repeat every year. Taking the moratorium off the appropriations cycle will increase the urgency for Congress to develop a national policy within the months ahead.

Second, I ask for an exception to the moratorium for fixed-gear sablefish along the West Coast. This fishery is ready for fishermen to be allowed to consolidate permits, which is technically considered an IFQ. In fact, the fishery has been ready to do so since 1994. We should not make these fishermen wait any longer. They deserve to be freed from a 9-day race for fish, and fishermen who want to get out of the fishery should be compensated for their investments. I ask for your support for this exception.

Third, I support asking NMFS to gather input from the eight regional Councils on a national policy for individual fishing quotas. It is appropriate and important for Congress to have this input before we finalize a national policy on quota programs.

Most important, however, I ask for the commitment of my colleagues to deal with this issue next year, during the first session of the 107th Congress. It is not fair to punish those few fisheries that are ready to move forward with quota programs just because other fisheries are not. We have already had four years to resolve these issues, to no avail. If my colleagues believe this issue must be addressed within the broader context of Magnuson-Stevens Fishery Conservation and Management Act reauthorization, I understand and I hope they will consider this Senator ready and willing to move forward with that challenge. I support Senator SNOWE's and Senator KERRY's efforts to hold more hearings on reauthorization, and I offer to help them in any way I can to ensure it happens.

Let's commit ourselves to have a productive, comprehensive dialogue on a national policy. Let's commit to reaching a consensus that will allow our Councils and fisheries to pursue this innovative, effective solution that can work for fishing families, fisheries, conservation and consumers.

RELIEF NEEDED FROM RISING PRESCRIPTION DRUG PRICES

Mr. JOHNSON. Mr. President, I rise today to review where we stand, near the conclusion of the 106th Congress, on the subject of prescription drugs. Few issues have caught the public's attention more than this one, and few are more deserving of our attention.

We live at a time when we can clearly discern remarkable benefits from all manner of drugs. It is nothing short of miraculous when we consider the relative ease and success of today's treatment of common disorders, as compared with that of only two or three generations ago.

When World War II began, for example, penicillin and other similar antibiotics were known only to a small number of scientists. At the conclusion of the War in 1945, penicillin was widely available, used not only for battle wounds but for infectious diseases in the general public as well. Patients with high blood pressure or high cholesterol levels were, at best, only partially and inadequately treated in the 1940's and 1950's. Now success is the rule, rather than the exception. Calvin Coolidge's son died in 1924 as a result of a blister and a skin infection after playing tennis at the White House. An infection like that today would be treated as simple, outpatient therapy.

While these examples are noteworthy and provide us with a valuable perspective of times gone by, the hard, cold fact is that many of these modern miracles are still out of the reach of too many American citizens. They simply cannot afford the drugs that might so often prove lifesaving, because of either no insurance or lack of drug coverage within their insurance.

Why is this? Because, astronomical prices have come hand-in-hand with the great improvements in drug therapy. Spending for prescription drugs in the United States doubled between 1990 and 1998. In each of the five years between 1993 and 1998, prescription drug spending increased by an average of 12.4 percent. In 1999, the increase was 19 percent. We could go into all the reasons, but the fact remains that prescription drug prices are high and getting higher.

Many millions of Americans, both Medicare age and younger have either inadequate or no prescription drug insurance at all. A by-product of no coverage is that these patients wind up paying the highest rates of anyone—an average of 15 percent more than those with insurance. Many of these uninsureds, including the seniors often called The Greatest Generation" are not filling prescriptions because of their cost—choosing between food and medicine. Or they split pills in half to make them go farther. This is shameful. These are very real every day problems that beg for help.

So, given the fact of these well documented problems, what is the track record of this Congress in helping the citizens in my home state of South Dakota and the citizens of the United States? What do I tell my constituents back in Sioux Falls, or Custer, or Milbank when they ask me why nothing has been done to help them? I wish I could tell them that help is on the way. I wish I could tell them that the majority leadership heard their voices and scheduled the hearings and called for the votes. But, that just is not the case.

Early in this Congress, I introduced, along with Senator KENNEDY, the Prescription Drug Fairness for Seniors of Act of 1999". This bill would provide Medicare beneficiaries access to prescription drugs at the same low prices that drug manufacturers offer their most favored customers, such as large insurance companies, HMO's, and the Federal Government. Without cost to the taxpayers, my proposal could save seniors approximately 40 percent on their drug bills, yet we did not see a vote on this floor.

Similarly, in May of this year, I introduced the Generic Pharmaceutical Access and Choice for Consumers Act". This bill encourages the broader use of generics in Federal health programs, a straight-forward common sense approach, yet we did not see a vote on this floor.

Other measures that could have made a tremendous difference to millions of Americans also languished. This Congress should have passed a voluntary universal Medicare drug benefit plan. It did not.

This Congress should have addressed rising drug prices. It did not.

This Congress should have passed a truly strong and effective drug reimportation plan. It did not.

This Congress should have passed a generic drug access plan. It did not.

Mr. President, let me conclude by stating that these problems will not go away. Nor will my commitment for their resolution on behalf of the people of South Dakota and Americans across this country. The hope that this Congress will seriously address prescription drug costs and provide comprehensive Medicare drug coverage yet this year is all but an aspiration at this point. That being said, in a few months we will commence the 107th Congress. I will continue to do all that I can to work with my colleagues and urge the earliest possible discussions regarding prescription drugs in committee rooms and on the floor of the Senate. I believe this is the wish of most of the members in this body, as well as the wish and hope of the American people.

ADDITIONAL STATEMENTS

RECOGNITION OF RHODE B. (R.B.) CAUSEY, SR. AS ARKANSAS' 2000 PRIME TIME AWARD RECIPIENT

• Mrs. LINCOLN. Mr. President, in October, the Special Committee on Aging joined Green Thumb to recognize the enormous contributions that this year's Green Thumb "Prime Time Award" recipients are making to their community and our country.

The Senior Community Service Employment Program is one of the best kept secrets in the country. This program is an innovative and cost-effective federal initiative that allows our nation's seniors to remain productive and independent by contributing their talent and services to their communities.

Some of Arkansas' finest employment programs for seniors are sponsored by Green Thumb, and I am pleased to recognize Arkansas' 2000 Prime Time Award recipient, Rhode B. (R.B.) Causey, Sr.

R.B., now 96 years old, grew up in a family of 13 children and sold business supplies and office machines during the Depression. These experiences, coupled with his ingenuity, persistence, and strong work ethic, prepared R.B. to branch out on his own in 1952 and open a business supply company. Today, R.B. and his son own and operate the R.B. Causey Company in Little Rock.

As if going in to work every day wasn't enough to keep him busy, R.B. also manages his own farm where he produces soybean and rice crops. The farm is also home to his extensive beekeeping hobby.

R.B.'s recipe for success: "Don't give up, stay involved, do something." provides a great example to all of us about the importance of staying active in our "golden years."

I am fortunate to know R.B. and other Arkansas senior workers who are so vibrant and enthusiastic about their jobs. I only hope that when I am 75, 80, or 85 I will have half of their energy and zest for life!

America's senior population has great value. They have earned our nation's respect and support. Green Thumb and other senior employment programs allow communities to continue to reap the wisdom of our nation's talented seniors citizens.•

TRIBUTE TO MS. JUDY ENGLAND-JOSEPH

• Mr. BOND. Mr. President, I rise today to honor Ms. Judy England-Joseph who retired from the General Accounting Office, GAO, this past March. Her departure from federal service is a great loss to the federal government as well as to all offices in the Senate. Judy was a superlative federal employee with a record of honesty and integrity as well as a commitment to a job well done.

Ms. England-Joseph had been with GAO since 1975 working on a number of important federal issues in the fields of personnel and compensation, human resources, and energy, to name a few. However, I think most of my colleagues would agree that Judy's most outstanding contributions came as the Director of Housing and Community Development Issues at GAO. As Director, she had the primary responsibility for overseeing for the Congress the audit and evaluation of all programs and activities at the Department of Housing and Urban Development, the Small Business Administration, and the Federal Emergency Management Agency, including those concerning housing, community and economic development, and federal disaster responsibilities.

As Chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies and the Committee on Small Business, I found Judy to be an invaluable resource for objective and timely information that was critical to fulfilling my responsibilities. Judy not only testified numerous times before my appropriations subcommittee and the Committee on Small Business, but also personally met with me and my staff to discuss pressing issues and provide us with the critical information needed to make policy decisions. Judy was more than a resource to my committees; I also viewed her as a teammate and partner who shared my goal of making government truly accountable and as efficient as possible.

To say that we miss Judy would be an understatement. Judy epitomized public service. Her energy was boundless, her knowledge of policy issues was rarely matched, and her commitment to doing the right thing underlined her approach to her job and responsibilities.

I am honored to have worked with Judy and commend her for the years of service she provided to the Congress and the American Taxpayer.•

DAVID BROWER

• Mrs. BOXER. Mr. President, today, I note with sadness the passing of David Brower, a great conservationist who died last month at his home in Berkeley, California. David Brower worked for more than half a century to preserve and protect the American landscape he loved so well. He served our nation in war and peacetime as a soldier, writer, and activist, and enriched the lives of many Americans.

Born in Berkeley in 1912, young David Brower learned to appreciate nature by guiding his blind mother on walks through the Berkeley hills. In the 1930s, he worked at Yosemite National Park and became a skilled mountaineer. During World War II he trained troops in climbing techniques, wrote the Army's alpine manual, and fought in northern Italy.

After the war he returned to California and volunteered at the Sierra Club, which was then a hiking organization with little involvement in public policy. After writing the first Sierra Club Manual, he became the club's first executive director in 1952. Under his leadership, the club's membership grew from 7,000 to 70,000 as it became the nation's leading environmental organization. After leading the Sierra Club for 17 years, Mr. Brower went on to found the Friends of the Earth and the Earth Island Institute, and he helped to establish the League of Conservation Voters.

During the 1950s and 1960s, Mr. Brower led the Sierra Club's successful efforts to block the construction of dams in Grand Canyon National Park and Dinosaur National Monument. He often said, half jokingly, that "All I have been able to do in my career is to slow the rate at which things get worse."

But in fact he made things better. David Brower was instrumental in the creation of Redwoods National Park, North Cascades National Park, and Cape Cod National Seashore as well as the passage of the Wilderness Act and establishment of the National Wilderness Preservation System.

Our Nation has lost a giant, but we must try to walk in his footsteps. David Brower's life and legacy will live as long as we continue to preserve, protect, and enjoy America's natural treasures.•

OUTSTANDING IDAHOAN

• Mr. CRAIG. Mr. President, I rise to congratulate Katie Kirkham, a high school sophomore from Century High School in Pocatello, ID. Katie represented Idaho's horse program at the National 4-H Congress in Atlanta, Georgia, on November 24–28, 2000. She was one of twelve teens in the nation honored with the responsibility of introducing a guest speaker at the event.

There are thousands of young people involved in 4-H in the state of Idaho. And as a former 4-H member myself, I take special pride in recognizing the 4-H program, which has been educating Idaho youth on agricultural issues for generations, and will continue to do so for generations to come. I congratulate Katie on her outstanding accomplishment.•

MESSAGES FROM THE HOUSE

At 12:08 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5637. An act to provide that an amount available for fiscal year 2001 for the Department of Transportation shall be available to reimburse certain costs incurred for clean-up of former Coast Guard facilities at Cape May, New Jersey, and to authorize the Coast Guard to transfer funds and authority for demolition and removal of a structure at former Coast Guard property in Traverse City, Michigan.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

H.J. Res. 126. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of non-project water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

The message further announced that the House has passed the bill (S. 1761) to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILL SIGNED

At 3:05 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House Speaker has signed the following enrolled joint resolution:

H.J. Res. 126. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 2, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 11. An act for the relief of Wei Jingsheng.

S. 150. An act for the relief of Marina Khalina and her son, Albert Miftakhov.

S. 276. An act for the relief of Sergio Lozano.

S. 768. An act to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

S. 785. An act for the relief of Frances Schochenmaier and Mary Hudson.

S. 869. An act for the relief of Mina Vahedi Notash.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 2000. An act for the relief of Guy Taylor.

S. 2002. An act for the relief of Tony Lara.

S. 2019. An act for the relief of Malia Miller.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales.

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the State of Colorado, and for other purposes.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the "Robert S. Walker Post Office."

Under authority of the order of the Senate of January 6, 1999, the enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 3, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2440. An act to amend title 49, United States Code, to improve airport security.

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 2773. An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2789. An act to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 3164. An act to protect seniors from fraud.

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

H.J. Res. 84. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H.J. Res. 124. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 14, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2346. An act to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

H.R. 4986. An act to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

H.J. Res. 125. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolutions were signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 14, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5633. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 15, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 5633. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 4, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on December 5, 2000, he had presented to the President of the United States, the following enrolled bill:

S. 2796. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-11509. A communication from the Under Secretary of Commerce For Intellectual Property and Director, Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Treatment of Unlocatable Patent Application and Patent Files" (RIN0651-AB19) received on November 13, 2000; to the Committee on the Judiciary.

EC-11510. A communication from the Rules Administrator of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Inmate Discipline: Prohibited Acts" (RIN1120-AA78) received on November 13, 2000; to the Committee on the Judiciary.

EC-11511. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to law, a report relative to the Omnibus Rate Case R2000-1; to the Committee on Governmental Affairs.

EC-11512. A communication from the Special Counsel, transmitting, pursuant to law, a report for fiscal year 2000; to the Committee on Governmental Affairs.

EC-11513. A communication from the Chairman of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to the

Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–11514. A communication from the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the combined annual report; to the Committee on Governmental Affairs.

EC–11515. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report relative to fiscal year 2000 activities; to the Committee on Governmental Affairs.

EC–11516. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, a report relative to audit and investigative coverage; to the Committee on Governmental Affairs.

EC–11517. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to fiscal year 2000; to the Committee on Governmental Affairs.

EC–11518. A communication from the Acting Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report relative to fiscal year 2000; to the Committee on Governmental Affairs.

EC–11519. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Angling Category; Retention Limit Adjustment" (I.D. 101700B) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11520. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 2" received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11521. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Fisheries of the Northeastern United States; Fisheries of the Northeastern United States; Spiny Dogfish Fishery; 2000 Specifications" (RIN0648–AN53) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11522. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Monticello, IA; docket no. 00–ACE–5 [4–11/11–2]" (RIN2120–AA66) (2000–0266) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11523. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Lockheed Model 11–1011–385 Airplanes; docket no. 98–NM–35 [10–20/11–13]" (RIN2120–AA64) (2000–0544) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11524. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model DH 125, Series 800A and Hawkins 800 Series Airplanes; docket no. 99–NM–376 [10–30/11–13]" (RIN2120–AA64) (2000–0546) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11525. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Compressed Natural Gas Fuel Container Integrity; Final rule petitions for reconsideration" (RIN2127–AH94) received on November 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11526. A communication from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Regarding the 37.0–38.6 GHz and 38.6–40.0 GHz Bands, ET Docket No. 95–183, Implementation of Section 309(j) of the Communications Act — Competitive Bidding, 37.0–38.6 and 38.6–40.0 GHz Bands, PP Docket No. 93–253" (FCC99–179, ET Dock. 95–183) received on November 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11527. A communication from the Administrator, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report entitled "Fundamental Properties of Asphalts and Modified Asphalts—II"; to the Committee on Environment and Public Works.

EC–11528. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Changes to the Unplanned Scram and Unplanned Scram with Loss of Normal Heat Removal Performance Indicators" (NRC Regulatory Issue Summary 2000–21) received on November 13, 2000; to the Committee on Environment and Public Works.

EC–11529. A communication from the Acting Director of the Division of Endangered Species, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the Tidewater Goby" received on November 15, 2000 ; to the Committee on Environment and Public Works.

EC–11530. A communication from the Director of the Office of Congressional Affairs, Office of International Programs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Export and Import of Nuclear Equipment and Materials (10CFR Part 110)" (RIN3150–AG51) received on November 16, 2000; to the Committee on Environment and Public Works.

EC–11531. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Final endangered status for a distinct population segment of anadromous Atlantic salmon (Salmon salar) in the Gulf of Maine" (RIN1018–AF80) received on November 15, 2000; to the Committee on Environment and Public Works.

EC–11532. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Establishment of a Nonessential Experimental Population of Grizzly Bears in the Bitterroot Area of Idaho and Montana" (RIN1018–AE00) received on November 16, 2000; to the Committee on Environment and Public Works.

EC–11533. A communication from the General Counsel-Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of Annual Charges Assessed To Public Utilities , Docket No. RM00–7–000" (RIN1902–AB02) received on November 13, 2000; to the Committee on Energy and Natural Resources.

EC–11534. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Docket No. 99F–2673) received on November 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11535. A communication from the Director, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Government Contractors: Nondiscrimination and Affirmative Action Obligations, Executive Order 11246 (ESA/OFCCP)" (RIN1215–AA01) received on November 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11536. A communication from the National Institute of Health Regulations Officer, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Traineeships" (RIN0925–AA11) received on November 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11537. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Sodium Stearoyl Lactylate" (Docket No. 99F–3087) received on November 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11538. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Exemption From Federal Preemption of State and Local Cigarette and Smokeless Tobacco Requirements; Revocation" (Docket No. 00N–1561) received on November 13, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11539. A communication from the Assistant Secretary, Office of Safety Standards Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Ergonomics Program" (RIN1218–AB36) received on November 14, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11540. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Spanish Pure Breed Horses from Spain" (Docket #00–109–1) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11541. A communication from the Congressional Review Coordinator, Animal and

Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Horses, Ruminants, Swine, and Dogs; Inspection and Treatment for Screwworm" (Docket #00–028–1) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11542. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; Louisiana" (Docket #99–052–2) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11543. A communication from the Associate Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Voluntary Fruits and Vegetables, Processed Thereof, and Certain Other Processed Food Products, Regulations Governing Grading, Inspection and Certifications Services" (RIN0581–AB85) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11544. A communication from the Associate Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Modoc and Siskiyou Counties, California, and in all Counties in Oregon, except Malheur County; Suspension of Handling, Reporting, and Assessment Collection Regulations" (Docket #FV00–947–1 FIR) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11545. A communication from the Associate Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Change in Size Designation" (Docket #FV00–966–1 IFR) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11546. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenhexamid; Pesticide Tolerances for Emergency Exemptions" (FRL #6752–4) received on November 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11547. A communication from the Secretary of the Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison to reduce the cost of the Civil Engineering functions; to the Committee on Armed Services.

EC–11548. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 65 FR 64380 10/27/00" received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11549. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 65 FR 64386 10/27/00" received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11550. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 64372 10/27/00" (FEMA Doc. #B–7400) received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11551. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 64378 10/27/00" (FEMA Doc. #B–7402) received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11552. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 64374 10/27/00" (FEMA Doc. #B–7402) received on November 13, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11553. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Payment for Non-VA Public or Private Hospital Care and Non-VA Physician Services that are Associated with Either Outpatient or Inpatient Care" (RIN2900–AK57) received on November 13, 2000; to the Committee on Veterans' Affairs.

EC–11554. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Montgomery GI Bill Eligibility and Entitlement Issues" (RIN2900–AJ90) received on November 13, 2000; to the Committee on Veterans' Affairs.

EC–11555. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled "Weisbart v. U.S. Dept of Treas. and IRS" received on November 13, 2000; to the Committee on Finance.

EC–11556. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the selected acquisition reports for the quarter ending September 30; to the Committee on Armed Services.

EC–11557. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Fire Protection Engineering Functional Area Qualification; DOE Defense Nuclear Facilities Technical Personnel" (DOE–STD–1137–2000) received on November 13, 2000; to the Committee on Armed Services.

EC–11558. A communication from the Assistant General Counsel for Regulatory Law, Office of Defense Programs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Criteria for Packaging and Storing Uranium-233–Bearing Materials" (DOE–STD–3028–2000) received on November 13, 2000; to the Committee on Armed Services.

EC–11559. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to each military treatment facility; to the Committee on Armed Services.

EC–11560. A communication from the Assistant General Counsel for Regulatory Law, Office of Defense Programs, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Planning and Conduct of Operational Readiness Reviews (OOR)" (DOE–STD–3006–2000) received on November 13, 2000; to the Committee on Energy and Natural Resources.

EC–11561. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Industrial Hygiene Functional Area Qualification Standard; DOE Defense Nuclear Facilities Technical Personnel" (DOE–STD–1138–2000) received on November 13, 2000; to the Committee on Energy and Natural Resources.

EC–11562. A communication from the General Counsel of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Collaborative Procedures for Energy Facility Applications" (Docket Nos. RM98–16–000 and RM98–16–001) received on November 17, 2000; to the Committee on Energy and Natural Resources.

EC–11563. A communication from the Deputy Chief for the National Forest System, Department of Agriculture, transmitting, pursuant to law, the report relative to the detailed boundary maps for McKenzie and North Fork of the Middle Fork of the Willamette on the Willamette National Forest, and the North Umpqua on the Umpqua National Forest; to the Committee on Energy and Natural Resources.

EC–11564. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Texas Regulatory Program" (TX–047–FOR) received on November 27, 2000; to the Committee on Energy and Natural Resources.

EC–11565. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Colorado Regulatory Program" (CO-032–FOR) received on November 27, 2000; to the Committee on Energy and Natural Resources.

EC–11566. A communication from the Assistant Secretary of the Interior, Bureau of Land Management, Department of Interior, transmitting, pursuant to law, the report of a rule entitled "Mining Claims Under the General Mining Laws: Surface Management" (RIN1004–AD23) received on November 27, 2000; to the Committee on Energy and Natural Resources.

EC–11567. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units" (FRL #6905–1) received on November 17, 2000; to the Committee on Environment and Public Works.

EC–11568. A communication from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting, pursuant to law, a report relative to Roosevelt Inlet-Lewes Beach, Delaware; to the Committee on Environment and Public Works.

EC–11569. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report relative to the required explanation concerning the recently adopted final component of PCA; to the Committee on Banking, Housing, and Urban Affairs.

EC–11570. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report on state reciprocal subpoena enforcement laws; to the Committee on Banking, Housing, and Urban Affairs.

EC–11571. A communication from the General Counsel of the National Credit Union

Administration, transmitting, pursuant to law, the report of a rule entitled "12 C.F.R. 701 Organization and Operation of Federal Credit Union" received on November 17, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11572. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–11573. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood elevation Determinations 65 FR 68919 11/15/2000" (Doc. #FEMA–B–7328) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11574. A communication from the Assistant to the Board, Board of Governor of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation Z (Truth in Lending)" received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11575. A communication from the Assistant to the Board, Board of Governor of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Consumer Protections for Depository Institution Sales of Insurance; Amendments to Regulation H—Membership of State Banking Institutions in the Federal Reserve System" (Docket No. R–1079) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11576. A communication from the Secretary of the Division of Market Regulation, U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Exchange Act Rule 11Ac1–7 (Trade-Through Disclosure Rule) and amendments to Exchange Act Rule 11Ac1–1 (Quote Rule)" received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11577. A communication from the Secretary of the Division of Market Regulation, U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Rule 11Ac1–5 and Rule 11Ac1–6 under the Securities Exchange Act of 1934 relating to disclosure of order execution and routing practices" (RIN3235–AH95) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11578. A communication from the Secretary, Office of the Chief Accountant, U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Revisions, of the Commission's Auditor Independence Requirements" (RIN3235–AH91) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11579. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Technical Updating Amendments and Correction to Certain Executive Branch Regulations of the Office of Government Ethics" (RIN3209–AA00 and 3209–AA04) received on November 14, 2000; to the Committee on Governmental Affairs.

EC–11580. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on November 17, 2000; to the Committee on Governmental Affairs.

EC–11581. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, the annual report; to the Committee on Governmental Affairs.

EC–11582. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act; the annual report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–11583. A communication from the Chair of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, a consolidated report; to the Committee on Governmental Affairs.

EC–11584. A communication from the Chairman of the Commission for the Preservation of America's Heritage Board, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, a consolidated report for fiscal year 2000; to the Committee on Governmental Affairs.

EC–11585. A communication from the Chairman of the Securities and Exchange Commisison, transmitting, pursuant to the Government in the Sunshine Act, the annual report for calendar year 1999; to the Committee on Governmental Affairs.

EC–11586. A communication from the Staff Director of the Commission on Civil Rights, transmitting, pursuant to law, the second annual Commercial Activities Inventory Report; to the Committee on Governmental Affairs.

EC–11587. A communication from the Chairman of the Postal Rate Commission, transmitting, pursuant to the Inspector General Act, the annual report; to the Committee on Governmental Affairs.

EC–11588. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on November 17, 2000; to the Committee on Governmental Affairs.

EC–11589. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to the Federal Managers' Financial Integrity Act, a consolidated annual report; to the Committee on Governmental Affairs.

EC–11590. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on November 27, 2000; to the Committee on Governmental Affairs.

EC–11591. A communication from the Executive Director of the Morris K. Udall Foundation, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, the annual report; to the Committee on Governmental Affairs.

EC–11592. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to the Inspector General Act , the report for the six-month period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11593. A communication from the Acting Executive Vice President , Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR 1424, Bioenergy Program" (RIN0560–AG16) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11594. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in States of Massachusetts, et al.; Increases Assessment Rate" (Docket Number: FV00–929–4 FIR) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11595. A communication from the Director of the Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Department of Agriculture Priorities and Administrative Guidelines for Donation of Excess Research Equipment" (RIN0599–AA06) received on November 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11596. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Stamp Program: Noncitizen eligibility and Certification Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (RIN0584–AC40) received on November 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11597. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the annual Horse Protection Enforcement Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11598. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle, Bison, and Captive Cervids; State and Zone Designations" (Docket #99–092–1) received on November 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11599. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, and Tangelos Grown in Florida; Limiting the Volume of Small Red Seedless Grapefruit" (Docket Number: FV00–905–4 FIR) received on November 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11600. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law , the report of a rule entitled "To amend 31 CFR Part 306—General Regulations Governing U.S. Securities and 31 CFR Part 356—Sale and Issue of Marketable Book-Entry Treasury Bills, Notes and Bonds (Department of the Treasury Circular, Public Debt Series No. 1–93) received on November 9, 2000; to the Committee on Finance.

EC–11601. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2000–48 Year 2001 Standard Mileage Rates" (Rev. Proc. 2000–48) received on November 16, 2000; to the Committee on Finance.

EC–11602. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Comprehensive Case Resolution Pilot Notice" (Notice 2000–60, 2000–49 I.R.B) received on November 17, 2000; to the Committee on Finance.

EC-11603. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Trusts Not Considered Individuals for Purposes of Section 935" (Notice 2000-61; OGI-123236-00) received on November 27, 2000; to the Committee on Finance.

EC-11604. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual covered compensation tables" (Revenue Ruling 2000-53) received on November 27, 2000; to the Committee on Finance.

EC-11605. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the strategic plan for fiscal year 2000 through fiscal year 2005; to the Committee on Finance.

EC-11606. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to danger pay allowance for Albania; to the Committee on Foreign Relations.

EC-11607. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to nuclear nonproliferation in South Asia; to the Committee on Foreign Relations.

EC-11608. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-11609. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Polymers" (Docket No. 93F-0319) received on November 17, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11610. A communication from the Director, Employment Standards Administration, Wage and Hour Division, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Procedures for Predetermination of Wage Rates (29 CFR Part 1); Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction and to Certain Nonconstruction Contracts (29 CFR Part 5)" (RIN1215-AA94) received on November 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11611. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: International Aero Engines AG (IAE) V2500-A5 and D-5 Series Turbofan Engines Docket No. 2000-NE-21, Amdt. 39-11953: AD 2000-22-07 [11-2-11-16]" (RIN2120-AA64) (2000-0547) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11612. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; request for comments; Boeing Model 747-100, 200B, 200C, 200F, and 300 Series Airplanes Delivered in or modified into the stretched Upper Deck Configuration; Docket No. 2000-NM-136-AD ; Amdt 39-11962; AD 2000-22-15 [11-7-11-16-00]" (RIN2120-AA64) (2000-0548) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11613. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Request for comments; Robinson Helicopter Company model R22 Helicopters; Docket No. 2000-SE-51AD [11-7-11-16-00]" (RIN2120-AA64) (2000-0549) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11614. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT8D-200 Series Turbofan Engines Docket No. 98-ANE-43-AD, Admt. 39-11939; AD 2000-21-07 [11-2-11-16-00]" (RIN2120-AA64) (2000-0550) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11615. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney PW 2000—Series Turbofan Engines (correction) Docket No. 98-ANE-61-AD, Admt. 39-11941; AD 2000-21-09 [11-2-11-16-00]" (RIN2120-AA64) (2000-0551) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11616. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney JT8D Series Turbofan Engines Docket No. 98-ANE-48-AD, Admt. 39-11940; AD 2000-21-08 [11-2-11-16-00]" (RIN2120-AA64) (2000-0552) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11617. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737-100, 200, 200C, 300, 400 and 500 Series Airplanes Docket No. 99-NM-69AD; Admt. 39-11906; AD 200-19-05. [11-1-11-16]" (RIN2120-AA64) (2000-0553) received on November 16, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC-11618. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule Fokker Model F.28 mark 0100 Series Airplanes; Docket No. 2000-NM-17AD; Admt. 39-11944; AD 2000-21-12 [11-15-11-16]" (RIN2120-AA64) (2000-0555) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11619. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace (Jetstream) Model 4101 Airplanes Docket No. 2000-NM-152-AD; Admt. 39-11963; AD 2000-22-16 [11-8-11-16-00]" (RIN2120-AA64) (2000-0556) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11620. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC-9-10, 20, 30, 40, and 50 Series Airplanes and C-9 (Military) Airplanes. Docket No. 2000-NM-04, AD Admt. 39-11961; AD 2000-22-14 [11-8-11-16-00]" (RIN2120-AA64) (2000-0557) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11621. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes Docket No. 2000-NM-130-AD, Admt. 39-11954; AD 2000-22-08. [11-6-11-16-00]" (RIN2120-AA64) (2000-0558) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11622. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; SOCATA—groupe Aerospatiale Models MS880B, MS 885, MS 892A-150, MS 893E, MS894A, MS894E, Rallye 100S, Rallye 150T , Rallye150ST, Rallye 235C, and Rallye 235E Airplanes; Docket No. 2000-CE-34-AD [11-14-11-16-00]" (RIN2120-AA64) (2000-0559) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11623. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; request for Comments; McDonnell Douglas Model DC-9-10, 9-20, 9-30, 9-40, and 9-50 Series Airplanes; Docket No. 2000-NM-344-AD, Admt. 39-11968; AD 2000-22-20 [11-14-11-16]" (RIN2120-AA64) (2000-0560) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11624. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SA330F, G, and J helicopters; Docket No. 2000-SW-14-AD [11-14-11-16-00]" (RIN2120-AA64) (2000-0561) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11625. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFE Company Model CFE738-1-1B Turbofan Engines Docket No. 98-ANE-69-AD, Admt. 39-11982; AD 2000-23-12 [11-14-11-16-00]" (RIN2120-AA64) (2000-0562) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11626. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; request for Comments; bombardier Model CL-600-2B16 (CL-604) Series Airplanes; Docket No. 2000-NM-315-AD Admt. 39-11972; AD2000-23-02 [11-14-11-16-00]" (RIN2120-AA64) (2000-0563) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11627. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Final Rule; Aerospatiale Model ATR42-500 Series Airplanes ; Docket No. 2000-NM-26, AD Admt. 39-11974; AD2000-23-04 [11-14-11-16-00]” (RIN2120-AA64) (2000-0564) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11628. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Models A310 and A300-600 Series Airplanes; Docket No. 2000-NM-114-AD Admt. 39-11978: AD2000-23-08 [11-15-11-16-00]” (RIN2120-AA64) (2000-0565) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11629. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Request for Comments; bell Helicopter textron, inc.—manufactured model OH-13E, OH-13H, and OH-13S Helicopters; Docket No. 2000-SW-36-AD [11-15-11-16-00]” (RIN2120-AA64) (2000-0566) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11630. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Final Rule; Empresa Brasileira de Aeronautica SA. (AMBRAER) Model EMB-120 Series Airplanes; Docket No. 2000-NM-121-AD; Admt. 39-11958: AD2000-22-12 [11-15-11/16-00]” (RIN2120-AA64) (2000-0567) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11631. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Rolls-Royce Spey 555-15, -15H, -15N, and -15P Turbofan Engines. Docket No. 2000-NE-03-AD Admt. 39-11981: AD2000-23-11 [11-15-11-16-00]” (RIN2120-AA64) (2000-0568) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11632. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Final Rule; request for comments; Boeing model 737 Series Airplanes; Docket No. 2000-NM-325-AD Admt. 39-11948: AD2000-22-02 [11-16-11-20]” (RIN2120-AA64) (2000-0570) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11633. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Pratt and Whitney JT9D Series Turbofan Engines Docket No. 99-NE-25, Admt. 39-11986; AD 2000-23-14 [11-20-11-20]” (RIN2120-AA64) (2000-0571) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11634. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Aerospatiale model ATR-42 and ATR-72 Series Airplanes Docket No. 98-NM-259-AD Admt. 39-11989; AD 98-09-16Ri [11-17-11-20]” (RIN2120-AA64) (2000-0573) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11635. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B , 1123, 1124, and 1124A Series Airplanes; Docket No. 2000-NM-364AD Admt. 39-11985; AD 2000-23-13 [11-17-11-20]” (RIN2120-AA64) (2000-0574) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11636. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (61): Amdt. No. 2018 [11-2-11-16-00]” (RIN2120-AA65) (2000-0054) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11637. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (14); Amdt. No. 2017 Docket No. 30210 [11-2-11-16-00]” (RIN2120-AA65) (2000-0055) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11638. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airspace Actions Modification of Class E Airspace; Willits, CA Docket No. 00-AWP-8 [11-2-11-16]” (RIN2120-AA66) (2000-0269) received on November 16, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC-11639. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class D Airspace, Robert Gray Army Airfield, TX. Docket No. 2000-ASW-18 [11-3-11-16]” (RIN2120-AA66) (2000-0271) received on November 16, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC-11640. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class E Airspace; Atlanta, TX Docket No. 2000- ASW-19 [11-13-11-16]” (RIN2120-AA66) (2000-0272) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11641. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amends Class D and Class E4 Airspace; Gainesville, FL Docket No. 00-ASO-35 [11-13-11-16-00]” (RIN2120-AA66) (2000-0273) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11642. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amends Class D Airspace; Kissimmee FL, Docket No. 00-ASO-36 [11-13-11-16-00]” (RIN2120-AA66) (2000-0274) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11643. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Amends Class E3 Airspace; Tallahassee, FL and Class E4 Airspace, Dothan, AL Vero Beach, FL; Athens, GA; Columbus Lawson AAf, GA Meridian Key filed, MS; meridian NAS McCain Field, MS; and Florence Docket No. 00-ASO-38 [11-13-11-16-00]” (RIN2120-AA66) (2000-0275) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11644. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishes Class D and E4 Airspace; New Bern, NC Docket No. 00-ASO-29 [11-9-11-16-00]” (RIN2120-AA66) (2000-0276) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11645. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishes Class E Airspace; Oak Grove NC Docket No. 00-ASO-33 [11-9-11-16-00]” (RIN2120-AA66) (2000-0277) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11646. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Realignment of Federal Airways, Docket No. 00-AGL-22 [11-9-11-16-00]” (RIN2120-AA66) (2000-0278) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11647. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, the report of five items; to the Committee on Environment and Public Works.

EC-11648. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Priorities List for Uncontrolled Hazardous Waste Sites” (FRL #6910-4) received on November 28, 2000; to the Committee on Environment and Public Works.

EC-11649. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Revision to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program” (FRL #6910-6) received on November 28, 2000 ; to the Committee on Environment and Public Works.

EC-11650. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Primary Drinking Water Regulations; Radionuclides; Final Rule” (FRL #6909-3) received on November 28, 2000; to the Committee on Environment and Public Works.

EC-11651. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; State of New Hampshire; Revision to the Carbon Monoxide State Implementation

Plans, City of Nashua; Carbon Monoxide Redesignation Request, Maintenance Plan, Transportation Conformity Budget, and Emissions Inventory for the City of Nashua; Carbon Monoxide Redesignation Request, Maintenance Plan, Transportation Conformity Budget, and Emissions Inventory for the City of Manchester" (FRL #6906–2) received on November 28, 2000; to the Committee on Environment and Public Works.

EC–11652. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Supplemental Guidelines for the Award of Section 319 Nonpoint Source Grants in fiscal year 2001" (FRL #6908–9) received on November 28, 2000; to the Committee on Environment and Public Works.

EC–11653. A communication from the General Counsel of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revised Filing Requirements Under Part 33 of the Commission's Regulations" (RIN1902–AB73) received on November 27, 2000; to the Committee on Energy and Natural Resources.

EC–11654. A communication from the Comptroller General of the General Accounting Office, transmitting, pursuant to law, the report relative to the Legislative Reorganization Act; to the Committee on Governmental Affairs.

EC–11655. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11656. A communication from the Secretary of Energy, transmitting, pursuant to the Inspector General Act, the semiannual report which covers the period of April 1 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11657. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to the Federal Activities Inventory Reform Act, the report of all potential commercial activities; to the Committee on Governmental Affairs.

EC–11658. A communication from the Secretary of Agriculture, transmitting, pursuant to the Inspector General Act, the report covering the six-month period which ended September 30, 2000; to the Committee on Governmental Affairs.

EC–11659. A communication from the Secretary of Labor, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11660. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Biological Product; Reporting of Biological Product Deviations in Manufacturing" (Docket No. 97N–0242) received on November 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11661. A communication from the Secretary of Education, transmitting, pursuant to law, the report relative to the provision of a free appropriate public education for all children and youth with disabilities; to the Committee on Health, Education, Labor, and Pensions.

EC–11662. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Caselink Document Database for Office of Special Counsel-Waco (OSCW)" received on November 28, 2000; to the Committee on the Judiciary.

EC–11663. A communication from the Assistant Attorney General for Administration, Justice Management Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Environment and Natural Resources Division Case and Related Files System" received on November 28, 2000; to the Committee on the Judiciary.

EC–11664. A communication from the President of the United States, transmitting, pursuant to law, the six-month periodic report relative to the national emergency with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–11665. A communication from the President of the United States, transmitting, pursuant to law, a notice stating that the emergency concerning Iran is to continue in effect beyond the anniversary date; to the Committee on Banking, Housing, and Urban Affairs.

EC–11666. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the dangers of the proliferation of nuclear, biological, and chemical weapons; to the Committee on Banking, Housing, and Urban Affairs.

EC–11667. A communication from the President of the United States, transmitting, pursuant to law, the six-month periodic report relative to the national emergency caused by the lapse of the Export Administration Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–11668. A communication from the President of the United States, transmitting, pursuant to law, the report relative to the national emergency with respect to Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC–11669. A communication from the Associate General for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting , pursuant to law, the report of a rule entitled "CDBG Program Regulations on Pre-Award Costs and New Housing Construction" (RIN2506–C06) (FR–4559–F–01) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11670. A communication from the Associate General for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Manufactured Home Construction and Safety Standards: Manufactured Home Tires; Amendment of HUD Interpretative Bulletin J–1–76" (FR–4559–F–01) received on November 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11671. A communication from the Deputy Secretary of the Division of Market Regulation, U.S. Securities and Exchange Commission , transmitting, pursuant to law, the report of a rule entitled "Amendments to the Options Price Reporting Authority ("OPRA") Plan for Reporting Consolidated Last Sale Reports and Quotation Information to establish a formula to allocate the message capacity of the OPRA system among the participant exchanges during peak usage periods" (RIN3235–AH92) received on November 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11672. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update" (Notice 2000–59) received on November 27, 2000; to the Committee on Finance.

EC–11673. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "First Quarter Quarterly Interest Rates 1/1/2001" (Revenue Ruling 2000–57) received on November 28, 2000; to the Committee on Finance.

EC–11674. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applications of the Anti-Churning Rules for Amortization of Intangibles in Partnerships" (RIN1545–AX73) (T.D. 8907) received on November 28, 2000; to the Committee on Finance.

EC–11675. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2000–58—BLS–LIFO Department Store Indexes—October 2000" (Rev. Rul. 2000–58) received on November 28, 2000; to the Committee on Finance.

EC–11676. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2000–63, Business Plan Comments" (Notice 2000–63) received on November 29, 2000; to the Committee on Finance.

EC–11677. A communication from the Associate Administrator, Cotton Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendment to Cotton Board Rules and Regulations Regarding Import Assessment Exemptions" (Docket Number CN–00–009) received on November 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11678. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Exemption from Handling and Assessment Regulations for Potatoes Shipped for Experimental Shipments" (Docket Number FV00–046–1 IFR) received on November 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11679. A communication from the Associate Administrator, Dairy Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Tennessee Valley Marketing Area; Termination" (Docket Number DA–01–01) received on November 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11680. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Papayas Grown in Hawaii; Removal of Suspension Regarding Grade, Inspection, and Related Reporting Requirements" (Docket Number FV00–928–1 FR) received on November 28, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11681. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Animal Welfare; Perimeter Fence Requirements; Technical Amendment" (Docket #95-029-3) received on November 29, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11682. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classifications; South Dakota" (Docket #00-103-1) received on November 29, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11683. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Annual Adjustment of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents" (RIN2130-AB30) received on November 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11684. A communication from the Acting Assistant Administrator of the National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Federal Register Notice—Coastal Services Center Broad Area Announcement Fiscal Year 2001 Programs" received on November 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11685. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Implement Amendment 59 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (Sitka Pinnacles Marine Reserve)" (RIN0648-AK74) received on November 17, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11686. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Detroit, Howe, Jacksboro, Lewisville, Gainesville, Robinson, Corsicana and Mineral Wells, TX, and Antlers and Hugo, OK)" (MM Docket No. 97-26 and MM Docket No. 97-91) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11687. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Rantoul, Gilman, Illinois)" (MM Docket No. 98-214; RM-9353 RM-9568) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11688. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments, FM Broadcast Stations (New Richmond, Wisconsin, Coon Rapids and Moose Lake, Minnesota)" (MM Docket 00-37) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11689. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Susquehanna, Pennsylvania and Conklin, New York)" (MM Docket 99-278) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11690. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Extension of the Filing Requirement for Children's Television Programming Report (FCC Form 398)—Report and Order and Further Notice of Proposed Rulemaking" (MM Docket 00-44, FCC 00-343) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11691. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Greenwood and Mauldin, South Carolina)" (MM Docket 99-313) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11692. A communication from the Senior Counsel for Dispute Resolution, Office of the Secretary of Transportation, transmitting, pursuant to law, the report of a rule entitled "Interim Statement of Policy of Alternative Dispute Resolution" (RIN2105-AC94) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11693. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Licensing and Manning for Officers of Towing Vessels (USCG-1999-6224)" (RIN2115-AF23) (2000-0001) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11694. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; SLR: Charleston Christmas Parade of Boats, Charleston Harbor, SC (CGD08-00-107)" (RIN2115-AE46) (2000-0018) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11695. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hutchinson River, Eastchester Creek, NY (CGD01-00-243)" (RIN2115-AE47) (2000-0055) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11696. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Harlem River, Newtown Creek, NY (CGD01-00-223)" (RIN2115-AE47) (2000-0056) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11697. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Danvers River, MA (CGD01-00-239)" (RIN2115-AE47) (2000-0057) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11698. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Atlantic Intracoastal Waterway, Key Largo, Monroe County, FL (CGD08-001-05)" (RIN2115-AE47) (2000-0058) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11699. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Wrangell Narrows, Petersburg, AK (COTP Southeast Alaska 00-016)" (RIN2115-AA97) (2000-0091) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11700. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Coastal Waters Adjacent to Florida (CGD07-00-091)" (RIN2115-AA97) (2000-0092) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11701. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Hawaii-based Pelagic Longline Area Closure; Emergency Rule" (RIN0648-AO66) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11702. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Final Rule to Reduce Observer Experience Requirements in the Western Alaska Community Development Quota Fisheries" (RIN0648-AM53) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11703. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector" received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11704. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of the Directed Fishery for Pacific Mackerel" received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11705. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Commission Requirements Through the Year 2010; Establishment of Rules and Requirements for Priority Access Service" (WT Docket 96-86, FCC 00-348) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11706. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "First Report and Order and Further Notice of Proposed Rulemaking in WT Docket No. 99-217, Fifth Report and Order and Memorandum Opinion and Order in CC Docket No. 96-98, and fourth Report and Order and Memorandum Opinion and Order in CC Docket No. 88-57" (FCC 00-366, WT Docket No. 99-217) received on November 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11707. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Risk Management"; to the Committee on Commerce, Science, and Transportation.

EC-11708. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period April 1, 2000 through September 30, 2000; ordered to lie on the table.

EC-11709. A communication from the Administrator of the Small Business Administration, transmitting, a draft of proposed legislation entitled "8(a) Sole Source Authority"; to the Committee on Small Business.

EC-11710. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Utilities" (RIN2125-AE68) received on November 30, 2000; to the Committee on Environment and Public Works.

EC-11711. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Business Ownership Representation" (FRL #6912-2) received on November 30, 2000; to the Committee on Environment and Public Works.

EC-11712. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, the Brownsfields Project Planning Guidance; Volume 1: Brownsfields Assessment Overview and Volume 2: Generic Brownsfields QAPP Boilerplate; to the Committee on Environment and Public Works.

EC-11713. A communication from the Assistant Secretary for Economic Development, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Economic Development Administration Reform Act of 1998 including Economic Adjustment Grants-Revolving Loan Funds" (RIN0610-AA62) received December 1, 2000; to the Committee on Environment and Public Works.

EC-11714. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution District" (FRL #6875-8) received on December 1, 2000; to the Committee on Environment and Public Works.

EC-11715. A communication from the Fisheries Biologist, Candidate Plus Team Leader, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Final Endangered Status for a Distinct Population Segment of Anadromous Atlantic Salmon (Salmo salar) in the Gulf of Maine" (RIN0648-XA39) received on December 1, 2000; to the Committee on Environment and Public Works.

EC-11716. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Volatile Organic Compounds from Batch Processes, Industrial Wastewater and Service Stations" (FRL #6913-4) received on December 4, 2000; to the Committee on Environment and Public Works.

EC-11717. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: TN-32 Revision" (RIN3150-AG66) received on December 4, 2000; to the Committee on Environment and Public Works.

EC-11718. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (Docket No. 00N-1596) received on December 1, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11719. A communication from the Administrator of the Office of Workforce Security, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter 04-01—Payment of Compensation and Timeliness of Determinations During a Continued Claim Series" received on December 1, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11720. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for the fiscal year 1996 projects; to the Committee on Health, Education, Labor, and Pensions.

EC-11721. A communication from the Associate Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida and Imported Grapefruit; Relaxation of the Mini Size Requirements for Red Seedless Grapefruit" (Docket Number: FV00-905-2 FR) received on November 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11722. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Peroxyacetic Acid; Exemption From the Requirement of a Tolerance" (FRL #6748-6) received on November 30, 2000; to the Committee on Environment and Public Works.

EC-11723. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hydrogen Peroxide; Exemption from the Requirement of a Tolerance" (FRL #6748-5) received on November 30, 2000; to the Committee on Environment and Public Works.

EC-11724. A communication from the Administrator and Executive Vice President, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Final Rule—2000 Marketing Quota and Price Support for Burley Tobacco" (RIN0560-AF85) received on December 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11725. A communication from the Associate Administrator of the Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Livestock Mandatory Reporting" (RIN0581-AB64) received on the December 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11726. A communication from the Acting Deputy Executive Secretary to the Department of Heath and Human Services, transmitting, pursuant to law, the report of a rule entitled "Prospective Payment System for Hospital Outpatient Services" (RIN0938-AI56) received on November 2, 2000; to the Committee on Finance.

EC-11727. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2000 Base Period T-Bill Rate" (RR-118248-00) received on November 27, 2000; to the Committee on Finance.

EC-11728. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of the Census (TD 8908)" (RIN1545-AV84) received on November 30, 2000; to the Committee on Finance.

EC-11729. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Market Segment Specialization Program Audit Techniques Guide—Auto Dealerships" received on November 30, 2000; to the Committee on Finance.

EC-11730. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Balance Due and Refund Anticipation Loans Under Subsection 7216" (Notice 2000-64) received on November 30, 2000; to the Committee on Finance.

EC-11731. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the second annual report; to the Committee on Finance.

EC-11732. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2000-48 Year 2001 Standard Mileage Rates" (Rev. Proc. 2000-48) received on December 4, 2000; to the Committee on Finance.

EC-11733. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Industry Issue Resolution Pilot Program" (Notice 2000-65, 2000-52 I.R.B.) received on December 4, 2000; to the Committee on Finance.

EC-11734. A communication from the Chair of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to improving risk adjustment in Medicare; to the Committee on Finance.

EC–11735. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report involving exports to the Kingdom of Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC–11736. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report involving exports India; to the Committee on Banking, Housing, and Urban Affairs.

EC–11737. A communication from the Legislative and Regulatory Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees; National Banks; District of Columbia Banks" (RIN1557–AB72) received on December 1, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11738. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to the Inspector General Act, the semiannual report; to the Committee on Governmental Affairs.

EC–11739. A communication from the Chairman of the National Endowment for the Arts, transmitting, pursuant to the Inspector General Act, the semiannual report; to the Committee on Governmental Affairs.

EC–11740. A communication from the Chairman of the Occupational Safety and Health Review Commission, transmitting, pursuant to the Inspector General Act and the Federal Managers' Financial Integrity Act, the report covering fiscal year 2000 activities; to the Committee on Governmental Affairs.

EC–11741. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of a rule relative to postponing the effective date for assessing a $50.00 fee for the Affidavit of Support, Form I–864; to the Committee on Foreign Relations.

EC–11742. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of a rule relative to incorporating in visa regulations a complementary rule to a recent amendment of the Schedule of Fees; to the Committee on Foreign Relations.

EC–11743. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, the report of a rule relative to establishing a new effective date for the phase-in of a new procedure for payment of certain immigrant visa fees; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and referred or ordered to lie on the table as indicated:

POM–640. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to timber harvesting; to the Committee on Agriculture, Nutrition, and Forestry.

POM–641. A concurrent resolution adopted by the House of the Legislature of the State of South Carolina relative to taxes; to the Committee on the Judiciary.

Concurrent Resolution

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule, or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates, in violation of the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this nation and their elected representatives in state government to reaffirm that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those elected representatives in the legislative branch of government whom they choose, and that the representatives are directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America which was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring; That the Congress of the United States is hereby memorialized to amend the Constitution of the United States and submit to the states for ratification an amendment which adds a new article providing as follows: "Neither to instruct or order a state or political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes." Be it further

Resolved that a copy of this resolution be forwarded to the United States Senate, the United States House of Representatives, and to each member of the South Carolina Congressional Delegation.

NOMINATIONS DISCHARGED

Pursuant to a unanimous consent agreement of December 5, 2000, the following nominations were discharged from the Committee on Foreign Relations.

DEPARTMENT OF STATE

Larry Carp, of Missouri, to be an Alternative Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

Jay T. Snyder, of New York, to be a Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID:

S. 3272. A bill to establish the Great Basin National Heritage Area, Nevada and Utah; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. Brownback, Mr. Kennedy, Mr. Cleland, Mr. Kerry, Mr. Johnson, and Mr. Leahy):

S. 3273. A bill to require the Federal Election Commission to study voting procedures in Federal elections, award Voting Improvement Grants to States, and for other purposes; to the Committee on Rules and Administration.

By Mr. ALLARD (for himself, Mr. Gramm, Mr. Sarbanes, Mr. Kerry, Mr. Shelby, Mr. Santorum, Mr. Grams, Mr. Campbell, and Mr. Inouye):

S. 3274. A bill to expand homeownership in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Mr. Brownback, Mr. Kennedy, Mr. Cleland, Mr. Kerry, Mr. Johnson, and Mr. Leahy):

S. 3273. A bill to require the Federal Election Commission to study voting procedures in Federal elections, award Voting Improvement Grants to States, and for other purposes; to the Committee on Rules and Administration.

VOTING STUDY AND IMPROVEMENT ACT

Mr. BROWNBACK. Mr. President, in the era of the Internet, in the era of the microchip, at the dawn of the twenty-first century, I am concerned that the most prosperous, productive and inventive nation in the world conducts its elections for its highest offices in some areas in ways that are outdated, slow, inaccurate, and inaccessible to many.

That is why, Mr. President, I rise as an original sponsor of the "Voting Study and Improvement Act," which I am proud to introduce today with my colleague Chuck Schumer of New York.

The long national nightmare that the 2000 Presidential election has become has taught us, Republican and Democrat alike, that we need to improve the instruments of voting and the means of electing our federal office holders.

Both rural and urban areas have unique difficulties not only with accessibility to voting, but also in funding improvements in their voting systems. A rural State like Kansas has problems with voting that are different than those faced by a State such as New York. Our legislation recognizes these differences, and will allow each State to implement the changes they believe are best for them. What is the best system for voting in Kansas may not be the best system for voting in New York. What is the best system for voting in some parts of Kansas may not be the best system for voting in another part of Kansas.

That is why CHUCK SCHUMER and I can agree to sponsor this legislation together today, and that is why we agree that something must be done. I am pleased to rise with CHUCK SCHUMER today to introduce the Voting Study and Improvement Act.

This is the first bipartisan attempt to provide grant money to States to implement alternate means and instruments of voting that provide swifter and more accurate results, and are less susceptible to partisan interference and differences of opinion

Let me be clear: unlike some legislation that has been introduced in this regard, this is not a federal mandate of election standards. We provide the means to States to implement the changes that they deem are most fitting for their unique needs.

In addition, unlike some other legislation that is being proposed in this area, we do not create a new federal agency or bureaucracy. We use the existing expertise and personnel of the Federal Election Commission to study possible improvements to our current voting system, and make recommendations for changes.

Given the magnitude of controversy surrounding the 2000 Presidential election, it is tempting to create a new agency with new powers to solve these problems. Given these problems, it is also tempting to create a federalized system of voting for federal elections. However, Senator CHUCK SCHUMER and I believe these decisions are best left to the individual States to decide. States are as different as my home State of Kansas is from CHUCK's home State of New York, and they are the ones who can best decide how to improve their own voting systems.

I encourage my colleagues to join Senator SCHUMER and myself in supporting this common-sense, bipartisan legislation, and help bring our nation's elections into the twenty-first century.

By Mr. ALLARD (for himself, Mr. GRAMM, Mr. SARBANES, Mr. KERRY, Mr. SHELBY, Mr. SANTORUM, Mr. GRAMS, Mr. CAMPBELL, and Mr. INOUYE):

S. 3274. A bill to expand homeownership in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. ALLARD. Mr. President, today I am introducing the Senate version of the American Homeownership and Economic Opportunity Act of 2000, which is now at the desk. It is S. 3274.

I am pleased that this legislation is cosponsored by both the chairman and ranking member of the Banking Committee, Senators PHIL GRAMM and PAUL SARBANES, as well as the ranking member of the Housing subcommittee, Senator JOHN KERRY.

This legislation reflects a bipartisan and bicameral agreement on the housing legislation that should be enacted before the close of this Congress. Also joining as cosponsors are Senators RICHARD SHELBY, RICK SANTORUM, ROD GRAMS, BEN NIGHTHORSE CAMPBELL, and DANIEL INOUYE.

This legislation is the product of negotiations that have taken place between the House and Senate over the past several months. It has been introduced in the House of Representatives today, and if all goes well, it will be approved by both Houses and delivered to the President within the next several days.

In addition to housing provisions, this legislation also includes a number of regulatory relief provisions, banking and housing reporting requirements, and several items related to the Federal Reserve. An explanation of each provision is included in the section-by-section that follows my comments.

This legislation includes important home ownership, rural housing, elderly housing, disabled housing, and housing affordability barrier removal provisions. This bill also includes the Manufactured Housing Improvement Act championed by Senator SHELBY, provisions dealing with Native American housing sponsored by my Colorado colleague, Senator BEN NIGHTHORSE CAMPBELL, and Native Hawaiian provisions sponsored by Senator DANIEL INOUYE.

This legislation also includes the Private Mortgage Insurance Technical Corrections and Clarification Act which clarifies a number of provisions enacted by the 105th Congress to address the issue of private mortgage insurance cancellation and termination.

Nearly 2 years ago, I became chairman of the Banking Committee's Subcommittee on Housing and Transportation. My priority during this time has been congressional oversight of the Department of Housing and Urban Development. During the 106th Congress, our subcommittee held 19 hearings. Twelve of these hearings dealt specifically with HUD oversight. I have also made a point to develop a legislative agenda that focuses on innovative approaches to increase the supply of affordable housing.

Our subcommittee held a number of hearings to review legislative proposals on affordable housing, manufactured housing, homelessness, elderly and disabled housing, and the Federal Housing Administration mortgage insurance program.

While we have not been able to do everything we would like in the 106th Congress, I am pleased that this legislative package I am introducing today reflects significant progress on a number of housing initiatives.

On July 26, 2000, I introduced the Local Housing Opportunities Act, S. 2968, which reflects a long-term approach to empower communities and individuals by consolidating and reforming HUD programs.

While there is much that remains to be done on this legislation, I am pleased that a number of the provisions included in S. 2968 have been enacted or are included in today's introduced legislation.

An extension of the simplified FHA downpayment calculation was included in the fiscal year 2001 VA-HUD appropriations bill, and today's legislation permits Section 8 funds to be used for home ownership downpayment assistance. It allows for the use of Section 8 assistance in grandfamily housing assistance with HOME funds, provides assistance for self-help housing providers, and includes several improvements in the rural housing programs at the Department of Agriculture.

I also note that tax legislation is currently pending that includes significant increases in the caps of both the low-income housing tax credit and private activity bond programs. If we do not get this legislation enacted this year, I will continue to work hard with my colleagues to get this done in the 107th Congress.

Early in this session of Congress, the Subcommittee on Housing and Transportation set out to modernize the standards for manufactured housing. On October 5, 1999, the subcommittee held a comprehensive hearing on the proposed manufactured housing legislation. This legislation worked its way through the Senate in 1999 under the leadership of Senator SHELBY. The House included similar legislation in a broader housing bill, and we have now reached agreement between the two Chambers on the compromise legislation.

This is a tremendous achievement that will contribute significantly to an increase in the amount of affordable housing in our communities. I know from my work in Colorado that this will have a positive impact on the affordable housing shortage in my State.

Today's legislation includes several provisions to encourage the removal of regulatory barriers to affordable housing. While this is largely a State and local issue, there are steps that can be taken at the Federal level to help ensure that government at all levels does not put excessive fees, permits, and regulations in place that drive up the cost of housing. In many cases these barriers move housing beyond the means of working families. I know this is an important issue for homebuilders in Colorado and throughout the Nation.

As chairman, I will continue to work with local government and housing advocacy organizations during the 107th Congress to discourage and remove regulatory barriers to affordable housing.

It has been my pleasure to work with Senator RICK SANTORUM on a number of important provisions to improve the

Section 202 and Section 811 programs. Today's legislation reflects a compromise we have negotiated on proposals designed to expand housing opportunities for the elderly and persons with disabilities. These provisions reauthorize both programs through fiscal year 2003, permit the refinancing of program loans, permit for-profit limited partnerships, mixed funding sources, and certain commercial activities designed to increase the viability of elderly and disabled housing programs. The legislation also authorizes service coordinators and congregate services for elderly and disabled housing.

Mr. President, I ask unanimous consent that a section-by-section description of the bill, along with the full text of the bill, be printed in the RECORD. And I thank all my colleagues who have helped to put this legislative package together.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Homeownership and Economic Opportunity Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Sec. 101. Short title.
Sec. 102. Grants for regulatory barrier removal strategies.
Sec. 103. Regulatory barriers clearinghouse.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Sec. 201. Home equity conversion mortgages.
Sec. 202. Assistance for self-help housing providers.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Sec. 301. Downpayment assistance.
Sec. 302. Pilot program for homeownership assistance for disabled families.
Sec. 303. Funding for pilot programs.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Sec. 401. Short title.
Sec. 402. Changes in amortization schedule.
Sec. 403. Deletion of ambiguous references to residential mortgages.
Sec. 404. Cancellation rights after cancellation date.
Sec. 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements.
Sec. 406. Definitions.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Sec. 501. Lands title report commission.
Sec. 502. Loan guarantees.
Sec. 503. Native American housing assistance.

Subtitle B—Native Hawaiian Housing

Sec. 511. Short title.
Sec. 512. Findings.
Sec. 513. Housing assistance.
Sec. 514. Loan guarantees.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Sec. 601. Short title; references.
Sec. 602. Findings and purposes.
Sec. 603. Definitions.
Sec. 604. Federal manufactured home construction and safety standards.
Sec. 605. Abolishment of National Manufactured Home Advisory Council; manufactured home installation.
Sec. 606. Public information.
Sec. 607. Research, testing, development, and training.
Sec. 608. Prohibited acts.
Sec. 609. Fees.
Sec. 610. Dispute resolution.
Sec. 611. Elimination of annual reporting requirement.
Sec. 612. Effective date.
Sec. 613. Savings provisions.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Sec. 701. Guarantees for refinancing of rural housing loans.
Sec. 702. Promissory note requirement under housing repair loan program.
Sec. 703. Limited partnership eligibility for farm labor housing loans.
Sec. 704. Project accounting records and practices.
Sec. 705. Definition of rural area.
Sec. 706. Operating assistance for migrant farmworkers projects.
Sec. 707. Multifamily rental housing loan guarantee program.
Sec. 708. Enforcement provisions.
Sec. 709. Amendments to title 18 of United States Code.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Sec. 801. Short title.
Sec. 802. Regulations.
Sec. 803. Effective date.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

Sec. 811. Prepayment and refinancing.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

Sec. 821. Supportive housing for elderly persons.
Sec. 822. Supportive housing for persons with disabilities.
Sec. 823. Service coordinators and congregate services for elderly and disabled housing.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

Sec. 831. Eligibility of for-profit limited partnerships.
Sec. 832. Mixed funding sources.
Sec. 833. Authority to acquire structures.
Sec. 834. Use of project reserves.
Sec. 835. Commercial activities.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Sec. 841. Eligibility of for-profit limited partnerships.
Sec. 842. Mixed funding sources.
Sec. 843. Tenant-based assistance.
Sec. 844. Use of project reserves.
Sec. 845. Commercial activities.

PART 3—OTHER PROVISIONS

Sec. 851. Service coordinators.

Subtitle D—Preservation of Affordable Housing Stock

Sec. 861. Section 236 assistance.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Sec. 901. Extension of loan term for manufactured home lots.
Sec. 902. Use of section 8 vouchers for opt-outs.
Sec. 903. Maximum payment standard for enhanced vouchers.
Sec. 904. Use of section 8 assistance by "grand-families" to rent dwelling units in assisted projects.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

Sec. 1001. Federal Reserve Board buildings.
Sec. 1002. Positions of Board of Governors of the Federal Reserve System on the Executive schedule.
Sec. 1003. Amendments to the Federal Reserve Act.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Sec. 1101. Short title.
Sec. 1102. Preservation of certain reporting requirements.
Sec. 1103. Coordination of reporting requirements.
Sec. 1104. Elimination of certain reporting requirements.

TITLE XII—FINANCIAL REGULATORY RELIEF

Sec. 1200. Short title.

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

Sec. 1201. Repeal of savings association liquidity provision.
Sec. 1202. Noncontrolling investments by savings association holding companies.
Sec. 1203. Repeal of deposit broker notification and recordkeeping requirement.
Sec. 1204. Expedited procedures for certain reorganizations.
Sec. 1205. National bank directors.
Sec. 1206. Amendment to National Bank Consolidation and Merger Act.
Sec. 1207. Loans on or purchases by institutions of their own stock; affiliations.
Sec. 1208. Purchased mortgage servicing rights.

Subtitle B—Streamlining Activities of Institutions

Sec. 1211. Call report simplification.

Subtitle C—Streamlining Agency Actions

Sec. 1221. Elimination of duplicative disclosure of fair market value of assets and liabilities.
Sec. 1222. Payment of interest in receiverships with surplus funds.
Sec. 1223. Repeal of reporting requirement on differences in accounting standards.
Sec. 1224. Extension of time.

Subtitle D—Technical Corrections

Sec. 1231. Technical correction relating to deposit insurance funds.
Sec. 1232. Rules for continuation of deposit insurance for member banks converting charters.
Sec. 1233. Amendments to the Revised Statutes of the United States.
Sec. 1234. Conforming change to the International Banking Act of 1978.

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

SEC. 101. SHORT TITLE.

This title may be cited as the "Housing Affordability Barrier Removal Act of 2000".

SEC. 102. GRANTS FOR REGULATORY BARRIER REMOVAL STRATEGIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(a)) is amended to read as follows:

"(a) FUNDING.—There is authorized to be appropriated for grants under subsections (b) and (c) such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

(b) CONSOLIDATION OF STATE AND LOCAL GRANTS.—Subsection (b) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(b)) is amended—

(1) in the subsection heading, by striking "STATE GRANTS" and inserting "GRANT AUTHORITY";

(2) in the matter preceding paragraph (1), by inserting after "States" the following: "and units of general local government (including consortia of such governments)";

(3) in paragraph (3), by striking "a State program to reduce State and local" and inserting "State, local, or regional programs to reduce";

(4) in paragraph (4), by inserting "or local" after "State"; and

(5) in paragraph (5), by striking "State".

(c) REPEAL OF LOCAL GRANTS PROVISION.—Section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c) is amended by striking subsection (c).

(d) APPLICATION AND SELECTION.—The last sentence of section 1204(e) of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(e)) is amended—

(1) by striking "and for the selection of units of general local government to receive grants under subsection (f)(2)"; and

(2) by inserting before the period at the end the following: "and such criteria shall require that grant amounts be used in a manner consistent with the strategy contained in the comprehensive housing affordability strategy for the jurisdiction pursuant to section 105(b)(4) of the Cranston-Gonzalez National Affordable Housing Act".

(e) SELECTION OF GRANTEES.—Subsection (f) of section 1204 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705c(f)) is amended to read as follows:

"(f) SELECTION OF GRANTEES.—To the extent amounts are made available to carry out this section, the Secretary shall provide grants on a competitive basis to eligible grantees based on the proposed uses of such amounts, as provided in applications under subsection (e).".

(f) TECHNICAL AMENDMENTS.—Section 107(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5307(a)(1)) is amended—

(1) in subparagraph (G), by inserting "and" after the semicolon at the end;

(2) by striking subparagraph (H); and

(3) by redesignating subparagraph (I) as subparagraph (H).

SEC. 103. REGULATORY BARRIERS CLEARINGHOUSE.

Section 1205 of the Housing and Community Development Act of 1992 (42 U.S.C. 12705d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "receive, collect, process, and assemble" and inserting "serve as a national repository to receive, collect, process, assemble, and disseminate";

(B) in paragraph (1)—

(i) by striking ", including" and inserting "(including"; and

(ii) by inserting before the semicolon at the end the following: "), and the prevalence and effects on affordable housing of such laws, regulations, and policies";

(C) in paragraph (2), by inserting before the semicolon the following: ", including particularly innovative or successful activities, strategies, and plans"; and

(D) in paragraph (3), by inserting before the period at the end the following: ", including particularly innovative or successful strategies, activities, and plans";

(2) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(3) by making available through a World Wide Web site of the Department, by electronic mail, or otherwise, provide to each housing agency of a unit of general local government that serves an area having a population greater than 100,000, an index of all State and local strategies and plans submitted under subsection (a) to the clearinghouse, which—

"(A) shall describe the types of barriers to affordable housing that the strategy or plan was designed to ameliorate or remove; and

"(B) shall, not later than 30 days after submission to the clearinghouse of any new strategy or plan, be updated to include the new strategy or plan submitted."; and

(3) by adding at the end the following new subsections:

"(c) ORGANIZATION.—The clearinghouse under this section shall be established within the Office of Policy Development of the Department of Housing and Urban Development and shall be under the direction of the Assistant Secretary for Policy Development and Research.

"(d) TIMING.—The clearinghouse under this section (as amended by section 103 of the Housing Affordability Barrier Removal Act of 2000) shall be established and commence carrying out the functions of the clearinghouse under this section not later than 1 year after the date of the enactment of such Act. The Secretary of Housing and Urban Development may comply with the requirements under this section by reestablishing the clearinghouse that was originally established to comply with this section and updating and improving such clearinghouse to the extent necessary to comply with the requirements of this section as in effect pursuant to the enactment of such Act.".

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

SEC. 201. HOME EQUITY CONVERSION MORTGAGES.

(a) INSURANCE FOR MORTGAGES TO REFINANCE EXISTING HECMs.—

(1) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(A) by redesignating subsection (k) as subsection (m); and

(B) by inserting after subsection (j) the following new subsection:

"(k) INSURANCE AUTHORITY FOR REFINANCINGS.—

"(1) IN GENERAL.—The Secretary may, upon application by a mortgagee, insure under this subsection any mortgage given to refinance an existing home equity conversion mortgage insured under this section.

"(2) ANTI-CHURNING DISCLOSURE.—The Secretary shall, by regulation, require that the mortgagee of a mortgage insured under this subsection, provide to the mortgagor, within an appropriate time period and in a manner established in such regulations, a good faith estimate of: (A) the total cost of the refinancing; and (B) the increase in the mortgagor's principal limit as measured by the estimated initial principal limit on the mortgage to be insured under this subsection less the current principal limit on the home equity conversion mortgage that is being refinanced and insured under this subsection.

"(3) WAIVER OF COUNSELING REQUIREMENT.—The mortgagor under a mortgage insured under this subsection may waive the applicability, with respect to such mortgage, of the requirements under subsection (d)(2)(B) (relating to third party counseling), but only if—

"(A) the mortgagor has received the disclosure required under paragraph (2);

"(B) the increase in the principal limit described in paragraph (2) exceeds the amount of the total cost of refinancing (as described in such paragraph) by an amount to be determined by the Secretary; and

"(C) the time between the closing of the original home equity conversion mortgage that is refinanced through the mortgage insured under this subsection and the application for a refinancing mortgage insured under this subsection does not exceed 5 years.

"(4) CREDIT FOR PREMIUMS PAID.—Notwithstanding section 203(c)(2)(A), the Secretary may reduce the amount of the single premium payment otherwise collected under such section at the time of the insurance of a mortgage refinanced and insured under this subsection. The amount of the single premium for mortgages refinanced under this subsection shall be determined by the Secretary based on the actuarial study required under paragraph (5).

"(5) ACTUARIAL STUDY.—Not later than 180 days after the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, the Secretary shall conduct an actuarial analysis to determine the adequacy of the insurance premiums collected under the program under this subsection with respect to—

"(A) a reduction in the single premium payment collected at the time of the insurance of a mortgage refinanced and insured under this subsection;

"(B) the establishment of a single national limit on the benefits of insurance under subsection (g) (relating to limitation on insurance authority); and

"(C) the combined effect of reduced insurance premiums and a single national limitation on insurance authority.

"(6) FEES.—The Secretary may establish a limit on the origination fee that may be charged to a mortgagor under a mortgage insured under this subsection, except that such limitation shall provide that the origination fee may be fully financed with the mortgage and shall include any fees paid to correspondent mortgagees approved by the Secretary.".

(2) REGULATIONS.—The Secretary shall issue any final regulations necessary to implement the amendments made by paragraph (1) of this subsection, which shall take effect not later than the expiration of the 180-day period beginning on the date of the enactment of this Act. The regulations shall be issued after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

(b) Housing Cooperatives.—Section 255(b) of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (2), by striking "'mortgage',"; and

(2) by adding at the end the following new paragraphs:

"(4) Mortgage.—The term 'mortgage' means a first mortgage or first lien on real estate, in fee simple, on all stock allocated to a dwelling in a residential cooperative housing corporation, or on a leasehold—

"(A) under a lease for not less than 99 years that is renewable; or

"(B) under a lease having a period of not less than 10 years to run beyond the maturity date of the mortgage.

"(5) First mortgage.—The term 'first mortgage' means such classes of first liens as are commonly given to secure advances on, or the unpaid purchase price of, real estate or all stock allocated to a dwelling unit in a residential cooperative housing corporation, under the laws of the State in which the real estate or dwelling unit is located, together with the credit instruments, if any, secured thereby.".

(c) Waiver of Up-Front Premiums for Mortgages Used to Fund Long-Term Care Insurance.—

(1) In general.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection:

"(l) Waiver of Up-Front Premiums for Mortgages to Fund Long-Term Care Insurance.—

"(1) In general.—In the case of any mortgage insured under this section under which the total amount (except as provided in paragraph (2)) of all future payments described in subsection (b)(3) will be used only for costs of a qualified long-term care insurance contract that covers the mortgagor or members of the household residing in the property that is subject to the mortgage, notwithstanding section 203(c)(2), the Secretary shall not charge or collect the single premium payment otherwise required under subparagraph (A) of such section to be paid at the time of insurance.

"(2) Authority to Refinance Existing Mortgage and Finance Closing Costs.—A mortgage described in paragraph (1) may provide financing of amounts that are used to satisfy outstanding mortgage obligations (in accordance with such limitations as the Secretary shall prescribe) and any amounts used for initial service charges, appraisal, inspection, and other fees (as approved by the Secretary) in connection with such mortgage, and the amount of future payments described in subsection (b)(3) under the mortgage shall be reduced accordingly.

"(3) Definition.—For purposes of this subsection, the term 'qualified long-term care insurance contract' has the meaning given such term in section 7702B of the Internal Revenue Code of 1986 (26 U.S.C. 7702B)), except that such contract shall also meet the requirements of—

"(A) sections 9 (relating to disclosure), 24 (relating to suitability), and 26 (relating to contingent nonforfeiture) of the long-term care insurance model regulation promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000); and

"(B) section 8 (relating to contingent nonforfeiture) of the long-term care insurance model Act promulgated by the National Association of Insurance Commissioners (as adopted as of September 2000).".

(2) Applicability.—The provisions of section 255(l) of the National Housing Act (as added by paragraph (1) of this subsection) shall apply only to mortgages closed on or after April 1, 2001.

(d) Study of Single National Mortgage Limit.—The Secretary of Housing and Urban Development shall conduct an actuarially based study of the effects of establishing, for mortgages insured under section 255 of the National Housing Act (12 U.S.C. 1715z-20), a single maximum mortgage amount limitation in lieu of applicability of section 203(b)(2) of such Act (12 U.S.C. 1709(b)(2)). The study shall—

(1) examine the effects of establishing such limitation at different dollar amounts; and

(2) examine the effects of such various limitations on—

(A) the risks to the General Insurance Fund established under section 519 of such Act;

(B) the mortgage insurance premiums that would be required to be charged to mortgagors to ensure actuarial soundness of such Fund; and

(C) take into consideration the various approaches to providing credit to borrowers who refinance home equity conversion mortgages insured under section 255 of such Act. Not later than 180 days after the date of the enactment of this Act, the Secretary shall complete the study under this subsection and submit a report describing the study and the results of the study to the Committee on Banking and Financial Services of the House of Representatives and to the Committee on Banking, Housing, and Urban Affairs of the Senate.

SEC. 202. ASSISTANCE FOR SELF-HELP HOUSING PROVIDERS.

(a) Reauthorization.—Subsection (p) of section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended to read as follows:

"(p) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2001.".

(b) Eligible Expenses.—Section 11(d)(2)(A) of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended by inserting before the period at the end the following: ", which may include reimbursing an organization, consortium, or affiliate, upon approval of any required environmental review, for nongrant amounts of the organization, consortium, or affiliate advanced before such review to acquire land".

(c) Deadline for Recapture of Funds.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (i)(5)—

(A) by striking "if the organization or consortia has not used any grant amounts" and inserting "the Secretary shall recapture any grant amounts provided to the organization or consortia that are not used";

(B) by striking "(or," and inserting ", except that such period shall be 36 months"; and

(C) by striking "within 36 months), the Secretary shall recapture such unused amounts" and inserting "and in the case of a grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts"; and

(2) in subsection (j), by inserting after "carry out this section" the following: "and grant amounts provided to a local affiliate of the organization or consortia that is developing five or more dwellings in connection with such grant amounts".

(d) Technical Corrections.—Section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note) is amended—

(1) in subsection (b)(4), by striking "Habitat for Humanity International, its affiliates, and other"; and

(2) in subsection (e)(2), by striking "consoria" and inserting "consortia".

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

SEC. 301. DOWNPAYMENT ASSISTANCE.

(a) Amendments.—Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

"(7) Downpayment assistance.—

"(A) Authority.—A public housing agency may, in lieu of providing monthly assistance payments under this subsection on behalf of a family eligible for such assistance and at the discretion of the public housing agency, provide assistance for the family in the form of a single grant to be used only as a contribution toward the downpayment required in connection with the purchase of a dwelling for fiscal year 2000 and each fiscal year thereafter to the extent provided in advance in appropriations Acts.

"(B) Amount.—The amount of a downpayment grant on behalf of an assisted family may not exceed the amount that is equal to the sum of the assistance payments that would be made during the first year of assistance on behalf of the family, based upon the income of the family at the time the grant is to be made.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect immediately after the amendments made by section 555(c) of the Quality Housing and Work Responsibility Act of 1998 take effect pursuant to such section.

SEC. 302. PILOT PROGRAM FOR HOMEOWNERSHIP ASSISTANCE FOR DISABLED FAMILIES.

(a) In General.—A public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) may provide assistance for a disabled family that purchases a dwelling unit (including a dwelling unit under a lease-purchase agreement) that will be owned by one or more members of the disabled family and will be occupied by the disabled family, if the disabled family—

(1) purchases the dwelling unit before the expiration of the 3-year period beginning on the date that the Secretary first implements the pilot program under this section;

(2) demonstrates that the disabled family has income from employment or other sources (including public assistance), as determined in accordance with requirements of the Secretary, that is not less than twice the payment standard established by the public housing agency (or such other amount as may be established by the Secretary);

(3) except as provided by the Secretary, demonstrates at the time the disabled family initially receives tenant-based assistance under this section that one or more adult members of the disabled family have achieved employment for the period as the Secretary shall require;

(4) participates in a homeownership and housing counseling program provided by the agency; and

(5) meets any other initial or continuing requirements established by the public housing agency in accordance with requirements established by the Secretary.

(b) DETERMINATION OF AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—

(A) MONTHLY EXPENSES NOT EXCEEDING PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, do not exceed the payment standard, the monthly assistance payment shall be the amount by which the homeownership expenses exceed the highest of the following amounts, rounded to the nearest dollar:

(i) 30 percent of the monthly adjusted income of the disabled family.

(ii) 10 percent of the monthly income of the disabled family.

(iii) If the disabled family is receiving payments for welfare assistance from a public agency, and a portion of those payments, adjusted in accordance with the actual housing costs of the disabled family, is specifically designated by that agency to meet the housing costs of the disabled family, the portion of those payments that is so designated.

(B) MONTHLY EXPENSES EXCEED PAYMENT STANDARD.—If the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, exceed the payment standard, the monthly assistance payment shall be the amount by which the applicable payment standard exceeds the highest of the amounts under clauses (i), (ii), and (iii) of subparagraph (A).

(2) CALCULATION OF AMOUNT.—

(A) LOW-INCOME FAMILIES.—A disabled family that is a low-income family shall be eligible to receive 100 percent of the amount calculated under paragraph (1).

(B) INCOME BETWEEN 81 AND 89 PERCENT OF MEDIAN.—A disabled family whose income is between 81 and 89 percent of the median for the area shall be eligible to receive 66 percent of the amount calculated under paragraph (1).

(C) INCOME BETWEEN 90 AND 99 PERCENT OF MEDIAN.—A disabled family whose income is between 90 and 99 percent of the median for the area shall be eligible to receive 33 percent of the amount calculated under paragraph (1).

(D) INCOME MORE THAN 99 PERCENT OF MEDIAN.—A disabled family whose income is more than 99 percent of the median for the area shall not be eligible to receive assistance under this section.

(c) INSPECTIONS AND CONTRACT CONDITIONS.—

(1) IN GENERAL.—Each contract for the purchase of a dwelling unit to be assisted under this section shall—

(A) provide for pre-purchase inspection of the dwelling unit by an independent professional; and

(B) require that any cost of necessary repairs be paid by the seller.

(2) ANNUAL INSPECTIONS NOT REQUIRED.—The requirement under subsection (o)(8)(A)(ii) of section 8 of the United States Housing Act of 1937 for annual inspections shall not apply to dwelling units assisted under this section.

(d) OTHER AUTHORITY OF THE SECRETARY.—The Secretary may—

(1) limit the term of assistance for a disabled family assisted under this section;

(2) provide assistance for a disabled family for the entire term of a mortgage for a dwelling unit if the disabled family remains eligible for such assistance for such term; and

(3) modify the requirements of this section as the Secretary determines to be necessary to make appropriate adaptations for lease-purchase agreements.

(e) ASSISTANCE PAYMENTS SENT TO LENDER.—The Secretary shall remit assistance payments under this section directly to the mortgagee of the dwelling unit purchased by the disabled family receiving such assistance payments.

(f) INAPPLICABILITY OF CERTAIN PROVISIONS.—Assistance under this section shall not be subject to the requirements of the following provisions:

(1) Subsection (c)(3)(B) of section 8 of the United States Housing Act of 1937.

(2) Subsection (d)(1)(B)(i) of section 8 of the United States Housing Act of 1937.

(3) Any other provisions of section 8 of the United States Housing Act of 1937 governing maximum amounts payable to owners and amounts payable by assisted families.

(4) Any other provisions of section 8 of the United States Housing Act of 1937 concerning contracts between public housing agencies and owners.

(5) Any other provisions of the United States Housing Act of 1937 that are inconsistent with the provisions of this section.

(g) REVERSION TO RENTAL STATUS.—

(1) NON-FHA MORTGAGES.—If a disabled family receiving assistance under this section defaults under a mortgage not insured under the National Housing Act, the disabled family may not continue to receive rental assistance under section 8 of the United States Housing Act of 1937 unless it complies with requirements established by the Secretary.

(2) ALL MORTGAGES.—A disabled family receiving assistance under this section that defaults under a mortgage may not receive assistance under this section for occupancy of another dwelling unit owned by 1 or more members of the disabled family.

(3) EXCEPTION.—This subsection shall not apply if the Secretary determines that the disabled family receiving assistance under this section defaulted under a mortgage due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(h) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall issue regulations to implement this section. Such regulations may not prohibit any public housing agency providing tenant-based assistance on behalf of an eligible family under section 8 of the United States Housing Act of 1937 from participating in the pilot program under this section.

(i) DEFINITION OF DISABLED FAMILY.—For the purposes of this section, the term "disabled family" has the meaning given the term "person with disabilities" in section 811(k)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(2)).

SEC. 303. FUNDING FOR PILOT PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2001 for assistance in connection with the existing homeownership pilot programs carried out under the demonstration program authorized under to section 555(b) of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276; 112 Stat. 2613).

(b) USE.—Subject to subsection (c), amounts made available pursuant to this section shall be used only through such homeownership pilot programs to provide, on behalf of families participating in such programs, amounts for downpayments in connection with dwellings purchased by such families using assistance made available under section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)). No such downpayment grant may exceed 20 percent of the appraised value of the dwelling purchased with assistance under such section 8(y).

(c) MATCHING REQUIREMENT.—The amount of assistance made available under this section for any existing homeownership pilot program may not exceed twice the amount donated from sources other than this section for use under the program for assistance described in subsection (b). Amounts donated from other sources may include amounts from State housing finance agencies and Neighborhood Housing Services of America.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Private Mortgage Insurance Technical Corrections and Clarification Act".

SEC. 402. CHANGES IN AMORTIZATION SCHEDULE.

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking "amortization schedules" and inserting "the amortization schedule then in effect";

(B) in paragraph (16)(B), by striking "amortization schedules" and inserting "the amortization schedule then in effect";

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

"(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

"(B) the unpaid balance of the loan after each such scheduled payment is made."; and

(2) in section 3(f)(1)(B)(ii), by striking "amortization schedules" and inserting "the amortization schedule then in effect".

(b) TREATMENT OF BALLOON MORTGAGES.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: "A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.".

(c) TREATMENT OF LOAN MODIFICATIONS.—

(1) IN GENERAL.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

"(d) TREATMENT OF LOAN MODIFICATIONS.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.".

(2) Conforming amendments.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "section 3(f)(1)" and inserting "section 3(g)(1)";

(ii) in subparagraph (A)(ii)(IV), by striking "section 3(f)" and inserting "section 3(g)"; and

(iii) in subparagraph (B)(iii), by striking "section 3(f)" and inserting "section 3(g)"; and

(B) in paragraph (2), by striking "section 3(f)(1)" and inserting "section 3(g)(1)".

SEC. 403. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) Termination of Private Mortgage Insurance.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting "on residential mortgage transactions" after "imposed"; and

(2) in subsection (g) (as so redesignated by the preceding provisions of this title)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "mortgage or";

(B) in paragraph (2), by striking "mortgage or"; and

(C) in paragraph (3), by striking "mortgage or" and inserting "residential mortgage or residential".

(b) Disclosure Requirements.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "mortgage or" the first place it appears; and

(ii) by striking "mortgage or" the second place it appears and inserting "residential"; and

(B) in paragraph (2), by striking "mortgage or" and inserting "residential";

(2) in subsection (c), by striking "paragraphs (1)(B) and (3) of subsection (a)" and inserting "subsection (a)(3)"; and

(3) in subsection (d), by inserting before the period at the end the following: ", which disclosures shall relate to the mortgagor's rights under this Act".

(c) Disclosure Requirements for Lender-Paid Mortgage Insurance.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "a residential mortgage or"; and

(B) in paragraph (2), by inserting "transaction" after "residential mortgage"; and

(2) in subsection (d), by inserting "transaction" after "residential mortgage".

SEC. 404. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "cancellation date" the following: "or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)";

(B) in paragraph (2), by striking "and" at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) is current on the payments required by the terms of the residential mortgage transaction; and"; and

(2) in subsection (e)(1)(B) (as so redesignated by the preceding provisions of this title), by striking "subsection (a)(3)" and inserting "subsection (a)(4)".

SEC. 405. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) Good Payment History.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "the later of (i)" before "the date"; and

(B) by inserting ", or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)" before the semicolon; and

(2) in subparagraph (B)—

(A) by inserting "the later of (i)" before "the date"; and

(B) by inserting ", or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)" before the period at the end.

(b) Automatic Termination.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

"(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction."

(c) Premium Payments.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

"(h) Accrued Obligation for Premium Payments.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.".

SEC. 406. DEFINITIONS.

(a) Refinanced.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after "refinanced" the following: "(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))".

(b) Midpoint of the Amortization Period.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by the preceding provisions of this title) the following new paragraph:

"(7) Midpoint of the amortization period.—The term 'midpoint of the amortization period' means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.".

(c) Original Value.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by the preceding provisions of this title) is amended—

(1) by inserting "transaction" after "a residential mortgage"; and

(2) by adding at the end the following new sentence: "In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.".

(d) Principal Residence.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by the preceding provisions of this title) by striking "primary" and inserting "principal"; and

(2) in paragraph (15) (as so redesignated by the preceding provisions of this title) by striking "primary" and inserting "principal".

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

SEC. 501. LANDS TITLE REPORT COMMISSION.

(a) Establishment.—Subject to sums being provided in advance in appropriations Acts, there is established a Commission to be known as the Lands Title Report Commission (hereafter in this section referred to as the "Commission") to facilitate home loan mortgages on Indian trust lands. The Commission will be subject to oversight by the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(b) Membership.—

(1) Appointment.—The Commission shall be composed of 12 members, appointed not later than 90 days after the date of the enactment of this Act as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Chairperson of the Committee on Banking and Financial Services of the House of Representatives.

(C) Four members shall be appointed by the Chairperson of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) Qualifications.—

(A) Members of tribes.—At all times, not less than eight of the members of the Commission shall be members of federally recognized Indian tribes.

(B) Experience in land title matters.—All members of the Commission shall have experience in and knowledge of land title matters relating to Indian trust lands.

(3) Chairperson.—The Chairperson of the Commission shall be one of the members of the Commission appointed under paragraph (1)(C), as elected by the members of the Commission.

(4) Vacancies.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(5) Travel expenses.—Members of the Commission shall serve without pay, but each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) Initial Meeting.—The Chairperson of the Commission shall call the initial meeting of the Commission. Such meeting shall be held within 30 days after the Chairperson of the Commission determines that sums sufficient for the Commission to carry out its duties under this Act have been appropriated for such purpose.

(d) Duties.—The Commission shall analyze the system of the Bureau of Indian Affairs of the Department of the Interior for maintaining land ownership records and issuing certified title status reports relating to Indian trust lands and, pursuant to such analysis, determine how best to improve or replace the system—

(1) to ensure prompt and accurate responses to requests for title status reports;

(2) to eliminate any backlog of requests for title status reports; and

(3) to ensure that the administration of the system will not in any way impair or restrict the ability of Native Americans to obtain conventional loans for purchase of residences located on Indian trust lands, including any actions necessary to ensure that the system will promptly be able to meet future demands for certified title status reports, taking into account the anticipated complexity and volume of such requests.

(e) REPORT.—Not later than the date of the termination of the Commission under subsection (h), the Commission shall submit a report to the Committee on Banking and Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the analysis and determinations made pursuant to subsection (d).

(f) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this section.

(6) STAFF.—The Commission may appoint personnel as it considers appropriate, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall pay such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary, and any amounts appropriated pursuant to this subsection shall remain available until expended.

(h) TERMINATION.—The Commission shall terminate 1 year after the date of the initial meeting of the Commission.

SEC. 502. LOAN GUARANTEES.

Section 184(i) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)) is amended—

(1) in paragraph (5), by striking subparagraph (C) and inserting the following new subparagraph:

“(C) LIMITATION ON OUTSTANDING AGGREGATE PRINCIPAL AMOUNT.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section in each fiscal year with an aggregate outstanding principal amount not exceeding such amount as may be provided in appropriation Acts for such fiscal year.”; and

(2) in paragraph (7), by striking “each of fiscal years 1997, 1998, 1999, 2000, and 2001” and inserting “each fiscal year”.

SEC. 503. NATIVE AMERICAN HOUSING ASSISTANCE.

(a) RESTRICTION ON WAIVER AUTHORITY.—

(1) IN GENERAL.—Section 101(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(b)(2)) is amended by striking “if the Secretary” and all that follows through the period at the end and inserting the following: “for a period of not more than 90 days, if the Secretary determines that an Indian tribe has not complied with, or is unable to comply with, those requirements due to exigent circumstances beyond the control of the Indian tribe.”.

(2) LOCAL COOPERATION AGREEMENT.—Section 101(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111(c)) is amended by adding at the end the following: “The Secretary may waive the requirements of this subsection and subsection (d) if the recipient has made a good faith effort to fulfill the requirements of this subsection and subsection (d) and agrees to make payments in lieu of taxes to the appropriate taxing authority in an amount consistent with the requirements of subsection (d)(2) until such time as the matter of making such payments has been resolved in accordance with subsection (d).”.

(b) ASSISTANCE TO FAMILIES THAT ARE NOT LOW-INCOME.—Section 102(c) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112(c)) is amended by adding at the end the following:

“(6) CERTAIN FAMILIES.—With respect to assistance provided under section 201(b)(2) by a recipient to Indian families that are not low-income families, evidence that there is a need for housing for each such family during that period that cannot reasonably be met without such assistance.”.

(c) ELIMINATION OF WAIVER AUTHORITY FOR SMALL TRIBES.—Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(d) ENVIRONMENTAL COMPLIANCE.—Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

“(d) ENVIRONMENTAL COMPLIANCE.—The Secretary may waive the requirements under this section if the Secretary determines that a failure on the part of a recipient to comply with provisions of this section—

“(1) will not frustrate the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) or any other provision of law that furthers the goals of that Act;

“(2) does not threaten the health or safety of the community involved by posing an immediate or long-term hazard to residents of that community;

“(3) is a result of inadvertent error, including an incorrect or incomplete certification provided under subsection (c)(1); and

“(4) may be corrected through the sole action of the recipient.”.

(e) OVERSIGHT.—

(1) REPAYMENT.—Section 209 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4139) is amended to read as follows:

“SEC. 209. NONCOMPLIANCE WITH AFFORDABLE HOUSING REQUIREMENT.

“If a recipient uses grant amounts to provide affordable housing under this title, and at any time during the useful life of the housing the recipient does not comply with the requirement under section 205(a)(2), the Secretary shall take appropriate action under section 401(a).”.

(2) AUDITS AND REVIEWS.—Section 405 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4165) is amended to read as follows:

“SEC. 405. REVIEW AND AUDIT BY SECRETARY.

“(a) REQUIREMENTS UNDER CHAPTER 75 OF TITLE 31, UNITED STATES CODE.—An entity designated by an Indian tribe as a housing entity shall be treated, for purposes of chapter 75 of title 31, United States Code, as a non-Federal entity that is subject to the audit requirements that apply to non-Federal entities under that chapter.

“(b) ADDITIONAL REVIEWS AND AUDITS.—

“(1) IN GENERAL.—In addition to any audit or review under subsection (a), to the extent the Secretary determines such action to be appropriate, the Secretary may conduct an audit or review of a recipient in order to—

“(A) determine whether the recipient—

“(i) has carried out—

“(I) eligible activities in a timely manner; and

“(II) eligible activities and certification in accordance with this Act and other applicable law;

“(ii) has a continuing capacity to carry out eligible activities in a timely manner; and

“(iii) is in compliance with the Indian housing plan of the recipient; and

“(B) verify the accuracy of information contained in any performance report submitted by the recipient under section 404.

“(2) ON-SITE VISITS.—To the extent practicable, the reviews and audits conducted under this subsection shall include on-site visits by the appropriate official of the Department of Housing and Urban Development.

“(c) REVIEW OF REPORTS.—

“(1) IN GENERAL.—The Secretary shall provide each recipient that is the subject of a report made by the Secretary under this section notice that the recipient may review and comment on the report during a period of not less than 30 days after the date on which notice is issued under this paragraph.

“(2) PUBLIC AVAILABILITY.—After taking into consideration any comments of the recipient under paragraph (1), the Secretary—

“(A) may revise the report; and

“(B) not later than 30 days after the date on which those comments are received, shall make the comments and the report (with any revisions made under subparagraph (A)) readily available to the public.

“(d) EFFECT OF REVIEWS.—Subject to section 401(a), after reviewing the reports and audits relating to a recipient that are submitted to the Secretary under this section, the Secretary may adjust the amount of a grant made to a recipient under this Act in accordance with the findings of the Secretary with respect to those reports and audits.”.

(f) Allocation Formula.—Section 302(d)(1) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152(d)(1)) is amended—

(1) by striking "The formula," and inserting the following:

"(A) In general.—Except with respect to an Indian tribe described in subparagraph (B), the formula"; and

(2) by adding at the end the following:

"(B) Certain Indian tribes.—With respect to fiscal year 2001 and each fiscal year thereafter, for any Indian tribe with an Indian housing authority that owns or operates fewer than 250 public housing units, the formula shall provide that if the amount provided for a fiscal year in which the total amount made available for assistance under this Act is equal to or greater than the amount made available for fiscal year 1996 for assistance for the operation and modernization of the public housing referred to in subparagraph (A), then the amount provided to that Indian tribe as modernization assistance shall be equal to the average annual amount of funds provided to the Indian tribe (other than funds provided as emergency assistance) under the assistance program under section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437*l*) for the period beginning with fiscal year 1992 and ending with fiscal year 1997.".

(g) Hearing Requirement.—Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and realigning such subparagraphs (as so redesignated) so as to be indented 4 ems from the left margin;

(2) by striking "Except as provided" and inserting the following:

"(1) In general.—Except as provided";

(3) by striking "If the Secretary takes an action under paragraph (1), (2), or (3)" and inserting the following:

"(2) Continuance of actions.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1)"; and

(4) by adding at the end the following:

"(3) Exception for certain actions.—

"(A) In general.—Notwithstanding any other provision of this subsection, if the Secretary makes a determination that the failure of a recipient of assistance under this Act to comply substantially with any material provision (as that term is defined by the Secretary) of this Act is resulting, and would continue to result, in a continuing expenditure of Federal funds in a manner that is not authorized by law, the Secretary may take an action described in paragraph (1)(C) before conducting a hearing.

"(B) Procedural requirement.—If the Secretary takes an action described in subparagraph (A), the Secretary shall—

"(i) provide notice to the recipient at the time that the Secretary takes that action; and

"(ii) conduct a hearing not later than 60 days after the date on which the Secretary provides notice under clause (i).

"(C) Determination.—Upon completion of a hearing under this paragraph, the Secretary shall make a determination regarding whether to continue taking the action that is the subject of the hearing, or take another action under this subsection.".

(h) Performance Agreement Time Limit.—Section 401(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(b)) is amended—

(1) by striking "If the Secretary" and inserting the following:

"(1) In general.—If the Secretary";

(2) by striking "(1) is not" and inserting the following:

"(A) is not";

(3) by striking "(2) is a result" and inserting the following:

"(B) is a result";

(4) in the flush material following paragraph (1)(B), as redesignated by paragraph (3) of this subsection—

(A) by realigning such material so as to be indented 2 ems from the left margin; and

(B) by inserting before the period at the end the following: ", if the recipient enters into a performance agreement with the Secretary that specifies the compliance objectives that the recipient will be required to achieve by the termination date of the performance agreement"; and

(5) by adding at the end the following:

"(2) Performance agreement.—The period of a performance agreement described in paragraph (1) shall be for 1 year.

"(3) Review.—Upon the termination of a performance agreement entered into under paragraph (1), the Secretary shall review the performance of the recipient that is a party to the agreement.

"(4) Effect of review.—If, on the basis of a review under paragraph (3), the Secretary determines that the recipient—

"(A) has made a good faith effort to meet the compliance objectives specified in the agreement, the Secretary may enter into an additional performance agreement for the period specified in paragraph (2); and

"(B) has failed to make a good faith effort to meet applicable compliance objectives, the Secretary shall determine the recipient to have failed to comply substantially with this Act, and the recipient shall be subject to an action under subsection (a).".

(i) Labor Standards.—Section 104(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(b) is amended—

(1) in paragraph (1), by striking "Davis-Bacon Act (40 U.S.C. 276a–276a–5)" and inserting "Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C 276a et seq.)"; and

(2) by adding at the end the following new paragraph:

"(3) Application of tribal laws.—Paragraph (1) shall not apply to any contract or agreement for assistance, sale, or lease pursuant to this Act, if such contract or agreement is otherwise covered by one or more laws or regulations adopted by an Indian tribe that requires the payment of not less than prevailing wages, as determined by the Indian tribe.".

(j) Technical and Conforming Amendments.—

(1) Table of contents.—Section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended in the table of contents—

(A) by striking the item relating to section 206; and

(B) by striking the item relating to section 209 and inserting the following:

"*209. Noncompliance with affordable housing requirement.*".

(2) Certification of compliance with subsidy layering requirements.—Section 206 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4136) is repealed.

(3) Terminations.—Section 502(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181(a)) is amended by adding at the end the following: "Any housing that is the subject of a contract for tenant-based assistance between the Secretary and an Indian housing authority that is terminated under this section shall, for the following fiscal year and each fiscal year thereafter, be considered to be a dwelling unit under section 302(b)(1).".

Subtitle B—Native Hawaiian Housing

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Hawaiian Homelands Homeownership Act of 2000".

SEC. 512. FINDINGS.

The Congress finds that—

(1) the United States has undertaken a responsibility to promote the general welfare of the United States by—

(A) employing its resources to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income; and

(B) developing effective partnerships with governmental and private entities to accomplish the objectives referred to in subparagraph (A);

(2) the United States has a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians;

(3) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii—Native Hawaiians;

(4) despite the intent of Congress in 1920 to address the housing needs of Native Hawaiians through the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), Native Hawaiians eligible to reside on the Hawaiian home lands have been foreclosed from participating in Federal housing assistance programs available to all other eligible families in the United States;

(5) although Federal housing assistance programs have been administered on a racially neutral basis in the State of Hawaii, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States;

(6) among the Native American population of the United States, Native Hawaiians experience the highest percentage of housing problems in the United States, as the percentage—

(A) of housing problems in the Native Hawaiian population is 49 percent, as compared to—

(i) 44 percent for American Indian and Alaska Native households in Indian country; and

(ii) 27 percent for all other households in the United States; and

(B) overcrowding in the Native Hawaiian population is 36 percent as compared to 3 percent for all other households in the United States;

(7) among the Native Hawaiian population, the needs of Native Hawaiians, as that term is defined in section 801 of the Native American Housing Assistance and Self-Determination Act of 1996 (as added by this subtitle), eligible to reside on the Hawaiian Home Lands are the most severe, as—

(A) the percentage of overcrowding in Native Hawaiian households on the Hawaiian Home Lands is 36 percent; and

(B) approximately 13,000 Native Hawaiians, which constitute 95 percent of the Native Hawaiians who are eligible to reside on the Hawaiian Home Lands, are in need of housing;

(8) applying the Department of Housing and Urban Development guidelines—

(A) 70.8 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes that fall below the median family income; and

(B) 50 percent of Native Hawaiians who either reside or who are eligible to reside on the Hawaiian Home Lands have incomes below 30 percent of the median family income;

(9) ⅓ of those Native Hawaiians who are eligible to reside on the Hawaiian Home Lands pay more than 30 percent of their income for shelter, and ½ of those Native Hawaiians face overcrowding;

(10) the extraordinarily severe housing needs of Native Hawaiians demonstrate that Native Hawaiians who either reside on, or are eligible to reside on, Hawaiian Home Lands have been denied equal access to Federal low-income housing assistance programs available to other qualified residents of the United States, and that a more effective means of addressing their housing needs must be authorized;

(11) consistent with the recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing, and in order to address the continuing prevalence of extraordinarily severe housing needs among Native Hawaiians who either reside or are eligible to reside on the Hawaiian Home Lands, Congress finds it necessary to extend the Federal low-income housing assistance available to American Indians and Alaska Natives under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) to those Native Hawaiians;

(12) under the treatymaking power of the United States, Congress had the constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(13) the United States has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

(E) the aboriginal, indigenous people of the United States have—

(i) a continuing right to autonomy in their internal affairs; and

(ii) an ongoing right of self-determination and self-governance that has never been extinguished;

(14) the political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States as evidenced by the inclusion of Native Hawaiians in—

(A) the Native American Programs Act of 1974 (42 U.S.C. 2291 et seq.);

(B) the American Indian Religious Freedom Act (42 U.S.C. 1996 et seq.);

(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

(F) the Native American Languages Act of 1992 (106 Stat. 3434);

(G) the American Indian, Alaska Native and Native Hawaiian Culture and Arts Development Act (20 U.S.C. 4401 et seq.);

(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.); and

(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

(15) in the area of housing, the United States has recognized and reaffirmed the political relationship with the Native Hawaiian people through—

(A) the enactment of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), which set aside approximately 200,000 acres of public lands that became known as Hawaiian Home Lands in the Territory of Hawaii that had been ceded to the United States for homesteading by Native Hawaiians in order to rehabilitate a landless and dying people;

(B) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4)—

(i) by ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust, for the betterment of the conditions of Native Hawaiians, as that term is defined in section 201 of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.); and

(ii) by transferring the United States responsibility for the administration of Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.), enacted by the legislature of the State of Hawaii affecting the rights of beneficiaries under the Act;

(C) the authorization of mortgage loans insured by the Federal Housing Administration for the purchase, construction, or refinancing of homes on Hawaiian Home Lands under the National Housing Act (Public Law 479; 73d Congress; 12 U.S.C. 1701 et seq.);

(D) authorizing Native Hawaiian representation on the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing under Public Law 101–235;

(E) the inclusion of Native Hawaiians in the definition under section 3764 of title 38, United States Code, applicable to subchapter V of chapter 37 of title 38, United States Code (relating to a housing loan program for Native American veterans); and

(F) the enactment of the Hawaiian Home Lands Recovery Act (109 Stat. 357; 48 U.S.C. 491, note prec.) which establishes a process for the conveyance of Federal lands to the Department of Hawaiian Homes Lands that are equivalent in value to lands acquired by the United States from the Hawaiian Home Lands inventory.

SEC. 513. HOUSING ASSISTANCE.

The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by adding at the end the following:

"TITLE VIII—HOUSING ASSISTANCE FOR NATIVE HAWAIIANS

"SEC. 801. DEFINITIONS.

"In this title:

"(1) DEPARTMENT OF HAWAIIAN HOME LANDS; DEPARTMENT.—The term 'Department of Hawaiian Home Lands' or 'Department' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) DIRECTOR.—The term 'Director' means the Director of the Department of Hawaiian Home Lands.

"(3) ELDERLY FAMILIES; NEAR-ELDERLY FAMILIES.—

"(A) IN GENERAL.—The term 'elderly family' or 'near-elderly family' means a family whose head (or his or her spouse), or whose sole member, is—

"(i) for an elderly family, an elderly person; or

"(ii) for a near-elderly family, a near-elderly person.

"(B) CERTAIN FAMILIES INCLUDED.—The term 'elderly family' or 'near-elderly family' includes—

"(i) two or more elderly persons or near-elderly persons, as the case may be, living together; and

"(ii) one or more persons described in clause (i) living with one or more persons determined under the housing plan to be essential to their care or well-being.

"(4) HAWAIIAN HOME LANDS.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status as Hawaiian home lands under section 204 of the Hawaiian Homes Commission Act, 1920(42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(5) HOUSING AREA.—The term 'housing area' means an area of Hawaiian Home Lands with respect to which the Department of Hawaiian Home Lands is authorized to provide assistance for affordable housing under this Act.

"(6) HOUSING ENTITY.—The term 'housing entity' means the Department of Hawaiian Home Lands.

"(7) HOUSING PLAN.—The term 'housing plan' means a plan developed by the Department of Hawaiian Home Lands.

"(8) MEDIAN INCOME.—The term 'median income' means, with respect to an area that is a Hawaiian housing area, the greater of—

"(A) the median income for the Hawaiian housing area, which shall be determined by the Secretary; or

"(B) the median income for the State of Hawaii.

"(9) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

"(iii) birth records of the State of Hawaii.

"SEC. 802. BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

"(a) GRANT AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make a grant under this title, to the Department of Hawaiian Home Lands to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands.

"(b) PLAN REQUIREMENT.—

"(1) IN GENERAL.—The Secretary may make a grant under this title to the Department of Hawaiian Home Lands for a fiscal year only if—

"(A) the Director has submitted to the Secretary a housing plan for that fiscal year; and

"(B) the Secretary has determined under section 804 that the housing plan complies with the requirements of section 803.

"(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in part, if the Secretary finds that the Department of Hawaiian Home Lands has not complied or cannot comply with those requirements due to circumstances beyond the control of the Department of Hawaiian Home Lands.

"(c) USE OF AFFORDABLE HOUSING ACTIVITIES UNDER PLAN.—Except as provided in subsection (e), amounts provided under a grant under this section may be used only for affordable housing activities under this title that are consistent with a housing plan approved under section 804.

"(d) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Secretary shall, by regulation, authorize the Department of Hawaiian Home Lands to use a percentage of any grant amounts received under this title for any reasonable administrative and planning expenses of the Department relating to carrying out this title and activities assisted with those amounts.

"(2) ADMINISTRATIVE AND PLANNING EXPENSES.—The administrative and planning expenses referred to in paragraph (1) include—

"(A) costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title; and

"(B) expenses incurred in preparing a housing plan under section 803.

"(e) PUBLIC-PRIVATE PARTNERSHIPS.—The Director shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing a housing plan that has been approved by the Secretary under section 803.

"SEC. 803. HOUSING PLAN.

"(a) PLAN SUBMISSION.—The Secretary shall—

"(1) require the Director to submit a housing plan under this section for each fiscal year; and

"(2) provide for the review of each plan submitted under paragraph (1).

"(b) FIVE-YEAR PLAN.—Each housing plan under this section shall—

"(1) be in a form prescribed by the Secretary; and

"(2) contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

"(A) MISSION STATEMENT.—A general statement of the mission of the Department of Hawaiian Home Lands to serve the needs of the low-income families to be served by the Department.

"(B) GOAL AND OBJECTIVES.—A statement of the goals and objectives of the Department of Hawaiian Home Lands to enable the Department to serve the needs identified in subparagraph (A) during the period.

"(C) ACTIVITIES PLANS.—An overview of the activities planned during the period including an analysis of the manner in which the activities will enable the Department to meet its mission, goals, and objectives.

"(c) ONE-YEAR PLAN.—A housing plan under this section shall—

"(1) be in a form prescribed by the Secretary; and

"(2) contain the following information relating to the fiscal year for which the assistance under this title is to be made available:

"(A) GOALS AND OBJECTIVES.—A statement of the goals and objectives to be accomplished during the period covered by the plan.

"(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income families served by the Department and the means by which those needs will be addressed during the period covered by the plan, including—

"(i) a description of the estimated housing needs and the need for assistance for the low-income families to be served by the Department, including a description of the manner in which the geographical distribution of assistance is consistent with—

"(I) the geographical needs of those families; and

"(II) needs for various categories of housing assistance; and

"(ii) a description of the estimated housing needs for all families to be served by the Department.

"(C) FINANCIAL RESOURCES.—An operating budget for the Department of Hawaiian Home Lands, in a form prescribed by the Secretary, that includes—

"(i) an identification and a description of the financial resources reasonably available to the Department to carry out the purposes of this title, including an explanation of the manner in which amounts made available will be used to leverage additional resources; and

"(ii) the uses to which the resources described in clause (i) will be committed, including—

"(I) eligible and required affordable housing activities; and

"(II) administrative expenses.

"(D) AFFORDABLE HOUSING RESOURCES.—A statement of the affordable housing resources currently available at the time of the submittal of the plan and to be made available during the period covered by the plan, including—

"(i) a description of the significant characteristics of the housing market in the State of Hawaii, including the availability of housing from other public sources, private market housing;

"(ii) the manner in which the characteristics referred to in clause (i) influence the decision of the Department of Hawaiian Home Lands to use grant amounts to be provided under this title for—

"(I) rental assistance;

"(II) the production of new units;

"(III) the acquisition of existing units; or

"(IV) the rehabilitation of units;

"(iii) a description of the structure, coordination, and means of cooperation between the Department of Hawaiian Home Lands and any other governmental entities in the development, submission, or implementation of housing plans, including a description of—

"(I) the involvement of private, public, and nonprofit organizations and institutions;

"(II) the use of loan guarantees under section 184A of the Housing and Community Development Act of 1992; and

"(III) other housing assistance provided by the United States, including loans, grants, and mortgage insurance;

"(iv) a description of the manner in which the plan will address the needs identified pursuant to subparagraph (C);

"(v) a description of—

"(I) any existing or anticipated homeownership programs and rental programs to be carried out during the period covered by the plan; and

"(II) the requirements and assistance available under the programs referred to in subclause (I);

"(vi) a description of—

"(I) any existing or anticipated housing rehabilitation programs necessary to ensure the long-term viability of the housing to be carried out during the period covered by the plan; and

"(II) the requirements and assistance available under the programs referred to in subclause (I);

"(vii) a description of—

"(I) all other existing or anticipated housing assistance provided by the Department of Hawaiian Home Lands during the period covered by the plan, including—

"(aa) transitional housing;

"(bb) homeless housing;

"(cc) college housing; and

"(dd) supportive services housing; and

"(II) the requirements and assistance available under such programs;

"(viii)(I) a description of any housing to be demolished or disposed of;

"(II) a timetable for that demolition or disposition; and

"(III) any other information required by the Secretary with respect to that demolition or disposition;

"(ix) a description of the manner in which the Department of Hawaiian Home Lands will coordinate with welfare agencies in the State of Hawaii to ensure that residents of the affordable housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency;

"(x) a description of the requirements established by the Department of Hawaiian Home Lands to—

"(I) promote the safety of residents of the affordable housing;

"(II) facilitate the undertaking of crime prevention measures;

"(III) allow resident input and involvement, including the establishment of resident organizations; and

"(IV) allow for the coordination of crime prevention activities between the Department and local law enforcement officials; and

"(xi) a description of the entities that will carry out the activities under the plan, including the organizational capacity and key personnel of the entities.

"(E) CERTIFICATION OF COMPLIANCE.—Evidence of compliance that shall include, as appropriate—

"(i) a certification that the Department of Hawaiian Home Lands will comply with—

"(I) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out this title, to the extent that such title is applicable; and

"(II) other applicable Federal statutes;

"(ii) a certification that the Department will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this title, in compliance with such requirements as may be established by the Secretary;

"(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title;

"(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this title; and

"(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this title.

"(d) APPLICABILITY OF CIVIL RIGHTS STATUTES.—

"(1) IN GENERAL.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C. 3601 et seq.) apply to assistance provided under this title, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of assistance under this title—

"(A) to the Department of Hawaiian Home Lands on the basis that the Department served Native Hawaiians; or

"(B) to an eligible family on the basis that the family is a Native Hawaiian family.

"(2) CIVIL RIGHTS.—Program eligibility under this title may be restricted to Native Hawaiians. Subject to the preceding sentence, no person may be discriminated against on the basis of race, color, national origin, religion, sex, familial status, or disability.

"(e) USE OF NONPROFIT ORGANIZATIONS.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands shall, to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

"SEC. 804. REVIEW OF PLANS.

"(a) REVIEW AND NOTICE.—

"(1) REVIEW.—

"(A) IN GENERAL.—The Secretary shall conduct a review of a housing plan submitted to the Secretary under section 803 to ensure that the plan complies with the requirements of that section.

"(B) LIMITATION.—The Secretary shall have the discretion to review a plan referred to in subparagraph (A) only to the extent that the Secretary considers that the review is necessary.

"(2) NOTICE.—

"(A) IN GENERAL.—Not later than 60 days after receiving a plan under section 803, the Secretary shall notify the Director of the Department of Hawaiian Home Lands whether the plan complies with the requirements under that section.

"(B) EFFECT OF FAILURE OF SECRETARY TO TAKE ACTION.—For purposes of this title, if the Secretary does not notify the Director, as required under this subsection and subsection (b), upon the expiration of the 60-day period described in subparagraph (A)—

"(i) the plan shall be considered to have been determined to comply with the requirements under section 803; and

"(ii) the Director shall be considered to have been notified of compliance.

"(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan submitted under section 803 does not comply with the requirements of that section, the Secretary shall specify in the notice under subsection (a)—

"(1) the reasons for noncompliance; and

"(2) any modifications necessary for the plan to meet the requirements of section 803.

"(c) REVIEW.—

"(1) IN GENERAL.—After the Director of the Department of Hawaiian Home Lands submits a housing plan under section 803, or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make a determination under this subsection, the Secretary shall review the plan (including any amendments or modifications thereto) to determine whether the contents of the plan—

"(A) set forth the information required by section 803 to be contained in the housing plan;

"(B) are consistent with information and data available to the Secretary; and

"(C) are not prohibited by or inconsistent with any provision of this Act or any other applicable law.

"(2) INCOMPLETE PLANS.—If the Secretary determines under this subsection that any of the appropriate certifications required under section 803(c)(2)(E) are not included in a plan, the plan shall be considered to be incomplete.

"(d) UPDATES TO PLAN.—

"(1) IN GENERAL.—Subject to paragraph (2), after a plan under section 803 has been submitted for a fiscal year, the Director of the Department of Hawaiian Home Lands may comply with the provisions of that section for any succeeding fiscal year (with respect to information included for the 5-year period under section 803(b) or for the 1-year period under section 803(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

"(2) COMPLETE PLANS.—The Director shall submit a complete plan under section 803 not later than 4 years after submitting an initial plan under that section, and not less frequently than every 4 years thereafter.

"(e) EFFECTIVE DATE.—This section and section 803 shall take effect on the date provided by the Secretary pursuant to section 807(a) to provide for timely submission and review of the housing plan as necessary for the provision of assistance under this title for fiscal year 2001.

"SEC. 805. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

"(a) PROGRAM INCOME.—

"(1) AUTHORITY TO RETAIN.—The Department of Hawaiian Home Lands may retain any program income that is realized from any grant amounts received by the Department under this title if—

"(A) that income was realized after the initial disbursement of the grant amounts received by the Department; and

"(B) the Director agrees to use the program income for affordable housing activities in accordance with the provisions of this title.

"(2) PROHIBITION OF REDUCTION OF GRANT.—The Secretary may not reduce the grant amount for the Department of Hawaiian Home Lands based solely on—

"(A) whether the Department retains program income under paragraph (1); or

"(B) the amount of any such program income retained.

"(3) EXCLUSION OF AMOUNTS.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the Department.

"(b) LABOR STANDARDS.—

"(1) IN GENERAL.—Any contract or agreement for assistance, sale, or lease pursuant to this title shall contain—

"(A) a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and

"(B) a provision that an amount not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act commonly known as the 'Davis-Bacon Act' (46 Stat. 1494; chapter 411; 40 U.S.C. 276a et seq.) shall be paid to all laborers and mechanics employed in the development of the affordable housing involved.

"(2) EXCEPTIONS.—Paragraph (1) and provisions relating to wages required under paragraph (1) in any contract or agreement for assistance, sale, or lease under this title, shall not apply to any individual who performs the services for which the individual volunteered and who is not otherwise employed at any time in the construction work and received no compensation or is paid expenses, reasonable benefits, or a nominal fee for those services.

"SEC. 806. ENVIRONMENTAL REVIEW.

"(a) IN GENERAL.—

"(1) RELEASE OF FUNDS.—

"(A) IN GENERAL.—The Secretary may carry out the alternative environmental protection procedures described in subparagraph (B) in order to ensure—

"(i) that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title; and

"(ii) to the public undiminished protection of the environment.

"(B) ALTERNATIVE ENVIRONMENTAL PROTECTION PROCEDURE.—In lieu of applying environmental protection procedures otherwise applicable, the Secretary may by regulation provide for the release of funds for specific projects to the Department of Hawaiian Home Lands if the Director of the Department assumes all of the responsibilities for environmental review, decisionmaking, and action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake those projects as Federal projects.

"(2) REGULATIONS.—

"(A) IN GENERAL.—The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality.

"(B) CONTENTS.—The regulations issued under this paragraph shall—

"(i) provide for the monitoring of the environmental reviews performed under this section;

"(ii) in the discretion of the Secretary, facilitate training for the performance of such reviews; and

"(iii) provide for the suspension or termination of the assumption of responsibilities under this section.

"(3) EFFECT ON ASSUMED RESPONSIBILITY.—The duty of the Secretary under paragraph (2)(B) shall not be construed to limit or reduce any responsibility assumed by the Department of Hawaiian Home Lands for grant amounts with respect to any specific release of funds.

"(b) Procedure.—

"(1) In general.—The Secretary shall authorize the release of funds subject to the procedures under this section only if, not less than 15 days before that approval and before any commitment of funds to such projects, the Director of the Department of Hawaiian Home Lands submits to the Secretary a request for such release accompanied by a certification that meets the requirements of subsection (c).

"(2) Effect of approval.—The approval of the Secretary of a certification described in paragraph (1) shall be deemed to satisfy the responsibilities of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and such other provisions of law as the regulations of the Secretary specify to the extent that those responsibilities relate to the releases of funds for projects that are covered by that certification.

"(c) Certification.—A certification under the procedures under this section shall—

"(1) be in a form acceptable to the Secretary;

"(2) be executed by the Director of the Department of Hawaiian Home Lands;

"(3) specify that the Department of Hawaiian Home Lands has fully carried out its responsibilities as described under subsection (a); and

"(4) specify that the Director—

"(A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and each provision of law specified in regulations issued by the Secretary to the extent that those laws apply by reason of subsection (a); and

"(B) is authorized and consents on behalf of the Department of Hawaiian Home Lands and the Director to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities of the Director of the Department of Hawaiian Home Lands as such an official.

"SEC. 807. REGULATIONS.

"The Secretary shall issue final regulations necessary to carry out this title not later than October 1, 2001.

"SEC. 808. EFFECTIVE DATE.

"Except as otherwise expressly provided in this title, this title shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

"SEC. 809. AFFORDABLE HOUSING ACTIVITIES.

"(a) National Objectives and Eligible Families.—

"(1) Primary objective.—The national objectives of this title are—

"(A) to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income Native Hawaiian families;

"(B) to ensure better access to private mortgage markets and to promote self-sufficiency of low-income Native Hawaiian families;

"(C) to coordinate activities to provide housing for low-income Native Hawaiian families with Federal, State and local activities to further economic and community development;

"(D) to plan for and integrate infrastructure resources on the Hawaiian Home Lands with housing development; and

"(E) to—

"(i) promote the development of private capital markets; and

"(ii) allow the markets referred to in clause (i) to operate and grow, thereby benefiting Native Hawaiian communities.

"(2) Eligible families.—

"(A) In general.—Except as provided under subparagraph (B), assistance for eligible housing activities under this title shall be limited to low-income Native Hawaiian families.

"(B) Exception to low-income requirement.—

"(i) In general.—The Director may provide assistance for homeownership activities under—

"(I) section 810(b);

"(II) model activities under section 810(f); or

"(III) loan guarantee activities under section 184A of the Housing and Community Development Act of 1992 to Native Hawaiian families who are not low-income families, to the extent that the Secretary approves the activities under that section to address a need for housing for those families that cannot be reasonably met without that assistance.

"(ii) Limitations.—The Secretary shall establish limitations on the amount of assistance that may be provided under this title for activities for families that are not low-income families.

"(C) Other families.—Notwithstanding paragraph (1), the Director may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title to a family that is not composed of Native Hawaiians if—

"(i) the Department determines that the presence of the family in the housing involved is essential to the well-being of Native Hawaiian families; and

"(ii) the need for housing for the family cannot be reasonably met without the assistance.

"(D) Preference.—

"(i) In general.—A housing plan submitted under section 803 may authorize a preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title to be provided, to the extent practicable, to families that are eligible to reside on the Hawaiian Home Lands.

"(ii) Application.—In any case in which a housing plan provides for preference described in clause (i), the Director shall ensure that housing activities that are assisted with grant amounts under this title are subject to that preference.

"(E) Use of nonprofit organizations.—As a condition of receiving grant amounts under this title, the Department of Hawaiian Home Lands, shall to the extent practicable, provide for private nonprofit organizations experienced in the planning and development of affordable housing for Native Hawaiians to carry out affordable housing activities with those grant amounts.

"SEC. 810. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

"(a) In General.—Affordable housing activities under this section are activities conducted in accordance with the requirements of section 811 to—

"(1) develop or to support affordable housing for rental or homeownership; or

"(2) provide housing services with respect to affordable housing, through the activities described in subsection (b).

"(b) Activities.—The activities described in this subsection are the following:

"(1) Development.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include—

"(A) real property acquisition;

"(B) site improvement;

"(C) the development of utilities and utility services;

"(D) conversion;

"(E) demolition;

"(F) financing;

"(G) administration and planning; and

"(H) other related activities.

"(2) Housing services.—The provision of housing-related services for affordable housing, including—

"(A) housing counseling in connection with rental or homeownership assistance;

"(B) the establishment and support of resident organizations and resident management corporations;

"(C) energy auditing;

"(D) activities related to the provisions of self-sufficiency and other services; and

"(E) other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in other housing activities assisted pursuant to this section.

"(3) Housing management services.—The provision of management services for affordable housing, including—

"(A) the preparation of work specifications;

"(B) loan processing;

"(C) inspections;

"(D) tenant selection;

"(E) management of tenant-based rental assistance; and

"(F) management of affordable housing projects.

"(4) Crime prevention and safety activities.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

"(5) Model activities.—Housing activities under model programs that are—

"(A) designed to carry out the purposes of this title; and

"(B) specifically approved by the Secretary as appropriate for the purpose referred to in subparagraph (A).

"SEC. 811. PROGRAM REQUIREMENTS.

"(a) Rents.—

"(1) Establishment.—Subject to paragraph (2), as a condition to receiving grant amounts under this title, the Director shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this title, including methods by which such rents and homebuyer payments are determined.

"(2) Maximum rent.—In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this title, the monthly rent or homebuyer payment (as applicable) for that dwelling unit may not exceed 30 percent of the monthly adjusted income of that family.

"(b) Maintenance and Efficient Operation.—

"(1) In general.—The Director shall, using amounts of any grants received under this title, reserve and use for operating under section 810 such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

"(2) Disposal of certain housing.—This subsection may not be construed to prevent the Director, or any entity funded by the Department, from demolishing or disposing of housing, pursuant to regulations established by the Secretary.

"(c) Insurance Coverage.—As a condition to receiving grant amounts under this title, the Director shall require adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this title.

"(d) Eligibility for Admission.—As a condition to receiving grant amounts under this title, the Director shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this title.

"(e) Management and Maintenance.—As a condition to receiving grant amounts under this title, the Director shall develop policies governing the management and maintenance of housing assisted with grant amounts under this title.

"SEC. 812. TYPES OF INVESTMENTS.

"(a) In General.—Subject to section 811 and an applicable housing plan approved under section 803, the Director shall have—

"(1) the discretion to use grant amounts for affordable housing activities through the use of—

"(A) equity investments;

"(B) interest-bearing loans or advances;

"(C) noninterest-bearing loans or advances;

"(D) interest subsidies;

"(E) the leveraging of private investments; or

"(F) any other form of assistance that the Secretary determines to be consistent with the purposes of this title; and

"(2) the right to establish the terms of assistance provided with funds referred to in paragraph (1).

"(b) Investments.—The Director may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations, as approved by the Secretary.

"SEC. 813. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

"(a) In General.—Housing shall qualify for affordable housing for purposes of this title only if—

"(1) each dwelling unit in the housing—

"(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of the initial occupancy of that family of that unit; and

"(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

"(2) each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for—

"(A) the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership; or

"(B) such other period as the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if that action—

"(i) recognizes any contractual or legal rights of any public agency, nonprofit sponsor, or other person or entity to take an action that would—

"(I) avoid termination of low-income affordability, in the case of foreclosure; or

"(II) transfer ownership in lieu of foreclosure; and

"(ii) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

"(b) Exception.—Notwithstanding subsection (a), housing assisted pursuant to section 809(a)(2)(B) shall be considered affordable housing for purposes of this title.

"SEC. 814. LEASE REQUIREMENTS AND TENANT SELECTION.

"(a) Leases.—Except to the extent otherwise provided by or inconsistent with the laws of the State of Hawaii, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the Director, owner, or manager shall use leases that—

"(1) do not contain unreasonable terms and conditions;

"(2) require the Director, owner, or manager to maintain the housing in compliance with applicable housing codes and quality standards;

"(3) require the Director, owner, or manager to give adequate written notice of termination of the lease, which shall be the period of time required under applicable State or local law;

"(4) specify that, with respect to any notice of eviction or termination, notwithstanding any State or local law, a resident shall be informed of the opportunity, before any hearing or trial, to examine any relevant documents, record, or regulations directly related to the eviction or termination;

"(5) require that the Director, owner, or manager may not terminate the tenancy, during the term of the lease, except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause; and

"(6) provide that the Director, owner, or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the household of the resident, or any guest or other person under the control of the resident, that—

"(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the Department, owner, or manager;

"(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

"(C) is criminal activity (including drug-related criminal activity) on or off the premises.

"(b) Tenant or Homebuyer Selection.—As a condition to receiving grant amounts under this title, the Director shall adopt and use written tenant and homebuyer selection policies and criteria that—

"(1) are consistent with the purpose of providing housing for low-income families;

"(2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and

"(3) provide for—

"(A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in an applicable housing plan approved under section 803; and

"(B) the prompt notification in writing of any rejected applicant of the grounds for that rejection.

"SEC. 815. REPAYMENT.

"If the Department of Hawaiian Home Lands uses grant amounts to provide affordable housing under activities under this title and, at any time during the useful life of the housing, the housing does not comply with the requirement under section 813(a)(2), the Secretary shall—

"(1) reduce future grant payments on behalf of the Department by an amount equal to the grant amounts used for that housing (under the authority of section 819(a)(2)); or

"(2) require repayment to the Secretary of any amount equal to those grant amounts.

"SEC. 816. ANNUAL ALLOCATION.

"For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 817 to the Department of Hawaiian Home Lands if the Department complies with the requirements under this title for a grant under this title.

"SEC. 817. ALLOCATION FORMULA.

"(a) Establishment.—The Secretary shall, by regulation issued not later than the expiration of the 6-month period beginning on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000, in the manner provided under section 807, establish a formula to provide for the allocation of amounts available for a fiscal year for block grants under this title in accordance with the requirements of this section.

"(b) Factors for Determination of Need.—The formula under subsection (a) shall be based on factors that reflect the needs for assistance for affordable housing activities, including—

"(1) the number of low-income dwelling units owned or operated at the time pursuant to a contract between the Director and the Secretary;

"(2) the extent of poverty and economic distress and the number of Native Hawaiian families eligible to reside on the Hawaiian Home Lands; and

"(3) any other objectively measurable conditions that the Secretary and the Director may specify.

"(c) Other Factors for Consideration.—In establishing the formula under subsection (a), the Secretary shall consider the relative administrative capacities of the Department of Hawaiian Home Lands and other challenges faced by the Department, including—

"(1) geographic distribution within Hawaiian Home Lands; and

"(2) technical capacity.

"(d) Effective Date.—This section shall take effect on the date of the enactment of the American Homeownership and Economic Opportunity Act of 2000.

"SEC. 818. REMEDIES FOR NONCOMPLIANCE.

"(a) Actions by Secretary Affecting Grant Amounts.—

"(1) In general.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for a hearing that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary shall—

"(A) terminate payments under this title to the Department;

"(B) reduce payments under this title to the Department by an amount equal to the amount of such payments that were not expended in accordance with this title; or

"(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(2) Actions.—If the Secretary takes an action under subparagraph (A), (B), or (C) of paragraph (1), the Secretary shall continue that action until the Secretary determines that the failure by the Department to comply with the provision has been remedied by the Department and the Department is in compliance with that provision.

"(b) Noncompliance Because of a Technical Incapacity.—The Secretary may provide technical assistance for the Department, either directly or indirectly, that is designed to increase the capability and capacity of the Director of the Department to administer assistance provided under this title in compliance with the requirements under this title if the Secretary makes a finding under subsection (a), but determines that the failure of the Department to comply substantially with the provisions of this title—

"(1) is not a pattern or practice of activities constituting willful noncompliance; and

"(2) is a result of the limited capability or capacity of the Department of Hawaiian Home Lands.

"(c) Referral for Civil Action.—

"(1) Authority.—In lieu of, or in addition to, any action that the Secretary may take under subsection (a), if the Secretary has reason to believe that the Department of Hawaiian Home Lands has failed to comply substantially with any provision of this title, the Secretary may refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

"(2) Civil action.—Upon receiving a referral under paragraph (1), the Attorney General may bring a civil action in any United States district court of appropriate jurisdiction for such relief as may be appropriate, including an action—

"(A) to recover the amount of the assistance furnished under this title that was not expended in accordance with this title; or

"(B) for mandatory or injunctive relief.

"(d) Review.—

"(1) In general.—If the Director receives notice under subsection (a) of the termination, reduction, or limitation of payments under this Act, the Director—

"(A) may, not later than 60 days after receiving such notice, file with the United States Court of Appeals for the Ninth Circuit, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action of the Secretary; and

"(B) upon the filing of any petition under subparagraph (A), shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

"(2) Procedure.—

"(A) In general.—The Secretary shall file in the court a record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

"(B) Objections.—No objection to the action of the Secretary shall be considered by the court unless the Department has registered the objection before the Secretary.

"(3) Disposition.—

"(A) Court proceedings.—

"(i) Jurisdiction of court.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set the action aside in whole or in part.

"(ii) Findings of fact.—If supported by substantial evidence on the record considered as a whole, the findings of fact by the Secretary shall be conclusive.

"(iii) Addition.—The court may order evidence, in addition to the evidence submitted for review under this subsection, to be taken by the Secretary, and to be made part of the record.

"(B) Secretary.—

"(i) In general.—The Secretary, by reason of the additional evidence referred to in subparagraph (A) and filed with the court—

"(I) may—

"(aa) modify the findings of fact of the Secretary; or

"(bb) make new findings; and

"(II) shall file—

"(aa) such modified or new findings; and

"(bb) the recommendation of the Secretary, if any, for the modification or setting aside of the original action of the Secretary.

"(ii) Findings.—The findings referred to in clause (i)(II)(bb) shall, with respect to a question of fact, be considered to be conclusive if those findings are—

"(I) supported by substantial evidence on the record; and

"(II) considered as a whole.

"(4) Finality.—

"(A) In general.—Except as provided in subparagraph (B), upon the filing of the record under this subsection with the court—

"(i) the jurisdiction of the court shall be exclusive; and

"(ii) the judgment of the court shall be final.

"(B) Review by supreme court.—A judgment under subparagraph (A) shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification, as provided in section 1254 of title 28, United States Code.

"SEC. 819. MONITORING OF COMPLIANCE.

"(a) Enforceable Agreements.—

"(1) In general.—The Director, through binding contractual agreements with owners or other authorized entities, shall ensure long-term compliance with the provisions of this title.

"(2) Measures.—The measures referred to in paragraph (1) shall provide for—

"(A) to the extent allowable by Federal and State law, the enforcement of the provisions of this title by the Department and the Secretary; and

"(B) remedies for breach of the provisions referred to in paragraph (1).

"(b) Periodic Monitoring.—

"(1) In general.—Not less frequently than annually, the Director shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title.

"(2) Review.—Each review under paragraph (1) shall include onsite inspection of housing to determine compliance with applicable requirements.

"(3) Results.—The results of each review under paragraph (1) shall be—

"(A) included in a performance report of the Director submitted to the Secretary under section 820; and

"(B) made available to the public.

"(c) Performance Measures.—The Secretary shall establish such performance measures as may be necessary to assess compliance with the requirements of this title.

"SEC. 820. PERFORMANCE REPORTS.

"(a) Requirement.—For each fiscal year, the Director shall—

"(1) review the progress the Department has made during that fiscal year in carrying out the housing plan submitted by the Department under section 803; and

"(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

"(b) Content.—Each report submitted under this section for a fiscal year shall—

"(1) describe the use of grant amounts provided to the Department of Hawaiian Home Lands for that fiscal year;

"(2) assess the relationship of the use referred to in paragraph (1) to the goals identified in the housing plan;

"(3) indicate the programmatic accomplishments of the Department; and

"(4) describe the manner in which the Department would change its housing plan submitted under section 803 as a result of its experiences.

"(c) Submissions.—The Secretary shall—

"(1) establish a date for submission of each report under this section;

"(2) review each such report; and

"(3) with respect to each such report, make recommendations as the Secretary considers appropriate to carry out the purposes of this title.

"(d) Public Availability.—

"(1) Comments by beneficiaries.—In preparing a report under this section, the Director shall make the report publicly available to the beneficiaries of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.) and give a sufficient amount of time to permit those beneficiaries to comment on that report before it is submitted to the Secretary (in such manner and at such time as the Director may determine).

"(2) Summary of comments.—The report shall include a summary of any comments received by the Director from beneficiaries under paragraph (1) regarding the program to carry out the housing plan.

"SEC. 821. REVIEW AND AUDIT BY SECRETARY.

"(a) Annual Review.—

"(1) In general.—The Secretary shall, not less frequently than on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether—

"(A) the Director has—

"(i) carried out eligible activities under this title in a timely manner;

"(ii) carried out and made certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws; and

"(iii) a continuing capacity to carry out the eligible activities in a timely manner;

"(B) the Director has complied with the housing plan submitted by the Director under section 803; and

"(C) the performance reports of the Department under section 821 are accurate.

"(2) Onsite visits.—Each review conducted under this section shall, to the extent practicable, include onsite visits by employees of the Department of Housing and Urban Development.

"(b) Report by Secretary.—The Secretary shall give the Department of Hawaiian Home Lands not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the Department, the Secretary may revise the report and shall make the comments of the Department and the report with any revisions, readily available to the public not later than 30 days after receipt of the comments of the Department.

"(c) Effect of Reviews.—The Secretary may make appropriate adjustments in the amount of annual grants under this title in accordance with the findings of the Secretary pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the reviews and audits of the Secretary under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided to the Department of Hawaiian Home Lands.

"SEC. 822. GENERAL ACCOUNTING OFFICE AUDITS.

"To the extent that the financial transactions of the Department of Hawaiian Home Lands involving grant amounts under this title relate to amounts provided under this title, those transactions may be audited by the Comptroller General of the United States under such regulations as may be prescribed by the Comptroller General. The Comptroller General of the United States shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by the Department of Hawaiian Home Lands pertaining to such financial transactions and necessary to facilitate the audit.

"SEC. 823. REPORTS TO CONGRESS.

"(a) In General.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to Congress a report that contains—

"(1) a description of the progress made in accomplishing the objectives of this title;

"(2) a summary of the use of funds available under this title during the preceding fiscal year; and

"(3) a description of the aggregate outstanding loan guarantees under section 184A of the Housing and Community Development Act of 1992.

"(b) Related Reports.—The Secretary may require the Director to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to prepare the report required under subsection (a).

"SEC. 824. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Department of Housing and Urban Development for grants under this title such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.".

SEC. 514. LOAN GUARANTEES.

Subtitle E of title I of the Housing and Community Development Act of 1992 is amended by inserting after section 184 (12 U.S.C. 1715z–13a) the following:

"SEC. 184A. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

"(a) Definitions.—In this section:

"(1) Department of Hawaiian Home Lands.—The term 'Department of Hawaiian Home Lands' means the agency or department of the government of the State of Hawaii that is responsible for the administration of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108 et seq.).

"(2) Eligible entity.—The term 'eligible entity' means a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and private nonprofit or private for-profit organizations experienced in the planning and development of affordable housing for Native Hawaiians.

"(3) Family.—The term 'family' means one or more persons maintaining a household, as the Secretary shall by regulation provide.

"(4) Guarantee fund.—The term 'Guarantee Fund' means the Native Hawaiian Housing Loan Guarantee Fund established under subsection (i).

"(5) Hawaiian home lands.—The term 'Hawaiian Home Lands' means lands that—

"(A) have the status of Hawaiian Home Lands under section 204 of the Hawaiian Homes Commission Act (42 Stat. 110); or

"(B) are acquired pursuant to that Act.

"(6) Native hawaiian.—The term 'Native Hawaiian' means any individual who is—

"(A) a citizen of the United States; and

"(B) a descendant of the aboriginal people, who, prior to 1778, occupied and exercised sovereignty in the area that currently constitutes the State of Hawaii, as evidenced by—

"(i) genealogical records;

"(ii) verification by kupuna (elders) or kama'aina (long-term community residents); or

"(iii) birth records of the State of Hawaii.

"(7) Office of hawaiian affairs.—The term 'Office of Hawaiian Affairs' means the entity of that name established under the constitution of the State of Hawaii.

"(b) Authority.—To provide access to sources of private financing to Native Hawaiian families who otherwise could not acquire housing financing because of the unique legal status of the Hawaiian Home Lands or as a result of a lack of access to private financial markets, the Secretary may guarantee an amount not to exceed 100 percent of the unpaid principal and interest that is due on an eligible loan under subsection (b).

"(c) Eligible Loans.—Under this section, a loan is an eligible loan if that loan meets the following requirements:

"(1) Eligible borrowers.—The loan is made only to a borrower who is—

"(A) a Native Hawaiian family;

"(B) the Department of Hawaiian Home Lands;

"(C) the Office of Hawaiian Affairs; or

"(D) a private nonprofit organization experienced in the planning and development of affordable housing for Native Hawaiians.

"(2) Eligible housing.—

"(A) In general.—The loan will be used to construct, acquire, or rehabilitate not more than 4-family dwellings that are standard housing and are located on Hawaiian Home Lands for which a housing plan described in subparagraph (B) applies.

"(B) Housing plan.—A housing plan described in this subparagraph is a housing plan that—

"(i) has been submitted and approved by the Secretary under section 803 of the Native American Housing Assistance and Self-Determination Act of 1996; and

"(ii) provides for the use of loan guarantees under this section to provide affordable homeownership housing on Hawaiian Home Lands.

"(3) Security.—The loan may be secured by any collateral authorized under applicable Federal or State law.

"(4) Lenders.—

"(A) In general.—The loan shall be made only by a lender approved by, and meeting qualifications established by, the Secretary, including any lender described in subparagraph (B), except that a loan otherwise insured or guaranteed by an agency of the Federal Government or made by the Department of Hawaiian Home Lands from amounts borrowed from the United States shall not be eligible for a guarantee under this section.

"(B) Approval.—The following lenders shall be considered to be lenders that have been approved by the Secretary:

"(i) Any mortgagee approved by the Secretary for participation in the single family mortgage insurance program under title II of the National Housing Act (12 U.S.C.A. 1707 et seq.).

"(ii) Any lender that makes housing loans under chapter 37 of title 38, United States Code, that are automatically guaranteed under section 3702(d) of title 38, United States Code.

"(iii) Any lender approved by the Secretary of Agriculture to make guaranteed loans for single family housing under the Housing Act of 1949 (42 U.S.C.A. 1441 et seq.).

"(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government.

"(5) Terms.—The loan shall—

"(A) be made for a term not exceeding 30 years;

"(B) bear interest (exclusive of the guarantee fee under subsection (d) and service charges, if any) at a rate agreed upon by the borrower and the lender and determined by the Secretary to be reasonable, but not to exceed the rate generally charged in the area (as determined by the Secretary) for home mortgage loans not guaranteed or insured by any agency or instrumentality of the Federal Government;

"(C) involve a principal obligation not exceeding—

"(i) 97.75 percent of the appraised value of the property as of the date the loan is accepted for guarantee (or 98.75 percent if the value of the property is $50,000 or less); or

"(ii) the amount approved by the Secretary under this section; and

"(D) involve a payment on account of the property—

"(i) in cash or its equivalent; or

"(ii) through the value of any improvements to the property made through the skilled or unskilled labor of the borrower, as the Secretary shall provide.

"(d) Certificate of Guarantee.—

"(1) Approval process.—

"(A) In general.—Before the Secretary approves any loan for guarantee under this section, the lender shall submit the application for the loan to the Secretary for examination.

"(B) Approval.—If the Secretary approves the application submitted under subparagraph (A), the Secretary shall issue a certificate under this subsection as evidence of the loan guarantee approved.

"(2) Standard for approval.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

"(3) Effect.—

"(A) In general.—A certificate of guarantee issued under this subsection by the Secretary shall be conclusive evidence of the eligibility of the loan for guarantee under this section and the amount of that guarantee.

"(B) Evidence.—The evidence referred to in subparagraph (A) shall be incontestable in the hands of the bearer.

"(C) Full faith and credit.—The full faith and credit of the United States is pledged to the payment of all amounts agreed to be paid by the Secretary as security for the obligations made by the Secretary under this section.

"(4) Fraud and misrepresentation.—This subsection may not be construed—

"(A) to preclude the Secretary from establishing defenses against the original lender based on fraud or material misrepresentation; or

"(B) to bar the Secretary from establishing by regulations that are on the date of issuance or disbursement, whichever is earlier, partial defenses to the amount payable on the guarantee.

"(e) Guarantee Fee.—

"(1) In general.—The Secretary shall fix and collect a guarantee fee for the guarantee of a loan under this section, which may not exceed the amount equal to 1 percent of the principal obligation of the loan.

"(2) Payment.—The fee under this subsection shall—

"(A) be paid by the lender at time of issuance of the guarantee; and

"(B) be adequate, in the determination of the Secretary, to cover expenses and probable losses.

"(3) Deposit.—The Secretary shall deposit any fees collected under this subsection in the Native Hawaiian Housing Loan Guarantee Fund established under subsection (j).

"(f) Liability Under Guarantee.—The liability under a guarantee provided under this section shall decrease or increase on a pro rata basis according to any decrease or increase in the amount of the unpaid obligation under the provisions of the loan agreement involved.

"(g) Transfer and Assumption.—Notwithstanding any other provision of law, any loan guaranteed under this section, including the security given for the loan, may be sold or assigned by the lender to any financial institution subject to examination and supervision by an agency of the Federal Government or of any State or the District of Columbia.

"(h) Disqualification of Lenders and Civil Money Penalties.—

"(1) In general.—

"(A) Grounds for action.—The Secretary may take action under subparagraph (B) if the Secretary determines that any lender or holder of a guarantee certificate under subsection (c)—

"(i) has failed—

"(I) to maintain adequate accounting records;

"(II) to service adequately loans guaranteed under this section; or

"(III) to exercise proper credit or underwriting judgment; or

"(ii) has engaged in practices otherwise detrimental to the interest of a borrower or the United States.

"(B) Actions.—Upon a determination by the Secretary that a holder of a guarantee certificate under subsection (c) has failed to carry out an activity described in subparagraph (A)(i) or has engaged in practices described in subparagraph (A)(ii), the Secretary may—

"(i) refuse, either temporarily or permanently, to guarantee any further loans made by such lender or holder;

"(ii) bar such lender or holder from acquiring additional loans guaranteed under this section; and

"(iii) require that such lender or holder assume not less than 10 percent of any loss on further loans made or held by the lender or holder that are guaranteed under this section.

"(2) Civil money penalties for intentional violations.—

"(A) In general.—The Secretary may impose a civil monetary penalty on a lender or holder of a guarantee certificate under subsection (d) if the Secretary determines that the holder or lender has intentionally failed—

"(i) to maintain adequate accounting records;

"(ii) to adequately service loans guaranteed under this section: or

"(iii) to exercise proper credit or underwriting judgment.

"(B) Penalties.—A civil monetary penalty imposed under this paragraph shall be imposed in the manner and be in an amount provided under section 536 of the National Housing Act (12 U.S.C.A. 1735f–1) with respect to mortgagees and lenders under that Act.

"(3) Payment on loans made in good faith.—Notwithstanding paragraphs (1) and (2), if a loan was made in good faith, the Secretary may not refuse to pay a lender or holder of a valid guarantee on that loan, without regard to whether the lender or holder is barred under this subsection.

"(i) Payment Under Guarantee.—

"(1) Lender options.—

"(A) In general.—

"(i) Notification.—If a borrower on a loan guaranteed under this section defaults on the loan, the holder of the guarantee certificate shall provide written notice of the default to the Secretary.

"(ii) Payment.—Upon providing the notice required under clause (i), the holder of the guarantee certificate shall be entitled to payment under the guarantee (subject to the provisions of this section) and may proceed to obtain payment in one of the following manners:

"(I) Foreclosure.—

"(aa) In general.—The holder of the certificate may initiate foreclosure proceedings (after providing written notice of that action to the Secretary).

"(bb) Payment.—Upon a final order by the court authorizing foreclosure and submission to the Secretary of a claim for payment under the guarantee, the Secretary shall pay to the holder of the certificate the pro rata portion of the amount guaranteed (as determined pursuant to subsection (f)) plus reasonable fees and expenses as approved by the Secretary.

"(cc) Subrogation.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

"(II) No foreclosure.—

"(aa) In general.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interest of the United States.

"(bb) Payment.—Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (f)).

"(cc) Subrogation.—The rights of the Secretary shall be subrogated to the rights of the holder of the guarantee. The holder shall assign the obligation and security to the Secretary.

"(B) Requirements.—Before any payment under a guarantee is made under subparagraph (A), the holder of the guarantee shall exhaust all reasonable possibilities of collection. Upon payment, in whole or in part, to the holder, the note or judgment evidencing the debt shall be assigned to the United States and the holder shall have no further claim against the borrower or the United States. The Secretary shall then take such action to collect as the Secretary determines to be appropriate.

"(2) Limitations on liquidation.—

"(A) In general.—If a borrower defaults on a loan guaranteed under this section that involves a security interest in restricted Hawaiian Home Land property, the mortgagee or the Secretary shall only pursue liquidation after offering to transfer the account to another eligible Hawaiian family or the Department of Hawaiian Home Lands.

"(B) Limitation.—If, after action is taken under subparagraph (A), the mortgagee or the Secretary subsequently proceeds to liquidate the account, the mortgagee or the Secretary shall not sell, transfer, or otherwise dispose of or alienate the property described in subparagraph (A) except to another eligible Hawaiian family or to the Department of Hawaiian Home Lands.

"(j) Hawaiian Housing Loan Guarantee Fund.—

"(1) Establishment.—There is established in the Treasury of the United States the Hawaiian Housing Loan Guarantee Fund for the purpose of providing loan guarantees under this section.

"(2) Credits.—The Guarantee Fund shall be credited with—

"(A) any amount, claims, notes, mortgages, contracts, and property acquired by the Secretary under this section, and any collections and proceeds therefrom;

"(B) any amounts appropriated pursuant to paragraph (7);

"(C) any guarantee fees collected under subsection (d); and

"(D) any interest or earnings on amounts invested under paragraph (4).

"(3) Use.—Amounts in the Guarantee Fund shall be available, to the extent provided in appropriations Acts, for—

"(A) fulfilling any obligations of the Secretary with respect to loans guaranteed under this section, including the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans;

"(B) paying taxes, insurance, prior liens, expenses necessary to make fiscal adjustment in connection with the application and transmittal of collections, and other expenses and advances to protect the Secretary for loans which are guaranteed under this section or held by the Secretary;

"(C) acquiring such security property at foreclosure sales or otherwise;

"(D) paying administrative expenses in connection with this section; and

"(E) reasonable and necessary costs of rehabilitation and repair to properties that the Secretary holds or owns pursuant to this section.

"(4) Investment.—Any amounts in the Guarantee Fund determined by the Secretary to be in excess of amounts currently required at the time of the determination to carry out this section may be invested in obligations of the United States.

"(5) Limitation on commitments to guarantee loans and mortgages.—

"(A) Requirement of appropriations.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year to the extent, or in such amounts as are, or have been, provided in appropriations Acts, without regard to the fiscal year for which such amounts were appropriated.

"(B) Limitations on costs of guarantees.—The authority of the Secretary to enter into commitments to guarantee loans under this section shall be effective for any fiscal year only to the extent that amounts in the Guarantee Fund are or have been made available in appropriations Acts to cover the costs (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loan guarantees for such fiscal year. Any amounts appropriated pursuant to this subparagraph shall remain available until expended.

"(C) Limitation on outstanding aggregate principal amount.—Subject to the limitations in subparagraphs (A) and (B), the Secretary may enter into commitments to guarantee loans under this section for each of fiscal years 2001, 2002, 2003, 2004, and 2005 with an aggregate outstanding principal amount not exceeding $100,000,000 for each such fiscal year.

"(6) Liabilities.—All liabilities and obligations of the assets credited to the Guarantee Fund under paragraph (2)(A) shall be liabilities and obligations of the Guarantee Fund.

"(7) Authorization of appropriations.—There are authorized to be appropriated to the Guarantee Fund to carry out this section such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

"(k) REQUIREMENTS FOR STANDARD HOUSING.—

"(1) IN GENERAL.—The Secretary shall, by regulation, establish housing safety and quality standards to be applied for use under this section.

"(2) STANDARDS.—The standards referred to in paragraph (1) shall—

"(A) provide sufficient flexibility to permit the use of various designs and materials in housing acquired with loans guaranteed under this section; and

"(B) require each dwelling unit in any housing acquired in the manner described in subparagraph (A) to—

"(i) be decent, safe, sanitary, and modest in size and design;

"(ii) conform with applicable general construction standards for the region in which the housing is located;

"(iii) contain a plumbing system that—

"(I) uses a properly installed system of piping;

"(II) includes a kitchen sink and a partitional bathroom with lavatory, toilet, and bath or shower; and

"(III) uses water supply, plumbing, and sewage disposal systems that conform to any minimum standards established by the applicable county or State;

"(iv) contain an electrical system using wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for operation of appliances that conforms to any appropriate county, State, or national code;

"(v) be not less than the size provided under the applicable locally adopted standards for size of dwelling units, except that the Secretary, upon request of the Department of Hawaiian Home Lands may waive the size requirements under this paragraph; and

"(vi) conform with the energy performance requirements for new construction established by the Secretary under section 526(a) of the National Housing Act (12 U.S.C.A. 1735f-4), unless the Secretary determines that the requirements are not applicable.

"(l) APPLICABILITY OF CIVIL RIGHTS STATUTES.—To the extent that the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or of the Fair Housing Act (42 U.S.C.A. 3601 et seq.) apply to a guarantee provided under this subsection, nothing in the requirements concerning discrimination on the basis of race shall be construed to prevent the provision of the guarantee to an eligible entity on the basis that the entity serves Native Hawaiian families or is a Native Hawaiian family.".

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

SEC. 601. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This title may be cited as the "Manufactured Housing Improvement Act of 2000".

(b) REFERENCES.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

SEC. 602. FINDINGS AND PURPOSES.

Section 602 (42 U.S.C. 5401) is amended to read as follows:

"SEC. 602. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) manufactured housing plays a vital role in meeting the housing needs of the Nation; and

"(2) manufactured homes provide a significant resource for affordable homeownership and rental housing accessible to all Americans.

"(b) PURPOSES.—The purposes of this title are—

"(1) to protect the quality, durability, safety, and affordability of manufactured homes;

"(2) to facilitate the availability of affordable manufactured homes and to increase homeownership for all Americans;

"(3) to provide for the establishment of practical, uniform, and, to the extent possible, performance-based Federal construction standards for manufactured homes;

"(4) to encourage innovative and cost-effective construction techniques for manufactured homes;

"(5) to protect residents of manufactured homes with respect to personal injuries and the amount of insurance costs and property damages in manufactured housing, consistent with the other purposes of this section;

"(6) to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes and related regulations for the enforcement of such standards;

"(7) to ensure uniform and effective enforcement of Federal construction and safety standards for manufactured homes; and

"(8) to ensure that the public interest in, and need for, affordable manufactured housing is duly considered in all determinations relating to the Federal standards and their enforcement.".

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking "dealer" and inserting "retailer";

(2) in paragraph (12), by striking "and" at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(14) 'administering organization' means the recognized, voluntary, private sector, consensus standards body with specific experience in developing model residential building codes and standards involving all disciplines regarding construction and safety that administers the consensus standards through a development process;

"(15) 'consensus committee' means the committee established under section 604(a)(3);

"(16) 'consensus standards development process' means the process by which additions, revisions, and interpretations to the Federal manufactured home construction and safety standards and enforcement regulations shall be developed and recommended to the Secretary by the consensus committee;

"(17) 'primary inspection agency' means a State agency or private organization that has been approved by the Secretary to act as a design approval primary inspection agency or a production inspection primary inspection agency, or both;

"(18) 'design approval primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate and either approve or disapprove manufactured home designs and quality control procedures;

"(19) 'installation standards' means reasonable specifications for the installation of a manufactured home, at the place of occupancy, to ensure proper siting, the joining of all sections of the home, and the installation of stabilization, support, or anchoring systems;

"(20) 'monitoring' means the process of periodic review of the primary inspection agencies, by the Secretary or by a State agency under an approved State plan pursuant to section 623, in accordance with regulations promulgated under this title, giving due consideration to the recommendations of the consensus committee under section 604(b), which process shall be for the purpose of ensuring that the primary inspection agencies are discharging their duties under this title; and

"(21) 'production inspection primary inspection agency' means a State agency or private organization that has been approved by the Secretary to evaluate the ability of manufactured home manufacturing plants to comply with approved quality control procedures and with the Federal manufactured home construction and safety standards promulgated hereunder, including the inspection of homes in the plant.".

(b) CONFORMING AMENDMENTS.—The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) in section 613 (42 U.S.C. 5412), by striking "dealer" each place it appears and inserting "retailer";

(2) in section 614(f) (42 U.S.C. 5413(f)), by striking "dealer" each place it appears and inserting "retailer";

(3) in section 615 (42 U.S.C. 5414)—

(A) in subsection (b)(1), by striking "dealer" and inserting "retailer";

(B) in subsection (b)(3), by striking "dealer or dealers" and inserting "retailer or retailers"; and

(C) in subsections (d) and (f), by striking "dealers" each place it appears and inserting "retailers";

(4) in section 616 (42 U.S.C. 5415), by striking "dealer" and inserting "retailer"; and

(5) in section 623(c)(9), by striking "dealers" and inserting "retailers".

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) ESTABLISHMENT.—

"(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards, each of which—

"(A) shall—

"(i) be reasonable and practical;

"(ii) meet high standards of protection consistent with the purposes of this title; and

"(iii) be performance-based and objectively stated, unless clearly inappropriate; and

"(B) except as provided in subsection (b), shall be established in accordance with the consensus standards development process.

"(2) CONSENSUS STANDARDS AND REGULATORY DEVELOPMENT PROCESS.—

"(A) INITIAL AGREEMENT.—Not later than 180 days after the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall enter into a contract with an administering organization. The contractual agreement shall—

"(i) terminate on the date on which a contract is entered into under subparagraph (B); and

"(ii) require the administering organization to—

"(I) recommend the initial members of the consensus committee under paragraph (3);

“(II) administer the consensus standards development process until the termination of that agreement; and

“(III) administer the consensus development and interpretation process for procedural and enforcement regulations and regulations specifying the permissible scope and conduct of monitoring until the termination of that agreement.

“(B) Competitively procured contract.—Upon the expiration of the 4-year period beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the Secretary shall, using competitive procedures (as such term is defined in section 4 of the Office of Federal Procurement Policy Act), enter into a competitively awarded contract with an administering organization. The administering organization shall administer the consensus process for the development and interpretation of the Federal standards, the procedural and enforcement regulations, and regulations specifying the permissible scope and conduct of monitoring, in accordance with this title.

“(C) Performance review.—The Secretary—

“(i) shall periodically review the performance of the administering organization; and

“(ii) may replace the administering organization with another qualified technical or building code organization, pursuant to competitive procedures, if the Secretary determines in writing that the administering organization is not fulfilling the terms of the agreement or contract to which the administering organization is subject or upon the expiration of the agreement or contract.

“(3) Consensus committee.—

“(A) Purpose.—There is established a committee to be known as the ‘consensus committee’, which shall, in accordance with this title—

“(i) provide periodic recommendations to the Secretary to adopt, revise, and interpret the Federal manufactured housing construction and safety standards in accordance with this subsection;

“(ii) provide periodic recommendations to the Secretary to adopt, revise, and interpret the procedural and enforcement regulations, including regulations specifying the permissible scope and conduct of monitoring in accordance with subsection (b);

“(iii) be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions and for public participation; and

“(iv) be deemed to be an advisory committee not composed of Federal employees.

“(B) Membership.—The consensus committee shall be composed of—

“(i) 21 voting members appointed by the Secretary, after consideration of the recommendations of the administering organization, from among individuals who are qualified by background and experience to participate in the work of the consensus committee; and

“(ii) 1 nonvoting member appointed by the Secretary to represent the Secretary on the consensus committee.

“(C) Disapproval.—The Secretary shall state, in writing, the reasons for failing to appoint any individual recommended under paragraph (2)(A)(ii)(I).

“(D) Selection procedures and requirements.—Each member of the consensus committee shall be appointed in accordance with selection procedures, which shall be based on the procedures for consensus committees promulgated by the American National Standards Institute (or successor organization), except that the American National Standards Institute interest categories shall be modified for purposes of this paragraph to ensure equal representation on the consensus committee of the following interest categories:

“(i) Producers.—Seven producers or retailers of manufactured housing.

“(ii) Users.—Seven persons representing consumer interests, such as consumer organizations, recognized consumer leaders, and owners who are residents of manufactured homes.

“(iii) General interest and public officials.—Seven general interest and public official members.

“(E) Balancing of interests.—

“(i) In general.—In order to achieve a proper balance of interests on the consensus committee, the Secretary, in appointing the members of the consensus committee—

“(I) shall ensure that all directly and materially affected interests have the opportunity for fair and equitable participation without dominance by any single interest; and

“(II) may reject the appointment of any 1 or more individuals in order to ensure that there is not dominance by any single interest.

“(ii) Dominance defined.—In this subparagraph, the term ‘dominance’ means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation.

“(F) Additional qualifications.—

“(i) Financial independence.—No individual appointed under subparagraph (D)(ii) shall have, and 3 of the individuals appointed under subparagraph (D)(iii) shall not have—

“(I) a significant financial interest in any segment of the manufactured housing industry; or

“(II) a significant relationship to any person engaged in the manufactured housing industry.

“(ii) Post-employment ban.—Each individual described in clause (i) shall be subject to a ban disallowing compensation from the manufactured housing industry during the period of, and during the 1-year following, the membership of the individual on the consensus committee.

“(G) Meetings.—

“(i) Notice; open to public.—The consensus committee shall provide advance notice of each meeting of the consensus committee to the Secretary and cause to be published in the Federal Register advance notice of each such meeting. All meetings of the consensus committee shall be open to the public.

“(ii) Reimbursement.—Members of the consensus committee in attendance at meetings of the consensus committee shall be reimbursed for their actual expenses as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in Government service.

“(H) Administration.—The consensus committee and the administering organization shall—

“(i) operate in conformance with the procedures established by the American National Standards Institute for the development and coordination of American National Standards; and

“(ii) apply to the American National Standards Institute and take such other actions as may be necessary to obtain accreditation from the American National Standards Institute.

“(I) Staff and technical support.—The administering organization shall, upon the request of the consensus committee—

“(i) provide reasonable staff resources to the consensus committee; and

“(ii) furnish technical support in a timely manner to any of the interest categories described in subparagraph (D) represented on the consensus committee, if—

“(I) the support is necessary to ensure the informed participation of the consensus committee members; and

“(II) the costs of providing the support are reasonable.

“(J) Date of initial appointments.—The initial appointments of all of the members of the consensus committee shall be completed not later than 90 days after the date on which a contractual agreement under paragraph (2)(A) is entered into with the administering organization.

“(4) Revisions of standards.—

“(A) In general.—Beginning on the date on which all members of the consensus committee are appointed under paragraph (3), the consensus committee shall, not less than once during each 2-year period—

“(i) consider revisions to the Federal manufactured home construction and safety standards; and

“(ii) submit proposed revised standards, if approved in a vote of the consensus committee by ⅔ of the members, to the Secretary in the form of a proposed rule, including an economic analysis.

“(B) Publication of proposed revised standards.—

“(i) Publication by secretary.—The consensus committee shall provide a proposed revised standard under subparagraph (A)(ii) to the Secretary who shall, not later than 30 days after receipt, cause such proposed revised standard to be published in the Federal Register for notice and comment in accordance with section 553 of title 5, United States Code. Unless clause (ii) applies, the Secretary shall provide an opportunity for public comment on such proposed revised standard in accordance with such section 553 and any such comments shall be submitted directly to the consensus committee, without delay.

“(ii) Publication of rejected proposed revised standards.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

“(C) Presentation of public comments; publication of recommended revisions.—

“(i) Presentation.—Any public comments, views, and objections to a proposed revised standard published under subparagraph (B) shall be presented by the Secretary to the consensus committee upon their receipt and in the manner received, in accordance with procedures established by the American National Standards Institute.

“(ii) Publication by the secretary.—The consensus committee shall provide to the Secretary any revision proposed by the consensus committee, which the Secretary shall, not later than 30 calendar days after receipt, cause to be published in the Federal Register a notice of the recommended revisions of the consensus committee to the standards, a notice of the submission of the recommended revisions to the Secretary, and a description of the circumstances under which the proposed revised standards could become effective.

“(iii) Publication of rejected proposed revised standards.—If the Secretary rejects the proposed revised standard, the Secretary shall cause to be published in the Federal Register the rejected proposed revised standard, the reasons for rejection, and any recommended modifications set forth.

"(5) REVIEW BY THE SECRETARY.—

"(A) IN GENERAL.—The Secretary shall either adopt, modify, or reject a standard, as submitted by the consensus committee under paragraph (4)(A).

"(B) TIMING.—Not later than 12 months after the date on which a standard is submitted to the Secretary by the consensus committee, the Secretary shall take action regarding such standard under subparagraph (C).

"(C) PROCEDURES.—If the Secretary—

"(i) adopts a standard recommended by the consensus committee, the Secretary shall—

"(I) issue a final order without further rulemaking; and

"(II) cause the final order to be published in the Federal Register;

"(ii) determines that any standard should be rejected, the Secretary shall—

"(I) reject the standard; and

"(II) cause to be published in the Federal Register a notice to that effect, together with the reason or reasons for rejecting the proposed standard; or

"(iii) determines that a standard recommended by the consensus committee should be modified, the Secretary shall—

"(I) cause to be published in the Federal Register the proposed modified standard, together with an explanation of the reason or reasons for the determination of the Secretary; and

"(II) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(D) FINAL ORDER.—Any final standard under this paragraph shall become effective pursuant to subsection (c).

"(6) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (5) and to cause notice of the action to be published in the Federal Register before the expiration of the 12-month period beginning on the date on which the proposed revised standard is submitted to the Secretary under paragraph (4)(A)—

"(A) the Secretary shall appear in person before the appropriate housing and appropriations subcommittees and committees of the House of Representatives and the Senate (referred to in this paragraph as the 'committees') on a date or dates to be specified by the committees, but in no event later than 30 days after the expiration of that 12-month period, and shall state before the committees the reasons for failing to take final action as required under paragraph (5); and

"(B) if the Secretary does not appear in person as required under subparagraph (A), the Secretary shall thereafter, and until such time as the Secretary does appear as required under subparagraph (A), be prohibited from expending any funds collected under authority of this title in an amount greater than that collected and expended in the fiscal year immediately preceding the date of enactment of the Manufactured Housing Improvement Act of 2000, indexed for inflation as determined by the Congressional Budget Office.

"(b) OTHER ORDERS.—

"(1) REGULATIONS.—The Secretary may issue procedural and enforcement regulations and revisions to existing regulations as necessary to implement the provisions of this title. The consensus committee may submit to the Secretary proposed procedural and enforcement regulations and recommendations for the revision of such regulations.

"(2) INTERPRETATIVE BULLETINS.—The Secretary may issue interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation. The consensus committee may submit to the Secretary proposed interpretative bulletins to clarify the meaning of any Federal manufactured home construction and safety standard or procedural and enforcement regulation.

"(3) REVIEW BY CONSENSUS COMMITTEE.—Before issuing a procedural or enforcement regulation or an interpretative bulletin—

"(A) the Secretary shall—

"(i) submit the proposed procedural or enforcement regulation or interpretative bulletin to the consensus committee; and

"(ii) provide the consensus committee with a period of 120 days to submit written comments to the Secretary on the proposed procedural or enforcement regulation or the interpretative bulletin; and

"(B) if the Secretary rejects any significant comment provided by the consensus committee under subparagraph (A), the Secretary shall provide a written explanation of the reasons for the rejection to the consensus committee; and

"(C) following compliance with subparagraphs (A) and (B), the Secretary shall—

"(i) cause the proposed regulation or interpretative bulletin and the consensus committee's written comments, along with the Secretary's response thereto, to be published in the Federal Register; and

"(ii) provide an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(4) REQUIRED ACTION.—Not later than 120 days after the date on which the Secretary receives a proposed regulation or interpretative bulletin submitted by the consensus committee, the Secretary shall—

"(A) approve the proposal and cause the proposed regulation or interpretative bulletin to be published for public comment in accordance with section 553 of title 5, United States Code; or

"(B) reject the proposed regulation or interpretative bulletin and—

"(i) provide to the consensus committee a written explanation of the reasons for rejection; and

"(ii) cause to be published in the Federal Register the rejected proposed regulation or interpretive bulletin, the reasons for rejection, and any recommended modifications set forth.

"(5) AUTHORITY TO ACT AND EMERGENCY.—If the Secretary determines, in writing, that such action is necessary to address an issue on which the Secretary determines that the consensus committee has not made a timely recommendation following a request by the Secretary, or in order to respond to an emergency that jeopardizes the public health or safety, the Secretary may issue an order that is not developed under the procedures set forth in subsection (a) or in this subsection, if the Secretary—

"(A) provides to the consensus committee a written description and sets forth the reasons why action is necessary and all supporting documentation; and

"(B) issues the order after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code, and causes the order to be published in the Federal Register.

"(6) CHANGES.—Any statement of policies, practices, or procedures relating to construction and safety standards, regulations, inspections, monitoring, or other enforcement activities that constitutes a statement of general or particular applicability to implement, interpret, or prescribe law or policy by the Secretary is subject to subsection (a) or this subsection. Any change adopted in violation of subsection (a) or this subsection is void.

"(7) TRANSITION.—Until the date on which the consensus committee is appointed pursuant to section 604(a)(3), the Secretary may issue proposed orders, pursuant to notice and comment in accordance with section 553 of title 5, United States Code, that are not developed under the procedures set forth in this section for new and revised standards.";

(2) in subsection (d), by adding at the end the following: "Federal preemption under this subsection shall be broadly and liberally construed to ensure that disparate State or local requirements or standards do not affect the uniformity and comprehensiveness of the standards promulgated under this section nor the Federal superintendence of the manufactured housing industry as established by this title. Subject to section 605, there is reserved to each State the right to establish standards for the stabilizing and support systems of manufactured homes sited within that State, and for the foundations on which manufactured homes sited within that State are installed, and the right to enforce compliance with such standards, except that such standards shall be consistent with the purposes of this title and shall be consistent with the design of the manufacturer.";

(3) by striking subsection (e);

(4) in subsection (f), by striking the subsection designation and all of the matter that precedes paragraph (1) and inserting the following:

"(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS AND REGULATIONS.—The consensus committee, in recommending standards, regulations, and interpretations, and the Secretary, in establishing standards or regulations or issuing interpretations under this section, shall—";

(5) by striking subsection (g);

(6) in the first sentence of subsection (j), by striking "subsection (f)" and inserting "subsection (e)"; and

(7) by redesignating subsections (h), (i), and (j), as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL; MANUFACTURED HOME INSTALLATION.

(a) IN GENERAL.—Section 605 (42 U.S.C. 5404) is amended to read as follows:

"SEC. 605. MANUFACTURED HOME INSTALLATION.

"(a) PROVISION OF INSTALLATION DESIGN AND INSTRUCTIONS.—A manufacturer shall provide with each manufactured home, design and instructions for the installation of the manufactured home that have been approved by a design approval primary inspection agency. After establishment of model standards under subsection (b)(2), a design approval primary inspection agency may not give such approval unless a design and instruction provides equal or greater protection than the protection provided under such model standards.

"(b) MODEL MANUFACTURED HOME INSTALLATION STANDARDS.—

"(1) PROPOSED MODEL STANDARDS.—Not later than 18 months after the date on which the initial appointments of all of the members of the consensus committee are completed, the consensus committee shall develop and submit to the Secretary proposed model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

"(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

"(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

"(2) ESTABLISHMENT OF MODEL STANDARDS.—Not later than 12 months after receiving the proposed model standards submitted under paragraph (1), the Secretary shall develop and establish model manufactured home installation standards, which shall, to the maximum extent practicable, taking into account the factors described in section 604(e), be consistent with—

"(A) the manufactured home designs that have been approved by a design approval primary inspection agency; and

"(B) the designs and instructions for the installation of manufactured homes provided by manufacturers under subsection (a).

"(3) FACTORS FOR CONSIDERATION.—

"(A) CONSENSUS COMMITTEE.—In developing the proposed model standards under paragraph (1), the consensus committee shall consider the factors described in section 604(e).

"(B) SECRETARY.—In developing and establishing the model standards under paragraph (2), the Secretary shall consider the factors described in section 604(e).

"(4) ISSUANCE.—The model manufactured home installation standards shall be issued after notice and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

"(c) MANUFACTURED HOME INSTALLATION PROGRAMS.—

"(1) PROTECTION OF MANUFACTURED HOUSING RESIDENTS DURING INITIAL PERIOD.—During the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, no State or manufacturer may establish or implement any installation standards that, in the determination of the Secretary, provide less protection to the residents of manufactured homes than the protection provided by the installation standards in effect with respect to the State or manufacturer, as applicable, on the date of enactment of the Manufactured Housing Improvement Act of 2000.

"(2) INSTALLATION STANDARDS.—

"(A) ESTABLISHMENT OF INSTALLATION PROGRAM.—Not later than the expiration of the 5-year period described in paragraph (1), the Secretary shall establish an installation program that meets the requirements of paragraph (3) for the enforcement of installation standards in each State described in subparagraph (B) of this paragraph.

"(B) IMPLEMENTATION OF INSTALLATION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the installation program established under subparagraph (A) in each State that does not have an installation program established by State law that meets the requirements of paragraph (3).

"(C) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out subparagraph (B), the Secretary may contract with an appropriate agent to implement the installation program established under that subparagraph, except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.

"(3) REQUIREMENTS.—An installation program meets the requirements of this paragraph if it is a program regulating the installation of manufactured homes that includes—

"(A) installation standards that, in the determination of the Secretary, provide protection to the residents of manufactured homes that equals or exceeds the protection provided to those residents by—

"(i) the model manufactured home installation standards established by the Secretary under subsection (b)(2); or

"(ii) the designs and instructions provided by manufacturers under subsection (a), if the Secretary determines that such designs and instructions provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the model manufactured home installation standards established by the Secretary under subsection (b)(2);

"(B) the training and licensing of manufactured home installers; and

"(C) inspection of the installation of manufactured homes.".

(b) CONFORMING AMENDMENTS.—Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) by redesignating paragraph (11) as paragraph (13); and

(3) by inserting after paragraph (10) the following:

"(11) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for an installation program established by State law that meets the requirements of section 605(c)(3);".

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting "to the Secretary" after "submit"; and

(B) by adding at the end the following: "The Secretary shall submit such cost and other information to the consensus committee for evaluation.";

(2) in subsection (d), by inserting ", the consensus committee," after "public"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. RESEARCH, TESTING, DEVELOPMENT, AND TRAINING.

(a) IN GENERAL.—Section 608(a) (42 U.S.C. 5407(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(4) encouraging the government-sponsored housing entities to actively develop and implement secondary market securitization programs for the FHA manufactured home loans and those of other loan programs, as appropriate, thereby promoting the availability of affordable manufactured homes to increase homeownership for all people in the United States; and

"(5) reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes, including changes in loan terms, amortization periods, regulations, and procedures.".

(b) DEFINITIONS.—Section 608 (42 U.S.C. 5407) is amended by adding at the end the following:

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) GOVERNMENT-SPONSORED HOUSING ENTITIES.—The term 'government-sponsored housing entities' means the Government National Mortgage Association of the Department of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation.

"(2) FHA MANUFACTURED HOME LOAN.—The term 'FHA manufactured home loan' means a loan that—

"(A) is insured under title I of the National Housing Act and is made for the purpose of financing alterations, repairs, or improvements on or in connection with an existing manufactured home, the purchase of a manufactured home, the purchase of a manufactured home and a lot on which to place the home, or the purchase only of a lot on which to place a manufactured home; or

"(B) is otherwise insured under the National Housing Act and made for or in connection with a manufactured home.".

SEC. 608. PROHIBITED ACTS.

Section 610(a) (42 U.S.C. 5409(a)) is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) after the expiration of the period specified in section 605(c)(2)(B), fail to comply with the requirements for the installation program required by section 605 in any State that has not adopted and implemented a State installation program.".

SEC. 609. FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

"SEC. 620. AUTHORITY TO COLLECT FEE.

"(a) IN GENERAL.—In carrying out inspections under this title, in developing standards and regulations pursuant to section 604, and in facilitating the acceptance of the affordability and availability of manufactured housing within the Department, the Secretary may—

"(1) establish and collect from manufactured home manufacturers a reasonable fee, as may be necessary to offset the expenses incurred by the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

"(A) conducting inspections and monitoring;

"(B) providing funding to States for the administration and implementation of approved State plans under section 623, including reasonable funding for cooperative educational and training programs designed to facilitate uniform enforcement under this title, which funds may be paid directly to the States or may be paid or provided to any person or entity designated to receive and disburse such funds by cooperative agreements among participating States, provided that such person or entity is not otherwise an agent of the Secretary under this title;

"(C) providing the funding for a noncareer administrator within the Department to administer the manufactured housing program;

"(D) providing the funding for salaries and expenses of employees of the Department to carry out the manufactured housing program;

"(E) administering the consensus committee as set forth in section 604;

"(F) facilitating the acceptance of the quality, durability, safety, and affordability of manufactured housing within the Department; and

“(G) the administration and enforcement of the installation standards authorized by section 605 in States in which the Secretary is required to implement an installation program after the expiration of the 5-year period set forth in section 605(c)(2)(B), and the administration and enforcement of a dispute resolution program described in section 623(c)(12) in States in which the Secretary is required to implement such a program after the expiration of the 5-year period set forth in section 623(g)(2); and

“(2) subject to subsection (e), use amounts from any fee collected under paragraph (1) of this subsection to pay expenses referred to in that paragraph, which shall be exempt and separate from any limitations on the Department regarding full-time equivalent positions and travel.

“(b) CONTRACTORS.—In using amounts from any fee collected under this section, the Secretary shall ensure that separate and independent contractors are retained to carry out monitoring and inspection work and any other work that may be delegated to a contractor under this title.

“(c) PROHIBITED USE.—No amount from any fee collected under this section may be used for any purpose or activity not specifically authorized by this title, unless such activity was already engaged in by the Secretary prior to the date of enactment of the Manufactured Housing Improvement Act of 2000.

“(d) MODIFICATION.—Beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the amount of any fee collected under this section may only be modified—

“(1) as specifically authorized in advance in an annual appropriations Act; and

“(2) pursuant to rulemaking in accordance with section 553 of title 5, United States Code.

“(e) APPROPRIATION AND DEPOSIT OF FEES.—

“(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the ‘Manufactured Housing Fees Trust Fund’ for deposit of amounts from any fee collected under this section. Such amounts shall be held in trust for use only as provided in this title.

“(2) APPROPRIATION.—Amounts from any fee collected under this section shall be available for expenditure only to the extent approved in advance in an annual appropriations Act. Any change in the expenditure of such amounts shall be specifically authorized in advance in an annual appropriations Act.

“(3) PAYMENTS TO STATES.—On and after the effective date of the Manufactured Housing Improvement Act of 2000, the Secretary shall continue to fund the States having approved State plans in the amounts which are not less than the allocated amounts, based on the fee distribution system in effect on the day before such effective date.”.

SEC. 610. DISPUTE RESOLUTION.

Section 623(c) (42 U.S.C. 5422(c)) is amended—

(1) by inserting after paragraph (11) (as added by the preceding provisions of this title) the following:

“(12) with respect to any State plan submitted on or after the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, provides for a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers of manufactured homes regarding responsibility, and for the issuance of appropriate orders, for the correction or repair of defects in manufactured homes that are reported during the 1-year period beginning on the date of installation; and”; and

(2) by adding at the end the following:

“(g) ENFORCEMENT OF DISPUTE RESOLUTION STANDARDS.—

“(1) ESTABLISHMENT OF DISPUTE RESOLUTION PROGRAM.—Not later than the expiration of the 5-year period beginning on the date of enactment of the Manufactured Housing Improvement Act of 2000, the Secretary shall establish a dispute resolution program that meets the requirements of subsection (c)(12) for dispute resolution in each State described in paragraph (2) of this subsection. The order establishing the dispute resolution program shall be issued after notice and opportunity for public comment in accordance with section 553 of title 5, United States Code.

“(2) IMPLEMENTATION OF DISPUTE RESOLUTION PROGRAM.—Beginning on the expiration of the 5-year period described in paragraph (1), the Secretary shall implement the dispute resolution program established under paragraph (1) in each State that has not established a dispute resolution program that meets the requirements of subsection (c)(12).

“(3) CONTRACTING OUT OF IMPLEMENTATION.—In carrying out paragraph (2), the Secretary may contract with an appropriate agent to implement the dispute resolution program established under paragraph (2), except that such agent shall not be a person or entity other than a government, nor an affiliate or subsidiary of such a person or entity, that has entered into a contract with the Secretary to implement any other regulatory program under this title.”.

SEC. 611. ELIMINATION OF ANNUAL REPORTING REQUIREMENT.

The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) is amended—

(1) by striking section 626 (42 U.S.C. 5425); and

(2) by redesignating sections 627 and 628 (42 U.S.C. 5426, 5401 note) as sections 626 and 627, respectively.

SEC. 612. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is issued under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.) and published as a proposed rule pursuant to section 553 of title 5, United States Code, on or before that date of enactment.

SEC. 613. SAVINGS PROVISIONS.

(a) STANDARDS AND REGULATIONS.—The Federal manufactured home construction and safety standards (as such term is defined in section 603 of the National Manufactured Housing Construction and Safety Standards Act of 1974) and all regulations pertaining thereto in effect on the day before the date of enactment of this Act shall apply until the effective date of a standard or regulation modifying or superseding the existing standard or regulation that is promulgated under subsection (a) or (b) of section 604 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended by this title.

(b) CONTRACTS.—Any contract awarded pursuant to a Request for Proposal issued before the date of enactment of this Act shall remain in effect until the earlier of—

(1) the expiration of the 2-year period beginning on the date of enactment of this Act; or

(2) the expiration of the contract term.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

SEC. 701. GUARANTEES FOR REFINANCING OF RURAL HOUSING LOANS.

Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

“(13) GUARANTEES FOR REFINANCING LOANS.—

“(A) IN GENERAL.—Upon the request of the borrower, the Secretary shall, to the extent provided in appropriation Acts and subject to subparagraph (F), guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the requirements of this paragraph.

“(B) INTEREST RATE.—To be eligible for a guarantee under this paragraph, the refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

“(C) SECURITY.—To be eligible for a guarantee under this paragraph, the refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

“(D) AMOUNT.—To be eligible for a guarantee under this paragraph, the principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 200 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

“(E) OTHER REQUIREMENTS.—The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this paragraph, and no other provisions of paragraphs (1) through (12) shall apply to such loans.

“(F) AUTHORITY TO ESTABLISH LIMITATION.—The Secretary may establish limitations on the number of loans guaranteed under this paragraph, which shall be based on market conditions and other factors as the Secretary considers appropriate.”.

SEC. 702. PROMISSORY NOTE REQUIREMENT UNDER HOUSING REPAIR LOAN PROGRAM.

The fourth sentence of section 504(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)) is amended by striking “$2,500” and inserting “$7,500”.

SEC. 703. LIMITED PARTNERSHIP ELIGIBILITY FOR FARM LABOR HOUSING LOANS.

The first sentence of section 514(a) of the Housing Act of 1949 (42 U.S.C. 1484(a)) is amended by striking “nonprofit limited partnership” and inserting “limited partnership”.

SEC. 704. PROJECT ACCOUNTING RECORDS AND PRACTICES.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (z) and inserting the following new subsections:

“(z) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

“(1) ACCOUNTING STANDARDS.—The Secretary shall require that borrowers in programs authorized by this section maintain accounting records in accordance with generally accepted accounting principles for all projects that receive funds from loans made or guaranteed by the Secretary under this section.

"(2) Record retention requirements.—The Secretary shall require that borrowers in programs authorized by this section retain for a period of not less than 6 years and make available to the Secretary in a manner determined by the Secretary, all records required to be maintained under this subsection and other records identified by the Secretary in applicable regulations.

"(aa) Double Damages for Unauthorized Use of Housing Projects Assets and Income.—

"(1) Action to recover assets or income.—

"(A) In general.—The Secretary may request the Attorney General to bring an action in a United States district court to recover any assets or income used by any person in violation of the provisions of a loan made or guaranteed by the Secretary under this section or in violation of any applicable statute or regulation.

"(B) Improper documentation.—For purposes of this subsection, a use of assets or income in violation of the applicable loan, loan guarantee, statute, or regulation shall include any use for which the documentation in the books and accounts does not establish that the use was made for a reasonable operating expense or necessary repair of the project or for which the documentation has not been maintained in accordance with the requirements of the Secretary and in reasonable condition for proper audit.

"(C) Definition.—For the purposes of this subsection, the term 'person' means—

"(i) any individual or entity that borrows funds in accordance with programs authorized by this section;

"(ii) any individual or entity holding 25 percent or more interest of any entity that borrows funds in accordance with programs authorized by this section; and

"(iii) any officer, director, or partner of an entity that borrows funds in accordance with programs authorized by this section.

"(2) Amount recoverable.—

"(A) In general.—In any judgment favorable to the United States entered under this subsection, the Attorney General may recover double the value of the assets and income of the project that the court determines to have been used in violation of the provisions of a loan made or guaranteed by the Secretary under this section or any applicable statute or regulation, plus all costs related to the action, including reasonable attorney and auditing fees.

"(B) Application of recovered funds.—Notwithstanding any other provision of law, the Secretary may use amounts recovered under this subsection for activities authorized under this section and such funds shall remain available for such use until expended.

"(3) Time limitation.—Notwithstanding any other provision of law, an action under this subsection may be commenced at any time during the 6-year period beginning on the date that the Secretary discovered or should have discovered the violation of the provisions of this section or any related statutes or regulations.

"(4) Continued availability of other remedies.—The remedy provided in this subsection is in addition to and not in substitution of any other remedies available to the Secretary or the United States.".

SEC. 705. DEFINITION OF RURAL AREA.

The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended—

(1) by striking "1990 decennial census" and inserting "1990 or 2000 decennial census"; and

(2) by striking "year 2000" and inserting "year 2010".

SEC. 706. OPERATING ASSISTANCE FOR MIGRANT FARMWORKERS PROJECTS.

The last sentence of section 521(a)(5)(A) of the Housing Act of 1949 (42 U.S.C. 1490a(a)(5)(A)) is amended by striking "project" and inserting "tenant or unit".

SEC. 707. MULTIFAMILY RENTAL HOUSING LOAN GUARANTEE PROGRAM.

Section 538 of the Housing Act of 1949 (42 U.S.C. 1490p-2) is amended—

(1) in subsection (c), by inserting "an Indian tribe," after "thereof,";

(2) in subsection (f), by striking paragraph (1) and inserting the following new paragraph:

"(1) be made for a period of not less than 25 nor greater than 40 years from the date the loan was made and may provide for amortization of the loan over a period of not to exceed 40 years with a final payment of the balance due at the end of the loan term;";

(3) in subsection (i)(2), by striking "(A) conveyance to the Secretary" and all that follows through "(C) assignment" and inserting "(A) submission to the Secretary of a claim for payment under the guarantee, and (B) assignment";

(4) in subsection (s), by adding at the end the following new subsection:

"(4) Indian tribe.—The term 'Indian tribe' means—

"(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation, as defined by or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.); or

"(B) any entity established by the governing body of an Indian tribe described in subparagraph (A) for the purpose of financing economic development.";

(5) in subsection (t), by inserting before the period at the end the following: "to provide guarantees under this section for eligible loans having an aggregate principal amount of $500,000,000";

(6) by striking subsection (l);

(7) by redesignating subsections (m) through (u) as subsections (l) through (t), respectively; and

(8) by adding at the end the following new subsections:

"(u) Fee Authority.—Any amounts collected by the Secretary pursuant to the fees charged to lenders for loan guarantees issued under this section shall be used to offset costs (as defined by section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of loan guarantees made under this section.

"(v) Defaults of Loans Secured by Reservation Lands.—In the event of a default involving a loan to an Indian tribe or tribal corporation made under this section which is secured by an interest in land within such tribe's reservation (as determined by the Secretary of the Interior), including a community in Alaska incorporated by the Secretary of the Interior pursuant to the Indian Reorganization Act (25 U.S.C. 461 et seq.), the lender shall only pursue liquidation after offering to transfer the account to an eligible tribal member, the tribe, or the Indian housing authority serving the tribe. If the lender subsequently proceeds to liquidate the account, the lender shall not sell, transfer, or otherwise dispose of or alienate the property except to one of the entities described in the preceding sentence.".

SEC. 708. ENFORCEMENT PROVISIONS.

(a) In General.—Title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) is amended by adding after section 542 the following:

"SEC. 543. ENFORCEMENT PROVISIONS.

"(a) Equity Skimming.—

"(1) Criminal penalty.—Whoever, as an owner, agent, employee, or manager, or is otherwise in custody, control, or possession of property that is security for a loan made or guaranteed under this title, willfully uses, or authorizes the use, of any part of the rents, assets, proceeds, income, or other funds derived from such property, for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) Civil sanctions.—An entity or individual who as an owner, operator, employee, or manager, or who acts as an agent for a property that is security for a loan made or guaranteed under this title where any part of the rents, assets, proceeds, income, or other funds derived from such property are used for any purpose other than to meet actual, reasonable, and necessary expenses of the property, or for any other purpose not authorized by this title or the regulations adopted pursuant to this title, shall be subject to a fine of not more than $25,000 per violation. The sanctions provided in this paragraph may be imposed in addition to any other civil sanctions or civil monetary penalties authorized by law.

"(b) Civil Monetary Penalties.—

"(1) In general.—The Secretary may, after notice and opportunity for a hearing, impose a civil monetary penalty in accordance with this subsection against any individual or entity, including its owners, officers, directors, general partners, limited partners, or employees, who knowingly and materially violate, or participate in the violation of, the provisions of this title, the regulations issued by the Secretary pursuant to this title, or agreements made in accordance with this title, by—

"(A) submitting information to the Secretary that is false;

"(B) providing the Secretary with false certifications;

"(C) failing to submit information requested by the Secretary in a timely manner;

"(D) failing to maintain the property subject to loans made or guaranteed under this title in good repair and condition, as determined by the Secretary;

"(E) failing to provide management for a project which received a loan made or guaranteed under this title that is acceptable to the Secretary; or

"(F) failing to comply with the provisions of applicable civil rights statutes and regulations.

"(2) Conditions for renewal or extension.—The Secretary may require that expiring loan or assistance agreements entered into under this title shall not be renewed or extended unless the owner executes an agreement to comply with additional conditions prescribed by the Secretary, or executes a new loan or assistance agreement in the form prescribed by the Secretary.

"(3) Amount.—

"(A) In general.—The amount of a civil monetary penalty imposed under this subsection shall not exceed the greater of—

"(i) twice the damages the Department of Agriculture, the guaranteed lender, or the project that is secured for a loan under this section suffered or would have suffered as a result of the violation; or

"(ii) $50,000 per violation.

"(B) DETERMINATION.—In determining the amount of a civil monetary penalty under this subsection, the Secretary shall take into consideration—

"(i) the gravity of the offense;

"(ii) any history of prior offenses by the violator (including offenses occurring prior to the enactment of this section);

"(iii) the ability of the violator to pay the penalty;

"(iv) any injury to tenants;

"(v) any injury to the public;

"(vi) any benefits received by the violator as a result of the violation;

"(vii) deterrence of future violations; and

"(viii) such other factors as the Secretary may establish by regulation.

"(4) PAYMENT OF PENALTIES.—No payment of a penalty assessed under this section may be made from funds provided under this title or from funds of a project which serve as security for a loan made or guaranteed under this title.

"(5) REMEDIES FOR NONCOMPLIANCE.—

"(A) JUDICIAL INTERVENTION.—If a person or entity fails to comply with a final determination by the Secretary imposing a civil monetary penalty under this subsection, the Secretary may request the Attorney General of the United States to bring an action in an appropriate United States district court to obtain a monetary judgment against such individual or entity and such other relief as may be available. The monetary judgment may, in the court's discretion, include the attorney's fees and other expenses incurred by the United States in connection with the action.

"(B) REVIEWABILITY OF DETERMINATION.—In an action under this paragraph, the validity and appropriateness of a determination by the Secretary imposing the penalty shall not be subject to review.".

(b) CONFORMING AMENDMENT.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by striking subsection (j).

SEC. 709. AMENDMENTS TO TITLE 18 OF UNITED STATES CODE.

(a) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "any violation of section 543(a)(1) of the Housing Act of 1949 (relating to equity skimming)," after "coupons having a value of not less than $5,000,".

(b) OBSTRUCTION OF FEDERAL AUDITS.—Section 1516(a) of title 18, United States Code, is amended by inserting "or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949," before "shall be fined under this title".

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

SEC. 801. SHORT TITLE.

This title may be cited as the "Affordable Housing for Seniors and Families Act".

SEC. 802. REGULATIONS.

The Secretary of Housing and Urban Development (referred to in this title as the "Secretary") shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 803. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this title and the amendments made by this title are effective as of the date of enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

SEC. 811. PREPAYMENT AND REFINANCING.

(a) APPROVAL OF PREPAYMENT OF DEBT.—Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), the Secretary shall approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the terms required by the original loan agreement or any rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) relating to the project; and

(2) the prepayment may involve refinancing of the loan if such refinancing results in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan.

(b) SOURCES OF REFINANCING.—In the case of prepayment under this section involving refinancing, the project sponsor may refinance the project through any third party source, including financing by State and local housing finance agencies, use of tax-exempt bonds, multi-family mortgage insurance under the National Housing Act, reinsurance, or other credit enhancements, including risk sharing as provided under section 542 of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note). For purposes of underwriting a loan insured under the National Housing Act, the Secretary may assume that any section 8 rental assistance contract relating to a project will be renewed for the term of such loan.

(c) USE OF UNEXPENDED AMOUNTS.—Upon execution of the refinancing for a project pursuant to this section, the Secretary shall make available at least 50 percent of the annual savings resulting from reduced section 8 or other rental housing assistance contracts in a manner that is advantageous to the tenants, including—

(1) not more than 15 percent of the cost of increasing the availability or provision of supportive services, which may include the financing of service coordinators and congregate services;

(2) rehabilitation, modernization, or retrofitting of structures, common areas, or individual dwelling units;

(3) construction of an addition or other facility in the project, including assisted living facilities (or, upon the approval of the Secretary, facilities located in the community where the project sponsor refinances a project under this section, or pools shared resources from more than 1 such project); or

(4) rent reduction of unassisted tenants residing in the project according to a pro rata allocation of shared savings resulting from the refinancing.

(d) USE OF CERTAIN PROJECT FUNDS.—The Secretary shall allow a project sponsor that is prepaying and refinancing a project under this section—

(1) to use any residual receipts held for that project in excess of $500 per individual dwelling unit for not more than 15 percent of the cost of activities designed to increase the availability or provision of supportive services; and

(2) to use any reserves for replacement in excess of $1,000 per individual dwelling unit for activities described in paragraphs (2) and (3) of subsection (c).

(e) BUDGET ACT COMPLIANCE.—This section shall be effective only to extent or in such amounts that are provided in advance in appropriation Acts.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

SEC. 821. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.".

SEC. 822. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by striking subsection (m) and inserting the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for providing assistance under this section such sums as may be necessary for each of fiscal years 2001, 2002, and 2003.".

SEC. 823. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2001, 2002, and 2003, for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

PART 1—HOUSING FOR THE ELDERLY

SEC. 831. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 202(k)(4) of the Housing Act of 1959 (12 U.S.C. 1701q(k)(4)) is amended by inserting after subparagraph (C) the following:

"Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), and (C), or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), and (C).".

SEC. 832. MIXED FUNDING SOURCES.

Section 202(h)(6) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(6)) is amended—

(1) by striking "non-Federal sources" and inserting "sources other than this section"; and

(2) by adding at the end the following new sentence: "Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.".

SEC. 833. AUTHORITY TO ACQUIRE STRUCTURES.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended—

(1) in subsection (b), by striking "from the Resolution Trust Corporation"; and

(2) in subsection (h)(2)—

(A) in the paragraph heading, by striking "RTC PROPERTIES" and inserting "ACQUISITION"; and

(B) by striking "from the Resolution" and all that follows through "Insurance Act".

SEC. 834. USE OF PROJECT RESERVES.

Section 202(j) of the Housing Act of 1959 (12 U.S.C. 1701q(j)) is amended by adding at the end the following:

"(8) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.".

SEC. 835. COMMERCIAL ACTIVITIES.

Section 202(h)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(h)(1)) is amended by adding at the end the following: "Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.".

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

SEC. 841. ELIGIBILITY OF FOR-PROFIT LIMITED PARTNERSHIPS.

Section 811(k)(6) of the Housing Act of 1959 (42 U.S.C. 8013(k)(6)) is amended by inserting after subparagraph (D) the following:

"Such term includes a for-profit limited partnership the sole general partner of which is an organization meeting the requirements under subparagraphs (A), (B), (C), and (D) or a corporation wholly owned and controlled by an organization meeting the requirements under subparagraphs (A), (B), (C), and (D).".

SEC. 842. MIXED FUNDING SOURCES.

Section 811(h)(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(5)) is amended—

(1) by striking "non-Federal sources" and inserting "sources other than this section"; and

(2) by adding at the end the following new sentence: "Notwithstanding any other provision of law, assistance amounts provided under this section may be treated as amounts not derived from a Federal grant.".

SEC. 843. TENANT-BASED ASSISTANCE.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (d), by striking paragraph (4) and inserting the following:

"(4) TENANT-BASED RENTAL ASSISTANCE.—

"(A) ADMINISTERING ENTITIES.—Tenant-based rental assistance provided under subsection (b)(1) may be provided only through a public housing agency that has submitted and had approved an plan under section 7(d) of the United States Housing Act of 1937 (42 U.S.C. 1437e(d)) that provides for such assistance, or through a private nonprofit organization. A public housing agency shall be eligible to apply under this section only for the purposes of providing such tenant-based rental assistance.

"(B) PROGRAM RULES.—Tenant-based rental assistance under subsection (b)(1) shall be made available to eligible persons with disabilities and administered under the same rules that govern tenant-based rental assistance made available under section 8 of the United States Housing Act of 1937, except that the Secretary may waive or modify such rules, but only to the extent necessary to provide for administering such assistance under subsection (b)(1) through private nonprofit organizations rather than through public housing agencies.

"(C) ALLOCATION OF ASSISTANCE.—In determining the amount of assistance provided under subsection (b)(1) for a private nonprofit organization or public housing agency, the Secretary shall consider the needs and capabilities of the organization or agency, in the case of a public housing agency, as described in the plan for the agency under section 7 of the United States Housing Act of 1937."; and

(2) in subsection (l)(1)—

(A) by striking "subsection (b)" and inserting "subsection (b)(2)"; and

(B) by striking the last comma and all that follows through "subsection (n)".

SEC. 844. USE OF PROJECT RESERVES.

Section 811(j) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(j)) is amended by adding at the end the following:

"(7) USE OF PROJECT RESERVES.—Amounts for project reserves for a project assisted under this section may be used for costs, subject to reasonable limitations as the Secretary determines appropriate, for reducing the number of dwelling units in the project. Such use shall be subject to the approval of the Secretary to ensure that the use is designed to retrofit units that are currently obsolete or unmarketable.".

SEC. 845. COMMERCIAL ACTIVITIES.

Section 811(h)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(h)(1)) is amended by adding at the end the following: "Neither this section nor any other provision of law may be construed as prohibiting or preventing the location and operation, in a project assisted under this section, of commercial facilities for the benefit of residents of the project and the community in which the project is located, except that assistance made available under this section may not be used to subsidize any such commercial facility.".

PART 3—OTHER PROVISIONS

SEC. 851. SERVICE COORDINATORS.

(a) INCREASED FLEXIBILITY FOR USE OF SERVICE COORDINATORS IN CERTAIN FEDERALLY ASSISTED HOUSING.—Section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) is amended—

(1) in the section heading, by striking "multifamily housing assisted under national housing act" and inserting "certain federally assisted housing";

(2) in subsection (a)—

(A) in the first sentence, by striking "(E) and (F)" and inserting "(B), (C), (D), (E), (F), and (G)"; and

(B) in the last sentence—

(i) by striking "section 661" and inserting "section 671"; and

(ii) by adding at the end the following: "A service coordinator funded with a grant under this section for a project may provide services to low-income elderly or disabled families living in the vicinity of such project.";

(3) in subsection (d)—

(A) by striking "(E) or (F)" and inserting "(B), (C), (D), (E), (F), or (G)"; and

(B) by striking "section 661" and inserting "section 671"; and

(4) by striking subsection (c) and redesignating subsection (d) (as amended by paragraph (3) of this subsection) as subsection (c).

(b) REQUIREMENT TO PROVIDE SERVICE COORDINATORS.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631) is amended—

(1) in the first sentence of subsection (a), by striking "to carry out this subtitle pursuant to the amendments made by this subtitle" and inserting the following: "for providing service coordinators under this section";

(2) in subsection (d), by inserting ")" after "section 683(2)"; and

(3) by adding at the end following:

"(e) SERVICES FOR LOW-INCOME ELDERLY OR DISABLED FAMILIES RESIDING IN VICINITY OF CERTAIN PROJECTS.—To the extent only that this section applies to service coordinators for covered federally assisted housing described in subparagraphs (B), (C), (D), (E), (F), and (G) of section 683(2), any reference in this section to elderly or disabled residents of a project shall be construed to include low-income elderly or disabled families living in the vicinity of such project.".

(c) PROTECTION AGAINST TELEMARKETING FRAUD.—

(1) SUPPORTIVE HOUSING FOR THE ELDERLY.—The first sentence of section 202(g)(1) of the Housing Act of 1959 (12 U.S.C. 1701q(g)(1)) is amended by striking "and (F)" and inserting the following: "(F) providing education and outreach regarding telemarketing fraud, in accordance with the standards issued under section 671(f) of the Housing and Community Development Act of 1992 (42 U.S.C. 13631(f)); and (G)".

(2) OTHER FEDERALLY ASSISTED HOUSING.—Section 671 of the Housing and Community Development Act of 1992 (42 U.S.C. 13631), as amended by subsection (b) of this section, is further amended—

(A) in the first sentence of subsection (c), by inserting after "response," the following: "education and outreach regarding telemarketing fraud in accordance with the standards issued under subsection (f),"; and

(B) by adding at the end the following:

"(f) PROTECTION AGAINST TELEMARKETING FRAUD.—

"(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall establish standards for service coordinators in federally assisted housing who are providing education and outreach to elderly persons residing in such housing regarding telemarketing fraud. The standards shall be designed to ensure that such education and outreach informs such elderly persons of the dangers of telemarketing fraud and facilitates the investigation and prosecution of telemarketers engaging in fraud against such residents.

"(2) Contents.—The standards established under this subsection shall require that any such education and outreach be provided in a manner that—

"(A) informs such residents of—

"(i) the prevalence of telemarketing fraud targeted against elderly persons;

"(ii) how telemarketing fraud works;

"(iii) how to identify telemarketing fraud;

"(iv) how to protect themselves against telemarketing fraud, including an explanation of the dangers of providing bank account, credit card, or other financial or personal information over the telephone to unsolicited callers;

"(v) how to report suspected attempts at telemarketing fraud; and

"(vi) their consumer protection rights under Federal law;

"(B) provides such other information as the Secretary considers necessary to protect such residents against fraudulent telemarketing; and

"(C) disseminates the information provided by appropriate means, and in determining such appropriate means, the Secretary shall consider on-site presentations at federally assisted housing, public service announcements, a printed manual or pamphlet, an Internet website, and telephone outreach to residents whose names appear on 'mooch lists' confiscated from fraudulent telemarketers.".

Subtitle D—Preservation of Affordable Housing Stock

SEC. 861. SECTION 236 ASSISTANCE.

(a) Extension of Authority to Retain Excess Charges.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended—

(1) in paragraph (2), by striking "Subject to paragraph (3) and notwithstanding" and inserting "Notwithstanding"; and

(2) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(b) Treatment of Excess Charges Previously Collected.—Any excess charges that a project owner may retain pursuant to the amendments made by subsections (b) and (c) of section 532 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 106–74; 113 Stat. 1116) that have been collected by such owner since the date of the enactment of such Appropriations Act and that such owner has not remitted to the Secretary of Housing and Urban Development may be retained by such owner unless such Secretary otherwise provides. To the extent that a project owner has remitted such excess charges to the Secretary since such date of enactment, the Secretary may return to the relevant project owner any such excess charges remitted. Notwithstanding any other provision of law, amounts in the Rental Housing Assistance Fund, or heretofore or subsequently transferred from the Rental Housing Assistance Fund to the Flexible Subsidy Fund, shall be available to make such return of excess charges previously remitted to the Secretary, including the return of excess charges referred to in section 532(e) of such Appropriations Act.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

SEC. 901. EXTENSION OF LOAN TERM FOR MANUFACTURED HOME LOTS.

Section 2(b)(3)(E) of the National Housing Act (12 U.S.C. 1703(b)(3)(E)) is amended by striking "fifteen" and inserting "twenty".

SEC. 902. USE OF SECTION 8 VOUCHERS FOR OPT-OUTS.

(a) In General.—Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by striking "fiscal year 1996" and inserting "fiscal year 1994".

(b) Effective Date.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 903. MAXIMUM PAYMENT STANDARD FOR ENHANCED VOUCHERS.

(a) In General.—Section 8(t)(1)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(1)(B)), as amended by the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is amended by inserting before the semicolon at the end the following: ", except that a limit shall not be considered reasonable for purposes of this subparagraph if it adversely affects such assisted families".

(b) Effective Date.—The amendment under subsection (a) shall be made and shall apply—

(1) upon the enactment of this Act, if the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001, is enacted before the enactment of this Act; and

(2) immediately after the enactment of such appropriations Act, if such appropriations Act is enacted after the enactment of this Act.

SEC. 904. USE OF SECTION 8 ASSISTANCE BY "GRAND-FAMILIES" TO RENT DWELLING UNITS IN ASSISTED PROJECTS.

Section 215(a) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(a)) is amended by adding at the end the following new paragraph:

"(6) Waiver of qualifying rent.—

"(A) In general.—For the purpose of providing affordable housing appropriate for families described in subparagraph (B), the Secretary may, upon the application of the project owner, waive the applicability of subparagraph (A) of paragraph (1) with respect to a dwelling unit if—

"(i) the unit is occupied by such a family, on whose behalf tenant-based assistance is provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);

"(ii) the rent for the unit is not greater than the existing fair market rent for comparable units in the area, as established by the Secretary under section 8 of the United States Housing Act of 1937; and

"(iii) the Secretary determines that the waiver, together with waivers under this paragraph for other dwelling units in the project, will result in the use of amounts described in clause (iii) in an effective manner that will improve the provision of affordable housing for such families.

"(B) Eligible families.—A family described in this subparagraph is a family that consists of at least one elderly person (who is the head of household) and one or more of such person's grand children, great grandchildren, great nieces, great nephews, or great great grandchildren (as defined by the Secretary), but does not include any parent of such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren. Such term includes any such grandchildren, great grandchildren, great nieces, great nephews, or great great grandchildren who have been legally adopted by such elderly person.".

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

SEC. 1001. FEDERAL RESERVE BOARD BUILDINGS.

The 3rd undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 243) is amended—

(1) by inserting after the 1st sentence the following new sentence: "After September 1, 2000, the Board may also use such assessments to acquire, in its own name, a site or building (in addition to the facilities existing on such date) to provide for the performance of the functions of the Board."; and

(2) in the sentences following the sentence added by the amendment made by paragraph (1) of this section—

(A) by striking "the site" and inserting "any site"; and

(B) by inserting "or buildings" after "building" each place such term appears.

SEC. 1002. POSITIONS OF BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM ON THE EXECUTIVE SCHEDULE.

(a) In General.—

(1) Positions at level I of the executive schedule.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"Chairman, Board of Governors of the Federal Reserve System.".

(2) Positions at level II of the executive schedule.—Section 5313 of title 5, United States Code, is amended—

(A) by striking "Chairman, Board of Governors of the Federal Reserve System."; and

(B) by adding at the end the following:

"Members, Board of Governors of the Federal Reserve System.".

(3) Positions at level III of the executive schedule.—Section 5314 of title 5, United States Code, is amended by striking "Members, Board of Governors of the Federal Reserve System.".

(b) Effective Date.—This section and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of enactment of this Act.

SEC. 1003. AMENDMENTS TO THE FEDERAL RESERVE ACT.

(a) Repeal.—Section 2A of the Federal Reserve Act (12 U.S.C. 225a) is amended by striking all after the first sentence.

(b) Appearances Before and Reports to the Congress.—

(1) In general.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 2A the following new section:

"SEC. 2B. APPEARANCES BEFORE AND REPORTS TO THE CONGRESS.

"(a) Appearances Before the Congress.—

"(1) IN GENERAL.—The Chairman of the Board shall appear before the Congress at semi-annual hearings, as specified in paragraph (2), regarding—

"(A) the efforts, activities, objectives and plans of the Board and the Federal Open Market Committee with respect to the conduct of monetary policy; and

"(B) economic developments and prospects for the future described in the report required in subsection (b).

"(2) SCHEDULE.—The Chairman of the Board shall appear—

"(A) before the Committee on Banking and Financial Services of the House of Representatives on or about February 20 of even numbered calendar years and on or about July 20 of odd numbered calendar years;

"(B) before the Committee on Banking, Housing, and Urban Affairs of the Senate on or about July 20 of even numbered calendar years and on or about February 20 of odd numbered calendar years; and

"(C) before either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Chairman before the other Committee under subparagraph (A) or (B).

"(b) CONGRESSIONAL REPORT.—The Board shall, concurrent with each semi-annual hearing required by this section, submit a written report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives, containing a discussion of the conduct of monetary policy and economic developments and prospects for the future, taking into account past and prospective developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.".

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

SEC. 1101. SHORT TITLE.

This title may be cited as the "Federal Reporting Act of 2000".

SEC. 1102. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022).

(2) Section 309 of the Defense Production Act of 1950 (50 U.S.C. App. 2099).

(3) Section 603 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3213).

(4) Section 7(o)(1) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)(1)).

(5) Section 540(c) of the National Housing Act (12 U.S.C. 1735f–18(c)).

(6) Paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968 (42 U.S.C. 3608(e)).

(7) Section 1061 of the Housing and Community Development Act of 1992 (42 U.S.C. 4856).

(8) Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992 (Public Law 102–550; 106 Stat. 3780).

(9) Section 802 of the Housing Act of 1954 (12 U.S.C. 1701o).

(10) Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536).

(11) Section 1320 of the National Flood Insurance Act of 1968 (42 U.S.C. 4027).

(12) Section 4(e)(2) of the Department of Housing and Urban Development Act (42 U.S.C. 3533(e)(2).

(13) Section 205(g) of the National Housing Act (12 U.S.C. 1711(g)).

(14) Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)).

(15) Paragraphs (1) and (2) of section 5302(c) of title 31, United States Code.

(16) Section 18(f)(7) of the Federal Trade Commission Act. (15 U.S.C. 57a(f)(7)).

(17) Section 333 of the Revised Statutes of the United States (12 U.S.C. 14).

(18) Section 3(g) of the Home Owners' Loan Act (12 U.S.C. 1462a(g)).

(19) Section 304 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 304).

(20) Sections 2(b)(1)(A), 8(a), 8(c), 10(g)(1), and 11(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A), 635g(a), 635g(c), 635i–3(g), and 635i–5(c)).

(21) Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)).

(22) Section 13 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2292).

(23) Section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)).

(24) Section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(25) Section 8 of the Fair Credit and Charge Card Disclosure Act of 1988 (15 U.S.C. 1637 note).

(26) Section 136(b)(4)(B) of the Truth in Lending Act (15 U.S.C. 1646(b)(4)(B)).

(27) Section 707 of the Equal Credit Opportunity Act (15 U.S.C. 1691f).

(28) Section 114 of the Truth in Lending Act (15 U.S.C. 1613).

(29) The seventh undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247).

(30) The tenth undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247a).

(31) Section 815 of the Fair Debt Collection Practices Act (15 U.S.C. 1692m).

(32) Section 102(d) of the Federal Credit Union Act (12 U.S.C. 1752a(d)).

(33) Section 21B(i) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(i)).

(34) Section 607(a) of the Housing and Community Development Amendments of 1978 (42 U.S.C. 8106(a)).

(35) Section 708(l) of the Defense Production Act of 1950 (50 U.S.C. Ap. 2158(l)).

(36) Section 2546 of the Comprehensive Thrift and Bank Fraud Prosecution and Taxpayer Recovery Act of 1990 (28 U.S.C. 522 note).

(37) Section 202(b)(8) of the National Housing Act (12 U.S.C. 1708(b)(8)).

SEC. 1103. COORDINATION OF REPORTING REQUIREMENTS.

(a) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17(a) of the Federal Deposit Insurance Act (12 U.S.C. 1827(a)) is amended by adding at the end the following new paragraph:

"(3) COORDINATION WITH OTHER REPORT REQUIREMENTS.—The report required under this subsection shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.".

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The 7th undesignated paragraph of section 10 of the Federal Reserve Act (12 U.S.C. 247) is amended by adding at the end the following new sentence: "The report required under this paragraph shall include the reports required under section 707 of the Equal Credit Opportunity Act, section 18(f)(7) of the Federal Trade Commission Act, section 114 of the Truth in Lending Act, and the 10th undesignated paragraph of this section.".

(c) COMPTROLLER OF THE CURRENCY.—Section 333 of the Revised Statutes of the United States (12 U.S.C. 14) is amended by adding at the end the following new sentence: "The report required under this section shall include the report required under section 18(f)(7) of the Federal Trade Commission Act.".

(d) EXPORT-IMPORT BANK.—

(1) IN GENERAL.— Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(A) by striking "a annual" and inserting "an annual"; and

(B) by adding at the end the following new sentence: "The annual report required under this subparagraph shall include the report required under section 10(g).".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 10(g)(1) of the Export-Import Bank Act of 1945 (12 U.S.C. 635i–3(g)(1)) is amended—

(A) by striking "On or" and all that follows through "the Bank" and inserting "The Bank"; and

(B) by striking "a report" and inserting "an annual report".

(e) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—Section 8 of the Department of Housing and Urban Development Act (42 U.S.C. 3536) is amended by adding at the end the following new sentence: "The report required under this section shall include the reports required under paragraphs (2) and (6) of section 808(e) of the Civil Rights Act of 1968, the reports required under subsections (a) and (b) of section 1061 of the Housing and Community Development Act of 1992, the report required under section 802 of the Housing Act of 1954, and the report required under section 4(e)(2) of this Act.".

(f) FEDERAL HOUSING ADMINISTRATION.—Section 203(v) of the National Housing Act (12 U.S.C. 1709(v)), as added by section 504 of the Housing and Community Development Act of 1992, is amended by adding at the end the following new sentence:

"The report required under this subsection shall include the report required under section 540(c) and the report required under section 205(g).".

(g) INTERNATIONAL FINANCIAL INSTITUTIONS ACT.—Section 701(c)(1) of the International Financial Institutions Act (22 U.S.C. 262d(c)(1)) is amended by striking "Not later" and all that follows through "quarterly" and inserting "The Secretary of the Treasury shall report annually".

SEC. 1104. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

(a) EXPORT-IMPORT BANK.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended—

(1) in section 2(b)(1)(D)—

(A) by striking "(i)"; and

(B) by striking clause (ii);

(2) in section 2(b)(8), by striking the last sentence;

(3) in section 6(b), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(4) in section 8, by striking subsections (b) and (d) and redesignating subsections (c) and (e) as subsections (b) and (c), respectively.

(b) FEDERAL DEPOSIT INSURANCE CORPORATION.—Section 17 of the Federal Deposit Insurance Act (12 U.S.C. 1827) is amended by striking subsection (h).

TITLE XII—FINANCIAL REGULATORY RELIEF

SEC. 1200. SHORT TITLE.

This title may be cited as the "Financial Regulatory Relief and Economic Efficiency Act of 2000".

Subtitle A—Improving Monetary Policy and Financial Institution Management Practices

SEC. 1201. REPEAL OF SAVINGS ASSOCIATION LIQUIDITY PROVISION.

(a) REPEAL OF LIQUIDITY PROVISION.—Section 6 of the Home Owners' Loan Act (12 U.S.C. 1465) is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) SECTION 5.—Section 5(c)(1)(M) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(1)(M)) is amended to read as follows:

"(M) LIQUIDITY INVESTMENTS.—Investments (other than equity investments), identified by the Director, for liquidity purposes, including cash, funds on deposit at a Federal reserve bank or a Federal home loan bank, or bankers' acceptances.".

(2) SECTION 10.—Section 10(m)(4)(B)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(4)(B)(iii)) is amended by inserting "as in effect on the day before the date of the enactment of the Financial Regulatory Relief and Economic Efficiency Act of 2000," after "Loan Act,".

SEC. 1202. NONCONTROLLING INVESTMENTS BY SAVINGS ASSOCIATION HOLDING COMPANIES.

Section 10(e)(1)(A)(iii) of the Home Owners' Loan Act (12 U.S.C. 1467a(e)(1)(A)(iii)) is amended—

(1) by inserting ", except with the prior written approval of the Director," after "or to retain"; and

(2) by striking "so acquire or retain" and inserting "acquire or retain, and the Director may not authorize acquisition or retention of,".

SEC. 1203. REPEAL OF DEPOSIT BROKER NOTIFICATION AND RECORDKEEPING REQUIREMENT.

Section 29A of the Federal Deposit Insurance Act (12 U.S.C. 1831f–1) is hereby repealed.

SEC. 1204. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended—

(1) by redesignating section 5 as section 7; and

(2) by inserting after section 4 the following new section:

"SEC. 5. EXPEDITED PROCEDURES FOR CERTAIN REORGANIZATIONS.

"(a) IN GENERAL.—A national bank may, with the approval of the Comptroller, pursuant to rules and regulations promulgated by the Comptroller, and upon the affirmative vote of the shareholders of such bank owning at least two-thirds of its capital stock outstanding, reorganize so as to become a subsidiary of a bank holding company or of a company that will, upon consummation of such reorganization, become a bank holding company.

"(b) REORGANIZATION PLAN.—A reorganization authorized under subsection (a) shall be carried out in accordance with a reorganization plan that—

"(1) specifies the manner in which the reorganization shall be carried out;

"(2) is approved by a majority of the entire board of directors of the national bank;

"(3) specifies—

"(A) the amount of cash or securities of the bank holding company, or both, or other consideration to be paid to the shareholders of the reorganizing bank in exchange for their shares of stock of the bank;

"(B) the date as of which the rights of each shareholder to participate in such exchange will be determined; and

"(C) the manner in which the exchange will be carried out; and

"(4) is submitted to the shareholders of the reorganizing bank at a meeting to be held on the call of the directors in accordance with the procedures prescribed in connection with a merger of a national bank under section 3.

"(c) RIGHTS OF DISSENTING SHAREHOLDERS.—If, pursuant to this section, a reorganization plan has been approved by the shareholders and the Comptroller, any shareholder of the bank who has voted against the reorganization at the meeting referred to in subsection (b)(4), or has given notice in writing at or prior to that meeting to the presiding officer that the shareholder dissents from the reorganization plan, shall be entitled to receive the value of his or her shares, as provided by section 3 for the merger of a national bank.

"(d) EFFECT OF REORGANIZATION.—The corporate existence of a national bank that reorganizes in accordance with this section shall not be deemed to have been affected in any way by reason of such reorganization.

"(e) APPROVAL UNDER THE BANK HOLDING COMPANY ACT.—This section does not affect in any way the applicability of the Bank Holding Company Act of 1956 to a transaction described in subsection (a).".

SEC. 1205. NATIONAL BANK DIRECTORS.

(a) AMENDMENTS TO THE REVISED STATUTES.—Section 5145 of the Revised Statutes of the United States (12 U.S.C. 71) is amended—

(1) by striking "for one year" and inserting "for a period of not more than 3 years"; and

(2) by adding at the end the following: "In accordance with regulations issued by the Comptroller of the Currency, a national bank may adopt bylaws that provide for staggering the terms of its directors.".

(b) AMENDMENT TO THE BANKING ACT OF 1933.—Section 31 of the Banking Act of 1933 (12 U.S.C. 71a) is amended in the first sentence, by inserting before the period ", except that the Comptroller of the Currency may, by regulation or order, exempt a national bank from the 25-member limit established by this section".

SEC. 1206. AMENDMENT TO NATIONAL BANK CONSOLIDATION AND MERGER ACT.

The National Bank Consolidation and Merger Act (12 U.S.C. 215 et seq.) is amended by inserting after section 5, as added by this title, the following new section:

"SEC. 6. MERGERS AND CONSOLIDATIONS WITH SUBSIDIARIES AND NONBANK AFFILIATES.

"(a) IN GENERAL.—Upon the approval of the Comptroller, a national bank may merge with 1 or more of its nonbank subsidiaries or affiliates.

"(b) SCOPE.—Nothing in this section shall be construed—

"(1) to affect the applicability of section 18(c) of the Federal Deposit Insurance Act; or

"(2) to grant a national bank any power or authority that is not permissible for a national bank under other applicable provisions of law.

"(c) REGULATIONS.—The Comptroller shall promulgate regulations to implement this section.".

SEC. 1207. LOANS ON OR PURCHASES BY INSTITUTIONS OF THEIR OWN STOCK; AFFILIATIONS.

(a) AMENDMENT TO THE REVISED STATUTES.—Section 5201 of the Revised Statutes of the United States (12 U.S.C. 83) is amended to read as follows:

"SEC. 5201. LOANS BY BANK ON ITS OWN STOCK.

"(a) GENERAL PROHIBITION.—No national bank shall make any loan or discount on the security of the shares of its own capital stock.

"(b) EXCLUSION.—For purposes of this section, a national bank shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.".

(b) AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended—

(1) by redesignating subsection (t), as added by section 730 of the Gramm-Leach-Bliley Act (Public Law 106–102; 113 Stat. 1476), as subsection (u); and

(2) by adding at the end the following new subsection:

"(v) LOANS BY INSURED INSTITUTIONS ON THEIR OWN STOCK.—

"(1) GENERAL PROHIBITION.—No insured depository institution may make any loan or discount on the security of the shares of its own capital stock.

"(2) EXCLUSION.—For purposes of this subsection, an insured depository institution shall not be deemed to be making a loan or discount on the security of the shares of its own capital stock if it acquires the stock to prevent loss upon a debt previously contracted for in good faith.".

SEC. 1208. PURCHASED MORTGAGE SERVICING RIGHTS.

Section 475 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 1828 note) is amended—

(1) in subsection (a)(1), by inserting "(or such other percentage exceeding 90 percent but not exceeding 100 percent, as may be determined under subsection (b))" after "90 percent";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by inserting after subsection (a) the following new subsection:

"(b) AUTHORITY TO DETERMINE PERCENTAGE BY WHICH TO DISCOUNT VALUE OF SERVICING RIGHTS.—The appropriate Federal banking agencies may allow readily marketable purchased mortgage servicing rights to be valued at more than 90 percent of their fair market value but at not more than 100 percent of such value, if such agencies jointly make a finding that such valuation would not have an adverse effect on the deposit insurance funds or the safety and soundness of insured depository institutions."; and

(3) in subsection (c), by striking "and" and inserting ", 'deposit insurance fund', and".

Subtitle B—Streamlining Activities of Institutions

SEC. 1211. CALL REPORT SIMPLIFICATION.

(a) MODERNIZATION OF CALL REPORT FILING AND DISCLOSURE SYSTEM.—In order to reduce the administrative requirements pertaining to bank reports of condition, savings association financial reports, and bank holding company consolidated and parent-only financial statements, and to improve the timeliness of such reports and statements, the Federal banking agencies shall—

(1) work jointly to develop a system under which—

(A) insured depository institutions and their affiliates may file such reports and statements electronically; and

(B) the Federal banking agencies may make such reports and statements available to the public electronically; and

(2) not later than 1 year after the date of enactment of this Act, report to the Congress and make recommendations for legislation that would enhance efficiency for filers and users of such reports and statements.

(b) UNIFORM REPORTS AND SIMPLIFICATION OF INSTRUCTIONS.—The Federal banking agencies shall, consistent with the principles of safety and soundness, work jointly—

(1) to adopt a single form for the filing of core information required to be submitted under Federal law to all such agencies in the reports and statements referred to in subsection (a); and

(2) to simplify instructions accompanying such reports and statements and to provide an index to the instructions that is adequate to meet the needs of both filers and users.

(c) REVIEW OF CALL REPORT SCHEDULE.—Each Federal banking agency shall—

(1) review the information required by schedules supplementing the core information referred to in subsection (b); and

(2) eliminate requirements that are not warranted for reasons of safety and soundness or other public purposes.

(d) DEFINITION.—In this section, the term "Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

Subtitle C—Streamlining Agency Actions

SEC. 1221. ELIMINATION OF DUPLICATIVE DISCLOSURE OF FAIR MARKET VALUE OF ASSETS AND LIABILITIES.

Section 37(a)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(a)(3)) is amended by striking subparagraph (D).

SEC. 1222. PAYMENT OF INTEREST IN RECEIVERSHIPS WITH SURPLUS FUNDS.

Section 11(d)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(10)) is amended by adding at the end the following new subparagraph:

"(C) RULEMAKING AUTHORITY OF CORPORATION.—The Corporation may prescribe such rules, including definitions of terms, as it deems appropriate to establish a single uniform interest rate for or to make payments of post insolvency interest to creditors holding proven claims against the receivership estates of insured Federal or State depository institutions following satisfaction by the receiver of the principal amount of all creditor claims.".

SEC. 1223. REPEAL OF REPORTING REQUIREMENT ON DIFFERENCES IN ACCOUNTING STANDARDS.

Section 37(c) of the Federal Deposit Insurance Act (12 U.S.C. 1831n(c)) is amended—

(1) in paragraph (1), by striking "Each" and all that follows through "a report" and inserting "The Federal banking agencies shall jointly submit an annual report"; and

(2) by inserting "any" before "such agency" each place that term appears.

SEC. 1224. EXTENSION OF TIME.

Section 6(a)(1) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(1)) is amended by striking "1 year" and inserting "18 months".

Subtitle D—Technical Corrections

SEC. 1231. TECHNICAL CORRECTION RELATING TO DEPOSIT INSURANCE FUNDS.

(a) IN GENERAL.—Section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496) is amended—

(1) by striking "7(b)(2)(C)" and inserting "7(b)(2)(E)"; and

(2) by striking ", as redesignated by section 2704(d)(6) of this subtitle".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be deemed to have the same effective date as section 2707 of the Deposit Insurance Funds Act of 1996 (Public Law 104–208; 110 Stat. 3009–496).

SEC. 1232. RULES FOR CONTINUATION OF DEPOSIT INSURANCE FOR MEMBER BANKS CONVERTING CHARTERS.

Section 8(o) of the Federal Deposit Insurance Act (12 U.S.C. 1818(o)) is amended in the second sentence, by striking "subsection (d) of section 4" and inserting "subsection (c) or (d) of section 4".

SEC. 1233. AMENDMENTS TO THE REVISED STATUTES OF THE UNITED STATES.

(a) WAIVER OF CITIZENSHIP REQUIREMENT FOR NATIONAL BANK DIRECTORS.—Section 5146 of the Revised Statutes of the United States (12 U.S.C. 72) is amended in the first sentence, by inserting before the period ", and waive the requirement of citizenship in the case of not more than a minority of the total number of directors".

(b) TECHNICAL AMENDMENT TO THE REVISED STATUTES.—Section 329 of the Revised Statutes of the United States (12 U.S.C. 11) is amended by striking "to be interested in any association issuing national currency under the laws of the United States" and inserting "to hold an interest in any national bank".

(c) REPEAL OF UNNECESSARY CAPITAL AND SURPLUS REQUIREMENT.—Section 5138 of the Revised Statutes of the United States (12 U.S.C. 51) is hereby repealed.

SEC. 1234. CONFORMING CHANGE TO THE INTERNATIONAL BANKING ACT OF 1978.

Section 4(b) of the International Banking Act of 1978 (12 U.S.C. 3102(b)) is amended in the second sentence, by striking paragraph (1) and by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

S. 3274—SECTION-BY-SECTION

Section 1. Short Title and Table of Contents. States that the act may be cited as the "American Homeownership and Economic Opportunity Act of 2000."

TITLE I—REMOVAL OF BARRIERS TO HOUSING AFFORDABILITY

Section 101. Short title. This title may be referred to as the "Housing Affordability Barrier Removal Act of 2000."

Section 102. Grants for regulatory barrier removal strategies. Authorizes $15 million for FY 2001 through FY 2005 for grants to States, local governments, and eligible consortia for regulatory barrier removal strategies. This is a reauthorization of the same amount under an already existing CDBG set-aside (Section 107(a)(1)(H)). Grants provided for these purposes must be used in coordination with the local comprehensive housing affordability strategy ("CHAS").

Section 103. Regulatory barriers clearinghouse. Creates within HUD's Office of Policy Development and Research a "Regulatory Barriers Clearinghouse" to collect and disseminate information on, among other things, the prevalence of regulatory barriers and their effects on availability of affordable housing, and successful barrier removal strategies.

TITLE II—HOMEOWNERSHIP FOR WORKING FAMILIES

Section 201. Home equity conversion mortgages. Allows for the refinancing of home equity conversion mortgages (HECMs) for elderly homeowners. Gives the Secretary discretion to reduce the single premium payment to an amount as determined by an actuarial study, to be conducted by the Secretary within 180 days of enactment, and to credit the premium paid on the original loan. Authorizes the Secretary to establish a limit on origination fees that may be charged (which fees may be fully financed). Waives counseling requirements if the borrower has received counseling in the prior five years and the increase in the principal limit exceeds refinancing costs by an amount set by the Department; provides a disclosure under a refinanced mortgage of the total cost of refinancing and the principal limit increase.

In cases where the reverse mortgage proceeds are used for long-term care insurance contracts, a portion of those proceeds may be used for up-front costs, such as initial service, appraisal and inspection fees. Requires HUD to waive the up-front mortgage insurance premium in cases where reverse mortgage proceeds are used for costs of a qualified long-term care insurance contract.

Directs the Department to conduct an actuarial study within 180 days of enactment of the effect creating a single national loan limit for HECM reverse mortgages.

Section 202. Assistance for self-help housing providers. Reauthorizes the self-help housing for FY 2001. Allows projects with 5 or more units to use their funds over a 3-year period. Allows entities to advance themselves funds prior to completion of environmental reviews for purposes of land acquisition.

TITLE III—SECTION 8 HOMEOWNERSHIP OPTION

Section 301. Downpayment assistance. Public Housing Authorities (PHAs) are authorized to provide down-payment assistance in the form of a single grant, in lieu of monthly assistance. Such down-payment assistance shall not exceed the total amount of monthly assistance received by the tenant for the first year of assistance. For FY 2000 and thereafter, assistance under this section shall be available to the extent that sums are appropriated.

Section 302. Pilot program for homeownership assistance for disabled families. Adds a pilot program to demonstrate the use of tenant-based section 8 assistance (section 8 vouchers) for the purchase of a home that will be owned by 1 or more members of the disabled family and will be occupied by that family and meets certain requirements. Requirements include purchase of the property within three years of enactment of this Act; demonstrated income level from employment or other sources (including public assistance), that is not less that twice the Section 8 payment standard established by the PHA; participation in a housing counseling program provided by the PHA; and other requirements established by the PHA in accordance with requirements established by the Secretary of HUD.

Section 303. Funding for pilot program. Authorizes such sums as may be appropriated for a grant program to supplement demonstration programs approved under the Section 8 homeownership demonstration program. The program has a 50% match requirement.

TITLE IV—PRIVATE MORTGAGE INSURANCE CANCELLATION AND TERMINATION

Section 401. Short title. Provides that this title may be cited as the "Private Mortgage Insurance Technical Corrections and Clarification Act".

Section 402. Changes in amortization schedule. Clarifies that private mortgage insurance (PMI) termination/cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule then in effect (the most recent calculation); treats a balloon mortgage like an ARM (uses most recent amortization schedule); bases cancellation/termination rights on modified terms if loan modification occurs.

Section 403. Deletion of ambiguous references to residential mortgages. Clarifies that borrowers' PMI cancellation and termination rights apply only to mortgages created after the effective date of the legislation (one-year after the date of enactment).

Section 404. Cancellation rights after cancellation date. Clarifies that the good payment history requirement in the bill is calculated as of the later of the cancellation date or, the date on which a borrower requests cancellation. Provides that if a borrower is not current on payments as of the termination date, but later becomes current, termination shall not take place until the first day of the following month (eliminates lender need to check and cancel PMI every day of the month). Clarifies that PMI cancellation or termination does not eliminate requirement to make PMI payments legitimately accrued prior to any cancellation or termination of PMI.

Section 405. Clarification of cancellation and termination issues and lender paid mortgage insurance disclosure requirements. Adds provision clarifying cancellation and termination issues related to terms ambiguous in law, including "good payment history", "automatic termination" and "accrued obligation for premium payments". Clarifies that PMI cancellation rights exist on the cancellation date, or any later date, as long as the borrower complies with all cancellation requirements. Clarifies that borrower must be current on loan payments to exercise cancellation.

Section 406. Definitions. Sets forth definitions of: (a) refinanced; (b) midpoint of the amortization period; (d) original value; and (e) principal residence.

TITLE V—NATIVE AMERICAN HOMEOWNERSHIP

Subtitle A—Native American Housing

Section 501. Lands Title Report Commission. Subject to amounts appropriated, creates an Indian Lands Title Report Commission to develop recommended approaches to improving how the Bureau of Indian Affairs (BIA) conducts title reviews in connection with the sale of Indian lands. Receipt of a certificate from BIA is a prerequisite to any sales transaction on Indian lands, and the current procedure is overly burdensome and presents a regulatory barrier to increasing homeownership on Indian lands.

The Commission is composed of 12 members with knowledge of Indian land title issues (4 appointed by the President, 4 by the President from recommendations made by the Chairman of the Senate Committee on Banking, Housing, and Urban Affairs Committee, and 4 by President from recommendations made by the Chairman of the House Committee on Banking and Financial Services). Authorized at $500,000.

Section 502. Loan guarantees. Permanently authorizes the section 184 Loan Guarantee Program for Indian housing.

Section 503. Native American housing assistance. Makes the following amendments to the Native American Housing and Self-Determination Act of 1996 (NAHASDA):

Restricts Secretary's authority to grant waiver of Indian housing plan requirements, upon noncompliance due to circumstances beyond the control of the Indian tribe, to a period of 90 days. Allows Secretary to waive requirement for a local cooperation agreement provided the recipient has made a good faith effort to comply and agrees to make payments in lieu of taxes to the jurisdiction.

Sets forth requirement for assistance to Indian families that are not low-income upon a showing of need. Eliminates separate Indian housing plan requirements for small Indian tribes.

Provides Secretary with authority to waive statutory requirements of environmental reviews upon a determination that failure to comply does not undermine goals of the National Environmental Policy Act, will not threaten the health or safety of the community, is the result of inadvertent error and can be corrected by the recipient of funding. The intent is to address problems resulting from procedural, rather than substantive, noncompliance.

Authorizes tribal housing entities to provide housing on Indian reservations to full-time law enforcement officers, sworn to implement the Federal, State, county, or tribal law.

Revises provisions regarding audits and reviews by the Secretary by making applicable the requirements of the Single Audit Act to tribal housing entities; allowing these housing entities to be treated as a non-Federal entities; and, permitting the Secretary to conduct audits. The audits will determine whether the grant recipient has carried out eligible activities in a timely manner; has met certification requirements; has an on going capacity to carry out eligible activities in a timely manner; and, has complied with the proposed housing plan.

Prescribes formula allocation for Indian housing authorities operating fewer than 250 units by requiring the amount of assistance provided to these tribes to be based on an average of their allocations from the prior five (5) fiscal years (fiscal years 1992 through 1997).

Amends hearing requirements to allow the Secretary to take immediate remedial action if the Secretary determines that the recipient has failed to comply substantially with any material provision of NAHASDA resulting in continued federal expenditures not authorized by law.

Upon noncompliance with the law due to technical incapacity, requires a recipient to enter into a "performance agreement" with the Secretary before the Secretary can provide technical assistance.

For section 8 vouchers currently being used by an Indian tribe, requires counting such vouchers under the NAHASDA block grant allocation formula to ensure that families currently participating in the Section 8 voucher program will continue to be funded.

Repeals requirement regarding the certification of compliance with subsidy layering requirements with respect to housing assisted with grant amounts provided under the Act.

Subtitle B—Native Hawaiian Housing

Section 511. Short title. Provides that the subtitle may be cited as the "Hawaiian Homelands Homeownership Act of 2000."

Section 512. Fihdings. Finds that Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States, and that Congress finds it necessary to extend the Federal low-income housing assistance available under the Native American Housing and Self Determination Act of 1996 to those Native Hawaiians.

Section 513. Housing assistance. Provides the Secretary of HUD with authority to establish a program for the provision of block grants for affordable housing activities for Native Hawaiians, within the Native American Housing Assistance and Self Determination Act of 1996. The Secretary is to be guided by the program requirements of titles I, II and IV of the Native American Housing Assistance and Self-Determination Act in the implementation of housing assistance programs for Native Hawaiians under this title. The Secretary may make exceptions to, or modifications of, program requirements as necessary and appropriate to meet the unique situation and housing needs of Native Hawaiians. Sets forth definitions, the requirements associated with housing plans, and other program requirements.

Section 514. Loan guarantees. Provides for loan guarantees for Native Hawaiian Housing. Loans guaranteed by the Secretary pursuant to this title shall be in amounts not to exceed one hundred percent of the unpaid principal and interest that is due on an eligible loan. A loan is an eligible loan if that loan is made only to a borrower who is a Native Hawaiian family, the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, or a private nonprofit organization experience in the planning and development of affordable housing for Native Hawaiians.

TITLE VI—MANUFACTURED HOUSING IMPROVEMENT

Section 601. Short Title References. States that this title may be cited as the "Manufactured Housing Improvement Act of 2000."

Section 602. Findings and purposes. Current law provisions are replaced with a more detailed statement of the original intent of Congress when it enacted the Federal Manufactured Home Construction and Safety Standards Act. Adds a consensus standards development process to the purpose of the act. Expresses the continuing need for affordability and the need for objective, performance-based standards, while emphasizing the need for consumer protection.

Section 603. Definitions. Adds several definitions to Section 603 of current law concerning the consensus committee and the consensus standards development process (Section —4). Adds a definition for the monitoring function and related definitions for primary inspection agency, design approval inspection agency, and production inspection primary inspection agency duties, which had not been previously defined. The term "dealer" has been replaced throughout with the term "retailer."

Section 604. Federal manufactured home construction and safety standards. Section 604 of current law (P.L. 93-383) is revised to establish a consensus committee that would submit recommendations to the Secretary of HUD for developing, amending and revising both the Federal Manufactured Home Construction and Safety Standards and the enforcement regulations. These recommendations would be published in the Federal Register for notice and comment prior to final adoption by the Secretary. The committee shall be composed of 21 voting members, appointed by the Secretary, based on recommendations of administering organizations, who shall be qualified individuals (7 producers of manufactured housing, 7 users of manufactured housing, and 7 general interest groups and/or public officials), and one additional non-voting member to represent the Secretary on the consensus committee. The committee would function in accordance with the American National Standards Institute (ANSI) procedures for the development and coordination of American National Standards.

If the Secretary fails to take final action on a proposed revised standard, the Secretary shall appear before the housing and appropriation subcommittees and committees of the House of Representatives and the Senate and state the reason for failure.

Further, if the Secretary does not appear in person as required, the Secretary will be prohibited from expending funds collected under authority of this title in any amount greater than that collected and expended in the fiscal year preceding enactment of the Manufactured Housing Improvement Act of 2000.

The revisions to section 604 would also clarify the scope of federal preemption to ensure that disparate state or local requirements do not affect the uniformity and comprehensive nature of the federal standards. At the same time, the bill would reinforce the proposition that installation standards and regulations remain under the exclusive authority of each state.

Section 605. Abolishment of the National Manufactured Home Advisory Council; manufactured home installation. Section 605 of existing law (P.L. 93-383) would be repealed, abolishing the National Manufactured Home Advisory Council, which is replaced by the consensus committee formed under Section —04. A new section 605 is added, entitled "Section 605. Manufactured Home Installation," which give states five years to adopt an installation program. During this five-year period, the Secretary of the Department of Housing and Urban Development (HUD) and the Consensus Committee are charged with constructing a "model" manufactured housing installation program. In states that choose not to adopt an installation program, HUD may contract with an appropriate agent in those states to implement the "model" installation program.

Section 606. Public information. Amends current requirements governing cost information of any new standards submitted by manufacturers to the Secretary by requiring the Secretary to submit such cost information to the consensus committee for evaluation.

Section 607. Research, Testing, Development, and Training. Requires HUD Secretary to conduct research, testing, development and training necessary to carry out the purposes of facilitating manufactured housing, including encouraging GSE's to develop and implement secondary market securitization programs for FHA manufactured home loans, and reviewing the programs for FHA manufactured home loans and developing any changes to such programs to promote the affordability of manufactured homes.

Section 608. Prohibited Acts. Requires continued compliance with the requirements for the installation program required by Section 605 in any State that has not adopted and implemented a State installation program.

Section 609. Fees. Amends current section 620 by allowing the Secretary to use industry label fees for the administration of the consensus committee, hiring additional program staff, for additional travel funding, funding of a non-career administrator to oversee the program, and for HUD's efforts to promote the availability and affordability of manufactured housing. Prohibits the use of label fees to fund any activity not expressly authorized by the act, unless already engaged in by the Secretary, makes expenditure of label fees subject to annual Congressional appropriations review. Requires HUD to be accountable for any fee increase by requiring notice and comment rulemaking.

Section 610. Dispute Resolution. In order to address problems that may arise with manufactured homes, Section 610 gives the states five years to adopt a dispute resolution program for the timely resolution of disputes between manufacturers, retailers, and installers regarding the responsibility for the correction or repair of defects in manufactured homes that are reported during the one year period beginning on the date of installation. This also requires state issuance of appropriate orders for the correction or repair of defects in the manufactured homes that are reported during the 1-year period beginning on the date of installation under the dispute resolution program. In states that choose not to adopt their own dispute resolution program, HUD may contract with an appropriate agent in those states to implement a dispute resolution program.

Section 611. Elimination of annual report requirement. Eliminates existing annual reporting by the Secretary to Congress on manufactured housing standards.

Section 612. Effective date. Effective date of the legislation is the date of enactment, except that interpretive bulletins or orders published as a proposed rule prior to the date of enactment shall be unaffected.

Section 613. Savings provision. Existing manufactured housing standards are maintained in effect until the effective date of the Federal manufactured home construction and safety standards pursuant to the amendments made by this act.

TITLE VII—RURAL HOUSING HOMEOWNERSHIP

Section 701. Guarantees for refinancing of rural housing loans. Amends Section 502(h) of the Housing Act of 1949 to allow borrowers of Rural Housing Service single-family loans to refinance an existing direct or guarantee loan with a new guarantee loan, provided the interest rate is at least equal or lower than the current interest rate being refinanced; the same home is used as security; the principle is equal or lower than the refinanced amount plus closing costs, discount points not exceeding 2 basis points and, an origination fee prescribed by the Agriculture Secretary [HR 3834 (Andrews) Homeowners Financing Protection Act (passed the House under suspension on September 19, 2000).]

Section 702. Promissory note requirement under housing repair loan program. Increases amount of promissory note (instead of use of liens on property) amounts from $2,500 to $7,500 (adjusted from late 1970's amount to account for home repairs, e.g. roofing, heating systems, windows, etc.) without going through the formal loan process.

Section 703. Limited partnership eligibility for farm labor housing loans. Technical amendment that clarifies that limited partnerships are eligible for loans under Section 514 (Farm Labor Housing) in cases where the general partner is a nonprofit entity.

Section 704. Project accounting records and practices. Sets forth accounting and record keeping requirements, including maintaining accounting records in accordance with generally accepted accounting principles for all projects that receive funds under this program; retaining records available for inspection by the USDA Secretary for not less than six years, and other requirements.

Section 705. Definition of rural area. Extends designation of rural areas, for purposes of the Rural Housing Service housing programs, for a narrow category of communities until the 2010 census.

Section 706. Operating assistance for migrant farmworkers projects. Allows Section 521 operating assistance for farm labor housing complexes where "mixed" migrant and annual workers will live.

Section 707. Multifamily rental housing loan guarantee program. Allows Native Americans to become eligible borrowers under the multifamily loan guarantee program; authorizes a "balloon payment" as a financing option; allow fees from lenders to be used to help offset program costs; and repeals existing prohibition against the transfer of property title from the lender to the federal government as well as the prohibition against the transfer of liability from one borrower to another.

Section 708. Enforcement provisions. Provides criminal penalties and civil sanctions for violations of program requirements.

Section 709. Amendments to title 18 of the United States Code. Amends Title 18 of the U.S. Code—Money Laundering—to strengthen enforcement and prosecution of program fraud and abuse.

TITLE VIII—HOUSING FOR ELDERLY AND DISABLED FAMILIES

Section 801. Short Title. This title may be cited as the "Affordable Housing for Seniors and Families Act."

Section 802. Regulations. Provides that the Secretary of HUD shall issue regulations implementing the provisions of this title only after notice and opportunity for public comment.

Section 803. Effective Date. Provides that the provisions of the title are effective upon enactment unless such provisions specifically provide for effectiveness or applicability upon another date certain.

Subtitle A—Refinancing for Section 202 Supportive Housing for the Elderly

Section 811. Prepayment and refinancing. Requires the Secretary to approve prepayment of mortgages for Section 202 properties if the sponsor (owner) continues the low-income use restrictions. Requires that upon refinancing, the Secretary make available at least 50% of annual savings resulting from reduced Section 8 or other rental housing assistance in a manner that is advantageous to tenants, which may include increasing supportive services, rehabilitation, modernization, and retrofitting of structures, and other specified purposes.

This allows sponsors to build equity in their project that can be used to refinance at lower interest rates. The refinancing may result in lower project based Section 8 if the sponsor elects lower debt service in addition to the lower interest rate. The savings can then be used for improvements to the facility or services for residents.

Subtitle B—Authorization of Appropriations for Supportive Housing for the Elderly and Persons with Disabilities

Section 821. Supportive housing for elderly persons. Authorizes such sums for the existing program of supportive housing for the elderly (section 202 housing) for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

Section 822. Supportive housing for persons with disabilities. Authorizes such sums for the existing program of supportive housing for the disabled (section 811 housing) for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

Section 823. Service coordinators and congregate services for elderly and disabled housing. Authorizes such sums for grants for service coordinators, who link residents with supportive or medical services in the community, for certain federally assisted multifamily housing projects for FY 01 and "such sums as may be necessary" for FY 02, and FY 03.

Subtitle C—Expanding Housing Opportunities for the Elderly and Persons with Disabilities

PART 1—HOUSING FOR THE ELDERLY

Section 831. Eligibility of for-profit limited partnerships. Allows 202 sponsors to form limited partnerships with for-profits, but the nonprofits must be the controlling partner. Through this partnership, the sponsors could compete for the low income housing tax credit. With this change, owners could build bigger developments and achieve scale economies. The units financed under Section 202 would be governed by those rules, and the tax credit units would be governed under those rules. States would still be making the decision who gets the LIHTC, and the limited partnerships would have to compete like everybody else.

Section 832. Mixed funding sources. Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for seniors.

Section 833. Authority to acquire structures. Removes limitation allowing private non-profit housing providers to acquire only RTC-held properties. RTC went out of business. This provision allows 202 projects to acquire properties.

Section 834. Use of project reserves. Project reserves, a set-aside account funded through rent receipts for repairs to the building's structure or infrastructure over the years (roof, elevator, etc.), may be used to reduce the number of dwelling units in the 202 project. The use of these funds is subject to the Secretary's approval to ensure the use is designed to retrofit obsolete or unmarketable units.

During the cost containment phase of the Section 202 program, many efficiencies were built. In many cases, it is preferable to convert efficiencies to 1 or 2 bedroom apartments. In other instances, the project may want to reduce units to make room for a clinic or community space.

Section 835. Commercial activities. Makes clear that commercial facilities may be located and operated in Section 202 projects, as long as the business is not subsidized with 202 funds. These facilities can benefit residents and bring some additional revenue (rent) to the project.

PART 2—HOUSING FOR PERSONS WITH DISABILITIES

Section 841. Eligibility of for-profit limited partnerships. Provides that for-profit limited partnerships are eligible to participate in the 811 program established under this Act. The nonprofit will be the controlling partner, and the limited partnership may compete for the LIHTC.

Section 842. Mixed funding sources. Allows private non-profit housing providers to use all sources of financing, including Federal funds, for amenities, relevant design features and construction of affordable housing for the disabled.

Section 843. Tenant-based assistance for persons with disabilities. Provides that tenant-based rental assistance provided under Section 811 of the Cranston-Gonzalez National Affordable Housing Act may be provided by a private nonprofit organization as well as by a public housing agency as under current law.

Section 844. Use of project reserves. Project reserves may be used to reduce the number of dwelling units in an 811 project to retrofit obsolete or unmarketable units. Allows flexibility to design the project in a way that makes it more comfortable & appealing for the residents.

Section 845. Commercial Activities. Clarifies that commercial facilities may be located and operated in Section 811 projects, as long as the business is not subsidized with 811 funds.

PART 3—OTHER PROVISIONS

Section 851. Service coordinators. Allows service coordinators to assist low-income elderly or disabled families living in the vicinity of an eligible federally assisted project. Requires HUD and HHS to develop standards for service coordinators in federally assisted housing to educate seniors about telemarketing fraud and facilitating prosecution of such fraud. This change will make the project a focal point of the community, address the isolation many seniors feel particularly in rural areas—and help seniors protect themselves against fraud.

SUBTITLE D—PRESERVATION OF AFFORDABLE HOUSING STOCK

Section 861. Section 236 Assistance. Allows owners of uninsured Section 236 projects to retain excess income. This money is needed for repairs to the aging projects. The FY 00 VA-HUD bill allowed uninsured Section 236 owners to retain excess income (which results when 30% of somebody's income exceeds the base rent established by HUD), but the authority had to be approved on an annual basis through the appropriations process. This provision puts the uninsured 236s on equal footing with the FHA insured projects, which are already allowed to retain excess income.

To the extent a project owner has remitted excess income charges to HUD since the date of enactment of the FY 1999 appropriations Act, the Department may return to the relevant project owner any such excess charges remitted. This would put these owners on an equal footing with those owners who had retained these excess charges and whom HUD has, through notice, permitted to retain such excess income.

TITLE IX—OTHER RELATED HOUSING PROVISIONS

Section 901. Extension of Loan Term for Manufactured Home Lots. Extends the loan terms for manufactured home lots financed by insured financial institutions from 15 years, 32 days to 20 years, 32 days.

Section 902. Use of Section 8 Vouchers for Opt—Outs. Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 by changing the effective date when Section 8 vouchers may be used in situations where owners opt out of the program from 1996 to 1994.

Section 903. Maximum payment standard for enhanced vouchers. Amends the VA, HUD and Independent Agencies Appropriations Act of FY 2001 to require that HUD may not limit the value of enhanced vouchers as provided under the statute if such limit would adversely affect the assisted families to which enhanced vouchers are provided.

Section 904. Use of section 8 assistance by "grand-families" to rent dwelling units in assisted projects. Allows HOME funds (in rental units otherwise not eligible for HOME funds) to be used for facilities with units with low-income families having a grandparent residing with a grandchild, or in some cases, where great- and great-great grandchildren are residing in the unit, with neither of the child's parents residing in the household.

TITLE X—FEDERAL RESERVE BOARD PROVISIONS

Section 1001. Federal Reserve Board Buildings. Allows the Federal Reserve Board to have more than one building.

Section 1002. Positions of Board of Governors of Federal Reserve System on the Executive Schedule. Raises the pay of the Chairman of the Federal Reserve Board from Level II of the Executive Schedule to Level I (approx. $14,800) and the Board Members from Level III to Level II (approx. $10,500).

Section 1003. Amendments to the Federal Reserve Act. Provides a new reporting requirement to replace the expired provisions relating to the semi-annual "Humphrey-Hawkins" reports requirements. Section 1002 requires the Chairman of the Federal Reserve Board to appear before Congress at semi-annual hearings to discuss monetary policy as well as economic developments and prospects for the future. The Chairman will appear before the House Banking Committee around February 20 of even numbered years and July 20 of odd numbered years, and before the Senate Banking Committee on February 20 of odd numbered years and July 20 of even numbered years. Either Committee may request the Chairman to appear after his scheduled appearance before the other.

Requires the Federal Reserve Board to submit, concurrent with each semi-annual hearing, a written report to both Committees discussing the same subjects, taking into account developments in employment, unemployment, production, investment, real income, productivity, exchange rates, international trade and payments, and prices.

TITLE XI—BANKING AND HOUSING AGENCY REPORTS

Section 1101. Short title. The title is cited as the "Federal Reporting Act of 2000."

Section 1102. Preservation of certain reporting requirements. This Section reinstates certain reports which expired in May 2000 pursuant to the Federal Reports Elimination and Sunset Act of 1995.

(1) President's economic report, together with the annual report of the Council of Economic Advisors. Due: During first 20 days of each regular session.

(2) President's report on impact of offsets on the defense preparedness, industrial competitiveness, employment, and trade of the US. Due: Annually (to Banking and Armed Services Committees) (This report discloses impact on the U.S. economy in cases where foreign governments, to justify the purchase of U.S.-made defense systems, require technology transfers or direct in-country investments. Such concessions ensure the sale but may impair future sales or enhance the production capacity of a potential foreign competitor to the U.S.)

(3) Commerce Department report on operations under the Public Works and Economic Development Act of 1965 (by the Economic Development Administration) Due: Annually.

(The EDA provides grants for public works and other assistance to alleviate unemployment in economically distressed areas.)

(4) HUD's agenda of all rules and regulations under development or review. Due: Semiannually (to Banking Committee).

(5) HUD report on early defaults on FHA-insured loans. Due: Annually. (The report includes data on lenders and the numbers of loans they make—and defaults and foreclosures thereon—by census tract.)

(6) Two HUD Reports related to civil rights: (a) Progress in eliminating discriminatory housing practices. Due: Annually. (The report reviews the nature and extent of progress in eliminating housing discrimination practices, obstacles remaining, and recommendations for legislation or executive action.) and (b) Data on applicants, participants, and beneficiaries of the programs administered by HUD. Due: Annually. (The report provides data on race, color, religion, sex, national origin, age, handicap, and family characteristics of applicants or participants in HUD programs.)

(7) Two HUD reports related to lead-based paint hazards: (a) Assessment of the progress made in implementing the various programs authorized by the Act. Due: Annually. (This report covers research/studies into lead poisoning and recommendations for legislative or other action to improve HUD's performance in combating such hazards.); and (b) Progress of the Department in implementing expanded lead-based paint hazard evaluation and reduction activities. Due: Biennially. (This report is related to the one above and provides an assessment of HUD's progress in various lead-based paint abatement programs.)

(8) FHA annual report. Due: Annually. (The report provides an analysis of income-demographic borrower information, specifically related to incomes not exceeding 100% of area median income (AMI), 80% of AMI, 60% of AMI; minority, central city and rural borrowers; and, HUD activities to ensure participation by these groups.)

(9) HUD annual report. Due: Annually. (This is an annual report by the Secretary to the President for submission to the Congress on all operations and programs under HUD's jurisdiction during the previous year.)

(10) HUD annual report. Due: Annually. (This is a general requirement for an annual report from the Secretary to the President on the activities of HUD for submission to Congress.)

(11) FEMA report on operations under the National Flood Insurance Act of 1968. Due: Biennially. (This report covers operations of the national flood insurance program offered to communities which enforce flood plain management measures.)

(12) HUD report on Indians and Alaska Native housing and community development. Due: Annually. (The report covers the housing needs of Indian tribes in the U.S. and HUD's activities in meeting such needs. It includes estimates of the costs of projected activities for succeeding fiscal years, statistics on the conditions of Indian and Alaska Native housing, and recommendations for new legislation.)

(13) HUD report on actuarial soundness of the Mutual Mortgage Insurance Fund. Due: Annually. (The report describes HUD actions to ensure the Fund maintains a capital ratio of at least 1.25 percent.)

(14) Treasury Department report on progress in enhancing human rights through U.S. participation in international financial institutions. Due: Quarterly (to Banking and International Relations Committees).

(15) Treasury Department reports: (a) Financial statement and report of transactions of the Exchange Stabilization Fund (ESF). Due: Monthly (to Banking Committee); and (b) Operations of the ESF. Due: Annually.

(16) OCC, FDIC, and Federal Reserve Board reports on activities of the consumer affairs division. Due: Annually. (These reports describe actions taken by the agencies to prevent unfair or deceptive acts or practices by banks and to address consumer complaints.)

(17) OCC Annual Report. Due: Annually.

(18) OTS report on minority institutions. Due: Annually. (This report relates to OTS actions to preserve minority ownership of minority financial institutions many of which serve lower income and minority communities.)

(19) Appalachian Regional Commission report of activities. Due: Annually. (The report covers Federal-State activities to support economic development in the 13 Appalachian states.)

(20) Export-Import Bank reports: (a) Export financing competition. Due: Annually. (This report reviews how well Exim's programs compete with those of other export credit agencies, and includes other "sub-reports" which will also continue, i.e. the Trade Promotion Coordinating Committee (TPCC) Strategic Plan, Advisory Committee comments on Exim's competitiveness, and Competitive Insurance Opportunities report on Exim deals with respect to countries that deny opportunities to US insurance companies.); (b) Tied aid credits. Due: Biannually. (This report covers the tied aid credit program under which grants are made to supplement financing for a US export when it appears predatory financing will be available from another country for a competitor's product.); and (c) Operations as of the close of business each fiscal year. Due: Annually. (This report includes other "sub-reports" which would also be retained, i.e. environmental exports and small business exports. Three other sub-reports are listed for repeal under Section 1005.)

(21) FDIC report on operations of the Corporation. Due: Annually. (The report also includes information on the BIF and SAIF.)

(22) Federal Financing Bank report on activities of the Bank. Due: Annually. (The FFB lends to federal agencies to reduce the cost of borrowing, ensure coordination of borrowings with federal fiscal and debt management, and assure minimal disruption of private markets and institutions.)

(23) Federal Housing Finance Board Annual Report. Due: Annually.

(24) Federal Reserve survey of bank' fees and services. Due: Annually. (The report covers discernible changes in cost and availability of bank services.)

(25) Federal Reserve assessment of the profitability of credit card operations of depository institutions. 15 U.S.C. 1637 Due: Annually. (The report also discusses trends in credit card interest rates.)

(26) Federal Reserve report on credit card price and availability information. Due: Semiannually. (The Board provides information on a sample of 150 card issuers twice a year.)

(27) Federal Reserve activities under the Equal Credit Opportunity Act. Due: Annually. (This information is included in the Board's annual report.)

(28) Federal Reserve report on administration of and recommendations as to changes in the Truth in Lending Act. Due: Annually. (The report provides information on compliance with TILA regulations.)

(29) Federal Reserve Board of Governors report of activities. Due: Annually.

(30) Federal Reserve report on policy actions of the Federal Open Market Committee and the Board. Due: Annually. (This is included in the Fed's annual report.)

(31) Federal Trade Commission's reports on administration of the Fair Debt Collection Practices Act. Due: Annually. (The report covers elimination of abusive debt collection practices.)

(32) National Credit Union Administration's report on operations and financial information. Due: Annually.

(33) Treasury Department report on activities and audit of financial statement of the Resolution Funding Corporation. Due: Annually. (REFCORP was established by FIRREA to raise funding for RTC resolution of insolvent S&Ls. Funds are appropriated to Treasury to pay interest on obligations issued by REFCORP.)

(34) Neighborhood Reinvestment Corporation's annual report. Due: Annually. (The corporation was set up to continue the work of the Urban Reinvestment Task Force in establishing neighborhood housing services and providing grants and technical assistance to facilitate reinvestment.)

(35) Voluntary agreements under the Defense Production Act. Due: At least annually. (This report is due to the Congress and the President from any individual(s) designated by the President, describing voluntary agreements and plans of action in effect for preparedness programs and expansion of production capacity and supply.)

(36) Justice Department report on data collection re banks and banking. Due: Quarterly. (This report details civil and criminal investigations and prosecutions relating to banking law offenses.)

(37) Federal Housing Administration Advisory Board report on assessment of the activities of the Federal Housing Administration; effectiveness of the Mortgagee Review Board. Due: Annually. (This report covers the soundness of FHA's underwriting procedures and other activities relating to the FHA's ability to serve nation's homebuyers and renters, as well as the effectiveness of the Mortgagee Review Board which takes action against mortgagees in violation of the Fair Housing Act or other statutory requirements.)

Section 1103. Coordination of Reporting Requirements. Subsection (a) requires the FDIC's annual report to include the agency's annual consumer affairs report.

Subsection (b) requires the annual report of the Federal Reserve Board of Governor to include the Fed's annual report of activities under the Equal Credit Opportunity Act, the Board's annual consumer affairs report, the annual report on administration of the Truth in Lending Act, and the Fed's annual report on policy actions of the Federal Open Market Committee and the Board.

Subsection (c) requires the OCC annual report to include the agency's annual consumer affairs report.

Subsection (d) requires the Exim Bank's annual report on export financing competition to include the tied aid report, and makes the latter an annual rather than semi-annual report.

Subsection (e) requires HUD's annual report to include the Department's two annual reports required under the Civil Rights Act relating to progress in eliminating housing discrimination and data on applicants and participants in HUD programs, the Department's annual and biennial reports on lead based paint, the Department's annual report on all HUD programs and operations, and HUD's annual report on housing programs related to Indians and Alaskan Natives.

Subsection (f) requires the annual report of the Federal Housing Administration to include the annual report on early defaults on FHA-insured loans and the annual report on the actuarial soundness of the Mutual Mortgage Insurance Fund.

Subsection (g) amends the International Financial Institutions Act to change Treasury's report on promoting human rights through international financial institutions from a quarterly report to an annual report.

Section 1104. Elimination of certain reporting requirements. Provides for the repeal of certain Export-Import Bank reports. One is a report from the President requesting legislation if the amount of direct loan authority or guarantee authority available to the Export-Import Bank for the fiscal year involved exceeds the amount necessary. This report is being repealed because it is a corollary to the President's annual report on sufficiency of Exim authority which expired pursuant to the sunset. There are four "sub-reports" to

Exim's annual report that are also to be repealed: (1) a report on specific Exim's programs and activities to promote nonnuclear renewable energy resources and description of Exim's actions to assist small business which is being repealed because this information is already included in other reports; (2) a report on Exim's actions on maintaining "key linkage industries" which is unnecessary because Exim's annual report covers exports for various industries; (3) a report on Exim's measures to supplement financing for agricultural commodities which was enacted 20 years ago but which is no longer needed with Exim continuing to be involved in this area; and (4) a report on Exim's programs on the export of services which is also covered in the annual report since it is part of Exim's activities.

This section also provides for the repeal of a semi-annual FDIC report on the agency's efforts to maximize the efficient use of private sector contractors to manage assets held by the agency. There is little need for the report today since assets have declined significantly since 1991. The 1999 report showed the agency had only about 3% of the assets in liquidation it had 7 years earlier.

TITLE XII—FINANCIAL REGULATORY RELIEF

Section 1200. Short Title. This title may be cited as the "Financial Regulatory Relief and Economic Efficiency Act of 2000.

Section 1201. Repeal of Savings Association Liquidity Provision. Repeals unnecessary provisions relating to savings association liquidity requirements.

Section 1202. Non-controlling Investments by Savings Association Holding Companies. Allows a savings and loan holding company to acquire a five to twenty-five percent noncontrolling interest of another SLHC or savings association, subject to the approval of the Director of the OTS.

Section 1203. Repeal of Deposit Broker Notification and Record Keeping Requirement. Repeals requirement that brokers file a written notice with the FDIC before soliciting or placing deposits with an insured depository institution.

Section 1204. Expedited Procedures for Certain Reorganizations. Simplified procedures for a national bank reorganizing into a bank holding company.

Section 1205. National Bank Directors. Permits national banks to elect directors to terms of up to 3 years on a staggered basis. Permits Comptroller to remove the limitation on the number of board members.

Section 1206. Amendment to Bank Consolidation and Merger Act. Permits national bank, upon approval of Comptroller, to merge or consolidate with its subsidiaries or nonbank affiliates—with no increase in powers for the national bank.

Section 1207. Loans on or Purchases by Institutions of their own Stock. Repeals prohibition on a bank owning or holding its stock, but retains prohibition on making loans or discounts on the security of its own stock.

Section 1208. Purchased Mortgage Servicing Rights. Authorizes the appropriate Federal banking agencies to jointly simplify capital calculations by not requiring banks or thrifts to distinguish between types of mortgage servicing rights. This would allow regulators to value marketable mortgages servicing assets in capital determinations up to 100% of their fair market value rather than the current level which is limited to 90% of fair market value.

Subtitle B—Streamlining Activities of Institutions

Section 1211. Call Report Simplification. Provides for the modernization of the call report filing and disclosure system.

Subtitle C—Streamlining Agency Actions

Section 1221. Elimination of Duplicative Disclosure of Fair Market Value of Assets and Liabilities. Clarifies that banking agencies need no longer pursue further development of the supplemental disclosure method. Even so, Section 36 of FDIA and its supporting regulations provide agencies with discretion to seek additional information in regulatory reports and annual reports regarding fair market value.

Section 1222. Payment of Interest in Receiverships With Surplus Funds. Gives the FDIC the authority to establish a uniform interest rate with regard to receiverships.

Section 1223. Repeal of Reporting Requirements on Differences in Accounting Standards. Amends the requirement for each agency to produce an Annual Report on "Agency Differences in Reporting Capital Ratios and Related Standards." Instead, this provision directs the Federal banking agencies to jointly produce one report.

Section 1224. Extension of Time. Extends deadline for new FHLB capital rules from 12 months to 18 months.

Subtitle D—Technical Corrections

Section 1231. Technical Correction Relating to Deposit Insurance Funds. Makes technical correction to FDIA.

Section 1232. Rules for Continuation of Deposit Insurance for Member Banks Converting Charters. Makes technical changes with regard to a cross-reference cite.

Section 1233. Amends to the Revised Statutes of the United States.

1233(a) Provides that the Comptroller may waive the U.S. citizenship requirement for up to a minority of a national bank's directors. The Economic Growth and Regulatory Paperwork Reduction Act (EGRPRA) inadvertently deleted the long-standing authority of the Comptroller to waive the citizenship requirement for up to a minority of directors of national banks that are subsidiaries of affiliates of foreign banks.

1233(b) Updates Section 11 to reflect that national banks no longer issue national currency, while maintaining the provision that prohibits the Comptroller from owning interest in the national banks they regulate.

1233(c) Repeals Section 5138 of the Revised Statutes (first enacted in 1864), which imposes minimum capital requirements for national banks. This minimum capital requirement (ranging from $50,000 to $200,000) is obsolete, since Congress granted the Federal banking agencies the regulatory authority to establish minimum capital requirements in 1983.

Section 1234. Conforming Changes to the International Banking Act of 1978. Allows branches and agencies of foreign banks that satisfy the asset test imposed on domestic banks to be examined on an 18-month cycle instead of the 12-month cycle.

ADDITIONAL COSPONSORS

S. 664

At the request of Mr. L. CHAFEE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1716

At the request of Mr. TORRCELLI, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Maryland (Ms. MILULSKI) were added as cosponsor of S. 1716, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2363

At the request of Mr. CRAPO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2434

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2585

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 3145

At the request of Mr. BREAUX, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 3145, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment under the tax-exempt bond rules of prepayments for certain commodities.

S. 3211

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 3211, a bill to authorize the Secretary of Education to provide grants to develop technologies to eliminate functional barriers to full independence for individuals with disabilities, and for other purposes.

S. 3250

At the request of Mr. BROWNBACK, the names of the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), the Senator from Wisconsin (Mr. FEINGOLD), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 3250, a bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

S. 3269

At the request of Mr. SPECTER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3269, a bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes.

AMENDMENT NO. 3996

At the request of Mr. JOHNSON, his name was added as a cosponsor of Amendment No. 3996 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

AMENDMENT TO 2ND QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM MAY 1 TO JUNE 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steve Cortese:									
Japan	Yen		262.00						262.00
South Korea	Won		678.00						678.00
Jennifer Chartrand:									
Japan	Yen		393.00						393.00
South Korea	Won		678.00						678.00
Tom Hawkins:									
Japan	Yen		393.00						393.00
South Korea	Won		678.00						678.00
Total			3,082.00						3,082.00

TED STEVENS,
Chairman, Committee on Appropriations, Oct. 25, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United States	Dollar				6,378.42				6,378.42
Korea	Dollar		276.00						276.00
China	Dollar		1,241,60.00						1,241.60
China	Yuan		2,566.39						2,566.39
Hong Kong	Dollar		690.00						690.00
Indonesia	Dollar		75.00						75.00
East Timor	Dollar		320.00						320.00
Australia	Dollar		214.00						214.00
Peter Reinecke:									
United States	Dollar				6,622.42				6,622.42
Korea	Dollar		552.00						552.00
China	Dollar		1,241,60.00						1,241.60
China	Yuan		310.40						310.40
Hong Kong	Dollar		690.00						690.00
Indonesia	Dollar		75.00						75.00
East Timor	Dollar		320.00						320.00
Australia	Dollar		214.00						214.00
Senator Ted Stevens:									
United Kingdom	Dollar		793.00						793.00
Senator Thad Cochran:									
United Kingdom	Dollar		1,074.00						1,074.00
Steve Cortese:									
United Kingdom	Dollar		1,074.00						1,074.00
Sid Ashworth:									
United Kingdom	Dollar		1,074.00						1,074.00
Andy Givens:									
United Kingdom	Dollar		1,074.00						1,074.00
Gary Reese:									
United Kingdom	Dollar		1,074.00						1,074.00
John Young:									
United Kingdom	Dollar		1,074.00						1,074.00
Fred Pagan:									
United Kingdom	Dollar		1,074.00						1,074.00
Total			17,096.99		13,000.84				30,097.83

TED STEVENS,
Chairman, Committee on Appropriations, Oct. 23, 2000.

AMENDMENT TO 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Warner:									
Morocco	Dollar		472.00						472.00
Macedonia	Dollar		444.00						444.00
Bosnia and Herzegovina	Dollar		351.00						351.00
United Kingdom	Dollar		762.00						762.00
France	Dollar		323.00						323.00
Romie L. Brownlee:									
Morocco	Dollar		372.00						372.00
Macedonia	Dollar		444.00						444.00
Bosnia and Herzegovina	Dollar		351.00						351.00
United Kingdom	Dollar		381.00						381.00
Judith A. Ansley:									
Morocco	Dollar		372.00						372.00
Macedonia	Dollar		444.00						444.00
Bosnia and Herzegovina	Dollar		351.00						351.00
United Kingdom	Dollar		762.00						762.00
France	Dollar		323.00						323.00
Total			6,152.00						6,152.00

JOHN WARNER,
Chairman, Committee on Armed Services, Sept. 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator James Inhofe:									
United Kingdom	Pound	716	1,074.00						1,074.00
Total			1,074.00						1,074.00

JOHN WARNER,
Chairman, Committee on Armed Services, Sept. 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
United Kingdom	Pound		1,442.00						1,442.00
Netherlands	Guilder		492.00						492.00
Belgium	Franc		741.00						741.00
Senator Jim Bunning:									
United Kingdom	Pound		1,442.00						1,442.00
Netherlands	Guilder		492.00						492.00
Belgium	Franc		741.00						741.00
Senator Mike Crapo:									
United Kingdom	Pound		1,442.00						1,442.00
Netherlands	Guilder		492.00						492.00
Belgium	Franc		741.00						741.00
Ruth Cymber:									
United Kingdom	Pound		1,215.68						1,215.68
Netherlands	Guilder		492.00						492.00
Belgium	Franc		741.00						741.00
Lendell Porterfield:									
Finland	Dollar		474.00		4,887.30				5,361.30
Sweden	Dollar		560.00						560.00
Norway	Dollar		522.00						522.00
Denmark	Dollar		476.00						476.00
Total			12,505.68		4,887.30				17,392.98

PHIL GRAMM,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Oct. 11, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE BUDGET COMMITTEE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Alice Grant:									
Thailand	Dollar		696.00						696.00
Cambodia	Dollar		230.00						230.00
Vietnam	Dollar		802.00						802.00
Hong Kong	Dollar	2,691.00	345.00						345.00
	Dollar				4,026.21				4,026.21
Senator Frank Lautenberg:									

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SENATE BUDGET COMMITTEE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China	Dollar		2,322.00						2,322.00
	Yuan	2,976.48	360.00						360.00
	Dollar				4,302.21				4,302.21
Frederic Baron:									
China	Dollar		2,284.00						2,284.00
	Yuan	2,976.48	360.00						360.00
					4,775.21				4,775.21
Total			7,399.00		13,103.63				20,502.63

PETE V. DOMENICI,
Chairman, Committee on Budget, Sept. 28, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Margaret F. Spring:									
Canada	Dollar		376.56		545.15				921.71
Samuel E. Whitehorn:									
Canada	Dollar	816.52	548.00					816.52	548.00
United States	Dollar				358.00				358.00
Total			924.56		903.15				1,827.71

JOHN MC CAIN,
Chairman, Committee on Commerce Science, and Transportation, Oct. 3, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Garman:									
Finland	Finmark	4,349.40	659.00		5,565.55			4,349.40	6,224.55
Total			659.00		5,565.00				6,224.55

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Sept. 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JUNE 24 TO JULY 1, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Chriss:									
Switzerland	Franc	3,268.93	1,512.11		1,934.94			3,268.93	3,447.05
Total			1,512.11		1,934.94				3,447.05

BILL ROTH,
Chairman, Committee on Finance, Oct. 24, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
Kenya	Dollar		987.00						987.00
Sudan	Dollar		125.00						125.00
United States	Dollar				8,331.94				8,331.94
Senator Robert Torricelli:									
Dominician Republic	Dollar		162.00						162.00
United States	Dollar				1,219.46				1,219.46
Stephen Biegun:									
Israel	Dollar		1,402.00						1,402.00
Jordan	Dollar		696.00						696.00
United States	Dollar				4,337.80				4,337.80
Jonah Blank:									
Uzbekistan	Dollar		1,332.00						1,332.00
Kazakhstan	Dollar		313.00						313.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kyrgyzstan	Dollar		1,220.00						1,220.00
China	Dollar		1,735.00						1,735.00
United States	Dollar				7,001.00				7,001.00
Dominican Republic	Dollar		575.00						575.00
United States	Dollar				1,273.80				1,273.80
Robert Epplin:									
Thailand	Dollar		696.00						696.00
Cambodia	Dollar		230.00						230.00
Vietnam	Dollar		802.00						802.00
Hong Kong	Dollar		1,035.00						1,035.00
United States	Dollar				4,140.22				4,140.22
Heather Flynn:									
Ethiopia	Dollar		1,190.00						1,190.00
Kenya	Dollar		1,200.00						1,200.00
Eritrea	Dollar		800.00						800.00
United States	Dollar				7,616.00				7,616.00
Garrett Grigsby:									
Zimbabwe	Dollar		1,200.00						1,200.00
United States	Dollar				8,871.80				8,871.80
Michael Haltzel:									
Lithuania	Dollar		234.00						234.00
Latvia	Dollar		269.00						269.00
Estonia	Dollar		192.00						192.00
Norway	Dollar		555.00						555.00
United States	Dollar				5,535.00				5,535.00
Richard Houghton:									
Thailand	Dollar		696.00						696.00
Cambodia	Dollar		230.00						230.00
Vietnam	Dollar		802.00						802.00
Hong Kong			1,035.00						1,035.00
United States				4,140.22					4,140.22
Frank Jannuzi:									
Uzbekistan	Dollar		1,332.00						1,332.00
Kazakhstan	Dollar		313.00						313.00
Kyrgyzstan	Dollar		1,220.00						1,220.00
China	Dollar		1,735.00						1,735.00
United States	Dollar				7,001.00				7,001.00
James Jones:									
Belgium	Dollar		498.00						498.00
United States	Dollar				6,581.44				6,581.44
Kenya	Dollar		1,477.00						1,477.00
Sudan	Dollar		125.00						125.00
United States	Dollar				6,700.67				6,700.67
Roger Noriega:									
Mexico	Dollar		1,115.00						1,115.00
United States	Dollar				469.00				469.00
Total			27,528.00		73,219.35				100,747.35

JESSE HELMS,
Chairman, Committee on Foreign Relations, Oct. 5, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mitchel Kugler:									
Kwajalein Marshall Islands	Dollar		350.00		3,492.95				3,842.95
Senator Daniel Akaka:									
Cuba	Dollar		197.00						197.00
Elise Bean:									
United Kingdom	Dollar		736.00		2,678.79				3,414.79
Robert Roach:									
United Kingdom	Dollar		867.46		2,678.79				3,546.25
Total			2,150.46		8,850.53				11,000.99

FRED THOMPSON,
Chairman, Committee on Governmental Affairs, Oct. 5, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
United States	Dollar				2,754.53				2,754.53
	Dollar		5,791.93		7,083.67				12,875.60
United States	Dollar				4,887.30				4,887.30
	Dollar		2,032.00						2,032.00
Kathy Casey:									
United States	Dollar				2,754.53				2,754.53
	Dollar		5,791.93						5,791.93
Randy Bookout:									
United States	Dollar				2,754.53				2,754.53
	Dollar		4,994.61						4,994.61
United States	Dollar				489.00				489.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
	Dollar		498.00						498.00
Patricia McNerney:									
United States	Dollar				5,376.09				5,376.09
	Dollar		1,105.00						1,105.00
James Barnett:									
United States	Dollar				5,376.09				5,376.09
	Dollar		1,105.00						1,105.00
Linda Taylor:									
United States	Dollar				5,485.80				5,485.80
	Dollar		1,580.00						1,580.00
Michele Lang:									
United States	Dollar				6,013.60				6,013.60
	Dollar		2,431.00						2,431.00
Peter Dorn:									
United States	Dollar				6,013.60				6,013.60
	Dollar		2,431.00						2,431.00
William Duhnke:									
United States	Dollar				4,887.30				4,887.30
	Dollar		1,676.00						1,676.00
Senator Max Baucus	Dollar		260.00				400.00		660.00
Senator Pat Roberts	Dollar		400.00						400.00
Lorenzo Goco	Dollar		360.00						360.00
Chad Tenpenny	Dollar		400.00						400.00
Dan Geisler	Dollar		400.00						400.00
Ira Wolf	Dollar		400.00						400.00
Leroy Towns	Dollar		400.00						400.00
Total	Dollar		32,056.47		53,876.04		400.00		86,332.51

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, Oct. 10, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Maricia Lee:									
United States					2,574.90				2,574.90
Holland			671.29						671.29
Germany			341.27						341.27
Jeffrey A. Taylor:									
United States					5,814.90				5,814.90
Holland			890.00						890.00
Germany			348.00						348.00
Robert Coughlin:									
United States					5,814.90				5,814.90
Holland			1,066.00						1,066.00
Germany			347.49						347.49
Leah Belaire:									
United States					5,814.90				5,814.90
Holland			1,066.00						1,066.00
Germany			347.49						347.49
Total			5,077.54		20,019.60				25,097.14

ORRIN HATCH,
Chairman, Committee on the Judiciary, Oct. 30, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), OF CODEL GRASSLEY (SLOVENIA PORTION OF NATO PA DELEGATION TRIP), TRAVEL FROM MAY 30 TO JUNE 1, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Charles Grassley:									
Slovenia	Dollar		430.00						430.00
Senator Mike Enzi:									
Slovenia	Dollar		365.00						365.00
Senator George Voinovich:									
Slovenia	Dollar		264.61						264.61
Ian Brzezinski:									
Slovenia	Dollar		430.00						430.00
Kolan Davis:									
Slovenia	Dollar		430.00						430.00
Julia Hart:									
Slovenia	Dollar		430.00						430.00
Bob Nickel:									
Slovenia	Dollar		177.00						177.00
Delegation Expenses[1]							4,277.75		4,277.75
Total			2,526.61				4,277.75		6,804.36

[1] Delegation expenses include direct payments and reimbursements to the Department of Defense and the Department of State under authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Public Law 95-384, agreed to May 25, 1977.

CHARLES GRASSLEY,
Chairman, Committee on International Trade, Oct. 2, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON NATIONAL SECURITY WORKING GROUP FOR TRAVEL FROM JULY 1, TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Terri Glaze:									
United States	Dollar				4,137.43				4,137.43
Switzerland	Franc		724.00						724.00
Mitch Kugler:									
United States	Dollar				4,137.43				4,137.43
Switzerland	Franc		724.00						724.00
Dennis Ward:									
United States	Dollar				4,137.43				4,137.43
Switzerland	Franc		724.00						724.00
John Rood:									
United States	Dollar				4,137.43				4,137.43
Switzerland	Franc		724.00						724.00
Total			2,896.00		16,549.72				19,445.72

TRENT LOTT,
Majority Leader, October 20, 2000.
TOM DASCHLE,
Democratic Leader, October 20, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY MAJORITY LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chris Williams:									
United States	Dollar				4,337.80				4,337.80
Israel	Dollar		2,804.00						2,804.00
Jordan	Dollar		696.00						696.00
Total			3,500.00		4,337.80				7,837.80

TRENT LOTT,
Majority Leader, October 19, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Kerry:									
Spain	Peseta		200.00						200.00
Morocco	Dirham		477.00						477.00
Senegal	Dollar		100.00						100.00
Mali	Dollar		100.00						100.00
Ghana	Dollar		200.00						200.00
Congo	Dollar		300.00						300.00
Angola	Dollar		100.00						100.00
Zambia	Dollar		200.00						200.00
South Africa	Dollar		400.00						400.00
Uganda	Dollar		300.00						300.00
Tunisia	Dollar		100.00						100.00
Algeria	Dinar		200.00						200.00
Portugal	Escudo		200.00						200.00
Todd Stubbendieck:									
Spain	Pesetas		200.00						200.00
Morocco	Dirham		427.00						427.00
Senegal	Dollar		100.00						100.00
Mali	Dollar		100.00						100.00
Ghana	Dollar		200.00						200.00
Congo	Dollar		300.00						300.00
Angola	Dollar		100.00						100.00
Zambia	Dollar		200.00						200.00
South Africa	Dollar		400.00						400.00
Uganda	Dollar		300.00						300.00
Tunisia	Dinar		100.00						100.00
Algeria	Dinar		200.00						200.00
Portugal	Escudo		200.00						200.00
Total			5,704.00						5,704.00

TOM DASCHLE,
Democratic Leader, October 18, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY MAJORITY LEADER, TRAVEL FROM JULY 4 TO JULY 10, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator George Voinovich:[1]									
Romania	Leu		1,279.40						1,279.40

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY MAJORITY LEADER, TRAVEL FROM JULY 4 TO JULY 10, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Croatia	Dollar		136.32						136.32
Wayne Palmer:[1]									
Romania	Leu		1,270.00						1,270.00
Croatia	Dollar		136.32						136.32
Total			2,822.04						2,822.04

[1] Senator Voinovich and Mr. Palmer were members of the joint Senate/House delegation that traveled to Bucharest, Romania, July 4–10, 2000, for the Organization of Security and Cooperation in Europe. Please see House Speaker's Consolidated Report for the Helsinki Commission for information on delegation expenses.

TRENT LOTT,
Majority Leader, Oct. 24, 2000.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), TRAVEL AUTHORIZED BY DEMOCRATIC LEADER FOR TRAVEL FROM JULY 4 TO JULY 10, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mary Landrieu:[1]									
Romania	Leu		322.87						332.87
Kathleen Strottman:									
Romania	Leu		792.27		2,664.18				3,456.45
Total			1,125.14		2,664.18				3,789.32

[1] Senator Landrieu was a member of the joint Senate/House delegation that traveled to Bucharest, Romania, July 4–10, 2000, for the Organization of Security and Cooperation in Europe. Please see the House Speaker's report for the Helsinki Commission for information on delegation expenses.

TOM DASCHLE,
Democratic Leader, Oct. 23, 2000.

CODEL DASCHLE—AMENDED REPORT TO 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL FROM JAN. 6 TO JAN. 17, 2000

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		872.00						872.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		412.00						412.00
Egypt	Pound		327.00						327.00
	Dollar				2,666.12				2,666.12
Senator Christopher Dodd:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		872.00						872.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		412.00						412.00
Egypt	Pound		327.00						327.00
	Dollar				2,607.10				2,607.10
Senator Harry Reid:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		872.00						872.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		412.00						412.00
Egypt	Pound		327.00						327.00
	Dollar				2,661.12				2,661.12
Senator Daniel Akaka:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		872.00						872.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		412.00						412.00
Egypt	Pound		327.00						327.00
	Dollar				2,666.12				2,666.12
Randy DeValk:									
Italy	Lire		213.00						213.00
Bahrain	Dinar		223.00						223.00
India	Rupee		802.00						802.00
Nepal	Rupee		176.00						176.00
Pakistan	Rupee		311.00						311.00
Egypt	Pound		273.00						273.00
	Dollar				1,857.24				1,857.24
Ranit Schmelzer:									
Italy	Lire		213.00						213.00
Bahrain	Dinar		234.00						234.00
India	Rupee		802.00						802.00
Nepal	Rupee		176.00						176.00
Pakistan	Rupee		311.00						311.00
Egypt	Pound		273.00						273.00
	Dollar				1,857.24				1,857.24
Sally Walsh:									
Italy	Lire		236.00						236.00
Bahrain	Dinar		285.00						285.00
India	Rupee		772.00						772.00
Nepal	Rupee		236.00						236.00
Pakistan	Rupee		312.00						312.00

CODEL DASCHLE—AMENDED REPORT TO 1ST QUARTER 2000 CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL FROM JAN. 6 TO JAN. 17, 2000—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Egypt	Pound		327.00						327.00
	Dollar				1,857.24				1,857.24
Delegation Expenses:[1]									
Italy							1,329.58		1,329.58
Bahrain							1,301.90		1,301.90
India							8,697.64		8,697.64
Nepal							2,395.83		2,395.83
Pakistan							4,073.62		4,073.62
Egypt							1,552.28		1,552.28
Total			15,647.00		16,172.18		19,350.85		51,170.03

[1] Delegation expenses include direct payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Oct. 26, 2000.

ORDERS FOR WEDNESDAY, DECEMBER 6, 2000

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Wednesday, December 6. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator HAGEL, 10 to 10:30 a.m.; Senator DURBIN or his designee, 10:30 to 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ALLARD. For the information of all Senators, the Senate will be in a period of morning business for 1 hour starting at 10 a.m. Following morning business, the Senate will resume postcloture debate on the conference report to accompany the bankruptcy legislation. Under the previous agreement, a vote on final passage of the conference report will occur at 4 p.m. on Thursday.

I ask unanimous consent that following the 4 p.m. vote on Thursday, Senator ABRAHAM be recognized for up to 30 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Negotiations are continuing on the remaining appropriations bills. It is hoped that all contentious issues can be resolved as early as the close of business this week. Therefore, Senators should be prepared for votes throughout the week.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ALLARD. Mr. President, in executive session, I ask unanimous consent that the following nominations be discharged from the Foreign Relations Committee and, further, the Senate proceed en bloc to their consideration: Jay T. Snyder and Larry Carp. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Jay T. Snyder, of New York, to be a Representative of the United States of America to the Fifty-fifth session of the General Assembly of the United Nations.

Larry Carp, of Missouri, to be an Alternate Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 95–114, as amended, announces the appointment of the following individuals to the Congressional Award Board: Galen J. Reser, of Connecticut, and Rex B. Wackerle, of Virginia.

The Chair, on behalf of the Democratic leader, pursuant to Public Law 105–341, announces the appointment of the following individual to the Women's Progress Commemoration Commission: Ann F. Lewis, of Maryland, vice Joan Doran Hedrick, of Connecticut.

Mr. REID. Mr. President, if the Senator will yield, based upon what has been outlined by the acting majority leader, it is very unlikely there will be any votes tomorrow. Will the Senator agree?

Mr. ALLARD. We don't expect votes, but we simply can't rule them out.

Mr. REID. I thank the Senator.

RECESS UNTIL 10 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:01 p.m., recessed until Wednesday, December 6, 2000, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 5, 2000:

DEPARTMENT OF STATE

LARRY CARP, OF MISSOURI, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAY T. SNYDER, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EXTENSIONS OF REMARKS

IN HONOR OF DR. PATRICIA L. McGEEHAN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Patricia L. McGeehan for her exceptional contributions to the education of New Jersey's children. For 30 years, she has provided for their educational needs as a teacher, principal, and superintendent.

Dr. McGeehan received her Bachelor's Degree in Economics from the College of Saint Elizabeth, and her Master's Degree in Elementary Education from Seton Hall University, where, in 1997, she went on to complete her Doctorate in Education/Administration.

As Principal of the Midtown Community School from 1992 to 2000, Dr. McGeehan helped develop the school's curriculum, and provided meaningful guidance and support to enhance every student's educational experience. In 1995, she developed the Stevens Institute Partnership to provide students with the technological skills required to succeed in the new economy.

For her dedication, vision, and hard work, Dr. McGeehan has received numerous awards, including the New Jersey Star School Award, the National Blue Ribbon Award, the National Elementary School Principals Honor Council Excellence Award, and the New Jersey Principals' Harvard Project Case Writing Award.

Dr. McGeehan's commitment to community does not stop at the end of the school day. She generously serves on the Board of Trustees for the Bayonne Hospital, the St. Barnabas Burn Center, and the Simpson-Baber Foundation for the Autistic. In her spare time, she participates in Ireland 32's, the Friends of the Bayonne Community Orchestra, and the activities of the Holy Family Academy.

Today, I ask my colleagues to join me in honoring Dr. Patricia L. McGeehan for her hard work and dedication on behalf of our community, and for her extraordinary contributions in the field of education.

A TRIBUTE TO LEEROY CLARK

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BARCIA. Mr. Speaker, I rise today to ask my colleagues to join me in praising the work and life of Tuscola County Human Development Commission Chairman LeeRoy Clark upon the occasion of the dedication of the LeeRoy Clark Center to serve the everyday needs of senior citizens.

For more than 35 years, LeeRoy has quietly applied his keen intellect and loving heart to improving the lives of friends, neighbors and strangers, while simultaneously overcoming the intolerance of less-enlightened minds. The breadth of LeeRoy's involvement and influence on his community cannot be underestimated or overvalued. In fact, a simple list of the many civic, educational and labor organizations that have benefitted from his leadership would take up several newspaper columns. No work log or time sheet is large enough to reflect his humanitarian commitment.

His work on the Human Development Commission and the community action movement has spanned four decades, beginning in 1965. LeeRoy has served as Commission Chairman for 31 of those years. He is also a board member of the Michigan Community Action Agency Association and is in the 40th year as an elected member of his township board.

Those who know LeeRoy have long praised him for his quiet and thoughtful lead-by-example approach. His efforts have immeasurably enhanced many lives by feeding the hungry, sheltering the homeless, finding work for the jobless at a fair and just wage, easing the burden of the impaired and leveling the playing field for minorities and the disadvantaged.

Although LeeRoy, who resides in Millington, Michigan, has received many accolades for his volunteer work, he has never sought such recognition. His wife, Billie, says he prefers "the appreciation that someone shows him by a handshake, a smile, sending a note or taking the time to say thank-you."

I hope my colleagues will join me today in publicly honoring LeeRoy Clark with the official gratitude of the United States House of Representatives for a lifetime of compassionate endeavors that have earned the handshakes and appreciative smiles of an entire community.

IN HONOR OF JEFF HORTON

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BECERRA. Mr. Speaker, it is with utmost pleasure and privilege that I rise today to recognize Mr. Jeff Horton, a leader in educational reform and an outstanding educator from Los Angeles, California. His efforts on behalf of the children of Los Angeles and the State of California will be remembered and appreciated for generations to come.

A native of California and graduate of La Habra High School, Mr. Horton's commitment to education began over 30 years ago. After receiving his bachelor's degree from Yale University in 1970, Mr. Horton embarked on his journey as an educator by teaching English in Florence, Italy. He went on to teach English, Speech, and Reading at Crenshaw High School in Los Angeles from 1975 to 1989. Mr. Horton's dedication to the Los Angeles community has not been limited to the classroom; he has championed efforts to desegregate our schools, establish an independent civilian police review board, and expand adult literacy programs. Eventually, Mr. Horton's drive to improve the quality of education for all children inspired him to run for elected office.

Jeff Horton was first elected to the Los Angeles Unified School District's Board of Education in 1991 and was reelected in 1995. Students in his district hailed from some of the most diverse urban areas of Los Angeles—from Hollywood, Koreatown, Silver Lake and Echo Park to West Hollywood and the San Fernando Valley.

As a board member of the largest school district in California, Mr. Horton served as Chairman of the Board's curriculum standards for six years. He initiated the practice of publicly recognizing schools for academic achievement and attendance. In addition, Mr. Horton was intimately involved in the development of district-wide learning standards for all academic subjects. These learning standards were adopted by the school district in June of 1996 and are currently under consideration by the State of California.

As a passionate advocate for disenfranchised children, Mr. Horton actively fought to protect the special needs of child abuse victims. During his tenure as a board member, he was instrumental in securing funds for the school district's child abuse office. In doing so, Mr. Horton made it possible for children with special needs to always have a place to turn for safe and confidential assistance.

In 1999, Mr. Horton was appointed to the Los Angeles County Board of Education and currently serves as the President of the California School Board's Association. As a board member he has brought with him 30 years of outstanding experience, educational commitment and compassion. Jeff Horton's legacy is one that we should all praise and celebrate. He is a living reminder to us of the powerful changes one person can make in society.

Mr. Speaker, along with family and friends of Jeff Horton who gathered at the Westin Hotel in Long Beach, California on Wednesday, November 29, 2000 to celebrate 30 years of educational commitment and professionalism, it is with great pride that I ask my colleagues to join me today in saluting this exceptional man and good friend.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PNTR HAS PASSED, BUT WHERE IS THE FREEDOM IN CHINA?

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. WOLF. Mr. Speaker, "Protestant dies in Chinese jail" was the headline of a recent article in the Washington Times. According to the article, a Chinese protestant man was arrested on September 4 while worshiping at an underground church service then later died after being beaten and denied medical care while in prison. Liu Haitong was his name. He is one person who will never reap the so-called "rewards" of the United States giving China permanent normal trade relations (PNTR).

It has been several months now since the House and Senate passed legislation giving PNTR to China and the president signed it into law. During the debate, we heard the arguments that PNTR will bring changes to China, that PNTR would open China, improve human rights, and reduce the national security threat that China poses to the U.S. However, while the signing ceremonies have taken place and the parties celebrating its passage have occurred, people like Liu Haitong continue to be persecuted, imprisoned, and in some cases killed, because of their faith.

Many Members said that they voted in favor of PNTR because they thought it would bring about positive change in China's horrible human rights record, and that giving China PNTR would ultimately increase U.S. national security.

According to the Cardinal Kung Foundation, at least 13 underground Roman Catholic bishops are locked away in Chinese jails, under house arrest, in prison through labor camps, under strict surveillance, or in hiding because of their faith. At least 12 Roman Catholic priests are in prison as are numerous other laity, many of whose whereabouts are unknown. PNTR has passed, but where is freedom for these people of faith?

On the cusp of the vote on PNTR in the Senate on September 14, the Chinese government re-imprisoned Roman Catholic Bishop Zeng Jingmu, Bishop Zeng has spent much of the past 30 years in Chinese prisons and prison labor camps because of his faith. Imagine having to perform forced labor and having to spend most of your life in prison because of your faith.

PNTR has passed, but where is freedom for Bishop Zeng?

Practitioners of Falun Gong continue to be persecuted, beaten, and imprisoned because of their beliefs.

PNTR has passed, but where is freedom for the Falun Gong?

The Chinese government is pillaging Tibet. Thousands of Tibetan Buddhist monks, nuns, and believers are in Chinese prisons because of their faith.

PNTR has passed, but where is freedom for the people of Tibet?

There are hundreds of Protestant House Church leaders in prison and prison through labor camps because of their faith. PNTR has passed, but where is freedom for the Protestants house church?

Thousands of Muslim Uighurs are imprisoned because of their faith.

PNTR has passed, but where is freedom for the Muslim Uighurs?

PNTR has passed, but religious persecution continues unabated in China to this day, over two months after passage.

PNTR has passed, but a November 7 British Broadcasting Company (BBC) report says that the Chinese government is clamping down on the freedom of the Internet by asserting that websites that host chatrooms "will be held responsible for ensuring that users do not post messages that could be interpreted by the government as 'illegal.'" The BBC report says that the new rules also require "websites not run by state media to seek approval from the Information Office of the State Council, or cabinet, before they may publish news" and that "to publish news from foreign sources, websites must seek special permission."

PNTR has passed, but the United States is routinely portrayed as Enemy No. 1 by the Chinese military. According to an article in the November 15 Washington Post, the Chinese military is openly grappling with the likelihood that the United States and China could go to war, quoting Liu Jiangjia, an officer in the People's Liberation Army, as saying "a new arms race has started to develop * * * war is not far from us now."

PNTR has passed, but there are numerous reports about China's increased presence and role in Africa. The Chinese National Petroleum Company's multibillion dollar investment and operations in the newly exploited oilfields in Sudan are very troubling. The Khartoum regime has one of the worst human rights record on the planet. And yet, the pumping of oil that is now occurring because of China's help is providing the Sudanese government with unprecedented revenue to conduct what many have described as genocide against the southern Sudanese population.

It is clear to me that mere passage of PNTR is not enough to bring about positive change in China. In fact, in my opinion, PNTR has passed, but there is only business as usual in Beijing. There are many people in China who have not benefited from passage of PNTR and who may never benefit, unless those Members who voted for PNTR speak out on behalf of human rights in China.

With permanent normal trade relations now in place, Congress will no longer annually review trade with China. That makes it even more vital that Members be more vocal and assertive in speaking out about human rights abuses in China, and about the national security concerns that continue to develop regarding Beijing.

Those Members who vocally opposed PNTR must continue to speak out as well. But it is even more important for Members who supported PNTR to speak out as their voice, as a supporter of this legislation, may be more powerful and persuasive with the regime in China. And bringing about change in China is what needs to happen now.

I urge all those Members who voted for PNTR to challenge the regime in Beijing. Speak out because the people who are suffering, who are imprisoned, or who are serving brutal prison through labor sentences need the concerted voice of Congress to bring about real and positive change in China.

IN HONOR OF RAFAEL TORO, THE PUERTO RICAN ASSOCIATION'S MAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Rafael Toro on being recognized by the Puerto Rican Association as the Outstanding Community Leader of the Year.

Rafael Toro, whose parents immigrated from Puerto Rico, is a native of New York City. He graduated from Northeastern University with a Bachelor's Degree in Communications and from Cambridge College with a Master's Degree in Education.

Shortly after graduation, Mr. Toro was selected to serve as the Special Assistant to the Mayor of Boston, the Honorable Kevin White, where he led the Mayor's Hispanic Advisory Board in a coordinated effort with local organizations to empower Boston's Hispanic community. For his work with the Advisory Board, Mr. Toro received the Certificate of Excellence for Outstanding Contribution to the Hispanic Community from Governor Michael Dukakis and an award for outstanding achievement from Senator EDWARD KENNEDY.

In 1985, Rafael Toro was hired as the Director of Public Relations for Goya Foods, Inc., the Nation's largest Hispanic-owned company, to oversee public affairs, media relations, community activities, cultural programs, and corporate contributions. In addition, he supervises all Goya-sponsored special events, parades, and festivals. Mr. Toro has been instrumental in implementing several community and cultural activities, including the United Negro College Fund Annual Telethon, a Goya-sponsored, multi-city concert tour, and Goya's sponsorshp of Picasso at the Metropolitan Museum of Art.

In 1993, Mr. Toro was awarded the prestigious Roy Wilkins Humanitarian Award from the NAACP.

Today, I ask that my colleagues join me in honoring Rafael Toro for his contributions to the Hispanic community.

A TRIBUTE TO DON AND MARY AUNE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BARCIA. Mr. Speaker, I rise today to ask my colleagues to join me in honoring Don and Mary Aune of Oscoda, Michigan, as their fellow citizens prepare to recognize their contributions to the health and welfare of the Aune Medical Center.

Don and Mary have earned the appreciation of all Oscoda area residents by devoting their tremendous talents, time and energy to the redevelopment of health services at the site of the former Paul B. Wurtsmith Air Force Base Hospital. When the closure of the base in June 1993 left a void in medical services in the community for civilians and many retired military members living nearby, the Aunes worked with dogged determination to ensure that patients' needs would be filled.

At the time, Don was a newly elected member of the Oscoda Township Board of Trustees and was named Vice President of the non-profit corporation created to address the critical medical care shortage faced by the community. Don soon became Chairman of the Board of Directors and has spent the past seven years in that role.

With Mary's enthusiastic support, Don wielded the gavel with his usual firm and steady hand, shaping the cornerstone for a facility that will serve the needs of friends, neighbors and strangers for years to come. They led the effort to quickly turn a fledgling medical facility into a strong and vibrant operation that now provides more than 7,000 patients from the surrounding community with a host of services from family practice and pediatrics to women's health and radiology.

The Aunes worked untold hours to create an outstanding health center to provide a wide variety of services in a local setting, ensuring that many elderly and physically impaired patients will receive needed care without traveling long distances. Don's leadership, coupled with Mary's behind-the-scenes efforts, was the key to opening this long-awaited and greatly needed facility. They deserve our gratitude.

I hope my colleagues will join me today in paying tribute to Don and Mary Aune for their endeavors on behalf of the entire community. The Aune Medical Center stands as a monument to their enterprise and diligence.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BECERRA. Mr. Speaker, on November 2, 3, 13, and 14, as well as December 4, 2000, I was detained with business in my District, and therefore unable to cast my votes on rollcall numbers 592 through 599. Had I been present for the votes, I would have voted "yea" on rollcall votes 592, 593, 594, 597, 598 and 599; and "nay" on rollcall votes 595 and 596.

IN RECOGNITION OF BRADLEY W. BEAL, NEWLY ELECTED DIRECTOR ON THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Ms. BERKLEY. Mr. Speaker, today I would like to recognize my friend Brad Beal, the President and CEO of the Nevada Federal Credit Union, headquartered in my district in Las Vegas, for his recent election to the board of the National Association of Federal Credit Unions (NAFCU). Brad has been a leader in the Nevada credit union movement for over 14 years and I am glad to see him receive this national recognition.

For the last decade, Brad has served as the President and CEO of the Nevada Federal Credit Union, which has over $550 million in assets in 17 branches throughout Nevada. In this role, Brad has been a leader for over 250 employees at Nevada FCU, and a leader for the credit union community, both in Nevada and at the national level. During my time in Congress, he has kept me fully informed about the issues of concern to the 77,000 members of Nevada FCU and credit unions everywhere. Brad has always been sure to take the time to meet with me when he is in Washington, D.C. or when I am in the District, to keep me and my staff updated.

His election to the NAFCU board culminates a long career in the credit union industry. NAFCU is the national trade association that represents federal credit unions and ensures that their voice is heard in Washington. I congratulate my friend Brad Beal on his recent election to the NAFCU Board and look forward to continuing to work with him and America's credit unions. I know Brad will be an outstanding voice for credit unions everywhere.

IN HONOR OF BELINDA CUEVAS, WHO IS BEING HONORED AS "AN OUTSTANDING HUMAN BEING" BY THE PUERTO RICAN ASSOCIATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Belinda Cuevas of Perth Amboy, New Jersey for being recognized by the Puerto Rican Association for Human Development as "an outstanding community member" and "an outstanding human being."

Born and raised in Perth Amboy, she has demonstrated a continued commitment to her community through her work with the local school and church. She has served as President of the Parent Teachers Organization at the EJ Patten School, and has served as a catechist and member of the choir at La Asuncion Church for a number of years.

In her devotion to the community, Belinda strives to live up to the inspirational example of her late grandmother Balbina DeJesus Hernandez. The mother of four, Belinda knows the importance of setting a good example for her children, Ava Ivis, Gabriela, Alexander, and Emily Janet. She does her best to teach them the importance of service to the community and love for one's neighbors.

Recently, Belinda performed an extraordinary act of kindness when she donated one of her kidneys to save the life of a fellow Perth Amboy resident, Pedro "Pete" A. Roman. When she learned that he suffered from renal failure, she demonstrated remarkable kindness and selflessness by volunteering to be tested as a donor, and eventually donating her kidney. Pete received this gift of life on July 13, 2000 at the Albert Einstein Medical Center in Philadelphia, and both patients have since recovered and returned to work. It is certain that Belinda's exceptional generosity has changed the lives of Pete and his family forever.

For her service to the community of Perth Amboy as well as her unparalleled show of compassion and selflessness, I ask my colleagues to join me in praising Belinda Cuevas as a truly extraordinary member of the community.

A TRIBUTE TO GERRY HERP

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BARCIA. Mr. Speaker, I rise in this chamber today to honor Gerry Herp on the occasion of his retirement. At the end of the season, Gerry Herp will retire as Head Football Coach of Ubly Community High School in Ubly, Michigan. He is truly one of the greatest contributors to Michigan athletics in the past fifty years and he will be sorely missed.

In a career beginning in 1963 and spanning five decades, this legend of the gridiron consistently pushed his team to excellence both on and off the football field. On the field, Coach Herp led the Ubly Bearcats to an impressive lifetime record of 140 wins, 106 losses and two ties. Under his tutelage, the Bearcats have won nine league championships and garnered two play-off appearances since 1983, a record of success which earned him regional Coach of the Year honors on two occasions.

But beyond the yardage gained, the points scored and the championships won, the true and lasting impact of Coach Herp's commitment to his team and the young people of his community can be measured by the impact he had on the hearts and minds of those he coached. During his career, Gerry not only coached football, baseball and women's softball, he also volunteered much of his time to helping disadvantaged youth involved in the Babe Ruth program, endeavors which endeared him to his community and earned him Ubly's 1999 Friend of Youth honors.

Of course, his many successes could not have been accomplished without the loving support of his wife, Elrae, and their four daughters, Amy, Betsy, Rachel and Jeralyn and stepdaughter, Lori Flippin.

When Gerry Herp officially steps down as Head Football Coach of Ubly Community High School at the end of this season, he deserves a place of honor among those who strive to ensure the physical health and mental wellbeing of our youth through athletic programs. On this day, Mr. Speaker, I urge my colleagues to join me in congratulating Gerry on his many victories and wish him well as he cheers on the Bearcats from the stands.

H.R. 5621 MEDICAID DISPROPORTIONATE SHARE (DSH)

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. RUSH. Mr. Speaker, on November 1, 2000 I introduced H.R. 5621, the Medicaid Disproportionate Share Hospital (DSH) Fairness Act of 2000. This legislation is identical to a bill which was introduced last month by the senior Senator from Illinois, with the full support of the Administration.

In 1997, Congress enacted the Balanced Budget Act (BBA) of 1997 (P.L. 105–33). The stated intent of the legislation was to slow the rate of growth in the Medicare program Unfortunately, the reductions enacted through the BBA went much deeper than expected. As a result, the net and cumulative effects of the Act have severely reduced Medicare reimbursements to hospitals and health service providers.

I opposed the Balanced Budget Act when it was debated by the House of Representatives in 1997. I believed that it was a bad policy then, and believe that it is a bad policy now.

The BBA reductions have been particularly severe on hospitals in Illinois. In my district, which encompasses the south and west sides of the city of Chicago, there are eleven major hospital facilities which have been devastated by BBA reductions. Multiply the losses across the state, and the impact on services is staggering. In the First Session of the current Congress, I introduced the Health Care Preservation and Accessibility Act of 1999, H.R. 3145, to provide relief to hospitals, community health centers, and skilled nursing facilities harmed by the excessive reductions of the Balanced Budget Act. Although my legislation was not enacted, the intent of many of its provisions were included in the Medicare Balanced Budget Refinement Act of 1999 (P.L. 106–113). That legislation helped relieve some of the financial strain placed on hospitals and health providers. However, while hospitals and health care providers still struggle under the economic pressures imposed the BBA reductions, a new series of proposed reductions threaten financial solvency.

In May of this year, the Health Care Financing Administration (HCFA) issued a notice to state Medicaid directors advising of its intent to revise the Medicaid funding formula known as Intergovernmental Transfers (IGT). This proposed rule would slash an additional $375 million a year in Medicaid funding for Illinois—a state in which the healthcare system is already devastated by the effects of the Balanced Budget Act—and further endanger critical health services for children, senior citizens and the poor.

Both the state of Illinois and Cook County have diligently and constructively used the IGT funding to enhance the health care system, especially for low-income, uninsured and under insured Chicagoans, over the last 10 years. Although under the Health Care Financing Administration's Notice of Proposed Rulemaking, the IGT program changes would be phased-in over a 5 year period, the proposed change would severely cripple the State's ability to provide needed health care services to Illinois citizens.

The legislation, which I have introduced with my colleague in the Senate, is designed to increase the Medicaid Disproportionate Share payments to all states and encourage states to use the DSH program as it was intended—to fund uncompensated health care. By increasing the Medicaid DSH payments, we are acknowledging the burden placed on hospitals that treat a large number of Medicaid and uninsured patients by the Balanced Budget Act and the proposed HCFA regulations.

Enactment of H.R. 5621 would allow Illinois, and all of the states, to continue to make inroads towards ensuring that an extensive safety net of hospitals and health care providers exist to provide care to the most vulnerable groups of society.

I urge my colleagues to join me in support H.R. 5621, and if this Congress fails to act on this legislation, I hope my colleagues will join me in making it a priority in the 107th Congress.

HONORING BERT HAGGERTY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mrs. McCARTHY of New York. Mr. Speaker, today I honor the hard work, dedication, and stewardship Bert Haggerty has given Long Islanders, New Yorkers, and Americans as the Small Business Administration's (SBA) Long Island Branch Office Manager.

Bert Haggerty grew up in Woodside, NY, graduated from St. Ann's Academy and earned a bachelor of business administration degree from St. John's University. He first worked for Touche Niven and then Olivetti Corporation where he enjoyed a successful 30-year career.

Afterward, he joined the U.S. Government in 1984 as district director of the Small Business Administration and became Assistant to the Regional Administrator for New York's regional office. In 1994, he was appointed manager of the SBA's Long Island office and under his stewardship has become a driving force in Long Island's economic scene.

Throughout his tenure as manager, he tripled the number of loans to Long Island's small businesses and significantly increased the amount of capital available to nearly $1 billion.

Bert Haggerty will be missed by the Long Island community. I wish him and his family a fruitful and enjoyable retirement.

IN HONOR OF JULES J. BONAVOLONTA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the accomplishments of Jules J. Bonavolonta, this year's recipient of the North Ward Center's Monsignor Geno Baroni Award.

The North Ward Center provides educational, cultural, and social programs to improve the quality of life for thousands of Essex County residents. Each year, the Center pays tribute to the life of the late Monsignor Baroni, a man whose dedication to the less fortunate was an integral force behind the Center's development and success. The Center honors the Monsignor by recognizing a community leader, who best exemplifies the life, spirit, and commitment of this inspirational man.

Mr. Bonavolonta was chosen as the honoree this year based on his service to the country in the military, his contributions to the fight against crime, and his rise to success in the business world.

A native of Newark, New Jersey, Mr. Bonavolonta grew up in the Essex County Parish of Sacred Heart Cathedral. He is the son of Italian immigrant Ralph Bonavolonta and American-born Mary Bonavolonta. He attended St. Benedict's Prep and received his Bachelor's and his Master's Degree in Public Administration from Seton Hall University in 1975. During more than six years of service as a Green Beret in the U.S. Special Forces during the Vietnam War, Mr. Bonavolonta returned to the U.S. a highly decorated veteran. He was awarded the Silver Star, Bronze Star with "V" for Valor (1st Oak Leaf Cluster), Purple Heart, Air Medal (1st Oak Leaf Cluster), and the Vietnamese Cross of Gallantry.

Upon Mr. Bonavolonta's return, he began his 23-year career of exceptional and dedicated service to the Federal Bureau of Investigation. In this capacity, he spearheaded the efforts to combat organized crime in this country. As Chief of the Organized Crime and Narcotics Division of the FBI's New York City Office, he was instrumental in securing the indictments and convictions that made the 1980's the FBI's most successful decade in the battle against organized crime.

Mr. Bonavolonta now serves as Vice Chairman of MBNA America Bank, N.A. He and his wife Linda have been married for 32 years. They have two children, Maria and Joseph.

For his many accomplishments and for his service to the country, I ask that my colleagues join me in congratulating Mr. Bonavolonta, a very deserving recipient of this year's Monsignor Geno Baroni Award.

FAREWELL SALUTE TO WILLIAM "BILL" CLAY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. OWENS. Mr. Speaker, there are no new and original accolades that I can add to the many phrases of praise already accorded our retiring Member, WILLIAM "BILL" CLAY. When he arrived during the age of the afro haircut, BILL CLAY had a chest full of invisible medals from the Movement. He helped to guide the years of maximum Congressional Black Caucus solidarity, the time of CLAY, Dellums, CONYERS, Stokes and RANGEL. Those were the days when CBC Members were wise enough not to scramble single handedly for their committee assignment deals. In unison, the Black representatives demanded placements for the good of their local and their Black national constituency. Leadership was forced to seat Peacenick Dellums on the Armed Services Committee where the good old boys refused to give the brother a chair at the table to sit down. The radical CLAY and his conspirators went on the propose the first CBC Dinner against the wishes of prominent White liberal allies. Further into the reign of CLAY, the Voting Rights Act became a reality; and still later sanctions were imposed on South Africa. And the proposal for a Martin Luther King Holiday which started as an impossible dream finally concluded as a magnificent monument to the forward movement of race relations in America. At this point, Mr. Speaker, I wish to associate myself with the numerous other tributes that have already been recorded for our former Postal and Civil Service Committee chairman, and the ranking Democrat on Education and the Workforce. Congressman CLAY is one of the last of the CBC original pioneers. It is important to note that with the recent election of William "Lacy" Clay, his son, the Clay genes will fortunately be remaining in Congress. The following Rap Poem is my final salute to the gentleman from Missouri who now we draft into our "Corps of National American Statesmen", WILLIAM "BILL" CLAY.

BILL CLAY: THE ST. LOUIS CHOICE

(By Congressman Major R. Owens)

Now is the time
To lift high every voice,
Join us to celebrate
Achievements of the St. Louis Choice.
Go ahead and loudly sing,
Let fading memories
Rise and sting;
This St. Louis militant
Earned progress
The old fashioned way-
He jumped in the man's face
To save the day.
Pushing straight ahead,
to mad to be afraid,
Nobody forgets
The trouble he made,
Every cent of dues daily he paid.
Republicans regret
That for so long he stayed.
Indiana's Bob McCloskey
Faxed Democrats an urgent note:
Fly Bill Clay to Florida-
Let the Master recount that vote.
Wrong predictions of the past
Said the CBC wouldn't last;
Now forecasters ask
Who'll lead the new struggle,
What's the future all about?
St. Louis responded:
The let another load
of Bill Clay genes out.
Now is the time
To lift every voice,
Join us to celebrate
Achievements of the St. Louis Choice.

COMMENDING THE FREMONT POLICE DEPARTMENT FOR OUTSTANDING PUBLIC SERVICE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. STARK. Mr. Speaker, I rise today to commend the Fremont Police Department for receiving the 2000 Community Policing Award for highly populated cities awarded by the International Association of Chiefs of Police and ITT Industries Night Vision.

The Fremont Police Department was one of five winners out of over 100 entries from communities and agencies across the United States and Canada. The city of Fremont and Fremont Police Department have shown a strong commitment to crime prevention that should be used as a shining example for other communities across America. Currently, Fremont has shown its strong commitment to crime prevention by making sure that there are enough police officers to respond to the issues of crime prevention in the city. Fremont has a staffing ratio of one officer per 1,000 residents, much better than the State and national averages. In a nationally published study, Fremont had the 8th lowest population to officer ratios of the Nation's 289 largest police forces. This low ratio has been maintained even though Fremont has experienced a large growth in population.

This low staffing provides the Fremont Police Department the manpower to carry out innovative approaches to law enforcement. For instance, Fremont as part of their increased use of Community Policing techniques has encouraged leadership building in the neighborhoods. This strategy encourages a stronger partnership between the community and the police department in preventing crime.

Again, I want to extend the highest commendation and congratulations to the Fremont Police Department for its outstanding service to its community.

PERSONAL EXPLANATION

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BOYD. Mr. Speaker, I was unavoidably delayed on rollcall votes 598 and 599. Had I been present, I would have voted "yea" on both 598 and 599.

IN RECOGNITION OF KOSTAS MASTORAS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Kostas Mastoras for his outstanding contributions to the Greek community. The Greek Orthodox community will honor Mr. Mastoras at the 65th Anniversary of Evangelismos Tis Theotokou. The parish has chosen to commemorate the event with a special presentation entitled "Remembering Our Past . . . Looking to Our Future."

Born and raised in Kavala, Mr. Mastoras moved to Thessaloniki with his mother soon after his high school graduation to attend Aristotle University. Before graduating from the Department of Economics, he met fellow student Stavroula Papadopolou, whom he married in 1980. Mr. Mastoras moved to New York to further his education in 1976, earning a Bachelor's Degree from Queens College and an MBA in International Marketing from St. John's University.

As the Director of Marketing for Krinos Foods, Inc., Mr. Mastoras had the opportunity to learn the grocery business and to work closely with the Greek community. In 1982, Mr. and Mrs. Mastoras founded their own company, Titan Food, Inc., dedicated to Greek food and culture. Today, Titan Foods has become the largest Greek food store in the United States, attracting the attention of the national media.

Blessed with three daughters, both Mr. and Mrs. Mastoras are active members of the Greek-American community and the Financial Committee of the Education of Hellenic Societies, and are involved in the PTA of St. Demetrios Schools.

Today, I ask my colleagues to join me in recognizing Kostas Mastoras for his many years of dedicated service to the Greek community.

CENTRAL NEW JERSEY RECOGNIZES LESLIE DAVIS POTTER FOR HER SERVICE TO OUR COMMUNITY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. HOLT. Mr. Speaker, I rise today in recognition of Leslie Davis Potter and her ongoing dedication to serving the growing needs of central New Jersey families. I applaud the achievements she has made working to address the family planning, educational, and outreach needs of our community.

For over 65 years, Planned Parenthood Association of the Mercer Area (PPAMA) has been providing high quality reproductive health care, education and support to women and families throughout Mercer County. Since its modest beginnings in a tiny three-room clinic, PPAMA has evolved into a full-service agency with four centers that provide a comprehensive range of reproductive health services and educational programs to the community.

Leslie Potter has served central New Jersey families as the Executive Director of PPAMA for seventeen years. Throughout her tenure, Leslie Potter has worked to increase access to reproductive health services for low-income women, to ensure the reproductive rights of all women and address the growing needs of Mercer County's Latina population with affordable bilingual/bicultural health care. It was under Leslie Potter's direction that the 65-

year-old chapter became a certified HealthStart prenatal care provider.

Successfully directing such an active health care organization requires great managerial ability, as well as considerable skills to enlist and motivate thousands of volunteers and supporters who make a community-based organization like PPAMA possible. Leslie Potter has shown that ability and skill to an extraordinary degree. She has also shown great political skill as a public speaker for women's health and women's rights.

Before taking the helm at PPAMA Leslie spent five years as the Director of Planning for Central New York Health Systems Agency. It was here that she worked to establish family planning and primary health care centers throughout upstate New York.

Once again, I applaud the efforts of Leslie Davis Potter and ask all my colleagues to join me in recognizing her steadfast commitment to serving our community.

HONORING WALTER F. PAYNE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to Walter F. Payne, president and chief executive officer of Blue Diamond Growers, on the occasion of his retirement. A cooperative owned by nearly 4,000 almond growers, Blue Diamond is the world's largest nut-tree marketing and processing company. Under the steadfast leadership of Walt Payne, Blue Diamond processes nearly one-third of the world's crop of almonds, making that commodity California's largest food export. I ask my colleagues to join with me today in honoring the dedicated service of Walt Payne.

Mr. Payne joined Blue Diamond in 1973 as the director of marketing and planning. In 1990, Mr. Payne was appointed chief operating officer and in 1992 became president and chief executive officer. His prior 17 years as a marketing executive provided him with the necessary tools to lead Blue Diamond into a period of unprecedented growth and fundamental change. Under this leadership, the cooperative was transformed into a more efficient and organized business dedicated to cutting unnecessary costs and increasing production and sales. However, it is his inclusive management style, in combination with his desire for open and honest communication that will truly be remembered.

Mr. Payne has worked tirelessly to include the views of management, member growers and plant workers alike to create a more effective business. In an organization that had previously been run from the top down, Walt found it more productive to establish an environment that encouraged the inclusion of employees, at all levels, in the development and implementation of ideas. In fact, it is this inclusive management style that has proved to be an integral component to the unprecedented success of Blue Diamond.

When Walter Payne was named CEO, he vowed to spend 15 percent of his time in the fields meeting with growers, listening to and addressing their concerns. It was this commitment to open and honest communication that won him national acknowledgment as "CEO Outstanding Communicator of the Year" in 1998, awarded by the Cooperative Communicators Association.

Mr. Speaker, it is a great honor for me to pay tribute to my friend, Walt Payne, a truly outstanding member of our community. As CEO, he fostered an atmosphere based on teamwork, open communication and productivity at all levels. As a testament to his success, Payne's first crop as a young marketer at Blue Diamond totaled 145 million pounds. His last crop set a state record at 830 million pounds. I ask all of my colleagues to join with me in celebrating the accomplishments of an extraordinary leader and wish him all the best as he begins a new phase in his life.

HOUSE CONCURRENT RESOLUTION 371

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. SALMON. Mr. Speaker, in September Congress ratified H. Con. Res. 371, which resolves that Congress supports the goals and ideas of National Alcohol and Drug Addiction Recovery Month. Clearly, each Member shares the commitment to keep America's youth drug-free, and return those who have used drugs to a drug-free life. I add these comments in an effort to help achieve this goal.

First, H. Con. Res. 371 states that "26 million Americans currently suffer the ravages of drug or alcohol addiction." This statistic is presumably based on the U.S. Department of Health and Human Services' 1999 National Household Survey on Drug Abuse, which finds that roughly 26 million Americans are heavy drinkers or are casual-to-dependent users of one or more illicit drugs. The report does not state that these individuals are suffering from an addiction. The absence of this distinction could result in misdirected program development and misappropriated funding. Affected are those who direct public and private resources; to counselors and treatment professionals who develop protocols for assistance; to employers who strive to maintain drug-free work environments; to the criminal justice system which must be accountable to the public they serve; and to our Nation's families who rely on accurate information, accurately communicated.

H. Con. Res. 371 also states that adolescents who undergo addiction treatment report less use of marijuana, less heavy drinking, and less criminal involvement. Let us hold ourselves and treatment outcomes to a higher standard. While interim goals can be applauded, the fact that youth who receive treatment continue to use drugs—albeit less often—and continue to be involved in criminal activity—albeit less often—cannot become our Nation's standard for success.

Nelba Chavez, Administrator of the Substance Abuse and Mental Health Services Administration, spoke of the need to provide better focus of the treatment programs that serve young people, when she said that, "few seek help, and those who do often receive treatment that is inappropriate. Many treatment programs are designed for adults and are ill-equipped to meet the needs of adolescents."

Although abstinence from illicit drug use is the central goal of all drug abuse treatment, researchers and program staff involved with adult treatment commonly accept reductions in drug use and criminal behavior as realistic goals. Surprisingly, we are now advised by the National Institute on Drug Abuse that "a good treatment outcome may be a sizable decrease in drug use and long periods of abstinence."

Our Nation's policy goal regarding drugs is the creation of a drug-free America. Specifically, in the Anti-Drug Abuse Act of 1988, drug abuse is to be curbed by preventing youth from using illegal drugs, reducing the number of users, and decreasing drug availability.

Let us hold this vision of a drug-free America and hold ourselves to this standard. Anything less is a disservice to ourselves, to the adults who currently use drugs and, most certainly, to our most precious resource—America's youth.

IN RECOGNITION OF ANDREAS COMODROMOS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Andreas Comodromos for his outstanding contributions to the Greek community. The Greek Orthodox community will honor Mr. Comodromos at the 65th Anniversary of Evangelismos Tis Theotokou. The parish has chosen to commemorate the event with a special presentation entitled "Remembering Out Past . . . Looking to Our Future."

Mr. Comodromos, the former Supreme President of the Cyprus Federation of America, was born on the island of Cypress in 1949, where he was raised by his parents in the Greek Orthodox faith. There, he attended high school and performed his compulsory military service before gaining employment with the Cyprus offices of the American Life Insurance Co.

Mr. Comodromos and his wife, Anna Zachariades, had their first child, Eliza, in 1974, the same year Turkey invaded Cypress. To realize a better life for himself and his wife and son, Mr. Comodromos and his family immigrated to America, where he could pursue a college education. In the United States, they became members of the Evangelismos Tis Theotokou Greek Orthodox communitry, and in 1978, Mr. Comodromos graduated Magna Cum Laude from St. Peter's College with a Bachelor's Degree in Accounting.

In the following years, Mr. Comodromos celebrated the birth of his second child, Demitrios, while working at the international accounting firm Ernst & Ernst. In 1982, he became a CPA and co-founded the accounting firm of Comodromos Associates with his brother Michael. He is currently the president and managing partner.

In addition to his impressive professional and personal achievements, Mr. Comodromos has served the community through is firm commitment to the cause of justice in Cyprus. He is dedicated to liberating the island from Turkish occupation. He has served on the board of the Cyprus Federation of America, and was elected president for two consecutive terms (1991–1995). Mr. Comodromos has been recognized for his contributions with several awards and honors, including the 1978 Newcomen Society of America Award, election to the National Council of the Order of St. Andrew, the Ellis Island Medal of Honor, and the Offikion Archon Dikaiophylax Award.

Mr. Comodromos currently serves as the President of the US-Cyprus Chamber of Commerce and is a member of the Council of Hellenes Abroad of the North and South American Region. He is a member of the Order of AHEPA, the American Institute of CPAs, and the New Jersey Society of CPAs. Mr. Comodromos is actively involved in various business and political endeavors, and continues his commitment to community service at the local and national level.

Today, I ask my colleagues to join me in recognizing Andreas Comodromos for his many years of dedicated service to the Greek community.

INTRODUCTION OF A BILL ESTABLISHING A COMMISSION FOR COMPREHENSIVE REVIEW OF THE FAA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. WOLF. Mr. Speaker, today I have introduced a bill calling for a tough, comprehensive review of the Federal Aviation Administration to focus on the critical need to improve aviation safety and reduce airline delays.

We should all be concerned about aviation safety. Air travel has increased dramatically in recent years. Today, more than 600 million Americans take to the skies each year—and that figure is expected to triple to 1.8 billion people a year by 2020.

With this dramatic increase we have seen increases in operational errors among air traffic controllers, increases in near mid-air collisions, and increases in runway incursions.

I am particularly concerned about internal meetings of FAA safety staff that have been reported in the press revealing statements made by top FAA safety officials concerning weaknesses in their oversight.

I want to emphasize that there are thousands of hard-working, dedicated employees at the FAA who understand the important safety mission of their agency. We need to give them a stable and efficient organizational structure under which they can perform their mission critical jobs.

Mr. Speaker, operational errors among air traffic controllers are up significantly as controllers try to cope with increasing traffic all bearing down on crowded hub airports. At the same time these errors are up, the FAA has announced a plan to significantly reduce the number of operational supervisors available to assist and monitor that traffic. These errors have risen by 25 percent in the past two years alone.

In addition, runway incursions continue to go up, raising cries of alarm from the National Transportation Safety Board, the Office of Inspector General, and the Congress.

The Inspector General told my Subcommittee seven months ago "this safety issue is one that demands constant high-level attention," so we called for higher budgets, monthly reports and a national summit on the issue. Regrettably, the most recent report shows that runway incursions have not gone down. Instead, they continue to go through the roof.

In addition, FAA has been unable to address the growing problem of airline delays. In the summer of 1999, delays were so high that the FAA announced a special review of its traffic management programs. This review concluded that the agency could do a lot more to provide efficient movement of aircraft around the country, and they promised immediate improvements.

This past summer's delays, however, were just as high as the year before, if not worse.

The American traveling public is getting tired of these horrible delays. Business meetings are canceled, family gatherings are disrupted, commercial deals are passed up when airline commerce does not flow smoothly. I hear my colleagues complain practically every day about the horrible and unacceptable airline delays. For those who fly often, the quality of life is greatly diminished because of this problem.

Mr. Speaker, I served on the House Committee on Public Works and Transportation back in the early 1980s. I still remember FAA Administrator Lynn Helms coming before that committee and testifying about the wondrous improvements in air travel that would come about through modernization of the government's air traffic control system.

Over the next several years, this Congress appropriated billions of dollars for that effort. Yet each year, the General Accounting Office tells us how the FAA continues to fall farther and farther behind in fielding the necessary systems.

First came the termination of the microwave landing system in the late 1980s, then came termination of the advanced automation system a few years later. FAA substituted other navigation and computer programs to take their place.

I wish I could tell my colleagues that these new systems have proceeded well, but many of them have not. FAA continues to experience massive delays in developing satellite navigation and computer systems, even after Congress passed landmark procurement reform legislation to aid the FAA in 1995. Runway incursion radar systems are still not in operational use, even after eight years of development work. The agency simply hasn't been able to bring new technology on line to address these safety concerns.

We already have a number of commissions, contractors, and study groups over the years investigating the "problem" at the FAA. These groups have come up with a long list of recommendations, but, unfortunately, most of them focused on how to get the agency more money. Wrestling control of the agency's finances from Congress has been the underlying theme in almost all of these reports, not improving aviation safety.

The commission I propose would take a comprehensive approach, and it would focus on ways to improve aviation safety for the benefit of all Americans.

Specifically, the bill I have introduced would establish a Commission for Comprehensive Review of the FAA. It would look at both air traffic services and safety oversight by the agency, and make recommendations on both the organizational structure and processes of the agency. The recommendations must address FAA's organization within the existing structure of government.

The commission would have 21 members appointed by the President, and would include

Mr. Speaker, with a new administration entering the White House in January, there is a great opportunity to start off with a fresh approach in aviation. It is the perfect time for an unbiased, impartial, and independent commission to present new findings—focusing on aviation safety—to help guide the FAA in the right direction for the future. This would be extremely helpful to the new President and the new Congress as we consider how to make our aviation system more safe and efficient for U.S. citizens and those who visit our wonderful country.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission for Comprehensive Review of the Federal Aviation Administration Act".

SEC. 2. COMMISSION.

(a) ESTABLISHMENT.—There is to be established a commission to be known as the Commission for Comprehensive Review of the Federal Aviation Administration (referred to in this section as the "Commission").

(b) FUNCTIONS.—the functions of the Commission shall be—

(1) to review existing and alternative options for organizational structure of air traffic services, including a government corporation and incentive based fees for services;

(2) to provide recommendations for any necessary changes in structure of the Federal Aviation Administration so that it will be able to support the future growth in the national aviation and airport system; except that the Commission may only recommend changes to the structure and organization of the Federal Aviation Administration that are within the existing structure of the Federal Government;

(3) to review air traffic management system performance and to identify appropriate levels of cost accountability for air traffic management services;

(4) to review aviation safety and make recommendations for the long-term improvement of safety; and

(5) to make additional recommendations that would advance more efficient and effective Federal Aviation Administration for the benefit of the general traveling public and the aviation transportation industry.

(c) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be composed of 21 members appointed by the President as follows:

(A) 8 individuals with no personal or business financial interest in the airline or aerospace industry to represent the traveling public. Of these, 1 shall be a nationally recognized expert in finance, 1 in corporate management and 1 in human resources management.

(B) 4 individuals from the airline industry. Of these, 1 shall be from a major national air carrier, and 1 from an unaffiliated regional air carrier, 1 from a cargo air carrier.

(C) 3 individuals representing labor and professional associations. Of these, 1 shall be from National Air Traffic Controllers Association;

(D) 2 individuals representing airports and airport authorities. Of these, 1 shall be representative of a large hub airport.

(E) 1 individual representing the aerospace and aircraft manufacturers industries.

(F) 1 individual from the Department of Defense.

(G) 2 individuals from the Department of Transportation. Of these, 1 shall be from the Office of the Secretary of Transportation.

(2) Terms.—Each member shall be appointed for a term of 18 months.

(d) First Meeting.—The Commission may conduct its first meeting as soon as a majority of the members of the Commission are appointed.

(e) Hearings and Consultation.—

(1) Hearings.—The Commission shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct at least 2 public hearings after affording adequate notice to the public thereof, and may conduct such additional hearings as may be necessary.

(2) Consultation.—The Commission shall consult on a regular and frequent basis with the Secretary of Transportation, the Secretary of Defense, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure, the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives.

(3) FACA not to apply.—The Commission shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) Access to Documents and Staff.—The Federal Aviation Administration may give the Commission appropriate access to relevant documents and personnel and shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Commission who receives commercial or other proprietary data from the Federal Aviation Administration shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

(g) Travel and Per Diem.—Each member of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from such member's usual place of residence, in accordance with section 5703 of title 5, United States Code.

(h) Detail of Personnel From the Federal Aviation Administration.—The Administrator of the Federal Aviation Administration shall make available to the Commission such staff, administrative services, and other personnel assistance as may reasonably be required to enable the Commission to carry out its responsibilities under this section.

SEC. 3. REPORT OF THE COMMISSION.

(a) Report to Congress.—Not later than 30 days after receiving the final report of the Commission and in no event more than 1 year after the date of the enactment of this Act, the Secretary of Transportation, after consulting the Secretary of Defense, shall transmit a report to the Committees on Commerce, Science, and Transportation, Appropriations, and Finance of the Senate and the Committees on Transportation and Infrastructure, Appropriations, and Ways and Means of the House of Representatives.

(b) Contents.—The Secretary shall include in the report to Congress under subsection (a) a final report of findings and recommendations of the Commission under section 2(b), including any necessary changes to current law to carry out these recommendations in the form of proposed legislation.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

A TRIBUTE TO KIM CHI TRIEU

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of Kim Chi Trieu, Program Manager for the Social Services Agency of Santa Clara County. Ms. Trieu is retiring after 16 years of dedicated service to the people of Santa Clara County.

Kim Chi Trieu arrived in the United States in 1983 as a Vietnamese refugee with two of her young children and $5 in her pocket. Within two weeks, she had found work at Catholic Charities as a job developer. In 1984, Ms. Trieu began her work with the Social Services Agency as a worker with the Targeted Assistance Unit. She helped to establish and put into operation the Central Intake Unit, which was the gateway for newly arrived refugees.

Kim Chi Trieu was promoted to Supervisor of the Refugee Unit in 1985. Her tireless work on behalf of the refugee community earned her the admiration and gratitude of Santa Clara County's many refugee populations: Vietnamese, Hmong, Mien, Cambodian and later, Ethiopian, Somali, Polish, Russian, Bosnian, Serbian, Iranian, and Afghan. In a short time, Ms. Trieu was asked to assume responsibility for the Santa Clara County Greater Avenues for Independence (GAIN) Planning Unit.

With her belief in community partnership, Kim Chi Trieu invited participation from impacted communities in the ever-changing Refugee Services Delivery System. Universally respected as a tactful mediator, she was skilled at working cooperatively with other social service programs and government agencies to ensure all her clients received the benefits to which they were entitled.

In 1996, Kim Chi Trieu expanded her role to assist in the development of the county's Temporary Aid to Needy Families (TANF) program, which has been cited by the Urban Institute as one of the top 10 performing programs in the Nation.

Kim Chi Trieu has been a role model and a leader in her community and in county government. She has been the anchor to freedom for her family, working two jobs to help resettle two dozen family members including her parents. She has not only lived the American dream herself—she has provided countless refugee families with the opportunity to achieve that dream.

I wish to thank Kim Chi Trieu for her compassionate and dedicated service to the County and wish her the best in her future endeavors. Her integrity, compassion, and strength will be sorely missed, but our lives are the richer for having known her.

AN AFFIDAVIT BY MICHAEL TERLECKY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. TRAFICANT. Mr. Speaker, today, I am submitting an affidavit by Michael Terlecky of Mahoning County for the Record. The affidavit, signed and sworn on the fourth of December, 2000, alleges, Federal Bureau of Investigation knowledge and participation in illegal gambling activities and other mob related activities.

Terlecky, as a Mahoning County Deputy Sheriff, worked exclusively with the Youngstown Police Department Special Investigations Unit (SIU) to raid and eliminate illegal gambling rings in the Mahoning Valley. He was removed from active duty in 1988 because of a physical disability.

The affidavit alleges gross misconduct on the part of FBI agents Robert Kroner and Larry Lynch. He points to the pressure that was placed upon any law enforcement officer who challenged the illegal activities of James Prato and Joey Naples. Prato and Naples, both local Mafia bosses, ran illegal gambling operations in Youngstown. Rival factions were hit hard by raids while the Prato/Naples operations were left alone. Terlecky alleges Agents Kroner and Lynch attempted to control his gambling raids so that there would be no interference with the Prato/Naples operations.

As the affidavit illustrates, Terlecky was manipulated and neutralized by the local FBI agents' efforts to protect the FBI's participation in illegal activities. Michael Terlecky was dangerous to the local FBI. He was also an unlucky man for having stumbled upon the connections of the Prato/Naples faction and the FBI. For this, he was later indicted and convicted for taking a bribe from another mob boss. Lenine Strollo.

In that trial, Terlecky's attorney was Stewart Mandel. Mandel was a former U.S. attorney within the Justice Department. Following the trial, Mandel became a business partner of mob boss Lenine Strollo for a company in Conneaut, OH. Think about it. Whose interest was Mandel representing, Michael Terlecky or his business partner and mob boss Lenine Strollo?

In subsequent hearings, Lenine Strollo admitted that he never paid Michael Terlecky bribe money. Furthermore, Mandel was indicted and convicted of income tax violations associated with Strollo.

It is clear that Michael Terlecky was innocent of the charges against him and that even his attorney had a conflicting interest in helping him. He was thrown to the wolves while the real perpetrators went unpunished. I will continue to investigate the FBI's knowledge of illegal mob related activities, including the activities of Agents Kroner and Lynch. Also, I have submitted a request to the President for a full pardon of Mr. Terlecky's conviction. His name deserves to be exonerated.

The Terlecky affidavit is being submitted today to the CONGRESSIONAL RECORD as supporting documentation for my bill H.R. 4105, "The Fair Justice Act." This bill would create an agency to oversee the U.S. Department of Justice and prosecute those involved in any wrongdoing. Today, when something is amiss in the Justice Department, it investigates itself, much like the fox guarding the henhouse. An independent oversight agency would eliminate the conflict of interest that exists today when wrongdoing occurs in the Justice Department.

STATE OF OHIO, COUNTY OF MAHONING: AFFIDAVIT OF MICHAEL S. TERLECKY

After having been duly sworn in accordance with law, I, Michael S. Terlecky, hereby depose and say:

SUMMARY

The statements made in this affidavit can be summarized as follows:

During a span of time before March 21, 1998 while I was an active Mahoning County deputy sheriff I obtained actual knowledge that certain Federal Bureau of Investigation agents illegally obtained, controlled, suppressed, manipulated, falsified and tainted evidence. Under the law they abused their authority within the United States Department of Justice when they concealed the illegal activities of organized crime, their motive being, unjust and unlawful enrichment.

These same agents, by means of the abuse of their Federal power, controlled and manipulated local police agencies to do their bidding. That bidding being, the elimination of any illegal competitive opposition for the gangsters with whom they had aligned themselves with.

These same Federal Bureau of Investigation agents, with deliberate indifference, risked the lives of officers of the law while they themselves were breaking the law. These same agents, with deliberate indifference of the trust, allowed me, an officer of the law to be falsely imprisoned so that I could not timely reveal the truth.

1. I am more than eighteen years of age and a resident of Mahoning County, Ohio.

2. I became a Mahoning County, Ohio deputy sheriff in 1977.

3. While I was on active duty as a Mahoning County Deputy Sheriff I exclusively worked with the Youngstown, Ohio Police Department's special investigations unit. One of my main duties was to investigate and arrest people for illegal gambling activity.

4. Because of a physical disability I was taken off active duty as a deputy sheriff on March 21, 1988.

TRAFICANT TAPES

5. During the trial *United States of America* vs. *James A. Traficant, Jr.* That took place during 1983 the United States Assistant Attorney submitted into evidence audio tape recordings. These audio tape recordings contained the voice of James A. Traficant, Jr. and the voices of Charlie and Orlie Carrabbia. These audio tape recordings were submitted into evidence in support of an attempt to have James A. Traficant, Jr. convicted and sent to prison. These audio tape recordings became known as the "Traficant tapes".

6. In the immediate above mentioned trial, Federal Bureau of Investigation Special Agent (FBI SA) Robert Kroner gave testimony as a prosecution witness. FBI SA Robert Kroner testified under oath that the "Traficant tapes" were found in a bread box in Joe Derose's apartment in Pittsburgh, Pennsylvania. I have personal knowledge that FBI SA Robert Kroner lied about the "Traficant tapes" being found in a bread box in Joe Derose's apartment in Pittsburgh, Pennsylvania.

7. The so called "Traficant tapes" were found by Mahoning County, Ohio Deputy Sheriff Frank Tomaino and me in Joe Derose's apartment in Canfield, Ohio during a multiple shooting investigation by Frank Tomaino, Joseph Rinko and me.

8. What took place just before the "Traficant tapes" were found was as follows: Mahoning County Deputy Sheriffs Joe Rinko, Frank Tomaino and I were present the night just after Joe Derose and a woman were found shot in Joe Derose's apartment in Canfield, Ohio. After we removed weapons from the apartment we wrongly continued to search the apartment. We had plenty of time to get a search warrant. As I was searching the apartment without a search warrant I found a locked closet. I wanted to know what was inside the closet so I used my American Express credit card to "jimmy" the lock. After entering the closet I found audio cassette tapes in plastic containers that were labeled Jim Traficant. At the time I did not know the significance of these cassette tapes, nor did I know Jim Traficant. The Federal Bureau of Investigation then took over the case.

9. I believe that the reason why FBI SA Robert Kroner lied about finding the "Traficant tapes" in Joe Derose's Pittsburgh, Pennsylvania apartment is because he didn't know who listened to the audio tapes after I found them in the presence of Frank Tomaino. Additionally, the audio tapes were found without obtaining a search warrant. I do not feel that I broke any laws in the way I found the audio tapes. However, I feel that I was ethically wrong. The shootings took place in a parking lot outside Joe Derose's apartment on Indian Run Road, Canfield, Ohio which was video camera recorded from a telephone pole. The video camera was put there by the FBI. The FBI said the video camera was not working because it was struck by lightning. To prove the video camera was not working they presented a repair receipt for the video camera.

ROBERT KRONER'S OBSTRUCTION OF JUSTICE

10. I had a reliable informant for months. He called me on the telephone one night to inform me that someone in Struthers, Mahoning County, Ohio who wanted to pay me a large amount of money if I would not include certain places in my raid on illegal gambling facilities. My informant asked me to meet with him in a donut shop on Youngstown-Poland Road.

11. Because this informant told me months before that he was an informant for FBI SA Robert Kroner, I didn't trust him. Therefore, before I met with this informant I telephoned the Youngstown, Ohio Police Department's special investigations unit (SIU). I spoke with Officer Robin Lees requesting that I be "wired" when I met and spoke with this informant at the donut shop. I felt that I could be "set-up". Officer Robin Lees agreed to me being "wired" and said he would help me.

12. While I met with my informant Officer Robin Lees, another officer named Guzzy and four other officers were parked in a van across the street tape recording everything my informant told me over a 30 to 40 minute period of time. The main topic of what my informant told me was the setting of a meeting with individuals in Struthers, Ohio who wanted to give me money so they could relax on weekends knowing that I wouldn't be around with my gambling raiding team arresting people for illegal gambling. My raiding team had recently raided over 12 establishments. Because Charlie Carabbia was now missing, Joey Naples, along with the Pittsburgh, Pennsylvania organized crime family controlled Struthers, Ohio with only few negotiated exceptions.

13. Immediately after my meeting with my informant Robin Lees gave me the audio tape recording of my informant and my meeting. Because it was late in the day and because I never had a key to the evidence locker at the Mahoning County Sheriff Department the S.I.U. put the audio tape recording in their evidence locker for me so that I could use it as evidence later.

14. Sometime between the night the audio tape recording was placed in the S.I.U. evidence locker and the next day, Robin Lees contacted FBI SA Robert Kroner and informed him about my meeting with my informant, the audio tape recording and the plans of the investigation which included the "payoff" meeting in Struthers, Ohio by members of the Pittsburgh, Pennsylvania Mafia family.

15. Shortly after, my informant telephoned me. In an irate tone of voice he told me he was angry with me because I wore a "wire" during our conversation at the donut shop. He also informed me that FBI SA Robert Kroner telephoned him to tell him that he had the audio tapes and that if he helped me in any way that he would be indicted.

16. After the above mentioned telephone conversation with my informant I went to the Mahoning County, Ohio Prosecutor's Office and met with Assistant Prosecuting Attorney Bailey. I gave him the facts in support of FBI SA Robert Kroner's obstruction of justice. Assistant Prosecutor Bailey began creating an arrest warrant for me but stopped when I informed him that Robert Kroner was an FBI Agent. Assistant Prosecutor Bailey invited me to present my evidence to a grand jury. I declined because if I received a "no bill" my life and the lives of my family would be in danger.

17. I then went to the Youngstown Police Department's Internal Affairs Office where I filed a complaint against Officer Robin Lees because he gave the audio tape recording to FBI SA Robert Kroner, which put my life in danger. Internal Affairs Officer Lewis refused to help me. However, FBI SA Robert Kroner returned the audio tape recording to Officer Robin Lees who in turn attempted to give it back to me. I refused to accept the audio tape recording because of the break in the chain of custody of evidence and because of the potential altering of evidence. Officer Lenny Skelinski got the audio tape recording, along with a copy of a receipt signed by Officer Robin Lees. Officer Lenny Skelinski put the audio tape recording in the Mahoning County Sheriff Department's evidence locker and logged it in as evidence.

FBI SA Robert Kroner wanted me neutralized.

18. I then contacted the Office of Professional Responsibility in Washington, DC, and informed them of FBI SA Robert Kroner's illegal actions, those being the obstruction of justice.

19. Based on my personal experience, the hereinabove written and information given to me by Youngstown, Ohio Police Department's SIU Officer Joe Krupa, who was a senior member of the SIU, who I trusted that the Youngstown Police Department did not conduct gambling raids or sports betting raids, I concluded that FBI SA Robert Kroner and FBI SA Larry Lynch, through the Youngstown Police Department, other sources and its special investigations unit attempted to control my gambling raids so that I could only arrest the opposition for who the FBI had allied with their ally being Joey Naples. SIU officer Joe Krupa, in my opinion, was an honest police officer who went "by the book" which compelled me to help him.

20. I assert that FBI SA Robert Kroner telephone conversation with my informant during which he informed by informant that I was wearing a "wire" at the donut shop could have gotten me killed. I further assert that FBI SA Robert Kroner abused his Federal power to serve his personal interest. On or about March 21, 1988, close to midnight, I was shot at, at point blank range by a person with a 12-gauge shotgun while I was in my unmarked official vehicle. The shot barely missed me. The headrest directly to the right of my head was severely damaged from the shotgun blast. After this incident I was diagnosed as having chronic stress disorder. I was not permitted to return to work. One month later I was indicted for violation of Federal Rico statutes. The person who shot at me with a 12-gauge shotgun was never identified or found. I realized at this point that I was "over my head" with no one to help me. I could not seek help from the FBI because certain FBI agents could not be trusted. I do not have total mistrust of the FBI. I only mistrust certain local FBI special agents who I believe are under the control of organized crime.

THE LOUNGE INCIDENT

21. During the 1980's a restaurant known as the Gatsby Lounge in Austintown, Mahoning County, Ohio was frequented by a higher class of drug dealers. A person who went to the Gatsby Lounge fell under my narcotics surveillance. This person talked to Chief Frank Carbon who in turn talked to me. Chief Frank Carbon informed me that the person who I had under surveillance at the Gatsby Lounge wanted to pay me 2,000 per month to "back off" his establishment (a Lebanese restaurant and known drug house in Austintown Township which I closed down one week earlier). If $2,000 was not enough I was to let him know. I suspected that the person who I first saw at the Gatsby Lounge was dealing drugs because of the amount of the attempted "payoff" and surveillance of this person being seen with known drug dealers.

22. Having been informed of the attempted "pay off" I informed Mahoning County, Ohio Sheriff Nemeth of the attempted "payoff" who told me to give the information to the FBI. I had reservations about giving the information to the FBI. After some delay I gave the information about the attempted "payoff" to FBI SA's Friedman and Plunkett. Both agents told me not to do anything because they already had an FBI agent from the Pittsburgh, Pennsylvania office working undercover at the Lebanese drug house. I didn't believe what FBI SA's Friedman and Plunkett told me because FBI agents do not tell other FBI agents what operations they are working on. Therefore, the immediate question in my mind was. Why would they tell me about a current operation? I wanted away from these FBI agents without them knowing I wanted away from them.

23. During the same conversation with FBI SA's Friedman and Plunkett, Plunkett again lied to me when he told me that he did not know an informant by the name of Bobby Armstrong I knew he knew about Bobby Armstrong because of a conversation I had with him five (5) years ago about Bobby Armstrong. I then asked myself what am I doing with these people? Something is wrong here!

FBI CONTROLLED SIU

24. SIU Officer Joe Krupa secretly asked me to submit for approval of a search warrant to be served on the Diamond Tavern in Campbell, Mahoning County, Ohio which at the time was the illegal numbers hub for the whole organization. I received approval for the search warrant. I personally invited Special Agent Don Harris of the Internal Revenue Service to accompany us on this raid. I did this to Protect Officer Krupa and me from future retaliation because this was a Joey Naples' stronghold.

25. I took Internal Revenue Agent Don Harris with me to the Diamond Tavern along with approximately 15 officers from Youngstown Police Department's SIU and Mahoning County Sheriff's Department, Lowendowsky who used a camera to film the serving of the search warrant and any arrests. FBI SA Robert Kroner later told me that the only reason I "hit" the place was to increase my monthly "package." Robert Kroner should have known better than to make an allegation like that because if I was going to put pressure on a place like the Diamond Tavern why would I bring an IRS agent with me? How could I possibly fix something where the IRS was included? Indirectly, I found that FBI SA Robert Kroner knew this was a Joey Naples operation and was upset with me for raiding the Diamond Tavern.

26. Youngstown Police Department Officer Joe Krupa, a member of the SIU informed me that SIU was working with FBI SA Robert Kroner and FBI SA Larry Lynch. SIU officer gave me the illegal gambling targets to raid. It was quite apparent that the targets I was given by SIU to raid where limited to people and establishments involved in illegal numbers gaming and small football pools. The SIU did not raid illegal sport betting operations nor did they ask for my assistance in raiding large illegal sport betting operations. The main target of the Youngstown Police Department SIU and FBI was the illegal numbers operation of Michael "Syrak" Serrecchio, a one time Joey Naples rival. I continued to arrest people for sports betting. What appeared strange was the Youngstown Police Department's SIU would be involved in every raid except the raids conducted in their own city. FBI SA Robert Kroner controlled and suppressed information, manipulated both the SIU and me to conduct only certain gambling arrest raids, none of which were directed at Joey Naples' illegal gambling enterprise. At the time it was common knowledge that Lenny Strollo and Joey Naples were growing apart because Lenny Strollo was against narcotics while Joey Naples was involved in narcotics. It should also be noted that at this time Randall Wellington was also chief of police of Youngtown, Ohio, and a personal friend of FBI SA Robert Kroner.

INDICTED & CONVICTED

27. I was indicted and convicted for taking a bribe from Lenny Strollo. I never took a bribe from Lenny Strollo or anyone else. This fact was revealed during a subsequent and related plea bargain hearing in which Lenny Strollo under oath testified that he never paid me a bribe. I also learned after my conviction that my attorney Stewart Mandel was associated with Lenny Strollo. My attorney, Stewart Mandel, might have acted for the benefit of others to help them so that I could not timely reveal the hereinabove written, the truth. Stewart Mandel was later indicted and convicted of income tax violations in connection with Lenny Strollo. I still believe Stewart Mandel is a good attorney who I consider a friend.

28. James A. Traficant, Jr., and I were never political allies. However, I have always respected him, therefore, I give my permission to him to use this affidavit in any way that he deems appropriate.

SPINDLETOP OIL FIELD AND LUCAS GUSHER

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. LAMPSON. Mr. Speaker, today I rise to recognize the Texas State Spindletop 2001 Commission's celebration of the Centennial of the discovery of the Spindletop Oil Field and the Lucas Gusher. On January 10, 2001, at 10:32 am, a permanent reproduction of the Lucas Gusher will blow, and the excitement of that moment will be reenacted.

The Lucas Gusher, located just south of Beaumont, Texas, marked the beginning of the Petroleum Age. On January 10, 1901, a team of investors and drillers led by Captain Anthony F. Lucas discovered the greatest oil well ever seen. The area upon which the gusher was discovered, Spindletop Hill, was to produce more oil per day than the annual production of oil in the entire United States.

The discovery of oil at Spindletop drastically changed the country's economy. Within days thousands of speculators, sightseers and fortune seekers swarmed into the small town as news of the discovery spread. By 1902, hundreds of active wells were operating. The vast quantities of oil found at Spindletop first made possible the use of oil as an inexpensive, lightweight and efficient fuel to propel the world into the twentieth century.

On January 10, 2001, I will be present at the Spindletop celebration, and be presenting a copy of this CONGRESSIONAL RECORD statement. Celebrating and honoring the beginning of a new age for the world is altogether fitting and appropriate and deserves the House of Representative's recognition.

COMMENDING THE AMERICAN TRUCKING ASSOCIATIONS AND ITS CONTRIBUTION TO THE TOYS FOR TOTS FOUNDATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend the American Trucking Associations for demonstrating that "someone cares" about the Children of San Diego, California.

The American Trucking Associations urged all individuals who recently attended their Management Conference and Exhibition in San Diego, California to bring a toy. At the end of the conference, 700 toys were collected and donated to the U.S. Marine Corps Reserve Toys for Tots Foundation. Encouraged by their initial success, the American Trucking Associations have extended the toy drive via their website. In fact, donors can now contribute to a toy on-line.

The toys will be distributed to needy children in the San Diego area through the U.S. Marine Corps Reserve Toys for Tots Foundation. Since 1947, the U.S. Marine Corps Reserves have ensured a gift under the Christmas tree of children who might otherwise experience the holiday without receiving any toys. Over the past 53 years, the Foundation has grown and is now active in all 50 states. Last year alone, they collected and distributed 13,700,000 toys.

America's truckers will most likely deliver the vast majority of Christmas toys to stores around the country. However, this delivery is truly special, as it demonstrates the positive synergy that is achieved when private industry partners with charitable organizations to improve the community.

Mr. Speaker, the American Trucking Associations asked their members to "send a loving message that someone cares" to the children of the conference host city. Their members responded overwhelmingly, thus deserving the praise and accolades of this 106th Congress for their decision to leave the children of San Diego with a special memory.

IN HONOR OF FRED HASSAN, RECIPIENT OF THE 2000 GLOBAL CITIZEN AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Fred Hassan, the recipient of the 2000 Global Citizen Award from the School of Diplomacy and International Relations at Seton Hall University.

Fred Hassan is currently the President and Chief Executive Officer of Pharmacia Corporation, a pharmaceutical company created by the merger of Pharmacia & Upjohn and the Monsanto Company.

Mr. Hassan, a native of Pakistan, received his Bachelor's Degree in chemical Engineering from the Imperial College of Science and Technology at the University of London in 1967 and his Master's of Business Administration from Harvard Business School in 1972.

At Pharmacia, Mr. Hassan and his management team have established a global organization dedicated to improving health and wellness around the world. Under Mr. Hassan's leadership, Pharmacia collaborates with government, academia, and the private sector to address global challenges in the fields of health care, science, and nutrition. To meet these challenges, Pharmacia, the United Nations Population Fund, and The world Bank created the "Save the Mother's Fund", a program that works to improve obstetric care in order to reduce maternal mortality rates in childbirth. In addition, Pharmacia has partnered with the World Health Organization's European Project on Tobacco Dependence to reduce tobacco-related death and disease among cigarette smokers in Europe.

Mr. Hassan has set an excellent example for other business leaders around the world; to be successful in the business world, while also helping to improve the lives of our fellow global citizens.

Today, I ask my colleagues to join me in honoring Fred Hassan and Pharmacia for their outstanding commitment and contributions to global health and development.

SENATE—*Wednesday, December 6, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Your intervention in trying times in the past has made us experienced optimists for the future. Our confidence is rooted in Your reliability. You are with us; therefore we will not fear. Your commandments give us Your absolutes; therefore we will not waver. You call us to obey You as well as love You; therefore we will not compromise our convictions. You will give us strength and courage for each challenge; therefore we will not be anxious. You have called us to glorify You with our work; therefore we will seek to do everything for thy Son. You have inspired us to be merciful as You are merciful; therefore we will restrain from condemnatory judgments. You have helped our Nation through contentious times of discord and disunity in the past; therefore we ask for Your help in these days as we wait for final resolution of the Presidential election.

Grant the Senators a special empowering of Your Spirit today. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. HAGEL. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 11 a.m. with Senators HAGEL and DURBIN in control of the time. Following morning business, the Senate will begin postcloture debate on the bankruptcy conference report, with a vote scheduled to occur tomorrow at 4 p.m., or earlier if any of the remaining debate time is yielded back.

It is still hoped that the remaining business of the Congress can be completed this week, and therefore additional votes can be expected. I thank my colleagues for their attention.

Mr. REID. If the Senator will yield, I appreciate very much especially the last phrase of his statement. I believe it is very important for the American public, the people from Nebraska, and the people from Nevada, that we try to complete our work as quickly as possible, without a lot of dissension. There was a tremendous amount of work put into the various appropriations bills—the balanced budget add-on and other things we did prior to leaving here that we almost had completed. I hope we can join together and finish that as quickly as possible and not leave any undone work for the new Congress and President.

I was happy to hear the acting leader indicate that we were going to try to finish the business we have now pending before the Congress. I think it will send a very good message to the American public if we can work together, as I believe we are going to have to do with the next Congress. Thank you.

Mr. HAGEL. I thank the Senator. That is the intent of the leadership. Both leaders are working their way through this, and we are all hopeful that will produce some tangible, productive results. Thank you.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, leadership time is reserved.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the time until 10:30 a.m. is under the control of the Senator from Nebraska.

TRIBUTE TO ELEVEN DEPARTING SENATORS

Mr. HAGEL. Mr. President, I rise this morning to reflect on the service of our 11 colleagues who will be completing their Senate service in the next few days. Hugh Sidey, one of the great journalists and political observers of our time, who covered eight Presidents and became well acquainted with those Presidents, once said that "politics, after all is said and done, is the business of belief and enthusiasm. Hope energizes, doubt destroys. Hopelessness is not our heritage." So said Mr. Sidey. Aside from the fact that he has Nebraska roots, which I suspect reflects some element of his good judgment, he is right.

As we reflect on the service of these 11 individuals who will be leaving this institution, the one common denominator that anchored the 11 was commitment to something bigger than themselves: service to this country. The 11 individuals reflect our society, as does this body, from the States they represented, to their backgrounds, to their commitments. That, too, represented what may be this country's greatest strength and that is its diversity.

As TOM DASCHLE mentioned last night at the Supreme Court dinner, in the history of this institution, only 1,853 men and women have ever served here. Now, we will increase that number on January 3. But the 11 colleagues and friends who leave this institution are among those 1,853 individuals who have served and are now serving.

I think it is worthy to bring some note to these 11 individuals. They have been honored and recognized throughout this year, and very appropriately so, individually by many Members of this body, but I wish, in the few minutes I have, to maybe tie some more general themes together about why these 11 men have been so important together to this body.

We begin by asking the question: Who are these 11 bold, different, distinguished citizens?

Well, first, they are from all parts of the country. They are of different religions. They are fathers, husbands, brothers, uncles, and grandfathers. Scattered among these 11, of course, are Republicans and Democrats, maybe liberals, maybe some conservatives, and maybe some moderates.

As we look further, we find the veterans—World War II veterans, Vietnam war veterans. One among them is my friend and colleague from Nebraska, Senator BOB KERREY, who holds the Congressional Medal of Honor.

We have war heroes and veterans among these 11. We have former Governors, former attorneys general, ambassadors, businessmen, journalists, lawyers, and bankers—all representing the fiber of this country, all representing the different universes of this country that tie us together as a nation. Surely among the 11 is one of the preeminent public servants of our time, Senator MOYNIHAN from New York.

At a time when the world peers in the large window of the front room of

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

American politics—in some cases they may be bewildered by what they are seeing in this country, that we can't seem to elect a President—it is even more important that we spend some time reflecting on these 11 individuals because, as we know, this country will produce a President. That President will govern. That President will be effective. And the institution of the U.S. Senate will be very much a part of assisting that President in governing this country, which has immense consequences for the world.

If there is a question about unsteadiness in this country or our institutions, again we need only reference the 11 Senators who will be leaving this body because there was nothing unsteady about these 11 individuals. They were anchored to a Constitution that has been the roadmap for this great country for over 200 years, and that has ensured the liberties, the privileges, and the rights that these 11 individuals fought for, debated over, and made stronger.

These 11 Senators brought unique experience and perspectives. They applied those in their own ways and in their own individual styles, which again has added to the richness of the culture of this institution and reflects the richness and the culture of this country. Every new Senator we bring on and every Senator who leaves has had a part in stitching the fabric—and continues to stitch the fabric—of this country.

At a time when we question the institutional structures, the procedures and the processes, we must not forget that it is the individual that has made this country what it is. De Tocqueville wrote about it in the mid-19th century. When he observed America and wrote at that point the most authoritative document on America, he said the most amazing thing about America was the magic of America. He said it was the individual. It was individual commitment. It was freedom. That was the magic of America.

Arnold Toynbee, who probably wrote the most definitive book on the civilization of mankind as he documented the 21 civilizations of the world, wrote that each civilization begins with a challenge and a response.

Surely, as we reflect on these 11 Senators, each of their lives is a remarkable story. Each has been, as Toynbee wrote in his study of history, a challenge and response. That is what representative government is about. But it cannot function without the individual commitment of people such as these 11 distinguished Americans who leave this body.

Yes, they helped chart a course for this country. And, yes, they helped fulfill the destiny of this country. Yes, they understood exactly what Hugh Sidey said—that hopelessness is not our heritage. They understood that as well as any 11 people in the history of this country.

But they did something equally remarkable in that they inspired others.

I suspect, as you go across those 11 States represented by these 11 Senators, and go into schools and talk to teachers and young men and women who watched PAT MOYNIHAN, BOB KERREY, FRANK LAUTENBERG, and CONNIE MACK, they would have a story. They would have some dynamic to their personal lives that somehow would be tied back to leadership and the inspiration of one of these 11 Senators. In the end, that is our highest obligation in public service. In the end, that is the most important thing we can do.

Not just for the RECORD but because it is important that we hear the list of these names, I would like to read the list of these 11 Senators:

Senator SPENCE ABRAHAM from Michigan;

Senator JOHN ASHCROFT from Missouri;

Senator RICHARD BRYAN from Nevada;

Senator SLADE GORTON from Washington;

Senator ROD GRAMS from Minnesota;

Senator BOB KERREY from Nebraska;

Senator FRANK LAUTENBERG from New Jersey;

Senator CONNIE MACK from Florida;

Senator DANIEL PATRICK MOYNIHAN from New York;

Senator CHUCK ROBB from Virginia;

And Senator BILL ROTH from Delaware.

They have accomplished, each in their own way but, more importantly, together as part of this institution, a remarkable number of things in their careers. Many will go on and do other things. All will stay active. All will stay committed to this country.

What they have done, for which we all are grateful and for which America is grateful, deserves immense recognition; that is, they leave this great institution stronger and better because of their service. Therefore, they leave America stronger and better because of their service.

Mr. President, thank you for allowing me some time to talk about our colleagues whom all of us will miss.

I reserve the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ABOLISH THE ELECTORAL COLLEGE

Mr. DURBIN. Mr. President, 5 weeks ago, on November 1, I held a news conference with my colleague from Illinois, Congressman RAY LAHOOD, on the subject of the electoral college. I always preface my remarks on this issue by reminding people that that was before the November 7 election.

In 1993, I had introduced legislation with Congressman GERALD KLECZKA, of Wisconsin, as a Member of the House, to abolish the electoral college. Congressman LAHOOD and I came forward on November 1 of this year and made the same recommendation before the election on November 7. So what I am about to say and what I am about to propose, really, although it is going to take into account what happened in our last election, is motivated by a belief that the underlying mechanism in America for choosing the President of the United States is flawed and should be changed.

On that day, November 1, I came to the floor of the Senate to explain why I thought the Constitution should be amended to replace the electoral college with a system to directly elect our President. One week after the press conference, the American people went to the polls to express their will. It is worth pausing to realize that we are living through an extraordinary election, the closest by far in more than a century. As we await the outcome, it is important to remember that soon our country will have a new President. I am confident that our great Nation will successfully navigate the difficulties of this historic election. I am concerned, however, at the loss of confidence of the American voters in the system we know as the electoral college.

If we do nothing else over the next year, let's commit to improve and reform the way we elect leaders in America. There are three critical areas of election system reform that I think we should address. The first is campaign financing. I certainly support the McCain-Feingold bipartisan approach to cleaning up the way we pay for campaigns. The second is the mechanisms of the voting process. My colleagues, Senator SCHUMER of New York and Senator BROWNBACK of Kansas, have suggested we put some money on the table for States and localities that want to put in more efficient and more accurate voting machinery. I think that is a good idea. And, of course, the third is changing the electoral college. Today I will discuss replacing that system with a direct popular vote for President.

For those who want to defend the current electoral college system, I want to ask, What are the philosophical underpinnings that lie at its foundation? I submit there are none. Instead, the electoral college was a contrived institution, created to appeal to a majority of the delegates to the Constitutional Convention in 1787, who were divided by the issue of Federal versus State powers, big State versus small State rivalries, the balance of power between branches of Government, and slavery.

James Madison was opposed to any system of electing the President that did not maintain the South's representational formula gained in an earlier compromise that counted three-fifths of the African American population toward their State totals. A direct popular election of the Chief Executive would have diluted the influence of the South and diluted the votes based on the slave population.

Many delegates opposed a direct popular election on the grounds that voters would not have sufficient knowledge of the candidates to make an informed choice. Roger Sherman, delegate from Connecticut, said during the Convention: I stand opposed to the election by the people. The people want for information and are constantly liable to be misled.

Given the slowness of travel and communication of that day, coupled with the low level of literacy, the delegates feared that national candidates would be rare and that favorite sons would dominate the political landscape. James Madison predicted that the House of Representatives would end up choosing the President 19 times out of 20.

Also, this system was created before the era of national political parties. The delegates intended the electoral college to consist of a group of wise men—and they were all men at that time—appointed by the States, who would gather to select a President based primarily on their individual judgments. It was a compromise between election of the President by Congress and election by popular vote. Certainly, it is understandable that a young nation, forged in revolution and experimenting with a new form of government, would choose a less risky method for selecting a President.

Clearly, most of the original reasons for creating the electoral college have long since disappeared, and after 200 years of experience with democracy, the rationale for replacing it with a direct popular vote is clear and compelling.

First, the electoral college is undemocratic and unfair. It distorts the election process, with some votes by design having more weight than others. Imagine for a moment if you were told as follows: We want you to vote for President. We are going to give you one vote in selection of the President, but a neighbor of yours is going to have three votes in selecting the President.

You would say that is not American, that is fundamentally unfair. We live in a nation that is one person—one citizen, one vote.

But that is exactly what the electoral college does. When you look at the States, Wyoming has a population of roughly 480,000 people. In the State of Wyoming, they have three electoral votes. So that means that roughly they have 1 vote for President for every 160,000 people who live in the State of Wyoming—1 vote for President, 160,000 people. My home State of Illinois: 12 million people and specifically 22 electoral votes. That means it takes 550,000 voters in Illinois to vote and cast 1 electoral vote for President. Comparing the voters in Wyoming] to the voters in Illinois, there are three times as many people voting in Illinois to have 1 vote for President as in the State of Wyoming.

On the other hand, the philosophical underpinning of a direct popular election system is so clear and compelling it hardly needs mentioning. We use direct elections to choose Senators, Governors, Congressmen, and mayors, but we do not use it to elect a President. One-person, one-vote, and majority rule are supposedly basic tenets of a democracy.

I am reminded of the debate that surrounded the 17th amendment which provides for the direct election of Senators. It is interesting. When our Founding Fathers wrote the Constitution, they said the people of the United States could choose and fill basically three Federal offices: The U.S. House of Representatives, the U.S. Senate, and the President and Vice President. But only in the case of the U.S. House of Representatives did they allow the American people to directly elect that Federal officer with an election every 24 months.

I suppose their theory at the time was those running for Congress lived closer to the voters, and if the voters made a mistake, in 24 months they could correct it. But when it came to the election of Senators in the original Constitution, those Founding Fathers committed to democracy did not trust democracy. They said: We will let State legislatures choose those who will serve in the Senate. That was the case in America until 1913. With the 17th amendment, we provided for the direct election of Senators. So now we directly elect Senators and Congressmen, but we still cling to this age-old electoral college as an indirect way of electing Presidents of the United States. The single greatest benefit of adopting the 17th amendment and providing for the direct election of Senators was that voters felt more invested in the Senate as an institution and therefore able to have more faith in it.

In my State, in that early debate about the 17th amendment, there was a Senator who was accused of bribing members of the State legislature to be elected to the Senate. There were two different hearings on Capitol Hill. The first exonerated him. The second found evidence that bribery did take place. That was part of the impetus behind this reform movement in the direct election of Senators.

Second, while it appears smaller and more rural States have an advantage in the electoral college, the reality of modern Presidential campaigns is that these States are generally ignored.

One of my colleagues on the floor said: I will fight you, DURBIN, on this idea of abolishing the electoral college. I come from a little State, and if you go to a popular vote to elect a President, Presidential candidates will pay no attention to my little State.

I have news for my colleagues. You did not see Governor Bush or Vice President GORE spending much time campaigning in Rhode Island or Idaho. In fact, 14 States were never visited by either candidate during the campaign, while 38 States received 10 or fewer visits. The more populous contested States with their large electoral prizes, such as Florida, Pennsylvania, Ohio, and Wisconsin, really have the true advantage whether we have a direct election or whether we have it by the electoral college.

Third, the electoral college system totally discounts the votes of those supporting the losing candidate in their State. In the 2000 Presidential race, 36 States were never really in doubt. The average percentage difference of the popular vote between the candidates in those States was more than 20 percent. The current system not only discounts losing votes; it essentially adds the full weight and value of those votes to the candidate those voters oppose.

If you were on the losing side in a State such as Illinois, which went for AL GORE, if you cast your vote for George Bush, your vote is not counted. It is a winner-take-all situation. All 22 electoral votes in the State of Illinois went to AL GORE, as the votes in other States, such as Texas, went exclusively to George Bush.

Fourth, the winner-take-all rules greatly increase the risk that minor third party candidates will determine who is elected President. In the electoral college system, the importance of a small number of votes in a few key States is greatly magnified. In a number of U.S. Presidential elections, third party candidates have affected a few key State races and determined the overall winner.

We can remember that Ross Perot may have cost President Bush his reelection in 1992, and Ralph Nader may have cost AL GORE the 2000 election. In fact, in 1 out of every 4 Presidential elections since 1824, the winner was one State away from becoming the loser based on the electoral college vote count.

This is a chart which basically goes through the U.S. Presidential elections since 1824 and talks about those situations where we had a minority President, which we did with John Adams in

1824, with Rutherford B. Hayes in 1876, and Benjamin Harrison in 1888. These Presidential candidates lost the popular vote but won the election, which is rare in American history. It may happen this time. We do not know the outcome yet as I speak on the floor today.

In so many other times, though, we had very close elections where, in fact, the electoral vote was not close at all. Take the extremely close race in 1960 to which many of us point: John Kennedy, 49.7 percent of the vote; Richard Nixon, 49.5 percent. Look at the electoral college breakdown: 56 percent going to John Kennedy; 40 percent to Richard Nixon. The electoral college did not reflect the feelings of America when it came to that race.

The same thing can be said when we look at the race in 1976. Jimmy Carter won with 50.1 percent of the vote over Gerald Ford with 48 percent of the vote. Jimmy Carter ended up with 55 percent of the electoral college and Gerald Ford with 44 percent. Again, the electoral college did not reflect that reality.

In comparison, under a direct popular vote system where over 100 million votes are cast, third party candidates generally would have a much more difficult time playing the spoiler. For instance, there have only been two elections since 1824 where the popular vote has been close enough to even consider a recount. Those were 1880 and 1960. In today's Presidential elections, a difference of even one-tenth of 1 percent represents 100,000 votes.

Fifth, the electoral college is clearly a more risky system than a direct popular vote, providing ample opportunity for manipulation, mischief, and litigation.

The electoral college provides that the House of Representatives choose the President when no candidate receives a majority of electoral votes. That happened in 1801 and 1825.

The electoral system allows Congress to dispute the legitimacy of electors. This occurred several times just after the Civil War and once in 1969.

In 1836, the Whig Party ran different Presidential candidates in different regions of the country. Their plan was to capitalize on the local popularity of the various candidates and then to pool the Whig electors to vote for a single Whig candidate or to throw the election to Congress.

In this century, electors in seven elections have cast ballots for candidates contrary to their State vote. Presidents have received fewer popular votes than their main opponent in 3 of the 44 elections since 1824.

In the 2000 election, I ask why the intense spotlight on Florida? The answer is simple: That is where the deciding electoral votes are. More disturbing is the fact that anyone following the election knew that Florida was the tightest race of those States with large electoral prizes. Those wishing to manipulate the election had a very clear target.

In contrast, under a direct popular vote system, there is no equivalent pressure point. Any scheme attempting to change several hundred thousand votes necessary to turn even the closest Presidential election is difficult to imagine in a country as vast and populous as the United States. Similarly, as I previously mentioned, recounts will be much more rare under a direct popular vote system given the size of the electorate.

Some people have said to me: DURBIN, if you have a direct popular vote—here we had GORE winning the vote this time by 250,000 votes—wouldn't you have contests all across the Nation to try to make up that difference? Look what happened in Florida. The original Bush margin was about 1,700 votes. It is now down to 500 votes after 4 weeks of recount efforts and efforts in court, not a very substantial change in a State with 6 million votes. So to change 250,000 votes nationwide if we go to a popular vote would, of course, be a daunting challenge.

Throughout American history, there has been an inexorable march toward one citizen, one vote. As the Thirteen Colonies were debating if and how to join a more perfect Union, only a privileged few—those with the right skin color, the right gender, and the right financial status—enjoyed the right to cast votes to select their leaders. The people even gained the right to choose their Senators by popular vote with the ratification of the 17th amendment in 1913.

As one barrier after another has fallen, we are one step away from a system that treats all Americans equally, where a ballot cast for President in Illinois or Utah or Rhode Island has the same weight as one cast in Oregon or Florida. The electoral college is the last barrier preventing us from achieving that goal. As the world's first and greatest democracy, it is time to fully trust the people of America and allow them the right to choose a President.

We would like to say, when this is all over, that the American people have spoken and chosen their President. The fact is that is not the case. With the electoral college, the American people do not make the choice. The choice is made indirectly, by electing electors in each State, on a winner-take-all basis.

I leave you with a quote from Representative George Norris of Nebraska, who said the following during the debate in 1911 in support of the direct election of U.S. Senators. I quote:

> It is upon the citizens that we depend for stability as a government. It is upon the patriotic, common, industrious people of our country that our Government must always lean in time of danger and distress. To this class of people then, we should give the right to control by direct election the selection of our public officials and to permit each citizen who is part of the sinew and backbone of our Government in time of danger to exercise his influence by direct vote in time of peace.

Mr. President, I will be introducing this proposal to abolish the electoral college and to establish the direct election of a President as part of our agenda in the next Congress. I sincerely hope it will be debated and considered. This time is the right time for us to take the time and look at the way we choose the President of the United States. It will not change the outcome of what happened on November 7 in the year 2000. But if history is our guide, I hope we will learn from this past experience and make our election machinery more democratic and more responsive.

Part of my proposal will also include the requirement that anyone to be elected President has to win 40 percent of the popular vote. Failing that, the top two candidates would face a runoff election. I think it is reasonable to suggest that leading this country requires at least the approval of 40 percent of the popular vote. That is why it would be included.

I hope my colleagues in the Senate, even those from the smaller States, will pause and take a look at this proposal.

I hope, before I yield the floor to my colleague from Minnesota, to make one other comment. There is a lot of talk about how this contest is going to end when it comes to this last election and the impact it will have on the Presidency.

I continue to believe that the American people want a strong President. They want a strong leader in the White House. They want our President to succeed. Whoever is finally declared the winner in the November 7, 2000, election, that person, I believe, deserves the support not only of the American people but clearly of Congress, too. We have to rally behind our next President in support of those decisions which really do chart the course for America. I think that force, coupled with the Senate equally divided 50–50, is going to be a positive force in bringing this Nation back together after this session of Congress comes to a close.

Mr. President, I yield the floor to my colleague from Minnesota, Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from Illinois.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, I submit for the RECORD the names of those Americans who exactly 1 year ago were killed by gunfire.

It has been more than a year since the Columbine tragedy, but still this

Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today:

December 6, 1999: Shyheem Abraham, 17, Philadelphia, PA; Godofredo Carmenate, 70, Miami-Dade County, FL; Mike D'Alessandro, 32, Philadelphia, PA; John Davis, 18, Gary, IN; Norman Dotson, 33, Detroit, MI; Bernie Graham, 29, Fort Worth, TX; Latnaia Jefferies, 27, Gary, IN; James Jones III, 24, Baltimore, MD; Lorraine Lawhorn, 45, Knoxville, TN; Tavares Lavor McNeil, 22, Baltimore, MD; Emmett Outlaw, 76, Memphis, TN; Chester Roscoe, 28, Rochester, NY; Tavrise Tate, 20, Chicago, IL; and Antonio Thompson, 21, Charlotte, NC.

One of the victims of gun violence I mentioned, 45-year-old Lorraine Lawhorn of Knoxville, was shot and killed by one of her coworkers who recently had been fired. The gunman shot Lorraine in the back of the head.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

Mr. President, am I correct that we have 5 minutes left in morning business, and then we will be going to the bankruptcy bill?

The PRESIDING OFFICER. The Senator is correct.

HEALTH CARE

Mr. WELLSTONE. Mr. President, I will speak on the bankruptcy bill in a moment. But in the time I have in morning business, I will speak on another matter. I do not have any statistics with me, but maybe that is better; I can talk about it in more personal or human terms.

In 1997, we passed the Balanced Budget Act with much acclaim. To be very bipartisan about this, President Clinton was very much for it. I think many Democrats and Republicans voted for it. But what has happened is—with the benefit of some time for observation and, hopefully, reflection—the cuts in Medicare have been draconian and have had a very harsh effect on health care, the quality of health care in our States, for Minnesota, Rhode Island, and all across the country.

It does not do any good to look back and affix blame. The point is, last year we said we were going to fix this problem. I think Senators—Democrats and Republicans alike—have heard from people back in their States.

In my State of Minnesota, here is the effect of this. First of all, in our rural communities, in what we call greater Minnesota outside the metro area, in the absence of getting some decent Medicare reimbursement, where you have a disproportionate number of elderly people living who are dependent on health care, the cost of providing that health care runs ahead of the reimbursement. The hospitals are losing money.

Here is the problem. This is not the case of greedy hospitals or greedy doctors. As a matter of fact, they have a very low profit margin. In fact, many hospitals have gone under over the last several years. When the hospital is no longer there, that is the beginning of the death of a community because people do not raise their children in communities unless there are good schools and good hospitals and good health care.

So we are in a real crisis, which should be spelled in capital letters, in the State of Minnesota, where many of our rural health care providers will go under unless we fix this problem, which is a problem we created. The same thing can be said for nursing homes, where there is inadequate reimbursement. The same thing can be said for home health care providers. The same thing can be said for medical education, which is financed, believe it or not, in part out of Medicare. The cuts in the reimbursement have led to a very serious situation in all of our States—certainly in Minnesota.

Then there are those hospitals—Hennepin County Medical Center is a perfect example; it is a very good public hospital; there are not a lot of them left—that, in fact, provide medical care to a disproportionate number of poor people in America. These hospitals are really having a difficult time making it. They are not going to continue to be financially solvent because we have so cut the reimbursement that they do not have the financial stability.

We never should have done this, but we did.

Then last year, we passed a piece of legislation. I feel kind of guilty about this. I didn't think it 100-percent fixed the problem, but I thought it did more than it did. So I went back to meet with people. We all go back to our States. We should. We meet with people in communities. We want to do well for people.

I said: Listen, I think this is going to really help. To the best of my ability, I talked about what this package was. But as it turns out, it, at best, I think, dealt with about 10 percent of the cuts, somewhere in that neighborhood.

We should not leave here—I want to go home, believe me. I want to go home. I would love to be back home. I would love not to be here right now, although I am always happy to be in the Senate. It is an honor. But you know what I am saying.

Mr. President, I ask unanimous consent that I have 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. If we just put everything off and have a continuing resolution until next year and we do not fix this problem, it will be irresponsible.

There is one proposal—that tends to be the Republican proposal, as I understand it—that gives a lot more of the money over the next 5 years to managed care plans without any requirement that they be accountable and that they serve senior citizens and serve people who live in rural communities, which they do not do now. Too many managed care plans have cut loose people they are supposed to be helping, and that is not the answer.

We have a package—I believe it is a Democratic package; it can be Democratic, Republican, anybody's package for all I care; I just want to get it done—which is $40 billion over the next 5 years, which does put the emphasis on getting the resources back to our rural health care providers and home health care providers and nursing homes and public hospitals and medical education, all of which is essential to whether or not we are going to be able to provide people with humane, dignified, and quality health care.

This is an important family issue. This is an important people issue. This is an important Minnesota issue. This is an important national security issue. We ought to get the job done before we leave.

Mr. President, it is my understanding that we now have concluded with morning business.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator's time has expired.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report to accompany H.R. 2415, which the clerk will report.

The bill clerk read as follows:

> Conference report to accompany the bill (H.R. 2415) an act to enhance security of the United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have up to an hour. I don't know that I will take all that time. I might take about a half an hour now. If other Senators come down to the floor, then I certainly would yield the floor and reserve the balance of my time for tomorrow.

We are at the final days of the 106th Congress, I hope. Maybe we are not. Maybe we are going to be here until Hanukkah or Christmas. I think we are in the final days.

It is bitterly ironic to me that once again we are dealing with this bankruptcy "reform" bill. Chapter 7 bankruptcy is a major safety net program so that if you find yourself in horrible financial circumstances, crisis financial circumstances, you can file chapter 7 and rebuild your life. About 50 percent of the people who do that do it because of a medical bill that puts them under or they lose their job or have such a tight budget.

We don't have that kind of tight budget. We make a very high salary. But a lot of people don't. So if every month you have to scratch and claw to make ends meet, and your car breaks down or, Lord, your child has some kind of an infection and you get antibiotics that can cost $80–$90, you can find yourself in a tough situation. It is major medical bills that are the principal reason.

At the end of the 106th Congress, a do-nothing Congress, are we doing anything during this lame duck session to deal with economic security for families? No. Are we considering any kind of health care legislation that would make health care coverage more affordable for people? No. Are we passing the Elementary and Secondary Education Act, which focuses on that issue about which I heard so much in the Presidential campaign; namely, education, making sure that there is good, high-quality education for every child? No. Have we raised the minimum wage yet? No. Have we done anything to deal with catastrophic medical expenses, if you should be aged, older, and wind up in a nursing home, or you need somebody to help you stay at home so you don't have to be in a nursing home? No.

What do we have before us instead? We have something before us in this lame duck session—the majority leader came out yesterday and called for another cloture vote—that is 100 percent representative of the 106th Congress; that is to say, it will do nothing. It is will do nothing because it is going to come to nothing. And it is going to come to nothing because the President is going to veto it. In all likelihood, we won't be here anyway. It will end up being a pocket veto. If we are here, I am convinced we would get the 34 votes to sustain the veto. But that is now how we are spending our time.

This is a do-nothing effort for, unfortunately, a worse than do-nothing bill because it will do harm to people which will amount to nothing in a do-nothing Congress. There is a symmetry to this.

I observed one thing from the beginning about this bill. It is hemorrhaging support. There was a time when there was a stampede for "bankruptcy reform," but now what has happened is, at least on our side, the majority of Democrats are opposed to this bill. Every single civil rights organization, labor organization, women's organization, children's organization, and consumer organization opposes it. I didn't say the credit card companies oppose it or the big financial institutions.

I think we will get a solid vote on Thursday, and it will pass. But we will be close to the number of votes that we need to sustain a Presidential veto. I thank President Clinton for being so strong on this. In any case, in all likelihood we will be gone. I don't even know what this exercise is about.

We can do better in the 107th Congress. We can have a piece of legislation that is balanced. We can have bankruptcy reform. We can make sure the scope of this legislation deals directly with those people who abuse this system, a very small percentage, and we can also call upon the credit card companies to be accountable. Instead we have this out here, which is going to go nowhere.

I rise to talk a little bit about how awful this piece of legislation is. Supporters have cited the high number of bankruptcy filings in recent years as the reason to move forward on what they call "reform." But there has been a dramatic drop in the last 2 years in the number of bankruptcies. That is about the period of time we have held up this piece of legislation. In the months since the Senate passed bankruptcy reform, any pretense that this legislation is needed has evaporated. The number of bankruptcies has fallen steadily over the past year. Charge-offs and credit card debt are down significantly, and delinquencies have fallen to the lowest level since 1995.

The proponents and opponents agree that nearly all the debtors who resort to bankruptcy do not game the system but do it out of desperate financial circumstances, and that only a tiny minority of chapter 7 filers, as few as 3 percent, could afford repayment.

Where is the crisis? We are trying to address yesterday's headline. But as I have already stated, there really should not be any wonder. The credit card industry wants this legislation. They want to be able to protect the risky investments they have made. They want to be able to pump their credit cards out to our children—everybody has had that experience—and they want the Senate to do their bidding.

Bankruptcy "reform" has been nothing more than a filler on the Senate calendar. It is a place holder while we wait for some appropriations bill, some agreement. That is what this proceeding is about.

Guess what. That is where all the attention is focused. The calendar may say that bankruptcy is on the agenda, but I can tell you—and my colleagues know this is true—it is not bankruptcy "reform" that is on the minds of our colleagues. Instead, we are all obsessing over negotiations in maybe a smoke-filled room—or maybe it is not smoke filled—with very few of us who are party to it. That is why right now there is little attention given to this legislation. That is another awful thing. We don't get our work done, we don't get these bills out here, and it winds up with a few people negotiating and the rest of us waiting around like potted plants. None of us worked hard to get here for this kind of process. I will tell you something else. None of us worked hard to get here for a process where the majority leader can take a piece of legislation—the State Department embassy bill—and completely gut it, where the only thing left is the number, and put a bankruptcy bill in it and bring it over here under the conference committee rules. That makes a mockery of the legislative process—a mockery.

I will tell you something else. I will try to say it with a twinkle in my eye because it never does any good to get bitter. But even from my own caucuses I sometimes don't understand the votes of some Democrats on this, because we have discussions in our caucus, and the one thing we feel strongly about—and I hope Republicans feel just as strongly about this—is that we have to change our modus operandi. We cannot continue to do things outside the scope of conference and put everything into conference committee. We have to have bills out here, we have to have amendments, and we have to have debate. We have to have a vital institution again where Senators can become good Senators—not wait around for a year and a half where you can hardly do anything. We have had that discussion in our caucus, and then some Democrats come out and vote for this turkey. I don't understand why. It is such an affront to what should be the legislative process and the way this institution works.

I wish to begin by laying out my reasons for opposing this measure, and I hope today we will have a thorough discussion. I know a number of Senators are going to be speaking in opposition. I am sure some colleagues and friends, such as Senator GRASSLEY, will be out here to speak for it, or Senator BIDEN.

Reasons for opposing the conference report: The legislation, No. 1, rests on faulty premises. The bill addresses a crisis that doesn't exist. Increased filings are being used as an excuse to harshly restrict bankruptcy protection, but the filings have abruptly fallen in the last 2 years. Additionally, the bill is based on the myth that the stigma of bankruptcy has declined. There is not a shred of evidence for that. In fact, that is part of the reason that 116 law professors who teach bankruptcy law in the country have said this bill is a mistake, and they point out that it is hardly the case that people just abuse it and feel no stigma.

No. 2, abusive filers are not the majority; they are a tiny minority. Let's write a good bill that goes after them. But let's not have some sweeping bill that turns the clock back and basically removes a major safety net not just for low-income families but middle-income families. Bill proponents cite the need to curb "abusive" filings as the reason to harshly restrict bankruptcy protection. But the American Bankruptcy Institute found that only 3 percent of chapter 7 filers could have paid back more of their debt. Even the bill's supporters acknowledge that the highest percentage you could get would be 10 to 13 percent.

No. 3, the conference report falls heaviest on the most vulnerable. The harsh restrictions in this bill will make bankruptcy less protective, more complicated and expensive to file, and this will make it much harder for low- and moderate-income people to effectively file and get any protection. Unfortunately, the means test and safe harbor will not shield any debtor from the majority of these harsh provisions and have been written in such a way that they will capture many debtors who truly have no ability to pay off significant debt. They won't make it with chapter 13. The only way they will have a chance to rebuild their lives is to be able to file chapter 7. They won't be able to do it under this legislation.

No. 4, the bankruptcy code is a critical safety net for America's middle class. Low- and moderate-income families—especially single parent families—are those who most need the "fresh start" which is provided by bankruptcy protection. This bill will make it much harder for them to get out from under the burden of crushing debt.

Colleagues, this is a very harsh piece of legislation that is going to most dramatically hurt the most vulnerable people in this country—women and children, working income, low- and moderate-income families put under.

About 50 percent of the bankruptcy cases are because of a major medical bill. Now, I have no doubt that the credit card industry has pumped unbelievable amounts of money into getting this passed. They are everywhere. This is a pretty one-sided debate because the people who get the protection are the people without the money. They are not the big contributors. They are not the heavy hitters. They are not the well connected. They are not the players. But why don't we get it right and pass a decent bill, not one that hurts those people who are most vulnerable?

No. 5, the banking and credit card industry—is anybody surprised?—gets a free ride. The bill as drafted gives a free ride to banks and credit card companies that deserve much of the blame for the high number of bankruptcy filings because of their loose credit standards. Lenders can pump those credit cards and they can be involved in all the reckless lending—and I will have more to say about that later—and now we bail them out. This is a bailout for the big credit card companies and the big lenders.

No. 6, this legislation may cause increased bankruptcies and defaults. Another bitter irony. Several economists have suggested that restricting access to bankruptcy protection will actually increase the number of filings and defaults because banks will be more willing to lend money to marginal candidates.

Indeed, it is no coincidence that the recent surge in bankruptcy filings began immediately after the last major "pro-creditor reforms" were passed by the Congress in 1984. You make it easy for them to do this, to be involved in reckless lending, and they know they will be able to collect. They know people won't be able to file chapter 7, and this will lead to more reckless lending and more bankruptcy.

No. 7, this conference report is worse than the Senate bill.

I opposed the Senate bill. However, even that flawed legislation was far superior to this conference report. The sham bankruptcy "conference" report has taken big steps backward when it comes to balancing fairness.

No. 8, again, I am going to emphasize this over and over again to Democrats and Republicans because we are 50–50; or, we may be 50–50. We may be 51–49. But we could be the majority someday. We could very well be the majority someday.

This conference report mocks the legislative process. This is a larger issue than bankruptcy reform. It is a question of the fundamental integrity of the Senate as a legislative body. Not one provision in the original State Department authorization bill—aside from the bill number itself—remains a part of this legislation. To replace in totality a piece of legislation with a wholly new and unrelated bill in conference takes the Congress one step forward to a virtual tricameral legislature—House, Senate, and conference committee.

I will tell you something. Again, if there is one thing we had better agree to over the next couple of weeks when it comes to shared power, it better be that we are going to put an end to the abusive use of these conference committees. We never should have moved away from rule XXVIII. We should not let unrelated amendments or basically whole new bills be put into conference reports and then brought back to this Chamber this way. It is an outrageous abuse of the legislative process. I think the Senate should vote against this for that reason alone.

I say to the majority that we could be a majority in the Senate. You wouldn't want it done to you either.

I want to observe that in July my friend from Iowa, Senator GRASSLEY, referred to the opposition to this bill as "radical fringe." I think he is one of the best Senators in the Senate. But, again, I will repeat this. I am in the company of every consumer organization that I know of—every labor union, every civil rights organization, every women's organization, and almost every children's organization that I know of. It is one of the broadest coalitions I have ever seen.

I say to my colleagues that it is said you can tell a lot about a person by who his or her friends are. You can also tell a lot about a piece of legislation by who the enemies are.

I don't see a lot of working families, a lot of hard-pressed families, a lot of ordinary citizens around this country, from Minnesota to Arkansas to New York to California, clamoring for this piece of legislation for which the credit card companies are so gung-ho.

There is no doubt in my mind that this is a bad bill. It punishes the most vulnerable and rewards the big banks and credit card companies for their own poor practices.

I am for a more balanced bill. I think we can do it the next time. We can go after the tiny minority that abuses it. We ought to have some standards that these credit card companies have to live up to as well.

Earlier, I used the word "injustice" to describe this bill. That is exactly right. It would be a bitter irony if the creditors were able to use a crisis—largely their own marking—to encourage Congress to decrease more borrowing access.

We should have a major safety net program for the vast majority in this country.

This is sham reform.

Real bankruptcy reform would address the concentration of financial markets, which is increasing the power and clout of the big banks and credit card companies to unprecedented levels.

Real bankruptcy reform would address the predatory and abusive lending.

Real bankruptcy reform would make working families more economically secure.

Real reform would address skyrocketing and unaffordable medical expenses.

Real economic reform would confront the increasing chasm between the wealthy and the rest of America. But instead of lifting up working families, and instead of lifting up the majority, the standard of living of the majority living in this country, this bill punishes them. And I urge its rejection.

I reserve the remainder of my time for debate tomorrow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized under the time allocated for Senator LEAHY on the bankruptcy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

I come to the floor today, as I did on the last day of October, to state my opposition to this bankruptcy conference report. This is an issue that I have worked on for the last 4 years. For 2 of those years, I served on a subcommittee of the Judiciary Committee with Senator GRASSLEY. I worked very closely with many in drafting what I consider to be very balanced and very positive bankruptcy reform. That bill was called for a vote on the floor of the Senate. Ninety-seven Senators voted in favor of that bill. It was the most overwhelming vote on this subject to my knowledge that we have seen on the Senate floor in modern times. It was a balanced bill. I thought it was a good bill.

For these last 2 years, I have not served on the Judiciary Committee, and it has been Senator GRASSLEY's responsibility to continue this effort. He came forward with a bill which I supported on the Senate floor.

Sadly, when this bill left the Senate floor to go to conference committee, it got in trouble again. Some of the special interests that are interested in this particular bill can't wait for this conference committee to literally rip apart the best efforts of the Senate.

They did it 4 years ago; they have done it this year. They have taken what was a generally good bill on bankruptcy and made some rather disastrous changes in it. I think that is unfortunate.

I accept the premise that bankruptcy reform is overdue. I think it is unfair to consumers across America to try to absorb all the costs of those who go to bankruptcy court, particularly those who have no business in bankruptcy court. But I also believe the credit industry has a responsibility as well. This bill does not serve the needs of balance. This bill, the conference report that is before the Senate today, is a conference report that was written entirely by the Republican Party. They didn't even invite the Democratic conferees into the discussion. It was a slam dunk—take it or leave it.

As far as I am concerned, I want to leave it. I think we can do a better job. If we have to wait for a new Congress to accomplish that, so be it.

Let me say from the outset, I support and am committed to bankruptcy reform. There are some things we can and should do to make it a better system. What we have today is not balanced. Make no mistake, this bankruptcy bill is lopsided in favor of the credit card industry.

When I came to the floor on November 1 and voted against cloture on this particular bill, some of my colleagues asked me why. Why did I, a Member who previously voted for bankruptcy reform, now oppose this conference report? I oppose it because the bill I voted for was decimated in conference. As a result, we have before the Senate a very poor work product.

In 1985, Felix G. Rohatyn, chairman of the Municipal Assistance Corporation of New York City, said:

> [Bankruptcy would be] like stepping into a tepid bath and slashing your wrists. You might not feel yourself dying, but that's what would happen.

I oppose this one-sided bankruptcy conference report on behalf of debtors who lack the lobbying dollars of the credit card industry and are unable to make their voices heard. We must keep in mind, the vast majority of people who go to the bankruptcy court don't want to be there. They are people in a very low-income status who have found themselves, because of circumstances beyond their control, unable to pay off their debts. They go many times with embarrassment to a bankruptcy court because they have nowhere else to turn. I oppose the bankruptcy conference report on behalf of the hundreds of thousands of people in this predicament. I am talking about older Americans, women raising families, and unemployed workers.

When you do a survey of the reasons people end up in bankruptcy court, many of the same reasons keep coming forward: Unanticipated health care bills can happen to anybody; a divorce which results in one of the spouses ending up with custody and very few assets to take care of the children; the loss of a job. These sorts of things are totally unanticipated, and people find themselves needing to turn to bankruptcy to get a fresh start in life.

Older Americans are less likely to end up in bankruptcy than their younger counterparts, but when they do file, a large fraction of them, nearly 40 percent, give medical debts as the reason for filing. Another reason is jobs. The economic consequences for someone who has worked for 30 years and loses his job at age 54 can be catastrophic.

Both men and women are more likely to declare bankruptcy following divorce. Families already laden with consumer debt can't divide their income to support two households and survive economically. Divorced women file for bankruptcy in greater proportion than divorced men. According to the credit industry's own data, women heads of household are not only the largest demographic group in bankruptcy; they are also the poorest. I remind Members of that fact when we consider the debate on this bill.

Yesterday, my friend, the Senator who chairs the Senate Judiciary Committee, ORRIN HATCH, came to the floor and made note of the fact that there are provisions made in this bankruptcy conference report that benefit and improve the status of women and children in the throes of bankruptcy. What Senator HATCH failed to add was that there are also provisions in this bill which enhance and improve the status of credit card companies so that debts that otherwise would have been wiped away or discharged linger and continue to plague the limited assets left over after a bankruptcy.

So while it is true you may put the women and children at the head of the line, the line is a very short one with very few dollars because the credit card industry receives benefits under this bill to allow them to continue to pursue the debts of someone who has filed for bankruptcy, whereas today they could not.

More than half the debtors who file for bankruptcy report a significant period of unemployment preceding their filings. For single-parent households, a period of unemployment can be absolutely devastating. It is on behalf of these debtors that I opposed this unbalanced bankruptcy conference report that gives them little or nothing.

Some of my colleagues may be saying, what is the Senator talking about? Doesn't the bankruptcy bill put women and children first, as Senator HATCH said yesterday? Indeed, that was the rhetoric we heard. Senators came to the floor with large posters claiming how wonderful the bankruptcy bill was for women and children.

Mr. President, the bankruptcy bill does grant first priority to alimony and support claims. Unfortunately, the bill places women and children first in line to receive little or nothing. Priority is only relevant for distributions made to creditors in the bankruptcy case itself. However, such distributions are made in only a negligible percentage of cases.

More than 95 percent of bankruptcy cases make no distribution to creditors because there are no assets to distribute. So to say to women and children, when it is all over we will give you a greater share of the assets, in 95 percent of the cases there are no assets to give them; the assets have been dissipated and used up already by the credit card creditors.

The real battle for women and children is reaching an ex-husband's income after bankruptcy. Right now under current law, child support and alimony share a protected postbankruptcy position with only two other recurrent collectors of debt—taxes and student loans. The credit card industry wants to muscle in and get a large piece of a very small pie. They want credit card debt and other consumer credit to share in this protected postbankruptcy position. They want to shove women and children aside to try to collect on their own behalf.

The simple fact is this: When pitted against the high-powered credit card industry, women and children do not have the resources to compete. If the credit card industry is permitted to elevate its status to the protected postbankruptcy status position already shared by taxes and student loans, women and children will lose every single time.

Later on, I will make reference to a press release recently put out by the American Academy of Matrimonial Lawyers. They say in their press release: A child is more important than a credit card. Those who vote for this conference report believe just the opposite: The credit card industry has a greater claim to some sort of support from the Senate that the children who are involved in a divorce proceeding.

My colleagues must ask themselves, if this bill truly puts women and children first, why is every major women's group and children's group opposing this legislation? We have advocates for women and children who are opposed to the bill. I will not go through the long list, but if you believe the statements made yesterday by some of my colleagues on the floor, you have to ask yourself, are all of these groups wrong? Are all of these advocates for women and children opposed to the bill for the wrong reason? I don't think so. These are not partisan organizations; they are organizations that fight for women and children when they know that they are struggling to survive. They read this bill as I have, too, and came to the same conclusion. When all is said and done, the credit card industry will do just fine. It is the women, the mothers, the kids who won't.

Mr. President, 116 nonpartisan law professors from all over the country have written expressing their concerns over the grave effects the bill will have on women and children. In addition, to the concerns I have already raised, the law professors write:

> Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy. This increased competition for women and children will come from many quarters: from powerful credit card issuers, whose credit card claims increasingly will be accepted from discharge and remain legal obligations of the debtor after bankruptcy; from large retailers, who will have an easier time obtaining reaffirmations of debt that legally could be discharged; and from creditors claiming they hold security, even when the alleged collateral is virtually worthless. None of the changes made to S. 625 and none being proposed in H.R. 2415 addresses these problems.
>
> The truth remains: if H.R. 2415 is enacted in its current form, women and children will face increased competition in collecting their alimony and support claims after the bankruptcy claim is over. We pointed out this difficulty repeatedly, but no change has been made in the bill to address it.

They go on to say:

> In addition to the concerns raised on behalf of the thousands of women who are struggling now to collect alimony and child support after their ex-husband's bankruptcies, we also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit card industry's own data, they are the poorest. The provisions in this bill, particularly the many provisions that apply without regard to income, will fall hardest on them. Under this bill, a single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to repay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothing, even if it meant that successful completion of a repayment plan was impossible.

I can't get over the fact that we have just finished an election season when so many candidates in both political parties spoke of their sympathies and their commitments to America's families. They talked about the vulnerable in our society, about the need for compassion whether you are liberal or conservative, and they spoke to groups about their love for children. Yet we turn around here, 4 weeks and a day after that last election, and start debating a bill which clearly is not designed to help women and children in the most vulnerable circumstances. All of these groups, every single one of them that stand for the interests of these women and children, have told us this is a bad bill.

If you look at this group, you will not see too many political action committees. I don't believe Churchwomen United have a PAC, or many of the others. But certainly the credit card industry does. The financial institutions do. They have come to get involved in this election campaign, as is their constitutional right. Their voice, unfortunately, is a lot louder on the floor of the Senate than the voices of those who represent the women and children across America.

Mr. President, I ask unanimous consent the full text of this letter by the 116 law professors be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 1, 2000.

Re The Bankruptcy Reform Act Conference Report (H.R. 2415).

DEAR SENATORS: We are professors of bankruptcy and commercial law. We have been following the bankruptcy reform process with keen interest. The 116 undersigned professors come from every region of the country and from all major political parties. We are not a partisan, organized group, and we have no agenda. Our exclusive interest is to seek the enactment of a fair and just bankruptcy law, with appropriate regard given to the interests of debtors and creditors alike. Many of us have written before to express our concerns about the bankruptcy legislation, and we write again as yet another version of the bill comes before you. This bill is deeply flawed, and we hope the Senate will not act on it in the closing minutes of this session.

In a letter to you dated September 7, 1999, 82 professors of bankruptcy law from across the country expressed their grave concerns about some of the provisions of S. 625, particularly the effects of the bill on women and children. We wrote again on November 2, 1999, to reiterate our concerns. We write yet again to bring the same message: the problems with the bankruptcy bill have not been resolved, particularly those provisions that adversely affect women and children.

Notwithstanding the unsupported claims of the bill's proponents, H.R. 2415 does not help women and children. Thirty-one organizations devoted exclusively to promoting the best interests of women and children continue to oppose the pending bankruptcy bill. The concerns expressed in our earlier letters showing how S. 625 would hurt women and children have not been resolved. Indeed, they have not even been addressed.

First, one of the biggest problems the bill presents for women and children was stated in the September 7, 1999, letter:

"Women and children as creditors will have to compete with powerful creditors to collect their claims after bankruptcy."

This increased competition for women and children will come from many quarters: from powerful credit card issuers, whose credit card claims increasingly will be excepted from discharge and remain legal obligations of the debtor after bankruptcy; from large retailers, who will have an easier time obtaining reaffirmations of debt that legally could be discharged; and from creditors claiming they hold security, even when the alleged collateral is virtually worthless. None of the changes made to S. 625 and none being proposed in H.R. 2415 addresses these problems. The truth remains: if H.R. 2415 is enacted in its current form, women and children will face increased competition in collecting their alimony and support claims after the bankruptcy case is over. We have pointed out this difficulty repeatedly, but no change has been made in the bill to address it.

Second, it is a distraction to argue—as do advocates of the bill—that the bill will "help" women and children and that it will "make child support and alimony payments the top priority—no exceptions." As the law professors pointed out in the Setpember 7, 1999, letter:

"Giving 'first priority' to domestic support obligations does not address the problem:"

Granting "first priority" to alimony and support claims is not the magic solution the consumer credit industry claims because "priority" is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95% of bankruptcy cases make NO distributions to any creditors because there are no assets to distribute. Granting women and children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.

Women's hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other recurrent collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. The credit industry carefully avoids discussing the increased post-bankruptcy competition facing women if H.R. 2415 becomes law. As a matter of public policy, this country should not elevate credit card debt to the preferred position of taxes and child support. Once again, we have pointed out this problem repeatedly, and nothing has been changed in the pending legislation to address it.

In addition to the concerns raised on behalf of the thousands of women who are struggling now to collect alimony and child support after their ex-husband's bankruptcies, we also express our concerns on behalf of the more than half a million women heads of household who will file for bankruptcy this year alone. As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the many provisions that apply without regard to income, will fall hardest on them. Under this bill, a single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

Finally, when the Senate passed S. 625, we were hopeful that the final bankruptcy legislation would include a meaningful homestead provision to address flagrant abuse in the bankruptcy system. Instead, the conference report retreats from the concept underlying the Senate-passed homestead amendment.

The homestead provision in the conference report will allow wealthy debtors to hide assets from their creditors.

Current bankruptcy law yields to state law to determine what property shall remain exempt from creditor attachment and levy. Homestead exemptions are highly variable by state, and six states (Florida, Iowa, Kansas, South Dakota, Texas, Oklahoma) have literally unlimited exemptions while twenty-two states have exemptions of $10,000 or less. The variation among states leads to two problems—basic inequality and strategic bankruptcy planning. The only solution is a dollar cap on the homestead exemption. Although variation among states would remain, the most outrageous abuses—those in the multi-million dollar category—would be eliminated.

The homestead provision in the conference report does little to address the problem. The legislation only requires a debtor to wait two years after the purchase of the homestead before filing a bankruptcy case. Well-counseled debtors will have no problem timing their bankruptcies or tying-up the courts in litigation to skirt the intent of this provision. The proposed change will remind debtors to buy their property early, but it will not deny anyone with substantial assets a chance to protect property from their creditors. Furthermore, debtors who are long-time residents of states like Texas and Florida will continue to enjoy a homestead exemption that can shield literally millions of dollars in value.

These facts are unassailable: H.R. 2415 forces women to compete with sophisticated creditors to collect alimony and child support after bankruptcy. H.R. 2415 makes it harder for women to declare bankruptcy when they are in financial trouble. H.R. 2415 fails to close the glaring homestead loophole and permits wealthy debtors to hide assets from their creditors. We implore you to look beyond the distorted "facts" peddled by the credit industry. Please do not pass a bill that will hurt vulnerable Americans including women and children.

Thank you for your consideration.

Signed by 116 Law Professors.

Mr. DURBIN. Mr. President, some of my colleagues have also asked why did I vote for this bill in the first place. When I voted for it, I did so in the hopes that the bill would be strengthened in conference. Instead, exactly the opposite occurred. The bankruptcy code is a delicate balance. When you push one thing, almost invariably something else will give. In this bill, the credit card industry pushed, and what gave were the debtors. Is that fair? Is that balanced? In a word: No.

The constant theme that has guided me throughout the consideration of bankruptcy legislation is balanced reform. I do not believe you can have meaningful bankruptcy reform without addressing both sides of the problem, irresponsible debtors and irresponsible creditors.

The bill that passed the Senate in the 105th Congress was a balanced and bipartisan approach. Senator GRASSLEY and I, along with several other Senators, worked hard to develop it, and 97 Senators supported our efforts and agreed that it was a good, balanced way to deal with the problem.

That bill was killed in conference 2 years ago. Unfortunately, our efforts of many, many months did not result in the bankruptcy reform legislation that we needed.

I had hoped this year would be different. This year when I voted for it, I did so with the hope that some key provisions of the legislation would be strengthened. It didn't happen in conference. Rather, the bill we have before us today falls far short of the Senate effort. Perhaps if the Democrats hadn't been shut out of conference, we would have a more balanced conference bill. Sadly, like so many instances in this Congress, Democrats were kept from the table. Rather than negotiate with Democrats directly and bring forth a bill the President could support, that both creditors and debtors could support, our Republican colleagues are trying to force us to take a bad bill. I say don't take it, leave it. This bill is not balanced.

I said in the beginning of my statement and I will say it again, I support reform. I for one am willing to reach across the aisle and work in a bipartisan fashion in the next Congress to develop a bill. I know some of my colleagues on this side of the aisle are anxious to do the same. In this Congress, we have, rarely but at some times, worked in a bipartisan manner and obtained meaningful results for the American people: the reauthorization of the Older American Act, the H-1B visa legislation, and the Senior Citizens Freedom to Work Act.

Despite these accomplishments, Congress has missed opportunities to pass a lot of other meaningful legislation such as a Patients' Bill of Rights, expanding the current hate crimes law, and passing commonsense gun safety legislation. Let's not add bankruptcy to the list. Let's pledge to work together in the new, 50–50 split in the Senate, in the 107th Congress to come up with a balanced bill.

Although our Republican colleagues may be able to disguise the bankruptcy bill by putting it in a State Department authorization bill, they cannot hide the simple truth—this bill is not a balanced approach. Many of the Members of this Chamber know I am a strong proponent of credit card disclosure. I am not in favor of rationing credit. I believe Americans should be allowed to make that choice. But it should be an informed choice. You should know what you are getting into when you sign up for that credit card. The number of people who end up overextending on credit cards and finding they cannot meet their obligations include quite a few who never understood the terms and conditions of their credit card arrangement.

I am a lawyer. I have been around legislatures and Congress for a long time. When I turn over my monthly statement for my credit card and look at that fine print, I struggle to figure out what they are trying to say to me. There are some basic things people ought to know when they sign up for a credit card. What is the interest rate? How much am I going to pay and for how long? Is the interest rate going to change? If I receive a monthly statement and this is the minimum monthly payment, how many months do I have to pay off that minimum payment before it is finally gone? During that period of time, how much will I pay in principal, how much will I pay in interest?

These are not outrageous ideas. It is kind of the basic information you would expect to know so consumers can know whether or not they have overestimated, whether they are going too far in debt. You would think most people in the credit card industry would not fight that. The fact is, they did. They don't want to make that disclosure to the American people. They are afraid if the American consumers have the facts, the American consumers will make some different choices. They might not sign up for that extra credit card. They might think twice before just sending in a couple of bucks a month if it means they are going to be paying for years and pay more in interest than they are on the principal.

During the course of my involvement in the industry, I have tried to stress to the credit industry that they have some responsibility in this debate as well. There is ample evidence to suggest they are hawking credit to children, to college students, and people already deeply in financial trouble.

In 1999 alone, there were 3.5 billion credit card solicitations mailed to American households. If you follow this debate, you know exactly what I am talking about. You go home every night, open the mailbox, take a look at what is there, and throw away all the new credit card applications because each of us, particularly in the households that are considered creditworthy, received an armload of these invitations to sign up for a new credit card on a regular basis.

Credit cards have been addressed to 4-year-old preschool children and, yes, every once in a while the family dog gets an application, too. These 3.5 billion credit card solicitations don't take into account phone calls at dinnertime, the ads stuck in the middle of magazines, or the booths set up on every college campus offering free tee-shirts if you just sign up for a credit card. In fact, on many college campuses, each time a student buys something at a bookstore they often get a credit card solicitation at the bottom of their bag. The bags are premade with credit card applications and ads at the bottom of the bag. These ads are directly aimed at college students, ads such as those for Visa, which say: "Accepted at more colleges than you were."

Never mind that these students, many of them young men and women away from home for the first time, don't have the skills to navigate what could be some choppy waters. Some of these students end up ruining their credit before they even get their first real job. Are we supposed to believe the credit card industry is not responsible? Regrettably, the already minimalist approach to credit card disclosure in the Senate bill was weakened further in the conference.

I continue to believe, as I did in 1998 when we passed strong disclosure provisions, that consumers benefit from knowing, for example, that paying the 2 percent monthly minimum on a $1,295 balance would take 93 months, or more than 7 years to pay off the balance. An estimate of the total cost to pay off this $1,295 balance if only the minimum payments are made is $2,418—almost twice the original balance. If all this information were available, I don't think many consumers would consider the monthly minimum payment a very good idea.

Oh, certainly there could be a month when that is all you can pay. But you have to know down the line, if you go along with the credit card industry and just make the minimum monthly payment, at the end of this you are going to pay a lot more in interest. Maybe that is your choice. But shouldn't you know, going in? Shouldn't that information be given to you?

College students might think twice before using their credit cards to charge another pizza. The bankruptcy bill in the 105th Congress included debtor-specific information that enabled cardholders to examine their current credit card in tangible terms, driving home the seriousness of their financial commitments.

Sounds simple, doesn't it? Today's technology is such that it probably would not take much to make this happen. So why isn't this reasonable provision part of the bankruptcy bill? The credit card industry said: No, we don't want to make any additional disclosures, we don't want to give consumers more information, we don't want to give them a reason to say no. We want to create reasons for them to say yes.

Frankly, if you take a person who is in a precarious credit situation and they sign up for a new credit card and end up in bankruptcy court, doesn't the credit card industry bear some responsibility? It was the consumer's choice to take the credit card, but how diligent was the credit card industry in finding out whether a person really knew the terms and conditions of the agreement and whether or not they were creditworthy?

Unfortunately, this industry, not the majority of the American people, have the money and resources to make their wishes known, and thus the bill we have on the floor. The credit card industry decided it was in their best interest not to let the American people know exactly what paying only the minimum balance on their 19-percent credit card would actually cost them.

This year, the debtor-specific information was reduced to providing cardholders with generic examples, and I accepted this reduced operation with some reservations. It is my understanding that it was even further weakened in the conference committee.

It amazes me. The credit card industry, with all of their computers and all of their information, when you say to them: When you put down the minimum monthly payment on a card, can you put right next to it how many months it will take to pay it off? They say: That is just totally beyond us; we don't know that our computers could ever figure that out.

I do not get it. I do not understand how they can say that with a straight face. They know that information is readily accessible. They know also it may discourage people from putting too much debt on their credit cards. That will cost them business, it will cost them interest payments, and they will not let it be included in this bill.

The Republican leadership agreement permits banks with less than $250 million in assets—incidentally, that is over 80 percent of all banks—to have the Federal Reserve provide its customers with a toll-free number to review their credit card balances for the next 2 years. It is unclear whether the banks would be required to provide the service themselves after 2 years. The exemption would cover 4,000 banks holding about $3 billion in consumer credit card debt.

The American people are not going to be calling this toll-free number to find out what their credit card balances are. You know it, I know it, the credit card industry certainly knows it, too. That is why they agreed to it. They agreed to a provision that does little to help debtors take responsibility for their financial situation.

This is a departure from a balanced approach. This is a sham. This is about as worthless as the warnings on cigarette packages. They do not want to give consumers specific information about their credit card balances. The credit card industry won that battle in the conference report.

In addition, the current bankruptcy bill provides for a homestead exemption that is weaker than the version included in the Senate-passed bill. The Senate, in a 76–22 bipartisan vote, agreed to an amendment by Senator KOHL of Wisconsin to create a $100,000 nationwide cap on any homestead exception.

You go before a bankruptcy court and say: Here are my assets. In many cases, it is the home. Many States decided what the value of that home to be exempted by creditors can be. Every State has a different standard. Some States have no standard. We have had outrageous situations in the past where well-known actors and public figures, knowing they were going to file for bankruptcy, bought an expensive estate or ranch and put every asset they had in it, walked into the bankruptcy court and said: I have nothing but my home. The home happens to be palatial, and the home is exempt.

If we are talking about holding people accountable for their conduct, why would we let this kind of thing happen?

If the average mother, fresh from a divorce and trying to raise kids, has to scrape together the pennies and dollars she has in savings and declare them as assets and put them on the table to be taken by creditors, why shouldn't the wealthiest among us be held to the same standards and not able to exempt estates and ranches and mansions? It seems to make sense, doesn't it? It certainly does not for those who are arguing for passage of this bill.

This amendment we proposed would have closed a major loophole in the bankruptcy law: a homestead exemption where a person gets to hide from a bankruptcy court the value of their home. It is different in every State. In Illinois, it is $7,500. You cannot buy much of a home in my State for that amount. In other States, it is a lot more. Florida and Texas have no caps whatsoever. In a State such as Texas, wealthy debtors are able to file for bankruptcy and keep their mansions. Is it fair? Absolutely not. If we are looking for real reform in bankruptcy, why haven't we addressed this? Keeping a home worth several hundreds of thousands of dollars, if not millions, out of bankruptcy is a ruse; it is a fraud.

I voted in support of Senator KOHL's amendment to close this loophole. He placed a hard cap on unlimited State homestead exemptions.

Unfortunately, the conference report guts this reform to permit debtors to avoid any Federal homestead cap. Thus, in States such as Florida and Texas, a homeowner who has equity in her home that existed prior to the 2-year cut-off can keep all the equity, even if the home is valued in the millions of dollars. This provision only benefits the wealthiest people in America, and this loophole is unacceptable.

When we consider that the average income of people who file for bankruptcy in America is under $30,000 a year, why in the world would we pass a bill which allows folks who are millionaires to literally protect their assets and not provide protection for the women and children who are most vulnerable going into bankruptcy court because of a lost job, a divorce, or medical bills?

That just tells us what this bill is about. It tells us why so many people are so anxious to see it pass. They want to protect the wealthiest in our society, and they do not care much about those who are on the other end.

Also, the bill we have before us today fails to include an amendment by my colleague, Senator SCHUMER, known as the clinic violence amendment. This Chamber is well aware that the Schumer amendment prevented documented abuse of the bankruptcy system by those who violated the FACE Act or an equivalent State law. The Senate overwhelmingly passed the Schumer amendment 80–17. There is no reason not to include it in this bill.

By failing to include the Schumer amendment, the bill allows many perpetrators of health clinic violence to seek shelter in the Nation's bankruptcy courts.

By failing to include the Schumer clinic violence amendment, this bill says if someone injures or even kills someone outside an abortion clinic or other health care clinic, they can hide under the bankruptcy code and have their debts discharged under chapter 13 bankruptcy. Student loans are not even dischargeable under chapter 13.

Why would we allow perpetrators of this violence to usurp our clinic protection laws by feigning bankruptcy? The amendment says, no, we will not.

This Senate voted in favor of it. No matter what your position on the issue of abortion, I am sure my colleagues will again agree, as they did on a vote of 80–17, that perpetrators of clinic violence should not be permitted to circumvent our clinic protection laws. Failing to include the Schumer amendment that has strong bipartisan support does not make sense. It is not balanced.

So there is no mistake and the record is clear, I support and I am committed to bankruptcy reform. I have heard from many groups and my constituencies in Illinois urging opposition to this bill.

Labor organizations, representing a lot of working men and women across this country, middle-income workers from virtually every type of trade and background, have come out in opposition to the bill. NARAL, the National Partnership for Women and Children, the leadership Conference on Civil Rights, the Religious Action Center, the Consumers Union, the Bankruptcy Center in Illinois, and the 116 nonpartisan law professors I mentioned earlier have all urged Members of the Senate to vote against it. They are right. We should leave it and work together in the 107th Congress for a much more balanced approach.

Yesterday, I received a letter from the American Academy of Matrimonial Lawyers urging Congress to oppose the bill. Its press release out of Chicago as of yesterday says:

> The Nation's top divorce and matrimonial attorneys called today for Congress not to approve a little-debated, but heavily lobbied bankruptcy provision currently pending final approval in the lame duck session of Congress, that would take monies away from child support payments for credit card debts when individuals declare bankruptcy.
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> "Children should come before credit card companies," said Charles C. Shainberg of Philadelphia, the Academy's new president.
>
> The provision, part of H.R. 2415, and which has quietly passed both the House and Senate, affects Federal bankruptcy filings. Under Chapter 13 filings, a common form of individual bankruptcy, the individual works out a court-approved payment program to pay down debt. However, currently child support and alimony have priority status, meaning that all child support and alimony need to be paid before credit card companies can collect their debts.
>
> Under this new bill—

Which we are currently debating—

> the deferral or relief from credit card payments, technically known as their dischargeability, would be limited, so that children and credit card payments would have the same priority and payments would be split between [a child and a MasterCard.]
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> There currently are some 1.4 million bankruptcy filings in the United States each year, and more are expected if an anticipated cooling of the economy occurs.
>
> The bill is backed primarily by Republicans and some Democrats [as the vote showed yesterday]. President Clinton has said he will veto the bill, but it is unclear from the election results what will happen under a new administration.

Continuing to quote:

> "The way for the credit card companies to improve their receivables is to limit the millions of cards they offer to poor credit risks, not take money from women and children," said Linda Lea Viken of Rapid City, S.D., who chairs the Academy's Federalization of Family Law Committee.
>
> Another problem presented by the bill, Academy attorneys say, is that past due child support payments and alimony are not dischargeable, so the person who has to make credit card payments in addition to alimony and child support will keep falling farther and farther behind in his or her total payments, eventually resulting in a Chapter 7 bankruptcy filing, or total insolvency.
>
> The American Academy of Matrimonial Lawyers is comprised of the nation's top 1,500 matrimonial attorneys who are recognized experts in the specialized field of matrimonial law, including divorce, prenuptial agreements, legal separation, annulment, custody, property valuation and division, support and the rights of unmarried cohabitors.
>
> The purpose of the Academy is to encourage the study, improve the practice, elevate the standards and advance the cause of matrimonial law.

Yesterday, this letter arrived and made it clear to me that this bill has problems that will be felt not by credit card companies but by a lot of people in very tragic circumstances for a long time to come.

Before I yield the floor, I want to mention something curious that has happened.

The Administrative Office of the United States Courts recently released its statistics regarding bankruptcy filings for the fiscal year 2000 that ended September 30 of this year. They report that bankruptcy filings continue to decline. Personal bankruptcy filings were down 6.8 percent from the 1,354,376 bankruptcy filings for fiscal year 1999. For businesses, filings were down 6.6 percent.

This is great news for the American people—creditors and debtors alike. As the University of Maryland's Department of Economics notes in their recent study:

> Not only have personal bankruptcies stopped their explosive growth, but the trend has reversed, and the U.S. per capita bankruptcy rate is actually lower than it was at the time that the bankruptcy bill was introduced.

I said it before, and I will say it again: I support balanced bankruptcy reform. But the momentum and impetus behind this reform was the complaints of the credit industry that so many people were filing for bankruptcy. It was a curiosity, when they came with this complaint, we were in the midst of the largest economic expansion in the history of this country. You would wonder, if we are doing better as a nation, why are more people filing for bankruptcy?

I am not sure it is the right answer, but it is the one that may be right. People tend to believe, in good times, there will never be bad times. They overextend themselves. They see their neighbors doing well and buying things, and they may want to join them, when they should think twice, and then they find themselves in bankruptcy court.

When the national mood starts to change, people worry a little about the economy. They take care in terms of their credit responsibilities and their credit obligations. That may account for this decline in the filing of bankruptcies. It certainly should give pause to those who think this is an emergency measure which should be considered by a lame duck Congress.

I believe any serious reform must be balanced and take into consideration the people behind all the statistics.

Unfortunately, the bankruptcy bill before us today—the one masquerading as a so-called State Department authorization conference report—falls short of the Senate effort. The bankruptcy bill before us today, like its predecessor in the 105th Congress, has been decimated in a partisan conference. This bill should meet the same fate as that earlier bill.

I will oppose this report and urge my colleagues to do the same.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURNS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, for 4 years, my colleague, Senator GRASSLEY, has shown extraordinary leadership in addressing the failings of the current bankruptcy system. He has enormous patience and has exhibited extraordinary leadership. I have been very proud to be his partner in this effort which now comes to a critical phase. This has not always been a popular fight. But it is certain to be a very important one.

I think everyone agrees that our bankruptcy system is in need of repair. It is only over the question of how to fix the bankruptcy system that there is any issue at all.

In the last Congress, efforts to pass bankruptcy reform legislation came extremely close. It failed simply in the waning days of the session. Having come so close in the 105th Congress, I inherited the role of the ranking member on the subcommittee with jurisdiction over the legislation. I felt some considerable optimism that this time we would be successful.

The bill passed the floor by very wide margins. The issues had narrowed. There was an overwhelming sense that there was a need to reform bankruptcy. I think that my optimism was well placed.

Since that time, I have spent countless hours working with Senator GRASSLEY and many other Members of the Senate on both sides of the aisle dealing with very difficult issues in crafting this bill. I am very grateful to Senator GRASSLEY. I am very grateful to the Members on both sides of the aisle for having brought us to this point with this bipartisan bill that commands the support of over two-thirds of the Members of the Senate on both sides of the aisle.

I do not contend that it is a perfect bill. No bill that commands such broad support and that is this controversial could be perfect. Indeed, if I were drafting the bill on my own, or if any Member of the Senate were drafting this bill on their own, it would be different in some ways and in some fundamental respects.

But is it a fair and balanced bill? Yes. Does it deserve the support of the Senate? Absolutely. Will it improve the functioning of the bankruptcy system without injuring vulnerable Americans who need bankruptcy protection? Yes, it will. If it didn't, it wouldn't have my name on it.

For these reasons, I believe the bill deserves—as indeed clearly it will have—broad bipartisan support.

There is obviously speculation that although the bill will pass the Senate by a wide margin—it passed the House of Representatives by very wide margins—it might be vetoed when it reaches the White House.

I want to take a moment to outline for you, Mr. President, the reasons I believe a veto on this legislation would be a very serious mistake.

First, as I mentioned before, the bill is a product of extensive bipartisan negotiations—negotiations in which the White House has been a vocal and integral part. Many of the improvements that we have seen in the bill have been concessions to the White House demand that it be more consumer friendly. The President appropriately asked that consumer protection from credit card abuse—particularly for the young, the uninformed, and for the elderly—be in this bill. It is in this bill, and the President can take great pride in it.

We should not forget that there is also a very real possibility that the next administration may not have as strong a commitment to consumer issues as this administration, thus rendering the bankruptcy bill to emerge in the next Congress potentially significantly worse.

This is critical for the Clinton administration to understand. No one knows how this Presidential election is going to be resolved, and we may not know before this Congress leaves. There is a real chance that the next President of the United States is not going to share Bill Clinton's commitment to consumer protection or other objectives in the bill, meaning that from the administration's perspective this bill may be the best that we can get. And to veto it is to lose a real chance for meaningful consumer protection in bankruptcy law.

On substance, this bill provides a very important fix in our flawed bankruptcy system. Indeed, it may be tougher than current law. As I think the administration will concede, it also includes fair changes.

At a time when people in the United States are enjoying the most prosperous economic period in our history, there has been a rapid rise in consumer bankruptcy. In 1998 alone, 1.4 million Americans sought bankruptcy protection. That is a 20-percent increase from 1996 and a staggering 350 percent increase since 1980.

While filings dipped by 100,000 in 1999 to just 1.3 million, they are still far too high. It is estimated that 70 percent of those filings were done under chapter 7, which provides relief from most unsecured debt. Conversely, just 30 percent of petitions filed under chapter 13 require a repayment plan.

A study released last year by the Department of Justice indicated as many as 13 percent of debtor filings under chapter 7. A staggering 182,000 people each year could afford to repay a significant amount of their debts. They could, but they won't because they are indeed using those chapters of the bankruptcy code to allow them to escape debt that they are capable of paying.

If, indeed, this were not the case, and if the bankruptcy reform that we are offering the Senate were in place, an extraordinary $44 billion would be returned to creditors—banks, to be sure; credit card companies, obviously; but also small businesses, small contractors, family companies, mom-and-pop stores, companies that cannot afford to have the bankruptcy system of our country misused. The larger banks and the credit card companies will always cover this abuse. They have the financial resources. They can absorb the loss. It is not for them that I stand here today supporting this bill. It is for the thousands of small businesses that cannot afford to absorb $4 billion of inappropriate bankruptcy. This bill before the Senate ensures that those debtors with the ability to repay these debts will do exactly that.

Despite what we hear from opponents of the bill, the core of the bill now before the Senate is a bipartisan agreement reached in May after months of informal negotiations. It is very similar to a bill that passed this body by a vote of 83-14, but in my judgment is a better bill than that legislation that commanded 83 votes in this Senate. Critics of bankruptcy reform have charged that the bill denies poor people the protection of the bankruptcy system. This is simply untrue. No American is denied access to bankruptcy under this bill—nobody.

What this legislation does is assure that those with the ability to repay a portion of their debts do so by establishing clear and reasonable criteria to determine repayment obligations. But it also provides judicial discretion to ensure that no one genuinely in need of debt cancellation will be prevented from receiving a fresh start. Bankruptcy protection allowing all Americans a clean slate, a second chance at their economic lives, should not lose that chance and, under this bill, will not lose that chance. Judicial discretion remains where a good case can be made.

To ensure that this will remain the case, the bill before the Senate contains a means test virtually identical to that passed in the Senate bill. Under current law, virtually anyone who files for complete debt relief under chapter 7 receives it. This bill simply changes that criterion to a needs-based system which establishes a presumption that chapter 7 filings should be either dismissed or converted to chapter 13 when the debtor has sufficient income to repay at least $10,000 or 25 percent of their outstanding debt.

Isn't that fair? If some small business has provided a product or a service, you are the recipient of it, and you have demonstrated ability to pay $10,000 of your obligation or demonstrated the ability to pay that percentage of your obligation, shouldn't you have to pay it? That is the test that is being applied. I think it is fair.

Even so, the presumption may be rebutted if the debtor demonstrates special circumstances requiring expenses above and beyond those the court has considered in applying the means test. We give an escape clause: Yes, you have the ability to pay this, but you have special circumstances. We will still exempt you. This is a flexible, yet efficient screen to move debtors with the ability to repay a portion of their debt into a repayment plan, while at the same time ensuring judicial discretion for a review of the debtor's circumstances.

In addition to this flexible means test, the bill before the Senate also includes two key protections for low-income debtors that were part of the Senate-passed bill. The first is an amendment offered by Senator SCHUMER to protect low-income debtors from coercive motions. This will ensure that creditors cannot strong-arm debtors into promising to make payments they simply cannot afford to make. Poor debtors will not be forced to reaffirm these debts if they cannot afford to make them. That was asked to be put in the bill to protect low-income people, and it is in the bill.

The second is an amendment offered by Senator DURBIN, a mini screen, to reduce the burden of the means test on debtors between 100 and 150 percent of the median income. This is a preliminary, less intrusive look at the debts and expenses of the middle-income debtors, to weed out those with no ability to repay those debts and move them more quickly to a fresh start.

So it is a special category and a mini screen, if you are in that 100 to 150 percent of the poverty level, to ensure that you are given this extra degree of protection.

In addition to a flexible means test, in addition to the Schumer safe harbor and the Durbin mini screen, the bill contains other provisions not a part of the original Senate bill to protect low-income debtors:

One, a safe harbor to ensure that all debtors earning less than the State median income will have access to chapter 7 without qualification. Less than median income, no question, no qualifications, you are in chapter 7. We are not interested in denying protections to particularly low-income people.

Two, a floor to the means test to guarantee the debtors unable to repay less than $6,000 of their outstanding debt will not be moved into chapter 13. If that is the limit of your resources, that is all you can pay back, we are not interested in you; you get full protection.

Three, additional flexibility in the means test to take into account a debtor's administration expenses and allow additional moneys for food and clothing expenses. So even if you have the money, even if on the bill's face you can pay back that portion of your debt, if indeed that money is needed for basic human items—food, clothing—we are removing you from provisions of the bill. You will not be paying back those bills. You will be subject to full, complete protection.

This should convince my colleagues that it will not make it more difficult for those in dire need to sweep away their debts and obtain a fresh start. It will not be more difficult; it will be easier. The bill has been drafted very carefully to protect people in exactly these circumstances. Absolutely no one—no one—will be denied, therefore, access to bankruptcy and the discharge of their obligations. But every one of these additional five provisions makes that even less likely for people with low income.

All the bill does, therefore, is establish a process to move debtors who can afford to repay a substantial portion of their debt from chapter 7, where they can now sweep away all those debts, into chapter 13, where they have a repayment plan. That is the bill. Demonstrated ability to pay; a repayment plan for your debts.

Critics, however, have also argued that the bill places an unfair burden on women and single-parent families. This is the most important emphasis that must be made about this bill. That is not true. I wouldn't vote for this bill. I wouldn't cosponsor this bill. I wouldn't have worked for this bill for 2 years. I wouldn't stand here today if there was anything to the argument that women, single-parent families, children, have any vulnerability because of this legislation. Nothing would be more important to me than protecting these vulnerable citizens.

Indeed, the bill contains the following: An amendment that I offered with Senator HATCH to facilitate the collection of child support by requiring the bankruptcy trustee to give the person to whom support is owed information on the debtor's whereabouts. Fine for bankruptcy; there is a chance this can impact, obviously, a single mother or a child. We are now affording the ability to locate the person who has the obligation in order to help the single mother or the child.

Most important, the bill protects single-parent families by elevating child support from its current seventh position in line seeking the resources of the person in bankruptcy to first. The single mother, the child, who right now is behind financial institutions, behind the Government, will now be behind no one; they are the first claim on assets.

Finally, the bill requires that a chapter 13 plan provide for full payment of all child support payments that became due after the petition was filed. Meeting family obligations must be in the repayment plan, which is not required under current law. These provisions put both families and the States in a better position than under current law.

But it doesn't stop there. The bill also includes a number of other provisions designed to ensure protections for other vulnerable people in American society. It protects the rights of nursing home patients when a nursing home goes bankrupt. The bill requires that an omsbudsman be appointed to act as an advocate for the patient and provide clear and specific rules for disposing of patient records, a protection not now available for people in nursing homes.

The bill includes a permanent extension of chapter 12 programs to provide expedited bankruptcy relief for farmers, a provision not now in the bankruptcy law.

Finally, and most importantly, I have always said it is critical the bill not only address debtor abuse of the bankruptcy system, but also overreaching by the credit card industry. From the beginning, we insisted that consumer protection from abuse in credit card solicitation and sales must be in any balanced bill. The credit card industry now has more than 3.5 billion solicitations a year. That is more than 41 mailings for every American household, 14 for every man, woman, and child in the Nation.

We recognize it is out of control and in some cases irresponsible. The bill addresses the problem. Vetoing the bill accomplishes nothing. Voting against the bill means voting against consumer protections that otherwise will never be in the law. This is the chance to do something about credit card abuse. Opposing the bill and vetoing the bill means we do nothing about credit card abuse.

The problem is substantial because it is not the sheer volume of solicitations, it is also who is targeted. High school and college student solicitations are at record levels. Since the decade began, Americans with incomes below the poverty line have doubled their uses of credit. The result is not surprising. Mr. President, 27 percent of families earning less than $10,000 a year have consumer debt that is more than 40 percent of their income.

I in no way advocate that less credit should be made available to low-income and moderate-income consumers, but rather that consumers be given more complete information so they can better understand and manage their debts. That is what this bill does. The bill contains provisions, which I authored with the help of Senators SCHUMER, REED, and DURBIN, to ensure consumers have the information necessary to help them better understand and manage their debts. The bill now requires lenders to prominently disclose: First, the effects of making only the minimum payment on your account each month. That is not in the current law. It will be in the law if this bill becomes law. Next, that interest on loans secured by dwellings is tax deductible only to the value of the property. That is not in current law. It will be if this bill is signed. Also, when late fees will be imposed, and the date on which introductory or teaser rates will expire and what the permanent rate will be after that time.

In addition, the bill prohibits the cancelling of an account because the consumer pays the balance in full each month and thus avoids incurring a finance charge.

Indeed, there is one other issue we will also hear discussed on the floor—the question of debtors who seek to discharge the judgments they owe because of their violence against abortion clinics. This is the final issue. And for many Members of the Senate it may be the central issue in deciding whether or not to vote for this bill. It may be determinative of whether or not the President signs this bill.

Let me personally, therefore, begin a discussion of it by making clear that I support Senator SCHUMER in his efforts to have his amendment included in the bill. I voted for it. Given the opportunity, I will vote for it again. I believe it is a provision that is both necessary and appropriate.

But I also recognize the reality of the situation. The Republican leadership is not going to include Senator SCHUMER's amendment in this bill. It is not going to happen. That leaves the Senate with a very real choice. The family businesses, the financial institutions, the family contracting companies that face bankruptcy every day because they cannot collect debts owed to them will be jeopardized. The consumer protection that was put in this bill for people who have problems with the credit card industry, who cannot manage their debts, who need more information, will be lost without this bill. Bankruptcy reform will simply not occur for yet another Congress. Indeed, if George W. Bush becomes President of the United States, our best chance at balanced, bipartisan bankruptcy legislation will be lost for 4 years. That is a high price to pay for Mr. SCHUMER's amendment on abortion clinics.

Since the bill only maintains the status quo, it may not improve the situation on abortion clinics but it does not worsen it either. We live to fight another day on that narrow issue, but we make all this progress on so many other issues. Enactment of this legislation will impact many people involved in so many parts of our economy. I urge my colleagues to think carefully about this bill. Overwhelmingly, you have voted for it before. It is now better than it was when you voted for it previously, and 84 Senators voted for it previously. I urge the President to think very carefully about vetoing this legislation for the most narrow of provisions.

The FACE legislation that was offered and adopted previously by this Congress did much to protect abortion rights. If it needs to be strengthened again, we can do so again. But to lose bankruptcy reform protections that I believe are contained in this bill for women and children, for small businesses, to lose the restraints on the credit industry and credit card solicitations—that is a high price to pay; to lose 4 years of work for this balanced bipartisan approach.

I urge adoption of the bill. I am proud to be its coauthor with Senator GRASSLEY, proud of the work we have done together. I urge its adoption and I urge its signature.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I seek recognition to speak on the pending business, which is the bankruptcy bill. I had an opportunity to hear about one-fourth of the presentation of my good friend, the Senator from New Jersey, Mr. TORRICELLI. I heard him compliment my efforts as author of this legislation. In fact, this bill has been so successful in the Senate only because Senator TORRICELLI, as ranking Democrat on the Courts Subcommittee, has been so cooperative, recognizing there is a problem that should be addressed and working in a bipartisan way to make sure such a bill was put together and introduced by me and him, and then working through a long hearing process in the subcommittee and the full committee to develop a bill that would be reported out of the Judiciary Committee, a committee that tends to be very evenly divided on a lot of issues, by a very wide margin. Our bill came out with a fair sized majority. Then it passed overwhelmingly in the Senate with only 14 dissenting votes.

We had a very difficult time conferencing this bill, but there was finally an effort to go to conference. Senator TORRICELLI was very helpful in working out the details of the conference.

This afternoon, I saw, and the people of this country saw, through his remarks that continued cooperation, and that continued cooperation evidently goes way beyond what is going on in this Chamber on bankruptcy reform. It continues, through his own admission, through his recommendation to the President, when the President gets this bill, that the President should sign this bill. There will be people from the other side requesting the President not sign this bill.

I hope the President knows this bill has broad bipartisan support. We not only saw it in that vote of only 14 dissenting votes when it passed the Senate several months ago, but we also saw it yesterday in the vote on cloture where there were 67 Senators, 7 more than needed, to stop debate on this bill.

That brings me to the issue of how this bill has finally been conferenced and brought to the floor and has passed through the House of Representatives already, to be presented to the President hopefully after a successful vote tomorrow afternoon at 4 o'clock under the unanimous consent agreement.

We had an opportunity yesterday and today to hear the Senator from Minnesota, Mr. WELLSTONE, and we also heard others complain about the parliamentary process of getting this bankruptcy bill to the floor. It is an unbelievable thing for him and other Senators to condemn the way this bill finally got to conference. The Senate passed the bankruptcy bill after weeks of debate and after disposing of hundreds of amendments. On the issue of disposing of hundreds of amendments, I compliment Senator HARRY REID for his work in helping us work through those amendments.

The Senator from Minnesota still continues to object to the way in which this conference was handled saying it was not handled in the regular order of doing business in the Senate. The fact is, not only Senator TORRICELLI and the Senator from Iowa worked to get this bill to conference, but we also had many meetings between Senator DASCHLE, the Democratic leader, and Senator LOTT, the Republican leader, on how to get the bill before the Senate.

In every respect, on the motions it would take to accomplish that under the regular order, the Senator from Minnesota was in a position to object saying he was going to object and, consequently, then conferees could never be appointed in the way they are for most bills.

So it is misleading, it seems to me, for the Senator from Minnesota to pretend that he is not the reason this bill has not moved in the conventional way that bills ought to move, and then to blame others for finding a way of bringing a conference report.

It seems to me that if we did not find another way, it would be irresponsible on our part not doing our duty to the 83 Senators who voted for this bill the first time it passed the Senate. So we found a way to conference this bill with an unrelated piece of legislation.

By the way, very rarely are conference committees three Republicans and three Democrats, but this committee was made up that way. So for this bill to move to the floor of the Senate, there had to be members of Senator WELLSTONE's political party, the Democrat Party, who agreed that this is such an important piece of legislation, with 83 or 84 Senators voting for it in the first place, that it had to happen and it had to come to the floor. So we got this bill out of conference with the help of Senators on the other side of the aisle. I thank them for their cooperation.

Also earlier in this debate, Senator WELLSTONE referred to the fact that there seems to be no evidence at all that you can decrease the number of bankruptcies filed by the usual stigma against bankrupts that has been traditional throughout American society. I have to admit in recent years that has not been true. That is one of the very basic reasons we have had a dramatic increase in the number of bankruptcies since the last bankruptcy reform legislation that was passed in the late 1970s.

In the early 1980s, we had about 300,000 bankruptcies filed. It did not go up very dramatically until about the early 1990s, when it shot up very dramatically from maybe reaching 700,000 to almost doubling that amount, and continuing to rise until it got to a high of 1.4 million bankruptcies.

There is some evidence that it has come down just a little bit, but I am also going to be speaking shortly about evidence showing that the number of bankruptcies is going to shoot up again this year by 15 percent. But I think there is not the stigma in our society against people going into bankruptcy that there used to be. And that is one reason. But Senator WELLSTONE has spoken to the point that there is no evidence at all that the decrease in stigma associated with bankruptcy is related to this increase in bankruptcy filings. This is simply not true.

I have before me a study from 1998, from the University of Michigan, entitled "The Bankruptcy Decision: Does Stigma Matter?" by Scott Fay, Erik Hurst, and Michelle J. White, economists at the University of Michigan. They concluded—and I will read just one sentence from the abstract—

> We show that the probability of debtors filing for bankruptcy rises when the level of bankruptcy stigma falls.

I am not going to spend the taxpayers' money to put this entire document in the RECORD, but the address is the Department of Economics, University of Michigan, Ann Arbor, MI, 48109, if people want to refer to this and read from it. I advise them to do it because they will see, in a very statistical way, in a very in-depth way, that when there is stigma associated with bankruptcy—the societal disapproval of people filing for bankruptcy—we do not have as high a number of bankruptcy filings as we do now.

Mr. President, with that somewhat pointed reaction to some of the statements the Senator from Minnesota legitimately brought to the floor—but I think he is wrong in his approach in what he is saying—I hopefully have put another side of the coin out there for people to consider. That is a strong basis for why this legislation should be before us, why it is before us, and why it needed to come here in a fairly unconventional way.

I am glad we are having a chance to debate the merits of the bankruptcy reform conference report today, and for a short time tomorrow, before we vote tomorrow on sending it to the President.

When the Senate last considered this bill, we heard a lot about the declining number of bankruptcies. Our opponents pointed to a temporary downward spike in the number of bankruptcies to say that this bill is not needed. They have said the economics have taken care of the situation. Not so. Even with a slight downturn, having 1.3 million bankruptcies, when we are in our 9th or 10th year of recovery, is an unconscionable index for bankruptcies. That is why the very liberal bankruptcy legislation that was passed in 1978 has to be changed somewhat, so that the legislation does not encourage bankruptcies, so that, in fact, it encourages those who have the ability to repay to know that they are never going to again get off scot-free.

I said just a few minutes ago that I was going to point to a study that would take away any weight to the arguments that we do not need this bill because there has been a downturn in the number of bankruptcies in the last year. This new study predicts that bankruptcies will rise by 15 percent next year. This was reported in the December 1st Wall Street Journal. The research was done by SMR Research Corporation, a consumer-debt research firm in Hackettstown, NJ. The SMR Research president, Stuart Feldstein, said this as a result of their study:

> But now that we've caught our breath, they're [meaning bankruptcies] about to go way up again. We're on the verge of another flood.

The suggestion is that they will increase by 15 percent.

That is what we are facing: Another flood of bankruptcies. We have our critics, with their heads in the sand, acting as if there is nothing for us to worry about. The fact that we have a bankruptcy crisis on our hands—and have had for several years—and it looks as if things are going to get even worse, is an unconscionable situation when we can do something about it.

That is why we need to pass this bill, and we need to pass it right now. The bankruptcy reform bill will do a lot of good for the American people. More importantly, it is going to do a lot of good for our economy.

This bill will avert a disaster for our economy. There are signs that the economy is slowing down. There are signs that we are in the middle or at the beginning of a Clinton era recession. Remember, President Clinton is President of the United States. The manufacturing sector is already in a recession. Several other indices in the last couple months have shown downward trends. If they continue, obviously, we will be in a recession. That recession is probably apt to happen when we have a President Bush.

I want to make it clear right now: We are not going to let that be a Bush recession, if the downturn started in a Clinton administration. We are not going to let the Democrats get away with taking credit for a recovery in 1993 that started 8 months before the election of President Clinton in 1992. That is when the recession of 1990-1991 turned around. It was 1992. Yet from February through the middle of November 1992, somehow we were still in a Bush recession, not in a recovery that happened in February 1992. But just as soon as Clinton was elected, it was all over.

The media weren't doing their job or it would never have been reported that way or the hysteria Clinton provided the country in 1992 would have never taken root. But we are in a situation now where there will be some people, if there is a downturn next year, who are going to want to blame the new President for that. They won't be able to, if it started now.

I hope these indices will turn around. I think we have an opportunity, under a new President with the proper economic policies in place and fair tax cuts that the working men and women of America are entitled to, to do some things to make sure that such a situation doesn't happen. But right now, we have had 9 years of growth, starting at the tail end of the last Bush administration. Yet we have the highest number of bankruptcies over a long period of time, and it is presumably going to get worse. If we have a recession, they are going to get a lot worse. That is why we need this legislation.

We have also seen quite a fall in the stock market recently, and we know that Americans are anxious about their economic future. If we hit a recession without fixing the bankruptcy system, we could face a situation of bankruptcies spiraling out of control. The time to act is now before any recession is in full swing.

As I did earlier this year, when we voted on cloture on this bill, I will summarize a few of the things that are in the bill that my colleagues may not know are there as a result of the disinformation campaign waged by our liberal opponents.

Right now, farmers in my State and in Minnesota—maybe in every State but particularly in the upper Midwest where it is a grain growing region and we have a 25-year low in grain prices—have no chapter of the bankruptcy code that fits them and their own special needs. They did from 1933 to 1949. Then they didn't have it. They have had it as a result of my getting it passed in 1986, a chapter 12 for farmers. But it has lapsed now because the people on the other side of the aisle, who every day talk about helping the American farmer, are voting against this bill or stalling it. And chapter 12 has lapsed, so there is no chapter 12 to help farmers. Yet we have farmers facing foreclosure and forced auctions just because chapter 12 of the bankruptcy code, which gives essential protections for the family farmers, expired in June of this year. It expired for the reasons I gave.

Shame on those who are blocking us from doing the right thing by reinstituting chapter 12 and going beyond how we have normally done it, just do it for a few years at a time. In this bill we say that farmers are entitled to the same permanency of their chapter in the bankruptcy code as the big corporations have in chapter 11, as small business and individuals have in chapter 13. We are not going to leave farmers then with this last ditch effort.

We went beyond that because we have also changed the tax laws so that farmers will be able to avoid capital gains taxes when they are forced to sell something by the referee of bankruptcy. This will free up resources then to be invested in a farming operation that would otherwise go down the black hole of the IRS.

We have a fundamental choice. The Senate could vote as the Senator from Minnesota wants us to vote, and the Senate would then kill this bill and leave farmers without this safety net, or we can stand up for the farmers. We can do our duty and make sure that the family farmers are not gobbled up by giant corporate farms when they are forced into foreclosure. We can give farmers in Iowa and Minnesota a fighting chance.

I hope the Senate will stand with the farmers of Iowa and Minnesota and other farmers around the United States on supporting this legislation. I hope the Senate doesn't give in to the liberal establishment which has decided to fight bankruptcy reform no matter who gets hurt or what the cost is to the farming operators.

There are a lot of other things in this conference report. The bill will give badly needed protection for patients in bankrupt hospitals and nursing homes. The Senate adopted this as an amendment. I offered it. It was accepted unanimously. Again, my colleagues may be unaware of the fact that there aren't any provisions in the bankruptcy code to protect people in nursing homes, if that nursing home goes into bankruptcy. By killing this bill, they are killing some of that protection.

I had hearings on the fate of patients in bankrupt nursing homes in my judiciary subcommittee. As my colleagues know, Congress is still trying to put more money into nursing homes through the Medicare Replenishment Act that is now before the Senate because of nursing homes being in bankruptcy. So the potential for real harm to nursing home residents is there. I would like to provide an example of that.

Without the patient protections contained in this conference report, we learned, through our hearing process, of a situation in California where the bankruptcy trustee just showed up at the nursing home on a Friday evening and evicted residents. The bankruptcy trustee didn't provide any notice that this was going to happen. There was no chance to relocate the residents of the nursing homes. The bankruptcy trustee literally put these frail elderly people out onto the street and changed the locks on the doors so they couldn't get back into the nursing home. But this bankruptcy bill will prevent that from ever happening again.

If we don't stand up and say that residents of nursing homes can't be thrown out onto the street, then Congress will fail in its duty to these people.

Again, we have no choice. We can vote this bill down and tell nursing home residents and their families that it just doesn't matter to anybody in the Senate. That is the end result of the position advanced by the Senator from Minnesota. I hope the Senate is much better at humanitarian responsibilities than that. I hope the Senate stands for nursing home residents and not for the inside Washington liberal special interest groups that don't care about some nursing home resident being out on the street on a Friday night.

There is more to this bill. The bankruptcy reform bill contains particular bankruptcy provisions advocated by Federal Reserve Chairman Alan Greenspan and Treasury Secretary Larry Summers. I think both of these people—for the benefit of the Senator from Minnesota—are appointees of President Clinton. They have good things to say about the need for bankruptcy reform. These particular provisions I am talking about will strengthen our financial markets and lessen the possibility of domino-style collapses in the financial sector of our economy.

According to both Chairman Greenspan and Secretary Summers, these provisions will address significant threats to our prosperity. As I said earlier, we are seeing the early warning signs of a recession. We need to put these safeguards into place so that the financial markets, which are the key components of our economy, don't face the unnecessary risk of what might be the beginning of a Clinton recession.

Again, we have a very fundamental choice: We can strengthen our financial markets by passing this bill or we can side with the liberal establishment and fight reform no matter what the cost is to our society. So I think the American people do in fact want us to strengthen the economy, not turn a deaf ear to pleas for help from the Chairman of the Federal Reserve and the Treasury Secretary. I hope the Senate decides to vote to safeguard our prosperity and not put it at risk.

At this point, I will talk about the issue of how the bankruptcy bill will impact people with high medical expenses. I am going to refer to a nearby chart. Earlier this year, I had an opportunity to address this very issue. I want to assure my colleagues with any remaining questions about the full deductibility of health care costs to a person going into bankruptcy, whether or not those are factored into the ability to repay, and the answer is, yes, 100 percent. I know the Senator from Minnesota has heard my explanation on that. I haven't heard him contradict anything I have had to say that the General Accounting Office has said to back this up. Yet he will continually come to the floor of the Senate and make the same point that it could be possible for people with high medical expenses not to be able to go into bankruptcy and get those considered as part of the process of discharge or not.

The bankruptcy bill says people who can repay a certain amount of their debt can't file for chapter 7, the point being that they are then channeled into a repayment plan under chapter 13. At this time, the question of medical expenses comes into play when determining whether someone has the ability to repay their debt. According to the nonpartisan General Accounting Office, the conference report before the Senate allows for 100-percent full deductibility for medical expenses before examining repayment ability.

Right here you have it, from the IRS—other necessary expenses that are deducted. It says that no standard other than expense must be necessary and reasonable. But it says it includes such expenses as charitable contributions, child care, dependent care, health care. Right now I emphasize the words "health care" because that is what we are being told by the Senator from Minnesota—that that would not be deductible. It says payroll deductions such as union dues and life insurance.

So maybe all of those things together would tell people that there are assurances way beyond just the health care expense issue of the deductibility. But it also emphasizes in this General Accounting Office report that we take care of all of the concerns anybody ought to have in that particular area. So, bottom line: If you have huge medical bills, you get to deduct them in full before even looking at whether you get channeled into a repayment plan. So I don't know what could be more fair and how it could be any clearer.

The Senator from Minnesota has told us he wants to learn more about this bankruptcy bill. It is quite obvious that he needs to know more about this bankruptcy bill. So I hope he does, and I hope he will let me talk to him, because once we look into this bill in its totality, I am confident that Members of the Senate will do the responsible thing and will vote for final passage tomorrow at 4 o'clock.

I ask unanimous consent that the article from the Wall Street Journal previously referred to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Dec. 1, 2000]

BANKRUPTCY PACE FOR INDIVIDUALS IS ACCELERATING

(By Yochi J. Dreazen)

When the nation's bankruptcy rate started to drop last year, John Garza felt the impact almost immediately. Business at his suburban Maryland bankruptcy law slowed so much that he was forced to let half of his 15 attorneys go, and several of the survivors quit in frustration over their reduced earnings. Mr. Garza, for his part, had time for other pursuits. "I played a ton a golf," he remembers.

These days, tee times are down and court time is up. The caseload of Mr. Garza's firm rose more than 15% last month alone, leading him to hire a new attorney. "We're like vultures perched on the telephone pole, waiting for the disaster so that we can eat," he says of his firm, which handles both personal and business bankruptcies. "Well, the vultures are about to spread their wings."

With interest rates up and the economy slowing, many households are discovering that their bills for years of torrid spending are coming due just as they are ill prepared to pay them. As a result, growing numbers of Americans are seeking court protection from their creditors. Personal bankruptcies, as measured by a 12-week moving average of filings, have increased nearly 10% since January. The moving average hit 24,288 for the week ending Nov. 4, up from 22,291 in the week ending Jan. 1, according to data from Visa.

Extended over an entire year, that pace would translate into about 1.26 million personal bankruptcy filings, a notch lower than the 1.28 million filings recorded last year. Indeed, after rising steadily for most of the past decade, personal bankruptcies fell in 1999 amid low interest rates and solid wage gains associated with the nation's ultratight labor market.

But what concerns many analysts is that the pace of bankruptcies appears to be accelerating. SMR Research Corp., a consumer-debt research firm in Hackettstown, N.J., estimates that bankruptcy filings will rise as much as 15% next year, easily surpassing 1998's record 1.4 million filings.

"We've just finished one of the plateau periods for bankruptcies, which hit a peak in 1998 and then fell a bit," says SMR President Stuart Feldstein. "But now that we've caught our breath, they're about to go way up again. We're on the verge of another flood."

If the projections hold up, an increase of that size would probably bolster congressional efforts to tighten the nation's Bankruptcy Code. Legislation making it harder for Americans to discharge their debts passed the House this year but got tangled up in partisan wrangling in the Senate. Supporters have promised to try again next year.

Bankruptcy takes a heavy human toll, and many of those seek protection from their debts see it as a humiliating admission of failure. But the economic costs can also be substantial. Creditor losses from debts erased by bankruptcy run into the tens of billions of dollars each year. The filings, meanwhile, may be the harbinger of a significant slowdown in consumer spending that could make a "soft landing" for the U.S. economy nearly impossible.

Here's why: The consumer-spending binge of the early 1990s was built on a fragile foundation of massive household borrowing, so for spending to keep pace going forward, borrowing would have to continue to increase as well. But the current increase in the number of bankruptcies means that many households are having a hard time repaying existing debts, suggesting they'll be far less eager to amass new ones. And with Americans already spending every dollar they earn, a reluctance to borrow more money means the pace of consumer spending can only slow, serving as a significant drag on the broader economy.

Yesterday, a new government report on personal income suggested that consumer spending will advance at an annual rate of just 3% this quarter, far slower than the 4.5% pace recorded a quarter earlier. The weaker pace could easily translate into a relatively weak holiday season for the nation's retailers.

Micole Farley, a 25-year-old single mother from Houston, will be one of those doing a lot less shopping this holiday season. As a teenager in the early 1990s, she was surprised to find herself quickly approved for numerous credit cards, part of the seemingly endless stream of easy credit that continues to wash over many Americans. (With credit plentiful, consumers owed $591 billion in revolving credit debt in 1999, nearly double the $276.8 billion in debt amassed in 1992.)

Young and in love, Ms. Farley had run up $1,500 in credit-card debts by 1994, buying clothing, shoes and housewares for herself and her then-boyfriend. When she got pregnant and had to quit her job a short time later, though, Ms. Farley watched with alarm as finance charges and high interest rates sent her bills spiraling higher. By 1999, she was divorced and the debt had ballooned to nearly $5,000.

"I just can't afford to shop like I used to," says Ms. Farley, who's trying to avoid bankruptcy. "I have enough bills as it is."

Although many households are struggling to repay their debts, low-income Americans have been among the first to feel the strain. About 10% of households making less than $50,000 were more than 60 days late on at least one loan payment, a recent survey showed, compared with less than 4% of the families earning more than that amount. With the labor market easing, moreover, it's becoming harder for low-income Americans to work the extra hours or second jobs needed to earn the money to repay their debts.

Americans are also feeling the sting of higher interest rates. The Federal Reserve has increased them six times since June 1999 in an effort to cool the economy. Mr. Feldstein argues that the number of bankruptcy filings has actually been increasing steadily since around 1985, with the only exceptions coming immediately after periods in which interest rates fell sharply, reducing the cost of borrowing money. When the Fed cut interest rates in 1998 in the wake of the Asian currency crisis, for example, bankruptcies dutifully fell a year later.

"Interest rates quell the bankruptcy rate temporarily, but when rates go back up, bankruptcies resume their climb," Mr. Feldstein says.

Mr. GRASSLEY. Mr. President, since I don't see any colleagues here on the floor wanting to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I would like the opportunity to address the bankruptcy issue, and I am here to say that I am very disappointed that the majority leader chose to bring this bankruptcy bill back to the floor.

Let me remind my colleagues that the House passed this conference report on October 12, and the majority leader first moved to proceed to the conference report on October 19—well before the election. He could have sought and invoked cloture on the bill and had this final debate any time in the month before the election. Instead, he waited until right before the election, and then was unable to get cloture because many Senators, of course, were back home in their States campaigning.

In this lame duck session when we ought to be doing only the business that is essential to keep the Government running and leave substantive legislation to the representatives of the people who were duly elected on November 7, only now has cloture been invoked and we are headed for a vote on final passage. We are here in a lame-duck session, taking final action on an extraordinarily important and controversial and far-reaching substantive legislation.

The American people didn't vote for this Senate on November 7. With all due respect, they voted for a new Senate, with a decidedly different makeup. Why did the majority leader bring up this bill again? Why is he trying to put this bill through in this lame-duck session? The Senate is going to have a very different makeup in a month, and this legislation might turn out very differently in the next Congress. I suppose because we are all eager to finally bring this Congress to a close he thought there would be pressure on those Members who oppose the bill to relinquish the debate time the Senate rules provide for and let the bill go to final passage without a fight.

The supporters of this bill want to get this over with, pass the bill, and send it to the President where it will certainly meet a veto pen or perhaps a veto pocket, depending on when the other business of the Senate is completed.

Before we recessed for the election, I spoke at some length about the very regrettable procedure that was used to bring this bankruptcy bill back to the floor. I continue to believe that allowing four Senators meeting in secret in a conference committee to write the final version of the bill that we are now considering is a terrible affront to the tradition of reasoned deliberation in this body. As I said before, this procedure diminishes the Senate floor in favor of the backroom conference committee chosen to address these issues by none but themselves, accountable to none but themselves and open to observations by none but themselves. This procedure sets a terrible precedent for our work, and I sincerely hope it will never be used again.

I would be remiss in my responsibilities as a Senator if I did not also speak about the terrible damage that this bill will do to the bankruptcy system in our country and, even more importantly, to so many hard-working American families who will bear the brunt of the unfair so-called reforms that are included in this bill. It is a good thing that this bill will not become law.

The President's veto, whether by pocket or by pen, will protect our country's most vulnerable citizens from a harsh and unfair measure pushed through this Congress by the most powerful and wealthy lobbying forces in this country. President Clinton will do a service to those citizens by standing up to powerful special interests and vetoing this bill in the waning days of his administration.

First, let me talk about what is not in this bill, which is directly related to the fact that powerful special interests have had the chance to shape it. As I have discussed on this floor before a number of times, this bill is not a balanced piece of legislation. The interests that are the strongest supporters of this bill—the credit card companies and the big banks—succeeded in limiting the provisions that will have any effect on the way they do business. These interests gave us and our political parties millions of dollars of campaign contributions and they like the results they achieved in this bill.

Billions of credit card solicitations go out each year to consumers—not millions but billions. Most experts agree that part of the rise in bankruptcy filings over the past decade, although the number is actually now on the way down, is due to credit card companies and the banks irresponsibly extending credit to people who have already shown they cannot handle additional debt.

I have next to me a pile of credit card solicitations. This pile of solicitations was collected by just one of my staff members over the past year and a half since this bill was marked up in the Senate Judiciary Committee. These were sent to his home. This pile of solicitations, 85 in all, came in the mail to one person—one person—in the last 19 months. I am sure that the member of my staff is a very creditworthy individual, but 85 offers for a new credit card—and these direct mail offers don't include the constant invitations for credit cards that people see every day on the Internet and on the TV.

This industry's sales techniques are out of control. The credit card companies are making bad decisions every day, and now they are here before this Congress asking for our help. Boy, did we give it to them. This bill is a bailout for the credit card industry. It is going to make it easier for credit card companies to collect more on the bad decisions they have made, the credit they have extended to people who already have maxed out on 2, 5, even 10 credit cards. Make no mistake, giving the credit card companies more power will work to the detriment of women and children trying to collect alimony and child support.

If we are going to pass a credit card industry bailout bill, the least we should do is help save the industry from itself by taking some steps to make sure consumers are made more aware of the consequences of taking on ever-increasing amounts of debt. We had the chance in this bill to require credit card companies to be more open with consumers about the consequences of running a balance on a card, but we didn't do it. We need more prevalent and more detailed disclosures on credit card statements and solicitations. There are limited disclosure requirements in the bill, but they don't go far enough, in my opinion. I think it is clear that the main reason they don't is the power of the credit card companies.

A few days ago the Wisconsin State Journal, a newspaper in my home area which is generally perceived as a conservative, quite probusiness newspaper, summarized well my concern about the extent to which this bill gives the credit card industry what it wants. I ask unanimous consent the Wisconsin State Journal editorial from December 4 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wisconsin State Journal, Dec. 4, 2000]

Bankruptcy Reform Bill Is a Bust: Let Credit Card Issuers Protect Themselves With Sound Lending Practices, Not by Rigging Bankruptcy Law in Their Favor

When the credit card industry came to Congress to ask for help in collecting debts from deadbeats, Congress should have said:

It's not government's job to bail you out. Why don't you tighten up your own lending practices?

Instead, Congress let the industry turn a bankruptcy reform bill into a debt collection assistance plan.

That's why, when the Senate goes back to work this week, it should vote down the bankruptcy reform bill and spare President Clinton from following through with his threat to veto it.

The bill, already passed by the House, is touted as an answer to the questions created by a rapid rise in the number of petitions for bankruptcy filed annually. The surge in annual bankruptcy filings from about 300,000 in the early 1980s to 1.4 million in 1998 occurred during relatively good economic times, prompting complaints that abuse of bankruptcy law had become too common.

Indeed, there was evidence that some people were using the law to escape debts while living it up on wealth protected from creditors' reach.

In response, Congress began to work on bankruptcy reform legislation. For guidance, the House and Senate had before them 172 recommendations from the National Bankruptcy Reform Commission, which was led by Madison attorney Brady Williamson. The commission had stressed that bankruptcy law must remain balanced: It must work for creditors and debtors.

But the congressmen also had before them lobbyists for the credit card industry and similar lenders. Quickly, bankruptcy reform legislation became a campaign fund-raising bonanza for the politicians, with the lending

> industry "investing" $20 million in contributions. Just as quickly, bankruptcy reform turned into the credit card industry's bill.
>
> The industry's goal was to tilt bankruptcy law in its favor. The banks and retailers that issue credit cards make money when their card holders run up large balances and pay the card's high interest rates. That's why the card issuers try to put the cards in the hands of as many people as possible, even people who are poor credit risks.
>
> But there's a consequence: Sometimes people file for bankruptcy, and their debts are reduced or discharged.
>
> The industry wanted to use bankruptcy reform to escape that consequence of their risk taking—they wanted to rig the law to keep people out of bankruptcy court so the debts could be collected. Moreover, they wanted to escape the expense of being careful about whom they issued cards to.
>
> So, the House and Senate included in their reform bills provisions to make it harder for people to file under Chapter 7 of bankruptcy law, which basically allows a filer to wipe away debts, or harder to file for bankruptcy at all.
>
> The bill is atop the Senate's agenda for its lame-duck session this month. Wisconsin Sens. Herb Kohl and Russ Feingold are prepared to oppose the bill, but the Republican leadership believes it has the votes to pass it.
>
> Bankruptcy law does need some reform. But this bill is not it. Furthermore, there's no rush. Bankruptcy filings have declined more than 10 percent since 1998, suggesting that the sense of urgency. Congress had when it took on the reform may be out of date.
>
> The proposal should be killed, and Congress should start anew next year.

Mr. FEINGOLD. Mr. President, I will quote from the editorial:

> When the credit card industry came to Congress to ask for help in collecting debts from deadbeats, Congress should have said: It's not government's job to bail you out. Why don't you tighten up your own lending practices? Instead, Congress let the industry turn a bankruptcy reform bill into a debt collection assistance plan.

The editorial continues:

> The House and Senate had before them 172 recommendations from the National Bankruptcy Reform Commission, which was led by Madison attorney Brady Williamson. The commission had stressed that bankruptcy law must remain balanced: It must work for creditors and debtors.
>
> But the Congressmen also had before them lobbyists for the credit card industry and similar lenders. Quickly, bankruptcy reform legislation became a campaign fund-raising bonanza for the politicians, with the lending industry "investing" $20 million in contributions. Just as quickly, bankruptcy reform turned into the credit card industry's bill.

My colleagues are well aware of my concern about the influence of money on politics and policy. As I have said a number of times on this floor over this past year, this bankruptcy bill is really a poster child for the need for campaign finance reform. You only have to look at what the credit card industries get in this bill and, just as importantly, the disclosure that consumers don't get to understand that.

There is another thing missing in this bill. Remember, this bill is supposedly designed to end the abuses of the bankruptcy system by people who really can't afford to pay off more of their debts. But the biggest abuses, and all the experts agree on this, come when wealthy people in certain States file for bankruptcy by taking advantage of very large or unlimited homestead exemptions that are available in their States. Some people with large debts even move to a State such as Florida or Texas where there is an unlimited homestead exemption specifically for the purpose of filing for bankruptcy.

The National Bankruptcy Review Commission and virtually all leading academics believe that homestead exemptions are being abused and that a national standard is, indeed, needed. And, by a vote of 76-22, the Senate adopted a very good amendment from my colleague, the senior Senator from Wisconsin, which would have closed the loophole. That amendment would have put a $100,000 cap on the amount of money that a debtor shield from creditors through the homestead exemption.

But almost unbelievably, after that overwhelming bipartisan vote in the Senate, that amendment was stripped out of the bill by a group of Senators—again working in secret—and it was replaced by a weak substitute. The bill that has been stuffed into this conference report limits the homestead exemption to $100,000 but only for property purchased within 2 years of filing for bankruptcy. That means that wealthy debtors can plan for bankruptcy by moving to an unlimited homestead exemption State, buying a palatial estate and putting off their creditors for 2 years before filing bankruptcy. If they do that, they can continue to shield millions of dollars in assets and throw off their debts with the bankruptcy discharge.

The bill will have no effect on this abuse of the bankruptcy system. This bill will not close the homestead exemption loophole of people like Burt Reynolds and Bowie Kuhn have used in the past. Supporters of this bill have chosen to ignore reforms that would give this bill real balance. Somehow the interests of wealthy debtors who use the homestead exemption to abuse the bankruptcy system are more important than the interests of hard-working Americans who, through no fault of their own, whether from a medical catastrophe or the loss of a job or a divorce, are forced to seek the financial fresh start that bankruptcy has made possible since the beginning of our Republic.

It is interesting, and very revealing, to contrast the treatment by this bill of wealthy homeowners who abuse the bankruptcy system with how it treats poor tenants who need the protection of the bankruptcy system to keep from being thrown out on the street while they try to get their affairs in order. As I mentioned, the provision dealing with the homestead exemption is virtually meaningless. At the same time, the bill includes a draconian provision that denies the bankruptcy stay to tenants trying to hold off eviction proceedings, even if they are able to pay their rent while the bankruptcy is pending. I think this provision—I hesitate to use this language—has become something that is purely punitive. It will have no impact at all on getting debtors to pay past due rent. It will result in people being evicted who are not abusing the bankruptcy system, but who are trying to use it for exactly the purpose for which it was intended—to get a fresh start and become once again productive members of our society.

When the bankruptcy bill was before the Senate at the beginning of this year, I tried very hard to pass an amendment that would have made the bill less harsh on tenants while at the same time denying the protection of the automatic stay to repeat filers who are abusing the system, and who, as I understand it, were the whole reason why they want to change the provision. I listened to the arguments of the Senator from Alabama who had concerns about my original amendment. What I did then was to modify the amendment to take account of some reasonable hypothetical situations that the Senator from Alabama came up with in our debates in committee and then here on the floor. But the realtors strongly opposed my amendment and the Senate rejected it by a nearly party line vote. That was unfortunate. It confirmed my view that this bill is not balanced. It is not rational. It is about punishing people, not just stopping the abuses that we all agree should be stopped.

Shortly before the election, the Senator from Alabama was on the floor once again arguing that this bill is necessary to crack down on tenants abusing the bankruptcy system to live rent free. My amendment would have cracked down on those abusers too, but without harming good faith debtors who need the automatic stay of an eviction to avoid homelessness and be able to pay some of their debts. The failure of the majority to recognize the harshness of the bill on this point and accept a reasonable amendment that deals with the abuse just as effectively was a great disappointment to me. It reinforced by judgment that this bill is not balanced, it is not fair.

Let me turn to what proponents view as the central feature of this bill, the means test. After much work, I believe this feature of the bill is still flawed and unfair. The means test is the mechanism that the bill's proponents believe will force people who can really some portion of their debts into Chapter 13 repayment plans instead of Chapter 7 discharges. The means test requires every debtor to file detailed information on their expenses and income which is then analyzed according to a formula. Those who pass the means test can file a Chapter 7 case; those who fail would have to file under Chapter 13.

The bill that is now before us includes an important "safe harbor" for debtors who are below the median income. The means test does not apply to them. That is a good thing, since studies show that only 2 or 3 percent of debtors would be required to move from Chapter 7 to Chapter 13 under the means test. But even with that "safe harbor," the bill has significant problems. First, the bill specifies that for purposes of determining the safe harbor, the median income for each individual state should be used, rather than the higher of the state or national median income. This will unfairly disadvantage people who live in high cost areas of low median income states. In the Senate bill, we included a safe harbor from creditor motions that applied to people with income less than either the national or the median income. The people who drafted this final bill ignored that standard. I doubt they really believe it will mean that more abusers of the system will be caught by the means test. But they did it anyway, giving further evidence of the arbitrary nature of this bill.

In addition, the means test still employs standards of reasonable living expenses developed by the Internal Revenue code for a wholly different purposes. These standards are too inflexible to be fair in determining what families can live on as they go through a bankruptcy. They are arbitrary. And they are also ambiguous with respect to things like car payments because they were not designed to be used in this context. We have pointed this out repeatedly over the past few years, but the sponsors of the legislation have insisted on using these inflexible IRS standards.

The safe harbor from the means test also inexplicably counts a separated spouse's income as income available to a mother with children who has filed for bankruptcy, even if the spouse is not paying any child support. This can't be fair. Let me repeat that. Mothers filing for bankruptcy because their spouses have left them are treated for purposes of the safe harbor as if the spouse's income is still available to them. That is what the bill we are about to vote on does. It makes no sense. It is arbitrary and punitive.

But perhaps the thing that is most curious about the means test is that while we now have a safe harbor for lower income people, they still have to fill out all the same paperwork, doing all of means test calculations using the IRS expense standards. Why is that? If the intent is to exempt lower income debtors from the means test, why have them go through the means test anyway? The burden of the means test for these people is not the result—a tiny percentage would ever be sent to Chapter 13 because of it. No, it is the burdensome paperwork that is the problem. This bill makes it more difficult to file for bankruptcy. By leaving the paperwork requirements in place, the means test remains a barrier for low income debtors, even with the safe harbor.

Let me give you one example. This bill would deny the protection of bankruptcy to a single mother with income well below the State median income if she does not present copies of income tax returns for the last 3 years, even if those returns are in the possession of her ex-husband. I can see no justification for this result whatsoever.

So for those supporters of the bill who trumpet the safe harbor, I ask you: Why doesn't the bill apply the same safe harbor to creditor motions as the Senate bill did, and why doesn't it exempt people who fall within the safe harbor from the paperwork requirements? I have yet to hear reasonable answers to those questions, which leads me to believe that there are no reasonable answers. This bill is arbitrary, and it is punitive.

This bill also includes a number of "presumptions of nondischargeability" provisions, which basically say, "these debts can't be discharged in bankruptcy because we think they look like people are running up bills in contemplation of bankruptcy." In other words, they are abusing the system. They are accumulating debt with no intention of paying it off.

The problem is that these presumptions are unfair. So instead of being a deterrent to abuse of the system, they are simply a gift to the credit industry, and a harsh punishment to hard working people trying to do the best they can to meet their obligations to their families. One such provision creates a presumption of nondischargeability if a debtor takes $750 of cash advances within 70 days of bankruptcy. Seven hundred fifty dollars in a little more than two months. That is not much. I think all of us can imagine a single mother with children who loses her job or has unexpected medical bills for her kids and has to use cash advances to buy food and for her family or pay her rent. But if that woman files for bankruptcy, the debt to the credit card company is presumed to be fraudulent. That means that the debt from those cash advances will not be discharged by bankruptcy. It will still hang over her head as she tries to get back on her feet and support her family after the bankruptcy proceeding is over. That is not balanced. Once again, this bill gives special treatment to credit card companies at the expense of the most vulnerable members of our society. It is arbitrary and punitive.

This example shows how empty the proponent's arguments are when they claim that the bill gives first priority to alimony and child support. The chairman of the Judiciary Committee had a big chart listing all the ways that the bill supposedly helps women and children. But, as has already been mentioned by other Senators on the floor, 116 law professors have written to us to contest that claim.

Let me quote from their letter because I think it is very important to hear these arguments in some detail. The letter says:

> Granting "first priority" to alimony and support claims is not the magic solution the consumer credit industry claims because "priority" is relevant only for distributions made to creditors in the bankruptcy case itself. Such distributions are made in only a negligible percentage of cases. More than 95 percent of bankruptcy cases make no distributions to any creditors because there are no assets to distribute. Granting women and children a first priority for bankruptcy distributions permits them to stand first in line to collect nothing.
>
> Women's hard-fought battle is over reaching the ex-husband's income after bankruptcy. Under current law, child support and alimony share a protected post-bankruptcy position with only two other recurrent collectors of debt—taxes and student loans. The credit industry asks that credit card debt and other consumer credit share that position, thereby elbowing aside the women trying to collect on their own behalf. . . . As a matter of public policy, this country should not elevate credit card debt to the preferred position of taxes and child support.

Mr. President, what the law professors point out so convincingly is that the key issue is not how the limited assets of a debtor are distributed in bankruptcy, but what debts survive bankruptcy and will compete for the debtor's income when the bankruptcy is over. In a variety of ways, this bill will encourage reaffirmation agreements and increase nondischargeability claims which will lead to more debtors having more debt that continues after bankruptcy.

That is what hurts women and children, not the priority of child support claims in the bankruptcy itself. The priority of claims in the bankruptcy itself is almost meaningless since in the vast majority of bankruptcy cases there are no assets to distribute. People are broke, and they do not have anything to sell to satisfy their creditors. That is why they file for bankruptcy. You can't squeeze blood from a stone.

One of the most interesting things about this bill, as I have seen in other legislation as well in recent years, is the almost Orwellian names of some of its provisions. There are a number of them. For example, there is a title of this bill with the name "Enhanced Consumer Protection," but many of the provisions in this title actually offer little, if any, protection at all. The weak credit card disclosure provisions are an example. Yes, those may be enhanced consumer protections, enhanced from nothing, but they are not considered sufficient by any organization, not one organization, whose primary concern is consumer protection.

There is another section with the so-called "Enhanced Consumer Protection" title called "Protection of Retirement Savings in Bankruptcy." That sounds pretty good. What the provision actually does is put a cap on the amount of retirement savings that is put out of reach of creditors in a bankruptcy proceeding. Before this bill, there was no limit at all on the amount of retirement savings that can be protected. So this bill is not an enhanced consumer protection at all. It is a step backward for consumers and hard-working Americans who tried to put aside some money for their golden years.

Incidentally, this provision is nowhere to be found in either the bankruptcy bill that passed the Senate or the bill that passed the House. This is one of those provisions that appeared out of nowhere. In fact, before a firestorm of criticism forced him to reconsider, the Senator who proposed this provision wanted to let consumers waive the existing protection of retirement savings in boilerplate consumer credit agreements. So the $1 million cap is an improvement over what the sponsors of this bill tried to do, but it is hardly a protection.

Here is another sort of Orwellian title. Section 306 is called "Giving Secured Creditors Fair Treatment Under Chapter 13." It ought to be called "Giving Certain Secured Creditors Preferred Treatment Under Chapter 13" because it favors those who make car loans over other secured creditors and over unsecured creditors.

Here is how it works. There is, of course, a concept in bankruptcy law currently called cramdown or stripdown. It recognizes the fact that the collateral for some kinds of loans can lose value over time so it may be worth significantly less than the debt owed. Remember that in a bankruptcy proceeding, secured creditors get paid first, but the cramdown concept says to those creditors that they only get paid first up to the amount of the value of the collateral for the loan. After that, if they are still owed money, they have to get in line with the other unsecured creditors.

To give a more tangible example, if someone owes $10,000 on a car loan, but the car which is collateral for that loan is worth only $7,000 now, then only $7,000 of that loan is considered secured in a bankruptcy. That makes perfect sense since the maker of that loan has the right to repossess the car, but if it does that, it can only get $7,000 when it sells the car.

What the bill does is eliminate the cramdown for any car that is purchased within 5 years of bankruptcy. That means that even though the vehicle that secures the loan has lost much of its value, the entire amount of the debt must be repaid in a chapter 13 plan. This gives special treatment to the lender and, more importantly, it will make it much more difficult for a chapter 13 plan to work, and that will hurt people who want to pay off their debts in an organized fashion under chapter 13.

Most people file chapter 13 cases because they want to keep their cars. The cramdown allows them to reduce their car payments to a reasonable amount, leaving enough money to pay off other secured creditors and make a repayment plan work.

According to the chapter 13 trustees who know what they are talking about since they deal with these cases day in and day out, this single provision of the bill will increase the number of unsuccessful chapter 13 plans by 20 percent.

Making it more difficult to get chapter 13 plans confirmed will lead to more repossessions of cars and ultimately to more chapter 7 filings. Even where a chapter 13 plan can be confirmed and is successful, the anticramdown provision will reduce the amount a creditor can pay to unsecured creditors or to child support or alimony. In essence, payments on a car worth far less than the debt are given priority over child support, another example of how this bill is arbitrary and punitive and how the claims of the bill's proponents that the bill will help women and children are empty indeed.

The anticramdown provision undermines the efficacy of chapter 13. All the experts tell us that. I have to point out the irony here. The avowed purpose of proponents of this bill is to move people from chapter 7 discharges to chapter 13 repayment plans. Yet the bill actually has the effect of undermining chapter 13.

There is even another provision in this bill that undercuts chapter 13. A small group of Senators who shaped this bill in a shadow conference accepted a provision from the House bill that says for those debtors with income above their State's median income, chapter 13 plans must extend over 5 years rather than 3. That is a 66-percent increase in payments required to complete the plan. In view of the fact that the majority of 3-year plans fail, the requirement that the debtor go 2 more years without an income interruption or unexpected expenses will inevitably lead to an even higher rate of chapter 13 plan failures and discourage even more debtors from filing voluntarily under chapter 13.

As I have said before, this bill is really, in a way, at war with itself. Bankruptcy experts from around the country tell us clearly that it will not work. This bill will destroy chapter 13 as an option for many debtors. If we pass it, I am convinced we will be back here trying to fix it once it starts to take its toll on the American people. In the meantime, how many lives will be made harder? How much more heartache are we going to inflict on hard-working Americans?

I have spoken for quite awhile here about the problems with this bill. In fact, I am sorry to say, I have probably only just scratched the surface. This is an immensely complicated bill about a very technical area of the law. There are provisions in this bill that I would venture to guess that no one in this body really understands. Indeed, some of the statements by proponents of the bill indicate that they don't understand bankruptcy law or this bill.

This is the kind of bill where we need to rely on the experts to give us some real guidance. And we just have not done that here. Once again, we have a letter from 116 law professors. They are from all across the country. They are not debtors' lawyers, they are not all Democrats, they do not have an ideological agenda. They just understand the law and care about how it operates. And they are pleading with us. Let me quote from their letter:

> Please don't pass a bill that will hurt vulnerable Americans, including women and children.

That is what the 116 law professors say.

This is extraordinary. The experts beg us to listen to them. They do not have a financial interest here. They do not represent debtors. None of them is in danger of declaring bankruptcy. They just hate to see this Congress make such a big mistake in writing the laws. They do not want us to ruin the bankruptcy system, which dates back to the earliest days of our country, by passing a bill that is so unbalanced, so arbitrary, and so punitive.

We have one last chance to listen to these experts, one last chance to step back from the brink of passing a very bad law, a law that I believe we will come to regret. It is a matter of simple fairness and simple justice.

I want to assure my colleagues that I am not opposed to reform of the bankruptcy laws. I know there are abuses that need to be stopped. I voted for a bill here in 1998 that passed the Senate with only a handful of votes in opposition. There are things we can do—and should do—to improve the bankruptcy system. There are loopholes we can close and abuses we can address. We can do it in a bipartisan way. We can write a balanced bill that the Senate and the country can be proud of. We can rely on the advice of experts, as we have always done in this complicated area in the past. But we did not do that here. We relied on the credit card industry, which has showered Senators and the political parties with campaign contributions, and it shows.

I urge my colleagues to vote against this unfair bill. This Senate can do better, and we will do better next year if this bill is defeated.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I want to take this time during the debate on the bankruptcy bill to give a little bit of history on bankruptcy reform. I want to say a few words about how we thought about the proper role of bankruptcy over the course of our Nation's history.

Congress' authority to create bankruptcy legislation derives from the body of the Constitution, article I, section 8, clause 4, authorizing Congress to establish "uniform laws on the subject of bankruptcies throughout the United States."

Until 1898, we did not have permanent bankruptcy laws in our country. The previous bankruptcy laws that were on the books throughout that early 100 years were temporary reactions to particular economic problems, and with each successive bankruptcy act and each major reform of our bankruptcy laws, we refined our conception of how bankruptcies should promote the important social goal of giving honest but very unfortunate Americans a fresh economic start, while at the same time after giving that fresh start guarding against the moral hazard of making bankruptcy too lax, easy, and in fact encouraging bankruptcy.

Right now, I think we have a situation where too many Americans see bankruptcy as an easy way out. A huge majority of Americans recently told pollsters that bankruptcy is too easy and more socially acceptable than a few years ago.

I refer to the chart from Penn and Schoen Associates. The question they ask: "Is bankruptcy more socially acceptable than a few years ago?" You get an overwhelming 84 percent who say, gee, it is more socially acceptable. As few as 10 percent say that it is not more socially acceptable, and 6 percent said they did not have an opinion.

A very dramatically high proportion of the American people know that the present policies of bankruptcy in this country are not right, and they tend to encourage people to file for bankruptcy.

The bill we are considering today and tomorrow and will hopefully pass at 4 o'clock tomorrow under the unanimous consent agreement proposes fundamental reforms which are a logical outgrowth and an extension of our prior bankruptcy reform efforts.

From 1898 until 1938—a 40-year period of time—consumers had only one way to declare bankruptcy. It was called in the terms of the profession "straight bankruptcy." Today we refer to it as "chapter 7" bankruptcy. Under chapter 7, which is still in existence, bankrupts surrendered some of their assets to the bankruptcy court. The court then sold those assets—today, for that matter—and used the proceeds to pay creditors. Any deficiency then is automatically wiped out.

In 1932, the President recommended changes to the bankruptcy laws which would push wage earners into repayment plans. In the 1930s—in fact, specifically in 1938—Congress then created a chapter 13 in addition to a chapter 7. Chapter 13 permits but does not require a debtor to repay a portion of his or her debts in exchange for limited debt cancellation and protection for debt collectors' efforts.

Chapter 13 is still on the books to this day, although it has been modified several times. Most notably, modification to it came in the year 1978.

Under current law, the choice between chapter 7 and chapter 13 is entirely voluntary.

In the late 1960s, Senator Albert Gore, Sr.—the father of the Vice President of the United States—introduced legislation to push people into the repayment plans. This proposal was reported to the Senate as a part of a bankruptcy tax bill passed by the Finance Committee. But it ultimately died in the Senate.

Later, in the mid-1980s, Senator Dole on the part of the Senate and Congressman Mike Synar on the part of the House tried to steer higher income bankrupts—those who could pay some of their debt—into chapter 13. The efforts of Senator Dole and Congressman Synar ultimately resulted in the creation of section 707(b) of the bankruptcy code. This section gives bankruptcy judges the power to dismiss the bankruptcy case of someone who has filed for chapter 7 bankruptcy if that case is, in the words of the law, "substantial abuse" of the bankruptcy code.

While this idea sounds good and well intended, it has not worked well in the real world of people who do not pay their bills—and the people who enforce the bankruptcy laws and the lawyers who work with them.

First, the problem is that no one knows what the term "substantial abuse" actually means. We have conflicting court decisions around the country, and people just aren't sure what the rules are.

Second, creditors and private trustees are actually forbidden from bringing evidence of abuse to the attention of a bankruptcy judge.

Look at that situation.

No. 2, if somebody knows about abuse, and it is very obvious—and even if it isn't so obvious—they can bring it to the attention of the bankruptcy judge and something can be done about it. The law doesn't allow that to be done.

As well intentioned as what Senator Dole and Congressman Mike Synar ended up doing—their original intentions were right but they had to compromise to get it done in 707—it just hasn't accomplished what that compromise was supposed to have accomplished.

The bill before the Senate now corrects these shortcomings. Under the bill, 707(b) now permits creditors and private trustees to file motions and bring evidence of chapter 7 abuses to the attention of the bankruptcy judge.

People who oppose this bill find fault with that. If somebody is using the courts of the United States to help them along, and if they don't deserve that help and there is abuse of power of government to the detriment of creditors and particularly to the consumers, and as a result of 1.4 million bankruptcies in America a family of four pays $400 more for goods and services than they would otherwise pay—and that is wrong—what is wrong with that information being presented through the transparency process to the judge? We do that here. It should be done. I don't know why anybody would find fault where there is outright abuse being presented.

The change is very important, since creditors have the most to lose from bankruptcy abuse, and private trustees are often in the very best position to know which cases are abusive in nature. In certain types of cases where the probability of abuse is very high, the Department of Justice is required to bring evidence of abuse to the attention of bankruptcy judges. And they should be required to bring this abuse to their attention.

Additionally, the bill requires judges to dismiss or convert chapter 7 cases where the debtor has a clear ability to repay his or her debts.

Taken together, these changes will bring the bankruptcy system back into balance, particularly in relationship to the evolution of the bankruptcy code from an ad hoc sort of passage by Congress for the first 100 years—the last 100 years being more permanent, and in the last 20 years it has been very liberalized—to make it a little more balanced. It is a perfectly legitimate thing to do.

Importantly, these changes preserve the element of flexibility so that each and every debtor can have his or her special circumstances considered. This means that each bankrupt will have his or her own unique circumstances taken into account at the time of judgment.

As we consider this bill, I hope my colleagues will keep in mind the remainder of the bill, and the fair nature of this legislation as well as its historical roots.

I see that the Senator from Alabama has come to the floor. I think he is waiting to speak. Soon I will yield the floor.

But I also take this opportunity to praise, as I have had the opportunity in times past, the efforts of the Senator from Alabama to help us bring this bill this far, and for his willingness to be flexible in some things where he would like to go further in making sure that debts are repaid that maybe otherwise would not be repaired but understanding the extremes on both sides helping us to get to a middle so that a moderate bill such as this can become law. I thank, publicly, Senator SESSIONS of Alabama.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation and admiration to Senator GRASSLEY for his extraordinary patience, steadfast leadership, and efforts in moving this bill forward over a period of years.

Some say this has slipped through. We have had hearings for years. We have had debates on this floor for the last 2 to 3 years. It has passed every time overwhelmingly. But a small group is trying to identify certain little things when they put a spin on it to make it sound as if doing something about a bankruptcy system that is out of control is bad and is not a fair thing.

What we are saying fundamentally is, if you make above median income—for a family of four, I believe the median income is $45,000—and a judge finds you can pay some of your debts back, you ought to be able to pay that.

We have examples all over this country. If you talk to any of your bankers and hospitals in your community, you find people with high incomes are just walking away, wiping out all their debts and not paying them. They think it is cool and clever. But it is wrong.

When a person receives a value, receives a loan, he or she ought to pay it back if they can. America is very generous. If you cannot pay it back and you are in debt, you can file bankruptcy, wipe out all those debts, and start over free and clear.

What this legislation says is, most historically, the small number—and it is far less than 50 percent—who make higher incomes, if they can pay more, ought to. That is only fair and just.

Bankruptcy is a Federal court legal system. Bankruptcy judges are Federal judges. The whole bankruptcy code with which many lawyers have worked—and I have a bit over the years but never mastered; and as U.S. attorney, I had a couple of lawyers on my staff who worked bankruptcy regularly and we dealt with bankruptcy issues—this complex code states who gets what in bankruptcy and how much should be paid.

We found we have had a doubling in filings in bankruptcy in the last 10 years, during a time when the economy is doing exceedingly well. We have also found that lawyers—and I don't really blame lawyers; I am a lawyer; I practiced law; if the bankruptcy code gives me a clause somewhere that I can use to the advantage of my client to make them not pay a debt that the client probably should pay—I am going to take advantage of it. It is malpractice not to take advantage of that.

Whose responsibility is it if we create a bankruptcy code that has loopholes in it? It is our responsibility. If after over 20 years of this current bankruptcy bill, after over 20 plus years of experience, we see where the problem areas are, where the abuses are, it is our obligation, I think, to do something about it and fix it so that it operates fairly and so that people are treated as they should be treated.

What we are saying and what bankruptcy does is say that a person who incurred a debt, a person who received a benefit, doesn't have to pay for it. If you received a loan, they give you $10,000 and you go bankrupt, you don't pay your loan back. Sure, it hurts your brother-in-law who loaned it to you, your banker who loaned it to you, and it has financial repercussions. The bank has to charge higher interest rates when they have more defaults. Consumers pay for that, too.

It hurts that family who sits down on a weekly basis adding up their income around the kitchen table, figuring how to pay their debts. Some people don't; they go off gambling or they do other things. Or they have, in fact, a serious financial problem they can't deal with—a huge medical bill. Some families try to figure out a way to work through that; they should. Some can't, and they file bankruptcy.

All we are saying is, that that small percentage who is making above median income, who a judge believes can pay some of it, ought to pay it. Maybe it is 25 percent of the debts they owe, but they ought to pay that if they can.

It also does a number of things that Senator HATCH and Senator GRASSLEY have mentioned to raise the level of protection and benefits for children and divorced women through alimony. Alimony and child support become No. 1 protected items in this bill.

There have been some letters that Senator KENNEDY and others read that nobody supports this bill. He stated on the floor not one single organization that advocates for children supports this bill. These are his words: Not one single organization that advocates for women supports this legislation, there is not one single organization that represents working men and women that supports the bill, and that there is not one single organization that represents the interests of consumers that supports the bill.

Well, that is not exactly correct. Interestingly, just yesterday I received four letters from organizations that represent the interests of all the groups referred to by Senator KENNEDY who do support this bill. Those four organizations writing letters in support of this bill include the National Child Support Enforcement Association.

I was attorney general for 2 years in Alabama, and we worked all kinds of ways to utilize the power of the State's attorneys to help increase child support collections. That is one of the main groups in America that does this—the National Child Support Association, the Western Interstate Child Support Enforcement Council, the California Family Support Council, and Attorney General Betty Montgomery of Ohio.

I will now tell you a little bit about the contents of the letters. The National Child Support Enforcement Association is committed to ensuring parents fulfill their responsibility to provide emotional and financial support for their children, including honoring legally-owed child support obligations. According to the organization, this bill will "significantly advance their goal."

I do not see how any person can stand on the floor of this Senate and not say this bill will enhance the ability of children to receive child support payments. In fact, it enhances it in a multiplicity of ways. It even puts the payments of child support above payments to the lawyers in the case, which may be one of the reasons we are having some objection to this bill.

The Western Interstate Child Support Enforcement Council's primary purpose is to ensure that child support workers have effective enforcement tools to carry out their mandated responsibility to establish and collect child support, feels that passage of this bill will "greatly enhance [their] efforts in this regard by establishing an equitable system of debt repayment and discharge in bankruptcy proceedings."

This is a strong and clear statement from this organization that cares about children, is dedicated to them, and is working on a regular basis.

According to Howard Baldwin, the president of WICSEC, the provisions of this bill:

> will re-prioritize the elements in bankruptcy plans by establishing child support as the debtor's primary obligation, with all other debts assuming a secondary role.
>
> As a result, our Nation's child support agencies will be able to pursue collection efforts without encountering the restrictions caused by existing bankruptcy proceedings.

This is another strong statement that they will be able to pursue collection efforts without encountering restrictions under the current bankruptcy laws.

The California Family Support Council also supports this bill.

At its Annual Training Conference held in February, 2000, the organization noted that:

> based on [its] experience . . . bankruptcy remains an impediment to [their] ability to

> collect support and [that is serves as] a haven for those who want to avoid their familial obligations.

As a result, the California Family Support Council's membership:

> feels strongly that this legislation will strenghten substantially the child support enforcement program and improve the collection of child support.

So if we don't pass this bill we are going to be continuing under a rule of bankruptcy law far less favorable to children than the ones in existence today.

Ohio Attorney General Betty D. Montgomery has strongly endorsed this bill. In her letter to Senators DEWINE and VOINOVICH, and Congressman STEVE CHABOT, General Montgomery recounted the improvements this bill makes over current law.

General Montgomery rightly notes that:

> current law places domestic support obligations 7th on this list of priorities. By providing that repayment of domestic support obligations move to the head of the list of priorities for debtors to pay in Section 212 of this bill, Congress will ensure that the spouse and the children will continue to collect support payments that are owed during the bankruptcy case. Under the bill, debtors who owe child support would have to keep paying after they file for bankruptcy and creditors could not seize previous payments, which is commendable.

What that means is this. Under current bankruptcy law, let's say there is a deadbeat dad who files bankruptcy and he still owes a lot of child support money. It is not dischargeable. He wipes out all his debts but his child support is not wiped out, he still owes that. If he moves off to another State, maybe halfway across the country, and they can't find him, it's hard to make him pay. Under this legislation, if he were certified as somebody with an income sufficient to be put into Chapter 13 and not just wipe out all his debts but had to pay some of those debts back, the first debts he must pay under bankruptcy court specific supervision would be this child support. If it is up to a period of 5 years, which it normally would be, he would be under court order. The mother/wife wouldn't need to hire a lawyer to chase the deadbeat dad all around the country, the bankruptcy judge would be there making sure he paid it. The first moneys that came in would have to go to that child support.

This is a historic step for children and families, and I believe we ought to recognize that. I am glad Attorney General Montgomery, the able Attorney General of Ohio who I was honored to know when I was Attorney General of Alabama, recognizes that, and has stated it so clearly.

Finally, Phillip L. Strauss, assistant district attorney for the city and county of San Francisco, in a September 14, 1999, letter to members of the Judiciary Committee made known his unqualified support for this bill.

His 27 years in the DA's Office, Family Support Bureau, and his 10 years' experience as a bankruptcy law professor, convince him that this bill is a real improvement over the current bankruptcy law.

In his letter, responding to a July 14, 1999 letter from the National Women's Law Center, Strauss makes the point that none of the organizations opposing this bill in the NWLC letter have actually ever been engaged in the collection of support; Conversely, the largest professional organizations which do perform this function have endorsed the child support provisions of the Bankruptcy Reform Act as "crucially needed modifications of the Bankruptcy Code which will significantly improve the collection of support during bankruptcy."

Notes Professor Strauss:

> Most of the concerns raised by the groups opposing [this] bill do not, in fact, center on the language of the domestic support provisions themselves. Instead they are based on vague generalized statements that the bill hurts debtors, or the women and children living with debtors, or the ex-wives and children who depend on the debtor for support. It is difficult to respond point by point to such claims when they provide no specifics.

The crux of the main argument against this bill is:

> by not discharging certain debts owned to credit and finance companies, the institutions would be in competition with women and children for scarce resources of the debtor and that the bill fails "to insure that support payments will come first."

According to Strauss, "nothing could be further from the truth."

Indeed, under this bill, there are many protections for women and children over powerful credit and finance companies that exist outside of bankruptcy. Moreover, support claims are given the highest priority under this bill, while commercial debts do not have any statutory priority. Thus when there is competition between commercial and support creditors, support creditors will be paid first. And, unlike commercial creditors, support creditors must be paid in full when the debtor files a case under chapter 12 or 13.

In addition, support creditors will benefit—again, unlike commercial creditors—from Chapter 12 and 13 plans which must provide for full payment of on-going support and unassigned support arrears. Further benefits to support creditors which are not available to commercial creditors is the security in knowing that Chapter 12 and 13 debtors will not be able to discharge other debts unless all post-petition support and pre-petition unassigned arrears have been paid in full.

In other words, you cannot get discharged from your bankruptcy until you have paid your child support.

In conclusion, this bill is a much-welcomed improvement over current law—as noted by these five letters, written on behalf of organizations that deal with these issues every day, in support of it.

The opponents should not oppose this bill just to oppose it—that is disingenuous. Mere opposition to any change in the present law, and vague claims that any and all attempts to address such existing abuses as serial filings are oppressive and will harm women and children, and does nothing to advance the proper understanding of the problems we are faced with, in my view.

I would just say, those things make it clear from professionals in the field that the legislation is not harsh toward children but, in fact, provides greater protections than they have ever had before, a fact which I assert is indisputable. Somehow, though, there is a feeling here that you just ought to have an untrammeled right, an unlimited right to not pay anybody you don't want to pay; that somehow there is no cost to society when people don't pay their debts.

There is a cost to society. There is a cost to you, to me, to everyone in this Chamber, and to everyone in this country because when more people do not pay their debts, the interest rate you pay for your loan has to go up because a part of the reason for an interest rate is the uncollectibility rate, and if a bank makes 100 loans and they collect 99 out of 100, they only have to factor in that percentage of that amount to pay for that one bad loan they write.

If only 95 out of 100 are being paid, or 90 out of 100, we will feel it in the interest rates. Who will be paying the higher interest rates? The ones who will be paying the higher interest rates are the people who manage their money, do the right thing, serve their country, train their children, and pay their debts, and we do not want them to feel like they are chumps, that they somehow are not smart. And a really smart person is the one who knows how to run up a bunch of debt and declare bankruptcy.

There is a problem into which this country is sliding. The real reason for the increase in bankruptcy filings in America is television advertisement. Turn on your TV. Do you have debt problems? Call old Joe the lawyer. It is 11 or 12 o'clock at night, people cannot sleep, they are worried about their debt. There it is. That is the answer. They go down, and the lawyer says: Give me $1,000.

Well, I don't have $1,000.

How much do you make?

My check is $500.

Save up two of those checks and bring them to me. Don't pay any other debt. Don't pay a dime on your credit card. Bring all that money to me. As soon as you bring it to me, I will file bankruptcy. I will wipe out all these debts. You can forget this.

That is what is happening. Do not think I am exaggerating. That is what is happening in America today. If their debts are high, they cannot pay their way out of it, it is hopeless for them and they have a low income, they ought to be able to start over again. Anybody who loans money to people who have low incomes and excessive debt—they have to be careful about loaning money. They know they are going to lose sometimes. Understand that.

I am not saying we will change that. In fact, I suspect that as high as 90 percent of the people who filed bankruptcy under straight bankruptcy, chapter 7, before this new bill was passed, would be able to do it afterwards. This bill will catch a lot of people who are abusing the system, and it will be a signal that Congress does care and does believe that if you can pay some of your debts, you should pay them.

We are going to insist you do, and we are not going to have a court system that allows wealthy people to just walk away from debts they honorably signed up to pay and dishonorably declined to make good on. We can do better.

There are a number of things I will say about this bill perhaps tomorrow. I do believe Senator GRASSLEY has done a superb job. It has been a matter of great debate. It came out of the Judiciary Committee by a vote of 16–2 on one occasion, maybe with only three dissenting votes on another occasion. It has passed this Senate with 80 or 90 votes more than once. Somehow always it comes up at the end of a session. It is dragged out. A small group fights it, and at the end they say: We are really for bankruptcy reform, but we are just not for this bill. We know there are abuses, but this bill is not fair. Or, the bill I voted on last time was changed in conference, so it is now bad; I am not voting for it now.

I do not think that is legitimate. If they study what is in here, they will see this is a fair bill, that it does close somewhat the homestead loophole about which some Senators have complained. Senator KOHL and I led the fight to eliminate the homestead loophole entirely. I thought it was an abuse, but we just did not have the votes to do entirely eliminate it, so resolved to make significant progress toward tightening it—and we have.

Not passing this bill is going to leave us with a total lack of control over the homestead issue. Passing this bill will eliminate fraud totally in the most extreme cases and tighten up the process. It will be a significant step forward, in my view, to controlling that abuse. That is what compromise is about.

Chairman GRASSLEY has done a great job working this bill to this point. I believe it is a piece of legislation that should pass, and I remain hopeful the President will sign it. If not, I am hopeful this Senate will be able to override that veto. Yesterday, we had a vote well into the sixties to invoke cloture.

Mr. President, I ask unanimous consent the letter dated October 19 from the NCSEA, the letter dated October 18 from Howard Baldwin, Jr., and the letter dated October 17 from the California Family Support Council be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CHILD SUPPORT
ENFORCEMENT ASSOCIATION,
Washington, DC, October 19, 2000.

President WILLIAM J. CLINTON,
The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: As President of the National Child Support Enforcement Association (NCSEA), representing over 60,000 child support professionals across America, I'm writing to urge you to support the Bankruptcy Reform Act of 2000 (Conference Report 106–970 accompanying HR 2415). This legislation includes NCSEA's recommendations to restrict the dischargeability of child support obligations. NCSEA is committed to ensuring that both parents fulfill their responsibilities to provide emotional and financial support to their children—including honoring legally-owed child support obligations. The pending legislation will forward this goal significantly.

Specifically, NCSEA supports the child support bankruptcy provisions that: (1) exempt mandated child support enforcement tools from the effect of an automatic stay; (2) eliminate the dischargeability of all child support debt and treat all support debt in a similar manner; (3) give child support debt a high priority in bankruptcy payment plans; and (4) prevent confirmation of a bankruptcy plan or prevent discharge if a debtor's support payments are not current after a bankruptcy petition is filed.

Under current law, children are disadvantaged when the parent who owes child support seeks protection in the bankruptcy court. These families find themselves competing with other creditors for the debtor-parent's limited assets. Being on the losing end of this competition can have dire economic consequences. The family may be forced to seek public assistance. Families who have left welfare and are struggling to make ends meet are especially vulnerable, as illustrated by recent findings that for poor families not on welfare, child support represents fully 35% of household income, a critical supplement to the 48% earned from work.

The proposed bankruptcy reforms would also complement current efforts, which your Administration strongly supports, to distribute more child support to families rather than retaining such collections as reimbursement for government welfare benefits received. If bankruptcy reform is not passed, these collections will continue to be distributed to creditors ahead of the vulnerable families struggling to responsibly support their children by working instead of collecting welfare.

Back in the previous Congress, the same child support provisions as in the present bankruptcy legislation failed to be enacted when the overall bill (HR 3150) stalled due to disagreements over other bankruptcy provisions. Attached is the policy resolution NCSEA passed in 1998 supporting bankruptcy reform that will strengthen the collection of child support debt. The bill now under consideration accomplishes the goals of our resolution. We urge you to support the bill for that reason.

Thank you for your consideration. If you have questions, please contact NCSEA's Government Relations Director, Ken Laureys, at 202–624–5878 (klaureys@sso.org).

Respectfully,

LAURA KADWELL,
President.

WESTERN INTERSTATE CHILD
SUPPORT ENFORCEMENT COUNCIL,
Austin, TX, October 18, 2000.

Re Bankruptcy reform conference report for H.R. 2415.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As President of the Western Interstate Child Support Enforcement Council (WICSEC), an organization comprised of child support professionals from the private and public sectors west of the Mississippi River, I would like to express our membership's unqualified support of H.R. 2415. The primary purpose of WICSEC is to ensure that child support workers have effective enforcement tools to carry out our mandated responsibility to establish and collect child support. The passage of H.R. 2415 will greatly enhance our efforts in this regard by establishing an equitable system of debt repayment and discharge in bankruptcy proceedings.

The current structure of the bankruptcy process allows child support obligors who file for protection under the Bankruptcy Code to repay debts to customary collectors, but does not hold them accountable for the ongoing financial support of their children. The provisions of H.R. 2415 will reprioritize the elements in bankruptcy plans by establishing child support as the debtor's primary obligation, with all other debts assuming a secondary role. As a result, our nation's child support agencies will be able to pursue collection efforts without encountering the restrictions caused by existing bankruptcy proceedings.

We greatly appreciate your demonstrated support of legislation which benefits families and children. At this time, we respectfully ask you to continue that commitment by signing H.R. 2415.

Sincerely.

HOWARD G. BALDWIN, Jr.,
President.

CALIFORNIA FAMILY SUPPORT COUNCIL,
Sacramento, CA, October 17, 2000.

Re Bankruptcy reform conference report for H.R. 2415.

DEAR MR. PRESIDENT: I am writing you on behalf of the California Family Support Council, an organization of professionals who are responsible for carrying out the federal child support program in California pursuant to Title IV–D of the Social Security Act. Our membership consists of approximately 2,500 persons employed by county and state agencies which administer the program.

Support of the bankruptcy reform legislation by the Council is reflected in the attached resolution, approved by the general membership at our Annual Training Conference in February of this year. It is based on our experience that bankruptcy remains an impediment to our ability to collect support and a haven for those who want to avoid their familial obligations. Our membership feels strongly that this legislation will strengthen substantially the child support enforcement program and improve the collection of child support.

Bankruptcy should no longer interfere with the payment of collection of support. This legislation is the first major revision of the treatment of support during bankruptcy since the Banruptcy Code was enacted in 1978. We strongly urge you to sign this legislation.

Respectfully,

KRIS REIMAN,
President.

CALIFORNIA FAMILY SUPPORT COUNCIL 2000—RESOLUTION II

Whereas the California Family Support Council is composed of state and local professionals who have the responsibility of operating the federal child support enforcement program in the State of California; and

Whereas the filing of a bankruptcy petition by debtors owing child support substantially impairs the ability of government and private child support creditors to enforce support obligations; and

Whereas the Bankruptcy Code conflicts in many significant ways with federally mandated child support program requirements; and

Whereas the 1996 Personal Responsibility and Work Opportunity Act of 1996 provided child support obligees with a new and considerable right to child support arrearages which were previously assigned to the government, and under current law these arrears are treated unfavorably in bankruptcy; and

Whereas in 1999 both houses of Congress passed bankruptcy reform bills, each of which contained child support provisions which would accomplish the following:

a. Give support debts a very high priority in payment from the bankruptcy estate;

b. Eliminate the distinction between support owed to a spouse or parent and support assigned to the government;

c. Insure that support in any form would not be dischargeable in bankruptcy;

d. Allow federally mandated support enforcement procedures such as wage withholding orders, license revocations processes, credit reporting, and medical support enforcement, to be unaffected by automatic bankruptcy stays;

e. Eliminate the conflicts between provisions of the Bankruptcy Code and the Social Security Act which affect the treatment of a support arrearage debt; and

Whereas the California Family Support Council is on record in support of both the House and Senate 1998 bankruptcy reform bills; and

Whereas the support provisions were improved and strengthened in the 1999 House and Senate Bankruptcy Reform bills; and

Whereas the support provisions in the 1999 House and Senate bills contain all improvements for collecting support during bankruptcy as approved by the California Family Support Council; now therefore be it

Resolved that the California Family Support Council:

1. Supports both the House and Senate Bankruptcy Reform Bills as passed by their respective bodies; and

2. Urges the House and Senate to preserve the current child support provisions in conference; and

3. Urges the President to sign the bankruptcy reform legislation if the final conference report maintains the current child support provisions; and

4. Directs the President of the California Family Support Council to convey to the California Congressional Delegation and to the President its enthusiastic endorsement of the Bankruptcy Reform Bills.

Mr. SESSIONS. I thank the Chair and yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. GRASSLEY. Mr. President, I ask unanimous consent to proceed as in morning business with certain administrative wrapup responsibilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN MEMORY OF TODD PORTERFIELD

• Mr. HOLLINGS. Mr. President, It has come to my attention that a young man, Todd Porterfield, was struck by a car and killed over the summer while he was participating in a philanthropy event for Pi Kappa Phi social fraternity, of which I am an alumnus. Todd, a senior at the University of Washington, was on a cross-country bike ride called the Journey of Hope. Each year, the Journey of Hope raises approximately $300,000 for the national organization Push America that supports people with disabilities. Todd's commitment to service was remarkable in someone so young. He not only helped lead philanthropy efforts within his fraternity, but also traveled to Mexico to build homes for the disadvantaged and volunteered for three different shelters and outreach programs for the homeless in Seattle. Todd had a bright future and no doubt would have continued to be an active and caring member of his community. My thoughts are with his friends and family, members of Pi Kappa Phi fraternity and the University of Washington.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-11744. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations (Elkhart, Texas)" (MM Docket No. 00-152) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11745. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Scottsbluff, NE" (MM Docket No. 00-140, RM-9916) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11746. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Eatonville, Wenatchee, Moses Lake, Spokane, and Newport, Washington)" (MM Docket No. 99-74, RM-9269, RM-9736) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11747. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies and Termination of the EEO Streamlining Proceeding" (MM Docket No. 98-204, 96-16, FCC 00-338) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11748. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations (Grapeland, Texas)" (MM Docket No. 00-151) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11749. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations (Dozier, AL)" (MM Docket No. 00-131, RM-9897) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11750. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Mill Hall, Jersey Shore and Pleasant Gap, Pennsylvania)" (MM Docket No. 99-312) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11751. A communication from the Special Assistant, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments; DTV Broadcast Stations, Redding, CA" (MM Docket No. 00-115, RM-9884) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11752. A communication from the Federal Motor Carrier Safety Administration Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Motor Carrier Identification Report" (RIN2126-AA57) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11753. A communication from the Federal Motor Carrier Safety Administration Regulations Officer, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Parts and Accessories Necessary for Safe Operation; Manufactured Home Tires" (RIN2126–AA65) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11754. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Savannah, GA (COTP Savannah 00–098)" (RIN2115–AA97) (2000–0093) received on November 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11755. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Recreational Fishery Closure" received on December 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11756. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Maine Mahogany Quahog Fishery; Commercial Quota Harvested" (I.D. 110700C) received on December 1, 2000; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 1814

At the request of Mr. SMITH of Oregon, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1814, a bill to establish a system of registries of temporary agricultural workers to provide for a sufficient supply of such workers and to amend the Immigration and Nationality Act to streamline procedures for the admission and extension of stay of nonimmigrant agricultural workers, and for other purposes.

S. 3183

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 3183, a bill to require the Secretary of the Treasury to mint coins in commemoration of the contributions of Dr. Martin Luther King, Jr., to the United States.

S. 3273

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3273, a bill to require the Federal Election Commission to study voting procedures in Federal elections, award Voting Improvement Grants to States, and for other purposes.

AMENDMENTS SUBMITTED

DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

LEAHY AMENDMENT NO. 4359

Mr. GRASSLEY (for Mr. LEAHY) proposed an amendment to the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribo-nucleic acid testing (referred to in this section as "DNA testing") has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in the United States;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing the loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of those proceedings.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

ALLARD AMENDMENT NO. 4360

Mr. GRASSLEY (for Mr. ALLARD) proposed an amendment to the bill (H.R. 5630) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 48, strike lines 4 through 16.

On page 48, line 17, strike "**502.**" and insert "**501.**"

On page 49, line 7, strike "**503.**" and insert "**502.**"

PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON ACT OF 2000

HATCH (AND OTHERS) AMENDMENT NO. 4361

Mr. GRASSLEY (for Mr. HATCH (for himself, Mr. SCHUMER, and Mr. THURMOND)) proposed an amendment to the bill (H.R. 4493) to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON

SEC. 101. SHORT TITLE.

This title may be cited as the "Prosecution Drug Treatment Alternative to Prison Act of 2000".

SEC. 102. DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS ADMINISTERED BY STATE OR LOCAL PROSECUTORS.

(a) PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

"PART BB—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

"SEC. 2801. PILOT PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General may make grants to State or local prosecutors for the purpose of developing, implementing, or expanding drug treatment alternative to prison programs that comply with the requirements of this part.

"(b) USE OF FUNDS.—A State or local prosecutor who receives a grant under this part shall use amounts provided under the grant to develop, implement, or expand the drug treatment alternative to prison program for which the grant was made, which may include payment of the following expenses:

"(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

"(2) Payments to licensed substance abuse treatment providers for providing treatment to offenders participating in the program for which the grant was made, including aftercare supervision, vocational training, education, and job placement.

"(3) Payments to public and nonprofit private entities for providing treatment to offenders participating in the program for which the grant was made.

"(c) FEDERAL SHARE.—The Federal share of a grant under this part shall not exceed 75 percent of the cost of the program.

"(d) SUPPLEMENT AND NOT SUPPLANT.—Grant amounts received under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

"SEC. 2802. PROGRAM REQUIREMENTS.

"A drug treatment alternative to prison program with respect to which a grant is made under this part shall comply with the following requirements:

"(1) A State or local prosecutor shall administer the program.

"(2) An eligible offender may participate in the program only with the consent of the State or local prosecutor.

"(3) Each eligible offender who participates in the program shall, as an alternative to incarceration, be sentenced to or placed with a long term, drug free residential substance abuse treatment provider that is licensed under State or local law.

"(4) Each eligible offender who participates in the program shall serve a sentence of imprisonment with respect to the underlying crime if that offender does not successfully complete treatment with the residential substance abuse provider.

"(5) Each residential substance abuse provider treating an offender under the program shall—

"(A) make periodic reports of the progress of treatment of that offender to the State or local prosecutor carrying out the program and to the appropriate court in which the defendant was convicted; and

"(B) notify that prosecutor and that court if that offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program.

"(6) The program shall have an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor carrying out the program, the duties of which shall include verifying an offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an offender who has absconded from the facility of a residential substance abuse treatment provider or otherwise violated the terms and conditions of the program, and returning such offender to court for sentence on the underlying crime.

"SEC. 2803. APPLICATIONS.

"(a) IN GENERAL.—To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"(b) CERTIFICATIONS.—Each such application shall contain the certification of the State or local prosecutor that the program for which the grant is requested shall meet each of the requirements of this part.

"SEC. 2804. GEOGRAPHIC DISTRIBUTION.

"The Attorney General shall ensure that, to the extent practicable, the distribution of grant awards is equitable and includes State or local prosecutors—

"(1) in each State; and

"(2) in rural, suburban, and urban jurisdictions.

"SEC. 2805. REPORTS AND EVALUATIONS.

"For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report regarding the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

"SEC. 2806. DEFINITIONS.

"In this part:

"(1) The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

"(2) The term 'eligible offender' means an individual who—

"(A) has been convicted of, or pled guilty to, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

"(B) has never been convicted of, or pled guilty to, or admitted guilt with respect to, and is not presently charged with, a felony crime of violence, a major drug offense, or a crime that is considered a violent felony under State or local law; and

"(C) has been found by a professional substance abuse screener to be in need of substance abuse treatment because that offender has a history of substance abuse that is a significant contributing factor to that offender's criminal conduct.

"(3) The term 'felony crime of violence' has the meaning given such term in section 924(c)(3) of title 18, United States Code.

"(4) The term 'major drug offense' has the meaning given such term in section 36(a) of title 18, United States Code.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

"(24) There are authorized to be appropriated to carry out part BB $10,000,000 for each of fiscal years 2001 through 2003.".

TITLE II—FEDERAL DRUG TREATMENT ALTERNATIVE SENTENCING

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Drug Treatment Alternative Sentencing Act of 2000".

SEC. 202. ESTABLISHMENT.

The court, upon the conviction of an individual for a misdemeanor under section 404(a) of the Controlled Substances Act (21 U.S.C. 844(a)), if the individual is a defendant described in section 3553(f)(2) of title 18, United States Code, shall consider sentencing that individual to a term of probation that includes a condition, or a term of imprisonment that includes a recommendation, of participation in substance abuse treatment, including a drug dependency program as described under this title.

SEC. 203. PROBATION PROGRAMS.

(a) GENERALLY.—If the court imposes a sentence of probation pursuant to section 202, the sentence of probation shall be subject to subtitle B of chapter 227 of title 18, United States Code. In considering discretionary conditions of probation under section 3563(b) of such title, the court shall consider and use, where appropriate to assure participation in substance abuse treatment, any of the following:

(1) Day fines.

(2) House arrest.

(3) Electronic monitoring.

(4) Intensive probation supervision.

(5) Day reporting centers.

(6) Intermittent confinement.

(7) Treatment in therapeutic community.

(b) ALTERNATIVE SENTENCE.—In order to assure participation in substance abuse treatment each offender who participates in a substance abuse program pursuant to this section shall serve a sentence of imprisonment with respect to the underlying offense if that offender does not successfully complete such a substance abuse treatment program.

(c) PREFERENCE FOR COMMUNITY-BASED PROGRAMS.—The court shall order, to the greatest extent practicable, that substance abuse treatment for an individual sentenced under subsection (a) shall be provided in the locality in which the individual resides.

SEC. 204. DRUG DEPENDENCY PROGRAM.

(a) IN GENERAL.—The Bureau of Prisons (referred to in this title as the "Bureau") shall maintain a drug dependency program for offenders sentenced to incarceration under this title. The program shall consist of—

(1) residential substance abuse treatment; and

(2) aftercare services.

(b) REPORT.—The Bureau of Prisons shall transmit to the Congress on January 1, 2002, and on January 1 of each year thereafter, a report. Such report shall contain—

(1) a detailed quantitative and qualitative description of each substance abuse treatment program, residential or not, operated by the Bureau; and

(2) a complete statement of to what extent the Bureau has achieved compliance with the requirements of this title.

SEC. 205. DEFINITIONS.

In this title—

(1) the term "residential substance abuse treatment" means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment programs—

(A) directed at the substance abuse problems of the convicted person;

(B) intended to develop a person's cognitive, behavioral, social, vocational, and other skills so as to solve the convicted person's substance abuse and related problems; and

(C) shall include—

(i) addiction education;

(ii) individual, group, and family counseling pursuant to individualized treatment plans;

(iii) opportunity for involvement in Alcoholics Anonymous, Narcotics Anonymous, or Cocaine Anonymous;

(iv) parenting skills training, domestic violence counseling, and sexual abuse counseling, where appropriate;

(v) HIV education counseling and testing, when requested, and early intervention services for seropositive individuals;

(vi) services that facilitate access to health and social services, where appropriate and to the extent available; and

(vii) planning for and counseling to assist reentry into society, including referrals to appropriate educational, vocational, and other employment-related programs (to the extent available), referrals to appropriate outpatient or other drug or alcohol treatment, counseling, transitional housing, and assistance in obtaining suitable affordable housing and employment upon completion of treatment (and release from prison, if applicable);

(2) the term "aftercare services" means a course of individual and group treatment for a minimum of one year or for the remainder of the term of incarceration if less than one year, involving sustained and frequent interaction with individuals who have successfully completed a program of residential substance abuse treatment, and shall include consistent personal interaction between the individual and a primary counselor or case manager, participation in group and individual counseling sessions, social activities targeted toward a recovering substance abuser, and, where appropriate, more intensive intervention; and

(3) the term "substance abuse or dependency" means the abuse of or dependency on drugs or alcohol.

SEC. 206. STUDY OF THE EFFECT OF MANDATORY MINIMUM SENTENCES FOR CONTROLLED SUBSTANCE OFFENSES.

Not later than 1 year after the date of enactment of this Act, the United States Sentencing Commission shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report regarding mandatory minimum sentences for controlled substance offenses, which shall include an analysis of—

(1) whether such sentences may have a disproportionate impact on ethnic or racial groups;

(2) the effectiveness of such sentences in reducing drug-related crime by violent offenders; and

(3) the frequency and appropriateness of the use of such sentences for nonviolent offenders in contrast with other approaches such as drug treatment programs.

PRIVILEGE OF FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Joe Conley, a fellow on my staff, for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4640, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4359

Mr. GRASSLEY. Mr. President, it is my understanding that Senator LEAHY has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. LEAHY, proposes an amendment numbered 4359.

Mr. GRASSLEY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress regarding the obligation of grantee States to ensure access to post-conviction DNA testing and competent counsel in capital cases)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribo-nucleic acid testing (referred to in this section as "DNA testing") has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in the United States;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing the loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of those proceedings.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4359) was agreed to.

Mr. DEWINE. Mr. President, I rise today to hail the impending passage of H.R. 4640—the DNA Backlog Elimination Act. This is a House companion bill to S. 903—the Violent Offender DNA Identification Act of 1999—which I introduced with my colleague from Wisconsin, Senator KOHL.

While existing anticrime technology can allow us to solve many violent crimes that occur in our communities, in order for this technology to work, it must be used. I have been a longtime advocate for use of the Combined DNA Indexing System (CODIS), which serves as a national DNA data base to profile convicted offender DNA. In fact, during consideration of the Anti-Terriorism Act of 1996, I proposed a provision under which Federal convicted offenders' DNA would be included in CODIS. Unfortunately, the Department of Justice never implemented this law, though currently all 50 States collect DNA from convicted offenders.

One of the purposes of this legislation is to expressly require the collection of DNA samples from federally convicted felons and military personnel convicted of similar offenses. Collection of convicted offender DNA is crucial to solving many of the crimes occurring in our communities. Statistics show that many of these violent felons will repeat their crimes once they are back in society. Since the Federal Government does not collect DNA from these felons, however, the ability of law enforcement to rapidly identify likely suspects is slowed. Collection of such data is critical.

The case of Mrs. Debbie Smith of Virginia underscores the importance of collection of DNA from convicted offenders. Debbie Smith was at her home in the middle of the day when a masked intruder entered her unlocked back door. Her husband, a police lieutenant, was upstairs sleeping. The stranger blindfolded Mrs. Smith and took her to a wooded area behind her house where he robbed and repeatedly raped her. After warning Mrs. Smith not to tell, the assailant let her go. She told her husband, who reported the incident, then took her to the hospital where evidence was collected for DNA analysis.

Debbie Smith's rape experience was so terrible that she contemplated taking her own life. She continued to live in constant fear until 6½ years later when a State crime laboratory found a CODIS match with an inmate then serving in jail for abduction and robbery. In fact, the offender was jailed on another offense 1 month after raping her. There are thousands of other crimes the DNA database can solve. With CODIS we can grant countless victims, like Mrs. Smith, peace of mind and bring their attackers swiftly to justice.

We need to do everything we can to make sure law enforcement has access to these tools. A major obstacle facing State and local crime laboratories are the backlogs of convicted offender samples. The Federal Bureau of Investigation estimates that there are almost one-half million convicted offender samples in State and local laboratories awaiting analysis. Increasing demand for DNA analysis in active cases, and limited resources, are reducing the ability of State and local crime laboratories to analyze their convicted offender backlogs. While I introduced, and Congress passed, the Crime Identification Technology Act of 1998 to address the long-term needs of crime laboratories, many crime laboratories need immediate assistance to address their short-term backlogs that will help law enforcement solve crime.

H.R. 4640 would provide \$170 million over 4 years to help State and local crime laboratories address their convicted offender backlogs. Violent criminals should not be able to evade responsibility simply because a State lacks the resources to analyze their DNA samples, or because a loophole excludes certain Federal offenders from our national database. This legislation will be a huge asset for our local law enforcers in their day-to-day fight against crime.

I thank Representative McCOLLUM for his efforts.

Mr. LEAHY. Mr. President, over the past decade DNA analysis has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene. Because of its scientific precision, DNA testing can, in some cases, conclusively establish a suspect's guilt or innocence. In other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value for investigators.

While DNA's power to root out the truth has been a boon to law enforcement, it has also been the salvation of law enforcement's mistakes—those who for one reason or another, are prosecuted and convicted of crimes that they did not commit. In more than 75 cases in the United States and Canada, DNA evidence has led to the exoneration of innocent men and women who were wrongfully convicted. This number includes at least 9 individuals sentenced to death, some of whom came within days of being executed. In more than a dozen cases, moreover, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the real perpetrator.

Clearly, DNA testing is critical to the effective administration of justice in 21st century America.

As DNA testing has moved to the front lines of the war on crime, our Nation's forensic labs have experienced a significant increase in their caseloads, both in number and complexity. In the six years since Congress established the Combined DNA Index System, States have been busy collecting DNA samples from convicted offenders for analysis and indexing. Increased Federal funding for State and local law enforcement programs has resulted in more and better trained police officers who are collecting immense amounts of evidence that can and should be subjected to crime laboratory analysis.

Funding has simply not kept pace with this increasing demand, and State crime laboratories are now seriously bottlenecked. Backlogs have impeded the use of new technologies like DNA testing in solving cases without suspects—and reexamining cases in which there are strong claims of innocence—as laboratories are required to give priority status to those cases in which a suspect is known. In some parts of the country, investigators must wait several months—and sometimes more than a year—to get DNA test results from rape and other violent crime evidence. Solely for lack of funding, critical evidence remains untested while rapists and killers remain at large, victims continue to anguish, and statutes of limitation on prosecution expire.

Let me describe the situation in my home State. The Vermont Forensics Laboratory is currently operating in an old Vermont State Hospital building in Waterbury, Vermont. Though it is proudly one of only two fully-accredited forensics labs in New England, it is trying to do 21st century science in a 1940's building. The lab has very limited space and no central climate control—both essential conditions for precise forensic science. It also has a large storage freezer full of untested DNA evidence from unsolved cases, for which there are no other leads besides the untested evidence. The evidence is not being processed because the lab does not have the space, equipment or manpower.

I commend the scientists and lab personnel at the Vermont Forensics Laboratory for the fine work they do everyday under difficult circumstances. But the people of the State of Vermont deserve better. This is our chance to provide them with the resources they deserve.

Passage of the DNA Analysis Backlog Elimination Act of 2000, H.R. 4640, will give States like Vermont the help they desperately need to reduce the backlog of untested crime scene evidence from unsolved crimes and untested convicted offender samples. It allocates \$170 million over the next four years for grants to States to increase the capacity of their forensic laboratories and carry out DNA analyses of backlogged evidence. Senator SCHUMER and I have pressed for increased appropriations for these purposes. This authorization bill is a step in the right direction.

In addition to the problem of unanalyzed crime scene and convicted offender evidence, there is an urgent need to address the gap in coverage of the national DNA index that has left out Federal, military, and District of Columbia offenders. The inability to include these offenders in the national index has seriously frustrated efforts to solve crimes and prevent further crimes. The bill that the Senate passes today eliminates the gap in coverage by authorizing the Bureau of Prisons and other Federal agencies to collect, analyze, and index DNA samples from individuals who have been convicted of Federal offenses of a violent or sexual nature. The bill also authorizes needed funding for these purposes, which Senator SCHUMER and I have been working to include in this years' appropriations bills.

While I support H.R. 4640, I believe it falls short in one critical respect: It fails to address the urgent need to increase access to DNA testing for prisoners who were convicted before this truth-seeking technology became widely available. Prosecutors and law enforcement officers across the country use DNA testing to prove guilt, and rightly so. By the same token, however, it should be used to do what is equally scientifically reliable to do—prove innocence.

I was greatly heartened earlier this month when the Governor of Virginia finally pardoned Earl Washington, after new DNA tests confirmed what earlier DNA tests had shown: He was the wrong guy. He was the 88th wrong guy discovered on death row since the reinstatement of capital punishment. His case only goes to show that we cannot sit back and assume that prosecutors and courts will do the right thing when it comes to DNA. It took Earl Washington years to convince prosecutors to do the very simple tests that would prove his innocence, and more time still to win a pardon. And he is still in prison today.

States like Virginia continue to stonewall on requests for DNA testing. They continue to hide behind time limits and procedural default rules to deny prisoners the right to present DNA test results in court. They are still destroying the DNA evidence that could set innocent people free. These sorts of practices must stop. We should not pass up the promise of truth and justice for both sides of our adversarial system that DNA evidence offers.

By passing H.R. 4640, we substantially increase funding to increase the capacity of State and local forensic labs to carry out DNA analysis of crime scene evidence and convicted offender samples. That is an appropriate use of Federal funds. But we at least ought to require that this truth-seeking technology be made available to both sides.

I proposed a modest Sense of Congress amendment to H.R. 4640, which the Senate is passing today. It describes how DNA testing can and has resulted in the post-conviction exoneration of scores of innocent men and women, including some under sentence of death, and expresses the sense of Congress that we should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases. Because post-conviction DNA testing has shown that innocent people are sentenced to death in this country with alarming frequency, and because the most common constitutional error in capital cases is egregiously incompetent defense lawyering, my amendment also calls on Congress to work with the States to improve the quality of legal representation in capital cases through the establishment of counsel standards.

I introduced legislation in this Congress that would have accomplished both of these things. The Innocence Protection Act of 2000 contains meaningful reforms that I believe could save innocent lives. As the 106th Congress winds down, we have 14 cosponsors in the Senate, and about 80 in the House. We have Democratic and Republican cosponsors, supporters of the death penalty and opponents. President Clinton, Vice President GORE, and Attorney General Reno have all expressed support for the bill.

Tragically, real reform of our nation's capital punishment system foundered on the shoals of election-year politics. But with the Sense of Congress provision that we pass today, at least we have agreed on a blueprint for effective reform legislation in the 107th Congress.

The law enforcement issues addressed by H.R. 4640 are important, but as FBI Director Louis Freeh has acknowledged, "Post-conviction relief is an equally important issue that requires a solution." In a recent letter, Director Freeh pledged to work with me on post-conviction relief issues in the next Congress and I look forward to working with the Director.

Each day that DNA evidence goes uncollected and untested, solvable crimes remain unsolved, and people across the country are needlessly victimized. I hope that the House will move quickly to pass H.R. 4640 as amended before it winds up its work for the year.

Mr. KOHL. Mr. President, I rise today in support of H.R. 4640, the DNA Analysis Backlog Elimination Act of 2000, which is the companion bill to my Violent Offender DNA Identification Act of 1999. This bipartisan measure will put more criminals behind bars by correcting practical and legal shortcomings that leave too much crucial DNA evidence unused and too many violent crimes unsolved.

Currently, all 50 states require DNA samples to be obtained from certain convicted offenders, and these samples increasingly can be shared through a national DNA database established by Federal law. This national database—part of the Combined Database Index System (CODIS)—enables law enforcement officials to link DNA evidence found at a crime scene with any suspect whose DNA is already on file. By identifying repeat offenders, this DNA sharing can and does make a difference. Already the FBI reports that almost 1400 investigations have been aided by the DNA database, solving numerous crimes. And in my home state of Wisconsin, experience proves that DNA "sharing" pays off. In fact, just a week before the statute of limitations ran out in a multiple rape investigation, DNA matching helped identify a serial rapist responsible for three rapes in Kenosha and a fourth in Racine. As a result, he's currently serving an 80-year sentence. Without DNA databases, suspects like this otherwise might never be discovered—or convicted.

As valuable as this system is, it is not as effective as it could—or should—be. The effectiveness of the database is directly related to the number of DNA profiles it contains. For every 1,000 new profiles, we can expect to find at least one match, and with every new profile added, the odds for a match increase. However, there are currently two major obstacles to the effective functioning of the database. Our measure would correct these problems and make the database far more productive.

First, thousands of DNA samples that have already been collected still must be analyzed before they can be entered into the national database. The FBI estimates that there is a backlog of over 700,000 DNA samples from convicted offenders languishing, unanalyzed, in state crime laboratories for simple lack of funding.

Our measure will reduce the backlog of unanalyzed samples by providing the funding necessary to analyze them and put them "on-line." It provides $45 million over three years to erase the backlog of the 700,000 unanalyzed samples and the almost-as-pressing backlog of approximately 220,000 more samples that need to be reanalyzed using state-of-the-art methods.

Indeed, easing this backlog was the lead recommendation of the National Commission on the Future of DNA Evidence appointed by the Attorney General. As the Commission explained, "the power of the CODIS program lies in the sheer numbers of convicted offender samples that are processed and entered into the database."

Second, for some inexplicable reason, we do not collect samples from Federal and D.C. offenders. So while the database can identify a suspect whose DNA is on file in one of the 50 states, it generally won't catch a Federal or D.C. offender. Under current law, that suspect will not be identified; his crime may not be solved; and he could get off scot-free. We thought we already closed this loophole through 1996 legislation which provides that the FBI "may expand [the database] to include Federal crimes and crimes committed in the District of Columbia," but Federal officials claim more express authority is necessary. We are not so sure they're right, but there is no need to wait any longer.

Our measure closes once and for all this loophole that allows DNA samples from Federal (including military) and Washington, D.C. offenders to go uncollected. Under our proposal, DNA samples would be obtained from any Federal offender—or any D.C. offender under Federal custody or supervision—convicted of a violent crime or other qualifying offense. And it would require the collection of samples from juveniles found delinquent under Federal law for conduct that would constitute a violent crime if committed by an adult. Our proposal was prepared with the assistance of the FBI, the Administrative Office of the U.S. Courts, the Bureau of Prisons, the U.S. Parole Commission, agencies within the District of Columbia responsible for supervision of released felons, and the Department of Defense.

Modern crime-fighting technology like DNA testing and DNA databases make law enforcement much more effective. But in order to take full advantage of these valuable resources, we need this measure to make the database as comprehensive—and as productive—as possible. Violent criminals should not be able to evade arrest simply because a state didn't analyze its DNA samples or because an inexcusable loophole leaves Federal and D.C. offenders out of the DNA database. This measure will ensure that we apprehend violent repeat offenders, regardless of whether they originally violated state, Federal or D.C. law. And, by collecting more DNA evidence and utilizing the best of DNA technology, we also can help exonerate individual suspects whose DNA does not match with particular crime scenes.

Mr. President, this measure will help police use modern technology to solve crimes and prevent repeat offenders from committing new ones. Let me credit Senators DEWINE, HATCH, LEAHY and Congressman MCCOLLUM for their hard work which is finally paying off.

Mr. GRASSLEY. I ask unanimous consent the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4640), as amended, was read the third time and passed.

ICCVAM AUTHORIZATION ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4281, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4281) to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I rise today to support passage of H.R. 4281, the "ICCVAM Authorization Act of 2000." This bill would make permanent the Interagency Coordinating Committee on the Validation of Alternative Methods, otherwise known as "ICCVAM." Doing so would give companies and federal agencies a sense of certainty and would encourage them to make the long-term research investments necessary to develop new, revised, and alternative toxicology test methods for ICCVAM to review. This would decrease and ultimately could lead to the end of animal use in testing shampoos, pesticides, and other products, while ensuring that human safety and product effectiveness remain protected.

ICCVAM was created pursuant to the 1993 National Institutes of Health Revitalization Act's mandate that the National Institute of Environmental Health Sciences (NIEHS) recommend new processes for federal agencies' acceptance of new, revised, or alternative toxicology test methods. ICCVAM is composed of representatives of various federal agencies that use or regulate the use of animals in toxicity testing.

ICCVAM evaluates and recommends improved test methods and makes it possible for more uniform testing to be adopted across federal agencies. Ultimately, ICCVAM streamlines the test method validation and approval process by evaluating methods of interest to multiple agencies, thus reducing the need for companies to perform multiple animal tests to meet the requirements of different federal agencies. This bill and ICCVAM do not apply to regulations related to medical research.

Recent advances in analytical chemistry and computer modeling have created new opportunities for the development of more accurate, faster, and less expensive test methods—methods that use fewer animals or bypass the need to use any animals in toxicity testing. This is a "win-win" situation for the public, industry, animal protection groups, and agencies.

This is a truly bipartisan and cooperative effort among industry, animal protection groups, and various federal agencies. It simply makes sense to make permanent a process that is currently working so well. This bill is supported by the Doris Day Animal League, Procter & Gamble, the Colgate-Palmolive Company, the Humane Society, the American Humane Association, the Massachusetts Society for the Prevention of Cruelty to Animals, the Gillette Company, the Chemical Specialties Manufacturers Association, the American Chemistry Council, the Soap and Detergent Association, the Synthetic Organic Chemical Manufacturers Association, and the American Crop Protection Association.

I thank Senators KENNEDY, MURRAY, SMITH of New Hampshire, ABRAHAM, SANTORUM, and BOXER for their support of ICCVAM and for their work in this bipartisan effort. I also thank Chairman JEFFORDS for his help in moving forward the Senate counterpart bill I introduced—S. 1495—upon which we based our bipartisan negotiations.

CHEMICAL TESTING PROGRAMS AND CREATING A SCIENTIFIC ADVISORY COMMITTEE

Mrs. BOXER. Mr. President, I appreciate the work of my colleague from Ohio, Mr. DEWINE on S. 1495, the ICCVAM Authorization Act of 2000, and was pleased to cosponsor that legislation. The measure will help ensure that we improve the review of chemical test methods employed by federal agencies with the ultimate goal of reducing the unnecessary use of animals in testing.

The bill we consider here today is the House-passed version, H.R. 4281, which is somewhat different than S. 1495. Would the Senator from Ohio be willing to clarify a few important points about this legislation for our colleagues?

Mr. DEWINE. Mr. President, I would be pleased to clarify aspects of this legislation for my colleagues.

Mr. BAUCUS. I am concerned that this legislation could be used to delay the EPA's chemical testing programs including the proposed Endocrine Disruptor Screening Program, the agency's children's health testing initiatives, and EPA's pesticide registration/re-registration process. Can my colleague from Ohio assure me that nothing in this bill is intended to prevent or slow the implementation of existing statutory mandates under the Food Quality Protection Act and the Safe Drinking Water Act for these important programs?

Mr. DEWINE. I can assure my colleague from Montana that nothing in this legislation is intended to prevent or slow the implementation of existing statutory mandates under the FQPA and SDWA.

In fact, the EPA is currently exercising its discretion to submit test methods to be used in the EDSP to the ICCVAM for assessment of validation. Nothing in this legislation challenges a Federal agency's authority to choose which screens and tests to send to ICCVAM for review, and an agency's decision whether to refer a test to ICCVAM and whether to follow ICCVAM recommendations is within the agency's discretion.

Furthermore, the bill will not have an impact on existing animal tests in existing federal regulatory programs. Its goal is to facilitate the appropriate validation of new, revised and alternative test methods for future use, using the ICCVAM to assess validation of these test methods can streamline individual assessment by multiple agencies and enhance the scientific validity of these programs, thereby better protecting public health, and ensuring that laboratory animals used in these programs are not used in vain.

Mrs. BOXER. I have one additional question for my colleague from Ohio. The legislation also creates a Scientific Advisory Committee, SAC, to advise ICCVAM, and provides that the SAC should be comprised of at least one representative from industry and one representative of a national animal protection organization.

My understanding of this provision is that it is not exclusive, and that the SAC will also include at least one representative from the environmental community and one member from the public health community as equal voting members. I along with my colleague from Montana view this issue of equal representation as essential to this legislation.

Can we have the commitment of the Senator from Ohio that at least one voting member of the SAC will be from the environmental or public health community?

Mr. DEWINE. The Senator from California is correct that this provision is not meant to be exclusive, and she has my commitment this is the intent of this legislation and that the SAC can be comprised of at least one voting member from the environmental and one voting member from the public health community, in addition to the other members explicitly specified in the legislation.

Mr. GRASSLEY. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4281) was read the third time and passed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5630, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5630) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4360

Mr. GRASSLEY. Mr. President, I understand that Senator ALLARD has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. ALLARD, proposes an amendment numbered 4360.

The amendment is as follows:

(Purpose: To strike section 501, relating to contracting authority for the National Reconnaissance Office)

On page 48, strike lines 4 through 16.

On page 48, line 17, strike "502." and insert "501.".

On page 49, line 7, strike "503." and insert "502.".

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4360) was agreed to.

Mr. SHELBY. Mr. President, I am disappointed, but perhaps not surprised, to be back on the floor with the Intelligence Authorization Act for Fiscal Year 2001.

After 8 years of subordinating national security to political concerns, the Clinton-Gore administration now exits on a similar note. Three days before the election, in the face of hysterical, largely inaccurate, but extremely well-timed media lobbying blitz, the President overruled his national security experts and vetoed this bill over a provision designed to reduce damaging leaks of classified national security information.

Ironically, the White House—with the full knowledge of Chief of Staff John Podesta—had previously signed off on section 304 of the Intelligence bill, the anti "leaks" provision that prompted the veto. Section 304, which has been public since May and which represents the product of extensive consultations with the Justice Department and the Senate Judiciary Committee, would have filled gaps in existing law by giving the Justice Department new authority to prosecute all unauthorized disclosures of classified information.

Section 304 and the rest of the intelligence authorization bill were unanimously approved by the Intelligence Committee on April 27, and adopted by the full Senate without dissent on October 2. The President's Executive Office submitted to the Congress a "Statement of Administration Policy" in support of the leaks provision. The conference report was adopted by the Senate on October 12.

Let me take a minute to explain why the committee decided, after extensive consultations with the Justice Department, to adopt this provision.

While current law bars unauthorized disclosure of certain categories of information, for example, cryptographic or national defense information, many other sensitive intelligence and diplomatic secrets are not protected. And the U.S. Government, in the words of Director of Central Intelligence George Tenet, "leaks like a sieve."

While leakers seldom if ever face consequences for leaks, our intelligence professionals do. These range from the very real risks to the lives and freedom of U.S. intelligence officers and their sources, to the compromise of sensitive and sometimes irreplaceable intelligence collection methods. Human or technical, these sources won't be there to warn of the next terrorist attack, crisis, or war.

If someone who is providing us intelligence on terrorist plans or foreign missile programs asks, "If I give you this information, can you protect it," the honest answer is often "no." So they may rethink, reduce, or even end their cooperation. Leaks also alienate friendly intelligence services and make them think twice before sharing sensitive information, as the National Commission on Terrorism recently concluded.

Some of section 304's opponents downplay the seriousness of leaks compared to traditional espionage. Yet leaks can be even more damaging. Where a spy generally serves one customer, media leaks are available to anyone with 25 cents to buy the Washington Post, or access to an Internet connection.

As important as what this legislation does is what it doesn't do. Media organizations and others have conjured up a parade of dire consequences that would ensue if section 304 had become law. Yet this carefully drafted provision would not have silenced whistle blowers, who would continue to enjoy current statutory protections, including those governing the disclosure of classified information to appropriate congressional oversight committees. Having led the move to enact whistleblower protection for intelligence community employees, I am extremely sensitive to this concern.

It would not have criminalized mistakes: the provision would have applied only in cases where unauthorized disclosures are made both willfully and knowingly. That means that the person both intends and understands the nature of the act. Mistakes could not be prosecuted since they are, by definition, neither willful nor knowing.

It would not have eroded first amendment rights. In particular, section 304 is not an Official Secrets Act, as some critics have alleged. Britain's Official Secrets Act authorizes the prosecution of journalists who publish classified information. Section 304, on the other hand, criminalizes the actions of persons who are charged with protecting classified information, not those who receive or publish it. Even under existing statutes, the Department of Justice rarely seeks to interview or subpoena journalists when investigating leaks. In fact, there has never been a prosecution of a journalist under existing espionage or unauthorized disclosure statutes, despite the fact that some of these current laws criminalize the actions of those who receive classified information without proper authorization.

Critics also cite—correctly—the Government's tendency to overclassify information, especially embarrassing information, the disclosure of which would not damage national security, the standard for classification. But these practices are already prohibited under the current Executive order on classification, E.O. 12958, which not only provides a procedure for government employees to challenge a classification determination they believe to be improper, but encourages them to do so.

The real issue is: who decides what should be classified? With commendable honesty, critic Steven Aftergood of the Federation of American Scientists went beyond ritual denunciation to spell out his real concern: Section 304, as he told the Washington Post, "turns over to the executive branch the right to determine what will be protected."

In fact, designated officials within the executive branch have always exercised that authority. What Mr. Aftergood and the media want is to arrogate that authority to themselves and their sources. While designated classification officials may err, they—not disgruntled mid-level employees—are the ones charged under our laws and procedures with balancing the protection of our nation's secrets with the need for government openness.

Mr. President, I am disappointed that President Clinton chose to veto the Intelligence Authorization Act over this provision, and I am especially disappointed at the manner in which this occurred.

I believe, however, that it is in our national interest that the Intelligence Authorization Act for Fiscal Year 2001 be enacted into law. Therefore, the bill before the Senate is identical to the conference report vetoed by the President, but for the "leaks" provision.

Mrs. FEINSTEIN. Mr. President, last month the Senate and House approved the conference report to the fiscal year 2001 intelligence authorization bill. Title VIII of the conference report is based on legislation I introduced along with Senators WELLSTONE, GRAMS, BOXER, LEVIN, and HATCH that would create an interagency process to declassify records on activities, of the Japanese Imperial Government. Specifically, title VIII is based on the Nazi War Crimes Disclosure Act, a law written by my friend and colleague from Ohio, Senator DEWINE, and our House colleague from new York, Representative CAROLYN MALONEY. This law requires the federal government to search through its records and disclose any classified materials it has on Nazi war crimes, the Nazi Holocaust and the looting of assets and property by the Nazis. Leading what has become the largest declassification of U.S. government records in American history is the Nazi War Criminal Records Interagency Working Group, or IWG, which consists of representatives of key government departments and agencies and three public members appointed by the President. The work done by the IWG and a team of historians and experts at the National Archives has been nothing less than extraordinary. However, the law only gives the IWG just until the end of next year to complete this enormous task. After discussing this with the Senator from Ohio, we agreed that the best course of action was to extend the authorization of the existing IWG until the end of 2003, and give it additional authority to oversee the declassification of Japanese Imperial Government records. In that way, the IWG will be able to undertake an effort to search through U.S. Government records and disclose any classified materials it has on the Japanese Imperial Government similar to the declassification effort underway on Nazi war crimes. In addition, we also thought it was important to ensure that the IWG had a funding authorization to carry out its activities, including the preservation of records that are being declassified. I see the Senator from Ohio on the floor, and I ask if he has anything he wishes to add at this point.

Mr. DEWINE. I thank the Senator from California for her comments. She is correct. The Nazi War Criminal Records IWG has done an outstanding job. It only made sense, given the work the IWG already has done, to explicitly expand its current requirements to cover activities of the Japanese Imperial Government. Mr. President, I see the distinguished chairman of the Senate Select Committee on Intelligence on the floor, and would like to ask the chairman if the provisions of title VIII apply only to the work done by the IWG with respect to the declassification of records exclusively relating to the Japanese Imperial Government?

Mr. SHELBY. The Senator from Ohio is correct. The House and Senate intelligence committees agreed to combine the working groups for both the Nazi and Japanese Imperial Government declassifications in order to obtain economies of scale from both a substantive and financial perspective. However, the requirements set forth in the Japanese Imperial Government Disclosure Act in no way impact on the requirements set forth in the Nazi War Crimes Disclosure Act.

Mr. DEWINE. It is my assessment that title VIII does not change any of the provisions in the Nazi War Crimes Disclosure Act that govern the declassification of records required under that Act, most notably but not limited to Nazi war crimes committed in the European theater of war, including Northern Africa. Therefore, title VIII refers only to activities exclusively of the Japanese Imperial Government and does not attempt to change any procedures relating to the declassification of all records under section 3(a)(1) and (2) of the Nazi War Crimes Disclosure Act.

Mr. SHELBY. I agree with the Senator from Ohio.

Mr. DEWINE. I thank the chairman for this clarification. I understand the Senator from California also would like to clarify several points in title VIII, so I yield to her.

Mrs. FEINSTEIN. I thank the Senator from Ohio and also thank the chairman for taking the time to clarify title VIII. Specifically, would the chairman agree that the records covered in this title are U.S. Government records?

Mr. SHELBY. Yes. Title VIII covers any still-classified U.S. Government records that are related to crimes committee by the Japanese Imperial Government during World War II.

Mrs. FEINSTEIN. As I understand it, the Nazi War Crimes Disclosure Act effectively creates a process of review of records, and then a process to determine which of these records are to be declassified under the criteria provided in the act. The act contains exceptions that could be cited to justify a decision not to declassify. However, these exceptions apply only to decisions relating to declassification, and are not to be used as a reason to not review records for relevancy. As the author of the Nazi War Crimes Disclosure Act, would the Senator of Ohio agree with my interpretation?

Mr. DEWINE. The Senator from California is correct.

Mrs. FEINSTEIN. With that said, some people have raised concerns that the removal of the National Security Act of 1947 exemption in title VIII, which was included in the original legislation, could impede the ability of the IWG in its declassification efforts. It is my understanding, however, that the intent of title VIII, like the Nazi War Crimes Disclosure Act, requires all U.S. Government classified records be reviewed for relevancy, including intelligence records. Is that also the understanding of the chairman of the Select Committee on Intelligence?

Mr. SHELBY. Under title VIII, all still-classified records likely to contain such information should be surveyed to determine if they contain relevant information. If records are found to contain information related to actions by the Japanese Imperial Government during the Second World War, those records would be reviewed for declassification by the IWG under the criteria provided in the title. However, in the interests of safeguarding legitimate national security interests, the

Director of Central Intelligence still maintains the discretion to protect the disclosure of operational files under section 701 of the National Security Act of 1947. Given the nature and age of the files it is unlikely he will need to exercise this authority. Title VIII requires an agency head who determines that one of the exceptions for disclosure applies to notify the appropriate congressional committees of a determination that disclosure and release of records would be harmful to a specific interest. It is the intent of title VIII that the IWG will be able to undertake an effort to search through U.S. Government records and disclose classified materials under statutory guidelines regarding the activities of the Japanese Imperial Government during the Second World War.

Mrs. FEINSTEIN. I thank the distinguished chairman for his clarification of the language contained in the conference report.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5630), as amended, was read the third time and passed.

PRESIDENTIAL THREAT PROTECTION ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany H.R. 3048, to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

There being no objection, the Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate numbered 1 and 3 to the bill (H.R. 3048) entitled "An Act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes."

Resolved, That the House disagree to the amendments of the Senate numbered 2 and 4 to the aforesaid bill.

Resolved, That the House agree to the amendment of the Senate numbered 5 to the aforesaid bill, with the following:

In lieu of the matter inserted by the Senate amendment numbered 5, insert the following:

SEC. 6. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section $30,000,000 for the fiscal year 2001, $5,000,000 for fiscal year 2002, and $5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 7. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

(a) STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of enactment of this section.

Mr. THURMOND. Mr. President, I am pleased that today the Senate is considering H.R. 3048, the Presidential Threat Protection Act. This is important legislation that will benefit both the Secret Service and the Marshals Service, and I hope it becomes law without further delay.

I have fought this entire year to pass legislation that will help the Marshals Service place an increased focus on fighting dangerous fugitives. It has been estimated that 50 percent of the crime in America is caused by 5 percent of the offenders. It is these hardcore, repeat criminals, many of whom are fugitives, that law enforcement must address today. As we discussed at a hearing that I chaired earlier this year before the Judiciary Criminal Justice Oversight Subcommittee on this matter, the number of dangerous fugitives is rising, even as crime rates continue to decline. There are over 525,000 felony or other serious Federal and State fugitives listed in the database of the National Crime Information Center. This number has doubled just since 1987.

The act we are considering today helps make these criminals a top priority by requiring the Attorney General to establish permanent fugitive apprehension task forces to be run by the Marshals Service. The task forces will be a combined effort of Federal and State law enforcement agencies, each bringing their own expertise to this critical task.

These task forces will operate across district lines in the areas of the country where the problem is most acute. They will be operated by the Marshals Service as a national effort, rather than through particular districts, so that other activities cannot interfere in these efforts to apprehend fugitives. Also, the task forces should not duplicate existing fugitive work of the Marshals Service or other Federal and State law enforcement agencies. Moreover, as was discussed during our hearing on this matter, they should work closely with other government agencies. Everyone who is involved in or can contribute to fugitive apprehension must work together to make these specialized fugitive initiatives efficient and effective.

H.R. 3048 provides important, limited administrative subpoena authority for the Secret Service to track down those who threaten the President. I worked hard this year to try to create similar administrative subpoena authority for the Department of Justice to better enable the Marshals Service and others to locate fugitives.

In the Senate, we passed S. 2516, the Fugitive Apprehension Act, which I sponsored, as a free-standing bill to accomplish this task. Later, in the Senate, we also passed a more limited version of S. 2516 as part of H.R. 3048. I thought it was most appropriate that we expand administrative subpoena authority as part of one combined bill.

Unfortunately, the House did not include the administrative subpoena authority for fugitives when passing H.R. 3048 again last week. Some claims were made about the fugitive subpoena authority late in the session that were misinformed or incorrect. We worked closely with our counterparts in the House and tried very hard to alleviate any legitimate concerns by narrowing the scope of the bill and creating even more checks on its use. However, we were not fully able to reach a consensus on this provision this year. We must continue our efforts in the next Congress.

Subpoena authority has existed for years to help authorities investigate drug offenses, child abuse, and even health care fraud. After H.R. 3048 passes, the authority will also exist regarding certain threats against the

President. As law enforcement continues to use the subpoena authority in these areas in a responsible, targeted manner, I hope those who have concerns about subpoena authority will come to realize that it is a critical law enforcement tool in certain circumstances. This should be especially clear when law enforcement must track down dangerous fugitives who have warrants out for their arrest and are evading justice.

In closing, I am pleased that this year we have made progress in helping law enforcement address dangerous fugitives. The task forces are one part of this vital larger bill that will benefit Federal law enforcement in their tireless efforts to fight crime.

Mr. LEAHY. Mr. President, The Presidential Threat Protection Act, H.R. 3048, is a high priority for the Secret Service and the Service's respected Director, Brian Stafford, and I am pleased that this legislation is passing the Senate today, along with legislation that Senators THURMOND, HATCH and I have crafted to establish task forces, under the direction of the U.S. Marshals Service, to apprehend fugitives.

H.R. 3048 would expand or clarify the Secret Service's authority in four ways. First, the bill would amend current law to make clear it is a federal crime, which the Secret Service is authorized to investigate, to threaten any current or former President or their immediate family, even if the person is not currently receiving Secret Service protection and including those people who have declined continued protection, such as former Presidents, or have not yet received protection, such as major Presidential and Vice-Presidential candidates and their families.

Second, the bill would incorporate in statute certain authority, which is currently embodied in a classified Executive Order, PDD 62, clarifying that the Secret Service is authorized to coordinate, design, and implement security operations for events deemed of national importance by the President "or the President's designee."

Third, the bill would establish a "National Threat Assessment Center" within the Secret Service to provide training to State, local and other Federal law enforcement agencies on threat assessments and public safety responsibilities.

Finally, the bill authorizes the Secretary of the Treasury to issue administrative subpoenas for investigations of "imminent" threats made against an individual whom the Service is authorized to protect. The Secret Service has requested that the Congress grant this administrative subpoena authority to expedite investigation procedures particularly in situations where an individual has made threats against the President and is en route to exercise those threats.

"Administrative subpoena" is the term generally used to refer to a demand for documents or testimony by an investigative entity or regulatory agency that is empowered to issue the subpoena independently and without the approval of any grand jury, court or other judicial entity. I am generally skeptical of administrative subpoena power. Administrative subpoenas avoid the strict grand jury secrecy rules and the documents provided in response to such subpoenas are, therefore, subject to broader dissemination. Moreover, since investigative agents usually issue such subpoenas directly, without review by a judicial officer or even a prosecutor, fewer "checks" are in place to ensure the subpoena is issued with good cause and not merely as a fishing expedition.

Current law already provides for administrative subpoena authority in certain types of cases. Specifically, the FBI has been granted authority granted to issue administrative subpoenas to obtain information that may be relevant in investigations of child abuse, child sexual exploitation, or Federal health care offenses. See 18 U.S.C. §§ 3486 and 3486A. In child abuse and child exploitation cases, the FBI is authorized to use an administrative subpoena to require an Internet Service Provider to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, length of service of a subscriber to or customer of the service and the types of services used by the subscriber or customer. 18 U.S.C. § 3486A(a)(1)(A). Pursuant to those provisions in current law, the Attorney General is authorized to compel compliance with the administrative subpoena in federal court and any failure to obey is punishable as contempt of the court. Current law also provides blanket immunity from civil liability to any person who complies with the administrative subpoena and produces documents, without disclosing that production to the customer to whom the documents pertain.

I have over the years resisted persistent law enforcement requests for additional administrative subpoena authority. The House bill grants the request of the Secret Service for new, limited administrative subpoena authority and simultaneously imposes the following new procedural safeguards on both the FBI's current administrative subpoena authority and the Secret Service's new authority:

The new administrative subpoena authority in threat cases may only be exercised by the Secretary of the Treasury upon determination of the Director of the Secret Service that the threat is "imminent," and the Secret Service must notify the Attorney General of the issuance of each subpoena. I should note that these requirements will help ensure that administrative subpoenas will be used in only the most significant Secret Service investigations. In most cases, for which the threshold showing of "imminent" threat cannot be established, the Secret Service will not be authorized to use administrative subpoenas and will instead simply go to the local U.S. Attorney's office to get a grand jury subpoena, as is current practice and law.

The bill would allow a person who receives an administrative subpoena to contest the subpoena in court by petitioning a federal judge to modify or set aside the subpoena and any order of nondisclosure of the production.

The bill would authorize a court to order nondisclosure of the administrative subpoena to for up to 90 days (and up to a 90 day extension) upon a showing that disclosure would adversely affect the investigation in enumerated ways.

Upon written demand, the agency must return the subpoenaed records or things if no case or proceedings arise from the production of records "within a reasonable time."

The administrative subpoena may not require production in less than 24 hours after service so agencies may have to wait for at least a day before demanding production.

As originally passed by the House of Representatives, H.R. 3048 provided that violation of the administrative subpoena is punishable by fine or up to five years' imprisonment. The Senate eliminated this provision in an amendment that passed the Senate on October 13, 2000 and I am glad to see that the House has approved that Senate amendment in the version of this bill returned by the House and considered by the Senate today. This penalty provision in the House version of the bill was both unnecessary and excessive since current law already provides that failure to comply with the subpoena may be punished as a contempt of court—which is either civil or criminal. See 18 U.S.C. § 3486(c). Under current law, the general term of imprisonment for some forms of criminal contempt is up to six months. See, e.g., 18 U.S.C. § 402.

The House has approved the part of the Hatch-Leahy-Thurmond amendment to H.R. 3048 requiring the Attorney General to report for the next three years to the Judiciary Committees of both the House and Senate on the following information about the use of administrative subpoenas, including information on the number of such subpoenas issued and by which agency. In this way, the Congress will be able to monitor the use by federal law enforcement officials within the Justice and Treasury Departments of administrative subpoenas.

Finally, the House has approved the part of the Hatch-Leahy-Thurmond amendment to H.R. 3048 requiring the Attorney General to provide a report on the use of administrative subpoenas by executive branch agencies. I am not aware of any recent effort to compile an overview or inventory of the current administrative subpoena powers in the Federal government, but understand that the United States Code contains more then 700 references to subpoena powers, many subject to various forms of administrative delegation. In addition, there are various commissions and other independent and quasi-judicial components of the federal government, which are also vested with subpoena powers not requiring grand jury or federal court involvement. In short, a variety of administrative subpoena authorities exist in multiple forms in multiple agencies, without uniform rules on scope, enforcement, or other due process safeguards. It is time for the Congress to review this situation, and this report by the Attorney General will be a good start.

On the fugitive apprehension task forces, the House has approved in the version of H.R. 3048, which the Senate considers today, parts of the Thurmond-Biden-Leahy amendment that passed the Senate on October 13, 2000.

As a former prosecutor, I am well aware that fugitives from justice are an important problem and that their capture is an essential function of law enforcement. According to the FBI, nearly 550,000 people are currently fugitives from justice on federal, state, and local felony charges combined. This means that there are almost as many fugitive felons as there are citizens residing in my home state of Vermont.

The fact that we have more than one half million fugitives from justice, a significant portion of whom are convicted felons in violation of probation or parole, who have been able to flaunt court order and avoid arrest, breeds disrespect for our laws and poses undeniable risks to the safety of our citizens.

Our Federal law enforcement agencies should be commended for the job they have been doing to date on capturing Federal fugitives and helping the States and local communities bring their fugitives to justice. The U.S. Marshals Service, our oldest law enforcement agency, has arrested over 120,000 Federal, State and local fugitives in the past four years, including more Federal fugitives than all the other Federal agencies combined. In prior years, the Marshals Service spearheaded special fugitive apprehension task forces, called FIST Operations, that targeted fugitives in particular areas and was singularly successful in arresting over 34,000 fugitive felons.

Similarly, the FBI has established twenty-four Safe Streets Task Forces exclusively focused on apprehending fugitives in cities around the country. Over the period of 1995 to 1999, the FBI's efforts have resulted in the arrest of a total of 65,359 state fugitives. Nevertheless, the number of outstanding fugitives is too large.

The House has approved in the version of H.R. 3048, which the Senate considers today the Hatch-Leahy-Thurmond amendment authorizing the Attorney General to establish fugitive task forces. This amendment would authorize $40,000,000 over 3 years for the Attorney General to establish multiagency task forces, which will be coordinated by the Director of the Marshals Service, in consultation with the Secretary of the Treasury and the States, so that the Secret Service, BATF, the FBI and the States are able to participate in the Task Forces to find their fugitives.

The Hatch-Leahy-Thurmond amendment to H.R. 3048 will help law enforcement with increased resources for regional fugitive apprehension task forces to bring to justice both federal and state fugitives who, by their conduct, have demonstrated a lack of respect for our nation's criminal justice system.

Regarding the Secret Service protective function privilege, while passage of this legislation will assist the Secret Service in fulfilling its critical mission, this Congress is unfortunately coming to a close without addressing another significant challenge to the Secret Service's ability to fulfill its vital mission of protecting the life and safety of the President and other important persons. I refer to the misguided and unfortunately successful litigation of Special Counsel Kenneth Starr to compel Secret Service agents to answer questions about what they may have observed or overheard while protecting the life of the President.

As a result of Mr. Starr's zealous efforts, the courts refused to recognize a protective function privilege and required that at least seven Secret Service officers appear before a federal grand jury to respond to questions regarding President Clinton, and others. In re Grand Jury Proceedings, 1998 W.L. 272884 (May 22, 1998 D.C.), affirmed 1998 WL 370584 (July 7, 1998 D.C. Cir)(per curiam). These recent court decisions, which refused to recognize a protective function privilege, could have a devastating impact upon the Secret Service's ability to provide effective protection. The Special Counsel and the courts ignored the voices of experience—former Presidents, Secret Service Directors, and others—who warned of the potentially deadly consequences. The courts disregarded the lessons of history. We cannot afford to be so cavalier; the stakes are just too high.

In order to address this problem, I introduced the Secret Service Protective Privilege Act, S. 1360, on July 13, 1999, to establish a Secret Service protective function privilege so Secret Service agents will not be put in the position of revealing private information about protected officials as Special Prosecutor Kenneth Starr compelled the Secret Service to do with respect to President Clinton. Unfortunately, the Senate Judiciary Committee took no action on this legislation in this Congress.

Few national interests are more compelling than protecting the life of the President of the United States. The Supreme Court has said that the Nation has "an overwhelming interest in protecting the safety of its Chief Executive and in allowing him to perform his duties without interference from threats of physical violence." *Watts* v. *United States*, 394 U.S. 705, 707 (1969). What is at stake is not merely the safety of one person: it is the ability of the Executive Branch to function in an effective and orderly fashion, and the capacity of the United States to respond to threats and crises. Think of the shock waves that rocked the world in November 1963 when President Kennedy was assassinated. The assassination of a President has international repercussions and threatens the security and future of the entire Nation.

The threat to our national security and to our democracy extends beyond the life of the President to those in direct line of the Office of the President—the Vice President, the President-elect, and the Vice President elect. By Act of Congress, these officials are required to accept the protection of the Secret Service—they may not turn it down. This statutory mandate reflects the critical importance that Congress has attached to the physical safety of these officials.

Congress has also charged the Secret Service with responsibility for protecting visiting heads of foreign states and foreign governments. The assassination of a foreign head of state on American soil could be catastrophic from a foreign relations standpoint and could seriously threaten national security.

The bill I introduced, S. 1360, would enhance the Secret Service's ability to protect these officials, and the nation, from the risk of assassination. It would do this by facilitating the relationship of trust between these officials and their Secret Service protectors that is essential to the Secret Service's protective strategy. Agents and officers surround the protectee with an all-encompassing zone of protection on a 24-hour-a-day basis. In the face of danger, they will shield the protectee's body with their own bodies and move him to a secure location.

That is how the Secret Service averted a national tragedy on March 30, 1981, when John Hinckley attempted to assassinate President Reagan. Within seconds of the first shot being fired, Secret Service personnel had shielded the President's body and maneuvered him into the waiting limousine. One agent in particular, Agent Tim McCarthy, positioned his body to intercept a bullet intended for the President. If Agent McCarthy had been even a few feet farther from the President, history might have gone very differently.

For the Secret Service to maintain this sort of close, unremitting proximity to the President and other protectees, it must have their complete, unhesitating trust and confidence. Secret Service personnel must be able to remain at the President's side even during confidential and sensitive conversations, when they may overhear military secrets, diplomatic exchanges, and family and private matters. If our Presidents do not have complete trust in the Secret Service personnel who protect them, they could try to push away the Secret Service's "protective envelope" or undermine it to the point where it could no longer be fully effective.

This is more than a theoretical possibility. Consider what former President Bush wrote in April, 1998, after hearing of the independent counsel's efforts to compel Secret Service testimony:

> The bottom line is I hope that [Secret Service] agents will be exempted from testifying before the Grand Jury. What's at stake here it the protection of the life of the President and his family and the confidence and trust that a President must have in the [Secret Service]. If a President feels that Secret Service agents can be called to testify about what they might have seen or heard then it is likely that the President will be uncomfortable having the agents near by. I allowed the agents to have proximity first because they had my full confidence and secondly because I knew them to be totally discreet and honorable. . . . I can assure you that had I felt they would be compelled to testify as to what they had seen or heard, no matter what the subject, I would not have felt comfortable having them close in. . . . I feel very strongly that the [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard. What's at stake here is the confidence of the President in the discretion of the [Secret Service]. If that confidence evaporates the agents, denied proximity, cannot properly protect the President.

As President Bush's letter makes plain, requiring Secret Service agents to betray the confidence of the people whose lives they protect could seriously jeopardize the ability of the Service to perform its crucial national security function.

The possibility that Secret Service personnel might be compelled to testify about their protectees could have a particularly devastating affect on the Service's ability to protect foreign dignitaries. The mere fact that this issue has surfaced is likely to make foreign governments less willing to accommodate Secret Service both with respect to the protection of the President and Vice President on foreign trips, and the protection of foreign heads of state traveling in the United States.

The security of our chief executive officers and visiting foreign heads of state should be a matter that transcends all partisan politics and I regret that this legislation does not do more to help the Secret Service by providing a protective function privilege.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate recede from its amendments numbered 2 and 4 and agree to the House amendment to the Senate amendment numbered 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHIMPANZEE HEALTH IMPROVEMENT, MAINTENANCE, AND PROTECTION ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3514 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 3514) to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I take this opportunity to clarify some issues related to the Chimpanzee Health Improvement, Maintenance and Protection Act by entering into a colloquy with my colleague from New Hampshire, Senator BOB SMITH. Senator SMITH, as my fellow prime sponsor of the Senate version of this legislation, S. 2725, I would first like to address the House amendment to the bill, which would allow for the possibility of temporarily removing certain chimpanzees from a sanctuary for medical research? Is it your understanding that the purpose of the CHIMP Act is still to provide a permanent lifetime sanctuary for chimpanzees who have been designated as no longer useful or needed in scientific research?

Mr. SMITH of New Hampshire. My colleague from Illinois is correct. The bill calls on the scientists themselves to make the determination that a chimpanzee is no longer useful for research and to formally release the chimpanzee to the sanctuary system for permanent cessation of scientific experimentation.

The amended version of the legislation allows one exception: In that rare, unforeseen circumstance, where a specific sanctuary chimpanzee may be required because a research protocol he endured in the past, combined with a technological advance that was not available or invented at the time he was released, could provide extremely useful information essential to address an important public health need, then that chimpanzee may be used in research if, and only if, the proposed research involves minimal pain and distress to the chimpanzee, as well as to other chimps in the social group, as evaluated by the board of the sanctuary. Of course, if a chimpanzee currently in a lab setting meets the same criteria, then the bill requires that the sanctuary chimpanzee not be used.

Mr. DURBIN. The amended version also requires that the research can only be sought by an applicant who has not previously violated the Animal Welfare Act, does it not? And it requires that if a chimpanzee is ever to be removed from a sanctuary for research, the chimpanzee must be returned to the sanctuary immediately afterward and all expenses associated with the departure, such as travel and ongoing care, must be borne by the research applicant. The chimpanzee should spend as little time away from the sanctuary as possible.

Additionally, before any proposed research use can be approved, the Secretary of Health and Human Services must publish in the Federal Register the Secretary's findings on each of these criteria, including the board's evaluation regarding pain and distress, and seek public comment for at least 60 days.

Mr. SMITH of New Hampshire. The Senator is correct on each of those points, which will serve to further limit the possibility of sanctuary chimpanzees being recalled for research. It is my intention, and the intent of the amended legislation, that any such research would rarely, if ever, take place.

Mr. DURBIN. I agree with my colleague from New Hampshire that the research exception is intended only to be exercised, if at all, under truly extraordinary and rare circumstances. There have also been concerns expressed by some that the CHIMP Act is too expensive. I think it would be helpful for us to address those concerns for the record.

Mr. SMITH of New Hampshire. I agree, it would be good to set the record straight on this issue. The federal government now spends millions of dollars each year for the maintenance and care of chimpanzees who are no longer used in medical research, but are being warehoused in expensive taxpayer-funded laboratory cages. The CHIMP Act will actually save taxpayers money because the sanctuary setting is so much less expensive to build and operate than laboratory facilities.

The Congressional Budget Office prepared a cost estimate for S. 2725, the legislation that you and I introduced in June. H.R. 3514, the House counterpart that is now pending in the Senate, is identical to S. 2725 in terms of the cost issues. The CBO concluded that "the cost of caring for a chimpanzee in an external sanctuary would be less expensive on a per capita basis than if the government continued to house the animals in federally owned and operated facilities. Therefore, the government would realize a savings in the care and maintenance of the chimpanzees after 2002." CBO estimated the annual savings after initial sanctuary construction costs to be an average of $4 million per year after 2002.

It costs $8-$15 per day per animal to care for chimpanzees in a sanctuary, where they live in groups in a naturalized setting. That is compared to the $20-$30 per day per animal that the federal government is now spending to maintain the chimpanzees in laboratory cages.

Even in terms of sanctuary start-up costs, taxpayers will benefit because sanctuaries are two to three times less costly to build than laboratory facilities for chimpanzees. While the federal government is now squandering very high-priced laboratory space warehousing surplus chimpanzees, the CHIMP Act will allow this space to be utilized for animals in research, reducing the need to fund new laboratory construction.

Mr. DURBIN. In addition, the CHIMP Act caps overall multi-year federal expenditures related to building and operating the sanctuary system at $30 million, compared to the $7 million spent now each year by the federal government for the care of chimpanzees in laboratories, as estimated by the CBO.

And this legislation creates a public-private partnership, to generate non-federal dollars that will help pay for the care of these chimpanzees. Right now, their care is financed strictly through taxpayer dollars. Under the bill, the private sector will cover 10 percent of the start-up costs and 25 percent of the operating costs of the sanctuary system.

Mr. SMITH of New Hampshire. I thank my colleague from Illinois for raising those points. I'd also like to address one other issue that may be on the minds of some of our colleagues. That is the question of euthanasia. Fiscal conservatives may question why we should worry at all about the long-term care of chimpanzees no longer used in medical research. The answer is: it's basically a cost of doing business. If the federal government wants to keep using chimpanzees for medical research, it has to assume the responsibility for their care after the research is done. This isn't just my opinion, as someone who cares about animals. It was the conclusion of the National Research Council, an esteemed body under the National Academy of Sciences, which was asked by NIH to investigate the problem of chimpanzees no longer used for biomedical research.

The NRC conducted a thorough three-year study and issued a report in 1997—Chimpanzees in Research: Strategies for Their Ethical Care, Management, and Use—which recommended sanctuaries as an "integral component of the strategic plan to achieve the best and most cost-effective solutions to the current dilemma." The NRC report clearly rejects the option of euthanizing surplus chimpanzees, based on views strongly conveyed to the NRC by members of the scientific community as well as the public. "Many members of the public and the scientific community have called for continuing support for chimpanzees in an acceptable environment, rather than euthanizing them, even when they are no longer wanted for breeding or research. The committee fully recognizes the financial implication of this position in regard to lifetime funding for all animals and for additional space and facilities for an aging population." The report cites the close similarities between chimpanzees and humans, noting that "[t]here are practical as well as theoretical reasons to reject euthanasia as a general policy. Some of the best and most caring members of the support staff, such as veterinarians and technicians would, for personal and emotional reasons, find it impossible to function effectively in an atmosphere in which euthanasia is a general policy, and might resign. A facility that adopted such a policy could expect to lose some of its best employees." In other words, because chimpanzees and humans are so similar, those who work directly in chimpanzee research would find it untenable to continue using these animals if they were to be killed at the conclusion of the research.

Mr. DURBIN. Therefore, if the Federal government is to keep using chimpanzees to advance human health research goals, long-term care of the animals is a pre-requisite. This legislation will help ensure that the Federal government fulfills that responsibility in a more cost-effective and humane way than is currently done. I thank Senator SMITH for the opportunity to work together to enact this fiscally sound legislation that will better serve the taxpayers as well as the animals.

Mr. SMITH of New Hampshire. I thank Senator DURBIN and the rest of our colleagues for helping to get this legislation enacted before Congress adjourns. It is time to improve the lot of these animals and do right by taxpayers at the same time.

Mr. ENZI. Mr. President, I would like to ask the prime sponsor of the CHIMP Act if it is his intention that the federal share of funding for establishing and operating the national chimpanzee sanctuary system is to come out of NIH's budget?

Mr. SMITH of New Hampshire. Yes, it is my intention and the intent of the legislation that these funds will be drawn from the budget for the National Institutes of Health.

Mr. ENZI. So this legislation will not require additional funding over and above the NIH's annual appropriation?

Mr. SMITH of New Hampshire. That is correct.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3514) was read the third time and passed.

PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 4493 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4493) to establish grants for drug treatment alternatives to prison programs administered by State or local prosecutors.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4361

Mr. GRASSLEY. Mr. President, it is my understanding that Senator HATCH has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. HATCH, proposes an amendment numbered 4361.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. GRASSLEY. Mr. President, I ask unanimous consent the amendment be agreed to.

The amendment (No. 4361) was agreed to.

Mr. GRASSLEY. Mr. President, I ask unanimous consent the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4493), as amended, was read the third time and passed.

ENHANCED FEDERAL SECURITY ACT OF 2000

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4827 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4827) to amend title 18 United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4827) was read the third time and passed.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, DECEMBER 7, 2000

Mr. GRASSLEY. Mr. President, for our majority leader, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Thursday, December 7. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then begin a period of morning business until 2 p.m. with Senators speaking for up to 10 minutes each with the following exceptions: Senator MURRAY, 10 to 11 a.m.; Senator THOMAS or his designee, 11 to 12 noon; Senator GRAHAM of Florida, from 12 to 12:30, and the remaining time be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, for the information of all Senators, the Senate will be in a period of morning business from 10 a.m. until 2 p.m. tomorrow. By previous consent, at 2 p.m. the Senate will have up to 2 hours remaining for debate on the bankruptcy conference report. A vote is scheduled to occur at 4 p.m. on the conference report.

Senators should be aware that a vote on a continuing resolution is expected during tomorrow's session. Therefore, a vote could occur on that measure.

ORDER FOR RECESS

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order following the remarks of Senator KENNEDY, Senator DORGAN, and Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Continued

Mr. KENNEDY. Mr. President, as I understand it, under the time agreement I was allocated 28 minutes.

The PRESIDING OFFICER. Just under 28 minutes.

Mr. KENNEDY. Will the Chair be kind enough to let me know when I have 3 minutes remaining?

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, I rise to urge the Senate to reject the flawed bankruptcy bill. For 3 years, the proponents and opponents of the so-called bankruptcy reform bill have disagreed about the merits of the bill. The credit card industry argues that the bill will eliminate fraud and abuse without denying bankruptcy relief to Americans who truly need it. But scores of bankruptcy scholars, advocates for women and children, labor unions, consumer advocates, and civil rights organizations agree that the current bill is so flawed that it will do far more harm than good. Every Member of the Senate should analyze these arguments closely. We can separate the myths from the facts and determine the winners and the losers.

A fair analysis will conclude that this bankruptcy bill is the credit card industry's wish list, a blatant effort to increase their profits at the expense of working families. We know the specific circumstances and market forces that so often push middle-class Americans into bankruptcy. Layoffs are a major part of the problem. In recent years, the rising economic tide has not lifted all boats. Despite low unemployment, a soaring stock market, and large budget surpluses, Wall Street cheers when companies, eager to improve profits by downsizing, lay off workers in large numbers.

During the period of January to October in the year 2000, the Bureau of Labor Statistics reported that there were a total of 11,364 layoffs resulting in more than 1.29 million Americans who were unemployed. In October 2000 alone, there were 874 mass layoffs—a layoff of at least 50 people—and 103,000 workers were affected.

Often when workers lose a good job, they are unable to recover. In a study of displaced workers in the early 1990s, the Bureau of Labor Statistics recorded that only about a quarter of previously laid-off workers were working at full-time jobs paying as much as or more than they had earned at the job they lost. Too often, laid-off workers are forced to accept part-time jobs, temporary jobs, or jobs with fewer benefits or no benefits at all.

I am always reminded that if you were to compare the economic growth in the immediate postwar period, from 1948 up to 1972, and broke the income distribution into fifths in the United States, virtually every group moved up together. All of them moved up at about the same rate. If you looked at the 1970s, and particularly in the 1980s and 1990s, and if you broke the income distribution down into five economic groups, you would see that the group that has enhanced its economic condition immeasurably is the top 20 percent. The lower 20 percent are individuals who have actually fallen further and further behind in terms of their economic income. The next group has fallen still further behind.

It is really only when you get to about the top 40 percent of the incomes for American families that you see any kind of increase. It is the group in the lower 60 percent who, by and large, have been affected by these significant layoffs. They have found it difficult to make very important and significant adjustments in their economic condition. They are hard-working men and women who are trying to provide for a family, ready and willing to work, want to work, but they see dramatic changes in terms of their income and they are forced into bankruptcy.

We see that many bankrupt debtors are reporting job problems. There are various types of adverse conditions. Many have been fired and some are victims of downsizing. We also find that more women are in the workforce and contributing significantly to the economic stability of the family. If they are victims of a job interruption, it has a significant, important, and dramatic impact on the income of the family.

If you look at the principal reasons for bankruptcies, more than 67 percent of debtors talk about employment problems. So these are hard-working Americans who are trying to make ends meet and we find that the economic conditions are of such a nature that they are forced into bankruptcy. Nobody is saying they should not pay or meet their responsibilities. But we also ought to recognize that in many of these circumstances it is not necessarily the individual's personal spending habits that force them into bankruptcy.

Another factor in bankruptcy is divorce. Divorce rates have soared over the past 40 years. For better or worse, more couples than ever are separating, and the financial consequences are particularly devastating for women. Divorced women are four times more likely to file for bankruptcy than married women or single men. In 1999, 540,000 women who headed their own households filed for bankruptcy to try to stabilize their economic lives, and 200,000 of them were also creditors trying to collect child support or alimony. The rest were debtors struggling to make ends meet. This bankruptcy bill is anti-woman, and this Republican Congress should be ashamed of its attempt to put it into law.

This chart shows the changes between the men and women in bankruptcy. You see that in 1981 a relatively small percentage of the bankruptcies were by single women. The red reflects the men and women going into bankruptcy. The yellow represents men alone. That was in 1981. In 1991, you see joint bankruptcy is continuing at a relatively slow pace. What you see is the men gradually going up. What happens with women is that it goes up exponentially. Over the period of the last 8 years, it is the women, by and large, who have been going into bankruptcy.

Is that to say that these women in 1999 aren't willing to work like the ones in 1991 or 1981, that they are unwilling to pull their fair share? No, Mr. President. There is another explanation.

The other explanation is, when we have the tragic circumstances of divorces, more likely than not the women are unable to get the alimony and unable to get the child support, through no fault of their own, and they end up going into bankruptcy. That is a primary reason for the increase in bankruptcies—although the total numbers of bankruptcies now have basically flattened out or have been reduced.

We are pointing out that economic conditions are responsible for about half of the bankruptcies. The fact is that downsizing has taken place. In spite of the fact that others who have invested in these companies have made enormous amounts of money, many of those employees have been laid off and have been pushed to the side.

These are hard-working men and women. The interesting fact to me is that people filing for bankruptcy are often middle-class people who want to work. These are not Americans trying to get by without playing by the rules. They are working, and they want to work, but there are circumstances that undermine their financial stability. As a result of these circumstances, there is an increase in the number of bankruptcies. It may be because of the inability to get child support or alimony, through no fault of their own.

So we have a responsibility to make sure, if we are going to pass legislation, that we are going to be fair to these individuals, rather than to be unduly harsh and penalize them. That is what I believe this current legislation does. It holds them to an unduly harsh standard. That is not only my assessment, it is the assessment of virtually all of the groups —advocates either for children or women or workers or those who fight for basic civil rights. These are organizations and groups that have spent a great deal of time advocating for children or women. They have reached the same conclusion as the 116 bankruptcy professors in law schools all over the country—not located in any particular area—who have examined this bill.

In the few moments before we voted yesterday, I asked the other side if they could name one single organization advocating for women and children and working families that supports this legislation and thinks it is fair to them. There isn't a single one. That ought to say something. It is not only those of us who are opposed to it who say it is grossly unfair, it is everyone. When you have a piece of legislation on the floor and there is a division, generally certain organizations support it and certain organizations don't. Not on this one. All the advocacy groups oppose it. Virtually all of them oppose it because they know it is unduly harsh and unfair to children, women, and workers, and unfair to consumers.

Mr. President, another major factor in the bankruptcy is the high cost of health care. 43 million Americans have no health insurance, and many millions more are underinsured. Each year, millions of families spend more than 20 percent of their income on medical care, and older Americans are hit particularly hard. A 1998 CRS report states that even though Medicare provides near-universal health coverage for older Americans, half of this age group spend 14 percent or more of their after-tax income on health costs, including insurance premiums, copayments, and prescription drugs.

Does that have a familiar ring to it? We just had a national debate, and the Presidential candidates were asked about prescription drugs. Why? Because of the escalation of the cost of prescription drugs. How does that actually impact and affect families? Well, it is a principal cause of bankruptcy for many families. They just cannot afford to pay for prescription drugs and meet the other kinds of needs they have in terms of paying rent or putting food on the table. They go in a declining spiral and they end up in bankruptcy.

These are individuals in families from whom the credit card industry believes it can squeeze another dime. The industry claims they are cheating and abusing the bankruptcy system and are irresponsibly using their charge cards to live in a luxury they can't afford.

I think these charts are enormously interesting, and I find them so compelling when you see what is happening and what is driving so many of these families into bankruptcy.

The high cost of prescription drugs: the Presidential candidates spoke about it and are talking about the importance of it. Every candidate across this country in this last campaign was saying what they were going to try to do to relieve the cost of prescription drugs.

There are millions and millions of senior citizens who can't afford to wait for an answer by Congress. What has happened to them? They go into bankruptcy. Similarly, we see the very tragic growth of the breakups of families and the fact that too many of those involved in those relationships are unwilling to meet their responsibilities to their children or to pay alimony.

What has been the result to women? They go into bankruptcy. Or, as we have seen as a result of the developing of our economy and these extraordinary mergers—fortunes are being made, on the one hand, by certain investors, but others who have given their lives to these companies and have received good compensation suddenly are cast aside. They are unable to quickly adjust to their changed economic conditions. What happens to them? They go into bankruptcy.

Certainly we need to have bankruptcy legislation. But we also ought to have bankruptcy legislation that is going to be fair and that is going to be just and not punitive. We say that this legislation is punitive. It isn't only myself and many of our colleagues, but it is also those who have spent their lives studying bankruptcy, teaching bankruptcy. Judges on the bankruptcy courts are dealing with it every single day and have virtually uniformly come to the conclusion that this legislation is unfair, unjust, unwise, and doesn't deserve to pass the Senate.

This legislation unfairly targets middle-class and poor families. It leaves flagrant abuses in place.

Time and time again, President Clinton has told the Republican leadership that the final bill must include two important provisions—a homestead provision without loopholes for the wealthy, and a provision that requires accountability and responsibility for those who unlawfully and often violently bar access to legal health services. The current bill includes neither of those provisions.

The conference report includes a half-hearted, loophole filled homestead provision. It will do little to eliminate fraud.

That is another failing of this legislation. It creates a loophole for wealthy individuals to effectively hide their income. That kind of loophole will not be available for hard-working Americans who run into the kinds of problems I have outlined. But the homestead provision that is left in this bill still can be abused by hiding millions in assets from creditors.

For example, Allen Smith of Delaware, a State with no homestead exemption, and James Villa of Florida, a State with an unlimited homestead exemption, were treated very differently by the bankruptcy system. One man eventually lost his home. The other was able to hide $1.4 million from his creditors by purchasing a luxury mansion in Florida.

The Senate passed a worthwhile amendment to eliminate this inequity. But that provision was stripped from the conference report.

Do we understand? The Senate adopted a provision to deal with the kind of inequity which I have just outlined—listen to this—Allen Smith of Delaware, a State with no homestead exemption, and James Villa of Florida, a State with an unlimited homestead exemption, were treated differently. One man eventually lost his home. The other was able to hide $1.4 million from his creditors by purchasing a luxury mansion in Florida.

The Senate passed a worthwhile amendment to eliminate this inequity. But that provision was stripped from the conference report.

Why? Why was it stripped? Who had the influence? Who authored that amendment? It would be interesting to find out. We don't know because the final conference didn't include members of our party or individuals who are against it. The provision just happened to show up in the conference report. Obviously, it is going to benefit some individuals to the tune of millions of dollars.

Surely, a bill designed to end fraud and abuse should include a loophole-free homestead provision. The President thinks so. In an October 12, 2000 letter, White House Chief of Staff, John Podesta says, "The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home and in a State with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap."

The homestead loophole should be closed permanently. It should not be left open just for the wealthy. Yet this misguided bill's supporters refuse to fight for such a responsible provision with the same intensity they are fighting for the credit card industry's wish list, and fighting against women, against the sick, against laid-off workers, and against other average individuals and families who will have no safety net if this unjust bill passes.

This legislation flunks the test of fairness. It is a bill designed to meet the needs of one of the most profitable industries in America—the credit card industry. Credit card companies are vigorously engaged in massive and unseemly nation-wide campaigns to hook unsuspecting citizens on credit card debt. They sent out 2.87 billion—2.87 billion—credit card solicitations in 1999. And, in recent years, the industry has begun to offer new lines of credit targeted at people with low incomes—even though the industry knows full well that these persons cannot afford to pile up credit card debt.

Supporters of the bill argue that the bankruptcy bill isn't a credit card industry bill. They argue that we had votes on credit card legislation, and, that some amendments passed and others did not. But, to deal effectively and comprehensively with the problem of bankruptcy, we have to deal with the problem of debt. We must ensure that the credit card industry doesn't abandon fair lending policies to fatten its bottom line, or ask Congress to become its federal collector for unpaid credit card bills.

I have this letter from the American Bankruptcy Service in St. Paul, MN. It references the "fresh start Visa Card."

They offer a unique opportunity that could be of great benefit to firms and their clients. By becoming a debtor, they will have the ability to market an unsecured Visa credit card—the fresh start card—to their clients who have filed for chapter 7 bankruptcy, if they have completed the "341 meeting" of creditors with no outstanding issues with the trustees, have not yet received a discharge in bankruptcy, or have attached a copy of the bankruptcy notice to their Visa application.

They say several law firms, especially those representing consumer debtors in bankruptcy, have requested the ability to distribute the "fresh start Visa" application to their clients. For each credit card issued, their firm will receive $10.

The credit card industry is marketing to people who are already in bankruptcy.

Do we understand that? We heard all of the very pious speeches and statements—what we want is accountability; get those hard-working people and teach them the value of the dollar; teach them a lesson. Well, boy, this is apparently teaching someone a lesson here because they are already going to be eligible, according to the American Bankruptcy Service, to get another Visa card even though they have been in bankruptcy.

They are out there trying to tempt them, bring them in one more time, and squeeze out a few extra dollars. Where is the responsibility of the credit card industry in this area? Where is their accountability? Why is this all one way?

This bill is tough on women. It is tough on children. It is tough on workers who have had severe medical problems and had to get prescription drugs. It is tough on older workers who haven't gotten their Medicare and do not have health insurance. It is tough on all of them. But it is not very tough at all on the credit card industry that has contributed to the fact that this particular family or individual will be in bankruptcy.

Where is the fairness in this? It is not there.

Two years ago, the Senate passed good credit card disclosure provisions that added fair balance to the bankruptcy bill. It's disturbing that the provisions in the bill passed by the Senate this year were watered down to pacify the credit card industry. Even worse, some of the provisions passed by the Senate were stripped from the conference report.

The hypocrisy of this bill is transparent. We hear a lot of pious Republican talk about the need for responsibility when average families are in financial trouble, but we hear no such talk of responsibility when the wealthy credit card companies and their lobbyists are the focus of attention.

The credit card industry and congressional supporters of the bill attempt to argue that the bankruptcy bill will help—not harm—women and children. That argument is laughable.

Proponents of the bill say that it ensures that alimony and child support will be the number one priority in bankruptcy. That rhetoric masks the complexity of the bankruptcy system—but it doesn't hide the fact that women and children will be the losers if this bill becomes law.

Under the current law, an ex-wife trying to collect support enjoys special protection. But under this pending bill, credit card companies are given a new right to compete with women and children for the husband's limited income after bankruptcy.

It is true that this bill moves support payments to the first priority position in the bankruptcy code, but that only matters in the limited number of cases in which the debtor has assets to distribute to a creditor. In most cases, over 95 percent, there are no assets and the list of priorities has no effect.

This issue has been debated and debated and debated. It is amazing to me, as we work in the remaining few hours of this session, that we are not considering increasing the minimum wage for workers who have waited a long time to get a $1 increase from $5.15 an hour. No, we are not willing to pass that legislation. We are not willing to come back and pass and give consideration to reauthorizing an elementary and secondary education bill. We are not being asked when we come back to even deal with the Patients' Bill of Rights. No, we are being asked to look out for the credit card industry in a very significant and massive giveaway. It is wrong. This bill does not deserve to pass. I hope it will not.

I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the Senator from North Dakota is to be recognized.

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARLY PRISON RELEASE

Mr. DORGAN. Mr. President, on November 23 the Washington Post had a story about a murderer that I want to call to my colleagues' attention. This is the picture of the alleged murderer, Elmer Spencer, Jr. The headline of the story reads: "Sex Offender's Arrest Makes an Issue of Mandatory Release."

Let me describe for a moment what I read in the story and how I related it to things I have spoken about on the floor of the Senate before and how disappointed I am that nothing ever seems to change.

The young boy who was murdered a couple of weeks ago was a 9-year-old from Frederick, MD. His name was Christopher Lee Ausherman. He attended fourth grade at the South Frederick Elementary School. He had two brothers. The story said he liked Pokemon cards and was developing a real passion for fishing. He was apparently in his neighborhood, very close to his home on the street or sidewalk, and then a maintenance found his badly beaten, naked body in a dugout at McCurdy Field in Frederick, MD. Christopher Lee Ausherman had been sexually assaulted and strangled.

The story described how the arrest was made. I want to talk about the fellow who has been arrested and charged with this murder. The fact that he was on the streets in this country to murder anyone is unconscionable and shameful.

Elmer Spencer, Jr. was sentenced to 5 years for assault and battery in 1977, 23 years ago, and released 3 years later. Within a year of his release, he raped and attempted to strangle an 11-year-old boy. He paid him $20 to drink liquor and then tried to strangle him with shoelaces. Spencer left him unconscious after raping him. The boy regained consciousness as Elmer Spencer's attention was diverted, and miraculously escaped. Elmer Spencer was sentenced to 22 years in prison for that crime and released in 1994 after serving 14 years in prison.

In 1996, Elmer Spencer, Jr. was charged with attempted rape and three counts of assault. He attacked the police officers responding to the cries for help from a woman whom he was attempting to rape. He was sentenced to 10 years, and, amazingly, released on November 14 of this year, after serving just 3 and a half years.

Five days later, Christopher Lee Ausherman, a 9-year-old boy from Frederick, MD, was murdered by this man. Five days after being released from prison, having served 3 and a half years of 10-year sentence, this pedophile, this man who had attempted murder previously, killed this 9-year-old boy.

The question is, When will we learn in this country? We know who is committing the crimes, especially the violent crimes, in most cases. It is someone who has committed other violent crimes, been put in prison, and often released early.

I spoke to the family of this 9-year-old boy. There is not much you can do to console that family. They are grieving, obviously, for the loss of this young boy. But I told them some Members are working very hard to try to change the circumstances of release for violent prisoners.

I have spoken many times on this floor about other crimes that are exactly the same—different victims, but exactly the same. Young Bettina Pruckmayr—I brought her picture to the floor of this Senate—a 26-year-old human rights attorney who moved to this town with such great expectations and passion to do work in this area. On December 16, 1995, she was at an ATM machine and a man named Leo Gonzales Wright apprehended her there. He was a man who should have been in prison. He had committed many previous crimes.

At the age of 19, Leo Gonzales Wright was sentenced to 15 to 60 years for armed robbery and murder. He was released after 17 years. During those 17 years, he compiled a record of 38 disciplinary reports and transfers due to drug use, lack of program involvement, weapons possession in prison, and assaults on inmates and staff. Despite all that, he was let out early, so that in December of 1995 he was on the streets here in Washington, DC. He was able to stab young Bettina Pruckmayr 38 times. It wasn't that we didn't know he was a violent offender. He had used a butcher knife just four days earlier to rob and carjack a female motorist. While on probation and parole, he was picked up for drugs and let right back out on the streets. As a result, Bettina Pruckmayr was killed.

Jonathan Hall. I have spoken about Jonathan Hall here on the floor of the Senate; it is exactly the same story. Jonathan was a 13-year-old from Fairfax, VA. The boy had some difficulties, but in the newspaper stories I read about young Jonathan neighbors described him as a smart young boy, starved for affection. His mother reported him missing in December, 1995. Twelve days later, his body was found at the bottom of a pond near his home. He had been stabbed over 60 times with a phillips-head screwdriver. After this young boy had died, they found grass between his fingers. Despite being stabbed 60 times, he was not dead when his attacker left him. This young boy tried to claw his way out of that pond, and they found grass and mud between his fingers, but he didn't make it. James Buck Murray, who lived right there in the neighborhood, killed him. Why was he living there? In 1970, Murray was sentenced to 20 years for slashing the throat of a cab driver, stealing the cab, and leaving the driver for dead. But a mere 3 years later, while on work-releasee, he abducted a woman, was convicted of kidnapping, and sent back to prison. But again he was let out. And then young Jonathan Hall, of course, was murdered. By someone we knew? Of course. By someone violent? Of course. Murray had been put in prison and released early.

Shame on those who run our prison system. Shame on the laws that exist, that allow this to happen.

I have asked, in this recent case in Maryland with Christopher Lee Ausherman, how could it be that a man who has been involved in such violent crimes—how could it be that, when sentenced to 10 years, he is released after 3½? This is after many other crimes, mind you, and 5 days after his release, he kills a 9-year-old boy. How can it be he is released that early?

The answer? Unforgivable ignorance in the construction of public policy. I am sorry to say that about those who did it, but I cannot contain myself. Those who did it say those who served in prison for previous convictions can accumulate additional good-time credits at an accelerated pace against their current sentence because they have been in prison before. That is ignorance. We ought not reward anyone with ample or better good-time benefits because they served in prison before. Violent offenders ought to be put in prison and that ought to be their address until the end of their prison term. End of story.

I am so sick and tired of reading stories about innocent people—and I have mentioned just three. I have many more. I am so sick and tired of reading the stories about state governments that allow violent offenders out of prison to walk up and down the streets of this country and kill again.

Do you know, if you live in the United States of America you are seven times more likely to be murdered than if you live in France? The murder rate in our country is 7 times that of Germany, 6 times that of Israel, 10 times that of Japan, 7 times that of Spain. Is there something wrong here? I think so.

Let me show you what is happening in our prison system. For all the talk about truth in sentencing, if state convicts you of murder in this country on average you are going to be in prison 10 years. You are going to get sentenced for 21 years but you are going to be serving about 10 years in prison for murder. Rape? You can expect to serve about 5 years in prison. They will sentence you to 10 on average, but you are only going to be there about 5. For robbery you are going to be sentenced to a littel over 8 years, perhaps, and you will serve 4 years.

What is the answer to all this? Why are these folks let out early? Why would we decide in this country that a murderer should only serve half of his or her sentence? The prison authorities and others who construct these laws tell us the reason they have to dangle good-time benefits in front of these prisoners, including violent offenders, is because it allows the authorities to better manage them while in prison. In other words, if they behave while in prison they can get out early. That is a terrific incentive, they say, for prison inmate management.

I wonder, I ask the question about the management of Elmer Spencer, Jr. I wonder if I could get names of the people who decided the best way to manage Elmer Spencer, Jr.'s time in prison was to dangle in front of him the opportunity to be released 7 years early, so he could be on the streets in late November of this year and murder a 9-year-old boy? I guess the word is "allegedly murdered him" because he is now charged with the crime, but am told there is little question about the guilt in this case.

I wonder if we could have the names of those who have decided it is appropriate for James "Buck" Murray to be on the streets, or Leo Gonzales Wright to be on the streets after being convicted of murder, only to murder again; violent criminals to be back on the streets so Bettina and young Jonathan and all the others are victims.

What is the answer? The answer is simple. This is not rocket science. It is simple. It is to decide as a policy—as I have advocated for some while, regrettably unsuccessfully—that in this country we distinguish between those who commit violent crimes and those who commit nonviolent crimes. In my judgment, we ought to have a judicial system in America that says: If you commit a violent act, understand this. All over America, understand this and listen well: If you commit a violent act, there will be no good time, there will be no parole, there will be no time off for good behavior. You will go to prison and the sentence administered by the judge in your trial will be the sentence that you serve in prison. No time off for good behavior—period.

We need to do that in this country. I have tried and tried and tried again in this Senate to advance that public policy, unsuccessfully. But I am not going to quit. This 106th Congress is ending without great distinction. We didn't even discuss the issue of violent crime. We should. I hope we will in the 107th Congress. I hope perhaps there are Republicans and Democrats who understand that there is nothing partisan about this issue. But there is a crying need in this country to decide that violent offenders must be put away and kept away for their entire term of incarceration.

In 1991, the Bureau of Justice Statistics found there were 156,000 people in State prisons for offenses that they committed while they were on parole from a previous conviction.

Let me say that again because it is important: 156,000 people were incarcerated for criminal offenses that they committed while they were out on parole from a previous prison sentence.

That is exactly the case in the description of the murder I started with today. It is exactly the case with Elmer Spencer, Jr., out early and a 9-year-old is dead. This is not an unusual story. I could speak for 2 hours and more, and not just about Maryland or Virginia or the District of Columbia. There is a courageous young woman from North Dakota named Julie Schultz. Julie Schultz is a friend of mine, a mother of three from Burlington, ND. She was going to a League of Cities meeting in Williston, ND, on a quiet North Dakota highway on an afternoon with very little traffic and stopped at a rest stop. At this rest stop Julie Schultz, mother of three, encountered a man named Gary Wayne Puckett, who should have been in prison but was released early in the State of Washington. This issue knows no State boundaries. He assaulted Julie Schultz and then slit her throat and left her for dead.

I won't describe the events that allowed her to survive, but they were quite miraculous. But Gary Wayne Puckett should never have been near a rest stop on a highway in North Dakota on that day. He was released early.

Again, we know better than that. State governments should know better than that. Public policy should know better than that. We can do better than that.

It is my intention to reintroduce in the coming Congress, in January in the coming Congress, legislation that I have introduced previously. That is legislation that would provide financial penalties in the truth-in-sentencing grants that are given from the Federal Government to the State government, for those States that fail to enact laws that eliminate good-time credits, eliminate the dangling of time off for good behavior. My legislation will use these funds to provide financial incentives for states that say, instead, by statute: If you are convicted of a violent crime, understand your address will be your jail cell until the end of your term.

When and if we do that in this country, finally, innocent people walking up and down the streets of America will not be threatened by a violent murderer, a kidnaper, a killer, a rapist, someone who is let out early, and poses a severe threat to innocent citizens like Christopher Lee Ausherman.

Mr. President, my understanding is the Senate is now in morning business but there will be additional debate on bankruptcy; is that correct?

The PRESIDING OFFICER. At the conclusion of the Senator's remarks, Senator GRASSLEY will be recognized to speak on the bankruptcy bill.

Mr. DORGAN. Mr. President, as soon as Senator GRASSLEY comes to the floor, I will be happy to relinquish the floor. I want to speak for 2 minutes on another subject. As soon as he comes, I will suspend.

THE ECONOMY

Mr. DORGAN. Mr. President, I worry very much that we are facing a slowdown in our economy that could be very significant. I hope Mr. Greenspan and the Federal Reserve Board in December will decide they should begin to cut interest rates. Six increases in interest rates since June 1999 have clearly slowed growth in this country in a way, in some respects, that put us in a perilous position, with the liquidity crisis and a range of other issues that could very well derail the longest and strongest period of economic growth in American history.

I will speak more about this later because I see Senator GRASSLEY is about ready to speak on bankruptcy. I do want to say this. I have come to the floor previously when the Federal Reserve Board was searching for evidence of inflation—searching in closets, under beds, in virtually every crevice, trying to find some evidence of inflation, and used that fear to increase interest rates six times. We have had the highest real interest rates for many years in this country, and they threaten, in my judgment, to derail this economic growth.

I hope the Fed in December will think seriously about beginning to reduce interest rates to preserve an opportunity for continued growth.

Mr. President, I yield the floor.

MAJORITY COMMITTEE ASSIGNMENTS

Mr. GRASSLEY. Mr. President, pursuant to S. Res. 354, on behalf of the leader, I submit the following two Republican Senators to be members of standing committees of the Senate. The appointments that will be made are Senator NICKLES to be a member of the Banking Committee and Senator VOINOVICH to be a member of the Agriculture Committee.

• The PRESIDING OFFICER. The appointments will be made.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Continued

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the previous debate time with respect to the bankruptcy bill begin at 1:45 p.m. on Thursday, with a vote then to occur on passage at 3:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise today to speak yet again on the topic of bankruptcy reform. Yesterday, we invoked cloture on the Bankruptcy Reform Conference Report with 67 votes. That's a solid bipartisan level of support. We have a conference report where both the majority leader and the minority leader voted to cut off debate. At long last, Congress is on the verge of enacting fundamental bankruptcy reform. Earlier this year, the Senate passed bankruptcy reform by an overwhelming vote of 83–14. Almost all Republicans voted for the bill and about one-half of the Democrats voted for it as well. Despite this, a tiny minority of Senators used unfair tactics to prevent us from going to conference with the House of Representatives in the usual way. So, we put the bankruptcy bill into another conference report. The important thing about this conference committee—which I have said before but want to reiterate now—is that the committee was evenly divided between three Democrats and three Republicans. There was no Republican majority on the conference committee. We would not be here if not for support from Democrats on the conference committee. So all of these objections to the effect that Republicans used some procedural trick to avoid dealing with the minority is simply and flat out false.

As I am speaking, the House passed the bankruptcy conference report by a voice vote. We are almost there. And with the level of bipartisan support demonstrated in yesterday's vote, I am confident we'll send the best bill we can to the President.

As I have stated before on the Senate floor on numerous occasions, every bankruptcy filed in America creates upward pressure on interest rates and prices for goods and services. The more bankruptcies filed, the greater the upward pressure. I know that some of our more liberal colleagues are trying to stir up opposition to bankruptcy reform by denying this point and saying that tightening bankruptcy laws only helps lenders be more profitable. This just is not true. Even the liberal Clinton administration's own Treasury Secretary Larry Summers indicated that bankruptcies tend to drive up interest rates, Mr. President, if you believe Secretary Summers, bankruptcies are everyone's problem. Regular hard-working Americans have to pay higher prices for goods and services as a result of bankruptcies. That's a compelling reason for us to enact bankruptcy reform during this Congress.

Of course, any bankruptcy reform bill must preserve a fresh start for people who have been overwhelmed by medical debts or sudden, unforeseen emergencies. That is why this conference agreement allows for the full, 100 percent deductibility of medical expenses. This is according to the non-partisan, unbiased General Accounting Office. Bankruptcy reform must be fair, and the bicameral agreements on bankruptcy preserves fair access to bankruptcy for people truly in need.

These have been good times in our Nation. Thanks to the fiscal discipline initiated by Congress, and the hard work of the American people, we have a balanced budget and budget surplus. Unemployment is low and so is inflation. But in the midst of this incredible prosperity, about 1½ million Americans declared bankruptcy in 1998 alone. And in 1999, there were just under 1.4 million bankruptcy filings. To put this in some historical context, since 1990, the rate of personal bankruptcy filings has increased almost 100 percent.

Now we see signs of slowing in the economy. We see consumer confidence declining. We see the stock market losing value. We need to fix our bankruptcy system before a recession comes and we're overwhelmed with huge numbers of bankruptcies. According to a recent article in the New York Post, we as a nation are looking down the barrel of a new and larger epidemic of bankruptcies. This article quoted a recent study from a New Jersey research firm that predicts a 10–20 percent increase in bankruptcies next year. Another expert quoted in the article indicates that the increases may be much greater. We need to act now.

As I indicated earlier, we have been doing pretty well lately as a country. With large numbers of bankruptcies occurring at a time when Americans are earning more than ever, the only logical conclusion is that some people are using bankruptcy as an easy out. The basic policy question we have to answer is this: Should people with means who declare bankruptcy be required to pay at least some of their debts or not? Right now, the current bankruptcy system is oblivious to the financial condition of someone asking to be excused from paying his debts. The richest captain of industry could walk into a bankruptcy court tomorrow and walk out with his debts erased. And, as I described earlier, the rest of America will pay higher prices for goods and services as a result.

I ask my liberal friends to think about that for a second. If we had no bankruptcy system at all, and we were starting from scratch, would we design a system that lets the rich walk away from their debts and shift the costs to society at large, including the poor and the middle class? That would not be fair, but that is exactly the system we have now. Fundamental bankruptcy reform is clearly in order.

I want my colleagues to know that the conference agreement preserves the Torricelli-Grassley amendment to require credit card companies to give consumers meaningful information about minimum payments on credit cards. Consumers will be warned against making only minimum payments, and there will be an example to drive this point home. As with the Senate-passed bill, the bicameral agreement will give consumers a toll-free phone number to call where they can get information about how long it will take to pay off their own credit card balances if they make only the minimum payments. This new information will truly educate consumers and improve the financial literacy of millions of American consumers.

Yesterday's vote shows that the mainstream of opinion in the Senate supports bankruptcy reform. But that has not stopped the tiny handful of liberals who oppose bankruptcy reform have waged a campaign to spread disinformation about the bankruptcy bill. The article in Time magazine that Senator WELLSTONE constantly refers to is a case in point. This article purports to prove that bankruptcy reform will harm low-income people or people with huge medical bills. This article is simply false. I spoke about this on the floor last summer but a little reminder might be helpful for some of my colleagues who don't follow this bill as closely as I do.

What is most interesting about this Time article is what it fails to report. Time, for instance, fails to mention that the means test, which sorts people who can repay into repayment plans, doesn't apply to families below the median income for the State in which they live. The Time article then proceeds to give several examples of families who would allegedly be denied the right to liquidate if bankruptcy reform were to pass. Each of these families, however, would not even be subjected to the means test since they earn less than the median income. While this sounds technical, it's important—not even one of the examples in the Time article would be affected by the means test.

The Time article fails to mention the massive new consumer protections in our bankruptcy reform bill. The Time article fails to mention the new disclosure requirements on credit cards regarding interest rates and minimum payments. In short, the Time article fails to tell the whole truth. I think that the American peopled deserve the whole truth.

The truth is that these bankruptcies represent a clear and present danger to America's small businesses. Growth among small businesses is one of the primary engines of our economic success. With the predictions of a new tidal wave of bankruptcies next year, we have to be concerned about a domino effect. As more and more consumers use bankruptcy to escape paying their debts, more and more small businesses will face unsustainable losses. And if we don't act to protect small businesses, then one of the main sources or our prosperity will be in serious jeopardy. As responsible legislators, we cannot let that happen.

The truth is that bankruptcies hurt real people. Sometimes that is inevitable, but it is not fair to permit people who can repay to skip out on their debts. I think most people, including most of us in Congress, have a basic sense of fairness that tells us bankruptcy reform is needed to restore balance.

I will share with you what some of my constituents are telling me about bankruptcy reform. I will not go through all of these quotes. But a constituent from Des Moines, IA, said:

> It is insane that such a practice has been allowed to continue, only causing higher prices to consumers. . . . Debtors should be required to pay their debt.

A lady from Keokuk, IA:

> Bankruptcies are out of hand. It's time to make people responsible for their actions—do we need to say this?

I could go on and on. But I have given you two examples of many I have gotten from my State. Considering the fact that there were 83 people who voted for this bill when it passed the Senate the first time, this message must be getting through loud and clear in almost all of the 50 States in America or we would not have had that overwhelming vote.

We are merely saying, if you have the ability to repay your debt and you go into bankruptcy court, you are not going to get off scot-free.

The time has come to get this bill on the President's desk. That is what I hope we do tomorrow afternoon at 3:45.

I yield the floor.

RECESS UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 10 a.m. tomorrow.

Thereupon, the Senate, at 4:50 p.m., recessed until Thursday, December 7, 2000, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, December 6, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 6, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Through the prophet Isaias:

"The Lord said: Since this people draws near with words only and honors me with their lips alone, though their hearts are far from me, And their reverence for me has become routine observance bound by human precepts, Therefore I will again deal with this people in surprising and wondrous fashion."

Take our hearts, O Lord, and draw them closer to You.

May the movement of Your Spirit within us and surrounding our times whip us once again into being Your people.

Truly free, with justice written on our hearts, prepare us for the surprising deeds You wish to accomplish in and through this Nation.

In You we trust now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 5, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 5, 2000 at 3:23 p.m.

That the Senate Passed without amendment H.J. Res. 126.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that pursuant to clause 4 of rule I, the Speaker signed the following joint resolution on Tuesday, December 5, 2000:

H.J. Res. 126, making further continuing appropriations for the fiscal year 2001, and for other purposes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1630

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 4 o'clock and 30 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF HOUSE JOINT RESOLUTION 127, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. ISAKSON. Mr. Speaker, I ask unanimous consent that it be in order at any time without intervention of any point of order to consider in the House the joint resolution (House Joint Resolution 127) making further continuing appropriations for the fiscal year 2001, and for other purposes; that the joint resolution be considered as read for amendment; that the joint resolution be debatable for one hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and that the previous question be considered as ordered on the joint resolution to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

ADJOURNMENT

Mr. ISAKSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, December 7, 2000, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95-384 are as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Bill Archer	4/17	4/19	Egypt						5,852.16		5,852.16
Committee total									5,852.16		5,852.16

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman, Nov. 30, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11178. A letter from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting the Department's final rule—Livestock and Grain Market News Branch: Livestock Mandatory Reporting [No. LS-99-18] (RIN: 0581-AB64) received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11179. A letter from the Associate Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule—Milk in the Tennessee Valley Marketing Area; Termination of the Order [DA-01-01] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11180. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Washington; Exemption From Handling and Assessment Regulations for Potatoes Shipped for Experimental Purposes [Docket No. FV00-946-1 IFR] received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11181. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Seismic Safety (RIN: 0572-AB47) received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11182. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Animal Welfare; Perimeter Fence Requirements; Technical Amendment [Docket No. 95-029-3] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11183. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; South Dakota [Docket No. 00-103-1] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11184. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hydrogen Peroxide; Exemption from the Requirement of a Tolerance [OPP-301071; FRL-6748-5] (RIN: 2070-AB78) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11185. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Peroxyacetic Acid; Exemption From the Requirement of a Tolerance [OPP-301068; FRL-6748-6] (RIN: 2070-AB78) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11186. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency Administrator of National Banks, Department of the Treasury, transmitting the Department's final rule—Assessment of Fees; National Banks; District of Columbia Banks (RIN: 1557-AB72) received December 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11187. A letter from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Human Services, transmitting the Department's final rule—Consortia of Public Housing Agencies and Joint Ventures [Docket No. FR-4474-F-02] (RIN: 2577-AC00) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11188. A letter from the Secretary to the Board, Emergency Loan Guarantee Board, transmitting the Board's final rule—Emergency Steel Guarantee Loan Program; Commercial Lending Practices and Re-Opening of Period for Applications (RIN: 3003-ZA00) received December 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11189. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report entitled, "Merger Decisions"; to the Committee on Banking and Financial Services.

11190. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions [Regulation H and Y; Docket No. R-1087] received November 30,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11191. A letter from the Secretary, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2000, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

11192. A letter from the Secretary, Department of Education, transmitting the Twenty-second Annual Report to Congress on the Implementation of the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

11193. A letter from the Secretary, Department of Energy, transmitting a comprehensive report on "Replacement Fuel and Alternative Fuel Technical and Policy Analysis"; to the Committee on Commerce.

11194. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Immunology and Microbiology Devices; Classification of Anti-Saccharomyces cerevisiae (S. cerevisiae) Antibody (ASCA) Test Systems [Docket No. 00N-1565] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11195. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Ventura County Air Pollution District [CA 022-0239; FRL-6875-8] received December 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11196. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grapeland, Texas) [MM Docket No. 00-151; RM-9942] (Elkhart, Texas) [MM Docket No. 00-152; RM-9943] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11197. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Scottsbluff, Nebraska) [MM Docket No. 00-140; RM-9916] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11198. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Redding, California) [MM Docket No. 00-115; RM-9884] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11199. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mill Hall, Jersey Shore, and Pleasant Gap, Pennsylvania) [MM Docket No. 99-312; RM-9735] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11200. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—

Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Dozier, Alabama) [MM Docket No. 00-131; RM-9897] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11201. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grapeland, Texas) [MM Docket No. 00-151; RM-9942] (Elkhart, Texas) [MM Docket No. 00-152; RM-9943] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11202. A letter from the Director, Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: TN-32 Revision (RIN: 3150-AG66) received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11203. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—to incorporate in visa regulations a complementary rule to a recent amendment of the Schedule of Fees—received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11204. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the White House personnel report for the fiscal year 2000, pursuant to 3 U.S.C. 113; to the Committee on Government Reform.

11205. A letter from the Secretary, Department of the Interior, transmitting the semiannual report of the Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

11206. A letter from the Acting Secretary, Department of Veterans Affairs, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11207. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Business Ownership Representation [FRL-6912-2] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11208. A letter from the Administrator, General Services Administration, transmitting the semiannual report on the activities of the Department's Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11209. A letter from the Chairman, International Trade Commission, transmitting the Semiannual report of the Inspector General of the U.S. International Trade Commission for the period of April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11210. A letter from the Chairman, National Endowment for the Arts, transmitting the semiannual report of the Inspector General for the period April 1 through September 30, 2000; and the semiannual report on Final Action for the National Endowment for the Arts, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11211. A letter from the Chairman, Securities and Exchange Commission, transmitting the Office of Inspector General Semiannual Report to Congress and Management's Response for the period April 1, 2000 to September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11212. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the Office of Inspector General for the period April 1 to September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11213. A letter from the Chairman, Board of Governors, United States Postal Service, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending September 30, 2000; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11214. A letter from the Acting Assistant Secretary for Fish and Wildfife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Temporary Approval of Tin Shot as Nontoxic for Hunting Waterfowl and Coots During the 2000–2001 Season (RIN: 1018-AH67) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11215. A letter from the Assistant Secretary of the Army,(Civil Works), Department of Defense, transmitting an Interim Feasibility Report and Integrated Environmental Assessment for Johnson Creek and the Upper Trinity River Basin in Arlington, Texas; to the Committee on Transportation and Infrastructure.

11216. A letter from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Parts and Accessories Necessary for Safe Operation; Manufactured Home Tires [Docket No. FMCSA-97-2341] (RIN: 2126-AA65) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11217. A letter from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—Motor Carrier Indentification Report [Docket No. FMCSA-2000-8209] (RIN: 2126-AA57) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11218. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Market Segment Specialization Program; Auto Dealerships—received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11219. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Relating to Payments of Qualified Tuition and Related Expenses; and Returns Relating to Payments of Interest on Education Loans—received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11220. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Balance Due and Refund Anticipation Loans Under sec. 7216—received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11221. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous—received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11222. A communication from the President of the United States, transmitting notification of his intention to modify the list of beneficiary developing countries under the Generalized System of Preferences, changing the designation of "Western Samoa" to "Samoa" submitted in accordance with section 502(f) of the Trade Act of 1974; (H. Doc. No. 106-318); to the Committee on Ways and Means and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SALMON (for himself, Mr. Weldon of Pennsylvania, Mr. Kolbe, Mr. Gilman, Mr. Bachus, Mr. LaTourette, Mr. Crane, Mr. Bartlett of Maryland, Mr. DeLay, Mr. Frelinghuysen, Mr. Royce, Mr. Smith of New Jersey, Mr. Watts of Oklahoma, Mr. Shimkus, Mrs. Fowler, Mr. Reynolds, Mr. Hefley, Mr. Wamp, Mr. Tancredo, Mr. Hansen, Mr. Foley, Mr. Ryun of Kansas, Mr. Schaffer, Mr. Skeen, Mr. Ballenger, Mr. Cook, Mr. Hayworth, Ms. Hooley of Oregon, Mr. King, Mr. Hilleary, Mr. Pitts, Mr. Tiahrt, Mr. Nethercutt, Mr. Souder, Mr. Ney, Mr. LoBiondo, Mr. Doolittle, Mr. Greenwood, Mrs. Roukema, Mr. Combest, and Mr. Duncan):

H.R. 5642. A bill to prohibit a State from determining that a ballot submitted by an absent uniformed services voter was improperly or fraudulently cast unless the State finds clear and convincing evidence of fraud, and for other purposes; to the Committee on House Administration.

By Mr. BACHUS:

H.R. 5643. A bill to amend the Presidential Transition Act of 1963 to clarify the authority of the Administrator of General Services to provide services and facilities to Presidents-elect and Vice-Presidents-elect; to the Committee on Government Reform.

By Mr. YOUNG of Florida:

H.J. Res. 127. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

490. The SPEAKER presented a memorial of the Senate of the State of Ohio, relative to Senate Joint Resolution 11 memorializing the United States Congress to take the action necessary to propose, and submit to the several states for ratification, an amendment to the Constitution of the United States that would prohibit the desecration of the American flag; to the Committee on the Judiciary.

491. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to

Resolution 47 memorializing that the United States Congress prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision, to levy or increase taxes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2706: Mr. Bentsen.

H.R. 2900: Mr. Inslee.

H.R. 3700: Mrs. Morella.

H.R. 4029: Ms. DeLauro.

H.R. 4825: Mrs. Clayton, Mr. Filner, and Mr. LaHood.

H.R. 5585: Mr. Owens, Mr. Rothman, and Mr. Inslee.

H. Con. Res. 441: Mrs. Chenoweth-Hage, Mr. Stearns, Mr. Schaffer, Mr. Tancredo, Mr. LoBiondo, Mr. Saxton, Mr. Everett, Mr. Pitts, Mr. Barton of Texas, Mr. LaTourette, Mr. Largent, Mr. McCollum, Mr. Rohrabacher, Mr. Gary Miller of California, Mr. Weldon of Florida, Mr. Chambliss, Mr. Miller of Florida, Mr. Faleomavaega, Mr. McGovern, Mr. Condit, and Mr. McIntyre.

EXTENSIONS OF REMARKS

IN HONOR OF LOU "THE TOE" GROZA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Lou "the Toe" Groza for his years of involvement in the Cleveland area.

Mr. Groza was born in Martins Ferry, Ohio and remained in state attending Ohio State University in 1942. Just one year into his college education, Mr. Groza was drafted by the U.S. Army for service in World War II. In the Army he served as a surgical technician in a medical battalion.

In 1946, after his service had ended, Lou Groza returned home to Ohio and promptly tried out for the Cleveland Browns. Just one year after joining the team, Groza was promoted to starting tackle and helped guide the Browns to a perfect (14–0) season and the All-America Football Conference title.

During his extraordinary twenty-one year career, Mr. Groza helped steer the Cleveland Browns to eight championships and led them into another five championship games. In addition to the team glory that Mr. Groza promoted, he also earned individual honors being named to six All-National Football League (NFL) teams, nine Pro Bowl squads and left the league as the all time points and games played leader with 1,349 and 216 respectively. In fact, so impressive was his kicking ability that he still ranks in the top fifteen points leaders in NFL history.

In 1968 the Cleveland Browns showed their respects towards the incredible talents of Mr. Groza by retiring his number (76) in a ceremony at Cleveland Municipal Stadium. The National Football League also paid homage to Mr. Groza by inducting him into their Hall of Fame in 1974.

With his football career over, Mr. Groza did not disappear from public life, instead he remained a fixture in the Berea, Ohio community for more than three decades. The city recognized him by renaming the street of the Cleveland Browns training camp "Lou Groza Way" and assigning the Browns' headquarters the street address 76.

Lou Groza was a patriot, football legend and a city treasure. He will be missed by the entire Northeast Ohio Community. My fellow colleagues, let us recognize Mr. Groza for his years of achievement.

IN HONOR OF COLUMBIA LIGHTHOUSE FOR THE BLIND

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. FROST. Mr. Speaker, today I wish to honor Columbia Lighthouse for the Blind and its sister organizations across the country. Founded 100 years ago, the Columbia Lighthouse is a not-for-profit organization dedicated to providing education, training, and rehabilitation services to individuals who are blind or visually impaired.

Seventy percent of blind adults are unemployed. The Lighthouse organizations are fighting to change that statistic. Since 1931, the Dallas Lighthouse for the Blind has been serving my home district employing blind individuals. Operating for the first several years in borrowed buildings, the organization employed the blind in weaving, sewing, and broom manufacturing. The Dallas Lighthouse has come a long way, now employing over 100 individuals in manufacturing various products, and offering rehabilitation programs for those with vision disabilities.

Today, the Lighthouses are evolving to meet today's changing business environment, emerging in the world of technology and e-commerce. The Columbia Lighthouse recently launched ReelBooks.com, a Web site that retails more than 16,000 audio books, while providing the visually impaired with valuable training in an industry sorely lacking trained employees.

The work of the Lighthouses is changing the face of blind America. Those with vision disabilities have the right to be active, assimilated and contributing members of society. I am proud of the services provided by the Columbia Lighthouse for the Blind and its sister organizations throughout America. The opportunities these organizations can provide for people with vision disabilities are immeasurable. I salute the Lighthouses and the people they serve today.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

SPEECH OF

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. TRAFICANT. Mr. Speaker, I was deeply saddened to hear of the passing of Henry B. Gonzalez.

As the first Hispanic Congressman from Texas, he was very active in the fight for civil rights for all Americans.

Henry was a close friend of mine before I came to Congress. When he was Chairman of the Subcommittee on Housing and Community Development, he asked me to testify before the subcommittee. At that time I was Sheriff of Mahoning County and had refused to sign transfer deeds for foreclosures on homes in my district. He also helped me to pass legislation that provides counseling to homeowners who are in danger of losing their homes.

Henry B. Gonzalez was truly a great American with a lot of guts, who will be greatly missed. I extend my deepest sympathy to his family.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mrs. MALONEY of New York. Mr. Speaker, I was unavoidably detained in my district on Friday, November 3, and I would like the RECORD to indicate how I would have voted had I been present.

For rollcall vote No. 593, I would have voted "yea."

For rollcall vote No. 594, I would have voted "yea."

Mr. Speaker, I was also unavoidably detained in my district on Monday and Tuesday, November 13–14, and I would like the RECORD to indicate how I would have voted had I been present.

For rollcall vote No. 595, I would have voted "nay."

For rollcall vote No. 596, I would have voted "nay."

For rollcall vote No. 597, I would have voted "yea."

THE TWENTIETH ANNIVERSARY OF THE MOST REVEREND ANTHONY M. PILLA AS BISHOP OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

• Mr. KUCINICH. Mr. Speaker, today I honor Reverend Anthony Michael Pilla. He will be celebrating the twentieth anniversary of his position as Bishop of Cleveland on January 7, 2001.

Born in Cleveland, Reverend Pilla was educated in a combination of both public and private schools. He was ordained into the priesthood on May 23, 1959. Throughout his life he has shown commendable dedication to the promotion of religion and harmony within the Cleveland community. Bishop Pilla began his

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

life in the priesthood as Associate Pastor of St. Bartholomew Parish, Middleburg Heights. Pope John Paul II announced his choice of Father Pilla as Auxiliary Bishop of Cleveland on June 30, 1979. The following year he was named the Ninth Bishop of Cleveland.

The Reverend Pilla was well schooled in Philosophy and History. He has also taken a wide variety of positions of responsibility. He was appointed a member of the United States Catholic Conference 1985–1987. His appointment as Vice President of the National Conference of Catholic Bishops in 1992 is a testament to the respect he has earned as a religious leader.

Bishop Pilla has always demonstrated the importance of using faith to transcend religious division, and to address the needs of the whole community. As a result, his work has a universal appeal. His pastorals, such as "World Peace" and "A Call for One Another" demonstrate this. Bishop Pilla has been outstanding as a unifying force in the Cleveland community.

I feel blessed to consider Bishop Pilla as one of my personal friends. I have had the opportunity to work with him on a variety of issues for the benefit of the people of Cleveland. Both as a community leader and as a friend, Bishop Pilla has always shown the utmost integrity and honesty. In his work and his life he has shown the highest order of caring for others.

My fellow colleagues, today I speak in recognition of the twentieth anniversary of The Most Reverend Anthony M. Pilla as Bishop of Cleveland.

RECOGNIZING THE PASSING OF JAMES L. HAIR

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. FROST. Mr. Speaker, I would like to take a moment to recognize the passing of Mr. James L. Hair. Jim Hair was a Navy veteran of the Korean War and faithfully served his country as a civil servant for over 30 years with the U.S. Army Corps of Engineers. He was recognized throughout the Corps for his depth of knowledge of the organization, his caring disposition, and his wise counsel.

During his career he accomplished a number of firsts for the Corps. On the Sam Rayburn/Town Bluff hydropower project, he developed the agreements with the local sponsors whereby the sponsors paid 100 percent of the total project costs up front, the first of its kind in the Corps. After the passage of the Water Resources Development Act of 1986, he worked on one of the first cost sharing agreements with the city of Austin, Texas. He was the first executive assistant in the Southwestern Division of the Corps of Engineers, a very demanding position that provides a valuable liaison between the Corps and this august body. This is a position he retired from in 1989.

There are several members here today who have benefited from his assistance in developing authorization and appropriation legislation for much needed civil works projects and programs throughout our great nation. For his outstanding service, he was recognized with the Superior Civilian Service Award from the Secretary of the Army, and most recently, he was selected to the Gallery of Distinguished Civilian Employees of the Southwestern Division Corps of Engineers. He was the epitome of the invaluable civil servant.

Additionally, he was a pillar of his community; the first mayor of the city of Briaroaks Texas; Chairman of the Board of Directors for a mutimillion-dollar credit union; and an active participant on the board of many other civic and private organizations. He was devoted to his wife, Wanda, his family, the Corps, and his country. He passed away on November 26, 2000, in Fort Worth, Texas, at the age of 68. Jim Hair, a truly great American, will be sorely missed by his family, friends and the nation.

CONGRATULATING NICK ROWE OF MORAVIA, NEW YORK

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. HOUGHTON. Mr. Speaker, today I congratulate Nick Rowe, a star soccer player from the 31st.

On September 12 of this year, Nick, the varsity goalkeeper for the Moravia High School Soccer team, broke a 21-year-old national record for accumulating 1,130 saves. The previous record of 936 saves was set by Brian Siebrasse of Malta, Illinois in 1979—three years before Nick was even born.

Nick was featured in the September 25th edition of Sports Illustrated, and on ESPN in celebration of his record-breaking performance.

So, Mr. Speaker, I just wanted to join Nick's family, friends, and teammates in congratulating him on this outstanding achievement. We all wish him well on his future endeavors.

IN RECOGNITION OF CONGRESSMAN CHARLES CANADY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. BILIRAKIS. Mr. Speaker, I would like to take the opportunity to recognize the service and accomplishment of one of our colleagues, Congressman CHARLES CANADY. As the representative for the people of the 12th district of Florida, CHARLES CANADY has made significant contributions to the legislative debate on a number of important issues facing both the state of Florida, as well as the nation as a whole. The people of Florida, and his colleagues in the House, will miss his presence and leadership.

As a result of his service and diligent efforts, Congressman CANADY has been able to achieve significant legislative accomplishments. He introduced and worked to secure passage of the Lobbying Disclosure Act, the first significant reform of lobbying regulations in over a generation. To accomplish this difficult goal, CHARLES took a bipartisan approach and reached across party lines to pass this important legislation without amendments that would have diluted the bill's effectiveness.

Congressman CANADY has also been an active proponent for the freedom of religious expression. To that end, he introduced the Religious Liberty Protection Act, which protects against government encroachment on free religious expression in public places, and that bill was subsequently passed by the House of Representatives.

More recently, I had the pleasure to work with CHARLES and the other members of the Florida Delegation on one of the most significant pieces of environmental legislation this nation has ever passed, the Everglades Restoration bill. As a member of the Florida Delegation, Congressman CANADY can take pride in knowing that his work will contribute to the economic, environmental, and cultural vitality of the state, saving this precious national treasure for generations to come.

We will all miss the contributions and camaraderie CHARLES has shared with us. This will be an exciting time in the lives of the Canady family, as they await the birth of their second child. As a friend and fellow Floridian, I wish CHARLES, his wife Jennifer, his daughter Julie Grace, and the newest addition to the Canady family, the best as they embark upon a new chapter in their lives. I look forward to working with CHARLES in other capacities in the future as he continues his service to the people of Florida.

IN HONOR OF SENATOR GRACE L. DRAKE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. KUCINICH. Mr. Speaker, today I honor Ohio State Senator Grace L. Drake. As senator she held a most distinguished political career, marked by numerous accomplishments and awards. Today, as her 17 years of service to the Ohio State Legislature is coming to a close, I offer my recognition and admiration for her exalted work.

Appointed to the office of State senator in May 1984, Senator Drake was re-elected handily in November of the same year. She has served on numerous committees throughout her tenure. Most recently, she served as chair of the Senate Health Committee since 1989, and as a member of the committees on Rules, Reference, and Ways and Means.

Widely recognized as one of Ohio's outstanding legislators, she has introduced over 146 pieces of legislation, passing over 60 of them. This remains a record unmatched by any current member of the Ohio General Assembly. Recognizing Senator Drake's hard work and dedication to the people of Ohio, Ohio Governors, and Senate Presidents have rewarded her with key State appointments to the powerful State Controlling Board, chairman of the Retirement Study Committee, and the first chairman of the Women's Policy and Research Commission, among numerous others.

Senator Drake has also served as chairman of the Senate Economic Development and Small Business Committee, and has used her knowledge of Ohio's economy to hold economic development seminars in Cuyahoga and Medina Counties. Credited with stimulating economic growth in Northeast Ohio, she was recently appointed to serve on the Ohio Development Financing Advisory Council.

Senator Drake has played key roles in forming and building three major statewide organizations, namely, the Ohio Dairy Strategic Planning Task Force, to address the needs of the Ohio Dairy industry; the Ohio Higher Education Business Council, in cooperation with the Ohio Board of Regents and all of Ohio's public and private universities; and the Ohio Farmland Preservation Task Force, which addresses the issues of farmland loss and the need for preservation.

Due to all of Senator Drake's commitment, she has been the recipient of many awards and honors. The United Conservatives of Ohio chose her to receive the Watchdog of the Treasury Award four times, for her commitment to keeping the costs of government down. She has also been awarded three Outstanding Legislator of the Year Awards from the Ohio Speech and Hearing Association. In 1955, she was inducted into the Ohio Women's Hall of Fame, the first State senator to be granted this honor. In 1997, Senator Drake received the Ohio State Bar Association's Distinguished Service Award. Most recently, she has been awarded an honorary doctorate in public administration by Cleveland State University and an honorary masters degree in anesthesiology from Case Western Reserve University.

Mr. Speaker, I ask that my fellow colleagues join me in recognizing the dedication and distinguished law-making career of Senator Grace L. Drake. The General Assembly, as well as the people of Ohio, are losing a unique legislator who understood the value of public service. Let us commend her on 17 years as an Ohio State Senator.

IN RECOGNITION OF THE 150TH ANNIVERSARY OF BLOOMING GROVE MISSIONARY BAPTIST CHURCH

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. PHELPS. Mr. Speaker, today I recognize one of the churches in my district. This year Blooming Grove Missionary Baptist Church of McLeansboro, IL celebrates its 150th anniversary. I thought it appropriate to acknowledge the church's rich and colorful past along with the congregation's contribution to society.

After a long petitioning process, Blooming Grove was accepted for membership at the tenth annual meeting of the Franklin United Baptist Association in Johnson City, IL. Today, 150 years later, the church is still going strong. Led by Pastor Bro. Gary Davenport for the past 14 years, Blooming Grove has a regular attendance of 75 dedicated citizens. Throughout the years the church has contributed to local and national charities. In fact, as early as 1907 church records state that Blooming Grove gave $7.33 to China to help in their suffering. The congregation may have changed in size for the past 150 years, but through it all there has always been a strong church body willing to do all they can to keep the congregation together.

It is with this, Mr. Speaker, that I commend the Blooming Grove Missionary Baptist Church. Due to the perseverance and dedication of the congregation, it is clear that the church is an asset to the community.

HONORING DR. LOU PULLANO, BROOKDALE COMMUNITY COLLEGE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. PALLONE. Mr. Speaker, I would like to recognize the achievements of my constituent and friend, Dr. Lou Pullano, Ed.D, of Long Branch, N.J. Lou is retiring from Brookdale Community College, Lincroft, N.J., after 28 years of outstanding service as a professor and administrator.

Lou has made many remarkable contributions to the local and educational communities of Monmouth County over the course of his career. Perhaps his most outstanding achievement and lasting contribution is the creation of the Brookdale College Radio Station, WBJB 90.5 FM. This small station has grown in listenership and is now recognized as a leading model for school-sponsored stations. In fact, I understand it is now broadcasting with National Public Radio.

Lou's career at Brookdale has been varied and far-reaching, thereby accounting for the tremendous love and respect in which he is held by thousands of students, current and former. For many years, he was a faculty member and professor of Communications Media and became director of Arts Communications, which included the departments of Music, Arts, Graphics, Theater and Speech.

In addition, he was more recently named Brookdale Director of Telecommunication Technologies, which includes radio and cable television broadcasts, and in charge of the Performing Arts Center at Brookdale. Now, upon his retirement, he is also in charge of Distance Education Programs.

Lou is among those who have made Brookdale Community College the educational gem that it is among community colleges in New Jersey and across the country.

I know I speak for all the students past and present at Brookdale, as well as the community of Long Branch and the County of Monmouth, when I wish Lou well in his retirement and thank him for his many years of outstanding and dedicated service.

TRIBUTE TO GRACE McCARTHY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to the life and contributions of Grace McCarthy, who passed away just a few days ago at the age of 92.

One of Pacifica, California's most passionate and influential citizens, Grace McCarthy added value and beauty to almost every aspect of civic life in Pacifica and in San Mateo County. Her countless contributions were not made simply from her strong sense of public duty, but from the affection and loyalty she had for the city and citizens of Pacifica.

Mr. Speaker, the phrases "ecologically sound" and "environmental protection" were not as popular thirty years ago as they are today, but Grace did a great deal to give them meaning in Pacifica. Never bending simply because some opinion leaders may have disagreed with her, Grace was a maverick whose steadfast views and boundless energy were key to protecting Pacifica's natural splendor beginning in the 1970's.

Nothing demonstrates this more than Grace McCarthy's appointment to the first Coastal Conservation Commission for Pacifica and to the California State Coastal Commission. During her tenure, Grace fought unpopular battles and was often at odds with fellow commission members, but her views always earned respect because of her unquestioning devotion to protecting and preserving the coast in and around Pacifica. The Pacifica Tribune commented, "As a member of the Central Coastal Conservation Commission, she catches it from both sides. Free enterprise businessmen and property owners figure she's aligned with those who would 'close' the coast. The environmentalists accuse her of being aligned with the free enterprise business and property owners . . . Fortunately, Mrs. McCarthy is a practical, tough not easily intimidated or discouraged public servant who's doing a hard job well."

Mr. Speaker, Grace's inherent respect for natural beauty existed before she came to reside permanently in Pacifica with her husband and children. Grace and her husband, Carl, met at Yosemite National Park, where, fortuitously, Carl paid a chance visit and Grace was attending a nature convention. Grace and Carl's mutual love for nature augmented Grace's devotion to Pacifica's coast and its evergreens.

Decades before environmental issues were in vogue, Grace McCarthy devotedly and doggedly fought for wilderness parks, open space, riding and hiking trails, and the dedication of parks in new subdivisions. Although she was a fierce, determined and indomitable conservationist, in her public activities and in her private life, she was the epitome of her name—Grace.

Mr. Speaker, all of us who honor Grace McCarthy will look to Pacifica's treetops and coastline and know that much of what we cherish there is ours to enjoy because of

Grace's energy, foresight, fierce determination and firm conviction. We will miss her in the fights that lie ahead, but her spirit will continue to inspire and guide our actions.

IN HONOR OF THE NORTH OLMSTED MUNICIPAL BUS LINE (NOMBL)

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. KUCINICH. Mr. Speaker, I honor Ohio's oldest municipally owned bus system, the North Olmsted Municipal Bus Line (NOMBL), which is celebrating 70 years of service to the community of North Olmsted and surrounding suburbs.

NOMBL, located in North Olmsted, serves over one million customers annually, having come a long way since the line's first red and white-painted bus made its first official trip to Cleveland at 5:15 a.m. on March 1, 1931; the first day's revenue was $24.65.

NOMBL was founded after Southwestern Railway decided to discontinue trolley services for the region. Mayor Charles Seltzer, Clerk Elroy Christman, Solicitor Guy Wheeler and resident John Schindler borrowed money to lease two used buses and drove them to Columbus, Ohio to get the vehicle licenses necessary to operate a bus line. With consistent and continued dedication to service and commitment to excellence, NOMBL buses became a landmark in Cuyahoga County.

Today, the active 40-coach fleet operates seven different routes under a contract with the Greater Cleveland Regional Transit Authority (RTA). Operating under this agreement since 1975, NOMBL maintains operation and city ownership while having access to new buses and equipment, technologies, natural gas fueling capabilities, and garage space, enabling the line to better serve customers. Evolving through appearance changes, service expansions and various partnerships, NOMBL has remained committed to dependable and faithful service, with much thanks given to and appreciation for its dedicated and responsible employees.

Mr. Speaker, let us recognize the achievements of the NOMBL, which will be honored at the 70th Anniversary Luncheon on March 1, 2001, for 70 years of service.

IN RECOGNITION OF THE EXCELLENCE OF THE READING JUNIOR-SENIOR HIGH SCHOOL ESTEEM TEAM

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. PORTMAN. Mr. Speaker, today I honor the Reading Junior-Senior High School Esteem Team, which received Ohio's 2000 BEST Practices Award on October 10, 2000. The BEST Practices Award honors groups that improve the performance of Ohio's students through innovative, effective approaches to common education challenges.

The Esteem Team has an outstanding record of positive results. I have met and worked with several members of the Team, and I can say firsthand that their work has made a very significant difference in the Cincinnati community.

The Team was founded in 1989 by three senior students at Reading Junior-Senior High School. The goal of the program is to instruct and motivate other students to lead safe, healthy lifestyles. The group is student-run, and, since 1989, it has blossomed from a handful of members to its current count of almost 90. Molly Flook Woodrow, who teaches special needs students at Reading Junior-Senior High School, serves as the Team's advisor and has done so since the Team was established.

The Esteem Team members play a critical role in our community by serving as role models and contributors to safe, drug-free lifestyles for other students. The Team primarily educates elementary and secondary students by providing current, accurate information on the dangers and often life-threatening effects of drug abuse. Through organized workshops, group discussions, role-playing and informative skits, these young leaders have developed an effective message that teaches students to make good decisions and to be responsible.

The Esteem Team has been instrumental to efforts to reverse substance abuse trends in our area, and we are very fortunate for the hard work of its members. All of us in the Cincinnati area congratulate the Esteem Team on receiving Ohio's 2000 BEST Practices Award.

HONORING FAIR LAWN COUNCILWOMAN FLOSSIE DOBROW

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. ROTHMAN. Mr. Speaker, today I pay tribute to a longtime resident of the Borough of Fair Lawn, New Jersey who is completing her 24th year of service to our community as a distinguished member of the Borough Council. Mr. Speaker, I honor Councilwoman Florence Dobrow, who is better known as Flossie to her many friends and supporters.

Flossie became politically active as part of the Fair Lawn Independent Democrats and was first elected to the Borough Council in 1976. In July of 1981, Flossie became the Borough's 18th Mayor and served one term.

Having earned the support and respect of the people of Fair Lawn, Flossie has been reelected time and again to the Borough Council and today is recognized in the Hall of Fame of the New Jersey League of Municipalities for her year of public service.

Flossie's accomplishments in Fair Lawn are legendary. The Dobrow Field Complex, which for years has been used by youngsters to play a number of sports, is named in honor of her contributions to our community.

As a founder of the Fair Lawn Garden Club, Flossie created what is popularly known as "Flossie's Posse," to engage local community members in making certain that shrubs and flowers throughout the Borough are being managed properly.

Simply put, Flossie is a local treasure, much as her cousin Abe Stark was a treasure to Ebbets Field, where his "Hit Sign Win Suit" was a legend of a different kind. With her late husband Saul and her son Ira, she has contributed to Fair Lawn in every respect. Today, Flossie's grandson is the object of her love and devotion.

I understand that Flossie's remarkable years of service to the Borough of Fair Lawn will be the subject of a testimonial dinner that will be held on December 7, 2000. As a proud resident of Fair Lawn, I join my fellow Borough residents in saluting Flossie and the outstanding example she has set for others to follow.

Mr. Speaker, I congratulate Flossie Dobrow on the occasion of this well deserved tribute and wish her health and happiness in the years to come.

REGARDING INDIA'S FIGHT AGAINST TERRORISM

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. SAXTON. Mr. Speaker, the terrorist attack on the U.S.S. *Cole*, in which 17 young American sailors lost their lives, and 39 were seriously wounded, was but the latest tragic reminder of the threat that the world's democratic nations face from the specter of terrorism. For many years, the United States has worked with our friends and allies to combat the scourge of international terrorism. This cooperation recognizes the mutual enlightened self-interest of democracies that face common threats to develop common means of responding to those threats.

Few countries have suffered as much from international terrorism as India. India, a nation with deeply rooted democratic traditions, must remain vigilant against an ever-present threat of terror fomented from many of the same forces that seek to attack U.S. interests and cause harm to Americans, such as Osama Bin-Laden and the forces associated with his international terrorist network.

That is why I am encouraged to see that cooperation between the United States and India on the anti-terrorism front has been strengthened and deepened. At the two U.S.-India summit meetings this year—one here in Washington the other in New Delhi—a framework for bilateral cooperation in the war against terrorism has been adopted, including establishment of a Joint Working Group on counter terrorism. We should see to it that this cooperation is strengthened and that this Joint Working Group continues to meet productively on a regular basis.

In particular, I am encouraged that the U.S. and India have decided to expand the mandate of the Joint Working Group to include discussion on such issues as narco-terrorism and Afghanistan. During his visit to Washington in September, Indian Prime Minister Vajpayee raised the situation in Afghanistan, India's concerns about the nature of the Taliban government and its connection with international terrorist organizations, concerns which the United States shares. Our two nations agreed to set up a framework for talks to deal with our common concerns about Afghanistan, and I will work to encourage progress on this front.

For nearly two decades, India has suffered from cross-border terrorism in Punjab, in Jammu and Kashmir and in other parts of India. Thousands of lives have been lost to the terrorists' bombs and guns. Last December, an Air India jet was hijacked by individuals subsequently identified as Pakistani nationals with possible links to ISI, an intelligence organization of the Pakistan Government.

On a recent report on the CBS news magazine "60 Minutes," Marine Corps General Anthony Zinni, outgoing commander of U.S. forces in South Asia told reporter Steve Kroft that he believes it is "very possible" that nuclear weapons in Pakistan could wind up in the hands of extremist religious leaders.

These are the kinds of threats that India faces on an ongoing basis.

The U.S. State Department has indicated its growing concerns about terrorism in the South Asia region. Congress must, if necessary, urge the State Department to act on designating those Pakistani-based militant groups that have so far escaped designation as Foreign Terrorist Organizations. Otherwise, those very groups will take the lack of action on our part as a signal that we are tolerating the very terrorist actions our laws are intended to interdict, thereby encouraging further terrorist action against innocent populations.

Like the United States, India recognizes that terrorism represents an assault on the very notion of an open, democratic society. And like the United States, India is not about to surrender to those forces that seek to murder innocents, exact blackmail and tear the fabric of civil society. We have long worked with the other great democracies of the world to make a common stand against those forces. We must see to it that the beginnings of cooperation we have seen with India, the world's largest democracy, will move forward to protect the lives of our people and build a more secure future for both of our great nations.

IN HONOR OF GRACE F. SINAGRA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. KUCINICH. Mr. Speaker, today I honor the memory of Mrs. Grace F. Sinagra, a longtime resident of Lakewood, OH who passed away on November 22, 2000 at the age of 87.

This remarkable woman owned and operated Sinagra's Food Market in Lakewood for 51 years along with her husband of 60 years, Nate Sinagra, who passed away in 1990. The couple was known locally for their tremendous generosity and concern for their fellow citizens. During the Great Depression, the Sinagras frequently extended credit to those in need, so that they could afford to feed their families. However the end of the depression did not mark the end of the Sinagra's charity. The two continued to donate food on a weekly basis to the Sisters of the Poor Clares.

For Grace Sinagra, this altruism began at a very early age. In 1916, when she was only 3 years old, Sinagra left the comfort of home in Alexandria, Virginia and traveled with her family to Sicily to bring her grandmother to the United States. However, due to the outbreak of World War I, the family was forced to delay their return until 1919. This experience must have made a significant impression on her, for she continued this type of heroism and selflessness for the rest of her life.

Mrs. Sinagra is survived by her son Anthony Sinagra of Lakewood, OH, her daughters Theresann Santoro of Lyndhurst, OH and Sister Annette of Adrian, MI; eight grandchildren; five great-grandchildren; and one brother.

Mr. Speaker, I ask my fellow colleagues in the House of Representatives to join me today in remembering Grace F. Sinagra. The memory of this great woman will surely endure in the hearts of all those whom she touched.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

SPEECH OF

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. CLAY. Mr. Speaker, I was deeply saddened to learn of the recent passing of former Representative Henry B. Gonzalez. He was a good friend and a respected colleague during the course of our service together in the House of Representatives. I wish to extend my sympathies to his wife, Bertha, and their children. I wish them well as they continue life without their beloved "Henry B."

Henry Gonzalez's long career in public service was a distinguished one. He was the first Hispanic to be elected to the San Antonio City Council. He was the first Hispanic elected to the Texas State Senate. He was the first Hispanic elected to represent Texas in the U.S. Congress. He tirelessly and passionately represented his constituents for more than half a century. He became particularly well known as a champion of the poor and the downtrodden.

The high point of Henry Gonzalez's 37 years as a member of this body was when he became chairman of the Banking Committee, a post he held for three terms. As chairman, he played a key role in resolving the savings-and-loan scandals of the 1980s. He also made his mark advocating for the expansion of affordable housing opportunities.

Mr. Speaker, as I bring to a close my own career in the House, I frequently reflect on the issues, the legislation, and the people that engaged me here the most. Henry Gonzalez ranks high. I will miss him a great deal.

RECOGNITION OF BEN VINSON III

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. MURTHA. Mr. Speaker, I would like to take this opportunity to recommend to my colleagues a fascinating article written by Ben Vinson III, entitled, "Blacks in Mexico," published in El Aguila Del Hudson Valley. Ben Vinson, a native of Johnstown, PA, is an Assistant Professor of Latin American History at Barnard College, Columbia University. He has just completed a book on black soldiers in Colonial Mexico, "His Majesty's Men." I am extremely proud of the fact that Ben once was an intern in my congressional office and I submit the following article into the CONGRESSIONAL RECORD.

[From El Aguila del Hudson Valley, Nov. 2000]

BLACKS IN MEXICO

(By Ben Vinson III)

As Hispanic Heritage month and the Dia de la Raza are still present in our memory, it becomes important to reflect upon the full diversity of Latin America. Few other regions in the world are as racially rich, and few have achieved the same level of cultural accomplishment. From music and the arts to politics and science, people of Latin American descent have made significant contributions. Names such as Oscar Arias Sánchez, Jorge Luis Borges, Diego Rivera, Che Guevara, Rigoberta Menchú, and Celia Cruz, are just a few of the famous figures who have had a tremendous impact on our times. But what is often overlooked is the role that Africa has played in the region's heritage and the development of its people. With over 450 million inhabitants, Latin America has one of the world's largest populations. Yet what is not as well known is that up to ⅓ of all Latin Americans today can claim some African ancestry, according to research conducted by the Organization of Africans in the Americas (OAA). In 1992, there were as many as 82 million Afro-Latinos in the hemisphere, with some living in unlikely places such as Argentina, Uruguay, Peru, Ecuador, and Bolivia. Even in the United States today there are between 3.5 to 5 million Afro-Latinos residing in the country.

What does this mean? Simply that one cannot celebrate the Hispanic heritage without celebrating the connection with Africa, regardless of one's national origins. Mexico is an excellent example. With so much emphasis on the country's Indian history, it has become easy to overlook links with an African past. But these links exist. When Columbus first sailed to the coast of southern Mexico between 1502–1504, he could not have imagined that within a hundred years, this land would become the largest importer of African slaves to the New World. Between 1521 and 1650, Mexico alone imported nearly half of all the black slaves introduced into the Americas. They worked in a variety of professions, including the farming industry, on tobacco and sugar plantations, as domestic workers, and in silver mining trades. Anywhere that the Spaniards lived, they took African slaves with them. Because of this, Mexico's black population was spread out everywhere, from the northern frontier towns near the current U.S.-Mexican border, to the southern villages near Guatemala and along the coast of the Yucatan.

Blacks mixed quickly with the indigenous and mestizo populations. Some of this had to do with the condition of slavery itself. Not many women were brought from Africa, which forced many men to marry non-black women. After 1650, the number of black inter-racial marriages had increased so much that some scholars believe that Mexico's version of mestizaje owes a great debt to Africa. According to Dr. Patrick Carroll, it was essentially blacks that fused the indigenous and white races together, since both Spaniards and Indians frequently had sexual relations with blacks. Sometimes these relations were more frequent than they had with one another.

Blacks were not just slaves in Mexico. African slaves were commonly released from bondage through buying their freedom, using small amounts of money that they were able to save on their jobs. Sometimes masters also freed their slaves because of their good services, or because they feared that they would be punished by God if they kept them. By 1800, Mexico possessed one of the largest numbers of free-blacks in the world, just behind countries like Brazil. In fact, the total number of blacks in Mexico numbered over 370,000, representing nearly 10% of the population.

What happened to Mexico's blacks? We don't see much of them in the media, nor has there been a strong effort to write about them in history textbooks. The percentage of Afro-Mexicans has grown smaller over time. Although there are almost a half a million blacks in the country today, they represent less than 1% of the national population, and they live mainly in the coastal areas of Veracruz, Oaxaca, and Acapulco. The general Mexican population is often aware of a small black presence in their country, especially in Veracruz. But oftentimes these people are viewed as foreigners, mainly Cuban immigrants, who are not truly a part of the nation. While Cuban immigration at the end of the 19th century was significant towards increasing the number of blacks in Mexico, the descendants of Mexican slaves still remain an important part of the Afro-Mexican population.

When one travels to the west coast of Mexico we can see these roots, as I did during a research trip four years ago. In the village of Corralero, Emiliano Colon Torres (age 99) spoke about how he participated in the Mexican Revolution along with other Afro-Mexicans, and even black Cubans. But times were difficult, both before and after the war. As he and several others noted: "Some [darker] blacks, especially one Cuban musician, found it difficult to marry because of their race. A very popular musician who had migrated from Cuba died without ever marrying." Such comments reveal a phenomenon that exists not just in the black areas of Mexico, but in other places in Latin America where blacks live. Skin color has made it difficult to gain full acceptance in society. This can lead to lower self-esteem, as well as a denial of certain aspects of one's African heritage. Despite the fact that the region surrounding Corralero has a long Afro-Mexican history, stretching back into the 1600s, when I asked people how blacks first entered their area, I almost always received the same answer: "Blacks arrived to our coast in the 1940s when a Russian ship sank off shore. There was a black crew working on the ship, and they came to our area and began to populate it." Another version of the story involves a Japanese plane that crashed near the shore, also with a black crew. While there is some evidence of wreckage, these stories deny an entire history involving slavery and the slave trade. Perhaps this is the intention. By not being associated with Africa and slavery, Afro-Mexicans can elevate themselves. Instead of being associated with Africa's negative stereotypes, such as a lack of education, barbaric behavior, and poverty, Afro-Mexicans become associated with the rich Japanese and the powerful Russians. These are better images. It is also possible that the people of Corralero and its neighboring towns knew little of a deep Afro-Mexican past because they have not had access to information about their African history and heritage.

Hispanic Heritage month and El Dia de la Raza are times when we can remedy situations like these. Hispanics and Latin Americans do not need to apologize for, or hide their African heritage. It is part of a great cultural strength, which contributes to the richness and diversity of the region. In the same manner that we recall the early events that led to the development of the Americas, let's not forget that in each of our countries, Africa had an important role too. And whether through subtle mestizaje or more overt influences, an African heritage continues to shape who the Latin American people truly are.

INTRODUCTION OF THE ARMED SERVICES VOTE RESERVE ACT

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. SALMON. Mr. Speaker, I thought I would be at home with my family at this time, preparing for the holidays, but we are here, and we have work to do. One of the areas that we should address before we adjourn is the disgraceful treatment of our overseas military personnel by partisan political operatives.

At the behest of political operatives, lawyers spread out across Florida with a specific goal in mind—to disenfranchise the men and women of our Armed Forces who are living abroad. So they distributed a 5-page primer on how to kill these votes, and they challenged every absentee ballot they could from our servicemen and servicewomen, managing to block more than 1,400 votes from being counted.

They didn't block these votes from being counted a second, third, or fourth time—they blocked them from being counted even once. These votes now sit in the trash, and barring congressional action this year, those votes will never be counted.

Along with my friend CURT WELDON, I am today introducing the Armed Services Vote Rescue Act, which will count those ballots cast by our military personnel stationed overseas. And it will not just make sure they are counted in future elections, it will make sure that they are counted in Florida this year. Legal scholars assure us the bill is entirely constitutional.

The bill essentially adopts the standard articulated by Senator ZELL MILLER in the Washington Post of November 20th:

> Any ballot from a man or women in the military who is serving this country should be counted—period. I don't care when it's dated, whether it's witnessed or anything else. If it is from someone serving this country and they made the effort to vote, count it and salute them when you do it.

I was in Kosovo earlier this year and let me tell you—obtaining a postmark is not the first thing on our soldiers minds, nor should it be. Or imagine those on aircraft carriers—they don't wait around to find a postmark—they get the mail off the carrier the first chance they get.

Those who defend our Nation should not be mistreated the way they have been wronged this year in Florida, and no man who would be Commander-in-Chief should seek to exclude the votes of the men and women he would command.

You know, at the same time Florida officials were dismissing valid military ballots, these same Florida counties, according to the Miami Herald, accepted the illegal votes of as many as 5,000 felons, including at least 45 killers and 16 rapists. So rapists' votes were counted, but soldiers' votes were trashed. The Congress cannot let that stand.

We have more than 30 original cosponsors on the bill and endorsements from a growing list of veterans groups. So be fore we adjourn, let's give each and every Member the opportunity to cast a simply vote, so there can be no mistake: Do we stand without military men and women, or do we stand with partisan lawyers out to obstruct their votes?

Let's pass the Armed Services Vote Rescue Act and do right by our military personnel.

I submitted into the CONGRESSIONAL RECORD the following letters from various veterans groups who have endorsed this legislation as well as a copy of the memo that was used to exclude these military ballots.

NON COMMISSIONED OFFICERS ASSOCIATION OF THE UNITED STATES OF AMERICA,
Alexandria, VA, December 1, 2000.

Hon. MATT SALMON,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR MR. SALMON: The Non Commissioned Officers Association of the USA (NCOA) is writing to state our strong, unequivocal support for the Armed Services Vote Rescue Act.

The sacred oath of all military personnel, officers and enlisted alike, is to support and defend the Constitution of the United States. Incredibly, military personnel sworn to preserve the Constitution, at great personal risk, were in more than 40% of the cases in Florida denied their most basic right to have their vote counted in the November 2000 general election. The outright rejection of armed services absentee ballots, as appears to be the case, because of some discriminatory pre-conceived notion that military votes might favor one side versus the other, is unacceptable and should not be allowed to stand.

Military members give up many rights while serving in the Armed Forces. Restrictions are placed on their political activities and Armed Forces members understand and abide by those limits. The right to vote is the only form of political speech that a military member can exercise freely and without restriction. Denying the vote of military personnel and their eligible family members, who have complied with all applicable registration and voting requirements, is unconscionable. The very thought of it should chill the spine of all freedom loving people.

NCOA salutes your effort to reverse this recent travesty and thereby re-enfranchise Florida's military absentee voters. The fact that any individual, group, political party or candidate for national office would systematically seek to marginalize military absentee ballots is appalling. The call to arms has been issued. Fix bayonets. Count on NCOA'S full support for swift consideration and enactment of the Armed Services Vote Rescue Act.

Sincerely,

DAVID W. SOMMERS,
President/CEO.
LARRY D. RHEA,
Director of Legislative Affairs.

THE RETIRED ENLISTED ASSOCIATION,
Alexandria, VA, December 5, 2000.

Hon. MATT SALMON,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE SALMON: On behalf of the over 100,000 members of The Retired Enlisted Association and Auxiliary, we applaud you for introducing The Armed Services Vote Rescue Act.

We have received numerous phone calls, letters and emails from thousands of military retirees and survivors concerning the current problems with the counting of absentee ballots from military personnel deployed in distant locations.

We join you in the effort to insure that soldiers, sailors, airmen, marines and coastguardsmen have the same opportunity to vote as the American people who are provided the defense of our nation.

Sincerely,

MARK H. OLANOFF,
National Legislative Director.

AIR FORCE SERGEANTS ASSOCIATION,
Temple Hills, MD, December 1, 2000.

Hon. MATT SALMON,
Cannon House Office Building,
Washington, DC.

DEAR REPRESENTATIVE SALMON: On behalf of the 150,000 members of this association, I applaud you for taking the initiative to introduce legislation that would require all overseas absentee ballots from military members to be counted.

Our association has received numerous telephone calls and email messages expressing the outrage of our active duty and retired military members. It is a sad day for America when the votes of our men and women, who on a daily basis make sacrifices and dedicate their lives to ensuring our freedom, are denied the right to vote for their next commander in chief.

The "Armed Services Vote Rescue Act," if enacted would help "re-enfranchise" military voters not only in Florida, but across the country and around the world. Again, thank you for sponsoring this much needed legislation.

Sincerely,

JAMES D. STATON,
Executive Director.

AMERICAN DEFENDERS OF BATAAN & CORREGIDOR, INC.,
San Antonio, TX, December 2, 2000.

Hon. MATT SALMON,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE SALMON: As commander of the American Defenders of Bataan and Corregidor, I take this opportunity to commend you in your effort in introducing legislation to protect the vote of the military personnel.

On behalf of the members of this organization, I relate to you our overwhelming support for this legislation.

We are outraged at the deliberate attempt to throw out the absentee ballots of the military in Florida. It is a national disgrace.

Again, we fully support your effort in introducing legislation to enact the Armed Services Vote Rescue Act.

Sincerely,

JOSEPH L. ALEXANDER,
National Commander.

NAVY LEAGUE OF THE UNITED STATES,
Arlington, VA, November 30, 2000.

Hon. MATT SALMON,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE SALMON: I am writing to you on behalf of the 70,000 members of the Navy League of the United States in support of the Armed Services Vote Rescue Act.

Deployed military members have accepted the risk of missions and remote assignments ordered by the commander in chief. They swear to defend the Constitution of the United States. It is inconceivable that the very men and women who put their lives on the line to protect our freedoms under law should be denied the privilege of voting.

The men and women in uniform must not be deprived of their right to vote and have their vote counted. The Armed Services Vote Rescue Act will ensure that the votes cast by members of our armed services are counted.

The Navy League, as a civilian patriotic organization, it dedicated to the support of America's sea services and supports this bill.

Sincerely,

RADM JOHN R. FISHER,
USN (Ret.),
National President.

VETERANS OF FOREIGN WARS OF THE U.S., VFW NATIONAL HEADQUARTERS,
Kansas City, MO.

NATIONAL VETERANS' LEADER IRATE OVER REJECTION OF MILITARY BALLOTS

WASHINGTON, DC, November 24, 2000.—The Commander-in-Chief of the 1.9-million-member Veterans of Foreign Wars (VFW) today again expressed his outrage over the failure of the State of Florida to include more than 1,400 absentee military ballots.

"I just returned from visiting America's troops overseas," said Commander-in-Chief John F. Gwizdak. "These young men and women are serving under extraordinarily difficult conditions for a nation that has just taken away one of their most basic rights—the right to vote. It is absolutely unconscionable that any party or official would seek to include dimpled or damaged ballots and reject, out of hand, any ballot from those who proudly serve this nation because that ballot failed to pass through the U.S. Postal System. If any ballots should be counted, it should be those of our nation's heroes first."

"I call on the decency of both candidates and the State of Florida to correct this grievous injustice," said Gwizdak. "How can we send young men and women into harm's way if we are unwilling to give them the basic right upon which this nation was founded? Anyone who fails to grasp the magnitude of this injustice does not understand the principals of the U.S. Constitution. They should hang their head in shame."

Gwizdak is from Stockbridge, Georgia and a retired military officer, having served 10 years as an enlisted soldier and 10 years as an officer, retiring in 1978 at the rank of Captain. He is a decorated Vietnam veteran having received a Combat Infantryman's Badge, a Purple Heart for wounds received in battle as well as a Bronze Star with a "V" for valor among other decorations.

Date: November 15, 2000.
To: FDP Lawyer.
From: Mark Herron.
Subject: Overseas Absentee Ballot Review and Protest.

State and Federal law provides for the counting of "absentee qualified electors overseas" ballots for 10 days after the day of the election or until November 17, 2000. Sections 101.62(7)(a), Florida Statutes defines as "absentee qualified elector overseas" to mean members of the Armed forces while in the service, members of the merchant marine of the United States and other citizens of the United States, who are permanent residents of the states and are temporarily residing outside of the territories of the United States and the District of Columbia. These "absent qualified electors overseas" must also be qualified and registered as provided by law.

You are being asked to review these overseas absentee ballots to make a determination whether acceptance by the supervisor of elections and/or the county canvassing board is legal under Florida law. A challenge to these ballots must be made prior to the time that the ballot is removed from the mailing envelope. The specific statutory requirements for processing the canvass of an absentee ballot including of overseas absentee ballot, are set forth in Section 101.62(2) (c)2. Florida Statutes:

If any elector or candidate present believes that an absentee ballot is illegal due to a defect apparent on the voter's certificate, he or she may at anytime before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of the ballot specifying the precinct, the ballot, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voters certificate may not be accepted after the ballot has been removed from the mailing envelope. The form of the voter's certificates on the absentee ballot is set forth in section 101.64(1), Florida Statutes. By statutory provisions, only overseas absentee ballots mailed with an APO, PPO, or foreign postmark shall be considered a ballot. See Section 101.62(7)(c). Florida Statutes. In reviewing these ballots you should focus on the following:

1. Request for overseas ballots: Determine that the voter affirmatively requested an overseas ballot, and that the signature on the request for an overseas ballot matches the signature of the elector on the registration books to determine that the elector who requested the overseas ballot is the elector registered. See Section 101.62(4)(a), Florida Statutes.

2. The voter's signature: The ballot envelope must be signed by the voter. The signature of the elector as the voter's certificate should be compared with the signature of the elector of the signature on the registration books to determine that the elector who voted by ballot is the elector registered. See Section 101.68(c)x, Florida Statutes.

3. The ballot is properly witnessed: The absentee ballot envelope must be witnessed by a notary or an attesting witness over the age of eighteen years. You may note that these requirements vary from the statutory language from the Section 101.68(a)(c)1. Florida

Statutes. Certain statutory requirements in that section were not proclaimed by the Justice Department pursuant to Section 5 of the Voting Rights Act, Sec. DE 98-13.

4. The ballot is postmarked: With respect to absentee ballots mailed by absolute qualified electors overseas only those ballots mailed with an APO, PPO, or foreign postmark shall be considered valid. See Section 101.62(7)(c), Florida Statutes. This statutory provision varies from rule 15-2.013(7), Florida Administrative Code, which provides overseas absentee ballots may be accepted if "postmarked or signed and dated no later than the date of the federal election."

5. The elector has not already voted (duplicate ballot), in some instances an absent qualified elector overseas may have received two absentee ballots and previously submitted another ballot. No elector is entitled to vote twice. (Please insert appropriate Fl. xxx.)

To assist your review, we have attached the following:

1. A review Federal Postal regulations relating to FPO's and PPO's.

2. A protest form to be completed with respect to each absentee ballot challenged.

3. Overseas Ballot Summarily of Definitions.

Revised Overseas Ballot Summary of Definitions—There are 3 different types of overseas ballots that are valid for return at the counties provided they are postmarked on or before November 7th.

1. Federal Write-in ballot. Must be an overseas voter and must be eligible to vote and be registered under State law. Must have affirmatively requested an absentee ballot in writing and completely filled out request (including signature). Must comply with State laws applying to regular absentee ballots (such as registration requirements, notification requirements, etc.). Ballot contains only Federal races, and is considered to be a "backup" system if the regular state absentee ballot fails to arrive. The intent of the voter in casting the ballot should govern. In other words, minor variations in spelling candidate or party names should be disregarded in ballot counting so long as the intention of the voter can be ascertained. Must be postmarked as an APO, FPO, or MPO in a foreign country or a foreign post office.

2. Florida Advance Ballot Sent out in advance of a regular General Election ballot with state and Federal candidates listed. Must be an overseas voter and must be eligible to vote and be registered under State law. Must comply with State laws applying to regular absentee ballots (such as registration requirements, notarization requirements, etc.). Must have affirmatively requested an absentee ballot in writing and completely filled out request (including signature). Sent prior to the second (or October) primary elections to all permanent overseas registered voters. Must comply with all State laws regarding signatures, witness requirements, etc. Must be postmarked at the APO, FPO or MPO in a foreign country or at a foreign post office.

3. Regular Overseas Ballot. Sent after the second (or October) primary elections to all permanent overseas registered voters and voters requesting an overseas ballot from the county. Must be an overseas voter and must be eligible to vote and be registered under State law. Must comply with State laws applying to regular absentee ballots (such as registration requirements, notarization requirements, etc.). Must have affirmatively requested an absentee ballot in writing and completely filled out request (including signature). Full ballot with all candidates listed. Likely would take precedence over any advance or federal ballot also returned. Must comply with all State laws regarding signatures, witness requirements, etc. Ballot is designed by the county. Must be postmarked at an APO, FPO, or MPO in a foreign country or at a foreign post office. Below are the definitions for points of origin and postmark that are valid for military overseas ballots:

1. APO (Army Post Office)—A branch of the designated USPS civilian post office, which falls under the jurisdiction of the postmaster of either New York City or San Francisco, that serves either Army or Airforce personnel.

2. FPO (Fleet Post Office)—A branch of the designated USPA civilian post office, which falls under the jurisdiction of the postmaster of either New York City or San Francisco, that serves Coast Guard, Navy, or Marine Corps personnel.

3. MPO (Military Post Office)—A branch of a U.S. civil post office, operated by the Army, Navy, Airforce, or Marine Corps to serve military personnel overseas or aboard ships.

4. Military Post Office Cancellation—A post mark that contains the post office name, state, ZIP Code, and month, day, and year that the mail xxx was cancelled.

Protest of Overseas Absentee Ballot As provided in Section 101.68(2)(c)(2), Florida Statutes. I, as an elector in County, Florida, hereby protest against the canvass of the overseas absentee ballot described below.

County:
Precinct:
The Ballot:
Name of Voter:
Address of Voter:
Reason for rejection:
Lack of voter signature
Lack of affirmative request for absentee ballot
Request for absentee ballot not fully filled out
Signature on absentee ballot request does not match signature on registration card or on ballot
Voter signature on envelope does not match signature on registration card
Inadequate witness certification
Late postmark (Indicate date of actual postmark)
Domestic postmark (including Puerto Rico, Guam, etc.)
No postmark
Voter had previously voted in this election
Other

Signature of Person Filing Protest

Print Name

IN HONOR OF RAJ MATHUR

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 6, 2000

Mr. KUCINICH. Mr. Speaker, we rise today to honor the memory of an actively involved Cleveland citizen and leader of the Indian-American community, Raj Mathur. His recent death at the age of 59, is a sorrowful event for the whole community of Cleveland.

After moving to the United States in the late 1960s to further his education at North Carolina State University, Mr. Mathur went on to teach economics at the University of Akron. After several year of sharing his knowledge with students, in 1974 he shared a piece of his culture with the Greater Cleveland community, opening the Taj Mahal restaurant, which is believed to be the first Asian Indian restaurant in the area.

Dedicated to getting Indian-Americans and Asian Indians involved in the U.S. political process, Mr. Mathur was a founding member of Asian Indians for Better Government. Furthermore, he was a key member of the community helping to start the Federation of Indian Community Associations's Project Seva, which provides Thanksgiving meals for those in need.

In recognition of these efforts, Mr. Mathur received the federation's 1999 Community Service Award. We all owe him a great debt of gratitude for his tireless work in organizing and uniting our community, and for his exemplary record of public service.

We ask the House to join with us today in honoring the memory of this great community leader and role model.

HOUSE OF REPRESENTATIVES—*Thursday, December 7, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 7, 2000.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, we trust You will resolve our uncertainties and bring about true healing.

We know You can recreate greatness in this Nation and raise up leaders in our day who will guide us with courage and wisdom. Through the prophet Isaiah You have told us You are our redeemer. Breathe the breath of lasting freedom in Your people. Make us confident that You will lead us now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3514. An act to amend the Public Health Service Act to provide for a system for sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4827. An act to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

The message also announced that the Senate has passed with amendments bills of the House of the following titles:

H.R. 4493. An act to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.

H.R. 4640. An act to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate recedes from its amendments numbered 2 and 4 to the bill (H.R. 3048) "An Act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes"; and agrees to the amendment of the House to the amendment of the Senate numbered 5 to the above-entitled bill.

The message also announced that pursuant to Public Law 96–114, as amended, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to the Congressional Award Board—Galen J. Reser, of Connecticut; and Rex B. Wackerle, of Virginia.

The message also announced that pursuant to Public Law 105–341, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individual to the Women's Progress Commemoration Commission: Ann F. Lewis, of Maryland, vice Joan Doran Hedrick, of Connecticut.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minute speeches will be postponed until the end of the day.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the order of the House of December 6, 2000, I call up the joint resolution (H.J. Res. 127) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 127 is as follows:

H.J. RES. 127

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "December 8, 2000".

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, December 6, 2000, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 127, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 127 is one more continuing resolution that is required, inasmuch as several of the appropriations bills have not been concluded. I might say that these bills basically are awaiting conclusion not because of appropriations issues but because of extraneous issues that in my opinion do not even belong in an appropriations bill. But nevertheless, these

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

issues are there, and they are causing some controversy.

So I would point out to our colleagues, Mr. Speaker, that we have set a record. This is the largest number of continuing resolutions that any Congress to my knowledge has ever considered. It is not the longest number of days covered by CRs, but this one is No. 18.

The reason that we have had to present so many continuing resolutions is because we cannot get agreement to go beyond 1 day at a time, in most of the cases, so we are here with a one-day CR. Tomorrow, we will have to do another CR. Saturday, we may have to do another one-day CR, unless the negotiations that are taking place at the White House as we speak with the President produce some concrete decisions.

If that is the case, then we will be able to present to the Members a final package of appropriations measures by the middle of next week. But at this point, Mr. Speaker, it remains to be seen what comes from the White House meeting between our leaders, the bicameral and bipartisan leadership, and the President of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, this is indeed Groundhog Day over and over and over and over again. As I think most Members understand, we were supposed to have our budget work done by October 1. It is not rare that we do not. That has often happened in the history of the House under both parties.

What is rare is this difference. In the past, in the main, continuing resolutions which keep the government open after the expiration of the previous fiscal year are passed for the purpose of giving the leadership of both parties and those involved in negotiations an opportunity to have more time to complete their work by resolving their differences.

Instead, I am forced to conclude that continuing resolutions in this situation are being used as a tool to shield this institution from doing its work resolving our differences and completing the work needed on the budget for not the coming year but the year that we have been in since October 1.

Continuing resolutions are supposed to be used to buy time to find compromises. Yet, we see gross evidence that in fact there are other plans afoot. I do not care if we take a look at the Washington Post today or if we take a look at the Wall Street Journal or if we take a look at the New York Times or if we take a look at the AP report, which I have seen today, we see that the distinguished whip on the majority side of the aisle, the gentleman from Texas (Mr. DELAY), is in essence counseling that what the majority party ought to do is to push the President into a position where he is forced to choose between shutting down government agencies and accepting what he describes as Republican priorities, including a very large scale-back of education funding which was in the budget agreement which was negotiated and agreed to before the elections but was never brought to the floor by the leadership of the House.

I deeply believe that there are the votes to pass that proposal if it can ever reach the floor of the House, but permission to bring it to the floor of the House is being withheld.

We are being told that what must happen in order for us to complete our work is that many billions of dollars in education funding which were agreed to in that conference report should now be stripped out of that bill as a price for its passage. Until that happens, we are being asked to pass a series of continuing resolutions a day at a time or two days at a time that slowly click the clock down to the point where there is no time left to do anything to provide this funding for this year. That is why we are now on the 18th continuing resolution since October 1.

I would ask those who are urging that the education funding be cut back in the bill that we negotiated, I would ask whether they really do believe that we ought to back away from what I regarded as one of the best achievements of this Congress, a negotiated agreement that provided a 22 percent increase in support for education over the previous year.

If Members do not like those increases, I would ask, which ones do they want to cut back? Do they want to see the class size reduction program cut back, so we can slack off on our effort to reduce the size of classes?

Do they want to reduce the after-school learning programs that we are trying to ramp up so that children from families with two parents working outside the household can spend the after-school hours in a meaningful learning experience with adult supervision, rather than either roaming the streets or going home to an empty house?

Would they prefer that we eliminate some of the funding for the Title I program under which 900,000 disadvantaged students are supposed to receive extra help in reading and math, for instance?

Would they propose that we scale back the hard-won increase of $500 per child in the Pell grant program in the maximum grant?

Would they propose that we scale back the work study program?

Which of these education programs is it in the national interest to scale back on from the amounts that were negotiated on a bipartisan level between both houses of the Congress and the administration?

Should we scale back on the efforts to improve the quality of teacher instruction in some 15,000 school districts in this country?

Do we really want to have physical education teachers continuing to teach math and English teachers continuing to teach science? I do not think so. Do we really want to scale back on the effort to help huge, humongous-sized high schools redesign themselves into smaller, more intimate learning centers? I do not think we want to do that.

It seems to me that we have a majority in both parties that would support that agreement if it could be brought to the floor. I would urge the leadership of the House to allow that agreement to come to the floor. It was negotiated in good faith, and that apparently is what is preventing us from completing our appropriations work.

I cannot address the other non-appropriation items that are still at issue in this Congress, but I really believe that if the committee were allowed to do so, we could reach a reasonable compromise on the immigration issue in a very short period of time, and I think that we could produce a majority of votes for an agreed-upon compromise on education funding.

But if we are to be confronted by ultimatums such as that suggested by the distinguished minority whip, suggesting that the President should be backed into a corner where he has to accept what the gentleman from Texas (Mr. DELAY) defines as Republican priorities or else see a shut-down of an agency's ability to perform, then I think we are in a most destructive atmosphere.

I find it ironic that the majority party campaigned and their standard-bearer campaigned on the theme that they would pursue a course of bipartisanship, and yet the very first act they are asking us to engage in is to back out of a bipartisan agreement that was negotiated shortly before the election but never brought to the floor for a vote.

I would urge that that approach be reconsidered. I, for one, have supported all of these continuing resolutions in the hope that they would give us more time to resolve differences.

□ 1415

Mr. Speaker, but when they are simply provided as a tool by which those differences are shielded from being resolved, then I see no purpose in voting for further continuing resolutions.

Mr. Speaker, I will vote for this one, but I see no reason to vote for any continuing resolution beyond tomorrow, because we ought to be able to wrap this up in a day or a day and a half.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to advise the gentleman from Wisconsin (Mr. OBEY) that I will have two speakers for brief periods of time. After that, then the gentleman may wish to respond; and then I will have a closing statement and that will be the extent of our debate for today.

Mr. Speaker, I would suggest to the gentleman that if, in fact, the President of the United States would be agreeable to a compromise package that will be presented to him today, the gentleman from Wisconsin is correct, we can finish this in a day and a half. But that has not been too easy to get that agreement.

As a matter of fact, on July 27 of this year, we concluded the conference on the Labor, HHS appropriations bill, and then October 29, we finally came to an agreement on a bipartisan fashion in a sort of a conference agreement, but the next morning, that agreement fell apart not because of something that had to do with appropriations, but something that was not related to appropriations. And that is one of the problems that we are facing.

Mr. Speaker, that is one of the problems that we have been faced with on appropriations bills through this whole season. The appropriations part of the process was the easy part of the job. Where we found great difficulty was on those riders that were attached to appropriations bills.

Why is that the case? Because appropriations bills, Mr. Speaker, have to pass. Congress has to pass appropriations bills. Members, whether they are rank and file Members or whether they are leadership Members, see a vehicle out here that has to pass. And since a regular authorizing vehicle might not be available, they say hey, here is a good chance to do what I want to do on the appropriations bill that has to pass.

Those are the kind of controversies that have caused us time problems. And I say again, the appropriations part of these bills have not created most of the controversies that we have experienced.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I may ask a question of the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, but there are those of us who are rank and file Republicans who frankly were somewhat alarmed by what we saw in the newspapers of the statement by the distinguished majority whip that we should have a 1-year continuing resolution. Agreeing with what I think the gentleman from Wisconsin (Mr. OBEY) has said and what the gentleman from Florida (Mr. YOUNG) has said, it is the judgment of a lot of us that this has been worked on very hard by both parties, a lot of good input has gone into it, a lot of progress has been made. We are pretty close to the end.

These various programs would be good for this country, and we should try to do it as rapidly as possible. Let me point out, we are, I think, 2 months and a week beyond the beginning of the fiscal year for which this should have been done. I think personally it should be done by this particular Congress and this particular President and not by the next President and the next Congress.

I would glean from the comments of the gentleman from Florida (Mr. YOUNG) that the gentleman is in agreement with this and that is the direction which the gentleman continues to go, in spite of what I read of the statements of the majority whip.

I assume that the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, is still in that position, and just the comforts to us who feel this is what we are waiting for and that we are having continuing resolutions for and we have been waiting for, I would like to get the gentleman's view of that.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would say that the gentleman is exactly correct. I agree with the statement that he made. I believe that the 106th Congress should complete the business of the 106th Congress.

I think it will be a tragic mistake to try to run this continuing resolution until the end of the fiscal year. I would strongly object to that, and I certainly cannot speak for the gentleman from Illinois (Mr. HASTERT), the Speaker of the House. That gentleman will speak for himself. And as far as the majority whip, I might tell you that he enjoys the same frustrations that we all experience, but the gentleman is trying to find a way to get things moving, just like all of us are.

Why he said what he said certainly is in his own mind, but I can tell the gentleman that his motives are to get this work concluded. And if he uses the tactic to get our attention, that may be what he is doing. I am not sure, but I know that he wants this job concluded.

Mr. Speaker, I have to say that regardless of all of that, I agree. It is our responsibility to conclude the business of the 106th Congress, and we must do it as expeditiously as possible. But I must remind everyone that we are not only dealing with ourselves here in the House, Republicans and Democrats. We are also dealing with the United States Senate, Republicans and Democrats. We are also dealing with someone with a very big stick, a veto pen, who resides at 1600 Pennsylvania Avenue.

It is not easy to bring these very divergent groups together, but that is what we are trying to do. And I agree with the gentleman from Wisconsin (Mr. OBEY), one day CRs, in my opinion, are ridiculous.

We ought not be wasting the time of the Congress doing that. We should be using the time to conclude our business, but I am definitely opposed to a year-long continuing resolution.

Mr. CASTLE. Mr. Speaker, the comments of the gentleman give me comfort, and I thank the gentleman a great deal.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I have not been in negotiations in the White House. I am not a Member of the Republican leadership, but I am a concerned citizen, and I also am a Member of a bipartisan group which met with the gentleman from Indiana (Mr. ROEMER) yesterday and Members from both sides to try to find a way to bring our two parties together.

We have gone over and over the issues. We have gone over and over the dollar amounts. We have had things on the table and off the table and back on the table, and it just seems to me that we do a job in the amount of time we allow ourselves to do it in, and we are about at that point.

Mr. Speaker, I would like to ask the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, because I think he has done an extraordinary job, are the issues such that we can, within a reasonable period of time, I say 24, 48 hours, solve these things and vote on them?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. HOUGHTON. I yield to the gentleman from Florida.

MR. YOUNG of Florida. Mr. Speaker, the issues are serious, and the issues are dealing with numbers that are very high in one area to some members, very low with another group of Members, also with the President, but some of the issues as I mentioned are not even related to appropriations.

The gentleman will recall we had the argument over the ergonomics issue, and then we had quite an argument over the question of granting blanket amnesty to those who are here in the United States illegally.

Those are two big issues that are not Appropriations issues, but are being considered using the appropriations bill as a vehicle for their enactment. So things like that are causing us problems.

Can we get together? I do not see why we cannot get together. What needs to happen is everybody needs to realize that no one is going to get their way exactly the way they wanted it.

I am chairman of the Committee on Appropriations, but I cannot get my way all the time, and chairmen of our subcommittees cannot get their way all the time, but what we all have to recognize is there has to be a consensus.

We are almost evenly divided in this House and in the other body, so it is time to recognize each side has to give a little. If you want to get something, you have to give something, and that is what it is going to take to conclude our business.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for his comments.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my friend, the gentleman from Wisconsin (Mr. OBEY) for yielding me the time.

Mr. Speaker, I want to associate myself with the, I think, thoughtful and bipartisan comments made by the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, my good friends in a new bipartisan coalition that we have recently formed, the gentleman from New York (Mr. HOUGHTON), the gentleman from Delaware (Mr. CASTLE), and certainly with I think the wise remarks of the gentleman from Wisconsin (Mr. OBEY) that he made to start this debate.

It seems to me that we have two questions here: A question of process and a question of bipartisanship.

On the question of process, the American people have hired us in the 106th Congress to do a job and to finish a job and to not shirk, to not neglect, to not ignore those responsibilities for either reasons of politics and Presidential elections or reasons of convenience and push off those decisions to the 107th Congress.

We have been paid to make those decisions. We should make those decisions in this 106th Congress.

Mr. Speaker, the second question that I think is important is a question of bipartisanship. Do we have one individual, a Speaker or a President, that can stand up and say either stand down and I want it my way 100 percent or shut down the government? That is not the way this process and this body works. Nobody is going to get exactly what they want nor should they.

A number of bipartisan Members of this body, Democrats and Republicans, have signed on to a letter stating that "we urge you to ensure that the FY2001 budget is finalized and approved before the 106th Congress adjourns. We strongly believe that the passage of a continuing resolution in the next year would only serve to provide this Congress with an excuse to shirk its duty to the American people." That is signed by the gentleman from New York (Mr. HOUGHTON), the gentleman from Delaware (Mr. CASTLE), the gentleman from Michigan (Mr. UPTON), the gentleman from Wisconsin (Mr. KIND), the gentleman from Tennessee (Mr. FORD), the gentleman from Florida (Mr. DAVIS), the gentleman from Pennsylvania (Mr. GREENWOOD).

We want to see this process work. If we can make this final process on two of the most important bills that the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY) have worked in a bipartisan way, if we can make this work in a bipartisan way, we can then have a steppingstone to the 107th Congress to begin the needed and necessary and vital bipartisan work that we are going to require to get the people's business done.

Mr. Speaker, I would hope that we would sit back down together in a Democratic and Republican way and finish the job of the 106th Congress on education and health issues.

Mr. Speaker, I include for the RECORD, the following letter:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2000.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.
Hon. RICHARD A. GEPHARDT,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER AND MR. LEADER: We applaud your recent efforts at the highest levels of our congressional leadership to reach across the aisle and renew a meaningful dialog. As you know, our group of rank-and-file Republicans and Democrats is also dedicated to finding practical, bipartisan solutions to the issues facing the Congress.

Accordingly, we urge you to insure the FY 2001 budget is finalized and approved before the 106th Congress adjourns. We strongly believe that the passage of a continuing resolution into next year would serve only to provide this Congress with an excuse to shirk its duty to the American people.

Today we offer the support and encouragement of our membership in whatever ways might be helpful in realizing this important goal. We look forward to working with you on a common agenda in the 107th Congress.

Sincerely,

TIM ROEMER.
MIKE CASTLE.
HAROLD E. FORD, Jr.
RON KIND.
AMO HOUGHTON.
JIM DAVIS.
JAMES C. GREENWOOD.
FRED UPTON.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank my friend, the gentleman from Wisconsin (Mr. OBEY) for yielding the time to me and I thank all of my colleagues.

As I listen to the gentleman from New York (Mr. HOUGHTON), as I have listened to the gentleman from Florida (Chairman YOUNG), I would hope that we can deal with what some of the realities are here.

There is going to be a closing statement where some of these matters will be discussed, but we cannot reach a compromise nor can we advance government if leaders on both sides are not willing to work together, nor can the other side expect this side to believe we can reach an agreement if top leaders on your side can scuttle a deal if they go back to their office and learn they were not consulted, or learn that they were not part of a meeting and suggest to Americans, suggest to this Congress that they have no problems with shutting down this government.

Mr. Speaker, it seems fitting that the majority whip's name is DELAY, because that is what is happening here. And I have great respect for the gentleman from Texas (Mr. DELAY). And I certainly do not mean to cast aspersions on his person or on him. But we have to deal with this reality.

I say to my friends on the other side, if you can bring the gentleman from Texas (Mr. DELAY) to the table to agree to work to compromise and to reach some agreement, not for Republicans or Democrats, but for the people, then we can all go home.

We are willing to deal. The President is willing to deal. From the newspaper accounts, Mr. LOTT is willing to deal. The gentleman from Illinois (Mr. HASTERT) is willing to deal. The gentleman from Texas (Mr. ARMEY) is willing to work to try to find agreement, but if the gentleman from Texas (Mr. DELAY) is going to make all of these decisions, then perhaps he ought to be the only one in the room when an agreement is trying to be reached.

Mr. Speaker, I say to all of my friends on the other side, I am proud to be a part of any organization that seeks to move government forward. I say to all of my friends, bring the gentleman from Texas (Mr. DELAY) to the table, let him lay out what it is exactly he wants, other than blaming Mr. Clinton for shutting down the government and, perhaps, we can start from there, move from there, and conclude from that point.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to recapitulate, there are a number of appropriation bills which still have not passed, but a number of them primarily because they just got caught up in accidents that started out to happen to somebody else, and we can fix those in about 5 minutes. No problem with those.

There are only two real problems left. One is to find some reasonable language compromise on the immigration question, which the gentleman from Florida (Mr. YOUNG) points out correctly, is not an appropriations issue. The second is to deal with the Labor, Health and Education appropriation conference report.

□ 1430

I would remind Members that, when that bill came back from conference, there were objections raised on both sides of the aisle to one language provision in that bill, namely, the language provision that related to ergonomics. I was highly unsatisfied with the results, from my perspective. A number of Members on that side of the aisle were highly unsatisfied with the results from their perspective.

But with that exception, I do not recall a single stated objection to any of the dollar agreements in the bill. I do not recall any arguments about any of the appropriation decisions on funding levels. To me, education ought to be the top priority of both parties.

I had said consistently in this debate that, if one looks at the history of how different programs were increased as they moved through the process of the education area, that there were some areas such as special education which were Republican priorities. There were other areas that were Democratic priorities.

It seems to me, given the realities of the changes in the economic circumstances that we have seen with these larger surpluses available, that the one area that deserves top priority for funding is education; and that if we truly are going to deal in a bipartisan manner, there ought to be room for the education priorities of both parties within the same bill.

I think that is the kind of bill that was put together with the help of the gentleman from Illinois (Mr. PORTER) and the gentleman from Florida (Mr. YOUNG) in that conference report. I would still renew my request to the House leadership to allow that bill to come to the floor. I am confident that if they did, there would be enough votes on both sides of the aisle to pass it in a truly bipartisan fashion, and we could, at least so far as appropriation items are concerned, conclude our business on an honorable note.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I, again, agree with what the gentleman from Wisconsin (Mr. OBEY) said about the appropriations items. I want to assure the gentleman from Wisconsin (Mr. OBEY) and all of the Members that, in the final package, the latest package that we have provided to the leadership, education is still a high priority for the dollars that would be appropriated. Medical research through NIH, again, is a very high priority. The dollars are larger than last year and larger than the President's request. But we understand the importance of these, and we want to get these items concluded.

We do not want to continue on a continuing resolution because that does not provide the additional investment that we need in medical research, that we need in education, and that we need in the other people's programs. But we do have to come to an agreement with people who are very far apart as we speak today.

Of all of the many issues that are out there, most of them are related one to another. There are one or two keys. If those two keys can come together, everything else falls into place. So I am optimistic, and I try to be optimistic all the time. I am optimistic today.

The gentleman from Wisconsin (Mr. OBEY), my friend, said that this is like Groundhog Day over again. Most people think that Groundhog Day is that day in February where Punxsutawney Phil comes out of his little cave, and if he sees his shadow, winter is going to last for a certain period of time. If he does not see his shadow, it will last for another period of time.

But what the gentleman from Wisconsin (Mr. OBEY) was referring to when he said this is like Groundhog Day all over again is a movie named "Groundhog Day." It had to do with a weather forecaster from a Pittsburgh, Pennsylvania, television station who was in Punxsutawney to cover the emerging Punxsutawney Phil, the groundhog.

Through some fluke, he got into a situation where he repeated every day. Day after day after day, he repeated the same day. I agree with the gentleman from Wisconsin (Mr. OBEY) that it sort of seems like Groundhog Day here when we are doing continuing resolutions day after day after day.

I do not know how long this went on, but for this newscaster, it went on a long time. But he learned so much about so many things in that period of time. The way the "Groundhog Day" was concluded and the day and the way that he got back into a cycle was he fell in love with the producer of his program who he was very hostile with in the beginning.

So if he and that producer could fall in love and end this cycle of continuous Groundhog Days day after day after day, the gentleman from Wisconsin (Mr. OBEY) and I can love each other. We can all love each other. The Congress can love the President. We can have our differences. But if we could just show a little love and compassion here and some understanding, we can conclude this business and finish the work of the 106th Congress.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply like to note that I have heard a number of Members come up to me and say about this impasse, this cannot go on. I remember Herb Stein, who was the head of the council on economic advisors to President Nixon. I remember Herb Stein saying once in testimony before the Joint Economic Committee, "People say this cannot go on." He said, "My experience is, if something cannot go on, it stops." I would hope that this incessant number of continuing resolutions would stop and that the sparring would stop, and tomorrow we can bring a bill to the floor reflecting the bipartisan negotiations which we have already agreed upon and pass it and end this session.

Mr. YOUNG of Florida. Well, Mr. Speaker, I would say that I hope that happens. It could happen. A lot of it is going to depend on what comes out of the meeting that is taking place at the White House as we speak.

Mr. Speaker, today, some time after the election on November 7, the Nation is pretty much divided right down the middle. In the House, the political differences are almost 50/50. In the Senate, they are 50/50. In the country on popular vote for President, 50/50. The Nation is politically pretty much divided.

But I want to remind my colleagues that this is America. This is the United States of America. There is something special about that. Remember, 59 years ago today, Pearl Harbor was attacked. The Nation did not have any real direction. We were an emerging industrial Nation. But, then Pearl Harbor was attacked. Americans came together with such a powerful statement, such a profound statement, and put together one of the most fantastic military capabilities in the world eventually.

It took a while, but we came together. We overcame all kinds of differences, different opinions, different challenges, different industrial challenges, different political challenges. We came together as a strong and powerful Nation. Ever since that day, we have been an outstanding example for the rest of the world of freedom, of justice, of the ability to work together in the best interest of the people of the United States and for those in the world that we are called upon to help.

If that could happen in America, it can happen here in this Congress. If we all settle down and recognize we have got to come together, we do not necessarily have the opportunity to go our own individual ways, but we have got to come together, if we do that, we will come together, and we will conclude the business of the 106th Congress and get ready for the 107th Congress, which is going to begin in just a few short days.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to the order of the House of Wednesday, December 6, 2000, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 359, nays 11, not voting 62, as follows:

[Roll No. 601]

YEAS—359

Abercrombie
Aderholt
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
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Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
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Towns
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Wise
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So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 601, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Mr. KIND. Mr. Speaker, on rollcall No. 601, unfortunately, due to an unavoidable weather delay I missed today's rollcall vote. Had I been present, I would have voted "yea."

PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Virginia will state his parliamentary inquiry.

Mr. SCOTT. Mr. Speaker, was the request just to have the bill considered?

The SPEAKER pro tempore. The gentleman from Florida (Mr. McCOLLUM) asked unanimous consent to discharge the Committee from further consideration of S. 3045 and to pass the bill in the House.

Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. McCOLLUM) to explain the purpose of his motion.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the bill, S. 3045, is the Paul Coverdell National Forensic Science Improvement Act of 2000. It was introduced by Senator JEFF SESSIONS in the other body as a tribute to the late Senator Paul Coverdell. Senator Coverdell had introduced similar legislation earlier this Congress but did not live to see it acted upon. S. 3045 passed the other body by unanimous consent last Thursday.

S. 3045 is similar to a bill, H.R. 2340, introduced in the House by the gentleman from Georgia (Mr. BISHOP). It addresses the most pressing problems facing law enforcement today, the critical backlog of work in our State crime labs.

The crisis in our forensic labs is acute. According to a report issued in February by the Bureau of Justice Statistics, as of December 1997, 69 percent of State crime labs reported backlogs in the analysis of DNA samples alone. And of course, these backlogs also affect all types of evidence being prepared for trial.

The delays in conducting autopsies and crime scene evidence often delay the trial of a case, which means that victims have to suffer longer waits for justice to be done. And it also means that a defendant who is innocent has to wait longer to prove their innocence. In cases where DNA evidence from a crime where there is no suspect can be matched to an offender in the national database of DNA samples from convicted offenders, any delay in conducting this analysis may allow the perpetrator to remain at large and free to commit more crimes.

We need to help our State labs increase their capacity to conduct forensic testing and to hire and train more people to do this work. The Coverdell Act authorizes $512 million over 6 years to fund facilities, equipment, training, and accreditation for State and local crime labs across America. Seventy-five percent of the funds will be distributed to the States based on population, and 25 percent will be distributed by the Attorney General to high crime areas. To ensure that small States get their fair share of the funding, the act requires that each State receive a minimum of at least 0.6 percent of the total appropriated each year.

The bill expands the list of permitted uses of the Federal crime-fighting Byrne grants to allow States to use those funds to improving the quality, timeliness, and credibility of forensic science services, including DNA, blood, and ballistics tests. The act requires States to develop a plan outlining the manner in which the grants will be used to improve forensic services provided by State and local crime labs and limits administrative expenditures to 10 percent of the grant amount. And the act adds a reporting requirement so that the backlog reduction can be documented and tracked. We need to know how these grants are impacting backlogs in each State.

The bill also includes two provisions unrelated to forensic science grants. One clarifies a provision of the Civil Asset Forfeiture Act passed into law earlier this Congress. The other provision expresses a sense of the Congress regarding the use of DNA samples in certain cases. I support both provisions.

Mr. Speaker, numerous law enforcement organizations support the bill, including the American Society of Crime Laboratory Directors, the American Academy of Forensic Sciences, the National Association of Medical Examiners, the International Association of Police Chiefs, the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, and the National Association of Counties.

This act will clear the crippling backlogs in the forensic labs. In turn, it will help exonerate the innocent, convict the guilty, and restore confidence in our criminal justice system. It is an important bill, and I certainly urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from Georgia (Mr. BISHOP), who has worked extremely hard on this particular legislation.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Paul Coverdell National Forensic Sciences Improvement Act. This bill covers issues that Senator Coverdell and I feel very, very strongly about. In fact, this bill will address concerns that almost every major law enforcement agency in the United States has a concern with. We hope that, by passage of this, that we will take another step forward in crime control and in our ability to move cases throughout our court system.

Today we are responding to law enforcement and criminal justice professionals from Georgia and throughout much of the country who have called on Congress to help them overcome the alarming shortages in forensic science resource that confront our States and communities.

These shortages in personnel, in modern equipment and lab space, in technology and computerization, in education and training have created what has been accurately described as a "choke point" in the country's system of justice.

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Due to the lack of adequate resources, nearly 70 percent of the 600 State and community forensic laboratories, medical examiner's offices, and coroner's offices are experiencing major backlogs in their forensic caseloads. In 8 out of every 10 labs, the forensic caseloads are increasing much faster than their budgets.

These conditions have caused major delays, preventing the timely conviction of the guilty and exoneration of the innocent. These delays can be devastating to individuals and families, and dangerous for society at large. There are instances where suspects of violent offenses had to be freed because DNA testing could not get done.

Several years ago, the States' Coalition was formed among State law enforcement agency directors that took the lead in addressing the crisis. The director of the Georgia Bureau of Investigation, Buddy Nix, has been in the forefront of this effort which has the support of the entire criminal justice community. While calling on States to do as much as possible to alleviate the shortages, the coalition has also pointed out that this is a problem of national concern. And it is appropriate for the Federal Government to contribute to the solution.

The result is the National Forensic Sciences Improvement Act which I, a Democrat, and the late Paul Coverdell, a Republican, introduced in our respective Chambers, backed by strong bipartisan cosponsorship. Following the tragic loss of Senator Coverdell, the sponsors dedicated this measure in memory of our esteemed friend and colleague from Georgia.

This proposal simply provides block grants to States. To my knowledge, there is no real opposition to the bill's merits. The only question is whether it will be given the priority treatment many of us believe it deserves. Will a new program such as this be among those that prevail in the competition for limited Federal dollars?

The Senate has answered that question, and today the House gives its answer, which I anticipate will be a resounding "yes."

Some people say the need to put more resources into the fight against crime is not as great as it was a few years ago. It is certainly true that FBI surveys show that the overall crime rate has steadily declined as a result of many factors, including a growing economy, tougher sentences, greater public awareness and involvement, and the high professionalism of today's criminal justice professionals. But it would be premature to declare victory.

Although the crime rate is falling, it is true that one out of every four American families is still victimized every year by one or more serious crimes. One out of every four. The monetary losses are still huge, $19 billion or more a year. The suffering that many people experience continues to be incalculable.

Again, I commend Senator SESSIONS and everyone involved in this initiative to finish the task that meant so much to Senator Coverdell. I thank the Democratic members of the committee in the House and especially thank the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM), and the ranking member, the gentleman from Virginia (Mr. SCOTT), who really deserve the lion's share of the credit. I would also like to thank the staff on both sides of the aisle who have worked diligently to keep this legislation alive for over a year. I support the bill and ask my colleagues to support it, also.

Mr. SCOTT. Mr. Speaker, reclaiming my time and under my reservation, I just want to thank the Commonwealth of Virginia for its excellent crime labs under the leadership of Paul Ferrara. Virginia has done an excellent job in forensic technology.

Mr. Speaker, based on the comments made by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Georgia (Mr. BISHOP), I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paul Coverdell National Forensic Sciences Improvement Act of 2000".

SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section 501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

(1) in paragraph (25), by striking "and" at the end;

(2) in paragraph (26), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.".

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

"(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

"(A) forensic science laboratory or forensic science laboratory system, that—

"(i) employs 1 or more full-time scientists—

"(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

"(II) who provide testimony with respect to such physical evidence to the criminal justice system;

"(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

"(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

"(B) medical examiner's office (as defined by the National Association of Medical Examiners) that—

"(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

"(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.".

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

"PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS

"SEC. 2801. GRANT AUTHORIZATION.

"The Attorney General shall award grants to States in accordance with this part.

"SEC. 2802. APPLICATIONS.

"To request a grant under this part, a State shall submit to the Attorney General—

"(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

"(2) a certification that any forensic science laboratory system, medical examiner's office, or coroner's office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices and procedures, established by accrediting organizations; and

"(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

"SEC. 2803. ALLOCATION.

"(a) IN GENERAL.—

"(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

"(2) DISCRETIONARY ALLOCATION.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General's discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

"(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

"(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

"(b) STATE DEFINED.—In this section, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

"(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

"(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

"SEC. 2804. USE OF GRANTS.

"(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

"(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

"(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

"(2) may not be used for any general law enforcement or nonforensic investigatory function.

"(c) FACILITIES COSTS.—

"(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

"(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

"(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

"(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

"(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

"SEC. 2805. ADMINISTRATIVE PROVISIONS.

"(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

"(b) EXPENDITURE RECORDS.—

"(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

"(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

"SEC. 2806. REPORTS.

"(a) REPORTS TO ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

"(1) a summary and assessment of the program carried out with the grant;

"(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

"(3) such other information as the Attorney General may require.

"(b) Reports to Congress.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

"(1) the aggregate amount of grants awarded under this part for that fiscal year; and

"(2) a summary of the information provided under subsection (a).".

(2) Authorization of appropriations.—

(A) In general.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

"(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

"(A) $35,000,000 for fiscal year 2001;

"(B) $85,400,000 for fiscal year 2002;

"(C) $134,733,000 for fiscal year 2003;

"(D) $128,067,000 for fiscal year 2004;

"(E) $56,733,000 for fiscal year 2005; and

"(F) $42,067,000 for fiscal year 2006.".

(B) Backlog elimination.—There is authorized to be appropriated $30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) Table of contents.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) Repeal of 20 percent floor for CITA crime lab grants.—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding "and" at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) In General.—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking "(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106–185.

SEC: 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) Findings.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as "DNA testing") has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) Sense of Congress.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Senate amendment:

Page 26, after line 6, insert:

SEC. 11. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) Findings.—Congress finds that—

(1) over the past decade, deoxyribo-nucleic acid testing (referred to in this section as "DNA testing") has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from

convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in the United States;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing the loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of those proceedings.

Mr. McCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida to explain the purpose of his request.

Mr. McCOLLUM. I thank the gentleman from Virginia (Mr. SCOTT) for yielding.

Mr. Speaker, I introduced the bill, H.R. 4640, which is the subject of this request, the DNA Analysis Backlog Elimination Act, together with the gentleman from Virginia (Mr. SCOTT) as the ranking minority member, the gentleman from Ohio (Mr. CHABOT), the gentleman from New York (Mr. WEINER), and the gentleman from New York (Mr. GILMAN) to address a very important problem, the massive backlog of biological samples awaiting DNA analysis in the States. This bill will authorize the appropriation of Federal funds to be awarded to States in order to clear this backlog. It also gives the Federal Government much needed authority to take DNA samples from certain Federal offenders and include them in the FBI's national database of convicted offender samples that matches known offenders to crimes where the perpetrator is yet to be discovered.

The bill was first passed by the House by voice vote on October 2. The other body passed the bill by unanimous consent yesterday. In the other body, the bill was slightly amended in one regard: It added a sense of the Congress concerning the use of DNA evidence in certain cases. The sense of the Congress is identical to that contained in S. 3045, the bill just passed by the House. So I see no problem with it at all. I think it is a very important bill that the gentleman and I have worked on for some time. I would urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, this is the bill we passed, and the Senate amendment improved the bill.

Mr. GILMAN. Mr. Speaker, I would like to express my gratitude to Chairman MCCOLLUM for his dedication and diligence in bringing H.R. 4640, the DNA Analysis Backlog Elimination Act, to the floor today, and am pleased that this legislation reflects many of the provisions outlined in my measure, H.R. 3375, the Convicted Offender DNA Index System Support Act. I've had the pleasure of working closely with him, Ranking Member SCOTT, and Representatives RAMSTAD, STUPAK, KENNEDY, WEINER, and CHABOT, in developing this legislation, which will meet the needs of prosecutors, law enforcement, and victims throughout our Nation.

Mr. Speaker, in 1994, the Congress passed the DNA Identification Act, which authorized the construction of the combined DNA index system, or CODIS, to assist our Federal, State and local law enforcement agencies in fighting violent crime throughout the Nation. CODIS is a master database for all law enforcement agencies to submit and retrieve DNA samples of convicted violent offenders. Since beginning its operation in 1998, the system has worked extremely well in assisting law enforcement by matching DNA evidence with possible suspects and has accounted for the capture of over 200 suspects in unsolved violent crimes.

However, because of the high volume of convicted offender samples needed to be analyzed, a nationwide backlog of approximately 600,000 unanalyzed convicted offender DNA samples has formed. Furthermore, because the program has been so vital in assisting crime fighting and prevention efforts, our States are expanding their collection efforts. Recently, New York State Governor George Pataki enacted legislation to expand the State's collection of DNA samples to require all violent felons and a number of non-violent felony offenders, and, earlier this year, the use of the expanded system resulted in charges being filed in a 20-year-old Westchester County murder.

State forensic laboratories have also accumulated a backlog of evidence for cases for which there are no suspects. These are evidence "kits" for unsolved violent crimes which are stored away because our State forensic laboratories do not have the support necessary to analyze them and compare the evidence to our nationwide data bank. Presently, there are approximately 12,000 rape cases in New York City alone, and, it is estimated, approximately 180,000 rape cases nationwide, which are unsolved and unanalyzed. This number represents a dismal future for the success of CODIS and reflects the growing problem facing our law enforcement community. The DNA Analysis Backlog Elimination Act will provide States with the support necessary to combat these growing backlogs. The successful elimination of both the convicted violent offender backlog and the unsolved casework backlog will play a major role in the future of our State's crime prevention and law enforcement efforts.

The DNA Analysis Backlog Elimination Act will also provide funding to the Federal Bureau of Investigation to eliminate their unsolved casework backlog and close a loophole created by the original legislation. Although all 50 States require DNA collection from designated convicted offenders, for some inexplicable reason, convicted Federal, District of Columbia and military offenders are exempt, H.R. 4640 closes that loophole by requiring the collection of samples from any Federal, Military, or D.C. offender convicted of a violent crime.

Mr. Speaker, as you are aware, our Nation's fight against crime is never over. Everyday, the use of DNA evidence is becoming a more important tool to our Nation's law enforcement in solving crimes, convicting the guilty and exonerating the innocent. The Justice Department estimates that erasing the convicted offender backlog nationwide could resolve at least 600 cases. The true amount of unsolved cases, both State and Federal, which may be concluded through the elimination of both backlogs is unknown. However, if one more case is solved and one more violent offender is detained because of our efforts, we have succeeded.

In conclusion, we must ensure that our Nation's law enforcement has the equipment and support necessary to fight violent crime and protect our communities. The DNA Analysis Backlog Elimination Act will assist our local, State and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

Accordingly, I urge full support for the measure.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS ACT OF 2000

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1898) to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida to explain the purpose of his request.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, this bill, S. 1898, is the Interstate Transportation of Dangerous Criminals Act of 2000, also known as Jeanna's Act, which passed the other body by unanimous consent on October 25 of this year.

Every year thousands of violent felons are moved from prison to prison on our Nation's highways. Many of these criminals are transported by the U.S. Marshals Service and the Federal Bureau of Prisons. However, as the number of criminals in State prisons continues to rise, many States now rely heavily on private prisoner transportation companies to move prisoners from State to State. Because there is no uniform set of standards and procedures for these prisoner transport companies to follow, the results are sometimes disastrous when prisoners escape.

A major reason for escapes from prisoner transport companies is the lack of approved standards for the private transport of dangerous prisoners. Anyone with a vehicle and a driver's license can engage in this business and with very little accountability when things go wrong.

S. 1898 seeks to increase public safety by requiring the Attorney General to establish minimum standards and requirements for companies engaging in the business of transporting violent offenders. S. 1898 provides that any person who violates the regulations to be promulgated by the Attorney General shall be liable for a civil penalty in an amount not to exceed $10,000 for each violation and shall make restitution to the government for the money expended to apprehend any prisoner who escapes.

Mr. Speaker, it is absolutely essential that we put in place minimum standards for the transport of prisoners by private transport companies. S. 1898 will do that. I certainly urge my colleagues to support this legislation.

I might add that this is probably the final bill, I would assume it will be, of this Congress that comes forward that the Subcommittee on Crime of the Committee on the Judiciary produces here on the House floor. It is also the final one that I think I will get to offer as a Member of this body. I want to thank the gentleman from Virginia (Mr. SCOTT) in particular and all the members of the Subcommittee on Crime of the Committee on the Judiciary and our staffs on both sides for their wonderful cooperation over the past 2 years, for that matter over the past 6 years, I have been privileged to be chairman of the Subcommittee on Crime. This is one of a series of many products that we have produced and has been done often, as many of these pieces of legislation have, in very bipartisan, cooperative fashion with the gentleman from Virginia and the other members. I want to thank him for that. It is not a controversial bill as many are not, but it has been a great privilege to serve in this body and a great privilege to have served as chairman of this subcommittee.

Mr. SCOTT. Mr. Speaker, reclaiming my time, I would first point out that as the gentleman from Florida mentioned, this bill addresses important concerns and therefore ought to be passed.

Let me congratulate the gentleman from Florida for his tireless efforts over the past few years as chairman of the Subcommittee on Crime and for his ability to work constructively even with those who disagreed with him on the particular bills, constructively on working towards fashioning legislation that would help the Nation. He has led the effort in addressing the Congress' efforts on the issue of crime. He has done it in a constructive way. We have been able to work together even when we disagreed. For that, Mr. Speaker, I want to thank the gentleman for his service and wish him well.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1898

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Transportation of Dangerous Criminals Act of 2000" or "Jeanna's Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.

(2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.

(3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.

(4) Oversight by the Attorney General is required to address these problems.

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly specialized private prisoner transport companies an option. Nothing in this Act should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

SEC. 3. DEFINITIONS.

In this Act:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 924(c)(3) of title 18, United States Code.

(2) PRIVATE PRISONER TRANSPORT COMPANY.—The term "private prisoner transport company" means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.

(3) VIOLENT PRISONER.—The term "violent prisoner" means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the American Correctional Association and the private prisoner transport industry, shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(b) STANDARDS AND REQUIREMENTS.—The regulations shall include the following:

(1) Minimum standards for background checks and preemployment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18, United States Code, for eligibility for employment. Preemployment drug testing will be in accordance with applicable State laws.

(2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.

(3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.

(4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a requirement of 1 agent for every 6 violent prisoners.

(5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

(6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.

(7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

(8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

(9) A requirement that in the event of an escape by a violent prisoner, private prisoner

transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

(10) Minimum standards for the safety of violent prisoners in accordance with applicable Federal and State law.

(c) FEDERAL STANDARDS.—Except for the requirements of subsection (b)(6), the regulations promulgated under this Act shall not provide stricter standards with respect to private prisoner transport companies than are applicable, without exception, to the United States Marshals Service, Federal Bureau of Prisons, and the Immigration and Naturalization Service when transporting violent prisoners under comparable circumstances.

SEC. 5. ENFORCEMENT.

(a) PENALTY.—Any person who is found in violation of the regulations established by this Act shall—

(1) be liable to the United States for a civil penalty in an amount not to exceed **$10,000** for each violation and, in addition, to the United States for the costs of prosecution; and

(2) make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to section 4(a).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMEMBERING PEARL HARBOR DAY AND OUR NATION'S HEROES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, on this day in 1941, Japan attacked and launched a sudden stealth attack on the United States by bombing the naval base in Pearl Harbor, Hawaii. This sneak attack on Pearl Harbor caused widespread destruction and death, similar to the devastation and destruction that would become an all too unfortunate characteristic of World War II.

This day, which will live in infamy, began our Nation's involvement in a war which Americans will never forget. Our World War II veterans served our Nation proudly and made great sacrifices to protect our country and our future. As a veteran myself, I greatly admire the courage and fortitude of those who served in World War II.

The United States is the leader of the world today because of their valiant contributions. On this solemn day, Mr. Speaker, I encourage every Member to take a moment and recognize the service and sacrifice of our veterans, especially those Americans who had to witness two world wars in one century. You made our Nation what it is today. We all thank you.

TRIBUTE TO HIGHER EDUCATION IN NEW JERSEY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, it is with great pride that I rise today and bring attention to a report that was recently released by the National Center for Public Policy and Higher Education. The report, entitled "Measuring Up 2000," found New Jersey is among the country's best places to live for families that have college-bound students in their household.

One reason is that New Jersey's elementary and secondary education rates are among the top in the Nation which is what prepares our college-bound students. In fact, New Jersey students have a 92 percent high school graduation rate and high SAT and advance placement scores. Fifty-four percent of high school freshmen enrolled in college after completion of high school and 39 percent of 18- to 24-year-olds enrolled in college.

New Jersey's institutions of higher learning also achieved high scores in categories such as preparation, participation, benefits, and affordability.

As a former teacher and Congressman for the Eighth Congressional District, I am very proud of this report. I ask all the Members to read it. I think it would be very worthwhile.

WORKING TOGETHER ON ENERGY POLICY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, despite years of record economic expansion, there are storm clouds gathering on the horizon. One of those dark clouds is American energy policy, which for the last 8 years has been, in effect, an anti-energy policy, thwarting domestic energy supplies and driving up costs with needless regulations.

As winter sets in, natural gas and crude oil prices are at record levels and it is the American worker who must shoulder these increases. As Governor Bush points out, we need to unite across party lines and work together for the American people. Formulating a new domestic energy policy is a perfect place to start.

Together we can ensure that new energy technologies receive proper R&D funding. We can reduce our over-reliance on foreign oil through environmentally sound domestic production. We can reduce pollution without resorting to flawed emissions trading schemes; and we can combine forces to see that clean coal, natural gas, nuclear, and hydro continue to provide the reliable and safe energy that drives the U.S. economy.

ON ELECTORAL COLLEGE REFORM

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the election mess in Florida and the closeness of the election throughout the Nation has cemented the fact that we must reform the electoral college.

Today, I have introduced legislation to amend the Constitution to provide two middle-of-the-road options. Neither will totally scrap the system, yet both will allow the voters more of a voice in electing the President.

The first resolution, or the proportional plan, will change the electoral college system by awarding electoral votes in each State based on the percentage of the popular vote gained by each ticket in that State. For instance, if one candidate got 60 percent of the popular vote in a State, he would get 60 percent of the electoral votes of that State and the other candidate getting 40 percent would get 40 percent of the votes in that State.

The second bill, or the district plan, will award one electoral vote to the candidate who wins in each congressional district in the country with the additional two electoral votes of each State awarded to the winner of the popular vote in each State.

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This plan is already in place in Maine and Nebraska, and several State legislatures are going to be considering adopting it. It just does not seem right, as we have the current situation in Florida, where all the electoral votes of that State hinge on a few hundred votes either way.

So I offer these two proposals as a way to begin the discussion and further this debate. There is a place for tradition in our country and a place for reform, and I think these proposals offer an equitable balance between the two.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will proceed to recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMENDING SOUTH DAKOTA'S WILL MERCHEN AND JOSH HEUPEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from South

Dakota (Mr. THUNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. THUNE. Mr. Speaker, I come to the well of the House today to pay special tribute and recognition to two incredible South Dakotans.

Mr. Speaker, I would like to share with you and my colleagues the stories of two great young men from my great State. Both men have very different lives; but their actions, leadership and talents are far reaching, and I would like all of us to recognize them today.

First, Mr. Speaker, I would like to share with the body the story, the amazing story, about a young man from Aberdeen, South Dakota. Josh Heupel is the son of Ken and Cindy Heupel. Josh attends Oklahoma University in Norman, Oklahoma. This is the home district of my friend and colleague, our conference cochair, the gentleman from Oklahoma (Mr. WATTS). I point this out because I believe that the gentleman from Oklahoma (Mr. WATTS) and I share the same appreciation for the type of person that Josh Heupel is.

You see, Mr. Speaker, Josh Heupel is not your ordinary student. From age 4, he has been submerged in the world of football. He would go with his father, Ken, then assistant coach at Aberdeen's Northern State University, to watch hours of football game film with other coaches.

After playing football in high school, Josh considered himself lucky to play for Weber State in Ogden, Utah. There he red-shirted in 1996 and suffered a knee injury in 1997. He threw himself into two-a-day workouts, hoping to win the starting spot at Weaver, but injured himself again.

Josh moved on to Snow Junior College in Ephraim, Utah, where he shared the starting quarterback position with the leading juco passer in the Nation. In just 10 first halves that season, Josh completed 153 of 258 passes for 2,308 yards and 28 touchdowns. That was more than good enough for the University of Oklahoma. They took on Josh Heupel. And today, as leading quarterback, Heupel, or "Hype" as his teammates call him, Josh has led Oklahoma to a 12 and 0 record and a trip to the Orange Bowl for the national championship showdown. He has completed 280 of 433 passes for 3,392 yards and 20 touchdowns. He has at least one touchdown pass in all 24 of his career games at Oklahoma, and has passed for more than 300 yards in 14 of them.

He has already been named the Big 12 Conference Player of the Year, the Walter Camp Player of the Year, and the Sporting News College Football Player of the Year, and today he was named the Associated Press College Player of the Year.

Today, he and his mom, Cindy, his dad, Ken, and his sister, Andrea, spend the day at ceremonies. Josh is in the running for the Maxwell Award, which goes to the best player in college football, and the Davey O'Brien National Quarterback Award.

It is not surprising that Josh Heupel is one of the four finalists for the naming of the best quarterback in the country. This Saturday, Heupel will be accompanied by his family and will be awaiting the announcement of the next Heisman Trophy winner. He is the only South Dakotan ever to be considered and nominated for such a prestigious award.

His coach, Bob Stoops, calls him "the factor" for Oklahoma's number one ranking, and "the heart of the team." Others say he is the biggest reason that the Sooners are going to the Orange Bowl for a shot at the national championship against Florida State.

But I want you to listen, Mr. Speaker, to what his mom, Cindy, says. "These individual awards are very prestigious, but if you know Josh, they're not what matters. The opportunity to play for the national title is what really matters. You've got to know Josh. He is for real. The team goals are what he wants." She goes on to say that Josh will pass the credit for his awards to his coaches and teammates, that the awards are team awards.

But there is more to Josh Heupel than just football. Josh is a good student at the University of Oklahoma. He attends Bible study twice a week with his sister, Andrea, a freshman at the university. Josh has dedicated himself to civic duty. He makes visits to sick children. And just last year, Josh came up with an idea to help area families in Norman, Oklahoma, with a food drive. In the second year, they received more than 1,500 pounds of food and more than $5,000, all spearheaded by Josh Heupel.

A representative from the University of Oklahoma told my office that one of the things that most impressed him about Josh was that on Media Day, Josh Heupel stayed until every child and fan who wanted one got his autograph.

I think that his talent and skill on the football field cannot overshadow this young man's character. Josh Heupel is an outstanding young man who is humble and deeply committed to his faith.

Of course, Mr. Speaker, everyone from South Dakota, and I believe from Oklahoma as well, will be rooting for Josh Heupel on Saturday as the last votes for the Heisman Trophy are counted. But in my book, the score is already final. Josh Heupel has won our hearts and our hopes. He does not need a Heisman Trophy to prove it. Josh Heupel's mom was right, Josh really is the real thing. And for that, I wish him, his family and his team the very best.

Mr. Speaker, I would also like to commend this afternoon another inspiring South Dakotan. I would like to recognize a 20-year-old man by the name of Will Merchen of Rapid City, South Dakota.

Will graduated from Rapid City Central High School in 1999, married his high school sweetheart, Bethany, and started a family. But Will was always stirred by a sense of adventure. He earned the highest position of Eagle Scout, and it was not a surprise to his parents when he thought about joining the United States Navy. In January 1999, Will raised his right hand and made a decision that would change his life dramatically.

You see, Mr. Speaker, 20-year-old Will Merchen was assigned as a damage controlman third class aboard the U.S.S. *Cole*. We have all seen the pictures of the 40-by-40-foot gaping hole in the hull of the U.S.S. *Cole* after the apparent terrorist attack on October 12. We have all seen the grief on the faces of the wounded sailors and their families. But in all this tragedy, I would like to tell you a story about a brave young soul who made it his duty to make sure that all the wounded were rescued and that the ship was saved. This, Mr. Speaker, is Will Merchen's story.

As the number one nozzle man, Will was a specialist at putting out fires and stopping flooding at sea. But he never dreamed that his skills and knowledge would be tested just 3 months into his first 6-month cruise on a destroyer.

Will was in a compartment 15 feet from the site of the explosion. After being thrown to the floor, Will and his crewmates raced to retrieve their emergency equipment and began looking for others. Donned in scuba gear, gloves and fire helmets with headlamps, the three damage controlmen worked their way toward the site.

Amidst the screams, the men helped friends and officers, many of them wounded, to safety. They could not save a senior chief, who spent his last seconds alive with the men. Will and his team used the Jaws of Life to cut half a dozen wounded sailors from wreckage and debris. Then they began the task of removing bodies of their shipmates. In his words Will said, "We called it search and rescue, but that was optimistic. Everyone knows what we were doing. I will never, ever, forget."

Will himself lost three very close friends in that tragedy.

But Will and his team's job was not yet finished. They still needed to stabilize the ship from the rushing waters. Will Merchen and damage controlmen worked for 48 hours straight after the blast to empty flooded compartments and save their shipmates. In the end, 17 sailors died, more than three dozen injured, but because Will Merchen survived, many of his shipmates are alive today.

Retired General William W. Crouch, a member of the special commission investigating the attack on the *Cole*, said this of the damage control teams: "It was an inspired performance and one which every American should be proud of. Those sailors saved themselves, their shipmates, they saved the U.S.S. *Cole*." That is exactly what Will Merchen did. This young man went beyond the call of duty.

Mr. Speaker, when Will took some well-deserved time off with his wife Bethany, their 17-month-old daughter, Ellen, his parents, Bill and Betty, and his brother, Scott, in Black Hawk, South Dakota, he shared this with a local reporter: "I joined the Navy because my father was a first class petty officer on board the U.S.S. *Seattle*. The Navy helped him become a great man, and I hope the same for myself. I am proud of the core values, honor, courage and commitment which the Navy has taught me, and I plan to apply them to all aspects of my life."

Mr. Speaker, I draw attention today to Will Merchen and to his colleagues on that ship, and perhaps particularly fitting on this anniversary of the bombing of Pearl Harbor, as our country remembers, recognizes, the great sacrifice that is made by these young men and women on a daily basis to keep America safe and strong and secure.

Will Merchen, you already have demonstrated the values of honor, courage and commitment in your life; and for that, many of your crewmates and their families and our country can be grateful. We are honored to have you continue in serving our great country in the United States Navy.

Mr. Speaker, Will Merchen and Josh Heupel are young men that have already accomplished much, and they have very promising futures ahead of them; and they are an example of the type of character, the type of values, the type of principled commitment to action that I believe is reflective and represented in my great State of South Dakota. For these young men's efforts in their particular fields, I am particularly grateful and proud; and I know that South Dakota is very, very proud as well.

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PRESCRIPTION DRUG COVERAGE

The **SPEAKER** pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I am going to talk today about the high cost of prescription drugs and a little bit about what happened on this issue this year, both here in Congress and why this issue became an important issue in the presidential election, and talk about some proposed solutions to this problem as we look forward to the 107th Congress next year, because, Mr. Speaker, I am afraid we will end up this 106th Congress without addressing at least in a major way the high cost of prescription drugs. We have done something on this which I will talk about a little bit later.

Mr. Speaker, what is the problem? Why do we have such high prescription drug costs? How are those high prescription drug costs affecting people in the country?

Mr. Speaker, this is a photo of William Newton, who is 74 years old. He is from Altoona, Iowa. He is a constituent in my district whose savings vanished when his late wife, Juanita, whose picture he is holding, needed prescription drugs that cost as much as $600 a month. Mr. Newton said, "She had to have them. There was no choice. It's a very serious situation and it isn't getting any better because drugs keep going up and up."

Mr. Speaker, when James Weinman of Indianola, Iowa, just south of Des Moines where I live, and his wife, Maxine, make their annual trip to Texas, the two make a side trip, as well. They cross the border to Mexico and they load up on prescription drugs, which are not covered under their MediGap plan. Their prescription drugs cost less than half as much in Mexico as they do in Iowa.

This problem is not localized to Iowa, it is everywhere. The problem that Dot Lamb, an 86-year-old woman in Portland, Maine, who has hypertension, asthma, arthritis, and osteoporosis, has paying for her prescription drugs is all too common. She takes five prescription drugs that cost over $200 total each month, over 20 percent of her monthly income. Medicare and her supplemental insurance do not cover prescription drugs.

Mr. Speaker, I recently received a letter from a computer-savvy senior citizen who volunteers at a hospital that I worked in before coming to Congress.

> Dear Congressman Ganske . . . after completing a University of Iowa study on Celebrex 200 milligrams for arthritis, I got a prescription from my M.D. and picked it up at the hospital pharmacy. My cost was $2.43 per pill with a volunteer discount!

He goes on:

> Later on the Internet I found the following:
>
> A. I can order these drugs through a Canadian pharmacy if I use a doctor certified in Canada or my doctor can order it "on my behalf" through his office, for 96 cents per pill, plus shipping;
>
> B, I can order these drugs through PharmaWorld in Geneva, Switzerland, after paying either of two American doctors $70 for a phone consultation, at a cost of $1.05 per pill, plus handling and shipping.
>
> C: I can send $15 to a Texan,

which may interest the Speaker,

> and get a phone number at a Mexican pharmacy which will send it without a prescription . . . at a price of 52 cents per pill.

This constituent closes his letter to me by saying,

> I urge you, Dr. Ganske, to pursue the reform of medical costs and stop the outlandish plundering by pharmaceutical companies.

Mr. Speaker, I want to make it very clear, I am in favor of prescription drugs being more affordable, not just for senior citizens but for all Americans. Let us look at the facts of the problem, and then we will discuss some solutions.

There is no question that prices for drugs are rising rapidly. A recent report found that the prices of the 50 top-selling drugs for seniors rose much faster than inflation. Thirty-three of the 50 drugs rose in price at least 1½ times inflation. Half of the drugs increased at twice inflation. Sixteen drugs increased at least three times the inflation rate, and 20 percent of the 50 top selling drugs for senior citizens rose at least four times the rate of inflation in the last year.

The prices of some drugs are rising even faster. Furosemide, a generic diuretic, rose 50 percent in 1999. Klor-con 10, a brand name drug, rose 43.8 percent.

That was not a 1-year phenomenon. Thirty-nine of these 50 drugs have been on the market for at least 6 years. The prices of three-fourths of this group rose at least 1.5 times inflation, over half rose at twice inflation, more than 25 percent increased at three times inflation, and six drugs at over five times inflation. Lorazepam rose 27 times inflation and furosemide 14 times inflation in the last 6 years.

Prilosec is one of the two top-selling drugs prescribed for seniors. The annual cost for that 20 milligram GI drug, unless one has some type of drug discount, is $1,455. For a widow at 150 percent of poverty, the annual cost of Prilosec alone will consume more than $1 in $9 of that senior's total budget.

Let us look at a widow living on $16,700 a year. That is 200 percent of poverty. That is a lot more than a lot of widows have. If she has diabetes, hypertension, and high cholesterol, so she is taking a glucophage, Procardin, and Lipitor, her drug costs are going to be 13.7 percent of her income. If she is just taking that drug Prilosec for acid reflex disease, we can see that one drug alone even at this income represents about 8.7 percent of her total income.

My friend from Des Moines, the Iowa Lutheran hospital volunteer senior citizen, as do the Weinmans from Indiana from their shopping trips in Mexico for prescription drugs, know that drug prices are much higher in the United States than they are in other countries.

A story from USA Today comparing U.S. drug prices to prices in Canada, Great Britain, and Australia for the 10 best-selling drugs verified that drug prices are higher here in the United States than overseas.

For example, that drug Prilosec for acid reflux is 2 to 2½ times as expensive in the United States. Prozac was 2 to 2½ times as expensive. Lipitor was 50 percent to 92 percent more expensive. Prevacid was as much as four times more expensive. Only one drug, Epogen, was cheaper in the United States than in the other countries.

High drug prices have been a problem for the past decade. Two GAO studies from 1992 and 1994 showed the same results. Comparing prices for 121 drugs sold in the United States and Canada, prices for 98 of the drugs were higher in the United States. Comparing 77 drugs sold in the United States and the United Kingdom, 86 percent of the drugs were higher in the United States, and three out of five were more than twice as high.

Look at this chart that shows some of the high drug prices in the United States, that is the first row, compared to the European price: Prozac, $36.12 in the United States; the European price, $18.50. Claritin, one of the most popular antihistamines: in the United States, $44; in Europe, $8.75. We can go right down this list. Here is one, Premarin. In the United States, it is $14.98; in Europe, $4.25.

Mr. Speaker, the drug companies claim that drug prices are so high here because of research and development costs. I do want to say that there is a great need for research. For example, around the world, we are seeing an explosion of antibiotic-resistent bacteria, like tuberculosis, and we are going to need research and development for new drugs.

A new report by the World Health Organization outlines that concern on infectious diseases. However, data from PhRMA, the pharmaceutical trade organization, that I saw presented in Chicago several months ago showed little increase in research and development, especially in comparison with significant increases in advertising and marketing by the pharmaceutical companies.

Since 1997, the FDA reform bill, advertising by drug companies has gotten so frequent that Healthline recently reported that consumers watch, on the average, nine prescription drug commercials on TV every day.

Look at the 1998 figures for the big drug companies. In every case, marketing, advertising, sales, and administrative costs exceeded research and development costs. In 1999, four of the five companies with the highest revenues spent at least twice as much on marketing, advertising, and administration as they did on research and development. Only one of the top ten drugs companies spent more on research and development than on marketing, advertising, and administration. Administration costs have not increased that much, so we know that the real increase in drug company spending has been in advertising.

For the manufacturers of the top 50 drugs sold to seniors, profit margins are more than triple the profit rates of other Fortune 500 companies. The drug manufacturers have profit rates of 18 percent compared to approximately 5 percent for other Fortune 500 companies.

Furthermore, as recently cited in the New York Times, of the 14 most medically significant drugs developed in the last 25 years, 11 had significant government-funded research. For example, Taxol is a drug developed from government-funded research which earns its manufacturer, Bristol-Myers-Squib, millions of dollars each year.

Mr. Speaker, as I said at the start of this special order speech, I think the high cost of drugs is a problem for all Americans, not just the elderly. But many nonseniors are in employer plans, and they get prescription drug discounts from their HMOs. In addition, there is no doubt that the older one is, the more likely the need for prescription drugs. So let us look at what type of drug coverage is available to senior citizens today.

Medicare pays for drugs that are part of treatment when a senior citizen is a patient in a hospital or in a skilled nursing facility. Medicare pays doctors for drugs that cannot be self-administered by patients, like drugs that require intramuscular or intravenous administration. Medicare also pays for a few other outpatient drugs, such as drugs to prevent rejection of organ transplants, medicine to prevent anemia in dialysis patients, and oral anticancer drugs. The program also covers pneumonia, hepatitis, and influenza vaccines. The beneficiary is responsible for 20 percent of co-insurance on those drugs.

About 90 percent of Medicare beneficiaries have some form of private or public coverage to supplement Medicare, but many with supplementary coverage have either limited or no protection against prescription drug costs, those drugs that you buy in a pharmacy with a prescription from your doctor, as compared to those drugs that you would get if you are a patient in the hospital.

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Since the early 1980s, Medicare beneficiaries in some parts of the country have been able to enroll in HMOs which provide prescription drug benefits. Medicare pays the HMOs a monthly dollar amount for each enrollee; but some areas like Iowa have had such low payment rates that no HMOs with drug coverage are available. That is typically a rural problem, but also a problem in some metropolitan areas that have inequitably low reimbursements.

I must say that I have led the fight to try to "even up" that. This is one of the things I think we ought to look at when we are talking about solutions.

Employers can offer their retirees health benefits that include prescription drugs, but fewer employers are doing that. From 1993 through 1997, prescription drug coverage of Medicare-eligible retirees dropped from 63 percent to 48 percent. Beneficiaries with MediGap insurance typically have coverage for Medicare's deductibles and coinsurance, but only three of 10 standard plans offer drug coverage.

All three plans have a $250 deductible. Plans H and I cover 50 percent of the charges up to a maximum benefit of $1,250. Plan J covers 50 percent of the charges up to a maximum benefit of $3,000. The premiums for those plans are significantly higher than the other seven MediGap plans because of the costs of that drug benefit.

This chart shows the difference in annual costs to a 65-year-old woman for a MediGap policy with or without a drug benefit. For a MediGap policy of moderate coverage, she would pay $1,320 for a plan without prescription drug coverage; but if she wants prescription drug coverage, she is going to pay $1,917. If she wants extensive coverage without drugs, her premium is $1,524 a year, with drugs her premium would be $3,252 to insurance.

Why is there such a price gap? Well, because the drug benefit is voluntary. Only those people who expect to actually use a significant quantity of prescriptions purchase a MediGap policy with drug coverage; but because only those with high costs choose that option, the premiums have to be high to cover the costs of a higher average expenditure of drugs.

So what is the lesson that we learn from the current Medicare program? The lesson is adverse selection tends to drive up the per capita costs of coverage unless the Federal Treasury simply subsidizes lower premiums.

The very low income, elderly and disabled Medicare beneficiaries are also eligible for payments of their deductibles and coinsurance by their State's Medicaid program. These beneficiaries are called dual eligibles, and the most important service paid for entirely by Medicaid is frequently the prescription drug plans offered by all States under their Medicaid plans. There are several groups of Medicare beneficiaries who have more limited Medicaid protection.

Qualified Medicare beneficiaries called Q-M-Bs or QMBs have incomes below the poverty line, so it is less than $8,240 for a single person or $11,060 for a couple. And they have assets below $4,000 for a single person or $6,000 for a couple. Medicaid pays their deductibles and premiums. Specified low-income Medicare beneficiaries, S-L-I-M-Bs, or SLIMBs, have incomes up to 120 percent of poverty, and Medicaid pays their Medicare part B premium.

Qualifying individuals 1 have income between 120 percent and 135 percent of poverty. Medicaid pays part of their part B premium, but not deductibles. Qualifying individuals 2 have income between 135 percent and 175 percent of poverty, and Medicaid pays part of the part B premiums.

Now, the QMBs and the SLIMBs are not entitled to Medicaid's prescription drug benefit unless they are also eligible for full Medicaid coverage under their State Medicaid plan. Q1s and 2s are never entitled to Medicaid drug coverage.

A 1999 Health Care Financing Administration report showed that despite a variety of potential sources of coverage for prescription drug costs, beneficiaries still pay a significant proportion of drug costs out of pocket and about one-third of Medicare beneficiaries had no coverage at all.

Mr. Speaker it is also important to look at the distribution of Medicare enrollees by total annual prescription drug costs, because it will make a difference in terms of what kind of plan we devise and how successful it is and how much we will need to subsidize such a plan.

This chart from the Medicare Payment Advisory Commission, MPAC, Report to Congress shows that in 1999, 14 percent of those in Medicare had no drug expenditures, 36 percent had less than $500, 19 percent had less than $1,000, 12 percent less than 1,500 and down the line.

Please note that if you add up those who have no drug expenditures at 14 percent and those who have drug expenditures of $500 to $1 at 36 percent, 50 percent then, 14 percent plus 36 percent, had drug expenditures of less than $500 per year. Then if you add in the next group, 69 percent had drug expenditures of less than $1,000 a year. The problem is with those who have much higher drug costs.

Now, as we look at plans to change Medicare to better cover the costs of prescription drugs, we are going to have to face some difficult choices. Mr. Speaker, there is currently no public consensus or, for that matter, policy consensus among the policymakers on how we do that. There are a lot of questions we have to answer.

Here are a few: First, should coverage be extended to the entire Medicare population or targeted towards the elderly widow who is not so important that she is in Medicaid, but is having to choose between her rent, her food, and her drugs? Should the benefit be comprehensive or catastrophic? Should the drug benefit be defined? What is the right level of beneficiary costs-sharing? Should the subsidies be given to the beneficiaries or to the insurers? How much money can the Federal Treasury devote to this problem? Can we really predict the future costs of this new benefit?

These are all really important questions, Mr. Speaker. Maybe we can learn something from what has happened in the past.

I want to talk a little bit about what happened in 1988 and then what happened earlier this year on prescription drug benefits. The prescription drug benefit has been discussed since the start of Medicare in 1965. The reason why adding a prescription drug benefit is now such a hot issue is that there has been an explosion in new drugs available, huge increases in demands for those drugs, largely fueled by all of the advertising dollars by the pharmaceutical companies and a significant increase in the costs of those drugs in the last few years.

I will tell you what, it is great that we have a lot of these new drugs. My parents are on some of those drugs. My dad is very well alive today because he is on some of those drugs. Well, let us look at what happened when Congress tried to do something about prescription drugs in 1988 and again this year.

That is because the outcome of reform in 1988 made a big difference with what happened here in Congress in the year 2000. The Medicare Catastrophic Coverage Act of 1988 would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvements.

Under the Medicare Catastrophic Coverage Act, catastrophic prescription drug coverage would have been available in 1991 for all outpatient drugs subject to a $600 deductible and 50 percent coinsurance. The benefit was to be financed through a mandatory combination of an increase in the part B premium and a portion of the new supplemental premium, which was to be imposed on higher income enrollees.

It is also important to note that the Congressional Budget Office estimated the costs at that time as $5.7 billion. Well, only 6 months after the cost estimates, only 6 months later, the cost estimates had more than doubled, because both the average number of prescriptions used by enrollees and the average price had risen more than previously estimated. That plan passed this House by a margin of 328–72.

President Reagan enthusiastically signed into law this largest expansion of Medicare in history. The only problem was that once seniors learned their premiums were going up, they hated the bill. They even started demonstrating against it. Scenes of gray panthers hurling themselves on to the chairman of the Ways and Means Committee, Mr. Rostenkowski, were broadcast to the Nation; angry phone calls from senior citizens flooded the Capitol switch boards.

The very next year, the House voted 360-66 to repeal the Medical Catastrophic Coverage Act of 1988, and President Bush then signed the largest cut in Medicare benefits in history. Well, that experience left a lot of scars on the political process that became evident earlier this year when the Democrats and the Republicans made their proposals on prescription drugs.

What was the lesson? Well, Dan Rostenkowski wrote an article for the Wall Street Journal on January 20, early this year, that I think a lot of Members from Congress read. His most important point was this: the 1988 plan was financed by a premium increase for all Medicare beneficiaries. Rosti said in his piece: "We adopted a principle universally accepted by the private insurance industry. People pay premiums today for benefits they may receive tomorrow."

He goes on to say apparently the voters did not agree with those principles. By the way, the title of his Op-Ed piece was "Seniors Will Not Swallow Medicare Drug Benefits." Former chairman of the Committee on Ways and Means Rostenkowski did not think seniors had changed much since 1988. And apparently the drafters of this year's Democratic and Republican bills agreed with him, because the key point that the spokesman for each of those bills made to Congress and to senior citizens was that their bill would be voluntary.

There were shortcomings in both plans this year, but before I briefly describe each plan, let me acknowledge the hard work that a lot of Members on both sides of the aisle made in working on those bills. The House Republican plan this year was estimated to cost seniors $35 to $40 a month by the year 2003, with possible projected rises in 15 percent a year. Premiums could vary among plans.

There would be no defined benefit plan and insurers could cover alternatives of "equivalent value." There would be a $250 deductible, and the plan would then pay half of the next $2,100 in drug costs. After that expense, patients were on their own until their out-of-pocket expenses hit $6,000 a year. At that time a catastrophic provision would kick in and the Government would pay the rest.

The GOP plan would have paid subsidies to insurance companies for people with high drug costs. If subscribers did not have a choice of at least two private plans, then a "government plan" would have been available.

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A new bureaucracy called the Medicare Benefits Administration would have overseen those private drug insurance plans.

Under the Republican plan, the Government would have paid for all the premiums and nearly all the beneficiary's share of covered drug costs for people with incomes under 135 percent. For people with incomes 135 to 150 percent of poverty level, premium support would have been phased out.

It was assumed that drug insurers would use generic drugs to control costs. The cost of the GOP plan was estimated to be $37.5 billion over 5 years and about $150 billion over 10 years. But the CBO, the Congressional Budget Office, had a very hard time predicting costs because there was no standard benefit in the plan.

Now, the premiums under the Clinton-Gore plan were estimated to cost those seniors who signed up, remember it was a voluntary plan like the GOP plan, $24 a month in 2003, rising to $51 a month in 2010. But then the Clinton administration talked about adding $35 billion in expenses for a catastrophic component like the GOP plan, which would have made the premiums higher and similar, in my opinion, to what the Republicans were proposing.

Under the Clinton plan, Medicare would have paid half of the cost of each prescription, and there would have been no deductible. The maximum Federal payment would have been $1,000 for $2,000 worth of drugs in 2003, rising to $2,500 for $5,000 worth of drugs by 2009.

The Government would have assumed the financial risk for prescription drug insurance, but it would have hired private companies to administer the benefits and negotiate discounts from drug manufacturers. That was pretty similar in both the Clinton-Gore and the Republican plans.

But, and here is the crucial point, in order to cushion the costs of the sicker with premiums from the healthier, both the Clinton-Gore plan and the GOP plan calculated premiums, and this is the most important point, they calculated those premiums based on the premise that 80 percent of all of the people in Medicare would sign up for the plan. In other words, one has got to have a lot of people who are healthy in the plan paying their premiums to keep the premiums lower for those who have higher drug costs.

Well, right away the partisan attacks started on both plans. The Democrats said Republicans are putting seniors into HMOs. HMOs provide terrible care. This is not fair to seniors. The Republicans said the Democratic plan is a one-size-fits-all plan, it is too restrictive, it puts politicians and Washington bureaucrats in control. Now, tell me, anyone who has watched TV and saw all the political ads in this last campaign knows that is exactly what each side was saying about the other.

I could criticize each plan in depth, but I do not have that much time. Suffice it to say that the details of each of those plans was very important to how they would work.

I believe that if one lets plans design all sorts of benefit packages, as did the GOP plan, it becomes very difficult for seniors to be able to compare apples to apples, to compare equivalency of plans in terms of value.

I also think the plans can tailor benefits to cherry-pick healthier, less expensive seniors, and to gain the system. Representatives of the insurance industry shared that opinion in a hearing before my committee. In my opinion, a defined benefit package would have been better.

I had concerns about the financial incentives that the House Republican bill would offer insurers to enter markets in which no drug plans were available. Would those incentives encourage insurers to hold out for a better deal?

I had doubts that the private insurance industry would ever offer drug-only plans. In testimony before my committee, Chip Kahn, the president of the Health Insurance Association of America, testified that drug-only plans would not work.

In testimony before the Committee on Commerce on June 13, this year, Mr. Kahn said, "Private drug-only coverage would have to clear insurmountable financial, regulatory, and administrative hurdles simply to get to the market. Assuming that it did, the pressures of ever-increasing drug costs, the predictability of drug expenses, and the likelihood that people most likely to purchase this coverage would be the people anticipating the highest drug claims," that adverse selection problem, "would make drug-only coverage virtually impossible for insurers to offer a plan to seniors at an affordable premium."

Mr. Kahn predicted that few, if any, insurers would offer that type of product.

I could similarly criticize several particulars of the Clinton-Gore bill in the spirit of bipartisanship; but I think we should look at the fundamental flaw of both plans, and that is that "adverse risk selection" problem.

If the Clinton plan had comparable costs for a stop-loss provision on catastrophic expenses, the premiums would have been comparable to the GOP plan. Under those bills, a plan who signed up for drug insurance would have paid about $40 per month or roughly $500 per year.

After the first $250 out-of-pocket drug cost, the enrollee would have needed to have twice $500 in drug costs, or $1,000, in order to be getting a benefit that was worth more than the cost of the premiums for the year. Put another way, the enrollee must have had $250 for that deductible plus $1,000 in drug expenses or $1,250 in annual drug costs in order to get half of the rest of his drug expenses up to a maximum of $2,100 paid for by the plan.

Now, look at this chart again. Look at this: 69 percent of the people in Medicare in 1999 had less than a thousand dollars. If the cost of the plan, signing up for the plan was going to be more than $1,000, would they sign up for something that was going to cost them more than what they were already paying? I do not think so. In fact, I know they would not.

How do I know they would not? Because we already have those options in the current Medicare plan. We have those three options that I talked about earlier where one can voluntarily sign up for a drug benefit. But most people do not because the premiums are higher than what their drug costs are. They would have to be fools to be paying more for an insurance premium than what the premium is going to give them if it is voluntary. This is just the mindset that people have.

I think Regis could have asked, Who would have signed up for those plans? The final answer would have been those seniors with over $1,250 in annual drug expenses. Well, remember also that the premiums were premised on that 80 percent participation rate. I think it is highly doubtful that anywhere near 80 percent of seniors would have signed up for either of those plans. If only those with high drug costs signed up for the plans, then we know what would have happened. The premiums would have had to go up significantly, or we would have had to transfer significantly more sums from the Federal Treasury to subsidize that benefit.

Well, one way to avoid that adverse risk selection in a voluntary system would be to offer the drug benefit one time only, when a beneficiary enrolls in Medicare. The problem with that is that one is still going to get adverse risk selection because, at the age of 55, there are a number of people who do have high drug costs, and of course they are going to sign up; whereas, a lot of people have no drug costs, and they may simply decide I do not want to sign up right now, I will wait until later.

The authors of the GOP bill recognized that problem. So what they tried to do was say, well, if you do not sign up initially, then later on when you sign up, you may have to pay a higher premium.

But I tell my colleagues this, if seniors were going to do that, they would do that right now. All the seniors would voluntarily sign up for one of those three options. It would bring down the cost of premiums. But they do not do that.

Another way to control adverse risk is to try to devise a risk adjustment system. We tried to do that in some other areas in Medicare. I will tell my colleagues what. It is really tougher to do risk adjustment. A uniform benefit package would help control adverse risk selection. Consumers would be able to select plans based on price and quality rather than benefits. If plans are allowed a slight variation of benefits, some plans may be likely to attract low-cost beneficiaries.

The GOP plan had some weak community rating and guaranteed issue provisions, but it is hard to see how the adverse risk selection would have been solved by their solutions.

Now, one sure way to avoid adverse risk selection would be to say we have a uniform benefit, prescription drug benefit, and everyone, when they sign up for Medicare, is going to be in that prescription drug plan.

That was the approach of the Medicare Catastrophic Coverage Act in 1988. We saw what happened to that law. That lesson was not lost on people in this Chamber this year. To say that mandatory enrollment had little appeal to policy makers in this election year was an understatement.

Finally, we could avoid adverse selection for a voluntary benefit like prescription drug coverage if we simply subsidized the benefit to such an extent that is such a good deal that everyone will do that. But we are really talking about large sums of Federal dollars when we do that. We cannot even predict what the costs are going to be. There are new drugs coming on board that could cost thousands of dollars per treatment where treatments have to be repeated and repeated and repeated. We could easily be talking about a trillion dollar drug benefit.

That cost reminds me again of that article by Mr. Rostenkowski. As Congressman Rostenkowski said, "The problem was and still is a lack of money. Yes, we have a projected surplus, but the 10-year cost of more highly subsidized drug coverage would, in my opinion, easily double or even triple the projected cost of both proposals."

Now, there are several reasons why even in this time of a surplus I think we need to think hard about this. First, we have made a bipartisan commitment not to use Social Security surplus funds. Second, there are people in this country who have no health insurance, much less prescription drug coverage. Should we expand coverage for some while the totally unprotected group grows? Third, Medicare is closer to insolvency than it was back in 1988. Should not our first priority be to protect the current Medicare program?

Given those constraints, what can we do to help seniors and others with high drug costs? Here are some modest proposals for helping seniors and others with their drug costs. First, let us allow those senior citizens, those qualified Medicare beneficiaries, specified low-income Medicare beneficiaries, qualifying individuals who are not so poor that they are in Medicaid in addition to Medicare, but are just above that, many of whom are having to make difficult decisions because they are living solely on their Social Security and they have very high prescription drug costs, why do not we allow these individuals, say, up to 175 percent of poverty, to get into or access the State Medicaid prescription drug plans? We could pay for it from the Federal side. We would not have to require any match from the States.

The plans are already in existence. The bureaucracy is already there. The States have already negotiated discounts with the pharmaceutical companies. We know who these individuals are because they are already getting discounts on their premiums and copayments and deductibility.

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We could simply give them a card that would enable them to access the State formulary for their State Medicaid drug programs free for those individuals, at no cost for them. We could pay for it through the Federal side. Estimates are that that would probably cost about $60 to $80 billion over 10 years. It might be more than that, but that is a lot less than what we are talking about with the other plans. We can afford that. It would be an important first step.

We ought to also fix the funding formula in which some States, particularly rural States, have such low reimbursement rates that Medicare HMOs are never there. We ought to raise that floor, reduce the gap between some States and other States, so that we have an equitable benefit through the Medicare plan. And that would require a floor of at least $600. We already have Medicare HMOs that are leaving areas where they are getting paid $550 per month per beneficiary. Raising it to $480 or $450 is never going to induce those Medicare+Choice plans to go into the rural areas.

And in response to my constituents who want to purchase their drugs from Canada or Mexico or Europe, we started to address that problem in Congress this year, and it has been signed into law, and that is on the reimportation of drugs that are made in this country, packaged here, shipped overseas, whether or not they can legally come back into the country. However, we need to go back to that issue, because there were some loopholes in that legislation that passed the House and the Senate that we need to fix. We need to strengthen that law. That would help a lot. That would increase the competition. In my opinion it would automatically result in lower drug prices, not just for senior citizens but for everyone.

I think we should enact full tax deductibility for the self-insured. I think that we should look at those 11 million children that do not have any health insurance and, consequently, do not have any prescription drug coverage. Roughly 7 million of those kids already qualify for Medicaid in the State Child Health Insurance Programs. Those children should be enrolled. We should do things to help those States get those kids enrolled.

Many pharmaceutical companies do have programs to help low-income people afford prescription drugs. Both physicians and patients need to be better educated to take advantage of those discounted drugs. Currently, 16 States have pharmaceutical assistance programs targeted to Medicare beneficiaries different from the Medicaid solution.

My colleagues, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Minnesota (Mr. PETERSON), have a bill, the Medicare Beneficiary Prescription Drug Assistance and Stop Loss Protection Act, which would allow beneficiaries up to 200 percent to get into programs like that. But that would require, in many States, the creation of whole new bureaucracies. I think there is a simpler solution. The solution is to utilize the State Medicaid drug programs.

I think that we should revise the FDA Reform Act of 1997, and we should restrict direct marketing to consumers in a way that does not limit their free speech but at least requires that they provide equal time to discussing the possible complications of those new drugs as they do to the benefits.

Finally, I think the new Congress could actually get signed into law a combination of the above in a bipartisan fashion. Yes, it is more limited than what the Clinton-Gore administration has proposed; it is more limited than what passed this House, but it has many advantages in that it is a step-by-step progression and it is something that I think is common sense and responsible until we are able to look at a more comprehensive prescription drug benefit in the context of making sure that Medicare stays solvent when the baby boomers retire.

This is a complicated subject. At the beginning of the speech, I said there was not yet a consensus on how we go on this. But I know this: On something this important, the only things that get done in Washington are done in a bipartisan way. There will be some on both sides that say it does not go far enough; there will be some that say my proposal goes too far, that we do not want to expand Medicare beneficiaries into State Medicaid drug plans. But I think I am hitting a down-the-middle approach to this, and I am going to be reintroducing my bill in the beginning of this next Congress. I sure hope that a lot of Members will take some time, listen to this special order speech, look at the bill and the information that we will be providing to them, and think about this as a solution that we can do for now.

Finally, I want to say this: For a long time, in its wisdom, Congress has gone through what is known as "regular order" with legislation. That means a bill, and all of its details, is dropped in that bin over there. It is made public. We have hearings on those bills. We compare language to other bills. We look at the implications of the legislative language. We have subcommittee markups with amendments and debate. And then we have a full committee markup with amendments and debate. Then we have it go to the Committee on Rules to be brought to the floor. The Senate does the same thing. It is an orderly process. That was not done this year. That was not done. And I think the legislation was not as strong as it should have been because we did not go in regular order.

So I very much hope that when we look at this issue again this coming year, 2001, that instead of just rushing something to the floor, that we have full debate and discussion; that people know what the provisions mean when the bill reaches the floor; that it does not become just a "Republican bill" or a "Democratic bill," but in our wisdom we debate the various provisions in a free way, debating amendments to improve the bill, voting them up or down, and doing things in a regular order.

Mr. Speaker, we did not get it done this year, at least I certainly do not think we are in these last few days of the 106th session, but I think we have a good chance to do something on this next year. So I urge my colleagues to look over my proposal, and we will be getting information to my colleagues.

TURKISH GOVERNMENT MUST RECOGNIZE BASIC HUMAN RIGHTS OF KURDISH PEOPLE

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, today I want to speak about the need for the Turkish government to recognize the basic human rights of the Kurdish people, and I rise this afternoon to condemn recent, though ongoing, violations of these rights in Turkey.

I have always said the Kurds must be respected as a people, the world must finally listen to and respect their aspirations, and that they should enjoy the same right of choosing their representatives as other people do all over the world. The Turkish government has not accepted the validity of the Kurdish struggle or even of the Kurdish people. They have jailed leaders, but the message of these leaders continues to ring loud and clear.

Mr. Speaker, in the past few weeks, the Turkish government has extended a 13-year-old state of emergency in four mainly Kurdish provinces for an additional 4 months, and who knows what will happen at the end of those 4 months in terms of another extension. Further, the extension of emergency rule occurred despite the European commission's formal expression that the lifting of emergency rule is an objective for Turkey to achieve.

On December 4, The Washington Post reported that the director of a Kurdish linguistics institute in Istanbul is facing a trial on charges that the institute is an illegal business. The charges come despite the fact that Turkish security courts have hired interpreters from this very institute for the past 8 years. This incident illustrates the type of human rights violations infringements that continue to occur but that must be halted immediately against the Kurdish people.

I call upon my colleagues to join me, Mr. Speaker, in urging the Turkish government to immediately grant basic rights to Kurdish citizens in Turkey and more formally and fully recognize the Kurdish people. This should include lifting the extension of emergency rule, lifting all bans on Kurdish-language television, cinema, and all forms of fine arts and culture.

Bans on language and culture are particularly disturbing because the lands of Kurdistan are considered by many to be the birthplace of the history of human culture. It saddens me that there is still a need to be on the floor protesting violations of these most basic yet essential human rights.

Mr. Speaker, back in 1997, I addressed the American Kurdish Information Network on the cultural oppression of Kurds by the Turkish government and on the Turks' squelching of Kurdish language and culture. At that time, 153 Members of Congress expressed their disapproval of the antidemocratic treatment of elected Kurdish representatives in the Turkish parliament.

In April of this year, a number of my colleagues joined me in introducing a House Resolution calling for the immediate and unconditional release from prison of certain Kurdish Members of the Turkish parliament and for prompt recognition of full Kurdish cultural and language rights within Turkey.

Now, Mr. Speaker, I am continuing the fight on behalf of the Kurdish people, because their voices are still repressed, although the conflict between the government and separatist Kurdish guerrillas in the southeast has subsided significantly since the arrest last year of the Kurdish Workers Party leader, Abdullah Ocalan. Fears by hard-line Turkish nationalists that any recognition of Kurdish identity will fragment Turkey and strengthen separatism seem unwarranted based on the decline in tensions.

Mr. Speaker, Turkey must negotiate with the Turkish leaders. Turkey must lift its blockade of Armenia also. Turkey must end its military occupation of northern Cyprus. Such a change in behavior would benefit everyone in the region, including the Turkish people.

I hope my colleagues will join me in delivering these important messages to the Turkish government at every possible opportunity.

ACCOMPLISHMENTS OF SUBCOMMITTEE ON CRIME DURING THE PAST 6 YEARS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 60 minutes.

Mr. MCCOLLUM. Mr. Speaker, I do not intend to take the full 60 minutes, but I do want to take a portion of this time to take this opportunity to comment on something that I think is very important. I have had the privilege of serving as the chairman of the Subcommittee on Crime of the Committee on the Judiciary in the House of Representatives for the last 6 years. I will not have that privilege further. My tenure normally would come to an end, rotating under the rules of the House at the end of this Congress in any event, but as many of my colleagues know, I will be leaving this body, and it has been a great privilege to have served in that capacity.

I want to comment a few minutes about the work of the Subcommittee on Crime these past 6 years and to pay tribute to those committee staffers on that subcommittee who have worked so hard to make it possible for many of the legislative products and the oversight hearings to be accomplished, and to also pay tribute to some of the committee staff who worked for me while I have served in various capacities in years gone by on the House Committee on Banking and Financial Services.

Over the last three Congresses, the Subcommittee on Crime has compiled a tremendous record of accomplishment. In that time, 884 bills were referred to the subcommittee. The subcommittee had formal hearings on 75 of those bills and, after markup, reported 71 of them to the full Committee on Judiciary. Of those, 41 bills eventually were passed by both Houses and signed into law by the President. Some of those bills that did not get signed into law in their own right, were incorporated into appropriations bills and then signed into law.

So in more than 41 different ways, over the past 6 years, legislation crafted by the members of the Subcommittee on Crime have contributed to our country, making it a better place to live; one that is safer and more just for all our citizens.

Over the last 3 years, the Subcommittee on Crime has also held 111 days of hearings on a wide variety of subjects. I take pride in the fact that the subcommittee has held a hearing on almost every bill that it has marked up in order to ensure that the Members of the subcommittee were fully informed about that bill.

The subcommittee has also a distinguished record of achievement in the area of oversight. And the vast majority of these 111 days of hearings have been oversight hearings into specific problems in criminal justice or hearings into activities and operations of the executive branch law enforcement agencies over which the Committee on the Judiciary has jurisdiction. These oversight hearings included hearings on the work of the FBI, the Federal Bureau of Prisons, the DEA, the Secret Service, and the U.S. Marshals Service.

Perhaps foremost and most remembered of the hearings that the subcommittee held in the last number of years were the 10 days of hearings it held into the activities of law enforcement agencies towards the Branch Davidians at Waco. These were joint hearings we held in conjunction with another subcommittee of the House. I think those hearings are remembered for a good reason. The hearings made the public aware of the many errors in judgment and tactics of the Federal Government during the investigation of the Branch Davidians, as well as dispelling the rumors as to the true cause of the fire that took the lives of the Davidians.

Just recently, there has been a special commission the President set up to study this measure, review it once more, and the conclusions of that effort that was undertaken have resulted in precisely a confirmation of the findings of this joint committee hearing that my subcommittee took part in.

□ 1645

I was very pleased with the extensive report and findings and recommendations prepared by the committee. I note that the subsequent investigations have not altered those basic findings, which I think proves the thoroughness of those hearings. I would also note that the hearings were the occasion for observing, even in the midst of tragedy, the valor of Federal law enforcement agents.

Mr. Speaker, I want to take a few minutes to note some of the legislation that was passed by the subcommittee. Many aspects of the Contract with America in 1995 involved the Subcommittee on Crime. Provisions of legislation that were crafted and revised by the subcommittee that are in effect today from that Contract with America are the local Law Enforcement and Block Grant Program, which gives localities millions of dollars each year in flexible grants that they can direct resources to the places of greatest need for law enforcement purposes, where the decision making is done at the local level not at the Federal level but how those monies are spent; the Truth in Sentencing Prison Construction Grant Program, which encourages States to ensure that violent prisoners serve most of their sentence imposed by a court and provides them with monies and resources to build a prison space and to support those prison beds in return for agreeing to require at least 85 percent of a sentence be served; the Federal Mandatory Minimum Restitution Law that requires victims in Federal criminal cases to make restitution to their victims; and the historic changes in the habeas corpus process which has helped ensure certainty and finality in our criminal justice system and provides a sense of closure to victims of crime.

Over the last 6 years, the subcommittee has worked on a great number of bills which have become law and have helped to protect our citizens. It has worked extensively to reinvigorate the war on drugs with a goal of increasing prospects of all of our children leading drug-free, productive lives.

The subcommittee has helped to enact legislation that increases the penalties for trafficking of methamphetamine, one of the most dangerous drugs facing our society today; criminalizes the use of the so-called date-rape drugs, and provides greater resources for the law enforcement agencies whose mission it is to combat the flow of illegal drugs into the country.

The subcommittee also has enacted several laws to protect our children and other vulnerable members of our society, such as "Megan's Law," which requires States to put in place a system to track the whereabouts of convicted sex offenders; the Sexual Crimes Against Children Act; and the Child Protection and Sexual Predator Punishment Act of 1998, which focuses on the problems of sex crimes against children and the use of computers and the Internet to commit those crimes by punishing severely those who commit them; and the Internet Stalking Punishment and Prevention Act of 1996 to punish those who would use the Internet to stalk their victims.

We also worked on several laws to protect our citizens from fraud, including the Cellular Telephone Protection Act of 1997, which prohibited the sale of devices used to clone wireless telephones; the Telemarketing Fraud Prevention Act of 1997, which helped protect persons, especially our seniors, from telemarketing fraud; the Identity Theft and Assumption Deterrence Act of 1997, which makes it a crime to traffic in personal identifying information; and the Economic Espionage Act of 1996, which protects our commercial sector from those who would steal the business innovations that have helped fuel our economy.

We have also worked in the subcommittee to protect law enforcement officers who risk their lives daily to protect our society as well as their families who also bear this risk. The subcommittee worked to enact the Care for Police Survivors Act of 1998 and the Police Fire and Emergency Officers Educational Assistance Act of 1998 to provide educational benefits to the families of public safety officers killed or disabled in the line of duty; the Bulletproof Vest Partnership Act of 1997, which was renewed this year to ensure that States have sufficient funding to buy protective vests for law enforcement officers; and the Correctional Officers Health Safety Act of 1998 to mandate that correctional officers who come in contact with the bodily fluids of inmates may learn the HIV status of those inmates.

The Subcommittee on Crime has also enacted prison litigation reform legislation to ensure that prisoners do not tie up our court systems with frivolous litigation.

I am also pleased this Congress that the subcommittee worked extensively to close the gaping hole in our Federal criminal jurisdiction in some areas that some cases have allowed very serious crimes committed outside the United States by American employees of the Defense Department or the American dependents of our service personnel to go unpunished. This hole was closed by the passage of the Military Extraterritorial Jurisdiction Act of 2000, and that is long overdue.

Also this Congress we passed bipartisan legislation to eliminate the crime backlog of crime scene samples awaiting DNA analysis. The passage of the DNA Backlog Elimination Act will help make our system even more just by providing greater certainty in the outcome of thousands of criminal cases.

I also would like to note a couple of bills that did not become law but that we worked extensively on and one that did that was a part of another bill. We had a bill dealing with the Drug Elimination Act of a couple of years ago that was an extensive piece of legislation incorporated into a larger omnibus spending bill at the close of the last Congress that, if fully implemented, was designed and would I think reduce the flow of drugs into this country by a significant margin, maybe as much as 85 percent, over the next several years. Unfortunately, not all the funding to go with that legislation has been produced.

We also produced a Juvenile Crime bill that twice has gone to the other body and has yet to become law, does not appear likely to in this Congress, but which is something in bad need of addressing in the next Congress again. This is a bill that is in part incorporated, though, in appropriations process in some of the legislative endeavors there. And that is a bill to correct a problem with those who are juveniles who commit misdemeanor crimes and others at the early stage of their crime life and do not get any punishment.

That is very common today for young people to commit a crime such as one of maybe even robbing a car or throwing a rock through a window or doing something else that vandalizes and never getting taken to court; or if they are, when they are first there, they receive no punishment, maybe probation or none at all.

We learned in a lot of studies that there is a big problem with that. Because our juvenile justice system is overworked and they do not give this punishment, then there is no deterrent and young people find that they come to conclude they are not going to get punished and so they go on to commit these crimes and greater crimes and perhaps violent crimes down the road.

And so we attempted to put some accountability into the law by providing a block grant program through the local law enforcement communities and the States to enhance their juvenile justice systems with more prosecutors, more judges, more diversion programs in return for the simple commitment on the part of the States to assure that the very first misdemeanor crime by a juvenile gets some punishment, be it community service or otherwise, and an ever-increasing greater amount of punishment thereafter.

That legislation, as I said, has not become law; but it has at least partially been implemented through the appropriations process and I certainly hope will get a solution.

Another major bill that has not gotten all the way through the system is one dealing with what we do with our prison system in terms of prison industries. We have a problem with that that I do not have the time to go into today. But it deals with the fact that we do not have very many prisoners working in our prisons compared to the number who are there, less than 20 percent at the Federal level, less than 7 percent at the State level; and yet we see those prisoners who do engage in prison industries are far less likely to return to prison when they are released than those who do not. And so the legislation that we produced in our committee that has yet to become law would provide for an opportunity greater than today to bring private industry into prisons to employ these prisons on a wider basis, to remove a barrier to the understate sale of prison-made goods, and to provide for other opportunities in that regard.

Mr. Speaker, I would like to take the remaining time to thank the staff that have worked so hard in the Subcommittee on Crime and elsewhere for me and to mention them in particular. They have done an enormous task of working for me over the years. Several of them have been very, very involved. They deserve the tribute for all that they have done. Many of those staff members have been with me for a long time.

Glenn Schmitt and Dan Bryant share the duties of chief counsel. Dan Bryant joined the subcommittee in early 1995 and has worked tirelessly over the years in many years, including the drug issue and juvenile crime and gun control and law enforcement. Glenn Schmitt was with me even before on the Subcommittee on Immigration and Claims in 1994 and has worked extensively in the area of corrections and computer and other high-tech crimes.

Rick Filkins on our staff joined the full committee in 1997 and became a part of the subcommittee in 1999. Carl Thorsen has done a tremendous job with us, has joined the subcommittee very recently, was on my personal staff. Veronica Eligan works for our subcommittee and Jim Rybicki. Without them we could not have done the job.

Paul McNulty for a number of years served as chief counsel for the Subcommittee on Crime from 1995 to 1999. He previously worked when I was ranking member of the minority on this subcommittee from 1987 to 1990, a very talented individual. And we have missed him. He is now working for the majority leader.

Nicole Nason was counsel with us, did a great job. Aerin Dunkle Bryant also a tremendous staffer in the past. Audray Clement put in over 30 years of service and 20 years as staff assistant on the Committee on the Judiciary and worked on the subcommittee before she retired. Kara Norris Smith succeeded her. Carmel Fisk worked for me when I was the ranking member on the Subcommittee on Immigration and Claims and did a great job and somebody we could not have worked without.

On the Committee on Banking, where I was ranking member of a couple of subcommittees when we were in the minority, domestic monetary policy, Doyle Bartlett, Gerry Lynam, Anita Bedelis, Mark Brender all worked tirelessly on their efforts while I served there. John Heasley and Doyle Bartlett worked as my counsels when I was the ranking minority member on the Subcommittee on Financial Institutions. And Doyle later served as my chief of staff on my personal staff.

I just similarly cannot pass the opportunity of saying that in the tenure that I served here, without those committee staffers and without my personal staff to whom I paid tribute earlier in this Congress, it would not have been possible to do the things that we have done. And I really believe that staff go unrecognized often and they matter a great deal.

It has been a great privilege to have served in this body over these 20 years. It has been a great privilege to have served with these staff members and to have done the work load that we have. I will miss this body. There will be other opportunities in the future, I know, to meet public service; but I want to thank my colleagues for this privilege and great honor of serving here in this institution and thank them particularly for allowing me the opportunity to have been the chairman of the Subcommittee on Crime and to have worked with these wonderful people to craft the legislation I have described.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 127. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2415) entitled "An Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes."

CONVICTION OF ED POPE IN RUSSIA

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to unfortunately relate to my colleagues my concern about the conviction of an American citizen in Russia by the name of Ed Pope.

Ed Pope is an academic affiliated with Penn State University who had a distinguished career in our military and who was simply doing research and marketing work with Russian institutions when he was arrested without reason earlier this year, put in a prison in Moscow without proper medical care, without proper attention.

In spite of cancer, in spite of an illness that his father has that is terminal, in spite of the pleadings of many of us on both sides of the aisle, in particular the gentleman from Pennsylvania (Mr. PETERSON), who represents Ed Pope and his family, Ed Pope was convicted this week and given a sentence of 20 years in Russia's prisons.

Mr. Speaker, Ed Pope is not a criminal. Ed Pope is innocent. I have copies of the contracts that Ed Pope had signed with Russian agents in charge of Russian institutes who had empowered him to work to market Russia's underwater propulsion technology. During Ed Pope's trial, the chief witness against him recanted his testimony. In fact, the defense attorney for Ed Pope provided information on what Ed Pope was marketing was available in open sources in this country. In fact, everyone involved with this case understands that Ed Pope is an innocent man.

□ 1700

When I was in Moscow this summer, I held a press conference in the city and informed the Russian people and the media that this was a bad direction for Russia to take. We must with all of our bipartisan effort reach out and ask President Putin to pardon Ed Pope and let him return to his family.

Mr. Speaker, on a down side and a negative tone, if you want to convict someone in this process, it would be Bill Clinton and AL GORE, because during the first few months of Ed Pope's imprisonment, our State Department and White House were silent. They did not say anything. In fact, the initial response of our ambassador was that it is a private matter between our citizen and the Russian government. Only after the media raised these questions did the administration finally begin to raise the issue of Ed Pope. President Clinton and Vice President AL GORE should have demanded the release of Ed Pope but they did not. And so Ed Pope was convicted.

And now I relate to my colleagues my greatest concern. My fear from sources inside of Russia just last week told me that Ed Pope will be offered in exchange for a convicted Russian spy or a spy that Russia supports in our country. And if we are asked to trade a convicted person who did crimes against this country for an innocent man, it means this administration has allowed us to be sucked into a situation where we may be forced to trade someone who was a convicted criminal to get someone back who is an innocent citizen.

Russia needs to release Ed Pope, because Ed Pope is innocent, because Ed Pope has health problems, because his father is dying. There should be no quid pro quo. Russia should not expect to get a convicted spy in this country in return. This administration had better stand up for this American citizen, unlike the other American citizens whose rights have been abused over the past several years, like Lieutenant Jack Daley, like Notra Trulock, like Ed McCallum, like Jay Stuart, and like others who have been prosecuted for simply doing their job.

I call upon my colleagues on both sides of the aisle to demand the Russian president release Ed Pope, send him back to his family, and in no way allow the Russians to receive a convicted spy in this country in return for that action.

RECESS

The SPEAKER pro tempore (Mr. HULSHOF). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1920

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 7 o'clock and 20 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 128, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1025) on the resolution (H. Res. 669) providing for consideration of the joint resolution (H.J. Res 128) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 129, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1026) on the resolution (H. Res. 670) providing for consideration of the joint resolution (H.J. Res. 129) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of Rule I, the Speaker signed the following enrolled bill during the recess today:

H.R. 2415, to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. KIND (at the request of Mr. GEPHARDT) for today on account of a travel delay.

Mr. FOSSELLA (at the request of Mr. ARMEY) for today on account of his son's hospitalization.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1066. An act to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes, to the Committee on Agriculture; in addition to the Committee on Science for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILL AND A JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2415. An act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

H.J. Res. 127. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Friday, December 8, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11223. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Extension of Tolerance for Emergency Exemptions [OPP–301083; FRL–6756–6] (RIN: 2070–AB78) received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11224. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Extension of Tolerance for Emergency Exemptions [OPP–301079; FRL–6754–5] (RIN: 2070–AB78) received December 5, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

11225. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Aerospace Manufacturing and Rework Facilities [AD-FRL-6913-9] (RIN: 2060-A177) received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11226. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 224-0268; FRL-6908-1] received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11227. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio [OH-138-2; FRL-6914-7] received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11228. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Volatile Organic Compounds from Batch Processes, Industrial Wastewater and Service Stations [TX-121-1-7450a; FRL-6913-4] received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11229. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Eatonville, Wenatchee, Moses Lake, Spokane, and Newport, Washington) [MM Docket No. 98-74; RM-9269; RM-9736] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11230. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies [MM Docket No. 98-204] Termination of the EEO Streamlining Proceeding [MM Docket No. 96-16] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11231. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Textile Fiber Products Identification Act; Rules and Regulations Under the Wool Products Labeling Act of 1939—received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11232. A letter from the Director, Regulations Policy and Management Staff, FDA, Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 99F-1719] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11233. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Interim rule; stay of regulation—received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11234. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11235. A letter from the Director, The Peace Corps, transmitting the semiannual report of the Peace Corps Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11236. A letter from the Fisheries Biologist, Candidate Plus Team Leader, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Final Endangered Status for a Distinct Population Segment of Anadromous Atlantic Salmon (Salmo salar) in the Gulf of Maine [Docket No. 991108299-0313-02; I.D. 102299A] (RIN: 0648-XA39) received December 5, 2000; to the Committee on Resources.

11237. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Utilities [FHWA Docket No. FHWA-99-6232] (RIN: 2125-AE68) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11238. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule—Small Business Size Standards; Health Care—received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11239. A letter from the Deputy General Counsel, Office of Small Business Investment Companies, Small Business Administration, transmitting the Administration's final rule—Small Business Investment Companies—received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11240. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Disclosure of Return Information to the Bureau of the Census [TD 8908] (RIN: 1545-AV84) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11241. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11242. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11243. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—"Liable to Tax" Treaty Residence Standard—received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Pension, Profit-Sharing, and Stock Bonus Plans—received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11245. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's Annual Report to Congress on activities under the Denton Program for the period July 1, 1999, through June 30, 2000; jointly to the Committees on International Relations and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 669. Resolution providing for consideration of the joint resolution (H.J. Res. 128) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106-1025). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 670. Resolution providing for consideration of the joint resolution (H.J. Res. 129) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106-1026). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. UPTON:

H.R. 5644. A bill to amend title 5, United States Code, to move the legal public holiday known as Washington's Birthday to election day in Presidential election years; to the Committee on Government Reform.

By Ms. KAPTUR:

H.R. 5645. A bill to establish a Commission for the comprehensive study of voting practices and procedures in Federal, State, and local elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 5646. A bill to amend titles XVIII and XIX of the Social Security Act to provide for increased accountablility of nursing facilities and adequate nurse staffing for patient needs in the facilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.J. Res. 128. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 129. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. ENGEL:

H.J. Res. 130. A joint resolution proposing an amendment to the Constitution of the United States to provide a new procedure for appointment of Electors for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. ENGEL:

H.J. Res. 131. A joint resolution proposing an amendment to the Constitution of the

United States to provide a new procedure for appointment of Electors for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. FROST (for himself, Mr. LAFALCE, Mr. LEACH, Ms. ROYBAL-ALLARD, and Mr. RODRIGUEZ):

H. Con. Res. 445. Concurrent resolution whereas Henry B. Gonzalez served his Nation and the people of the 20th District of Texas in San Antonio with honor and distinction for 37 years as a Member of the United States House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1657: Mr. WEINER.

H.R. 2020: Mr. CALVERT.

H.R. 2720: Mr. CUNNINGHAM.

H.R. 4301: Mr. WELDON of Florida and Mr. BENTSEN.

H.R. 4633: Mr. SCHAFFER and Mr. MCHUGH.

H.R. 5172: Mrs. CAPPS.

H.R. 5306: Mr. MCKEON and Mr. BACHUS.

H.R. 5447: Mr. RAMSTAD.

H.R. 5500: Mr. LATOURETTE.

H.R. 5520: Mr. CONYERS, Mr. KILDEE, Mr. HOEKSTRA, Mr. BARCIA, Mr. DINGELL, Mr. BONIOR, Ms. RIVERS, Mr. KNOLLENBERG, Mr. UPTON, Mr. SMITH of Michigan, Mr. CAMP, Mr. EHLERS, Mr. LEVIN, Ms. STABENOW, and Ms. KILPATRICK.

H.R. 5612: Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RODRIGUEZ, Ms. NORTON, and Mr. KILDEE.

H.R. 5624: Mr. MCGOVERN, Mr. MCNULTY, and Mr. FROST.

H.R. 5642: Mr. GARY MILLER of California, Mr. HORN, Mr. EHRLICH, Mr. BILIRAKIS, Mr. BARR of Georgia, and Mrs. KELLY.

H.R. 5643: Mr. TANCREDO.

H.J. Res. 23: Mr. MCNULTY, Mr. BOUCHER, Mr. EVANS, and Mr. MINGE.

H. Con. Res. 337: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 461: Mr. LEWIS of Georgia, Mr. TALENT, and Mr. BLUMENAUER.

PETITIONS, ETC.

Under clause 3 of rule XII,

122. The SPEAKER presented a petition of a Citizen of Austin, Texas, relative to petitioning the United States Congress to enact legislation mandating uniform ballots nationwide for elections at which the office of President of the United States, U.S. Senator, or U.S. Representative, are to be decided by voters; further providing partial Federal reimbursement to states, or localities, for the costs of administering those elections at which any Federal office is to be filled by voters; and finally requiring that absentee ballots involving any Federal office be in the possession of election officials no later than the actual date of the election; which was referred to the Committee on House Administration.

SENATE—*Thursday, December 7, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 9:59 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, all through our history as a nation, You have helped us battle the enemies of freedom and democracy. Today, on Pearl Harbor Day, we remember the fact that the pages of our history are red with the blood of those who have paid the supreme sacrifice in the just war against tyranny. Those who survived the wars of the past half century are all our distinguished living heroes and heroines. They carry the honored title of veterans.

Now, Lord, we dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use the gifts of intellect and judgment You provide. Give the Senators a perfect blend of humility and hope so they will know that You have given them all that they have and are and have chosen to bless them this day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BUNNING). Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The Senator from Alaska.

SCHEDULE

Mr. MURKOWSKI. Mr. President, I know all Members are interested in the schedule today, and the leader has asked me to notify all Senators that the Senate will be in a period of morning business until 1:45 today. Following morning business, the Senate will resume postcloture debate on the bankruptcy conference report. Under the previous order, Senator GRASSLEY, Senator HATCH, Senator LEAHY, and Senator WELLSTONE will each have 30 minutes for debate prior to a 3:45 p.m. vote on final passage. A vote on a continuing resolution is also expected during today's session. Senators will be notified as that vote is scheduled. I thank my colleagues for their attention.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the time until 11 a.m. is under the control of the Senator from Washington, Mrs. MURRAY.

Mr. MURKOWSKI. Mr. President, the Senator from the State of Washington has been kind enough to allow me a few moments to make a statement on behalf of an outstanding Alaskan who passed away a few days ago. With her permission, I ask unanimous consent that she be recognized at the conclusion of my remarks, and I thank her for her graciousness.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska.

ELMER RASMUSON

Mr. MURKOWSKI. Mr. President, I rise to honor a truly great Alaskan, a close personal friend, Elmer Rasmuson, who passed away last Saturday at the age of 91. Alaska is a far better place as a consequence of his life of public service, his achievements in business, and his personal philanthropy.

Elmer was born in Yakutat, Alaska in 1909, not long after the Klondike gold rush. His life spanned Alaska's modern history, history that he had a significant hand in shaping.

Elmer served Alaskans in both the public and private realms. He was a successful banker who put together Alaska's first system of statewide branch banking. That wasn't any easy thing to do in a wild, far-flung territory like Alaska with four time zones, but he succeeded in doing a tremendous job with tremendous imagination and perseverance.

Along the way, Elmer amassed a personal fortune, which he had, in recent years, used to benefit libraries, museums, and universities in our State. This legacy will live on, as it was Elmer's wish that his personal fortune continue to benefit Alaska long after his death.

Elmer also enjoyed a distinguished record of public service. He served on the University of Alaska Board of Regents for nearly twenty years; and he was the mayor of Anchorage from 1964–1967—including the difficult period of time encompassing the Good Friday Earthquake of 1964 and the rebuilding of Alaska's largest city.

Elmer also had a keen interest and expertise in fisheries issues. He served on the International North Pacific Fisheries Commission from 1969 to 1984; he served as the first Chairman of the North Pacific Fisheries Management Council. He was instrumental in the creation of the 200-mile fisheries limit, and in rebuilding the State's salmon runs after years of federal neglect.

Elmer brought this knowledge of fisheries management to the U.S. Arctic Research Commission, a position that President Ronald Reagan appointed him to fill in 1988. He served in that position with great distinction, to the benefit of Alaska and the entire Nation.

We will long remember the benefits from his legacy of continuing philanthropy. Elmer hired me back in 1959, my first job in banking. I worked for him as a branch manager at one of the small offices in Anchorage and later throughout offices in southeastern Alaska. We remained close friends through the 40 years that followed. His son Ed and his wife Cathy have shared many memories and good times with both Nancy and me.

Elmer's commitment to Alaska was evident in many ways. In the private sector, he was willing to take risks, commit capital to budding enterprises in Alaska. In the public realm, he gave of his time and fortune. Just last year, Elmer and his wife Mary Louise donated $40 million to the Rasmuson Foundation so the foundation can provide grants to education and social service nonprofit organizations. He also gave another $50 million to the Anchorage Museum of History which Elmer helped start. In fact, on his 90th birthday he gave away $90 million. He also donated the largest single donation to the University of Alaska Museum in Fairbanks.

It is important to add that Elmer was generous in many other ways other than his wealth. He gave his time and effort to civic groups, including the Boy Scouts.

There is a saying that the true meaning of life is to plant trees under whose shade you do not expect to sit. That is the true test of generosity. By that measure, Elmer Rasmuson was an extraordinary individual in his generosity. Alaskans will remember him

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

for generations to come. They, as Nancy and I, will miss him greatly.

IVETTE FERNANDEZ—MISS ALASKA USA 2001

Mr. MURKOWSKI. Mr. President, congratulations are in order for a "Royal" Alaskan on my staff. Staff Assistant Ivette Fernandez was recently crowned Miss Alaska USA 2001 at the state pageant held in Anchorage. Ivette was judged in the interview, swimsuit, and evening gown competitions. Along with the title of Miss Alaska USA, Ivette also was honored with the Miss Congeniality title.

Born and raised in Fairbanks, Alaska, Ivette is the daughter of Antonio and Gloria Fernandez of Fairbanks. She is a graduate of Lathrop High School in Fairbanks and attended the University of Alaska Fairbanks before transferring to The George Washington University (GWU) in Washington, DC. She graduated with a Bachelor of Arts degree from GWU in the fall of 1999. Her future plans include attending law school and working in International Affairs.

As the new Miss Alaska USA, Ivette will represent Alaska in the Miss USA pageant which will be held in early February in Gary, Indiana. Ivette will compete for the title of Miss USA with other young women from 49 states and the District of Columbia.

Upon winning the Miss Alaska USA title, Ivette won scholarship and wardrobe money, a free trip to the national pageant, and other generous prizes, as well as her crown and sash. However, this is not her first time wearing a crown. In April 1999, Ivette represented Alaska as our Cherry Blossom Princess for the National Cherry Blossom Festival here in Washington, DC.

My wife Nancy and I have known Ivette for many years. We are very proud of her and her accomplishments, and we know that she will represent Alaska with poise and distinction. Ivette is a pleasure to be around and a great asset to my office staff.

Mr. President, my staff and I want to wish Ivette the best of luck when she competes in the Miss USA pageant this coming February, and we again extend our congratulations to her on winning her title.

NATURAL GAS

Mr. MURKOWSKI. Mr. President, I note that the Energy Committee is contemplating a hearing on Tuesday on the spiraling price increases associated with natural gas. We are seeing a situation in existence now where we have terminated trading, for a portion of yesterday at least, in natural gas. I am told that natural gas was selling for about $2.16 per thousand cubic feet about 9 months ago. Last month it was $5.40; $7 last week. Yesterday it hit a high of $8.80. We really have a crisis developing in this country, not only from the standpoint of the adequacy of our natural gas supplies to meet our electric generation requirements but home heating as well, inasmuch as 50 percent of the homes in the United States are heated by gas.

I thank my colleague from Washington, Senator MURRAY, for the time she allotted me. I wish the Chair a good day and my good friend from Washington as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

A TRIBUTE TO SENATOR SLADE GORTON

Mrs. MURRAY. Mr. President, as we all know congressional lame duck sessions following an election are a rarity. They usually arise when Congress is unable to finish its business in a timely fashion, and that is true with this year as well.

But this session affords me and this Congress an opportunity to acknowledge and pay tribute to the service of an esteemed colleague. Senator SLADE GORTON, the Senior Senator from Washington state, will be ending his service here after 18 years in the Senate.

Washingtonians—regardless of party affiliation—have come up to me with high praise and appreciation for Senator GORTON'S long service to our state, our country and this proud institution.

I want to share with my colleagues a passage from an editorial this week in the Everett Herald. The Herald editorial reads,

> History will rank Gorton with Senator Henry M. "Scoop" Jackson and Senator Warren G. Magnuson as an extraordinary leader in D.C. on behalf of the state.
>
> Throughout his career in the Senate and state government, Gorton has been a leading force in many major efforts to protect the environment.
>
> He also has been a consistent, passionate advocate for individuals with problems dealing with bureaucracy.
>
> Within the Senate, Gorton has been a grand force for reasoned bipartisanship, never afraid to take a strong stand but also willing to work graciously and effectively with members of the opposition even at the tensest moments.

Many of our colleagues are well aware of SLADE'S history of public service. As a young man, SLADE GORTON moved to Washington state from Chicago almost 50 years ago.

He wanted to go West in search of new opportunities. And with $300 and a one-way ticket on a Greyhound bus, SLADE GORTON moved to Washington State.

History has shown that this Midwest native fit right into Washington State. And like so many immigrants to our great State, SLADE GORTON was welcomed and given an opportunity to make the most of his talents.

From the very beginning, SLADE GORTON went to work on behalf of Washington State. First, he married Sally Clark from Selah, Washington. That same year—1958—SLADE went into politics and was elected to the Washington State House of Representatives where he rose to serve as the majority leader.

In 1968, he was elected attorney general of Washington State. On numerous occasions on several historic cases, SLADE represented the people of Washington before the Supreme Court.

Chief Justice Warren Burger once said that SLADE, "makes the best arguments before the Supreme Court of any Attorney General in America." He was also recognized with the prestigious Wyman Award given to the outstanding attorney general in the United States.

By this time, SLADE had also become a respected leader throughout Washington State.

After three terms as the Washington State Attorney General, SLADE GORTON ran for an won a seat in the United States Senate. He was elected three times to the United States Senate giving him an impressive record of winning statewide election six times in Washington.

All of this is offered as a brief history of SLADE's many years of service. With time, there will certainly be many public tributes to Senator GORTON. But what I'd like to focus on now is our time together in the United States Senate and the work we were able to do together over the last eight years.

I am sure all of my colleagues share my own appreciation for the support, guidance, and sacrifices our families make so that we can serve in the Senate. Our successes throughout our careers in public service are shared with our families. We rely on them in so many ways.

And that is certainly true for SLADE GORTON. Sally and SLADE have been partners for all of his years of service. From Olympia, Washington to Washington, D.C., Sally Gorton has been there each and every day. She and SLADE have three children and seven grandchildren, who I know bring immense pride to the Gorton family.

So, as we acknowledge and honor SLADE GORTON, I want to pay special tribute to Sally Gorton and the entire Gorton Family. We've all had to endure some tough things in seeking to represent our States in the Senate. We accept that politics can sometimes be rough.

Our families—as our biggest defenders—often take it more personally than we do. And, like all political families, the Gorton family has been instrumental to all of SLADE'S many successes. Washington State is proud and appreciative of all that Sally Gorton has also done.

Much has been said in Washington State about the differences between Senator GORTON and myself. And while SLADE and I have had our differences, not enough has been said about our ability to work together on behalf of Washington State.

SLADE GORTON was a champion for Washington State. When the interests of Washington State were at stake, we were a great team.

I will miss our ability to work together on a bipartisan basis, combining our strengths, to represent our great State.

As my colleagues know, there is also no greater adversary in the United States Senate than SLADE GORTON.

When Senator GORTON took on an issue, everyone knew they had better prepare for an energetic and spirited fight. Senators on both sides of the aisle know what a challenge it is to take on Senator GORTON.

Most of you didn't have to take those fights home to your constituencies like I did. But those differences between Senator GORTON and I were rare. And they were never personal or vindictive. There were no political vendettas, and we were always able to move onto the next issue of importance to our constituents.

Ask the Clinton administration and the Justice Department what it is like to take on an issue and differ with SLADE GORTON. He was a champion for Microsoft in its ongoing legal battles with the Department of Justice. I respected his work on behalf of Microsoft and was proud to work with him on behalf of our constituents. And certainly, all of Washington State appreciated his determined efforts to represent one of the great symbols of Washington State.

Ask the Bush administration what it was like to do battle with SLADE GORTON when he fought his own party to save the National Endowment for the Arts.

Despite Washington, DC's strong desire to label us all, SLADE was always open. And when he took on a cause, he often surprised people. Throughout his career in both Washingtons, SLADE defied labels.

Most recently, Senator GORTON and I worked very closely on the issue of pipeline safety. Unfortunately, a tragedy in Bellingham, Washington claimed three young lives and scarred forever a community. SLADE was right there with me from the very beginning, working to raise the profile of the issue and eventually pass through the Senate the toughest pipeline safety legislation ever adopted by either body of Congress. Senator GORTON was instrumental to this effort. Working together, we took on some very powerful interests and extracted some tough compromises.

At the Appropriations Committee, Senator GORTON and I teamed up on numerous instances each and every year to advance and protect Washington's many interests. From agriculture research programs benefiting apple growers and wheat farmers to export promotion programs to land exchanges.

Washington was the only State with two appropriators. We were fortunate. More so because SLADE chaired the Interior Subcommittee where Washington has so many interests.

We worked together to clean up the Hanford Nuclear Reservation. We were partners in the effort to ease the Puget Sound area's very difficult traffic congestion problems at the Transportation Subcommittee where we both served.

Beyond the Appropriations Committee, there are so many other issues that we worked well together on behalf of Washington State. Commercial fisheries is immensely important to our State and we worked closely on the Magnuson-Stevens Act in 1996 and the American Fisheries Act in 1998. We recently worked together to pay tribute to a Nisei veteran and Washington State native William Kenzo Nakamura by naming a courthouse after him in Seattle, Washington.

We did work collaboratively on selecting Federal judges in a time when confirming judges was overly partisan. We succeeded in getting our judges through this difficult process by working together.

Time and again, we both worked to help Boeing in its relationships with many foreign aircraft customers. Whether working with USTR or a foreign government, SLADE worked hard for the almost 100,000 Washington State families who work at Boeing and rely on aircraft sales.

Senator GORTON and I also worked closely on health care issues important to our constituents. We worked together to boost the growing biotech sector in our State and the promising future that companies like Immunex and others are building in Washington State. From securing research dollars to representing the UW Medical School, Washington State's health care needs were well served by the work of Senator GORTON. Here, like in so many areas, he had an impact for the betterment of our State and our country. He was a champion on autism issues and I regularly worked with him to expand health care for children.

Senator GORTON was always known for tremendous staff work both in Washington, DC and throughout the State of Washington. He has served as a mentor to literally thousands of professionals. The family tree of Gorton staffers past and present is a truly impressive list of Washingtonians.

One of Senator GORTON's greatest and lasting contributions to our State will be the years of public service his former staffers will give to Washington State.

My staff and I have worked closely with Senator GORTON's staff. That working relationship was always interrupted by an annual softball game that could be as competitive as any Apple Cup football game between the University of Washington and Washington State University. I am proud to say the Murray softball team won its share of games. But so did the Gorton team. And there were a couple of years where Senator GORTON himself contributed to his team's wins. It was a friendly rivalry but I am sure SLADE will agree, we both really wanted to win that game.

The Gorton staff is as loyal as any on Capitol Hill. And I am sure they will have an opportunity to thank Senator GORTON for all of his personal and professional guidance and assistance.

But I am also sure they would want me to say to Senator GORTON that they believed in his work and that they will always be proud to call themselves Gorton staffers.

This is certainly a time of change for the country and for the Senate. And while Senator GORTON will leave the Senate, we shouldn't expect to see him fade from the public scene. At home, he will continue to be a respected leader with perhaps many opportunities ahead to further shape and influence our State.

And, perhaps his service in Washington, DC will continue as well. Change may seem uncertain but I am confident—just as he did almost 50 years ago on the Greyhound bus—that Senator GORTON will make the most of the new opportunities to come.

Senator GORTON, on behalf of all of Washington State, thank you for making Washington State your home. We have benefited enormously from the decision you made as a young man to settle in Washington State. Your service here in the Senate is one proud part of a dedicated and accomplished career in public service.

I yield the floor to my colleague Senator GORDON SMITH from Oregon.

Mr. SMITH of Oregon. I thank Mrs. MURRAY, the Senator from Washington, for her kind words on behalf of our colleague and friend, Senator SLADE GORTON.

I am filled with conflicting emotions this morning. It is easy for me to come to the floor of the Senate to sing the praises of SLADE GORTON. It is hard for me to contemplate this place without him. As Senator MURRAY has detailed his history, I won't repeat it, but I do think it is significant that this good man comes from a family from New England but, like a delicious Washington apple, he is a product of Washington State.

SLADE often tells the story of Lewis and Clark coming down the Columbia River. They approached the Pacific on the Washington side. The first election that included minorities of African American, Indian descent, and female gender, took place on the shores of what we now know as Washington State. The decision before the party was whether to stay in Washington or whether to move to Oregon on the other side of the river. The vote was to move to Oregon. SLADE has always used that story as an example that the voters are not always right.

I have never shared the same conclusion with respect to that story, and I find it humbling to accede to the will of the majority in elections, as I do now, with the defeat of SLADE GORTON for another term. It is a hard decision, nevertheless, for me.

SLADE was also given to say that mountains divide and rivers unite. Truly, the Columbia River is one of many marvelous things that Washington and Oregon share together. It is the thing which has made of Washingtonians and Oregonians good friends for so many years. It is, perhaps, the greatest thing that brought SLADE GORTON and me together, a common interest in being good neighbors, a common interest in the values and uses of the river for both natural and human purposes. Oregon has lost a great friend at the end of the service of SLADE GORTON.

Time and again, I would appeal to SLADE in his powerful position on Appropriations to help the people of my State with appropriations that mattered to farmers, to fishermen, to foresters. He was always there, always anxious to help, always anxious to provide money for salmon restoration and for things that make the lives of all in the Pacific Northwest better.

SLADE GORTON was the champion of many things, but I think he was the greatest champion for rural people. He knew that our prosperity, our standard of living, ultimately came from the responsible use of natural resources. So he stood by farmers. He stood by fishermen. He stood by those who logged. He stood by the miner. He fought for their jobs. He fought for them to have a place. But he was not just focused on their concerns. As Senator MURRAY has reminded us, Microsoft knew no greater champion on the floor of the Senate than SLADE GORTON as he battled for this State's great interest in Microsoft's survival and success. So he was both high tech and farmer friendly. He was a man for all seasons for the Pacific Northwest and for his State of Washington.

This morning, as I contemplated what I could say about him, a passage of scripture from the New Testament came to my mind that seemed to be, in my view, the bright way that I see SLADE GORTON. After giving the Sermon on the Mount, Jesus said:

> Ye are the light of the world. A city that is set on a hill cannot be hid; neither do men light a candle and put it under a bushel, but on a candlestick, and it giveth light unto all that are in the house. Let your light so shine before men, that they may see your good works and glorify your Father, which is in heaven.

SLADE GORTON's light is very bright. I don't know of a brighter person in the Senate, a smarter person. I have referred to him before as the E.F. Hutton of the Senate: When he would speak, we would all listen. I know that is true in the Republican Conference. In his halting way, it was worth stopping whatever you were doing to listen to him, because what was said was worth remembering and to be valued and followed.

So SLADE'S light, in my view, still burns brightly, and cannot be hid; it should still be utilized. I cannot predict how this Presidential election will turn out, but I do hope that if it should be President Bush, he will see that light as brightly as I do and utilize SLADE in the service of our country still because our country needs him and he has so much more yet to give.

Like SLADE, I have known victory and defeat in running for the Senate. I had no greater friend when I first ran for the Senate, and by a margin nearly the one by which he has now lost, I also lost. I remember his letter so vividly because he had worked so hard for me. It came a few days after my defeat. He said how no defeat for a Senator's race had ever affected him as badly as mine, except the time he had lost once before. And it was a hard and bitter thing. But he admonished me to get up and to try again, as he had tried again. He admonished me to serve and to not hide my light under a bushel because he needed me, and the farmers, the fishermen, and the foresters of the Northwest needed me. I have the feeling they need me more now than ever with SLADE'S departure.

He also said—and I will never forget it—he told me it probably upset his law partners in Seattle—that the worst day in the Senate is far better than the best day in the practice of law, which is another reason he labored so hard to come back and to serve. And it is a marvelous privilege to be here, to serve the people you love at home.

SLADE was right. I now know how he felt when he wrote that letter because I feel a great emptiness inside at the thought of his departure. But I know, as he knows, that in democracy you do not always get to win, but you always get your say. I hope the day will come, in a different forum, perhaps, when SLADE GORTON will have his say again.

Until then, I pray God's choicest blessings for SLADE and SALLY GORTON to sustain them in this difficult transition and to help all of us who remain behind to fill his very considerable shoe size as a Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to have printed in the RECORD a number of statements regarding Senator GORTON and his distinguished service. I want to take particular note of the statement by our colleague, JOE LIEBERMAN, who could not be here today. Senator GORTON and Senator LIEBERMAN worked on many initiatives over the years. I want to read his statement:

> Mr. President, I wish to express my greatest respect and affection for Slade Gorton of Washington with whom I have enjoyed working closely for a number of years. Slade's life is characterized by his commitment to faith, family, service, and law. As he leaves the Senate, I want to reminisce about some of the matters I have been privileged to work with Slade Gorton.
>
> Over the years, Senator SLADE GORTON has been a great leader on educational reform, striving to raise the performance of our nation's elementary and secondary schools and the quality of education so that all children may reach a high level of academic achievement. The senior Senator for Washington and I have worked together on a number of proposals to improve our educational system. His contributions have led the way for better educational accountability and innovation in the years ahead.
>
> Of great importance to our country are Slade Gorton's continued efforts to preserve and honor American history by calling for stronger history curriculum standards and literacy awareness in our colleges and universities. I truly believe such endeavors help to unite our nation by demonstrating the importance of our shared heritage and civic culture as Americans.
>
> One of my most memorable experiences with Slade was the work we did together after the House impeached President Clinton. All of us in the Senate knew that how we handled the impeachment trial would test us all—both individually and as an institution. We could either fall into intense partisanship, miring ourselves and the country in lengthy and disruptive proceedings that threatened to leave this institution demeaned and scarred, or we could rise above partisanship and join together in a way that preserved this body's dignity while at the same time ensuring a full airing of the issues before us.
>
> Slade took the lead in guiding us to a dignified path, formulating a plan that ultimately formed the basis of the process the Senate adopted. Notwithstanding his personal views, his love for his country and this institution led him to put principle above partisanship and to formulate a plan for resolving the impeachment case before it wreaked more havoc on the Senate and the nation. I was delighted to work on that plan with him, and was impressed again by the civilized, thoughtful, and nonpartisan way in which Slade Gorton proceeded. I truly believe that his leadership was instrumental in seeing the Senate through that difficult time with honor.
>
> Slade Gorton leaves the Senate with much to be proud of, and much to look forward to. For my wife and myself, I send Slade and Sally and their wonderful family love and every good wish for the next great chapter of their lives.

I also ask unanimous consent to have printed in the RECORD several editorials regarding Senator GORTON's long service to our State of Washington.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MURRAY IN TRIBUTE TO SENATOR SLADE GORTON

Mr. President, congressional lame duck sessions following an election are a rarity. They usually arise when Congress is unable to finish its business in a timely fashion and that is true with this year as well. But this session affords me and this Congress an opportunity to acknowledge and pay tribute to the service of an esteemed colleague. Senator Slade Gorton, the senior Senator from Washington state, will be ending his service here after 18 years in the Senate.

Washingtonians regardless of party affiliation have come up to me with high praise and appreciation for Senator Gorton's long service to our state, our country and this proud institution. I want to share with my colleagues a passage from an editorial this week in the Everett Herald. The Herald editorial reads, "History will rank Gorton with Senator Henry M. 'Scoop' Jackson and Senator Warren G. Magnuson as an extraordinary leader in D.C. on behalf of the state. Throughout his career in the Senate and state government, Gorton has been a leading force in many major efforts to protect the environment. He also has been a consistent, passionate advocate for individuals with problems dealing with bureaucracy. Within the Senate, Gorton has been a grand force for reasoned bipartisanship, never afraid to take a strong stand but also willing to work graciously and effectively with members of the opposition even at the tensest moments."

Many of our colleagues are well aware of Slade's history of public service. As a young man, Slade Gorton moved to Washington state from Chicago almost 50 years ago. He want to go West in search of new opportunities. And with $300 and a one-way ticket on a Greyhound bus, Slade Gorton moved to Washington state.

History has shown that this Midwest native fit right into Washington state. Like so many immigrants to our great state, Slade Gorton was welcomed and given an opportunity to make the most of his talents.

From the very beginning, Slade Gorton went to work on behalf of Washington state. First, he married Sally Clark from Selah, Washington. That same year—1958—Slade went into politics and was elected to the Washington State House of Representatives. In the Washington House, Slade rose to serve as the Majority Leader.

In 1968, he was elected Attorney General of Washington state. On numerous occasions on several historic cases, Slade represented the people of Washington before the Supreme Court. Chief Justice Warren Burger once said that Slade, "makes the best arguments before the Supreme Court of any Attorney General in America." He was also recognized with the prestigious Wyman Award given to the outstanding Attorney General in the United States.

By this time, Slade had also become a respected leader throughout Washington state. After three terms as the Washington state Attorney General, Slade Gorton ran for and won a seat in the United States Senate. He was elected three times to the United States Senate—giving him an impressive record of winning statewide election six times in Washington.

All of this is offered as a brief history of Slade's many years of service. With time, there will certainly be many public tributes to Senator Gorton. But what I'd like to focus on now is our time together in the United States Senate and the work we were able to do together over the last eight years.

I am sure all of my colleagues share my own appreciation for the support, guidance and sacrifices our families make so that we can serve in the Senate. We rely on them in so many ways. Slade is fortunate to have such a supportive family. Sally and Slade have been partners for all of his years of service. From Olympia, Washington, to Washington, D.C., Sally Gorton has been there each and every day. She and Slade have three children and seven grandchildren, who I know bring immense pride to the Gorton family. So, as we acknowledge and honor Slade Gorton, I want to pay special tribute to Sally Gorton and the entire Gorton family.

Much has been said in Washington state about the differences between Senator Gorton and myself. While Slade and I have had our differences, not enough has been said about our ability to work together on behalf of Washington state. He was a champion for Washington state. When the interests of Washington state were at stake, we were a great team. I will miss our ability to work on a bipartisan basis, combining our strengths, to represent our great state.

As my colleagues know, there is also no greater adversary in the United States Senate than Slade Gorton. When Senator Gorton took on an issue, everyone knew they had better prepare for an energetic and spirited fight. Senators on both sides of the aisle know what a challenge it is to take on Senator Gorton.

Most of you didn't have to take those fights home to your constituencies like I did. But those differences between Senator Gorton and I were rare. And they were never personal or vindictive. There were no political vendettas, and we were always able to move on to the next issue of importance to our constituents.

Ask the Clinton Administration and the Justice Department what it is like to take on an issue and differ with Slade Gorton. He was a champion for Microsoft in its ongoing legal battles with the Department of Justice. I respected his work on behalf of Microsoft and was proud to work with him on behalf of our constituents. And certainly, all of Washington state appreciated his determined efforts to represent one of the great symbols of Washington state. Ask the Bush Administration what it was like to do battle with Slade Gorton when he fought his own party to save the National Endowment for the Arts.

Slade Gorton also fought for the United States Senate. When the Congress was struggling through a very partisan impeachment process, it was Slade Gorton who along with our colleague Senator Joe Lieberman stepped forward with a plan for the Senate. Senator Gorton, in this instance as well as in many others, had enormous respect for this institution. That respect for the institution is evident in the respect he enjoys among all Senators.

Despite Washington D.C.'s strong desire to label us all, Slade was always open. When he took on a cause, he often surprised people. Throughout his career in both Washingtons, Slade defied labels.

Most recently, Senator Gorton and I worked very closely on the issue of pipeline safety. Unfortunately, a tragedy in Bellingham, Washington, claimed three young lives and scarred a community forever. Slade was right there with me from the very beginning, working to raise the profile of the issue and eventually to pass through the Senate the toughest pipeline safety legislation ever adopted by either body of Congress. Senator Gorton was instrumental to this effort. Working together, we took on some very powerful interests and extracted tough compromises.

At the Appropriations Committee, Senator Gorton and I teamed up in numerous instances each and every year to advance and protect Washington's many interests from agriculture research programs benefitting apple growers and wheat farmers to export promotion programs and land exchanges.

Washington was fortunate to be the only state whose two senators both served on the Appropriations Committee. Of course, Slade chaired the Interior Subcommittee where Washington has so many interests. We worked together to clean up the Hanford Nuclear Reservation. We were partners in the effort to ease the Puget Sound area's very difficult traffic congestion problems at the Transportation Subcommittee where we both served.

Beyond the Appropriations Committee, there are so many other issues that we worked well together on behalf of Washington state. Commercial fisheries are immensely important to our state and we worked closely on the Magnuson-Stevens Act in 1996 and the American Fisheries Act in 1998. We recently worked together to pay tribute to a Nisei veteran and Washington state native William Kenzo Nakamura by naming a courthouse after him in Seattle, Washington.

We worked collaboratively on selecting Federal judges in a time when confirming judges was overly partisan. We succeeded in getting our judges through this difficult process by working together.

Time and again, we both worked to help Boeing in its relationships with many foreign aircraft customers. Whether working with USTR or a foreign government, Slade worked hard for the almost 100,000 Washington state families who work at Boeing and rely on aircraft sales.

Senator Gorton and I also worked closely on health care issues important to our constituents. We worked together to boost the growing biotech sector in our state and the promising future that companies like Immunex and others are building in Washington state. From securing research dollars to representing the UW Medical School, Washington state's health care needs were well served by the work of Senator Gorton. Here, like in so many areas, he had a significant and positive impact on our state. He was a champion on autism issues, and I regularly worked with him to expand health care for children.

Effective leaders attract talented people to their offices and Senator Gorton has always had a very effective staff both in Washington, DC, and throughout the State of Washington. He has served as a mentor to literally thousands of professionals. The family tree of Gorton staffers past and present is a truly impressive list of Washingtonians. One of Senator Gorton's greatest and lasting contributions to our state will be the years of public service his former staffers will give to Washington state.

My staff and I have worked closely with Senator Gorton's staff. That working relationship was always interrupted by an annual softball game that could be as competitive as any Apple Cup football game between the University of Washington and Washington State University. I am proud to say the Murray softball team won its share of games. But so did the Gorton team. And there were a couple of years where Senator Gorton himself contributed to his team's wins. It was a friendly rivalry, but I think

Slade will tell you, we both really wanted to win that game.

The Gorton staff is as loyal as any on Capitol Hill. I am sure they will have an opportunity to thank Senator Gorton for all of his personal and professional guidance and assistance, but I am also sure they would want me to say to Senator Gorton that they believed in his work and that they will always be proud to call themselves Gorton staffers.

This is certainly a time of change for the country and for the Senate. And while Senator Gorton will leave the Senate, we shouldn't expect to see him fade from the public scene. At home, he will continue to be a respected leader with perhaps many opportunities ahead to further shape and influence our state.

And perhaps his service in Washington, D.C., will continue as well. I am confident—just as he did almost 50 years ago on the Greyhound bus—that Senator Gorton will make the most of the new opportunities to come.

Senator Gorton, on behalf of the people of Washington state, thank you for your many years of dedicated service. Thank you for giving your time, your energy, and your wisdom to people of our state and our country. We have benefitted enormously from your work and we are grateful for your service.

[From the Seattle Times, Dec. 5, 2000]

GORTON'S NOTEWORTHY PUBLIC CAREER

There is no particular joy in bidding farewell to the state's senior senator, Slade Gorton.

This page endorsed his opponent, Maria Cantwell, and we look forward to the changes in style and policy she can bring to the job.

But we would be remiss if we failed to pay tribute in this space to Gorton's distinguished public career. He was first elected state legislator, then attorney general and has served three terms as Senator.

Legacy is not a notion that comes easily to Gorton. Late in the campaign, when asked what was the legacy of his years in public service, he groped for a response. Perhaps that's because Gorton's career was not a straight line toward clear goals or major accomplishments.

As a legislator he was more pragmatist than ideologue. As his Republican party moved to the right, Gorton feigned just enough moves in that direction to stay in office, moves that prompted criticism on this page and elsewhere.

A careful look at the sweep of is career reveals Gorton's better impulses. He is credited with helping to save the National Endowment for the Arts and the Forest Legacy Program, a crucial source of funds for the Mountains to Sound Greenway project along I-90.

Gorton was one of the saner voices in Congress during the impeachment. He teamed with his friend, Democratic Sen. Joseph Lieberman, to broker a middle-ground solution that would short-circuit a trial. They were unsuccessful, but the effort is a revealing example of Gorton at work during a historic time in the nation's Capitol.

Gorton's name is attached to several major accomplishments from the early years of his career. Lawyer and longtime civic activist Jim Ellis credits Gorton with steering through the state legislature the program known as Forward Thrust, a package of major public works in King County.

Among his most loyal backers is a small army of women who have worked for Gorton at various stages of his career. Many have gone on to their own careers in public life.

Now, facing forced retirement by the narrowest of voter margins, Gorton, 72, can contemplate a life of ongoing service, possibly in a Bush administration, or better yet, as a senior statesman in Washington State and the Northwest where his talents are still welcome and much needed.

[From the Tacoma News Tribune, Dec. 5, 2000]

HOLD A PLACE FOR GORTON AMONG STATE'S POLITICAL GIANTS

(By Peter Callaghan)

It's a journalistic must-do.

When a prominent officeholder is defeated, we roll out the retrospective articles—obituaries for the living.

We attempt to place our politicians in perspective before we have any.

It's Slade Gorton's turn now. The 72-year-old U.S. senator's defeat will become official Wednesday.

But he was pretty sure when the first count of votes was released the day before Thanksgiving when he declared himself "cautiously pessimistic" that a recount would make a difference.

It didn't. Last Friday the county-by-county tally showed that Democrat Maria Cantwell's lead actually grew by a few hundred votes.

So Gorton walked in front of the cameras and the newsies to make a very short statement. He took no questions.

That left others to pass judgment on a career in politics that began in 1958. He served 10 years in the state House of Representatives, 12 as attorney general and 18 in the U.S. Senate.

Longevity is just one of the reasons he should be considered for the same status as Warren Magnuson, Dan Evans, Henry Jackson, Wesley Jones, Julia Butler Hansen and Tom Foley—giants all.

Impact is another reason. So is presence. So is the breadth of his legacy.

But there's a much different tone to Gorton's postmortem than for the others. Much of the space is devoted not to what he was but to what he wasn't.

He wasn't wildly popular. He wasn't able to generate affection among voters. He wasn't one to bring home the bacon in the form of dams and hospitals and military bases.

In a phrase, he wasn't Scoop and Maggie.

This presumes, of course, that Gorton could have been just like Scoop and Maggie even had he wanted to be. Times had changed. Gorton was elected in the GOP landslide that ushered in the Reagan era.

It was a time of lowered expectations of the federal government. It was a time when the ability to win hundreds of millions of federal pork was at an end.

Heck, Scoop and Maggie wouldn't be Scoop and Maggie in times such as those.

But Slade Gorton did manage to build his own legacy as a smart, savvy politician who was the go-to guy in the Washington state delegation for much of the last two decades.

If you want your politicians warm and fuzzy, don't knock on Gorton's door. He was of a generation that didn't believe in public displays of affection—especially the phony kind practiced by some politicians.

That he never made an emotional connection with voters hurt him in the two close elections that he lost in 1986 and 2000.

But most other times, Washington voters realized we were electing a U.S. senator, not a host for a children's TV show.

Gorton did something few other politicians could—he learned from that earlier defeat that he had to listen as well as talk.

He learned to say thank you. He admitted that some of his votes in his first term were mistakes and he asked voters for a second chance.

They gave it to him.

That he lost twice shouldn't be a legacy-killer. We forget how tough it has been for Republicans to win the governor's office or the two U.S. Senate seats in Washington.

In fact, since 1954 only three Republicans have—Evans, Gorton and John Spellman.

In that same time period, eight different Democrats have won those offices—five men and three women.

Gorton overcame that handicap with a strategy that has always drawn criticism—he ran against Seattle and exploited the resentments many have for the state's biggest city. He was accused of using so-called wedge issues that divided the state.

But that in itself is a Seattle-centric critique. It's OK—in fact, preferred—to represent Puget Sound to the detriment of the rest of the state. Doing the opposite, however, is divisive.

Cantwell won just five of the state's 39 counties. But she is defined as a unifier while Gorton is a divider.

The campaign is too recent for liberals to view Gorton's service as anything but a disaster.

But as time passes, perhaps they'll be more willing to give him his due and allow him to take his place in state political history with those other giants.

[From the HeraldNet, Dec. 5, 2000]

OUR VIEWS—MARIA CANTWELL FOLLOWS A GREAT LINE OF SENATORS

With a history of outstanding U.S. senators, Washington state is about to embark on what should be a fine new chapter.

With time, Maria Cantwell ought to become another fine senator for Washington. Indeed, the likelihood is that the Democrat from Edmonds will become an effective, high-profile member of the Senate early on. It certainly helps Cantwell's visibility that her election appears to have broken the Republican majority and given Democrats a 50-50 tie for the next session.

The situation undoubtedly influenced two major networks to interview Cantwell on their morning news shows Monday. As Democrats point out, moreover, the election of the former high-tech executive gives the country its first senator from the new economy. Even in a Senate that includes a freshman well enough known to have won election from New York without using her last name, Cantwell's talents should earn her ample notice.

While Cantwell is making a promising entry into the Senate, Washington state certainly will miss the presence of longtime Sen. Slade Gorton. Although Gorton would be an excellent choice for a post in a possible Bush cabinet, the state has lost the clout he carried as a senator with 18 years seniority.

History will rank Gorton with Sen. Henry M. "Scoop" Jackson and Sen. Warren G. Magnuson as an extraordinary leader in D.C. on behalf of the state. Throughout his career in the Senate and state government, Gorton has been a leading force in many major efforts to protect the environment. He also has been a consistent, passionate advocate for individuals with problems dealing with bureaucracy. Within the Senate, Gorton has been a grand force for reasoned bipartisanship, never afraid to take a strong stand but also willing to work graciously and effectively with members of the opposition even at the tensest moments.

Gorton's career was certainly marked by tough fights with opponents and a willingness to criticize liberals from the Puget Sound region. That divisiveness, in fact, may have contributed to his defeat by Cantwell. But he helped ensure that the less urban areas of the state weren't forgotten.

To her credit, Cantwell campaigned to become a senator for the entire state. She has promised, in fact, to visit each of the state's 39 counties every year. That will be a challenging but worthwhile task.

Cantwell has talked about the need for action on issues that relate directly to people's lives, including prescription drugs and controls on health maintenance organizations. With her incisive understanding for policy issues, demonstrated in both the state Legislature and the U.S. House of Representatives, she could help create answers to such difficult questions.

Her lack of seniority, though, deprives the state of the significant influence over appropriations that Gorton wielded, especially for environmental projects. The state, and Cantwell, will have to look to Sen. Patty Murray to fill as much of the gap as possible.

Cantwell returns to politics after making a fortune with a high-tech company in just five years. As the careers of Jackson, Magnuson and Gorton have demonstrated, the length of service is a critical factor in making a great senator. Cantwell should keep that in mind as she makes what is likely to be an impressive entrance into the Senate of the United States.

Mrs. MURRAY. Mr. President, I yield such time as he may need to the Senator from West Virginia, Mr. ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise today on a personal basis to reflect a little bit about the SLADE GORTON I have known and worked with over a number of years now. Even as I welcome Mary Cantwell into the Senate, I also am very sorry to see SLADE GORTON go—just because of the very extraordinary character he brought to this institution.

I worked with SLADE very closely on the Commerce Committee. Our jurisdictions, so to speak, overlapped a good deal. Our interests overlapped a good deal. One of the pieces of legislation where I thought you saw SLADE working at his best, when he was so effective in the Senate, was the reauthorization of the Federal Aviation Agency. This was actually a very complicated piece of legislation. It was one that was particularly difficult because the Senate as a whole has not bothered to engage itself particularly with the whole subject of aviation and the enormity of the crisis which is facing us and which manifests itself in the summer and tourist season and then is quickly forgotten as soon as the tourist season is over and the delays diminish somewhat. One can see, as the industry grows, it also runs into more severe problems, financially and otherwise.

SLADE GORTON had an innate understanding of aviation, obviously, because of the State from which he came. But he was also a master craftsman in terms of understanding issues, producing legislation, and then forging a compromise that would lead to a result that, in effect, reauthorized the Federal Aviation Administration and put forth money on an unprecedented basis to do what needed to be done, both for our air traffic control system and for the infrastructure which our Congress and our Nation just blithely ignore—complaining about noise, complaining about delays, and then declining to do anything about it. It is not a problem which fixes itself.

SLADE was, in a sense, kind of a pioneer on this issue which in some ways is similar to the IT phenomenon, the Internet; it burst upon us. But people have been rather quick to learn about the new economy and the Internet and rather slow to learn about a problem which is just as severe and technical and just as complex as that one. But SLADE, obviously, as is typical of him, never shirked his duty either to his State or to his country.

He has a work ethic. A "work ethic" simply describes itself, but the way in which SLADE GORTON has carried that out over all the years I have worked with him is something which has both given me joy and a great sense of admiration. I don't know if there are any cartoons anywhere, but there are a lot of stories: One always sees Senator GORTON at his desk—reading. The entire Senate can be engulfed in a conflagration of some sort, usually about something which means absolutely nothing, but SLADE GORTON understands that and so he simply turns to newspapers, journals, things which—again, with his very superior intellect—are increasing his knowledge, increasing his perspective and the depth of his ability, therefore, to be helpful to his people, to his country, and to the Senate.

He had a very interesting position, too, in the Senate, in that he was a very close adviser, and may remain so, to the majority leader, TRENT LOTT. He did not do that through the power of politics. He did not lobby in the way that people often do when they run for offices, go around trying to pick up votes in that way. It was simply the power of his reasoned, calm intellect, the even temperament of his nature, and the compelling force of his logic and the calmness in which all of this evolved and presented itself, which I think—my guess would be—drew Senator LOTT to understand that to rely on SLADE GORTON's judgment and understanding and advice would be a very wise thing to do.

SLADE GORTON and I did not necessarily have the same voting records, but we often had the same approach to issues, not all of which I will discuss here, and we have come to differ on some of those issues. But I always have had this deep sense of respect for him. He never was a typical Senator. He was not a backslapper. Yet when he gave his word, you needed to worry no more because that was it. As they say, his word was his bond—and it really was.

He had always an excellent staff about him. Yet you always had the feeling that SLADE GORTON made all of the decisions and did, really, most of the basic thinking himself because of the deeply thoughtful nature of his mind and his instinct about not just legislating but the way he conducted probably all his life.

I admire very much the fact that he has been in public life for so long, and at the age of 72 sought to continue that public service. He has expressed a deep belief in public service. There are many honorable professions, but I think public service is one of the hardest and most honorable of all of them if it is carried out with serious intent and serious purpose. Ambition always accompanies public service, but ambition has to be overruled in the final analysis by this concept of serving the public and of trying to make a better situation for the State one represents and also our Nation.

SLADE is a Senator from the State of Washington but also from the United States of America. He understood that and exercised both of those responsibilities. He argued, I am told, 14 times before the U.S. Supreme Court when he was attorney general of his State. That says to me that he did not simply, as is the case sometimes, particularly in more recent years, jump for the top office or one of the top offices. He worked his way up through the system. I admire that. It shows a determined, a very professional, long-term commitment to public service at whatever level and also respect for the experience one develops on the way up as one serves in one's State and goes on to a more national forum.

He is and always will be a superb legislator. He has been a superb friend to me. We have not spent a lot of time engaged in personal discussion, but there was a constancy in the way our relationship evolved and then maintained itself which always made me believe I could trust SLADE GORTON and look to SLADE GORTON for sound advice and sound judgment on virtually any matter.

He is firm in his views, and I respect that. We differ often on views, and yet it is never a personal matter. Again, it is a truly brilliant, analytical, ordered mind coming to his conclusions in the way he thought best for him and for the people he represents.

When we talked personally, it was almost always about his grandchildren; of course, about Sally, his wife, whom I think he married in 1958. He has seven grandchildren, and when there was frustration about the Senate dragging on too long, he would talk about the joy of being with his grandchildren. He talked at length about that. That was another side of SLADE GORTON: SLADE GORTON the family person, the tightly disciplined mind, and yet underneath a very warm sense of what, in many ways, is an even larger legacy, and that is, what is the nature of one's family, what is the nature of one's relationship to the members of one's family.

I express my respect for him, my affection for him for his constancy of purpose and for his superbly honed skills. His presence in the Senate is and will be always considered unique. He is a unique person, cerebral but effective, highly analytical but deeply effective in the internal combat, whether it be on the Appropriations Committee, the Budget Committee, the Commerce Committee, the Energy Committee, or any of his various committees. He knows how to fight. He knows how to achieve what he wants for the people of his State.

As I said at the beginning, I rise to express this respect, to express this sense of admiration for the nature of his abilities as a Senator and his broad expanse as a human being.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Is it time for the Senator from New Mexico to speak about the departure of Senator SLADE GORTON?

The PRESIDING OFFICER. The time is under the control of the Senator from Washington.

Mrs. MURRAY. Mr. President, I am happy to yield to the Senator from New Mexico whatever time he needs to speak about Senator GORTON.

Mr. DOMENICI. I am very sorry to ask for that. I thought Senators on our side had control. I am very pleased Senator MURRAY yielded to me.

Mr. President, I come this morning to speak about my friend, SLADE GORTON, who is leaving the Senate shortly. I thought I better do it today because, as most things around here, when you can get them done you ought to because time flies and all of a sudden we find Senator GORTON is out of the Senate and we have to speak before he leaves. Today, I want to take a few minutes to share with him and his wife Sally, whom I hope will have occasion to read the RECORD, having served with him in each of his 18 years in the Senate, what he has contributed and who he is.

It will not take me a long time to speak about him, although to tell the truth, he probably is more noteworthy in my life in terms of being a co-Senator on many things that are very big and important to our Nation than any other single Senator here.

SLADE GORTON is a quiet man. Even though he appears on the floor regularly to discuss things, he is a very thoughtful person and also a very hard worker.

As we sometimes coin phrases, he is certainly a workhorse, not a show horse, and he is a very special and unique person because he is also extremely thoughtful and shares willingly his wonderful ideas, thoughts, and innovations with us, his fellow Senators.

I think everybody knows that while he shares no official leadership role and he works hours on end on a subcommittee called the Subcommittee on Appropriations for the Department of Interior, his contributions go well beyond that. Wherever he touches things, either by committee work or by being called in by our majority leader to discuss issues to advise him, he leaves an imprint. It is not that he must get his way all the time, but essentially he is rather compelling and does succeed most of the time by power of persuasion to leave his imprint in the Halls of the Senate, be it in this Chamber, while we discuss things seriously and collegially as Republicans or combined Republicans and Democrats, or certainly where small groups of Senators meet because they must meet in their leadership roles. He is almost always among them.

From my own standpoint, I have had one major commitment, one major user of my time in my work, and that is to understand and make sense of the U.S. budget. While it is not my only job, it is one of those the Senate expects somebody to know a lot about if they are going to come down here and talk about it. I have been privileged to work in that committee since its origin, believe it or not. It is a rather new committee, enforcing a rather new part of the Senate. We used to have just authorizing and appropriations, and some 26 years ago we had budgeting. He has been on that committee with me through thick and thin.

Everybody should know that we did a lot of innovative things in that committee. We rather imaginatively broadened the scope called reconciliation where we can insist that things get done without being burdened by filibuster and untold amendments. We have done new and innovative things to set aside money for only one purpose and it cannot be used for anything else. These are all unique and different, along with regular routine things.

It did not take very long, once these issues were put on the table and discussed, for SLADE GORTON to understand them and to suggest ways of improving them. That is the way he is with everything he does.

He does not have to be the kingpin, but I guarantee you, those who are and who are forced to lead, if he is around helping them, you can just tell; You can see the imprint, the logic, the strength of argument that comes from him being directly involved or indirectly being a helper.

I am not sure in the history of the Senate how we are going to rate Senators over time, but I suggest that SLADE GORTON will certainly be recognized in some very special way for his 18 years because there will be few who trace this history who may just look around and say: Who were the leaders? Who was the majority leader? Who was the minority leader? Who was this or that in terms of a formal job? And then attribute to them some direct legacy in this 18-year span that he served, being absent 2 years while he sought election again.

But if it is looked at carefully, SLADE GORTON has to come out near the top of the list of influential Senators in the conduct of occurrences of significance in the Senate. I am not sure how that will be picked up because much of it occurs in meetings that are not public not private meetings but meetings that are just not known because they are in the leader's office or a committee room.

But what I want to say to him is: You will be missed because while you have been here, you have been felt. People have known you were here. They knew your presence, your intellectual presence, your humanity, your loyalty, and, yes, your skill at knowing when things ought to happen. SLADE has a real knack for knowing: Well, it is about time to spring this. He will be there doing that and, sure enough, it will go unnoticed that he was the one who got it done.

Individually, from my standpoint, he has been at my side every time we have had major events on the floor that I have had to manage. There have been many, they have been long, and they have been arduous.

When I had to test them and tried them on for size with SLADE GORTON, and he said, "That's the way to do it," no one will really know what that has meant. Nobody will really understand how influential saying "that's the way to do it" from SLADE GORDON really is in terms of many of us here.

He has a wonderful wife Sally and three great, wonderful children. I hope whatever happens in the next few years, since he is so knowledgeable about the workings of our Government, not just those items within bills on which he worked so hard called appropriations, but he knows about many things in Government, I close by saying, many of us raise our hand and say, yes, we are lawyers, and some of us know full well we are not lawyers any longer; we have been away from the profession for years. We are not what one would call a lawyer's lawyer. But after all these years in public life, SLADE GORTON could step into the most significant of legal offices in America and be a great, participating, achieving modern-day lawyer, even after all these years of not being in the legal profession. He must have been a great solicitor. He appeared before the U.S. Supreme Court on behalf of his State and made some very interesting law when he was a lawyer for his State, either in his attorney general's office or otherwise.

So I want to say to him, whatever it is you choose now, Senator GORTON, and Sally, whatever you choose, I hope you will be around so we can continue to share with you, an occasional opportunity to share a meal, an occasional social event, or, even better, an opportunity from time to time to just listen to you tell us what you think of how it is, how you observe it, and, in a way, continue to bless us with all those marvelous qualities you bring here.

You have brought from your State a degree of pride to the Senate that is very difficult to replace. Far be it from me to judge any other Senator from any other State or even his own State, but Senator SLADE GORTON will be here a long time in memory because many will know what he thought about the Senate and how he thought about us.

It is hard to say he will not be down here at that seat, arguing with us on important issues. But he will be here because I cannot imagine that people who lived and worked with him all these years—I see one here on the floor, the distinguished chairman of the Appropriations Committee, who knows about it very well—will ever forget him, and we will not let the Senate forget.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Washington.

Mrs. MURRAY. How much time is left under my control?

The PRESIDING OFFICER. Three minutes.

Mrs. MURRAY. How much time does the Senator from New Hampshire need?

Mr. GREGG. I would like to have about 5 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from New Hampshire have 5 minutes, the Senator from North Dakota have 3 minutes, and that any other Senators who wish to bring their statements and have them printed in the RECORD at this point regarding Senator GORTON be able to do so.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I temporarily object.

The PRESIDING OFFICER. Is there an objection?

Mr. STEVENS. I withdraw my objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized for 5 minutes.

Mr. GREGG. I thank the Senator from Washington for the courtesy of recognition.

Mr. President, I join with my colleagues in praising and expressing our appreciation for the opportunity to work with and know as a colleague in this body Senator SLADE GORTON from Washington. I expect to continue to work with and know Senator SLADE GORTON for many years. But, unfortunately, he will be leaving this body, which is too bad because I consider him to be one of the truly extraordinary people I have had a chance to get to know.

I would describe him as delightful and extraordinary—delightful as a person, extraordinary as a Senator. He brings to this Senate a uniqueness which is special. He has a freshness about him, a way of approaching the issues which is always creative and imaginative. He has true love for this institution. He especially understands its rules and the way it works.

He is one of the few senior Members on our side of the aisle who will sit in the chair for hours and hours in order to officiate over the Senate. In fact, I think every year he has been here he has received what is known as the Golden Gavel for sitting in the Chair for 100 hours, something usually received by junior Members of the Senate, but because of his interest in and intensity and love for and commitment to this body, he has enjoyed the opportunity to preside. And he has presided extraordinarily well.

He, however, as the Senator from New Mexico has mentioned, has been probably less visible than many Members of the Senate but has had much more impact than most of us. His actions and effectiveness are really in the famous back halls and meeting rooms of the Senate. Very few pieces of legislation have moved through this body that do not, in some part, have the fingerprints of SLADE GORTON on them.

He is truly an effective tactician, but more importantly, he is an effective spokesperson for a philosophy. And he knows how to move that philosophy forward within our institution.

As a result, he has had a tremendous impact on the legislative activity of this body over the years. I suppose we shouldn't be surprised at that though. The truly great Senators in this body—I suggest that maybe one of them is Daniel Webster—have come from a tradition from which SLADE GORTON also comes. He went to school in New Hampshire. He went to school at Dartmouth, as did the great Daniel Webster. Maybe he learned at Dartmouth some of those characteristics which carried both Webster and him forward so well. Clearly, those characteristics are unique and special. We take pride in New Hampshire in claiming a little bit of SLADE GORTON for our own.

As I think of him, I think of a friend, somebody to whom I could always go talk to get ideas. We talked about his family that he so loved, Sally and his children, his grandchildren, his nieces, nephews. He used to go to hockey league for his niece all the time. She is a wonderful hockey player. He is totally committed to his family.

It was a pleasure to have the chance to sit down and talk with him on any subject, but especially when it came to issues of family and what everybody was up to and what everybody was doing. That is the priority for SLADE and Sally. At one point, they took a bike ride across the country, which must have been an amazing experience, the whole family riding across the country.

He set an example for those of us who came here after him. As we look around this institution, we often refer to people: He reminds me of so-and-so, he reminds me of some Senator from here or some Senator here at some other date. I must say, I can't think of higher praise than if someone were to come up to me some day and say: You know, you remind me a lot of SLADE GORTON and the way he worked as a Senator. That, to me, would be the highest praise I could receive because I consider him to be one of the finest, if not the finest, Senator I know.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. DORGAN. Mr. President, I saw the Senator from Washington, Mrs. MURRAY, talking about her colleague, Senator SLADE GORTON. I wanted to come over and say a word about Senator GORTON.

I know people who perhaps watch the proceedings of the Senate see the tug and the pull of debate on public policy and probably think to themselves, gee, those people don't get along very well, or maybe those people don't like each other very much.

The fact is, most of us get along well and enjoy each other's company. SLADE GORTON is one of those Senators, a Republican, someone with whom I have severed on the Appropriations and Commerce Committees. We get along well, like each other, and he has been extraordinarily helpful to me. He is a Senator who always did his homework. There are some with whom you visit about the issues, you get kind of a glassy-eyed stare because you know that this isn't an issue on which they are connecting with you or haven't studied very much. I didn't find that with SLADE GORTON. He was always prepared and had always done his homework. And while at times he could be a bit frustrating because he took a position on an issue that you might have felt was the wrong position, he always had an opportunity to explain it because he had done his homework.

He was a fellow with an independent and stubborn streak, somebody who was patient and helpful. I enjoyed the opportunity to serve with him in the Senate.

He actually was elected to the Senate for the first time the same year I was elected to the U.S. House in 1980. We had an opportunity to be on a panel discussion way back in 1980 and talked about our entry into that Congress.

One of the things SLADE GORTON told me was that he had bicycled across North Dakota. I was surprised by that, but apparently he and his family had bicycled all across America. And in doing so, they had bicycled across I-94 or highway 2 through the State of North Dakota. We had a chance to talk a little about his acquaintance with North Dakota from a bicycle.

This is not a eulogy. We have a number of Members of the Senate who are leaving us, distinguished people who have given immense public service to this country. I have deep admiration and respect for all of them. Because my colleague from the State of Washington was talking about her colleague, Senator GORTON, I wanted to come to say that I have enjoyed serving with him. He has been very helpful to me in a range of ways on both the Commerce Committee and the Appropriations Committee. I wish him well as he leaves his service here in the Senate.

I will come to the floor at some point to speak about the other Senators who have contributed so much and who are now leaving the Senate Chamber.

I thank Senator MURRAY for doing this. She is a remarkable Representative from her State, as was Senator GORTON. We will now be joined by another Senator, Ms. CANTWELL, from the State of Washington, and I look forward to working with her as well.

The PRESIDING OFFICER. The Senator has used his 3 minutes. Under the previous order, the time until 12 noon is under the control of the Senator from Wyoming, Mr. THOMAS, or his designee.

The Senator from Alaska.

Mr. STEVENS. Mr. President, my good friend from Wyoming is here and has consented that I might take up to 5 minutes of his time at this time. I ask unanimous consent I be recognized for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I was in a meeting with the joint leadership discussing the current problems regarding the last appropriations bills and was not able to be here during the time set for comments about our good friend and my southern neighbor, Senator GORTON.

It is with deep sadness that I come to join in the comments concerning Senator SLADE GORTON. I think he has been an exemplary Member of our Senate and has provided enormous contributions to the well-being of the country in his efforts as a Senator.

It is and has been a matter of great pride for me to call SLADE and Sally Gorton personal friends. I have visited with them. We have traveled together to other places in the world. It is highly necessary for Members of the Senate to travel and try to learn firsthand the problems of other continents, such as Antarctica, Australia. I remember we went to eastern Russia, and we have traveled many times into the NATO countries together. It is on those trips that we really get to know one another even better than we do in the Senate in Washington.

Of course, my friend and I have been able to meet as I have gone through his State. Alaskans go through either Utah, Illinois, or Washington to get home from Washington, D.C. Quite often, I have spent time in Washington State and have visited with SLADE GORTON and Sally about the problems of our area. He has been a fierce protector of the interests of the State of Washington in the Senate. As a westerner, he and I have shared many issues and faced the problem of finding solutions to some of these difficulties that we face in the Pacific Northwest together. We have worked with our friend, Senator MURRAY, on these issues. I think we have had a good working team together.

We have often, as members of the Pacific Northwest group in the Senate, had to go head to head with almost every Member of the Senate and the administration to try to protect the interests of the Pacific Northwest. We are an area that many people do not understand. It is an area that requires an enormous amount of personal contact with our constituents in order to make certain we are on the right track.

Senator GORTON has been to my State quite often, along with me and my colleague, Senator MURKOWSKI, to try and make certain we are reflecting the concerns of our people as we address the concerns of the people of the State of Washington at the same time.

When I came to the Senate, an elderly Senator told me that there were two types of Senators: the workhorses and the show horses. You have to decide which one you are going to be.

It is obvious that an Alaskan has only one choice. We are one-fifth the size of the United States. We have more than half the coastline in the United States. And we have about the same number of people as the smaller States in the lower 48, in terms of geography, that are much tinier compared to our State.

Senator GORTON, with his background, as we heard, coming from the east coast originally, very well educated, very well read, and probably one of the most well-read younger Senators in the Senate, has had the problem of trying to decide what to do. He, too, decided to become a Senator and is one whom I would call a workhorse. He has worked doggedly on issues pertaining to his State. His staff is probably one of the best staffs I have seen work on issues pertaining to the Pacific Northwest.

When we look at the problems of America from the point of view of the Senate, we would have to really take into account the people Senators represent. The State of Washington has given its Senators great flexibility in terms of addressing issues that deal with the Pacific Northwest and our Nation. There is no question that in his three terms in the Senate, Senator GORTON has been one of the pivotal votes in determining the policies of that area.

I know they will be going back to Washington. And I think we will hear a great deal of SLADE GORTON and Sally. They have concerns about the country and concerns about our area that are unique. I believe they are going to continue to contribute to the solutions to the problems that I mentioned before.

I am really here to thank him for his friendship and for the dignity he has brought to the office of United States Senator. I really believe he showed great compassion as he spent 2 years out of the Senate when he was not elected after a second term, and he came back again after 2 years and became even a greater Senator because of that. He has been a strong Senator, a thoughtful Senator, a hard-working Senator, and a great personal friend.

I don't look forward to making statements such as this. I certainly don't look forward to losing the partnership I have had with the Senator from Washington, SLADE GORTON, in dealing with the problems of the Pacific Northwest.

I thank the Senate.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, we find ourselves in a predicament as old friends. Of course, we are this morning talking about our friend SLADE GORTON from the State of Washington. In a way, we were classmates. We came here in 1988. Of course, it was not his first time here, since he was defeated in 1986 and then came back and won reelection in 1988.

We had a lot of things in common—not only representing the Northwestern part of these 48 contiguous States. We also have great friendship and we served on some of the same committees. I took from him great lessons about this body and how to represent our constituencies. He and Sally have been friends with Phyllis and me for all these many years while he has been serving in his second and third terms.

We in Montana have a quality that I think will become more and more admired as this country grows and matures. We are brutally honest with each other in that part of the world. I spent my time in business—in the cattle business and the auction business. People will just tell it like it is. If you like it, that is fine. If you don't like it, well, that's the way it is. SLADE GORTON is that kind of a person. He is probably the most pragmatic of all of our Members with whom I have had an opportunity to serve in this body, and he is brutally honest.

I have made speeches before graduating classes and a lot of other places, and I am always interested in the way people treat the history of our country. We have revisionists who like to gloss over some of the warts, the bruises, and the bumps this country has encountered in all its history. That is not to say it is not the best country in the world, but we have historians who tend to revise things.

As you know, for those who do not study history and have little or no institutional knowledge of our country and the way it was built, one has to remember that we make decisions based on history and it affects all of us in the future. I have often said those folks who tend to revise history also tend to tinker with the compass of our Nation, because our decisions are still based on history. SLADE, being the bright and honest man that he is, understands this body and this country so well. He understands our history as it truly is, not as revisionists would have us believe. And I hope historians pay him the same respect and remember him as the great man and great Senator that we know today.

As you know, many years ago when his family was young and he was a little younger, SLADE took a bicycle trip from Olympia, WA, to Boston, MA. I said, "That is a long trip, SLADE." He said, "It was. We spent all of it in Montana." It is a very long State. In fact, from the Yaak to Alzada, MT, it is further than it is from Chicago to Washington, DC, as the crow flies.

But that tells you something about the man, and it also tells you something about the family.

Nobody in this body has fought harder for property rights, the cornerstone of a free society; fought harder for States' rights; and for what he offered in education to take the money that flows from what I call "17 square miles of logic-free environment" to the local communities to let the local communities decide how to use that money. If they need teachers, they could hire teachers. If they need bricks and mortar, they could build. But the decisions on how to use those dollars at the local level should be made at the local level to fill their needs. Nobody fought harder for that.

The chairman of the Appropriations Committee, Mr. STEVENS, a while ago alluded to the fact that in this body there are show horses and workhorses. And all of us know that SLADE is a workhorse. I will tell you, you couldn't hook him wrong, and he worked from both sides of the tongue. There will be some folks who will figure that out and some folks who never will. But it is a quality that every Senator should have.

I remember his fight to keep Mariners baseball in Seattle. They could have lost that ball team had it not been for his efforts to save professional baseball in Seattle, because it was important to him and it was important to his people.

He will be missed here. What he leaves with a lot of us will be used for many years to come.

We don't say goodbye to our friends, we just say so long, because our trails will cross later on in our lives. The friendship forged between the Gortons and I will never be forgotten. We will miss him, and we wish him well. But his influence on this body will be felt for years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I wanted to come over this morning and join my colleagues in talking about our dear friend and colleague, SLADE GORTON. I don't have enough time this morning to list all the things this good man has done for America. It is hard to even contemplate listing all of the times he has provided critical leadership for the Senate.

The thing that stands out most about SLADE is that he is wise. There is a difference between intellect and wisdom. Intellect is, in my opinion, often overrated. I see intellect as being like the lens on your camera. The better that lens is, the wider your frame can be on the picture and the finer the detail can be on that picture. So if you are blessed to have good intellect, you are advantaged. What is important is the ability to take the information that your lens on the world can see and put that into a perspective where it has meaning. That is where wisdom comes in.

SLADE GORTON, we would agree by almost acclamation, is one of the smartest Members of the Senate. But he is more than that. He is wise. He has the ability to recognize when something is important and when it should be pushed forward and when it represents a potential consensus; but he has the judgment in knowing, in pushing for the things he is for. In the end, it is seldom good policy and it seldom makes good public policy to run over people.

I say to our colleagues, SLADE GORTON is one of the most extraordinary men who has served in the Senate during my tenure in the Senate. He will be missed in the Senate. I believe SLADE is the kind of person that we grew up as children reading about in history books. I think even in this age of cynicism about people who serve in public office, SLADE GORTON stands out as exactly the kind of person the founders had in mind when they wrote the Senate into the Constitution. I think SLADE GORTON in his record would stand up in a comparison to anyone who has ever served in this body or anyone who has served in any legislative body ever.

For those who know and love SLADE and who have worked with him in Washington, it is hard to understand how people back in the other Washington, a continent away, could not reelect SLADE GORTON to the Senate. I think it is important to remember the final judgment ultimately comes as people look in perspective at somebody's service.

In my State, our greatest hero, our most beloved citizen, was defeated by the voters of Texas not once, but twice. He was defeated the first time after he came close to casting the deciding vote, he was on the losing side, on the Kansas-Nebraska Act which he saw as producing the Civil War. And it did. And then as Governor, Sam Houston refused to sign the bill taking Texas out of the Union. So he was rejected by the voters of Texas twice. Yet he is the most honored of our citizens.

For those who serve in public office, it is important to remember that it is not personal; that people change their mind; that people have their own will; that people have their own perspective. In the end, it is good service, it is dedication, and it is effectiveness on behalf of the people who elect you that makes a great elected public official.

I join my colleagues this morning in thanking SLADE GORTON for serving. I am confident in the future when names are listed who belong in the Senate, names that will be remembered here, SLADE GORTON's name will be on the list.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, when I think of my dear friend SLADE GORTON, I am reminded of how many of our colleagues are frequently saying: I wish I were Governor; or, I really ought to be out making some money; or, I am really not satisfied being 1 of 100; or, there must be something better I could be doing with my life.

I have heard that from many of our colleagues on both sides of the aisle. I once asked SLADE GORTON: SLADE, did you ever think about running for Governor? And he said: Absolutely not. I wouldn't have that job. He said: I love the legislative process.

And no one is better at the legislative process than our good friend SLADE GORTON.

I forget which brokerage house it was, but there used to be commercials that said, when so and so spoke, everyone listened. Whether it was the Republican conference meetings or on those rare occasions when all Members met together, SLADE GORTON was rarely the first one to talk, but when he spoke, everyone listened.

SLADE GORTON is one of the great Senators of the 20th century. He had a sense of the history of this body. I had an opportunity to serve with him recently on a committee that Senator LOTT and Senator DASCHLE appointed to select two Senators to be added to the portraits just outside the door. For about 40 years, we have had five that were designated as the five greatest Senators back in the early 1960s or in the mid-1950s. The thought was that we would add two more Senators to the list.

SLADE sort of led our side, which consisted of the majority leader and myself and him, in reaching the conclusion that if we were going to pick someone of this century it made a lot of sense to pick Arthur Vandenberg, who had been chairman of the Foreign Relations Committee and had really made the Truman policy of containment in the development of NATO a bipartisan matter, since there was, in fact, a Republican Congress right after World War II. SLADE thoughtfully analyzed all of the possibilities and recommended Arthur Vandenberg because he thought the single most important thing of the second half of the 20th century was the winning of the cold war.

Out of all the many things that occur here, he was able to sort that out and come up concisely with what was, indeed, the biggest challenge of the second half of the previous century, the winning of the cold war, and applying that to the Senate and coming up with an individual on our side of the aisle, which was our charge, who would help make that policy bipartisan. And of course, it lasted until the Berlin Wall came down in 1989. That is the kind of thinker SLADE GORTON is.

Out of all the maneuvering that occurs here, all of which is important, all of which has an impact on the ultimate outcome, SLADE uniquely could look beyond that and see the big picture and sort of bring Members out of our contentious decisions in conference about whatever the particular issue was to see a larger picture of what was not only in the best interests of our party, but more importantly, what was in the best interests of the country.

He is an extraordinary legislative strategist. I know he is going to miss being in the Senate because he didn't think there was a better job somewhere else he ought to be doing. Being in the Senate to SLADE was never his second choice. It was his first choice. Every one of our colleagues who has been Governor and come to the Senate says a Senator who used to be Governor who tells you they like the Senate better will lie to you about other things.

That, clearly, was not SLADE's view. This was not his second choice. This was where he wanted to be.

We are going to miss his friendship. He was one of my best friends in the Senate and, I would say even if he were not on the floor, which he is, one of the two brightest guys in the Senate, the other one being the Senator from Texas from whom we just heard.

But we are not going to lose contact with SLADE, many of us. I know there will be a new challenge for him. He is bright and vigorous and committed to public service. Someplace, hopefully in the very near future, there will be an opportunity for him to continue to make a mark on our wonderful country.

So we say goodbye to you, SLADE, in the Senate, but look forward to continuing our friendship in the years to come. The Senate will certainly be a poorer place without your presence.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ASHCROFT. Mr. President, I ask unanimous consent that my entire staff be granted floor privileges for the duration of my remarks. In addition, I ask that Tracie Spingarn, from the Congressional Special Services office, be permitted on the floor for the duration of my remarks. The members of my staff are:

Kris K. Ardizzone, Rachel S. Audi, David Ayres, Andy A. Beach, Annie E. Billings, Cara Bunton, Adam G. Ciongoli, Bob Coughlin, Chuck DeFeo, Mark Grider, Greg P. Harris, Jacob Herschend, Chris Huff, Jessica Hughes, David James, Sally Lee-Kerns, Elizabeth Kim, Kelly D. Kolb, Taunya L. McLarty, Caleb Overstreet, Smita Patel, Janet M. Potter, Jim Richardson, Susan Richmond, Andrew Schauder, Lori A. Sharpe, John A. Simmons, Shimon Stein, Tevi D. Troy, Brian Waidmann, Ricky Welborn, and Matt Wylie.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVING THE PEOPLE OF MISSOURI

Mr. ASHCROFT. Mr. President, it is with a sense of deep gratitude that I have this opportunity to speak on the Senate floor for one last time before I conclude my term in the Senate. There are few compensating factors for the lame duck session in which we find ourselves, but one is the opportunity for one who has lost an election to come back and make a few last remarks. This sort of makes this like home. At home I always have the last word—"Yes, dear." And to have a last word here is a pleasing thing for me.

Obviously, I am deeply grateful, and, as I think about the opportunity I have enjoyed to be in the Senate, it is a set of thoughts that are characterized by gratitude. I am grateful to God that we are created as individuals with the capacity to shape the tomorrows in which we live. If freedom has a definition, it is that—that we can change things. And, obviously, we want to change things for the better.

America respects that understanding of the creation and how we act as individuals with a Government that represents the people as agents of change, making decisions about the kind of community we want to have. Any of us who has the opportunity to represent fellow citizens obviously is in a position to do great things and to enjoy the ability to fulfill what God has destined for us to do, and that is to shape the tomorrows in which we live.

I want to thank the citizens of Missouri first. It is a community that I love and that I respect. Janet and I live in Missouri, obviously because I was raised there, but by our choice. I have had the opportunity to serve the people of Missouri for 33 years. I began teaching in Southwest Missouri State University as a way of serving the people of the State of Missouri. And then, one of the most important mentors in my life, and one of the individuals who perhaps represents what Missouri is and what Missouri stands for more than any other single individual, the senior Senator of this State, Senator KIT BOND.

He accorded me the opportunity to serve as the State auditor of Missouri when he vacated that office upon his election as Governor. I had first offered myself to the people of Missouri to serve in the U.S. Congress, and they had expressed their profound affection for me, indicating that I should stay in Missouri and not go to the Congress. KIT BOND, recognizing that, appointed me to be the State auditor of Missouri.

It began a marvelous set of opportunities for me for which I am grateful in every respect. I served as the State auditor for 2 years. I later served as the attorney general of Missouri after a short period of time as an assistant attorney general in Missouri, and that was a notable experience. I had the wonderful privilege of sharing an office with a now Justice of the Supreme Court, Clarence Thomas. We were in the same room together for 16 months. That is a historic item that I did not understand the history of at the time, but I certainly do now.

I had the chance, after serving 8 years as attorney general, of going on to be Governor of the State of Missouri for 8 years. What a marvelous opportunity it was to work with the community, to work with people, to shape our community in a way which was constructive and reinforced the things in which we believed.

This past election obviously was a disappointment for me, but I am not disappointed in the people of Missouri. The tragedy of this election, the death of my opponent and his son in a plane crash of unspeakable disaster, was one that the Missouri community responded to with two values and virtues that I cherish about our community—the value and virtue of compassion. I want America and Missouri to be a place of compassion.

What a tremendous and wonderful thing it is when people are compassionate and share the feelings of each other, and the value of respect, particularly respect for those who have gone on and have been of service. In expressing those values, the people of Missouri decided they would honor the deceased Governor by voting in his behalf and in his stead in the election rather than voting for me, and I respect them for that and I honor them for that. It is a great community. They are a community to be loved and respected, and I profoundly love and respect them.

I wish well Mrs. CARNAHAN who will succeed me in this seat in the Senate. I thank her for coming by my office yesterday. I hope she is treated with kindness. I told her yesterday that I was pleased to see her and have the opportunity to communicate with her, and I reminded her yesterday that 30 days from now she will be my Senator, and I want her to do well.

I thank, in addition to Missourians, my staff. I am delighted the Senate has agreed to allow them all to be here on the floor of the Senate during these remarks. When I came to the Senate, my staff and I decided there were values and principles we wanted to honor in everything we did. We wanted those values and principles to transcend circumstances. We wanted them to be controlling factors of our conduct. So we spent some time together.

Early in my time in the Senate, I came to the floor of the Senate and placed in the CONGRESSIONAL RECORD this statement of service, commitment, and dedication that each member of my staff joined me in formulating. This one hangs near the desk of Annie Billings in my office. I asked each staff member to sign this commitment and then I signed the commitment, too, so each one of these items contains the signature both of the staff, the real workers of the Senate, and the Senator, at least in this case, who relied so heavily on their work.

I did not want to set the standards for my office absent the staff's participation because I believed the staff would help me reflect profoundly the values of the people of Missouri—and, indeed, they did. Each member of my staff took the pledge, the pledge that is contained in this statement of service, commitment, and dedication—high standards of service.

Our pledge states, and I will read part of it:

> We dedicate ourselves to principled public policy. We believe that Americans are endowed by their Creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness. The power we exercise is granted by Missourians and the American people; we serve to secure their rights. Our commitment is to respect diverse political views and serve all people by whose consent we govern.
>
> As people of liberty reach for opportunity and achieve greatness, our Nation prospers. A government that lives beyond its means and reaches beyond its limits violates our basic liberties, and the Nation suffers. We dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We will strive to lead with humility and honesty. We will work with energy and spirit. We will represent the American people with loyalty and integrity. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness. We hold that these principles are a sacred mandate. We take responsibility for these standards.

I thank my staff for helping me formulate that format for our service, and I thank them for, in every instance I know, pursuing the fulfillment of that format and formulation for public service. It is an honor to serve with individuals who are in pursuit of principle, and my staff has been consistent in that respect.

We have literally in the last Congress had over 550,000 constituent contacts with our office, to which we have made millions of responses because frequently we can acknowledge the contact and then provide additional service or otherwise follow up. There have been 110,000 specific cases in which individuals had dealings with the Federal Government, and we were able to facilitate those dealings. So I thank the staff. I thank them for their dedication to principle and for understanding that working with humility and integrity and industry and timeliness is a way of fulfilling a sacred trust in the people of my State.

I thank the Members of the Senate. This is an institution that is unique. The function of the Senate is a very frustrating one, and real fulfillment probably is found in the friendships of the Senate more than in the function of this body. I have to say that this opportunity for my service in the Senate has been one that has been a fulfilling experience, in sum because we have been able to achieve things that are very important, in other respects as a result of the relationships that come with the friendships in the Senate.

I have the very pleasing opportunity to think of myself as a friend of each Member of the Senate, and I am grateful for that. I am particularly grateful for the leadership that has been kind to me. For Senator LOTT—and, of course, I have had a lot of fun with Senator LOTT as a Singing Senator. That has ruined more than 1 day for other people—but the leader has been kind to me in every respect. His demeanor in leading this body is one of kindness to every Member.

Senator NICKLES—I had the privilege of nominating him as assistant majority leader, and I respect greatly his contribution.

I see my friends in the Senate today—Senator GRAMM, Senator MCCONNELL, in addition, of course, to the senior Senator from Missouri about whose service I have already remarked, and my colleague, Senator SANTORUM, with whom I have had the opportunity to fight for things in which we believe. These are all very pleasing items.

In particular, I thank Members of the Senate for participating in very important legislative achievements that are a part of what I believe has been important for me to do while I have been here.

I had the privilege of filing legislation to protect the Social Security trust fund, called the Social Security lockbox legislation. I believe I was the first to do that in the Senate. Senator ABRAHAM, Senator DOMENICI, Senator SANTORUM, and I worked awfully hard for that concept. It is now part of the Senate rules, and it has guided the way in which we have appropriated resources.

The Medicare lockbox passed the Senate. I am grateful for that opportunity and was grateful that Senator CONRAD, on the other side, was interested in making sure we put the right framework around the Medicare trust fund so that it was not raided for other purposes.

An effort to repeal the Social Security earnings tax—the test on the Social Security earnings—which we were able to achieve in April of this year under the leadership of Chairman ROTH, and signed by the President, I had the privilege of being the Senate sponsor of that measure. There were about 45 Senators who joined together, but there was even overwhelming help from people on the other side of the aisle, such as Senators LANDRIEU, FEINSTEIN, BAUCUS, DORGAN, LIEBERMAN, and LINCOLN, in addition to members of this caucus.

A big problem in the State of Missouri has been methamphetamines. Over and over again, I have worked to strengthen the law regarding methamphetamines, both with my colleague, the senior Senator from Missouri, KIT BOND, and with others who have also been concerned about this problem.

Senator FEINSTEIN's State of California, similarly, has been afflicted with the curse of methamphetamines, and she was always helpful in this respect. And we could not have done it without Senator HATCH, the chairman of the Judiciary Committee, on which I have had the privilege of serving.

May I digress for just a second to say I have had the privilege of serving under Chairman HATCH. I respect him and am grateful for his leadership on the committee. There are a tough set of circumstances that always involves us in the tensions of give-and-take, and he has masterfully negotiated the shoals in that particular arena.

Of course, I should mention as well JOHN McCAIN's leadership on the Commerce Committee, on which I have had the privilege of serving, and his graciousness to me and kindness to me and his direction in a committee which has achieved massive revisions in the kind of liberating renovation which has provided tremendous energy to American industry. The revision in the telecommunications law which we were able to achieve is a result of excellent leadership. It has changed the dynamics of the world's economy, not to mention the United States.

But I go back to some of the specific legislation.

This year, we enacted legislation to provide funding so that the survivors of slain law enforcement officers could have the opportunity to get education and training so that they could in some way begin to undertake an effort on their own behalf, which the law enforcement officer, slain in the line of duty, was otherwise prepared to help them with. I am thankful to Senator SPECTER and Senator COLLINS and Senator BIDEN for working and being so helpful to me in that respect.

Tougher penalties for gun crimes: When I put the amendment into Senator HELMS' law, which was moving through this body, for tougher criminal penalties for those who use guns in the commission of a crime, it could not have happened without Senator HELMS' measure. Of course, as the chairman of the Foreign Relations Committee, on which I have had the opportunity to serve, I have learned to respect Senator HELMS, his gentlemanly character, and his generous and judicious approach to running the committee.

I worked with BILL FRIST on curtailing weapons in schools and making sure we could provide penalties for those who carried guns into schools or maintained guns at schools. It could not have happened without him.

I think of the late Senator Paul Coverdell and his efforts on education flexibility, sending resources to the State. I was thrilled to have the opportunity to work with him and Senator WYDEN and Senator FRIST on that legislation. It was very important legislation across the aisle, but it would have an impact across America.

Then on the legislation to end food and medicine embargoes, I think this is a major step forward for America—good foreign policy, good farm policy, and expresses the values of the people of this country. Working with Senator DODD and Senator DORGAN, and on our side, Senator HAGEL and Senator ROBERTS—and Senator WELLSTONE joined in that effort—the Senate overwhelmingly worked together to get that done. Now that it is a part of the law of this country, I think it is a major step in the right direction.

I was pleased to be able to work with TOM DASCHLE, the minority leader of the Senate, to make sure that the U.S. Trade Representative had a full-time, permanent ag ambassador so agricultural interests were not neglected when negotiations were made regarding trade.

Over and over again, I think of things that happened this last year, such as when HCFA, the Health Care Financing Administration, announced new rules for reimbursing cancer care treatments. I thought of the millions of people around the country who lived in rural areas who would find their care curtailed. Senator MACK of Florida worked with me to make sure we were able to begin the process of changing the law. And the process was so successful that HCFA changed its rules and regulations. Sometimes that is the way we make progress.

There are the big things we have done. Some of these are a litany of things that are more incidental. There are the things such as welfare reform. I think of PHIL GRAMM's work, Senator GRASSLEY's work, and Senator ROTH's work there. This was early during my term. I had the opportunity to craft a provision called charitable choice that welcomed nongovernmental agencies into the process so that we could begin to remediate the pathology of welfare in the country, abusive welfare, by making sure that we helped all of America address this problem, not just America's government.

It was a wonderful thing to see its broad bipartisan acceptance. It was very pleasing to see in this last Presidential election that Governor George W. Bush of Texas made this a point of what he would provide in the welfare arena, as did Vice President GORE.

I had the privilege of chairing several subcommittees. I am grateful for the opportunity to have done so. In particular, with Senator FEINGOLD, I chaired two subcommittees. I chaired the Africa Subcommittee of the Foreign Relations Committee and the Constitution Subcommittee of the Senate Judiciary Committee.

I have to say, I have never had a better working relationship with any individual than with Senator FEINGOLD in that respect. Never did he ask me to do something that I thought was unfair and that I could not do and that I would not do. In each instance, when I offered him an opportunity to participate in a broad range of what the subcommittees were doing, he fulfilled his responsibilities with fairness, with dignity, with respect, and with the public interest as the uppermost criteria. I am grateful for that.

Obviously, I do not want to overstate what it means to have been a Singing Senator, but it was a tremendous opportunity to spend time on Tuesday mornings, before the workday began, rehearsing and seeking perfection—elusive perfection—which never attended our efforts. But we never lost our faith for it.

I thank the Singing Senators for allowing me to be a part. We did travel over a good bit of the United States from one time to another. We raised, I think, well over a half million dollars for the Alzheimer's research effort. It is one of those things that otherwise provided a little squirt of WD-40, where the friction might otherwise have made things less pleasant. It lubricated the relationships and gave us a great opportunity.

I have recited a lot of important things that went into law. I am very close to concluding my remarks. I just want to say this: I do not want anyone to think the law is the most important thing in America. What happens in families, in churches and civic organizations, the values people believe in their hearts, is more important than the laws we write on the books.

I don't want anyone to ever believe the laws are not important. We do have to have laws that tell us what the baselines are of our culture and, if you fall below those, we will punish you, what the framework is in which we operate. But no culture ever really achieves greatness by everyone just being at the baseline. Cultures achieve greatness not when people just stay out of jail but when they soar to their very highest and best, not when they just accommodate our threshold of the lowest and the least.

The greatness of this great Nation is to be found in the hearts of the American people more than in the books of the American Government. But those items of policy and framework that we have put there guard the opportunity for greatness that comes from the heart of the American people. So our law and Constitution and the decisions we make are fundamentally important. It has been a great privilege for me to be involved.

I thank one last group of people, and that is my family. If we didn't believe in these very important principles, I wouldn't have had the opportunity to ask them to make the sacrifices they have made. My wife Janet has been willing to dislocate her career time after time when changes in my life have moved me from one place to another. She has taught at Howard University in Washington, DC, on the faculty for the last 5 years now. I am grateful for that. My son, when I first came to the Senate, was still in high school, and we divided our family for that year so he could finish. A high school senior generally likes a dad around. I am not sure I would say he always wants me around, but there was a little bit of a dislocation of the family.

But dislocations are worth our effort. Perhaps the most important thing my father taught me was that there were more important things than me, and the ability to make sacrifices to get good things done is important. When we understand there are some things that are more important than we are, we have a willingness to make sacrifices. I thank my family profoundly—my wife Janet, my sons Jay and Andy, my daughter Martha, my son-in-law Jim, and my grandson Jimmy. I thank them for being willing to understand that when there are things more important than we are, we can sacrifice those things and recognize in our lives our willingness to set aside our personal agenda for the public good.

It is my hope that if and when I ever have an opportunity to serve again, I will be able to serve in accordance with those principles, with the values that my staff and I had the privilege of developing, always understanding that the public good is an objective well worth pursuing, not just pursuing but well worth sacrificing for, because when we sacrifice for each other, we communicate the most important values of our culture, that we love and respect one another.

I thank the Chair for the opportunity. I know he has foregone the time limit on my behalf. I thank each Member of the Senate, this very important body in preserving liberty, for its courtesy and kindness to me and for this last opportunity to speak.

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the time until 12:30 is under the control of the Senator from Florida, Mr. GRAHAM. The Senator from Missouri.

Mr. BOND. Mr. President, might I ask the indulgence of my good friend from Florida to take perhaps 5 minutes.

Mr. GRAHAM. Mr. President, I am pleased to yield such time as my colleague and friend from Missouri would like and to add my accommodation to the service of Senator ASHCROFT and for the remarks he has presented to the Senate.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, I thank my former gubernatorial colleague. There are far too few of us former Governors in this body, and it was my pleasure to serve with the Governor from Florida, who is now the Senator from Florida.

It is a very melancholy time for me to rise today to pay my respects and honor and to offer sincerest thanks to a friend who is probably my closest colleague in politics. We have been through a lot together. I lost a couple races as well as winning some. I can tell you, it is not fun. In fact, it is really terrible. I know what it is like.

After my last loss, a good friend came up to me and slapped me on the shoulder and said: Well, experience is what you get when you are expecting to get something else.

I don't know what that proves, but I have had experience, and I know JOHN has had experience. It hasn't made him bitter. Every time he has had an experience, it has made him better.

Last night I had the pleasure of joining him for ceremonies at a Christmas celebration to collect toys for tots in the Marine Corps effort. Now, there was some singing. And the host who heard both of us sing sort of gave me a speaking role and gave JOHN the responsibility to lead the singing. There is no question that I will not try to take his place in the Singing Senators. That is going to be a loss.

But there are a lot of other ideas, a lot of other fond memories that come back to me. When JOHN ASHCROFT followed me in the State auditor's office, he continued the effort to clean up the mess of the State auditor's office, something I chided him about frequently. He went on to be attorney general, my second term as Governor. During his first time, I had taken an involuntary hiatus from the Governor's office. I had one of my experiences.

I came back and he was my counsel, my lawyer, kept me out of trouble for 4 years. Then he served 8 great years as a very effective and farsighted Governor of the State of Missouri. I will not impose on the Senate's time to go down the list of accomplishments.

One of my favorite programs is Parents as Teachers. This is a wonderful early childhood program that has revolutionized early childhood education in Missouri. We managed to get it on the books and kind of bring it to life. But JOHN ASHCROFT was the one who funded it, nurtured it, encouraged it, made it flourish to become a national model and even an international model. It has gone to six or seven other countries, last time I heard, because it works. And because of his strong leadership, it was successful.

With his long experience in Missouri, it is no surprise that when he came to Washington he said he was going to Washington not to bring Washington ideas back to Missouri but to bring Missouri values, views, and good ideas to Washington. He has clearly done that.

There are many accomplishments we could cite about his service. He has mentioned a few of them. The methamphetamine problem became a very serious problem in Missouri in the early 1990s. We worked together, he on the Judiciary Committee, fashioning laws. He helped me secure appropriations to deal with this scourge. It was a terrible tragedy for too many Missourians. His work on behalf of ending the food and medicine embargo was just one more step in opening the markets that our farmers and, indeed, our entire world economy needs so they can be healthy from the export markets.

Working together at the staff level, we had great staff efforts. I express my thanks to his staff as well because we worked jointly together and managed to do a lot of good. We sincerely appreciate the service the staff has provided.

We fought the battles. I should note for our colleagues who are not soon going to forget our efforts on behalf of the Missouri River, we appreciate their indulgence. That issue of controlled flooding on the Missouri River was very important to our State, and we fought that battle. We appreciate the suffering of our fellow Senators.

There is no better measure of a man than how he handles adversity. It is something you don't want to experience but when you do, how do you react? Do you get bitter or do you get better? JOHN ASHCROFT showed the nobility, the character, and the honor that has been his trademark throughout.

When he conceded the election and there were those who wished to mount a legal challenge, he wasn't going to stand for it. He would not tolerate it. The people of Missouri had spoken. He views his job as one of service to the people of Missouri—not one of using legal challenges and court challenges to try to win what the polls had shown.

I can tell you that as I have traveled around the State there is one overwhelming message Missourians have: that is, thank you, JOHN ASHCROFT. Their esteem for you has grown. People shake their heads, and say: Why didn't he fight? Why didn't he do something? I said: Look. He wants service to go forward. They are very proud of the nobility he showed. But they are confident, as I am, that new opportunities will be arising for him. They wish him well—with his experience, commitment, and his solid faith.

There will be many areas where JOHN ASHCROFT will serve. He has too much to offer. And I look forward too—I admit—with awfully mixed emotions to seeing him take a new role and new responsibilities.

On behalf of my fellow citizens of Missouri, I say thanks for the first 33 years of service to the State. We are not finished with you yet. There is a lot more to be done, and you are the one to do it.

For me personally, I know what you and Janet have gone through. And I am very proud of the way you have handled it. Your friendship will always mean a great deal to me, and the shared time that we have had together in this body is particularly special.

When they close the service and the benediction at my church in Missouri, the minister says: The service is over, and now it is time for the work to begin. For JOHN, the service is over for now right here. But let the work begin.

JOHN, thank you from the bottom of my heart, and very best wishes to you, Janet, and your family.

I thank the Chair. I particularly thank my colleague from Missouri.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida, Mr. GRAHAM, is recognized for 30 minutes.

Mr. GRAHAM. Mr. President, I yield such time as he would use to my friend and colleague from North Dakota.

Mr. DORGAN. Mr. President, let me, for 1 minute, add my voice to those today who paid tribute to Senator ASHCROFT for his service in the Senate.

As I indicated earlier, some think because we are engaged in heavy debate from time to time that we are not friends. Across the aisle, Senator ASHCROFT and I worked on a piece of legislation, one which we passed early on when he came to the Senate dealing with Federal funding of physician-assisted suicide. We worked together, and it was passed. It is now law.

We worked a great deal for a long period of time on lifting sanctions with respect to the sale of food and medicine. It is a fight that will continue even after Senator ASHCROFT leaves the service of the Senate.

Also, a couple of times, I joined Senator ASHCROFT and the quartet on the Republican side with the Singing Senators, along with my colleagues, Senator DASCHLE and Senator BOXER. I think on one other occasion I joined Senator ASHCROFT and the quartet. I have seen Senator ASHCROFT in action in a number of ways.

My expectation of his public service is that it is not at an end. I appreciate the service he has given to this country and to the Senate. I appreciate having had the opportunity to work with him. I know him to be smart and tough and tenacious on the issues about which he cares deeply. I wish him well.

Mr. GRAHAM. Mr. President, my primary purpose this morning is to make some remarks relative to my retiring colleague, CONNIE MACK. But while he is still here, I would like to also express my admiration for Senator ASHCROFT.

Senator DORGAN talked about some of the times they worked together. Those are always rewarding, and they help build relationships. I have had some of those times with Senator ASHCROFT. I have also had some times when we disagreed—such as on the same issue that Senator DORGAN referred to as the wisdom of our policy towards Cuba. In those times of disagreement, you also learn something about the character of the person. I found Senator ASHCROFT to be a person who listens to what the other side thinks is the proper course. He wouldn't necessarily agree with it, but he would take it into account and would try to use that as the basis of finding a broader common ground.

Those are important qualities which I think our colleague, CONNIE MACK, also represents and which I will discuss in a few moments. But I wish to extend my best wishes to Senator ASHCROFT who I did not have the opportunity to serve with as a Governor, but I admire his service to the State of Missouri and to America in many ways. I wish him well for a happy, rewarding future.

SENATOR CONNIE MACK

Mr. GRAHAM. Mr. President, the Constitution of the United States provides that each State, regardless of other circumstances, will have two Members in the Senate. It says nothing about how those two Senators will get along. Sometimes they don't.

I think we had a good demonstration a few moments ago with the very heartfelt comments of Senator BOND to his colleague, Senator ASHCROFT. They are two Senators who have a very close, constructive relationship for the people of their State.

It is my pleasure and my honor to be able to say the same relationship has existed for the last 12 years between myself and Senator CONNIE MACK. I am proud to call CONNIE a friend, and I am proud to have served with him as a colleague.

There are a number of reasons that may have led to this good relationship—one of which is that we have a great deal in common.

We both grew up in a Florida which was undergoing massive change. When Senator MACK and I were born in the late 1930s, the State of Florida had a population of about 1.5 million. As we start the 21st century, Florida has a population of over 15 million. That demographic change has brought a floodtide of other economic, cultural, social, and political changes to our State. They have affected both Senator MACK and myself as we have seen and participated in those changes.

We went to the same college. We are both graduates of the University of Florida, and we share a deep, abiding interest in that institution. It is my hope that there will be a very appropriate tribute to Senator MACK, and that there will be an institute at our alma mater which will symbolize and continue his deep commitment to the work of science and health.

Our personal lives have also overlapped. We both had the good fortune of marrying substantially above ourselves. Adele, Priscilla, CONNIE, and myself have grown to be not only neighbors living across the street on Capitol Hill but also very close personal friends.

We are about the same age. We have now been blessed with a growing number of what is one of life's greatest gifts—grandchildren. I believe if you ask either of us what our favorite title is, it would probably be the title of grandfather.

But we have also had some differences. Lest we try to ignore the big white elephant in the living room of relationships between myself and CONNIE; indeed CONNIE is a Republican. He is very proud and loyal to his party. In fact, recently CONNIE told me a story which indicates the risk he was willing to take in support of his party. At the early age of seven in what was clearly a foreshadowing of what was to come, young CONNIE MACK was invited to the Democratic National Convention which was being held in Philadelphia. He was not just being invited; he was being invited by his step grandfather, a Democratic Senator from Texas, Tom Connally, one of the most prestigious Members of this body, particularly in the period of World War II.

While attending this Democratic luncheon at the national convention, young 7-year-old CONNIE stood up and began yelling "I'm a Republican; I'm a Republican." That behavior, needless to say, earned him the wrath of his step grandfather who threatened to call the police if the display was not terminated.

Now, despite this highly partisan launch to CONNIE's political career, Senator MACK and I have been working together in the closest manner for what is best for Florida and for the Nation.

Just a few of the items on which we both take considerable pride, in our joint efforts we have battled against offshore drilling in Florida. We battled for a highway funding formula that takes into account States with rapidly growing populations. As a team, we worked to help rebuild Dade County after the devastation of Hurricane Andrew in 1992.

We are particularly proud of our success in filling Federal judicial vacancies, which is a direct result of cooperation of working together to put quality judges on the Federal bench, not judges of a particular political party. We interviewed applicants together. We made joint recommendations to the Judiciary Committee. We cointroduced the nominees to the committee. And we applauded, together, when they were confirmed on the Senate floor. I am very pleased in the last 4 years the Senate has confirmed 15 Federal judges from Florida.

Our close cooperation isn't limited to just the two of us. Our staffs have worked closely together on issues of mutual importance. And most recently, in fact, the last act of the Congress before it recessed for the election period, we helped participate in legislation that will forever cement Senator MACK's legacy, the restoration of America's Everglades.

CONNIE should be justifiably proud of each one of these and many other accomplishments. But I suggest he would be most proud of the fact that he worked hard at, and made it look easy, bipartisanship. CONNIE is a consummate gentleman, a man of unwavering civility in a body that often yearns for more of that quality. This is no small matter.

In today's political world, we shrug off a notion of being polite, as if it is a relic from a world that no longer exists. But being polite is far more than knowing your table manners. Civility, collegiality, and respect are the building blocks of political bipartisanship. And bipartisanship, in turn, is the foundation of constructive legislation.

When funding for the National Institutes of Health advances, many Members on both sides of the aisle will be able to claim a small measure of credit, but none more so than Senator MACK. No Member of this body has worked harder to build the coalitions based on understanding of the importance of the issue and the opportunity which we had as a nation to roll back the barriers of disease than Senator MACK.

In the future, when science beats cancer, we will look back and thank Senator MACK who worked with many others, particularly Senator ROCKEFELLER, to allow Medicare payments for clinical cancer trials. These are major achievements and they required the support and hard work of both parties.

It is no secret that this Congress has had few such serious legislative accomplishments. How can we enact any innovative legislation when we can't even agree on the future bills such as the remaining appropriations bills that we must pass to keep our Government running? We are now 10 weeks beyond the beginning of the fiscal year and still have much necessary work to be done. Certainly there is plenty of blame to go around for this overly long session, and it is hardly a surprise that the American people are tuning out while we battle inside the beltway over issues that seem to affect no one other than ourselves.

Senator MACK has always said it doesn't have to be that way. And he has lived up to that creed. He was a founding member of the Centrist Coalition when it came together in 1997 to stop the hemorrhaging of annual fiscal deficits.

One of the other areas in which he should justifiably take great pride is his contribution to bringing America from an era of accumulated national debt to one in which we are starting to pay down the debt. To a lesser degree, we will be asking CONNIE's grandchildren to be paying our credit card bills.

Maybe we have heard too many times that nice guys finish last. I submit Senator MACK proves that adage to be dead wrong. Nice guys, in fact, get results. Those who can't get along with their colleagues get gridlock. And the American public pays for their posturing.

There is another danger in the culture of swagger that has too often characterized this Congress. That danger is arrogance. Somehow, many Members have convinced ourselves that the reason we can't reach an accommodation is not that we haven't really tried and not because we are playing politics; instead, the problem is simply that we are completely, totally, right, and the other side is wholly and utterly wrong.

Now, clearly that attitude is not conducive to getting much done on a bipartisan basis. The easy excuse for arrogance is that we were elected for our opinion and to change them would be a betrayal to our constituents. But Senator MACK has found a better way, a way that I describe as nonarrogant self-confidence. That is not an oxymoron despite how it may occasionally appear when this room is filled with enough hot air to melt the polar ice cap. Nonarrogant self-confidence is, in fact, a foundation for public service. Nonarrogant self-confidence is the product of sustained and diverse life experiences prior to and during a political career. It is the ability to look beyond one's world, to reach out to people of different beliefs, different values, different backgrounds. It is not a person who wakes up every morning and puts his proverbial finger in the wind to see which way it is blowing and decides what his position will be that day. It is the quality of having the strength to hold well-grounded opinions and values, and yet to be open and persuadable in the face of new information and logical arguments. Nonarrogant self-confidence is the ability to be a leader in your party, but not necessarily a follower of the party line.

This is how CONNIE MACK has worked throughout his tenure in the Congress, and it is a model to which we should all aspire. It could be that confidence convinced CONNIE MACK of the importance of playing by the rules which we have so carelessly shunted aside in this session of the Congress. CONNIE is a leader of his party, a key member of the Banking and Finance Committees, and has served as chairman of the Joint Economic Committee. In all of these positions, he has had a respect for the process of senatorial decisionmaking. He has been confident enough to let what he believes is right to be in full view of the American people.

Now, few would argue that the process we have is cumbersome and, frankly, often dull. We rarely hear of someone setting up a VCR or rushing home after work to catch our latest pontifications on C–SPAN. But the seriousness of this process has added purpose. Time and public debate are the key ingredients that go into solid, sustainable public policy. Legislating behind closed doors is breaking our promise to the American public, the promise that if they, the American people, made the effort, their voice would be heard and would influence public policy on Capitol Hill. The rules of this body rely on keeping promises in an informal way as well as formally.

We must all be able to trust that our colleagues will do as they say and vote as they claim to do. CONNIE MACK is a man of his word. He keeps his promise to his colleagues. He keeps his promise to the people of Florida.

CONNIE's strength of character, his respect for this institution, and his ability to reach across party lines became apparent to me early in our time together in the Senate. Our service in the Senate overlapped with his last term in the House in 1987 and 1988. I got to know CONNIE when he came to the Senate after the 1988 election, when he won the seat that had previously been vacated by Senator, later Governor, Lawton Chiles. When the campaign was over, we vowed to work together. This has been an easy commitment to fulfill because CONNIE MACK is a fine person, as he is a fine representative of his State.

He is blessed with a sense of humor. He understands that the business we conduct is serious, but he does not take himself too seriously. He is hard working, an always reliable coworker. I have walked out of meetings with pages of notes and reams of paper. CONNIE generally writes down little. But when we divide assignments, without fail he completes his homework, generally before I do. He not only remembers the names of various members of my staff, he recollects the schools they went to and the football teams they support.

Senator MACK is devoted to his family. In fact, I have said that CONNIE and Priscilla Mack are the living embodiment of family values. Adele and I have been honored to call the Macks friends now for well over a decade. We have compared notes on our children and grandchildren. We have watched our families grow and grow up.

For his legislative and personal qualities, Senator MACK will be sorely missed. I call on my colleagues, colleagues from both sides of the aisle, to join me in tribute to our friend Senator CONNIE MACK, his wife Priscilla, and the Mack family.

CONNIE, while they call what you are doing retirement, I prefer to think it is more like you are being traded to another team, a practice in which your grandfather participated on a regular basis, or maybe playing another position. I have no doubt you will continue to work hard for the people of Florida and America. We will all be a better and especially a healthier nation because of your commitment and Priscilla's commitment. May your next step bring you as much personal and professional satisfaction as your days in the Senate have brought to all of us.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SLADE GORTON

Ms. COLLINS. Mr. President, I am delighted today to join my colleagues in paying tribute to a truly outstanding United States Senator, and that is SLADE GORTON.

During SLADE's recent campaign, I had the privilege of going to Seattle to speak at a luncheon organized for him by women who had once worked for him in the Senate and in his capacity as attorney general. I was not at all surprised to see so many women who felt so strongly about Slade's reelection. He is, and always has been, an oasis of inclusion, encouragement, and support for women in the workplace. He is one of those people who know how to encourage, how to mentor, and how to help women and men reach their full potential.

That certainly has been true in my own case. Even before I was sworn in as a new Senator some 4 years ago, SLADE took me under his wing with advice on everything from choosing my committee assignments, to selecting my office space, to hiring my staff. He has continued to give me invaluable advice on a host of issues ranging from what our policy should be in Colombia and Kosovo, to how to take a different approach to education spending, to how to succeed in a tricky procedural situation.

SLADE has always been someone to whom I could turn for advice, for answers, for good counsel. It has also been my pleasure to work with SLADE GORTON on a host of issues such as education, children's health care, and the cost of prescription drugs. What I admire most about SLADE is his intellectually rigorous, challenging, and creative approach to public policy. He simply does not go along with the conventional wisdom; he challenges it, constantly seeking new ideas and innovative approaches to solve thorny problems.

A perfect example of SLADE's innovative style was his development of an entirely new approach to Federal education policy, one that recognized that local school boards, parents, and teachers know best what their children need.

As the architect of the Straight A's bill, SLADE has been a leader in education in the Senate. I was very proud to cosponsor his innovative effort to bring academic achievement and accountability to our public schools.

SLADE realized that when the Federal Government gives money to local schools, it should not come with dictates from D.C. on how it should be spent. He understood that it should, however, come with an expectation of results, and that is why he worked so hard to give local school boards, parents, teachers, and administrators, the freedom to decide how best to spend Federal money in exchange for holding them accountable for improving their schools. He changed the entire focus of Federal education policy from being focused on paperwork and process, to instead being focused on how much our students were learning, to a focus on student achievement and results.

SLADE has also been an advocate for children's health. Not only was he an early supporter of the Children's Health Insurance Program, the S-CHIP program, but he has also worked for years to increase Federal research dollars toward autism. That hard work is about to pay off because his autism bill was included this year in the omnibus children's health bill which was signed into law last month. It will direct more Federal dollars toward finding a cure and treatment for autism.

SLADE GORTON has had an impact on this Senate in so many ways. Whether it is serving as a valued mentor to more junior Senators, such as myself, or being the architect of very important legislation or shepherding appropriations bills through an incredibly difficult procedural morass, SLADE has been front and center in every debate in this Senate.

He has not only been a brilliant legislator; he has also been a wonderful friend. I will deeply miss serving with him, and I appreciate this opportunity today to pay tribute to a man who has not only been an outstanding Senator but a wonderful friend.

I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5640, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (H.R. 5640) to expand homeownership in the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, I am pleased to see that we are passing this bipartisan piece of housing legislation today. While there are provisions that were not included in the bill, which I thought were worthy of passage, on the whole, the "American Homeownership and Economic Opportunity Act of 2000" is a bill that should become law. I would like to highlight just a few parts of this legislation that we worked particularly hard on over the last two years.

First is the manufactured housing bill, that has been incorporated into this legislation. This bill establishes a national minimum installation standard for manufactured homes, ensuring that the home as installed performs as advertised. We have created a dispute resolution program, so that owners, many of whom are lower-income, are not mistreated when they are trying to have a defect in their home corrected. This bill also updates the safety standard setting process for the manufactured housing industry, which will allow new innovations in technology to be incorporated into homes more quickly, making them safer, more efficient, and cheaper for homeowners. Passage of this portion of the bill would not have been possible without the help of Senators KERRY, EDWARDS, BAYH, and SHELBY, and their respective staff, namely Lendell Porterfield and Josh Stein. I would like to thank all of these individuals for their contributions throughout the process of writing, negotiating, and passing this legislation.

I also want to associate myself with the remarks made by Chairman LEACH and Congressman FRANK in the House of Representatives on October 24, 2000 regarding the contracting language in this bill. Their colloquy clarified the intention of this section.

The legislation includes language taken from S. 2733 designed to increase the supply of low-income elderly and disabled housing by expanding available capital for such projects. We allow service providers in federally assisted elderly and disabled facilities to include eligible residents in the surrounding neighborhood in their programs, expanding their service to the community as a whole.

In addition, there are provisions which will allow Rural Housing Service to refinance guaranteed loans, reducing costs for low income rural homeowners, and a new program to expand housing opportunities to Native Hawaiians and Native Americans. Both of these changes will make a big difference in the lives of low income families.

Finally, the legislation reauthorizes a number of agency reports under the jurisdiction of the Banking Committee which would otherwise have expired this year. These reports include the Federal Reserve's Semiannual Report on Monetary Policy, the Economic Report of the President, the annual reports of the federal financial regulatory agencies, and a number of other significant reports in the area of consumer protection. These reports are vital to the exercise of the Banking Committee's oversight function, and I am very pleased that the House and the Senate were able to reach agreement on their reauthorization.

I reiterate my approval for the substance of this bill. I am glad to see us pass these portions of different pieces of legislation this session, though I regret that a low-income housing production program was not included.

Mr. KERRY. Mr. President, there is much to applaud in the bill we are taking up today, H.R. 5640, "The American Homeownership and Economic Opportunity Act." I note that this legislation is identical to legislation I have cosponsored, S. 3274.

Some of the provisions of H.R. 5640 are contained in bipartisan legislation, S. 2733, which I have introduced with my colleagues Senator SANTORUM, Senator SARBANES, and others. These are designed to increase the stock of affordable housing for elderly and disabled Americans by expanding the pool of available capital. It will also expand the availability of services to help improve the quality of life for elderly and residents of HUD-assisted properties and other eligible people in the neighborhood.

The legislation also includes important reforms to the manufactured housing statute. These reforms provide significant new consumer protections for owners of manufactured homes. For example, the bill creates national minimum installation standards to make sure manufactured homes are not just manufactured correctly—an area that has long been under federal control—but that they are installed properly and perform as advertised to provide high quality, safe, durable, and affordable housing for their occupants.

In addition, the new law establishes a dispute resolution process which, for the first time, will enable a consumer determine whether a problem with a manufactured home is due to a manufacturing or installation defect, and then get the defect corrected.

Overall, the manufactured housing title of this bill will modernize the regulatory structure for the industry in a way that gives consumers a full and equal voice. Such modernization will help the industry incorporate new technologies more quickly, making this housing more efficient, more attractive, safer, and cheaper. Manufactured housing can and should be a bigger part of this nation's effort to address the rising need for affordable housing. This legislation will help make this a reality.

I also concur with remarks made in the House of Representatives by Chairman LEACH and Representatives LAFALCE and FRANK in the House on October 24, 2000, regarding the issue of contracting out certain monitoring and oversight functions required by the legislation. HUD needs to be able to manage these contracts in a way that allows them to get the work done.

Finally, I thank Senator SHELBY for his leadership on this issue. Senator SHELBY deserves great credit for making this legislation possible. He worked through every issue and concern raised by the various parties to make this day possible. I also thank Lendell Porterfield from the staff of Senator SHELBY. Mr. Porterfield was highly professional and extremely knowledgeable. He provided the leadership at a staff level that enabled this bill to become law. In addition, Senator EDWARDS and his staff, Josh Stein, were instrumental in negotiating the final compromise. They ensured that the interests of consumers were balanced with the needs of industry. Likewise, the leadership of Senator SARBANES and his staff helped ensure that this process would continue to be bipartisan and productive. Senator BAYH also played an important role. I want to make a special note of the work of Christen Schaefer of the Banking Committee staff, without whose hard work and dedication this legislation could not become law.

There are many other solid achievements in this legislation that will improve housing opportunities for many Americans.

However, as much as there is to welcome in this bill, it is as notable for what is missing. Most importantly, this bill does not include any of the numerous bipartisan proposals, some of which passed the House with overwhelming majorities, that would provide for the preservation of existing affordable housing that is fast being lost; nor does it include any of the bipartisan proposals to facilitate the construction of new affordable housing. In particular, I very much regret the exclusion of the National Affordable Housing Trust Fund legislation that I introduced with a number of my colleagues from both sides of the aisle. Finally, it does not include some important provisions that would encourage and support homeownership, such as low downpayment FHA loans for teachers, police officers, and other municipal employees.

Everyone who has looked at the issue of housing with an open mind, or has tried to purchase or rent a home, understands that we face an affordable housing crisis. A recent study issued by the National Low Income Housing Coalition highlights the fact that there is no city, county, or state where a minimum wage job is adequate to enable a working person to afford the typical rent on 2 bedroom home. In tight markets such as Boston, New York, Denver, Minneapolis-St. Paul, Austin, San Francisco, and many others around the country, affordable housing is out of reach to average working families.

The Federal Government has an important role to play here, and I will be working very hard in the upcoming Congress to make sure that we pass new legislation, such as my trust fund legislation, that will get the Government back in the business of encouraging the production of new affordable housing.

I support the legislation before us, and I hope that my colleagues will join me in the coming Congress to complete the effort we have begun here today.

Mr. GRAMM. Mr. President, today the Senate is taking up H.R. 5640, the American Homeownership and Economic Opportunity Act, which was passed by the House of Representatives on December 5, 2000. Companion legislation, sponsored by Senator ALLARD and myself, together with Senators SARBANES, SANTORUM, GRAMS, SHELBY, CAMPBELL, and KERRY, was introduced on December 5. This legislation is the product of bipartisan work and negotiations in both bodies, and I urge the Senate to pass this bill today.

As Chairman of the Committee on Banking, Housing and Urban Affairs, I have had the privilege of working closely with Housing and Transportation Subcommittee Chairman ALLARD and want to express my appreciation for his strong leadership and commend him for the successful stewardship of this legislation.

The legislation we are considering today will improve and modernize a variety of federal housing programs. The proposed changes to our nation's housing laws will increase the efficiencies of subsidized housing programs and provide that a greater number of truly needy Americans may be assisted at no greater cost to the American taxpayer.

I am particularly pleased that this legislation includes the Manufactured Housing Improvement Act—signifying a cooperative product involving input from industry and other interested parties that successfully ends a 10-year legislative stalemate. The bill modernizes the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, a 26 year-old statute in serious need of revision. Manufactured housing reform is of great importance to the State of Texas, which leads the Nation in the production and sale of manufactured homes. Across America, manufactured homes are a significant source of affordable housing—representing 25 percent of all new single-family housing starts. I also want to give special thanks to Senator SHELBY, the original lead sponsor of the manufactured housing bill, who has worked tirelessly over the years for its passage. Without Senator SHELBY's dedication and perseverance, the Manufactured Housing Improvement Act title of this bill would not be before the Senate for consideration today.

The American Homeownership and Economic Opportunity Act contains many other significant housing provisions, including modernization of the Department of Housing and Urban Development's, HUD, Section 202 elderly housing and Section 811 disabled housing programs; the Department of Agriculture's rural housing programs; HUD Native American housing programs; and the HUD home equity conversion mortgage program, which allows our cash-poor but house-rich senior citizens the opportunity to utilize their home equity for needed expenses.

This legislation also renews some 45 reporting requirements of Executive Branch and regulatory agencies, including the report of the Federal Reserve Board on the conduct of monetary policy.

H.R. 5640 directs that the Chairman of the Federal Reserve appear before the Congress twice annually, once in February and again in July, to report on the Federal Reserve's activities with respect to the conduct of monetary policy and its outlook regarding economic developments and prospects in the future. This legislation eliminates the requirement of the Federal Reserve to report on many of the outdated economic indicators required in the past, such as measures of money supply that are no longer useful.

Among other reports reinstated in this legislation are the Annual Economic Report of the President and annual reports from numerous banking and housing agencies, including the Department of Housing and Urban Development, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, Office of Thrift Supervision, Federal Housing Finance Board, and National Credit Union Administration. All of these reports are important in helping Congress conduct its constitutional oversight responsibilities and ensuring that agencies and departments are ultimately accountable to the American taxpayer.

Mr. President, these are but a few of the highlights of the important provisions in H.R. 5640. I am grateful to my colleagues on both sides of the aisle, both in the Senate and the House, in crafting this compromise legislation. In particular, I would like to note the extensive cooperation of Senators SARBANES and KERRY in working out many of the provisions of this bill. I urge adoption of the bill by the Senate.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5640) was read the third time and passed.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DEPARTING SENATORS AND NEW SENATORS

Mr. TORRICELLI. Mr. President, in the days and hours that remain in this session, many of us on each side of our respective aisles will say a great deal about the colleagues we have worked with and admire from our own political parties. Indeed, I am no exception. For years, the contributions of the MOYNIHANS, or the BOB KERREYS, or the DICK BRYANS, or the FRANK LAUTENBERGS have been extraordinary in the life of our country and in the workings of this Senate. I will join those voices in praising each of them. But at this moment I wish to say a word as well about our colleagues from the Republican Party who are leaving this institution.

Having chaired the Democratic Senatorial Campaign Committee for these years, I have known some of these Senators as friends and colleagues but also as adversaries. It is a peculiar and even awkward thing in the American political process that with people you like and admire, you can nevertheless have philosophical differences; you can have a political contest but nevertheless deal with them civilly.

I admire many of these men and rise today to praise their contributions to the Senate and the country; and, as many other Americans, to thank them for their service even though it was my responsibility to help wage campaigns against them. That is our system. It is not personal. It is borne only in the struggle of ideas, the competition of proposals, and the free market of American politics that have served our country so well.

I would like to say a word about several Members of the Senate who are not of the Democratic Party.

Senator ABRAHAM of Michigan, with whom I worked on the Judiciary Committee, is a respected Member of the institution, a very fine Senator who has left his mark on the great issues of law enforcement, who I have come to know and admire.

Senator ROTH of Delaware, who I did not know well personally but who cleverly served this institution with distinction for a long time, changed many of our laws and much for the better.

Senator ASHCROFT, who as well served with me on the Judiciary Committee, is a gentleman, is a fierce advocate for his point of view, and is a skilled man who dealt in a campaign in extraordinary circumstances, I believe with considerable distinction.

Senator GRAMS of Minnesota, I believe, too, worked hard gaining the respect of his colleagues.

Senator GORTON of Washington State, who served his State for so very long and so ably, I believe, was a tremendous Member of this institution. Although he did lose an election and is also leaving this institution, he is one of my favorite members of the other party.

CONNIE MACK, who I served with in the House of Representatives, is an extraordinary Senator and a great gentleman who has made enormous contributions to the Congress and to the United States.

People who I have also come to meet as adversaries through the electorate process I want to join in welcoming to the Senate. They are both fierce advocates and great campaigners, who defeated my party in the fields of political contest.

Former Congressman ENSIGN, who joins us as a Senator from Nevada, will be a fine Senator. He is a great advocate for his State, and is an impressive individual who I believe will serve with distinction in the Senate.

Governor ALLEN, who was engaged in one of the most competitive Senate contests in the country, has served with distinction as a Governor, and I believe he will be an extraordinary Senator.

I welcome them to the institution. Despite an evenly divided Senate, there are real differences on fundamental issues as to how the Nation should approach education and health care, gun safety, and the use of the budget surplus. These issues are real. Our differences have meaning. Sometimes differences are deep. But our objectives are common; that is, to serve the country, to have the Senate act with distinction, and ultimately—simply the most obvious goal of all—to help ordinary people in our country who live sometimes quiet lives, usually content to have the Government not be a part of all that they do but every so often look for help, guidance, or certainly the simple need to be able to look upon their Government with pride.

I welcome these individuals to the Senate, and I say farewell for the moment to those who are leaving. I congratulate those who won and those who lost on having done what our Nation is dependent upon; that is, people of good meaning and integrity going out every day saying the things they believe in, fighting for the causes they hold dear.

and asking the public to render judgment.

Senators ABRAHAM, ROTH, ASHCROFT, GRAMS, and GORTON did just that. Senator MACK did for a long time. Now Senators ENSIGN and ALLEN have joined them.

We will have a chance in the coming days to welcome each of our Democratic colleagues, as well as thank those who are leaving.

There are few who are finer or served with more distinction than Senator BOB KERREY. Indeed, in so many avenues of American life, he has served our country with distinction. There are probably few who have served here for which it can genuinely be said this is a better Senate. We are all the better having been in the Senate in his presence. That is certainly true with Senator KERREY.

Senator MOYNIHAN as well contributed to our country in so many different endeavors—a giant of the institution, who in his wake clearly made it a better place. There is not a finer or more revered Senator.

But equal in their contributions in their own way are Senator BRYAN, Senator LAUTENBERG, and Senator ROBB—all of whom tirelessly worked for our country and devoted themselves to the Senate. We can all feel the better because they were here.

Thank you for allowing me to share these words. I hope when the years pass we can all remember the distinction with which they served, but also the grace with which some of our colleagues accepted the voters' judgment and their defeat. They did so humbly, and they did so civilly; and, how some of the victors have also come here humbly as well understanding they have a lot to contribute and a great deal to learn with the grace of the public having given them the opportunity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Mr. President, I would like to associate myself with the remarks of the Senator from New Jersey, paying tribute to colleagues on both sides of the aisle who for a variety of reasons are leaving this institution.

I think it goes without saying that those of us who have been involved in putting ourselves in battles for elections understand that it takes some courage and maybe some foolhardiness to put your name on a ballot and submit your fate to the neighbors and friends with whom you live. Those leaving this institution have done that time and again. I respect them. Although we disagree on issues and on philosophy, we respect them so much for the courage they have shown and for their dedication to public service.

One of the most important lessons I ever learned in politics was my first one. I was a college intern on Capitol Hill working in the office of the U.S. Senator, Paul Douglas. I had no sooner met the man in February than I fell in love with this life and decided to work in Government. A few short months later, he lost his election in an effort to be reelected to the State of Illinois.

It really came crashing down on me—that a man who served for 18 years, because of the decision of the electorate, could see his political career come to an end that bluntly.

A constant reminder in my public life is the fact that this is a fickle business, and no one can ever take for granted the next election. But I believe that the men and women who have served have done so honorably, and I salute those on both sides who will not be with us in the next Congress.

I say on a positive note that we had our organizational caucus of the Democratic Senators a few days ago in the Old Senate Chamber. We had a chance for each of the 10 new Democratic Senators to stand and speak for a moment about their feelings concerning their elections and service in the Senate. One word that was used most frequently by these new Senators was "humility"—how humbled they were to be part of this institution.

I have always felt that. I think it is such an exceptional responsibility but also an exceptional privilege to serve in this great body. I have believed that representing a State as diverse and interesting as Illinois gives a special meaning.

The new Senators coming on both sides of the aisle will add something to this Chamber, as each new class of Senators does. I hope before we begin anticipating the next Congress and what it might mean, we take care of the business of this Congress.

PASSING APPROPRIATIONS BILLS

Mr. President, we are required by law, as of each October 1st, to pass spending bills, appropriations bills for the function of government. Most Congresses fail to meet the deadline of October 1st. Some miss it by a few days, some by a few weeks. Sadly, this Congress will miss it by a few months.

We still have major spending bills which have not been passed by this Congress. Frankly, we have run out of excuses. It is time to pass those bills which will continue the functions of government. The Labor-HHS bill is one that deals with education and health and labor standards in America. Is there any greater responsibility? How can we explain the fact that we still haven't done it? There is no excuse left. We need to pass that legislation and do it quickly.

Secondly, the bill related to the Commerce, Justice, and State Departments not only deals with the administration of justice and law enforcement but the representation of the American Government overseas, the representation of American business in an effort to create new jobs in this country. Yet we haven't passed that legislation.

I hope we won't fall on the easy solution suggested by some that we somehow postpone this for months or another year. That would truly be humiliating to this Congress, if it should fall into that trap. It is better to face four square our responsibility. I hope leaders on both sides of the aisle and the White House can come to an agreement as quickly as possible.

There is one special issue, though, that I hope we can address before we leave. It affects my State and the State of the Presiding Officer, the State of Illinois, the question of hospital care and reimbursement from the Federal Government. More and more, our hospitals across Illinois and around the Nation depend on the Medicare and Medicaid programs to adequately reimburse them for quality health care which American families expect. In an effort to balance the budget, we made cuts in reimbursement under the Medicare program. We had hoped to save a little over $100 billion over some years. We cut too deeply, and now we know unless we reverse that policy, the actual savings or cost cutting will be well over $200 billion.

On its face, it may sound like a good reason, that we are reducing the deficit even more, and that is a very valuable thing. But the price we are paying is too high because in hospital after hospital, in nursing homes and those agencies providing home health care services, they are inadequately reimbursed by the Federal Government and they are forced to cut back time and again on the services the people have come to expect.

Yesterday we had an interesting informal hearing on the Senate side. I hope it is a portent of good things to come. A bipartisan hearing with Senator SPECTER, Senator HUTCHISON, as well as Senator COLLINS on the Republican side, joined with Senators KENNEDY, ROCKEFELLER, WELLSTONE, and myself to talk about this issue and to say that before Congress adjourns, we need to address what is known as the Balanced Budget Act reform as it relates to Medicare and Medicaid. I believe there is a genuine sentiment on the floor of the Senate, a strong bipartisan Senate, that we do this before we go home.

In my conversations with hospital administrators and doctors, those who are managing nursing homes, those who are providing valuable health care services, there is nothing more important to them than getting this done before we leave. No excuse will do. It was part of the general tax relief bill that was pending before Congress, a controversial bill that involved over $250 billion in tax relief over the next 10 years. That bill is caught up in controversy and is going nowhere. The President has said he would have to veto it. The provision in there relative to Medicare and Medicaid would be lost in that process.

It has been reported in the newspapers, and I think it is probably accurate, that the leadership has pulled away from that tax bill now and believes it cannot pass. But we would make a serious mistake if we backed off from our commitment to deal with Medicare and Medicaid before we adjourn this Congress. I think there is a will and there is a way.

I have spoken with the representative from the White House, Mr. Lew, who heads up the Office of Management and Budget, and my colleague and friend, the Speaker of the House DENNIS HASTERT, who understands the importance of this issue to the State of Illinois. I have talked to my colleagues on this floor. We clearly can achieve this. In achieving it, we can send back a message not only to rural hospitals, which frankly are facing the ruin of declining revenues at a time when they are trying to keep their doors open, but also hospitals in the inner cities and hospitals across America, teaching hospitals, and others that rely on these reimbursements.

I urge my colleagues, as we consider the next Congress, let's not forget the remaining agenda of this Congress. It is not enough to pack our bags, wish everyone a happy holiday, and head home. There are important items still to be resolved. We were elected and took an oath of office to resolve this. No excuse will do at this point. Let us pass those pending appropriations bills, make the compromises necessary to do so, and not forget our responsibility under Medicare and Medicaid across the United States to seniors, the disabled, and the disadvantaged, who rely on those programs for quality health care.

I think it can be done. I hope my colleagues join me in making certain we make that effort as we close this session of the Congress.

I suggest the absence of a quorum.

The PRESIDING OFFICER The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report to accompany H.R. 2415, which the clerk will report.

The legislative clerk read as follows:

> Conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

Mr. WELLSTONE. Mr. President, it is my understanding that we are now in debate on the bankruptcy bill: is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I yield myself, from Senator LEAHY's time, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I am sorry, I have my own time.

Mr. President, The proponents of this bill argue that people file because they want to get out of their obligations, because they're untrustworthy, because they're dishonest, because there is no stigma in filing for bankruptcy.

But any look at the data tells you otherwise. We know that in the vast majority of cases it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner may have lost his or her job. There may be sudden illness or a terrible accident requiring medical care.

Specifically we know that nearly half of all debtors report that high medical costs forced them into bankruptcy—this is an especially serious problem for the elderly. But when you think about it, a medical crisis can be a double financial whammy for any family. First there are the high costs associated with treatment of serious health problem. Costs that may not be fully covered by insurance, and certainly the over 30 million Americans without health insurance are especially vulnerable. But a serious accident or illness may disable—at least for a time—the primary wage earner in the household. Even if it isn't the person who draws the income, a parent may have to take significant time to care for a sick or disabled child. Or a son or daughter may need to care for an elderly parent. This means a loss in income. It means more debt and the inability to pay that debt.

Are people overwhelmed with medical debt or sidelined by illness deadbeats? This bill assumes they are. For example, it would force them into credit counseling before they could file—as if a serious illness or disability is something that can be counseled away.

Women single filers are now the largest group in bankruptcy, and are one third of all filers. They are also the fastest growing. Since 1981, the number of women filing alone increased by more than 700 percent. A woman single parent has a 500 percent greater likelihood of filing for bankruptcy than the population generally. Single women with children often earn far less than single men aside for the difficulties and costs of raising children alone. Divorce is also a major factor in bankruptcy. Income drops, women, again, are especially hard hit. They may not have worked prior to the divorce, and now have custody of the children.

Are single women with children deadbeats? This bill assumes they are. The new non-dischargeability of credit card debt will hit hard those women who use the cards to tide them over after a divorce until their income stabilizes. And the "safe harbor" in the conference report which proponents argue will shield low and moderate income debtors from the means test will not benefit many single mothers who need help the most because it is based on the combined income of the debtor and the debtor's spouse, even if they are separated, the spouse is not filing for bankruptcy, and the spouse is providing no support for the debtor and her children. In other words, a single mother who is being deprived of needed support from a well-off spouse is further harmed by this bill, which will deem the full income of that spouse available to pay debts for determination of whether the safe harbor and means test applies.

Mr. President, you will hear my colleagues talk about high economic growth and low unemployment and wonder how so many people could be in circumstances that would require them to file for bankruptcy. Well, the rosy statistics mask what has been modest real wage growth at the same time the debt burden on many families has skyrocketed. And it also masks what has been real pain in certain industries and certain communities as the economies restructure. Even temporary job loss may be enough to overwhelm a family that carries significant loans and often the reality is that a new job may be at a lower wage level—making a previously manageable debt burden unworkable.

So what does this bill do to keep people who undergo these wrenching experiences out of bankruptcy? Nothing. Zero. Tough luck. Instead, this conference report just makes the fresh start of bankruptcy harder to achieve. But this doesn't change anyone's circumstances, this doesn't change the fact that these folks no longer earn enough to sustain their debt. Mr. President, there is not one thing in this so called bankruptcy reform bill that would promote economic security in working families.

When you push the rhetoric aside, one thing becomes clear: The bankruptcy system is a critical safety net for working families in this country. It is a difficult demoralizing process, but for nearly all who decide to file, it means the difference between a financial disaster being temporary or permanent. The repercussions of tearing that safety net asunder will be tremendous, but the authors of the bill remain deaf to the chorus of protest and indignation that is beginning to swell as ordinary Americans and members of Congress begin to understand that bankrupt Americans are much like themselves—are exactly like themselves—and that they are only one layoff, one medical bill, one predatory loan away from joining the ranks.

For the debtor and his family the benefit of bankruptcy—despite the embarrassment, despite the humiliation of acknowledging financial failure—is obvious, to get out from crushing debt, to be able to once again attempt to live within one's means, to concentrate one's income on clear priorities such as food, housing and transportation. But it is also the fundamental principles of a just society to ensure that financial mistakes or unexpected circumstances do not mean banishment forever from productive society.

The "fresh start" that is under attack here in the Senate today is nothing less than a critical safety net that protects America's working families. As Sullivan Warren and Westbrook put it in "The Fragile Middle Class":

> Bankruptcy is a handhold for middle class debtors on the way down. These families have suffered economic dislocation, but the ones that file for bankruptcy have not given up. They have not uprooted their families and drifted from town to town in search of work. They have not gone to the underground economy, working for cash and saying off the books. Instead, these are middle class people fighting to stay where they are, trying to find a way to cope with their declining economic fortunes. Most have come to realize that their incomes will never be the same as they once were. As their comments show, they realize they can live on $30,000 or $20,000 or even $10,000. But they cannot do that and meet the obligations that they ran up while they were making much more. When put to a choice between paying credit card debt and mortgage debt, between dealing with a dunning notice from Sears and putting groceries on the table, they will go to the bankruptcy courts, declare themselves failures, and save their future income for their mortgage and their groceries.

I say to my colleagues, there may be many different standards that different members have for bringing legislation to the floor of the United States Senate. We come from different backgrounds, we come from different states, we have different philosophies about the role of government in society. We have differing priorities. But for God's sake, there should be one principle that all of us can get behind and that is that we should do no harm here in our work in America's working families.

That's what is at stake here. This is a debate about priorities. This is a debate about what side you're on. This is a debate about who you stand with. Will you stand with the big banks and the credit card companies or will you stand with working families, with seniors, with single women with children, with African Americans and hispanics.

But I would say to my colleagues on the floor of the United States Senate today that this is not a debate about winners and losers. Because we all lose if we erode the middle class in this country. We all lose if we take away some of the critical underpinnings that shore up our working families. Sure, in the short run big banks and credit card companies may pad their profits, but in the long run our families will be less secure, our entrepreneurs will become more risk adverse and less entrepreneurial.

How so? Well this how a Georgia Congressman described the issue in 1841:

> Many of those who become a victim to the reverses are among the most high-spirited and liberal-minded men of the country—men who build up your cities, sustain your benevolent institutions, open up new avenues to trade, and pour into channels before unfilled the tide of capital.

This is still true today.

This isn't a debate about reducing the high number of bankruptcies. No way will this legislation do that. Indeed, by rewarding the reckless lending that got us here in the first place we will see more consumers overburdened with debt.

No, this is a debate about punishing failure. Whether self inflicted or uncontrolled and unexpected. This is a debate about punishing failure. And if there is one that this country has learned, punishing failure doesn't work. You need to correct mistakes, prevent abuse. But you also need to lift people up when they've stumbled, not beat them down.

Of course, what the Congress is poised to do here with this bill is even worse within the context of this Congress. This is a Congress that has failed to address skyrocketing drug costs for seniors, this is a Congress that has failed to enact a Patients' Bill of Rights much less give all Americans access to affordable health care. This is a Congress that does not invest in education, that does not invest in affordable child care. This a Congress that has yet to raise the minimum wage.

But instead, we declare war on America's working families with this bill.

What is clear is that this bill will be a death of a thousand cuts for all debtors regardless of whether the means test applies. There are numerous provisions in the bankruptcy reform bill designed to raise the cost of bankruptcy, to delay its protection, to reduce the opportunity for a fresh start. But rather than falling the heaviest on the supposed rash of wealthy abusers of the code, they will fall hardest on low and middle income families who desperately need the safety net of bankruptcy.

I want to take some time to talk about the effect this bill will have on low and middle class debtors. Remember, nearly all debtors who file for bankruptcy are not wealthy scofflaws, but rather people in desperate economic circumstances who file as a last resort to try and rebuild their finances, and, in many cases, end harassment by their creditors. And in particular I want to remind my colleagues of the May 15, 2000 issue of Time magazine whose cover story on this so-called bankruptcy reform legislation was entitled "Soaked by Congress."

The article, written by reporters Don Bartlett and Jim Steele, is a detailed look at the true picture of who files for bankruptcy in America. You will find it far different from the skewed version being used to justify this legislation. The article carefully documents how low and middle income families—increasingly households headed by single women—will be denied the opportunity of a "fresh start" if this punitive legislation is enacted. As Brady Williamson, the Chairman of the National Bankruptcy Review Commission, notes in the article, the bankruptcy bill would condemn many working families to "what essentially is a life term in debtor's prison."

Now proponents of this legislation have tried to refute the Time magazine article. Indeed during these final days of debate you will hear the bill's supporters claim that low and moderate income debtors will be unaffected by this legislation. But colleagues, if you listen carefully to their statements you will hear that they only claim that such debtors will not be affected by the bill's means tests. Not only is that claim demonstrably false—the means test and the safe harbor have been written in a way that will capture many working families who are filing for Chapter 7 relief in good faith—but it ignores the vast majority of this legislation which will impose needless hurdles and punitive costs on all families who file for bankruptcy regardless of their income. Nor does the safe harbor apply to any of these provisions!

You might ask why the Congress has chosen to come down so hard on ordinary working folk down on their luck. How is it that this bill is so skewed against their interests and in favor of big banks and credit card companies? Maybe that's because these families don't have million-dollar lobbyists representing them before Congress. They don't give hundreds of thousands of dollars in soft money to the Democratic and Republican parties. They don't spend their days hanging outside the Senate chamber waiting to bend a Member's ear. Unfortunately it looks like the industry got to us first.

They may have lost a job, they may be struggling with a divorce, maybe there are unexpected medical bills. But you know what? They are busy trying to turn their lives around. And I think it is shameful that at the same time this story is unfolding for a million families across America, Congress is poised to make it harder for them to turn it around. Who do we represent?

I want to take a few minutes to explain exactly what the effects of this bill will be on real life debtors—the folks profiled in the Time article. I hope the authors of the bill will come to the floor to debate on these points. There could be the opportunity for some real progress on an issue that has yet to be addressed by the bill's supporters. Specifically, I challenge them to come to the floor and explain to their colleagues how making bankruptcy relief harder and much more costly to achieve will benefit working families.

Charles and Lisa Trapp were forced into bankruptcy by medical problems. Their daughter's medical treatment left them with medical debts well over $100,000, as well as a number of credit card debts. Because of her daughter's degenerative condition, Ms. Trapp had to leave her job as a letter carrier about two months before the bankruptcy case was filed to manage her daughter's care. Before she left her job, the family's annual income was about $83,000, or about $6900 per month, so under the bill, close to that amount, about $6200, the average monthly income for the previous six months, would be deemed to be their current monthly income, even though their gross monthly income at the time of filing was only $4800. Based on this fictitious deemed income, the Trapps would have been presumed to be abusing the Bankruptcy Code, since their allowed expenses under the IRS guidelines and secured debt payments amounted to $5339. The difference of about $850 per month would have been deemed available to pay unsecured debts and was over the $167 per month triggering a presumption of abuse. The Trapps would have had to submit detailed documentation to rebut this presumption, trying to show that their income should be adjusted downward because of special circumstances and that there was no reasonable alternative to Ms. Trapp leaving her job.

Because their "current monthly income," although fictitious, was over the median income, the family would have been subject to motions for "abuse" filed by creditors, who might argue that Ms. Trapp should not have left her job, and that the Trapps should have tried to pay their debts in chapter 13. They also would not have been protected by the safe harbor. The Trapps would have had to pay their attorney to defend such motions and if they could not have afforded the thousand dollars or more that this would have cost, their case would have been dismissed and they would have received no bankruptcy relief. If they prevailed on the motion, it is very unlikely they could recover attorney's fees from a creditor who brought the motion, since recovery of fees is permitted only if the creditor's motion was frivolous and could not arguably be supported by any reasonable interpretation of the law (a much weaker standard than the original Senate bill.) Because the means test is so vague and ambiguous, and creditor could argue that it was simply making a good faith attempt to apply the means test, which after all created a presumption of abuse.

Of course, young Annelise Trapp's medical problems continue and are only getting worse. Under current law, if the Trapps again amass medical and other debts they can't pay, they could seek refuge in chapter 13 where they would be required to pay all that they could afford. Under the new bill, the Trapps could not file a chapter 13 case for five years. Even then, their payments would be determined by the IRS expense standards and they would have to stay in their plan for 5 years, rather than the 3 years required by current law. The time for filing a new chapter 7 would also be increased by the bill, from 6 years to 8 years.

Not only does the majority leader want to ram through bankruptcy legislation on the State Department authorization conference report, which he has literally hijacked for that purpose, there is no question that this is a significantly worse legislation than what passed the Senate. In fact, there is no pretending that this is a bill designed to curb real abuse of the bankruptcy code.

Does this bill take on wealthy debtors who file frivolous claims and shield their assets in multi million dollar mansions? No, it guts the cap on the homestead exemption adopted by the Senate. I ask my colleagues who support this bill: how can you claim that this bill is designed to crack down on wealthy scoff laws without closing the massive homestead loophole that exists in five states, and in a bill that falls so harshly on the backs of low and moderate income individuals?

I wonder how my colleagues who vote for this conference report will explain this back home. How will they explain that they supported letting wealthy debtors shield their assets from creditors at the same time that voted to end the practice under current law of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy. With one hand we gut tenants rights, with the other we shield wealthy homeowners.

Nor does this bill contain another amendment offered by Senator SCHUMER and adopted by the Senate that would prevent violators of the Fair Access to Clinic entrances Act—which protects women's health clinics—from using the bankruptcy system to walk away from their punishment. Again, I thought the sponsors of the measure wanted to crack down on people who game the system. What could be a bigger misuse of the system then to use the bankruptcy code to get out of damages imposed because you committed an act of violence against a women's health clinic?

And yet the secret conferees on his bill simply walked away. They walked away from the real opportunity to prohibit an abuse that all sides recognize exist, but they also walked away from an opportunity to protect women from harassment. They walked away from the opportunity to protect women from violence.

So why shouldn't people be cynical about this process? Ever since bankruptcy reform was passed by the Senate this bill has gotten less balanced, less fair, and more punitive—but only for low and moderate income debtors. So again, I would say to my colleagues, this bill is a question of our priorities. Will we stand with wealthy dead beats or will we take a stand to protect women seeking reproductive health services from harassment?

But unfortunately, these were not the only areas where the shadow conferees beat a retreat from balance and fairness.

You know, a lot of folks must be watching the progress of this bankruptcy bill over the course of this year with awe and envy. Can my colleagues name one other bill that the leadership has worked so hard and with such determination to move by any and all means necessary? Certainly not an increase in the minimum wage. Certainly not a meaningful prescription drug benefit for seniors, certainly not the reauthorization of the Elementary and Secondary Education Act. On many issues, on most issues, this has been a do nothing Congress. But on so-called bankruptcy reform, the Senate and House leadership can't seem to do enough!

One can only wonder what we could have accomplished for working families if the leadership had the same determination on other issues. Unfortunately those other issues did have the financial services industry behind it. And you have to give them credit—no pun intended—over the past couple of years they have played the Congress like a violin. And what do you know, here we are trying to ram through this bankruptcy bill in the 11th hour as the 106th Congress draws to a close.

In reading the consumer credit industry's propaganda one would think the story of bankruptcy in America is one of large numbers of irresponsible, high income borrowers and their conniving attorney using the law to take advantage of naive and overly trusting lenders.

As it turns out, that picture of debtors is almost completely inaccurate. The number of bankruptcies has fallen steadily over the past months, charge offs (defaults on credit cards) are down and delinquencies have fallen to the lowest levels since 1995, and now all sides agree that nearly all debtors resort to bankruptcy not to game the system but rather as a desperate measure of economic survival.

It also turns out that the innocence of lenders in the admittedly still high numbers of bankruptcies has also been—to be charitable—overstated.

As high cost debt, credit cards, retail charge cards, and financing plans for consumer goods have skyrocketed in recent years, so have the number of bankruptcy filings. As the consumer credit industry has begun to aggressively court the poor and the vulnerable, bankruptcies have risen. Credit card companies brazenly dangle literally billions of card offers to high debt families every year. They encourage card holders to make low payments toward their card balances, guaranteeing that a few hundred dollars in clothing or food will take years to pay off. The lengths that companies go to keep their customers in debt is ridiculous.

In the interest of full disclosure—something that the industry itself isn't very good at—I would like my colleagues to be aware of what the consumer credit industry is practicing even as it preaches the sermon of responsible borrowing. After all, debt involves a borrower and a lender; poor choices or irresponsible behavior by either party can make the transaction go sour.

So how responsible has the industry been? I suppose that it depends on how you look at it. On the one hand, consumer lending is terrifically profitable, with high cost credit card lending the most profitable of all (except perhaps for even higher costs credit like payday loans). So I guess by the standard of responsibility to the bottom line they have done a good job.

On the other hand, if you define responsibility as promoting fiscal health among families, educating on judicious use of credit, ensuring that borrowers do not go beyond their means, then it is hard to imagine how the financial services industry could be bigger deadbeats.

According the Office of the Comptroller of Currency, the amount of revolving credit outstanding—i.e. the amount of open ended credit (like credit cards) being extended—increased seven times during 1980 and 1995. And between 1993 and 1997, during the sharpest increases in the bankruptcy filings, the amount of credit card debt doubled. Doesn't sound like lenders were too concerned about the high number of bankruptcies—at least it didn't stop them from pushing high cost credit like candy.

Indeed, what do credit card companies do in response to "danger signals" from a customer that they may be in over their head. According to "The Fragile Middle Class" an in depth study of who files for bankruptcy and why, the company's reaction isn't what you would think.

In other words, those folks who may have come into your office this year or last year talking about how they needed protection from customers who walked away from debts, who thought Congress should mandate credit counseling—to promote responsible money management—as a requirement for seeking bankruptcy protection, who argued that reform of the bankruptcy code is needed because of decline in the stigma of bankruptcy have been pouring gasoline on the flames the whole time. Of course, in the end, if this bill passes, it's working families who get burned.

But guess what? It gets even worse, because the consumer finance industry isn't just reckless in its lending habits, big name lenders all too often break or skirt the law in both marketing and collection.

For example:

In June of this year the Office of the Comptroller of the Currency reached a settlement with Providian Financial Corporation in which Providian agreed to pay at least $300 million to its customers to compensate them for using deceptive marketing tactics. Among these were baiting customers with "no annual fees" but then charging an annual fee unless the customer accepted the $156 credit protection program (coverage which was itself deceptively marketed). The company also misrepresented the savings their customers would get from transferring account balances from another card.

In 1999, Sears, Roebuck & Co. paid $498 million in settlement damages and $60 million in fines for illegally coercing reaffirmations—agreements with borrowers to repay debt—from its cardholders. But apparently this is just the cost of doing business: Bankruptcy judges in California, Vermont, and New York have claimed that Sears is still up to its old strong arm tactics, but is now using legal loopholes to avoid disclosure. Now colleagues, Sears is a creditor in one third of all personal bankruptcies. And by the way, this legislation contains provisions that would have protected Sears from paying back any monies that customers were tricked into paying under these plans.

This July, North American Capital Corp., a subsidiary of GE, agreed to pay a $250,000 fine to settle charges brought by the Federal Trade Commission that the company had violated the Fair Debt Collection Practices Act by lying to and harassing customers during collections.

In October 1998, the Department of Justice brought an antitrust suit against VISA and Mastercard, the two largest credit card associations, charging them with illegal collusion that reduced competition and made credit cards more expensive for borrowers.

These are just a few examples. I could go on and on. At a minimum, these illegal and unscrupulous practices rob honest creditors who play by the rules of repayment. And the cost to debtors and other creditors alike are tremendous.

But other practices are not illegal, merely unsavory.

Let me repeat myself in case my colleagues somehow missed the blatant hypocrisy of what's going on here: The big banks and credit card companies are pushing to rig the system so that you cannot file for bankruptcy unless you perform credit counseling at the same time that they are jeopardizing the health the credit counseling industry and making it significantly more costly for debtors.

That is pretty brazen, but as my colleagues will hear over and over in this debate, this isn't just an industry that wants to have it both ways, it wants to have it several different ways.

Of course, these are mild abuses compared to predatory lending. Schemes such as payday loans, car title pawns, and home equity loan scams harm tens of thousands of more Americans on top of those shaken down by the mainstream creditors. Such operators often target those on the economic fringe like the working poor and the recently bankrupt. They even claim to be performing a public service: providing loans to the uncreditworthy. It just also happens to be obscenely profitable to overwhelm vulnerable borrowers with debt at usurious rates of interest. Hey, who said good deeds don't get rewarded?

Reading this conference report makes it clear who has the clout in Washington. There is not one provision in this bill that holds the consumer credit industry truly responsible for their lending habits. My colleagues talk about the message they want to send to deadbeat debtors, that bankruptcy will no longer be a "free ride" to a clean slate. Well what message does this bill send to the banks, and the credit card companies? The message is clear: make risky loans, discourage savings, promote excess, and Congress will bail you out by letting you be more coercive in your collections, by putting barriers in between your customers and bankruptcy relief, and by ensuring that the debtor will emerge from bankruptcy with his vassalage to you intact. This is in stark contrast to the numerous punitive provisions of the bill aimed at borrowers.

The record is clear: lenders routinely discourage healthy borrowing practices, encourage excessive indebtedness and impose barriers to paying of debt all in the name of padding their profits. It would be a bitter irony if Congress were to reward big banks, credit card companies, retailers and other lenders for their bad behavior, but that exactly what passage of bankruptcy reform legislation would do.

I would characterize the debate like this and make it very simple for my colleagues. This is fundamentally a referendum on Congress' priorities and you simply need to ask yourself: whose side am I on? Am I on the side of the working families who need a financial fresh start because they are overburdened with debt? Am I for preserving this critical safety net for the middle class? Will I stand with the civil rights community, and religious community, and the women's community, and consumer groups and the labor unions who fight for ordinary Americans and who oppose this bill?

Or will you stand with the credit card companies, and the big banks, and the auto lenders who desperately want this bill to pad their profits? I hope the choice will be clear to colleagues.

Let me say a few words about the process on this legislation, which is terrible. The House and Senate Republicans have taken a secretly negotiated bankruptcy bill and stuffed it into the State Department authorization bill in which not one provision of the original bill remains. Of course, State Department authorization is the last of many targets. The majority leader has talked about doing this on an appropriations bill, on a crop insurance bill, on the electronic signatures bill, on the Violence Against Women Act. So disparate are we to serve the big banks and credit card companies that no bill has been safe from this controversial baggage.

We are again making a mockery of scope of conference. We are abdicating our right to amend legislation. We are abdicating our right to debate legislation. And for what? Expediency. Convenience.

However, I am not sure that we have ever been so brazen in the past. Yes we have combined unrelated, extraneous measures into conference reports. Usually because the majority wishes to pass one bill using the popularity of another. Putting it into a conference report makes it privileged. Putting into a conference report makes it unamenable. So they piggy back legislation. Fine. But this may be the first time in the Senate's history where the majority has hollowed out a piece of legislation in conference—left nothing behind but the bill number—and inserted a completely unrelated measure.

I challenge my colleagues to walk into any high school civics class room in America and explain this process. Explain this new way that a bill becomes law. What the majority has essentially done is started down the road toward a virtual tricameral legislature—House, Senate, and conference committee. But at least the House and the Senate have the power under the constitution to amend legislation passed by the other house—measures adopted by the all-powerful conference committee are not amendable.

Is bankruptcy reform so important that we should weaken the integrity of the Senate itself? It is not. I question whether any legislation is that important, but to make such a blatant mockery of the legislative process on a bill that is going to be vetoed anyway? That is effectively dead? Just to make a political point? What have we come to?

This is a game to the majority. The game is how to move legislation through the Senate with as little interference as possible from actual Senators.

I remind my colleagues of what Senator KENNEDY said 4 years ago when the Senate voted to gut rule XXVIII, the Senate rule limiting the scope of conference which we are violating with this conference report. Speaking very prophetically he said:

> The rule that a conference committee cannot include extraneous matter is central to the way that the Senate conducts its business. When we send a bill to conference we do so knowing that the conference committee's work is likely to become law. Conference reports are privileged. Motions to proceed to them cannot be debated, and such reports cannot be amended. So conference committees are already very powerful. But if conference committees are permitted to add completely extraneous matters in conference, that is, if the point of order against such conduct becomes a dead letter, conferees will acquire unprecedented power. They will acquire the power to legislate in a privileged, unreviewable fashion on virtually any subject. They will be able to completely bypass the deliberative process of the Senate. Mr. President, this is a highly dangerous situation. It will make all of us less willing to send bills to conference and leave all of us vulnerable to passage of controversial, extraneous legislation any time a bill goes to conference. I hope the Senate will not go down this road. Today the narrow issue is the status of one corporation under the labor laws. But tomorrow the issue might be civil rights, States' rights, health care, education, or anything else. It might be a matter much more sweeping than the labor law issue that is before us today.

He was absolutely right. We are headed down that slippery slope he described. For the last three years we have handled appropriations in this manner. We have combined bills, the text is written by a small group of Senators and Congressmen and these bills have been presented to the Senate as an up or down proposition. And now we're doing it with so-called bankruptcy reform.

Conference reports are privileged. It is very difficult for a minority in the Senate to stop a conference report as they can with other legislation. That is why these conference reports are being used in this way, and that is why the rules are supposed to restrict their scope.

Last year, Senator DASCHLE attempted to reinstate rule 28 on the Senate floor. He was voted down, and he spoke specifically about how we have corrupted the legislative process in the Senate:

> I wish this had been a one time event. Unfortunately, it happens over and over and over. It is a complete emasculation of the process that the Founding Fathers had set up. It has nothing to do with the legislative process. If you were to write a book on how a bill becomes a law, you would need several volumes. In fact, if the consequences were not so profound, some could say that you would need a comic book because it is hilarious to look at the lengths we have gone to thwart and undermine and, in an extraordinary way, destroy a process that has worked so well for 220 years.

So where does it stop? As long as the majority want to avoid debate, as long as the majority wants to avoid amendments and as long as Senators will go along to get along we will find ourselves forced to cast up or down votes on legislation—a rubber stamp yes or no—with no ability to actually legislate.

Each Senator who today votes for this conference report should know they may find themselves in the majority today, they may be OK with letting this bill go because they are not offended by what it contains, but be forewarned, the day will come when you will be on the other side of this tactic. Today it is bankruptcy reform, but someday you will be the one protesting the inclusion of a provision that you believe is outrageous.

Regardless of the merits of bankruptcy reform, this is a terrible process. I would urge my colleagues to vote no to send a message to the leadership. Send a message that you want your rights as Senators back.

Finally, I end on this note. I think many in this body believe that a society is judged by its treatment of its most vulnerable members. By that standard, this is an exceptionally rough bill in what has been a very rough Congress. All the consumer groups oppose this bill, 31 organizations devoted to women and children's issues oppose this legislation.

There is no doubt in my mind that this is a bad bill. It punishes the vulnerable and rewards the big banks and credit card companies for their own poor practices. And this legislation has only gotten worse in the sham conference.

Earlier, I used the word "injustice" to describe this bill—and that is exactly right. It will be a bitter irony if creditors are able to use a crisis—largely of their own making—to convince Congress to decrease borrower's access to bankruptcy relief. I hope my colleagues reject this scheme and reject this bill.

Mr. President, I will not repeat what I said yesterday at the beginning of this debate. I will respond to some comments that were made on the floor dealing with chapter 12.

Some of my colleagues have talked about chapter 12 farmers' bankruptcy relief, and they have made the argument that opposition to this bankruptcy bill has really held up chapter 12, which is very important for protection of family farmers. I point out to colleagues that it is precisely the opposite case.

A year ago when it first became clear that this bankruptcy bill, for very good reasons, was not going to move forward, under the able leadership of Senators and Representatives—Senators such as Senator GRASSLEY—legislation was introduced and passed which extended chapter 12 bankruptcy protection for farmers. Within about 20 days, it was signed by the White House and passed. No problem.

This past summer, in June, the House passed an extension, but for some reason the majority leader took no action over here. Then in October, the House passed a 1-year extension for chapter 12 for family farmers. Again, the majority leader took no action over here.

This can pass within 24 hours. What we have here is a bit of a game going on where chapter 12 becomes held hostage to a bankruptcy bill with many harsh features which will be vetoed by the President and, in my view, either the veto will be sustained or we will not be here and it will be pocket vetoed and it will not become law and should not become law.

But let me be clear. Chapter 12, the bankruptcy relief for family farmers, can be passed separately within a day or two. It is not a problem. So no one from any ag State should believe that somehow you have to vote for a harsh piece of legislation, that targets the most vulnerable citizens, that is completely one sided, that calls for no accountability from credit card companies or larger banks, in order to get bankruptcy relief for family farmers. It is just simply not true.

The proponents of this bill have argued—they have been pretty explicit about this—that often the people who are filing for chapter 7 do so because they want to get out of their obligations, because they are untrustworthy, because they are dishonest, and because they sort of feel no stigma in filing for bankruptcy.

I would, one more time, like to point out on the floor of the Senate that about 50 percent of the people who file for chapter 7 do so because of major medical bills that have put them under. Quite often, it becomes a double whammy: Either you not only are faced with a major medical bill that puts your family under—we have not done anything to help our families afford health care—or, which is the double whammy, you cannot work because you are the one who is ill, in which case you lose your income, or it can be a loved one who is faced with a serious illness or disabling injury and you are the one who takes care of them, in which case, again, you can lose your job and your income.

So I do not really think we ought to be viewing families who file chapter 7 because of major medical bills as dishonest or untrustworthy.

Now the largest single group of those citizens who file for bankruptcy are women. They are one-third of all the filers. They are the fastest growing group. Since 1981, the number of women filing alone increased by more than 700 percent.

It is not so surprising that single parents—women with children—are among the largest or disproportionate number of people who file for bankruptcy. Because, in addition to medical costs, divorce is a major factor in bankruptcy—income drops—women again are especially hard hit. Many of them have not worked prior to divorce, and now they have custody of the children and find themselves in very difficult financial circumstances.

Are single women with children deadbeats? All too much of this bill assumes they are. The new nondischargeability of credit card debt will hit hard those women who use the cards to tide them over after divorce until their income stabilizes. The safe harbor in the conference report, which proponents argue will shield low- and moderate-income debtors from the means test, will not benefit many single mothers who need the help the most because it is based upon the combined income of the debtor and the debtor's spouse, even if they are separated. The spouse is not filing for bankruptcy, and the spouse is providing no support for the debtor or children, but that spouse's income is considered.

This piece of legislation does not provide a whole lot of help to many hard-pressed single parents, most of whom are women.

I have heard some of my colleagues out here on the floor talking about economic growth, low unemployment, saying: Given this economic performance, how can you have people filing for bankruptcy? Surely, it must be, again, that these are people who feel no stigma.

You know what. This rosy picture masks the fact that there is real pain in certain industries, and there are certain communities and certain families under siege.

This is a news release from the LTV Corporation, Hoyt Lakes, MN, which had previously announced on May 24, 2000, its intention to close the local mining operation. They were going to close at the end of the summer. Now they have said, in this release, that they are going to cease permanently on February 24, 2001. This is some holiday gift from this company to—I don't know—1,300 or 1,400 miners. These miners and their families wonder what is going to happen to them. These are the kinds of families who all too often find themselves in these difficult economic circumstances, even with this booming economy, and quite often have to file for chapter 7.

Are we going to make the argument that these families are without a sense of responsibility? Are we going to make the argument that these families are loafers and they feel no stigma?

What does this piece of legislation do to help keep people from having to undergo these wrenching experiences that force them into bankruptcy? Nothing. Zero. Tough luck. The only thing this piece of legislation does is make it harder for people to file bankruptcy, to file chapter 7, to rebuild their lives.

We do not do anything to help on health care costs. We do not do anything in terms of dealing with the unfair dumping of steel with a fair trade policy. We do not do anything in terms of passing an Elementary and Secondary Education Act. We do not do anything on affordable housing. We do not raise the minimum wage. We do not do anything to make these families more economically secure. But instead, what we do is we make it difficult for people to rebuild their lives.

This is sham reform. When you push the rhetoric aside, one thing becomes clear: The bankruptcy system is a critical safety net for many middle-class, working-class, low-income families. It is a difficult, demoralizing process, but it is a critical safety net for families. And we are tearing up that safety net.

I say to my colleagues, there may be many different standards that different Members have when they bring legislation to the floor of the Senate. We come from different backgrounds. We come from different States. We have different philosophies about the role of Government in society. We have different priorities. But, for God's sake, there should be one principle that all of us can get behind, and that is that we should do no harm to the most vulnerable people and most vulnerable families in this country.

I believe strongly—and I have argued yesterday and today—that that is exactly what we are doing. That is what is at stake here. This is a debate about priorities. This is a debate about what side you are on. This is a debate about with whom you stand. Will you stand with the big banks and credit card companies or will you stand with hard-pressed families, with seniors, with single women with children, with African Americans, with Hispanics, with people of color, with consumers?

What the Congress is poised to do here with this bill is worse within the context of this Congress because this is a Congress that has failed to address skyrocketing drug costs for seniors; this is a Congress that has failed to pass a Patients' Bill of Rights; this is a Congress that has failed to make sure that Americans have access to affordable health care; this is a Congress that has failed to invest in education; this is a Congress that has failed to invest in affordable child care; this is a Congress that has failed to raise the minimum wage. But instead, with this bill we declare war on working families.

What is clear is that this piece of legislation will be a death of a thousand cuts for all debtors regardless of whether the means test applies.

There are numerous provisions in the bankruptcy reform bill designed to raise the cost of bankruptcy, to delay its protection, to reduce the opportunity for a fresh start. But rather than falling heaviest on the supposed rash of wealthy abusers of the Code, they will fall hardest on low- and middle-income families who desperately need this safety net of bankruptcy.

I commend to my colleagues, but I will not take a lot of time on it, the May 15, 2000, issue of Time magazine whose cover story on so-called bankruptcy reform legislation was entitled "Soaked by Congress." I hope they will read it.

I will quote from Brady Williamson, Chairman of the National Bankruptcy Commission. Please remember, 116 law professors in this country who teach bankruptcy law, who do their scholarship in this area, have said this bill is harsh and one-sided, without balance, and should not pass.

Brady Williamson, Chairman of the National Bankruptcy Review Commission, notes in the article from Time magazine: The bankruptcy bill would condemn many working families to "what essentially is a life term in debtors' prison.

I will talk a little bit about this piece of legislation in relation to what the Senate passed before. Not only does the majority leader want to ram through bankruptcy legislation on the State Department authorization conference report, which he has literally hijacked for this purpose, there is no question that this is a significantly worse piece of legislation—I heard colleagues yesterday say "better"—than passed by the Senate. Does this piece of legislation take on wealthy debtors who file frivolous claims and shield their assets in multimillion-dollar mansions? No. It guts the cap on the homestead exemption which was adopted by the Senate. It was taken out in conference.

I ask my colleagues who support this bill, how can you claim that this bill is designed to crack down on wealthy scoff laws without closing the massive homestead loophole that exists in five States? And in a bill that falls so harshly on the backs of low- and moderate-income individuals, you have a huge exemption for people who can go buy million-dollar plus mansions. How do you explain that back home? How will you explain that you supported letting wealthy debtors shield their assets from creditors at the same time you voted to end the practice under current law of stopping eviction proceedings against tenants who were behind on rent and who filed for bankruptcy? Poor tenants are evicted. Wealthy people can shield their assets and go buy multimillion-dollar homes. On the one hand, we gut tenants' rights, while on the other hand we shield wealthy homeowners. That is what this piece of legislation is about.

Nor does this bill contain another amendment offered by Senator SCHUMER and adopted by the Senate that would prevent violators of the Fair Access to Clinic Entrances Act, which protects women's health clinics, from using the bankruptcy system to walk away from their punishment.

Some folks are watching the progress of this bill and they are watching the way this bill has developed over the last year with a considerable amount of awe and envy. Can my colleagues name one other bill on which the leadership has worked so hard and with such determination to move by any and all means necessary? Certainly not an increase in the minimum wage; that is not a priority. Certainly not a meaningful prescription drug benefit for seniors; that is not a priority. Certainly not reauthorization of the Elementary Secondary Education Act. On many issues, on most issues, there has been nothing done in this do-nothing Congress. But on the so-called bankruptcy reform, the Senate and House leadership can't seem to get enough. One can only wonder what we could have accomplished for working families if the leadership had the same determination on these other issues. Unfortunately, those other issues did not have the financial services industry behind them.

You have to give them credit, no pun intended. Over the past couple of years, the financial services industry has played this Congress like a violin. And what do you know, we are trying to ram through this bankruptcy bill in the 11th hour as the 106th Congress comes to a close.

In reading the consumer credit industry's propaganda, you would think the story of bankruptcy in America is one of large numbers of irresponsible, high-income borrowers and their conniving attorneys using the law to take advantage of naive and overly trusting lenders. As it turns out, that picture of the debtors is almost completely inaccurate. The number of bankruptcies has fallen steadily over the past several months. It turns out that the people about whom we are talking are vulnerable citizens. The major reason is major medical costs. I have made that argument.

As high-cost debt, credit cards, retail charge cards and financing plans for consumer goods have skyrocketed in recent years, so have the number of bankruptcy filings. As the consumer credit industry has begun to aggressively court the poor and the vulnerable, bankruptcies have risen. Credit card companies brazenly dangle literally billions of credit card offers to high-debt families every year. There is no accountability for them. They encourage credit card holders to make low payments toward the card balances, guaranteeing that a few $100 in clothing or food will take years to pay off. The lengths these companies go to keep their consumers in debt is ridiculous.

So in the interest of full disclosure, something that the industry itself is not very good at, I would like my colleagues to be aware of what the credit card industry is practicing even as it preaches the sermon of responsible borrowing. After all, debt involves a borrower and a lender. Poor choice, irresponsible behavior by either party can make the transaction go sour. So how responsible has the industry been? It depends upon how you look at it.

On the one hand, consumer lending is terrifically profitable, with high-cost credit card lending the most profitable of all, except for perhaps even higher cost credit such as payday loans. So I guess by the standard of responsibility to the bottom line, this industry is doing great.

On the other hand, if you define responsibility as promoting fiscal health among families, educating on judicious use of credit, ensuring that borrowers do not go beyond their means, then it is hard to imagine how the financial services industry could be bigger deadbeats.

From studies from the Office of the Comptroller of Currency, some of the settlements that have been reached with Providian Financial Corporation, Sears & Roebuck, American Capital Corporation, a subsidiary of GE, the Department of Justice brought an antitrust suit against Visa and Mastercard. We have example after example after example of abuses by this industry but not one word in this piece of legislation that calls for any accountability.

In case my colleagues miss the blatant hypocrisy of what is going on here, the big banks and credit card companies are pushing to rig the system so you cannot file for bankruptcy unless you perform credit counseling, at the same time that they are jeopardizing the health of the credit counseling industry by pumping credit cards, by themselves abusing the system, and hardly making it easier for people, only making it more difficult.

To make it simple for my colleagues, this debate is fundamentally a referendum on Congress's priorities. You simply need to ask yourself again: Whose side am I on?

Are you on the side of working families who need a financially fresh start because they are overburdened with debt? Fifty percent of bankruptcies are because of major medical bills. Are you for preserving this critical safety net for the middle class? Will you stand with the civil rights community and the religious community and the women's community and consumer groups and labor unions who fight for ordinary Americans who oppose this bill or will you stand with the credit card companies and the big banks and the auto lenders who desperately want this bill to pad their profits?

I hope there is a clear choice for Senators.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

First of all, in response to the Senator from Minnesota, I was a little bit amused at the use of the words "blatant hypocrisy." I don't question his use of those words at all. But the fact is that this bill passed with 83 Senators voting for it. It passed the Senate and went to conference. Three-fourths of the members of his caucus voted for this legislation. If there is blatant hypocrisy, it is very bipartisan hypocrisy.

Mr. WELLSTONE. Mr. President, will the Senator yield for a question?

Mr. GRASSLEY. I sure will, only for the purpose of a question.

Mr. WELLSTONE. My understanding is that the bill passed with the Schumer provision in it, and it also dealt with the homestead exemption. That is a different bill from the one we are considering right now. Am I not correct?

Mr. GRASSLEY. The Senator is correct, but his reference was in regard to the credit card industry—not the Schumer amendment and not the provision on homestead.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, second, the interest in this legislation and the reason this is such an important piece of legislation is that there is a lot of understanding at the grassroots of America that it is immoral and unethical for people with the ability and the means to repay some of their debt to go into bankruptcy court and be discharged of that debt.

It is particularly wrong when it hurts the very same low-income and middle-income people about whom the Senator from Minnesota talks. They have to pay $400 more per family per year for goods and services. They pay a higher fee or price because somebody else isn't paying their bills. That is not going to be absorbed by the business in most cases; it is going to be passed on to the consumer.

On the basis of ability to pay, particularly for the necessities of life of food and clothing and things of that nature, it is going to hurt the low-income people and middle-income people of America disproportionately because somebody else isn't paying their bills. There is an understanding at the grassroots of America that this just isn't right. That is why this legislation has such overwhelming support.

I refer to this chart because it has letters from my constituents. I bet the Senators from Minnesota and other States are getting letters from their constituents saying the same thing.

We have a letter from a constituent of mine in Des Moines who says:

> It is insane that such practice has been allowed to continue causing higher prices to consumers. Debtors should be required to pay their debts.

A constituent from Keokuk, IA:

> Bankruptcies are out of hand. It is time to make people responsible for their actions. Do we need to say this?

In other words, it is unconscionable to that constituent that we would have a situation with 1.4 million bankruptcies in America, with the number doubling in 5 or 6 years, at a time when we have the best economic growth in our Nation.

Another constituent:

> We need to make more people responsible for their savings while at the same time protecting those who fall on hard times. I realize this is a delicate balance. But the way it is now, there is very little change going this route.

This bill is a very delicate balance. That is why it passed with 83 votes. It also preserves what this constituent said in the letter. She understands that there are some people who go into debt through no fault of their own. And for the 100-year history of the bankruptcy code of the United States, we have recognized that certain people may be in hard times through no fault of their own and they are entitled to a fresh start. This allows that fresh start. But, at the same time for those who have the ability to repay, it sends a clear signal to not go into bankruptcy court because you are not going to get off scot-free anymore.

Another constituent from Fontanelle, IA, says:

> People need to be more responsible for their debts. As a small business owner, I have had to withstand several large bills people have left with me due to their poor management and bankruptcy.

That may be a small business person who, unlike a lot of corporations, cannot pass on this $400 per family in additional costs for goods and services because somebody else isn't paying their bills. This person may be so small that they have to absorb those costs unfairly and may be putting their own business in jeopardy.

Another constituent from Cedar Rapids:

> Bankruptcy reform will force the American people to become more responsible for their actions. Bankruptcy does not seem to carry any degree of shame. It is almost regarded as a right or entitlement.

If it has become a right or entitlement, the statistics of the last 6 or 7 years show an increase of about 700,000 to 1.4 million. It is an example maybe of some additional people in America seeing it as a way to manage their finances. It becomes a financial management tool for some.

Another constituent from Waverly, IA:

> Many don't think the business is who loses. We make it too easy now.

A constituent from Washington, IA:

> The present bankruptcy laws are a joke. One local man has declared bankruptcy at least four times at the expense of suppliers to him. He just laughs at it.

There is a person who quite obviously figured out the ease of using bankruptcy as a financial planning tool.

A Cedar Falls constituent:

> It is way too easy to avoid responsibility.

From Indiana, IA:

> If one assumes debt, they need to pay it off. We have got to take responsibility for our purchases.

That reminds me of the President in his speeches during his second term, and maybe even at the ending of his first term. He always talked about the importance of individual responsibility and individuals have to be responsible.

As we hopefully present this bill to the President of the United States today, I want to remind President Clinton of how often he talked about the necessity of individual responsibility. If he believes that—and I believe he does believe it—then signing this bill is very important to fulfill his own statement that government ought to promote individual responsibility.

A constituent from Harlan, IA:

> Too many people use bankruptcy as a way out. We need to make sure people are held accountable for all of their debts.

From Fort Madison:

> Personal responsibility is a must in our country. Sickness or loss of a job is one thing, but the majority of people just do not pay and spend their money elsewhere knowing they can unload the debt with the help of the courts.

That is a person who understands the basic principles of bankruptcy: No. 1, sickness, loss of a job, something beyond the control of an individual, there ought to be, and there has been for 100 years under a bankruptcy code, the right for a fresh start.

The other side of that is whether there is an ability to repay. People should pay what they can according to the ability to pay the debt. It also recognizes there are some people, again, who use this as a financial planning tool.

One of my constituents I quote is from Cedar Rapids:

> I think people taking bankruptcy should have to pay the money back. . . . They should have learned to work for and pay for what they get.

Maybe that statement is not quite as sympathetic to those people who are in bankruptcy through no fault of their own. I don't know for sure. But I am happy to tell that constituent the principle behind this bill, the principle behind the bankruptcy code of the last 100 years, that there is a social policy in this country that some people are in debt through no fault of their own and they are entitled to a fresh start. She thought there should never be a bankruptcy or nobody should be able to go to bankruptcy court.

That is the balance of this legislation. This is a balance that has been recognized by the vast majority of this body with those 83 votes we had for original passage. There are things about this legislation I don't like. There are some things that even the Senator from Minnesota said should be tightened up. I won't go into what those are, but I agree with him.

In legislation, particularly as this legislation is, with varying interests—some not wanting any and some wanting a lot more—compromise is the name of the game. There hasn't been a compromise of basic principle here. There may be a compromise of degree, and I am not going to give up just because this bill passes and it is not as much in the direction he wants or I happen to agree with him on a couple of points and perhaps I might move in that direction in the future.

But we have had 20 years without bankruptcy reform. We have gone from 300,000 bankruptcies filed per year in the early 1980s to 1.4 per million now, and we have had studies showing it will go up another 15 percent. These are in good times. What about bad times, if we have a recession in the future? There are indications of a Clinton recession coming on now with the indices turning down and confidence in the economy turning down and the manufacturing sector being in recession. Maybe we are starting in this administration with a recession. Then if we are at 1.4 million when times are good, how many hundred thousands more are we going to have when we do have bad times?

When we have bad economic times, high interest rates are not good for the economy. We had testimony from Secretary Summers that bankruptcies will drive up interest rates.

I appreciate very much my friend from Minnesota and his strong position against this bill, even though I disagree with it. Hopefully, in the very next couple of hours he will not be successful in what he has been so successful doing for the last year and a half, not wanting this bill to pass. He has been a tough competitor and one I enjoy competing against. But I think he is very much wrong as he approaches this bill. The evidence is the wide bipartisan support it has had not only in this body, but it passed originally by a veto-proof margin in the House of Representatives.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Minnesota.

Mr. WELLSTONE. First of all, let me say I like my colleague from Iowa so much that I will let his comment about the Clinton recession pass and not respond to that.

I also want to make it clear that my use of the word "hypocrisy" of course was not aimed at any Senator and certainly not the Senator from Iowa, who I actually really love working with even though we don't agree on all policies.

I have to say one more time that there is a lot of hypocrisy in a piece of legislation that on the one hand goes after this percentage and on the other hand in conference committee knocks out an amendment, so that now we have millionaires in a position to be able to shield their money and go buy multimillion-dollar homes in other States.

If that is not hypocrisy, I don't know what is. If that doesn't tell you about how lopsided a piece of legislation this is, I don't know what does.

I also think it is more than just a little hypocritical to have a piece of legislation that in the main targets the most vulnerable citizens—I have made that point over and over again—with study after study saying that the highest percentage would be 12 percent, probably 3 percent of the people at most "gaming" this.

People who file for chapter 7 do so because they are in difficult circumstances. Major medical illness puts them under, a divorce, loss of job.

But at the same time that we are now going to make it virtually impossible for many families who find themselves in difficult economic circumstances to rebuild their lives, we don't have one word to say by way of demanding some accountability for these credit card companies that push this debt on to people, that send these cards to our kids, that do all the solicitation, that charge exorbitant interest rates, that are reckless in their lending policies. Not a word. Not a word.

Could it be these are the people with more clout in the Congress? I fear that is part of the problem.

I say to my colleague from Iowa and other Senators, it is simply not the case that most of the people who file for bankruptcy are gaming the system. Let me give a case study which goes to why this bill is so profoundly wrong. LTV is going to shut down. Miners up on the Iron Range are going to be without a job.

I know the way this bill works. It is an honest disagreement, but it is a wrong disagreement. If one of these families 2 months from now has a major illness—now they are going to have trouble paying their mortgage—do you know what this bill does? This bill doesn't figure their income in February, after they have been laid off. This bill figures their average income over the prior 6 months, during all the times they were gainfully employed.

That is not going to work for these miners, that is not going to work for these hard-pressed working families, and you had better believe I am going to be out here on the Senate floor raising Cain in behalf of these Minnesotans.

Finally, let me one more time, before my colleague from Vermont takes the floor, remind all Senators, but especially Democrats: This is the majority leader, I believe, who has made a mockery of the legislative process. We have taken a State Department embassy bill and gutted it. There is not a word left; there is only a number. Instead, you had a bankruptcy bill put in, completely unrelated—never mind rule XXVIII—without the deliberation, without the debate, without the ability offer an amendment. This is not the way we legislate. This is the Senate at its very worst.

There may be a different majority 2 years from now. We can do the same thing to the minority. Frankly, it should not be done by anyone. I certainly hope Democrats will vote against this. The minority leader yesterday said he is going to vote against this bill because, he said, it does not meet the standard of fairness. And it does not—not on substance and not on process, not on the basic standard of what the Senate should be about. I hope Senators will vote against this piece of legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, parliamentary inquiry: How much time is available to the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 29 minutes.

Mr. LEAHY. I thank the Chair. I like to see him back. I wish we were not still in session, but I suspect the Presiding Officer probably had things he might have planned to be doing during this time, as did my distinguished friend from Iowa.

My distinguished friend from Iowa and I have been here for numerous lame duck sessions. After 26 years here, I have yet to see what good was ever accomplished in one of these lame duck sessions. I think the statement made by my distinguished friend from Minnesota just now emphasizes the kind of mischief that sometimes happens in lame duck sessions, when people want to leave, yet we have, as in this case, a bankruptcy bill that none of the Democrats had a chance, really, to do much about. It gets put in—what was it, I ask my friend from Minnesota, a bill on embassies?

Mr. WELLSTONE addressed the Chair.

Mr. LEAHY. I yield on my time.

Mr. WELLSTONE. My colleague is correct. That is right. Though there is not a word about that. There is nothing left except for the bill number.

Mr. LEAHY. This was not a case where there was a concern the embassies were all going bankrupt? The embassy in London or in Moscow or, heaven forbid, in Dublin, might be in bankruptcy court in the Southern District of New York? That is not the case?

Mr. WELLSTONE. I say to my colleague from Vermont that argument has not been made. So far, that argument has not been made.

Mr. LEAHY. I thank my friend from Minnesota. I appreciate his pointing this out. I just want students who might look at this afterward and wonder what bankruptcy has to do with embassies to go back and read what the distinguished Senator from Minnesota says, which is, of course, that it has absolutely nothing to do with embassies. It is a parliamentary trick to get a piece of special interest legislation through.

It is unfortunate this kind of trick had to be carried out because the Republican majority could have worked with the President, they could have worked with the Democrats, to pass bankruptcy legislation that is more balanced and more fair. We did this 2 or 3 years ago. I remember Senator GRASSLEY, Senator DURBIN, others, worked together and we passed a piece of bankruptcy legislation that was here in the Senate. It was strongly backed by both Democrats and Republicans. I think we passed it by 97 or 98 votes. There was only one vote against it. It was overwhelmingly passed. It shows what happens when Republicans and Democrats work together.

Mr. President, I am disappointed that the majority refuses to work with the President and us to pass bankruptcy legislation that is better balanced and more fair. Despite the President's repeated attempts to offer reasonable compromises for the last six months, the majority is continuing to push this unfair and unbalanced bill. It appears that the same mistakes that killed a chance for passage of the bipartisan balanced bankruptcy reform 2 years ago, in the last Congress, are being repeated in this Congress. We should work together to finish the work of the 106th Congress. Instead, there seems to be this effort to pass flawed legislation that virtually guarantees a Presidential veto.

I had hoped we would have acted on the administration's four letters on the resolution of key issues needed for the President to sign a fair and balanced bill, that we could have at least met to discuss them so we could have a bill the President could sign.

I am the ranking Democrat currently on the Senate Judiciary Committee. I was not a conferee of the conference report. Instead, the Republican leadership created a sham conference to create and file this flawed bankruptcy bill to make sure the Democrats would not have any say over it. It might be a nice exercise. It might look good in fundraising letters. But when you have a Democratic President, it is obvious we are spending hundreds of thousands of dollars of time, effort, and taxpayer money up here to pass something that is not going to be signed into law. It may help for the next fundraiser, but it does not help bringing about the kind of bankruptcy reform we actually need in this country.

The Senate had requested a conference in August 1999 on legislation to enhance security of U.S. missions and the security of personnel overseas and to authorize appropriations for the State Department, what the distinguished Senator from Minnesota was just talking about. That did not proceed.

On October 11, 2000, the House appointed conferees not from the committee with jurisdiction over any embassy security issues, but from the House Judiciary Committee. Then a few hours later, out of nowhere, the leadership filed a conference report that strikes every aspect of the underlying legislation on which the two Houses had gone to conference and put in this wholly unrelated matter with reference to a bankruptcy bill that had not even passed. It had only been introduced that day. There was no debate, nothing. It is like: Whoops, open the closet door, let the special interests out, slam it down, and please pass it.

We Americans are great at telling other countries how to run democracies. We each tell them how to run elections. I hope in the last couple of years those countries that get lectures from us about how to run their democracies have not been watching how matters have slipped before the U.S. Senate. Matters of great consequence are slipped before the U.S. Senate without any votes, with the hope they will slip through in the dark of night. I hope those countries, when we tell them how to run elections, are not watching—I don't know—Presidential elections or anything like that in our country.

I look at Canada. I come from the State of Vermont. I think of Canada as that giant to the north. I look at Canada. The whole country votes with paper ballots. Two hours later, they have them all hand counted with no mistakes and the country accepts the result. I hope we won't lecture them as we often do.

But I hope we will not tell people this is the way to pass legislation. I hope we will not tell countries how to do it based on this bill. It is an autocratic, behind-closed-doors, undemocratic process, and it makes a mockery of the legislative process.

This is unfortunate, since both Democrats and the administration have been trying to negotiate in good faith with the Republicans to achieve fair and balanced bankruptcy legislation. Everyone in this Chamber knows we have to have some bankruptcy reform legislation. But it cannot be one sided to any one special interest, it has to be balanced.

There was not even a meeting of the sham conference committee, as far as I can tell. And the House had passed—talk about a CYA; that means "carefully you're allowed,"—but, in an effort to make sure nobody questions them about this sham process that has slipped through behind closed doors, the House passed a 398–1 vote to instruct conferees to insist on a public meeting of the conference with open debate. By God, we are for government in the sunshine, 398-to-1. Are we not virtuous people in the other body? And the press releases went out. Of course, 2 hours later, the sham conference report was filed, the one that was done behind closed doors, not done in the open. But everybody could say: Why, I voted to have that open, 398–1.

The bipartisan informal process that produced many improvements to the Senate-passed bill with respect to its bankruptcy provisions was for nought in the end. We worked in an informal bipartisan conference and made these improvements. We dropped the controversial nonrelevant amendments on the 3-year minimum wage increase, regressive tax cuts, mandatory minimum sentences for certain drug offenses, and private school vouchers.

We added a new provision to include a $6,000 floor in the means test to protect low-income debtors.

We added a new provision to take into account up to 10 percent of the debtor's administrative expenses in the means test calculations.

We added a new provision to allow for adjustments of up to 5 percent from the IRS standards for reasonable food and clothing expenses in the means test calculations to take into account the regional difference in costs.

We struck the provision that exempted creditors with small claims from sanctions against creditors who file abusive motions, and, thus, we made all creditors subject to these sanctions for coercive behavior.

We expanded the eligibility for the waiver of filing fees to debtors with income less than 150 percent of the poverty line.

All of these things we did with Democrats and Republicans working together, each side giving some things, each side adding things. We had a better bill. We even added a new temporary bankruptcy judgeship for the following courts: the District of Delaware, the Southern District of Georgia, the Eastern District of North Carolina, and the District of Puerto Rico.

Finally, we added privacy protections for the financial information of debtors to protect patient medical records in bankruptcy health care businesses, to destroy all debtors' tax returns after 3 years of the close of the case, to provide Congress with the authority to add appropriate privacy safeguards to protect electronic bankruptcy data, and to add safeguards for the collection of bankruptcy data.

That was a good bipartisan start with Republicans and Democrats working together. We could have a fair and balanced final bankruptcy reform bill. It was something people on all sides of the issue were applauding. They were saying: Finally, Republicans and Democrats are working together.

Do you know what happened? Some in the Republican majority found this was going on and said: We can't have it; we can't have that balance; it has to be one sided; it has to be our way or no way, and they stopped those meetings.

We actually resolved most of the issues between the two bills. There were two key issues outstanding. We could have brought it back for a vote. One was discharge of penalties for violence against family planning clinics, medical clinics, and the other was a problem with wealthy debtors who used overly broad homestead exemptions to shield assets from creditors by putting money into multimillion-dollar houses, declaring bankruptcy, and thumbing their nose at their creditors.

Everything I heard told me we could have reached bipartisan agreement on these matters, too. Now this backdoor conference report does not adequately address either of these two abuses currently in the bankruptcy system.

The Senate passed the Schumer amendment to prevent the discharge of penalties for violence against family planning clinics. This was not a partisan vote. It was 80–17. People said, no matter how you feel about abortion, no matter how you feel about medical matters or family planning, we are not going to condone violence against legitimate medical clinics.

Does the conference report reflect this? No. There is not a single provision to end abusive bankruptcy filings used to avoid the legal consequences of violence, vandalism, and harassment to deny access to legal health services. As a result, we could have all kinds of clinic violence. If you are sued for it, just declare bankruptcy and get away with it. That is wrong.

The administration made it crystal clear in four letters to congressional leaders that an end to this abuse of the current bankruptcy system was needed to gain the President's signature. Four times they said they were not going to allow people to firebomb clinics, harass people, assault people, and if they are sued, to simply say: We will declare bankruptcy. Four times.

The OMB Director Jack Lew wrote to Congressional leaders on May 12, 2000:

> The abuses of the bankruptcy system must be stemmed, including abuse by those who would use bankruptcy to avoid penalties for violence against family planning clinics.

The President wrote congressional leaders on June 9:

> I am deeply disturbed that some in Congress still object to a reasonable provision that would end demonstrated abuse of the bankruptcy system. We cannot tolerate abusive bankruptcy filings to avoid the legal consequences of violence, vandalism, and harassment used to deny access to legal health services. An effective approach, such as the one offered by Senator SCHUMER's amendment, should be included in the final legislation.

A few weeks later the President again wrote to congressional leaders to reiterate his position saying:

> I cannot support a bankruptcy bill that fails to require accountability and responsibility from those who use violence, vandalism, intimidation, and harassment to deny others access to legal health services. . . . The final legislation must include an effective approach to this problem, such as the one contained in the amendment by Senator SCHUMER, which passed the Senate by a vote of 80–17.

This is a no-brainer. We already debated it and voted on it 80–17. We have a hard time getting an 80–17 vote here to support the bean soup in the Senate cafeteria.

Gene Sperling, national economic adviser to the President, in his letter of September 22, made it clear that President Clinton would veto any bankruptcy reform legislation that did not end this abuse of bankruptcy law. He said:

> Our society should not tolerate those who develop a strategy to first threaten and intimidate doctors, health care professionals, or their patients and then turn to the bankruptcy courts to avoid legal liability for their actions. I reiterate that the President will not sign any legislation that does not contain effective means to ensure accountability and responsibility of perpetrators of clinic violence.

Mr. President, how much time is still available to the Senator from Vermont?

The PRESIDING OFFICER. Just under 13 minutes.

Mr. LEAHY. I thank the Chair.

We should not use the bankruptcy law to shield purveyors of violence. We should close this loophole.

Six defendants in the Nuremberg files web site case filed bankruptcy to avoid their debts under the law. This web site depicted murder weapons with dripping blood and advocated the killing of prochoice physicians and public figures. Indeed, as some of these people were killed, their names were crossed out on the web site. Why should somebody who is sued for this kind of violence, purveying this kind of violence, be allowed to go to bankruptcy court and say, "See ya, I'm home free"?

Dr. Barnett Slepian, who was murdered 2 years ago in Buffalo on October 23, 1998, was on this heinous Internet site. After he was murdered, his name was crossed out.

If I can make a personal note, when Dr. Slepian was murdered in upstate New York because his name was on the Nuremberg files web site, within days they determined the chief suspect was a man from Vermont. In fact, there is now an arrest warrant out for him.

I mention that also not just because I am from Vermont, but when I checked the Internet file, I found that along with this man's name, my name was there. I was listed as one of the people who should be shot and killed. I take that a little bit personally, especially when the FBI are now looking for a man from my State who is suspected of shooting and killing one of the people whose name was on that list with mine. Dr. Slepian's name has been crossed out. Mine has been left on the list of those who should be shot and killed.

Frankly, I find it a little bit difficult to think, when these people are sued for this kind of thing, and judgments are rendered against them, that they can just go into bankruptcy court and say: See ya.

So nobody will think that there is any kind of conflict of interest, I am not part of any suit against them. I am not going to do that. But for those who have, they ought to at least get their settlement or other judgment, win or lose, in the courts. But we should not let anybody walk into our Federal bankruptcy court—because of a huge loophole that this Congress does not have the guts to close—and just walk home scot-free.

It is hypocrisy at the worst, when we voted 80–17 in this body to close the loophole, and when all but one Member of the other body voted to have an open conference on this, that both bodies ignored that. That is hypocrisy. It is wrong.

If anybody thinks they do not know the reason why some people in this country look at the Congress and ask what is going on, there is one of your reasons right there. Maybe we ought to look at some of the elections this year and say: Our people are saying they are fed up with this.

In fact, this suspect is still at large, and with a reward of $1 million for his arrest.

You tell me—anybody in this body—you tell me—anybody who is listening to this debate—that somehow it is fair to let people such as that escape because of a loophole that we do not have the guts to close in our bankruptcy law.

Clearly, the perpetrators of violence and illegal intimidation should not be able to abuse the bankruptcy laws to avoid responsibility for their actions. Bankruptcy should not be used to avoid the legal consequence of clinic violence, harassment, and intimidation.

If we do not want to do something against violence, apparently we do not want to do anything in bankruptcy to offend those who have multimillion-dollar estates in the right States.

In the Senate, we passed, by a vote of 76–22, an amendment to create a $100,000 nationwide cap on any homestead exemption. Again, we could say we are only concerned about the little people. We are concerned about people paying the debt. All people—we want everybody to pay their bills. Whether they are rich or poor, we want them to pay their bills. We are equal to everybody.

Of course, that would have eliminated one of the most flagrant abuses in bankruptcy laws—debtors moving to expensive homes in a handful of States with unlimited exemptions, declaring bankruptcy, and then keeping their millions of dollars in the homes that they have in those States.

Senator KOHL, along with Senator SESSIONS, put together an amendment that the Senate overwhelmingly adopted. I am beginning to see why everybody voted for it. Some must have gotten word that it would be gutted as soon as it got off the floor, gutted behind closed doors, where nobody votes and nobody's fingerprints are on them. Even to talk about: OK, you want to raise it to $100,000? Raise it to $500,000. Then all of a sudden we find it is gutted. It is going to build a lot of homes in Texas and Florida. It is an amazing coincidence those two States are going to have the advantage of not having that provision. If you want to declare bankruptcy, just put your millions of dollars in a house in Texas or Florida, and under this you are safe.

Again, the Administration made it crystal clear in four letters to congressional leaders that the President would not sign any bankruptcy reform bill that did not end the abuse of unlimited homestead exemptions. In fact, the Republican leadership reached an agreement with Democrats and the Administration to include a nationwide $500,000 cap on homestead exemptions in bankruptcy, but then the majority changed its mind. Why? I do not understand why the majority then reverted to a flawed homestead provision in this conference report.

As early as May 12, 2000, OMB Director Jack Lew made clear the Administration's position. Director Lew wrote to Congressional leaders: It is fundamentally unfair to ask low- and moderate-income debtors to devote future income to repay the debts that they can, while leaving loopholes that allow the wealthy to shield income and assets from their creditors. High or unlimited homestead exemptions allow people with expensive homes to avoid their responsibility to repay a significant portion of their debts.

On June 9, 2000, the President, himself, wrote to congressional leaders about the need to end abusive homestead exemptions in any final bankruptcy reform bill. President Clinton wrote: I am concerned, for example, that the final bill may not adequately address the problem of wealthy debtors who use overly broad homestead exemptions to shield assets from their creditors.

Again, a few weeks later on June 29th, the President reiterated his position by writing to congressional leaders: The proposed limitation on State homestead exemptions will address, for the first time, those who move their residence shortly before bankruptcy to take advantage of large State exemptions to shield assets from their creditors. But the proposal does not address a more fundamental concern: unlimited homestead exemptions that allow wealthy debtors in some States to continue to live in lavish homes. In light of how other provisions designed to stem abuse will affect moderate-income debtors, it is unfair to leave this loophole for the wealthy in place.

A few weeks ago, it appeared the majority was finally beginning to understand and accept the President's commonsense approach by agreeing to a federal cap on homestead exemptions. On September 22, Gene Sperling, National Economic Advisor to the President, wrote to Majority Leader LOTT: The President appreciates your significant movement on the homestead issue. We realize that the offer goes against strongly held views of some members of your caucus, and we are grateful for the effort. While we had proposed placing a cap of $250,000 on the size of state homestead exemptions, we could accept a homestead cap of $500,000, were we to reach agreement on other issues.

It does not take a rocket scientist to understand that the President would veto a bankruptcy conference report that did not adequately address the discharge of penalties for violence against family planning clinics and the problem of wealthy debtors who use overly broad homestead exemptions to shield assets from their creditors. Four times the Administration wrote to congressional leaders about the need to address these two areas of bankruptcy abuse. Four times.

But this conference report fails adequately to address either of these two abuses of the current bankruptcy system.

Unfortunately, the majority is repeating the same mistakes that killed bankruptcy reform in the last Congress. Instead of keeping on the track of bipartisan compromise that was headed toward enacting a fair and balanced bill, the majority veered off course on behalf of special interests. The result is an unfair and unbalanced bankruptcy conference report.

Fortunately, bankruptcy filings have been declining for the last couple of years. In 1999, the per capita personal bankruptcy rate dropped by more than 9 percent. In the 2000 fiscal year, the decline continued. According to the Administrative Office of the U.S. Courts, bankruptcy filings for fiscal year 2000 are down 6.8 percent for personal filings, down 6.6 percent for business filings and down 9.2 percent for chapter 7 filings. Over the last two years, Chapter 7 filings have dropped 15 percent and personal bankruptcy filings overall have declined by 12 percent.

In my home state of Vermont, the recent decline in personal bankruptcy filings is even more dramatic. In 1999 consumer bankruptcy filings in the District of Vermont dropped 11 percent compared to 1998 and fell an additional 20 percent so far this year as compared to last year that is approximately a one-third decrease over the last two years.

Clearly, the justification that we must pass this flawed measure now because of a bankruptcy crisis rings hollow given the latest bankruptcy filing facts across the nation. There is no need to rush a bad bill into law.

On June 9, 2000, President Clinton wrote to congressional leaders that: I have long made clear my support for legislation that would encourage responsibility and reduce abuses of the bankruptcy system on the part of debtors and creditors alike. We also must ensure that a reasonable fresh start is available for those who turn to bankruptcy as a last resort when facing divorce, unemployment, illness, and uninsured medical expenses. Bankruptcy reform legislation should strike the right balance.

Unfortunately, this conference report fails to strike that right balance. The President will and should veto it.

The administration has helped to make the economy a lot better. We can take a moment. Let us wait until next year and pass a good bill. Let us take care of those problems that are in there, but let's not allow the haters, the crime inciters, the murderers, and the firebombers to go free. For Pete's sake, let's not let somebody who has amassed millions of dollars of assets, and even more millions of debt, to say: I will go buy a house in Texas or Florida because then I can escape my creditors.

Mr. President, how much time does the Senator from Vermont have remaining?

The PRESIDING OFFICER. Four and one-half minutes.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We are waiting for the Senator from Alabama to come and speak. Before he gets here, I will take a moment, so I yield myself such time as I might consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I am glad the Senator from Vermont pointed out the many compromises that were made to accommodate the President and to accommodate Democrats in the Senate. He did not say this, but there were also a lot of changes made to accommodate Republicans. But he pointed out that we have two issues on which we disagree. That is what the Senator from Vermont said. I do not think that Senators should vote against this bill over two issues which are not central to the concept of bankruptcy reform.

I was disappointed, however, in his comments on the process. He referred to a very unusual process. I confess that it was a very unusual process by which this bill was conferenced and got to the Senate floor. But I think I heard him say something about Democrats not being consulted. There was a 3-3 ratio on this conference. Normally there would not be a 3-3 ratio; there would probably be one more Republican than Democrat. But because of Senator Coverdell's death, it ended up on this conference there were three Republicans and three Democrats. So the point is, we would not be here today if it were not for help from Democrats, even in conference.

I only say that because the Senator from Vermont is a friend of mine. He is very strongly opposed to this legislation. But I thought I ought to point out the fact that there are those small, insignificant modifications of his comments that I thought I ought to make. Whether he would consider those clarifications or not, that is his judgment. But I want them on the record for my point of view.

I also address an issue raised by Senator LEAHY. Some have stated that the bankruptcy conference report should be opposed on the grounds that it does not contain a provision that would prevent abortion protesters from using bankruptcy as a way to get out of paying debt arising as a result of violence or intimidation at abortion clinics.

On this issue, I draw my Senator's attention—in other words, the attention of the Senator from Vermont—to a memo prepared by the nonpartisan Congressional Research Service.

This memo—which I will provide to any Senator who wants to see it, and I will include it in the RECORD—concludes that not one single abortion protester has ever used bankruptcy in this way. I repeat, according to the Congressional Research Service, a truly nonpartisan resource, no one has ever used bankruptcy to skip out on debts arising from violence or intimidation at an abortion clinic.

This issue, of course, is a red herring. It has been put forth by people who flat out oppose needed bankruptcy reform as a way of defeating this legislation. There is absolutely no merit to their argument.

I hope people will see it for what it is—an empty political ploy. I hope Senators will see through this political ploy and support the bankruptcy conference report.

I ask unanimous consent to print in the RECORD the memo from the Congressional Research Office.

There being no objection, the memo was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, October 26, 2000.

MEMORANDUM

To: Hon. Charles Grassley.
From: Robin Jeweler, Legislative Attorney, American Law Division.
Subject: Westlaw/LEXIS survey of bankruptcy cases under 11 U.S.C. §523.

This confirms our phone conversation of October 25, 2000. You requested a comprehensive online survey of reported decisions considering the dischargeability of liability incurred in connection with violence at reproductive health clinics by abortion protesters. Our search did not reveal any reported decisions where such liability was discharged under the U.S. Bankruptcy Code.

The only reported decision identified by the search is Buffalo Gyn Womenservices, Inc. v. Behn (In re Behn), 242 B.R. 229 (Bankr. W.D.N.Y. 1999). In this case, the bankruptcy court held that a debtor's previously incurred civil sanctions for violation of a temporary restraining order (TRO) creating a buffer zone outside the premises of an abortion service provider was nondischargeable under 11 U.S.C. §523(a)(6), which excepts claims for "willful and malicious" injury. The court surveyed the extant and somewhat discrepant standards for finding "willful and malicious" conduct articulated by three federal circuit courts of appeals. It granted the plaintiff's motion for summary judgment and denied the debtor/defendant's motion to retry the matter before the bankruptcy court. Specifically, the court held:

"[W]hen a court of the United States issues an injunction or other protective order telling a specific individual what actions will cross the line into injury to others, then damages resulting from an intentional violation of that order (as is proven either in the bankruptcy court or (so long as there was a full and fair opportunity to litigate the question of volition and violation) in the issuing court) are ipso facto the result of a 'willful and malicious injury.' "—242 B.R. at 238.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Utah.

Mr. HATCH. Mr. President, this consumer bankruptcy reform legislation is one of the most important legislative efforts to reform the bankruptcy laws in decades. I thank my distinguished friend and colleague from Iowa for his hard work on this, of course, the distinguished Senator from New Jersey, and so many others, Senator BIDEN from Delaware. There are many others as well.

This, is important. Before talking about the substance of the legislation, I personally thank the majority leader who has worked hard and tirelessly to keep this legislation on track despite the many obstacles that it has faced—I have to say phony obstacles at that.

Thanks to the majority leaders's commitment to moving this legislation, we now find ourselves in a position to weed out many of the abuses in the bankruptcy system and also to enhance consumer protection.

I also acknowledge and thank the ranking member of the Senate Judiciary Committee, Senator LEAHY, who has worked with me and Senator GRASSLEY and others to reach agreement on many of the bill's provisions.

Most of all, I commend the original authors of the legislation, Senators GRASSLEY and TORRICELLI, chairman and ranking minority member of the Subcommittee on Administrative Oversight and the Courts, respectively, for their hard work in crafting this much needed legislation and for their unrelenting commitment to making the development and passage of this bill a bipartisan process.

As I have mentioned, my praise also goes to Senator SESSIONS and Senator BIDEN, who have shown unwavering dedication to accomplishing the important reforms in this bill, and to the many other Members of the Senate for their hard work and cooperation.

I was deeply troubled by a comment made on the floor yesterday by a colleague from the other side of the aisle to the effect that this bill was written by Republicans and is being forced upon Senate Democrats. Nothing could be further from the truth. I am compelled to set the record straight on that point. The entire development of this bill has taken place in a bipartisan manner. In fact, throughout the entire process of consideration of this bill, beginning as long ago as the drafting stage, numerous changes suggested by the minority have been made.

It is no secret that in the informal conference process, we worked together with Senate Democrats. And with rare exception, the provisions that are contained in the final conference product were agreed to and were done with the full bipartisan cooperation and support of the Senate negotiators. Furthermore, in an effort to reach a bipartisan agreement and address concerns of the White House, we took issues that were important to many of us on the Republican side off the table.

For example, I agreed to remove from consideration a provision I had sought which would have prevented criminal check kiters and counterfeiters from collecting attorney's fees in lawsuits that they bring against debt collectors—I might add, multiple lawsuits that really don't make sense. Many others in the majority also made concessions and a good faith effort to resolve differences and move forward with the long overdue comprehensive bankruptcy reform.

Here on the Senate floor, the assertion was made that not a single organization that advocates for kids supported this bill. I simply cannot allow that kind of misrepresentation to stand uncorrected. In fact, there is tremendous support for this legislation from child advocates.

Let me give some illustrations. A letter from Laura Kadwell, President of the National Child Support Enforcement Association, representing over 60,000 child support professionals across America:

I'm writing to urge you to support the Bankruptcy Reform Act of 2000. NCSEA is

> committed to ensuring that both parents fulfill their responsibilities to provide emotional and financial support to their children—including honoring legally-owed child support obligations. The pending legislation will forward this goal significantly.

In a letter from Howard Baldwin, President of the Western Interstate Child Support Enforcement Council, an organization comprised of child support professionals from the private and public sectors west of the Mississippi River:

> I would like to express our membership's unqualified support.

The resolution of the California Family Support Council, consisting of approximately 2,500 persons employed by county and State agencies which administer the Federal child support program in California:

> Now therefore be it resolved that the California Family Support Council * * * directs the president of the California Family Support Council to convey to the California congressional delegation and to the President its enthusiastic endorsement of the Bankruptcy Reform Bills.

How about a letter from Betty D. Montgomery, attorney general of the State of Ohio:

> As the chief law enforcement officer for [Ohio], I stand committed to protecting our most vulnerable citizens [and this legislation] will further promote the objectives of our state and national child support enforcement program and further ensure that those families in need are protected.

A vote for this conference report will mean a vote to stop letting deadbeat parents use bankruptcy to avoid paying child support. It will mean a vote to stop paying lawyers ahead of children who rely on child support. I have worked with Senator TORRICELLI, the National Association of Attorney Generals, and the National Women's Law Center to improve current bankruptcy law with respect to child support and alimony. Currently bankruptcy law is simply not adequate. Frankly, I was outraged to learn of the many ways deadbeat parents were manipulating and abusing the current bankruptcy system in order to get out of paying their domestic support obligations. I am proud of the improvements we are making in this legislation over current law in terms of ensuring that parents meet their child support and other domestic support obligations in bankruptcy.

I have worked tirelessly, as others have—those I have mentioned—provision by provision, both last year and this year, to make this conference report one that dramatically improves the position of children and ex-spouses who are entitled to domestic support. No one who actually looks at what the conference report says can in good conscience say that this bill is not a tremendous improvement for children and families over current law.

This bill for women and children gives child support first priority status, up from seventh in line, meaning they will be paid ahead of the lawyers, if you can imagine that. It is about time. It makes staying current on child support a condition of discharge. It makes debt discharge in bankruptcy conditional upon full payment of past due child support and alimony. It makes domestic support obligations automatically nondischargeable without the cost of litigation. It prevents bankruptcy from holding up child custody, visitation and domestic violence cases. And it helps avoid administrative roadblocks to get kids the support they need.

It is a very important set of changes, without which we are going to be abusing children in the law.

That is not all. The conference report makes more improvements over current law for women and children. This chart shows that. It makes the payment of child support arrears a condition of plan confirmation. It provides better notice and more information for easier child support collection. It provides help in tracking down deadbeats. It allows for claims against a deadbeat parent's properties. It allows for the payment of child support with interest by those with means. And it facilitates wage withholding to collect child support from deadbeat parents. It does all of that.

I am also happy to say that the conference report prevents deadbeats from using the automatic stay in bankruptcy to avoid paying their support obligations. The bankruptcy reform stops deadbeat parents from abusing the automatic stay.

The conference report prevents deadbeats from using bankruptcy's automatic stay to avoiding child support with this legislation.

The automatic stay cannot be used to put a hold on the interception of a deadbeat parent's tax refund to pay support.

The automatic stay cannot be used to prevent the reporting of overdue support owed by deadbeat parents to any consumer reporting agency.

The automatic stay cannot be used to prevent the withholding, suspension, or restriction of driver's licenses, professional and occupational licenses, and recreational licenses when deadbeats default on domestic support obligations.

And suspending the driver's license of the deadbeat parent can be a very effective way of getting them to pay the child support they owe.

This is important stuff. It has taken lot of time to get this done. We will pass this bill. But if the administration doesn't accept this bill and it winds up vetoing it, it will be a tragedy.

These are just a few of the many improvements the conference report makes in this area as compared with current law.

I have had a long history of advocating for children and families in Congress and throughout my legal career. I support a conference report that puts child support first in line ahead of the lawyer's fees and that doesn't let debtors who owe child support turn their backs on children when they file for bankruptcy.

In another provision I authored, the conference report protects for the first time in bankruptcy education savings accounts set up by parents and grandparents for their children and grandchildren.

All things considered, it is pretty simple. A vote for this conference report is a vote for our Nation's kids.

Just look at the bankruptcy consumer provisions. A vote for this conference report is a vote for consumers. The legislation includes a whole host of new consumer protections that do not exist under current law, such as:

New disclosure by creditors and more judicial oversight of reaffirmation of agreements to protect people from being pressured into onerous agreements;

A debtors' bill of rights to prevent the bankruptcy mills from preying upon those who are uninformed of their rights;

New consumer protections under the Truth in Lending Act, such as required disclosure regarding minimum monthly payments and introductory rates for credit carts;

Penalties on creditors who refuse to negotiate reasonable payment schedules outside of bankruptcy;

Penalties on creditors who fail to properly credit plan payments in bankruptcy;

Credit counseling programs to help avoid the cycle of indebtedness;

Protection of educational savings accounts; and

Equal protection for retirement savings in bankruptcy.

You can't look at this bill and what it means to people in this country without realizing that this is a step forward.

A vote for this legislation is also a vote for families by preventing wealthy people from continuing to abuse the system at the expense of everyone else.

Under the current system, people with high incomes can run up massive debts and then use bankruptcy to get out of honoring them. All of us end up paying for the unscrupulous who abuse the system. In fact, it has been estimated that every American family pays $550 a year in a hidden taxes as a result of these abusers. This legislation helps eliminate this hidden tax by implementing a means test to make wealthy people who can repay their debts honor them.

Let me make one thing absolutely clear. The poor are not affected by the means test. In fact, the legislation provides a safe harbor for those who fall below the median income. So they are not subjected to the means test at all.

Again, only those above the median income are affected, and the means test could not deny anyone bankruptcy relief. It just requires those who have the means to repay their debts, based on their income, to do so. It is that simple.

A vote for the conference report also is a vote to stop allowing a few wealthy individuals to abuse the homestead exemption. The conference report tackles the problem of the homestead exemption. Although rare, that problem is offensive to those of us who work hard to make good on our debts.

The conference report reaches a compromise which targets the major abuse of bankruptcy by those who move to States with generous homestead exemptions purely in order to file bankruptcy and keep an expensive home. Although this reform provision does not go as far as some of us would like, without it we are back to business as usual with no improvement to current law at all.

A vote for this conference report is also a vote for families who work to save for retirement. I mentioned earlier that the conference report contains my provision to provide equal treatment for retirement savings plans in bankruptcy. For example, the retirement savings of teachers and church workers are clearly given the protection in bankruptcy as much as everyone else. They deserve nothing less.

A vote for the conference report is a vote for our country farmers and the men and women who work hard every day in the face of many challenges. Without this reform package, family farmers lose out on the special bankruptcy protections they need in chapter 12.

I urge my colleagues to think for a moment about the children, the consumers, families, and farmers who will end up getting hurt if comprehensive bankruptcy reform is not enacted this year. I urge my colleagues to support and cast a vote for them and to support this bankruptcy reform.

I also urge the President of the United States to sign this bankruptcy reform into law.

Mr. SESSIONS. Mr. President, I thank Senator HATCH for his leadership on this bankruptcy bill and for shepherding it through the Judiciary Committee.

I remember distinctly when we first began to discuss the problems of children, alimony and child support, the leadership and the firm position Senator HATCH took to guarantee that children and alimony payments would have an enhanced position in bankruptcy, much higher than it had ever been before. That was the goal of Senator HATCH, who has worked on this bill and previous bankruptcy bills and studied this.

I am looking at a letter from some professors who don't seem to get it. But the Senator has studied and sponsored the amendment that made some of the historic changes.

Is there any doubt in your mind, Senator, that the children will benefit from those child support payments, and women will have more protections for alimony payments under this bill that we are about to pass than if the bill does not pass?

Mr. HATCH. I thank the Senator for his very intelligent question. There is no question that this bill will make dramatic changes in bankruptcy laws to the benefit of children, parents, families, farmers—just name them—in large measure because of the work of the distinguished Senators, Mr. GRASSLEY, Mr. TORRICELLI, and others, including our ranking member Senator LEAHY, and especially the distinguished Senator from Alabama.

The distinguished Senator from Alabama has been here just long enough to show how effective he is and what a perfect job he has done on the Judiciary Committee. I personally compliment the Senator. He has played a significant and noble role in this bill, as have others, but, in particular, I consider him one of the best lawyers, one of the best legal practitioners in this whole body. I am very proud of the work the Senator and so many others have done on this bill, without which it would have been much tougher for me as chairman of the committee. This bill has made a true difference in the lives of the children of this country.

If we don't have this bill put on the law books of this country, families, children, farmers, consumers, and others are going to be drastically hurt. Yes, no bill is absolutely perfect, but we have too many people at cross-purposes. But we have worked every day this bill has been in existence with our colleagues on the other side. That is why we have a number of them who are willing to support this bill, not only willing but enthusiastically do so.

We couldn't have come this far without the work of the distinguished Senator from Alabama. I have great respect for the Senator and I am grateful he is on the floor today. I am grateful the Senator is one of the people who is helping to make the case for this bill. There are good people on both sides of the aisle, good people who understand these important matters, good people who know that children are a focal point of much of this bill.

I thank the Senator for his question.

The PRESIDING OFFICER. Who yields time to the Senator from Alabama?

Mr. HATCH. I yield such time as he shall need.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we have had quoted on the floor a letter from a group of professors that expressed opposition to this bankruptcy bill. I think we owe it to those who quoted from it to treat the letter seriously and analyze item by item the complaints they have made and discuss it on the floor. I must say that after examining the letter carefully, I must take issue with the professors' conclusions. I intend to try to go over the points that they raise fairly and honestly, and to state the situation as I see it. In fact, I think it is quite plain. The professors are wrong and they are making misleading statements about it.

For example, the letter from the professors says:

> Women and children will have to compete with powerful creditors to collect their claims after bankruptcy.

The fact is, the bill makes currently exempt assets—that is, homestead, household effects, tools of the trade—those kinds of things that normally today cannot be made to be sold to pay alimony or child support—non-exempt. Thus, wives and mothers will not have to compete with anyone before, during, or after bankruptcy for these key assets. In fact, a mother, for child support, can take the home—the homestead notwithstanding—of a deadbeat dad and take other assets that he has that otherwise under current law would be exempt. It is a major step forward for the rights of children.

The letter from the professors further says:

> Credit card claims increasingly will be excepted from discharge and remain a legal obligation after bankruptcy.

The fact is, the bill makes only credit card debt incurred by fraud nondischargeable, just like taxes and child support are nondischargeable. Debtors who defraud creditors should not be able to discharge their debts in bankruptcy and not pay them. They only ought to be able to discharge the debts they lawfully incurred. That is the current law. That is the law today. You cannot discharge fraudulent debts. In addition, of course, credit card debt is at the end of the line if you have to pay anything. It is a non-secured debt. It is the last priority to be paid in the list of priorities.

This letter goes on to say:

> Large retailers will have an easier time obtaining reaffirmations of debt that legally could be discharged.

That is absolutely false. I was charged by Senator GRASSLEY to meet with Senator REID and the representatives from the White House to develop reaffirmation language that would strengthen protections for people who were asked to reaffirm debts.

Frankly, reaffirmations are not all that bad. Many times, people have every reason to want to reaffirm their debts and keep their washing machine, their TV, their furniture, their automobile they use to get to and from work. They want to keep it. They reaffirm their debt and they do not lose it.

So we worked out language to which the White House agreed. It strengthens the protections provided to those debtors. It was language agreed-upon in a bipartisan way.

The letter further says:

> Giving first priority to domestic support obligations—

Which is in the bill, giving them first priority of payment—

> does not address the problem, and that 95 percent of bankruptcy cases make no distributions to any creditors because there are no assets to distribute.

First, the money is going to the bankruptcy court and to lawyers. In our rule, children would be above the courts and the lawyers. "Granting women and children a first priority permits them to stand first in line to collect nothing," the professors say. But the fact is, the means test will place above-median-income-deadbeat-dads into Chapter 13 if they can repay some of their debt—median income for a family of four, by the way, is about $45,000. So, to reiterate, deadbeat dads who are above median income, will be forced into chapter 13 (instead of being able to file Chapter 7) if they can afford to pay back some of the debts they owe—maybe it is 20 percent, maybe it is 30 percent—but they will be put into chapter 13 to pay that. And for 5 years the judge can order them to pay on those debts what percentage he or she believes the debtor is financially able to pay and maintain a decent standard of living.

But what is first? What is first paid by that deadbeat dad? His alimony and child support. He would be under court-monitored supervision and direction to pay the first fruits of his income directly in the form of child support and alimony. In effect, you have a bankruptcy judge helping ensure, for 5 years, the full payment of child support and alimony. I believe that is going to be a historic step forward. In fact, this will place children and women in a higher level than they have ever been before.

The letter further says:

> Under current law, child support and alimony share a protected post-bankruptcy position with only two other recurrent collectors of debt—taxes and student loans. The bill would allow credit card debt and other consumer credit to share that position, thus elbowing aside women trying to collect on their own behalf.

That is not true. I can understand why some of our Senators are concerned about the bill after they read this letter. It has a bunch of professors' names on it. They think it is true—but it is not true. The fact is, the bill allows only consumer debt that was incurred by fraud to be nondischargeable, which is fundamentally the law today. Even so, only alimony and child support claimants will be able to levee on any of these assets. No one else can levee or get ahead of a parent or a child to claim these exempt assets. Thus, mothers will not have to compete with the IRS, the student loan companies, credit card companies, or anyone else, to attach exempt assets after bankruptcy.

Further, I believe the bill will provide more assets for distribution to women and children than before, during, and after bankruptcy. Before bankruptcy, debtors will receive credit counseling information which will help keep fathers on a budget, teach them how to maintain a budget, and out of bankruptcy and paying their alimony and child support in the first place. During bankruptcy, deadbeat dads will be required to pay all past due alimony and child support and to undergo court supervision for up to 5 years under chapter 13, as they pay their No. 1 priority, child support claims.

After bankruptcy it is much more likely that a father who has undergone credit counseling, who has been subjected to 5 years of court supervision of his finances, and where alimony and child support were the first things he was required to pay and where he knows that he cannot shield his exempt assets from alimony and child support, will be up to date on all his payments if he has gone through that process—much more so than today.

I see Chairman GRASSLEY is here. I had a number of matters, but I know he would like to wrap up at this time.

Mr. GRASSLEY. No, I do not want to wrap up. I would like to have permission to interrupt the Senator, and for him not to lose the right to the floor. I would like to say something for 30 seconds on the bill, if I could.

There has been a report since early today about the White House, or personnel at the White House, calling Democrats who have always supported this bill to vote against it. I am not sure I know exactly why the White House is calling and saying that, but I presume it is because they would like to have fewer folks than the two-thirds we had on the cloture to override a veto, if the President would veto this bill. I don't know that the President would veto it. I know there are a lot of people at the White House who would like to have him veto it.

I say to those Democrats who have voted and supported this legislation so much over the last 3 years, particularly on that 83–14 vote by which it passed, I hope they will not respond to that kind of pressure from the White House. I hope they know CHUCK GRASSLEY well enough to know that if I had voted for a bill in the Reagan administration or the Bush administration, three or four times, and a President Reagan or his staff, or a President Bush or his staff, called me up and asked me to change my mind just to protect the President, if I would do it—I would not do it. I hope they would not do it.

I return the floor to the Senator from Alabama.

Mr. SESSIONS. I thank the chairman.

Mr. President, what is the time situation? Are we still set for a vote?

The PRESIDING OFFICER. We are set for a vote at 3:45. The Senator has 1½ minutes remaining.

Mr. SESSIONS. Mr. President, I have at least six or seven more items that I could refer to from the professors' letter that I believe are based on complaints about an early version of the bill, matters that are not even in the bill today, and other items that are completely distorted in how it affects the poor people in America today.

Let me simply say this: We need bankruptcy reform. We have shown a doubling of bankruptcy filings in the last decade.

It is time for us to move this bill forward to create a body of law that is less subject to abuse than current law, to close many of the loopholes or at least partially close them.

The fact we have not been able to do everything is not a basis to object, in my view. The perfect is the enemy of the good. This is a good bill. I would like to see all the homestead exemptions removed, at least as we agreed earlier. Senator GRASSLEY supported that. The House would not agree. We got half the problems of homestead eliminated in this bill.

If we do not pass the bill, we will have the current law which has a host of problems and none of them fixed.

That is where we are. We have a good piece of legislation. Chairman GRASSLEY has done a magnificent job of listening to everybody and working out an agreement that is acceptable. Chairman HATCH has likewise been tough in trying to complete this bill. I believe we have a good piece of legislation, and I hope the vote will be overwhelming again today.

Mr. HATCH. As chairman of the Senate Judiciary Committee, I have a question for the chairman of the Subcommittee and principal author of H.R. 2415. Because we were forced to proceed in an unconventional procedural manner with respect to this legislation, can you provide any guidance for courts and practitioners on this legislation?

Mr. GRASSLEY. Certainly. The following is what H.R. 2415 does:

H.R. 2415

BACKGROUND AND NEED FOR THE LEGISLATION

The bankruptcy system is currently in a state of crisis. In recent years, America has witnessed a dramatic explosion in the number of bankruptcy filings. According to statistics from the Administrative Office of the United States Courts, bankruptcies have exploded from 331,000 in 1980 to just under 1.4 million in 1999. It is a matter of serious concern to Congress that the explosion in bankruptcy comes at a time of unprecedented prosperity, with low unemployment and high wages. Unemployment is at an all-time low. Consumer confidence has been high and the

Dow Jones Industrial Average at one point rose above the 10,000 mark. Thus, the high rate of bankruptcy filings cannot reasonably be attributed to a slow economy.

This state of crisis has a significant negative impact on the American economy. According to the Department of Justice, creditors lose 3.22 billion dollars annually as a result of Chapter 7 bankruptcies filed by individuals who could repay their debts. Obviously, the existence of multi-billion dollar losses attributable to high levels of bankruptcy filings is a clarion call for Congress to reform our bankruptcies laws to require bankrupts who could repay some portion of their debts to do so.

Given the strong performance of the economy, many feel that the recent explosion in personal bankruptcy filings is at least partly attributable to the decreased moral stigma associated with declaring bankruptcy. See Testimony of Professor Todd Zywicki, Joint Hearing of the Subcommittee on Administrative Oversight and the Courts and the Subcommittee on Commercial and Administrative Law, March 11, 1999; Testimony of Tahira Hira, Subcommittee on Administrative Oversight and the Courts Hearing, "S. 1301, The Consumer Bankruptcy Reform Act: Seeking Fair and Practical Solutions to the Consumer Bankruptcy Crisis" (March 11, 1998); Testimony of Kenneth R. Crone, Subcommittee on Administrative Oversight and the Courts Hearing, "The Increase in Personal Bankruptcy and the Crisis in Consumer Credit," (April 11, 1997); Lee Flint, "Bankruptcy Policy: Toward a Moral Justification for Financial Rehabilitation of Consumer Debt," 48 Wash. & Lee L. Rev. 515 (1991); David Gross and Nicholas Souleses, "Explaining the Increase in Bankruptcy and Delinquency: Stigma Versus Risk-Competition" (Preliminary, 1998); F.H. Buckley and Margaret F. Brinig, "The Bankruptcy Puzzle," 27 J. Legal Stud. (1998).

In the view of many in Congress, a decreased moral stigma associated with bankruptcy means that filing for bankruptcy is no longer viewed as a last resort reserved for financially troubled Americans who have no other option but to seek debt forgiveness. As Americans become accustomed to high levels of consumer bankruptcy, it is only natural that declaring bankruptcy has lost much of the shame previously associated with it. Individuals who would have struggled to meet their financial obligations in the past are filing bankruptcy today in record numbers. See Judge Edith H. Jones and Todd J. Zywicki, "It's Time for Means Testing," 1999 B.Y.U. L. Rev. 177. For example, recent studies suggest that almost half of filers learned about their option to file for bankruptcy from friends or family. See, e.g., Vern McKinley, "Ballooning Bankruptcies: Issuing Blame for the Explosive Growth," Regulation, Fall 1997, at 38. At the same time, there have been strong expressions of concern from the Federal Trade Commission that attorney advertising is leading consumers to file bankruptcy without being fully informed.

It is the strong view of the Congress that the Bankruptcy Code's generous, no-questions-asked policy of providing complete debt forgiveness under Chapter 7 without serious consideration of a bankrupt's ability to repay is deeply flawed and encourages a lack of personal responsibility.

Both H.R. 833 and its Senate counterpart S. 625 proposed amendments to section 707(b) of the Bankruptcy Code to require bankruptcy judges to dismiss a Chapter 7 case, or convert a Chapter 7 case to another chapter if a bankrupt has a demonstrable capacity to repay his or her debts. HR 2415 maintains the section 707(b) structure. In general, the agreement embodied in HR 2415 used S. 625 as the base for the means test. Like S. 625, a presumption arises that a Chapter 7 bankrupt should be dismissed from bankruptcy or converted to another chapter if, after taking into account secured debts and priority debts as well as living expenses, the bankrupt can repay over 5 years the lesser of 25 percent or more of his or her general nonpriority unsecured debts (but at least $6,000), or $10,000. This test requires those with greater debts to pay proportionately more than those with smaller debts. For example, the cases of debtors whose unsecured, nonpriority debts are over $100,000 will be dismissed under the means test (absent "special circumstances" discussed later) if their projected ability to pay over 5 years is over $10,000, even though that is considerably less than 25% of their debt. Conversely, the cases of debtors whose debts in that category are less than $36,000 will only be dismissed under the means test if their projected ability to repay over 5 years is over $6,000, permitting debtors in this category to remain in chapter 7 even though they have the ability to repay a percentage of their unsecured, nonpriority debts considerably greater than 25%. The debtor can rebut this presumption only by demonstrating "special circumstances" that would clearly demonstrate that the bankrupt in fact does not have a meaningful ability to repay his or her debts. It is not intended that the "special circumstances" category will be interpreted broadly to allow bankrupts to avoid repayment of financial obligations for reasons unrelated to finances, income or expenses. Therefore, the presumption of abuse may only be rebutted, first on a demonstration that the increases in spending or decreases in income arise directly from "special circumstances" and are justified by those circumstances, second, that they are reasonable and necessary, and, third, that there is no reasonable alternative to the expense or income adjustment. For example, if a loss of income occurred because a debtor voluntarily elected to waive a bequest or otherwise reduce income, there would be a reasonable alternative to the reduction because the debtor could have not elected, even though there may have been good reasons to do so. Moreover, the kind of "special circumstances" Congress intended would not be present to justify the adjustment, nor would it be reasonable and necessary. Therefore, the additional adjustment to income would not be allowed. Proof that the debtor permitted the reduction in an attempt to avoid payment of creditors or other inappropriate intent is not necessary, and a significant burden is on the debtor to justify the adjustment.

On the other hand, if the debtor was a well paid medical doctor who prior to bankruptcy changed from a demanding private practice requiring 80 hours a week to a significantly less well-paid research staff position with regular nine to five hours in order to have more time to assist in the care of a seriously disabled child, there would clearly be "special circumstances" which justified the adjustment, the income reduction would be reasonable and necessary, and the special relationship of parent and child would clearly lead to the conclusion that there was no reasonable alternative to the adjustment.

General Overview of the Current Consumer Bankruptcy System

Under current law, individuals considering bankruptcy often proceed under Chapter 7, where the bankrupt will surrender all assets which do not qualify for an exemption to a bankruptcy trustee. The bankruptcy trustee then sells the bankrupt's property and distributes the proceeds to the creditors. Any deficiency which remains after the sale of these assets is simply erased (or "discharged"), and the bankrupt cannot be required to repay debts which have been erased during bankruptcy. Chapter 7, often referred to as "straight bankruptcy," is the oldest and most commonly used type of bankruptcy proceeding.

Individuals may also declare bankruptcy under Chapter 13 of the Bankruptcy Code. Chapter 13 provides for the development of a repayment plan that allows a debtor to repay some portion of his or her debts. At the end of the repayment period, the unpaid portion of debt is erased, and a debtor cannot be required to repay the unpaid portion of the discharged debt. Unlike Chapter 7, the purpose of Chapter 13 is to rehabilitate financially-troubled consumers by using future earnings to repay debts in exchange for a discharge of the unpaid portions of those debts. Two other chapters are also available to individual debtors, but are only rarely used by consumers. Chapter 11, usually used by those with significant assets, permits a debtor to negotiate a plan of reorganization of the debtor's financial affairs with creditors, and in some instances force that plan or unwilling creditors. A discharge is available when the plan is confirmed. Chapter 12 is available for family farmers.

Earlier Reform Efforts To Reduce Consumer Bankruptcy Abuse

The idea of requiring bankrupts to repay their debts when they have the ability to do so is not new. This topic has been the subject of many proposed amendments, from the early 1930s to the current Congress. S. 625 is merely an extension of this longstanding effort to ensure that bankruptcy is reserved for those truly in need of debt forgiveness. See Oversight Hearing on Personal Bankruptcy, Committee on the Judiciary, Subcommittee on Monopolies and Commercial Law, 97th Cong. 2nd Sess., (1982).

The general structure of the present federal Bankruptcy Code is the result of the Bankruptcy Reform Act of 1978, Pub. L. 95-598. The 1978 Act was the first major overhaul and attempt to update comprehensively the bankruptcy law since passage of the Chandler Act in 1938. 52 Stat. 840 (1938). Prior to the Chandler Act, individuals in serious financial trouble usually had no choice but to file for "straight bankruptcy" under Chapter VII, a proceeding similar to present Chapter 7 under the Bankruptcy Code. However, the Chandler Act provided small debtors a new, alternative procedure, the Chapter XIII Wage Earner's Plan, which allowed an individual to retain nonexempt assets by proposing a plan to pay his or her existing debts from future income, after which the wage earner would receive a discharge of any unpaid balances of his debts. See generally, Dvoret, "Federal Legislation, Bankruptcy Under the Chandler Act: Background," 27 Geo. L.J. 194 (1938).

The debate over Chapter XIII occurred years earlier in joint hearings before the House and Senate Judiciary Committees in 1932, during the Seventy-Second Congress. By the time it was enacted in 1938, Chapter XIII codified informal practices which had developed without explicit statutory authorization. In the mid 1930's in Birmingham, Alabama a former special referee in bankruptcy, Valentine Nesbitt, first developed a "repayment option" which was the model for Chapter XIII. See Weinstein, The Bankruptcy Law of 1938 (1938).

• In 1932, Congress conducted hearings on S. 3866. Section 75 of this bill would have established a repayment plan for wage earners. Section 75 provided a method for an indebted wage earner to come into court without being labeled "a bankrupt," and get the benefit of a court injunction to fend off creditors while the wage earner arranged to repay his pre-bankruptcy debts in installments. Section 75, with certain modifications, eventually became Chapter XIII, enacted in 1938 as part of the Chandler Act.

Since the 1938 amendments, there have been several proposals to limit bankruptcy relief to those who lack genuine repayment capacity. In the 1960s, Congress considered several such proposals. See H.R. 12784, 88th Cong., 2d Sess. (1964); H.R. 292, 89th Cong., 1st Sess. (1965); S. 613, 89th Cong., 1st Sess. (1965); H.R. 1057 & H.R. 5771, 90th Cong., 1st Sess. (1967). Under these proposals, an individual debtor seeking relief under the liquidation provisions of the bankruptcy laws would be denied relief if the court concluded that he or she could pay substantial amounts of debt out of future earnings under a Chapter XIII plan.

Importantly, one of these proposals, S. 613, was introduced by Senator Albert Gore, Sr., the father of the current Vice President. When he introduced S. 613, Senator Gore indicated that Chapter 7 resembled a special interest tax loophole, which the wealthy could use to avoid paying their fair share. Senator Gore, Sr. also commented on the moral consequences of a lax bankruptcy system:

"I realize that we cannot legislate morals, but we, as responsible legislators, must bear the responsibility of writing laws which discourage immorality and encourage morality; which encourage honesty and discourage deadbeating; which make the path of the social malingerer and shirker sufficiently unpleasant to persuade him at least to investigate the way of the honest man."—Cong. Rec. 905, January 19, 1965.

Given the current bankruptcy crisis, Senator Gore's words from over 30 years ago seem prescient.

Following the 1978 amendments, in the early 1980s, Senator Dole introduced S. 2000 during in the 97th Congress. In the House of Representatives, Congressman Evans introduced H.R. 4786, which eventually garnered 269 co-sponsors. Congress did not pass either proposal in the 97th Congress, so these measure were reintroduced in the 98th Congress as H.R. 1169 and S. 445. As a result of these efforts, Congress created Section 707(b) of the Bankruptcy Code in 1984 to allow judges to dismiss Chapter 7 cases if granting relief would constitute a "substantial abuse" of the Bankruptcy Code. Pub. Law 105–165. The focus of the effort was to require bankrupts who had the ability to pay a significant percentage of their debts "without difficulty" to proceed under Chapter 13 instead of Chapter 7. However, the term "substantial abuse" was not defined and creditors and trustees were expressly forbidden from presenting evidence to a judge that granting relief in a particular case would result in a "substantial abuse."

Despite Congress' intent that section 707(b) would control inappropriate use of chapter 7 by those with ability to pay, that section has not been effective. Although many factors are at work, much of the reason for this ineffectiveness has been the ingrained point of view that "honest" debtors have a "right" to a chapter 7 discharge even when they have ability to pay. To illustrate, the Fourth Circuit has taken a "totality of the circumstances" approach to determining whether there is substantial abuse. *In re Green*, 934 F.2d 568 (4th Cir. 1991)(a "totality of circumstances" test is appropriate when deciding section 707(b) cases in which ability to repay can be outweighed by other factors, like the debtor's good faith or honesty). Some bankruptcy judges have taken the totality of the circumstances approach suggested by *In re Green* as a justification for either ignoring ability to pay completely, or doing so in effect. See *In re Adams*, 209 B.R. 874 (Bankr. M.D. Tenn. 1997)(Paine, J.) (honest debtor with ability to repay cannot be dismissed from chapter 7); *In re Braley*, 103 B.R. 758 (Bankr. E.D. Va. 1989)(Bonney, J.). Other Circuit Courts have disagreed and insisted that debtors with ability to pay must do so. *In re Kelley*, 841 F.2d 908 (9th Cir. 1988); *In re Walton*, 866 F. 2d 981 (8th Cir. 1989); *United States Trustee* v. *Harris*, 960 F.2d 74 (8th Cir. 1992); *In re Koch*, 109 F. 3d 1285 (8th Cir. 1997); *In re Lamanna*, 153 F. 3d 1 (1st Cir. 1998). A few bankruptcy courts have followed the direction of these Circuit Courts, *In re Shelley*, 231 B.R. 317 (Bankr. D. Neb. 1999)(Minahan, Jr. J.); *In re Cox*, 2000 Bankr. Lexis 571 (Bankr. N.D. Fla., May 16, 2000).

It was this evidence which led Congress to conclude that the complete overhaul of section 707(b) was necessary, with clear, nondiscretionary requirements imposed on the bankruptcy court to reject the notion that debtors were entitled to a discharge as a matter of right without regard to their ability to pay and to assure that in practice those with ability to pay would not be entitled to chapter 7 relief. In the 105th Congress, the House passed HR 3150 and the Senate passed S. 1301, two bills which would have inserted means-testing in section 707(b). A Conference Committee reconciled the two bills and produced a Conference Report (H. Rep. 105–794) which passed the House at the end of the 105th Congress but was never voted on in the Senate. Senate Report 105–253 provides the legislative history of S. 1301. House Report 105–540 provides the legislative History of HR 3150.

THE CURRENT LEGISLATION

HR 2415 is the culmination of these efforts and is intended to both remove unequivocally the bankruptcy court's discretion with regard to whether a debtor with ability to pay should be dismissed from chapter 7, and to restrict as much as possible reliance upon judicial discretion to determine the debtor's ability to pay. Limited judicial discretion remains to deal with the hardship case, but that discretion is not to be abused by lax enforcement of the standards in HR 2415.

Section 102 of HR 2415 provides that a Chapter 7 case will be presumed to be an "abuse" of Chapter 7 if the debtor has the ability to repay, in a 5–year repayment plan, 25% of the debtor's nonpriority unsecured claims (but not less than $6,000), or $10,000, whichever is less. For purposes of determining the debtor's repayment ability, section 102 provides that the debtor's monthly expenses shall be applicable monthly expenses under standards issued by the Internal Revenue Service ("IRS") for the area in which the debtor resides. The IRS standards applicable under section 102 are the IRS "National Standards," "Local Standards," and certain categories of "Other Necessary Expenses" which are specifically listed in the Standards. These Internal Revenue Service standards are currently used to determine appropriate living expenses for taxpayers who are required to repay delinquent taxes. These standards have been developed by the Treasury Department to assist the Department in the collection of taxes and, of course, can be revised from time to time, as needed. These expense categories allow expenses for housing, food, transportation, and, for purposes of the means test, certain specified "other necessary expenses."

In order to provide flexibility in appropriate cases of hardship, Section 102 also provides that in some cases where the presumption applies the debtor may be able to demonstrate "special circumstances" that "justify" additional expenses or an adjustment to the debtor's income for which there is no reasonable alternative. In addition, the debtor must demonstrate that the adjustments are reasonable and necessary and there is no reasonable alternative to the expense or income adjustment. If the debtor can make this showing, the presumption is rebutted. It is not intended that the "special circumstances" test will allow the presumption of abuse to be rebutted by relying on factors other than ability to pay.

The presumption of abuse arises due to a financial calculation assessing a Chapter 7 debtor's ability to pay. Thus, the presumption of abuse under Section 707(b) may only be rebutted if the debtor shows changes to expenses or changes to income not otherwise accounted for in the means test and that meet all of the requirements of the "special circumstances" test. Other factors are not relevant.

In applying the "special circumstances" test, it is important to note that a debtor who requests a "special circumstances" adjustment is requesting preferential treatment when compared to other consumers, and it is those other consumers who, by paying their debts, must assume the cost of the debts discharged by the debtors seeking the preferential treatment. It also is important to note that, because of the protections established for debtors whose income falls below the median income level, the preferential treatment provided under the "special circumstances" standard primarily benefits higher income individuals.

As indicated earlier, in order to ensure fairness with respect to the consumers who must pay the cost when others discharge debts in bankruptcy, it is essential that the "special circumstances" test establish a significant, meaningful threshold which a debtor must satisfy in order to receive the preferential treatment.•The House/Senate agreement incorporated in HR 2415 is premised upon the belief that the relief sought by a debtor who files for bankruptcy is financial in nature and the debtor's right to obtain preferential relief under the "special circumstances" provision should be assessed based on financial considerations only. Thus, the agreement is not intended to allow debtors to continue expenses unless they clearly demonstrate that they meet the "special circumstances" test for such adjustments.

Under this bankruptcy reform package, the Office of United States Trustee or bankruptcy administrator is required to file a motion to dismiss or convert a Chapter 7 case if the bankrupt's current monthly income equals or exceeds the state median income and the presumption of abuse applies. If the Office of United States Trustee or bankruptcy administrator determines after investigation that such a motion is not warranted because the presumption of abuse can be rebutted, then it must file an explanatory statement with the bankruptcy court detailing why a motion to dismiss or convert is not appropriate. If private trustees or creditors disagree, they can commence a motion under 707(b).

Importantly, creditors are now explicitly given the power to bring 707(b) motions before the bankruptcy court, although creditors' and private trustees' motions are restricted to cases in which the debtor's current monthly income exceeds the applicable state median income. Moreover, HR 2415 gives Chapter 7 trustees important new financial incentives for ferreting out bankrupts who have repayment capacity and provides for appropriate penalties for bankruptcy attorneys who recklessly steer individuals with repayment capacity to Chapter 7 bankruptcy, or file schedules which misstate income, expenses or assets. HR 2415 also contains penalties for creditors who file inappropriate motions under section 707(b). Thus, contrary to the assertions of some, there are real and meaningful reasons why creditors will not improperly use their right to file 707(b) motions.

The new section 707(b) also provides that in addition to the means test, Chapter 7 debtors' cases may be dismissed if the filing is not in good faith or the "totality of the circumstances" indicate that granting relief under Chapter 7 would constitute abuse. No inference should be drawn, however that by referencing the "totality of the circumstances" Congress intended to approve the result in *In re Green*, 934 F.2d 568 (4th Cir. 1991) or similar cases. Such cases are rejected by the means test reforms and the change in the standard from "substantial abuse" to "abuse" in HR 2415. However, situations in which courts dismiss debtors from Chapter 7 today clearly continue to be grounds for dismissal under HR 2415, including such cases as *In re Lamanna*, 153 F. 3d 1 (1st Cir. 1998). In addition, since the standard for dismissal is revised to require "abuse" rather than "substantial abuse", the courts are clearly given additional discretion to control abusive use of chapter 7 when that is appropriate.

Congress thus intends that the new section 707(b) provide a tightly-focused mechanism for identifying bankrupts who have repayment capacity and sorting them out of Chapter 7, as well as dealing with other forms of abuse. At the same time, the new section 707(b) means test contains procedural safeguards which ensure that any special financial circumstances of a debtor will be appropriately considered before he or she is dismissed from bankruptcy or converted to another chapter.

ENHANCED CONSUMER PROTECTIONS AND CREDIT CARD DISCLOSURES

Importantly, HR 2415 retains Title XIX of the Senate bill. This title amends the Truth in Lending Act ("TILA") to require significant new minimum payment disclosures in connection with open-end credit plans. Among other things, HR 2415 requires credit card companies, on the front of each monthly statement, to provide:

—a statement that making only minimum payments will increase the interest costs and the time it takes to repay the account balance;

—an example showing the length of time it would take to repay a specified amount if making minimum payments only; and

—a toll-free telephone number which cardholders could call to receive additional repayment information.

HR 2415 requires the Federal Reserve Board to promulgate a table that would set forth information for use by credit card issuers in responding to cardholders who make inquiries through the toll-free telephone number. Finally, the Federal Reserve Board is authorized to study the types of information available to consumers regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default, including information related to minimum payments. The study would include consideration of the extent to which the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

HR 2415 also amends TILA to require certain applications or solicitations for credit cards that include an introductory rate of less than one year, and all promotional materials accompanying such an application or solicitation, to include the following relating to introductory rates:

—use the term "introductory" in immediate proximity to each listing of the introductory rate; and

—disclose when the introductory period will end and the annual percentage rate that will apply at the end of the introductory period.

In addition, HR 2415 requires a clear and conspicuous disclosure, in a prominent manner on or with an application or solicitation, of the rate, if any, that will apply if the introductory rate is revoked, and a general description of the circumstances or events that would result in such a rate.

HR 2415 also requires a credit card issuer to clearly and conspicuously provide disclosures regarding the key features of the credit plan, such as interest rate and basic fees, with Internet-based credit card applications and solicitations. These disclosures must be readily accessible to consumers in close proximity to the solicitations and these disclosures must be updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account. HR 2415 also provides that, if a lender imposes a late fee for failing to make payment by the payment due date, the lender must state on each periodic statement the payment due date (or, if the card issuer contractually establishes a different date, the earliest date on which a late fee may be imposed). The lender also must state the amount of the fee that will be assessed if payment is received after that date.

Importantly, HR 2415 amends TILA to provide that an open-end creditor cannot terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account.

New disclosures are now required in connection with consumer credit plans secured by the consumer's principal dwelling in which the extension of credit may exceed the fair market value of the dwelling. Under the amendment, a creditor must disclose at the time the creditor distributes an application to the consumer for such a plan that interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax-deductible for federal income tax purposes.

The Congress also directs that the Federal Reserve Board study the existing protections limiting consumer liability for unauthorized use of debit cards. In addition, the Board is directed to study the impact that extensions of credit to college students have on the rate of bankruptcy cases filed.

In addition to these new credit card disclosures, HR 2415 contains several important reforms which will protect individuals and help them better understand their rights and remedies. Reaffirmations occur when a debtor agrees to pay a debt which would otherwise be wiped away in bankruptcy. Section 524 of the Bankruptcy Code sets the conditions which must be met before such agreements will be considered legally binding. The bankruptcy reform package retains the Senate-passed amendments related to the reaffirmation agreements, with slight changes affecting only credit union debt.

HR 2415 also requires the Attorney General to designate prosecutors and investigators to enforce current criminal statutes designed to protect debtors in bankruptcy court from deceptive or coercive collection practices as well as enforcing those same statutes against debtors in appropriate cases. By committing substantial new resources to fighting abusive creditor and debtor practices and bankruptcy fraud, it is intended that the Department of Justice step up enforcement of these under-used statutes.

The bankruptcy reform package contains a provision which penalizes creditors who refuse to negotiate reasonable repayment schedules outside of bankruptcy. Under this provision, the amount that a creditor may collect in bankruptcy can be reduced if an approved credit counseling agency approved under the credit counseling provision of HR 2415 for the judicial district in which the debtor's case is pending makes a reasonable offer of repayment at least 60 days prior to declaring bankruptcy and the creditor unreasonably rejects this offer. During Senate consideration of S. 625, the Department of Justice indicated support for promoting alternative dispute resolution in this way but then suggested that the provision be "clarified" in such a way that it will not apply to governmental creditors. See Letter to The Honorable Orrin G. Hatch, Chairman, Committee on the Judiciary, April 9, 1999. Thus, if the Congress were to accept the suggestions of the Department of Justice, non-governmental creditors would be subject to a tougher standard than currently contained in the bankruptcy reform package, but the Internal Revenue Service would be free to avoid alternative dispute resolution. Given its history in dealing with taxpayers, it was considered inappropriate to create such a special exemption for the Internal Revenue Service.

REDUCING ABUSIVE USES OF THE BANKRUPTCY CODE

As the National Bankruptcy Review Commission correctly noted, many of the worst abuses of the bankruptcy system involve individuals who repeatedly file for bankruptcy with the sole intention of using the automatic stay (i.e., a court injunction which arises whenever a bankruptcy case is filed). National Bankruptcy Rev. Comm. Rep., "Bankruptcy the Next Twenty Years," October 20, 1997 vol. 1, at 262. Accordingly, HR 2415 contains restrictions on repeat filers and on multiple owners who serially file. It is expected that these changes will dramatically reduce the number of inappropriate bankruptcy filings.

HR 2415 also requires random audits of bankruptcy petitions to verify the accuracy of information contained in bankruptcy petitions, and makes debtor attorney's responsible to diligently inquire into the accuracy of the information provided on the schedules. Many Members of Congress are concerned that there is little incentive for individuals to list all of their assets or fully and accurately disclose their financial affairs, including their income and living expenses, when they file for bankruptcy. Of course, such laxity fosters an environment in which the overall financial condition of the bankrupt is likely to be inaccurate, with the result that creditors may receive less than they could when a bankrupt's financial affairs are accurately disclosed. Accordingly, the random audit procedures will restore some integrity to the system, since material misstatements are required to be reported to the appropriate authorities.

Enhanced Protections for Child Support

Balanced bankruptcy reform must protect the status of child support. According to some estimates, more than one-third of bankruptcies involve spousal and child support orders. And in about half of those cases, women were creditors trying to collect court-ordered support from their former husbands. These support orders are a lifeline for thousands of families struggling to maintain self-sufficiency.

HR 2415 contains all of the child support provisions of the Senate-passed version of bankruptcy reform (S. 625), including provisions closing various serious loopholes which allowed those who owed child support, alimony and in some instances other marital dissolution obligations to use the bankruptcy laws to delay and sometimes defeat payment of those obligations. HR 2415 also contains a new provision which requires bankruptcy trustees to notify child support creditors of their right to use state child support enforcement agencies to collect outstanding amounts due. In addition, HR 2415 permits general creditors to disclose the last known billing address of a debtor who owes child support or alimony to child support claimants. Taken together, these changes place child support and alimony claimants in a far better position under HR 2415 than under current law.

Business Provisions

HR 2415 contains the small business reform measures from the Senate passed version of HR 833. Although business bankruptcy filings are low at this time, several changes to Chapter 11 are warranted. HR 2415 contains provisions intended to speed up Chapter 11 for small business debtors, enact recommendations of the United Nations Commission on Internal Trade Law regarding transnational bankruptcy and clarify the treatment of tax claims in bankruptcy.

Importantly, HR 2415 provides new deadlines on tenants under non-residential leases to decide whether to reject or assume leases under section 365 of the Bankruptcy Code. Under current law, once a tenant under a non-residential real property lease has filed for Chapter 11 relief, it has 60 days to decide whether to accept or reject its lease, with extensions for cause. Unfortunately, bankruptcy judges have allowed the exception for cause to swallow the rule. Today, bankruptcy judges routinely extend the time within which retail debtors must assume or reject the lease for years, including until confirmation of the plan. Moreover, while these tenant-debtors are supposed to pay their rent while the proceedings continue, they do not always do so and bankruptcy judges have not always compelled them to do so.

Thus, landlords are often left with significant uncertainty since they may have no clear indication as to whether a tenant will continue in a lease and the tenant may not be current on post-petition rents. It is hoped that the provisions contained in the current bankruptcy reform agreement will mitigate the unfairness confronting landlords of nonresidential leases. The House bill provided that an unexpired lease of nonresidential property will be deemed rejected if the trustee has not assumed or rejected it by the earlier of the date of confirmation of a plan or a date that is no more than 120 days after the date of the order for relief, with an additional 120 days if granted by the court for cause. The court, under the House bill, could then grant an extension beyond 240 days after the date of the order for relief "only upon prior written consent of the lessor." The Senate bill provided that such a lease would be deemed rejected if the trustee has not acted by the earlier of the date of confirmation of a plan or the date which is 120 days after the date of the order for relief. No additional extension is permitted except "upon motion of the lessor." Both bills, then, were quite similar, especially in denying bankruptcy judges discretion in extending the deadline for assuming or rejecting a lease after an absolute period following the order for relief—240 days in the former and 120 days in the latter. Both the Departments of Justice and the Interior favored a 120 day deadline, with no discretion in the bankruptcy judge.

HR 2415 provides that an unexpired nonresidential real property lease is deemed rejected if the trustee has not acted by the earlier of the date of confirmation of a plan or the date which is 120 days after the date of the order for relief. The court may extend the 120 day period for an additional 90 days, prior to the expiration of the 120 day period, upon motion of either the trustee or the lessor for cause, for a total of 210 days after the date of the order for relief. If the court has granted such 90 day extension, the court may grant a subsequent extension only upon prior written consent of the lessor. This can be in the form of (1) a motion of the lessor or (2) a motion of the trustee, provided that the trustee has a prior written consent of the lessor. Importantly, HR 2415 clearly retains both bills' denial of bankruptcy judges' discretion in extending this date: in no circumstance may the time to assume or reject unexpired nonresidential real property leases extend beyond the earlier of (1) the time of confirmation or (2) 210 days from the time of entry of the order for relief, without the prior written consent of the lessor—either in the form of a lessor's motion, or in the form of a prior written consent to a trustee's motion, to extend the time. Moreover, a lessor's written consent to one extension beyond the 210 period does not constitute such consent for a subsequent extension: each such extension beyond 210 days requires the separate written consent of the lessor.

Finally, HR 2415 adds language to Section 365 (f)(1) of the Bankruptcy Code for the purpose of assuring that section 365(f) does not override any part of Section 365(b). HR 2415 provides that section 365(f) is not only subject to Section 365(c), but also to Section 365(b), which is to be given full effect. Contrary legal interpretations in case law are overturned.

Section by Section Explanation

TITLE I—NEEDS BASED BANKRUPTCY

Sections 101–103: Dismissal for Abuse and the Means Test

These three sections expand present 707(b) of the Bankruptcy Code to require a court to dismiss a chapter 7 petition filed by an individual debtor whose debts are primarily consumer debts (or with the debtor's consent, convert to another bankruptcy chapter) if the debtor's case meets certain standards. Present law already requires that an individual debtor's case be dismissed if it is a "substantial abuse" and the debtor's debts are primarily consumer debts, but also creates a presumption against dismissal and prevents anyone other than the court or the United States Trustee from raising the issue. There has been concern that present 707(b) is not effective to prevent inappropriate use of chapter 7, and in particular debtors who have ability to repay their debts from using chapter 7 to obtain a discharge without repaying creditors what they can afford, needlessly costing consumers who pay their bills in higher credit prices.

These sections reorganize present section 707(b) to change the standard for dismissal from "substantial abuse" to "abuse" in order to provide strengthened controls against abusive use of chapter 7. They also replace the presumption against dismissal from chapter 7 with a presumption of dismissal if the debtor has ability to pay as determined by a new means test. The changes are intended to broaden rather than limit controls on improper use of chapter 7.

The means test.—Section 102 establishes a means test enforced by required dismissal from chapter 7. To apply the means test, the debtor must complete revised schedules of income and expense similar to those now required, but revised to show net income determined in a particular way and a calculation of how much the debtor can afford to pay under the new means test. The means test should for the most part be self-enforcing. It should be infrequent that a debtor will fill out the schedule of income and expenses which show that the debtor has ability to pay, and still file in chapter 7. Forms should be developed for these revised schedules which are clear and understandable, and promote accurate and efficient administration of the means test. The schedules should be filed with the debtor's petition. It is intended that the anti-fraud provisions of the bankruptcy and other laws be applied vigorously by the bankruptcy courts and others whenever fraudulent completion of the schedules is apparent.

The means test initially focuses upon the debtor's net income determined according to standards set forth in these sections. The debtor's current monthly income is first determined by averaging the debtor's monthly income for the prior six months and excluding social security or certain war reparations income. Next, the debtor's monthly expenses are determined. These include monthly expenses as specified under the National Standards and Local Standards issued by the Internal Revenue Service for the area in which the debtor resides, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses under those same standards. The categories specified as Other Necessary Expenses means only those categories of expense specifically listed in the Internal Revenue Service Manual at 5323.423(1), (3) and (4).

It is not intended that additional expenses will be deductible except as otherwise specified in section 707(b). For example, an additional allowance is available if demonstrated to be reasonable and necessary up to 5% of the monthly allowances for food and clothing categories as specified by the National Standards. Moreover, actual monthly expense allowances are specified for certain reasonably necessary family violence expenses and for reasonable and necessary continued expenses of supporting an elderly, chronically ill or disabled family member. The debtor's monthly expenses for priority debts and secured debts (including the averaged cost of curing arrearages with respect to secured debts as permitted in chapter 13) are also deductible. They are determined based on the average of those expenses over a 60 month period.

Also allowed are deductions for actual average monthly expenses that are entitled to administrative expense priority under the

Bankruptcy Code, but never more than 10% of projected plan payments, as determined under a schedule to be issued from time to time as necessary by the Executive Office of United States Trustees. This schedule is to be based on the standing chapter 13 trustee's fee as allowed from time to time in each district and should not include other amounts. Other fee schedules may be provided for cases when a debtor qualifies for chapter 12 or would have to use chapter 11 because excluded from chapter 13. In applying the 10% cap, only projected plan payments which are reasonable and necessary should be considered. Generally, plan payments to pay secured debt should be excluded from projected plan payments when calculating administrative expenses, unless there is a compelling reason for concluding that payment of the secured debt would be included in the debtor's plan. Although the administrative expenses may be otherwise entitled to priority, it is intended that they be accounted for under this specific administrative expense provision and not also allowed under the provision for priority expenses.

Actual expenses for private elementary or secondary private school tuition not exceeding $1,500 per child per year are also deductible.

Once the monthly expense allowances are determined, they are then subtracted from current total monthly income to obtain the debtor's net monthly income. Net income is then multiplied by 60. If the result is greater than the lesser of a threshold amount of (1) $10,000 or (2) 25% of the nonpriority unsecured claims in the debtor's case but not less than $6,000, there is a presumption that the debtor's case must be dismissed from chapter 7.

This presumption may be rebutted if there are special circumstances that justify adjustments to income or expenses for which there is no reasonable alternative. To claim such additional expense or income adjustment, the debtor must itemize, explain and document why the expense or income adjustment is reasonable and necessary in addition to meeting the special circumstances test and demonstrates there is no reasonable alternative to the expenses or income adjustment. If it is determined that special circumstances as described do exist, the debtor may recalculate income and expenses based on the adjustments and apply the threshold to the resulting net income. The presumption can only be rebutted by demonstrating that an expense or income adjustment appropriate under the special circumstances test causes the debtor's net income to be below the applicable threshold amount.

An important additional feature of the means test is the "safe harbor." If the debtor's current monthly income is less than the appropriate state median income as determined by current statistical information supplied by the Bureau of the Census, then only the judge, United States trustee, bankruptcy administrator, or trustee may bring a motion under section 707(b). The safe harbor provides further limits motions against debtors whose current monthly income is less than the appropriate state median income as determined by current statistical information supplied by the Bureau of the Census, in that for such debtors, neither the judge, the United States Trustee, the bankruptcy administrator, a private trustee nor a party in interest can bring a motion to dismiss under the presumed abuse provisions of the means test. It is expected that the Bureau of the Census will promptly make available state median income information by family size for households of 1-4 members based upon information it collects. For these purposes, a family or household consists of the debtor and the debtor's dependents, and in a joint case, the debtor's spouse. The median income for families larger than 4 persons is determined by taking the monthly median income for a family of 4 and adding $525 to that figure for each additional family member.

Under subsection (e) of section 102 of HR 2415, creditors are permitted to report information concerning a debtor's failure to satisfy the means test or other abuse to the United States Trustee, bankruptcy administrator, case trustee or judge assigned the case, and participate with them in the preparation and presentation of a motion to dismiss, as in *Kornfield* v. *Schwartz*, 164 F. 3d 778 (2d Cir. 1999). Contacts with the judge, however, cannot be ex parte.

The bill provides that the Internal Revenue Service standards relied upon for the means test will be studied by the Executive Office of United States Trustees, with a report to the respective Judiciary Committees of both Houses of Congress within 2 years of the effective date.

Disposable income test.—This section also amends section 1325(b)(2) to define disposable income for cases of debtors with current monthly income over median income, using the same basic concepts, to the extent they are applicable, that are used in applying the means test. It is intended that there be a uniform, nationwide standard to determine disposable income used in chapter 13 cases, based upon means test calculations.

Present law requires that in a chapter 13 plan, all of the debtor's disposable income be used to pay creditors under the plan, but does not define the term. This section both requires (1) that all of the debtor's disposable income be applied to pay unsecured creditors, and (2) that for debtors whose current monthly income is in excess of the applicable median income level, their disposable income be determined using basic means test concepts which define current monthly income (section 101(10A)), and allowable expenses (section 707(b)(2)(A)(ii), (iii) and (B)).

To determine disposable income for those over the applicable median income level, first, current monthly income as defined in HR 2415 is determined. From that amount, amounts reasonably necessary to be expended for the maintenance and support of the debtor or a dependent of the debtor are deducted. The deductions for the expenses of providing support and maintenance are to be determined in accordance with the standards of section 707(b)(2)(A) and (B). Thus, the debtor is allowed the amounts permitted for food and housing under National Standards and Local Standards issued by the Internal Revenue Service. Actual expenses for other amounts in categories specified as Other Necessary Expenses are also allowed, just as when applying the means test. Expenses for secured debts which are paid outside of the plan should be accounted for as required under 707(b)(2)(A)(iii), and payments for secured debt paid under the plan should be what is provided in the plan as long as it is not more than the amount permitted under that same provision. Priority debt payments under the plan are not reasonably necessary to be expended and should not be included in the calculation, since under this provision, disposable income is determined for the purposes of setting the amount which must be paid to both nonpriority and priority unsecured creditors. The means test only determines the projected amount available to pay nonpriority unsecured creditors.

The provision also provides for the adjustment of the determination of disposable income if the debtor has obligations to pay child support, foster care payments or disability payments for a dependent child, and for certain continuing charitable contributions as allowed under present law. As with the means test, adjustments are also permitted to income or expenses based on the "special circumstances" provisions of the means test.

Once net monthly income is determined, it is then multiplied by the applicable commitment period to determine the total amount which the plan must apply over its duration to pay unsecured creditors. If the plan does not apply all of disposable income to pay unsecured creditors, the plan is not confirmable.

Administration of the means test.—Several important additional provisions assist in the efficient administration of the means test. Enforcement of the means test is in the first instance the responsibility of the United States trustee or bankruptcy administrator for the district in which the chapter 7 case is pending. The United States trustee or bankruptcy administrator will be involved in determining whether debtors have accurately disclosed their income and expenses, and in preliminarily reviewing debtor's claims that "special circumstances" exist which justify adjustments to otherwise allowed monthly income and expense amounts. Case trustees, judges and creditors are also entitled to investigate means test issues and raise them by motions to dismiss, or by bringing them to the attention of others involved in the enforcement process.

When the debtor's chapter 7 petition is first filed, the court is to review the debtor's income and expense schedule and determine whether this is a case in which the presumption in favor of dismissal applies. That will be determinable on the face of the schedules, since debtors are required to do the necessary calculations of the means test threshold. If the presumptions arises, the court is to notify creditors within ten days after the case is filed that this is a presumption case.

Next, the United States trustee or bankruptcy administrator is required to review the debtor's filing to evaluate whether there should be a motion to dismiss filed. The United Sates Trustee or bankruptcy administrator is to file with the court a statement whether the debtor's case would or would not be presumed to be an abuse under the means test of section 707(b) not later than 10 days after the date of the first meeting of creditors. Moreover, if the debtor's current monthly income is over the median income level and the debtor's net income is more than the means test threshold, the trustee or administrator must also either file with the court a motion to dismiss, or a statement why no motion is being filed. However, if the debtor's gross income is between 100% and 150% of median income, and the debtor's net income determined in a special short-hand calculation based on core expenses is under the threshold, the trustee is relieved of any obligation to file a motion to dismiss. This "mini screen" does not change the substantive requirements of the means test. Its application is limited and is intended only to permit the United States trustee or bankruptcy administrator to use a short-hand method of calculating the debtor's income available to pay creditors. If the short-hand calculation of net income indicates that the debtor does not meet ability to pay criteria, further administration of the means test is not required. Otherwise, the full means test calculation will be made to determine whether dismissal or conversion is appropriate. In other cases, a similar calculation can be made since the short-hand method of calculation is one stage of the full means test calculation.

To ensure that debtors and creditors and their respective counsel do not abuse the process, they are specifically subjected to the standards of Bankruptcy Rule 9011 with respect to the claims and defenses debtors and creditors and their counsel assert in section 707(b) motions. Certain small businesses with less than 25 employees are exempted from this requirement. In addition, the accuracy of the schedules the debtor must file with the petition, and particularly the statements of assets, debts and income, expenses and means test calculations, is enforced by a requirement that debtor's counsel have no knowledge that the schedules are incorrect after appropriate inquiry. An attorney's inquiry is expected to be more than a cursory acceptance of the debtor's word and must be sufficient to verify or disprove any knowledge, information or belief which would lead a diligent attorney to doubt the accuracy of the schedules.

Dismissal for abuse.—Dismissal under 707(b) is also authorized when there is "abuse". It is intended that by changing the standard for dismissal from "substantial abuse" to "abuse", stronger controls will be available to the courts, the United States trustee or bankruptcy administrator, private trustees and creditors to limit the abusive use of chapter 7 based on a wide range of circumstances. The "bad faith" and "totality of the circumstances" of the debtor's situation is adopted as an appropriate standard. It is intended that all forms of inappropriate and abusive debtor use of chapter 7 will be covered by this standard, whether because of the debtor's conduct or the debtor's ability to pay. If a debtor's case would be dismissed today for "substantial abuse" as in *In re Lamanna*, 153 F. 3d 1 (1st Cir. 1998), it is intended that the case should be subject to dismissal under H.R. 2415. Cases which have decided that a debtor's ability to pay should not be considered when determining abuse, or can be outweighed if the debtor is otherwise acting in good faith, are intended to be overruled. In dealing with ability to pay cases which are abusive, the presumption of abuse and the safe harbor protecting debtors from application of the presumption will not be relevant.

In addition, the standard of abusive conduct is specifically intended to include consideration of whether a chapter 7 filing is being used without justification to secure rejection of a personal service contract.

Section 104. Notice of alternatives

This provision amends Bankruptcy Code section 342(b) to expand on the contents of the notice which an individual debtor whose debts are primarily consumer debts must receive before filing a bankruptcy petition. The content and form of the notice is to be prescribed by the United States trustee or bankruptcy administrator for the district in which the petition is filed, and must contain a description of chapters 7, 11, 12 and 13, review the benefits and costs of each chapter, the services that are available from a nonprofit credit counseling agency, and a disclosure of the debtor's responsibilities in completing a petition with respect to the accuracy of the schedules and other information provided. It is intended that this notice will be in an easily understood form, designed to assist debtors in better understanding the alternatives for debt adjustment offered by the Bankruptcy Code, the debtor's responsibilities in seeking such relief, and as uniform as possible throughout the country.

Section 105. Debtor Financial Management Training Test Program

The Executive Office of United States Trustees is directed to develop financial management training curricula and materials to educate individual debtors in personal financial management. The materials are to be developed after consultation with experts. The materials are to be tested in 6 judicial districts over 18 months. At the end of the test, a report on the results is to be provided to the Speaker of the House and the President pro tem of the Senate.

Section 106. Credit counseling

Credit counseling is an alternative to filing bankruptcy for some debtors. It is intended that debtors be fully informed before they file bankruptcy about this less drastic alternative to bankruptcy in all instances, but particularly when they have only received information about their alternatives from petition preparers or attorneys.

This provision establishes the requirement that before individual debtors file for bankruptcy, they must be made aware that credit counseling services are available. Debtors are not required to actually undergo credit counseling, but they must be made aware that such alternatives to bankruptcy do exist. The case of a debtor must be dismissed if it is filed without meeting that requirement unless the debtor can demonstrate exigent circumstances which temporarily excuse satisfying the requirement. It is expected that when courts do not enforce this requirement sua sponte, the United States trustee or bankruptcy administrator will bring the matter to the court's attention by appropriate motion, but any trustee or other party in interest could do so.

Concern has been expressed that the bankruptcy relief debtors obtain under present law stops at the discharge, failing to educate debtors about basic budget management so they can avoid financial difficulties in the future. Under this section, individual debtors will be required to attend a course of instruction in personal financial management approved by the United States trustee or bankruptcy administrator for the district in which the petition is filed. It is intended that the United States trustees and bankruptcy administrators will strongly promote the development of effective courses, both through the formal approval process and informally. If the debtor fails to attend a required course, the debtor will not be able to obtain a discharge in either chapter 7 or 13. Provisions similar to those applicable to credit counseling allow the United States trustee or bankruptcy administrator to excuse all filers in a district from the requirement if the trustee or administrator finds that there are not enough providers of the courses in the district. Congress intends that this exemption will not be lightly imposed, and that the trustee or administrator will use every reasonable effort to see that there are adequate credit counseling and courses of instruction available.

Credit counseling agencies and courses of instruction concerning financial management included in the program must be approved by the United States trustee or bankruptcy administrator for the district. This section sets standards which the United States trustee or bankruptcy administrator must apply in deciding whether to approve a particular agency or course. Prior to approval, the qualifications of the agency or course are to be carefully reviewed by the United States trustee or bankruptcy administrator. It is intended that they will require applicants to provide adequate information about qualifications and programs for this purpose. Agencies and courses will be initially approved only for a probationary period of no more than 6 months. After that, their qualifications and performance will be reviewed each year by the United States Trustee or bankruptcy administrator. Review of the United States trustee or bankruptcy administrator's decision to renew approval for the first full year term after the probationary period and every 2 years thereafter is available in the United States district court at the request of any party in interest. In addition, at any time the district court sitting as a bankruptcy court can review and disapprove an agency or course of instruction.

Section 107. Schedule of reasonable and necessary expenses

This provision directs the Director of the Executive Office of United States Trustees to issue schedules of reasonable and necessary administrative expenses for each judicial district not later than 180 days after enactment. It is intended that the administrative expenses for these purposes include only the chapter 13 trustee's fee as allowed in the district from time to time, and that the schedules will be revised as necessary to reflect changes in that fee. Since the trustee's fee is determined as a percentage of payments made to creditors, the Director may determine that the appropriate way to state the schedule is by providing percentage amounts and a method for determining projected plan payments. These will generally just be unsecured debts unless there is a compelling reason to conclude otherwise.

TITLE II—ENHANCED CONSUMER PROTECTIONS

Section 201. Promotion of alternate dispute resolution

This section permits the court, on motion of the debtor and after a hearing, to reduce a claim based in whole on unsecured consumer debts by not more than 20% if (1) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment system proposed by an approved credit counseling agency acting on behalf of the debtor; (2) the debtor's offer was made at least 60 days before the filing of the bankruptcy petition and provided for payment of at least 60% of the debt over the repayment period of the loan, or a reasonable extension thereof; and (3) no part of the debt under the alternative repayment schedule is nondischargeable. An approved credit counseling agency means one approved under the credit counseling provisions of this Act.

This section applies only to claims which are based on debts which are wholly unsecured consumer debts. The provision is also carefully drafted so as only to require creditors to negotiate, when reasonable, alternative repayment systems so long as they are reasonable. It does not require creditors to accept any alternative repayment proposal, although it is expected that negotiations could result in reasonable alternative plans being adopted. Furthermore, the debtor's proposal must provide for at least 60% repayment to the creditor. The debtor's proposal should not be considered reasonable if it is unlikely the debtor will be able to make the repayments as proposed.

Section 202. Effect of discharge

A creditor's willful failure to credit plan payments in the manner required by the plan is a violation of the post-discharge injunction under section 524(a)(2) if the creditor's acts to collect and failure to credit payments in the manner required by the plan causes material injury to the debtor. However, if a plan has been dismissed, is in default, or the creditor has not received payments required under the plan, the failure to credit the payments is not a violation of the injunction.

This provision also clarifies that it is not a violation of the post-discharge injunction for a creditor that holds a claim secured in whole or in part by real property that is the debtor's principal residence to take actions in the ordinary course of business to seek or obtain periodic payments associated with a valid security interest in lieu of a mortgage foreclosure or other enforcement proceeding not barred by the injunction. Congress intends this provision to clarify the law in this area so as to provide a safe harbor for mortgage lending, but the existence of this clarifying provision is not intended to suggest that similar action taken by creditors whose debt is not secured or is secured by other types of property would be a violation of the post-discharge injunction.

Section 203. Discouraging abuse of reaffirmation practices

This provision amends section 524(c)(2) of the Code to provide a clearly understandable disclosure form to explain the debtor's rights and obligations in the reaffirmation process. It is intended that a single nationwide form as set out in the statute will be used for all reaffirmations in all bankruptcy courts, and that it will be the only disclosure required in the reaffirmation process. It is expected that the nationwide form will assist those who teach budgeting and financial management in secondary schools, provide credit counseling, or assist those in financial difficulty in educating consumers about the benefits and disadvantages of reaffirmations so that debtors who do reaffirm will be better informed about what they are doing. The provision is also intended to create a nationwide method of processing reaffirmations so that companies who must administer reaffirmations in several areas are freed from special requirements in particular localities.

The statutory form, in addition to clearly explaining to debtors what they are doing when they reaffirm, also provides a form which may be used as the reaffirmation agreement and a form for the debtor's attorney's certification when the debtor is represented. Debtors must also fill out a Part D in which they state their ability to pay the amount being reaffirmed based upon their income and expenses, including other reaffirmed debts. If debtors cannot complete the form showing they have ability to pay the reaffirmed amount, there is a presumption of undue hardship for a period of 60 days, and the reaffirmation must be submitted for review by the court even when the debtor's attorney certifies that the reaffirmation is in the debtor's best interest. Since income and expenses for these purposes are those the debtor will have post-discharge, the standards of income and expense under section 102 of HR 2415 are not relevant. The debtor's actual post-discharge income and expenses as the debtor determines them will control.

Credit unions are permitted to change the form to reflect that the debtor may fill out a simpler Part D when a credit union member is reaffirming a debt. The credit union member only needs to indicate that will pay the reaffirmed obligation, and there is no presumption of undue hardship or requirement of review by the judge.

Creditors and debtors must make good faith efforts to comply with the requirements imposed by this section. However, there is no intention that errors in completing or using the disclosure forms or complying with the procedural requirements of this section will be construed as a violation when those errors occur in good faith. Under present law, violations of the reaffirmation requirements are enforceable only as violations of the post-discharge injunction. Enforcement of the injunction is an equitable proceeding in which the equities are weighed, courts take into account the good faith of the creditor. Under this section, creditors may accept payments from debtors before and after the filing of a reaffirmation agreement, and may accept and retain payments under a reaffirmation agreement which the creditor believes in good faith to be effective, even though subsequently it is determined that the reaffirmation agreement is not in fact effective. For example, if the creditor and debtor agree that the debtor is responsible to file the reaffirmation agreement, and the debtor does not do so, the creditor should be able to accept and retain payments from the debtor unless it knew the debtor had not in fact filed the agreement with the court. Likewise, if a debtor indicates that he or she has ability to pay in Part D, a creditor can rely upon that statement. Moreover, the requirements of subsection (c)(2) and those added by this section are satisfied if the disclosures required under those provisions are given in good faith. For the purposes of this section, "good faith" is to be broadly construed as honesty in fact under the circumstances. The narrow standard of good faith under the Truth in Lending Act is not intended.

The requirements of present law are continued that debtors who do not have counsel who will certify that a reaffirmation is in the debtor's best interest must have the reaffirmation approved by the court before it can be effective. Otherwise, a reaffirmation is effective upon filing the completed and signed statutory form and reaffirmation agreement with the court.

The provision also directs that United States attorneys in each district will designate a specific person within their offices to address violations of criminal law relating to bankruptcy crimes when they involve abusive reaffirmations or materially fraudulent statements on schedules.

Subtitle B—Priority Child Support

Bankruptcy law has long recognized the legal and moral importance of the payment of obligations incurred by a debtor for the support of his or her spouse and children. As such, it has striven to avoid having bankruptcy become a haven for those who would avoid such obligations or an inadvertent impediment for those who wish to comply with those obligations. However, the treatment of domestic support in bankruptcy had developed somewhat haphazardly over time as new issues and concerns have been raised and addressed piecemeal. Moreover, the Code had lagged behind in dealing with the changing legal status of payments made to governmental entities for such obligations, specifically whether such payments were to be paid directly to support the child or family of the debtor, or were to be retained by the government because the parent or child was receiving public assistance.

Under current nonbankruptcy law the status of a support obligation may change rapidly as the recipient moves on or off government assistance even though the underlying responsibility to support the child or family is unaltered. Thus, there is little reason for payments of domestic support obligations to governmental entities not to be treated equally with payments of such obligations directly to a parent or child, or for a debtor to have a lesser duty to satisfy those debts.

Prior to HR 2415 the principle of favored treatment for all domestic support obligations had only been partially recognized in the Code, and there were a number of areas in which bankruptcy filings impacted domestic matters which were not dealt with at all.

Accordingly, Congress undertook a comprehensive review of all aspects of the treatment of domestic support obligations under the Code to determine how to create a coherent and consistent structure to deal with such obligations in bankruptcy.

The following basic principles were employed in the support amendments contained in these provisions:

1. Bankruptcy should interfere as little as possible with the establishment and collection of on-going obligations for support, as allowed in State family law courts.
2. The Bankruptcy Code should provide a broad and comprehensive definition of support, which should then receive favored treatment in the bankruptcy process.
3. The bankruptcy process should insure the continued payment of on-going support and support arrearages with minimal need for participation in the process by support creditors.
4. The bankruptcy process should be structured to allow a debtor to liquidate nondischargeable debt to the greatest extent possible within the context of a bankruptcy case and emerge from the process with the freshest start feasible.

There were a number of areas under former law where these goals were not met. Support and debts in the nature of support were not treated uniformly in the Bankruptcy Code or by bankruptcy courts. Conspicuously, debts owed to the government and based upon the payment of government funds for the maintenance and support of the children or family of the debtor were not given the advantages which the Code affords to debts payable directly to the family of the debtor. Specifically, support debts assigned or owed to the government on the petition date have not been entitled to any priority under section 507(a), have not been protected from loss of their secured status under section 522(f)(1)(A), and have been recoverable by the trustee as a preference under section 547(c)(7)(A). Conversely, support debts which were not assigned on the petition date were entitled to superior treatment as provided in sections 507(a)(7), 522(f)(1)(A), and 547(c)(7)(A).

Because support debts which are assigned to a governmental entity when a petition is filed may become unassigned during the course of a Chapter 12 or 13 bankruptcy plan, and vice versa, the disparate treatment of these debts in the Bankruptcy Code makes little sense. A family which is in need of support after assistance terminates certainly should not lose the advantages the Code gives unassigned support simply because the support was assigned on the petition date. The contrary was also true. Governmental entities under former law received the advantages given to the creditor of unassigned support when the support became assigned during bankruptcy. An overriding purpose of Subtitle B is to eliminate substantially such distinctions in the treatment of support obligations.

In addition to the disparate treatment of support debts found in the Code, the courts also drew distinctions with respect to the dischargeability of support debts owed to the government and support debts owed to the parent or child of the debtor. These distinctions were often arcane and technical. To illustrate, if the debts were owed to the government and based upon the payment of public assistance, the dischargeability of such debts turned on the irrelevant circumstance of when the aid was paid. As a result, judgment debts for support based upon the payment of public assistance prior to the date a petition for on-going support was entered could be discharged while an arrearage accrued under an on-going order could not, even when the support debts were based on identical criteria. And contributing to a lack of uniformity, the decisional law was not consistent. Moreover, many debts which were incurred by a debtor based upon the responsibility of a governmental entity to provide for the support and maintenance of a child, but which debts were never owed to the child or family of the debtor directly, could be discharged. In particular the following were found to be dischargeable: debts incurred for the costs of maintenance of a child in a juvenile detention facility; debts incurred to support a child who was made a ward of the state; debts for support which had not been reduced to a judgment at the time the bankruptcy petition was filed; and debts for child support and maintenance resulting from the placement of the debtor's children in shelter care facilities. In all of these situations debtors have the same legal, equitable, and moral obligations to provide for the support of their children, but under the peculiarities of former law they could transfer that burden to the taxpayers. The domestic support enforcement provisions of HR 2415 is designed to insure compliance with those obligations, during and after bankruptcy.

Section 211. Definition of domestic support obligation

To ensure that all debts relating to the support of a debtor's spouse, former spouse, family or child are given a similar treatment in bankruptcy, section 211 of HR 2415 provides a sweeping definition for the concept of a "domestic support obligation." This definition is intended to clarify the following:

1. The domestic support obligation includes interest on that obligation as provided under applicable nonbankruptcy law. Thus, if a State provides for prejudgment or postjudgment interest on support, such interest is included in the definition of a domestic support obligation.

2. To be nondischargeable support, the obligation must be owed to or recoverable by a "spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative"; or the debt must be owed to a governmental unit. As distinguished from former law as interpreted by the courts, the debt no longer need be owed to the person or entity filing the claim. It need only be recoverable by such entity. This definition is meant to preserve present statutory or decisional law affecting the dischargeability of debts in the nature of support owed to attorneys or other persons or entities providing assistance to the creditor spouse and children in a domestic proceeding. Nor is there any remaining requirement that the debt be assigned to a government or recoverable under Title IV–D of the Social Security Act for the debt to be excepted from discharge. The debt need only be owed to or recoverable by a governmental unit. Likewise, the debt does not become dischargeable simply because the support was ordered to be paid to the government or a nonparent. Support ordered to be paid to a legal guardian or responsible relative is also not dischargeable.

3. As under the former law, to be excepted from discharge the debt must be "in the nature of support." Unlike the former law, however, a debt based upon assistance provided by a governmental unit for the benefit of a spouse, former spouse or child of the debtor, is now specifically included as a debt in the nature of support. This classification applies whether or not the debt incurred by the debtor is specifically designated as support and whether or not the spouse, former spouse or child has a separate legal right to establish a support obligation.

4. Under former law the support debt had to made "in connection with a separation agreement, divorce decree, or other order of a court of record." Therefore, it was arguable that if the debt had not been reduced to an agreement, decree or order on the date a petition for relief was filed, it was not excepted from discharge. The new definition of a domestic support obligation specifies to the contrary that the debt may be established "or subject to establishment before or after an order for relief" to qualify as a nondischargeable debt.

5. Finally the definition of a domestic support obligation continues to exclude support which has been assigned to a nongovernmental entity, unless the assignment is merely made for the purpose of collecting the debt. This definition codifies existing case law.

Having created this definition of a "domestic support obligation," HR 2415 uses it in twenty specific places. In so doing, HR 2415 generally treats support related debts similarly, no matter how the debt arose or to whom the debt is owed.

Section. 212. Priorities for claims for domestic support obligations

All domestic support obligation debts are given a first priority. Within that priority two categories of support debts are established. Support debts owed directly to support recipients, as of the date of the bankruptcy petition, are paid prior to debts owed or assigned to the government. Therefore all claims filed as priority 1(A) must be paid prior to claims filed as priority 1(B).

When, however, such claims are filed by a governmental unit and that unit receives payments on the claim, the subsequent application and distribution of moneys are governed not by the claim as it existed on the petition date, but by nonbankruptcy law applicable to such governmental units. Thus, receipt of money claimed as a priority 1(A) debt may be distributed by the government to reimburse itself for the payment of public assistance if the creditor assigns that debt to the government postpetition. Likewise, debts which are assigned to the government prepetition and claimed as priority 1(B) debts will be distributed directly to the support obligee if the debt is no longer assigned as of the date the government received the funds.

Other changes in distribution may also occur. If the trustee pays a governmental entity on a claim in one month, and the debtor owes but has not paid a support order accruing in that month, the governmental unit may credit the payment to the current month's obligation, not to the claim. The governmental unit may also credit any payment received on the claim against newly accrued postpetition judgment interest, rather than against the principal portion of the claim. The purpose of these rules relating to governmental support claims is to allow the distribution of money received as support in the same manner it would be distributed if the debtor had not filed a bankruptcy petition.

Section 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations

Section 213 sets up four check points to ensure that debtors are complying with their domestic support obligations when they have filed a bankruptcy case under Chapters 11, 12, and 13.

1. A case can be converted or dismissed at any time if the debtor does not remain current in the payment of an on-going support obligation. Under former law the Code did not explicitly require such payments or mandate an early termination of a plan when a debtor was not in compliance with an ongoing support order, although some courts used their discretion to dismiss such cases for "cause." HR 2415 allows the court to convert or dismiss a Chapter 12 or 13 plan for failure of the debtor to pay postpetition ongoing support.

2. To be confirmed a plan must provide for payment of all past due priority claims for domestic support obligations. The Code does, however, provide two exceptions. It allows a creditor the option of accepting less than full payment under the plan. It also allows a debtor to "cram down" a less than full payment plan for priority support debts which are assigned to a governmental entity, so long as the plan provides for payment of all disposable income of the debtor for the maximum five year period allowed for a plan in Chapters 12 and 13. However, since these debts will not be discharged in any event, the debtor will be given a substantial incentive to propose and complete such a plan.

3. A plan under Chapters 11, 12, and 13 may not be confirmed unless the debtor has remained current in the payment of all support first becoming due postpetition. Nor can a debtor in a Chapter 12 or 13 case obtain a discharge unless all support becoming due postpetition has been paid. These provisions are designed to be self-executing, at least to the extent they do not require affirmative action on the part of a support creditor to implement them. Payment of domestic support obligation arrears, in order to receive a discharge, is required only to the extent "provided for by the plan." Thus, agreements made at the time of confirmation to accept less than full payment or the use of "cram down" rights possessed by the debtor may allow the debtor to receive a discharge without full payment of all prepetition domestic support obligations. Of course, completion of such a plan would not discharge any remaining domestic support obligations, but would allow the debtor to be relieved from other debts covered by the general discharge under the relevant chapter.

4. HR 2415 allows, but does not require, the debtor to include in a plan the payment of postpetition interest on a nondischargeable debt if the debtor is able to do so after paying other debts. This provision is a departure from former law which did not allow a claim for interest, unless the claim was secured, even though interest continued to accrue on nondischargeable debts. As a result, even if the debtor provided for full payment of the prepetition support debt, this debtor would be left at the end of the plan with a remaining debt for interest. Accordingly, while a debtor will often not have sufficient income to make postpetition interest payments, the debtor may wish, if feasible, to make such payments in order to obtain a fresh start at the completion of the plan.

Section 214. Exceptions to automatic stay in domestic support obligation proceedings

HR 2415 also adds additional exceptions to the automatic stay. Under section 362(a) various activities of creditors are stayed once a bankruptcy petition has been filed. Under former law there were exceptions to the automatic stay which permitted the establishment of paternity, and the establishment or modification of a support order but they did not deal with a number of other domestic issues. In addition, under former law the automatic stay did not apply to the collection of support so long as it was collected from property which was not property of the bankruptcy estate. Since property of the estate included debtor's income in Chapter 12 and 13 cases, at least until confirmation of the plan, a support creditor had no way of obtaining either on-going support or prepetition support arrearages, unless the obligor/debtor paid these debts voluntarily or the creditor obtained relief from the stay. These amendments deal with both issues. They include the following:

1. The existing exceptions are amended to refer to the new definition of a domestic support obligation. Additional language is added to clarify that certain other family-related matters such as custody, divorce, and domestic violence proceedings may continue to be pursued without obtaining relief from the automatic stay except to the extent a divorce proceeding seeks to deal with the division of estate property. Property division issues in a divorce are not intended to impinge on the exclusive jurisdiction of the bankruptcy court over estate assets.

2. Section 362(b)(2)(C) is added to provide for the withholding of income from property of the debtor or from property of the estate for the payment of a domestic support obligation. In this provision Congress has divested the bankruptcy court of exclusive jurisdiction over the bankruptcy estate to the extent a debtor's wages are estate property. Under prior law such withholding would have been allowed only if it were determined that the debtor's income was no longer property of the estate. This section specifically allows the use of estate property to pay support through the wage withholding process without any bankruptcy imposed limitation. The purpose of this provision is to allow income withholding to be implemented or to continue after a Chapter 11, 12 or 13 petition is filed, just as it would if a Chapter 7 petition were filed. The income withholding provisions were enacted to allow compliance with procedures mandated in the Child Support Enforcement Program, Social Security Act, Title IV–D. Income withholding applies to the collection of on-going support and support arrearages. It may be implemented by court order or through an administrative process.

3. Use of other support enforcement techniques are also excepted from the reach of the automatic stay. Under the amendment, the withholding, suspension, or restriction of drivers' licenses, professional and occupational licenses, and recreational licenses under state law as provided in the Social Security Act is not stayed. Likewise, the automatic stay does not bar the reporting of overdue support to a consumer reporting agency as required by the Social Security Act. Also excepted from the automatic stay is the interception of tax refunds as required by the Social Security Act. Thus, refunds which are payable to the debtor by the State taxing authorities or the IRS, and even refunds which the debtor intends to include or includes in his or her bankruptcy estate, may be seized to satisfy support obligations as required or allowed under State and federal law without requiring relief from the automatic stay. Finally, under the enforcement of medical support obligations as mandated by the Social Security Act is not stayed.

Section. 215. Nondischargeability of certain debts for alimony, maintenance, and support

This section makes all domestic support obligations non-dischargeable. The most significant effect of this change is that all debts owed to a governmental entity which are derived from payments by the government to meet needs of the debtor's family for support and maintenance are excepted from discharge. This change will nullify the holdings cited in footnotes 2, 4, 5, 6, and 7. By amending 523(a)(5) and (15), all "domestic support obligations" as broadly defined in new section 101(14A) of the Bankruptcy Code are excepted from discharge.

Section 215 also makes nondischargeable all non-support debts incurred in connection with a divorce or separation. Previously such debts may have been determined to be nondischargeable only if the support creditor brought a timely proceeding to determine the dischargeability of the debt and proved not only that the debtor had the ability to pay the debt but that discharging the debt would result in a benefit to the creditor which outweighed the detriment to the debtor. This provision gives debts resulting from the division of property the same protection from discharge as support debts.

Section. 216. Continued liability of property

Section 522(c)(1) of the Code, as amended by this section, incorporates the new definition of a domestic support obligation into the existing provision which subjects otherwise exempt assets to debts for nondischargeable taxes and support obligations. This section expands this principle to preempt state law and specifically provides that under federal law such exempt property must be made available to satisfy a domestic support obligation, notwithstanding state law to the contrary. The purpose of this provision is to nullify the Fifth Circuit en banc holding in Matter of Davis, 170 F.3d 475 (5th Cir. 1999), and to reinstate the holding of the original Fifth Circuit panel.

Section 522(f)(1) allows a debtor to avoid judicial liens on exempt property, but contains an exception for liens which secured unassigned child support. This section extends this exception to domestic support obligations. Therefore, any judicial lien placed on the debtor's property which secures a support related obligation, whether assigned or not, may not be avoided even though the lien impairs the exemption to which the debtor would otherwise have been entitled.

Section 217. Protection of domestic support claims against preferential transfer motions

Section 547(c)(7) previously barred the trustee from recovering, as a preferential transfer, bona fide payments of an unassigned support obligations. This section extends this exception to all domestic support obligations.

Section 218. Disposable income defined

This section adds language to the disposable income test under chapters 12 and 13. The language added to chapter 13 simply repeats language already added by section 102 of this Act.

Section 219. Collection of child support

This section improves the information available to child support and alimony claimants when the person who owes support or alimony files for bankruptcy. In those cases, the chapter 7, 11, 12 or 13 trustee is to provide both the support claimant and the State child support collection agency with information about the filing, and inform the claimant about the availability of free or low cost collection services through the State agency. Additionally, when the debtor is discharged, the trustee is to notify the claimant and the State agency of the fact of the discharge and certain information about the location of the debtor. If a debt has been determined to be nondischargeable or is reaffirmed, the trustee is also to notify the claimant and the State agency of the name of the creditor affected. Creditors whose names are the subject of a notification are required, when asked, to provide the last known address of the debtor.

Section 220. Nondischargeability of certain educational benefits and loans

This provision makes certain student loans offered by non-governmental creditors nondischargeable.

Section 221. Amendment to discourage abusive bankruptcy filings

This provision inserts strong new regulation of bankruptcy petition preparers. It is intended that this regulation be strongly enforced.

Section 222. Sense of Congress

The sense of Congress is expressed that States should develop courses on personal finances for use in primary and secondary education. Consumer credit has become widely available in our economy. Congress considers it to be of the greatest importance that educational programs like those sponsored and promoted by the Jump Start Coalition of governmental and private entities be encouraged. By educating children when they are young in the basics of personal financial management, inappropriate use of consumer credit can be reduced, and better ability of average citizens to manage financial crises can be promoted.

Section 223. Additional amendments

This section provides a new 10th priority under section 507 of the Bankruptcy Code for claims based on driving while intoxicated under influence of drugs.

Section 224. Protection of retirement savings

This provision broadens the exemptions for retirement savings available under present law to cover all forms of pensions and savings plans allowed to be exempt from current income taxation under the Internal Revenue Code. It provides protection from creditors' claims for tax-favored retirement plans or arrangements which are not already protected from creditors' claims under current law. The section carries no implication that the protection from the bankruptcy estate afforded to plans by virtue of section 541 of the Bankruptcy Code as applied in the Shumate decision, and the line of cases following that decision, or by any provision of the Bankruptcy Code or other state or federal law that protect plan assets from creditors, is in anyway reduced. This amendment to the Bankruptcy Code is in accordance with longstanding Congressional policy of conserving and preserving plan assets for use as retirement security for participants in their retirement years. As such, it is intended to be in addition to the protections provided by current law and is not in any way intended to supplant or supercede protections which exist in current law.

Section 224 covers plans that have received determination letters from the Internal Revenue Service as well as plans, such as public plans, that have not received such letters but are intended to be operated in accordance with ERISA and or Internal Revenue Code, as applicable. It also covers plan assets in transit such as when they are directly transferred by a plan administrator to a plan sponsored by another employer or to an Individual Retirement Account. The same protection is provided when the plan assets are distributed directly to an employee upon termination of employment and within 60 days of the distribution of the employee transfers the distributed amount in another qualified retirement plan or into an Individual Retirement Account.

In addition, the Section provides that if there is an outstanding pension plan loan to a participant at the time of bankruptcy filing such loan is not to be discharged or a stay issued on any withholdings from the wages of the debtor that are being used to make level repayments of the loan. A stay of the withholding would result in a default and under the ERISA rules cause the amount of the unpaid balance to become taxable income. The ensuing tax liability would take precedence over unsecured creditors' claims. A plan loan is actually a special nontaxable distribution which the participant is expected to return to the plan.

Under the asset limitation provision of this section, the maximum amount exempt for bankruptcy purposes in an IRA or Roth/IRA, other than a simplified employee pension under section 408(k) of the Internal Revenue Code or a simple retirement account under 408(p) of the Internal Revenue Code, is limited to $1,000,000, excluding rollover contributions under 402(c), 402(e)(6), 403(a)(4), and 403(a)(5) of the Internal Revenue Code, as well as earnings thereon. The $1,000,000 maximum amount is subject to adjustment under section 104 of the Code. In addition, the $1,000,000 maximum amount is subject to increase if the interests of justice so require.

Section 225. Protection of Education Savings

Section 225 protects certain educational savings in the event of bankruptcy. Qualified State Tuition Programs represent a joint effort by the federal government and the states to encourage saving for post-secondary education. Congress has expressed a clear interest in encouraging the post-secondary education of children by permitting individuals to save exclusively to cover the expenses of higher education through Qualified State Tuition Programs on a tax-favored basis. However, Congressional interest in promoting saving for post-secondary education would be frustrated if accounts in Qualified State Tuition Programs are pulled into the bankruptcy estate of the debtor because of certain rights of the donor.

Therefore, with certain exceptions, section 225 excludes from a debtor's bankruptcy estate funds and earnings on such funds contributed to an account established pursuant to a qualified state tuition program under Section 529 of the Internal Revenue Code of 1986, as amended ("IRC"). The funds in these accounts may be used for qualified higher education expenses (including tuition, fees, books, supplies and room and board) of a designated beneficiary of the debtor and cannot be transferred to any person other than a qualified family member without adverse federal tax and other consequences. Section 225 would only permit exclusion from the bankruptcy estate funds in qualified state tuition programs for a restricted group of designated beneficiaries, limited to children and grandchildren (including step-children and step-grandchildren). The provision recognizes that adopted and foster children fall into this category and that "step-grandchild" is intended to include both the step-child of the debtor's child as well as the child of the debtor's stepchild.

This provision makes clear that, subject to certain requirements, contributions to these accounts are not to be pulled into the debtor's estate for bankruptcy purposes. All contributions and earnings thereon are thus protected except: (1) contributions made to a program less than 365 days before the date of filing the bankruptcy petition; or (2) contributions in excess of $5000 made to a program less than 720 days before filing the bankruptcy petition.

Section 225 includes similar provisions extending protection to funds placed in education individual retirement accounts, as defined in Section 530 of the Internal Revenue Code.

Sections 226–229. Debtor's bill of rights

These four sections, derived from federal law regulating credit repair agencies, provide for new disclosures and restrictions on practices with which bankruptcy petition preparers, attorneys and anyone else who meets the definition of a debt relief agency must comply. Congress was concerned that debtors who file bankruptcy be better informed about the nature and scope of bankruptcy, the different remedies that are available, and the significance of the step they are taking, so that they can both better evaluate it, better understand what is going to happen, and better protect themselves. It is also the intent that debtors be better able to negotiate with their attorneys about fees and services provided. For example, provisions require that debtors be clearly informed about what services an attorney will provide the debtor and for what fee.

Bankruptcy petition preparers must comply with these provisions as well as those imposed under the Code and section 221 of HR 2415.

Section 226. Definitions

This section defines various terms, including who is an "assisted person", what is "bankruptcy assistance", and who is a "debt relief agency". It is intended that these provisions be broadly interpreted since they define the scope of the protections which debtors receive under the related provisions. Authors, publishers, distributors or sellers of works subject to copyright protection when acting solely as such an author, publisher, distributor or seller are excluded from the definition. Thus an attorney who writes a book on how to file bankruptcy is not a debt relief agency when promoting or selling the copyrighted book. But when that same attorney represents debtors filing petitions, the attorney is a debt relief agency because no longer acting in the capacity of an author, even if he gives his clients a copy of the book.

Section 227. Restrictions on Debt Relief Agencies

This section creates a new section 526 of the Code which proscribes certain practices by debt relief agencies and provides for enforcement of violations of this section and new Code sections 527 and 528.

Enforcement is provided for any violations of new Code section 526, 527 or 528. Intentional or negligent failures to comply with any requirements of the three sections permit the debtor to obtain restitution of any fees or charges made by the agency, as well as actual damages and reasonable attorneys fees. The same damages are available for intentional or negligent disregard of the material requirements of the Bankruptcy Code or Rules. Any contract for bankruptcy assistance that does not comply with the material requirements imposed is void, except that the assisted person can enforce it. State attorney generals are also empowered to enforce the provisions of these sections, and the United States District Court are granted concurrent jurisdiction of any such enforcement proceeding. The court, the United States Trustee or the debtor may also seek injunctive relief or civil penalties against intentional violators or those with a clear and consistent pattern or practice of violation of any of these sections.

The section also provides that its requirements in new sections 527 and 528 do not excuse any person from complying with State laws unless the State law is inconsistent with those sections. Also specifically preserved from preemption are any practice of law requirements under State or federal law if they conflict with the requirements of sections 526, 527 or 528 added to the Code. It is not expected that any of these new sections will impose upon debt relief agencies requirements that would force them to violate applicable unauthorized practice of law restrictions. For example, providing the disclosures under section 527 should not be the practice of law, since the content of the disclosure is set by federal law and does not involve giving a debtor advice. For similar reasons, the additional information debt relief agencies are required by section 527(c) with respect to valuation of assets, completion of the list of creditors and exempt property should not involve giving legal advice. However, in the event applicable unauthorized practice rules proscribe non-lawyers from providing such information, the provision states that it is only required to the extent permitted by nonbankruptcy law.

Section 228. Disclosures

This section creates new Bankruptcy Code section 527 which requires a debt relief agency to deliver to an assisted person required disclosures either described or set forth in the section. Within 3 business days after the agency first offers to provide bankruptcy assistance in a written, face to face, telephone, internet or similar solicitation or contact, the agency must provide, the agency must provide a clear and conspicuous written notice which states that the information the assisted person provides in the bankruptcy proceeding must be complete, accurate and truthful, assets and liabilities must be completely and accurately disclosed and assets must be valued and income and expenses stated after reasonable inquiry, and that information provided may be audited. Before the commencement of the case, the agency must provide the debtor with the notice required under section 342(b)(1) (as amended by this Act) and an additional disclosure set forth in the section which explains the bankruptcy process and relief and what the debtor can expect. The agency must also instruct the debtor in how to value assets, how to complete the list of creditors, and how to determine exempt property. Record keeping requirements are imposed upon the agency to keep copies of the notices required under this section for a period of 2 years after delivery. It is expected that the Bankruptcy Rules will provide model forms of disclosure and specify further the time and manner in which these disclosures will be made.

Section 229. Requirements for debt relief agencies.

This section creates a new section 528 of the Code that regulates agencies' contracting and advertising. The agency is required to execute a written contract with the assisted person within 5 business days (but before the petition is filed) of providing any bankruptcy assistance, and provide the person with an executed copy. If the agency does not execute a contract within that period of time, it must terminate its relationship with the assisted person.

The agency must also disclose in any advertisement that the services or benefits are with respect to bankruptcy relief. Congress is specifically concerned that debtors understand the services they are being offered involve bankruptcy. This section is intended to prevent agencies from describing their services ambiguously so as to obscure that the assisted person will be obtaining bankruptcy relief. A standard form of disclosure that the services are with respect to bankruptcy relief is set forth in the section.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Section 301. Reinforcement of the fresh start

Present law makes nondischargeable any fee or charge imposed by a court for filing a case, motion, complaint or appeal or related costs or expenses. This section restricts the provision so that it applies only to matters filed by a prisoner.

Section 302. Discouraging bad faith repeat filings

This section is intended to strongly limit the practice of using bankruptcy filings and the automatic stay that arises under section 362 to abuse the bankruptcy process. Debtors who file bankruptcy only once in a one year period will not be affected. However, upon a second filing within one year, the automatic stay will terminate with respect to the debtor or the debtor's property on the 30th day after the second filing. The debtor can seek to have the automatic stay continued by filing a motion and demonstrating that the second filing is in good faith, but there is a presumption that under certain circumstances the second filing is not in good faith.

Upon the third or an additional filing within a one year period, the automatic stay does not go into effect at all. On motion made within 30 days of the third filing, the court may order the stay to take effect as to some or all creditors. The party in interest must demonstrate that the third filing is in good faith, and there is a presumption that under certain circumstances the third filing is not in good faith.

Clear and convincing evidence must be presented in order to rebut the presumptions which arise both with respect to the second and third or later filings.

Conduct covered by this section may also provide an appropriate ground to dismiss a chapter 7 under section 707(b) as revised by HR 2415.

Section 303. Curbing abusive filings

This provision authorizes in rem orders to prevent abusive use of bankruptcy filings. The bankruptcy court is authorized to order that the automatic stay be lifted as to a secured creditor with respect to the current and all subsequent cases to which the automatic stay would otherwise apply if the court finds that the filing of a bankruptcy was either part of a scheme to delay, hinder, and defraud creditors by means of transferring all or part of an interest in real property without the secured creditor's consent or court approval, or involved multiple bankruptcy filings affecting real property.

Once such an order is issued, it can be recorded by anyone in the real property records affecting the real property involved, and recording agencies must accept for recording and record and index any such order so that it will be notice to third parties. Such a recorded order is notice to third parties for 2 years after recording. The court can reimpose the automatic stay in a subsequent case after appropriate notice and hearing if good cause or changed circumstances are shown.

In addition, the automatic stay does not apply at all to prevent acts to enforce security interests in real property if the debtor is ineligible for bankruptcy under section 109(g) or the filing violates a court order in a previous case baring the debtor from refiling.

Section 304. Debtor retention of personal property security

This provision is intended to prevent "ride through" in the situations to which it applies. A "ride through" is the debtor's retention of collateral and maintenance of current payment obligations over the creditor's objection without reaffirming. This section and section 305, taken together, are intended to reverse the results of such cases as *Capital Communications Fed. Credit Union* v. *Boodrow*, 126 F. 3d 43 (2d Cir. 1997) *cert denied*, 522 U.S. 1117 (1998).

Under this provision, an individual debtor is not permitted to retain possession of personal property subject to a security interest securing the purchase price of that personal property unless the debtor enters into a reaffirmation agreement which becomes effective under section 524(c) of the Code, or redeems the property under section 722 of the Code. The debtor is given 45 days after the first meeting a creditors to take one of those two steps or to relinquish possession of the personal property to the creditor. If the debtor fails to complete one of the steps within the prescribed period, the automatic stay is terminated with respect to the property whether it is property of the estate or not, and the creditor may take whatever action as to the property as is permitted by applicable nonbankruptcy law. Although the automatic stay ends upon the expiration of the 45 day period, a creditor is free to allow a debtor to retain possession of collateral and accept continued payments by not taking any actions to collect, since this provision is for the creditor's benefit.

However, the trustee can bring a motion before the end of the 45 day period asserting that the property is of consequential value or benefit to the estate. If the court finds that the retention of the property will benefit creditors significantly, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver the property to the trustee, the court may extend application of the stay for a further reasonable time to permit the trustee to obtain the benefit for the estate.

The section also amends section 722 to make it absolutely clear that the full, complete and immediate cash payment of the redemption amount to the creditor is necessary for there to be a redemption. Installment redemptions are not permitted.

Section 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral

Like the previous section, this section is also intended to prevent "ride through" with respect to any property the section covers. Any personal property of the estate or of the debtor securing a claim or subject to an unexpired lease is covered by the section, and in certain instances creditors will be protected by both this section and the previous section, in which case the provisions can be applied cumulatively.

The section provides that the automatic stay terminates if the debtor fails to timely (1) file a statement of intention covering the property indicating that the debtor will either redeem the property under section 722 of the Code, reaffirm the debt it secures under section 524(c) of the Code, or assume an unexpired lease under section 365(p) of the Code (as amended by HR 2415), or (2) take the action specified in the statement of intention (unless the statement of intention specifies reaffirmation and the creditor refuses to reaffirm on the original contract terms). Although the automatic stay ends upon the expiration of the period for taking action, a creditor is free to allow a debtor to retain possession of collateral and accept continued payments by not taking any actions to collect, since this provision is for the creditor's benefit.

However, as with the previous section, the trustee can bring a motion before the end of the period set by section 521(a)(2) asserting that the property is of consequential value or benefit to the estate, and on similar findings, the court may extend application of the stay for a further reasonable time to permit the trustee to obtain the benefit for the estate.

In addition, this section validates certain clauses which have the effect of placing the debtor in default by reason of the occurrence, pendency or existence of a proceeding under this title, or the insolvency of the debtor.

Section 306. Giving secured creditors fair treatment in chapter 13

This provision changes the relationship of secured creditors and debtors in certain situations arising in chapter 13 proceedings.

First, in order for a debtor's plan to be confirmed, it must provide that a creditor's lien will continue until the earlier of payment of the underlying debt under nonbankruptcy law or the grant of discharge under section 1328. Nothing in this provision is intended to alter other requirements for confirmation. Thus if a secured debt will not be fully paid before the end of the plan, this provision does not authorize a plan to provide that the lien terminate upon discharge.

Moreover, the plan must provide that if the case is dismissed or converted without completion of the plan, the creditor will retains the lien to the full extent permitted by nonbankruptcy law. It is intended that any benefits debtors obtain under a plan as against their secured creditors will be lost unless the debtor fully completes the plan. In the event a debtor's case is discharged under the hardship discharge provisions without completion of the plan, the creditor's lien nonetheless survives unaffected by the bankruptcy to the extent permitted by nonbankruptcy law.

Second, the extent to which claims secured by purchase money security interests in personal property are subject to cramdown to fair market value is limited. It is intended that cramdown not apply to any collateral described in this provision during the periods of time specified, and that the amount of the claim which must be paid under the plan be the full amount of the claim allowed under section 502 without application of section 506. Thus, if the debt was incurred within 5 years prior to filing and the collateral consists of a motor vehicle acquired for the personal use of the debtor, the value of the collateral cannot be reduced to the current fair market value and therefore the amount the plan must pay under section 1325(5)(B)(ii) over the duration of the plan must be the amount of the allowed claim under section

502 rather than the allowed secured claim under section 506. A similar result applies for any other personal property if the debt was incurred during the one year period preceding the filing.

Third, terms used in section 1322(b)(2) which limits cramdown of certain real estate mortgages are defined to make clear that a debt secured by real estate which is the debtor's principal residence includes any 1 to 4 family structure, including incidental property, without regard to whether the structure is attached to real estate, and includes condominium or cooperative units and mobile or manufactures homes or trailers. Incidental property includes any property commonly conveyed with a principal residence in the area where it is located.

This provision is intended to reject those cases which have allowed cramdown of real estate mortgages on the grounds that the security property is not a "principal residence" or covers property which is not real estate, simply because the property included multi-family housing, or the mortgage encumbered incidental property, or covered less traditional forms of housing such as condominiums, coops or mobile homes or trailers.

Section 307. Domiciliary requirements for exemptions

This provision limits the state exemptions which debtors can enjoy in bankruptcy when they have moved into a state within two years of filing. If a debtor has lived for 2 or more years in a State immediately prior to filing, the debtor can use the exemptions allowed by the state where the debtor resides under section 522 of the Code. If the debtor has lived in a state for less than 2 years at the time of filing, then the debtor must use the State exemptions of the State where the debtor lived 2 years prior to filing if the debtor lived there all of the 180 days which precede that 2 year period. If the debtor lived in more than one State during that 180 day period, the State exemptions of the State where the debtor lived the longest during that period will control.

If a debtor has to use a particular State's exemptions, the law of that State also determines whether the debtor can elect to use the federal exemptions available under section 522(d) of the Code.

Section 308. Residency requirement

Any home equity acquired within the 7 years prior to filing is not exempt if: (1) such equity was attributable to property that the debtor disposed of with the intent to hinder, delay, or defraud a creditor; and (2) such property was not an exempt asset. For example, if a debtor disposes of cash, a non-exempt asset, by exchanging that cash for a residence with the intention of delaying the payment of a creditor, such residence would not be exempt from the bankruptcy estate. It is the intent of Congress that it should be easier to prove intent to hinder or delay than to prove intent to defraud.

Section 309. Protecting secured creditors in chapter 13 cases

This provision adjusts the relationship of debtors to lessors and secured creditors in bankruptcy proceedings.

First, it amends section 348(f) to assure that when a debtor converts a case from chapter 13 to chapter 7, the debtor does not retain any benefits of the chapter 13 case with respect to any secured creditor, unless the full amount of the secured creditor's claim determined under nonbankruptcy law has been paid in full, and unless a prebankruptcy default has been fully cured prior to conversion. If a debtor converts from chapter 13 to another chapter and then converts to chapter 7, the courts should impose similar limitations.

Second, provision is made to allow a debtor and creditor to arrange for the debtor to assume a personal property lease rejected or not timely assumed by a trustee. On the other hand, in a chapter 11 or 13 proceeding, if the plan does not provide for assumption of the lease, the lease is deemed rejected as of the conclusion of the hearing on confirmation and the automatic stay automatically terminates.

Third, in a chapter 13 proceeding, a debtor's plan must provide that the debtor will make monthly payments if there are to be periodic payments to a personal property secured creditor or personal property lessor receiving distributions under the plan, and those payments must at least be in an amount sufficient to provide adequate protection. This provision, however, is not intended to lessen any of the other protections of secured creditors or lessors provided in the Bankruptcy Code.

In addition, debtors are required to continue to make payments to creditors holding claims secured by personal property and to personal property lessors from 30 days after the order for relief. These payments are to be made directly to the creditor or lessor, and the amount of plan payments which the debtor must make can be reduced by the amount paid to the creditors or lessors. The debtor must provide an accounting of these payments to the chapter 13 trustee.

Section 310. Luxury goods

This section provides that certain debts are presumed to be nondischargeable under section 523(a)(2)(A) of the Bankruptcy Code. Under section 523(a)(2)(A), a debt is nondischargeable when it is incurred, among other things, by fraud. For example, fraud can occur when a cardholder misrepresents his or her intentions by using a credit card when the objective facts show that the cardholder did not or could not intend to repay. This bill provides that if a debtor incurs debts to a single creditor aggregating for purchases on a credit card of more than $250 for luxury goods or services within 90 days of filing for bankruptcy, such debt is presumed to be nondischargeable. This provision recognizes that debtors may use open end credit to purchase goods and services necessary for the support of the debtor shortly before bankruptcy, while identifying presumptively abusive behavior which warrants making the debt nondischargeable such as purchasing a significant amounts of items or services not necessary for the support of the debtor (i.e. luxury goods and services).

A related provision is included with regard to cash advances. Cash advances under open-end credit plans aggregating more than $750 within 70 days of filing for bankruptcy are presumed to be nondischargeable. This language is carefully drafted to require the aggregation of all cash advances within 70 days of filing, even if they involve more than one creditor. Furthermore, there is no requirement to demonstrate that the cash advances were for "luxury goods" since such a requirement would be virtually impossible to fulfill given the difficulty of accounting for cash. The behavior itself is sufficient indicia of abuse.

Section 311. Automatic stay

This section provides that the automatic stay under section 362 will not apply in several situations in which residential tenants file for bankruptcy. First, the automatic stay will not bar the continuation of an eviction action pending when the debtor files for relief. Second, eviction proceedings commenced after filing are not barred by the automatic stay if the lease has terminated before or after filing of bankruptcy. Third, the automatic stay also will not bar eviction proceedings based on endangement to property or person or the use of illegal drugs, or to any transfer that is not avoidable under sections 544 or 549 of the Code.

Section 312. Extension of period between bankruptcy discharges

The period of time which must elapse between bankruptcies is increased by this provision. When a chapter 7 proceeding is involved, the period is increased from six to eight years. Furthermore, a chapter 13 discharge cannot be granted if the debtor received a discharge under any chapter of title 11 within 5 years of the order for relief in the chapter 13 case.

Section 313. Definition of household goods

Section 522(f) of title 11 permits a debtor to void a non-purchase money security interest in certain categories of goods if the property subject to the security interest is otherwise exempt in the debtor's case. One of the categories is "household goods". This section is intended to clarify what this term means so that there can be a nationwide, uniform standard for what can be included in this category, and so that debtors and creditors alike can know whether a loan is truly secured or unsecured. It is expected that the additional clarity will assist debtors in obtaining the lowest price available for this type of secured credit.

Section 314. Debt incurred to pay nondischargeable debts

If a claim arises from payment of a tax to a governmental unit other than the United States and the tax that was paid would be nondischargeable under section 524(a)(1), then the debt incurred to pay the tax is also nondischargeable.

Section 315. Notice to creditors

This section changes the requirements for providing notice to creditors and also changes what information they must provide in the schedules or otherwise as part of a bankruptcy filing.

Notice.—This section is intended to ensure that creditors receive actual, meaningful, and timely notice of bankruptcy filings.

In order to ensure proper processing by a creditor, debtors will need to include the account number in any required notice to a creditor with respect to any debt owed to such creditor. Furthermore, any notice required to be given by the debtor to the creditor must be done so at an address specified by the creditor. Creditors will be required to include the account number and appropriate address in the last two communications supplied to the debtor within the 90-day period prior to filing for bankruptcy. However, if any legal requirement impedes the creditor's ability to communicate with the debtor at any point during the 90-day period prior to filing, the creditor's burden will be satisfied if the appropriate information was included on its last two communications with the debtor. For purposes of this section, the creditor's communications with the debtor are those which deal specifically with an individual debt. "Communications" do not include promotional material or other communications that do not pertain specifically to a debtor's debt to the creditor.

Language in the Bankruptcy Code which states that failure to include the specified information in a notice does not invalidate the legal effect of such notice is deleted.

Furthermore, if a creditor in an individual chapter 7 or 13 case has specified an address for notice by filing a statement to that effect with the court, the court and the debtor are required to use such an address starting five days after receiving the address. A creditor may file a notice address with the court to be used generally by the court, parties in interest and the debtor to provide notice to the creditor in all cases under chapters 7 and 13. In the event a creditor has provided different notice addresses by more than one of the permitted methods, a debtor may use any one of them, except that a notice address filed in a particular case shall control.

Notices which are not sent to the appropriate address as specified by the creditor are not effective until the notice is brought to the creditor's attention. If the creditor has designated an entity to be responsible for receiving notices concerning bankruptcy cases and has established reasonable procedures so that these notices will be delivered to such entity, a notice will not be deemed to have been received by the creditor until it has been received by the designated entity. Sanctions for violation of the automatic stay under section 362 of the Code or for the failure to comply with the turnover provisions in sections 542 and 543 of the Code may not be imposed if a creditor has not received proper notice.

Tax Return Information.—The section also requires debtors to provide certain tax return information. By no later than 7 days before the date first set for the first meeting of creditors, a debtor must provide the trustee, without any prior request, the debtor's tax return or transcript, or the case will be dismissed unless the debtor can show that the failure to file a return is due to circumstances beyond the control of the debtor. Such circumstances would include that the debtor did not file a return for the period required, but not that the debtor could not find the return unless the debtor in addition showed that a significant, diligent and timely effort had been made to obtain at least the transcript of the return from the Internal Revenue Service and it was not forthcoming. A transcript is a computer generated line by line statement of debtor supplied information with respect to a tax return which the Internal Revenue Service will provide any tax return filer on request.

Once such information is provided the trustee, creditors in chapter 7 and 13 cases can obtain it by request to the trustee or through the procedure set forth for creditors to obtain copies of the petition and schedules from the court. It is intended that the trustee and the court will make arrangements for the tax return information the debtor provides to be made available to the court to satisfy creditor requests. Creditors can also request the tax return directly, in which case the debtor must provide it directly to the creditor or the case will be dismissed, subject to limitations already discussed.

Debtors are also required to provide tax returns with respect to the period after filing, or with respect to pre-filing periods if they are filed with the taxing authorities after bankruptcy filing. The Director, of the Administrative Office of United States Courts is to develop procedures for safeguarding privacy of these returns, and to make a report to Congress no later and one and one half years after enactment on the effectiveness of these procedures.

Other information. Debtors are required to provide certain other information, including ongoing income and expense information, in certain circumstances.

Section 316. Dismissal for failure to timely file schedules or provide required information

The Fed. R. Bankr. Pro. already provide that schedules must be filed within 10 days of filing unless an extension is granted, and many bankruptcy courts have already established a general practice of dismissing cases when debtors fail to provide all required information within 15 days of filing, unless good cause for additional time is shown. Nothing in this provision is intended to interfere with such requirements. However, if an individual debtor after such extensions as the court may grant, has not filed all of the information required by section 521(a)(1) within 45 days of filing a petition, the case is automatically dismissed. On request of the debtor made before 45 days after filing, the court may grant up to 45 days additional time for the debtor to file schedules. Once the time period provided under this section elapses, the court must enter an order of dismissal within 5 days of request.

Section 317. Adequate time to prepare for hearing on confirmation of the plan

A hearing on confirmation of a chapter 13 plan must be held between 20 and 45 days after the first meeting of creditors. If a plan cannot be confirmed within that period, the court should take appropriate action to dismiss or convert the case.

Section 318. Chapter 13 plans to have a 5-year duration in certain cases

If a debtor's current monthly income is more than the monthly median income, the debtor's plan must be no shorter than 5 years, unless the debtor proposes and confirms a plan which provides for payment in full of all creditors within a shorter period. The same rules apply to modifications.

Section 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure

It is the sense of Congress that Rule 9011 should be applied to the schedules and other documents filed with the court.

Section 320. Prompt relief from stay in individual cases

Relief from stay proceedings must be finally decided within 60 days after relief is requested, unless the parties agree to the contrary, or the court for good cause finds it is necessary to do so, but then only for a specified period of time. Otherwise, the stay automatically expires as to the requesting creditor.

Section 321. Chapter 11 cases filed by individuals

This section changes some chapter 11 provisions to bring the chapter more closely into conformance with chapter 13 when the debtor is an individual.

First, the property of the estate is expanded from present law to include all property and earnings acquired between the time of filing and the closing, dismissal or conversion of the case. Such property is placed under the supervision of the court and is protected by the automatic stay. Second, what may be included in a plan is expanded to permit the debtor to subject future earnings and income to the plan. Third, the individual debtor's plan must provide either that it will pay each claim in full or that at least the debtor's disposable income over the first 5 years of the plan is paid to unsecured creditors. Fourth, in an individual case, the discharge is not granted until completion of payments under the plan. Provision is made for a hardship discharge. Fifth, modifications of a plan are subject to the same requirements as an original plan.

Section 322. Limitation

The state law homestead exemption is limited to a maximum of $100,000 for the home equity acquired within the 2 years prior to filing. Amounts acquired within the 2-year period that exceed $100,000, are not exempt from the bankruptcy estate. Amounts of home equity acquired prior to the 2-year period are not subject to the $100,000 cap, but are subject to the relevant state law homestead exemption. For this purpose, equity acquired in a principal residence prior to the 2-year period and rolled over into another principal residence after the 2-year period is not subject to the $100,000 cap, but is subject to the relevant state law homestead exemption. This rollover provision does not apply to the sale of a principal residence in one state and the purchase of another principal residence in another state.

Section 323. Excluding employee benefit plan participant contributions and other property from the estate

Amounts which have been withheld from wages of employees for payment as contributions to retirement plans or health insurance plans, or received from employees for payment over to such plans are not property of the estate. It is not intended that this provision will affect money which has been paid over and received by the respective plans for the purposes the withholding or contributions have been made.

Section 324. Exclusive jurisdiction in matters involving bankruptcy professionals

This section gives the district court exclusive jurisdiction of any property of the debtor as of the commencement of the case, of property of the estate, and of all claims that involve construction of section 327 (on employment of professional persons) or disclosure rules under that section.

Section 325. United States Trustee Program filing fee increase

This section changes the filing fees for chapter 7 and 13 cases, and changes the sharing percentages with respect to such fees.

Section 326. Sharing of compensation

Section 504 of the Bankruptcy Code restricts the extent to which those being paid compensation or reimbusement in a bankruptcy case may share such compensation or reimbursement. This section creates an exception from those rules to permit bona fide public service attorney referral programs operating in accordance with non-Federal law regulating attorney referral services to share such compensation or reimbursement.

Section 327. Fair valuation of collateral

This section is intended to make clear that when value is determined under title 11, it shall be determined based solely upon what it would cost the debtor to purchase a replacement considering the age and condition of the property, without deductions for other costs or expenses of any kind. In personal, family or household transactions, replacement value is based upon what a retail merchant would charge for the property, considering age and condition at the time value is determined.

Section 328. Defaults based on nonmonetary obligations

The requirements of section 365 are altered so that certain defaults relating to nonmonetary obligations of the debtor under an unexpired lease of real property need not be cured. Furthermore, such defaults are excepted from the ordinary rules applying to impaired classes. Technical changes are also made to remove certain provisions relating to

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Section 401. Adequate protection for investors

This section creates a definition for a "securities self-regulatory organization" and then provides an exception to the automatic stay for investigations, orders, or delisting activities by such an organization involving the debtor.

Section 402. Meetings of creditors and equity security holders

This section gives the court the authority, for cause, not to convene a meeting of creditors if there is a prepackaged plan of reorganization. This would save time and expenses in those instances where the court determines there would be little or no meaningful benefit to be derived from a creditors meeting.

Section 403. Protection of refinance of security interest

This provision alters the preference provisions of section 547 of the Bankruptcy Code with respect to when a transfer is made for the purposes of that section. A transfer is deemed made at the time it takes effect if it is perfected within 30 days after it takes effect between the parties. Present law provides only a 10 day period.

Section 404. Executory contracts and unexpired leases

HR 2415 cures some abuses in the Bankruptcy Code regarding executory contracts and unexpired leases. HR 2415 amends Section 365(d)(4) of the Bankruptcy Code. It imposes a firm, bright line deadline on a retail debtor's decision to assume or reject a lease, absent the lessor's consent. It permits a bankruptcy trustee to assume or reject a lease on a date which is the earlier of the date of confirmation of a plan or the date which is 120 days after the date of the order for relief. A further extension of time may be granted, within the 120 day period, for an additional 90 days, for cause, upon motion of the trustee or lessor. Any subsequent extension can only be granted by the judge upon the prior written consent of the lessor: either by the lessor's motion for an extension, or by a motion of the trustee, provided that the trustee has the prior written approval of the lessor. This provision is designed to remove the bankruptcy judges' discretion to grant extensions of the time for the retail debtor to decide whether to assume or reject a lease after a maximum possible period of 210 days from the time of entry of the order of relief. Beyond that maximum period, there is no authority in the judge to grant further time unless the lessor has agreed in writing to the extension.

HR 2415 also amends Section 365(f)(1) of the Bankruptcy Code to make sure that all of the provisions of Section 365(b) are adhered to and that Section 365(f) does not override Section 365(b). Congress made clear, in Section 365(b)(1), that the trustee may not assume an executory contract or unexpired lease of the debtor, unless the trustee makes adequate assurance of future performance under the contract or lease. In Section 365(b)(3), Congress provided that for purposes of the Bankruptcy Code, "adequate assurance of future performance of a lease of real property in a shopping center includes adequate assurance . . . that assumption or assignment of such lease is subject to all the provisions thereof, including (but not limited to) provisions such as a radius, location, use, or exclusivity provision. . . ."

Regrettably, some bankruptcy judges have not followed this Congressional mandate. Under another provision of the Code, Section 365(f), a number of bankruptcy judges have allowed the assignment of a lease even though terms of the lease are not being followed.

For example, if a shopping center's lease with an educational retailer requires that the premises shall be used solely for the purpose of conducting the retail sale of educational items, as the lease provided in the *Simon Property Group* v. *Learningsmith* case, then the lessor has a right to maintain this mix of retail uses in his shopping centers, even if the retailer files for bankruptcy.

Instead, in the *Learningsmith* case, the judge allowed the assignment of the lease to a candle retailer because it offered more money than an educational store to buy the lease, in contravention of Section 365(b)(3) of the Code. As a result, the lessor lost control over the nature of its very business, operating a particular mix of retail stores. If other retailers file for bankruptcy in that shopping center, the same result can occur. The bill remedies this problem by amending Section 365(f)(1) to make clear it operates subject to all provisions of Section 365(b). The legal holding in the *Learningsmith* case, and other cases like it which do not enforce Section 365(b), particularly 365(b)(3), are overturned.

Thus, this section adds language to Section 365(f)(1) for the purpose of assuring that Section 365(f) does not override any part of Section 365(b). The section provides that in addition to being subject to Section 365(c), Section 365(f) is also subject to section 365(b) which is to be given its full effect.

Section 405. Creditors and equity security holders committees

This section is intended to permit small business interests to obtain representation on creditors' committees even though no small business would otherwise be selected under the standards for selecting members of creditors' committees in the present Bankruptcy Code. Bankruptcy judges are given discretion to increase the size of a creditor's committee to place a small business concern on the committee as a fully voting member if the court determines that the small business creditor holds claims the aggregate amount of which is disproportionately large in comparison to the annual gross revenue of that creditor. Congress intends that this standard be liberally applied in favor of a small business concern. For example, a claim that was more than 5% of the net profit after taxes and debt service of the small business concern would be disproportionately large, since if the claim is not paid, it would cause a 5% reduction in profitability, often the difference between success and failure for a small business.

Section 406. Amendment to section 546 of title 11, United States Code

Section 407. Amendment to section 330(a) of title 11, United States Code

Section 408. Postpetition disclosure and solicitation

This provision permits post-petition solicitation of a prepackaged plan of reorganization if both the pre-petition solicitation and the post-petition solicitation comply with applicable nonbankruptcy law. However, the provision only applies when the holder of a claim or interest solicited post-petition has been solicited pre-petition, thus avoiding different standards being applicable to pre- and post-petition solicitations. Time is crucial in a prepackaged plan of reorganization in order to minimize the adverse effects of bankruptcy on the debtor's business and financial affairs. When it applies, this section permits avoidance of the time and expense of going through the disclosure statement process normally applicable to post-petition solicitations.

Section 409. Preferences

The ordinary course of business defense to preference recovery is liberalized. As under current law, the debt must be incurred in the ordinary course. The payment, however, under the new provision must only be in the ordinary course or according to ordinary business terms.

A new preference exception is also added in business cases. Aggregate transfers of less than $5,000 are exempted from preference recovery.

Section 410. Venue of certain proceedings

Section 411. Period for filing plan under chapter 11

This new provision is designed to deal with the time and expense of reorganization cases by providing the debtor's exclusive period to file a plan of reorganization may not be extended beyond 18 months after the order for relief in the case. No change is made to current law that permits, for cause, either the reduction or the extension of the debtor's initial 120-day exclusivity period, except that the period may not be extended beyond the new 18 month maximum.

The new provision also provides that, if the debtor files a plan of reorganization within its applicable exclusivity period, parties in interest may file a reorganization plan if the debtor's plan is not accepted by each impaired class before 180 days after the order for relief, as such date may be extended for cause up to a maximum of 20 months from the order for relief in the case.

The new time periods are maximum periods that may not be extended by the court. They are not, however, minimums. Debtors will still have to show "cause" to extend the initial 120-day and 180-day periods in section 1121 and any extensions granted by the court. The establishment of the new so-called "exclusivity wall" is not intended to change the standards under section 1104 for conversion or dismissal.

Section 412. Fees arising from certain ownership interests

Section 413. Creditor representation at first meeting of creditors

This section permits either a creditor owed a consumer debt or any representative of that creditor to appear at and participate in the meeting of creditors in a case under chapter 7 or 13 even if the creditor or representative is not admitted to practice before the court or before the local federal or state court, notwithstanding any federal or state rule of practice or statutory provision barring unauthorized practice of law. It is intended that this provision will permit non-attorneys to appear at and participate in the meeting of creditors and any related negotiations entered into before or after the meeting to facilitate more efficient and economical participation by creditors in chapter 7 and 13 bankruptcy proceedings.

Section 414. Definition of disinterested person

This provision deletes the per se exclusion of investment bankers and attorneys for investment bankers from being a disinterested person. Whether an investment banking firm or an attorney for an investment banker is disinterested will depend on an ad hoc application of the definition.

Section 415. Factors for compensation of professional persons

This section permits consideration in setting compensation of whether the professional is board certified or otherwise has demonstrated skill.

Section 416. Appointment of elected trustee

This section provides for procedures when a trustee is elected, and for handling disputes over election of trustees.

Section 417. Utility service

Section 366 of the Code is amended to permit a utility to refuse to provide service to a debtor under certain circumstances unless adequate assurance payments are received.

Section 418. Bankruptcy fees

This provision permits a court to waive filing fees if it finds that a debtor is unable to pay the fees in installments and that the debtor's income is under 150 percent of the official poverty line. The court is expected to examine carefully the debtor's projected future income over the period during which installment payments must be made before concluding that the debtor is truly unable to pay in installments. The mere fact that the debtor is experiencing debt difficulty is not, in and of itself, determinative of whether a debtor can pay in installments. "Filing fees" cover any fee which must be paid in order to file a petition and commence a bankruptcy case under title 11, but not fees for motions or adversary complaints.

Section 419. More complete information regarding assets of the estate

This section directs the Advisory Committee on Bankruptcy Rules of the Judicial Conference to propose for adoption amended rules and forms directing chapter 11 debtors to provide information on the value, operations and profitability of any closely held corporation in which the debtor has a substantial or controlling interest. This direction is intended to result in changes to the Bankruptcy Rules and Forms so that parties in interest will be able to obtain, on the schedules or otherwise on other disclosures provided by the debtor full and complete information about the value of such an interest in a closely held corporation.

Subtitle B—Small Business Bankruptcy Provisions

These provisions effect reforms in chapter 11 cases. They further two primary goals. First, they are designed to reduce cost and delay in chapter 11 cases. Second, they are designed to ensure that the extraordinary protections provided chapter 11 debtors are used to further the public interest, by limiting those protections to cases in which there is both a likelihood of successful reorganization and in which the debtor fully complies with the applicable statutes and rules.

These sections achieve these goals through the following means:

First, the fast-track plan confirmation rules for small business cases that were adopted by Congress in 1994 have been strengthened. Second, the bill simplifies the process of drafting a plan and disclosure statement to make it easier for the small business debtor to comply with the fast-track requirements. Third, the debtor is required to provide additional information about post-filing operations, and the Advisory Committee on Bankruptcy Rules is directed to promulgate forms that will simplify such reporting. Fourth, the United States trustee is directed to oversee the debtor in small business cases. Fifth, the bankruptcy courts are directed to use case-management conferences and scheduling orders to reduce cost and delay. Sixth, it is made easier to appoint an independent trustee or examiner and to convert or dismiss a chapter 11 case in which the debtor is not playing by the rules or there is little likelihood of a successful reorganization. Seventh, the bill protects creditors against repeat filings after a prior chapter 11 case has failed.

Section 431. Flexible rules for disclosure statement and plan

Under current law, the debtor generally files a drafted-from-scratch plan and disclosure statement, even if the debts and assets involved are small. This practice is expensive, and imposes an undue burden on the debtor. Section 1125 of the Bankruptcy Code is amended to streamline the plan confirmation process in several ways for small business debtors. First, it encourages the use of standard-form plans and disclosure statements. Second, it directs the court to weigh the cost of providing additional information against the benefit of such information in determining whether a disclosure statement provides adequate information. Third, it provides that a separate disclosure statement is not necessary if the court determines that the plan provides adequate information. Fourth, it permits the court to consider at a single hearing both the adequacy of the disclosure statement and confirmation of the plan.

Section 432. Definition of small business debtor

Sections 101(51C) and (51D) of the Bankruptcy Code are amended in two significant respects. First, the debt limit used to define a small business debtor is increased from $2.0 million to $3.0 million. Second, a debtor with debts within the limit is treated as a small business debtor whether or not it elects to be treated as a small business debtor. All of the provisions applicable to small business debtors are now mandatory. There are two exclusions from the definition: (1) cases in which the debtor is primarily engaged in passive real estate investments; and (2) cases in which the court has certified that there is an active and representative committee of unsecured creditors.

Section 433. Standard form disclosure statement and plan

Section 433 directs the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States to propose standard forms for plans and disclosure statements in small business cases. Under section 1125 as amended, the debtor may use either a form approved by the court in which the case is pending or a form approved by the Rules Committee. The intent of these provisions is to encourage experimentation in the use of standard forms. Use of an approved form does not by itself satisfy the disclosure requirements. The court must determine that the form provides information that is adequate in light of the facts of the case.

Sections 434 and 435. Reporting requirements

New section 308 of the Bankruptcy Code imposes new reporting requirements on small business debtors, and section 435 of the bill calls for the Advisory Committee on Bankruptcy Rules to promulgate uniform national reporting forms. These provisions have three chief aims: (1) to assist small business debtors in understanding and improving their businesses through the process of preparing the reports; (2) to provide the persons interested in a case with information about that case; and (3) to provide a data base for further evaluation of the efficacy of chapter 11 for small businesses. The standard imposed on the Rules Committee in promulgating uniform national forms is to effect a practical balance between: (a) the needs of interested parties for information; (b) ease and lack of expense in preparation; and (c) "the interest of all parties that the required reports help the small business debtor to understand its financial condition and plan its future."

Section 436. Duties of trustee or debtor in possession in small business cases

New section 1116 of the Bankruptcy Code imposes six types of clear, new duties on small business debtors. The debtor must: (1) promptly file with the court the best available financial information about the debtor's business through its most recent financial statements or federal income tax return; (2) attend through its responsible individual and counsel meetings scheduled by the court or the United States trustee; (3) timely file the schedules and statements of affairs (with a strict limit on extensions) and financial and other reports required by law; (4) maintain insurance necessary to protect the public and the estate; (5) timely pay all administrative expense tax claims; and (6) allow the United States trustee at reasonable times after reasonable notice to inspect the debtor's business premises and books and records. These provisions are designed to assist the debtor, the courts, and the United States trustee in effectuating expeditious administration of small business cases. They are based on recommendations of the National Bankruptcy Review Commission's small business proposal.

Section 437. Plan filing deadline

Section 1121 of the Bankruptcy Code is amended to require a small business debtor to file a plan within 300 days after the petition date. This deadline is based on the assumption that the typical small business debtor can reasonably file a plan and disclosure statement within 300 days. Any request for extension of this deadline is an appropriate occasion to require the debtor to justify the continuation of the broad injunctive relief the debtor received automatically upon the filing of the petition. The amendment does this by requiring the debtor to show that it is more likely than not that the debtor will confirm a plan within a reasonable time if the extension is granted.

Section 438. Plan confirmation deadline

This section provides that a plan shall be confirmed by 175 days after the order for relief, unless such time is extended under section 1121(e)(3) of the Code. If a plan is not confirmed within the period and the period is not extended, it is expected that the case will be dismissed or converted, as appropriate.

Section 439. Duties of the United States trustee

In small business cases, there is rarely an active, functioning creditor's committee. As a result, the debtor in possession is generally not subject to the creditor supervision contemplated when chapter 11 was first enacted. To fill this void and to provide adequate supervision of the debtor, section 586 of the Judicial Code is amended to enlarge the duties of the United States Trustee in small business cases. One of these duties is to conduct an initial debtor interview promptly after the order for relief and before the official creditors' meeting under section 341 of the Bankruptcy Code. At this meeting, the United States Trustee should investigate the debtor's viability, ascertain what the debtor's business plan is, and explain the debtor's reporting and other compliance obligations. In addition, new section 1116 of the Bankruptcy Code authorizes the United States Trustee to visit the business premises of the debtor and ascertain the status of the books and records and timeliness of filing of tax returns.

The amendments to section 586 of the Judicial Code also require the United States Trustee in cases where there are grounds for conversion or dismissal under section 1112 of the Bankruptcy Code to "apply promptly to the court for relief." This duty applies in all chapter 11 cases, not only small business cases.

Section 440. Scheduling conferences

Section 105(d) of the Bankruptcy Code is amended to provide that bankruptcy judges are now required to hold status conferences and enter scheduling orders in chapter 11 cases whenever that would "further the expeditious and economical resolution of the case." The change reflects a determination that bankruptcy judges should assume responsibility for reducing cost and delay in the chapter 11 cases before them, and that active case management by the trial judge is a proven means of cost and delay reduction.

Section 441. Serial filers

This section creates a new section 362(k) of the Bankruptcy Code that provides that the filing of a chapter 11 petition does not create an automatic stay if the debtor: (1) is a debtor in another pending chapter 11 case; (2) was a debtor in a chapter 11 case dismissed within the previous two years; (3) confirmed a plan in a chapter 11 case within the previous two years; or (4) succeeded to the assets of an entity that was a chapter 11 debtor within the previous two years. A debtor affected by this provision is not precluded from filing a chapter 11 petition, and is not precluded from seeking protection from creditor action. The protections of section 362(a) do not go into effect, however, unless and until the debtor makes the required showing regarding the likelihood of confirming a plan and the reasons a second chapter 11 case is necessary. The logic of this provision is that in each of the four identified circumstances there is sufficient likelihood of abuse to require the debtor to make some showing before receiving injunctive relief. The exception to the automatic stay does not apply to an involuntary petition that is not filed in collusion with the debtor or its insiders.

Section 442. Expanded grounds for dismissal, conversion, or appointment of a trustee or examiner

Section 1112 of the Bankruptcy Code is amended to expand the circumstances in which the bankruptcy court may dismiss a chapter 11 case, convert the case to another chapter, or appoint a chapter 11 trustee or examiner. The most salient characteristic of chapter 11 is its most problematic—the debtor is protected against all creditor action automatically upon filing, while remaining in control of all its assets. Any non-debtor seeking comparable injunctive relief must show a likelihood of prevailing on the merits of the dispute and that the equities weigh in favor of equitable relief. Under current law, a chapter 11 debtor gets what is perhaps the broadest injunction available under American law, without making any showing whatsoever. Some courts impose a heavy burden on any party who, by moving for dismissal of the chapter 11 case or appointment of a trustee, seeks to deprive the debtor of that relief.

The amendment to section 1112 is intended to effect a significant change in the burden of proof governing motions to dismiss, convert, or appoint a chapter 11 trustee or examiner. First, the amendment creates an expanded definition of "cause" for such relief. Each type of cause listed represents a warning sign that the chapter 11 case is not proceeding properly (e.g., that assets of the estate are being diminished, that the debtor is not complying with applicable statutes or rules, or that the debtor is not moving promptly toward confirmation of a plan of reorganization). Second, the amendment creates a new shifting burden of proof. If a creditor establishes one or more of the specified warning signs, the burden shifts to the debtor to show: (1) that the debtor is likely to confirm a plan promptly; and (2) if the basis for relief is the debtor's failure to comply with an applicable statute or rule, that there is a reasonable justification for the lack of compliance, and that the lack of compliance will be cured within a reasonable time fixed by the court. If the debtor fails to meet its burden of proof, the court must convert, dismiss, or appoint a chapter 11 trustee or examiner, whichever is in the best interest of creditors and the estate. In substance, the amended section 1112 adopts a position midway between current chapter 11 law and traditional injunction practice. The debtor still receives the protection of the automatic stay upon filing, but the debtor will now be required to prove up its entitlement to that injunction in a wide variety of circumstances.

The bankruptcy court should determine whether there is a reasonable possibility that the debtor will confirm a plan within a reasonable time in much the same manner the court would determine whether a party seeking a preliminary injunction is likely to prevail upon the merits. The determination is a preliminary one regarding the likelihood of prevailing in the future, not a final determination on the merits. The hearing may often be a summary one. The court need not conduct a miniature confirmation hearing. The debtor should be required to prove a likelihood that its business is financially viable enough to pass the feasibility requirements of section 1129(a)(11), and that it will be able to pay in full those claims (i.e., secured and priority claims) that must be paid in full in order to confirm a plan.

If the debtor shows that it is likely to make a distribution to general unsecured creditors and that those creditors have no realistic alternative to debtor's plan, the debtor need not submit additional evidence that general unsecured creditors will vote to accept the plan in order to establish a prima facie case. The moving party or any other creditor may rebut debtor's evidence. The debtor does not satisfy its burden of proof when unsecured creditors holding claims sufficient to block acceptance by that class state their intent to vote against the plan and the debtor cannot show a likelihood that it will be able to confirm a plan notwithstanding such rejection.

Attention from the debtor and the court to the economic viability of the debtor's business is appropriate in all cases except liquidating chapter 11 cases. A debtor with a business that is not viable should not be allowed to remain a debtor in possession under chapter 11, unless it is avowedly using chapter 11 to confirm a liquidating plan promptly. Because the likely-to-confirm-a-plan standard turns on issues of business feasibility as much as on issues of law, the parties should be permitted to introduce evidence from accounting and other professionals concerning the viability of the debtor's business. The likely-to-confirm-a-plan standard should be applied in the same manner when it arises in a motion to extend the deadlines provided for in the amendments to section 1121.

All of the provisions of the amended section 1112 apply to all chapter 11 cases. This is so even though some of the listed examples of "cause" for dismissal, conversion, or appointment of a trustee or examiner resemble duties that under new sections 308 and 1116 apply only to small business debtors.

Section 443. Study of operation of title 11, United States Code, with respect to small businesses

Requires the Adminstrator of the Small Business Administration, in conjunction with the Attorney General and the Director of the Executive Office of United States Trustees and Director of the Administrative Office of United States Courts to conduct a study of small business bankruptcies and report to Congress how Federal bankruptcy laws may be made more effective with regard to such businesses.

Section 444. Payment of interest

This provision continues present law under section 362(d)(3) which provides that the court shall grant relief from stay to a real estate secured creditor holding security in a single asset real estate debtor unless not later than 90 days after the order for relief the debtor has either filed a plan of reorganization that has a reasonable possibility of being confirmed or commences making interest payments. This provision permits the debtor to make those interest payments from rents or other income the debtor holds, and requires that the interest be at the nondefault interest rate under the contract with the creditor.

Section 445. Priority for administrative expenses

This section amends section 503 of the Bankruptcy Code to provide that certain amounts owed with respect to nonresidential real property leases become administrative expenses.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Section 501. Petition and proceedings related to petition

This section amends section 921(d) of the Code to clarify that the special rules with respect to commencement of a case of an unincorporated tax or special assessment district in that section control over the general rules on commencement of voluntary cases under section 301 of the Code. As a conforming change, section 301 is amended to divide it into two subsections, subsection (a), which provides that a voluntary case is commenced by the filing of a petition, and subsection (b), which provides that the commencement of a case is also the order for relief. Section 301 as amended will continue to govern the voluntary cases which it now covers, except those covered by section 921(d).

Section 502. Applicability of other sections to chapter 9

Section 901(a) of the Code, which lists the sections of title 11 which apply to chapter 9 cases, is amended to include sections 555, 556, 559, 560, 561, and 562. These sections provide an exception to the stay of proceedings to allow the liquidation of various types of securities contracts. The amendment is necessary to avoid a stay violation or other complications when certain executory contracts, municipal bonds, for instance, come due and must be redeemed.

TITLE VI—BANKRUPTCY DATA

Section 601. Improved bankruptcy statistics

It has been obvious for some time that despite the scope and frequency of bankruptcy relief, organized statistics with respect to what occurs during and as a result of the bankruptcy case are not available. It is strongly felt that there should be a concerted effort by the federal government to collect, maintain and disseminate broad information about the bankruptcy system and how it operates. Such information should include how much debt is discharged in different types of bankruptcy cases, as well as other information relative to assessing how well the bankruptcy system is serving both debtors in need and the wider group of citizens who pay in higher credit prices for the discharged debt.

This section creates a standardized and centralized method for collecting relevant bankruptcy statistics for cases involving primarily consumer debts filed under chapters 7, 11, and 13. The statistics will be collected by the clerk in each district. The Director of the Administrative Office of the United States Courts will compile the statistics, producing a centralized data source. The Director will make the statistics available to the public. Furthermore, by October 31, 2002, the Director will make annual reports to Congress which include the statistics as well as an analysis of the information.

The Director's compilation of statistics will be comprehensive. The requirements of the compilation, as outlined in the new section 159(c), are self-explanatory. It is intended that the information required under Section 159(c)(3)(H) should also include the cases involving sanctions imposed on debtor's counsel under Section 707(b) of the Bankruptcy Code.

Section 602. Uniform rules for the collection of bankruptcy data

This provision complements Section 601 by requiring the Attorney General to issue rules requiring the establishment of uniform forms for final reports filed by bankruptcy trustees and monthly operating reports filed by chapter 11 debtors in possession. The information that should be contained in these reports is self-explanatory. The reports must also be made publicly available for physical inspection (at one or more central filing locations) and by electronic access through the Internet or other appropriate media.

Section 603. Audit procedures

This section requires the Attorney General to establish procedures for auditing the accuracy and completeness of information supplied by individual debtors in connection with their bankruptcy cases under chapter 7 and chapter 13 of the Bankruptcy Code. The audit must be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants. However, the Attorney General is given discretion to develop alternative auditing standards not later than two years after the date of enactment of H.R. 2415. Should the Attorney General develop alternative auditing standards, such standards are expected to have integrity and reliability comparable to generally accepted auditing standards. It is intended that the Attorney General in developing auditing standards, and any others who set procedures or practices to be used in the audits or supervise them, will in doing so consult with those units in the Department of Justice which enforce against bankruptcy fraud and bankruptcy crimes, including the bankruptcy fraud task force in the Attorney General's office and bankruptcy fraud and crime units in the United States Attorneys' offices.

The audits are to be performed on randomly selected cases and should include at least 1 out of every 250 cases in each Federal judicial district. Audits are required for schedules of income and expenses which reflect greater than average variances from the statistical norm of the district in which the schedules were filed. The aggregate results of the audits is to be made public and is required to include the percentage of cases, by district, in which a material misstatement of income, expenditures or assets is reported.

A report of each audit must be filed with the court and transmitted to the United States trustee. Each report must clearly and conspicuously specify any material misstatement of income, expenditures or assets. In any case where a material misstatement of income, expenditures or assets has been reported, the clerk of the bankruptcy court must give all creditors in the case notice of the misstatement(s). Where appropriate, the matter could be referred to the U.S. Attorney for possible criminal prosecution.

Furthermore, the Bankruptcy Code is amended to make it a duty of the debtor to supply certain information to an auditor. This section also adds, as grounds for revocation of a chapter 7 debtor's discharge, a chapter 7 debtor's failure to satisfactorily explain a material misstatement discovered as the result of an audit and the failure to make available all necessary documents or property belonging to the debtor that are requested in connection with such audit.

Section 604. Sense of Congress regarding availability of bankruptcy data

This section expresses the sense of the Congress that it is a national policy of the United States that all data collected by the bankruptcy clerks in electronic form (to the extent such data related to public records as defined in Section 107 of the Bankruptcy Code) should be made available to the public in a usable electronic form in bulk, subject to appropriate privacy concerns and safeguards as determined by the Judicial Conference of the United States. Those privacy concerns and safeguards should be developed keeping in mind that the data covered is already of public record.

It is also the sense of Congress that a single bankruptcy data system should be established that uses a single set of data definitions and forms to collect such data and that data for any particular bankruptcy case be aggregated in such electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Section 701. Treatment of certain tax liens

The conference agreement follows the House bill. Section 701 makes several amendments to section 724 of the Bankruptcy Code to provide greater protection for holders of ad valorem tax liens on real or personal property of the estate. Many school boards obtain liens on real property to ensure collection of unpaid ad valorem taxes. Often, governments are unable to collect despite the presence of a lien because, under current law, these liens may be subordinated to certain claims against and expenses of the bankruptcy estate. The conference agreement would seek to protect the holders of these tax liens from, among other things, erosions of their claims' status by expenses incurred under chapter 11 of the Bankruptcy Code.

Under the conference agreement, subordination of ad valorem tax liens is still possible under section 724(b). However, the purposes are limited to paying for chapter 7 administrative expenses and priority claims for postpetition "wages, salaries, and commissions" and claims for "contributions to an employee benefit plan." Thus, subordination for the purpose of paying chapter 11 administrative expenses is not permitted. Also, section 701 requires the chapter 7 trustee to utilize all other estate assets before the trustee could resort to section 724 of the code to subordinate liens on personal and real property of the estate.

In addition, the conference agreement prevents a bankruptcy court from determining the amount or legality of ad valorem tax obligations if the applicable period for contesting or redetermining the amount of the claim under nonbankruptcy law has expired. This addresses those instances where debtors or trustees use section 505 of the Bankruptcy Code as a means to have bankruptcy courts set aside these types of taxes, to the detriment of the local communities that depend on them for revenue.

Section 702. Treatment of fuel tax claims

The conference agreement follows the Senate bill. The agreement simplifies the filing of claims by states against truckers for unpaid fuel taxes by modifying section 501 of the Bankruptcy Code. Rather than requiring all states to file a claim for unpaid fuel taxes (as is the case under current law), the designated "base jurisdiction" under the International Fuel Tax Agreement would file a claim on behalf of all states. This claim would be treated as a single claim.

Section 703. Notice of request for a determination of taxes

The conference agreement follows the Senate bill. Under current law, debtors may request that the government determine administrative tax liabilities under section 505(b) of the Bankruptcy Code in order to receive a discharge of those liabilities. There are no requirements as to the content or form of such notice to the government.

The conference agreement requires that each bankruptcy court clerk maintain a listing under which government entities may designate their addresses for service of debtor requests. If a governmental entity does not designate an address and provide that address to the bankruptcy court clerk, any request made under section 505(b) of the Bankruptcy Code may be served at the address of the appropriate taxing authority of that governmental unit. The conference agreement also provides that governmental entities may describe where further information concerning additional requirements for filing such requests may be found.

Section 704. Rate of interest on tax claims

The conference agreement follows the Senate bill with a modification and a technical correction. Under current law, there is no uniform rate of interest for payment of tax claims. Bankruptcy courts have used varying standards to determine the applicable rate. The conference agreement adds section 511 to the Bankruptcy Code to simplify the interest rate calculation. The agreement provides that for all tax claims (federal, state, and local), including administrative expense taxes, the interest rate shall be determined in accordance with applicable non-bankruptcy law and as of the calendar month in which the plan is confirmed.

The conference agreement modifies the Senate bill to clarify that the applicable non-bankruptcy law interest rate would apply to administrative expense taxes, as well as to all other tax claims.

Section 705. Priority of tax claims

The conference agreement follows the Senate bill with a modification and a technical correction. Under current law, in section 507(a)(8) of the Bankruptcy Code, tax claims are entitled to a priority if they arise within certain time periods. In the case of income taxes, a priority arises, among other times, if the tax return was due within 3 years of the filing of the bankruptcy petition or if the assessment of the tax was made within 240 days of the filing of the petition. The 240-day period is tolled during the time that an offer in compromise is pending (plus 30 days). Though the statute is silent, most courts have also held that the 3-year and 240-day time periods are tolled during the pendency of a previous bankruptcy case.

The conference agreement codifies the rule tolling priority periods during a previous bankruptcy and adds an additional 90 days. The agreement also includes tolling provisions to adjust for the collection due process rights provided by the IRS Restructuring and Reform Act of 1998. During any period in which the government is prohibited from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken against the debtor, the priority is tolled, plus 90 days. Also, during any time in which there was a stay of proceedings in a prior bankruptcy case or collection of an income tax was precluded by a confirmed bankruptcy plan, the priority is tolled, plus 90 days. The conference agreement modifies the Senate bill to apply the priority tolling periods to non-income taxes as well.

Section 706. Priority property taxes incurred

The conference agreement follows the Senate bill, replacing the word "assessed" with "incurred" in the case of real property taxes. Under current law, many provisions of the Bankruptcy Code are keyed to the word "assessed." While this word has an accepted meaning in the federal system, it is not used in many state and local statutes and has created some confusion. Replacing the word "assessed" with "incurred" in the case of real property taxes in section 507(a)(8)(B) of the Bankruptcy Code eliminates this problem.

Section 707. No discharge of fraudulent taxes in chapter 13

The conference agreement follows the Senate bill. Under current law, a debtor's ability to discharge his tax debts varies depending on whether the debtor is in chapter 7 (liquidation) or chapter 13 (income earner plans of repayment). Chapter 7 contains a much narrower discharge. Under chapter 7, taxes from a return due within 3 years of the petition date, taxes assessed within 240 days, or taxes related to an unfiled return or false return are not dischargeable. Chapter 13, on the other hand, permits what is known as a "superdischarge," which allows courts to discharge these same tax debts.

The conference agreement repeals the superdischarge for fraudulent and non-filed taxes by amending section 1328(a)(2) of the Bankruptcy Code. Fraudulent and non-filer claims would not receive any special treatment. The conference agreement also repeals the superdischarge for a tax required to be collected or withheld and for which the debtor is liable in whatever capacity, such as an employee's share of federal payroll and trust fund taxes. However, the conference agreement leaves the superdischarge in place for other tax claims. Thus, consistent with the IRS Restructuring and Reform Act of 1998, taxpayers who have complied with a reorganization plan—which includes paying taxes—would continue to receive the superdischarge.

Section 708. No discharge of fraudulent taxes in chapter 11

The conference agreement follows the Senate bill with a modification. Under current law, the confirmation of a plan of reorganization under chapter 11 discharges the debtor from all liability. The conference agreement would except, in the case of corporations, fraudulent taxes, willfully evaded taxes, and debts for money or property obtained in a false or fraudulent manner from the broad chapter 11 discharge. Congress believes the Bankruptcy Code should not encourage fraud by allowing the discharge of debts incurred through fraud or false representation simply because those debts were incurred in a corporate setting.

The conference agreement amends the discharge provisions of chapter 11 (Bankruptcy Code section 1141(d)) to prevent the discharge of tax or customs duty tax claims resulting from a corporate debtor's fraudulent tax returns. It also prevents the discharge of any unpaid tax obligations that resulted from a corporate chapter 11 debtor's willful evasion of applicable tax laws. Further, the conference agreement modifies the Senate bill to prevent the discharge of any debt for money, property, services, or credit, obtained by a corporate debtor in a false or fraudulent manner (applying section 523(a)(2) of the Bankruptcy Code to corporate debtors).

Section 709. Stay of tax proceedings limited to pre-petition taxes

The conference agreement modifies the Senate and House bills. Under current law, filing a petition for relief under the Bankruptcy Code triggers an automatic stay which precludes the commencement or continuation of a case in U.S. tax court. This rule was arguably extended in *Halpern* v. *Commissioner*, 96 T.C. 895 (1991), in which the tax court ruled that it did not have jurisdiction to hear a case involving a post-petition year. The conferees believe that *Halpern* went too far.

In order to address this issue, the conference agreement specifies that the automatic stay is limited to an individual debtor's prepetition taxes (taxes incurred before entering bankruptcy). Thus, the automatic stay would not apply to cases involving an individual debtor's postpetition taxes. The agreement allows the bankruptcy court to determine whether the stay will apply to the postpetition tax liabilities of a corporate debtor.

Section 710. Periodic payment of taxes in chapter 11 cases

The conference agreement follows the Senate bill with a modification. Section 710 of the conference agreement limits the discretion of the debtor and the trustee regarding treatment of pre-petition tax claims in chapter 11 cases. Under current law, non-tax claims are paid out over several years in equal installments. Tax claims must be paid out over six years from the date of assessment and typically include interest-only payments in the early years and a balloon payment at the end.

The conference agreement modifies section 1129(a)(9) of the Bankruptcy Code by reducing the maximum period of tax payments from six years from the date of assessment to five years from the entry of the order for relief and by specifying that payment should be made in "regular installment payments."

The conference agreement modifies the Senate bill to delete language regarding the interest rate applicable to installment payments in chapter 11 cases.

Section 711. Avoidance of statutory liens prohibited

The conference agreement follows the Senate bill. Under the Bankruptcy Code, trustees may act to keep assets in the bankruptcy estate even though a statutory lien exists against the asset. The Internal Revenue Code gives special protection to certain purchasers of securities and motor vehicles notwithstanding the existence of a filed tax lien. The conference agreement amends section 545(2) of the Bankruptcy Code to prevent trustees from using the tax code provision to displace an otherwise valid lien. In other words, trustees could not keep securities or motor vehicles in the bankruptcy estate if they were subject to a lien under the tax code provisions.

The conference agreement prevents the avoidance of unperfected liens against a bona fide purchaser, if the purchaser qualifies as such under section 6323 of the Internal Revenue Code or a similar provision of either state or local law.

Section 712. Payment of taxes in the conduct of business

The conference agreement follows the Senate bill. Bankruptcy laws and statutes-at-large generally require trustees and receivers to pay business taxes in the ordinary course. Other kinds of administrative expenses can be paid only upon motion after a court order. Some bankruptcy courts have not permitted debtors to pay post-petition tax liabilities (those accruing after filing a bankruptcy petition) prior to the approval of a plan for the bankruptcy estate. The conference agreement amends section 960 of title 28 of the U.S. Code to provide clear authority to pay taxes in the ordinary course of business. The agreement also amends section 503(b) of the Bankruptcy Code to require payment of ad valorem taxes as an allowed administrative expense tax and eliminates any requirement to file a request for payment of any administrative expense taxes.

Section 713. Tardily filed priority tax claims

The conference agreement follows the Senate bill. Under current law, in chapter 7 of the Bankruptcy Code, tax claims timely filed are entitled to their full statutory priority. Late-filed tax claims lose their full statutory priority, but are entitled to distribution as unsecured claims provided they are filed before the trustee commences distribution of the estate. The problem is that a claim filed just before distribution can significantly delay the process of distribution due to certifying the validity of the claim and determining its proper priority.

The conference agreement modifies section 726(a)(1) of the Bankruptcy Code to require a tax claim to be filed either before the trustee commences distribution or 10 days following the mailing to creditors of the summary of the trustee's final report, whichever is earlier, in order for the claim to be entitled to distribution as an unsecured claim.

Section 714. Income tax returns prepared by tax authorities

The conference agreement follows the Senate bill. In general, taxpayers cannot be discharged from taxes unless a return was filed. Courts have struggled with what constitutes filing a return. The tax code authorizes the Secretary of Treasury to file a return on behalf of a taxpayer if either (1) the taxpayer provides information sufficient to complete a return, or (2) the Secretary can obtain sufficient information through testimony or otherwise to complete a return.

The conference agreement modifies section 523(a) of the Bankruptcy Code to provide that a return filed on behalf of a taxpayer who has provided information sufficient to complete a return constitutes filing a return (and the debt can be discharged) but that a return filed on behalf of a taxpayer based on information the Secretary obtains through testimony or otherwise does not constitute filing a return (and the debt cannot be discharged).

Section 715. Discharge of the estate's liability for unpaid taxes

The conference agreement follows the Senate bill. Under the Bankruptcy Code, a debtor may request a prompt audit to determine post-petition tax liabilities. If the government does not make a determination or request extension of time to audit, then the debtor's determination of taxes will be final. Several court cases have held that while this protects the debtor and the trustee, it does not necessarily protect the estate.

The conference agreement modifies section 505(b) of the Bankruptcy Code to clarify that the estate is also protected if the government does not request an audit of the debtor's tax returns. Therefore, if the government does not make a determination of the debtor's post-petition tax liabilities or request extension of time to audit, then the estate's liability for unpaid taxes will be discharged.

Section 716. Requirement to file tax returns to confirm chapter 13 plans

The conference agreement follows the Senate bill with a modification. Under current law, a debtor may be entitled to the benefits of chapter 13 (reorganization) even if he is delinquent in his tax returns. Without access to tax return information, creditors cannot obtain full information about the debtor's status. Most districts have established procedures requiring the filing of returns prior to the initial meeting of creditors.

The conference agreement amends section 1325(a) of the Bankruptcy Code (and adds section 1308 to the Code) to require a debtor to be current on the filing of tax returns for the four years prior to the filing of a petition in order to have a chapter 13 plan confirmed. If the returns have not been filed by the date on which the meeting of creditors is first scheduled, the trustee may hold open that meeting for a reasonable period of time to allow the debtor to file any unfiled returns. The additional period of time may not extend beyond 120 days after the date of the meeting of the creditors or beyond the date on which the return is due under the last automatic extension of time for filing. However, the debtor may also obtain an extension of time to file from the court if the debtor demonstrates by a preponderance of the evidence that the failure to file was attributable to circumstances beyond the debtor's control.

Section 717. Standards for tax disclosure

The conference agreement follows the Senate bill. Under current law, before a chapter 11 (business bankruptcy) plan may be submitted to creditors and stockholders for a vote, the proponent of the plan must file a disclosure statement in which holders of claims and interests are given "adequate information" on which they can make a decision as to whether or not to vote in favor of the plan. A chapter 11 plan's tax consequences represent an important aspect of that plan.

The conference agreement amends section 1125(a) of the Bankruptcy Code to require that a chapter 11 disclosure statement discuss the potential material Federal tax consequences of the plan to the debtor and to holders of claims and interests in the case.

Section 718. Setoff of tax refunds

The conference agreement follows the Senate bill. Under current law, a petition for bankruptcy triggers an automatic stay of the setoff of any debt owing to the debtor that arose before the commencement of the case against any debt owed by the debtor. This automatic stay precludes setoff of a pre-petition tax refund against a pre-petition tax obligation unless the bankruptcy court has approved the setoff. Because the interest and penalties which may continue to accrue are often nondischargeable, the inability to promptly apply income tax refunds against tax claims can cause individual debtors undue hardship.

The conference agreement amends section 362(b) of the Bankruptcy Code to allow the setoff to occur unless setoff would not be permitted under applicable tax law because of a pending action to determine the amount or legality of the tax liability. In that circumstance, the governmental authority may hold the refund pending resolution of the action.

Section 719. Special provisions related to the treatment of State and local taxes

The conference agreement follows the Senate bill, conforming state and local income tax administrative issues to the Internal Revenue Code. For example, under federal law, a bankruptcy petitioner filing on March 5 has two tax years—January 1 to March 4, and March 5 to December 31. However, under the Bankruptcy Code, state and local tax years are divided differently—January 1 to March 5, and March 6 to December 31. Section 719 of the conference agreement requires the states to follow the federal convention.

The conference agreement conforms state and local tax administration to the Internal Revenue Code in the following areas: division of tax liabilities and responsibilities between the estate and the debtor, tax consequences with respect to partnerships and transfers of property, and the taxable period of a debtor. The conference agreement does not conform state and local tax rates to federal tax rates.

Section 720. Dismissal for failure to timely file tax returns

The conference agreement follows the Senate bill. Under existing law, there is no definitive rule concerning whether a bankruptcy court should dismiss a bankruptcy case if the debtor fails to file tax returns after entering bankruptcy. The conferees believe that it is good policy to require that these returns be filed.

Thus, the conference agreement amends section 521 of the Bankruptcy Code to allow a taxing authority to request that the court dismiss or convert a bankruptcy case if the debtor fails to file a post-petition tax return or obtain an extension on such a return. The conference agreement provides that the debtor would have 90 days from the time of the request to file the return or to obtain an extension, or the court would be required to dismiss or convert the case.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

This Title adds a new chapter to the Bankruptcy Code (the "Code") for transactional bankruptcy cases. This incorporates the Model Law on Cross-Border Insolvency to encourage cooperation between the United States and foreign countries with respect to transnational insolvency cases. Title IX is intended to provide greater legal certainty for trade and investment as well as to provide for the fair and efficient administration of cross-border insolvencies, which protects the interests of creditors and other interested parties, including the debtor. In addition, it serves to protect and maximize the value of the debtor's assets.

Section 801. Amendment to add Chapter 15 to title 11, United States Code

Each of the sections of new chapter 15 is discussed in order.

Section 1501. Purpose and scope of application

The chapter introduces into the Bankruptcy Code the Model Law on Cross-Border Insolvency ("Model Law"), which was promulgated by the United Nations Commission on International Trade Law ("UNCITRAL") at its Thirtieth Session, May 12-30, 1997.

Cases brought under this chapter are intended to be ancillary to cases brought in a debtor's home country, unless a full United States bankruptcy case is brought under another chapter. Even if a full case is brought, the court may decide under section 305 to stay or dismiss the United States case under the chapter and limit the United States' role to ancillary case under this chapter. If the full case is not dismissed, it will be subject to the provisions of this chapter governing cooperation, communication and coordination with foreign courts and representatives. In any case, an order granting recognition is required as a prerequisite to use the sections 301 and 303 by a foreign representative.

Section 1501 combines the Preamble to the Model Law (subsection (1)) with its article 1 (subsections (2) and (3)). It largely follows the language of the Model Law and fills in blanks with appropriate United States references. However, it adds in subsection (3) an exclusion of certain natural persons who may be considered ordinary consumers. Although the consumer exclusion is not in the test of the Model Law, the discussions at UNCITRAL recognized that some such exclusion would be necessary in countries like the United States where there are special provisions for consumer debtors in the insolvency laws.

The reference to section 109(e) essentially defines "consumer debtors" for purposes of the exclusion by incorporating the debt limitations of that section, but not its requirement or regular income. The exclusion adds a requirement that the debtor or debtor couple be citizens or long-term legal residents of the United States. This ensures that residents of other countries will not be able to manipulate this exclusion to avoid recognition of foreign proceedings in their home countries or elsewhere.

The first exclusion in subsection (c) constitutes, for the United States, the exclusion provided in article 1, subsection (2), of the Model Law. Foreign representatives of foreign proceedings which are excluded from the scope of chapter 15 may seek relief from courts other than the bankruptcy court since the limitations of section 1509(b) (2) and (3) would not apply to them.

The reference to section 109(b) interpolates into chapter 15 the entities governed by specialized insolvency regimes under United States law which are currently excluded from liquidation proceedings under title 11. Section 1501 contains an exception to the section 109(b) exclusions so that foreign proceedings of foreign insurance companies are eligible for recognition and relief under chapter 15 as they had been under section 304. However, section 1501(d) has the effect of leaving to State regulation any deposit, escrow, trust fund or the like posted by a foreign insurer under State law.

Section 1502. Definitions

"Debtor" is given a special definition for this chapter. That definition does not come from the Model Law but is necessary to eliminate the need to refer repeatedly to "the same debtor as in the foreign proceeding." With certain exceptions, the term "person" used in the Model Law has been replace with "entity," which is defined broadly in section 101(15) to include natural persons and various legal entities, thus matching the intended breadth of the term "person" in the Model Law. The exceptions include contexts in which a natural person is intended and those in which the Model Law language already refers to both persons and entities other than persons. The definition of "trustee" for this chapter ensures that debtors in possession and debtors, as well as trustees, are included in the term.

The definition of "within the territorial jurisdiction of the United States" in subsection (7) is not taken from the Model Law. It has been added because the United States, like some other countries, assets insolvency jurisdiction over property outside its territorial limits under appropriate circumstances. Thus a limiting phrase is useful where the Model Law and this chapter intend to refer only to property within the territory of the enacting state. In addition, a definition of "recognition" supplements the Model Law definitions and merely simplifies drafting of various other sections of chapter 15.

Two key definitions of "foreign proceeding" and "foreign representative," are found in sections 101(23) and (24), which have been amended consistent with Model Law article 2.

The definitions "establishment," "foreign court," "foreign main proceeding," and "foreign non-main proceeding," have been taken from Model Law article 2, with only minor language variations necessary to comport with United States terminology. Additionally, defined terms have been placed in alphabetical order.

In order to be recognized as a foreign non-main proceeding, the debtor must at least have an establishment in that foreign country.

Section 1503. International obligations of the United States

This section is taken exactly from the Model Law with only minor adaptations of terminology.

Although this sections makes an international obligation prevail over chapter 15, the courts will attempt to read the Model Law and the international obligation so as not to conflict, especially if the international obligation addresses a subject matter less directly related than the Model Law to a case before the court.

Section 1504. Commencement of ancillary case

Article 4 of the Model Law is designed for designation of the competent court which will exercise jurisdiction under the Model Law. In United States law, section 1334(a) of title 28 gives exclusive jurisdiction to the district courts in a "case" under this title.

Therefore, since the competent court has been determined in title 28, this section instead provides that a petition for recognition commences a "case", an approach that also invokes a number of other useful procedural provisions.

In addition, a new subsection (P) to section 157 of title 28 makes cases under this chapter part of the core jurisdiction of bankruptcy courts when referred to them by the district court that will rule on the petition is determined pursuant to a revised section 1410 of title 28 governing venue and transfer.

The title "ancillary" in this section and in the title of this chapter emphasizes the United States' policy in favor of a general rule that countries other than the home country of the debtor, where a main proceeding would be brought, should usually act through ancillary proceedings, in preference to a system of full bankruptcies (often called "secondary" proceedings) in each state where assets are found. Under the Model Law, notwithstanding the recognition of a foreign main proceeding, full bankruptcy cases are permitted in each country (see sections 1528 and 1529). In the United States, the court will have the power to suspend or dismiss such cases where appropriate under section 305.

Section 1505. Authorization to act in a foreign country

The language in this section varies from the wording of articles 5 of the Model Law as necessary to comport with United States law and terminology. The slight alteration to the language in the last sentence is meant to emphasize that the identification of the trustee or other entity entitled to act is under United States law, while the scope of actions that may be taken by the trustee or other entity under foreign law is limited by the foreign law.

The related amendment to section 586(a)(3) of title 28 makes acting pursuant to authorization under this section an additional power of a trustee or debtor in possession.

While the Model Law automatically authorizes an administrator to act abroad, this section requires all trustees and debtors to obtain court approval before acting abroad. That requirement is a change from the language of the Model Law, but one that is purely internal to United States law.

Its main purpose is to ensure that the court has knowledge and control of possibly expensive activities, but it will have the collateral benefit or providing further assurance to foreign courts that the United States debtor or representative is under judicial authority and supervision. This requirement means that the first-day orders in reorganization cases should include authorization to act under this section where appropriate.

This section also contemplates the designation of an examiner or other natural person to act for the estate in one or more foreign countries where appropriate. One instance might be a case in which the designated person had a special expertise relevant to that assignment. Another might be where the foreign court would be more comfortable with a designated person than with an entity like a debtor in possession. Either are to be recognized under the Model Law.

Section 1506. Public policy exception

This provision follows the Model Law article 5 exactly, is standard in UNCITRAL texts and has been narrowly interpreted on a consistent basis in courts around the world. The word "manifestly" in international usage restricts the public policy exemption to the most fundamental policies of the United States.

Section 1507. Additional assistance

Subsection (1) follows the language of Model law article 7.

Subsection (2) makes the authority for additional relief (beyond that permitted under sections 1519–1521, below) subject to the conditions for relief heretofore specified in United States law under section 304, which is repealed. This section is intended to permit the further development of international cooperation begun under section 304, but is not to be the basis for denying of limiting relief otherwise available under this chapter. The additional assistance is made conditional upon the court's consideration of the factors set forth in the current subsection 304(c) in a context of a reasonable balancing of interests following current case law. The references to "estate" in section 304 have been changed to refer to the debtor's property, because many foreign systems do not create an estate in insolvency proceedings or the sort recognized under this chapter. Although the case law, construing section 304 makes it clear that comity is the central consideration, its physical placement as one of six factors in subsection 304 is misleading, since those factors are essentially elements of the grounds for granting comity. Therefore, in subsection (2) of this section, comity is raised to the introductory language to make it clear that it is the central concept to be addressed.

Section 1508. Interpretation

This provision follows conceptually Model law article 8 and is a standard one in recent UNCITRAL treaties and model laws. Language changes were made to express the concepts more clearly in terminology which accords with that of the bankruptcy laws of the United States.

Interpretation of this chapter on a uniform basis will be aided by reference to the Guide and the Reports cited therein, which explain the reasons for the terms used and often cite their origins as well. Uniform interpretation will also be aided by reference to CLOUT, the UNCITRAL Case Law On Uniform Texts, which is a service of UNITRAL. CLOUT receives reports from national reporters all over the world concerning court decisions interpreting treaties, model laws, and other text promulgated by UNCITRAL. Not only are these sources persuasive, but they are important to the crucial goal of uniformity of interpretation. To the extent that the United States courts rely on these sources, their decisions will more likely be regarded as persuasive elsewhere.

Section 1509. Right of direct access

This section implements the purpose of article 9 of the Model Law, enabling a foreign representative to commence a case under this chapter by filing a petition directly with the court without preliminary formalities that may delay or prevent relief. It varies the language to fit United States procedural requirements and it imposes recognition of the foreign proceeding as a condition to further rights and duties of the foreign representative. If recognition is granted, the foreign representative will have full capacity under U.S. law (subsection (b)(1)), may request such relief in a state or federal court other than the bankruptcy court (subsection (b)(2)) and may be granted comity or cooperation by such non-bankruptcy court (subsection (b)(3) and (c)). Subsections (b)(2), (b)(3) and (c) make it clear that chapter 15 is intended to be the exclusive door to ancillary assistance to foreign proceedings. The goal is to concentrate control of these questions in one court. That goal is important in a federal system like that of the United States with many different courts, state and federal, that may have pending actions involving the debtor or the debtor's property. This section, therefore, completes for the United States the work of article 4 of the Model Law ("competent court") as well as article 9.

Although a petition under current section 304 is the proper method for achieving deference by a United States court to a foreign insolvency under present law, some cases in state and federal courts under current law have granted comity suspension or dismissal of cases involving foreign proceedings without requiring a section 304 petition or even referring to the requirements of that section. Even if the result is correct in a particular case, the procedure is undesirable, because there is room for abuse of comity. Parties would be free to avoid the requirements of this chapter and the expert scrutiny of the bankruptcy court by applying directly to a state or federal court unfamiliar with the statutory requirements. Such an application could be made after denial of a petition under this chapter. This section concentrates the recognition and deference process in one United States court, ensures against abuse, and empowers a court that will be fully informed of the current status of all foreign proceedings involving the debtor.

Subsection (d) has been added to ensure that a foreign representative cannot seek relief in courts in the United States after being denied recognition by the court under this chapter.

Subsection (c) makes activities in the United States by a foreign representative subject to applicable United States law, just as 28 U.S.C. section 959 does for a domestic trustee in bankruptcy.

Subsection (f) provides a limited exception to the prior recognition requirement so that collection of a claim which is property of the debtor, for example an account receivable, by a foreign representative may proceed without commencement of a case or recognition under this chapter.

Section 1510. Limited jurisdiction

Section 1510, article 10 of the Model Law, is modeled on section 306 of the Code. Although the language referring to conditional relief in section 306 is not included, the court has the power under section 1522 to attach appropriate conditions to any relief it may grant. Nevertheless, the authority in section 1522 is not intended to permit the imposition of jurisdiction over the foreign representative beyond the boundaries of the case under this chapter and any related actions the foreign representative may take, such as commencing a case under another chapter of this title.

Section 1511. Commencement of case under section 301 or 303

This section follows the intent of article 11 of the Model Law, but adds language that conforms to United States law or that is otherwise necessary in the United States given its many bankruptcy court districts and the importance of full information and coordination among them.

Article 11 does not distinguish between voluntary and involuntary proceedings, but seems to have implicitly assumed an involuntary proceeding.

Subsection 1(a)(2) goes farther and permits a voluntary filing, with its much simpler requirements, if the foreign proceeding that has been recognized is a main proceeding.

Section 1512. Participation of a foreign representative in a case under this title

This section follows article 12 of the Model Law with a sight alternation to adjust to United States procedural terminology. The effect of this section is to make the recognized foreign representative a party in interest in any pending or later commenced United States bankruptcy case.

Throughout this chapter, the word "case" has been substituted for the word "proceeding" in the Model Law when referring to cases under the United States Bankruptcy Code, to conform to United States usage.

Section 1513. Access of foreign creditors to a case under this title

This section mandates nondiscriminatory or "national" treatment for foreign creditors, except as provided in subsection (b) and section 1514. It follows the intent of Model Law article 13, but the language required alternation to fit into the Bankruptcy Code.

The law as to priority for foreign claims that fit within a class given priority treatment under section 507 (for example, foreign employees or spouses) is unsettled. This section permits the continued development of case law on that subject and its general principle of national treatment should be an important factor to be considered. At a minimum, under this section, foreign claims must receive the treatment given to general unsecured claims without priority, unless they are in a class of claims in which domestic creditors would also be subordinated.

The Model Law allows for an exception to the policy of nondiscrimination as to foreign revenue and other public law claims. Such claims (such as tax and social security claims) have been denied enforcement in the United States traditionally, inside and outside of bankruptcy. The Code is silent on this point, so the rule is purely a matter of traditional case law. It also allows the Department of the Treasury to negotiate reciprocal arrangements with out tax treaty partners in this regard, although it does not mandate any restriction of the evolution of case law pending such negotiations.

Section 1514. Notification of foreign creditors concerning a case under title 11.

This section ensures that foreign creditors receive proper notice of cases in the United States.

As "foreign creditor" is not defined term, foreign addresses are used as the distinguishing factor. The Federal Rules of Bankruptcy Procedure ("Rules") should be amended to conform to the requirements of this section, including a special form for initial notice to such creditors. In particular, the Rules must provide for additional time for such creditors to file proofs of claim where appropriate and must provide for the court to make specific orders in that regard in proper circumstances. The notice must specify that secured claims must be asserted, because in many countries such claims are not affected by an insolvency proceeding and need not be filed. Of course, if a foreign creditor has made an appropriate request for notice, it will receive notices in every instance where notices would be sent to other creditors who have made such requests.

Subsection (d) replaces the reference to "a reasonable time period" in Mode Law article 14(3)(a). It makes clear that the Rules, local rules, and court orders must make appropriate adjustments in time periods and bar dates so that foreign creditors have a reasonable time within which to receive notice or take an action.

Section 1515. Application for recognition of a foreign proceeding

This section follows article 15 of the Model Law with minor changes.

The Rules will require amendment to provide forms for some or all of the documents mentioned in this section, to make necessary additions to Rules 1000 and 20002 to facilitate appropriate notices of the hearing on the petition for recognition, and to require filing of lists of creditors and other interested persons who should receive notices. Throughout the Model Law, the question of notice procedure is left to the law of the enacting state.

Section 1516. Presumptions concerning recognition

This section follows article 16 of the Model Law with minor changes.

Although section 1515 and 1516 are designed to make recognition as simple and expedient as possible, the court may hear proof on any element stated. The ultimate burden as to each element is on the foreign representative, although the court is entitled to shift the burden to the extent indicated in section 1516. The word "proof" in subsection (3) has been changed to "evidence" to make it clearer using United States terminology that the ultimate burden is on the foreign representative.

"Registered office" is the term used in the Model Law to refer to the place of incorporation or the equivalent for an entity that is not a natural person.

The presumption that the place of the registered office is also the center of the debtor's main interest is included for speed and convenience of proof where there is not serious controversy.

Section 1517. Order granting recognition

This section closely follows article 17 of the Model Law, with a few exceptions.

The decision to grant recognition is not dependent upon any findings about the nature of the foreign proceedings of the sort previously mandated by section 304(c). The requirements of this section, which incorporates the definitions in section 1502 and sections 101(23) and (24), are all that must be fulfilled to attain recognition.

Reciprocity was specifically suggested as a requirement for recognition on more than one occasion in the negotiations that resulted in the Model Law. It was rejected by overwhelming consensus each time. The United States was one of the leading countries opposing the inclusion of a reciprocity requirement. In this regard, the Model Law conforms to section 304, which has no such requirement.

The drafters of the Model Law understood that only a main proceeding or a non-main proceeding meeting the standards of section 1502 (that is, one brought where the debtor has an establishment) were entitled to recognition under this section. The Model Law has been slightly modified to make this point clear by referring to the section 1502 definition of main and non-main proceedings, as well as to the general definition of a foreign proceeding in section 101(23). Naturally, a petition under section 1515 must show that proceeding is a main or a qualifying non-main proceeding in order to win recognition under this section.

Consistent with the position of various civil law representatives in the drafting of the Model Law, recognition creates a status with the effects set forth in section 1520, so those effects are not viewed as orders to be modified, as are orders granting relief under section 1519 and 1521. Subsection (4) states the grounds for modifying or terminating recognition. On the other hand, the effects of recognition (found in section 1520 and including an automatic stay) are subject to modification under section 362(d), made applicable by section 15320(2), which permits lifting the stay of section 1520 for cause.

Paragraph 1(d) of section 17 of the Model Law has been omitted as an unnecessary requirement for United States purposes, because a petition submitted to the wrong court will be dismissed or transferred under other provisions of United States law.

The reference to section 350 refers to the routine closing of a case that has been completed and will invoke requirements including a final report from the foreign representative in such form as the Rules may provide or a court may order.

Section 1518. Subsequent information

This section follows the Model Law, except to eliminate the word "same" which is rendered unnecessary by the definition of "debtor" in section 1502 and to provide for a formal document to be filed with the court.

Judges in several jurisdictions, including the United States, have reported a need for a requirement of complete and candid reports to the court of all proceedings, worldwide, involving the debtor. This section will ensure that such information is provided to the court on a timely basis. Any failure to comply with this section will be subject to the sanctions available to the court for violations of the statue. The section leaves to the Rules the form of the required notice and related questions of notice to parties in interest, the time for filing, and the like.

Section 1519. Relief may be granted upon petition for recognition of a foreign proceeding

This section generally follows article 19 of the Model Law.

The bankruptcy court will have jurisdiction to grant emergency relief under Rule 7065 pending a hearing on the petition for recognition. This section does not expand or reduce the scope of section 105 as determined by cases under section 105 nor does it modify the sweep of sections 555 to 560. Subsection (d) precludes injunctive relief against police and regulatory action under section 1519, leaving section 105 as the only avenue to such relief. Subsection (e) makes clear that this section contemplates injunctive relief and that such relief is subject to specific rules and a body of jurisprudence. Subsection (f) was added to complement amendments to the Code provisions dealing with financial contracts.

Section 1520. Effects of recognition of a foreign main proceeding

In general, this chapter sets forth all the relief that is available as a matter of right based upon recognition hereunder, although additional assistance may be provided under section 1507 and this chapter have no effect on any relief currently available under section 105.

The stay created by article 20 of the Model law is imported to chapter 15 from existing provisions of the Code. Subsection (a)(1) combines subsections 1(a) and (b) of article 20 of the Model Law, because section 362 imposes the restrictions required by those two subsections and additional restrictions as well.

Subsections (a)(2) and (4) apply the Code sections that impose the restrictions called for by subsection 1(c) of the Model Law. In both cases, the provisions are broader and more complete than those contemplated by the Model Law, but include all the restrains the Model Law provisions would impose.

As the foreign proceeding may or may not create an "estate" similar to that created in cases under this title, the restraints are applicable to actions against the debtor under section 362(a) and with respect to the property of the debtor under the remaining sections. The only property covered by this section is property within the territorial jurisdiction of the United States as defined in section 1502. To achieve effects on property of the debtor which is not within the territorial jurisdiction of the United States, the foreign representative would have to commence a case under another chapter of this title.

By applying section 361 and 362, subsection (a) makes applicable the United States exceptions and limitation to the restraints imposed on creditors, debtors, and other in a case under this title, as stated in article 20(2) of the Model Law. It also introduces the concept of adequate protection provided in sections 362 and 363.

These exceptions and limitations include these set forth in section 362(b), (c) and (d). As one result, the court has the power to terminate the stay pursuant to section 362(d), for cause, including a failure of adequate protection.

Subsection (a)(2), by its reference to section 363 and 552 adds to the powers of a foreign representative of a foreign main proceeding an automatic right to operate the debtor's business and exercise the power of a trustee under section 363 and 542, unless the court orders otherwise. A foreign representative of a foreign main proceeding may need to continue a business operation to maintain value and granting that authority automatically will eliminate the risk of delay. If the court is uncomfortable about his authority in a particular situation it can "order otherwise" as part of the order granting recognition.

Two special exceptions to the automatic stay are embodied in subsections (b) and (c). To preserve a claim in certain foreign countries, it may be necessary to commence an action. Subsection (b) permits the commencement of such an action, but would not allow for its further prosecution. Subsection (c) provides that there is not stay of the commencement of a full United States bankruptcy case. This essentially provides an escape hatch through which any entity, including the foreign representative, can flee into a full case. The full case, however, will remain subject to subchapter IV and V on cooperation and coordination of proceedings and to section 305 providing for stay or dismissal.

Section 108 of the Bankruptcy Code provides the tolling protection intended by Model Law article 2(3), so no exception is necessary as to claims that might be extinguished under United States law.

Section 1521. Relief that may be granted upon recognition of a foreign proceeding

This section follows article 21 of the Model Law, with detailed changes to fit United States law.

The exceptions in subsection (a)(7) relate to avoiding powers. The foreign representative's status as to such powers is governed by section 1523 below. The avoiding power in section 549 and the exceptions to that power are covered by section 1520(a)(2).

The word "adequately" in the Model Law, articles 21(2) and 22(1), has been changed to "sufficiently" in section 1521(b) and 1522(a) to avoid confusion with a very specialized legal term in United States bankruptcy, "adequate protection."

Subsection (c) is designed to limit relief to assets having some direct connection with a non-main proceeding, for example where they were part of an operating division in the jurisdiction of the non-main proceeding when they were fraudulently conveyed and then brought to the United States. Subsections (d), (e) and (f)j are identical to those same subsections of section 1519.

This section does not expand or reduce the scope of relief currently available in ancillary cases under sections 105 and 304 nor does it modify the sweep of section 555 through 560.

Section 1522. Protection of creditors and other interested persons

This section follows article 22 of the Model Law with changes for United States usage and references to relevant Code sections.

It gives the bankruptcy court broad latitude to mold relief to circumstances, including appropriate responses if it is shown that the foreign proceeding is seriously and unjustifiably injuring United States creditors. For response to a showing that the conditions necessary to recognition did not actually exist or have ceased to exist, see section 1517. Concerning the change of "adequately" in the Model Law to "sufficiently" in this section, see section 1521 Subsection (d) is new and simply makes clear that an examiner appointed in a case under chapter 15 shall be subject to certain duties and bonding requirements based on those imposed on trustees and examiners under other chapters of this title.

Section 1523. Actions to avoid acts detrimental to creditors

This section follows article 23 of the Model Law, with wording to fit it within procedure under this title.

It confers standing on a recognized foreign representative to assert an avoidance action but only in a pending case under another chapter of this title. The Model Law is not clear about whether it would grant standing in a recognized foreign proceeding if not full case were pending. This limitation reflects concerns raised by the United States delegation during the UNCITRAL debates that a single grant of standing to bring avoidance actions neglects to address very difficult choice of law and forum issues. This limited grant of standing in section 1523 does not create or establish any legal right of avoidance nor does it create or imply any legal rules with respect to the choice of applicable law as to the avoidance of any transfer or obligation.

The courts will determine the nature and extent of any such action and what national law may be applied to such action.

Section 1524. Intervention by a foreign representative

The wording is the same as the Model Law, except for a few clarifying words.

This section gives the foreign representative whose foreign proceeding has been recognized the right, to intervene in United States cases, state or federal, where the debtor is a party. Recognition begin an act under federal bankruptcy law, it must take effect in state as well as federal courts. This section does not require substituting the foreign representative for the debtor, although that result may be appropriate in some circumstances.

Section 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

The wording is almost exactly that of the Model Law.

The right or courts to communicate with other courts in worldwide insolvency cases is of central importance. This section authorizes courts to do so. This right must be exercised, however, with due regard to the rights of the parties. Guidelines for such communications are left to the Rules.

Section 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

This section follows the Model Law almost exactly.

The language in Model Law article 26 concerning the trustee's function was eliminated as unnecessary because always implied under United States law. The section authorizes the trustee, including a debtor in possession, to cooperate with other proceedings.

Subsection (3) is not taken from the Model Law but is added so that any examiner appointed under this chapter will be designated by the United States Trustee and will be bonded.

Section 1527. Forms of cooperation

This section follows the Model Law exactly. United States bankruptcy courts have already engaged in most of the forms of cooperation mentioned here, but they now have explicit statutory authorization for acts like the approval of protocols of the sort used in cases.

Section 1528. Commencement of a case under title 11 after recognition of a foreign main proceeding

This section follows the Model Law, with specifics of United States law replacing the general clause at the end to cover assets normally included within the jurisdiction of the United States courts in bankruptcy cases, except where assets are subject to the jurisdiction of another recognized proceeding.

In a full bankruptcy case, the United States bankruptcy court generally has jurisdiction over assets outside the United States. Here that jurisdiction is limited where those assets are controlled by another recognized proceeding, if it is a main proceeding.

The court may use section 305 of this title to dismiss, stay, or limit a case as necessary to promote cooperation and coordination in a cross-border case. In addition, although the jurisdictional limitation applies only to United States bankruptcy cases commenced after recognition of a foreign proceeding, the court has ample authority under the next section and section 305 to exercise its discretion to dismiss, stay, or limit a United States case filed after a petition for recognition of a foreign main proceeding has been filed but before it has been approved, if recognition is ultimately granted.

Section 1529. Coordination of a case under title 11 and a foreign proceeding

This section follows the Model Law almost exactly, but subsection (4) adds a reference to section 305 to make it clear the bankruptcy court may continue to use that section, as under present law, to dismiss or suspend a United States case as part of coordination and cooperation with foreign proceedings. This provision is consistent with United States policy to act ancillary to a foreign main proceeding whenever possible.

Section 1530. Coordination of more than one foreign proceeding

This section follows exactly article 30 of the Model Law.

It ensures that a foreign main proceeding will be given primacy in the United States, consistent with the overall approach of the United States favoring assistance to foreign main proceedings.

Section 1531. Presumption of insolvency based on recognition of a foreign main proceeding

This section follows the Model Law exactly, inserting a reference to the standard for an involuntary case under this title.

Where an insolvency proceeding has begin in the home country of the debtor, and in the absence of contrary evidence, the foreign representative should not have to make a new showing that the debtors in the sort of financial distress requiring a collective judicial remedy. The word "proof" here means "presumption." The presumption does not arise for any purpose outside this section.

Section 1532. Rule of payment in concurrent proceeding

This section follows the Model Law exactly and is very similar to prior section 508(a), which is repealed. The Model Law language is somewhat clearer and broader than the equivalent language of prior section 508(a).

Section 802. Other amendments to titles 11 and 28, United States Code

Other sections of title 11 have been amended to apply relevant provisions in those sections to chapter 15 and to specify which portions of chapter 15 apply in cases under other chapters of title 11.

The key definitions of foreign proceeding and foreign representative do not appear in chapter 15, but rather replace the prior definitions of those terms in section 101(23) and 101(24). The new definitions are nearly identical to those contained in the Model Law but add to the phrase "under a law relating to insolvency" the words "or debt adjustment." This addition emphasizes that the scope of the Model Law and chapter 15 is not limited to proceedings involving only debtors which are technically insolvent, but broadly includes all proceedings involving debtors in severe financial distress, so long as those proceedings also meet the other criteria of section 101(24).

The amendment to section 157(b)(2) of title 28 provides that proceedings under chapter 15 will be core proceedings while other amendments to title 28 provide that the United States Trustee's standing extend to cases under chapter 15 and that the United States Trustee's duties include acting in chapter 15 cases.

Although the United States will continue to assert worldwide jurisdiction over property of a domestic or foreign debtor in a full bankruptcy case under chapters 7 and 13 of this title, subject to deference to foreign proceedings under chapter 15 and section 305, the situations different in a case commenced under chapter 15. There the United States is acting solely in an ancillary position, so jurisdiction over property is limited to that stated in chapter 15.

Amendments to section 109 permit recognition of foreign proceedings involving foreign insurance companies and involving foreign banks which do not have a branch or agency in the United States (as defined in 12 U.S.C. section 3103). While a foreign bank not subject to United States regulation will be eligible for chapter 15 as a consequence of the amendment to section 109, section 303 prohibits the commencement of a full involuntary case against such a foreign bank unless the bank is a debtor in a foreign proceeding.

While section 304 is repealed and replace by chapter 15, access to the jurisprudence which developed under section 304 is preserved in the context of new section 1507. On deciding whether to grant the Additional Assistance contemplated by section 1507, the Court must consider the same factors that had been imposed by former section 304.

The venue provisions for cases ancillary to foreign proceedings have been amended to provide a hierarchy of choices beginning with principal place of business in the United States, if any. If there is no principal place of business in the United States, but there is litigation against a debtor, then the district in which the litigation is pending would be the appropriate venue. In any other case, venue must be determined with reference to the interests of justice and the convenience of the parties.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

This title addresses recently prominent forms of financial investments which require special treatment in the insovlency context. It amends the Federal Deposit Insurance Act to provide treatment financial contracts, commodities contracts, securities contracts, forward contracts, repurchase agreements and swaps. It also amends the Bankruptcy Code to provide appropriate treatment for those types of financial investments. The Securities Investor Protection Act is amended as well to create an exception from the stay under that Act for certain financial investment instruments. Finally, the Bankruptcy Code is amended to deal with certain specialized aspects of asset securitization.

TITLE X—PROTECTION OF FAMILY FARMERS

Section 1001. Permanent reenactment of chapter 12

Under subsection 1001(a) chapter 12 (Adjustment of Debts of a Family Farmer with Regular Annual Income) is reenacted effective October 1, 1999. No time limit or termination date is established for chapter 12 under this provision. Subsection 1001(b) repeals subsection 302(f) of the Bankruptcy, Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986, which set a now outdated termination date of October 1, 1998 for chapter 12.

Section 1002. Debt limit increase

This section amends section 104(b) of title 11, United States Code, providing for annual or biannual adjustments of the debt limit for family farmers beginning with the adjustment to be made on April 1, 2001.

Section 1003. Certain claims owed to governmental units

Subsection 1003(a) provides for payment in full of all claims entitled to section 507 priority unless the claim is owed to a governmental unit arising from the sale, exchange, or other disposition of any farm asset used in the debtor's farming operation. In that case, the claim is treated as an unsecured claim and the underlying debt is treated the same if the debtor receives a discharge or the holder of a particular claim agrees to a different treatment of that claim. Subsection 1003(b) amends section 1231(d) of chapter 11, providing that any governmental unit" may provide a determination regarding the tax effects of a proposed plan under chapter 12.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

This title amends the Bankruptcy Code to deal with the problems presented when a health care business, such as a hospital or nursing home, files for bankruptcy under chapters 7, 9 or 11.

Section 1101. Definitions

Section 1101 defines the terms "health care business," "patients," and "patient records," which are added to definitions section of the Bankruptcy Code (11 U.S.C. '101).

Section 1102. Disposal of patient records

Section 1102 adds a new section 351 in subchapter III of Chapter 3 of title 11 dealing with the protection and disposal of patient records in a health care business bankruptcy situation.

The Trustee is required to follow certain procedures with respect to general and specific notice to patients and insurance companies regarding patient records, as well as the transfer and disposal of such records. These procedures are intended to protect the privacy and confidentiality of an individual's medical records when they are in the custody of a health care business that has filed for bankruptcy relief.

Section 1103. Administrative expenses claim for costs of closing a health care business

Section 1103 amends section 503(b) of title 11, making the actual, necessary costs and expenses of closing a health care business, including the cost or expense of disposing of patient records and transferring patients to another health care facility, an allowable administrative expense.

Section 1104. Appointment of ombudsman to act as patient advocate

Section 1104 (a) adds a new section 332 in subchapter II of chapter 3 of title 11, providing that the court appoint an ombudsman to act as an advocate for patients of health care facilities that have filed for bankruptcy. The ombudsman will monitor the quality of patient care and report to the court every 60 days regarding the quality of that care. If the ombudsman determines that patient care is declining significantly or is otherwise materially compromised, he/she is to immediately notify the court by motion or written report, with notice to appropriate parties in interest. The ombudsman is to treat any information obtained regarding patients as confidential information. The ombudsman may not review confidential patient records, without the prior approval of the court and under restrictions protecting their confidentiality. Section 1104(b) provides for compensation of an ombudsman under section 330(a)(1) of title 11.

Section 1105. Debtor in possession; duty of trustee to transfer patients

Section 1105 amends section 704(a) of title 11, stating that the trustee is to use all reasonable and best efforts to transfer patients from a health care facility being closed to another nearby and comparable health care facility, which maintains a reasonable quality of care.

Section 1106. Exclusion from program participation not subject to automatic stay

This section permits the Secretary of Health and Human Services to exclude the debtor from participation in the medicare program or other Federal healthcare program without violating the automatic stay.

TITLE XII—TECHNICAL AMENDMENTS

Section 1201. Definitions

This section makes technical corrections to the definitions of the Bankruptcy Code, alters the definitions for "single asset real estate" and "transfer", and renumbers the definitions.

Sections 1202—1212. Miscellaneous technical corrections

These provisions make technical changes to the Bankruptcy Code provisions on adjustment of dollar amounts, extensions of time, dismissal, bankruptcy petition preparers, compensation of professionals, conversion, administrative expenses, discharge, discriminatory treatment, and property of the estate provisions.

Section 1213. Preferences

This provision overrules *Levit* v. *Ingersoll Rand Financial Corp.* (*In re V.N. Deprizio Const. Co.*), 874 F.2d 1186 (7th Cir. 1989). If a transfer is avoided because it was made during the period 90 days–1 year before bankruptcy to a non-insider creditor for the benefit of an insider, the transfer is avoided only with respect to the insider. It is not avoided with respect to the non-insider creditor, and neither the transferred property nor its value may be recovered from the non-insider creditor.

Sections 1214–1217. Miscellaneous technical corrections

These sections make technical changes to the Bankruptcy Code provisions on postpetition transactions, property of the estate, municipal bankruptcy and railroad line abandonments.

Section 1219. Discharge under chapter 12

Section 1219 amends section 1228 (which deals with discharge under chapter 12) of the Bankruptcy Code to correct erroneous references.

Section 1220. Bankruptcy cases and proceedings

Section 1220 of the of the Act amends section 1334(d) of title 28 of the United States Code to correct erroneous references.

Section 1221. Knowing disregard of bankruptcy law or rule

This section amends section 156(a) of title 18 of the United States Code, which defined "bankruptcy petition preparer" and "document for filing," by making stylistic changes and by making a correct reference to title 11 of the United States Code.

Section 1222. Transfers made by nonprofit charitable corporations

Section 1222 amends section 363(d) of the Bankruptcy Code to restrict the right of a trustee to use, sell, or lease property owned by a nonprofit corporation or trust. First, the use, sale or lease must be in accordance with applicable nonbankruptcy law and must not be inconsistent with any relief granted under certain specified provisions of section 362 of the Bankruptcy Code concerning the applicability of the automatic stay. Second, the section imposes similar restrictions with regard to chapter 11 plan confirmation requirements. Third, it amends section 541 of the Bankruptcy Code to provide that any property of a bankruptcy estate, where the debtor is a nonprofit corporation (as described in section 501(c)(3) of the Internal Revenue Code) may be transferred to an entity that is not such a corporation, but only under the same conditions that would apply if the debtor was not in bankruptcy. The amendments made by this section apply to cases pending on the date of enactment of this Act. A limited exception pertains with respect to confirmation of a chapter 11 plan.

Section 1223. Protection of valid purchase money security interests

Section 1223 amends section 547(c)(3)(B) of the Bankruptcy Code extending the applicable perfection period for a security interest in property acquired by the debtor from 20 days to 30 days after the debtor receives possession of the property.

Section 1224. Extensions

Section 302(d)(3) of the Bankruptcy, Judges, U.S. Trustees, and Family Farmer Bankruptcy Act of 1986 is amended by striking out all references to "or October 1, 2002, whichever occurs first" and "October 1, 2003, or" and "whichever occurs first". These changes permanently extend the bankruptcy administrator program in Alabama and North Carolina.

Section 1225. Bankruptcy judgeships

This section may be cited as the "Bankruptcy Judgeship Act of 2000." It authorizes the appointment of additional temporary bankruptcy judgeships in the districts that follow:

(A) One additional bankruptcy judgeship for the eastern district of California.

(B) Four additional bankruptcy judgeships for the central district of California.

(C) One additional bankruptcy judgeship for the district of Delaware.

(D) Two additional bankruptcy judgeships for the southern district of Florida.

(E) One additional bankruptcy judgeship for the southern district of Georgia.

(F) Two additional bankruptcy judgeships for the district of Maryland.

(G) One additional bankruptcy judgeship for the eastern district of Michigan.

(H) One additional bankruptcy judgeship for the southern district of Mississippi.

(I) One additional bankruptcy judgeship for the district of New Jersey.

(J) One additional bankruptcy judgeship for the eastern district of New York.

(K) One additional bankruptcy judgeship for the northern district of New York.

(L) One additional bankruptcy judgeship for the southern district of New York.

(M) One additional bankruptcy judgeship for the eastern district of North Carolina.

(N) One additional bankruptcy judgeship for the eastern district of Pennsylvania.

(O) One additional bankruptcy judgeship for the middle district of Pennsylvania.

(P) One additional bankruptcy judgeship for the district of Puerto Rico.

(Q) One additional bankruptcy judgeship for the western district of Tennessee.

(R) One additional bankruptcy judgeship for the eastern district of Virginia.

The section provides that judgeship vacancies in the above districts resulting from death, retirement, resignation, or removal of a bankruptcy judge which occur 5 years or more after the appointment date shall not be filled.

The section also adds that temporary bankruptcy judgeships authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, the district of South Carolina, and the eastern district of Tennessee under the Bankruptcy Judgeship Act pf 1992 are extended until the first vacancy resulting from the death, retirement, resignation, or removal occurs:

(A) 8 years or more after November 8, 1993, in the northern district of Alabama.

(B) 10 years or more after October 28, 1993, in the district of Delaware.

(C) 8 years or more after August 29, 1994, in the district of Puerto Rico.

(D) 8 years or more after June 27, 1994, in the district of South Carolina.

(E) 8 years or more after November 23, 1993, in the district of Tennessee.

The section also amends section 152(a)(1) of title 28 of the United States Code. It adds that each judge shall be appointed by the U.S. Court of Appeals for the circuit in which such a district is located.

Section 1226. Compensating trustees

This section amends section 326 (Limitation on Compensation of Trustee) with a new subsection (e) providing that, in a case where a trustee in a chapter 7 case makes a motion to dismiss or convert under section 707(b) and such motion is granted, the court shall allow "reasonable compensation" under section 330(a) of title 11 for the services and expenses of the trustee and the trustee's counsel. The compensation covers the reasonable costs of preparing and presenting the section 707(b) motion and any related appeals. This section also adds a new subsection (f) to section 326 providing that, subject to the limits established in subsection 326(a), the court shall consider the "results achieved" when determining a trustee's compensation. Finally, this section amends subsection 1326(b) dealing with payments under a chapter 13 plan. Specifically, a new paragraph (3) is added to subsection 1326(b) establishing a formula limiting the amount a debtor must pay under a plan to compensate a chapter 7 trustee or trustee's attorney who has been awarded fees in a chapter 7 case, when that compensation is allowed under section 326(e).

Section 1227. Amendment to section 362 of title 11, U.S. Code

Amends section 362(b)(18) to exempt from the automatic stay a special tax or special assessment on real property (whether or not ad valorem), imposed by a governmental unit, if such special tax or assessment comes due after the filing of the bankruptcy petition.

Section 1228. Judicial education

Provides that the Director of the Federal Judicial Center, in consultation with the Director of the Executive Office of U.S. Trustees, shall develop materials and conduct such training as may be useful to the courts in implementing this Act, focusing in particular on the section 707(b) means test and reaffirmation.

Section 1229. Reclamation

Subsection (a) of this section amends section 546(c) of title 11, to allow a seller of goods to reclaim those goods under certain circumstances and establishing the procedures and time limits for doing so. This provision was amended in 1994 so as to expand the ability of sellers of goods to reclaim such goods from a trustee by extending the reclamation demand period from 10 days to 20 days. The amendment made by this Act extends this period to 45 days, subject to certain limitations and requirements. Under existing law and this amendment, the rights and powers of the trustee under sections 544(a), 545, 547 and 549 are subject to the right of a seller of goods that has sold goods to the debtor in the ordinary course of the seller's business.

Specifically, under the new subsection 546(c)(1), the seller's rights to reclaim goods which an insolvent debtor received not later than 45 days after the commencement of the case is not subject to certain of the trustee's avoiding powers. However, the seller may not reclaim the goods unless the seller makes a reclamation demand in writing: (A) not later than 45 days of the date of receipt of such goods by the debtor; or (B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after commencement of the case. Subsection 546(c)(2) states that a failure to provide notice in a manner required under paragraph (1), does not preclude a seller from making a claim under section 503(b)(8).

As amended, subsection 546(c) contains certain exceptions to the seller's reclamation rights. First, such rights do not apply to claims with respect to grain or fish covered in subsection 546(d). Second, another exception is provided for priority claims of a governmental unit under subsection 507(c) with respect to an erroneous refund or tax credit. Finally, reclamation claims are also made subject to the prior rights of holders of security interests in such goods or the proceeds of the sale of such goods.

Subsection (b) of this section, amends section 503(b) of title 11 to add a new paragraph (8) which provides for an administrative expense allowance for the value of goods received by the debtor not later than 20 days after filing, if the goods were sold to the debtor in the ordinary course of the debtor's business.

Section 1230. Providing requested tax documents to the court

Section 315 of HR 2415 amends section 521 of the Bankruptcy Code to insert a new subsection which requires the debtor to provide certain tax documents. In addition, under Rule 2004 discovery, a debtor can be required to disclose tax returns and other tax information in appropriate cases. If a debtor fails to do so, this provision provides sanctions.

Subsection (a) withholds a discharge in a chapter 7 case where the debtor has failed to provide requested tax documents to the court. Similarly, subsection (b) provides that the court shall not confirm a reorganization plan under chapter 11 or chapter 13 unless and until requested tax documents have been filed with the court. For these purposes, failure to provide a tax return to the trustee is considered a refusal to provide it to the court. Subsection (c) provides that the bankruptcy court must retain all documents submitted in support of an individual's bankruptcy claim under chapter 7, 11 or 13 for a period of not more than 3 years after the conclusion of the case. In the event of a pending audit or enforcement action, the court may extend the time for retention of the documents beyond the 3 year minimum.

Section 1231. Encouraging creditworthiness

Subsection (a) expresses that it is the sense of Congress that: (1) some lenders may offer credit to consumers, without taking all the steps necessary to ensure that consumers have the capacity to repay the resulting debts; and (2) the availability of credit may be a factor contributing to consumer insolvency. Subsection (b) authorizes the Federal Reserve Board to conduct a study of credit industry practices with respect to soliciting and extending credit. Subsection (c) provides that, not later than 12 months after the date of enactment of this Act, the Board shall make public a report on the findings of its study of the credit industry. The Board may then issue regulations that would require additional disclosures to consumers and take any other action, consistent with its statutory authority, to encourage responsible lending practices and greater personal responsibility on the part of consumers.

Section 1232. Property no longer subject to redemption

This section amends section 541(b) of the Bankruptcy Code to clarify that pawned, tangible personal property (other than securities or written or printed evidence of indebtedness or title) cannot be treated as property of the bankruptcy estate once the statutory redemption period has run and the pawned goods have not been redeemed. Thus, pawned personal property is not part of a debtor's bankruptcy estate, after the time under the contract for redeeming the property has expired. This codifies what most courts have held, and will relieve the courts from the burden of having to repeatedly rule on whether pawn transactions are subject to the automatic stay.

Section 1233. Trustees

This section amends 28 U.S.C. 586(d) to allow private trustees, appointed to a panel under subsection 586(a)(1) or appointed under subsection 586(b), to obtain judicial review when they are terminated or cease to be assigned cases. Judicial review shall be available in the United States district court for the district for which the panel to which the trustee was appointed under subsection 586(a)(1) serves, or the district where a trustee appointed under subsection 586(a) resides. The trustee must first exhaust all administrative remedies which, if the trustee elects, shall include a hearing on the record. The final agency decision will be upheld unless it is found unreasonable and without cause based upon the administrative record before the agency. This section also amends 28 U.S.C. 586(e) to allow an individual appointed under subsection 586(b) to seek judicial review of a final agency decision to deny a claim for actual, necessary expenses. Before seeking judicial review, the individual must exhaust all available administrative remedies and the final agency decision will be upheld unless it is unreasonable and without cause based on the administrative record.

Section 1234. Bankruptcy forms

This section amends 28 U.S.C. 2075 (Bankruptcy rules) by adding at the end a requirement that a form be prescribed for the statement required under section 707(b)(2)(C) of title 11 concerning the debtor's current monthly income and the calculations that determine whether a presumption of abuse arises under section 707(b)(2)(A)(i). The form may provide general rules on the content of the statement.

Section 1235. Expedited appeals of bankruptcy cases to courts of appeals

Subsection (a) of this section strikes the existing language contained in subsection 158(d) of title 28, United States Code, and replaces it with language establishing an expedited appeals process for judgments, decisions, orders, or decrees issued by bankruptcy judges. Specifically, it provides that where an appeal of a judgment, decision, order, or decree of a bankruptcy judge is filed with the district court, that judgment, decision, order, or decree shall be deemed to be a judgment, decision, order, or decree of ("entered by") the district court 31 days after the appeal is filed with the district court. This result will occur unless, not later than 30 days after such an appeal is filed with the district court, the district court: (1) files its own decision on the appeal; (2) enters an order extending the 30-day period for cause upon a motion of a party or on its own motion; or (3) all parties to the appeal file a written consent that the district court may retain the appeal. An appeal is to be considered filed with the district court on the date the notice of appeal is filed, or on the date a party makes an election under 28 U.S.C. 158(c)(1)(B).

This section also adds a new subsection (e) to 28 U.S.C. 158, providing that the courts of appeals have jurisdiction over appeals from all final judgments, decisions, orders, and decrees of district courts under subsection 158(a) and of bankruptcy appellate panels under subsection 158(b). In addition, the courts of appeals are granted jurisdiction over appeals from all judgments, decisions, orders, and decrees of the district courts entered under the new subsection 158(d), to the extent such judgment, decision, order, and decree would be reviewable by the district court under subsection 158(a). An appeal from a district court or a bankruptcy appellate panel shall be taken in the same manner as civil appeals are generally taken to the courts of appeals from the district courts as provided in Rule 4 of the Federal Rules of Appellate Procedure. The court of appeals, in its discretion, may exercise jurisdiction over an appeal from an interlocutory judgment, decision, order, or decree to the extent provided in paragraph (3) of subsection (e).

Subsection (b) of section 1237 of this Act, merely makes conforming changes substituting "section 158(e)" for "section 158(d)" in three sections of the Code.

Section 1236. Exemptions

This section corrects a cross reference.

TITLE XIII—METHAMPHETAMINE AND OTHER CONTROLLED SUBSTANCES

This title increases the controls on the manufacture and sale of certain illegal drugs.

TITLE XIV—CONSUMER CREDIT DISCLOSURE

Section 1401. Enhanced disclosures under an open-ended credit plan

This section would amend section 127(b) of the Truth in Lending Act ("TILA") to require new minimum payment disclosures on monthly billing statements sent to cardholders. Under this section, the front page of each monthly billing statement must include a new minimum payment disclosure. The contents of the disclosure will vary depending upon the level of minimum payments required under the applicable credit plan and whether the creditor is subject to enforcement by the Federal Trade Commission ("FTC"). It is intended that the Federal Reserve Board ("FRB") will implement the new disclosures in a manner that will enable creditors to preprint the disclosures on the billing statements they send to cardholders.

Disclosures by federally regulated financial institutions. Financial institutions that are subject to enforcement under TILA by a federal agency other than the FTC must provide a minimum payment warning that will vary depending upon whether the institution's credit plan typically requires a minimum payment that is 4% or less, or more than 4%, of the outstanding balance. If the institution's credit plan requires minimum payments that are 4% or less of the outstanding balance, the institution will include the following on the front of the monthly billing statement.

"Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number ______.":

If the financial institution requires a minimum payment of more than 4% of the outstanding balance, the institution would make the same minimum payment disclosure with a different repayment example. Specifically, in such cases, the institution would indicate that "[m]aking a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full." However, such an institution may elect to use the example applicable to plans requiring minimum payments of 4% or less if it chooses to do so.

Federally regulated financial institutions also would be required to include in the disclosure a toll-free telephone number that the institution's open-end credit accountholders may use to obtain information to be published by the FRB estimating how long it could take to repay a similar outstanding balance. The toll-free telephone number may be operated individually by the institution, jointly with other creditors, or by a third party. The toll-free number may connect accountholders to an automated device that enables accountholders to obtain information through use of a touch-tone telephone or similar device, so long as accountholders without a touch-tone telephone or similar device are provided an opportunity to speak to an individual. The FRB is charged with developing charts or tables showing how long it could take to repay various balances, assuming the limited number of repayment assumptions specified in the bill. It is intended that the FRB, in preparing the charts or tables, will use the same methodology as that used in calculating the 88-month and 24-month repayment periods set forth in the disclosures in new paragraphs (11) (A), (B) and (C) of TILA section 127(b). The FRB charts or tables would be used for responding to accountholders who call the toll-free telephone number.

A special rule is established for depository institutions with total assets not exceeding $250 million. Under this special rule, such depository institutions are not required to comply with the toll-free number provision described above. Instead, such depository institutions are required to furnish a toll-free number which the FRB shall establish and maintain itself, or have established and maintained by a third party, for a period not to exceed 24 months following the effective date of this Act. Once the FRB (or third party) no longer maintains the toll-free telephone number, depository institutions with total assets not exceeding $250 million shall continue to be required to furnish a toll-free telephone number under this Act.

Disclosures for creditors subject to FTC enforcement under TILA. Creditors subject to FTC enforcement under TILA would be required to include the same minimum payment disclosure as financial institutions who require minimum payments in excess of 4% of the outstanding balance. However, instead of including a toll-free telephone number operated by the creditor (or third party), those subject to FTC enforcement under TILA would include a toll-free telephone number through which accountholders could contact the FTC for an estimate of the time it would take to repay the accountholder's outstanding balance. In responding to accountholder calls made to the toll-free number, the FTC will use the same repayment charts or tables developed by the FRB.

Additional flexibility. In order to provide added flexibility in making the new disclosures, new paragraph (11)(D) allows a creditor to use its own repayment example rather than those specified in subparagraphs (A), (B) or (C) provided that the creditor's example is based on an interest rate greater than 17%.

Exemptions from new disclosure requirements. The new section 127(b)(11) does not apply to charge card accounts provided that the primary purpose of such accounts is to require payment of charges in full each month.

Disclosures for creditors providing actual number of months to repay balance. Under new section 127(b)(11)(J), a creditor is not subject to new sections 127(b) (11)(A) or (B) if the creditor maintains a toll-free number which provides open-end credit accountholders with the actual number of months that it will take to repay the accountholder's outstanding balance. In order to qualify for the exemption in subparagraph (J), the creditor would simply include the following statement on each billing statement as provided in new subparagraph (K) (as included in section 1234 of this Act):

"Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: ______."

The toll-free number may be operated individually by the institution, jointly with other creditors or by a third party. It is intended that the toll-free number may connect accountholders to an automated device that enables them to obtain information through the use of a touch-tone telephone or similar device, so long as accountholders without a touch-tone telephone or similar device are provided the opportunity to speak with an individual.

FRB study. In addition, the FRB has the authority to conduct a study, if it chooses to do so, to determine the types of information available to potential borrowers regarding factors of notifying potential borrowers for credit, repayment requirements, and the consequences of default.

Effective date. New section 127(b)(11) of TILA and any regulations promulgated by the FRB to implement section 127(b)(11) will not take effect until the later of: (A) 18 months after the date of enactment of this Act; or (B) 12 months after the publication of final regulations by the FRB.

Section 1402. Enhanced disclosure for credit extension secured by a dwelling

This section adds a new disclosure that must be made by creditors who make either open-end or closed-end loans to consumers if those loans are secured by the consumer's principal dwelling. This section provides that, in connection with credit applications and credit advertisements for such loans, the creditor must disclose to the consumer that if the loan exceeds the fair market value of the dwelling, the interest on the portion of the credit that exceeds the fair market value is not tax deductible for federal income tax purposes and that the consumer may want to consult a tax advisor for further information regarding the deductibility of interest and charges. This section and any regulations issued by the FRB to implement this section will not take effect until the later of: (A) 12 months after the date of enactment of the Act; or (B) 12 months after publication of the final regulations by the FRB.

Section 1403. Disclosure related to "introductory rates"

This section mandates new disclosures regarding introductory rates on open-end credit card accounts if those rates will be in effect for less than 1 year ("temporary rates"). This section provides that an application or solicitation to open a credit card account which is described in section 127(c)(1) of TILA must comply with the following requirements if the account offers a temporary rate:

1. Each time the temporary rate appears in the written materials, the term "introductory" must appear clearly and conspicuously in immediate proximity to the rate itself.

2. If the rate that will apply after the temporary rate expires will be a fixed rate, the creditor must disclose the time period in which the introductory period will expire and the annual percentage rate that will apply after the end of the introductory period. This disclosure must be made clearly and conspicuously in a prominent location closely proximate to the first listing of the temporary rate. This disclosure does not apply to any listing of a temporary rate on an envelope or other enclosure in which an application or solicitation is mailed.

3. If the annual percentage rate that will apply after the expiration of the temporary rate will be a variable rate, the creditor must disclose the time period in which the introductory period will expire and an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation. Like the fixed-rate disclosure, this disclosure must be made clearly and conspicuously in a prominent location closely proximate to the first listing of the temporary rate. This disclosure does not apply to any listing of a temporary rate on an envelope or other enclosure in which an application or solicitation is mailed.

4. If the temporary rate can be revoked for reasons other than the expiration of the introductory period, the creditor must clearly and conspicuously disclose on or with the application or solicitation a general description of the circumstances that may result in the revocation of the temporary rate and either the fixed rate that would apply upon the revocation of the temporary rate, or in the

case of a variable rate program, the rate that was in effect within 60 days before the date of mailing the application or solicitation.

Effective date. This section and any regulations promulgated by the FRB to implement this section will not take effect until the later of: (A) 12 months after the date of enactment of this Act; or (B) 12 months after the publication of final regulations by the FRB.

Section. 1404. Internet-based credit card solicitations

This section requires that the existing TILA credit card application and solicitation disclosures must be made in connection with a solicitation to open a credit card account via the Internet. It also requires that the new introductory rate disclosures required under section 1603 of this Act must be made in connection with Internet solicitations, as applicable. All disclosures required under this section must be made in a clear and conspicuous manner. The disclosures must be readily accessible to consumers in close proximity to the solicitation to open a credit card account, and updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account. It is intended that the disclosures can be made by allowing a consumer to use a "link" or similar method to view the disclosures. This section and any regulations promulgated by the FRB to implement this section will not take effect until the later of: (A) 12 months after the date of enactment of this Act; or (B) 12 months after the publication of final regulations by the FRB.

Section 1405. disclosures related to late payment deadlines and penalties

This section requires that each monthly billing statement sent to credit cardholders and other open-end credit borrowers must include a new disclosure if a late payment fee will be imposed on the borrower for failing to make the minimum payment by the payment due date. In such cases, the monthly billing statement must clearly and conspicuously state the date that the payment is due or, if the card issuer contractually establishes a different date, the earliest date on which (or time period in which) a late payment fee may be charged and the amount of the late payment fee to be imposed if payment is made after that date (or time period). This section and any regulations promulgated by the FRB to implement this section will not take effect until the later of: (A) 12 months after the date of enactment of this Act; or (B) 12 months after the publication of final regulations by the FRB.

Section 1406. Prohibition on certain actions for failure to incur finance changes

This section prohibits a creditor under an open-end consumer credit plan from terminating an account of a consumer prior to its expiration date (e.g., expiration of the card in the case of a credit card account) solely because the consumer has not incurred finance charges on the account. This provision makes it clear, however, that the creditor may terminate the account if it is inactive for three or more consecutive months. New section 127(h) of TILA and any regulations promulgated by the FRB to implement new section 127(h) will not take effect until the later of: (a) 12 months after the date of enactment of this Act; or (b) 12 months after the publication of final regulations by the FRB.

Section 1407. Dual use debit card

This section permits the FRB to conduct a study of existing consumer protections, including voluntary industry rules, that limit the liability for consumers when a consumer's ATM card or debit card is used to access the consumer's asset account without the consumer's authorization.

Section. 1408. Study of bankruptcy impact of credit extended to dependent students

This section directs the FRB to conduct a study regarding the impact that the extension of credit to certain students has on the rate of bankruptcy. Specifically, the study must examine the bankruptcy impact of extending credit to consumers who are claimed as a dependent by their parents or others for federal tax purposes and who are enrolled within 1 year of successfully completing all required secondary education requirements on a full-time basis in post-secondary educational institutions. The results of the study must be reported to Congress within 1 year after the date of enactment of the Act.

Section 1409. Clarification of clear and conspicuous

This section directs the Board, in consultation with other federal banking agencies, the National Credit Union Administration and the FTC, to promulgate regulations, including examples of model disclosures, to provide guidance regarding the meaning of "clear and conspicuous" as used in sections 127(b)(11)(A), (B) and (C) and 127(c)(6)(A)(ii) and (iii) of TILA as added by this Act.

TITLE XV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Section 1501. Effective date; application of amendments.

The amendments made by the Act take effect 180 days after the date of enactment, except as provided elsewhere in the Act. These amendments apply only with respect to cases commenced after the effective date.

Mr. HATCH. Thank you. We are in agreement on what this legislation does.

Mr. DODD. Mr. President, I rise today to speak about the Bankruptcy Reform Conference Report that is being considered by the Senate. Let me start by noting that there is strong opposition to this bill—in its current form—by consumer advocacy groups such as the National Women's Law Center, the Association for children for Enforcement of Support, and the Consumer Federation of America.

This conference report is an illustration of what happens when a sound idea is submitted to an unsound process. The idea of reforming the Bankruptcy Code to stop obvious abuses was an idea that had broad support. It was a bipartisan issue. Regrettably, however, this modest and sensible idea—the idea that we should close the loopholes that a small number of people were using to game the system—has been warped into legislation that goes far beyond its original purposes.

The process that created this conference report was highly partisan and highly unusual. Its provisions were drafted by one party meeting in secret, with no formal input from members of the Democratic Party. Indeed, no formal conference was ever held. Instead, at the last minute the majority found a stalled Department of State authorization bill that was being managed by Senators who were sympathetic to their version of the bankruptcy bill and they performed a legislative bait and switch. They deleted every word from the Department of State bill and then inserted every word of their bankruptcy bill.

Now the Senate is being asked to vote on a so-called Department of State authorization bill that contains not a word about the Department of State. The Department of State bill is nothing but an empty vessel into which a so-called "compromise" bankruptcy bill has been poured. But we have to be careful here—the word "compromise" doesn't mean what it used to mean, what it normally means in the legislative process. This isn't a compromise between the two Houses of Congress. This isn't a compromise between the two parties. This compromise bill is the result of negotiations among like-minded men and women of the same political party. This is a majority-only bill. There has been no meaningful compromise at all.

Aside from the procedural problems with how this bill has been handled, I have deep and serious concerns about the substance of this legislation.

This legislation will unintentionally injure honest hard-working Americans who have fallen on hard times through no fault of their own. The reason that we have a Bankruptcy Code is because life sometimes deals people a bad hand and we believe that it's important to give people a fresh start—an opportunity to overcome the financial misfortunes that have struck them. This principle is so fundamental that the Constitution expressly lists the establishment of uniform bankruptcy laws as a congressional responsibility. It seems that the Framers understood that society is better off if we find an orderly way to allow people to pay off their debts to the degree possible, and then get back on their feet as productive citizens. Regrettably, that principle seems to suffer at the hands of this conference report.

Evidence suggests that the vast majority of people who file for bankruptcy do so because some financial crisis beyond their control has plunged them into debt that they cannot avoid. People file for bankruptcy because they've lost their jobs or because a child needs medical care that is not covered by insurance.

The evidence shows that abusive filings are the exception, not the rule. The median income of the average American family filing for a chapter 7 bankruptcy is just above $20,000 per year, according to the General Accounting Office. The majority of people who file for bankruptcy are single women who are heads of households, elderly people trying to cope with medical costs, again people who have lost their jobs, or families whose finances have been complicated by divorce.

•For the most part, we are talking about working people or elderly people on fixed incomes, who through no fault of their own have fallen on hard times and need the protection of bankruptcy to help put their lives back together. It is also worth noting that last year, the per capita personal bankruptcy rate dropped by more than 9 percent, and again this year the bankruptcy rate has dropped.

The impact that this legislation would have on single-parent households is particularly disturbing to me. Single parents have one of the hardest jobs in America. Most work all day, cook meals, keep house, help their children with homework, and schedule doctors' appointments, parent-teacher meetings, and extracurricular activities. Life isn't easy for working single parents and often the financial assistance they receive in the form of alimony or child support is critical to keeping their families from falling into poverty. I believe that the conference report before the Senate would frustrate the efforts of single-parent families to collect support payments.

I understand that the proponents of this bill believe that they have treated single-parent families fairly. But what I am worried about is the unintended—but perfectly foreseeable—consequences of allowing more debts to survive bankruptcy.

For more than 100 years, the Bankruptcy Code has given women and children an absolute preference over all others who have claims on a debtor's estate. Under the well-established rule, if a divorced person files for bankruptcy, the court doesn't require that person's ex-spouse or children to compete with creditors for the funds needed to pay child support and alimony. Instead, alimony and child support are taken out of the debtor's monthly income first and if there is anything left over, it is made available to commercial creditors. If there is nothing left over, then the commercial or consumer debts are discharged and the debtor's only remaining obligation is to the ex-spouse and children.

This conference report would change the rules. For the first time, it would make credit card and other consumer debts essentially nondischargable. So, while a divorced spouse would still be obliged to pay alimony and child support, his or her other unsecured debts would remain intact.

Proponents of this bill say this does no harm to divorced spouses and their children because ex-spouses are still at the front of the collections line. But there is a huge practical difference between being first in line and being the only one in line. Under current law, nonsupport debts are often discharged and debtors can focus entirely on meeting their obligations to their children and ex-spouses. If this conference report becomes law, that will change—debtors will not be able to focus on their children, they will—as a matter of law—have to divert limited financial resources to pay back consumer creditors.

I believe that this change will inevitably lead to conflicts between commercial creditors and single parents who are owed support and alimony payments. Sure, they will be first in line, but single parents will be competing with large creditors. Creditors, I might add, who are well-represented by teams of lawyers.

I believe that it is a mistake to make single parents compete with teams of lawyers for the money they need to feed and clothe and educate their children.

I understand the perspective that says that all debts should be paid—but when debtors simply cannot pay all of their debts, then I believe that our laws should protect the interests of children and families first. Under this legislation, a child support payment could very well be reduced in order to satisfy an unsecured commercial creditor. In my view, that change would place the well-being of a child at a disadvantage and elevate the status of the unsecured creditor.

Low-income children and families will be put at a practical disadvantage by this bill and will ultimately suffer greater economic deprivation because they cannot afford to compete with sophisticated creditors.

Mr. President, Congress should reform the Bankruptcy Code, but we need to do so in a responsible and effective and fair way. In my opinion, this conference report—even though it was well-intentioned—has not answered this call.

Mr. BIDEN. Mr. President, today we reach a point that has been far too long in coming: a vote on final passage of bankruptcy reform. Just two days ago, the Senate voted overwhelmingly—67 to 31—to end debate on this legislation.

I expect the same strong endorsement in today's vote.

For reasons that we are all aware of, it has been a prolonged and complicated process that has brought us to this point today. In one of our very first votes this year, the Senate passed bankruptcy reform legislation by the overwhelming margin of 83 to 14. Similar legislation passed the House last year, 313 to 108. I personally believe that we should not have waited for legislation that passed both Houses by overwhelming margins, many months ago, to finally reach the floor of the Senate in the last hours of this session.

For vast, bipartisan majorities of both houses, the idea that we need to restore some balance to our bankruptcy code is not controversial.

The legislation before us today does indeed tighten current law. It assures that those who have the ability to pay—but only those with the ability to pay—will have to complete at least a partial repayment plan. This fundamental change will affect probably fewer than 10 percent of the people who file for bankruptcy, and only those who have the demonstrated ability to pay.

I would bet, that most of our constituents would be surprised to find that is not the case today. Today's code makes no clear distinction between those who have the income to pay some of their debts and those whose only recourse is to sell off whatever assets they have to pay their creditors. The bill before us corrects that basic flaw.

I am convinced that flaw has a lot to do with the fact that bankruptcy filings have been at record levels in recent years, in spite of the strongest economy we have ever enjoyed. And—contrary to some of the assertions we have heard recently, those filings are not going down. After a leveling off, following interest rate reductions a couple of years ago that made credit easier, the latest statistics show a revival in the record wave of bankruptcy filings in recent months. The problem has not gone away—and the growing evidence of a slowing economy means we should expect even more filings in the coming months.

The fact is, Mr. President, that we have before us legislation that is the result of weeks of debate and amendment here on the Senate floor last year. Although we could not convene a formal conference, further bipartisan discussions continued this summer, including the direct participation of the White House. I ask my colleagues to consider how closely the legislation before us today matches the letter and the spirit of the bill that had such overwhelming support earlier this year.

I also strongly urge the President to reconsider his threat to veto this legislation, that contains many provisions that are the product of direct negotiations with his White House. I know that important voices in his administration continue to support bankruptcy reform, and I hope that he will heed their advice.

We still have a strong safe harbor, to protect families below the median income, along with adjustments for additional expenses that will assure that only those with real ability to pay will be steered from Chapter Seven to Chapter 13. Senate language, that gives judges the discretion to determine whether there are special circumstances that justify those expenses, prevailed over stricter House language.

Beyond that, the Senate-passed safe harbor provision has actually been strengthened, with additional protection for those between 100 and 150 percent of the national median income, who are largely exempted from the means test.

Compared to current law, this legislation provides increased protections against creditors who try to abuse the reaffirmation process. This bill also imposes new requirements on credit card companies to explain to their customers the implications of making minimum payments on their bills every month.

And a feature of this legislation that I think deserves much more emphasis is its historic improvement in the treatment of family support payments—child support and alimony. Compared to current law, there are numerous specific new protections for those who depend on those payments.

The improvements are so important that they have the endorsement of the National Child Support Enforcement Association, the National District Attorneys Association, and the National Association of Attorneys General.

These are the people who are actually in the businesses of making sure that family support payments are made. One passage from a letter sent to members of the Senate Judiciary Committee deserves repeating here, Mr. President. Referring to the very real advantages which this legislation would provide to the women and children who depend on those support payments, they say that, and I quote "defeat of this legislation based on vague and unarticulated fears" would be "throwing out the baby with the bathwater."

I think this last line from the letter deserves special stress: "No one who has a genuine interest in the collection of support should permit such inexplicit and speculative fears to supplant the specific and considerable advantages which this reform legislation provides to those in need of support."

Mr. President, I can think of no stronger rebuttal to the arguments we have heard recently about the supposed effects of this legislation on the women and children who depend on alimony and child support.

Finally, Mr. President, I want to briefly address two issues that have been raised by the President, and by opponents of this legislation. I honestly believe that compared to the many substantial victories for Senate positions, those two issues fall far short of justifying a change in the overwhelming support bankruptcy reform has received in the last two sessions of Congress.

First, there is the issue of the homestead cap. One of the most egregious examples of abuse under current law is the ability of wealthy individuals, on the eve of filing for bankruptcy, to shelter income from legitimate creditors by buying an expensive house in one of the handful of states that have an unlimited homestead exemption in bankruptcy.

It is one of the most egregious abuses, Mr. President, but it is actually pretty rare, involving only a very few of the millions of bankruptcies that have been filed in recent years. Nevertheless, it is an abuse that should be eliminated. Senator KOHL and Senator SESSIONS have been the leaders in the Senate on this. They are the reason why the Senate included a strong provision—a "hard cap" of $100,000 on the value of a home that could be exempt from creditors in bankruptcy.

That provision is not in the bill before us today, Mr. President, but the worst abuse—the last-minute move to shelter assets from creditors—has been eliminated. To be eligible for any state's homestead exemption, a bankruptcy filer must have lived in that state for the last two years before filing. If you buy a home within two years of filing, your exemption is capped at $100,000. That is a huge improvement over current law.

So I say to my colleagues: if you want to eliminate the worse abuse of the homestead exemption, then you will vote for the conference report before us today.

That brings us to the last of the major issues—one that we have come to call the Schumer Amendment, because of the energy and dedication of my friend and colleague from New York.

We all know of the confrontations—sometimes peaceful, sometimes tragically violent—that have occurred in recent years between pro-life and prochoice groups over access to family planning clinics. Because of the threat to the Constitutional rights of the people who run those clinics and their patrons, Congress passed, and President Clinton signed, the Free Access to Clinic Entrances Act in 1993. That law makes it a crime—punishable by fines as well as imprisonment—to block access to family planning clinics.

Some of those who have been arrested and prosecuted under that law have brazenly announced that they plan to file for bankruptcy, to escape the consequences of their crimes—specifically, to avoid paying damages. Some of these individuals have in fact filed for bankruptcy.

But in no case—in no case that I am aware of, Mr. President, or that the Congressional Research Service has been able to find—has any individual escaped a single dollar's liability by filing for bankruptcy. Not a dollar, not a dime, not a penny. It hasn't happened, and it won't happen. The reason is simple: current bankruptcy already states that such settlements—for "willful and malicious" conduct—are not dischargeable in bankruptcy.

If that were not enough, current case law supports a very strong reading of that provision of current law. When one clinic demonstrator—who violated a restraining order—attempted to have the settlement against her wiped out in bankruptcy, her claim was rejected out of hand. The violation of a restraining order setting physical limits around a clinic has been ruled to be "wilful and malicious" under the current code. The penalties she was assessed were not dischargeable.

Mr. President, the Congressional Research Service, as of October 26, conducted an exhaustive, authoritative search which, and I quote: "did not reveal any reported decisions where such liability was discharged under the U.S. Bankruptcy Code."

So the current bankruptcy statute—and the most recent case law on this point—all say that the Schumer Amendment is not needed. That is to take nothing away from the hard work and dedication of my friend and colleague on the Judiciary Committee, or to minimize the frustration and outrage many Americans feel at the announced attempts to abuse the bankruptcy code. It is simply to say that the women who use and who operate family planning clinics are not without recourse, and not without the full protection of the law, under the current bankruptcy code.

I repeat, Mr. President: no one has escaped liability under the Fair Access to Clinics Entrances Act through an abuse of the bankruptcy code. No one.

So, Mr. President, we will vote today on a conference report that has a strong Senate stamp on it, that contains important victories for Senate positions, victories that make the bill in some ways fairer and more balanced than the version that passed here in January by an overwhelming vote.

While the homestead provision is not what I hoped it would be, I will vote for closing the worst aspects of the homestead loophole in the current code. I will not let the best be the enemy of the good.

And I will vote for this conference report confident that family planning clinics, and the women who need and use them, will continue to enjoy the full protection available under current law.

I urge my colleagues to join me.

Mrs. FEINSTEIN. Mr. President, I support bankruptcy reform, and I voted in favor of the Senate bankruptcy bill, this past February. Simply put, people who can afford to repay their debts, should repay their debts.

However, I cannot support the version of bankruptcy legislation outlined in the Conference Report to H.R. 2415. The Conference Report has dropped key provisions from the Senate-passed bankruptcy bill, and has failed to protect consumers against irresponsible creditor practices. Thus, I intend to vote "No".

Let me recount my concerns.

First, the Conference Report lets wealthy individuals continue to purchase multimillion dollar homes that are shielded from creditors' bankruptcy claims. The Senate bill curbed this abuse, voting 76–22 to approve the Kohl amendment placing a $100,000 nationwide cap on homestead exemptions. The Conference Report replaced the Kohl amendment with a two-year ownership or residency requirement that wealthy debtors can easily sidestep. Debtors should not be able to avoid their obligations by funneling money into extravagant estates. The Conference Report lets this egregious practice continue.

Second, I am proud to be an original cosponsor of Senator Schumer's amendment to prevent anti-abortion extremists from using bankruptcy laws to avoid paying civil judgements against them. The Senate passed the Schumer amendment by an overwhelming 80–17 vote. It protects a woman's right to choose and the ongoing effectiveness of the Freedom of Access to Clinic Entrances, FACE, Act. The FACE Act has led to successful criminal and civil judgements against groups that use intimidation and outright violence to prevent people from obtaining or providing reproductive health services. I am deeply disappointed that the Conference Report has omitted this important provision.

Third, I had hoped that the Conference Report would work to improve the limited consumer credit card protections in the Senate bill. Unfortunately, the Conference Report has gone the other way—consumer protections have been deleted. For example, the Senate passed an amendment by Senator BYRD that would have required any credit card solicitation on the Internet to be accompanied by information from the Federal Trade Commission, FTC, that gives consumers advice about selecting and using credit cards. The Conference Report dropped this provision.

Additionally, the Conference Report deleted an amendment by Senator LEVIN that would have made it clear that consumers do not owe interest for on-time credit card payments. Presently, many credit card solicitations advise consumers that interest is not charged on payments made within a grace period (such as 25 days). However, in the fine print, these agreements state that if the entire debt is not paid back, the cardholder is liable for interest on the full amount charged. Say $995 is paid off of a $1,000 credit debt, most people reasonably assume that they owe interest on just the unpaid $5. Not so. The credit card company will charge consumers interest retroactively on the full $1,000. This important amendment would have brought interest charges in line with consumer expectations.

When analyzing legislation, it is often telling to review the opinions of those groups with no financial stake in the outcome. Overwhelmingly, the nonpartisan experts on bankruptcy—the judges, trustees, and academics—have expressed serious concerns or opposition to this bankruptcy bill. These organizations include the National Bankruptcy Conference, NBC, the National Conference of Bankruptcy Judges, NCBJ, the National Association of Chapter 13 Trustees, NACTT, the National Association of Bankruptcy Trustees, NABT, and law professors from many of our nation's law schools. On October 30, 2000, for example, 91 law professors wrote to me that the "bill is deeply flawed," and will not achieve balanced reform. The professors state that ". . . the problems with the bankruptcy bill have not been resolved, particularly those provisions that adversely affect woman and children."

Congress should also take note that, after soaring to record levels in the mid-1990s, bankruptcy filings declined in recent years. In 1998, bankruptcy filings totaled 1,442,549. In 1999, bankruptcy filings totaled 1,319,540 cases, a decline of almost 10 percent from the previous year.

A final note, Mr. President. When the 107th Congress convenes, the Senate will be evenly divided for the first time in over a century. If we are to govern, to conduct the nation's business, we have to be able to work across party lines. The bankruptcy Conference Report we are considering this afternoon is a case study of how not to govern. There was no conference; this report emerged as the product of negotiations held exclusively between House and Senate Republicans. Maybe if they had consulted with the minority, they could have fashioned a bill the minority could support. But they didn't. They deliberately excluded us. The result is a Conference Report the President has vowed to veto.

Bankruptcy reform requires a balanced bill that is fair to both debtors and creditors. This bill doesn't measure up. I intend to vote no on passage of the Conference Report to H.R. 2415. I hope that Congress will revisit bankruptcy reform in the 107th Congress, and work in a bipartisan way to address known abuses in our bankruptcy laws.

Mr. KERRY. Mr. President, I strongly believe that reform of our bankruptcy laws is necessary. During the 105th and 106th Congress, I supported legislation to reform bankruptcy laws and end the abuse of the system. However, I am unable to support the conference report of the Bankruptcy Reform Bill because I believe it is unfair and unbalanced, was completed without appropriate consideration by the Minority party, and is unfair to many working families and single mothers. Sponsors of bankruptcy reform have justified the legislation by arguing that the bill is necessary because we are in the midst of a "bankruptcy crisis." I am among those who believe that, too often, bankruptcy is used as an economic tool to avoid responsibility for unsound decisions and reckless spending. There has been a decline in the stigma of filing for bankruptcy, and appropriate changes are necessary to ensure that bankruptcy is no longer considered a lifestyle choice. However, I must point out that the current numbers show that the bankruptcy rate is lower than it was when the bill was first introduced. Indeed, if the bankruptcy reform act had been enacted into law, the sponsors would undoubtedly now be taking credit for this turnaround in the bankruptcy numbers. However, the current decline came about without Congressional intervention, demonstrating that to some degree, free-market forces work to correct any over-use of the bankruptcy system. The reason is that lenders and credit card companies, in an effort to maximize their profits, can and do respond to an unexpected increase in personal bankruptcies by curtailing new lending to consumers who are credit risks. However, there are still those who will game the system, and we should narrowly craft legislation to address such abuse. Unfortunately, this bill fails to take a balanced approach to bankruptcy reform. I had hoped that through a legitimate legislative process we would arrive at a compromise that would have ended the abuses but still provided our most vulnerable citizens with adequate protections. This bill does just the opposite: It harms those who most need bankruptcy protection and protects those who don't. For instance, the bill's safe harbor will not benefit individuals in most need of help. Because the safe harbor is based on the combined income of the debtor and the debtor's spouse, many single mothers who are separated from their husbands and who are not receiving child support will not be able to take advantage of the safe harbor provision. In other words, a single mother who is being deprived of needed support from a well-off spouse is further harmed by this bill, which will deem the full income of that spouse available to pay debts for the safe harbor determination. Moreover, the bill jeopardizes the post-bankruptcy collection of child support. By creating many new types of nondischargeable debts in favor of credit card companies, the bill would place banks in direct competition with single parents trying to collect child support after bankruptcy. In addition, the bill gives creditors new levers to coerce reaffirmations, in which debtors must agree to pay back debts that otherwise would have been discharged, so that those debts also will compete with child support obligations. Finally, the claim of the bill's sponsors that it "puts child support first" is an example of the worst kind of Washington cynicism. Although the bill moves child support claims from seventh to first priority in Chapter 7 cases, the provision is virtually meaningless because almost no Chapter 7 cases involve any distribution of assets to creditors. Few debtors have any assets to distribute to priority unsecured creditors after secured creditors receive the value of their collateral. Therefore, this change would affect fewer than 1 percent of cases. On the other hand, the conference report protects wealthy debtors by allowing them to use overly broad homestead exemptions to shield assets from their creditors. The homestead exemption has been used by wealthy individuals to shelter millions of dollars in expensive homes to avoid repaying their creditors. The Conference Report would delete the Senate amendment that provided a firm homestead cap of $100,000 and instead allow wealthy debtors to retain expensive homes while filing for bankruptcy, so long as the debtor owned the property for two years before the bankruptcy filing. Because wealthier debtors would have no difficulty tying up their creditors for a relatively short period of time, the two-year residency requirement would have no real effect on debtors moving to states with unlimited homestead amounts to take advantage of this loophole. The bill changes nothing, as long as the well-counseled debtor makes his homestead purchase at least 24 months before filing. But, the 24-month rule unfairly differentiates between consumers who are sophisticated enough to plan in advance for homestead protection and which are not.

The whole point of bankruptcy reform is to create accountability for both creditors and debtors. The first part of that equation is missing entirely in H.R. 2415. At the same time, the bill fails in any way to impose any restrictions on these industries with regard to the way they provide credit to those who can least afford to incur a great deal of debt. The bill does not require important specific disclosures on monthly credit card statements that would show the time it will take to pay a balance and the cost of the credit if only minimum payments are made. This type of disclosure was included in the legislation passed by the Senate in 1998 and should be part of any reform bill. The conference report also excludes Senate-passed amendments that would have provided credit information in electronic credit card applications over the Internet and protections against finance charges being imposed on credit card payments made within the creditor-provided grace period. It also does nothing to discourage lenders from further increasing the debt of consumers who are already overburdened with debt.

I am also very disappointed that the conference report does not include an amendment offered by Senator COLLINS and myself, which was included in the Senate bill, that would make Chapter 12 of the Bankruptcy Code, which now applies to family farmers, applicable for fishermen. I believe that this provision would have made bankruptcy a more effective tool to help fishermen reorganize effectively and allow them to keep fishing while they do so.

Finally, this bill is the result of a conference process that was a sham. In October, the House appointed conferees for the Bankruptcy Reform Act and without holding a conference meeting, the Majority filed a conference report striking international security legislation and replacing it with a reference to a bankruptcy reform bill introduced earlier that same day. This makes a mockery of the legislative process and demeans the United States Senate. I am hopeful that during the 107th Congress, we can develop bipartisan legislation that would encourage responsibility and reduce abuses of the bankruptcy system.

Mrs. MURRAY. Mr. President, I come to the floor today to express my disappointment with the Bankruptcy Conference Report. I reluctantly will be voting no on the final conference agreement because it fails the fairness test and because it fails to protect the most vulnerable families facing dire financial times.

I have supported bankruptcy reform in the past. I continue to support fair and balanced reforms to prohibit the misuse of the bankruptcy code and to prohibit individuals from using the code as a shield against honoring their financial commitments. We need reform because we all pay for the abuses. Working families struggling with the cost of credit deserve reform. Families trying to save to purchase their first home cannot afford the added burden forced on them due to abuse of our bankruptcy laws.

Unfortunately, the final product presented to the Senate is unacceptable. In an attempt to prevent a fair and open debate, this conference report has bypassed the normal legislative process, and Senators have been denied the opportunity to improve the legislation. Clearly this conference report has been driven by special interests and not the interests of working families. It does not ensure that mothers and children who depend on child support and alimony payments won't lose out to big special interests. It does not require any responsible actions by credit card companies in educating or informing consumers to the cost of debt.

This conference report is vastly different from the bill that passed the Senate in March. I supported that bill. The conference report before us, however, will make it impossible for families to seek bankruptcy protection when they are hit with overwhelming financial problems often caused by events beyond their control. In many cases, families are forced into bankruptcy due to unexpected medical bills caused by a disabling accident or condition. Many women are forced into bankruptcy due to the break up of their family and their inability to collect court ordered child support. These families should not be turned away simply because credit card companies made reckless decisions in issuing credit to individuals unable to manage debt or unaware of the costs of managing debt.

This conference report also eliminates the Schumer Clinic Violence Amendment that I cosponsored and that I believe must be part of any reform bill. We cannot allow those who use violence or the threat of violence to shield themselves from financial responsibilities by running to bankruptcy court. Without the Schumer amendment, the Bankruptcy Code will continue to be subject to exploitation by perpetrators of violence against women. Protecting access to reproductive health clinics and providers is not an abortion issue, but a women's health and safety issue.

Violent anti-choice groups provide legal assistance to violent protesters on how to use the Code to protect their assets against possible financial liability. Their criminal debts are simply excused under the current Code. This conference report fails to close that loophole. The Schumer amendment was adopted on an 80 to 17 vote, but the final conference agreement simply dropped this bipartisan anti-violence amendment.

We know that this conference report will be vetoed and has little or no chance of becoming law. The decision to push this through in a partisan manner has jeopardized bankruptcy reform. As a result, working families will suffer. I am hopeful that with the new Congress and the need to work in a bipartisan manner we will see real bankruptcy reform in the next Congress. I will continue to work for reform that is balanced, fair and that protects women against violence and intimidation. I want reform, but not at the expense of women or children.

Mr. President, I hope all of my colleagues will honor the mandate we all received in the election. The American people did not give one party or one philosophy a mandate to govern. They want a bipartisan Congress that will put aside political bickering and special interest and work to solve the problems facing real people and real families.

Mr. LEVIN. Mr. President, earlier in the year, when the Bankruptcy Reform bill was before the Senate, I voted in favor of the bill. I said at the time that "over the course of debate, the Senate adopted more than 40 amendments, making this a more reasonable approach to bankruptcy reform." However, I also said that "should this legislation come back from conference . . . without the modest amendments we adopted in the Senate, I will consider opposing the bill at that time."

The bill before us is one I cannot support. The negotiators who worked out the differences between the Senate and House passed versions of the bill, deleted or weakened many of the provisions that were key components of the Senate-passed bankruptcy reform bill. Both of the amendments that I sponsored were deleted from the final version of the bill. One of those amendments simply required a study to determine if credit card companies use residences or zip codes to determine credit worthiness. The other amendment I sponsored would have prohibited credit card companies from applying interest charges on the paid portion of a balance during a so-called grace period.

Another provision that was deleted was Senator SCHUMER's amendment, which passed by an enormous margin in the Senate. The Schumer Amendment would have ensured that perpetrators of clinic violence, who incurred debt as a result of unlawful acts, could not discharge that debt in bankruptcy proceedings.

I am also concerned that the Senate-passed proposal to curb debtor abuse by closing the homestead loophole was weakened in conference. The homestead loophole permits debtors in certain states to shield luxurious homes, while shedding thousands of dollars of debt in bankruptcy. The Senate passed an amendment to create a $100,000 nationwide cap on the homestead exemption, thus closing the loophole. The conference report still allows for such abuse of the system so long as the expensive home was purchased two years in advance of the bankruptcy filing. This provision allows sophisticated debtors with the resources to plan ahead for bankruptcy to game the system.

Furthermore, I am disappointed with the unusual legislative process the majority used to file this conference report. The bill before us today, H.R. 2415, was originally introduced as the American Embassy Security Act. Last August, when the Senate passed this legislation and requested a conference with the House, it dealt with State Department and international security matters. More than a year later, the House appointed conferees, stripped the international security provisions from the bill and replaced them with a version of a bankruptcy reform bill. That is the wrong way to legislate.

Mr. President, I believe that bankruptcy reform could have been resolved in a fair and bipartisan way. Unfortunately, it was not handled in this way and so I cannot lend my support to the bill.

Mr. ROBB. Mr. President, throughout my career I have been a staunch advocate for fiscal responsibility, believing that as a government we should make every effort to pay our own way and not leave our debts to our children. That same principle of fiscal responsibility compelled me to be an early cosponsor of the bankruptcy reform bill. I believe that, whenever possible, individuals should take personal responsibility for debts that they incur and pay what they owe.

Under our current bankruptcy system, debtors can be absolved of their debts even when they may have the ability to pay. I support bankruptcy reform because I believe that if an individual has the ability to repay their debts, they should have an obligation to do so. The conference report we're considering today adheres to that basic principle.

While I have supported bankruptcy reform throughout this Congress, however, I'm extremely disappointed with how we got to this point in the process. There has been a lot of talk about the need for bipartisanship recently, but there is little evidence of bipartisanship in the process used to develop this conference report. In fact, that process represents the exact opposite of bipartisanship. The minority was locked out of the deliberations completely.

In addition, I'm concerned that important provisions that I supported and which passed overwhelmingly in the Senate were dropped in conference, specifically the amendment involving violence against abortion clinics and the amendment involving the homestead exemption. I continue to support those provisions, but they were not in the bill I originally cosponsored. And while I had hoped that those provisions would be included in the final package, the absence of those provisions doesn't diminish the basic proposition contained in the underlying bill which caused me to lend my support to the measure in the first place.

Let me conclude by acknowledging the help and friendship of many of those who have called me or my office over the last few days urging me to change my position on this legislation. Many of the groups and individuals who oppose this bill are among those with whom I most often find common cause and have supported me strongly over the years. It is particularly painful for me not to be able to oblige them in this instance. But I made a decision in May of last year to cosponsor this legislation, and there have been no major substantive changes between then and now that would compel me to change my position. So while I regret having to say "no" to so many of my friends, I cannot in good conscience turn my back on a principle which is so fundamental to me—the principle of personal responsibility. As a result, I will maintain the position I have held since this bill was introduced and will vote for final passage.

Mr. HATCH. Mr. President, let me begin by saying that H.R. 2415 is one of the most important legislative efforts to reform the bankruptcy laws in decades.

I would like to express my thanks to the people who have worked on this legislation. First, I want to acknowledge the Majority Leader, who has worked diligently to keep this legislation on its course. Thanks to his commitment to moving this legislation, we are in a position to eliminate the abuses in the current bankruptcy system, while at the same time, enhance consumer protections.

I also want to acknowledge the Ranking Member of the Senate Judiciary Committee, Senator LEAHY, who has worked with me to reach agreement on many of the bill's provisions. In addition, I want to commend my colleagues, Senators GRASSLEY and TORRICELLI, the Chairman and ranking minority member of the Subcommittee on Administrative Oversight and the Courts, respectively, for their hard work in crafting this much needed legislation, and for their unrelenting commitment to making the development and passage of this bill a bipartisan process. My thanks also goes to Senator SESSIONS and Senator BIDEN, who have shown unwavering dedication to accomplishing the important reforms in this bill; and the many other members of the Senate for their hard work and cooperation.

The compelling need for this reform is highlighted by the large number of bankruptcy filings we have seen over the past several years, which are particularly troubling because they have occurred during a time of relative prosperity for our Nation. Mr. President, the bankruptcy system was intended to provide a "fresh start" for those who truly need it. During the process of developing this legislation, I have remained committed to preserving a bankruptcy system that will allow those individuals to emerge from severe financial hardship. At the same time, I believe that individuals should take personal responsibility for their debts and repay them if they are able to do so. I believe the complete elimination of debt should be reserved for those who truly cannot repay their debts, not for those who simply choose not to repay.

This bipartisan legislation, authored by Senators GRASSLEY and TORRICELLI, is carefully structured to achieve an appropriate balance between the rights and responsibilities of both debtors and creditors. If enacted, it will enable those truly in need of a fresh start to get one, and at the same time, reform current law to prevent the system from being abused at the expense of honest, hard-working Americans. Mr. President, again I would like to applaud the bipartisan efforts of my colleagues who have made this a broadly-supported bill that removes some of the abuses of the current bankruptcy system while enhancing consumer protections.

I am particularly proud of the great strides this legislation makes in improving current law. The legislation includes my provision to prevent deadbeat parents from using bankruptcy to avoid paying child support. It includes my provision to protect educational savings accounts that parents and grandparents set up for their children and grandchildren. And, it includes my provision that ensures that the retirement savings of teachers and church workers are given the same protection in bankruptcy as everyone else. It includes my provision that prevents violent criminals and drug traffickers from taking advantage of bankruptcy at the expense of their victims. Specifically, when these criminals voluntarily file for bankruptcy, my provision protects victims by allowing them to move for dismissal of the bankruptcy case. The legislation also includes my provision that is designed to curb fraud in bankruptcy filings by putting in place new procedures and providing new resources to enhance enforcement of bankruptcy fraud laws. My provision requires (1) that bankruptcy courts develop procedures for referring suspected fraud in bankruptcy schedules to the FBI and the U.S. Attorney's Office for investigation and prosecution and (2) that the Attorney General designate one Assistant U.S. Attorney and one FBI agent in each judicial district as having primary responsibility for investigating and prosecuting fraud in bankruptcy.

I would like to take a moment to acknowledge a few people who have worked very hard on this legislation. On my staff, I particularly would like to thank the Committee's Chief Counsel and Staff Director, Manus Cooney, the counsels who worked diligently on this measure, Makan Delrahim, Rene Augustine and Kyle Sampson, and staff assistant Katie Stahl. On Senator LEAHY's Committee staff, I want to recognize Minority Chief Counsel Bruce Cohen, along with counsel Ed Pagano. On the Administrative Oversight and the Courts Subcommittee, I would like to thank John McMickle and Kolan Davis, counsels to Senator GRASSLEY, and Jennifer Leach, counsel to Senator TORRICELLI, for their tireless efforts and input. My thanks also goes to Ed Haden and Sean Costello, counsels to Senator SESSIONS. I also would like to express my gratitude to Senate Legislative Counsel, and in particular I want to recognize Laura Ayoud of that office, whose hard work made this bill a better product. Without the dedication and efforts of these loyal public servants, the important reforms in this legislation would not have been possible. Thank you.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 127

Mr. GRASSLEY. Mr. President, I have been asked to propound this unanimous consent request which, I have been told, has been approved on both sides.

I ask unanimous consent that immediately following the vote on the passage of the bankruptcy legislation, the Senate proceed to the consideration of H.J. Res. 127, the continuing resolution. I further ask unanimous consent that the resolution be read a third time and that the Senate then proceed to a vote on passage of the resolution, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes remaining.

Mr. WELLSTONE. Mr. President, responding to my friend from Iowa, the President has called Senators and for good reason: This is a piece of legislation that has very little balance.

I gave the example again of LTV workers in the iron range of Minnesota which is going to shut down in February. One month later, there could be an illness in a family, a medical bill, the worker no longer has a job and cannot pay the mortgage.

Under this piece of legislation, what would be the income that is calculated? Would it be the income of this family with the head of the household unemployed? No. Under this bill, in order to see whether this family could file under chapter 7, you would look over the past 6 months and average out the income all the months he or she was working. But they do not have a job.

Most of the people file for chapter 7 because of a major medical bill. It is 50 percent. Only about 3 percent game this system.

Now we have a piece of legislation that does not ask the credit card companies to be accountable, does not do anything about their egregious practices, targets the most vulnerable people, and has very little balance. This piece of legislation should be defeated. That is why the President is opposed to it. That is why labor, civil rights, women, children, consumer organizations, all oppose this piece of legislation. I say to my colleagues, it is too harsh. It is without balance. I know there is a powerful economic constituency behind it, but I hope you will vote against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to congratulate all the Senators who have been working on this issue and, in particular, the chairman who is standing here, Senator GRASSLEY, and has been here many times.

Today, in an extended session, we will finally reform the bankruptcy laws of America. They are very important because credit in America, be it from banks, from individual lenders, wherever, is really the heartbeat of what makes us tick and permits us to give our citizens material means. Without credit, things do not work in America.

Every now and then, we have to fix the bankruptcy laws so they work in behalf of not only the debtors but the creditors of America. That is what we are doing here. I think it will pass overwhelmingly.

My thanks to those who have worked so hard on it. I cannot claim to be one of them.

Again, Senator CHUCK GRASSLEY has great persistence, and this is a tribute to him and a good start to his chairmanship of the Finance Committee.

I yield the floor.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The hour of 3:45 p.m. having arrived, the question is on agreeing to the conference report to accompany H.R. 2415. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FITZGERALD (when his name was called). Present.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—70

Abraham
Allard
Ashcroft
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Dorgan
Enzi
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerrey
Kyl
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Miller
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—28

Akaka
Baucus
Boxer
Daschle
Dodd
Durbin
Edwards
Feingold
Feinstein
Harkin
Inouye
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman

Mikulski
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Schumer
Wellstone
Wyden

ANSWERED "PRESENT"—1

Fitzgerald

NOT VOTING—1

Landrieu

The conference report was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, I want to thank all of the people who helped get this bill passed.

Senator HATCH, Senator SESSIONS, Senator TORRICELLI, and Senator BIDEN have all been very helpful. I thank them publicly for their hard work. I even want to thank Senator LEAHY. I also want to thank the staff who have been helpful: Makan Delrahim and Renee Augustine of Senator HATCH's staff; Ed Haden and Brad Harris of Senator SESSION's staff; Jennifer Leach of Senator TORRICELLI's staff; Jim Greene of Senator BIDEN's staff; Kolan Davis and John McMickle of my staff. I also want to thank Ed Pagan and Bruce Cohen of Senator LEAHY's staff.

I want to emphasize the great amount of work and expertise toward this successful effort of my Counsel, John McMickle. Without his hard work the bill would not have been the good product and compromise it is.

Mr. LEAHY. I congratulate Senator GRASSLEY, the Chairman of the Administrative Oversight Subcommittee and my good friend Senator HATCH, the Chairman of the Judiciary Committee for their work on this measure. They doggedly pursued this passage here today. They showed leadership and we made some progress.

I only wish we could have completed our work on this bill and resolved the remaining important issues in a way that I could have supported and the President could sign.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I know that Senators are interested in the schedule.

First, just very briefly, I want to recognize the achievement that has just taken place. A lot of hard work went into this bill over a long period of time by, of course, Senator GRASSLEY, Senator HATCH, Senator LEAHY, and Senator TORRICELLI. But it also took cooperation from Senator WELLSTONE. Whether he is for it or against it, I think again it showed that when we try we can get a final result which gets some 70 votes.

I commend all of them.

This upcoming vote on the continuing resolution should be the last vote of the week. It will be necessary to pass an additional continuing resolution on Friday. However, we are not aware of any request on the other side of the aisle for a rollcall vote.

Tomorrow's continuing resolution should carry us over until Monday or Tuesday, and we will make further announcements to update Members as to the schedule for next week.

During this time, we will be putting the finishing touches on the appropriations bills and a final determination on the Medicare adjustments.

We are working in a bipartisan way and in a bicameral way with the administration.

We hope to be able to finish the business for the year and for this Congress before the end of next week. It will take a lot more work, but we are making some progress in that direction.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 127, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 127) making further continuing appropriations for the fiscal year 2001, and for other purposes.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on passage of the joint resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. KYL) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 1, as follows:—

[Rollcall Vote No. 298 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Miller
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Leahy

NOT VOTING—3

Kyl
Landrieu
Specter

The joint resolution (H.J. Res. 127) was passed.

Mr. SESSIONS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. Mr. President, I seek unanimous consent to have the members of my staff be allowed the privilege of the floor for the brief period of time that I make some remarks here related to my tenure in the Senate.

The staff members are: Adam Condo, David Carney, Meagan Vargas, Tom Glegola, Vance Poole, Bob Carey, Katja Bullock, Carrie Cabelka, Alex Hageli, Tyler White, Rachael Bohlander, Kevin Kolevar, Joe McMonigle, Katie Packer, Cesar Conda, Joe Davis, Margaret Murphy, Jessica Moore, Sue Wadel, Majida Dandy, Lillian Smith, Julie Teer, Jim Pitts, Michael Ivanenko, Chase Hutto, Stuart Anderson, Lee Lieberman Otis, and Randa Fahmy Hudome.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVICE IN THE SENATE

Mr. ABRAHAM. Mr. President, it is rare in this Chamber for incumbent Senators who have lost on election day to still have the privilege of addressing the Senate again, at least in their capacity of finishing out their terms. For me, if there is a silver lining behind this extended session of which we are a part, it is because it gives me a chance to thank people—friends, supporters, staff, colleagues, and others—who have made it possible for me, a grandson of immigrants, to serve and succeed here.

I begin today by making some comments and thanking people who have made a difference.

First, I thank my Senate colleagues with whom I have worked over the last 6 years. I especially express my gratitude for the majority leaders under whom I have served—Senator Bob Dole and Senator TRENT LOTT—for their confidence in me, for making me part of their circle of key advisers, for their support on both legislative and political matters and, most importantly, for their friendship.

I extend the same heartfelt thanks to the other members of our leadership teams over the last 6 years: To Senator DON NICKLES for whom I served as deputy whip for 4 years; to our conference chairman, THAD COCHRAN, who served when I first arrived here, and Senator CONNIE MACK; to our Senate campaign committee chairman, MITCH MCCONNELL, and the late Senator PAUL COVERDELL; to the Chairman of the Republican Policy Committee Senator LARRY CRAIG; to our new Conference Secretary Senator KAY BAILEY HUTCHISON, and so many others who have provided me with guidance and leadership during the time I have been here.

I also take special note of the people with whom I have served as a member of their committees: To our Commerce Committee chairman, JOHN MCCAIN, who has been a great friend and supporter and through whose help I have been able to pass significant legislation that came from our Commerce Committee agenda.

I thank our Judiciary Committee chairman, ORRIN HATCH, who helped me get on his committee my very first year here and whose support on that committee helped me to achieve a number of personal objectives with respect to legislative goals and who worked closely with me and his staff worked closely with my staff as we fought a number of very important battles in the Senate.

I thank my good friend Senator PETE DOMENICI, who chairs the Budget Committee on which I sat for 6 years. When I came to the Senate, I met with Senator DOMENICI. At the time, I was selected for that committee, and we talked about our goals and hopes that some day we might advance a balanced budget to complete and see the Nation balance its budget. Many people thought we would never achieve that in our lifetime, and yet 3 short years after I arrived on the committee, and under PETE DOMENICI's great leadership, that objective was realized.

I thank the chairman of the Small Business Committee, KIT BOND, whose friendship has helped me in legislative battles of recent years. I have only been on that committee 2 years, but his leadership also has been important to my success in the Chamber.

I extend my thanks to all of my colleagues. There are many close friends who are part of this Chamber, people with whom my family and I have become close in the last 6 years and others who have already departed the Chamber but with whom we remain close.

Senator CHUCK HAGEL from Nebraska is here with me today. I especially thank him for his great friendship and support. Senators JEFF SESSIONS, SUSAN COLLINS, JUDD GREGG and MIKE DEWINE have also done me the honor of helping me in my legislative efforts as well as being my friends over these last six years, and for that I want to thank them. And finally for my Republican colleagues, I want to thank all the other members of my freshman class, the folks with whom I came in 1995, and who helped so substantially change the direction of this country: Senators SANTORUM, INHOFE, THOMPSON, FRIST, ASHCROFT, KYL, SNOWE, and GRAMS, and as I mentioned before, SenatorDEWINE.

I reach across the aisle and thank the many colleagues on the Democratic side with whom I have worked on so many bipartisan issues in the last 6 years:

To CARL LEVIN, our senior Senator from Michigan with whom I have worked very closely on many issues of importance to our State;

To TED KENNEDY, my ranking member on the Senate Immigration Subcommittee which I chaired. We have been very successful in passing a number of pieces of legislation through the bipartisan cooperation we have achieved in that subcommittee;

To JOE LIEBERMAN, who has been the lead cosponsor of my American Community Renewal Act, and other progrowth initiatives;

To RON WYDEN, my partner in so many high-technology initiatives;

To RUSS FEINGOLD, BOB GRAHAM, and others who have worked closely with me.

I also thank the many friends and supporters and mentors who have helped me to arrive in the Senate and in a lengthy political career in my State of Michigan. There are many people who are part of that success. It would be impossible to name all of them. I want to single out, though, four people who played particularly important roles:

Former Michigan Senator Bob Griffin whose campaigns and staffs I worked on many years ago and a role model for me in that he was the last Republican Senator from my State and a man whose integrity and leadership in the Senate were well recognized. He served ultimately as whip on the Republican side. His guidance and friendship from the time I was in college has meant a great deal to my political success and my personal success as well.

To our great Governor John Engler, who has been a political friend and colleague in Michigan politics since 1971. Without his support and help, I would not have been successful in my campaign for the Senate or other roles I played in Michigan politics.

To former Congressman Guy Vander Jagt with whom I served as cochairman of the National Republican Congressional Committee in 1991 and 1992 when I made my first appearance on the legislative side of Washington working on Capitol Hill for the first time.

And especially to a great friend, former Vice President Dan Quayle on whose staff I served as deputy chief of staff in 1990 and 1991, my first assignment in Washington in Government service at the Federal level.

I thank all of those individuals, and the others I have not had a chance today to name, for having helped me get to this role and being effective in it.

There are today on the floor a great number of people who have worked on my Senate staff. I am proud of them and proud to have them with me. They only reflect a percentage of the many folks who served in the State of Michigan and their country in the context of working on my staff. There are so many. I am going to try to name the ones I have listed, but I will submit the names of everybody for the RECORD.

The people who served on my senior staff: Tony Antone, Cesar Conda, Kate Hinton, Randa Fahmy Hudome, Joe McMonigle, Katie Packer, Jim Pitts, Larry Purpuro, Laurie Bink Purpuro, and Sue Wadel.

To those folks who served over the years on my press and communications staff: Joe Davis, Nina Delorenzo, Steve Hessler, Margaret Murphy, Julie Teer, Jessica Morris, and Dan Senor.

To a terrific legislative staff, and people who have worked on my subcommittees: Stuart Anderson, Rachel Bohlander, Bob Carey, Ann Coulter, Chase Hutto, Elizabeth Kessler, Ray Kethledge, Kevin Kolevar, Brandi Laperriere, Brian Reardon, Gregg Willhauck; and Tyler White.

To my administrative staff: Katja Bullock, Majida Dandy, Paul Erhardt, Jim Neill, Matt Suhr, and Lillian Smith.

To the many people who have worked with us who are on our Michigan staff: In particular, I would note Greg Andrews, Joe Cella, Larry Dickerson, Sharon Eineman, Tom Frazier, Phil Hedges, Eunice Myles Jeffries, Stuart Larkins, Renee Meyers, John Petz, Elroy Sailor, Lillian Simon, and Billie Wimmer.

And there are many others who have served and whose names I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF OF SENATOR SPENCER ABRAHAM (R–MICHIGAN)

Mohammed Abouharb, Staff Assistant; Stuart Anderson, Director of Immigration

Policy and Research; Gregory Andrews, Regional Director; Anthony Antone, Deputy Chief of Staff; Sandra Baxter, Assistant to the State Chief of Staff; Beverly Betel, Staff Assistant; Rachel Bohlander, Legislative Assistant; David Borough, Computer Specialist; Michell Brown, Staff Assistant; Katja Bullock, Office Manager; Carrie Cabelka, Staff Assistant; Cheryl Campbell, Regional Director; Robert H. Carey, Legislative Director; David Carney, Mail Room Manager; Joseph Cella, Regional Director; Cesar V. Conda, Administrative Assistant/Legislative Director; Adam Condo, Systems Administrator; Jon Cool, Staff Assistant; Ann H. Coulter, Judiciary Counsel; Majida Dandy, Executive Assistant.

Anthony Daunt, Staff Assistant; Joe Davis, Director of Communications; Nina De Lorenzo, Press Secretary; Larry D. Dickerson, Chief of Staff/Michigan Operations; Joanne Dickow, Legal Advisor; Hope Durant, Executive Assistant to the Chief of Staff; Sharon Eineman, Senior Caseworker; Paul Erhardt, Special Assistant; Tom Frazier, Regional Director; Bruce Frohnen, Speech Writer; Renee Gauthier, Caseworker; Jessica Gavora, Special Advisor; David Glancy, Staff Assistant; Thomas Glegola, Special Assistant; Todd Gustafson, Regional Director; Alex Hagell, Staff Assistant; Mary Harden, Staff Assistant; Phil Hendges, Regional Director; Paul Henry, Staff Assistant; Joanna Herman, Special Assistant.

Melissa Hess, Staff Assistant; Stephen Hessler, Deputy Press Secretary; Kate Hinton, Deputy Chief of Staff; David Hoard, Special Assistant; Kevin Holmes, Special Assistant; Kelly Hoskin, Caseworker; Michael J. Hudome, Special Assistant; Randa Fahmy Hudome, Counselor; F. Chase Hutto, Judiciary Counsel; Michael Ivahnenko, Staff Assistant; Eunice Jeffries, Regional Director; Kaveri Kalia, Press Assistant; Raymond M. Kethledge, Judiciary Counsel; Elizabeth Kessler, General Counsel; Kevin Kolevar, Senior Legislative Assistant; Jack Koller, Systems Administrator; Peter Kulick, Caseworker; Kristin La Mendola, Staff Assistant; Patricia LaBelle, Regional Director; Brandon L. LaPerriere, Legislative Assistant.

Stuart Larkins, Staff Assistant; Matthew Latimer, Special Assistant; Joseph P. McMonigle, Administrative Assistant/General Counsel; Eileen McNulty, West Michigan Director; Meg Mehan, Special Assistant; Rene Myers, Regional Director; Jennifer Millerwise, Staff Assistant; Denise Mills, Staff Assistant; Maureen Mitchell, Staff Assistant; Sara Moleski, Regional Director; Jessica Morris, Deputy Press Secretary; Margaret Murphy, Press Secretary; Tom Nank, Southeast Michigan Assistant; James Patrick Neill, Director of Scheduling; Shawn Neville, Northern West Michigan Regional Director; Na-Rae Ohm, Special Assistant; Lee Liberman Otis, Chief Judiciary Counsel; Kathryn Packer, Director of External Affairs; Chris Pavelich, Regional Director; John Petz, Southeast Michigan Director.

James L. Pitts, Chief of Staff; Conley Poole, Staff Assistant; John Potbury, Regional Director; Tosha Pruden, Caseworker; Laurine Bink Purpuro, Deputy Chief of Staff; Lawrence J. Purpuro, Chief of Staff; Elroy Sailor, Special Assistant; David Seitz, Mail Room Manager; Dan Senor, Director of Communications; Mary Shiner, Regional Director; Anthony Shumsky, Regional Director; Alicia Sikkenga, Special Assistant; Lillian Simon, Staff Assistant; Lillian Smith, Director of Scheduling; Anthony Spearman-Leach, Regional Director; Robert Steiner, Mail Room Manager; Anne Stevens, Special Assistant; Matthew Suhr, Special Assistant; Julie Teer, Press Secretary; Amanda Trivax, Staff Assistant.

Meagan Vargas, Special Assistant; Shawn Vasell, Staff Assistant; Olivia Joyce Visperas, Staff Assistant; Sue Wadel, Legal Advisor; Seth Waxman, Caseworker; Jennifer Wells, Caseworker; La Tonya Wesley, Special Assistant; Tyler White, Special Assistant; Patricia Wierzbicki, Regional Director; Gregg Willhauck, Legislative Counsel; and Billie Kops Wimmer, State Director.

Mr. ABRAHAM. Mr. President, I also acknowledge that in addition to this great staff—and I do want to thank them here on the floor publicly for their great performance on my behalf and the many achievements I am going to talk about in a minute that we have been able to accomplish—I also note that none of us would have been able to get as much done as we did without the help of the tremendous staff that serves us in the Senate as a Chamber: The people who work the floor, our pages, the folks who work at the front here who handle the clerk roles, and the parliamentary roles, and so on. I thank them.

I thank the people who serve on the leadership staffs of both parties who have been great friends and who have helped us to chart the very complicated parliamentary waters we have to so often navigate, the folks who work on the staffs of the committees on which I have served that have helped us to pass legislation, and to the other people who work in the Senate, from the Capitol Police, who help us in so many ways that go unnoted, to the folks in the libraries and the Congressional Research Service, and in the Cloakrooms.

To all of those people, and others I have probably forgotten, I say thank you because it has really been a very enjoyable part of this job to work with such nice people, people who give 100 percent to this Chamber and to America, and often without any recognition at all. I hope that we will continue to always be served in this body by people of such great skill and talent.

Finally, I thank the people of Michigan. They gave me and my family the chance to come to Washington to represent them in the Senate.

I thank you for what I consider to be the most tremendous honor that any American can have bestowed upon them by their friends and neighbors in their State, and for their tremendous support throughout my 6 years in the Senate.

I am very proud of the accomplishments I have achieved. I have worked very hard—I hope in most cases in an effective way—to help the people of Michigan, to make sure my constituents have had their voices heard in the Senate, and to make certain that the Federal Government is responsive to their needs.

Speaking of accomplishments, although I spent only a relevantly brief time here in the Senate, I am very proud of what my staff and I have been able to accomplish for the people of Michigan and for the country.

In 1994, a group of freshmen were elected here. Eleven of us came in to basically create a new majority. In 1995, I came to the Senate as part of a historic class of Republican Senators—the class that gave Republicans control of Congress for the first time in decades. I believe we were sent to Washington to accomplish a very clear agenda: to balance the Federal budget, to reduce the tax burden, to reform the welfare system, and to make Washington more accountable.

I am proud to say, as I look back on our 6 years, that I believe we have delivered on those promises.

We balanced the budget in 1998—and we have kept it balanced every year since. We have done it this past year without using one penny of the Social Security trust fund surplus to get the job done.

We reformed the welfare system, reducing the welfare rolls by over a third.

We provided parents with a $500-per-child tax credit and investors a cut in the capital gains tax.

And we made Congress more accountable by requiring Members to live by the same rules and regulations and mandates we impose on the rest of the country.

I am proud of those achievements, which I think, of course, are achievements of this body as a whole.

I am also proud of some of the things which I have been able to accomplish during the last 6 years. I am very proud of the fact that, including today, I have never missed a single rollcall vote on the floor of the Senate. I have just cast, I think, my 2,002nd consecutive rollcall vote.

In my view, voting in the Senate is the single most important duty that we can, as Senators, perform on behalf of our constituents. It is what the people of our States elect us to do. I am glad I have been here every single day for the people of Michigan to perform that responsibility.

I am also proud of the fact that in a fairly short period of time I have been able to author 22 pieces of legislation that have been signed into law. I am proud of that legislative record.

As a member of the Judiciary Committee, I took a special interest in drug and crime issues. My first bill to become law prevented the U.S. Sentencing Commission from reducing prison sentences for crack-cocaine offenders. Had that bill not passed, the sentences would have been automatically reduced.

Later, with my staff, we wrote the Prison Conditions Litigation Reform Act, which helped reduce prisoner lawsuits and return control of our prisons from judges back to local authorities.

And just a few months ago, the President signed into law the Samantha Reid Date-Rape Drug Prohibition Act. Samantha Reid was a Rockwood, MI, teenager who died after drinking a can of Mountain Dew she did not know had been laced with the deadly date rape drug GHB. Our law amends the Controlled Substances Act by adding GHB to the list of Schedule 1 controlled substances, which also includes heroin and cocaine.

As a member of both the Judiciary and Commerce Committees, I focused on a wide range of high-technology issues that I believe are critical to the continued growth and prosperity of this country.

My American Competitiveness and Workforce Improvement Act increased the number of skilled professional visas to help with critical labor shortages, especially in the entrepreneurial high-tech sector.

The law also funds 10,000 new college scholarships annually for low-income students for studies in math, engineering, and computer science, and job training for unemployed Americans through the Jobs Partnership Act.

I was also the author of two new laws dealing with electronic commerce: the Government Paperwork Elimination Act and the Electronic Signatures and Global and National Commerce Act.

The first law set forth a timetable for Federal agencies to accept electronically signed and transmitted records and forms from businesses and individuals. The second law ensured that contracts agreed to over the Internet using digital signatures would have the same legal validity as contracts agreed to in the paper world using pen and ink signatures.

Both of these laws have laid the groundwork, I think, for continued growth and expansion of electronic commerce in the years to come.

Other laws which I have been involved with—I am especially proud of the passage, this year, of the Neotropical Migratory Bird Conservation Act and the College Scholarship Fraud Prevention Act; and in the previous year, the Child Passenger Protection Act.

I am especially proud of having been the Senate sponsor of legislation that conferred the Congressional Gold Medal on one of my constituents, Mrs. Rosa Parks.

One area that I spent a great deal of time working on in this Chamber, as many know, is the area of immigration. As a grandson of immigrants, I am especially proud of the role that I tried to play in changing the tone of the debate over immigration in this Chamber. In the mid-1990s, my party—the Republican Party—in my judgment, seemed to have lost its way on immigration. It had strayed from the inclusive, proimmigration philosophy of President Ronald Reagan toward the more protectionist and nativist views of a vocal minority within the Republican ranks.

In 1997, I helped lead a bipartisan group of Senators—from PHIL GRAMM, MIKE DEWINE, and SAM BROWNBACK, to RUSS FEINGOLD, JOE LIEBERMAN, PAUL WELLSTONE, and others—to defeat a misguided effort to slash legal immigration to this country.

I believe, with all of my heart, that America should remain—as President Reagan said—the "Shining City on the Hill," welcoming those who play by the rules and who contribute to society.

I would say, despite the ugly campaign that was run in my State against me by some of these anti-immigrant hate groups, I am absolutely confident that the bipartisan coalition for legal immigration that was built in this Chamber will remain strong long after I have left the Senate.

I am also proud of what I have been able to deliver to the people of the State of Michigan on issues important to our State.

I am very proud of what I have been able to do with respect to increasing transportation funding; stopping an effort to move to Washington control of the Great Lakes, and increasing environmental funding for the Great Lakes; restoring Medicare reimbursements for Michigan hospitals; and protecting our auto workers' jobs with respect to issues that threaten the auto industry.

I intend to continue to fight—perhaps not in the elective political arena or in public life specifically, but in whatever roles that I might be able to play—for tax and regulatory policies that strengthen American competitiveness and economic growth, to ensure strong national security, tough laws against criminals, and to have immigration policy that respects America's great traditions, having schools that are second to none, training for 21st-century jobs, community renewal efforts to empower the poor, and a transportation and infrastructure system that makes us prepared to be competitive in the 21st century.

As I close, I have a few moments upon which I will reflect. When one comes to the end of a 6-year period here, there are a lot of memories. It is probably possible for one to speak long into the night about the various things one recalls. I do remember being sworn in here that first day just a few steps in front of me by Vice President GORE, holding our family Bible and very nervously taking the oath of office because it was such an important moment in my life.

I remember the first day I sat in the President's chair presiding over the Senate. I considered it to be quite an important honor to be given that duty. Then by the second and third day that I performed it, I realized exactly how that responsibility was viewed by the other Members of this Chamber. This week I asked once again to have the chance to preside because I wanted to never forget just exactly how meaningful it is to serve in this Chamber.

I remember passing our first bill with regard to sentencing and seeing it signed into law. I remember standing at this desk and casting the very first vote on the impeachment trial that we had in January of 1999 with respect to the impeachment of President Clinton, an unbelievably historic moment to have been a part. And of course I will never forget today, the chance to be here with colleagues and staff and friends speaking one last time in the Senate. Indeed, it is these moments, the chance to stand up and to make one's case for one's State, for one's beliefs, that will stay with me probably more than any other.

In closing, I will just make a few short observations. First, this institution has been served by great people. All too often we tend to take for granted the truly extraordinary political leaders who work here every day. I personally consider it a great honor and privilege to serve with people who will long be recognized, probably for the entire history of our country, as giants in this Chamber—leaders such as Senator Bob Dole, our President pro tempore STROM THURMOND, retiring Member DANIEL PATRICK MOYNIHAN, and of course the great Senator from West Virginia ROBERT BYRD—two on each side of the aisle whose contributions to their Nation and to this Chamber will never be forgotten, and two on each side of the aisle whose leadership I hope all of us will be able to in some ways emulate in our careers. I know there will be others who are serving here and with whom I have served who someday will be looked upon the same way, as history records their accomplishments.

The second observation I have is for those sitting in the gallery, watching and paying attention to the action of the Senate. Sometimes the media and others tend to focus too much on the areas in which we disagree in this Chamber. Indeed, we do have our disagreements. That is why we have a democratic system that gives each side an opportunity to fight for their causes.

But as the Presiding Officer knows, in the committees and usually on the floor of this Chamber, we work together on a bipartisan basis to get things done for the American people. More often than not, things pass here unanimously. They do so quietly. They do so by the unanimous-consent agreements that don't get reported very often. Indeed, much of America's business is accomplished without rancor and strife, without divisive debates. At the same time, the Founding Fathers created the Senate as the saucer to cool the passions of the day.

I have observed that passion for philosophy, at least for ideas, reigns here in the Senate. I can remember during the last 6 years from the balanced budget amendment debates, when I first got here, to the debates over Bosnia and other foreign affairs issues, to the impeachment trial and so on, while we in the Senate obviously have a reputation for being a deliberative body, we also are a body in which the passions of the country are best reflected in the debates we have. I hope that will always be the tradition as well.

Indeed, I think the Senate really does reflect democracy at its finest. Over 150 years ago, De Tocqueville observed:

> I confess that in America I saw more than America; I saw the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or hope from its progress.

Some say this America, this image of democracy, no longer exists. But I say that it does exist, right here in this great Chamber.

I will miss the Senate. I will miss the institution, and I will miss the people. Being a Senator has been my dream job. I hope that during my 6 years here I have contributed in some small way to the rich history of what has been and forever will be called "the world's greatest deliberative body in the world's greatest democracy." It is a long distance from being the grandson of immigrants to this floor.

I know when my grandparents came here, they never dreamt that their grandson or anyone in the family would end up as a Member of the U.S. Senate, but they came to America because they wanted to live in a place in which something such as that could happen. This is the one country where something such as that not only can happen in the family of the Abrahams, but in many other families happened all the time. It is the greatest thing about America. I am proud and believe, as I leave the Chamber, that I have helped contribute in my own small way during these 6 years to making sure that America always remains that country.

I thank everyone I have mentioned, but I especially thank my family, some of whom are here today, my wife Jane and my daughters Betsy and Julie, without whom none of this would have been possible for me. Their support in every way and their love and affection have made the difference in my life.

As I leave the Senate, I will only say that I hope all Americans will in their own way find a way to appreciate the greatness of this democracy. I hope all of my colleagues will continue to fight to make sure that that tradition, that Nation which my grandparents and so many others fought for, so many others strove to come to be part of, will always be available to those who seek freedom and liberty and opportunity and that that dream will be forever part of our great country.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Nebraska.

Mr. HAGEL. Mr. President, I rise to respond very briefly on behalf of this Senator, and I think I speak for the entire body when I say thank you to Senator SPENCE ABRAHAM from Michigan for his contributions, his leadership, his effectiveness.

My grandfather Hagel used to occasionally pay the highest compliment to an individual when he would say: He is a good man.

Well, SPENCE ABRAHAM is a good man. He will go on to do other very significant things with his life, with his talent, with his leadership. We will all be well served. It will impact the future of his children and our children, just as his service in the Senate has made this a better institution and a stronger Nation.

I have been privileged to serve with SPENCE ABRAHAM, be his seatmate here on the Senate floor, and become a good friend. Of that friendship and that service, I am proud. I thank Senator ABRAHAM.

I yield the floor.

Mr. ABRAHAM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate now be in a period of morning business with Senators speaking for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF PEARL HARBOR DAY

Mr. THURMOND. Mr. President, I rise today in remembrance of those who relinquished their lives at the Japanese attack of Pearl Harbor. As President Franklin Delano Roosevelt said at the time, December 7, 1941, will remain "a date which will live in infamy," for it was on this date that the Japanese forces attacked our unsuspecting Nation.

The first Japanese assault struck the United States naval base at Pearl Harbor, Hawaii, on the island of Oahu, at 7:55 a.m. The base was just awakening early Sunday morning when the sound of Japanese torpedo planes could be heard. The American armed forces in the Pacific were caught completely off guard. When a war warning was issued two weeks prior, Hawaii was not mentioned as a possible target. At the time, American authorities thought that the Philippines or Malaysia would be a possible area of attack, not the island of Hawaii. Therefore, Pearl Harbor was not prepared for the onslaught of terror that occurred that devastating morning.

The Japanese attack consisted of 363 planes that came in two waves with the second only 45 minutes after the first. The United States had concentrated almost its entire fleet of 94 vessels, including 8 battleships, at Pearl Harbor, and this proximity made an easy target for the Japanese. Additionally, to prevent against saboteurs, the Army's planes at Oahu were alined wing tip to wing tip on airfields. Therefore, the Japanese were able to easily diminish the threat of any American defense. Before noon, when the Japanese attack concluded, 2,403 American servicemen and civilians were killed and an additional 1,178 were wounded.

December 7, 1941, is the day our land, our people, and our spirit were brutally attacked. However, the Japanese forces failed to defeat the patriotism of the American people and our undying belief in our Nation. We were able to rally around one another with the knowledge and the confidence that America would prevail, and the great losses we suffered at Pearl Harbor would not be in vain. As a veteran of World War II, and a proud American, I would like to recognize the patriotism, the bravery, and the extreme sacrifices of those who were at Pearl Harbor on December 7, 1941, including our own Senator DAN INOUYE. These fine men and women are true American heroes, and our country forever owes them a great debt of gratitude.

COUNTRY DOCTOR OF THE YEAR

Mr. LOTT. Mr. President, today, I rise to pay tribute to the Country Doctor of the Year, Dr. Howard Clark of Morton, MS. Clark was selected for this award out of 501 doctors from 41 States by a national physicians association. At the young age of 73, Dr. Clark sees an average of 60 patients a day, cares for about 20 who are hospitalized and 110 who reside in the local nursing home. He is a graduate of Mississippi State University and attended medical school at both the University of Mississippi and Tulane University. Clark was among the first doctors hired when the University of Mississippi Medical Center opened its doors in 1955. He has been in practice in Morton since 1956. I want to commend Dr. Clark not only for his service to the people of Morton and the surrounding areas but also for the service he gave this great Nation. When Howard Clark joined the Armed Forces following graduation from high school, he was stationed in the South Pacific. At the time, there was a dire need for medics and he volunteered. This altruistic act sparked the start of a career that has made life better for those around him. Dr. Clark's selflessness spills over into his personal life as well. He is an active member of the Morton community, serving as the local school doctor at sporting events, missing only one game in 43 years. Dr. Clark, you are to be admired for your service to the community, the Nation, and for being chosen Country Doctor of the Year. I join your family, friends, and colleagues in congratulating you on this honor.

RETIREMENT OF JOYCE NEWTON

Mr. HATCH. Mr. President, at the end of December, one of my charter staff members will be retiring. Joyce Newton has been on my staff since I took office as the Senator from Utah in January 1977.

As a freshman Senator, I was the beneficiary of Joyce's decade of previous experience as a caseworker for former Representatives Frank Horton and John Conlan and as a staffer at the Office of Management and Budget.

But, during these last 24 years, Joyce has helped countless Utahns with Social Security snafus, international adoptions, military transfers, and a whole host of other special needs and problems. Joyce has always been there to offer a sympathetic ear or to jump start a slow or reluctant bureaucracy.

Joyce has been known to come to the office in the wee hours of the morning in order to telephone an embassy halfway around the globe.

She has been known to telephone the same Federal caseworker three times in one day just to make sure a constituent's application was not buried under another pile of work resulting in a needless delay or missed deadline.

She has been known to go to bat for constituents even when the grounds for their congressional appeals were shaky.

And, Joyce has been tenacious. She has pursued cases as far as she could. If we were unsuccessful in resolving a constituent problem, it was never for lack of trying—it was only for lack of more avenues.

I remember the "Books for Bulgaria" project. How could we get literally hundreds of pounds of books to Bulgaria at little or no cost to be used by a nonprofit organization for educational outreach in that distressed country? This was not an easy problem. Joyce somehow managed to solve it.

I remember the young woman from England who needed specialized surgery to cure a rare condition that prevented her from walking. Doctors at the University of Utah had pioneered a new technique not available anywhere else, but various INS rules needed to be sorted out in order for her to come and remain in our country long enough for recovery and rehabilitation. There is a woman able to walk today because Joyce got it done.

I have always had complete confidence in Joyce. When she phoned an agency, she was phoning for me. No Senator or Representative can possibly do this work by himself or herself. It takes dedicated, caring, and competent people to work through the various redtape entanglements that often ensnare our citizens.

These constituent service staffers too often work in the background. They don't attend signing ceremonies. They don't meet with celebrities or national leaders. They don't have bills and photographs, plaques or certificates on their office walls. Joyce Newton was one of these devoted individuals on Capitol Hill who labored quietly on behalf of the citizens of America. And, she got it done.

There are thousands of citizens in my State—seniors, children, service men and women, families, students—who may not remember Joyce Newton's name. But, they will always remember what she did for them.

We are sorely going to miss Joyce Newton on the Hatch staff. And, today I want to thank her publicly for all of her dedicated hard work over these last many years and wish her all the best in a much deserved, well-earned retirement.

BOB LOCKWOOD

Mr. HATCH. Mr. President, I pay public tribute to Bob Lockwood, who is finally retiring. I say "finally" because he has tried to leave at least twice previously, and I successfully prevailed on him to stay. But, this time, it looks as if he is really going to do it.

Bob came to my staff after a long and distinguished career in the Army, serving in many capacities, including in Vietnam and on the Secretary of Defense staff. Bob has many credentials making him unique among military officers. He is a lawyer, an engineer, and an economist. He found an organization—the U.S. Army—where he could put all of these qualifications to work. So, when he wanted to establish a second career in public policy, I benefited from a man who could wear many hats. It will probably take three people to replace him.

Bob had the complex portfolios of defense and trade as well as business liaison. The amazing thing is that he is expert in all these areas as well as tenacious and unwilling to let any issue slide. There may be a few people at the Pentagon and at USTR who will cheer his retirement if only because Bob will not be around to bug them. On the other hand, I know firsthand that Bob is universally respected for his knowledge, his integrity, and his professionalism. He has big shoes that will be hard to fill.

Over the years, he has helped me to foster business development in Utah, to prepare for the landmark debates we have had on trade, and to protect our great Hill Air Force Base and other military facilities from ill-advised and politically motivated cuts and closures. I will always be grateful for his yeoman effort on these projects. Utah is better off today for his dedication to these major issues.

Bob has also turned into a real Utahan during the years he has worked for me. Traveling to our State often during the year, he fell in love with Utah and the possibilities that abound there. At the end of the month, Bob will go from being my employee to being my constituent.

I wish him well as he is taking on the new challenge of retirement, one for which his wife may not be fully prepared. I know Bob to be successful at any project he takes on. I know he will drive his wife nuts if he stays home very much. But he won't. He is one of these guys who really works hard and makes every second of his life count. He is one of my dearest friends, and I love him.

DONNA DAY

Mr. HATCH. I also want to say a word about Donna Day.

Donna has been on my staff for 15 years. She has been a loyal and efficient staffer, working diligently on data entry. I don't quite know how we will fill the hole left in our correspondence management unit when she retires at the end of the month.

If the personnel office at any organization were to write down the attributes of the perfect employee, the list would describe Donna Day. She has worked tirelessly over these 15 years on my behalf. She is never late, rarely absent, and always pleasant. It seems that Donna never has a bad day. We have always been able to count on her day after day, year after year, to do an important job consistently well. And, I don't believe I have ever heard her complain about anything—not even the deluge of letters, cards, faxes, and e-mails we received during some very high profile debates.

Frankly, it is hard to imagine walking into our mailroom in January and not seeing her there sorting mail or working at the computer.

I have been blessed during my Senate tenure to have had excellent staff, not just in my policy and senior staff positions, but in the support roles as well. Donna has been such a staffer, and I will miss her.

I want to thank her for her many contributions to my office, congratulate her on a well-deserved retirement, and wish her all the best as she moves on to the next chapter in her life.

I want her to know how much I appreciate her and her colleague Joyce and how much I love and appreciate Bob Lockwood. These people have proven that government workers work above and beyond, that they really make a difference in all of our lives, and that they are part of the reason why many in this country have a quality of life they would not otherwise have.

I am so grateful to these three people and for the service they have given to our country, to the Senate, to my constituents. It has been such a privilege to work with them. I say "with them." They never worked for me. They worked for all of us. They worked with me. I don't think I would be nearly as effective had it not been for the work that these three wonderful people have done. I pay personal tribute to them.

VICTIMS OF GUN VIOLENCE

Mr. AKAKA. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

December 7, 1999: Jose Corral, 72, Miami-Dade County, FL; George Dean, 17, Philadelphia, PA; Kowandius Hammett, 22, Miami-Dade County, FL; John Jeter, 24, Philadelphia, PA; Andre Derrell Jones, 23, Baltimore, MD; Tommy Martin, 38, Oakland, CA; Casey B. Morgan, 42, Seattle, WA; Karen K. Morgan, 43, Seattle, WA; Thomas B. Morgan, 45, Seattle, WA; Adon L. Shelby, 32, Chicago, IL; Emeric Tahane, 22, Washington, DC; Heiu Minh Trihn, 22, New Orleans, LA; and Unidentified Male, 23, Nashville, TN.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

THE RECORD ON EXECUTIONS

Mr. FEINGOLD. Mr. President, I rise with regret to mark another milestone in the history of our system of justice. This morning's papers report that yesterday the state of Texas carried out its 39th execution, the most of any state since 1862, when the military hanged 39 Native Americans in one day in Minnesota. This evening, Texas is scheduled to surpass that record with its 40th execution. This is a regrettable record.

This year, as of yesterday, states in America have executed 82 people. We have reached a sad state of affairs when this Country executes nearly 100 people every year. In 1998, only China and the Congo executed more people a year than did the United States.

And we have reached an inequitable state of affairs when nearly half of the executions this year—39 out of the 82 to date—were carried out in just one state. The state with the next most executions this year, Oklahoma, has had 11 executions. Southern states have carried out nearly 9 out of 10 executions that have taken place this year.

Across the street, the building that holds the Supreme Court of the United States has emblazoned across its pediment the words "Equal Justice Under Law." In a Nation that prides itself in that equal justice, how can we abide a system where nearly half of the executions are carried out in just one state?

Finally, I rise to mark another milestone. On Tuesday of next week, the Federal Government is scheduled to reenter the grim business of execution. For nearly 40 years, no one has been executed in the name of the people of the United States. That is set to change next Tuesday.

In light of the demonstrated evidence of regional and racial disparity in the application of this most final punishment, I call on the President to stay that execution. I call on the President to impose a moratorium on Federal executions and establish a blue ribbon commission to examine the fairness of the system of capital punishment in America.

In September, the Department of Justice released a report on the federal death penalty system. That report found that whether the federal system sends people to death row appears to be related to the federal district in which they are prosecuted or the color of their skin.

After the Justice Department released the report, White House spokesman Jake Siewert confirmed the President's view that "these numbers are troubling" and that more information must be gathered to determine "more about how the system works and what's behind those numbers," including "why minorities in some geographic districts are disproportionately represented."

We do not yet know why our federal system produces racially and geographically lopsided results. We need a systematic review.

Many are joining in asking the President for a moratorium on executions. Their ranks include, among so many others, Lloyd Cutler, the esteemed former adviser to Presidents Carter and Clinton; Julian Bond, Chairman of the NAACP; and the Reverend Joseph Lowrey, chair of the Black Leadership Forum and President emeritus of the Southern Christian Leadership Conference.

Yes, justice demands that crimes be punished. But if we demand justice, we must administer justice fairly.

Before we reach the milestone of reinstituting Federal executions, let us pause to evaluate the fairness of our Nation's machinery of death.

Mr. President, let this be a milestone that we choose not to reach, next week. God willing, let this be a milestone that we choose not to reach, if ever, for some time to come.

ADDITIONAL STATEMENTS

AMBASSADOR DAVID HERMELIN

• Mr. BIDEN. Mr. President, I rise today to pay tribute to David B. Hermelin, former U.S. Ambassador to Norway, who passed away on November 22.

After a distinguished business and philanthropic career in his native Michigan, Mr. Hermelin was nominated as envoy to Norway by President Clinton in 1997 and confirmed by the Senate that same year.

Members of this Chamber know that, as might be expected with any large group, over the years the performance of our ambassadors, both career diplomats and political appointees, have varied widely. By any standard, David Hermelin's tenure was spectacularly successful.

In the short space of two years, Ambassador Hermelin managed a remarkable feat: strengthening the already close ties between our ally Norway and the United States. His diplomatic and personal charm led to unprecedented reciprocal visits within three weeks of each other last year—the Norwegian Prime Minister's to Washington, and President Clinton's to Oslo, the first ever visit of an incumbent President to Norway, in this case in pursuit of a Middle Eastern peace settlement.

But Ambassador Hermelin's accomplishments were not limited to such highly publicized events. Through behind-the-scenes daily efforts, he was directly instrumental in the success of Lockheed Martin's bid, as part of a consortium, to sell the Norwegian Navy five new frigates equipped with the Aegis missile system, a sale worth more than one billion dollars.

Ambassador Hermelin was recognized for his many contributions by being awarded the Royal Norwegian Order of Merit, the highest honor the country bestows upon non-Norwegians.

Even after Ambassador Hermelin was diagnosed with a terminal illness, he vigorously played a major role to help others through an international initiative to provide prostheses to victims of civil conflict, such as in Sierra Leone.

On his visit to Oslo in November 1999, President Clinton, in speaking of Ambassador Hermelin, reflected on this kind of behavior: "I don't know anyone who has such a remarkable combination of energy and commitment to the common good."

After diagnosis of his terminal illness, he and a group of friends donated ten million dollars to establish a brain tumor center at Henry Ford Hospital in Michigan.

Ambassador Hermelin felt deeply connected to Israel and to Jewish causes, raising millions of dollars for local Detroit and overseas needs.

After the Ambassador's death, the U.S. State Department's Norway desk officer offered this heartfelt testimony: "David Hermelin was the kind of man who made a friend out of everybody he met, and the people who worked for him at the embassy regarded him with an affection that is unmatched by the feelings I've seen for any other ambassador at any time to any country."

Ambassador Hermelin is survived by his wife, five children, and eight grandchildren. He will be sorely missed by all who knew him, particularly by his colleagues in the U.S. Government.•

RECOGNITION OF DR. DWIGHT CRIST NORTHINGTON

• Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. Dwight Crist Northington on the occasion of his 9th Pastoral Anniversary at Calvary Baptist Church in Red Bank, New Jersey. Dr. Northington is an extremely gifted individual, and it is an honor to recognize this special moment in his life.

Dr. Northington has served the citizens of New Jersey since 1986, when he was named Pastor of First Baptist Church of South Orange. Since that time, he has also served as president of Westside Ministerial Alliance and currently serves as the Moderator of the Seacoast Missionary Baptist Association. While having done a great deal for the community of Red Bank, Dr. Northington has also served as an instructor at Brookdale Community College and as a member of the Borough of Red Bank Board of Education.

The needs of our Nation can only be met through the industrious efforts of each individual. The work of Dr. Northington and others like him is vital to the continued prosperity of our communities and meeting the needs of people who live within them.

The citizens of Red Bank are fortunate to have a talented and dedicated individual such as Dr. Northington in their community.•

TRIBUTE TO JOSH HEUPEL

• Mr. JOHNSON. Mr. President, I rise today to congratulate Josh Heupel, a native of Aberdeen, South Dakota. All of South Dakota, and especially Aberdeen, is extremely proud of Josh, one of four finalists for the Heisman Trophy. The Heisman Trophy is presented annually to the nation's top collegiate football player.

Josh is the starting quarterback of the number one ranked and undefeated Oklahoma Sooners, 12–0. Josh has passed for 3,392 yards and 20 touchdowns this year which makes him one of the Heisman favorites. Josh has led the Oklahoma Sooners through a very difficult schedule, which included two wins against top ten ranked Kansas State and overcame an early 14 point deficit against the then number one ranked Nebraska Cornhuskers. Josh is preparing for the National Championship game on January 3, 2001 against the Florida State Seminoles. No matter what the outcome is, I know the entire state is very proud of Josh and grateful he has conducted himself in a way that shines greatly on South Dakota.

I would also like to take this opportunity to congratulate Ken and Cindy Heupel, Josh's parents, on Josh's success. As the father of three children who have participated in extracurricular activities, I can imagine how proud Ken and Cindy must feel today. Ken is currently the Head Football Coach at Northern State University in Aberdeen and Cindy is the principal at Aberdeen Central High School.

Again, my congratulations to Josh Heupel and his family on behalf of the entire state of South Dakota.•

TRIBUTE TO VINCENT CANBY

• Mr. MOYNIHAN. Mr. President, in late October, as many Senators will know, Vincent Canby, "whose lively wit and sophisticated tastes illuminated film and theater reviews in the New York Times for more than 35 years" died at age 76. Thinking of an appropriate manner in which the United States Congress might honor his most honored memory, there came to mind an observation he made in a review of a film based on E.M. Foster's novel "Howard's End."

> It's time for legislation decreeing that no one be allowed to make a screen adaptation of any quality whatsoever if Ismail Merchant, James Ivory and Ruth Prawer Jhabvala are available, and if they elect to do the job. Trespassers should be prosecuted, possibly condemned, sentenced to watch "Adam Bede" on "Masterpiece Theatrer" for five to seven years.

The legislative drafting service had no difficulty producing legislative language. I had in mind a joint resolution, which is, of course, a statute. However, in view of our oath "to uphold and defend the Constitution of the United States," I felt in need of a legal opinion as to whether there might be constitutional impediments to such a measure. I think for example of the "taking clause" of the fourth amendment recently much discussed in learned papers associated with the University of Chicago School of Law. And so I set out to obtain advisory opinions. Alas, I had tarried too long. November 7 had passed. The Presidential election was in dispute. All of the constitutional lawyers in Washington had decamped for Florida.

And now, in the closing hours of the 106th Congress, they are still there.

This leaves me with no choice but to withhold the measure for now. Happily I am informed that next April we will witness the premier of The Wandering Company's adaptation of Henry James' "The Golden Bowl." What a splendid way to begin the new millennium. (For that is what the year 2001 will be, and our trio are naught if not scrupulous as to details.) Surely a Senator in the 107th Congress will wish to pursue this matter. The glory of three continents is yet to be proclaimed in law.

I regret the inconvenience this may cause viewers of "Adam Bede," and I surely would not wish to denigrate "Masterpiece Theatre," but Vincent Canvy was a just and moderate man. And, as is proclaimed on the wall above the bench of the Chenango County Courthouse in James Ivory's ancestral home of Norwich, New York "Fiat Justica Ruat Coelum".—Let justice be done though the heavens fall.•

IN RECOGNITION OF DR. CHARLES G. ADAMS, HEASTER WHEELER AND WENDY WAGENHEIM

• Mr. LEVIN. Mr. President, I rise today to pay tribute to three outstanding people from my home state of Michigan. On December 10, 2000, Dr. Charles G. Adams, Heaster Wheeler and Wendy Wagenheim are being recognized for their outstanding leadership in this year's "All Kids First" campaign initiative.

Dr. Charles G. Adams has served as Pastor of Hartford Memorial Baptist Church in Detroit, Michigan, since 1969, and is one of Detroit's pre-eminent religious and civil rights leaders. Because of his eloquence and command of the issues, he is highly sought after as a speaker on issues of faith and social justice. He served as Co-Chair of the All Kids First initiative, participating in televised debates and helped to lead the effort among his colleagues in the religious community and the community at large. Finally, I would like to add a heartfelt "Happy Birthday" to Dr. Adams, who will be celebrating his 64th birthday on December 13, 2000.

Heaster Wheeler is the Executive Director of the Detroit Branch NAACP, the largest NAACP chapter in the United States. Wendy Wagenheim serves as Legislative Director for the American Civil Liberties Union of Michigan. Their combined experience in government, community service and public relations was invaluable in the All Kids First initiative. Together, Mr.

Wheeler and Ms. Wagenheim participated in more than 45 debates about Proposal 1 throughout the state of Michigan. Their efforts were instrumental in defeating the proposal and in ensuring that all of Michigan's public schools will have adequate resources to educate our children.

Mr. President, I hope my colleagues will join me in congratulating Dr. Charles Adams, Heaster Wheeler and Wendy Wagenheim as they are honored for their leadership of Michigan's All Kids First initiative, and in encouraging them to keep fighting on behalf of Michigan's children and to improve Michigan's public schools.●

MESSAGES FROM THE HOUSE

At 3:55 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 127. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILL SIGNED

At 4:39 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 127. Joint Resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The enrolled resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11757. A communication from the Office of the Assistant Secretary, Civil Works, Department of the Army, transmitting, pursuant to law, a report relative to Johnson Creek in the City of Arlington, Texas; to the Committee on Environment and Public Works.

EC–11758. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District" (FRL #6908–1) received on December 5, 2000; to the Committee on Environment and Public Works.

EC–11759. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Aerospace Manufacturing and Rework Facilities" (FRL #6913–9) received on December 5, 2000; to the Committee on Environment and Public Works.

EC–11760. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio" (FRL #694–71) received on December 5, 2000; to the Committee on Environment and Public Works.

EC–11761. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the report of the rule entitled "National Forest System Land and Resource Management Planning" (RIN0596–AB20) received on November 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11762. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, the corrected report (reference to ec11596) of the rule entitled "Non-citizen Eligibility and Certification Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996" (RIN0584–AC40) received on November 27, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11763. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fludioxonil; Extension of Tolerance for Emergency Exemptions" (FRL #6756–6) received on December 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11764. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Avermectin; Extension of Tolerance for Emergency Exemptions" (FRL #6754–5) received on December 5, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11765. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules and Regulations under the Textile Fiber Products Identification Act, Rules and Regulations under the Wool Products Labeling Act" (RIN3084–0101, 3084–0100) received on November 29, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11766. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fishery for Gulf Group King Mackerel in the Northern Florida West Coast Subzone" received on December 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11767. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments from the U.S.-Canada Border to the Oregon-California Border" received on December 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11768. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From House Rock, OR to Humboldt South Jetty, CA" received on December 5, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11769. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendments to Summary Plan Description Regulations" (RIN1210–AA69 and 1210–AA–55) received on November 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11770. A communication from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Employee Retirement Income Security Act of 1974; Rules and Regulations for Administration and Enforcement; Claims Procedure" (RIN1210–AA61) received on November 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11771. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on November 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11772. A communication from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Special Demonstration Programs" (34 CFR Part 373) received on December 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11773. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide; Correction" (Docket No. 97C–0415) received on December 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11774. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Indirect Food Additives: Paper and Paperboard Component" (Docket No. 99F–1719) received on December 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11775. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Docket No. 00F–1332) received on December 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11776. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing, and Handling of Food" (Docket No. 99F–1912) received on December 5, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11777. A communication from the Secretary of Education, transmitting, pursuant to law, a report relative to the national advisory committee on institutional quality and integrity for fiscal year 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11778. A communication from the Secretary of Education, transmitting, pursuant to the Inspector General Act, the semiannual report; to the Committee on Health, Education, Labor, and Pensions.

EC-11779. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-11780. A communication from the Assistant Secretary (Legal Affairs), Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Immigrant Religious Workers" (RIN4710-06) received on December 7, 2000; to the Committee on Foreign Relations.

EC-11781. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Health Care" (RIN3245-AE06) received on December 5, 2000; to the Committee on Small Business.

EC-11782. A communication from the Deputy General Counsel, Office of Small Business Investment Companies, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies; 'Cost of Money' Limitations" (RIN3245-AE49) received on December 5, 2000; to the Committee on Small Business.

EC-11783. A communication from the Chairman, Centennial of Flight Commission, in concurrence with the National Aeronautics Space Administration Administrator, transmitting, pursuant to law, the annual report for fiscal year 2000; to the Committee on Governmental Affairs.

EC-11784. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the alternative plan for federal employee locality-based comparability payments; to the Committee on Governmental Affairs.

EC-11785. A communication from the Chairman and the General Counsel of the National Labor Relations Board, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC-11786. A communication from the Chair of the Railroad Retirement Board, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC-11787. A communication from the Corporation for National Service, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000 as well as a report on final action; to the Committee on Governmental Affairs.

EC-11788. A communication from the Administrator, General Services Administration, transmitting, pursuant to the Inspector General Act, the semiannual report; to the Committee on Governmental Affairs.

EC-11789. A communication from the Secretary of the Interior, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC-11790. A communication from the Chairman of the National Science Board, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC-11791. A communication from the Director of the Peace Corps, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC-11792. A communication from the Acting Secretary of Veterans Affairs, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC-11793. A communication from the Director of the Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Pay Under the General Schedule: Locality-Based Comparability Payments" (RIN3206-AJ07) received on December 5, 2000; to the Committee on Governmental Affairs.

EC-11794. A communication from the Attorney-Advisor Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Claims Collection Standards" (RIN1510-AA57 and 1105-AA31) received on November 9, 2000; to the Committee on Finance.

NOMINATION DISCHARGED

Pursuant to a unanimous consent agreement of December 7, 2000, the Committee on Foreign Relations was discharged of the following nomination:

DEPARTMENT OF STATE

Richard N. Gardner, of New York, to be an Alternate Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI (for himself and Mr. LUGAR):

S. 3275. A bill to authorize the Secretary of Energy to guarantee loans to facilitate nuclear nonproliferation programs and activities of the Government of the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 385. A resolution congratulating the Reverend Clay Evans of Chicago, Illinois, on the occasion of his retirement; considered and agreed to.

By Mr. SMITH of New Hampshire (for himself, Mr. INOUYE, Mr. HELMS, and Mr. INHOFE):

S. Res. 386. A resolution expressing the sense of the Senate regarding National Pearl Harbor Remembrance Day; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself and Mr. LUGAR):

S. 3275. A bill to authorize the Secretary of Energy to guarantee loans to facilitate nuclear nonproliferation programs and activities of the Government of the Russian Federation, and for other purposes; to the Committee on Foreign Relations.

FISSILE MATERIAL LOAN GUARANTEE ACT

Mr. DOMENICI. Mr. President, I rise to introduce the Fissile Material Loan Guarantee Act. This Act is intended to increase the arsenal of programs that reduce proliferation threats from the Russian nuclear weapons complex.

This Act presents an unusual option, which I've been discussing with the leadership of some of the world's largest private banks and lending institutions and with senior officials of the Russian Federation's Ministry for Atomic Energy. I also am aware that discussions between Western lending institutions and the Russian Federation are progressing well and that discussions with the International Atomic Energy Authority or IAEA have helped to clarify their responsibilities.

This Act would enable the imposition of international protective safeguards on new, large stocks of Russian weapons-ready materials in a way that enables the Russian Federation to gain near-term financial resources from the same materials. The Act requires that these resources be used in support of non-proliferation or energy programs within Russia. It also requires that the materials used to collateralize these loans must remain under international IAEA safeguards forevermore.

This Act does not replace programs that currently are in place to ensure that weapons-grade materials can never be used in weapons in the future. The Highly Enriched Uranium or HEU Agreement is moving toward elimination of 500 tons of Russian weapons-grade uranium. The Plutonium Disposition Agreement is similarly working on elimination of 34 tons of Russian weapons-grade plutonium.

The HEU agreement removes material usable in 20,000 nuclear weapons, while the plutonium disposition agreement similarly removes material for more than 4,000 nuclear weapons. Both of these agreements enable the transition of Russian materials into commercial reactor fuel, which, after use in a reactor, destroys its "weapons-grade" attributes. There should be no question that both these agreements remain of vital importance to both nations.

But estimates are that the Russian Federation has vast stocks of weapons-grade materials in addition to the amounts they've already declared as surplus to their weapons needs in these earlier agreements. If we can provide additional incentives to Russia to encourage transition of more of these materials into configurations where it is not available for diversion or re-use in weapons, we've made another significant step toward global stability.

By introducing this Act now, Mr. President, I'm hoping that this concept will be carefully reviewed by all interested parties—by the new Administration, by lending institutions, and by the Russian Federation. My hope is that in the next Congress, these interests can come together to enable this new approach to still further reduce the proliferation threats from surplus weapons materials in the Russian nuclear weapons complex.

ADDITIONAL COSPONSORS

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 3175

At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3175, a bill to amend the Consolidated Farm and Rural Development Act to authorize the National Rural Development Partnership, and for other purposes.

S. 3250

At the request of Mr. BROWNBACK, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3250, a bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

S. CON. RES. 87

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Con. Res. 87, a concurrent resolution commending the Holy See for making significant contributions to international peace and human rights, and objecting to efforts to expel the Holy See from the United Nations by removing the Holy See's Permanent Observer status in the United Nations, and for other purposes.

SENATE RESOLUTION 385—CONGRATULATING THE REVEREND CLAY EVANS OF CHICAGO, IL, ON THE OCCASION OF HIS RETIREMENT

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was considered and agreed to:

S. RES. 385

Whereas Reverend Clay Evans was ordained as a Baptist minister 50 years ago, in 1950, and founded and served as the Pastor of the Fellowship Missionary Baptist Church in Chicago, Illinois, for 49 years;

Whereas Reverend Evans has been happily married to Lutha Mae Hollinshed Evans for over 50 years, and with her is the proud parent of five children;

Whereas Reverend Evans has been responsible for helping launch the ministerial careers of 93 individuals, including 6 female ministers;

Whereas Reverend Evans received Honorary Doctorate of Divinity Degrees from Arkansas Baptist College and Brewster Theological Clinic and School of Religion;

Whereas Reverend Evans has been an active participant in the Civil Rights Movement since 1965;

Whereas Reverend Evans is the founding National Board Chairman of Operation P.U.S.H. and currently serves as its Chairman Emeritus;

Whereas Reverend Evans is Founding President of the Broadcast Ministers Alliance of Chicago, Founding President of the African American Religious Connection, Trustee Board Chairman of Chicago Baptist Institute, and Board member of the National Baptist Covention, U.S.A., Inc.;

Whereas Reverend Evans is a featured soloist on numerous albums of the 250 Voice Choir of Fellowship Missionary Baptist Church and 1996 Stellar Award winner of the #1 Gospel Album "I've Got a Testimony";

Whereas Reverend Evans authored a 1992 autobiographical book, "From Plough Handle to Pulpit," which sold thousands of copies and was rewritten in 1997: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Reverend Clay Evans on his retirement as Pastor of the Fellowship Missionary Baptist Church;

(2) acknowledges the affection that Reverend Evans' congregation shares for him; and

(3) extends its best wishes to Reverend Evans and his family on the occasion of his retirement.

SENATE RESOLUTION 386—EXPRESING THE SENSE OF THE SENATE REGARDING NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. SMITH of New Hampshire (for himself, Mr. INOUYE, Mr. HELMS, and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 386

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are currently more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be on December 7, 2001;

Whereas on August 23, 1994, Public Law 103-308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day;

Whereas Public Law 103-308, reenacted as section 129 of title 36, United States Code, requests the President to issue a proclamation each year calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and for all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor;

Whereas many citizens remain unaware of National Pearl Harbor Remembrance Day; and

Whereas many Federal offices do not lower their flags to half-staff each December 7: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the citizens of the United States who died in the attack on Pearl Harbor, Hawaii, on December 7, 1941, and to the members of the Pearl Harbor Survivors Association; and

(2) urges the President to take more active steps—

(A) to inform the American public of the existence of National Pearl Harbor Remembrance Day; and

(B) to ensure that the flag of the United States is flown at half-staff in accordance with section 129 of title 36, United States Code.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, December 12, 2000 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

The title of this hearing is "Natural Gas Markets: One Year After the National Petroleum Council's Gas Report."

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510-6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224-7932.

NATIONAL FOREST AND PUBLIC LANDS OF NEVADA ENHANCEMENT ACT OF 1988 AMENDMENTS AND BOUNDARY ADJUSTMENT OF THE TOIYABE NATIONAL FOREST

Mr. HAGEL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (S. 439).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 439) entitled "An Act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. ADJUSTMENT OF BOUNDARY OF THE TOIYABE NATIONAL FOREST, NEVADA.

Section 4(a) of the National Forest and Public Lands of Nevada Enhancement Act of 1988 (102 Stat. 2750) is amended—

(1) by striking "Effective" and inserting "(1) Effective"; and

(2) by adding at the end the following:

"(2) Effective on the date of enactment of this paragraph, the portion of the land transferred to the Secretary of Agriculture under paragraph (1) situated between the lines marked 'Old Forest Boundary' and 'Revised National Forest Boundary' on the map entitled 'Nevada Interchange "A", Change 1', and dated September 16, 1998, is transferred to the Secretary of the Interior.".

SEC. 2. OVERTIME PAY FOR CERTAIN FIREFIGHTERS.

(a) In General.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(5) Notwithstanding paragraphs (1) and (2), for an employee of the Department of the Interior or the United States Forest Service in the Department of Agriculture engaged in emergency wildland fire suppression activities, the overtime hourly rate of pay is an amount equal to one and one-half times the hourly rate of basic pay of the employee, and all that amount is premium pay.".

(b) Effective Date.—The amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the end of the 30-day period beginning on the date of the enactment of this Act, and shall apply only to funds appropriated after the date of the enactment of this Act.

Amend the title so as to read "An Act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.".

HAWAII WATER RESOURCES ACT OF 2000

Mr. HAGEL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1694).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1694) entitled "An Act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii", do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—HAWAII WATER RESOURCES STUDY

SEC. 101. SHORT TITLE.

This title may be cited as the "Hawaii Water Resources Act of 2000".

SEC. 102. DEFINITIONS.

In this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) State.—The term "State" means the State of Hawaii.

SEC. 103. HAWAII WATER RESOURCES STUDY.

(a) In General.—The Secretary, acting through the Commissioner of Reclamation and in accordance with the provisions of this title and existing legislative authorities as may be pertinent to the provisions of this title, including: the Act of August 23, 1954 (68 Stat. 773, chapter 838), authorizing the Secretary to investigate the use of irrigation and reclamation resource needs for areas of the islands of Oahu, Hawaii, and Molokai in the State of Hawaii; section 31 of the Hawaii Omnibus Act (43 U.S.C. 422l) authorizing the Secretary to develop reclamation projects in the State under the Act of August 6, 1956 (70 Stat. 1044, chapter 972; 42 U.S.C. 422a et seq.) (commonly known as the "Small Reclamation Projects Act"); and the amendment made by section 207 of the Hawaiian Home Lands Recovery Act (109 Stat. 364; 25 U.S.C. 386a) authorizing the Secretary to assess charges against Native Hawaiians for reclamation cost recovery in the same manner as charges are assessed against Indians or Indian tribes; is authorized and directed to conduct a study that includes—

(1) a survey of the irrigation and other agricultural water delivery systems in the State;

(2) an estimation of the cost of repair and rehabilitation of the irrigation and other agricultural water delivery systems;

(3) an evaluation of options and alternatives for future use of the irrigation and other agricultural water delivery systems (including alternatives that would improve the use and conservation of water resources and would contribute to agricultural diversification, economic development, and improvements to environmental quality); and

(4) the identification and investigation of opportunities for recycling, reclamation, and reuse of water and wastewater for agricultural and nonagricultural purposes.

(b) Reports.—

(1) In general.—Not later than 2 years after appropriation of funds authorized by this title, the Secretary shall submit a report that describes the findings and recommendations of the study described in subsection (a) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Resources of the House of Representatives.

(2) Additional reports.—The Secretary shall submit to the committees described in paragraph (1) any additional reports concerning the study described in subsection (a) that the Secretary considers to be necessary.

(c) Cost Sharing.—Costs of conducting the study and preparing the reports described in subsections (a) and (b) of this section shall be shared between the Secretary and the State. The Federal share of the costs of the study and reports shall not exceed 50 percent of the total cost, and shall be nonreimbursable. The Secretary shall enter into a written agreement with the State, describing the arrangements for payment of the non-Federal share.

(d) Use of Outside Contractors.—The Secretary is authorized to employ the services and expertise of the State and/or the services and expertise of a private consultant employed under contract with the State to conduct the study and prepare the reports described in this section if the State requests such an arrangement and if it can be demonstrated to the satisfaction of the Secretary that such an arrangement will result in the satisfactory completion of the work authorized by this section in a timely manner and at a reduced cost.

(e) Authorization of Appropriations.—There are authorized to be appropriated $300,000 for the Federal share of the activities authorized under this title.

SEC. 104. WATER RECLAMATION AND REUSE.

(a) Section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) is amended by inserting before the period at the end the following: ", and the State of Hawaii".

(b) The Secretary is authorized to use the authorities available pursuant to section 1602(b) of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h(b)) to conduct the relevant portion of the study and preparation of the reports authorized by this title if the use of such authorities is found by the Secretary to be appropriate and cost-effective, and provided that the total Federal share of costs for the study and reports does not exceed the amount authorized in section 103.

TITLE II—DROUGHT RELIEF

SEC. 201. DROUGHT RELIEF.

(a) Relief for Hawaii.—Section 104 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214) is amended—

(1) in subsection (a), by inserting after "Reclamation State" the following: "and in the State of Hawaii"; and

(2) in subsection (c), by striking "ten years after the date of enactment of this Act" and inserting "on September 30, 2005".

(b) Assistance for Drought-Related Planning in Reclamation States.—Such Act is further amended by adding at the end of title I the following:

"SEC. 105. ASSISTANCE FOR DROUGHT-RELATED PLANNING IN RECLAMATION STATES.

"(a) In General.—The Secretary may provide financial assistance in the form of cooperative agreements in States that are eligible to receive drought assistance under this title to promote the development of drought contingency plans under title II.

"(b) Report.—Not later than one year after the date of the enactment of the Hawaii Water Resources Act of 2000, the Secretary shall submit to the Congress a report and recommendations on the advisability of providing financial assistance for the development of drought contingency plans in all entities that are eligible to receive assistance under title II.".

TITLE III—CITY OF ROSEVILLE PUMPING PLANT FACILITIES

SEC. 301. CITY OF ROSEVILLE PUMPING PLANT FACILITIES: CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.

(a) In General.—The Secretary shall credit an amount up to $1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the "City"), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5-07-20-X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley

Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) Effective Date.—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary has issued a determination that such facilities are fully operative as intended.

TITLE IV—CLEAR CREEK DISTRIBUTION SYSTEM CONVEYANCE

SEC. 401. SHORT TITLE.

This title may be cited as the "Clear Creek Distribution System Conveyance Act".

SEC. 402. DEFINITIONS.

For purposes of this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) District.—The term "District" means the Clear Creek Community Services District, a California community services district located in Shasta County, California.

(3) Agreement.—The term "Agreement" means Agreement No. 8–07–20–L6975 entitled "Agreement Between the United States and the Clear Creek Community Services District to Transfer Title to the Clear Creek Distribution System to the Clear Creek Community Services District".

(4) Distribution system.—The term "Distribution System" means all the right, title, and interest in and to the Clear Creek distribution system as defined in the Agreement.

SEC. 403. CONVEYANCE OF DISTRIBUTION SYSTEM.

In consideration of the District accepting the obligations of the Federal Government for the Distribution System, the Secretary shall convey the Distribution System to the District pursuant to the terms and conditions set forth in the Agreement.

SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.

Nothing in this title shall be construed to authorize the District to construct any new facilities or to expand or otherwise change the use or operation of the Distribution System from its authorized purposes based upon historic and current use and operation. Effective upon transfer, if the District proposes to alter the use or operation of the Distribution System, then the District shall comply with all applicable laws and regulations governing such changes at that time.

SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGATIONS.

Conveyance of the Distribution System under this title—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14–06–200–489–IR3), as it may be amended or supplemented; and

(2) shall not deprive the District of any existing contractual or statutory entitlement to subsequent interim renewals of such contract or to renewal by entering into a long-term water service contract.

SEC. 406. LIABILITY.

Effective on the date of conveyance of the Distribution System under this title, the United States shall not be liable under any law for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

TITLE V—SUGAR PINE DAM AND RESERVOIR CONVEYANCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Sugar Pine Dam and Reservoir Conveyance Act".

SEC. 502. DEFINITIONS.

In this title:

(1) Bureau.—The term "Bureau" means the Bureau of Reclamation.

(2) District.—The term "District" means the Foresthill Public Utility District, a political subdivision of the State of California.

(3) Project.—The term "Project" means the improvements (and associated interests) authorized in the Foresthill Divide Subunit of the Auburn-Folsom South Unit, Central Valley Project, consisting of—

(A) Sugar Pine Dam;

(B) the right to impound waters behind the dam;

(C) the associated conveyance system, holding reservoir, and treatment plant;

(D) water rights;

(E) rights of the Bureau described in the agreement of June 11, 1985, with the Supervisor of Tahoe National Forest, California; and

(F) other associated interests owned and held by the United States and authorized as part of the Auburn-Folsom South Unit under Public Law 89–161 (79 Stat. 615).

(4) Secretary.—The term "Secretary" means the Secretary of the Interior.

(5) Water services contract.—The term "Water Services Contract" means Water Services Contract #14–06–200–3684A, dated February 13, 1978, between the District and the United States.

SEC. 503. CONVEYANCE OF THE PROJECT.

(a) In General.—As soon as practicable after date of the enactment of this Act and in accordance with all applicable law, the Secretary shall convey all right, title, and interest in and to the Project to the District.

(b) Sale Price.—Except as provided in subsection (c), on payment by the District to the Secretary of $2,772,221—

(1) the District shall be relieved of all payment obligations relating to the Project; and

(2) all debt under the Water Services Contract shall be extinguished.

(c) Mitigation and Restoration Payments.—The District shall continue to be obligated to make payments under section 3407(c) of the Central Valley Project Improvement Act (106 Stat. 4726) through 2029.

SEC. 504. RELATIONSHIP TO EXISTING OPERATIONS.

(a) In General.—Nothing in this title significantly expands or otherwise affects the use or operation of the Project from its current use and operation.

(b) Right To Occupy and Flood.—On the date of the conveyance under section 503, the Chief of the Forest Service shall grant the District the right to occupy and flood portions of land in Tahoe National Forest, subject to the terms and conditions stated in an agreement between the District and the Supervisor of the Tahoe National Forest.

(c) Changes in Use or Operation.—If the District changes the use or operation of the Project, the District shall comply with all applicable laws (including regulations) governing the change at the time of the change.

SEC. 505. FUTURE BENEFITS.

On payment of the amount under section 503(b)—

(1) the Project shall no longer be a Federal reclamation project or a unit of the Central Valley Project; and

(2) the District shall not be entitled to receive any further reclamation benefits.

SEC. 506. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance under section 503, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the Project.

SEC. 507. COSTS.

To the extent that costs associated with the Project are included as a reimbursable cost of the Central Valley Project, the Secretary is directed to exclude all costs in excess of the amount of costs repaid by the District from the pooled reimbursable costs of the Central Valley Project until such time as the Project has been operationally integrated into the water supply of the Central Valley Project. Such excess costs may not be included into the pooled reimbursable costs of the Central Valley Project in the future unless a court of competent jurisdiction determines that operation integration is not a prerequisite to the inclusion of such costs pursuant to Public Law 89–161.

TITLE VI—COLUSA BASIN WATERSHED INTEGRATED RESOURCES MANAGEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Colusa Basin Watershed Integrated Resources Management Act".

SEC. 602. AUTHORIZATION OF ASSISTANCE.

The Secretary of the Interior (in this title referred to as the "Secretary"), acting within existing budgetary authority, may provide financial assistance to the Colusa Basin Drainage District, California (in this title referred to as the "District"), for use by the District or by local agencies acting pursuant to section 413 of the State of California statute known as the Colusa Basin Drainage Act (California Stats. 1987, ch. 1399) as in effect on the date of the enactment of this Act (in this title referred to as the "State statute"), for planning, design, environmental compliance, and construction required in carrying out eligible projects in the Colusa Basin Watershed to—

(1)(A) reduce the risk of damage to urban and agricultural areas from flooding or the discharge of drainage water or tailwater;

(B) assist in groundwater recharge efforts to alleviate overdraft and land subsidence; or

(C) construct, restore, or preserve wetland and riparian habitat; and

(2) capture, as an incidental purpose of any of the purposes referred to in paragraph (1), surface or stormwater for conservation, conjunctive use, and increased water supplies.

SEC. 603. PROJECT SELECTION.

(a) Eligible Projects.—A project shall be an eligible project for purposes of section 602 only if it is—

(1) consistent with the plan for flood protection and integrated resources management described in the document entitled "Draft Programmatic Environmental Impact Statement/Environmental Impact Report and Draft Program Financing Plan, Integrated Resources Management Program for Flood Control in the Colusa Basin", dated May 2000; and

(2) carried out in accordance with that document and all environmental documentation requirements that apply to the project under the laws of the United States and the State of California.

(b) Compatibility Requirement.—The Secretary shall ensure that projects for which assistance is provided under this title are not inconsistent with watershed protection and environmental restoration efforts being carried out under the authority of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706 et seq.) or the CALFED Bay-Delta Program.

SEC. 604. COST SHARING.

(a) Non-Federal Share.—The Secretary shall require that the District and cooperating non-Federal agencies or organizations pay—

(1) 25 percent of the costs associated with construction of any project carried out with assistance provided under this title;

(2) 100 percent of any operation, maintenance, and replacement and rehabilitation costs with respect to such a project; and

(3) 35 percent of the costs associated with planning, design, and environmental compliance activities.

(b) PLANNING, DESIGN, AND COMPLIANCE ASSISTANCE.—Funds appropriated pursuant to this title may be made available to fund 65 percent of costs incurred for planning, design, and environmental compliance activities by the District or by local agencies acting pursuant to the State statute, in accordance with agreements with the Secretary.

(c) TREATMENT OF CONTRIBUTIONS.—For purposes of this section, the Secretary shall treat the value of lands, interests in lands (including rights-of-way and other easements), and necessary relocations contributed by the District to a project as a payment by the District of the costs of the project.

SEC. 605. COSTS NONREIMBURSABLE.

Amounts expended pursuant to this title shall be considered nonreimbursable for purposes of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amendatory thereof and supplemental thereto.

SEC. 606. AGREEMENTS.

Funds appropriated pursuant to this title may be made available to the District or a local agency only if the District or local agency, as applicable, has entered into a binding agreement with the Secretary—

(1) under which the District or the local agency is required to pay the non-Federal share of the costs of construction required by section 604(a); and

(2) governing the funding of planning, design, and compliance activities costs under section 604(b).

SEC. 607. REIMBURSEMENT.

For project work (including work associated with studies, planning, design, and construction) carried out by the District or by a local agency acting pursuant to the State statute in section 602 before the date amounts are provided for the project under this title, the Secretary shall, subject to amounts being made available in advance in appropriations Acts, reimburse the District or the local agency, without interest, an amount equal to the estimated Federal share of the cost of such work under section 604.

SEC. 608. COOPERATIVE AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into cooperative agreements and contracts with the District to assist the Secretary in carrying out the purposes of this title.

(b) SUBCONTRACTING.—Under such cooperative agreements and contracts, the Secretary may authorize the District to manage and let contracts and receive reimbursements, subject to amounts being made available in advance in appropriations Acts, for work carried out under such contracts or subcontracts.

SEC. 609. RELATIONSHIP TO RECLAMATION REFORM ACT OF 1982.

Activities carried out, and financial assistance provided, under this title shall not be considered a supplemental or additional benefit for purposes of the Reclamation Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa et seq.).

SEC. 610. APPROPRIATIONS AUTHORIZED.

Within existing budgetary authority and subject to the availability of appropriations, the Secretary is authorized to expend up to $25,000,000, plus such additional amount, if any, as may be required by reason of changes in costs of services of the types involved in the District's projects as shown by engineering and other relevant indexes to carry out this title. Sums appropriated under this section shall remain available until expended.

TITLE VII—CONVEYANCE TO YUMA PORT AUTHORITY

SEC. 701. CONVEYANCE OF LANDS TO THE GREATER YUMA PORT AUTHORITY.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Bureau of Reclamation, may, in the 5-year period beginning on the date of the enactment of this Act and in accordance with the conditions specified in subsection (b) convey to the Greater Yuma Port Authority the interests described in paragraph (2).

(2) INTERESTS DESCRIBED.—The interests referred to in paragraph (1) are the following:

(A) All right, title, and interest of the United States in and to the lands comprising Section 23, Township 11 South, Range 24 West, G&SRBM, Lots 1–4, NE¼, N½ NW¼, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(B) All right, title, and interest of the United States in and to the lands comprising Section 22, Township 11 South, Range 24 West, G&SRBM, East 300 feet of Lot 1, excluding lands located within the 60-foot border strip, in Yuma County, Arizona.

(C) All right, title, and interest of the United States in and to the lands comprising Section 24, Township 11 South, Range 24 West, G&SRBM, West 300 feet, excluding lands in the 60-foot border strip, in Yuma County, Arizona.

(D) All right, title, and interest of the United States in and to the lands comprising the East 300 feet of the Southeast Quarter of Section 15, Township 11 South, Range 24 West, G&SRBM, in Yuma County, Arizona.

(E) The right to use lands in the 60-foot border strip excluded under subparagraphs (A), (B), and (C), for ingress to and egress from the international boundary between the United States and Mexico.

(b) DEED COVENANTS AND CONDITIONS.—Any conveyance under subsection (a) shall be subject to the following covenants and conditions:

(1) A reservation of rights-of-way for ditches and canals constructed or to be constructed by the authority of the United States, this reservation being of the same character and scope as that created with respect to certain public lands by the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945), as it has been, or may hereafter be amended.

(2) A leasehold interest in Lot 1, and the west 100 feet of Lot 2 in Section 23 for the operation of a Cattle Crossing Facility, currently being operated by the Yuma-Sonora Commercial Company, Incorporated. The lease as currently held contains 24.68 acres, more or less. Any renewal or termination of the lease shall be by the Greater Yuma Port Authority.

(3) Reservation by the United States of a 245-foot perpetual easement for operation and maintenance of the 242 Lateral Canal and Well Field along the northern boundary of the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24 as shown on Reclamation Drawing Nos. 1292–303–3624, 1292–303–3625, and 1292–303–3626.

(4) A reservation by the United States of all rights to the ground water in the East 300 feet of Section 15, the East 300 feet of Section 22, Section 23, and the West 300 feet of Section 24, and the right to remove, sell, transfer, or exchange the water to meet the obligations of the Treaty of 1944 with the Republic of Mexico, and Minute Order No. 242 for the delivery of salinity controlled water to Mexico.

(5) A reservation of all rights-of-way and easements existing or of record in favor of the public or third parties.

(6) A right-of-way reservation in favor of the United States and its contractors, and the State of Arizona, and its contractors, to utilize a 33-foot easement along all section lines to freely give ingress to, passage over, and egress from areas in the exercise of official duties of the United States and the State of Arizona.

(7) Reservation of a right-of-way to the United States for a 100-foot by 100-foot parcel for each of the Reclamation monitoring wells, together with unrestricted ingress and egress to both sites. One monitoring well is located in Lot 1 of Section 23 just north of the Boundary Reserve and just west of the Cattle Crossing Facility, and the other is located in the southeast corner of Lot 3 just north of the Boundary Reserve.

(8) An easement comprising a 50-foot strip lying North of the 60-foot International Boundary Reserve for drilling and operation of, and access to, wells.

(9) A reservation by the United States of $^{15}/_{16}$ of all gas, oil, metals, and mineral rights.

(10) A reservation of $^{1}/_{16}$ of all gas, oil, metals, and mineral rights retained by the State of Arizona.

(11) Such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the Greater Yuma Port Authority shall pay the United States consideration equal to the fair market value on the date of the enactment of this Act of the interest conveyed.

(2) DETERMINATION.—For purposes of paragraph (1), the fair market value of any interest in land shall be determined taking into account that the land is undeveloped, that 80 acres is intended to be dedicated to use by the United States for Federal governmental purposes, and that an additional substantial portion of the land is dedicated to public right-of-way, highway, and transportation purposes.

(d) USE.—The Greater Yuma Port Authority and its successors shall use the interests conveyed solely for the purpose of the construction and operation of an international port of entry and related activities.

(e) COMPLIANCE WITH LAWS.—Before the date of the conveyance, actions required with respect to the conveyance under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the National Historic Preservation Act (16 U.S.C. 470 et seq.), and other applicable Federal laws must be completed at no cost to the United States.

(f) USE OF 60-FOOT BORDER STRIP.—Any use of the 60-foot border strip shall be made in coordination with Federal agencies having authority with respect to the 60-foot border strip.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property conveyed under this section, and of any right-of-way that is subject to a right of use conveyed pursuant to subsection (a)(2)(E), shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Greater Yuma Port Authority.

(h) DEFINITIONS.—

(1) 60-FOOT BORDER STRIP.—The term "60-foot border strip" means lands in any of the Sections of land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) GREATER YUMA PORT AUTHORITY.—The term "Greater Yuma Port Authority" means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE VIII—DICKINSON DAM BASCULE GATES SETTLEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the "Dickinson Dam Bascule Gates Settlement Act of 2000".

SEC. 802. FINDINGS.

The Congress finds that—

(1) in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to provide additional water supply in the reservoir known as Patterson Lake for the city of Dickinson, North Dakota, and for additional flood control and other benefits;

(2) the gates had to be significantly modified in 1982 because of damage resulting from a large ice block causing excessive pressure on the hydraulic system, causing the system to fail;

(3) since 1991, the City has received its water supply from the Southwest Water Authority, which provides much higher quality water from the Southwest Pipeline Project;

(4) the City now receives almost no benefit from the bascule gates because the City does not require the additional water provided by the bascule gates for its municipal water supply;

(5) the City has repaid more than $1,200,000 to the United States for the construction of the bascule gates, and has been working for several years to reach an agreement with the Bureau of Reclamation to alter its repayment contract;

(6) the City has a longstanding commitment to improving the water quality and recreation value of the reservoir and has been working with the United States Geological Survey, the North Dakota Department of Game and Fish, and the North Dakota Department of Health to improve water quality; and

(7) it is in the public interest to resolve this issue by providing for a single payment to the United States in lieu of the scheduled annual payments and for the termination of any further repayment obligation.

SEC. 803. DEFINITIONS.

In this title:

(1) BASCULE GATES.—The term "bascule gates" means the structure constructed on the Dam to provide additional water storage capacity in the Lake.

(2) CITY.—The term "City" means the city of Dickinson, North Dakota.

(3) DAM.—The term "Dam" means Dickinson Dam on the Heart River, North Dakota.

(4) LAKE.—The term "Lake" means the reservoir known as "Patterson Lake" in the State of North Dakota.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation.

SEC. 804. FORGIVENESS OF DEBT.

(a) IN GENERAL.—The Secretary shall accept a 1-time payment of $300,000 in lieu of the existing repayment obligations of the City under the Bureau of Reclamation Contract No. 9–07–60W0384, dated December 19, 1988, toward which amount any payments made by the City to the Secretary on or after June 2, 1998, shall be credited.

(b) OWNERSHIP.—Title to the Dam and bascule gates shall remain with the United States.

(c) COSTS.—(1) The Secretary shall enter into an agreement with the City to allocate responsibilities for operation and maintenance costs of the bascule gates as provided in this subsection.

(2) The City shall be responsible for operation and maintenance costs of the bascule gates, up to a maximum annual cost of $15,000. The Secretary shall be responsible for all other costs.

(d) WATER SERVICE CONTRACTS.—The Secretary may enter into appropriate water service contracts if the City or any other person or entity seeks to use water from the Lake for municipal water supply or other purposes.

Amend the title so as to read "An Act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.".

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate agree to amendments of the House with respect to each of these measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT TO THE MAGNUSON-STEVENS FISHERIES CONSERVATION AND MANAGEMENT ACT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 5461, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5461) to amend the Magnuson-Stevens Fisheries Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise to make a few remarks on H.R. 5461, the Shark Finning Prohibition Act, legislation to begin, and I stress the word begin, to ensure the conservation of sharks, including addressing the causes and consequences of shark finning.

First, I want to recognize Ms. SNOW, our chairman on the Oceans and Fisheries Subcommittee on the Commerce Committee, and Mr. KERRY, ranking member of the subcommittee, for putting shark conservation legislation on the committee agenda this Congress. My colleagues recognized the substantial danger international fleets pose to sharks around the world, either as a result of direct harvest, high bycatch, or practices such as shark finning. As with so many of our highly migratory and protected species, we cannot hope to address these threats solely through domestic action.

We are here today because of the growing threats to shark populations, which are particularly vulnerable to harvest and bycatch mortality. Most attention has been focused specifically on the practice of shark finning, which has increased dramatically over the past decade, driven by rising demand for fins in the world market. However, there are other threats to shark conservation, including directed shark fisheries and the use of non-selective fishing gear, that must be given further attention, both here and abroad. In addition, the amount of finning done by U.S. fishermen pales by comparison to the amount of finning done by foreign fleets outside of U.S. waters. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world. In 1998, the National Marine Fisheries Service estimated that 120 metric tons of shark fins were landed in Hawaii that had been caught by foreign vessels, with a value between $2,376,000 and $2,640,000. That is roughly four times the amount landed by U.S. vessels in the same year. These figures include only figures for shark fins that happen to go through U.S. ports in the Pacific; the total amount of finning by foreign fishermen is undoubtedly much higher.

Although I support the legislation before us today, I am disappointed that we were not able to convince House Members and others that passage of S. 2831, the Shark Conservation Act of 2000, introduced by Senator KERRY, and supported by our subcommittee members, was the best course of action to take this year. S. 2831 attempted to address threats to shark conservation in a holistic manner. It looked beyond domestic finning, and provided the administration with tools to address finning by foreign nations as well. As a result, the current bill does not contain the strong international enforcement measures of the Shark Conservation Act. Dr. Andrew Rosenberg of the National Marine Fisheries Service, in October 1999 testimony before the House warned of the consequences of failing to impose international measures against shark finning:

> . . . even with implementation of new U.S. management measures to prohibit shark finning, in all likelihood, foreign-flagged vessels will continue shark finning in international waters. In the absence of strict international measures to prohibit shark finning, the anticipated result of new U.S. prohibitions would be that foreign vessels will develop new shipment routes for shark fins through ports outside Hawaii.

The administration's warning should be taken seriously. When all the press releases and headlines have faded from memory, there is no doubt that foreign fleets will silently, and happily, continue—or even increase—shark finning, with no adverse repercussions to speak of. We sincerely hope that H.R. 5461 will not merely shift shark-finning and the resulting profits over to foreign nations and international corporations, with no net benefit to shark conservation. The only way to prevent this is by applying these rules to everyone. Simply enacting H.R. 5461 without addressing shark conservation internationally is short-sighted and will not solve the problem. In the next Congress, I intend to continue working with my colleagues in the Senate, House, and the new administration, whichever administration that may turn out to be, to craft a solution that will lead to the eventual cessation of finning internationally.

Although I do believe that the current bill is not as strong as it should be, I am glad to report it contains a number of provisions from the Senate bill that will lay the foundation for addressing the international fishing practices that threaten shark conservation efforts, including the practice of finning. H.R. 5461 begins the critical process of collecting the information, including data on the international shark fin trade, that is so lacking at the present time by: (1) directing the administration to initiate or continue discussions with other countries to ban shark finning; (2) requiring the collection of information on trade in shark fins and directing the Secretary to report the findings to Congress; and (3) establishing a research program to help improve shark stock assessments, reduce incidental catch, and better utilize sharks captured legally.

Let me conclude by stating that I rise in support of this legislation and urge its adoption, but I cannot help but think of what we may have been able to accomplish with passage of Mr. KERRY's bill, S. 2831. H.R. 5461 does take an important first step to end the practice of finning, but it is only the first step—the real work is yet to come.

Mr. KERRY. Mr. President, I rise to make a few remarks in support of H.R. 5461, the Shark Finning Prohibition Act, which will the Senate has passed today and which will be forwarded to President Clinton for his signature.

H.R. 5461 is identical to a provision I authored, along with Senator SNOWE, in Senate Amendment 4320. That provision was then introduced in the House by Representative CUNNINGHAM as a stand alone bill and passed the House on October 30, 2000. I want to thank Senators HOLLINGS and SNOWE, who helped move this legislation through the Commerce Committee and the Senate. And, I thank Representative CUNNINGHAM for his work.

Shark finning is the practice of catching a shark, removing its fins and returning the remainder of the shark to the sea. It is highly wasteful practice since only a very small portion of the shark is consumed and the rest is dumped back into the sea. The National Marine Fisheries Service already prohibits shark finning in the Atlantic and Gulf of Mexico. This legislation would expand that ban into the Pacific and create a consistent national policy by amending the Magnuson-Stevens Fishery Conservation and Management Act.

Sharks are among the most biologically vulnerable species in the ocean. Their slow growth, late maturity and small number of offspring leave them exceptionally vulnerable to over fishing and slow to recover from depletion. At the same time, sharks, as top predators, are essential to maintaining the balance of life in the sea. While many of our other highly migratory species such as tunas and swordfish are subject to rigorous management regimes, sharks have largely been overlooked until recently. By ending the wasteful practice of finning, we will, I hope, protect shark populations.

However, it is important that the passage of this legislation is only the beginning of national efforts to protect sharks and their marine ecosystems. There are other threats to sharks in addition to finning in domestic waters. These include directed fisheries, bycatch and the use of non-selective gear. And, importantly, we must recognize that shark finning takes place in foreign and international waters, not just the United States waters. The global shark fin trade involves at least 125 countries, and the demand for shark fins and other shark products has driven dramatic increases in shark fishing and shark mortality around the world. We must tackle these issues, as well.

I want to note that in the Commerce Committee we tried to address the issue of international shark finning more aggressively and, I believe, more appropriately. Senator HOLLINGS and I introduced S. 2831, the Shark Conservation Act of 2000. This proposal would have (1) mandated that the Secretary of Commerce report to Congress on progress being made domestically and internationally to reduce shark finning; (2) established a procedure to certify whether governments have adopted shark conservation measures; (3) banned the import of sharks or shark parts from countries that do not meet these certification procedures; and (4) provided technical assistance to foreign nations in an attempt to promote compliance.

Unfortunately, this comprehensive proposal was rejected by the House. We therefore sought the middle ground of the proposal in H.R. 5461. The legislation we will pass today (1) calls on the Administration to initiate or continue discussions with other countries to ban shark finning; (2) requires the collection of information on trade in shark fins and directing the Secretary of Commerce to report the findings to Congress; and (3) establishes a research program to help improve shark stock assessments, reduce incidental catch, and better utilize shark captured legally. This is a start, but only a start. I hope that my colleagues and the advocacy groups that advocated for this proposal will continue to work for additional international conservation measures.

Finally, my bill would authorize a Western Pacific longline fisheries cooperative research program to provide information for shark stock assessments, identify fishing gear and practices that prevent or minimize incidental catch of sharks and ensure maximum survivorship of released sharks, and provide data on the international shark fin trade.

Mr. President, the United States is a global leader in fisheries conservation and management. I believe this legislation provides us the opportunity to further this role, and take the first step in addressing an international fisheries management issue. In addition, I believe the U.S. should continue to lead efforts at the United Nations and international conventions to achieve coordinated international management of sharks, including an international ban on shark-finning. I look forward to working with Committee members on this important legislation.

Mr. HAGEL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5461) was read the third time and passed.

CONGRATULATING REVEREND CLAY EVANS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 385 introduced earlier today by Senators DURBIN and FITZGERALD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 385) congratulating the Reverend Clay Evans of Chicago, Illinois, on the occasion of his retirement.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HAGEL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 385) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 385

Whereas the Reverend Clay Evans was ordained as a Baptist minister 50 years ago, in 1950, and founded and served as the Pastor of the Fellowship Missionary Baptist Church in Chicago, Illinois, for 49 years;

Whereas Reverend Evans has been happily married to Lutha Mae Hollinshed Evans for over 50 years, and with her is the proud parent of five children;

Whereas Reverend Evans has been responsible for helping launch the ministerial careers of 93 individuals, including 6 female ministers;

Whereas Reverend Evans received Honorary Doctorate of Divinity Degrees from Arkansas Baptist College and Brewster Theological Clinic and School of Religion;

Whereas Reverend Evans has been an active participant in the Civil Rights Movement since 1965;

Whereas Reverend Evans is the founding National Board Chairman of Operation P.U.S.H. and currently serves as its Chairman Emeritus;

Whereas Reverend Evans is Founding President of the Broadcast Ministers Alliance of Chicago, Founding President of the African American Religious Connection, Trustee Board Chairman of Chicago Baptist Institute, and Board member of the National Baptist Convention, U.S.A., Inc.;

Whereas Reverend Evans is a featured soloist on numerous albums of the 250 Voice Choir of Fellowship Missionary Baptist Church and 1996 Stellar Award winner of the #1 Gospel Album "I've Got A Testimony";

Whereas Reverend Evans authored a 1992 autobiographical book, "From Plough Handle to Pulpit," which sold thousands of copies and was rewritten in 1997: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Reverend Clay Evans on his retirement as Pastor of the Fellowship Missionary Baptist Church;

(2) acknowledges the affection that Reverend Evans' congregation shares for him; and

(3) extends its best wishes to Reverend Evans and his family on the occasion of his retirement.

NATIONAL PEARL HARBOR REMEMBRANCE DAY

Mr. HAGEL. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 386, submitted earlier by Senator BOB SMITH.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 386) expressing the sense of the Senate regarding National Pearl Harbor Remembrance Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HAGEL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 386) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 386

Whereas on December 7, 1941, the Imperial Japanese Navy and Air Force attacked units of the Armed Forces of the United States stationed at Pearl Harbor, Hawaii;

Whereas 2,403 members of the Armed Forces of the United States were killed in the attack on Pearl Harbor;

Whereas there are currently more than 12,000 members of the Pearl Harbor Survivors Association;

Whereas the 60th anniversary of the attack on Pearl Harbor will be on December 7, 2001;

Whereas on August 23, 1994, Public Law 103-308 was enacted, designating December 7 of each year as National Pearl Harbor Remembrance Day;

Whereas Public Law 103-308, reenacted as section 129 of title 36, United States Code, requests the President to issue a proclamation each year calling on the people of the United States to observe National Pearl Harbor Remembrance Day with appropriate ceremonies and activities, and for all departments, agencies, and instrumentalities of the Federal Government, and interested organizations, groups, and individuals, to fly the flag of the United States at half-staff each December 7 in honor of the individuals who died as a result of their service at Pearl Harbor;

Whereas many citizens remain unaware of National Pearl Harbor Remembrance Day; and

Whereas many Federal offices do not lower their flags to half-staff each December 7: Now, therefore, be it

Resolved, That the Senate—

(1) pays tribute to the citizens of the United States who died in the attack on Pearl Harbor, Hawaii, on December 7, 1941, and to the members of the Pearl Harbor Survivors Association; and

(2) urges the President to take more active steps—

(A) to inform the American public of the existence of National Pearl Harbor Remembrance Day; and

(B) to ensure that the flag of the United States is flown at half-staff in accordance with section 129 of title 36, United States Code.

ORDERS FOR FRIDAY, DECEMBER 8, 2000

Mr. HAGEL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Friday, December 8. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each with the time equally divided in the usual form.

Mr. REID. Mr. President, reserving the right to object, I say to my friend from Nebraska, the acting leader, it is my understanding we are going to try to extend the CR until Monday. I hope in the spirit that was felt around here today, that we were going to try to complete this session's work sometime next week, we can continue that.

I do say, just as a warning to everyone, we have been to this point on a number of occasions before with this session of Congress. It seems we can never quite get over the goal line.

I hope all Members, Democrats and Republicans, will do their utmost to try to work this out. We have four appropriations bills that are badly needed. In my opinion—and I think everyone in the minority agrees—it would be a shame if we were unable to complete those bills and have to go forward with a continuing resolution, in effect dumping all that in the lap of the new President and new Congress.

Of course, I am not going to object to my friend's unanimous consent request, but I do say we should really try to put our shoulders to the wheel and push this session over the goal line.

Mr. HAGEL. I thank the Senator. I know that is the intent of the leadership.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. HAGEL. Mr. President, for the information of all Senators, the Senate will be in a period of morning business until 10:30 a.m. tomorrow. The House is expected to consider a continuing resolution that would continue funding through Tuesday, December 12 early tomorrow morning. It is the intention of the Senate to pass the continuing resolution by voice vote as soon as it is received from the House. Therefore no votes are expected prior to Tuesday, December 12, at a time to be determined.

EXECUTIVE SESSION

Mr. HAGEL. Mr. President, in executive session I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of the nomination of Richard N. Gardner, the Senate immediately proceed to his consideration, the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Richard N. Gardner, of New York, to be an Alternate Representative of the United States of America to the Fifty-fifth Session of the General Assembly of the United Nations.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS UNTIL 10 A.M. TOMORROW

Mr. HAGEL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:24 p.m., recessed until Friday, December 8, 2000, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate December 7, 2000:

DEPARTMENT OF STATE

RICHARD N. GARDNER, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

EXTENSIONS OF REMARKS

IN RECOGNITION OF JAY B. BLOOM, EXECUTIVE DIRECTOR OF BRAND NEW DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Jay B. Bloom, Executive Director of Brand New Day, Inc., for his outstanding contributions to community development and low-income housing. In appreciation of his service to the community, Brand New Day is honoring Mr. Bloom at its 15th Anniversary Celebration, entitled "Renewal of Our Commitment to Elizabethport."

A graduate of Columbia Law School, Jay B. Bloom has lived in and around New Jersey all his life. After law school, Mr. Bloom established a law practice specializing in real estate and municipal law. Four successful decades later, he retired.

With the knowledge and experience he gained through the years, and with the desire to help those in need, Mr. Bloom joined Brand New Day (BND), a charitable non-profit community development organization that provides affordable housing for community members in the Elizabethport area. BND acquires and rehabilitates existing structures and purchases land for the construction of new affordable housing developments. BND also sponsors and coordinates community outreach programs.

As the Executive Director of BND, Mr. Bloom developed and implemented a comprehensive neighborhood revitalization program. Under his leadership, BND has revitalized and constructed numerous rental units and homes for low-income community members.

Today, I ask that my colleagues join me in recognizing Jay B. Bloom and Brand New Day for their unparalleled contributions to community development and for their generous and compassionate service to the residents of Elizabethport, New Jersey. As a community leader, Mr. Bloom is an inspiration to all of us.

INTRODUCTION OF THE NURSING FACILITY STAFFING IMPROVEMENT ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. STARK. Mr. Speaker, I am pleased today to introduce legislation with Representative HENRY WAXMAN that focuses clear attention on the critical role that staffing plays in delivering quality care to the 1.6 million people—our parents, grandparents, siblings and spouses—whose fragile health requires them to live in nursing homes.

Policymakers and the public have heard stories for years about the high cost of poor care. And most of us intuitively know that understaffing is a causal or contributing factor in the hundreds of sad tales of neglect and abuse that are identified and publicized each year.

The impetus for this legislation is both a recent HHS report on nursing facility staffing ratios and a local study conducted in my district that highlights the correlation between quality of care and staffing levels.

The "Nursing Facility Staffing Improvement Act of 2000" proposed a remedy for chronic understaffing in nursing homes: It directs state surveyors to conduct special staffing assessments in instances where they identify quality of care deficiencies that either cause actual harm, or that pose a risk of immediate jeopardy to resident health or safety.

If there is a finding that inadequate staffing has contributed to an actual harm or immediate jeopardy deficiency, the bill requires those facilities to submit corrective action plans within 30 days stipulating the number and type of additional nursing staff necessary to assure resident well-being. Facilities would then face tough scrutiny from state inspectors, who would check and enforce continued compliance during two interim staffing-only surveys that would occur before the next routine annual inspection. In the event that a facility was again found to have inadequate staffing during an interim survey, an additional two years of interim staffing surveys from that date forward would be triggered.

As a separate disclosure requirement, the HHS Secretary would make facility-specific staffing data available on the "Nursing Home Compare" website. The data, which would include total hours of care provided per shift by both licensed and unlicensed nursing staff could be reviewed by family members before placing their loved ones in a facility and aid them in making informed choices.

The legislation does not propose any new fines or penalties for inadequate staffing. Rather, it holds nursing homes responsible for providing consistently adequate levels of nurse staffing, which all experts tell us is the foundation of good medical and supportive care for medically complex, fragile people. It accomplishes this through a system of stepped-up scrutiny and public accountability.

The remedy we are proposing today will improve enforcement of those staffing standards that currently apply, as well as standards that are developed in the future.

This legislation will strengthen our federal oversight system. Under current law, many inspectors find it relatively difficult to document and defend appeals of citations of facility understaffing. This bill would change that by directing surveyors to analyze the role that staffing plays whenever there are serious quality deficiencies. And if will serve as a wake-up call for those facilities they try to control expenses by cutting back on the number and wages of nursing staff.

Last July, phase one of an important HHS staffing study, titled "Appropriateness of Minimum Nurse Staffing Ratios in Nursing Homes" was released. It is an important analysis for many reasons, and the first federal study of its kind. Its central findings is that most facilities are failing to staff at levels that guarantee good care.

In brief, HHS identified two levels of staffing—a "preferred minimum" staffing levels of 3.45 hours of nursing care for each resident each day, with 2 hours of this care providing by nursing assistants, 1 hour by a registered or licensed nurse, and 0.45 hours only by registered nurses. Quality of care in facilities that staffed above this level, the study concluded, was "improved across the board."

HHS also identified a lower "minimum" level of 2.95 hours of nursing care per resident day, with 2 hours of care provided by nursing assistants, 0.75 by registered or licensed nurses, and 0.20 hours only by registered nurses. Regrettably, more than 90% of facilities in the U.S. fall short of this standard today.

The agency's phase one study also shows that many states are acutely aware of staffing shortages in nursing facilities. Many have already moved to impose more stringent staffing requirements under their licensure authority, and some are taking up State legislation to set quantitative minimum staffing standards. California, for example, has a new law requiring all nursing facilities to provide at least 3.2 hours of resident care per day.

At the federal level, we are about a year away from having national recommendations on a minimum ratio requirements from phase two of HHS staffing analysis, which will help to shape future discussions and debate about how to go about establishing federal staffing standards.

The staffing shortages documented in HHS' national study are also reflected in many homes in my district. At my request, the Democratic staff of the House Government Reform Committee prepared an analysis of staffing levels in homes in my district. Titled "Nursing Home Staffing Levels in the 13th Congressional District," the report shows that 86%, or 25 facilities, did not meet HHS' preferred minimum staffing level of 3.45 hours of nursing care per resident day, while 55% did not meet the lower minimum level of 2.95 hours of nursing care.

Equally important, this congressional study looks at the annual surveys of these homes during their most recent annual inspections. Among those facilities that did not staff at preferred minimum levels, 68% were cited for a violation causing actual harm to residents. In contract, homes that did not staff at preferred minimum levels had no violations causing actual harm. Clearly, staffing levels matter.

The findings of this congressional study and others like it, plus the implied cost of bringing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

nearly 16,480 nursing facilities throughout the country up to appropriate levels, are already the subject of considerable debate and discussion. In the next Congress, policymakers and stakeholders will begin to seriously grapple with the mechanics of translating HHS' future staffing recommendations into quantitative federal standards.

In the interim, it is simply wrong to stand by and allow the current national epidemic of inadequate staffing to continue without intervention. The status quo means that nursing home residents will keep suffering adverse consequences in the form of poor care, or—in the most severe cases—neglect so profound that untimely death is the result.

For all of the reasons, I urge my colleagues to join me in support of the "Nursing Facility Staffing Improvement Act." It is a bill that I hope will find its way into next year's discussions on nursing home quality and accountability, and I invite any and all interested parties to comment.

HONORING CORPORAL MASON O. YARBROUGH

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mrs. EMERSON. Mr. Speaker, it is with great honor and humility that I submit this tribute into the CONGRESSIONAL RECORD about a true patriot and hero—Corporal Mason O. Yarbrough, United States Marine Corps, of Sikeston, Missouri. Corporal Yarbrough was part of an elite unit, the 2nd Marine Raider Battalion. This unit, under the command of Lieutenant Colonel Evans. F. Carlson during World War II was known as "Carlson's Raiders." As part of the baby boom generation, I owe a great deal of debt and gratitude to this brave warrior because it was his service and sacrifice that allowed all of us to grow up in a free society.

The year 1942 found our nation in grave danger, threatened by both Germany and Japan. Colonel Carlson and his Raiders undertook the second offensive operation of the war against Japan in August of 1942. After extensive training in weapons, hand-to-hand combat and the use of rubber boats, C and D companies of the Marine Raiders were sent to Midway Island. At Midway, they helped the Navy turn back a massive Japanese attack from June 3 through 6, 1942 in what would become the turning point of the Pacific War.

A and B companies of Carlson's Raiders, including Yarbrough of B company were earmarked by Adm. Chester Nimitz for an attack August 17, 1942 on Makin in the Gilbert Islands about 1,000 miles northeast of Guadalcanal. Their mission was to destroy the island's small Japanese seaplane base and its garrison, gain intelligence on the area and perhaps more importantly divert Japanese attention and troops from Guadalcanal and Tulagi in the Solomon Islands. There, U.S. troops had landed 10 days earlier to begin the major offensive of the Pacific War. The Japanese were pouring reinforcements into Guadalcanal and Nimitz was looking to a diversionary hit-and-run raid on Makin to ease the pressure.

The force of 220 Raiders arrived off Makin in the predawn hours of August 17. They had been ferried from Pearl Harbor aboard the submarines Nautilus and Argonaut, which had stripped and reconfigured their torpedo compartments to make room for the marines. Unlike other units, this group did not have the luxury of naval gunfire support of Naval and Army Air Corps cover.

On August 17, 1942 (August 16 local time) fierce fighting ensued and Corporal Yarbrough on his twenty-first birthday was fatally struck down by enemy fire. On August 18, as survivors of "Carlson's Raiders" withdrew from the island to rendezvous with the waiting submarines, arrangements were made with a local village chief to bury the bodies of the fallen men.

Now, fifty-eight long years after Corporal Yarbrough's heroic action, his remains have been recovered. The Yarbrough family, together with the citizens of Sikeston, Missouri will bid him farewell with a service and burial on December 15, 2000. At 2:19 p.m. on that date, a moment of silence will be observed to honor all nineteen Marine Raiders whose remains were recovered from the Makin mission. This honor will also be extended to the nine Marine Raiders of the Makin raid whose remains are yet to be repatriated, as well as all the MIAs and KIAs from our great nation's wars.

HONORING RICHARD C. JOLLEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. MCINNIS. Mr. Speaker, it is with great sadness that I wish to take this moment to recognize the remarkable life and significant achievements of a life-long New Castle resident and sheep rancher, Richard C. Jolley. Sadly, Dick lost his battle with cancer on November 19, 2000. While his family, friends and community remember the truly exceptional life of Dick, I, too, would like to pay tribute to this remarkable man and close personal friend.

Dick was a beloved native of New Castle, where his contributions to the community were many. A dedicated leader of his community, he was elected as a Garfield County Commissioner in 1976, serving during the oil shale boom in Western Colorado. His pragmatism assisted him in finding tough but fair solutions during negotiations with the oil companies, all the while working to see local interests were protected. He also tackled problems in the district attorney's office and worked through a proposal to build a local ski area. His term in elected office was marked by his honest, trustworthy nature and his ability to boil things down to the bottom line.

His life was one of distinction both professionally and in the realm of public service. After serving as a county commissioner, Dick was a leading force in founding the Regional Bank of Rifle, which was recently acquired by Wells Fargo. Dick had a keen business sense that was on full display during his time at the Regional Bank of Rifle.

Known for his sharp wit, a hallmark of Dick's personality was his ability to transfix an audience with his stories. Sporting a grin from ear to ear, he narrated knee-slapping tales that are nothing short of legendary.

Although his professional accomplishments will long be remembered and admired, most who knew him well will remember Dick Jolley, above all else, as a loving husband for 48 years, a devoted father of two sons and a proud grandfather of four grandchildren. At the end of his life, his grandchildren brought him endless joy.

Mr. Speaker, with Dick's passing, western Colorado has lost a great man and friend. However, Mr. Speaker, I am confident that, in spite of this profound loss, the family and friends of Dick Jolley can take solace in the knowledge that each is a better person for having known him. I know that I am.

It is with this that I pay tribute to the life of a man who exemplified the extraordinary characteristics of strength, dignity and sincerity. We will all miss him greatly.

IN RECOGNITION OF HENRY SANCHEZ

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. MENENDEZ. Mr. Speaker, today I recognize Henry Sanchez for his years of dedicated service to the community of Bayonne, New Jersey. Today, Mr. Sanchez will be presented with the Lifetime Achievement Award at the Bayonne Historical Society's annual Holiday Dinner Dance.

Henry Sanchez was born in San Juan, Puerto Rico and moved to New York as a child. In 1944, he joined the United States Navy and served in World War II. For his courageous service to our nation and the world, he was awarded medals from the governments of the United States, France, and Taiwan.

In 1950, Mr. Sanchez began work for the Bayonne Naval Supply Depot, later named the Military Ocean Terminal (MOT). Between 1950 and 1997, he served in leadership positions at MOT, and with the United States Air Force. These positions included Supervisory Transportation Assistant, Deputy Commander of the USAF's Water Port Logistics Office, and Deputy Director of the Personal Property Directorate at the Eastern Area Military Traffic Management Command.

In recognition of his hard work, dedication, and leadership, Mr. Sanchez has received many awards, including the U.S. Air Force Meritorious Civilian Medal and the Army Civilian Award for Humanitarian Service.

Mr. Sanchez has also selflessly given his time to many other important causes and organizations. He has served as member, chairman (1989), and Grand Marshal (2000) of the Bayonne Memorial Day Committee; Chair of the F.A. Mackenzie Post #165 of the American Legion blood bank; Post Commander of the Disabled American Veterans; member of Catholic War Veterans #1612; member of the board of directors of the United Way of Hudson County; Red Cross volunteer; local baseball and softball umpire; and recently, Commissioner of the Bayonne local Redevelopment Authority, which is responsible for redevelopment of the Military Ocean Terminal. He is also a parishioner of Our Lady of Mt. Carmel Church.

Mr. Sanchez has four children, ten grandchildren, and seven great-grandchildren.

Today, I ask my colleagues to join me in recognizing Henry Sanchez for his years of exceptional service to country and community.

TRIBUTE TO CHARLES REID ROSS

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. ETHERIDGE. Mr. Speaker, one of the Titans of North Carolina's public education system, Charles Reid Ross, a pipe-smoking gentle man who left an indelible impression on the communities and state he served, died November 12, 2000, on his birthday. He was 93.

If anyone deserves to be characterized as a Renaissance man, Reid Ross earned that title. He was a teacher, school superintendent, civil rights hero, political leader, builder of schools and colleges, champion of putting art and music in schools, husband, father, friend to thousands. All were roles Reid Ross played to the hilt.

"He was very ready," his daughter, Sue Fields Ross, said of her father's death. "He wanted to have a big celebration. He felt very much that he has run the race."

"He loved a good funeral," Margaret Ross, a niece, said of her uncle. "He probably went to more funerals than anybody in North Carolina. He did it out of honor."

Arthur Ross III, a great-nephew who helped preach at the funeral, said that if his uncle could have attended the funeral, he would probably have done "a little politicking on the lawn," all on behalf of the Democratic party, and would have loved the music provided by a string quartet from the school named in his honor.

Ross began his teaching career on Hatteras Island when the only way of communicating with the island was by the mail boat. He went from there to spend 40 years in the schools of Lenoir County, Harnett County, and Fayetteville. He was superintendent of schools in Harnett County for 10 years before becoming superintendent in Fayetteville in 1951, a post he would hold until his retirement in 1971.

The times and man coincided when the civil rights revolution hit North Carolina. As The Fayetteville Observer said in an editorial at Ross' death, Ross "was an educational visionary. He instinctively knew when the public education system needed to go to be viable in the future. More important, he knew how to get it there, and had the personality to do it. That gift became crucial during the years of school integration. While many school systems in the South fumbled and stagnated, schools in Fayetteville kept moving forward. He pushed for buildings and for increased funding. Politically courageous at a time when schools had been separate and unequal, he insisted that spending had to be fair and equitable."

One observer of the period said: "Don't ever negotiate with a man who smokes a pipe. Between the packing and re-packing and the lighting and re-lighting, he's eventually going to get his way."

The Fayetteville newspaper went on to give Ross credit for shaping the response of other school superintendents across the state and the South.

"In fact, to look back a the best educational decisions made in the history of this community's schools is to look closely at Ross' career. If's his managed style that helped shape the standard of how school superintendents should lead. it's his personality and insight that influenced educators throughout the state. It's the people he hired and the people he inspired who, long after he retired, continued to make lasting contributions to the betterment of public education."

Ross was responsible for building 12 schools during his years in Fayetteville. One high school named in his honor and exists today as Reid Ross Classical School.

During the period involved, Ross was also a power behind the scenes in the North Carolina Education Association, at that time the organization representing most of the white educators in the state. Ross' gentle advice and courage was deeply involved in the merger of NCEA and the North Carolina Teachers Association in 1970 into the present North Carolina Association of Educators. Quietly, firmly, without fanfare, he insisted that his colleagues do the right thing.

Ross' other contributions are numerous. He established sheltered works for the handicapped. He insisted that art and music had a place in the public school curriculum and eventually won that battle. He helped found the Fayetteville Industrial Education Center that became Fayetteville Technical College.

He started the first girls' basketball at Fayetteville High School. He served two terms as president of the High School Athletics Association, helping to put in place many of the policies that still prevail for high school sports.

Ross was a deacon and elder in Lillington Presbyterian Church. He was a charter member of the Lillington Rotary Club. And until his death, he was active in the Democratic Party and cared deeply about how the University of North of Carolina basketball team was doing.

Our state has lost one of its great educational leaders. A man in the same mold as the late Terry Sanford. A man who did his duty as he saw it for the good of the fellow men and women he loved.

As Ross' funeral, the Call to Worship was as he directed:

"The strife is over, the battle done. The victory of life is won. The song of triumph has begun. Alleluia."

HONORING MURRAY LENDER ON HIS 70TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a community leader, a philanthropist, a humanitarian, and a great friend, Murray Lender, on the occasion of his 70th birthday.

Murray's father, Harry Lender, introduced bagels to the people of this country. Murray continued that tradition as chairman of Lender's Bagel Bakery, the world's largest bagel bakery. He revolutionized the bagel industry when he began the process of freezing bagels in the late 1950s, bringing to life his father's dream of "a bagel on every table." His astute business sense was recognized by the National Frozen Food Association, which inducted him into the Frozen Food Hall of Fame, only the sixth person to be so honored. He also received the International Deli-Bakery Association's Hall of Fame Award and has been selected Man of the Year by numerous industry associations. But these achievements are dwarfed by what Murray has done for the people of Greater New Haven, of Connecticut, and of this country through his myriad of philanthropic and humanitarian works.

Murray's efforts in New Haven have truly been exceptional. He and his family have given generously of their time and resources to Quinnipiac University. Murray was given the Distinguished Alumnus Award in 1991. His family's efforts have provided students with a top-notch business program that allows students to benefit from the practical knowledge, business acumen, and impressive record of success that Murray and his family have achieved. In 1997, Murray was awarded an honorary Doctorate of Humane Letters from his alma mater, Quinnipiac College. He currently serves on the Board of Trustees of Quinnipiac, where his contributions to that institution continue. In addition, he serves as co-chair of the Yale University School of Medicine Cardiovascular Research Fund.

Murray has also had a tremendous impact on our community through his work with a variety of service organizations including the New Haven Jewish Community Center, the American Heart Association, the Leukemia Society of America and the Juvenile Diabetes Foundation. While he built an incredibly successful business, Murray contributed not just money but, more notably, his time, to these worthy efforts.

Murray has also been an active member of our nation's Jewish community, participating in numerous events, contributing time and financial resources, and forwarding the cause of peace in the Middle East. The Anti-Defamation League has bestowed upon him its highest honor, the Torch of Liberty Award, in recognition of a profound record of public service.

In every way, Murray has been an outstanding citizen and community member. He serves as a role model to us all. He has had a profound effect on our community and our nation. I am honored to stand today and join his brother, Marvin; his children, Harris, Carl and Jay; along with other family members and friends; in wishing him many more years of health and happiness. HAPPY BIRTHDAY MURRAY!

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

SPEECH OF

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Ms. KAPTUR. Mr. Speaker, it is with great sadness that I rise to pay tribute to the remarkable life and career of our trusted former colleague, the Honorable Henry Gonzalez of Texas. Dogged, brilliant, committed, indefatigable, a champion for the destitute—such was our Chairman of the Banking Committee. During my early years in the Congress, as a member of that committee, I had the great pleasure of serving with this able gentleman. He served in the tradition of Franklin Roosevelt, a man who believed in opportunity for all Americans and dedicated his life to that cause.

On the Banking Committee, his work in improving housing for people from all walks of life and incomes is legendary. In him ticked a strong democratic heart. Every corner of America is better because of his service. He stood up for human rights here at home and abroad, no matter what the cost. He was unflinching when he knew his cause was just.

Recently, as we broke ground for the dedication of the new World War II Memorial in our Nation's capital, I especially named Henry Gonzalez as a key figure in congressional efforts to pass legislation to bring that element to full life as a part of our Nation's history. He was a gentleman with many facets, and many concerns. He was a son of the World War II generation that preserved liberty for modern times, and his selfless dedication grew from that experience and his own humble beginnings. I include here those remarks for the RECORD.

In extending deepest sympathy to his family, including his son CHARLES who has succeeded him in this Congress, I am mindful that those of us who have been influenced by his great mind and soul have been lifted to service above self. May he rest in peace and the good works that he fashioned inspire others for generations to come. Truly he was a man both ahead of his time, and a pioneer to the future.

REMARKS BY THE HONORABLE MARCY KAPTUR AT WORLD WAR II MEMORIAL GROUND BREAKING CEREMONY, NOVEMBER 11, 2000

Reverend Clergy, Mr. President, Honored Guests All. We, the children of freedom, on this first Veterans' Day of the new century, gather to offer highest tribute, long overdue, and our everlasting respect, gratitude, and love to Americans of the 20th century whose valor and sacrifice yielded the modern triumph of liberty over tyranny. This is a memorial not to a man but to a time and a people.

This is a long-anticipated day. It was 1987 when this Memorial was first conceived. As many have said, it has taken longer to build the Memorial than to fight the war. Today, with the support of Americans from all walks of life, our veterans service organizations and overwhelming, bipartisan support in Congress, the Memorial is a reality. I do not have the time to mention all the Members of Congress who deserve thanks for their contributions to this cause, but certain Members in particular must be recognized. Rep. Sonny Montgomery, now retired, a true champion of veterans in the House, and Senator Strom Thurmond, our unfailing advocate in the Senate, as well as Rep. Bill Clay, of Missouri and two retired Members, Rep. Henry Gonzalez and Senator John Glenn. At the end of World War I, the French poet Guillaume Apollinaire declaring himself "against forgetting" wrote of his fallen comrades: "You asked neither for glory nor for tears."

Five years ago, at the close of the 50th anniversary ceremonies for World War II, Americans consecrated this ground with soil from the resting places around the world of those who served and died on all fronts. We, too, declared ourselves against forgetting. We pledged then that America would honor and remember their selfless devotion on this Mall that commemorates democracy's march.

Apollinaire's words resonated again as E.B. Sledge reflected on the moment the Second World War ended: ". . . sitting in a stunned silence, we remembered our dead . . . so many dead . . . Except for a few widely scattered shouts of joy, the survivors of the abyss sat hollow-eyed, trying to comprehend a world without war."

Yes. Individual acts by ordinary men and women in an extraordinary time—one exhausting skirmish, one determined attack, one valiant act of heroism, one digged determination to give your all, one heroic act after another—by the thousands—by the millions—bound our country together as it has not been since, bound the living to the dead in common purpose and in service to freedom, and to life.

As a Marine wrote about his company, "I cannot say too much for the men . . . I have seen a spirit of brotherhood . . . that goes with one foot here amid the friends we see, and the other foot there amid the friends we see no longer, and one foot is as steady as the other."

Today we break ground. It is only fitting that the event that reshaped the modern world in the 20th century and marked our nation's emergence from isolationism to the leader of the free world be commemorated on this site.

Our work will not be complete until the light from the central sculpture of the Memorial intersects the shadow cast by the Washington Monument across the Lincoln Memorial Reflecting Pool and the struggles for freedom of the 18th, 19th, and 20th centuries converge in one moment.

Here freedom will shine. She will shine.

This Memorial honors those still living who served abroad and on the home front and also those lost—the nearly 300,000 Americans who died in combat, and those millions who survived the war but who have since passed away. Among that number I count my inspired constituent Roger Durbin of Berkey, Ohio, a letter carrier who fought bravely with the Army's 101st Armored Division in the Battle of the Bulge and who, because he could not forget, asked me in 1987 why there was no memorial in our nation's Capitol to which he could bring his grandchildren. Roger is with us spiritually today. To help us remember him and his contribution to America, we have with us a delegation from his American Legion Post, the Joseph Diehn Post in Sylvania, Ohio, and his beloved family, his widow Marian his granddaughter, Melissa, an art historian and member of the World War II Memorial Advisory Board.

This is a memorial to heroic sacrifice. It is also a memorial for the living—positioned between the Washington Monument and Lincoln Memorial—to remember how freedom in the 20th century was preserved for ensuing generations.

Poet Keith Douglas died in foreign combat in 1944 at age 24. In predicting his own end, he wrote about what he called time's wrong-way telescope, and how he thought it might simplify him as people looked back at him over the distance of years. "Through that lens," he demanded, "see if I seem/substance or nothing: of the world/deserving mention, or charitable oblivion . . ." And then he ended with the request, "Remember me when I am dead/and simplify me when I'm dead." What a strange and striking charge that is!

And yet here today we pledge that as the World War II Memorial is built, through the simplifying elements of stone, water, and light. There will be no charitable oblivion. America will not forget. The world will not forget. When we as a people can no longer remember the complicated individuals who walked in freedom's march—a husband, a sister, a friend, a brother, and uncle, a father—when those individuals become simplified in histories and in family stories, still when future generations journey to this holy place, America will not forget. Freedom's children will not forget.

NEW JERSEY URBANIZED PEAK FLOW MANAGEMENT RESEARCH

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. MENENDEZ. Mr. Speaker, today, I speak regarding a matter of great importance to my district and the entire State of New Jersey. New Jersey is confronted with an array of complex challenges related to the environment and economic development. However, one issue in particular, the overdevelopment of land, had become especially concerning because of the impact it is having on our watersheds and floodplains, as well as its resulting impact on economic activity.

As many of my colleagues already know, this past August vast parts of northern New Jersey were devastated by flooding caused by severe rainfall. The resulting natural disaster threatened countless homes, bridges and roads, not to mention the health, safety and welfare of area residents. This flooding resulted in millions of dollars of damage, and area residents are still fighting to restore some degree of normalcy to their lives.

While the threat of future floods continues to plague the region, one new Jersey institution is taking concrete steps to prevent another catastrophe. The New Jersey Institute of Technology (NJIT) has been studying the challenges posed by flooding and stormwater flows for some time, and is interested in forming a multi-agency federal partnership to continue this important research.

NJIT is one of our state's premier research institutions and is uniquely equipped to carry out this critical stormwater research. The university has a long and distinguished tradition of responding to difficult public policy challenges such as environmental emissions standards, aircraft noise, traffic congestion, and alternative energy. More broadly, NJIT has demonstrated an institutional ability to direct its intellectual resources to the examination of problems beyond academia, and its commitment to research allows it to serve as a resource for unbiased technological information and analysis.

An excellent opportunity for NJIT to partner with the federal government and solve the difficult problem of flood control has presented itself in the 2000 Water Resources Development Act (WRDA). The final version of this important legislation includes a provision directing the U.S. Army Corps of Engineers to develop and implement a stormwater flood control project in new Jersey and report back to Congress within three years on its progress. While the Corps of Engineers is familiar with this problem at the national level, it does not have the firsthand knowledge and experience in New Jersey that NJIT has accrued in its 119 years of service to the people of my district and state. Including NJIT's expertise and experience in this research effort is a logical step and would greatly benefit the Army Corps, as well as significantly improve the project's chances of success.

Therefore, I urge the New York District of the Corps of Engineers to work closely with my office and NJIT to ensure the university's full participation in this study. By working together, we can create a nexus between the considerable flood control expertise of the Army Corps and NJIT, and finally solve this difficult problem for the people of New Jersey. I hope my colleagues will support my efforts in this regard.

HONORING THE SAINT ANDREW'S SOCIETY ON THEIR 100TH ANNIVERSARY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Ms. DELAURO. Mr. Speaker, it is an honor for me to rise today to pay tribute to the Saint Andrew's Society, an extraordinary institution in my hometown of New Haven, Connecticut as they celebrate their 100th Anniversary.

Founded in November of 1900, the Saint Andrew's Society quickly became an essential part of our community. In the century since, the group has grown dramatically while retaining its character as an active local force and preserver of tradition. In fact, earlier this year, as a tribute to their invaluable presence in the New Haven community, I was pleased to designate St. Andrew's Society as one of our Local Legacies for the Library of Congress' Bicentennial Project.

The members of the St. Andrew society have assumed a critical responsibility—maintaining the Italian heritage that thousands of Greater New Haven residents share. Members meet each month in an effort to lead the historic Wooster Square neighborhood that is the focus for Italian-Americans in New Haven. For as long as I can remember, St. Andrew's has played such an important role in forging the bonds of our community. Some of my fondest memories are of the times that I have spent with the people of St. Andrew's. Each year, St. Andrew's keeps our community spirit alive by organizing an annual feast where we celebrate our traditions, history and culture, bringing memories of "the old days" back for all of us. It is through efforts such as these that we renew our history and help pass it along.

The generosity of the St. Andrew's Society members extends far beyond our tight-knit community. Over the last century, members have raised millions of dollars to preserve some of our most treasured monuments—St. Michael's Church, New Haven's oldest Italian Church and the ninth-century Amalfi Cathedral in Italy. It is through such efforts that we remember our history, celebrate our friendships, and continue to strengthen the bonds of our community.

Forged through the bonds of family, St. Andrew's Society now includes fifth and sixth generation members and while none of the founding members are with us today, their decedents continue to be active in the society. The invaluable contributions of the Saint Andrew's Society are still apparent today as we gather to celebrate their centennial anniversary. It is with great pride that I stand today to extend my deepest thanks and warmest congratulations to the members of the Saint Andrew Society on their 100th Anniversary.

DEATH OF MRS. FLOSSIE PARKER BARBER

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. ETHERIDGE. Mr. Speaker, Mrs. Flossie Parker Barber died November 15, 2000, after a life that spanned 91 years. She was my fifth grade teacher. She was also the major influence that took a poor farm boy from Johnston County, described to him the wonderful world he would be entering, and then motivated him to set goals that were beyond his wildest dreams.

She did not know the meaning of the word, "can't," and she instilled that philosophy in her students.

Every individual should have the opportunity to sit before a teacher of the dedication Mrs. Barber displayed. In her 34 years of teaching at the old Cleveland Union School, she was fair and honest with all her students. But she would accept from each nothing less than all the excellence each was capable of providing.

She was never too busy to help a student; she loved us openly and with devotion; and she is, to me, the epitome of what constitutes a good teacher. She described to her students the better world she wanted, and ever since those days in the fifth grade, we have been attempting to build that world for her. Mrs. Barber gave truth to the old adage that a good teacher's influence never stops, that teachers affect eternity by the influence they have on their students.

I was lucky to have Mrs. Barber for a teacher. I was luckier still that she became my friend and advisor when I became an adult.

Mrs. Barber was a graduate of East Carolina Teachers College, now East Carolina University and was always a strong supporter of the school.

Mrs. Barber was the widow of Percy D. Barber. She is survived by one son, Robert W. Barber and his wife, Elizabeth T. Barber of Clayton. She left two grandchildren and three great-grandchildren.

A funeral service for Mrs. Barber was held at her church, Oakland Presbyterian, on November 17. Mrs. Barber had requested the following, "A Teacher's Prayer," be part of her final ceremony. The prayer is by James J. Metcalf and is presented here:

"I wanted to teach my students how,
"To live this life on earth;
"To face its struggles and its strike,
"And improve their worth.
"Not just the lesson in the book,
"Or how the rivers flow;
"But how to choose the proper path,
"Wherever they may go.
"To understand eternal truth,
"And know the right from wrong;
"And gather all the beauty of,
"A flower and a song.
"For if I helped the world to grow,
"In wisdom and in grace;
"Then I shall feel that I have won,
"And I have filled my place.
"And so I ask your guidance, God,
"That I have done my part;
"For character and confidence.
"And happiness and heart."

We shall miss this remarkable woman, who even now is undoubtedly organizing and teaching all the young angels.

RECOGNIZING SECOND LIEUTENANT KEVIN R. WHITE

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mrs. EMERSON. Mr. Speaker, I rise today to offer my congratulations to Second Lieutenant Kevin R. White on the occasion of his graduation from Officers Training School. This is a considerable achievement, which I am proud to command to the attention of Congress.

Lieutenant White is no stranger to hard work and high achievements. Before graduating from Officers Training School, as an enlisted man he worked toward no less than four different degrees. First he attended and graduated from Georgia Military College in 1989. He then went on to attend the Community College of the Air Force, where he received a degree in Metals Technology in 1991. After that he continued his education by graduating in 1996 from Wayland Baptist University with a B.S. in Occupations Education and graduating from La Verne University in 1999 with a Masters degree in Organizational Management.

Throughout his career in the military and in academia, Lieutenant White received a number of awards and honors. He was awarded two Air Force Commendation Medals and one Air Force Achievement Medal. Lieutenant White was named the Third Equipment Maintenance Squadron, Noncommissioned Officer of the Year in 1997 and the Third Equipment Maintenance Squadron Noncommissioned Officer of the 4th quarter in 1997. While fulfilling his military duties, Lieutenant White also excelled in his studies, making the President's list at Wayland Baptist University in 1996.

In addition to excelling in the Air Force and working toward a top notch education, Lieutenant White was busy fulfilling many military assignments overseas, such as completing a remote tour of Keflavik, Iceland from 1991 to 1992. Additionally, he spent over 9 years overseas in different countries, including Thailand, Iceland, Singapore, Japan, Norway, and Saudi Arabia. Lieutenant White also found time amidst his many responsibilities to volunteer to be a Big Brother while in Alaska. In fact, he received the Big Brother, Big Sister of the Year Award in 1997. Currently, Lieutenant White takes time out of his busy schedule to coach bowling for participants in the Special Olympics.

Lieutenant White has served his community and his country with great distinction. I am honored to pay tribute to his achievements and to recognize his efforts to build a better, stronger America.

HONORING THE LIBERTY SCIENCE CENTER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. MENENDEZ. Mr. Speaker, today I bring to your attention one of the premier science museums in the nation, the Liberty Science Center (LSC) in Jersey City, New Jersey.

The LSC has a unique mission to serve as an innovative, "hands-on" learning resource for the lifelong exploration of nature, humanity and technology. Its mission is to promote informed stewardship and lifelong interactive learning of the world for all ages. The staff members have extensive backgrounds in science and technology education. They work closely with regional school districts and educators in order to fulfill their goal of bringing the enjoyment of scientific discovery to children.

The LSC has recently initiated a unique, visionary "Partnership Program" with 28 at-risk school districts in New Jersey. This program provides students with a challenging inquiry-based learning experience aligned with New Jersey State Core Curriculum Standards, as well as teacher training and opportunities that encourage the whole family to get involved in the education process. Since the Partnership's inception during the 1998–1999 school year, student participation has increased from 45,000 to 160,000. The New Jersey State Legislature has already appropriated $6 million to support expansion of the Partnership Program making the Science Center and the State of New Jersey a model for other partnerships between public school systems and private institutions everywhere in the United States.

The LSC aims to complete a major infrastructure expansion project by the year 2005, so that even more at-risk students and families can reap the benefits of hands-on scientific learning. The museum seeks to emerge as a landmark destination in the region offering experiences that significantly advance the reach and impact of a complete science education both onsite, offsite and online. With this proposed expansion, LSC intends to provide an indispensable public service and remain broadly involved in the growth of Jersey City's diverse urban neighborhood as it begins a renaissance.

I would like to call upon my distinguished colleagues to join with me in the next session of Congress to make the expansion of the LSC a priority on our legislative agendas.

Our most precious resource is our children. Providing them with exciting educational opportunities to expand their horizons should always be a top priority of our nation's leaders, and I hope to continue this important work with my colleagues in the 107th Congress.

HONORING TOM CAMERLO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to recognize an outstanding citizen, Tom Camerlo of Florence, CO. Tom has recently been named an inductee into the Colorado Agricultural Hall of Fame. It has been Tom's devoted leadership to the dairy farming community that has helped him to earn this distinguished honor. At this time I would like to pay tribute to Tom for his many personal accomplishments and numerous contributions to his community and profession.

Tom attended Florence High School before enrolling at Colorado State University where he began a course of study that would prepare him for what has become a truly impressive career. He received his Bachelor of Science degree in General Agriculture and has used this knowledge to help benefit dairy farmers all over the country. Along with his education at Colorado State University, Tom also used his leadership as a Captain in the U.S. Army to benefit his community and State.

Tom has used his natural ability to lead along with his knowledge of agriculture to help further such organizations as the Mountain Empire Dairymen's Association, the United Dairy Industry Association, and the Dairy Promotion Federation Association, all in which he served in the capacity of president. Tom is also a current board and executive committee member of the National Milk Producers Federation and serves as president of the National Milk Producer's Federation, a position he has held for over a decade.

Tom's remarkable dedication to the farming industry has also earned him a number of different awards. The awards include Livestock Leader's Award from Colorado State University, the National Cooperative Statesmanship Award from the American Institute of Cooperation and he has been named Colorado Livestock Producer of the Year. Among his greatest accomplishments have been being appointed to the Colorado Agricultural Development Committee and the Presidential Advisory Committee on Trade Policy and Negotiations.

Tom, for the past six years, has been an active member of the Board of Directors for First National Bank of Florence, serving as Chairman for four years. He has also been an active member of School Board RE-2J for almost a decade and has served as president for four years. In addition to these impressive roles in his community he is also part of the Florence Elks Lodge, Lions Club, VFW, Chamber of Commerce and St. Benedict's Catholic Church.

Tom has worked very hard to help the farming community and his many accomplishments are widely admired in the dairy farming industry. He has earned the respect of this body and on behalf of the State of Colorado and the U.S. Congress I would like to congratulate Tom on this distinguished honor. I wish him the very best in his future endeavors.

SANTA CLARA COUNTY MAKES HISTORY BY PROVIDING HEALTH COVERAGE FOR ALL CHILDREN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. STARK. Mr. Speaker, Santa Clara County in California has just made history by approving a plan to provide health coverage for all of the estimated 70,000 uninsured children in the county. Unwilling to wait for national and state officials to respond to the problem, the county has obtained funding from a variety of diverse sources to ensure that children receive the health care coverage they need, starting January 2, 2001.

The county will streamline application forms, aggressively conduct outreach, and enroll the approximately 50,000 children who qualify for state and federally funded programs. For the other 20,000 children who don't qualify for existing government assistance, the county will pay the majority of their health insurance premiums.

Not only will Santa Clara County's children be guaranteed health coverage, but also they will be guaranteed comprehensive coverage. Currently, children can obtain access to health care through Medicaid, State Children's Health Insurance Program (SCHIP), and the private sector. Often, the health coverage varies widely. Under Santa Clara County's program though, all children up to the age 19 will be guaranteed comprehensive coverage of a range of services, including vision, dental, and medical care.

I want to commend Santa Clara County for being the first in the nation to set its sights on covering all children with health insurance. The county has proactively found a solution to our nation's pressing problem of the uninsured and has built partnerships with diverse groups to achieve coverage for all children.

I hope that other counties, states, and the federal government will follow Santa Clara County's lead. With over 10 million uninsured children in this country, the problem faced by Santa Clara County is one that is faced by numerous counties across America. This year, I introduced H.R. 4390, the MediKids Health Insurance Act to provide health coverage for every child in the country. It would provide a health care safety net for uninsured children by guaranteeing access to comprehensive medical care.

MediKids, which builds on our successful experience with Medicare, is one approach to ensuring coverage for all children in the nation. There are alternative approaches that build on other existing programs, similar to the new effort being undertaken by Santa Clara County. I hope everyone in Congress can join in continuing our efforts to expand coverage to our nation's uninsured children. Passage of the SCHIP program in 1997 has certainly moved us forward, but much more needs to be done.

All of our nation's children deserve a healthy start in life. For the children living in Santa Clara County, they should now get precisely that.

RECOGNIZING THE EFFORTS OF THE GOLD STAR WIVES CHAPTER OF COLUMBUS, GA

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. COLLINS. Mr. Speaker, our nation is blessed by many veterans organizations including the Veterans of Foreign War and the American Legion. These organizations honor the living veterans and the deceased for their service to our country. But I would like, at this point, to remind the House of another veterans group which keeps alive the memory of veterans. The Gold Star Wives of America is a national organization composed of the spouses of men either killed in action, or who died as a result of an injury or disease incurred while on duty.

The Chattahoochee Chapter of the Gold Star Wives of America has been particularly active. Thirty years ago, they began setting out flags on Columbus' Victory Drive on holidays honoring our veterans. This is one of the city's finest sights, with the star spangled banner waving on both sides of the avenue.

Mrs. Wanda Funderburk, the Chattahoochee Gold Star Wives Club's president, says the other veterans groups help them place 120 flags along this road. They do this twice a year, and sometimes more often.

The Chattahoochee Gold Star Wives became the first chapter in the organization to place a monument in a veterans cemetery when it erected a monument on the Fort Mitchell, Alabama veterans cemetery's Walk of Honor.

Mr. Funderburk has been with the Gold Star Wives since 1985, when her husband, a Korean War veteran died. She is one of 80 fine women who are keeping the spirit of patriotism and the memory of our veterans' sacrifices alive in Columbus, Georgia.

Mr. Speaker, Mrs. Funderburk describes her chapter as: "We have a really nice bunch of ladies and we still believe in honoring what our husbands did, and not only our husbands, but all veterans, regardless of race, creed or color, or religion. We think there is no better way to honor our men than to raise the flag."

"I'm like a child, whenever I drive down Victory Drive and see those flags, I still get tears in my eyes," she said the other day.

That is not being a child, that is being a patriot.

TRIBUTE TO BANGOR DAILY NEWS COLUMNIST JOHN DAY

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. BALDACCI. Mr. Speaker, earlier this month, the long-time Washington correspondent for the Bangor Daily News retired. John Day worked for my hometown newspaper for nearly 40 years. During a distinguished career in which he filed more than 15,000 news stories, he covered municipal government in Bangor and state government in Maine's capital city of Augusta. Since 1978, John has reported on Federal issues from Washington. In that same year, he was chosen Maine Journalist of the Year by the Maine Press Association—the first time a reporter had been selected.

In addition to reporting on some of the most important national issues of the past two decades—including early, insightful stories about the Iran-Contra matter—John Day has delivered more than 1,700 opinion columns which have provided a unique perspective on the American political scene.

Knowledgeable and aggressive, John Day shared a wealth of information with generations of Bangor Daily News readers. Whether they appreciated John's viewpoint or not, they always knew where he stood. Never shy about saying what was on his mind, John inevitably gave readers something to consider.

As a Member of Congress, I have become better acquainted with John and have enjoyed the experience. John covered my father as a City Councilor in Bangor during the early part of his newspaper career in the 1960's, and concluded it covering myself and the other Members of Maine's congressional delegation at the start of a new century.

As John starts a new chapter in his life, I wish him the very best. My hometown newspaper will certainly be less colorful and it will never be the same.

IN RECOGNITION OF DR. CARMELA ASCOLESE KARNOUTSOS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Dr. Carmela Ascolese Karnoutsos for her dedicated service to the community of Bayonne, NJ, and for her exceptional contributions to the field of women's history. Today, Dr. Karnoutsos will be presented with the Volunteer of the Year Award at the Bayonne Historical Society's annual Holiday Dinner Dance.

Dr. Karnoutsos graduated Magna Cum Laude from Jersey City University and received her Master's Degree and Ph.D. at New York University. She is currently Professor of History at New Jersey City University (NJCU), specializing in women's history and new Jersey history. She is the author of New Jersey Women: A History of their Status, Roles and Images (1997). At NJCU, Dr. Karnoutsos has served as the Chair of the History Department, as Chair of the Intercollegiate Athletic Council, and as a member of numerous committees, including the General Studies Coordinating Committee.

Dr. Karnoutsos is a charter member of Bayonne Historical Society, Inc., and has been a trustee since its founding in 1990. She has spoken at many of the society's programs and events, edited and contributed articles regarding the city of Bayonne, and recently developed the society's web sight. In addition, she recently became a member of the Bayonne's Historical Preservation Commission, which was formed in 1999.

As an important authority on the history of New Jersey, Dr. Karnoutsos presented the keynote address at the 125th anniversary of Bayonne in 1994; served as the moderator of the city's mayoral debate in 1998; and appeared in the video "What is a Freeholder? An evaluation of the Role of County Government."

Because of her dedication to the history of New Jersey women, Dr. Karnoutsos has made great contributions to the Women's Project of New Jersey, Inc., as associate editor of its publication Past and Promise: Lives of New Jersey Women (1990), and as a member of its editorial board.

I ask my colleagues to join me in recognizing Dr. Carmela Ascolese Karnoutsos for her exceptional contributions to the history of women and New Jersey, and for her selfless service to her community and country.

IN COMMEMORATION OF JEROME M. MILLER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate a dear friend and a loyal and devoted member of the Lauderhill, Florida community, Mr. Jerome "Jerry" M. Miller. Sadly, Jerry Miller passed away on November 1, 2000 and his guiding presence in the Inverarry community will be greatly missed.

After moving to South Florida in 1974, Jerry Miller took an active role in ensuring that the City of Lauderhill, and in particular the Inverarry community, remained a beautiful and harmonious residential area where residents could enjoy their picturesque surroundings. Jerry worked hard to ensure that as South Florida grew, Lauderhill and Inverarry would remain a pleasant and desirable place for people to live. Jerry served on several city boards where he consistently advocated for positive and aesthetically pleasing development. Similarly, as the President of the Inverrary Association, Jerry accepted nothing less than top rate planning which would enhance and improve the beauty and spirit of his community.

In one of his last great projects, Jerry took the lead in the conceptual and physical development of the Inverrary Meditation Park. These serene gardens filled with exotic fauna, chirping birds, and tropical fish ponds have become a centerpiece of the community. Here residents come to reflect on their thoughts, talk with their neighbors and enjoy the tranquility of their tropical surroundings. In this peaceful park, as in the hearts of those who knew him, the spirit of Jerry Miller's care and commitment to his community will forever be remembered.

TRIBUTE TO BETTY ANN DITTEMORE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. McINNIS. Mr. Speaker, it is with great sadness that I take this moment to recognize the accomplished life and admirable career of Betty Ann Dittemore. Betty, a former Colorado State representative, recently passed on at age 81. While her friends and family mourn her passing, I would like to take this opportunity to honor a truly amazing lawmaker—a woman who encompassed profound strength in all realms of life.

After campaigning using her initials (B.A.D.) as a slogan, Betty was elected to the Colorado House of Representatives in 1968, becoming the first woman from Arapahoe County to be elected to the state legislature. While serving in office from 1968 to 1978, Betty engaged in one of Colorado's fiercest battles: passing Colorado's first comprehensive planning law, a feat that would not have been possible without her wit and tenacity. Throughout her time in office, she successfully climbed in leadership positions serving as minority whip and later as majority leader.

She was instrumental in creating the Colorado Housing and Finance Authority, an authority that has become eminently successful in assisting the state's poor and elderly in finding reasonably priced homes. In 1980, she became an Arapahoe County Commissioner, where she was able to bring the same experience and expertise to the Board of County Commissioners that she brought to the legislature.

Mr. Speaker, there are few people in Colorado's proud history who have served as zealously and wholeheartedly as Betty. Her career was a model that every official in elected office, including myself, should seek to emulate. I know I speak for the state of Colorado when I say she will be greatly missed. However, the mark that she left will not be soon forgotten.

GEN. JUSKOWIAK'S REMARKS BEAR REPEATING

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. COLLINS. Mr. Speaker, I was privileged recently to hear Major General Terry Juskowiak speak about the role of the soldier in the United States. I was impressed by what he had to say, and would like to submit his remarks in the CONGRESSIONAL RECORD:

It is truly an honor for me to be here today and to participate in this luncheon honoring Veterans—past and present.

Do we have any Jeff Foxworthy fans here? Let me do a take off on Jeff and say . . .

You might be a veteran if:

Your spouse responds to "hooah" and understands what it means regardless of the context you present it in.

You might be a veteran if . . . when you go camping, you ridicule other campers for setting up their tent down wind and down slope of the latrine.

You might be a veteran if . . . you still have an urge to line up your shoes under your bed.

Or . . . your two-year old calls everyone in BDUs "daddy." You might be a veteran if . . . when your kids are too noisy, you announce "at ease!"

You might be a veteran if . . . you've seen the movie "Patton" enough times to memorize his speech.

Or . . . cable news is your favorite program. The History channel is your next favorite.

You might be a veteran if . . . you ruin movies for everyone around you by pointing out the unrealistic military scenes.

And the biggest indicator you might be a veteran is

. . . if you understood and related to this list!!!

In a little over a week, our nation will observe Veterans Day. To some Americans, it will be viewed simply as a day off from work; a day to kick back and relax.

We all would be wise to instead recognize it as a significant national holiday . . . a day where we pause and honor all veterans who have served to fight for and protect the freedoms we enjoy—to enjoy our prosperity and our freedom to be able to kick back and relax.

As George Orwell wrote, "We sleep safely in our beds because rough men stand ready in the night to visit violence on those who would do us harm."

If you like your freedoms—thank a veteran.

I would ask the Veterans with us here today to please stand up. Ladies and gentlemen, let's recognize these distinguished individuals.

Let's pause for a moment and seriously reflect on just what is a veteran.

Some veterans bear visible signs of their service; a missing limb, a jagged scar, a certain look in the eye.

Others may carry the evidence inside of them, a pin holding a bone together, a piece of shrapnel in the leg—or perhaps another sort of inner steel. The soul's ally forged in the refinery of adversity.

Except in parades, however, the men and women who have served their country and kept it safe, wear no badge or emblem. You can't tell a vet just by looking.

Most veterans live quietly and anonymously among us. They are our grandparents to some, parents to other's, brothers and sisters to many.

Just who is a veteran? A veteran might be the elderly gentleman at the supermarket—palsied now and aggravatingly slow—who helped liberate a Nazi death camp in WWII and who wishes all day long that his wife were still alive to hold him when the nightmares come.

He is the retiring businessman whose coworkers never guessed that behind his quiet demeanor is the hero of four hours of exquisite bravery against near impossible odds—50 years ago, in the bitter cold, near the 38th parallel of Korea.

She—or he—is the nurse who fought against futility and went to sleep sobbing every night for a solid year in the heat of Vietnam.

He is the cop on the beat who spent six months in Saudi Arabia sweating two gallons a day making sure armored personnel carriers didn't run out of fuel.

He is the POW who went away one person and came back another—or didn't come back at all.

He—or she—is the person who served in the garrisons and training fields of our country. Who did not deploy, but served in ways that don't grab headlines. Who kept on doing what we are paid to do—training soldiers. And who played a critical role in caring for the families left behind.

A veteran is the three anonymous heroes in The Tomb of the Unknowns, whose presence at the Arlington National Cemetery must forever preserve the memory of all the anonymous heroes whose valor dies unrecognized with them on the battlefield, or the ocean's sunless depths.

Or close to home, a vet is a 22-year-old sailor named Cherone Gunn, who left his aunt and uncle's house (Mr. and Mrs. Taylor) in Rex, GA to join the Navy, serve his country and get some experience. But instead, while serving aboard the U.S.S. *Cole*, was killed in the prime of his life by a senseless terrorist act.

A veteran is an ordinary and yet extraordinary human being. A person who offered some of his life's most vital years in the service of our country, and who sacrificed his ambitions, and all too often his life, so others would not have to sacrifice theirs.

A veteran is a soldier, sailor, airman or marine. A citizen—a "regular guy or gal" who answered our country's call to service.

A veteran is America's sword against the darkness, the embodiment of the finest, greatest testimony on behalf of the finest, greatest nation ever known.

A veteran is an American citizen who also embodies the words of Oliver Wendell Holmes:

"What lies behind us and what lies before us are tiny matters compared to what lies within us."

Because a veteran sees service to our country as an affair of the heart.

I'd like to share with you for a minute a short poem whose authorship is unknown. It is entitled "It's the Soldier!" But it speaks to all service members . . . to all service members of this magnificently free country:

It's the Soldier!
When the country has been in need, it has
Always Been The Soldier!
It's the soldier, not the newspaper which has
given us
the freedom of the press—
It's the soldier not the poet, who has given
us the freedom of speech—

It's the soldier, not the campus organizer, who has given us the freedom to demonstrate—
It's the soldier, who salutes the flag, and serves under the flag—
It's the soldier whose coffin is draped with the flag,
Who allows the protester to burn the flag—
And, it's the soldier who is called upon to defend our way of life!

Millions of Americans have served this country since the days of the American Revolution, Many have made the ultimate sacrifice. And many are buried at Arlington or a host of other national and private cemeteries at home and abroad.

The road we have traveled to get to where the world is today was made possible by the sacrifices of our veterans, and their families.

So remember, each time you see someone who has served our country, just lean over and say "Thank you." That is all most people need, and in most cases, it will mean more than any medal they could have been awarded.

I keep a poem with me when I am deployed. At home, it also sits on my desk. Its author is a Vietnam veteran, George L. Skypeck.

George's poem reminds me of how proud I am of my profession. I'd like to share it with you. It has special meaning to me—I'm sure it will to our veterans and their families as we pause to honor them on this special occasion:

I was that which others did not want to be.
I went where others feared to go, and did what others failed to do.
I asked nothing from those who gave nothing and reluctantly accepted the thought of eternal loneliness . . . should I fail.
I have seen the face of terror, felt the stinging cold of fear, and enjoyed the sweet taste of a moment's love.
I have cried, pained and hoped . . . but most of all,
I have lived times others would say were best forgotten.
At least someday I will be able to say that I was proud of what I was . . . A Soldier.

On behalf of a very grateful nation, I thank all veterans and their families for their sacrifices and their service.

Americans can sleep safely at night. And Americans owe you an eternal debt of gratitude.

THE IMMIGRANT'S JOURNAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to the publication that has been making a significant contribution to the immigrant community in Brooklyn—The Immigrant's Journal.

The Immigrant's Journal is a widely read and widely distributed newspaper in New York City, dealing with immigration and related issues facing the 2 million immigrants living in New York City. In the pages of the Immigrant's Journal, one will find articles on immigration, family matters, real estate, the criminal justice system and the political system. With the vast array of immigration related legislative proposals before Congress, and the multiple problems facing immigrants in the processing of their visas, it is indisputable that this journal represents an idea whose time has come. Apart from its purely informational mission, the Journal seeks to correct and change the misleading stereotypes which some native-born Americans may have of the immigrant community. It seeks to document the positive achievements which immigrants have made in the field of entrepreneurial activity, culture, and politics.

Mr. Speaker, I recall that thirty years ago, many parts of Brooklyn were in a state of urban decay and economic stagnation. People were moving out of the area, businesses were closing and many homes were either abandoned or placed in the market. After the massive influx of immigrants in the 1970's, there has been an economic transformation in Central Brooklyn. New businesses have been erected, buildings have been rehabilitated, and thousands of homes been purchased. The pulsating rhythms of reggae and soca have become part of a new musical genre and the Labor Day Carnival in Eastern Parkway has become the largest block party in North America.

Caribbean immigrants have not only contributed to entrepreneurial activity and culture, they have made a significant contribution to the political culture of our city. The first Black Assemblyman in our borough, the Honorable Bertram Baker, was from the Caribbean. So were our first Black female Congressperson, the Honorable Shirley Chisolm, and the dean of political strategists, the Honorable Dr. Wesley McHolder. The first Black Borough President of Manhattan, the Hon. Hulan Jack was from the Caribbean and the Chief Judge of the Federal Court in the southern district, the Hon. Constance Baker Mottley.

Mr. Speaker, immigrants have made a glorious contribution to the rich tapestry and multi-cultural quilt that we call the American heritage. It is a story that needs to be told, and this newspaper, the Immigrant's Journal, is one of the publications that seek to recount this American saga in a clear and eloquent language.

WORLD FLIGHT 2000: AN EXTRAORDINARY JOURNEY

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Ms. SLAUGHTER. Mr. Speaker, I would like to bring to this chamber's attention a remarkable odyssey that will come to its successful conclusion on December 15: World Flight 2000.

In 1996, high school students Daniel Dominquez and Christopher Wall dreamt of becoming the youngest individuals ever to circumnavigate the globe. Just four years later, that dream is on the verge of reality. Supported by a spectacular team of coordinators, these two young pilots are about to finish a two-month flight around the world in their plane, the Dreamcatcher.

There is a great deal more than just the youth of the pilots, however, that makes this accomplishment extraordinary. The World Flight 2000 team has gone to great lengths to make their trip a learning experience for children all over the world. Their website, www.worldflight2000.com, includes daily logs from the crew, dozens of photographs from their trip, and an-up-to-the-minute live tracking screen to follow the plane. At every stop, World Flight 2000 meets with as many schoolchildren as possible to talk about their dream, their trip, and the exotic places they have seen. Students were encouraged to e-mail the pilots with questions throughout the trip, which they answered en route.

Dreamcatcher and her crew took off from Rochester, New York on September 12 and stopped in Maine and Canada before striking out across the Atlantic Ocean. Since then, stops have included Spain, Greece, Egypt, Oman, Thailand, Australia, Vanuatu, and American Samoa. For each place Dreamcatcher visits, the World Flight 2000 website lists a host of information, ranging from customs to environment to government to recipes.

The trip has been filled with challenges. Beyond the expected issues of weather and maintenance, the crew has had to deal with troublesome control towers, flight plan glitches, and illness. Yet they have come through all of these problems with, as they say, flying colors.

I am proud to claim virtually the entire World Flight 2000 team as my constituents. Pilot Dan Dominquez is a senior at the University of Rochester, where he studies economics. Pilot Chris Wall is a 21-year-old junior at Rice University, majoring in electrical engineering. Flight photographer Jesse Weisz graduated from the University of Rochester with an Honors Major in Film. International Director/Coordinator Jenni Powers is a 21-year of recent graduate of the Univerisity of Rochester, where she obtained her International Relations degree. Local publicist John Galbraith has donated hundreds of hours to coordinate press, marketing, and corporate sponsorship. Dozens of local volunteers have been inspired to get involved, helping with everything from public relations to rehabilitation of the aircraft.

Mr. Speaker, these young people are out there achieving something that most adults would never undertake simply because the prospect is so daunting. Yet they have managed to conquer not only the practical, financial, logistical, and other hurdles, but the entire globe as well.

I invite my colleagues to join me in saluting World Flight 2000 for proving to us all that, "Anything is possible if you just dream!" Welcome home, Dreamcatcher!

TRIBUTE TO MRS. LENA ROBERTA MURRELL WHITE

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. ANDREWS. Mr. Speaker, I rise to salute the cherished American tradition of motherhood. That tradition is exemplified in an extraordinary mother by the name of Mrs. Lena

Roberta Murrell White. Daughter, Sister, Wife, Mother and Friend. Mrs. Lena White has been and is all of these and more. She was daughter Lena growing up in the farming country of North Carolina. Younger sister in a large brood she was a shining light in that big family. She was wife to James E. Murrell and bore him nine children, raising them all in love and happiness while working harder than any three people. After his passing she was wife to James White and took his children as her own, loving and protecting them. And everywhere she has gone there are a host of friends eager for her return. From the streets, hedges and rows of Greenville, North Carolina through the well kept manicured lawns of Wilmington, Delaware to the hustle and bustle of Camden, New Jersey, her friends are legion. Now in her eightieth year she can reach out to a large family of adoring children, grandchildren and great grandchildren. She continues as an example to us all of living a life in harmony with God. We love her and always shall, and today we honor her in this place through this body for length of days.

HONORING REPRESENTATIVE CHARLES CANADY

HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. SCARBOROUGH. Mr. Speaker, today I pay tribute to my colleague from the 12th Congressional District of our great State of Florida, Representative CHARLES CANADY.

CHARLES has a long and illustrious record for serving the district that he calls home. Born and raised in Lakeland, he went on to obtain his education from Yale. After graduating in 1979, he returned home to become a practicing attorney in Polk County, where he worked before running for Congress.

From 1984 to 1990, he served in the Florida House of Representatives, where he was honored as the Most Effective First Term Legislator. During that time he worked to reduce the role of government in the lives of Florida's citizens by helping pass major reform legislation. CHARLES also worked to strengthen Florida's laws on criminal justice, serving as Chairman of the House Appropriations Subcommittee for Criminal Justice and as a member of the Crime Prevention and Law Enforcement Study Commission. He was elected House Majority Whip from 1986 to 1988.

I have had the pleasure to serve with CHARLES on the Judiciary Committee where we have worked to make our judicial system stronger. He knows the law, thinks pragmatically, and is one of the hardest workers I have ever come across.

CHARLES has not only been one of the most productive and effective legislators in this House, he has also been extremely dedicated to each and every one of his constituents back home. His constituent outreach program is proof of his commitment, and I am sure there are many people in Florida's twelfth district that will miss his tireless service, diligence, enthusiasm, and dedication.

To the detriment of this House, CHARLES, a staunch supporter of term limits, promised during his campaign in 1992 to serve no more than four consecutive terms. The twelfth district, the State of Florida, and indeed the entire United States can be proud of CHARLES CANADY. His tenure here in the House is highlighted with many accomplishments and is eternal evidence that CHARLES is the consummate statesman. I thank CHARLES for his service and his friendship, and I wish him and Jennifer many years of happiness in the future.

IN RECOGNITION OF GERMAINE ORVILLE "JERRY" KOOIMAN

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. HOEKSTRA. Mr. Speaker, I would like to take this opportunity to recognize the work of one of my staffers in Michigan, Germaine Orville "Jerry" Kooiman, who is leaving my office after eight solid years of service.

Jerry has been a member of my staff since I first joined Congress in 1993, working as my Director of Constituent Services for nearly all of that time. Jerry is the person in my district offices who made sure the trains ran on time and made sure that the constituents of Michigan's Second Congressional District were being served.

Since 1995, Jerry has juggled this job with the task of being a Kent County Commissioner, ably representing the county's 16th District in his hometown of Grand Rapids. During his tenure on the county Board, Jerry has served as Chairman of the Kent County Board of Public Works and Vice Chairman of the county's Legislative and Human Resources Committee.

A native of Waupun, Wisconsin, Jerry's adult life has been dedicated to public service. After graduating from Calvin College with a Bachelor's degree in Political Science in 1984, Jerry initially worked as a campaign worker then as a district staff assistant to Congressman Paul Henry through 1992 before joining my office. In all, Jerry has been a conscientious Congressional staffer for 16 years.

However, our loss is Michigan's gain. In January, Jerry will embark on the next phase of his life as an elected state legislator, representing the 75th District in Michigan's House of Representatives. I have no doubt that he will take the many skills that he has developed over the past two decades and use them to serve his constituents and the entire state of Michigan with the highest standards.

Thank you, Jerry, for all your hard work and good advice. I wish you the best success as you move on to the state Capitol in Lansing.

TRIBUTE TO THE LATE JAMES DAKEN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Ms. KAPTUR. Mr. Speaker, with great respect, gratitude, but sadness, I enter into the CONGRESSIONAL RECORD the life story of Mr. James Daken, one of the most accomplished city managers in our nation, who died earlier this year in Peoria, Illinois.

For those of us who knew Jim as City Manager for the City of Toledo, there is no question his professionalism and leadership remain with us even until today. He served our community honorably, beginning in 1967, and then moved to Peoria in 1979 to continue his work building America's midwestern heritage. For certain, it was Toledo's loss and Peoria's gain.

I can remember Jim as the type of manager that would compliment other city employees, even beginning staffers in low level positions. He was a team builder and lifted public administration to a higher level in our community, for which we remain grateful always.

To his wife, children, and family, may I officially extend deepest sympathy coupled with true admiration for a superb public servant who moved America forward in the 20th century.

[From the Blade, Toledo, OH, July 12, 2000]

EX-TOLEDOAN SET U.S. RECORD AS CITY MANAGER

James B. Daken of Peoria, Ill., a former Toledo city manager who was America's youngest manager of a major city when he took the job at age 29, died of lung cancer Monday in his home. He was 58.

In 1971, the International City Management Association named him one of its 10 outstanding young men.

Mr. Daken, who was born, raised, and educated in Cincinnati, came to Toledo in July, 1967, when he took the job of assistant city manager. He was promoted to city manager in March, 1971, and held the post until October, 1976, when he moved to Hartford, Conn., to become its city manager.

Former Mayor Harry Kessler credited Mr. Daken with being "largely responsible for the success I had as mayor. He and [the late] Frank Pizza did the most. I was questioned seriously about hiring a 29-year-old as city manager, but Jim was a 29-year-old going on 39 years old or 49."

Under the city charter at the time, city council selected the city manager from candidates recommended by the mayor.

Mr. Kessler said after he became mayor, he organized a citizens committee to study municipal government to help city officials identify problems and possible fixes.

"More than 90 per cent of the committee's recommendations were adopted," Mr. Kessler said. "Jim Daken was responsible for organizing the recommendations of the committee so that they could be made into ordinances that would pass council's scrutiny."

Ohio Supreme Court Justice Andy Douglas said he was a member of the Toledo council committee that selected Mr. Daken for the city manager's job.

"His major contribution was bringing stillness to troubled waters," Justice Douglas said. "He inherited a number of cumbersome, difficult, and complicated matters, and he provided solutions generally acceptable to all."

Expansion of Toledo's water and sewer services to outside communities in Lucas and Wood counties was a priority with Justice Douglas as a councilman, and he credited Mr. Daken with helping the city to achieve those sales.

"The only thing the city makes money on is the sale of water," Justice Douglas said. "I think the city's water-pumping capacity was increased from about 140 to 160 million gallons a day, and there are plans to raise that to more than 200 million gallons. He was directly involved in bringing that about."

Former Toledo Councilwoman Carol Pietrykowski said she was chairwoman of the council committee that hired Mr. Daken. She noted that "Jim came in and made a presentation, very professionally, and I was impressed with it. Whatever Jim did, he did well."

Later, Mr. Daken as city manager impressed Mrs. Pietrykowski again with his ability to explain to each council member complicated legislation that was coming before council.

"He was the most communicative and the easiest city manager to work with while I was on council," Mrs. Pietrykowski said. "When there was an issue, he would come to every councilman. He would answer every question we had. And he was very fair with the city council's office staff."

Mrs. Pietrykowski added that Mr. Daken "knew who he worked for. It was city council in those days."

J. Michael Porter, a former city manager, said that when he was Toledo's director of natural resources and parks and working for Mr. Daken, he was most impressed with Mr. Daken's memory "and his style. I think he brought a presence to the position that was very important. When he was city manager and he appeared in front of the media, you always felt you were in good hands with Jim Daken."

Mr. Porter added that Mr. Daken was a "professional's professional. He believed in the city-manager system and did everything he could to enhance the profession."

Mr. Daken was city manager in Peoria from 1979 to 1987 and was vice president of the Foster and Gallagher, Inc., mail order and telemarketing firm in Peoria from 1987 to 1996. He was executive director of the Peoria Historical Society from 1997 to 1999, when he took his most recent job as Peoria County administrator.

His daughter, Amy, described him as a very intelligent and just person who "had a lot of integrity. I think he just really tried the hardest to do what he truly believed was right. He had a very strong sense of social justice and civil rights: He always stood for people who were oppressed and always thought about them."

She added that he recently told her a story about his trip to Peoria just before he became city manager there.

"The first thing he said was, 'Show me the slums, because that's what the state of the city is,'" she said.

He also recently refused to get a higher pay increase than the people working for the county under him, she said.

Raised in Cincinnati where he finished high school, Mr. Daken held a bachelor's in political science and a master's in public administration from the University of Cincinnati. In 1964, he began his career as a student intern for the city of Cincinnati. He later worked as a budget analyst for the city of Cincinnati until the city of Toledo hired him as its assistant manager.

Mr. Daken was a member of Toledo's Downtown Kiwanis, Old Newsboys Goodfellow Association, American Society for Public Administration, Children's International Summer Villages Association and YMCA, Peoria Rotary Club, where he was president in 1997, and the Peoria Symphony, for which he was a longtime member of the board.

Surviving are his wife, Peggy; daughters, Amy and Sarah, and sons, Russ and Kevin.

Memorial services will be at 10 a.m. tomorrow in St. Vincent de Paul Church, Peoria. Visitation will be after 4 p.m. today in Wright and Salmon Mortuary, Peoria.

The family request tributes to a charity of the donor's choice.

TRIBUTE TO SILVIA RILEY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. GOODLING. Mr. Speaker, I rise today to pay tribute to a longtime staff member of the Committee on Education and the Workforce, Silvia Riley. She came to the House of Representatives 35 years ago to work in a Member's personal office, Clement Zablocky. In January 1970, she joined what was then the Education and Labor Committee as a secretary. In 1977, her title changed to staff assistant, and the following year she was promoted to Minority Clerk. Three years ago, Silvia's title changed again, and she became the Financial Administrator.

No matter what her title has been, Silvia's role has remained constant. She is one of the pillars of the committee, ensuring that administrative functions run smoothly. Silvia Riley is the person who orients new staff members, and she is the last person departing staff members see, to turn in their keys.

Silvia has always handled all aspects of her work in an exemplary fashion. The committee has passed its annual reconciliation by the General Accounting Office with flying colors for as long as Silvia has been the Financial Administrator.

Silvia has served under six Republican Ranking Members and one Republican Chairman. Throughout her tenure, she has exhibited an extraordinary personal commitment to the committee. One of her most memorable challenges occurred when Republicans became the Majority after the 1994 elections. Silvia was at work on New Year's Day, preparing space and materials for the Republican Majority staff.

Silvia has always been there for the Members and staff, whether it's problems with supplies or guidance on where to turn for special requests. Whenever a major project needs additional volunteers, Silvia is always the first to sign up.

Mr. Speaker, as you know, I, too will be retiring at the end of this Congress. I am very fortunate to have had my 26 years here coincide with Silvia Riley's. Members and staff join me in wishing her all the best as she leaves the committee to devote time to her family, particularly her mother. They are fortunate to get her back, and the committee was lucky to have her on board for 31 years.

IN RECOGNITION OF JACOB HEILVEIL, TONY VOLPONTEST AND JENNIFER BUTCHER, U.S. PARALYMPIC TEAM ATHLETES

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. INSLEE. Mr. Speaker, it is with great admiration that I recognize these members of the U.S. Paralympic team. These extraordinary athletes have overcome great barriers to achieve athletic feats among their peers.

These athletes have recently competed at the Paralympic Games in Sydney, Australia, one of the most elite multi-disability sports competitions. They have contended with a record setting 3,824 athletes from over 120 countries.

Jacob Heilveil, from Bothell, has competed in several sports including basketball and notably as a marathoner. Born in Korea, Jacob contracted polio and was left with residual paralysis and the determination to succeed. In Sydney, he raced as part of the men's wheelchair relay and in the marathon. racing in the paraplegic classification, he finished the marathon course in 1 hour, 36 minutes and 6 seconds.

Tony Volpentest, from Mountlake Terrace, is the current world record holder in the 200-meter sprint with a time of 23.07 seconds. He competed in his first Paralympics in 1992 and has been returning successfully since then. In 1996, he won two gold medals and broke both world and Paralympic records. His time for the 100-meters, 11.36 seconds, is barely behind the time for able-bodied athletes, 9.86 seconds. Tony was born without hands or feet, but that has not stopped him from setting new records and frequently beating able-bodied athletes at numerous other races. Tony's grandfather, Sam Volpentest, a Tri-Cities leader, justifiably expresses his pride in Tony's accomplishments.

Jennifer Butcher came to these games as her first international competition. She participated in several swimming events: the 200-meter individual medley, 100-meter breaststroke and 50-meter freestyle. Jennifer, an Issaquah native, left Sydney with a bronze medal in the women's visually impaired class of the 100-meter freestyle. At home in Portland, she works at a school for the blind.

Mr. Speaker, I commend these athletes for their determination, hard work and incredible success. I ask my colleagues to join me in saluting their fine example of sportsmanship and success on the international stage.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 6540, important legislation that removes barriers to housing affordability and encourages homeownership for low and moderate-income Americans.

H.R. 5640 incorporates much of H.R. 1776, a comprehensive housing bill that I cosponsored and which House passed overwhelmingly in April 2000 with my support. The most far-reaching provision of this bill would extend down payment assistance to low and moderate income families, under the Section 8 Program. Specifically, H.R. 5640 would vest local housing authorities with the power to provide a single grant for down payment assistance in the purchase of a home, moving families who receive Section 8 housing rental assistance into the realm of "homeowners". I support H.R. 5640 because it not only broadens the availability of affordable housing choice for many deserving American families, it also removes the disincentives to the production and availability of affordable housing programs.

H.R. 5640 provides for the establishment of a FHA down-payment formula by which lenders and borrowers calculate the amount of down-payment required for an FHA loan, dramatically improving the operation of the Federal Housing Administration's single-family program. This technical correction improves FHA administrative efficiency and provides the home buying industry and their customers a readily comprehensible tool for calculating the down-payment for an FHA loan.

As a member of the House Banking Committee, I strongly support provisions in H.R. 5640 that will make technical corrections and clarifications to the Homeowners Protection Act. This law ensures that homeowners have the right to cancel their Private Mortgage Insurance (PMI) on their home mortgages once the homeowner attains a certain level of equity in the home (usually 22%, but in some cases 20%). This measure clarifies that PMI cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule that is currently in effect. This provision ensures that consumers get full benefit of any adjustments that have been made based upon recent calculations. Moreover, under this provision, consumers with a "good payment history" will be given the explicit right to cancel their PMI, removing any existing ambiguity about this term. I strongly believe that these corrective provisions improve consumer protections and substantially improve the Homeowners Protection Act.

With respect to consumer protections, H.R. 5640 would provide elderly homeowners with additional measures to refinance their reverse mortgages while establishing protections to shield them from fraud and abuse. I am pleased that senior citizens in Texas' 25th District, who have only recently been given the "green light" from HUD to take out reverse mortgages, would be allowed to refinance these federally-insured home equity conversion mortgages under this provision of H.R. 5640. This provision would enable seniors to obtain loans up to the higher FHA loan limits, enacted in 1998. I am also pleased that this measure orders HUD to prohibit broker fees, limit origination fees for refinanced reverse mortgages and, in cases where loan proceeds are used for the costs of long-term medical care insurance, instructs HUD to waive the upfront mortgage insurance premium.

As the Ranking Democrat on the House Budget Committee's Housing and Infrastructure Task Force, I am especially pleased to support this legislation because it includes a section dealing with prevention of fraud in the Department of Housing and Urban Development's (HUD) 203(k) home acquisition and rehabilitation program. I have been working on this specific issue for several years, and with the assistance of my colleague RICK LAZIO, the U.S. General Accounting Office (GAO) agreed to review and investigate HUD's Title I program in 1998. The Title I program, the oldest government housing program, provides low-income homeowners with government backed loans of up to $25,000 to finance personal home repairs, with the money distributed directly to the contractor. I know of too many cases where unscrupulous contractors have targeted low-income homeowners, convinced them to take out large home repair loans, and then failed to perform the contracted work.

As a Congressman from the Houston area, this issue has particular resonance. In recent years, several investigative news reports in Houston have uncovered cases where unscrupulous contractors used this government's guaranteed FHA loan program to defraud homeowners in and around my district. Many of these homeowners are elderly and live on fixed incomes and had been the victim of shady contractors who provided shoddy or incomplete work. Many of these elderly homeowners were forced into default, and the taxpayers were left holding the bill. I am pleased that this legislation includes important provisions to strengthen the anti-fraud provision in the guaranteed FHA program.

Finally, with all that is good in H.R. 5640, I am, however, disappointed that it abandons a key provision of H.R. 1776 which would make available a 1% down FHA mortgage loan for qualified teachers, police, fire fighters and municipal employers when purchasing a home in the community they serve. Congressional Budget Office estimates show that, over a five-year period, this provision would provide 125,000 new loans, helping rebuild and strengthen neighborhoods.

I urge my colleagues to open and expand the opportunity of homeownership by supporting this important bi-partisan legislation.

TRIBUTE TO LARS-ERIK NELSON

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. KING. Mr. Speaker, together with so many Americans—particularly New Yorkers—I was deeply saddened by the tragic and untimely passing of Lars-Erik Nelson. Lars was a uniquely gifted journalist of unsurpassed integrity and courage.

I will be eternally grateful that I was able to call Lars my friend—for he was a friend in every sense of the word. Whether it was discussing the issues of the day, demonstrating concern for someone else's health problems or giving an encouraging word, Lars was always there.

Although he had every right to do so, Lars never took himself seriously. Very simply, it was always a delight to be in his company. When my wife Rosemary was in Washington, she and I would enjoy getting together with Lars and his wife Mary for dinner. Lars was raconteur, gourmet and wine connoisseur. What better way could there be to spend an evening? Just several days before he died, Lars and I were trying to schedule dinner in the upcoming week. It was not meant to be.

I will cherish personal memories of Lars. Sitting with him at my first Gridiron Dinner. Meeting with him and Gerry Adams in Washington during a key moment in the Irish Peace Process. Having lunch with him in the House Dining Room and listening to his calm reflections during the impeachment debate. His writing an overly complimentary blurb for a novel I wrote.

But mostly I will remember a man who was a true giant as a journalist and a friend—a man of innate decency. A man who will be sorely missed by any who had the opportunity to know him.

May he rest in peace.

TRIBUTE TO BOB MURPHY

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. BOEHNER. Mr. Speaker, I rise today to recognize Mr. Bob Murphy, publisher of the Hamilton Journal-News, of Hamilton, Ohio, the largest newspaper in my District.

For more than four decades, Bob has been in the business of keeping citizens informed about what's happening in their community, country, and the world around them. He has been in the newspaper business for more than 42 years and has been publisher of the Journal-News since January 1, 1994. Before that, he was publisher of the Middletown Journal, another newspaper in the 8th District, from October 1981 through December 1993, when he was appointed to his current post.

Before coming to Middletown in 1981, Bob had been publisher of the Times-West Virginian in Fairmont, West Virginia, for three years. Before that, he had been general manager of the Dominion-Post in Morgantown, West Virginia, for six years.

Bob started in the newspaper business in the late 1950s in his hometown, Bayonne, New Jersey, with the Bayonne Times. He worked there for 13 years, seven of them as vice president and general manager.

Educated in local schools in Bayonne, Bob went on to Cornell University on a Teagle Scholarship. He graduated with a degree in economics and later received an MBA in personnel administration from New York University.

He served in the Army for two years, most of that time in Munich, Germany, with the Counter Intelligence Corps. Bob and his wife, Mary Jane, have six children.

I have known Bob Murphy for a long time. You always know where you stand with him—a trait that has won my respect and that of countless others during his long career. Bob's commitment to bringing the news accurately, fairly, and comprehensively is reflected in the legacy of success he leaves behind. I am honored to stand before the House today to pay tribute to Bob Murphy as our community says thanks and bids good luck to a dedicated public servant.

COMMEMORATING THE FAMINE OF 1932–33

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. SCHAFFER. Mr. Speaker, on November 18, 2000, more than 1,500 participants gathered in St. Patrick's Cathedral in New York City to commemorate the 67th Anniversary of the 1932–1933 Ukrainian Famine.

Unlike other famines, this was not caused by a lack of food. Instead, Joseph Stalin created the famine by confiscating all of Ukraine's crops and withholding it from the people. The Kremlin intended to destroy the spirit of the Ukrainian peasants by starving them to death. Moscow perceived Ukraine's cultural renaissance as a threat to a Russo-Centric Soviet rule and therefore enacted the famine to crush their nationalism in a most brutal manner.

Peasants in Ukraine could not escape these horrible conditions. An internal passport system prevented them from crossing the border into Russia or the Belarusian republic, where there was no famine. In Ukrainian regions such as Poltava and Kharkiv, people died in their homes or collapsed on the street. Animals were consumed, even the bark disappeared from the trees.

The death toll from the 1932–1933 famine is estimated between seven and ten million victims. No real record exists. However, studies show at the height of the famine, Ukrainian villagers were dying at the rate of 25,000 per day, 1,000 per hour, and 17 per minute. At the same time, the Soviet regime was unloading 1.7 million tons of grain on Western markets.

Ukraine has paid a high price for its independence and freedom and this famine symbolizes one of the horrors of the old soviet system.

IN SUPPORT OF S. 1972 AND S. 2594

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Ms. DEGETTE. Mr. Speaker, I rise in support of S. 1972, legislation to convey to the town of Dolores, Colorado the site of Joe Rowell Park, and S. 2594, legislation to authorize the Bureau of Reclamation to contract with the Mancos, Colorado water conservancy district to use its water facilities.

Mr. Speaker, Joe Rowell Park in Dolores, Colorado is a focal point of the community. This 24-acre park provides the Town of Dolores with a place for baseball and soccer games, a playground and a restful, beautiful spot for recreation. The property is currently owned by the United States Forest Service and leased to the Town of Dolores, which has invested over $400,000 to improve Joe Rowell Park. This investment created the only lit baseball and softball fields in the Forest Service's inventory. However, the leasing arrangement has caused management difficulties for both parties involved. As a result, the Forest Service determined that Joe Rowell Park is suitable for conveyance into non-federal ownership by the Town of Dolores. I commend my colleague, Senator WAYNE ALLARD for offering this legislation to streamline the management of this important park in Dolores, Colorado and support the passage of this bill.

I also rise in strong support of S. 2594, legislation that would authorize the Bureau of Reclamation to contract with the Mancos, Colorado water conservancy district to use the Mancos project facilities to store and wheel non-project water for irrigation and domestic, municipal and industrial uses.

This legislation would allow the Mancos, Colorado water conservancy district to continue to contract to carry non-project water, which has become a normal operational procedure at the facility. Using Mancos' excess capacity encourages more efficient water management on project lands and more flexible use of the project's facilities.

I am pleased to support this legislation.

TRIBUTE TO GALE VAN HOY

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. LAMPSON. Mr. Speaker, today I rise to honor Mr. Gale Van Hoy, the current executive secretary of the Texas State Building and Construction Trades Council. Mr. Van Hoy will retire on December 31, 2000, and I thought it fitting to enter into the CONGRESSIONAL RECORD a mention of his contributions to Texas. He has served the working men and women of Texas well, and I thank him for that.

Mr. Van Hoy has represented the interests of 50,000 skilled construction workers from across the state of Texas before labor, political and business leaders on a local, state and national level. He has worked to secure jobs, equal opportunity, fair wages and benefits, and on-the-job safety and health protection for members. Gale has been active in the labor movement throughout his entire adult life, serving as a member of the AFL–CIO, on the Oversight Committee of the Capitol Preservation Project, and serving on the National Advisory Committee that had oversight on the conduct of an OSHA-funded study of contract workers' safety in the U.S. petrochemical industry.

The former mayor of Houston, Kathryn Whitmire, even declared October 22, 1983 as Gale E. Van Hoy Day—what an honor!

Today I want to recognize Gale Van Hoy's great service to the people of Texas, and to this Nation, and to thank him, on behalf of the Ninth Congressional District for his 40 years of dedication.

TRIBUTE TO JOHN T. GARNJOST

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. SHAYS. Mr. Speaker, I rise in recognition of John T. Garnjost who became the 53rd American to receive the Olympic Order from the International Olympic Committee. On September 6, 2000 Mr. Garnjost traveled to Taipei Taiwan where he received the award for his contributions to the development of rowing in Chinese Taipei.

The Olympic Order is "the supreme individual honor accorded" by the IOC. It was created in 1974 and is awarded to any person who has illustrated the Olympic Ideal through his action, has achieved remarkable merit in the sporting world, or has rendered outstanding services to the Olympic cause, either through his own personal achievement or his contribution to the development of sport.

Mr. Garnjost was introduced to rowing during his college days at Columbia University where he decided to explore the sport as an official. Mr. Garnjost has been a rowing official in the United States since 1960, and was licensed as an international official in 1970. He officiated at the Summer Olympics in Atlanta in 1996 and has worked at the World Championships. Domestically, he has worked at the Olympic Trials and the U.S. Nationals.

As the president of Bristol Meyers (Taiwan) from 1983 to 1989, he lived in the country and began introducing rowing in Taipei. 1983 marked the first rowing demonstration at the annual Dragon Boat Festival in Taiwan. As an advisor to the Chinese Taipei Amateur Rowing Association, Mr. Garnjost served as a delegate to the 1983 International Rowing Federation (FISA) Congress in Duisburg, Germany, where Chinese Taipei's application for membership was approved.

Real progress was made in 1985 when FISA President Thomi Keller inspected the Tung Shan River as a possible rowing site. Today, there is an internationally proven rowing course, two FISA umpires and rowers throughout the country.

Since the early days of rowing in Taipei, Mr. Garnjost has worked the Asian Rowing Championships in 1997. He also helped establish the annual I-Lan International Collegiate Invitational Regatta for crews from nine countries, helped bring the sport to two of Taiwan's major universities and was also instrumental in helping get significant funding for equipment.

Thirteen years ago few in Taiwan knew of rowing as a sport. Today most of the nation can say they know the sport thanks to John Garnjost. He has been referred to as the "Father of Rowing" in Taiwan. His recent award and dedication to the sport and the people of Taiwan is a true testament to this title.

HONORING DOROTHY LIND

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. THOMPSON of California. Mr. Speaker, today I honor Ms. Dorothy Lind for her 12 years of dedicated service to the people of Napa County, California and the surrounding region. Ms. Lind retired on November 24, 2000 from an exceptional career as Chief Executive Officer of the Napa Valley Exposition.

Dorothy Lind was raised in Seattle, Washington and moved to California in the early 1970's. She began her professional career conducting early intervention for severely disabled infants. In the late 70's she was selected to direct health education programs for the Bay Area March of Dimes, overseeing medical and research grants. In 1983 Ms. Lind made another career change by accepting a position as Manager of the Tulare County Fair. Her success in this position was remarkable; she doubled the Fair's budget in just four years and was selected as Tulare County's "Woman of the Year" in 1988.

Her achievements in Tulare gave Ms. Lind the opportunity to lead the Napa Valley Exposition. As CEO her duties involved not only organizing events for a major public facility but also building links with government, community, and business groups. One highlight of her exceptional leadership in this capacity was the creation of the "Bingo Emporium", a partnership that raises over $1 million annually for many Napa County non-profit organizations and school programs.

While the Expo is host to several major public events throughout the year, the highlight of the Expo's calendar is the five-day Napa Town and Country Fair in August. A defining characteristic of her stewardship of this event was a commitment to reflect the changing face of the Oxbow Neighborhood, recognizing that fairs (in her words), "can either become a major positive force in their neighborhood for good things or become the blight that causes the neighborhood to decline." During her tenure the Expo was named as the pilot fair for the California Fair System's Re-Invention Program which was designed to re-focus community connections and entrepreneurial business interactions for fairgrounds statewide.

Dorothy Lind's contributions to the city of Napa are equally impressive. She has served as President of the Napa Rotary Club (the first woman to fill that position) and is a member of the Napa River Coalition, the Downtown Merchants Association, the Napa County Land Trust, and the Napa Valley Leadership Council. Through these organizations she has facilitated partnerships that have been invaluable in fostering commercial prosperity in the City of Napa.

In addition to her considerable public successes, Ms. Lind is also a proud mother of two sons: Rob, a promising local wine maker and Scott, a rising Bay-area dot.com star. Ms. Lind will also soon be a grandmother.

Mr. Speaker, it has been my great honor to represent Ms. Dorothy Lind first as her State Senator and now as her Congressman. Clearly, her life has been one of great public service, dedication and commitment. For these reasons, it is necessary that we honor this woman for her distinguished service to the people of Napa County, California.

COMMENDING THE 60TH ANNIVERSARY OF THE NATIONAL COMMITTEE FOR THE FURTHERANCE OF JEWISH EDUCATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. NADLER. Mr. Speaker, today I pay tribute to the National Committee for the Furtherance of Jewish Education, which will be celebrating its 60th Anniversary on Sunday, December 10, 2000, at an affair in Manhattan, New York.

The National Committee for the Furtherance of Jewish Education was founded in 1940 by the late Lubavicher Rebbe Joseph I. Schneerson. It was continued under Rebbe Menachem Mendel Schneerson. Both Grand Rebbes lived through pogroms, two world wars, the rise of communism, the holocaust and tremendous personal challenges. But their idealism, learning, and faith shone through it all and inspired millions.

The Rebbes fled war-torn Poland to establish the Lubavitcher movement in the United States. Not only were they the spiritual leaders of the Lubavicher Chasidim, but they were also revered and respected as great scholars and teachers by Jews and non-Jews around the world. Indeed, their work still lights the learning and daily mitzvos of Jews everywhere. Through the many manifestations of their energy and vision, and most of all their profound commitment to the importance of Jewish thought, belief and ethics, the Rebbes made an incalculable contribution to the spiritual lives of all people.

In 1940, during the darkest days for Jews, Rebbe Joseph Schneerson dedicated himself to revitalizing Judaism, and in particular to inspiring American Jewry, by nurturing the Jewish soul and fostering "Yiddishkeit". The Rebbe reasoned that only through learning and education would Jewish faith and Jewish life flourish. The Rebbe's idealism, learning, and his faith shone through it all and he inspired millions to love their Jewish culture, history and traditions.

The Committee for the Furtherance of Jewish Education (NCFJE), is today the strongest in its history. Under the administrative leadership of Rabbi Jacob J. Hecht, the NCFJE is known as the "organization with a heart", with dedicated people willing to work tirelessly to help all Jews, regardless of their affiliation, with much needed education and social programs to help in both their spiritual and physical needs.

Mr. Speaker, I ask my colleagues to join me in congratulating NCFJE on the occasion of its 60th Anniversary, and wish it continued success and many great mitzvah's in the future.

HONORING LOS ALAMOS NATIONAL BANK

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. UDALL of New Mexico. Mr. Speaker, last month Los Alamos National Bank was presented the prominent Baldridge Award. This superior bank deserves congressional recognition as well.

I share an extreme sense of pride in knowing that one of New Mexico's own, and a business in my Third Congressional District, has received this highly coveted and prestigious recognition. What makes this award so special is that it represents excellence in every aspect. Quality improvement is an evolutionary process, and those businesses and organizations that commit themselves to this endeavor are investing not only in themselves, but in those they serve. Los Alamos National Bank by virtue of your involvement in quality New Mexico, deserve to be applauded for seeking out the knowledge and training to raise the bar for your customers, your clients, my constituents and our community.

Mr. Speaker, I would like to submit for the RECORD this article for the New Mexican recognizing the Los Alamos National Bank. I would also urge all my colleagues to congratulate the fine employees of this establishment.

LOS ALAMOS BANK WINS PRESTIGIOUS NATIONAL AWARD

(By Bob Quick)

A very unbanklike cheer resounded in Los Alamos National Bank this week when employees learned the bank was one of four winners nationwide of the prestigious 2000 Malcom Baldrige National Quality Award.

The bank, which has 167 employees and assets of $660 million, won in the small-business category. LANB has offices in Los Alamos, White Rock and Santa Fe.

It was the first time a bank has won the award, according to a statement from the U.S. Commerce Department. The department and the White House officially released information about the award Tuesday.

"I heard there was a loud cheer throughout the building" when news of the award reached employees, said Steve Wells, president of LANB. "We were extremely happy for our people and for our community and for New Mexico. We know we have high standards to live up to now. We have to make sure we're worthy of our crown."

"The Malcom Baldrige National Quality Award recognizes organizations that play a major role in energizing our nation's economy, competitiveness and quality of life," President Bill Clinton said in a statement from the White House. "If we are going to keep our economy growing and our country moving forward, we need as a nation to follow the example of Baldrige winners."

Congress established the Malcom Baldrige National Quality Award, named after a former secretary of commerce, in 1987 to enhance the competitiveness of U.S. businesses by promoting quality awareness, according to the statement.

Since 1988, only 41 organizations have received the award. The National Institute of Standards manages the program.

The award is given to businesses that have shown achievements and improvements in the areas of leadership, strategic planning, customer and market focus, information and analysis, human-resource focus, process-management and business results, the Commerce Department statement said.

"We would have felt great if we had lost the Baldrige award," Wells said. "It's like making it to the Super Bowl in our opinion."

The bank won the award for a number of quality and business-performance achievements, according to the statement from the White House.

One of them was domination of its market area. The bank since 1998 filed 80 percent of all mortgage loans in Los Alamos County and 9 percent of such loans in Santa Fe County. The bank opened its Santa Fe branch in mid-1999 and already has $115 million in assets, Wells said.

And in a survey, 80 percent of the bank's customers said they were "very satisfied" with the service they received, the statement said.

During the Cerro Grande fire that ravaged Los Alamos earlier this year, destroying hundreds of homes, the bank moved its entire operation overnight to its Santa Fe branch.

As a result, services was not interrupted.

Following the fire, the bank offered zero-percent interest to anyone in the community affected by the fire.

It also eliminated overdraft charges and late fees, the statement said.

Wells said the bank was particularly proud of its efficiency ratio, which is a proportion the bank uses to measure employee productivity.

A lower number is better. LANB's efficiency ratio is 49 percent, while the best of its competitors have ratios above 60 percent, the statement said.

"One of the ways we will survive as an independent community bank is our ability to compete with the supraregional and supranational banks," Wells said. "We've got to be able to compete with the Wal-Marts of the world."

The bank's efficiency ratio, he continued, "is a tremendous accomplishment by our people, our systems and our technology. There's no productivity without hard work."

Other achievements of the bank included high employee satisfaction and low employee turnover, thanks in part to a stock-ownership plan and an employee profit-sharing plan.

LANB in 1999 received Quality New Mexico's highest award, the Zia Award. In 1997 and 1998, the bank received the organization's Roadrunner Award.

Quality New Mexico "is the one that encouraged us to stretch ourselves to see how we would come out against the best in the country," Wells said.

The three other Baldrige Award winners were Dana Corp.-Spicer Driveshaft Division in Toledo, Ohio (manufacturing); Karlee Co. Inc., Garland, Texas (manufacturing); and Operations Management International Greenwood Village, Colo. (service).

HONORING ROBERT W. GROSS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Ms. LOFGREN. Mr. Speaker, today I offer my sincere congratulations to Robert W. Gross, Ph.D., E.W.E., on his retirement from the Board of Directors of the Santa Clara Valley Water District. For sixteen years, Bob Gross has provided distinguished service to the Santa Clara Valley Water District and the residents of Santa Clara County. His hard-work and commitment to the job helped to produce numerous successes for the District and the County. I am honored to have been able to work with him over the years. He will, indeed, be missed.

Bob began his public service as an advisor to the United States Army Corps of Engineers, San Francisco Division. Working in the flood control division for ten years, Bob tackled a myriad of flood control issues that face the Bay-Delta region, garnering a reputation for thoroughness and energetic diligence. In addition to his service in the Corps of Engineers, Bob also served a community advisor to the U.S. Fish and Wildlife Service, helping to establish the San Francisco Bay National Wildlife Refuge which consists of more than 25,000 acres of protected waters and wildlife habitat. Bob also served as an advisor to the U.S. Bureau of Reclamation on the important Central Valley Project.

Building on these experiences Bob brought his knowledge and skills to Santa Clara, where he ran for, and won, five elections to the Santa Clara Valley Water District's Board of Directors. Representing District 3—a district that encompasses one fifth of the entire population of Santa Clara County and Silicon Valley—Bob worked hard to meet the water supply and flood protection needs of the County's residents. As a member of the Board of Directors, Bob was responsible for helping shape the direction that the District has taken with respect to water policy over the past sixteen years. He was directly involved in many notable and important actions and issues, including. the following: MTBE contamination, groundwater recharge. wastewater recycling, and CALFED. Bob served as the District's representative to the South Bay Recycling Project where he worked closely with the City of San Jose and the Bureau of Reclamation, and he also served as the District's representative to the City of San Jose on nonpoint wetland mitigation issues.

During his tenure, Bob provided valuable service by reviewing and analyzing state water laws and regulations. As the District representative to the WaterReuse Association of California, Bob served as the Board's liaison and represented the interests of the District. Bob also represented the WaterReuse Association in a number of capacities, including most notably as the State Chairperson for the Potable Committee and a member of the Education Subcommittee. As a member of the Potable Subcommittee, he participated in the preparation of a news media presentation on the safe use of potable water and helped write a public information recycling brochure as a member of the Education Subcommittee. In addition, through his work with the Education Subcommittee, Bob worked closely with the California Department of Fish and Game to create an aquatic and environmental education program for disadvantaged youth. He also represented the WaterReuse Association at numerous conferences and seminars and served as a co-chair for a technical symposium on planned surface water augmentation using advanced treated recycled water and health standards. In 1995, in light of this work and for his outstanding service to the WaterReuse Association, he was awarded a certificate of recognition for personal contributions.

In addition to his work with the WaterReuse Association, Bob was also active with many other associations and organizations, including the following: the Association of California Water Agencies, California Groundwater Association, National Groundwater Protection Council, National Water Resources Association, American Water Works Association, the California Water Education Foundation, ALERT—the California Flood Control Association, the California Association of Sanitation Agencies, American Desalting Association, Water Environment Federation, California Water Pollution Control Association, and the California WaterReuse Association. Bob's personal contributions to these organizations was also noteworthy. In recognition of his hard-work, Bob was nominated in 1996 for the Athalie Richardson Irvine Clark Prize sponsored by the National Water Research Institute. To be nominated by his peers for this award is a true honor to the contributions and dedication of Bob Gross.

Although, Bob achieved significant successes through his work and involvement with the Santa Clara Valley Water District, the WaterReuse Association, the Corps of Engineers, and numerous other organizations, he also compiled an impressive record of personal and academic studies, projects, and papers on water issues. After earning a Bachelor of Science degree from San Jose State University, a Master of Sciences degree in aquaculture from Nova College International Campus, and a Doctor of Philosophy in Environmental and Water Engineering from Nova College Europe, Bob served as an advisor for fifteen years to the Board of Fellows at the University of Santa Clara, and was an adjunct faculty member at Faresiston and Nova College. Bob has conducted studies on the impact of human pollution on water supplies and wildlife habitat, and he issued a summary paper on the ecological engineering multipurpose facility. On water purification issues, Bob wrote summary papers on recycling wastewater for potable use in San Jose, the reorganization of Santa Clara Valley Water District, and finally on a merger of all water producing agencies.

And, in addition to all of his many years of hard work, service and commitment to water issues, Bob has also been honored in other areas as well. Perhaps most notably, Bob was the recipient of the Commendation Ribbon with Pendant from the Secretary of the Army for Meritorious Service in Korea. Bob has also long been a supporter of the Boy Scouts of America, serving as a member of the Board of Directors and District Chairperson. In recognition of his tremendous accomplishments and service to the Boy Scouts of America, Bob was awarded the Silver Beaver Award, one of Scouting's highest honors.

Bob Gross has posted an exceptional record of achievement and success. He has served his country and his community tirelessly for many years. It is, Mr. Speaker, truly a privilege to recognize Robert Gross for the outstanding contributions that he has made to the Santa Clara Valley Water District and the people of Santa Clara County. I am grateful for his service and wish him all the best in his well-deserved retirement.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. KUCINICH. Mr. Speaker, I rise to honor a remarkable man and true American patriot, former Congressman Henry B. Gonzalez. He passed away on November 28, 2000 at the age of 84, after 37 years of dedicated service in the House of Representatives.

"Henry B," as his friends affectionately called him, was first elected to Congress in 1961, becoming the first person of Mexican-American heritage to represent Texas in the House. A well-known champion of the poor and the downtrodden, Henry B. fiercely defended his principles and was unafraid to stand up against the powerful from the moment he was sworn into office. To this day, his constituents in San Antonio and thousands of people across the country continue to reap the benefits of this courageous fight for safe and affordable housing.

An unabashed pioneer for populism, Henry B. was perhaps best known for his prominent position on the Banking Committee, and its Chairman for three terms. He used his leadership role on the committee to help repair the Federal Deposit Insurance Corp., monitor the activities of the Federal Reserve System and pass numerous pieces of legislation aimed at cleaning up the savings and loan scandal.

Henry B. began his legendary political career shortly after his admirable service in World War II, when he was elected to the San Antonio City Council. In 1957, he reached the Texas Senate where he made a name for himself with a 22-hour filibuster to block legislation that would have reinforced school segregation policies. Henry B.'s reputation as a staunch defender of civil rights stayed with him throughout his career in the House, spanning nearly four decades.

Mr. Speaker, I ask my fellow colleagues to join me today in remembering the Honorable Henry B. Gonzalez. Henry B. truly set a standard by which all Members of Congress can be measured, and he will be sorely missed by everyone in this body who had the pleasure of working with him. His honor, his vision, and his passion for equality will live forever in the hearts of all those whom he touched. I would also like to take this opportunity to extend my heartfelt condolences to Representative CHARLIE GONZALEZ and his family during this extremely difficult time.

TRIBUTE TO MS. YVONNE A. GRIFFIN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Ms. LEE. Mr. Speaker, today I pay tribute to an outstanding federal government employee, Ms. Yvonne A. Griffin. On January 4, 2001, Ms. Griffin will retire from the United States General Services Administration after a distinguished 28 year career marked by dedication, commitment to service and a superb work ethic.

A native of San Francisco, Yvonne began her government service in April 1971, as an "intermittent:" GS–4 clerk-Steno for the General Services Administration's Space Management Division. In 1975 she began working in GSA's Federal Supply Service where she served as a Secretary, Administrative Assistant and Administrative Officer to the Regional Commissioner.

Yvonne joined the Public Buildings Service in 1980 as a Program Analyst. In 1984, she made an important career move to the field of Property Management. She served as the Property Manager in Reno, Nevada where she worked until 1987. In April 1987, Yvonne came to Oakland, California as the East Bay Property Manager. Housed in leased space at 1333 Broadway in Downtown Oakland, Yvonne and her staff were responsible for numerous federal properties, including the Alameda Federal Center, the U.S. Geological Survey complex in Menlo Park, the United States Court of Appeals in San Francisco, the San Jose Federal Building and the John F. Shea Federal Building in Santa Rosa. More importantly, she was actively involved in the construction of what was to become the Ronald V. Dellums Federal Building and has served as Senior Property Manager to the present day.

In architectural terms, buildings are said to have "footprints"—the physical outline of the ground they cover. Since its opening in 1993, the Ronald V. Dellums Federal Building has had a "footprint": covering far more than physical space. Thanks to Yvonne, the building's footprint has extended to the East Bay community at large. "1301 Clay Street" is an address that has come to represent a spectacular gathering place always open to people of diverse philosophies. Following Yvonne's lead, the GSA staff have focused on making the people who, in fact, own this exquisite structure feel welcome and respected.

Under Yvonne's management, the Ronald V. Dellums Federal Building, has won numerous awards, the most prestigious being the 1997–98 Building Owners and Managers Association International Government Building of the Year, and the 2000 Energy Star Designation.

The daughter of French immigrants, Yvonne inherited both an affinity for hard work and a devotion to family. Her daughters, Michelle and Suzanne Griffin, and her grandsons McKinley and Cameron Parker, are the stars in her life's constellation. As she ends her federal career, she takes with her our appreciation, respect and warmest best wishes for a happy retirement with those she loves.

TRIBUTE TO THE HONORABLE VICENTE CEPEDA BERNARDO, MAYOR OF YONA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. UNDERWOOD. Mr. Speaker, as elected public officials, we know the hard work and the personal sacrifices it takes to earn the trust and mandate of our constituencies. In my home island of Guam, there are no elected officials who are closer to their constituencies, or work harder in their behalf, even after an election, than our village Mayors. Prior to 1990, the title of these public servants was changed from commissioner to mayor, but their role in the villages did not change, and our dependence upon them, especially during typhoons and village-wide activities, did not diminish over the years.

Guam is a small place with a relatively small population, and our people are not far removed from their elected officials—myself included. This intimacy, and the expectation of direct and immediate access, is especially true of our Mayors. They are called upon in a multitude of ways—often to address problems having little or nothing to do with the delivery of community service, but to assist with private, familial matters. Whether it is to accept representative membership on a task force to address an island-wide youth problem, dropping out of school, for example, or helping Mr. and Mrs. Villager talk to their son Johnny into staying in school, village Mayors are expected to attend personally to village matters, large or small. This is the case of the Honorable Vicente Cepeda Bernardo, the Mayor of Yona, my home village.

In a few weeks, Mayor Bernardo will leave office after having served for many years. More than simply being one of my constituents, Mayor Bernardo is a long-time neighbor and friend. I am one of his constituents. Like my fellow villagers, I turn to Mayor Bernardo to address problems in Yona.

It would be too easy to let Mayor Bernardo's record of accomplishments speak in his behalf. The streets he named in honor of Yona's fallen military sons and those residents deserving of the recognition are numerous indeed. The capitol improvement projects he pushed for—the street lights, five hydrants, pump stations and water lines, the police koban, the village gymnasium, the village library, the paved roads and more—now benefit Yona and the rest of the island. The many, many community activities that he spearheaded earned praise for the whole village. But as extensive as it is. Mayor Bernardo's list of accomplishments does not convey how well he knew and understood the people of his village. It does not convey his deep and abiding love for his neighbors or how much he had given of himself over the years. I am privileged, as his constituent, neighbor and friend, to commend him for his achievements and to thank him for the many, many hours he has contributed beyond the regular eight-hour, five-day work-week.

As his constituent, my family and I have benefited in countless ways from his devotion to duty and his responsiveness to the needs of the village. I worked with him when I was the President of the Parent Teachers Organization at M.U. Lujan. Lorraine, my wife, worked with him on many community projects and served with him as an appointed member of the Mayor's Community Council. Our entire family worked with him on other community projects and he performed his duties with dignity and with the attention to the needs of his community exemplified his public service.

I join Mayor Bernardo's family, relatives, friends and fellow neighbors in acknowledging his service to the community of Yona and to Guam. On behalf of the people of Guam, I proudly congratulate him for successfully taking on one of the most challenging and demanding public offices in Guam. And as a fellow public servant, I send my warmest and most grateful si Yu'os ma'ase. Maolek todo i che'cho'-mu, amigo-hu, para i benifisium todo i toatao Guam. Ma sen agredesi i setbisiu-mu (thank you very much. The work you have done on behalf of the people of Guam has been outstanding. The people of Guam truly appreciate your services).

HONORING MARILYN CULPEPPER

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. CALLAHAN. Mr. Speaker, I would like to recognize Marilyn Culpepper for her dedication to the health and well being of Monroe County, Alabama, citizens.

Marilyn Culpepper was appointed to the Monroe County Hospital Board in July 1996 and elected its chairwoman by unanimous vote of the board a few months later. She served as chairwoman from 1997 to 2000. Mrs. Culpepper has since moved to Mobile, and I wish her well as she takes on new challenges.

A native of Grove Hill, Alabama, Mrs. Culpepper is a 1980 graduate of the University of West Alabama (formerly Livingston University) and was the recipient of that school's Alumni of the Year Award in 1996.

Over the years, she has had several successful careers and civic achievements. In 1986, at age 27, she was elected to the Sumter County Board of Education. She was elected a second time in 1988 and served with distinction until moving to Monroe County in 1991.

In Monroe County, Marilyn Culpepper served first as associate editor, then managing editor of the award-winning weekly newspaper, The Monroe Journal. She also distinguished herself through community service in several capacities. To name a few, she was president and/or board member of the Monroeville Area Chamber of Commerce, the Monroe County Public Education Foundation, and the Monroeville Kiwanis Club (where she was the first woman elected as "Kiwanian of the Year"). She also served as a volunteer for the Monroe County Heritage Museums, and for the Alabama Writers Symposium during their inaugural year. In addition, she served in Israel as the representative of the Monroe County Commission and the Monroeville Area Chamber of Commerce during performances of "To Kill a Mockingbird." Manifesting her talent, Mrs. Culpepper is a two-time recipient of the Alabama Medical Association's Douglas L. Cannon Recognition for Excellence in Medical Journalism.

As editor of The Monroe Journal and, later, economic developer for Monroe County from 1997–2000 and as chairwoman of the Monroe County Hospital Board, Mrs. Culpepper was an advocate for accessible health care for all citizens regardless of age, social or economic status. She was a driving force behind expansion of hospital services and creation of a rural health clinic in Monroe County.

Under Mrs. Culpepper's leadership, the hospital in Monroeville embarked on a major expansion and construction project, the creation of a cancer-treatment center and the development of a diabetes support program. She also oversaw the creation of the Monroe Health Foundation and has been a contributor to the foundation.

Today, Mrs. Culpepper serves as executive director of the Historic Mobile Preservation Society. Her commitment to community development—preservation, education, and innovation in enriching the lives of all citizens continues. She is committed to developing a regional network of cultural, civic and humanitarian efforts to benefit all residents of south Alabama and continues to be a friend to Monroe County and Monroe County Hospital in this endeavor.

SENATE—*Friday, December 8, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, speak to us so that what we speak may have the ring of reality and the tenor of truth. You have granted the Senators the gift of words. May they use this gift wisely today. Help them to speak words that inspire and instruct. Enable them to say what they mean and then mean what they say, so that they are able to stand by their words with integrity. And since the world listens so carefully to what is said and watches how it is said, may the Senators judge each other's ideas but never each other's value. In this way, may the Senate exemplify to the world how to maintain unity in diversity and the bond of patriotism in the search for Your best for America. Help us to listen to You and to each other. In Your all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS, a Senator from the State of Wyoming, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, for the information of all Senators, the Senate will be in a period for morning business until 10:30 a.m. It is expected the House will vote this morning on a continuing resolution that funds the Government through Monday, December 11. The Senate will have a voice vote on the resolution as soon as it is received from the House. Therefore, no votes will occur during today's session of the Senate. On Monday, an additional CR will be necessary. However, it is hoped that a vote will not be needed on that resolution on Monday. I thank my colleagues for their attention.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STELLER SEA LION BIOLOGICAL OPINION

Mr. STEVENS. Mr. President, I have come to the floor because, as we are considering the final wrapup of the appropriations bills, I face the problem of having to modify a provision that was in a bill as we were ready to send it to the President before the election dealing with Steller sea lions.

It is sort of a long story, but let me start from the beginning.

In 1969, as a new Senator, I flew from Kodiak to the Pribilof Islands in a Navy plane. I observed hundreds—hundreds—of foreign fishing vessels—factory trawlers—between those two islands off our coast. They were catching Alaska's seafood. As a matter of fact, they were beyond the 3-mile limit. They were in international waters at that time.

Subsequently, I asked the Coast Guard, and I think the Fish and Wildlife Service then, to take some photographs of those vessels. We found, after examining photographs, that on the top of the vessels, on the decks, there were pens, literally, where they would toss a fur seal here and a harbor seal there, and a baby sea lion there. And then there was what we called a "glory hole" in the center, and they just shoved all of the fish into that hole. And it was ground up and sent back into the world's economy as protein. None of it came ashore in the United States or Alaska.

That appalled me. I came back and we worked with people in the House. We devised a bill and introduced it to claim the 200 miles off our shore for the protection of the marine resources. That did not pass that year.

The next year, I asked my good friend, Senator Warren Magnuson of Washington, and he introduced the bill as chairman of the Commerce Committee. I was cosponsor. But we worked to get that bill passed.

By 1976, that bill was passed. We obtained control over the 200 miles off our shore. In that process we started the concept of Americanizing the 200 mile zone so we could get better control over the vessels that harvested our fish.

The grand story of the whole continuum since 1976 is the pollock and cod of the North Pacific. Pollock and cod were at that time a fairly insignificant fishery. They were taking probably 10–20 million pounds a year—a little bit more—and would bring it ashore here into our country.

But the difficulty with pollock is, it must be fleshed and boned soon after it is caught. It turns into a wonderful, white protein. The Japanese use it as surimi. We use pollock and cod as fillets and in fish sticks. If you go to Long John Silver's or McDonald's, any one of those entities today to buy a fish sandwich, there is a 9 out of 10 chance you are going to be eating Alaska pollock.

But here is the beauty of the control mechanism we set up over the 200-mile limit. Pollock in the North Pacific is cannibalistic. I have said that on the floor before. As they mature, they get lazy, do not want to forage for food, and they eat their young. We found that if you harvest the mature fish—take them to market—the biomass expands.

The biomass of Alaskan pollock is about five times the size it was when we created the 200-mile limit. It now sustains the most enormous fishery in the world. It is a vital necessity to the economy of the Pacific Northwest and an absolute necessity to our State.

By virtue of an action taken just recently, the administration has now denied access to Alaskan pollock and cod, to the extent that about 1,000 boats will not fish in January who would otherwise go out and start fishing.

The Department of Commerce released, last Friday, a biological opinion on the relationship between the Steller sea lion and the Alaskan groundfish fleet. This 588-page document contains a massive rewrite of the fishery management plan for the Bering Sea and the Gulf of Alaska groundfish fisheries.

Mind you, under the Magnuson Act—it is now called the Magnuson-Stevens Act—but under that Act that commenced in 1976, the duty to create fishery management plans for the areas off our shore lies in the regional councils. Alaska is the only State that has its own council—because of the massive area of our State; more than half the coastline of the United States is in Alaska—we have a regional council.

As I mentioned, the duty to prepare fishery management plans under Federal law is in the regional councils.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

This is a magnificent experiment in terms of government. The councils are created by appointments from the Secretary of Commerce from a list submitted by the Governors of the coastal States. The Federal Government and the States have each delegated some authority to those councils to manage fisheries in those areas.

But this document, filed last Friday, was prepared in secrecy. No one in my State knew what was in it.

It impacts areas inside Alaska state waters. It covers areas in the jurisdiction of other departments. And it was not unveiled until the very last minute. In fact, the National Marine Fisheries Service had an appointment to brief me on it on Thursday, and they asked to put it off until Friday. I changed that appointment for them. The reason was, they wanted to file it in court before they met with me. They had already delivered the document to the Federal judge involved when we met Friday. They prepared this because a Federal judge in Washington had enjoined all fishing because they lacked sound science under their prior biological opinion, prepared under the Endangered Species Act.

I am trying to start a line of reasoning here so people understand what has happened. The way that that biological opinion under the Endangered Species Act has been handled is a direct assault on the 1976 Magnuson Act because it has taken over the jurisdiction of the regional councils to prepare these fishery management plans. In fact, the Magnuson Act contains an emergency clause. The Secretary of Commerce is enabled, under certain circumstances, to issue emergency orders that change or even promulgate a management plan. But this management plan is promulgated in a biological opinion issued under the Endangered Species Act. There is no emergency clause in the Endangered Species Act.

What we did in 1976 was to provide the tools to each region to manage the fisheries in their area. There has never been a more successful effort in terms of Federal-State cooperation, in my opinion. Now, because of a lawsuit filed by Greenpeace in a Federal court, the National Marine Fisheries Service is trying to change the total management of the North Pacific as far as the Steller sea lion and Alaska groundfish are concerned. This is the real emergency here for us, but it is something every coastal State should look at. Because by using the authority of the Magnuson Act emergency clause and taking it into a process under the Endangered Species Act and issuing a management plan that is only outlined by the Magnuson Act, but by issuing it in a biological opinion, what they have done is they have seized from the States, they have seized from the regional councils any management authority over the areas off our shores that the Magnuson Act covered.

I cannot stand by and see this happen. In the first place, as I said, this is a terrible blow to the people of my State who work hard harvesting and processing this fish. The value of the lost harvest alone will be at least $191 million under the biological opinion. But if you look at that stream of economic activity it creates in the national economy, there is over $1 billion a year that comes from groundfish. It is turned into a marketable, salable product and develops these retail entities that are world renowned in terms of providing quality fish and fish products for consumption by our consumers.

The opinion that was filed is an interesting thing. The first five times the National Marine Fisheries Service explored the relationship between pollock and the decline of the Steller sea lion, the opinion said there was no relationship. Dissatisfied with that, the administration dismissed from the area of research the people who had written those first opinions and turned to a new researcher who had done some research off Atka Island, which is about 1,500 miles west of Anchorage, on the relationship of mackerel out there to the fishing efforts.

One man developed what is known as a localized depletion theory. He opined that the reason there was a decline around Atka Island was that factory trawlers were coming and fishing. In the period after they were fishing, there was a localized depletion of the fishery resource. That is not a scientific conclusion. That is a theory. But they brought him in to write the biological opinion on Steller sea lions in relationship to pollock and cod, and he used his new concept of localized depletion. He has now brought forward in this biological opinion, through the Department of Commerce—I wish I had the map to show the Senate—a process which denies access to the groundfish fleet to areas within a 20-mile radius of most Steller sea lion rookeries. The concept of the connection between those rookeries and the pollock is localized depletion. It is not science. It is an assumption. And it has not been accepted by the scientific community.

Their own scientists admit they have no data to support this theory, and that is a direct violation of both the Magnuson-Stevens Act and the Endangered Species Act, which require a sound scientific basis. The difficulty is that the biological opinion, if it becomes operative, will limit the areas and limit the seasons in which fishermen can fish for pollock and cod. That is a limitation that is only authorized under the Magnuson-Stevens Act, and it cannot be promulgated except in response to a plan presented by the regional council.

Our regional council denounces this current biological opinion. Our State opposes it violently. As I said, no one knew anything that was in it. It was totally in camera. Nobody had access to it, unless it was the plaintiffs in the lawsuit, Greenpeace. The Commerce Department denied me access to it and demanded I wait 12 hours. And in that 12 hours, they filed it in opinion in court without giving us a chance to examine it.

The Magnuson Act was designed to promote safety at sea. I don't know how many people know about it, but the worst death ratio in any industry in our country is in commercial fishing off our State. As the father of a son who has been out there fishing for 10, 12, 15 years, I can tell the Senate, there is no greater worry for a father than to have a son on one of those boats because the death toll is horrendous. It will be worse because of Government regulations that require closures and require actions that aren't based on common sense. In this biological opinion, they are now going to force our small boats to fish in the dangerous offshore areas in the winter storm season. They say: Fish in the winter storm season. We passed the act so we could enact regulations so we could get out of the winter storm season. I can't understand why they would do that. It is a direct violation of Federal law to do that. They should have at least consulted the regional council and allowed the regional council to have hearings. They have not done so.

Yesterday in Anchorage the advisory panel to the North Pacific Fisheries Management Council voted unanimously to reject this biological opinion. They want to restore the regulations that were in effect prior to its issuance until we can have public hearings and public review and we get the National Academy of Sciences and other qualified scientists to review this theory that has been presented by the National Marine Fisheries Service under the cloak of sound science.

I do have a provision I am going to offer to this bill again. It is a modification of the amendment that is already there. It would allow the fishery to go forward under both the Endangered Species Act and the Magnuson-Stevens Act regulations that were in place before this opinion was issued. People are saying we are emasculating the Endangered Species Act. Nothing is further from the truth. The Endangered Species Act was part of the plan that was followed and was in effect before this new plan was filed in the lawsuit in Seattle. Earlier this year, the Department of Commerce argued in court that these regulations were sufficient under the Endangered Species Act.

Again, I am here to ask the Senators from New England, from the Atlantic area, from the South Atlantic area, from the Gulf coast, from the Pacific council area, to look at what has happened. This is a federalization of fisheries off our shores under the guise of the Endangered Species Act based upon a theory that has not been tested anywhere.

In my opinion, the current act that is before us to close out the Government should not pass and will not have my signature on the final conference report unless something is in there that deals with this very odd biological opinion and restores the capability of our people to continue to fish in a safe and sound way off our shores.

Mr. President, I was given a CD-ROM of this document, the biological opinion. I think it would be nice reading for some people over the weekend. I ask unanimous consent that the executive summary be printed in the RECORD following my remarks. The entire document is available on the National Marine Fisheries Service website.

There being no ojbection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY—NOVEMBER 30, 2000

In compliance with section 7 of the Endangered Species Act (ESA), the National Marine Fisheries Service (NMFS) has completed this biological opinion consulting on the authorization of groundfish fisheries in the Bering Sea and Aleutian Islands region (BSAI) under the Fishery Management Plan (FMP) for the BSAI Groundfish, and the authorization of groundfish fisheries in the Gulf of Alaska (GOA) under the FMP for Groundfish of the GOA. This opinion is comprehensive in scope and considers the fisheries and the overall management framework established by the respective FMPs to determine whether that framework contains necessary measures to ensure the protection of listed species and critical habitat. The opinion determines whether the BSAI or GOA groundfish fisheries, as implemented under the respective FMPs, jeopardize the continued existence of listed species in the areas affected by the fisheries (i.e., the action areas) or adversely modify critical habitat of such species.

ACTION AREA

The action area consists of "all areas to be affected directly or indirectly by the Federal action, and not merely the immediate area involved in the action" (50 CFR 402.02(d)). As such, the action area for the Federally managed BSAI groundfish fisheries covers all of the Bering Sea under U.S. jurisdiction, extending southward to include the waters south of the Aleutian Islands west of 170°W longitude to the border of the U.S. Exclusive Economic Zone. The action area covered by the GOA FMP applies to the U.S. Exclusive Economic Zone of the North Pacific Ocean, exclusive of the Bering Sea, between the eastern Aleutian Islands at 170°W longitude and Dixon Entrance. The area encompasses sites that are directly affected by fishing, as well as sites likely to be indirectly affected by the removal of fish at nearby sites. The action area would also, necessarily, include those state waters that are encompassed by critical habitat for Steller sea lions.

The action area includes the Alaska range of both the endangered western and threatened eastern populations of the Steller sea lion. However, the effects of the Federal FMPs on Steller sea lions generally occur within the range of the western population. Therefore, this consultation focuses primarily on areas west of 144 W longitude (the defined boundary of the western population of Steller sea lions).

NMFS has determined that the action being considered in this biological opinion may affect 22 species listed under the ESA, including 7 species of endangered whales, the two distinct populations of Steller sea lions, twelve evolutionarily significant units (ESU) of Pacific salmonids and one species of endangered sea turtle. The action area also includes 4 species of endangered or threatened seabirds, and 1 species of marine mammal, the northern sea otter, that has been proposed as a candidate species under the ESA.

ENVIRONMENTAL BASELINE

The environmental baseline for the biological opinion must include the past and present impacts of all state, Federal or private actions and other human activities in the action area, the anticipated impacts of all proposed Federal projects in the action area that have already undergone consultations, and the impact of contemporaneous State or private actions (50 CFR §402.02). The environmental baseline for this biological opinion includes the effects of a wide variety of human activities and natural phenomena that may affect the survival and recovery of threatened and endangered species in the action area. The opinion recognizes that such phenomena and activities have contributed to the current status of populations of those listed species. While some may have occurred in the past but no longer affect these species, others may continue to affect populations of listed species in the study area.

The environmental baseline for this action includes fisheries and other FMP-associated activities that are occurring, and that have occurred prior to January 2000. Other human-related activities discussed that may affect, or have affected, the baseline include the impacts of human growth on the action area and the effects of commercial and subsistence harvests of marine mammals. Alaska managed commercial fisheries are also addressed. Those fisheries and their effects on listed species are expected to continue in the action area and into the future. Herring and salmon are fisheries that are managed entirely by the State of Alaska, or, in the case of pollock and Pacific cod, only a percentage of the fishery is managed by State authority, and are species found year-round in the diet of Steller sea lions.

The environmental baseline also discusses the potential effects of the environmental changes on the carrying capacity of the action area over the past several decades, including the relationship between the dietary needs of Steller sea lions, the regime shift hypothesis, and massive population declines in recent decades. The opinion concludes that it is highly unlikely that natural environmental change has been the sole underlying cause for the decline of Steller sea lion.

The environmental baseline attempts to bring together all of the estimated mortalities of Steller sea lions and a synthesis of the significance of those takes. The best available scientific information on the magnitude and likely impacts of Orca predation on listed species in the action area are analyzed. Other factors, such as disease, ecological effects of commercial whaling through the 1970s, and pollutants, while not entirely excluded as contributing factors, have been considered, but are given lesser importance in explaining the observed pattern of declines.

EFFECTS OF ACTIONS

The scope of the "effects of actions" analysis is intended to be comprehensive. As such, the opinion is broad and examines a range of activities conducted pursuant to the FMPs including the manner in which the total allowable catch levels are set, the process that leads to the setting of these levels, the amount of prey biomass taken from sea lion critical habitat. The effects of other activities that are interrelated or interdependent are also analyzed. Indirect effects are those that are caused later in time, but are still reasonably certain to occur. Interrelated actions are those that are part of a larger action and depend upon the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration (50 CFR 402.02).

The first part of the effects analysis is a description of fishery management as practiced under the FMPs, including an explanation of how ecosystem issues are considered. Particularly important sources of potential ecosystem effects are highlighted in subsequent sections. The second part of the effects analysis focuses on the current exploitation strategy and its potential relevance, both past and present, in shaping changes in the abundance and population structure of groundfish stocks. The present fishery management regime's maximum target fishing reference point of B40% is used as an example to illustrate the potential direction and intensity of direct effects.

The third part of the effects analysis reviews the annual fishery cycle, from surveys through the establishment of Total Allowable Catch (TAC) levels. The effects are evaluated specific to the major stages of the cycle and to explore whether effects can be compounded through subsequent steps in the cycle. Finally, in the fourth part of the effects analysis, the FMPs and their management tools and policies are examined as guiding documents for management of the fisheries and protection of the associated ecosystems. This part also addresses the fisheries as they are prosecuted under the FMPs.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, tribal, local, or private actions that are reasonably certain to occur in the action area. The State groundfish fisheries are generally smaller than the federal groundfish fisheries but are expected to have marginally more impacts (because of location) on listed species with respect to competition for prey and long term ecosystem impacts. The crab fishery is one of the biggest fisheries managed by the state. However, this fishery is not likely to directly compete for prey with either Steller sea lions or other listed species. Herring, salmon, Pacific cod, pollock, squid, and octopus are items found year-round in the diet of Steller sea lions. Species such as salmon and herring occur much more frequently in the summer as determined by analyses of Steller sea lion prey habits from 1990–1998.

Perhaps the most important interaction between state fisheries and listed species may arise from the pattern of localized removals of spawners. Although the patterns are generally similar from one fishery to the next, the sheer number of distinct fisheries makes it difficult to describe them individually. Likewise, each fishery is distinctly different in either the number of boats, gear used, time of year, length of season, and fish species. Therefore, we present the herring fishery as an example of this type of interaction to demonstrate some of the competitive interactions that may occur.

The impacts of some of the State fisheries on Steller sea lions and, in some cases, humpback whales would be similar to those of the Federal fisheries: cascade effects and competition. Steller sea lions and some of the State fisheries actively demand a common resource and the fisheries reduce the availability of that common resource to Steller sea lions while they satisfy their demand for fish. The State groundfish fisheries may reduce the abundance or alter the distribution of several prey species of listed species.

After reviewing the current status of each listed species in the action area, the environmental baseline for the action area, the effects of the FMPs for Alaska Groundfish in the BSAI and GOA, and the cumulative effects of the federal action, NMFS has determined that the FMPs are not likely to jeopardize the continued existence of any listed species in the action area except for the endangered western population of Steller sea lions. In addition, after reviewing the current status of critical habitat that has been designated for Steller sea lions, the environmental baseline for the action area, the FMPs for Alaska Groundfish in the BSAI and GOA, and the cumulative effects, it is NMFS' biological opinion that the FMPs are likely to adversely modify this critical habitat designated for Steller sea lions.

REASONABLE AND PRUDENT ALTERNATIVE

Based on the effects discussion and NMFS determination that fishing activity under the FMPs are likely to jeopardize the continued existence of the western population of Steller sea lions and are likely to adversely modify their designated critical habitat, NMFS has developed a reasonable and prudent alternative (RPA) with multiple components for the groundfish fisheries in the BSAI and GOA. The fisheries effects that give rise to these determinations include both large scale removals of Steller sea lion forage over time, and the potential for reduced availability of prey on the fishing grounds at scales of importance to individual foraging Steller sea lions.

The first RPA element addresses the harvest strategy for fish removal at the global or FMP level. This RPA requires the adoption of a new harvest control rule that would decrease the likelihood that the fished biomass for pollock, Pacific cod and Atka mackerel would drop below B40%. The global control rule is a revised, more precautionary fishing strategy (F40% adjustment procedure) for principal prey of Steller sea lions taken by the groundfish fisheries in the BSAI and GOA (pollock, Pacific cod and Atka mackerel) than that which currently exists under the FMP. The effect of using the global control rule is increased likelihood that the stock is maintained at or above the target stock size by reducing the exploitation rate at low stock sizes.

Other RPA elements completely protect sea lions from groundfish fisheries at global and regional scales, and in both temporal and spatial dimensions. The other RPA elements reflect a heirarchy of NMFS concerns about the effects of the groundfish fisheries on Steller sea lions. Those concerns are greatest with respect to critical habitat areas around rookeries and major haulouts, and in special foraging areas designated as critical habitat, and less for areas outside of critical habitat where take levels are not considered to be at a level that would jeopardize Steller sea lions. Significant interactions between sea lions and the fisheries for pollock, Pacific cod and Atka mackerel have been eliminated in critical habitat between November 1 and January 19, or 22% of the year. This level of partitioning is necessary in this period because sea lions at this time are considered extremely sensitive to prey availability. Because fisheries are restricted to the remaining 78% of the year, dispersive actions taken at finer temporal and spatial scales are also necessary to avoid jeopardy and adverse modification. The RPA extends 3 nautical mile (nm) protective zones around rookeries to all haulouts. In the GOA, EBS and AI, a total of 139 no-fishing zones (note: the rookeries are already no-entry zones) are established that will partition all pups and non-pups from disturbances associated with vessel traffic and fishing in close proximity to important terrestrial breeding and resting habitat. The RPA closes many rookeries and haulouts out to 20 nm to directed fishing for pollock, Pacific cod and Atka mackerel. This second spatial partitioning element excludes all fisheries for pollock, Pacific cod, and Atka mackerel from approximately 63% of critical habitat in the GOA, EBS, and Aleutian Islands. These measures significantly increase the amount of critical habitat protected from directed fishing for Steller sea lion prey, greatly reduces the number of potential takes of Steller sea lions through competition for a prey base inside critical habitat, completely protects all pups and non-pups on rookeries and haulouts out to 3 nm from the effects of fishing activity, and greatly reduces the interactions between fisheries and sea lions during winter months.

Fisheries occurring in the remaining 34% of critical habitat and the areas outside critical habitat require further dispersive actions to avoid jeopardy and adverse modification. The temporal concentration of fisheries for pollock, Pacific cod and Atka mackerel may result in high local harvest rates that may reduce the quality of habitat by modifying prey availability. The RPA establishes the following measures to disperse fishing effort at regional and local scales and to reduce the effects of groundfish fisheries on prey availability for sea lions to negligible or background levels.

The RPA separates the fisheries into four seasonal limits inside critical habitat, and two seasonal releases outside of critical habitat, and disperses fishing effort throughout the open portion of the year, January 20–October 31. Season start dates are spaced evenly throughout this period and portions of the TAC is allocated to each season. These actions reduce the proportion of pollock, Pacific cod and Atka mackerel taken inside critical habitat inside the GOA to less than 20% of the total catch. The measure also protects against excessive harvest rates that may rapidly deplete concentrations of prey inside critical habitat. NMFS has concluded that a temporally dispersed fishery would not significantly harm the foraging success of Steller sea lions as the take would be reduced to a level that NMFS believes would not compromise them.

The spatial concentration of current fishing effort for pollock, Pacific cod and Atka mackerel may result in high local harvest rates that reduce the quality of habitat for foraging Steller sea lions. Fishing inside critical habitat may result in takes of Steller sea lions through adverse modification of habitat (i.e, prey availability). Therefore, this RPA reduces the percentage of pollock taken inside critical habitat from 80 to 42% in the GOA, from 45 to 14% in the EBS and from 74 to 2% in the AI compared to 1998. It also reduces the percentage of Pacific cod caught in critical habitat from 48 to 21% in the GOA, from 39 to 17% in the EBS and from 79 to 17% in the AI as compared to 1998. The RPA reduces the percentage of Atka mackerel caught inside critical habitat in the AI from 66 to 8% as compared to 1998.

Finally, the RPA is designed to close adequate portions of critical habitat to commercial fishing for the three primary prey species of groundfish, while imposing restrictions on fishing operations in areas open to fishing to avoid local depletion of prey resources for Steller sea lions. This approach of creating areas open and closed to fishing operations provides contrast between complete closures and restricting fishing areas within critical habitat and forms the basis for monitoring the RPA. Over the past decade the North Pacific Fisheries Management Council has noted the importance of assessing the efficacy of conservation measures intended to promote the recovery of the western population of Steller sea lions. To this end, NMFS has incorporated into its RPA a monitoring program that will allow for such an evaluation.

INCIDENTAL TAKE STATEMENT AND CONSERVATION RECOMMENDATIONS

An Incidental Take Statement (ITS) specifies the impact of any incidental taking of endangered or threatened species. It also provides reasonable and prudent measures that are necessary to minimize impacts and sets forth terms and conditions with which NMFS must comply in order to implement the reasonable and prudent measures and to be exempt from the prohibitions of section 9 of the ESA.

In addition to the RPA and ITS, conservation recommendations have been provided within this biological opinion. An example of one of the conservation recommendations that NMFS believes should be implemented is a more comprehensive stock assessment that would provide detailed information on groundfish stocks on spatial and temporal scales and to provide timely review of possible fishery interactions with listed species (and in the future on essential fish habitat). This would allow for better analysis of the possible impacts of target fisheries on listed species and the more proactive development of time/space harvest recommendations at the individual stock assessment level so that fishery interactions with listed species and essential fish habitat can be minimized.

The cumulative effect of the RPA elements contained in this biological opinion successfully removes jeopardy and avoid adverse modification of designated critical habitat. However, the State fisheries in Alaska, particularly those involving salmon, herring, and Pacific cod are likely to result in take of Steller sea lions and may require modification. As a conservation measure, NMFS also recommends that the State of Alaska request NMFS to assist in the development of a Habitat Conservation Plan (as authorized under section 10 of the ESA). This plan should be designed to mitigate adverse impacts on Steller sea lions and other listed species that might accrue from State managed fisheries. This plan should employ the same standards and principles as used in this biological opinion to prevent completion and minimize take between fisheries and listed species.

CONCLUSION

After analyzing the cumulative, direct and indirect effects of the Alaska groundfish fisheries on listed species, NMFS concludes that the fisheries do not jeopardize any listed species other than Steller sea lions. The biological opinion concludes that the fisheries do jeopardize Steller sea lions and adversely modify their critical habitat due to competition for prey and modification of their prey field. The three main species with which Steller sea lions compete for prey are pollock, Pacific cod, and Atka mackerel. The biological opinion provides a reasonable and prudent alternative to modify the fisheries in a way that avoids jeopardy and adverse modification.

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that the period for morning business be extended, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RELATIONSHIPS

Mr. GORTON. Mr. President, yesterday morning, without any notice to this Senator, my distinguished colleague from Washington, Senator MURRAY, came to the floor to congratulate me in my career in the Senate in a most generous and gracious fashion and to yield time to other Senators for the same purpose.

Each of them, including the other Senator present, Mr. BURNS, was more than generous and profuse in their praise. The experience of listening to it in my office bore some resemblance to attending one's own wake. But, nonetheless, the many fine things that were stated about my career by Members on both sides of the aisle is deeply appreciated.

I reflected a little bit later on the fact that while our public image—and, for that matter, our public duties—has to deal with profound political and social questions of public policy, our personal relationships among the 100 Members is something really quite different. Each of us leaves the others with strong impressions. Friendships become both broad and deep during the course of a career here in the Senate. When one comes to the end of such a career, it is those personal relationships, in my view, that are the most deep and most profound and that have the greatest effect on one as an individual.

To listen to expressions from people who are not accustomed to speaking emotionally or personally is an extremely moving experience. For that reason, as close as each of those individuals was to me, I don't want to mention them by name but simply express my thanks and my appreciation for all they said. Those friendships, of course, will continue in most cases through a lifetime.

Relationships of necessity are really quite different.

There is, however, one other set of relationships about which I should like to speak very briefly, and that is the relationship between a Member of this body and his or her staff, both present and past. I think I can say unequivocally that quite profoundly I am and have been a creature of my staff over the period of my entire 18 years in this body.

My proudest achievement is that so many young people—almost all from my own State—have worked for a great or shorter period of time on my staff either here or in the State of Washington. The great majority of them, of course, have already gone on to other careers—most of them in the State, a return that I find particularly gratifying.

If I have a legacy—I think in many respects if any of us has a true legacy over the years—the best of all the bills we have gotten passed and almost inevitably amended within a relatively short period of time—that legacy is the young people to whom we have given a start here in highly responsible positions, working on important matters of public policy and dealing with dozens, hundreds, and even thousands of the constituents whom we represent, growing in not only thoughtfulness but responsibility during that period of time.

For me, the great legacy for generations to come will be the new, young, and maturing people who have worked for me during the course of these 18 years. I have every hope that at some time in the not too distant future at least one of them may appear in this body as a Member. And certainly I am of the belief that many of them will appear in my State and other States in positions of increasing responsibility in a lifetime that will have been marked by our association together.

I thank my colleagues. I thank the staff here and of the Senate itself in this Chamber, but most particularly the hundreds of young people who have worked for and with me during the course of the last 18 years.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. GORTON. Given the presence of the assistant Democratic leader, I ask unanimous consent the Senate now turn to the consideration of H.J. Res. 128.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 128) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be considered read the third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 128) was considered read the third time and passed.

COMMENDING SENATOR GORTON

Mr. REID. Mr. President, while the Senator from Washington is present, I wish to tell him on a very personal basis, how much I have appreciated his help. SLADE GORTON has called the State of Washington his home for the past 47 years, having moved to Seattle from Chicago in 1953.

He served in the United States Army from 1946 to 1947. He was in the United States Air Force on active duty where he reached the rank of colonel, from 1953 to 1956, and in the Air Force Reserves from 1956 to 1981.

I have worked with Senator GORTON on the Appropriations Committee, particularly on interior issues. Because of his knowledge and experience on interior matters, working closely with him in his role as the Interior Subcommittee chair, we passed the Lake Tahoe Restoration Act and other important environmental legislation for Nevada including restoration of the Lahonton cutthroat trout and stopping the spread of invasive species.

Those of us who have worked with SLADE GORTON have long known his dedication to the ideals of this body and his championing of the State of Washington. I remember when the Senator took over the Interior Subcommittee on Appropriations; he did something unusual. The Senator called members to his office, all the members of the subcommittee, Democrats and Republicans, to sit down and talk about what we thought should be the direction of the subcommittee, which areas should be funded, which areas should be cut back a little bit. I appreciated that very much. It set a great tone for the subcommittee.

I was curious and looked around his office and saw many indications that Senator GORTON had been to the U.S. Supreme Court presenting cases. I have been in courtrooms many times, at over 100 jury trials, argued before the ninth circuit of our State supreme court, but never had the opportunity to argue a case before the U.S. Supreme Court, even though I am a member of that bar.

The number of times the Senator from Washington has appeared as an advocate for the State of Washington and other parties in the U.S. Supreme Court is most impressive. It is a rare occasion that a person gets to argue once, but to argue as many cases before the Supreme Court as the Senator from Washington has is extremely impressive.

I also want to say that the people of Nevada have done well as a result of the Senator being the chairman of that subcommittee. The State of Nevada is 87-percent owned by the Federal Government. As a result we have many problems. The Senator from Washington was always very understanding of the very special problems we had in the State of Nevada.

The Senator had a great relationship with the ranking member of that subcommittee, Senator BYRD, and to have Senator BYRD say publicly the things he has on many occasions about his relationship with Senator GORTON speaks volumes. Senator BYRD has been in the Senate 48 years and really understands quality when he sees it.

I want the Senator from Washington to know how much I appreciate his good work. I will always remember his friendship and look forward to our continued association.

I thank SLADE GORTON, his wife Sally, and their three children and seven grandchildren for their years of sacrifice and dedication to our nation.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. I thank the Senator from Nevada for his fine comments and compliments. I may tell the Senator, that relationship is perhaps a result of the marvelous biblical statement about casting your bread upon water and having it come back manyfold.

When I was first a member of the Appropriations Committee, I was in the minority. The Senator from Nevada was the chairman of the modest subcommittee on the legislative branch, and I was his ranking minority member. The Senator from Nevada came to my office to consult with me in a way he did not need to about those appropriations. I think it was I who persuaded him to put more benches and trash receptacles on the Capitol grounds, which was denuded of them at the time, so I can believe I actually accomplished something in that modest position.

It was that lesson when we went into the majority that taught me that on the Appropriations Committee and the Senate as a whole, it was best to work with everyone when it was at all possible to do so and that you were far more likely to be successful not only for the people of your own State but the country, if you used the experience and the wisdom of all Members of your committees or of the Senate itself.

So I am particularly grateful for the comments of the Senator from Nevada. But whatever courtesies he was rendered by this Senator he earned by having taught the same lesson.

PROJECT HOMESAFE

Mr. LEVIN. Mr. President, there is a company in my home State of Michigan which is to be commended for its efforts to reduce gun injuries and deaths. Last month, Meijer Stores paired up with a coalition of law enforcement officials to implement a firearm buyback program in selected counties in Michigan.

The firearm buyback program, called "Project Homesafe," allows gun owners to receive a $50 Meijer cash card in exchange for every functioning firearm. Meijer Stores donated $100,000 worth of these cash cards to promote the disposal of unwanted guns. Guns turned in under this program are expected to be destroyed.

Mr. President, Project Homesafe is a constructive enterprise and the kind of public-private partnership needed to promote safety in Michigan homes and communities. I applaud the initiative of Meijer Stores as well as Attorney General Jennifer Granholm, the Michigan Sheriffs' Association, Ingham County Sheriff Gene Wriggelsworth, and Kent County Sheriff James Dougan, all of whom were instrumental in implementing Project Homesafe.

ADDITIONAL STATEMENTS

IN HONOR OF MARK LEWIS GILLMING

• Mr. ASHCROFT. Mr. President, I would like to take this opportunity to recognize and honor the two-month anniversary of the death of Mark Lewis Gillming, who passed away Sunday, October 8, 2000, in a car accident in Springfield, Missouri, on his way to church with his cousin, John Lingo.

Mark Gillming grew up in my home town of Springfield, Missouri, and was a senior at Hillcrest High School to be graduated with the class of 2001. As a student, he excelled in both academics and athletics, becoming an honors student and being involved in track and football. Mark exhibited a great presence on the Hillcrest High football team, both in action and in spirit.

Mark's life touched many lives, far beyond his school into his community. He was well liked by his peers and had great influence on those who knew him during his short life. His positive outlook enriched those around him.

Mark was the son of Pastor and Mrs. Kenneth D. Gillming. He was a member of Cherry Street Baptist Church where his father is a pastor. Mark was a leader in their youth ministry. His Christian faith was a central part of his life. He loved his family, friends and most important of all, he loved Christ. Today, I join his family and friends in remembrance of Mark Gillming, whose demeanor and character were a blessing to those who knew him. He will be missed greatly.•

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 7, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2415. An act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 10:26 a.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 128. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 5630) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4827. An act to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-11795. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of the Anti-Churning Rules for Amortization of Intangibles in Partnerships" (RIN1545-AX73) (T.D. 8907) received on November 27, 2000; to the Committee on Finance.

EC-11796. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2000-50, Treatment of the Costs of Computer Software" (Revenue Procedure 2000-50) received on December 4, 2000; to the Committee on Finance.

EC-11797. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "'Liable to Tax' Treaty Residence Standard" (RR-1114511-00) received on December 4, 2000; to the Committee on Finance.

EC-11798. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Employment Tax Deposits—De Minimis Rule" (RIN1545-AY46, T.D.8909) received on December 5, 2000; to the Committee on Finance.

EC-11799. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2001-2, Research Credit Suspension Period" received on December 7, 2000; to the Committee on Finance.

EC-11800. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Year 2001 Section 1274A CPI Adjustments" (Revenue Ruling 2000-55) received on December 7, 2000; to the Committee on Finance.

EC-11801. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Rul. 2001-10—Small Taxpayer Exception to Accrual Method and Inventory Requirements" (Rev. Rul. 2001-10) received on December 7, 2000; to the Committee on Finance.

EC-11802. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Year 2001 Section 7872(g) CPI Adjustment" (Revenue Ruling 2000-56) received on December 7, 2000; to the Committee on Finance.

EC-11803. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "December 2000 Applicable Federal Rates" (Revenue Ruling 2000-54) received on November 17, 2000; to the Committee on Finance.

EC-11804. A communication from the Chair, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to medical savings accounts and payment for care in post recovery care centers; to the Committee on Finance.

EC-11805. A communication from the Secretary of the Navy in concurrence with the Navy Chief of Operations, transmitting, pursuant to law, a report relative to the Marine Corps intranet contract; to the Committee on Armed Services.

EC-11806. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the activities during fiscal year 1998; to the Committee on the Judiciary.

EC-11807. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Asylum Procedures" (RIN1115-AE93) received on December 7, 2000; to the Committee on the Judiciary.

EC-11808. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Simplification of Certain Requirements in Patent Interference Practice" (RIN0651-AB15) received on November 27, 2000; to the Committee on the Judiciary.

EC-11809. A communication from the Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Rules to Implement Optional Inter Partes Reexamination Proceedings" (RIN0651-AB04) received on November 27, 2000; to the Committee on the Judiciary.

EC-11810. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the pay-as-you-go reports numbers 522-526, dated November 16, 2000; to the Committee on the Budget.

EC-11811. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the pay-as-you-go reports numbers 517-521, dated November 16, 2000; to the Committee on the Budget.

EC-11812. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the pay-as-you-go reports numbers 527-531; to the Committee on the Budget.

EC-11813. A communication from the Acting Chief Counsel, Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers: Additional Designations and Removals and Supplementary Information on Specially Designated Narcotics Traffickers, Foreign Terrorist Organizations" (31 CFR chapter V, appendix A) received on November 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11814. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Consumer Protections for Depository Institution Sales of Insurance" (RIN1550-AB34) received on November 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11815. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Regulation H Part 208—Membership of State Banking Institutions in the Federal Reserve System, Regulation Y Part 225—Bank Holding Companies and Change in Bank Control" (R-1087) received on November 29, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11816. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a report relative to the final rule "Consumer Protections for Depository Institution Sales of Insurance"; to the Committee on Banking, Housing, and Urban Affairs.

EC-11817. A communication from the Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Consortia of Public Housing Agencies and Joint Ventures" (RIN2577-AC00) (FR-4474-F-02) received on November 30, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11818. A communication from the Secretary to the Emergency Loan Guarantee Board, transmitting, pursuant to law, the report of a rule entitled "Emergency Steel Guarantee Loan Program; Commercial Lending Practices and Re-opening of Period for Applications" (RIN3003-ZA00) received on December 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11819. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a report relative to the final rule "Rules of Practice and Procedure"; to the Committee on Banking, Housing, and Urban Affairs.

EC-11820. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, a report relative to the final rule "Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions"; to the Committee on Banking, Housing, and Urban Affairs.

EC-11821. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled "Replacement Fuel and Alternative Fuel Technical and Policy Analysis"; to the Committee on Energy and Natural Resources.

EC-11822. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled

"Emissions of Greenhouse Gases in the United States 1999"; to the Committee on Energy and Natural Resources.

EC–11823. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Temporary Approval of Tin Shot as Nontoxic for Hunting Waterfowl and Coots During the 2000–2001 Season" (RIN1018–AH67) received on November 30, 2000; to the Committee on Environment and Public Works.

EC–11824. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NAC–UMS Amendment" (RIN3150–AG57) received on December 5, 2000; to the Committee on Environment and Public Works.

EC–11825. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to the Inspector General Act for the period of April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11826. A communication from the Manager, Benefits Communications, Farm Credit Bank, transmitting, pursuant to law, the annual report for the plan year ended December 21, 1999; to the Committee on Governmental Affairs.

EC–11827. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1792, Seismic Safety" (RIN0572–AB47) received on December 4, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11828. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; 2nd Annual Head to the New River Front Regatta, Hartford, Connecticut (CGD01–00–218)" (RIN2115–AA97) (2000–0088) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11829. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Weekly fireworks, Dockside Restaurant, Port Jefferson harbor, NY (CGD01–00–217)" (RIN2115–AA97) (2000–0089) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11830. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Oil Spill Recovery, Lower New York and Sandy Hook Bays(CGD01–00–220)" (RIN2115–AA97) (2000–0090) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11831. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Sacramento River, CA (CGD11–00–011)" (RIN2115–AE47) (2000–0052) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11832. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mokelumne River, CA (CGD11–00–009)" (RIN2115–AE47) (2000–0053) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11833. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Gulf Intracoastal Water, Algiers Alternate Route, Louisiana (CGD08–00–021)" (RIN2115–AE47) (2000–0054) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11834. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas; San Pedro Bay, California (CGD11–00–007)" (RIN2115–AE84) (2000–0005) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11835. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Noxious Liquid Substances, Obsolete Hazardous Materials in Bulk, and Current Hazardous Materials in Bulk (USCG–2000–7079)" (RIN2115–AF96) (2000–0001) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

REAUTHORIZATION OF THE STRIPED BASS CONSERVATION ACT

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 2903, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

> A bill (H.R. 2903) to reauthorize the striped bass conservation act and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BURNS. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2903) was read the third time and passed.

ORDERS FOR MONDAY, DECEMBER 11, 2000

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 5:30 p.m. on Monday, December 11. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until the hour of 6 p.m., with Senators speaking for up to 10 minutes each, with the time equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECORD TO REMAIN OPEN

Mr. BURNS. I further ask consent that the RECORD remain open until 12 noon for the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BURNS. For the information of all Senators, the Senate will convene on Monday, December 11, at 5:30 p.m. The House is expected to vote on a continuing resolution on Monday evening. Therefore, the Senate will be in a period of morning business awaiting the receipt of the resolution from the House. Senators should be aware that the resolution is expected to be passed by voice vote, and therefore a rollcall vote is not expected on Monday.

RECESS UNTIL 5:30 P.M., MONDAY, DECEMBER 11, 2000

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 10:48 a.m., recessed until Monday, December 11, 2000, at 5:30 p.m.

HOUSE OF REPRESENTATIVES—*Friday, December 8, 2000*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In a world filled with noise and confusion it is difficult to be attentive to Your Word, O Lord.

Grant us peace; peace of heart, health in our families and firm purpose to our Nation.

Steady our spirits with Your almighty hand, that we may know You are present and care for us even now.

Help us not to fear Your silence; instead, let us enter into its pure light.

Under Earth's blanket of winter quiet our depths that we may be a source of peace and reconciliation to others.

Keep us attuned to the slightest kindness, the child's prayer, the gentle whisper of understanding and all that signals Your kingdom is near.

Grant Sabbath to our souls that we may recognize Your glory when it appears now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Indiana (Mr. PEASE) come forward and lead the House in the Pledge of Allegiance.

Mr. PEASE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 439) "An Act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 1694) "An Act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii."

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 1-minute speeches today at the end of business.

PROVIDING FOR CONSIDERATION OF H.J. RES. 128, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 669 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 669

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 128) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 669 is a closed rule providing for consideration of House Joint Resolution 128, which makes further continuing appropriations for fiscal year 2001 through December 11.

House Resolution 669 provides for 1 hour of debate on the joint resolution, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of this joint resolution. Finally, the rule provides for one motion to recommit, as is the right of the minority.

Mr. Speaker, the current continuing resolution expires at the end of today, and further continuing resolutions are necessary to keep the government operating while Congress completes the consideration of the remaining appropriations bills. Because the President refuses to sign any of longer duration, the joint resolution covered by this rule simply extends the provisions of our current continuing resolution by 3 days.

Mr. Speaker, after months of hard work, the House has now just a few issues left to resolve. Some of these issues are issues of policy. Others are issues of money. Issues of policy do not belong in our appropriations discussion, they belong in our authorizing committees. The President has always been quick to chastise the Congress for such legislation, so I know this is not the proper place or time to be having these discussions.

In contrast, this is now the time to talk about money. We talk so much about money here that it is easy to forget that the money is real and that it really belongs to the taxpayer. It would surprise most Americans to learn that when we here on the floor talk about spending $1 billion in a year, what we are really talking about is spending well over $2.5 million per day, $2.5 million per day.

So I have come to the House floor with a great comfort for each of these continuing resolutions, knowing that every day is another small down payment to the American taxpayer. Each day is another step towards smaller and more efficient government.

Like my Republican colleagues, I am determined to pass fair and fiscally responsible appropriations bills. I will stay here as long as it takes to achieve this goal for the American people.

Mr. Speaker, I hope that the President will join us in our good-faith efforts to negotiate a fair, bipartisan solution to the disagreements still before us. I am hopeful that the fair, clean continuing resolution covered by this rule will give us the time we need to complete the appropriations process in a thoughtful and judicial manner.

This rule was unanimously approved by the Committee on Rules yesterday. I urge my colleagues to support it so we may proceed with general debate and consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, even though the fiscal year started 69 days ago, my Republican colleagues still have not gotten

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

all the appropriation bills signed into law. So here we are, meeting on December 8 to consider not the first, the second, or the third, but the 18th continuing resolution in this fiscal year.

Mr. Speaker, this continuing resolution will keep the Federal government open through this weekend so the negotiations can resume again next week. Once they resume, I hope the Republican leadership will agree to consider the bipartisan spending agreement that makes the improvements to education. Until then, we need to keep the Federal government open for other business.

So although I think it is well past time that these appropriation bills were finished, Mr. Speaker, I will support this continuing resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 128, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 669, I call up the joint resolution (H.J. Res. 128) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 128 is as follows:

H.J. RES. 128

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking the date specified in section 106(c) and inserting "December 11, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 669, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we bring to the House another continuing resolution, House Joint Resolution 128.

This one is different than the ones we have been doing. This is a 3-day extension, so this would keep the government functioning until Monday night.

The leadership of the House and Senate are negotiating with the President, and hopefully there will be some kind of breakthrough soon so we as appropriators can finalize the details of the agreement. We have not reached that agreement yet, but we will be working over the weekend.

I spoke yesterday evening with the Director of the Office of Management and Budget, as did my counterpart in the Senate. There is movement, but we are not there yet. Anyway, Mr. Speaker, we will be working over the weekend to see if we can have this concluded for the Members to vote on next week.

As I mentioned yesterday, there are several issues that are still outstanding, most of which are not even appropriations items. Nevertheless, they are attached to this bill.

So, by next week, we hope to have more progress to report.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, we are supposed to have our appropriations work done by October 1. We obviously do not have that work done. As I said yesterday, that is not unique. That has happened often in Congress.

But I think something unique is happening which, in my view, no longer justifies voting for these continuing resolutions. I do not intend to vote for this continuing resolution, and I will vote against it.

Continuing resolutions are supposed to be passed to give us more time to get our work done. When they are passed, we are supposed to be resolving our differences. This is now the 19th time that we have had to come to the floor and ask for yet another extension of time.

I would not mind doing that if I thought we really were making progress. I have read several newspaper accounts this morning of the alleged agreements which were reached at the White House yesterday. I have read stories. If I believed that those stories were true, I would then feel fairly optimistic that in fact we could get finished within a few days over the weekend.

But in fact what I know to be going on behind the scenes is at huge variance with the newspaper stories that I have seen this morning, so somebody has fed some information to a number of reporters, information which is simply not accurate. I suspect some of that misinformation has been spread by design, but I suspect that some other of it has been spread simply through honest misunderstandings.

My interpretation of what is going on at the White House is quite different than the optimistic picture painted in the papers this morning.

□ 0915

When I talk to people who are in that meeting, I get wildly varying and differing explanations about what the parties did or thought they were doing.

They all appear to be operating from different financial baselines. So that when they use a specific number, when one party in those discussions uses a specific number, two other parties in the room have an erroneous understanding of what that number means. And as a result, we get the picture when people come out of the White House that everybody has played kissy-face, and it is all nice and wonderful, and we are very close to a deal.

Yet, when you take a look at the actual differences that are being discussed, we are still miles apart; and I do not believe that passage of this or any other continuing resolution is going to lead to a narrowing of those divisions. I think it will lead to a continuation of the drift, and that drift is in no way the responsibility of the gentleman from Florida (Mr. YOUNG) or anyone else on the Committee on Appropriations.

If I may speak institutionally, I believe if the Committee on Appropriations on both sides of the aisle were allowed to work these agreements out, we could do so in 1 day. But so far as I know, there are no clean signals being given that we can, in fact, do that.

So I will make a flat prediction. This resolution will pass. It will probably have a majority of votes on both sides of the aisle. And come Monday, we will be here having to pass another resolution because people will have peddled baffle-gab over the weekend without doing very much real work.

I compare some of the numbers being discussed in the papers. I see, for instance, that a number of the papers refer to the possibility of reaching agreement for the Labor-Health-Education bill at the level of $107 billion. There is not a chance of a snowball in Hades that you would find a majority of votes in this House for that kind of a bill. And it is important for people on both sides of the aisle to understand that.

I am perfectly willing to participate in an exercise which requires flexibility on both sides of the aisle, but I know from talking to a number of my good friends on the other side of the aisle that they themselves would not be satisfied to vote for a bill which came in here at $107 billion.

Now, people will say, well, that is the number that the President asked for. Well, if you take a look at what this

Congress passed so far this year, it increased what the President asked for for agriculture by $1.3 billion.

It increased what the President asked for for Energy and Water, many for Members' projects, by $1 billion.

It increased what the President asked for in the Interior appropriations by $2.5 billion.

It increased what the President asked for in Transportation by $2.4 billion, and Defense by over $5 billion, but when it comes to Education, we are now being told that we should go back to 106.

We just had an election and the standard bearer for the majority party, Mr. Bush, indicated that under Republican governance there would be a bipartisan approach to government, and yet the very first thing that we are being asked to do is to break the bipartisan agreement that was reached on funding levels in the Labor-Health and Education appropriations bill before the election.

When that bill came back to this floor, I do not recall a single significant objection to a dollar number in the bill.

I do recall some quite vivid controversy, as the gentleman from Florida (Mr. YOUNG) indicated yesterday, about what were nonappropriation items in the bill, language items that wanted to be attached by one side or the other; and yet today after everyone ran on the idea that this Congress was going to provide the biggest increase in education since the days of Lyndon Johnson, now we are being told that we have to abandon that 22 percent increase in education funding.

Well, I would suggest to you that weaknesses in our schools are just as important as weaknesses in national defense. I would suggest that weaknesses in our education system are just as important as weaknesses in our transportation system.

I would suggest that weaknesses in education are just as serious as weaknesses in our farm programs.

I would suggest that weaknesses in our education programs are at least as important as weaknesses in our locks and dams and river reengineering programs. And yet, we are being asked to cut the efforts to reduce class size in our schools.

We are being asked to cut the agreement that was reached on after-school programs so that kids when they leave school have someplace to go besides an empty house, because both parents are working outside of the home. We are being asked to cut back on the promises that we have made in that conference report for special education and for education for disabled children.

We are being asked to cut back on the $500 increase in the Pell grants that everyone claimed to be for earlier and that, in fact, Mr. Bush campaigned on. We are being asked to cut back on teacher quality initiatives so that we can reach the "startling" situation under which the people teaching mathematics to our kids will actually be trained in mathematics, and the people teaching science will actually be trained in science, and the people teaching history will actually be trained in history.

Yet, we are being asked to cut back on those initiatives. We are being asked to cut back on a good many others from the levels reached in that agreement. I am willing to sit down and work out some reasonable adjustments in those programs. But I am not willing to vote for instruments that enable anyone on either side to pretend that we are making major progress when, in fact, we are not.

And what is happening is that we are being slow-danced to the end of the session, when we will be given a choice of accepting a simple status quo education budget when, in fact, the situation on the education front demonstrates that is not what we need. We need some imagination. We need some forward progress, and we need a lot more support for some of these initiatives than we have had so far.

I really believe that if that original agreement was put on the floor, the dollar amounts I am talking about, absent the language items that were at issue, I really believe that if the dollar amounts for education and health care and worker programs contained in that conference were allowed to come to the floor by the Republican leadership, it would pass with a significant majority, and we would have a lot of votes from both sides of the aisle.

That bill is not being allowed to come to the floor. Instead, we are being asked to renegotiate a deal that was reached on both sides of the Capitol with both parties. And as I say, in the interests of rational governance, I am willing to help participate to a reasonable degree, but I am not willing to savage these programs in order to get an agreement. I am not willing to pretend that there is major progress when, in fact, there is not.

I want to say again, none of the fault for any of the progress that has not taken place lies at the doorstep of the gentleman from Florida (Mr. YOUNG). As far as I am concerned, he has been open at all times to suggestions and to requests from everyone regardless of party, regardless of the branch of government.

I think the gentleman has genuinely tried to get us to a resolution of this problem, but there are other people. I will be blunt about this. Every time I was asked by members of the press before the election what I thought was happening to the Labor, Health and Education bill, what I said was that I thought that the Republican leadership was trying to, at all costs, avoid a vote on education until after the election, so that they could hide their long-term intention to cut the amounts in this agreement. Then after the election, they would then feel free 2 years in advance of another election, counting on the public's ability to forget that they would then feel free to make large reductions in the education funding programs that we had agreed to.

Now that is exactly what is now happening. I do not believe that all Members of the majority party agree with that. I think there is a substantial number of Members who do not want to do that, but they have not been allowed to cast a vote on the floor. And until they are or until we can get reasonably rapid progress, I no longer intend to support these CRs. I have supported 18 of them in a row in order to keep negotiations going, but I see no meaningful progress.

I see the leadership of the House and the Senate and the President each trying to compete with each other in public relations terms to show who can be the sweetest in front of the TV cameras or the print press, but I do not see any real decisions being made that reflect the honest view of a majority of people on both sides of the aisle in this House.

And so until I do, I will vote no on this and subsequent continuing resolutions.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman from Florida (Mr. YOUNG) for yielding the time to me.

Mr. Speaker, I want to compliment the gentleman from Florida (Chairman YOUNG) for shepherding through a bill and a process that is unbelievable. And I want to associate my remarks with our fine leader of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY), who has stated the facts that the gentleman has done a marvelous job.

I also want to compliment the gentleman from Wisconsin (Mr. OBEY) for fighting some of the salient points that are important to many Americans.

I take this time, not to belabor Congress, but I am concerned about the status of the minimum wage. I would hope that both the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG), although this is not totally in your province, assert your tremendous influence to include in that final package the minimum wage that we constructed on the House floor, and, if necessary, to even expand it pursuant to the conditions that exist in the country.

□ 0930

I also voted for a commensurate tax reduction for those business people who must take on that additional burden of the increase in minimum wage. But as my colleagues know, my amendment changed the original language from $1 over 3 years to $1 over 2 years. I am asking both of you powerful leaders if you can and, if necessary, to even expand upon that figure considering impoverished areas like mine who desperately depend upon that opportunity. But I know that that is not within your province, but I know that you two have worked so very hard.

If possible, I still support a tax cut for America that would allow those employers the opportunity to raise that wage without laying off our people. But it is very important to me and many Members that represent districts like myself.

So I ask the gentleman from Florida (Chairman YOUNG) to assert his powerful leadership that he has, the gentleman from Wisconsin (Mr. OBEY) to continue to asserting his powerful leadership that he has in that regard.

Mr. OBEY. Mr. Speaker, I yield myself 7 additional minutes.

Mr. Speaker, I really believe that, what is happening both on this Labor, Health, Education bill and on the subject that the gentleman from Ohio (Mr. TRAFICANT) just mentioned is a true test of our priorities, our character, our fairness, and our humanity.

We all sit here in comfortable jobs. We fight like the devil to get them. We sometimes pay a heavy physical and emotional price for occupying these jobs because people are often not very fair in their assessment of public officials, and they will use the slightest weakness in any human being and try to use that weakness to define that individual rather than taking a look at the whole. So sometimes politics can be a very discouraging business and sometimes one wonders why one is in it.

The answer to me, for myself, is that I came here because I thought this was the place to be more than any other—I never wanted to be a Member of the United States Senate, I never wanted to have any job at all except to be a Member of this House—because this is supposed to be the people's House. This is where we are supposed to be, because we have 2-year terms, we are supposed to be closest to the desires and the needs of the American people.

When we come here and cast our votes, these votes are supposed to be about something bigger than just the differences between our parties. There are legitimate reasons to have political parties because we have honest, philosophical, and substantive differences. So we each make a choice about which of those two imperfect vehicles is the best in order to try to put forward the causes we believe in.

To me, the glue that holds this country together is our ability to be concerned about what happens to every individual in this country, not just those who are well connected enough with us to be able to get through on a phone call or to grab us on the street and say, "Dave", or "Clay", or "Bill", how are you. When we come here, our priorities are supposed to represent a judgment about who needs help the most.

The Labor, Health, Education bill is the bill that is supposed to help meet those shortcomings. We live in a capitalist system, and I think that is the best of any economic system that can be devised. We reward initiative. We reward imagination and hard work. Through entrepreneurship, we see people with talent and drive help build economic opportunities for themselves and for a lot of people who come to work for them in their firms or their businesses.

I salute everyone with that talent. But there are a lot of people in this country who need help to get on that train to success. There are a lot of people in this country who need help when they fall off that train, sometimes for bad luck and sometimes for other reasons.

We do not meet our responsibilities to those folks when we define ourselves going out the door at the end of this session as commanding cuts in agreements we have already reached in education and in health care. We certainly do not meet our obligations if we do not pass a significant minimum wage, as the gentleman from Ohio (Mr. TRAFICANT) has just indicated. We do not meet our obligations if we have not completed action to provide a prescription drug benefit under Medicare. We do not meet our obligations if we do not find ways through a combination of public and private systems to provide decent health care for every person who needs it.

The place where we come the closest to meeting those obligations is in this bill, and this is the bill that we are now being asked to shred so we can all go home early.

I am not going to do that because I do not want to go through a Christmas season enjoying all of the pleasures of that season, being reminded every day of the opportunity that we took away from people in education, of the mercy help that we took away in terms of health care.

I do not think that is what most Members of this House want to do. But if we continue on the course we are going, that is exactly what we will do in the Christmas season. That is exactly opposite of what the Christmas spirit is supposed to lead us all to do. That is why I am voting against this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I would respond to the gentleman from Ohio (Mr. TRAFICANT) who mentioned minimum wage increases, and I would say to him that I hope that he knows that our leadership is considering and is willing to consider minimum wage legislation, but they believe that, at the same time, tax relief should be considered; and that is what they are trying to work out.

Now, I am not part of the negotiations there. I do not believe that the gentleman from Wisconsin (Mr. OBEY) is. That is a different group of negotiators because those are not appropriations issues. On the appropriations bill negotiations, sometimes we do get sidetracked and get off on tangents that do not relate to appropriations, but that is just part of the appropriations process. But anyway I would say to the gentleman that he raises an important issue that is being considered by our leadership.

We have a very large surplus. At a time of surplus, whether it is in our government life or whether it is in our family life or our business life, when one has a large surplus, one's economy is very good, there are several things one ought to do. One can indulge oneself in some of those things that one has not had but would like to have. Well, the government is doing that as well.

But something else that one should do is pay down some of one's debts. If one's credit card bills are too high, one ought to pay them off. If one's car payments are too high, one ought to pay them off, if one's economy is that good, if one has that extra money available. So that is one of the things that we are trying to do here. We are indulging the government because the spending for this year is increased over last year.

In the area of education, even at the number that the gentleman from Wisconsin (Mr. OBEY) objects so strongly to, our investment in education is dramatically larger than it was last year and over the President's budget request. The same thing for medical research, which is over the President's budget request and over last year's amount.

So we are indulging ourselves. Also, we are making a stronger investment in our national security, trying to compensate for the excessive deployments that American troops have been experiencing in the last 8 years; deployments all over the world that are very, very costly, not only in time and manpower and womanpower, but in personnel costs. We wear out equipment. Spare parts cost. All of these things cost. So we are indulging the government and providing a little extra money.

At the same time, we should be doing something for the taxpayers, the people who make this money available. So paying off that debt becomes important to them, as it should be important to us, because I agree with what the gentleman from Wisconsin (Mr. OBEY) said. This is the people's House. We represent the people of America.

I do not know how many realize this, but in the entire huge Federal Government system, there is only one place that one must be elected to serve, and that is here in the House of Representatives. One can be a President by appointment. Remember, Gerald Ford was never elected President, but he served as President. One can be a Vice President by appointment. One can be a United States Senator by appointment. One can be a member of the Supreme Court or anywhere in the judicial system by appointment. And in all of the many, many jobs in the agencies all over this Federal system, one can be appointed to those jobs.

The only place where one will never serve without being elected by the people is in this House of Representatives, and so this is the people's House. That is why we should be paying attention to recognizing that, if the people have contributed a lot more money to the government than the government needs, we ought to give some of it back.

That is why we are so committed to providing tax relief for the American taxpayer, who is substantially overburdened with their tax obligations, and then paying down the debt.

I mentioned that if one has a lot of money, a windfall, one's personal economy is good, one's business economy is good, one's government economy is good, pay down the debt or at least pay down part of it. That is what we have been doing.

We have been paying down the debt. Billions and billions of dollars of national debt, of public debt is being paid down. That has a lot of beneficial effect. One of the beneficial effects is, the smaller that debt becomes, the less interest the American taxpayer has to pay on that debt. The interest payment on our national debt has been over a quarter of a trillion dollars a year.

Now, can one imagine how much we can do for our veterans, how much we can do for our school students, how much we can do for medical research, how much we can do for the military, how much we can do for a renovation of our infrastructure in America if we had that extra quarter of a trillion dollars to use rather than pay interest on the national debt. So that is also an important part of what we do.

But now let us go back to the part where we are going to indulge the government a little bit. One of the bills that is higher than last year, if we ever get it passed, is this bill on Labor, Health, Education and Human Services.

Now, this bill, when it passed the House of Representatives the very first time early in the year, it was right at $100 billion. We have had two sets of negotiations. The gentleman from Wisconsin (Mr. OBEY) and I have worked with our counterparts in the Senate; and in July, we came up with a conference report that we thought that the House and the Senate would accept and that the President would sign. We really believed that. But higher authority decided on one side that it was too high and higher authority on the other side said it was too low. So we went back to the negotiating table.

In October, we came up with another package. We thought we really had done it this time, and higher authorities again shut it down. But that is why we are here, to work out these negotiations.

Now, the gentleman from Wisconsin (Mr. OBEY) objects to the agreement that he believes was reached at $107 billion, which is $7 billion more than the House had originally passed.

Mr. OBEY. No. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. Sure. Of course I yield to the gentleman from Wisconsin.

Mr. OBEY. No, Mr. Speaker, I do not in any way believe there was an agreement reached at $107 billion. I know absolutely for a fact that there was not an agreement reached. The White House denies that there was an agreement reached at that number. The Democratic leadership denies that there was an agreement reached at that number. There was no agreement at that number. The continuing repetition of the mantra that there was one is one of the things that is going to stand as an obstacle to our getting any progress around here.

□ 0945

Mr. YOUNG of Florida. Reclaiming my time, Mr. Speaker, the gentleman just got a little ahead of me because I was getting to that point. There was no agreement on the $107 billion figure that the gentleman used.

One area where I do agree with the gentleman is what he said about press reports. The newspapers this morning, which were overly optimistic, did not represent the meeting at the White House yesterday. I agree with him. The information that I have was that there was no reason to be optimistic based on that meeting at the White House yesterday, whether we are talking about $107 billion, which there was no agreement on; there was also no agreement on the $112 billion, which is the high number that is being considered by some; and definitely there is no agreement on the $100 billion, which is what the House passed.

So I say, in as friendly a way as I can to my friend from Wisconsin, that is why we should not communicate through newspapers or media. We ought to communicate with each other directly. And the gentleman from Wisconsin and I do that. Regarding his concern about what might have appeared in the newspaper, he should understand that that is not always necessarily the way that it really is.

Mr. Speaker, we have had a lot of conversation about this continuing resolution that we probably did not need to have, but we have done it; and now we are going to vote on this continuing resolution. It takes us until Monday. I would have preferred that we had a continuing resolution that would take us at least until Wednesday of next week, because I honestly believe that Members could go home this weekend and come back next Wednesday. By then there would be a package that I believe would be acceptable to at least a majority of the Members of the House and the Senate.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding to me. That is the point that I want to raise.

As the gentleman knows, because the gentleman was here last night, and I was here last night, at 4 o'clock in the afternoon all of the leaders on high wanted us to get together last night, first at the staff level so that we understood what each other's proposals were, and then at the Member level. That did not take place, I think largely because there is still such a tremendous lack of clarity coming from the top that it is hard to sit in a room when we are being given three different descriptions of what we are actually expected to do.

My question is this. I will certainly be here every day from now until the cows come home, if necessary, to get an agreement. I feel I have full authority on my side at this point to negotiate. I would like to know whether the gentleman yet feels that he has that authority on his side; and if he does not, or if he knows of any other party that does not in this situation, then is the leadership going to be in town over the weekend so that if they want to again second guess our work that they can do that with some speed so we do not have to waste another 3 days and have to come in here and ruin yet another week before we finally get out of here?

Mr. YOUNG of Florida. Mr. Speaker, once again reclaiming my time, the gentleman from Wisconsin, through this entire process, has been here when it was necessary for him to be here. This gentleman from Florida, through this entire process, has been here when this gentleman was required to be here, and that means that neither one of us got home to our districts very much this year because we have been here a lot.

Mr. OBEY. That is why my margin went up.

Mr. YOUNG of Florida. That may be true. But anyway, the answer to the gentleman is, I will be here. I do not have the authority to settle on a top number. I think the gentleman understands that. That number is going to be decided by a higher authority than mine or his, and it is going to be decided along with the President of the United States. Now, if that number is agreed upon by that higher authority, then the gentleman from Wisconsin and I can work out the balance along with our counterparts in the Senate without any great difficulty.

Mr. OBEY. If the gentleman will continue to yield, I would like to correct one thing the gentleman said. I do have the authority from my leadership to negotiate all numbers on appropriation items, including the overall amount. And I would respectfully urge the gentleman's leadership to do the same thing on his side. Because the problem I see is that I think the gentleman's leadership and my leadership are starting from different baselines, and so, therefore, they think they are talking to each other but in fact they are talking past each other.

Mr. YOUNG of Florida. Well, then, I would ask the gentleman this question, and I will yield for his answer. What number is the gentleman prepared to start at?

Mr. OBEY. I am starting at the conference agreement that we reached agreement on and shook hands on and toasted with Merlot, as the gentleman knows. I am willing to come down from that.

Mr. YOUNG of Florida. That is my question. How much is the gentleman prepared and authorized to come down.

Mr. OBEY. Let us get in a room in 1 hour and start that process.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, let me get back to my point that we would have been much better served if we could have had a continuing resolution that would take us at least until the middle of next week so that these negotiations that the gentleman from Wisconsin and I are both trying to negotiate here on the floor, which does not work. We need that little extra time, and we need those with that authority to establish that number, whatever it is going to be.

Mr. OBEY. Mr. Speaker, if the gentleman will yield once again, my concern is that the gentleman has just said he does not have the authority to negotiate the top number; and yet it is not my understanding that his leadership, who evidently is retaining control over that top number, it is not my understanding that they will be here this weekend. Now, are they or are they not?

Mr. YOUNG of Florida. Well, I would suggest that the gentleman ask them to yield and ask them that question. I do not know what their plans are going to be. But I would say this, throughout this entire process my leadership has been available to me any day, weekend, weekday, night or day. I have no difficulty whatsoever communicating with my leadership because they are committed to completing this job, but they are committed to doing it in a responsible fashion.

We are just not going to sit down and agree to $112 billion, and the gentleman might as well understand that. He can debate about it all he wants to, but we are not going to go to the figure of $112 billion.

Mr. OBEY. I am not asking the gentleman to.

Mr. YOUNG of Florida. That is a far greater investment than is required for this legislation. I have made the case that we have already increased education considerably over the President's budget request. We have increased the medical research through NIH dramatically over the President's budget request. But we are not going to go to the $112 billion that this administration wants. We are just not going to do it.

We have a responsibility to the people of America who sent us here to balance the budget, who sent us here to pay down the debt, who sent us here to give a little tax relief to our constituents, the taxpayers who have been overburdened; and, by God, we are going to do that. We have done it, and we are going to continue to do it.

Mr. Speaker, I ask for a "yes" vote on this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered read for amendment.

Pursuant to House Resolution 669, the previous question is ordered.

The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 37, not voting 111, as follows:

[Roll No. 602]

YEAS—284

Abercrombie
Aderholt
Allen
Andrews
Armey
Bachus
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cummings
Davis (FL)
Davis (VA)
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
English
Etheridge
Evans
Everett
Ewing
Fletcher
Foley
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hilleary
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kildee
Kind (WI)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Roukema
Roybal-Allard
Royce
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Walden
Walsh
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wolf
Wu
Wynn
Young (FL)

NAYS—37

Baird
Baldwin
Barton
Bonior
Brown (OH)
Capuano
Conyers
Coyne
DeGette
DeLauro
Dingell
Farr
Ford
Hinchey
Jackson-Lee (TX)
Johnson, E. B.
Kennedy
Kilpatrick
Lowey
McDermott
Mink
Oberstar
Obey

Olver
Owens
Paul
Pelosi
Sanders
Schakowsky
Scott
Stark
Strickland
Stupak
Thurman
Visclosky
Waters
Woolsey

NOT VOTING—111

Ackerman
Archer
Baca
Baker
Bartlett
Becerra
Berman
Bilbray
Blagojevich
Boehner
Bono
Borski
Brady (PA)
Bryant
Burton
Chenoweth-Hage
Clay
Clement
Coburn
Costello
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (IL)
Deal
DeFazio
Delahunt
Dickey
Dixon
Ehrlich
Emerson
Engel
Eshoo
Fattah
Filner
Forbes
Fossella
Fowler
Gallegly
Gejdenson
Gillmor
Graham
Granger
Greenwood
Hall (OH)
Hansen
Hastings (FL)
Hefley
Hill (MT)
Hinojosa
Houghton
Hoyer
Hyde
John
Kaptur
Kasich
King (NY)
Kingston
LaFalce
LaHood
Lantos
Largent
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Martinez
McCarthy (NY)
McCollum
McCrery
McInnis
McIntosh
McKinney
Meehan
Miller (FL)
Miller, Gary
Miller, George
Neal
Oxley
Packard
Peterson (PA)
Petri
Phelps
Pickett
Pomeroy
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Rush
Ryan (WI)
Sanford
Scarborough
Shuster
Smith (WA)
Talent
Tancredo
Taylor (NC)
Thompson (MS)
Tierney
Towns
Wamp
Watkins
Waxman
Weiner
Weygand
Wicker
Wise
Young (AK)

☐ 1015

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 602, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Mr. BURTON of Indiana. Mr. Speaker, during rollcall vote No. 602, I was unavoidably detained. Had I been here I would have voted "yea."

ADJOURNMENT TO MONDAY, DECEMBER 11, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 5 p.m. on Monday next.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Oregon?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SUPPORTING AMERICA'S FAMILIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, as the 106th Congress comes to a close, we look to the future; and I see great opportunity before us.

Together, we should work to ensure that the 107th Congress meets the needs and fulfills the goals of America's families. For example, currently our families must work until mid May of every year just to pay off their tax bills. Nothing up to that point goes toward savings, investment or other personal expenses. This overbearing tax burden is simply unfair. We need to give American families a break and allow them to keep more of what they earn.

It is my hope that the 107th Congress will grant needed tax relief to America's families as well as pass other necessary legislation, including a Medicare prescription drug benefit and real, local-based education reform. I look forward to continuing to work as we begin this session on these issues, and I encourage all Members to join with me to support America's families in the 107th Congress.

PERSONAL EXPLANATION

Mr. GREEN of Texas. Mr. Speaker, yesterday December 7, 2000, I was unavoidably detained in my district and missed rollcall vote 601.

Had I been present, I would have voted "aye."

CHRISTMAS DAY IS APPROACHING

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I just want to take a moment at this time of year to recognize that we do have a major holiday approaching. I wore a Christmas tie today for that purpose. This is just an effort to first of all remind my colleagues and our Nation about the great blessings we enjoy in this Nation, that we are true to our religious heritage as individuals, that we recognize the major holiday which is of extreme importance to the majority of our population, and also in a slightly humorous way to remind my colleagues that we really are past the time of adjournment, that we should be at home meeting with our constituents, reminding them of all that we have done, and also to make certain that we spend some time with our families and enjoy our Christmas holiday together.

TIME TO COMPLETE THE BUDGET PROCESS

(Mrs. LOWEY asked and was given permission to address the House for 1 minute.)

Mrs. LOWEY. Mr. Speaker, I was sitting on the floor of the House as we were debating the continuing resolution. Frankly, I was puzzled. I would like to appeal to my colleagues on both sides of the aisle. The budget process should have been completed by October 1. Several weeks ago, our distinguished chair of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG); our distinguished chair of the subcommittee, the gentleman from Illinois (Mr. PORTER), sat with Democrats and worked in a bipartisan way to get a bill completed.

There was a lot of time, my colleagues, on the floor of the House talking about whether it is $107 billion, $110 billion, $113 billion. You get to a point around here where it is a billion here, a billion there and soon we are talking about real money. But I want to make it clear to those who may be watching this process, that every day we wait, children are waiting for moneys for after-school programs, for moneys for smaller class sizes, for moneys for modernization of our schools, for Head Start, for those who are waiting for a Pell grant. We are talking about $500 more for a Pell grant. For those who are desperately waiting for answers for cancer research, we are talking about funding for the National Institutes of Health.

My colleagues, I hope we would take the numbers of the gentleman from Florida (Mr. YOUNG) and complete this process now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that remarks are to be addressed to the Chair and not to those who may be watching on television or elsewhere.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TIME TO COMPLETE THE BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, I would like to speak to my colleagues on the other side of the aisle and would ask again that we complete this process and complete a bill that funds education, that funds research at the National Institutes of Health.

I find this time in this session really rather extraordinary. The appropriations process should have been completed, my colleagues, by October 1. We were in the midst of an active campaign where everyone talked about education. Governor Bush talked about being the education President, talked about how important education is. And while we are here, holding up funding for education, talking about a billion more, a billion less, after there was an agreement between the chairs of the Committee on Appropriations on the Republican side and the ranking members on the Democratic side, there was an agreement to fund research at the National Institutes of Health, research for breast cancer, for Alzheimer's, for juvenile diabetes. There was an agreement to invest in education to create smaller class sizes, to modernize our schools, to increase the dollars for Pell grants to invest in education of our young people.

I am really puzzled, my colleagues, how we can continue debating this after an agreement was reached. I do not understand how those who are talking about working together in a bipartisan way can renege on an agreement to help our children. I do not understand why Governor Bush does not call up his friends, the gentleman from Texas (Mr. DELAY), the gentleman from Texas (Mr. ARMEY), and say, "Let's get together, work in a bipartisan way, Democrats and Republicans, and pass that bill that the Republican chairs and the Democratic ranking member agreed on."

My colleagues, this is the time to complete our work. It is already 2 months after the appropriations process should have been completed. I would ask my friends on the other side of the aisle to go to the leadership and say, the time is now, we cannot delay any longer, there is an agreement on the table, we did agree to invest in after-school programs, modernizing our schools, smaller class sizes, expanding Head Start, expanding child care. There was an agreement.

I just want to say one other thing. As a Democrat, we are happy to reach across the aisle working with our colleagues in the appropriations process. No one gets everything they want, so let us get to work, complete this agreement, let us go home to our families and move on.

ANNOUNCING THE PASSING OF THE HONORABLE JULIAN DIXON

(Mr. CLYBURN asked and was given permission to address the House for 1 minute.)

Mr. CLYBURN. Mr. Speaker, I wish at this time to make an announcement that is very tough for me to make. We just received word that our colleague JULIAN DIXON of California has passed. I wish at this time for the House to stand at ease and for all of us to stand in silence and in our own way pray for him and his family and this body.

Mr. THOMAS. Mr. Speaker, if the gentleman will yield, I just want to tell my colleagues that from this side of the aisle, the message that we just heard is accepted with profound grief.

I came to Congress with JULIAN DIXON. JULIAN DIXON was born here and was from California. He encompassed the Nation in terms of his personality, his politics and his way of dealing with people. We all have to face these very difficult life experiences, but this one is profoundly significant on this House.

JULIAN was a friend of all of ours and represents what was finest in this institution. I am just very sorry to hear it.

□ 1030

Mr. CLYBURN. Mr. Speaker, reclaiming my time, before yielding to the senior member from the California delegation, let me at this moment yield to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as the gentleman mentioned, he will be yielding to the gentleman from California (Mr. STARK), the senior member of the California delegation, for a resolution. I know our distinguished Democratic leader is on the floor and will be yielded to as well.

But as the senior Member on the floor at this time when the gentleman from South Carolina (Mr. CLYBURN) is breaking this very sad news to us, I want to join my colleague, the gentleman from California (Mr. THOMAS), as a fellow Californian and say on behalf of our delegation what a tragedy this is for us.

JULIAN DIXON has been a magnificent Member of Congress. He served in the State legislature before coming here. He has done some heavy lifting for this Congress. On the Committee on Standards of Official Conduct, and now as the ranking member on the Permanent Select Committee on Intelligence, and all of his work as a member of the Committee on Appropriations, he represented the values of our country in the struggle over budget priorities. On the Permanent Select Committee on Intelligence he represented the strength of our country in the important work of that committee.

Most importantly though, he was a beautiful, lovely man. His work was imbued with a sense of fairness, a sense of great intellect, great balance, great willingness to be bipartisan, and everything on behalf of people in our country, so everyone would have an opportunity. We will say more in our California remarks.

I just want to close by saying that this is really what is known as a tragedy, a very unexpected loss to this House and to this Congress and to our great country. So, as a Californian, as his colleague on the Committee on Appropriations, as a colleague on the Permanent Select Committee on Intelligence, I know the gentleman from South Carolina (Mr. CLYBURN) speaks from the standpoint of many capacities, including the Black Caucus, but my point is that everyone who came in contact with him in every way admired him, loved him, respected him.

I hope it is a comfort to his family that so many people share their loss and are mourning with them at this time and are praying with them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair will recognize the gentleman from South Carolina (Mr. CLYBURN) under a 5 minute special order until the privileged resolution is ready.

TRIBUTE TO THE LATE HONORABLE JULIAN C. DIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I yield to the gentleman from California (Mr. MATSUI).

Mr. MATSUI. Mr. Speaker, Mr. DIXON and I came in together in 1978, as the gentleman from California (Mr. THOMAS) mentioned. Eleven Members from California came in 1978, new Members; and on the Democratic side it was Mr. DIXON, Tony Coehlo, Vic Fazio, and myself.

I have to tell you, this is a shocking moment for all of us in this body. JULIAN DIXON was the type of individual that was about the calmest person that I have ever come across. He is an individual that obviously Members looked to in terms of seeking advice. He was somebody that all of us in the California delegation saw as a moral compass of our State, and certainly in this body, the House of Representatives.

As long as there will be such an institution, JULIAN DIXON will be part of that, because his memory is in all of us, and it will be forever.

I obviously express my regards to his family and indicate how much we will miss him.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

Mr. STARK. Mr. Speaker, I offer a privileged resolution (H. Res. 671) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 671

Resolved, That the House has heard with profound sorrow of the death of the Honorable Julian C. Dixon, a Representative from the State of California.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from California (Mr. STARK) is recognized for 1 hour.

Mr. STARK. Mr. Speaker, I yield 30 minutes to control to my distinguished colleague, the gentleman from California (Mr. HORN).

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, as the leader of the Democrats in the House and as a Member of the House, I rise to express our collective grief and sadness at the suddenness of this very, very, very negative event that has happened to all of us.

I have served here nearly my entire time with JULIAN DIXON, and, as others have said, I have never known a more gentle, conciliatory, wonderful human being as we have known in JULIAN DIXON. He served in this body in the most sensitive and difficult positions. He served as chairman of the Committee on Ethics in some of the stormiest and most difficult times in our past; he has been ranking member on the Permanent Select Committee on Intelligence; he has been a subcommittee chairman and then ranking member on the Committee on Appropriations.

All of that is important, but I guess what is most important to me, and I think all of us, is that he embodied to us the best in public life. He was a beautiful human being. He loved others, he cared for others. Everything that he did was with grace and excellence. He typified what it means in this country and in this world to be a public servant.

We are deeply saddened by this unexpected tragedy. Our hearts and our prayers go out to his family, go out to his constituents, go out to all of his beloved friends, in California and around the country.

To the members of the California delegation, all of us give our deepest sympathy, and all of us will pray in the days ahead for the comfort and understanding on behalf of his family and his loved ones.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, JULIAN DIXON, as many have said, was a gentleman and a very caring person. He was 20 miles from my district. We worked together on a lot of different projects, especially in the defense area, and also in economic development.

JULIAN was the type of person that could get everybody that was warring over something into the room, around the table, and work out something; and he did that with the Metropolitan Transit Authority, which was in deep trouble in Los Angeles County 6 years ago. JULIAN would get us all together, and the result was we became cohesive.

JULIAN was the type of legislator that was for the Nation, for the State, for the county, as well as for his district, and we certainly will miss JULIAN DIXON.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I am stunned; I am saddened. It is very difficult to understand how one day you have your colleague here with you, and, in a few days, he is gone.

JULIAN DIXON is a man and a Member of Congress that is respected by all. I have known him since before he ran for the California State Assembly. When JULIAN DIXON was elected to the California State Assembly, he immediately established himself as a brilliant, credible, dependable human being. He gained a lot of friends in the California State Assembly, friends that he still has until today.

He went on to be elected to the Congress of the United States, where he developed the same kind of reputation, steady as a rock, dependable, friendly, gets along with everybody, even mediates when there are problems between other Members. You could always go to him for help.

He is loved in California. He is highly respected. This comes as a great blow. He is in the district immediately adjacent to mine; and so we share venues, we share all kinds of operations. We have held joint town-halls together.

I am going to miss him, and my heart goes out to Bettye and to his family. I am certain that this Congress will show its deepest respect and sympathy in every way that we possibly can. We have lost a great legislator and a great friend.

Mr. HORN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I only knew Mr. DIXON for a few years; but after a vote on the House floor, we would often walk back to our offices together. As a much younger Member, Mr. DIXON and I would discuss the usual things you might suspect Members of Congress would talk about, the international community, the domestic situation, doing the Nation's business, the recent vote that we just took, the very volatile nature of a democratic process. But the most heartfelt things that I would remember that Mr. DIXON and I would discuss would be our families and the things that mattered most to the heart back home in our respective districts, with our family members, with our children, with our friends, and the nature of what it meant to be a Member of Congress.

So we often think about the icons of America who are most in the news, who are most spoken of on a daily basis. But Mr. DIXON was that gentle, kind, most profound icon that this Nation can have, because he did the Nation's business in the most honest way. This place, the House floor, has lost the friendly presence of Mr. DIXON; but his spirit, I am sure, will dwell within each of us. So our heart goes out to lessen the sorrow that those who loved him most dear are feeling at this time.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before recognizing the gentleman from New York, the ranking member of the Committee on Ways and Means, I just want to point out to my colleagues that JULIAN had really two constituencies for almost 20 years. I served on the Subcommittee on the District of Columbia at the same time that JULIAN was chairing that subcommittee of the Committee on Appropriations, and the District of Columbia owes a great deal of gratitude over the years for the number of times that he came to the defense of home rule, to the aid of their schools, their health care, their police and fire departments, all at times where he was able to bring aid to a concern that was never, I hate to admit, the most popular committee in concern in this House, and that was dealing with some of the problems of the District of Columbia. But he felt a real responsibility, and he discharged that responsibility with great humanity. I think, in addition to his district in California, he had that added responsibility.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, not too long ago we had elections in the Congressional Black Caucus, and JULIAN DIXON sent in his absentee ballot. All I can remember about it was that the chairman had indicated that JULIAN DIXON had said that he was undergoing "minor surgery." But the key word and the key thing about JULIAN is he also said, "and don't worry about me, I will see you next week."

□ 1045

I guess that shows us the type of person that JULIAN was, that he even at that time, when he was facing some type of a health setback, he was more concerned about the feelings of his colleagues.

In this great body of Members of Congress, in this great body of politics, there are just some of us, and I am included in that number, who cannot resist the temptation to have press conferences and get on television. But all of us know in the bottom of our hearts that the real warriors of politics in this House are those who go about their business every day, wrestling with the difficult questions and not seeking the attention or the credit for the good that they do.

JULIAN DIXON had to be the epitome of the selfless, hard-working legislator who, whether one is liberal or conservative, Republican or Democrat, we felt that he was one of our best friends.

With all of the problems that I have stumbled across in the House of Representatives, there has been no Member who I have felt more comfortable in talking to than JULIAN DIXON. As a matter of fact, even if it was a personal problem, I would know that it would be well-kept within the heart of JULIAN DIXON.

I hope that we can find some way in the days ahead, as we go through the most polarized period, I would suspect, in recent history that our country and this Congress will go through, that somehow we will remember that perhaps there will be the Rangels and the DeLays out there fighting, but the most important thing that our country really has as its treasures are not those who are out fighting but those who are out mending, and keeping this Congress and this country so great.

Mr. HORN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I cannot tell the Members how shocked and saddened I am to hear of the news of JULIAN DIXON's passing. One of the main reasons is that, as the gentleman from California (Mr. MATSUI) and I were just talking about a few minutes ago, JULIAN DIXON seemed to be one of those indestructible human beings. He was such a bulwark of strength for his friends, for this institution.

Sitting behind me is the gentleman from Florida (Mr. GOSS), who served with JULIAN DIXON on the Committee on Standards of Official Conduct. I remember so well the tremendous, nonpartisan approach that he took to that very important task here in the House. I had the privilege of working with him as a fellow Angelino on a wide range of issues that affected Southern California. We were always able to come together in a bipartisan way.

I will say that when I think about the trips that we have taken together, the time that we have spent, he always did offer that very, very level-headed approach when it came to providing advice to all of us. He was a model Member of the United States Congress, and I will miss him greatly. My thoughts and prayers are with Bettye and with his family.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me, and for taking this special order.

Mr. Speaker, as a Californian, I say to my colleagues, they have to know that our entire State will be in mourning over the loss of JULIAN DIXON. He served so well in the State legislature. The gentleman from California (Mr. DREIER) mentioned the words "model Member of Congress".

He was a model public servant, indeed, imbued with a sense of great intellect, as I mentioned earlier; with a sense of fairness, whether it was on the ethics Committee, the Permanent Select Committee on Intelligence, the Committee on Appropriations, the Subcommittee on the District of Columbia of the Committee on Appropriations where he served; he served appropriating and authorizing there. He cared about people.

As I say, as a member of the State assembly, he was a fixture of our State. It is a terrible, terrible loss for us. Really, he was a giant of a man and a real teacher and mentor to so many of us.

So to Bettye and his family, again, I hope it is a comfort to them that so many people share their loss, are grieving with them at this terribly difficult time, and are praying that they have the strength to get through it. Think of our State as crying at this time. California cries over the loss of the great JULIAN DIXON.

Mr. HORN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding time to me.

I, like my colleagues, express my shock and sadness at the passing of our good friend and colleague who did great service to this House and to the people of America.

It was on Monday, just this past Monday, that I was involved with the dedication of the Martin Luther King, Junior memorial here in Washington, D.C. As emcee, I mentioned in my comments the fact that JULIAN DIXON was my colleague who joined with me in several pieces of legislation in moving this opportunity for a memorial in the Nation's Capitol for Martin Luther King, Jr. This is a memorial that will be paid for by the Alpha Phi Alpha fraternity to which Martin Luther King, Jr., belonged.

It was very interesting. JULIAN worked so very hard on this memorial, step-by-step with me, and it reflected what everybody has said and will continue to say about the fact that he worked in a bipartisan manner for what he believed was right.

In so doing, as well as the site being in the District of Columbia, where mention has been made of his dedication to the Nation's Capitol as reflecting what is best in America on the authorizing committee, and then subsequently on the Subcommittee on the District of Columbia of the Committee on Appropriations, I think he reflected so much of what Martin Luther King stood for, the concept of justice, justice arrived at in a peaceful manner by working with people, by espousing a philosophy and acting on it at the same time, too.

So I think that as we look in the future to the memorial for Martin Luther King, Jr., there, as well as in this Chamber, will be a memorial also for our good friend, JULIAN DIXON. It will be a reminder of Dr. King's struggle, but JULIAN DIXON's struggle, also, to eliminate injustice and prejudice, be it here in Congress, be it in the Nation, wherever it may be.

So I express also my sympathy to his wife, Bettye, and to his son and other family members, and to all of the friends who share this sense that he has left a legacy, but he will indeed be missed.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am shocked over the death of my friend, JULIAN DIXON . The only thing that I can say is that he was a gentleman's gentleman, one who served this country very well. He will be sorely missed. I, for one, will miss him dearly.

Mr. HORN. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. GOSS), the chairman of the Permanent Select Committee on Intelligence on which Mr. DIXON served.

Mr. GOSS. Mr. Speaker, I thank the gentleman from California for yielding time to me.

I obviously am as stunned as everybody else, and I am sorry beyond belief. I send my deepest sympathy to his colleagues, and to his family, of course.

I will say that I had the privilege and pleasure of working with JULIAN, both on the Committee on Standards of Official Conduct and on the Permanent Select Committee on Intelligence, and out of that came a very easy, comfortable friendship. It was very genuine and very deep. I think the candor and trust between us is as far as ever goes between human beings. I will miss him more than I can say. I am truly in shock.

I think, if I could find a legacy to talk about briefly, it was the model working relationship. I think we had to deal with problems that had to rise above partisanship or other interests where we had to focus on issues.

JULIAN brought, as everybody knows here who worked with him, a great deal of perception to whatever he was doing, and an incredible persistence. He was a very pragmatic man. But the things that stood out as hallmarks when all the hard questions were asked and all the hard work was done, he had a wonderful sense of humor and he was very fair. I trusted JULIAN's judgment completely, as did everybody else, because we knew it was a fair deal when he got through examining the issue. What a wonderful thing to be able to say about somebody.

I think my last memory of JULIAN is what I will cherish. It was in Frager's Department Store. He was trying to buy a light switch and I was trying to buy a light bulb, and we were both having troubles. I think that maybe says something about us both, worrying about the world's problems, and sometimes the details get to us.

Often as we go through life we hear people, we as Members of Congress hear people say things about Congressmen. I would hold JULIAN DIXON up as a Congressman that I am very, very proud of. I do not know how one does better. When somebody talks about United States Congressmen, I think of JULIAN DIXON . He was the best.

We will remember him that way, but boy, I am sorry we have to remember him at all. I wish he was with us.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to share the shock, the deep grief, the sadness which has been expressed by the colleagues of JULIAN DIXON.

As a Member of the Committee on Appropriations, I have always, always stood in awe of JULIAN DIXON. He is a person who would rise and only rise when he had something substantive to say. He would rise with elegance, authority, with grace, with respect.

JULIAN DIXON has earned the respect of all of us in this Congress, and he exemplifies the very best of what a public servant should be. To his family, we just want them to know that our thoughts and prayers will always be with them. We will miss you, JULIAN.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we are all here in absolute shock of this news that is less than a half-hour old that our colleague, JULIAN DIXON, died.

JULIAN was such a presence around here. When we think that this body operates with people who are in key positions, positions of incredible respect and importance, serving on the Committee on Standards of Official Conduct and his role on the Committee on Appropriations, and many of us recall that in that role, it was pointed out by his colleague and friend, the gentleman from California (Mr. STARK), that when he was Chair of the Subcommittee on the District of Columbia of the Committee on Appropriations he was like the ad hoc mayor of Washington, D.C., because he had a passion for this city and for it being the Nation's Capitol.

I want to share with the Members just a moment, I was a young staffer in the California State legislature when JULIAN DIXON became elected. He was a magnificent human being: tall, handsome, smart. He was elected as caucus chair, Democratic Caucus chair in the California State legislature, and had incredible respect. Obviously, when a seat opened here in Congress, he was a natural to run for that seat, win, and serve in Congress with distinction.

We are at a loss because we sometimes know that people are ill or in the hospital, but it is a shock when we learn that immediately someone is gone, and particularly those of us from California, if we look at the very short time in the last few years that we lost George Brown, we lost Sonny Bono, we lost Walter Capps. We have had an incredible loss of California Members of Congress.

□ 1100

JULIAN was a champion among them all. I am chair of the delegation, and some people are already going back to California, and I am sure they will hear on the airplane or the minute they get off, and we will share this shock of great loss, not only to the State of California, to his family, but to this Nation.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, this Congress has suffered a great loss in the death of JULIAN DIXON. God called JULIAN home; and he said to him well done, my good and faithful servant. Well done. JULIAN was outstanding. He was a consummate legislator, a consummate gentleman. I served with him on the Committee on Appropriations. I will never forget how fearless he was, when he stood before many times, not a very agreeing committee, to speak up for D.C. and to speak up for all of the people.

Mr. Speaker, I served with him on the Congressional Black Caucus Foundation's board. He was a voice of wisdom. He was a voice of calm. He was a very, very bright and smart man; but the other side of JULIAN was a very funny humorous side. He used to call me back there where he sat and he would tell me nice, little grandmotherly jokes, and I would laugh. Sometimes they were not even funny; but I laughed, because they came from JULIAN.

I always teased him about JUANITA MILLENDER-MCDONALD, and we always had a running joke about JUANITA. JULIAN loved her. He loved me. He loved all of us in Congress. So it is with great humility that I say God called home a soldier. Well done, JULIAN.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, I would like to join my colleagues in extending my condolences to JULIAN's family. We are all shocked and saddened. As a young freshman coming to Congress, I found JULIAN DIXON, who was not that many years ahead of me in seniority, to be the most nuturing, the guy who showed us around and gave us the details and cared a great deal, wise beyond his years of service in the Congress.

JULIAN was the kind of person that always did his homework as a chairman of the Congressional Black Caucus, as the chairman of the Congressional Black Caucus Foundation. I admired the way in which JULIAN worked, always thorough, always conciliatory, always willing to be the reconciler. Everybody trusted JULIAN because he was that thorough and basic.

JULIAN did not run like a firefly to the cameras. JULIAN was not a peacock seeking headlines, but you knew JULIAN would get the job done. I think that the trust that we felt as freshmen coming in and experiencing JULIAN's leadership was also obviously the kind of trust that the leadership felt about JULIAN.

He was appointed head of the Committee on Ethics. He was on the Permanent Select Committee on Intelligence. And whenever there was an ad hoc committee that had a difficult job to do, I noticed that the leadership, three speakers, would lean on JULIAN DIXON; and I think that the trust extended across party lines. It was not just the Democrats, but also the Members of the other party on the other side of the aisle seemed to have the same kind of trust in JULIAN DIXON.

If you had to take a poll, probably the individual who was trusted most in the last 20 years, 30 years, JULIAN would be high on that list in terms of being the most trusted among us. And I am very saddened by his departure.

Mr. HORN. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from California for yielding the time to me.

Mr. Speaker, it is with deep regret and sadness that I join our colleagues today in expressing our sorrow over the passing of our good colleague and friend, the gentleman from California (JULIAN DIXON).

JULIAN's contributions to this body and to our Nation are incalculable. First coming to the House some 22 years ago, JULIAN immediately made an impact upon arrival.

He had previously served as a staff member to State Senator Mervyn M. Dymally, who was later a Member of this body. And JULIAN then served with distinction in the California State Assembly succeeding Congresswoman Burke. His popularity in his home district in California never diminished throughout his 22 years of public service.

JULIAN came to personify the people of the Los Angeles district. In him, they had an articulate, compassionate spokesperson. The fact that he never once received less than 75 percent of their votes at home is an indication of the reverence and gratitude that his constituents had for him.

Congressman JULIAN DIXON's contributions came in great part through his role on the Permanent Select Committee on Intelligence, a committee reflecting a patriotism of its members.

Congressman DIXON has also been an articulate and active member of the Committee on Appropriations, where he was a spokesperson for the needs, not only of his own district, but for all of urban America.

In the loss of Congressman JULIAN DIXON, our Nation's Capital has lost a champion. As a member of the Subcommittee on the District of Columbia, he was a defender of home rule for the District, for adequate education in the District of Columbia, and for the enfranchisement of the District's residents.

JULIAN served in the Army from 1957 through 1960, and as one of a dwindling number of Members who were veterans in the Armed Services, he was a continual spokesperson for the needs of our military and for the importance of maintaining a strong defense posture as we negotiate for peace.

His knowledge and understanding of the needs of our military never ceased to amaze and impress all of us. His was a voice which compelled the rest of us to listen carefully.

Mr. Speaker, JULIAN was a good and respected friend to all of us on both sides of the aisle. He earned our respect and admiration; his shoes are going to be difficult to fill. I join with all of our colleagues today in expressing condolences to his widow, Bettye Lee, to their child and to the many people who considered him a role model and a hero.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I, too, join with my colleagues in expressing our profound sorrow in the loss of our colleague, JULIAN DIXON. JULIAN was special to all of us; but he was particularly special to me because, when I came to this body some 8 years ago, I identified him quickly as a mentor. I talked with him.

Mr. Speaker, I would seek his advice and his counsel. When I decided that I was interested in becoming a member of the Permanent Select Committee on Intelligence, I immediately sought out JULIAN DIXON, calling him long-distance from South Africa to get his advice and counsel on how to make that happen.

I had the opportunity to work with JULIAN and to observe him in his relationship with the majority on the Permanent Select Committee on Intelligence, to see his relationship with his staff and the profound respect in which they held him.

JULIAN could be summed up by saying he had character, honesty. He was hard working. He was diplomatic, but he was tough. He was a friend to so many of us. He has made a profound impact on this Congress, on the United States, and on the world. He carried the load for a lot of the dirty work.

And I guess I must at this moment just remember JULIAN in the words of one of my favorite poems called "A Bag of Tools":

> Isn't it strange how princes and kings, and clowns that caper and sawdust rings, and common people, like you and me, are builders for eternity?
>
> Each is given a bag of tools, a shapeless mass, a book of rules. And each must fashion, ere life is flown, a stumbling block, or a Stepping-Stone.

On behalf of all of my colleagues of all of those who knew JULIAN, and particularly the Democratic staff on the Permanent Select Committee on Intelligence who feel this loss so profoundly, I say we are so happy and America is happy and the world is better because JULIAN was not a stumbling block. He was indeed a stepping-stone for a better life for human kind in this world.

Mr. HORN. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LEWIS), chairman of the Subcommittee on Defense, and who worked with JULIAN on the Permanent Select Committee on Intelligence.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague, the gentleman from California (Mr. HORN), for yielding me the time.

Mr. Speaker, to my friends, many know that this has been a year of crisis for me personally. It is the tragedy of human life that causes us to focus and refocus on those things that are important. We talk often about crises around here, issues come and go, and it kind of makes up our life and our day. And we take too little time to think about the importance of the humankind who make up this body.

This tragedy should remind all of us that there are many, many more important things about the work that we do than a single issue or a single day or a single crisis. We will be talking a lot about the need for our coming together; and perhaps this horrible tragedy will serve as a beginning point for us to once again try to reach out to each other and express that love that really makes this body what it can be and should be.

Mr. Speaker, I have not had a closer friend in the House than JULIAN DIXON. We go back to the legislature together in California. We came here as classmates. We have served for years on the Committee on Appropriations together. As STEVE indicated, he was a member of my Subcommittee on Defense. He did marvelous work in the Committee on Ethics.

He served on the Permanent Select Committee on Intelligence in a way that few could begin to appreciate unless you watched him day in and day out.

JULIAN DIXON is one of the great men of the House, a legislator who cares about people; and indeed, he and Bettye over the years became Arlene and my closest friends in terms of social contact. We traveled together. We loved one another.

I would close my remarks by telling a story that relates much of what we did together. Many years ago as a young Member of the House on the minority side, I got used to staffers who think they run our life. And I talked to a young staffer on the Committee on Banking and Financial Services about the fact that there had been many, many years since we had had a gold coin in this country.

I was concerned about the fact that that was symbolizing our trade deficits, et cetera; and I introduced a bill to create a new gold coin. And that staffer of the Committee on Banking and Financial Services, when I took the idea to him, he literally mocked and said, Congressman, that bill will never get a hearing. And you know what, it did not through that Congress.

The following year, I introduced a bill again and then I sat down with my friend, JULIAN DIXON, and talked about the trade deficit in gold with South Africa. And JULIAN DIXON cosponsored that bill, the entire Black Caucus sponsored that bill, almost the whole House did.

You know what? When I hold up that gold eagle coin, forever now, I will always remember our friend, JULIAN DIXON, and what he meant to our potential on both sides of the aisle as human beings working together. Let us use this as a symbol of the work we must do together.

God bless JULIAN and Bettye Dixon.

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Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank my colleagues very much. The loss of Congressman JULIAN DIXON is a catastrophic loss. It is a catastrophic loss for this Nation and for this body.

When others spoke of bipartisanship, JULIAN DIXON practiced it. When others spoke of congeniality and friendship and fellowship, JULIAN DIXON exemplified it. When others spoke of kindness and outreach, JULIAN DIXON embraced you. When there was a hard task, an unpopular task, a challenging task, this House turned to JULIAN DIXON.

I did not have the honor and pleasure of serving with Mr. DIXON on a committee of this House, but I had the honor of serving with him in the Congressional Black Caucus and knowing him through my predecessors who served in this House in the 18th Congressional District in Texas.

I heard of JULIAN DIXON before I arrived in this place, and the words were sweet and melodious. They were words that were uplifting. They were friendly words describing him.

To his wife Bettye and to his family, I know that he is at this point missing in your heart, your mind and your souls. But be forever reminded that the Nation mourns with you.

Those of us who JULIAN DIXON endeared himself to because he was that kind of man and that kind of American, our hearts are torn, our hearts are deep with a loss. I can only say to my colleagues that I remain in shock, but I remain bolstered by the fact that JULIAN DIXON lived, he walked this Earth, he served this Nation. But most of all, he has shown himself to be the kind of person that the world will be reminded of, selfless, committed, self-sacrificing, loving, and special.

God bless this Nation, God bless JULIAN as he flies among the eagles, and God bless his family.

Mr. HORN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. COX), chairman of the Majority Policy Committee.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in a way, it is nice to be here on the floor and to listen to all of these things being said about JULIAN DIXON, because my southern California colleague, even now that he is gone, is going to be a powerful force among us.

All of us in our spiritual lives have aspirational goals that we try to reach, something greater than us that we try to be. But it is also important in life to have real human beings that one can look at and say that is a person I would like to be like. That is someone who, if I strive, I work, I could be like that person. JULIAN DIXON is such a model for all of us, and is not just now in death, but was while he walked among us such a person.

He and I were facilitators together at Hershey at the bipartisan retreat. We spent a lot of time talking on airplanes flying to and from Southern California and discussing important national security business on the Permanent Select Committee on Intelligence where he bore so much responsibility.

But it is with respect to the efforts that we have made over a period of many Congresses at Hershey that I think I will think best of JULIAN DIXON, because in a time when so many people are talking about the need for bipartisanship, JULIAN DIXON can remind us of what that really is.

Bipartisanship, as he showed us, is not lacking convictions. It is not being a political hermaphrodite, half Republican, half Democrat. But JULIAN believed passionately about the things he did, and he was a great leader for our country. But, rather, it was transcending that conviction and recognizing that many of the things that we believe so deeply divide us are transitory, they are products of the time and the place in which we live, and focusing instead on our essential humanity, on our respective worth and dignity.

I think that, in the year and years ahead, there can be no better model for every Member of this body than our good friend who we will so deeply miss, the Honorable JULIAN DIXON.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to observe for the House that we have received a phone call from former Member Vic Fazio of California who came to Congress with JULIAN in that class, I think, in 1978, who wanted me to express to my colleagues and to Bettye Vic's condolences.

Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, giving honor to God who is the head of my life, I join with my colleagues to really stand here and say what a giant we have lost. As was mentioned earlier, Congressman DIXON said, "See you next week," and he will, because his spirit lives, and it will always live as long as we remember him.

Congressman DIXON supported me before coming to this House of Representatives. Every day as we served as a member of the Committee on Appropriations for this House, his strength, his intelligence, and his endurance was a light for all of us to follow.

Over the rostrum here, it says "In God we trust." Our Nation, this House, and the world is in perilous times at this moment. Let the spirit of Congressman JULIAN DIXON guide us through these troubled waters. If we should use his spirit and his strength to get us through these difficult times, God will bless us, this country will be a better place, and the world will be a safer place.

So, Mr. Speaker, as we honor his memory today, let us not forget who he was and what he stood for, fighting injustice wherever it reared its ugly head, racism, sexism. This is a great country, and the best homage we can pay to Congressman JULIAN DIXON is to honor that memory and instill those principles in this House.

My love goes out to Bettye and the family, always know that we are here to support you. JULIAN DIXON, through this House of Representatives, can lead us the way into the future.

God bless you, my brother, and may you rest in peace.

Mr. HORN. Mr. Speaker, many of the Members are not even aware of this announcement, so I ask unanimous consent to yield the time we have remaining to the gentleman from California (Mr. STARK).

The SPEAKER pro tempore (Mr. PEASE). Without objection, the time allocated to the gentleman from California (Mr. HORN) will be controlled by the gentleman from California (Mr. STARK).

There was no objection.

Mr. STARK. Mr. Speaker, I thank the distinguished gentleman from California (Mr. HORN), and we appreciate that.

Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Speaker, I join my colleagues in expressing sympathy to the family of Congressman DIXON.

Every now and then in every profession, on every job, there is recognition of a person who can give advice. That person among his colleagues is sought out for advice; and he is sought out because of his talent, because of his perseverance, because of his sincerity and because of the good advice he gives. JULIAN DIXON was such a person.

If he had been a doctor, he would have been known as a doctor's doctor. If he had been a lawyer, he would have been known as a lawyer's lawyer. He was a congressman; and because of the advice that he gave me and many of our colleagues, I consider him as a congressman's congressman.

But I knew him also in another capacity. We both are brothers in the fraternity Alpha Phi Alpha Fraternity Incorporated. Because of the effort of brother JULIAN DIXON, members of Alpha now can pay tribute to Dr. Martin Luther King, our most famous brother here in this district because of the monument that he helped Congress create.

So on behalf of the more than hundred brothers of Alpha Phi Alpha Fraternity, I express my sympathy to his family. We lost a good brother, this Congress lost a good Member, and this Nation lost a good servant.

I wish to express my deepest sympathy today for a dear friend and colleague who dedicated his entire life to serving his family, his District in California, and this United States Congress. He served with determination and an unwavering spirit of dedication. This void cannot be filled. He was a native son of Washington, D.C., and he made his home in Los Angeles California, where he planted the seeds of faith and overcoming. JULIAN overcame obstacles with a sense of grace and dignity. Now we can embrace the harvest he has left behind. We must not forget the abundance of that harvest when we continue our good works on the different committees upon which he served. I want to express my deepest sympathy to his dear wife Betty and his son Cary. I shall remember both of you in my prayers. JULIAN was truly on loan from God.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I add my voice to those who have already spoken to express my heartfelt sympathy for the family of JULIAN DIXON. When I decided to run for chairman of the Congressional Black Caucus, among the first persons that I sought advice from was JULIAN DIXON. He had a way of sorting out the issues, trying to ensure that the purposes of the Congressional Black Caucus were definitely on the agenda that I was going to propose and gave me tremendous advice. That was just the way that he was.

I think the committees that he served on sort of said it all. He was a member of the Committee on Appropriations. He would not only appropriate formally on the committee as his responsibilities said he should and fought for the District of Columbia when there was a lot of adversity; but he in his own private way was a giver, he was an appropriator, he gave advice.

He gave a wonderful event at the Democratic National Convention where he had a beautiful dinner just for friends, because that was the type of person he was. He was on the Committee on Ethics. He is a person of high ethics. Everyone knows that. I think the committees that he served on said it all.

Finally, the Permanent Select Committee on Intelligence, one could not find a person more intelligent, more noble, more thorough and efficient than JULIAN DIXON.

We traveled recently, and he and his wife just complimented one another.

So as I conclude, I think that we can simply remember that old Negro spiritual that said that "Let the work that I have done speak for me."

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, all of us are in shock, and I join with my colleagues in saying that I am in shock, too. But I also join my colleagues in saying I am in profound appreciation for the example and the life that JULIAN DIXON led. All of us knew him for unique features, but just listening to the remarks, one understands all of us had tremendous respect for him.

Some of us knew him as a person who, indeed, could feather out conflicts. He had friends on both sides of the issues. Whether he agreed with one or not, he would give one his advice.

I serve on the Congressional Black Caucus Foundation and serve currently as chair, and he knew I was kind of a reluctant chair of that committee. Part of his admonition to me was that the greatest thing one can do is bring about stability, understanding, and working together. JULIAN certainly was not one to run away from thorny issues. So I will remember him for that.

I thank him for the life he leaves for us. I hope that we can use it as a challenge that we, too, can bring that calmness, that respect, and the loving care in being a public servant. God bless you.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, JULIAN DIXON was a giant and a gentleman. I, first of all, want to extend my prayers to his family, to Bettye Lee, and to his son, to his staff and the staff in the Permanent Select Committee on Intelligence, and to the people of the 32nd District of California, and especially thank them for sending to us this giant and gentleman who I served with on the Permanent Select Committee on Intelligence.

He was a giant in that the tough jobs that demanded bipartisanship and fairness and ethics and intelligence, like the Permanent Select Committee on Intelligence and like the Committee on Ethics, were given to JULIAN.

We have a saying, Mr. Speaker, around here when we refer to people as the gentleman from California. JULIAN DIXON was a gentleman in every sense of the word, kind and compassionate to everybody he met, and he was a gentleman with a soothing voice.

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He served the country in the military. He served the country as a public servant. He served all of us. And now the good Lord has called him home to do even more important work.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to join my colleagues in expressing my deepest sympathy to JULIAN DIXON's wife and family. I met JULIAN DIXON the year that he was elected to Congress through mutual friends. I had a lot of relatives in his district who told me that he was going to be the best. I considered him and Bettye my dear friends. He was quiet, dignified, professional, dependable, thorough, hard working, and, as we hear, respected by all.

JULIAN was fair and knowledgeable of his work. I will miss him. We will all miss him; but I will miss him as a role model. I will miss him as a friend, and Bettye and family will have my deepest sympathy.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I thank my colleague for yielding me this time.

I, like my colleagues, am trying to deal with the shock of our loss, and all of us who have had the privilege of knowing and working with JULIAN grieve at his death. I want to extend on behalf of the all of the people of the Virgin Islands to his beloved wife Bettye and his family our sincere condolences.

It was truly a privilege for me to have been able to serve with JULIAN and to benefit, as so many others, from his wisdom and his experience, as the whole Nation and indeed the world has from his service. JULIAN was also my landlord; and my family and I are deeply appreciative of the great generosity that he showed to us when we rented from him.

Our love and our prayers go out to Bettye and his family, and we hope that they are comforted not only by the fact that so many share in the burden of his loss but by knowing that his living and his service have not been in vain.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), who, for a long time, was the chairman and now ranking member under whom JULIAN served on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, JULIAN DIXON was one of those people who almost reveled in functioning anonymously in this House. He took jobs that were behind the scenes. Chairing the Permanent Select Committee on Intelligence was not a publicity-seeking job; serving as chairman of the Committee on Standards of Official Conduct was a job that required discretion and, for the most part, silence while judgments were being made. There are so many Members of this place who would almost kill to get to a microphone ahead of some other Member. JULIAN was never one of that type.

I served with him for every day that he served in this institution and had the privilege to serve with him on the Committee on Appropriations. Above all else, what was driven home to me on a daily basis was how much he loved and how much he knew this city. I venture to say he knows as much about this city as the mayor. He would, for years, undertake the thankless job of representing those American citizens who have virtually no recourse in the face of grievances. Because while they are taxed, they are not represented to the point where they have an actual vote on this floor, and so he saw that as his special responsibility and special duty to tend to the needs of this city.

In our Committee on Appropriations we have a head table at the front, and then we have four or five tables that go down from the head table, and there is a gap between the committee rostrum and the seats where most Members sit. JULIAN sat at the end of that table nearest the rostrum. When he felt especially passionate, he would stand. And he would not stand at his microphone, as most Members do. When he felt strongly about an issue, he would speak truth with passion to his adversaries in that room and he would roam. He would roam that well and drive home his points with an attitude and a demeanor that said "Don't mess with me," and "Don't bafflegab."

He knew what the facts were. He defended truth. He defended the defenseless. He had guts. He had judgment. He had balance. He had passion. He was everything a public servant should be, and this country has lost an incredible amount when they have lost JULIAN DIXON.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank my colleague for yielding me this time. I wanted to add my voice to those of my California colleagues who dealt with JULIAN and knew JULIAN over the years and appreciated so much his comity, his ability to reach across the aisle in his friendship and his warmth.

In California, we are sometimes different from other States. I remember coming in as a freshman in 1980, and while sometimes in Texas it is tough to tell a Texan apart in terms of philosophy, in California we were pretty strongly polarized. And it was guys like JULIAN, and particularly JULIAN, who had that great ability to reach across the aisle and talk to friends.

And we really knew we were JULIAN's friends, because he was so genuine and so good and established that relationship that allowed us to work on lots of projects together. He could look across the wall of contention and combat and competitiveness that marked the election and get together.

So it is interesting. We look back at our colleagues that we have served with, and often we cannot remember all the issues, or we cannot remember all the details; but we always remember the person. We are a people who remember other people. This institution manifests itself not in the walls and the columns but in the people. JULIAN DIXON was a wonderful, wonderful person.

I hope we can all remember him, and sometimes when we are having those fights that may tend to get a little bit bitter, remember JULIAN; and I think we will all be a little better to each other and to the institution.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. JONES of Ohio).

Mrs. JONES of Ohio. Mr. Speaker, I rise with my colleagues this morning to mourn the loss of JULIAN DIXON.

I have the pleasure of succeeding Congressman Louis Stokes, who I called this morning. He was just in shock, as we all are, about that friendship. He said to me, "Do you remember when I introduced you to JULIAN DIXON?" I said, "I can never forget it." And I can never forget that the first check I got for my campaign came from JULIAN DIXON.

I was trying to think what else I could say very quickly, and I went back to a speech by Martin Luther King where he was talking about a drum major's instinct, and I will paraphrase this for JULIAN DIXON.

> If any of you are around when I have to meet my day, I don't want a long funeral. And if you get somebody to deliver the eulogy, tell them not to talk too long. And tell them not to mention that I was a Member of Congress. That wasn't important. Tell them not to mention that I have 300 or 400 other awards. That is not important. Tell them not to mention where I went to school. I'd like somebody to mention on that day that Julian Dixon tried to give his life serving others. I'd like somebody to say that on that day Julian Dixon tried to love somebody. I want you to say on that day that Julian Dixon tried to be right on the war question. I want you to be able to say that he tried to feed the hungry. I want you to be able to say on that day that I did try in my life to clothe those who were naked; that I did try in my life to visit those who were in prison, and I tried to love and serve humanity. I want you to say that I was a drum major; that I was a drum major for justice; that I was a drum major for peace; a drum major for righteousness, and all of the other shallow things will not matter. I won't have any money to leave behind; I won't have the fine and luxurious things of life to leave; I just want to leave behind that I committed my life to do for others. A drum major for success: Julian Dixon.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Speaker, I want to say to the family of JULIAN DIXON, and certainly to his friends and relatives that they certainly have our sympathy. I also want to say to the staff, who I am sure is looking at this right now, that we thank them for all that they have done to uplift his life and uplift ours.

In these moments it is really difficult to figure out what to say. But sometimes I think when we are going through grieving moments we have to first of all thank God that he allowed our lives to eclipse with JULIAN DIXON's. It was quite possible that we could have been on Earth at another time. We could have been on Earth at the same time and never had a chance to meet or never got a chance to know him.

I got a chance to know him. We worked on the Congressional Black Caucus Foundation board together. Just a few weeks ago we were working on personnel policies, and he said, "Cummings, when we start off, I want you to be real clear. We are going to be fair. These policies are going to be things where people can look at them 50 years from now and feel good about them." That is the kind of guy that JULIAN DIXON was.

So we thank God for his life. We thank God that he allowed our lives to eclipse with his. This whole experience is a reminder that we are all bound by the reality of our mortality. We really are.

So I guess one could sum up his life by that old spiritual that says, "Peace, like a river, attendeth my way when storm clouds like sea billows roll. Whatever my life, Thou has taught me to say, it is well, it is well with my soul." May God bless.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, this country has lost a leader of depth and integrity. We in this House have lost one of our own. Bettye and Cary have lost a husband and a father, and I have lost a role model and a friend.

We in the California delegation have lost a leader and a mentor, and we have been thunderstruck with the fourth sudden death in our delegation in 4 years.

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Mr. Speaker, as the gentleman from Indiana pointed out, we often use the term "gentleman." But no one better exemplified that term than JULIAN DIXON. He showed us honor, he was a conciliator, a wise voice even when others were gripped with emotion. Yet under that calm demeanor was a man of passion who fought for education and civil rights and the dispossessed, a man who cosponsored virtually every civil rights bill of significance over the last 20 years and who obtained funding for the same Simon Wiesenthal Center, Museum of Tolerance, Tools for Tolerance program in Los Angeles, a man who was placed on the Intelligence Committee and the Ethics Committee because of what he could bring in intelligence and in honor to those committees, a man who cared very much for the two cities in which he spent his life, Washington, D.C. and Los Angeles where he did so much to provide transportation for our city.

Mr. Speaker, we have lost a great man. He will be missed.

Mr. STARK. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to share the sorrow of my colleagues on the loss of our colleague and our friend JULIAN DIXON. I am not a Californian. I have not served the length of time in this body that JULIAN DIXON did. I did sit with him on the Committee on Appropriations. As someone who was senior to me on that committee, I sat and I listened and I observed and I watched him. And when he stood and he spoke, which was not often, he spoke with great authority, he spoke with great dignity, he spoke with great passion and with determination, because he understood, better than most, the potential of this institution and its effect on the lives of people that we represent in this institution.

He was never afraid to stand tall and to speak softly or loudly and with great passion about what this institution can mean in the lives of people in this country. For that, I respected and admired and viewed him as a role model.

But this institution can often be cold and it can be very impersonal, not only for people outside of it but for people inside of it. And if you needed someone to get some advice from, someone to help you build your own confidence, you could go to JULIAN DIXON, and he never said no to the time that you might have needed, and to respond to when you extended your hand. He reached out and took your hand, and he always had time to show you the way. He did that for me as a newcomer to this great institution. It is something that I will not forget, and it is something that I will share with his family in telling you how much he meant to those of us who serve here.

We send you our thoughts; we send you our prayers. And for those of us who serve, he was someone that we could take heed from, that you should stop and spend a moment of friendship with the people that you serve with and to give to those who do not serve with us the intent that we will stand tall and speak loudly and with determination on your behalf. He will be someone that we sorely miss and someone that I will miss.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I find myself somewhere between shock and disbelief this afternoon. And yet as I sat in this Chamber listening to our colleagues reflect upon our friend JULIAN DIXON, I sat in amazement that even out of the grief and sadness of this moment, such warm and eloquent words could be spoken of someone's life, and I realized that any words I speak would not measure up.

I knew him. He was a colleague. I was on the Permanent Select Committee on Intelligence with JULIAN DIXON. I worked with him. He was as bright as a tack. Patient. I will repeat that. He was patient. The polestar of his work on that committee as I witnessed it was that of American security. But more than his work on that committee, I witnessed him in leadership positions in this House. He was a true role model. He was someone who gave advice freely and, more than anything, served as a friend. That is how I will remember JULIAN DIXON, as a friend.

I express my sympathy to his wife Bettye, to his family, to his colleagues from his State, and to those who knew him well. He was not only a gentleman, he was a gentle man. We shall long remember him.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, the rest of the world will wake up tomorrow morning and read in the obituaries about JULIAN DIXON's leadership on appropriations and on the Intelligence Committee and the Ethics Committee. They may figure out that he had a 100 percent perfect voting record on civil rights, on education, on the environment, on labor issues. They may find out about his funding of the tools for tolerance program at Simon Wiesenthal Center or the Angel Gate Academy for at-risk youth or any number of dozens of other things that he started in his constituency. But they will not get a full flavor for what he meant to this body, his credibility, his courage, his heroism, his decency. That is his legacy.

Ladies and gentlemen, I would like to express particularly on behalf of one of our colleagues, the Delegate from the District of Columbia, her longtime aide, Donna Brazile, is in the cloakroom here and just told us that Eleanor is on a plane but wishes so much that she could be here to express her sadness, her grief, and her appreciation for all that JULIAN DIXON has meant to the District of Columbia.

D.C. grieves today at having lost one of its strongest, most committed friends, advocates, believers. JULIAN DIXON knew more about the District of Columbia and what needed to be done legislatively than any other Member of this body with the possible exception of its own Delegate. He used his influence thanklessly to advance the cause of people who did not have a sufficient voice within this body. He used his influence to give them that voice.

When I became ranking Democrat on the Subcommittee on D.C., it soon became so apparent that it was JULIAN that had laid the foundation for the most important issues, who understood. His knowledge, his intellectual honesty and his courage had made such a difference. And when there was an issue that no one else was willing to take on, let alone win, it was JULIAN that would take up that issue.

When he realized that more women were dying from AIDS as a result of dirty needle exchange in D.C. than anyplace else in the country, he knew that this was a thankless issue that nobody wanted to take on, but JULIAN did. He stood up in that full Committee on Appropriations. Our ranking member of the Committee on Appropriations the gentleman from Wisconsin (Mr. OBEY) described what would happen when Julian stood up. He commanded attention because of his articulation but most importantly because of his credibility, his courage.

He won that issue. Nobody else could have won that issue. But the Members had such deep respect for JULIAN DIXON. That is his legacy. It is a legacy that gives all of us a model, a model personally and professionally. He is what we need to be. JULIAN, we thank you for all you have been to this body and this country.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I rise to salute JULIAN DIXON. I believe he represents the very best of this institution. Not because of fiery rhetoric, not because of eloquent words, although he was certainly capable of both, but because of his ability and his skill to work within this institution across the aisle to accomplish things, to get things done for the American people.

In my mind that is the true standard of greatness in Congress. Not to make the most noise but to get the most done. I admire particularly the fact that he could stand in the face of popular trends and tell you the real deal. He could tell you the truth. He could speak the truth in the face of overwhelming odds. It did not matter. JULIAN had something to say. We have all come to respect what he had to say.

He was a wonderful man, a kind man, a gentle man, and he was a very wise man. I think that is important. We do not have enough wise men in this institution, people who are thoughtful and reflective and consider the issues and not just popularity or not just their own political future. I admired JULIAN DIXON greatly. He was one of the Members that I would emulate. But aside from policy, JULIAN DIXON could be a real friend.

When I heard of his passing, the first thing that I thought of was that I did not finish the book because we talked about books on numerous occasions and he had recommended a book to me and I had not finished it. I feel bad about that. But I assure you, JULIAN, that I will finish the book.

In closing, I would just say that we have truly lost a giant in this institution, one who represented the great potential of Congress and one who represented our greatest accomplishments, getting things done on behalf of the American people in a most selfless way. He was a true public servant and a great American.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Speaker, to the family of JULIAN DIXON, what echoes still in my head is the letter that JULIAN sent to the members of the Congressional Black Caucus where he said, "Rest assured, I'll be okay." I would like to say today to the family that he is, in fact, "okay."

In this time, you think and you have to say thank you. Thank you to our good Lord for passing JULIAN DIXON this way.

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Thank you for sending a servant who had the characteristics that one could look up to.

When I think of JULIAN, I think of a role model, and I oftentimes wish that I could always have his cool and calm demeanor, even in the face of a storm. I wish that I could have his dependability, because you could always depend upon JULIAN in a time of need. I think of him as "old reliable," one who sometimes, you know, you just make the presumption that he is there, because he always had been there for you in time of need, a faithful individual and a servant of this great Nation.

So I can imagine that when JULIAN was called home, our Lord said, "Job well done, my good and faithful servant."

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I join my colleagues in sharing my deep sense of shock and love for our beloved JULIAN DIXON. JULIAN was a warrior and a statesman. I met JULIAN in 1975 when I worked as a member of Congressman Ron Dellums' staff, who I know joins us today in remembering this great human being.

I will always remember how JULIAN treated me as a staff member with dignity and with respect. I know today that his staff would want me to say that JULIAN was a wonderful boss, who demonstrated with them, like he did with us, his tough love, his quiet strength. But that is what really kept many of us centered and focused.

As a new Member, JULIAN counseled me on many of the tips of this trade. Whenever an issue relating to an appropriations project came before the Committee on Appropriations with regard to my district, he always checked with me first. He would never let me get blindsided, and he always made sure that my views and my input with regard to my district were paramount in his negotiations. He never let me get blindsided. He was truly a gentleman.

Some of my most special moments, however, with JULIAN were riding home with him, sometimes late at night. We lived right around the corner from each other, and during these rides he talked about things he really cared about: the issues and the people of his native Washington, D.C., and, of course, of his congressional district, and his family.

But what he always reminded me during these very personal conversations was that I should not let the business of my life here in Washington, D.C. get in the way of my personal friendships. All of us really do need to remember his words of wisdom, and I thank him for this.

I want to thank Bettye and JULIAN's family and his constituents for sharing this great leader with us. I want to wish them God's blessings. May JULIAN's soul rest in peace.

Mr. STARK. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise today in deep sorrow at losing a good friend and colleague on the Committee on Appropriations and on the Permanent Select Committee on Intelligence where we served together, and my heart goes out to his family, to Bettye, and to his staff, both here in Washington, D.C. and back in his district.

JULIAN DIXON was a class act and someone who will be missed. He was a person that the leadership would go to when there was a delicate assignment, either on the Permanent Select Committee on Intelligence or on the Committee on Standards of Official Conduct, where he also served. For many years he and I served on the Subcommittee on Defense Appropriations, and we worked together to really help the gentleman from Pennsylvania (Mr. MURTHA) and our various chairmen over the years strengthen the United States of America and to rebuild our national security.

I can tell you, on the Permanent Select Committee on Intelligence he sat next to me, and on some of the most delicate issues the gentleman from Florida (Chairman GOSS) and I would turn to him and ask, "JULIAN, will you take this on? This is something that is so sensitive, but we need your kind of professional, thorough investigative style. Will you do it?" And he would take on some of these assignments that were highly classified, but so crucial to the country.

There was a story in the San Jose Mercury that was very explosive about possible crack cocaine being supplied to African Americans in our country, one of the most sensitive issues that I can recall since I have been in Congress. JULIAN DIXON was the person on the committee who we asked to take that responsibility, and he helped bring the truth to that issue and helped defuse it.

His service will be missed in this institution. He was, as has been said here today, very quiet. He was not the kind of person who was excitable, but he cared deeply about his responsibilities.

I can still see him standing up in the Subcommittee on the District of Columbia appropriations issue that the gentleman from Virginia (Mr. MORAN) mentioned, about this free needle exchange and how important it is to protect these people's lives, and even though the committee is overwhelmingly stacked against it, on the basis of votes, he was able to get almost the entire committee to join him in this important endeavor, and he explained why it was so crucial to the lives of so many people here in the District of Columbia.

So I miss him already. There will be a great void here in this House with his loss, but I hope that people will remember the great work that he did as one of our best Members of the House of Representatives.

JULIAN, God bless you and your family. We are going to miss you.

Mr. STARK. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I would like to rise and to thank JULIAN DIXON on behalf of myself and the community I represent in Tampa, Florida, and also to provide a further glimpse as to this really remarkable man that so many of us served with.

I got to know JULIAN as really a relatively new Member here. He did not really know me from Adam, and I came to him with a very serious national security issue, and he treated me like someone that he had known for years and who had earned his respect, which I had not. I will never forget that. That is rare around here. It is rare most everywhere. I got a chance to watch him in action working with the Attorney General and working with Republicans and Democrats and members of the senior executive branch around here, and it was like a knife through butter. He had earned respect. He knew how to talk to people. He had earned the trust of so many people that depended upon him for his honest judgment.

It is so easy to be cynical today in this particular time as we work through a very difficult presidential election and we begin to work through a very difficult political environment up here, but I think if the people I represent could see people like JULIAN DIXON in action here, making the difficult choices for the right reasons, I think it would reaffirm their faith in this institution and the mere people that serve here.

I am proud to have known JULIAN DIXON and to have served with him. We will not talk about JULIAN DIXON in the past tense for a long time, because he will remind us, and I hope many people who watch us, of the great things we can all do as people and the fine things about this institution we are so privileged to serve in.

Thank you again, JULIAN.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am about to make the usual motion to adjourn, but I would like also to ask that because today's adjournment, at least for JULIAN, will be sine die, that we save the gavel for his family.

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is my sincerest wish that I would not have the need to stand on the floor of this House and address my colleagues today. My colleagues and I are here today to offer our prayers and condolences to Congressman JULIAN DIXON's constituents, friends, and family upon his sudden passing.

I want to especially extend my prayers to his wife, Bettie, and his son, Cary. If I could take a second to address them personally, I simply say that while we cannot possibly share the sense of loss you are feeling, we can offer our understanding and our support in this trying time.

If we could possibly bear your grief, we would gladly do so. Please know that you are in our thoughts.

Those of us who knew Congressman DIXON understood him to be a tremendous leader, legislator, colleague, and friend. Congressman DIXON, like so many others who have served in this legislative body, had a sacred trust, a sort of covenant, with the people who elected him. In him, they entrusted their voice in government, and the direction of their futures. Congressman DIXON lived up to the trust that was placed in him with an energy and dedication that should serve as a tremendous example of public service to each and every one of us.

In his work in the House of Representatives, he fought against crime in our neighborhoods, against the hopelessness that plagues many of our nation's inner-city youth, against the racial misunderstanding that birthed the Los Angeles riots and against the idea that one should be treated different in America because of the color or their skin. But he also brought his skill as a leader and a legislator to fight for the things that have made our nation great.

He fought for programs that increased the strength of America's Armed Forces, for initiatives that made life a little easier for our men and women in uniform, for policies that protect Americans from terror overseas and for the belief that anyone, with hard work and dedication, can attain the American dream.

While we, as a legislative body, may feel that we are that much more diminished because of his loss, that is not the case. We are richer because of the idealism he brought to us, because of the professionalism he has shown us, and because of the friendship he shared with us. And, what I think is most troubling to us, is that because of his sudden passing, we were not able to talk to him, to hold his hand one last time and say goodbye to our good friend. And so, I do so today. JULIAN * * * goodbye. We'll miss you.

Ms. NORTON. Mr. Speaker, only the residents of JULIAN DIXON's own district can feel as deeply about his loss as the citizens of the District of Columbia, the city where he was born and received his early education. JULIAN managed to serve two districts at once with his extraordinary wisdom, excellence and diligence: his own in California, where he owed his first allegiance, and this city. JULIAN became a Californian when his parents took him there as a child, but he never ceased to be a Washingtonian.

I personally owe much to his wise counsel, particularly during my first years in Congress when JULIAN almost singlehandedly guided our appropriations smoothly through tough terrain. I am eternally grateful that he continued to serve on the D.C. Appropriations Subcommittee although it is a post with headaches, but no rewards. Yet all the provincial service to his own district and ours must not obscure JULIAN's singular service to the institution in posts assigned only to members whose balance of justice, compassion and integrity is perfect. JULIAN's service on the Intelligence Committee and the Ethics Committee came because he was regarded as a member's member, the best that we had and the best that there was. We should be so fortunate to ever attract again a member so wise and intelligent, so collegial and so perfect for this House.

Mr. CLAY. Mr. Speaker, today America has lost a champion of human and civil rights, JULIAN C. DIXON of California. I offer my deepest and profound sympathy to his wife, BETTY, his son, Cary, and his other family, friends, and loved ones. JULIAN was serving in his 11th term representing the 32d congressional district, was a friend, a brother, and a patriot. Mr. DIXON was a vigorous, tireless fighter for civil rights, cosponsoring every major civil rights measure during his time in Congress. He lead the fight to protect the U.S. Civil Rights Commission when it was under assault. He was also a tireless advocate of Home Rule for the District of Columbia so that all citizens would have a voice in Congress. He was held in the highest regard by all of his Congressional colleagues.

He was a champion for the youth of Los Angeles, securing funds for anti-crime prevention programs across the city, and was a consistent and effective voice in protecting the poor. In 1983, he wrote the first economic sanctions law against South Africa, and, in 1987, he authored an urgent appropriations bill to provide humanitarian aid to southern Africa, the world's poorest region. JULIAN was a great leader in the Congressional Black Caucus, serving as its chair in 1983–1984. JULIAN more than any CBC member, defined the role that the caucus has played. In 1984, JULIAN said, "On the floor of the Congress, in committee hearings, before the press and across America, we have spoken out against policies which undermine the enforcement of civil rights and civil liberties, respect for law and order, disregard for personal rights of privacy, and attempts to infringe on the rights of free speech. Whether it was a president's assault on the Civil Rights Commission, a proposal for a youth sub-minimum wage, efforts to weaken federal contract compliance, to lessen the effects of full-employment legislation, or to eliminate minority set-asides, the Caucus was there to respond."

Today we mourn the loss of the JULIAN DIXON, and send our heartfelt sympathies to all who love this generous and passionate man. He will be sorely missed by the United States House of Representatives.

Mr. BECERRA. Mr. Speaker, it is with deep sadness that I add my voice to the chorus of condolences offered to Congressman DIXON's wife Bettye Lee and son Cary. This unexpected loss is such a tragedy to all of his friends, staff, and constituents—but mostly of course to his loved ones and family.

Shocked to learn the news this morning while in Los Angeles, I wish I could be there on the House floor with my colleagues to join in the expressions of sorrow and words of honor. As the heartfelt eulogies flow from Washington D.C. to the rest of the country, many are reflecting on the lifelong contributions and inspirational leadership of Congressman DIXON.

A superb public servant and guiding mentor to so many of us, Congressman DIXON will be greatly missed in the halls of Congress and in the heart of Los Angeles. Again, to his closest family and to all who respected and honored Congressman DIXON, my deepest condolences.

Mr. TOWNS. Mr. Speaker, I want to offer my condolences to the family of JULIAN DIXON. All of us are dismayed at his untimely death. He was a colleague and a friend here in the Congress since my arrival here in 1983. While he will long be remembered for his work with the House Ethics Committee and the Select Committee on Intelligence, his achievements in supporting development assistance to countries in the Caribbean and Africa should not be overlooked. In fact, it was under his leadership that the first South African sanctions bill was enacted by the United States Congress.

His death is a loss not only to his family and the people in his Los Angeles district but to the nation as a whole. I will always feel his loss greatly.

Mr. STARK. Mr. Speaker, having heard from JULIAN's colleagues from California and across the Nation, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 671.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 2903. An act to reauthorize the Striped Bass Conservation Act, and for other purposes.

H.J. Res. 128. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. FOSSELLA (at the request of Mr. ARMEY) for today on account of his son's hospitalization.

Mr. HILL of Montana (at the request of Mr. ARMEY) for December 7 and today on account of medical reasons.

Mr. ROHRABACHER (at the request of Mr. ARMEY) for today through December 13 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OLVER) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Mr. FRANK of Massachusetts, today.

(The following Member (at the request of Mr. THORNBERRY) to revise and extend his remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

Mr. CLYBURN, for 5 minutes, today.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 3514. An act to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4640. An act to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

H.R. 4827. An act to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

H.J. Res. 128. Joint resolution making continuing appropriations for the fiscal year 2001, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

ADJOURNMENT

Mr. STARK. Mr. Speaker, pursuant to House Resolution 671, I move that the House do now adjourn in memory of the late Honorable JULIAN C. DIXON.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until Monday, December 11, 2000, at 5 p.m., in memory of the late Honorable JULIAN C. DIXON of California.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11246. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources [PA-4096a; FRL-6577-9] received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11247. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Pinal County Air Quality Control District and Pinal-Gila Counties Air Quality Control District [AZ 063-0020a; FRL-6839-9] received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11248. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of September 30, 2000, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

11249. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a report authorizing the transfer of up to $100M in defense articles and services to the Government of Bosnia-Herzegovina, pursuant to Public Law 104-107, section 540(c) (110 Stat. 736); to the Committee on International Relations.

11250. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Export and Import of Nuclear Equipment and Materials (RIN: 3150-AG51) received November 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11251. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting a report on the Foundation's Fiscal Year 2000 audit and investigative activities pursuant to the Inspector General Act; to the Committee on Government Reform.

11252. A letter from the Chief Executive Officer, Corporation For National Service, transmitting the Inspector General's Semi-Annual Report to Congress covering the period April 1, 2000 through September 30, 2000 along with the Corporation's Report on Final Action, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11253. A letter from the Writer/Editor/Webmaster, National Science Foundation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11254. A letter from the The Administrator, U.S. Agency For International Development, transmitting the Office of Inspector General's Semiannual Report to Congress for the period ending September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11255. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations: Savannah, GA [COTP SAVANNAH-00-098] (RIN: 2115-AA97) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11256. A letter from the Assistant Chief Counsel for Legislation and Regulations, Federal Transit Administration, Department of Transportation, transmitting the Department's "Major" final rule—Major Capital Investment Projects [Docket No. FTA 99-5474]

(RIN: 2132-AA63) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11257. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Algona, IA [Airspace Docket No. 00-ACE-34] received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11258. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2000-NM-91-AD; Amendment 39-11936; AD 2000-21-04] (RIN: 2120-AA64) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11259. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines; Correction [Docket No. 2000-NE-11-AD; Amendment 39-11912; AD 2000-20-01] (RIN: 2120-AA64) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11260. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Fayetteville, AR [Airspace Docket No. 2000-ASW-17] received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11261. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Treatment of Loans with Below-Market Interest Rates—received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11262. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Research Credit-Suspension Period—received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11263. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Administrative, Procedural, and Miscellaneous—received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11264. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Rules for Certain Transactions Where Stated Principal Amount Does Not Exceed $2,800,000—received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LAMPSON (for himself, Mrs. MORELLA, and Mr. RODRIGUEZ):

H.R. 5647. A bill to establish the Federal Elections Review Commission to study the nature and consequences of the Federal electoral process and make recommendations to ensure the integrity of, and public confidence in, Federal elections; to the Committee on House Administration.

By Mr. LATOURETTE:

H.R. 5648. A bill to delay any legal effect or implementation of a notice of rights and request for disposition form of the Immigration and Naturalization Service if an alien admits to being in the United States illegally, gives up the right to a hearing before departure, and requests to return to his country without a hearing; to the Committee on the Judiciary.

By Mr. OBEY (for himself, Mr. KIND, and Ms. BALDWIN):

H.R. 5649. A bill to require the Secretary of Agriculture to make emergency market loss payments to dairy producers for any month in which the national average price for Class III milk under Federal milk marketing orders is less than a target price of $11.50 per hundredweight; to the Committee on Agriculture.

By Mr. ROMERO-BARCELÓ:

H.R. 5650. A bill to declare certain Federal lands in the Commonwealth of Puerto Rico as excess, and for other purposes; to the Committee on Armed Services.

By Mr. ROMERO-BARCELÓ:

H.R. 5651. A bill to convey certain Federal lands to the Commonwealth of Puerto Rico, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.J. Res. 132. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. STARK:

H. Res. 671. A resolution expressing the condolences of the House of Representatives on the death of the Honorable Julian C. Dixon, a Representative from the State of California; considered and agreed to

By Mr. GREEN of Texas:

H. Res. 672. A resolution expressing the sense of the House of Representatives that the private-sector distributors of the influenza vaccine should give priority to distributing the available vaccine to those people at a high risk of developing complications from an influenza infection; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5642: Mr. MCKEON and Mr. GUTKNECHT.
H.J. Res. 131: Mr. MCNULTY.

PETITIONS, ETC.

Under clause 3 of rule XII,

123. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 604 of 2000 petitioning the United States Congress to condemn the murder of the two Israeli soldiers by a mob while in the custody of the Palestinian Authority at Ramallah, and urges President William Jefferson Clinton to strongly condemn this atrocity and the violence which engendered it and to use all the resources of the United States government to restore a situation of peace and security in the Middle East; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

WINNERS OF THE OLIN E. TEAGUE AWARD

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. STUMP. Mr. Speaker, in a ceremony on Wednesday, September 13, 2000, in the House Veterans' Affairs Committee hearing room, the Orientation and Mobility Section, Western Blind Rehabilitation Center, VA Palo Alto Health Care Facility, Palo Alto, California, received an Olin E. Teague Award for their efforts on behalf of disabled veterans.

The Teague Award is presented annually to VA employees whose achievements have been of extraordinary benefit to veterans with service-connected disabilities, and is the highest honor at VA in the field of rehabilitation.

The Section members, Miriam Emanuel, Scott Johnson, Julie Hazan, Richard Ludt, Patrick Ryan, Jennifer C. Smith, Candace Thelen, and Paul Thomas, Blind Rehabilitation Specialists; Charles "C.T." Vasile, Supervisor Blind Rehabilitation Specialist, and Bill Ekstrom, Chief Western Blind Rehabilitation Center, were selected to receive this prestigious award in honor of their work to develop the first power scooter training program for low vision blinded veterans with ambulatory problems.

Realizing that current support items such as canes, walkers, and scooters did not meet the needs of the less mobile, blind veteran, the team determined to find a solution. The team worked with specialists in Physical Therapy, Physical Medicine, and Prosthetics Service to study the various types of power scooters available for sighted individuals. In addition to their full daily schedules, the team members made the time to actually become power scooter travelers to learn to navigate on the scooters as sighted individuals. When they became fully knowledgeable of power scooter travel, they began to develop options to adapt the power scooter for use by blind veterans. Their enthusiasm, persistence, and creativity paid off. Two distinct power scooter programs were developed to meet the differing needs and capabilities of legally blind low vision veterans. These programs offer veterans a higher quality of life and a highly valued commodity—their independence.

Mr. Speaker, the name Olin E. "Tiger" Teague is synonymous with exemplary service to the Nation's veterans. The late Congressman Teague served on the House Veterans Affairs Committee for 32 years, 18 of those years as its distinguished chairman. No one who opposed him on veterans' issues ever had to ask why he was called Tiger. He set the standards by which we can best serve all veterans. I know my colleagues join me in offering our deep appreciation to the Orientation and Mobility Section for their concern, dedication, and innovation in meeting the special rehabilitation needs of disabled veterans. We congratulate them for the excellence of their work and for the distinguished award they received.

SECRET AGENT MAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 7, 2000

Mr. CONYERS. Mr. Speaker, I submit the following articles, which appeared in the Wall Street Journal on December 7, 2000 into the CONGRESSIONAL RECORD.

SECRET AGENT MAN—FASHION PHOTOGRAPHER SCORES BIG OFF PALS IN THE NARCOTICS TRADE

BARUCH VEGA MADE MILLIONS AS A FEDERAL INFORMANT, BUT WAS JUSTICE SERVED?—A PRIVATE JET TO PANAMA CITY

By Jose de Cordoba

MIAMI BEACH, Fla.—For years, fashion photographer Baruch Vega jetted from Miami to Milan, shooting the industry's top models.

Few knew of Mr. Vega's off-the-books job, one that was far more lucrative—and dangerous. When he wasn't snapping collections for Versace or Valentino, Mr. Vega, a Colombian by birth and an engineer by training, was covertly meeting with some of the world's most-powerful drug traffickers, trying to persuade them to surrender to U.S. lawmen.

By most accounts, he was a star operative. "We regarded Vega as our principal weapon" in the battle against Colombia's drug cartels, says one former U.S. agent. "I think he was very successful," agrees retired cocaine kingpin Jorge Luis Ochoa, speaking by cellular phone from Colombia, where he recently completed a six-year prison term. "A lot of people got into his program and cooperated with him, and he with them."

So many, in fact, that a meeting brokered by Mr. Vega last year in a Panama hotel drew more than two dozen drug dealers or their representatives, according to Mr. Vega and the lawyer for one of the suspects. Rattled by a new Colombian policy permitting traffickers to be extradited to the U.S., they met in marathon sessions with Drug Enforcement Administration agents, negotiating plea agreements that would potentially net them reduced jail terms in exchange for providing information on drug shipments by other traffickers.

But in March, Mr. Vega's secret life unraveled. As he was unpacking from a photo shoot, agents from the Federal Bureau of Investigation burst into his penthouse and arrested him on money-laundering and obstruction-of-justice charges. In a criminal complaint filed in Miami federal court, the government accused him of receiving million-dollar fees from drug lords, in return for promising to use his influence with U.S. agents—and even bribes—to help them with their legal problems. The name he gave the operation, according to the complaint: "The Narcotics Traffickers Rehabilitation Program."

Mr. Vega, a trim 53-year-old who favors black T-shirts, readily admits he accepted the traffickers' money, which he says totaled about $4 million, but which others familiar with his midwifery put at as much as $40 million. Mr. Vega says he took the payments as part of his undercover persona, and that his law-enforcement handlers knew it. He also denies paying any bribes. "The agents I worked with used to joke: 'Baruch, we trained to put people in jail, but with you, we get them out,' " he says.

However the case sorts out, Mr. Vega's story offers a rare look into the twilight world of the narcotics informant—and into the questionable relationships and accommodations. U.S. authorities sometimes enter into as they pursue the global war on drugs. Already, it is proving an acute embarrassment to the DEA, which has placed two agents on paid leave pending an internal investigation of their relationship with Mr. Vega. And it comes at a delicate time, just as the U.S. government begins to implement a $1.3 billion program to fight the narcotics trade underpinning Colombia's bloody civil war.

Because of the highly secretive nature of undercover operations—and law enforcement's reluctance to disclose the details of cooperation agreements with drug suspects—it's impossible to answer the central question of whether traffickers who paid fees to Mr. Vega received special treatment from the U.S. justice system. No evidence has been presented that any agents accepted bribes. But what can be pieced together, through court documents and interviews with Mr. Vega and others involved in his career, suggests at the very least a highly unorthodox operation that took on a life of its own, fueled by piles of underworld cash.

RED FACES AT DEA

In a brief statement, the DEA says it is "very concerned about the allegations . . . concerning the conduct of certain DEA agents." It declines to comment further, citing a continuing investigation. The Justice Department also declines to comment.

Mr. Vega became a law enforcement go-between almost by accident. He was working in New York City in 1976 as a structural engineer when a neighbor and fellow Colombian was arrested in a police raid. The neighbor's wife tearfully sought Mr. Vega's help. Mr. Vega, who was studying law at night, had befriended a fellow student then working at the FBI. According to Mr. Vega, his friend said the case against the neighbor appeared weak, and charges would probably be dropped soon. They were.

The grateful neighbor, who was indeed involved in the cocaine trade, gave Mr. Vega $20,000 for what he believed was a successful intervention. Word of Mr. Vega's supposed clout began to spread, and he soon met many of the future capos of Colombia's drug cartels, most of whom who were then living in New York.

By 1978, Mr. Vega was dividing his time between New York and Miami, which was immersed in the violence and decadence later

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

made famous by the television show "Miami Vice." "There were the beautiful people, cocaine, models, the fast life," says Sgt. June Hawkins, now a supervisor in the homicide unit of the Miami-Dade police department. There were also lots of unsolved murders involving Colombians with false names. "They were who-isits, not who-dunnits," says Sgt. Hawkins.

After finding Mr. Vega's name and number in the phone book of one victim, police discovered he was often able to identify the who-isits. At the time, Mr. Vega was married to the daughter of a real-estate tycoon who counted among his properties the Mutiny Hotel, then a favorite watering hole for many of the city's most-notorious characters.

A YACHT NAMED ABBY SUE

Mr. Vega lived the Miami lifestyle, with a mansion off Miami Beach and a 78-foot yacht named the Abby Sue. "He was a real charmer," remembers Sgt. Hawkins, then a member of Centac 26, a joint federal, state and local police antidrug task force. "A wheeler-dealer extraordinaire who could sell snow to the Eskimos."

Mr. Vega's charm was enhanced by his willingness to fund his own activities, a welcome contrast to most informants, whom police tend to view as money-grubbing lowlifes. Former Centac commander Raul Diaz says Mr. Vega aided in one of the unit's biggest cases ever, at great personal risk, and "didn't get any money from us for his help."

By 1985, the Miami police introduced Mr. Vega to the FBI, where agents determined to make use of his access to the highest echelons of Colombia's drug circles. Mr. Vega—who prefers to be called a "mediator" rather than an informant—was perfect for the job of double agent. He had turned a lifelong interest in photography into a career as a fashion photographer and producer of fashion shows. That gave him access to the beautiful women and glamorous social circles that dazzled drug traffickers.

Meanwhile, a former U.S. official says federal agents helped concoct Mr. Vega's cover: a jet-setting playboy who for a price would exert his influence with U.S. law-enforcement agencies. To aid Mr. Vega's deception, the former official says, agents would make leniency recommendations to prosecuting attorneys and judges in the cases of drug traffickers working with Mr. Vega. The result: Colombia's drug barons believed Mr. Vega could do anything.

APPEARANCE OF IMPROPRIETY

The official insists that defendants received no special favors, but that they truly rendered assistance in investigations and that prosecutors, using their broad discretion, argued for sentence reductions commensurate with the level of cooperation. This official and Mr. Vega add that the appearance of impropriety was part of the act—that hardened criminals were much more likely to take the first step toward cooperating if they thought the U.S. system was rigged in their favor.

Nevertheless, a senior federal agent familiar with the case says such an arrangement would likely have violated Justice Department guidelines. Allowing Mr. Vega to represent himself as someone with influence over U.S. prosecutors and other officials "is totally unacceptable," he says. He adds that informants shouldn't be in a position to accept cash from drug traffickers without supervision—although he allows that such oversight is hard to maintain when the case involves work in dangerous foreign countries.

Among the people Mr. Vega says he helped is Luis Javier Castano Ochoa, now a federal deputy in Colombia's Congress. In 1988, Mr. Castano Ochoa pleaded guilty to U.S. money laundering and drug charges and was sentenced to 16 years. But three years later, the same Miami judge who sentenced him let him off with time served. Mr. Vega says he met with Mr. Castano Ochoa in prison, charging him $40,000 to help him work out a cooperation agreement with the government.

Reached by telephone in Bogota, Mr. Castano Ochoa says he never paid Mr. Vega a cent, but knew him as a lawyer who visited prison "to ask Colombians for money to advise us." Mr. Castano Ochoa says he never cooperated with the U.S. government, and says he was freed because the judge "realized there was nothing against me."

That the drug dealers were paying Mr. Vega for his purported services was an open secret among the U.S. agents working with him, says one former official. Indeed, some saw it as a plus, given their tight budget. "The drug traffickers paid him to be their representative," say the former official. "We didn't have to spend any government funds; we never could have afforded the level he was spending."

In any case, Mr. Vega's results seem to have outweighted any misgiving. In 1987, when cartel hit men almost killed a former Colombian attorney general, Mr. Vega was able to learn the names of the would-be assassins, says the former official. In 1989, the FBI asked Mr. Vega to look into reports that drug dealers were planning to blow up President George Bush's plane during a trip to Colombia, says the former U.S. official. The feedback: The hit was off.

PLAYING A HORSE RANCHER

Mr. Vega even lived the life of a country squire, courtesy of the U.S. government, which set him up from 1988 to 1991 in a fancy ranch in Eustis, Fla., that had been confiscated from a drug dealer. Renamed "El Lago," the ranch boasted Paso Fino show horses, highly prized as status symbols among Colombian drug dealers. In fact, the operation was really an undercover sting conducted by a task force composed of members of the Internal Revenue Service, the FBI and the Lake County Police Department.

During those years, Mr. Vega entertained a long stream of drug capos at El Lago. "Drug dealers used to drop off their horses and say, "Train them for me, Baruch,'" says an active U.S. law-enforcement official. The task force mostly gathered intelligence, and Mr. Vega helped induce an importance money launderer to cooperate with U.S. authorities, says a federal law-enforcement official.

"Baruch is a brave man," says retired Lake County Police Capt. Fred Johnson. "I think the world of this guy."

He was also industrious. Under Mr. Vega's management, the El Lago facility became one of the largest Paso Fino ranches in the U.S. The ranch remained government property, but Mr. Vega says he paid for numerous capital improvements, including new corrals and stables. During this time, Mr. Vega says he did receive about $70,000 as his percentage of the haul from money-laundering stings, but added that he also continued to receive fees from drug traffickers.

In 1997, Mr. Vega's work came to the attention of David Tinsley, a senior supervisor at the DEA's Miami office. People who know Mr. Tinsley describe the 27-year veteran of law enforcement to be a hyperkinetic, dedicated and sometimes zealous agent. With Mr. Tinsley, an expert on drug-money laundering. Mr. Vega's work picked up considerably—especially so after a Miami federal grand jury indicted 31 Columbian drug traffickers in October last year.

A STAMPEDE OF COLOMBIANS

Billed as an enormous blow to Colombia's drug cartels, the so-called Millennium indictment came at a time of great confusion in the narcotics trade. Colombia's congress had recently changed the law to allow drug traffickers to be extradited to the U.S., where they couldn't readily pay off judges. A stampede of Colombians arrived at Mr. Vega's door; some had already been indicted and others feared they could be next. All sought the sort of edge that Mr. Vega purported to offer.

"There were 200 drug dealers who wanted to surrender to American justice and make a deal," says Mr. Vega.

For the DEA's Mr. Tinsley, the panic was a one-in-a-lifetime opportunity to strike a crushing blow against the drug trade, says Richard Sharpstein, his lawyer. "Tinsley believed they had the highest-level drug dealers in the world willing to cooperate at a level never seen before," says Mr. Sharpstein.

In the following months, Mr. Vega was constantly on an airplane, shuttling between Panama and Miami, brokering meetings between DEA agents and drug traffickers anxious to make their peace with the U.S., according to interviews with meeting participants and statements by lawyers for drug dealers submitted to the FBI. He was such a frequent flier that last November, he plunked down $250,000 toward the lease-purchase of a seven-passenger Hawker jet, Mr. Vega says.

Panamanian flight manifests show that on many occasions he was accompanied on his jet by DEA agent Larry Castillo of the agency's Miami office. Mr. Castillo has been placed on administrative leave with pay, pending the result of an internal DEA probe, along with Mr. Tinsley. Mr. Castillo's lawyer declines to comment.

The FBI complaint says that soon after the Millennium indictment, Mr. Vega orchestrated a meeting at Panama's Miramar Intercontinental Hotel between an alleged drug dealer and U.S. agents. "Vega told the CW [confidential witness] that he had U.S. officials in the hotel room next door and arranged for the CW to meet with them. The CW then met with four DEA agents and a Miami police officer."

During the meeting, the confidential witness—whom Mr. Vega and several other individuals familiar with the case say is Carlos Ramon, an alleged drug trafficker known as "the Doctor"—discussed with the agents the procedures for his possible surrender, the complaint says.

Mr. Ramon, under indictment in Miami for conspiracy to import and distribute cocaine, wasn't alone. More than two dozen Colombian traffickers or their representatives were locked in similar marathon meetings in a suite of rooms rented by Mr. Vega on various floors of the Miramar, according to meeting participants.

Four months later, Mr. Ramon surrendered to authorities in Miami, but only after a farewell dinner at the trendy China Grill, for which Mr. Vega says he picked up the $1,000 tab. After spending a month in jail, Mr. Ramon, who is cooperating with U.S. authorities, posted bail. He now lives in Miami Beach's luxury Portofino Tower, according to court papers.

Federal investigators are now trying to trace the path of the money Mr. Vega generated from traffickers. Mr. Vega says more than $5 million wound up with Daniel Forman, a well-respected Miami defense lawyer, as legal fees to represent Mr. Ramon and 18 other accused traffickers.

Mr. Forman appears to have played an important role in Mr. Vega's final months as an informant. The defense attorney was brought into the case at the insistence of the DEA's Mr. Tinsley, who needed someone who would move the plea negotiations along without raising a lot of objections, according to Mr. Vega. The informant says he quickly became "50–50 partners" with the defense attorney, with Mr. Vega herding in clients and splitting the fees with Mr. Forman. Flight manifests show that Mr. Forman flew several times from Panama to Florida in the company of Messrs. Vega and Castillo.

Mr. Forman, in an e-mail, strongly denied that Mr. Vega relayed legal fees to him, adding that "Mr. Vega is not, and has never been, my partner in any sense of the word." He declines to comment on his clients, except to say that the government didn't attempt to interfere with his representation of them.

Mr. Tinsley's lawyer, Mr. Sharpstein, says his client brought Mr. Forman into the case because he had worked with Mr. Forman when the latter was a federal prosecutor and then as a defense attorney. "He trusts Forman and still believes in him," says Mr. Sharpstein.

As for the financial arrangements, Mr. Sharpstein says Mr. Tinsley had no idea Mr. Vega was receiving money from traffickers, and wouldn't have allowed it had he known. Mr. Tinsley's understanding was that Mr. Vega would receive a percentage of the value of assets seized by law enforcement, a more-traditional method of compensating informants, says Mr. Sharpstein. "Unfortunately," he adds, "it's not in writing."

Apart from the controversy over money, Mr. Vega's wheeling and dealing caused rising tension in the law-enforcement community. Under a 10-year-old program, all cooperation agreements with major drug traffickers are supposed to be cleared through the Justice Department's secretive "Blitz Committee" to ensure that criminals don't pit one agency or prosecutor against another in search of the best deal. A senior committee member declines to comment on Mr. Vega.

But federal agents outside Mr. Tinsley's small DEA group grew increasingly upset as Mr. Vega breezed through their turf. One was Ed Kacerosky, a driven and highly decorated U.S. Customs agent known for his work leading to the 1997 indictment of the Cali cocaine cartel.

$60 MILLION FOR VISAS

Now a supervisor in the agency's Miami office, Mr. Kacerosky didn't take it well when Mr. Vega tried to help the daughter of late Cali drug load Jose Santacruz obtain U.S. resident visas for her family. At a meeting brokered by Mr. Vega and attended by Mr. Kacerosky and other U.S. officials, Sandra Santacruz offered to give the U.S. half of some $120 million her family held in accounts around the world in exchange for the visas, say U.S. officials. The U.S. turned down the offer.

Last year, Mr. Kacerosky became enraged upon learning that Mr. Vega had approached Miguel Rodriguez Orejuela, a former leader of the Cali cartel, in a Colombian prison. People familiar with the matter say Mr. Vega offered to help Mr. Rodriguez Orejuela's son William—under indictment in Miami on U.S. drug charges—in return for information on possible high-level Colombian police corruption.

Mr. Kacerosky, these people say, blames William Rodriguez for the brutal 1995 torture and killing of the wife of a key informant. After the prison meeting, these people say, Mr. Kacerosky wrote an eight-page memo to his superiors sparking the investigation of Mr. Vega.

Mr. Vega's activities also played into a growing feud between the DEA's Bogota detachment and Mr. Tinsley's Miami-based crew. The Colombia-based agents largely responsible for last year's Millennium indictment were unhappy that the alleged criminals they had long been stalking were working out deals with Miami-based agents appearing to poach on their turf with Mr. Vega's help.

Hearing on Oct. 21, 1999, that Bogota-based DEA agents were heading for Panama to crash the Miramar dealer summit, Mr. Vega says he and Mr. Tinsley cleared the traffickers out of the hotel for fear of their arrest.

"There's a common distrust between DEA Bogota and DEA Miami," says Mr. Sharpstein, Mr. Tinsley's lawyer. "The Bogota agents were jealous of Miami agents racking up these cases."

Today, Mr. Vega is officially off limits to U.S. law enforcement. When the FBI charged him in March, authorities froze a Miami bank account in his name containing $1.5 million. Though most condemn Mr. Vega's alleged illegal enrichment some agents believe his fall is undeserved after such a long career in a world whose common coin is often a violent death.

As fear and controversy swirl around him, Mr. Vega sits in his Miami Beach penthouse, wearing an ankle monitoring device and fielding phone calls from models in Greece and designers in Paris. "I will be in Miami for the rest of the season. Same place, same apartment," he tells a model who calls to commiserate, "I have a bunch of pictures for you. They used the one with the bathing suit. It looks very nice."

THE DEPARTMENT OF ENERGY'S CHILLING WINTER FORECAST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. GILMAN. Mr. Speaker, as we enter the winter months, the Energy Information Agency of the U.S. Department of Energy (EIA) delivered the cold facts on December 6th in its "Short-Term Energy Outlook for December 2000." The bottom line is that prices for home heating oil and natural gas will rise this winter—considerably.

While the EIA's report is written in approximations, averages, and technical language, its message resonates loud and clear with our constituents and those residing in the Northeast—that their heating oil bills may increase by more than 33 percent from last winter. Furthermore, it is predicted that those whose homes and businesses are heated by natural gas are likely to see an increase of 50 percent in their utility bills this winter over last winter's.

The reasons EIA give for the projected increases are: lower than average heating oil and natural gas reserves, an increase in demand versus available supply, and the onset of colder weather, earlier in the season. The American Gas Association reports that while exploratory drilling for natural gas has tripled over the past year, it will take another year or more before that gas will make its way into the marketplace. Another factor effecting home heating oil prices, a distillate of crude oil, is the relatively high price per barrel of crude. In this regard, our dependency on foreign oil, specifically from the OPEC nations, hurts us.

Mr. Speaker, the situation with OPEC is not any new issue. Our House International Relations Committee as well as the Government Reform Committee have held hearings on OPEC and their affecting the exorbitant costs of energy. I have called upon President Clinton, Secretaries Albright and Richardson, and to OPEC Ministers before their meeting last September urging their assistance. The theme was the same, the price of energy is too high and is hurting our nation and others, and it must come down.

While OPEC has agreed to increase production, it is difficult to ascertain by how much and what effect that increase will make on the price of oil. Thus far, the price of imported crude oil remains over $30 per barrel, and OPEC's increase in production has done little or nothing to stabilize the prices for heating oil, or significantly reduce the price per barrel of imported crude oil to an acceptable level for both consumers and producers. The oil market remains volatile and prolonged cold weather could easily result in prices soaring to the $40 per barrel, ten-year highs of a few months ago. This is substantiated by EIA's following statement.

The EIA states: "unless the winter in the Northeast is unusually mild or world crude oil prices drop significantly, the projected high prices for heating oil will continue until next spring." The EIA further reports that, "a risk exists this winter for distillate fuel (home heating oil and diesel fuel) price spikes similar to what happened last February, especially if the weather stays unusually cold in the Northeast for more than a few days." The EIA once again underscores that mother nature plays a significant role in determining the price of energy.

Mr. Speaker, the next Administration must create and implement a strategic, coherent, forward looking short and long-term energy policy that takes winter weather into consideration when formulating a national policy. Notwithstanding the current Administration's failure to enact an energy policy that makes sense for the American people, there are short-term measures that we can take to make our homes more energy efficient this winter.

Regardless of how our houses are heated, there are certain steps that can lower the cost of our heating bills: checking doors and windows for leaks and drafts; wrapping the hot water boiler with insulated material; clean filters on forced air furnaces; making sure that fireplaces are clean and working efficiently, and if they are not being used, making sure that the flues are sealed; installing a programmable thermostat, and caulking and adding weather stripping where needed.

Mr. Speaker, as the price of energy continues to rise, no one should have to decide whether to feed their family or to heat their home. There are programs such as the Low Income Home Energy Assistance Program

(LIHEAP), for which I have been a strong advocate. LIHEAP is designed to assist our low income families with the costs of energy. As the Department of Health and Human Services states, depending on the LIHEAP grantee, LIHEAP can be used for: heating assistance, cooling assistance, energy crisis intervention, and weatherization and other energy-related home repairs. If constituents are having trouble paying for the high costs of energy, they should not hesitate to contact their Member of Congress to find out if they qualify for LIHEAP assistance.

While the EIA projects that the price of energy this winter may rise by as much as 50 percent, it is important for our constituents to know that no one should have to choose between eating or heating.

IN MEMORY OF FRANK HEBROCK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to pay special tribute to Frank Hebrock, a Leesburg High School teacher and former Lake County Schools Superintendent candidate, who passed away on October 14, 2000. He leaves his wife, Bernie Hebrock, his son Scott and his brother Bill. Mr. Hebrock was a talented and committed teacher and was greatly loved and respected by his family, friends, students, and colleagues.

Born in Cambridge, OH, where he attended high school, Mr. Hebrock later went on to major in education at the University of Ohio. After leaving Cambridge, he taught in Tallahassee and for the past five years in Leesburg, FL, he taught American and world history. Revered for his dedication, Mr. Hebrock exhibited a selfless commitment to his students both in and out of the classroom. He was devoted to actively involving students in their history lessons, and at the same time, equally devoted to fostering the students' physical well-being through his work as assistant football coach and junior varsity baseball coach at Leesburg High School. In addition, Mr. Hebrock combined his interest in government with his conviction in providing the highest quality of education to our area's schools by running for superintendent of the Lake County school system.

Mr. Speaker, our community has truly suffered a great loss. We will all remember his outstanding contributions and are forever grateful for his shining leadership in the field of education. I would like to express my deepest condolences to his family, coworkers, and all of the students whose lives he so profoundly touched.

HONORING ANGELO TOMASSO, JR.

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I wish today to recognize a milestone in the life of one of Connecticut's most treasured citizens. After serving for over 40 years in virtually every officer position and on every committee of New Britain General Hospital, Angelo Tomasso, Jr., has decided to retire from the Hospital's Board of Directors.

To read a list of Angelo's accomplishments and activities is to bear witness to a life spent in the service of others. Whether it was as a soldier, entrepreneur, parent, philanthropist, or dedicated volunteer, Angelo has brought to every phase of his life the caring and understanding of a man who embraces his responsibility to better the lives of his neighbors, community, and State.

Angelo's impact on New Britain General Hospital goes far beyond the work he did as a member of the Board of Directors. As the president of one of Connecticut's largest construction firms, Angelo set an example of the sense of responsibility business owners should have in keeping healthy the communities they serve. In being so generous with his time, Angelo has always showed that there is no one who can honestly say they are "too busy" to serve.

When we say that Angelo Tomasso helped build New Britain General Hospital, we mean so much more than the bricks and mortar of a new wing. Through his generosity, commitment and fine example of civic service, Angelo has proven himself to be a man who helped create the reputation of New Britain General as one of the finest hospitals in the area. I feel privileged to call him my friend and I thank him for all he continues to do for our hospital and city.

H.R. 4828

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I would like to share with my colleagues my understanding of the land exchanges regarding the Steens Mountain Cooperative Management and Protection Act of 2000 (H.R. 4828) that was debated on the House Floor on October 4, 2000.

I would like the record to indicate that the cash payments to the ranchers were designed to compensate the payees for severance damages to their remaining property. I want it to be clear that these payments are being made for economic losses that the ranchers are suffering from their dislocation as a result of the creation of this Wilderness.

H.R. 4828 was supported by the entire Oregon congressional delegation and is the product of a long and hard-fought battle to ensure that there was an Oregon solution to an Oregon issue.

THE MONOCLE RESTAURANT

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. BARR of Georgia. Mr. Speaker, I am pleased to honor and recognize The Monocle restaurant in Washington, DC. The Monocle was founded in 1960 by "Connie" Valanos and his father, veteran restauranteur George Valanos. Today, the restaurant is owned and operated by Connie's son, John Valanos. This year The Monocle celebrates its 40th anniversary.

The Monocle is one of our nation's Capital's finest dining establishments. It has been one of the few restaurants that, year after year, helps set the standard for fine dining in Washington, DC. The food, ambience, and courteous staff all contribute to make a visit to The Monocle one to remember and cherish, as have so many of our nation's political leaders for 40 years.

The Monocle's location and building are further reminders of the unique history of which the restaurant has become a significant part.

I join many of my colleagues in recognizing the owners and the employees of The Monocle, as it celebrates 40 years of culinary excellence in Washington, DC.

TRIBUTE TO COLONEL ROSLYN GLANTZ TROJAN

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. EHRLICH. Mr. Speaker, my friend and former constituent, Colonel Roslyn Glantz Trojan, is retiring after 29 years of exemplary active federal service in the United States Army. She has served our country with dignity, honor, and integrity.

Colonel Glantz Trojan, a native of Annapolis, Maryland, is a 1971 graduate of Hood College in Frederick, Maryland, with a Bachelor of Arts (BA) in History and a 1981 graduate of George Washington University with a Masters of Business Administration. In 1972, she entered the Army through the Officer Direct Commission Program. After Officer Basic Training at Fort McClellan, Alabama, she was assigned to the Combat Surveillance and Electronics School at Fort Huachuca, Arizona as a administrative officer.

Soon thereafter, Colonel Glantz Trojan was selected to serve as an Operations Officer and Officer Recruiter at the Army District Recruiting Command in New Orleans, Louisiana. From 1976 to 1979, Colonel Glantz Trojan served in the 25th Infantry Division, Schofield Barracks, Hawaii, first as a division logistician and then as a Company Commander in the Division Support Command.

Following her advanced military and civilian schooling, she was nominated to the Army Staff in 1981, where she served as Team Chief, Tactical and Non-Tactical Wheeled Vehicle Program. Colonel Glantz Trojan left the Pentagon in 1984 to join the staff of the 2nd Infantry Division in Camp Casey, Korea. She left Korea to attend the Armed Forces Staff College.

From 1986 to 1987, Colonel Glantz Trojan served a joint duty assignment at the United States Readiness Command, MacDill Air Force Base. As the first J–4 for a newly formed Joint Task Force, she planned the deployment of forces and the employment of logistics for the CINC's operational plan. Colonel

Glantz Trojan served in Germany in the Army's legendary 3rd Armored Division. She first served as the Executive Officer of the 503rd Forward Support Battalion in Kirchgoens, later commanding the 54th Forward Support Battalion (FSB) in Friedberg, Germany. As Battalion Commander of the 54th FSB Colonel Glantz Trojan deployed her battalion to Desert Storm in support of the 3rd Armored Division. Her support of this Division during the Gulf War was truly outstanding. Following the War, Colonel Glantz Trojan attended the U.S. Army War College and after graduation was assigned to the Supreme Allied Command, Atlantic as the Logistics Plans and Operations Officer.

It was during her assignment as the Deputy Installation Commander and Garrison Commander, U.S. Army Garrison, Aberdeen Proving Ground (APG), Maryland, that I personally came to know of Colonel Roslyn Glantz Trojan's considerable skills as a leader. I later learned of her deft diplomatic and political skills during her final assignment in the Army as the Chief of Legislative Liaison, U.S. Army Materiel Command from 1998 until now.

I am proud to report to my colleagues that Colonel Glantz Trojan's personal awards include the Bronze Star Medal, the Defense Superior Service Medal, the Legion of Merit, the Defense Meritorious Service Medal, as well as several Army meritorious and commendation medals and the Southwest Asia Campaign and Kuwait Liberation medals.

Mr. Speaker, this exemplary soldier, my friend Colonel Roslyn Glantz Trojan, deserves the thanks and praise of this grateful nation she has faithfully served for so long. I know the Members of the House will join me in wishing her and her husband all the best in the years ahead.

ELECTIONS IN AZERBAIJAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. SMITH of New Jersey. Mr. Speaker, on November 5, parliamentary elections were held in Azerbaijan. In anticipation of those elections, the Helsinki Commission—which I chair—held hearings in May, at which representatives of the government and opposition leaders testified. While the former pledged that Baku would conduct a democratic contest, in accordance with OSCE standards, the latter warned that Azerbaijan's past record of holding seriously flawed elections required the strictest vigilance from the international community and pressure from Western capitals and the Council of Europe—to which Azerbaijan has applied for membership.

Subsequently, I introduced a resolution, H. Con. Res. 382, which called on the Government of Azerbaijan to hold free and fair elections and to accept the recommended amendments by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) to the law on elections.

From the start, there was pressure to withdraw the resolution from the Azerbaijani government and others. They argued that President Aliev had made, or would make, the necessary changes to ensure that the election met international standards, claiming to render the resolution either irrelevant or out of date. That pressure intensified as the election drew near; in fact, the resolution never came to a vote before Congress went out of session in early November.

It is worth recalling this brief history in light of what actually happened during Azerbaijan's pre-election period and on November 5. With respect to the election law, one of ODIHR's concerns was ultimately addressed by a decision of Azerbaijan's constitutional court, but on other important issues, Baku rejected any concessions and refused to incorporate ODIHR's suggested changes. From the beginning, therefore, the election could not have met OSCE standards, as ODIHR made plain in several statements.

During the registration period, the Central Election Commission (CEC) rejected several leading opposition parties. Claiming that government experts could tell which signatures were forged, fraudulent or otherwise invalid merely on the basis of a visual examination, the CEC maintained the Musavat and the Azerbaijan Democratic Party had failed to get 50,000 valid signatures. The same thing happened to Musavat in the 1995 parliamentary election. At that time, the OSCE/UN observation mission emphasized the need to amend or get rid of this obviously flawed method of determining the validity of signatures, but Azerbaijan's authorities did not heed that advice.

The exclusion of leading opposition parties drew strong criticism, both inside and outside the country, including the OSCE and the U.S. Government. In early October, in apparent reaction to international concern, President Aliev "appealed" to the CEC to find some way of registering excluded opposition parties. Some CEC members objected, arguing there was no constitutional basis for such a presidential appeal or a changed CEC ruling, but the Commission moved to include opposition parties. Though their participation certainly broadened the choice available to voters, the manner of their inclusion demonstrated conclusively that President Aliev controlled the entire election process.

ODIHR welcomed the decision by the CEC and urged a reconsideration of the exclusion of over 400 individual candidates—about half of those who tried to run in single-mandate districts. But the CEC did not do so, and only in very few cases were previously excluded candidates allowed to run. As 100 of parliament's 125 seats were determined in single mandate districts, where local authorities exercise considerable power, the rejection of over 400 candidates signaled the government's determination to decide the outcome of the vote.

Though coverage of the campaign on state media favored the ruling party, opposition leaders were able to address voters on television. They used the opportunity—which they had not enjoyed for years—to criticize President Aliev and offer an alternative vision of governing the country. Their equal access to the media marked progress with respect to previous elections, as noted in the ODIHR's election report.

However, the voting and vote count on election day itself, according to the ODIHR's election observation mission, failed to meet OSCE standards. That is the usual dry ODIHR formulation to characterize an election that was not fair—i.e., the conditions for the participants were not equal—and in which the official results are not reliable or credible. The November 6 statement elaborated: "The elections were marred by numerous instances of serious irregularities, in particular a completely flawed counting process." Moreover, "observers reported ballot stuffing, manipulated turnout results, pre-marked ballots, and production of either false protocols or no protocols at all. . . . The international observers express their concern at what seems to be a clear manipulation of electoral procedures."

This would be bad enough, considering that the election was the fourth since 1995 that failed to meet OSCE standards, even if some progress was registered in opposition participation and representation in the CEC. Much more interesting and disturbing, however, were the words used in a post-election press conference by two key international observers: Gerard Stoudman, the Director of ODIHR, who generally employs measured, diplomatic language, said he had not expected to witness "a crash course in various types of manipulation," and actually used the phrase "primitive falsification" to describe what he had seen. Andreas Gross, the head of the observer delegation of the Council of Europe—an organization to which Azerbaijan has applied for membership and which is not particularly known for hard-hitting assessments of election shenanigans—amplified: "Despite the positive changes observed in Azerbaijan in recent years, the scale of the infringements doesn't fit into any framework. We've never seen anything like it."

Mr. Speaker, in the context of international election observation, such a brutally candid assessment is simply stunning. As far as I know, representatives of ODIHR or the Council of Europe have never expressed themselves in such terms about an election that they decided to monitor. One senses that the harshness of their judgment is related to their disappointment: Azerbaijan's authorities had promised to conduct free and fair elections and had long negotiated with the ODIHR and the Council of Europe about the legal framework and administrative modalities but, in the end, held an election that can only be described as an embarrassment to all concerned.

According to Azerbaijan's CEC, in the party list voting, only four parties passed the six-percent threshold for parliamentary representation: President Aliev's governing party, the New Azerbaijan Party; the Communist Party; and two opposition parties, the Popular Front [Reformers] and Civil Solidarity. Other important opposition parties allegedly failed to break the barrier and apart from a few single mandate seats won no representation in parliament.

In the aftermath of the election and the assessments of the OSCE/ODIHR and the Council of Europe, the international legitimacy of Azerbaijan's legislature is severely undermined. Within Azerbaijan, the ramifications are no better. All the leading opposition parties have accused the authorities of massive vote fraud, denounced the election results, and have refused to take the few seats in parliament they were given. Though some governing party representatives have claimed that opposition representation is not necessary for the parliament to function normally, others—perhaps including President Aliev—understand that a parliament without opposition members is ruinous for Azerbaijan's image. New elections are slated in 11 districts, and perhaps President Aliev is hoping to tempt some opposition parties to abandon their boycott by offering a few more seats. Whether opposition parties, which are bitterly divided, will participate or eventually agree to take up their deputies' mandates remains to be seen.

What is clearer from the conduct of the election and its outcome is that President Aliev, who is preparing the succession of his son as Azerbaijan's next president, was determined to keep opposition leaders out of parliament and ensure that the body as a whole is supportive of his heir. If the only way to guarantee the desired outcome was wholesale vote fraud, so be it. Prognoses of possible accommodation with the opposition, or possibly even some power sharing arrangements, to facilitate a smooth and peaceful transfer of power, have proved unfounded. Indeed, President Aliev reportedly has told the new UK Ambassador to Baku that Azerbaijan does not need to join the Council of Europe, indicating that he is not prepared to make any concessions when it comes to maintaining his grip on power and passing it on to his chosen heir, whatever the international community thinks.

Even more worrisome is that by depriving the opposition of the possibility to contend for power through parliamentary means, Aliev has seriously reduced the chances of a "soft landing" in Azerbaijan. When he eventually leaves the scene, anything could happen. This is not only a frightening prospect for the citizens of Azerbaijan, its neighbors and hopes for resolving regional disputes, especially the Nagorno-Karabakh conflict—it is a scenario that should alarm policymakers in Washington as well.

Mr. Speaker, it is not my intention to say "I told you so" to those colleagues who argued against my resolution. I would much have preferred to make a statement congratulating Azerbaijan on having held exemplary elections and making substantial steps towards democratization. Alas, I cannot do so, which should sadden and concern all of us. But I fear the consequences will be far more serious for the citizens of Azerbaijan.

NEW YORK'S HEALTHY START CONSORTIUM HELPS REDUCE INFANT MORTALITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. TOWNS. Mr. Speaker, today I praise the outstanding work of New York's Healthy Start Consortium. Healthy Start/NYC (HS/NYC), a collaborative, community-driven, Federal project was founded in 1991 to combat infant mortality and poor maternal and child health in three medically underserved areas. New York neighborhoods like Bedford-Stuyvesant, Mott Haven and Central Harlem have some of the Nation's highest infant mortality and poverty rates. From 1991 to 1997, HS/NYC served 30,000 women and their families annually which lead to a 40 percent decrease in the infant mortality rate, a drop in low birth weights and a 24 percent decline in births to teens.

The Consortium has been able to create a strong public-private network of health and social service agencies, providers, schools, churches, businesses, and individuals. It has remained committed to its community-driven, collaborative approach. I want to particularly commend the work of Ngozi Moses with the Brooklyn Perinatal Network; Arlene Bailey-Franklin with the Bronx Perinatal Consortium; Sharon Rumley with the Queens Comprehensive Perinatal Council; Goldie Watkins-Bryant with Healthy Start/New York City Project; Luci Chambers, with Downstate New York Healthy Start Project; Mario Drummonds, with Northern Manhattan Perinatal Partnership; Cheryl Brown-Hoyte with Nassau County's Healthy Start Project and Dara Cerwonka with Suffolk County Perinatal Coalition.

Now that the Healthy Start Program has been reauthorized, I look forward to working with the Healthy Start/New York City Consortium in the months ahead. The Consortium hopes to broaden its work with consumers. I am certain that the Consortium will be able to bring new families into its program during the next fiscal year. Once again, I offer my congratulations to the Consortium on a job well done.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

SPEECH OF

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mr. RAHALL. Mr. Speaker, I rise today to pay tribute to our colleague, the late Henry B. Gonzalez, who died on November 28, 2000, and who served the House and the Nation for 37 years as one of its most revered public servants. To his family, his wife Bertha, his son CHARLIE who now serves in the House as our colleague, and to all of his constituents in the 20th District in Texas, I extend my most sincere condolences. My prayers are with all of you in the hope of giving comfort against the grief of your great loss.

What to say about Henry B., as he was affectionately known in his San Antonio Congressional District. In the House, Henry B. was known as a fierce activist for the poor and for minorities in the field of housing, small business, community development, and consumer fairness. He was an unbridled advocate for what he believed was right for his constituents and the Nation.

For Members like me, he was a friend, a mentor and an educator—because without his knowledge and willingness to share, many of us who did not have the privilege or opportunity to serve with him on the Banking and Housing Committee would not have known what was going on, or how to resolve the problems facing the Nation—from affordable housing to community development to salvaging the savings and loan industry, naming only a few of his many struggles to secure the American dream for all Americans.

From the beginning of his adult life, Henry B. was on fire to help his people and his State and his country. A feisty first-ever Mexican-American to serve in the State Legislature, he was also the first to be selected to serve in the U.S. House of Representatives in 1963—and in both jobs he went about kicking down ethnic barriers, facing civil rights issues with searing defiance that meant a 36 hour filibuster in the Texas State Senate, defeating 16 segregationist bills, to punching out a restaurant patron in the 1970's for calling him a "communist." When an apology was demanded, Henry B. said only that he was sorry he had pulled the punch.

During his 37 years in the House of Representatives, Henry B. Gonzalez spoke out for the people—all people—on behalf of the needs of the working poor—long before it was popular to do so. He held in his hand the day of his swearing in as a Member of this House a bill to abolish the Poll Tax which was eventually enacted, and he never stopped working against all kinds of discrimination against the poor and the disenfranchised in our country.

And so we say goodbye to Henry Gonzalez, knowing that the rich, the poor, the powerful, the disadvantaged, the young and the old, are better off than they would have otherwise been without his caring and compassion, and without the fire in his heart and the courage of his convictions as a public servant that left so much good in its wake—enough to last a lifetime.

We celebrate the life of Henry B. Gonzalez, who served under eight presidents and became a legend in his own time, by conferring upon him the titles of statesman, warrior, pioneer, patriot, hero and a national treasure. We also remember him as funny, brilliant, a maverick, and a coalition builder who lived his life and served his people with exuberant ardor. Most of all he was genuine, and he was honest to a fault.

But Henry B. Gonzalez said it best: "I have never failed myself, and I have never failed you."

He provided the opportunity for all of us to follow in his footsteps, and none more so than his beloved son, the gentleman from Texas, CHARLIE GONZALEZ, our colleague now serving the 20th District of Texas, and I again extend to him and his family my heartfelt sorrow and tell them, Henry B. will never be forgotten.

INTRODUCTION OF LEGISLATION ADDRESSING THE FLU VACCINE SHORTAGE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. GREEN of Texas. Mr. Speaker, influenza is a serious illness that afflicts millions of Americans each year. While most Americans recover after a few days, influenza causes thousands of deaths each year, mostly among the elderly. Fortunately, vaccination can prevent a person from becoming infected with influenza.

Influenza vaccines are developed each year because the flu virus naturally mutates and changes. This year's strain of flu vaccine has been a particularly difficult strain to produce for all manufacturers, and as a result, there are lower than normal yields. Although we expect there will be sufficient vaccines for this year, there has been a delay in releasing vaccines to the public.

The Centers for Disease Control and Prevention (CDC) has recommended vaccinations first be given to individuals who are at particularly high risk for developing complications. This group includes individuals who are 65 years or older, people who suffer from chronic illnesses, individuals in nursing homes, children who are undergoing long-term aspirin therapy, and pregnant women.

Ninety percent of vaccines are distributed by private sector distributors for use by health care providers. This resolution urges these private sector distributors to follow the CDC's recommendations to ensure that those at highest risk for influenza complications be given priority in receiving their vaccine.

H. RES. —

Whereas influenza is a contagious viral infection that affects the respiratory tract;

Whereas people of any age can become infected with influenza;

Whereas, although most people who become infected with influenza recover within a few days, some people develop serious complications that can become life-threatening;

Whereas influenza causes thousands of deaths each year, mostly among the elderly;

Whereas vaccination can prevent a person from becoming infected with influenza;

Whereas the periodic mutation of the influenza virus requires the influenza vaccine to be annually updated to contain the most recent influenza virus strains;

Whereas a lower-than-expected yield of one of the components of this season's influenza vaccine has caused the distribution of the vaccine to be delayed;

Whereas the Secretary of the Department of Health and Human Services, the Commissioner of the Food and Drug Administration, and the Director of the Centers for Disease Control and Prevention are working closely with vaccine manufacturers to facilitate the availability of a safe and effective influenza vaccine for this influenza season;

Whereas temporary shortages of the influenza vaccine early in this influenza season may require decisions to be made regarding how to prioritize the use of the available vaccine;

Whereas the vaccine available early in this influenza season should be used to maximize the protection of people at a high risk of developing complications from an influenza infection;

Whereas the Director of the Centers for Disease Control and Prevention reports that the groups of people at a high

(1) people who are 65 and older;

(2) residents of nursing homes and other chronic-care facilities that house people who have chronic medical conditions;

(3) people who have chronic disorders of the pulmonary or cardiovascular systems, including asthma;

(4) people who have had required medical follow up or hospitalization during the past year because of chronic metabolic disease, kidney dysfunction, blood disorders, or immunosuppression;

(5) children and teenagers who are receiving long-term aspirin therapy; and

(6) women who will be in the second or third trimester of pregnancy during the influenza season;

Whereas all influenza vaccine used in the United States is produced in the private sector, and 90 percent of that vaccine is distributed by private-sector distributors for use by health care providers;

Whereas reports have indicated that certain distributors of the influenza vaccine are taking advantage of the influenza vaccine shortage by raising their prices by as much as 500 percent;

Whereas distributors are first supplying those buyers willing to pay the highest price for the influenza vaccine, even when those buyers were the last to order;

Whereas, for example, although the Director of the California Department of Health Services contracted with a distributor in February to purchase influenza vaccine at a cost of $17.99 per vial and has received only one third of the order, the Director of the Maine Division of Disease Control contracted with that same distributor in June and July to purchase influenza vaccine at a cost of $39.00 per vial and received both shipments within two months; and

Whereas distributors are in a unique position to make vaccines available first to facilities serving people at a high risk of developing complications from an influenza infection, such as nursing homes, hospitals, and doctors offices: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the private-sector distributors of the influenza vaccine should make all reasonable efforts to ensure that, during any shortage of the influenza vaccine, priority is given to distributing the available vaccine to those groups of people identified by the Director of the Centers for Disease Control and Prevention as being at a high risk of developing complications from an influenza infection.

TRIBUTE TO SIDNEY YATES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. MOAKLEY. Mr. Speaker, on October 5, our country lost a great patriot, Sid Yates. Sid was my very dear friend, and a beloved federal representative, who preserved and protected our country's finest cultural resources and historical landmarks.

For nearly a half of a century, Sid served in the House of Representatives. I was fortunate enough to have served with him for more than 25 years. He was a true gentleman and distinguished politician who brought honor and dignity to the U.S. House of Representatives.

It was a very sad day when Sid announced he would not run for reelection. I know the House of Representatives meant a great deal to him, and it was very hard for Sid to leave a place that he loved. Personally, I missed him greatly. It always made my day when he returned to Capitol Hill for a visit. I was saddened by his passing and he will be greatly missed by those of us who worked beside him, and the nation as a whole.

Many people remember Sid as a tremendous advocate of the arts, but I will always remember him as a master of the art of politics. Sid loved serving as a deputy in the Democratic Whip organization. So much so that for well over twenty years, Sid served as a deputy whip, while championing the causes of the Democratic Party.

Not only was Sid a great politician, but he was also a genuine and caring person. He worked hard behind the scenes to help individual members shepherd their projects through the legislative process, but he was always certain to give the credit to others. Although a giant in the House, Sid would always make it a point to take of the little things without any kind of fanfare. For instance, every Thursday, after our Democratic Whip meetings, Sid would always make sure to bring back muffins or danish to his staff. Although in the grand scheme of things this small token of thoughtfulness was probably lost on most Members, I believe it spoke volumes on the kind of person Sid Yates was.

While I will always remember Sid as a wonderful and caring person, I can't overlook how hard he worked to make our country a beautiful and cultural place to live. As Chairman of the coveted Interior Appropriations Subcommittee, he fought tirelessly to protect free expression of the arts, and to preserve funding for national parks, historical landmarks, and national seashores. He was a true believer in the benefits of the arts and historical landmarks.

My hometown of Boston had benefited greatly from his generosity and dedication to preserving historical landmarks. Over the years, Sid supported vital federal funding for Boston's Freedom Trail, a wonderful walking tour through the City of Boston that provides a historical review of the many famous Revolutionary War sites including the African Meeting House, Dorchester Heights, and the Old South Meeting House.

Thanks to Sid's work with the Freedom Trail, tourists can visit the famed Old North Church, where Paul Revere hung two lanterns warning citizens of Boston that the British were coming by sea; or Faneuil Hall, where colonists met to protect British rule; and many other revolutionary war sites.

As an appropriations committee cardinal, Sid was also helpful in providing funds to preserve Boston's 31 harbor islands, which are rich with historical and geological treasures. Because of Sid's support, visitors will soon be able to take a ferry to many of these remarkable islands, which have been unaccessible for years. Sid's commitment to the preservation of the harbor islands will provide plenty of recreational opportunities for residents and visitors to Boston. The City of Boston is a better place to visit thanks to the kindness and wisdom of Sid Yates.

Just as the lanterns at Old North Church shone brightly to guide the patriots in their fight for independence, Sid Yates' commitment and dedication to the arts and humanities was a guiding light for all Americans. While his light has faded, his legacy will endure because of his devotion to preserving our country's historical landmarks and cultural resources. Just like Paul Revere, Sid Yates was a great patriot.

IN RECOGNITION OF SUE NICHOLS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the tireless dedication of Mrs. Sue Nichols to the children of our community. Mrs. Nichols was born and raised in Miami-Dade County where she is a teacher at St. Thomas Episcopal Parish School. She has now been teaching kindergarten for 25 years.

Recently, Mrs. Nichols wrote an article entitled "Flowers of Tomorrow Are Seeds of Today", which I believe is an accurate representation of her kind and exuberant demeanor. This outlook is the product of a healthy life philosophy which was passed on to her by her grandmother, Viola Erhart. It is quite simple and yet at the same time incredibly profound. At its core is the saying: "May each person I see today go happier for it on his way". She lives by this motto every day as a wife, friend and teacher.

Mrs. Nichols' greatest service to our community lies in her devotion as a teacher to the spreading of this wonderful vision among her students. She understands that while the young mind is fragile, it is at the same time remarkably open. By recognizing our children as the flowers of tomorrow and instilling within them her grandmother's message of kindness, Sue is actively contributing to the development of these same values among her students.

Mrs. Nichols deserves the greatest praise both from the families of these young boys and girls, and from all those whose lives she will touch. Her efforts are an invaluable investment in our community's future and we are all truly blessed to have her in the classroom.

Mr. Speaker, I ask that my colleagues join me in applauding Mrs. Sue Nichols for her outstanding service to the youth of our community.

IN HONOR OF THE 90TH ANNIVERSARY OF THE CHURCH OF THE INCARNATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Church of the Incarnation on its 90th anniversary, which will be celebrated on Sunday, December 10, 2000. Founded in 1910, the Church of the Incarnation is celebrating ninety years of faith in God and community.

The Church of the Incarnation held its first service on January 8, 1911, in a room rented from the Afro-American Women's Industrial Club for $6.00 a month. Although its beginnings were meager, its future would not be. Despite financial hardship, the congregation grew steadily, attracting members with the deepest faith and commitment.

In June of 1928, the Church of the Incarnation held a groundbreaking ceremony for its new building. On December 24, 1928, the Church held its first service there.

In 1971, the Church achieved "Parish Status," and later established an award for the man and woman of the year. In order to become more involved in the community, the Church began to sponsor and implement community outreach programs and participated in community development projects, including after school and summer camp programs; the renovation of P.S. #18, which currently provides housing for low-income families; a "Clothing Ministry" for the poor; and a scholarship fund. "Resurrection House" opened for occupancy in 1992. In addition, the Church established a Sunday school and a men's chorus and youth choir, as well as a newsletter entitled "Good News."

The Church of the Incarnation merged with St. Mathew's and St. Stevens in 1997. Today, the three churches together are St. Augustine. A new church and community center will be completed in December 2001.

Ninety years after its founding, the Church of the Incarnation proudly celebrates its history—a history that is a testament to the congregation's enduring faith and extraordinary commitment to God and community.

Today, I ask that my colleagues join me in honoring the 90th anniversary of the Church of the Incarnation. This congregation's faith is a wonderful example for everyone.

SETTING THE RECORD STRAIGHT WITH REGARD TO INDIA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. GILMAN. Mr. Speaker, as the year 2000 comes to a close, we can look back over the past twelve months with a profound sense of accomplishment by pointing to a new chapter in our relationship between the United States and India. We have witnessed dramatic changes that have created a dynamic and lasting partnership as celebrated throughout President Clinton's visit to India last July and Prime Minister's Vajpayee's journey to the U.S. where, on an historic September morning, he addressed a joint meeting of the House and Senate. Today, as never before, India and the U.S., the world's two largest democracies, are collaborating on a host of issues of mutual interest, from technology to the environment and from economic development to the fight against terrorism.

Our close ties with India would not have been possible without the bipartisan cooperation of the Congress. The vast majority of our members have embraced that relationship. We have enacted congressional resolutions demonstrating our solid support for India and its democratic institutions and we have been actively engaged in promoting regional stability in an area of vital concern to U.S. interests, and the flow of commerce between our nations. In view of the overwhelming support in forging a harmonious relationship for the new millennium, it is disappointing that a few of our colleagues have seen fit to disparage and discourage that relationship by launching a series of ill-informed attacks on India and its people. In the interest of accuracy and in the broader context of the growing bonds of friendship between the U.S. and India, it is important that we set the record straight.

First, let us consider the baseless claim that the Government of India was responsible for the bombing of an Air India jet in 1985, which occurred off the coast of Ireland in a flight originating in Canada, claiming the lives of 329 passengers. That incident has now been thoroughly investigated by one of the world's most respected law enforcement agencies, the Royal Canadian Mounted Police (RCMP). On October 27, 2000 after an almost 15-year inquiry, the RCMP charged two residents in British Columbia, Ripudaman Singh Malik and Ajaib Bagri, with the murders of the innocent civilians killed in the crash of the Air India jet. One of those individuals, Mr. Malik, has been identified by Canadian authorities as the financial backer of extreme Sikh separatist groups operating from Canada. Both Canadians have also been charged with the murders of two baggage handlers in Tokyo by a bomb that was meant to destroy yet another Air India flight. These individuals, will be given a trial and afforded every opportunity to defend themselves against the murder and criminal conspiracy charges lodged against them by Canadian authorities.

As the India Abroad News Service reported recently, moderate Sikhs in the U.S. have welcomed the RCMP's apprehension of the suspects. According to India Abroad, the Sikh Council on Religion and Education—a community think-tank based in Washington—concluded:

> We, the Sikhs, condemn the killing of innocent people. We also want to emphasize in the strongest possible terms that any such employment of violence for political ends is totally against Sikh teachings and values. The Sikh religion teaches tolerance and respect for all religious beliefs and practices . . . The consensus in the Sikh community in India and internationally has been that political issues must be resolved through dialogue, political process and peaceful means. We are surprised and shocked that there could be Sikh individuals who would commit such a horrible act . . .

These moderate and responsible views of the U.S. Sikh community stand in sharp contrast to the false information in press releases prepared by the so-called "Council of Khalistan" on the destruction of the Air India jet that were reflected in statements by one of our colleagues. This "Council" has little presence and

Turning to the second event—the massacre of 36 Sikh villagers in Chittisinghpora on March 20, 2000 which occurred just as President Clinton arrived for his state visit to India. Statements that the Indian government was responsible for this infamous act of murder, defies the facts. The true story is otherwise. Indian authorities have arrested a prime suspect in the case who disclosed that the massacre was the work of a group of terrorists in the ranks of the Hiz-ul-Majahideen (HUM) and HUM's affiliate, the Lashkar-e-Toiba (LET). The HUM has already been designated by the State Department as a foreign terrorist organization and I have joined with other members of the Congress in calling upon the State Department to name the LET as a terrorist organization.

Both the HUM and LET are on the long list of terrorist organizations that are encouraged and supported by Pakistan. Attacks from forces outside of India, often led by armed mercenaries, are consistent with the pattern of terrorism that these and other terrorist groups have carried out for many years against innocent Hindus and Muslims in Kashmir. Their motive is clear—they seek to disrupt the territorial integrity of India and to show that a multi-religious society cannot survive. The attack on the Sikh community in Chittisinghpora, by cynically choosing the very eve of President Clinton's visit to New Delhi to perpetrate these atrocities, follows the policy of ethnic cleansing to eliminate whatever little minority population that resides in the Kashmir valley. Casting blame on India for these deliberate acts of violence is at odds with the facts of the case and India's constitutional obligation to protect the civil and human rights of its diverse communities.

Finally, let us consider recent statements claiming that India is practicing "state terrorism" in Punjab and Kasmir, citing unsubstantiated figures from questionable and unreliable sources. Using these claims, it is contended India should be declared a terrorist state. Such a notion flies in the face of the documented record by the U.S. State Department citing the improvement of human rights in India. It is also contrary to the partnership between the U.S. and India in combating the menace of international terrorism by engaging in day-to-day cooperative counter-terrorist activities.

With India's record of democracy deeply rooted in its constitution and its tolerance for its many religious and ethnic communities, India itself has suffered from the ravages of terrorism to a degree virtually unparalleled around the world. The human cost of this cross-border terrorism has been staggering. Indeed, over the years, more than 16,000 Indians in Punjab have been murdered and maimed by cross-border terrorists. The deadly toll in Jammu and Kashmir has exceeded 21,000.

It is in this context that we should examine the damage that can be caused by unsubstantiated allegations and false propaganda. Charges are continually hurled against the Government of India every time a vicious act of terrorism is committed—for example, the bombing of the Air India jetliner in 1985, the attack on the Sikh community in March of this year, and the shooting of innocent pilgrims on their way to the Amarnarth caves in August. There is more than sufficient evidence to show that the last two acts committed this year were the handiwork of elements from Pakistan belonging to the LET. The facts with regard to the Air India case point to Canadian-based Sikh supra-nationalists as the source of the aviation disaster. If this kind of propaganda is uncritically allowed to hold sway, it encourages militant units like the LET to perpetrate similar atrocities against innocent civilians. It is characteristic of the modus operandi of these terrorist groups to deflect attention from their inhumane acts by deliberately shifting the blame to India.

The first and only address by a foreign head of state before a joint meeting of the 106th Congress by India's Prime Minister Vajpayee speaks volumes about the position of the U.S. Congress on U.S.-India relations.

The recent ill-informed statements by some of our colleagues do not represent the views of most Members of the U.S. Congress.

RECOGNIZING LARRY JUSTICE OF MACON, GA, FOR HIS RETIREMENT FROM THE BIBB COUNTY BOARD OF COMMISSIONERS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. CHAMBLISS. Mr. Speaker, I would like to honor an exceptional citizen from Macon, Georgia's 8th Congressional District, Larry Justice of Macon, Georgia, on his retirement from the Bibb County Board of Commissioners.

Larry Justice was first elected to the Macon Board of Commissioners in 1969 and has served as chairman for 10 years. As a long time public servant, Larry has served on the State of Georgia Local Health Advisory Commission and is the past president of the Macon Board of Realtors.

I have had the distinct honor of working with Larry on such projects as the Fall Line Freeway, Robins Air Force Base and many other issues in transportation, health, education and defense. I will miss his tenacity and hard work ethic, as well as, our close working relationship.

Mr. Speaker, I am proud to recognize Larry Justice for his dedication and service to Bibb County. He is an extraordinary citizen, and I am proud to serve as his Representative in the People's house.

HONORING THE FORT WORTH ALUMNI (BETA TAU LAMBDA) CHAPTER OF THE ALPHA PHI ALPHA FRATERNITY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. FROST. Mr. Speaker, today I recognize the outstanding efforts of the Fort Worth Alumni (Beta Tau Lambda) Chapter of the Alpha Phi Alpha fraternity, which marked its 60th anniversary on this past Monday, December 4th.

Throughout its 94-year existence, the Alpha Phi Alpha fraternity has been an exemplary organization, with a mission committed to public service. The Fort Worth Alumni Chapter has done a tremendous job of furthering Alpha Phi Alpha's mission and has worked to make a real difference in our North Texas community.

The Fort Worth Alumni Chapter has taken action in our community to curb juvenile delinquency, foster job training skills and community safety programs, and combat teen pregnancy by educating young men.

Through the years, the members of Alpha Phi Alpha and the Beta Tau Lambda chapter have become leaders of their community, a testimony to the strength of their education as members of this fine organization.

Congratulations again to the Beta Tau Lambda Chapter of Alpha Phi Alpha fraternity on your 60th anniversary. I know you will continue serving our Fort Worth community throughout the next 60 years.

HONORING MR. FRED W. LILLEY FOR 40 YEARS OF FAITHFUL SERVICE TO THE AMERICAN PUBLIC

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. JONES of North Carolina. Mr. Speaker, upon my election to the House of Representatives in 1994, I opened a district office in Greenville, NC located next door to the local Social Security Administration. Little did I realize at the time how beneficial this location would be in helping the people of the third district.

As you can imagine, my district office over the past 6 years has been busy assisting constituents with their Social Security problems. The work my office has performed on these cases has allowed my staff and I to develop a number of wonderful relationships with the employees of the Administration. One of these relationships in particular has proven to be especially valuable—the relationship between my office and Mr. Fred Lilley, district manager in the Social Security office next door.

Fred Lilley has always been most helpful to my office. Time and time again he has assisted my staff and I in resolving problems for my constituents and has offered valuable advice and insight. That is why, while happy for Fred, I was somewhat saddened to hear of his upcoming retirement from the Social Security Administration.

Upon Fred Lilley's retirement on December 30, 2000, we will be losing a committed and caring public servant—one who has dedicated his career to helping his fellow man. He has given 40 years of service to the citizens of our Nation through his work with the Social Security Administration and the U.S. Army and Army Reserves. Originally from Martin County, NC, Fred began working for the Social Security Administration following graduation from East Carolina College in 1960. During the ensuing years he worked in a number of offices throughout the southeast, including a ten year assignment in Social Security's Atlanta Regional Office before being transferred to Greenville in July of 1979. Since that time he has served as District Manager in Greenville, which includes both the Greenville and Elizabeth City offices. The Greenville District serves eight northeastern North Carolina Counties having over 45,000 beneficiaries receiving over $300 million annually in Social Security benefits. Fred's respect for individual differences, his ability to build on their strengths and compensate for weaknesses, has made him the quality manager with whom we have enjoyed working.

Fred Lilley loves his country, is active in local and community events, and lives each day to its fullest. A retired Colonel in the U.S. Army Reserve, Fred is also a member of the

Reserve Officers Association, the Civil Affairs Associations, The Association of the U.S. Army, and is a member and past President of the Greenville Civitan Club. He is a loving husband to his wife, Lenora who is an assistant librarian at a local elementary school and a wonderful father to his daughter Gail, who currently resides in Florida.

The service that Fred Lilley has given to the taxpayers for the past forty years has, in my opinion, exemplified what a true public servant should be. His concern about efficiency and always making sure the citizens are given courteous and sincere service will long be remembered as Fred Lilley's legacy.

HONORING HAROLD PRAEDIGER

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. HOEFFEL. Mr. Speaker, today I recognize Mr. Harold Praediger, who is retiring as Borough Council President of Rockledge in Montgomery County, Pennsylvania.

Mr. Praediger has been a resident of Rockledge for 45 years and has contributed years of extraordinary service to his community. He has been a member of the Borough Council for more than 14 years where he served as Recreation Chairman, Vice President and currently as President. As President, Mr. Praediger has played an integral role in kicking off the new Municipal Building project that is scheduled to break ground next year.

A graduate of Abington High School, Mr. Praediger resigned as the Head of Maintenance at Jeanes Hospital in Philadelphia and is now a co-owner of Acker's Hardware. He and his wife, Linda, have three children: Michael, Steven and Leigh Anne.

It is a privilege to acknowledge the achievements of Mr. Harold Praediger. The entire Rockledge community has benefited from his leadership and fellowship. I join the Borough Council in congratulating him on his many years of exemplary service.

A FREE KASHMIR IS IN THE U.S. VITAL INTEREST

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. OWENS. Mr. Speaker, I have just returned from a 1-week visit to Pakistan and Kashmir. This brief tour of a nation of more than 140 million people who were our loyal allies during the critical years of the cold war with the Soviet Union was pleasant and tremendously informative. The purpose of my trip was twofold. First, I represent the largest community of Pakistani and Kashmir-American citizens in our nation. Their concerns for their homeland are also my concerns. Secondly, since I was a high school student, and for all of my adult life, I have been captivated by the problem of Kashmir self-determination which mysteriously does not arouse the pity and anger throughout the world that it deserves. To raise the national and world level of visibility on this issue I have founded the House Pakistan-Kashmir Caucus.

During our stay in Pakistan and Kashmir as the guest of the Council of Pakistan Americans and the government of Azad Kashmir we covered a full and productive itinerary:

We were received by several high level officials of the national government including the Head of State, General Parvez Mucharref; whose present title is Chief Executive Officer. We also met with the Foreign Minister, the Minister of Education, the Prime Minister of Azad Kashmir, the Administrator of the City of LaHore, the Governor of the province of Punjab.

We conferred with the American Embassy and Consulate officials in both Islamabad and LaHore including Ambassador Milman, Principal Officer Sheldon Rappaport, and Counsel General David Donahue along with the very helpful members of their staffs.

As a result of the recent passage of the Brownback amendment which exempts education aid from the set of sanctions presently being imposed on Pakistan, we met with an unusual number of education officials and visited six schools and four higher education institutions. Because of my long-term assignment on the Education Committee I applauded the Brownback amendment and conveyed my intent to closely work with those who are charged with administering it.

On a one day trip to Azad Kashmir we visited three schools and a refugee camp. We met children with high spirits and keen intelligence. We also met refugees who were obviously crushed in both spirit and body.

In Islamabad, and LaHore as well as in Azad Kashmir we participated in several press conferences and meetings which discussed the Kashmir problem at great length. The Prime Minister of Azad Kashmir, Sultan Mahmood Chaudary showed particular concern about the present stalemate and the decline in American interest as a third party. We assured him that, despite the exceptional power and influence of the Indian lobby, we would return to achieve a greater balance of thinking and action with respect to Pakistan and Kashmir. We also pledged to work with the Pakistani and Kashmiri community in America to "jump-start" a "People's Movement to Free Kashmir".

Self determination, democracy and human rights are assigned the highest priority in the value scheme of the international community in this year 2000. The people of Kashmir have been denied all three of these vital social and political components while the nations of the world have watched their plight for 53 years. The United Nations has reneged on a vital promise to Kashmir for more than five decades. The great powers who sit on the Security Council have ignored the pains of the Kashmir people.

For humanitarian reasons Kashmir must be set free. Of equal importance is the fact that this long festering problem fuels an explosive dispute between Pakistan and India. Because both of these powers now have nuclear weapons, Kashmir has become one of the globe's most dangerous regions. Justice for the people of Kashmir is now inextricably interwoven with freedom from the massive world nuclear contamination which would result from any nuclear conflict in South Asia.

The continuing refusal of the United States and its allies to assign the highest priority to the Kashmir problem is a dangerous strategic blunder. The failure to pursue a vigorous and thorough non-violent diplomatic solution in Kashmir will result in tragic future consequences.

TRIBUTE TO JACK VALENTI ON HIS RECEIPT OF THE CIVILIAN PATRIOT AWARD

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in congratulating and honoring Jack Valenti, the President of the Motion Picture Association of America, on his receipt of the first Citizen Patriot Award. This award recognizes outstanding contributions by civilians to our nation's military personnel and to our nation's security. My dear friend, Jack Valenti, is a friend to many of us here in this body, and he is most deserving of this singular honor. Jack first served our country during World War II, flying over 50 combat missions over Italy. Later, he served in a position of great responsibility in the administration of President Lyndon B. Johnson. He then went on to represent our nation's film industry here in Washington, D.C.

Mr. Speaker, I could spend all day extolling the virtues of this outstanding man, this extraordinary citizen and patriot. However, my efficient nature suggests that I share with you the excellent remarks of Secretary of Defense William Cohen when he presented Jack with this award. I request that excerpts of Secretary Cohen's speech be placed in the RECORD.

REMARKS OF SECRETARY OF DEFENSE WILLIAM COHEN PRESENTING THE CIVILIAN PATRIOT AWARD TO JACK VALENTI, PRESIDENT OF THE MOTION PICTURE ASSOCIATION OF AMERICA

I had a long speech tonight, but that's not what I'm going to inflict upon you. You had an opportunity to pay tribute to a young sailor who survived the U.S.S. *Cole* tragedy. I don't know if many of you are aware of what took place following that terrorist bombing. But for 48 to 72 hours following that tragic event, these young men and women aboard that ship worked much of the time without any power. They were in total darkness. They had no external support. They had lost 17 of their colleagues. Fifty were desperately wounded. They had chaos all around—smoke, jagged metal. Then they lost the power and the water was coming in at 10 gallons per minute, and they had to bail it out bucket by bucket. But they were determined to save that ship to make sure that ship did not go down.

So I again want to tell you how proud I am [of our forces], and how proud I am of President Clinton for having reached across the aisle to say, "I want this Republican to serve in my administration to send a signal to the American people and to the Congress that when it comes to national security there is no party label. There is no party difference.

We have one national security commitment." And I thank him for giving me this opportunity to be the civilian representative of the greatest military in the world, bar none. They are the finest military that we have ever had. They have performed magnificently the world over. Janet and I had the opportunity to visit General Tilelli in Korea up on the DMZ in the frozen hills. We've been out in the Persian Gulf where the temperatures ranged from 120 up to 140 degrees. We have been all over the world where our men and women serve us. And I must tell you—there can be no higher honor for me and Janet than to be working on their behalf.

It takes a great tragedy like the U.S.S. *Cole* to remind the American people that our men and women in uniform are serving us. Because of them, you and I are able to sleep safely. We go home tonight and we sleep under that blanket of freedom because of what they do day in and day out, because of the dangers they face day in and day out, because of the lives they put on the line day in and day out. They are great warriors. They are also great musicians, as you've seen. They are great peacekeepers. They are diplomats. But most of all, they're our sons and our daughters, and we must do everything in our power to make sure that we give them everything that they need and deserve in order to continue to serve us in the fashion that they do. That has been our commitment. That will be, hopefully, the commitment of those who will follow.

The film industry plays a critical role. On the way in, a number of the television reporters were asking us, "Why are you doing this? Why are you here in Hollywood?" Well, Hollywood has played a role in the security of this country throughout our history. If you go back to World War I, it was the movie star celebrities who were helping to push those Liberty Bonds. If you look at World War II, many of the celebrities were raising over $1 billion to support that war effort. And then there are the film clips that we have seen here tonight—"Saving Private Ryan" by Steven Spielberg; "U-571," "The Perfect Storm," [and] "Top Gun" that Jerry Bruckheimer produced earlier. And we are going to witness another movie produced by Jerry with Michael Day, "Pearl Harbor," coming out on Memorial Day. And, of course, there's another great tribute to our military by Cuba Gooding, Jr. in "Men of Honor."

The film industry is important in shaping what people think about our military and supporting them, and we wanted to be here to say something to Hollywood you don't hear very often, and that's "Thank you." Thank you for all that you do in portraying the men and women who serve us, their patriotism, their courage, their sense of honor. On behalf of all of us, we in the Pentagon want to say thank you to Hollywood.

Tonight, we're going to present the first Citizen Patriot Award. And again, I was asked on the way in, "Why Valenti?" Of course, you have to say, well, why not Valenti? . . . . We are celebrating a patriot in Jack Valenti. He is a veteran who flew 50 combat missions over Italy in World War II, who went on to public service in the White House with President Johnson, who has continued his service to this film industry but also to this country. And you know that he's a man of great language and literature and passion and commitment. He has been a strong advocate on behalf of the men and women who are serving us in the military. So if we're looking for a citizen patriot, at the very top of the list we take Jack Valenti for all that he represents.

I will tell you that patriotism is in his blood. I remember reading a book that he wrote some years ago, and I came across a passage. He said, "I remember my white-mustached grandfather, Sicilian, proud, and dignified, and dominant, speaking to me and his dozen grandchildren in heavy accents, thick with an odd mix of Sicily and the Texas gulf coast, and he said, 'Love this country, be proud of this country. It's a good land.'"

Jack Valenti has lived up to the words of his grandfather. He is proud of this country. He is a proud patriot. And I can't think of a better summation than one I read from Justice Oliver Wendell Holmes, who also was a warrior, during the Civil War. Holmes said that, "Through our great and good fortune, in our youth our hearts were touched with fire. And it was given to us to learn at the outset that life is a profound and passionate thing. And while we're permitted to scorn nothing but indifference and don't pretend to undervalue the worldly rewards of ambition, we have seen with our own eyes beyond and above the gold fields, those snowy heights of honor. It's for us to bear the reports of those who follow. But above all, we have learned that whether a man accepts from Fortune her spade and will look downward and dig, or from Aspiration her axe and cord and will scale the ice, the one and only success which is his to command is to bring to his work a mighty heart."

For more than half a century, Jack Valenti has brought to his work a mighty heart, and we are eternally grateful for that.

TRIBUTE TO JOHN P. MacKINNON

HON. JIM KOLBE

OF ARIZONA

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. KOLBE. Mr. Speaker, my colleague, Mr. HOYER, and I wish to recognize Special Agent John MacKinnon of the U.S. Customs Service for his exemplary service with the Office of Congressional Affairs for the past two years, including his work as the acting team leader for appropriations since May of this year. Special Agent MacKinnon has provided extraordinary assistance to the Subcommittee on Treasury, Postal Service and General Government including planning and coordinating important Subcommittee travel to review counternarcotics programs in the Andean drug source countries, port security and drug trafficking in Miami and the West Coast, and Customs automation projects at busy commercial ports such as Detroit and New York. Mr. MacKinnon also has been highly responsive to the requirements of this Subcommittee in both anticipating and responding to our information requirements, and in facilitating any hearings or other meetings between the Subcommittee and the Customs Service. He has brought great professionalism to his work, and has always contributed a fair measure of his energy, enthusiasm and a dram of Scottish wit to all his endeavors.

Special Agent MacKinnon came to his current assignment after a full and productive decade carrying out investigations of narcotics smuggling, illegal export of munitions and sensitive technology, and trafficking in child pornography. This work included six years leading undercover investigations of international child pornography, many of which involved the Internet. Out of that work, Mr. MacKinnon moved on to be one of the first investigators to work in and develop the Customs Service's Cyber-Smuggling Center. He has developed a wide reputation for his work in the field of Internet investigations, testifying before our counterpart Subcommittee in the Senate, assisting foreign police in international investigations, and teaching undercover courses for State and local police on Internet crimes against children.

Special Agent MacKinnon will soon depart for Boston to take up a new assignment in the field as a Group Supervisor in the Office of the Special Agent in Charge officers. From our perspective, he has served Customs well, and in so doing has done the same for our Subcommittee and the Congress. We wish him all the best in his new assignment and expect to see great things as his career progresses.

LEGISLATION ABOLISHING THE ELECTORAL COLLEGE

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce an amendment to the Constitution abolishing the Electoral College.

Mr. Speaker, on November 7, 2000 two Presidents may have been elected.

Vice President GORE received a majority of the popular vote cast that day and Governor Bush may have received a majority of the elector college electors.

Regardless of your political viewpoints, I believe that from this point forward the President of the United States should be elected by direct popular vote.

This legislation will abolish the electoral college and ensure that when the American people step into the voting booth they, and not a slate of faceless electors, will choose the next President.

The Founding Fathers installed the electoral college as a mechanism to ensure only the best and brightest individuals of their time served as our President. This relic of a bygone era was created because the Founding Fathers did not trust Americans to learn all they needed to know to make an informed decision.

But times have changed and the American people have come along way from those days.

We now live in an era of high-speed Internet access, instantaneous media coverage of international events, 24-hour news stations, and cross-country flights. There is no reason all Americans can't access the information they need to make an informed choice about who they want as their President.

There was a lot of discussion about trust in the recent Presidential campaign—on both sides: trusting people to make their own choices about retirement savings; trusting seniors to choose their own prescription drug plans; trusting women to control their reproductive health. Well, if we are going to entrust Americans to make these personal choices, we must also trust them to choose the President they believe best represents their interests.

Americans do not need to be protected from their own decisions—it's time to trust them.

In the 20th Century we gave women the right to vote, allowed direct elections of our United States Senators, and passed numerous voting initiatives designed to open the polling place to all citizens wishing to participate.

In the 21st Century, we must to sweep away these last archaic roadblocks and move forward to a truly modern democracy.

SENATE—*Monday, December 11, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 5:34 p.m. on the expiration of the recess, and was called to order by the Honorable PETER G. FITZGERALD, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we believe in You, we love our Nation, and we know we are called to unity. Today we pray very specifically for the resolution of the Presidential election; with the same intensity we intercede for this Senate. Bless the Senators of both parties. We join with millions of Americans in praying that You will give them the courage to keep working until the issues are resolved, the determination to find answers, and the desire to give as well as take in negotiation. You are ready to help those who confess their dependence on You for wisdom to find workable solutions and creative compromises. When we humbly ask for Your guidance together, You open the channels of communication and give us the inspiration to negotiate. We thank You in advance for the answer to this prayer. In the name of our Lord. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 11, 2000.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER G. FITZGERALD, a Senator from the State of Illinois, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with the time to be equally divided in the usual form.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

DEATH OF REPRESENTATIVE JULIAN C. DIXON OF CALIFORNIA

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 387 submitted by Senators LOTT and DASCHLE.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 387) relative to the death of Representative Julian C. Dixon, of California.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a remarkable public servant who has been taken from us all too quickly.

The sudden loss of Representative JULIAN DIXON has shocked and saddened us all. Without a doubt, JULIAN served California's Thirty-Second District with passion and distinction. He was a man of the highest integrity and credibility and his departure is a terrible loss to all of us.

He was a gentleman in every sense of the word who was willing to work across partisan lines to improve the lives of his constituents and so many Americans.

I was privileged as a member of the Senate Appropriations to work with JULIAN DIXON, who was a member of the House Appropriations Committee.

In this role, JULIAN always put California's needs first. He helped aid small businesses in Southern California who had been hurt by military base closures and defense downsizing. He also was a champion of the Los Angeles Metro Subway and the Alameda Corridor, an underground connection between the port of Los Angeles and the major east-west rail lines.

He also consistently fought to maintain our Nation's commitment to civil rights and to increase the economic upward mobility of the people of the Thirty-Second District.

JULIAN was also a leader through his role on the Appropriations Committee to secure funds to rebuild after the 1992 Los Angeles riots, the 1994 Northridge earthquake, and to improve public transportation throughout Los Angeles.

JULIAN DIXON served in Congress for 22 years, first being elected in 1978. He completed his undergraduate studies at California State University in Los Angeles and attended Southwestern School of Law. He served in the United States Army, practiced law in Los Angeles and then was elected to the California State Assembly in 1972.

He was also Chair of the Congressional Black Caucus and worked tirelessly to establish a memorial to Dr. Martin Luther King, Jr. here in our Nation's Capital.

In 1999, JULIAN became an active participant in protecting America's national security through his role as ranking Democrat on the Select Intelligence Committee.

JULIAN DIXON was a man of principle and fairness whose grace and humility will be sorely missed.

My thoughts and prayers are with his wife Betty and the entire Dixon family during this very difficult time.

Put simply, this Nation owes much to JULIAN DIXON and the United States Congress was truly made a much better place because of his service.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 387) was agreed to, as follows:

S. RES. 387

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Julian C. Dixon, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

ORDER OF PROCEDURE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent, notwithstanding the recess or adjournment of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the Senate, that when the Senate receives from the House the joint resolution funding the Government until Friday, December 15, the text of which is at the desk, it be considered read a third time and passed, with the motion to reconsider laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 2000

Mr. HUTCHINSON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1508).

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1508) entitled "An Act to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Technical and Legal Assistance Act of 2000".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) there is a government-to-government relationship between the United States and Indian tribes;

(2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;

(3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;

(4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;

(5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudication of disputes affecting personal and property rights on Native lands;

(7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;

(8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;

(9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;

(10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and

(11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.

(2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.

(3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.

(4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.

(5) To assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103–176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term "Attorney General" means the Attorney General of the United States.

(2) INDIAN LANDS.—The term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 U.S.C. 1151; or "Indian reservations", as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term "former Indian reservations in Oklahoma" as including only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community which administers justice or plans to administer justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) JUDICIAL PERSONNEL.—The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal judicial system.

(5) NON-PROFIT ENTITIES.—The term "non-profit entity" or "non-profit entities" has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term "Office of Tribal Justice" means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term "tribal court", "tribal court system", or "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

TITLE I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. TRIBAL JUSTICE TRAINING AND TECHNICAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this Act.

SEC. 102. TRIBAL CIVIL LEGAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. TRIBAL CRIMINAL ASSISTANCE GRANTS.

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of the Internal Revenue Code, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act shall be construed to—

(1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;

(2) diminish in any way the authority of tribal governments to appoint personnel;

(3) impair the rights of each-tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;

(4) alter in any way any tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

TITLE II—INDIAN TRIBAL COURTS

SEC. 201. GRANTS.

(a) IN GENERAL.—The Attorney General may award grants and provide technical assistance to Indian tribes to enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—

(A) tribal codes and sentencing guidelines;

(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) CONSULTATION.—In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REGULATIONS.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in subsection (a), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007";

(2) in subsection (b), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007";

(3) in subsection (c), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007"; and

(4) in subsection (d), by striking "1994, 1995, 1996, 1997, 1998, 1999, and 2000" and inserting "2000 through 2007".

TITLE III—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT

SEC. 301. ALASKA NATIVE VETERANS.

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

(1) Subsection (a)(3)(I)(4) is amended by striking "and Reindeer" and inserting "or".

(2) Subsection (a)(4)(B) is amended by striking "; and" and inserting "; or".

(3) Subsection (b)(1)(B)(i) is amended by striking "June 2, 1971" and inserting "December 3i, 1971".

(4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

"(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—".

SEC. 302. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

"(8) A beneficiary's interest in a settlement trust and the distributions thereon shall be subject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.".

TITLE IV—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH

SEC. 401. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation $2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) CONTENT OF SYMPOSIUM.—The symposium administered under subsection (a) shall—

(1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and

(2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OMNIBUS INDIAN ADVANCEMENT ACT

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5528, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

ANCSA HISTORIC SITE AND CEMETERY SELECTIONS

Mr. FEINGOLD. Mr. President, I appreciate the work of my colleague from Colorado, Mr. CAMPBELL, and of my colleague from Hawaii, Mr. INOUYE on H.R. 5528, the Omnibus Indian Advancement Act. I am pleased that this measure includes several provisions that will benefit Wisconsin tribes.

However, I have concerns regarding title XV of this measure, which reinstates applications for particular parcels of land that are now part of the Chugach National Forest to be conveyed to the Chugach Alaska Corporation, CAC, the Alaska Native Corporation for the Chugach Region. The provisions included in title XV of H.R. 5528 differ from those included in title II of H.R. 2547 and its companion bill in this body S. 1686. These bills are in the jurisdiction of the Senate Energy Committee. Would the Senator be willing to allow me to engage in discussion with the Senator from Alaska, Mr. MURKOWSKI to clarify a few important points about this legislation?

Mr. CAMPBELL. Mr. President, I am pleased to allow the Senator to clarify aspects of this legislation.

Mr. FEINGOLD. As I understand the legislation, it directs the Secretary of the Interior to reinstate applications for the conveyance of seven parcels of land, now in federal ownership as part of the Chugach National Forest, for a determination of eligibility for conveyance to the CAC as historical places or cemetery sites under section 14(h) of the Alaska Native Claims Settlement Act, ANCSA. Is that correct?

Mr. MURKOWSKI. My colleague from Wisconsin is correct.

Mr. FEINGOLD. Am I also correct in my understanding that five of these parcels covered by these applications are currently within the Nellie Juan-College Fjord Wilderness Study Area, WSA, designated by Congress in section 704 of Public Law 96–487, the Alaska National Interest Lands Conservation Act, ANILCA?

Mr. MURKOWSKI. My colleague from Wisconsin is correct, and I am sure my colleague shares my concern that the Secretary of Agriculture has not met the requirement of section 704 of ANILCA that he report to the President and Congress within three years his recommendation as to the suitability and nonsuitability of such lands for wilderness designation. I would also note that the submission of these applications by the CAC pre-dated enactment of ANILCA.

Mr. FEINGOLD. Am I further correct in my understanding that one of these parcels, Coghill Point, is near an area which was determined to be eligible for designation as a wild and scenic river as part of the Chugach National Forest planning process?

Mr. MURKOWSKI. Again, my colleague from Wisconsin is correct, however, the land containing such parcel is not designated as such in the draft forest plan identified by the Forest Service as the preferred alternative.

Mr. FEINGOLD. As the Senator knows, 43 CFR §2653.5 requires that regional corporations that are conveyed cemetery sites or historical places pursuant to section 14(h) of ANCSA agree to accept a covenant in the conveyance that these cemetery sites or historical places will be maintained and preserved solely as cemetery sites or historical places by the regional corporation, in accordance with the provisions for conveyance reservations in 43 CFR §2653.11. Is it the case that, if the Secretary of the Interior chooses to act favorably on these conveyance applications, nothing in this act is intended to prevent the Secretary from complying with the covenant requirements of these regulations in conveying these seven parcels of land to the CAC?

Mr. MURKOWSKI. The Senator from Wisconsin is correct. This legislation is not intended to eliminate any covenant requirements.

Mr. FEINGOLD. As my colleague further knows, the conveyance reservations contained in 43 CFR §2653.11 prohibit the grantee from authorizing any mining or mineral activity of any type, or "any use which is incompatible with or is in derogation of the values of the area as a cemetery or historic place" as defined further by 36 CFR §800.9. Is it the case that nothing in this act is intended to prevent the United States from seeking enforcement of such prohibitions, as authorized under CFR 2653.11?

Mr. MURKOWSKI. The Senator from Wisconsin is correct. This legislation is not intended to prevent enforcement of such prohibitions.

Mr. FEINGOLD. I thank the Senator from Alaska for helping me to clarify these issues.

THE TORRES-MARTINEZ DESERT CAHUILLA INDIANS CLAIMS SETTLEMENT ACT OF 2000

Mr. REID. Mr. President, I ask that the distinguished chairman of the Committee on Indian Affairs, Senator CAMPBELL, engage in a brief colloquy regarding the Torres-Martinez Desert Cahuilla Indians Settlement Act of 2000. The purpose of this legislation is to provide for the settlement of issues and claims related to the trust lands of the Torres-Martinez Desert Cahuilla Indians of California.

In June 1996, after decades of neglect and months of difficult negotiations, representatives of the United States, the Torres-Martinez Tribe, the Imperial Irrigation District, and the Coachella Valley Water District signed a settlement agreement that resolves their conflicting claims and provides for dismissal of litigation. Legislation necessary to ratify this settlement agreement and to authorize the Federal actions and appropriations necessary for its implementation was introduced in 1996. However, because provisions in the legislation dealing with the taking of after-acquired land into trust for purposes of gaming proved very controversial, the legislation never passed the Senate. It has taken this long to get to the point where the bill is again being considered by the Senate, and the bill is still controversial.

The basic settlement provisions involve land and cash in return for dismissal of all claims with regard to the Torres-Martinez Tribe. By far the most controversial of the provisions in the bill are those authorizing the Secretary of the Interior to take lands into trust for the explicit purpose of gaming. These lands are isolated from the principal lands to be taken into trust for the tribe, and have only one purpose—to provide a place to build a casino. It is clear that these lands have been chosen, not because of their cultural or historical relationship to the tribal members, but because of their proximity to an area of high density traffic. While Indian Gaming Regulatory Act, IGRA, authorizes the Secretary to take lands into trust as part of a land settlement, it was never the intent of IGRA to allow the Federal land claims settlement process to be manipulated in this manner.

Personally, I feel that the language in H.R. 4643 is poorly drafted, particularly when it comes to authorizing the taking of land into trust for purposes of gaming. I think we should draft a new bill that more clearly respects the intent of IGRA. However, I understand the hardship that further delay would cause the Torres-Martinez Tribe; and so I am prepared to allow H.R. 5528 to proceed as drafted. I do believe, and I want to make my views clear, that the practice of settling Indian land claims with off-reservation land-into-trust acquisitions for purposes of gaming is something that should not become common practice in settling these claims.

Does the chairman agree that H.R. 5528 represents a unique situation, and the Department of Justice and the Secretary of Interior should work to ensure that when they are negotiating Indian land claims they should try and hammer out fair settlements that fully compensate tribes for legitimate losses they have suffered and that land-into-trust acquisitions for gaming purposes as a component of such settlements should be avoided?

Mr. CAMPBELL. Mr. President, first I would like to thank my colleague from Nevada for expressing his thoughts and concerns with H.R. 5528, and I want to express my thoughts on this matter as we pass this legislation.

I think that H.R. 5528 does present a unique situation in that the Torres-Martinez Tribe's lands have been inundated by the waters of the Colorado River since the beginning of the 1900s and one that I hope is not in other settlement agreements negotiated by the Department of Justice and presented to Congress for its consideration.

I understand your concerns about the precedent that would be set if as part of land settlements, land-into-trust acquisitions for gaming purposes were routinely proposed in exchange for the settlement of land claims. Though IGRA clearly calls for that situation in section 2719 of the Act, I agree that if a wholesale policy of off-reservation acquisitions as part of a settlement were adopted by the Department of Justice or this Congress, that a great many Senators would call for amendments to the act.

While I appreciate these concerns and would not favor inclusion of off-reservation land-into-trust acquisitions for purposes of land settlement in all cases, the IGRA is clear in providing the authority to do just that if warranted by the facts of the case in question.

Although this legislation is not the most desirable option and does not provide all parties with what they want out of a legislated settlement, it does provide justice to the Torres-Martinez Tribe and I think we are right in approving the bill.

Mr. REID. I thank the chairman and agree with him that this is a matter for which we do not want to set precedent with the bill before us.

COUSHATTA TRIBE OF LOUISIANA

Mr. REID. Mr. President, I ask that Senator BREAUX engage in a brief colloquy regarding S. 2792. The purpose of the legislation sponsored by the distinguished senior Senator from Louisiana is to provide that land owned by the Coushatta Tribe of Louisiana but which is not held in trust by the United States for the Tribe may be leased or transferred by the tribe without further approval by the United States.

I am concerned because the language in this bill does not clearly provide that, if there is going to be gaming on this land, it is to be regulated gaming. That is, any land included in this bill is subject to regulation either by the Indian Gaming Regulatory Act, IGRA, if Indians purchase the land, or subject to state and local regulation.

I stand for a conservative interpretation of the IGRA. As such, with all land bills involving Indian land, we must follow IGRA—in statute and intent. Congressional intent for Indian gaming under IGRA was to provide economic flexibility regarding the use of land which has a cultural or historical relationship to the tribal members. Congress did not provide in IGRA a mechanism for tribes to use to acquire and sell land which is only valuable because of its proximity to a commercially attractive area of high density traffic.

Is it the intent of the Senator from Louisiana that S. 2792 fully comply with the statute and intent of IGRA and that if any gaming takes place on the land covered by this bill, such gaming continues to be subject to the applicable IGRA or state or local regulation?

Mr. BREAUX. Mr. President, first I thank my colleague from Nevada for expressing his thoughts and concerns with S. 2792, and I want to express my thoughts on this matter as we pass this legislation.

I agree that it was never the intent of S. 2792 to circumvent regulation of gaming. This bill simply provides for the Coushatta Tribe to lease or transfer land without further approval. This bill in no way provides for any gaming regulatory loopholes.

Mr. REID. I thank the senior Senator from Louisiana.

THE GRATON RANCHERIA RESTORATION ACT

Mrs. BOXER. Mr. President, I thank the Chairman of the Indian Affairs Committee, Senator CAMPBELL, and the distinguished ranking Democrat, Senator INOUYE, for moving this important bill to the Senate floor. This bill will restore Federal recognition and associated rights, privileges, and eligibility for Federal services and benefits to the Federated Indians of the Graton Rancheria of California, formerly known as the Coastal Miwok tribe.

This bill provides much needed recognition for the tribe. The Graton Rancheria have been waiting decades for the Government to undo a past wrong. In 1958, the Federal Government stripped the Graton Rancheria of Federal recognition. Recently, it was found that the tribe holds a small parcel of land in Graton, CA that had been set aside as reservation for them in the 1920s.

As passed in the House of Representatives, this bill included language that waived the tribe's gaming rights. I supported that language, as did the Graton Rancheria and the local community. However, it was clear that the Senate Committee on Indian Affairs and the Bureau of Indian Affairs would not support the language. The chairman and ranking member of the Senate Committee on Indian Affairs have offered an amendment that removes the no-gaming clause. In his statement accompanying the amendment, Senator INOUYE asserts that the no-gaming clause is unnecessary because the Graton Rancheria have no intention of conducting gaming.

I hope with the Senate passage of this bill that the House, the Senate Committee on Indian Affairs, and the administration can work to resolve the differences over the no-gaming clause and come to an agreement on either bill or report language.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the bill be considered read the third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 5528) was considered read the third time and passed.

CORRECTING THE ENROLLMENT OF H.R. 5528

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 161, submitted earlier today by Senator CAMPBELL.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 161) to correct the enrollment of H.R. 5528.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 161) was agreed to, as follows:

S. CON. RES. 161

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, shall make the following correction:

(1) Strike title XII and insert the following:

TITLE XII—NAVAJO NATION TRUST LAND LEASING

SEC. 1201. SHORT TITLE.

This title may be cited as the "Navajo Nation Trust Land Leasing Act of 2000".

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that "The Congress shall have Power . . . to regulate Commerce...with Indian tribes", and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.

SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'individually owned Navajo Indian allotted land' means a single parcel of land that—

"(A) is located within the jurisdiction of the Navajo Nation;

"(B) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

"(C) was—

"(i) allotted to a Navajo Indian; or

"(ii) taken into trust or restricted status by the United States for an individual Indian;

"(4) the term 'interested party' means an Indian or non-Indian individual or corporation, or tribal or non-tribal government whose interests could be adversely affected by a tribal trust land leasing decision made by the Navajo Nation;

"(5) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act or its successor;

"(6) the term 'petition' means a written request submitted to the Secretary for the review of an action (or inaction) of the Navajo Nation that is claimed to be in violation of the approved tribal leasing regulations;

"(7) the term 'Secretary' means the Secretary of the Interior; and

"(8) the term 'tribal regulations' means the Navajo Nation regulations enacted in accordance with Navajo Nation law and approved by the Secretary."; and

(2) by adding at the end the following:

"(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), and any amendments thereto, except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

"(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

"(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years if such a term is provided for by the Navajo Nation through the promulgation of regulations.

"(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land.

"(3) The Secretary shall have the authority to approve or disapprove tribal regulations referred to under paragraph (1). The Secretary shall approve such tribal regulations if such regulations are consistent with the regulations of the Secretary under subsection (a), and any amendments thereto, and provide for an environmental review process. The Secretary shall review and approve or disapprove the regulations of the Navajo Nation within 120 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. Such 120-day period may be extended by the Secretary after consultation with the Navajo Nation.

"(4) If the Navajo Nation has executed a lease pursuant to tribal regulations under paragraph (1), the Navajo Nation shall provide the Secretary with—

"(A) a copy of the lease and all amendments and renewals thereto; and

"(B) in the case of regulations or a lease that permits payment to be made directly to the Navajo Nation, documentation of the lease payments sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (5).

"(5) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1), including the Navajo Nation. Nothing in this paragraph shall be construed to diminish the authority of the Secretary to take appropriate actions, including the cancellation of a lease, in furtherance of the trust obligation of the United States to the Navajo Nation.

"(6)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Navajo Nation with any regulations approved under this subsection. If upon such review the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases for Navajo Nation tribal trust lands.

"(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

"(i) make a written determination with respect to the regulations that have been violated;

"(ii) provide the Navajo Nation with a written notice of the alleged violation together with such written determination; and

"(iii) prior to the exercise of any remedy or the rescission of the approval of the regulation involved and the reassumption of the lease approval responsibility, provide the Navajo Nation with a hearing on the record and a reasonable opportunity to cure the alleged violation.".

TRIBUTE TO SENATOR SLADE GORTON

Mr. THURMOND. Mr. President, I rise today to pay tribute to my colleague from the State of Washington, Senator SLADE GORTON.

During the course of working with SLADE over the past several years, I have come to know a dedicated, intelligent individual who is recognized throughout Congress as a work horse. He is a life-long public servant who began his political career in the Washington state legislature, where he was elected by his Republican peers to the position of State House Majority Leader. After his tenure in the state house, he continued to serve the fine people of Washington as Attorney General. While serving in this position he argued fourteen cases before the Supreme Court, winning much acclaim for his proficiency as a lawyer.

We come from opposite coasts, yet there are many common ideological threads we share. I respect SLADE's commitment to fighting for the blue collar worker—the salt-of-the-earth, hard working individuals who I am also pleased to represent—along with his strong support for the law enforcement community and for states' rights. More importantly, I admire SLADE's determination, a trait which enabled him to serve three terms in the United States Senate.

Senator SLADE GORTON is a straightforward individual whose candor will be greatly missed, and I feel that I can speak for all of my colleagues when I express my gratitude for his countless contributions to the Senate. I wish him and his wife Sally health, happiness, and success in the years to come.

ATLANTIC STRIPED BASS CONSERVATION ACT

Mr. KERRY. Mr. President, I rise today in support of a provision in H.R. 2903, the Atlantic Striped Bass Conservation Act. This legislation authorizes a population study of Atlantic striped bass to determine if there is sufficient diversity in year classes to ensure successful recruitment and healthy stocks for continued commercial and recreational fishing.

The Atlantic striped bass is considered one of the success stories in recent fisheries management. Striped bass stocks along the Atlantic coast experienced precipitous declines during the 1970s and early 1980s. This decline was attributed to the increase in the number of recreational and commercial fishermen, and the use of increasingly efficient gear. Because the decline was widespread and encompassed multiple jurisdictions, recovery efforts were delegated to the Atlantic States Marine Fisheries Commission (ASMFC) under the authority of the Striped Bass Conservation Act of 1984, and later the Atlantic Coastal Fisheries Cooperative Act of 1993. The ASMFC consists of coastal member states from Maine to Florida.

In an effort to rebuild striped bass stocks, the ASMFC halted both commercial and recreational fishing for striped bass beginning in the mid-1980s. The ASMFC began to allow limited recreational and commercial fishing for striped bass in the early 1990s, when striped bass began to show signs of recovery. Today even though stock abundance remains high, cautious vigilance of coast-wide fisheries performance and its impact on resource conditions should continue to be a primary task of the ASMFC.

The Atlantic Striped Bass, or stripers as they are known in the Bay state, are the number one recreational fishery in Massachusetts. In 1999 recreational fishermen caught 4.7 million stripers in the Bay state, this represents 33 percent of all stripers caught along the East coast from North Carolina to Maine. While most states allow anglers to keep two fish, Massachusetts allows anglers one fish, so that even though 33 percent of all stripers are caught in Massachusetts, only 10 percent of the recreational landings occur in Massachusetts. The difference between caught and landed fish is fish caught and released. Massachusetts has a small commercial fishery for the striped bass as well. In 1999 commercial fishermen landed 40,000 stripers, which represented 4 percent of the commercial harvest on the East coast.

These figures do not even begin to represent what stripers mean to our economy. In a 1996 US Fish and Wildlife Service survey the agency estimated that 886,000 anglers spent 10.7 million days fishing for striped bass in salt water during 1996. Average expenditures for all Atlantic Coast saltwater trips were about $800 per angler in 1996, for a total estimated annual expenditure in this fishery of $762 million.

Stripers are an anadromous fish that frequents brackish waters and depends on a healthy estuarine ecosystem for its survival. As such, it is affected by non-point source pollution and habitat loss and degradation, more so than an offshore fish. I am very concerned that without a national program to identify and reduce sources of non-point pollution, that eventually our striper stocks will again crash as they did in the 1970s. On two occasions the United States Senate has passed S. 1534, the Coastal Zone Management Act of 2000. This bill authorizes states to apply for funding that specifically targets non-point pollution, and in turn help striped bass populations. Mr. President, the sound policies of S. 1534 will help the striped bass.

ADDITIONAL STATEMENTS

A TRIBUTE TO JOHN J. HOCK

• Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to John J. Hock, the devoted father of my press secretary Jim Hock.

John Hock will be remembered by friends and family for his deep devotion to his religious faith, family, and football. His family members recall that although he was not one to yell or scream, he always commanded great respect from everyone who knew him. His greatest treasure was his family. Jim always spoke of the selflessness of this father, who even in his last days, wanted to ensure that his family would be taken care of once he was gone.

A natural athlete, Mr. Hock played in the National Footfall League as an offensive tackle for the Chicago Cardinals. During the Korean war, Mr. Hock, a participant in the Olympic trials in the late 1940's, also entertained troops while on USO football teams in Japan. After returning from the Korean war, he was traded to the Los Angeles Rams, where he played as a guard from 1953–1957. As captain of the Santa Clara University's football team, Mr. Hock led his teammates to victory over the top-ranked University of Kentucky in the 1965 Orange Bowl.

During the off-season, Mr. Hock taught high school in Los Angeles to make ends meet. It was while he was working as a teacher that he met his wife, Bernadette. His family remembers how devoted they were to one another. Because her husband was too humble to promote himself, Mrs. Hock carried around his paying cards to give to friends. Their son Joseph put it best when he said that his mother and father were one.

In 1960, his pro-football career over and family growing, Mr. Hock moved into sales and marketing at Western Carloading, a Los Angeles-based trucking and shipping company. From 1988 until this year, he worked as a sales agent for Coldwell Baker Realty in Mahwah, spending his freetime with his grandchildren, his family members said.

He is survived by his wife of 45 years, Bernadette, his sister, Ruth Rahe, his children, Jay, Joseph, Jim, Mary, Susan, Anna, and Lisa, and 11 of his grandchildren.

Mr. President, Mr. Hock will be greatly missed, not because he entertained us, but because he stands as a reminder of the importance of family. As the holiday season draws near, let us all remember what John Hock always knew: Family and friends are truly the sweetest rewards.•

ON THE DEATH OF SALIM Y. SARAFA

• Mr. ABRAHAM. Mr. President, I rise today to pay respect to a dear friend of mine who passed away recently. Salim Y. Sarafa helped start the Chaldean-Iraqi Association of Michigan, became its first president in 1954 and served three terms in that post. The association's first facility was built in 1979, and now includes the Southfield Manor and the Shenandoah Golf and Country Club.

Salim served on the St. Michael's School Board and was vice-chairman of the Associated Food Dealers of Michigan. He also helped develop a school that taught students to read, write, and speak Arabic. He was active in the National Association of Arab-Americans, the American-Arab Anti-Discrimination Committee and the Republican Party at the state and national levels.

He was born in Telkaif, Iraq, in 1921. He earned an education degree from the University of Baghdad and became a high school teacher in 1942. He went on to teach in Kut in southern Iraq for four years before being promoted to assistant principal of a school near Baghdad. He left teaching to become director general of the Iraqi Department of Public Works.

Salim came to the United States in 1951. While living with the George Jonna family, he worked in their store, Union Pacific Market, until he opened his own store in 1953. He met and married Margarett George that same year.

In 1957, he and four partners opened Big Dipper Market, Detroit's largest independent supermarket at the time. He also was involved in a construction company, convenience store and wholesale business over the years. He got into the real estate business in 1968 and remained active until retiring in 1995.

He is survived by three sons, Joe, Michael, and Mark; two daughters, Judy Jonna and Doreen Mangrum; and ten granchildren. His wife Margarett died in 1998.

Salim and Margarett Sarafa lived their lives dedicated to the American way while preserving the core values of the Chaldean culture. They were able to raise their family and start their business in the land of the free while never forgetting the people who were not blessed with the same chance. I am so very proud to call them my friends.•

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 8, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 3514. An act to amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 4640. An act to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such systems, and for other purposes.

H.J. Res. 128. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

The message further announced that under authority of the order of the Senate of January 6, 1999, the following enrolled bills, previously signed by the Speaker of the House, were signed on December 8, 2000, by the President pro tempore (Mr. THURMOND):

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

H.R. 3048. An act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4827. An act to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 8, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 1972. An act to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park.

S. 2594. An act to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes.

S. 3137. An act to establish a commission to commemorate the 250th anniversary of the birth of James Madison.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ABRAHAM (for himself and Mr. FEINGOLD):

S. 3276. A bill to make technical corrections to the College Scholarship Fraud Prevention Act of 2000 and certain amendments made by that Act; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HUTCHINSON (for Mr. LOTT (for himself and Mr. DASCHLE)):

S. Res. 387. A resolution relative to the death of Representative Julian C. Dixon, of California; considered and agreed to.

By Mr. CAMPBELL:

S. Con. Res. 161. A concurrent resolution to correct the enrollment of H.R. 5528; considered and agreed to.

ADDITIONAL COSPONSORS

S. 2084

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

SENATE CONCURRENT RESOLUTION—TO CORRECT THE ENROLLMENT OF H.R. 5528

Mr. CAMPBELL submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 161

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, shall make the following correction:

(1) Strike title XII and insert the following:

TITLE XII—NAVAJO NATION TRUST LAND LEASING

SEC. 1201. SHORT TITLE.

This title may be cited as the "Navajo Nation Trust Land Leasing Act of 2000".

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that "The Congress shall have Power...to regulate Commerce . . . with Indian tribes", and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.

SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'individually owned Navajo Indian allotted land' means a single parcel of land that—

"(A) is located within the jurisdiction of the Navajo Nation;

"(B) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

"(C) was—

"(i) allotted to a Navajo Indian; or

"(ii) taken into trust or restricted status by the United States for an individual Indian;

"(4) the term 'interested party' means an Indian or non-Indian individual or corporation, or tribal or non-tribal government whose interests could be adversely affected by a tribal trust land leasing decision made by the Navajo Nation;

"(5) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act or its successor;

"(6) the term 'petition' means a written request submitted to the Secretary for the review of an action (or inaction) of the Navajo Nation that is claimed to be in violation of the approved tribal leasing regulations;

"(7) the term 'Secretary' means the Secretary of the Interior; and

"(8) the term 'tribal regulations' means the Navajo Nation regulations enacted in accordance with Navajo Nation law and approved by the Secretary."; and

(2) by adding at the end the following:

"(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), and any amendments thereto, except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

"(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

"(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years if such a term is provided for by the Navajo Nation through the promulgation of regulations.

"(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land.

"(3) The Secretary shall have the authority to approve or disapprove tribal regulations referred to under paragraph (1). The Secretary shall approve such tribal regulations if such regulations are consistent with the regulations of the Secretary under subsection (a), and any amendments thereto, and provide for an environmental review process. The Secretary shall review and approve or disapprove the regulations of the Navajo Nation within 120 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. Such 120-day period may be extended by the Secretary after consultation with the Navajo Nation.

"(4) If the Navajo Nation has executed a lease pursuant to tribal regulations under paragraph (1), the Navajo Nation shall provide the Secretary with—

"(A) a copy of the lease and all amendments and renewals thereto; and

"(B) in the case of regulations or a lease that permits payment to be made directly to the Navajo Nation, documentation of the lease payments sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (5).

"(5) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1), including the Navajo Nation. Nothing in this paragraph shall be construed to diminish the authority of the

Secretary to take appropriate actions, including the cancellation of a lease, in furtherance of the trust obligation of the United States to the Navajo Nation.

"(6)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Navajo Nation with any regulations approved under this subsection. If upon such review the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases for Navajo Nation tribal trust lands.

"(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

"(i) make a written determination with respect to the regulations that have been violated;

"(ii) provide the Navajo Nation with a written notice of the alleged violation together with such written determination; and

"(iii) prior to the exercise of any remedy or the rescission of the approval of the regulation involved and the reassumption of the lease approval responsibility, provide the Navajo Nation with a hearing on the record and a reasonable opportunity to cure the alleged violation.".

SENATE RESOLUTION 387—RELATIVE TO THE DEATH OF REPRESENTATIVE JULIAN C. DIXON, OF CALIFORNIA

Mr. HUTCHINSON (for Mr. LOTT (for himself and Mr. DASCHLE)) submitted the following resolution; which was considered and agreed to.

S. RES. 387

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Julian C. Dixon, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

ORDERS FOR THURSDAY, DECEMBER 14, 2000

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 10 a.m. on Thursday, December 14. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 12 noon, with Senators speaking for up to 10 minutes each, with the time equally divided in the usual form.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. HUTCHINSON. For the information of all Senators, the Senate will reconvene on Thursday, December 14, at 10 a.m. There will be no session on Tuesday or Wednesday of this week in order to accommodate the funeral service for Congressman DIXON of California who passed away on Friday. Discussions will continue on the remaining appropriations issues, so the final votes may occur as early as Thursday or Friday.

RECESS UNTIL THURSDAY, DECEMBER 14, 2000, AT 10 A.M.

Mr. HUTCHINSON. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the provisions of S. Res. 387.

There being no objection, the Senate, at 5:40 p.m., recessed until Thursday, December 14, 2000, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, December 11, 2000*

The House met at 5 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 11, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the time of our testing, prove us, O Lord, Your faith-filled people.

In the day of justice, guide us with restraint and wisdom.

In the end, it is Your judgment of us all and how we react to our circumstances that we must fear.

When we are overwhelmed with confusion or when we are seared by harsh words, calm the soul of this Nation.

Speak to us as once You spoke to Isaiah.

"Who created you and formed you?
"Fear not for I have redeemed you;
"I have called you by name; you are mine.
"When you pass through the water, I will be with you;
"in the rivers you shall not drown.
"When you walk through the fire, you shall not be burned;
"the flames shall not consume you.
"For I am the Lord, your God, the Holy One of Israel, your savior."

This we believe now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr. MOAKLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MOAKLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain one-minutes at the end of business today.

PROVIDING FOR CONSIDERATION OF H.J. RES. 129, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 670 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 670

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 129) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 670 is a closed rule providing for consideration of House Joint Resolution 129, which makes further continuing appropriations for fiscal year 2001 through December 15.

H. Res. 670 provides for 1 hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of this joint resolution.

Finally, the rule provides one motion to recommit, as is the right of the minority.

Mr. Speaker, because the President refuses to sign continuing resolutions of any longer duration, the joint resolution covered by this rule simply extends the provisions of our current continuation resolution by 4 days.

Mr. Speaker, after months of hard work, the House has just a few issues left to resolve. Like my Republican colleagues, I am determined to pass fair and fiscally responsible appropriations bills, and I will stay here as long as it takes to achieve this goal for the American people.

Mr. Speaker, I hope the President will join us in our good-faith efforts to negotiate a fair, bipartisan solution to the disagreements still before us. I am hopeful that the fair, clean continuing resolution covered by this rule will give us the time we need to complete the appropriations process in a thoughtful and judicious manner.

The rule was unanimously approved by the Committee on Rules, and I urge my colleagues to support it so that we may proceed with general debate and consideration of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague and my friend the gentleman from Georgia (Mr. LINDER) for yielding me the customary time.

Mr. Speaker, the resolution before us is the 20th continuing resolution this year. That means that 20 times we have had to pass stop-gap spending measures, these measures to keep the Federal Government running, despite my Republican colleagues' inability to finish the appropriations bills on time.

Mr. Speaker, it is about time my Republican colleagues finished.

The fiscal year began October 1, which means that Congress was to have finished the 13 appropriations bills and have them signed into law by that day some 2½ months ago.

Instead, Mr. Speaker, my Republican colleagues continue to make virtually no progress on the unfinished appropriations bills and, instead, pass continuing resolution after continuing resolution.

But it really does not have to be that way, Mr. Speaker. Republican and Democratic appropriators and the President have reached bipartisan agreement. That agreement could have made record increases in educational funding, would have helped local school districts hire 12,000 more teachers to reduce class size, it would have provided money to repair thousands of schools that are falling apart, it would have also expanded after-school programs for nearly one million children, and it would have improved Pell Grants and Head Start.

But the Republican leadership does not want us to continue that agreement at this time. Instead, they want to go back to the drawing board.

But, Mr. Speaker, I have to say that patience is growing short. If this 4-day continuing resolution does not settle the issues once and for all, I suspect that Members will be less likely to agree to another continuing resolution.

So I wish my Republican and Democratic colleagues good luck in the negotiations.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1715

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.J. Res. 129, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 670, I call up the joint resolution (H.J. Res. 129) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 129 is as follows:

H.J. RES. 129

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275, is further amended by striking the date specified in section 106(c) and inserting "December 15, 2000".

The SPEAKER pro tempore. Pursuant to House Resolution 670, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.J. Res. 129 extends the continuing resolution that we have been passing on a regular basis until Friday of this week. I come to the floor today with more optimism than I have in quite a while, Mr. Speaker. There was another meeting with the President this afternoon with the bicameral leadership, Republicans and Democrats, and I have reason to believe that much progress was made. I really believe that by Thursday morning, if Members are able to be back by Thursday morning, we will have a package to vote on.

So I hope that we will pass this CR to give us time to accomplish that.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume. This is the 20th time, two-zero, the 20th time that the gentleman from Florida (Mr. YOUNG) and I have been forced to come to the floor and ask the Congress for an extension to keep the Government open while others in this institution and in the other body and folks in the administration decide what the budget ought to eventually look like by considering only macroeconomic numbers. After there is agreement between the leadership and the White House, I assume that we will be asked to work out how that money is allocated.

So, in my view, the House leadership will be able to talk in very bright terms about what they have accomplished in macroeconomic terms, and then we will be asked to make the impossible choices within the dollar limits that are being suggested by the leadership around here. I cannot begin to tell the House how many times I have received letters from Members of this House, including the leadership on both sides of the aisle, asking that we increase funding for AIDS, special education, National Institutes of Health, title VI block grants, LIHEAP, Low-Income Heating Assistance Program. I cannot tell you how many times I have received letters asking us to vote for increases in those programs and demanding that we bring to this floor what they refer to as full funding for some of these programs, while at the same time those same Members vote and those same leaders demand that we provide an overall number for the bill which makes our ability to produce what they ask for at the micro-level an almost impossible act. That in my view is what is happening here.

I am not going to vote for this continuing resolution. Not because the gentleman from Florida (Mr. YOUNG) has not done his job, he and I were here all weekend, but because I believe that the numbers that will be produced in the end will have virtually no room for some of the main priorities which a lot of Members in this body claim that they have. I think that when people put together an agreement about what the overall spending number ought to be in the Labor-Health-Education bill, for instance, that they ought to have some idea what that number will really mean in terms of its impact on low-income heating assistance, its impact on the National Institutes of Health, its impact on Pell grants, its impact on special education, its impact on Head Start, its impact on child care, and its impact on a whole range of programs.

Yet I think the way that this is proceeding, we are going to have a take-it-or-leave-it proposition, where the overall number is going to be agreed to, and then people like the gentleman from Illinois (Mr. PORTER) and the gentleman from Florida (Mr. YOUNG) and I are then going to have to take Members aside one by one and explain to them why we cannot provide the increases for NIH that we promised the country in the campaign we were going to provide, why we cannot provide the increases in the Pell grants that we told people we were going to provide, why we cannot provide the funding for special education that we told people we were going to provide. We have got a winter coming where the Federal contribution to help low-income elderly pay their home heating bills will drop by about 50 percent as a percentage of those folks' income because of the rapidly rising energy costs; and yet this bill is going to be asked to savage that program in the out years.

And this has all come about because we are told by a number of Members on that side of the aisle that the agreement that was reached before the election is somehow too rich. I want to compare what that agreement would have done with Labor-H, with all the health and education and job programs, what that would have done with what we did in some other bills.

This Congress passed an agriculture bill which was 2 percent above the President's request. This Congress passed an energy and water bill which was almost a billion dollars above the President's request. It passed an Interior appropriations bill which was $2.5 billion above the President's request, 15 percent above the President's request. It passed a transportation bill which is $2.3 billion above the President's request.

And now we are being told that we have committed a mortal sin and we are all going to go to hell because we passed a Labor-Health-Education program that was a few billion dollars above the President's request. I make no apology for that. I make no apology for that. I think that those increases when compared to the increases in the energy and water bill or in the transportation bill are eminently defensible. Yet we are being told now, oh, we don't have enough room. We may add 7 or $800 million in more money for the Middle East; but, no, if we do, we have got to take that money out of education and health and worker protection programs. I have a funny feeling that is not going to go down well with the American people.

I do not have any objection to our meeting our international responsibilities in the Middle East or any other area of the world, but I do think that if that is financed out of reductions in the people's bill for programs here at home, that that action will unnecessarily turn even more people in this country toward an isolationist track. And I think it will encourage more people out of frustration to say, Well, if we have to make those kinds of choices, then I'm not for providing funding for various regions of the world. That is the proposition that we are going to be backed into.

I apologize to the House for taking this time. No, I do not. I do not apologize at all for taking this time. Because we were told that this debate would come up at 6, and instead it has come up at 5, so almost no one is here to discuss it. I really have not had a chance to think through what a more thoughtful response would be if I had an hour to look at what is going on around this town. But I do want to say that I think that this process of extending continuing resolutions time and time and time again has served only one purpose. It has enabled the majority party leadership to avoid voting on education and health until after the election. And having now escaped the election season, it is now free to pursue the cuts that it apparently wants to pursue in those programs. I think that that is unfortunate.

So I will vote against this resolution. I do not expect that there will be many people who will. But I do not think I am going to like the kind of priorities that are going to come out of this shakedown. And this has been a shakedown. This is what it has been. I do not think I am going to like the priorities very much when I see that we are going to be asked to squeeze these programs because we have at an earlier date on other bills provided very large increases in the President's budget, and now people seem to feel that we have to recoup that on this bill. I just do not happen to agree with that.

When I was walking the streets in Wisconsin Rapids or Wausau or Superior, Chippewa Falls or anywhere else, I did not find many people who were asking me to have large increases in military spending, to have large increases in the transportation budget, to have large increases in Interior while we were neglecting our child care needs, our family planning needs, our National Institutes of Health and medical research needs. The gentleman from Florida (Mr. YOUNG) has provided a lot of needed leadership in the defense area, for instance, on the Subcommittee on Defense in providing supplemental funding for health programs, for bone marrow transplant and other programs.

I am simply going to vote against this continuing resolution because I think that it is simply giving people more time to do bad things.

□ 1730

That is not my bag.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I first want to confirm what the gentleman from Wisconsin (Mr. OBEY) said, that he and I were here this weekend. In fact, we communicated with each other throughout the weekend just in the event that we had some agreement between the legislative leadership and the White House so that we could begin to complete the bill.

I have been briefed by my leadership, and I believe that the gentleman from Wisconsin (Mr. OBEY) has been briefed by his leadership. My understanding is that the agreement would be substantially higher than the House passed Labor HHS bill, and that it is higher than the President's actual request. I believe that if we come together in a bipartisan fashion here, that the gentleman from Wisconsin (Mr. OBEY) and I and the gentleman from Illinois (Mr. PORTER), who is the very distinguished chairman of the subcommittee, will be able to fashion a bill within that overall number. We will be able to guarantee that the promise that we made to medical research through NIH can be and will be kept; and that the promise we made in increasing the educational funding can and will be kept.

So we have some work to do between now and hopefully the day that we are going to have the vote on this bill, which we hope will be on Thursday morning. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Illinois (Mr. PORTER) and I have a lot of work to do and with our counterparts in the other body, but I am satisfied that we can do it. Everybody, I believe, wants to get this job done and we are going to produce a bill here that probably everyone could look at and say, gee, I do not like this or I do not like that; but there will be a lot of good in this bill that I do like.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank my colleague, the gentleman from Florida (Mr. YOUNG), for yielding me this time.

Mr. Speaker, I came to the floor because I want to remind the Members, and I hope to remind the White House, that it is time that we wrap up our business. It is very important that we, as a body, deliver to the executive branch a plan for spending and for funding the priorities of the next year.

I wanted to remind my colleagues that while there is some debate about the exact level, it is a rather minor number of millions and billions that have to be dealt with; that, in fact, in this bill are many, many things that many of us have fought long and hard for. There is a big increase in funding for teacher quality. Now that we know more about the lack of certified teachers in many of our classrooms, the lack of subject matter preparation of many of our teachers, particularly in the inner cities, it is really imperative that we pass a budget that puts that money out there so we can make some of the progress in public education that we know needs to be made.

In this bill is 575 million more dollars for after-school programs, and I would like to say that in my little town of Enfield, the Enfield after-school care program that provides after-school care for only at-risk children has already had 10 of its children referred to DT out of our children family agency for neglect. This will be the security of these children as they move through a difficult time in their families and hopefully be the difference between these children. These are K through 6 kids. These are not high school kids. Six of the kids have already been referred to a juvenile review board only in the first 3 months of the school year. These really are at-risk kids, and this wonderful program has given these kids stability, is helping them improve their school performance and will be their security and their ticket out of juvenile crime, under achievement, low self-esteem and catastrophic consequences.

Also in this legislation is a significant increase in the child care block grant. This body prided itself on passing welfare reform, but if we do not do things like we are doing this year, and this bill is $817 million more for those very child care certificates that working women coming off of welfare depend upon, if we cannot provide child care subsidies to a woman coming off of welfare into a roughly minimum wage job or just above she is not going to make it; not because she is not trying but because she has such heavy child care costs that she could not possibly make it on those entry level salaries.

So in this bill we are following through on many initiatives in human services, in education, that do, in fact, give our people the support and the opportunity, whether they are children or adults, that frankly this body has striven long and hard to create on a bipartisan basis.

So I would urge my colleagues to remember that in here is fuel assistance, a big increase for fuel assistance, going into a winter when we know things are going to be very tough; health care; education, and it is our responsibility to pass it.

I would also remind my colleagues that it is going to be well over the

President's request, over anything this House passed, and so we have the ability to rationally agree on some modest reductions from one agreed-on level and get this bill to the President. I hope that we can get an agreement before he leaves for Ireland so by the time he gets back we will have it passed and his signature on it very promptly. We owe it to those people who work for our government so they can deliver consistent quality service in a knowing, established context of supported funding.

I thank the gentlemen for their hard work on both sides of the aisle, and I ask that we move forward and this be the last CR we be asked to support because I will support it only reluctantly.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my friend, the gentleman from Wisconsin (Mr. OBEY) for yielding me this time.

Mr. Speaker, I know there might be some debate between the floor and the parliamentarian's office today and may demand a recount as to how many CRs we have done in this Congress. Is it 19 or is it 20? I hear from the parliamentarian's office it is 19. Regardless if it is 19 or it is 20, that is an all-time record in the history of Congress. That is a record that I do not think there will be a single press release on back in our districts. That is a record that I do not think we are too proud of, and that is a record I do not think future Congresses are going to want to break.

We need in the future to not only come together in this 106th Congress on an agreement on the budget but we need to do it in a bipartisan manner.

The second point I want to make is that when we do reach a bipartisan agreement on some of the most important issues that we handle in the 106th Congress, we should look at how these issues are treated in the waning days of this 106th Congress. How does this budget treat education with Pell grants? As education and the cost of education becomes more important and higher in costs, we want to make sure we get Pell grants to those that need it.

The second issue is how this budget treats the poor. In my home State of Indiana, we have seen natural gas prices go up by 50 percent, and our families are having a tough time, as it is snowing right now back in the Midwest, affording much of this. This budget deals with that. Let us look at how we treat LIHEAP.

Thirdly, the NIH budget, how do we treat research for Alzheimer's, research for Parkinson's, research on cancer? These are three issues that are highly important to me and my constituents and highly important to the country, and I hope we will arrive at a bipartisan solution in this Congress.

Mr. OBEY. Mr. Speaker, I have no other requests to speak on this turkey, and so I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just suggest that, whether we like it or not, we need to vote for this continuing resolution today. As I said earlier, I hold out the hope and I am very optimistic that now that our leadership has arrived at an agreement with the President that the gentleman from Wisconsin (Mr. OBEY), the gentleman from Illinois (Mr. PORTER), and I are going to be able to work out a bipartisan solution that will take care of most of the concerns that we have heard expressed on this bill throughout the season.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to House Resolution 670, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5630) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) will suspend temporarily while we consult with the minority.

□ 1745

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5630) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 3, in the table of contents, strike out "Sec. 501. Contracting authority for the National Reconnaissance Office."

Page 3, in the table of contents, strike out "502" and insert "501".

Page 3, in the table of contents, strike out "503" and insert "502".

Page 48, strike out lines 4 through 16.

Page 48, line 17, strike out "502" and insert "501".

Page 49, line 7, strike out "503" and insert "502".

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

Ms. PELOSI. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. GOSS) so he might explain more fully how the legislation covered by his unanimous consent request differs from the bill sent to the Senate on November 13, 2000.

Mr. GOSS. I thank the gentlewoman for yielding to me, Mr. Speaker. I am very happy to explain to her why on December 11 the House is again considering the Intelligence Authorization Act for Fiscal Year 2001.

As Members will recall, the President vetoed an earlier version of the legislation on November 4. In doing so, the President indicated that his objections were limited to a single section of the bill, the so-called "leaks provision," and he asked Congress to return the same bill to him with the "leaks provision" deleted.

It had been my hope to do exactly that. In fact, the day the veto message was received by the House, Mr. DIXON, the gentleman from California (Mr. LEWIS), and I introduced H.R. 5630, a bill identical to the previous conference report, save for the leaks provision, which was removed in its entirety.

The same day the House passed H.R. 5630 and sent it to the Senate for what I had hoped would be speedy consideration, passage, and transmittal to the President for his signature.

I am deeply disappointed that this is not exactly what transpired. The other body did last week pass H.R. 5630, but in doing so removed an additional provision. That provision, which was agreed to in our House-Senate conference and approved by the full House and Senate, was designed to improve the performance of the National Reconnaissance Office's launch program, and to save millions of taxpayers' dollars in the process.

I hope we will have a chance to hear from our colleague, the gentleman from Delaware (Mr. CASTLE), who is the author of the NRO language in just a moment. But I want to register my disappointment with the process.

In reviewing the record of debate in the other body, there is no rationale given for striking the provision about the National Reconnaissance Office, and it appears to me to be an unjustified and inexplicable action. Under normal circumstances, therefore, I would absolutely refuse to agree to this amendment.

However as a practical matter, there is no real possibility of convening a second conference committee to resolve this problem before time runs out on the 106th Congress. Therefore, noting that the remaining parts of this legislation are still vital to the U.S. intelligence community and will contribute to improving our national security, I am reluctantly asking the House to pass H.R. 5630, which will, finally, send this bill to the President for his signature.

Still, I recognize much time and hard work went into developing the National Reconnaissance Office launch provision, and I do not want to see that work go to waste. I am pledging to the gentleman from Delaware (Mr. CASTLE) and other Members that I am planning to make NRO launch issues, including all aspects of Air Force support for this activity, a top priority for the Permanent Select Committee on Intelligence in the 107th Congress.

Ms. PELOSI. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. I thank the gentlewoman for yielding, Mr. Speaker.

Mr. Speaker, I have concerns about the National Reconnaissance Office contracting issue, but I want to make it clear that nonetheless, the House should pass the bill, as modified by the Senate.

The original conference report included a House provision that would require the National Reconnaissance Office to contract for satellite launch vehicles separately from the Air Force. The committee's action was based on a substantial review of several expensive launch failures involving the loss of very valuable intelligence satellites, as well as Inspector General reports describing significant problems in the NRO's relationship with the Air Force.

I believe that the remedy that was fashioned by my subcommittee chairman and my colleague, the gentleman from Delaware (Mr. CASTLE), was reasonable and would be effective.

The conferees debated this matter, and there were votes taken. The House position prevailed. It is more than a little galling that the Senate committee would undo that agreement by exploiting the procedural and time constraints that were imposed by the President's veto of the original conference report over a completely unrelated matter.

I fully appreciate and share the sense of wrong that is conveyed here today. Nonetheless, I think it is necessary to accept the bill now in the form in which it has been returned to us by the Senate because of the overriding importance of enacting an intelligence authorization measure.

The overall benefits to the Nation's security outweigh, in my opinion, the loss of this particular provision. Instead, the committee should plan to take this issue up again next year as the chairman, (the gentleman from Florida (Mr. GOSS), indicated, and I would pledge to work with and support the efforts of the gentleman from Delaware (Mr. CASTLE) to correct the serious underlying problems in managing the launch of our critical intelligence satellites.

Ms. PELOSI. Mr. Speaker, further reserving the right to object, as the gentleman from Florida (Chairman GOSS) has indicated, the President vetoed an earlier version of this bill because it contained a provision that would have further criminalized the intentional disclosure of classified information.

In my view, the notion that this so-called "leaks provision" was carefully crafted and targeted with laser-like precision on a small hole in the criminal code is simply wrong. I believe the provision had the potential to do great harm to civil liberties. I did not sign the intelligence authorization conference report because it contained the leaks provision.

I believe the President was right to veto the measure over this matter. In fact, I commend him for doing that.

The gentleman from Florida (Chairman GOSS) and our late distinguished colleague and friend, JULIAN DIXON, are to be commended for introducing a new bill which does not contain the leaks provision. I am pleased that the actions taken by the Senate on that bill, which is now before the House, did not attempt to add new language on the leaks issue. As the distinguished chairman said, it is entirely out of the bill.

Unauthorized disclosures of classified information can damage national security, and that type of conduct should have consequences. Administrative and criminal sanctions are available currently. The vetoed leaks provision, however, would have placed the full force of Federal criminal law behind a classification system which is based not in statute but in executive order, and therefore, it is changeable at the sole discretion of the President. That would have been a serious mistake, so I am very pleased on that aspect of the bill.

I also want to associate myself with the comments of our distinguished colleague, the gentleman from Georgia (Mr. BISHOP), concerning the provision in the bill of the gentleman from Delaware (Mr. CASTLE), and look forward to working with him in the next Congress.

It is just a strange way that the Congress operates that a provision that could pass the conference committee could be yanked from the bill in the manner it was. I am, however, prepared to accept the decision of the gentleman from Florida (Chairman GOSS) on how best to deal with the changes on the National Reconnaissance Office contracting matter made by the Senate, although this issue was fully debated and I believe resolved by the conferees in October.

In closing, Mr. Speaker, I want to underscore Mr. DIXON's remarks on November 13 when this bill was considered by the House, that the statement of managers on the vetoed conference report should be regarded as the expression of the intent of Congress on how the intelligence programs and activities authorized for fiscal year 2001 are to be conducted.

In referencing Mr. DIXON's remarks, of course, we cannot ignore the fact that our dear colleague is now lying in state. We take every opportunity we can to recognize his tremendous service to this Congress, to this country, and indeed, to this committee. One very high profile challenge we had in this committee was dealing with the labs, and Mr. DIXON was always the voice of reason and balance and fairness in those deliberations, and in fact, in every deliberation he was ever a part of.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. CASTLE. Mr. Speaker, reserving the right to object, I would like to engage the gentleman from Florida (Mr. GOSS), the chairman of the Committee, in a brief colloquy.

I would like to thank first of all the chairman for the wonderful job with this year's intelligence authorization legislation. I congratulate him for it. Obviously, we congratulate Mr. DIXON for it, but his loss is immeasurable to this Congress, as so many people have said. It is sad he cannot be here today.

I will be brief, Mr. Speaker. As the chairman knows, I strongly support the overall bill, but have withheld my final support because of what I view as an egregious action by the chairman of the Senate Intelligence Committee and perhaps others.

As Members are well aware, we worked hard to address the needed reforms to our satellite launch program, as over the last almost 2 years six rocket launch failures have destroyed or made ineffective important military communications and intelligence satellites, risking the national security of the United States and costing taxpayers over $3 billion.

Our provision, approved by the House and Senate conferees and passed by both Houses of Congress, would have ensured more accountability for the launch program of the National Reconnaissance Office and the Air Force, promoting better acquisition practices.

A series of meetings, hearings, and briefings on the severity of these problems, with the help of the gentleman from Georgia (Mr. SANFORD), has made it obvious that our failures and problems were rooted in the morass of contracts used in the launch program and exacerbated by a tangle of bureaucratic turf concerns.

The Senate's refusal to acknowledge that these reforms are needed is shortsighted and risk more problems in the satellite launch program. Unfortunately, the Senate Intelligence Committee did not see fit to include this provision. It stripped the measure out without debate or justification.

Mr. Speaker, I ask the gentleman, is it his understanding that the National Reconnaissance Office provision would greatly help streamline the satellite launch process, and that the Senate's refusal to acknowledge that these reforms are needed is short-sighted and risks more problems in our satellite launch program?

□ 1800

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, as the gentleman knows, as I stated in conference, as I stated earlier, and as I would state again, I believe the provisions would have improved greatly the management and performance of the NRO's launch program. I, too, am extremely disappointed in the Senate's action, which I also concur is shortsighted.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS). I am glad we agree on this. As the gentleman from Florida is aware, while I am disappointed in the Senate's action on this, I have agreed to let this bill pass today and move the process forward.

Mr. Speaker, can we agree that the committee will, early next year, begin to look into this matter more closely with the National Reconnaissance Office so that we can place good reforms into our launch program and pursue what is best for our national security, let alone our taxpayers' best interests?

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, the gentleman from Delaware has my commitment that, early in the 107th Congress, the committee will study and draft such reforms based upon the good work of the gentleman from Delaware, the gentleman from Georgia (Mr. BISHOP), and others on the committee, which have been reflected in the bill. In fact, we have already done this. We have passed it, as the gentleman has said, both in the House and the Senate. I think we had good product, I think we had good process, and I am sorry we find ourselves in this predicament.

However, I think the best resolution, as has been outlined, is to go forward with the vital bill. The gentleman from Delaware (Mr. CASTLE) has my commitment that we will go back, and perhaps we can improve even more on the improvements the gentleman has already recommended to us.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Florida. I also would like to thank the gentlewoman from California (Ms. PELOSI) and gentleman from Georgia (Mr. BISHOP), who spoke in favor of this, too. It is a shame we cannot get it done this year, but we do have to move forward.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

The motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5630, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ADJOURNMENT TO WEDNESDAY, DECEMBER 13, 2000

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. December 13, 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN MEMORY OF THE HONORABLE JULIAN C. DIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LAHOOD) is recognized for 5 minutes.

Mr. LAHOOD. Mr. Speaker, on Friday, when I had returned to my District, I received word of the death of JULIAN DIXON, and so I called this morning our cloakroom to set aside 5 minutes so I could make a few remarks. I was not here on Friday, and I know a number of Members did take the time to acknowledge the great work of JULIAN. I know that the gentleman from South Carolina (Mr. CLYBURN) subsequently had an hour set aside this evening to do that also.

I really got to know JULIAN when I was a staffer working for Mr. Michel. He did extraordinary work as the chairman of the Committee on Ethics and worked so hard to bring a lot of, I think, civility and order and fairness to a process that was mired in controversy.

Then after having been elected to this House in 1994, I had the great honor serving with JULIAN as the cochair of one of our seminars at the first bipartisan retreat that was held in Hershey, Pennsylvania. JULIAN attended that bipartisan retreat, and he and I co-chaired or co-hosted a seminar with Members. Again, I got the opportunity to work closely with him.

As I had known before, I realized what an outstanding human being JULIAN DIXON really has been throughout his life, and I also learned of his ability to really bring people together and get people to understand the importance of working together.

Then I had the great opportunity 2 years ago to be appointed to the Permanent Select Committee on Intelligence by the Speaker of the House. JULIAN has been the ranking member of that committee during the 2 years that I have been on, and one of the most distinguished members of the committee, one of the most bipartisan members of the committee. He was a very, very thoughtful individual who cared very much about the importance of having a good intelligence-gathering capability in this country and worked very hard on the committee, worked in a very bipartisan way with the distinguished gentleman from Florida (Chairman GOSS).

So like all Members who have had the chance to work with JULIAN and to know his great talents, his wonderful talents, to know as importantly the fact that he is a marvelous human being, the House will miss him greatly. I know that all Members extend their sympathy to his family and to those who have worked with him, including his staff.

I know that he will be missed greatly, not only on the Permanent Select Committee on Intelligence, but in the whole House, because he is truly someone who brings to this House the importance of working together, of cooperation, of civility, of decency.

So I am delighted to have this chance to pay my special tribute to a tremendous human being, someone who will be greatly missed, always admired, and really missed in the House and on the committee.

So it is with great sadness that I say my fond farewells to JULIAN DIXON. I intend, along with I know a host of other Members, to attend the service for JULIAN on Wednesday in California and to personally offer my sympathy to his family.

So I appreciate the opportunity to say my farewells to a wonderful human being, a great Member, someone who brought great distinction to this House of Representatives.

CONTINUING RESOLUTIONS SPIRALING BEYOND SCOPE OF COMMON SENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I rise to comment on an issue which has simply spiraled completely beyond the scope of common sense. I am referring to the continuing resolution which we just voice-voted, the 20th continuing resolution since the new fiscal year began October 1, 2000.

Today is the 11th of December. For the last 72 days, we have been unable to negotiate and work out individual spending bills for a number of departments and agencies because of policy differences primarily over ergonomics rules and education funding. From time to time, we were led to believe that agreement had been reached on these issues only to be right back right here today, voting on yet another continuing resolution.

I did support the continuing resolution we voted on today. However, Mr. Speaker, I do not plan to support any more continuing resolutions which are used to fund the Departments of Labor, Health and Human Services and Education through next year.

Certainly there are policy differences. There are always policy differences. That is the very foundation of our democratic system. However, these highly partisan protracted delays have serious and far-reaching consequences for millions of innocent victims. I am referring specifically to the millions of Americans who are dependent upon the National Institutes of Health to find new understanding and ultimate treatment of Alzheimer's disease, other brain illnesses, better treatment of spinal cord injuries and greater knowledge of the causes of cancer, heart disease, diabetes, HIV and AIDS, rheumatoid arthritis, and mental illness. Additionally, the human genome project supported by NIH holds the prospect of far-reaching advances in gene therapy to treat many illnesses.

Until this continuing resolution roller coaster started, the budget of the National Institutes of Health seemed about to experience its third consecutive annual increase of 15 percent following a bipartisan path to doubling the budget over 5 years. Under the scenario we are faced with today, despite strong support from both sides of the aisle and approval by a House-Senate conference committee, this increase appears to be under serious threat.

Funding for the National Institutes of Health is included in the Labor, Health and Human Services conference report, H.R. 4577. Without immediate enactment of this bill, funding increases are in peril. This fiscal year 2001 funding bill must move forward. To delay or to roll NIH funding into another continuing resolution would be a loss of an additional $2.7 billion in medical research and a real setback and a loss of hope to the millions of Americans afflicted with serious diseases. Congress cannot, must not, let progress stall at year 3 on the 5-year plan to double NIH's budget.

Fiscal year 2001 funding is vitally important to allow our Nation's scientists and clinicians to enhance the health of the American people by exploiting the tremendous opportunities offered by the current revolution in biomedical research.

Last year, NIH was able to support 8,900 new research grants at universities across the Nation. Now, with a 15 percent increase, it anticipated supporting up to 9,500 in the current fiscal year. If the budget does not reflect the 15 percent increase and, instead, stays at the level of fiscal year 2000, only 5,000 new grants will be given out. A number of projects will be zero-funded. This could include initiatives in neurodegenerative diseases, including Parkinson's, and clinical trials for new treatments for childhood cancer and diabetes.

Not only would NIH lose its 15 percent increase, the Centers for Disease Control and Prevention would lose a proposed increase of $886 million. That includes an $88 million increase for HIV prevention, $36 million for childhood immunizations, and $85 million for infectious disease control.

Another negative consequence of extending the current level funding in a continuing resolution is that the Center for Information Technology would be significantly restricted from providing necessary support of the NIH scientific and business communities. For example, the Center for Scientific Review would need to defer all purchases of computers and other equipment necessary to utilize the core data systems for the National Institutes of Health.

If our Nation is to sustain the momentum and continue to translate scientific discovery into better health and an improved quality of life for all Americans, then we just have to continue our commitment to double the NIH budget by 2003. Volatility and dramatic fluctuations in funding can be as harmful to the research community as inadequate growth. We risk wasting the investment that has been made for the past 2 years if scientists do not have those resources. So the bottom line is we cannot freeze the budget of the National Institutes of Health.

IN MEMORY OF THE HONORABLE JULIAN C. DIXON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from South Carolina (Mr. CLYBURN) is recognized for 60 minutes as the designee of the minority leader.

Mr. CLYBURN. Mr. Speaker, the flags on this building are flying at half mast, recognizing the departure of one of this body's most respected and best loved Members. JULIAN DIXON was a kind of gentleman that engendered the kind of respect that all of us would like to have as Members of this august body. So it was no wonder that, when I arrived here 8 years ago, he was one of the first people that I sought out to sit down with.

I had heard of JULIAN DIXON before coming here. I had read a whole lot about him and was particularly impressed with the fact that, at one of this body's most crucial times, JULIAN DIXON was called upon to chair the Committee on Ethics. It was his performance in that chairmanship that I believe maintained the stability that needed to be maintained in order to get the House of Representatives through that particular juncture.

□ 1815

He was admired for his work there, but also admired for the work he performed as Chair of the Subcommittee on the District of Columbia of the Committee on Appropriations. That is one of the most difficult positions that one could be in because, as all of us know, the District of Columbia has a problem of taxation without representation. And of course that is a subcommittee of the Committee on Appropriations, and the person who chairs that subcommittee has probably more to say about the well-being or the ways and means of the District of Columbia than any other single person. JULIAN's performance on that subcommittee endeared him to all of the people in the District.

And then, of course, at the time of his death he was serving as the ranking member on the Permanent Select Committee on Intelligence. JULIAN DIXON's performance there had to be admirable because, as all of us know, that is a special committee, one that requires a special kind of person. And of course everyone who knew JULIAN knew that he had within him the capacity to do well as ranking member on that committee. Many of us had looked forward to the day when JULIAN would be chair of that committee. But as the omnipotent and omnipresent being willed it, such would not be the case.

JULIAN DIXON was the former chair of the Congressional Black Caucus. As its current chair, it is with great respect that I requested this time this evening so those members of the Congressional Black Caucus who were not here on Friday, when we received news of his death and of course then entered into a spontaneous special tribute to him, so that they would have an opportunity to come to the floor this evening and pay their respects to the life and legacy of JULIAN DIXON and to impart to his wife, Bettye, and his son, Cary, how much we share in their loss.

Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina (Mr. WATT), who will manage the rest of this time and, hopefully, recognize those Members as they come to the floor.

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy, the time originally allocated to the gentleman from South Carolina (Mr. CLYBURN) will be controlled by the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I want to thank the chairman of the Congressional Black Caucus for reserving the time for those Members who were not able to come to the floor on Friday of last week when we suddenly found out about the death of our good friend and colleague, JULIAN DIXON.

Mr. Speaker, I would now yield to my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I thank the gentleman for yielding to me, and on this sad and solemn occasion I am reminded of the words of that poignant song "Gone too soon." Last Friday, we lost more than a mentor, a colleague and a friend. Last Friday, we lost a steady hand, a true heart, a penetrating individual.

JULIAN DIXON left this life at a time when he had command of it. As ranking member of the Permanent Select Committee on Intelligence and as an influential member of the Committee on Appropriations, he was in control. That is why, with a heavy heart, I rise to express my condolences to the family of JULIAN DIXON whose untimely passing we mourn. His wife, Bettye, and his son, Cary, should know that while their grief is heavy, comfort may be found in those close to them, friends and family who will gather, and increase their gathering, on Wednesday morning, December 13, to acclaim his life and to celebrate it.

This husband and father was indeed an American hero; the wind beneath the wind of so many of us in Congress. For some 22 years, JULIAN DIXON gave of himself to the people of West Los Angeles. With dedication and determination, he took on the tough task while undertaking his responsibility with concern and compassion. He preceded me by some years as chair of the Congressional Black Caucus Foundation. He was always there to give a steady hand and advice.

He stood firm, never wavering on behalf of the voteless citizens of Washington, D.C. He worked hard to make sure that legislation was passed to give Dr. Martin Luther King his day. And while he was never loud or boisterous, he was always heard and respected.

JULIAN has now been called to rest, to reside in a place of total peace. God's fingers have gently touched him and he now sleeps. I am confident that he has left a lasting impression on those who came to know him, and the principles that guided him now serve as guideposts for those he leaves behind.

I am also certain that throughout his life he remained a caring friend, a devoted and loving family member, and a committed and dedicated father and husband. He shall surely be missed. I feel certain, however, that while our hearts are heavy and our grief is great, he would want all of us to rejoice in his life and the time he spent on this earth among his friends and the citizens of this earth.

Mr. Speaker, I believe it is important to offer a special word to his wife and son. It is my hope that they will be comforted by the fact that God in his infinite wisdom does not make mistakes. "Your husband and father will live on forever in your hearts and minds through your cherished memories of his life and the time you had with him. Please continue to support one another."

Let all of us here remember that death is not the end of life; it is the beginning of an eternal sleep. JULIAN DIXON, son of the District of Columbia, quiet soldier, shall sleep on. He lived his life in sacrifice so that millions of us and others could live our life in pride. He has labored long and effectively. He now rests.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from North Carolina (Mr. WATT), for yielding to me.

It is with deep sadness that I stand here tonight to pay tribute to our colleague and friend, JULIAN DIXON. It is so painful and it is so very hard and difficult. This country has lost a true friend. The State of California has lost a friend. The city of Washington, the Nation's capital, has lost a true friend.

JULIAN was not just another colleague. He was more than the representative of the 32nd Congressional District of California; he was more than a member of the Congressional Black Caucus; more than a member of the House Committee on Appropriations and the ranking member of the Permanent Select Committee on Intelligence. He was like family to me and to many of us here in the Congress.

JULIAN was a wonderful and kind man. He was a gentleman. Many times in this body we refer to each other as being honorable. This man, this good man, was honorable. He had the ability to calm troubled waters. He had a way of soothing hurt feelings. He was an effective Member of this body who could get things done on both sides of the aisle by mending broken bridges. This man we salute and honor tonight was a builder of bridges, a builder of bridges of understanding and bridges of compassion. JULIAN DIXON was a voice of sanity in the midst of confusion.

Mr. Speaker, as I said before, it is so hard to believe that JULIAN DIXON is gone; that he will not be here voting with us any more. I do believe that his free spirit, his kindness and his good nature, will always remain in our hearts, in our minds, and in this very Chamber. JULIAN cared for his colleagues, his friends, the people who elected him, and even the people he did not know.

As I said, he loved this city, the State of California, and this Nation. He was wonderful to work with. He never sought the limelight. He just did his work. He was just good to be around. He was a dear friend and he was my brother.

Mr. Speaker, for this Member, it is still shocking; a sense of disbelief. It is so unreal and yet it is so painful. We have lost a member of our family. It does not matter whether we are Democrats, Republicans, or Independents. It does not matter whether we are black or white, Asian or Hispanic. We are family. We are one family. We are going to miss JULIAN.

Mr. Speaker, I want to close by saying to Bettye, JULIAN's beloved wife, that we will keep you and your family in our prayers. Thank you, Bettye, for sharing JULIAN with California, with all of us, with the American people and the rest of the world. He will be deeply missed.

And JULIAN, I say to you, Sweet prince, take your rest.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding to me, and I rise today to honor our departed friend and colleague and Alpha Phi Alpha fraternity brother, JULIAN DIXON. Not only was JULIAN DIXON respected for standing up for the rights of all people, he was also known and respected for the soft spoken and thoughtful manner with which he accomplished those goals.

JULIAN DIXON worked tirelessly for the cause of civil rights. His position on the Subcommittee on Commerce, Justice, State and the Judiciary of the Committee on Appropriations enabled him to maintain the Nation's commitment to civil rights by his advocacy for agencies such as the Equal Employment Opportunities Commission and the U.S. Commission on Civil Rights. During the 104th Congress, he worked to pass bipartisan legislation to establish a memorial to Dr. Martin Luther King, Jr. in our Nation's capital.

Once the chairman of the Congressional Black Caucus, JULIAN DIXON was active in the fight in the mid-1980s to impose economic sanctions on racially segregated South Africa. Perhaps more important than his dedication to social justice, JULIAN DIXON was highly regarded for the way in which he worked for his goal. He did not seek the limelight or engage in demagoguery. Instead, he worked behind the scenes building bridges between Members.

As an agent for social justice, JULIAN DIXON himself embodied the principle of judiciousness. As the leading member of two committees requiring a sensitive and judicious approach, the House Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence, JULIAN DIXON served with distinction. On the Subcommittee on the District of Columbia of the Committee on Appropriations, where he served as chairman, JULIAN DIXON consistently advocated for fairness for Washington, D.C., refusing to let partisanship interfere.

But judiciousness is not only characterized by evenhandedness, it is also characterized by a reasoned approach to problem solving. JULIAN DIXON regularly did what was extremely difficult in a political environment. He disregarded the emotional appeal and made decisions based on a reasoned approach. In fact, JULIAN DIXON possessed a level of intellectual integrity that is rarely found in politics today. JULIAN DIXON has shown us that it is not just what one does that matters, but also it matters how one does it.

□ 1830

He was a champion for justice and a gentleman who taught us cooperation, reason, judiciousness in doing what is right and necessary. As we honor his life today, I hope we can best honor him not just through our words but also through our actions.

Thank you, JULIAN DIXON, for showing us the way.

Mr. WATT of North Carolina. Mr. Speaker, I am proud to yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) the next chair of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank my colleague for his leadership this evening.

Mr. Speaker, I rise to pay tribute to my friend, Representative DIXON. I always called Mr. DIXON the quiet storm because his strength was known just as soon as he spoke words, but he never spoke loudly and his words were always respected. He was my mentor, my teacher, and my friend. And Bettye, his dear Bettye, is also my friend and she has my deepest sympathy.

My friend, JULIAN, inspired me politically and personally. Politically he was a profound legislator and an effective architect of democracy. Personally he was a dependable friend, a shoulder to lean on, a voice of encouragement. He had a complete view of America. He aggressively fault for the bear essentials of democracy, home rule and a voice for all Americans. He was an advocate for crime prevention programs, the poor, civil rights, education, labor, small and minority owned businesses, immigrants, Federal technology programs, and much more.

JULIAN did all of this. And yet, he was not flashy. He did not have to be seen all the time. And though his actions were praised with numerous awards and honors, he was humble. That was just JULIAN. My friend, JULIAN, was always willing to do the hard work, do the heavy lifting, be a friend to many.

America is truly indebted to JULIAN DIXON as a congressman, and I am truly indebted to him as a friend. No longer will I hear his voice when I need advice, encouragement, or just a friendly hello. JULIAN's reassuring voice is gone, but his spirit lives on. And I will always attempt to reach back and grab his technique to try to get things done. He has been called home for a well-deserved rest much too soon, much untimely. But I will say, rest well, JULIAN. Your job was well done and we all thank you for your efforts.

Mr. WATT of North Carolina. Mr. Speaker, I am honored to yield to the gentlewoman from the District of Columbia (Ms. NORTON) the person in this body who probably had among the closest relations with our dear friend and colleague, JULIAN DIXON, because of his service on the Subcommittee on the District of Columbia and their close association.

Ms. NORTON. Mr. Speaker, I am grateful to the gentleman from North Carolina (Mr. WATT) for his work in the Congress and for his work on this special order. If any Member would be on the floor in memory of JULIAN DIXON, this is the Member.

I want to begin by offering my profound sympathy to Bettye and to JULIAN's family. I was in an airport when I was paged and told by my staff that JULIAN had died suddenly. I can only say to you that the shock of that revelation left me personally heartbroken and that personal heartbreak is repeated throughout the District of Columbia.

I want to say a few words this evening about three aspects of JULIAN's life: his institutional relationship to this House; his relationship to his own district as a quintessential legislator; and his unique relationship to the place where he was born, the Nation's Capital.

JULIAN was once honored as one of 12 unsung congressional heroes. Is it not such a fitting way to remember JULIAN? For this very able Member of this body was at once collegial and courageous but he shone so bright that he did not even tell anybody. And when you have what JULIAN had, others will sing your praises.

This was a complicated man. JULIAN DIXON was a man of deep convictions, for example on race and justice issues. And yet, if you walk the halls of this body, I think you would find that Representative JULIAN DIXON was regarded as the ultimate bipartisan Member.

How can you be a man of such deep conviction without being neutered? JULIAN showed us how: collegial, courageous, able. In a very real sense, JULIAN was a member's Member. And nothing indicates that more than his service on two of our committees, the Committee on Ethics and the Committee on Intelligence. Those are very difficult committees and only Members who are first among their peers are assigned to such committees.

Imagine, any of us imagine, what it would mean to have to preside at the Committee on Ethics when your own speaker, your very good friend, was brought up and ultimately sent away. Could we handle that assignment and be left with the respect of our peers on both sides of the aisle? I submit that there are few Members who could have done so and that JULIAN DIXON became an especially towering figure in this body when he managed to do so with great dignity and fairness.

Let me say a word about JULIAN's relationship to his own district. What he has done for his district in 11 terms reads like an encyclopedia of great benefits. How is he able to do this? He is a man who knew why he was sent here. Here was a man who was first and foremost a legislator.

Now, JULIAN would appear to speak when he had something to say and when it was important to speak. That is why everybody listened when JULIAN opened his mouth. So he did not take to the floor to spread his extraordinary wisdom, much as I wish he had. He decided who he was in this body and he decided to legislate, to legislate on the Committee on Appropriations and to legislate bills.

Now, I respect Members for whoever they decide they are. There are legislators that decide they want to be an expert in a particular work of a committee, and Members look to them for the expertise they build up over the years. There are Members who specialize in just talking, and sometimes they have a lot to say and we listen to them. But if you think about it, the work of this body is legislation. And JULIAN decided that, even given his multifaceted set of talents, he was going to be a legislator. And what he did for his district means that it will be many years before his or any other district can attract such a legislator.

You have got to be real focused. You have got to do more than just put the bill in. You have got to do more than get up on the floor and wave the flags. You have got to do the grunt work that gets it done. And his district had the enormous benefit from his service in this body. This was a senior Member who knew how to especially get funds for his district.

When you think about what this man did for the institution, particularly on the two committees which have I named, the Committee on Ethics and the Committee on Intelligence, his institutional service to this body is far and wide. But when you think of what he did for the institution and then you move to what he did for his district, he is already way into overtime. Somehow or the other, JULIAN DIXON, when he came to Washington, decided that he was going to serve the District of Columbia.

My friends, they do not pass out rewards for that except in the District of Columbia. And we do not have the vote in the Congress, and there is not a lot of money to be collected here. Besides, JULIAN was an automatic vote in his district. So why in the world would he serve the District of Columbia? From the beginning, he got on our committee and for almost 15 years chaired the Subcommittee on the District of Columbia.

This is a sacrifice. With his seniority, chairing some other committees definitely brings rewards. It is hard for me to think of a single reward for chairing the Subcommittee on the District of Columbia. Here was a Member who took the orphaned District of Columbia, the city without a State, the smallest guy on the block, and decided early on that he was going to represent two districts. That is exactly what he did. He represented my district, which did not have a vote, and gave it all that any Member could.

When I came to the Congress, I was naive enough to try to get to serve on the Committee on Appropriations. After all, my appropriations is the only one that ever comes over here. I finally figured out that, without a vote on the House floor, I would never be able to serve on the Committee on Appropriations. Not to worry. The District had far better than I shall ever be on the Committee on Appropriations.

Now we see the problems that the District has on the Committee on Appropriations. Now, do not think that when the Democrats were in power it did not also have similar problems. It was always a struggle. And all I can tell you is that if JULIAN DIXON is on the field for you in such a struggle, that battle is going to be won. And year after year, he won the battle for the District of Columbia.

He had an extraordinary relationship to the District and to me. It is interesting, as close as I was to JULIAN, I never saw him give the District a pass. He knew just how much oversight to give. You give enough oversight so that you are dealing with the money. You never give oversight to the business of the city, which is, after all, the business of the city. You always respect home rule. You hold the city accountable for the money that the Congress gives the District. But you are always deferential to the people who must govern the District. Balance perfect.

JULIAN was born here. I learned that he went to the same elementary school that I went to. He and I never knew one another. He left very early. He became a Californian when he was a very young child. But the loyalty, the sense of being drawn to the needy, which is what a city without the vote is, of being drawn to his hometown overwhelmed any avarice or any sense that we should be left out there with a Member less committed to this city.

Here was a man finally of immense ability, total command of budget and legislative matters, a perfect sense of balance and judgment, yet a man whose life was devoted to justice and full of compassion, a quiet force in this body.

□ 1845

JULIAN DIXON's death has created a vacuum in this House. The space will be filled with ever-lasting memories of this Member.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from North Carolina and as well my colleagues. Now with heavy hearts but maybe some moments to think, we have come to the floor to raise up our voices, albeit not as eloquent as Congressman JULIAN DIXON deserves, to pay tribute to him.

Last Friday when the shocking news made its way to the floor of the House and to our various committee rooms, many of us, overtaken with the grief, attempted to say some words of solace and comfort to the family. It was very difficult at that time to put all that you might have wanted to say in a manner that was befitting of the great American that the Honorable JULIAN DIXON was and will continue to be in our minds and hearts.

Today, Mr. Speaker, I rise with a heavy heart to mark the sad passing of my colleague and friend, Congressman JULIAN DIXON of California. There is a lot that I could say, but a day or week, not even a month would allow me enough time to express all that JULIAN C. DIXON was to his family and colleagues, his friends, constituents, nor to the good works that God allowed him to perform here on Earth.

A son, which JULIAN DIXON was, of course, is a mother and father's best hopes and dreams personified. A husband, which JULIAN DIXON was, is a wife's best friend, companion and adviser. A father is a counselor, aide and active participant in the life of his child. Congressman is the title bestowed to those special few among us who are selected by the residents of our respective communities to represent their best interests in our Nation's democracy. A leader is a pillar for our community of public servants who populate the halls of power within the Federal Government.

These are only a few of the titles that the Honorable JULIAN C. DIXON has gathered during his brief 66 years with us. To Bettye and his son, let me say that no matter what we all conclude today as we honor him, none of those words could provide the total comfort of the loss you are feeling now. Might I say personally that I wish I could give JULIAN DIXON another 66 years so that each Member of this body, 435, would have the personal opportunity to feel his judgment, his leadership, his soft tone, his personal charge and charisma around the issues that he so loved. But we will not have that.

I am gratified that as a Representative from the 18th Congressional District of Texas, I can claim the friendship of JULIAN DIXON through the Members that preceded me and who knew him so very well. How special it is to have a congressional district in its entirety have a special relationship with a Member that does not even represent my constituents. JULIAN DIXON knew many of my predecessors, and they spoke well of him and loved him. Congressman DIXON honorably represented his constituents, the residents of the 32nd Congressional District of California, for 22 years. He was first elected in 1978 to serve the residents of the 32nd District of California, which includes the greater Crenshaw community in Los Angeles and the city of Culver City.

JULIAN DIXON's reputation as an intelligent, politically savvy team player with high ethics and tough judgment made him a mover and shaker on Capitol Hill early in his career here in Washington. JULIAN DIXON was appointed to the House Committee on Appropriations and rose to become the chairman of the Subcommittee on the District of Columbia where he championed the cause of the disenfranchised District of Columbia residents, giving them a larger voice in their ability to govern their city, believing in them as Americans and having the right to represent themselves. As a Member of the Appropriations Subcommittee on Defense, the Subcommittee on Commerce, Justice, State and Judiciary and the Subcommittee on the District of Columbia, he believed in putting people first. And on the Appropriations Subcommittee on the District of Columbia, Congressman DIXON made his mark. He was not to be denied in his efforts to champion the valid cause of the residents of the District of Columbia. They had an eloquent and strong and fair and convincing voice in Congressman DIXON.

As a Member of the House Committee on Appropriations, Congressman DIXON also found ways to balance the needs of the poor residents of his district with the responsibility of the Nation's defense needs. How difficult a task, what a conflict. There would be many times that we would come to the floor of the House and turn to him and ask him about the different choices that had to be made, but we knew that if Congressman DIXON was behind the vote and wanted the green to go up on the score card, he had researched it, he understood it, he believed in it and it was right.

He sponsored a loan guarantee act for small businesses hurt by military base closings and defense contract terminations. He always thought of the fellow or lady that would be disenfranchised because of some effort, some vote, some initiative that passed on the floor of the House. I believe Congressman DIXON was boldly a liberal and proud to stand under that banner. He was not apologetic as some have been because of the scorn shown to public servants that work for justice and equity for the poorest Americans or those who did not vote or those that could not claim that they had a voice here, while ensuring fairness for all. That is why so many have come to the floor from both sides of the aisle to praise him, because he did reach out or he did make the effort to ensure that all understood that he sought only fairness in this body.

In living his conviction to serve all of his constituents, he stepped in with dire emergency supplements for Los Angeles after the riots in 1992 and the Northridge earthquake in January 1994, always looking back, always ensuring that if he could give a helping hand, he would be there to do so.

Because of his impeccable character and, I believe, his style of leadership and his commitment to the Democratic Party, he chaired the Rules Committee at the Democratic National Convention in 1984; and later in 1989 he chaired the House Ethics Committee where he also served with distinction and, I might say, courage. It is difficult to oversee the plight of one's colleague and friend. He did so with dignity, and he did so, as we will remember him, with the ultimate keen eye toward someone's humanity.

In acknowledgment of his keen leadership, the Congressman became ranking member on the House Permanent Select Committee on Intelligence, making him the highest ranking Democrat on that exclusive 16-member panel. The 106th Congress marked Congressman DIXON's 11th term in the House of Representatives. His work as a public servant was highly respected and his stature as a statesman unmatched. For this reason, JULIAN will be missed by Members from both sides of the aisle.

JULIAN DIXON, while serving in the House of Representatives, lived the lessons of life in earnest, truth, justice, equality and compassion for all. I do believe that as we read the words that are in bold above the head of the Speaker, "In God We Trust," that JULIAN DIXON had, in his own evenhanded and very genteel demeanor, a special God and a special relationship that kept him always able to bring people together and to provide a quiet hand, a quiet resting comment that would draw us to the point of resolution and conciliation as opposed to anger and anguish and frustration. I thank you, JULIAN, for that. I thank you for finding your spot on this House floor and taking your seat and allowing us to come and raise our voices in inquiry as to what decisions we should make or what these issues meant. I thank you for taking the questions from new Members as you presided over the intelligence initiatives and the various appropriation matters. I thank you for having your special compass.

And so I would like to close my remarks about this very special friend not only of this body but of this Nation with the words of the Lord as recorded in St. John Chapter 10, verse 27 to verse 30:

"My sheep hear my voice and I know them and they follow me. And I give unto them eternal life and they shall never perish. Neither shall any man pluck them out of my hand."

God has called JULIAN unto himself, I know to the great dismay of his loving family, his staff who loves him so dearly and I offer to them my greatest sympathy, and to all of his constituents and to America. And now it is our heavy burden to continue Congressman DIXON's example without his guidance and maturity. Let me pledge to you as we miss you that he will continue to be our friend and we will seek to find our place where he wants us to be.

We will miss you, my friend. I wish you Godspeed. Thank you very much. God bless you, JULIAN, and God bless America.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CONYERS), the dean of the Congressional Black Caucus.

Mr. CONYERS. I thank the gentleman from North Carolina (Mr. WATT) for yielding.

Mr. Speaker, I join my colleagues in mourning the unexpected loss of our friend, JULIAN DIXON; and I extend my deepest sympathies and condolences to his family, his wife, Bettye, and son, Cary, and his dear friends from one end of this country to the other. I had the pleasure of serving with JULIAN in this body for 22 years. In the process we became good friends working on many issues of justice and peace. He was an extraordinary public servant who was the exemplification of dignity and integrity at all times. His passing is a profound loss for this Nation and this Chamber. He was a defender of the principles of democracy and a champion for civil rights, equality and justice.

JULIAN served this institution in so many capacities. He served in his most important role as that unique and distinguished representative from the 32nd District of California, advancing the needs of the communities in Culver City, parts of West Los Angeles and the greater Crenshaw area. In addition to representing his people with passion and dedication, he served on the House Permanent Select Committee on Intelligence as the ranking member and as a member of the Appropriations Subcommittee on Defense. I also remember the leadership he displayed as the chair of the Congressional Black Caucus.

My fondest recollection comes from working with him on legislation to make the late Dr. Martin Luther King Jr.'s birthday a Federal national holiday. He continued his efforts to honor Dr. King by working to establish a memorial to Dr. King in the Nation's Capital. On a cultural note, I noticed and remembered that we participated in many discussions about our favorite music, jazz. I not only found him to be extremely knowledgeable about the subject of jazz but he also knew and supported the artistic efforts of many of the musicians. Whenever I had the opportunity to visit Los Angeles, I would seek out JULIAN to find out where the artists in the area were performing.

□ 1900

When time allowed, I would always make use of JULIAN's recommendations, and I will always remember with great fondness our mutual love for jazz and the endless discussions between us on this unique art form.

JULIAN DIXON was a gentleman of exceptional stature and character. He was a fierce protector of democratic principles and a mighty warrior for civil rights and fairness. I will dearly miss his powerful spirit and friendship. I extend my prayers and condolences to his family and to all those saddened by his loss.

Mr. WATT of North Carolina. Mr. Speaker, I want to express my thanks to the number of colleagues who have participated in this special order in tribute to our good friend and departed colleague, JULIAN DIXON. A number of Members on Friday, immediately following the announcement of JULIAN DIXON's death, had the opportunity to come to the floor and express themselves and that has continued today. I am aware, however, Mr. Speaker, that a number of our colleagues have not been able to make it back today.

Let me just wrap up, Mr. Speaker, by saying a few words. First of all, obviously on behalf of the Congressional Black Caucus and the many other Members of this body, we want to extend our sincere condolences to the family of our friend, JULIAN DIXON; his wife, Bettye; his son, Cary; to his staff; to his constituents, not only those in his congressional district but those in the District of Columbia and throughout the Nation whom he served so well for the years that he was in this body and in politics.

Many of us, when we come to this body, seek out and observe people and try to emulate them and identify with them. We call them our role models. Those of us who do that, and I am one of those, all considered JULIAN DIXON a role model. Even those of us whose styles may have been more vocal and sometimes more shrill aspired to be like JULIAN DIXON because he could influence others, not so much by shrillness or public speaking but just because of his wisdom and knowledge of issues and his quiet, calm way of dealing with issues. We admired that about JULIAN.

He was a gentleman in the truest sense of the word. He respected others, regardless of how they chose to express themselves. He quite often, after I would come to the floor and make statements, he would come and say you really made a good speech. He fortunately never came and said I made a bad speech, but probably when he thought I was making a bad speech or overdoing it he just maintained his quiet, cool, calm demeanor and did not say anything.

I admired this man immensely, and I think we all admired him immensely for that gentle approach, that gentlemanly approach to issues.

As many of my colleagues have said today, it would take a special person with a special kind of relationship to other colleagues in this body to chair the Ethics Committee, and to chair the Ethics Committee during a time when the Speaker of the House was being investigated and to steer this body through that process and still have the respect and admiration of all of his colleagues.

I think that probably summarizes and personifies the kind of person that JULIAN DIXON was, and that all of us perceived him as being; a balanced, thoughtful, gentlemanly person. He is going to be missed by this body, by his district, by America, and I personally will miss him immensely.

Mr. Speaker, I just want to again express our sincere condolences to family, friends, staff, constituents.

Mr. GEPHARDT. Mr. Speaker, as the leader of the Democrats in the House and as a Member of the House, I rise to express our collective grief and sadness at the suddenness of this very, very, very negative event that has happened to all of us.

I have served here nearly my entire time with JULIAN DIXON, and, as others have said, I have never known a more gentle, conciliatory, wonderful human being as we have known in JULIAN DIXON. He served in this body in the most sensitive and difficult positions. He served as chairman of the Committee on Ethics in some of the stormiest and most difficult times in our past; he has been ranking member on the Permanent Select Committee on Intelligence; he has been a subcommittee chairman and then ranking member on the Committee on Appropriations.

All of that is important, but I guess what is most important to me, and I think to all of us, is that he embodied to us the best in public life. He was a beautiful human being. He loved others, he cared for others. Everything that he did was with grace and excellence. He typified what it means in this country and in the world to be a public servant.

We are deeply saddened by this unexpected tragedy. Our hearts and our prayers go out to his family, go out to his constituents, go out to all of his beloved friends, in California and around the country.

To the members of the California delegation, all of us give our deepest sympathy, and all of us will pray in the days ahead for the comfort and understanding on behalf of his family and his loved ones.

GENERAL LEAVE

Mr. WATT of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks in memory of our friend, JULIAN DIXON, who is the subject of this special order.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 387

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Julian C. Dixon, late a Representative from the State of California.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate has passed without amendment a bill and a joint resolution of the House of the following titles:

H.R. 5528. An act to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.J. Res. 129. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 161. Concurrent resolution to correct the enrollment of H.R. 5528.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FILNER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal reasons.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. CLYBURN) to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. LAHOOD) to revise and extend their remarks and include extraneous material:)

Mr. LAHOOD, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

ENROLLED JOINT RESOLUTION

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 129. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. WATT of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Wednesday, December 13, 2000, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11265. A letter from the Acting Chief, Division of General and International Law, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Statistical Data for Use in Operating-Differential Subsidy Application Hearings [Docket No. MARAD-2000-8464] (RIN: 2133-AB43) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

11266. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions [Docket No. 00-28] (RIN: 1557-AB14) received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11267. A letter from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Administrative Process for Assessment of Insured and Assisted Properties [Docket No. FR-4452-F-02] (RIN: 2501-AC45) received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11268. A letter from the Secretary, Department of Education, transmitting Historically Black Colleges and Universities for the 21st Century: Annual Report of the President's Board of Advisors on Historically Black Colleges and Universities; March 1999; to the Committee on Education and the Workforce.

11269. A letter from the Acting Assistant General Counsel for Regulations, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—Special Demonstration Programs—received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11270. A letter from the Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, transmitting the Department's final rule—Special Demonstration Programs—received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11271. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Listing of Color Additives Exempt From Certification; Luminescent Zinc Sulfide; Correction [Docket No. 97C-0415] received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11272. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Alabama: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-6915-8] received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11273. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: NAC-UMS Revision (RIN: 3150-AG57) received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11274. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 26-00 which constitutes a Request for Final Approval for the Project Arrangement (PA) on Tactical Endurance Synthetic Aperture Radar (TESAR) Upgrade, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11275. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11276. A letter from the Inspector General, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11277. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11278. A letter from the Chairman, National Credit Union Administration, transmitting the semiannual report on the activities of the Office of Inspector General for April 1, 2000 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11279. A letter from the Chairman and General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2000 through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11280. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Tribal Self-Governance (RIN: 1076-AD21) received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11281. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 991008273-0070-02; I.D. 111600A] received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11282. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York [Docket No. 000119014-0137-02; I.D. 113000D] received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11283. A letter from the Director, Management and Budget Office, National Ocean Service, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity for research project grants [Docket No. 000913258-0258-01; I.D. No. 091100C] (RIN: 0648-ZA93) received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11284. A letter from the Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Rules of Practice and Procedure [Docket No. 00-33] (RIN: 1557-AB88) received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11285. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Asylum Procedures [INS Order No. 1865-97; AG Order No. 2340-2000] (RIN: 1115-AE93) received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11286. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Interim rule; stay of regulation—received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11287. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Immigrant Religious Workers—received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11288. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFE Company CFE738-1-1B Turbofan Engines [Docket No. 2000-NE-40-AD; Amendment 39-11942; AD 2000-21-10] (RIN: 2120-AA64) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11289. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of the Dimensions of the Grand Canyon National Park Special Flight Rules Area and Flight Free Zones [Docket No. FAA-1999-5926] (RIN: 2120-AG74) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11290. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Commercial Routes for the Grand Canyon National Park—received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11291. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Neches River, TX [CGD08-00-026] (RIN: 2115-AE47) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11292. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Sabine Lake, Texas [CGD08-00-027] received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11293. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Boynton Beach Boulevard Bridge, Atlantic Intracoastal Waterway, Boynton Beach, FL [CGD07-00-109] received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11294. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Service Difficulty Reports [Docket No. 28293 (FAA-2000-7952)] (RIN: 2120-AF71) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11295. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Mystic River, CT [CGD01-00-247] (RIN: 2115-AE47) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11296. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, mile 1084.6, Miami, FL [CGD07-00-106] (RIN: 2115-AE47) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11297. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30216; Amdt. No. 2023] received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11298. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines [Docket No. 98-ANE-61-AD; Amendment 39-11941; AD-2000-21-09] (RIN: 2120-AA64) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11299. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines [Docket No. 99-NE-29-AD; Amendment 39-11952; AD 2000-22-06] (RIN: 2120-AA64) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11300. A letter from the Director, Office of the Assistant Secretary for Administration, Department of Agriculture, transmitting the Department's final rule—Department of Agriculture Priorities and Administrative Guidelines for Donation of Excess Research Equipment (RIN: 0599-AA06) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

11301. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Outer Burial Receptacles (RIN: 2900-AJ49) received December 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

11302. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Export Certificates For Lamb Meat Subject To Tariff-Rate Quota (RIN: 1515-AC54) received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11303. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Amended BOND Procedures For Articles Subject To An Exclusion Order Issued By The U.S. International Trade Commission (RIN: 1515-AC43) received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11304. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Material Management and Accounting Systems [DFARS Case 2000-D003] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11305. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Profit Incentives to Produce Innovative New Technologies [DFARS Case 2000-D300] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11306. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Federal Employment Tax Deposits—De Minimis Rule [TD 8909] (RIN: 1545-AY46) received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11307. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit or abatement; determination of correct tax liability—received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11308. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Clarifications of Qualified Intermediary Agreement Provisions and Procedures—received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11309. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability—received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TALENT (for himself and Ms. VELÁZQUEZ):

H.R. 5652. A bill to provide for reauthorization of small business loan and other programs, and for other purposes; to the Committee on Small Business.

By Mr. HUTCHINSON:

H.R. 5653. A bill to establish a grant program to assist State and local governments with improving the administration of elections through activities which may include the modernization of voting procedures and equipment, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2774: Mr. BENTSEN.

H.R. 3463: Mr. MCGOVERN.

H.R. 5179. Mr. KILDEE.

H.R. 5613: Mr. KASICH and Mr. BURR of North Carolina.

H.R. 5631: Ms. RIVERS, Mr. ISAKSON, Mr. HORN, Mr. MCNULTY, Mr. BENTSEN, and Mr. UDALL of Colorado.

H.R. 5642: Mr. GEKAS, Mr. NORWOOD, Mr. CUNNINGHAM, and Mr. JONES of North Carolina.

H.R. 5647: Ms. MILLENDER-MCDONALD.

EXTENSIONS OF REMARKS

HONORING OFFICER JOHN BRUGGER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. CONDIT. Mr. Speaker, I wish to recognize the retirement of one of California's finest. Officer John Brugger of the California Highway Patrol is retiring after 31 years of honorable service.

Officer Brugger has spent 21 years of his career in Modesto in my district in California's great Central Valley, including the last 10 as the Public Affairs Officer. During his tenure, Officer Brugger has distinguished himself with the community. Officer Brugger is a Central Valley icon to those learning highway regulations and safety tips.

His many years of service have given him a unique outlook at public safety and a vast resource of examples for his presentations. Additionally, Brugger is a familiar face in many of the community programs involving youth. As a founding member of the Modesto Explorer Scout program, John has been recognized by the California Attorney General for his efforts.

I would like to take this opportunity to thank Officer Brugger for his contributions to the community. I also commend him for his courage in putting his life on the line as a California peace officer. It is an honor to call him my friend and I want to wish John and his wife, Linda, the very best as they embark on a new adventure.

Mr. Speaker, I ask my colleagues to rise and join me in honoring California Highway Patrol Officer John Brugger.

HONORING PATTI JOHNSON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. SCHAFFER. Mr. Speaker, today I rise to pay tribute to a real leader in the field of education, Mrs. Patti Johnson, who is leaving the Colorado State Board of Education this coming January. Patti has been an active member of the board since 1995, representing the Second Congressional District of Colorado.

Patti leaves behind a legacy of activism through her tireless work to preserve the rights of parents to control and oversee the education and upbringing of their children. She has been especially effective in dispelling some of the myths associated with psychotropic drugs and the mislabeling of school children, a topic this Congress has addressed many times. In fact, Patti received national recognition when she obtained the successful passage of a resolution before the board encouraging school administrators to use proven academic and classroom management solutions rather than medication to resolve behavior, attention, and learning difficulties.

Additionally, just this past September, Patti came to Washington, DC, to testify before the Subcommittee on Oversight and Investigations at a hearing entitled "Behavioral Drugs in Schools: Questions and Concerns." Mainly due to Patti's testimony, the hearing was a tremendous success, and generated much interest among the public causing members to schedule additional future hearings on behavioral drugs.

Patti has also made other significant contributions to education as a member of the National Association of State Boards of Education and the Education Leaders Council. She is founder and president of Parent's Education Network and served as a mayoral appointee to the Broomfield City Council Ad Hoc Education Committee. Patti's philosophy on education is best exemplified by a statement she made: "Our schools are the only institution entrusted to attend to the academic needs of our children and their mission must not be diluted. I urge this committee to do everything in its power to get schools out of the business of labeling children and back to the job of teaching."

Mrs. Patti Johnson's leadership on the board will be sorely missed.

IN RECOGNITION OF THE POET, GWENDOLYN BROOKS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. CONYERS. Mr. Speaker, today I honor the great African American poet, Gwendolyn Brooks. She is perhaps the most honored African American poet ever. Her works are strong, powerful, and visual. I was emotionally moved over and over again by her great talent. I insert into the CONGRESSIONAL RECORD this tribute to her which appeared in the Washington Post on December 5, 2000.

[From the Washington Post, December 5, 2000]

GWENDOLYN BROOKS, POET NURTURER

(By Jabari Asim)

Gwendolyn Brooks made me skip class. The celebrated poet, who died Sunday night at the age of 83, didn't exactly twist my arm. Still, I felt that the choice between attending interminable lectures and bearing witness to her three-day residency at my college was no choice at all.

Once or twice during my undergraduate days in mid-'80s Chicago, I'd lingered in the background at Haki Madhubuti's intimate South Side bookstore, sneaking peeks at Ms. Brooks while she read from her many volumes. An aspiring poet, I couldn't even bring myself to ask her to sign a book for me, a request freely granted to more courageous souls.

When I heard she was coming to campus, however, I changed my mind. This time I'd see her up close, I resolved. For three glorious days, my other subjects were all but forgotten while I soaked up the poet's wisdom. I still remember her quick, saucy wit, the majestic turban she wore, the gleam of maternal pride that illuminated her cheekbones when she introduced her daughter, Nora. Gracious, patient and fully comfortable in that charged swirl of energetic young minds, she regally held forth on modern poetry, feminism, emerging writers she admired. In a wide-ranging give-and-take with a women's studies class, she even confessed to a fondness for soap operas.

I remember the poems she read, too. "The Pool Players. Seven at the Golden Shover," perhaps her best-known work, acquired a surprisingly caustic edge when she pronounced its short, acerbic lines.

We real cool. We Left school. We
Lurk late. We Strike straight. We
Sing sin. We Thin gin. We
Jazz June. We Die soon.

She was nearing 70 then, and her voice was strong. The last day of her residency, she read before a campus-wide audience, then appeared as honored guest at an evening reception. It was there, amid the brie and wine and tweed, that I summoned all my moxie and introduced myself. I thrust a sheaf of papers at her, poems and stories full of the angst-driven pretentiousness I favored then. We talked a couple of minutes. She was courteous, I was breathless, and I can't recall a word that was said. Less than a week later, I found a note in my mailbox.

"He, Thanks for the opportunity to go through this heavy drama. Richly, exhausting! Have a fine, creative summer! My summer will be devoted to writing—(at last!) Gwen Brooks."

The words themselves are a model of tact, encouraging but noncommittal. No matter, though: The fact that she's read my work and responded to it was indisputable evidence of my growing brilliance.

I didn't know then that as a teenager, Brooks had sent her poems to Langston Hughes and James Weldon Johnson, both of whom sent encouraging replies. Nor did I know—despite the scenes that I witnessed at the bookstore—that Brooks made it her business to encourage all young writers. Perhaps the kind, prompt responses she'd received from Hughes and Johnson influenced her to be generous in turn. At the time, I

Brooks's first book, "A Street in Bronzeville" (1945), had already won critical acclaim, so she was hardly an unknown entity when her next book, "Annie Allen," claimed the Pulitzer in 1950. Both books were praised for the author's mastery of sonnets, ballads and other traditional European forms. Like Countee Cullen and Claude McKay before her, she knew how to apply such forms to the African American experience and infuse them with desperately needed new energy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Subsequent books, beginning with "In the Mecca" (1968), reflected a change in tone, a more overtly political stance that was often aimed at black readers in particular. For some critics, the change was reason to ignore Brooks's output; for aspiring black writers of subsequent generations, the shift showed us that it was possible to adapt to changing times without distorting one's own voice. At its best, Brooks's work is focused and fiery regardless of form, indisputably Brooksian in its well-tempered elegance. To borrow critic Joanne V. Gabbin's phrase, Brooks's work "implies a literature that is both rageful and resolute in its beauty."

Gabbin convened a conference at James Madison University in 1994. She conceived the conference, titled "Furious Flower" (from a Brooks poem, "Second Sermon on the Warpland"), as a tribute to Brooks. Poets, critics and poetry lovers from around the world gathered at JMU that September; it was the last time I saw Brooks in person.

There, as the reigning eminence of African American poetry, Brooks received numerous accolades and testimonies to her talent and generosity. Two generations of black poets had come to age since Brooks's own emergence, and she'd played a hand in mentoring many of them. (Although she was then 77, Brooks still had mentoring left to do. In 1996 she would establish the Henry Blakely Poetry Prize in memory of her late husband. The $2,000 award went to a young poet of Brooks's choosing.)

Grateful to be on hand and once again basking in the glow of genius, I felt proud to be among those who had firsthand familiarity with Brooks's goodness. Our wine-and-brie encounter had not been our last.

In 1993, I'd had another opportunity to benefit from her kindness. While editing a literary magazine I'd co-founded, I wrote to Brooks and asked her to contribute to a section honoring poet Audre Lorde, who had died in 1992. As she had done nearly a decade before, Brooks responded quickly. In the brief, eloquent tribute she submitted, she insisted that the essence of Lorde would never be lost as long as we had her words. I don't think she'd mind my applying those sentiments to her legacy as well. We have not lost the essence of Gwendolyn Brooks. The best of her endures.

TRIBUTE TO AMBASSADOR DENNIS B. ROSS—SPECIAL MIDDLE EAST COORDINATOR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to Ambassador Dennis B. Ross, who has served both Democratic and Republican Presidents and Secretaries of State as the Special Middle East Coordinator at the Department of State. Over the past decade, Dennis has done more than anyone else in the effort to bring peace and stability to that troubled region of the world.

A short while ago, Dennis made public his intention to work through the end of this current Administration, but he also made clear that he does not intend to work in the next administration. The reasons for his departure are quite understandable—he wants to spend more time with his wife and three children. Considering the time that he has devoted to shuttling between the United States and the Middle East—many times at very short notice and under extremely difficult circumstances—he deserves the opportunity for more time with his family.

Dennis Ross will be sorely missed as we seek to bring an end to the violence, hostility and instability that have plagued the Middle East for so long. He has played a critical role in dealing with that troubled part of the world for over the past decade. He knows all of the key players, he has worked with them, he understands their political constraints, and he has an intimate grasp of their ideological points of view.

A native of California, Dennis Ross did undergraduate and graduate studies at the University of California at Los Angeles, where his doctoral thesis focused on Soviet decision-making. He began his career in Washington in the early 1980s working at the Department of Defense and the Department of State. From 1986 to 1988 he held the Middle East portfolio at the National Security Council staff at the White House. At the beginning of the George Bush Administration, Dennis became Director of the Policy Planning Staff of the Department of State with the rank of Ambassador. He worked closely and directly with James A. Baker on a broad range of U.S. foreign policy issues, but he played a particularly critical role in bringing about the Madrid Conference of 1991 which began the peace process negotiations that led to the Oslo accord of 1993.

When the Clinton administration took office in early 1993, Dennis remained at the Department of State as Special Middle East Coordinator. He continued his efforts to further the peace process, working actively and directly with Secretary Warren Christopher and Secretary Madeleine Albright.

Mr. Speaker, Dennis Ross has been an outstanding and a devoted public servant—he has spent incredible time and energy in furthering the foreign policies of the United States. His service to our nation is the epitome of bipartisanship in foreign policy. I invite my colleagues to join me in paying tribute to Dennis Ross for his committed service to our nation and in wishing him success in his future endeavors.

HONORING ARTHUR "PAUL" BAXTER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. CONDIT. Mr. Speaker, I rise today to honor Arthur "Paul" Baxter on the occasion of his retirement from the City of Modesto on December 28, 2000.

Paul is a quiet man who has worked tirelessly for the city for 12 years. His strong ability to build consensus and bring collaboration has made him not only an asset, but often, a necessity. His work with city council committees and citizen advisory groups has been invaluable. During Paul's tenure at the City, I have had the privilege of working with him on many projects. I, along with those he has served, will sorely miss him.

Some of his many accomplishments include his leadership and direction in the Joint City/County Administration Building, his work with the development and completion of a Joint Emergency Dispatch Center, and his dedication and commitment to the Tuolumne River Regional Park Master Plan.

Above all, Paul is a devoted father, son and brother. He is a thoughtful and generous neighbor and friend. An avid gardener, he shares his abundant supply of flowers, including his famous sweet peas, with his neighbors and coworkers. He is an alumnus of Stanford University and has remained active in fundraising efforts and community programs since 1996.

Beyond his 12 years of dedication and commitment to the City of Modesto, he has quietly and generously supported and volunteered for causes such as the library sales tax and the Performing Arts Center.

Paul exemplifies a good man. He is kind, generous, decent and caring not only to his family, but to his neighbors, his friends, his coworkers and his community. Because of Paul's association in Modesto, our community is a much better place.

It is a privilege to call him friend.

Mr. Speaker, I ask that my colleagues join me in honoring Paul Baxter.

HONORING COLORADO STATE SENATOR JOHN EVANS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. SCHAFFER. Mr. Speaker, today I rise to honor State Senator John Evans. Over the years, John has significantly contributed to ensuring Colorado's children have access to the best education possible. As Colorado State Board of Education Member-at-Large, and now as a state senator, John has exemplified the Colorado State • Board of Education's motto, "To lead, serve, and to promote quality education for all," throughout his public service career.

Elected to the board in 1994, John fought hard to get dollars to the classroom. As you know, this is not only a struggle at the state level, but a constant battle at the federal level. Republicans like Senator Evans have fought hard to enable local school districts to manage and direct their funding. We know teachers, parents, and school districts are best qualified to determine how their money should be spent.

To make certain that dollars get to the classroom, state school leaders are the best line of accountability. Senator Evans has followed through, and Colorado's children reap the benefits. Mr. Speaker, John Evans has consistently advocated funding local schools directly from the state, rather than filtering money through various bureaucracies. As a parent of five with three children in a public charter school, I thank him for his efforts.

I remember the theme of John's senatorial campaign was, "Helping individuals help their children." More specifically, he said, "I want to help individuals develop a stewardship so they can develop their own legacy. I want to raise decision making to a higher level. I want to get away from politics and think about how what we do affects children." Mr. Speaker, I am happy to inform this House John Evans continues to serve the public in Colorado. I wish there were more like him.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. BACA. Mr. Speaker, A lion of the House has fallen silent, with the passing of our esteemed colleague, JULIAN DIXON.

We mourn the death of this powerful, gentle, man, and salute his profound and long-lasting influence on our legislative chamber.

I offer my condolences and prayers to his wife Bettye and his son Carey, and wish them God's blessings in their time of mourning.

As a Latino member of Congress, I personally appreciate the example Congressman DIXON set in his distinguished career. He paved the way for a diverse Congress, a Congress that truly reflects the hopes and aspirations of our Nation. He embodied the principle that there is nothing we cannot achieve, if we work hard, persevere, and have faith. As Cesar Chavez said, "sí se puede," yes we can.

It is, at times, a hard road to follow, to pursue district and national priorities, to navigate the corridors of the United States Congress, and remain true to one's roots, one's beginnings, but Congressman DIXON did it all. He was a legislator's legislator, serving on the Congressional Black Caucus, the Appropriations Committee, and the Permanent Select Committee on Intelligence, where he was the ranking member. He also served with achievement in the California State Assembly.

Born in Washington, D.C., Congressman DIXON moved west and honored our Nation by serving in its armed forces, and then continued the arc of his success, enrolling in undergraduate studies and law school.

In the Congress, he fought hard for his constituents in California, while never forgetting his native Washington, D.C. He was above all, a man of the people, a man who worked quietly and persistently to get things done.

I am saddened by his passing, but heartened that I had the privilege to serve with him in the Congress. He leaves a guiding light that will illuminate the hearts and minds of his colleagues, long after his passing.

I know he is in heaven, now, quietly at peace. And so I say to him, "goodbye," God bless you, we miss you, we hope to follow your example."

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. SPENCE. Mr. Speaker, I rise today with a heavy heart to join my colleagues in paying tribute to an accomplished legislator, a genuine patriot, a true gentleman, and a valued friend. Representative JULIAN DIXON, of California, departed this world, but his legacy will endure for many years to come.

JULIAN DIXON's life was one of distinguished public service. Before entering the United States House of Representatives in 1979, he served six years in the California State Assembly. Throughout his congressional career, he has focused his energies on the needs of his Congressional District, Los Angeles County, and the State of California. He was a knowledgeable and effective advocate. He was not only an exemplary Representative of his constituents, but a leader who has served both his colleagues in the Congress and the American people with great distinction. He was an man of character and stature who earned our respect and left a record of hard work and accomplishment.

Representative DIXON was the fifth ranking member on the Appropriations Committee. He was a member of the Appropriations Subcommittee on Defense; the Subcommittee on Commerce, Justice, State, and Judiciary; and the Subcommittee on the District of Columbia. He was the Ranking Member on the House Permanent Select Committee on Intelligence.

For nearly a decade, Representative DIXON served on the House Committee on Standards of Official Conduct. It was my pleasure to serve, as this Committee's Ranking Member, with him from 1983–1988. Representative DIXON served as the Chairman of the Committee from 1985–1991. His judicious approach, his gentlemanly demeanor, his steady and wise counsel, his careful attention to detail, and his strong hand helped the Committee navigate often rocky shoals. He was a thoughtful and articulate man who presented his views with eloquence in a logical and sensitive manner. He got along with both sides of the aisle. He worked with all people. He was gentle in his approach.

JULIAN DIXON was one of those whom I consider to be one of the real gentlemen of the Congress. He was a man of ideas and vision. I appreciate the work that he has done and his commitment and loyalty to America and the principles for which we stand.

Our Nation, the State of California, and his constituents in the 32nd Congressional District have lost a true statesman and a strong champion. I extend my profound sympathies and condolences to his wife, Bettye, and to his son, Cary, with the knowledge that God's grace will see them through this difficult period.

JULIAN, we are truly going to miss you deeply.

HONORING DETECTIVE DICK RIDENOUR

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. CONDIT. Mr. Speaker, I wish today to recognize my good friend, Detective Dick Ridenour, on the occasion of his retirement from Modesto Police Department after 31 years in law enforcement.

Dick Ridenour is an exemplary law enforcement professional. His career is noted by some of the most serious criminal investigations conducted by the Modesto Police Department.

Some of the highlights started in early 1978, where Ridenour's first major homicide involved a double murder-for-hire. Ridenour's investigation led him to several states, interviewing multiple suspects and witnesses. During the lengthy investigation, he had threats against his life by organized crime figures and other suspects, when he uncovered an unrelated crime involving several public figures in Nevada.

A year later, Ridenour was first on scene to a robbery-homicide where a 17-year-old youth was killed. Ironically, the victim turned out to be Ridenour's own nephew, Michael Ridenour, who was shot and killed during a robbery at a baseball field. Although, Ridenour was removed as the primary homicide detective on this case, he never gave up and located the suspect who was eventually arrested and sentenced to prison for 45 years. When the suspect escaped from prison, after only serving a few months, Ridenour continued his unofficial mission to relocate and return him to prison. After seven years, Ridenour discovered the escaped prisoner's address leading to his rearrest in Puerto Rico.

In 1981, Ridenour was the primary investigator of a triple homicide that was successfully prosecuted and the perpetrator was sentenced to life in prison. During Ridenour's final years, he was assigned to solve cold homicide cases where leads had dried up. Ridenour's exceptionally investigative skills helped solve several of those cases and the defendants are currently in prison for those murders.

Mr. Speaker, I am proud to report, that despite being in the most dangerous of situations, Dick's professionalism and ability to remain cool under pressure allowed him to refrain from ever using deadly force.

Ridenour has received numerous honors for his work including being named Peace Officer of the Year in 1990. He served as president of Modesto Police Officer Association from 1979–1985 and has received several awards from local civic clubs.

It is my distinct honor to recognize the contributions of Detective Dick Ridenour to our community. He has left a distinguished legacy of unselfish service. I wish him well on his retirement and ask that my colleagues rise and join me in honoring him on the occasion of his retirement.

HONORING BEN ALEXANDER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. SCHAFFER. Mr. Speaker, this coming January, the Colorado State Board of Education will lose a tremendous leader in Mr. Ben Alexander. Serving as a Member-at-Large since January, 1999, Ben has developed a reputation throughout Colorado for his work in the education reform movement.

Ben initially entered public service in the Colorado General Assembly. Elected as a state senator, he crafted meaningful education reform legislation as the chairman of the Education Committee. One particular bill involved increasing the per pupil expenditure for charter school students to more closely parallel that of their government school counterparts. I remember fondly, serving beside Ben on the Senate Education Committee. Clearly he has earned the title of "Statesman," and I'm proud to call him a friend.

Throughout his distinguished public service, Ben has consistently worked to promote better teacher training and evaluation. Colorado's Governor, Bill Owens, recognized Ben's innovation and leadership and tapped him as a key player in Colorado's education reform movement. He worked hard with Governor Owens to implement the Colorado Student Assessment Program, a plan that measures the progress of Colorado students toward content standards in reading, writing, math, and science.

Mr. Speaker, in 1818, Thomas Jefferson said, "A system of general education, which shall reach every description of our citizens from the richest to the poorest, as it was the earliest, so will it be the latest of all the public concerns in which I shall permit myself to take an interest." This quotation embodies Ben Alexander's career in public service. We will dearly miss his service on the State Board of Education.

TRIBUTE TO THE U.S.S. "COLE"

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. MANZULLO. Mr. Speaker, as we reflect on the tragic attack on the U.S.S. *Cole* and those brave American service members who lost their lives while serving their country and protecting the freedoms we Americans all enjoy, I submit for the RECORD a poem written by one of my constituents, Kathy K. Mecklenburg of Rockford, IL. Kathy's simple poem captures the heartfelt sentiments of all Americans regarding the tragedy and heroism surrounding this event. It is my privilege to place it in the CONGRESSIONAL RECORD.

THE COLE TRIBUTE

This lone destroyer held no fame—
  Now, history will enroll,
And fate forever changed the lives
  Aboard the U.S.S. *Cole*.

To Aden she sailed into port
  For loading vital petrol;
But, terrorists had other plans
  To harm the U.S.S. *Cole*.

She peacefully sat docked and still
  Before the dreadful, loud toll,
Which blew a forty-foot long hole
  Inside the U.S.S. *Cole*.

No time for general quarters sound—
  The blind attack was brute cold,
Our sailors had no time to fight
  To save the U.S.S. *Cole*.

The terrorists had rammed her side
  And precious cargo they stole,
For seventeen would lose their lives
  Aboard the U.S.S. *Cole*.

And, now we grieve and wonder still
  For kindred, sacrificed souls,
Whose lives served freedom's cause for all
  Those on the U.S.S. *Cole*.

Now, God, please hear our simple prayer
  And draw these souls to Thy fold,
As we salute these sailors brave
  Who served the U.S.S. *Cole*.

—Kathy K. Mecklenburg, Rockford, Illinois, October 2000.

KEEP THEM OUT!

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. CONYERS. Mr. Speaker, I rise today to condemn the violations of the Voting Rights Act that have been reported in Florida on November 7. Election Day 2000 is a day that will live in infamy, in every American's mind who cares about the concepts of Democracy, Justice, and Equality. Thousands of votes, mostly African-American, students, and senior votes, were disqualified, and effectively, disenfranchised. Despite higher than ever turnouts of minorities and seniors, we had higher than ever rates of disqualified and disenfranchised voters, and that my colleagues is unAmerican. Bob Herbert of the New York Times has shed light on some of the egregious tactics employed by Florida elections officials attempting to keep Americans from voting, in the December 7 issue of the New York times. I respectfully request that it be placed in the CONGRESSIONAL RECORD, to highlight the despicable tactics employed to keep American votes from being cast and counted in the 2000 election. This article reflects much of the sentiment of African-Americans and other Americans who share these concerns about this crisis in our Democracy.

KEEP THEM OUT!

(By Bob Herbert)

The tactics have changed, but the goal remains depressingly the same: Keep the coloreds, the blacks, the African-Americans—whatever they're called in the particular instance—keep them out of the voting booths.

Do not let them vote! If you can find a way to stop them, stop them.

So here we go again, this time in Florida. It turns out that the state of Florida is using a private company with close ties to the Republican Party to help "cleanse" the state's voter registration rolls. Would it surprise anyone anywhere to learn that the cleansing process somehow managed to improperly prevent large numbers of African-American voters from voting in the presidential election?

Gregory Palast, a reporter with the online magazine Salon, has done a number of articles on this. He noted that the company, ChoicePoint, and its subsidiary, Database Technologies Inc. (DBT), came up with a "scrub list" of 173,000 names. These were the names of people registered to vote in Florida who, according to ChoicePoint, could be knocked off the rolls for one reason or another.

There was good reason for Florida to be concerned about the integrity of its voter registration rolls. In 1997 the mayor of Miami was removed from office because widespread fraud had occurred in the election. The following year a law was passed requiring counties in Florida to purge the rolls of duplicate registrations, the names of deceased persons and felons.

So far, so good. The problems developed when the state turned to ChoicePoint, which compiles and sells vast amounts of frequently shaky information about individuals. (ChoicePoint, which acquired DBT last May, was fired by the state of Pennsylvania for breaching the confidentiality of driving records.) With this private outfit in the picture it soon became clear that top Republican officials would be trying to reap a partisan political advantage from a law designed to correct an egregious wrong. And that partisan advantage would be realized in large part by trampling on the voting rights of minorities.

Over the spring and summer ChoicePoint was forced to acknowledge that 8,000 voters it had listed as felons had in fact been guilty only of misdemeanors, which would not have affected their right to vote. What is maddening is that when such an erroneous list of names gets into the hands of county election officials, as this one did, it is very difficult—often impossible—to find out what's correct and what's not correct.

That snickering you hear is from Republican operatives who know that these kinds of foul-ups, because they are based on criminal records, will disproportionately affect minority voters.

ChoicePoint eventually came up with a "corrected" list of 173,000 names of people it targeted as ineligible because they were deceased, or were registered more than once, or had been convicted of a felony.

But it was a lousy list, riddled with mistakes. And in an interview with me yesterday, Marty Fagan, a ChoicePoint vice president, said there had never been any expectation that the list would be particularly accurate. Remember now, we're talking about a list that would be used to strip Americans of the precious right to vote.

Mr. Fagan said the list focused on people who "might" have been deceased, or might have been listed twice, or "possible felons." He said it was "important to know" that the information needed to be "verified" by county election officials.

That was interesting, because ChoicePoint came up with 58,000 people—people registered to vote—who would fall into the category he calls "possible felons." How in the world were county election officials supposed to check out each and every one and find out if they were felons or not?

They couldn't. They didn't.

The horror stories about perfectly innocent black voters being turned away from the polls because they had been targeted as convicted felons started coming in early on the morning of Nov. 7, Election Day. And they're still coming in.

Blacks turned out to vote in record numbers in Florida this year, but huge numbers were systematically turned away for one specious reason after another.

The tactics have changed, but the goal remains the same.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I join my colleagues in expressing my condolences to the family of Congressman JULIAN DIXON. His sudden death is a great loss for his family, for Los Angeles County, and for Congress.

For nearly 11 terms, JULIAN DIXON spent his career serving others. He was a strong supporter of civil rights and education issues throughout his career. He served on the Intelligence, Ethics, and Appropriations Committees with dignity and fairness.

I will remember JULIAN DIXON for his passionate concern for the people of the District of Columbia, JULIAN was born in Washington, DC, and although his political career was spent serving California, he never forgot his roots. For many years, JULIAN DIXON served as the chairman of the full committee on the District of Columbia, and demonstrated his extensive knowledge of the city and the major issues affecting its residents. He continued that work while serving on the Appropriations Subcommittee on the District of Columbia.

But most of all, I will remember what a great help JULIAN DIXON was to me when I first became chairman of the District of Columbia Subcommittee. He played a key role in helping me to craft meaningful reform. His expertise and friendship were a great source of comfort to us during those early days of the 104th Congress.

JULIAN DIXON will be greatly missed.

CONCERNING IRS TECHNICAL ADVICE MEMORANDUM RELATED TO THE LOW-INCOME HOUSING TAX CREDIT PROGRAM

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am very concerned that the Internal Revenue Service is taking a position in audits that has the possibility of undercutting all we have been trying to accomplish with the low-income housing tax credit program.

Recently, a series of five IRS technical advice memoranda (TAM) were released under the Freedom of Information Act. These TAMs gave IRS national office legal advice to revenue agents auditing a particular low-income housing developer. The TAMs involved what costs may be included in the eligible basis of a property for the purpose of determining the amount of low-income housing tax credit that are allocated by a state housing finance agency.

The TAMs are very technical, but they are inconsistent with current industry practice and have the potential of retroactively disallowing substantial amounts of credits that have already been allocated and used to finance affordable housing around the country. I am concerned that retroactive tax treatment to investors will have the effect of shaking the confidence that has been built up over the years in this program. Perhaps equally troubling is that the position the IRS has taken in these TAMs could change the economics of future affordable housing and could frustrate the goals of the low-income housing tax credit program to provide good quality housing to lower-income working people and senior citizens at the most reasonable rent possible.

Since the low-income housing program is essentially a block grant program to the states operated through the tax laws and is fully subscribed, the position the IRS has taken in the TAMs will not save the Treasury any revenues. It simply will force the states to allocate the available credits differently and run the risk that the properties built in the future will not be able to be rented at rental rates as low as they are today.

It is truly unfortunate that the first guidance from the IRS on these issues comes in the form of technical advice memoranda, purportedly limited to an individual taxpayer, rather than in the form of regulations after full opportunity for review and public comment on how the rules for allocating basis will affect the policy goals of the low-income housing tax credit program.

I would urge the Treasury Department immediately to announce initiation of a regulation project on the subject of eligible basis and to give the project expedited treatment. We cannot afford to allow allocation of credits and construction of affordable housing to be hindered by the cloud of these TAMs.

I would urge my colleagues to learn more about this issue. It may be necessary for us to act quickly in the next Congress to respond to these TAMs in order to protect the viability of the low-income housing credit.

TRIBUTE TO NEIL STAEBLER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. LEVIN. Mr. Speaker, last weekend a former colleague passed away, Neil Staebler of Michigan.

Neil Staebler was the embodiment of the democratic person.

His career in the public arena combined a belief in the importance of the involvement of citizens at the grassroots and the fullest integrity and honesty of political leaders of all levels of government.

Having achieved financial security in the world of business, Neil Staebler joined with G. Mennen Williams and Martha and Hicks Griffiths in an effort to transform the Michigan Democratic Party into a modern and progressive institution based on broad citizen participation. Perhaps even sooner than they anticipated, this small group succeeded. Soapy Williams became Governor, Martha Griffiths went to Congress, and Neil Staebler began a decade as State Democratic Chairman. In that capacity he spread a message of the importance of people becoming involved in political affairs to every town and virtually every hamlet in Michigan.

Neil Staebler deeply believed that government must be the people's servant, not its master. While there were, of course, many differences between the parties over policies during the Williams-Staebler era in Michigan government, no one questioned the honesty and degree of commitment of the political leadership or the caliber of people—Phil Hart and so many, many others—brought into public life in the executive, and judicial branch.

The famous chronicler of Presidential elections and politics, Theodore White, summed up Neil Staebler so very well: "one of the most moral men in American politics."

It was my deep privilege to know Neil Staebler over a period of almost four decades. Like for so many other younger men and woman who came into politics in the 1960's, I entered at a time when public service beckoned as an important calling. John F. Kennedy became the most famous inspiration for a new generation. Neil Staebler stood tall among those, many of whom like him had served in World War II, who led the endeavor to help the America of the post war period implement its promise of freedom and equal opportunity for all its citizens.

Neil Staebler's generation left this Nation a legacy that it must not forget. He was so proud to have served, no matter for only one term, in the Congress of the Untied States. We who serve here now join in sending our deepest condolences to his beloved wife of 65 years, Burnette, to his children, Michael and Elizabeth, and to all the Staebler family. They have so many reasons to be proud of the life of Neil Staebler.

HONORING PROFESSOR EUGENE SMITH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. DINGELL. Mr. Speaker, I rise today to recognize my good friend, Professor Eugene Smith, on the occasion of his retirement after nearly sixty years of teaching in some of the finest schools and universities in the country.

Gene was a born teacher. After earning his Bachelor of Science in mathematics education in 1941, Gene began teaching junior and senior high school mathematics in Ohio's public schools. During World War II, Gene taught math, gunnery and tactics at the Officer Candidate Prep School at Fort Still, Oklahoma. After the war, Gene returned to Ohio where he served in the public schools until 1959. During that time, Gene returned to school himself to earn both his M.A. and Ph.D in mathematics education. Gene moved to Wilmington, Delaware, where he served as the Supervisor of Mathematics for their public schools from 1959–1961.

It was in 1961 that Professor Smith moved to Michigan to join the faculty of Wayne State University as a Professor of Mathematics Education. Gene established the M.A. and Ph.D program in mathematics education and served as the department chair for 28 years. After 30 years of service at Wayne State University, Professor Smith held a part-time Visiting Professor position at the University of Michigan-Dearborn. After nearly sixty years of teaching our children, Professor Smith has decided to retire.

During his tenure as a teacher and professor, Gene has held numerous leadership positions including President of the Columbus Council of Teachers of Mathematics, President of the Ohio Council of Teachers of Mathematics and President of the National Council of Teachers of Mathematics. Gene's many honors include Ohio State University's Centennial Medallion for outstanding contributions to education and teaching, the Mu Alpha Theta Award for Wise Counsel and Leadership in Mathematics Education and, 1994, the National Council of Teachers of Mathematics awarded Gene the Mathematics Education Trust Lifetime Achievement Award for Teaching.

Mr. Speaker, as Gene leaves teaching after sixty years of service, I would ask that all my colleagues salute him and his leadership.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. CAPUANO. Mr. Speaker, I respectfully request a leave of absence for today, December 11, 2000. Due to a terrible case of the flu, I am unable to be present to take part in the House of Representatives' legislative activities.

ON REVEREND JIM MITULSKI

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Ms. PELOSI. Mr. Speaker, I wish today to pay tribute to the Reverend Jim Mitulski, a true friend and hero to thousands of people in need. For 15 years Reverend Mitulski has lead the congregation at the metropolitan Community Church (MCC) in San Francisco. Through his caring and compassion, his action and his deeds, he epitomizes the real spirit of Christianity.

Fifteen years ago, when Reverend Mitulski first came to MCC, situated in the heart of San Francisco's Castro District, the city was facing the onslaught of the AIDS epidemic. Reverend Mitulski recognized the needs and rose to the challenge, providing sanctuary and sustenance—physical, spiritual, emotional, and psychological—to his congregants and other members of the community. He provided a safe haven, support, acceptance, and love for the sick and dying, some of whom had been rejected by their own families. He ministered to those in need with unflagging compassion and enabled them to live out their lives with dignity. Over the course of his service at MCC, Reverend Mitulski presided over 500 funerals of his parishioners. He never gave up hope and he never stopped serving as a source of faith and inspiration to the survivors.

Mr. Speaker, I join the other members of the San Francisco community who have met Reverend Mitulski's decision to resign with a mixture of sadness and happiness. We are sad that he is stepping down, but happy that he is finding new ways to contribute to our community and to grow. Mostly, however, we are grateful for his leadership, his spirit of Christianity, his unselfish offering up of everything he had, and his untiring willingness to work within a community in crisis as it faced untold losses. Rev. Jim Mitulski is an example of the best of what San Francisco has to offer. We have been blessed by his years of service and wish him all the best in his new endeavors.

CONGRATULATING THE MARYVILLE HIGH SCHOOL RED REBEL FOOTBALL TEAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. DUNCAN. Mr. Speaker, on December 2nd of this year, the Maryville High School Red Rebel football team became the 1999–2000 Class 4A state champions after defeating East High School of Memphis, 33–14, at this year's championship game in Murfreesboro, TN.

This is a remarkable accomplishment for this team, as they started this year's season with a record of 0–4. Against all odds, the team pulled it together with unparalleled strength and determination and came back to win their 2nd state championship in 3 years. Their last championship came in 1998.

The spirit of this team reminds me of the story of former Baltimore Orioles' third baseman Brooks Robinson, a Hall of Famer. Robinson once said that there were only a few in the Hall of Fame who got there mostly on superior athletic ability. Robinson said that the other 600 or so got here because of drive, determination, discipline, and desire. This team possesses the same qualities.

In an address to a jubilant crowd at a homecoming celebration at Maryville High School, George Quarles, Head Coach of the Maryville Red Rebels football team said, "To our team, I want to say thank you for not giving up. It would have been so easy to quit after going 0–4, but you didn't. The biggest lesson is not to give up. I am proud to be your coach."

Mr. Speaker, I ask the readers of the CONGRESSIONAL RECORD and my fellow colleague to join me in congratulating Head Coach George Quarles and the Maryville High School Red Rebel football team for their glorious victory. I also include the following news article printed in the Knoxville News Sentinel. The team's leadership, strength, and determination should be recognized by all, and their sportsmanship and dedication are at a level that should be followed by every high school team in this Country.

[From the Knoxville News Sentinel, December 10, 2000]

MARYVILLE PLAYERS LAUDED FOR "TEAM EFFORT"

(By Ken Garland)

The Maryville High School football players never gave up, their coach said. They hung in there and went for the gold.

And they got it. A gold football trophy declaring them to be the Class 4A state football champions came their way after last weekend's state championship in Murfreesboro.

The Red Rebels defeated East High School of Memphis, 33-14, in the championship round Saturday night, Dec. 2.

They came home with that championship trophy, their second in three years, to the adoration of their fans in the community and at the school. Those fans came together Thursday morning in the MHS gymnasium for a celebration.

Meanwhile, across the county, fans of Alcoa High School were gearing up for a celebration honoring their football team. The tornadoes won the Class 2A state championship and were honored at a reception at Alcoa High School Saturday.

Read more about that reception in the sports section of today's News-Sentinel.

Maryville Head Coach George Quarles said the state win came as a surprise to him.

"Nobody was more shocked to be here than me," he told students and guests at the celebration.

After losing the first four games of the season, Quarles figured the team had no chance in the world of making even the playoffs. But, he said, the team proved him wrong.

The state championship gives the seniors on the team an impressive history, said Athletic Director Jerry Thompson. The seniors have "played on a (state) runner-up team and on two state championship teams," he said.

The Red Rebels won their other state championship game in 1998. They have won several other state championship games in years past.

Shortly after that 1998 game, the team lost its head coach to another school. School officials named Quarles, who had been offensive coordinator for six years, as the new head coach.

At the ceremonies, Quarles thanked school officials who "took a chance on an untried head coach" and promoted him.

Over and over, the officials who spoke, and some who didn't, kept attributing the state championship to the team's "never-say-die attitude."

"What a remarkable turnaround," Thompson said. "Never in the history of Tennessee football has this happened."

Maryville Mayor Steve West, who presented the team with a proclamation naming Thursday as Maryville High School Day, said it was a "team effort."

"It's a team effort that makes you go to the championships," he said, "Maryville High has always been known for team effort."

"You all did a fabulous job."

Quarles, who also was named Class 4A coach of the year, told the team members he was proud of them.

"To our team, I want to say thank you for not giving up," he said. "It would have been so easy to quit after going 0-4, but you didn't. The biggest lesson is not to give up."

"I'm proud to be your coach."

TRIBUTE TO RAYMON AYALA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a unique and outstanding American, Norteno artist and five-time Grammy Award nominee Raymon Ayala, who is one of the most popular artists in regional Mexican music today. He celebrates his birthday today, and I ask the House of Representatives to join me in offering him our good wishes.

Ayala, who began his exemplary career at the age of 18, has been one of the great entertainers of his generation. His skill at the Mexican "canjunto" music (music with an accordion base) is unparalleled in the industry. His steady rise and his continuous output of inclusive music has made him a favorite of fans throughout the Southwest and in Mexico.

In the 30 years that Raymon Ayala has graced the charts, he has recorded over 75 albums, never straying from his canjunto roots.

Ayala's success has turned on precisely the same elements that ensure the success of any musician in the industry: a straightforward style, balanced music, and lyrics with universally understood themes. His music touches on tragedy, loneliness, broken relationships, and experiencing love in all its complicated nuances . . . the sort of music that appeals to all music lovers, regardless of their favorite format.

Raymon has taken great care to ensure that the material on his albums reflects the excellence that has been his lifelong trademark. I ask my colleagues to join me in wishing this talented patriot a happy birthday.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 5640, especially subtitle B of title V. The title expands housing assistance for native Hawaiians by extending to them the same types of Federal housing programs available to American Indians and Alaska Natives. The provision authorizes appropriations for block grants for affordable housing activities and for loan guarantees for mortgages for owner- and renter-occupied housing. It authorizes technical assistance in cases where administrative capacity is lacking. The block grants would be provided by the Department of Housing and Urban Development to the Department of Hawaiian Home Lands of the government of the State of Hawaii.

This is the fourth time this year that the House will consider a bill containing these important provisions for Native Hawaiian housing.

I thank the chairman of the Banking Committee [Mr. LEACH], ranking member [Mr. LAFALCE], the chairman of the Housing Subcommittee [Mr. LAZIO], and the ranking member of subcommittee [Mr. FRANK] and the gentleman from Indiana [Mr. BEREUTER] for their assistance in incorporating the provisions for native Hawaiian housing in the bill. they have worked tirelessly to craft a bill that both Houses can support so that Congress will be able to enact a housing bill this year.

Passage of this bill is critical because within the last several years, three studies have documented the housing conditions that confront native Hawaiians who reside on the Hawaiian home lands or who are eligible to reside on the home lands.

In 1992, the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing issued its final report to Congress, "Building the Future: A Blueprint for Change." In its study, the Commission found that Native Hawaiians had the worst housing conditions in the State of Hawaii and the highest percentage of hopelessness, representing over 30 percent of the State's homeless population.

In 1995, the U.S. Department of Housing and Urban Development issued a report entitled, "Housing Problems and Needs of Native Hawaiians." This report contained the alarming conclusion that Native Hawaiians experience the highest percentage of housing problems in the Nation—49 percent—higher than that of American Indians and Alaska Natives residing on reservations (44 percent) and substantially higher than that of all U.S. households (27 percent). The report also concluded that the percentage of overcrowding within the Native Hawaiian population is 36 percent compared to 3 percent for all other U.S. households.

Also, in 1995, the Hawaii State Department of Hawaiian Home Lands published a Beneficiary Needs Study as a result of research conducted by an independent research group. This study found that among the Native Hawaiians population the needs of Native Hawaiians eligible to reside on the Hawaiian home lands are the most severe. 95 percent of home lands applicants (16,000) were in need of housing, with one-half of those applicant households facing overcrowding, and one-third paying more than 30 percent of their income for shelter.

H.R. 5640 will provide eligible low-income Native Hawaiians access to Federal housing programs that provide assistance to low-income families. Currently, those Native Hawaiians who are eligible to reside on Hawaiian home lands but who do not qualify for private mortgage loans, are unable to access such Federal assistance.

I look forward to enactment of the bill because it is so important to the native people of Hawaii.

BUSH VERSUS GORE IN THE U.S. SUPREME COURT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, December 11, 2000

Mr. CONYERS. Mr. Speaker, I submit the following articles, which appeared in the New York Times on December 11, 2000 and the Washington Post on December 9, 2000, into the CONGRESSIONAL RECORD.

[From the New York Times, Dec. 11, 2000]

TO ANY LENGTHS

(By Bob Herbert)

And so the Supreme Court intervened, not with wisdom and grace but with a clumsily wielded hammer, to protect the interests of George W. Bush and the Republicans by thwarting any further movement in the Florida vote toward Al Gore.

Mr. Bush and his party have made it clear to the country and the world that their greatest fear—the scenario they dread above all others—is that somehow, someway, all of the votes legally cast in Florida would actually be counted.

They have demonstrated their willingness to go to almost any lengths to prevent that from happening. And that resolve was given the unfortunate imprimatur of the nation's highest court on Saturday when, in a 5- to-4 decision, the court ordered the hand recounts in Florida to stop.

But the Bush team's appeal to the U.S. Supreme Court, which will hear oral arguments this morning, is just one prong of the G.O.P.'s dangerous assault on the spirit of democracy that has served this nation so well for so long. The truth is that while Mr. Bush and the Republicans will be more than happy to accept a final Supreme Court ruling in their favor, they are already prepared to take extraordinary steps to circumvent a ruling that goes against them.

In short, they are not willing to accept any set of circumstances that would result in Al Gore winning the White House.

Former Secretary of State James Baker was asked on "Meet the Press" yesterday if the Bush campaign would accept the results of a recount in Florida if, after hearing the arguments today, the Supreme Court ordered the recount to resume.

Mr. Baker told the moderator, Tim Russert, "Of course we'll begin the recount again if that's the ruling of the United States Supreme Court."

Mr. Russert said, "And will you abide by the result?"

Mr. Baker, clearly uncomfortable with the question, said "Well, I'm not sure I understand what you mean, 'Will we abide by the result?' The result will be there."

Mr. Baker knows as well as anyone that the Republican-controlled Florida Legislature is poised to trash any semblance of justice and fair play by designating its own slate of 25 presidential electors committed to Mr. Bush if, under any scenario, Al Gore wins the popular vote in Florida.

Mr. Baker said of the Legislature, "They have an interest here that is a constitutional interest granted to them under Article 2 of the Constitution, and it is not up to me or anybody else to rule that out or rule it in."

Mr. Russert said: "But your campaign has been working in concert with them, giving them legal advice. Both sides admit it."

"Uh, Tim, we may have indeed," said Mr. Baker. "Some of our people have been talking to them, there's no doubt about that, because it is a constitutional remedy set forth in Article 2 of the Constitution."

In the eyes of the Republicans, the Supreme Court ruling is the final word only if it goes against Mr. Gore.

The game is rigged. And the Democrats, who all along have been more willing than the Republicans to adhere to standards of fair play, are openly talking about folding their tents and conceding the White House to Mr. Bush.

American democracy suffered a grievous wound this year in Florida. The conservative majority on the U.S. Supreme Court that has ranted ad nauseam about activist courts and the infringement of states' rights turned its own philosophy on its head by rushing in on Saturday and gratuitously stopping a recount of votes legally cast by American citizens.

It is not unreasonable to believe that had those votes been counted, Al Gore, who won the popular vote nationwide, would also have won Florida and a majority in the electoral college.

A former colleague of mine called yesterday and said: "All the Supreme Court of Florida wanted to do was have the vote counted. What was so wrong with that?"

The good news, of course, is that American-style democracy is resilient enough to rebound from the Florida fiasco. Eventually the full truth will emerge about the extent to which the voices of voters in Florida went unheard. And the role of the U.S. Supreme Court and the Republican Party in silencing those voters will be a matter of public and historical record.

[From the New York Times, Dec. 11, 2000]

Raising the Stakes

(By Anthony Lewis)

WASHINGTON.—Whether Al Gore or George W. Bush becomes president will make a difference, but it has never been a cosmic question. Whoever wins, the country will survive.

But now a truly profound interest is at stake in the election controversy. That is the public's acceptance of the great power exercised by the Supreme Court of the United States.

Justice Robert H. Jackson, in lectures published in 1955 after his death, pointed out the curiosity of the role played by the justices in our democracy. The court has often been in controversy, he said, and "the public has more than once repudiated particular decisions."

"Public opinion, however," Justice Jackson said, "seems always to sustain the power of the court. . . . The people have seemed to feel that the Supreme Court, whatever its defects, is still the most detached, dispassionate and trustworthy custodian that our system affords for the translation of abstract into concrete constitutional commands."

That is what has now been thrown into question: the public belief that the court is "detached, dispassionate and trustworthy." The court's order stopping the recount of ballots in Florida—a 5-to-4 decision along ideological lines—looked to many Americans like a partisan intervention to save the day for Governor Bush.

The Bush forces had worked for a month to prevent a manual recount of doubtful ballots, evidently in the belief that counting them would put Mr. Gore ahead. Now, just after recounts had begun, the five more conservative members of the Supreme Court stopped the process.

Lawyers and others who watch the court closely are saying they are bewildered, even shaken, by what it did in stopping the recount. The one guide we have to the reasons for the intervention was the opinion by Justice Antonin Scalia, concurring with the majority's order. And it made the action, if anything, more troubling.

To recount those Florida votes, Justice Scalia said, might cast "a cloud" on what Governor Bush "claims to be the legitimacy of his election." To count them first and then rule on their legality "is not a recipe for producing election results that have the public acceptance democratic stability requires."

If the Supreme Court now permanently stops the recounts, will that promote "public acceptance" and "democratic stability"? Hardly. Half

Justice Scalia said the court must decide whether the ballots that were ordered to be recounted—ones that on machines showed no vote for president—were legally cast votes "under a reasonable interpretation of Florida law." That comment raised an extraordinary legal question.

It is basic constitutional law that the Supreme Court has no power to consider state court decisions on the meaning of state laws. The Florida Supreme Court's decision ordering the recount was just that: an application of state statutes. Was Justice Scalia saying that the Supreme Court will decide whether the Florida court was "reasonable"? That could open an endless prospect of enlarged Supreme Court jurisdiction.

The puzzle is what federal question exists here, of the kind the Supreme Court has power to decide. The Bush brief argues that manual recounts, with no precise rules binding all counties in Florida, would be so inconsistent as to deny "the equal protection of the laws" guaranteed by the 14th Amendment. But there have been manual recounts all over this country from the beginning of our history. Is every one of them now going to raise a potential federal constitutional question?

The level of partisanship in our politics is already dangerously high. The Bush people, in particular, have taken a nasty, hateful tone in Florida and elsewhere. It would be terrible for the court to exacerbate the division—and become part of it.

In this vast, diverse country, we depend on the Supreme Court as the final voice. Perhaps some of the justices believe they can bring finality to the election contest. But if they over-reach, acting as what Judge Learned Hand called "Platonic Guardians," they will inflict a grave wound on their own legitimacy.

[From the New York Times, Dec. 11, 2000]

Biting the Ballot

(By William Safire)

WASHINGTON.—You cannot spit in the eye of the nation's highest court without suffering consequences.

The Florida Supreme Court ignored the U.S. Supreme Court's order nullifying its deadline-breaking action and in effect told the nation's final judicial tribunal to mind its own business.

Florida's four-judge majority, not content with taking over the lawmaking function of its state's Legislature, and brushing aside the dire warning of creating an unnecessary crisis from its own chief justice, arrogated to itself the power to pursue its political course—despite direction to the contrary a few days before from the top of the nation's court system.

Not in living memory have Americans seen such judicial chutzpah. Our political process was almost subverted by the runaway court.

Perhaps the U.S. Supreme Court invited Florida's disrespect. In its eagerness to preserve its own unanimity and to show undue deference to a state court's interference in a federal election, the high court in Washington had temporized in its first opinion. Rather than cleanly reversing the Tallahassee jurists, the Rehnquist court acquiesced in its liberal members' suggestion to learn the legal reasoning behind the Florida decision to ignore the U.S. Constitution's delegation of electoral power to state legislatures.

The Tallahassee majority read that deference as weakness. Rather than answer the high court's questions, it took constitutional law into its own hands and extended the agony of the Gore campaign by ordering a count of votes whose legality is in dispute.

Bush partisans mistakenly made much of the narrow split in the Florida court, as if a 4-to-3 decision was somehow less than decisive. But in our judicial system, the narrowest majority carries the full power of the entire court. That runaway court's order to start counting was promptly, and rightly, obeyed—until a majority of the highest court, recognizing its deference had been misplaced and its authority was being challenged, stayed the counting fingers.

In our presidential elections, the constitutional majority rules. That means the majority of electors of all the states. When the votes of the people in a state amount to a virtual tie, the nation's choice of a president cannot suitably be made by one state's executive branch (in this case, for Bush) or that state's judicial branch (for Gore). Rather, the state's vote must be decided in the manner the U.S. Constitution specifically directs—by its legislature (for Bush) or if the contest goes all the way, by the newly elected House of Representatives (voting by states, 29 of which have Republican majorities that would elect Bush).

But do we need to go all the way to that bitter end? No; with the House vote certain for Bush, it serves nobody's purpose to prolong the interregnum. We have an institution in place that a majority of the people trusts to decide what is the most constitutionally defensible solution. That is the U.S. Supreme Court.

So what if the justices are internally divided on this election issue? They were far from unanimous on Roe v. Wade, and yet even those who disagree with that majority's decision recognize it as the law of the land. Unanimity is a consummation devoutly to be wished, but the high court's majority rules, and its decision cannot be overridden except by a future high court or by amending the Constitution.

Now we are at a point where the highest court can no longer delay its decision in hopes that an inferior court will act responsibly. By its coming decision on the late count, the Supreme Court will be deciding (a) to validate for our time Article II's unambiguous assignment of electoral power to elected state legislatures, with its enabling statutes passed long ago by Congress; (b) to restore order to the judicial system by curbing the runaway state court; and (c) to lend some of its own legitimacy to the political victor in an election where there can be neither a statistical winner or loser.

All during the campaign of 2000, Al Gore kept saying that this election was about the

Supreme Court. Turns out he was right. It is fitting that we now call on the nine justices to bite the ballot and call on the contestants to abide by the majority's judgment.

[From the Washington Post, Dec. 9, 2000]

GHOSTS IN FLORIDA

(By Colbert I. King)

The ghosts of Campaign 2000 in the form of Florida's controversial presidential vote will trail the next president into the White House. If it is George W. Bush, his first year will be haunted by a decision reached this week in Washington. If it is Al Gore, he can sit back and watch the fun.

After several daily meetings with FBI and Civil Rights Division staff to review intelligence concerning alleged voting irregularities, senior Justice Department officials concluded that there were sufficient grounds to send federal lawyers to Florida last Monday. The decision was a long time coming.

Since Election Day, civil rights groups have demanded that the Justice Department probe numerous complaints of improprieties, minority vote dilution and violation of federal civil rights laws in Florida voting precincts. This week, the federal government finally agreed to act—with too little and too late, critics say. Maybe not.

The introduction of Justice Department lawyers certainly won't change the election results or alter court decisions reached yesterday. But the current information gathering effort may get converted into a formal Justice Department investigation. If that happens, the civil rights probe could reach out and touch Florida Bush backers in a way that street protests, demonstrations and heated cyberspace traffic never could.

By Jan. 20, the judicial jousting and Florida's Supreme Court justices will be a memory. Not so the charges of African American voters being denied the right to vote due to discrimination, intimidation and fraud. There's no such thing as the clock's running out on the fight against racism.

If the Justice Department finds that voters of color were disenfranchised and left unprotected by the Florida state government—that U.S. laws indeed were broken—the issue will be alive and squarely in the lap of the next administration. And the problem will come with a twist that is sure to make a Bush White House squirm.

Simply put, a George W. Bush appointed attorney general could not be entrusted to investigate and prosecute illegal voter suppression activities in the state that gave Bush the presidency and in which his brother Jeb is governor. A civil rights probe in Florida, on the other hand, would be no problem for a president Gore.

Faced with a formal Justice Department investigation, the Bush administration would have no choice but to seek the appointment of a special counsel to conduct an independent inquiry into possible federal violations in Florida. Only an impartial outsider, not beholden to Bush or his attorney general, can be expected to serve the interest of justice. Nothing short of an independent team of lawyers and investigators interviewing witnesses and probing the nooks and crannies of the likes of Volusia, Broward and Miami-Dade counties, will reassure the public that politics and special preference won't rule the day in a Bush White House.

Investigating voting irregularities in Florida will not be a game of trivial pursuit. Some troubling allegations have already surfaced, such as:

The names of law-abiding voters, disproportionately African American, wrongly removed from the rolls or identified for purging.

Registered African American voters banished from the polls because their names couldn't be found on voter registration lists.

Voting sites in African American precincts switched without timely notice or any notification at all.

African American voters harassed and intimidated near the polling places.

Ballot boxes in African American precincts not collected, predominantly minority polls understaffed, language assistance sought but denied, old and unreliable voting machinery.

And the list of alleged irregularities does not include the disproportionate number of ballots in predominantly minority precincts that were thrown out.

For those of you tempted to dismiss these complaints as the predictable whining of blacks who find themselves on the losing side, I say not so fast. Experience, old and new, has been a great teacher.

I commend to you the observations of Hugh Price, president of the National Urban League, on National Public Radio's "Talk of the Nation" show. Price backs calls for the Justice Department to get into the Florida situation in a strong way. He told listeners: "I'm reminded of what happened in the case of racial profiling in New Jersey when the first response to the allegation was, 'We don't do this,' a staunch denial.

"Then we discovered there were some correlations between race and who was being stopped, but there was still a lot of denial. . . . And then it turned out that it was happenstance. And now that the New York Times has dug into and received mounds of paper they have found that it was an outright, point-blank, in-your-face conspiracy on the part of the New Jersey troopers to stop people of color."

All the media attention today is on Florida courts, the presidential contenders and the potential winning candidate's thrill of victory. Come next year, the limelight shifts to Washington—and maybe to another scene—an all-too familiar tale about the uphill struggle of a people who tried in vain to live out the American Dream on Election Day.

HOUSE OF REPRESENTATIVES—*Wednesday, December 13, 2000*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 13, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Emmett J. Gavin, O. Carm, Whitefriars Hall, Washington, D.C., offered the following prayer:

Gracious and loving God, as we enter the closing days of this year and this Congress, we ask for an abundance of Your grace and guidance. Give the men and women of this Chamber the gifts of wisdom, prudence and unity of purpose that will enable them to govern the people of this land with justice and good judgment.

We are a people in need of healing, unity and peace. Help the work of this august body further those national goals. May the decisions and policies that emerge from these hallowed Halls enhance unity and understanding, not only among the people of this country, but throughout the world.

Even as the Members of this House mourn the loss of their esteemed colleague, Julian Dixon, who is being laid to rest today, give them the hope and confidence of a brighter future for all the people of this land who are entrusted to their care.

May renewed commitment to the goals of our Democratic way of life energize the efforts of our elected representatives and give them new purpose as they pursue the best interests of this great Nation.

Your peace, gracious God, that passes all understanding, be with all Your people, this day and every day.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. REYNOLDS) come forward and lead the House in the Pledge of Allegiance.

Mr. REYNOLDS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 12, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 12, 2000 at 9:44 a.m.

That the Senate Agreed to House amendment S. 1508

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HON. JULIAN C. DIXON

The SPEAKER pro tempore. Pursuant to House Resolution 671, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Julian C. Dixon:

Mr. STARK, California; Mr. GEPHARDT, Missouri; Mr. BONIOR, Michigan; Mr. GEORGE MILLER, California; Mr. WAXMAN, California; Mr. LEWIS, California; Mr. MATSUI, California; Mr. THOMAS, California; Mr. DREIER, California; Mr. HUNTER, California; Mr. LANTOS, California; Mr. MARTINEZ, California; Mr. BERMAN, California; Mr. PACKARD, California; Mr. GALLEGLY, California; Mr. HERGER, California; Ms. PELOSI, California; Mr. COX, California; Mr. ROHRABACHER, California; Mr. CONDIT, California; Mr. CUNNINGHAM, California; Mr. DOOLEY, California; Mr. DOOLITTLE, California; Ms. WATERS, California; Mr. BECERRA, California; Mr. CALVERT, California; Ms. ESHOO, California; Mr. FILNER, California; Mr. HORN, California; Mr. MCKEON, California; Mr. POMBO, California; Ms. ROYBAL-ALLARD, California; Mr. ROYCE, California; Ms. WOOLSEY, California; Mr. FARR, California; Mr. BILBRAY, California; Ms. LOFGREN, California; Mr. RADANOVICH, California; Mr. CAMPBELL, California; Ms. MILLENDER-MCDONALD, California; Mr. ROGAN, California; Mr. SHERMAN, California; Ms. SANCHEZ, California; Mrs. TAUSCHER, California; Mrs. CAPPS, California; Mrs. BONO, California; Ms. LEE, California; Mr. KUYKENDALL, California; Mr. GARY MILLER, California; Mrs. NAPOLITANO, California; Mr. OSE, California; Mr. THOMPSON, California; Mr. BACA, California; Mr. CONYERS, Michigan; Mr. CLAY, Missouri; Mr. OBEY, Wisconsin; Mr. FROST, Texas; Mr. SENSENBRENNER, Wisconsin; Mr. PETRI, Wisconsin; Mr. LEWIS, Georgia; Mr. SAWYER, Ohio; Mr. GOSS, Florida; Mr. MCDERMOTT, Washington; Mr. JEFFERSON, Louisiana; Ms. NORTON, District of Columbia; Mr. BISHOP, Georgia; Mr. CLYBURN, South Carolina; Ms. EDDIE BERNICE JOHNSON, Texas; Mr. RUSH, Illinois; Mr. SCOTT, Virginia; Mr. FORBES, New York; Ms. JACKSON-LEE, Texas; Mr. LAHOOD, Illinois; Mr. CUMMINGS, Maryland; Ms. KILPATRICK, Michigan; Mrs. CHRISTENSEN, Virgin Islands; Mr. MEEKS, New York; and Mrs. JONES, Ohio.

MAKING IN ORDER MOTION TO SUSPEND THE RULES ON FRIDAY, DECEMBER 15, 2000

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it be in order at any time in the legislative day of Friday, December 15, 2000, for the Speaker to entertain a motion to suspend the rules and pass H.R. 3594, Installment Tax Correction Act of 2000.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON THURSDAY, DECEMBER 14, 2000

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUR OF MEETING ON FRIDAY, DECEMBER 15, 2000

Mr. REYNOLDS. Mr. Speaker, I ask unanimous consent that when the

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☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House adjourns on Thursday, December 14, it adjourn to meet at 10 a.m. on Friday, December 15.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CRASH OF MV-22 OSPREY IN JACKSONVILLE, NORTH CAROLINA

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, on Monday, an MV-22 Osprey crashed during a training mission in Jacksonville, North Carolina. The crash took the lives of all four Marines on board: Lieutenant Colonel Keith Sweaney of Richmond, Virginia; Major Michael Murphy of Blauvelt, New York; Staff Sergeant Avely Runnels of Morven, Georgia; and Sergeant Jason Buyck of Sodus, New York.

My thoughts and prayers go out to the families of these brave men who gave the last full measure of their devotion and service to our Nation. I know that all Americans join in mourning the loss of these brave Marines.

While it is difficult to find the words that express the depth of our sadness and sense of loss, I am reminded of a 1864 letter from President Abraham Lincoln to Mrs. Bixby of Boston, which became widely known after its use in the film Saving Private Ryan.

President Lincoln's simple eloquence is timeless and poignant:

"I feel how weak and fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming," Lincoln wrote. "But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save.

"I pray that our Heavenly Father may ease the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LET US MAKE CERTAIN UNITED STATES OF AMERICA IS GOVERNED TOGETHER BY ONE PRESIDENT, ONE CONGRESS, ONE SENATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, first, as we are about to end the 106th Congress, let me commend the gentleman from Indiana (Mr. PEASE) for his great job of conducting the chair in so many situations. And I see we are joined on the floor today by BRIAN KERNS, his successor-elect, who will be sworn into this fine body in just a few weeks.

I come from West Palm Beach, Florida; and I am proud of the fact that I am a Floridian. I am proud of the fact that Palm Beach County is my hometown.

The last 5 weeks have been a difficult time for our community, for our State, and our Nation. There have been a lot of negative characteristics put upon my county by some suggesting we are a backwater community where we disrespect the rights of individuals, where we denied people the right to vote, where we denied people going to the polls. I take strong exception to some of those comments.

Tonight we will hear from our two contestants in the Presidential election of 2000. I pray that both rise to the occasion that is necessary for the job that they sought, and that is to begin the healing of this Nation.

Those that question the legitimacy of this election are only fanning the flames of discontent and will create a divide amongst us.

We are all concerned and confused about the allegations being charged in Florida. But, in my heart, I know the truth and I feel compelled on this floor to at least suggest to America, it is time to rise above both the partisan bickering, the acrimony, and the endless character assassinations that have taken place, whether it be the United States Supreme Court, whether it be directed toward the Florida Supreme Court, whether it be directed to Katherine Harris, the Secretary of State, or Mr. Butterworth or any of the other individuals that were part of this historic and very unique election.

The one thing I have heard consistently from my colleagues and from my constituents is that during the election contest there were things that they clearly wanted to establish: prescription drug coverage; improving Medicare; strengthening Social Security; eliminating the marriage penalty, the tax on marriages; doing away potentially with estate taxes, which we consider a punitive tax against the estates and the wealth created by the hard work of Americans.

These were issues that resonated with each and every American; and they said, regardless of your party affiliation, I would expect, in fact I demand you to act on these pressing matters of national importance.

So 5 weeks later we will hear a speech tonight; and, hopefully tomorrow, Congress, those still in the 106th, those preparing to join the 107th, can recognize that America is watching very carefully what we do here in this process.

It will be not enough to stand on the House floor and rale against the other side of the aisle, be they Democrat or Republican, in an effort to spin your story in hope either to regain control of this process or to exert your legislative dominance because you are the majority party. It will not be enough to simply suggest that we can stall the process by which we hope to govern.

It will take great individuals, who I know exist in this process. I know many of my colleagues personally. I have traveled with them. I spent time in their offices. I know their families. And I know the beautiful thing about this process is the fact that when we need to, as Americans first and foremost, we do in fact come together and handle the requisite task. We rise above Democrat, Republican, or Independent registration and we look for answers to solve our problems. We have done it in the past. I know we are capable of it.

I will suggest to my colleagues, I am going to join with my entire Florida delegation and hopefully others, I know the gentleman from Arkansas (Mr. HUTCHINSON) suggested we look at the voting machines, look at the voting systems, look at the way we conduct voting in our country in every precinct, in every parish, in every community to find a way to do it better.

We should not have a lingering aftereffect or aftertaste of a bad election or a bitter pill to swallow because we failed to do it properly and correctly. We are going to have to join our brethren in the State legislatures and county commissioners and try to find a way to fund the technology that exists.

Many in the national media have been asking me, "What are these machines like? What are they like?" I said, "Well, I can tell you they are antiquated. They were with us since the 1970s."

In Florida we play the Lottery from every 7-Eleven and every gas station in every hamlet in every community in the State, and on Saturday evening at 11 o'clock somehow we can figure out who the winner is after a million-plus tickets have been purchased; and we do so because technology exists to allow us to do that. And yet, in our voting machines, we are looking at a system that has created at least a sense of confusion amongst our constituents.

So let us remedy today to look forward to the process of making it more fundamentally fair, but let us first challenge our colleagues to stand together tonight, after tonight, when the final speech is made, let us stand behind that person who will be our President and make certain that, as we assemble in January, the United States of America is governed together by one President, one Congress, one Senate.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. FOLEY) to revise and extend her remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 14 minutes p.m.), under its previous order, the House adjourned until Thursday, December 14, 2000, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11310. A letter from the Deputy Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Noncitizen Eligibility, and Certification Provisions of Pub. L. 104–193, as Amended by Public Laws 104–208, 105–33 and 105–185 (RIN: 0584–AC40) received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11311. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Implementation of the Special Apple Loan Program and Emergency Loan for Seed Producers Program (RIN: 0560–AG23) received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11312. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Specifically Approved States Authorized To Receive Mares and Stallions Imported from Regions where CEM Exists [Docket No. 00–115–1] received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11313. A letter from the Congressional Review Coordinator, Department of Agriculture, Animal and Plant Health Inspection Service, transmitting the Department's final rule—Change in Disease Status of Artigas, Uruguay, Because of Rinderpest and Foot-and-Mouth Disease [Docket No. 00–111–1] received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11314. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Modified Styrene-Acrylic Acid and/or Methacrylic Acid Polymers; Tolerance Exemption [OPP-301081; FRL–6755–7] (RIN: 2070–AB78) received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11315. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Technical Amendments [No. 2000–102] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11316. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Consumer Protections for Depository Institution Sales of Insurance—received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11317. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Guidelines; Market Risk Measure; Securities Borrowing Transactions (RIN: 3064–AC46) received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11318. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11319. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–D–7505] received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11320. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–B–7406] received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11321. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7747] received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

11322. A letter from the Director, Office of Management and Budget, transmitting a report on the OMB Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

11323. A letter from the Director, Office of Management and Budget, transmitting a report on the OMB Cost Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

11324. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Premium Rates; Payment of Premiums (RIN: 1212–AA58) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11325. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—Acquisition Regulations; Costs Associated With Whistleblower Actions (RIN: 1991–AB36) received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11326. A letter from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting the Department's final rule—Acquisition Regulations: Revision of Patent Regulations Relating to DOE Management and Operating Contracts (RIN: 1991–AB55) received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11327. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Toxic Substances Control Act Test Guidelines [OPPTS–42211; FRL–6551–2] (RIN: 2070–AD16) received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11328. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry [AD–FRL–6917–1] (RIN: 2060–AH74) received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11329. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans; Illinois; Post-1996 Rate Of Progress Plan for the Chicago Ozone Nonattainment Area [IL64–2; FRL–6917–7] received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11330. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revisions to Stage II Vapor Recovery Program [MA078–01–7211b; A–1–FRL] received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11331. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Santa Barbara and Ventura County Air Pollution Control Districts [CA 238–0256a; FRL–6895–7] received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11332. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Full Approval of Operating Permits Program: The U.S. Virgin Islands [VI002; FRL–6916–9] received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11333. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Budget Program [MD 096–3061; FRL–6916–8] received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11334. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Interim Approval of the Operating Permits Program; Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable State Operating Permits; Antelope Valley Air Pollution Control District, California [CA224–0263;FRL–6864–3] received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11335. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dillsboro and Rosman, North Carolina) [MM Docket No. 00–88; RM–9871] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11336. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Wheatland and Wright, Wyoming) [MM Docket No. 99–195; RM–9563; RM–9958] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11337. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dos Palos and Livingston, California) [MM Docket No. 00–92; RM–9857] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11338. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Butte Falls, Oregon) [MM Docket No. 00–83; RM–9849) received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11339. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pilot Rock, Oregon) [MM Docket No. 00–128; RM–9912] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11340. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mount Pleasant & Bogata, Texas) [MM Docket No. 00–54; RM–9835; RM–9907] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11341. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Randolph and Little Valley, New York) [MM Docket No. 00–113; RM–9904; RM–9952] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11342. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Grants and Milan, New Mexico) [MM Docket No. 99–75; RM–9446] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11343. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sister Bay, Wisconsin and Escanaba, Michigan) [MM Docket No. 99–288; RM–9708; RM–9801] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11344. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting A Memorandum Of Justification For A Drawdown Under Section 506 Of The Foreign Assistance Act To Support UNAMSIL And Countries Involved In Peacekeeping Efforts Or Affiliated Coalition Operations With Respect To Sierra Leone; to the Committee on International Relations.,

11345. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report of activities of the Inspector General for the period through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11346. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Remove Contract Quality Requirements; Miscellaneous Technical Amendment [FRL–6917–2] received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11347. A letter from the Director, National Gallery of Art, transmitting an annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11348. A letter from the Executive Director, Advisory Council on Historic Preservation, transmitting the Council's final rule—Protection of Historic Properties—received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11349. A letter from the Assistant Secretary of the Interior, Bureau of Land Management, Department of the Interior, transmitting the Department's final rule—Wilderness Management [WO–250–1220–PA–24 1A] (RIN: 1004–AB69) received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11350. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Application and Permit Information Requirements; Permit Eligibility; Definitions of Ownership and Control; the Applicant/Violator System; Alternative Enforcement (RIN: 1029–AB94) received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11351. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Maryland Regulatory Program [MD–047–FOR] received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11352. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Virginia [Docket No. 000119014–0137–02; I.D. 113000E] received December 8, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11353. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—National Sea Grant College Program—National Marine Fisheries Service Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics [Docket No. 001027302–0302–01] (RIN: 0648–ZA98) received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11354. A letter from the Assistant Attorney General, Department of Justice, transmitting the 1999 annual report on the activities and operations of the Public Integrity Section; to the Committee on the Judiciary.

11355. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30214; Amdt. No. 2021] received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11356. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Andrew McArdle (Meridian Street) Bridge, Chelsea River, Chelsea, Massachusetts (RIN: 2115–AA97) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11357. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Citizenship Standards for Vessel Ownership and Financing; American Fisheries Act [USCG–1999–6095] (RIN: 2115–AF88) received December 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11358. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Civil Asset Forfeiture (RIN: 1515–AC69) received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11359. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; North American Industry Classification System [DFARS Case 2000–D015] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11360. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Authority to Indemnify Against Unusually Hazardous or Nuclear Risks [DFARS Case 2000–D025] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11361. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Domestic Source Restrictions-Ball and Roller Bearings and Vessel Propellers [DFARS Case 2000–D301] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11362. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Polyacrylonitrile Carbon Fiber [DFARS Case 2000–D017] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11363. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled "Implementation of Transfers in the Clean Water and Drinking Water State Revolving Fund Programs"; jointly to the Committees on Commerce and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. Janet Reno's Stewardship of the Justice Department: A Failure to Serve the Ends of Justice (Rept. 106-1027). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TALENT (for himself and Ms. VELAZQUEZ):

H.R. 5654. A bill to provide for reauthorization of small business loan and other programs, and for other purposes; to the Committee on Small Business.

By Mrs. MINK of Hawaii:

H.R. 5655. A bill to designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the "Goro Hokama Post Office Building"; to the Committee on Government Reform.

By Mr. REYNOLDS (for himself, Mr. HOUGHTON, Mr. GILCHREST, Mr. MCINTYRE, Mr. JONES of North Carolina, Mr. GILMAN, and Mr. SNYDER):

H. Res. 673. A resolution honoring the four members of the United States Marine Corps who died on December 11, 2000, and extending the condolences of the House of Representatives on their deaths; to the Committee on Armed Services.

MEMORIALS

Under clause 3 of rule XII,

492. The SPEAKER presented a memorial of the Senate of the State of Texas, relative to Senate resolution No. 1106, Memorializing the United States Congress to fully fund the State Criminal Alien Assistance Program at the authorized level; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3397: Mr. PALLONE.

H.R. 5427: Mr. KILDEE.

H.R. 5434: Mrs. MALONEY of New York.

H.R. 5642: Mr. KINGSTON, Mr. WELDON of Florida, and Mr. SHOWS.

EXTENSIONS OF REMARKS

HONORING THE ALCOA HIGH SCHOOL TORNADOES FOOTBALL TEAM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2000

Mr. DUNCAN. Mr. Speaker, on December 1st of this year, the Alcoa High School Tornadoes football team finished their season with a perfect 15–0 record, and won the Class 2A state championship with a 27–20 victory over Union City High School at this year's championship game in Murfreesboro, TN.

This fairytale season came to a close as the Tornadoes stopped a Union City touchdown attempt, in the final seconds, at the goal line to win the championship. This is the school's fifth championship football season, and they have 17 starters returning for the 2001–2002 season next fall.

When I spoke at the celebration event at the Alcoa High School football field this past Saturday, I told the story of former Baltimore Orioles' third baseman Brooks Robinson, a Hall of Famer. Robinson once said that there were only a few in the Hall of Fame who got there mostly on superior athletic ability. Robinson said that the other 600 or so got there because of drive, determination, discipline, and desire. These players possess the same qualities, both individually and collectively as a team.

Released this week, The Associated Press Class 2A All-State football team included 7 members from the Alcoa Tornadoes. "It was a pleasant surprise to have that many kids on the team," Alcoa Head Coach Scott Meadows said, "but I think every one of them deserves it."

Mr. Speaker, I ask my fellow colleagues to join me in congratulating Head Coach Scott Meadows and the Alcoa High School Tornadoes for their glorious victory. I also submit into the CONGRESSIONAL RECORD the following news articles printed in the Knoxville News Sentinel. The team's leadership, strength, and determination should be recognized by all, and their sportsmanship and dedication are at a level that should be followed by every high school team in this Country.

[From the News-Sentinel, Dec. 10, 2000]

ALCOA HONORS ITS 15-0 STATE FOOTBALL CHAMPIONS

(By Stan DeLozier)

ALCOA.—Alcoa High School principal Kevin Smith said he didn't want to put anybody on the spot, but it would be no surprise if he is helping celebrate another state championship a year from now.

His optimism is not without reason.

"We have 17 starters back," coach Scott Meadows said, "nine on offense and eight on defense."

Several hundred Tornadoes' fans turned out Saturday afternoon to celebrate the school's fifth football championship season, completed Dec. 1 in MurfreesBoro with a 27–20 squeaker over Union City. Alcoa finished the season with a 15–0 record.

The team featured seven All-Staters. Four of them—Michael George, Ben Love, Gregory Martin and David Hill—return next fall.

Aside from the championship game, which ended with a goal-line stand with 13 seconds to play, only Loudon among Class 2A opponents played the Tornadoes tough. Alcoa won 21–14 during the regular season and again 26–2 in the playoffs. However, the Redskins are moving up to Class 3A next season.

Heritage a 5A school, lost to Alcoa 17–13.

During the celebration at Alcoa's Goddard Field, George (the Tornadoes' quarterback) and linebacker Daniel Pierce were presented state championship game balls.

Although George connected on 13-of-23 passes for 245 yards, Union City running back Mario McElrath was chosen most valuable offensive player in the championship game.

Alcoa athletic director Rob Daugherty was cheered when he said, "I think we ought to demand a recount."

Pierce teamed with Hill in stuffing McElrath inches from the goal on Union City's last offensive play.

U.S. Rep. Jimmy Duncan, who was among the dignitaries attending the celebration, said the team's success reminded him of a story told by former Baltimore Orioles' third baseman Brooks Robinson, a Hall of Famer. Robinson mentioned there were a few in the Hall of Fame who got there mostly on superior athletic ability.

"Robinson said the other 600 or so got there because of their drive, willingness to work and dedication," Duncan said. "This team has the same qualities."

[The Knoxville News-Sentinel, Dec. 9, 2000]

ALCOA DOMINATES 2A ALL-STATE

A state championship was the goal all along for the Alcoa High School football team. The by-product this week is respect.

The Tornadoes, ranked No. 2 most of the season, placed seven players on The Associated Press Class 2A All-State football team released this week.

Alcoa completed its 2000 season with a 15–0 record and a state title with last week's 27–20 victory against previously unbeaten Union City. The 2A team is like a who's who of Alcoa and area players.

"The players went out every week talking about getting respect," Alcoa coach Scott Meadows said. "I think with seven first-team All-State players, they can say they've earned it."

"It was a pleasant surprise to have that many kids on the team, but I think every one of them deserves it."

The Tornadoes are represented by Michael George (quarterback), Ben Love (offensive lineman), James Rainer (all-purpose), Gregory Martin (defensive lineman), Tremayne Garner (linebacker), Jonathan Meschendorf (defensive back) and David Hill (punter).

Union City placed four players on the squad, led by Mr. Football winner Mario McElrath.

Austin-East defensive tackle Stephen Booker also earned All-State honors. The 6-foot-2, 295-pound junior was the Roadrunners' primary run-stopping force in the middle.

David Roncska of Loudon, the Mr. Football winner at linebacker, was the other area All-State selection.

In Division II, Bryan White of Webb and Nick Wilson of Catholic earned All-State. White led the Spartans in tackles and won the Division II—Small Mr. Football Lineman award. Wilson led Knoxville in receiving with 71 catches for 1,399 yards and 10 TDs.

In Class 1A, Sunbright placed three players on the team after running through the regular season unbeaten. Quarterback Drew Morgan made it as an all-purpose athlete. Averil Chaney made it as an offensive lineman and Wes Jones as a linebacker.

Steven Sears of Midway also made it as a linebacker.

A TRIBUTE TO THE HONORABLE LADY AND GENTLEMEN WHO SERVED THE PEOPLE OF GUAM AS MAYORS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2000

Mr. UNDERWOOD. Mr. Speaker, as elected public officials, we know the hard work and the personal sacrifices it takes to earn the trust and keep the mandate of our constituencies. In my home island of Guam, there are no elected officials who are closer to their constituencies, or work harder in their behalf, even after an election, than our village Mayors. Guam is a small place with a relatively small population, and our people are not far removed from their elected officials—myself included. This intimacy, and the expectation of direct and immediate access, is especially true of our Mayors.

In a few weeks, seven of Guam's village Mayors will leave office, after having served the residents of their respective villages cumulatively for many, many years. Some have opted for retirement; others have had to accept that option. All have served with distinction; all have significant records of accomplishment; all have a deep and abiding love for their people; and all are proud servants of Guam. I would like to take this occasion to commend the Honorable Rossana Diwa San Miguel, the Mayor of Chalan Pago and Ordot; the Honorable Jose Agualo Rivera, the Mayor of Dededo; the Honorable Luis San Nicolas Herrero, the Mayor of Tamuning; the Honorable Raymond Sablan Laguana, the Mayor of Barrigada; the Honorable Jesse Leon Guerrero Perez, the Mayor of Inarajan; the Honorable Jesus A. Aquiningoc, the Mayor of Umatac; and the Honorable Vicente S. Taitague, the Mayor of Talofofo, who have unselfishly contributed years of valuable service to their respective home villages and to the island of Guam.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Chalan Pago/Ordot Mayor Rossana San Miguel, who has the distinction of being named Outstanding Woman of the Year by the Soroptomist International of the Marianas, remains an advocate for the rights of women, children and families, and for an improved quality of life for the people of Ordot and Chalan Pago. She was an active community member long before her election as Mayor in 1995. A product of Guam's public schools and the University of Guam, Mayor San Miguel is the daughter of Juan Atoigue and Esperanza Diwa San Miguel, and the loving mother of Esperanza, Michelle and Samantha. Mayor San Miguel's terms in office resulted in the paving, resurfacing and naming of numerous streets in the villages of Chalan Pago and Ordot. Her effort and leadership made the streets of Chalan Pago and Ordot safer by having numerous power poles and street lights installed, as well as the construction of bus shelters for the children of her village.

With a population of more than 40,000, the Municipality of Dededo is Guam's largest village. It might well qualify as a city rather than a village. The Honorable Jose Agualo Rivera has served the people of Dededo for 16 years after having served as a federal civil servant from 1947 until his retirement as Assistant Fire Chief in 1981. First elected as Assistant Village Commissioner in 1984 and then as Mayor in 1989. During his tenure, the village of Dededo grew steadily and prospered. Mayor Rivera worked hard and lobbied hard for the infrastructure and capitol improvements necessary to keep up with the rapid growth and development of his village. Of the eight children born to the late Jose Ulloa Rivera and the late Carmen Agualo Rivera, Mayor Rivera was an only son. He and his wife, the former June Santos Shimizu, are the proud parents of five children, nine grandchildren and two great grandchildren.

INDIA OBSERVES CEASE-FIRE IN KASHMIR

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2000

Mr. WEXLER. Mr. Speaker, on November 19th, the Government of India announced a one-month unilateral cease-fire in Kashmir. India's Prime Minister, Atal Behari Vajpayee, ordered all Indian security forces to cease operations in Kashmir during the month of Ramadan, the Muslim period of fasting and prayer. An article in the New York Times on November 20th described India's action as "a rare, hopeful step toward ending more than a decade of violence in Kashmir." Prime Minister Vajpayee stated, "I hope that our gesture will be fully appreciated and all violence and infiltration across the Line of Control and the international border will cease and peace prevail."

Regrettably, India's courageous step for peace was immediately rejected by the four major Muslim guerrilla groups that have been battling since 1989 to forcibly tear the state of Jammu and Kashmir away from India.

Still, despite the snubs from the militant leaders, India is making good on its cease-fire offer. Since the beginning of Ramadan at sundown on Sunday, November 26, Indian security forces have been under orders to conduct no operations against the guerrilla groups, and to react with force only if they are attacked.

Unfortunately, it didn't take long for an attack to come. According to an account in the November 28 edition of The Washington Post, militants used a land mine to blow up an Indian army truck, killing three soldiers. There was additional violence as guerrillas tried to infiltrate into India's territory, across the Line of Control from Pakistani-held areas. These border incursions are clearly an attempt by the militants to provide a response from India, thereby undermining the cease-fire. India has a right to defend its territory, and these defensive actions are consistent with the cease-fire.

There are indications that the Kashmiri people welcome the cease-fire, despite the threats from the militants. According to a November 27 article in The Washington Post, entitled "Kashmiris Hopeful as Truce Begins":

> "The cease-fire is a good thing for us, but unfortunately the militants do not agree," said Nazir Ahmed, 30, a mason in the village of Wathura, which was reduced to rubble early this month during a clash between rebels and security forces. "I'm afraid there will be more killings, because one side wants to prove a point.

In addition, there have been warning signs that some rebel groups have no intention of honoring the truce, which Vajpayee announced Nov. 19. Since then, there have been two attacks on civilians, including the killing of five Sikh and Hindu truck drivers on a Kashmiri highway.

There has been speculation that the attacks were intended to drive a wedge between Muslims and people of other faiths in Kashmir at an especially sensitive moment, thus undermining the cease-fire.

Such attacks must be condemned, in the name of human rights and fundamental decency. As to the broader issue of India's brave action, I urge the U.S. Government to express in the strongest terms our strong support for the difficult step for peace that India has taken.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to the memory of the Honorable JULIAN C. DIXON. JULIAN was a steady force in the Congress for more than twenty years.

Before entering the House in 1979, JULIAN served six years in the California State Assembly. While there, he won the favor of his colleagues and was Chairman of the Assembly Democratic Caucus.

I became aware of JULIAN through his efforts to secure federal funds for the people of California. For example, he was instrumental in federal efforts to mitigate the impact of the 1992 civil disturbance by introducing a dire emergency supplemental appropriations bill to help businesses and families hurt by the riots. Seeking to better serve his constituents, JULIAN served four two-year terms on the House Permanent Select Committee on Intelligence. Of particular interest to his constituents, JULIAN focused attention on the CIA-crack cocaine connection. He was the highest ranking Democrat.

While a member of the Defense Appropriations Subcommittee, JULIAN advocated programs important to the defense/aerospace industrial base in California. In addition, he secured years of funding for educational programs, including a mathematics and technology enrichment program.

Mr. Speaker, I ask that you join me in saluting a great American, a great Congressman and a great human being—JULIAN C. DIXON.

THE NATIONAL CAMPAIGN FOR HEARING HEALTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2000

Mrs. CAPPS. Mr. Speaker, today I support the National Campaign for Hearing Health. The campaign was launched a year and a half ago by the Deafness Research Foundation to put hearing health on the national agenda. With 28 million Americans suffering from hearing loss—from newborns to senior citizens—they are committed to promoting research, prevention, detection and intervention that will ensure that every American has the potential to lead a hearing life.

Working with the campaign, I am pleased to announce the recent formation of the first-ever Congressional Hearing Health Caucus. The caucus is a bipartisan group of congressional Members committed to the study and support of hearing health issues. Caucus co-chairs include myself, Representatives JIM WALSH, CAROLYN MCCARTHY, and JIM RYUN, who knows first-hand the impact of hearing loss. We are greatly interested in these vital issues that affect so many Americans' health and well-being.

While the increase in the availability of newborn hearing tests represents tremendous progress—we all realize that screening is just the first step. We must begin to look to the future and prepare for the time when 100 percent of newborns are screened at birth. We must ensure that, once a baby's hearing loss is detected, all parents have access to the appropriate interventions—be they digital hearing aids or cochlear implants—regardless of their economic status.

Block grant funding provided to the states through last spring's Walsh bill—also known as the "Newborn Infant Hearing Screening and Intervention Act" is also expected to be a catalyst to advance newborn screening and intervention programs through the states. But it too is only a beginning.

Once a baby's hearing impairment is identified, early intervention with either hearing aids or a cochlear implant is critical. Somewhere between 6 and 24 months, a "hearing impaired child" brain starts to shut down that part that processes speech and language. Every hour, two babies in America suffer irreversible damage to their brain's ability to process speech and language. Every hour, two babies cross that 24 month critical window without the hearing assistance they need.

The issue of funding is one that must be addressed. Today, the campaign is releasing its Medicaid Reimbursement State Report Card—to examine state-by-state the levels of reimbursement provided to low-income families for cochlear implants—one of the new technologies available for hearing impaired children and adults.

While Medicaid, a joint federal and state program designed to provide medical coverage for low-income families, does cover cochlear implants for eligible children in virtually all states reimbursement levels vary widely from state to state.

These figures are troubling, especially since studies have shown that cochlear implants provide significant overall savings over the course of a lifetime in comparison to special education costs. It is clear that we have reached a point where our technology has outpaced our policy—leaving us with a situation that is clearly unacceptable—too many children denied life-altering hearing assistive technology due to lack of income or inadequate funding.

And the problem does not exist under the Medicaid system alone. Private insurance reimbursement for cochlear implants has been found to be even more limited than Medicaid, despite the clear benefits of this technology. As precedent has shown, changes in Medicaid and Medicare can lead to changes in private insurance coverage as well. It is our hope that this data will lead to greater awareness of reimbursement discrepancies in Medicaid policy and will encourage changes that will in turn lead to changes in private insurance reimbursement policy.

With thousands of potential implant candidates born each year in the United States, we simply cannot afford to ignore this issue any longer. All children in America should have access to this miracle of technology, regardless of their income, socio-economic status or place or residence. By improving Medicaid reimbursement for children, we can ensure that the most vulnerable in this country—low-income children—can have the world of sound open to them.

A CORRECTION THE NEW YORK TIMES SAW FIT NOT TO PRINT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, a few years ago our Republican colleagues instituted a new procedure known as Corrections Day to deal with mistakes Congress has made. I did not think that the concept would do a great deal, and I believe it has been only marginally useful, although it has of course done no harm. But as I thought about it, it struck me that there would be a much more useful procedure to be called Corrections Day—namely, an opportunity for Members of the House to correct the errors that are propagated by the media. Unfortunately, given the number of these, and the great reluctance of the media to engage in correction of its own errors, a Correction Day would not suffice, and I can see that dealing with the errors of the media on a regular basis would probably crowd out other important business from the CONGRESSIONAL RECORD.

But I do think that from time to time it is useful for us to take advantage of this forum to correct errors in those instances when the medium propagating the error has refused to do so itself. I do this because the public is entitled to an accurate picture of what its elected officials are saying and doing, as opposed to one which includes inaccuracies stubbornly maintained. And I have also found that where one is misquoted, and fails to take concrete action to correct the misquotation, one may subsequently be held accountable for it by people who have read it, and have seen no objection to it.

I was recently the subject of a blatant misquotation in the New York Times, and to my regret, but not my surprise, the New York Times declined to print the Letter to the Editor correcting it. In an article published on the Sunday of Thanksgiving weekend, Times reporter Michiko Kakutani, lamenting incivility in public dialogue, incorrectly said that I had "compared Republicans' intolerance to that of the Taliban."

In fact, I did no such thing. I did say in 1998 that the Republicans' claim that they were behaving in a bipartisan fashion during impeachment was as credible as the Taliban would be if they claimed to be practicing religious tolerance. Apparently, the notion of an analogy is absent from the Times style book. Because I do agree that we should refrain from unjustified incivility, I wrote to the New York Times in the hopes that they would clarify the situation by acknowledging their error and went on to explain that I had made no such comparison. The Times refused to do so. I therefore ask unanimous consent that my unpublished letter to the New York Times be printed here to correct the mis-impression the New York Times left, and refused itself to correct.

I should note, Mr. Speaker, that not all media outlets share this reluctance to acknowledge their errors. The Providence Journal which subscribes to the New York Times news service also ran the article, and I was pleased to note that the Providence Journal ran the Letter to the Editor which I had submitted also to them and a copy of which I submit to be printed here.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 27, 2000.

LETTERS TO THE EDITOR, The New York Times, New York, NY.

DEAR EDITOR, Michiko Kakutani's November 26th article on polarization of the national dialogue incorrectly says that I "compared Republicans' intolerance to that of the Taliban."

I did not. When House Republicans praised themselves for bipartisanship, after unilaterally deciding how to structure the impeachment process, I said that if what they did was bipartisanship, then what the Taliban was doing was religious tolerance. That is, I compared the Republican approach to bipartisanship to the Taliban's approach to religious tolerance.

Ms. Kakutani should understand that when you answer an aptitude test question by saying that C is to D as A is to B, you are not accusing C of being B.

My point was that the Republicans were inaccurate in claiming to be partisan, not that they were forcing women members of Congress to cover themselves completely.

BARNEY FRANK.

[From the Providence Journal, Dec. 5, 2000]

I DIDN'T SAY GOP = TALIBAN

(By Barney Frank)

The news media have incorrectly reported that I compared Republicans' intolerance to that of the Taliban [the Islamic fundamentalist group ruling Afghanistan].

I did not. When House Republicans praised themselves for bipartisanship, after unilaterally deciding how to structure the impeachment process, I said that if what they did was bipartisanship, then what the Taliban was doing was religious tolerance. That is, I compared the Republican approach to bipartisanship to the Taliban approach to religious tolerance.

The writer of the article should understand that when you answer an aptitude test question by saying that C is to D as A is to B, you are not accusing C of being B.

My point was that the Republicans were inaccurate in claiming to be bipartisan, not that they were forcing women members of Congress to cover themselves completely.

1960 HAWAII PRESIDENTIAL ELECTION PROVIDES ROADMAP FOR RESOLVING FLORIDA ELECTION DISPUTE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2000

Mrs. MINK of Hawaii. Mr. Speaker, yesterday's Supreme Court ruling stopping the recount of Presidential votes in Florida was most unfortunate.

In his dissent Justice Stevens refers to the 1960 Hawaii Presidential election as an example that the provisions of Title 3 of the United States Code do not mandate that the recount must have been completed by December 12: "[the provisions] do not prohibit a State from counting what the majority concedes to be legal votes until a bona fide winner is determined. Indeed, in 1960, Hawaii appointed two slates of electors and Congress chose to count the one appointed on January 4, 1961, well after the Title 3 deadlines." (Bush v. Gore, slip opinion at 30.)

So that Members have the benefit of the full story of the 1960 contested Presidential election in Hawaii, I want to present its story and lessons.

The Florida Presidential dispute contains all the elements present in the 1960 Hawaii Presidential election: an apparent winner on election night; a contest by the apparent loser; a court-ordered recount; the certification of one set of electors by the Governor while the recount was under way; a court decision declaring the apparent loser the winner after a recount completed after the date the State's electors met; competing slates of electors presented to the Congress; and a joint session of Congress choosing which slate of electors to accept.

The resolution of that dispute provides valuable guidance for the Congress and the Nation as we try to determine the next President of the United States.

The results of the 1960 Presidential election in Hawaii between Richard Nixon and John Kennedy originally showed Nixon a winner by 141 votes. Based on those results, the Republican slate was issued a certificate of election by the Acting Governor on November 28, 1960. The results were challenged by 30 Democratic voters who filed suit to require a recount in 34 of the State's 240 precincts. The suit was opposed by the State's Republican Administration, which contended that there was not sufficient time to complete the recount before the December 13, 1960 deadline for certifying electors, six days before the December 19, 1960 date set for the electors to meet.

The Republicans also argued that if some of the votes were to be recounted, all the votes should be recounted.

The recount began on December 13, 1960. By the time the electors met on December 19, 1960, only one-third of the votes had been recounted, but Kennedy had an 83 vote lead. Based on the earlier certified results, the Republican electors met and cast their three votes for Nixon. The Democratic electors also met and cast their votes for Kennedy even though they did not have a certificate of election from the State.

The recount was not concluded until December 28, 1960. Kennedy was declared the winner by the court by 115 votes. The court entered its judgment on December 30, 1960.

When Congress met to count the electoral votes on January 6, 1961, it had before it three certificates from Hawaii. The first was the certificate of the Republican electors dated December 19 accompanied by the November 28 certificate of the Acting Governor of Hawaii that the electors had been appointed as a result of the November election.

The second was the certificate of the Democratic electors dated December 19, 1960 casting their votes for John Kennedy.

The third certificate was from the Republican Governor of Hawaii dated January 4, 1961 certifying that the Democratic electors had been elected "agreeably to the provision of the laws of the said State, and in conformity with the Constitution and the laws of the United States" as "ascertained by judgment of the Circuit Court." The Governor annexed a copy of the court's decision to the certificate of election.

Vice President Nixon, sitting as the presiding officer of the joint convention of the two Houses, suggested that the electors named in the certificate of the Governor dated January 4, 1961 be considered the lawful electors from Hawaii. There was no objection to the Vice President's suggestion, and the three electoral votes from Hawaii were cast for John Kennedy.

This result was supported by both Senators from Hawaii, Republican Hiram Fong and Democrat Oren Long and Democratic Representative DANIEL K. INOUYE.

The precedent of 40 years ago suggests the means for resolving the electoral dispute in Florida: count the votes under the supervision of the court pursuant to Florida law, both slates of electors meet on December 18 and send their certificates to Congress; the Governor of Florida send a subsequent certificate of election based on the decision of the count supervised by the court accompanied by the decision of the court; and Congress accepts the slate of electors named by the Governor in his final certification.

Under this procedure Florida need not rush to complete its recount in an attempt to meet unrealistic deadlines set by the court or the legislature. The key date is not December 12 or December 18. It is January 6, the date on which the electoral votes are counted. As the 1960 experience of Hawaii shows, the Florida recount does not have to be completed until just before the electoral votes are counted.

TRIBUTE TO MR. DEREK E. BROOMES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 13, 2000

Mr. SERRANO. Mr. Speaker, today I pay tribute to Mr. Derek E. Broomes who was recently elected as the new Chairman of the Board for the Caribbean American Chamber of Commerce and Industry, Inc. (CACCI). He is the third Chairman of CACCI's Board in its 15-year history. Mr. Broomes is the Chief Financial Officer of the Bronx Overall Economic Development Corporation (BOEDC).

As Chief Financial Officer of BOEDC, Mr. Broomes is responsible for administering a $110 million budget for economic development in the Bronx. BOEDC, the economic consultant to the Bronx Borough President, also administers the Bronx Initiative Corporation, a certified US Small Business 504 loan company.

Mr. Speaker, Mr. Broomes is a former Inspector General of the New York City Department of Investigations. He also served as Deputy Commissioner and Agency's Chief Contracting Officer at the NYC Human Resources Administration.

Mr. Broomes is a London University trained financial economist. He holds a Master of Science/CPA degree in public accounting and finance from the Graduate School of the City University of New York, where he has also done work toward a Ph.D. in economics and finance. He holds a Diploma in Economics and Finance from the London School of Economics and a Diploma in Mathematics and Physics from the University of London. He is a member of the Institute of Management Accountants and a member of the Institute of Financial Executives.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Derick E. Broomes and in commending him for his outstanding achievements and wishing him continued success at CACCI as well as BOEDC.

SENATE—*Thursday, December 14, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, this morning we praise You for four great Americans who have distinguished themselves in the Presidential and Vice Presidential elections: George W. Bush, AL GORE, Dick Cheney, and JOE LIEBERMAN. We admire their fervent desire to serve our Nation and their tireless efforts to make their visions known. Now, after all the protracted debate and prolonged legal battles, we ask You to heal our land. Unite us in a renewed commitment to patriotism more than party spirit, to dedication more than divisiveness, to reconciliation more than recrimination. Motivated by love for You and America, we pledge our support and loyalty to George W. Bush and Dick Cheney as they prepare to assume executive leadership of our Government. Bless them with inspired vision and impelling courage. In equal measure, uplift and encourage AL GORE and JOE LIEBERMAN as they continue to glorify You in their lives and leadership. Replenish and renew them in body and soul. Throughout the Nation, may people neither gloat over victory nor grimace over defeat but move on with hope. Silence divisive, disruptive voices that would ignite and inflame disunity. Help the Senators to be healing agents as they exemplify for the American people civility, graciousness, and oneness. And why not, Lord? This is our own, our beloved land. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM BUNNING, a Senator from the State of Kentucky, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. BUNNING). The acting majority leader is recognized.

SCHEDULE

Mr. CRAIG. Mr. President, for the information of all Senators, the Senate will be in a period of morning business for a short time today.

The Senate was expected to consider the final appropriations bill during today's session. However, because of changes in the House schedule, the Senate will not begin consideration of the final package until tomorrow morning pending its receipt from the House. It is hoped that the House can complete action shortly after noon tomorrow. Senators will be updated on the vote time throughout the day today.

I think that probably covers the concerns of my colleagues, and I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 10 minutes each and with the time to be equally divided in the usual form.

The Senator from Idaho.

VICE PRESIDENT AL GORE AND PRESIDENT-ELECT GEORGE W. BUSH SPEECHES

Mr. CRAIG. Mr. President, I think I speak for all Senators on my side of the aisle and probably for all Members of the Senate when I say that last night we watched with great attention the speeches given by Vice President AL GORE and the now President-elect George W. Bush.

I think as Americans we were all honored by their statements last evening: A clear statement of vision and reconciliation on the part of the Vice President and, I have to imagine, the most difficult speech that gentleman has ever delivered in his life; at the same time, a speech from President-elect George W. Bush which I think demonstrated the full weight of understanding he has about his role as the President of our country—that he is President for all of the people. And that burden humbles him a great deal. We all look forward to working with him in the coming months and years as we continue to work in behalf of our country.

Certainly the prayer delivered by our Chaplain this morning clearly speaks to the concerns we have had and the wounds that must be bound and, of course, the actions that will be taken in behalf of leading this country.

I think all of us look forward to the opportunity of working with President George Bush in the coming days.

CONGRESSMAN JULIAN C. DIXON

Mr. CRAIG. Mr. President, the House is not in session because of the funeral of Congressman Julian Dixon.

Many here in the Senate did not know the Congressman, but I did. I had the great opportunity to serve with him in the most difficult of circumstances. We served on the Ethics Committee together during the period in which Jim Wright was examined for what was believed to be, and what was later found to be, unethical activities for which he finally resigned.

Julian Dixon was a fine American. Oh, yes, he was a partisan. But when it came to the responsibility of leadership, there was no question that his chairmanship of the Ethics Committee during that time was fair, equitable, and responsible. I must tell you that in working with him during those long hours and difficult times, I grew to respect him a great deal. I must say that we have lost a great public servant in the death of Congressman Julian Dixon. I will miss him. I think all of us will.

JULIAN DIXON

Mr. REID. Mr. President, before coming to the Senate, I was a member of the California congressional delegation. Even though I am from the State of Nevada, they allowed me to be part of their deliberations and, in fact, when I came here, I was secretary-treasurer of the California congressional delegation. As a result of that association, I got to know Julian Dixon very well. He was a fine man. He came to Nevada for me on a number of occasions. He was an outspoken advocate of doing good things for the District of Columbia. The District of Columbia lost a very powerful voice when Julian Dixon's heart stopped beating.

He also, as I indicated in my conversation with the Presiding Officer today, served very valiantly as a member of the Ethics Committee in the House of Representatives. In fact, the Presiding Officer served as a Member with him. In short, Julian Dixon, who was a great advocate for political causes throughout his entire political career, was a person who believed in the Congress. He believed in our form of government. His loss is a loss to our Nation. I extend my condolences to his entire family, recognizing that we lost a great patriot in Julian Dixon.

LESSONS FROM THE HAGUE

Mr. CRAIG. Mr. President, recently, I attended the Sixth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP-6) at The Hague, in the Netherlands. I went to observe Undersecretary of State Frank Loy and the rest of the U.S. negotiating team confront the complex issues associated with the requirements of the 1997 Kyoto Protocol to reduce greenhouse gas emissions.

The experience brought into clearer focus for me some disturbing themes that appear to be behind the intense international pressure brought to bear on the United States to reach agreement on some profound economic, social, and environmental issues.

At the outset, let me make clear that I did not arrive at The Hague without first studying the climate issue. For several years now, I have closely followed the progress of the climate change debate.

I have sought the input of nationally recognized scientists credentialed in the disciplines of atmospheric, ocean, and computer modeling sciences. I have reviewed scientific reports, most notably the document entitled Research Pathways for the Next Decade, prepared by scientists affiliated with the National Academy of Sciences Board on Atmospheric Sciences and Climate.

In addition, I have traveled to institutions such as the Woods Hole Oceanographic Institute in Massachusetts and met with ocean scientists who are very involved in climate research.

All of these scientists have, for many years, studied and disagreed on how much our planet is warming, and whether it was driven by natural causes or by carbon dioxide emissions from industry, and other human activities.

Scientists from around the world have had legitimate disagreements on how drastic a problem global warming is likely to be in this century and beyond. The debate has been further complicated by politically motivated "junk science" predictions of "imminent" environmental catastrophes capitalizing on weather events that most scientists agree are not linked to current temperature increases.

The emotional intensity of this debate cautioned many policymakers not to take sides early. However, as Republican Policy Committee Chairman, I felt compelled to address the many valid concerns expressed about this issue in a balanced way.

This led me to introduce with my colleagues, Senators MURKOWSKI, HAGEL, and others, over a year ago, comprehensive legislation that I believed, and still believe, provides the framework for some responsible and immediate consensus action on this issue.

A few days before leaving for The Hague, I met with the Director of the National Research Council's Board on Atmospheric Sciences and Climate, and other scientists on the Board to discuss the status of the scientific research on climate change. Prior to that date, the NRC was reluctant to agree with earlier summary scientific assessments of the United Nations Intergovernmental Panel on Climate Change (IPCC) that humans were contributing to increasing temperatures recorded around the globe—the so-called "anthropogenic effect."

Indeed, at a Senate Energy and Natural Resources Committee hearing held just last Spring, Dr. Joe Friday, testifying on behalf of the NRC stated that the "jury is still out" on why global temperatures are rising. The NRC was clearly unable at that time to state on the record that it had detected clear evidence of an anthropogenic fingerprint on the warming trends of earth's climate.

At our meeting a few weeks ago, the NRC scientists were less passionate in their refusal to acknowledge the "anthropogenic effect." I took from our discussion that day that there was increasing evidence that land-use practices and human emissions of greenhouse gases were having some contributing effect to the increased land surface temperatures monitored around the globe.

To be sure, the scientists did not suggest or imply that temperatures would reach dangerously high levels during the next 50 to 100 years. Indeed, the scientists offered their opinion that the rise in temperature would more likely be closer to 1.5 degrees rather than the 5 to 10 degree high range predicted for later this century by the IPCC.

Moreover, the NRC scientists underscored the uncertain nature of the computer modeling results on which most, if not all, predictions depend. They cautioned against fully embracing any set of predictions because of the uncertain nature of input data and the ability of computers to fairly and adequately handle the many variables that are included in computer programs.

They further noted the need for continued technological advancement in super computer capability.

What was clear to me after that meeting was that the issue of human contributions to increasing temperatures was reaching some consensus within the National Academy of Sciences.

However, it was also clear to me from my discussions with those scientists that many other important scientific issues concerning the extent of the human contribution to warming trends, the extent to which the earth will continue to warm, and perhaps, most important, the extent to which mankind can take actions that will effectively stop or slow climate change are far from settled and will likely take years to determine.

Indeed, the consensus that is forming among scientists working on this issue for the National Research Council is that we need a plan to focus more on climate change "adaptation" rather than climate change "mitigation." This thinking would have been considered radical a little over a year ago and today still may be anathema to many in the environmental community. Yet, a July, 2000, Atlantic Monthly article entitled "Breaking the Global Warming Gridlock" by Daniel Sarewitz and Roger Pielke, Jr. boldly and intelligently addresses this issue and persuasively makes the case for new thinking on what many of us would agree is one of the most important issues for this new century.

Instead of discussions at The Hague centering on ways to reach consensus on actions that would reduce vulnerability to climate change such as encouraging democracy, raising standards of living, and improving environmental quality in the developing world through the use of innovative American and other industrialized countries technology, many discussions were consumed by scathing anti-American rhetoric.

Some non-governmental environmental organizations and some European Environmental Ministers were criticizing the United States for not wanting to surrender some of its sovereignty by allowing other nations to police American fuel use and economic expansion strategies.

Many in the developing world were brazenly demanding billions of dollars in "pay-offs" for the perceived harm that climate change—in their opinion, brought about by American greed—was causing developing countries. Astonishingly, all of this pay-off money would be in addition to the large sums currently being sent to developing countries through AID and many other American taxpayer programs designed to help developing nations reach better standards of living.

The motives of America's strongest critics at The Hague Climate Conference appeared to be nothing more than transparent efforts to have wholesale redistribution of wealth to the developing world and to maneuver our competitors in the global market place into stronger competitive positions.

Many in the non-governmental environmental community appeared to be more interested in promoting non-growth and anti-population agendas than taking actions that would offer the best prospects to reduce greenhouse gas emissions or helping vulnerable nations adapt to capricious climate variations.

I believe America will responsibly move forward in addressing the climate change issue whether or not Kyoto is ever ratified by the Senate. We should not, and the Senate will not allow the international community or powerful non-governmental environmental organizations to force our nation to accept a deal that will be economically threatening or scientifically ineffective.

Secretary Loy and his negotiating team at COP-6 should be commended for their hard work and steadfastness in demanding from the international community solid proposals that fully recognize both America's determination to defend its sovereignty and its unmatched ability through its technological prowess to help the world deal with any potential calamities as a consequence of climate change.

Moreover, the United States won key concessions from international negotiators at Kyoto that now appear to be at serious risk. Indeed, European negotiators at The Hague, with strong pressure from some non-governmental environmental organizations, made aggressive attempts to rescind those concessions.

The flexible mechanisms provision and the sinks provision were elements of the Protocol that were prominently displayed to Congress by the Clinton/Gore Administration when Congressional Oversight Committees questioned the costs associated with the Protocol. Each time the Administration responded to such queries, the Administration would point to the carbon sink and flexible mechanism provisions to rationalize its assessment that compliance with the Protocol would be inexpensive.

Clearly, without those provisions, the Protocol's cost will be prohibitive and violate one of the critical tenets of Senate Resolution 98—the Byrd/Hagel Resolution—which passed the Senate 95–0 in 1997.

I can only hope that the current Administration will do nothing to compromise these principles in the coming weeks. To do so would be irresponsible and unproductive. Clearly, it would be politically ineffective inasmuch as the Senate would not ratify such agreement.

Meanwhile, as scientists continue to research, discover, and even disagree on the causes and effects of global warming, I will continue to work with my colleagues in Congress to aggressively establish a system of incentives that reduce the environmental impacts of human activity, while preserving the freedoms and quality of life that make the United States the greatest Nation on Earth.

BIPARTISANSHIP

Mr. REID. Mr. President, I was of course very disappointed in the decision of the U.S. Supreme Court. I sat and listened to that argument. I think both lawyers Olson and Boies did an outstanding job. I was disappointed in the 5–4 decision. I think it was as a result of the Supreme Court's decision that the vote did not go forward in the first place.

Having said that, I am an attorney. I have always believed we are a nation of laws and not of men. I said prior to the decision being rendered by the Supreme Court I would follow that decision; that I may not like it, but I would do whatever I could to make sure it was accepted.

I think during this entire process we as a nation should be very proud. I repeat, I didn't like the way the election turned out. We have a man, Vice President GORE, who won the national vote, a vote of the public, by 250,000 votes over his opponent. If there had ever been a count in Florida, he would have won that. But this country is a great country. Even though AL GORE won the election, he will not take office. This country is amazing. In spite of that, there was not a single arrest during any of these very bitter discussions regarding the vote. There was not a single injury that I know of. It is something that is part of history. I am going to do everything I can to make sure that George W. Bush's Presidency is as good as it can be.

I know he comes from a good family. I served in the Congress during the tenure of his father. I liked his dad very much. He wrote me a number of personal letters on things that I did that he thought were good. I have those letters and I treasure those letters. I was the first Democrat to speak openly for our incursions into Iraq. I think President Bush did the right thing. In short, I think George W. Bush has the ability to be a good President. I am going to do everything I can, as I said, to support President-elect Bush.

I think we have to recognize that what took place last night was magnificent. Vice President GORE's speech was magnanimous, gracious. As we indicated, he got more popular votes than even Ronald Reagan. Then that was followed by a speech by President-elect Bush which was outstanding. I think the tone of his speech was good. I think the issues he talked about were issues we have talked about for some time here on the Senate floor.

President-elect Bush is going to get all the advice and counsel he needs, I am sure, and he does not need mine. I am confident that today he is being briefed and briefed and briefed and told opinions of what people think he should do. But, in spite of that, my advice to the President-elect is, if he wants to be bipartisan in action rather than just words, the first thing he should do is recognize we have a House of Representatives which is almost evenly divided. He has to recognize that we have a Senate that is evenly divided. We have 50 Democrats; we have 50 Republicans. Either by math that is taught at MIT or the so-called fuzzy math talked about during the campaign, 50 and 50 are equal.

As a result of that, I recommend the President-elect interject himself into what is going on here in the legislative branch of the Government. I think what he should do is say 50–50 is equal. I think the Republicans should go along with the Democrats to have committees that are even—that is, the same number of Democrats on the committee as Republicans. There should be equal funding. There should be equal staffing. I think he should take a look at the committee chairmanship structure. I think it would be a significant step if President-elect Bush stepped forward and looked at what the future holds.

The future holds that, for example, if the Budget Committee is 10–10—one of the first things we are required by law to do is come forward with the budget—if the committee is 10–10, anything that comes before this Senate will be bipartisan in nature and I think will be approved quickly. It would be the same on other committees. I think one thing the American people have said is that we should work in a bipartisan basis, 50–50 in the Senate, 50–50, approximately, in the House.

We have a President who was elected with fewer votes than the his opponent. I just think this is a time that calls for bipartisanship. I think we can do that. But I think it would set a very bad tone if the Republicans, some of whom are in denial that the Senate is 50–50, would prevent the Senate from going forward by saying we are not going to give you equality on the committees. If that happens, it is not the Democrats who are holding up action in the Senate, it is the Republicans—the Republicans who we no longer refer to as the majority because they are not the majority. It is the Republicans who will be holding up this Congress and this country from moving forward.

I also think it appropriate that President Bush follow the example we have in the Cabinet today with Secretary Cohen. Secretary Cohen is a bona fide, card-carrying Republican from the State of Maine who did an outstanding job and is doing an outstanding job during his tenure as Secretary of Defense. I hope President-elect Bush will also look to people of the other party, the Democratic Party, to fill spots in his Cabinet. I am confident he will do that.

Again, I feel so good today about our country. We should all feel good about our country. In spite of the closeness of the election, in spite of the more than 1 month since the election took place, we have two men who stepped forward last night; they stepped forward with compassion, stepped forward with confidence—confidence at the greatness of this country.

I have been through statewide recounts, two of them, one of which I lost by 524 votes; one of which I won by 428 votes. I know what close elections are all about. I know how difficult recounts are. I was very proud of both men and their families for what they put up with and how they ended the election process last night. It speaks well of them and of our country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR SLADE GORTON

Mr. NICKLES. Mr. President, everyone has been focused on the Presidential election. It has been one of the most drawn out Presidential elections in U.S. history. Another election came to conclusion recently, and that was the Senate race in the State of Washington, one of the closest Senate races in many years. It took weeks to discern.

Our friend and colleague, Senator SLADE GORTON, was defeated. I want to make a couple comments concerning our colleague, Senator GORTON.

I had hoped he would not lose this race because he is a friend of mine and, in my opinion, he is one of the most outstanding Senators we have had.

By way of a little history, I was elected with Senator GORTON in 1980. Both of us were freshman Senators. He was formerly an attorney general. He gained some attention nationwide in that he and his family bicycled all the way across our country. It shows they are a close family and individuals with endurance and athletic talent.

He is an outstanding Senator. He lost reelection in 1986, unfortunately. A lot of people lost. It was a tough year. That was certainly one of the toughest losses we had. I remember stating at that time when Senator GORTON lost that he was a Senator's Senator. I hated to see him lose that race. He showed great endurance and came back in 1988 and won and also won reelection in 1994. As I mentioned, he was just defeated in a very close race in 2000.

Senator GORTON has served 18 years in the Senate. In his last two consecutive terms, he was chairman of the Interior Appropriations Subcommittee and worked on a couple of different Appropriations subcommittees. He did an outstanding job with the Interior Appropriations Subcommittee which has enormous responsibility. He handled that with great skill and in a bipartisan way.

People ask: Can the Senate function? Can we work in a bipartisan manner? I look at Senator GORTON and his leadership on the Interior Subcommittee, working with Senator BYRD and Senator REID. He has proven it can happen and has shown how it can happen and should happen.

He is an outstanding Senator. He has handled his defeat with great class. There was a recount, and he congratulated MARIA CANTWELL as the victor. We are proud to call him our colleague and our friend. Certainly he will be missed in this body; certainly his leadership will be missed in the State of Washington.

TRIBUTE TO SENATOR BOB KERREY

Mr. NICKLES. Mr. President, Senator BOB KERREY from Nebraska, as most people know, was a former Governor of Nebraska. He has completed two terms in the Senate. I, for one, hate to see him leave the Senate. I have had the pleasure of working with Senator KERREY on the Finance Committee. He has shown great courage.

He is a person who has been willing to talk about difficult issues: Curbing the growth of entitlements, Medicare, and Medicaid. He worked on the commission that was also chaired, I think, by Senators BREAUX, FRIST, and THOMAS, and was an outstanding member in saying: Let's make some of the tough choices; let's make some of those tough choices now.

He is a person who has been willing to reach out and work in a bipartisan fashion, such as on personal savings accounts for Social Security, reforming Social Security.

He has courage. He has conviction. He has shown it time and time again with his service in the Senate, with his activities in the Senate and outside the Senate.

Everyone knows he is a Medal of Honor winner. I think of him as a competitor, as a friend, as a colleague. Some of us jog on occasion. Senator KERREY jogs and jogs quite well. That is very inspirational because he also has an artificial leg.

He has a great personality. I think he has made a great contribution to the Senate. He has helped improve the quality of the Senate, and certainly he will be missed. I think he has announced he is going to be a university president. That will be very much to the gain of that university. He will be sorely missed in the Senate.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR ROD GRAMS

Mr. THOMAS. Mr. President, I would like to take just a few minutes to comment on one of our friends who is leaving the Senate.

We all, of course, feel strongly about the changes that take place in this body and the people with whom we work closely, and even those with whom we do not work closely, and certainly appreciate all the things they have done while they have been here. Frankly, it is always a sad thing to have people with whom you work leave.

Of course, all Members have an impact in this body. All Members leave an imprint here and certainly in the areas they represent. Each of us has different ideas. That is the basis for our system. We bring those ideas here and seek to implement them, to the extent we can, by working with others to cause them to be implemented. We have disagreements, as we properly should have, and then we come to some decisions.

So I want to comment for a moment about my good friend ROD GRAMS who has well represented the State of Minnesota in the Senate for 6 years during the same period I have been here. He served in the House prior to that, during the same time I was there.

I think ROD has been one of the real good guys in terms of his dedication to doing the things he thought were best for the country, things he believed were best for the people of Minnesota. He has been a great legislator and an important friend to many of us.

As I mentioned, ROD GRAMS was elected to the House in 1992. He served there for one term and then was elected to the Senate in 1994. I certainly have benefited from our association ever since. ROD is a proud conservative.

ROD is one who is dedicated to the notion that there ought to be budget relief. He is dedicated to the notion that there ought to be Social Security reform. He is a champion of the $500-per-child tax credit and is the author of many successful tax measures. I think he has made a real contribution to the direction we have taken.

Above all, however, I think that idea of having a philosophy, believing in some things that are good, and working for those things, but working for them in a way where others can also work on them with you, is really the greatest contribution any of us can make. I feel sure this institution will be poorer in the future because he is not here. But he will continue to contribute to our country.

One of his legacies has been his determination; one of his legacies has been getting results. That is really what it is all about—to cause things to happen, to have legitimate debates and concerns about important issues.

I think ROD will be sorely missed in the Senate, not only as a friend but as a driven legislator who has been a critical party to this idea of less government and more personal freedoms, which is a very important thing to most everyone.

He will continue, of course, to make contributions to our country. Prior to coming here, he worked in the media through TV and newspapers. I suspect we will hear much more from him.

I will not go on further, but I simply want to say I wish ROD great luck in whatever he does. I thank him for what he has done here. I just wanted to at least briefly recognize the contributions that have been made by Senator ROD GRAMS to this institution and to this country.

I thank the Chair.

THE PRESIDENTIAL ELECTION

Mr. DORGAN. Mr. President, the American people last evening heard a concession speech by Vice President GORE and a speech by Gov. George W. Bush, who is now the President-elect.

I supported Vice President GORE. I wish the result had been different in this election. But we have a process for contesting elections, and that process was finalized by the actions of the U.S. Supreme Court. I accept those actions, and we now have a new President-elect.

We went through some difficult times after the election day, and those times inflamed the passions of many Americans. The fact is, the American people created almost a dead even tie in casting votes for the Presidency. It wasn't just the Presidency. It was a 50–50 split in the membership of the Senate, and nearly a 50–50 split in the House, and as I indicated, a near tie vote for the Presidency. That is not likely to happen again in our lifetime. It is not unusual for the person on the losing end to want to make certain that all the votes are counted and counted correctly. So that is why we went through that process.

I know many passions were inflamed as a result of it. In fact, some of my colleagues—not so much in this body but in the other body—were using words such as "stealing elections," and so on. I regret that those words were used. I don't think it contributes to what we ought to be doing. That is all gone and done.

As of last evening, we have a President-elect who addressed this country, and we have a Vice President who conceded that election.

Despite the fact that Congress is divided almost evenly between the Republicans and Democrats, all of us wish the new President-elect well.

It will behoove all of us to work together and extend ourselves to each other and try to create some unity, and move forward on things on which we can agree. There will still be policy differences, I might say, and we should aggressively debate them. But I think the American people want us to try to work together to find areas of bipartisanship, and we will do that. I, for one, am interested in seeing us make the progress on important issues for our country.

Let me make this comment as well. We not only will now have a new President. This new President inherits an economy that is going through some changes, some subtle and some not so subtle.

INTEREST RATES AND THE ECONOMY

Mr. DORGAN. Mr. President, the Federal Reserve Board meets on Tuesday of next week. The Federal Reserve Board has increased interest rates six times since June 1999 in search of inflation. They are terribly afraid that there is inflation either under the bed, or in the closet, or just around the corner, out in the garage, near the driveway, or somewhere inflation exists. Of course, all the evidence suggests that the core rate of inflation is very low—well within moderate levels. In fact, the Producer Price Index released this morning suggests that the core rate did not increase at all in November. The Consumer Price Index will be released tomorrow, and I suspect it will show something very similar.

Next week when the Federal Reserve Board meets, in my judgment, it will behoove them to reduce the additional tax on money they have imposed with six increases in the Federal funds rate.

Let me describe why I think we ought to do that. This economy is slowing. After unprecedented economic growth in this country, this economy is slowing. The evidence is all around us.

Manufacturing activity for the fourth straight month ending in November has declined. The National Association of Purchasing Management recently reported that its purchasing index had dropped to 47.7 percent from 48.3 percent.

Auto makers are idling plants. The real output of cars and trucks fell by some 20 percent over the second and third quarters. Car and light truck sales have fallen for the past 6 months with the largest drop in over 2 years in November.

The number of manufacturing jobs declined by 220,000 in the last 4 months. Factory orders are falling.

Factory orders plummeted 3.3 percent in October in its weakest showing in 3 months.

Housing starts and sales are off. Retail sales are well off. Yesterday, the Commerce Department reported retail sales fell by an unexpected 0.4 percent in November.

I will not go on at great length. But the evidence is all around us. This economy is slowing.

The Federal Reserve Board says it wants to slow the economy. The debate now is what kind of landing will occur—a "soft" or a "hard" landing, in the lexicon or jargon of economists. Nobody knows.

I taught economics in college briefly, and I have said I overcame that experience. The fact is that economists don't know what is going to happen in the future. The field of economics, as I have said previously, is nothing more than psychology pumped up with a little helium. They tell us what they think is going to happen in the future.

Prior to the last recession, 35 out of 40 leading economists in this country predicted that next year would be a year of continued economic growth. That is what the field of economics produces.

What is going to happen in the future? I worry that this slowdown could very easily move this country into a recession. We have to be careful about that.

The Federal funds rate that the Fed has established is too high. It results in a prime interest rate that is too high. It results in higher interest rates paid by every American on their consumer debt, and on their real estate debt, and so on. That is higher than it should be. As a result of the Fed's six interest rate increases, the average household in this country pays about $1,700 a year more in interest charges. If we were going to have a tax on the American people, we would have great debate about it. This is a tax on money, and it is has required an average household to pay $1,700 a year more in interest charges.

There is no debate on that. It is done behind the closed doors down at the Fed. They have their wish. The economy is slowing down.

The question is, Will they have the sense next week to decide to reverse course and understand two things? One, there isn't any real inflation problem; and, two, they are overcharging for money, and they ought to begin reducing short-term interest rates because they have increased them too much.

These are the folks who go behind closed doors and make these decisions. There is no public discussion or debate here.

Here are the Federal Reserve Board of Governors and the presidents of the regional Federal Reserve banks. They serve on a rotating basis as part of the Open Market Committee and as part of the decisionmaking down at the Fed.

Next Tuesday they will close the door. The American public isn't allowed in. They will make decisions about what kind of tax we will have on money. Six interest rate increases have been ordered by these folks over the last year and a half. They have slowed down the American economy.

Looking at housing starts, autos, and retail sales across the board in economic activity, in my judgment, they are tinkering with the notion of allowing this country to experience the beginning of a recession. That would be most unfortunate.

I want people to understand. Here are the names of the folks who are there. Here is their education, background, and their salaries.

I think it is important for us to understand who is making public policy behind locked doors. Next Tuesday, when they talk about monetary policy, I think the American people ought to understand that the question of the interest rates and the amount of interest they pay on their credit cards, home equity loans and so on depend on what these folks are doing with respect to the Federal funds rate. It is very important.

I worry very much that this economy may well head towards a recession unless we do something to reverse the course that the Fed has taken.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DORGAN. Of course, I would be happy to yield.

Mr. REID. The Senator from North Dakota has been such a leader on this issue dealing with the Federal Reserve. In fact, the Senator will recall that the Senator from North Dakota and the Senator from Nevada ordered a study of the Federal Reserve. We found, among other things, that they have a slush fund of over $3 billion. It has been there for 70 years, or thereabouts. They never use it.

I ask the Senator from North Dakota: Wouldn't it seem logical, as we are trying to do all of these things in the last few minutes of this session, if that money were to be used to help farmers, or help with some of the problems created by forest fires in the West? Wouldn't that be a better place to use that money than to use it for the so-called rainy day fund? We have never had a rainy day in the Federal Reserve.

Mr. DORGAN. I agree with that. One could find important uses for it, or perhaps give it back to the taxpayers. But this is a circumstance where the Federal Reserve Board, according to the GAO investigation that was done, has a rainy day fund. Can you imagine having a rainy day fund in a climate where it never rains? The Federal Reserve Board can never lose money. It will never lose money, and has never lost money. They accumulated a rainy day fund of some $3.7 billion. It is more now.

Here you have this last dinosaur on America's hill—the Federal Reserve Board—that operates in secret behind closed doors that creates its own rainy day fund. The GAO says they don't need it. They shouldn't have it. It ought to be given back.

Guess what. A couple of years after that study was complete, has that rainy day fund been divested by the Fed, and given back to the taxpayers? The answer is no. Of course not. Why? Because this Congress usually won't touch the Fed with a 10-foot pole.

There is this language about monetary policy that prevents almost anybody from even talking about it. That is one of the reasons I wanted to talk today about what happens next Tuesday.

Our economy, in my judgment, is in some difficulty. It has gone down dramatically. We have a new President who will be sworn into office, and may well inherit an economy that is slowing down, and could even be heading towards a recession, at least in part, because the Fed has decided they want to slow down the economy. Six times they increased interest rates; they create a new tax on money, impose a new burden on every American family, and nobody thinks much about it.

It is time to turn that around. The prime interest rate is too high by at least two percentage points, and as a result, all other interest rates in this country are too high. Why? Because the Fed has pegged the price of money at an artificially high rate because they want to slow the economy down. The fact is they run the risk of pushing this economy off the track of unprecedented long-term economic growth and into the ditch of a slowdown into a potential recession and increased Federal deficits.

I hope the Fed will think long and hard next Tuesday about this subject and decide it is time to begin reducing interest rates following the six rate increases they have imposed on the American people.

I will speak more about this. My expectation is we will probably finish this session this week, so I will not speak on the floor of the Senate next week. But before the Fed meets on Tuesday, I want to give more advice on Monday. They seldom take my advice, but I think they would be wise, if they want to ignore my advice, to at least listen to some of the good economic thinkers around this country who worry a great deal that what is happening to our economy is it is slowing and threatening to head into a very difficult period. Now is the time, not later, to do something.

The Fed talks about preemptive strikes against inflation. My friends, there is no inflation at this point. All the evidence suggests inflation is well under control. What about a preemptive strike by the Federal Reserve Board preventing the economy from heading toward a recession? That would make sense next Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I applaud and congratulate the Senator from North Dakota. With this election having taken more than 30 days, and the stock market, as a result of the turmoil of the election, having dropped significantly, there is a lot of uneasiness in the economy.

I hope the people who are cloistered in the Federal Reserve, hidden away from public view, have the opportunity to listen to what the Senator from North Dakota said. It is so important the people of the State of Nevada and this country be given a break at the beginning of the year on interest rates. Construction is being hurt. Everything we do is affected by the interest rates which as the Senator so graphically illustrated, dictate our lives. I hope the Federal Reserve would follow what the Senator from North Dakota has said. The Senator from North Dakota has had long experience working on financial matters, including the Ways and Means Committee in the House of Representatives, and in the Senate as head of the Policy Committee, and has given great direction on fiscal matters.

I yield for a question.

Mr. DORGAN. Mr. President, I know that the Federal Reserve Board reads everything. They are voracious readers of the economists who gather this information, provide it to the Fed, and assimilate it and make judgments.

Let me give a factoid for their consideration. I have no idea what it means. The Oscar Meyer Weinermobile, one of the vehicles that runs around the country, had an opening for a driver in the newspaper the other day. They were placing a help-wanted ad for a driver for the Oscar Meyer Weinermobile. They got 800 college graduates applying. I have no idea what that means.

It just occurred to me as the Fed looks at information about the economy, they might look at interesting things about this economy: Where it is headed, what is happening, who is employed, who isn't, and what might happen, 3, 6, and 12 months from now, and relent on interest rates and steer us back toward a longer term economic growth prospect.

Mr. REID. I say to my friend, I am sure of one thing it does mean regarding the statistic regarding the car that looks like a hot dog: The fact that there are a lot of people with a college education who can't find work.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I note the presence on the floor of the distinguished Senator from Connecticut who just came off a major campaign. We welcome him back to the Senate. He has never stopped being a Senator, but he has been very busy doing other things.

I yield so he can speak. I will speak following his remarks. So I ask unanimous consent that Senator LIEBERMAN be permitted to speak for up to 15 minutes, and then I ask consent Senator DOMENICI be permitted to speak for 15 minutes thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ELECTION

Mr. LIEBERMAN. Mr. President, I thank my colleague from New Mexico. I thank him for his customary graciousness. As I think about this year and look across the map of the United States and look at the results in the various States, I have even greater love and affection for New Mexico than I did before the year began.

Mr. President, have you noticed that many things in politics and government seem to be taking longer than usual this year? It is December 14 and the 106th Congress is surprisingly still in session. But happily that allows me to come to the Senate chamber—this great American forum, which I love and respect so much—and reflect on the extraordinary opportunity Vice President AL GORE gave me to be his running mate this year.

When I accepted the Vice-Presidential nomination at the Democratic Convention in Los Angeles in August, I began by asking: "Is America a great country or what?"

Last night, we ended that remarkable journey in a disappointing way. Nevertheless, I want to answer my question this morning by declaring: "Yes, America is a great country!"

Let me offer to my colleagues a few reasons why I feel this way today. In selecting me, a Jewish American, to be his running mate, Vice President GORE did what no presidential candidate before him had done. That required personal courage and confidence in the American people. Today we can look back and say that the Vice President's confidence was totally justified.

The fact is that while my faith was the focus of the earliest reactions to my candidacy, it was not even mentioned at the end of the campaign. That is the way we all hoped it would be. And that is good news for all Americans—a fulfillment of the promise that America makes to its citizens that in this country no matter who you are or where you start, you should be able to go as far as your God-given talents and individual determination will take you.

The absence of bigotry in this campaign and the fact that the Vice President and I received the second highest number of votes in history of American national elections should encourage every parent in this country to dream the biggest dreams for each and every one of their children.

Anything is possible for anyone in America.

In the five weeks since election day—because this turned out to be the closest election in American history—our nation's greatness was tested in a different way. But I am confident that in the end our election process can only be made stronger by this experience.

For one thing, it opened our eyes to some long-overlooked problems with our system of voting, to the disparities in technologies and practices that may be stopping large numbers of voters from having their votes counted and that in particular may be undermining the electoral rights of many poor and minority citizens. These problems call out for investigation and reform.

Whether you are happy or sad with the results of the 2000 election, I do think every one of us should be grateful this morning that here in America, we work out our differences not with civil wars but with spirited elections. We resolve our disputes not through acts of violence but through the rule of law. And we preserve and protect our system of justice best when we accept its judgments that we disagree with most.

This election is over. I congratulate Governor Bush and Secretary Cheney and wish them well. Mr. President, I had the opportunity to do that personally in a very cordial conversation this morning with the Vice President-elect, Secretary Dick Cheney.

As Vice President GORE said eloquently last night, it is time now for all of us to come together in support of these United States and the shared values that have long sustained us. Governor Bush and Secretary Cheney are in my prayers, and I know they are in the prayers of all Americans, as they begin now to assume the awesome responsibilities that go with leadership of this great country.

In the strong words and soft voices they both used last night, Vice President GORE and Governor Bush raised us all up and pointed America toward the reconciliation that our history expects and that our national interests now require.

As they both noted last night, this was the closest election we have ever experienced, with the vote for President essentially ending in a tie, the Senate split 50–50 and the House nearly even as well. That puts a special burden, not just on Governor Bush but on all of us in Congress to work on a bipartisan basis and in a cooperative spirit. As I have in the past, I fully intend to work with my colleagues on both sides of the aisle and with President-elect Bush to find that constructive consensus without which we will not help the American people realize their potential.

For my family and me, this campaign has been a thrilling and joyful experience. It has deepened the appreciation we have for the goodness of the American people and the love and loyalty we feel for this country. We could not have asked for a more warm, open, and accepting reception as we traveled around this blessed land. We could not have been more impressed with the common sense and strong values that unite our very diverse citizenry. From their Government, it became clear to me over and over again, most of them, most of the American people, want only a little help every now and then as they work so hard to make their lives better. That is exactly what we, together, should do for them.

The most powerful emotion that I feel on this morning after is gratitude. I am grateful to be an American, proud to be an American; grateful to my wife Hadassah—my love and my partner—for the devoted support she gave me and the extraordinary way she reached out to everyone she met in this campaign; grateful to our dear children and mothers and sisters and brothers and relatives and friends whose help and love sustained us; grateful to Tipper and the Gore children for being such genuine and such generous friends, and for the skill and grace with which they conducted themselves in this campaign; grateful to the Gore-Lieberman campaign staff, whose idealism, ability, and hard work make me optimistic about America's future; grateful to my Senate staff here in Washington and back home in Hartford—they have served with me on behalf of the people of Connecticut for so many years, and continue to do so with such commitment during this eventful and unusual year—grateful to the people of Connecticut whose support over the past 30 years has put me in a position where AL GORE could give me the extraordinary opportunity he did this year; and grateful to the people of Connecticut without whose backing this year I would not now have the privilege of looking forward to 6 more years of service to them and with you, my colleagues, as a United States Senator.

My greatest gratitude is to Vice President GORE himself. He has been my friend and colleague for 15 years now, but I have never been prouder of him than I was this year, and than I was last night. He conducted the campaign with dignity. He presented his policies and programs with conviction. He spoke with a precision that showed respect for the American people. He stuck to the record, and he worked hard, very hard. AL GORE ran this campaign as he lives his life: with honor, intelligence, and devotion.

Today, the Vice President can look back on 24 years of public service with great pride in his accomplishments, and he can look forward to the years ahead with great excitement about the unlimited opportunities that await him. I wish him Godspeed, and I look forward to his continued friendship. The Vice President knows, as I do on this morning, that Psalm 30 assures us that weeping may linger for the night but in the morning there are shouts of joy.

So, today, as some of us weep for what could have been, we look to the future with faith that on another morning joy will surely come.

I thank my colleagues in the Senate from both parties for their warm personal wishes and support during the last 5 months. I look forward, now, to returning to this Chamber in January and working with all of you to help improve the lives of the American people and to help elevate their respect for the institutions of our great democracy.

Mr. President, I again thank my friend and colleague from New Mexico for yielding me the time, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. We are all very proud of the Senator from Connecticut.

The Senator from New Mexico.

Mr. DOMENICI. I believe under the unanimous-consent agreement I am to speak next, but I note the presence of the chairman of the Appropriations Committee who would like to speak. I yield to him, and I ask I follow him this morning.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, the Senator from Alaska is recognized.

STELLER SEA LIONS

Mr. STEVENS. Mr. President, I am grateful to my friend from New Mexico. I am here once again to talk about the last controversial amendment in the appropriations bills for the fiscal year 2001. We have completed all work on these bills now except for one amendment and that is the amendment that pertains to the Steller sea lions. I am here because there seems to still be a misunderstanding about what we are trying to do. The Congress has passed and the President has signed, as a matter of fact, an extension of the Magnuson-Stevens Act, the act that deals with the 200-mile limit off our shores. That act in its original form created the North Pacific Fisheries Council that has jurisdiction under the law for the management plans that apply to fisheries off the shores of my State of Alaska.

In its recent action in issuing a biological opinion under the Endangered Species Act, the Department of Commerce saw fit to use the emergency portions of the Magnuson Act to issue a management plan for pollack and for cod off the State of Alaska within what they call the RPAs, the reasonable prudent alternative areas, dealing with the decline of the Steller sea lion.

There is no emergency provision in the Endangered Species Act. Under the Magnuson Act, management plans are issued by the regional councils, not by the Department of Commerce. There is an emergency clause, if the Secretary makes findings of problems with the fishery, that could justify the Secretary issuing a plan or a revision of the existing plan. That was not done. Instead, the Department of Commerce saw fit to use the emergency clause of the Magnuson Act to once again seize total control of the pollack and the cod fisheries off our shores within the so-called RPAs. They amount to an area of 20 miles around every sea lion rookery. It is an area that extends from Kodiak, all the way out along the Aleutian chain.

The National Marine Fisheries Service has told us there is no data to support the concept that there is a connection between the decline of the sea lion and the harvest of pollack. There is no cause and effect relationship scientifically that exists with regard to this decline. We are appalled by the decline of sea lions off our shores. We also know that sea otters are steadily disappearing, as are fur seals and harbor seals. We believe the reason is the tremendous increase in the killer whales. That is another subject.

Very clearly, what the Department has done now is to increase the danger for fishermen who live in Alaska and fish in the areas off our shores. That fishing currently has the highest level of deaths per capita of any industry in the United States. What this order has done, now, is it has foreclosed the fishing by these small boats in the areas where the pollack is located except during the wintertime. This is a particularly dangerous area. Winter storms increase the problems of fishing. What is more, if they follow the order and go beyond the 20 miles, the further from shore they go on these small boats, even a minor injury becomes a life threatening injury, particularly in the stormy season. I have to report to the Senate that the Coast Guard voted against following this biological opinion last Saturday, in my State, for safety reasons.

What the administration has done is they have restarted the race for the fish. They have made it almost impossible for the enforcement of this biological opinion. They have not consulted with the people who really know the industry as they have issued this opinion. This opinion will have a $500 million to $800 million impact on the industry, according to figures that came from the Department itself.

Just think of this. The largest concentration of fish processors in the United States is on Kodiak Island. I was informed yesterday that, as a result of this opinion, if it is enforced, Kodiak processors will be able to operate for 2½ days. This opinion will create ghost towns in my State along the shore from Kodiak all the way out along the Aleutian chain. Primarily those are native villages. These are not enormous factory trawlers. They fish way offshore. These are people who live in these small villages and harvest this fish—which is a unique fish, as I have told the Senate before. It is unique because it is a biomass constantly growing. Because of the management schemes we have worked out under the Magnuson Act, that biomass has increased almost five times since we started the Magnuson Act.

There is more pollack than ever before, but this is going to limit fishing for pollack in specific areas where the small boats fish.

There is just no way to justify this. Native Alaskans, as I say, are going to lose their jobs, lose their subsistence. About 1,000 boats that otherwise would have gone to sea will not fish under this order. It is just unconscionable.

I am not one who makes threats; I make statements. I have made the statement that I will not sign this conference report if it does not adequately restore this fishery. I will oppose the bill on the floor, and I am hopeful my friends on this floor will understand why.

What this means is we cannot resolve this issue. My staff will meet—thanks to the good offices of the Democratic leader—with representatives of the administration in just a few minutes, but if we cannot resolve this, my advice is make different reservations.

Understand, I cannot as a Senator allow an action that is not following the law that I helped author put a considerable portion of the people who have year-round jobs in my State out of work, and not just temporarily. They have purported to create these areas around these rookeries forever without any consultation with the regional council that was created by the Magnuson Act, without any public hearings, based solely upon a lawsuit that was filed in a Federal court in Seattle and a friendly suit to use that as a justification for taking back into the Federal Government the management of these two magnificent fisheries—pollack and cod—off our State.

In my opinion, it is unconstitutional, but I know one thing—it is not going to be approved by this Senate.

I thank the Chair, and I thank my friend from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, when I yielded time to my good friend from Alaska, I did not think I would be hearing what I just heard. I am pleased I was here when he discussed this issue of paramount importance to his State.

It is most interesting that a Senator can come to the floor of the Senate and tell us all something that is very important to his State, even though the State is a small State. It is great that our Constitution gives our States representation based upon statehood and not upon population of the State. I trust the administration and others will see fit to work with Senator STEVENS so we will all be out of here before Christmas.

AMERICAN ENERGY CRISIS

Mr. DOMENICI. Mr. President, I have come to the floor today to talk about a crisis that the leadership in America does not want to tell the American people about, and certainly the leadership does not want to try to solve this basic problem which is the most serious problem confronting us now.

I thought it would be fair and right, since this is what I believe and this is what I understand and before we have a new President, for at least one Senator—and I hope there will be others—to remind the American people that we are in the midst of an American energy crisis. Unless and until it becomes critical to millions of Americans in their daily lives, it is very hard for Americans to think we have a crisis, but there is a growing, creeping crisis of paralysis that will occur in America because we do not have enough energy that is approved by the Environmental Protection Agency and that we can add to our inventories and resources.

The crisis is coming close. Californians may be asking some questions. They ought to be. The media of the United States is not asking them yet. The great State of California, if you put that State alongside countries, is either the third or fourth largest economic unit in the world. In other words, in terms of gross domestic product, California is either third or fourth in the world.

There are brownouts happening in California, USA, which means there is not enough distributable electricity in the power lines, in the grid of California, to permit people to continue operating day by day as if there is sufficient energy for anything and everything they choose to do.

I hope some people start asking: Who did this to us? Why are we in this condition? I predict this will creep across America, and I only hope we do not blame the next President for what has occurred before his watch. We do not have anyone in a leadership position at the executive branch of America, from the President on down, who is telling the American people that we have a big, big energy problem and that there are solutions, but it will mean we have to make some tough decisions.

I want to talk a moment about what energy means.

The reason the United States is powerful, the reason we can have a strong military, the reason we have the best material things in our daily lives—more houses, more cars, more refrigerators—and people can continue to aspire to be materially sound in America with our economy growing robustly, adding people to the payrolls and giving them more money per unit of time, giving them a better standard of living and a life to lead, is because we have energy. Without energy, we cannot grow, and I do not mean grow from the standpoint of adding a subdivision; I mean grow from the standpoint of putting to work for us in our daily lives the kinds of things that use energy and give us productivity, jobs, and economic growth. Without an energy supply, that cannot happen.

I want to talk a moment about our goals for the world.

We have used some really nice words—"globalization," for one. The way I see it, America would like poor countries to get rich. We would like poor people in the world to have more, not fewer, material things. Believe me, these poor nations are beginning to look at the world and ask: How about us? Can't we grow? Can't we have prosperity?

Let me give an answer as I see it. If the world is expected to grow and prosper using current American restraints on energy sources, it is impossible for us to grow and the poor to grow because they need huge quantities of energy to grow. Do we want to be part of that? If we do, how can we hide our heads and not encourage that all sources of energy be looked at from the standpoint of the benefits versus the costs—the cost to a country, to the environment.

Because of the inability to make hard decisions, we are just about to make our country a natural gas environment. We have almost abandoned coal. We have almost abandoned cleaning up coal so we can use it.

People are wondering what is happening to natural gas prices. When we say to the American people that all you can use in new powerplants is natural gas; all you can use for anything now because of environmental concerns is natural gas, and then we say we cannot produce it on American lands, on American property, on American public domain—I am looking across the aisle at a Senator who is always talking about coal, coal mining. Let me tell him, there is currently a study that says the United States of America has 200 trillion cubic feet of natural gas. We use 20 a year. That is almost 10 years of total supply. We have it locked up in American public domain, in American real estate that we own as a people, because we are frightened to make decisions about letting people explore for it or drill for it. In fact, we have case after case where almost nonsensical restraints lock it up so we cannot use it.

I submit that the challenge for the new President is to be courageous and for his Secretary of Energy to be courageous. First, we had better define the problem for the American people. A Senator this morning came to the floor and spoke about our growth. I say to my friend from Colorado, we seem to be having a downward trend in our gross domestic product, and everybody wants to tell Alan Greenspan how to do his business. That is OK. That is what Senators do. Everyone claims Alan Greenspan in the last decade did the best job of steering us in the direction of sustained growth, high employment without inflation. I say to my friends, there can be no sustained growth at 2.7 per year or 3.3 per year, which gives us a lot of power in our economy, if we do not have energy to use. We cannot do that with brownouts across America.

That, in and of itself, and the increased price will cause America's economy to sputter and slow down, and somebody will be blamed. I submit, do not blame the new President and do not blame the new Secretary. They may have to tell us the truth. They may have to tell us we cannot as a nation get by hiding our heads from new energy sources, such as advanced new technology in the nuclear area.

I think we are going to have to start talking about it realistically with the American people.

Do you know in South Africa they are about to build a module—that means a small powerplant—with brand new nuclear technology that, number one, means the powerplant can never melt; it is passive; it will turn itself off at a certain temperature.

Do you know that powerplant they are trying to build will not use light water? Their gas-cooled design may be much simpler, much safer, and produce less waste (but some) than light water systems.

We here in America are working on nuclear research and the like related to that kind of addition, but we are doing it in such a quiet way because we are fearful that some will rise up and get angry about it. Angry they may get, but the truth is, if the American people understand that we can move in that direction—carefully, slowly—adding some diversity to our energy supply, we can also do a better job in cleaning up our coal and using some of it for electricity.

We can, indeed, open up our public lands to exploration instead of hiding them, as if drilling a well that produces huge amounts of natural gas for Americans—and for whatever we need to grow and prosper—as if that is something terrible rather than something very good. It is something where we ought to hold our heads up and say: We own it. It is American. If we produce it, it is ours. We do not have to be dependent.

And, yes, there is no question that we ought to look at the refining capacity of America. We have not built a new refinery in 16 years, I say to the occupant of the Chair.

What is that all about? It is because we have put environmental rules ahead of America's energy needs. We refuse to look at real cost benefits and reasonable mainstream protection rather than extraordinary protection that in many instances is meaningless but costly and many times stops the production of things such as refineries, pipelines, and the like.

I have much more that I will talk about from time to time on the floor of the Senate, but I come today to say, I hope we do not have to turn off our Christmas trees in New Mexico during this Christmas season, nor in the Senator's State of Colorado. I hope we can turn them back on in California.

Frankly, the only reason they cannot—and the only reason California suffers—is because nobody will make tough decisions. We are sitting back suggesting that things are really going well; that we will fix the American energy supply with windmills. I can deliver a specific talk on why that will not work for all our energy, but we ought to continue it. But it will never give us the kind of energy supply we need as we look to the future.

Do you know that the underdeveloped countries of the world, which intend to grow—and we say to them: Grow, prosper—by 2020 will use as much energy as the United States of America? Where are they going to get it? What are they going to use? What are we going to suggest they do?

Are we going to sit back and say America can grow but they can't? Are we going to say they can use some new kind of energy source but we won't?

So our leadership in the world, moving towards democratization and growth and prosperity for the poorest of nations, will come to a grinding halt if, in fact, we cannot have energy supply in the world.

Why should we have an agreement to preserve ambient air qualities and in that report not mention nuclear power? Why should leaders do that? I have had experts, physicists, who know what they are talking about, saying that alone is enough to put that document over here on a table and declare that it is not real.

If you want clean air in the future, you cannot say we will do it by using only natural gas, that we will not build any more coal burning powerplants, even though we could develop the technology to do that, that we will not consider nuclear power, even though we have a nuclear Navy that since 1954 has gone all through the waters of the seas and oceans of the world with it, with one or two powerplants right inside the hull of the boat, with never an accident. Never has anything happened, and we are so frightened we will not even talk about it.

I think we will talk about it. I think we will talk about opening up American public domain for production. I think we will have a real debate about ANWR, rather than an emotional debate, a real one about what we ought to do to relate our energy needs to that area of the world, not just putting our hands up and saying it cannot be touched, that you can do nothing.

So there is much to be talked about and much leadership needed. But the point is, energy problems in America, without major changes, will get more pronounced. We will have more crises; the prices will go higher, not lower across the board in America for gasoline and natural gas.

I am hopeful the new President will put somebody in the Department of Energy who will help America address this issue with its eyes open, ready to make some really tough decisions.

But the biggest thing I seek is to set the record straight. When that occurs, as the energy crisis creeps across America, I hope we will remember that the seeds have been sown before the swearing in of this President. They are there; the lack of doing the right thing in America is already in place.

This President and his Cabinet and his Secretary and his Environmental Protection Agency head are going to have to help solve a crisis they did not create. We ought to know that, and we ought to set the record straight that that is the case.

I want to close by saying there is plenty of blame to go around. But we will not solve this problem without some leadership that is willing to tell us the truth and suggest that there is really no need for the State of California to be running out of electricity. It is because we have been shortsighted, misled—and they have been in their State because there is the potential for plenty of energy to go around out there. We just have to decide that America needs energy for its future, and that we cannot grow more dependent, that we ought to grow less dependent.

So rather than proceed with details about each of the sources of energy which I had chosen to talk about today, I will do that on another day. Suffice it to say, we will not continue to grow—the Federal Reserve Board notwithstanding—if we cannot solve the problem of how much energy we need and make sure we have it.

Some people thought that because of Silicon Valley, because it is so clean and because it is built around new technology and computerization, we would not need new energy sources. But it turns out that if you want that kind of growth and that kind of productivity increase, and if you want the future of our country to be built upon the technology that evolved with the Silicon Valley in California and other mini "silicon valleys," you need a lot of energy to create the new productivity that that brings to America.

I want to also add that new technology, led by computerization, is part of the reason we have had the sustained growth; they added a dimension of productivity we did not even measure for many years. They added growth to technology by way of productivity increases: The more computers you had, the more you got out of your personnel per unit of work. You got more because of high technology. That has added immensely to our productivity and has permitted us to grow without inflation. That is peaking out.

Surely, if we do not add more energy to the mix of the base, we will have to start trading off one source of growth in America for another. I do not believe that is going to work, and somebody will be blamed, especially since it does not have to happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

EXTENSION OF MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that morning business be extended until 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

SERVING IN THE SENATE

Mr. GRAMS. Mr. President, I rise today on what is a somewhat bittersweet occasion to reflect on my time in the Senate, and to look ahead to the future.

Next to being a husband, a father, and a grandfather, these past 6 years have provided without a doubt the most exciting and also the most inspiring moments in my life. To serve as a Member of the greatest deliberative body in the world—entrusted with fulfilling the hopes and wishes of the people across the United States as well as the people of Minnesota—has been humbling beyond words. When your view out the front window is of the U.S. Capitol, and when your daily travels take you down the same halls once walked by John Quincy Adams, Abraham Lincoln, and Daniel Webster, and you spend your hours working for people who ask nothing more of you than to make government work a little bit better, well, going to the office to work each day is a real pleasure.

I am going to miss the Senate, not at all because of the prestige it is said to represent, but because this relatively small group of people is instilled with the power to accomplish so much good. And every day in this Chamber, my colleagues plow their passions into doing that. Yes, we routinely disagree. We have our partisan battles. And as men and women with strong ideas about what is right for America, we can be as stubborn as any creature God ever put onto this Earth. But there is never any doubt that as Senators, my colleagues act out of a deeply held belief that they are doing the right thing for the people who sent them here.

I have had the opportunity to serve with many remarkable individuals. They have taught me a great deal, not just about being a Senator, although there was certainly a major part of that, but they also helped me to recognize that compromise does not have to mean compromising one's beliefs, that a small victory is often better than no victory at all, that "obstacle" is just another word for opportunity, and that sometimes the best way to get past a mountain is to go around it, and not necessarily tunnel right through it.

The majority leader, TRENT LOTT, has been a good friend, and I have appreciated his counsel and his willingness to listen to even the most junior members of this chamber. I'll say the same of his predecessor, Senator Bob Dole, who was in so many ways a mentor to this Senator, and I truly admire him as a wonderful and caring leader and man. The assistant majority leader, DON NICKLES, has been a tremendous example to my colleagues and me, and I want to thank him for his guidance and friendship. I consider it my great fortune, and a great honor, to have been able to work closely with so many other good people on both sides of the aisle, such as Democrat Leader TOM DASCHLE and Assistant Democratic Leader HARRY REID. I have learned from you daily; and, from our most senior and respected Members of this body, Senator ROBERT BYRD and Senator STROM THURMOND; my committee chairmen, JESSE HELMS of Foreign Relations, PHIL GRAMM of Banking, PETE DOMENICI of Budget, and FRANK MURKOWSKI of the Energy Committee.

Before I got to the Senate, I never would have guessed that every question would have exactly one hundred different answers. But each of our exchanges forced me to look at old ideas in new ways, and I'm a better person for every challenge you posed. These years with you have been like watching a history book come to life.

I want to recognize my colleagues who are also leaving the Senate at the conclusion of this Congress. The distinguished chairman of the Finance Committee, BILL ROTH, has been one of this Chamber's greatest champions of the taxpayers, and a Senator of whom I have the highest regard. JOHN ASHCROFT and SPENCE ABRAHAM continually set the highest standard of public service; we came into the Senate together, and I was honored to work closely with them during the past six years. CONNIE MACK, a colleague on the Banking Committee, has served this Senate with great distinction, as has the Senator from Washington, SLADE GORTON. On the other side of the aisle, the Senate is losing one of its most respected voices with the retirement of DANIEL PATRICK MOYNIHAN. He represents to me the ideal of the character of a public servant. The same can be said of BOB KERREY. I also wish the very best to RICHARD BRYAN, FRANK LAUTENBERG, and CHUCK ROBB, all of whom earned my admiration.

As to the rest of my colleagues, I won't try to thank you individually here, but I will do so privately,, and know that you each have my respect and my gratitude.

Not only have I served with exceptional colleagues, but I was elected to serve here during remarkable times. We've been confronted with moments that tested America's resolve in the world, such as the war in the Balkans and the bombings of our U.S. embassies abroad. Other events, like the Oklahoma City tragedy and the recent uncertainty over the presidential election, have tested us domestically. Despite a strong economy, the challenges posed early on in my term by unending deficits and high taxes threatened families and job creators. These have been hard times in my home state as well, with problems on the farm and a series of natural disasters that challenged our citizens with floods and tornadoes.

We accepted these challenges because the American people expected us to, and at the end of the day, I'm proud to say that we've left things a little better than we found them. Deficits are a thing of the past, taxes are still a crushing blow for families, but a little less so, welfare is no longer a prison sentence, and trade opportunities have opened up around the world for American products.

Is it enough? Of course not, because it's never enough. There's always one more person needing a helping hand, one more bridge to build or road to pave, one more bill to introduce. But I'm confident that we've made the government work a little better for the folks who sent us here, and for the moment, that's enough for this Senator. I leave here with a few more wrinkles and maybe a gray hair or two, but no regrets.

I wish my colleagues the very best as you struggle with the challenges that lie ahead.

With a fifty-fifty split between the parties come January, you'll undoubtedly be tested in ways you haven't imagined. The Senate will adapt, though, as the Senate always has throughout its history, because the people will be counting on you. Senator-elect DAYTON will be in my prayers, and I know the people of Minnesota will stand behind him as they've stood behind me.

On every level, this Senate is a family, and it wouldn't feel right to leave here without expressing my thanks to not just my fellow Senators, but everyone who helps this body go about its daily work. Whether it's the food service workers, pages, officers of the Capitol Police force, elevator operators, parliamentarians, and the others who have become such familiar presences, I've enjoyed getting to know you and I appreciate your professionalism. The dedication to this institution extends far beyond those privileged to stand in the well of the Senate to all of its employees.

In a Senate office, where the ink on the employee roster is barely dry before somebody leaves for a better opportunity and someone else steps in to fill his or her place, I've been blessed to have as loyal and as caring a staff as any Senator could ask for. Going all the way back to my service in the U.S. House, they've stood by me through good times and the most difficult of days. As staffers do, they worked anonymously. They spent long hours at their jobs. They didn't come to work for me expecting to get rich and besides, a paycheck cannot reward that kind of loyalty. So all I can offer them today is my humble thanks and some well-deserved public recognition by inserting their names in the RECORD.

Mr. President, I ask unanimous consent their names be printed in the RECORD at an appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit I)

Mr. GRAMS. Mr. President, in conclusion, I appreciate their service to my office and to the people of Minnesota. I hope they understand that they have all helped to make a difference.

Also, I return to Minnesota a little bit older, hopefully a little bit wiser, and feeling mightily blessed for all the opportunities that have come my way. In conception and execution, the American Government—and the Senate in particular—is an institution that has never been equaled anywhere else in the world. I have been honored to be a part of it.

I yield the floor.

EXHIBIT I

MINNESOTA STAFF

Erik Aamoth, Andrea Andrews, Donna Bauer, Maryann Carl, Jennifer Casanova, Dave Chura, Karyn Diehl, Tim Engstrom, Eric Felton, Josh Gackle, Joe Isaacs.

Pat Johnson, Jessica Knowles, Michelle Koke, Rich Kunst, Dave Ladd, Kim Lichy, Jack Meeks, Mark Neuville, Mike Nikkel, Annie Paruccini, Rob Patterson.

Merna Pease, Tara Pryde, Matt Quinn, Erik Rosedahl, Noah Rouen, Barb Sykora, Jack Tomczak, Randy Wanke, Hayley Wesp, Linda Westrom, Kurt Zellers.

WASHINGTON STAFF

Perry Aaness, Bertt Adams, Mike Amery, Steve Behm, Jeff Bloemker, Eric Bearse, Dave Berson, Jami Bjorndahl, Brian Bowman, Morgan Brown, Alan Brubaker, Krista Canty, Barbara Cohen, Nicole Converse, Anne Crowther.

Chris Cylke, Joseph Dworak, Jason Einertson, Erik Einertson, Don Erickson, Pat Eveland, Jensine Frost, Chris Gunhus, Lianchao Han, Elizabeth Heir, Peter Hong, Todd Hower, Eric Huebeck, Jay Jackson, Dan Kauppi.

Jason Kelley, Pat Kenny, Anthony King, Adam Knapp, Ray Livengood, Diane Lochner, Careen Martin, Darrell McKigney, Andrea Miles, Brent Moore, Tim Morrison, Gretchen Muehlberg, Vaughn Murphy, Joe Natalicchio, Amy Novak.

Matt O'Donnell, Mark Olson, Merna Pease, Linda Pope, Heidi Rasmussen, Anthony Reed, John Revier, Jill Rode, Erik Rudeen, Gary Russell, Fritz Schick, Mark Sherid, Maggie Smith, Tim Stout, Michael Tavernier.

Braden Tempas, Herb Terry, Pam Thiessen, Joe Trauger, Kiel Weaver, Jeffery Weekly, Linda Westrom, Krista Winter, Tom Yedinak.

INTERNS

Jerry Aanerud, Brandon Adams, Margery Amundsen, Kent Anderson, Gulzar Babaeva, Joel Brusewitz, Cheryl Budewitz, Kate Busby, Steve Chappell, Cristi Cota, Amanda Daeges, Brad Davis, Michelle Dhein, Ryan Ellis, Jenny Erickson, Julie Fishman, Charlie Fox, Tom Goetz, Kristen Gross, Kevin Gustafson.

Jennifer Halko, Chris Hansen, Nancy Hartwell, Elicia Heir, Christian Heitzman, Dan Herrboldt, Jon Herzog, Michael Hiltner, Kelly Huebner, Jessica Inda, Andy Irber, Tom Johnson, Jay Johnston, Kari Klassen, Rob Kloek, Mark Knapp, Jason Kohler, Tim Kohls, Joey Kramlinger.

Margo Larson, Brad Lein, Jeff Love, Melissa Maranda, Brian McCarty, Jennifer McWilliams, Stephanie Moore, Ed Moreland, Jon Nelson, Hue Nguyen, Loc Nguyen, Ben Nicka, Jared Nordlund, Olga O'Hanlon, Gabe Perkins, Gretchen Printy, Jessica Qually, Allison Rajala, Stephanie Richard, Oscar Rodriguez.

Miranda Rollins, Julie Schellhase, Patrick Schott, Meghan Shea, Anne Sigler, Valerie Sims, Matt Skaret, Tanetha Smith, Pat Spieker, Andrea Staebler, Tom Starshak, Amy Thorson, Kristian Vieru, Christine Vix, David Webb, Benjamen Wilson, Kristy Wolske, Ryan Wood.

The PRESIDING OFFICER. The Senator from Virginia.

SENATOR ROD GRAMS

Mr. WARNER. Mr. President, our distinguished colleague, Senator GRAMS, will go on to, I hope, an even greater challenge.

What a privilege it has been for me and I think all in this Chamber to have had his service for a few years. I was particularly impressed by Senator GRAMS's willingness to take on assignments which others felt they would rather not have because of the challenge—particularly on the Foreign Relations Committee and those relating to Africa, those relating to the United Nations, and issues which are very vital not only to our Nation but to the whole world.

I wish to commend the Senator. I hope that he will continue to apply his talents and his wisdom and energy to solving those difficult challenges.

I recently visited the U.N. with Ambassador Holbrooke. Time and time again, I was in consultation with him and other ambassadors from other nations in regard to the budget situation. Senator GRAMS was instrumental in the landmark piece of legislation, Helms-Biden.

I hope he will continue to apply his talents.

I wish Senator GRAMS and his family well.

Mr. GRAMS. I thank very much the Senator from Virginia.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. GRAMS. I graciously yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I asked the Senator to yield because I want to share in the good wishes that have been expressed by the distinguished senior Senator from Virginia to the Senator who is about to depart from our midst.

Let me say that the Senator has always been nice to me. He is always cheerful and is always ready to reach out a welcoming hand. I appreciate that.

The Senator and I don't serve on any committees together. I am sorry I never had that opportunity or that pleasure.

But I shall miss the Senator. I shall miss his ready smile and his firm hand claps.

I, too, wish him well in the days to come. Our Senate is better for his having served here. My life is better for having known him and having had the opportunity to serve in this great body with him.

I hope he will come back to see us. I hope I shall get to see him again. I thank the Senator for yielding.

Mr. GRAMS. I thank the very honored and respected man in the Senate, the Senator from West Virginia, for his kind words.

THE LOW INCOME HOUSING TAX CREDIT

Mr. KENNEDY. Mr. President, one of the most significant bipartisan achievements by Congress and the Clinton Administration is the increase in the Low Income Housing Tax Credit that we should enact this week. However, I am concerned that the Internal Revenue Service is taking a position in audits that may undermine the goal of the credit.

Last month, the IRS issued a series of five technical advice memoranda, TAM, on the credit, in response to questions about an audit of a low-income housing developer earlier this year. The memoranda described what may be included in the basis of a property to calculate the amount of the credit that a state can allocate for a development.

The memoranda were requested and issued because no regulations currently exist to clearly define the eligible basis for determining the credit. In the absence of regulations, this highly technical advice is all that taxpayers have available, but these specific instructions for a single taxpayer should not necessarily be the final word on the wide variety of developments across the nation. Regulations would be much clearer and would be fully developed by the Treasury Department.

A further issue is that the memoranda are inconsistent with current industry practice. The positions taken in the memoranda could lower the eligible basis by over 15 percent, reducing available credits for a project. I am concerned that such a sharp reduction in the credit would mean that many planned developments for affordable housing will no longer be economically feasible, and will force developers to decide against building affordable units. It is also possible that this reduction in available credits for projects could be applied retroactively—nullifying credits that have already been allocated and destroying confidence in this important program that Congress worked so hard to establish.

Since States are allocated a fixed number of credits based on population, the memoranda do not save the Treasury any revenues. They simply limit the amount of credits available per project, making individual projects less attractive to developers. The result is fewer affordable housing units at a time when housing prices have soared in many communities across the country.

I am also concerned about the lack of opportunity for public comment on this issue. Preparing regulations requires comment, but issuing such memoranda does not. Many constituents—tenants as well as developers—have strong concerns about the credit, and they should have the opportunity to express those concerns adequately. Developers and housing advocates can provide valuable information on the application of these credits, and their views should be taken into consideration.

With the growing regional and national economy, housing prices are increasing faster in Massachusetts than any other state. Many studies have shown that we must increase production in new affordable housing units throughout the state to meet the overwhelming demand for affordable housing. We must do all we can to see that the low income housing tax credit is used effectively to meet this pressing need.

I urge the Treasury Department to begin the process of developing appropriate regulations on this important issue, including opportunities for detailed public comments.

RETIREMENT OF SENATOR RICHARD H. BRYAN

Mr. LEVIN. Mr. President, when the 106th Congress finally adjourns sine die in the next several days, it will mark the end of the Senate service of one of this body's most thoughtful and respected members, Senator RICHARD BRYAN.

DICK BRYAN came to the Senate having already distinguished himself as a popular attorney general for four years and governor for six years in Nevada. In his two terms in the Senate, DICK has fought for the protection of American consumers. His successful legislative battles include the requirement that automobiles sold in the U.S. be equipped with air bags, fair credit reporting and toy labeling legislation. He has been a pioneer in the area of internet privacy protection legislation, including his bill, the Childrens' Online Privacy Protection Act, which passed last year by the Senate.

DICK BRYAN has earned a reputation as a tenacious defender of the interests of the people of Nevada. Whether attempting to block the storage of federal waste at Yucca Mountain, attempting to ban internet gambling, or fighting for federal projects in Nevada, DICK BRYAN has time and again been a formidable advocate for his constituents.

DICK BRYAN has also been a strong voice in the Senate for fiscal responsibility. A critic of excessive "pork-barrel" spending and wasteful programs, he help lead the fight back to a balanced federal budget.

I have served with DICK on the Senate Select Committee on Intelligence, on which he now serves as Vice-Chairman. On that Committee, DICK has led the minority while steadfastly working toward a bipartisan approach to the Committee's critical oversight of the nation's intelligence community.

Mr. President, I know I speak not only for my wife, Barbara and myself, but for all of us in the Senate family, when I say that we will profoundly miss DICK and Bonnie BRYAN. We wish them, their three children and three grandchildren a healthy and happy future. It was DICK's love of family and his desire for quality time with them and his desire for quality time in his beloved Nevada which takes him from us. While there will be a big hole in our Senate family with his departure, we admire his reasons for leaving, just as we admire and celebrate his contributions to the well being of our nation.

REPORT CARD OF THE 106TH CONGRESS ON PRIVACY

Mr. LEAHY. Mr. President, I rise today, as Chairman of the Senate Democratic Privacy Task Force, to speak about the privacy rights of all American citizens and the failure of this Congress to address the important issues threatening these fundamental rights of the American people.

When he announced the creation of the Democratic Privacy Task Force earlier this year, the Senate Democratic Leader, Senator TOM DASCHLE, said, "The issue of privacy touches virtually every American, often in extremely personal ways. Whether it is bank records or medical files or Internet activities, Americans have a right to expect that personal matters will be kept private." Yet, our laws have not kept pace with sweeping technological changes, putting at risk some of our most sensitive, private matters, which may be stored in computer databases that are available for sale to the highest bidder. As Senator DASCHLE stated, "That is wrong, it's dangerous, and it has to stop."

In leading the Democratic Privacy Task Force, I took this charge to heart and determined that an important first step in formulating workable and effective privacy safeguards was to make sure we understood the scope of the problem, both domestically and internationally, the status of industry self-regulatory efforts and the need for legislative solutions. At the announcement of the Privacy Task Force, I noted that we would focus on Internet, financial and medical records privacy, explaining that, "It is important to come to grips with the erosion of our privacy rights before it becomes too late to get them back. We need to consider a variety of solutions, including technological one, and we need to look at the appropriate roles for private as well as public policy answers."

To this end, the Senate Democratic Privacy Task Force sponsored several member meetings and briefings on administrative steps underway in the Clinton-Gore Administration to protect people's privacy, industry self-regulatory efforts, and other specific privacy issues. These meetings included a discussion with White House privacy experts Peter Swire, Chief Counselor for Privacy at the Office of Management and Budget, and Sally Katzen, Counselor to the Director at the Office of Management and Budget, on the status of multilateral negotiations on implementation of the EU Privacy Directive and the effects on U.S. business. At another meeting, officials from OMB and the Department of Treasury described financial privacy issues. Yet another meeting provided a public forum for industry executives representing various seal programs to describe the successes and pitfalls of internet privacy self-regulatory activities. These task force meetings focused on relevant and pressing issues affecting consumer privacy in this country, prompting many Democratic members to look at legislative solutions.

Democrats have worked to enhance consumer privacy protections through the introduction of several legislative proposals—some with bipartisan support—regarding medical, financial, and online privacy and identity theft. Democratic Senators who have sponsored privacy legislation this Congress include, Senators BOXER, BREAUX, BRYAN, BYRD, CLELAND, DASCHLE, DORGAN, DODD, DURBIN, EDWARDS, FEINSTEIN, FEINGOLD, HARKIN, HOLLINGS, INOUYE, JOHNSON, KENNEDY, KERRY, KOHL, LAUTENBERG, MIKULSKI, MURRAY, ROBB, ROCKEFELLER, SARBANES, SCHUMER, TORRICELLI, and WELLSTONE.

Despite the best efforts of Democratic Senators to heed the public call for greater privacy protection and to bring privacy issues to the forefront of our legislative agenda, the Republican majority has failed to bring all sides and stakeholders together to craft workable and effective safeguards in any of the areas where privacy rights are most at risk, namely, for internet activities, medical records or financial information.

During this Congress, for example, instead of focusing on ways to enhance privacy safeguards, the largest number of hearings (thirteen) and innumerable briefings held by the Senate Judiciary Committee or its subcommittees were directed at dissecting the manner in which the Department of Justice handled the investigation and prosecution of certain cases involving national security-related information and campaign financing. In the eyes of some members, the convictions obtained were proof of success, and in the eyes of others they were not. In our next Congress, it is my hope that we will not be distracted by such partisan pursuits, but that our time will be better spent on crafting privacy legislation that will make a real difference in the lives of every American. This is no easy task and will require both hard work and the commitment of member and staff time, but the next Congress should not shy away from this important issue, as has this one.

The right to privacy is a personal and fundamental right protected by the Constitution of the United States. The digitalization of information and the explosion in the growth of computing and electronic networking offer tremendous potential benefits to the way Americans live, work, conduct commerce, and interact with their government. Yet, new technologies, new communications media, and new business services created with the best of intentions and highest of expectations challenge our ability to keep our lives to ourselves, and to live, work and think without having personal information about us collected and disseminated without our knowledge or consent. Indeed, personal information has become a valuable and widely traded commodity by both government and private sector entities, which may used the information for purposes entirely unrelated to its initial collection.

Moreover, this information may be stolen, sold or mishandled and find its way into the wrong hands with the push of a button or click of a mouse.

The American people are becoming more aware of this problem and are growing increasingly concerned with expanding encroachments on their personal privacy. American consumers are demanding better privacy protection and simply avoiding those markets perceived to pose the most risk to privacy interests.

New technologies bring with them new opportunities, both for the businesses that develop and market them, and for consumers. It does not do anyone any good for consumers to hesitate to use any particular technology because they have concerns over privacy. That is why I believe that good privacy policies make good business policies. Consumer concerns can be a serious drag on the marketplace, and the Congress may help bolster consumer confidence by putting in place the appropriate legislative privacy safeguards. Let me outline some of the areas in which I have introduced privacy legislation and will continue to work for constructive solutions.

While many emerging technologies challenge privacy protection, the greatest modern threat may be found online. Concerns over the privacy of online interaction easily dominate both the media and the public. The American public has a number of concerns when they go online. They worry whether their privacy will be protected, whether a damaging computer virus will attack their computer, whether a computer hacker will steal their personal information, adopt their identity and wreak havoc with their credit, whether their kids will meet a sexual predator and whether government or private sector entities are surreptitiously monitoring their online activities and communications.

Unfortunately, these concerns are merited, and will continue to increase as online technology evolves. As the recent popularity of peer-to-peer sharing software, used in the Napster service, demonstrates, the way in which people use the personal computer is changing. Increasingly, personal information, such as diaries, finances, and schedules, will not be stored on hard drives, but instead on Internet-based files. Combined with the reality that a substantial amount of our information is being carried over the "Wireless Web," access to our personal information—by private and by public snoopers—is also growing exponentially.

I proposed S. 854, the Electronic Rights for the 21st Century Act or the E-Rights bill, to address these concerns. This legislation would have modified the blanket exception in current law allowing electronic communications service providers to disclose a record or other information pertaining to a subscriber to any non-governmental entity for any purpose or use. Due to this exemption, ISPs and OSPs may sell their subscriber lists or track the online movements of their subscribers and sell that information—all without the subscribers' knowledge or consent. The E-RIGHTS Act would have cut back on this exemption by requiring ISPs to give subscribers an opportunity to prohibit disclosure of their personal information and enumerating the situation in which the information may be used or disclosed without subscriber approval. Serious consideration of this proposal would have provided a constructive basis for discussion of online privacy, a discussion that has been postponed until the next Congress.

Enhanced privacy protection for confidential information held by bankrupt firms is necessary. Internet users are often promised basic privacy protection, only to have their expectations disappointed and their personal information put up for sale or disseminated in ways to which they never consented. Sadly, expectations and assumptions are not always safe online. For example, Toysmart.com, an online toy store, recently filed for bankruptcy and its databases and customer lists were put up for sale as part of the liquidation of the firm's assets. This personal customer information was put on the auction block even though Toysmart.com's privacy statement promised that "[w]hen you register with toysmart.com, you can rest assured that your information will never be shared with a third party."

The Toysmart.com situation exemplifies the need for our privacy laws to recognize the dangers online services pose and to keep pace with the Internet's increased usage and ever evolving technology. I introduced, along with Senators TORRICELLI, KOHL and DURBIN, S. 2758, "The Privacy Policy Enforcement in Bankruptcy Act of 2000" specifically to address the problems created by Toysmart.com. Currently, the customer databases of failed Internet firms can be sold during bankruptcy, even in violation of the firm's stated privacy policy. This is unacceptable. The Act would prohibit the sale of personally identifiable information held by a failed business if the sale or disclosure of the personal information would violate the privacy policy of the debtor in effect when the personal information was collected, providing at least a modicum of protection for privacy rights online. It was my hope that the majority would support this legislation and effect swift passage so that we could at least make some progress in the protection of important privacy rights. Unfortunately the majority has chosen to ignore this legislation, along with other numerous privacy initiatives, with the consequence that is has gone nowhere.

Enhanced privacy protection from unreasonable government searches and surveillance is another area that requires attention. Internet users are concerned about whether their privacy rights are threatened by prodding surveillance technology, as demonstrated by the public outcry over the "Carnivore" program. Carnivore is used by the Federal Bureau of Investigation to monitor the Internet activity of suspected criminals and is completely undetectable as it intercepts the suspect's email, web, and chat-room activity. Fortunately, the "Carnivore" program is capable of filtering protected or unnecessary information from that which should be intercepted. Nevertheless, concerns persist over the capabilities represented by this electronic surveillance technology and its potential invasiveness.

The E-RIGHTS Act, S. 854, which I introduced in April, 1999, contains a number of provisions designed to update our fourth amendment rights in the face of technological advances and new surveillance technologies. This legislation enhances privacy protections in several areas by strengthening procedures for law enforcement access to private information stored on Internet networks, location information for cellular telephones, decryption assistance for encrypted intercepted communications and stored data, communications occurring over conference calls when the target of a wiretap order has dropped off the call, and information obtained under pen register and trap and trace orders. Once again, no action was taken on this legislation despite my continued efforts to urge the Judiciary Committee to take it up.

Just as the widespread dissemination of personal information through online services deserves Congressional attention, the rapid expansion of the financial services industry requires affirmative action to protect private, financial information. In November 1999, President Clinton signed into law the landmark Financial Modernization Act of 1999, which updated our financial laws and opened up the financial services industry to become more competitive, both at home and abroad. I supported this legislation because I believed it would benefit businesses and consumers. It makes it easier for banking, securities, and insurance firms to consolidate their services, cut expenses and offer more products at a lower cost to all. But it also raises new concerns about our financial privacy.

In the financial services industry, conglomerates are offering a wide variety of services, each of which requires a customer to provide financial, medical or other personal information. And nothing in the law prevents subsidiaries within the conglomerate from sharing this information for uses other than the use the customer thought he or she was providing it for. In fact, under current Federal law, a financial institution can sell, share, or publish savings account balances, certificates of deposit maturity dates and balances, stock and mutual fund purchases and sales, life insurance payouts and health insurance claims.

As President Clinton recently warned: "Although consumers put a great value on privacy of their financial records, our laws have not caught up to technological developments that make it possible and potentially profitable for companies to share financial data in new ways. Consumers who undergo physical exams to obtain insurance, for example, should not have to fear the information will be used to lower their credit card limits or deny them mortgages." I strongly agree.

Senators BOXER, BRYAN, DURBIN, FEINGOLD, HARKIN, MIKULSKI and ROBB, and I introduced the Financial Information Privacy and Security Act of 1999, S. 1924, to give this Congress the historic opportunity to provide for the privacy of every American's personal financial information in the wake of enactment of the financial modernization legislation. Our legislation was designed to protect the privacy of financial information by directing the Federal Reserve Board, Office of Thrift Supervision, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, and the Securities and Exchange Commission to jointly promulgate rules requiring financial institutions they regulate to: (1) inform their customers what information is to be disclosed, and when, to whom and for what purposes the information is to be disclosed; (2) allow customers to review the information for accuracy; and (3) for new customers, obtain the customers' consent to disclosure, and for existing customers, give the customers a reasonable opportunity to object to disclosure. These financial institutions could use confidential customer information from other entities only if the entities had given their customers similar privacy protections.

In addition, the bill would have provided individuals the civil right of action to enforce their financial privacy rights and to recover punitive damages, reasonable attorneys fees, and other litigation costs. Privacy rights must be enforceable in a court of law to be truly effective.

I also joined with Senators SARBANES, BRYAN, DODD, DURBIN, EDWARDS, FEINSTEIN, HARKIN, KERRY and ROBB to introduce the Financial Information Privacy Protection Act of 2000, S. 2513. This bill was the Clinton Administration's proposal to give consumers real control over the use and disclosure of their financial and health-related information held by financial institutions.

I had hoped that these efforts would be just the beginning of this Congress's efforts to address the many financial privacy issues raised by ultra competitive marketplaces in the information age. It is clear that Congress needs to update our privacy laws in the evolving financial services industry to protect the personal, confidential financial information of all American citizens.

Unfortunately, our Republican colleagues on the Senate Banking Committee did not feel the same way. This important financial privacy protection never saw the Senate floor, leaving confidential financial information disturbingly vulnerable.

Just as troubling as the rejection of financial information protections is this Congress' failure to establish safeguards for the privacy of medical records. Undoubtably, maintaining the confidentiality of medical records is of the utmost importance. Medical records contain the most intimate, sensitive information about a person. For the past three Congresses, I have introduced comprehensive medical privacy legislation. In March 1999, I introduced S. 573, the Medical Information Privacy and Security Act, with Senators KENNEDY, DASCHLE, DORGAN, INOUYE, JOHNSON, KERRY and WELLSTONE, to establish the first comprehensive federal medical privacy law. This bill would close the existing gaps in federal privacy laws to ensure the protection of personally identifiable health information. Sadly, this legislation has gone nowhere, like all medical privacy legislation this Congress.

In fact, Congress gave itself three years to establish medical records privacy legislation, but by the August 21, 1999 deadline, comprehensive medical records privacy rules did not exist. Instead the Department of Health and Human Services, as directed by Congress, drafted its own version. These placeholder privacy rules are better than no rules at all, but in the long run, Congress—not a federal agency—should set the basic standards on medical privacy, so that different administrations do not keep reducing the protections. I had hoped that the administrative rule-making process may finally prod Congress into action on a full-fledged policy, but as this Congress nears its conclusion, my optimism is waning.

Even this past summer, when the Senate had an opportunity to protect the privacy of genetic information, it failed to do so. Senator DASCHLE introduced an amendment, which I supported, to the FY 2001 Labor HHS Appropriations bill that would have protected private genetic information from insurance companies and employers using such information to discriminate against individuals or raise insurance premiums. The Senate failed to adopt the amendment and failed, once again, to protect essential privacy rights.

Congress has spent too long defining the problem instead of fixing it. We have not moved tangibly toward solutions in the six years since I convened the first hearings on technology and medical records in 1993. Since then a number of bills have been introduced—by myself and others—but we have been unable to get the attention of the majority to move this legislation.

In 1996 we tried to include medical privacy protections in the Health Insurance Portability and Accountability Act of 1996, HIPAA. Majority Leader Bob Dole at the time agreed with us that "a compromise of privacy" that sends information about health and treatment to a national data bank, without a person's approval, would be something that none of us would accept. What we settled for in 1996 was a provision requiring Congress to enact medical privacy legislation by August 21 of 1999. If the deadline was not met, which it was not, the Administration then would be required to issue regulations by February 21, 2000, to protect the privacy of electronic records, but not paper-based medical records. This is the current, pitiful state of medical records privacy protection and it is clearly unacceptable.

The inexcusable failure to provide comprehensive medical records privacy for three-years and the obstruction of the Financial Information Privacy Act of 1999 are just two examples of this Congress' failure to affirmatively and aggressively protect the fundamental privacy rights of American citizens.

I regret that this Republican-led Congress has not chosen to act on even one of the multiple legislative proposals protecting consumer privacy during the 106th Congress. It is my hope that we put partisan politics aside in the 107th Congress and take a hard look at how we can and should protect the fundamental right of privacy in the 21st Century. As each day passes, new financial services, new online services, and new medical data bases are taking shape and institutional practices employing these new technologies are taking root. Unless we decide that privacy is worth protecting—and soon—the erosion of our privacy rights will become irreversible.

RETIREMENT OF SENATOR SPENCER ABRAHAM

Mr. LEVIN. Mr. President, when the 106th Congress adjourns, we will lose my colleague from Michigan, Senator SPENCER ABRAHAM. I want to pay tribute to SPENCE ABRAHAM today.

Although we have divergent voting records on many national issues, when the interests of Michigan were at stake, we were usually able to work together on behalf of our constituents. We and our staffs have joined forces on efforts to bring federal resources to Michigan for our highways and transportation, to address agricultural emergencies, economic development, airport modernization, the need for infrastructure to protect the environment, particular issues affecting the health of the Great Lakes and a broad array of other projects.

SPENCE ABRAHAM served on the Senate Judiciary, Commerce, and Budget Committees. In addition, we served together for the past six years on the Small Business Committee where we worked together to support increased funding for the Women's Business Centers program which helps entrepreneurs start and maintain successful businesses. There are three Centers in Michigan: the Center for Empowerment and Economic Development, CEED, which houses the Women's Initiative for Self-Employment, WISE, in Ann Arbor, the Grand Rapids Opportunities for Women, GROW, in Grand Rapids, and The Detroit Entrepreneurship Institute, Inc, DEO.

During this session of Congress, SPENCE and I worked together to get $2 million added to the Interior Appropriations bill to fund a settlement between Michigan Indian tribes, the State of Michigan and the federal government concerning fishing rights and, among other things, the removal of tribal gill nets from the Great Lakes. At our urging, the FY 2001 Interior Appropriations Bill also contained report language that directed the Bureau of Indian Affairs to include the "Great Lakes Fisheries Settlement agreement in its fiscal year 2002 budget request." This amount should be $6.25 million for FY 2002.

We also successfully worked to continue the moratorium on unfair and ineffective increases in CAFE standards and worked out a compromise in the Senate to ensure that a National Academy of Sciences study of the effectiveness and impacts of CAFE standards will include the effect of those standards on motor vehicle safety as well as discriminatory impacts of those standards on the U.S. auto industry.

Also, since SPENCE served as Chairman of the Senate Judiciary Committee's Subcommittee on Immigration, we worked together on amending Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to ensure that Michiganders do not face major traffic delays at the Canadian border. The Immigration and Naturalization Service Data Management Improvement Act of 2000, which SPENCE ABRAHAM introduced and I cosponsored, replaced the burdensome requirements of Section 110 with a more manageable approach of collecting data, one that would not result in border tie-ups or cause financial strain to Michigan jobs, exports, and tourism.

We worked together on behalf of Michigan veterans. Within the past year, our staffs met with local officials to forge a successful cooperative effort to secure additional funding in Fiscal Year 2001 for the planning and construction of a national cemetery in the Detroit Metropolitan area. Approximately 927,000 veterans live in Michigan, 605,000 of whom reside in the Detroit metropolitan area and a national cemetery here is long overdue.

In his six years in the Senate, SPENCE ABRAHAM earned a reputation as a vigorous, perceptive and hard-working Member. He proudly holds the second longest record of consecutive votes cast among current Senators, having missed no votes in his term. He authored a number of pieces of legislation, but I suspect none more important to him than the Hillory J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000 named, in part, for Samantha Reid, a Rockwood, Michigan teenager who died after drinking a soft drink she didn't know had been lace with a substance called GHB (Gamma Hydroxybutyric Acid). The Abraham law amended the Controlled Substances Act of 1998 to add GHB, known as the "date rape drug" to the list of Schedule One controlled substances.

Mr. President, as we note the contribution of SPENCE ABRAHAM to our work, my wife Barbara and I wish him, his wife Jane, their twin daugthers: Julie and Betsy, and their son SPENCER Robert well as they begin the next chapter of their lives.

VICTIMS OF GUN VIOLENCE

Mr. DORGAN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago on December 8, 1999:

Walter Bryant, 23, Philadelphia, PA;
Bernardo Gonzales, 69, San Francisco, CA;
Demetris Green, 24, Kansas City, MO;
Arian McCollough, 23, Philadelphia, PA;
Diante Whitfield, 16, Oakland, CA; and
Unidentified Male, 60, Honolulu, HI.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

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December 14, 1999:
Damon Flowers, 23, Baltimore, MD;
Allen Groves, 38, Denver, CO;
Lashawn Miller, 20, Detroit, MI;
Robert Miller, 42, Detroit, MI;
Isreese Pennington, 20, Detroit, MI;
Fred G. Schermer, 88, Seattle, WA;
Bruce A. Spangler, Madison, WI;
Marcus Stewart, 29, Pittsburgh, PA;
Roger Thomas, 49, Houston, TX; and
Reginald Vernon, 33, New Orleans, LA.

Following are the names of some of the people who were killed by gunfire one year ago Monday, Tuesday and Wednesday of this week.

December 11, 1999:
Manuel Ayon-Coronel, 35, Detroit, MI;
Joseph Brown, Jr., 22, Baltimore, MD;
Tiche Carter, 25, New Orleans, LA;
Marlin Cooper, 17, Chicago, IL;
Durrell Dates, 27, Detroit, MI;
Myatt Ellis, 16, Philadelphia, PA;
Tisha Ford, 26, Baltimore, MD;
Tyrone Freeman, 27, Philadelphia, PA;
Arthur Green, 28, New Orleans, LA;
Derrick Irvin, 21, Kansas City, MO;
Andres Jimenez, 46, Miami-Dade County, FL;
Connie F. Jones, 52, Tulsa, OK;
Larry Knox, Jr., 15, Baltimore, MD;
Drena Mines, 34, Atlanta, GA;
Joseph Nevins, 46, Kansas City, MO;
Sultan Ali Smith, 27, Seattle, WA; and
Unidentified Male, 70, Charlotte, NC.

December 12, 1999:
Donald Adkins, 51, Kansas City, MO;
Eber Yexsi Blanco, 36, Baltimore, MD;
James Cox, 22, Philadelphia, PA;
Quentin Dillon, 17, Chicago, IL;
Alex William Gilliam, 20, San Bernardino, CA;
Lonnie Hardy, 19, Baltimore, MD;
Kevin Hunter, 23, Chicago, IL;
Dequar Jarrett, 22, Detroit, MI;
William Jefferies, 22, Gary, IN;
Joshua Johnson, 18, St. Paul, MN;
Carl W. Lawson, 33, Seattle, WA;
Remilekun Macklin, 17, Chicago, IL;
Anthony Meadows, 18, San Bernardino, CA;
Karanja Miles, 25, Atlanta, GA;
George Peck, 40, Detroit, MI;
Tyreek Powell, 25, Trenton, NJ;

Thomas Rosas, 34, Chicago, IL;
Taurian L. Smith, 19, Lincoln, NE;
Mark Spicer, 21, Chicago, IL;
Steven Steiner, 23, San Bernardino, CA;
Robert Tucker, 61, Houston, TX; and
Bijan K. Washington, 25, Seattle, WA;
December 13, 1999:
Barbra Amundson, 43, San Francisco, CA;
Keith Barnes, 18, Kansas City, MO;
Gerardo Garcia, Dallas, TX;
Zhen Liu Guo, 47, Washington, DC;
Everette Ragin, 20, Charlotte, NC;
Steven Shepherd, 18, Kansas City, MO;
Eugene A. Sims, 22, Seattle, WA;
Jason Thomas, 19, Atlanta, GA;
Marjorie Warren, 48, San Francisco, CA;
Unidentified Female, Newark, NJ; and
Unidentified Male, 35, Norfolk, VA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

RETIREMENT OF SENATOR FRANK LAUTENBERG

Mr. LEVIN. Mr. President, I want to pay tribute today to a retiring colleague, my friend, Senator FRANK LAUTENBERG.

I have served with FRANK LAUTENBERG in the Senate for the past eighteen years and watched him grow from a man of great accomplishment and success in the private sector to a highly effective and admired public servant. FRANK has left his mark of distinction on our nation's laws in a number of areas reflecting his broad interests and expertise. He has served as the Ranking Democrat on the Senate Budget Committee, leading the Democrats in our efforts to fashion a federal budget which meets our nation's priorities while working to pay down the national debt. In addition, FRANK is a leader on transportation policy, gun safety, and environmental issues among others.

FRANK LAUTENBERG was the author of legislation which banned smoking America's airlines, a wise action which all of us who fly appreciate more and more each year as we learn about the effects of recirculated cigarette smoke. He wrote the bill which established the age of 21 as the national legal drinking age, an action clearly responsible for the saving of many American lives. And, he passed legislation to prohibit anyone convicted of domestic violence from owning a gun.

Senator LAUTENBERG, also led efforts in the Senate culminating in passage of the transportation bill and as the Ranking Member of the Appropriations Committee's Transportation Subcommittee, he has fought many battles for sound investment in the nation's highways and as a particular friend of mass transportation.

As the Ranking Democrat on the Senate's Budget Committee, Senator LAUTENBERG has been a consistent voice in support of a balance budget, paying down the national debt, and investing in America's future. He coauthored the historic Balance Budget Agreement of 1997.

FRANK LAUTENBERG has served in the Senate since 1982. He is a friend and ally in many legislative battles whom I will miss deeply in the years ahead. However, FRANK is a man of tremendous energy and vision. That energy and vision will continue to serve our nation because FRANK LAUTENBERG's love of this nation is so deep and abiding that as long as he has breath he will be advancing its ideals.

THE SUPREME COURT DECISION IN THE CASE OF BUSH VERSUS GORE AND ITS AFTERMATH

Mrs. BOXER. Mr. President, I am heartbroken that the Supreme Court has issued an opinion that, to me, undermines a core democratic principle—that every vote counts and every vote must be counted.

I am also perplexed that the Court sent the case back to the Florida Supreme Court for further proceedings on the recount, since it did so while also suggesting that time had run out for the recount. That suggestion is disingenuous, considering that the U.S. Supreme Court itself helped cause the clock to run out when it voted 5-4 to stop the recount last Saturday by issuing a stay.

I want to compliment the four justices who voted against the stay order—Justices Stevens, Souter, Breyer and Ginsberg—two appointed by Republican Presidents and two by a Democrat. While several of them recognized constitutional problems in the way the recount was being carried out, they clearly understood the overriding importance of counting every legal vote.

In his dissenting opinion, Justice John Paul Stevens pointed out that the Florida Supreme Court, in ordering the recount, merely ". . . did what courts do—it decided the case before it in light of the legislature's intent to leave no legally cast vote uncounted."

He stated that in its action "the majority effectively orders the disenfranchisement of an unknown number of voters whose ballots reveal their intent—and are therefore legal votes under state law—but were for some reason rejected by ballot-counting machines."

The closing words of Justice Stevens, I believe, will go down in history as the thoughts of a great Supreme Court justice:

> Although we may never know with complete certainty the identity of the winner of this presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law.

When the next President is sworn into office in January, I pledge to do all that I can to help the country put this extraordinary and unsettling election behind us. I will do my best in the United States Senate to advance the interests of the people of California, who have so many needs and rights that remain to be addressed.

There are many lessons to be learned from these events. We need to change our election procedures to make them uniformly as reliable and accurate as possible, so that we will never again be in this situation. And more Americans must now realize that their participation in the political process is vitally important. I will work on these challenges in the coming months, for the sake of Californians and for all Americans.

TRIBUTE TO SENATOR CHUCK ROBB

Mr. LEVIN. Mr. President, I rise to pay tribute to my colleague on the Armed Services and Intelligence Committees, Senator CHUCK ROBB. As his career in the Senate comes to a close, Senator ROBB leaves behind a career in public service that he and the Virginians he served so well should be proud of.

CHUCK ROBB has served his nation as a United States Marine, as Lieutenant Governor and Governor of the Commonwealth of Virginia, and for the last twelve years as a member of the United States Senate. CHUCK ROBB has been a public servant in the truest sense. He has always put the nation's interest first, and self-interest last.

During the twelve years I have served with Senator ROBB on the Armed Services Committee, he has proven himself to be a champion of a strong national defense, of the men and women who wear our nation's uniform, and of his fellow veterans.

On the Armed Services Committee, he has been first and foremost a devoted advocate of a strong Navy-Marine Corps team. While Senator ROBB has never been one to tout his own accomplishments, his pride in and love for the United States Marine Corps is one thing he has never been able to hide.

Senator ROBB has worked hard on military readiness, quality of life, and modernization. He sponsored the targeted recruiting and retention bonuses Congress enacted last year for critical skills where they would have the most payoff for the military. He was a leader in providing promised health care benefits to military retirees. He has worked hard to get the Navy to develop a long term plan to fund enough ships to maintain the Navy we need for the future, and on securing additional funds to keep the ships we have today ready. And he has been a leading proponent of making our defense budget as efficient as possible and has pushed the Defense Department to rigorously examine both their strategy and their organization.

CHUCK ROBB has devoted enormous time and energy to America's national security. He is the only Senator ever to serve on the Armed Services, Intelligence, and Foreign Relations Committees simultaneously. On countless occasions we have benefitted from having his voice of reason and experience at the table.

CHUCK ROBB has never forgotten America's POWs and MIAs and their families. Both as a member of the Armed Services Committee and the Select Committee on POW/MIA affairs, he has devoted himself to a full accounting for our soldiers who are still missing in action.

While Senator ROBB is best known as a champion of a strong national defense, he has been much more than that. During his Senate career he has worked hard to make America stronger in every way. Senator ROBB has devoted himself to making the United States a more productive nation and, more importantly, a more just nation.

Both as Governor and as a Senator, CHUCK ROBB has been a strong voice for protecting the environment, for civil rights, for improving education for both students and teachers, and for putting new technology to work for our students, our military, and our nation.

CHUCK ROBB has been a leader in fighting discrimination against African American farmers, in expanding opportunities for women and minorities at both the federal and state government levels, and in honoring courageous civil rights leaders including Martin Luther King, Jr.

He is also renowned for his steadfast devotion to fiscal discipline. CHUCK ROBB has never been afraid to cast an unpopular vote to restrain spending or reject unwise or unaffordable tax cuts. Senator ROBB was steadfast in his belief that we have an obligation to pay for the programs we enact rather than passing the costs on to our children. I hope he will take pride in he role he played during his twelve years in the Senate in turning record deficits into a record surplus.

He displayed that same political courage on the Armed Services Committee. Representing a state with numerous military installations, Senator ROBB has nevertheless joined with Senator MCCAIN and me in our efforts to allow the Defense Department to close excess military bases, because he knows it is the sensible thing to do. In his four years as the Ranking Minority Member on the Readiness Subcommittee he has also been a strong advocate of our committee's policy of only funding those military construction projects that have the highest priority in the military's plans, even though that required him sometimes to say "no" to his colleagues.

I shall miss CHUCK ROBB more than these words will be able to express. He has personally inspired and supported me as ranking member on the Senate Armed Services Committee. He's the kind of man you entrust your children to, or in combat would want to be in a fox hole with.

The Senate and the Nation have benefitted from the example of public service he has set. He now has the chance to spend more time with his truly remarkable wife Lynda and their beloved children. We know how much that will mean to him as he takes on the next challenge in his remarkable career of public service.

ADDITIONAL STATEMENTS

MEMORY

• Mr. HATCH. Mr. President, as the Roman statesman, Cicero said "Memory is the treasury and guardian of all things." I believe we as humans often take our ability to remember for granted. Throughout the past century, we have been blessed with many scientific innovations and discoveries. Large strides have been made in the medical area that have helped to improve the quality of life for all the people of the world. Memory is an essential function of our human experience. The loss of memory is certainly a tragedy. Thankfully, there are those who are conducting research who endeavor to understand the memory process and seek to solve memory disorders and loss. For instance, last year Congress appropriated $17.7 billion to the National Institutes of Health to fund scientific research. A portion of that funding is used for studies working to gain a better understanding of memory.

I have recently read an essay entitled "Musings on Memory" by Dr. Morris Martin and was intrigued by the author's insights on memory. This essay was read before the Literary Club of Tucson, Arizona, on November 20, 2000. Dr. Martin is a professor of history, having taught at Princeton University. He received his degrees from Oxford in England. His essay explores the many aspects of memory and the importance it has played throughout the history of the world. I would like to share his wisdom with my colleagues in the Senate and ask that the article be printed in the RECORD.

The article follows.

MUSINGS ON MEMORY

(By Morris Marton)

Elephants, they say, never forget, and maybe amoebas remember in some amoebic fashion. But that, is beyond my scope. Human history, personality, our rich individuality, all derive in some measure from memory. The Greeks, as usual, got it right. Certainly by the time of Hesiod around 700 B.C. with that instinct for clarification that distinguishes them, the Greeks had drawn up the family tree of Memory. Mnemosyne, Memory, was the wife of Zeus and the mother of the Muses—Poetry, Literature, Music, Dance, Tragedy, Comedy etc. all nine of them, which of course, makes Memory the mother of Culture. Being the wife of Zeus also made her respectable, an Olympian goddess. But her origins go further back beyond the Olympians, to her brother Kronos, the chief of the disreputable Titans, whose very shady origins lie somewhere among the very unGreek Hittites of Asia Minor. Her father was Uranos (Heaven) and her mother was Gaia (Earth) and further back than that no one can go. It was the Greek way of saying what today's scientists say that Memory derives from the neural connections that pass from the primitive limbic area to the hippocampus via the amygdala. They use Greek words, but the Greeks said the same thing more simply and much more picturesquely.

Memory for them went back to the Earth Mother and was the womb of Culture. It is the original collector and transmitter of experience. Before writing culture depended on tremendous memories. We know of the Bards who traveled from village to village rewriting those tales of valor or of wondrous events, which became the Iliad and the Odyssey. Milman Parry, the American scholar, threw light on this when in the Thirties he discovered the practice still alive in the Balkans among the Serbian Muslims. Memory is still the backbone of tradition among the Indian Brahmins who memorize tens of thousands of lines of the Bhagavad Gita or the Ramayana, or of rabbis who memorize the Torah.

Memory was Queen until Writing was invented. Again the Greeks with uncanny precision traced writing back to Egypt, though the Chaldeans of Ur anticipated the Egyptians in making scratches on baked tablets. Plato in the person of Socrates tells how Thoth, the Egyptian god who invented writing, was reproached by Thamus, the king of Egypt, "This discovery of yours will create forgetfulness in the learners' souls, because they will not use their memories; they will trust to the external written characters and not remember of themselves . . . They will be tiresome company, having the show of wisdom without the reality."

So fast forward to our own day. The written or printed word has taken the place of memory for a majority of our needs. The computer has added a further layer of incompetence to our thinking. "It's on the net. I don't have to remember it." That is the mantra today of too often. It was the written word that started mankind on the downward slope to Lethe or Forgetfulness

PERSONAL MEMORY; ITS LENGTH AND VALIDITY

In terms of personal historical memory, how far back can we moderns remember? We all have examples of this on which you might ponder. For instance my father on his 90th birthday in 1962 gathered his four sons and their wives around him in his much-loved garden in Kent and reminisced about his father and grandfather. We were transported back to the Battle of Waterloo in 1815, the funeral of the Duke of Wellington in 1851, tales of London life and family anecdotes which would have perished with him a few years later, but for Cadmus's invention and my wife's shorthand. Those memories are now recorded and can be passed on to future generations. How far back can such memories go? I remember meeting a delightful old lady in the Forties who told me proudly that as a baby she had been held in the arms of President Lincoln. Search your own minds for the earliest event, which you can remember in this way, personally or anecdotally. And remember that Roy Drachman lunched with Wyatt Earp!

However, I think I can cap anything you may come up with. In February of this year 2000 the London Times recorded the following. It described a man now living who as a child made a disparaging remark about Oliver Cromwell. A lady present said firmly, "Never speak ill of that great man. My husband's first wife's first husband knew Oliver Cromwell and liked him well." At the dawn of this new century someone living today can recall a single matrimonial generation linked directly with the mid-17th century. How can that be? The remark was made in 1923 by a lady born in 1832. At the age of 16 (i.e. in 1848) she had married an 80-year old man named Henry. Sixty-four years earlier in 1784 young Henry had married for reasons which remain obscure, an 82-year old woman. Her first marriage, in 1720 was to an 80-year-old who had served Cromwell before his death in 1658. We have a memory going back 342 years from the present day. It should be a warning to us not to disregard oral traditions, which can stretch over what appear to be impossibly long generations.

GROUP MEMORY

Communal or tribal memories can be even longer. Our common law reflects a time when memory was the official legal linkage of the centuries. Blackstone in his Commentaries dealing with land tenure says that some claims can go post hominum memoriam. Or "Time whereof the memory of man runneth not to the contrary." Tribal memories run very deep. They became tradition. Then they can illuminate or bedevil the present. They can make Fourth of July picnics or they can raise the Confederate Flag. Irish Protestants refight the Battle of the Boyne of 1690 each marching season to the dismay of those who would build a new future for Ireland. Serbs fight for Kosovo, recalling the battle in 1389 which was actually a defeat but which has been transformed into a victory in national memory. Sixhundred years later this memory gave the emotional surge to the Serbian claim to the Province of Kosovo which involved twenty nations in contesting it. Sentiment in the heart often transforms memory in the head. This year the British celebrated the 60th anniversary of the "Miracle of Dunkirk" while the French looked on with a jaundiced eye, as being in their memory the betrayed of France by a retreating ally.

Now let us turn to the relation of Memory to the writing of History.

History and historical writing begin as Memory plus editorial slant. The good historian will do his best to be aware of his bias. Herodotus is known as a father of History since he collected the stories told him by all and sundry, but often added a skeptical comment or two here and there to the effect "I find this hard to believe." Thucydides was the first scientific historian to evaluate memory. He wrote, "I have described nothing but what I either saw myself, or learned from others of whom I made the most careful and particular inquiry. The task was a laborious one as eyewitnesses gave different accounts of the same occurrence, as they remembered or were interested in the actions of one side or another." Many centuries later the German historian Ranke decided to write history "wie es eigentlich geschah." (As it actually happened). It turned out to have a very Prussian tinge.

Judges know the unreliability of witnesses to the same event. Each sees something; no one sees everything. Time edits memory to fit bias. Selected past memories shape our present thought and behavior. The generation of the Depression of the Thirties switches off electric lights, keeps its credit cards in balance, thinks waste is wicked—I can hear my mother saying it—spends cautiously and generally disapproves of the openhanded expenditure of today. And believes it the one true way of life, so strong is the imprinted record of the past on memory and behavior.

When historians turned from personal memory to contemporary written records they felt they moved a large step nearer to authenticity. I spent much time examining Greek inscriptions, gravestones, temple financial records on almost illegible pieces of marble, with the feeling that I was in touch with historical facts. But I found they also needed a lot of interpretation! In this connection and to show what original and unusual truths we learn from ancient records, may I recall, as I remember it, the earliest Egyptian papyrus. It is said to read "The times are very evil. Children no longer obey their parents. And the price of wheat is outrageous." Plus ca change, plus c'est la meme chose!

MEMORY AND THE SENSES

On the personal level the senses are often the emotional adhesive that enables us to retain past events in our consciousness. Our first paycheck. Our first baby. I remember my first girl friend, though I cannot recall our first kiss. Whenever I hear Bach's Mass in B Minor I experience again the shiver of excitement that was mine when I first heard the Sanctus in the old Queen's Hall in London. "Music when soft voices die, Vibrates in the memory", says Shelley. "Odours, when sweet violets sicken. Live within the sense they quicken." The smell of fresh bread recalls the French-Swiss bakery where I bought our breakfast "brotchen" when I was living in Bern. The smell of garbage brings back a picture of the vast dump outside New York City as I passed it frequently on the Turnpike driving in from Princeton. In the intricate mechanism of memory all the senses play their part as glue and as signals of familiarity. You will supply examples from your own experience.

PHOTOGRAPHIC MEMORY

Have you ever met anyone with a really photographic memory? Thomas Babington Lord Macaulay, the Victorian historian, was said to be able to read a page of print and to recall it perfectly from one reading. Saint Augustine writes with admiration of a friend who could recite the whole text of Virgil—backwards! Not a very enlightening party trick. There is a recent example in the story of The Professor and the Madman. You remember Sir James Murray, the first editor and father of the Oxford English Dictionary had a brilliant reader who supplied him with examples of literary usage. It was years before they met. Only then did Sir James find that the reader was confined to a mental Hospital as a hopeless schizophrenic but with a remarkable almost photographic memory.

Such ability may well be a disadvantage. The capacity to forget is almost as important as to remember. Otherwise we would be cluttered with useless facts and unable to distinguish significant from worthless. Simonides offered to teach the statesman Themistocles the art of Memory, Themistocles refused, "Teach me not the art of remembering but the art of forgetting" was his reply. "For I remember things I do not wish to remember, but I cannot forget things I wish to forget." William James, in more modern times said, "In the practical use of our intellect, forgetting is as important a function as remembering."

HOW TO IMPROVE MEMORY

For those of us with lesser capacity, there have been throughout history methods of strengthening and supporting memory. Myself when young, and probably all of us, learnt our multiplication tables by rote. I was also introduced to English history by memorizing the Kings and Queens of England, in a rhyme:

"William the Conqueror from Normandy came,
His son William Rufus while hunting was slain,
Henry the First was for wisdom renowned,
Stephen instead of Matilda was crowned

* * *

The Magna Charta was signed by John,
Which Henry the Second put his seal upon
etc. etc.

You I trust were brought up on

"In 14 hundred and 92
Columbus sailed the ocean blue * * *.

I learnt my Greek irregular verbs by reciting them in chorus with all the rest of the class at my London school. Saturday mornings (we went to school on Saturdays in those good old days) we were called on to recite a piece of great verse which we had learnt the previous night and declaim it in the almost empty Great Hall to our class mates. It was a valuable lesson and I have portions of it still tucked away on the dusty shelves of my memory.

Learning by rote has fallen out of favor as a pedagogic tool in our sophisticated West, but not everywhere in the world. On the island of Lamu off the coast of Kenya, I heard a murmur of voices coming from a building and looked in to find a school of very young boys chanting passages from the Koran, which they had had to memorize. Memories of Greek verbs came back and I wished them well.

In my youth I remember a card game called "Pelmanism" which by memorizing and reidentifying like cards with like was said to be highly effective. Association of the less familiar with the more familiar is a method we all use. Politicians have their tricks for remembering names and winning votes. Cicero for the very practical purpose of being a public orator considered Memory one of the five parts of rhetoric, which was his profession. He embellished the "architectural" art of memory invented by Quintillian. Think of a large building with many rooms. Take each point of your speech and connect it with an object—a spear, an anchor, a picture—and put each mentally in a different room. Then as you speak, mentally walk from room to room, the object you have placed in each will recall the next point of your speech. This system, refined, is still in use in training memory. We all create mental pegs upon which to hang data. B.F. Skinner, the psychologist, as a very old man did this not metaphorically but literally. He would listen to the weather forecast on the radio and should it be for rain, he would immediately rise and hang his umbrella on the door handle. The older we get, the more we need such association. I find I frequently go through several steps of association to recall names. I can forget John Schafer's name but as he approaches, I look in the memory box named "University". Smaller box labeled "President." I mentally take out Koffler, No, Harvil, No, Pacheco, No, Likens, No." There is only one name left in the box. Of course that process, accompanied by a blank look which changes to recognition, used to be completed in an invisible flash. Now it takes two, three or four flashes. Bear with me.

Nowadays, of course, a pill is recommended for strengthening the memory. I received a pharmaceutical suggestion of this sort this week, extensively illustrated and expensively produced. I am skeptical of its potency.

MEMORY AND THE FUTURE

Memory we naturally assume deals only with the past. Lewis Carroll's White Queen in Alice in Wonderland felt this was a very limited idea. "There's one great advantage to living backwards, one's memory works both ways," she remarks.

"I'm sure mine only works one way," says Alice. "I can't remember things before they happen."

"It's a poor sort of memory that only works backwards," the Queen remarked.

"What sort of things do you remember best", asked Alice.

"Oh, things that happened the week after next," said the Queen.

Here, of course, Lewis Carroll is playing with the concept of Time, as in "Jam yesterday, jam tomorrow, but never jam today."

But there is something, which we might describe as a form of memory of the future. We call it imagination, which projects past data instead of merely collecting and organizing it as does the memory.

Art draws on both imagination and memory. Think of the combination of memorizing and recreating a great play that goes into an actor's performance. Daniel Barenboim at the age of seven began to memorize all Mozart's works. At eighteen he had mastered the whole corpus. Constant practice fixes the memory in the muscles. A wellknown pianist was suddenly called on to play a certain concerto. He declined saying, "I have it in my head, but not yet in my fingers." When it is in the fingers there is no effort to remember; the music can be fully endowed with the feeling the artist desires.

Shakespeare asked the question "Tell me where is fancy bred? Or in the heart or in the head? How begot? How nourished? Reply. Reply" He replied "It is engendered in the eyes." He did not say "In the hippocampus or the amygdala?" The mystery of artistic imagination and its relation to memory still resists a mechanistic interpretation.

THE FUTURE OF MEMORY

As far as information goes, so the experts inform me, before long we shall all be able to have the Encyclopedia on a chip along with the corpus of English literature, all the mathematical formulae required to do advanced physics and all the telephone numbers in the world. Anything you want can be provided on a chip. All you have to do is click on and scroll down. Since the amount of information is limited only by the capacity of the chip—which I am told, will increase a thousandfold or more in the next six months—it is likely it can be carried in a wristwatch slightly smaller than a Rolex, or, in time, implanted in the hippocampus or the amygdala or any vacant spot in the brain. And Memory will have become a vermiform appendix to the computer. I do not look forward to that day. Princeton, I am distressed to learn has just spent two million dollars on an MRI which they have enthroned in a new Center for the Study of Brain, Mind and Behavior allied, alas, to the Department of Humanities. The first area of research, according to the New York Times, is to be the brain wave that normal people call "Love". Our world is convinced that when we know the "how" of our psyche, we shall know the "what" and the "why". I am not convinced. I hope and trust that should the day come when we understand all mechanisms, measure all wave-lengths, and plot all emotional outcomes, we as individuals will still be the masters that issue the commands that set in motion the neurological synapses which capture memory, enlighten meaning and in general make life human. May we continue to remember as much as is necessary of what we need to remember and forget that which is forgettable, and be kind to those whose advancing years rob them, from time to time of your name, and even of their own.

And may music still vibrate in the memory and William the Conqueror still come from Normandy and Columbus in 1492 still sail the ocean blue, and Greek verbs still be memorable and may computers fail to find out how to be masters of our consciousness.

We have had a pleasant half-hour wandering, somewhat disjointedly, through the groves of Memory. Let me close with a poem on the subject by a neglected Twentieth century poet. It is appropriately called "Memory."

Wind, west wind, of an evening
Whispering through the tall trees,
Tell me tales I used to hear told
By the vagabond Sussex breeze,
Lifting the layers of silence,
And letting them softly lie,
Passing into the stillness that comes
When whispers softly die.
And I'll see the woods where we wandered
And wake with a lonely heart
As the wind of memory passes through
The tall trees of my heart.

RECOGNIZING MICHAEL O'CONNOR

• Mr. JOHNSON. Mr. President, I rise today to commend an individual who has provided immeasurable service to the family farmers and ranchers in my home state of South Dakota over the past eight years. Mr. Michael O'Connor has been the South Dakota State Executive Director for the Farm Service Agency, FSA, of United States Department of Agriculture, USDA. He was originally named the South Dakota State Executive Director of the Agricultural Stabilization and Conservation Service of USDA by President Clinton in 1993. His current responsibilities include supervising activity in 60 county FSA field offices across the state.

As this Administration draws to a close, we sadly must say goodbye to some experienced, tireless, and talented people who have dedicated their professional careers to public service. Mike is one of those public servants, and so on behalf of the citizens of South Dakota, it is my honor to express our sincere gratitude to Mike O'Connor for his countless contributions and achievements.

Throughout his career Mike has aggressively served the agricultural community in South Dakota through positions of leadership in the South Dakota Farmers Union, the Clay-Union Electric Board of Directors, the South Dakota Corn Utilization Council Board of Directors, and the Union County Pork Producers. He also served in as a representative in South Dakota Legislature from 1987–1993.

Moreover, Mike, his wife Janelle, and their family have devoted their lives to production agriculture, operating a diversified grain and livestock farm for over 30 years near Alcester, South Dakota.

Mike has been a valuable resource for me and a determined advocate of family farmers as we developed and implemented farm programs. He is constantly trying to improve the delivery system with the interests of family farmers close to his heart, always searching for ways to implement programs that are fair and equitable to all. Mike exhibits the courage to take on the status quo, and demonstrates a will to ensure integrity in program delivery for agricultural producers.

Mike has guided innumerable disaster and assistance programs from the federal level to local disbursement in South Dakota. He and his top-notch staff have been asked to implement these ad hoc disaster programs in addition to the day-to-day administrative requirements of current farm and conservation programs. From marketing loans and loan deficiency payments to production flexibility contract payments and market loss payments, to loan and conservation programs, to crop loss disaster payments, Mike has seen it all. He has worked with his statewide staff to administer these programs and distribute payments in an effective, timely fashion to South Dakota farmers. In this last fiscal year alone, the South Dakota FSA, under Mike's direction, has delivered over $750 million to farm program participants in South Dakota. Mere words cannot describe everything that Mike has done to serve the farmers and ranchers in South Dakota through such an awful period of economic distress. Mike is as respected in Washington, D.C. as he is in South Dakota, and his working knowledge of the intricacies of farm bill will be missed.

Therefore, it is with a sense of pride and yet, regret, that I wish Mike well in his future endeavors.

Mr. President, I thank you and wish Mike, Janelle, and their family success in their future plans. I know that we will continue to work together, as Mike will continue to provide a respected opinion that I will seek out during the upcoming Congressional farm bill debate. On behalf of the people of South Dakota, I want to thank Mike for being a true public servant who has helped improve the quality of life for farmers and ranchers all across South Dakota.•

A TRIBUTE TO DANIEL GREELEY III

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Daniel Greeley III, of Peterborough, New Hampshire. A Navy Petty Officer 3rd Class Division who was serving on the U.S.S. *Cole* when it was attacked on October 12th, 2000. Daniel is in his 1st year of a six-year enlistment, after having served three years in the United States Coast Guard.

Daniel was one of the engine room mechanics on shift when the attack happened. Even though he was on the other side of the ship, the blast waves hit him hard. He suffered cuts and bruises, but nothing nearly as serious as his friends and shipmates. Four of Daniel Greeley's closest friends were killed by the blast. Even after the blast had left a hole measuring 40 feet wide, and 40 feet high, Daniel as well as the other sailors of the U.S.S *Cole* pushed on.

After the blast, the sailors worked frantically to keep the ship afloat until it could be brought to safety. As one of the engine room mechanics, Daniel was forced to push on through the crisis to keep generators running and the boat from going under. He had the lives of more than 200 sailors depending on his skills as an engine room mechanic. Daniel persevered well through the night and into the early morning, facing adversity head on and pushing through.

Daniel's actions and bravery speak volumes of his character. Not only has he elected to serve our country, but has done so in a noble manner. He is a true inspiration to the people of New Hampshire. He can hold his head high, knowing he has done his wife Mary, and 14-month-old daughter Angelina proud. As Daniel continues his service, I wish him continued success. He will begin his ACNR schooling in January, an undoubtedly will continue to serve his country with honor and grace. As a fellow sailor, I salute Daniel Greeley III. It is an honor to represent him in the United States Senate.•

TRIBUTE TO BRIAN KUEHL

• Mr. BAUCUS. Mr. President, I rise today to bid farewell to a key member of my staff, Brian Kuehl. I will deeply miss Brian, both professionally and personally.

Brian has worked for me for four years, most recently as my Legislative Director, and before that as Acting Chief of Staff and as a senior Legislative Assistant. He gave his heart and soul to me, to his colleagues, and, most importantly, to the people of Montana. During this time, he has proven himself to be a consensus builder—a tireless professional who brings together people with diverse points of view and who solves problems in innovative ways. He is fair-minded, balanced, creative, and a leader in every sense of the word.

Wallace Stegner defined himself as a citizen of the West. Brian fits that mold. Brian came to me from Bozeman, Montana. He attended law school in Colorado and has family roots in Utah and throughout the northwest. His wife is a fifth generation Wyoming native and daughter of former Governor Mike Sullivan. In fact, they are moving to Sheridan, Wyoming, where they will soon have their first child.

As a citizen of the West, Brian has chosen to tackle those issues that most often divide westerners—natural resources, energy, and the environment. Time and again, his ability to bring people together has demonstrated that the West need not be divided on these issues—that we can and must work together if we are to build a sustainable region with a society as inspiring as our landscape.

Let me mention a few examples of the significant solutions that Brian has helped forge over the last four years.

When Brian joined me in the spring of 1997, he had just helped broker a compromise among the White House, regional conservation organizations, and a large mining company, Battle Mountain Gold, that would conserve an area next to Cooke City, Montana, right on the doorstep of Yellowstone National Park. The proposed New World gold mine had been immensely controversial, with the project expected to generate millions of tons of acidic mine waste. Across the West, controversies such as this usually drag on endlessly, dividing communities and draining resources.

Brian had worked closely with all the actors while he was in the non-profit sector. His first task in my office was to help secure approval of this agreement in the Congress. In the end, Congress funded the public commitment and also agreed to invest funds to rehabilitate the Going-to-the-Sun Road to compensate local communities for lost economic opportunities.

What a great start to Brian's tenure here.

In 1997 and 1998, Brian helped me pass legislation to complete the final phase of the Gallatin II Land Exchange—one of the most complex and multifaceted land exchanges ever completed by the Forest Service. Brian worked tirelessly with all of the interests in this exchange—sportsmen, conservationists, the snowmobile community, the timber industry, local ranchers, and local homeowners. Ultimately, the Gallatin II Land Exchange became law. We secured a tremendous resource for our children and grandchildren. And every interest concerned supported the compromises that Brian helped forge.

In 1998, Brian helped me with legislation on another series of land exchanges near Helena, Montana, at the Canyon Ferry Reservoir. Working with the cabin owners and local sportsmen, Brian helped me create a novel arrangement that was supported by everyone involved.

These are just a few illustrations of the many significant contributions Brian Kuehl has made to me and to the people of Montana. I thank Brian for those contributions. I thank him for serving as role model for the younger staff in my office. I thank him for his service as a key advisor to me.

Albert Einstein once said, "Try not to become a man of success, but rather try to become a man of value." Well, Brian has demonstrated both success and value over the past four years. I wish the best for Brian, his wife Michelle, and their soon to be born child.•

RECOGNITION OF THE 100TH ANNIVERSARY OF COMMUNITY BANK

• Mr. SANTORUM. Mr. President, I stand here today to recognize an institution that has remained a staple in Carmichaels and the Southwestern Corner of the Commonwealth of Pennsylvania for the past one hundred years. Community Bank, N.A. has persevered through recessions, depressions, World Wars, other failed financial institutions, bank foreclosures, market chaos, and mergers and acquisitions without ever having to close its doors. Community Bank, N.A. remains a consistent financial force to its community by providing sound, uninterrupted service to its customers for one hundred years. I would like to warmly congratulate this financial institution for its solid judgement and thoughtful service to the people of Southwestern Pennsylvania. Community Bank is not only a reliable bank, but is a friendly neighbor and has truly contributed to the history and hometown atmosphere of Carmichaels and other communities in which the bank serves.

When The First National Bank of Carmichaels opened its doors for business on July 1, 1901, Frank Mitchener was elected president of the Board of Directors, and J. Ewing Baily was its first vice president. Stephen A. Burtner served as treasurer and the remainder of the original board was comprised of Samuel Bunting, Isaac B. Patterson, George W. Strawn, N.H. Biddle and Oscar Hartley. Mr. Dowlin drove a buckboard to the Farmer's and Drovers Bank in Waynesburg to get the cash for opening day. Forty-one original stockholders combined to give the bank a capital stock of $25,000.

Richard L. Baily, kin of one of the original founders, and former bank president and Chairman of the Board for over 70 years, is known in Southwestern Pennsylvania for his selfless service to the communities in which the bank serves. Baily tells the story of a lady who once came to the bank to borrow money to buy shoes so her children could go to school. Her husband was unemployed and they lived in a rented house, but she had heard the bank loaned money for worthwhile causes. "I didn't think I needed to review her assets, and I'm sure she would not [have understood] the term, collateral," Baily said. He loaned her the money, and the woman, like most other townsfolk, has remained loyal to the hometown bank that has been loyal to them, in good economic times and bad. The tradition of local loyalty and service continued through Charles R. Baily (son of Richard) whom also formerly served as a director and chairman of the bank's board. "Community bank is a local landmark that provides financial direction and services to our community friends and neighbors. Hometown commitment has been our bank's pledge for the past 100 years, and that's what it will continue to be," says Community Bank Chairman/CEO Ralph J. Sommers, Jr.

Known as Community Bank, N.A. since September 1987 (a change in name only to better reflect its larger community growth), the locally-owned and operated financial institution has had a consistent growth in assets, staff, geographic market area, and the numbers of civic and community organizations to which it has contributed.

Today, Community Bank, N.A. has some $220 million in assets, is publicly traded as CMYC, boasts 10 branches in Greene and Washington Counties, employs about 100 people in satisfying jobs, and contributes thousands of dollars and many people-hours to scores of local civic, charitable, and philanthropic organizations.

The bank's growth is largely attributed to sound management practices, investments in technology, and community commitment at every level. Local deposits remain in the communities the bank serves in an effort to better improve the economic vibrancy of local businesses and the quality of life of residents. Unquestionably, the bank's most valuable assets—its customers, employees, and shareholders—collectively play an integral role in the prosperity of the bank and the communities it serves. The pioneering spirit of that first group of founders in Carmichaels continues in those who have followed, with unparalleled customer service and a community commitment of an incalculable life expectancy.

From this amount of information, you can see what a huge role that Community Bank has played in the establishment of the economy and history in Greene and Washington Counties. They are not just a financial institution, but a reliable and friendly staple to the people of the area. I enthusiastically ask my colleagues to join me in commending Community Bank as they celebrate their Centennial.●

IN RECOGNITION OF CAROLE ANDERSON GRAVES

● Mr. TORRICELLI. Mr. President, I rise today to recognize Carole Anderson Graves, as she is honored by the Beta Alpha Omega Chapter of Alpha Kappa Alpha Sorority in cooperation with the New Jersey Performing Arts Center during the 3rd Annual Kwanza Festival honoring the community elders of Newark, New Jersey.

Our cities and towns are constantly in need of individuals willing to give of themselves for the benefit of the community at-large. The individuals who fulfill this need are the volunteers and the public servants who improve the world around us in ways that often go unseen. It therefore fitting that from time to time we take a moment to recognize their efforts.

Carole Anderson Graves has an extensive record of service to the Newark community. Since 1995, she has served as the Essex County Register of Deeds and Mortgages. In that capacity, Mrs. Graves has overseen the recording, filing and preserving of all property transactions within the 22 municipalities of Essex County.

Mrs. Graves also has given great deal to the furtherance of education in the Newark area. For nine years, Mrs. Graves was employed as a Special Education teacher at the Dayton Street School and spent twenty-seven years as the full-time President of the Newark Teachers Union. She is also an adjunct professor/lecturer of Labor Relations at Essex County Community College and Rutgers Institute of Labor and Management Relations.

The city of Newark has been truly fortunate to have someone of the talents and dedication of Mrs. Graves within the community. It is an honor to be able to recognize her on this special occasion.●

IN MEMORY OF GREGORY W. MOYER

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the life of a young man who passed away unexpectedly on Saturday, December 2, 2000. Gregory W. Moyer was the nephew of my friend and former staffer Pat Morrissey. Greg was a 15-year-old basketball player, honor student, and community volunteer from Shawnee-on-Delaware, Pennsylvania. He collapsed during a high school basketball game, victim of an undetected heart defect. At six-foot-three-inches and 220 pounds, his classmates knew him as a "gentle giant." Greg's Aunt Patricia says that, "He could read hearts, young and old alike. He knew what was important."

Pat, please know that our thoughts and prayers are with you and your family.●

RECOGNIZING DALLAS TONSAGER

● Mr. JOHNSON. Mr. President, I rise today to recognize Dallas Tonsager for his years of extraordinary public service as South Dakota's State Director of the United States Department of Agriculture's, USDA, Rural Development, RD, office. Dallas has been a tireless advocate on behalf of rural communities and area residents. His commitment and dedication to ensure the long-term viability of rural communities will continue to cultivate opportunities for rural growth and prosperity for many years to come. Dallas has earned the respect and friendship of those who know him in South Dakota, Washington, D.C. and around the country. On behalf of the citizens of South Dakota, it is my honor to express our sincere gratitude to Dallas Tonsager for his countless contributions and achievements.

In 1993, President Clinton asked Dallas to bring his talent, integrity, ingenuity, and initiative to federal service to help the Administration address the concerns of Rural America. Dallas accepted the challenge and was appointed director of the former South Dakota Farmers Home Administration by President Clinton. Currently he oversees approximately 80 employees across the state in several Rural Development offices. Prior to his USDA service, Dallas was a two-term South Dakota Farmers Union President, first elected in 1987. Dallas, his wife Sharon, and their family continue to actively participate in a diversified family farm partnership near Oldham, South Dakota. It is clear that from his roots on the family farm, to his service for South Dakota Farmers Union and USDA, Dallas has always had the perspective of the hard working, rural, South Dakota citizen close to his heart. Indeed, he is respected by his colleagues across the country and was presented with the "Hammer Award," by Vice-President GORE in 1995. In 1999, Dallas was recognized as one of two Outstanding Rural Development State Directors in the entire nation by USDA Rural Development Under Secretary Jill Long Thompson.

Rural Development takes a comprehensive approach towards economic development in rural areas, offering loans, grants, and other resources to rural citizens, communities, and Indian reservations. Dallas truly served as a partner in helping the people of rural South Dakota develop sustainable communities. He and his RD staff targeted financial and technical resources to areas of great need throughout the state in order to improve the quality of life. In his Rural Development tenure, Dallas has overseen the distribution of over $578 million in grants, loans and loan guarantees over the past six years in South Dakota. As such, the South Dakota RD office has been a central figure in the creation of many successful economic development projects in our state.

For instance, the South Dakota Rural Development office was responsible for helping to create one of the first Enterprise Communities in the country—the Beadle and Spink Enterprise Community, BASEC. Additionally, RD assisted in developing the very first American Indian Empowerment Zone in the United States at the Pine Ridge Indian Reservation. Under the leadership of Dallas, Rural Development helped establish the South Dakota Value Added Agriculture Development Center , which now creates opportunities for farmers and ranchers to add value to the raw commodities produced on their operations, and capture the profits from these value-added products. Dallas is one of South Dakota's leading advocates of farmer-owned value-added cooperatives in South Dakota.

Through the Rural Housing Service, South Dakota Rural Development has disbursed $320 million since 1995, which has benefitted nearly 6,000 families in our state. Moreover, RD has distributed $173 million in funding under the Rural Business Cooperative Service program, which has saved 2,001 and created another 1,414 jobs in South Dakota since 1995.

Finally, Dallas and his family have always been dedicated to public service, and I know he will continue to contribute to our state and it's citizens in the future. Therefore, I wish him all the best and I will continue to rely upon his valuable insight on the economic development needs in South Dakota. On behalf of the people of South Dakota, I want to thank Dallas for being a true public servant who has helped improve the quality of life for thousands of people all across South Dakota.•

CLOUDCROFT, NEW MEXICO

• Mr. DOMENICI. Mr. President, recently the city of Cloudcroft, New Mexico was named one of the world's "10 Overlooked and Underrated Winter Destinations," by the editors of Fodor's Travel Publications.

Cloudcroft hasn't changed much over the years. There are more summer homes than before, but the permanent population has not grown substantially, and the Village still maintains a small-town atmosphere that is so appealing to the tourists who come from every state in the Union and many foreign countries. They appreciate the attitude of the locals and the laid-back feeling of the community as contrasted to the high-speed life in the big cities.

Cloudcroft is located in the southeastern area of New Mexico. A small mountain village located in the heart of the Lincoln National Forest. It is a great travel location for both the outdoors and indoors visitors. For individuals who enjoy the outdoors, it offers year-round hiking, mountain biking, skiing, golfing and other activities. For the indoors visitors it offers a variety of unique shops, restaurants, and museums.

Cloudcroft is not commonly known for its glitzy ski resorts like other cities in New Mexico but rather as a perfect location for families learning the ropes. It offers a number of great inns and the distinction of having no stoplights. A great place for families to take their vacations. Children can play outside and adults can enjoy the quietness of the village.

Cloudcroft offers several festive events such as the New Year's Eve Torchlight Parade down the Cloudcroft mountain, caroling in the Clouds and Currier & Ives Candelit Christmas in December, or the full-moon ice-skating in February.

When visiting Cloudcroft, one must not miss the opportunity to go sledding on the dunes of White Sands National Monument or visit the Sunspot National Solar Observatory. No matter what your preference, Cloudcroft has an activity for you.

Many of us share a passion for travel, but often times finding a good location is not always easy. However, Cloudcroft truly is a city often overlooked by most. With its great weather, shopping and mountains, I am proud to say Cloudcroft is a part of New Mexico.•

MESSAGES FROM THE HOUSE

Under authority of the order of the Senate of December 11, 2000, the Secretary of the Senate, on December 11, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 129. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 11, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has heard with profound sorrow of the death of the Honorable Julian C. Dixon, a Representative from the State of California.

That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 13, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 129. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under the authority of the orders of the Senate of December 11, 2000, the enrolled joint resolution was signed subsequently by the Acting President pro tempore (Mr. FITZGERALD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11836. A communication from the Acting Chief, Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Statistical Data for Use in Operating-Differential Subsidy Application Hearings" (RIN2133–AB43) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11837. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Algona, IA Class E Airspace Area Docket No. 00–ACE–34 [11–20–11–20–]" (RIN2120–AA66) (2000–0279) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11838. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 492 Admt. no 2021 Docket No 30214 [11–16–11–20]" (RIN2120–AA65) (2000–0056) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11839. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca Arriel 1 Series Turboshaft Engines Docket No. 2000–NE–11 [11–27–12–4]" (RIN2120–AA64) (2000–0575) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11840. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing

Model 767 Series Airplanes; docket no. 2000–NM–91; [10–20/12–4]" (RIN2120–AA64) (2000–0577) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11841. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: P & W PW2000 Series Turbofan Engines; docket no. 98–ANE–61 [10–24/12–7]" (RIN2120–AA64) (2000–0579) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11842. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: P & W JT8D Series Turbofan Engines; docket no. 99–NE–29; [11–7/12–7]" (RIN2120–AA64) (2000–0580) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11843. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFC Company CFE738–1–B Turbofan Engines; Docket no. 2000–NE–40; [10–24/12–7]" (RIN2120–AA64) (2000–0581) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11844. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures: Miscellaneous Amendments; (58); Amdt. No. 2023 [11–30/12–7]" (RIN2120–AA65) (2000–0057) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11845. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Fayetteville; AR; docket no. 2000–ASW–17; [11–16–00]" (RIN2120–AA66) (2000–0280) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11846. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Dimensions of the Grand Canyon National Park; SFRA and Flight Free Zones. Delay of effective date; 11–20/12–4" (RIN2120–ZZ32) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11847. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Commercial Routes for the Grand Canyon National Park; notice; delay of effective date" (RIN2120–ZZ31) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11848. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Service Difficulty Reports; final rule-notice of meeting - Docket no. FAA–2000–7952; [12–30/12–6]" (RIN2120–AF71) (2000–0003) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11849. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Andrew McArdle (Meridian Street) Bridge, Chelsea River, Chelsea, Massachusetts (CGD01–00–240)" (RIN2115–AA97) (2000–0094) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11850. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Neches River, TX (CGD08–00–026)" (RIN2115–AE47) (2000–0059) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11851. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Sabine Lake, Texas (CGD08–00–027)" (RIN2115–AE47) (2000–0060) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11852. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Rahway River, NJ (CGD01–00–245)" (RIN2115–AE47) (2000–0061) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11853. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Raritan River, Arthur Kill, and their tributaries, NJ (CGD01–00–244)" (RIN2115–AE47) (2000–0062) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11854. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Cortez Bridge (SR 64), Bradenton, Manatee County, FL. (CGD07–00–110)" (RIN2115–AE47) (2000–0063) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11855. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Stickney Point Bridge (SR 72) County, FL. (CGD07–00–112)" (RIN2115–AE47) (2000–0064) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11856. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Siesta Key Bridge (SR 758), Sarasota, Sarasota County, FL. (CGD 07–00–111)" (RIN2115–AE47) (2000–0065) received on December 7, 2000; to the Committee on Commerce , Science, and Transportation.

EC–11857. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Boynton Beach Boulevard Bridge, Atlantic Intracoastal Waterway, Boynton Beach, FL. (CGD07–00–109)" (RIN2115–AE47) (2000–0066) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11858. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Atlantic Intracoastal Waterway, Mile 1084.6, Miami, FL (CGD07–00–106)" (RIN2115–AE47) (2000–0067) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11859. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Citizenship Standards for Vessel Ownership and Financing; American Fisheries Act (USCG–1999–6095)" (RIN2115–AF88) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11860. A communication from the Director, Management and Budget Office, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Ocean Program: Funding Announcement for the Student Career Development Program for FY01" (RIN0648–ZA93) received on December 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11861. A communication from the Director, Management and Budget Office, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York" received on December 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11862. A communication from the Director, Management and Budget Office, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Virginia" received on December 8, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11863. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Butte Falls, Oregon)" (MM Docket No. 00–83, RM–9849) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11864. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Des Moines, New Mexico)" (MM Docket No. 00–66, RM–9842) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11865. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grants and Milan, New Mexico)" (MM Docket No. 99-75, RM-9446) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11866. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sister Bay, Wisconsin and Escanaba, Michigan)" (MM Docket No . 99-288) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11867. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Randolph and Little Valley, NY)" (MM Docket No. 00-113, RM-9904, RM-9952) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11868. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Pilot Rock, Oregon)" (MM Docket No. 00-128, RM-9912) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11869. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Bogota, Texas)" (MM Docket No. 00-54) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11870. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dillsboro and Rosman, North Carolina)" (MM Docket No. 00-88, RM-9871) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11871. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Wheatland and Wright, Wyoming)" (MM Docket No. 99-195) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11872. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dos Palos and Livingston, California)" (MM Docket No. 00-92; RM-9857) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11873. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Darby, Montana)" (MM Docket No. 99-220) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11874. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Nebraska)" (MM Docket No. 00-82, RM-9841) received on December 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11875. A communication from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Tribal Self-Governance" (RIN1076-AD21) received on December 8, 2000; to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-642. A concurrent resolution adopted by the General Assembly of the Commonwealth of Pennsylvania relative to the levying or increasing of taxes; to the Committee on the Judiciary.

RESOLUTION

Whereas, Separation of powers is fundamental to the Constitution of the United States, and the power of the Federal Government is strictly limited; and

Whereas, Under the Constitution of the United States, the States are to determine public policy; and

Whereas, It is the duty of the judiciary to interpret the law, not to create law; and

Whereas, Our present Federal Government has strayed from the intent of our Founding Fathers and the Constitution of the United States through inappropriate Federal mandates; and

Whereas, These mandates by way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the Federal Government; and

Whereas, Federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with Federal mandates; and

Whereas, these court actions violate the Constitution of the United States and the legislative process; and

Whereas, The time has come for the people of this great nation and their duly elected representatives in State government to reaffirm in no uncertain terms that the authority to tax under the Constitution of the United States is retained by the people, who by their consent alone do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, Several states have petitioned the Congress of the United States to propose an amendment to the Constitution of the United States; and

Whereas, As previously introduced in Congress, the amendment seeks to prevent Federal courts from levying or increasing taxes without representation of the people and against the people's wishes; therefore be it

Resolved (the House of Representatives concurring), That the Congress prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision, to levy or increase taxes"; and be it further

Resolved, That this application constitute a continuing application in accordance with Article V of the Constitution of the United States; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania also propose that the legislatures of each of the several states comprising the United States, that have not yet made a similar request, apply to the Congress requesting enactment of an appropriate amendment to the Constitution of the United States and apply to the Congress to propose such an amendment to the Constitution of the United States; and be it further

Resolved, That copies of this resolution be transmitted to the President and Vice President of the United States, to the presiding officers of each house of Congress, to the presiding officers of each house of Legislature in each of the states in the union and to each member of Congress from Pennsylvania.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 3277. A bill to amend the National Energy Conservation Policy Act to enhance and extend authority relating to energy savings performance contracts of the Federal Government; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 3278. A bill to authorize funding for nanoscale science and engineering research and development at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Mr. JEFFORDS, and Mr. LEAHY):

S. 3279. A bill to amend the Richard B. Russell National School Lunch Act to authorize the Secretary of Agriculture to carry out pilot projects to increase milk consumption and reduce the cost of milk served to children; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. BINGAMAN:

S. 3277. A bill to amend the National Energy Conservation Policy Act to enhance and extend authority relating to energy savings performed contracts of the Federal Government; to the Committee on Energy and Natural Resources.

ENERGY EFFICIENT COST SAVINGS, IMPROVEMENT ACT OF 2001

Mr. BINGAMAN. Mr. President, I rise today to introduce important legislation, to amend the National Energy

Conservation Policy Act of 1986. This legislation, the "Energy Efficient Cost Savings Improvement Act of 2001" will improve the current law by enhancing and extending the authority relating to energy savings performance contracts of the Federal Government. The benefit to the taxpayer will be not only the realization of greater cost savings as they pertain to older, inefficient Federal buildings but, more importantly, the reduction in the waste of monies spent trying to improve these buildings when other, more cost effective alternatives are available.

The National Energy Conservation Policy Act, as amended by the Energy Policy Act of 1992, established a mandate for energy savings in Federal buildings and facilities. Aggressive energy conservation goals were subsequently established by Executive Order 12902, stating that, by 2005, Federal agencies must reduce their energy consumption in their buildings by 30 percent per square foot when compared to 1985 levels. Executive Order 13123 increased this goal to 35 percent by 2010.

To help attain these objectives, the Energy Policy Act of 1992 created Energy Savings Performance Contracting, ESPC, which offered a means of achieving this energy reduction goal at no capital cost to the government. That's right—no capital cost to the government, since ESPC is an alternative to the traditional method of Federal appropriations to finance these types of improvements in Federal buildings. Under the ESPC authority, Federal agencies contract with energy service companies, ESCO, which pay all the up-front costs. These costs relate to evaluation, design, financing, acquisition, installation, and maintenance of energy efficient equipment; altered operation and maintenance improvements; and technical services. The ESCO guarantees a fixed amount of energy cost savings throughout the life of the contract and is paid directly from those cost savings. Agencies retain the remainder of the cost savings for themselves and, at the end of the contract, ownership of all property, along with the additional cost savings, reverts to the Federal government. Currently, contracts may range up to 25 years. Over the entire contract period, Federal monies are neither required nor appropriated for the improvements.

But, as innovative as the ESPC alternative may be, there is one area in which it falls short—and that is, how to avoid wasting valuable funds improving energy efficiency in a building that has long since passed its useful life. How do you justify energy conservation measures in buildings that are in constant need of maintenance or repair? Facilities that, no matter how much money is invested for renovation, will never meet existing building code requirements? You may save money by improving energy efficiency, but then turn around and reinvest even larger amounts in operating and maintaining a very old facility. Somewhere there has to be a point where we decide there must be other alternatives—and that is exactly what my legislation offers.

The most important element of my legislation is in the way it proposes to fund the construction of replacement Federal facilities. The legislation builds upon the existing Energy Savings Performance Contracting and takes it one logical step further—to include savings anticipated from operation and maintenance efficiencies of a new replacement Federal building. Perhaps the easiest way to explain the benefits of this change is by citing an example. In my home state of New Mexico, the Department of Energy Albuquerque Operations office resides in a complex of buildings constructed originally as Army barracks during the Korean War. Although these facilities have been renovated and modified throughout the years, they remain energy inefficient and require high maintenance and operation costs when compared to more contemporary buildings. What's more, over the next seven years, the Operations office will institute additional modifications to meet compliance requirements for seismic, energy savings, and other facility infrastructure concerns (maintenance, environmental, safety and health, etc.) at a cost of $34.2 million. Even with these modifications, we end up with a modernized 50-year-old building that will continue to require expensive maintenance dollars. The estimate to replace the office complex with a new facility, by the way, is $35.3 million. While Congress cannot afford to appropriate funds to build a new facility, we're willing to spend—no, we're forced to waste—almost as much in maintaining an old one.

As requested by the National Defense Authorization Act for FY2000, the Department of Energy conducted a feasibility study for replacing the Albuquerque Operations office using an ESPC. The results of the study are enlightening, for it demonstrated that by using anticipated energy, operations, and maintenance efficiencies of a new replacement building over the old one, the cost savings alone pay for the new facility. What's more, the analysis forecasts that after the annual ESPC loan payment is made to the contractor, there is a $1 million per year surplus. Over a 25-year contract, the savings to the taxpayer is $25 million.

Finally, I want to draw your attention to the broader implications that this legislation has for Federal agencies and taxpayers alike. The application of authority created by this legislation in the replacement of other Federal buildings could result in billions of dollars of avoided waste. Simply by considering operation and maintenance cost savings, we would reap a double benefit of newer facilities and much needed improvements to the Federal infrastructure at a fraction of the cost. And, since ESCOs typically use local companies to provide construction services, this type of program would have a very beneficial effect on local economies.

There is certainly enough work within the Federal government to move forward on this ESPC legislation. To this end, I urge my colleagues to support the bill.

Mr. BINGAMAN:

S. 3278. A bill to authorize funding for nanoscale science and engineering research and development at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY NANOSCALE SCIENCE AND ENGINEERING ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill authorizing the Secretary of Energy to provide for a long term commitment in its Office of Science to the area of nanoscience and nanoengineering. This new area is of fundamental importance for maintaining our global economic leadership in energy technology as well in areas such as microchip design, space and transportation, medicines and biomedical devices. The fields of nanoscience and nanoengineering are so new and broad in their reach that no one industry can support them. They are a perfect example how we in Congress can make a difference to support our nation's technological leadership, a key element of the 21st century global economy.

The fields of nanoscience and engineering encompass the ability to create new states of matter by prepositioning the atoms that make up their structure. The physical features that nanoscale R&D will develop are on the order of about $10^{\bullet}$ nanometers or 1000 times smaller than the diameter of a human hair. What we are talking about is making materials and devices not by miniaturization, which is a top down approach. Nanoscience is the bottom up fabrication of materials, atom by atom. When you build materials at this level, amazing things begin to happen. We are talking about microchips whose features will shrink by a factor of 100 below where industry projects they will be in the year 2010. These chip features will lead to radical breakthroughs in speed, cost and density of information storage. In the field of medicine and health, we are talking about drugs whose routes of delivery are literally at the molecular level. It will be possible to custom build proteins and other biological materials for future biomedical devices. In the field of energy efficiency, batteries and fuel cells can be built with storage capacities far exceeding our current state of the art. In the transportation industry, it will be possible to make ultra strong and light materials reducing the weight in airplanes, cars and space vehicles. All these breakthroughs in the diverse industries I have discussed will keep the United States' as a global leader in the 21st century economy.

The Department of Energy and its Office of Science are uniquely suited to support this critical research. The Office of Science has been at the forefront of conducting nanotechnology research for the past decade through its broad array of materials, physics, chemistry and biology programs. This authorization bill will carry forth four broad objectives of the Office of Science's existing nanotechnology effort, (1) attain a fundamental understanding of nanoscale phenomena, (2) achieve the ability to design bulk materials with desired properties using nanoscale manipulation, (3) study how living organisms produce materials naturally by arranging their atomic structure and implement it into the design process for nanomaterials, (4) develop experimental and computer tools with a national infrastructure to carry out nanoscience. Let me briefly comment on the fourth area in this list. The Office of Science is the nation's leader in developing and managing national user facilities across the broad range of physical sciences. It would be a natural progression for the Office of Science to develop similar user facilities to advance nanoscience. These facilities, located across the United States, will contain unique equipment and computers which will be accessible to individuals as well as multi-disciplinary teams. In the past, Office of Science national user facilities have served as crossing points between the transition from fundamental science to industrial capability. I expect that these nanoscience user facilities will serve as a similar transition point from long term fundamental research into applied industrial know-how. Accordingly, in this authorization bill I have allotted portions of the yearly budget towards developing these unique user facilities.

This bill is an important first step in a combined national nanoscience effort which will help to maintain the technological edge of our U.S. industry. I hope that the other federal R&D agencies will make similar commitments in their areas of expertise. Maintaining this edge, by promoting these long term and high risk investigations is something which we cannot expect in the short time frame world of today's industry. It is critical that our U.S. government step into this void, particularly in the area of nanoscience, and provide the necessary intellectual capital to propel our national economy as a leader in the 21st century.

I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Nanoscale Science and Engineering Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The emerging fields of nanoscience and nanoengineering address the ability to create materials with fundamentally new compositions by prepositioning atoms within an overall molecular composition.

(2) The ability of the United States to respond to the energy and economic challenges of the 21st century will be driven by science and technology. Nanoscience and nanoengineering will enable the United States to develop new technologies for energy exploration and production, for monitoring energy infrastructure, for increasing energy efficiency in end-use application, and for developing new technologies applicable to other Department of Energy statutory missions. These advances will also enhance the strength of U.S. science, technology, and medicine generally.

(3) The fundamental intellectual challenges inherent in nanoscience and nanoengineering are considerable, and require public support for basic and applied research and development. Significant advances in areas such as the self-assembly of atom clusters will be required before nanoscience or nanoengineering will be useful to the energy or manufacturing industries.

(4) The development of new scientific instruments will also be required to advance nanoscience and nanoengineering. Such instruments are likely to be large and costly. Specialized facilities are also likely to be required in order to advance the field and to realize its promise. Such facilities will be sufficiently expensive that they will have to be located and constructed on a centralized basis, similar to a number of unique facilities already managed by the Department of Energy.

(5) Contributions from individual researchers as well as multidisciplinary research teams will be required to advance nanoscience and nanoengineering.

(6) The Department of Energy's Office of Science is well suited to manage nanoscience and nanoengineering research and development for the Department. Through its support of research and development pursuant to the Department's statutory authorities, the Office of Science is the principal federal supporter of the research and development in the physical and computational sciences. The Office is also a significant source of federal support for research in genomics and the life sciences. The Office supports research and development by individual investigators and multidisciplinary teams, and manages special user facilities that serve investigators in both university and industry.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, through the Office of Science of the Department of Energy, shall support a program of research and development in nanoscience and nanoengineering consistent with the Department's statutory authorities related to research and development. The program shall include efforts to further the understanding of the chemistry, physics, materials science and engineering of phenomena on the scale of 1 to 100 nanometers.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this Act, the Director of the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) pursuant to subsection (c), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research and development in nanoscience and nanoengineering;

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering; and

(4) coordinate research and development activities with industry and other federal agencies.

(c) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—

(1) AUTHORIZATION.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 4(b) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) PROJECTS.—Projects under paragraph (1) may include the measurement of properties at the scale of 1 to 100 nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) FACILITIES.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities and related instrumentation.

(4) COLLABORATION.—The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. At least one Departmental facility under this subsection shall have a specific mission of technology transfer to other institutions and to industry.

(d) MERIT REVIEW REQUIRED.—All grants, contracts, cooperative agreements, or other financial assistance awards under this Act shall be made only after independent merit review.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary Of Energy, to remain available until expended, for the purposes of carrying out this Act:

(1) $160,000,000 for fiscal year 2002.
(2) $270,000,000 for fiscal year 2003.
(3) $290,000,000 for fiscal year 2004.
(4) $310,000,000 for fiscal year 2005.
(5) $330,000,000 for fiscal year 2006.

(b) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c):

(1) $55,000,000 for fiscal year 2002.
(2) $135,000,000 for fiscal year 2003.
(3) $150,000,000 for fiscal year 2004.
(4) $120,000,000 for fiscal year 2005.
(5) $160,000,000 for fiscal year 2006.

ADDITIONAL COSPONSORS

S. 3189

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. 3189, a bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes.

S. RES. 8

At the request of Mr. STEVENS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 8, a resolution amending rule XVI of the Standing Rules of the Senate relating to amendments to general appropriation bills

S. RES. 387

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. Res. 387, a resolution relative to the death of Representative Julian C. Dixon, of California.

At the request of Mrs. BOXER, her name was added as a cosponsor of S. Res. 387, supra.

AMENDMENTS SUBMITTED

EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT DATA DISCLOSURE ACT

DURBIN AMENDMENT NO. 4362

Mr. GRAMS (for Mr. DURBIN) proposed an amendment to the bill (H.R. 1023) to require that each Government agency post monthly, on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PRIVATE RELIEF PROVISION.

Notwithstanding any other provision of law, the renunciation of United States citizenship by Valdas Adamkus on February 25, 1998, in order to become the President of the Republic of Lithuania shall not—

(1) be treated under any Federal law as having as one of its purposes the avoidance of any Federal tax,

(2) result in the denial of any benefit under title II or XVIII of the Social Security Act, or under title 5, United States Code, or

(3) result in any restriction on the right of Valdas Adamkus to travel or be admitted to the United States.

WATER POLLUTION PROGRAM ENHANCEMENTS ACT OF 2000

COLLINS AMENDMENT NO. 4363

Mr. GRAMS (for Ms. COLLINS) proposed an amendment to the bill (S. 870) to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes; as follows:

On page 23, line 18, strike "inserting" and insert "adding".

On page 23, lines 21 and 22, strike "defined under sections 11(4) and 8G(a)(5)" and insert "(as defined under section 8G(a)(5) or 11(4))".

On page 23, lines 23 and 24, strike "defined under sections 11(4) and 8G(a)(5)" and insert "(as defined under section 8G(a)(5) or 11(4))".

On page 24, lines 9 and 10, strike "of Inspector General".

On page 24, lines 11 and 12, strike "of Inspector General".

On page 25, line 16, strike "annual reports" and insert "an annual report".

On page 32, strike lines 8 through 10.

On page 34, insert between lines 18 and 19 the following:

"(30) Inspector General, Tennessee Valley Authority.".

On page 36, line 16, strike the quotation marks and second period.

On page 36, insert between lines 16 and 17 the following:

"Inspector General, Tennessee Valley Authority.".

On page 36, line 23, insert "of the United States" after "Comptroller General".

On page 37, line 12, strike "paragraph (2)" and insert "subsection (a)".

INTERNATIONAL MALARIA CONTROL ACT OF 2000

HELMS AMENDMENT NO. 4364.

Mr. BYRD. (for Mr. HELMS) proposed an amendment to the bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; as follows:

In lieu of the matter proposed to be inserted by the House to the text of the bill, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assistance for International Malaria Control Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Assistance for malaria prevention, treatment, control, and elimination.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

Sec. 201. Short title.
Sec. 202. Findings and declarations; sense of Congress.
Sec. 203. Continued application of United States law.
Sec. 204. Reporting requirement.
Sec. 205. Definitions.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Agreement for a United States-Canada bilateral commission.
Sec. 304. Composition of commission.
Sec. 305. Governance and staffing of commission.
Sec. 306. Duties.
Sec. 307. Commencement and termination of commission.
Sec. 308. Funding.
Sec. 309. Definitions.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Establishment of commission.
Sec. 404. Duties of commission.
Sec. 405. Membership of commission.
Sec. 406. Powers of commission.
Sec. 407. Staff and support services of commission.
Sec. 408. Termination.
Sec. 409. Authorization of appropriations.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Assistance efforts in Sudan.
Sec. 502. Authority to provide towing assistance.
Sec. 503. Sense of Congress on the American University in Bulgaria.

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Designation of Paul D. Coverdell World Wise Schools Program.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

SEC. 101. SHORT TITLE.

This title may be cited as the "International Malaria Control Act of 2000".

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) "Airport malaria", the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) DISSEMINATION OF INFORMATION REQUIREMENT.—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of the fiscal years 2001 and 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SEC. 201. SHORT TITLE.

This title may be cited as the "United States-Macau Policy Act of 2000".

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF CONGRESS.

(a) FINDINGS AND DECLARATIONS.—Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau's continued economic prosperity, and Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) JOINT DECLARATION.—The term "Joint Declaration" means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

(2) MACAU.—The term "Macau" means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the "Rails to Resources Act of 2000".

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia

and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the "Rails to Resources Fund".

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) Authorization of Appropriations.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) Agreement.—The term "Agreement" means an agreement described in section 303.

(2) Commission.—The term "Commission" means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

SEC. 401. SHORT TITLE.

This title may be cited as the "Pacific Charter Commission Act of 2000".

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to assist in combating terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

(a) In General.—The President is authorized to establish a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the "Commission").

(b) Expiration of Authority.—The authority to establish the Commission under this section shall expire at the close of December 31, 2002.

SEC. 404. DUTIES OF COMMISSION.

(a) Duties.—The Commission should establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) Monitoring of Developments.—The Commission should monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) Policy Review and Recommendations.—In carrying out this section, the Commission should evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) Contacts With Other Entities.—In performing the functions described in subsections (a) through (c), the Commission should, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) Annual Report.—Not later than 18 months after the date of the establishment of the Commission, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and Congress a report that contains the findings of the Commission, in the case of the initial report, during the period since the date of establishment of the Commission, or, in the case of each subsequent report, during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year or, in the case of the initial report, since the date of establishment of the Commission; and

(3) a complete accounting of the expenditures made by the Commission during the prior year or, in the case of the initial report, since the date of establishment of the Commission.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) Composition.—If established pursuant to section 403, the Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) Appointment.—

(1) In general.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) Political affiliation.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) Term.—Each member of the Commission shall be appointed for a term of 6 years.

(d) Vacancies.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) Chairperson; Vice Chairperson.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) Compensation.—

(1) Rates of pay.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Travel expenses.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) Meetings.—The Commission shall meet at the call of the Chairperson.

(h) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) Affirmative Determinations.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) Hearings and Investigations.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) Contributions.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) Executive Director.—The Commission shall have an executive director appointed by the Commission who shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) Staff.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) Staff of Federal Agencies.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

(d) Experts and Consultants.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 408. TERMINATION.

The Commission shall terminate not later than 6 years after the date of the establishment of the Commission.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—In the event the Commission is established, there are authorized to be appropriated to carry out this title $2,500,000 for the initial 24-month period of the existence of the Commission.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 410. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ASSISTANCE EFFORTS IN SUDAN.

(a) Additional Authorities.—Notwithstanding any other provision of law, the President is authorized to undertake appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

(b) EXCEPTION TO EXPORT PROHIBITIONS.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 of November 3, 1997 (62 Fed. Register 59989) shall not apply to any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export, if the President determines that the export or related transaction, as the case may be, would directly benefit the economic development of that area and its people.

SEC. 502. AUTHORITY TO PROVIDE TOWING ASSISTANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States LST Association (in this section referred to as the "Association") is a patriotic organization dedicated to honoring the memories of those brave American servicemen who selflessly served, and often made the ultimate sacrifice, in the defense of the United States, its allies, and the principles of democracy and freedom.

(2) The Association is currently engaged in efforts to return to the United States the former United States warship, Landing Ship Tank 325 (LST 325) to serve as a memorial to those American servicemen who went into harm's way aboard and from such warships.

(b) AUTHORIZATION.—The Secretary of the Navy is authorized to provide towing services from a suitable vessel of the Unites States Navy to tow the former LST 325 from its present location, or a location to be determined by the Secretary, to a port on the East Coast of the United States to be determined by the Secretary. The Secretary of the Navy may not provide such services unless the Secretary finds that the provision of such services will not interfere with military operations, military readiness, naval force presence requirements, or the accomplishment of the specific missions of the vessel providing the towing services.

(c) LIMITATIONS.—The services authorized by subsection (b) may not be provided except as part of a regular rotation of the vessel providing the services back to the United States. Such services may be provided only after—

(1) the former LST 325 has been determined by a professional marine survey or by the United States Coast Guard to be seaworthy for towing and meeting requirements for entry into a United States port; and

(2) the Association has named the United States Navy as an additional insured party to the tow hull policy covering the former LST 325, including a waiver of subrogation.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Navy may require such additional terms and conditions in connection with the provision of towing services under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 503. SENSE OF CONGRESS ON THE AMERICAN UNIVERSITY IN BULGARIA.

(a) FINDINGS.—Congress finds that the American University in Bulgaria—

(1) is a fine educational institution that has received generous and well-deserved financial assistance from the United States Government;

(2) has a successful track record and is educating a generation of leaders who will shape and determine the future of their own societies;

(3) has instilled in students in the Balkan region of Europe the intellectual rigor of the American system of higher education;

(4) promotes the study and understanding of democratic governance principles;

(5) maintains entrance and academic standards that are exemplary and has a commitment to providing educational opportunities that is based upon merit rather than solely on the ability of students to bear the entire cost of their education; and

(6) is a cost-effective institution of higher learning and offers a high-quality education.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist the American University in Bulgaria to become a self-sustaining institution of higher education in the Balkan region of Europe.

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 601. SHORT TITLE.

This title may be cited as the "Paul D. Coverdell World Wise Schools Act of 2000".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, "to promote a better understanding of the people served among people of the United States".

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, "It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership.".

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 603. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "World Wise Schools Program" is redesignated as the "Paul D. Coverdell World Wise Schools Program".

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

ORDER OF BUSINESSES

Mr. GRAMS. Mr. President, I would like to have the honor of concluding some business items.

INTERNATIONAL FISHERY AGREEMENT IMPROVEMENT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 1653, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1653) to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1653) was read the third time and passed.

RELIEF OF RICHARD W. SCHAFFERT

Mr. GRAMS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1023, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1023) for relief of Richard W. Schaffert.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4362

Mr. GRAMS. Mr. President, Senator DURBIN has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. GRAMS), for Mr. DURBIN, proposes an amendment numbered 4362.

Mr. GRAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the relief of Valdas Adamkus, President of the Republic of Lithuania)

At the appropriate place, insert the following:

SEC. . PRIVATE RELIEF PROVISION.

Notwithstanding any other provision of law, the renunciation of United States citizenship by Valdas Adamkus on February 25, 1998, in order to become the President of the Republic of Lithuania shall not—

(1) be treated under any Federal law as having as one of its purposes the avoidance of any Federal tax,

(2) result in the denial of any benefit under title II or XVIII of the Social Security Act, or under title 5, United States Code, or

(3) result in any restriction on the right of Valdas Adamkus to travel or be admitted to the United States.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4362) was agreed to.

The bill (H.R. 1023), as amended, was read the third time and passed.

GEORGE ATLEE GOODLING POST OFFICE BUILDING

J.T. WEEKER SERVICE CENTER

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the Post Office naming bills, H.R. 5210 and H.R. 5016, en bloc.

The PRESIDING OFFICER (Mr. FITZGERALD). The clerk will report the bills.

The legislative clerk read as follows:

A bill (H.R. 5210) to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building";

A bill (H.R. 5016) to redesignate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the "J.T. Weeker Service Center."

There being no objection, the Senate proceeded to consider the bills.

Mr. GRAMS. Mr. President, I ask unanimous consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to these bills be printed in the RECORD, with the above all occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 5210 and H.R. 5016) were read the third time and passed.

INSPECTOR GENERAL ACT AMENDMENTS OF 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 919, S. 870.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 870) to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes, which had been reported from the Committee on Governmental Affairs, with an amendment; as follows:

[Strike out all after the enacting clause and insert the part printed in italic.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inspector General Act Amendments of 2000".

SEC. 2. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(e) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.".

SEC. 3. EXTERNAL REVIEWS.

(a) IN GENERAL.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting at the end the following:

"(e)(1)(A) Not less than every 3 years an external review shall be conducted of each Office defined under sections 11(4) and 8G(a)(5).

"(B) The Inspector General of each Office defined under sections 11(4) and 8G(5) shall arrange with the General Accounting Office or an appropriate private entity for the conduct of the review.

"(C) If an Inspector General contracts with a private entity for a review under this subsection, the private entity shall be contracted in accordance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

"(2) At a minimum, an external review under this subsection shall evaluate whether the Office of Inspector General properly manages and controls—

"(A) contracts awarded by the Office of Inspector General, including a determination of whether—

"(i) procedures used to procure contracts are in accordance with applicable laws and regulations; and

"(ii) costs incurred are reasonable and allowable under the terms of each contract;

"(B) appropriated funds, including a determination of whether training and travel funds are expended in accordance with applicable laws and regulations; and

"(C) personnel actions, including a determination of whether hiring and promotion practices used and performance awards issued are in accordance with applicable laws and regulations.

"(3) Not later than 30 calendar days after the completion of an external review, a report of the results shall be submitted to the head of the establishment and simultaneously to the appropriate committees or subcommittees of Congress.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section heading for section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

"DUTIES AND RESPONSIBILITIES; REPORT OF CRIMINAL VIOLATIONS TO ATTORNEY GENERAL; EXTERNAL REVIEWS".

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking the first sentence and inserting "Each Inspector General shall, not later than October 31 of each year, prepare annual reports summarizing the activities and accomplishments of the Office during the immediately preceding 12-month period ending September 30.";

(2) by striking paragraphs (1) through (12) and inserting the following:

"(1) a summary of the program areas within the establishment identified by the Inspector General as high risk because of vulnerabilities to waste, fraud, abuse, and mismanagement;

"(2) a description of the most significant audits, investigations (administrative, civil, and criminal), and evaluations and inspections completed during the reporting period;

"(3) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period;

"(4) a table showing—

"(A)(i) the total number of final audit reports issued by the Office of Inspector General; and

"(ii) the financial benefits associated with the reports segregated by category, such as budget reductions, costs avoided, questioned costs, and revenue enhancements; and

"(B) corrective actions taken and program improvements made during the reporting period in response to either an Office of Inspector General audit finding or recommendation (excluding any recommendation included under subparagraph (A) with respect to such corrective actions);

"(5) a table showing—

"(A) the judicial and administrative actions associated with investigations conducted by the Office of Inspector General;

"(B) the number of—

"(i) cases referred for criminal prosecution, civil remedies, or administrative actions;

"(ii) cases presented but declined for prosecution, segregated by criminal and civil;

"(iii) cases accepted for prosecution (both Federal and State), segregated by criminal and civil;

"(iv) defendants indicted;

"(v) defendants convicted;

"(vi) defendants acquitted or charges dismissed after indictment;

"(vii) defendants sentenced to terms of imprisonment;

"(viii) defendants sentenced to terms of probation; and

"(ix) suspensions, disbarments, exclusions, sanctions, or some other similar administrative action; and

"(C) the total amount of fines, restitutions, and recoveries;

"(6) a description of the organization and management structure of the Office of Inspector General, including—

"(A) an organization chart showing the major components of the Office;

"(B) a statistical table showing the number of authorized full-time equivalent positions segregated by component and by headquarters and field office; and

"(C) the amount of funding received in prior and current fiscal years;

"(7) a table showing—

"(A) the number of contracts, and associated dollar value, awarded on a noncompetitive basis by the Office of Inspector General; and

"(B) with respect to any individual contract valued over $100,000, awarded on a noncompetitive basis—

"(i) the name of the contractor;

"(ii) statement of work;

"(iii) the time period of the contract; and

"(iv) the dollar amount of the contract;

"(8)(A) a summary of each audit report issued in previous reporting periods for which no management decision has been made by the end of the reporting period (including the date and title of each such report);

"(B) an explanation of the reasons such management decision has not been made; and

"(C) a statement concerning the desired timetable for achieving a management decision on each such report;";

(3) by redesignating paragraph (13) as paragraph (9);

(4) in paragraph (9) (as redesignated by paragraph (3) of this subsection)—

(A) by striking "section 05(b)" and inserting "section 804(b)"; and

(B) by striking the period and inserting a semicolon and "and"; and

(5) by adding at the end the following new paragraph:

"(10) any other information that the Inspector General determines appropriate to include in the annual report.".

(b) SEMIANNUAL REPORTS.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f)(1) Subject to paragraph (4), in addition to any annual report required to be furnished and transmitted under subsection (b), an Inspector General shall prepare and submit a report described under paragraph (2) to—

"(A) the applicable congressional committee, if the chairman or ranking member of a congressional committee with appropriate jurisdiction submits a written request to such Inspector General; or

"(B) to the Comptroller General of the United States if the Comptroller General submits a written request to such Inspector General.

"(2) A report referred to under paragraph (1) shall—

"(A) contain the information required for an annual report under subsection (a); and

"(B) summarize the activities of the Office during the 6-month period ending on March 31 of the calendar year following the date on which the request is made.

"(3) A report under this subsection shall be submitted on April 30 of the calendar year following the date on which the request is made.

"(4) An Inspector General shall not be required to submit a report under this subsection if the written request for such report is submitted to the Inspector General after November 30 of the calendar year preceding the date on which the report is otherwise required to be submitted to a congressional committee or the Comptroller General.".

(c) SUBMISSION OF OTHER REPORTS.—Nothing in the amendments made by this section shall be construed to limit an Inspector General from submitting any report containing in whole or part information required in an annual or semiannual report furnished and transmitted under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) to Congress more frequently than on an annual or semiannual basis.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 4(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "semiannual" and inserting "annual".

(2) Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)—

(i) by striking "Semiannual" and inserting "Annual"; and

(ii) by striking "April 30 and"; and

(B) in subsection (c)—

(i) in the first sentence by striking "semiannual" and inserting "annual"; and

(ii) in the second sentence by striking "semiannual" and inserting "annual".

(3) Section 8(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "semiannual" and inserting "annual".

(4) Section 8A(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "semiannual""and inserting "annual".

SEC. 5. INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.

(a) LEVEL IV POSITIONS.—Section 5315 of title 5, United States Code, is amended by striking each item relating to the following positions:

(1) Inspector General, Department of Education.

(2) Inspector General, Department of Energy.

(3) Inspector General, Department of Health and Human Services.

(4) Inspector General, Department of Agriculture.

(5) Inspector General, Department of Housing and Urban Development.

(6) Inspector General, Department of Labor.

(7) Inspector General, Department of Transportation.

(8) Inspector General, Department of Veterans Affairs.

(9) Inspector General, Department of Defense.

(10) Inspector General, United States Information Agency.

(11) Inspector General, Department of State.

(12) Inspector General, Department of Commerce.

(13) Inspector General, Department of the Interior.

(14) Inspector General, Department of Justice.

(15) Inspector General, Department of the Treasury.

(16) Inspector General, Agency for International Development.

(17) Inspector General, Environmental Protection Agency.

(18) Inspector General, Federal Emergency Management Agency.

(19) Inspector General, General Services Administration.

(20) Inspector General, National Aeronautics and Space Administration.

(21) Inspector General, Nuclear Regulatory Commission.

(22) Inspector General, Office of Personnel Management.

(23) Inspector General, Railroad Retirement Board.

(24) Inspector General, Small Business Administration.

(25) Inspector General, Federal Deposit Insurance Corporation.

(26) Inspector General, Resolution Trust Corporation.

(27) Inspector General, Central Intelligence Agency.

(28) Inspector General, Social Security Administration.

(29) Inspector General, United States Postal Service.

(b) LEVEL III POSITIONS.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Inspector General, Department of Education.

"Inspector General, Department of Energy.

"Inspector General, Department of Health and Human Services.

"Inspector General, Department of Agriculture.

"Inspector General, Department of Housing and Urban Development.

"Inspector General, Department of Labor.

"Inspector General, Department of Transportation.

"Inspector General, Department of Veterans Affairs.

"Inspector General, Department of Defense.

"Inspector General, Department of State.

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Department of Justice.

"Inspector General, Department of the Treasury.

"Inspector General, Agency for International Development.

"Inspector General, Corporation for Community and National Service.

"Inspector General, Environmental Protection Agency.

"Inspector General, Federal Emergency Management Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Nuclear Regulatory Commission.

"Inspector General, Office of Personnel Management.

"Inspector General, Railroad Retirement Board.

"Inspector General, Small Business Administration.

"Inspector General, Federal Deposit Insurance Corporation.

"Inspector General, Central Intelligence Agency.

"Inspector General, Social Security Administration.

"Inspector General, United States Postal Service.".

(c) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving as an Inspector General on the effective date of this section.

SEC. 6. STUDY AND REPORT ON CONSOLIDATION OF INSPECTOR GENERAL OFFICES.

(a) STUDY.—The Comptroller General shall—

(1) develop criteria for determining whether the consolidation of Federal Inspector General offices would be cost-efficient and in the public interest; and

(2) conduct a study of Federal Inspector General offices using the criteria developed under paragraph (1) to determine whether any such offices should be consolidated.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress containing recommendations for any legislative action, based on the study conducted under paragraph (2).

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4363

Mr. GRAMS. Also, Mr. President, Senator COLLINS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for Ms. COLLINS, proposes an amendment numbered 4363.

Mr. GRAMS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 23, line 18, strike "inserting" and insert "adding".

On page 23, lines 21 and 22, strike "defined under sections 11(4) and 8G(a)(5)" and insert "(as defined under section 8G(a)(5) or 11(4))".

On page 23, lines 23 and 24, strike "defined under sections 11(4) and 8G(a)(5)" and insert "(as defined under section 8G(a)(5) or 11(4))".

On page 24, lines 9 and 10, strike "of Inspector General".

On page 24, lines 11 and 12, strike "of Inspector General".

On page 25, line 16, strike "annual reports" and insert "an annual report".

On page 32, strike lines 8 through 10.

On page 34, insert between lines 18 and 19 the following:

(30) Inspector General, Tennessee Valley Authority.

On page 36, line 16, strike the quotation marks and second period.

On page 36, insert between lines 16 and 17 the following:

"Inspector General, Tennessee Valley Authority.".

On page 36, line 23, insert "of the United States" after "Comptroller General".

On page 37, line 12, strike "paragraph (2)" and insert "subsection (a)".

Mr. GRAMS. Mr. President, I ask unanimous consent the amendment be agreed to, the committee amendment in the nature of a substitute, as amended, be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements referring to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4363) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 870), as amended, was considered read the third time and passed, as follows:

S. 870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inspector General Act Amendments of 2000".

SEC. 2. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(e) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.".

SEC. 3. EXTERNAL REVIEWS.

(a) IN GENERAL.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

"(e)(1)(A) Not less than every 3 years an external review shall be conducted of each Office (as defined under section 8G(a)(5) or 11(4)).

"(B) The Inspector General of each Office (as defined under section 8G(a)(5) or 11(4)) shall arrange with the General Accounting Office or an appropriate private entity for the conduct of the review.

"(C) If an Inspector General contracts with a private entity for a review under this subsection, the private entity shall be contracted in accordance with section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

"(2) At a minimum, an external review under this subsection shall evaluate whether the Office properly manages and controls—

"(A) contracts awarded by the Office, including a determination of whether—

"(i) procedures used to procure contracts are in accordance with applicable laws and regulations; and

"(ii) costs incurred are reasonable and allowable under the terms of each contract;

"(B) appropriated funds, including a determination of whether training and travel funds are expended in accordance with applicable laws and regulations; and

"(C) personnel actions, including a determination of whether hiring and promotion practices used and performance awards issued are in accordance with applicable laws and regulations.

"(3) Not later than 30 calendar days after the completion of an external review, a report of the results shall be submitted to the head of the establishment and simultaneously to the appropriate committees or subcommittees of Congress.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The section heading for section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

"DUTIES AND RESPONSIBILITIES; REPORT OF CRIMINAL VIOLATIONS TO ATTORNEY GENERAL; EXTERNAL REVIEWS".

SEC. 4. ANNUAL REPORTS.

(a) IN GENERAL.—Section 5(a) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking the first sentence and inserting "Each Inspector General shall, not later than October 31 of each year, prepare an annual report summarizing the activities and accomplishments of the Office during the immediately preceding 12-month period ending September 30.";

(2) by striking paragraphs (1) through (12) and inserting the following:

"(1) a summary of the program areas within the establishment identified by the Inspector General as high risk because of vulnerabilities to waste, fraud, abuse, and mismanagement;

"(2) a description of the most significant audits, investigations (administrative, civil, and criminal), and evaluations and inspections completed during the reporting period;

"(3) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period;

"(4) a table showing—

"(A)(i) the total number of final audit reports issued by the Office of Inspector General; and

"(ii) the financial benefits associated with the reports segregated by category, such as budget reductions, costs avoided, questioned costs, and revenue enhancements; and

"(B) corrective actions taken and program improvements made during the reporting period in response to either an Office of Inspector General audit finding or recommendation (excluding any recommendation included under subparagraph (A) with respect to such corrective actions);

"(5) a table showing—

"(A) the judicial and administrative actions associated with investigations conducted by the Office of Inspector General;

"(B) the number of—

"(i) cases referred for criminal prosecution, civil remedies, or administrative actions;

"(ii) cases presented but declined for prosecution, segregated by criminal and civil;

"(iii) cases accepted for prosecution (both Federal and State), segregated by criminal and civil;

"(iv) defendants indicted;

"(v) defendants convicted;

"(vi) defendants acquitted or charges dismissed after indictment;

"(vii) defendants sentenced to terms of imprisonment;

"(viii) defendants sentenced to terms of probation; and

"(ix) suspensions, disbarments, exclusions, sanctions, or some other similar administrative action; and

"(C) the total amount of fines, restitutions, and recoveries;

"(6) a description of the organization and management structure of the Office of Inspector General, including—

"(A) an organization chart showing the major components of the Office;

"(B) a statistical table showing the number of authorized full-time equivalent positions segregated by component and by headquarters and field office; and

"(C) the amount of funding received in prior and current fiscal years;

"(7) a table showing—

"(A) the number of contracts, and associated dollar value, awarded on a noncompetitive basis by the Office of Inspector General; and

"(B) with respect to any individual contract valued over $100,000, awarded on a noncompetitive basis—

"(i) the name of the contractor;

"(ii) statement of work;

"(iii) the time period of the contract; and

"(iv) the dollar amount of the contract;

"(8)(A) a summary of each audit report issued in previous reporting periods for which no management decision has been made by the end of the reporting period (including the date and title of each such report);

"(B) an explanation of the reasons such management decision has not been made; and

"(C) a statement concerning the desired timetable for achieving a management decision on each such report;";

(3) by redesignating paragraph (13) as paragraph (9);

(4) in paragraph (9) (as redesignated by paragraph (3) of this subsection)—

(A) by striking "section 05(b)" and inserting "section 804(b)"; and

(B) by striking the period and inserting a semicolon and "and"; and

(5) by adding at the end the following new paragraph:

"(10) any other information that the Inspector General determines appropriate to include in the annual report.".

(b) SEMIANNUAL REPORTS.—Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f)(1) Subject to paragraph (4), in addition to any annual report required to be furnished and transmitted under subsection (b), an Inspector General shall prepare and submit a report described under paragraph (2) to—

"(A) the applicable congressional committee, if the chairman or ranking member of a congressional committee with appropriate jurisdiction submits a written request to such Inspector General; or

"(B) to the Comptroller General of the United States if the Comptroller General submits a written request to such Inspector General.

"(2) A report referred to under paragraph (1) shall—

"(A) contain the information required for an annual report under subsection (a); and

"(B) summarize the activities of the Office during the 6-month period ending on March 31 of the calendar year following the date on which the request is made.

"(3) A report under this subsection shall be submitted on April 30 of the calendar year following the date on which the request is made.

"(4) An Inspector General shall not be required to submit a report under this subsection if the written request for such report is submitted to the Inspector General after November 30 of the calendar year preceding the date on which the report is otherwise required to be submitted to a congressional committee or the Comptroller General.".

(c) Submission of Other Reports.—Nothing in the amendments made by this section shall be construed to limit an Inspector General from submitting any report containing in whole or part information required in an annual or semiannual report furnished and transmitted under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) to Congress more frequently than on an annual or semiannual basis.

(d) Technical and Conforming Amendments.—

(1) Section 4(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "semiannual" and inserting "annual".

(2) Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in subsection (b)—

(i) by striking "Semiannual" and inserting "Annual"; and

(ii) by striking "April 30 and"; and

(B) in subsection (c)—

(i) in the first sentence by striking "semiannual" and inserting "annual"; and

(ii) in the second sentence by striking "semiannual" and inserting "annual".

(3) Section 8(f) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "semiannual" and inserting "annual".

SEC. 5. INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.

(a) Level IV Positions.—Section 5315 of title 5, United States Code, is amended by striking each item relating to the following positions:

(1) Inspector General, Department of Education.

(2) Inspector General, Department of Energy.

(3) Inspector General, Department of Health and Human Services.

(4) Inspector General, Department of Agriculture.

(5) Inspector General, Department of Housing and Urban Development.

(6) Inspector General, Department of Labor.

(7) Inspector General, Department of Transportation.

(8) Inspector General, Department of Veterans Affairs.

(9) Inspector General, Department of Defense.

(10) Inspector General, United States Information Agency.

(11) Inspector General, Department of State.

(12) Inspector General, Department of Commerce.

(13) Inspector General, Department of the Interior.

(14) Inspector General, Department of Justice.

(15) Inspector General, Department of the Treasury.

(16) Inspector General, Agency for International Development.

(17) Inspector General, Environmental Protection Agency.

(18) Inspector General, Federal Emergency Management Agency.

(19) Inspector General, General Services Administration.

(20) Inspector General, National Aeronautics and Space Administration.

(21) Inspector General, Nuclear Regulatory Commission.

(22) Inspector General, Office of Personnel Management.

(23) Inspector General, Railroad Retirement Board.

(24) Inspector General, Small Business Administration.

(25) Inspector General, Federal Deposit Insurance Corporation.

(26) Inspector General, Resolution Trust Corporation.

(27) Inspector General, Central Intelligence Agency.

(28) Inspector General, Social Security Administration.

(29) Inspector General, United States Postal Service.

(30) Inspector General, Tennessee Valley Authority.

(b) Level III Positions.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Inspector General, Department of Education.

"Inspector General, Department of Energy.

"Inspector General, Department of Health and Human Services.

"Inspector General, Department of Agriculture.

"Inspector General, Department of Housing and Urban Development.

"Inspector General, Department of Labor.

"Inspector General, Department of Transportation.

"Inspector General, Department of Veterans Affairs.

"Inspector General, Department of Defense.

"Inspector General, Department of State.

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Department of Justice.

"Inspector General, Department of the Treasury.

"Inspector General, Agency for International Development.

"Inspector General, Corporation for Community and National Service.

"Inspector General, Environmental Protection Agency.

"Inspector General, Federal Emergency Management Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Nuclear Regulatory Commission.

"Inspector General, Office of Personnel Management.

"Inspector General, Railroad Retirement Board.

"Inspector General, Small Business Administration.

"Inspector General, Federal Deposit Insurance Corporation.

"Inspector General, Central Intelligence Agency.

"Inspector General, Social Security Administration.

"Inspector General, United States Postal Service.

"Inspector General, Tennessee Valley Authority.".

(c) Savings Provision.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving as an Inspector General on the effective date of this section.

SEC. 6. STUDY AND REPORT ON CONSOLIDATION OF INSPECTOR GENERAL OFFICES.

(a) Study.—The Comptroller General of the United States shall—

(1) develop criteria for determining whether the consolidation of Federal Inspector General offices would be cost-efficient and in the public interest; and

(2) conduct a study of Federal Inspector General offices using the criteria developed under paragraph (1) to determine whether any such offices should be consolidated.

(b) Report to Congress.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress containing recommendations for any legislative action, based on the study conducted under subsection (a).

ORDERS FOR FRIDAY, DECEMBER 15, 2000

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Friday, December 15. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 1 o'clock, with Senators speaking for up to 10 minutes each, with the time equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRAMS. Mr. President, for the information of all Senators, the Senate will convene at noon tomorrow. Following approximately an hour of morning business, the Senate will begin consideration of the final appropriations bill if it has been received from the House. A vote is expected on the bill shortly after the morning hour, with the sine die adjournment to occur shortly after that.

ORDER FOR ADJOURNMENT

Mr. GRAMS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senator BYRD of West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

PROPER SENATE PROCEDURE

Mr. BYRD. Mr. President, I compliment the Chair on the expert handling of the disposition of the various and sundry requests that have been made by the very distinguished Senator. I want to compliment, also, the Parliamentarian. It was a joy to hear the Chair intervene at the right place and to say the right things for the RECORD. I saw that he was being guided by the Parliamentarian. So much of the time, I think we do our work in a rather shoddy fashion here. I am glad to see the Parliamentarian very alert, watching, listening, and prompting the Chair. That is the way it should be so the RECORD will read today in such a manner as will make us proud. Sometimes, I guess, we forget that future generations will be reading the RECORD. Not only that, but we Senators should learn as well how to handle these matters. It does me good to see a Chair who is alert and a Parliamentarian who is alert.

LISA TUITE

Mr. BYRD. Mr. President, once in a while an individual comes along who shines with such a special light that it illuminates the darkness for others. I have been fortunate to employ one such individual on my staff for the last 8 years: Lisa Tuite. Lisa achieved her master of arts degree in national security studies from Georgetown University in 1990 and her bachelor of arts degree in foreign affairs from the University of Virginia. She came to my office as a legislative fellow from the National Photographic Interpretation Center. I soon recognized her talent. Lisa was employed in my office to serve as a legislative assistant for defense and foreign affairs and to assist me on the Armed Services Committee. She has done all of these things and done them well. Eventually she rose through the ranks to become my administrative assistant.

Multitalented, thoughtful, with an encyclopedic grasp of detail, Lisa Tuite has been an inspiration to my staff and she has been an inspiration to me.

I have been here on Jenkins Hill for 48 years, longer than anybody else who is in the Congress today in either body. JOHN DINGELL is the dean of the House of Representatives. I served with JOHN DINGELL's father in the House. I speak of JOHN DINGELL in a very admiring fashion. He is a man of tremendous talent, a fine, fine Member of the House. But I have been around quite a while, and I have seen a lot of people come and go in the Chamber here, as well in my employment, as one can imagine—48 years, starting out in the House of Representatives with five persons on my staff a long time ago.

I have seen Senators come and go. I have seen our staffs at the front desk come and go. But this particular individual, of whom I speak today, merits my highest compliments. I have rarely employed anyone with her patience, her writing ability, her organizational instincts or her boundless energy. She is that rare breed of Senate staffer, seemingly born for the job and eager to do it. Moreover, as anyone who knows Lisa can attest, she is resolute, unflappable, and unfailingly cheerful. I have seldom seen her discouraged, and there is literally no task that she will not assume with relish, and always unfailing in her courtesy. I shall miss her.

She has the soul of a gardener. It is a hobby at which she excels. She is a cultivator of beauty and a nurturer of growth. I am speaking not only with respect to plants and flowers and, yes, crops; but I am speaking also with reference to other individuals. For my other employees, she has been an inspiration as well. The young staffers whom she has so carefully tended and so artfully encouraged have blossomed, blossomed like the daffodils, blossomed under Lisa's tutelage. She has graciously focused her sunshine upon them all, upon all who work with her.

Alas, as all good things come to an end, at least all things that are mortal, Lisa will be leaving my staff to spend more time with her husband Jim, her mother and father, and her adorable daughter Rachel. And I am the loser. I am saddened to lose her, but I know that she will grace whatever she puts her heart and hand to in the future years as she has done in my office for the too brief time that she worked among us and with us and lent us her gracious smile and her scintillating personality, her wit, her good sense, her good judgment, her dedication, her loyalty.

So to Lisa, my staff and I say:

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear,
So may the years that come to you,
Such health and good contain,
That every moment, hour, and day,
Be like a golden chain.

NEVER FORGOTTEN

Mr. BYRD. Mr. President, soon, the 106th Congress will draw to a close, and with that final bell, the Senate careers of a number of very fine Members will also, suddenly, draw to a close. Such are the wages of service in this Republic. Senator ROBB, Senator GORTON, Senator GRAMS, Senator ASHCROFT, Senator ABRAHAM will have answered their final rollcall. They will have waited through their final quorum calls and they will have left the Senate floor, as a Member of this body, for a final time. Oh, they may be back to visit, and I hope they will come back to visit. They will always be welcome here. But I am sure that the Senate floor is not quite the same when one is not allowed to vote or to make a statement.

However, these distinguished Members will always be a unique part of the Senate family and of the Senate's history. In the history of this great Republic—I do not speak of it as a democracy, I speak of it as a Republic; as a representative democracy, yes—in the history of this great Republic, there have only been 1,853 men and women who have served here since April 6 of 1789. In January 2001, that number will rise to 1,864. These names can be found listed in rank order, a list that is immutable and irreplaceable.

More than that, each Senator becomes a part of the institution of the Senate. Each Member's actions help to shape the precedents and the practices of the Senate, just as a Member's amendments, bills, and votes shape the legislative history of the land. The singular honor of serving in the United States Senate leaves its mark on each Member. I am tempted to say that each Member leaves his or her mark on the Senate, but that would not be accurate. Few Senators perhaps leave their mark on the Senate, but the Senate leaves its mark, unblemished, unstained, on the life of every Member.

I wish today to speak of two of these departing Senators with whom I have worked closely over the years: Senator CHARLES "CHUCK" ROBB and Senator SLADE GORTON. Senator GORTON's number among the roll of Senators is 1,752. Senator ROBB's number is 1,788. They are listed on the roll of Members of the United States Senate. Senator ROBB, Senator GORTON, and the other departing Members, will carry the badge of Senate service with them. It is a badge of honor that they will carry with them.

These men are much more than a name or a number, of course. Senator ROBB has been a dedicated public servant. He has served his country in many ways. I have served with him on the Senate Committee on Armed Services where he was most recently the ranking member of the Subcommittee on Readiness and Management Support. He was also a member of the Senate Select Committee on Intelligence, and he was for many years a member of the Senate Committee on Foreign Relations.

As a former marine, as well as a representative of a Commonwealth with a very large military presence, Senator ROBB was a tireless advocate for the men and the women who labor in uniform and in other intelligence and supporting roles to protect our great Nation. Senator ROBB has also sought to protect and further the economic health of the Nation.

He has served this Nation in many ways, from active duty as a United States Marine to Governor of the Commonwealth of Virginia to United States Senator. To his service here, he has brought a conscience. He charted his own course, made his own votes and his decisions using his moral compass rather than polls or media campaigns.

I will always remember Senator ROBB for his gentle courtesy, his calm and even manner, his soft-spoken ways. Though passionate in his beliefs, he worked quietly and steadily in a bipartisan spirit to achieve his goals. The State of Virginia is better off today for his efforts in the Senate, and the Senate has been the better for his presence. Now, to Senator GORTON.

Senator SLADE GORTON knows something about leaving the Senate, having left once before in 1987, only to return 2 years later to serve from 1989 through the end of the 106th Congress. I have been his ranking member on the Senate Committee on Appropriations. I am here to say that I could not have had a better partner than the distinguished Senator from Washington. Of course, I have said that many times before. In these past years, he has been the wheel horse of our team, putting his shoulder to the wheel and pulling the heavy load of putting together the complex Interior appropriations bill. He has shown himself to be a master of the appropriations process, and no one, I venture to say, knows the Interior appropriations bill and the programs it funds better than SLADE GORTON does. Senator GORTON has a truly impressive grasp of detail, and yet he never lets minutiae cloud his vision of the overall picture. I could not have asked for a more congenial, collegial, commonsense colleague, and I will truly miss my friend, SLADE GORTON, on the committee.

I know that the rest of the Senate will miss our colleague from Washington as well. He is well liked on both sides of the aisle as gracious, polite, soft spoken. He never rebukes a colleague. Rather, he will look up, blink in polite astonishment, and with a gentle question point out the error of one's ways.

Senator GORTON is another example of a Member who makes the Senate work by focusing on the needs of his constituents. Besides his work on the Interior Appropriations Subcommittee and throughout the entire appropriations process, Senator GORTON looked after the interests of Washington State from his seat on the Committee on Commerce, Science, and Transportation where he chaired the Subcommittee on Aviation and also served on the Subcommittee on Oceans and Fisheries, both important to a coastal State that is home to Boeing Aviation.

He also served as the vice chair, the vice chairman—Mr. President, I break my sentence. I do not believe in this nonsense. I do not believe in this nonsense called political correctness. I have no use for it whatsoever. There is a chair right there across the aisle; here is a chair beside me. There is a difference between a chairman and a chair. I do not subscribe to the word "chair" except where it is appropriate to use it, and I never refer to a human being as a "chair." I do not want anyone referring to me as a "chair."

Senator GORTON also served as the vice chairman of the Subcommittee on Water and Power on the Energy and Natural Resources Committee—again topics of interest to his State with significant hydropower concerns. And if these duties did not keep him busy enough, Senator GORTON also served on the Senate Budget Committee.

Senator GORTON's focus serves the Senate well. In defending the different perspectives of States large and small, populous or not, rural or urban, individual Senators act as the kind of internal checks and balances that the framers envisioned, keeping the tyranny of a majority from putting other groups and interests at a disadvantage.

The Senate is designed to give States an equal voice and equal standing, despite differences among the States with respect to population.

I shall especially miss Senator GORTON because we worked very closely together on the Appropriations Committee. It was a very busy subcommittee. It is a westerner's subcommittee, in fact. That is the way I have always looked upon it, although I have found it to be very important, as well, to States of the East and South and North.

I wish him well. I will miss him. As an able and talented man, he will soon find new venues in which to continue serving the public interest.

He traveled all across this country, he and his family, on bicycles upon one occasion some years ago, from the west coast to the east coast, the whole family, on bicycles. So one might easily imagine what kind of adventurer SLADE GORTON is. That takes a lot of courage, a lot of determination. But wherever he goes, and wherever Senator ROBB goes, wherever these other Senators whose names I have mentioned go, they will always be called "Senator." Majorian, in 457 A.D., when he was made emperor of the West, referred to himself as "a prince who still glories in the name of Senator."

Mr. President, I close with a few lines from a poem by Ralph Waldo Emerson. It is a fitting tribute to the fine, lasting work performed in this mighty Senate by these departing Members: Senator ROBB, Senator GORTON, Senator GRAMS, Senator ASHCROFT, and Senator ABRAHAM. I am speaking of these Senators. There are other Senators who are departing and about whom I have spoken previously. Senators whose names I have mentioned today are Senators who were in the most recent election, who fought nobly and well, and who lost.

What makes a nation's pillars high
And its foundations strong?
What makes it mighty to defy
The foes that round it throng?

It is not gold. Its kingdoms grand
Go down in battle shock;
Its shafts are laid on sinking sand,
Not on abiding rock.

Is it the sword? Ask the red dust
Of empires passed away;
The blood has turned their stones to rust,
Their glory to decay.

And is it pride? Ah, that bright crown
Has seemed to nations sweet;
But God has struck its luster down
In ashes at His feet.

Not gold but only men can make
A people great and strong;
Men who for truth and honor's sake
Stand fast and suffer long.

Brave men who work while others sleep,
Who dare while others fly—
They build a nation's pillars deep
And lift them to the sky.

THE NEW MILLENNIUM

Mr. BYRD. Mr. President, as we prepare, in these last days, to go home for the Christmas holidays—and I suppose we include New Year's as well, at which time we will go into a new century. To all those who have been a part of perpetrating this colossal hoax on the American people, trying to make the American people believe that the new century began in January of 2000, let me say, come January 1 of 2001, all mankind will then, indeed, move into the 21st century. It will begin, and so will the third millennium. Anyone who can count from 1 to 100 knows that that is the case, whether they use the old math or the new. We will begin the 21st century on January 1 next.

TRIBUTE TO THE SENATE CHAPLAIN

Mr. BYRD. Mr. President, each day the Senate is in session the Chaplain leads us in prayer. From time to time, we have a guest Chaplain, a guest Chaplain perhaps coming from one or the other of the States. I am always awed to stand in this Chamber and hear the Chaplain deliver the prayer. As long as this Republic stands, I am confident that the Senate and the House will be opened with prayer.

In West Virginia, anytime there is a public ceremony of any kind, there is sure to be a prayer, just as surely as we have the Pledge of Allegiance.

The Chaplain is always here. He ministers to us, not just by way of a daily prayer here, but if we are ill, in the hospital, or if a family member is in the hospital, if we lose a loved one, the Chaplain is there. He is there to console and to comfort us and to pray with us.

I feel that we should take note of this as we prepare to close out our session. "More things are wrought by prayer than this world dreams of. . . ." Tennyson said that. I just remembered it.

So I thank our Chaplain on behalf of all of us—on behalf of the Members, on behalf of the officers of the Senate, on behalf of the employees of the Senate. We do appreciate the pastorship that he performs. He shepherds the flock. We are part of his flock.

I want to pay my respects to him, and let him know that his efforts, his work, his prayers, even when we do not hear them, do not go unnoticed..

Often he sees me and says: I prayed for you yesterday. I was praying for you this morning. We certainly need it. I cherish those prayers.

"Blessed is the nation whose God is the Lord."

I thank him.

THANKING THE PRESIDING OFFICER

Mr. BYRD. Mr. President, that completes my remarks for today. I thank the Chair for his patience. In this instance, I refer to "the Chair." I thank the Chair for his patience. The present occupant is a fine Senator. He pays attention. He does not sit up at the desk and read newspapers or sign his mail.

There used to be a phone at that desk. And Senators who presided would use that telephone. When I became majority leader, I had the telephone removed because I thought that a Presiding Officer should pay attention to what was going on on the floor.

I always say to new Senators: Pay attention while presiding. Don't sign your mail while presiding. If you feel you have to sign mail in the chair, tell the leadership that you have business to take care of in your office. Let someone else preside.

There are a few Senators who have listened to me and who carry that admonition with them. PAT ROBERTS is one such Senator. He sits up there and is very alert. He never signs his mail while presiding. He never reads a magazine or a newspaper. He is alert, and he watches the Senate proceedings. Why shouldn't he? This is the premier upper house in the world today, and it should set the example for members of the state legislatures. I was once a member of the West Virginia House of Delegates. I was once a member of the West Virginia Senate.

I like to believe that when legislators throughout the 50 States of this country look at the Presiding Officer of the U.S. Senate on television, they see someone who is alert, someone who is paying attention, someone who is ready to make the ruling, someone who is ready to answer the parliamentary inquiry, someone who is alert to the need for order in the Senate Chamber and for order in the Galleries. They shouldn't see someone presiding who is signing mail and paying no attention to what is transpiring in the Chamber. That is not a very good example for other legislators in the country to see.

This young Senator, Senator FITZGERALD from Illinois, who is now presiding, pays close attention to the floor debate.

In some ways, it is kind of a thankless task. I have taken my share. Usually it is the new Members who take their turn at presiding. Somebody has to preside. I sat in that chair in one sitting for 22 hours. I have had my share. For 22 hours I sat during a civil rights filibuster—almost all of one day and one night. Vice President Nixon came the next morning to preside. But I know what it is to sit in the chair for hours at a time.

I compliment all those who take their turn at presiding. They can learn a good many things about the Senate when they preside and preside well.

Presiding Officers should maintain order in the Senate. That gavel is not easy to break. In my time here and in all of the history of this institution, which goes back 212 years now, I believe, there has been only one gavel broken. That gavel was replaced by the country of India and is in use now. If I am not mistaken and if my memory serves me well, it is the gavel that was presented to the Senate when Richard Nixon was Vice President. It will not crack easily.

I urge, for the record, the Presiding Officers to use it. Don't hesitate to hit the desk hard. It won't crack.

As we come into the Chamber during rollcall votes, we see other Senators with whom we would like to talk a few minutes. In doing so, we make a lot of noise. I know the Chair is hesitant sometimes to call senior Members of this body to order. But the Chair should have no hesitation. Every Senator, no matter how senior he is, should respect that Chair. As a matter of fact, the more senior the Senator is, the more he should respect the Chair because he has been here longer.

I say to this Chair and, through him, to all the other Senators who preside, stay alert, keep your eye on the Senate, and maintain order. And when you ask for order, get it. Don't stop until you do get it. We all owe that respect to the Chair.

I thank all employees for their patience.

RECORD TO REMAIN OPEN UNTIL 1:30 P.M.

Mr. BYRD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the RECORD remain open until 1:30 p.m. today for the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. GRAMS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 2943).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2943) entitled "An Act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis", do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

SECTION 101. SHORT TITLE.

This title may be cited as the "International Malaria Control Act of 2000".

SEC. 102. FINDINGS.

The Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) "Airport malaria", the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) DISSEMINATION OF INFORMATION REQUIREMENT.—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria

(including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of the fiscal years 2001 and 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SECTION 201. SHORT TITLE.

This title may be cited as the "United States-Macau Policy Act of 2000".

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF THE CONGRESS.

(a) FINDINGS AND DECLARATIONS.—The Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau's continued economic prosperity, and the Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, the Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204 REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to the Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) MACAU.—The term "Macau" means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

(2) JOINT DECLARATION.—The term "Joint Declaration" means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

SECTION 301. SHORT TITLE.

This title may be cited as the "Rails to Resources Act of 2000".

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant

issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

(b) United States Membership.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) Canadian Membership.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) Chairman.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) Compensation and Expenses of United States Members.—

(1) Compensation.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) Travel expenses.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) Compensation.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) Office.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) Meetings.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) Procurement of Services.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) Study.—

(1) In general.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) Specific issues.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) Route.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) Combined corridor evaluation.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) Report.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) Commencement.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) Termination.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) Rails to Resources Fund.—The Agreement should provide for the following:

(1) Establishment.—The establishment of an interest-bearing account to be known as the "Rails to Resources Fund".

(2) Contributions.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) Availability.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) Dissolution.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) Authorization of Appropriations.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) Agreement.—The term "Agreement" means an agreement described in section 303.

(2) Commission.—The term "Commission" means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

SEC. 401. SHORT TITLE.

This title may be cited as the "Pacific Charter Commission Act of 2000".

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to combat terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the "Commission").

SEC. 404. DUTIES OF COMMISSION.

(a) Duties.—The Commission shall establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) Monitoring of Developments.—The Commission shall monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such

countries, and activities related to terrorism and the illicit narcotics trade.

(c) Policy Review and Recommendations.—In carrying out this section, the Commission shall evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) Contacts With Other Entities.—In performing the functions described in subsections (a) through (c), the Commission shall, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) Annual Report.—Not later than 18 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and the Congress a report that contains the findings of the Commission during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year; and

(3) a complete accounting of the expenditures made by the Commission during the prior year.

(f) Congressional Hearings on Annual Report.—The Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, shall, not later than 45 days after the receipt by the Congress of the report referred to in subsection (c), hold hearings on the report, including any recommendations contained therein.

(g) Advisory Committees.—The Commission may establish such advisory committees as the Commission determines to be necessary to advise the Commission on policy matters relating to the Asia-Pacific region and to otherwise carry out this title.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) Composition.—The Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) Appointment.—

(1) In general.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) Political affiliation.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) Term.—Each member of the Commission shall be appointed for a term of 6 years.

(d) Vacancies.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) Chairperson; Vice Chairperson.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) Compensation.—

(1) Rates of pay.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) Travel expenses.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) Meetings.—The Commission shall meet at the call of the Chairperson.

(h) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) Affirmative Determinations.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) Hearings and Investigations.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) Contributions.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) Executive Director.—The Commission shall have an executive director appointed by the Commission after consultation with the Speaker and Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. The executive director shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) Staff.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) Staff of Federal Agencies.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

(d) Experts and Consultants.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 409. TERMINATION.

The Commission shall terminate not later than 5 years after the date of the enactment of this Act.

SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this title $2,500,000 for each of the fiscal years 2001 and 2002.

(b) Availability.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 411. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 501. SHORT TITLE.

This title may be cited as the "Paul D. Coverdell World Wise Schools Act of 2000".

SEC. 502. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, "to promote a better understanding of the people served among people of the United States".

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, "It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership.".

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 503. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

(a) In General.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "World Wise Schools Program" is redesignated as the "Paul D. Coverdell World Wise Schools Program".

(b) References.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

Amend the title so as to read "An Act to authorize additional assistance for international malaria control, and for other purposes.".

Mr. BYRD. Mr. President, I ask unanimous consent on behalf of the majority leader that the Senate concur in the House amendments en bloc, with a further amendment, and agree to the title amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4364) was agreed to.

The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. BYRD. Mr. President, I yield the floor.

RECESS UNTIL TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 12 noon tomorrow, December 15, 2000.

Whereupon, the Senate, at 1 p.m., recessed until Friday, December 15, 2000, at 12 noon.

HOUSE OF REPRESENTATIVES—*Thursday, December 14, 2000*

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 14, 2000.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In past weeks, Lord, as a people we have questioned, argued, and been confused.

In recent days, Lord, as a nation we have sought direction, gone to court and accepted the judgment of leaders.

Knowing we are living through unique circumstances, grant to all patience. May wisdom be our guide. May history be our judge.

In the present moment, You have our attention, Lord.

You must show us now the way You would have us live, organize and govern.

May we who live this moment in our Nation's history prove reliable and the people of Your promise.

For without You we can do nothing credible or truly worth remembering.

You are Lord now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved:

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alaska (Mr. YOUNG) come forward and lead the House in the Pledge of Allegiance.

Mr. YOUNG of Alaska led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1653. An act to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

H.R. 5016. An act to redesignate the facility of the United States Postal Service located at 514 Express Center Road in Chicago, Illinois, as the "J.T. Weeker Service Center".

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building".

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1023. An act for the relief of Richard W. Schaffert.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 870. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 2943) "An Act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis," with amendment.

APPOINTMENT OF ADDITIONAL MEMBERS TO ATTEND FUNERAL OF LATE HON. JULIAN C. DIXON

The SPEAKER pro tempore. Pursuant to House Resolution 671, the Chair announces the Speaker's additional appointment of the following Members of the House to the Committee to attend the funeral of the late Julian C. Dixon.

Mr. TOWNS, New York;
Mrs. CLAYTON, North Carolina;
Ms. BROWN, Florida;
Mr. WATT, North Carolina.

NAVAJO NATION TRUST LAND LEASING ACT OF 2000

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 161) to correct the enrollment of H.R. 5528 and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 161

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes, shall make the following correction:

(1) Strike title XII and insert the following:

TITLE XII—NAVAJO NATION TRUST LAND LEASING

SEC. 1201. SHORT TITLE.

This title may be cited as the "Navajo Nation Trust Land Leasing Act of 2000".

SEC. 1202. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSES.

(a) FINDINGS.—Recognizing the special relationship between the United States and the Navajo Nation and its members, and the Federal responsibility to the Navajo people, Congress finds that—

(1) the third clause of section 8, Article I of the United States Constitution provides that "The Congress shall have Power . . . to regulate Commerce . . . with Indian tribes", and, through this and other constitutional authority, Congress has plenary power over Indian affairs;

(2) Congress, through statutes, treaties, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and their resources;

(3) the United States has a trust obligation to guard and preserve the sovereignty of Indian tribes in order to foster strong tribal governments, Indian self-determination, and economic self-sufficiency;

(4) pursuant to the first section of the Act of August 9, 1955 (25 U.S.C. 415), Congress conferred upon the Secretary of the Interior the power to promulgate regulations governing tribal leases and to approve tribal leases for tribes according to regulations promulgated by the Secretary;

(5) the Secretary of the Interior has promulgated the regulations described in paragraph (4) at part 162 of title 25, Code of Federal Regulations;

(6) the requirement that the Secretary approve leases for the development of Navajo trust lands has added a level of review and regulation that does not apply to the development of non-Indian land; and

(7) in the global economy of the 21st Century, it is crucial that individual leases of Navajo trust lands not be subject to Secretarial approval and that the Navajo Nation

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

be able to make immediate decisions over the use of Navajo trust lands.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To establish a streamlined process for the Navajo Nation to lease trust lands without having to obtain the approval of the Secretary of the Interior for individual leases, except leases for exploration, development, or extraction of any mineral resources.

(2) To authorize the Navajo Nation, pursuant to tribal regulations, which must be approved by the Secretary, to lease Navajo trust lands without the approval of the Secretary of the Interior for the individual leases, except leases for exploration, development, or extraction of any mineral resources.

(3) To revitalize the distressed Navajo Reservation by promoting political self-determination, and encouraging economic self-sufficiency, including economic development that increases productivity and the standard of living for members of the Navajo Nation.

(4) To maintain, strengthen, and protect the Navajo Nation's leasing power over Navajo trust lands.

(5) To ensure that the United States is faithfully executing its trust obligation to the Navajo Nation by maintaining federal supervision through oversight of and record keeping related to leases of Navajo Nation tribal trust lands.

SEC. 1203. LEASE OF RESTRICTED LANDS FOR THE NAVAJO NATION.

The first section of the Act of August 9, 1955 (25 U.S.C. 415) is amended—

(1) in subsection (d)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'individually owned Navajo Indian allotted land' means a single parcel of land that—

"(A) is located within the jurisdiction of the Navajo Nation;

"(B) is held in trust or restricted status by the United States for the benefit of Navajo Indians or members of another Indian tribe; and

"(C) was—

"(i) allotted to a Navajo Indian; or

"(ii) taken into trust or restricted status by the United States for an individual Indian;

"(4) the term 'interested party' means an Indian or non-Indian individual or corporation, or tribal or non-tribal government whose interests could be adversely affected by a tribal trust land leasing decision made by the Navajo Nation;

"(5) the term 'Navajo Nation' means the Navajo Nation government that is in existence on the date of enactment of this Act or its successor;

"(6) the term 'petition' means a written request submitted to the Secretary for the review of an action (or inaction) of the Navajo Nation that is claimed to be in violation of the approved tribal leasing regulations;

"(7) the term 'Secretary' means the Secretary of the Interior; and

"(8) the term 'tribal regulations' means the Navajo Nation regulations enacted in accordance with Navajo Nation law and approved by the Secretary."; and

(2) by adding at the end the following:

"(e)(1) Any leases by the Navajo Nation for purposes authorized under subsection (a), and any amendments thereto, except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

"(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

"(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years if such a term is provided for by the Navajo Nation through the promulgation of regulations.

"(2) Paragraph (1) shall not apply to individually owned Navajo Indian allotted land.

"(3) The Secretary shall have the authority to approve or disapprove tribal regulations referred to under paragraph (1). The Secretary shall approve such tribal regulations if such regulations are consistent with the regulations of the Secretary under subsection (a), and any amendments thereto, and provide for an environmental review process. The Secretary shall review and approve or disapprove the regulations of the Navajo Nation within 120 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. Such 120-day period may be extended by the Secretary after consultation with the Navajo Nation.

"(4) If the Navajo Nation has executed a lease pursuant to tribal regulations under paragraph (1), the Navajo Nation shall provide the Secretary with—

"(A) a copy of the lease and all amendments and renewals thereto; and

"(B) in the case of regulations or a lease that permits payment to be made directly to the Navajo Nation, documentation of the lease payments sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (5).

"(5) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1), including the Navajo Nation. Nothing in this paragraph shall be construed to diminish the authority of the Secretary to take appropriate actions, including the cancellation of a lease, in furtherance of the trust obligation of the United States to the Navajo Nation.

"(6)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Navajo Nation with any regulations approved under this subsection. If upon such review the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases for Navajo Nation tribal trust lands.

"(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

"(i) make a written determination with respect to the regulations that have been violated;

"(ii) provide the Navajo Nation with a written notice of the alleged violation together with such written determination; and

"(iii) prior to the exercise of any remedy or the rescission of the approval of the regulation involved and the reassumption of the lease approval responsibility, provide the Navajo Nation with a hearing on the record and a reasonable opportunity to cure the alleged violation.".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HOME HEATING OIL PRICES RISING STEADILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, home heating oil prices are rising steadily. An immensely cold winter is predicted to come to us in the next several days. Natural gas is becoming scarce. And out in the West we learn that in California there are warnings out to not light the Christmas trees. The people of California are being asked not to turn on their electricity for Christmas.

The Secretary of Energy just recently tried to alleviate the severe electric shortage and power shortage of California and asked the other western States north of California and their utilities to furnish electricity elements to California.

Senator DOMENICI yesterday dared us to look at what has happened in California without fear and without trepidation. He says there is a wave of rolling brownouts and blackouts coming from California across the country to us, brownouts and blackouts meaning energy shortages and measures that municipalities and homeowners must take to conserve electricity.

This is unacceptable for our country, and it goes to the core of what we have been saying for 8 years now, that we have been traveling along the price of higher fuel and shortages of electricity on the backs of the lack of an energy policy in our country.

That is why in the spring of this year I introduced a bill that would create a commission that would try to put together all the elements, all the resources that we have so that we can declare energy independence within 10 years, so that this commission can look at the ANWR reserves, the Alaska reserves, offshore drilling, natural gas, domestic drilling, coal reserves, solar energy, all the various resources that we have at our command if only we would use them to bring about energy independence in 10 years so no longer would we have to kneel at the throne of OPEC to ask them to produce more oil and to reduce prices. That is unheard of for our modern society.

In that energy policy proposal that I made, the gentleman from Alaska (Mr. YOUNG), who is an expert on ANWR and Alaskan oil and energy generally, was the prime cosponsor with me; and he, as chairman of his committee, accorded me a hearing on this matter. He agrees that we ought to put something in place.

I am sure that the President of the United States soon to be sworn in, George Bush, will attend to this matter and his energy secretary is going to have this as a priority. I know that. But we in Congress have to help them along by establishing these long-term investigations into our resources.

Mr. Speaker, I yield to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, first let me compliment the gentleman on his outstanding piece of legislation. It does bring to the forefront the lack of an energy policy, and his bill does set up a commission to say, we have to address all forms of energy so we have what I call the wheel of energy to provide the necessity for the center of the wheel to make it work.

As the gentleman mentioned, with coal, 64 percent develops our electrical energy now. We need nuclear. We need gas. We need oil. And, yes, even some hydro, wind power, solar power, all collected in the need for the BTUs.

We have requested, I have requested, an energy policy for the last 20 years and been turned down by the past administration that has not sought to not seek an energy policy.

So I want to compliment the gentleman for bringing this to the forefront. Because gas right now, natural gas, 1 year ago was $2 and today it is $9 on the market. So we do need this policy, and I want to compliment the gentleman for his resolution.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for his comments.

There is another immediate dividend that I think will come from the establishment of the commission and forward movement on establishing an energy policy. I believe that OPEC, seeing what is happening, will automatically start to drop the prices.

Unfortunately for us who want this energy policy, that may give us some sort of relief that we will not have the will to go on with determining our own fate in energy. But I am willing to take that chance. We have got to have an energy policy. We have to stand pat against OPEC and become energy independent as a Nation in 10 years.

HEATING OIL SHORTAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, if the gentleman from Pennsylvania (Mr. GEKAS) will continue with this dialogue, one of the things that a lot of people in America do not realize is that the reason we have the prosperity we have today is because we have had cheap energy.

Some people think that is wrong, that we ought to take and conserve all the energy. But if we want to grow, we have a supply and an abundance of energy so we can have the high-tech and the computer industry, by the way, which now uses 27 percent of our electrical power which did not happen 15 years ago. Twenty-seven percent of our electrical power today is consumed by computers.

For those that are in the computer world, think about it: when power goes down, their computer goes off. That means the airplanes do not fly. That means the stoplights do not work. That means this country comes to a halt.

And so what the gentleman has said, let us get a policy so that the future generations, yes, and the present generations in reality will have a constant supply of reasonably priced energy.

But if the gentleman would like for one moment to address something for me, he mentioned that if we do this the OPEC countries may drop their price. I happen to agree.

What would the gentleman think we should do, though, maybe what the commission can do, to solve that problem.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I have not been able to predict exactly what would happen. It seems to me that we ought to start a course on energy independence and go to it without respect to what OPEC does.

All I am saying is we will have an extra dividend to lower prices almost immediately, but then our domestic drillers will have to be given additional incentive to continue producing; and that may require tax incentive-types of legislation that we would have to put into place along with our energy policy.

Mr. YOUNG of Alaska. Mr. Speaker, reclaiming my time, again, the commission can probably recognize what we can do to solve that problem. Because I expect what the gentleman said will come true, the first time the OPEC countries sees that we are serious about setting up a supply of energy, they will lower their prices so maybe some of my constituents and his constituents and the people in Florida's House will say, well, there is no need for this, let us not drill an ANWR.

Although, by the way, it only disrupts 12,000 acres out of 19 million acres.

Mr. GEKAS. Mr. Speaker, if the gentleman will continue to yield, which reminds me, we are told, and the press knows more about it, that the current President, President Clinton, is contemplating a monument executive order in which he sets aside x amount of land and other resources in Alaska keeping them from development in what we are seeking here.

Can the gentleman tell us about that?

Mr. YOUNG of Alaska. Mr. Speaker, there is that possibility. I think it would be a terrible disservice to the country.

I would like to remind the gentleman and people that might be listening that this area is a very small area that has a tremendous abundance of oil, probably 39 billion barrels of oil, that can be accessible to the people in the lower 48 so we would not have to buy that million barrels a day from Saddam Hussein.

So if the President was to do that, it would be a terrible travesty; it would be wrong for the people and wrong for Alaska. But, most of all, it would be wrong for the people that are buying oil from abroad.

Mr. GEKAS. Mr. Speaker, what is missing from all of this discussion is the fact that all of us, every American, is interested in environmental quality. We do not want anything but clean air and clean water and a good area in which to live. But we are in a state of almost-crisis now where we have to talk about survival and meeting the needs of the American family.

I am talking about the basic needs of the American family. That is why we have to put the environmental concerns on an equal balance, not on a priority, and try to develop our resources as we need them.

Mr. YOUNG of Alaska. Mr. Speaker, we can do both. As the gentleman from Pennsylvania knows, in Alaska we have a bigger caribou herd, more wildlife, a better environment just from the development of Prudhoe. And I say this can happen again in ANWR.

But more than that, if we want to see environmental damage, do not have the energy available and keep being dependent upon those countries overseas.

I keep stressing the fact that now, this year, remember gas was $2 per thousand cubic feet last year; this year, right today, it is $9.42. That means the average home buying gas today, their heating bill will go up 300 percent this winter. And that is a jolt economically, and it also means we are running out of natural gas because we have not been allowed to develop those fields in the lower 48.

So Alaska has got gas and we want to sell it to you, but the fact is we ought to be developing those gas fields in Wyoming, Montana, New Mexico, and, yes, in Pennsylvania, they have gas in Pennsylvania, and go after those fields so we can have it available for the constituents that my colleague and I serve.

Mr. GEKAS. Mr. Speaker, we are not adverse to developing a plan of tax incentives to give our fellow Americans, the entrepreneurs, the incentive to go ahead and drill where they might fail; but we ought to give them that incentive to do so and to otherwise bring technology into place for the development of all these resources.

Mr. YOUNG of Alaska. Mr. Speaker, I want to thank the gentleman for doing this tonight on the floor of the House. I do appreciate his bringing this to light.

He is from Pennsylvania. I am from Alaska. We recognize the need for an energy policy. Hopefully this new Congress and with the new President, this Nation will come forth with an energy policy that can deliver the needed Btus to every family and improve the way we live today and not have anyone suffer.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0056

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 12 o'clock and 56 minutes a.m.

The SPEAKER pro tempore. The House will be in order.

RECESS

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 57 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0905

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 9 o'clock and 5 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 133, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1030) on the resolution (H. Res. 674) providing for consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 134, MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1031) on the resolution (H. Res. 675) providing for consideration of the joint resolution (H.J. Res. 134) making further continuing appropriations for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED BY THE COMMITTEE ON RULES

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–1032) on certain resolutions waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 7 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 0944

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 9 o'clock and 44 minutes a.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 870. An act to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes; to the Committee on Government Reform.

S. 2943. An act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

S. 2943. An act to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis; to the Committee on International Relations.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2903. An act to reauthorize the Striped Bass Conservation Act, and for other purposes.

H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1508. An act to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On December 7, 2000:

H.R. 2415. To enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

H.J. Res. 127. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On December 8, 2000:

H.R. 3514. To amend the Public Health Service Act to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 3048. To amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

H.R. 4281. To establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4827. To amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

H.R. 4640. To make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

H.J. Res. 128. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

On December 11, 2000:

H.J. Res. 129. Making further continuing appropriations for the fiscal year 2001, and for other purposes.

ADJOURNMENT

Mr. YOUNG of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes a.m.), under its previous order, the House adjourned until today, Friday, December 15, 2000, at 10 a.m.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PORTER:

H.R. 5656. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. TAYLOR of North Carolina:

H.R. 5657. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. KOLBE:

H.R. 5658. A bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. KASICH:

H.R. 5659. A bill to amend title II of the Social Security Act provide for personal Social Security accounts and to maintain the solvency of the old-age, survivors, and disability insurance program; to the Committee on Ways and Means.

By Mr. EWING (for himself, Mr. Combest, Mr. Leach, Mr. LaFalce, and Mr. Bliley):

H.R. 5660. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Banking and Financial Services, Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself, Mr. Bliley, and Mr. Bilirakis):

H.R. 5661. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to provide benefits improvements and beneficiary protections in the Medicare and Medicaid Programs and the State child health insurance program (SCHIP), as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER (for himself and Mr. Armey):

H.R. 5662. A bill to amend the Internal Revenue Code of 1986 to provide for community revitalization and a 2-year extension of medical saving accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. TALENT (for himself and Ms. Velázquez):

H.R. 5663. A bill to provide for community renewal and new markets initiatives; to the Committee on Small Business.

By Mr. MARKEY:

H.R. 5664. A bill to establish the 21st Century Bipartisan Electoral Commission to make recommendations to carry out a Voters' Bill of Rights for the 21st century, and for other purposes; to the Committee on House Administration, and in addition to the Committees on the Judiciary, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUINN:

H.R. 5665. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to adjust the monthly multiemployer plan benefit guaranteed thereunder; to the Committee on Education and the Workforce.

By Mr. YOUNG of Florida:

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

H.J. Res. 134. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1865: Mr. Manzullo.

H.R. 4001: Mr. Brown of Ohio.

H.R. 4506: Mr. Gutierrez.

H.R. 4543: Mr. Boucher.

H.R. 4776: Mr. Fossella.

H.R. 4935: Mr. Murtha.

H.R. 5091: Mr. Doyle.

H.R. 5275: Mr. Bonilla.

H.R. 5612: Mr. Berman and Mr. Crowley.

H.R. 5642: Mr. Chambliss and Mr. Stearns.

H. Con. Res. 363: Mr. Wynn and Mr. Kanjorski.

H. Con. Res. 443: Mr. Weldon of Florida and Mr. Wamp.

H. Con. Res. 445: Mr. Green of Texas, Mr. Edwards, Mr. Bentsen, Mr. Doggett, Ms. Sanchez, Mr. Archer, Mr. Weldon of Florida, Ms. Schakowsky, Mr. Lampson, Mr. Baker, Mr. Kanjorski, Mr. Inslee, Mrs. Roukema, Mr. Lazio, Mr. Sanders, Ms. Velázquez, Mr. Serrano, Mrs. Jones of Ohio, Mr. Hall of Texas, Mrs. Biggert, Mr. Baca, Ms. Lee, Mr. Cook, Mr. Bereuter, Ms. Eddie Bernice Johnson of Texas, Mr. Turner, Mr. Hinojosa, Mr. Pastor, Ms. Jackson-Lee of Texas, Mr. Capuano, Mr. Sherman, Mr. Reyes, Mr. Ney, Mr. Stenholm, Ms. Granger, Mr. Gutierrez, Mr. Franks of New Jersey, Mr. Sandlin, Mr. DeLay, Mr. Smith of Texas, and Mr. Sessions.

H. Res. 659: Ms. Hooley of Oregon, Mrs. Lowey, and Mr. Menendez.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11364. A letter from the Secretary, Department of Defense, transmitting a response to Section 216 of the National Defense Authorization Act for Fiscal Year 1998, P.L. 105-85 regarding the Global Hawk Program; to the Committee on Armed Services.

11365. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Food Labeling, Safe Handling Statements, Labeling of Shell Eggs; Refrigeration of Shell Eggs Held for Retail Distribution [Docket Nos. 98N–1230, 96P–0418, and 97P–0197] (RIN: 0910–AB30) received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11366. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Darby and Stevensville, Montana) [MM Docket No. 99-220; RM-9601; RM-9636] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11367. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—

Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (McCook, Nebraska) [MM Docket No. 00-82; RM-9841] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11368. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Des Moines, New Mexico) [MM Docket No. 00-66; RM-9842] received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11369. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on Proposing Remedies For California Wholesale Electric Markets and a report on Western Markets and the Causes of the Summer 2000 Price Abnormalities; to the Committee on Commerce.

11370. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

11371. A letter from the Secretary, Department of Labor, transmitting the semiannual reports to the Congress of the Pension Benefit Guaranty Corporation's Executive Director and the Office of Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11372. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform.

11373. A letter from the Comptroller General, General Accounting Office, transmitting a report on the failure of the National Security Council to provide access to certain documents to the General Accounting Office, pursuant to 31 U.S.C. 716(b)(1); to the Committee on Government Reform.

11374. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received December 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11375. A letter from the Chairman, Federal Trade Commission, transmitting the report on the Federal Trade Commission's Report of Final Actions for the period ending September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11376. A letter from the Vice President for Legal Affairs, General Counsel & Corporate Secretary, Legal Services Corporation, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2000, through September 30, 2000, and the corresponding report of the Corporation's Board of Directors, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11377. A letter from the Chairman, National Endowment for the Humanities; transmitting a report on the Strategic Plan for Fiscal Year 2001—Fiscal Year 2005; to the Committee on Government Reform.

11378. A letter from the Commissioner, Social Security Administration, transmitting the Fiscal Year 2000 Performance and Accountability Report; to the Committee on Government Reform.

11379. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Update of Documents Incorporated by Reference—API Specification 14A, Tenth Edition (RIN: 1010-AC66) received December 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11380. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders [I.D. 102600E] received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11381. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a report on the South Sacramento County Streams, California; to the Committee on Transportation and Infrastructure.

11382. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Electronic Tip Reports [TD 8902] (RIN: 1545-AV28) received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11383. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of proposed legislation to convey certain Federal lands in Puerto Rico to the Commonwealth of Puerto Rico, and for other purposes; jointly to the Committees on Armed Services and Resources.

11384. A letter from the General Counsel, Office of Compliance, transmitting a Report on Occupational Safety and Health Inspections Conducted Under Section 215 of the Congressional Accountability Act of 1995, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on House Administration and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3080. A bill to amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation, and for other purposes (Rept. 106-1028, Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 63. Resolution expressing the sense of the Congress opposing removal of dams on the Columbia and Snake Rivers for fishery restoration purposes (Rept. 106-1029, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H. Con. Res. 63. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than December 15, 2000.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

493. The SPEAKER presented a memorial of the Senate of the Commonwealth of The Mariana Islands, relative to Senate Joint Resolution No. 12-2 memorializing the United States Congress to authorize and appropriate funding necessary for the rehabilitation, reconstruction, and repair of the Tinian Harbor Breakwater, at San Jose, Tinian; to the Committee on Transportation and Infrastructure.

EXTENSIONS OF REMARKS

CENTRAL NEW JERSEY CELEBRATES THE 40TH ANNIVERSARY OF B.P.O.E. JAMESBURG ELKS LODGE 2180

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. HOLT. Mr. Speaker, I wish today to recognize the Jamesburg Elks Lodge 2180's 40th anniversary. This organization continues to make lasting contributions to the local community through its hard work and dedication to those in need.

The Jamesburg Elks began serving the community upon the approval of their local charter on July 13, 1960. The first Exalted Ruler of the Elks, Stanley Wzorek worked diligently to set the standard by which the Elks continue to serve the community today. In 1975, the Elks were joined in their efforts with the formation of the Jamesburg Elks Ladies Auxiliary.

The Elks contributions to the community take many forms. Through their donation of space they help groups such as the Girl & Boy Scouts of America. They allow organizations for disabled veterans to host weekly events in their lodge such as lunch, bingo and health check clinics. Recently, the Elks donated cellphones to local school crossing guards in case of an emergency.

One of the greatest efforts of the Jamesburg Elks is to host an annual Charity Ball to benefit local children with disabilities. In the summer months, the Jamesburg Elks, in conjunction with state assistance, send local children with disabilities to Camp Moore for a weeklong outdoor experience.

Jamesburg Elks Lodge 2180 is a great asset to Central New Jersey. I urge all my colleagues to join me today in recognizing its dedication to community service and Central New Jersey.

IN HONOR OF JOSE L. LINARES'S APPOINTMENT TO THE SUPERIOR COURT OF NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Jose L. Linares for his appointment to the Superior Court of New Jersey. Mr. Linares will be sworn in on December 13, 2000 in Newark, New Jersey.

Jose L. Linares was born on November 30, 1953 in Havana, Cuba, and at the age of 13, immigrated to the United States. He received his Bachelor's Degree from Jersey City State in 1975 and his J.D. from Temple University Law School in 1978.

Mr. Linares began his exceptional career in law as the Examining Attorney at the New York Department of Investigation, where he supervised white collar crime and corruption. A short time later, he took a position as trial attorney with Horowitz, Bross, Sinnins & Imperial, P.A. In 1982 Mr. Linares founded his own firm, now called Partner, Linares, Coviello & Santana, which specializes in product liability.

Mr. Linares has achieved numerous awards, honors, and memberships, including the Exxes County Bar Association Civil Trial Attorney Achievement Award; Essex County Ethics Committee; NJ Supreme Court Board on Trial Attorney Certification; past President of the NJ Hispanic Bar Association; Essex County Bar Vice Chair; New Jersey Association of Trial Lawyers; National Association of Trial Lawyers; and the NJ State Bar Association Products Liability Committee.

Mr. Linares has earned this appointment through his lifelong pursuit of justice and his dedication to America and its laws. As a judge, he will serve with continued distinction and honor.

Today, I ask my colleagues to join me in honoring Jose L. Linares not only for his appointment to the Superior Court of New Jersey, but also for the wonderful example he has set for the Hispanic community.

TRIBUTE TO KEVIN TALLEY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. GOODLING. Mr. Speaker, I wish today to pay tribute to an individual who first came to my Congressional office and who has served the past three years as Chief of Staff for the Committee on Education and the Workforce. Kevin Talley is a very talented individual who has served other Members of Pennsylvania's delegation and me in a variety of capacities.

Kevin's first position in Congress was with Hugh Scott, the Senate Minority Leader, whom Kevin served as Press Secretary. He came to my office in 1977 in a similar capacity and stayed for four years, becoming my Chief of Staff and overseeing all operations in my Washington and district offices.

The management skills he acquired in those roles were expanded further when he joined Senator John Heinz as Chief of Staff. in addition to handling administrative and public responsibilities with Senator Heinz, Kevin developed legislative initiatives on targeted jobs tax credits, Social Security Reform, campaign finance reform, and unemployment compensation provisions.

In 1985, Senator Heinz demonstrated his confidence in Kevin by naming him as his deputy at the National Republican Senatorial Committee.

In 1987, Kevin decided to try life in the private sector, focusing on public affairs. He stayed in touch, and I kept my eye on him, even though he was no longer working in Congress.

I became Chairman of the Education and Workforce Committee in 1995. When I had an opening for the Committee's Chief of Staff in 1997, I asked Kevin to come back to Congress to help me accomplish what remained to be done before I finished my Congressional career.

During Kevin's tenure as Chief of Staff, the Committee passed more than 45 significant education and workforce bills. It was the Committee's most productive period in the last 20 years. We made significant improvements in Head Start, child nutrition, job training, and worker protection programs. We succeeded in shifting the focus from process to results, and from quantity to quality.

Kevin Talley was a key participant in those successes, and for that, I will always be grateful. more importantly, Kevin is a friend, and I am glad that my upcoming retirement will not change that.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. EWING. Mr. Speaker, today, I am introducing the Commodity Futures Modernization Act of 2000 which provides us with an historic opportunity to modernize the U.S. futures and over-the-counter market laws.

The time is now to ensure that the United States continued to be the world's financial leader. We have two of the three largest futures exchanges in the world, however, our antiquated laws and regulations prevent them from being as efficient and effective as possible to compete in global markets. The legal uncertainty surrounding the U.S. over-the-counter markets must be removed to prevent domestic business from migrating overseas and causing our share of these $90 trillion markets to shrink.

The Commodity Futures Modernization Act of 2000 contains the major provisions of the House passed H.R. 4541. These provisions are in titles I and II of the legislation and provide regulatory relief for the domestic futures exchanges, legal certainty for over-the-counter products, and allow for the trading of single stock futures.

This latest version of the legislation adds two new titles not included in the original House passed bill. Title III, Legal Certainty for Swap Agreements, provides guidelines for the SEC's role in regulating swaps.

Title IV, the "Legal Certainty for Bank Products Act of 2000", excludes identified banking

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

products from the Commodity Exchange Act. It provides guidelines to determine the proper regulator for hybrid products. If the regulators do not agree on who should regulate a product, the court will decide.

Senator LUGAR and Senator GRAMM have worked tirelessly in the Senate, with the House, and with the Administration to make this bill possible.

Secretary Summers in coordination with Chairman Rainer and Chairman Levitt and countless numbers of their staff put in many hours working through this language to reach agreement.

Finally, I would like to thank Chairman COMBEST, Chairman LEACH, Chairman BLILEY and all the Ranking Members who have worked so hard on this legislation, particularly to pass the H.R. 4541 version of this bill through the House, and to produce the final package we have presented today. Everyone involved and their staff should be commended for their extraordinary efforts.

It is my hope that this legislation will enable America to continue being the world leader in financial markets for decades to come.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Mrs. ROUKEMA. Mr. Speaker, I am very pleased that H.R. 5640 included a provision, originally included in my bill H.R. 3637, that makes certain technical corrections to the Homeowners Protection Act of 1998. Although there is no specific effective date attached to the provision, it is the expectation of Congress that lenders subject to sections 402 (b) and (c); 405 (a) and (b); 406(c)(2) will have a reasonable period of time to effect compliance with the terms of these sections. Those sections offer guidance on specific products and processes that are not addressed in the original law. Lenders will need time to make systems changes and conform administrative processes to the new provisions. This flexibility is especially important because the Homeowners Protection Act of 1998 does not authorize a federal agency to provide implementing regulations and guidance.

RECOGNIZING "FALUN DAFA WEEK"

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. HOLT. Mr. Speaker, in May of 1992, Mr. Li Hongzhi had an idea—one that would promote better health and moral living in the people of China and those around the world who chose to partake in the ancient practice of Falun Dafa.

The phenomenon quickly swept the country and eventually the world as men and women rediscovered their ancient Chinese culture. Through simple exercises, practitioners strove to renew their senses of Truthfulness, Compassion and Forbearance that serve as a foundation for their happiness and spiritual satisfaction. Ultimately, individuals found strength, physical well-being and peace as they embraced the simplicity of this self-improvement practice.

But despite the recognition that Mr. Li gained throughout the world and despite the thousands of practitioners scattered all over the globe, a crackdown occurred—a crackdown that denied the right to freedom of religion to thousands of Chinese citizens.

Apparently through fear of losing control over its citizens, the Chinese government started a crusade to persecute those practicing Falun Dafa. Characterized as an "evil force," the Chinese government worked tirelessly to suppress the practice of Falun Dafa by enacting anti-cult laws and committing human rights abuses.

Although Falun Dafa believers lead peaceful lives and emphasize nonviolence, practitioners found themselves being persecuted, beaten and imprisoned for simply practicing their beliefs. Numerous men and women have been the victims of torture, suffering and death, and many individuals feel that these attacks on Falun Dafa practitioners are unconscionable and unwarranted. They fly in the face of freedoms that we in the United States all too often take for granted.

Mr. Speaker, all people should have the right to practice their religious and philosophical beliefs without persecution or prejudice. Therefore, in honor of those men and women who have risked their lives for the practice of Falun Dafa and in honor of the emotional and physical benefits that Falun Dafa has given to thousands of practitioners worldwide, I urge my colleagues to join me in condemning this abuse of religious freedom. Let us recognize those who choose to participate in the Falun Dafa movement and commend the contributions, spiritual fulfillment and happiness that it has offered to many individuals worldwide.

HONORING DR. HOWARD D. CLARK

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. PICKERING. Mr. Speaker, today I honor Dr. Howard D. Clark, a constituent of mine from Morton, Mississippi, for receiving the "National Country Doctor of the Year" award for the year 2000. This award is sponsored by Safe Care, Inc., a national physician association based in Irving, Texas. Dr. Clark was selected for this award from 501 nominees submitted from 41 states. Safe Care defines a "country doctor" as one who serves a community with a population of 25,000 or less. Morton's population is approximately 3,000 people. Dr. Clark, who has been practicing in Morton since 1965, is truly an "old time family doctor" who still makes house calls and knows his patients as people and friends, not strangers.

Dr. Clark's philosophy has always been that if he was going to be someone's doctor, he was going to be it 24 hours a day, 7 days a week. In the early days of his practice, he would make rounds at the hospital, work at his clinic all day, and then pick up his house calls for the nights, working as late as 10 p.m. each night.

Dr. Clark, at the age of 73 shows no signs of slowing down his service as a physician. He sees an average of 60 patients a day, cares for about 20 more in the hospital, and 110 in the local nursing home. Twice a week he works the 12 hour night shift at the Scott Regional Hospital emergency room. Twice a month, he handles the 36 hour weekend shift at the emergency room.

The commitment of Dr. Clark to the town of Morton, Scott County, and the surrounding area is legendary. In a letter to the "Country Doctor of the Year" nomination committee, Morton's Mayor Charles Steadman wrote that "Dr. Clark has served the local high school as the Doc on the sidelines at all ball games at no charge, having missed only one game in 48 years because he was delivering a baby. In the past few years, he had heart surgery on a Tuesday and was at the game with the team the following Friday night." Michael Edwards, Administrator at Scott Regional Hospital wrote that in 1994, "Dr. Clark had cervical surgery one Monday morning after making his morning hospital calls. He checked out of the hospital Tuesday morning and saw patients in his clinic on the way home. He saw patients daily in his clinic and in the hospital during his post-operative days. Not once, did I ever hear Dr. Clark complain."

Dr. Clark's undergraduate degree is from Mississippi State University and his medical degree is from Tulane University. He and his wife, Jackie, together have 13 children, 22 grandchildren, and 12 great-grandchildren. Six of the children were born to Dr. Clark and his first wife, Mildred, who passed away 33 years ago. In the Morton area, Dr. Clark has delivered more than 4,500 babies.

Sid Salter, Editor of the Scott County Times newspaper stated that "Dr. Clark is most deserving of this award because of his generosity, stamina, bedside manner, dedication to community, and his medical ability." Further, he said that Dr. Clark has been the complete package in his county—serving his patients, his town, his country, his state and nation, and his fellow man faithfully and true for decades.

Thus, it is an honor indeed for me to recognize and bring to the attention of Congress a fine Christian gentleman, my constituent from Morton, Mississippi, Dr. Howard D. Clark, the National Country Doctor of the Year. Congratulations Dr. Clark.

THE MIDDLETOWN THRALL LIBRARY CELEBRATES A CENTURY OF SERVICE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues the Centennial of the Thrall Library in Middletown, N.Y. On January 12, 2001 the Middletown Thrall Library will celebrate 100 years of service to our community.

The Thrall Library was first constructed at the turn of the century with funds donated by Mrs. Sabra Maretta Thrall. Mrs. Thrall gave the City of Middletown $30,000 with the instruction that the money was to be used to build a public library. It was important to Mrs. Thrall that all residents have access to the library and that it remains open to the public.

At the time Mrs. Thrall made her donation, Middletown was a thriving, vital railroad center in the midst of rich, productive farm land. Stately mansions sprang up in Middletown as a result of the fortunes which were made in the boom economy brought about by the explosion in industry and transportation which touched most parts of our nation. Mrs. Thrall was a widow whose late husband had made his fortune as a grocer, both in Middletown and in New York City.

Although Mrs. S. Maretta Thrall was a private person, it can be deduced that her generosity may have been inspired by Andrew Carnegie, the man who became a millionaire in the steel industry and who donated millions of dollars to construct libraries in over 1,400 communities throughout the United States.

Mrs. Thrall's obituary was published on July 7, 1897. She was about 65 years of age at the time of her passing, and was a widow preceded in death not only by her husband but also by her only brother and only child. Her obituary stated that she had "a naturally bright and sunny disposition, and was surrounded by friends." The obituary went on to say that she could not enjoy her fortune because "disease laid its stern hand upon her."

Prior to her death Mrs. Thrall had left money and land to the City of Middletown for what were known as Thrall Hospital and Thrall Park. The provisions for the Thrall Library were included in a codicil to her will. The library was built on a city owned lot on Orchard Street.

Now a century old, the Thrall Library has made a great amount of progress throughout the years. When its doors first opened it was simply just a quiet place to research and read. However, the Thrall Library has evolved into so much more. It is now a resource center for the community. The library houses meeting rooms for local groups to gather at. As well, the library has instituted a number of programs for children to take part in. Located at the library are several computers that provide free Internet services to its patrons. Often, we fail to realize just how important our libraries are, and how much they offer.

On February 13, 1995, the Thrall Library officially opened for business at its new location, the olde Erie Railroad Station at 11–19 Depot Street in Middletown—just a few steps from its original building on Orchard Street. In this modern, new location, the Thrall Library prepared to meet the challenges of the communications and education explosion which would usher in the new millennium.

Public libraries are extremely important to our communities. They enlighten and enrich all of the patrons that choose to take advantage of the vast resources that they have to offer. Public libraries educate all walks of life, and stand as a common ground for all those who want to learn. S. Maretta Thrall realized this.

Today's libraries work hard to reach out to the cultural, social, and educational needs of their patrons. The Thrall Library is constantly looking for new ways to aid our community. With over seventeen thousand card holders to date, the number of members continues to rise.

In 1983, I had the honor of placing the Thrall Library on the list of Federal Depository Libraries. Since then, Thrall Library has been one of two libraries in my Congressional District to be provided with all federal government publications.

In honor of their 100th anniversary and all of the great work that the Thrall Library has achieved over the years, the members of the library plan to commemorate this milestone event throughout the coming year.

This momentous occasion will be celebrated by the good people of Middletown, N.Y. with a series of events. An illustrated history of the library is being compiled and will be published as a journal. The Library is also planning to allot each month of the year 2001 a different theme, drawing patrons to the library for a variety of celebrations. While honoring their years of service, the library will also be honoring the community and all of its members.

As we celebrate this centennial, we especially salute and thank the current Board of Trustees of the Thrall Library: Ms. Marlena F. Lange, President; Mr. Richard Bell, Vice President; Mr. Ralph Russo, Secretary; Mrs. Gertrude Mokotoff; and Mr. Stephen Shaw. We also salute and thank Mr. Kevin Gallagher, the current library Administrator.

The work that is being done by the Thrall Library and other public libraries like it throughout the country is amazing. Thrall has been bringing its patrons together and enriching their lives for a century. We are proud of the significant strides made by such this great institution.

Mr. Speaker, some of the fondest memories of my younger life were days and nights spent reading at the Thrall Lilbrary. While our society has changed in many ways since those years, one thing which has remained constant is the constant quest for knowledge, the insatiable curiosity, which motivates all of our young students. It is to them that we dedicate the centennial of the Thrall Library, with the promise of much greater knowledge to come in the future.

One of our nation's founding fathers, the architect of our Constitution who went on to serve as our fourth President, James Madison, once stated: "Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind which is the best security against crafty and dangerous encroachments on the public liberty."

As the 100th anniversary of the Middletown Thrall Library approaches, let us recall these words of James Madison and appreciate the national treasure which is our public library system.

INDIAN POLICE TRY TO STOP SIKHS FROM VISITING RELIGIOUS SHRINE IN PAKISTAN—SIKHS REALIZE NEED FOR INDEPENDENT KHALISTAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. TOWNS. Mr. Speaker, many of us have spoken to the House about the oppression of Sikhs and other minorities in India. I am distressed to have to report yet another incident.

Last month, thousands of Sikhs gathered from around the world to celebrate the birthday of the first Sikh guru, Guru Nankana Sahib, in his birthplace, Nankana Sahib, which is in present-day Pakistan. My good friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, was among those in attendance. The government of Pakistan had issued 3,200 visas for Sikhs from Punjab to come across the border and visit Nankana Sahib for this very important religious occasion. At the Attari, railroad station on the border between India and Pakistan, a group of 6,000 police with sticks called lathis charged the 3,200 Sikhs. They sprayed them with tear gas. Only 800, one-fourth of the number granted visas, were allowed to go to Nankana Sahib. Three-fourths were prevented from attending this religious event.

Now, Mr. Speaker, this is purely a religious event. There was no politics involved. It was an observance of a religious occasion at a religious shrine, not a rally against the government of India. There was no good reason to prevent these Sikhs from attending this religious event except to intimidate them and create a climate of fear because of their religion. Freedom of religion is one of the essential freedoms of a democratic state, yet this action makes it clear again that religious freedom does not exist in India. It may exist in theory, it may be written in Indian law, but in actual fact there is no religious freedom for Sikhs, Christians, Muslims, and other minorities. In practice, the real policy of the militant Hindu nationalist Indian government, no matter who is charge, is to create a Hindu state and wipe out all other religious expressions. As former Prime Minister Chandra Shekhar pointed out, there is no difference between the ruling BJP and the opposition Congress Party. The effect for religious minorities is the same.

Since 1984, according to Inderjit Singh Jaijee's The Politics of Genocide, over 250,000 Sikhs have been murdered in India. India has killed more than 200,000 Christians in Nagaland since 1947, over 70,000 Kashmiri Muslims since 1988, and tens of thousands of other minorities. There is only one way to put an end to the killing and the oppression, as the Sikhs who were attacked at the Attari station can tell you. It is to allow the people of Khalistan, the people of Kashmir, the people of Nagalim, and all the nations of South Asia to live in freedom.

Mr. Speaker, it is time to tell the truth about India. Despite its pretense of democracy, it is a theocratic Hindu state where human rights for minorities are a matter of personal whim and political expediency. Such a country must be declared a violator of basic religious rights, with all the penalties that entails. It must be declared a terrorist nation, as 21 of us wrote to President Clinton earlier this year, and a hostile country, as 17 of us wrote in another letter. Given this abysmal record the United States must stop its aid to India and demand a free and fair plebiscite in Punjab, Khalistan, in Kashmir, in Nagaland, and throughout India to decide the future of these Indian-held states in a democratic way. These measures will help to ensure that the glow of freedom can finally shine on all the people of South Asia.

I would like to submit the Council of Khalistan's open letter on this incident into the RECORD at this time. It is very informative, and I urge everyone to read it.

COUNCIL OF KHALISTAN,
Washington, DC, December 7, 2000.

POLICE HARASS SIKH PILGRIMS TO DISCOURAGE THEM FROM VISITING NANKANA SAHIB

THERE IS NO PLACE FOR SIKHS IN INDIAN "DEMOCRACY"—PROFESSOR DARSHAN SINGH SAID AT NANKANA SAHIB, "IF A SIKH IS NOT A KHALISTANI, HE IS NOT A SIKH"

KHALSA JI: Last month, it was my privilege to attend the 531st birthday celebration of Guru Nanak Sahib. I would like to thank everyone involved for their hospitality. However, some Sikh pilgrims from Punjab who tried to attend this important religious event were not so cordially treated. A majority of the Sikhs were stopped at the Attari railway station on the border by 6000 police with lathis. 3200 pilgrims were beaten by the police and tear gas was used. Only 800 were allowed to visit Nankana Sahib. It was very clear to the Sikhs that the Indian government does not want Sikhs to visit Guru Nanak's birthplace. These Sikhs from Punjab realize that they need a free and independent Khalistan so that no one can ever again stop them from participating in the birthday celebration of Guru Nanak in Nankana Sahib.

This harassment of Sikhs shows us again that we need a sovereign, independent Khalistan to visit our holy shrines, to protect our rights, our security, and our dignity. Under Indian rule, Sikhs are not even allowed to visit Guru Nanak's birthplace to celebrate his birthday. Sikhs are slaves under Indian rule. As long as India continues to occupy our homeland, our slavery will continue. There is only one solution: a sovereign, free, and independent Khalistan. Only in a free Khalistan can Sikhs live in freedom, dignity, prosperity, and peace. Without political power, nations perish. Professor Darshan Singh Ragi, former Jathedar of the Akal Takht, said, "If a Sikh is not a Khalistani, he is not a Sikh." We must reclaim our lost sovereignty. If the BJP wants Hindu Raj, then why does it object to Khalsa Raj?

The Sikh Nation is sovereign and ruled Punjab up to 1849 when the British took over. Punjab was recognized by most of the world's major powers at that time. It was a truly democratic, truly secular state, rule of the Punjabis, by the Punjabis, for the Punjabis. Maharajah Ranjit Singh had Muslims and Hindus in his cabinet and among his generals. Under his rule, religious shrines of all religions were built, with his support. This is the kind of state that India claims to be, but is not. Behind the pretense of secular democracy, India is a Hindu theocratic state that oppresses Sikhs, Christians, Muslims, and others.

The Sikhs outside India are Khalistanis. They are the ones who will free Khalistan. The present Akali leadership is under Indian government control. India will only allow Akali leaders to come out of India if they toe the line of the Indian government. These Akali leaders are not welcome in foreign countries.

None of the political parties will lead Punjab, Khalistan to freedom. The Shiromani Akali Dal, under the leadership of Chief Minister Badal, is in political coalition with the militant Hindu nationalist Bharatiya Janata Party (BJP), which is part of the RSS, an organization founded in support of Fascism. Badal has not even kept the modest promises that he made to get elected: to free the political prisoners and to hold police officers responsible for their actions in the genocide against the Sikh Nation. Gurcharan Singh Tohra, leader of the All-India Akali Dal, worked with the Indian government prior to the attack on the Golden Temple and surrendered to the Indian forces when they came into the Sikh Nation's holiest shrine. Simranjit Singh Mann was elected to Parliament with the support of Badal after promising not to mention Khalistan. At the Sikh Day Parade in New York, Mann would not join in when the crowd chanted "Khalistan Zinbabad." Even U.S. Congressman Major Owens joined in. Yet Mann would not do so. This revealed his true colors. In 1989, he wrote to the Chief Justice of India pledging his support for India's constitution and territorial integrity.

The Congress Party is no better. It is the party that conducted the invasion and desecration of the Golden Temple. Recently, former Prime Minister Chandra Shekhar said that there is no difference between the BJP and Congress, and he is right.

India's genocide against the Sikh Nation highlights the problem the Sikh Nation faces without our own raj. The Indian government continues its effort to try to wipe the Sikh religion out of existence. A free Khalistan is essential for the survival of the Sikh Nation.

There are still 50,000 Sikhs rotting in Indian jails without charge or trial. Yet the Sikh leaders have remained silent. According *The Politics of Genocide* by Inderjit Singh Jaijee, over 250,000 Sikhs have been murdered at the hands of the Indian government according to the Punjab State Magistracy, yet the Sikh leadership remains silent. Why can't they start a *Shantmai Morcha* to free the Sikh political prisoners?

The massacre of 35 Sikhs in Chithi Singhpora shows that without sovereignty, the Indian oppression of the Sikh Nation will continue. Two exhaustive investigations have proven that the Indian government is responsible for this massacre. Now the Indian government has even admitted that the alleged militants they killed were innocent. This atrocity underlines the need for a sovereign, independent Khalistan. The Indian government has demonstrated that it can conduct massacres of Sikhs whenever and wherever it wants. The Khalsa Panth must answer this wake-up call and free Khalistan.

Punjab is a police state. None of the political parties will bring us Khalistan. If we do not show courage and liberate Khalistan, the coming generations of Sikhs will also live in slavery. They will not forgive us if we do not liberate our homeland.

In Panjab, they will not procure your rice crop. Farmers are forced to buy fertilizer at extremely high prices; then the government buys up all their produce at artificially low prices to keep the farmers poor even though Panjab, with just two percent of the population, produces over 60 percent of India's wheat and rice reserves. The farmers of Punjab should not have to live that way. In a free Khalistan, we can sell our produce anywhere in the world to maximize our profit. We will not have to have our water diverted to non-riparian states. Free Khalistan will bring economic prosperity for the farmers of Punjab in particular and other Punjabis in general. Indian rule only means economic deprivation and slavery.

India claims that it is a democracy, but there is more to democracy than elections. Democracies don't commit genocide. If India is a democracy, then why won't it allow the people of Punjab, Khalistan, Kashmir, and the other minority nations it occupies to vote on their political status in a free and fair plebiscite?

India is very unstable. India is on the verge of disintegration. It will disintegrate by the year 2010. Kashmir is going to be free from Indian control soon. As soon as Kashmir is free, Khalistan will follow it. The only way to escape Indian slavery is to liberate Khalistan. New Sikh leadership must emerge to free the Sikh Nation. They should demand self-determination. They should raise the slogan "India Quit Khalistan" and start *Shantmai Morcha* until we achieve freedom. We have now seen how the India government controls Sikh institutions and the entire Sikh leadership in Punjab.

Unless the Sikh Nation brings back the Sikh spirit and fight for truth and justice as practiced by Guru Nanak, the Khalsa Panth will not prosper. Remember Guru required the Khalsa to remove evil. Only in a free Khalistan will Sikhs be able to live as required by the Guru. Only in a free Khalistan can the Sikh religion flourish. Only then can the Sikh Nation finally enjoy the glow of freedom that is our birthright. Let us join hands to accomplish our goal of a free Khalistan by 2010.

Khalsa Ji, the responsibility is ours. We must start a Khalsa Raj Party and begin a *Shantmai Morcha* to liberate Khalistan. We must stop supporting leaders who are under the control of the brutal Indian government. We must remember our heritage, "Khalsa Bagi Yan Badshah." Let us commit ourselves to liberate Khalistan and control our own destiny so that the Sikh Nation can flourish and prosper. Support only those new leaders who are honest, dedicated, fearless, and committed to freedom for Khalistan. Any other course is support for keeping the Khalsa Panth in slavery.

Sincerely,
DR. GURMIT SINGH AULAKH,
President,
Council of Khalistan.

TRIBUTE TO ALLAN HOWE (D–UTAH), FORMER MEMBER OF THE U.S. HOUSE OF REPRESENTATIVES

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. HANSEN. Mr. Speaker, I am pleased today to pay special tribute to a gentleman whom I—and many of my colleagues—knew and respected for many years. Our good friend Allan Howe (D-Utah) passed away today, December 14, 2000, after a valiant struggle with heart disease. Some of you may recall Allan from his service in the U.S. House of Representatives from 1975–77. Earlier this year, Allan retired from his position as Washington Representative for the National Park Hospitality Association after decades of valuable service. At NPHA, Allan worked tirelessly to make sure that we in the Congress understood the concerns of the many businesses, large and small, that work as partners in serving the millions of visitors to our National Parks. We are grateful for those efforts. We also salute his years of public service, starting back home in Utah, where he worked as a city, county and state attorney, as Executive Director of the four Corners Regional Development Commission, and as an aide to the governor. Here on Capitol Hill he served the people of Utah as well, as an administrative assistant to Senator Frank Moss, and then as a Member of Congress himself, serving on what are now the Resources and Transportation and Infrastructure Committees. After leaving the Congress, he remained in Washington and worked on a variety of important issues, including solar energy, prior to focusing on National Park matters.

Allan's career was marked by a deep love of this country and a strong appreciation of its magnificent natural wonders, both nurtured from his earliest days as a boy in Utah. That love of country and the great outdoors served him and the people of this country very well for very many years. So, thank you, Allan, and Godspeed.

PERSONAL SOCIAL SECURITY ACCOUNT ACT OF 2000

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. KASICH. Mr. Speaker, today I am introducing the "Personal Social Security Account Act of 2000." Since its inception in 1935, Social Security has provided financial independence and retirement security for millions of senior citizens. Unfortunately, Social Security is on the road to bankruptcy. Just fifteen years from now, Social Security will not collect enough payroll taxes to pay promised benefits. This is not a temporary problem limited to the retirement of the baby boomers. Americans are living longer and having fewer children. There will be fewer workers to support each retiree even after the baby boomers are gone.

Social Security faces a cash shortfall of more than $130 trillion over the next 75 years. While these deficits will not affect today's seniors, our children face three choices—raise payroll taxes by 50%, reduce promised benefits by 30%, or face a crushing burden of debt. We must not let Social Security's tidal wave of red ink be our legacy to America's children. We must find a way to protect our seniors' retirement security without sacrificing our children's standard of living. That's why I have introduced the "Personal Social Security Account Act of 2000." This legislation would increase future benefits by prices instead of wages, and it would allow workers to create their own personal savings account.

Under current law, initial benefits for new retirees are increased each year by the growth in wages. As a result, over the next 75 years, promised benefits will nearly double, even after adjusting for inflation. Under this legislation, benefits for workers under the age of 55 will be increased by the consumer price index. Switching from wage indexing to price indexing will eliminate the Social Security shortfall and avoid future payroll tax increases while at the same time guaranteeing today's level of benefits for future retirees.

Workers under the age of 55 will also be given the option to invest an average of 2% of their wages in their own personal savings account. The exact amount each worker can invest will be related to their wages in order to maintain the progressivity of the current Social Security system. Based on historical rates of return, most workers who choose to set up a personal account will earn far greater benefits than the govenrment could ever afford to provide under current law.

Today's economic prosperity provides us with an historic opportunity to preserve Social Security for three generations—our parents, ourselves, and our children. We must seize this opportunity and build a bipartisan consensus for Social Security reform.

HONORING JOANNE LOTHROP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. STARK. Mr. Speaker, today I pay tribute to Joanne Lothrop, a longtime community activist in San Leandro, where she has served on the city council since 1996.

Her involvement in public service began nearly 22 years ago as a volunteer with the Girls, Inc. program. As a staff member, she learned the importance of being a role model to youth and understood the importance of introducing life skills to young women to foster leadership and independence. She was a program director of Health Initiatives for Youth and has an extensive background in community organizing. Whether advocating on behalf of inter-city children, farm workers, or HIV positive youth, Joanne's focus is unwavering and her commitment is exemplary. Joanne is always available to lend a hand be it fundraising, advocacy, legislation, education, or community organizing.

As a San Leandro City Councilwoman, Joanne has worked toward a regional cooperative approach in the areas of environmental justice and sustainable communities. She brought together citizens, business leaders, and environmental interests to form the West San Leandro Advisory Committee to study the environmental impacts of both industrial and residential development. Joanne has demonstrated leadership in maintaining the jobs-housing balance in San Leandro and adjacent communities. She has worked to retain high wage employers in the city and attract new businesses to increase job opportunities for San Leandro and East Bay residents.

Joanne has received numerous awards and special recognition including five National Girls Inc Outstanding Program Awards. I join her colleagues in thanking her for her community service as well as her contributions to the city of San Leandro during her tenure on the city council. Joanne has chosen not to run for another term on the city council. Her voice on the council will be missed but we look forward to many more years of her dedicated community service.

IMPROVING QUALITY OF CARE IN ASSISTED LIVING FACILITIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. STARK. Mr. Speaker, the Institute of Medicine will shortly release a publication entitled, "Improving the Quality of Long-Term Care." A committee of our nation's leading experts in the area of long-term care compiled information on quality in various long-term care approaches, including assisted living.

The report finds that there are few studies of outcomes and quality in assisted living facilities, primarily because of the lack of a uniform definition of this category of facilities. Assisted living facilities can have enormous variation in services and environment, and the varying definitions from state to state make comparisons difficult.

The report also finds that the small body of research that does exist illustrates that "residential care facilities, including assisted living, present a mixed picture in terms of both quality of care and quality of life. Some offer individualized, high-quality care in facilities that afford privacy, dignity, and individualization. However, others appear to lack adequately trained staff, and offer neither sufficient amount of care nor privacy and 'homelike' settings. Also, there are indications that consumers may receive too little information to make informed choices regarding these facilities and the services provided."

Many consumers are drawn to the philosophy of assisted living, a model developed to combine the care of other long-term care settings with an environment promoting dignity and independence. This upcoming IOM report, though, highlights the disconnect that exists between the philosophy of assisted living and its implementation. It references a study that found only 11 percent of facilities provided high levels of both privacy and service, the philosophy of assisted living. On the contrary, the majority of assisted living facilities, 65 percent, offered low levels of service (e.g., no full-time registered nurse on staff) and 40 percent offered low levels of privacy.

Another disconnect between assisted living philosophy and practice is the concept of "aging in place." Despite the marketing claims of consumers being able to live out their lives in their assisted living homes, consumers are finding out they may not be able to obtain needed services or be allowed to stay if they develop conditions that require more care. The IOM report references a survey of assisted living facilities that found 76 percent of assisted living facilities would discharge anyone who needed skilled nursing care for more than 14 days, and 72 percent had already done so within the past 6 months.

The wide variation in definitions of assisted living facilities also poses problems for states in developing regulations that ensure quality. Some states view assisted living as an alternative to nursing home care while others view assisted living as a model for people with less serious conditions than nursing home residents. These differing perceptions as to what constitutes assisted living leads to varying standards from state to state. In my view, there needs to be a more consistent approach to ensuring quality and protections for the residents in these facilities.

IOM provides further support for the need to focus on quality of care in assisted living facilities. I introduced H.J. Res. 107, calling for a White House conference for conducting a national dialogue on this issue and for developing recommendations. I hope that my colleagues will join me in ensuring the safety of our nation's elderly in their assisted living homes and make this an important effort of the 107th Congress.

HONORING THE LATE GINA VEGA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. BACA. Mr. Speaker, today I Honor a devoted wife and mother of six, Gina Vega. It is with much sadness that we mark the passing of such a great person who graced this world and the lives of all those who were close to her, especially her husband Felipe.

Gina exemplified compassion, family values, and dedication. She gleamed with joy at the thought of her children and would go to the ends of the earth to ensure their security and comfort. She never questioned the needs of others and was always willing to help out wherever she could. She was and will remain such a tremendous person in our thoughts and in our memories.

Gina was never the type of parent to push her children, but instead offer her support. Her eldest child, Raquel, blind from birth, was blessed with a voice from heaven and has used that voice for the good or her culture. Since the age of 14, Raquel has been singing with the Inland Empire Mariachi Youth Foundation and has plans to someday teach children just like herself. Raquel could not have done this without the devotion of her mother. Gina devoted her time and efforts to the success of her daughter as well as the success of the group.

This past May, in an effort to expose Washington to the culture of Mariachi music as well as provide an opportunity for the children to experience our Nation's Capitol, I brought these talented children here to Washington, DC. Gina gave up her opportunity to go on the trip so she could stay at home to take care of her other children and prepare the group for their journey.

This is exactly the type of person Gina was. She never complained and was willing to give up large portions of herself to the needs of her children as well as the needs of the entire group as a whole.

Gina lived a fulfilling life graced by her husband and her children. Not only was she blessed with Raquel, but she was blessed with five other children that are just as talented and beautiful as the first. Vanessa—age 16, Tatiana—age 14, the twins Felipe and David—age 11, and the youngest Steven—age 5, all stand as a reminder of the excellence and selflessness that was Gina.

I join with all of those who loved Gina in extending our prayers to the family and hope they find peace and comfort during this time of sorrow.

God Bless.

COMMENDING IRVINGTON HIGH SCHOOL FOR RECEIVING THE NEW AMERICAN HIGH SCHOOL AWARD FROM THE UNITED STATES DEPARTMENT OF EDUCATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. STARK. Mr. Speaker, today I commend and congratulate Irvington High School in Fremont, California for receiving a New American High School Award from the United States Department of Education.

The U.S. Department of Education New American High School Award is given to high schools that demonstrate a commitment to ensuring that all students meet challenging academic standards and are prepared for colleges and careers. This program is part of the Department of Education's effort to reform our schools.

Irvington High School was one of only 27 schools in the country to win this award for 2000. Irvington High School won this award by making a schoolwide effort to refuse to accept subpar schoolwork from any student. To make sure all students can earn good grades, the school offers extra help to pupils with academic difficulties. To aid these students, the teachers help the student identify their weaknesses and develop a pact for rectifying them. The school also fosters responsibility to one's community by requiring students to complete a minimum of 40 hours of community service as a requirement for graduation.

Finally, the school requires that all seniors participate in a "personal quest" by doing a research project and oral presentation on a subject that fascinates them. Students have embarked on "personal quests" to learn about careers that they want to pursue after graduation. These quests have ranged from one student learning about becoming a photographer to another learning about becoming a marine biologist. Each student must work with a school advisor and must gain actual work experience in the occupation in which they are interested.

This combination of innovative teaching and emphasis on public service has made Irvington High School a shining example to other schools across America on how to educate our students to thrive in the 21st century. Again, I want to extend the highest commendation and congratulations to Irvington High School for its outstanding performance in educating our children. This award recognizes what the citizens of Fremont, California have always known, that the faculty and students of Irvington High School are first rate in every aspect.

ELIMINATE RACIAL AND ETHNIC DISPARITIES IN HEALTH CARE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 14, 2000

Mr. STARK. Mr. Speaker, Medical Care Research & Review recently released a special issue, compiling ten articles from our nation's leading researchers in the area of racial and ethnic health disparities. Taken altogether, these investigations add to a growing body of evidence that leaves little doubt as to the pervasive and persistent presence of racial and ethnic disparities in health insurance coverage and access to care.

Many variables are thought to contribute to racial and ethnic disparities in health care, such as status of health care coverage and income level. Yet across each investigation, regardless of outcome measured, racial and ethnic disparities persisted—even when the effects of income, health care coverage status, and other individual characteristics were controlled.

As our country continues to diversity, with growing populations of African Americans, Latinos, Asians & Pacific Islanders, and Native Americans, we, as a nation, must be responsive to the needs of all citizens. As reflected in the following findings, this special issue of Medical Care Research & Review highlights areas that need to be addressed to ensure equitable health care access for everyone.

People of color are far more likely to lack health care coverage as compared to whites, primarily due to lower rates of private health insurance coverage, especially employment-based coverage. In 1996, people of color comprised only one quarter of the non-elderly population, yet they represented 41% of the uninsured.

The effects of race and ethnicity extend beyond insurance coverage to encompass the entire treatment process. For example, the referral process for invasive cardiac procedures involves multiple steps and decisions. At every step, ranging from the initial recognition of symptoms by the patient to obtaining referrals for coronary angioplasty or coronary artery bypass surgery, race and ethnicity issues can (and often do) enter into the equation.

Hispanics and African Americans are much more likely to lack a usual source of health care and less likely to use ambulatory care as compared to whites. The disparities are greatest for Hispanics—for whom the probability of lacking a usual resource of care increased from 19.9% in 1977 to 29.5% in 1996. By way of contrast, this figure represents twice the risk faced by whites in 1996.

Race and ethnicity are also factors in the likelihood of being hospitalized for a preventable condition, which is an indicator of limited access to primary care. When preventable hospitalizations are compared across minority groups and whites, those that fare the worst are Hispanic children, African American adults, and Hispanic and African American elderly. Even among elderly Medicare beneficiaries, all of whom have equal health insurance coverage, the odds of minority beneficiaries requiring a preventable hospitalization are 6 to 21% greater than for white beneficiaries.

These many differences are not simply due to unresponsive attitudes of a few individual physicians, but the health care delivery system as a whole. People of color are twice as likely to say that racism is a major problem in health care. Two-thirds of African Americans and more than half of Latinos believe they receive lower quality care than whites, but most whites believe everyone receives the same quality of care. Not surprisingly, those patients who perceive more racism and who are more distrustful of the medical system are less satisfied with their health care.

These findings illustrate the importance of delivering culturally competent health care at the provider level and throughout the health care delivery. One model, presented in this special issue of Medical Care Research & Review, illustrates how cultural competency is comprised of nine major components, including interpreter services, recruitment and retention of bilingual and bicultural health care professionals, and the inclusion of family and community members throughout treatment. As a result of these techniques, positive changes in clinician and patient behavior, such as improved communication, increased trust, and expanded understanding of how cultural and environmental factors affect patient behavior, can occur. Such positive changes can lead to the provision of more appropriate health care services and better outcomes—not just in health status but also in quality of life, well being, and satisfaction across all ethnic groups.

These findings further support the need for eliminating disparities that persist in health care and treatment. In order to truly be an inclusive society, we must continue to work toward an equitable and fair health care system. The Minority Health and Health Disparities Research and Education Act (S. 1880), which was signed into law this year, along with health disparities provisions in the possible Balanced Budget Act relief legislation are two positive steps in that direction. I hope we can build on these successes in the upcoming Congress and I look forward to working with my colleagues on this important endeavor.

HOUSE OF REPRESENTATIVES—*Friday, December 15, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As we bring to an end this 106th Congress, grant good closure to our work and stability to this Nation.

May we take leave of one another in peace and be agents of reconciliation for Your people.

As we approach religious holy days and celebrate family holidays, grant us joyful spirits and safe travel.

May we bring happiness to those we love and all we meet.

May hearts filled with generosity and charity bring good news to the poor and those most in need.

Bless us now and forever.

Amen.

The SPEAKER. The Chair thanks the Chaplain for his optimism.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the great gentleman from Texas (Mr. ARCHER) come forward and lead the House in the Pledge of Allegiance.

Mr. ARCHER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. The Chair will entertain 1-minutes after the bill under suspension of the rules.

INSTALLMENT TAX CORRECTION ACT OF 2000

Mr. ARCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3594) to repeal the modification of the installment method.

The Clerk read as follows:

H.R. 3594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Installment Tax Correction Act of 2000".

SEC. 2. REPEAL OF MODIFICATION OF INSTALLMENT METHOD.

(a) IN GENERAL.—Subsection (a) of section 536 of the Ticket to Work and Work Incentives Improvement Act of 1999 (relating to modification of installment method and repeal of installment method for accrual method taxpayers) is repealed effective with respect to sales and other dispositions occurring on or after the date of the enactment of such Act.

(b) APPLICABILITY.—The Internal Revenue Code of 1986 shall be applied and administered as if that subsection (and the amendments made by that subsection) had not been enacted.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from Wisconsin (Mr. KLECZKA) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3594.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the nature of this bill is complex, the purpose is quite simple; and that purpose is to protect as many as 260,000 small businesses from a harmful tax provision. More important, it should serve as a lesson to all politicians who talk about closing loopholes.

This was presented originally in President Clinton's fiscal year 2000 budget and included in the 1990 Tax Extenders package at the insistence of the White House and it outlawed the use of the installment sales method by taxpayers using the accrual method of accounting.

The accrual method of accounting generally requires that taxpayers recognize income in the year in which the right to receive the income occurs regardless of whether the taxpayer actually receives the cash in that year.

The installment method of accounting allows a taxpayer to defer recognition of income until the taxpayer actually receives the payment, and that is appropriate.

During the negotiations in the 1999 tax package, we were told this provision was a "loophole closer," that it was noncontroversial, and that no one would be heard. Months after the bill became law, however, we learned from the small business community that this harmless loophole closure would, in fact, hurt and hurt significantly. So now there is strong bipartisan support to undo this mistake and to go back to the way things were before this tax change was made. But this should serve as a lesson to all of us, not just today but in future Congresses. "Closing loopholes" always is a good sound bite for politicians. Whereas the real-life result is usually a bigger tax bite on American workers or businesses.

Today we will right the wrong and provide a little more peace of mind to thousands of small business owners across the country.

I urge my colleagues to support this important and time sensitive legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of the Installment Tax Correction bill.

As the author of the first bill introduced in the House of Representatives to reinstate the installment method of accounting for accrual basis taxpayers, I commend the gentleman from Texas (Mr. ARCHER) for his efforts on this issue.

Mr. Speaker, this legislation is needed to correct a flaw in the Ticket to Work and Work Incentives Improvement Act, which was passed by Congress last year.

Although the Ticket to Work bill contained many important provisions, it repealed the installment method of accounting for most accrual basis taxpayers. The bill before us is necessary to fix this repeal.

The installment sales method is frequently used in the sale and purchase of a small business where bank financing is unavailable. Under the Ticket to Work Act, small business owners selling a business using the installment sales are required to pay all capital gains taxes on the sale of a business all at once even if the proceeds are to be received in installments over the years.

As a result, some small businesses now face lump sum income tax payments that are more than the immediate proceeds of the actual sale. In other words, taxpayers have had to pay taxes on money they will not receive for many years in the future or, in some cases, money that they will never receive due to the buyer defaulting on future payments.

The intention behind repealing the installment method of accounting was

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

to crack down on large corporations deferring taxes for extended periods of time. Instead of simply addressing a tax avoidance scheme, the Ticket to Work bill also eliminated a perfectly legitimate method of financing sales transactions for small business owners. Clearly, Congress did not consider the full ramifications of this change in the law.

It is estimated that more than 250,000 small businesses may have already been adversely affected by this repeal. Many small business sales that were not finalized when the Ticket to Work bill was enacted on December 17, 1999, have fallen apart and countless others have never occurred before because of the repeal contained in the Ticket to Work bill.

Furthermore, those business owners who are looking to purchase additional assets in order to expand their operations will now find it more difficult to find a potential seller. As a result, the value of some small businesses may have been reduced by as much as 20 percent.

Mr. Speaker, I believe the broad partisan interest that this bill has attracted underscores the importance of passing this legislation to reinstall and to reinstate the installment method of sales.

Mr. Speaker, I guess we can deal in a blame game this morning, but I should point out to the Members that in both Republican tax bills, the massive tax bills that were introduced in the House, both of those bills contained this repeal also. So while some may take to the floor to blame the administration, know full well that the blame should be equally spread on all of us. However, the important thing is that the Congress will correct this inequity today.

I urge my colleagues to vote yes on H.R. 3594.

Mr. Speaker, I reserve the balance of my time.

Mr. ARCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HERGER) a highly respected member of the Committee on Ways and Means who has spent such terrific effort in bringing this issue to fruition on the floor today.

Mr. HERGER. Mr. Speaker, I say to the chairman, as this is the last bill that will be considered by the House under his chairmanship, I want to thank him for helping to bring this important legislation to the floor and for all he has done to improve the Tax Code and make it fairer for all Americans. Our Nation owes him a great debt of gratitude.

Mr. Speaker, earlier this year I was pleased to join with my colleagues from both sides of the aisle to introduce the legislation before us today, the Installment Tax Correction Act. This bill corrects a change in tax law which has had serious, unanticipated consequences for small business owners.

Last year, Congress passed and the President signed a change in law to disallow the installment method by accrual basis taxpayers. An unexpected result of this new law has been to erect a serious barrier to small business ownership. Many small business sales across the country have been canceled, while others have simply been put on hold while waiting for Congress to act. Additionally, the value of some businesses has been reduced by as much as 10 or 20 percent. And perhaps most urgently, business owners who have sold their business under the new tax law now face a large unexpected tax burden.

The time has come to correct this situation. This legislation, which is retroactive to the time of the tax change last December, will ensure that small business owners who find themselves facing a large tax burden as a result of an installment sale will receive tax relief before having to file their tax returns next year.

This much needed measure will make certain that elderly small business owners waiting to finance their retirement through the sale of their business would not have to wait any longer.

Mr. Speaker, most small business owners have chosen to use the installment sales method when selling their business because bank financing is often unavailable. Under an installment sale, the buyer makes a down payment up front and pays for the rest of the business over a period of years. Such sales grant greater flexibility to both the buyer and seller and have enabled thousands of Americans who would otherwise be unable to buy a business the opportunity to make their dream of small business ownership a reality.

This chart clearly demonstrates the impact the new tax treatment is having on small business sales. Imagine a small business being sold for $100,000 with the buyer paying $10,000 each year over 10 years. Under the old rule, the seller would pay tax on the gain from the sale as he received the payments. In other words, he would be taxed on $10,000 each year. However, under the new rule, the seller is taxed on the entire $100,000 up front even though he has only received the initial $10,000 payment.

We believe it is simply unfair to ask small business owners to pay tax on money they have not yet received. Our legislation will fix this problem by once again allowing business owners to pay the tax as they receive the payments. And because our legislation is retroactive to the time of the tax change last December, small business owners who have completed installment sale this year would no longer face an unexpected tax burden.

Mr. Speaker, this is a serious problem. The National Federation of Independent Business estimates that as much as 200,000 small business sales each year could be adversely affected if we do not act. I believe we owe it to small businessmen and businesswomen to have a Tax Code which treats them fairly, and I look forward to our approval today of this very worthy legislation, thus ensuring that small business remains a path to prosperity for millions of Americans.

□ 1015

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Wisconsin (Mr. KLECZKA) for his leadership on this issue, for yielding me this time and in helping us make sure that we get this change indeed enacted before the Congress adjourns for this session.

Mr. Speaker, this is an example of unintended consequence of legislation that was previously passed by this body and was enacted into law. Sometimes we look to try to get revenue raisers attached to bills in order to pay for them and we do not really realize the consequences of that action. This is an example of that. The changes that we made to the Installment Sales Act of 1999 will have and has had adverse consequence on small businesses in our country.

Let me try to explain why. The reason why we put the installment sales provisions in the Tax Code was very logical. If you sell a business and you get part of the proceeds and you get the proceeds over a number of years, it is almost impossible for the person who sells the business to be able to pay all the taxes up front. If you do that, you do not have enough cash to pay all the taxes up front. That is the reason why we developed the installment sales provisions within our tax code. What we did in 1999 for many of the installment sales is require the business owner who sold the business to pay 100 percent of the taxes up front. That did not make any sense. I do not think we really intended that to be the consequence because we were dealing with the differences between accrual accounting and cash accounting, not realizing the fact that we have mandated that most small businesses must use accrual accounting procedures.

Therefore, on one section of the code, we require them to use an accounting method that would require them to pay 100 percent of the taxes up front. This legislation corrects it. I applaud my colleagues on both sides of the aisle for bringing it forward. It makes sense. It will help small businesses in our country. It is the right tax policy.

Mr. Speaker, I am disappointed that we are not going to have a more comprehensive tax bill this year, because I think there are many provisions that Republicans and Democrats have worked out and we had hoped to have had a broader bill. But I applaud the gentleman from Texas (Mr. ARCHER) for at least making it possible to correct this mistake this year to get it enacted. It is the right thing to do. I fully support it. I hope that we will pass it with broad support on both sides of the aisle.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume to thank my friend from Maryland for all of his contributions in the years that I have been chairman of the Committee on Ways and Means and also to thank the gentleman from Wisconsin (Mr. KLECZKA) for his independent thinking and the contributions that he has made to the committee.

I would say to my friend from Maryland that I am also saddened that we did not get the pension reform bill passed. We had over 400 votes here on the floor of the House in support of it. He, along with the gentleman from Ohio (Mr. PORTMAN), did tremendous work in putting that package together. It would benefit all working Americans with greater retirement security opportunities.

But it will come another day. It will come, I am sure, in the next Congress; and all of the work that our committee has put into it and the gentleman from Maryland along with the gentleman from Ohio (Mr. PORTMAN) has put into it will not be lost.

I think we finish this year on a very positive note. This bill is a bill that can be supported by all of us. The tax provisions that will go in the ultimate package that we will vote on later today are provisions that I believe all of us should be able to support. I am pleased that we finish this Congress on this high level of harmony. I hope that it can extend into the next Congress.

Mr. Speaker, I urge full support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KLECZKA. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I am afraid we are getting into the area of everything having been said about this bill but not everybody having said it. Nonetheless I think it is important to reflect and realize that this action that was taken last year by the House was done at the end of the session, with a lot of unfinished work poured into one huge package, and I am afraid we are going to do that again today. It was thought to end abusive practices within the code as it relates to businesses with accrual accounting and installment sales and to actually pay for the ticket to work which was a smaller part of a broader welfare reform bill, that this was a desirable change in the code. After it was discovered by almost everyone connected with it, it was quickly realized that this covered far more than those abusive practices that were being closed to pay for the ticket to work, and so the gentleman from California (Mr. HERGER) and others, myself and others, put a bill in, H.R. 3594, some time ago. I am glad we are getting this done.

This is truly, I think by anyone's definition, the law of unintended consequences at work. It demands that one who has an accrual basis of accounting in one's business when one sells it to report all of the income at the time of the sale when one has, as Members know under accrual accounting, a right to the income.

This makes no sense, as the gentleman from Maryland (Mr. CARDIN) said; and so we changed it back to the way it was and the way that is sensible, sane, and reasonable. And so what we will do is by this change assure every small business owner, every small business prospective buyer that on the installment sales contract method of transaction, one may count on not having a tax liability until the money is actually realized.

I want to thank the gentleman from Texas (Mr. ARCHER) for working with us on this this year and also the gentleman from New York (Mr. RANGEL) and the gentleman from Wisconsin (Mr. KLECZKA), who is the ranking member of the subcommittee. I think this is a good thing we do to straighten out an obvious error that was made last year in the haste of closing up shop for the year. I hope we do not have to do this again next year.

Mr. KLECZKA. Mr. Speaker, I yield myself such time as I may consume.

What I would like to indicate at this point is that this is the last tax bill that will be managed by the able chairman of the Committee on Ways and Means, the gentleman from Texas (Mr. ARCHER). I know this is not the tax bill he really wanted to bring to the floor to manage for his last bill but nevertheless that was not to be this session.

But I would want to tell the gentleman and the Members who are listening that the gentleman will be missed. He was a real gentleman on the committee. I really appreciated the opportunity to work with him. What was especially heartening was his knowledge of the Tax Code and the fairness with which he treated all members of the committee, both Democrat and Republican. He is moving on to a much deserved retirement.

However, with the new administration taking over, there are some of us who would like to put together a letter to recommend to President-elect Bush that he look very seriously upon him as the new Secretary of the Treasury. So if he gives me a wink and a nod, I am sure we can put something together on that score.

However, if that is not to be, I personally wish him the very, very best. He is going to be missed sorely in the House.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. KLECZKA. I yield to the gentleman from Ohio.

Mr. BOEHNER. I thank the gentleman from Wisconsin for yielding and thank all the members of the Committee on Ways and Means, especially the chairman, for moving this piece of legislation. This was, in fact, an oversight that was affecting thousands of businesses if not more across the country. I know a number of people in my district, small-business people, have asked to have this corrected. I am glad that we are, in fact, doing it.

Let me add to the chorus of remarks to my good friend the gentleman from Texas (Mr. ARCHER). The gentleman from Texas and I have worked very closely together during the years that I served in the Republican leadership and as the gentleman from Texas was the chairman of the Committee on Ways and Means. I do not think one could find a more dedicated public servant, someone who believed in reforming the Tax Code and worked hard on behalf of not only his constituents but taxpayers all across the country. After 30 years in the Congress, he deserves a little rest. He has been a pleasure to work with and I think a model Member of this body. I wish him well in his retirement.

Mr. BEREUTER. Mr. Speaker, this Member wishes today to express his support for H.R. 3594, the Installment Tax Correction Act of 2000, of which this Member is a cosponsor. This bill, which is being considered under suspension of the rules, will have a positive effect on small businesses nationwide.

At the outset, this Member would like to thank both the distinguished gentleman from California [Mr. HERGER] for introducing this legislation and the distinguished Chairman of the House Ways and Means Committee from Texas [Mr. ARCHER] for his efforts in bringing this measure to the House Floor.

This legislation, H.R. 3594, eliminates the provision of the tax code which repealed the use of the installment method of accounting for accrual method taxpayers. This bill is necessary because of a provision in the Ticket to Work and Work Incentives Improvement Act (P.L. 106–170), which was signed into law in 1999. Unfortunately, this Act included a prohibition on the use of the installment method by accrual method taxpayers. As a result of this provision, these type of taxpayers are currently required to pay tax on all capital gains in the first year of an installment sale, regardless of when cash payment is received.

This provision is particularly onerous for small businesses. For example, installment sales methods are common for situations where the seller continues to stay involved in the transferred small business or when a family business transfers from one generation to the next. Furthermore, this Member has been told that neither the Administration nor the Ways and Means Committee anticipated nor understood the effect the inclusion of this prohibition in the Ticket to Work and Work Incentives Improvement Act would have on small businesses. Fortunately, H.R. 3594 remedies this by situation by repealing the prohibition on using the installment method of accounting for accrual method taxpayers.

Therefore, for these reasons, this Member urges his colleagues to support H.R. 3594, the Installment Tax Correction Act of 2000. Thank you.

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of H.R. 3594, I rise in strong support of the bill. I am very glad that it is being considered today rather than being left to languish until the new Congress convenes next month.

The bill would repeal a change in the tax law that was part of the "Ticket to Work" bill enacted last year.

It evidently was included as a way to help offset the costs of that bill by increasing tax receipts. However, I do not think that it was necessary or appropriate.

The 1999 change prohibited use of the "installment method" for calculating taxes on certain asset sales where the seller is paid over time rather than all at once. The effect of this is to make it much harder for small-business owners to sell their businesses or to seriously reduce the amount they can receive if they do sell. I have heard from many people in Colorado who have been and remain concerned about this aspect of the changes made in 1999.

H.R. 3594 would repeal that, restoring the ability of sellers to spread their receipts—and taxes—over several years. I think that is a good idea, which is why I joined as a cosponsor.

I urge the House to approve the bill.

Mr. KLECZKA. Mr. Speaker, I yield back the balance of my time.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 3594.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 25 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1647

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 4 o'clock and 47 minutes.

CONFERENCE REPORT ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida submitted the following conference report and statement on the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–1033)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with amendments, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

SECTION 1. (a) The provisions of the following bills of the 106th Congress are hereby enacted into law:

(1) H.R. 5656, as introduced on December 14, 2000.

(2) H.R. 5657, as introduced on December 14, 2000.

(3) H.R. 5658, as introduced on December 14, 2000.

(4) H.R. 5666, as introduced on December 15, 2000.

(5) H.R. 5660, as introduced on December 14, 2000.

(6) H.R. 5661, as introduced on December 14, 2000.

(7) H.R. 5662, as introduced on December 14, 2000.

(8) H.R. 5663, as introduced on December 14, 2000.

(9) H.R. 5667, as introduced on December 15, 2000.

(b) In publishing this Act in slip form and in the United States Statutes at Large pursuant to section 112 of title 1, United States Code, the Archivist of the United States shall include after the date of approval at the end appendixes setting forth the texts of the bills referred to in subsection (a) of this section and the text of any other bill enacted into law by reference by reason of the enactment of this Act.

SEC. 2. (a) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, legislation enacted in section 505 of the Department of Transportation and Related Agencies Appropriations Act, 2001, section 312 of the Legislative Branch Appropriations Act, 2001, titles X and XI of H.R. 5548 (106th Congress) as enacted by H.R. 4942 (106th Congress), Division B of H.R. 5666 (106th Congress) as enacted by this Act, and sections 1(a)(5) through 1(a)(9) of this Act that would have been estimated by the Office of Management and Budget as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were it included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) In preparing the final sequestration report required by section 254(f)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal year 2001, in addition to the information required by that section, the Director of the Office of Management and Budget shall change any balance of direct spending and receipts legislation for fiscal year 2001 under section 252 of that Act to zero.

This Act may be cited as the "Consolidated Appropriations Act, 2001".

Amend the title of the bill so as to read:

"An Act making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes.".

And the Senate agree to the same.

JOHN EDWARD PORTER,
C.W. BILL YOUNG,
HENRY BONILLA,
ERNEST J. ISTOOK, Jr.,
DAN MILLER,
JAY DICKEY,
ROGER F. WICKER,
ANNE M. NORTHUP,
RANDY "DUKE" CUNNINGHAM,
DAVID R. OBEY,
STENY H. HOYER,
NANCY PELOSI,
NITA M. LOWEY,
ROSA L. DELAURO,
JESSE L. JACKSON, Jr.
(Except elimination of LIHEAP and CCDBG advanced funding; immigration and charitable choice provisions.)

Managers on the Part of the House.

ARLEN SPECTER,
THAD COCHRAN,
SLADE GORTON,
JUDD GREGG,
KAY BAILEY HUTCHISON,
TED STEVENS,
PETE V. DOMENICI,
TOM HARKIN,
ERNEST F. HOLLINGS,
DANIEL K. INOUYE,
HARRY REID,
HERB KOHL,
PATTY MURRAY,
DIANNE FEINSTEIN,
ROBERT C. BYRD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies, and for other purposes, submit the following joint statement of the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

This conference agreement includes more than the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001. The conference agreement has been expanded to including the Legislative Branch Appropriations Act, 2001; the Treasury and General Government Appropriations Act, 2001; the Miscellaneous Appropriations Act, 2001; the Commodity Futures Modernization Act of 2000; the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of

2000; the Community Renewal Tax Relief Act of 2000; the New Markets Venture Capital Program Act of 2000; and the Small Business Reauthorization Act of 2000; as well as the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001. The provisions of all of these Acts have been enacted into law by reference in this conference report; however, a copy of the referenced legislation has been included in this statement for convenience.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5656 as introduced on December 14, 2000. The text of that bill follows:

A BILL Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $3,207,805,000 plus reimbursements, of which $1,808,465,000 is available for obligation for the period July 1, 2001 through June 30, 2002; of which $1,377,965,000 is available for obligation for the period April 1, 2001 through June 30, 2002, including $1,102,965,000 to carry out chapter 4 of the Workforce Investment Act and $275,000,000 to carry out section 169 of such Act; and of which $20,375,000 is available for the period July 1, 2001 through June 30, 2004 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: Provided, That $9,098,000 shall be for carrying out section 172 of the Workforce Investment Act, and $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That funds provided to carry out section 171(d) of such Act may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: Provided further, That funding provided to carry out projects under section 171 of the Workforce Investment Act of 1998 that are identified in the Conference Agreement, shall not be subject to the requirements of section 171(b)(2)(B) of such Act, the requirements of section 171(c)(4)(D) of such Act, or the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of such Act: Provided further, That funding appropriated herein for Dislocated Worker Employment and Training Activities under section 132(a)(2)(A) of the Workforce Investment Act of 1998 may be distributed for Dislocated Worker Projects under section 171(d) of the Act without regard to the 10 percent limitation contained in section 171(d) of the Act: Provided further, That of the funds made available for Job Corps operating expenses in the Department of Labor Appropriations Act, 2000, as enacted by section 1000(a)(4) of Public Law 106–113, $586,487 shall be paid to the city of Vergennes, Vermont in settlement of the city's claim: Provided further, That $4,600,000 provided herein for dislocated worker employment and training activities shall be made available to the New Mexico Telecommunications Call Center Training Consortium for training in telecommunications-related occupations.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,463,000,000 plus reimbursements, of which $2,363,000,000 is available for obligation for the period October 1, 2001 through June 30, 2002, and of which $100,000,000 is available for the period October 1, 2001 through June 30, 2004, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $406,550,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $193,452,000, together with not to exceed $3,172,246,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2001, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2003; and of which $193,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2001 through June 30, 2002, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2001 is projected by the Department of Labor to exceed 2,396,000, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 2002, $435,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2001, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $110,651,000, including $6,431,000 to support up to 75 full-time equivalent staff, the majority of which will be term Federal appointments lasting no more than 1 year, to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $107,832,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2001, for such Corporation: Provided, That not to exceed $11,652,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as non-administrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $361,491,000, together with $1,985,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: Provided further, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91-0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $56,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 2000, shall remain available until expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2001: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $34,910,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, medical bill review, and periodic roll management, in support of Federal Employees' Compensation Act administration, $23,371,000; (2) for conversion to a paperless office, $7,005,000; (3) for communications redesign, $1,750,000; (4) for information technology maintenance and support, $2,784,000; and (5) the remaining funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,028,000,000, of which $975,343,000 shall be available until September 30, 2002, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $30,393,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $21,590,000 for transfer to Departmental Management, Salaries and Expenses, $318,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: Provided, That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $425,983,000, including not to exceed $88,493,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2001, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: Provided further, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $246,747,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2001 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies *and their employees for services rendered, $374,327,000, together with not to exceed $67,257,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund; and $10,000,000 which shall be available for obligation for the period July 1, 2001 through June 30, 2002, for Occupational Employment Statistics.*

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, of which the funds designated to carry out bilateral assistance under the international child labor initiative shall be available for obligation through September 30, 2002, and $37,000,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $380,529,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in Rule 15 of the Federal Rules of Appellate Procedure: Provided further, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: Provided further, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.): Provided further, That beginning in fiscal year 2001, there is established in the Department of Labor an office of disability employment policy which shall, under the overall direction of the Secretary, provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities. Such office shall be headed by an assistant secretary: Provided further, That of amounts provided under this head, not more than $23,002,000 is for this purpose.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,913,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2001. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $24,800,000, of which $7,300,000 shall be available for obligation for the period July 1, 2001, through June 30, 2002.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $50,015,000, together with not to exceed $4,770,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 103. Section 403(a)(5)(C)(viii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(viii)) (as amended by section 801(b)(1)(A) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking "3 years" and inserting "5 years".

SEC. 104. No funds appropriated in this Act or any other Act making appropriations for fiscal year 2001 may be used to implement or enforce the proposed and final regulations appearing in 65 Fed. Reg. 43528–43583, regarding temporary alien labor certification applications and petitions for admission of nonimmigrant workers, or any similar or successor rule with an effective date prior to October 1, 2001: Provided, That nothing in this section shall prohibit the development or revision of such a rule, or the publication of any similar or successor proposed or final rule, or the provision of training or technical assistance, or other activities necessary and appropriate in preparing to implement such a rule with an effective date after September 30, 2001.

SEC. 105. Section 218(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1188(c)(4)) is amended by adding at the end the following new sentence: "The determination as to whether the housing furnished by an employer for an H–2A worker meets the requirements imposed by this paragraph must be made prior to the date specified in paragraph (3)(A) by which the Secretary of Labor is required to make a certification described in subsection (a)(1) with respect to a petition for the importation of such worker.".

SEC. 106. Section 286(s)(6) of the Immigration and Naturalization Act (8 U.S.C. 1356(s)(6)) is amended by inserting, "and section 212(a)(5)(A)" after the second reference to "section 212(n)(1)".

SEC. 107. (a) Section 403(a)(5) of the Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is amended by striking subparagraph (E) and redesignating subparagraphs (F) through (K) as subparagraphs (E) through (J), respectively.

(b) The Social Security Act (as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is further amended as follows:

(1) Section 403(a)(5)(A)(i) (42 U.S.C. 603(a)(5)(A)(i)) is amended by striking "subparagraph (I)" and inserting "subparagraph (H)".

(2) Subclause (I) of each of subparagraphs (A)(iv) and (B)(v) of section 403(a)(5) (42 U.S.C. 603(a)(5)(A)(iv)(I) and (B)(v)(I)) is amended—

(A) in item (aa)—

(i) by striking "(I)" and inserting "(H)"; and

(ii) by striking "(G), and (H)" and inserting "and (G)"; and

(B) in item (bb), by striking "(F)" and inserting "(E)".

(3) Section 403(a)(5)(B)(v) (42 U.S.C. 603(a)(5)(B)(v)) is amended in the matter preceding subclause (I) by striking "(I)" and inserting "(H)".

(4) Subparagraphs (E), (F), and (G)(i) of section 403(a)(5) (42 U.S.C. 603(a)(5)), as so redesignated by subsection (a) of this section, are each amended by striking "(I)" and inserting "(H)".

(5) Section 412(a)(3)(A) (42 U.S.C. 612(a)(3)(A)) is amended by striking "403(a)(5)(I)" and inserting "403(a)(5)(H)".

(c) Section 403(a)(5)(H)(i)(II) of such Act (42 U.S.C. 603(a)(5)(H)(i))(II) (as redesignated by subsection (a) of this section and as amended by section 806(b) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(4) of Public Law 106–113)) is further amended by striking "$1,450,000,000" and inserting "$1,400,000,000".

(d) The amendments made by subsections (a), (b), and (c) of this section shall take effect on October 1, 2000.

This title may be cited as the "Department of Labor Appropriations Act, 2001".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and section 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, and the Poison Control Center Enhancement and Awareness Act, $5,525,476,000, of which $226,224,000 shall be available for the construction and renovation of health care and other facilities, and of which $25,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals: Provided further, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That fees collected for the full disclosure of information under the "Health Care Fraud and Abuse Data Collection Program," authorized by section 1128E(d)(2) of the

Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $253,932,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That $589,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: Provided further, That of the amount provided under this heading, $700,000 shall be for the American Federation of Negro Affairs Education and Research Fund of Philadelphia, $900,000 shall be for the Des Moines University Osteopathic Medical Center, $250,000 shall be for the University of Alaska, Anchorage, to train Alaska Natives as psychologists, $900,000 shall be for Northeastern University in Boston, Massachusetts to train doctors to serve in low-income communities, $500,000 shall be for the University of Alaska, Anchorage, to recruit and train nurses in rural areas, and $230,000 shall be for the Illinois Poison Center: Provided further, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $113,728,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act, of which $5,000,000 is for Columbia Hospital for Women Medical Center in Washington, D.C., to support community outreach programs for women, $5,000,000 is for continuation of the traumatic brain injury State demonstration projects, and $100,000 is for St. Joseph's Health Services of Rhode Island for the Providence Smiles dental program for low-income children.

For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $30,000,000, which shall become available on October 1, 2001, and shall remain available until September 30, 2002: Provided, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: Provided further, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: Provided further, That grants shall be made only to public and private entities which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: Provided further, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,679,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act, of 1970, title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $3,868,027,000, of which $175,000,000 shall remain available until expended for the facilities master plan for equipment and construction and renovation of facilities, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account, and of which $104,527,000 for international HIV/AIDS programs shall remain available until September 30, 2002: Provided, That in addition to amounts provided herein, up to $71,690,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics Surveys: Provided further, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: Provided further, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer: Provided further, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18: Provided further, That funds obligated for influenza vaccine stockpile in fiscal year 2000 and fiscal year 2001 shall be considered as appropriated under Section 3 of Public Law 101–502.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $3,757,242,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,299,866,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $306,448,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,303,385,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,176,482,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,043,208,000.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,535,823,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $976,455,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $510,611,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $502,549,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $786,039,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $396,687,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $300,581,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $104,370,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $340,678,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $781,327,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,107,028,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $382,384,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $817,475,000: Provided, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection *with such grants: Provided further, That $75,000,000 shall be for extramural facilities construction grants.*

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $50,514,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $246,801,000, of which $4,000,000 shall be available until expended for improvement of information systems: Provided, That in fiscal year 2001, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $89,211,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $130,200,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $213,581,000, of which $48,271,000 shall be for the Office of AIDS Research: Provided, That funding shall be available for the purchase of not to exceed 20 passenger motor vehicles for replacement only: Provided further, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: Provided further, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: Provided further, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: Provided further, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: Provided further, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: Provided further, That, notwithstanding section 499(k)(10) of the Public Health Service Act, funds from the Foundation for the National Institutes of Health may be transferred to the National Institutes of Health.

BUILDINGS AND FACILITIES

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $153,790,000, to remain available until expended, of which $47,300,000 shall be for the National Neuroscience Research Center: Provided, That notwithstanding any other provision of law, a single contract or related contracts for the development and construction of the first phase of the National Neuroscience Research Center may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $2,958,001,000, of which $24,605,000 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $104,963,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $164,980,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $93,586,251,000, to remain available until expended.

For making, after May 31, 2001, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2001 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2002, $36,207,551,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $70,381,600,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement' Amendments of 1988, not to exceed $2,246,326,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, and together with administrative fees collected relative to Medicare overpayment recovery activities, which shall remain available until expended: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: Provided further, That $18,000,000 appropriated under this heading for the managed care system redesign shall remain available until expended: Provided further, That $20,000,000 of the amount available for research, demonstration, and evaluation activities shall be available to continue carrying out demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities which ensures maximum control by the consumer to select and manage their attendant care services: Provided further, That the Secretary of Health and Human Services is directed to enter into an agreement with the Mind-Body Institute of Boston, Massachusetts to conduct a demonstration of a lifestyle modification program: Provided further, That $2,800,000 of the amount available for research, demonstration, and evaluation activities shall be awarded for administration, evaluation, quality monitoring and peer review of this lifestyle modification demonstration: Provided further, That $2,800,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to a joint application from the University of Pittsburgh, Case Western Reserve in Cleveland, Ohio, and Mt. Sinai Hospital in Miami, Florida, to use integrated nursing services and technology to implement daily monitoring of congestive heart failure patients in underserved populations in accordance with established clinical guidelines: Provided further, That $500,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the University of Pittsburgh Medical Center and University of Pennsylvania for a study of the efficacy, of surgical versus non-surgical management of abdominal aneurysms: Provided further, That $650,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Vascular Surgery Outcome Initiative at Dartmouth College: Provided further, That up to $300,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the United States-Mexico Border Counties Coalition for a study to determine the unreimbursed costs incurred to treat undocumented aliens for medical emergencies in southwest border States, their border counties, and hospitals within the jurisdiction of these States and counties: Provided further, That $1,700,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the AIDS Healthcare Foundation in Los Angeles for a demonstration of residential and outpatient treatment facilities: Provided further, That $350,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Cook County, Illinois Bureau of Health for the Asthma Champion Initiative demonstration to reduce morbidity and mortality from asthma in high prevalence areas: Provided further, That $1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the West Virginia University School of Medicine's Eye Center to test interventions and improve the quality of life for individuals with low vision, with a particular focus on the elderly: Provided further, That $1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the Iowa Department of Public Health for the establishment and operation of a mercantile prescription drug purchasing cooperative or non-profit corporation demonstration: Provided further, That $691,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Ohio State University to determine the benefits of compliance packaging: Provided further, That $855,000 of the amount available for research, demonstration and evaluation activities shall be awarded to Children's Hospice International for a demonstration project to *provide a continuum of care for children with life-threatening conditions and their families: Provided further, That $921,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Equip for Equality for a demonstration project to document the impact of an independent investigative unit that will examine deaths or other serious allegations of abuse and neglect of people with disabilities at facilities in Illinois: Provided further, That $1,000,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Duke University Medical Center to demonstrate the potential savings in the Medicare program of a reimbursement system based on preventative care: Provided further, That $1,843,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to Bucks County, Pennsylvania, for a health improvement project: Provided further, That $255,000 of the amount available for research, demonstration, and evaluation activities shall be awarded to the LA Care Health Plan in Los Angeles, California for a demonstration program to improve clinical data coordination among Medicaid providers: Provided further, That $646,000 of the amount available for research, demonstration, and evaluation activities shall be for the Shelby County Regional Medical Center to establish a Master Patient Index to determine patient Medicaid/TennCare eligibility: Provided further, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2001 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.*

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2001, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,441,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2002, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: Provided, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, in addition to amounts already appropriated for fiscal year 2001, $300,000,000.

For making payments under title XXVI of the Omnibus Reconciliation Act of 1981, $300,000,000: Provided, That these funds are hereby designated by the Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to the Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in such Act.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $423,109,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2001 shall be available for the costs of assistance provided and other activities through September 30, 2003: Provided further, That up to $5,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), in addition to amounts already appropriated for fiscal year 2001, $817,328,000, such funds shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: Provided, That of the funds appropriated for fiscal year 2001, $19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll free hotline: Provided further, That of the funds appropriated for fiscal year 2001, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler child care: Provided further, That of the funds appropriated for fiscal year 2001, $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,725,000,000: Provided, That notwithstanding section 2003(c) of such Act, as amended, the amount specified for allocation under such section for fiscal year 2001 shall be $1,725,000,000: Provided further, That, notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided; the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, the Early Learning Opportunities Act, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public law 103–322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322 and section 126 and titles IV and V of Public Law 100–485, $7,956,345,000, of which $43,000,000, to remain available until September 30, 2002, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 1999 and 2000; of which $682,876,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,200,000,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2001 and remain available through September 30, 2002: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: Provided further, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant.

Funds appropriated for fiscal year 2001 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2001 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 430 of the Social Security Act, $305,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,863,100,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2002, $1,735,900,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,103,135,000, of which $5,000,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: Provided, That notwithstanding section 308(b)(1) of the Older Americans Act of 1965, as amended, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $285,224,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided further, That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $10,377,000 shall be for activities specified under section 2003(b)(2), of which $10,157,000 shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: Provided further, That no funds shall be obligated for minority AIDS prevention and treatment activities until the Department of Health and Human Services submits an operating plan to the House and Senate Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,849,000: Provided, That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228, each of which activities is hereby authorized in this and subsequent fiscal years.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $24,742,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $16,738,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $241,231,000: Provided, That this amount is distributed as follows: Centers for Disease Control and Prevention, $181,131,000, of which $32,000,000 shall be for the Health Alert Network and $18,040,000 shall be for the continued study of the anthrax vaccine; and Office of Emergency Preparedness, $60,100,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: Provided, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the "Office of AIDS Research" account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: Provided, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): Provided further, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking "1997, 1998, 1999, and 2000" and inserting "1997, 1998, 1999, 2000 and 2001"; and

(B) in subsection (e), by striking "October 1, 2000" each place it appears and inserting "October 1, 2001"; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking "September 30, 2000" and inserting "September 30, 2001".

SEC. 213. None of the funds provided in this Act or in any other Act making appropriations for fiscal year 2001 may be used to administer or implement in Arizona or in the Kansas City, Missouri or in the Kansas City, Kansas area the Medicare Competitive Pricing Demonstration Project (operated by the Secretary of Health and Human Services).

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by March 1, 2001 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2001 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2000, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2000 State expenditures and all fiscal year 2001 obligations for tobacco prevention and compliance activities by program activity by July 31, 2001.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2001.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. Section 448 of the Public Health Service Act (42 U.S.C. 285g) is amended by inserting "gynecologic health," after "with respect to".

SEC. 216. None of the funds appropriated under this Act shall be expended by the National Institutes of Health on a contract for the *care of the 288 chimpanzees acquired by the National Institutes of Health from the Coulston Foundation, unless the contractor is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has a Public Health Services assurance, and has not been charged multiple times with egregious violations of the Animal Welfare Act: Provided, That the requirements of section 481(A)(e)(1) shall not apply to funds awarded to nonhuman primate research facilities of special interest to NIH.*

SEC. 217. No grants may be awarded under the first paragraph under the heading "Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services" in chapter 4 of title II of the Emergency Supplemental Act, 2000 (Public Law 106–246, division B) until March 1, 2001.

SEC. 218. (a) The second sentence of section 5948(d) of title 5, United States Code, is amended to read as follows: "No agreement shall be entered into under this section later than September 30, 2005, nor shall any agreement cover a period of service extending beyond September 30, 2007.".

(b) Section 3 of the Federal Physicians Comparability Allowance Act of 1978 (5 U.S.C. 5948 note) is amended by striking "September 30, 2002" and inserting "September 30, 2007".

SEC. 219. (a) Congress makes the following findings:

(1) Organ procurement organizations play an important role in the effort to increase organ donation in the United States.

(2) The current process for the certification and recertification of organ procurement organizations conducted by the Department of Health and Human Services has created a level of uncertainty that is interfering with the effectiveness of organ procurement organizations in raising the level of organ donation.

(3) The General Accounting Office, the Institute of Medicine, and the Harvard School of Public Health have identified substantial limitations in the organ procurement organization certification and recertification process and have recommended changes in that process.

(4) The limitations in the recertification process include:

(A) An exclusive reliance on population-based measures of performance that do not account for the potential in the population for organ donation and do not permit consideration of other outcome and process standards that would more accurately reflect the relative capability and performance of each organ procurement organization.

(B) A lack of due process to appeal to the Secretary of Health and Human Services for recertification on either substantive or procedural grounds.

(5) The Secretary of Health and Human Services has the authofity under section 1138(b)(1)(A)(i) of the Social Security Act (42 U.S.C. 1320b–8(b)(1)(A)(i)) to extend the period for recertification of an organ procurement organization from 2 to 4 years on the basis of its past practices in order to avoid the inappropriate disruption of the nation's organ system.

(6) The Secretary of Health and Human Services can use the extended period described in paragraph (5) for recertification of all organ procurement organizations to—

(A) develop improved performance measures that would reflect organ donor potential and interim outcomes, and to test these measures to ensure that they accurately measure performance differences among the organ procurement organizations; and

(B) improve the overall certification process by incorporating process as well as outcome performance measures, and developing equitable processes for appeals.

(b) Section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(2) by realigning the margin of subparagraph (F) (as so redesignated) so as to align with subparagraph (E) (as so redesignated); and

(3) by inserting after subparagraph (C) the following:

"(D) notwithstanding any other provision of law, has met the other requirements of this section and has been certified or recertified by the Secretary within the previous 4-year period as meeting the performance standards to be a qualified organ procurement organization through a process that either—

"(i) granted certification or recertification within such 4-year period with such certification or recertification in effect as of January 1, 2000, and remaining in effect through the earlier of—

"(I) January 1, 2002; or

"(II) the completion of recertification under the requirements of clause (ii); or

"(ii) is defined through regulations that are promulgated by the Secretary by not later than January 1, 2002, that—

"(I) require recertifications of qualified organ procurement organizations not more frequently than once every 4 years;

"(II) rely on outcome and process performance measures that are based on empirical evidence, obtained through reasonable efforts, of organ donor potential and other related factors in each service area of qualified organ procurement organizations;

"(III) use multiple outcome measures as part of the certification process; and

"(IV) provide for a qualified organ procurement organization to appeal a decertification to the Secretary on substantive and procedural grounds;".

SEC. 220. (a) In order for the Centers for Disease Control and Prevention to carry out international HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2001, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, subject to the limitations set forth in subsection (b), and

(2) enter into reimbursable agreements with the Department of State using any funds appropriated to the Department of Health and Human Services, for the purposes for which the funds were appropriated in accordance with authority granted to the Secretary of Health and Human Services or under authority governing the activities of the Department of State.

(b) In exercising the authority set forth in subsection (a)(1), the Secretary of Health and Human Services—

(1) shall not award contracts for performance of an inherently governmental function; and

(2) shall follow otherwise applicable Federal procurement laws and regulations to the maximum extent practicable.

SEC. 221. Notwithstanding any other provision of law, the Director, National Institutes of Health, may enter into and administer a long-term lease for facilities for the purpose of providing laboratory, office and other space for biomedical and behavioral research at the Bayview Campus in Baltimore, Maryland: Provided, That the House and Senate Appropriations Committees will be notified of the terms and conditions of the lease upon its execution.

SEC. 222. Of the funds appropriated in this Act for the National Institutes of Health, $5,800,000 shall be transferred to the Office of the Secretary, General Departmental Management to support the newly established Office for Human Research Protections.

SEC. 223. Section 487E(a)(1) of the Public Health Service Act is amended by striking "as employees of the National Institutes of Health".

SEC. 224. Notwithstanding any other provision of law relating to vacancies in offices for which appointments must be made by the President, including any time limitation on serving in an acting capacity, the Acting Director of the National Institutes of Health as of January 12, 2000, may serve in that position until a new Director of the National Institutes of Health is confirmed by the Senate.

SEC. 225. The National Neuroscience Research Center to be constructed on the National Institutes of Health Bethesda campus is hereby named the John Edward Porter Neuroscience Research Center.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 2001".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by title IV of the Goals 2000: Educate America Act as in effect prior to September 30, 2000, and sections 3122, 3132, 3136, and 3141, parts B, C, and D of title III, and section 10105 and part I of title X of the Elementary and Secondary Education Act of 1965, $1,880,710,000, of which $38,000,000 shall be for the Goals 2000: Educate America Act, and of which $191,950,000 shall be for section 3122: Provided, That up to one-half of 1 percent of the amount available under section 3132 shall be set aside for the outlying areas, to be distributed on the basis of their relative need as determined by the Secretary in accordance with the purposes of the program: Provided further, That if any State educational agency does not apply for a grant under section 3132, that State's allotment under section 3131 shall be reserved by the Secretary for grants to local educational agencies in that State that apply directly to the Secretary according to the terms and conditions published by the Secretary in the Federal Register: Provided further, That with respect to all funds appropriated to carry out section 10901 et seq. in this Act, the Secretary shall strongly encourage applications for grants that are to be submitted jointly by a local educational agency (or a consortium of local educational agencies) and a community-based organization that has experience in providing before- and after-school services and all applications submitted to the Secretary shall contain evidence that the project contains elements that are designed to assist students in meeting or exceeding state and local standards in core academic subjects, as appropriate to the needs of participating children: Provided further, That $125,000,000, which shall become available on July 1, 2001, and remain available through September 30, 2002, shall be available to support activities under section 10105 of part A of title X of the Elementary and Secondary Education Act of 1965, of which up to 6 percent shall become available October 1, 2000, and be available for evaluation, technical assistance, school networking, peer review of applications, and program outreach activities: Provided further, That funds made available to local educational agencies under this section shall be used only for activities related to establishing smaller learning communities in high schools: Provided further, That $46,328,000 of the funds available to carry out section 3136 of the Elementary and Secondary Education Act of 1965, $8,768,000 of the funds available to carry out part B of title III of that Act and $20,614,000 of the funds available to carry out part I of title X of that Act shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act of 1965, $9,532,621,000, of which $2,731,921,000 shall become available on July 1, 2001, and shall remain available through September 30, 2002, and of which $6,758,300,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001–2002: Provided, That $7,332,721,000 shall be available for basic grants under section 1124: Provided further, That $225,000,000 of these funds shall be allocated among the States in the same proportion as funds are allocated among the States under section 1122, to carry out section 1116(c): Provided further, That 100 percent of these funds shall be allocated by states to local educational agencies for the purposes of carrying out section 1116(c): Provided further, That all local educational agencies receiving an allocation under the preceding proviso, and all other local educational agencies that are within a State that receives funds under part A of title I of the Elementary and Secondary Education Act of 1965 (other than a local educational agency within a State receiving a minimum grant under section 1124(d) or 1124A(a)(1)(B) of such Act), shall provide all students enrolled in a school identified under section 1116(c) with the option to transfer to another public school within the local educational agency, including a public charter school, that has not been identified for school improvement under section 1116(c), unless such option to transfer is prohibited by State law, or local law, which includes school board-approved local educational agency policy: Provided further, That if the local educational agency demonstrates to the satisfaction of the State educational agency that the local educational agency lacks the capacity to provide all students with the option to transfer to another public school, and after giving notice to the parents of children affected that it is not possible, consistent with State and local law, to accommodate the transfer request of every student, the local educational agency shall permit as many students as possible (who shall be selected by the local educational agency on an equitable basis) to transfer to a public school that has not been identified for school improvement under section 1116(c): Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 2000, to obtain updated local educational agency level census poverty data from the Bureau of the Census: Provided further, That $1,364,000,000 shall be available for concentration grants under section 1124A: Provided further, That grant awards under sections 1124 and 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be not less than the greater of 100 percent of the amount each State and local educational agency received under this authority for fiscal year 2000 or the amount such State and local educational agency would receive if $6,883,503,000 for Basic Grants and $1,222,397,000 for Concentration Grants were allocated in accordance with section 1122(c)(3) of title I: Provided further, That notwithstanding any other provision of law, grant awards under section 1124A of title I of the Elementary and Secondary Education Act of 1965 shall be made to those local educational agencies that received a Concentration Grant under the Department of Education Appropriations Act, 2000, but are not eligible to receive such a grant for fiscal year 2001: Provided further, That the Secretary shall not take into account the hold harmless provisions in this section in determining State allocations under any other program administered by the Secretary in any fiscal year: Provided further, That $8,900,000 shall be available for evaluations under section 1501 and not more than $8,500,000 shall be reserved for section 1308, of which not more than $3,000,000 shall be reserved for section 1308(d): Provided further, That $210,000,000 shall be available under section 1002(g)(2) to demonstrate effective approaches to comprehensive school reform to be allocated and expended in accordance with the instructions relating to this activity in the statement of the managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying Public Law 105–277: Provided further, That in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children served by title I to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $993,302,000, of which $882,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $12,802,000 shall be for construction under section 8007, $40,500,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008: Provided, That $6,802,000 of the funds for section 8007 shall be available for the local educational agencies and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That from the amount appropriated for section 8002, the Secretary shall treat as timely filed, and shall process for payment, an application for a fiscal year 1999 payment from Academy School District 20, Colorado, under that section if the Secretary has received that application not later than 30 days after the enactment of this Act: Provided further, That the Secretary of Education shall consider the local educational agency serving the Kadoka School District, 35–1, in South Dakota, eligible for payments under section 8002 for fiscal year 2001 and each succeeding fiscal year, with respect to land in Washabaugh and Jackson Counties, South Dakota, that is owned by the Department of Defense and used as a bombing range: Provided further, That from the amount appropriated for section 8002, the Secretary shall first increase the payment of any local educational agency that was denied funding or had its payment reduced under that section for fiscal year 1998 due to section 8002(b)(1)(C) to the amount that would have been made without the limitation of that section: Provided further, That from the amount appropriated for section 8002, $500,000 shall be for subsection 8002(j).

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV, V–A and B, VI, IX, X, and XIII of the Elementary and Secondary Education Act of 1965 ("ESEA"); the McKinney-Vento Homeless Assistance Act; and the Civil Rights Act of 1964 and part B of title VIII of the Higher Education Amendments of 1998; $4,872,084,000, of which $2,403,750,000 shall become available on July 1, 2001, and remain available through September 30, 2002, and of which $1,765,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002 for academic year 2001–2002: Provided, That $485,000,000 shall be available for Eisenhower professional development State grants under part B of title II of the Elementary and Secondary Education Act of 1965: Provided further, That each local educational agency shall use funds in excess of the allocation it received under such part for the preceding fiscal year to improve teacher quality by reducing the percentage of teachers who do not have State certification or are certified through emergency or provisional means; are teaching out of field in some or all of the subject areas and grade levels in which they teach; or who lack sufficient content knowledge to teach effectively in the areas they teach to obtain that knowledge: Provided further, That the local educational agency may also use such excess funds for: activities authorized under section 2210 of the Elementary and Secondary Education Act of 1965; mentoring programs for new teachers; providing opportunities for teachers to attend multi-week institutes, such as those provided in the summer months, that provide intensive professional development in partnership with local educational agencies; and carrying out initiatives to promote the retention of highly qualified teachers who have a record of success in helping low-achieving students improve their academic success: Provided further, That each State educational agency may use such excess funds to carry out activities under section 2207 of the Elementary and Secondary Education Act of 1965: Provided further, That each State agency for higher education may use such excess funds to carry out activities under section 2211 of the Elementary and Secondary Education Act of 1965: Provided further, That both State educational agencies and State agencies for higher education may also use such excess funds for multi-week institutes, such as those provided in the summer months, that provide intensive professional development in partnership with local educational agencies; and grants to partnerships of such entities as local educational agencies, institutions of higher education, and private business, to recruit, and prepare, and provide professional development to, and help retain, school principals and superintendents, especially for such individuals who serve, or are preparing to serve, in high-poverty, low-performing schools and local educational agencies: Provided further, That such activities may be undertaken in consortium with other States: Provided further, That of the funds appropriated for part B of title II of the Elementary and Secondary Education Act of 1965, $45,000,000 shall be available to States and allocated in accordance with section 2202(b) of that Act (except that the requirements of section 2203 shall not apply): Provided further, That notwithstanding any other provision of law, each State shall use the amount made available under the preceding proviso to support efforts to meet the requirements for State eligibility for the Ed-Flex Partnership Act of 1999 or the requirements under section 1111 of title I of the Elementary and Secondary Education Act of 1965: Provided further, That $44,000,000 shall be available for national activities under section 2102 of the Elementary and Secondary Education Act of 1965: Provided further, That of the amount available in the preceding proviso, $3,000,000 shall be made available to the Secretary for the Troops-to-Teachers Program for transfer to the Defense Activity for Non-Traditional Education Support of the Department of Defense: Provided further, That the funds transferred under the preceding proviso shall be used by the Secretary of Defense to administer the Troops-to-Teachers Program, including the selection of participants in the Program under the Troops-to-Teachers Program Act of 1999 (title XVII of Public Law 106–65; 20 U.S.C. 9301 et seq.): Provided further, That for purposes of sections 1702(b) and (c) of the Troops-to-Teachers Program Act of 1999, the Secretary of Education shall be the administering Secretary and may, at the Secretary's discretion, carry out the activities under section

1702(c) of that Act and retain a portion of the funds made available for the Troops-to-Teachers Program to carry out section 1702(b) and (c) of that Act: Provided further, That of the amount made available under this heading for national activities under section 2102 of the Elementary and Secondary Education Act of 1965, the Secretary is authorized to use a portion of such funds to carry out activities to improve the knowledge and skills of early childhood educators and caregivers who work in urban or rural communities with high concentrations of young children living in poverty: Provided further, That of the amount appropriated, $3,208,000,000 shall be for title VI of the Elementary and Secondary Education Act of 1965 and to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.): Provided further, That of the amount made available for title VI, $1,623,000,000 shall be available, notwithstanding any other provision of law, in accordance with section 306 of this Act in order to reduce class size, particularly in the early grades, using highly qualified teachers to improve educational achievement for regular and special needs children: Provided further, That of the amount made available for title VI, $1,200,000,000 shall be available, notwithstanding any other provision of law, for grants for school repair and renovation, activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and technology activities, in accordance with section 321 of this Act: Provided further, That funds made available under this heading to carry out section 6301(b) of the Elementary and Secondary Education Act of 1965 shall be available for education reform projects that provide same gender schools and classrooms, consistent with applicable law: Provided further, That of the amount made available to carry out activities authorized under part C of title IX of the Elementary and Secondary Education Act of 1965, $1,000,000 shall be for the Alaska Humanities Forum for operation of the Rose student exchange program and $1,000,000 shall be for the Alaska Native Heritage Center to support its program of cultural education activities: Provided further, That of the amount made available for subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965, $10,000,000, to remain available until expended, shall be for Project School Emergency Response to Violence to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

READING EXCELLENCE

For necessary expenses to carry out the Reading Excellence Act, $91,000,000, which shall become available on July 1, 2001 and shall remain available through September 30, 2002 and $195,000,000 which shall become available on October 1, 2001 and remain available through September 30, 2002.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title IX, part A of the Elementary and Secondary Education Act of 1965, as amended, $115,500,000.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by parts A and C and section 7203 of title VII of the Elementary and Secondary Education Act of 1965, $460,000,000: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $7,439,948,000, of which $2,090,452,000 shall become available for obligation on July 1, 2001, and shall remain available through September 30, 2002, and of which $5,072,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002, for academic year 2001–2002: Provided, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials: Provided further, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the Act to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: Provided further, That $7,353,000 of the funds for section 672 of the Act shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,805,339,000: Provided, That the funds provided for title I of the Assistive Technology Act of 1998 ("the AT Act") shall be allocated notwithstanding section 105(b)(1) of the AT Act: Provided further, That each State shall be provided $50,000 for activities under section 102 of the AT Act: Provided further, That $15,000,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants: Provided further, That $4,600,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That $400,000 of the funds for title II of the Rehabilitation Act of 1973 shall be for the Cerebral Palsy Research Foundation in Wichita, Kansas for the establishment of a Rehabilitation Research and Training Center to study and recommend incentives for employers to hire persons with significant disabilities.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $12,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $53,376,000, of which $5,376,000 shall be for construction and shall remain available until expended: Provided, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $89,400,000: Provided, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Act of 1965, as amended, and Public Law 102–73, $1,825,600,000, of which $1,000,000 shall remain available until expended, and of which $1,028,000,000 shall become available on July 1, 2001 and shall remain available through September 30, 2002 and of which $791,000,000 shall become available on October 1, 2001 and shall remain available through September 30, 2002: Provided, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,600,000 shall be for tribally controlled postsecondary vocational and technical institutions under section 117: Provided further, That $9,000,000 shall be for carrying out section 118 of such Act: Provided further, That of the amounts made available for the Carl D. Perkins Vocational and Technical Education Act, $5,000,000 shall be for demonstration activities authorized by section 207: Provided further, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: Provided further, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: Provided further, That of the amounts made available for the Adult Education and Family Literacy Act, $14,000,000 shall be for national leadership activities under section 243 and $6,500,000 shall be for the National Institute for Literacy under section 242: Provided further, That $22,000,000 shall be for Youth Offender Grants, of which $5,000,000 shall be used in accordance with section 601 of Public Law 102–73 as that section was in effect prior to the enactment of Public Law 105–220.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3 and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $10,674,000,000, which shall remain available through September 30, 2002.

The maximum Pell Grant for which a student shall be eligible during award year 2001–2002 shall be $3,750: Provided, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2000 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $48,000,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, *and VII of the Higher Education Act of 1965, as amended, section 1543 of the Higher Education Amendments of 1992 and title VIII of the Higher Education Amendments of 1998, and the Mutual Educational and Cultural Exchange Act of 1961, $1,911,710,000, of which $10,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: Provided, That $10,000,000, to remain available through September 30, 2002, shall be available to fund fellowships for academic year 2002–2003 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: Provided further, That $3,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993: Provided further, That $15,000,000 shall be available for tribally controlled colleges and universities under section 316 of the Higher Education Act of 1965, of which $5,000,000 shall be used for construction and renovation: Provided further, That $250,000 shall be for the Web-Based Education Commission to continue activities authorized under part J of title VIII of the Higher Education Amendments of 1998: Provided further, That $115,487,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act.*

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $232,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; section 2102 of title II, parts A, B, K, and L and sections 10102 and 10601 of title X, and part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of Public Law 103–227, $732,721,000: Provided, That of the funds appropriated for part A of title X of the Elementary and Secondary Education Act of 1965, as amended, $5,000,000 shall be made available for a high school reform program of grants to State educational agencies to improve academic performance and provide technical skills training: Provided further, That of the funds appropriated for part A of title X of the Elementary and Secondary Education Act of 1965, as amended, $5,000,000 shall be made available to carry out part L of title X of the Act: Provided further, That of the amount available for part A of title X of the Elementary and Secondary Education Act of 1965, as amended, $5,000,000 shall be available for grants to State and local educational agencies, in collaboration with other agencies and organizations, for school dropout prevention programs designed to address the needs of populations or communities with the highest dropout rates: Provided further, That of the amount made available for part A of title X of the Elementary and Secondary Education Act of 1965, as amended, $50,000,000 shall be made available to enable the Secretary of Education to award grants to develop, implement, and strengthen programs to teach American history (not social studies) as a separate subject within school curricula: Provided further, That $53,000,000 of the amount available for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227 and $20,000,000 of that $53,000,000 shall be made available for the Interagency Education Research Initiative: Provided further, That of the funds appropriated for part A of title X of the Elementary and Secondary Education Act, as amended, $50,000,000 shall be available to demonstrate effective approaches to comprehensive school reform, to be allocated and expended in accordance with the instructions relating to this activity in the statement of managers on the conference report accompanying Public Law 105–78 and in the statement of the managers on the conference report accompanying Public Law 105–277: Provided further, That the funds made available for comprehensive school reform shall become available on July 1, 2001, and remain available through September 30, 2002, and in carrying out this initiative, the Secretary and the States shall support only approaches that show the most promise of enabling children to meet challenging State content standards and challenging State student performance standards based on reliable research and effective practices, and include an emphasis on basic academics and parental involvement: Provided further, That $139,624,000 of the funds for section 10101 of the Elementary and Secondary Education Act of 1965 shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That of the funds appropriated under section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $2,000,000 shall be used to conduct a violence prevention demonstration program: Provided further, That of the funds available for section 10601 of title X of the Elementary and Secondary Education Act of 1965, as amended, $150,000 shall be awarded to the Center for Educational Technologies to complete production and distribution of an effective CD–ROM product that would complement the "We the People: The Citizen and the Constitution" curriculum: Provided further, That, of the funds for title VI of Public Law 103–227 and notwithstanding the provisions of section 601(c)(1)(C) of that Act, $1,200,000 shall be available to the Center for Civic Education to conduct a civic education program with Northern Ireland and the Republic of Ireland and, consistent with the civics and Government activities authorized in section 601(c)(3) of Public Law 103–227, to provide civic education assistance to democracies in developing countries. The term "developing countries" shall have the same meaning as the term "developing country" in the Education for the Deaf Act.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $413,184,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $76,000,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $36,500,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: Provided, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. The Comptroller General of the United States shall evaluate the extent to which funds made available under part A of title I of the Elementary and Secondary Education Act of 1965 are allocated to schools and local educational agencies with the greatest concentrations of school-age children from low-income families, the extent to which allocations of such funds adjust to shifts in concentrations of pupils from low-income families in different regions, States, and substate areas, the extent to which the allocation of such funds encourages the targeting of State funds to areas with higher concentrations of children from low-income families, and the implications of current distribution methods for such funds, shall make formula and other policy recommendations to improve the targeting of such funds to more effectively serve low-income children in both rural and urban areas, and shall prepare interim and final reports based on the results of the study, to be submitted to Congress not later than February 1, 2001, and April 1, 2001.

SEC. 306. (a) From the amount appropriated for title VI of the Elementary and Secondary Education Act of 1965 in accordance with this section, the Secretary of Education—

(1) shall make available a total of $6,000,000 to the Secretary of the Interior (on behalf of the Bureau of Indian Affairs) and the outlying areas for activities under this section; and

(2) shall allocate the remainder by providing each State the same percentage of that remainder as it received of the funds allocated to States under section 307(a)(2) of the Department of Education Appropriations Act, 1999.

(b)(1) Each State that receives funds under this section shall distribute 100 percent of such funds to local educational agencies, of which—

(A) 80 percent of such amount shall be allocated to such local educational agencies in proportion to the number of children, aged 5 to 17, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the most recent fiscal year for which satisfactory data are available compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for that fiscal year; and

(B) 20 percent of such amount shall be allocated to such local educational agencies in accordance with the relative enrollments of children, aged 5 to 17, in public and private nonprofit elementary and secondary schools within the boundaries of such agencies.

(2) Notwithstanding paragraph (1), if the award to a local educational agency under this section is less than the starting salary for a new fully qualified teacher in that agency, who is certified within the State (which may include certification through State or local alternative routes), has a baccalaureate degree, and demonstrates the general knowledge, teaching skills, and subject matter knowledge required to teach in his or her content areas, that agency may use funds under this section to (A) help pay the salary of a full- or part-time teacher hired to reduce class size, which may be in combination with other Federal, State, or local funds; or (B) pay for activities described in subsection (c)(2)(A)(iii) which may be related to teaching in smaller classes.

(c)(1) The basic purpose and intent of this section is to reduce class size with fully qualified teachers. Each local educational agency that receives funds under this section shall use such funds to carry out effective approaches to reducing class size with fully qualified teachers who are certified within the State, including teachers certified through State or local alternative routes, and who demonstrate competency in the areas in which they teach, to improve educational achievement for both regular and special needs children, with particular consideration given to reducing class size in the early elementary grades for which some research has shown class size reduction is most effective.

(2)(A) Each such local educational agency may use funds under this section for—

(i) recruiting (including through the use of signing bonuses, and other financial incentives), hiring, and training fully qualified regular and special education teachers (which may include hiring special education teachers to team-teach with regular teachers in classrooms that contain both children with disabilities and non-disabled children) and teachers of special-needs children who are certified within the State, including teachers certified through State or local alternative routes, have a baccalaureate degree and demonstrate the general knowledge, teaching skills, and subject matter knowledge required to teach in their content areas;

(ii) testing new teachers for academic content knowledge and to meet State certification requirements that are consistent with title II of the Higher Education Act of 1965; and

(iii) providing professional development (which may include such activities as those described in section 2210 of the Elementary and Secondary Education Act of 1965, opportunities for teachers to attend multi-week institutes, such as those made available during the summer months that provide intensive professional development in partnership with local educational agencies and initiatives that promote retention and mentoring), to teachers, including special education teachers and teachers of special-needs children, in order to meet the goal of ensuring that all instructional staff have the subject matter knowledge, teaching knowledge, and teaching skills necessary to teach effectively in the content area or areas in which they provide instruction, consistent with title II of the Higher Education Act of 1965.

(B)(i) Except as provided under clause (ii), a local educational agency may use not more than a total of 25 percent of the award received under this section for activities described in clauses (ii) and (iii) of subparagraph (A).

(ii) A local educational agency in which 10 percent or more of teachers in elementary schools, as defined by section 14101(14) of the Elementary and Secondary Education Act of 1965, have not met applicable State and local certification requirements (including certification through State or local alternative routes), or if such requirements have been waived, may use more than 25 percent of the funds it receives under this section for activities described in subparagraph (A)(iii) to help teachers who are not certified by the State become certified, including through State or local alternative routes, or to help teachers affected by class size reduction who lack sufficient content knowledge to teach effectively in the areas they teach to obtain that knowledge, if the local educational agency notifies the State educational agency of the percentage of the funds that it will use for the purpose described in this clause.

(C) A local educational agency that has already reduced class size in the early grades to 18 or less children (or has already reduced class size to a State or local class size reduction goal that was in effect on the day before the enactment of the Department of Education Appropriations Act, 2000, if that State or local educational agency goal is 20 or fewer children) may use funds received under this section—

(i) to make further class size reductions in grades kindergarten through 3;

(ii) to reduce class size in other grades; or

(iii) to carry out activities to improve teacher quality including professional development.

(D) If a local educational agency has already reduced class size in the early grades to 18 or fewer children and intends to use funds provided under this section to carry out professional development activities, including activities to improve teacher quality, then the State shall make the award under subsection (b) to the local educational agency.

(3) Each such agency shall use funds under this section only to supplement, and not to supplant, State and local funds that, in the absence of such funds, would otherwise be spent for activities under this section.

(4) No funds made available under this section may be used to increase the salaries or provide benefits, other than participation in professional development and enrichment programs, to teachers who are not hired under this section. Funds under this section may be used to pay the salary of teachers hired under section 307 of the Department of Education Appropriations Act, 1999, or under section 310 of the Department of Education Appropriations Act, 2000.

(d)(1) Each State receiving funds under this section shall report on activities in the State under this section, consistent with section 6202(a)(2) of the Elementary and Secondary Education Act of 1965.

(2) Each State and local educational agency receiving funds under this section shall publicly report to parents on its progress in reducing class size, increasing the percentage of classes in core academic areas taught by fully qualified teachers who are certified within the State and demonstrate competency in the content areas in which they teach, and on the impact that hiring additional highly qualified teachers and reducing class size, has had, if any, on increasing student academic achievement.

(3) Each school receiving funds under this section shall provide to parents, upon request, the professional qualifications of their child's teacher.

(e) If a local educational agency uses funds made available under this section for professional development activities, the agency shall ensure for the equitable participation of private nonprofit elementary and secondary schools in such activities. Section 6402 of the Elementary and Secondary Education Act of 1965 shall not apply to other activities under this section.

(f) A local educational agency that receives funds under this section may use not more than 3 percent of such funds for local administrative costs.

(g) Each local educational agency that desires to receive funds under this section shall include in the application required under section 6303 of the Elementary and Secondary Education Act of 1965 a description of the agency's program to reduce class size by hiring additional highly qualified teachers.

(h) No funds under this section may be used to pay the salary of any teacher hired with funds under section 307 of the Department of Education Appropriations Act, 1999, unless, by the start of the 2001–2002 school year, the teacher is certified within the State (which may include certification through State or local alternative routes) and demonstrates competency in the subject areas in which he or she teaches.

(i) Not later than 30 days after the date of the enactment of this Act, the Secretary shall provide specific notification to each local educational agency eligible to receive funds under this part regarding the flexibility provided under subsection (c)(2)(B)(ii) and the ability to use such funds to carry out activities described in subsection (c)(2)(A)(iii).

SEC. 307. Section 412 of the National Education Statistics Act of 1994 (Public Law 103-382) is amended—

(1) in subsection 412(c)(1), after "period of" and before "years,", by striking "3" and inserting "4"; and

(2) after "expiration of such term.", by adding the following new subsection:

"(4) CONFORMING PROVISION.—Members of the Board previously granted 3 year terms, whose terms are in effect on the date of enactment of the Department of Education Appropriations Act, 2001, shall have their terms extended by one year.".

SEC. 308. (a) Section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(2)) is amended by adding at the end thereof the following new subparagraph:

"(D) Notwithstanding the first sentence of subparagraph (A), the Secretary shall restore the eligibility to participate in a program under subpart 1 of part A, part B, or part D of an institution that did not appeal its loss of eligibility within 30 days of receiving notification if the Secretary determines, on a case-by-case basis, that the institution's failure to appeal was substantially justified under the circumstances, and that—

"(i) the institution made a timely request that the appropriate guaranty agency correct errors

in the draft data used to calculate the institution's cohort default rate;

"(ii) the guaranty agency did not correct the erroneous data in a timely fashion; and

"(iii) the institution would have been eligible if the erroneous data had been corrected by the guaranty agency.".

(b) The amendment made by subsection (a) of this section shall be effective for cohort default rate calculations for fiscal years 1997 and 1998.

SEC. 309. Section 439(r)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087–2(r)(2)) is amended—

(1) in clause (A)(i), by striking "auditors and examiners" and inserting "and fix the compensation of such auditors and examiners as may be necessary"; and

(2) by inserting at the end of subparagraph (E) the following new subparagraph:

"(F) COMPENSATION OF AUDITORS AND EXAMINERS.—

"(i) RATES OF PAY.—Rates of basic pay for all auditors and examiners appointed pursuant to subparagraph (A) may be set and adjusted by the Secretary of the Treasury without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

"(ii) COMPARABILITY.—

"(I) IN GENERAL.—Subject to section 5373 of title 5, United States Code, the Secretary of the Treasury may provide additional compensation and benefits to auditors and examiners appointed pursuant to subparagraph (A) if the same type of compensation or benefits are then being provided by any agency referred to in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) or, if not then being provided, could be provided by such an agency under applicable provisions of law, rule, or regulation.

"(II) CONSULTATION.—In setting and adjusting the total amount of compensation and benefits for auditors and examiners appointed pursuant to subparagraph (A), the Secretary of the Treasury shall consult with, and seek to maintain comparability with, the agencies referred to in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).".

SEC. 310. Section 117(i) of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2327(i)) is amended by inserting "such sums as may be necessary for" before "each of the 4 succeeding fiscal years.".

SEC. 311. Section 432(m)(1) of the Higher Education Act of 1965 (20 U.S.C. 1082(m)(1)) is amended—

(1) by striking clause (iv) of subparagraph (D); and

(2) by adding at the end the following new subparagraph:

"(E) PERFECTION OF SECURITY INTERESTS IN STUDENT LOANS.—

"(i) IN GENERAL.—Notwithstanding the provisions of any State law to the contrary, including the Uniform Commercial Code as in effect in any State, a security interest in loans made under this part, on behalf of any eligible lender (as defined in section 435(d)) shall attach, be perfected, and be assigned priority in the manner provided by the applicable State's law for perfection of security interests in accounts, as such law may be amended from time to time (including applicable transition provisions). If any such State's law provides for a statutory lien to be created in such loans, such statutory lien may be created by the entity or entities governed by such State law in accordance with the applicable statutory provisions that created such a statutory lien.

"(ii) COLLATERAL DESCRIPTION.—In addition to any other method for describing collateral in a legally sufficient manner permitted under the laws of the State, the description of collateral in any financing statement filed pursuant to this subparagraph shall be deemed legally sufficient if it lists such loans, or refers to records (identifying such loans) retained by the secured party or any designee of the secured party identified in such financing statement, including the debtor or any loan servicer.

"(iii) SALES.—Notwithstanding clauses (i) and (ii) and any provisions of any State law to the contrary, other than any such State's law providing for creation of a statutory lien, an outright sale of loans made under this part shall be effective and perfected automatically upon attachment as defined in the Uniform Commercial Code of such State.".

SEC. 312. Section 435(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)(5)) is amended—

(1) in subparagraph (A)(i), by striking "July 1, 2002," and inserting "July 1, 2004,";

(2) in subparagraph (B), by striking "1999, 2000, and 2001" and inserting "1999 through 2003".

SEC. 313. From the amounts made available for the "Fund for the Improvement of Education" under the heading "Education Research, Statistics, and Improvement", $10,000,000, to remain available until expended, shall be available to the Secretary of Education to be transferred to the Secretary of the Interior for an award to the National Constitution Center for construction activities authorized under Public Law 100–433.

SEC. 314. Section 4116(b)(4) of the Elementary and Secondary Education Act of 1965 is amended by striking subparagraph (D) and inserting in lieu thereof: "(D) the development and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and".

SEC. 315. The Secretary of Education shall review the nursing program operated by Graceland University in Lamoni, Iowa, and may exercise the waiver authority provided in section 102(a)(3)(B) of the Higher Education Act of 1965, without regard to the provisions of 34 CFR 600.7(b)(3)(ii), if the Secretary determines that such a waiver is appropriate.

SEC. 316. Section 415 of the Higher Education Act of 1965 is amended—

(1) in section 415A(a)(2), by striking "section 415F" and inserting "section 415E";

(2) in section 415E, by striking 415E(c) and inserting in lieu thereof the following:

"(c) AUTHORIZED ACTIVITIES.—Each State receiving a grant under this section may use the grant funds for—

"(1) making awards that—

"(A) supplement grants received under section 415C(b)(2) by eligible students who demonstrate financial need; or

"(B) provide grants under section 415C(b)(2) to additional eligible students who demonstrate financial need;

"(2) providing scholarships for eligible students—

"(A) who demonstrate financial need; and

"(B) who—

"(i) desire to enter a program of study leading to a career in—

"(I) information technology;

"(II) mathematics, computer science, or engineering;

"(III) teaching; or

"(IV) another field determined by the State to be critical to the State's workforce needs; or

"(ii) demonstrate merit or academic achievement; and

"(3) making awards that—

"(A) supplement community service work-study awards received under section 415C(b)(2) by eligible students who demonstrate financial need; or

"(B) provide community service work-study awards under section 415C(b)(2) to additional eligible students who demonstrate financial need.".

(3) in section 415E, adding at the end the following new subsections:

"(f) SPECIAL RULE.—Notwithstanding subsection (d), for purposes of determining a State's share of the cost of the authorized activities described in subsection (c), the State shall consider only those expenditures from non-Federal sources that exceed its total expenditures for need-based grants, scholarships, and work-study assistance for fiscal year 1999 (including any such assistance provided under this subpart).

"(g) USE OF FUNDS FOR ADMINISTRATIVE COSTS PROHIBITED.—A State receiving a grant under this section shall not use any of the grant funds to pay administrative costs associated with any of the authorized activities described in subsection (c).".

SEC. 317. (a) Section 402D of the Higher Education Act of 1965 (20 U.S.C. 1070a–14) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULE.—

"(1) USE FOR STUDENT AID.—A recipient of a grant that undertakes any of the permissible services identified in subsection (b) may, in addition, use such funds to provide grant aid to students.. A grant provided under this paragraph shall not exceed the maximum appropriated Pell Grant or, be less than the minimum appropriated Pell Grant, for the current academic year. In making grants to students under this subsection, an institution shall ensure that adequate consultation takes place between the student support service program office and the institution's financial aid office.

"(2) ELIGIBLE STUDENTS.—For purposes of receiving grant aid under this subsection, eligible students shall be current participants in the student support services program offered by the institution and be—

"(A) students who are in their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1; or

"(B) students who have completed their first 2 years of postsecondary education and who are receiving Federal Pell Grants under subpart 1 if the institution demonstrates to the satisfaction of the Secretary that—

"(i) these students are at high risk of dropping out; and

"(ii) it will first meet the needs of all its eligible first- and second-year students for services under this paragraph.

"(3) DETERMINATION OF NEED.—A grant provided to a student under paragraph (1) shall not be considered in determining that student's need for grant or work assistance under this title, except that in no case shall the total amount of student financial assistance awarded to a student under this title exceed that student's cost of attendance, as defined in section 472.

"(4) MATCHING REQUIRED.—A recipient of a grant who uses such funds for the purpose described in paragraph (1) shall match the funds used for such purpose, in cash, from non-Federal funds, in an amount that is not less than 33 percent of the total amount of funds used for that purpose. This paragraph shall not apply to any grant recipient that is an institution of higher education eligible to receive funds under part A or B of title III or title V.

"(5) RESERVATION.—In no event may a recipient use more than 20 percent of the funds received under this section for grant aid.

"(6) SUPPLEMENT, NOT SUPPLANT.—Funds received by a grant recipient that are used under this subsection shall be used to supplement, and not supplant, non-Federal funds expended for student support services programs.".

(b) The amendments made by subsection (a) shall apply with respect to student support services grants awarded on or after the date of enactment of this Act.

SEC. 318. (a) Subparagraph (B) of section 427A(c)(4) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)(4)) is amended to read as follows:

"(B)(i) For any 12-month period beginning on July 1 and ending on or before June 30, 2001, the rate determined under this subparagraph is determined on the preceding June 1 and is equal to—

"(I) the bond equivalent rate of 52-week Treasury bills auctioned at the final auction held prior to such June 1; plus

"(II) 3.25 percent.

"(ii) For any 12-month period beginning on July 1 of 2001 or any succeeding year, the rate determined under this subparagraph is determined on the preceding June 26 and is equal to—

"(I) the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before such June 26; plus

"(II) 3.25 percent.".

(b) Subparagraph (A) of section 455(b)(4) of such Act (20 U.S.C. 1087e(b)(4)) is amended to read as follows:

"(A)(i) For Federal Direct PLUS Loans for which the first disbursement is made on or after July 1, 1994, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on or before June 30, 2001, be determined on the preceding June 1 and be equal to—

"(I) the bond equivalent rate of 52-week Treasury bills auctioned at final auction held prior to such June 1; plus

"(II) 3.1 percent,

except that such rate shall not exceed 9 percent.

"(ii) For any 12-month period beginning on July 1 of 2001 or any succeeding year, the applicable rate of interest determined under this subparagraph shall be determined on the preceding June 26 and be equal to—

"(I) the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before such June 26; plus

"(II) 3.1 percent,

except that such rate shall not exceed 9 percent.".

SEC. 319. Section 1543 of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is amended by adding at the end the following new subsection:

"(e) DESIGNATION.—Scholarships awarded under this section shall be known as 'B. J. Stupak Olympic Scholarships'.".

SEC. 320. (a) Subject to subsection (c), the Secretary of Education shall release the reversionary interests that were retained by the United States, as part of the conveyance of certain real property situated in the County of Marin, State of California, in an April 3, 1978 Quitclaim Deed, which was filed for record on June 5, 1978, in Book 3384, at page 33, of the official Records of Marin County, California.

(b) The Secretary shall execute the release of the reversionary interests under subsection (a) without consideration.

(c) The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instruments effectuating the release of the reversionary interests under subsection (a). In all other respects the provisions of the April 3, 1978 Quitclaim Deed shall remain intact.

SEC. 321. (a) GRANTS TO NATIVE AMERICAN SCHOOLS AND STATE EDUCATIONAL AGENCIES.—

(1) ALLOCATION OF FUNDS.—Of the amount made available under the heading "School improvement programs" for grants made in accordance with this section for school repair and renovation, activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and technology activities, the Secretary of Education shall allocate—

(A) $75,000,000 for grants to impacted local educational agencies (as defined in paragraph (3)) for school repair, renovation, and construction;

(B) $3,250,000 for grants to outlying areas for school repair and renovation in high-need schools and communities, allocated on such basis, and subject to such terms and conditions, as the Secretary determines appropriate;

(C) $25,000,000 for grants to public entities, private nonprofit entities, and consortia of such entities, for use in accordance with subpart 2 of part C of title X of the Elementary and Secondary Education Act of 1965; and

(D) the remainder to State educational agencies in proportion to the amount each State received under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) for fiscal year 2000, except that no State shall receive less than 0.5 percent of the amount allocated under this subparagraph.

(2) DETERMINATION OF GRANT AMOUNT.—

(A) DETERMINATION OF WEIGHTED STUDENT UNITS.—For purposes of computing the grant amounts under paragraph (1)(A) for fiscal year 2001, the Secretary shall determine the results obtained by the computation made under section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) with respect to children described in subsection (a)(1)(C) of such section and computed under subsection (a)(2)(B) of such section for such year—

(i) for each impacted local educational agency that receives funds under this section; and

(ii) for all such agencies together.

(B) COMPUTATION OF PAYMENT.—For fiscal year 2001, the Secretary shall calculate the amount of a grant to an impacted local educational agency by—

(i) dividing the amount described in paragraph (1)(A) by the results of the computation described in subparagraph (A)(ii); and

(ii) multiplying the number derived under clause (i) by the results of the computation described in subparagraph (A)(i) for such agency.

(3) DEFINITION.—For purposes of this section, the term "impacted local educational agency" means, for fiscal year 2001—

(A) a local educational agency that receives a basic support payment under section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) for such fiscal year; and

(B) with respect to which the number of children determined under section 8003(a)(1)(C) of such Act for the preceding school year constitutes at least 50 percent of the total student enrollment in the schools of the agency during such school year.

(b) WITHIN-STATE ALLOCATIONS.—

(1) ADMINISTRATIVE COSTS.—

(A) STATE EDUCATIONAL AGENCY ADMINISTRATION.—Except as provided in subparagraph (B), each State educational agency may reserve not more than 1 percent of its allocation under subsection (a)(1)(D) for the purpose of administering the distribution of grants under this subsection.

(B) STATE ENTITY ADMINISTRATION.—If the State educational agency transfers funds to a State entity described in paragraph (2)(A), the agency shall transfer to such entity 0.75 of the amount reserved under this paragraph for the purpose of administering the distribution of grants under this subsection.

(2) RESERVATION FOR COMPETITIVE SCHOOL REPAIR AND RENOVATION GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(A) IN GENERAL.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 75 percent of such funds to local educational agencies or, if such State educational agency is not responsible for the financing of education facilities, the agency shall transfer such funds to the State entity responsible for the financing of education facilities (referred to in this section as the "State entity") for distribution by such entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (c), for school repair and renovation.

(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

(i) IN GENERAL.—The State educational agency or State entity shall carry out a program of competitive grants to local educational agencies for the purpose described in subparagraph (A). Of the total amount available for distribution to such agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the competition—

(I) award to high poverty local educational agencies described in clause (ii), in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2000 bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State;

(II) award to rural local educational agencies in the State, in the aggregate, at least an amount which bears the same relationship to such total amount as the aggregate amount such rural local educational agencies received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2000 bears to the aggregate amount received for such fiscal year under such part by all local educational agencies in the State; and

(III) award the remaining funds to local educational agencies not receiving an award under subclause (I) or (II), including high poverty and rural local educational agencies that did not receive such an award.

(ii) HIGH POVERTY LOCAL EDUCATIONAL AGENCIES.—A local educational agency is described in this clause if—

(I) the percentage described in subparagraph (C)(i) with respect to the agency is 30 percent or greater; or

(II) the number of children described in such subparagraph with respect to the agency is at least 10,000.

(C) CRITERIA FOR AWARDING GRANTS.—In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

(i) The percentage of poor children 5 to 17 years of age, inclusive, in a local educational agency.

(ii) The need of a local educational agency for school repair and renovation, as demonstrated by the condition of its public school facilities.

(iii) The fiscal capacity of a local educational agency to meet its needs for repair and renovation of public school facilities without assistance under this section, including its ability to raise funds through the use of local bonding capacity and otherwise.

(iv) In the case of a local educational agency that proposes to fund a repair or renovation project for a charter school or schools, the extent to which the school or schools have access to funding for the project through the financing methods available to other public schools or local educational agencies in the State.

(v) The likelihood that the local educational agency will maintain, in good condition, any facility whose repair or renovation is assisted under this section.

(D) Possible matching requirement.—

(i) In general.—A State educational agency or State entity may require local educational agencies to match funds awarded under this subsection.

(ii) Match amount.—The amount of a match described in clause (i) may be established by using a sliding scale that takes into account the relative poverty of the population served by the local educational agency.

(3) Reservation for competitive IDEA or technology grants to local educational agencies.—

(A) In general.—Subject to the reservation under paragraph (1), of the funds allocated to a State educational agency under subsection (a)(1)(D), the State educational agency shall distribute 25 percent of such funds to local educational agencies through competitive grant processes, to be used for the following:

(i) To carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(ii) For technology activities that are carried out in connection with school repair and renovation, including—

(I) wiring;

(II) acquiring hardware and software;

(III) acquiring connectivity linkages and resources; and

(IV) acquiring microwave, fiber optics, cable, and satellite transmission equipment.

(B) Criteria for awarding IDEA grants.—In awarding competitive grants under subparagraph (A) to be used to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), a State educational agency shall take into account the following criteria:

(i) The need of a local educational agency for additional funds for a student whose individually allocable cost for expenses related to the Individuals with Disabilities Education Act substantially exceeds the State's average per-pupil expenditure (as defined in section 14101(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(2))).

(ii) The need of a local educational agency for additional funds for special education and related services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(iii) The need of a local educational agency for additional funds for assistive technology devices (as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) or assistive technology services (as so defined) for children being served under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(iv) The need of a local educational agency for additional funds for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) in order for children with disabilities to make progress toward meeting the performance goals and indicators established by the State under section 612(a)(16) of such Act (20 U.S.C. 1412).

(C) Criteria for awarding technology grants.—In awarding competitive grants under subparagraph (A) to be used for technology activities that are carried out in connection with school repair and renovation, a State educational agency shall take into account the need of a local educational agency for additional funds for such activities, including the need for the activities described in subclauses (I) through (IV) of subparagraph (A)(ii).

(c) Rules Applicable to School Repair and Renovation.—With respect to funds made available under this section that are used for school repair and renovation, the following rules shall apply:

(1) Permissible uses of funds.—School repair and renovation shall be limited to one or more of the following:

(A) Emergency repairs or renovations to public school facilities only to ensure the health and safety of students and staff, including—

(i) repairing, replacing, or installing roofs, electrical wiring, plumbing systems, or sewage systems;

(ii) repairing, replacing, or installing heating, ventilation, or air conditioning systems (including insulation); and

(iii) bringing public schools into compliance with fire and safety codes.

(B) School facilities modifications necessary to render public school facilities accessible in order to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(C) School facilities modifications necessary to render public school facilities accessible in order to comply with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

(D) Asbestos abatement or removal from public school facilities.

(E) Renovation, repair, and acquisition needs related to the building infrastructure of a charter school.

(2) Impermissible uses of funds.—No funds received under this section may be used for—

(A) payment of maintenance costs in connection with any projects constructed in whole or part with Federal funds provided under this section;

(B) the construction of new facilities, except for facilities for an impacted local educational agency (as defined in subsection (a)(3)); or

(C) stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

(3) Charter schools.—A public charter school that constitutes a local educational agency under State law shall be eligible for assistance under the same terms and conditions as any other local educational agency (as defined in section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18))).

(4) Supplement, not supplant.—Excluding the uses described in subparagraphs (B) and (C) of paragraph (1), a local educational agency shall use Federal funds subject to this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for school repair and renovation.

(d) Special Rule.—Each local educational agency that receives funds under this section shall ensure that, if it carries out repair or renovation through a contract, any such contract process ensures the maximum number of qualified bidders, including small, minority, and women-owned businesses, through full and open competition.

(e) Public Comment.—Each local educational agency receiving funds under paragraph (2) or (3) of subsection (b)—

(1) shall provide parents, educators, and all other interested members of the community the opportunity to consult on the use of funds received under such paragraph;

(2) shall provide the public with adequate and efficient notice of the opportunity described in paragraph (1) in a widely read and distributed medium; and

(3) shall provide the opportunity described in paragraph (1) in accordance with any applicable State and local law specifying how the comments may be received and how the comments may be reviewed by any member of the public.

(f) Reporting.—

(1) Local reporting.—Each local educational agency receiving funds under subsection (a)(1)(D) shall submit a report to the State educational agency, at such time as the State educational agency may require, describing the use of such funds for—

(A) school repair and renovation (and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)));

(B) activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); and

(C) technology activities that are carried out in connection with school repair and renovation, including the activities described in subclauses (I) through (IV) of subsection (b)(3)(A)(ii).

(2) State reporting.—Each State educational agency shall submit to the Secretary of Education, not later than December 31, 2002, a report on the use of funds received under subsection (a)(1)(D) by local educational agencies for—

(A) school repair and renovation (and construction, in the case of an impacted local educational agency (as defined in subsection (a)(3)));

(B) activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.); and

(C) technology activities that are carried out in connection with school repair and renovation, including the activities described in subclauses (I) through (IV) of subsection (b)(3)(A)(ii).

(3) Additional Reports.—Each entity receiving funds allocated under subsection (a)(1)(A) or (B) shall submit to the Secretary, not later than December 31, 2002, a report on its uses of funds under this section, in such form and containing such information as the Secretary may require.

(g) Applicability of Part B of IDEA.—If a local educational agency uses funds received under this section to carry out activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), such part (including provisions respecting the participation of private school children), and any other provision of law that applies to such part, shall apply to such use.

(h) Reallocation.—If a State educational agency does not apply for an allocation of funds under subsection (a)(1)(D) for fiscal year 2001, or does not use its entire allocation for such fiscal year, the Secretary may reallocate the amount of the State educational agency's allocation (or the remainder thereof, as the case may be) to the remaining State educational agencies in accordance with subsection (a)(1)(D).

(i) Participation of Private Schools.—

(1) In general.—Section 6402 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7372) shall apply to subsection (b)(2) in the same manner as it applies to activities under title VI of such Act, except that—

(A) such section shall not apply with respect to the title to any real property renovated or repaired with assistance provided under this section;

(B) the term "services" as used in section 6402 of such Act with respect to funds under this section shall be provided only to private, nonprofit elementary or secondary schools with a rate of

child poverty of at least 40 percent and may include for purposes of subsection (b)(2) only—

(i) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(ii) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(iii) asbestos abatement or removal from school facilities; and

(C) notwithstanding the requirements of section 6402(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7372(b)), expenditures for services provided using funds made available under subsection (b)(2) shall be considered equal for purposes of such section if the per-pupil expenditures for services described in subparagraph (B) for students enrolled in private nonprofit elementary and secondary schools that have child poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this section for children enrolled in the public schools in the school district of the local educational agency receiving funds under this section.

(2) REMAINING FUNDS.—If the expenditure for services described in paragraph (1)(B) is less than the amount calculated under paragraph (1)(C) because of insufficient need for such services, the remainder shall be available to the local educational agency for renovation and repair of public school facilities.

(3) APPLICATION.—If any provision of this section, or the application thereof, to any person or circumstances is judicially determined to be invalid, the provisions of the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

(j) DEFINITIONS.—For purposes of this section:

(1) CHARTER SCHOOL.—The term "charter school" has the meaning given such term in section 10310(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066(1)).

(2) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given such term in section 14101(14) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14)).

(3) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given such term in subparagraphs (A) and (B) of section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(4) OUTLYING AREA.—The term "outlying area" has the meaning given such term in section 14101(21) of the Elementary and Secondary Act of 1965 (20 U.S.C. 8801(21)).

(5) POOR CHILDREN AND CHILD POVERTY.—The terms "poor children" and "child poverty" refer to children 5 to 17 years of age, inclusive, who are from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant (42 U.S.C. 9902(2)) applicable to a family of the size involved for the most recent fiscal year for which data satisfactory to the Secretary are available.

(6) RURAL LOCAL EDUCATIONAL AGENCY.—The term "rural local educational agency" means a local educational agency that the State determines is located in a rural area using objective data and a commonly employed definition of the term "rural".

(7) SECONDARY SCHOOL.—The term "secondary school" has the meaning given such term in section 14101(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)).

(8) STATE.—The term "State" means each of the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 322. (a) Part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) is amended—

(1) by inserting after the part heading the following:

"Subpart 1—Basic Charter School Grant Program";

and

(2) by adding at the end the following:

"Subpart 2—Credit Enhancement Initiatives To Assist Charter School Facility Acquisition, Construction, and Renovation

"SEC. 10321. PURPOSE.

"The purpose of this subpart is to provide one-time grants to eligible entities to permit them to demonstrate innovative credit enhancement initiatives that assist charter schools to address the cost of acquiring, constructing, and renovating facilities.

"SEC. 10322. GRANTS TO ELIGIBLE ENTITIES.

"(a) IN GENERAL.—The Secretary shall use 100 percent of the amount available to carry out this subpart to award not less than 3 grants to eligible entities having applications approved under this subpart to demonstrate innovative methods of assisting charter schools to address the cost of acquiring, constructing, and renovating facilities by enhancing the availability of loans or bond financing.

"(b) GRANTEE SELECTION.—The Secretary shall evaluate each application submitted, and shall make a determination of which are sufficient to merit approval and which are not. The Secretary shall award at least one grant to an eligible entity described in section 10330(2)(A), at least one grant to an eligible entity described in section 10330(2)(B), and at least one grant to an eligible entity described in section 10330(2)(C), if applications are submitted that permit the Secretary to do so without approving an application that is not of sufficient quality to merit approval.

"(c) GRANT CHARACTERISTICS.—Grants under this subpart shall be of a sufficient size, scope, and quality so as to ensure an effective demonstration of an innovative means of enhancing credit for the financing of charter school acquisition, construction, or renovation.

"(d) SPECIAL RULE.—In the event the Secretary determines that the funds available are insufficient to permit the Secretary to award not less than 3 grants in accordance with subsections (a) through (c), such 3-grant minimum and the second sentence of subsection (b) shall not apply, and the Secretary may determine the appropriate number of grants to be awarded in accordance with subsection (c).

"SEC. 10323. APPLICATIONS.

"(a) IN GENERAL.—To receive a grant under this subpart, an eligible entity shall submit to the Secretary an application in such form as the Secretary may reasonably require.

"(b) CONTENTS.—An application under subsection (a) shall contain—

"(1) a statement identifying the activities proposed to be undertaken with funds received under this subpart, including how the applicant will determine which charter schools will receive assistance, and how much and what types of assistance charter schools will receive;

"(2) a description of the involvement of charter schools in the application's development and the design of the proposed activities;

"(3) a description of the applicant's expertise in capital market financing;

"(4) a description of how the proposed activities will leverage the maximum amount of private-sector financing capital relative to the amount of government funding used and otherwise enhance credit available to charter schools;

"(5) a description of how the applicant possesses sufficient expertise in education to evaluate the likelihood of success of a charter school program for which facilities financing is sought;

"(6) in the case of an application submitted by a State governmental entity, a description of the actions that the entity has taken, or will take, to ensure that charter schools within the State receive the funding they need to have adequate facilities; and

"(7) such other information as the Secretary may reasonably require.

"SEC. 10324. CHARTER SCHOOL OBJECTIVES.

"An eligible entity receiving a grant under this subpart shall use the funds deposited in the reserve account established under section 10325(a) to assist one or more charter schools to access private sector capital to accomplish one or both of the following objectives:

"(1) The acquisition (by purchase, lease, donation, or otherwise) of an interest (including an interest held by a third party for the benefit of a charter school) in improved or unimproved real property that is necessary to commence or continue the operation of a charter school.

"(2) The construction of new facilities, or the renovation, repair, or alteration of existing facilities, necessary to commence or continue the operation of a charter school.

"SEC. 10325. RESERVE ACCOUNT.

"(a) USE OF FUNDS.—To assist charter schools to accomplish the objectives described in section 10324, an eligible entity receiving a grant under this subpart shall, in accordance with State and local law, directly or indirectly, alone or in collaboration with others, deposit the funds received under this subpart (other than funds used for administrative costs in accordance with section 10326) in a reserve account established and maintained by the entity for this purpose. Amounts deposited in such account shall be used by the entity for one or more of the following purposes:

"(1) Guaranteeing, insuring, and reinsuring bonds, notes, evidences of debt, loans, and interests therein, the proceeds of which are used for an objective described in section 10324.

"(2) Guaranteeing and insuring leases of personal and real property for an objective described in section 10324.

"(3) Facilitating financing by identifying potential lending sources, encouraging private lending, and other similar activities that directly promote lending to, or for the benefit of, charter schools.

"(4) Facilitating the issuance of bonds by charter schools, or by other public entities for the benefit of charter schools, by providing technical, administrative, and other appropriate assistance (including the recruitment of bond counsel, underwriters, and potential investors and the consolidation of multiple charter school projects within a single bond issue).

"(b) INVESTMENT.—Funds received under this subpart and deposited in the reserve account shall be invested in obligations issued or guaranteed by the United States or a State, or in other similarly low-risk securities.

"(c) REINVESTMENT OF EARNINGS.—Any earnings on funds received under this subpart shall be deposited in the reserve account established under subsection (a) and used in accordance with such subsection.

"SEC. 10326. LIMITATION ON ADMINISTRATIVE COSTS.

"An eligible entity may use not more than 0.25 percent of the funds received under this subpart for the administrative costs of carrying out its responsibilities under this subpart.

"SEC. 10327. AUDITS AND REPORTS.

"(a) FINANCIAL RECORD MAINTENANCE AND AUDIT.—The financial records of each eligible entity receiving a grant under this subpart shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by an independent public accountant.

"(b) REPORTS.—

"(1) GRANTEE ANNUAL REPORTS.—Each eligible entity receiving a grant under this subpart annually shall submit to the Secretary a report of its operations and activities under this subpart.

"(2) CONTENTS.—Each such annual report shall include—

"(A) a copy of the most recent financial statements, and any accompanying opinion on such statements, prepared by the independent public accountant reviewing the financial records of the eligible entity;

"(B) a copy of any report made on an audit of the financial records of the eligible entity that was conducted under subsection (a) during the reporting period;

"(C) an evaluation by the eligible entity of the effectiveness of its use of the Federal funds provided under this subpart in leveraging private funds;

"(D) a listing and description of the charter schools served during the reporting period;

"(E) a description of the activities carried out by the eligible entity to assist charter schools in meeting the objectives set forth in section 10324; and

"(F) a description of the characteristics of lenders and other financial institutions participating in the activities undertaken by the eligible entity under this subpart during the reporting period.

"(3) SECRETARIAL REPORT.—The Secretary shall review the reports submitted under paragraph (1) and shall provide a comprehensive annual report to the Congress on the activities conducted under this subpart.

"SEC. 10328. NO FULL FAITH AND CREDIT FOR GRANTEE OBLIGATIONS.

"No financial obligation of an eligible entity entered into pursuant to this subpart (such as an obligation under a guarantee, bond, note, evidence of debt, or loan) shall be an obligation of, or guaranteed in any respect by, the United States. The full faith and credit of the United States is not pledged to the payment of funds which may be required to be paid under any obligation made by an eligible entity pursuant to any provision of this subpart.

"SEC. 10329. RECOVERY OF FUNDS.

"(a) IN GENERAL.—The Secretary, in accordance with chapter 37 of title 31, United States Code, shall collect—

"(1) all of the funds in a reserve account established by an eligible entity under section 10325(a) if the Secretary determines, not earlier than 2 years after the date on which the entity first received funds under this subpart, that the entity has failed to make substantial progress in carrying out the purposes described in section 10325(a); or

"(2) all or a portion of the funds in a reserve account established by an eligible entity under section 10325(a) if the Secretary determines that the eligible entity has permanently ceased to use all or a portion of the funds in such account to accomplish any purpose described in section 10325(a).

"(b) EXERCISE OF AUTHORITY.—The Secretary shall not exercise the authority provided in subsection (a) to collect from any eligible entity any funds that are being properly used to achieve one or more of the purposes described in section 10325(a).

"(c) PROCEDURES.—The provisions of sections 451, 452, and 458 of the General Education Provisions Act (20 U.S.C. 1234 et seq.) shall apply to the recovery of funds under subsection (a).

"(d) CONSTRUCTION.—This section shall not be construed to impair or affect the authority of the Secretary to recover funds under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.).

"SEC. 10330. DEFINITIONS.

"In this subpart:

"(1) The term 'charter school' has the meaning given such term in section 10310.

"(2) The term 'eligible entity' means—

"(A) a public entity, such as a State or local governmental entity;

"(B) a private nonprofit entity; or

"(C) a consortium of entities described in subparagraphs (A) and (B).

"SEC. 10331. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this subpart, there are authorized to be appropriated $100,000,000 for fiscal year 2001.".

(b) Part C of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8061 et seq.) is amended in each of the following provisions by striking "part" each place such term appears and inserting "subpart":

(1) Sections 10301 through 10305.

(2) Section 10307.

(3) Sections 10309 through 10311.

SEC. 323. (a) Section 8003(b)(2)(F) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)(F)) is amended—

(1) by striking "the Secretary shall use" and inserting "the Secretary—

"(i) shall use";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(ii) except as provided in subparagraph (C)(i)(I), shall include all of the children described in subparagraphs (F) and (G) of subsection (a)(1) enrolled in schools of the local educational agency in determining (I) the eligibility of the agency for assistance under this paragraph, and (II) the amount of such assistance if the number of such children meet the requirements of subsection (a)(3).".

(b) Section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is amended by adding at the end the following:

"(G) DETERMINATION OF AVERAGE TAX RATES FOR GENERAL FUND PURPOSES.—For the purpose of determining average tax rates for general fund purposes for local educational agencies in a State under this paragraph (except under subparagraph (C)(i)(II)(bb)), the Secretary shall use either—

"(i) the average tax rate for general fund purposes for comparable local educational agencies, as determined by the Secretary in regulations; or

"(ii) the average tax rate of all the local educational agencies in the State.".

This title may be cited as the "Department of Education Appropriations Act, 2001".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $69,832,000, of which $9,832,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $303,850,000: Provided, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2003, $365,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: Provided further, That in addition to the amounts provided above, $20,000,000, to remain available until expended, shall be for digitalization, pending enactment of authorizing legislation.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $38,200,000, including $1,500,000, to remain available through September 30, 2002, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: Provided further, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: Provided further, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,320,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $207,219,000: Provided, That of the amount provided, $1,000,000 shall be awarded to the National Museum of Women in the Arts in Washington, D.C., $700,000 shall be awarded to the University of Idaho Institute for the Historic Study of Jazz, $2,600,000 shall be awarded to Southeast Missouri State University River Campus and Museum, $900,000 shall be *awarded to the Heritage Harbor Museum in Rhode Island, $500,000 shall be awarded to the Alaska Native Heritage Center, $576,000 shall be awarded to the Franklin Institute in Philadelphia, $925,000 shall be awarded to the Please Touch Museum, $250,000 shall be awarded to the Pittsburgh Children's Museum, $510,000 shall be awarded to the Temple University Library, $1,800,000 shall be awarded to Franklin Pierce College in New Hampshire, $500,000 shall be awarded to the Louisville Zoo in Kentucky, $150,000 shall be awarded to the Oregon Historical Society, $1,200,000 shall be awarded to the Mississippi River Museum and Discovery Center in Dubuque, Iowa, $650,000 shall be awarded to the Salisbury House Foundation in Des Moines, Iowa, $150,000 shall be awarded to the History Center for the Linn County Historical Museum in Iowa, $4,000,000 shall be awarded to the Newsline for the Blind, of which $100,000 shall be awarded to the Iowa Newsline for the Blind and $100,000 shall be awarded to the West Virginia Newsline for the Blind, $1,000,000 shall be awarded to the Clay Center for the Arts and Sciences, $650,000 shall be awarded to Bishops Museum in Hawaii, $500,000 shall be awarded to the Wisconsin Maritime Museum, $250,000 shall be awarded to the Natural History Museum of Los Angeles, $400,000 shall be awarded to the Perkins Geology Museum at the University of Vermont, $400,000 shall be awarded to the Walt Whitman Cultural Arts Center in Camden, New Jersey, $400,000 shall be awarded to the Plainfield Public Library in Plainfield, New Jersey, $150,000 shall be awarded to the Ducktown Arts District in Atlantic City, New Jersey, $400,000 shall be awarded to the Lake Champlain Science Center in Vermont, $250,000 shall be awarded to the Foundation for the Arts, Music, and Entertainment of Shreveport-Bossier, Inc., $100,000 shall be awarded to Bryant College in Rhode Island, $120,000 shall be awarded to the Fenton Historical Museum of Jamestown, New York, $921,000 shall be awarded to the Mariners' Museum in Newport News, Virginia, $461,000 shall be awarded to DuPage County Children's Museum in Naperville, Illinois, $369,000 shall be awarded to the National Baseball Hall of Fame Library in Cooperstown, New York, $92,000 shall be awarded to the City of Corona, Riverside, California, $6,000 shall be awarded to the City of Murrieta, California Public Library, $1,382,000 shall be awarded to the Sierra Madre, California Public Library, $23,000 shall be awarded to the Brooklyn Public Library in Brooklyn, New York, $46,000 shall be awarded to the New York Public Library Staten Island branch, $266,000 shall be awarded to the Edward H. Nabb Research Center at Salisbury State University in Salisbury, Maryland, $461,000 shall be awarded to Texas Tech University, $230,000 shall be awarded to the City of Ontario, California Public Library, $461,000 shall be awarded to the Southern Oregon University in Ashland, Oregon, $1,106,000 shall be awarded to Christopher Newport University in Newport News, Virginia, $128,000 shall be awarded to the Nassau County Museum of Art in Roslyn Harbor, New York, $850,000 shall be awarded to the Children's Museum of Los Angeles, $43,000 shall be awarded to Sumter County Library in Sumter, South Carolina, $298,000 shall be awarded to Columbia College Center for Black Music Research in Chicago, Illinois, $723,000 shall be awarded to Old Sturbridge Village in Sturbridge, Massachusetts, $723,000 shall be awarded to New Bedford Whaling Museum in Massachusetts, $298,000 shall be awarded to Mystic Seaport Museum of America and the Sea in Connecticut, $468,000 shall be awarded to the City of Houston Public Library, $128,000 shall be awarded to the Roberson Museum and Science Center in Binghampton, New York, $850,000 shall be awarded to Berman Museum of Art at Ursinus College in Collegeville, Pennsylvania, $680,000 shall be awarded to AMISTAD Research Center at Tulane University, $2,125,000 shall be awarded to Silas Bronson Library in Waterbury, Connecticut, $213,000 shall be awarded to Fitchburg Art Museum in Fitchburg, Massachusetts, $128,000 shall be awarded to North Carolina Museum of Life and Science, $2,435,000 shall be awarded to New York Public Library, $85,000 shall be awarded to the New York Botanical Garden in Bronx, New York, $170,000 shall be awarded to George Eastman House in Rochester, New York, $425,000 shall be awarded to The National Aviary in Pittsburgh, Pennsylvania, $723,000 shall be awarded to the George C. Page Museum in Los Angeles, California, $461,000 shall be awarded to the Abraham Lincoln Bicentennial Commission, and $410,000 shall be awarded to the AE Seaman Mineral Museum in Houghton, Michigan.*

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91-345, as amended), $1,495,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,615,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $1,500,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $216,438,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,400,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,720,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $160,000,000, which shall include amounts becoming available in fiscal year 2001 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $160,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2002, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $95,000,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,700,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $20,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $365,748,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2002, $114,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant *to section 201(g)(1) of the Social Security Act, $23,043,000,000, to remain available until expended: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.*

In addition, $210,000,000, to remain available until September 30, 2002, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2002, $10,470,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $6,583,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: Provided, That not less than $1,800,000 shall be for the Social Security Advisory Board: Provided further, That unobligated balances at the end of fiscal year 2001 not needed for fiscal year 2001 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: Provided further, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the previous paragraph, notwithstanding the provision under this heading in Public Law 106–113 regarding unobligated balances at the end of fiscal year 2000 not needed for such fiscal year, an amount not to exceed $50,000,000 from such unobligated balances shall, in addition to funding already available under this heading for fiscal year 2001, be available for necessary expenses.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $450,000,000, to remain available until September 30, 2002, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term "continuing disability reviews" means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $91,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2001 exceed $91,000,000, the amounts shall be available in fiscal year 2002 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2000 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

From funds provided under the first paragraph, up to $6,000,000 shall be available for implementation, development, evaluation, and other costs associated with administration of section 302 of the Ticket to Work and Work Incentives Improvement Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,944,000, together with not to exceed $52,500,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the "Limitation on Administrative Expenses", Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: Provided, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $15,000,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet; booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State,

local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term "human embryo or embryos" includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. (a) Section 403(a)(5)(H)(iii) of the Social Security Act (42 U.S.C. 603(a)(5)(H)(iii)) is amended by striking "2001" and inserting "2005".

(b) Section 403(a)(5)(H) of such Act (42 U.S.C. 603(a)(5)(G)) is amended by adding at the end the following:

"(iv) INTERIM REPORT.—Not later than January 1, 2002, the Secretary shall submit to the Congress an interim report on the evaluations referred to in clause (i).".

SEC. 514. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 515. Section 410(b) of The Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170) is amended by striking "2009" both places it appears and inserting "2001".

SEC. 516. Part B of title III of the Public Health Services Act (42 U.S.C. 243 et seq.) is amended by inserting before section 318 the following section:

"HUMAN PAPILLOMAVIRUS

"SEC. 317P. (a) SURVEILLANCE.—

"(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall—

"(A) enter into cooperative agreements with States and other entities to conduct sentinel surveillance or other special studies that would determine the prevalence in various age groups and populations of specific types of human papillomavirus (referred to in this section as 'HPV') in different sites in various regions of the United States, through collection of special specimens for HPV using a variety of laboratory-based testing and diagnostic tools; and

"(B) develop and analyze data from the HPV sentinel surveillance system described in subparagraph (A).

"(2) REPORT.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) no later than one year after the effective date of this section.

"(b) PREVENTION ACTIVITIES; EDUCATION PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall conduct prevention research on HPV, including—

"(A) behavioral and other research on the impact of HPV-related diagnosis on individuals;

"(B) formative research to assist with the development of educational messages and information for the public, for patients, and for their partners about HPV;

"(C) surveys of physician and public knowledge, attitudes, and practices about genital HPV infection; and

"(D) upon the completion of and based on the findings under subparagraphs (A) through (C), develop and disseminate educational materials for the public and health care providers regarding HPV and its impact and prevention.

"(2) REPORT; FINAL PROPOSAL.—The Secretary shall make a progress report to the Congress with respect to paragraph (1) not later than one year after the effective date of this section, and shall develop a final report not later than three years after such effective date, including a detailed summary of the significant findings and problems and the best strategies to prevent future infections, based on available science.

"(c) HPV EDUCATION AND PREVENTION.—

"(1) IN GENERAL.—The Secretary shall prepare and distribute educational materials for health care providers and the public that include information on HPV. Such materials shall address—

"(A) modes of transmission;

"(B) consequences of infection, including the link between HPV and cervical cancer;

"(C) the available scientific evidence on the effectiveness or lack of effectiveness of condoms in preventing infection with HPV; and

"(D) the importance of regular Pap smears, and other diagnostics for early intervention and prevention of cervical cancer purposes in preventing cervical cancer.

"(2) MEDICALLY ACCURATE INFORMATION.—Educational material under paragraph (1), and all other relevant educational and prevention materials prepared and printed from this date forward for the public and health care providers by the Secretary (including materials prepared through the Food and Drug Administration, the Centers for Disease Control and Prevention, and the Health Resources and Services Administration), or by contractors, grantees, or subgrantees thereof, that are specifically designed to address STDs including HPV shall contain medically accurate information regarding the effectiveness or lack of effectiveness of condoms in preventing the STD the materials are designed to address. Such requirement only applies to materials mass produced for the public and health care providers, and not to routine communications.".

SEC. 4. LABELING OF CONDOMS.

The Secretary of Health and Human Services shall reexamine existing condom labels that are authorized pursuant to the Federal Food, Drug, and Cosmetic Act to determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness of condoms in preventing sexually transmitted diseases, including HPV.

SEC. 517. Section 403(o) of the Food, Drug, and Cosmetic Act (21 U.S.C. 343(o)) is repealed. Subsections (c) and (d) of section 4 of the Saccharin Study and Labeling Act are repealed.

SEC. 518. (a) Title VIII of the Social Security Act is amended by inserting after section 810 (42 U.S.C. 1010) the following new section:

"SEC. 810A. OPTIONAL FEDERAL ADMINISTRATION OF STATE RECOGNITION PAYMENTS.

"(a) IN GENERAL.—The Commissioner of Social Security may enter into an agreement with any State (or political subdivision thereof) that provides cash payments on a regular basis to individuals entitled to benefits under this title under which the Commissioner of Social Security shall make such payments on behalf of such State (or subdivision).

"(b) AGREEMENT TERMS.—

"(1) IN GENERAL.—Such agreement shall include such terms as the Commissioner of Social Security finds necessary to achieve efficient and effective administration of both this title and the State program.

"(2) FINANCIAL TERMS.—Such agreement shall provide for the State to pay the Commissioner of Social Security, at such times and in such installments as the parties may specify—

"(A) an amount equal to the expenditures made by the Commissioner of Social Security pursuant to such agreement as payments to individuals on behalf of such State; and

"(B) an administration fee to reimburse the administrative expenses incurred by the Commissioner of Social Security in making payments to individuals on behalf of the State.

"(c) SPECIAL DISPOSITION OF ADMINISTRATION FEES.—Administration fees, upon collection, shall be credited to a special fund established in the Treasury of the United States for State recognition payments for certain World War II veterans. The amounts so credited, to the extent and in the amounts provided in advance in appropriations Acts, shall be available to defray expenses incurred in carrying out this title.".

(b) CONFORMING AMENDMENTS.—

(1) The Table of Contents of title VIII of the Social Security Act is amended by inserting after "Sec. 810. Other administrative provisions." the following:

"Sec. 810A. Optional federal administration of State recognition payments.".

(2) Section 1129A(e) of the Social Security (42 U.S.C. 1320a–8a(e)) is amended—

(A) by inserting "VIII or" after "benefits under";

(B) by inserting "810A or" after "agreement under section";

(C) by inserting "1010A or" before "1382(e)(a)"; and

(D) by inserting ", as the case may be" immediately before the period.

SEC. 519. Section 1612(a)(1) of the Social Security Act (42 U.S.C. 1382(a) is amended—

(1) in subparagraph (A), by inserting "but without the application of section 210(j)(3)" immediately before the semicolon; and

(2) in subparagraph (B), by—

(A) striking "and the last" and inserting "the last", and

(B) inserting ", and section 210(j)(3)" after "subsection (a)".

SEC. 520. Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and

Human Services, and the Department of Education shall be reduced on a pro rata basis by $25,000,000: Provided, That this provision shall not apply to the Food and Drug Administration and the Indian Health Service.

TITLE VI—ASSETS FOR INDEPENDENCE

SECTION 601. SHORT TITLE.

That this title may be cited as the "Assets for Independence Act Amendments of 2000".

SEC. 602. MATCHING CONTRIBUTIONS UNAVAILABLE FOR EMERGENCY WITHDRAWALS.

Section 404(5)(A)(v) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking ", or enabling the eligible individual to make an emergency withdrawal".

SEC. 603. ADDITIONAL QUALIFIED ENTITIES.

Section 404(7)(A) of the Assets for Independence Act (42 U.S.C. 604 note) is amended—

(1) in clause (i), by striking "or" at the end thereof;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) an entity that—

"(I) is—

"(aa) a credit union designated as a low-income credit union by the National Credit Union Administration (NCUA); or

"(bb) an organization designated as a community development financial institution by the Secretary of the Treasury (or the Community Development Financial Institutions Fund); and

"(II) can demonstrate a collaborative relationship with a local community-based organization whose activities are designed to address poverty in the community and the needs of community members for economic independence and stability.".

SEC. 604. HOME PURCHASE COSTS.

Section 404(8)(B)(i) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "100" and inserting "120".

SEC. 605. INCREASED SET-ASIDE FOR ECONOMIC LITERACY TRAINING AND ADMINISTRATIVE COSTS.

Section 407(c)(3) of the Assets for Independence Act (42 U.S.C. 604 note) is amended—

(1) by striking "9.5" and inserting "15"; and

(2) by inserting after the first sentence the following: "Of the total amount specified in this paragraph, not more than 7.5 percent shall be used for administrative functions under paragraph (1)(C), including program management, reporting requirements, recruitment and enrollment of individuals, and monitoring. The remainder of the total amount specified in this paragraph (not including the amount specified for use for the purposes described in paragraph (1)(D)) shall be used for nonadministrative functions described in paragraph (1)(A), including case management, budgeting, economic literacy, and credit counseling. If the cost of nonadministrative functions described in paragraph (1)(A) is less than 5.5 percent of the total amount specified in this paragraph, such excess funds may be used for administrative functions.".

SEC. 606. ALTERNATIVE ELIGIBILITY CRITERIA.

Section 408(a)(1) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "does not exceed" and inserting "is equal to or less than 200 percent of the poverty line (as determined by the Office of Management and Budget) or".

SEC. 607. REVISED ANNUAL PROGRESS REPORT DEADLINE.

(a) In General.—Section 412(c) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "calendar" and inserting "project".

(b) Transitional Deadline.—Notwithstanding the amendment made by subsection (a), the submission of the initial report of a qualified entity under section 412(c) shall not be required prior to the date that is 90 days after the date of enactment of this title.

SEC. 608. REVISED INTERIM EVALUATION REPORT DEADLINE.

(a) In General.—Section 414(d)(1) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking "calendar" and inserting "project".

(b) Transitional Deadline.—Notwithstanding the amendment made by subsection (a), the submission of the initial interim report of the Secretary under section 412(c) shall not be required prior to the date that is 90 days after the date of enactment of this title.

SEC. 609. INCREASED APPROPRIATIONS FOR EVALUATION EXPENSES.

Subsection (e) of section 414 of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

"(e) Evaluation Expenses.—Of the amount appropriated under section 416 for a fiscal year, the Secretary may expend not more than $500,000 for such fiscal year to carry out the objectives of this section.".

SEC. 610. NO REDUCTION IN BENEFITS.

Section 415 of the Assets for Independence Act (42 U.S.C. 604 note) is amended to read as follows:

"SEC. 415. NO REDUCTION IN BENEFITS.

"Notwithstanding any other provision of Federal law (other than the Internal Revenue Code of 1986) that requires consideration of 1 or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such law to be provided to or for the benefit of such individual, funds (including interest accruing) in an individual development account under this Act shall be disregarded for such purpose with respect to any period during which such individual maintains or makes contributions into such an account.".

TITLE VII—PHYSICAL EDUCATION FOR PROGRESS ACT

Sec. 701. Physical Education for Progress. Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

"PART L—PHYSICAL EDUCATION FOR PROGRESS

"SEC. 10999A. SHORT TITLE.

"This part may be cited as the 'Physical Education for Progress Act'.

"SEC. 10999B. PURPOSE.

"The purpose of this part is to award grants and contracts to local educational agencies to enable the local educational agencies to initiate, expand and improve physical education programs for all kindergarten through 12th grade students.

"SEC. 10999C. FINDINGS.

"Congress makes the following findings:

"(1) Physical education is essential to the development of growing children.

"(2) Physical education helps improve the overall health of children by improving their cardiovascular endurance, muscular strength and power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time.

"(3) Physical education helps improve the self esteem, interpersonal relationships, responsible behavior, and independence of children.

"(4) Children who participate in high quality daily physical education programs tend to be more healthy and physically fit.

"(5) The percentage of young people who are overweight has more than doubled in the 30 years preceding 1999.

"(6) Low levels of activity contribute to the high prevalence of obesity among children in the United States.

"(7) Obesity related diseases cost the United States economy more than $100,000,000,000 every year.

"(8) Inactivity and poor diet cause at least 300,000 deaths a year in the United States.

"(9) Physically fit adults have significantly reduced risk factors for heart attacks and stroke.

"(10) Children are not as active as they should be and fewer than 1 in 4 children get 20 minutes of vigorous activity every day of the week.

"(11) The Surgeon General's 1996 Report on Physical Activity and Health, and the Centers for Disease Control and Prevention, recommend daily physical education for all students in kindergarten through grade 12.

"(12) Twelve years after Congress passed House Concurrent Resolution 97, 100th Congress, agreed to December 11, 1987, encouraging State and local governments and local educational agencies to provide high quality daily physical education programs for all children in kindergarten through grade 12, little progress has been made.

"(13) Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. It is the unique role of quality physical education programs to develop the health-related fitness, physical competence, and cognitive understanding about physical activity for all students so that the students can adopt healthy and physically active lifestyles.

"SEC. 10999D. PROGRAM AUTHORIZED.

"The Secretary is authorized to award grants to, and enter into contracts with, local educational agencies to pay the Federal share of the costs of initiating, expanding, and improving physical education programs for kindergarten through grade 12 students by—

"(1) providing equipment and support to enable students to actively participate in physical education activities; and

"(2) providing funds for staff and teacher training and education.

"SEC. 10999E. APPLICATIONS; PROGRAM ELEMENTS.

"(a) Applications.—Each local educational agency desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in the schools served by the agency in order to make progress toward meeting State standards for physical education.

"(b) Program Elements.—A physical education program described in any application submitted under subsection (a) may provide—

"(1) fitness education and assessment to help children understand, improve, or maintain their physical well-being;

"(2) instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every child;

"(3) development of cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle;

"(4) opportunities to develop positive social and cooperative skills through physical activity participation;

"(5) instruction in healthy eating habits and good nutrition; and

"(6) teachers of physical education the opportunity for professional development to stay abreast of the latest research, issues, and trends in the field of physical education.

"(c) Special Rule.—For the purpose of this part, extracurricular activities such as team sports and Reserve Officers' Training Corps

(ROTC) program activities shall not be considered as part of the curriculum of a physical education program assisted under this part.

"SEC. 10999F. PROPORTIONALITY.

"The Secretary shall ensure that grants awarded and contracts entered into under this part shall be equitably distributed between local educational agencies serving urban and rural areas, and between local educational agencies serving large and small numbers of students.

"SEC. 10999G. PRIVATE SCHOOL STUDENTS AND HOME-SCHOOLED STUDENTS.

"An application for funds under this part may provide for the participation, in the activities funded under this part, of—

"(1) homeschooled children, and their parents and teachers; or

"(2) children enrolled in private nonprofit elementary schools or secondary schools, and their parents and teachers.

"SEC. 10999H. REPORT REQUIRED FOR CONTINUED FUNDING.

"As a condition to continue to receive grant or contract funding after the first year of a multiyear grant or contract under this part, the administrator of the grant or contract for the local educational agency shall submit to the Secretary an annual report that describes the activities conducted during the preceding year and demonstrates that progress has been made toward meeting State standards for physical education.

"SEC. 10999I. REPORT TO CONGRESS.

"The Secretary shall submit a report to Congress not later than June 1, 2003, that describes the programs assisted under this part, documents the success of such programs in improving physical fitness, and makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part.

"SEC. 10999J. ADMINISTRATIVE COSTS.

"Not more than 5 percent of the grant or contract funds made available to a local educational agency under this part for any fiscal year may be used for administrative costs.

"SEC. 10999K. FEDERAL SHARE; SUPPLEMENT NOT SUPPLANT.

"(a) Federal Share.—The Federal share under this part may not exceed—

"(1) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

"(2) 75 percent of such cost for the second and each subsequent such year.

"(b) Supplement not Supplant.—Funds made available under this part shall be used to supplement and not supplant other Federal, State and local funds available for physical education activities.

"SEC. 10999L. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $30,000,000 for fiscal year 2001, $70,000,000 for fiscal year 2002, and $100,000,000 for each of the fiscal years 2003 through 2005, to carry out this part. Such funds shall remain available until expended.".

TITLE VIII—EARLY LEARNING OPPORTUNITIES

SEC. 801. SHORT TITLE; FINDINGS.

(a) Short Title.—This title may be cited as the "Early Learning Opportunities Act".

(b) Findings.—Congress finds that—

(1) medical research demonstrates that adequate stimulation of a young child's brain between birth and age 5 is critical to the physical development of the young child's brain;

(2) parents are the most significant and effective teachers of their children, and they alone are responsible for choosing the best early learning opportunities for their child;

(3) parent education and parent involvement are critical to the success of any early learning program or activity;

(4) the more intensively parents are involved in their child's early learning, the greater the cognitive and noncognitive benefits to their children;

(5) many parents have difficulty finding the information and support the parents seek to help their children grow to their full potential;

(6) each day approximately 13,000,000 young children, including 6,000,000 infants or toddlers, spend some or all of their day being cared for by someone other than their parents;

(7) quality early learning programs, including those designed to promote effective parenting, can increase the literacy rate, the secondary school graduation rate, the employment rate, and the college enrollment rate for children who have participated in voluntary early learning programs and activities;

(8) early childhood interventions can yield substantial advantages to participants in terms of emotional and cognitive development, education, economic well-being, and health, with the latter 2 advantages applying to the children's families as well;

(9) participation in quality early learning programs, including those designed to promote effective parenting, can decrease the future incidence of teenage pregnancy, welfare dependency, at-risk behaviors, and juvenile delinquency for children;

(10) several cost-benefit analysis studies indicate that for each $1 invested in quality early learning programs, the Federal Government can save over $5 by reducing the number of children and families who participate in Federal Government programs like special education and welfare;

(11) for children placed in the care of others during the workday, the low salaries paid to the child care staff, the lack of career progression for the staff, and the lack of child development specialists involved in early learning and child care programs, make it difficult to attract and retain the quality of staff necessary for a positive early learning experience;

(12) Federal Government support for early learning has primarily focused on out-of-home care programs like those established under the Head Start Act, the Child Care and Development Block Grant of 1990, and part C of the Individuals with Disabilities Education Act, and these programs—

(A) serve far fewer than half of all eligible children;

(B) are not primarily designed to provide support for parents who care for their young children in the home; and

(C) lack a means of coordinating early learning opportunities in each community; and

(13) by helping communities increase, expand, and better coordinate early learning opportunities for children and their families, the productivity and creativity of future generations will be improved, and the Nation will be prepared for continued leadership in the 21st century.

SEC. 802. PURPOSES.

The purposes of this title are—

(1) to increase the availability of voluntary programs, services, and activities that support early childhood development, increase parent effectiveness, and promote the learning readiness of young children so that young children enter school ready to learn;

(2) to support parents, child care providers, and caregivers who want to incorporate early learning activities into the daily lives of young children;

(3) to remove barriers to the provision of an accessible system of early childhood learning programs in communities throughout the United States;

(4) to increase the availability and affordability of professional development activities and compensation for caregivers and child care providers; and

(5) to facilitate the development of community-based systems of collaborative service delivery models characterized by resource sharing, linkages between appropriate supports, and local planning for services.

SEC. 803. DEFINITIONS.

In this title:

(1) Caregiver.—The term "caregiver" means an individual, including a relative, neighbor, or family friend, who regularly or frequently provides care, with or without compensation, for a child for whom the individual is not the parent.

(2) Child care provider.—The term "child care provider" means a provider of non-residential child care services (including center-based, family-based, and in-home child care services) for compensation who or that is legally operating under State law, and complies with applicable State and local requirements for the provision of child care services.

(3) Early learning.—The term "early learning", used with respect to a program or activity, means learning designed to facilitate the development of cognitive, language, motor, and social-emotional skills for, and to promote learning readiness in, young children.

(4) Early learning program.—The term "early learning program" means—

(A) a program of services or activities that helps parents, caregivers, and child care providers incorporate early learning into the daily lives of young children; or

(B) a program that directly provides early learning to young children.

(5) Indian tribe.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) Local Council.—The term "Local Council" means a Local Council established or designated under section 814(a) that serves one or more localities.

(7) Locality.—The term "locality" means a city, county, borough, township, or area served by another general purpose unit of local government, an Indian tribe, a Regional Corporation, or a Native Hawaiian entity.

(8) Parent.—The term "parent" means a biological parent, an adoptive parent, a stepparent, a foster parent, or a legal guardian of, or a person standing in loco parentis to, a child.

(9) Poverty line.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(10) Regional corporation.—The term "Regional Corporation" means an entity listed in section 419(4)(B) of the Social Security Act (42 U.S.C. 619(4)(B)).

(11) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(12) State.—The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(13) Training.—The term "training" means instruction in early learning that—

(A) is required for certification under State and local laws, regulations, and policies;

(B) is required to receive a nationally or State recognized credential or its equivalent;

(C) is received in a postsecondary education program focused on early learning or early childhood development in which the individual is enrolled; or

(D) is provided, certified, or sponsored by an organization that is recognized for its expertise in promoting early learning or early childhood development.

(14) Young child.—The term "young child" means any child from birth to the age of mandatory school attendance in the State where the child resides.

SEC. 804. PROHIBITIONS.

(a) Participation Not Required.—No person, including a parent, shall be required to participate in any program of early childhood education, early learning, parent education, or developmental screening pursuant to the provisions of this title.

(b) Rights of Parents.—Nothing in this title shall be construed to affect the rights of parents otherwise established in Federal, State, or local law.

(c) Particular Methods or Settings.—No entity that receives funds under this title shall be required to provide services under this title through a particular instructional method or in a particular instructional setting to comply with this title.

(d) Nonduplication.—No funds provided under this title shall be used to carry out an activity funded under another provision of law providing for Federal child care or early learning programs, unless an expansion of such activity is identified in the local needs assessment and performance goals under this title.

SEC. 805. AUTHORIZATION AND APPROPRIATION OF FUNDS.

There are authorized to be appropriated to the Department of Health and Human Services to carry out this title—

(1) $750,000,000 for fiscal year 2001;

(2) $1,000,000,000 for fiscal year 2002;

(3) $1,500,000,000 for fiscal year 2003; and

(4) such sums as may be necessary for each of the fiscal years 2004 and 2005.

SEC. 806. COORDINATION OF FEDERAL PROGRAMS.

(a) Coordination.—The Secretary and the Secretary of Education shall develop mechanisms to resolve administrative and programmatic conflicts between Federal programs that would be a barrier to parents, caregivers, service providers, or children related to the coordination of services and funding for early learning programs.

(b) Use of Equipment and Supplies.—In the case of a collaborative activity funded under this title and another provision of law providing for Federal child care or early learning programs, the use of equipment and nonconsumable supplies purchased with funds made available under this title or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under this title or such provision, during a period in which the activity is predominately funded under this title or such provision.

SEC. 807. PROGRAM AUTHORIZED.

(a) Grants.—From amounts appropriated under section 805 the Secretary shall award grants to States to enable the States to award grants to Local Councils to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council.

(b) Federal Share.—

(1) In general.—The Federal share of the cost described in subsections (a) and (e) shall be 85 percent for the first and second years of the grant, 80 percent for the third and fourth years of the grant, and 75 percent for the fifth and subsequent years of the grant.

(2) Non-federal share.—The non-Federal share of the cost described in subsections (a) and (e) may be contributed in cash or in kind, fairly evaluated, including facilities, equipment, or services, which may be provided from State or local public sources, or through donations from private entities. For the purposes of this paragraph the term "facilities" includes the use of facilities, but the term "equipment" means donated equipment and not the use of equipment.

(c) Maintenance of Effort.—The Secretary shall not award a grant under this title to any State unless the Secretary first determines that the total expenditures by the State and its political subdivisions to support early learning programs (other than funds used to pay the non-Federal share under subsection (b)(2)) for the fiscal year for which the determination is made is equal to or greater than such expenditures for the preceding fiscal year.

(d) Supplement Not Supplant.—Amounts received under this title shall be used to supplement and not supplant other Federal, State, and local public funds expended to promote early learning.

(e) Special Rule.—If funds appropriated to carry out this title are less than $150,000,000 for any fiscal year, the Secretary shall award grants for the fiscal year directly to Local Councils, on a competitive basis, to pay the Federal share of the cost of carrying out early learning programs in the locality served by the Local Council. In carrying out the preceding sentence—

(1) subsection (c), subsections (b) and (c) of section 810, and paragraphs (1), (2), and (3) of section 811(a) shall not apply;

(2) State responsibilities described in section 811(d) shall be carried out by the Local Council with regard to the locality;

(3) the Secretary shall provide such technical assistance and monitoring as necessary to ensure that the use of the funds by Local Councils and the distribution of the funds to Local Councils are consistent with this title; and

(4) subject to paragraph (1), the Secretary shall assume the responsibilities of the Lead State Agency under this title, as appropriate.

SEC. 808. USES OF FUNDS.

(a) In General.—Subject to section 810, grant funds under this title shall be used to pay for developing, operating, or enhancing voluntary early learning programs that are likely to produce sustained gains in early learning.

(b) Limited Uses.—Subject to section 810, Lead State Agencies and Local Councils shall ensure that funds made available under this title to the agencies and Local Councils are used for 3 or more of the following activities:

(1) Helping parents, caregivers, child care providers, and educators increase their capacity to facilitate the development of cognitive, language comprehension, expressive language, social-emotional, and motor skills, and promote learning readiness.

(2) Promoting effective parenting.

(3) Enhancing early childhood literacy.

(4) Developing linkages among early learning programs within a community and between early learning programs and health care services for young children.

(5) Increasing access to early learning opportunities for young children with special needs, including developmental delays, by facilitating coordination with other programs serving such young children.

(6) Increasing access to existing early learning programs by expanding the days or times that the young children are served, by expanding the number of young children served, or by improving the affordability of the programs for low-income families.

(7) Improving the quality of early learning programs through professional development and training activities, increased compensation, and recruitment and retention incentives, for early learning providers.

(8) Removing ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times.

(c) Requirements.—Each Lead State Agency designated under section 810(c) and Local Councils receiving a grant under this title shall ensure—

(1) that Local Councils described in section 814 work with local educational agencies to identify cognitive, social, emotional, and motor developmental abilities which are necessary to support children's readiness for school;

(2) that the programs, services, and activities assisted under this title will represent developmentally appropriate steps toward the acquisition of those abilities; and

(3) that the programs, services, and activities assisted under this title collectively provide benefits for children cared for in their own homes as well as children placed in the care of others.

(d) Sliding Scale Payments.—States and Local Councils receiving assistance under this title shall ensure that programs, services, and activities assisted under this title which customarily require a payment for such programs, services, or activities, adjust the cost of such programs, services, and activities provided to the individual or the individual's child based on the individual's ability to pay.

SEC. 809. RESERVATIONS AND ALLOTMENTS.

(a) Reservation for Indian Tribes, Alaska Natives, and Native Hawaiians.—The Secretary shall reserve 1 percent of the total amount appropriated under section 805 for each fiscal year, to be allotted to Indian tribes, Regional Corporations, and Native Hawaiian entities, of which—

(1) 0.5 percent shall be available to Indian tribes; and

(2) 0.5 percent shall be available to Regional Corporations and Native Hawaiian entities.

(b) Allotments.—From the funds appropriated under this title for each fiscal year that are not reserved under subsection (a), the Secretary shall allot to each State the sum of—

(1) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger in the State bears to the number of such children in all States; and

(2) an amount that bears the same ratio to 50 percent of such funds as the number of children 4 years of age and younger living in families with incomes below the poverty line in the State bears to the number of such children in all States.

(c) Minimum Allotment.—No State shall receive an allotment under subsection (b) for a fiscal year in an amount that is less than .40 percent of the total amount appropriated for the fiscal year under this title.

(d) Availability of Funds.—Any portion of the allotment to a State that is not expended for activities under this title in the fiscal year for which the allotment is made shall remain available to the State for 2 additional years, after which any unexpended funds shall be returned to the Secretary. The Secretary shall use the returned funds to carry out a discretionary grant program for research-based early learning demonstration projects.

(e) Data.—The Secretary shall make allotments under this title on the basis of the most recent data available to the Secretary.

SEC. 810. GRANT ADMINISTRATION.

(a) Federal Administrative Costs.—The Secretary may use not more than 3 percent of the amount appropriated under section 805 for a fiscal year to pay for the administrative costs of carrying out this title, including the monitoring and evaluation of State and local efforts.

(b) State Administrative Costs.—A State that receives a grant under this title may use—

(1) not more than 2 percent of the funds made available through the grant to carry out activities designed to coordinate early learning programs on the State level, including programs funded or operated by the State educational agency, health, children and family, and human service agencies, and any State-level collaboration or coordination council involving early learning and education, such as the entities funded under section 640(a)(5) of the Head Start Act (42 U.S.C. 9835 (a)(5));

(2) not more than 2 percent of the funds made available through the grant for the administrative costs of carrying out the grant program and the costs of reporting State and local efforts to the Secretary; and

(3) not more than 3 percent of the funds made available through the grant for training, technical assistance, and wage incentives provided by the State to Local Councils.

(c) Lead State Agency.—

(1) In general.—To be eligible to receive an allotment under this title, the Governor of a State shall appoint, after consultation with the leadership of the State legislature, a Lead State Agency to carry out the functions described in paragraph (2).

(2) Lead state agency.—

(A) Allocation of funds.—The Lead State Agency described in paragraph (1) shall allocate funds to Local Councils as described in section 812.

(B) Functions of agency.—In addition to allocating funds pursuant to subparagraph (A), the Lead State Agency shall—

(i) advise and assist Local Councils in the performance of their duties under this title;

(ii) develop and submit the State application;

(iii) evaluate and approve applications submitted by Local Councils under section 813;

(iv) ensure collaboration with respect to assistance provided under this title between the State agency responsible for education and the State agency responsible for children and family services;

(v) prepare and submit to the Secretary, an annual report on the activities carried out in the State under this title, which shall include a statement describing how all funds received under this title are expended and documentation of the effects that resources under this title have had on—

(I) parental capacity to improve learning readiness in their young children;

(II) early childhood literacy;

(III) linkages among early learning programs;

(IV) linkages between early learning programs and health care services for young children;

(V) access to early learning activities for young children with special needs;

(VI) access to existing early learning programs through expansion of the days or times that children are served;

(VII) access to existing early learning programs through expansion of the number of young children served;

(VIII) access to and affordability of existing early learning programs for low-income families;

(IX) the quality of early learning programs resulting from professional development, and recruitment and retention incentives for caregivers; and

(X) removal of ancillary barriers to early learning, including transportation difficulties and absence of programs during nontraditional work times; and

(vi) ensure that training and research is made available to Local Councils and that such training and research reflects the latest available brain development and early childhood development research related to early learning.

SEC. 811. STATE REQUIREMENTS.

(a) Eligibility.—To be eligible for a grant under this title, a State shall—

(1) ensure that funds received by the State under this title shall be subject to appropriation by the State legislature, consistent with the terms and conditions required under State law;

(2) designate a Lead State Agency under section 810(c) to administer and monitor the grant and ensure State-level coordination of early learning programs;

(3) submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require;

(4) ensure that funds made available under this title are distributed on a competitive basis throughout the State to Local Councils serving rural, urban, and suburban areas of the State; and

(5) assist the Secretary in developing mechanisms to ensure that Local Councils receiving funds under this title comply with the requirements of this title.

(b) State Preference.—In awarding grants to Local Councils under this title, the State, to the maximum extent possible, shall ensure that a broad variety of early learning programs that provide a continuity of services across the age spectrum assisted under this title are funded under this title, and shall give preference to supporting—

(1) a Local Council that meets criteria, that are specified by the State and approved by the Secretary, for qualifying as serving an area of greatest need for early learning programs; and

(2) a Local Council that demonstrates, in the application submitted under section 813, the Local Council's potential to increase collaboration as a means of maximizing use of resources provided under this title with other resources available for early learning programs.

(c) Local Preference.—In awarding grants under this title, Local Councils shall give preference to supporting—

(1) projects that demonstrate their potential to collaborate as a means of maximizing use of resources provided under this title with other resources available for early learning programs;

(2) programs that provide a continuity of services for young children across the age spectrum, individually, or through community-based networks or cooperative agreements; and

(3) programs that help parents and other caregivers promote early learning with their young children.

(d) Performance Goals.—

(1) Assessments.—Based on information and data received from Local Councils, and information and data available through State resources, the State shall biennially assess the needs and available resources related to the provision of early learning programs within the State.

(2) Performance goals.—Based on the analysis of information described in paragraph (1), the State shall establish measurable performance goals to be achieved through activities assisted under this title.

(3) Requirement.—The State shall award grants to Local Councils only for purposes that are consistent with the performance goals established under paragraph (2).

(4) Report.—The State shall report to the Secretary annually regarding the State's progress toward achieving the performance goals established in paragraph (2) and any necessary modifications to those goals, including the rationale for the modifications.

(5) Improvement plans.—If the Secretary determines, based on the State report submitted under paragraph (4), that the State is not making progress toward achieving the performance goals described in paragraph (2), then the State shall submit a performance improvement plan to the Secretary, and demonstrate reasonable progress in implementing such plan, in order to remain eligible for funding under this title.

SEC. 812. LOCAL ALLOCATIONS.

(a) In General.—The Lead State Agency shall allocate to Local Councils in the State not less than 93 percent of the funds provided to the State under this title for a fiscal year.

(b) Limitation.—The Lead State Agency shall allocate funds provided under this title on the basis of the population of the locality served by the Local Council.

SEC. 813. LOCAL APPLICATIONS.

(a) In General.—To be eligible to receive assistance under this title, the Local Council shall submit an application to the Lead State Agency at such time, in such manner, and containing such information as the Lead State Agency may require.

(b) Contents.—Each application submitted pursuant to subsection (a) shall include a statement ensuring that the local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has established or designated a Local Council under section 814, and the Local Council has developed a local plan for carrying out early learning programs under this title that includes—

(1) a needs and resources assessment concerning early learning services and a statement describing how early learning programs will be funded consistent with the assessment;

(2) a statement of how the Local Council will ensure that early learning programs will meet the performance goals reported by the Lead State Agency under this title; and

(3) a description of how the Local Council will form collaboratives among local youth, social service, and educational providers to maximize resources and concentrate efforts on areas of greatest need.

SEC. 814. LOCAL ADMINISTRATION.

(a) Local Council.—

(1) In general.—To be eligible to receive funds under this title, a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity, as appropriate, shall establish or designate a Local Council, which shall be composed of—

(A) representatives of local agencies directly affected by early learning programs assisted under this title;

(B) parents;

(C) other individuals concerned with early learning issues in the locality, such as representative entities providing elementary education, child care resource and referral services, early learning opportunities, child care, and health services; and

(D) other key community leaders.

(2) Designating existing entity.—If a local government entity, Indian tribe, Regional Corporation, or Native Hawaiian entity has, before the date of enactment of the Early Learning Opportunities Act, a Local Council or a regional entity that is comparable to the Local Council described in paragraph (1), the entity, tribe or corporation may designate the council or entity as a Local Council under this title, and shall be considered to have established a Local Council in compliance with this subsection.

(3) Functions.—The Local Council shall be responsible for preparing and submitting the application described in section 813.

(b) Administration.—

(1) Administrative costs.—Not more than 3 percent of the funds received by a Local Council under this title shall be used to pay for the administrative costs of the Local Council in carrying out this title.

•*(2) Fiscal agent.—A Local Council may designate any entity, with a demonstrated capacity for administering grants, that is affected by, or concerned with, early learning issues, including the State, to serve as fiscal agent for the administration of grant funds received by the Local Council under this title.*

TITLE IX—RURAL EDUCATION ACHIEVEMENT PROGRAM

SEC. 901. RURAL EDUCATION INITIATIVE.

Subpart 2 of part J of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8291 et seq.) is amended to read as follows:

"Subpart 2—Rural Education Initiative

"SEC. 10971. SHORT TITLE.

"This subpart may be cited as the 'Rural Education Achievement Program'.

“SEC. 10972. PURPOSE.

“It is the purpose of this subpart to address the unique needs of rural school districts that frequently—

“(1) lack the personnel and resources needed to compete for Federal competitive grants; and

“(2) receive formula allocations in amounts too small to be effective in meeting their intended purposes.

“SEC. 10973. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subpart $62,500,000 for fiscal year 2001.

“SEC. 10974. FORMULA GRANT PROGRAM AUTHORIZED.

“(a) ALTERNATIVE USES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, an eligible local educational agency may use the applicable funding, that the agency is eligible to receive from the State educational agency for a fiscal year, to carry out local activities authorized in part A of title I, section 2210(b), section 3134, or section 4116.

“(2) NOTIFICATION.—An eligible local educational agency shall notify the State educational agency of the local educational agency's intention to use the applicable funding in accordance with paragraph (1) not later than a date that is established by the State educational agency for the notification.

“(b) ELIGIBILITY.—A local educational agency shall be eligible to use the applicable funding in accordance with subsection (a) if—

“(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary of Education.

“(c) APPLICABLE FUNDING.—In this section, the term ‘applicable funding’ means funds provided under each of titles II, IV, and VI, except for funds made available under section 321 of the Department of Education Appropriations Act, 2001.

“(d) DISBURSAL.—Each State educational agency that receives applicable funding for a fiscal year shall disburse the applicable funding to local educational agencies for alternative uses under this section for the fiscal year at the same time that the State educational agency disburses the applicable funding to local educational agencies that do not intend to use the applicable funding for such alternative uses for the fiscal year.

“(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other State or local education funds.

“(f) SPECIAL RULE.—References in Federal law to funds for the provisions of law set forth in subsection (c) may be considered to be references to funds for this section.

“(g) CONSTRUCTION.—Nothing in this subpart shall be construed to prohibit a local educational agency that enters into cooperative arrangements with other local educational agencies for the provision of special, compensatory, or other education services pursuant to State law or a written agreement from entering into similar arrangements for the use or the coordination of the use of the funds made available under this subpart.

“SEC. 10975. COMPETITIVE GRANT PROGRAM AUTHORIZED.

“(a) IN GENERAL.—The Secretary is authorized to award grants to eligible local educational agencies to enable the local educational agencies to carry out local activities authorized in part A of title I, section 2210(b), section 3134, or section 4116.

“(b) ELIGIBILITY.—A local educational agency shall be eligible to receive a grant under this section if—

“(1) the total number of students in average daily attendance at all of the schools served by the local educational agency is less than 600; and

“(2) all of the schools served by the local educational agency are designated with a School Locale Code of 7 or 8, as determined by the Secretary of Education.

“(c) AMOUNT.—

“(1) IN GENERAL.—The Secretary shall award a grant to a local educational agency under this section for a fiscal year in an amount equal to the amount determined under paragraph (2) for the fiscal year minus the total amount received under the provisions of law described under section 10974(c) for the fiscal year.

“(2) DETERMINATION.—The amount referred to in paragraph (1) is equal to $100 multiplied by the total number of students in excess of 50 students that are in average daily attendance at the schools served by the local educational agency, plus $20,000, except that the amount may not exceed $60,000.

“(3) CENSUS DETERMINATION.—

“(A) IN GENERAL.—Each local educational agency desiring a grant under this section shall determine for each year the number of kindergarten through grade 12 students in average daily attendance at the schools served by the local educational agency during the period beginning or the first day of classes and ending on December 1.

“(B) SUBMISSION.—Each local educational agency shall submit the number described in subparagraph (A) to the Secretary not later than March 1 of each year.

“(4) PENALTY.—If the Secretary determines that a local educational agency has knowingly submitted false information under paragraph (3) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under paragraph (3).

“(d) DISBURSAL.—The Secretary shall disburse the funds awarded to a local educational agency under this section for a fiscal year not later than July 1 of that year.

“(e) SUPPLEMENT NOT SUPPLANT.—Funds made available under this section shall be used to supplement and not supplant any other State or local education funds.

“SEC. 10976. ACCOUNTABILITY.

“(a) ACADEMIC ACHIEVEMENT.—

“(1) IN GENERAL.—Each local educational agency that uses or receives funds under section 10974 or 10975 for a fiscal year shall—

“(A) administer an assessment that is used statewide and is consistent with the assessment described in section 1111(b), to assess the academic achievement of students in the schools served by the local educational agency; or

“(B) in the case of a local educational agency for which there is no statewide assessment described in subparagraph (A), administer a test, that is selected by the local educational agency, to assess the academic achievement of students in the schools served by the local educational agency.

“(2) SPECIAL RULE.—Each local educational agency that uses or receives funds under section 10974 or 10975 shall use the same assessment or test described in paragraph (1) for each year of participation in the program carried out under such section.

“(b) STATE EDUCATIONAL AGENCY DETERMINATION REGARDING CONTINUING PARTICIPATION.—Each State educational agency that receives funding under the provisions of law described in section 10974(c) shall—

“(1) after the third year that a local educational agency in the State participates in a program authorized under section 10974 or 10975 and on the basis of the results of the assessments or tests described in subsection (a), determine whether the students served by the local educational agency participating in the program performed better on the assessments or tests after the third year of the participation than the students performed on the assessments or tests after the first year of the participation;

“(2) permit only the local educational agencies that participated in the program and served students that performed better on the assessments or tests, as described in paragraph (1), to continue to participate in the program for an additional period of 3 years; and

“(3) prohibit the local educational agencies that participated in the program and served students that did not perform better on the assessments or tests, as described in paragraph (1), from participating in the program, for a period of 3 years from the date of the determination.

“SEC. 10977. RATABLE REDUCTIONS IN CASE OF INSUFFICIENT APPROPRIATIONS.

“(a) IN GENERAL.—If the amount appropriated for any fiscal year and made available for grants under this subpart is insufficient to pay the full amount for which all agencies are eligible under this subpart, the Secretary shall ratably reduce each such amount.

“(b) ADDITIONAL AMOUNTS.—If additional funds become available for making payments under paragraph (1) for such fiscal year, payments that were reduced under subsection (a) shall be increased on the same basis as such payments were reduced.

“SEC. 10978. APPLICABILITY.

“Sections 10951 and 10952 shall not apply to this subpart.”.

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001”.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS

Following is explanatory language on H.R. 5656, as introduced on December 14, 2000.

The conferees on H.R. 4577 agree with the matter included in H.R. 5656 and enacted in this conference report by reference and the following description. This bill was developed through negotiations by the conferees on the differences in H.R. 4577. References in the following description to the “conference agreement” mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed H.R. 4577. References to the Senate bill or to the Senate amendment mean the Senate passed version of H.R. 4577.

In implementing this agreement, the Departments and agencies should comply with the language and instructions set forth in House Report 106–645 and Senate Report 106–293.

In the case where the language and instructions specifically address the allocation of funds, the Departments and agencies are to follow the funding levels specified in the Congressional budget justifications accompanying the fiscal year 2001 budget or the underlying authorizing statute and should give full consideration to all items, including items allocating specific funding included in the House and Senate reports. With respect to the provisions in the House and Senate reports that specifically allocate funds each has been reviewed and those that are jointly concurred in have been included in this joint statement.

The conferees specifically endorse the provisions of the House Report 105–205 directing "* * * the Departments of Labor, Health and Human Services, and Education and the Social Security Administration and the Railroad Retirement Board to submit operating plans with respect to discretionary appropriations to the House and Senate Committees on Appropriations. These plans, which are to be submitted within 30 days of the final passage of the bill, must be signed by the respective Departmental Secretaries, the Social Security Commissioner and the Chairman of the Railroad Retirement Board."

The conferees expect the Departments and agencies covered by this directive to meet with the House and Senate Committees as soon as possible after enactment of the bill to develop a methodology to assure adequate and timely information on the allocation of funds within accounts within this conference report while minimizing the need for unnecessary and duplicative submissions.

The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $5,670,805,000 for training and employment services instead of $5,015,495,000 as proposed by the House and $5,453,141,000 as proposed by the Senate. Of the amount appropriated, $2,463,000,000 is an advance appropriation for fiscal year 2002. The conference agreement includes $1,400,000,000, which is the House level for Job Corps, but eliminates the October 1, 2000 availability of funds for hiring Business and Community Liaisons. The conference agreement includes $15,000,000 for this purpose, but the funds are made available on July 1, 2001, the normal funding cycle for Job Corps operations.

The conference agreement includes $586,487 made available for Job Corps operating expenses to be paid to the city of Vergennes, Vermont in settlement of the city's claim.

The conference agreement includes $1,590,040,000 for the Dislocated Worker program, as a step toward providing all dislocated workers who want and need assistance the resources to train for or find new jobs.

The conference agreement includes $1,102,965,000 for Youth Activities. This increase will allow local communities to address the reduction in the number of youth served in this year's summer jobs program resulting from a shift to comprehensive services, to establish new local youth councils, and to implement other reforms to youth training activities and services, all required under the Workforce Investment Act.

At the time the conferees acted on this bill, an increase in the minimum wage had not yet been enacted by Congress. If Congress enacts an increase in the minimum wage prior to the beginning of program year 2001, which begins April 1, 2001 for the youth activities grants, the conferees expect the Administration to submit a supplemental request for the 2001 youth program as part of its fiscal year 2002 budget request. The conferees intend that the number of program participants to be served will not be decreased as a result of any minimum wage increase.

The conference agreement includes $275,000,000 to expand to more communities the Youth Opportunity Grants aimed at increasing the long-term employment of youth who live in empowerment zones, enterprise communities, and other high-poverty areas.

The conference agreement includes $55,000,000 for the Responsible Reintegration for Young Offenders initiative to address youth offender issues. This new initiative involving DOL, HHS, and DOJ, will build on work begun earlier.

The conference agreement includes language authorizing the use of funds under the dislocated workers program for projects that provide assistance to new entrants in the workforce and incumbent workers as proposed by the Senate. The conference agreement also includes language to waive a 10 percent limitation in the Workforce Investment Act with respect to the use of discretionary funds to carry out demonstration and pilot projects, multi-service projects and multi-state projects with regard to dislocated workers and to waive certain other provisions in that Act. The language is similar to that in the Senate bill. The House bill contained no similar provisions.

The conference agreement includes a citation to the Women in Apprenticeship and Nontraditional Occupations Act as proposed by the House. The Senate bill did not cite this Act.

The conferees direct the Department, within the funds appropriated for fiscal year 2000 for National Emergency Grants within the Dislocated Worker program, to respond to an anticipated request by the State of Wisconsin for emergency funds to address layoffs in the community of Wisconsin Rapids.

The conferees direct the Department, within the funds appropriated for FY 2000 for National Emergency Grants within the Dislocated Worker program, to provide in response to an anticipated request by the State of North Carolina for $175,000 in emergency funds to address major layoffs in the community of Gaston County.

With respect to the projects listed below for both the Dislocated Worker program and the Pilots and Demonstrations authority, the conferees acknowledge changes under the Workforce Investment Act to develop and implement techniques and approaches, and demonstrate the effectiveness of specialized methods of addressing the employment and training needs of individuals. The conferees encourage the Department to ensure that these projects are coordinated with local Workforce Investment Boards. The conferees also encourage the Department of Labor to ensure that project performance is adequately documented and evaluated. The conference agreement includes the following amounts for the following projects and activities:

Dislocated workers

—$600,000 to develop and implement technology training through the Resource Recovery Program—Campbellsville University, TN;

—$500,000 for Workforce Development project to retrain older incumbent workers for Montana workforce—Montana State University, Billings;

—$1,600,000 to the Montana Tech Foundation for the Northwest Regional Miner—Training and Research Facility—Butte, Montana;

—$800,000 for the River Valley Machine Tool Technology program to retrain displaced workers—Central Maine Technical College;

—$1,400,000 for Coastal Enterprises Inc.'s New Enterprise Initiative Fund (NEIF) to provide training for dislocated workers to transition into new jobs—Maine;

—$650,000 for the Iowa Training Opportunities Program;

—$927,000 for the JobLinks Program;

—$50,000 for Clemson University to retrain tobacco farmers;

—$185,000 for the Hawaii Department of Labor/Kauai Cooperative Extension;

—$464,000 for High Tech Training—Maui, Hawaii;

—$861,000 for the Clayton College and State University in Georgia for a virtual education and training project;

—$184,000 for the Adult Computer Skills Training Initiative (ACSTI) through the Education and Research Consortium of Western North Carolina, Inc.;

—$464,000 for the Bethel Native Corp.—Alaska; and

—$500,000 for the University of Alaska/Ketchikan Shipyards training program for shipyard workers.

Pilots and demonstrations

—$1,275,000 for the Mott Community College Workforce Development Institute for Manufacturing Simulation—access to electronic library of technology, developed as part of DOL's America's Learning Exchange—Michigan;

—$1,000,000 for Jobs for America's Graduates, School-to-Work projects for at-risk young people;

—$500,000 to the University of Mississippi for Workforce training to support real time captioning initiatives for the hearing disabled—Oxford, Mississippi;

—$750,000 for Technology Tool Kit to train at-risk young people in occupations related to the use of automated identification technology—Mississippi Valley State University;

—$850,000 to train Northern Maine's workforce for employment in the metal trades—Northern Maine Technical College;

—$691,000 to the San Diego State University Foundation to implement innovative high-tech training programs;

—$900,000 for the South Dakota Intertribal Bison Cooperative;

—$700,000 for the Greater Columbus Ohio Chamber of Commerce Career Academies program—project to design and test programs in partnership with workforce development system;

—$250,000 for Job Corps of North Dakota for the Fellowship Executive Training Program;

—$276,000 to the City of Monrovia, CA to train youth in information technologies;

—$1,059,000 to the Californina State Polytechnic University in Pomona, CA to develop technology training programs;

—$921,000 to Precision Manufacturing Institute in Meadville, PA for training in the latest technology in the tooling and machine trades;

—$921,000 to Enterprise State Junior College in Enterprise, AL for technology training in the College's Center for Higher Technology;

—$369,000 to Employment Solutions in Lexington, KY;

—$855,000 to Florida Community College at Jacksonville for aircraft maintenance training at the Aviation/Aerospace Center of Excellence;

—$92,000 to the Chesapeake Center for Youth Development in Baltimore, MD for serving at-risk youth;

—$276,000 to Benedictine Programs and Services in Ridgely, MD for serving at-risk youth through the Industrial Training Center;

—$92,000 to Green Thumb, Inc. to conduct a program for low-income elders to develop entrepreneurial skills that utilize e-commerce and IT in Wadena, MN;

—$500,000 for Kirkwood Community College and ACT, Inc. for workforce skills development in Iowa;

—$500,000 for SMART Partner programs high-tech skills training through establishment of the Virtual Advanced Manufacturing Training Center—Des Moines Area Community College, Iowa;

—$1,036,000 to the National Institue for Metalworking Skills in Fairfax, VA to serve youth and adults in the area's metalworking industry;

—$464,000 for the American Indian Science and Engineering Society—Rural Computer Utilizaton Training;

—$464,000 for the Maui Economic Development Board—Rural Computer Training;

—$2,900,000 for the Remote Rural Hawaii Job Training project for low income youth and adults;

—$3,200,000 for Samoan/Asian Pacific Job Training—Hawaii;

—$4,000,000 for Training and Education Opportunities—University of Hawaii at Maui;

—$200,000 for the Vermont Information Technology Center model information technology training initiative—Champlain College, Burlington, VT;

—$750,000 for the Vermont Department of Employment and Training one-stop career resource centers;

—$1,900,000 for the North Country Career Center model education and training program—Newport, VT;

—$92,000 for the Westchester-Putnam Counties Consortium for Worker Education and Training, Inc. for apprenticeship and training programs to serve the NY construction industry;

—$485,000 for Waukesha, Wisconsin, workforce training for economically disadvantaged youth and adults at La Casa de Esperanza;

—$550,000 for the Dream Center to provide job and training skills for new labor market entrants or reentrants—LA, CA;

—$300,000 for VT Technical College—Technology Training Initiative;

—$880,000 for Focus:HOPE in Detroit for an Information Technologies Center that provides education and training programs to women and minorities;

—$691,000 to Campbellsville (KY) Industrial Authority for programs to upgrade the information technology skills in the KY community;

—$230,000 to Career Visions, Inc. in Louisville, KY to pilot computer-based assistive technology training;

—$276,000 for Career Resources, Inc. in Louisville, KY to develop a basic computer training program focusing on workplace applications;

—$461,000 to the University of Northern Iowa for a program to integrate immigrants and refugees into the workforce;

—$493,000 to the Greater Sacramento Urban League, CA for an Urban Achievement Program targeting training, employment and support for urban youth;

—$921,000 to Jones County Junior College in Ellisville, MS for development and implementation of a technology training program;

—$921,000 for Haymarket Center in Chicago, IL, to provide training services through the Family Enrichment Center;

—$921,000 to National Student Partnerships in Washington, DC;

—$92,000 to the International Agri-Center, in Tulare, CA for a E-Commerce training initiative;

—$650,000 for the UNLV Center for Workforce Development and Occupational Research;

—$100,000 for the Community Self-Empowerment & Employment Program (CSEEP) (PA)—comprehensive employment readiness, job development, job placement, and case management for area low-income residents—Pennsylvania;

—$500,000 for Philadelphia Revitalization and Education Program (PREP) to train minorities for careers in the building trades through its Diversity Apprenticeship Project (DAP)—Pennsylvania;

—$921,000 to Wrightco Technologies, Inc. for information technology training through a "Fast Track to the Future" program;

—$480,000 for hands-on manufacturing training at the Manufacturing and Applied Technology Training Center (MATC)—Central Oregon Community College;

—$100,000 for BASE, Inc. to provide occupational skills through its Youth Competency Development Program and training in the construction trades for low-income/minority women through partnership with Thaddeus Stevens State College of Technology—Lancaster, PA;

—$250,000 for Green Thumb, Inc.—conduct program for low-income elders to develop computer skills—Pennsylvania;

—$500,000 for Allegheny County, Pennsylvania, training of information technology workers;

—$300,000 for Lehigh University Job Training for hard to serve disadvantaged youth in manufacturing sector—PA;

—$638,000 for the Collegiate Consortium for Workforce & Economic Development, Philadelphia Naval Business Center—PA;

—$232,000 for the Yukon Kushokwim Health Corporation—Alaska;

—$300,000 for Koahnic Broadcasting—Alaska;

—$550,000 for Kawerak, Inc. Vocational Training for Alaska Natives—Nome, Alaska;

—$800,000 for Ilisagvik College—Barrow, Alaska;

—$927,000 for the Alaska Federation of Natives Foundation;

—$900,000 for Tlingit-Haida project—job training to unemployed natives in southeast Alaska;

—$2,300,000 for Alaska Works, Construction Job Training—Fairbanks, Alaska;

—$2,500,000 for the University of Alaska Fairbanks in consultation with Western Alaska regional Native non-profit corporations to conduct job training programs;

—$1,250,000 for the Alaska Native Heritage Center, and Bishop Museum in Hawaii;

—$921,000 for Transylvania Vocational Services, Inc. in Brevard, NC for training people with developmental disabilities;

—$184,000 for the More Opportunities for Viable Employment program through the Tulare (CA) County Office of Education, Services for Education and Employment Division;

—$276,000 to the South Metro Regional Leadership Center in University Park, IL;

—$2,037,000 to the Lawton & Rhea Chiles Center for Healthy Mothers and Babies in Tampa, FL for training paraprofessionals in the health-care field;

—$170,000 for Community Technology and Education Center at the Los Angeles River Center and Gardens in California for a job training initiative;

—$43,000 to Signature Academy Inc., to further develop the Exodus to Excellence Youth Program;

—$850,000 for Sinclair Community College, Dayton, Ohio for an out-of-school youth training project;

—$850,000 to Kingston-Newburgh Enterprise Community, Newburgh, New York, for a workforce development project;

—$213,000 to the Sullivan-Warwarsing Rural Economic Area Partnership, in Ferndale, New York for the planning and development of a manufacturing technology training center;

—$723,000 for Reading Berks Emergency Shelter, Reading, Pennsylvania to provide employment and training opportunities for disadvantaged individuals;

—$213,000 to the Melwood Horticultural Training Center, Upper Marlboro, Maryland, for workforce training for the disabled;

—$340,000 to the Safer Foundation, Chicago, Illinois for a workplace acclimation program for ex-offenders;

—$170,000 for South Suburban College, South Holland, Illinois to expand a bus mechanic workforce development program;

—$102,000 to the Dallas Urban League, Inc. in Dallas, Texas for the ACES program to provide literacy and job skills to disadvantaged youth and adults;

—$765,000 to The West Side Industrial Retention and Expansion Network (WIRE–Net), Cleveland, Ohio;

—$43,000 to Full Employment Council in partnership with the Greater Kansas City AFL-CIO in Missouri for Project Prepare;

—$85,000 to Alderson-Broaddus College, College Hill, Philippi, West Virginia for a collaborative information technology training program;

—$595,000 for the Hiram G. Andrews Rehabilitation Center in Johnstown, Pennsylvania to expand a job training program for people with disabilities;

—$590,000 for the Northwest Concentrated Employment Program in Ashland, Wisconsin, for an online skill matching initiative tied to the O*Net database;

—$510,000 to the Berkshire Applied Technology Council, Inc., Pittsfield, Massachusetts to expand training and develop distance learning;

—$1,275,000 to the San Francisco Department of Human Services, California, for its Community Jobs Initiative;

—$616,000 to the Charity Cultural Services Center, San Francisco, California, for job training;

—$468,000 for the Rebirth of Englewood Community Development Corporation in Chicago, Illinois for a job training initiative in partnership with the ITT Research Institute;

—$468,000 for the Northern Great Plains Initiative for Rural Development, Crookston, Minnesota, to provide education and training in technology support;

—$298,000 to Kent State University in Ohio for the Ohio Employee Ownership Center, for workplace development; and

—$425,000 to Rhode Island Department of Labor and Training, Providence, Rhode Island, for a job training program;

There is a shortage of trained closed captioners to enable the deaf and hard of hearing community to get news and other vital information from live television. In order to meet the requirements set forth by the Telecommunications Act of 1996, there is an urgent need for pilot programs to increase the availability of trained closed captioners. The conferees urge the Employment and Training Administration to invest in and support research and pilot programs, which would allow for an adequate number of captioners to be trained.

The conferees believe that the Association of Farmworker Opportunity Programs provides valuable technical assistance and training to grantees and has distinguished itself as a tremendous resource. Its Children in the Fields Campaign provides information, education, and technical assistance related to child labor in agriculture. The Campaign also provides other assistance related to employment, training (including pesticide and other worker safety training for children and adults). The Department is encouraged to continue the services that the Association provides in these areas.

The conferees urge the Employment & Training Administration to demonstrate programs that build upon identified best practices such as the Public/Private Venture's model workplace mentoring pilot program.

The conferees are concerned with the lack of mentoring and other support services available to the youth of incarcerated parents or legal guardians. The conferees urge the Employment and Training Administration to fund demonstration programs to meet the special needs of these youth. These activities should build upon identified best practices such as the U.S. Dream Academy's model which helps youths with parents or guardians involved in life cycles of incarceration and release. Its aim is to help these youths become good and productive citizens.

The fiscal year 2000 conference report (H. Rept. 106–479) included $1,000,000 for the Massachusetts Corporation for Business, Work and Learning for the International Shipbuilding Training Demonstration project. However, the reopening of the Fore River Shipyard in Quincy has been delayed. Workers dislocated from the closing of the shipyard still need job training; therefore, the Department is directed to use the $1,000,000 in the fiscal year 2000 appropriation to fund the Corporation for Business, Work and Learning for the Training of workers in the Quincy area for jobs within the Marine and Shipbuilding industries.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes $3,365,698,000 for state unemployment insurance and employment service operations instead of $3,097,790,000 as proposed by the House and $3,249,430,000 as proposed by the Senate. The agreement includes $35,000,000 instead of the $25,000,000 proposed by the Senate for reemployment services grants to insure that unemployment insurance claimants will be able to get the customized reemployment services they need to speed their reentry to employment. The House provided no funding for this program.

The conference agreement includes $26,100,000 for the foreign labor certification program as proposed by the House instead of $25,600,000 as proposed by the Senate. For one-stop centers/labor market information, the agreement includes $150,000,000 instead of the $110,000,000 proposed by the Senate. The House provided no funding for this program. These funds will be used to support infrastructure upgrades at the State level for one-stop career center system operations, labor market information, and integrated services to employers and job seeker customers.

Program Administration

The conference agreement includes $159,158,000 for program administration instead of $146,000,000 as proposed by the House and $156,158,000 as proposed by the Senate. The detailed table at the end of this joint statement reflects the activity distribution agreed upon. The conference agreement also includes funding for management and oversight of pilot and demonstration projects and additional administrative funding for backlog reduction in the alien labor certification program as listed in the Senate report.

Pension and Welfare Benefits Administration

SALARIES AND EXPENSES

The conference agreement includes $107,832,000 for the pension and welfare benefits administration, salaries and expenses instead of $98,934,000 as proposed by the House and $103,342,000 as proposed by the Senate. The increase will fully fund the request for expanded health and pension education and outreach efforts and enhanced pension enforcement.

Pension Benefit Guaranty Corporation

The conference agreement includes $11,652,000 for the administrative expense limitation as proposed by the Senate instead of $11,148,000 as proposed by the House.

Employment Standards Administration

SALARIES AND EXPENSES

The conference agreement includes $363,476,000 for the employment standards administration, salaries and expenses instead of $338,770,000 as proposed by the House and $352,764,000 as proposed by the Senate. This amount fully funds the request for ESA, including the Wage and Hour Division's request to expand its domestic child labor compliance and enforcement efforts; and the Office of Federal Contractor Compliance's activities to increase outreach, education, and technical assistance to federal contractors through industry partnerships on equal pay issues; and a customer communications initiative in the Office of Worker's Compensation.

On contracts for the provision of debt collection services, the Department of Labor shall continue to recognize the payment of commissions in the determination of McNamara-O'Hara Service Contract Act (SCA) wage rates and shall continue to recognize such payments as an offset against an employer's SCA prevailing wage obligation. In addition, the Department is encouraged to consider the special circumstances for contingency fee-based debt collection contracts and the potential fluctuations in commissions, particularly for less experienced employees.

SPECIAL BENEFITS

The conference agreement includes bill language to allow the Secretary to use fair share collections to fund capital investment projects and special investments to strengthen compensation fund control and oversight. The amounts cited in the House and Senate bills have been modified to reflect updated estimates of fair share collections from the non-appropriated agencies, such as the Postal Service, for fiscal year 2001.

BLACK LUNG DISABILITY TRUST FUND

The conference agreement includes a definite annual appropriation of $975,343,000 for black lung benefit payments and interest payments on advances made to the Trust Fund as proposed by the House instead of an indefinite permanent appropriation as proposed by the Senate.

Occupational Safety and Health Administration

SALARIES AND EXPENSES

The conference agreement includes $425,983,000 for occupational safety and health administration, salaries and expenses as proposed by the Senate instead of $381,620,000 as proposed by the House. The conference agreement does not include language proposed by the Senate that would have earmarked $22,200,000 of the increase over the fiscal year 2000 appropriation for education, training, and consultation activities. The House bill contained no similar provision. The detailed table at the end of this joint statement reflects the conferees' agreed upon activity distribution.

Mine Safety and Health Administration

SALARIES AND EXPENSES

The conference agreement includes $246,747,000 for mine safety and health administration, salaries and expenses instead of $233,000,000 as proposed by the House and $244,747,000 as proposed by the Senate. The conference agreement includes $2,500,000 over the budget request for physical improvements at the National Mine Safety and Health Academy.

The conference agreement includes language proposed by the Senate that allows MSHA to retain and spend up to $1,000,000 in fees collected for the approval and certification of mine equipment and materials. The conference agreement also includes language establishing a $1,000,000 contingency fund for mine rescue and recovery activities. The House bill contained no similar provisions.

Concerns have been expressed about the possible ramifications of a rulemaking on the use of conveyor belts in underground coal mines, including concerns about the validity of the testing on which the rule is based. MSHA is urged to carefully examine the record and to conduct additional research that may be required to address any significant concerns that have been raised.

The conferees are extremely concerned by a recent catastrophe in Eastern Kentucky. Millions of gallons of slurry coal waste broke free from an impoundment causing considerable damage to the environment and disrupting water supply for citizens along the Big Sandy and Ohio Rivers. The conferees believe this event warrants a thorough examination of current coal waste disposal methods and an exploration of future dumping alternatives. Therefore, the conference agreement includes $2,000,000 for a contract with the National Academy of Sciences to examine engineering standards for coal waste impoundments, provide recommendations for improving impoundment structure stabilization, and evaluate potential alternatives for future coal waste disposal, including the benefits of each alternative. The Academy shall seek the participation of representatives of relevant federal, state, and private entities, to include MSHA, OSM, EPA, Corps of Engineers, State mining authorities, and mining companies. Findings of this study shall be conveyed to the Committees on Appropriations no later than October 15, 2001.

Bureau of Labor Statistics

SALARIES AND EXPENSES

The conference agreement includes $451,584,000 for Bureau of Labor Statistics, salaries and expenses instead of $440,000,000 as proposed by the House and $446,584,000 as proposed by the Senate. The conference agreement also includes the Senate provision making $10,000,000 available for obligation on a program year basis from July 1, 2001 to June 30, 2002. The House bill contained no similar provision. This funding level provides increases for improvements to existing economic measures, improvements in labor market information mandated by WIA, and a new time use survey.

Departmental Management

SALARIES AND EXPENSES

The conference agreement includes $380,839,000 for departmental management, salaries and expenses instead of $244,889,000 as proposed by the House and $337,964,000 as proposed by the Senate.

The conference agreement includes $148,150,000 for the Bureau of International Labor Affairs instead of $70,000,000 as proposed by the House and $115,000,000 as proposed by the Senate. The conference agreement also includes language proposed by the

Senate to authorize the expenditure of funds for the management or operation of Departmental bilateral and multilateral foreign technical assistance through grants and contracts. The funds for bilateral assistance are made available through September 30, 2002. The House bill contained no similar provision. In total, the conference agreement includes $82,000,000 to assist developing countries with the elimination of child labor. Of this amount, $45,000,000 is for expansion of ILO's International Programme for the Elimination of Child Labor. In addition, $37,000,000 is provided for bilateral assistance to improve access to basic education in international areas with a high rate of abusive and exploitative child labor. These new bilateral initiatives should be developed in consultation and coordination with USAID to ensure these programs fit with the overall foreign operations policy of the Administration and are in compliance with the Foreign Assistance Act. The conference agreement includes $45,000,000 as proposed by the Senate to augment the capacity of Ministries of Labor to enforce labor standards, to develop social safety net programs, and to develop information on enforcement of labor laws around the world. The conference agreement includes $10,000,000 for the Global HIV–AIDS Workplace Initiative, and these funds are provided in the Department of Labor appropriation instead of the HHS Public Health and Social Services Emergency Fund as proposed by the Senate.

The conferees also include funding for the following activities:

—$900,000 to the University of Iowa for research on the issue of abusive and exploitive child labor and other labor-related issues; and

—$250,000 to the Association of Farmworker Opportunities Programs for public education on abusive child labor.

The conferees note from the recent World AIDS Conference that many national economies continue to be profoundly and adversely affected by the HIV–AIDS pandemic. For example, employers in South Africa are now hiring two employees for every one skilled job. The gross domestic product in many countries in Africa and Asia is actually contracting because of a shrinking adult work force attributable to HIV–AIDS related deaths. At the same time, there is mounting evidence that workplace-based HIV–AIDS education and prevention programs can help prevent the spread of HIV, especially in high-risk occupations. Such programs can help stem employers' loss of skilled workers, reverse declining productivity, and provide mechanisms for caring for workers living with HIV and AIDS. Consequently, the conferees expect ILAB to assume a leading role in developing innovative business-trade union partnerships to improve HIV–AIDS prevention and to improve coordination among the Labor Department, Commerce Department, and USAID.

The conference agreement includes $23,002,000 and language establishing the Office of Disability Employment Policy in the Department of Labor as proposed by the Senate. The House bill continued funding for the President's Committee on Employment of People with Disabilities, but this activity is subsumed in the new Office of Disability Employment Policy.

The conference agreement includes $37,000,000 to establish a permanent, centralized information technology investment fund.

VETERANS EMPLOYMENT AND TRAINING

The conference agreement includes $211,713,000 for veterans employment and training instead of $201,277,000 as proposed by the House and $206,713,000 as proposed by the Senate. Included in this amount is $17,500,000 for the homeless veterans program.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $54,785,000 for the office of inspector general as proposed by the Senate instead of $51,925,000 as proposed by the House.

GENERAL PROVISIONS

ERGONOMICS

The conference agreement does not include a provision included in both the House and Senate bills relating to regulations issued by the Occupational Safety and Health Administration relating to ergonomic protection.

EXTENDED DEADLINE FOR EXPENDITURE OF WELFARE TO WORK FUNDS

The conference agreement includes a provision proposed by the Senate extending the availability of Welfare to Work funding from three to five years. The House bill contained no similar provision.

H2A REGULATIONS

The conference agreement includes a modified version of the Senate provision prohibiting the implementation or enforcement of the pending H2A regulations, but allows for all activities related to the development of revised regulations. The conferees support the efforts by the Secretary of Labor and the Attorney General designed to streamline the H2A application process. The conferees expect the Department and the Immigration and Naturalization Service to work closely with the stakeholders to expeditiously address concerns raised by the growers so that the streamlined application process produces a more efficient new system.

DEADLINE FOR DETERMINATION ON HOUSING REQUIREMENTS FOR H2A WORKERS

The conference agreement includes a provision regarding housing inspections for H2A temporary agricultural laborers. This provision ensures that the deadline for housing inspections for H2A workers corresponds with the Secretary's thirty day statutory deadline for making H2A temporary agricultural labor certification decisions. The thirty day deadline may have been effectively nullified in some cases by the current regulations requiring that inspections on employer provided housing need not be completed until twenty days before the date the employer needs H2A workers. The provision requires housing inspections to be completed in time for the Secretary to make her certification decision in accordance with the thirty day statutory deadline.

ALIEN LABOR CERTIFICATION

The conference agreement includes a provision that authorizes the use of H1B fee revenue to process permanent labor certifications. This is needed because the recent legislation increasing the number of H1B visas authorized will result in a substantial increase in the volume of permanent labor certification applications. The Department of Labor has made significant progress over the past 18 months to reduce the backlog of applications for permanent labor certifications, and in expediting the labor condition application process for the H–1B program. In order to allow the Department to make further progress on timeliness of labor certifications without undermining the review process, the Department will be permitted to utilize a portion of fees generated by the H–1B program to support the administration of the permanent labor certification program.

ELIMINATION OF WELFARE TO WORK PERFORMANCE BONUSES

The conference agreement includes a provision proposed by the Senate to eliminate Welfare to Work performance bonuses. The House bill contained no similar provision.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement includes $5,525,476,000 for health resources and services instead of $4,784,232,000 as proposed by the House and $4,677,424,000 as proposed by the Senate.

The conference agreement includes bill language identifying $226,224,000 for the construction and renovation of health care and other facilities instead of $10,000,000 as proposed by the Senate. The House bill contained no similar provision. These funds are to be used for the following projects: Northwestern University Life Sciences Building; ACCESS Community Health Network in Illinois; Northwestern Memorial Hospital; University of Chicago Core Genetics Research Facility; Condell Medical Center, Regional Center for Cardiac Health Services; Lake County Health Department; University Center of Lake County, Illinois; Finch University of Health Sciences/Chicago Medical School; Pennington Biomedical Research Center in Baton Rouge, Louisiana; Texas Institute for Rehabilitation and Research; Massey Cancer Center of Virginia Commonwealth University; Aurelia Osborn Fox Memorial Hospital in Oneonta, New York; Margaretville Memorial Hospital in Margaretville, New York; Martha's Village and Kitchen Medical Clinic in Indio, California; Hanson House at the Desert Regional Medical Center; Nutrition Center at Wake Forest University Baptist Medical Center; James Whitcomb Riley Hospital for Children in Indianapolis, Indiana; University of South Alabama Gulf Coast Cancer and Research Institute; North Baldwin Hospital Surgery Center in Bay Minette, Alabama; Monroe County Hospital in Monroesville, Alabama; Touro University College of Osteopathic Medicine in Vallejo, California; Medical Sciences Building at the University of Cincinnati Medical Center in Cincinnati, Ohio; Tinnitus Center for Tinnitus Retraining Therapy at the University of North Carolina at Greensboro; Alfred E. Mann Institute and Biomedical Engineering Center at the University of Southern California; Paradise Valley Hospital in National City, California; Children's Hospital and Health Center in San Diego, California; Dental Education in Care of Disabled Clinic at the University of Washington; Alexander Hughes Community Center in Claremont, California; Biomedical Marine Research Facility at Harbor Branch; Kessler Rehabilitation Research Institute in West Orange, New Jersey; Child Health Institute of New Jersey; University of Nevada Las Vegas Biotechnology/Bioengineering Research Facility; McCready Health Services Foundation in Crisfield, Maryland; Center for Health Sciences at Dominican College in Rockland County, New York; Pediatric Cardiac Intensive Care Unit at Cook Children's Medical Center in Fort Worth, Texas; Tricounty Health Center at Northern Illinois University; Aurora Primary Care Consortium; Turning Point Facility in Union County, North Carolina; Gila River Indian Community Diabetes Center in Arizona; Dalton Cardiovascular Research Center at the University of Missouri at Columbia; Scripps Memorial East County Hospital in El Cajon, California; Marklund Children's Home; Misericordia Hearts of Mercy in Chicago, Illinois; University of Connecticut Health Center; Nassau County Health Care Corporation; Women's Health Center at Proctor Hospital in Peoria, Illinois; Oklahoma Medical Research Foundation; Louisiana State University Health Sciences Center Feist-Weiller Cancer Center in Shreveport, Louisiana; Lewis County General Hospital in Lewis County, New York; Stetson University in Deland, Florida; National Center for Primary Care at Morehouse School of Medicine; Springdale Community Health Center in Springdale, Washington; Edgemoor Geriatric Hospital in San Diego County, California; Union Hospital Midwest Center for Rural Health in Terre Haute, Indiana; Bennett W. Smith Family Life Wellness Center in Buffalo, New York; Children's Hospital of Buffalo; Fresno Community Hospital and Medical Center Regional Ambulatory Care Facility in Fresno, California; Pediatric Oncology and the Batchelor Children's Research Center at the University of Miami/Jackson Memorial Medical Center; Valley Hospital Cancer and Ambulatory Care Center in Paramus, New Jersey; Functional Genomics Research Center at Florida Atlantic University in Boca Raton, Florida; Michael and Dianne Bienes Cancer Center at Holy Cross Hospital in Ft. Lauderdale, Florida; Outpatient Surgery Facility at Memorial Hospital in Towanda, Pennsylvania; University of Scranton Allied Health Laboratory; Southern Illinois Healthcare Foundation in East St. Louis, Illinois; University of St. Francis in Fort Wayne, Indiana; Maricopa Integrated Health Systems in Phoenix, Arizona; Albany Medical Center Breast Cancer Diagnostic and Treatment Center in Albany, New York; Adirondack Medical Center in Saranac Lake, New York; Mary McClellan Hospital in Cambridge, New York; North Central Texas Community Health Care Center in Wichita Falls, Texas; St. Joseph's Hospital New York Regional Hemodialysis and Cardiac Care Enhancement Center in Syracuse, New York; Stroud Regional Hospital in Stroud, Oklahoma; Will County Health Center in Illinois; Molecular Genetics Core for the Center for Excellence in Cardiovascular-Renal Research at the University of Mississippi Medical Center; Tallahatchie General Hospital and Extended Care Facility in Charleston, Mississippi; Operation PAR in Pinellas Park, Florida; Detroit Medical Center, Women's and Children's health facility; Detroit Medical Center, Rehabilitation Institute of Michigan; Big Springs Medical Association in Missouri; Southeast Missouri Health Network; People's Health Center in St. Louis, Missouri; Denver Children's Hospital; National Jewish Medical and Research Center in Denver; Breast Cancer Center at Our Lady of Fatima Hospital in North Providence, Rhode Island; Jackson Medical Mall, Mississippi Institute for Cancer Research; Conehatta Tribal Community Health Care Clinic; Sharkey/Issaquena Hospital, Rolling Fork, Mississippi; Jackson Laboratory Physiogenomics facility in Maine; St. Joseph's Hospital in Ohio; Huron Hospital in Cleveland, Ohio; Ohio Poison Control Collaborative; Boys Town National Research Hospital in Omaha, Nebraska; University of Utah's Huntsman Cancer Institute; University of North Carolina Genomics and Bioinformatics; Burlington Community Health Center, Burlington, Vermont; Red Logan Community Health Center; Vermont Cancer Center; Vermont Lung Association Asthma Clinic; University of Mississippi, Guyton Building Expansion; Haysi Medical Clinic in Virginia; Allegheny-Clarion Valley Community Health Center; University of Alabama-Birmingham, Interdisciplinary Biomedical Research Facility; Umatilla County Public Health Facility; Bioengineering Research Facility at Oregon Health Sciences University; Temple University Outpatient Facility; Philadelphia College of Osteopathic Medicine; Thomas Jefferson University Cancer Research Facility; State of Alaska Public Health Laboratory in Anchorage; "Pathways Home" inpatient facility for the Southcentral Foundation; Montezuma Creek Health Care Center; Sorenson Multicultural Health Center; Midvale/West Jordan and Glendale, Utah Health Centers; St. Vincent Hospital in Billings, Montana; Rocky Mountain Regional Trauma Center at Denver Health and Hospital Authority; Carriozo Health Clinic; Dan C. Trigg Memorial Hospital; El Pueblo Health Services; La Clinica de Familia in Chaparral, New Mexico; La Clinica de Familia in San Miguel, New Mexico; Las Clinical del Norte De Abiquiu; Logan Family Clinic in New Mexico; Montgomery Women's Health Services Clinic of Lea County; Mora Community Health Service; Ruidoso Sub-station Health Service; Sierra Vista Family Community Clinic; Tatum Health Clinic; Children's National Medical Center in Washington; Arkansas Children's Hospital; Biomedical Biotechnology Center at the University of Arkansas Medical School in Little Rock; University of Arkansas, Fayetteville, Center for Protein Structure and Function; University of Arkansas, Little Rock, Applied Biosciences Program; Kansas University Human Imaging Institute; North Philadelphia Health System; Children's Health Fund; Crozer-Keystone Health System in Delaware County; Family Care Health Center in St. Louis, Missouri; Cathedral Healthcare System; Chase Brexton Health Services, Inc.; Children's Hospital of Boston; Children's Hospital of Wisconsin Neonatal Intensive Care Unit; Daviess County Community Health Center; Family Health Centers, Inc. of Orangeburg, South Carolina; Community Health facilities in southeast Iowa; Hillside Hospital in Long Island, New York; La Rabida Children's Hospital, Chicago; Marquette University School of Dentistry; Medical University of South Carolina Oncology Center; Molokai General Hospital; New York University School of Medicine; Palmer College of Chiropractic in Davenport, Iowa; Pioneer Valley Life Sciences Joint Venture between the University of Massachusetts and Baystate Medical Center; Rio Arriba County Residential Treatment Facility; Rutland Regional Medical Center; Sea Island Comprehensive Health Care Corporation; St. Mary's Healthcare Promotion Center in Huntington, West Virginia; St. Mary's Women and Infants Center of Dorchester; the Neurosciences program at West Virginia University; Tufts University Center for Nutrition Research; University of South Carolina School of Public Health; University of Vermont College of Medicine and Fletcher Allen Health Care; University of Nevada, Las Vegas Cancer Center; University of Montana Center for Environmental Health Sciences; University of Florida Genetics Institute; Hackensack University Medical Center in Hackensack, New Jersey; Brandeis University National Center for the Study of Behavioral Genetics and Genomics; Marlborough Hospital in Marlborough, Massachusetts; West Virginia University Eastern Panhandle Clinical Campus in Martinsburg; St. Mary's Hospital for Children, Bayside, New York; Virginia Mason Medical Center, Seattle, Washington; Memorial Hospital of Lafayette County, Darlington, Wisconsin; Saginaw Cooperative Hospitals, Inc., Saginaw, Michigan; El Sereno Family Health Center, El Sereno, Los Angeles; Community College of Southern Nevada Medical Careers Center, North Las Vegas, Nevada; Columbia County Senior Services, Lake City, Florida; San Luis Obispo medical therapy unit, California; Greene County Health Care, Inc., Snow Hill, North Carolina; St. Clair County, Belleville, Illinois, senior center and wellness clinic; Sunshine House, New Haven, Connecticut; City of Culver City, California, senior health and social services center; Community Partners Healthnet Inc., Snow Hill, North Carolina; North Shore Long Island Jewish Health System, Hillside Hospital Campus, Glen Oaks, New York; Cooper Green Hospital, Birmingham, Alabama; Whitman-Walker Clinic, Inc., Washington, DC; Prince George's Hospital Center, Cheverly, Maryland; Roseland Community Hospital, Chicago, Illinois; Metropolitan Family Services, Chicago, Illinois, mental and public health facility; South Suburban Family Shelter Inc., Homewood, Illinois; Rush-Presbyterian-St. Luke's Medical Center, Chicago, Illinois; Lake Charles Memorial Hospital, Lake Charles, Louisiana; West End Medical Centers, Atlanta, Georgia; New York Structural Biology Center, New York, New York; Memorial Freeport-Roosevelt Health Center, Roosevelt, New York; University of North Carolina at Wilmington School of Nursing, Wilmington, North Carolina; Joseph P. Addabbo Family Health Center, Arverne, New York; Los Angeles Eye Institute, Los Angeles, California, Boston College, Chestnut Hill, Massachusetts; West Liberty State College Dental Hygiene Clinic, West Liberty, West Virginia; Grafton City Hospital, Grafton, West Virginia; New York University Downtown Hospital, New York City, New York; Saint Michael's Hospital, Stevens Point, Wisconsin; Holyoke Health Center, Holyoke, Massachusetts; Montefiore Medical Center, Bronx, New York; Christopher Rural Health Planning Corporation, Christopher, Illinois; Centro de Salud Familiar La Fe, El Paso, Texas; Englewood Hospital and Medical Center, Englewood, New Jersey; Plaza Community Center, Inc., Los Angeles, California, children's health and social services center; Fairview University Medical Center, Minneapolis, Minnesota; Asian Human Services community health center, Chicago, Illinois; Strong Memorial Hospital, Rochester, New York; University of Arkansas Medical Sciences, Little Rock, Arkansas; Trinity Health Systems, Detroit, Michigan; Henderson County Rural Health Center in Oquawka, Illinois; and City of Summersville, West Virginia, senior health and social services facility.

The conferees are supportive of the efforts of the Academic Medicine Development Corporation to implement a strategic initiative for human genetics research in New York.

The conference agreement includes bill language identifying $253,932,000 for family planning instead of $238,932,000 as proposed by the House and $253,932,000 as proposed by the Senate. The conferees concur with Senate report language regarding the distribution of funds appropriated for Title X.

The conference agreement includes bill language to provide $30,000,000 for abstinence education in fiscal year 2002 as proposed by the House. The Senate bill contained no similar provision.

The conference agreement includes $1,168,700,000 for community health centers as proposed by the Senate instead of $1,100,000,000 as proposed by the House. Within the total provided, $6,250,000 is for native Hawaiian health programs.

The conferees recognize the long-standing commitment and expertise of the University of Hawaii in addressing the unique health care needs of the Pacific Basin region.

The conferees urge HRSA to give full and fair consideration to proposals to support expanded services to reach priority populations in under-served communities in Kane, Marion, Saline, and Will, Illinois counties on the southwest side of Chicago and in the AAPI community on the north side of Chicago.

The conference agreement includes $41,523,000 for the national health service corps, field placements instead of $39,823,000 as proposed by the House and $38,116,000 as proposed by the Senate.

The conference agreement includes $87,924,000 for national health service corps, recruitment instead of $81,524,000 as proposed by the House and $78,625,000 as proposed by the Senate. Within the total provided, $4,000,000 is for State offices of rural health. The conferees recommend that national health service corps loan repayment awards continue to be made in areas of greatest need.

The conference agreement includes $638,048,000 for health professions instead of $410,987,000 as proposed by the House and $230,714,000 as proposed by the Senate. Within the total provided, $235,000,000 is for children's graduate medical education. Also within the total provided for allied health special projects, $921,000 is for expansion of the Illinois Community College Board's program, in coordination with the Illinois Department of Human Services, to train and place welfare recipients in the allied health field using distance technology. The amount provided does not include funding to continue the demonstration project by the Utah area health education centers.

The conferees concur with House and Senate report language regarding priority consideration for health careers opportunities program (H-COP) grants to minority health professions institutions.

The conferees urge HRSA to give full and fair consideration to proposals to expand access to primary and dental care services for medically underserved populations located in the areas of St. Louis City, and the Missouri counties of Jefferson, Lafayette, Greene, and Douglas.

The conference agreement includes $18,016,000 for Hansen's disease services instead of $17,016,000 as proposed by both the House and the Senate. Within the total provided, $900,000 is for the Diabetes Lower Extremity Amputation Prevention program at the University of South Alabama.

The conference agreement includes $714,230,000 for the maternal and child health block grant instead of $709,130,000 as proposed by both the House and the Senate. The conference agreement includes bill language designating $113,728,000 of the funds provided for the block grant for special projects of regional and national significance (SPRANS) as proposed by the House. It is intended that $5,000,000 of the SPRANS amount will be used for the continuation of the traumatic brain injury State demonstration projects as authorized by title XII of the Public Health Service Act. The Senate bill contained no similar provision, instead it provided $5,000,000 as a separate line item in the table for traumatic brain injury. It is also intended that $5,000,000 of the SPRANS amount will be used for Columbia Hospital for Women Medical Center in Washington, DC to support community outreach programs for women and $100,000 will be used for the St. Joseph's Health Services of Rhode Island for the Providence Smiles dental program for low-income children.

The conferees are supportive of HRSA's efforts in preventing youth suicides. HRSA has made reducing the rate of youth suicide a priority for State MCH agencies, requiring States to address the crisis of suicide with their block grant funding.

The conference agreement includes $90,000,000 for healthy start as proposed by both the House and Senate. It is intended that these projects will be evaluated and those activities that are proven successful and can be replicated will be incorporated into the mission of the maternal and child health block grant program.

The conference agreement includes $8,000,000 for newborn and infant hearing screening as proposed by the House instead of $4,000,000 as proposed by the Senate.

The conference agreement includes $15,000,000 for organ transplantation as proposed by the Senate instead of $10,000,000 as proposed by the House.

The conference agreement includes $22,000,000 for the bone marrow program as proposed by the House instead of $17,959,000 as proposed by the Senate. The conferees continue to be aware of the life saving success of the National Marrow Donor Program, which now includes more than 4,000,000 potential volunteer donors. The conferees recognize the continuing need to increase minority representation in the national registry and support expansion of the National Marrow Donor Program's cord blood bank initiative, which provides another major source of donors for patients, particularly minority patients, in need of a marrow or blood stem cell transplant.

The conference agreement includes $58,218,000 for rural health outreach grants instead of $30,867,000 as proposed by the House and $38,892,000 as proposed by the Senate. The conferees are supportive of HRSA providing heart defibrillators to rural areas.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$50,000 for the La Crosse Health Science Consortium for a demonstration to increase access to dental care in La Crosse county;

—$85,000 for the Tillamook County Health Department, Oregon, to expand primary and dental health services for underserved populations;

—$850,000 for AIDS Alliance for Children, Youth, and Families;

—$115,000 for the Anderson Valley Health Center, Inc., Boonville, California, to expand dental and health care services;

—$128,000 for the Partnership for the Children in San Luis Obispo County, California, for a low income dental clinic;

—$170,000 for Northern Counties Health Care, Inc., St. Johnsbury, Vermont for a rural outreach initiative;

—$213,000 for the Mercer County Health Department in Aledo, Illinois, to extend dental care services to rural underserved populations;

—$300,000 for Blackstone Valley Community Health Care, Inc.;

—$359,000 for outreach activities of the Blue Ridge Community Health Service;

—$400,000 for the Kentucky Emergency Medical Services Academy;

—$450,000 for CAP Services in Stevens Point, Wisconsin to extend dental health services to underserved populations;

—$500,000 for St. Luke's Free Clinic in Hopkinsville, Kentucky;

—$500,000 for the Texas A&M HERO program;

—$500,000 for State and University of Alaska to train emergency medical personnel in rural areas;

—$500,000 for Inland Health Northwest;

—$425,000 for Campbellton-Graceville Hospital in Graceville, Florida, to expand clinical and preventive health care services to low income, rural populations;

—$550,000 for Langlade Memorial Hospital, Antigo, Wisconsin, for a four county dental health initiative;

—$700,000 for the Western Kentucky University mobile health screening program;

—$1,311,000 for outreach activities of the Lourdes Health Network in Pasco, Washington;

—$900,000 for Iowa Department of Public Health to develop and demonstrate the use of technology for public health nurses working in rural areas;

—$921,000 to continue and expand the development of the Center for Acadiana Genetics and Hereditary Health Care at Louisiana State University Medical Center;

—$800,000 for the University of Southern Mississippi Center for Sustainable Health Outreach;

—$1,106,000 for Carondelet Health Network of Arizona to improve the health status of multi-cultural and medically disenfranchised populations through increased community health access and comprehensive continuum of care;

—$1,200,000 for Southern Illinois University;

—$1,318,000 for Voorhees College in Denmark, South Carolina for a Center of Excellence for rural health;

—$1,800,000 for the University of Colorado School of Dentistry to conduct an oral health prevention and treatment program in Shannon, Jackson, Bennett, and Todd counties in South Dakota;

—$1,900,000 for the Yukon-Kuskokwim Health Corporation's health care delivery system; and

—$2,300,000 for the Mississippi State University Rural Health Safety and Security Institute.

The conference agreement includes $13,439,000 for rural health research instead of $11,713,000 as proposed by the House and $5,000,000 as proposed by the Senate.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$143,000 for the University of Pittsburgh Center for Rural Health Practice;

—$170,000 for Madison Community Health Center, Madison, Wisconsin, for a model preventive health program for hard to reach and at-risk populations;

—$250,000 for the multiple sclerosis disease state management program at the University of Mississippi Center for Pharmaceutical Marketing;

—$306,000 for the Texas Tech University Health Sciences Center at El Paso and the University of Texas at El Paso for joint research on health problems of migrant workers;

—$400,000 for the McLaughlin Research Institute cancer education program;

—$500,000 for the University of Alaska to develop a research and evaluation agenda for health care delivery;

—$840,000 for the Marshfield Clinic in Marshfield, Wisconsin, for scientific, ethical and citizen advisory groups and education programs in connection with the development of a personalized medicine program;

—$921,000 for the Virginia Center for Sustainable Health Outreach at James Madison University;

—$921,000 for Atlantic City Medical Center for prevention services and medical education activities;

—$1,275,000 for the University of North Dakota School of Medicine, Grand Forks, North Dakota for a rural health program in preventive medicine and behavioral sciences; and

—$1,612,000 for the Carolina's Community Health Initiative for its community health assessment plan.

The conferees encourage the National Human Genome Research Institute and the Agency for Healthcare Research and Quality to provide any necessary technical assistance to HRSA in supporting the Marshfield Clinic project.

The conference agreement includes $35,981,000 for telehealth instead of $25,000,000 as proposed by the Senate. The House provided funding for this program within rural health research.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$14,000 for networking capabilities of the Cullman Area, Alabama, Mental Health Authority;

—$43,000 for Arrowhead Regional Medical Center, Colton, California, for a telemedicine regional network;

—$85,000 for the New York Primary Care Health Foundation, Inc., Flushing, New York, for a telehealth initiative;

—$111,000 for Staten Island University Hospital to support a teleconferencing initiative to improve and strengthen linkages within campuses;

—$184,000 for the Union Hospital Telehealth Demonstration project in Terre Haute, Indiana;

—$300,000 for the University of Michigan Emergency Telemedicine Network;

—$350,000 for Molokai General Hospital to use the latest technology advances to provide health care in rural areas;

—$340,000 for Massachusetts College of Pharmacy and Health Sciences, Worcester, Massachusetts for a telehealth initiative;

—$361,000 for the Center for Telehealth and Distance Education at the University of Texas Medical Branch, Galveston, Texas for a telehealth initiative;

—$430,000 for Daemen College in Amherst, New York to continue a project to provide distance learning/medical linkages to rural counties in Western New York State;

—$500,000 for a telehealth project at Magee-Women's Hospital;

—$500,000 for the Susquehanna Health Systems telemedicine project;

—$468,000 for the Southern Illinois University School of Medicine telemedicine and rural health initiative project;

—$489,000 for the La Crosse Medical Health Science Consortium, Inc., Wisconsin for a telehealth initiative;

—$750,000 for a joint New Mexico-Hawaii Telehealth Outreach for Unified Community Health;

—$638,000 for Children's Hospital and Regional Medical Center in Seattle, Washington;

—$737,000 for the Community Hospital Telehealth Consortium in Louisiana for continued development of a regional telehealth network;

—$783,000 for the Memorial Telehealth Network in Springfield, Illinois;

—$723,000 for Childrens Hospital Los Angeles, California, for a telemedicine initiative;

—$737,000 for the Rural Telehealth and Community Education Network at Central Michigan University;

—$900,000 for the Southwest Alabama Rural Telehealth Network at the University of South Alabama;

—$850,000 for New York Presbyterian Hospital for a telehealth initiative;

—$850,000 for the University of Pittsburgh Medical Center Information Technology project;

—$1,000,000 for the University of Florida Human Brain Functional Imaging Technology project;

—$800,000 for the University of Nebraska telemedicine outreach program;

—$850,000 for the Fairview Lakes Regional Medical Center in Wyoming, Minnesota telemedicine project;

—$1,020,000 for the Northern California Telemedicine Network, Santa Rosa Memorial Hospital, Santa Rosa, California;

—$1,290,000 for a telemedicine program for downstate Illinois through the Southern Illinois University Medical School in Springfield, Illinois;

—$1,335,000 for the University of Nevada Las Vegas Telemedicine Network;

—$1,770,000 for the Idaho Telehealth Integrated Care Center to establish a comprehensive telehealth clinic to support care in rural and frontier areas;

—$1,843,000 for the Telehealth Deployment Research Testbed program;

—$1,800,000 for a project to link Rocky Mountain College and Deaconess Billings Clinic with telemedicine capabilities;

—$1,700,000 for the Saint Vincent Hospital in Billings, Montana for its Telemedicine Model;

—$2,418,000 for the Northeast Ohio Outreach Network to expand health services to rural residents in northeastern Ohio; and

—$3,400,000 for the Alaska Federal Health Care Access Network.

The conference agreement includes $19,000,000 for emergency medical services for children as proposed by the House instead of $15,000,000 as proposed by the Senate.

The conference agreement includes $20,000,000 for poison control instead of $6,600,000 as proposed by the House and $26,000,000 as proposed by the Senate. Funds are provided to support activities authorized in the Poison Control Center Enhancement and Awareness Act.

The conference agreement includes $6,000,000 for black lung clinics as proposed by the Senate instead of $5,943,000 as proposed by the House.

The conference agreement includes $3,000,000 for trauma care as proposed by the Senate. The House bill contained no similar provision.

The conference agreement includes a total of $1,807,700,000 for Ryan White programs instead of $1,725,000,000 as proposed by the House and $1,650,000,000 as proposed by the Senate. Included in this amount is $604,200,000 for emergency assistance, $911,000,000 for comprehensive care, $185,900,000 for early intervention, $65,000,000 for pediatric HIV/AIDS, $10,000,000 for dental services, and $31,600,000 for education and training centers.

The conference agreement includes bill language identifying $589,000,000 for the Ryan White Title II State AIDS drug assistance programs instead of $554,000,000 as proposed by the House and $538,000,000 as proposed by the Senate. The conferees concur with Senate report language regarding the Institute of Medicine study to evaluate the effectiveness of the current role and structure of the Ryan White CARE Act and the efforts to create a national consumer and provider education center within pediatric HIV/AIDS.

The conference agreement includes $109,200,000 for Ryan White AIDS activities that are targeted to address the trend of the HIV/AIDS epidemic in communities of color, based on the most recent estimated living AIDS cases, HIV infections and AIDS mortality among ethnic and racial minorities as reported by the Centers for Disease Control and Prevention. These funds are allocated as follows:

Within Ryan White Title I, the agreement provides $34,000,000 to the competitive supplemental allocation targeted to minority community based organizations, as defined by the Centers for Disease Control and Prevention, and directs that these funds be allocated through the established planning council processes of eligible metropolitan areas. These funds are designed to reduce the HIV related health disparities and improve the health outcomes for HIV infected African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders. These funds are expected to expand medical and supportive service capacity in communities of color, and expand peer treatment education that is both culturally and linguistically appropriate to individuals living with HIV/AIDS.

Within Ryan White Title II, the agreement provides $7,000,000 for State HIV care grants to support educational and outreach grants to minority community-based organizations to increase the number of minorities participating in the AIDS Drug Assistance Program (ADAP). The continuing under representation of African Americans, Latinos, Native Americans, Asian Americans, Native Hawaiians and Pacific Islanders in state run ADAP contributes to their persistently poor health outcomes in comparison to other communities.

Within Ryan White Title III, the agreement provides $44,400,000 for planning grants, early intervention service (EIS) grants to minority community-based health care and service providers with a history of service provision to communities of color. Funds should also be made available to national, regional and local organizations representing people of color to provide technical assistance collaborations, and linkages designed to strengthen HIV/AIDS systems of care. Funds are intended to support the implementation of the plans developed by minority community based and health care organizations. The conferees expect that fiscal year 2001 increases to Title III should be directed primarily towards providing early intervention service grants to those organizations that received Title III planning grants in the previous fiscal year and enhancing the service capacity of existing minority EIS providers.

Within Ryan White Title IV, the agreement provides $15,700,000 to fund traditional minority community-based providers of services to minority children, youth and families to develop and implement culturally competent and linguistically appropriate research-based interventions that provide additional HIV/AIDS care, services and linkages. Funds are also intended to directly fund minority community based organizations and providers to expand or implement programs specifically designed to provide youth, adolescent, and young adult-focused HIV/AIDS care and services.

The agreement provides $7,700,000 to AIDS education and training centers. These funds are intended to increase training of community-based minority health care professionals in AIDS-related treatments, standards of care, guidelines for the use of antiretroviral and other effective clinical interventions, and treatment adherence for HIV/AIDS infected adults, adolescents and children, as developed by the U.S. Public Health Service. The training of minority providers is to be implemented through collaborations with Historically Black Colleges and Universities (HBCU) and Hispanic Serving Institutions, and Tribal Colleges. These efforts are designed to increase the treatment expertise and HIV knowledge of minority front-line providers serving individuals living with HIV/AIDS. Funds are also intended to support minority community based organizations to train minority providers to deliver culturally competent and language appropriate treatment education services.

The conferees intend that at least ninety percent of total title IV funding be provided to grantees. The conferees expect the agency to use the funding increases for title IV, with the exception of any increases provided through the CBC/Minority AIDS Initiative, to provide, at a minimum, additional funds to existing grantees to reflect the increases in the costs of providing comprehensive care. The agency should use a significant portion of the remaining funds to expand comprehensive services for youth, both through existing and new grantees. The conferees believe that the agency should expand efforts to facilitate ongoing communication with grantees so that prospective changes in the administration of the program can be discussed.

From within the increase provided to pediatric AIDS demonstrations, the conferees encourage HRSA to target funds towards approved but unfunded applications from the previous fiscal year.

The conference agreement includes $140,000,000 for health care access for the uninsured instead of $25,000,000 as proposed by the Senate. The House bill did not contain funding for this unauthorized program. Of this amount, $125,000,000 is included to provide grants to public, private, and non-profit health entities to develop and expand integrated systems of care and address service gaps within such integrated systems with a focus on primary care, mental health services and substance abuse services. The program will supplement existing categorical safety net programs to assist communities in better harnessing their current capabilities and resources. The national health care safety net is under enormous strain and the demand for this initiative large.

The remaining $15,000,000 is to continue the initiative that was begun in fiscal year 2000 to help states identify the characteristics of the uninsured within the state and approaches for providing all uninsured with health coverage through an expanded state, Federal and private partnership. States have shown great interest in committing to the initiative and a second year of funding will produce a more comprehensive set of designs for providing insurance coverage for the uninsured. Sufficient funds are included to support up to ten new state grants, provide technical assistance to grantees and, if necessary, provide limited supplemental funding to states funded in fiscal year 2000 to complete their work. The Secretary is requested to submit a final report on state findings no later than December 1, 2001. The report should provide state by state summaries on baseline information, the process by which the state developed recommendations, including a description of data collection and partnerships, characteristics of the uninsured within the state, the proposed approaches for providing all uninsured with health coverage, and the estimated public and private cost of providing coverage. The report should also highlight and summarize common findings, policy development efforts and approaches identified by the states.

The conference agreement includes $9,900,000 for an adoption awareness program as authorized in the Child Health Act of 2000.

The conference agreement includes $10,000,000 for authorized health-related activities of the Denali Commission.

The conference agreement includes $139,246,000 for program management instead of $128,123,000 as proposed by the House and $135,766,000 as proposed by the Senate.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$230,000 for the Illinois Poison Center;

—$250,000 for the University of Alaska to establish an INPSYCH Center to train Alaska natives as psychologists to practice in Alaska villages;

—$500,000 for the University of Alaska, Anchorage to recruit and train nurses;

—$700,000 to support the efforts of the American Federation for Negro Affairs Education and Research Fund of Philadelphia;

—$900,000 for Northeastern University in Boston, Massachusetts to train doctors to serve low-income communities; and

—$900,000 for Des Moines University Osteopathic Medical Center for development of a model program for training and education in the field of geriatrics.

The Child Health Act of 2000 authorizes oral health activities intended to improve the oral health of children under six years of age who are eligible for services provided under a Federal health program. These activities should increase the utilization of dental services by such children and decrease the incidence of early childhood and baby bottle tooth decay. The conferees are supportive of these efforts.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes $3,868,027,000 for disease control, research, and training instead of $3,386,369,000 as proposed by the House and $3,251,996,000 as proposed by the Senate.

The conference agreement includes $175,000,000 for equipment, construction, and renovation of facilities as proposed by the Senate instead of $145,000,000 as proposed by the House. The conference agreement includes bill language to allow CDC to enter into a single contract or related contracts for the full scope of development and construction of facilities as proposed by the Senate. The House bill provided this authority only for laboratory building 18.

The conference agreement includes a total of $97,354,000 for the National Center for Health Statistics instead of $86,759,000 as proposed by the House and $105,110,000 as proposed by the Senate. The conference agreement also includes bill language designating $71,690,000 of the total to be available to the Center under the Public Health Service Act one percent evaluation set-aside as proposed by the House instead of $91,129,000 as proposed by the Senate.

The conference agreement includes bill language to allow funds recouped from fiscal years 2000 and 2001 obligations for the influenza vaccine stockpile to be used in fiscal year 2001 for childhood vaccine purchase.

The conference agreement does not include language proposed by the Senate to allow funds made available for section 317A of the Public Health Service Act to be used at Early Head Start program sites. The House bill contained no similar provision.

The conference agreement consolidates the salaries and expenses of CDC into a single account. Salaries and expenses activities encompass all non-extramural activities with the exception of program support services, centrally managed services, and buildings and facilities. The agency may allocate administrative funds for extramural program activities according to its judgment. Funds should be apportioned and allocated consistent with the table, and any changes in funding are subject to the normal notification procedures.

The conference agreement includes $175,969,000 for the prevention health services block grant instead of $175,964,000 as proposed by the House and $175,124,000 as proposed by the Senate. Within the total provided, $44,225,000 is for rape prevention and education activities previously funded through the Crime Trust Fund.

The conference agreement includes $23,012,000 for prevention centers instead of $23,000,000 as proposed by the House and $14,080,000 as proposed by the Senate.

The conferees include $700,000 for the Roger Williams Medical Center Healthlink program in Providence, Rhode Island to develop and implement a comprehensive health promotion initiative for senior retirees.

The conference agreement includes $529,461,000 for childhood immunization instead of $472,966,000 as proposed by the House and $499,005,000 as proposed by the Senate. Included in this amount is an increase of $42,487,000 for operation/infrastructure activities, $5,000,000 for global polio eradication activities, and $20,000,000 for vaccine purchase. The conferees intend that funds available for vaccine purchase are for all currently licensed and recommended vaccines. In addition, the Vaccines for Children (VFC) program funded through the Medicaid program is expected to provide $469,054,000 in vaccine purchases and distribution support in fiscal year 2001, for a total program level of $1,016,528,000.

The conferees recommend that CDC discontinue immunization incentive grants and that CDC award the $33,000,000 previously committed for this program as part of the entire operations funding to support State grantees cumulative core budgets. Incorporating incentive grants into States' base operations award would allow more States to receive a greater proportion of their core budget and help improve their overall immunization coverage levels. The conferees recommend that CDC use grant funding made available due to the completion of Congressionally-directed demonstration projects to ensure that all States receive at least the same level of operational funding received in fiscal year 2000, thereby holding them harmless during this funding shift from a formula based approach.

Funding for measles vaccine for supplemental measles immunization campaigns and epidemiological, laboratory, and programmatic/operational support to the World Health Organziation and its member countries is included in measles eradication funding not polio eradication funding as identified in the Senate report.

The conference agreement includes $767,246,000 for HIV/AIDS instead of $673,367,000 as proposed by the House and $640,000,000 as proposed by the Senate. Included in this amount is an additional

$3,000,000 to maintain the current hematologic and blood safety program commitments and to expand support for the treatment centers network in carrying out initiatives to address the complications of hemophilia, including HIV/AIDS, blood safety surveillance and monitoring, and the needs of women with bleeding disorders.

The conferees recognize the devastating impact of the global AIDS epidemic upon individuals, families and communities in Africa and Asia and have included $104,527,000 for global HIV/AIDS activities at CDC, which shall be available until September 30, 2002. This amount is an increase of $69,527,000 over the fiscal year 2000 appropriation. With funding received in fiscal year 2000, CDC, in collaboration with USAID and other federal agencies, has begun to combat the AIDS epidemic in 14 of the hardest hit countries in Africa and in India. The conferees urge CDC to continue to work in collaboration with USAID and other departments such as the Department of Defense and the Department of Labor, and other DHHS agencies especially HRSA, as well as international agencies, non-governmental organizations and country governments to halt the spread of the epidemic and lessen its impact. In those countries where CDC already has a presence, CDC, in collaboration with USAID and HRSA, should assist in implementing country-wide care and prevention programs. This will include partnering with HRSA to develop health care services focused on mobilizing communities for the development of palliative care, basic treatment, and support services. In addition, CDC should begin to assist other areas at high risk for severe epidemics including other African countries, Southeast Asia, and the Caribbean/Latin American region. Finally, CDC should support targeted anti-retroviral treatment demonstration projects in countries where sufficient care and treatment infrastructures exist. Within the total for international HIV/AIDS activities, the conferees provide $3,000,000 through CDC to support HRSA activities aimed at improving professional education and training relating to this initiative. The conferees have also included language to extend certain authorities of the Department of State to the Secretary of HHS so that CDC may use State's administrative systems for personnel, contracting and procurement, and for limited renovation or construction of essential program facilities.

As a preventive vaccine offers the world's best hope for turning the tide against the global AIDS pandemic, and since international collaborations are essential for this goal, the conferees encourage CDC to work collaboratively with the International AIDS Vaccine Initiative and other global organizations to accelerate the development and testing of promising vaccine candidates.

The conferees have provided additional funds to respond to the unmet needs identified through the community planning process. These funds are to augment the cooperative agreements between CDC and State and local health departments.

The conferees recommend that CDC allocate an increase to evaluate HIV prevention service delivery programs to improve funding decision-making and to implement more rapid effective transfer of technology to community based service delivery organizations and health departments. Approximately half of this amount should support evaluation activities to track service delivery by community based organizations, and utilize cost-effectiveness analysis in HIV prevention. The remaining funds would be used to expand technology transfer regarding HIV prevention through activities such as regional technical assistance, technology transfer, and training for the purpose of providing links between evidence-based HIV prevention science and public health departments, community planning groups, healthcare providers, and prevention science providers.

The conference agreement includes $88,000,000 to fund CDC activities that are designed to address the trend of the HIV/AIDS epidemic in communities of color, based on the most recent estimated living AIDS cases, HIV infections and AIDS mortality among ethnic and racial minorities as reported by the CDC. The program initiative includes funds for the "Know Your Status" campaign. The conferees have included funds for the Directly Funded Minority Community Based Organization program to fund grant applications from minority organizations with a history of providing services to communities of color to develop and expand HIV prevention interventions and services targeted to highly impacted minority men, women, youth and sub-populations. Funds are also included to create grants under the CDC Community Development Program to support needs assessments and enhance community planning processes to integrate HIV, STD, TB, substance abuse prevention and treatment, care and community development within communities of color. Funds are to be allocated for technical assistance programs for grantees under the Directly Funded Minority CBO program, for Faith-Based Initiative Programs including community based organizations interested in developing coalitions and partnerships with faith based institutions. Funds are also provided for CDC's HIV surveillance activities to better track the epidemic and target resources. These funds are to be allocated based on program priorities identified in the previous fiscal year as well as new priorities.

The conference agreement includes $126,528,000 for tuberculosis (TB) instead of $120,364,000 as proposed by the House and $113,413,000 as proposed by the Senate. The conferees intend that the increase over the President's request be used to reduce the number of foreign born TB cases contributing to the U.S. caseload, strengthen domestic TB control programs, and provide preventive therapy to individuals who have latent TB infection and are high-risk for developing active, infectious TB.

The conferees include $184,000 for Onondaga County, New York Health Department to establish a prospective tuberculosis control program for Central New York industries.

The conference agreement includes $148,256,000 for sexually transmitted diseases instead of $136,743,000 as proposed by the House and $135,978,000 as proposed by the Senate. The conferees provide $6,000,000 over fiscal year 2000 funding for chlamydia and $14,934,000 over fiscal year 2000 funding for syphilis. Except for the administrative contribution required by CDC, all of this increase for chlamydia must be spent on appropriate services to patients to prevent chlamydia infections using the existing partnership between STD and family planning. The conferees recognize that given the problem of re-infection and other factors, some of these funds may be utilized to provide screening and treatment to males as deemed appropriate by CDC.

The conference agreement includes $417,039,000 for chronic and environmental diseases instead of $317,374,000 as proposed by the House and $319,553,000 as proposed by the Senate. Programs within this account are funded (including salaries and expenses) at the following levels:

Environmental Disease Prevention:	
Arctic populations	$390,000
Asthma	27,906,362
Autism	6,734,000
Birth defects	17,608,000
Disabilities prevention	15,276,000
Environmental lab and health activities	46,593,117
Fetal alcohol syndrome	9,551,843
Folic Acid	2,500,000
Hanford Study	1,679,000
Limb Loss	3,352,000
Mild mental retardation	4,396,000
Newborn Hearing Screening	6,315,576
Pfisteria	9,081,000
Radiation	1,949,000
Spina bifida	2,155,000
Volcanic emissions	97,000
Subtotal, Environmental	155,583,898
Chronic Disease Prevention & Health Promotion:	
Arthritis and healthy aging	11,889,000
Behavior risk factor surveillance	1,918,000
Cancer registries	36,434,297
Cardiovascular diseases	35,038,825
Chronic fatigue syndrome	7,000,000
Colorectal cancer	8,901,345
Community health promotion	7,164,000
Comprehensive cancer control	3,096,000
Diabetes	58,344,038
Epilepsy	4,074,255
Iron overload	495,000
Nutrition/Physical activity	16,222,438
Oral health	8,460,000
Prevention of teen pregnancies	13,258,000
Prostate cancer	11,173,000
School health program	9,775,000
Skin cancer	1,647,000
Tobacco (smoking and health)	103,355,034
Women's health	1,500,000
Ovarian cancer	2,625,870
Subtotal, Chronic	342,371,102
Consolidated program administration	−80,916,000
Total, Chronic & Environmental	417,039,000

Within the total provided for arthritis, the conferees urge CDC to continue research, surveillance, and health communication efforts, including the impact of lupus on women, within the framework of the National Arthritis Action Plan.

Within the total provided for cardiovascular diseases, the conferees expect CDC to enhance professional and public awareness outreach activities on pulmonary hypertension.

Within the total provided for nutrition/physical activity, the conferees expect CDC to address overweight, obesity, nutrition, and sedentary lifestyles by supporting state-based programs, by training health professionals to recognize the signs of obesity and recommend prevention activities, by educating the public concerning overweight or obesity through public education campaigns, and by developing strategies for use at worksites and in community health and other community settings.

Native American populations have a diabetes rate of four times the national average with Hispanics following a close second. The conferees urge CDC to fund pilot projects to examine nutrition and prevention protocols for these populations.

The conferees look forward to the completion of the evidence-based report being developed by CDC and the Agency for Healthcare Research and Quality that will assess the elements of epilepsy treatment as they relate to clinical outcomes. CDC is expected to disseminate the findings of this report to people with epilepsy, health care professionals, and the general public. The Director should be prepared to provide the next steps required to implement an early intervention strategy including diagnosis, treatment, and referral recommendations at the fiscal year 2002 appropriations hearing.

The conferees are encouraged that CDC plans to convene a meeting to develop a national prostate cancer public health agenda. The conferees urge the agency to continue its work with voluntary public and professional organizations to develop and implement a national educational and outreach campaign with special attention to minority and under served populations. CDC should be prepared to report on its prostate cancer programs at the fiscal year 2002 appropriations hearing.

The conferees urge CDC to give full and fair consideration to a proposal to develop a diversified screening demonstration project with the Dean and Betty Gallo Prostate Cancer Center at the Cancer Center of New Jersey and the Men's Health Network designed to determine effective methods for encouraging men in the underserved population to participate in colorectal screening and screening for other high risk diseases.

The conferees urge CDC to provide additional support for Johns Hopkins University to develop the Center for Limb Loss Research.

The conferees include the following amounts for the following projects and activities in fiscal year 2001.

Within the total provided for asthma, $213,000 is for the Buffalo General Foundation, Buffalo, New York, for a study examining the impact of air pollution on asthma rates and respiratory illness and $921,000 is for Forum Health of Youngstown, Ohio for a pediatric/adolescent asthma school program.

Within the total provided for autism, $313,000 is for the Marshall University autism center in Huntington, West Virginia; $921,000 is for the New Jersey Epidemiologic Surveillance and Integration Center for Children with Autism; and $3,000,000 is for the Center of Excellence in Autism.

Within the total provided for birth defects, $147,000 is for the Birth Defects Monitoring and Prevention Center at the University of South Alabama and $461,000 is for the University of Louisville Craniofacial Birth Defects Research Center.

Within the total provided for cardiovascular diseases, $46,000 is for the Sisters of Charity Health Care System and Staten Island University Hospital's Heart Center; $500,000 for the Michael DeBakey Institute for Comparative Cardiovascular Science; $929,000 is for the Kettering Medical Center Healthy Hearts 2001 Initiative; and $4,500,000 is for The Paul Coverdell National Acute Stroke Registry to track and improve the delivery of care to patients with acute stroke. The conferees direct CDC to consult with the National Institute for Neurological Disorders and Stroke at the National Institutes of Health, the Brain Attack Coalition, and other professional organizations experienced in the treatment of stroke, in developing specific data points for collection as well as appropriate benchmarks for analyzing care. The conferees further direct CDC to include hospitals, universities, state and local health departments, and other appropriate partners to design and pilot test prototypes, that will measure the delivery of care to patients with acute stroke in order to provide real-time data and analysis to reduce death and disability from stroke and improve the quality of life for acute stroke survivors.

Within the total provided for colorectal cancer, $184,000 is for the Sisters of Charity Health Care System to ensure that patients have access to early detection of gastro-intestinal cancers.

Within the total provided for community health promotion, $553,000 is for the Baltimore City Health Department, Maryland, to establish a Center for Chronic Diseases and $900,000 is for the University of Texas, Dallas, for the Southwestern Medical Center, National Multiple Sclerosis Training Center.

Within the total provided for comprehensive cancer control, $425,000 is for Miami-Dade County, Florida for the Health Choice Network to administer the Jesse Trice Cancer Prevention Project; $921,000 is for an Appalachian cancer demonstration project at the East Tennessee State University James H. Quillen College of Medicine to address cancer care in the rural Appalachian region; $900,000 is for the University of Rhode Island Cancer Prevention Research Center to provide interactive interventions of at-risk populations; and $850,000 is for the University of Texas M.D. Anderson Cancer Center in Houston, Texas, for a comprehensive cancer control program to address minority and medically underserved populations.

Within the total provided for diabetes, $230,000 for the Fresno Community Hospital and Medical Center to support a minority-focused diabetes outreach program; $213,000 is for the Diabetes-Endocrinology Center of Western New York in Buffalo for community education and outreach efforts to improve the early detection, prevention and control of diabetes; $276,000 is for a comprehensive diabetic research, education and treatment program at Louisiana State Health Sciences Center in Shreveport; $425,000 is for the University of Puerto Rico to support surveillance, prevention research and education programs at the center for diabetes in Puerto Rico; $1,000,000 is for the National Diabetes Prevention Center in Gallup, New Mexico to continue the prevention center for American Indians; and $1,843,000 is for the Center for Diabetes and Prevention Control at Texas Tech University Health Sciences Center to provide a national model of diabetes outreach, education, prevention and care.

Within the total provided for disabilities prevention, $3,000,000 is to establish a paralysis information and support center with the Christopher Reeve Paralysis Foundation and to enhance efforts on the prevention of secondary complications to improve outcomes and the quality of life for people living with paralysis.

Within the total provided for environmental health activities, $213,000 is for the San Antonio Metropolitan Health District to expand an assessment of human exposure to environmental contaminants near Kelly Air Force Base, Texas; $400,000 is for the establishment of a National Mass Fatalities Training Response Center, at Kirkwood Community College in Cedar Rapids, Iowa; $500,000 is for the State of Alaska's Department of Health and Social Services to study environmental contaminants; $850,000 for a joint United States/Vietnamese study on the effects of agent orange; $850,000 for the University of North Carolina at Chapel Hill to support additional research on animal modeling of chronic human diseases such as cancer, fibrosis, hypertension, and other diseases; and $1,800,000 for the Center for Environmental Medicine and Toxicology at the University of Mississippi Medical Center in Jackson, Mississippi.

Within the total provided for nutrition/physical activity, $250,000 is for the National Youth Fitness and Obesity Institute at the University of Northern Iowa; $298,000 is for the University of North Carolina at Greensboro, North Carolina, Institute for Health, Science and Society for the Children's Healthy Life Skills Initiative; and $461,000 is for the Grenada Lake Medical Center in Grenada, Mississippi to conduct a demonstration on physical fitness in rural areas.

Within the total provided for school health program, $140,000 is for Proviso East High School in Maywood, Illinois in collaboration with Loyola University of Chicago and the Cook County Board of Health to improve the delivery of on-site primary care, preventive care, and health outreach to low-income parents and students in the community.

Within the total provided for tobacco, $900,000 is for the University of Rhode Island Tobacco Cessation Program to compare media and policy interventions on smoking cessation and adoption of no smoking policies in the home.

The conference agreement includes $173,928,000 for breast and cervical cancer screening instead of $160,941,000 as proposed by the House and $167,016,000 as proposed by the Senate. The conference agreement includes bill language to allow the agency to expand the WISEWOMAN program to not more than 15 States as proposed by the Senate. The House bill allowed the agency to expand the program to not more than 10 States.

The conferees urge the CDC to give full and fair consideration to proposals from Access Community Health Network in Chicago for delivering breast and cervical cancer screening and follow-up services to minority women.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$92,000 to evaluate the high incidence of breast cancer in DuPage County, Illinois;

—$213,000 for Marin County, California to evaluate the high incidence of breast cancer in the San Francisco Bay Area;

—$1,671,000 for the Healthcare Association of New York State for a breast cancer demonstration project to develop an integrated model for the delivery of comprehensive breast cancer services in a coordinated setting.

The conference agreement includes $181,701,000 for infectious diseases instead of $111,622,000 as proposed by the House and $112,000,000 as proposed by the Senate. Within the total provided, $25,000,000 is for the establishment of partnerships between CDC and academic institutions and State and local public health departments to carry out pilot programs for antimicrobial resistance detection, surveillance, education and prevention, and to conduct research on resistance mechanisms and new or more effective antimicrobial compounds.

The conferees commend CDC for its initiative to work with hospitals in identifying and responding to the risk of hospital-acquired infections and the emergence of antimicrobial resistance in the pediatric population, including its successful development of the largest hospital-based infection control network in the country. The conferees encourage CDC to continue its effort to work with pediatric hospital networks to improve infection control efforts for children, particularly high-risk children.

Within the total provided, $25,000,000 is to continue planned activities and to expand efforts to control the West Nile virus, an increase of $20,000,000 above the President's request. The conferees direct CDC to ensure an equitable distribution of these funds based on the impact of the West Nile virus in particular states and localities during calendar year 2000. The criteria should include: the date of first positive findings, intensity of wildlife transmission, occurrence of human illness, geographic extent of positive findings, laboratory testing/activities, and employment of control measures, including spraying.

Also within the total provided is $34,577,000 for NEDSS/EID and an increase of $4,000,000 for malaria programs.

The conferees urge CDC to give full and fair consideration to a proposal by Advance Paradigm to demonstrate the role of provider utilization of information technology to improve patient safety through management of polypharmacy outcomes.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$149,000 for Case Western Reserve University, Cleveland, Ohio for prion disease surveillance;

—$250,000 for the Institute for Clinical Evaluation for the reduction of medical errors through the development and demonstration of virtual reality medical technology simulation for training health care workers in medical procedures;

—$300,000 for the Fletcher Allen Health Care, Burlington, Vermont for a demonstration to reduce medical errors;

—$500,000 for the Iowa Department of Public Health for a demonstration to identify and develop strategies to reduce adverse medical events;

—$961,000 for the University of Texas Medical Branch, Galveston, Texas, Tyler Border Infectious Disease Monitoring Program;

—$921,000 for the Emerging Infectious Diseases Center at the University of New Mexico in Albuquerque to develop a network-based surveillance system; and

—$1,843,000 to develop a comprehensive, statewide electronic public health reporting system in the State of Delaware.

The conference agreement includes $34,933,000 for lead poisoning prevention instead of $31,019,000 as proposed by the House and $30,978,000 as proposed by the Senate. CDC is encouraged to work with Early Head Start in developing a strategy identify and target resources for childhood lead poisoning prevention to high-risk populations.

The conference agreement includes $77,332,000 for injury control instead of $66,298,000 as proposed by the House and $69,000,000 as proposed by the Senate.

The conferees have provided an additional $3,000,000 for CDC to strengthen its focus on violence by supporting initiatives directed at the prevention of physical and emotional injuries associated with child abuse and neglect. The conferees note that CDC convened a group of experts on child maltreatment to identify future directions for prevention. Increased funds are provided to begin to improve information on child maltreatment through mechanisms such as state-based surveillance, the development of uniform definitions, and survey information from victims and perpetrators. The conferees also support the evaluation and dissemination of effective interventions and urge CDC to develop and distribute an evaluation primer, a resource guide for evaluated child maltreatment interventions, and educational materials on child maltreatment prevention.

The conferees include $2,000,000 to support a joint effort by CDC and the Consumer Product Safety Commission to identify products that contribute to common injuries. The conferees understand that this effort includes collecting information from hospitals that currently offer 24-hour trauma service. The conferees agree that any research and/or study undertaken shall address all products contributing to injuries found in these areas and that all existing restrictions on CDC funding and the Consumer Product Safety Commission apply to all aspects of this effort.

CDC is urged to conduct evaluation research on sleepiness, sleep deprivation, and injury prevention associated with fatigue.

The conferees concur with Senate report language regarding the development of population-based injury reporting systems and recognize the efforts of the University of Maryland, College Park.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$92,000 for the Rebuild program at Inova Fairfax Hospital that will enable trauma system doctors and nurses to work effectively with the families of trauma victims;

—$200,000 for the National Children's Center of Rural Agricultural Health;

—$250,000 for the American Trauma Society for a trauma information and exchange program;

—$425,000 for the National SAFE KIDS Campaign, Washington, DC to improve child health through parental training and technical assistance in public housing sites and communities;

—$750,000 for an Alaska Injury Prevention Center of which $250,000 is for collaboration with the State of Alaska Department of Health and Social Services and $500,000 is to develop a statewide childhood injury prevention program;

—$850,000 for the Kennedy Krieger National Center for Research on Behavior of Children and Youth, Baltimore, Maryland for a youth violence prevention project; and

—$921,000 for the Save A Life Foundation to expand the training of its basic life supporting first aid program.

The conference agreement includes $119,375,000 for the national occupational safety and health program instead of $86,346,000 as proposed by the House and $105,000,000 as proposed by the Senate.

The conferees provide an increase over the request of $10,000,000 for the National Occupational Research Agenda, $9,000,000 for respirator research and personal protective technology, and $1,000,000 for Education and Resource Centers.

The conferees urge NIOSH to be supportive of developing a Pacific basin focus at the University of Hawaii at Hilo.

The conferees include $723,000 for Purdue University in West Lafayette, Indiana, to support the Construction Safety Alliance for a national program in construction safety and health.

The conference agreement includes $174,851,000 for epidemic services instead of $155,338,000 as proposed by the House and $30,254,000 as proposed by the Senate. Within the total provided, $125,000,000 is for a National Campaign to Change Children's Health Behaviors as described in the House report, including promoting mental health. The campaign is designed to clearly communicate messages that will help kids develop habits that foster good health over a lifetime. The conferees expect the goals of the campaign will also address the growing problem of obesity in this country. By displacing the opportunity for young people to make bad choices during after-school and weekend hours (such as being physically inactive) with opportunities to engage in positive goal-directed activities (such as sports and other physical activity) the campaign will reduce the proportion of children and adolescents who are overweight and obese.

The conferees commend CDC's leadership role in landmine victim assistance programs and have provided an additional $5,000,000 to support expansion of the landmine survivor program as well as the partnership with the Landmine Survivors Network to further develop peer support networks that address the rehabilitative and socioeconomic needs of landmine victims in mine affected countries.

The agreement includes $14,000,000 for the safe motherhood initiative. The conferees urge CDC to further its efforts to prevent deaths and complications during pregnancy and reduce racial disparities, with special focus on complications related to a lack of access to prenatal care and community support.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$9,000 for the Cross Road Foundation for a pilot project to sponsor singles mother self-help groups to improve parenting skills;

—$37,000 for Victory Memorial Hospital in Brooklyn, New York to expand its prenatal program for uninsured, pregnant women;

—$100,000 for the Northern New Jersey Maternal Child Health Consortium;

—$184,000 for the Children's Hospital of Buffalo for activities related to intestinal motility disorders in infants;

—$500,000 for the University Medical Center of Southern Nevada for Maternal and Neonatal Intensive Care;

—$900,000 for Sudden Infant Death Syndrome Resources, Inc., Missouri Bootheel Healthy Start project;

—$1,000,000 for the Prince George's County Health Department for Infant Mortality Prevention;

—$1,020,000 for Jackson State University, Office of Research and Development to establish an epidemiological research institute;

—$1,704,000 is for the University of Arizona, College of Public Health to continue comprehensive research and evaluation of the unique public health risks along the U.S.-Mexico border; and

—$3,001,000 for the Lawton and Rhea Chiles Center for Healthy Mothers and Babies Friendly Access program to improve the quality of perinatal health service delivery.

The conference agreement includes $13,593,000 for prevention research as proposed by the House instead of $13,386,000 as proposed by the Senate.

The conference agreement includes $35,009,000 for health disparities demonstrations instead of $32,184,000 as proposed by the House and $27,000,000 as proposed by the Senate.

The conference agreement includes $669,130,000 for program administration instead of $648,774,000 as proposed by the House and $626,228,000 as proposed by the Senate.

The conferees do not include language proposed by the Senate to reduce administrative expenses of the CDC. The House bill contained no similar provision.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

The conference agreement includes $3,757,242,000 for the National Cancer Institute instead of $3,793,587,000 as proposed by the House and $3,804,084,000 as proposed by the Senate.

NCI is encouraged to take appropriate steps to take full advantage of scientific opportunities that may be available from using genealogical databases to understand, diagnose, treat and prevent cancer and other diseases.

NATIONAL HEART, LUNG AND BLOOD INSTITUTE

The conference agreement includes $2,299,866,000 for the National Heart, Lung and Blood Institute instead of $2,321,320,000 as proposed by the House and $2,328,102,000 as proposed by the Senate.

The conferees support research on the interaction of tuberculosis and AIDS conducted through the Institute's AIDS research program and encourage enhanced research in this area. The conferees also urge NHLBI to continue research and development efforts in the area of polynitroxylated hemoglobin, a blood cell substitute being developed to provide oxygen carrying capacity and adequate blood flow to the critically injured.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

The conference agreement includes $306,448,000 for the National Institute of Dental and Craniofacial Research instead of $309,007,000 as proposed by the House and $309,923,000 as proposed by the Senate.

The conferees are concerned about the exceptionally high rate of severe dental caries suffered by American Indian children and encourage NIDCR to support long-term research of the etiology and pathogenesis of dental caries in these populations. The conferees also encourage NIDCR to conduct research on effective ways to control severe caries in American Indian children through all available mechanisms, as appropriate, including clinical trials.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

The conference agreement includes $1,303,385,000 for the National Institute of Diabetes and Digestive and Kidney Diseases instead of $1,315,530,000 as proposed by the House and $1,318,106,000 as proposed by the Senate.

The conferees are concerned that the urology research effort is not addressing the large public health impact of urological diseases and conditions. NIDDK is strongly urged to enhance its research initiatives in urology.

The conferees encourage NIDDK to coordinate with the Office of Dietary Supplements on their findings from the chromium and diabetes nutrition conference held in November of 1999. The Institute is encouraged to enhance basic research grants to examine cellular glucose metabolism and the factors that influence that metabolism, especially the influence of chromium-containing compounds on glucose receptors.

The conferees encourage NIDDK to expand research efforts for treatments for mucopolysaccharidosis (MPS). The conferees recognize the recent progress in some areas of MPS research, however the persistent challenges in development of effective treatments remain. NIDDK is encouraged to work with other Institutes, especially NINDS and NICHD, to research effective therapies.

The conferees are concerned regarding reports that funding for two of the four recently established Interdisciplinary Research Centers have been significantly reduced. The conferees urge NIDDK, consistent with the PKD Strategic Plan, to fully fund the four Interdisciplinary Research Centers.

The conferees are pleased with the growth of the NIDDK research portfolio on inflammatory bowel disease (IBD) and the focus on IBD in several of the Institute's digestive diseases centers. Moreover, several new initiatives are planned, including efforts to create an IBD genetics consortium in followup to a meeting NIDDK held in March 2000 on the genetics of IBD. The conferees are hopeful that IBD will be one of the diseases to be studied in the soon-to-be-established NIDDK digestive diseases trial network. The conferees urge the Institute to foster research on genetic, environmental and other factors that offer promise of shedding light on the underlying causes of immunologic abnormalities and inflammatory mechanisms in IBD, and that may help point the way to more effective therapeutic and preventive strategies.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

The conference agreement includes $1,176,482,000 for the National Institute of Neurological Disorders and Stroke instead of $1,185,767,000 as proposed by the House and $1,189,425,000 as proposed by the Senate.

The conferees are aware of the efforts of NINDS to identify the gene that causes Mucolipidosis Type IV (ML–4), a debilitating genetic metabolic disorder that prevents normal development in children. The conferees encourage NINDS to consider conducting workshops and expand research efforts in this area.

The conferees urge NINDS to enhance research activities on the development or adaptation of electrical stimulation devices to activate the reflexes of the paralyzed muscles that open the airway during breathing in cases of paralyzed vocal cords due to trauma or neurodegenerative disease.

The conferees encourage NINDS to continue their collaborative efforts with advocacy groups to develop treatments for Friedreich's ataxia.

Recent advances in Spinal Muscular Atrophy (SMA) research have found that activation of the SMN2 gene may benefit treatment of SMA. The conferees urge NINDS to develop a SMA basic and clinical research portfolio through all available mechanisms, as appropriate, including clinical trials of drug compounds capable of activating SMN2 expression. The conferees also encourage the Institute to explore areas of promising research identified in the 2000 Families of SMA International Workshop.

Mitochondrial disorders comprise a panoply of progressive, neurodegenerative syndromes affecting multiple organ systems and causing mild to severe disabling neurological complications. At present there is no cure or therapies that are effective. It is recognized that adult onset disorders such as Parkinson's, Alzheimer's, and Huntington's diseases may have an associated mitochondrial defect. The conferees urge NINDS and other relevant Institutes to explore the potential applicability of promising new therapies for these diseases in treating patients with mitochondrial disorders.

The conferees are pleased to note that progress continues to be made both with respect to the treatment and in our understanding of the cause of multiple sclerosis. Recent studies have provided the best evidence to date that the disease is caused by over-reactivity of a person's own immune response. Based on these advances, the conferees encourage NINDS to expand its efforts to test new, innovative therapies. Research strategies should include the use of MRI and other surrogate biomarkers to help determine the stage of the disease, to evaluate effective treatments, and to improve diagnosis.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

The conference agreement includes $2,043,208,000 for the National Institute of Allergy and Infectious Diseases instead of $2,062,126,000 as proposed by the House and $2,066,526,000 as proposed by the Senate.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

The conference agreement includes $1,535,823,000 for the National Institute of General Medical Sciences instead of $1,548,313,000 as proposed by the House and $1,554,176,000 as proposed by the Senate.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement includes $976,455,000 for the National Institute of Child Health and Human Development as proposed by the Senate instead of $984,300,000 as proposed by the House.

The conferees are supportive of plans to conduct a national longitudinal study of environmental influences on children's health. The Director of NICHD is urged to establish a consortium of representatives from appropriate Federal agencies, including CDC, EPA and other NIH Institutes to plan and initiate pilot studies that will provide the information necessary to develop and implement the full national longitudinal study. To this end, the conferees have provided funds to support this initiative and look forward to learning of the progress made during the fiscal year 2002 appropriations hearing.

NATIONAL EYE INSTITUTE

The conference agreement includes $510,611,000 for the National Eye Institute instead of $514,673,000 as proposed by the House and $516,605,000 as proposed by the Senate.

Recent progress in genetics research has opened up the potential for gene-based approaches for the prevention and treatment of retinal and other blinding diseases. Gene-based therapies for several forms of retinal degeneration have been successfully demonstrated in laboratory animal studies, and preclinical work has satisfied patient safety and ethical issues. The conferees urge NEI to accelerate the development of these new gene-based approaches through all available mechanisms, as appropriate, including clinical trials.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement includes $502,549,000 for the National Institute of Environmental Health Sciences instead of $506,730,000 as proposed by the House and $508,263,000 as proposed by the Senate.

The causes of breast cancer are largely unknown. There is little agreement in the scientific community on how the environment impacts breast cancer. While studies have been conducted on the links between environmental factors like diet, pesticides, and electromagnetic fields, no conclusive evidence exists. The conferees encourage NIEHS to enhance research efforts to study the links between the environment and breast cancer through all available mechanisms, as appropriate, including establishing centers of excellence.

NATIONAL INSTITUTE ON AGING

The conference agreement includes $786,039,000 for the National Institute on Aging instead of $790,299,000 as proposed by the House and $794,625,000 as proposed by the Senate.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

The conference agreement includes $396,687,000 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases instead of $400,025,000 as proposed by the House and $401,161,000 as proposed by the Senate.

Osteogenesis Imperfecta (OI), more commonly known as Children's Brittle Bone Disease, is a rare genetic disorder for which there is presently no cure. The conferees strongly encourage NIH to expand its support for research into the causes, diagnosis, treatment, prevention, and eventual cure for OI and to coordinate public research efforts with those supported by the private sector. The Director of NIAMS should be prepared to testify on this issue at the fiscal year 2002 appropriations hearing.

Important strides have been made with the establishment of the Osteoporosis and Related Bone-Disease National Resource Center. The conferees urge NIAMS to expand support for the resource center's current activities, including developing and disseminating information based on current research findings that improve knowledge and understanding of the prevention, diagnosis, and treatment of osteoporosis and related bone diseases, implementing and evaluating model education programs to enhance bone health and reduce future risk of osteoporosis, and supporting public and private efforts to broaden the base of knowledge about osteoporosis and related bone diseases.

The conferees commend NIAMS for its growing support of research on rheumatic diseases of childhood, including the recent opening of a new Pediatric Rheumatology Clinic on the NIH campus. However, the conferees are concerned about the cadre of pediatric rheumatologists who are trained to treat and study these diseases. NIAMS is therefore encouraged to work with the Secretary of HHS and other PHS components, as appropriate, to assist in evaluating the status of the pediatric rheumatology workforce. In particular, the Institute is encouraged to take advantage of opportunities to support loan repayment for researchers working in the area of childhood rheumatic diseases.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

The conference agreement includes $300,581,000 for the National Institute on Deafness and Other Communication Disorders as proposed by the Senate instead of $301,787,000 as proposed by the House.

The conferees urge NIDCD to continue research on inner ear hair cell regeneration with special emphasis on gene delivery and gene transfer technology with specific relevance to the inner ear and the development of improved hearing aids and cochlear implants using digital processes. The conferees also urge NIDCD to continue to recruit experts from the field of molecular and cellular biology and genetics.

NATIONAL INSTITUTE OF NURSING RESEARCH

The conference agreement includes $104,370,000 for the National Institute of Nursing Research instead of $102,312,000 as proposed by the House and $106,848,000 as proposed by the Senate.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

The conference agreement includes $340,678,000 for the National Institute on Alcohol Abuse and Alcoholism instead of $349,216,000 as proposed by the House and $336,848,000 as proposed by the Senate.

NATIONAL INSTITUTE ON DRUG ABUSE

The conference agreement includes $781,327,000 for the National Institute on Drug Abuse instead of $788,201,000 as proposed by the House and $790,038,000 as proposed by the Senate.

NATIONAL INSTITUTE OF MENTAL HEALTH

The conference agreement includes $1,107,028,000 for the National Institute of Mental Health as proposed by the Senate instead of $1,114,638,000 as proposed by the House.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

The conference agreement includes $382,384,000 for the National Human Genome Research Institute instead of $386,410,000 as proposed by the House and $385,888,000 as proposed by the Senate.

NATIONAL CENTER FOR RESEARCH RESOURCES

The conference agreement includes $817,475,000 for the National Center for Research Resources instead of $832,027,000 as proposed by the House and $775,212,000 as proposed by the Senate. The conferees include a provision to waive the matching requirement for the grant or contract to manage the 288 chimpanzees acquired by the Coulston Foundation. The House and Senate bills contained no similar provision.

Within the total provided, $100,000,000 is for the Institutional Development Awards (IDeA) program as proposed by the House instead of $60,000,000 as proposed by the Senate. In the implementation of these funds, the conferees concur with the language contained in the House report. In addition, the conferees believe that the General Clinical Research Centers (GCRCs) are essential to furthering biomedical research progress and have included funds for NCRR above the Administration's request to permit an increase for GCRCs commensurate with the overall NIH funding increase.

The conferees urge NCRR to use a portion of the increase provided for a new competition of Science Education Program Awards grants. The conferees further urge that these funds be used consistent with language contained in last year's House and Senate reports.

JOHN E. FOGARTY INTERNATIONAL CENTER

The conference agreement includes $50,514,000 for the John E. Fogarty International Center instead of $50,299,000 as proposed by the House and $61,260,000 as proposed by the Senate.

NATIONAL LIBRARY OF MEDICINE

The conference agreement includes $246,801,000 for the National Library of Medicine instead of $256,281,000 as proposed by the House and $256,953,000 as proposed by the Senate.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

The conference agreement includes $89,211,000 for the National Center for Complementary and Alternative Medicine instead of $78,880,000 as proposed by the House and $100,089,000 as proposed by the Senate.

The conferees are aware of the health benefits of cranberries and cranberry juice products in maintaining urinary tract health as well as their positive antibacterial and antioxidant effects and believe that independent Federally-funded research to test and/or validate these findings could add to the arsenal of health-based and nutritional alternatives to wellness. The conferees encourage NCCAM to study the health benefits of cranberry products.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

While the overall health of the nation has improved over the last two decades, there continues to be striking disparities in the burden of illness and death experienced by African Americans, Hispanics, Native Americans, Alaska Natives, and Asian-Pacific Islanders. Moreover, the largest numbers of medically underserved are white individuals, and many of them have the same health and access problems as do members of minority groups. Overcoming such persistent and perplexing health disparities, and promoting health for all Americans, ranks as one of our Nation's foremost challenges.

These disparities are believed to be the result of the complex interaction among socioeconomic and biological factors, the environment, and specific behaviors, as well as other factors. While some of the causes of inequitable health outcomes may be beyond the scope of biomedical research, the conferees recognize that NIH has made research into health disparities a high priority, and has already taken steps to expand the role of research into why some minority groups have disproportionately high rates of disease.

Congress recently passed and the President has signed the Minority Health and Health Disparities Research and Education Act of 2000. The Act established the National Center on Minority Health and Health Disparities, which will enable NIH to move ahead more rapidly toward its goal of elucidating the factors that contribute to these disparities. The Center will conduct and support research through grants to support programs targeting diseases and conditions that disproportionately affect minority groups and other populations with health disparities. The Center will build on the work of the Office for Research on Minority Health and the success of the Minority Health Initiative, currently located in the NIH Office of the Director. This will complement the ongoing research of the NIH Research Institutes and Centers also aimed at reducing health disparities. To emphasize the visibility of this new Center and the importance of its research mission, the conferees have included bill language providing $130,200,000 for the Center.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $213,581,000 for the Office of the Director instead of $342,307,000 as proposed by the House and $352,165,000 as proposed by the Senate. The agreement includes a designation in bill language of $48,271,000 for the operations of the Office of AIDS Research. The conferees understand that with the funds allocated to NIH, the NIH expects to provide $2,266,987,000 in AIDS research funding.

The agreement includes funds within the Office of the Director to address the trend of the HIV/AIDS epidemic in communities of color. The Office is encouraged to expand and strengthen science-based HIV prevention research for African Americans, Latinos, Native Americans, Asian Americans, Native

Hawaiians and Pacific Islanders and consideration should be given to the U.S. Virgin Islands and Puerto Rico. The Office is also encouraged to expand existing culturally competent behavioral research, conducted by minority principal investigators, that seeks to break the link between HIV infection and high risk behaviors and that seeks to decrease the rate of mortality in targeted minority populations.

The conferees continue to be interested in matching the increased needs of researchers who rely upon human tissue and organs to study human diseases and to search for cures. The conferees are aware of a recent review by a panel of expects that found that there is a rapidly expanding and unmet demand for the use of human tissue samples for research purposes. The conferees encourage the Director of NIH to work with the relevant Institutes to consider expanding support in this area and request that the Director be prepared to report on its plan to meet the demand for human tissue at the fiscal year 2002 appropriations hearing.

The conferees encourage NIH to consider establishing a trans-NIH coordinating committee to focus on the lymphatic system, with particular emphasis on lymphedema and related lymphatic disorders.

The conferees are aware of concerns raised regarding the progress of NIH research into fascioscapulohumeral muscular dystrophy and fascioscapulohumeral disease and encourage NIH to expand research in this area.

The conferees concur with the language contained in the Senate report regarding microbicides research.

The conferees encourage NIA, NICHD, and NINDS to work collaboratively to enhance research into Hutchison-Gilford Progeria Syndrome, an illness that strikes children in their first year causing them to age rapidly and prematurely and for which the average life expectancy is 13 years.

The NIH has developed a five-year Parkinson's Disease Research Agenda. To carry out the plan, the professional judgement budget estimates call for increases over existing Parkinson's research of $71,400,000 in year one (fiscal year 2001). The conferees strongly urge the Director to work toward implementation of the research agenda and oversee coordination of all relevant Institutes, including NINDS, NIEHS, NIA, and others conducting Parkinson's research. The Director is requested to report by March 1, 2001 on the progress towards implementation of the research agenda and to submit updated professional judgement funding projections for subsequent years.

The conferees concur with the language in the Senate report regarding a study of the structure of NIH and expect to receive a report and recommendations one year from the date of confirmation of the new NIH Director.

The conferees have been made aware of the public interest in securing an appropriate return on the NIH investment in basic research. The conferees are also aware of the mounting concern over the cost to patients of therapeutic drugs. By July 2001, based on a list of such therapeutic drugs which are FDA approved, have reached $500,000,000 per year in sales in the United States, and have received NIH funding, NIH will prepare a plan to ensure that taxpayers' interests are protected.

The Office of Dietary Supplements is urged to research the relationship between chromium deficiencies and diabetes in Native Americans through all available mechanisms, as appropriate, including clinical trials.

The number of Americans taking dietary supplements containing ephedra has risen dramatically. The conferees encourage the Office of Dietary Supplements to enhance clinical research on the safety and efficacy of these products.

The conferees urge NIH to minimize the use of non-human animals in nicotine or tobacco experiments, and is encouraged to explore any non-human research methods that are currently available or under development that may be used as an alternative to using non-human animals.

The conferees are concerned about the transfer of HIV prevention interventions that have proven to be effective to service programs supported by other federal agencies, such as CDC and HRSA. The Office of AIDS Research (OAR) should work with the ICs to increase NIH efforts in this area through the establishment of programs for regional technical assistance, technology transfer, and training for the purpose of providing links between evidence-based HIV prevention science and public health departments, community planning groups, healthcare providers, and prevention service providers.

The conferees strongly urge NIH to implement an intensified research effort regarding autism consistent with the Children's Health Act of 2000. The Director of NIH should also provide a report to the House and Senate Appropriations Committees by March 1, 2001 regarding a plan for establishing the Centers of Excellence on Autism Program authorized in the Children's Health Act of 2000.

The conferees commend the Office of AIDS Research for convening an external review of the Centers for AIDS Research Program and for the five year plan to increase the number of Centers. However, the conferees urge the NIH to consider ways in which the five year plan can be modified to balance the need to expand the number of Centers with the need to adequately support the leading AIDS research institutions with the core center mechanisms that they need to efficiently pursue AIDS research.

The conferees encourage NIH to pursue recommendations from the Diabetes Research Working Group to address the specific needs of minority populations.

The conferees are aware of the National Institute of Child Health and Human Development's (NICHD) efforts to establish a Perinatology Research Branch (PRB) to conduct research programs on pregnancy and perinatology in the greater metropolitan region of the District of Columbia. After several attempts, the conferees understand that NICHD now intends to hold a nationwide competition for a site for the PRB. The Director is requested to submit a written report by March 1, 2001, explaining why the efforts to establish the PRB in the greater metropolitan region of the District of Columbia have to-date been unsuccessful. The District of Columbia has the highest rate of infant mortality in the United States, the highest rate of infants born with low birthweights, and the lowest percentage of mothers receiving early prenatal care. Therefore, the report should include possible alternative methods for conducting research programs on pregnancy and perinatology in the greater metropolitan region of the District of Columbia.

The conferees believe it appropriate for NIH to recognize Paul Rogers' numerous contributions to the public health and medical research. Therefore, the conferees urge the Director to designate the plaza in front of the James Shannon building on the NIH campus as the Paul G. Rogers Plaza and to commemorate it in his honor.

The conferees appreciate the efforts of the Director to ensure that NLM's future physical needs are met and encourage that sufficient funds be made available from within NLM funding to meet these needs.

BUILDINGS AND FACILITIES

The conference agreement includes $153,790,000 for buildings and facilities instead of $178,700,000 as proposed by the House and $148,900,000 as proposed by the Senate.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

The conference agreement includes $2,958,001,000 for substance abuse and mental health services instead of $2,727,626,000 as proposed by the House and $2,730,757,000 as proposed by the Senate. Within the funds provided, the conferees intend that $15,000,000 is to carry out the fetal alcohol syndrome prevention and services program.

Center for Mental Health Services

The conference agreement includes $420,000,000 for the mental health block grant instead of $416,000,000 as proposed by the House and $366,000,000 as proposed by the Senate.

The conference agreement includes $91,763,000 for children's mental health instead of $86,763,000 as proposed by both the House and Senate.

The conference agreement includes $36,883,000 for grants to states for the homeless (PATH) as proposed by the Senate instead of $30,883,000 as proposed by the House.

The conference agreement includes $30,000,000 for protection and advocacy instead of $24,903,000 as proposed by the House and $25,903,000 as proposed by the Senate. The conferees continue to be concerned about deaths and serious injuries due to the inappropriate use of seclusion and restraints in facilities that treat individuals with mental illnesses and have provided additional resources so that these deaths can be investigated and future incidences can be prevented.

The conference agreement includes $203,674,000 for programs of regional and national significance instead of $132,749,000 as proposed by the House and $146,875,000 as proposed by the Senate.

Within the total provided, $90,000,000 provided under section 581 of the Public Health Service Act is for the support and delivery of school-based and school-related mental health services for school-age youth. It is intended that the Department will continue to collaborate its efforts with the Department of Education to develop a coordinated approach. The conferees recognize it may be necessary for the agency to allocate additional resources to the Safe Schools/Healthy Students Action Center to expand its technical assistance to serve new grantees.

Within the total provided, $3,000,000 is for suicide prevention hotlines. The conferees direct SAMHSA to undertake an evaluation of the effectiveness of these hotlines in preventing suicides.

The conferees believe that SAMHSA is uniquely qualified to support a clearinghouse for youth suicide prevention, including a database and related files of reference materials and organizations. SAMHSA, through this clearinghouse, could provide training and technical assistance to States to implement the Surgeon General's recommendations for suicide prevention.

Within the total provided, $10,000,000 is provided under section 582 of the Public

Health Service Act to support up to 22 grants to local mental health providers for the purposes of developing knowledge of best practices and providing mental health services to children and youth suffering from post traumatic stress disorder as a result of having witnessed or experienced a traumatic event. Grantees can include psychiatric hospitals, general hospitals, outpatient mental health clinics, and community and university-based mental health programs. With respect to grants for knowledge development, preference should be given to applicants with experience in the field of trauma related mental disorders in children and youth.

Within the total provided, $2,000,000 is to support professional training in restraints and seclusion in residential and day treatment centers for children and youth. This training initiative will support grants to non-profit and public entities for the purpose of developing and demonstrating the effectiveness of a best-practices training model to avoid the inappropriate use of restraints and seclusion.

The conferees are supportive of efforts to develop a model training demonstration project to help eliminate deaths and injuries that occur in mental health facilities due to the inappropriate use of seclusion and restraints. Such a model training program should emphasize conflict resolution and deescalation.

Within the total provided, an increase of $2,000,000 is to provide additional support for minority fellowships in mental health.

Within the total provided, $7,000,000 is for the treatment of mental health disorders related to HIV disease including: dementia, clinical depression and the chronic, progressive neurological disabilities that often accompany HIV disease. These direct services grants provided to minority community-based providers that operate in traditional and non-traditional settings are designed to strengthen their capacity to provide HIV related mental health services.

Funds are included to provide grants to local communities to improve mental health screening and referrals in non-mental health settings and continue support for jail diversion programs for non-violent mentally ill offenders.

It is intended that funds used to make grants to States for the purpose of developing data infrastructure will be used for mental health only.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$83,000 for the Hope Center in Lexington, Kentucky;

—$85,000 for Steinway Child and Family Services, Inc. in Queens, New York for HIV/AIDS prevention;

—$100,000 for the American Trauma Society to support its Second Trauma Program which helps train trauma system health care professionals to assist individuals facing the shock of an unexpected death or critical injury to their family members.

—$200,000 for the Concord-Assabet Family Services Center for a model transitional living program for troubled youth;

—$325,000 for Preschool Anger Management, Family Communications;

—$500,000 for the Life Quest Community Mental Health Center in Wasilla, Alaska;

—$680,000 for Pacific Clinics in Arcadia, California, to support a school-based mental health demonstration program for Latina adolescents in partnership with community groups, mental health agencies, local governments and school systems in Southeast Los Angeles county;

—$803,000 for the Bert Nash Community Mental Health Center in Lawrence, Kansas, to provide mental health services in schools and other settings to prevent juvenile crime and substance abuse among high-risk youth;

—$800,000 for the Alaska Federation of Natives for innovative homeless mental health services in Alaska;

—$850,000 for the Iowa State University Extension to develop a program which would provide outreach, training, and counseling services in rural areas;

—$921,000 for the United Power for Action and Justice demonstration project in Chicagoland area to end the cycle of homelessness;

—$921,000 for a mentally ill offender crime reduction demonstration in Ventura County, California to create the building blocks for a continuum of care for mentally ill offenders who enter the jail system in the county;

—$850,000 for the University of Connecticut for an urban health initiative to improve mental health services to underserved high-risk individuals living in urban public housing;

—$1,007,000 for the University of Florida National Rural Behavioral Health Center to train extension agents in crisis intervention and stress management to better equip them to deal with emotional and stress related problems;

—$1,500,000 for the Ch'eghutsen program in interior Alaska; and

—$1,300,000 for the Alaska Federation of Natives to use integrated community care to treat native Alaska children with mental health disorders.

Center for Substance Abuse Treatment

The conference agreement includes $1,665,000,000 for the substance abuse block grant instead of $1,631,000,000 as proposed by both the House and the Senate.

The conference agreement includes $256,315,000 for programs of regional and national significance instead of $213,716,000 as proposed by the House and $249,566,000 as proposed by the Senate. Within the total provided, $10,000,000 is to initiate grants to local non-profit and public entities for the purpose of developing and expanding substance abuse services for homeless persons.

The agreement includes $53,000,000 designed to provide targeted service expansion and capacity building to minority, community-based substance abuse treatment programs with a history of providing services to communities of color severely impacted by substance abuse and HIV/AIDS. The correlation between addiction and HIV/AIDS is well documented. Injection drug use alone still accounts for more than 20 percent of the primary HIV infection risk for African American and Latino adults. These funds are to be allocated based on program priorities identified in the previous fiscal year and new priorities. Funds are also included to enhance state and county efforts to plan and develop integrated substance abuse and HIV/AIDS treatment and prevention services to communities of color.

The conferees are supportive of the efforts of the Sunshine Shelter for abused and neglected children in Natchez, Mississippi in treating chemically dependent women and their children and note that additional resources would allow the Shelter to expand its outreach efforts.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$100,000 for the Vermont Department of Health Office of Alcohol and Drug Abuse Prevention to examine adolescent residential treatment programs;

—$106,000 for Center Point, Inc., in Marin County, California, to continue support for substance abuse and related services for minority, homeless and other at risk populations;

—$200,000 for Green Door in Washington, D.C. to treat minority consumers with substance abuse problems and mental health issues;

—$250,000 for the Allegheny County Drug and Alcohol Rehabilitation Program;

—$500,000 for the Cook Inlet Council on Alcohol and Drug Abuse Treatment;

—$500,000 for the House of Mercy in Des Moines, Iowa to support treatment programs for pregnant and post-partum women;

—$500,000 for the State of Wyoming to carry out an innovative substance abuse prevention and treatment program;

—$425,000 for Humboldt County, California, to support residential substance abuse and related services for women who have children;

—$608,000 for the Hope Center in Lexington, Kentucky;

—$645,000 for the Grove Counseling Center in Winter Springs, Florida for a demonstration project of effective youth substance abuse treatment methods;

—$750,000 for the Fairbanks LifeGivers Pregnant and Parenting Teens program;

—$900,000 for the Alaska Federation of Natives to identify best substance abuse treatment practices;

—$1,105,000 for the City of San Francisco's model "Treatment on Demand" program for the homeless; and

—$2,210,000 for the Baltimore City Health Department to use innovative methods to enhance drug treatment services.

Center for Substance Abuse Prevention

The conference agreement includes $175,145,000 for programs of regional and national significance instead of $132,742,000 as proposed by the House and $127,824,000 as proposed by the Senate. Within the total provided, it is intended that high-risk youth grants will at least be maintained at last year's level.

The agreement includes $32,100,000 for grants to minority community based organizations to implement programs that strengthen substance abuse prevention capacity in communities of color disproportionately impacted by the HIV/AIDS epidemic, based on the most recent estimated living AIDS cases, HIV infections and AIDS mortality among ethnic and racial minorities as reported by the CDC.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$85,000 for the City of Alexandria, Virginia, substance abuse prevention demonstration program for high-risk Latino youth;

—$213,000 for the Rock Island County Council on Addiction in East Moline, Illinois, for a youth substance abuse prevention program; and

—$500,000 for the Drug-free Families Initiative at the University of Missouri, St. Louis.

The conferees have included sufficient funds to continue the pregnant and post-partum substance abuse prevention evaluations for both the Community Prevention Parnership of Berks County, Inc. and the Family Planning Council of Pennsylvania

Program Management

The conference agreement includes $79,221,000 for program management instead of $58,870,000 as proposed by the House and $59,943,000 as proposed by the Senate. Within the total provided, $12,000,000 is for the National Household Drug Survey.

The conferees include $3,278,000 in fiscal year 2001 to continue testing the effectiveness of Community Assessment and Intervention Centers in providing integrated mental health and substance abuse services to troubled and at-risk children and youth, and their families in four Florida communities. Building upon successful juvenile programs, this effort responds directly to nationwide concerns about youth violence, substance abuse, declining levels of service availability and the inability of certain communities to respond to the needs of their youth in a coordinated manner. The total provided includes, $2,000,000 for mental health special projects of regional and national significance; $1,000,000 for substance abuse treatment special projects of regional and national significance; $500,000 for substance abuse prevention special projects of regional and national significance; and $200,000 for program management.

The agreement includes a general provision proposed by the Senate regarding the withholding of substance abuse funds. The House bill contained no similar provision. The Synar amendment was included as part of the SAMHSA reorganization bill in 1992. The amendment and its implementing regulation required States to reduce sales of tobacco to minors within a negotiated period of time and if a State fails to meet its goals, reduced its substance abuse prevention and treatment block grant funding by 40 percent. The conferees are extremely concerned that several States, after at least four years, are not in compliance with the law and continue to seek an exemption to the penalty requirement. It is the conferees intention that this will be the last year exemption language will be carried in an appropriations bill. SAMHSA is directed to notify States of this intention and work with the affected States to help them come into compliance.

Agency for Healthcare Research and Quality

HEALTHCARE RESEARCH AND QUALITY

The conference agreement includes $104,963,000 in appropriated funds instead of $123,669,000 as proposed by the House. The Senate bill did not provide a direct appropriation for the agency, instead it proposed to fund the agency through the evaluation set-aside.

The conference agreement designates $164,980,000 to be available to the agency under the Public Health Service Act one percent evaluation set-aside as proposed by the House instead of $269,943,000 as proposed by the Senate.

The conferees are troubled by the recent Institute of Medicine study which found that as many as 98,000 deaths are caused by medical errors each year. The conferees have provided an additional $50,000,000 to the agency to determine ways to reduce medical errors. The conferees are supportive of a study to determine the impact of extended work hours for registered nurses on patient safety.

The agreement includes $10,000,000 for research that investigates the relationship between the health care workplace and its impact on medical errors and the quality of care provided to patients. Efforts to restructure the health care workplace, often in response to pressures to reduce costs, suggest that work environment and processes have had an impact on health and quality of workers' lives as well as the patients for whom they care. As we have learned from the experience of the aviation industry, reducing errors and promoting safety are a result of improving workforce systems. Likewise, it is important that workforce considerations be integrated into efforts to reduce medical errors and promote patient safety. The conferees believe that better understanding of these workforce considerations will lead to improved workplace practices and better outcomes for patients.

The conferees support the efforts of the Agency for Healthcare Research and Quality, the National Institute for Occupational Safety and Health, the Department of Labor, and other agencies to work jointly and coordinate their work to improve healthcare quality, patient safety, and worker safety in health care facilities, through such activities as the October 2000 jointly sponsored conference on "Enhancing Working Conditions and Patient Safety: Best Practices." The conferees urge that such coordinated efforts be continued.

The conferees strongly urge the agency to enhance its investigator-initiated research funding through all available mechanisms, as appropriate.

Health Care Financing Administration

PROGRAM MANAGEMENT

The conference agreement includes $2,246,326,000 for program management instead of $1,866,302,000 as proposed by the House and $2,018,500,000 as proposed by the Senate. The House bill assumed that the Administration's user fee proposal would be enacted prior to conference. An additional appropriation of $680,000,000 has been provided for the Medicare Integrity Program through the Health Insurance Portability and Accountability Act of 1996.

The conferees repeat language included in last year's bill related to administrative fees collected relative to Medicare overpayment recovery activities.

Research, Demonstration, and Evaluation

The conference agreement includes $139,311,000 for research, demonstration, and evaluation instead of $55,000,000 as proposed by the House and $65,000,000 as proposed by the Senate.

The agreement includes $50,000,000 for Real Choice Systems Change Grants to states to fund initiatives that establish specific action steps and timetables to achieve enduring system improvements and to provide long term services and supports, including community-based attendant care, to eligible individuals in the most integrated setting appropriate. Grant applications should be developed jointly by the State and the Consumer Task Force. The Task Force should be composed of individuals with disabilities from diverse backgrounds, representatives from organizations that provide services to individuals with disabilities, consumers of long-term services and supports, and those who advocate on behalf of such individuals. Grant-funded activities should focus on areas of need as determined by the State and the Task Force such as needs assessment and data gathering, strategies to modify policies that unnecessarily bias provision of long term care services to institutional settings or to health care professionals, and training and technical assistance.

The agreement includes bill language for the following projects and activities for fiscal year 2001:

—$300,000 for the United States-Mexico Border Counties Coalition for a study to determine the unreimbursed costs incurred to treat undocumented aliens for medical emergencies in southwest border States, their border counties, and hospitals within the jurisdiction of these States and counties;

—$255,000 for the LA Care Health Plan in Los Angeles, California for a demonstration program to improve clinical data coordination among Medicaid providers;

—$350,000 for the Cook County, Illinois Bureau of Health for the Asthma Champion Initiative demonstration to reduce morbidity and mortality from asthma in high prevalence areas;

—$500,000 to the University of Pittsburgh Medical Center and University of Pennsylvania for a study of the efficacy of surgical versus non-surgical management of abdominal aneurysms;

—$691,000 for a Medicare demonstration project at Ohio State University to determine the benefits of compliance packaging;

—$650,000 for the Vascular Surgery Outcomes Initiative at Dartmouth College;

—$646,000 for Shelby County Regional Medical Center to establish a Master Patient Index to determine patient Medicaid/TennCare eligibility;

—$855,000 for the Children's Hospice International demonstration program to provide a continuum of care for children with life-threatening conditions and their families;

—$921,000 for Equip for Equality for a demonstration project to document the impact of an independent investigative unit that will examine deaths or other serious allegations of abuse or neglect of people with disabilities at facilities in Illinois;

—$1,000,000 for the West Virginia University School of Medicine's Eye Center to test interventions and improve the quality of life for individuals with low vision;

—$1,000,000 for Duke University Medical Center to demonstrate the potential savings in the Medicare program of a reimbursement system based on preventative care.

—$1,000,000 for the Iowa Department of Public Health for the establishment and operation of a mercantile prescription drug purchasing cooperative or non-profit corporation demonstration;

—$1,843,000 for the Buck's County Health Improvement Project in Pennsylvania;

—$1,700,000 for the AIDS Healthcare Foundation in Los Angeles for a demonstration of residential and outpatient treatment facilities;

—$2,800,000 for the Mind-Body Institute of Boston, Massachusetts to conduct a demonstration of a lifestyle modification program;

—$1,800,000 for a joint project between the University of Pittsburgh, Case Western Reserve in Cleveland, Ohio, and Mt. Sinai Hospital in Miami, Florida, to use integrated nursing services and technology to implement daily monitoring of congestive heart failure patients in underserved populations in accordance with established clinical guidelines; and

—$20,000,000 to continue demonstration projects on Medicaid coverage of community-based attendant care services for people with disabilities.

HCFA is urged to conduct a demonstration project addressing the extraordinary adverse health status of native Hawaiians at the Waimanalo health center exploring the use of preventive and indigenous health care expertise.

HCFA is urged to work with the United States Renal Data System (USRDS) to test potential savings to the Federal government and to the Medicare program by comparing actual Medicare/Medicaid spending for end stage renal disease (ESRD) patients currently on daily hemodialysis with actual Medicare/Medicaid spending for ESRD patients on other treatment modalities, such as peritoneal dialysis and in-center hemodialysis whose demographic and other characteristics match those of the daily hemodialysis patients in 9 to 12 existing programs in the U.S. Such a study should compare spending related to patient dialysis and training, medications, vascular access, ambulance transportation, physician and outpatient medical expenses not related to dialysis, hospitalizations, and other medical services, such as skilled nursing facilities or home health care and any other spending for which data is available to the USRDS.

HCFA is encouraged to utilize edit check software programs to scrub electronic data files prior to processing by the respective State agency and/or fiscal intermediary. The identification of errors and omissions prior to submission can provide dramatic improvement in the financial condition of many providers who are experiencing large losses of revenue.

The conferees are concerned that HCFA has not instituted a demonstration project to test the potential savings to the Federal government and to the Medicare program by comparing different products used for diabetic wound care treatment as referenced in last year's conference agreement. Such a demonstration should compare the aggregate costs of wound care treatment using different applications regimens. The conferees urge HCFA to proceed with this demonstration project utilizing existing research funds.

The conferees are aware that the Health Passport pilot program is helping thousands of low-income families in Nevada, Wyoming and North Dakota and urges HCFA to give full and fair consideration to a proposal to continue the program.

The conferees have become increasingly concerned that many people with the most severe disabilities often experience a lack of quality in community residential and treatment services that can result in dangerous or unhealthful conditions. The conferees believe that such services should be monitored by an entity that has the expertise and legal authority necessary to ensure the safety and general well-being of this population. Accordingly, the conferees urge HCFA to support the protection and advocacy system to demonstrate the efficacy of such community monitoring.

Medicare Contractors

The conference agreement includes $1,357,000,000 for Medicare contractors instead of $1,165,287,000 as proposed by the House and $1,244,000,000 as proposed by the Senate. Of this amount, $1,305,000,000 is to support Medicare claims processing contracts and $52,000,000 is for Medicare+Choice information campaign.

State Survey and Certification

The conference agreement includes $244,147,000 for State survey and certification instead of $171,147,000 as proposed by the House and $219,674,000 as proposed by the Senate.

The agreement includes an increase of $10,000,000 over the President's request for nursing home oversight and quality of care services.

Federal Administration

The conference agreement includes $505,868,000 for Federal administration instead of $474,868,000 as proposed by the House and $489,826,000 as proposed by the Senate.

The conferees urge HCFA to give careful consideration to concerns that substance abuse (alcohol and drug) treatment facilities may not have been intended to be considered institutions for mental diseases exclusion under Medicaid since these facilities were not common when the exclusion policy was implemented. The conferees are aware that restricting Medicaid medical assistance to residential substance abuse treatment facilities with 16 or fewer adult treatment beds places an undue burden on the publicly funded substance abuse treatment and prevention infrastructure.

The conferees concur with Senate report language urging HCFA to act more expeditiously to approve new medical technologies, including PET scans, for Medicare patients so that seniors will have access to the latest life-saving technologies and treatments.

The conferees understand that HCFA regulations require States to provide documentation and justification before making changes in Medicaid reimbursements. The conferees are concerned that several State Medicaid agencies are currently paying or proposing to pay chain-operated pharmacies lower reimbursement rates than other pharmacies for providing the same prescription products and related services without providing the required justification. The conferees expect HCFA to enforce current regulations when reviewing and approving State submissions. The conferees also believe that the implementation of a different system for Medicaid reimbursements of pharmaceuticals should be addressed by the authorizing committees of jurisdiction. The Administrator should be prepared to testify on the status of this issue at the fiscal year 2002 appropriations hearing.

HCFA has proposed guidelines regarding the administrative claims process for schools requesting reimbursement for Medicaid related services. The conferees are concerned that these guidelines are being developed without adequate input from interested parties and will significantly alter the administrative claiming program making it more difficult for schools to provide services to poor and disabled children. HCFA is expected to consult with school practitioners and other groups to draft guidance for Medicaid allowable costs under the administrative claiming section of the School Based Services program. HCFA is also urged to process pending State applications and to continue to review reimbursement procedures until new guidelines are published. The Administrator should be prepared to testify on this issue at the fiscal year 2002 appropriations hearing.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

The conference agreement includes $2,441,800,000 for payments to states for child support enforcement and family support programs instead of $2,473,800,000 as proposed by the House and $2,473,880,000 as proposed by the Senate. The conferees provide extended availability of funds as proposed by the Senate. The House bill proposed no extended availability.

LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement includes an additional $300,000,000 in fiscal year 2001 funding for the Low Income Home Energy Assistance program. When combined with the $1,100,000,000 already appropriated for fiscal year 2001 and the $300,000,000 in emergency funding, a total of $1,700,000,000 is available to support this program in fiscal year 2001. The agreement includes up to $27,500,000 for the leveraging incentive fund within these totals.

The conferees are aware that average home heating fuel prices have doubled in the past year, and in some areas are up five-fold, while at the same time many states are expected to experience extremely cold winter. The conferees are deeply concerned that this will force steep reductions in the relative percentage of home heating cost that LIHEAP provides to low-income households. The conferees have provided a $300,000,000 increase in the regular appropriation for fiscal year 2001 to reduce the adverse impact of these fuel price spikes.

The conference agreement does not include advance funding for fiscal year 2002 for LIHEAP as proposed by the Senate. The House bill proposed $1,100,000,000 for fiscal year 2002. The conferees are aware that advance funding for LIHEAP was authorized by Congress in 1990 to respond to the States' need to budget and plan their LIHEAP programs in advance of the fall/winter heating season. States are required by statute to hold public hearings in the spring and summer on their proposed LIHEAP programs to determine eligibility levels, establish the size of household benefits, and establish parameters of crisis programs. Consequently, States must be able to reliably predict the LIHEAP appropriation that normally becomes available at the very beginning of the heating season, but which is often delayed due to late enactment of appropriations bills. As noted in the Senate Report 101–421 accompanying the Human Services Reauthorization Act of 1990, "Forward funding will allow states to identify clients, provide assistance, and put them on responsible budget payment-plans in the summer or fall to avoid the development of life-threatening situations." Although advance funding is not included in this bill, the conferees fully intend to provide at least $1,400,000,000 in regular LIHEAP appropriations and $300,000,000 in emergency funds in fiscal year 2002.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement includes $433,109,000 for refugee and entrant assistance as proposed by the House instead of $425,586,000 as proposed by the Senate. Within this amount, for the Torture Victims Relief Act funds, the conferees provide $10,000,000 as proposed by the House instead of $7,265,000 as proposed by the Senate. Within this amount, the conferees provide funding to implement the Trafficking Victims Protection Act of 2000, which will support efforts to certify eligibility for benefits and services for trafficking victims.

The agreement includes $20,000,000 from carryover funds that are to be used under social services to increase educational support to schools with a significant proportion of refugee children and for the development of alternative cash assistance programs that involve case management approaches to improve resettlement outcomes. Such support should include intensive English language training and cultural assimilation programs.

The agreement also includes $26,000,000 for increased support to communities with large concentrations of refugees whose cultural differences make assimilation especially difficult justifying a more intense level and longer duration of Federal assistance.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

The conference agreement includes an additional $817,328,000 for child care services, together with the $1,182,672,000 provided as an advance appropriation in last year's bill, raising the funding level for this program to $2,000,000,000 for fiscal year 2001. The agreement does not provide for an advance appropriation for fiscal year 2002 as proposed by the Senate; however, the conferees intend that funding for the child care block grant be at least that level in fiscal year 2002. The House bill proposed advance funding of $2,000,000,000 for fiscal year 2002.

The agreement also includes language specifying that funds under the Child Care and Development Block Grant are to be used to supplement, not to supplant, state and local child care funds.

The agreement also sets aside an additional $272,672,000 from fiscal year 2001 to be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler child care. The House bill set aside $172,672,000 for additional quality purposes in fiscal year 2002. The Senate bill set aside $222,672,000 for additional quality activities, of which $100,000,000 was to be used for infant and toddler care, in fiscal year 2001. The agreement also sets aside $10,000,000 to be used for child care research, demonstration and evaluation activities. Neither the House nor the Senate contained this provision. Within the funds provided for child care resources and referrals, the agreement also includes $1,000,000 for the Child-Care Aware toll-free hotline.

SOCIAL SERVICES BLOCK GRANT

The conference agreement includes $1,725,000,000 for the social services block grant instead of $1,700,000,000 as proposed by the House and $600,000,000 as proposed by the Senate. The conference agreement includes a provision which maintains the percentage of funds that a state may transfer between the Social Services Block Grant and the Temporary Assistance to Needy Families Programs at 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)

The conference agreement includes $7,956,345,000 for children and families services programs instead of $7,231,253,000 as proposed by the House and $7,895,723,000 as proposed by the Senate. In addition, the agreement rescinds $21,000,000 from permanent appropriations as proposed by both the House and the Senate.

Head Start

The conference agreement includes $6,200,000,000 for Head Start instead of $5,667,000,000 as proposed by the House and $6,267,000,000 as proposed by the Senate. The agreement includes an advance appropriation of $1,400,000,000 for Head Start for fiscal year 2002 as proposed by both the House and the Senate.

The conferees are concerned that while fifty percent of children eligible for the regular Head Start program receive services, only about ten percent of children of farmworkers are served by Migrant Head Start. Therefore, the conferees encourage the Secretary to increase funding for Migrant and Seasonal Head Start in proportion to the overall funding increase for Head Start. The conferees also urge the agency to ensure that all children participating in the Early Head Start program receive a blood lead screening test.

The conferees urge the agency to provide funds to the Alaska Federation of Natives to train Head Start teachers in remote Alaska villages. The conferees also encourage the agency to provide funds to the University of Alaska to provide distance training for Head Start teachers through Associate Degree programs.

Runaway Youth

The conference agreement includes $69,155,000 for runaway youth as proposed by the Senate instead of $64,155,000 as proposed by the House. The agreement allocates funds for the runaway and homeless youth programs following the structure of P.L. 106–71, the Missing, Exploited, and Runaway Children Protection Act, which consolidates the programs into a single funding stream.

Adoption Incentive

The conference agreement includes $43,000,000 for the adoption incentive program as proposed by the House instead of $55,928,000 as proposed by the Senate. The agreement also includes language that will allow funds under this program to be carried over for use in paying prior year bonuses.

Social Services and Income Maintenance Research

The conference agreement includes $37,666,000 for social services and income maintenance research instead of $27,491,000 as proposed by both the House and the Senate. Of this total, the conferees intend that $5,000,000 be transferred to the Census Bureau for continued data collection on the Survey of Income and Program Participation. The conferees also provide sufficient funding for the following:

—$500,000 for the National Fatherhood Initiative

—$500,000 for the Institute for Responsible Fatherhood

—$1,000,000 for the State Information Technology Consortium

—$175,000 for the Nation Center for Appropriate Technology's information technology clearinghouse

The conferees also include $500,000 within Social Services and Income Maintenance Research to support adding LIHEAP related questions to the Residential Energy Consumption Survey (RECS) conducted by the Department of Energy and to the Census Bureau's March current population survey to assure that the low-income household component is included in the surveys, and the conferees urge the expansion of the RECS sample size to target LIHEAP recipients. The conferees have also included $2,500,000 for grants to qualified private, non-profit intermediaries to demonstrate the provision of technical assistance to child care providers to improve the quality and supply of child care facilities in low income communities and to document the changes.

Community Services Block Grant

The conference agreement includes $600,000,000 for the community services block grant instead of $550,000,000 as proposed by the Senate and $527,700,000 as proposed by the House. The conferees expect that all local entities that are in good standing in the community services block grant program shall receive an increase in funding for the next program year that is proportionate to the overall increase in the appropriation provided for the block grant.

The agreement includes language proposed by the Senate that requires the Department to establish certain procedures regarding the disposition of intangible property in the community economic development program under the Community Services Block Grant Act. The House bill contained no similar provision. The conferees also set aside $5,500,000 within the community economic development program for the job creation demonstration authorized under the Family Support Act.

Within the funds provided for child abuse prevention programs, the agreement includes the following items:

$737,000 University of North Carolina, Greensboro, NC for Violence Abuse Prevention and Education for Deaf and Hard of Hearing Children and their Caretakers;

$1,382,000 Public Children Services Association of Ohio, Columbus, OH for child abuse prevention activities;

$46,000 New Directions Housing Corp., Louisville, KY for the Homeless Youth Development Program;

$230,000 Neighbor to Family, Des Plaines, IL for foster care training program;

$524,000 Robert A. Pascal Youth and Family Services Inc., Severna Park, Maryland for the Healthy Families program;

$1,773,000 Foster Parents Association, Spokane, WA for the Foster Family Support System;

$230,000 Dave Thomas Center for Adoption Law at Capital University Law School, Columbus OH for development of an adoption law online database;

$75,000 Operation Breakthrough in Kansas City;

$400,000 Parent-to-Parent of Winooski, Vermont;

$200,000 Family Friends for respite services for families with disabled children;

$900,000 Alaska Native Health Board Child abuse prevention program;

$2,500,000 early childhood services- Alaska Seed program;

$2,500,000 to continue the Healthy Families Home Visiting Program in Alaska;

$550,000 Early Childhood Development Center at Texas Tech University;

$900,000 Celeste Foundation for a pilot program to bring in-home professional services via video and audio to disruptive at-risk children in foster home placements;

$600,000 Farm Resource Center in West Virginia to provide a mechanism of early intervention for rural families in crisis;

$100,000 Phoenix House Domestic Violence Center in Council Bluffs, Iowa;

$1,562,000 Indian Oaks Academy in Manteno, IL for a demonstration project serving children and adolescents who are victims of child abuse;

$500,000 Strengthen Our Sisters in West Milford, New Jersey to expand services.

Within the funds provided for developmental disabilities, special projects $200,000 is included for the Allegheny County Respite Care Coalition to provide respite services for parents with disabled children.

Within the funds provided for Native American programs, the agreement includes the following:

—$700,000 for the Cook Inlet Tribal Council;

—$300,000 for Kawerak, Inc.

—$500,000 for the Alaska Federation of Natives to coordinate social service resources in native villages;

—$100,000 for the South Dakota Native American Community Board to establish a Dakota language preservation program.

The conferees support the idea that a national adoption website could include all youngsters available for adoption and will increase the likelihood that children will find loving, stable homes. The conferees recognize that the National Adoption Center has been at the forefront of developing technology-based resources to facilitate adoptions and is uniquely situated to create a single, national adoption website. The conferees have included sufficient funds for the National Adoption Center to continue to develop and sustain a national adoption photo listing service on the Internet.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

The conference agreement includes $4,863,100,000 for payments to states for foster care and adoption assistance as proposed by the House instead of **$4,868,100,000** as proposed by the Senate.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes **$1,103,135,000** for aging services programs instead of **$925,805,000** as proposed by the House and **$954,619,000** as proposed by the Senate.

The conferees include **$125,000,000** to provide critically needed services for family caregivers under title III E and title VI C of the Older Americans Act as amended. The conferees intend that **$5,000,000** of these funds be dedicated for Native American caregivers. According to the Administration on Aging, over seven million Americans are providing care for disabled seniors in households across the nation. Funds will be provided to states to use their aging networks to provide quality respite care and other support services such as information on available resources; assistance with locating services; and caregiver training, counseling and support. Such services improve the caregiver's ability to provide care, help preserve the family unit, prevent abuse and neglect, and minimize out-of-home placements. Caregiver support services also delay nursing home stays among care recipients.

The conferees intend that **$5,000,000** be made available from preventive health services for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions.

The agreement includes the following amounts under aging research and training:

$961,000 Texas Tech University Health Sciences Center, Lubbock, TX for the Institute for Healthy Aging;

$691,000 Florida International University, Miami, FL, National Policy and Research Center on Nutrition and Aging for "Nutrition 2030" program;

$2,000 Bay Ridge Center for Older Adults, Brooklyn, NY for a demonstration program;

$3,000 Staten Island Community Services Friendship Clubs, Inc., Staten Island, NY for a demonstration program in senior centers;

$921,000 Mecklenburg County Department of Social Services, Services for Adults Division in Charlotte, NC for Nutrition 2000 program;

$461,000 Metropolitan Family Services, Chicago, IL for a community based caregiver training program;

$369,000 Ocean County New Jersey, Office of Senior Services for a demonstration program;

$369,000 Burlington County New Jersey, Office on Aging for a demonstration program;

$184,000 Camden County New Jersey, Division of Senior Services for a demonstration program;

$427,000 Florida Atlantic University, Boca Raton, FL for Anne and Louis Green Alzheimer's Care and Research Center;

$886,000 St. Petersburg Junior College in FL for Services for Caregivers of Seniors program;

$250,000 Access Community Health Network's Senior Outreach Program;

$1,400,000 Deaconess-Billings Northwest Area Center for Studies on Aging;

$100,000 An elderly meals demonstration program at Progresso Latino in Central Falls, Rhode Island;

$100,000 The Senior Fitness and Wellness Program in East Providence;

$100,000 Southwest General Health Center Gatekeeper Program;

$100,000 An additional **$100,000** for the National Asian Pacific Center on Aging;

$344,000 Northwest Parkinson's Foundation;

$400,000 Champlain Valley Area Agency on Aging mental health project;

$500,000 Albert Einstein Life Center in Germantown;

$3,685,000 Social research into Alzheimer's disease care options, best practices and other Alzheimer's research priorities as specified in the House report;

$100,000 Champlain Senior Center for adult day programming and a technology initiative;

$200,000 Brandeis University Center on Women and Aging to conduct research on caregiving, health and financial security among seniors;

$64,000 LIFESPAN of Greater Rochester, Inc., New York, to enhance a life course planning initiative to help older adults make informed choices to prepare for retirement; **$85,000** San Luis Obispo Medical Society in California for volunteers in health to support a demonstration program to provide prescription drugs for low income, uninsured seniors;

$120,000 Marathon County, Wisconsin to continue an initiative to provide respite care services;

$170,000 Walk the Walk, Inc. in Long Island City, New York for Mary's House, an elder abuse center in Glendale, New York;

$425,000 St. Louis County, Missouri for a seniors job training demonstration program;

$468,000 National Association of Home Builders, National Center for Seniors' Housing Research, for a project to improve safety and access for senior housing;

$510,000 The University of Akron College of Nursing, Akron, Ohio, to develop best practices in gerontological training, research and instruction;

$723,000 Ivy Tech State College in Sellersburg, Indiana, for a seniors technology learning program;

$935,000 Landmark Medical Center in Woonsocket, Rhode Island to support the Positive Aging Project to develop and implement model family-centered approaches to address the needs of the elderly;

$1,000,000 West Virginia University Center on Aging to conduct follow-up work to the Year 2000 Conference on Rural Aging;

$425,000 City of Compton, California for an elderly assistance demonstration program to support and evaluate a community approach to providing services to low income senior;

$900,000 Donald Reynolds Aging Center at the University of Arkansas Medical School.

Within the funds provided for state and local innovations/projects of national significance, the conferees intend that funds be used for ongoing projects scheduled for refunding in fiscal year 2001.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes **$291,075,000** for general departmental management instead of **$262,631,000** as proposed by the House and **$260,117,000** as proposed by the Senate.

Within the total provided, **$50,000,000** is for minority HIV/AIDS activities that strengthen the medical treatment and HIV prevention capacity within communities of color disproportionately impacted by the HIV/AIDS epidemic, based on rates of new HIV infection and mortality from AIDS. These funds are available to entities that target a specific minority group or multi-ethnic minority populations that are heavily impacted by HIV/AIDS, and are to complement existing and planned HIV/AIDS activities in communities of color. The agreement also includes bill language that requires the Secretary to submit an operating plan prior to the obligation of these funds.

Within the total provided, **$2,000,000** is for the United States-Mexico Border Health Commission. The conferees request the Secretary to provide the House and Senate Committees on Appropriations with a complete history of the activities and expenses of the Commission. Also within the total provided, **$400,000** is to continue the Surgeon General's violence initiative and **$400,000** is for a study on the feasibility of tribe compacting for the operation of Departmental programs.

The agreement provides **$24,327,000** for the adolescent family life program as proposed by the House instead of **$19,327,000** as proposed by the Senate. The agreement includes bill language earmarking **$10,377,000** under the adolescent family life program for activities specified under section 2003(b)(2) of the Public Health Service Act, of which **$10,157,000** shall be for prevention grants under section 510(b)(2) of Title V of the Social Security Act, without application of the limitation of section 2010(c) of Title XX of the Public Health Service Act. The conferees intend that this set-aside is only for continuation costs of ongoing projects.

The agreement provides **$49,019,000** for minority health instead of **$38,638,000** as proposed by the House and **$37,638,000** as proposed by the Senate. Within this total, **$9,700,000** is to address the capacity and infrastructure deficiencies within minority community based organizations in rural and historically underserved urban communities, of which **$6,600,000** is for the Technical Assistance/Capacity Development Grant Program to fund existing grants in rural and historically underserved urban communities hardest hit by HIV/AIDS; **$500,000** is for continuation funding to the Bi-Cultural and Bilingual Demonstration Program; and **$2,600,000** is to support existing grants through the Minority Health Coalition program, designed to promote early intervention HIV care in minority communities and to improve the health outcomes of people of color living with HIV disease. Also included is an increase of **$1,000,000** for the Office of Minority Health's Center for Linguistics and Cultural Competence in Health Care.

The agreement provides **$17,270,000** for the office of women's health instead of **$16,495,000** as proposed by the House and **$16,895,000** as proposed by the Senate. The conferees urge the office to provide funds to the National Osteoporosis Foundation to support its complementary adolescent bone health initiative.

The agreement provides **$11,668,000** for the office of emergency preparedness instead of **$9,668,000** as proposed by both the House and Senate.

The conferees include the following amounts for the following projects and activities in fiscal year 2001:

—**$50,000** for public service announcements regarding abstinence education for the County of Bucks' Department of Health in Doylestown, Pennsylvania;

—**$298,000** in the Office of Minority Health for the University of Maryland, Baltimore, in partnership with the Community Lead Education and Reduction Corps to prevent lead poisoning among low income and minority children;

—**$375,000** in the Office of Women's Health for Spelman College's African-American Women's Health and Wellness Project;

—**$383,000** in the Office of Minority Health for the Trinity Health Systems, Detroit, Michigan, to provide health care and preventive health services for underserved minority populations and low income individuals;

—**$500,000** to fund, through a contract with the National Academy of Sciences, an evaluation on children's health. This evaluation should assess the adequacy of currently available methods for assessing risks to children, identify scientific uncertainties associated with these methods, and develop a prioritized research agenda to reduce such uncertainties and improve risk assessment for children's health and safety;

—$500,000 for the Thomas Jefferson University Hospital (TJUH) in Philadelphia, Pennsylvania, to continue development of its Center for Integrative Medicine, a program combining conventional medical science with promising alternative therapies;

—$461,000 for the Glaucoma Caucus Foundation to provide glaucoma screening and outreach activities;

—$650,000 in the Office of Minority Health for the University of Pennsylvania School of Dentistry to develop a Minority Oral Health Outreach program;

—$638,000 for ARCH National Resource Center on Respite and Crisis Services in Chapel Hill, North Carolina, to expand training, technical assistance, evaluation and networking expertise in respite care;

—$750,000 for the Community Transportation Association of America to provide technical assistance;

—$680,000 in the Office of Minority Health for the Donald R. Watkins Memorial Foundation in Houston, Texas, to enhance care for African Americans and low income individuals with HIV/AIDS by coordinating services and expanding outreach efforts;

—$765,000 in the Office of Minority Health for the Alameda County Medical Center in California for an initiative to reduce health disparities among uninsured, minority populations;

—$850,000 in the Office of Minority Health for the Henry Ford Health System in Detroit, Michigan, to address the burden of chronic disease among African Americans through a network of partnerships with community organizations;

—$850,000 in the Office of Minority Health for the CORE Center at Cook County Hospital in Chicago, Illinois, for a Community and Minority Education and Training Initiative for HIV/AIDS;

—$935,000 in the Office of Minority Health for the Sumter Family Health Care Center, Sumter, South Carolina to support an innovative service delivery effort to provide health care to individuals with disadvantaged backgrounds, including minority populations;

—$1,105,000 in the Office of Minority Health for the San Francisco Department of Public Health to provide HIV care and related services with an emphasis on providing care for women and minorities;

—$1,165,000 in the Office of Minority Health for the Fresno Community Hospital and Medical Center in California for diabetes care and outreach for Hispanic Americans and low-income individuals; and

—$1,700,000 in the Office of Minority Health for the National Council of La Raza for minority health research and outreach.

—$150,000 for the Briarpatch Transitional Living Program in Madison, Wisconsin, to provide housing and support services to homeless teens.

It is understood that the screening of blood and blood products could be improved through the use of nucleic acid testing (NAT) to better detect known infectious diseases such as Human Immunodeficiency Virus (HIV–1) and Hepatitis C virus (HCV). The National Heart, Lung and Blood Institute in the National Institutes of Health has contracted with private companies to develop fully automated NAT tests for HIV–1 and HCV. In view of the NIH's financial commitment to NAT and the approval of NAT in other countries, the Public Health Service Blood Safety Committee, chaired by the Surgeon General/Assistant Secretary of Health, is urged to encourage the adoption of these screening tools for individual donor testing of blood and plasma.

The conferees request that the Chief Financial Officer report to the House and Senate Committees on Appropriations on the status of the HHS financial audit. The conferees also request that the Chief Information Officer report to the House and Senate Committees on Appropriations on the status of the HHS computer security and related infrastructure protection. Both reports are to be presented to the Committees no later than March 1, 2001.

The conferees are concerned about the global AIDS pandemic and are supportive of the Department's international AIDS and infectious diseases efforts, especially those of CDC and NIH. The Department should continue to identify opportunities for strengthened international collaboration with those countries heavily impacted by HIV/AIDS and other new and emerging infectious diseases, as well as those nations that are vulnerable to a rapid acceleration of new cases. The Department should also coordinate its efforts with those of the U.S. Agency for International Development (USAID) to ensure that HHS activities are consistent with the USAID country strategic plan, and with those of multilateral organizations such as the World Health Organization and the Joint United Nations Programme on AIDS.

The conferees urge the Secretary to establish a program to provide information and education on autism to health professionals and the general public as authorized in the Children's Health Act of 2000.

The conferees direct the Secretary of Health and Human Services, in consultation with the Director of NIH, to conduct a review of the eligibility of the Bermuda Biological Station for Research (BBSR) to receive F&A recovery on NIH-supported research. The conferees are aware that the National Science Foundation, the National Oceanic and Atmospheric Administration, the National Aeronautics and Space Administration, and the Office of Naval Research provide BBSR with direct and indirect costs of research in peer-reviewed, competitive awards. The conferees request that the Secretary report to the House and Senate Appropriations Committees on the status of this review.

The conferees expect the Office of Population Statistics to better coordinate with the Health Resources and Services Administration regarding family planning activities.

The conferees support the HHS agreement to provide the Interdepartmental Task Force on AIDS with administrative support funding totalling $250,000 from within funds available to the Department.

The conferees request the Secretary to provide a report to the House and Senate Appropriations Committees by May 1, 2001 on the Department's review and action steps taken in response to the Institute of Medicine's report, "No Time to Lose: Getting More from HIV Prevention." This should include a review of current investments in HIV prevention as they relate to the issues raised by the Institute of Medicine.

The conferees are aware that the Secretary is working to establish the Advisory Committee on Minority Health to assist the Secretary in improving the health of racial and ethnic minority groups, and encourage the Secretary to proceed expeditiously so that the Department's goals and program activities better reflect the health care needs of Hispanic Americans and other racial and ethnic minorities.

The conferees are concerned about the current situation regarding the availability and uneven distribution of influenza vaccine for the nation at a critical time for our most vulnerable populations, especially the elderly, sick and very young. The conferees understand the Department's role in developing influenza vaccine each year for distribution by private industry and commend the Department for its efforts to communicate with the American public as this unfortunate situation developed. The Secretary, through the National Vaccine Program Office, is directed to prepare a report to the Committees on Appropriations of the House and Senate by June 30, 2001 regarding its assessment of this year's distribution problems along with any recommendations for changes in the vaccine development and distribution process.

The conferees understand that the incidence of unreimbursed health care provided to foreign nationals in U.S. hospital emergency rooms is a problem costing taxpayers millions of dollars per year. The conferees direct the Secretary to conduct a study regarding the extent of the problem, including U.S. hospitals' experiences in obtaining reimbursement from foreign insurers, the identity of foreign insurance companies who do not cooperate with or reimburse U.S. health care providers, the amount of unreimbursed services provided to foreign nationals, along with recommended solutions. This study shall be submitted to the Committees on Appropriations of the House and Senate no later than December 31, 2001.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $33,849,000 for the Office of Inspector General as proposed by the Senate instead of $31,394,000 as proposed by the House. The conferees do not include language proposed by the House to limit the amount of funds available to the Inspector General in fiscal year 2001 under the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to not more than $130,000,000. The Senate bill contained no similar provision.

The agreement includes language not proposed by the House or the Senate to allow funds to be used to provide protective services to the Secretary and investigate nonpayment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

The conference agreement includes $24,742,000 for the Office for Civil Rights instead of $18,774,000 as proposed by the House and $23,242,000 as proposed by the Senate.

POLICY RESEARCH

The conference agreement includes $16,738,000 for policy research as proposed by both the House and the Senate.

The conferees include $7,125,000 to continue the study of the outcomes of welfare reform and to assess the impacts of policy changes on the low-income population. The conferees recommend that this effort include the collection and use of state-specific surveys and state and federal administration data, including data which are newly becoming available from state surveys. These studies should focus on assessing the well-being of the low-income population, developing and reporting reliable state-by-state measures of family hardship and well-being and of the utilization of other support programs, and improving the capabilities and comparability of data collection efforts. These studies should continue to measure outcomes for a broad population of welfare recipients, former recipients, potential recipients, and other special populations affected by state TANF policies. The conferees further expect a report on these topics to be submitted to the House and Senate Appropriations Committees by May 1, 2001.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $241,231,000 for the Public Health and Social Services Emergency Fund instead of $254,640,000 as proposed by the House and $214,600,000 as proposed by the Senate.

The amount provided includes $181,131,000 for the Centers for Disease Control and Prevention for the following bioterrorism and related activities:

—$2,000,000 to continue to discover, develop, and transition anti-infective agents to combat emerging diseases;

—$18,040,000 for the second year of a collaborative research program on the anthrax vaccine;

—$32,000,000 for a national health alert network; and

—$129,950,000 for all other activities, except tobacco litigation. The conferees do not provide funding for this activity.

Regarding the anthrax study, the conferees understand that clinical studies will be greatly facilitated by the establishment of the Vaccine Healthcare Center Network, with the first site at Walter Reed Army Medical Center. This Network will facilitate data collection, standardization of the anthrax immunization, training and general data collection for this project.

The conferees recommend that CDC continue and expand the public health preparedness center program.

The remaining $60,100,000 is for the Office of Emergency Preparedness for bioterrorism-related activities.

Within the total provided for CDC, the conferees include the following amounts for the following projects and activities in fiscal year 2001:

—$500,000 for the National Bioterrorism Civilian Medical Response Center at Drexel University;

—$750,000 for the National Rapid Response Bioterrorism Defense Center at the University of Texas Medical Branch, Galveston;

—$941,000 for the University of Findlay National Center for Terrorism Preparedness to train and prepare underserved populations and facilities to react to bioterrorism and related incidents;

—$900,000 for the St. Louis University Center for Research and Education on Bioterrorism;

—$1,000,000 for the West Virginia University Virtual Medical Campus, to conduct an assessment for Disaster Medical Assistance Teams, National Guard Civilian Support Teams and hospital emergency and administrative personnel for medical preparedness and readiness for Weapons of Mass Destruction or similar events. These funds can only be used for this purpose. A report is due to the Congress by June 30, 2001 on this initiative;

—$900,000 for the Rhode Island Hospital disaster preparedness initiative;

—$1,400,000 for the Charlotte Mecklenburg Advanced Local Emergency Response Team (ALERT) project in Charlotte, North Carolina;

—$1,900,000 for the Public Health Service Moble Training Center at Fort McClellan, Alabama for bioterrorism training; and

—$2,200,000 for the Washington Hospital Center, the University of Pennsylvania Department of Emergency Medicine, and the University of Tennessee ER One initiative.

GENERAL PROVISIONS

NIH AND SAMHSA SALARY CAP

The conference agreement includes a provision proposed by the House limiting the use of the National Institutes of Health and the Substance Abuse and Mental Health Services Administration funds to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Level I of the Executive Schedule instead of Level II as proposed by the Senate.

ONE-PERCENT EVALUATION TAP

The conference agreement includes a provision proposed by the House to allow for a one percent evaluation tap pursuant to section 241 of the Public Health Service Act. The Senate bill contained a provision to allow for an evaluation tap of not more than 1.6 percent.

TRANSFER AUTHORITY

The conference agreement includes language to provide general transfer authority for the Department of Health and Human Services. This authority was first provided in fiscal year 1996 with the understanding that the flexibility it provides can only be carried out when proper financial management controls and systems are in place. However, CDC has provided Congress with inaccurate spending data on a number of programs. While it is recognized that CDC is working to rectify problems that have been identified, for fiscal year 2001 the conferees are requiring a letter of reprogramming to the House and Senate Appropriations Committees and a written response from the Committees before any transfer of funds can be made to CDC.

The conferees reiterate that it is not the purpose of the transfer authority to provide funding for new policy proposals that can, and should, be included in subsequent budget proposals. Absent the need to respond to emergencies or unforeseen circumstances, this authority cannot be used simply to increase funding for programs, projects or activities because of disagreements over the funding level or the difficulty or inconvenience with operating levels set by the Congress.

SUBSTANCE ABUSE AND MENTAL BLOCK GRANT FORMULA ALLOCATION

The conference agreement does not include a provision proposed by either the House or the Senate regarding the distribution of substance abuse and mental health block grant funding.

NIH OBLIGATIONS

The conference agreement does not include a provision proposed by the House to limit NIH obligations to the President's budget request. The Senate bill contained no similar provision.

EXTENSION OF CERTAIN ADJUDICATION PROVISIONS

The conference agreement includes a provision proposed by the Senate to extend the refugee status for persecuted religious groups. The House bill contained no similar provision.

MEDICARE COMPETITIVE PRICING DEMONSTRATION PROJECT

The conference agreement includes a provision proposed by the Senate to prohibit funding to implement or administer the Medicare Prepaid Competitive Pricing Demonstration Project in Arizona or in Kansas City, Missouri or in the Kansas City, Kansas area. The House bill contained no similar provision.

WITHHOLDING OF SUBSTANCE ABUSE FUNDS

The conference agreement includes a provision proposed by the Senate to prohibit the Secretary from withholding a State's substance abuse block grant funds if that State is not in compliance with the requirements of the Synar Amendment. The provision also prohibits the Secretary from withholding substance abuse funding from a territory that receives less than $1,000,000. The House bill contained no similar provisions.

STATE CHILDREN'S HEALTH INSURANCE PROGRAM (SCHIP)

The conference agreement does not include a provision proposed by the Senate to shift unspent fiscal year 1998 SCHIP funds to fiscal year 2003. The House bill contained no similar provision.

SENSE OF THE SENATE REGARDING NEEDLESTICK INJURY PREVENTION

The conferees delete without prejudice a Sense of the Senate provision regarding needlestick injury prevention. The House bill contained no similar provision.

CLEARINGHOUSE ON SAFE NEEDLE TECHNOLOGY

The conference agreement does not include a provision proposed by the Senate to provide additional funds to the Centers for Disease Control and Prevention to establish a clearinghouse on safe needle technology offset by an across-the-board reduction to travel, consulting, and printing services of the Departments of Labor, Health and Human Services, and Education. The House bill contained no similar provision.

REASONABLE RATE OF RETURN ON BOTH INTRAMURAL AND EXTRAMURAL RESEARCH

The conference agreement does not include a provision proposed by the Senate to withhold funding if the Director of NIH did not provide a proposal to require a reasonable rate of return on both intramural and extramural research by March 31, 2001. The House bill contained no similar provision.

STUDY ON UNREIMBURSED HEALTH CARE PROVIDED TO FOREIGN NATIONALS

The conference agreement does not include a provision proposed by the Senate to require the Secretary to conduct a study on the unreimbursed health care provided to foreign nationals. The House bill contained no similar provision.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

The conference agreement includes a provision proposed by the Senate to amend the Public Health Service Act to revise the purpose of the Institute relating to gynecologic health. The House bill contained no similar provision.

IMMUNIZATION INFRASTRUCTURE AND OPERATIONS ACTIVITIES

The conference agreement does not include a provision proposed by the Senate to provide additional funds to the Centers for Disease Control and Prevention for State and local immunization infrastructure and operations activities offset by an across-the-board reduction to administrative and related expenses of the Departments of Labor, Health and Human Services, and Education. The House bill contained no similar provision.

ANIMAL CARE CONTRACT REQUIREMENTS

The conference agreement includes a provision proposed by the Senate to require that the contractor hired for the care of the 288 chimpanzees acquired by NIH from the Coulston Foundation be accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International or has PHS assurance. The House bill contained no similar provision.

POISON PREVENTION AND CONTROL CENTERS

The conference agreement does not include a provision proposed by the Senate to provide additional funds to the Health Resources and Services Administration to provide assistance for poison prevention and control activities offset by an across-the-board reduction to administrative and related expenses of the Departments of Labor, Health and Human Services, and Education. The House bill contained no similar provision.

SENSE OF THE SENATE REGARDING THE DELIVERY OF EMERGENCY MEDICAL SERVICES

The conferees delete without prejudice a Sense of the Senate provision regarding the delivery of emergency medical services. The House bill contained no similar provision.

SENSE OF THE SENATE REGARDING IMPACTS OF THE BALANCED BUDGET ACT OF 1997

The conferees delete without prejudice a Sense of the Senate provision regarding impacts of The Balanced Budget Act of 1997. The House bill contained no similar provision.

ARKIDS

The conference agreement does not include a provision proposed by the House to prohibit the Health Care Financing Administration from revoking a waiver to the State of Arkansas that implements its own children's health insurance plan. The Senate bill contained no similar provision.

ABSTINENCE EDUCATION

The conference agreement includes language to prohibit the awarding of abstinence education grants authorized in the Emergency Supplemental Act, 2000 until March 1, 2001. The House and Senate bills contained no similar provision.

PHYSICIANS COMPARABILITY ALLOWANCES

The conference agreement includes a provision not proposed by either the House or the Senate to extend the authority of physicians comparability allowances for five years.

ORGAN PROCUREMENT ORGANIZATIONS

The conference agreement includes language to prohibit the termination of the Lifelink of Puerto Rico Organ Procurement Organization, the Northeast Organ Procurement Organization and Tissue Bank, and the Arkansas Regional Organ Recovery Agency from participation in the Medicare and Medicaid programs for one year from the date of enactment of this Act. The agreement further requires that future certification be determined based upon performance information from these individual Organ Procurement Organizations beginning on January 1, 2000. The House and Senate bills contained no similar provision.

CDC INTERNATIONAL AUTHORITY

The conference agreement includes a provision not proposed by either the House or the Senate to provide authority to support CDC carrying out international HIV/AIDS and other infectious and chronic disease activities abroad.

Subsection (a)(1) is intended to allow CDC to meet relatively short-term requirements for technical, management, and administrative personnel needs abroad through the award of personal services contracts in situations where other options, such as use of existing staff or hiring of new staff, or award of a service contract, other than one for personal services, are ineffective and impractical. During FY 2001, the conferees expect HHS to work with the Office of Management and Budget and other relevant agencies and Congressional committees as appropriate to consider effective longer-term solutions for addressing these types of needs.

Section (a)(2) is intended to ensure that the Department of State can provide necessary support services (including Administrative Support services agreements) to support CDC's international health programs, including the purchase of necessary laboratory equipment and the lease, repair and renovation of laboratory and other facilities.

BAYVIEW

The conference agreement includes language to allow the Director of the National Institutes of Health to enter into and administer a long-term lease agreement for facilities at the Bayview Campus in Baltimore, Maryland.

OFFICE FOR HUMAN RESEARCH PROTECTIONS TRANSFER

The conference agreement includes a provision to transfer $5,800,000 from the National Institutes of Health to the Office of the Secretary, General Departmental Management to support the newly established Office for Human Research Protections. This transfer of funds implements the Secretary's decision to move the Office to the Department from NIH and that in the future the Department will request funding for the Office within the Office of the Secretary. The House and Senate bills contained no similar provision.

CLINICAL RESEARCH LOAN REPAYMENT

The conference agreement includes a provision to allow extramural clinical researchers to be included in the clinical research loan repayment program for individuals from disadvantaged backgrounds. The House and Senate bills contained no similar provision.

ACTING DIRECTOR OF NIH

The conference agreement includes a provision to allow the current Acting Director of NIH to remain in that position until a new Director is confirmed by the Senate. The House and Senate bills contained no similar provision.

NATIONAL NEUROSCIENCE RESEARCH CENTER

The conference agreement includes a provision to name the National Neuroscience Research Center at the National Institutes of Health the John Edward Porter Neuroscience Research Center.

TITLE II CITATION

The conference agreement includes a provision proposed by the House to cite title II as the "Department of Health and Human Services Appropriations Act, 2001". The Senate bill contained no similar provision.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $1,880,710,000 for Education Reform instead of $1,505,000,000 as proposed by the House and $1,434,500,000 as proposed by the Senate.

Parental Assistance

The conference agreement includes $38,000,000 for parental assistance instead of $40,000,000 as proposed by the Senate. The House did not propose funding for this program.

Education Technology

For education technology, the conference agreement includes $872,096,000 instead of $905,000,000 as proposed by the House and $794,500,000 as proposed by the Senate.

Technology Literacy Challenge Fund

For the Technology Literacy Challenge Fund, the conference agreement includes $450,000,000 instead of $425,000,000 as proposed by the Senate and $517,000,000 as proposed by the House.

Technology Innovation Challenge Grants

For the Technology Innovation Challenge Grants, the conference agreement includes $136,328,000 instead of $197,500,000 as proposed by the House and $100,000,000 as proposed by the Senate. Within the amounts provided for Technology Innovation Challenge Grants, the conference agreement includes $46,328,000 for the following:

$921,000 to be divided equally among the Blount, Cherokee, Cullman, DeKalb, Etowah, Fayette, Franklin, Lamar, Lawrence, Marion, Marshall, Pickens, Walker and Winston County Boards of Education in Alabama for technology enhancements for schools;

$369,000 Harford County Magnet School, Aberdeen, MD for technology enhancements;

$92,000 Community School District 31, Staten Island, NY for school computer lab enhancements;

$147,000 Community School District 20, Brooklyn, NY for school computer lab enhancements;

$921,000 Rockford Public Schools- District 205, Rockford, IL for Digital Community Classroom project;

$207,000 Grant Joint Union High School District, Sacramento, CA for technology enhancements;

$44,000 Bibb County Board of Education, AL for technology enhancements;

$44,000 Calhoun County Board of Education, AL for technology enhancements;

$44,000 Chambers County Board of Education, AL for technology enhancements;

$44,000 Chilton County Board of Education, AL for technology enhancements;

$44,000 Clay County Board of Education, AL for technology enhancements;

$44,000 Cleburne County Board of Education, AL for technology enhancements;

$44,000 Coosa County Board of Education, AL for technology enhancements;

$44,000 Lee County Board of Education, AL for technology enhancements;

$44,000 Macon County Board of Education, AL for technology enhancements;

$44,000 St. Clair County Board of Education, AL for technology enhancements;

$44,000 Talladega County Board of Education, AL for technology enhancements;

$44,000 Tallapoosa County Board of Education, AL for technology enhancements;

$44,000 Randolph County Board of Education, AL for technology enhancements;

$44,000 Russell County Board of Education, AL for technology enhancements;

$44,000 Jacksonville City Board of Education, AL for technology enhancements;

$44,000 Oxford City Board of Education, AL for technology enhancements;

$44,000 Sylacauga City Board of Education, AL for technology enhancements;

$44,000 Phenix City Board of Education, AL for technology enhancements;

$44,000 Auburn City Board of Education, AL for technology enhancements;

$44,000 Opelika City Board of Education, AL for technology enhancements;

$44,000 Piedmont City Board of Education, AL for technology enhancements;

$921,000 Corbin Technology and Training Center, Corbin KY;

$921,000 Regional Technology and Training Center in West Liberty, KY;

$415,000 Cherokee County, Murphy NC for computers;

$46,000 Meredith-Dunn School, Louisville, KY for technology enhancements;

$184,000 Crawford County Public Schools in Roberta GA for technology development and equipment;

$35,000 Thomas Jefferson High School for Science and Technology, Alexandria, VA for technology enhancements;

$921,000 California Institute of the Arts, Community Arts Partnership, Santa Clarita, CA for the Digital Arts Network Project;

$184,000 Travis Unified School District, Fairfield, CA for a technology plan;

$9,000,000 I CAN LEARN;

$1,800,000 Beaufort County School District in South Carolina to continue implementing the Learning with Laptops initiative;

$900,000 Metropolitan Regional and Technical Center in Providence, Rhode Island to provide training and support in computer technology through Project Family Net;

$1,500,000 Tupelo Public School District in Tupelo, Mississippi to Model successful, replicable technology application and utilization;

$2,000,000 South Carolina Educational TV in Columbia, South Carolina for its public-private partnership established to develop model communication tools that support the use of technology in improving students' reading and writing;

$1,275,000 Washington State Educational Agency in Olympia, Washington for the Linking Educational Technology and Educational Reform (LINKS) project to provide electronic student learning and teacher training;

$500,000 Discovery Center in Springfield, Missouri, in partnership with area schools, to enhance student access to and use of technology-based learning;

$100,000 Montgomery Public School system in Montgomery, Alabama for technology upgrades at the Brewbaker Technology Magnet High School;

$850,000 New Mexico State Department of Education for an online advanced placement course demonstration program;

$450,000 Western Kentucky University to improve teacher preparation programs that help incorporate technology into the school curriculum;

$680,000 Houston Independent School District in Houston, Texas to provide advanced telecommunications systems for schools in the district;

$500,000 McDermitt Combined School in Nevada to improve student access to and understanding of computers;

$55,000 Northwood School District in Minong, Wisconsin for distance education programs;

$100,000 New Mexico State Department of Education for a virtual school designed to increase educational access for students;

$850,000 Washington State Office of Public Instruction for online advanced placement course development and delivery;

$1,800,000 Iowa Department of Education for online advance placement course development and delivery;

$2,500,000 Wheeling Jesuit University NASA Center for Educational Technologies in West Virginia for technology training of math and science teachers;

$65,000 Reid Elementary School District in Searchlight, Nevada for educational technology enhancements;

$100,000 City of Philadelphia, Pennsylvania for technology training and access to the internet and other high-technology tools;

$925,000 Marymount University in Virginia for an instructional technology program for teachers;

$3,100,000 Rutgers, the State University of New Jersey, for the RUNet 2000 project;

$2,200,000 South Dakota Board of Regents to support distance learning technology;

$1,421,000 Future of the Piedmont Foundation, Regional Education Center, Danville, VA for technology enhancements;

$170,000 Santa Barbara Industry Education Council and Santa Barbara County Education Office, California for a computers for families program;

$250,000 Nicolet Distance Education Network in Rhinelander, Wisconsin, for a distance learning initiative;

$417,000 Gadsden School District in Quincy, Florida for technology upgrades and equipment for a distance education initiative;

$451,000 Woodburn School District, Woodburn, Oregon for technology equipment for a distance learning center;

$489,000 Southwest Virginia Education and Training Network, Abington, Virginia, for technology upgrades;

$561,000 Adelphi University, New York, for the Information Commons distance education initiative;

$638,000 Liberty Science Center, Jersey City, New Jersey, for technology upgrades for its partnership program with 28 school districts in New Jersey;

$723,000 Maine School Administrative District Number 64, East Corinth, Maine, for the STAR technology teacher training project;

$723,000 The Appalachian Center for Economic Networks, Athens, Ohio, to expand a computer entrepreneurship project;

$808,000 Detroit Educational Television Foundation, Detroit, Michigan, to deliver expanded arts educational programs to schools through the Enrichment Channel;

$1,169,000 Puget Sound Center for Teaching, Learning, and Technology, Seattle, Washington, for technology training, equipment and support; and

$100,000 Rose Tree Media School District in Pennsylvania for integrating distance learning in the classroom through the HUBS project.

National Activities

The conference agreement includes $191,950,000 for education technology initiatives funded under National Activities. This includes $125,000,000 for teacher training in technology, the same amount as proposed by the Senate instead of $85,000,000 as proposed by the House. It also includes $64,950,000 to establish computer learning centers in low-income communities instead of $32,500,000 as proposed by the House and $65,000,000 as proposed by the Senate.

Star Schools

For Star Schools, the conference agreement includes $59,318,000 instead of $45,000,000 as proposed by the House and $43,000,000 as proposed by the Senate. Within the amounts provided for Star Schools, the conference agreement includes $8,768,000 for the following:

$478,000 Winston-Salem/Forsyth County Schools, Winston-Salem, NC for Winston-Net program;

$1,290,000 Galena School District, Galena Alaska for a distance education program;

$4,000,000 Iowa Communications Network statewide fiber optic demonstration program; and

$3,000,000 South Dakota Department of Education and Cultural Affairs to continue and expand the Digital Dakota Network which provides high speed Internet and local and wide area networking to all public K-12 schools in South Dakota.

Telecommunications demonstration project for mathematics

The conference agreement includes $8,500,000 for telecommunications demonstration project for mathematics as proposed by the Senate. The House proposed no funds. The conferees recognize the positive work that the Public Broadcasting Service (PBS) has done in demonstrating and evaluating the use of different technologies to provide professional development opportunities in mathematics to elementary and secondary school teachers. While the Mathline program clearly has reached many teachers through various media, the conferees want to ensure that the greatest number of educators and students will benefit from this program. The conferees encourage PBS to continue to explore cost effective options for providing high quality professional development opportunities in core curricula to current and future teachers. In addition, the conferees encourage PBS to continue evaluating this program to measure the change in student academic achievement that results from teaching techniques learned through this program.

21st Century Learning Centers

The conference agreement includes $845,614,000 for the 21st Century Learning Centers instead of $600,000,000 as proposed by both the House and the Senate. Within the amounts provided for 21st Century Learning Centers, the conference agreement includes $20,614,000 for the following:

$9,000 Thirteenth Place Youth and Family Services in Gadsen Alabama for "The After School Program";

$921,000 The Community House Inc. in Hinsdale, IL for youth programs and services;

$230,000 Boys and Girls Club of Coachella Valley in Palm Desert, CA for after school programs;

$553,000 Boys and Girls Club of Danville, Danville IL for youth programs;

$461,000 Fayette and Clark Counties, Kentucky for after school programs;

$69,000 Chrysalis House Inc. in Lexington, KY for equipment related to afterschool programs;

$18,000 Goodhue Center, Staten Island, NY for an educational and technology enrichment project;

$18,000 Central Family Life Center Inc. in Staten Island NY for after school family preservation program for tutoring and after school;

$23,000 Jewish Community Center of Staten Island, NY for an after school program;

$41,000 Catholic Youth Organization Inc., Staten Island NY for an after school program;

$92,000 Boys and Girls Club of Rochester, MN for Project Learn;

$23,000 Children's Museum of Elizabethtown, KY for after school programming;

$921,000 Boys and Girls Clubs of Santa Clarita Valley, Santa Clarita, CA for youth development programs;

$9,000 First Gethsemane Center for Family Development, Louisville, KY for tutoring program;

$18,000 Summerbridge, Louisville, KY for tutoring program;

$14,000 New Creations Development Programs, Inc., Louisville, KY for tutoring/mentoring program;

$18,000 New Zion Community Development Foundation, Louisville, KY for after school mentoring program;

$18,000 Robbie Valentine Stars Club Education Program, Louisville, KY for mentoring programs;

$14,000 Shiloh Community Renewal Center in Louisville, KY for after school and summer tutoring;

$276,000 Tulare County Office of Education, Visalia, CA for a Summer Youth program;

$691,000 West-End YMCA Association, Ontario, CA for after school programming;

$250,000 Big Brothers/Big Sisters of America to expand its school-based mentoring program to the State of New Hampshire;

$250,000 City of Portland, Oregon to increase student achievement and family involvement with children through its Schools Uniting Neighborhoods program;

$350,000 Cranston Public School District in Cranston, Rhode Island, in collaboration with community partners, to improve parental participation in student learning and enhance the use of technology in after school programs;

$200,000 Discovery Center in Springfield, Missouri for expansion of science education programs available to at risk youth;

$375,000 Bibb County Board of Education in Macon, Georgia for after school programming;

$200,000 John A. Logan College to develop a community learning center in rural Southern Illinois;

$100,000 Project 2000 for mentoring and other support services for low-income and inner-city students in the District of Columbia;

$250,000 Holy Redeemer Health System in Philadelphia, Pennsylvania for after school programs for at risk children;

$1,100,000 State of Alaska for extended learning opportunities for school children provided through the Right Start program;

$400,000 National Ten-Point Leadership Foundation in Boston, MA to address the mentoring needs of at-risk inner-city youth;

$425,000 Clark County School District, Las Vegas, Nevada for an after school community learning center;

$293,000 Centennial School District, Circle Pines, Minnesota, for an after school program;

$213,000 City School District of New Rochelle, New York, for an after school program;

$370,000 Abbotsford School District, Abbotsford, Wisconsin, for an after school program;

$213,000 Community School District 24, Glendale, New York for before- and after-school programs;

$213,000 Community School District 28, Forest Hills, New York for an after school program;

$213,000 Community School District 30, Jackson Heights, New York for an after school program;

$60,000 Crosby Independent School District in Barrett Station, Texas, for an after school program;

$85,000 Eastchester Union Free School District, Eastchester, New York for an after school program;

$128,000 Fontana Unified School District, Fontana, California, for the educational component of a teen center for at-risk youth;

$234,000 Sauk Prairie Schools, Sauk City, Wisconsin for an after school program;

$468,000 Hastings Public Schools, Hastings, Minnesota, for an after school program;

$750,000 Hayward Community School District, Hayward, Wisconsin for an after school;

$191,000 Independence School District, Independence, Missouri, to expand before and after school programs;

$510,000 Macomb County Intermediate School District, Michigan for the "Kids Klub" after school program;

$1,275,000 Milwaukee Public Schools, Wisconsin, for after school programs;

$170,000 New London Public Schools, New London, Connecticut, for an after school program;

$298,000 New York Hall of Science in Queens, New York for an after school program;

$629,000 Pojoaque Valley Schools in Pojoaque, New Mexico for the Para Los Ninos after school consortium;

$213,000 Port Chester-Rye Union Free School District, Port Chester, New York for an after school program;

$850,000 Rock Island County Regional Office of Education, Moline, Illinois for after school programs in the Moline-Coal Valley School District and the Rock Island-Milan School District;

$361,000 South Washington County Schools, Cottage Grove, Minnesota, for an after school program;

$340,000 St. Clair County Intermediate School District, Michigan for the "Kids Klub" after school program;

$230,000 St. Francis School District, Milwaukee, Wisconsin for an after school program;

$1,300,000 Wausau School District, Wausau, Wisconsin, for an after school program;

$170,000 Windham Public Schools, Willimantic, Connecticut, for an after school program; and

$2,500,000 Expansion of Gallery 37 after school programming in Chicago, Illinois.

The conference agreement includes bill language stating that the Secretary shall strongly encourage applications for 21st Century Community Learning Center grants to be submitted jointly by a local educational agency (or a consortium of local educational agencies) and a community-based organization, including public or private entities with demonstrated effectiveness in providing educational or related services to individuals in the community, such as child care providers, youth development organizations (such as YMCAs, the Boys and Girls Clubs, Big Brothers Big Sisters of America, Camp Fire Boys and Girls, and the Girl Scouts), museums, libraries, and Departments of Parks and Recreation. In including this language, the conferees intend that the Secretary shall strongly encourage joint applications in order to promote local collaboration and coordination of services. This is especially important where more than one application is received proposing to serve the same community. Additionally, the language requires all applications submitted to the Secretary to contain evidence that the project includes elements that are designed to assist students to meet or exceed State and local standards in core academic subjects, as appropriate to the needs of participating children. The Senate bill included language stating that a community-based organization that has experience in providing before- and after-school services shall be eligible to receive a grant on the same basis as a school or consortium, and stating that the Secretary shall give priority to any applications jointly submitted by a community-based organization and a school or consortium. The House bill contained no similar language.

Small Schools

The conference agreement includes $125,000,000 for the Small, Safe and Successful Schools initiative authorized under section 10105 of part X of the Elementary and Secondary Education Act. The House bill included funding for this initiative under the Fund for the Improvement of Education and the Senate bill proposed no funding.

The conferees agree that these funds shall be used only for activities related to the redesign of large high schools enrolling 1,000 or more students, and that this initiative shall continue to be jointly managed by the Office of Elementary and Secondary Education and the Office of Vocational and Adult Education.

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $9,532,621,000 for Education for the Disadvantaged instead of $8,986,800,000 as proposed by the Senate and $8,816,986,000 as proposed by the House. The agreement includes advance funding for this account of $6,758,300,000 instead of $6,204,763,000 as proposed by the House and $6,223,342,000 as proposed by the Senate.

For Grants to Local Educational Agencies (LEAs) the agreement provides $8,601,721,000 instead of $8,335,800,000 as provided by the Senate and $7,941,397,000 as provided by the House. Of the funds made available for basic grants, $5,394,300,000 becomes available on October 1, 2001 for the academic year 2001–2002.

The conference agreement includes $7,237,721,000 for basic grants and $1,364,000,000 for concentration grants. For fiscal year 2001, $1,158,397,000 was advance funded in the fiscal year 2000 Departments of Labor, Health and Human Services and Education and Related Agencies Act (P.L. 105–227). The funding of $1,364,000,000 for concentration grants is advanced for fiscal year 2002.

The conferees have included $225,000,000 for school improvement activities under section 1116(c) of the Elementary and Secondary Education Act (ESEA) of 1965 to assist low performing schools under Title I of ESEA. School improvement activities are those measures designed to help turn around low performing schools. One hundred percent of the funds provided for these activities are to be allocated by states to school districts.

The conferees have also included a requirement that all school districts receiving funds under Part A of Title I shall provide students in low performing Title I schools with the option to transfer to another public school or public charter school in the school district, unless prohibited by state or local law or policy. Local educational agencies located within States that qualify for the small state minimum under Title I Part A are not required to comply with this requirement, but may comply if they so choose.

The conference agreement includes $6,000,000 for capital expenses for private school children as proposed by the Senate. The House bill contained no funding for this program.

The conference agreement includes $250,000,000 for the Even Start program as proposed by the House instead of $185,000,000 as proposed by the Senate.

The conference agreement includes $380,000,000 for the migrant education program as proposed by the Senate instead of $354,689,000 as proposed by the House. The agreement also includes $46,000,000 for neglected and delinquent youth instead of $50,000,000 as proposed by the Senate and $42,000,000 as proposed by the House.

The conference agreement includes $8,900,000 for evaluation of title I programs as proposed by the House. The Senate bill did not propose funding for this activity.

The conference agreement includes $210,000,000 for the comprehensive school reform demonstration program instead of

$190,000,000 as proposed by the House. The Senate bill did not propose funding for this activity. The conferees direct the Department to follow the directives in the report accompanying the fiscal year 1998 bill (House Report 105–390) and in the conference report accompanying the fiscal year 1999 bill (House Report 105–825) in administering this program.

For the education for the disadvantaged program, the agreement includes a provision not contained in either House or Senate bills which allows each state and local educational agency (LEA) to receive the greater of either the amount it would receive at specified levels under the 100% hold harmless contained in the Senate bill or what it would receive using the statutory formulas. This comparison is intended to be used for allocating funds in fiscal year 2001 for both basic and concentration grants. The conferees expect the Department to use updated demographic and financial expenditure data in determining allocations when such data becomes available. The Senate bill included a 100% hold harmless for States and LEAs for both basic and concentration grants. The House bill contained no similar provision.

The conferees adopt language included in the Senate bill providing that the Department shall make 100% hold harmless awards to LEAs that were eligible for concentration grants in 2000, but are not eligible to receive grants in fiscal year 2001.

The conferees also adopt language included in the Senate bill providing that the Secretary of Education shall not take into account the 100% hold harmless provision in determining State allocations under any other program. The House bill did not contain these hold harmless provisions.

IMPACT AID

The conference agreement includes $993,302,000 for the Impact Aid programs instead of $985,000,000 as proposed by the House and $1,075,000,000 as proposed by the Senate. For basic grants the agreement includes $882,000,000; for payments for children with disabilities the conferees include $50,000,000. The agreement also includes $8,000,000 for facilities maintenance, $12,802,000 for construction, and $40,500,000 for payments for federal property. The conferees note that funds for basic grants and payments for heavily impacted districts are combined pursuant to the provisions of the Impact Aid Reauthorization Act of 2000.

Sufficient funding is provided within the account for construction for the following: $1,981,000 for the North Chicago Community Unit School District 187; $921,000 for the Wheatland School District, Wheatland, California; $400,000 for Brockton Elementary Public School District in Montana; $2,600,000 for Craig School District in Alaska; and $900,000 for Cannon Ball Elementary School on Standing Rock Sioux Reservation in Cannon Ball, North Dakota.

The conferees also include the following language provisions: timely filing of an application by the Academy School District 20 in Colorado; restoration of payments to school districts affected by a section 8002 cap in 1998; and deeming eligibility for Kadoka School District in South Dakota. Neither the House nor Senate bills contained similar provisions.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $4,872,084,000 for School Improvement Programs instead of $3,165,334,000 as proposed by the House and $4,672,534,000 as proposed by the Senate. The agreement provides $3,107,084,000 in fiscal year 2001 and $1,765,000,000 in fiscal year 2002 funding for this account.

Eisenhower professional development state and local activities

For Eisenhower professional development state and local activities, the conferees provide $485,000,000. The House bill provided $1,750,000,000 for the Teacher Empowerment Act, subject to authorization, which included funds previously dedicated to the Eisenhower professional development programs. The Senate bill provided $435,000,000.

The conference agreement includes bill language providing that a local educational agency shall use funds received in excess of the allocation received for the preceding fiscal year to improve teacher quality by reducing the percentage of teachers who are uncertified, teaching out of field, or who lack sufficient content knowledge to teach effectively in the areas they teach. These additional funds may be used for mentoring programs for new teachers, to provide opportunities for teachers to participate in multi-week institutes, such as those offered in the summer months that provide intensive professional development and to implement incentives to retain quality teachers who have a record of success in helping low-achieving students improve their academic success. State educational agencies and State agencies for higher education may also use additional funds provided in excess of the allocation received for the preceding fiscal year for multi-week institutes, such as those provided in the summer months, that provide intensive professional development in partnership with local educational agencies, and to provide grants to recruit, prepare, retain, and train school principals and superintendents, especially individuals serving or intending to serve in high-poverty, low-performing schools and districts.

The conference agreement also includes $45,000,000 within the amount for Eisenhower state grants to be available to States to support efforts to meet the requirements under section 1111 of title I of the Elementary and Secondary Education Act of 1965 or the requirements for State eligibility for the Ed-Flex Partnership Act of 1999.

Eisenhower professional development national activities

The conference agreement provides $44,000,000 for Eisenhower professional development national activities under this account.

Early Childhood Educators.—Within the funds available for Eisenhower professional development national activities, the conference agreement includes $10,000,000 for training early childhood educators and caregivers in high-poverty communities to focus on professional development activities to further children's language and literacy skills to help prevent them from encountering reading difficulties once they enter school.

Teacher Recruitment Initiatives.—Within the funds available for Eisenhower professional development activities, the conference agreement also includes $34,000,000 for new teacher recruitment initiatives. The conferees believe that an expanded effort to get more talented individuals from non-traditional routes into classrooms is warranted and is an efficient means to get highly skilled people into schools at a time when the demand for these skills is the greatest. For example, the conferees acknowledge that the Troops to Teachers and Teach for America programs have been innovative models for recruiting qualified, nontraditional candidates into teaching and offer viable solutions to our nation's need to hire over 2.2 million teachers over the next ten years to replace veteran retiring teachers and to accommodate additional student enrollment.

Of the amount made available for teacher recruitment initiatives, $3,000,000 shall be available to the Secretary for transfer to the Defense Activity for Non-Traditional Education Support of the Department of Defense (Troops-to-Teachers). The remaining $31,000,000 available for teacher recruitment initiatives shall be available for grants as described in the prior paragraph for local educational agencies, State educational agencies, educational service agencies, or nonprofit agencies and organizations, including organizations with expertise in teacher recruitment, or partnerships comprised of these entities to recruit, prepare, place and support mid-career professionals from diverse fields who possess strong subject matter skills to become teachers, particularly in high-need fields such as mathematics, science, foreign languages, bilingual education, reading, and special education; and to attract, recruit, screen, select, train, place and provide financial incentives to recent college graduates with outstanding academic records and a baccalaureate in a field other than education to become fully qualified teachers through nontraditional routes.

Innovative education program strategies

For innovative education program strategies, title VI of the Elementary and Secondary Education Act of 1965, the conference agreement includes $385,000,000 instead of $3,100,000,000 as proposed by the Senate and $365,750,000 as proposed by the House.

The conferees support the use of funds appropriated under section 6301(b) to provide single-sex school or classroom programs provided that the recipient "complies with applicable law," a phrase intended to incorporate all relevant Supreme Court opinions, including U.S. v. Virginia, 116 S. Ct. 2264 (1996), as proposed by the Senate. The House bill contained no similar provision. The conferees intend that this provision does not require local educational agencies to use title VI funds only for gender equity activities.

Class size

The conference agreement includes $1,623,000,000 to continue the initiative to reduce class size that was begun in fiscal year 1999. The House bill provided $1,750,000,000 for the Teacher Empowerment Act, subject to authorization. The Senate bill provided $3,100,000,000 for activities to improve teacher quality, reduce class size, and renovate school facilities and to carry out activities under title VI of the Elementary and Secondary Education Act of 1965.

The conference agreement provides that the allocation of funds under section 306 to the States shall be based on the proportional share that each State received from the fiscal year 1999 appropriation for class size reduction. States will continue to allocate their grant funds among local educational agencies based on a formula that reflects both their relative numbers of children in low-income families and their school enrollments.

Local educational agencies would use funds for recruiting, hiring and training fully qualified regular and special education teachers who are certified within the States, have a baccalaureate degree and demonstrate subject matter knowledge in their content areas. Twenty five percent of these funds may be used by local educational agencies to test new teachers for academic content knowledge, to meet State certification requirements, or to provide professional development for existing teachers. In addition, local educational agencies may use these funds for carrying out activities authorized under section 2210 of the Elementary and Secondary Education Act of 1965 (the Eisenhower Professional Development program); mentoring programs for new teachers; providing opportunities for teachers to attend multi-week institutes, such as those provided in the summer months, that provide intensive professional development in partnership with local educational agencies; and carrying out initiatives to promote the retention of highly qualified teachers who have a record of success in helping low-achieving students improve their academic success. Such activities shall have the goal of ensuring that all instructional staff are fully qualified.

A local educational agency that has already reduced class size in the early grades may use its funds to make further reductions in grades kindergarten through 3 or other grades, or carry out activities to improve teacher quality. A local educational agency in which 10 percent or more of its elementary teachers have not met applicable State and local certification requirements (including certification through State or local alternative routes), or if such requirements have been waived, may use 100 percent of funds under this program for the purpose of helping those teachers become certified or to help teachers who lack sufficient content knowledge to teach effectively in the areas they teach to obtain that knowledge. A local educational agency must notify the State educational agency of the percentage of funds it will use for these purposes.

A local educational agency that receives an award under this section that is less than the starting salary for a new teacher may use these funds to help pay the salary of a teacher or pay for professional development activities to ensure that all the instructional staff are fully qualified.

To improve accountability, the conference agreement maintains language included as part of last year's appropriations law requiring that each State and local educational agency receiving funds publicly report to parents on their progress in reducing class size and in increasing the percentage of classes in core academic areas taught by fully qualified teachers, and on the impact that such activities have had on increasing student academic achievement. Parents, upon request, will also have the right to know the professional qualifications of their children's teachers.

The conference agreement requires the Secretary of Education to inform local educational agencies of the additional flexibility provided to local educational agencies in which more than 10 percent of their teachers are not fully qualified to spend all of these funds on professional development activities. The conferees also intend that the Secretary notify local educational agencies of the flexibility provisions already incorporated into the class size reduction initiative, including the ability of local educational agencies to use up to 25 percent of local educational agency allocations on professional development activities; to spend funds on professional development for existing teachers if the local educational agency receives an award that is less than the starting salary for a new fully qualified teacher; and to spend funds to reduce class sizes in other grades or to improve teacher quality if the local educational agency has already reduced class sizes in the early grades to 18 or fewer children.

School renovation

The conference agreement includes $1,200,000,000 for grants to local educational agencies for emergency school renovation and repair activities; activities under part B of the Individuals with Disabilities Education Act (IDEA); and technology activities. The House bill provided no funding for this activity. The Senate bill provided $3,100,000,000 for activities to improve teacher quality, reduce class size, renovate school facilities and to carry out activities under title VI of the Elementary and Secondary Education Act of 1965.

The conference agreement provides $75,000,000 of the $1,200,000,000 for formula grants to local educational agencies with at least 50 percent of their student population living on Native American or Native Alaskan lands. These funds may be used for school renovations and repairs, as well as new construction activities, which may include construction of new facilities for specialized programs such as vocational-technical education and the installation of plumbing, sewage and electrical systems. For some of the schools in these local educational agencies, new construction may represent a more prudent use of resources than the repair or renovation of existing structures.

The conference agreement provides $3,250,000 of the $1,200,000,000 for grants to local educational agencies in outlying areas for the renovation and repair of high-need schools.

The conference agreement provides $25,000,000 for a new Charter Schools Facilities Financing Demonstration Program authorized as subpart 2 of part C of title X of the Elementary and Secondary Education Act (ESEA). Charter schools are break-the-mold public schools that are free of bureaucratic red tape, and accountable for academic results. Many of these innovative schools receive no assistance from their states for capital financing expenses, or at best, only a modest amount of assistance for capital expenses. Furthermore, in most states, charter schools do not have bonding authority or a tax base for capital financing.

The Charter School Facilities Financing Demonstration Program would establish a credit enhancement demonstration program for the acquisition, renovation, or construction of public charter schools. Non-profit private entities (including those that benefit Native Alaskans), public entities, or consortia of the two entities would compete for one-time grants to be used to establish reserve funds to leverage private capital. For example, the reserve funds could be used for activities such as guaranteeing bonds, notes, or leases; encouraging private lending; or facilitating the issuance of bonds. The conferees intend that the Secretary of Education widely disseminate information gleaned from these demonstration efforts with a view toward these demonstrations serving as models for replication in states with charter schools.

The conference agreement provides that the remaining funds ($1,096,750,000) would be distributed to State educational agencies based on the title I, part A allocations under the Elementary and Secondary Education Act, with a small state minimum of one half of one percent. After allowing for not more than one percent set aside at the state level for administrative expenses, the State educational agency or other entity with jurisdiction over school facilities financing, as the case may be, would distribute 75 percent of the state's funds to local educational agencies through competitive grants for emergency school repair and renovation activities.

The state educational agency or other responsible entity would ensure, through a competitive grant process, that high poverty local educational agencies receive, in the aggregate, shares of the state allocation of Federal emergency repair and renovation funds that are proportionate to their share of the state allocation of title I, part A funds. For the purposes of this program high poverty school districts are considered to be those with 30 percent or greater child poverty or 10,000 or greater poor children. The state educational agency or entity would also ensure that rural local educational agencies receive, in the aggregate, shares of the state allocation of Federal emergency repair and renovation funds that are proportionate to their share of title I, part A funds. Each state shall determine which local educational agencies within the state qualify as rural for the purposes of this program.

Those local educational agencies eligible to compete for an emergency repair and renovation grant either because of their high poverty status or their rural status, but who do not actually receive a grant, may be considered for a grant from the remaining funds for repair and renovation activities. Additionally, local educational agencies not eligible to receive a grant because of their lack of high poverty or rural status may be considered for a grant from the remaining repair and renovation funds.

These funds may be used by local educational agencies to meet the requirements of federal mandates such as the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and asbestos abatement requirements. Funds may also be used for the renovation, acquisition, and repair of charter schools and for emergency renovations or repairs to public school facilities to ensure the health and safety of students and staff (repairing, replacing, or installing roofs, electrical wiring, plumbing systems, or sewage systems; repairing, replacing, or installing heating, ventilation, or air conditioning systems, including insulation; and bringing schools into compliance with fire and safety codes).

The conference agreement clarifies that public charter schools that are considered to be a local educational agency under state law are eligible to compete for renovation and repair funds from the state in the same manner as local educational agencies. In addition, public charter schools that are not considered to be a local educational agency are eligible to receive assistance, in the same manner as a public school, from a local educational agency that is awarded a grant under this section.

The conference agreement provides for the equitable participation of non-profit, private elementary and secondary schools in repair and renovation activities. The eligible non-profit, private elementary and secondary schools would be limited to those schools with a child poverty rate of 40 percent or greater. Private school participation, in general, would be controlled by section 6402 of the Elementary and Secondary Education Act (ESEA), which provides for the equitable participation of children enrolled in non-profit private elementary and secondary schools in the title VI block grant program of ESEA. This provision would allow these schools to receive the following services: (1) modifications of private school facilities in order to meet the standards under the Americans with Disabilities Act; (2) modifications of private school facilities to meet the standards under Section 504 of the Rehabilitation

Act; and (3) asbestos abatement or removal from such school facilities.

The conference agreement includes a prohibition on using federal emergency repair and renovation funds to supplant state and local funds available for repair and renovation. However, federal funds used for compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act would not be subject to a supplement, not supplant requirement. While schools are required to make facilities modifications to ensure accessibility and should have already made these modifications, it is most important that these modifications be made. Minimizing the restrictions placed upon federal funds for these purposes can help ensure that school buildings become accessible to disabled individuals.

The conference agreement also provides for flexibility in the use of funds by local educational agencies. State educational agencies would distribute 25 percent of the funds they receive to local educational agencies through a competitive grant process for activities under part B of IDEA, technology activities, or both IDEA and technology activities. State educational agencies would base the grant awards for IDEA activities upon the need of a local educational agency for additional funds due to substantially high costs associated with serving a child with a disability; the costs of special education and related services, including transportation as needed to assist a child with a disability to benefit from special education; the costs of assistive technology devices and services, and the costs associated with helping children with disabilities progress toward state performance goals and indicators. State educational agencies would base the technology grant awards upon the need of a local educational agency for additional funds for technology activities carried out in connection with school repair and renovation, including wiring; acquiring hardware and software; acquiring connectivity linkages and resources; and acquiring microwave, fiber optics, cable, and satellite transmission equipment.

Under the conference agreement, local educational agencies choose whether to apply for an IDEA grant, a technology grant, or both categories of grants. Local educational agencies that receive competitive grants for activities authorized under part B of IDEA would be required to use the grant funds in compliance with the provisions of that part. This requirement includes providing for the participation of private school children eligible for IDEA services. Technology activities would be for technology activities carried out in connection with school repair and renovation and include wiring; acquiring hardware and software; acquiring connectivity linkages and resources; and acquiring microwave, fiber optics, cable, and satellite transmission equipment.

Safe and drug free schools

The conference agreement includes $644,250,000 for the Safe and Drug Free Schools and Communities Act instead of the $599,250,000 as proposed by the House and $642,000,000 as proposed by the Senate.

Included within this amount is $439,250,000 for state grants as proposed by the House and $447,000,000 as proposed by the Senate.

The agreement also includes $155,000,000 for national programs instead of $145,000,000 as proposed by the Senate and $110,000,000 as proposed by the House. Within this amount, the conferees include $117,000,000 to support the Safe Schools/Healthy Students initiative. Within the funds for national programs, the agreement also provides $10,000,000 to remain available until expended for Project School Emergency Response to Violence to provide services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis.

Reading is fundamental

For the Reading is Fundamental program, the conference agreement provides $23,000,000 as proposed by the Senate instead of $21,000,000 as proposed by the House.

Arts in education

For Arts in Education, the conference agreement includes $28,000,000 instead of $16,500,000 as proposed by the House and $18,000,000 as proposed by the Senate. The conferees provide that within this total, $6,500,000 is for VSA arts, $5,500,000 is for the John F. Kennedy Center for the Performing Arts, $2,000,000 is to be used to continue a youth violence prevention initiative, and $10,000,000 is to be used for the Secretary to make grants to school districts, state educational agencies, institutions of higher education and/or state and local non-profit arts organizations for activities authorized under subpart 1 of the Arts in Education program, particularly for supporting model projects and programs that integrate arts education into the regular elementary and secondary school curriculum and that provide for the development of model preservice and inservice professional development programs for arts educators and other instructional staff. In addition, $2,000,000 is for model professional development programs for music educators and $2,000,000 is for activities authorized under subpart 2 of the Arts in Education program.

Education for homeless children and youth

The conference agreement includes $35,000,000 for Education for Homeless Children and Youth instead of $32,000,000 as proposed by the House and $31,700,000 as proposed by the Senate.

Education of Native Hawaiians

The conference agreement includes $28,000,000 for the Education of Native Hawaiians as proposed by the Senate instead of $23,000,000 as proposed by the House. When making awards for this program, the Department should provide: $6,500,000 for curricula development, teacher training, and recruitment programs, including native language revitalization (for which the conferees encourage priority to be given to the University of Hawaii at Hilo Native Language College), aquaculture, prisoner education initiatives, waste management, computer literacy, big island astronomy, and indigenous health programs; $1,600,000 for community-based learning centers; $3,200,000 for the native Hawaiian higher education program; $500,000 for the native Hawaiian education councils; and $10,900,000 for family based education centers, including early childhood education for native Hawaiian children. If the Department proposes to provide 10% less than the stated amounts for any activity within this program, it must notify the House and Senate Committees on Appropriations at least 90 days prior to the end of the fiscal year.

Alaska Native educational equity

The conference agreement includes $15,000,000 for the Alaska Native Educational Equity program as proposed by the Senate instead of $13,000,000 as proposed by the House. From the increase in funds provided over the fiscal year 2000 level, $1,000,000 shall be for the Alaska Humanities Forum for operation of the Rose student exchange program and $1,000,000 shall be for the Alaska Native Heritage Center for support of its cultural education programs.

Charter schools

The conference agreement includes $190,000,000 for Charter Schools instead of $175,000,000 as proposed by the House and $210,000,000 as proposed by the Senate.

READING EXCELLENCE

The conference agreement includes $286,000,000 for activities authorized under the Reading Excellence Act as proposed by the Senate instead of $260,000,000 as proposed by the House. The agreement provides $91,000,000 in fiscal year 2001 and $195,000,000 in fiscal year 2002 funding for this account.

INDIAN EDUCATION

The conference agreement includes $115,500,000 for Indian Education as proposed by the Senate instead of $107,765,000 as proposed by the House.

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement includes $460,000,000 for Bilingual and Immigrant Education programs instead of $406,000,000 as proposed by the House and $443,000,000 as proposed by the Senate.

For instructional services, the conference agreement includes $180,000,000 as proposed by the Senate instead of $162,500,000 as proposed by the House. For support services, the agreement provides $16,000,000 instead of $14,000,000 as proposed by both the House and the Senate. For professional development, the conference agreement includes $100,000,000 instead of $85,000,000 as proposed by the Senate and $71,500,000 as proposed by the House. For immigrant education, the conference agreement includes $150,000,000 as proposed by both the House and the Senate. The agreement also provides $14,000,000 for foreign language assistance as proposed by the Senate instead of $8,000,000 as proposed by the House.

SPECIAL EDUCATION

The conference agreement includes $7,439,948,000 for Special Education instead of $7,353,141,000 as proposed by the Senate and $6,550,161,000 as proposed by the House. The agreement provides $2,367,948,000 in fiscal year 2001 and $5,072,000,000 in fiscal year 2002 funding for this account.

Included in these funds is $6,339,685,000 for Grants to States part B instead of $6,279,685,000 as proposed by the Senate and $5,489,685,000 as proposed by the House. This funding level provides an additional $1,350,000,000 to assist the States in meeting the additional per pupil costs of services to special education students.

The conference agreement includes $383,567,000 for Grants for Infants and Families as proposed by the Senate instead of $375,000,000 as proposed by the House.

The conference agreement includes $49,200,000 for state program improvement grants instead of $45,200,000 as proposed by the House and $35,200,000 as proposed by the Senate. The agreement includes $77,353,000 for research and innovation instead of $64,433,000 as proposed by the House and $74,433,000 as proposed by the Senate. Within the amounts provided for Special Education Research and Innovation, the conference agreement includes $7,353,000 for the following:

$921,000 for the University of Louisville Research Foundation, Louisville, KY for research in pediatric sleep disorders and learning disabilities;

$461,000 for the University of Northern Iowa, Cedar Falls, IA, National Institute of Technology for Inclusive Education for expanded outreach efforts;

$1,421,000 for the Salt Lake City Organizing Committee or to a governmental agency or a not-for-profit organization designated by the Salt Lake City Organizing Committee for the 2002 Paralympic Games;

$1,600,000 to the National Easter Seals Society for providing training, technical support, services and equipment through the Early Childhood Development Project in the Mississippi Delta Region;

$1,000,000 for the University of Northern Colorado's National Center for Low Incidence Disabilities in Greeley, Colorado to demonstrate innovative and effective approaches to teaching special education students;

$500,000 for the Baird Center in Burlington, Vermont for a national demonstration to educate students with serious emotional and behavioral problems;

$750,000 for the Center for Literacy and Assessment at the University of Southern Mississippi to increase its research dissemination, teacher and parent training, development of replicable models for reading assessment and intervention;

$250,000 for the Hebrew Academy for Special Children in Parksville, New York to continue its demonstration program to enhance the academic and social outcomes of developmentally disabled children; and

$450,000 for Parents, Inc. in Alaska to train teachers and specialists in the use of technology to support service delivery to children with disabilities in rural Alaska.

The conference agreement includes $53,481,000 for technical assistance and dissemination instead of $45,481,000 proposed by both the House and the Senate. The agreement also includes $26,000,000 for parent information centers as proposed by the Senate instead of $22,000,000 as proposed by the House.

Included in the agreement is $37,210,000 for technology and media services instead of $36,410,000 as proposed by the House and $35,323,000 as proposed by the Senate. The agreement includes $9,500,000 for Recordings for the Blind and Dyslexic for the purposes described in both the House and Senate reports.

The agreement also includes $1,500,000 for Public Telecommunications Information and Training Dissemination as proposed by the Senate. The House bill did not contain funds for this activity.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,805,339,000 for Rehabilitation Services and Disability Research instead of $2,776,803,000 as proposed by the House and $2,799,519,000 as proposed by the Senate.

The conference agreement includes $11,647,000 for client assistance state grants instead of $10,928,000 as proposed by the House and $11,147,000 as proposed by the Senate. The agreement also includes $21,092,000 for demonstration and training programs instead of $16,492,000 as proposed by the House and $21,672,000 as proposed by the Senate.

The conference agreement includes $2,350,000 for migrant and seasonal farmworkers as proposed by the House instead of $2,850,000 as proposed by the Senate. The agreement also includes $14,000,000 for Protection and Advocacy of Individual Rights as proposed by the House instead of $13,000,000 as proposed by the Senate.

The conference agreement includes $20,000,000 for services for older blind individuals as proposed by the Senate instead of $18,000,000 as proposed by the House. The agreement also includes $8,717,000 for the Helen Keller Center for Deaf/Blind as proposed by the Senate instead of $8,550,000 as proposed by the House.

The conference agreement includes $100,400,000 for the National Institute for Disability and Rehabilitation Research instead of $86,462,000 as proposed by the House and $95,000,000 as proposed by the Senate. Within this amount, the conference agreement includes $400,000 for the Cerebral Palsy Foundation in Wichita, Kansas.

The conference agreement includes $41,112,000 for Assistive Technology as proposed by the Senate instead of $34,000,000 as proposed by the House. The conference agreement includes language which overrides the authorizing statute to provide $22,069,000 for State Assistive Technology projects, a total of $2,680,000 for grants to protection and advocacy systems (a minimum grant of $50,000 each) and $1,363,000 for technical assistance activities to support States in sustaining and strengthening their capacity to address the assistive technology needs of individuals with disabilities. This language was not included in either the House or Senate bills.

The agreement also retains language from the Senate bill which changes the matching requirements and funding provisions under title III of the Assistive Technology Act of 1998 in order to increase access to assistive technology for individuals with disabilities. The House bill contained no similar provision.

Within the amounts provided for vocational rehabilitation demonstration and training programs, the conference agreement includes $4,600,000 for the following activities:

$921,000 Krasnow Institute at George Mason University, Fairfax, VA for continuation of learning disability research;

$921,000 Center for Discovery, International Family Institute, Sullivan County, NY for expansion of services to disabled persons;

$230,000 Alabama Institute for Deaf and Blind in Talladega, AL for a demonstration grant for the National Community College for Students with Sensory Impairments;

$500,000 Muhlenberg College in Pennsylvania for a national model program for teaching higher education students with disabilities;

$200,000 Lewis and Clark Community College in Godfrey, Illinois to develop employment training services for persons with disabilities;

$425,000 The Imaginarium in Vestal, New York for treating at risk, low income children with developmental disorders;

$255,000 Eden Institute, Princeton, New Jersey for community-based services to children and adults with autism;

$595,000 American Foundation for the Blind's National Literacy Center for the Visually Impaired, Atlanta, Georgia to provide state-of-the-art teacher training in the use of Braille, assistive and other technologies to improve literacy instruction of visually impaired children and adults;

$553,000 Illinois State Board of Education for an Assistive Technology Exchange Program in Chicago, Illinois, to expand services to individuals with disabilities.

Special Institutions for Persons With Disabilities

AMERICAN PRINTING HOUSE FOR THE BLIND

The conference agreement includes $12,000,000 for American Printing House for the Blind instead of $11,000,000 as proposed by the House and $12,500,000 as proposed by the Senate. This amount includes $800,000 for the American Printing House's commitment to provide accessible textbooks to students who are blind or visually impaired through its innovative Accessible Textbook Initiative and Collaboration Project.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

The conference agreement includes $53,376,000 for the National Technical Institute for the Deaf instead of $54,000,000 as proposed by the House and $54,366,000 as proposed by the Senate.

The conferees direct the Department of Education to waive any contribution requirement for construction costs related to the dormitory renovation project.

GALLAUDET UNIVERSITY

The conference agreement includes $89,400,000 for Gallaudet University as proposed by the House instead of $87,650,000 as proposed by the Senate.

Vocational and Adult Education

The conference agreement includes $1,825,600,000 for Vocational and Adult Education instead of $1,718,600,000 as proposed by the House and $1,726,600,000 as proposed by the Senate. The agreement provides $1,034,600,000 in fiscal year 2001 and $791,000,000 in fiscal year 2002 funding for this account.

The conference agreement includes $1,100,000,000 for Vocational Education basic state grants as proposed by the House instead of $1,071,000,000 as proposed by the Senate.

The conference agreement includes $5,600,000 for Tribally Controlled Postsecondary Vocational Institutions as proposed by the Senate instead of $4,600,000 as proposed by the House.

The conference agreement includes $17,500,000 for vocational education national programs as proposed by the House and the Senate. The agreement also includes $9,000,000 to continue the occupational and employment information program as proposed by the Senate. The House bill did not include funding for this activity.

The conference agreement includes $5,000,000 for the tech-prep education demonstration authorized under section 207 of the Perkins Act. The agreement also includes $22,000,000 for State Grants for Incarcerated Youth as proposed by the Senate. The House did not provide funding for these activities.

The conferees encourage the Department to give full and fair consideration to proposals from county probation departments collaborating with community-based organizations established to address the educational and employment needs of ex-offenders.

The conference agreement includes $540,000,000 for adult education state grants instead of $470,000,000 proposed by both the House and the Senate. Within this amount, $70,000,000 is to be set aside for integrated English literacy and civics education services to new immigrants. Sixty-five percent of these funds will be allocated on the basis of a state's absolute need for services and thirty-five percent will be allocated on the basis of a state's recent growth in need for services. Each state is guaranteed a minimum grant of $60,000. For the purposes of allocating funds to States for these services, the conferees intend that the Department of Education use the most current data available from the Immigration and Naturalization Service of the Department of Justice to determine the number of immigrants admitted for legal permanent residence for each fiscal year. The House bill provided $25,500,000 for civics education services to new immigrants. The Senate bill contained no similar provision.

STUDENT FINANCIAL ASSISTANCE

The conference agreement includes $10,674,000,000 for Student Financial Assistance instead of $10,150,000,000 as proposed by the House and $10,639,000,000 as proposed by the Senate. The agreement sets the maximum Pell Grant at $3,750 instead of $3,650 as proposed by the Senate and $3,500 as proposed by the House. The agreement provides $8,756,000,000 for current law Pell Grants.

The conference agreement includes $60,000,000 for Perkins Loan cancellations instead of $40,000,000 as proposed by the House and $75,000,000 as proposed by the Senate. The agreement also includes $55,000,000 for Leveraging Educational Assistance Partnerships (LEAP) as proposed by the Senate. The House bill did not provide funding for this program.

The conference agreement also includes $1,000,000 for the loan forgiveness for child care providers program, instead of $10,000,000 provided in the Senate bill. The House bill did not include any funding for this program. The conferees are aware of the significant need for and benefits of high quality child care services, and for that reason, have included start up funding for this program. Limited funding has been provided in fiscal year 2001 solely due to the fact that few individuals will meet the eligibility requirements. The conferees expect the Secretary to be prepared to discuss the estimated number of eligible borrowers and amounts eligible to be forgiven at the fiscal year 2002 appropriations hearings to help make certain that sufficient funding is available for this program. In addition, the conferees direct the Department to ensure that information about the availability and benefits of this program is provided to all potentially eligible borrowers.

The conferees encourage the Department of Education, on all existing and future web sites and publications where higher education financial aid information is provided, to fairly and accurately provide information with respect to the availability of loans through both the Federal Family Education Loan (FFEL) program and the Federal Direct Loan Program.

The conferees support continuing funding for work colleges, authorized in section 448 of the Higher Education Act of 1965. These funds help support comprehensive work-service-learning programs around the Nation. Of the funds provided, the conference agreement includes $4,000,000 to continue and expand the work colleges program.

The conferees are aware of concerns in the higher education community about the so-called "12-hour rule" and its unsuitability to address the needs of institutions of higher education throughout the nation that serve non-traditional students engaged in lifelong learning. The conferees are concerned about the potential for enormous paperwork burdens being placed on institutions of higher education in their attempts to comply with the 12-hour rule. The conferees understand that the Department of Education has agreed to meet with the higher education community about this issue. The conferees strongly encourage the Department to include all interested parties in this discussion, including those involved in efforts to assure the integrity of Federal student financial aid programs. The Department is requested to report the results of the discussions and any anticipated action on the part of the Department with respect to the 12-hour rule to the relevant Congressional committees by March 31, 2001. By October 1, 2001, the Department is to make recommendations to the relevant congressional committees regarding the most appropriate means to maintain the integrity of Federal student assistance programs without creating unnecessary paperwork for institutions of higher education.

HIGHER EDUCATION

The conference agreement includes $1,911,710,000 for Higher Education instead of $1,688,081,000 as proposed by the House and $1,704,520,000 as proposed by the Senate.

The conference agreement includes $73,000,000 for strengthening institutions as proposed by the House instead of $65,000,000 as proposed by the Senate. The agreement also includes $68,500,000 for Hispanic Serving Institutions as proposed by the House instead of $62,500,000 as proposed by the Senate.

The conference agreement includes $185,000,000 for Strengthening Historically Black Colleges and Universities as proposed by the House instead of $169,000,000 as proposed by the Senate.

The conference agreement includes $45,000,000 for Historically Black Graduate Institutions as proposed by the House instead of $40,000,000 as proposed by the Senate.

The conference agreement includes $6,000,000 for Alaska and Native Hawaiian Institutions as proposed by the Senate instead of $5,000,000 as proposed by the House.

The conference agreement includes $15,000,000 for Strengthening Tribal Colleges as proposed by the Senate instead of $12,000,000 as proposed by the House. Of this amount, $5,000,000 shall be used for construction and renovation projects at tribally controlled colleges and universities.

The conference agreement includes $146,687,000 for the Fund for the Improvement of Postsecondary Education instead of $31,200,000 as proposed by the House and $51,247,000 as proposed by the Senate. Within the amounts provided for the Fund for the Improvement of Postsecondary Education, the conference agreement includes $115,487,000 for the following:

$277,000 Calhoun Community College, Decatur, AL for technology enhancements;

$921,000 Jefferson State Community College, Birmingham, AL for technology enhancements and supporting infrastructure;

$138,000 Wayne State College, Wayne, NE for development of a family business center;

$2,721,000 University of Nebraska-Lincoln, in Lincoln, NE for the Nebraska Center for Information Technology Education;

$691,000 Wayne State College, Wayne, NE for a computer initiative and improvement of technological infrastructure;

$461,000 Laredo Community College, Laredo, TX for instructional equipment;

$147,000 Spring Hill College, Mobile, AL for Regional Library Resource Center development;

$2,482,000 Western Governor's University, Salt Lake City, UT for distance-learning programs;

$369,000 Macon State College, Macon, GA for technology development;

$369,000 Middle Georgia College, Cochran, GA for distance learning programs;

$976,000 University of Virginia, Charlottesville, VA Center for Government Studies for the Youth Leadership Initiative;

$737,000 City University, Bellevue, WA for distance learning;

$921,000 Southeast Missouri State University, Cape Girardeau, MO for equipment and curriculum development associated with the University's Polytechnic Institute;

$369,000 Millikin University, Decatur, IL for community outreach and experiential education programs;

$921,000 Illinois State University at Normal, IL for the Center for Special Education Technology;

$369,000 Mankato State University, Mankato, MN for a wireless campus initiative;

$369,000 Winona State University, MN for technology enhancements;

$461,000 Montana State University, Bozeman, MT for Educational Technology Leadership Institute;

$461,000 Western Montana College of the University of Montana in Dillon, MT for the Rural Education Technology Center;

$921,000 Wittenberg University, Springfield, OH for technology improvements;

$921,000 California State University, Long Beach in Long Beach, CA for Technology-Enhanced Learning Project;

$1,843,000 Elmira College, Elmira, NY for a Technology Enhancement Initiative;

$921,000 University of Arkansas, Fayetteville, AR for the Social Work Research Center;

$4,564,000 The Oklahoma Regents for Higher Education, Oklahoma City, OK for an educational telecommunications and information network utilizing facilities being made available in Ponca City, OK;

$461,000 William Tyndale College, Farmington Hills, Michigan for Interactive learning center for the 21st Century;

$980,000 John Carroll University, University Heights, OH for operations and equipment related to the Center for Mathematics and Science Education, Teaching, and Technology;

$1,713,000 San Bernardino Community College District to support the expansion of distance education telecourse broadcasting, including the purchase of equipment;

$207,000 Office of Global Business & Entrepreneurship, Gordon Ford College of Business, Bowling Green, KY for technology;

$461,000 Northwestern State University, Natchitoches, LA for Technological Infrastructure Improvements;

$1,068,000 University of Colorado at Boulder, Boulder, CO for the ATLAS (Alliance for Technology, Learning and Society) Project for technology-enhanced learning;

$921,000 Fort Hays State University, Center for Networked Learning, Hays, KS for information technology;

$1,704,000 Ocean Institute, Dana Point, CA for the Ocean Education Center;

$553,000 National Latino Research Center, California State University San Marcos, San Marcos, CA for training and research regarding Hispanic populations in the U.S.;

$880,000 The Philadelphia University, Philadelphia, PA for the Center for Education Technology;

$1,152,000 DePaul University, Chicago, IL for training and infrastructure improvement;

$829,000 Barat College, Lake Forest, IL for the Center for Teacher Learning;

$949,000 University of Arizona College of Medicine for the Integrative Medicine Distance Learning Program;

$691,000 Kansas State University, Manhattan, KS for Great Plains Network Connectivity;

$230,000 Kansas Technology Center, Pittsburg State University, Pittsburg, KS for manufacturing education;

$461,000 Indiana Institute of Tech, Ft. Wayne, IN for technology enhancements;

$921,000 Central Florida Community College, Ocala, FL for academic programming;

$1,382,000 Southeastern Louisiana University, Hammond, LA for the Alternate Teacher Certification Technology Program;

$921,000 University of Tennessee, Chattanooga Challenger Center, Chattanooga, TN for programmatic educational activities;

$921,000 State Board of Career and Technology Education, Oklahoma Department of Career and Technology Education, Stillwater, OK for a Rural Education Virtual Tech Job Training System pilot program;

$322,000 Center for International Trade Development at Oklahoma State University, Stillwater, OK for higher education international studies;

$1,843,000 Delaware County Community College, Media, PA for technology infrastructure;

$1,106,000 Shenandoah University, Winchester, VA for a technology education program;

$2,499,000 University of Hawaii at Manoa for a joint project with the University of South Florida, the University of California at Los Angeles, CA and George Washington University for the Globalization Network program;

$884,000 University of Idaho College of Engineering at Boise to enhance computing and modeling capabilities;

$1,843,000 Heidelberg College, Tiffin, Ohio for science education and research, including laboratory and computer equipment;

$4,146,000 Northern Illinois Center for Accelerator and Detector Development at Northern Illinois University, DeKalb, IL for equipment and operations;

$921,000 University of Redlands, Redlands, CA for computer technology and networking;

$276,000 New York Medical College for curriculum development;

$1,705,000 Minnesota State Colleges and Universities, St. Paul, MN for development of an e-monitoring environment;

$92,000 La Sierra University in Riverside, CA for educational equipment;

$980,000 University of Alabama, Tuscaloosa, AL for the Child Development Research Center;

$700,000 Center for the Advancement of Distance Education in Rural America (CADERA) in New Mexico;

$400,000 Crime Victim Law Institute at the Northwestern School of Law, Lewis & Clark College in Portland, Oregon to continue the study and enhancement of the role of victims in the criminal justice system;

$200,000 Urban Learning Center in Covington, Kentucky to expand education and student support programs that prepare economically disadvantaged individuals for post-secondary education;

$500,000 Washington and Lee University in Lexington, Virginia for the Shepherd Program for the Study of Poverty;

$900,000 University of Idaho in Moscow Interactive Learning Environments initiative designed to develop and improve Internet-based delivery of education programs;

$1,000,000 Huntingdon College in Montgomery, Alabama to assist in the development of a program to enhance effective integration of computer technology in math and science instruction;

$900,000 Eastern New Mexico University-Roswell to expand its aviation maintenance technology program;

$1,300,000 University of Alabama in Tuscaloosa, Alabama to upgrade computer equipment and software in its Mathematics Learning Center for enhancement of undergraduate mathematics and science instruction and education;

$1,020,000 Northwestern Michigan College in Traverse City, Michigan to enhance programmatic operations of the Great Lakes Water Research Center through teacher education, course development, and equipment acquisition;

$250,000 Pittsburgh Digital Greenhouse in Pennsylvania for continuing education programs;

$300,000 Oregon Graduate Institute in Portland, Oregon for the creation of Environmental Information Technology certificate and graduate degree programs;

$750,000 University of Louisville in Kentucky for infrastructure needs to support access to postsecondary education for nontraditional students through its Metropolitan Scholars Program;

$500,000 Northern Kentucky University to expand educational opportunities for nontraditional students through its Metropolitan Education and Training Service program;

$625,000 College of Technology at Montana State University-Great Falls to establish a dental hygiene education program;

$300,000 Cleveland State University in Ohio for equipment acquisition and technology enhancements that support innovative educational programming;

$1,800,000 Galena School District in Alaska for a collaboration with the University of Southeast Alaska for occupation-based curriculum development and implementation;

$300,000 Southern Oregon University in Ashland, Oregon to continue efforts to research and pilot a comprehensive program for preventing alcohol and drug abuse among college students;

$1,000,000 Castleton State College in Castleton, Vermont to establish the Robert T. Stafford Center for the Support and Study of the Community and to establish an endowment for the Robert T. Stafford Center;

$1,000,000 Southeast Pennsylvania Consortium for Higher Education for faculty development, teacher training and community outreach;

$800,000 University of Alaska to continue the Alaska Distance Education Consortium;

$900,000 College of William and Mary in Williamsburg, Virginia to collaborate with Colonial Williamsburg in the development of the Institute of American History and Democracy;

$350,000 Lehigh University in Pennsylvania for the Integrated Product, Project, and Process Development initiative;

$400,000 Lewis and Clark College in Portland, Oregon for the Life of the Mind education initiative designed to explore and celebrate the 200th anniversaries of the Louisiana Purchase and Lewis and Clark expedition;

$750,000 Galena School District in Alaska to develop alternative education programs;

$250,000 Pittsburgh Tissue Engineering Institute in Pennsylvania for educational programs;

$200,000 Chippewa Valley Technical College for technology upgrades related to the training of health professionals;

$1,275,000 Portland State University in Portland, Oregon for the creation of a national Tribal Government Institute to provide academic and professional development opportunities for elected tribal leaders and governments;

$500,000 College of Rural Alaska-Interior Aleutians campus to collaborate with the Galena School District for an innovative technology transfer program;

$300,000 Rutgers University in Newark, New Jersey for the Community Law program;

$200,000 Minot State University for the Rural Communications Disability Program;

$250,000 North Dakota State University for the Tech-Based Industry Traineeship program;

$175,000 North Dakota State University to develop an academic program in electronic commerce;

$800,000 Suomi College in Hancock, Michigan for educational operations;

$6,000,000 University of Tennessee to establish the Howard Baker School of Government;

$1,000,000 University of Charleston in West Virginia for collaborative efforts with the Clay Center for the Arts and Sciences;

$800,000 Urban College of Boston in Massachusetts to support higher education programs serving low-income and minority students;

$300,000 Western New Mexico University to improve educational access and opportunity through educational technology;

$6,000,000 Pennsylvania State University to establish the William F. Goodling Institute for Research in Family Literacy and to establish an endowment fund for the William F. Goodling Institute for Research in Family Literacy;

$1,000,000 Southern Illinois University Public Policy Institute in Carbondale, IL for the endowment for the Paul Simon Chair;

$230,000 Florida Gulf Coast University in Ft. Myers, FL for curriculum development to support the Center for Environmental Research and Preservation and Campus Ecosystem Model;

$900,000 Oklahoma State University for the Exercises in Hard Choices program;

$850,000 Jackson State University in Jackson, Mississippi, to establish a Minority Center of Excellence for Math & Science Teacher Preparation;

$300,000 Assumption College in Worcester, Mass. for technology infrastructure and planning for expanded science facilities;

$300,000 Boston College to develop technology infrastructure to implement a science education program;

$85,000 Loyola University, Illinois, for a program to provide summer research opportunities for minority students;

$85,000 Pace University, White Plains, New York, to support a center for advanced technology;

$90,000 Wausau Health Foundation in Wausau, Wisconsin to support the development and implementation of a cardiac nursing certification program;

$85,000 Foothills Technical Institute, Security, Arkansas, to expand technical training and education programs for rural residents;

$106,000 Gateway Community College in Connecticut for faculty technology training and technology equipment upgrades;

$170,000 Florida State University in Tallahassee, Florida, for a distance learning program;

$213,000 World Learning School of International Training, Brattleboro, Vermont, for educational technology programs;

$213,000 Mercy College, Dobbs Ferry, New York, for multicultural, interdisciplinary curricula reform;

$1,225,000 Association of Jesuit Colleges and Universities to establish the National Center for Competency-based Distance Learning;

$255,000 East Los Angeles College, South Gate, California, for South Gate Education Center technology upgrades;

$298,000 Canisius College in Buffalo, New York, to support education technology enhancements including the purchase of equipment;

$298,000 D'Youville College, Buffalo, New York, to support education technology enhancements including the purchase of equipment;

$298,000 Niagara University in Lewiston, New York, to support education technology enhancements including the purchase of equipment;

$298,000 Gogebic Community College, Ironwood, Michigan to enhance teacher training in the use of technology in classroom instruction;

$340,000 Dean College, Franklin, Massachusetts for the Institute for Students With Physical or Learning Impairments to improve instructional and support services for students with disabilities;

$361,000 Lamar University in Beaumont, Texas to support the planning and creation of the Lamar Institute of Technology Center for Criminal Justice Education and Training;

$383,000 Ivy Tech State College, Indianapolis, Indiana, for technology enhancements at the Lawrence Township/Ft. Harrison campus.;

$425,000 Salve Regina University in Newport, Rhode Island to support program and curriculum development associated with the Pell Center for International Relations and Public Policy, including the purchase of equipment;

$425,000 University of San Francisco, San Francisco, California for equipment and program development at the Center for Economic Development;

$425,000 Diablo Valley College, California, for a teacher mentoring program to recruit high school and community college students into teaching;

$425,000 Kingsborough Community College, Brooklyn, New York for technology equipment and upgrades;

$468,000 Paul Quinn College Center for Education and Technology to provide technology based services to students and the community;

$544,000 University of North Carolina at Charlotte for a joint project with the Johnson C. Smith University, North Carolina, for the Strategies for Success Program to increase the number of minority students in graduate engineering programs;

$595,000 Columbia University, New York, for a joint project with the Hostos Community College of the City University of New York, New York, for a distance learning initiative to train minority students in foreign policy disciplines;

$638,000 University of Wisconsin in Milwaukee, Wisconsin for the Urban Educator Corps Partnership initiative;

$680,000 Wisconsin Indianhead Technical College, New Richmond, Wisconsin, to provide technology training and for technology infrastructure;

$680,000 Cambria County Area Community College, Johnstown, Pennsylvania, for a management information system;

$723,000 Roxbury Community College, Roxbury, Massachusetts, for new technology equipment and systems;

$723,000 Lehman College at the City University of New York in Bronx, New York, to support a professional development initiative, including the purchase of equipment to support these activities;

$765,000 Carl Sandburg College Community Technology Center, Galesburg, Illinois to support expanded access to information technology and related services, including the purchase of equipment;

$808,000 Alabama A & M University Research Institute, Huntsville, Alabama, for continuation of research activities and operations;

$808,000 Tougaloo College, Tougaloo, Mississippi to expand science and math programs;

$1,275,000 University of Kansas Center for Research, Inc. for a biodiversity information technology initiative;

$1,700,000 George Meany Center for Labor Studies in Silver Spring, Maryland, to support program and curriculum development associated with a National Center for Training the High Skilled Workforce, including the purchase of equipment;

$2,550,000 University of Arkansas in Fayetteville to establish academic and research programs for the Diane Blair Center for the Study of Southern Politics and Society;

$100,000 Neumann College, in Aston, Pennsylvania, for curriculum design, teacher training and development, and technology enhancements.

The conference agreement includes $67,000,000 for International Education domestic programs as proposed by the House instead of $62,000,000 as proposed by the Senate.

The conference agreement includes $730,000,000 for TRIO as proposed by the House and $736,500,000 as proposed by the Senate.

The conference agreement includes $295,000,000 for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) instead of $200,000,000 as proposed by the House and $225,000,000 as proposed by the Senate.

The conference agreement includes $41,001,000 for Byrd Scholarships as proposed by the Senate instead of $39,859,000 proposed by the House.

The conference agreement includes $10,000,000 for the Javits Fellowship program in school year 2002–2003. The agreement also includes $31,000,000 for Graduate Assistance in Areas of National Need instead of $33,000,000 as proposed by the Senate. The agreement includes $30,000,000 for the Learning Anytime Anywhere Partnerships as proposed by the Senate instead of $10,000,000 as proposed by the House.

The conference agreement includes $25,000,000 for Child Care Access Means Parents in School instead of $15,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

The conference agreement includes $1,750,000 for the Underground Railroad Educational and Cultural Program as proposed by the Senate. The House bill did not fund this activity.

The conference agreement also includes $4,000,000 for Thurgood Marshall Scholarships and $1,000,000 for Olympic Scholarships. Neither the House nor the Senate funded these activities.

The conferees recognize efforts of the University of South Carolina's College of Education to develop and implement a teacher training/teacher exchange program with their counterparts in Brazil, Denmark, Hungary, and Thailand. The conferees encourage the Secretary to support such efforts that link postsecondary institutions on an international basis to promote and improve teacher training and development activities.

HOWARD UNIVERSITY

The conference agreement includes $232,474,000 for Howard University instead of $226,474,000 as proposed by the House and $224,000,000 as proposed by the Senate.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS (CHAFL)

The conference agreement includes $762,000 for the College Housing and Academic Facilities Loans administration instead of $737,000 as proposed by both the House and the Senate.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The conference agreement includes $208,000 for the Historically Black College and University Capital Financing Program Account as proposed by the Senate instead of $207,000 as proposed by the House.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $732,721,000 for Education Research, Statistics and Improvement instead of the $494,367,000 as proposed by the House and $506,519,000 as proposed by the Senate.

The conferees provide $120,567,000 for research instead of $103,567,000 as proposed by the House and $113,567,000 as proposed by the Senate. Within this total, $20,000,000 is included for continuation of the interagency research initiative and $7,000,000 is included to support a research initiative on improving schooling for language-minority students. This program would support an interagency effort between the Department of Education and the National Institute of Child Health and Human Development (NICHD) to identify critical factors in the development of English-language literacy among students whose primary language is Spanish.

The conferees provide $80,000,000 for statistics instead of $68,000,000 as proposed by the House and the Senate. Within the increase provided, $2,000,000 is for a National Adult Literacy Survey; $6,400,000 is for the Birth Cohort of the Early Childhood Longitudinal Study to allow the Department to follow cognitive, physical, and social development of young children; $1,000,000 is for the Adult Literacy and Life Skills study, an international comparative study of American workforce literacy skills in the context of five other nations; and $2,600,000 is for the Faculty Salary and Staff Surveys which form part of the Institutional Postsecondary Educational Data System and are used by many organizations to conduct policy analysis on institutions of higher education.

The conference agreement includes $65,000,000 for regional educational labs as proposed by both the House and the Senate. Consistent with House report 104–537, it is the intent of the conferees that funds provided to the regional educational laboratories shall not be conditioned on meeting performance standards that compromise the priorities of the regional governing boards of each of the individual laboratories. Further, the conferees intend that regional educational laboratory funds shall be obligated and distributed on the same basis as the fiscal year 2000 allocations not later than January 31, 2001.

Fund for the Improvement of Education

For the fund for the improvement of education (FIE), the conference agreement includes $349,354,000 instead of the $145,000,000 as proposed by the House and $142,152,000 as proposed by the Senate.

The conference agreement includes $50,000,000 for comprehensive school reform grants to school districts.

The conference agreement includes $30,000,000 to be used for the Elementary School Counseling Demonstration Program. The agreement also includes $5,000,000 to provide grants to enable schools to provide physical education and improve physical fitness and $3,000,000 for activities to promote consumer, economic, and personal finance education such as saving, investing and entrepreneurial education.

The conference agreement includes $5,000,000 to make awards under section 10101 of the Elementary and Secondary Education Act for a dropout prevention demonstration project. These awards should be made to implement innovative model programs that undertake activities to provide support, enrichment and motivation to students at risk of dropping out or that undertake activities to raise standards and expectations for disadvantaged students traditionally underserved in schools in order to ensure school completion. The Secretary will make awards to States or local educational agencies, working in collaboration with institutions of higher education or other public and private agencies, organizations or institutions. Priority should be given to applicants serving the communities with the highest dropout rates.

The conferees recognize the need to promote the study of American history in our nation's schools, and therefore, have also included $50,000,000 for a new demonstration program focusing on the instruction of American history in elementary and secondary education. Under this program, the Secretary of Education will award grants to local educational agencies (LEAs), and in turn, the LEAs will make awards to schools that are teaching American history as a separate subject within school curricula (not as a part of a social studies course). Grant awards are designed to augment the quality of American history instruction and to provide professional development activities and teacher education in the area of American history.

The conference agreement includes $5,000,000 for high school reform state grants. Through this State grant program, the Secretary of Education shall award three year grants, through a peer review process, to State educational agencies. State educational agencies will make available not less than 90 percent of the funds, on a competitive basis, to secondary schools or consortia thereof to support programs, activities, classes, and other services designed to assist secondary school students in attaining State-established challenging academic and technical skills proficiencies. Grants awarded to secondary schools or consortia shall be used to carry out the following activities: integration of academics with technical skills courses; establishment of learning and technical skills centers within secondary schools; and programs that support and implement innovative strategies such as independent study, school-based enterprises, and project-based learning.

The conference agreement includes funding under this heading for an award to maintain and enhance the National Teacher Recruitment Clearinghouse and for associated outreach and technical assistance activities.

The conferees are aware of a research-based program that assesses a student's cognitive strengths and perceptual abilities and designs an individualized plan of strengthening them which has promise to improve students' reading levels, grades, test scores and behavior, thereby reducing referrals to special education.

Within the amounts provided for the Fund for the Improvement of Education, the conference agreement includes $139,624,000 for the following:

$921,000 Virginia Living Museum, Newport News, VA for an educational program;

$461,000 Giant Steps Illinois in Westmont, IL for educational services;

$1,000,000 San Diego Unified School District in CA for "The Blueprint for Student Success in a Standards-Based System";

$544,000 Utica City School District, Utica, New York for an English as a Second Language Program;

$9,000 Jefferson Consolidated School District, Jefferson New York for a summer school program;

$461,000 Texas A&M International University, Laredo, TX for the Reading Research Center;

$184,000 Riverside Community College District, Riverside, CA for general planning for a Center for Primary Education;

$547,000 Riverside Community College District, Riverside, CA for curriculum development and related costs for the School for the Arts;

$343,000 Louisiana Tech University, Ruston, LA for "Project Life";

$686,000 WestEd Eisenhower Regional Consortium for Science and Mathematics, San Francisco, CA for 24 Challenge and Jumping Levels Math;

$507,000 George Mason University, Fairfax VA for Center for Families and Schools programming;

$275,000 Fairfax County Public Schools, Fairfax, VA for the Teacher Leadership 2000 project in Annandale Terrace Elementary School, Belvedere Elementary School, Glen Forest Elementary School, Graham Road Elementary School, and Parklawn Elementary School;

$841,000 Institute for Student Achievement, New York, NY for establishment of programs at Holmes Middle School, Annandale High School and Falls Church High School in Virginia;

$929,000 Yosemite National Institute, Sausalito, CA for science-based environmental education;

$1,283,000 Indian River Community College, Fort Pierce, FL for the Living Science Interactive Learning Model;

$23,000 United Activities Unlimited Inc., Staten Island, NY for tutoring and homework assistance;

$28,000 Foundation for the Advancement of Autistic Persons in Staten Island, NY for Eden II teacher retention program;

$69,000 Community School District 31, Staten Island, NY for textbook and library book purchases;

$276,000 New Jersey Historical Society for "Educating New Jersey's Children in the Past";

$691,000 Mote Marine Laboratory, Sarasota, FL for technology-based education programs;

$921,000 Space Education Initiatives, Inc., Green Bay, WI for professional development and technology programming;

$3,430,000 The Board of Education of the City of Chicago/Chicago Public Schools, National Teaching Training Academy, Chicago IL for the Consortium for the Advancement of Teaching;

$230,000 Fox Valley Illinois YMCA for the Teen Agenda Program;

$115,000 L.E.A.D.E.R.S. Program, Rochester Hills, MI for teen leadership, character development, and role modeling program;

$806,000 Clark State Community College, Springfield OH and Cuyahoga Community College, Cleveland, OH for the Early Childhood Literacy Project;

$369,000 Kids Voting USA, Tempe, AZ for educational programming;

$921,000,000 Rockford Public Schools—District 205, Rockford, IL for strengthening of a magnet school program;

$461,000 Carthage Central School District, Carthage, NY for an academic intervention plan;

$1,799,000 Reading Together USA Program at the University of North Carolina at Greensboro for tutoring program expansion;

$691,000 National Center for Family Literacy, Louisville, KY for family literacy practitioner training;

$461,000 Center Unified School District, Antelope, CA for training for literacy professionals;

$497,000 San Juan Unified School District, Carmichael, CA for a comprehensive literacy program;

$921,000 San Joaquin Council of Governments, Stockton, CA for the San Joaquin County Reads Program;

$880,000 George C. Marshall Foundation, Lexington, VA for character development through community service;

$415,000 National Crime Prevention Council, Washington DC for continuation of the National Youth Safety Corps;

$921,000 Adler Planetarium and Astronomy Museum, Chicago, IL for Cyber Space Technology Learning Center;

$184,000 Northwestern University, Evanston, IL Institute for Policy Research for the School Youth Development Program;

$921,000 North Central Regional Educational Laboratory for the North Central Alliance, Oak Brook, IL for Improving Professional Development;

$276,000 Midwest Young Artists, Highwood, IL for music education programming;

$230,000 Shimer College, Waukegan, IL for the Graduate Program in the Foundations of Science;

$92,000 Aptakisic Tripp Community Consolidated School District #102 in IL for curriculum development;

$1,843,000 Lake County Forest Preserve District in Libertyville, IL for educational center programming;

$345,000 Greater Columbus Chamber of Commerce, Columbus OH for a Career Academy Program;

$111,000 Mariposa County Unified School District, Mariposa California for a teacher initiative;

$350,000 Center for Advanced Research and Technology, Clovis CA for educational programming;

$921,000 Media Arts Center, Paintsville, KY for equipment and educational program support;

$921,000 University of West Florida, Pensacola, FL for enhancing teacher performance in schools;

$276,000 Southern Illinois University, Edwardsville, IL for an urban quality teacher initiative;

$921,000 Wichita Public Schools, Wichita, KS for special education teaching reforms;

$46,000 Beaver Local School District, Lisbon, OH for educational programming;

$46,000 Belmont-Harrison Vocational School District, St. Clairsville, OH for educational programming;

$46,000 Brooke High School, Wellsburg, WV for educational programming;

$46,000 Bridgeport Exempted Village School District, Bridgeport, OH for educational programming;

$46,000 Buckeye Local School District, Rayland, OH for educational programming;

$46,000 Columbiana County Career Center, Lisbon, OH for educational programming;

$46,000 East Liverpool School District, East Liverpool, OH for educational programming;

$46,000 Edison Local School District, Hammondsville, OH for educational programming;

$46,000 Hancock County Schools, New Cumberland, WV for educational programming;

$46,000 John D. Rockefeller Vocational Technical Center, New Cumberland, WV for educational programming;

$46,000 Indian Creek School District, Wintersville, OH for educational programming;

$46,000 Jefferson County Joint Vocational School, Bloomingdale, OH for educational programming;

$46,000 Martins Ferry School District, Martins Ferry, OH for educational programming;

$46,000—Midland School District, Midland, PA for educational programming;

$46,000—Southern Local School District, Salineville, OH for educational programming;

$46,000—South Side School District, Hookstown, PA for educational programming;

$46,000—Steubenville City Schools, Steubenville, OH for educational programming;

$46,000—Toronto School District, Toronto, OH for educational programming;

$46,000—Wellsville Local School District, Wellsville, OH for educational programming;

$46,000—Wheeling Park High School, Wheeling, WV for educational programming;

$921,000—Girard Community Committee Inc., for development of the Girard Multigenerational Center in Girard, Ohio;

$369,000—St. Tammany Parish, Louisiana School Board, Covington, LA for teacher technology training;

$92,000—Orleans Parish, LA District Attorney's Office, New Orleans, LA for school based drug awareness education and prevention program;

$200,000—The ReadNet Foundation, New York, NY for innovative learning solutions for the mentally handicapped;

$480,000—Technological Research and Development Authority, Titusville, FL for the Mathematics, Science & Technology Teacher Education Program;

$46,000—Kentucky Sheriff's Boys and Girls Club in Gilbertsville KY for educational and outreach efforts for children;

$18,000—Oscar Cross Boys and Girls Club in Paducah KY for technology improvements;

$1,382,000—Paducah Community College for the Challenger Learning Center, Paducah, KY for hands-on science, mathematics and technology education;

$461,000—Mississippi Writing/Thinking Institute, Mississippi State University, Starkville, MS for improving teaching and writing in K-12 schools throughout the state;

$1,176,000—University of New Mexico, Albuquerque, NM for the Math and Science Teacher Academy;

$871,000—Florida Department of Education for School Net;

$553,000—Galena School District, Galena Alaska for a comprehensive vocational program;

$230,000—California Drug Consultants, Moreno Valley CA for educational learning aids and equipment for disabled and ill children in the Riverside County region;

$460,000—Daemen College in Amherst, NY for staffing costs, supplies, equipment and computer needs for the Center for Achievement in Science;

$900,000—New Mexico Department of Education to continue to fund student performance plans at 12 schools and for a model school drop-out prevention program;

$500,000—Western Village Academy in Oklahoma City, Oklahoma in partnership with Integris Health, for literacy programs and other educational enrichment activities;

$800,000—National Science Center Foundation in Augusta, Georgia to continue to develop computer based software Exit Exam Review Materials for ESOL students;

$9,000,000—Project GRAD-USA Inc. in Houston, Texas to support expansion of the successful school reform program, Project GRAD;

$800,000—State of Alaska to continue reading literacy programs for high school students;

$300,000—Providence Public School District in Providence, Rhode Island for comprehensive literacy training to ensure that all students are reading at grade level;

$2,000,000—Alaska Initiative for Community Engagement to improve academic achievement of students and involve them in their own communities;

$500,000—Semos Unlimited, Inc., in New Mexico to complete a comprehensive initiative for providing bilingual educational and literacy programs;

$850,000—Maine Center for Educational Services to implement the Schools & Technology for Assessment & Reflection program, a student performance data system for planning and instructional purposes;

$500,000—American Village in Montevallo, Alabama for an innovative civics education initiative that provides students with a better understanding of the Constitution and foundation of American self-government;

$500,000—Vermont Educational Leadership Alliance in Montpelier, Vermont to address the shortage of school leaders;

$600,000—University of Northern Iowa to continue developing a model demonstration program for early childhood education of all students;

$700,000—Utah State Office of Education to assist small and geographically isolated schools through the Necessarily Existent Small Schools Program;

$2,500,000—State of Alaska to develop innovative teacher recruitment and retention programs;

$400,000—Albuquerque Public School System in New Mexico for its Magnet High School for Math, Science and Technology;

$400,000—University of Oklahoma's Institute for Practical Robotics in Oklahoma City, Oklahoma to provide hands on experiences in robotics by developing curricula and teacher training programs to integrate robotics and computer engineering with traditional math and science education;

$300,000—Salt Lake Organizing Committee or to a governmental agency or not-for profit organization designated by the Salt Lake City Organizing Committee for a national arts and education model initiative for the Winter Olympic and Paralympic Games of 2002;

$100,000—Museums & Universities Supporting Educational Enrichment in Philadelphia, Pennsylvania for teacher training and technology- and museum-based curriculum development;

$105,000—Wilderness Technology Alliance in Bellevue, Washington for educational reform activities designed as part of its statewide demonstration program;

$2,500,000—Sheldon-Jackson College Center for Life Long Learning for teacher training and to address the shortage of teachers in remote Alaskan villages;

$1,000,000—Delta State University to improve access to and the quality of education in the Mississippi Delta area of the State of Mississippi;

$250,000—Washington and Jefferson College Center for Excellence in Teaching and Learning in Pennsylvania for a comprehensive education initiative;

$75,000—Northwest Missouri Regional Council of Government's Access 2000 program for educational support services including career planning, leadership development and personal skill evaluation and improvement;

$1,800,000—University of Missouri-St. Louis for the Teacher Workforce Replenishment Program;

$800,000—University of Rhode Island for the 2001 World Scholar Athlete Games;

$50,000—KidsPeace in Orefield, Pennsylvania for equipment acquisition and educational services to support the integration of health and educational programs developed for at risk youth;

$250,000—Iowa State University Center for Excellence in Science and Mathematics Education to collaborate with local school districts and other partners to increase the quality of mathematics and science technology education for K-12 grade students;

$400,000—Council of Chief State School Officers for professional development and recognition activities related to the Christa McAuliffe Foundation grant program;

$375,000—Madison Station Elementary School in Madison, Mississippi to begin a replicable, school-wide, arts based curriculum;

$250,000—Southeast Kansas Education Service Center in Girard, KS to expand and replicate state-wide a school-based mentoring effort that connects young people from grades K-12 with adult volunteers;

$750,000—Keystone Central School District in Pennsylvania, in collaboration with Lock Haven University, to develop a model alternative school;

$1,800,000—Vermont Department of Education to carry out section 1002(f) of the Elementary and Secondary Education Act of 1965;

$100,000—Freedom Foundation at Valley Forge to develop programs integrating citizenship education, leadership development and literacy programs;

$850,000—California School of Professional Psychology, in cooperation with school districts in the San Diego, Los Angeles, San Francisco and Fresno metropolitan areas for model teacher training programs;

$200,000—Regional Performing Arts Center in Philadelphia, Pennsylvania for equipment acquisition in support of distance learning programs arranged with area schools;

$250,000—CAPE/PETE Net in Bethlehem, Pennsylvania for distance learning technologies and educator training to improve educational outcomes;

$400,000—National Aviation Hall of Fame in Dayton, Ohio for curriculum development, technology upgrades and programmatic improvements to educational programs offered to students;

$290,000—Sunnyside School District in Washington for a reading literacy program;

$250,000—California Institute of the Arts in Valencia, California for an urban distance learning program;

$250,000—Philadelphia Pops educational outreach program, Jazz in the Schools;

$500,000—University of Northern Iowa Center for Mathematics and Science Education to improve the teaching of mathematics and science;

$850,000—Southwest Texas State University Center for School Improvement to develop innovative programs to address specific K-12 challenges facing teachers and students;

$850,000—University of Montana in Missoula, Montana to facilitate a community-based statewide curriculum aimed at preventing violence in schools;

$20,000—Education, Social and Public Services Association in Seattle, Washington to develop targeted communications related to Washington learning standards;

$850,000—ARC of East Central Iowa for a comprehensive center in Cedar Rapids designed to meet the learning, medical and day care needs of children and adolescents with disabilities;

$250,000—American Visionary Art Museum in Baltimore, Maryland for educational and outreach programs targeted to underserved communities;

$250,000—Philadelphia Zoo in Philadelphia, Pennsylvania to create, develop and implement a high school science learning program;

$2,500,000—Big Brothers/Big Sisters of America to strengthen and expand its school based mentoring program;

$200,000—National Foundation for Teaching Entrepreneurship for expansion of basic academic skill development and entrepreneurship training programs for students in low income areas;

$250,000—Opera Company of Philadelphia for an integrated arts education program;

$9,000,000—Iowa Department of Education to continue a demonstration of public school facilities;

$750,000—Des Moines Independent School District in Iowa to support the Smoother Sailing program;

$1,000,000—Iowa Student Aid Commission for teacher training, recruitment and support;

$500,000—Iowa Child Institute located in Des Moines, IA for planning and development of an innovative teacher education and training center;

$100,000—Cobbs Creek Community Environmental Education Center in Philadelphia, Pennsylvania for teacher training, research and equipment acquisition in support of environmental education programs;

$400,000—Southeastern Louisiana University to utilize distance learning for the improvement of teacher training;

$150,000—Rock School of Pennsylvania Ballet for innovative arts education through after school and summer programs;

$250,000—Flathead Valley Community College Montana TREK Center to provide rural educators with professional development opportunities through distance learning technologies;

$500,000—Hofstra University for a demonstration school that integrates mathematics, science, technology and literacy studies with the arts and cultural studies;

$250,000—CityVest, a non-profit development corporation in Pennsylvania, to collaborate with area school districts in providing alternative education programs;

$300,000—YMCA of America to expand drop out prevention, mentoring and teen pregnancy prevention programs serving at-risk teens in Dallas, San Antonio and Houston;

$250,000—American Film Institute for activities supporting a media literacy pilot project undertaken in coordination with the Los Angeles Unified School District;

$2,000,000—Reach Out and Read program to expand literacy and health awareness for atrisk families;

$850,000—South Carolina Association of School Administrators to facilitate and distribute the methodology and pedagogy utilized by Blue Ribbon Schools;

$50,000—Stillman College, Zelpha Wells Cultural Education Center to continue to provide music education and music instruction to minority and disadvantaged youth;

$650,000—Georgia Project, Inc. in Dalton, Georgia to assimilate Hispanic immigrant children into mainstream curriculum;

$100,000—West Virginia University in Morgantown for school safety research;

$1,000,000—Concord College in West Virginia for technical skills training of new teachers;

$900,000—New York Historical Society to collaborate with area high schools in developing a technology-based program designed to enhance teaching and learning;

$400,000—Child and Family Development Education Center in Albuquerque, New Mexico to better prepare students for school success;

$25,000—Freedom Theatre in Philadelphia, Pennsylvania for performing arts training and mentoring programs for area youth;

$401,000—The National Mentoring Partnership in Washington DC for establishing the National E-Mentoring Clearinghouse;

$900,000—Florida Institute of Education in Tallahassee, Florida for community-based early learning and professional development hubs;

$4,000,000—Carnegie Hall in New York, New York to integrate distance learning and educational technology with music education programs through the Isaac Stern Legacy project;

$200,000—Hispanic Education and Media Group for a Latino-Chicano high school dropout prevention program in San Jose, CA;

$276,000—The Academy of Natural Sciences in Philadelphia, PA for continuation of the Science Enrichment Expansion Curriculum program;

$2,550,000—University of Notre Dame, Indiana, for the Institute for Educational Initiatives research center for the comparative analysis of best practices in public and private elementary and secondary schools;

$1,700,000—Challenger Learning Center of Northwest Indiana, Inc., Hammond, Indiana, to expand science education and teacher training programs;

$1,275,000—For demonstration and evaluation of "one-to-one" computing in high-need school districts in Bridgeport and New Haven, Connecticut; San Pablo, Fairfield, Bay Point, and East Menlo Park, California; and Searchlight and McDermitt, Nevada;

$1,233,000—University of Maine, Orono, Maine, for the development of curriculum for math and science teacher education;

$863,000—An Achievable Dream, Newport News, Virginia to improve academic performance of at-risk youth;

$1,250,000—Helen Keller Worldwide to expand the ChildSight Vision Screening Program and provide eyeglasses to additional children whose educational performance may be hindered because of poor vision;

$1,020,000—Sacramento City Unified School District, California to establish the California Home Visiting Center to train teachers and parents in order to improve student learning;

$935,000—Thornton Township High School District 205 to support the Thornton Township Teaching and Learning Partnership teacher training program;

$850,000—Early Reading Success Institute in Connecticut to broaden the training of professionals in best practices in the delivery of reading instruction;

$850,000—Olympic Park Institute in Olympic National Park, Washington, to expand science education programs.;

$850,000—The GRAMMY Foundation, Santa Monica, California, for music education programs;

$850,000—The Learning Collaborative Inc., Milford, Connecticut, for the "Pebbles Project" to demonstrate innovative technology to deliver educational services to children medically unable to attend school;

$744,000—Yale University Child Study Center, New Haven, Connecticut, for a child-centered education pilot program;

$723,000—Babyland Family Services, Newark, New Jersey for technology training and extended learning opportunities for students, parents and teachers;

$723,000—Chicago Public School System, Illinois, for teacher professional development and university partnerships to support implementation of new magnet school programs;

$723,000—DeKalb County School System in Georgia for a comprehensive school violence prevention initiative;

$723,000—East Hartford Public Schools, Connecticut, to support program and professional development associated with the international baccalaureate program, including equipment;

$723,000—Sam Houston University, Huntsville, Texas to establish a technical assistance center for after-school programs;

$723,000—Texas A & M University, Corpus Christi, Texas for services to at-risk bilingual families and for a middle school math and science center at the Early Childhood Development Center;

$723,000—University of Illinois, Chicago, Illinois for the Project Impact Hispanic education initiative;

$638,000—Miami-Dade County Public Schools, Miami, Florida to establish career academies;

$638,000—University of Missouri, St. Louis, School of Education, for the Urban Educator Corps Partnership initiative;

$595,000—Rutgers University Law School to support a scholarship fund, public interest activities, and its work with the LEAP Academy Charter School, including the purchase of books and equipment to support these activities;

$700,000—Wisconsin Educational Partnership Initiative in Chippewa Falls, Wisconsin for a professional development initiative;

$690,000—Washburn Public Schools, Washburn, Wisconsin, for a pilot project designed to provide 6th grade students and school faculty with access to technology, including laptop computers, software, and home internet access, and to provide expert curriculum development assistance to school faculty members;

$510,000—Dillard University, New Orleans, Louisiana, to expand the William L. Gilbert Academy pre-college program for high achieving low-income high school students;

$510,000—Educational Performances Foundation CPI, Boston, Massachusetts, for the continued development of the music educational program called "From the Top";

$510,000—West Windsor-Plainsboro Regional School District in Mercer County, New Jersey, for the "E=mc2" teacher training project;

$489,000—University of Illinois at Chicago, Illinois, for a joint project with the University of New Orleans, Louisiana, for the Great Cities' University Coalition Urban Educators Corps teacher training partnership;

$422,000—Maryland State Department of Education to support the Maryland Educational Opportunities Summer Program;

$425,000—Alameda County Social Services Agency, Oakland, California, to support an education and training program for high school students;

$425,000—Clark County School District, Las Vegas, Nevada for a comprehensive bilingual education program;

$425,000—Cleveland Botanical Garden, Cleveland, Ohio, to expand educational curriculum, outreach and teacher training programs;

$425,000—Detroit Area Pre-College Engineering Program, Inc., Detroit, Michigan, for engineering, science and math instructional, Saturday and summer programs, teacher training, and parental engagement activities;

$425,000—The Milton Eisenhower Foundation, Washington, DC for a full-service community school demonstration project in up to four locations;

$425,000—Virginia Marine Science Museum Science Camp in Virginia Beach, Virginia to expand educational programs and outreach to schools;

$361,000—Oakland Unified School District, California, for a teacher professional development initiative to increase student achievement in literacy, math and science;

$340,000—Council of Chief State School Officers to support the Arts Education Partnership to improve the awareness and quality of arts in education;

$340,000—Indiana University, Bloomington, Indiana, for the Project TEAM minority recruitment program;

$340,000—Smithsonian Institution for a jazz music education program in Washington, DC;

$340,000—Wildlife Conservation Society, Bronx New York, to develop a distance learning education project for after school programs;

$298,000—Chicago Public School System, Illinois, to provide vision screening, eye exams, and glasses for low-income students;

$276,000—Chicago Public School System, Illinois, to expand the Chicago Math, Science and Technology Academies;

$266,000—City of Houston Public Library, Houston, Texas for the ASPIRE after school program;

$213,000—Future Leaders of America, Inc., Oxnard, California, to provide leadership training and educational experiences to talented youth;

$213,000—Institute for Student Achievement, Manhasset, New York to improve student learning outcomes without social promotion;

$191,000—Bremen Community High School District 228, in Midlothian, Illinois, for a summer transition program for incoming freshmen students;

$191,000—Center for Community Transformation in Chicago, Illinois to support student fellowships and ongoing secular educational activities in community leadership and transformation, including curriculum development;

$170,000—"ScienceClass in a Box" educational system, Hoboken, New Jersey, to enhance science and math education in disadvantaged school districts;

$175,000—Merrill Area Public Schools in Merrill, Wisconsin, to support activities designed to improve educational outcomes for at-risk students;

$149,000—Great Lakes Science Center, Cleveland, Ohio, to establish interactive biomedical exhibitions and educational programs to increase minority awareness of health careers;

$128,000—Centro Latino de Educacion Popular in Los Angeles, California, program to provide literacy training for Hispanic children and adults;

$128,000—City of Eugene, Oregon, for the development of educational materials for a Wetland Environmental Education Center;

$94,000—Dallas Urban League, Inc., Dallas, Texas, to expand technology and literacy training for low-income youth;

$85,000—Los Angeles Free Net, Encino, California, to provide free internet access to schools and libraries;

$85,000—Pasadena Independent School District, Pasadena, Texas, to support an early learning program focused on reading, including to purchase equipment and supplies;

$50,000—Stevens Point Area School District, Wisconsin for an initiative to improve achievement among high school students;

$43,000—Santa Barbara County Education Office, California for school violence prevention resource kits;

$43,000—St. Vincent's Family Service Center, Kansas City, Missouri, to implement a violence prevention curriculum initiative;

$50,000—Merrill Area Public Schools in Merrill, Wisconsin, for an initiative to improve achievement among high school students;

$50,000—Superior School District, Superior, Wisconsin for an initiative to improve achievement among high school students;

$38,000—T.R. Hoover Community Development Corporation in Dallas, Texas, to provide technology training to children and their families in South Dallas;

$400,000—Chester Upland School District, Chester, PA, for recruitment, preparation and retention of teachers and teacher candidates;

$100,000—Family Communications, Inc., in Pittsburgh, PA, for the non-profit's Safe Havens Training Project which is designed to train school personnel in preventing and responding to acts of violence;

$250,000—Northwest Regional Educational Laboratory in Portland, OR for a reading tutor training program; and

$230,000—University of Pennsylvania Health System in Philadelphia, PA for development of a model high school curriculum on genetics and ethics.

For International Education, the conference agreement includes $10,000,000 as proposed by the Senate, instead of $7,000,000 as proposed by the House. The conferees support strengthening and expanding international education exchange programs to more students and teachers, expanding the early elementary school program begun last year in Bosnia, and pairing more American states with countries in the former Soviet Union and Central and Eastern Europe. Within the total, $1,200,000 is included for the civic education program in Northern Ireland and the Republic of Ireland and efforts in emerging democracies in developing countries.

The conferees recognize the efforts of Strategies to Accelerate Reading Success (STARS) in Las Vegas, NV where students in low performing schools have shown marked improvements in their reading and listening comprehension skills. The conferees are also aware of the Great Films Project Co., Inc. of New York and their ability to produce a documentary that will provide an objective assessment of the impact of Federal education programs on the education of our Nation's youth.

The conferees encourage the Secretary to consider funding a study by the National Research Council of the National Academy of Sciences which provides a balanced evaluation of the consequences of high stakes testing, using data from a representative sample of states and local educational agencies. The evaluation may examine the consequences for students in general, minority students and students with limited English proficiency related to academic achievement, dropout and retention rates, quality of instruction, and the extent to which parents are informed about assessment results and consequences.

DEPARTMENTAL MANAGEMENT

The conference agreement includes $525,684,000 for Departmental Management instead of $488,134,000 as proposed by the House and $504,551,000 as proposed by the Senate. Within this amount, the agreement provides $76,000,000 for the Office of Civil Rights instead of $71,200,000 as proposed by the House and $73,224,000 as proposed by the Senate. The agreement also includes $36,500,000 for the Office of Inspector General instead of $34,000,000 as proposed by the House and $35,456,000 as proposed by the Senate. The agreement includes $510,000 to continue the Inspector General audit of the Department's Student Financial Assistance financial statements.

The conferees are supportive of the HEATH Clearinghouse which provides technical assistance and support services to disabled students and institutions of higher education. In the last five years, the number of requests for information increased from 30,000 per year to more than 75,000 per year. The conferees encourage the Secretary to continue to support the clearinghouse.

General Provisions

TRANSFER AUTHORITY

The conference agreement includes language to provide general transfer authority for the Departments and agencies in this bill except for the Department of Education (ED). This authority was first provided in fiscal year 1996 with the understanding that the flexibility it provides can only be carried out when proper financial management controls and systems are in place. ED did not receive an unqualified opinion on its financial statements for either fiscal year 1998 or 1999. The conferees recognize that ED is working to rectify problems that have been identified, but for fiscal year 2001 the conferees require a letter of reprogramming to the House and Senate Appropriation Committees and a written response from the Committees before any transfer of funds can be made.

The conferees reiterate that it is not the purpose of the transfer authority to provide funding for new policy proposals that can, and should, be included in subsequent budget proposals. Absent the need to respond to emergencies or unforeseen circumstances, this authority cannot be used simply to increase funding for programs, projects or activities because of disagreements over the funding level or the difficulty or inconvenience with operating levels set by the Congress.

TITLE I—TARGETING

The conference agreement includes language proposed by the Senate directing the Comptroller General to evaluate targeting within the title I program. The House bill contained no similar provisions.

NATIONAL ASSESSMENT GOVERNING BOARD DATE CHANGE

The conference agreement includes a provision that makes the terms of service for National Assessment Governing Board members four years.

RECALCULATION OF COHORT DEFAULT RATE

The conference agreement includes language changing the process for appealing cohort default rate calculations so that a school that misses the appeal deadline may retain eligibility if a clear mistake was made in the data used to calculate the rate.

COMPENSATION PARITY FOR AUDITORS AND EXAMINERS

The conference agreement includes an amendment to the Higher Education Act of 1965 relating to compensation parity for auditors and examiners.

TRIBAL COLLEGES

The conference agreement includes an amendment to the Carl D. Perkins Vocational and Technical Education Act of 1998 relating to tribally controlled postsecondary vocational and technical institutions.

SECURITY INTERESTS IN STUDENT LOANS

The conference agreement includes an amendment to the Higher Education Act of 1965 relating to perfection of security interests in student loans.

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

The conference agreement includes an amendment to the Higher Education Act of 1965 relating to default rates.

NATIONAL CONSTITUTION CENTER

The conference agreement includes a provision which provides $10,000,000 to the Secretary of Education to be transferred to the Secretary of the Interior for an award to the National Constitution Center to continue activities authorized by P.L. 100–433.

CHARACTER EDUCATION

The conference agreement includes a modification to the Safe and Drug-Free Schools Act for the development and implementation of character education programs.

WAIVER REVIEW

The conference agreement includes a provision that directs the Secretary to review the nursing program operated by Graceland University in Iowa and specifies that the Secretary may exercise waiver authority relating to this program.

LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIPS

The conference agreement includes an amendment to the Higher Education Act of 1965 clarifying that funds provided under the Special Leveraging Educational Assistance Partnership Program may not be used for administrative purposes and that matching funds must come from new sources in order to leverage more state funding.

STUDENT SUPPORT SERVICES

The conference agreement includes an amendment to Part A of title IV of the Higher Education Act of 1965 which allows grantees receiving funding under the Student Support Services program within TRIO to use part of these funds for direct grant aid to needy students. A grant provided under this provision may not exceed the maximum appropriated Pell Grant, or be less than the minimum appropriated Pell Grant, for the current academic year. Grantees using funds for this purpose are required to match at least 33 percent of the funds used for grant aid in cash from non-federal sources and may not use more than 20 percent of their grant amount for direct grant aid purposes.

STUDENT LOANS INTEREST RATE

The conference agreement includes a provision that replaces the interest rate formula for certain Parent Loans to Students and Supplemental Loans for Students which used the rates established by the auction of 52-week Treasury bills for setting new interest rates each July 1st. Interest rates for these loans will now be based on a new formula which uses the weekly average of the one year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before June 26th preceding the July 1st effective date for interest rate changes.

OLYMPIC SCHOLARSHIPS

The conference agreement includes an amendment to the Higher Education Act of 1965 designating scholarships made under the Olympic Scholarships program as "B.J. Stupak Olympic Scholarships."

PROPERTY TRANSFER

The conference agreement includes a provision that would release a reversionary interest at San Francisco State University.

IMPACT AID

The conference agreement includes an amendment to the Elementary and Secondary Education Act of 1965, as amended, relating to certain school districts eligible for the Impact Aid program.

TITLE IV—RELATED AGENCIES

Armed Forces Retirement Home

The conference agreement does not include an additional advance appropriation for the Armed Forces Retirement Home as proposed by the Senate. The House bill contained no similar provision.

COOPERATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

The conference agreement includes $303,850,000 for the Domestic Volunteer Service programs instead of $294,527,000 as proposed by the House and $302,504,000 as proposed by the Senate.

Volunteers in Service to America (VISTA)

The conference agreement includes $83,074,000 for VISTA as proposed by the Senate instead of $80,574,000 as proposed by the House.

National Senior Volunteer Corps

The conference agreement includes $98,868,000 for the Foster Grandparent Program (FGP) instead of $95,988,000 as proposed by the House and $97,500,000 as proposed by the Senate. The agreement includes $40,395,000 for the Senior Companion Program (SCP) instead of $39,219,000 as proposed by the House and $40,219,000 as proposed by the Senate. The agreement also includes $48,884,000 for the Retired Senior Volunteer Program (RSVP) instead $46,117,000 as proposed by the House and $48,117,000 as proposed by the Senate.

One-third of the increases provided for the FGP, SCP, and RSVP programs shall be used to fund Programs of National Significance expansion grants to allow existing FGP, RSVP and SCP programs to expand the number of volunteers serving in areas of critical need as identified by Congress in the Domestic Volunteer Service Act.

Sufficient funding has been included to provide a 2 percent increase for administrative costs realized by all current grantees in the FGP and SCP programs, and a 4 percent increase for administrative costs realized by all current grantees in the RSVP program. Funds remaining above these amounts should be used to begin new FGP, RSVP and SCP programs in geographic areas currently unserved. The conferees expect these projects to be awarded via a nationwide competition among potential community-based sponsors.

The Corporation for National and Community Service shall comply with the directive that use of funding increases in the Foster Grandparent Program, Retired and Senior Volunteer Program and VISTA not be restricted to America Reads activities. The conferees further direct that the Corporation shall not stipulate a minimum or maximum amount for PNS grant augmentations.

The conference agreement includes $400,000 for senior demonstration activities as proposed by the House instead of $1,494,000 as proposed by the Senate. These funds are to be used to carry out evaluations and to provide recruitment, training, and technical assistance to local projects as described in the budget request. No new demonstration projects may be begun with these funds. None of the increases provided for FGP, SCP, or RSVP in fiscal year 2001 may be used for demonstration activities. The conferees further expect that all future demonstration activities will be funded through allocations made through Part E of the Domestic Volunteer Service Act.

Funds appropriated for fiscal year 2001 may not be used to implement or support service collaboration agreements or any other changes in the administration and/or governance of national service programs prior to passage of a bill by the authorizing committees of jurisdiction specifying such changes.

Program Administration

The conference agreement includes $32,229,000 for program administration of DVSA programs at the Corporation as proposed by the House instead of $32,100,000 as proposed by the Senate. Funding should be used for the new core financial management system and to make other technology enhancements that will improve customer service and field communications.

CORPORATION FOR PUBLIC BROADCASTING

The conference agreement includes language proposed by the Senate providing an additional $20,000,000 for digitalization, if specifically authorized by subsequent legislation. The House bill contained no similar provision.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The conference agreement includes $38,200,000 for the Federal Mediation and Conciliation Service as proposed by the Senate instead of $37,500,000 as proposed by the House.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

The conference agreement includes $6,320,000 for the Federal Mine Safety and Health Review Commission as proposed by the Senate instead of $6,200,000 as proposed by the House.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

The conference agreement includes $207,219,000 for the Institute of Museum and Library Services instead of $170,000,000 as proposed by the House and $168,000,000 as proposed by the Senate. Within the amounts provided, the conference agreement includes $39,219,000 for the following:

$921,000 The Mariners' Museum, Newport News, VA for library archival and educational programming;

$461,000 DuPage County Children's Museum in Naperville, IL for educational programming;

$369,000 National Baseball Hall of Fame Library, Cooperstown New York for library improvements;

$92,000 City of Corona, Riverside, CA for library technology improvements;

$6,000 City of Murrieta Public Library, Murrieta, CA for technology improvements

$1,382,000 Sierra Madre Public Library, Sierra Madre, CA for technology improvements;

$23,000 Brooklyn Public Library, Brooklyn, NY for library materials;

$46,000 NY Public Library Staten Island branch for book and archive enhancement;

$266,000 Edward H. Nabb Research Center for Delmarva History and Culture at Salisbury State University, Salisbury, MD for a history laboratory project;

$461,000 Texas Tech University, Lubbock TX for the Virtual Vietnam Archive Project;

$230,000 City of Ontario Public Library, Ontario, CA for technology improvements;

$461,000 Southern Oregon University, Ashland, OR for technology enhancements to the library's Government Documents Collection;

$1,106,000 Christopher Newport University, Newport News, VA for upgrade of Information Technology Center;

$2,600,000 Southeast Missouri State University River Campus and Museum to restore the historic former St. Vincent Seminary for museum programs;

$900,000 Heritage Harbor Museum in Providence, Rhode Island for cataloging of materials and operations;

$700,000 Institute for the Historic Study of Jazz at the University of Idaho for the cataloguing, digitalization, development of an on-line database, and preservation of archival materials which it owns;

$1,800,000 Franklin Pierce College Life Center to serve as a library for the rural southwest region of New Hampshire;

$500,000 Louisville Zoo for the Diane Fossey Mountain Gorilla program;

$150,000 Oregon Historical Society Permanent Exhibition;

$250,000 Pittsburgh Children's Museum;

$510,000 Temple University Library for digitalization of resources from its Urban History ad African-American collections;

$576,000 Franklin Institute for the Design of Life exhibition;

$925,000 Please Touch Museum in Philadelphia, Pennsylvania;

$500,000 Alaska Native Heritage Center portion of the New Trade Winds project;

$1,000,000 National Museum of Women in the Arts in Washington D.C.;

$1,200,000 Mississippi River Museum and Discovery Center in Dubuque, Iowa for exhibit and library enhancement;

$650,000 Salisbury House Foundation in Des Moines, Iowa to improve security and preservation of its collection;

$150,000 Linn County, Iowa Historical Museum History Center in support of the "This Old Digital City" project;

$4,000,000 Newsline for the Blind to expand services for the blind to libraries across the country including $100,000 for the West Virginia Newsline for the Blind and $100,000 for the Iowa Newsline for the Blind;

$1,000,000 Clay Center for the Arts and Sciences for a multimedia display screen, and the fabrication and design of a science exhibit;

650,000 Bishops Museum in Hawaii as part of the "New Trade Winds" project;

$500,000 Wisconsin Maritime Museum for interactive exhibits;

$250,000 Natural History Museum of Los Angeles to continue outreach and educational activities;

$400,000 Perkins Geology Museum at the University of Vermont to digitalize its collection

$400,000 Walt Whitman Cultural Arts Center in Camden, New Jersey to expand cultural education programs;

$400,000 Plainfield Public Library in Plainfield, New Jersey to upgrade and expand computer and internet services;

$150,000 Ducktown Arts District in Atlantic City, New Jersey to expand access to cultural arts programs;

$400,000 Lake Champlain Science Center for exhibits and programs;

$250,000 Foundation for the Arts, Music, and Entertainment of Shreveport-Bossier, Inc.;

$100,000 Bryant College in Rhode Island for a technology initiative linking libraries of institutions of higher education;

$120,000 Fenton Historical Museum of Jamestown, New York;

$461,000 Abraham Lincoln Bicentennial Commission;

$43,000 Sumter County Library, Sumter, South Carolina for the acquisition of library materials;

$85,000 New York Botanical Garden, Bronx, New York, to expand access to plant specimen database;

$128,000 Nassau County Museum of Art in Roslyn Harbor, New York, to expand educational programs for elementary and secondary students;

$128,000 Roberson Museum and Science Center in Binghampton, New York for an educational science and engineering pilot program;

$128,000 North Carolina Museum of Life and Science for development of BioQuest exhibits;

$170,000 George Eastman House in Rochester, New York, to digitally archive and catalog photographic collections;

$213,000 Fitchburg Art Museum in Fitchburg, Massachusetts to expand public access through technology upgrades;

$298,000 Columbia College, Chicago, Center for Black Music Research in Chicago, Illinois, for education and outreach activities;

$298,000 Mystic Seaport, the Museum of America and the Sea, in Connecticut, to develop an informal learning laboratory;

$468,000 City of Houston Public Library, Houston, Texas, for information technology development and equipment;

$410,000 AE Seaman Mineral Museum in Houghton, Michigan;

$680,000 AMISTAD Research Center at Tulane University in New Orleans, Louisiana to expand automation, electronic communications, educational outreach and community involvement activities;

$723,000 New Bedford Whaling Museum in Massachusetts for exhibits, technology upgrades and to expand public access;

$723,000 The George C. Page Museum, Los Angeles, California to expand education and outreach programs;

$850,000 The Children's Museum of Los Angeles, California, for development of exhibits, educational programs and teacher training;

$850,000 Berman Museum of Art of Ursinus College, Collegeville, Pennsylvania for expansion of an arts education program and community outreach activities;

$2,125,000 Silas Bronson Library in Waterbury, Connecticut for information technology equipment and upgrades;

$2,435,000 New York Public Library for the development of a digital archive at the Schomburg Center for Research in Black Culture to document African American migration;

$425,000 National Aviary in Pittsburgh, Pennsylvania, in collaboration with Carnegie Mellon University, to develop and utilize interactive mobile robots in support of distance learning;

$723,000 Old Sturbridge Village, Sturbridge, Massachusetts for the development of a distance learning project.

Medicare Payment Advisory Commission

The conference agreement provides $8,000,000 for the Medicare Payment Advisory Commission (MedPAC), the same as both the House and the Senate. A documented national shortage of geriatricians, physicians who specialize in the management of care for frail, older persons, exists. The shortage has occurred, in part, because of inadequate Medicare reimbursement and physician training payment restrictions. For this reason, MedPAC should study the issue, reporting specifically on how the hospital specific cap on residents for purposes of Medicare graduate medical education payments impacts geriatric training programs and providing recommendations regarding how to alter the cap to resolve this problem.

National Commission on Libraries and Information Science

The conference agreement includes $1,495,000 for the National Commission on Libraries and Information Science as proposed by the Senate instead of $1,400,000 as proposed by the House.

National Council on Disability

The conference agreement includes $2,615,000 for the National Council on Disability as proposed by the Senate instead of $2,450,000 as proposed by the House.

National Education Goals Panel

The conference agreement includes $1,500,000 for the National Education Goals Panel instead of $2,350,000 as proposed by the Senate. The House bill did not propose funding for this agency.

National Labor Relations Board

The conference agreement includes $216,438,000 for the National Labor Relations Board as proposed by the Senate instead of $205,717,000 as proposed by the House.

National Mediation Board

The conference agreement includes $10,400,000 for the National Mediation Board as proposed by the Senate instead of $9,800,000 as proposed by the House.

Occupational Safety and Health Review Commission

The conference agreement includes $8,720,000 for the Occupational Safety and Health Review Commission as proposed by the Senate instead of $8,600,000 as proposed by the House.

Railroad Retirement Board

LIMITATION ON ADMINISTRATION

The conference agreement includes a limitation on transfers from the railroad trust funds of $95,000,000 for administrative expenses as proposed by the House instead of $92,500,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes a limitation on transfers from the railroad trust funds of $5,700,000 for administrative expenses of the Office of Inspector General as proposed by the Senate instead of $5,380,000 as proposed by the House.

Social Security Administration

SUPPLEMENTAL SECURITY INCOME PROGRAM

The conference agreement includes $23,344,000,000 for the Supplemental Security Income Program instead of $23,354,000,000 as proposed by the Senate and $23,127,000,000 as proposed by the House.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conference agreement includes a limitation of $7,124,000,000 on transfers from the Social Security and Medicare trust funds and Supplemental Security Income program for administrative activities instead of $6,978,036,000 as proposed by the House and $7,010,800,000 as proposed by the Senate.

The conference agreement includes language proposed by the House clarifying that the Social Security Administration may use unexpended funds for investment in information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll expenses associated solely with information technology and telecommunications technology. The agreement also includes language proposed by the House that requires the Secretary of the Treasury to reimburse the Trust Fund from the General Fund for the cost of official time for federal employees and facilities and support services for labor organizations. The Senate bill contained no similar provisions.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $69,444,000 for the Office of Inspector General through a combination of general revenues and limitations on trust fund transfers as proposed by the Senate instead of $65,752,000 as proposed by the House.

UNITED STATES INSTITUTE OF PEACE

The conference agreement includes $15,000,000 for the United States Institute of Peace as proposed by the House instead of $12,951,000 as proposed by the Senate. The conferees direct the United States Institute of Peace to provide information in the fiscal year 2002 Congressional budget justification regarding the use of appropriated funds in the Endowment. Included in this information should be the total amount of appropriated funds transferred into the Endowment from the most recent fiscal year available, the total amount of interest earned in the fiscal year on those funds, a list of all dates in which draw downs occur and those amounts, and a beginning and end of year balance of the Endowment.

TITLE V—GENERAL PROVISIONS

DISTRIBUTION OF STERILE NEEDLES

The conference agreement includes a provision proposed by the House that prohibits the use of funds in this Act to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug. The Senate bill contained a similar provision except that it would have allowed for such a program if the Secretary of Health and Human Services determines that these programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

FIFTH QUARTER OBLIGATIONS

The conference agreement does not include a provision proposed by both the House and Senate to allow fiscal year 2000 unobligated balances for salaries and expenses to remain available through the first quarter of fiscal year 2001.

RESTORING SSI BENEFITS PAYMENTS TO APPROPRIATE YEAR

The conference agreement does not include a provision proposed by the House to restore benefit payments for Supplemental Security Income to the appropriate year. The Senate bill contained no similar provision.

EVALUATION OF ABSTINENCE EDUCATION PROGRAMS

The conference agreement includes a provision proposed by the House to extend the funding available for evaluations of abstinence education programs to 2005 and provides for an interim report not later than January 1, 2002. The Senate bill contained no similar provision.

TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF)

The conference agreement does not include a provision proposed by the Senate to reduce TANF supplemental grants in fiscal year 2001. The House bill contained no similar provision.

DISCRETIONARY ADVANCE APPROPRIATION REDUCTION

The conference agreement does not include a provision proposed by the House to rescind funds from the Payments to States for the Child Care and Development Block Grant if the total level of discretionary advance appropriations for fiscal year 2002 exceeds $23,500,000,000. The Senate bill contained no similar provision.

UNIQUE HEALTH IDENTIFIER

The conference agreement includes a provision proposed by the Senate to prohibit the promulgation or adoption of any final standard relating to a unique health identifier until legislation is enacted specifically approving the standard. The House bill contained a similar provision except it did not provide for legislative action.

STATE SUPPLEMENTARY PAYMENTS

The conference agreement includes language proposed by the Senate that accelerates the effective date of current law requiring a State that has entered into an agreement with the Social Security Administration for Federal administration of State supplementary payments be required to remit payments and fees no later than the business day preceeding the SSI payment from September, 2000 to September, 2001.

MILITARY RECRUITING AT SECONDARY SCHOOLS

The conference agreement does not include a provision proposed by the House preventing secondary schools from prohibiting military recruitment. The Senate bill contained no similar provision.

NIH LICENSE AGREEMENTS

The conferees do not include a provision proposed by the House regarding NIH license agreements. The Senate bill contained no similar provision.

ACROSS-THE-BOARD ADMINISTRATIVE AND RELATED EXPENSES REDUCTION

The conference agreement includes a provision to reduce administrative and related expenses of the Departments of Labor, Health and Human Services, and Education by $25,000,000.

EMERGENCY CONTRACEPTION DISTRIBUTION THROUGH SCHOOL CLINICS

The conference agreement does not include a provision proposed by the Senate to prohibit the distribution of or prescription for postcoital emergency contraception to an unemancipated minor on the premises or in the facilities of any elementary or secondary school. The House bill contained no similar provision.

RIGHTS OF RESIDENTS OF CERTAIN FACILITIES

The conference agreement does not include a provision proposed by the Senate to amend the Public Health Service Act to add a new section titled "Requirement Relating to the Rights of Residents of Certain Facilities". The House bill contained no similar provision.

SENSE OF THE SENATE ON EARLY HEAD START

The conference agreement deletes without prejudice a Sense of the Senate provision regarding blood lead screening tests on children enrolled in early head start programs. The House bill contained no similar provision.

SENSE OF THE SENATE ON A STUDY OF SEXUAL ABUSE IN SCHOOLS

The conference agreement deletes without prejudice a Sense of the Senate provision regarding a study on the issue of sexual abuse in schools. The House bill contained no similar provision.

GAO STUDY INTO FEDERAL FETAL TISSUE PRACTICES

The conference agreement does not include a provision proposed by the Senate requesting a GAO study into Federal fetal tissue practices. The House bill contained no similar provision.

GENETIC INFORMATION NONDISCRIMINATION IN HEALTH INSURANCE ACT OF 1999

The conference agreement does not include a provision proposed by the Senate regarding genetic information. The House bill contained no similar provision.

HEALTH CARE ACCESS AND PROTECTIONS FOR CONSUMERS

The conference agreement does not include the health care access and protections for consumers provision as proposed by the Senate. The House bill contained no similar provision.

HUMAN PAPILLOMAVIRUS

The conference agreement includes a provision related to human papillomavirus. The House and Senate bills contained no similar provision.

SACCHARIN LABELING

The conference agreement includes a provision that repeals the mandated saccharin warning label. The House and Senate bills contained no similar provision.

SPECIAL BENEFITS FOR CERTAIN WORLD WAR II VETERANS

The conference agreement includes a provision which allows a State and the Commissioner of Social Security to enter into an agreement under which the Commissioner would make State payments, on behalf of the State, to supplement federal payments provided under Title VIII of the Social Security Act.

STATUTORY EMPLOYEES

The Conferees note that, given the complexity of issues that were considered under prior law in correctly determining the amount of Supplemental Security Income payable to individuals who are classified as "statutory employees", or their dependents, that in the past cases may have been determined erroneously. The Conferees urge the Social Security Administration to act favorable on requests for waiver of overpayment that may have accured in such cases.

TITLE VI—ASSETS FOR INDEPENDENCE ACT

The conference agreement includes amendments to the Assets for Independence Act to make technical and conforming changes to ensure accurate research and measurement of the effectiveness of Individual Development Accounts.

TITLE VII—PHYSICAL EDUCATION FOR PROGRESS PROGRAM

The conference agreement includes the Physical Education for Progress program which will enable local educational agencies to initiate, expand, and improve physical education programs for all K–12 students.

TITLE VIII—EARLY LEARNING OPPORTUNITIES

The conference agreement includes the Early Learning Opportunities Act, which is designed to help states increase the availability of voluntary programs, services, and activities that support early childhood education.

TITLE IX—RURAL EDUCATION

The conference agreement includes the Rural Achievement Act, which amends Part J of Title X of the Elementary and Secondary Education Act (ESEA) of 1965 to better address the different needs of small, rural school districts. Under this provision, a local educational agency (LEA) would be able to combine funding under various ESEA programs to support compensatory education, teacher professional development, education technology, and school drug and violence prevention activities authorized under ESEA that are intended to improve the academic achievement of elementary and secondary school students.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
TITLE I DEPARTMENT OF LABOR									
EMPLOYMENT AND TRAINING ADMINISTRATION									
TRAINING AND EMPLOYMENT SERVICES									
Grants to States:									
Adult Training, current year	238,000	238,000	145,000	238,000	238,000	...	+93,000	...	D FF
Advance from prior year	...	(712,000)	(712,000)	(712,000)	(712,000)	(+712,000)	...	...	NA
FY02	712,000	712,000	712,000	712,000	712,000	...	...	...	D
Adult Training, program level	950,000	950,000	857,000	950,000	950,000	...	+93,000	...	
Youth Training	1,000,965	1,022,465	1,000,965	1,000,965	1,102,965	+102,000	+102,000	+102,000	D FF
Dislocated Worker Assistance, current year	529,025	710,510	322,025	529,025	530,040	+1,015	+208,015	+1,015	D FF
Advance from prior year	...	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)	(+1,060,000)	...	...	NA
FY02	1,060,000	1,060,000	1,060,000	1,060,000	1,060,000	...	...	...	D
Dislocated Worker Assistance, program level	1,589,025	1,770,510	1,382,025	1,589,025	1,590,040	+1,015	+208,015	+1,015	
Federally administered programs:									
Native Americans	58,436	55,000	55,000	55,000	55,000	-3,436	...	...	D FF
Migrant and Seasonal Farmworkers	74,195	74,445	78,000	76,770	76,770	+2,575	1,230	...	D FF
Job Corps:									
Operations	633,140	681,669	688,625	652,408	688,625	+55,485	...	+36,217	D FF
Advance from prior year	...	(591,000)	(591,000)	(591,000)	(591,000)	(+591,000)	...	...	NA
FY02	591,000	591,000	591,000	591,000	591,000	...	...	...	D
Construction and Renovation (1)	33,636	20,375	20,375	20,375	20,375	-13,261	...	...	D FF
Advance from prior year	...	(100,000)	(100,000)	(100,000)	(100,000)	(+100,000)	...	...	NA
FY02	100,000	100,000	100,000	100,000	100,000	...	...	...	D
Subtotal, Job Corps, program level	1,357,776	1,393,044	1,400,000	1,363,783	1,400,000	+42,224	...	+36,217	

(1) Three year forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000	FY 2001				Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 2000	House	Senate	Disc
National activities:									
Pilots, Demonstrations and Research	65,095	35,000	35,000	70,000	97,432	+32,337	+62,432	+27,432	D FF
Responsible Reintegration of Youthful Off	13,907	75,000	13,907	30,000	55,000	+41,093	+41,093	+25,000	D FF
Evaluation	9,098	12,098	9,098	9,098	9,098	---	---	---	D FF
Fathers Work/Families Win	---	255,000	---	---	---	---	---	---	D
Incumbent Workers	---	30,000	---	20,000	20,000	+20,000	+20,000	---	D
Safe Schools/Healthy Students	---	40,000	---	20,000	20,000	+20,000	+20,000	---	D
Youth Opportunity Grants	250,000	375,000	175,000	250,000	275,000	+25,000	+100,000	+25,000	D FF
Other	5,000	15,000	5,000	15,000	15,000	+10,000	+10,000	---	D FF
Subtotal, National activities	343,100	837,098	238,005	414,098	491,530	+148,430	+253,525	+77,432	
Subtotal, Federal activities	1,833,507	2,359,587	1,771,005	1,909,651	2,023,300	+189,793	+252,295	+113,649	
Total, Workforce Investment Act	5,373,497	6,102,562	5,010,995	5,449,641	5,666,305	+292,808	+655,310	+216,664	
Women in Apprenticeship	927	---	1,000	---	1,000	+73	---	+1,000	D
Skills Standards	7,000	3,500	3,500	3,500	3,500	-3,500	---	---	D FF
Subtotal, National activities, TES	351,027	840,598	242,505	417,598	496,030	+145,003	+253,525	+78,432	
School-to-Work (1)	55,000	---	---	---	---	-55,000	---	---	D FF
Total, Training and Employment Services	5,436,424	6,106,062	5,015,495	5,453,141	5,670,805	+234,381	+655,310	+217,664	
Current Year	(2,973,424)	(3,643,062)	(2,552,495)	(2,990,141)	(3,207,805)	(+234,381)	(+655,310)	(+217,664)	
Advance year	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	440,200	440,200	440,200	440,200	440,200	---	---	---	D FF

(1) 15 month forward funded availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES									
Trade Adjustment	349,000	342,400	342,400	342,400	342,400	-6,600	---	---	M
NAFTA Activities	66,150	64,150	64,150	64,150	64,150	-2,000	---	---	M
Total	415,150	406,550	406,550	406,550	406,550	-8,600	---	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS									
Unemployment Compensation: State Operations	2,256,375	2,349,283	2,256,375	2,273,515	2,339,283	+82,908	+82,908	+65,768	TF
National Activities	10,000	10,000	10,000	10,000	10,000	---	---	---	TF
Subtotal, Unemployment Comp (trust funds)	2,266,375	2,359,283	2,266,375	2,283,515	2,349,283	+82,908	+82,908	+65,768	
Employment Service: Allotments to States: Federal Funds	23,452	23,452	23,452	23,452	23,452	---	---	---	D
Trust Funds	738,283	788,283	738,283	763,283	773,283	+35,000	+35,000	+10,000	TF
Subtotal	761,735	811,735	761,735	786,735	796,735	+35,000	+35,000	+10,000	
National Activities: Trust funds	55,670	44,180	49,680	49,180	49,680	-5,990	---	+500	TF
Subtotal, Employment Service	817,405	855,915	811,415	835,915	846,415	+29,010	+35,000	+10,500	
Federal funds	23,452	23,452	23,452	23,452	23,452	---	---	---	
Trust funds	793,953	832,463	787,963	812,463	822,963	+29,010	+35,000	+10,500	
One Stop Career Centers/Market Information	110,000	154,000	---	110,000	150,000	+40,000	+150,000	+40,000	D
Work Incentives Grants	20,000	20,000	20,000	20,000	20,000	---	---	---	D FF
Total, State Unemployment	3,213,780	3,389,198	3,097,790	3,249,430	3,365,698	+151,918	+267,908	+116,268	
Federal Funds	153,452	197,452	43,452	153,452	193,452	+40,000	+150,000	+40,000	
Trust Funds	3,060,328	3,191,746	3,054,338	3,095,978	3,172,246	+111,918	+117,908	+76,268	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
ADVANCES TO THE UI AND OTHER TRUST FUNDS (1)	356,000	435,000	435,000	435,000	435,000	+79,000	---	---	M
PROGRAM ADMINISTRATION									
Adult Employment and Training	29,986	33,113	29,986	31,986	32,986	+3,000	+3,000	+1,000	D
Trust Funds	2,420	2,797	2,420	2,797	2,797	+377	+377	---	TF
Youth Employment and Training	34,086	37,660	34,086	34,086	37,086	+3,000	+3,000	+3,000	D
Employment Security	4,952	5,119	4,952	5,119	5,119	+167	+167	---	D
Trust Funds	41,302	43,855	41,302	44,351	44,351	+3,049	+3,049.	---	TF
Apprenticeship Services	19,141	22,069	19,141	22,069	21,069	+1,928	+1,928	-1,000	D
Executive Direction	6,348	6,660	6,348	7,960	7,960	+1,612	+1,612	---	D
Trust Funds	1,334	1,383	1,334	1,359	1,359	+25	+25	---	TF
Welfare to Work	6,431	6,655	6,431	6,431	6,431	---	---	---	D
Total, Program Administration	146,000	159,311	146,000	156,158	159,158	+13,158	+13,158	+3,000	
Federal funds	100,944	111,276	100,944	107,651	110,651	+9,707	+9,707	+3,000	
Trust funds	45,056	48,035	45,056	48,507	48,507	+3,451	+3,451	---	
Total, Employment & Training Administration	10,007,554	10,936,321	9,541,035	10,140,479	10,477,411	+469,857	+936,376	+336,932	
Federal funds	6,902,170	7,696,540	6,441,641	6,995,994	7,256,658	+354,488	+815,017	+260,664	
Current Year	(4,439,170)	(5,233,540)	(3,978,641)	(4,532,994)	(4,793,658)	(+354,488)	(+815,017)	(+260,664)	
Advance Year, FY02	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	---	---	---	
Trust funds	3,105,384	3,239,781	3,099,394	3,144,485	3,220,753	+115,369	+121,359	+76,268	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
PENSION AND WELFARE BENEFITS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement and Compliance	78,283	83,652	78,283	81,995	83,652	+5,369	+5,369	+1,657	D
Policy, Regulation and Public Service	16,803	20,205	16,803	17,372	20,205	+3,402	+3,402	+2,833	D
Program Oversight	3,848	3,975	3,848	3,975	3,975	+127	+127	...	D
Total, PWBA	98,934	107,832	98,934	103,342	107,832	+8,898	+8,898	+4,490	
PENSION BENEFIT GUARANTY CORPORATION									
Program Administration subject to limitation (TF)	11,148	11,871	11,148	11,652	11,652	+504	+504	...	TF
Termination services not subject to limitation (NA)	(153,599)	(164,834)	(153,599)	(161,499)	(164,834)	(+11,235)	(+11,235)	(+3,335)	NA
Total, PBGC (Program level)	(164,747)	(176,705)	(164,747)	(173,151)	(176,486)	(+11,739)	(+11,739)	(+3,335)	
EMPLOYMENT STANDARDS ADMINISTRATION									
SALARIES AND EXPENSES									
Enforcement of Wage and Hour Standards	141,893	152,688	141,893	148,329	152,688	+10,795	+10,795	+4,359	D
Office of Labor-Management Standards	29,308	30,556	29,308	30,413	30,556	+1,248	+1,248	+143	D
Federal Contractor EEO Standards Enforcement	73,250	76,308	73,250	75,808	76,308	+3,058	+3,058	+500	D
Federal Programs for Workers' Compensation	79,968	88,873	79,968	83,163	88,873	+8,905	+8,905	+5,710	D
Trust Funds	1,740	1,985	1,740	1,985	1,985	+245	+245	...	TF
Program Direction and Support	12,611	13,066	12,611	13,066	13,066	+455	+455	...	D
Total, ESA salaries and expenses	338,770	363,476	338,770	352,764	363,476	+24,706	+24,706	+10,712	
Federal funds	337,030	361,491	337,030	350,779	361,491	+24,461	+24,461	+10,712	
Trust funds	1,740	1,985	1,740	1,985	1,985	+245	+245	...	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL BENEFITS									
Federal employees compensation benefits	75,000	53,000	53,000	53,000	53,000	-22,000	---	---	M
Longshore and harbor workers' benefits	4,000	3,000	3,000	3,000	3,000	-1,000	---	---	M
Total, Special Benefits	79,000	56,000	56,000	56,000	56,000	-23,000	---	---	
BLACK LUNG DISABILITY TRUST FUND									
Benefit payments and interest on advances	963,506	975,343	975,343	975,343	975,343	+11,837	---	---	M
Employment Standards Adm. S&E	28,676	30,393	30,393	30,393	30,393	+1,717	---	---	M
Departmental Management S&E	20,783	21,590	21,590	21,590	21,590	+807	---	---	M
Departmental Management, Inspector General	312	318	318	318	318	+6	---	---	M
Subtotal, Black Lung Disablty	1,013,277	1,027,644	1,027,644	1,027,644	1,027,644	+14,367	---	---	
Treasury Administrative Costs	356	356	356	356	356	---	---	---	M
Total, Black Lung Disability Trust Fund	1,013,633	1,028,000	1,028,000	1,028,000	1,028,000	+14,367	---	---	
Total, Employment Standards Administration	1,431,403	1,447,476	1,422,770	1,436,764	1,447,476	+16,073	+24,706	+10,712	
Federal funds	1,429,663	1,445,491	1,421,030	1,434,779	1,445,491	+15,828	+24,461	+10,712	
Trust funds	1,740	1,985	1,740	1,985	1,985	+245	+245	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Safety and Health Standards	12,700	15,093	12,700	15,093	15,093	+2,393	+2,393	---	D
Federal Enforcement	141,000	153,073	139,229	153,073	152,073	+11,073	+12,844	-1,000	D
State Programs	82,000	88,493	83,771	88,493	88,493	+6,493	+4,722	---	D
Technical Support	17,959	20,149	17,959	20,149	20,149	+2,190	+2,190	---	D
Compliance Assistance:									
Federal Assistance	54,154	67,073	54,154	67,073	67,073	+12,919	+12,919	---	D
State Consultation Grants	42,854	47,903	42,854	47,903	48,903	+6,049	+6,049	+1,000	D
Subtotal	97,008	114,976	97,008	114,976	115,976	+18,968	+18,968	+1,000	
Safety and Health Statistics	22,753	25,637	22,753	25,637	25,637	+2,884	+2,884	---	D
Executive Direction and Administration	8,200	8,562	8,200	8,562	8,562	+362	+362	---	D
Total, OSHA	381,620	425,983	381,620	425,983	425,983	+44,363	+44,363	---	
MINE SAFETY AND HEALTH ADMINISTRATION									
SALARIES AND EXPENSES									
Coal Enforcement	110,570	114,774	111,070	114,774	114,774	+4,204	+3,704	---	D
Metal/Non-Metal Enforcement	49,693	55,240	51,818	55,240	55,240	+5,547	+3,422	---	D
Standards Development	1,509	1,762	1,545	1,762	1,762	+253	+217	---	D
Assessments	3,896	4,267	3,983	4,267	4,267	+371	+284	---	D
Educational Policy and Development	26,855	26,977	28,437	29,477	31,477	+4,622	+3,040	+2,000	D
Technical Support	25,312	27,069	25,828	27,069	27,069	+1,757	+1,241	---	D
Program Administration	10,222	12,158	10,319	12,158	12,158	+1,936	+1,839	---	D
Total, Mine Safety and Health Administration	228,057	242,247	233,000	244,747	246,747	+18,690	+13,747	+2,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
BUREAU OF LABOR STATISTICS									
SALARIES AND EXPENSES									
Employment and Unemployment Statistics	125,329	137,317	130,322	135,317	137,317	+11,988	+6,995	+2,000	D
Labor Market Information (Trust Funds)	66,363	67,257	67,257	67,257	67,257	+894	---	---	TF
Prices and Cost of Living	128,753	135,408	132,707	133,444	135,344	+6,591	+2,637	+1,900	D
Compensation and Working Conditions	68,921	71,186	71,037	71,186	71,186	+2,265	+149	---	D
Productivity and Technology	7,785	9,262	8,024	8,078	9,178	+1,393	+1,154	+1,100	D
Economic Growth and Employment Projections	5,047	6,721	5,202	5,321	5,321	+274	+119	---	D
Executive Direction and Staff Services	24,693	26,481	25,451	25,981	25,981	+1,288	+530	---	D
Consumer Price Index Revision (1)	6,986	---	---	---	---	-6,986	---	---	D
Total, Bureau of Labor Statistics	433,877	453,632	440,000	446,584	451,584	+17,707	+11,584	+5,000	
Federal Funds	367,514	386,375	372,743	379,327	384,327	+16,813	+11,584	+5,000	
Trust Funds	66,363	67,257	67,257	67,257	67,257	+894	---	---	
DEPARTMENTAL MANAGEMENT									
SALARIES AND EXPENSES									
Executive Direction	26,436	46,491	26,436	27,341	26,341	-95	-95	-1,000	D
Departmental IT Crosscut	---	54,444	---	30,000	37,000	+37,000	+37,000	+7,000	D
Legal Services	68,928	74,502	68,928	72,087	74,502	+5,574	+5,574	+2,415	D
Trust Funds	310	319	310	---	310	---	---	+310	TF
International Labor Affairs	70,000	167,006	70,000	115,000	148,150	+78,150	+78,150	+33,150	D
Administration and Management	26,609	24,768	26,609	24,768	24,768	-1,841	-1,841	---	D
Adjudication	23,664	25,070	23,664	24,745	24,745	+1,081	+1,081	---	D
Women's Bureau	8,824	9,596	8,824	9,201	10,201	+1,377	+1,377	+1,000	D

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Civil Rights Activities	5,684	6,384	5,684	5,848	5,848	+164	+164	---	D
Chief Financial Officer	5,793	5,972	5,793	5,972	5,972	+179	+179	---	D
Disability Policy	8,641	23,002	8,641	23,002	23,002	+14,361	+14,361	---	D
Total, Salaries and expenses	244,889	437,554	244,889	337,964	380,839	+135,950	+135,950	+42,875	
Federal funds	244,579	437,235	244,579	337,964	380,529	+135,950	+135,950	+42,565	
Trust funds	310	319	310	---	310	---	---	+310	
VETERANS EMPLOYMENT AND TRAINING									
State Administration:									
Disabled Veterans Outreach Program	80,215	81,615	80,215	81,615	81,615	+1,400	+1,400	---	TF
Local Veterans Employment Program	77,253	77,253	77,253	77,253	77,253	---	---	---	TF
Subtotal, State Administration	157,468	158,868	157,468	158,868	158,868	+1,400	+1,400	---	
Federal Administration	26,873	29,045	26,873	28,045	28,045	+1,172	+1,172	---	TF
Homeless Veterans Program	9,636	15,000	9,636	12,500	17,500	+7,864	+7,864	+5,000	D
Veterans Workforce Investment Programs	7,300	7,300	7,300	7,300	7,300	---	---	---	D FF
Total, Veterans Employment and Training	201,277	210,213	201,277	206,713	211,713	+10,436	+10,436	+5,000	
Federal Funds	16,936	22,300	16,936	19,800	24,800	+7,864	+7,864	+5,000	
Trust Funds	184,341	187,913	184,341	186,913	186,913	+2,572	+2,572	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF THE INSPECTOR GENERAL									
Program Activities	42,346	44,563	42,346	43,201	43,201	+855	+855	...	D
Trust Funds	3,830	4,770	3,830	4,770	4,770	+940	+940	...	TF
Executive Direction and Management	5,749	6,814	5,749	6,814	6,814	+1,065	+1,065	...	D
Total, Office of the Inspector General	51,925	56,147	51,925	54,785	54,785	+2,860	+2,860	...	
Federal funds	48,095	51,377	48,095	50,015	50,015	+1,920	+1,920	...	
Trust funds	3,830	4,770	3,830	4,770	4,770	+940	+940	...	
Total, Departmental Management	498,091	703,914	498,091	599,462	647,337	+149,246	+149,246	+47,875	
Federal funds	309,610	510,912	309,610	407,779	455,344	+145,734	+145,734	+47,565	
Trust funds	188,481	193,002	188,481	191,683	191,993	+3,512	+3,512	+310	
Total, Labor Department	13,090,684	14,329,276	12,626,598	13,409,013	13,816,022	+725,338	+1,189,424	+407,009	
Federal funds	9,717,568	10,815,380	9,258,578	9,991,951	10,322,382	+604,814	+1,063,804	+330,431	
Current Year	(7,254,568)	(8,352,380)	(6,795,578)	(7,528,951)	(7,859,382)	(+604,814)	(+1,063,804)	(+330,431)	
Advance Year, FY02	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	(2,463,000)	...	...	...	
Trust funds	3,373,116	3,513,896	3,368,020	3,417,062	3,493,640	+120,524	+125,620	+76,578	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES									
HEALTH RESOURCES AND SERVICES ADMINISTRATION									
HEALTH RESOURCES AND SERVICES									
Community health centers	1,018,700	1,068,700	1,100,000	1,168,700	1,168,700	+150,000	+68,700	---	D
National Health Service Corps:									
Field placements	38,182	38,116	39,823	38,116	41,523	+3,341	+1,700	+3,407	D
Recruitment	78,625	78,625	81,524	78,625	87,924	+9,299	+6,400	+9,299	D
Subtotal	116,807	116,741	121,347	116,741	129,447	+12,640	+8,100	+12,706	
Health Professions									
Training for Diversity:									
Centers of excellence	25,641	30,641	28,197	---	30,641	+5,000	+2,444	+30,641	D
Health careers opportunity program	27,799	32,799	30,570	---	32,799	+5,000	+2,229	+32,799	D
Faculty loan repayment	1,100	1,100	1,210	---	1,330	+230	+120	+1,330	D
Scholarships for disadvantaged students	38,099	38,099	41,896	---	44,477	+6,378	+2,581	+44,477	D
Subtotal	92,639	102,639	101,873	---	109,247	+16,608	+7,374	+109,247	
Training in Primary Care Medicine and Dentistry	78,267	---	86,068	---	91,068	+12,801	+5,000	+91,068	D
Interdisciplinary Community-Based Linkages:									
Area health education centers	28,587	28,587	31,436	---	33,367	+4,780	+1,931	+33,367	D
Health education and training centers	3,765	3,765	4,140	---	4,404	+639	+264	+4,404	D
Allied health and other disciplines	7,355	3,838	7,076	---	8,424	+1,069	+1,348	+8,424	D
Geriatric programs	10,640	---	11,701	---	12,412	+1,772	+711	+12,412	D
Quentin N. Burdick pgm for rural training	5,132	4,720	5,644	---	5,989	+857	+345	+5,989	D
Subtotal	55,479	40,910	59,997	---	64,596	+9,117	+4,599	+64,596	
Health Professions Workforce Info & Analysis	714	714	785	714	826	+112	+41	+112	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
Public Health Workforce Development:									
Public health, preventive med. & dental pgms	8,121	8,121	8,930	---	9,479	+1,358	+549	+9,479	D
Health administration programs	1,112	---	1,223	---	1,231	+119	+8	+1,231	D
Subtotal	9,233	8,121	10,153	---	10,710	+1,477	+557	+10,710	
Children's Hospitals Graduate Medical Educ.	40,000	80,000	80,000	---	235,000	+195,000	+155,000	+235,000	D
Advanced Education Nursing	50,597	50,597	55,640	---	59,055	+8,458	+3,415	+59,055	D
Basic nurse education and practice	10,968	10,968	12,061	---	12,793	+1,825	+732	+12,793	D
Nursing workforce diversity	4,010	4,010	4,410	---	4,674	+664	+264	+4,674	D
Consolidated Health Professions	---	---	---	230,000	---	---	---	-230,000	D
Subtotal, Health professions	341,907	297,959	410,987	230,714	587,969	+246,062	+176,982	+357,255	
Other HRSA Programs:									
Hansen's Disease Services	20,042	17,016	17,016	17,016	17,916	-2,126	+900	+900	D
Maternal & Child Health Block Grant	709,130	709,130	709,130	709,130	714,230	+5,100	+5,100	+5,100	D
Abstinence Education									
Advance from prior year	---	(20,000)	(20,000)	(20,000)	(20,000)	(+20,000)	---	---	NA
Pres. Proposed Rescission	---	(-20,000)	---	---	---	---	---	---	NA
FY02	20,000	---	30,000	---	30,000	+10,000	---	+30,000	D
Healthy Start	90,000	90,000	90,000	90,000	90,000	---	---	---	D
Universal Newborn Hearing	3,375	3,375	8,000	4,000	8,000	+4,625	---	+4,000	D
Organ Transplantation	10,000	15,000	10,000	15,000	15,000	+5,000	+5,000	---	D
Health Teaching Facilities Interest Subsidies	150	---	---	---	---	-150	---	---	D
Bone Marrow Program	18,000	17,959	22,000	17,959	22,000	+4,000	---	+4,041	D
Rural outreach grants	35,880	38,892	30,867	38,892	58,218	+22,338	+27,351	+19,326	D
Rural Health Research	33,201	6,101	11,713	5,000	13,439	-19,762	+1,726	+8,439	D
Telehealth	---	5,612	---	25,000	35,981	+35,981	+35,981	+10,981	D
Denali Commission	---	---	---	---	10,000	+10,000	+10,000	+10,000	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Ricky ray Hemophilia (1)	75,000	100,000	100,000	85,000	---	-75,000	-100,000	-85,000	D
Critical care programs:									
Emergency medical services for children	17,000	15,000	19,000	15,000	19,000	+2,000	---	+4,000	D
Poison control	3,000	1,500	6,600	26,000	20,000	+17,000	+13,400	-6,000	D
Subtotal, Critical care programs	20,000	16,500	25,600	41,000	39,000	+19,000	+13,400	-2,000	
Black lung clinics	5,943	5,943	5,943	6,000	6,000	+57	+57	---	D
Trauma Care	---	---	---	3,000	3,000	+3,000	+3,000	---	D
Nursing loan repayment for shortage area service	2,279	2,279	2,279	2,279	2,279	---	---	---	D
Payment to Hawaii, treatment of Hansen's	2,045	2,045	2,045	2,045	2,045	---	---	---	D
Subtotal, Other HRSA programs, FY01	1,025,045	1,029,852	1,034,593	1,061,321	1,037,108	+12,063	+2,515	-24,213	
FY02	20,000	---	30,000	---	30,000	+10,000	---	+30,000	
Ryan White AIDS Programs:									
Emergency Assistance	546,500	586,500	586,500	556,500	604,200	+57,700	+17,700	+47,700	D
Comprehensive Care Programs	824,000	864,000	864,000	834,000	911,000	+87,000	+47,000	+77,000	D
AIDS Drug Assistance Program (ADAP) (NA)	(528,000)	(554,000)	(554,000)	(538,000)	(589,000)	(+61,000)	(+35,000)	(+51,000)	NA
Early Intervention Program	138,400	171,400	173,900	166,400	185,900	+47,500	+12,000	+19,500	D
Pediatric HIV/AIDS	51,000	60,000	60,000	58,450	65,000	+14,000	+5,000	+6,550	D
AIDS Dental Services	8,000	8,500	9,000	8,000	10,000	+2,000	+1,000	+2,000	D
Education and Training Centers	26,650	29,150	31,600	26,650	31,600	+4,950	---	+4,950	D
Subtotal, Ryan White AIDS programs	1,594,550	1,719,550	1,725,000	1,650,000	1,807,700	+213,150	+82,700	+157,700	
Family Planning	238,932	273,932	238,932	253,932	253,932	+15,000	+15,000	---	D
Health Care and Other Facilities	118,080	---	---	10,000	226,224	+108,144	+226,224	+216,224	D

(1) $105 million is provided in mandatory spending in this bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
Buildings and Facilities	250	250	250	250	250	---	---	---	D
Rural Hospital Flexibility Grants	25,000	25,000	25,000	25,000	25,000	---	---	---	D
National Practitioner Data Bank	16,000	17,200	17,200	17,200	17,200	+1,200	---	---	D
User Fees	-16,000	-17,200	-17,200	-17,200	-17,200	-1,200	---	---	D
Health Care Integrity and Protection Data Bank	3,238	4,317	4,317	4,317	4,317	+1,079	---	---	D
User Fees	-3,238	-4,317	-4,317	-4,317	-4,317	-1,079	---	---	D
Health Care Access for the Uninsured	40,000	125,000	---	25,000	140,000	+100,000	+140,000	+115,000	D
Adoption Awareness	---	---	---	---	9,900	+9,900	+9,900	+9,900	D
Program Management	123,864	124,353	128,123	135,766	139,246	+15,382	+11,123	+3,480	D
Total, Health resources and services	4,663,135	4,781,337	4,814,232	4,677,424	5,555,476	+892,341	+741,244	+878,052	
Current year	(4,643,135)	(4,781,337)	(4,784,232)	(4,677,424)	(5,525,476)	(+882,341)	(+741,244)	(+848,052)	
Advance Year, FY02	(20,000)	---	(30,000)	---	(30,000)	(+10,000)	---	(+30,000)	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND: Interest subsidy program	1,000	---	---	---	---	-1,000	---	---	M
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL): Liquidating account	(15,000)	(10,000)	(10,000)	(10,000)	(10,000)	(-5,000)	---	---	NA
Program management	3,687	3,679	3,679	3,679	3,679	-8	---	---	D
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND: Post-FY88 claims	62,301	114,355	114,355	114,355	114,355	+52,054	---	---	M
HRSA administration	2,999	2,992	2,992	2,992	2,992	-7	---	---	D
Total, Vaccine inquiry	65,300	117,347	117,347	117,347	117,347	+52,047	---	---	
Total, Health Resources & Services Admin	4,733,122	4,902,363	4,935,258	4,798,450	5,676,502	+943,380	+741,244	+878,052	
Current year	(4,713,122)	(4,902,363)	(4,905,258)	(4,798,450)	(5,646,502)	(+933,380)	(+741,244)	(+848,052)	
Advance Year, FY02	(20,000)	---	(30,000)	---	(30,000)	(+10,000)	---	(+30,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
CENTERS FOR DISEASE CONTROL AND PREVENTION									
DISEASE CONTROL, RESEARCH AND TRAINING									
Preventive Health Services Block Grant	176,043	175,004	175,964	175,124	175,969	-74	+5	+845	D
Prevention Centers	17,119	14,080	23,000	14,080	23,012	+5,893	+12	+8,932	D
CDC/HCFA vaccine program									
Childhood immunization	461,966	467,505	472,966	499,005	529,461	+67,495	+56,495	+30,456	D
HCFA vaccine purchase (NA)	(545,043)	(469,054)	(469,054)	(469,054)	(469,054)	(-75,989)	...	...	NA
Subtotal, CDC/HCFA vaccine program level	(1,007,009)	(936,559)	(942,020)	(968,059)	(998,515)	(-8,494)	(+56,495)	(+30,456)	
Communicable Diseases									
AIDS	619,715	669,791	673,367	640,000	767,246	+147,531	+93,879	+127,246	D
Tuberculosis	120,420	113,413	120,364	113,413	126,528	+6,108	+6,164	+13,115	D
Sexually Transmitted Diseases	121,809	131,978	136,743	135,978	148,256	+26,447	+11,513	+12,278	D
Chronic Diseases									
Chronic and Environmental Disease Prevention	297,005	293,114	317,374	319,553	417,039	+120,034	+99,665	+97,486	D
Breast and Cervical Cancer Screening	156,016	160,235	160,941	167,016	173,928	+17,912	+12,987	+6,912	D
Infectious Diseases	97,910	132,068	111,622	112,000	181,701	+83,791	+70,079	+69,701	D
Lead Poisoning Prevention	31,036	30,978	31,019	30,978	34,933	+3,897	+3,914	+3,955	D
Injury Control	66,298	71,060	66,298	69,000	77,332	+11;034	+11,034	+8,332	D
Occupational Safety and Health (NIOSH) (1)	86,819	91,534	86,346	105,000	119,375	+32,556	+33,029	+14,375	D
Epidemic Services	30,374	30,254	155,338	30,254	174,851	+144,477	+19,513	+144,597	D
National Center for Health Statistics									
Program Operations									
Budget Authority	15,069	13,981	15,069	13,981	25,664	+10,595	+10,595	+11,683	D
1% evaluation funds (NA)	(71,690)	(76,690)	(71,690)	(91,129)	(71,690)	...	...	(-19,439)	NA
Subtotal, Health Statistics program level	(86,759)	(90,671)	(86,759)	(105,110)	(97,354)	(+10,595)	(+10,595)	(-7,756)	

(1) Includes Mine Safety and Health.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Buildings and Facilities	57,131	127,074	145,000	175,000	175,000	+117,869	+30,000	---	D
Prevention research	13,000	13,386	14,000	13,386	13,593	+593	-407	+207	D
Health disparities demonstration	27,199	31,468	32,184	27,000	35,009	+7,810	+2,825	+8,009	D
CDC Program Administration	647,782	692,564	648,774	626,228	669,130	+21,348	+20,356	+42,902	D
S&E Reduction	---	---	---	-15,000	---	---	---	+15,000	D
Total, Disease Control (1)	3,042,711	3,259,487	3,386,369	3,251,996	3,868,027	+825,316	+481,658	+616,031	

(1) Totals may not match passed bill totals as amounts have been moved from PHSSEF for comparable purposes.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
NATIONAL INSTITUTES OF HEALTH									
National Cancer Institute	3,310,992	3,505,072	3,793,587	3,804,084	3,757,242	+446,250	-36,345	-46,842	D
AIDS (NA)	...	(255,342)	...	...	...	...	...	...	NA
Subtotal, NCI	(3,310,992)	(3,505,072)	(3,793,587)	(3,804,084)	(3,757,242)	(+446,250)	(-36,345)	(-46,842)	
National Heart, Lung, and Blood Institute	2,026,006	2,136,757	2,321,320	2,328,102	2,299,866	+273,860	-21,454	-28,236	D
AIDS (NA)	...	(67,175)	...	...	...	...	...	...	NA
Subtotal, NHLBI	(2,026,006)	(2,136,757)	(2,321,320)	(2,328,102)	(2,299,866)	(+273,860)	(-21,454)	(-28,236)	
National Institute of Dental & Craniofacial Research	269,129	284,175	309,007	309,923	306,448	+37,319	-2,559	-3,475	D
AIDS (NA)	...	(21,100)	...	...	...	...	...	...	NA
Subtotal, NIDR	(269,129)	(284,175)	(309,007)	(309,923)	(306,448)	(+37,319)	(-2,559)	(-3,475)	
National Institute of Diabetes and Digestive and Kidney Diseases	1,141,176	1,209,173	1,315,530	1,318,106	1,303,385	+162,209	-12,145	-14,721	D
AIDS (NA)	...	(22,907)	...	...	...	...	...	...	NA
Subtotal, NIDDK	(1,141,176)	(1,209,173)	(1,315,530)	(1,318,106)	(1,303,385)	(+162,209)	(-12,145)	(-14,721)	
National Institute of Neurological Disorders & Stroke	1,029,528	1,084,828	1,185,767	1,189,425	1,176,482	+146,954	-9,285	-12,943	D
AIDS (NA)	...	(34,416)	...	...	...	...	...	...	NA
Subtotal, NINDS	(1,029,528)	(1,084,828)	(1,185,767)	(1,189,425)	(1,176,482)	(+146,954)	(-9,285)	(-12,943)	
National Institute of Allergy and Infectious Diseases	1,776,571	1,906,213	2,062,126	2,066,526	2,043,208	+266,637	-18,918	-23,318	D
AIDS (NA)	...	(971,047)	...	...	...	...	...	...	NA
Subtotal, NIAID	(1,776,571)	(1,906,213)	(2,062,126)	(2,066,526)	(2,043,208)	(+266,637)	(-18,918)	(-23,318)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
National Institute of General Medical Sciences	1,353,660	1,428,188	1,548,313	1,554,176	1,535,823	+182,163	-12,490	-18,353	D
AIDS (NA)	---	(38,696)	---	---	---	---	---	---	NA
Subtotal, NIGMS	(1,353,660)	(1,428,188)	(1,548,313)	(1,554,176)	(1,535,823)	(+182,163)	(-12,490)	(-18,353)	
National Institute of Child Health & Human Development	859,079	904,705	984,300	986,069	976,455	+117,376	-7,845	-9,614	D
AIDS (NA)	---	(94,204)	---	---	---	---	---	---	NA
Subtotal, NICHD	(859,079)	(904,705)	(984,300)	(986,069)	(976,455)	(+117,376)	(-7,845)	(-9,614)	
National Eye Institute	450,007	473,952	514,673	516,605	510,611	+60,604	-4,062	-5,994	D
AIDS (NA)	---	(11,176)	---	---	---	---	---	---	NA
Subtotal, NEI	(450,007)	(473,952)	(514,673)	(516,605)	(510,611)	(+60,604)	(-4,062)	(-5,994)	
National Institute of Environmental Health Sciences	442,596	468,649	506,730	508,263	502,549	+59,953	-4,181	-5,714	D
AIDS (NA)	---	(7,678)	---	---	---	---	---	---	NA
Subtotal, NIEHS	(442,596)	(468,649)	(506,730)	(508,263)	(502,549)	(+59,953)	(-4,181)	(-5,714)	
National Institute on Aging	687,717	725,949	790,299	794,625	786,039	+98,322	-4,260	-8,586	D
AIDS (NA)	---	(4,298)	---	---	---	---	---	---	NA
Subtotal, NIA	(687,717)	(725,949)	(790,299)	(794,625)	(786,039)	(+98,322)	(-4,260)	(-8,586)	
National Institute of Arthritis and Musculoskeletal and Skin Diseases	349,407	368,712	400,025	401,161	396,687	+47,280	-3,338	-4,474	D
AIDS (NA)	---	(5,233)	---	---	---	---	---	---	NA
Subtotal, NIAMS	(349,407)	(368,712)	(400,025)	(401,161)	(396,687)	(+47,280)	(-3,338)	(-4,474)	
National Institute on Deafness and Other Communication Disorders	263,606	278,009	301,787	303,541	300,581	+36,975	-1,206	-2,960	D
AIDS (NA)	---	(1,591)	---	---	---	---	---	---	NA
Subtotal, NIDCD	(263,606)	(278,009)	(301,787)	(303,541)	(300,581)	(+36,975)	(-1,206)	(-2,960)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
National Institute of Nursing Research	89,521	92,524	102,312	106,848	104,370	+14,849	+2,058	-2,478	D
AIDS (NA)	---	(7,810)	---	---	---	---	---	---	NA
Subtotal, NINR	(89,521)	(92,524)	(102,312)	(106,848)	(104,370)	(+14,849)	(+2,058)	(-2,478)	
National Institute on Alcohol Abuse and Alcoholism	293,173	308,661	349,216	336,848	340,678	+47,505	-8,538	+3,830	D
AIDS (NA)	---	(20,083)	---	---	---	---	---	---	NA
Subtotal, NIAAA	(293,173)	(308,661)	(349,216)	(336,848)	(340,678)	(+47,505)	(-8,538)	(+3,830)	
National Institute on Drug Abuse	687,232	725,467	788,201	790,038	781,327	+94,095	-6,874	-8,711	D
AIDS (NA)	---	(229,173)	---	---	---	---	---	---	NA
Subtotal, NIDA	(687,232)	(725,467)	(788,201)	(790,038)	(781,327)	(+94,095)	(-6,874)	(-8,711)	
National Institute of Mental Health	974,470	1,031,353	1,114,638	1,117,928	1,107,028	+132,558	-7,610	-10,900	D
AIDS (NA)	---	(135,294)	---	---	---	---	---	---	NA
Subtotal, NIMH	(974,470)	(1,031,353)	(1,114,638)	(1,117,928)	(1,107,028)	(+132,558)	(-7,610)	(-10,900)	
National Human Genome Research Institute	335,792	357,740	386,410	385,888	382,384	+46,592	-4,026	-3,504	D
AIDS (NA)	---	(4,313)	---	---	---	---	---	---	NA
Subtotal, NHGRI	(335,792)	(357,740)	(386,410)	(385,888)	(382,384)	(+46,592)	(-4,026)	(-3,504)	
National Center for Research Resources	674,913	714,192	832,027	775,212	817,475	+142,562	-14,552	+42,263	D
AIDS (NA)	---	(111,464)	---	---	---	---	---	---	NA
Subtotal, NCRR	(674,913)	(714,192)	(832,027)	(775,212)	(817,475)	(+142,562)	(-14,552)	(+42,263)	
National Center for Complementary and Alternative Medicine	68,997	72,392	78,880	100,089	89,211	+20,214	+10,331	-10,878	D
AIDS (NA)	---	(1,030)	---	---	---	---	---	---	NA
Subtotal, NCCAM	(68,997)	(72,392)	(78,880)	(100,089)	(89,211)	(+20,214)	(+10,331)	(-10,878)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
National Center on Minority Health and Health Disparities (1)	---	---	---	---	130,200	+130,200	+130,200	+130,200	D
John E. Fogarty International Center	43,319	48,011	50,299	61,260	50,514	+7,195	+215	-10,746	D
AIDS (NA)	---	(15,479)	---	---	---	---	---	---	NA
Subtotal, FIC	(43,319)	(48,011)	(50,299)	(61,260)	(50,514)	(+7,195)	(+215)	(-10,746)	
National Library of Medicine	215,154	230,135	256,281	256,953	246,801	+31,647	-9,480	-10,152	D
AIDS (NA)	---	(5,193)	---	---	---	---	---	---	NA
Subtotal, NLM	(215,154)	(230,135)	(256,281)	(256,953)	(246,801)	(+31,647)	(-9,480)	(-10,152)	
Office of the Director (1)	281,941	308,978	342,307	352,165	213,581	-68,360	-128,726	-138,584	D
AIDS (NA)	---	(46,522)	---	---	---	---	---	---	NA
Subtotal, OD	(281,941)	(308,978)	(342,307)	(352,165)	(213,581)	(-68,360)	(-128,726)	(-138,584)	
Buildings and facilities: Current year	125,350	148,900	178,700	148,900	153,790	+28,440	-24,910	+4,890	D
Advance from prior year	(40,000)	---	---	---	---	(-40,000)	---	---	NA
Office of AIDS Research	---	(2,111,224)	---	---	---	---	---	---	NA
Total, National Institutes of Health:									
Current Year, FY01	17,749,336	18,812,735	20,512,735	20,512,735	20,312,735	+2,563,399	-200,000	-200,000	
Advance from prior year	40,000	---	---	---	---	-40,000	---	---	
Total N.I.H. program level	17,789,336	18,812,735	20,512,735	20,512,735	20,312,735	+2,523,399	-200,000	-200,000	

(1) Reflects establishment of NCMHHD, previously funded under the Office of the Director.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION									
Mental Health:									
Programs of Regional and National Significance....	136,875	166,875	132,749	146,875	203,674	+66,799	+70,925	+56,799	D
Mental Health Performance Partnership............	356,000	416,000	416,000	366,000	420,000	+64,000	+4,000	+54,000	D
Children's Mental Health..........................	82,763	86,763	86,763	86,763	91,763	+9,000	+5,000	+5,000	D
Grants to States for the Homeless (PATH)..........	30,883	35,883	30,883	36,883	36,883	+6,000	+6,000	---	D
Protection and Advocacy...........................	24,903	25,903	24,903	25,903	30,000	+5,097	+5,097	+4,097	D
Subtotal, Mental Health.......................	631,424	731,424	691,298	662,424	782,320	+150,896	+91,022	+119,896	
Substance Abuse Treatment:									
Programs of Regional and National Significance....	214,566	258,420	213,716	249,566	256,315	+41,749	+42,599	+6,749	D
Substance Abuse Performance Partnership...........	1,600,000	1,631,000	1,631,000	1,631,000	1,665,000	+65,000	+34,000	+34,000	D
Subtotal, Substance Abuse Treatment.........	1,814,566	1,889,420	1,844,716	1,880,566	1,921,315	+106,749	+76,599	+40,749	
Substance Abuse Prevention:									
Programs of Regional and National Significance....	146,824	142,229	132,742	127,824	175,145	+28,321	+42,403	+47,321	D
Program Management and Buildings and Facilities.......	58,528	59,943	58,870	59,943	79,221	+20,693	+20,351	+19,278	D
Total, Substance Abuse and Mental Health........	2,651,342	2,823,016	2,727,626	2,730,757	2,958,001	+306,659	+230,375	+227,244	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY									
Research on Health Costs, Quality, and Outcomes: Federal Funds	107,718	---	121,169	---	102,463	-5,255	-18,706	+102,463	D
1% evaluation funding (NA)	(52,576)	(206,593)	(59,130)	(226,593)	(124,130)	(+71,554)	(+65,000)	(-102,463)	NA
Portion for reducing medical errors (non-add)	---	(20,000)	(19,984)	(50,000)	(50,000)	(+50,000)	(+30,016)	---	NA
Subtotal	(160,294)	(206,593)	(180,299)	(226,593)	(226,593)	(+66,299)	(+46,294)	---	
Health insurance and expenditure surveys 1% evaluation funding (NA)	(36,000)	(40,850)	(40,850)	(40,850)	(40,850)	(+4,850)	---	---	NA
Program Support	2,484	---	2,500	---	2,500	+16	---	+2,500	D
1% evaluation funding (NA)	---	(2,500)	---	(2,500)	---	---	---	(-2,500)	NA
Total, AHRQ	(198,778)	(249,943)	(223,649)	(269,943)	(269,943)	(+71,165)	(+46,294)	---	
Federal Funds	110,202	---	123,669	---	104,963	-5,239	-18,706	+104,963	
1% evaluation funding (non-add)	(88,576)	(249,943)	(99,980)	(269,943)	(164,980)	(+76,404)	(+65,000)	(-104,963)	
Total, Public Health Service	28,286,713	29,797,601	31,685,657	31,293,938	32,920,228	+4,633,515	+1,234,571	+1,626,290	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
HEALTH CARE FINANCING ADMINISTRATION									
GRANTS TO STATES FOR MEDICAID									
Medicaid current law benefits	109,321,600	116,507,700	116,507,700	116,507,700	116,507,700	+7,186,100	---	---	M
State and local administration	6,379,800	7,258,500	7,258,500	7,258,500	7,258,500	+878,700	---	---	M
Vaccines for Children	465,383	469,054	469,054	469,054	469,054	+3,671	---	---	M
Subtotal, Medicaid program level, current year	116,166,783	124,235,254	124,235,254	124,235,254	124,235,254	+8,068,471	---	---	
Less Medicare Transfer (P.L. 105-33)	-50,000	-60,000	-60,000	-60,000	-60,000	-10,000	---	---	M
Less funds advanced in prior year	-28,733,605	-30,589,003	-30,589,003	-30,589,003	-30,589,003	-1,855,398	---	---	M
Total, request, current year	87,383,178	93,586,251	93,586,251	93,586,251	93,586,251	+6,203,073	---	---	
New advance 1st quarter, FY02	30,589,003	36,207,551	36,207,551	36,207,551	36,207,551	+5,618,548	---	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS									
Supplemental medical insurance	68,690,000	69,777,000	69,777,000	69,777,000	69,777,000	+1,087,000	---	---	M
Hospital insurance for the uninsured	349,000	321,000	321,000	321,000	321,000	-28,000	---	---	M
Federal uninsured payment	121,000	132,000	132,000	132,000	132,000	+11,000	---	---	M
Program management	129,100	151,600	151,600	151,600	151,600	+22,500	---	---	M
Total, Payments to Trust Funds, current law	69,289,100	70,381,600	70,381,600	70,381,600	70,381,600	+1,092,500	---	---	
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation: Regular Program	64,892	55,000	55,000	65,000	139,311	+74,419	+84,311	+74,311	TF
Medicare Contractors	1,244,000	1,301,287	1,165,287	1,244,000	1,305,000	+61,000	+139,713	+61,000	TF
User fee legislative proposal	---	(136,000)	---	---	---	---	---	---	NA
H.R. 3103 funding (NA)	(630,000)	(680,000)	(630,000)	(680,000)	(680,000)	(+50,000)	(+50,000)	---	NA
Medicare Plus Choice	---	---	---	---	52,000	+52,000	+52,000	+52,000	D
Subtotal, Contractors program level	(1,874,000)	(1,981,287)	(1,795,287)	(1,924,000)	(2,037,000)	(+163,000)	(+241,713)	(+113,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
State Survey and Certification	204,674	234,147	171,147	219,674	244,147	+39,473	+73,000	+24,473	TF
User fee legislative proposal	---	(63,000)	---	---	---	---	---	---	NA
Federal Administration									
Federal Administration	484,900	497,942	476,942	491,900	507,942	+23,042	+31,000	+16,042	TF
User Fees	-2,026	-2,074	-2,074	-2,074	-2,074	-48	---	---	TF
User fee legislative proposal	---	(21,000)	---	---	---	---	---	---	NA
Subtotal, Federal Administration	482,874	495,868	474,868	489,826	505,868	+22,994	+31,000	+16,042	
Total, Program management	1,996,440	2,086,302	1,866,302	2,018,500	2,246,326	+249,886	+380,024	+227,826	
Total, Program management, program level	(2,626,440)	(2,766,302)	(2,496,302)	(2,698,500)	(2,926,326)	(+299,886)	(+430,024)	(+227,826)	
Medicare Trust Fund Activity:									
Hospital Insurance TF (1)	(6,800,000)	(23,465,000)	(23,465,000)	(23,465,000)	(23,465,000)	(+16,665,000)	---	---	NA
Supplemental Medical Ins. TF (2)	(300,000)	(-1,572,000)	(-1,572,000)	(-1,572,000)	(-1,572,000)	(-1,872,000)	---	---	NA
Total, Health Care Financing Administration	189,257,721	202,261,704	202,041,704	202,193,902	202,421,728	+13,164,007	+380,024	+227,826	
Federal funds	187,261,281	200,175,402	200,175,402	200,175,402	200,227,402	+12,966,121	+52,000	+52,000	
Current year	(156,672,278)	(163,967,851)	(163,967,851)	(163,967,851)	(164,019,851)	(+7,347,573)	(+52,000)	(+52,000)	
New advance, 1st quarter, FY02	(30,589,003)	(36,207,551)	(36,207,551)	(36,207,551)	(36,207,551)	(+5,618,548)	---	---	
Trust funds	1,996,440	2,086,302	1,866,302	2,018,500	2,194,326	+197,886	+328,024	+175,826	

(1) Intermediate estimates: Page 38 of the 2000 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund.

(2) Intermediate estimates: Page 33 of the 2000 Annual Report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION FOR CHILDREN AND FAMILIES									
FAMILY SUPPORT PAYMENTS TO STATES									
Payments to territories	23,000	23,000	23,000	23,000	23,000	---	---	---	M
Emergency assistance	98,000	---	---	---	---	-98,000	---	---	M
State & Local Administrative Training	2,000	---	---	---	---	-2,000	---	---	M
Repatriation	1,000	1,000	1,000	1,000	1,000	---	---	---	M
Subtotal, Welfare payments	124,000	24,000	24,000	24,000	24,000	-100,000	---	---	
Child Support Enforcement:									
State and local administration	2,818,800	3,089,800	3,089,800	3,089,800	3,089,800	+271,000	---	---	M
Federal incentive payments	371,000	404,000	404,000	404,000	404,000	+33,000	---	---	M
Hold Harmless payments	11,000	11,000	11,000	11,000	11,000	---	---	---	M
Access and visitation	---	10,000	10,000	10,000	10,000	+10,000	---	---	M
Subtotal, Child Support Enforcement	3,200,800	3,514,800	3,514,800	3,514,800	3,514,800	+314,000	---	---	
Total, Payments, current year program level	3,324,800	3,538,800	3,538,800	3,538,800	3,538,800	+214,000	---	---	
Less funds advanced in previous years	-750,000	-650,000	-650,000	-650,000	-650,000	+100,000	---	---	M
Total, payments, current request	2,574,800	2,888,800	2,888,800	2,888,800	2,888,800	+314,000	---	---	
New advance, 1st quarter, FY02	650,000	1,000,000	1,000,000	1,000,000	1,000,000	+350,000	---	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM									
Advance from prior year (NA)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)	(1,100,000)	---	---	---	NA EMG
Additional Current Year	---	---	---	---	300,000	+300,000	+300,000	+300,000	D
Current year program level	1,100,000	1,100,000	1,100,000	1,100,000	1,400,000	+300,000	+300,000	+300,000	
Emergency Allocation	900,000	300,000	300,000	300,000	300,000	-600,000	---	---	D EMG
Advance funding FY02	1,100,000	1,100,000	1,100,000	---	---	-1,100,000	-1,100,000	---	D
REFUGEE AND ENTRANT ASSISTANCE									
Transitional and Medical Services	220,620	225,176	225,176	220,693	225,176	+4,556	---	+4,483	D
Social Services	143,621	143,316	143,621	143,316	143,621	---	---	+305	D
Preventive Health	4,835	4,835	4,835	4,835	4,835	---	---	---	D
Targeted Assistance	49,477	49,477	49,477	49,477	49,477	---	---	---	D
Victims of Torture	7,265	9,765	10,000	7,265	10,000	+2,735	---	+2,735	D
Total, Refugee and entrant assistance	425,818	432,569	433,109	425,586	433,109	+7,291	---	+7,523	
CHILD CARE AND DEVELOPMENT GRANT									
Advance funding from prior year (NA)	(1,182,672)	(1,182,672)	(1,182,672)	(1,182,672)	(1,182,672)	---	---	---	NA
Current year additional request	---	817,328	400,000	817,328	817,328	+817,328	+417,328	---	D
Advance funding FY02	1,182,672	2,000,000	2,000,000	---	---	-1,182,672	-2,000,000	---	D
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,775,000	1,700,000	1,700,000	600,000	1,725,000	-50,000	+25,000	+1,125,000	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
CHILDREN AND FAMILIES SERVICES PROGRAMS									
Programs for Children, Youth, and Families:									
Head Start, current funded	3,867,000	4,867,000	4,267,000	4,867,000	4,800,000	+933,000	+533,000	-67,000	D
Advance from prior year	---	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(+1,400,000)	---	---	NA
FY02	1,400,000	1,400,000	1,400,000	1,400,000	1,400,000	---	---	---	D
Subtotal, Head Start program level	5,267,000	6,267,000	5,667,000	6,267,000	6,200,000	+933,000	+533,000	-67,000	
Consolidated Runaway, Homeless Youth Programs	---	---	64,155	---	69,155	+69,155	+5,000	+69,155	D
Runaway and Homeless Youth	43,652	43,652	---	46,152	---	-43,652	---	-46,152	D
Runaway Youth Transitional Living	20,503	20,503	---	23,003	---	-20,503	---	-23,003	D
Strengthening Parent/Child Relationships	---	10,000	---	---	---	---	---	---	D
Subtotal, runaway	64,155	74,155	64,155	69,155	69,155	+5,000	+5,000	---	
Child Abuse State Grants	21,026	21,026	21,026	21,026	21,026	---	---	---	D
Child Abuse Discretionary Activities	18,028	18,028	18,028	18,028	33,737	+15,709	+15,709	+15,709	D
Abandoned Infants Assistance	12,207	12,207	12,207	12,207	12,207	---	---	---	D
Child Welfare Services	291,986	291,986	291,986	291,986	291,986	---	---	---	D
Child Welfare Training	7,000	7,000	7,000	7,000	7,000	---	---	---	D
Adoption Opportunities	27,419	27,419	27,419	27,419	27,419	---	---	---	D
Adoption Incentive	20,000	20,000	20,000	20,000	20,000	---	---	---	D
Adoption Incentive (no cap adjustment)	21,791	21,791	23,000	35,928	23,000	+1,209	---	-12,928	D
Social Services and Income Maintenance Research	27,491	6,500	27,491	27,491	37,666	+10,175	+10,175	+10,175	D
Community Based Resource Centers	32,835	32,835	32,835	32,835	32,835	---	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
Developmental disabilities program:									
State Councils	65,750	65,803	65,803	65,803	67,800	+2,050	+1,997	+1,997	D
Protection and Advocacy	28,110	28,110	28,110	31,000	33,000	+4,890	+4,890	+2,000	D
Developmental Disabilities Special Projects	10,244	10,244	10,244	10,244	10,944	+700	+700	+700	D
Developmental Disabilities University Affiliated	18,171	18,171	18,171	20,300	21,800	+3,629	+3,629	+1,500	D
Subtotal, Developmental disabilities	122,275	122,328	122,328	127,347	133,544	+11,269	+11,216	+6,197	
Native American Programs	35,420	44,420	35,420	40,420	46,020	+10,600	+10,600	+5,600	D
Community services:									
Grants to States for Community Services	527,700	510,000	527,700	550,000	600,000	+72,300	+72,300	+50,000	D
Community initiative program:									
Economic Development	30,040	5,500	30,040	30,040	30,040	---	---	---	D
Individual Development Account Initiative	10,000	25,000	10,000	---	25,000	+15,000	+15,000	+25,000	D
Rural Community Facilities	5,321	---	5,321	5,321	5,321	---	---	---	D
Subtotal, discretionary funds	45,361	30,500	45,361	35,361	60,361	+15,000	+15,000	+25,000	
National Youth Sports	15,000	---	16,000	15,000	16,000	+1,000	---	+1,000	D
Community Food and Nutrition	6,315	---	6,315	6,315	6,315	---	---	---	D
Subtotal, Community services	594,376	540,500	595,376	606,676	682,676	+88,300	+87,300	+76,000	
Runaway Youth Prevention	14,999	14,999	14,999	14,999	14,999	---	---	---	D
Domestic Violence Hotline	1,957	2,157	1,957	2,157	2,157	+200	+200	---	D
Battered Women's Shelters	101,118	116,918	101,118	116,918	116,918	+15,800	+15,800	---	D
Early Learning Fund	---	---	---	---	20,000	+20,000	+20,000	+20,000	D
Program Direction	146,820	164,448	147,908	157,131	164,000	+17,180	+16,092	+6,869	D
Total, Children and Families Services Programs	6,827,903	7,805,717	7,231,253	7,895,723	7,956,345	+1,128,442	+725,092	+60,622	
Current Year	(5,427,903)	(6,405,717)	(5,831,253)	(6,495,723)	(6,556,345)	(+1,128,442)	(+725,092)	(+60,622)	
Advance Year, FY02	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	(1,400,000)	---	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
Rescission of permanent appropriations................	-21,000	---	-21,000	-21,000	-21,000	---	---	---	D
PROMOTING SAFE AND STABLE FAMILIES....................	295,000	305,000	305,000	305,000	305,000	+10,000	---	---	M
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION									
Foster Care...	4,572,200	5,063,500	5,063,500	5,063,500	5,063,500	+491,300	---	---	M
Adoption Assistance...................................	1,020,100	1,197,600	1,197,600	1,197,600	1,197,600	+177,500	---	---	M
Independent living....................................	140,000	140,000	140,000	140,000	140,000	---	---	---	M
Child Welfare Tribal Initiative (1)...................	---	5,000	---	5,000	---	---	---	-5,000	M
Total, Payments, current year program level.....	5,732,300	6,406,100	6,401,100	6,406,100	6,401,100	+668,800	---	-5,000	
Less Advances from Prior Year.................	-1,355,000	-1,538,000	-1,538,000	-1,538,000	-1,538,000	-183,000	---	---	M
Total, payments, current request............	4,377,300	4,868,100	4,863,100	4,868,100	4,863,100	+485,800	---	-5,000	
New Advance, 1st quarter, FY02.............	1,538,000	1,735,900	1,735,900	1,735,900	1,735,900	+197,900	---	---	M
Total, Administration for Children & Families.	21,625,493	24,953,414	23,936,162	20,815,437	22,303,582	+678,089	-1,632,580	+1,488,145	
Current year.............................	(15,754,821)	(17,717,514)	(16,700,262)	(16,679,537)	(18,167,682)	(+2,412,861)	(+1,467,420)	(+1,488,145)	
Advance Year, FY02.......................	(5,870,672)	(7,235,900)	(7,235,900)	(4,135,900)	(4,135,900)	(-1,734,772)	(-3,100,000)	---	

(1) Unauthorized.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
ADMINISTRATION ON AGING									
Grants to States:									
Supportive Services and Centers	310,082	450,082	325,082	325,082	325,082	+15,000	---	---	D
Preventive Health	16,123	16,123	16,123	16,123	21,123	+5,000	+5,000	+5,000	D
Title VII	13,181	13,181	13,181	14,181	14,181	+1,000	+1,000	---	D
Family Caregivers (1)	---	---	---	---	125,000	+125,000	+125,000	+125,000	D
Nutrition:									
Congregate Meals	374,412	374,412	374,412	374,412	378,412	+4,000	+4,000	+4,000	D
Home Delivered Meals	147,000	147,000	147,000	147,000	152,000	+5,000	+5,000	+5,000	D
Grants to Indians	18,457	23,457	18,457	23,457	23,457	+5,000	+5,000	---	D
Aging Research, Training and Special Projects	31,162	36,162	9,119	31,162	37,678	+6,516	+28,559	+6,516	D
Alzheimer's Initiative	5,970	5,970	5,970	5,970	8,970	+3,000	+3,000	+3,000	D
Program Administration	16,277	17,232	16,461	17,232	17,232	+955	+771	---	D
Total, Administration on Aging	932,664	1,083,619	925,805	954,619	1,103,135	+170,471	+177,330	+148,516	
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal Funds	172,861	177,685	166,561	169,247	181,449	+8,588	+14,888	+12,202	D
NAS study	414	---	---	---	---	-414	---	---	D
Trust Funds	5,851	5,851	5,851	5,851	5,851	---	---	---	TF
1% Evaluation funds (ASPE) (NA)	(20,552)	(20,552)	(20,552)	(20,552)	(20,552)	---	---	---	NA
Subtotal	(199,678)	(204,088)	(192,964)	(195,650)	(207,852)	(+8,174)	(+14,888)	(+12,202)	

(1) President requested funds under Supportive Service.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Adolescent Family Life (Title XX)	19,327	7,627	24,327	19,327	24,327	+5,000	---	+5,000	D
Physical Fitness and Sports	1,091	1,152	1,091	1,091	1,091	---	---	---	D
Minority health	37,638	38,638	38,638	37,638	49,019	+11,381	+10,381	+11,381	D
Office of women's health	15,495	16,495	16,495	16,895	17,270	+1,775	+775	+375	D
U.S. Surgeon General violence initiative	457	476	---	400	400	-57	+400	---	D
Office of Emergency Preparedness	9,668	11,668	9,668	9,668	11,668	+2,000	+2,000	+2,000	D
Other Health Activities	4,922	20,000	---	---	---	-4,922	---	---	D
Total, General Departmental Management	267,724	279,592	262,631	260,117	291,075	+23,351	+28,444	+30,958	
Federal funds	261,873	273,741	256,780	254,266	285,224	+23,351	+28,444	+30,958	
Trust funds	5,851	5,851	5,851	5,851	5,851	---	---	---	
OFFICE OF THE INSPECTOR GENERAL:									
Federal Funds	31,388	33,849	31,394	33,849	33,849	+2,461	+2,455	---	D
HIPAA funding (NA)	(120,000)	(130,000)	(120,000)	(130,000)	(130,000)	(+10,000)	(+10,000)	---	NA
Total, Inspector General program level	(151,388)	(163,849)	(151,394)	(163,849)	(163,849)	(+12,461)	(+12,455)	---	
OFFICE FOR CIVIL RIGHTS:									
Federal Funds	19,219	20,742	18,774	23,242	24,742	+5,523	+5,968	+1,500	D
Trust Funds	3,314	3,314	3,314	3,314	3,314	---	---	---	TF
Total, Office for Civil Rights	22,533	24,056	22,088	26,556	28,056	+5,523	+5,968	+1,500	
POLICY RESEARCH	16,735	16,738	16,738	16,738	16,738	+3	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:									
Retirement payments	172,045	175,405	175,405	175,405	175,405	+3,360	---	---	M
Survivors benefits	11,906	12,204	12,204	12,204	12,204	+298	---	---	M
Dependents' medical care	29,626	30,811	30,811	30,811	30,811	+1,185	---	---	M
Military services credits	1,328	1,352	1,352	1,352	1,352	+24	---	---	M
Total, Retirement pay and medical benefits	214,905	219,772	219,772	219,772	219,772	+4,867	---	---	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND	375,371	---	---	---	---	-375,371	---	---	D EM
Public Health/Social Service Fund (1)	---	194,600	254,640	214,600	241,231	+241,231	-13,409	+26,631	D
Total, Office of the Secretary	928,656	768,607	807,263	771,632	830,721	-97,935	+23,458	+59,089	
Federal funds	919,491	759,442	798,098	762,467	821,556	-97,935	+23,458	+59,089	
Trust funds	9,165	9,165	9,165	9,165	9,165	---	---	---	
Total, Department of Health and Human Services	241,031,247	258,864,945	259,396,591	256,029,528	259,579,394	+18,548,147	+182,803	+3,549,866	
Federal Funds	239,025,642	256,769,478	257,521,124	254,001,863	257,375,903	+18,350,261	-145,221	+3,374,040	
Current year	(202,545,967)	(213,326,027)	(214,047,673)	(213,658,412)	(217,002,452)	(+14,456,485)	(+2,954,779)	(+3,344,040)	
Advance Year, FY02	(36,479,675)	(43,443,451)	(43,473,451)	(40,343,451)	(40,373,451)	(+3,893,776)	(-3,100,000)	(+30,000)	
Trust funds	2,005,605	2,095,467	1,875,467	2,027,665	2,203,491	+197,886	+328,024	+175,826	

(1) Amounts may not match passed bill as amounts have been moved to CDC for comparable purposes.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
TITLE III - DEPARTMENT OF EDUCATION									
EDUCATION REFORM									
Goals 2000: Educate America Act:									
State Grants forward funded	456,500	---	---	---	---	-456,500	---	---	D FF
State Grants current funded	1,500	---	---	---	---	-1,500	---	---	D
Parental Assistance	33,000	33,000	---	40,000	38,000	+5,000	+38,000	-2,000	D
Recognition and Reward	---	50,000	---	---	---	---	---	---	D
Subtotal, Goals 2000	491,000	83,000	---	40,000	38,000	-453,000	+38,000	-2,000	
School-to-Work Opportunities	55,000	---	---	---	---	-55,000	---	---	D FF
Educational Technology:									
Technology Literacy Challenge Fund	425,000	450,000	517,000	425,000	450,000	+25,000	-67,000	+25,000	D
Technology Innovation Challenge Fund	146,255	---	197,500	100,000	136,328	-9,927	-61,172	+36,328	D
Regional Technology in Education Consortia	10,000	10,000	10,000	10,000	10,000	---	---	---	D
Next Generation Technology Innovation	---	170,000	---	---	---	---	---	---	D
Subtotal	581,255	630,000	724,500	535,000	596,328	+15,073	-128,172	+61,328	
National Activities									
Technology Leadership Activities	2,000	2,000	2,000	2,000	2,000	---	---	---	D
Teacher Training in Technology	75,000	150,000	85,000	125,000	125,000	+50,000	+40,000	---	D
Community-Based Technology Centers	32,500	100,000	32,500	65,000	64,950	+32,450	+32,450	-50	D
Subtotal	109,500	252,000	119,500	192,000	191,950	+82,450	+72,450	-50	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Star Schools	50,550	---	45,000	43,000	59,318	+8,768	+14,318	+16,318	D
Ready to Learn Television	16,000	16,000	16,000	16,000	16,000	---	---	---	D
Telcom Demo Project for Mathematics	8,500	---	---	8,500	8,500	---	+8,500	---	D
Telcom Program for Professional Devlep	---	5,000	---	---	---	---	---	---	D
Subtotal, Educational technology	765,805	903,000	905,000	794,500	872,096	+106,291	-32,904	+77,596	
21st Century Community Learning Centers	453,377	1,000,000	600,000	600,000	845,614	+392,237	+245,614	+245,614	D
Small, Safe, and Successful High Schools (1)	45,000	120,000	---	---	125,000	+80,000	+125,000	+125,000	D
Total, Education Reform	1,810,182	2,106,000	1,505,000	1,434,500	1,880,710	+70,528	+375,710	+446,210	
Subtotal, Forward funded	(511,500)	---	---	---	---	(-511,500)	---	---	

(1) House passed bill included $45,000 for this initiative in FIE.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
EDUCATION FOR THE DISADVANTAGED									
Grants to Local Education Agencies (LEAs):									
Basic Grants									
Advance from prior year	(5,046,366)	(5,046,366)	(5,046,366)	(5,046,366)	(5,046,366)	---	---	---	NA
Forward funded	1,733,134	481,237	1,733,134	2,108,958	1,839,921	+106,787	+106,787	-269,037	D FF
Current funded	3,500	---	3,500	3,500	3,500	---	---	---	D
Subtotal, Basic grants current year funding	1,736,634	481,237	1,736,634	2,112,458	1,843,421	+106,787	+106,787	-269,037	
Basic Grants FY02 Advance	5,046,366	5,201,863	5,046,366	5,000,945	5,394,300	+347,934	+347,934	+393,355	D
Subtotal, Basic grants, program level	6,783,000	5,683,100	6,783,000	7,113,403	7,237,721	+454,721	+454,721	+124,318	
Concentration Grants									
Advance from prior year	(1,158,397)	(1,158,397)	(1,158,397)	(1,158,397)	(1,158,397)	---	---	---	NA
FY02	1,158,397	1,002,900	1,158,397	1,222,397	1,364,000	+205,603	+205,603	+141,603	D
Targeted Grants	---	1,671,500	---	---	---	---	---	---	D FF
Subtotal, Grants to LEAs	7,941,397	8,357,500	7,941,397	8,335,800	8,601,721	+660,324	+660,324	+265,921	
Capital Expenses for Private School Children	12,000	---	---	6,000	6,000	-6,000	+6,000	---	D FF
Even Start	150,000	150,000	250,000	185,000	250,000	+100,000	---	+65,000	D FF
State agency programs:									
Migrant	354,689	380,000	354,689	380,000	380,000	+25,311	+25,311	---	D FF
Neglected and Delinquent/High Risk Youth	42,000	42,000	42,000	50,000	46,000	+4,000	+4,000	-4,000	D FF
Evaluation	8,900	---	8,900	---	8,900	---	---	+8,900	D
Comprehensive School Reform Demonstration	170,000	190,000	190,000	---	210,000	+40,000	+20,000	+210,000	D FF
Total, ESEA	8,678,986	9,119,500	8,786,986	8,956,800	9,502,621	+823,635	+715,635	+545,821	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
Migrant education:									
High School Equivalency Program	15,000	20,000	20,000	20,000	20,000	+5,000	---	---	D
College Assistance Migrant Program	7,000	10,000	10,000	10,000	10,000	+3,000	---	---	D
Subtotal, migrant education	22,000	30,000	30,000	30,000	30,000	+8,000	---	---	
Total, Education for the disadvantaged	8,700,986	9,149,500	8,816,986	8,986,800	9,532,621	+831,635	+715,635	+545,821	
Current Year	(2,496,223)	(2,944,737)	(2,612,223)	(2,763,458)	(2,774,321)	(+278,098)	(+162,098)	(+10,863)	
Advance Year, FY02	(6,204,763)	(6,204,763)	(6,204,763)	(6,223,342)	(6,758,300)	(+553,537)	(+553,537)	(+534,958)	
Subtotal, forward funded	(2,461,823)	(2,914,737)	(2,569,823)	(2,729,958)	(2,731,921)	(+270,098)	(+162,098)	(+1,963)	
IMPACT AID									
Basic Support Payments	737,200	720,000	780,000	853,000	882,000	+144,800	+102,000	+29,000	D
Payments for Children with Disabilities	50,000	40,000	50,000	50,000	50,000	---	---	---	D
Payments for Heavily Impacted Districts (Sec. f) (1)	72,200	---	82,000	82,000	---	-72,200	-82,000	-82,000	D
Subtotal	859,400	760,000	912,000	985,000	932,000	+72,600	+20,000	-53,000	
Facilities Maintenance (Sec. 8008)	5,000	5,000	8,000	8,000	8,000	+3,000	---	---	D
Construction (Sec. 8007)	10,052	5,000	25,000	35,000	12,802	+2,750	-12,198	-22,198	D
Payments for Federal Property (Sec. 8002)	32,000	---	40,000	47,000	40,500	+8,500	+500	-6,500	D
Total, Impact aid	906,452	770,000	985,000	1,075,000	993,302	+86,850	+8,302	-81,698	

(1) Basic and heavily impacted payments have been consolidated into a single funding stream pursuant to the Impact Aid reauthorization P.L. 106-398.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
SCHOOL IMPROVEMENT PROGRAMS									
Teaching to High Standards, current	---	405,000	---	---	---	---	---	---	D FF
FY02	---	285,000	---	---	---	---	---	---	D
Eisenhower Professional Development	335,000	---	---	435,000	485,000	+150,000	+485,000	+50,000	D FF
National Programs	---	---	---	---	44,000	+44,000	+44,000	+44,000	D
School Leadership Initiative	---	40,000	---	---	---	---	---	---	D
Improvement of Teaching and School Leadership	---	25,000	---	---	---	---	---	---	D
Hometown Teachers	---	75,000	---	---	---	---	---	---	D
Higher Standards/Higher Pay	---	50,000	---	---	---	---	---	---	D
Teacher Quality Incentives	---	50,000	---	---	---	---	---	---	D
Troops to Teachers	---	25,000	---	---	---	---	---	---	D
Early Childhood Educator Professional Develp	---	30,000	---	---	---	---	---	---	D
Innovative Education (Education Block Grant)	80,750	---	80,750	515,000	100,000	+19,250	+19,250	-415,000	D FF
Advance from prior year	---	(285,000)	(285,000)	(1,185,000)	(285,000)	(+285,000)	---	(-900,000)	NA
FY02	285,000	---	285,000	2,585,000	285,000	---	---	-2,300,000	D
Education Block Grant, program level	365,750	---	365,750	3,100,000	385,000	+19,250	+19,250	-2,715,000	
Class Size Reduction, current	400,000	850,000	---	---	473,000	+73,000	+473,000	+473,000	D FF
Advance from prior year (1)	---	(900,000)	(900,000)	---	(900,000)	(+900,000)	---	(+900,000)	NA
FY02	900,000	900,000	---	---	1,150,000	+250,000	+1,150,000	+1,150,000	D
Class Size Reduction, program level	1,300,000	1,750,000	---	---	1,623,000	+323,000	+1,623,000	+1,623,000	

(1) Funds made available in FY 2000 appropriation.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 2000	House	Senate	
Teacher Empowerment Act (1)	---	---	850,000	---	---	---	-850,000	---	D FF
FY02	---	---	900,000	---	---	---	-900,000	---	D
Teacher Empowerment Act, program level	---	---	1,750,000	---	---	---	-1,750,000	---	
School Renovation Grants (2)	---	---	---	---	1,200,000	+1,200,000	+1,200,000	+1,200,000	D FF
Safe and Drug Free Schools:									
State Grants, current funded	109,250	109,250	109,250	117,000	109,250	---	---	-7,750	D FF
Advance from prior year	---	(330,000)	(330,000)	(330,000)	(330,000)	(+330,000)	---	---	NA
FY02	330,000	330,000	330,000	330,000	330,000	---	---	---	D
State Grants, program level	439,250	439,250	439,250	447,000	439,250	---	---	-7,750	
National Programs	110,750	160,750	110,000	145,000	155,000	+44,250	+45,000	+10,000	D
Coordinator Initiative	50,000	50,000	50,000	50,000	50,000	---	---	---	D
Subtotal, Safe and drug free schools	600,000	650,000	599,250	642,000	644,250	+44,250	+45,000	+2,250	
Inexpensive Book Distribution (RIF)	20,000	20,000	21,000	23,000	23,000	+3,000	+2,000	---	D
Arts in Education	11,500	23,000	16,500	18,000	28,000	+16,500	+11,500	+10,000	D

(1) Teacher Empowerment Act subject to authorization.

(2) President requested School Renovation as separate account.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Other school improvement programs:									
Magnet Schools Assistance	110,000	110,000	110,000	110,000	110,000	---	---	---	D
Education for Homeless Children & Youth	28,800	31,700	32,000	31,700	35,000	+6,200	+3,000	+3,300	D FF
Women's Educational Equity	3,000	3,000	3,000	3,000	3,000	---	---	---	D
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334	7,334	7,334	---	---	---	D
Ellender Fellowships/Close Up	1,500	---	1,500	1,500	1,500	---	---	---	D FF
Education for Native Hawaiians	23,000	23,000	23,000	28,000	28,000	+5,000	+5,000	---	D
Alaska Native Education Equity	13,000	13,000	13,000	15,000	15,000	+2,000	+2,000	---	D
Charter Schools	145,000	175,000	175,000	210,000	190,000	+45,000	+15,000	-20,000	D
Subtotal, other school improvement programs	331,634	363,034	364,834	406,534	389,834	+58,200	+25,000	-16,700	
Opportunities to Improve our Nation's Schools(OPTIONS)	---	20,000	---	---	---	---	---	---	D
Strengthening Technical assistance Capacity Grants	---	38,000	---	---	---	---	---	---	D
Comprehensive Regional Assistance Centers	28,000	---	28,000	28,000	28,000	---	---	---	D
Advanced Placement Fees	15,000	20,000	20,000	20,000	22,000	+7,000	+2,000	+2,000	D
Total, School improvement programs	3,006,884	3,869,034	3,165,334	4,672,534	4,872,084	+1,865,200	+1,706,750	+199,550	
Current Year	(1,491,884)	(2,354,034)	(1,650,334)	(1,757,534)	(3,107,084)	(+1,615,200)	(+1,456,750)	(+1,349,550)	
Advance Year, FY02	(1,515,000)	(1,515,000)	(1,515,000)	(2,915,000)	(1,765,000)	(+250,000)	(+250,000)	(-1,150,000)	
Subtotal, forward funded	(955,300)	(1,395,950)	(1,073,500)	(1,100,200)	(2,403,750)	(+1,448,450)	(+1,330,250)	(+1,303,550)	
READING EXCELLENCE									
Reading Excellence Act	65,000	91,000	65,000	91,000	91,000	+26,000	+26,000	---	D
Advance from prior year	---	(195,000)	(195,000)	(195,000)	(195,000)	(+195,000)	---	---	NA
FY02	195,000	195,000	195,000	195,000	195,000	---	---	---	D
Reading Excellence, program level	260,000	286,000	260,000	286,000	286,000	+26,000	+26,000	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
INDIAN EDUCATION									
Grants to Local Educational Agencies	62,000	92,765	92,765	92,765	92,765	+30,765	---	---	D
Federal Programs									
Special Programs for Indian Children	13,265	20,000	13,265	20,000	20,000	+6,735	+6,735	---	D
National Activities	1,735	2,735	1,735	2,735	2,735	+1,000	+1,000	---	D
Subtotal	15,000	22,735	15,000	22,735	22,735	+7,735	+7,735	---	
Total, Indian Education	77,000	115,500	107,765	115,500	115,500	+38,500	+7,735	---	
SCHOOL RENOVATION (1)									
Grants to Indian LEAs	---	50,000	---	---	---	---	---	---	D
Grants to Other High-Need LEAs	---	125,000	---	---	---	---	---	---	D
School Renovation Loan Subsidies	---	1,125,000	---	---	---	---	---	---	D
Total, School Renovation	---	1,300,000	---	---	---	---	---	---	
BILINGUAL AND IMMIGRANT EDUCATION									
Bilingual education:									
Instructional Services	162,500	180,000	162,500	180,000	180,000	+17,500	+17,500	---	D
Support Services	14,000	16,000	14,000	14,000	16,000	+2,000	+2,000	+2,000	D
Professional Development	71,500	100,000	71,500	85,000	100,000	+28,500	+28,500	+15,000	D
Immigrant Education	150,000	150,000	150,000	150,000	150,000	---	---	---	D
Foreign Language Assistance	8,000	14,000	8,000	14,000	14,000	+6,000	+6,000	---	D
Total, Bilingual and Immigrant Education	406,000	460,000	406,000	443,000	460,000	+54,000	+54,000	+17,000	

(1) Funding provided under School Improvement.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL EDUCATION									
State grants:									
Grants to States Part B advance funded	3,742,000	3,742,000	3,742,000	4,624,000	5,072,000	+1,330,000	+1,330,000	+448,000	D
Part B advance from prior year	---	(3,742,000)	(3,742,000)	(3,742,000)	(3,742,000)	(+3,742,000)	---	---	NA
Grants to States Part B current year	1,247,685	1,537,685	1,747,685	1,655,685	1,267,685	+20,000	-480,000	-388,000	D FF
Grants to States program level	4,989,685	5,279,685	5,489,685	6,279,685	6,339,685	+1,350,000	+850,000	+60,000	
Preschool Grants	390,000	390,000	390,000	390,000	390,000	---	---	---	D FF
Grants for Infants and Families	375,000	383,567	375,000	383,567	383,567	+8,567	+8,567	---	D FF
Subtotal, State grants program level	5,754,685	6,053,252	6,254,685	7,053,252	7,113,252	+1,358,567	+858,567	+60,000	
IDEA National Acitivities (current funded):									
State Program Improvement Grants	35,200	45,200	45,200	35,200	49,200	+14,000	+4,000	+14,000	D FF
Research and Innovation	64,433	74,433	64,433	74,433	77,353	+12,920	+12,920	+2,920	D
Technical Assistance and Dissemination	45,481	53,481	45,481	45,481	53,481	+8,000	+8,000	+8,000	D
Personnel Preparation	81,952	81,952	81,952	81,952	81,952	---	---	---	D
Parent Information Centers	18,535	26,000	22,000	26,000	26,000	+7,465	+4,000	---	D
Technology and Media Services	34,410	34,523	36,410	35,323	37,210	+2,800	+800	+1,887	D
Public Telecom Info/Training Dissemination	1,500	---	---	1,500	1,500	---	+1,500	---	D
Subtotal, IDEA special programs	281,511	315,589	295,476	299,889	326,696	+45,185	+31,220	+26,807	
Total, Special education	6,036,196	6,368,841	6,550,161	7,353,141	7,439,948	+1,403,752	+889,787	+86,807	
Current Year	(2,294,196)	(2,626,841)	(2,808,161)	(2,729,141)	(2,367,948)	(+73,752)	(-440,213)	(-361,193)	
Advance Year, FY02	(3,742,000)	(3,742,000)	(3,742,000)	(4,624,000)	(5,072,000)	(+1,330,000)	(+1,330,000)	(+448,000)	
Subtotal, Forward funded	(2,047,885)	(2,356,452)	(2,557,885)	(2,464,452)	(2,090,452)	(+42,567)	(-467,433)	(-374,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
REHABILITATION SERVICES AND DISABILITY RESEARCH									
Vocational Rehabilitation State Grants	2,338,977	2,399,790	2,399,790	2,399,790	2,399,790	+60,813	...	...	M
Client Assistance State grants	10,928	11,147	10,928	11,147	11,647	+719	+719	+500	D
Training	39,629	39,629	39,629	39,629	39,629	...	...	...	D
Demonstration and training programs	21,672	21,672	16,492	21,672	21,092	-580	+4,600	-580	D
Migrant and seasonal farmworkers	2,350	2,850	2,350	2,850	2,350	...	...	-500	D
Recreational programs	3,521	2,596	2,596	2,596	2,596	-925	...	...	D
Protection and advocacy of individual rights (PAIR)	11,894	12,132	14,000	13,000	14,000	+2,106	...	+1,000	D
Projects with industry	22,071	22,071	22,071	22,071	22,071	...	...	...	D
Supported employment State grants	38,152	38,152	38,152	38,152	38,152	...	...	...	D
Independent living:									
State grants	22,296	22,296	22,296	22,296	22,296	...	...	...	D
Centers	48,000	58,000	58,000	58,000	58,000	+10,000	...	...	D
Services for older blind individuals	15,000	15,000	18,000	20,000	20,000	+5,000	+2,000	...	D
Subtotal, Independent living	85,296	95,296	98,296	100,296	100,296	+15,000	+2,000	...	
Program Improvement	1,900	1,900	1,900	1,900	1,900	...	...	...	D
Evaluation	1,587	1,587	1,587	1,587	1,587	...	...	...	D
Helen Keller National Center for Deaf-Blind Youths & Adults	8,550	8,717	8,550	8,717	8,717	+167	+167	...	D
National Institute for Disability and Rehabilitation Research (NIDRR)	86,462	100,000	86,462	95,000	100,400	+13,938	+13,938	+5,400	D
Assistive Technology	34,000	41,112	34,000	41,112	41,112	+7,112	+7,112	...	D
Subtotal, discretionary programs	368,012	398,861	377,013	399,729	405,549	+37,537	+28,536	+5,820	
Total, Rehabilitation services	2,706,989	2,798,651	2,776,803	2,799,519	2,805,339	+98,350	+28,536	+5,820	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES									
AMERICAN PRINTING HOUSE FOR THE BLIND	10,100	10,265	11,000	12,500	12,000	+1,900	+1,000	-500	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF Operations	45,500	46,410	48,000	47,190	48,000	+2,500	---	+810	D
Construction	2,651	5,376	6,000	7,176	5,376	+2,725	-624	-1,800	D
Total	48,151	51,786	54,000	54,366	53,376	+5,225	-624	-990	
GALLAUDET UNIVERSITY Operations	83,480	87,650	89,400	87,650	89,400	+5,920	---	+1,750	D
Construction	2,500	---	---	---	---	-2,500	---	---	D
Total	85,980	87,650	89,400	87,650	89,400	+3,420	---	+1,750	
Total, Special institutions	144,231	149,701	154,400	154,516	154,776	+10,545	+376	+260	
VOCATIONAL AND ADULT EDUCATION									
Vocational education: Basic State Grants, current funded	264,650	264,650	309,000	280,000	309,000	+44,350	---	+29,000	D FF
Advance from prior year	---	(791,000)	(791,000)	(791,000)	(791,000)	(+791,000)	---	---	NA
FY02	791,000	591,000	791,000	791,000	791,000	---	---	---	D
Basic State Grants, program level	1,055,650	855,650	1,100,000	1,071,000	1,100,000	+44,350	---	+29,000	
Tech-Prep Education	106,000	106,000	106,000	106,000	106,000	---	---	---	D FF
FY02	---	200,000	---	---	---	---	---	---	D
Tribally Controlled Postsecondary Vocational Institutions	4,600	4,600	4,600	5,600	5,600	+1,000	+1,000	---	D
National Programs	17,500	17,500	17,500	17,500	17,500	---	---	---	D FF
Tech-Prep Education Demonstration	---	----	---	5,000	5,000	+5,000	+5,000	---	D FF
Occupational and Employment Information Program	9,000	---	---	9,000	9,000	---	+9,000	---	D FF
Subtotal, Vocational education	1,192,750	1,183,750	1,228,100	1,214,100	1,243,100	+50,350	+15,000	+29,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Adult education:									
State Grants, current funded	450,000	460,000	470,000	470,000	540,000	+90,000	+70,000	+70,000	D FF
National programs:									
National Leadership Activities	14,000	89,000	14,000	14,000	14,000	---	---	---	D FF
National Institute for Literacy	6,000	6,500	6,500	6,500	6,500	+500	---	---	D FF
Subtotal, National programs	20,000	95,500	20,500	20,500	20,500	+500	---	---	
Subtotal, adult education	470,000	555,500	490,500	490,500	560,500	+90,500	+70,000	+70,000	
State Grants for Incarcerated Youth Offenders	19,000	12,000	---	22,000	22,000	+3,000	+22,000	---	D FF
Total, Vocational and adult education	1,681,750	1,751,250	1,718,600	1,726,600	1,825,600	+143,850	+107,000	+99,000	
Current Year	(890,750)	(960,250)	(927,600)	(935,600)	(1,034,600)	(+143,850)	(+107,000)	(+99,000)	
Advance Year, FY02	(791,000)	(791,000)	(791,000)	(791,000)	(791,000)	---	---	---	
Subtotal, forward funded (1)	(882,650)	(942,650)	(922,000)	(929,000)	(1,028,000)	(+145,350)	(+106,000)	(+99,000)	

(1) Does not include $3.5 million in FY 2000 and $1 million in FY 2001 for Vocational Education National Programs that are current funded; the Budget Request proposed the Youth Offender program be current funded.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
STUDENT FINANCIAL ASSISTANCE									
Pell Grants -- maximum grant (NA)	(3,300)	(3,500)	(3,500)	(3,650)	(3,750)	(+450)	(+250)	(+100)	NA
Pell Grants -- Regular Program	7,639,717	8,356,000	8,308,000	8,692,000	8,756,000	+1,116,283	+448,000	+64,000	D
Federal Supplemental Educational Opportunity Grants	621,000	691,000	691,000	691,000	691,000	+70,000	---	---	D
Emergency SEOG--Hurricane Floyd	10,000	---	---	---	---	-10,000	---	---	D EMC
Federal Work Study	934,000	1,011,000	1,011,000	1,011,000	1,011,000	+77,000	---	---	D
Federal Perkins loans:									
Capital Contributions	100,000	100,000	100,000	100,000	100,000	---	---	---	D
Loan Cancellations	30,000	60,000	40,000	75,000	60,000	+30,000	+20,000	-15,000	D
Subtotal, Federal Perkins loans	130,000	160,000	140,000	175,000	160,000	+30,000	+20,000	-15,000	
LEAP program	40,000	40,000	---	70,000	55,000	+15,000	+55,000	-15,000	D
Loan Forgiveness for Child Care	---	---	---	---	1,000	+1,000	+1,000	+1,000	D
Total, Student financial assistance	9,374,717	10,258,000	10,150,000	10,639,000	10,674,000	+1,299,283	+524,000	+35,000	
FEDERAL FAMILY EDUCATION LOAN PROGRAM									
Federal Administration	48,000	48,000	48,000	48,000	48,000	---	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
HIGHER EDUCATION									
Aid for institutional development:									
Strengthening Institutions	60,250	63,000	73,000	65,000	73,000	+12,750	---	+8,000	D
Hispanic Serving Institutions	42,250	62,500	68,500	62,500	68,500	+26,250	---	+6,000	D
Dual-Degree Programs for Minority Institutions	---	40,000	---	---	---	---	---	---	D
Strengthening Historically Black Colleges (HBCUs)	148,750	169,000	185,000	169,000	185,000	+36,250	---	+16,000	D
Strengthening historically black graduate insts	31,000	40,000	45,000	40,000	45,000	+14,000	---	+5,000	D
Strengthening Alaska / Native Hawaiian Instit	5,000	5,000	5,000	6,000	6,000	+1,000	+1,000	---	D
Strengthening Tribal Colleges	6,000	9,000	12,000	15,000	15,000	+9,000	+3,000	---	D
Subtotal, Institutional development	293,250	388,500	388,500	357,500	392,500	+99,250	+4,000	+35,000	
Program development:									
Fund for the Improvement of Postsec. Ed. (FIPSE)	74,999	31,200	31,200	51,247	146,687	+71,688	+115,487	+95,440	D
Minority Science and Engineering Improvement	7,500	8,500	8,500	8,500	8,500	+1,000	---	---	D
International education and foreign language:									
Domestic Programs	62,000	62,000	67,000	62,000	67,000	+5,000	---	+5,000	D
Overseas Programs	6,680	10,000	10,000	10,000	10,000	+3,320	---	---	D
Institute for International Public Policy	1,022	1,022	1,022	1,022	1,022	---	---	---	D
Subtotal, International education	69,702	73,022	78,022	73,022	78,022	+8,320	---	+5,000	
Interest Subsidy Grants	12,000	10,000	10,000	10,000	10,000	-2,000	---	---	D
Federal TRIO Programs	645,000	725,000	760,000	736,500	730,000	+85,000	-30,000	-6,500	D
GEAR UP	200,000	325,000	200,000	225,000	295,000	+95,000	+95,000	+70,000	D
Byrd Honors Scholarships	39,859	41,001	39,859	41,001	41,001	+1,142	+1,142	---	D
Javits Fellowships	20,000	10,000	10,000	11,000	10,000	-10,000	---	-1,000	D
Graduate Assistance in Areas of National Need	31,000	31,000	31,000	33,000	31,000	---	---	-2,000	D
Learning Anytime Anywhere Partnerships	23,269	30,000	10,000	30,000	30,000	+6,731	+20,000	---	D
Teacher Quality Enhancement Grants	98,000	98,000	98,000	98,000	98,000	---	---	---	D
Child Care Access Means Parents in School	5,000	15,000	15,000	10,000	25,000	+20,000	+10,000	+15,000	D
Demonstration in Disabilities / Higher Education	5,000	5,000	5,000	5,000	6,000	+1,000	+1,000	+1,000	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Underground Railroad Program	1,750	1,750	---	1,750	1,750	---	+1,750	---	D
Community Scholarship Mobilization	1,000	---	---	---	---	-1,000	---	---	D
Loan Forgiveness for Child Care (1)	---	---	---	10,000	---	---	---	-10,000	D
WEB Based Education Commission	---	---	---	---	250	+250	+250	+250	D
GPRA data/HEA program evaluation	3,000	3,000	3,000	3,000	3,000	---	---	---	D
Thurgood Marshall Scholarships	---	---	---	---	4,000	+4,000	+4,000	+4,000	D
Olympic Scholarships	---	---	---	---	1,000	+1,000	+1,000	+1,000	D
Total, Higher education	1,530,329	1,795,973	1,688,081	1,704,520	1,911,710	+381,381	+223,629	+207,190	

(1) Moved to Student Financial Assistance in conference.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
HOWARD UNIVERSITY									
Academic Program	185,540	190,096	192,500	190,096	198,500	+12,960	+6,000	+8,404	D
Endowment Program	3,530	3,530	3,600	3,530	3,600	+70	---	+70	D
Howard University Hospital	30,374	30,374	30,374	30,374	30,374	---	---	---	D
Total, Howard University	219,444	224,000	226,474	224,000	232,474	+13,030	+6,000	+8,474	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration	737	737	737	737	762	+25	+25	+25	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT									
HBCU Capital Financing Program -- Federal Adm.	207	208	207	208	208	+1	+1	---	D
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT									
Research and statistics:									
Research, Development, and Dissemination	---	198,567	---	---	---	---	---	---	D
Research	103,567	---	103,567	113,567	120,567	+17,000	+17,000	+7,000	D
Regional Educational Laboratories	65,000	---	65,000	65,000	65,000	---	---	---	D
Statistics	68,000	84,000	68,000	68,000	80,000	+12,000	+12,000	+12,000	D
Assessment:									
National Assessment	36,000	38,000	36,000	36,000	36,000	---	---	---	D
National Assessment Governing Board	4,000	4,500	4,000	4,000	4,000	---	---	---	D
Subtotal, Assessment	40,000	42,500	40,000	40,000	40,000	---	---	---	
Subtotal, Research and statistics	276,567	325,067	276,567	286,567	305,567	+29,000	+29,000	+19,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Fund for the Improvement of Education	199,232	137,150	145,000	142,152	349,354	+150,122	+204,354	+207,202	D
International Education Exchange	7,000	8,000	7,000	10,000	10,000	+3,000	+3,000	---	D
Civic Education	9,850	9,850	10,000	12,000	12,000	+2,150	+2,000	---	D
Eisenhower Professional Dvp. Federal Activities	23,300	---	23,300	23,300	23,300	---	---	---	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	15,000	15,000	15,000	15,000	---	---	---	D
Javits Gifted and Talented Education	6,500	7,500	7,500	7,500	7,500	+1,000	---	---	D
America's Tests	---	5,000	---	---	---	---	---	---	D
National Writing Project	9,000	10,000	10,000	10,000	10,000	+1,000	---	---	D
Total, ERSI	546,449	517,567	494,367	506,519	732,721	+186,272	+238,354	+226,202	
DEPARTMENTAL MANAGEMENT									
PROGRAM ADMINISTRATION	382,934	413,184	382,934	395,871	413,184	+30,250	+30,250	+17,313	D
OFFICE FOR CIVIL RIGHTS	71,200	76,000	71,200	73,224	76,000	+4,800	+4,800	+2,776	D
OFFICE OF THE INSPECTOR GENERAL	34,000	36,500	34,000	35,456	36,500	+2,500	+2,500	+1,044	D
Total, Departmental management	488,134	525,684	488,134	504,551	525,684	+37,550	+37,550	+21,133	
STUDENT LOANS									
New Annual Loan Volume (including consolidation):									
Federal Family Education Loans (FFEL)	(25,540,000)	(26,902,000)	(26,902,000)	(26,902,000)	(26,902,000)	(+1,362,000)	---	---	NA
Federal Direct Student Loans (FDSL)	(14,855,000)	(15,613,000)	(15,613,000)	(15,613,000)	(15,613,000)	(+758,000)	---	---	NA
Total Outstanding Loan Volume:									
Federal Family Education Loans (FFEL)	(281,700,000)	(303,900,000)	(303,900,000)	(303,900,000)	(303,900,000)	(+22,200,000)	---	---	NA
Federal Direct Student Loans (FDSL)	(54,200,000)	(65,400,000)	(65,400,000)	(65,400,000)	(65,400,000)	(+11,200,000)	---	---	NA
Total, Department of Education	37,944,687	42,494,646	39,542,049	42,674,645	44,491,439	+6,546,752	+4,949,390	+1,816,794	
Current year	(25,496,924)	(30,046,883)	(27,094,286)	(27,926,303)	(29,910,139)	(+4,413,215)	(+2,815,853)	(+1,983,836)	
Advance Year, FY02	(12,447,763)	(12,447,763)	(12,447,763)	(14,748,342)	(14,581,300)	(+2,133,537)	(+2,133,537)	(-167,042)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
TITLE IV - RELATED AGENCIES									
ARMED FORCES RETIREMENT HOME									
Operations and Maintenance	55,599	60,000	60,000	60,000	60,000	+4,401	---	---	D
Capital Program	12,696	9,832	9,832	9,832	9,832	-2,864	---	---	D
Total, AFRH	68,295	69,832	69,832	69,832	69,832	+1,537	---	---	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)									
Domestic Volunteer Service Programs: Volunteers in Service to America (VISTA)	80,574	86,000	80,574	83,074	83,074	+2,500	+2,500	---	D
National Senior Volunteer Corps: Foster Grandparents Program	95,988	97,782	95,988	97,500	98,868	+2,880	+2,880	+1,368	D
Senior Companion Program	39,219	41,669	39,219	40,219	40,395	+1,176	+1,176	+176	D
Retired Senior Volunteer Program	46,117	50,565	46,117	48,117	48,884	+2,767	+2,767	+767	D
Senior Demonstration Program	1,494	2,500	400	1,494	400	-1,094	---	-1,094	D
Subtotal, Senior Volunteers	182,818	192,516	181,724	187,330	188,547	+5,729	+6,823	+1,217	
Program Administration	31,129	34,100	32,229	32,100	32,229	+1,100	---	+129	D
Total, Domestic Volunteer Service Programs	294,521	312,616	294,527	302,504	303,850	+9,329	+9,323	+1,346	

(1) Appropriations for Americorps are provided in the VA-HUD bill.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
CORPORATION FOR PUBLIC BROADCASTING:									
FY03 (current request) with FY02 comparable	350,000	365,000	365,000	365,000	365,000	+15,000	---	---	
Digitalization program (1)	---	30,000	---	---	---	---	---	---	
FY02 advance with FY01 comparable (NA)	(340,000)	(350,000)	(350,000)	(340,000)	(340,000)	---	(-10,000)	---	NA
Digitalization program (1)	---	35,000	---	---	---	---	---	---	D
FY01 advance with FY00 comparable (NA)	(300,000)	(340,000)	(340,000)	(340,000)	(340,000)	(+40,000)	---	---	NA
FY00 reduction	-1,243	---	---	-1,243	---	+1,243	---	+1,243	D
Digitalization program (1)	10,000	20,000	---	20,000	20,000	+10,000	+20,000	---	D
Satellite replacement supplemental--FY00	(17,300)	---	---	---	---	(-17,300)	---	---	NA
Subtotal, FY00/01 appropriation	(326,057)	(360,000)	(340,000)	(358,757)	(360,000)	(+33,943)	(+20,000)	(+1,243)	
FEDERAL MEDIATION AND CONCILIATION SERVICE	36,693	39,001	37,500	38,200	38,200	+1,507	+700	---	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION	6,136	6,320	6,200	6,320	6,320	+184	+120	---	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES	166,251	173,000	170,000	168,000	207,219	+40,968	+37,219	+39,219	D
MEDICARE PAYMENT ADVISORY COMMISSION (TF)	7,015	8,000	8,000	8,000	8,000	+985	---	---	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE	1,295	1,495	1,400	1,495	1,495	+200	+95	---	D
NATIONAL COUNCIL ON DISABILITY	2,391	2,615	2,450	2,615	2,615	+224	+165	---	D
NATIONAL EDUCATION GOALS PANEL	2,241	2,350	---	2,350	1,500	-741	+1,500	-850	D
NATIONAL LABOR RELATIONS BOARD	205,717	216,438	205,717	216,438	216,438	+10,721	+10,721	---	D

(1) Unauthorized. Funding is subject to enactment of authorization.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
NATIONAL MEDIATION BOARD	9,562	**10,400**	9,800	10,400	10,400	+838	+600	...	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION	8,470	**8,720**	8,600	8,720	8,720	+250	+120	...	D
RAILROAD RETIREMENT BOARD									
Dual Benefits Payments Account	173,339	**160,000**	160,000	160,000	160,000	-13,339	...	...	D
Less Income Tax Receipts on Dual Benefits	-10,000	**-10,000**	-10,000	-10,000	-10,000	...	...	...	D
Subtotal, Dual Benefits	163,339	**150,000**	150,000	150,000	150,000	-13,339	...	...	
Federal Payment to the RR Retirement Account	150	**150**	150	150	150	...	...	...	M
Limitation on administration:									
Consolidated Account	90,655	**92,500**	95,000	92,500	95,000	+4,345	...	+2,500	TF
Inspector General	5,380	**5,700**	5,380	5,700	5,700	+320	+320	...	TF
SOCIAL SECURITY ADMINISTRATION									
Payments to Social Security Trust Funds	20,764	**20,400**	20,400	20,400	20,400	-364	...	...	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS									
Benefit payments	520,000	**484,078**	484,078	484,078	484,078	-35,922	...	...	M
Administration	4,638	**5,670**	5,670	5,670	5,670	+1,032	...	...	M
Subtotal, Black Lung, current year program level	524,638	**489,748**	489,748	489,748	489,748	-34,890	...	...	
Less funds advanced in prior year	-141,000	**-124,000**	-124,000	-124,000	-124,000	+17,000	...	...	M
Total, Black Lung, current request	383,638	**365,748**	365,748	365,748	365,748	-17,890	...	...	
New advances, 1st quarter FY02	124,000	**114,000**	114,000	114,000	114,000	-10,000	...	...	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
SUPPLEMENTAL SECURITY INCOME									
Federal benefit payments	29,189,000	30,483,000	30,483,000	30,483,000	30,483,000	+1,294,000	---	---	M
Beneficiary services	64,000	71,000	71,000	71,000	71,000	+7,000	---	---	M
Research and demonstration	25,085	30,000	30,000	30,000	30,000	+4,915	---	---	M
Administration	2,142,000	2,359,000	2,132,000	2,359,000	2,349,000	+207,000	+217,000	-10,000	D
Subtotal, SSI current year program level	31,420,085	32,943,000	32,716,000	32,943,000	32,933,000	+1,512,915	+217,000	-10,000	
Less funds advanced in prior year	-9,550,000	-9,890,000	-9,890,000	-9,890,000	-9,890,000	-340,000	---	---	M
Subtotal, regular SSI current year (2000/2001)	21,870,085	23,053,000	22,826,000	23,053,000	23,043,000	+1,172,915	+217,000	-10,000	
Additional CDR funding (1)	200,000	210,000	210,000	210,000	210,000	+10,000	---	---	D
User Fee Activities	80,000	91,000	91,000	91,000	91,000	+11,000	---	---	D
Total, SSI, current request	22,150,085	23,354,000	23,127,000	23,354,000	23,344,000	+1,193,915	+217,000	-10,000	
New advance, 1st quarter, FY02	9,890,000	10,470,000	10,470,000	10,470,000	10,470,000	+580,000	---	---	M

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI Trust Funds	2,960,236	3,138,200	3,265,236	3,015,000	3,138,200	+177,964	-127,036	+123,200	TF
HI/SMI Trust Funds	1,038,000	1,094,000	1,038,000	1,094,000	1,094,000	+56,000	+56,000	---	TF
Social Security Advisory Board	1,800	1,800	1,800	1,800	1,800	---	---	---	TF
SSI	2,142,000	2,359,000	2,132,000	2,359,000	2,349,000	+207,000	+217,000	-10,000	TF
Subtotal, regular LAE	6,142,036	6,593,000	6,437,036	6,469,800	6,583,000	+440,964	+145,964	+113,200	
User Fee Activities (SSI)	80,000	91,000	91,000	91,000	91,000	+11,000	---	---	TF
TOTAL, REGULAR LAE	6,222,036	6,684,000	6,528,036	6,560,800	6,674,000	+451,964	+145,964	+113,200	
Additional CDR funding (1)									
OASDI	185,000	240,000	240,000	240,000	240,000	+55,000	---	---	TF
SSI	200,000	210,000	210,000	210,000	210,000	+10,000	---	---	TF
Subtotal, CDR funding	385,000	450,000	450,000	450,000	450,000	+65,000	---	---	
TOTAL, LAE	6,607,036	7,134,000	6,978,036	7,010,800	7,124,000	+516,964	+145,964	+113,200	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF INSPECTOR GENERAL									
Federal funds	14,944	17,000	14,944	16,944	16,944	+2,000	+2,000		D
Trust funds	50,808	56,000	50,808	52,500	52,500	+1,692	+1,692		TF
Total, Office of the Inspector General	65,752	73,000	65,752	69,444	69,444	+3,692	+3,692	...	
Adjustment: Trust fund transfers from general revenues	-2,422,000	-2,660,000	-2,433,000	2,660,000	-2,650,000	-228,000	-217,000	+10,000	TF
Total, Social Security Administration	36,819,275	38,871,168	38,707,936	38,744,392	38,857,592	+2,038,317	+149,656	+113,200	
Federal funds	32,583,431	34,341,168	34,112,092	34,341,092	34,331,092	+1,747,661	+219,000	-10,000	
Current year	(22,569,431)	(23,757,168)	(23,528,092)	(23,757,092)	(23,747,092)	(+1,177,661)	(+219,000)	(-10,000)	
New advances, 1st quarter FY01	(10,014,000)	(10,584,000)	(10,584,000)	(10,584,000)	(10,584,000)	(+570,000)	...	...	
Trust funds	4,235,844	4,530,000	4,595,844	4,403,300	4,526,500	+290,656	-69,344	+123,200	
UNITED STATES INSTITUTE OF PEACE	12,951	14,450	15,000	12,951	15,000	+2,049	...	+2,049	D
Total, Title IV, Related Agencies	38,259,094	40,434,735	40,152,492	40,224,324	40,383,031	+2,123,937	+230,539	+158,707	
Federal funds	33,920,200	35,798,535	35,448,268	35,714,824	35,747,831	+1,827,631	+299,563	+33,007	
Current year	(23,556,200)	(24,784,535)	(24,499,268)	(24,765,824)	(24,798,831)	(+1,242,631)	(+299,563)	(+33,007)	
Advance Year, FY02	(10,014,000)	(10,619,000)	(10,584,000)	(10,584,000)	(10,584,000)	(+570,000)	...	...	
Advance Year, FY03	(350,000)	(395,000)	(365,000)	(365,000)	(365,000)	(+15,000)			
Trust funds	4,338,894	4,636,200	4,704,224	4,509,500	4,635,200	+296,306	-69,024	+125,700	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
SUMMARY									
Grand bill total	330,325,712	356,123,602	351,717,730	352,337,510	358,269,886	+27,944,174	+6,552,156	+5,932,376	
Federal Funds	320,608,097	345,878,039	341,770,019	342,383,283	347,937,555	+27,329,458	+6,167,536	+5,554,272	
Current year	(258,853,659)	(276,509,825)	(272,436,805)	(273,879,490)	(279,570,804)	(+20,717,145)	(+7,133,999)	(+5,691,314)	
Advance Year, FY02	(61,404,438)	(68,973,214)	(68,968,214)	(68,138,793)	(68,001,751)	(+6,597,313)	(-966,463)	(-137,042)	
Advance Year, FY03	(350,000)	(395,000)	(365,000)	(365,000)	(365,000)	(+15,000)	...	...	
Trust Funds	9,717,615	10,245,563	9,947,711	9,954,227	10,332,331	+614,716	+384,620	+378,104	
BUDGET ENFORCEMENT ACT RECAP									
Mandatory, total in bill	233,098,984	248,996,967	268,991,967	247,896,967	249,016,967	+15,917,983	+25,000	+1,120,000	
Less advances for subsequent years	-42,791,003	-49,527,451	-49,527,451	-49,527,451	-49,527,451	-6,736,448	...	...	
Plus advances provided in prior years	40,529,605	42,791,003	42,791,005	42,791,003	42,791,003	+2,261,398	...	...	
Subtotal, Mandatory	230,837,586	242,260,519	242,255,519	241,160,519	242,280,519	+11,442,933	+25,000	+1,120,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES, 2001 ($000)	FY 2000 Comparable	FY 2001 Request	House	Senate	Conference	Conference vs FY 2000	Conference vs House	Conference vs Senate	Mand Disc
Discretionary, total in bill	97,226,728	107,126,635	102,725,763	104,440,543	109,252,919	+12,026,191	+6,527,156	+4,812,376	
Less advances for subsequent years	-18,963,435	-19,840,763	-19,805,763	-18,976,342	-18,839,300	+124,135	+966,463	+137,042	
Plus advances provided in prior years	8,844,735	18,933,435	18,953,435	18,953,435	18,953,435	+10,108,700	---	---	
Scorekeeping adjustments:									
Adjustment to balance with 2000 bill	-12,801	---	---	---	---	+12,801	---	---	
Adjustment for leg cap on Title XX SSBGs	-605,000	---	---	-1,100,000	---	+605,000	---	+1,100,000	
SSA User Fee Collection	-80,000	-91,000	-91,000	-91,000	-91,000	-11,000	---	---	
HEAF Recapture	-26,000	---	---	---	---	+26,000	---	---	
Refugee and entrant assistance reappropriation	12,000	---	---	---	---	-12,000	---	---	
Medicaid Title XX offset	1,000	---	---	---	---	-1,000	---	---	
Directory of New Hires	-878,000	---	---	---	---	+878,000	---	---	
FUBA	40,000	---	---	---	---	-40,000	---	---	
SCHIP Shift	---	---	---	-1,900,000	---	---	---	+1,900,000	
TANF Savings	---	---	-240,000	-240,000	---	---	+240,000	+240,000	
NIH General Provision	---	---	-1,700,000	---	---	---	+1,700,000	---	
SSA State Reimbursement	---	---	-295,000	-295,000	-295,000	-295,000	---	---	
AFB Program Admin	---	---	---	---	-25,000	-25,000	-25,000	-25,000	
Across the board OMB\CBO adjustment	-890	---	---	---	---	+890	---	---	
Across the board Senate adjustment	---	---	---	-211,637	---	---	---	+211,637	
Welfare to work and child support	-50,000	---	---	-50,000	-50,000	---	-50,000	---	
Total, discretionary, current year	85,508,337	106,128,307	99,547,635	100,529,999	108,906,056	+23,397,717	+9,358,619	+8,376,055	
Grand total, current year	316,345,923	348,388,826	341,802,956	341,690,518	351,186,573	+34,840,650	+9,383,619	+9,496,055	

LEGISLATIVE BRANCH APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5657 as introduced on December 14, 2000. The text of that bill follows:

A BILL Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For a payment to Nancy Nally Coverdell, widow of Paul D. Coverdell, late a Senator from Georgia, $141,300.

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $3,000 for each Chairman; in all, $62,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $92,321,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,785,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $453,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,742,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,722,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $6,917,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,152,000 for each such committee; in all, $2,304,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $590,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,171,000 for each such committee; in all, $2,342,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $288,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $14,738,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $34,811,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,292,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $22,337,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $4,046,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,069,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $73,000,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $2,077,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $71,511,000, of which $2,500,000 shall remain available until September 30, 2003.

MISCELLANEOUS ITEMS

For miscellaneous items, $8,655,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $253,203,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate $300,000.

ADMINISTRATIVE PROVISIONS

SECTION 1. SEMIANNUAL REPORT. (a) IN GENERAL.—Section 105(a) of the Legislative Branch Appropriations Act, 1965 (2 U.S.C. 104a) is amended by adding at the end the following:

"(5)(A) Notwithstanding the requirements of paragraph (1) relating to the level of detail of statement and itemization, each report by the Secretary of the Senate required under such paragraph shall be compiled at a summary level for each office of the Senate authorized to obligate appropriated funds.

"(B) Subparagraph (A) shall not apply to the reporting of expenditures relating to personnel compensation, travel and transportation of persons, other contractual services, and acquisition of assets.

"(C) In carrying out this paragraph the Secretary of the Senate shall apply the Standard Federal Object Classification of Expenses as the Secretary determines appropriate.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the amendment made by this section shall take effect on the date of enactment of this Act.

(2) FIRST REPORT AFTER ENACTMENT.—The Secretary of the Senate may elect to compile and submit the report for the semiannual period during which the date of enactment of this section occurs, as if the amendment made by this section had not been enacted.

SEC. 2. SENATE EMPLOYEE PAY ADJUSTMENTS. Section 4 of the Federal Pay Comparability Act of 1970 (2 U.S.C. 60a–1) is amended—

(1) in subsection (a)—

(A) by inserting "(or section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)" after "employees under section 5303 of title 5, United States Code,"; and

(B) by inserting "(and, as the case may be, section 5304 or 5304a of such title, as applied to employees employed in the pay locality of the Washington, D.C.-Baltimore, Maryland consolidated metropolitan statistical area)" after "the President under such section 5303";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

"(e) Any percentage used in any statute specifically providing for an adjustment in rates of pay in lieu of an adjustment made under section 5303 of title 5, United States Code, and, as the case may be, section 5304 or 5304a of such title for any calendar year shall be treated as the percentage used in an adjustment made under such section 5303, 5304, or 5304a, as applicable, for purposes of subsection (a).".

SEC. 3. (a) Section 6(c) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 121b-1(c)) is amended—

(1) by striking "and agency contributions" in paragraph (2)(A), and

(2) by adding at the end the following:

"(3) Agency contributions for employees of Senate Hair Care Services shall be paid from the appropriations account for 'SALARIES, OFFICERS AND EMPLOYEES'.".

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 4. (a) There is established in the Treasury of the United States a revolving fund to be known as the Senate Health and Fitness Facility Revolving Fund ("the revolving fund").

(b) The Architect of the Capitol shall deposit in the revolving fund—

(1) any amounts received as dues or other assessments for use of the Senate Health and Fitness Facility, and

(2) any amounts received from the operation of the Senate waste recycling program.

(c) Subject to the approval of the Committee on Appropriations of the Senate, amounts in the revolving fund shall be available to the Architect of the Capitol, without fiscal year limitation, for payment of costs of the Senate Health and Fitness Facility.

(d) The Architect of the Capitol shall withdraw from the revolving fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Architect determines are in excess of the current and reasonably foreseeable needs of the Senate Health and Fitness Facility.

(e) Subject to the approval of the Committee on Rules and Administration of the Senate, the Architect of the Capitol may issue such regulations as may be necessary to carry out the provisions of this section.

SEC. 5. For each fiscal year (commencing with the fiscal year ending September 30, 2001), there is authorized an expense allowance for the Chairmen of the Majority and Minority Policy Committees which shall not exceed $3,000 each fiscal year for each such Chairman; and amounts from such allowance shall be paid to either of such Chairmen only as reimbursement for actual expenses incurred by him and upon certification and documentation of such expenses, and amounts so paid shall not be reported as income and shall not be allowed as a deduction under the Internal Revenue Code of 1986.

SEC. 6. (a) The head of the employing office of an employee of the Senate may, upon termination of employment of the employee, authorize payment of a lump sum for the accrued annual leave of that employee if—

(1) the head of the employing office—

(A) has approved a written leave policy authorizing employees to accrue leave and establishing the conditions upon which accrued leave may be paid; and

(B) submits written certification to the Financial Clerk of the Senate of the number of days of annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and

(2) there are sufficient funds to cover the lump sum payment.

(b)(1) A lump sum payment under this section shall not exceed the lesser of—

(A) twice the monthly rate of pay of the employee; or

(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1) (A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

(c) Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.

(d) If an individual who received a lump sum payment under this section is reemployed as an employee of the Senate before the end of the period covered by the lump sum payment, the individual shall refund an amount equal to the applicable pay covering the period between the date of reemployment and the expiration of the lump sum period. Such amount shall be deposited to the appropriation account or fund used to pay the lump sum payment.

(e) The Committee on Rules and Administration of the Senate may prescribe regulations to carry out this section.

(f) In this section, the term—

(1) "employee of the Senate" means any employee whose pay is disbursed by the Secretary of the Senate, except that the term does not include a member of the Capitol Police or a civilian employee of the Capitol Police; and

(2) "head of the employing office" means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

SEC. 7. (a) Agency contributions for employees whose salaries are disbursed by the Secretary of the Senate from the appropriations account "JOINT ECONOMIC COMMITTEE" under the heading "JOINT ITEMS" shall be paid from the Senate appropriations account for "SALARIES, OFFICERS AND EMPLOYEES".

(b) This section shall apply to pay periods beginning on or after October 1, 2000.

SEC. 8. Section 316 of Public Law 101–302 (40 U.S.C. 188b–6) is amended—

(1) in the first sentence of subsection (a) by striking "items of art, fine art, and historical items" and inserting "works of art, historical objects, documents or material relating to historical matters for placement or exhibition";

(2) in the second sentence of subsection (a)—

(A) by striking "such items" each place it appears and inserting "such works, objects, documents, or material" in each such place; and

(B) by striking "an item" and inserting "a work, object, document, or material"; and

(3) in subsection (b)—

(A) by striking "such items of art" and inserting "such works, objects, documents, or materials"; and

(B) by striking "shall" and inserting "may".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $769,551,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $14,378,000, including: Office of the Speaker, $1,759,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,726,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,096,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,466,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,096,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $410,000; Republican Steering Committee, $765,000; Republican Conference, $1,255,000; Democratic Steering and Policy Committee, $1,352,000; Democratic Caucus, $668,000; nine minority employees, $1,229,000; training and program development—majority, $278,000; and training and program development—minority, $278,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $410,182,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $92,196,000: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $20,628,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: Provided, That such amount shall remain available for such salaries and expenses until December 31, 2002.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $90,403,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $14,590,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,692,000; for salaries and expenses of the Office of the Chief Administrative Officer, $58,550,000, of which $1,054,000 shall remain available until expended, including $26,605,000 for salaries, expenses and temporary personal services of House Information Resources, of which $26,020,000 is provided herein: Provided, That of the amount provided for House Information Resources, $6,497,000 shall be for net expenses of telecommunications: Provided further, That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,249,000; for salaries and expenses of the Office of General Counsel, $806,000; for the Office of the Chaplain, $140,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,201,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,045,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,085,000; for salaries and expenses of the Corrections Calendar Office, $832,000; and for other authorized employees, $213,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $141,764,000, including: supplies, materials, administrative costs and Federal tort claims, $2,235,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $138,726,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $393,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. During fiscal year 2001 and any succeeding fiscal year, the Chief Administrative Officer of the House of Representatives may—

(1) enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year to the same extent as the head of an executive agency under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l); and

(2) enter into multi-year contracts for the acquisitions of property and nonaudit-related services to the same extent as executive agencies under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c).

SEC. 102. (a) PERMITTING NEW HOUSE EMPLOYEES TO BE PLACED ABOVE MINIMUM STEP OF COMPENSATION LEVEL.—The House Employees Position Classification Act (2 U.S.C. 291 et seq.) is amended by striking section 10 (2 U.S.C. 299).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to employees appointed on or after October 1, 2000.

SEC. 103. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES" shall be available only for fiscal year 2001. Any amount remaining after all payments are made under such allowances for fiscal year 2001 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

SEC. 104. (a) There is hereby appropriated for payment to the Prince William County Public Schools $215,000, to be used to pay for educational services for the son of Mrs. Evelyn Gibson, the widow of Detective John Michael Gibson of the United States Capitol Police.

(b) The payment under subsection (a) shall be made in accordance with terms and conditions established by the Committee on House Administration of the House of Representatives.

(c) The funds used for the payment made under subsection (a) shall be derived from the applicable accounts of the House of Representatives.

JOINT ITEMS

For Joint Committees, as follows:

JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES OF 2001

For all construction expenses, salaries, and other expenses associated with conducting the inaugural ceremonies of the President and Vice President of the United States, January 20, 2001, in accordance with such program as may be adopted by the joint committee authorized by Senate Concurrent Resolution 89, agreed to March 14, 2000 (One Hundred Sixth Congress), and Senate Concurrent Resolution 90, agreed to March 14, 2000 (One Hundred Sixth Congress), $1,000,000 to be disbursed by the Secretary of the Senate and to remain available until September 30, 2001. Funds made available under this heading shall be available for payment, on a direct or reimbursable basis, whether incurred on, before, or after, October 1, 2000: Provided, That the compensation of any employee of the Committee on Rules and Administration of the Senate who has been designated to perform service for the Joint Congressional Committee on Inaugural Ceremonies shall continue to be paid by the Committee on Rules and Administration, but the account from which such staff member is paid may be reimbursed for the services of the staff member (including agency contributions when appropriate) out of funds made available under this heading.

ADMINISTRATIVE PROVISION

SEC. 105. During fiscal year 2001 the Secretary of Defense shall provide protective services on a non-reimbursable basis to the United States Capitol Police with respect to the following events:

(1) Upon request of the Chair of the Joint Congressional Committee on Inaugural Ceremonies established under Senate Concurrent Resolution 89, One Hundred Sixth Congress, agreed to March 14, 2000, the proceedings and ceremonies conducted for the inauguration of the President-elect and Vice President-elect of the United States.

(2) Upon request of the Speaker of the House of Representatives and the President Pro Tempore of the Senate, the joint session of Congress held to receive a message from the President of the United States on the State of the Union.

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,315,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,430,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,159,904 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,835,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $97,142,000, of which $47,053,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $50,089,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $6,772,000, to be disbursed by the Capitol Police Board or their delegee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2001 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 106. Amounts appropriated for fiscal year 2001 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 107. (a) APPOINTMENT OF CERTIFYING OFFICERS OF THE CAPITOL POLICE.—The Chief Administrative Officer of the United States Capitol Police, or when there is not a Chief Administrative Officer the Capitol Police Board, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) RESPONSIBILITY AND ACCOUNTABILITY OF CERTIFYING OFFICERS.—

(1) IN GENERAL.—Each officer or employee of the Capitol Police who has been duly authorized in writing by the Chief Administrative Officer, or the Capitol Police Board if there is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(2) RELIEF BY COMPTROLLER GENERAL.—The Comptroller General may, at the Comptroller General's discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) ENFORCEMENT OF LIABILITY.—The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment on any vouchers presented to them for certification.

SEC. 108. CHIEF ADMINISTRATIVE OFFICER.—(a) There shall be within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer:

(1) The Chief Administrative Officer shall be appointed by the Comptroller General after consultation with the Capitol Police Board, and

shall report to and serve at the pleasure of the Comptroller General.

(2) The Comptroller General shall appoint as Chief Administrative Officer an individual with the knowledge and skills necessary to carry out the responsibilities for budgeting, financial management, information technology, and human resource management described in this section.

(3) The Chief Administrative Officer shall receive basic pay at a rate determined by the Comptroller General, but not to exceed the annual rate of basic pay payable for ES–2 of the Senior Executive Service Basic Rates Schedule established for members of the Senior Executive Service of the General Accounting Office under section 733 of title 31.

(4) The Capitol Police shall reimburse from available appropriations any costs incurred by the General Accounting Office under this section.

(b) The Chief Administrative Officer shall have the following areas of responsibility:

(1) BUDGETING.—The Chief Administrative Officer shall—

(A) after consulting with the Chief of Police on the portion of the budget covering uniformed police force personnel, prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) FINANCIAL MANAGEMENT.—The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems;

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) the Chief Administrative Officer shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.

(3) INFORMATION TECHNOLOGY.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) HUMAN RESOURCES.—The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resource management activities of the Capitol Police, except that with respect to uniformed police force personnel, the Chief Administrative Officer shall perform these activities in cooperation with the Chief of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(c) Administrative provisions with respect to the Office of Administration:

(1) The Chief Administrative Officer is authorized to select, appoint, employ, and discharge such officers and employees as may be necessary to carry out the functions, powers, and duties of the Office of Administration but he shall not have the authority to hire or discharge uniformed police force personnel.

(2) The Chief Administrative Officer may utilize resources of another agency on a reimbursable basis to be paid from available appropriations of the Capitol Police.

(d) No later than 180 days after appointment, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a plan—

(1) describing the policies, procedures, and actions the Chief Administrative Officer will take in carrying out the responsibilities assigned under this section;

(2) identifying and defining responsibilities and roles of all offices, bureaus, and divisions of the Capitol Police for budgeting, financial management, information technology, and human resources management; and

(3) detailing mechanisms for ensuring that the offices, bureaus, and divisions perform their responsibilities and roles in a coordinated and integrated manner.

(e) No later than September 30, 2001, the Chief Administrative Officer shall prepare, after consultation with the Capitol Police Board and the Chief of the Capitol Police, a report on the Chief Administrative Officer's progress in implementing the plan described in subsection (d) and recommendations to improve the budgeting, financial, information technology, and human resources management of the Capitol Police, including organizational, accounting and administrative control, and personnel changes.

(f) The Chief Administrative Officer shall submit the plan required in subsection (d) and the report required in subsection (e) to the Committees on Appropriations of the House of Representatives and of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

(g) As of October 1, 2002, unless otherwise determined by the Comptroller General, the Chief Administrative Officer established by section (a) will cease to be an employee of the General Accounting Office and will become an employee of the Capitol Police, and the Capitol Police Board shall assume all responsibilities of the Comptroller General under this section.

SEC. 109. (a) Section 1(c) of Public Law 96–152 (40 U.S.C. 206–1) is amended by striking "the annual rate" and all that follows and inserting the following: "the rate of basic pay payable for level ES–4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title).".

(b) The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,371,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 43 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $1,820,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $28,493,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISION

SEC. 110. Beginning on the date of enactment of this Act and hereafter, the Congressional Budget Office may use available funds to enter into contracts for the procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year and may enter into multi-year contracts for the acquisition of property and services, to the same extent as executive agencies under the authority of section 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the

Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $43,689,000, of which $3,843,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, such amount shall be available for the position of Project Manager for the Capitol Visitor Center, at a rate of compensation which does not exceed the rate of basic pay payable for level ES–2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5, United States Code (taking into account any comparability payments made under section 5304(h) of such title): Provided further, That effective on the date of the enactment of this Act, any amount made available under this heading under the Legislative Branch Appropriations Act, 2000, shall be available for such position at such rate of compensation.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,362,000, of which $125,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $63,974,000, of which $21,669,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $32,750,000, of which $123,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $39,415,000, of which $523,000 shall remain available until expended: Provided, That not more than $4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2001.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $73,592,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $71,462,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

ADMINISTRATIVE PROVISION

SEC. 111. (a) CONGRESSIONAL PRINTING AND BINDING FOR THE HOUSE THROUGH CLERK OF HOUSE.—

(1) IN GENERAL.—Notwithstanding any provision of title 44, United States Code, or any other law, there are authorized to be appropriated to the Clerk of the House of Representatives such sums as may be necessary for congressional printing and binding services for the House of Representatives.

(2) PREPARATION OF ESTIMATES.—Estimated expenditures and proposed appropriations for congressional printing and binding services shall be prepared and submitted by the Clerk of the House of Representatives in accordance with title 31, United States Code, in the same manner as estimates and requests are prepared for other legislative branch services under such title, except that such requests shall be based upon the results of the study conducted under subsection (b) (with respect to any fiscal year covered by such study).

(3) EFFECTIVE DATE.—This subsection shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(b) STUDY.—

(1) IN GENERAL.—During fiscal year 2001, the Clerk of the House of Representatives shall conduct a comprehensive study of the needs of the House for congressional printing and binding services during fiscal year 2003 and succeeding fiscal years (including transitional issues during fiscal year 2002), and shall include in the study an analysis of the most cost-effective program or programs for providing printed or other media-based publications for House uses.

(2) SUBMISSION TO COMMITTEES.—The Clerk shall submit the study conducted under paragraph (1) to the Committee on House Administration of the House of Representatives, who shall review the study and prepare such regulations or other materials (including proposals for legislation) as it considers appropriate to enable the Clerk to carry out congressional printing and binding services for the House in accordance with this section.

(c) DEFINITION.—In this section, the term "congressional printing and binding services" means the following services:

(1) Authorized printing and binding for the Congress and the distribution of congressional information in any format.

(2) Preparing the semimonthly and session index to the Congressional Record.

(3) Printing and binding of Government publications authorized by law to be distributed to Members of Congress.

(4) Printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient.

This title may be cited as the "Congressional Operations Appropriations Act, 2001".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,328,000, of which $25,000 shall remain available until expended.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $282,838,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2001, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2001 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: Provided further, That of the total amount appropriated, $10,459,575 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, $2,506,000 is to remain *available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): Provided further, That of the total amount appropriated, $10,000,000 is to remain available until expended for salaries and expenses to carry out the Russian Leadership Program enacted on May 21, 1999 (113 Stat. 93 et seq.): Provided further, That of the total amount appropriated, $5,957,800 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula, which amount shall be transferred to the educational consortium formed to conduct the "Joining Hands Across America: Local Community Initiative" project as approved by the Library: Provided further, That of the total amount appropriated, $404,000 is to remain available until expended for a collaborative digitization and telecommunications project with the United States Military Academy and any remaining balance is available for other Library purposes: Provided further, That of the total amount appropriated, $4,300,000 is to remain available until expended for the purpose of developing a high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving western North Carolina, and any remaining balance is available for support of the Library's Digital Futures initiative.*

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $38,523,000, of which not more than $23,500,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2001 under 17 U.S.C. 708(d): Provided, That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $5,783,000 shall be derived from collections during fiscal year 2001 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $29,283,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $48,609,000, of which $14,154,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $4,892,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $199,630, of which $59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of sections 1535 and 1536 of title 31, United States Code, shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2001, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $92,845,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. Section 1 of the Act entitled "An Act to authorize acquisition of certain real property for the Library of Congress, and for other purposes", approved December 15, 1997 (2 U.S.C. 141 note) is amended by adding at the end the following new subsection:

"(c) TRANSFER PAYMENT BY ARCHITECT.—Notwithstanding the limitation on reimbursement or transfer of funds under subsection (a) of this section, the Architect of the Capitol may, not later than 90 days after acquisition of the property under this section, transfer funds to the entity from which the property was acquired by the Architect of the Capitol. Such transfers may not exceed a total of $16,500,000.".

SEC. 208. The Librarian of Congress may convert to permanent positions 84 indefinite, time-limited positions in the National Digital Library Program authorized in the Legislative Branch Appropriations Act, 1996 for the Library of Congress under the heading, "Salaries and Expenses" (Public Law 104–53). Notwithstanding any other provision of law regarding qualifications and methods of appointment of employees of the Library of Congress, the Librarian may fill these permanent positions through the noncompetitive conversion of the incumbents in the "indefinite-not-to-exceed" positions to "permanent" positions.

SEC. 209. (a) In addition to any other transfer authority provided by law, during fiscal year 2001 and fiscal years thereafter, the Librarian of Congress may transfer to and among available accounts of the Library of Congress amounts appropriated to the Librarian from funds for the purchase, installation, maintenance, and repair of furniture, furnishings, and office and library equipment.

(b) Any amounts transferred pursuant to subsection (a) shall be merged with and be available for the same purpose and for the same period as the appropriation or account to which such amounts are transferred.

(c) The Librarian may transfer amounts pursuant to subsection (a) only with the approval of the Committees on Appropriations of the House of Representatives and Senate.

SEC. 210. (a)(1) This subsection shall apply to any individual who—

(A) is employed by the Library of Congress Child Development Center (known as the "Little Scholars Child Development Center", in this section referred to as the "Center") established under section 205(g)(1) of the Legislative Branch Appropriations Act, 1991; and

(B) makes an election to be covered by this subsection with the Librarian of Congress, not later than the later of—

(i) 60 days after the date of enactment of this Act; or

(ii) 60 days after the date the individual begins such employment.

(2)(A) Any individual described under paragraph (1) may be credited, under section 8411 of title 5, United States Code, for service as an employee of the Center before the date of enactment of this Act, if such employee makes a payment of the deposit under section 8411(f)(2) of such title without application of section 8411(b)(3) of such title.

(B) An individual described under paragraph (1) shall be credited under section 8411 of title 5, United States Code, for any service as an employee of the Center on or after the date of enactment of this Act, if such employee has such amounts deducted and withheld from his pay as determined by the Office of Personnel Management which would be deducted and withheld from the basic pay of an employee under section 8422 of title 5, United States Code.

(3) Notwithstanding any other provision of this subsection, any service performed by an individual described under paragraph (1) as an employee of the Center is deemed to be civilian service creditable under section 8411 of title 5, United States Code, for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of such title, if such individual makes payment of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual if such individual had been an employee subject to section 8422 of title 5, United States Code, for such period so credited, together with interest thereon.

(4) An individual described under paragraph (1) shall be deemed an employee for purposes of chapter 84 of title 5, United States Code, including subchapter III of such title, and may make contributions under section 8432 of such title effective for the first applicable pay period beginning on or after the date such individual elects coverage under this section.

(5) The Office of Personnel Management shall accept the certification of the Librarian of Congress concerning creditable service for purposes of this subsection.

(b) Any individual who is employed by the Center on or after the date of enactment of this Act shall be deemed an employee under section 8901(1) of title 5, United States Code, for purposes of health insurance coverage under chapter 89 of such title. An individual who is an employee of the Center on the date of enactment of

this Act may elect coverage under this subsection before the 60th day after the date of enactment of this Act, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after such date.

(c) An individual who is employed by the Center shall be deemed an employee under section 8701(a) of title 5, United States Code, for purposes of life insurance coverage under chapter 87 of such title.

(d) Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, 8708, and 8906 shall be made by the Librarian of Congress from any appropriations available to the Library of Congress.

(e) The Library of Congress, directly or by agreement with its designated representative, shall—

(1) process payroll for Center employees, including making deductions and withholdings from the pay of employees in the amounts determined under sections 8422, 8432, 8707, and 8905 of title 5, United States Code;

(2) maintain appropriate personnel and payroll records for Center employees, and transmit appropriate information and records to the Office of Personnel Management; and

(3) transmit funds for Government and employee contributions under this section to the Office of Personnel Management.

(f) The Center shall—

(1) pay to the Library of Congress funds sufficient to cover the gross salary and the employer's share of taxes under section 3111 of the Internal Revenue Code of 1986 for Center employees, in amounts computed by the Library of Congress;

(2) as required by the Library of Congress, reimburse the Library of Congress for reasonable administrative costs incurred under subsection (e)(1);

(3) comply with regulations and procedures prescribed by the Librarian of Congress for administration of this section;

(4) maintain appropriate records on all Center employees, as required by the Librarian of Congress; and

(5) consult with the Librarian of Congress on the administration and implementation of this section.

(g) The Librarian of Congress may prescribe regulations to carry out this section.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $15,970,000, of which $5,000,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $27,954,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1999 and 2000 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,285 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: Provided further, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $10,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $384,867,000: Provided, That not more than $1,900,000 of payments received under 31 U.S.C. 782 shall be available for use in fiscal year 2001: Provided further, That not more than $1,100,000 of reimbursements received under 31 U.S.C. 9105 shall be available for use in fiscal year 2001: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2001 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $252,000.

SEC. 308. No part of any appropriation contained in this Act under the heading "Architect of the Capitol" or "Botanic Garden" shall be obligated or expended for a construction contract in excess of $100,000, unless such contract includes a provision that requires liquidated damages for contractor caused delay in an amount commensurate with the daily net usable square foot cost of leasing similar space in a first class office building within two miles of the United States Capitol multiplied by the square footage to be constructed under the contract.

SEC. 309. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "2000" and inserting "2001".

SEC. 310. RUSSIAN LEADERSHIP PROGRAM. Section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) is amended—

(1) by striking "fiscal years 1999 and 2000" in subsections (a)(1), (b)(4)(B), (d)(3), and (h)(1)(A) and inserting "fiscal years 2000 and 2001"; and

(2) by striking "2001" in subsection (a)(2), (e)(1), and (h)(1)(B) and inserting "2002".

SEC. 311. (a)(1) Any State may request the Joint Committee on the Library of Congress to approve the replacement of a statue the State has provided for display in Statuary Hall in the Capitol of the United States under section 1814 of the Revised Statutes (40 U.S.C. 187).

(2) A request shall be considered under paragraph (1) only if—

(A) the request has been approved by a resolution adopted by the legislature of the State and the request has been approved by the Governor of the State, and

(B) the statue to be replaced has been displayed in the Capitol of the United States for at least 10 years as of the time the request is made, except that the Joint Committee may waive this requirement for cause at the request of a State.

(b) If the Joint Committee on the Library of Congress approves a request under subsection (a), the Architect of the Capitol shall enter into an agreement with the State to carry out the replacement in accordance with the request and any conditions the Joint Committee may require for its approval. Such agreement shall provide that—

(1) the new statue shall be subject to the same conditions and restrictions as apply to any statue provided by a State under section 1814 of the Revised Statutes (40 U.S.C. 187), and

(2) the State shall pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

(c) Nothing in this section shall be interpreted to permit a State to have more than 2 statues on display in the Capitol of the United States.

(d)(1) Subject to the approval of the Joint Committee on the Library, ownership of any statue replaced under this section shall be transferred to the State.

(2) If any statue is removed from the Capitol of the United States as part of a transfer of ownership under paragraph (1), then it may not be returned to the Capitol for display unless such display is specifically authorized by Federal law.

(e) The Architect of the Capitol, upon the approval of the Joint Committee on the Library and with the advice of the Commission of Fine Arts as requested, is authorized and directed to relocate within the United States Capitol any of the statues received from the States under section 1814 of the Revised Statutes (40 U.S.C. 187) prior to the date of the enactment of this Act, and to provide for the reception, location, and relocation of the statues received hereafter from the States under such section.

SEC. 312. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking "$10,000,000" each place it appears and inserting "$14,500,000".

(b) Section 201 of such Act is amended—

(1) by inserting "(a)" before "Pursuant", and

(2) by adding at the end the following:

"(b) The Architect of the Capitol is authorized to solicit, receive, accept, and hold amounts under section 307E(a)(2) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(2)) in excess of the $14,500,000 authorized under subsection (a), but such amounts (and any interest thereon) shall not be expended by the Architect without approval in appropriation Acts as required under section 307E(b)(3) of such Act (40 U.S.C. 216c(b)(3)).".

SEC. 313. CENTER FOR RUSSIAN LEADERSHIP DEVELOPMENT. (a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the legislative branch of the Government a center to be known as the "Center for Russian Leadership Development" (the "Center").

(2) BOARD OF TRUSTEES.—The Center shall be subject to the supervision and direction of a Board of Trustees which shall be composed of 9 members as follows:

(A) 2 members appointed by the Speaker of the House of Representatives, 1 of whom shall be designated by the Majority Leader of the House of Representatives and 1 of whom shall be designated by the Minority Leader of the House of Representatives.

(B) 2 members appointed by the President pro tempore of the Senate, 1 of whom shall be designated by the Majority Leader of the Senate and 1 of whom shall be designated by the Minority Leader of the Senate.

(C) The Librarian of Congress.

(D) 4 private individuals with interests in improving United States and Russian relations, designated by the Librarian of Congress.

Each member appointed under this paragraph shall serve for a term of 3 years. Any vacancy shall be filled in the same manner as the original appointment and the individual so appointed shall serve for the remainder of the term. Members of the Board shall serve without pay, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(b) PURPOSE AND AUTHORITY OF THE CENTER.—

(1) PURPOSE.—The purpose of the Center is to establish, in accordance with the provisions of paragraph (2), a program to enable emerging political leaders of Russia at all levels of government to gain significant, firsthand exposure to the American free market economic system and the operation of American democratic institutions through visits to governments and communities at comparable levels in the United States.

(2) GRANT PROGRAM.—Subject to the provisions of paragraphs (3) and (4), the Center shall establish a program under which the Center annually awards grants to government or community organizations in the United States that seek to establish programs under which those organizations will host Russian nationals who are emerging political leaders at any level of government.

(3) RESTRICTIONS.—

(A) DURATION.—The period of stay in the United States for any individual supported with grant funds under the program shall not exceed 30 days.

(B) LIMITATION.—The number of individuals supported with grant funds under the program shall not exceed 3,000 in any fiscal year.

(C) USE OF FUNDS.—Grant funds under the program shall be used to pay—

(i) the costs and expenses incurred by each program participant in traveling between Russia and the United States and in traveling within the United States;

(ii) the costs of providing lodging in the United States to each program participant, whether in public accommodations or in private homes; and

(iii) such additional administrative expenses incurred by organizations in carrying out the program as the Center may prescribe.

(4) APPLICATION.—

(A) IN GENERAL.—Each organization in the United States desiring a grant under this section shall submit an application to the Center at such time, in such manner, and accompanied by such information as the Center may reasonably require.

(B) CONTENTS.—Each application submitted pursuant to subparagraph (A) shall—

(i) describe the activities for which assistance under this section is sought;

(ii) include the number of program participants to be supported;

(iii) describe the qualifications of the individuals who will be participating in the program; and

(iv) provide such additional assurances as the Center determines to be essential to ensure compliance with the requirements of this section.

(c) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the "Russian Leadership Development Center Trust Fund" (the "Fund") which shall consist of amounts which may be appropriated, credited, or transferred to it under this section.

(2) DONATIONS.—Any money or other property donated, bequeathed, or devised to the Center under the authority of this section shall be credited to the Fund.

(3) FUND MANAGEMENT.—

(A) IN GENERAL.—The provisions of subsections (b), (c), and (d) of section 116 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1105 (b), (c), and (d)), and the provisions of section 117(b) of such Act (2 U.S.C. 1106(b)), shall apply to the Fund.

(B) EXPENDITURES.—The Secretary of the Treasury is authorized to pay to the Center from amounts in the Fund such sums as the Board of Trustees of the Center determines are necessary and appropriate to enable the Center to carry out the provisions of this section.

(d) EXECUTIVE DIRECTOR.—The Board shall appoint an Executive Director who shall be the chief executive officer of the Center and who shall carry out the functions of the Center subject to the supervision and direction of the Board of Trustees. The Executive Director of the Center shall be compensated at the annual rate specified by the Board, but in no event shall such rate exceed level III of the Executive Schedule under section 5314 of title 5, United States Code.

(e) ADMINISTRATIVE PROVISIONS.—

(1) IN GENERAL.—The provisions of section 119 of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 1108) shall apply to the Center.

(2) SUPPORT PROVIDED BY LIBRARY OF CONGRESS.—The Library of Congress may disburse

funds appropriated to the Center, compute and disburse the basic pay for all personnel of the Center, provide administrative, legal, financial management, and other appropriate services to the Center, and collect from the Fund the full costs of providing services under this paragraph, as provided under an agreement for services ordered under sections 1535 and 1536 of title 31, United States Code.

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(g) Transfer of Funds.—Any amounts appropriated for use in the program established under section 3011 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31; 113 Stat. 93) shall be transferred to the Fund and shall remain available without fiscal year limitation.

(h) Effective Dates.—

(1) In general.—This section shall take effect on the date of enactment of this Act.

(2) Transfer.—Subsection (g) shall only apply to amounts which remain unexpended on and after the date the Board of Trustees of the Center certifies to the Librarian of Congress that grants are ready to be made under the program established under this section.

Sec. 314. Review of Proposed Changes to Export Thresholds for Computers. Not more than 50 days after the date of the submission of the report referred to in subsection (d) of section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note), the Comptroller General of the United States shall submit an assessment to Congress which contains an analysis of the new computer performance levels being proposed by the President under such section.

TITLE IV—EMERGENCY FISCAL YEAR 2000 SUPPLEMENTAL APPROPRIATIONS

The following sums are appropriated out of any money in the Treasury not otherwise appropriated, to provide additional emergency supplemental appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, namely:

Capitol Police Board

SECURITY ENHANCEMENTS

For an additional amount for the Capitol Police Board for costs associated with security enhancements, under the terms and conditions of chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), $2,102,000, to remain available until expended, of which—

(1) $228,000 shall be for the acquisition and installation of card readers for 4 additional access points which are not currently funded under the implementation of the security enhancement plan; and

(2) $1,874,000 shall be for security enhancements to the buildings and grounds of the Library of Congress:

Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

HOUSE OFFICE BUILDINGS

For an additional amount for necessary expenses for urgent repairs to the underground garage in the Cannon House Office Building, $9,000,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

For an additional amount for FHA—General and special risk program account for the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $40,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act: Provided further, That the funding under this heading shall only be made available upon the submission of a certification by the Secretary of Housing and Urban Development to the Committees on Appropriations that all funds committed, expended, or obligated under this heading in the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act, 2000 were committed, expended or obligated in compliance with the Antideficiency Act (31 U.S.C. 1341).

Sec. 401. Appropriations made by this title are available immediately upon enactment of this Act.

This Act may be cited as the "Legislative Branch Appropriations Act, 2001".

LEGISLATIVE BRANCH APPROPRIATIONS

Following is explanatory language on H.R. 5657, as introduced on December 14, 2000.

The conferees on H.R. 4577 agree with the matter included in H.R. 5657 and enacted in this conference report by reference and the following description. This bill was developed through negotiations by conferees on the differences in H.R. 4516. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed version of H.R. 4516. References to the Senate bill or Senate amendment mean the Senate reported version of H.R. 4516.

LEGISLATIVE BRANCH APPROPRIATIONS

Many items in both House and Senate Legislative Branch Appropriations bills are identical and are included in the conference agreement without change. The conferees have endorsed statements or policy contained in the House and Senate reports accompanying the appropriations bills, unless amended or restated herein. The conferees have agreed to drop without prejudice the direction in the House report under the heading, Information Security, subsumed under "LEGISLATIVE BRANCH WIDE MATTERS". With respect to those items in the conference agreement that differ between House and Senate bills, the conferees have agreed to the following with the appropriate section numbers, punctuation, and other technical corrections:

TITLE I—CONGRESSIONAL OPERATIONS

Senate

Appropriates $506,797,300 for Senate operations, and includes, at the request of the managers on the part of the Senate, an amendment adding $250,000, an amendment containing the traditional death gratuity upon the death of a Senator, and an amendment to Section 8. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

House of Representatives

At the request of the managers on the part of the House, an enrollment error in the House bill has been corrected and an administrative provision has been added to provide funds for a special education need. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

Joint Items

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 2001

SALARIES AND EXPENSES

Appropriates $1,000,000 for the Joint Committee on Inaugural Ceremonies of 2001 as proposed by the Senate, amending two dates.

ADMINISTRATIVE PROVISION

The conferees have amended the administrative provision proposed by the House regarding assistance for the Capitol Police during the Inauguration in January 2001 and the 2001 joint session of Congress to receive the State of the Union message.

JOINT ECONOMIC COMMITTEE

Appropriates $3,315,000 for the Joint Economic Committee as proposed by the Senate instead of $3,072,000 as proposed by the House.

JOINT COMMITTEE ON TAXATION

Appropriates $6,430,000 for the Joint Committee on Taxation instead of $6,174,000 as proposed by the House and $6,686,000 as proposed by the Senate. The conferees believe that this level of funding is sufficient for the Joint Committee on Taxation to complete its report on the overall state of the Federal tax system.

CAPITOL POLICE BOARD

Capitol Police

SALARIES

Appropriates $97,142,000 for salaries of officers, members, and employees of the Capitol Police instead of $92,769,000 as proposed by the House and $102,700,000 as proposed by the Senate, of which $47,053,000 is provided to the Sergeant at Arms of the House of Representatives and $50,089,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate. Of the amount provided, $4,660,000 is for overtime.

The conferees have agreed this will fund 1,481 FTE's, the level proposed by the Senate. The Chief of Police is directed to secure the approval of the House and Senate Appropriations Committees before filling positions above the level of 1,402 FTE's. The conferees intend that sufficient resources be allocated to implement the "two officers per door" policy. The Police are directed to study the posting requirements of all posts and report to the House and Senate Appropriations Committees. Until such a study is presented, the police are authorized an FTE level of 1402.

GENERAL EXPENSES

Appropriates $6,772,000 for general expenses of the Capitol Police instead of $6,549,000 as proposed by the House and $6,884,000 as proposed by the Senate. The funds provide $103,000 for motorcycle replacement, and the conferees direct that the Capitol Police continue the program begun in FY 2000 to utilize American-made motorcycles, targeting the funds made available in this agreement towards smaller motorcycles. In addition, the conferees have not included reimbursement for telecommunications costs ($235,000) and direct that these savings be applied to other programs. Items for installation and maintenance of physical security and information security measures shall not be less than the FY 2000 funded level.

ADMINISTRATIVE PROVISIONS

The conferees have included two administrative provisions proposed by the House relating to certifying officers and a chief administrative officer. The conferees have also added a provision adjusting the salary of the chief of the Capitol police.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

Appropriates $2,371,000 for the Capitol Guide Service and Special Services Office as proposed by the Senate instead of $2,201,000 as proposed by the House.

STATEMENTS OF APPROPRIATIONS

Appropriates $30,000 for statements of appropriations as proposed by the Senate instead of $29,000 as proposed by the House and makes technical changes.

OFFICE OF COMPLIANCE

Appropriates $1,820,000 for the Office of Compliance instead of $1,816,000 as proposed by the House and $2,066,000 as proposed by the Senate. The conferees note that Office of Compliance telephones frequently are not answered during normal business hours. As an agency providing service to employees and agencies of the Legislative branch, the Executive Director should ensure that calls to the Office of Compliance are answered during normal business hours. In addition, the conferees believe the Executive Director should examine the use of contract couriers to make deliveries to Congressional offices and should reduce costs for such deliveries by use of other means when appropriate.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Establishes the limitation on funds for representation and reception expenses at $3,000 as proposed by the House instead of $2,500 as proposed by the Senate and appropriates $28,493,000 for salaries and expenses of the Congressional Budget Office instead of $27,403,000 as proposed by the House and $27,113,000 as proposed by the Senate.

The conferees have included an administrative provision, as proposed by the Senate, authorizing the Congressional Budget Office to enter into multiple year contracts to the same extent as executive agencies.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

Appropriates $43,689,000 for salaries and expenses, Capitol buildings, Architect of the Capitol, instead of $44,234,000 as proposed by the House and $44,191,000 as proposed by the Senate. Of this amount, $3,843,000 shall remain available until expended instead of $4,280,000 as proposed by the House and $4,255,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget:	$39,346,000
Capitol Projects:	
1. Update electrical system drawings on CAD	70,000
2. CAD Mechanical database	70,000
3. Conservation of wall paintings	200,000
4. Study, confined spaces, Capitol Complex	0
5. Replacement on Minton tile	100,000
6. Provide infrastructure for security installations	400,000
7. Computer, telecommunications and electrical support	300,000
8. Security project support for AOC	0
9. Roof fall protection	555,000
10. Life safety support services	0
11. Safety and environmental program and SOP development	0
12. Wayfinding and ADA compliant signage	50,000
13. Computer aided facility management	263,000

The conference agreement includes a provision authorizing the Architect of the Capitol to hire a project manager for the construction of the Capitol Visitors Center and establishing a ceiling on the level of pay for this position. The conferees direct the Architect to fill this position from among persons recruited from outside the agency. The language authorizing the position and funding for same will require inclusion in annual appropriations bills and will be withdrawn upon completion of the project.

The conferees have agreed to modify the Senate report language directing the Architect to create and fill a position for employee advocate. The conferees direct that the Architect fill the position of Employee Advocate on a one-year, temporary basis, using existing resources, at a level appropriate to the task. In the submission of the FY 2002 budget request, the Architect is directed to report on measures taken to fulfill directives in the Senate report in lieu of the quarterly reports outlined in the Senate report regarding this position. The House and Senate Committees on Appropriations will review the results of this temporary measure before considering a permanent solution.

The conferees are aware that the Architect of the Capitol employs a significant number of temporary workers (excluding intermittent workers) who do not receive the usual benefits available to permanent federal workers. The Architect is directed to provide a report within 90 days to the Senate Committees on Appropriations and Rules and Administration, and to the House Committees on Appropriations, Transportation and Infrastructure, and House Administration, both majority and minority, detailing its use of temporary workers, the terms and conditions thereof, and the reasons therefor; the total number of such workers employed during each of the last five fiscal years; and a list and explanation of the benefits, if any, such workers receive by reason of their AOC employment. The report shall make recommendations for how to provide such workers access to federal benefits and a list of any alternatives that may exist to the use of temporary workers.

The conferees are concerned about a class-action suit against the Architect (*Harris et al.* v. *Architect of the Capitol*). The Architect is urged to make every effort to settle this lawsuit as expeditiously as possible, and to report to the House and Senate Committees on Appropriations within 45 days on the status of the case.

CAPITOL GROUNDS

Appropriates $5,362,000 to the Architect of the Capitol for care and improvement of grounds surrounding the Capitol, House and Senate office buildings, and the Capitol power plant instead of $5,217,000 as proposed by the House and $5,512,000 as proposed by the Senate. Of this amount, $125,000 shall remain available until expended instead of $25,000 as proposed by the House and $225,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	$5,127,000
Capitol Projects:	
1. CAD database development—site utilities ..	110,000
2. Wayfinding and ADA compliant signage	100,000

SENATE OFFICE BUILDINGS

Appropriates $63,974,000 to the Architect of the Capitol as proposed by the Senate, of which $21,669,000 shall remain available until expended, for the operations of the Senate office buildings. Inasmuch as this item relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

HOUSE OFFICE BUILDINGS

Appropriates $32,750,000 to the Architect of the Capitol as proposed by the House, of which $123,000 shall remain available until expended, for the operations of the House office buildings. Inasmuch as this item relates solely to the House, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

CAPITOL POWER PLANT

In addition to the $4,400,000 available from receipts, appropriates $39,415,000 to the Architect of the Capitol for Capitol power plant operations instead of $39,151,000 as proposed by the House and $39,569,000 as proposed by the Senate. Of this amount, $523,000 shall remain available until expended as proposed by the Senate instead of $200,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget:	
1. Personnel compensation	4,467,000
2. Other expenses	34,110,000
Capital Projects:	
1. Study, heat balance/efficiency improvements	0
2. Update CAD drawings	65,000
3. Roof fall protection	323,000

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates $73,592,000 for salaries and expenses, Congressional Research Service, Library of Congress instead of $73,810,000 as proposed by the House and $73,374,000 as proposed by the Senate. In keeping with both the complete research and maximum practicable administrative independence of the Congressional Research Service, it is the conferees' intent that the Director of the Congressional Research Service shall be obligated to bring to the attention of the appropriate House and Senate Committees issues which directly impact the Congressional Research Service and its ability to serve the needs of Congress. The budgetary needs of CRS that may not be adequately addressed in the annual budget submission should be raised with the Appropriations Committees.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Appropriates $71,462,000 for Congressional printing and binding instead of $69,626,000 as proposed by the House and $73,297,000 as proposed by the Senate. The conference agreement includes a heading and provision for transfer of balances for preceding fiscal years to the Government Printing Office revolving fund as proposed by the House and language proposed by the Senate to provide for printing and binding for the Architect of the Capitol and for preparing the semimonthly and session indexes for the Congressional Record.

Rather than limiting funding for the Congressional Record Index and indexers to close out activities, as directed in the House report, the conferees agree that this activity should continue and that improvements in work processes should be pursued by taking advantage of the latest available technology. These activities and initiatives should be more closely integrated and coordinated with related GPO functions and should be pursued under the direction of the Public Printer or appropriate officials designated by the Public Printer.

ADMINISTRATIVE PROVISION

The conference agreement amends an administrative provision proposed by the House regarding a study of Congressional printing needs and authorization of appropriations beginning in fiscal year 2003 to limit its application to the Clerk of the House and the printing needs of the House of Representatives:

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

Appropriates $3,328,000 for salaries and expenses, Botanic Garden instead of $3,216,000 as proposed by the House and $3,653,000 as proposed by the Senate of which $25,000 shall remain available until expended instead of $150,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget	$3,303,000
Capitol Projects:	
1. Replace equipment at growing facilities	0
2. Wayfinding signage	25,000

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides $282,838,000 for salaries and expenses, Library of Congress instead of $269,864,000 as proposed by the House and $267,330,000 as proposed by the Senate. Of this amount, $6,850,000 is made available from receipts collected by the Library of Congress, and $10,459,575 is to remain available until expended for acquisition of library materials as proposed by the House instead of $10,398,600 as proposed by the Senate. With respect to differences between the House and Senate bills, the conferees have agreed to the following:

1. Mandatories	$8,459,000
2. Price level	−1,920,000
3. Russian Leadership Program	10,000,000
4. Hands Across America	5,957,800
5. Arrearage reduction	500,000
6. Mass deacidification	1,216,000
7. National Film Preservation Board	250,000
8. Digitization pilot with West Point	404,000
9. Digitization non-personal costs $	7,590,000
10. Ft. Meade Storage: One-time costs	−406,000
11. Ft. Meade Storage: Open module one	618,000
12. Automation: National Digital Library servers and storage	300,000
13. Security Office	2,342,000
14. High-speed transmission line	4,300,000

The conference agreement includes funds for four programs, to remain available until expended. One provision, for $5,957,800, is for teaching educators how to incorporate the Library's digital collection into school curricula. A second provision provides $404,000 for a digitization pilot project with the Military Academy at West Point. A third provision provides $10,000,000 to continue the Russian Leadership Program for FY2001. A fourth provision provides $4,300,000 to the Library of Congress to develop high speed data transmission between the Library of Congress and educational facilities, libraries, or networks serving the National Digital Library pilot program. The Library is directed to investigate the most cost effective method of providing this capability and take the necessary steps to develop the capability within the resources available. Any remaining balance not required for the development of the high speed data transmission is available for support of the Library's digital futures initiative.

The conferees agree with language in the House report directing the Library to employ students at the Ft. Meade remote storage facility and with language in the Senate report directing the Library to devote all available resources to elimination of cataloging arrearage.

The conferees are aware that a task force has been established at the Library of Congress to explore the feasibility and desirability of instituting a telecommuting program for the Library. The conferees encourage the Librarian to consider a telecommuting program for the Library (including the Congressional Research Service), and to include a description of the program with his next budget submission.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides $38,523,000, including $29,283,000 made available from receipts, for salaries and expenses, Copyright Office instead of $38,771,000, including $31,783,000 from receipts, as proposed by the House and $38,332,000, including $26,783,000 from receipts, as proposed by the Senate. With respect to differences between the House and Senate bills, the conferees have agreed to the following:

Salaries	$31,318,000
Expenses	7,205,000

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates $48,609,000 for salaries and expenses, books for the blind and physically handicapped instead of $48,507,000 as proposed by the House and $48,711,000 as proposed by the Senate. Of this amount, $14,154,000 shall remain available until expended as proposed by the Senate instead of $14,135,000 as proposed by the House.

FURNITURE AND FURNISHINGS

Appropriates $4,892,000 for furniture and furnishings at the Library of Congress as proposed by the Senate instead of $5,394,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

Various technical corrections and section number changes have been made. In Section 201, the conferees have agreed to an overall limitation of $199,630 on funds available for attendance at meetings as proposed by the House and a limitation of $59,300 on CRS attendance at meetings as proposed by the House. The conference agreement includes Section 202 as proposed by the House. The conferees have modified the scope of accounts available for transfer authority to include transfers only from the furniture and furnishings account and not to it. The conference agreement does not include the separation incentives proposed by the House. The conferees have authorized use of appropriated funds to pay the employer share of benefit costs for employees of the Library of Congress child care center.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Appropriates $15,970,000 for structural and mechanical care, Library buildings and grounds, Architect of the Capitol instead of $15,837,000 as proposed by the House and $16,347,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

Operating Budget:	
1. Personnel compensation and benefits	$7,959,000
2. Annual expenses	1,966,000
Capitol Projects:	
3. Preservations environmental monitoring	0
4. Replace HVAC variable speed drive motor	90,000
5. Room and partition modifications	165,000
6. Replace partition supports	200,000
7. Lightning protection, Madison building	190,000

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Appropriates $27,954,000 for salaries and expenses, Office of the Superintendent of Documents instead of $25,652,000 as proposed by the House and $30,255,000 as proposed by the Senate. The conferees have retained the heading "Transfer of Funds" as proposed by the House and "distribution" to replace the wording, "on-line access", within the appropriating paragraph as proposed by the Senate. The conferees have included the Senate language for the appropriating provision on the availability of $2,000,000 from the appropriation and the appropriation provision authorizing transfer of funds as proposed by the House.

The conferees recognize that the funding level provided may require adjustments in historically applicable program services and agree that no employee layoffs will be required. Emphasis should be on streamlining the distribution of traditional paper copies of publications which may include providing online access and less expensive electronic formats. The conferees agree to the transfer of unexpended funds proposed by the House, which provides additional flexibility in meeting program requirements.

The conferees have agreed to modify the language in the House report directing the Congressional Research Service to conduct a study and direct that the General Accounting Office shall conduct a comprehensive study on the impact of providing documents to the public solely in electronic format. The study shall include: (1) a current inventory of publications and documents which are provided to the public, (2) the frequency with which each type of publication or document is requested for deposit at non-regional depository libraries, and (3) an assessment of the feasibility of transfer of the depository library program to the Library of Congress that: Identifies how such a transfer might be accomplished; Identifies when such a transfer might optimally occur; Examines the functions, services, and programs of the Superintendent of Documents; Examines and identifies administrative and infrastructure support that is provided to the Superintendent by the Government Printing Office, with a view to the implications for such a transfer; Examines and identifies the costs, for both the Government Printing Office and the Library of Congress, of such a transfer; Identifies measures that are necessary to ensure the success of such a transfer.

The study shall be submitted to the Committee on House Administration and the Senate Committee on Rules and Administration by March 30, 2001.

ADMINISTRATIVE PROVISION

The conferees have not included a provision proposed by the Senate amending 44 U.S.C. 1708.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Appropriates $384,867,000 for salaries and expenses, General Accounting Office as proposed by the Senate instead of $368,896,000 as proposed by the House. Within the appropriating paragraph, the conferees have set the limitation on representation expenses at $10,000 as proposed by the House, instead of $7,000 as proposed by the Senate and made technical corrections to two other matters.

The General Accounting Office shall undertake a study of the effects on air pollution caused by all polluting sources, including automobiles and the electric power generation emissions of the Tennessee Valley Authority on the Great Smoky Mountains National Park, the Blue Ridge Parkway and the Pisgah, Nantahla, and Cherokee National Forests. This study will also include the amount of carbon emissions avoided by the use of non-emitting electricity sources such as nuclear power within the same region. The GAO shall report to the Committees on Appropriations no later than January 31, 2001.

ADMINISTRATIVE PROVISIONS

The conferees have not included several administrative provisions proposed by the Senate.

TITLE III—GENERAL PROVISIONS

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement and technical corrections have been made. The conferees have included a liquidated damages provision proposed by the House. The conferees have included provisions proposed by the Senate changing a date and extending the Russian Leadership Program. The conferees have not included a proposed merger of various law enforcement activities and have amended language in the Senate bill regarding the placement of statues in Statuary Hall. The conferees have adjusted the limitation on the National Garden and have agreed to establish a Center for Russian Leadership Development as proposed by the Senate. A Sense of the Senate provision and a limitation on the use of pesticides have not been included. There is a provision regarding an assessment by the General Accounting Office of a report referred to in the National Defense Authorization Act for Fiscal Year 1998.

TITLE IV—FISCAL YEAR 2000 EMERGENCY SUPPLEMENTAL

The conferees have included several Fiscal Year 2000 supplemental appropriation items that require urgent attention and are considered emergency situations.

LEGISLATIVE BRANCH

JOINT ITEMS

CAPITOL POLICE BOARD

SECURITY ENHANCEMENTS

The conference agreement provides an additional $2,102,000 for Fiscal Year 2000 to the Capitol Police Board for security enhancements. Of this amount, $228,000 are for acquisition and installation of card readers for four additional Capitol buildings access points not currently funded in the security enhancements plan. In addition, $1,874,000 is provided for work at the Library of Congress to complete the closed circuit television ($1,390,000) and access control ($484,000) improvement tasks. These funds are designated as an emergency requirement.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

HOUSE OFFICE BUILDINGS

The conference agreement appropriates $9,000,000 for Fiscal Year 2000 to the Architect of the Capitol for urgent repairs to the underground garage in the Cannon House Office Building. These funds are designated as an emergency requirement.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

FEDERAL HOUSING ADMINISTRATION

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

At the request of the House and Senate subcommittees on VA, HUD and Independent Agencies Appropriations, the conferees have agreed to include a provision for the Department of Housing and Urban Development (HUD) that provides, on an emergency basis, $40,000,000 in credit subsidy for the FHA General and Special Risk Program Account. Without these additional funds, the Title I home improvement program, the condominium loan program, the FHA reverse mortgage program for senior citizens, and various multifamily housing insurance programs would have to be suspended. The additional appropriation would have been unnecessary if HUD had adhered to assumptions made by the Office of Management and Budget (OMB) in determining credit subsidy rates when the President's budget was submitted to Congress, a violation of budget conventions. In the future, HUD should refrain from similar actions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$2,475,080
Budget estimates of new (obligational) authority, fiscal year 2001	2,725,604
House bill, fiscal year 2001	1,913,691
Senate bill, fiscal year 2001	2,523,378
Conference agreement, fiscal year 2001	2,526,863
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+51,783
Budget estimates of new (obligational) authority, fiscal year 2001	−198,741
House bill, fiscal year 2001	+613,172
Senate bill, fiscal year 2001	+3,485
Title IV—FY 2000 Emergency Supplemental	51,102

TREASURY DEPARTMENT, THE UNITED STATES POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5658 as introduced on December 14, 2000. The text of that bill follows:

A BILL Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2001, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses;

not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $156,315,000: *Provided*, That the Office of Foreign Assets Control shall be funded at no less than $11,439,000: *Provided further*, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $47,287,000, to remain available until expended: Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $32,899,000.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $118,427,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $31,000,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

To develop and implement programs to expand access to financial services for low- and moderate-income individuals, $2,000,000, to remain available until expended: Provided, That of these funds, such sums as may be necessary may be transferred to accounts of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $37,576,000, of which not to exceed $2,800,000 shall remain available until September 30, 2003; and of which $2,275,000 shall remain available until September 30, 2002: Provided, That funds appropriated in this account may be used to procure personal services contracts.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $55,000,000, to remain available until expended, to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including payment of rewards in connection with these activities: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $94,483,000, of which up to $17,043,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2003: Provided, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: Provided further, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: Provided further, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: Provided further, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: Provided further, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $29,205,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $103,476,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $206,851,000, of which not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $768,695,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); of which up to $2,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or air craft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries including Social Security and Medicare, travel, fuel, training, equipment, *supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: Provided, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2001: Provided further, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: Provided further, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: Provided further, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): Provided further, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.*

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,863,765,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: Provided, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $133,228,000, which shall remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2001 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $258,400,000, to remain available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $130,000,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the Committees on Appropriations a final plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: Provided further, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that final expenditure plan has been approved by the Committees on Appropriations.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,301,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: Provided, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at $182,901,000. In addition, $23,600, to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380; and in addition, to be appropriated from the General Fund, such sums as may be necessary for administrative expenses in association with the South Dakota Trust Fund and the Cheyenne River Sioux Tribe Terrestrial Wildlife Restoration and Lower Brule Sioux Tribe Terrestrial Restoration Trust Fund, as authorized by sections 603(f) and 604(f) of Public Law 106–53.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; providing an independent taxpayer advocate within the Service; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,567,001,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; providing service to tax exempt customers, including employee plans, tax exempt organizations, and government entities; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,382,402,000, of which not to exceed $1,000,000 shall remain available until September 30, 2003, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $145,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,545,090,000 which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 844 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $823,800,000, of which $3,633,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $8,941,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. Hereafter, funds made available by this or any other Act may be used to pay premium pay for protective services authorized by section 3056(a) of title 18, United States Code, without regard to the limitation on the rate of pay payable during a pay period contained in section 5547(c)(2) of title 5, United States Code, except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to the provisions of law cited in the first sentence of section 5547(a) of title 5, United States Code. Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.

SEC. 119. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 120. Under the heading of Treasury Franchise Fund in Public Law 104–208, delete the following: the phrases "pilot, as authorized by section 403 of Public Law 103–356,"; and "as provided in such section"; and the final proviso. After the phrase "to be available", insert "without fiscal year limitation,". After the phrase, "established in the Treasury a franchise fund", insert, "until October 1, 2002".

SEC. 121. Notwithstanding any other provision of law, no reorganization of the field operations of the United States Customs Service Office of Field Operations shall result in a reduction in service to the area served by the Port of Racine, Wisconsin, below the level of service provided in fiscal year 2000.

SEC. 122. Notwithstanding any other provision of law, the Bureau of Alcohol, Tobacco and Firearms shall reimburse the subcontractor that provided services in 1993 and 1994 pursuant to Bureau of Alcohol, Tobacco and Firearms contract number TATF 93–3 from amounts appropriated for fiscal year 2001 or unobligated balances from prior fiscal years, and such reimbursement shall cover the cost of all professional services rendered, plus interest calculated in accordance with the Contract Dispute Act of 1978 (41 U.S.C. 601 et seq.)

This title may be cited as the "Treasury Department Appropriations Act, 2001".

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $96,093,000, of which $67,093,000 shall not be available for obligation until October 1, 2001: Provided, That mail for overseas voting and mail for the blind shall continue to be free: Provided further, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: Provided further, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: Provided further, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2001.

This title may be cited as the "Postal Service Appropriations Act, 2001".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $390,000: Provided, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and *not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $53,288,000: Provided, That $9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.*

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $10,900,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: Provided further, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: Provided further, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: Provided further, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: Provided further, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: Provided further, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $968,000, to remain available until expanded, for projects for required maintenance, safety and health issues, Presidential transition, telecommunications infrastructure repair, and continued preventive maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,673,000.

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $354,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisors in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,110,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,032,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,165,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $43,737,000, of which $9,905,000 shall be available until September 30, 2002 for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $68,786,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: Provided, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,759,000, of which $2,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws, and up to $600,000 for the evaluation of the Drug-Free Communities Act: Provided, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of Division C of Public Law 105–277), $29,053,000, which shall remain available until expended, consisting of $15,803,000 for counternarcotics research and development projects, and $13,250,000 for the continued operation of the technology transfer program: Provided, That the $15,803,000 for counter-narcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $206,500,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: Provided, That up to 49 percent, to remain available until September 30, 2002, may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That, of this latter amount, $1,800,000 shall be used for auditing services: Provided further, That HIDTAs designated as of September 30, 2000, shall be funded at fiscal year 2000 levels unless the Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105–277, $233,600,000, to remain available until expended: Provided, That such funds may be transferred to other Federal departments and agencies to carry out such activities: Provided further, That of the funds provided, $185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: Provided further, That of the funds provided, $3,300,000 shall be made available to the United States Olympic Committee's anti-doping program no later than 30 days after the enactment of this Act: Provided further, That of the funds provided, $40,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: Provided further, That of the funds provided, $1,000,000 shall be available to the National Drug Court Institute.

This title may be cited as the "Executive Office Appropriations Act, 2001".

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $4,158,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $40,500,000, of which no less than $4,689,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,058,000: Provided, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: Provided further, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to be deposited in, and to be used for the purposes of, the Fund established pursuant to section 210(f) of the Federal Property and Administration Act of 1949, as amended (40 U.S.C. 490(f)), $464,154,000. The revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,971,509,000 of which (1) $472,176,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations: California, Los Angeles, U.S. Courthouse; District of Columbia, Bureau of Alcohol, Tobacco and Firearms Headquarters; Florida, Saint Petersburg, Combined Law Enforcement Facility; Maryland, Montgomery County, Food and Drug Administration Consolidation; Michigan, Sault St. Marie, Border Station; Mississippi, Biloxi-Gulfport, U.S. Courthouse; Montana, Eureka/Roosville, Border Station; Virginia, Richmond, U.S. Courthouse; Washington, Seattle, U.S. Courthouse: Provided, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $671,193,000 shall remain available until expended for repairs and alterations which includes associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount:

Repairs and alterations:

Arizona:

Phoenix, Federal Building Courthouse, $26,962,000

California:

Santa Ana, Federal Building, $27,864,000

District of Columbia:

Internal Revenue Service Headquarters (Phase 1), $31,780,000

Main State Building, (Phase 3), $28,775,000

Maryland:

Woodlawn, SSA National Computer Center, $4,285,000

Michigan:

Detroit, McNamara Federal Building, $26,999,000

Missouri:

Kansas City, Richard Bolling Federal Building, $25,882,000

Kansas City, Federal Building, 8930 Ward Parkway, $8,964,000

Nebraska:

Omaha, Zorinsky Federal Building, $45,960,000

New York:

New York City, 40 Foley Square, $5,037,000

Ohio:

Cincinnati, Potter Stewart U.S. Courthouse, $18,434,000

Pennsylvania:

Pittsburgh, U.S. Post Office-Courthouse, $54,144,000

Utah:

Salt Lake City, Bennett Federal Building, $21,199,000

Virginia:

Reston, J.W. Powell Federal Building (Phase 2), $22,993,000

Nationwide:

Design Program, $21,915,000

Energy Program, $5,000,000

Glass Fragment Retention Program, $5,000,000

Basic Repairs and Alterations, $290,000,000: Provided further, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance notice is transmitted to the Committees on Appropriations: Provided further, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: Provided further, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $185,369,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $2,944,905,000 for rental of space which shall remain available until expended; and (5) $1,624,771,000 for building operations which shall remain available until expended: Provided further, That in addition to amounts made available herein, $276,400,000 shall be deposited to the Fund, to become available on October 1, 2001, and remain available until expended for the following construction projects (including funds for sites and expenses and associated design and construction services): District of Columbia, U.S. Courthouse Annex; Florida, Miami, U.S. Courthouse; Massachusetts, Springfield, U.S. Courthouse; New York, Buffalo, U.S. Courthouse: Provided further, That funding for any project identified above may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: Provided further, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: Provided further, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2001, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,971,509,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $123,920,000, of which $27,301,000 shall remain available until expended: Provided, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: Provided further, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,520,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,517,000: Provided, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

EXPENSES, PRESIDENTIAL TRANSITION

For expenses necessary to carry out the Presidential Transition Act of 1963, as amended, $7,100,000.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2001 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2002 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: Provided, That the fiscal year 2002 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Section 411 of Public Law 106–58 is amended by striking "April 30, 2001" each place it appears and inserting "April 30, 2002".

SEC. 409. DESIGNATION OF RONALD N. DAVIES FEDERAL BUILDING AND UNITED STATES COURTHOUSE. (a) The Federal building and courthouse located at 102 North 4th Street, Grand Forks, North Dakota, shall be known and designated as the "Ronald N. Davies Federal Building and United States Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the Ronald N. Davies Federal Building and United States Courthouse.

SEC. 410. From the funds made available under the heading "Federal Buildings Fund Limitations on Revenue", in addition to amounts provided in budget activities above, up to $2,500,000 shall be available for the construction of a road and acquisition of the property necessary for construction of said road and associated port of entry facilities: Provided, That said property shall include a 125 foot wide right of way beginning approximately 700 feet east of Highway 11 at the northeast corner of the existing port facilities and going north approximately 4,750 feet and approximately 10.22 acres adjacent to the port of entry in Township 29 S. Range 8W., Section 14: Provided further, That construction of the road shall occur only after this property is deeded and conveyed to the United States by and through the General Services Administration without reimbursement or cost to the United States at the election of its current landholder: Provided further, That notwithstanding any other provision of law, and subject to the foregoing conditions, the Administrator of General Services shall construct a road to the Columbus, New Mexico Port of Entry Station on the property, connecting the port with a road to be built by the County of Luna, New Mexico to connect to State Highway 11: Provided further, That notwithstanding any other provision of law, Luna County shall construct the roadway from State Highway 11 to the terminus of the northbound road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration in time for completion of the road to be constructed by the General Services Administration: Provided further, That upon completion of the construction of the road by the General Services Administration, and notwithstanding any other provision of law, the Administrator of General Services shall convey to the municipality of Luna County, New Mexico, without reimbursement, all right, title, and interest of the United States to that portion of the property constituting the improved road and standard county road right of way which is not required for the operation of the port of entry: Provided further, That the General Services Administration on behalf of the United States upon conveyance of the property to the municipality of Luna, New Mexico, shall retain the balance of the property located adjacent to the port, consisting of approximately 12 acres, to be owned or otherwise managed by the Administrator pursuant to the Federal Property and Administrative Services Act of 1949, as amended: Provided further, That the General Services Administration is authorized to acquire such additional real property and rights in real property as may be necessary to construct said road and provide a contiguous site for the port of entry: Provided further, That the United States shall incur no liability for any environmental laws or conditions existing at the property at the time of conveyance to the United States or in connection with the construction of the road: Provided further, That Luna County and the Village of Columbus shall be responsible for providing adequate access and egress to existing properties east of the port of entry: Provided further, That the Bureau of Land Management, the International Boundary and

Water Commission, the Federal Inspection Agencies and the Department of State shall take all actions necessary to facilitate the construction of the road and expansion of the port facilities.

SEC. 411. DESIGNATION OF J. BRATTON DAVIS UNITED STATES BANKRUPTCY COURTHOUSE. (a) The United States bankruptcy courthouse at 1100 Laurel Street in Columbia, South Carolina, shall be known and designated as the "J. Bratton Davis United States Bankruptcy Courthouse".

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States bankruptcy courthouse referred to in subsection (a) shall be deemed to be a reference to the "J. Bratton Davis United States Bankruptcy Courthouse".

SEC. 412. (a) The United States Courthouse Annex located at 901 19th Street in Denver, Colorado is hereby designated as the "Alfred A. Arraj United States Courthouse Annex".

(b) Any reference in a law, map, regulation, document, or paper or other record of the United States to the Courthouse Annex herein referred to in subsection (a) shall be deemed to be a reference to the "Alfred A. Arraj United States Courthouse Annex".

SEC. 413. DESIGNATION OF THE PAUL COVERDELL DORMITORY. The dormitory building currently being constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, shall be known and designated as the "Paul Coverdell Dormitory".

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $29,437,000 together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Trust Fund, to be available for the purposes of Public Law 102–252, $2,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,250,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $209,393,000: Provided, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $95,150,000, to remain available until expended of which $88,000,000 is to complete renovation of the National Archives Building.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,450,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $9,684,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $94,095,000; and in addition $101,986,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $10,500,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: Provided further, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2001, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,360,000; and in addition, not to exceed $9,745,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: Provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: Provided, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles, $11,147,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: Provided, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 2001".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity or for *paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.*

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act").

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2001 from appropriations made available for salaries and expenses for fiscal year 2001 in this Act, shall remain available through September 30, 2002, for each such account for the purposes authorized: Provided, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. (a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Archivist of the United States shall transfer to the Gerald R. Ford Foundation, as trustee, all right, title, and interest of the United States in and to the approximately 2.3 acres of land located within Grand Rapids, Michigan, and further described in subsection (b), such grant to be in trust, with the beneficiary being the National Archives and Records Administration, for the purpose of supporting the facilities and programs of the Gerald R. Ford Museum in Grand Rapids, Michigan, and the Gerald R. Ford Library in Ann Arbor, Michigan, in accordance with a trust agreement to be agreed upon by the Archivist and the Gerald R. Ford Foundation.

(b) LAND DESCRIPTION.—The land to be transferred pursuant to subsection (a) is described as follows:

The following premises in the City of Grand Rapids, County of Kent, State of Michigan, described as:

That part of Block 2, Converse Plat, and that part of Block 2 of J.W. Converse Replatted Addition, and that part of Government Lot 1 of Section 25, T7N, R12W, City of Grand Rapids, Kent County, Michigan, described as: BEGINNING at the NE corner of Lot 1 of Block 2 of Converse Plat; thence East 245.0 feet along the South line of Bridge Street; thence South 230.0 feet along a line which is parallel with and 170 feet East from the East line of Front Avenue as originally platted; thence West 207.5 feet parallel with the South line of Bridge Street; thence South along the centerline of vacated Front Avenue 109 feet more or less to the extended centerline of vacated Douglas Street; thence West along the centerline of vacated Douglas Street 237.5 feet more or less to the East line of Scribner Avenue; thence North along the East line of Scribner Avenue 327 feet more or less to a point which is 7.0 feet South from the NW corner of Lot 8 of Block 2 of Converse Plat; thence Easterly 200 feet more or less to the place of beginning, also described as:

Parcel A—Lots 9 & 10, Block 2 of Converse Plat, being the subdivision of Government Lots 1 & 2, Section 25, T7N, R12W; also Lots 11–24, Block 2 of J.W. Converse Replatted Addition; also part of N ½ of Section 25, T7N, R12W commencing at SE corner Lot 24, Block 2 of J.W. Converse Replatted Addition, thence N to NE corner of Lot 9 of Converse Plat, thence E 16 feet, thence S to SW corner of Lot 23 of J.W. Converse Replatted Addition, thence W 16 feet to beginning.

Parcel B—Part of Section 25, T7N, R12W, commencing on S line of Bridge Street 50 feet E of E line of Front Avenue, thence S 107.85 feet, thence 77 feet, thence N to a point on S line of said street which is 80 feet E of beginning, thence W to beginning.

Parcel C—Part of Section 25, T7N, R12W, commencing at SE corner Bridge Street & Front Avenue, thence E 50 feet, thence S 107.85 feet to alley, thence W 50 feet to E line Front Avenue, thence N 106.81 feet to beginning.

Parcel D—Part of Government Lot 1, Section 25, T7N, R12W, commencing at a point on S line of Bridge Street (66′ wide) 170 feet E of E line of Front Avenue (75′ wide), thence S 230 feet parallel with Front Avenue, thence W 170 feet parallel with Bridge Street to E line of Front Avenue, thence N along said line to a point 106.81 feet S of intersection of said line with extension of N & S line of Bridge Street, thence E 127 feet, thence northerly to a point on S line of Bridge Street 130 feet E of E line of Front Avenue, thence E along S line of Bridge Street to beginning.

Parcel E—Lots 1 through 8 of Block 2 of Converse Plat, being the subdivision of Government Lots 1 and 2, Section 25, T7N, R12W.

Also part of N ½ of Section 25, T7N, R12W, commencing at NW corner of Lot 9, Block 2 of J.W. Converse Replatted Addition; thence N 15 feet to SW corner of Lot 8; thence E 200 feet to SE corner Lot 1; thence S 15 feet to NE corner of Lot 10; thence W 200 feet to beginning.

Together with any portion of vacated streets and alleys that have become part of the above property.

(c) TERMS AND CONDITIONS.—

(1) COMPENSATION.—The land transferred pursuant to subsection (a) shall be transferred without compensation to the United States.

(2) APPOINTMENT OF SUCCESSOR TRUSTEE.—In the event that the Gerald R. Ford Foundation for any reason is unable or unwilling to continue to serve as trustee, the Archivist of the United States is authorized to appoint a successor trustee.

(3) REVERSIONARY INTEREST.—If the Archivist of the United States determines that the Gerald R. Ford Foundation (or a successor trustee appointed under paragraph (2)) has breached its fiduciary duty under the trust agreement entered into pursuant to this section, the land transferred pursuant to subsection (a) shall revert to the United States under the administrative jurisdiction of the Archivist.

SEC. 515. (a) IN GENERAL.—The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

(b) CONTENT OF GUIDELINES.—The guidelines under subsection (a) shall—

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) require that each Federal agency to which the guidelines apply—

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director—.

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency.

SEC. 516. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 517. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 518. Not later than July 1, 2001, the Director of the Office of Management and Budget shall submit a report to the Committee on Appropriations and the Committee on Governmental Affairs in the Senate and the Committee on Appropriations and the Committee on Government Reform of the House of Representatives that (1) evaluates, for each agency, the extent to which implementation of chapter 35 of title 31, United States Code, as amended by the Paperwork Reduction Act of 1995 (Public Law 104–13), has reduced burden imposed by rules issued by the agency, including the burden imposed by each major rule issued by the agency; (2) includes a determination, based on such evaluation, of the need for additional procedures to ensure achievement of the purposes of that chapter, as set forth in section 3501 of title 31, United States Code, and evaluates the burden imposed by each major rule that imposes more than 10,000,000 hours of burden, and identifies specific reductions expected to be achieved in each of fiscal years 2001 and 2002 in the burden imposed by all rules issued by each agency that issued such a major rule.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: Provided, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: Provided, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: Provided, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2001, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of

the Treasury and General Government Appropriations Act, 2000, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2001, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2001, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2001 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2001 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2000 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2000, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2000, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2000.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. *During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.*

SEC. 615. *Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.*

SEC. 616. *Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).*

SEC. 617. *(a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.*

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. *No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.*

SEC. 619. *None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).*

SEC. 620. *No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—*

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. *(a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—*

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. *No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, U.S.C. (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are* controlling.": Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. (a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 625. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 626. Hereafter, the Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 627. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 628. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 629. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 630. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) Care Choices;

(C) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 631. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 632. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the "Policy and Operations" account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2001 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 633. (a) IN GENERAL.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use appropriated funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) DEFINITION.—For purposes of this section, the term "Executive agency" has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(d) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 634. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 635. Nothwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 636. RETIREMENT PROVISIONS RELATING TO CERTAIN MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—(a) QUALIFIED MWAA POLICE OFFICER DEFINED.—For purposes of this section, the term "qualified MWAA police officer" means any individual who, as of the date of the enactment of this Act—

(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority (hereinafter in this section referred to as an "MWAA police officer"); and

(2) is subject to the Civil Service Retirement System or the Federal Employees' Retirement System by virtue of section 49107(b) of title 49, United States Code.

(b) ELIGIBILITY TO BE TREATED AS A LAW ENFORCEMENT OFFICER FOR RETIREMENT PURPOSES.—

(1) IN GENERAL.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer (within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(2) PRIOR SERVICE DESCRIBED.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual's election under this section, as—

(A) an MWAA police officer; or

(B) a member of the police force of the Federal Aviation Administration (hereinafter in this section referred to as an "FAA police officer").

(c) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective unless—

(1) it is made before the employee separates from service with the Metropolitan Washington Airports Authority, but in no event later than 1 year after the regulations under this subsection take effect; and

(2) it is accompanied by payment of an amount equal to, with respect to all prior service of such employee which is described in subsection (b)(2)—

(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, U.S.C. (as the case may be) if such election had then been in effect, minus

(B) the total employee deductions and contributions under such chapter 83 and 84 (as applicable) that were actually made for such service,

taking into account only amounts required to be credited to the Civil Service Retirement and Disability Fund. Any amount under paragraph (2) shall be computed with interest, in accordance with section 8334(e) of such title 5.

(d) GOVERNMENT CONTRIBUTIONS.—Whenever a payment under subsection (c)(2) is made by an individual with respect to such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund any additional contributions for which it would have been liable, with respect to such service, if such individual's election under this section had then been in effect (and, to the extent of any prior FAA police officer service, as if it had then been the employing agency). Any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

(e) CERTIFICATIONS.—The Office of Personnel Management shall accept, for the purpose of this section, the certification of—

(1) the Metropolitan Washington Airports Authority (or its designee) concerning any service performed by an individual as an MWAA police officer; and

(2) the Federal Aviation Administration (or its designee) concerning any service performed by an individual as an FAA police officer.

(f) REIMBURSEMENT TO COMPENSATE FOR UNFUNDED LIABILITY.—

(1) IN GENERAL.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

(2) PAYMENT METHOD.—The Metropolitan Washington Airports Authority shall pay the amount so determined in five equal annual installments, with interest (which shall be computed at the rate used in the most recent valuation of the Federal Employees' Retirement System).

SEC. 637. (a) For purposes of this section—

(1) the term "comparability payment" refers to a locality-based comparability payment under section 5304 of title 5, United States Code;

(2) the term "President's pay agent" refers to the pay agent described in section 5302(4) of such title; and

(3) the term "pay locality" has the meaning given such term by section 5302(5) of such title.

(b) Notwithstanding any provision of section 5304 of title 5, United States Code, for purposes of determining appropriate pay localities and making comparability payment recommendations, the President's pay agent may, in accordance with succeeding provisions of this section, make comparisons of General Schedule pay and non-Federal pay within any of the metropolitan statistical areas described in subsection (d)(3), using—

(1) data from surveys of the Bureau of Labor Statistics;

(2) salary data sets obtained under subsection (c); or

(3) any combination thereof.

(c) To the extent necessary in order to carry out this section, the President's pay agent may obtain any salary data sets (referred to in subsection (b)) from any organization or entity that regularly compiles similar data for businesses in the private sector.

(d)(1)(A) This paragraph applies with respect to the five metropolitan statistical areas described in paragraph (3) which—

(i) have the highest levels of nonfarm employment (as determined based on data made available by the Bureau of Labor Statistics); and

(ii) as of the date of the enactment of this Act, have not previously been surveyed by the Bureau of Labor Statistics (as discrete pay localities) for purposes of section 5304 of title 5, United States Code.

(B) The President's pay agent, based on such comparisons under subsection (b) as the pay agent considers appropriate, shall: (i) determine whether any of the five areas under subparagraph (A) warrants designation as a discrete pay locality; and (ii) if so, make recommendations as to what level of comparability payments would be appropriate during 2002 for each area so determined.

(C)(i) Any recommendations under subparagraph (B)(ii) shall be included—

(I) in the pay agent's report under section 5304(d)(1) of title 5, United States Code, submitted for purposes of comparability payments scheduled to become payable in 2002; or

(II) if compliance with subclause (I) is impracticable, in a supplementary report which the pay agent shall submit to the President and the Congress no later than March 1, 2001.

(ii) In the event that the recommendations are completed in time to be included in the report described in clause (i)(I), a copy of those recommendations shall be transmitted by the pay agent to the Congress contemporaneous with their submission to the President.

(D) Each of the five areas under subparagraph (A) that so warrants, as determined by the President's pay agent, shall be designated as a discrete pay locality under section 5304 of title 5, United States Code, in time for it to be treated as such for purposes of comparability payments becoming payable in 2002.

(2) The President's pay agent may, at any time after the 180th day following the submission of the report under subsection (f), make any initial or further determinations or recommendations under this section, based on any pay comparisons under subsection (b), with respect to any area described in paragraph (3).

(3) An area described in this paragraph is any metropolitan statistical area within the continental United States that (as determined based on data made available by the Bureau of Labor Statistics and the Office of Personnel Management, respectively) has a high level of nonfarm employment and at least 2,500 General Schedule employees whose post of duty is within such area.

(e)(1) The authority under this section to make pay comparisons and to make any determinations or recommendations based on such comparisons shall be available to the President's pay agent only for purposes of comparability payments becoming payable on or after January 1, 2002, and before January 1, 2007, and only with respect to areas described in subsection (d)(3).

(2) Any comparisons and recommendations so made shall, if included in the pay agent's report under section 5304(d)(1) of title 5, United States Code, for any year (or the pay agent's supplementary report, in accordance with subsection (d)(1)(C)(i)(II)), be considered and acted on as the pay agent's comparisons and recommendations under such section 5304(d)(1) for the area and the year involved.

(f)(1) No later than March 1, 2001, the President's pay agent shall submit to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, a report on the use of pay comparison data, as described in subsection (b)(2) or (3) (as appropriate), for purposes of comparability payments.

(2) The report shall include the cost of obtaining such data, the rationale underlying the decisions reached based on such data, and the relative advantages and disadvantages of using such data (including whether the effort involved in analyzing and integrating such data is commensurate with the benefits derived from their use). The report may include specific recommendations regarding the continued use of such data.

(g)(1) No later than May 1, 2001, the President's pay agent shall prepare and submit to the committees specified in subsection (f)(1) a report relating to the ongoing efforts of the Office of Personnel Management, the Office of Management and Budget, and the Bureau of Labor Statistics to revise the methodology currently being used by the Bureau of Labor Statistics in performing its surveys under section 5304 of title 5, United States Code.

(2) The report shall include a detailed accounting of any concerns the pay agent may have regarding the current methodology, the specific projects the pay agent has directed any of those agencies to undertake in order to address those concerns, and a time line for the anticipated completion of those projects and for implementation of the revised methodology.

(3) The report shall also include recommendations as to how those ongoing efforts might be expedited, including any additional resources which, in the opinion of the pay agent, are needed in order to expedite completion of the activities described in the preceding provisions of this subsection, and the reasons why those additional resources are needed.

SEC. 638. FEDERAL FUNDS IDENTIFIED. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds and the amount provided. This provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 639. MANDATORY REMOVAL FROM EMPLOYMENT OF FEDERAL LAW ENFORCEMENT OFFICERS CONVICTED OF FELONIES.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding after subchapter VI the following:

"SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF CONVICTED LAW ENFORCEMENT OFFICERS

"§ 7371. Mandatory removal from employment of law enforcement officers convicted of felonies

"(a) In this section, the term—

"(1) 'conviction notice date' means the date on which an agency that employs a law enforcement officer has notice that the officer has been convicted of a felony that is entered by a Federal or State court, regardless of whether that conviction is appealed or is subject to appeal; and

"(2) 'law enforcement officer' has the meaning given that term under section 8331(20) or 8401(17).

"(b) Any law enforcement officer who is convicted of a felony shall be removed from employment as a law enforcement officer on the last day of the first applicable pay period following the conviction notice date.

"(c)(1) This section does not prohibit the removal of an individual from employment as a law enforcement officer before a conviction notice date if the removal is properly effected other than under this section.

"(2) This section does not prohibit the employment of any individual in any position other than that of a law enforcement officer.

"(d) If the conviction is overturned on appeal, the removal shall be set aside retroactively to the date on which the removal occurred, with back pay under section 5596 for the period during which the removal was in effect, unless the removal was properly effected other than under this section.

"(e)(1) If removal is required under this section, the agency shall deliver written notice to the employee as soon as practicable, and not later than 5 calendar days after the conviction notice date. The notice shall include a description of the specific reasons for the removal, the date of removal, and the procedures made applicable under paragraph (2).

"(2) The procedures under section 7513 (b) (2), (3), and (4), (c), (d), and (e) shall apply to any removal under this section. The employee may use the procedures to contest or appeal a removal, but only with respect to whether—

"(A) the employee is a law enforcement officer;

"(B) the employee was convicted of a felony; or

"(C) the conviction was overturned on appeal.

"(3) A removal required under this section shall occur on the date specified in subsection (b) regardless of whether the notice required under paragraph (1) of this subsection and the procedures made applicable under paragraph (2) of this subsection have been provided or completed by that date.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 73 of title 5, United States Code, is amended by adding after the item relating to section 7363 the following:

"SUBCHAPTER VII—MANDATORY REMOVAL FROM EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

"7371. Mandatory removal from employment of law enforcement officers convicted of felonies.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act and shall apply to any conviction of a felony entered by a Federal or State court on or after that date.

SEC. 640. Section 504 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–346) is repealed.

SEC. 641. (a) Section 5545b(d) of title 5, United States Code, is amended by inserting at the end the following new paragraph:

"(4) Notwithstanding section 8114(e)(1), overtime pay for a firefighter subject to this section for hours in a regular tour of duty shall be included in any computation of pay under section 8114.".

(b) The amendment in subsection (a) shall be effective as if it had been enacted as part of the Federal Firefighters Overtime Pay Reform Act of 1998 (112 Stat. 2681–519).

SEC. 642. Section 6323(a) of title 5, United States Code, is amended by adding at the end the following:

"(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.".

SEC. 643. Section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1988, as contained in the Act of December 22, 1987 (40 U.S.C. 490b), is amended by adding at the end the following:

"(e)(1) All existing and newly hired workers in any child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

"(2) For purposes of this subsection, the term 'executive facility' means a facility that is owned or leased by an office or entity within the executive branch of the Government (including one that is owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government).

"(3) Nothing in this subsection shall be considered to apply with respect to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.".

SEC. 644. Section 501 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–346) is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

SEC. 645. (a)(1) Title 5, United States Code, is amended by inserting after section 5372a the following:

"§ 5372b. Administrative appeals judges

"(a) For the purpose of this section—

"(1) the term 'administrative appeals judge position' means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and

"(2) the term 'agency' means an Executive agency, as defined by section 105, but does not include the General Accounting Office.

"(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS–15 pursuant to section 5108.

"(c) A rate of basic pay fixed under this section shall be—

"(1) not less than the minimum rate of basic pay for level AL–3 under section 5372; and

"(2) not greater than the maximum rate of basic pay for level AL–3 under section 5372.".

(2) Section 7323(b)(2)(B)(ii) of title 5, United States Code, is amended by striking "or 5372a" and inserting "5372a, or 5372b".

(3) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5372a the following:

"5372b. Administrative appeals judges.".

(b) The amendment made by subsection (a)(1) shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

(1) the 120th day after the date of the enactment of this Act; or

(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.

SEC. 646. Not later than 60 days after the date of enactment of this Act, the Inspector General of each department or agency shall submit to Congress a report that discloses any activity of the applicable department or agency relating to—

(1) the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the department or agency; and

(2) entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits for governmental and nongovernmental Internet sites.

This Act may be cited as the "Treasury and General Government Appropriations Act, 2001".

TREASURY DEPARTMENT, THE UNITED STATES POSTAL SERVICE, THE EXECUTIVE OFFICE OF THE PRESIDENT, AND CERTAIN INDEPENDENT AGENCIES APPROPRIATIONS

Following is explanatory language on H.R. 5658, as introduced on December 14, 2000.

The conferees on H.R. 4577 agree with the matter included in H.R. 5658 and enacted in this conference report by reference and the following description. This bill was developed through negotiations by subcommittee members of the Treasury, Postal Service, General Government Appropriations Subcommittees of the House and Senate on the differences in the House passed and Senate reported versions of H.R. 4871. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report. References to the House bill mean the House passed version of H.R. 4871. References to the Senate reported bill or Senate reported amendment mean the Senate reported version of H.R. 4871.

H.R. 4871, the House passed Treasury, Postal Service, and General Government Appropriation Bill, 2001, and S. 2900, the Senate reported Treasury and General Government Appropriation Bill, 2001, were the basis for development of the introduced bill. The following statement is an explanation of the action agreed upon in resolving the differences of those two bills and recommended in the accompanying conference report.

The conference agreement on the Treasury and General Government Appropriations Act, 2001, incorporates some of the language and allocations set forth in House Report 106–756 and in the Senate Report to accompany S. 2900. The language in these reports should be complied with unless specifically addressed in the accompanying statement of managers. Throughout the accompanying explanatory statement, the managers refer to the Committee and the Committees on Appropriations. Unless otherwise noted, in both instances, the managers are referring to the House Subcommittee on Treasury, Postal Service, and General Government and the Senate Subcommittee on Treasury and General Government.

REPROGRAMMING AND TRANSFER OF FUNDS GUIDELINES

The conference agreement includes the following reprogramming guidelines which shall be complied with by all agencies funded by the Treasury and General Government Appropriations Act, 2001:

1. Except under extraordinary and emergency situations, the Committees on Appropriations will not consider requests for a reprogramming or a transfer of funds, or use of unobligated balances, which are submitted after the close of the third quarter of the fiscal year, June 30;
2. Clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of unobligated balances shall accompany each request;
3. For agencies, departments, or offices receiving appropriations in excess of $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $500,000 or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;
4. For agencies, departments, or offices receiving appropriations less than $20,000,000, a reprogramming shall be submitted if the amount to be shifted to or from any object class, budget activity, program line item, or program activity involved is in excess of $50,000, or 10 percent, whichever is greater, of the object class, budget activity, program line item, or program activity;
5. For any action where the cumulative effect of below threshold reprogramming actions, or past reprogramming and/or transfer actions added to the request, would exceed the dollar threshold mentioned above, a reprogramming shall be submitted;
6. For any action which would result in a major change to the program or item which is different than that presented to and approved by either of the Committees, or the Congress, a reprogramming shall be submitted;
7. For any action where funds earmarked by either of the Committees for a specific activity are proposed to be used for a different activity, a reprogramming shall be submitted; and,
8. For any action where funds earmarked by either of the Committees for a specific activity are in excess of the project or activity requirement, and are proposed to be used for a different activity, a reprogramming shall be submitted.

Additionally, each request shall include a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until the Committees on Appropriations have approved the request.

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conferees agree to provide $156,315,000 instead of $149,437,000 as proposed by the House and $149,610,000 as proposed by the Senate. Included in this amount is $7,332,000 to maintain current levels; $3,813,000 as a transfer from the Department-Wide Systems and Capital Investments Programs (SCIP); $3,027,000 to annualize the costs of the fiscal year 2000 drug supplemental for the Office of Foreign Asset Control (OFAC); $854,000 to annualize the costs of filling 6 positions with the Office of International Affairs during fiscal year 2000; $2,899,000 for OFAC program initiatives; $504,000 and no more than 3 positions for increased management and coordination by the Office of Enforcement of the Department's involvement in the National Money Laundering Strategy; $2,900,000 for grants to state and local law enforcement groups to help combat money laundering: $502,000 for reimbursements to Morris County, New Jersey, for law enforcement agencies; $150,000 for reimbursements to Arlington County, Virginia, law enforcement agencies; and not to exceed $300,000 to reimburse the State Police, the police departments of the towns of New Castle, North Castle, Mount Kisco, Bedford, and the Department of Public Safety of Westchester County of the State of New York.

RECEPTION AND REPRESENTATION ALLOWANCES

The conferees are concerned to learn that, over the past several years, the Office of the Under Secretary of Enforcement has required the various Treasury law enforcement bureaus to transfer a portion of their reception and representation funds to the Office of the Under Secretary. Although there may be certain functions appropriate to the involvement of all the Treasury law enforcement bureaus, the conferees remind the Under Secretary that expenses for these events are accommodated within the amounts authorized for Departmental Offices reception and representation allowances. In the event that the Under Secretary believes that Departmental Offices representation allowances are insufficient to meet current needs, the Under Secretary should submit a justification for increases to this allowance to the Committees for its consideration. The conferees also direct the Under Secretary to submit for advance approval any requirement to use reception and representation allowance funds from any appropriation account other than Departmental Offices, Salaries and Expenses.

ALTERNATIVE FUELS

The conferees urge the Treasury Department to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting the Department's fuel needs.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

The conferees agree to provide $47,287,000 instead of $41,787,000 as proposed by the House and $37,279,000 as proposed by the Senate. Included in this amount is $14,779,000 for communications infrastructure (including radios and related equipment) associated with Departmental law enforcement responsibilities for the Salt Lake City Winter Olympics; $2,000,000 for Critical Infrastructure Protection; and $3,500,000 for Public Key Infrastructure.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conferees agree to provide $32,899,000 as proposed by the Senate instead of $31,940,000 as proposed by the House.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

The conferees agree to provide $118,427,000 as proposed by Senate instead of $115,477,000 as proposed by the House.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

The conferees agree to provide $31,000,000 as proposed by the House instead of $22,700,000 as proposed by the Senate.

EXPANDED ACCESS TO FINANCIAL SERVICES

The conferees agree to provide $2,000,000 as proposed by the House instead of $400,000 as proposed by the Senate. The conferees agree to $300,000 to assist one or more locally-owned Alaska banking institutions and community partners and $100,000 to begin a pilot program with the Metropolitan Family Services' Family Economic Development program.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

The conferees agree to provide $37,576,000 as proposed by the Senate instead of $34,694,000 as proposed by the House.

COUNTERTERRORISM FUND

The conferees agree to provide $55,000,000 for the Counterterrorism Fund as proposed by the Senate instead of no appropriation as proposed by the House. Funds are provided as a contingent emergency.

TREASURY FORFEITURE FUND

The conferees are aware that the $42,500,000 assumed to be available by the Administration in the Super Surplus to the Treasury Forfeiture Fund will not be available in fiscal year 2001. Activities proposed for funding through this account have been included in either Salaries and Expenses or Construction related accounts, as appropriate, for the individual law enforcement bureaus.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

The conferees agree to provide $94,483,000 instead of $93,483,000 as proposed by the House and $93,198,000 as proposed by the Senate. Included in this amount is $1,000,000 for the rural law enforcement education project.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

The conferees agree to provide $29,205,000 as proposed by the Senate instead of $17,331,000 as proposed by the House.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conferees agree to provide $103,476,000 as proposed by the House instead of $90,976,000 as proposed by the Senate.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $206,851,000 instead of $198,736,000 as proposed by the House and $202,851,000 as proposed by the Senate. The conferees fully fund the President's request. In addition, the conferees include $4,000,000 to partially fund a budget shortfall. The conferees fully concur with the language on this topic contained under Departmental Offices in the Senate Report accompanying S. 2900.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

The conferees agree to provide $768,695,000 instead of $731,325,000 as proposed by the House and $724,937,000 as proposed by the Senate. The conferees fully fund the President's request with the exception of $5,521,000 for tobacco compliance initiatives and $4,148,000 for the proposed Joint Terrorism Task Forces.

GANG RESISTANCE EDUCATION AND TRAINING GRANTS

The conferees agree to provide $13,000,000 for grants to local law enforcement organizations as proposed by the Senate.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $1,863,765,000 instead of $1,822,365,000 as proposed by the House and $1,804,687,000 as proposed by the Senate. Included in this amount is $13,700,000 for the second year of funding of the fiscal year 2000 Southwest Border initiative; $10,000,000 for security enhancements along the northern border; $11,000,000 for vehicle replacement; $3,700,000 for money laundering; $9,500,000 for drug investigations; and an additional $5,000,000 to combat forced child labor. Additionally, the conferees include $500,000 for Customs' ongoing research on trade of agricultural commodities and products at a Northern Plains university with an agricultural economics program and support the use of $2,500,000 for the acquisition of Passive Radar Detection Technology.

TARGETED RESOURCES FOR THE SOUTHWEST BORDER

The conferees provide $13,700,000 to be combined with the $11,300,000 in fiscal year 2000 Super Surplus of the Treasury Forfeiture Fund to hire new inspectors, agents, or acquire new detection technology for use along the Southwest border for a total of $25,000,000. The House conferees do not concur with the Senate Report language on Targeted Resources for the Southwest Border.

PORTS OF ENTRY

The conferees have received numerous requests to establish, expand, or preserve Customs presence at various ports, as well as, to designate new ports of entry. Customs has made a commitment to put in place a staffing resource allocation model to permit a more transparent and consistent basis for making such decisions, but the delay in doing so has caused concern about the ability of Customs to fulfill its responsibilities. The conferees therefore direct the Treasury Department and Customs to complete this model and to report to the Committees on Appropriations not later than November 1, 2000 on its implementation. In relation to this, the conferees urge the Customs Service to give full consideration to the needs of the following areas for increases or improvements in Customs services: Fargo, North Dakota; Highgate Springs, Vermont; Charleston, South Carolina; Charleston, West Virginia; Honolulu, Hawaii; Great Falls, Sweetgrass-Coutts, and Missoula, Montana; Tri-Cities Regional Airport, Tennessee; Dulles International Airport, Virginia; Louisville International Airport, Kentucky; Miami International Airport, Florida; Pittsburg, New Hampshire; San Antonio, Texas; and multiple port areas in Arizona, New Mexico, and Florida.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conferees agree to provide $133,228,000 instead of $125,778,000 as proposed by the House and $128,228,000 as proposed by the Senate. Included in this amount is $5,000,000 for source zone deployment of P–3's; $2,174,000 to maintain current levels; $7,450,000 for flight safety and enhancements; and $9,916,000 for costs associated with the delivery of new P–3's.

AUTOMATION MODERNIZATION

The conferees agree to provide $258,400,000 instead of $233,400,000 as proposed by the House and $128,400,000 as proposed by the Senate. Included in this amount is $5,400,000 for the International Trade Data System, as well as not less than $130,000,000 to begin work on the Automated Commercial Environment (ACE).

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

The conferees agree to provide $182,901,000 as proposed by the House and Senate. The conferees agree to include a provision as proposed by the Senate with respect to administrative costs associated with certain trust funds.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

The conferees agree to provide $3,567,001,000 instead of $3,487,232,000 as proposed by the House and $3,506,939,000 as proposed by the Senate. The conferees fully fund the President's request with respect to adjustments required to maintain current levels of service, organizational modernization, and operational contract support. The funding level also reflects an increase of $60,000,000 above the fiscal year 2000 level as a result of an inter-appropriation transfer during fiscal year 2000. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative, a proposed fiscal year 2001 inter-appropriation transfer, or the electronic tax administration marketing initiative.

IRS DATA FOR ECONOMIC MODELING

The conferees are aware of the critical importance and usefulness of IRS data to economic modeling, such as the modeling used to project the economic impact of proposed Social Security legislation. The conferees direct IRS to continue working closely with the Bureau of the Census to ensure the appropriate availability of these data in a timely manner to groups such as the Congressional Budget Office (CBO) to facilitate the operation of CBO's long-term models of Social Security and Medicare. CBO requires records from the IRS' Statistics Of Income that are matched with survey data from the Bureau of the Census (involving the Current Population Survey and the Survey of Income and Program Participation) and records of the Social Security Administration with all record identifiers removed.

TAX LAW ENFORCEMENT

The conferees agree to provide $3,382,402,000 instead of $3,332,676,000 as proposed by the House and $3,378,040,000 as proposed by the Senate. The conferees fully fund the President's request with respect to adjustments required to maintain current levels of service and operational contract support. The funding level also reflects a decrease of $100,000,000 below the fiscal year 2000 level as a result of an inter-appropriation transfer during fiscal year 2000 and a decrease of $666,000 for a transfer to the Treasury Inspector General for Tax Administration, as requested. The conferees have not provided any funding for the Staffing Tax Administration for Balance and Equity (STABLE) initiative or for the Counterterrorism Initiative, nor have they agreed to a proposed transfer of $41,000,000 out of the account as an inter-appropriation transfer during fiscal year 2001.

INFORMATION SYSTEMS

The conferees agree to provide $1,545,090,000 instead of $1,488,090,000 as proposed by the House and $1,505,090,000 as proposed by the Senate. The conferees fully fund the President's request with the exception of the Staffing Tax Administration for Balance and Equity (STABLE) initiative and $3,000,000 for an inter-appropriation transfer proposed for fiscal year 2001.

ADMINISTRATIVE PROVISIONS-INTERNAL REVENUE SERVICE

Section 101. The conferees agree to continue a provision which allows the transfer of 5 percent of any appropriation made available to the IRS to any other IRS appropriation subject to Congressional approval.

Section 102. The conferees agree to continue a provision which requires the IRS to maintain a training program in taxpayers' rights, dealing courteously with taxpayers, and cross cultural relations.

Section 103. The conferees agree to continue a provision which requires the IRS to institute and enforce policies and practices that will safeguard the confidentially of taxpayer information.

Section 104. The conferees agree to continue a provision proposed by the Senate with respect to the IRS 1–800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

The conferees agree to provide $823,800,000 as proposed by the House instead of $778,279,000 as proposed by the Senate.

ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND RELATED EXPENSES

The conferees agree to provide $8,941,000 instead of $5,021,000 as proposed by the House and $4,283,000 as proposed by the Senate. Included in this amount is $3,920,000 for security enhancements at the Vice President's residence.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

Section 110. The conferees agree to continue a provision which requires the Secretary of the Treasury to comply with certain reprogramming guidelines when obligating or expending funds for law enforcement activities.

Section 111. The conferees agree to continue a provision which allows the Department of the Treasury to purchase uniforms, insurance, and motor vehicles without regard to the general purchase price limitation, and enter into contracts with the Department of State for health and medical services for Treasury employees in overseas locations.

Section 112. The conferees agree to continue a provision which requires the expenditure of funds so as not to diminish efforts under section 105 of the Federal Alcohol Administration Act.

Section 113. The conferees agree to continue a provision which authorizes transfers, up to 2 percent, between law enforcement appropriations under certain circumstances.

Section 114. The conferees agree to continue a provision which authorizes the transfer, up to 2 percent, between the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of Public Debt appropriations under certain circumstances.

Section 115. The conferees agree to include a new provision proposed by the House that authorizes transfer, up to 2 percent, between the Internal Revenue Service and the Treasury Inspector General for Tax Administration under certain circumstances.

Section 116. The conferees agree to continue a provision regarding the purchase of law enforcement vehicles.

Section 117. The conferees agree to continue a provision proposed by the House which prohibits the Department of the Treasury and the Bureau of Engraving and Printing from redesigning the $1 Federal Reserve Note.

Section 118. The conferees agree to continue and make permanent a provision which authorizes Treasury law enforcement agencies to pay their protection officers premium pay in excess of the pay period limitation.

Section 119. The conferees agree to include a new provision that provides for transfer from and reimbursements to the Salaries and Expenses appropriation of the Financial Management Service for the purposes of debt collection.

Section 120. The conferees agree to include a new provision that extends the Treasury Franchise Fund through October 1, 2002.

Section 121. The conferees agree to include a new provision that requires that no reorganization of the US Customs Service shall result in a reduction of service to the area served by the Port of Racine, Wisconsin, below the level of service provided in fiscal year 2000.

Section 122. The conferees agree to include a new provision proposed by the House authorizing and directing the Bureau of Alcohol, Tobacco and Firearms to reimburse the subcontractor that provided services in 1993 and 1994 pursuant to Bureau of Alcohol, Tobacco and Firearms contract number TATF 93-3 out of fiscal year 2001 appropriations or prior year unobligated balances.

TITLE II—POSTAL SERVICE

Payment to the Postal Service Fund

The conferees agree to provide $96,093,000 as proposed by the House instead of $67,093,000 as proposed by the Senate. Of this amount, $67,093,000 is provided as an advance appropriation for free and reduced rate mail and $29,000,000 is provided for reimbursement to the Postal Service for prior year losses.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President and the White House Office

SALARIES AND EXPENSES

The conferees agree to provide $53,288,000 as proposed by the Senate instead of $52,135,000 as proposed by the House and include a proviso that $9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency, as proposed by the House.

Executive Residence at the White House

OPERATING EXPENSES

The conferees agree to provide $10,900,000 as proposed by the Senate instead of $10,286,470 as proposed by the House.

WHITE HOUSE REPAIR AND RESTORATION

The conferees agree to provide $968,000 instead of $5,510,000 as proposed by the Senate and $658,000 as proposed by the House. The conferees provide $458,000 for the design and replacement of the existing concrete raceway containing voice and communication lines serving the East Wing and the Executive Residence instead of the full request of $5,000,000. The conferees direct the Executive Residence to submit a completed design to the Committees on Appropriations, including an estimate of total construction costs associated with this project.

Special Aassistance to the President and Official Residence of the Vice President

SALARIES AND EXPENSES

The conferees agree to provide $3,673,000 as proposed by the Senate instead of $3,664,000 as proposed by the House.

Council of Economic Advisors

SALARIES AND EXPENSES

The conferees agree to provide $4,110,000 as proposed by the Senate instead of $3,997,000 as proposed by the House.

Office of Policy Development

SALARIES AND EXPENSES

The conferees agree to provide $4,032,000 as proposed by the Senate instead of $4,030,000 as proposed by the House.

National Security Council

SALARIES AND EXPENSES

The conferees agree to provide $7,165,000 as proposed by the Senate instead of $7,148,000 as proposed by the House.

Office of Administration

SALARIES AND EXPENSES

The conferees agree to provide $43,737,000 as proposed by the Senate instead of $41,185,000 as proposed by the House. The conferees agree to delete language proposed by the House to delay the effective date of section 638(h) of Public Law 106–58, regarding the establishment of a Chief Financial Officer within the Executive Office of the President.

Office of Management and Budget

SALARIES AND EXPENSES

The conferees agree to provide $68,786,000 instead of $67,143,000 as proposed by the House and $67,935,000 as proposed by the Senate. The conferees fully fund the President's request.

APPORTIONMENT FOR INTERNATIONAL FOOD ASSISTANCE PROGRAMS

The conferees do not concur with the House report language regarding apportionment for International Food Assistance Programs.

Office of National Drug Control Policy

SALARIES AND EXPENSES

The conferees agree to provide $24,759,000 as proposed by the House instead of $24,312,000 as proposed by the Senate.

Counterdrug Technology Assessment Center

The conferees agree to provide $29,053,000 instead of $29,750,000 as proposed by the House and $29,052,000 as proposed by the Senate.

Federal Drug Control Programs

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

The conferees agree to provide $206,500,000 instead of $217,000,000 as proposed by the House and $196,000,000 as proposed by the Senate. The conferees fully fund the Administration's request, and include an additional $14,500,000 to increase funding or expand existing HIDTAs, or to fund newly designated HIDTAs. The conferees provide that existing HIDTAs shall be funded at fiscal year 2000 levels unless the ONDCP Director submits to the Committees, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of effectiveness (PMEs). Similarly, while the conferees provide additional funding that may be used for newly designated HIDTAs, they direct that no funds may be obligated for such purposes until similar justification is provided to the Committees for approval.

The ability to evaluate effectiveness of individual HIDTAs, and to match funding needs against budgets, depends on reliable and consistent methodology for performance measurement and management. This is particularly important given the key role HIDTAs play in bringing together many divergent counterdrug agencies and cross-cutting programs—which also exacerbates the problem of isolating the impact of HIDTAs. The conferees anticipate that the completion of work by the HIDTA Performance Management Working Group will improve performance measurement methodology and data collection covering the three main target areas identified in 1999. These are: increasing compliance with HIDTA developmental standards; dismantling or disabling at least 5 percent of targeted drug trafficking organizations; and reducing specific types of violent crime. The conferees support ONDCP plans to validate and verify the HIDTA management, including the use of on-site reviews and external financial evaluations.

As ONDCP reviews candidates for new HIDTA funding, the conferees direct it to consider the following: Las Vegas, Nevada; Arkansas; Minnesota; North Carolina; and Northern Florida, which have requested designation; increases for Central Florida, Southwest Border (for New Mexico, South Texas, West Texas, and Arizona), New England, Gulf Coast, Oregon, Northwest (including southwest and eastern Washington), and Chicago HIDTAs; and full minimum funding for new HIDTAs in Central Valley, California, Hawaii, and Ohio. The conferees urge ONDCP to consider using funds provided above the budget request for designating new HIDTAs from areas which have already submitted requests.

SPECIAL FORFEITURE FUND

The conferees agree to provide $233,600,000 instead of $219,000,000 as proposed by the House and $144,300,000 as proposed by the Senate. Of this amount, the conferees provide $185,000,000 for the National Youth Anti-Drug Media Campaign; $40,000,000 to carry out the Drug Free Communities Act; $3,000,000 for the costs of space and operations of the counter drug intelligence executive secretariat (CDX); $3,300,000 for anti-doping efforts of the United States Olympic Committee; $1,300,000 to the Metro Intelligence Support and Technical Investigative Center (MISTIC); and $1,000,000 for the National Drug Court Institute.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

The conferees negate neither the House nor Senate Committee Report language regarding the youth media campaign. The conferees are concerned with ONDCP's use of pro bono credits under the match program for programming content, and note with interest the Statement of Pro-Bono Match Program and Guidelines that ONDCP posted on its website in July 2000. Consistent with those guidelines, the conferees direct that ONDCP not issue credits for ad time and/or space if already purchased with funds appropriated for the campaign. Furthermore, the conferees direct that ONDCP not issue any credits for programming content once a program is in syndication unless it has previously reported to the Committees on Appropriations reasons why such credit is necessary. Finally, the conferees underscore the language on page 11 of the guidelines that reads "ONDCP exercises its authority to review public service match materials for credit and valuation through its primary advertising contractor. No ONDCP contractor may make suggestions or requests about, or otherwise attempt to influence or modify the creative product of any media organization or representative for the purpose of qualifying for pro bono match credit." In keeping with this the conferees direct ONDCP to ensure that neither it nor its contractor will review programming content under consideration for pro bono credit under the match program until such programming is in its final form.

TITLE IV—INDEPENDENT AGENCIES FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

The conferees agree to provide $40,500,000 instead of $40,240,000 as proposed by the House and $39,755,000 as proposed by the Senate.

General Services Administration

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The conferees agree to provide $5,971,509,000 in new obligational authority instead of

$5,272,370,000 as proposed by the House and $5,502,333,000 as proposed by the Senate. The conferees directly appropriate $464,154,000 into the Fund to cover a portion of the new obligational needs of the Fund.

AFRICAN BURIAL GROUND

The conferees recognize the efforts of GSA to memorialize the 17th and 18th century African Americans whose remains were discovered during the excavation for a new Federal building at Foley Square in lower Manhattan. Since 1992, significant work has been conducted on the memorialization but additional work is required prior to and including the reinterment of the remains. The conferees expect GSA to complete the project using funds made available from the Federal Buildings Fund or from the borrowing authority remaining for the buildings project at Foley Square.

CONSTRUCTION AND ACQUISITION

The conferees agree to provide $472,176,000 instead of no funding as proposed by the House and $3,000,000 as proposed by the Senate. These funds are provided for nine projects. The conferees direct GSA to provide a written report to the Committees on Appropriations with respect to how GSA plans to allocate these funds among the various projects prior to allocating the funds. Within the funds provided the conferees have included $3,500,000 for the design and site acquisition of a combined law enforcement facility in Saint Petersburg, Florida.

The conferees also agree to provide $276,400,000 as an advance appropriation, not available until October 1, 2001, for four courthouse construction projects.

REPAIRS AND ALTERATIONS

The conferees agree to provide $671,193,000 as proposed by the Senate instead of $490,592,000 as proposed by the House. This level fully funds the request with the following exceptions: no funds are provided for the chlorofluorocarbon program, the energy program is funded at $5,000,000, and the glass fragment retention program is funded at $5,000,000.

BUILDING OPERATIONS

The conferees agree to provide $1,624,771,000 as proposed by the Senate instead of $1,580,909,000 as proposed by the House. Within this limitation level, the conferees have included $500,000 to conduct a site selection analysis for a replacement facility for the National Center for Environmental Prediction of the National Oceanic and Atmospheric Administration, currently located in Camp Springs, Maryland. The delineated area shall be in the Washington, D.C. Metropolitan area and include the consideration of appropriate educational institutions qualified to be project partners. A report on the findings of the study shall be provided to the conferees within 120 days of the enactment of this Act.

POLICY AND OPERATIONS

The conferees agree to provide $123,920,000 instead of $123,420,000 as proposed by the Senate and $115,434,000 as proposed by the House. Increases above the enacted level include $3,285,000 for pay costs to maintain current levels, $2,075,000 for protection and maintenance at the Lorton complex in Virginia, and $8,000,000 for the critical infrastructure protection initiative. The conferees agree to provide up to $500,000 for virtual archive storage and agree to provide $190,000, from within available funds, for the Plains States Depopulation Symposium as proposed by the Senate. The conferees do not agree to the reduction of funding from the fiscal year 2000 level for the digital learning technology effort and direct that $1,000,000 be used to continue a digital medical education project in connection with the Native American Digital Telehealth Project and Upper Great Plains Native American Telehealth Program and that $1,000,000 be used to continue activities that will be the basis for the 21st Century Distributed Learning Environment in Education.

ALTERNATIVE FUELS

The conferees urge the General Services Administration to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting GSA's fuel needs.

EXPENSES, PRESIDENTIAL TRANSITION

The conferees agree to provide $7,100,000, as proposed by the Senate instead of no appropriation as proposed by the House.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

Section 401. The conferees agree to continue a provision that provides that accounts available to GSA shall be credited with certain funds received from government corporations.

Section 402. The conferees agree to continue a provision that provides that funds available to GSA shall be available for the hire of passenger motor vehicles.

Section 403. The conferees agree to continue a provision that authorizes GSA to transfer funds within the Federal Buildings Fund to meet program requirements subject to approval by the Committees on Appropriations.

Section 404. The conferees agree to continue a provision that prohibits the use of funds to submit a fiscal year 2001 budget request for courthouse construction projects that do not meet design guide criteria, do not reflect the priorities of the Judicial Conference of the United States, and are not accompanied by a standardized courtroom utilization study.

Section 405. The conferees agree to continue a provision that provides that no funds may be used to increase the amount of occupiable square feet or provide cleaning services, security enhancements, or any other service usually provided to any agency which does not pay the requested rental rates.

Section 406. The conferees agree to continue a provision that provides that funds provided by the Information Technology Fund for pilot information technology projects may be repaid to the Fund.

Section 407. The conferees agree to continue a provision that permits GSA to pay claims of up to $250,000 arising from construction projects and the acquisition of buildings.

Section 408. The conferees agree to include a provision as proposed by the House to provide a one-year extension to the period for which voluntary separation incentive payments may be offered by the Administrator of General Services to qualified employees.

Section 409. The conferees agree to include a new provision proposed by the Senate designating the Federal Building and United States Courthouse located at 102 North 4th Street in Grand Forks, North Dakota, as the "Ronald N. Davies Federal Building and United States Courthouse".

Section 410. The conferees agree to include a new provision proposed by the Senate regarding the Columbus, New Mexico border station.

Section 411. The conferees agree to include a new provision proposed by the Senate designating the United States Bankruptcy Courthouse located at 1100 Laurel Street in Columbia, South Carolina, as the "J. Bratton Davis United States Bankruptcy Courthouse".

Section 412. The conferees agree to include a new provision proposed by the Senate designating the United States Courthouse Annex located at 901 19th Street in Denver, Colorado, as the "Alfred A. Arraj United States Courthouse Annex".

Section 413. The conferees agree to include a new provision proposed by the Senate designating the dormitory building currently being constructed on the Core Campus of the Federal Law Enforcement Training Center in Glynco, Georgia, as the "Paul Coverdell Dormitory".

Merit Systems Protection Board

SALARIES AND EXPENSES

The conferees agree to provide $29,437,000 as proposed by the Senate instead of $28,857,000 as proposed by the House.

Federal Payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation

The conferees agree to provide $2,000,000 as proposed by the House instead of $1,000,000 as proposed by the Senate.

Environmental Dispute Resolution Fund

The conferees agree to provide $1,250,000 as proposed by the House instead of $500,000 as proposed by the Senate.

National Archives and Records Administration

OPERATING EXPENSES

The conferees agree to provide $209,393,000 as proposed by the Senate instead of $195,119,000 as proposed by the House, of which up to $5,000,000 may be used for the implementation of the Nazi War Crimes Disclosure Act (5 U.S.C. 552 note; Public Law 105-246), including preservation and restoration of declassified records, public access and dissemination activities, and necessary support services for the Nazi War Criminal Records Interagency Working Group.

REPAIRS AND RESTORATION

The conferees agree to provide $95,150,000 instead of $5,650,000 as proposed by the House and $4,950,000 as proposed by the Senate. This level of funding provides $4,950,000 for the base repairs and restoration program, $88,000,000 for the major repair and restoration project at the main Archives building, $1,500,000 for the construction of a new Southeast Regional Archives facility, and $700,000 for the design of a 10,000-square-foot extension to the Gerald R. Ford Museum.

National Historical Publications and Records Commission

GRANTS PROGRAM

The conferees agree to provide $6,450,000 as proposed by the Senate instead of $6,000,000 as proposed by the House.

Office of Personnel Management

SALARIES AND EXPENSES

The conferees agree to provide $94,095,000 as proposed by the Senate instead of $93,471,000 as proposed by the House.

PARENTAL LEAVE

The conferees direct the Office of Personnel Management to conduct a study to develop alternative means for providing Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child, and submit a report containing its findings and recommendations to the Committees on Appropriations by September 30, 2001. The report should include projected utilization rates and views as to whether this benefit can be expected to curtail the rate at which Federal employees are being lost to the private sector, help the Federal government recruit and retain employees, reduce turnover and replacement costs, and contribute to parental involvement during a child's formative years.

LIMITATION ON ADMINISTRATIVE EXPENSES

The conferees agree to provide $101,986,000 as proposed by the House instead of $99,624,000 as proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conferees agree to provide $1,360,000 as proposed by the House instead of $1,356,000 as proposed by the Senate.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

The conferees agree to provide $11,147,000 instead of $10,319,000 as proposed by the House and $10,733,000 as proposed by the Senate. The conferees fully fund the President's request.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

The conferees agree to provide $37,305,000 as proposed by the House instead of $35,474,000 as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

THIS ACT

Section 501. The conferees agree to continue the provision limiting the expenditure of funds to the current year unless expressly provided in this Act.

Section 502. The conferees agree to continue the provision limiting the expenditure of funds for consulting services under certain conditions.

Section 503. The conferees agree to continue the provision prohibiting the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act.

Section 504. The conferees agree to continue the provision prohibiting the transfer of control over the Federal Law Enforcement Training Center out of the Department of the Treasury.

Section 505. The conferees agree to continue the provision concerning employment rights of Federal employees who return to their civilian jobs after assignment with the Armed Forces.

Section 506. The conferees agree to continue the provision that requires compliance with the Buy American Act.

Section 507. The conferees agree to continue the provision concerning prohibition of contracts that use certain goods not made in America.

Section 508. The conferees agree to continue the provision prohibiting contract eligibility where fraudulent intent has been proven in affixing "Made in America" labels.

Section 509. The conferees agree to continue the provision prohibiting the expenditure of funds for abortions under the FEHBP, as proposed by the House.

Section 510. The conferees agree to continue the provision that would authorize the expenditure of funds for abortions under the FEHBP if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest, as proposed by the House.

Section 511. The conferees agree to continue the provision providing that fifty percent of unobligated balances may remain available for certain purposes.

Section 512. The conferees agree to continue the provision restricting the use of funds for the White House to request official background reports without the written consent of the individual who is the subject of the report.

Section 513. The conferees agree to continue the provision that cost accounting standards under the Federal Procurement Policy Act shall not apply to the FEHBP.

Section 514. The conferees agree to include a new provision that transfers a parcel of land from the Gerald R. Ford Library and Museum to the Gerald R. Ford Foundation as trustee, with reversionary interest as proposed by the House.

Section 515. The conferees include a new provision requiring OMB to develop guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by Federal agencies as proposed by the House.

Section 516. The conferees agree to include a new provision permitting OPM to utilize certain funds to resolve litigation and implement settlement agreements regarding the non-foreign area cost-of-living allowance program as proposed by the Senate.

Section 517. The conferees include and modify a provision prohibiting the use of funds for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol as proposed by the House.

Section 518. The conferees agree to include a new provision requiring OMB to report to Congress on the effectiveness of the Paperwork Reduction Act of 1975 as proposed by the Senate.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES AND CORPORATIONS

Section 601. The conferees agree to continue the provision authorizing agencies to pay costs of travel to the United States for the immediate families of Federal employees assigned to foreign duty in the event of a death or a life threatening illness of the employee.

Section 602. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 603. The conferees agree to continue the provision regarding price limitations on vehicles to be purchased by the Federal Government.

Section 604. The conferees agree to continue the provision allowing funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 605. The conferees agree to continue the provision prohibiting the Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental U.S.

Section 606. The conferees agree to continue the provision ensuring that agencies will have authority to pay GSA bills for space renovation and other services.

Section 607. The conferees agree to continue the provision allowing agencies to finance the costs of recycling and waste prevention programs with proceeds from the sale of materials recovered through such programs.

Section 608. The conferees agree to continue the provision providing that funds may be used by certain groups to pay rent and other service costs in the District of Columbia.

Section 609. The conferees agree to continue the provision providing that no funds may be used to pay any person filling a nominated position that has been rejected by the Senate.

Section 610. The conferees agree to continue the provision precluding the financing of groups by more than one Federal agency absent prior and specific statutory approval.

Section 611. The conferees agree to continue the provision authorizing the Postal Service to employ guards and give them the same special police powers as GSA guards as proposed by the Senate.

Section 612. The conferees agree to continue the provision prohibiting the use of funds for enforcing regulations disapproved in accordance with the applicable law of the U.S.

Section 613. The conferees agree to continue the provision limiting the pay increases of certain prevailing rate employees.

Section 614. The conferees agree to continue the provision limiting the amount of funds that can be used for redecoration of offices under certain circumstances.

Section 615. The conferees agree to continue the provision prohibiting the expenditure of funds for the acquisition of additional law enforcement training facilities.

Section 616. The conferees agree to continue the provision to allow for interagency funding of national security and emergency telecommunications initiatives.

Section 617. The conferees agree to continue the provision requiring agencies to certify that a Schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 618. The conferees agree to continue the provision requiring agencies to administer a policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment.

Section 619. The conferees agree to continue the provision prohibiting the importation of any goods manufactured by forced or indentured child labor.

Section 620. The conferees agree to continue the provision prohibiting the payment of the salary of any employee who prohibits, threatens or prevents another employee from communicating with Congress.

Section 621. The conferees agree to continue the provision prohibiting Federal training not directly related to the performance of official duties.

Section 622. The conferees agree to continue and modify the provision prohibiting the expenditure of funds for implementation of agreements in nondisclosure policies unless certain provisions are included.

Section 623. The conferees agree to continue the provision prohibiting use of appropriated funds for publicity or propaganda designed to support or defeat legislation pending in Congress.

Section 624. The conferees agree to continue and make permanent the provision directing OMB to provide an accounting statement and report on the cumulative costs and benefits of Federal regulatory programs.

Section 625. The conferees agree to continue the provision prohibiting any Federal agency from disclosing an employee's home address to any labor organization, absent employee authorization or court order.

Section 626. The conferees agree to continue and make permanent the provision authorizing the Secretary of the Treasury to establish scientific canine explosive detection standards.

Section 627. The conferees agree to continue the provision prohibiting funds to be used to provide non-public information such as mailing or telephone lists to any person or organization outside the Government without the approval of the Committees on Appropriations.

Section 628. The conferees agree to continue the provision prohibiting the use of funds for propaganda and publicity purposes not authorized by Congress.

Section 629. The conferees agree to continue the provision directing agency employees to use official time in an honest effort to perform official duties.

Section 630. The conferees agree to continue, and include technical modifications to the provision addressing contraceptive coverage in health plans participating in the FEHBP, making it identical to current law as enacted by Section 625 of the Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act of 2000 and deleting the names of two plans that no longer participate in the program.

Section 631. The conferees agree to continue the provision authorizing the use of fiscal year 2001 funds to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 632. The conferees agree to continue and modify the provision authorizing agencies to transfer funds to the Policy and Operations account of GSA to finance an appropriate share of the Joint Financial Management Improvement Program.

Section 633. The conferees agree to continue and modify the provision authorizing agencies to provide child care in Federal facilities.

Section 634. The conferees agree to continue and modify the provision authorizing breast feeding at any location in a Federal building or on Federal property.

Section 635. The conferees agree to include a new provision that permits interagency funding of the National Science and Technology Council as proposed by the House.

Section 636. The conferees agree to include a new provision concerning retirement provisions relating to certain members of the police force of the Metropolitan Washington Airports Authority as proposed by the House.

Section 637. The conferees agree to include a new provision authorizing the President's Pay Agent to use appropriate data from sources other than the Bureau of Labor Statistics in making new locality pay designations as proposed by the House.

Section 638. The conferees agree to continue the provision requiring identification of the Federal agencies providing Federal funds and the amount provided for all proposals, solicitations, grant applications, forms, notifications, press releases, or other publications related to the distribution of funding to a State.

Section 639. The conferees agree to include a new provision requiring the mandatory removal from employment of any law enforcement officer convicted of a felony as proposed by the Senate.

Section 640. The conferees agree to include a new provision repealing Section 504 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by P.L. 106-346).

Section 641. The conferees agree to include a new provision making a modification to the calculation of disability pay for Federal firefighters as proposed by the House.

Section 642. The conferees agree to include a new provision that includes a technical modification to the basis for using inactive duty military leave as proposed by the House.

Section 643. The conferees agree to include a new provision that requires criminal background checks for employees at federally provided day care facilities of the executive branch as proposed by the House.

Section 644. The conferees include a new provision modifying Section 501 of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by P.L. 106-346) related to Federal Internet sites.

Section 645. The conferees agree to include a new provision that makes pay rates for Administrative Appeals Judges comparable to Administrative Law Judges as proposed by the House.

Section 646. The conferees agree to include a new provision that requires the Inspector General of each department or agency to submit to Congress a report that discloses any activity relating to the collection of data about individuals who access any Internet site of the department or agency.

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE TREASURY						
Departmental Offices	134,034	161,006	149,437	149,610	156,315	+22,281
Contingent emergency supplemental	24,900	....	....	502	....	-24,900
Department-wide systems and capital investments programs	43,448	99,279	41,787	37,279	47,287	+3,839
Office of Inspector General	30,599	33,608	31,940	32,899	32,899	+2,300
Inspector General for Tax Administration	111,781	118,427	115,477	118,427	118,427	+6,646
Treasury Building and Annex Repair and Restoration	22,700	31,000	31,000	22,700	31,000	+8,300
Expanded Access to Financial Services	....	30,000	2,000	400	2,000	+2,000
Money Laundering Strategy	....	15,000	....	....	....	....
Financial Crimes Enforcement Network	27,818	34,694	34,694	37,576	37,576	+9,758
Counterterrorism Fund (emergency funding)	....	55,000	....	55,000	55,000	+55,000
Violent Crime Reduction Programs	130,081	....	....	....	....	-130,081
Federal Law Enforcement Training Center:						
Salaries and Expenses	84,027	93,483	93,483	93,198	94,483	+10,456
Acquisition, Construction, Improvements, and Related Expenses	21,175	17,331	17,331	29,205	29,205	+8,030
Total	105,202	110,814	110,814	122,403	123,688	+18,486
Interagency Law Enforcement: Interagency crime and drug enforcement	60,502	103,476	103,476	90,976	103,476	+42,974
Financial Management Service	200,555	202,851	198,736	202,851	206,851	+6,296
Bureau of Alcohol, Tobacco and Firearms: Salaries and Expenses	564,773	760,051	731,325	724,937	768,695	+203,922

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
United States Customs Service:						
Salaries and Expenses	1,698,227	1,887,866	1,822,365	1,804,687	1,863,765	+165,538
Harbor Maintenance Fee Collection	3,000	3,000	3,000	3,000	3,000	
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	108,688	156,875	125,778	128,228	133,228	+24,540
Automation modernization:						
Automated Commercial System		123,000	123,000	123,000	123,000	+123,000
International Trade Data System		5,400	5,400	5,400	5,400	+5,400
Automated Commercial Environment		210,000	105,000		130,000	+130,000
Subtotal		338,400	233,400	128,400	258,400	+258,400
Customs Services at Small Airports (to be derived from fees collected)	2,000	2,000	2,000	2,000	2,000	
Offsetting receipts	-2,000	-2,000	-2,000	-2,000	-2,000	
Total	1,809,915	2,386,141	2,184,543	2,064,315	2,258,393	+448,478
Bureau of the Public Debt	177,143	182,901	182,901	182,901	182,901	+5,758
Payment of government losses in shipment	1,000	1,000	1,000	1,000	1,000	
Internal Revenue Service:						
Processing, Assistance, and Management	3,280,250	3,699,499	3,487,232	3,506,939	3,567,001	+286,751
Tax Law Enforcement	3,336,838	3,443,859	3,332,676	3,378,040	3,382,402	+45,564
Earned Income Tax Credit Compliance Initiative	144,000	145,000	145,000	145,000	145,000	+1,000

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Information Systems	1,455,401	1,583,565	1,488,090	1,505,090	1,545,090	+89,689
Information technology investments		71,751				
Advance appropriation, FY 2002		422,249				
Total, FY 2001	8,216,489	8,943,674	8,452,998	8,535,069	8,639,493	+423,004
Advance appropriation, FY 2002		422,249				
United States Secret Service:						
Salaries and Expenses	667,312	824,500	823,800	778,279	823,800	+156,488
Title II general provisions (P.L. 106-113)	10,000					-10,000
(By transfer)	(21,000)					(-21,000)
Contingent emergency supplemental	10,000					-10,000
Acquisition, Construction, Improvements, and Related Expenses	4,185	5,021	5,021	4,283	8,941	+4,756
Total	691,497	829,521	828,821	782,562	832,741	+141,244
Total, title I, Department of the Treasury	12,352,437	14,520,692	13,200,949	13,161,407	13,597,742	+1,245,305
Current year, FY 2001	12,352,437	14,098,443	13,200,949	13,161,407	13,597,742	+1,245,305
Appropriations	(12,317,537)	(14,043,443)	(13,200,949)	(13,105,905)	(13,542,742)	(+1,225,205)
Emergency funding	(34,900)	(55,000)		(55,502)	(55,000)	(+20,100)
Advance appropriations, FY 2002		422,249				

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
TITLE II - POSTAL SERVICE						
Payment to the Postal Service Fund	28,620	29,000	29,000	....	29,000	+380
Advance appropriation, FY 2002	64,436	67,093	67,093	67,093	67,093	+2,657
Total	93,056	96,093	96,093	67,093	96,093	+3,037
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT						
Compensation of the President and the White House Office:						
Compensation of the President	250	390	390	390	390	+140
Salaries and Expenses	52,243	53,288	52,135	53,288	53,288	+1,045
Executive Residence at the White House:						
Operating Expenses	9,225	10,900	10,286	10,900	10,900	+1,675
White House Repair and Restoration	808	5,510	658	5,510	968	+160
Special Assistance to the President and the Official Residence of the Vice President:						
Salaries and Expenses	3,609	3,673	3,664	3,673	3,673	+64
Operating expenses	330	354	354	354	354	+24
Council of Economic Advisers	3,825	4,110	3,997	4,110	4,110	+285
Office of Policy Development	4,017	4,032	4,030	4,032	4,032	+15
National Security Council	6,970	7,165	7,148	7,165	7,165	+195
Office of Administration	39,050	43,737	41,185	43,737	43,737	+4,687
Contingent emergency supplemental	8,400	....	....	....	....	-8,400
Office of Management and Budget	63,256	68,786	67,143	67,935	68,786	+5,530

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Office of National Drug Control Policy:						
Salaries and expenses	22,823	25,400	24,759	24,312	24,759	+1,936
Title II general provisions (P.L. 106-113)	3,000					-3,000
Counterdrug Technology Assessment Center	29,052	20,400	29,750	29,052	29,053	+1
Total	54,875	45,800	54,509	53,364	53,812	-1,063
Federal Drug Control Programs:						
High Intensity Drug Trafficking Areas Program	191,271	192,000	217,000	196,000	206,500	+15,229
Special forfeiture fund	215,297	259,000	219,000	144,300	233,600	+18,303
Unanticipated Needs	996	1,000				-996
Elections Commission of the Commonwealth of Puerto Rico		2,500				
Total, title III, Executive Office of the President and Funds Appropriated to the President	654,422	702,245	681,499	594,758	691,315	+36,893
TITLE IV - INDEPENDENT AGENCIES						
Committee for Purchase from People Who Are Blind or Severely Disabled	2,664	4,158	4,158	4,158	4,158	+1,494
Federal Election Commission	38,008	40,500	40,240	39,755	40,500	+2,492
Federal Labor Relations Authority	23,737	25,058	25,058	25,058	25,058	+1,321

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
General Services Administration:						
Federal Buildings Fund:						
Appropriations	-20,022	681,871			464,154	+484,176
Advance appropriation, FY 2002-2004		477,484		374,345	276,400	+276,400
Limitations on availability of revenue:						
Construction and acquisition of facilities	(74,979)	(779,788)		(3,000)	(472,176)	(+397,197)
Rescission of funds in P.L. 104-208	(-20,782)					(+20,782)
General provisions (sec. 410)				(2,500)	(2,500)	(+2,500)
Repairs and alterations	(598,674)	(721,193)	(490,592)	(671,193)	(671,193)	(+72,519)
Installment acquisition payments	(205,668)	(185,369)	(185,369)	(185,369)	(185,369)	(-20,299)
Rental of space	(2,782,186)	(2,944,905)	(2,944,905)	(2,944,905)	(2,944,905)	(+162,719)
Building Operations	(1,580,909)	(1,624,771)	(1,580,909)	(1,624,771)	(1,624,771)	(+43,862)
Subtotal	(5,242,416)	(6,256,026)	(5,201,775)	(5,431,738)	(5,900,914)	(+658,498)
Repayment of Debt	(100,000)	(70,595)	(70,595)	(70,595)	(70,595)	(-29,405)
Total, Federal Buildings Fund, FY 2001	-20,022	681,871			464,154	+484,176
(Limitations)	(5,342,416)	(6,326,621)	(5,272,370)	(5,502,333)	(5,971,509)	(+629,093)
(Rescission of limitations)	(-20,782)					(+20,782)
Policy and Operations	116,223	136,980	115,434	123,420	123,920	+7,697
Contingent emergency supplemental	3,300					-3,300
Disposal of property		8,000				
Office of Inspector General	33,317	34,520	34,520	34,520	34,520	+1,203
Allowances and Office Staff for Former Presidents	2,241	2,517	2,517	2,517	2,517	+276

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
General provision (P.L. 106-113, Title II)	2,000	....	....	....	....	-2,000
Expenses, Presidential transition	....	7,100	....	7,100	7,100	+7,100
Total, General Services Administration, FY 2001	137,059	870,988	152,471	167,557	632,211	+495,152
Advance appropriations, FY 2002-2004	....	477,484	....	374,345	276,400	+276,400
Merit Systems Protection Board:						
Salaries and Expenses	27,481	29,437	28,857	29,437	29,437	+1,956
Limitation on administrative expenses	2,430	2,430	2,430	2,430	2,430	....
Federal payment to Morris K. Udall scholarship and excellence in national environmental policy foundation	1,992	3,000	2,000	1,000	2,000	+8
Environmental Dispute Resolution Fund	1,245	1,250	1,250	500	1,250	+5
National Archives and Records Administration:						
Operating expenses	179,674	209,393	195,119	209,393	209,393	+29,719
Reduction of debt	-5,598	-5,598	-5,598	-5,598	-5,598	....
Repairs and Restoration	22,296	99,560	5,650	4,950	95,150	+72,854
Advance appropriation, FY 2002	....	....	....	88,000	....	....
Records Center Revolving Fund	22,000	....	....	....	....	-22,000
National Historical Publications & Records Commission:						
Grants program	6,250	6,000	6,000	6,450	6,450	+200
Rescission	-2,000	....	....	....	....	+2,000
Total	222,622	309,355	201,171	215,195	305,395	+82,773
Advance appropriation, FY 2002	....	....	....	88,000	....	....

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Office of Government Ethics	9,080	9,684	9,684	9,684	9,684	+604
Office of Personnel Management:						
Salaries and Expenses	90,240	100,558	93,471	94,095	94,095	+3,855
Limitation on administrative expenses	95,124	101,986	101,986	99,624	101,986	+6,862
Office of Inspector General	956	1,360	1,360	1,356	1,360	+404
Limitation on administrative expenses	9,608	9,745	9,745	9,708	9,745	+137
Government Payment for Annuitants, Employees Health Benefits	5,105,395	5.427,166	5,427,166	5,427,166	5.427,166	+321,771
Government Payment for Annuitants, Employee Life Insurance	36,200	35,000	35,000	35,000	35,000	-1,200
Payment to Civil Service Retirement and Disability Fund	9,120,558	8,940,051	8,940,051	8,940,051	8,940,051	-180,507
Total, Office of Personnel Management	14,458,081	14,615,866	14,608,779	14,607,000	14,609,403	+151,322
Office of Special Counsel	9,703	11,147	10,319	10,733	11,147	+1,444
United States Tax Court	35,045	37,439	37,305	35,474	37,305	+2,260
Total, title IV, Independent Agencies	14,969,147	16,437,796	15,123,722	15,610,326	15,986,378	+1,017,231
Current year, FY 2001	14,969,147	15,960,312	15,123,722	15,147,981	15,709,978	+740,831
Appropriations	(14,967,847)	(15,960,312)	(15,123,722)	(15,147,981)	(15,709,978)	(+742,131)
Rescissions	(-2,000)					(+2,000)
Advance appropriations, FY 2002-2004		477,484		462,345	276,400	+276,400

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
Grand total	28,069,062	31,756,826	29,102,263	29,433,584	30,371,528	+2,302,466
Current year, FY 2001	28,004,626	30,790,000	29,035,170	28,904,146	30,028,035	+2,023,409
Appropriations	(27,968,426)	(30,735,000)	(29,035,170)	(28,848,644)	(29,973,035)	(+2,004,609)
Emergency funding	(38,200)	(55,000)		(55,502)	(55,000)	(+16,800)
Rescissions	(-2,000)					(+2,000)
Advance appropriations, FY 2002-2004	64,436	966,826	67,093	529,438	343,493	+279,057
(Limitations)	(5,342,416)	(6,326,621)	(5,272,370)	(5,502,333)	(5,971,509)	(+629,093)
(Rescission of limitations)	(-20,782)					(+20,782)
Scorekeeping adjustments:						
Bureau of The Public Debt (Permanent)	142,000	145,000	145,000	145,000	145,000	+3,000
Federal Reserve Bank reimbursement fund	128,000	131,000	131,000	131,000	131,000	+3,000
Limitation on admin expenses adjustment to BA	-1,561					+1,561
US Mint revolving fund	11,000	14,000	14,000	14,000	14,000	+3,000
Sallie Mae	1,000	1,000	1,000	1,000	1,000	
Federal buildings fund	-119,366	63,000	-309,000	-79,000	-74,000	+45,366
Advance appropriations:						
Postal service, FY 2000/2001	71,195	64,436	64,436	64,436	64,436	-6,759
Postal service, FY 2001/2002	-64,436	-67,093	-67,093	-67,093	-67,093	-2,657
IRS, FY 2002		-422,249				
GSA, FY 2002-2004		-477,484		-374,345	-276,400	-276,400
National Archives, FY 2002				-88,000		
Conveyance of land to the Columbia Hospital for Women (sec. 410)	-8,000					+8,000

(Amounts in thousands of dollars)

	FY 2000 Enacted	FY 2001 Request	House	Senate	Conference	Conference vs. enacted
NOAA retirement provision (sec. 654), FY 1999	5,650					-5,650
Government-wide early buyout (sec. 651)	30,000					-30,000
GSA early buyout (sec. 411)	-1,000					+1,000
FY 1999 supplemental (sec. 654)	-5,650					+5,650
Across the board cut (0.38%)	-73,000					+73,000
OMB/CBO adjustment	72,153					-72,153
OMB/CBO adjustment (mandatory to discretionary)	(-408)					(+408)
Total, scorekeeping adjustments	187,985	-548,390	-20,657	-253,002	-62,057	-250,042
Total mandatory and discretionary	28,257,047	31,208,436	29,081,606	29,180,582	30,309,471	+2,052,424
Mandatory	14,532,995	14,679,607	14,679,607	14,679,607	14,679,607	+146,612
Discretionary	13,724,052	16,528,829	14,401,999	14,500,975	15,629,864	+1,905,812

MISCELLANEOUS APPROPRIATIONS

The conference agreement would enact the provisions of H.R. 5666 as introduced on December 15, 2000. The text of that bill follows: A BILL Making miscellaneous appropriations for the fiscal year ending September 30, 2001, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2001, and for other purposes namely:

DIVISION A

CHAPTER 1

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended—

(1) In title III, under the heading "Rural Utilities Service, Rural Electrification and Telecommunications Loans Program Account", after "per year" insert ": Provided further, That not more than $100,000 shall be available for guarantees of private sector loans".

(2) In title III, at the end of the first proviso under the "Rural Housing Assistance Grants" account, insert "in Mississippi and Alaska".

(3) In section 724, by striking "to Hispanic-serving institutions" and all that follows through "maintained by such institutions" and inserting "to eligible grantees specified in subsection (d)(3) of that section";

(4) In title VIII, under the heading "Rural Community Advancement Program", by striking "January 1, 2001" and inserting "January 1, 2000";

(5) In section 806, by inserting ": Provided further, That of the funds made available by this section, the Secretary shall transfer $5,000,000 to the State of Alabama to be used in conjunction with the program administered by the Alabama Department of Agriculture and Industries: Provided further, That of the funds made available by this section, the Secretary shall transfer not more than $300,000 to the State of Montana for transportation needs associated with emergency haying and feeding: Provided further, That of the funds made available by this section, the Secretary shall use not more than $2,000,000 to carry out a program for income losses sustained before April 30, 2001, by individuals who raise poultry owned by other individuals as a result of Poult Enteritis Mortality Syndrome control programs, as determined by the Secretary" after "American Indian Livestock Feed Program";

(6) In section 815(d)(3), by inserting "affected" after "all";

(7) In section 830, by striking "Section 401" and inserting "Title IV".

(8) In section 843, by striking "were unable to market the crops" and all that follows through "in this section:" and inserting "suffered a loss because of the insolvency of an agriculture cooperative in the State of California: Provided, That the amount of a payment made to a producer under this section shall not exceed 50 percent of the loss referred to in this section:";

(9) In section 844—

(A) in the section heading, by inserting ", FLUE-CURED, AND CIGAR BINDER TYPE 54–55" after "BURLEY"; and

(B) in subsection (a)—

(i) in paragraph (1)—

(I) by inserting ", without further cost to the association," after "settle"; and

(II) by inserting ", Flue-cured, or Cigar Binder Type 54–55" after "Burley" each place it appears;

(ii) in paragraph (2)(B), by inserting ", Flue-cured, Cigar Binder Type 54–55," after "Burley"; and

(iii) in paragraph (3), by striking subparagraph (A) and inserting the following:

"(A) counted for the purpose of determining the Burley, Flue-cured, or Cigar Binder Type 54–55 tobacco quota or allotment for any year under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.); or";

(10) Notwithstanding any other provision of law, section 204(b)(10)(B) of Public Law 106–224 shall not be effective until July 1, 2001; and

(11) The effective date of this section is the date of enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.

SEC. 102. The second sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by striking "1990 decennial census" and inserting "1990 or 2000 decennial census", and by striking "year 2000" and inserting "year 2010".

SEC. 103. The Secretary of Agriculture, in collaboration with the Secretaries of Energy and Interior, shall undertake a study of the feasibility of including ethanol, biodiesel, and other bio-based fuels as part of the Strategic Petroleum Reserve. This study shall include a review of legislative and regulatory changes needed to allow this inclusion, and those elements necessary to design and implement such a program, including cost. The Secretary shall provide this study to the House and Senate Appropriations Committees by February 15, 2001.

SEC. 104. Notwithstanding section 730 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (Public Law 106–78), the City of Wilson, North Carolina, shall be eligible in fiscal year 2001 for the community facility loan guarantee program under section 306(a)(1) of the Consolidated Farm and Rural Development Act.

SEC. 105. Title VIII of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended by inserting at the end the following new section:

"SEC. 778. Notwithstanding section 723 of this Act or any other provision of law, there are hereby appropriated $26,000,000, to remain available until expended, for the program authorized under section 334 of the Federal Agriculture Improvement and Reform Act of 1996: Provided, That the entire amount shall be available only to the extent an official budget request for $26,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.".

SEC. 106. In carrying out the bovine tuberculosis eradication program covered by the Secretary of Agriculture's emergency declaration effective as of October 11, 2000, the Secretary of Agriculture shall pay 100 percent of the amounts of approved claims for materials affected by or exposed to bovine tuberculosis, and of approved claims growing out of the destruction of animals: Provided, That in calculating the net present value of the future income portion of any claim, the Secretary shall use a discount rate of 7 percent: Provided further, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 107. Section 820(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, is amended by striking "of 1996" and inserting the following: "of 1996, and for the Farmland Protection Program established under section 388 of the Federal Agriculture Improvement and Reform Act of 1996".

SEC. 108. For an additional amount for the United States Department of Agriculture, Office of the General Counsel, $500,000: Provided, That the entire amount shall be available only to the extent an official budget request for $500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 109. For an additional amount for Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses, $200,000: Provided, That the entire amount shall be available only to the extent an official budget request for $200,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 110. Notwithstanding any other provision of law, the Natural Resources Conservation Service may provide financial and technical assistance to the Hamakua Ditch project in Hawaii from funds available for the Emergency Watershed Program, not to exceed $3,000,000.

CHAPTER 2

DEPARTMENT OF JUSTICE

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $500,000, to remain available until expended: Provided, That these funds are to be expended by the National Institute of Corrections (NIC) for a comprehensive assessment of medical care and incidents of inmate mortality in the Wisconsin State Prison System.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For an additional amount for "Justice Assistance", $300,000, to remain available until expended: Provided, That these funds are to be expended to expand the collection of data on prisoner deaths while in law enforcement custody.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for "Community Oriented Policing Services", $3,080,000, to remain available until expended, of which $1,880,000 shall be for a grant to the Pasadena, California, Police Department for equipment; of which $200,000 shall be for a grant to the City of Signal Hill, California, for equipment and technology for an emergency operations center; and of which $1,000,000 shall be for a grant to the State of Alabama Department of Forensic Sciences for equipment.

JUVENILE JUSTICE PROGRAMS

For an additional amount for "Juvenile Justice Programs", $1,000,000, to remain available until expended, for a grant to Mobile County, Alabama, for a juvenile court network program.

GENERAL PROVISIONS

SEC. 201. Chapter 2 of title II of division B of Public Law 106–246 (114 Stat. 542) is amended in the matter immediately under the first heading—

(1) by inserting, "(or the state, in the case of New Mexico)" before "only"; and

(2) by inserting, "detention costs," after "court costs,".

SEC. 202. For an additional amount under the heading "United States Attorneys, Salaries and Expenses" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, $10,000,000 for the State of Texas and $2,000,000 for the State of Arizona, to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases, such reimbursements being limited to court costs, detention costs, courtroom technology, the building of holding spaces, administrative staff, and indigent defense costs.

SEC. 203. In addition to amounts appropriated under the heading "State and Local Law Enforcement Assistance, Office of Justice Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, $9,000,000 is for an award to the Alliance of Boys & Girls of South Carolina for the establishment of the Strom Thurmond Boys & Girls Club National Training Center.

SEC. 204. In addition to any amounts made available for "State and Local Law Enforcement Assistance" within the Department of Justice, $500,000 shall be made available only for the New Hampshire Department of Safety to investigate and support the prosecution of violations of federal trucking laws.

SEC. 205. In addition to other amounts made available for the COPS technology program of the Department of Justice, $4,000,000 shall be available to the State of South Dakota to establish a regional radio system to facilitate communications between Federal, State, and local law enforcement agencies, firefighting agencies, and other emergency services agencies.

DEPARTMENT OF COMMERCE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $200,000, to remain available until expended, for the establishment of satellite accounts for the travel and tourism industry.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", $750,000, to remain available until expended, for a study by the National Academy of Sciences pursuant to H.R. 2090, as passed by the House of Representatives on September 12, 2000.

GENERAL PROVISIONS

SEC. 206. The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, as enacted by section 1(a)(2) of the Act entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001, and for other purposes" is amended by inserting before the period at the end of the paragraph under the heading "National Oceanic and Atmospheric Administration, Operations, Research, and Facilities" the following new proviso: ": Provided further, That, of the amounts made available for the National Marine Fisheries Service under this heading, $10,000,000 shall be available only for research regarding litigation concerning the Alaska Steller sea lion and Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries, of which $6,000,000 shall be available only for the Office of Oceanic and Atmospheric Research to study the impact of ocean climate shifts on the North Pacific and Bering Sea fish and marine mammal species composition, of which $2,000,000 shall be available only for the National Ocean Service to study predatpr/prey relationships as they relate to the decline of the western population of Steller sea lions, and of which $2,000,000 shall be available only for the North Pacific Fishery Management Council for an independent analysis of Steller sea lion science and other work related to such litigation".

SEC. 207. (a) In addition to amounts appropriated or otherwise made available under the heading "Operations, Research, and Facilities, National Oceanic and Atmospheric Administration" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, $7,500,000 is appropriated for disaster assistance for communities affected by the 2000 western Alaska salmon disaster for which the Secretary of Commerce declared a fishery failure under section 312(a) of the Magnuson Stevens Fisheries Conservation and Management Act.

(b) Funds appropriated by this section shall be made available as direct lump sum payments no later than 30 days after the date of enactment of this Act, as follows: $3,500,000 to the Tanana Chiefs Conference, $3,500,000 to the Association of Village Council Presidents, and $500,000 to Kawerak.

(c) Such funds shall be used to provide personal assistance with priority given to (1) food, (2) energy needs, (3) housing assistance, (4) transportation fuel including for subsistence activities, and (5) other urgent community needs.

(d) Not more than 5 percent of such funds may be used for administrative expenses.

(e) The President of the Tanana Chiefs Conference, the President of the Association of Village Council Presidents, and the President of Kawerak shall disburse all funds no later than May 1, 2000 and shall submit a report to the Secretary of Commerce detailing the expenditure of funds, including the number of persons and households served and the amount of administrative costs, by the end of the fiscal year.

SEC. 208. In addition to amounts appropriated or otherwise made available by this or any other Act, $3,000,000 is appropriated to enable the Secretary of Commerce to provide economic assistance to fishermen and fishing communities affected by federal closures and fishing restrictions in the Hawaii long line fishery, to remain available until expended.

SEC. 209. IMPLEMENTATION OF STELLER SEA LION PROTECTIVE MEASURES.—

(a) FINDINGS.—The Congress finds that—

(1) the western population of Steller sea lions has substantially declined over the last twenty-five years.

(2) scientists should closely research and analyze all possible factors relating to such decline, including the possible interactions between commercial fishing and Steller sea lions and the localized depletion hypothesis;

(3) the authority to manage commercial fishing in federal waters lies with the regional councils and the Secretary of Commerce (hereafter in this section "Secretary") pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (hereafter in this section "Magnuson-Stevens Act"); and

(4) the Secretary of Commerce shall comply with the Magnuson-Stevens Act when using fishery management plans and regulations to implement the decisions made pursuant to findings under the Endangered Species Act, and shall utilize the processes and procedures of the regional fishery management councils as required by the Magnuson-Stevens Act.

(b) INDEPENDENT SCIENTIFIC REVIEW.—The North Pacific Fishery Management Council (hereafter in this section "North Pacific Council) shall utilize the expertise of the National Academy of Sciences to conduct an independent scientific review of the November 30, 2000 Biological Opinion for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries (hereafter in this section "Biological Opinion"), its underlying hypothesis, and the Reasonable and Prudent Alternatives (hereafter in this section "Alternatives") contained therein. The Secretary shall cooperate with the independent scientific review, and the National Academy of Sciences is requested to give its highest priority to this review.

(c) PREPARATION OF FISHERY MANAGEMENT PLANS AND REGULATIONS TO IMPLEMENT PROTECTIVE MEASURES IN THE NOVEMBER 30, 2000 BIOLOGICAL OPINION.—

(1) The Secretary of Commerce shall submit to the North Pacific Council proposed conservation and management measures to implement the Alternatives contained in the November 30, 2000 Biological Opinion for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries. The North Pacific Council shall prepare and transmit to the Secretary a fishery management plan amendment or amendments to implement such Alternatives that are consistent with the Magnuson-Stevens Act (including requirements in such Act relating to best available science, bycatch reduction, impacting on fishing communities, the safety of life at sea, and public comment and hearings.)

(2) The Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries shall be managed in a manner consistent with the Alternatives contained in the Biological Opinion, except as otherwise provided in this section. The Alternatives shall become fully effective no later than January 1, 2002, as revised if necessary and appropriate based on the independent scientific review referred to in subsection (b) and other new information, and shall be phased in in 2001 as described in paragraph (3).

(3) The 2001 Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries shall be managed in accordance with the fishery management plan and federal regulations in effect for such fisheries prior to July 15, 2000, including—

(A) conservative total allowable catch levels;

(B) no entry zones within three miles of rookeries;

(C) restricted harvest levels near rookeries and haul-outs;

(D) federally-trained observers;

(E) spatial and temporal harvest restrictions;

(F) federally-mandated bycatch reduction programs; and

(G) additional conservation benefits provided through cooperative fishing arrangements,

and said regulations are hereby restored to full force and effect.

(4) The Secretary shall amend these regulations by January 20, 2001, after consultation with the North Pacific Council and in a manner consistent with all law, including the Magnuson-Stevens Act, and consistent with the Alternatives to the maximum extent practicable, subject to the other provisions of this subsection.

(5) The harvest reduction requirement ("Global Control Rule") shall take effect immediately in any 2001 groundfish fishery in which it applies, but shall not cause a reduction in the total allowable catch of any fishery of more than ten percent.

(6) In enforcing regulations for the 2001 fisheries, the Secretary, upon recommendation of the North Pacific Council, may open critical habitat where needed, adjust seasonal catch levels, and take other measures as needed to ensure

that harvest levels are sufficient to provide income from these fisheries for small boats and Alaskan on-shore processors that is no less than in 1999.

(7) The regulations that are promulgated pursuant to paragraph (4) shall not be modified in any way other than upon recommendation of the North Pacific Council, before March 15, 2001.

(d) SEA LION PROTECTION MEASURES.—$20,000,000 is hereby appropriated to the Secretary of Commerce to remain available until expended to develop and implement a coordinated, comprehensive research and recovery program for the Steller sea lion, which shall be designed to study—

(1) available prey species;

(2) predator/prey relationships;

(3) predation by other marine mammals;

(4) interactions between fisheries and Steller sea lions, including the localized depletion theory;

(5) regime shift, climate change, and other impacts associated with changing environmental conditions in the North Pacific and Bering Sea;

(6) disease;

(7) juvenile and pup survival rates;

(8) population counts;

(9) nutritional stress;

(10) foreign commercial harvest of sealions outside the exclusive economic zone;

(11) the residual impacts of former government-authorized Steller sea lion eradication bounty programs; and

(12) the residual impacts of intentional lethal takes of Steller sea lions. Within available funds the Secretary shall implement on a pilot basis innovative non-lethal measures to protect Steller sea lions from marine mammal predators including killer whales,

(e) ECONOMIC DISASTER RELIEF.—$30,000,000 is hereby appropriated to the Secretary of Commerce to make available as a direct payment to the Southwest Alaska Municipal Conference to distribute to fishing communities, businesses, community development quota groups, individuals, and other entities to mitigate the economic losses caused by Steller sea lion protection measures heretofore incurred; provided that the President of such organization shall provide a written report to the Secretary and the House and Senate Appropriations Committee within six months of receipt of these funds.

DEPARTMENT OF STATE AND RELATED AGENCY

GENERAL PROVISIONS

SEC. 210. In addition to any amounts made available for "Educational and Cultural Exchange Programs within the Department of State", $500,000 shall be made available only for the Irish Institute.

SEC. 211. In addition to amounts appropriated under the heading "International Broadcasting Operations, Broadcasting Board of Governors" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, $10,000,000 to remain available until expended, for increased broadcasting to Russia and surrounding areas, and to China, by Radio Free Europe/Radio Liberty, Radio Free Asia, and the Voice of America: Provided, That any amount of such funds may be transferred to the "Broadcasting Capital Improvements" account to carry out such purposes.

RELATED AGENCIES

COMMISSION ON ONLINE CHILD PROTECTION,

For necessary expenses of the Commission on Online Child Protection, $750,000, to remain available until expended.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $1,000,000 shall be available for a grant to the Electronic Commerce Resource Center in Scranton, Pennsylvania, to establish an electronic commerce technology distribution center.

GENERAL PROVISION

SEC. 212. For an additional amount for "Small Business Administration, Salaries and Expenses" $1,000,000 shall be made available only for a grant to the National Museum of Jazz in New York, New York.

GENERAL PROVISION—THIS CHAPTER

SEC. 213. (a) The provisions of H.R. 5548 (as enacted into law by H.R. 4942 of the 106th Congress) are amended as follows:

(1) In title I, under the heading "Salaries and Expenses, United States Marshals Service", by striking "3,947" and inserting "4,034".

(2) In title I, by redesignating sections 114 through 119 as sections 113 through 118, respectively.

(3) In title II, under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities", by striking "$31,439,000" and inserting "$32,054,000".

(4) In title II, under the heading "National Oceanic and Atmospheric Administration—Coastal and Ocean Activities"—

(A) by striking "non-contiguous States except Hawaii" and inserting "Alaska";

(B) by striking "Inc," and inserting "Inc.,";

(C) by striking "scrup;" and inserting "scrub;"; and

(D) by striking "watershed for lower Rouge River restoration:" and inserting "watershed:".

(5) In title IV, by striking section 406 and by redesignating sections 407 and 408 as sections 406 and 407, respectively.

(6) In title VI, by striking sections 635 and 636.

(7) In title IX, in the first proviso of section 901, by striking ", territory or an Indian Tribe" and inserting "or territory".

(b) The amendments made by this section shall take effect as if included in H.R. 4942 of the 106th Congress on the date of its enactment.

CHAPTER 3

DEPARTMENT OF DEFENSE

GENERAL PROVISIONS—THIS CHAPTER

SEC. 301. In the event that award of the full funding contract for low-rate initial production of the F–22 aircraft is delayed beyond December 31, 2000 because of inability to complete the requirements specified in section 8124 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259), the Secretary of the Air Force may obligate up to $353,000,000 of the funds appropriated in Title III of Public Law 106–259 to continue F–22 Lot 1 (10 aircraft) advance procurement to protect the supplier base and preserve program costs and schedule.

SEC. 302. (a) Consistent with Executive Order Number 1733, dated March 3, 1913, and notwithstanding section 303 of the Alaska National Interest Lands Conservation Act, Public Law 96–487, or any other law, the Department of the Air Force shall have primary jurisdiction, custody, and control over Shemya Island and its appurtenant waters (including submerged lands). In exercising such primary jurisdiction, custody, and control, the Secretary of the Air Force may utilize and apply such authorities as are generally applicable to a military installation, base, camp, post, or station. Shemya Island and its appurtenant waters (including submerged lands) shall continue to be included within the Alaska Maritime National Wildlife Refuge and the National Wildlife Refuge System and the Secretary of the Interior shall have jurisdiction secondary to that of the Department of the Air Force. Nothing in this section shall prohibit the transfer of jurisdiction, custody, and control over Shemya Island by the Department of the Air Force to another military department. In the event the military department exercising such primary jurisdiction, custody, and control no longer has a need to exercise such primary jurisdiction, custody, and control of Shemya Island and its appurtenant waters (including submerged lands), such jurisdiction, custody, and control shall terminate and the Secretary of the Interior shall then exercise sole jurisdiction, custody, and control over Shemya Island and its appurtenant waters (including submerged lands) as part of the Alaska Maritime National Wildlife Refuge.

(b) Any environmental contamination of Shemya Island caused by a military department shall be the responsibility of that military department and not the responsibility of the Department of the Interior. Any money rentals received by a military department from outgrants on Shemya Island will be applied to the environmental restoration of the island in accordance with 10 U.S.C. 2667.

(c) This section shall not be construed as altering any existing property rights of the State of Alaska or any private person.

(d) The military department exercising primary jurisdiction, custody, and control over Shemya Island shall, consistent with the accomplishment of the military mission and subject to section 21 of the Internal Security Act of 1950, Public Law 81–831 (50 U.S.C. 797) (also known as the Subversive Activities Control Act of 1950)—

(1) work with the United States Fish and Wildlife Service to protect and conserve the wildlife and habitat on the island; and

(2) grant access to Shemya Island and its appurtenant waters to the United States Fish and Wildlife Service for the purpose of management of the Alaska Maritime National Wildlife Refuge.

SEC. 303. Within the funds appropriated for the Patriot PAC–3 program under Title III of the Department of Defense Appropriations Act, 2001 (Public Law 106–259), the Ballistic Missile Defense Organization shall procure no less than 40 PAC–3 missiles.

SEC. 304. Section 8133 of Public Law 106–259 (114 Stat. 703) is amended by striking "$300,000,000" in the first proviso and inserting "$550,000,000".

(TRANSFER OF FUNDS)

SEC. 305. Of the total amount appropriated by title II of the Department of Defense Appropriations Act, 2001 (Public Law 106–259) for operation and maintenance for the armed force or armed forces under the jurisdiction of the Secretary of a military department, the Secretary of that military department may transfer up to $2,000,000 to the central fund established by the Secretary under section 2493(d) of title 10, United States Code, for funding Fisher Houses and Fisher Suites. Amounts so transferred shall be merged with other amounts in the central fund to which transferred and shall be available without fiscal year limitation for the purposes for which amounts in that fund are available.

SEC. 306. FUNDING FOR CERTAIN COSTS OF VESSEL TRANSFERS. There is hereby appropriated into the Defense Vessels Transfer Program Account such sums as may be necessary for the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale transfers authorized by the National Defense Authorization Act, 2001. Funds in that account are available only for the purpose of covering those costs.

SEC. 307. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106–259) under the heading "Research, Development, Test and Evaluation, Defense-Wide", not less than $5,000,000 shall be made available only for support of a Gulf War illness research program at the University of Texas Southwestern Medical Center.

(INCLUDING TRANSFER OF FUNDS)

SEC. 308. In addition to amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $150,000,000 is hereby appropriated for "Operation and Maintenance, Navy" and shall remain available until expended, only for costs associated with the repair of the U.S.S. COLE: Provided, That the Secretary of Defense may transfer these funds to appropriations accounts for procurement: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the welfare of the crew, and of the families of the crew, of the U.S.S. COLE shall be considered in the Navy's selection of the process and location for the repair of the U.S.S. COLE: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 309. Notwithstanding any other provision of law, the Administrator of the General Services Administration may utilize funds available to the National Science and Technology Council (authorized by Executive Order No. 12881), or any successor entity to the council, under section 635 of the Treasury and General Government Appropriations Act, 2001 for payment of any expenses of, and shall ensure that administrative services, facilities, staff and other support are provided for, the Commission on the Future of the United States Aerospace Industry pursuant to section 1092(e)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted by section 1 of the Act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes).

SEC. 310. In addition to funds provided elsewhere in this Act, or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $2,000,000 is hereby appropriated to "Operation and Maintenance, Marine Corps", only for planning and National Environmental Protection Act documentation for the proposed airfield and heliport at the Marine Corps Air Ground Task Force Training Command.

(TRANSFER OF FUNDS)

SEC. 311. Of the funds made available in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), the Secretary of the Air Force shall transfer $5,000,000 of the funds provided for "Operation and Maintenance, Air Force" to the Secretary of the Interior for maintenance, protection, or preservation of the land and interests in land described in section 3 of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106–115; 113 Stat. 1540): Provided, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense for fiscal year 2001.

SEC. 312. (a) The Secretary of the Air Force is authorized to convey to the Roosevelt General Hospital, Portales, New Mexico, without consideration, and without regard to title II of the Federal Property and Administrative Services Act of 1949, all right, title, and interest of the United States in any personal property of the Air Force that the Secretary determines—

(1) is appropriate for use by the Roosevelt General Hospital in the operation of that hospital; and

(2) is excess to the needs of the Air Force.

(b) The Secretary may require any additional terms and conditions in connection with any conveyance under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

(INCLUDING TRANSFER OF FUNDS)

SEC. 313. In addition to amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $100,000,000 is hereby appropriated for "Overseas Contingency Operations Transfer Fund" and shall remain available until expended: Provided, That the Secretary of Defense may transfer the funds provided herein only to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and working capital funds: Provided further, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority contained elsewhere in this Act: Provided further, That funds appropriated by this section, or made available by the transfer of funds in this section, for intelligence activities are deemed to be specifically authorized by the Congress for the purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2001: Provided further, That the entire amount made available in this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 314. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106–259) under the heading "Research, Development, Test and Evaluation, Navy", up to $3,000,000 shall be made available to the Marine Corps to pursue research in Nanotechnology for Consequence Management.

SEC. 315. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106–259) under the heading "Research, Development, Test and Evaluation, Army", not less than $1,500,000 shall be made available only for installation of the Medical Area Network for Virtual Technologies at Fort Detrick and Walter Reed Army Hospital, and not less than $1,000,000 shall be made available only to conduct a pilot study to determine the feasibility of establishing a Department of Defense Information Analysis Center for telemedicine.

SEC. 316. The Secretary of the Navy shall acquire 50 acres of real property located on Reed Island, along the south shore of the St. John's River across from Blount Island Command, Jacksonville, Florida. The Secretary of the Navy shall pay not more than the fair market value of the property, to be determined pursuant to an appraisal acceptable to the Secretary of the Navy; but in no case shall the price exceed $4,200,000: Provided, That the exact acreage and legal description of the real property to be acquired pursuant to this section shall be determined by a survey satisfactory to the Secretary of the Navy: Provided further, That the Secretary of the Navy may require such additional terms and conditions in connection with the land acquisition pursuant to this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 317. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106–259) under the heading "Research, Development, Test, and Evaluation, Navy" the Secretary of the Navy may establish Marine Fire Training Centers at the Marine and Environmental Research and Training Station and Barbers Point by grants or contracts.

SEC. 318. Notwithstanding any other provision of law, and notwithstanding the provisions in section 7306 of title 10, United States Code, of the funds provided in the Department of Defense Appropriations Act, 2001 (Public Law 106–259) for "Operation and Maintenance, Navy", $750,000 shall be available only for repair of ex-Turner Joy.

SEC. 319. In addition to amounts appropriated or otherwise made available for the Department of Defense elsewhere in this Act or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $2,000,000 is hereby appropriated under the heading "Operation and Maintenance, Defense-Wide", to remain available for obligation until September 30, 2001, only for the Defense Imagery and Mapping Agency Program.

SEC. 320. None of the funds available in the Department of Defense Appropriations Act, 2001 (Public Law 106–259) shall be used to consolidate or incorporate Air Force radar operations maintenance and support programs or contracts into an Air Force SENSOR or a similar acquisition program.

SEC. 321. In addition to amounts appropriated elsewhere in this Act, or in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), $1,000,000 is hereby appropriated to "Research, Development, Test and Evaluation, Air Force", only to develop rapid diagnostic and fingerprinting techniques along with molecular monitoring systems for the detection of nosocomial infections.

SEC. 322. Of the total amount appropriated by title IV of the Department of Defense Appropriations Act, 2001 (Public Law 106–259) under the heading "Research, Development, Test and Evaluation, Navy", $1,500,000 shall be made available by grant or contract only to the California Central Coast Research Partnership (C3RP).

SEC. 323. FORT IRWIN NATIONAL TRAINING CENTER EXPANSION. (a) FINDINGS.—Congress makes the following findings:

(1) The National Training Center at Fort Irwin, California, is the only instrumented training area in the world suitable for live fire training of heavy brigade-sized military forces and thus provides the Army with essential training opportunities necessary to maintain and improve military readiness and promote national security.

(2) The National Training Center must be expanded to meet the critical need of the Army for additional training lands suitable for the maneuver of large numbers of military personnel and equipment, which is necessitated by advances in equipment, by doctrinal changes, and by Force XXI doctrinal experimentation requirements.

(3) The lands being considered for expansion of the National Training Center are home to the desert tortoise and other species that are protected under the Endangered Species Act of 1973, and the Secretary of Defense and the Secretary of the Interior, in developing a plan for expansion of the National Training Center, must provide for such expansion in a manner that complies with the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(4) In order for the expansion of the National Training Center to be implemented on an expedited basis, the Secretaries should proceed without delay to define with specificity the key elements of the expansion plan, including obtaining early input regarding national security requirements, Endangered Species Act of 1973 compliance and mitigation, and National Environmental Policy Act of 1969 compliance.

(b) Purpose.—The purpose of this section is to expedite the expansion of the National Training Center at Fort Irwin, California, in a manner that is fully compliant with environmental laws.

(c) Preparation of Proposed Expansion Plan.—

(1) Preparation required.—The Secretary of the Army and the Secretary of the Interior (in this section referred to as the "Secretaries") shall jointly prepare a proposed plan for the expansion of the National Training Center at Fort Irwin, California.

(2) Submission and availability.—The plan required by paragraph (1) (in this section referred to as the "proposed expansion plan") shall be completed not later than 120 days after the date of the enactment of this Act. When completed, the Secretaries shall make the proposed expansion plan available to the public and shall publish in the Federal Register a "notice of availability" concerning the proposed expansion plan.

(d) Key Elements of Proposed Expansion Plan.—

(1) Joint report.—Not later than 45 days after the date of the enactment of this Act, the Secretaries shall submit to Congress a joint report that identifies the key elements of the proposed expansion plan.

(2) Lands withdrawal and reservation.—The proposed expansion plan shall include the withdrawal and reservation of an appropriate amount of public lands for—

(A) the conduct of combined arms military training at the National Training Center;

(B) the development and testing of military equipment at the National Training Center;

(C) other defense-related purposes; and

(D) conservation and research purposes.

(3) Conservation measures.—The proposed expansion plan shall also include a general description of conservation measures, anticipated to cost approximately $75,000,000, that may be necessary and appropriate to protect and promote the conservation of the desert tortoise and other endangered or threatened species and their critical habitats in designated wildlife management areas in the West Mojave Desert. The conservation measures may include—

(A) the establishment of one or more research natural areas, which may include lands both within and outside the National Training Center;

(B) the acquisition of private and State lands within the wildlife management areas in the West Mojave Desert;

(C) the construction of barriers, fences, and other structures that would promote the conservation of endangered or threatened species and their critical habitats;

(D) the funding of research studies; and

(E) other conservation measures.

(d) Preliminary Review of Expansion Plan.—

(1) Review required.—Not later than 90 days after the date of the enactment of this Act, the Director of the United States Fish and Wildlife Service shall submit to the Secretaries a preliminary review of the proposed expansion plan (as developed as of that date). In the preliminary review, the Director shall identify, with as much specificity as possible, an approach for implementing the proposed expansion plan consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(2) Relation to formal review.—The preliminary review under paragraph (1) shall not constitute a formal consultation under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), but shall be used to assist the Secretaries in more precisely defining the nature and scope of an expansion plan for the National Training Center that is likely to satisfy requirements of the Endangered Species Act of 1973 and to expedite the formal consultation process under section 7 of such Act.

(3) Consideration of preliminary review.—In preparing the proposed expansion plan, the Secretaries shall take into account the content of the preliminary review by the Director of the United States Fish and Wildlife Service under paragraph (1).

(e) Draft Legislation.—The Secretaries shall submit to Congress with the proposed expansion plan a draft of proposed legislation providing for the withdrawal and reservation of public lands for the expansion of the National Training Center. It is the sense of the Congress that the proposed legislation should contain a provision that, if enacted, would prohibit ground-disturbing military use of the land to be withdrawn and reserved by the legislation until the Secretaries have certified that there has been full compliance with the appropriate provisions of the legislation, the Endangered Species Act of 1973, the National Environmental Policy Act of 1969, and other applicable laws.

(f) Consultation Under Endangered Species Act of 1973.—The Secretaries shall initiate the formal consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) with respect to expansion of the National Training Center as soon as practicable and shall complete such consultation not later than two years after the date of the enactment of this Act.

(g) Environmental Review.—Not later than six months following completion of the formal consultation required under section 7 of the Endangered Species Act of 1973 with respect to expansion of the National Training Center, the Secretaries shall complete any analysis required under the National Environmental Policy Act of 1969 with respect to the proposed expansion of the National Training Center. The analysis shall be coordinated, to the extent practicable and appropriate, with the review of the West Mojave Coordinated Management Plan that, as of the date of the enactment of this Act, is being undertaken by the Bureau of Land Management.

(h) Funding.—

(1) Implementation of conservation measures.—There are authorized to be appropriated $75,000,000 to the Secretary of the Army for the implementation of conservation measures necessary for the final expansion plan for the National Training Center to comply with the Endangered Species Act of 1973.

(2) Implementation of section.—The amounts of $2,500,000 for "Operation and Maintenance, Army" and $2,500,000 for "Management of Lands and Resources, Bureau of Land Management" are hereby appropriated to the Secretary of the Army and the Secretary of the Interior, respectively, only to undertake and complete on an expedited basis the activities specified in this section.

CHAPTER 4

DISTRICT OF COLUMBIA FEDERAL FUNDS

Federal Payment to the District of Columbia Courts

For an additional amount for the District of Columbia courts for capital repairs necessitated by the recent fire damage to the courthouse facilities, $350,000, to remain available until September 30, 2002, and for an additional amount for such repairs for the Superior Court of the District of Columbia, $50,000: Provided, That after providing notice to the Committees on Appropriations of the Senate and House of Representatives, the District of Columbia courts may reallocate not more than $1,000,000 of the funds provided under this heading under the District of Columbia Appropriations Act, 2001, among the items and entities funded under such heading for the costs of such repairs.

General Provisions—This Chapter

Sec. 401. (a) Section 106(b) of the District of Columbia Public Works Act of 1954 (sec. 43–1552(b), DC Code), as amended by section 133 of the District of Columbia Appropriations Act, 1990, is amended—

(1) in the third sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "by the"; and

(2) by adding at the end the following new paragraph:

"(5) Not later than the 15th day of the month following each quarter (beginning with the first quarter of fiscal year 2001), the inspector general of each Federal department, establishment, or agency receiving water services from the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and Senate analyzing the promptness of payment with respect to the services furnished to such department, establishment, or agency.".

(b) Section 212(b) of the District of Columbia Public Works Act of 1954 (sec. 43–1612(b), DC Code), as amended by section 133 of the District of Columbia Appropriations Act, 1990, is amended—

(1) in the third sentence of paragraph (1), by striking "United States Treasury and" and all that follows through "by the"; and

(2) by adding at the end the following new paragraph:

"(5) Not later than the 15th day of the month following each quarter (beginning with the first quarter of fiscal year 2001), the inspector general of each Federal department, establishment, or agency receiving sanitary sewer services from the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and Senate analyzing the promptness of payment with respect to the services furnished to such department, establishment, or agency.".

(c) The amendments made by this section shall take effect as if included in the enactment of section 133 of the District of Columbia Appropriations Act, 1990.

Sec. 402. (a) The Act entitled "An Act donating certain Lots in the City of Washington for Schools for Colored Children in the District of Columbia", approved July 28, 1866 (14 Stat. 343), is amended by striking the second sentence.

(b) Section 319 of the Revised Statutes of the United States relating to the District of Columbia and Post Roads (sec. 31–206, D.C. Code) is repealed.

Sec. 403. Restrictions on Use of Annual Unobligated Balance in D.C. Crime Victims Compensation Fund. (a) In General.—Section 16(d) of the Victims of Violent Crime Compensation Act of 1996 (sec. 3–435(d), D.C. Code), as added by section 160(d) of the District of Columbia Appropriations Act, 2000, is amended to read as follows:

"(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) may be used only in accordance with a plan developed by the District of Columbia and approved by the Committees on Appropriations of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate, and not less than 80 percent of such balance shall be used for direct compensation payments to crime victims

through the Fund under this section and in accordance with this Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect September 30, 2000.

SEC. 404. (a) Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, the District of Columbia may fund the programs identified under the heading "Reserve" in H.R. 4942, One Hundred Sixth Congress, as introduced, subject to the conditions described under such heading and upon certification by the District of Columbia Financial Responsibility and Management Assistance Authority to the Committees on Appropriations of the Senate and House of Representatives that the Chief Financial Officer of the District of Columbia, the Mayor of the District of Columbia, and the Council of the District of Columbia have identified and implemented such spending reductions as may be necessary to ensure that the District of Columbia will not have a budget deficit for fiscal year 2001.

(b)(1) Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, the use by the District of the funds described in paragraph (2) for Pay-As-You-Go Capital Funds shall be optional.

(2) The funds described in this paragraph are funds set aside for the reserve established by section 202(j) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by section 148 of the District of Columbia Appropriations Act, 2000) which are not used for purposes of any reserve funds established under the District of Columbia Appropriations Act, 2001, or any amendments made by such Act.

(c)(1) The Mayor of the District of Columbia shall deposit the annual interest savings resulting from debt reductions using the proceeds of the tobacco securitization program into the emergency reserve fund established under section 450A of the District of Columbia Home Rule Act (as added by section 159 of the District of Columbia Appropriations Act, 2001).

(2) This subsection shall apply with respect to fiscal year 2001 and each succeeding fiscal year until the requirements of section 450A of the District of Columbia Home Rule Act have been met.

SEC. 405. (a) Notwithstanding any provision of the District of Columbia Appropriations Act, 2001, quarterly disbursements shall be calculated and paid to District of Columbia public charter schools during fiscal year 2001 in accordance with section 107a(b) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools and Tax Conformity Clarification Amendment Act of 1998 (sec. 31–2906.1(b), DC Code), as amended by the Enrollment Integrity Act.

SEC. 406. (a) The provisions of H.R. 5547 (as enacted into law by H.R. 4942 of the 106th Congress) are repealed and shall be deemed for all purposes (including section 1(b) of H.R. 4942) to have never been enacted.

(b) The repeal made by this section shall take effect as if included in H.R. 4942 of the 106th Congress on the date of its enactment.

CHAPTER 5

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

For an additional amount for "General Investigations", $900,000, to remain available until expended: Provided, That $100,000 shall be available for a reconnaissance study of shore protection needs at North Topsail Beach, North Carolina; $100,000 shall be available for a reconnaissance study for the Passiac County, New Jersey, water infrastructure project; $100,000 shall be available for a reconnaissance study of flooding, drainage and other related problems in the Cayuga Creek Watershed, New York; and $600,000 shall be available for a cost-shared feasibility study of the restoration of the lower St. Anthony's Falls natural rapids in Minnesota.

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", $2,750,000, to remain available until expended: Provided, That $75,000 shall be available for planning and design of a project to provide for floodplain evacuation in the watershed of Pond Creek, Kentucky; $100,000 shall be available for design of recreation and access features at the Louisville Waterfront Park in Kentucky; $500,000 shall be available for a Limited Reevaluation Report for the Central Boca Raton segment of the Palm Beach County, Florida, shore protection project; and $75,000 shall be available to conduct research on the eradication of Eurasian water milfoil at Houghton Lake, Michigan: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to use $2,000,000 of the funds appropriated herein to initiate design and construction of the Hawaii Water Management Project, including Waiahole Ditch on Oahu, Kau Ditch on Maui, Pioneer Mill Ditch on Hawaii, and the complex system on the west side of Kauai: Provided further, That the Secretary of the Army may use up to $5,000,000 of previously appropriated funds to carry out the Abandoned and Inactive Noncoal Mine Restoration program authorized by section 560 of Public Law 106–53.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $3,500,000, to remain available until expended, for prosecuting work of repair, restoration or maintenance of the Mississippi River levees, and for the correction of deficiencies in the mainline Mississippi River levees.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $2,000,000, to remain available until expended, for construction of the Mid-Dakota Rural Water System, in addition to amounts made available under the Energy and Water Appropriations Development Act, 2001.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For an additional amount for "Energy Supply", $800,000, to remain available until expended, for the Prime, LLC, of central South Dakota, for final engineering and project development of the integrated ethanol complex, including an ethanol unit, waste treatment system, and enclosed cattle feed lot.

SCIENCE

For an additional amount for "Science", $1,000,000, to remain available until expended, for high temperature superconducting research and development at Boston College.

CHAPTER 6

GENERAL PROVISIONS—THIS CHAPTER

SEC. 601. Of the funds appropriated under the heading Department of State, International Narcotics Control and Law Enforcement, in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, not less than $1,350,000 shall be available only for the Protection Project to continue its study of international trafficking, prostitution, slavery, debt bondage and other abuses of women and children.

SEC. 602. EMBASSY COMPENSATION AUTHORITY. Funds made available under the heading "Other Bilateral Economic Assistance, Economic Support Fund" included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106–429) may be made available, notwithstanding any other provision of law, to provide payment to the government of the People's Republic of China for property loss and damage arising out of the May 7, 1999 incident in Belgrade, Federal Republic of Yugoslavia.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

LAND ACQUISITION

For an additional amount for "Land Acquisition", $5,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, to carry out the provisions of title VI of the Steens Mountain Cooperative Management and Protection Act (Public Law 106–399): Provided, That sums necessary to complete the individual land exchanges identified under title VI shall be provided within thirty days of each land exchange.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management", $500,000 for a grant to the Center for Reproductive Biology at Washington State University.

MULTINATIONAL SPECIES CONSERVATION FUND

For an additional amount for the "Multinational Species Conservation Fund", $750,000, to remain available until expended, for Great Ape conservation activities authorized by law.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System", $100,000 for completion of studies related to the Arlington Boathouse in Virginia.

NATIONAL RECREATION AND PRESERVATION

For an additional amount for "National Recreation and Preservation", $1,600,000, to remain available until expended, of which $500,000 is for the National Constitution Center in Philadelphia, Pennsylvania and $1,100,000 is for a grant to the Historic New Bridge Landing Park Commission.

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund", $100,000 for a grant to the Massillon Heritage Foundation, Inc. in Massillon, Ohio.

CONSTRUCTION

For an additional amount for "Construction", $3,500,000, to remain available until expended, of which $1,500,000 is for the Stones River National Battlefield and $2,000,000 is for the Millennium Cultural Cooperative Park.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For an additional amount for "Energy Conservation", $300,000, to remain available until expended, for a grant to the Oak Ridge National Laboratory/Nevada Test Site Development Corporation for the development of (1) cooling, refrigeration, and thermal energy management equipment capable of using natural gas or hydrogen fuels; and (2) improvement of the reliability of heat-activated cooling, refrigeration, and thermal energy management equipment used in combined heating, cooling, and power applications.

RELATED AGENCY

Woodrow Wilson International Center for Scholars

PAYMENT TO ENDOWMENT FUND

For payment to the endowment fund of the Woodrow Wilson International Center for Scholars $5,000,000: Provided, That such funds may be invested in investments approved by the Board of Trustees of the Woodrow Wilson International Center for Scholars and the income from such investments may be used to support the programs of the Center that the Board of Trustees and the Director of the Center determine appropriate.

General Provision—This Chapter

SEC. 701. In addition to amounts appropriated in Public Law 106–291 to the Indian Health Service under the heading "Indian Health Services", $30,000,000, to remain available until expended, is appropriated as follows:

(1) $15,000,000 shall be provided to the Alaska Federation of Natives as a direct lump sum payment within 30 days of enactment of this Act for its Alaska Native Sobriety and Alcohol Control Program: Provided, That the President of the Alaska Federation of Natives shall make grants to each Alaska Native regional non-profit corporation (as listed in section 103(a)(2) of Public Law 104–193 (110 Stat. 2159)) in which there are villages, including established villages and organized cities under state law, that have voted to ban the sale, importation, or possession of alcohol pursuant to local option state law: Provided further, That such grants shall be used to (1) employ Village Public Safety Officers (hereinafter referred to as "VPSO's") under such terms and conditions that encourage retention of such VPSO's and that are consistent with agreements with the State of Alaska for the provision of such VPSO services, (2) acquisition of law enforcement equipment or services, or (3) develop and implement restorative justice programs recognized under state sentencing law as a community based complement or alternative to incarceration or other penalty: Provided further, That funds may also be used for activities and programs to further the sobriety movement including education and treatment. The President of the Alaska Federation of Natives shall submit a report on its activities and those of its grantees including administrative costs and persons served by December 31, 2001; and

(2) $15,000,000 shall be provided to the Indian Health Service for drug and alcohol prevention and treatment services for non-Alaska tribes.

CHAPTER 8

General Provisions—This Chapter

SEC. 801. There are appropriated to the Health Resources and Services Administration in the Department of Health and Human Services, for the construction of the Biotechnology Science Center at the Marshall University in Huntington, West Virginia, $25,000,000, to remain available until expended.

SEC. 802. There are appropriated to the Health Resources and Services Administration in the Department of Health and Human Services, for the construction of the Christian Nurses Hospice in Brentwood, New York, $400,000.

SEC. 803. There are appropriated to the Institute of Museum and Library Services, for expansion of the marine biology program at the Long Island Maritime Museum, $250,000.

CHAPTER 9

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

Payments to Widows and Heirs of Decreased Members of Congress

For payment to Laura Y. Bateman, widow of Herbert H. Bateman, late a Representative from the State of Virginia, $141,300.

For payment to Susan L. Vento, widow of Bruce F. Vento, late a Representative from the State of Minnesota, $141,300.

For payment to Betty Lee Dixon, widow of Julian C. Dixon, late a Representative from the State of California, $141,300.

ARCHITECT OF THE CAPITOL

Capitol Buildings and Grounds

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For an additional amount for "CAPITOL BUILDINGS AND GROUNDS—CAPITOL BUILDINGS—SALARIES AND EXPENSES" for necessary expenses for construction of emergency egress from the fourth floor of the Capitol Building, $1,033,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

LIBRARY OF CONGRESS

Salaries and Expenses

For the Library of Congress, $25,000,000, to remain available until expended, for necessary salaries and expenses of the National Digital Information Infrastructure and Preservation Program; and an additional $75,000,000, to remain available until expended, for such purposes: Provided, That the portion of such additional $75,000,000, which may be expended shall not exceed an amount equal to the matching contributions (including contributions other than money) for such purposes that (1) are received by the Librarian of Congress for the program from non-Federal sources, and (2) are received before March 31, 2003: Provided further, That such program shall be carried out in accordance with a plan or plans approved by the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate: Provided further, That of the total amount appropriated, $5,000,000 may be expended before the approval of a plan to develop such a plan, and to collect or preserve essential digital information which otherwise would be uncollectible: Provided further, That the balance in excess of such $5,000,000 shall not be expended without approval in advance by the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate: Provided further, That the plan under this heading shall be developed by the Librarian of Congress jointly with entities of the Federal government with expertise in telecommunications technology and electronic commerce policy (including the Secretary of Commerce and the Director of the White House Office of Science and Technology Policy) and the National Archives and Records Administration, and with the participation of representatives of other Federal, research, and private libraries and institutions with expertise in the collection and maintenance of archives of digital materials (including the National Library of Medicine, the National Agricultural Library, the National Institute of Standards and Technology, the Research Libraries Group, the Online Computer Library Center, and the Council on Library and Information Resources) and representatives of private business organizations which are involved in efforts to preserve, collect, and disseminate information in digital formats (including the Open e-Book Forum): Provided further, That notwithstanding any other provision of law, effective with the One Hundred Seventh Congress and each succeeding Congress the chair of the Subcommittee on the Legislative Branch of the Committee on Appropriations of the House of Representatives shall serve as a member of the Joint Committee on the Library with respect to the Library's financial management, organization, budget development and implementation, and program development and administration, as well as any other element of the mission of the Library of Congress which is subject to the requirements of Federal law.

General Provisions—This Chapter

SEC. 901. RETIREMENT CREDIT FOR CERTAIN LEGISLATIVE BRANCH EMPLOYEES. (a) FORMER EMPLOYEES OF CONGRESSIONAL CAMPAIGN COMMITTEES.—

(1) CSRS.—Section 8332(m) of title 5, United States Code, as amended by section 312 of the Legislative Branch Appropriations Act, 2000, is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) Upon application to the Office of Personnel Management, any individual who was an employee on the date of the enactment of this paragraph, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a Congressional employee) for service before December 31, 1990, while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

"(A) such employee has at least 4 years and 6 months of service on such committees as of December 31, 1990; and

"(B) such employee makes a deposit to the Fund in an amount equal to the amount which would be required under section 8334(c) if such service were service as a Congressional employee.".

(2) FERS.—Section 8411 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) Upon application to the Office of Personnel Management, any individual who was an employee on the date of the enactment of this paragraph, and who has on such date or thereafter acquires 5 years or more of creditable civilian service under this section (exclusive of service for which credit is allowed under this subsection) shall be allowed credit (as service as a Congressional employee) for service before December 31, 1990, while employed by the Democratic Senatorial Campaign Committee, the Republican Senatorial Campaign Committee, the Democratic National Congressional Committee, or the Republican National Congressional Committee, if—

"(A) such employee has at least 4 years and 6 months of service on such committees as of December 31, 1990; and

"(B) such employee deposits to the Fund an amount equal to 1.3 percent of the base pay for such service, with interest.

"(2) The Office shall accept the certification of the President of the Senate (or the President's designee) or the Speaker of the House of Representatives (or the Speaker's designee), as the case may be, concerning the service of, and the amount of compensation received by, an employee with respect to whom credit is to be sought under this subsection.

"(3) An individual shall not be granted credit for such service under this subsection if eligible for credit under section 8332(m) for such service.".

(b) FORMER EMPLOYEES OF LEGISLATIVE SERVICE ORGANIZATIONS.—

(1) SERVICE OF EMPLOYEES OF LEGISLATIVE SERVICE ORGANIZATIONS.—

(A) IN GENERAL.—Subject to succeeding provisions of this paragraph, upon application to the Office of Personnel Management in such form and manner as the Office shall prescribe, any individual who performed service as an employee of a legislative service organization of the House of Representatives (as defined and authorized in the One Hundred Third Congress) and whose pay was paid in whole or in part by a source other than the Clerk Hire account of a Member of the House of Representatives (other than an individual described in paragraph (6)) shall be entitled—

(i) to receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (whichever would be appropriate), as Congressional employee service, for all such service; and

(ii) to have all pay for such service which was so paid by a source other than the Clerk Hire account of a Member included (in addition to any amounts otherwise included in basic pay) for purposes of computing an annuity payable out of the Civil Service Retirement and Disability Fund.

(B) DEPOSIT REQUIREMENT.—In order to be eligible for the benefits described in subparagraph (A), an individual shall be required to pay into the Civil Service Retirement and Disability Fund an amount equal to the difference between—

(i) the employee contributions that were actually made to such Fund under applicable provisions of law with respect to the service described in subparagraph (A); and

(ii) the employee contributions that would have been required with respect to such service if the amounts described in subparagraph (A)(ii) had also been treated as basic pay.

The amount required under this subparagraph shall include interest, which shall be computed under section 8334(e) of title 5, United States Code.

(C) CERTAIN OFFSETS REQUIRED IN ORDER TO PREVENT DOUBLE CONTRIBUTIONS AND BENEFITS.—In the case of any period of service as an employee of a legislative service organization which constituted employment for purposes of title II of the Social Security Act—

(i) any pay for such service (as described in subparagraph (A)(ii)) with respect to which the deposit under subparagraph (B) would otherwise be computed by applying the first sentence of section 8334(a)(1) of title 5, United States Code, shall instead be computed in a manner based on section 8334(k) of such title; and

(ii) any retirement benefits under subchapter III of chapter 83 of title 5, United States Code, shall be subject to offset (to reflect that portion of benefits under title II of the Social Security Act attributable to pay referred to in subparagraph (A)) similar to that provided for under section 8349 of such title.

(2) SURVIVOR ANNUITANTS.—For purposes of survivor annuities, an application authorized by this section may, in the case of an individual under paragraph (1) who has died, be made by a survivor of such individual.

(3) RECOMPUTATION OF ANNUITIES.—Any annuity or survivor annuity payable as of when an individual makes the deposit required under paragraph (1) shall be recomputed to take into account the crediting of service under such paragraph for purposes of amounts accruing for any period beginning on or after the date on which the individual makes the deposit.

(4) CERTIFICATION OF SPEAKER.—The Office of Personnel Management shall accept the certification of the Speaker of the House of Representatives (or the Speaker's designee) concerning the service of, and the amount of compensation received by, an employee with respect to whom credit is to be sought under this subsection.

(5) NOTIFICATION AND OTHER DUTIES OF THE OFFICE OF PERSONNEL MANAGEMENT.—

(A) NOTICE.—The Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals of any rights they might have as a result of the enactment of this subsection.

(B) ASSISTANCE.—The Office shall, on request, assist any individual in obtaining from any department, agency, or other instrumentality of the United States any information in the possession of such instrumentality which may be necessary to vertfy the entitlement of such individual to have any service credited under this subsection or to have an annuity recomputed under paragraph (3).

(C) INFORMATION.—Any department, agency, or other instrumentality of the United States which possesses any information with respect to an individual's performance of any service described in paragraph (1) shall, at the request of the office, furnish such information to the Office.

(6) EXCLUSION OF CERTAIN EMPLOYEES.—An individual is not eligible for credit under this subsection if the individual served as an employee of the House of Representatives for an aggregate period of 5 years or longer after the individual's final period of service as an employee of a legislative service organization of the House of Representatives.

(7) MEMBER DEFINED.—In this subsection, the term "Member of the House of Representatives" includes a Delegate or Resident Commissioner to the Congress.

SEC. 902. (a) The Legislative Branch Appropriations Act, 2001 is amended under the subheading "MISCELLANEOUS ITEMS" under the heading "SENATE" under title I by striking "$8,655,000" and inserting "$25,155,000".

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001.

SEC. 903. Beginning on the first day of the 107th Congress, the Presiding Officer of the Senate shall apply all of the precedents of the Senate under Rule XXVIII in effect at the conclusion of the 103rd Congress. Further that there is now in effect a Standing order of the Senate that the reading of conference reports is no longer required, if the said conference report is available in the Senate.

CHAPTER 10

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1001. In addition to amounts appropriated or otherwise made available in the Military Construction Appropriations Act, 2001, $43,500,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2005, as follows:

"Military Construction, Army", $27,000,000;

"Military Construction, Air Force", $12,000,000;

"Military Construction, Army National Guard", $4,500,000:

Provided, That notwithstanding any other provision of law, such funds may be obligated or expended to carry out planning and design, military construction, and family housing projects not otherwise authorized by law.

SEC. 1002. TRANSFER OF JURISDICTION, MELROSE AIR FORCE RANGE, NEW MEXICO. (a) TRANSFER REQUIRED.—(1) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Air Force the surface estate in the real property described in paragraph (2), which consists of 6,713.90 acres of public domain lands in Roosevelt County, New Mexico.

(2) The transfer of administrative jurisdiction under paragraph (1) encompasses the following sections (or portions thereof):

(A) In Township 1 North, Range 30 East, New Mexico Prime Meridian:

(i) Sec. 2 (S½).
(ii) Sec. 11. All.
(iii) Sec. 20 (S½SE¼).
(iv) Sec. 28. All.

(B) In Township 1 South, Range 30 East, New Mexico Prime Meridian:

(i) Sec. 2 (Lots 1–12, S½).
(ii) Sec. 3 (Lots 1–12, S½).
(iii) Sec. 4 (Lots 1–12, S½).
(iv) Sec. 6 (Lots 1 and 2).
(v) Sec. 9 (N½, N½S½).
(vi) Sec. 10 (N½, N½S½).
(vii) Sec. 11 (N½, N½S½).

(C) In Township 2 North, Range 30 East, New Mexico Prime Meridian:

(i) Sec. 20 (E½S¼).
(i) Sec. 21 (SW¼, W½SE¼).
(i) Sec. 28 (W½E½, W½).
(i) Sec. 29 (E½E½).
(i) Sec. 32 (E½E½).
(i) Sec. 33 (W½E½, NW¼, S½SW¼).

(b) STATUS OF SURFACE ESTATE.—Upon transfer under subsection (a), the surface estate is deemed to be real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in subsection (a) are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(d) USE OF MINERAL MATERIALS.—Notwithstanding subsection (c) or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in subsection (a), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Melrose Air Force Range, New Mexico.

SEC. 1003. TRANSFER OF JURISDICTION, YAKIMA TRAINING CENTER, WASHINGTON. (a) TRANSFER REQUIRED.—(1) The Secretary of the Interior shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Army the surface estate in the real property described in paragraph (2), which consists of 6,640.02 acres of public domain lands in Kittitas County, Washington.

(2) The transfer of administrative jurisdiction under paragraph (1) encompasses the following sections (or portions thereof):

(A) In Township 17 North, Range 20 East, Willamette Meridian:

(i) Sec. 22 (S½).
(ii) Sec. 24 (S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way).
(iii) Sec. 26. All.

(B) In Township 16 North, Range 21 East, Willamette Meridian:

(i) Sec. 4 (SW¼SW¼).
(ii) Sec. 12 (SE¼).
(iii) Sec. 18 (Lots 1, 2, 3, and 4, E½ and E½W½).

(C) In Township 17 North, Range 21 East, Willamette Meridian:

(i) Sec. 30 (Lots 3 and 4).
(ii) Sec. 32 (NE¼SE¼).

(D) In Township 16 North, Range 22 East, Willamette Meridian:

(i) Sec. 2 (Lots 1, 2, 3, and 4, S½N½ and S½).
(ii) Sec. 4 (Lots 1, 2, 3, and 4, S½N½ and S½).
(iii) Sec. 10. All.
(iv) Sec. 14. All.
(v) Sec. 20 (SE¼SW¼).
(vi) Sec. 22. All.
(vii) Sec. 26 (N½).
(viii) Sec. 28 (N½).

(E) In Township 16 North, Range 23 East, Willamette Meridian:

(i) Sec. 18 (Lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road).

(ii) Sec. 20 (That portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad).

(iii) Sec. 30 (Lots 1 and 2, NE¼ and E½NW¼).

(b) Status of Surface Estate.—Upon transfer under subsection (a), the surface estate is deemed to be real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) Withdrawal of Mineral Estate.—(1) Subject to valid existing rights, the mineral estate of the lands described in subsection (a), as well as the additional lands described in paragraph (2), are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601, et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

(2) The additional lands referred to in paragraph (1) consist of 3,090.80 acres in the following sections (or portions thereof):

(A) In Township 16 North, Range 20 East, Willamette Meridian:

(i) Sec. 12. All.

(ii) Sec. 18 (Lot 4 and SE¼).

(iii) Sec. 20 (S½).

(B) In Township 16 North, Range 21 East, Willamette Meridian:

(i) Sec. 4 (Lots 1, 2, 3, and 4, S½NE¼).

(ii) Sec. 8. All.

(C) In Township 16 North, Range 22 East, Willamette Meridian:

(i) Sec. 12. All.

(D) In Township 17 North, Range 21 East, Willamette Meridian:

(i) Sec. 32 (S½SE¼).

(ii) Sec. 34 (W½).

(d) Use of Mineral Materials.—Notwithstanding subsection (c) or the Act of July 31, 1947, the Secretary of the Army may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in subsections (a) and (c), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

General Provisions—This Chapter

Sec. 1101. Section 5309(g)(4)(D)(2) of title 49, United States Code, is amended by striking "light".

Sec. 1102. Item number 630 of the table contained in section 1602 of the Transportation Act for the 21st Century (112 Stat. 280), relating to Buffalo, New York, is amended by striking "Design and construct Outer Harbor Bridge in Buffalo" and inserting "Transportation infrastructure improvements, Inner Harbor/Redevelopment project, Buffalo".

Sec. 1103. If the State of Arkansas incorporates into the relocation of U.S. Route 71 through Fort Chaffee, Arkansas, land obtained by the State from the Federal Government as a result of the closure of a military installation, the Secretary of Transportation shall credit to the State share of the cost of the relocation the fair market value of such land .

Sec. 1104. For an additional amount to enable the Secretary of Transportation to make a grant to the Huntsville International Airport, $2,500,000, to be derived from the airport and airway trust fund, to remain available until expended.

Sec. 1105. Notwithstanding any other provision of law, for necessary expenses for the Southeast Light Rail Extension Project in Dallas, Texas, $1,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

Sec. 1106. Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended by striking paragraph (38) and replacing it with the following—

"(38) The Ports-to-Plains Corridor from Laredo, Texas, via I–27 to Denver, Colorado, shall include:

"(A) In the State of Texas the Ports-to-Plains Corridor shall generally follow—

"(i) I–35 from Laredo to United States Route 83 at Exit 18;

"(ii) United States Route 83 from Exit 18 to Carrizo Springs;

"(iii) United States Route 277 from Carrizo Springs to San Angelo;

"(iv) United States Route 87 from San Angelo to Sterling City;

"(v) From Sterling City to Lamesa, the Corridor shall follow United States Route 87 and, the corridor shall also follow Texas Route 158 from Sterling City to I–20, then via I–20 West to Texas Route 349 and, Texas Route 349 from Midland to Lamesa;

"(vi) United States Route 87 from Lamesa to Lubbock;

"(vii) I–27 from Lubbock to Amarillo; and

"(viii) United States Route 287 from Amarillo to Dumas.

"(B) The corridor designation contained in paragraph (A) shall take effect only if the Texas Transportation Commission has not designated the Ports-to-Plains Corridor in Texas by June 30, 2001.".

Sec. 1107. For an additional amount to enable the Secretary of Transportation to make a grant for the Newark-Elizabeth rail link project, New Jersey, $3,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

Sec. 1108. Section 5309(m)(3)(C) of Title 49 United States Code shall not apply to the funds made available in the Department of Transportation and Related Agencies Appropriations Act, 2001: Provided, That notwithstanding any other provision of law, the 14th Street Bridge, Virginia; Chouteau Bridge, Jackson County, Missouri; Clement C. Clay Bridge replacement, Morgan/Madison counties, Alabama; Fairfield-Benton-Kennebec River Bridge, Maine; Florida Memorial Bridge, Florida; Historic Woodrow Wilson Bridge, Mississippi; Missisquoi Bay Bridge, Vermont; Oaklawn Bridge, South Pasadena, California; Pearl Harbor Memorial Bridge replacement, Connecticut; Powell County Bridge, Montana; Santa Clara Bridge, Oxnard, California; Star City Bridge, West Virginia; US 231 Bridge over Tennessee River, Alabama; US 54/US 69 Bridge, Kansas; Waimalu Bridge replacement on I–1, Hawaii; Washington Bridge, Rhode Island are eligible in fiscal year 2001 under section 144(g)(2) of title 23, United States Code: Provided further, That section 378 of Public Law 106–346 is amended by inserting after "US 101" the following: "and Interstate 5 Trade Corridor".

Sec. 1109. Notwithstanding any other provision of law, in addition to funds otherwise appropriated in this or any other Act for fiscal year 2001, $4,000,000 is hereby appropriated from the Highway Trust Fund for Commercial Remote Sensing Products and Spatial Information Technologies under section 5113 of Public Law 105–178, as amended: Provided, That such funds are used to study the creation of a new highway right of way south of I–10 along the Mississippi Gulf Coast by relocating the existing railroad right of way out of downtown areas.

Sec. 1110. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

Sec. 1111. Of the funds made available in the "Alteration of bridges" account of the Department of Transportation and Related Agencies Appropriations Act, 2001 for the Fox River Bridge, $575,000 shall be transferred by the Secretary of Transportation to the City of Oshkosh for removal of the bridge located at mile point 56.9 of the Fox River in Oshkosh, Wisconsin. The United States shall assume no responsibility for project management relating to removal of the bridge.

Sec. 1112. Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 8 of the Act of June 19, 1886 (46 App. U.S.C. 289), and section 12106 of title 46, United States Code, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the following vessels:

(1) M/V WELLS GRAY (State of Alaska registration number AK 9452 N; former Canadian registration number 154661); and

(2) ANNANDALE (United States official number 519434).

Sec. 1113. Conveyance of Coast Guard Property in Middletown, California. (a) Authority To Convey.—

(1) In general.—The Administrator of General Services (in this section referred to as the "Administrator") may promptly convey to Lake County, California (in this section referred to as the "County"), without consideration, all right, title, and interest of the United States (subject to subsection (c)) in and to the property described in subsection (b).

(2) Identification of property.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section.

(b) Property Described.—

(1) In general.—The property referred to in subsection (a) is such portion of the Coast Guard LORAN Station Middletown as has been reported to the General Services Administration to be excess property, consisting of approximately 733.43 acres, and is comprised of all or part of tracts A–101, A–102, A–104, A–105, A–106, A–107, A–108, and A–111.

(2) Survey.—The exact acreage and legal description of the property conveyed under subsection (a), and any easements or rights-of-way reserved by the United States under subsection (c)(1), shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the County.

(c) Conditions.—

(1) In general.—In making the conveyance under subsection (a), the Administrator shall—

(A) reserve for the United States such existing rights-of-way for access and such easements as are necessary for continued operation of the LORAN station;

(B) preserve other existing easements for public roads and highways, public utilities, irrigation ditches, railroads, and pipelines; and

(C) impose such other restrictions on use of the property conveyed as are necessary to protect the safety, security, and continued operation of the LORAN station.

(2) Firebreaks and fence.—(A) The Administrator may not convey any property under this section unless the County and the Commandant of the Coast Guard enter into an agreement

with the Administrator under which the County is required, in accordance with design specifications and maintenance standards established by the Commandant—

(i) to establish and construct within 6 months after the date of the conveyance, and thereafter to maintain, firebreaks on the property to be conveyed; and

(ii) construct within 6 months after the date of conveyance, and thereafter maintain, a fence approved by the Commandant along the property line between the property conveyed and adjoining Coast Guard property.

(B) The agreement shall require that—

(i) the County shall pay all costs of establishment, construction, and maintenance of firebreaks under subparagraph (A)(i); and

(ii) the Commandant shall provide all materials needed to construct a fence under subparagraph (A)(ii), and the County shall pay all other costs of construction and maintenance of the fence.

(3) COVENANTS APPURTENANT.—The Administrator shall take actions necessary to render the requirement to establish, construct, and maintain firebreaks and a fence under paragraph (2) and other requirements and conditions under paragraph (1), under the deed conveying the property to the County, covenants that run with the land for the benefit of land retained by the United States.

(d) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Administrator makes the conveyance authorized by subsection (a), the real property conveyed pursuant to this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the County sells, conveys, assigns, exchanges, or encumbers the property conveyed or any part thereof;

(2) the County fails to maintain the property conveyed in a manner consistent with the terms and conditions in subsection (c);

(3) the County conducts any commercial activities at the property conveyed, or any part thereof, without approval of the Secretary; or

(4) at least 30 days before the reversion, the Administrator provides written notice to the owner that the property or any part thereof is needed for national security purposes.

SEC. 1114. CONVEYANCE OF COAST GUARD PROPERTY TO TOWN OF NANTUCKET, MASSACHUSETTS. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other law, the Administrator of the General Services Administration (Administrator) or the Commandant of the Coast Guard (Commandant), as appropriate, shall convey to the Town of Nantucket, Massachusetts (Town), without monetary consideration, all right, title, and interest of the United States of America (United States) in and to a certain parcel of land located in Nantucket, Massachusetts, and part of United States Coast Guard LORAN Station Nantucket, together with any improvements thereon in their then current condition.

(2) IDENTIFICATION OF PROPERTY.—The Administrator or the Commandant, as appropriate, shall identify, describe, and determine the property to be conveyed under this section. The Town shall bear all monetary costs associated with any survey required to describe the property to be conveyed under this section and any easements reserved by the United States under subsection (b)(1).

(b) TERMS AND CONDITIONS OF CONVEYANCE.—

(1) The conveyance of property under this section shall be made subject to any terms and conditions the Administrator or the Commandant, as appropriate, considers necessary, including the reservation of easements and other rights on behalf of the United States, to ensure that—

(A) there is reserved to the United States the right to remove, relocate, or replace any aid to navigation located upon, or install or construct any aid to navigation upon, property conveyed under this section as may be necessary for navigational purposes;

(B) the United States shall have the right to enter property conveyed under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purposes of exercising any of the rights set forth in paragraph (1)(A) of this subsection; and

(C) the Town shall not interfere or allow interference, in any manner, with any aid to navigation, whether located upon the property conveyed under this section or upon any portion of LORAN Station Nantucket retained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation without the Commandant's express written permission.

(2) The Town shall not convey, assign, exchange, or in any way encumber the property conveyed under this section, unless approved by the Administrator.

(3) The Town shall not conduct any commercial activities at or upon the property conveyed under this section, unless approved by the Administrator.

(4) The Town shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. § 83.

(5) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States to relocate the Coast Guard receiving antenna and associated equipment, as identified by the Commandant, at the Town's sole cost and expense, and subject to the Commandant's design specifications, project schedule, and final project approval.

(6) The United States shall not convey any property under this section, nor grant any real property license under subsection (d), until the Town enters into an agreement with the United States that provides that the Town will immediately cease construction or operation of the waste water treatment facility upon notification by the Commandant that the Town's construction or operation of the facility interferes with any Coast Guard aid to navigation. The agreement shall provide that construction or operation shall not be resumed until the conditions causing the interference are corrected, and the Commandant authorizes the construction or operation to resume.

(7) All conditions placed with the deed of title shall be construed as covenants running with the land.

(c) REVERSIONARY INTEREST.—In addition to any term or condition established pursuant to this section, the conveyance of property under this section shall include a condition that the property conveyed, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the Town conveys, assigns, exchanges, or in any manner encumbers the property conveyed for consideration, unless otherwise approved by the Administrator;

(2) the Town conducts any commercial activities at or upon the property conveyed, unless otherwise approved by the Administrator;

(3) the Town interferes or allows interference, in any manner, with any aid to navigation, whether located upon the property conveyed under this section or upon any portion of LORAN Station Nantucket retained by the United States, nor hinder activities required for the inspection, operation, and maintenance of any such aid to navigation without the Commandant's express written permission; or

(4) at least 30 days before the reversion, the Administrator provides written notice to the grantee that property conveyed under this section, or any portion thereof, is needed for national security purposes.

(d) REAL PROPERTY LICENSE.—Prior to the conveyance of any property under this section, the Commandant may grant a real property license to the Town for the purpose of allowing the Town to enter upon LORAN Station Nantucket and commence construction of a waste water treatment facility and for other site preparation activities.

(e) DEFINITIONS.—For purposes of this section:

(1) AID TO NAVIGATION.—The term "aid to navigation" means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic and radio navigation equipment and signals, cameras, sensors, or other equipment operated or maintained by the United States.

(2) TOWN.—The term "Town" includes the successors and assigns of the Town of Nantucket, Massachusetts.

SEC. 1115. CONVEYANCE OF PLUM ISLAND LIGHTHOUSE, NEWBURYPORT, MASSACHUSETTS. (a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Notwithstanding any other law, the Administrator of the General Services Administration (Administrator) or the Commandant of the Coast Guard (Commandant), as appropriate, shall convey to the City of Newburyport, Massachusetts (City), without monetary consideration, all right, title, and interest of the United States of America (United States) in and to two certain parcels of land upon which the Plum Island Boat House and the Plum Island Lighthouse (also known as the Newburyport Harbor Light), are situated, respectively, located in Essex County, Massachusetts, together with any improvements thereon in their then current condition.

(2) IDENTIFICATION OF PROPERTY.—The Administrator or the Commandant, as appropriate, shall identify, describe, and determine the property to be conveyed under this section, including the right to retain all right, title, and interest of the United States to any portion of either parcel described in paragraph (a)(1) of this section. The Administrator or Commandant, as appropriate, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with and located at the property conveyed under this section at the time of conveyance. Artifacts associated with, but not located at, the property conveyed under this section at the time of conveyance, shall remain the personal property of the United States under the administrative control of the Commandant. No submerged lands shall be conveyed under this section.

(b) TERMS AND CONDITIONS OF CONVEYANCE.—

(1) The conveyance of property under this section shall be made subject to any terms and conditions the Administrator or the Commandant, as appropriate, considers necessary, including but not limited to, the reservation of easements and other rights on behalf of the United States, to ensure that—

(A) the aids to navigation located at property conveyed under this section shall remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;

(B) there is reserved to the United States the right to remove, relocate, or replace any aid to navigation located upon, or install or construct any aid to navigation upon, property conveyed under this section as may be necessary for navigational purposes;

(C) the United States shall have the right to enter property conveyed under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation, for the purposes of exercising any of the rights set forth in paragraph (1)(B) of this subsection, and for the purposes of ingress and egress to any land retained by the United States; and

(D) the City shall not, without the Commandant's express written permission, interfere or allow interference, in any manner, with any aid to navigation, nor hinder activities required

(i) for the inspection, operation, and maintenance of any aid to navigation; or

(ii) for the exercise of any of the rights set forth in paragraph (1)(B) of this subsection.

(2) The City shall, at its own cost and expense, maintain the property conveyed under this section in a proper, substantial, and workmanlike manner.

(3) The City shall ensure that the property conveyed is available and accessible to the public, on a reasonable basis for educational, park, recreational, cultural, historic preservation or similar purposes.

(4) The City shall not be required to maintain any active aid to navigation associated with the property conveyed under this section except for private aids to navigation permitted under 14 U.S.C. § 83.

(5) All conditions placed with the deed of title for property conveyed under this section shall be construed as covenants running with the land.

(6) The Administrator or the Commandant, as appropriate, may require such additional terms and conditions with respect to the conveyance of property under this section, as the Administrator or the Commandant considers appropriate to protect the interests of the United States.

(c) Reversionary Interest.—In addition to any term or condition established pursuant to this section, any property conveyed under this section, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if—

(1) the property conveyed under this section, or any part thereof, ceases to be maintained in a manner that ensures its present or future use as a site for an aid to navigation as determined by the Commandant;

(2) the property conveyed under this section, or any part thereof, ceases to be available and accessible to the public, on a reasonable basis, for educational, park, recreational, cultural, historic preservation or similar purposes; or

(3) at least 30 days before the reversion, the Administrator provides written notice to the grantee that property conveyed under this section, or any portion thereof, is needed for national security purposes.

(d) Definitions.—For purposes of this section:

(1) Aid to navigation.—The term "aid to navigation" means equipment used for navigation purposes, including but not limited to, a light, antenna, sound signal, electronic and radio navigation equipment and signals, cameras, sensors, or other equipment operated or maintained by the United States.

(2) City.—The term "City" includes the successors and assigns of the City of Newburyport, Massachusetts.

Sec. 1116. Transfer of Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration. (a) Authority to Transfer.—

(1) In general.—The Administrator of the General Services Administration, in consultation with the Commandant, United States Coast Guard, may transfer without consideration administrative jurisdiction, custody, and control over the Federal property known as Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration (hereinafter referred to as "NOAA").

(2) Identification of property.—The Administrator, in consultation with the Commandant, may identify, describe, and determine the property to be transferred under this section.

(b) Terms of Transfer.—

(1) The transfer of the property shall be made subject to any conditions and reservations the Commandant considers necessary to ensure that—

(A) the transfer of the property to NOAA is contingent upon the relocation of Coast Guard Station Scituate to a suitable site;

(B) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and

(C) the Coast Guard shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation.

(2) The transfer of the property shall be made subject to the review and acceptance of the property by NOAA.

(c) Relocation of Station Scituate.—The Coast Guard may—

(1) lease land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate; and

(2) improve the land leased under this subsection.

Sec. 1117. Extension of Interim Authority for Dry Bulk Cargo Residue Disposal. (a) Section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking "2002" and inserting "2004".

(b) The Secretary shall conduct a study of the effectiveness of the United States 1997 Enforcement Policy for Cargo Residues on the Great Lakes ("Policy") by September 30, 2002.

(c) The Secretary is authorized to promulgate regulations to implement and enforce a program to regulate incidental discharges from vessels of residues of non-hazardous and non-toxic dry bulk cargo into the waters of the Great Lakes, which takes into account the finding in the study required under subsection (b). This program shall be consistent with the Policy.

Sec. 1118. Great Lakes Pilotage Advisory Committee. Section 9307 of title 46, United States Code, is amended—

(1) by amending subparagraph (A) of subsection (b)(2) to read as follows:

"(A) The President of each of the 3 Great Lakes pilotage districts, or the President's representative;";

(2) by amending subparagraph (E) of subsection (b)(2) to read as follows:

"(E) a member with a background in finance or accounting, who—

"(i) must have been recommended to the Secretary by a unanimous vote of the other members of the Committee, and

"(ii) may be appointed without regard to requirement in paragraph (1) that each member have 5 years of practical experience in maritime operations.";

(3) in subsection (C)(2) by striking the second sentence;

(4) by adding at the end of subsection (d) the following new paragraph:

"(3) Any recommendations to the Secretary under subsection (a)(2) must have been approved by at least all but one of the members then serving on the committee."; and

(5) in subsection (f)(1) by striking "September 30, 2003" and inserting "September 30, 2005".

Sec. 1119. Vessel Escort Operations and Towing Assistance. (a) In General.—Except in the case of a vessel in distress, only a vessel of the United States (as that term is defined in section 2101 of title 46, United States Code) may perform the following vessel escort operations and vessel towing assistance within the navigable waters of the United States:

(1) Operations or assistance that commences or terminates at a port or place in the United States.

(2) Operations or assistance required by United States law or regulation.

(3) Operations provided in whole or in part for the purpose of escorting or assisting a vessel within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to such facilities, other than facilities operated by the St. Lawrence Seaway Development Corporation on the St. Lawrence River portion of the Seaway.

(b) Definitions.—Unless otherwise defined by a provision of law or regulation requiring that towing assistance or escort be rendered to vessels transiting United States waters or navigation facilities, for purposes of this section—

(1) the term "towing assistance" means operations by an assisting vessel in direct contact with an assisted vessel (including hull-to-hull, by towline, including if only pre-tethered, or made fast to that vessel by 1 or more lines) for purposes of exerting force on the assisted vessel to control or to assist in controlling the movement of the assisted vessel; and

(2) the term "escort operations" means accompanying a vessel for the purpose of providing towing or towing assistance to the vessel.

Sec. 1120. Notwithstanding any other provision of law, the Commandant of the United States Coast Guard is hereby authorized to utilize $100,000 of the amounts made available for fiscal year 2001 for environmental compliance and restoration of Coast Guard facilities to reimburse the owner of the former Coast Guard lighthouse facility at Cape May, New Jersey, for costs incurred for clean-up of lead contaminated soil at that facility.

Sec. 1121. Notwithstanding any other provision of law, $2,400,000, to be derived from the Highway Trust Fund, shall be available for planning, development and construction of rural farm-to-market roads in Tulare County, California: Provided, That the non-federal share of such improvements shall be twenty percent.

Sec. 1122. Notwithstanding any other provision of law, and subject to the availability of funds appropriated specifically for the project, the Coast Guard is authorized to transfer funds in an amount not to exceed $200,000 and project management authority to the Traverse City Area Public School District for the purposes of demolition and removal of the structure commonly known as "Building 402" at former Coast Guard property located in Traverse City, Michigan, and associated site work. No such funds shall be transferred until the Coast Guard receives a detailed, fixed price estimate from the School District describing the nature and cost of the work to be performed, and the Coast Guard shall transfer only that amount of funds it and the School District consider necessary to complete the project.

Sec. 1123. Notwithstanding any other provision of law, for necessary expenses for Alabama A&M University buses and bus facilities, $500,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended.

Sec. 1124. Notwithstanding any other provision of law, prior to the fiscal year 2002 apportionment of "Fixed Guideway Modernization" funds authorized under section 5309(a)(1)(E) of Title 49, United States Code, $7,047,502 of funds made available in fiscal year 2002 by section 5338(b) of 49 United States Code for the "Fixed Guideway Modernization" program shall be distributed by the Federal Transit Administration to an urbanized area over 200,000 that did not receive amounts of fixed guideway modernization formula grants to which such area was lawfully entitled for fiscal years 1999–2001 in view of eligibility determinations made under 49 United States Code Chapter 53 during the six months prior to the effective date of this act: Provided, That such sums shall not reduce a grantee's fiscal year 2002 apportionment level of "Fixed Guideway Modernization" funds: Provided further, That such sum remain available until expended.

SEC. 1125. Notwithstanding any other provision of law, Airport Improvement Program Formula Changes provided in Public Law 106–181 and defined in Section 104 of that Act shall be applied regardless of funding levels made available under Section 48103 of title 49, United States Code.

SEC. 1126. Item number 473 contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 274), relating to Minnesota, is amended by striking "between I–35W and 24th Avenue to four lanes in Richfield" and inserting "reconstruction project from Penn Avenue to 24th Avenue, including the Penn Avenue Bridge over I–494".

SEC. 1127. The Secretary of Transportation shall not issue final regulations under section 20153 of title 49, United States Code, before July 1, 2001.

SEC. 1128. Notwithstanding any other provision of law, in addition to amounts made available in this Act or any other Act, the following sums shall be made available from the Highway Trust Fund (other than the Mass Transit Account):

$1,700,000 for transportation and community preservation projects along the Main Street Corridor in Houston, Texas;

$5,000,000 for rehabilitation, repair, and restoration of the historic Stillwater Lift Bridge between Stillwater, Minnesota and Houlton, Wisconsin;

$1,000,000 for improvements to McClung Road, Boston Street, Larson Street and Whirlpool Drive in the City of LaPorte, Indiana; and

$1,000,000 for design, environmental mitigation, engineering, and construction of, and improvements to, the US 36/Wadsworth interchange (Broomfield interchange) in Broomfield County, Colorado:

Provided, That the amounts appropriated in this section shall remain available until expended and shall not be subject to, or computed against, any obligation limitation or contract authority set forth in this or any other

CHAPTER 12

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

For an additional amount to be deposited in, and to be used for the purposes of, the Federal Buildings Fund of the General Services Administration, $2,070,000: Provided, That this amount shall be available for the purpose of renovating and redeveloping portions of the historic Federal building located at 30 North Seventh Street in Terre Haute, Indiana, to accommodate the needs of Federal tenants: Provided further, That use of these funds is subject to authorization including the preparation and approval of a prospectus as required by the Public Buildings Act of 1959, as amended.

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For an additional amount of $7,000,000, to remain available until expended, for necessary expenses associated with procurement of two aircraft and related equipment expenses associated with aviation standardization and training at the Customs National Aviation Center in Oklahoma City, Oklahoma: Provided, That none of the funds provided shall be available for obligation until an expenditure plan is submitted for approval to the Committees on Appropriations.

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $8,840,000, to remain available until expended.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

For an additional amount for "Empowerment zones and enterprise communities", $110,000,000, to remain available until expended: Provided, That $185,000,000 shall be available for urban empowerment zones, as authorized by the Taxpayer Relief Act of 1997, including $12,333,333 for each empowerment zone.

COMMUNITY DEVELOPMENT FUND

For an additional amount for "Community development fund", $66,128,000 to remain available until September 30, 2003.

The referenced statement of the managers in the seventh undesignated paragraph under this heading in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is deemed to be amended by striking "West Dallas neighborhoods" in reference to improvement efforts by the Pleasant Wood/Pleasant Grove Community Development Corporation, and inserting "the Pleasant Grove area" in lieu thereof.

The unobligated amount appropriated in the third paragraph under the heading "Community development block grants" in Chapter 8 of title II of the Emergency Supplemental Act, 2000 (Public Law 106–246) for a grant to the City of Hamlet, North Carolina for demolition and removal of buildings and equipment destroyed by fire shall remain available until September 30, 2002 for a grant for such purpose to the County of Richmond, North Carolina.

The seventh paragraph under this heading in title II of Public Law 106–377 is amended by striking "$292,000,000" and inserting in lieu thereof $358,128,000": Provided, That such funds shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this conference report.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

Under this heading in Public Law 106–377, strike "$8,750,000 may be used for administrative expenses.", and insert "$9,750,000 may be used for administrative expenses, including administration of the New Markets Tax Credit and Individual Development Accounts.".

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for "Science and technology", $1,000,000 for continuation of the South Bronx Air Pollution Study being conducted by New York University.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The statement of the managers under this heading in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2001 (Public Law 106–377) is deemed to be amended by inserting the word "Valley" after the words "San Bernardino" in reference to a project identified as number 104 in such statement of the managers.

STATE AND TRIBAL ASSISTANCE GRANTS

Grants appropriated under this heading in Public Law 106–74 and Public Law 106–377 for drinking water infrastructure needs in the New York City watershed shall be awarded under section 1443(d) of the Safe Drinking Water Act, as amended.

The referenced statement of the managers under this heading in Public Law 106–377 is deemed to be amended by striking all after the words "City of Liberty" in reference to item number 78, and inserting the words "Town of Versailles, Indiana for wastewater infrastructure improvements".

Under this heading in title III of Public Law 106–377, strike "$335,740,000" and insert "$356,370,000": Provided, That such funds shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the statement of managers accompanying Public Law 106–377 and this conference report.

FEDERAL EMERGENCY MANAGEMENT AGENCY

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For an additional amount for "Emergency management planning and assistance", $100,000,000, to remain available through September 30, 2001, for programs as authorized by section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), as amended.

CHAPTER 14

GENERAL PROVISIONS—THIS DIVISION

SEC. 1401. H. Con. Res. 234 of the 106th Congress, as adopted by the House of Representatives on November 18, 1999, shall be considered to have been adopted by the Senate.

SEC. 1402. Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) Sections 1105(a), 1106(a) and (b), and 1109(a) of title 31, United States Code, and any other law relating to the budget of the United States Government.

(2) The Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(3) Sections 202(e)(1) and (3) of the Congressional Budget Act of 1974 (2 U.S.C. 602(e)(1) and (3)).

(4) Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 685(e)).

SEC. 1403. (a) GOVERNMENT-WIDE RESCISSIONS.—There is hereby rescinded an amount equal to 0.22 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001 in this or any other Act for each department, agency, instrumentality, or entity of the Federal Government, except for those programs, projects, and activities which are specifically exempted elsewhere in this provision: Provided, That this exact reduction percentage shall be applied on a pro rata basis only to each program, project, and activity subject to the rescission.

(b) RESTRICTIONS.—This reduction shall not be applied to the amounts appropriated in Title I of Public Law 106–259: Provided, That this reduction shall not be applied to the amounts appropriated in Division B of Public Law 106–246: Provided further, That this reduction shall not be applied to the amounts appropriated under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as contained in this Act, or in prior Acts.

(c) REPORT.—The Director of the Office of Management and Budget shall include in the President's budget submitted for fiscal year 2002 a report specifying the reductions made to each account pursuant to this section.

DIVISION B

TITLE I

SEC. 101. ELIGIBILITY OF PRIVATE ORGANIZATIONS UNDER CHILD AND ADULT CARE FOOD PROGRAM. (a) Section 17(a)(2)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(a)(2)(B)) is amended by striking "children for which the" and inserting "children, if—

"(i) during the period beginning on the date of enactment of this clause and ending on September 30, 2001, at least 25 percent of the children served by the organization meet the income eligibility criteria established under section 9(b) for free or reduced price meals; or

"(ii) the".

(b) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 102. SUMMER FOOD PILOT PROJECTS. (a) Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended by adding at the end the following:

"(f) SUMMER FOOD PILOT PROJECTS.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State in which (based on data available in July 2000)—

"(A) the percentage obtained by dividing—

"(i) the sum of—

"(I) the average daily number of children attending the summer food service program in the State in July 1999; and

"(II) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in July 1999; by

"(ii) the average daily number of children receiving free or reduced price meals under the school lunch program in the State in March 1999; is less than 50 percent of

"(B) the percentage obtained by dividing—

"(i) the sum of—

"(I) the average daily number of children attending the summer food service program in all States in July 1999; and

"(II) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in July 1999; by

"(ii) the average daily number of children receiving free or reduced price meals under the school lunch program in all States in March 1999.

"(2) PILOT PROJECTS.—During the period of fiscal years 2001 through 2003, the Secretary shall carry out a summer food pilot project in each eligible State to increase the number of children participating in the summer food service program in the State.

"(3) SUPPORT LEVELS FOR SERVICE INSTITUTIONS.—

"(A) FOOD SERVICE.—Under the pilot project, a service institution (other than a service institution described in section 13(a)(7)) in an eligible State shall receive the maximum amounts for food service under section 13(b)(1) without regard to the requirement under section 13(b)(1)(A) that payments shall equal the full cost of food service operations.

"(B) ADMINISTRATIVE COSTS.—Under the pilot project, a service institution (other than a service institution described in section 13(a)(7)) in an eligible State shall receive the maximum amounts for administrative costs determined by the Secretary under section 13(b)(4) without regard to the requirement under section 13(b)(3) that payments to service institutions shall equal the full amount of State-approved administrative costs incurred.

"(C) COMPLIANCE.—A service institution that receives assistance under this subsection shall comply with all provisions of section 13 other than subsections (b)(1)(A) and (b)(3) of section 13.

"(4) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for maintenance of a summer food service program shall not be diminished as a result of assistance from the Secretary received under this subsection.

"(5) EVALUATION OF PILOT PROJECTS.—

"(A) IN GENERAL.—The Secretary, acting through the Administrator of the Food and Nutrition Service, shall conduct an evaluation of the pilot project.

"(B) CONTENT.—An evaluation under this paragraph shall describe—

"(i) any effect on participation by children and service institutions in the summer food service program in the eligible State in which the pilot project is carried out;

"(ii) any effect of the pilot project on the quality of the meals and supplements served in the eligible State in which the pilot project is carried out; and

"(iii) any effect of the pilot project on program integrity.

"(6) REPORTS.—

"(A) INTERIM REPORT.—Not later than December 1, 2002, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an interim report that describes the status of, and any progress made by, each pilot project being carried out under this subsection as of the date of submission of the report.

"(B) FINAL REPORT.—Not later than April 30, 2004, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a final report that includes—

"(i) the evaluations completed by the Secretary under paragraph (5); and

"(ii) any recommendations of the Secretary concerning the pilot projects.".

(b) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SEC. 103. (a) IN GENERAL.—The Secretary of the Interior shall conduct a feasibility study for a Sacramento River, California, diversion project that is consistent with the Water Forum Agreement among the members of the Sacramento, California, Water Forum dated April 24, 2000, and that considers—

(1) consolidation of several of the Natomas Central Mutual Water Company's diversions;

(2) upgrading fish screens at the consolidated diversion;

(3) the diversion of 35,000 acre feet of water by the Placer County Water Agency;

(4) the diversion of 29,000 acre feet of water for delivery to the Northridge Water District;

(5) the potential to accommodate other diversions of water from the Sacramento River, subject to additional negotiations and agreement among Water Forum signatories and potentially affected parties upstream on the Sacramento River; and

(6) an inter-tie between the diversions referred to in paragraphs (3), (4), and (5) with the Northridge Water District's pipeline that delivers water from the American River.

(b) REQUIRED COMPONENTS.—The feasibility study shall include—

(1) the development of a range of reasonable options;

(2) an environmental evaluation; and

(3) consultation with Federal and State resource management agencies regarding potential impacts and mitigation measures.

(c) WATER SUPPLY IMPACT ALTERNATIVES.—The study authorized by this section shall include a range of alternatives, all of which would investigate options that could reduce to insignificance any water supply impact on water users in the Sacramento River watershed, including Central Valley Project contractors, from any delivery of water out of the Sacramento River as referenced in subsection (a). In evaluating the alternatives, the study shall consider water supply alternatives that would increase water supply for, or in, the Sacramento River watershed. The study should be coordinated with the CALFED program and take advantage of information already developed within that program to investigate water supply increase alternatives. Where the alternatives evaluated are in addition to or different from the existing CALFED alternatives, such information should be clearly identified.

(d) HABITAT MANAGEMENT PLANNING GRANTS.—The Secretary of the Interior, subject to the availability of appropriations, is authorized and directed to provide grants to support local habitat management planning efforts undertaken as part of the consultation described in subsection (b)(3) in the form of matching funds up to $5,000,000.

(e) REPORT.—The Secretary of the Interior shall provide a report to the Committee on Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate within twenty-four months from the date of enactment of this Act on the results of the study identified in subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this section $10,000,000, which may remain available until expended, of which—

(1) $5,000,000 shall be for the feasibility study under subsection (a); and

(2) $5,000,000 shall be for the habitat management planning grants under subsection (d).

(g) LIMITATION ON CONSTRUCTION.—This section does not and shall not be interpreted to authorize construction of any facilities.

SEC. 104. TEN- AND FIFTEEN-MILE BAYOUS, ARKANSAS. The project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172), is modified to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas. Notwithstanding section 103(f) of the Water Resources Development Act of 1986 (100 Stat. 4086), the flood control work at Ten- and

Fifteen-Mile Bayous shall not be considered separable elements of the project.

SEC. 105. In accordance with section 102(l) of the Water Resources Development Act of 1990 (104 Stat. 4613), the Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to enter into an agreement to permit the City of Alton, Illinois to construct the authorized recreational facilities and to reimburse the City of Alton, Illinois for the Federal share of these cost-shared recreation facilities as usable segments are completed.

SEC. 106. TRUCKEE WATERSHED RECLAMATION PROJECT. (a) AUTHORIZATION.—The Secretary of the Interior, in cooperation with Washoe County, Nevada, may participate in the design, planning, and construction of the Truckee watershed reclamation project, consisting of the North Valley reuse project and the Spanish Springs Valley septic conversion project, to reclaim and reuse wastewater (including degraded groundwater) within and without the service area of Washoe County, Nevada.

(b) COST SHARE.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation or maintenance of the project described in subsection (a).

(d) RECLAMATION WASTEWATER AND GROUNDWATER STUDY AND FACILITIES ACT.—

(1) DESIGN, PLANNING, AND CONSTRUCTION.—Design, planning, and construction of the project described in subsection (a) shall be in accordance with, and subject to the limitations contained in, the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.).

(2) FUNDING.—Funds made available under section 1631 of the Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h–13) may be used to pay the Federal share of the cost of the project.

SEC. 107. The project for navigation, Tampa Harbor, Florida, authorized by section 4 of the Rivers and Harbors Act of September 22, 1922 (42 Stat. 1042), is modified to authorize the Secretary of the Army to deepen and widen the Alafia Channel in accordance with the plans described in the Draft Feasibility Report, Alafia River, Tampa Harbor, Florida, dated May 2000, at a total cost of $61,592,000, with an estimated Federal cost of $39,621,000 and an estimated non-Federal cost of $21,971,000.

SEC. 108. ENVIRONMENTAL INFRASTRUCTURE. (a) TECHNICAL, PLANNING, AND DESIGN ASSISTANCE.—Section 219(c) of the Water Resources Development Act of 1992 (106 Stat. 4835) is amended by adding at the end the following:

"(19) MARANA, ARIZONA.—Wastewater treatment and distribution infrastructure, Marana, Arizona.

"(20) EASTERN ARKANSAS ENTERPRISE COMMUNITY, ARKANSAS.—Water-related infrastructure, Eastern Arkansas Enterprise Community, Cross, Lee, Monroe, and St. Francis Counties, Arkansas.

"(21) CHINO HILLS, CALIFORNIA.—Storm water and sewage collection infrastructure, Chino Hills, California.

"(22) CLEAR LAKE BASIN, CALIFORNIA.—Water-related infrastructure and resource protection, Clear Lake Basin, California.

"(23) DESERT HOT SPRINGS, CALIFORNIA.—Resource protection and wastewater infrastructure, Desert Hot Springs, California.

"(24) EASTERN MUNICIPAL WATER DISTRICT, CALIFORNIA.—Regional water-related infrastructure, Eastern Municipal Water District, California.

"(25) HUNTINGTON BEACH, CALIFORNIA.—Water supply and wastewater infrastructure, Huntington Beach, California.

"(26) INGLEWOOD, CALIFORNIA.—Water infrastructure, Inglewood, California.

"(27) LOS OSOS COMMUNITY SERVICE DISTRICT, CALIFORNIA.—Wastewater infrastructure, Los Osos Community Service District, California.

"(28) NORWALK, CALIFORNIA.—Water-related infrastructure, Norwalk, California.

"(29) KEY BISCAYNE, FLORIDA.—Sanitary sewer infrastructure, Key Biscayne, Florida.

"(30) SOUTH TAMPA, FLORIDA.—Water supply and aquifer storage and recovery infrastructure, South Tampa, Florida.

"(31) FORT WAYNE, INDIANA.—Combined sewer overflow infrastructure and wetlands protection, Fort Wayne, Indiana.

"(32) INDIANAPOLIS, INDIANA.—Combined sewer overflow infrastructure, Indianapolis, Indiana.

"(33) ST. CHARLES, ST. BERNARD, AND PLAQUEMINES PARISHES, LOUISIANA.—Water and wastewater infrastructure, St. Charles, St. Bernard, and Plaquemines Parishes, Louisiana.

"(34) ST. JOHN THE BAPTIST AND ST. JAMES PARISHES, LOUISIANA.—Water and sewer improvements, St. John the Baptist and St. James Parishes, Louisiana.

"(35) UNION COUNTY, NORTH CAROLINA.—Water infrastructure, Union County, North Carolina.

"(36) HOOD RIVER, OREGON.—Water transmission infrastructure, Hood River, Oregon.

"(37) MEDFORD, OREGON.—Sewer collection infrastructure, Medford, Oregon.

"(38) PORTLAND, OREGON.—Water infrastructure and resource protection, Portland, Oregon.

"(39) COUDERSPORT, PENNSYLVANIA.—Sewer system extensions and improvements, Coudersport, Pennsylvania.

"(40) PARK CITY, UTAH.—Water supply infrastructure, Park City, Utah.

(b) AUTHORIZATION OF APPROPRIATIONS FOR TECHNICAL, PLANNING, AND DESIGN ASSISTANCE.—Section 219(d) of the Water Resources Development Act of 1992 (106 Stat. 4836) is amended by striking "$5,000,000" and inserting "$30,000,000".

(c) MODIFICATION OF AUTHORIZATIONS FOR ENVIRONMENTAL PROJECTS.—Section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 106 Stat. 3757; 113 Stat. 334) is amended—

(1) in subsection (e)(6) by striking "$20,000,000" and inserting "$30,000,000";

(2) in subsection (f)(4) by striking "$15,000,000" and inserting "$35,000,000";

(3) in subsection (f)(21) by striking "$10,000,000" and inserting "$20,000,000";

(4) in subsection (f)(25) by striking "$5,000,000" and inserting "$15,000,000";

(5) in subsection (f)(30) by striking "$10,000,000" and inserting "$20,000,000";

(6) in subsection (f)(43) by striking "$15,000,000" and inserting "$35,000,000".

(d) ADDITIONAL ASSISTANCE FOR CRITICAL RESOURCE PROJECTS.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335) is amended by adding at the end the following:

"(45) WASHINGTON, D.C., AND MARYLAND.—$15,000,000 for the project described in subsection (c)(1), modified to include measures to eliminate or control combined sewer overflows in the Anacostia River watershed.

"(46) DUCK RIVER, CULLMAN, ALABAMA.—$5,000,000 for water supply infrastructure, Duck River, Cullman, Alabama.

"(47) UNION COUNTY, ARKANSAS.—$52,000,000 for water supply infrastructure, including facilities for withdrawal, treatment, and distribution, Union County, Arkansas.

"(48) CAMBRIA, CALIFORNIA.—$10,300,000 for desalination infrastructure, Cambria, California.

"(49) LOS ANGELES HARBOR/TERMINAL ISLAND, CALIFORNIA.—$6,500,000 for wastewater recycling infrastructure, Los Angeles Harbor/Terminal Island, California.

"(50) NORTH VALLEY REGION, LANCASTER, CALIFORNIA.—$14,500,000 for water infrastructure, North Valley Region, Lancaster, California.

"(51) SAN DIEGO COUNTY, CALIFORNIA.—$10,000,000 for water-related infrastructure, San Diego County, California.

"(52) SOUTH PERRIS, CALIFORNIA.—$25,000,000 for water supply desalination infrastructure, South Perris, California.

"(53) AURORA, ILLINOIS.—$8,000,000 for wastewater infrastructure to reduce or eliminate combined sewer overflows, Aurora, Illinois.

"(54) COOK COUNTY, ILLINOIS.—$35,000,000 for water-related infrastructure and resource protection and development, Cook County, Illinois.

"(55) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—$10,000,000 for water and wastewater assistance, Madison and St. Clair Counties, Illinois.

"(56) IBERIA PARISH, LOUISIANA.—$5,000,000 for water and wastewater infrastructure, Iberia Parish, Louisiana.

"(57) KENNER, LOUISIANA.—$5,000,000 for wastewater infrastructure, Kenner, Louisiana.

"(58) BENTON HARBOR, MICHIGAN.—$1,500,000 for water related infrastructure, City of Benton Harbor, Michigan."

"(59) GENESEE COUNTY, MICHIGAN.—$6,700,000 for wastewater infrastructure assistance to reduce or eliminate sewer overflows, Genessee County, Michigan.

"(60) NEGAUNEE, MICHIGAN.—$10,000,000 for wastewater infrastructure assistance, City of Negaunee, Michigan.".

"(61) GARRISON AND KATHIO TOWNSHIP, MINNESOTA.—$11,000,000 for a wastewater infrastructure project for the city of Garrison and Kathio Township, Minnesota.

"(62) NEWTON, NEW JERSEY.—$7,000,000 for water filtration infrastructure, Newton, New Jersey.

"(63) LIVERPOOL, NEW YORK.—$2,000,000 for water infrastructure, including a pump station, Liverpool, New York.

"(64) STANLY COUNTY, NORTH CAROLINA.—$8,900,000 for wastewater infrastructure, Stanly County, North Carolina.

"(65) YUKON, OKLAHOMA.—$5,500,000 for water-related infrastructure, including wells, booster stations, storage tanks, and transmission lines, Yukon, Oklahoma.

"(66) ALLEGHENY COUNTY, PENNSYLVANIA.—$20,000,000 for water-related environmental infrastructure, Allegheny County, Pennsylvania.

"(67) MOUNT JOY TOWNSHIP AND CONEWAGO TOWNSHIP, PENNSYLVANIA.—$8,300,000 for water and wastewater infrastructure, Mount Joy Township and Conewago Township, Pennsylvania.

"(68) PHOENIXVILLE BOROUGH, CHESTER COUNTY, PENNSYLVANIA.—$2,400,000 for water and sewer infrastructure, Phoenixville Borough, Chester County, Pennsylvania.

"(69) TITUSVILLE, PENNSYLVANIA.—$7,300,000 for storm water separation and treatment plant upgrades, Titusville, Pennsylvania.

"(70) WASHINGTON, GREENE, WESTMORELAND, AND FAYETTE COUNTIES, PENNSYLVANIA.—$8,000,000 for water and wastewater infrastructure, Washington, Greene, Westmoreland, and Fayette Counties, Pennsylvania.".

SEC. 109. FLORIDA KEYS WATER QUALITY IMPROVEMENTS. (a) IN GENERAL.—In coordination with the Florida Keys Aqueduct Authority, appropriate agencies of municipalities of Monroe County, Florida, and other appropriate public agencies of the State of Florida or Monroe County, the Secretary of the Army may provide technical and financial assistance to carry out projects for the planning, design, and construction of treatment works to improve water quality in the Florida Keys National Marine Sanctuary.

(b) CRITERIA FOR PROJECTS.—Before entering into a cooperation agreement to provide assistance with respect to a project under this section, the Secretary shall ensure that—

(1) the non-Federal sponsor has completed adequate planning and design activities, as applicable;

(2) the non-Federal sponsor has completed a financial plan identifying sources of non-Federal funding for the project;

(3) the project complies with—

(A) applicable growth management ordinances of Monroe County, Florida;

(B) applicable agreements between Monroe County, Florida, and the State of Florida to manage growth in Monroe County, Florida; and

(C) applicable water quality standards; and

(4) the project is consistent with the master wastewater and stormwater plans for Monroe County, Florida.

(c) CONSIDERATION.—In selecting projects under subsection (a), the Secretary shall consider whether a project will have substantial water quality benefits relative to other projects under consideration.

(d) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

(1) the Water Quality Steering Committee established under section 8(d)(2)(A) of the Florida Keys National Marine Sanctuary and Protection Act (106 Stat. 5054);

(2) the South Florida Ecosystem Restoration Task Force established by section 528(f) of the Water Resources Development Act of 1996 (110 Stat. 3771–3773);

(3) the Commission on the Everglades established by executive order of the Governor of the State of Florida; and

(4) other appropriate State and local government officials.

(e) NON-FEDERAL SHARE.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under this section shall be 35 percent.

(2) CREDIT.—

(A) IN GENERAL.—The Secretary may provide the non-Federal interest credit toward cash contributions required—

(i) before and during the construction of the project, for the costs of planning, engineering, and design, and for the construction management work that is performed by the non-Federal interest and that the Secretary determines is necessary to implement the project; and

(ii) during the construction of the project, for the construction that the non-Federal interest carries out on behalf of the Secretary and that the Secretary determines is necessary to carry out the project.

(B) TREATMENT OF CREDIT BETWEEN PROJECTS.—Any credit provided under this paragraph may be carried over between authorized projects.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

SEC. 110. SAN GABRIEL BASIN, CALIFORNIA. (a) SAN GABRIEL BASIN RESTORATION.—

(1) ESTABLISHMENT OF FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the San Gabriel Basin Restoration Fund (in this section referred to as the "Restoration Fund").

(2) ADMINISTRATION OF FUND.—The Restoration Fund shall be administered by the Secretary of the Army, in cooperation with the San Gabriel Basin Water Quality Authority or its successor agency.

(3) PURPOSES OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Restoration Fund, including interest accrued, shall be utilized by the Secretary—

(i) to design and construct water quality projects to be administered by the San Gabriel Basin Water Quality Authority and the Central Basin Water Quality Project to be administered by the Central Basin Municipal Water District; and

(ii) to operate and maintain any project constructed under this section for such period as the Secretary determines, but not to exceed 10 years, following the initial date of operation of the project.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Restoration Fund in a fiscal year until the Secretary has deposited in the Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary are from funds provided to the Secretary by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—The San Gabriel Basin Water Quality Authority shall be responsible for providing the non-Federal amount required by clause (i). The State of California, local government agencies, and private entities may provide all or any portion of such amount.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate the cleanup and protection of the San Gabriel and Central groundwater basins. In carrying out the activities described in this section, the Secretary shall integrate such activities with ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Restoration Fund established under subsection (a) $85,000,000. Such funds shall remain available until expended.

(2) SET-ASIDE.—Of the amounts appropriated under paragraph (1), no more than $10,000,000 shall be available to carry out the Central Basin Water Quality Project.

(e) ADJUSTMENT.—Of the $25,000,000 made available for San Gabriel Basin Groundwater Restoration, California, under the heading "Construction, General" in title I of the Energy and Water Development Appropriations Act, 2001—

(1) $2,000,000 shall be available only for studies and other investigative activities and planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates at sites located in the city of Santa Clarita, California; and

(2) $23,000,000 shall be deposited in the Restoration Fund, of which $4,000,000 shall be used for remediation in the Central Basin, California.

SEC. 111. PERCHLORATE. (a) IN GENERAL.—The Secretary of the Army, in cooperation with Federal, State, and local government agencies, may participate in studies and other investigative activities and in the planning and design of projects determined by the Secretary to offer a long-term solution to the problem of groundwater contamination caused by perchlorates.

(b) INVESTIGATIONS AND PROJECTS.—

(1) BOSQUE AND LEON RIVERS.—The Secretary, in coordination with other Federal agencies and the Brazos River Authority, shall participate under subsection (a) in investigations and projects in the Bosque and Leon River watersheds in Texas to assess the impact of the perchlorate associated with the former Naval "Weapons Industrial Reserve Plant" at McGregor, Texas.

(2) CADDO LAKE.—The Secretary, in coordination with other Federal agencies and the Northeast Texas Municipal Water District, shall participate under subsection (a) in investigations and projects relating to perchlorate contamination in Caddo Lake, Texas.

(3) EASTERN SANTA CLARA BASIN.—The Secretary, in coordination with other Federal, State, and local government agencies, shall participate under subsection (a) in investigations and projects related to sites that are sources of perchlorates and that are located in the city of Santa Clarita, California.

(c) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary $25,000,000, of which not to exceed $8,000,000 shall be available to carry out subsection (b)(1), not to exceed $3,000,000 shall be available to carry out subsection (b)(2), and not to exceed $7,000,000 shall be available to carry out subsection (b)(3).

SEC. 112. WET WEATHER WATER QUALITY. (a) COMBINED SEWER OVERFLOWS.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(q) COMBINED SEWER OVERFLOWS.—

"(1) REQUIREMENT FOR PERMITS, ORDERS, AND DECREES.—Each permit, order, or decree issued pursuant to this Act after the date of enactment of this subsection for a discharge from a municipal combined storm and sanitary sewer shall conform to the Combined Sewer Overflow Control Policy signed by the Administrator on April 11, 1994 (in this subsection referred to as the 'CSO control policy').

"(2) WATER QUALITY AND DESIGNATED USE REVIEW GUIDANCE.—Not later than July 31, 2001, and after providing notice and opportunity for public comment, the Administrator shall issue guidance to facilitate the conduct of water quality and designated use reviews for municipal combined sewer overflow receiving waters.

"(3) REPORT.—Not later than September 1, 2001, the Administrator shall transmit to Congress a report on the progress made by the Environmental Protection Agency, States, and municipalities in implementing and enforcing the CSO control policy.".

(b) WET WEATHER PILOT PROGRAM.—Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

"SEC. 121. WET WEATHER WATERSHED PILOT PROJECTS.

"(a) IN GENERAL.—The Administrator, in coordination with the States, may provide technical assistance and grants for treatment works to carry out pilot projects relating to the following areas of wet weather discharge control:

"(1) WATERSHED MANAGEMENT OF WET WEATHER DISCHARGES.—The management of municipal combined sewer overflows, sanitary sewer overflows, and stormwater discharges, on an integrated watershed or subwatershed basis for the purpose of demonstrating the effectiveness of a unified wet weather approach.

"(2) STORMWATER BEST MANAGEMENT PRACTICES.—The control of pollutants from municipal separate storm sewer systems for the purpose of demonstrating and determining controls that are cost-effective and that use innovative technologies in reducing such pollutants from stormwater discharges.

"(b) ADMINISTRATION.—The Administrator, in coordination with the States, shall provide municipalities participating in a pilot project under this section the ability to engage in innovative practices, including the ability to unify separate

wet weather control efforts under a single permit.

"(c) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2002, $15,000,000 for fiscal year 2003, and $20,000,000 for fiscal year 2004. Such funds shall remain available until expended.

"(2) STORMWATER.—The Administrator shall make available not less than 20 percent of amounts appropriated for a fiscal year pursuant to this subsection to carry out the purposes of subsection (a)(2).

"(3) ADMINISTRATIVE EXPENSES.—The Administrator may retain not to exceed 4 percent of any amounts appropriated for a fiscal year pursuant to this subsection for the reasonable and necessary costs of administering this section.

"(d) REPORT TO CONGRESS.—Not later than 5 years after the date of enactment of this section, the Administrator shall transmit to Congress a report on the results of the pilot projects conducted under this section and their possible application nationwide.".

(c) SEWER OVERFLOW CONTROL GRANTS.—Title II of the Federal Water Pollution Control Act (33 U.S.C. 1342 et seq.) is amended by adding at the end the following:

"SEC. 221. SEWER OVERFLOW CONTROL GRANTS.

"(a) IN GENERAL.—In any fiscal year in which the Administrator has available for obligation at least $1,350,000,000 for the purposes of section 601—

"(1) the Administrator may make grants to States for the purpose of providing grants to a municipality or municipal entity for planning, design, and construction of treatment works to intercept, transport, control, or treat municipal combined sewer overflows and sanitary sewer overflows; and

"(2) subject to subsection (g), the Administrator may make a direct grant to a municipality or municipal entity for the purposes described in paragraph (1).

"(b) PRIORITIZATION.—In selecting from among municipalities applying for grants under subsection (a), a State or the Administrator shall give priority to an applicant that—

"(1) is a municipality that is a financially distressed community under subsection (c);

"(2) has implemented or is complying with an implementation schedule for the 9 minimum controls specified in the CSO control policy referred to in section 402(q)(1) and has begun implementing a long-term municipal combined sewer overflow control plan or a separate sanitary sewer overflow control plan; or

"(3) is requesting a grant for a project that is on a State's intended use plan pursuant to section 606(c); or

"(4) is an Alaska Native Village.

"(c) FINANCIALLY DISTRESSED COMMUNITY.—

"(1) DEFINITION.—In subsection (b), the term 'financially distressed community' means a community that meets affordability criteria established by the State in which the community is located, if such criteria are developed after public review and comment.

"(2) CONSIDERATION OF IMPACT ON WATER AND SEWER RATES.—In determining if a community is a distressed community for the purposes of subsection (b), the State shall consider, among other factors, the extent to which the rate of growth of a community's tax base has been historically slow such that implementing a plan described in subsection (b)(2) would result in a significant increase in any water or sewer rate charged by the community's publicly owned wastewater treatment facility.

"(3) INFORMATION TO ASSIST STATES.—The Administrator may publish information to assist States in establishing affordability criteria under paragraph (1).

"(d) COST SHARING.—The Federal share of the cost of activities carried out using amounts from a grant made under subsection (a) shall be not less than 55 percent of the cost. The non-Federal share of the cost may include, in any amount, public and private funds and in-kind services, and may include, notwithstanding section 603(h), financial assistance, including loans, from a State water pollution control revolving fund.

"(e) ADMINISTRATIVE REPORTING REQUIREMENTS.—If a project receives grant assistance under subsection (a) and loan assistance from a State water pollution control revolving fund and the loan assistance is for 15 percent or more of the cost of the project, the project may be administered in accordance with State water pollution control revolving fund administrative reporting requirements for the purposes of streamlining such requirements.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000,000 for each of fiscal years 2002 and 2003. Such sums shall remain available until expended.

"(g) ALLOCATION OF FUNDS.—

"(1) FISCAL YEAR 2002.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2002 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

"(2) FISCAL YEAR 2003.—Subject to subsection (h), the Administrator shall use the amounts appropriated to carry out this section for fiscal year 2003 as follows:

"(A) Not to exceed $250,000,000 for making grants to municipalities and municipal entities under subsection (a)(2), in accordance with the criteria set forth in subsection (b).

"(B) All remaining amounts for making grants to States under subsection (a)(1), in accordance with a formula to be established by the Administrator, after providing notice and an opportunity for public comment, that allocates to each State a proportional share of such amounts based on the total needs of the State for municipal combined sewer overflow controls and sanitary sewer overflow controls identified in the most recent survey conducted pursuant to section 516(b)(1).

"(h) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section for each fiscal year—

"(1) the Administrator may retain an amount not to exceed 1 percent for the reasonable and necessary costs of administering this section; and

"(2) the Administrator, or a State, may retain an amount not to exceed 4 percent of any grant made to a municipality or municipal entity under subsection (a), for the reasonable and necessary costs of administering the grant.

"(i) REPORTS.—Not later than December 31, 2003, and periodically thereafter, the Administrator shall transmit to Congress a report containing recommended funding levels for grants under this section. The recommended funding levels shall be sufficient to ensure the continued expeditious implementation of municipal combined sewer overflow and sanitary sewer overflow controls nationwide.".

(d) INFORMATION ON CSOS AND SSOS.—

(1) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to Congress a report summarizing—

(A) the extent of the human health and environmental impacts caused by municipal combined sewer overflows and sanitary sewer overflows, including the location of discharges causing such impacts, the volume of pollutants discharged, and the constituents discharged;

(B) the resources spent by municipalities to address these impacts; and

(C) an evaluation of the technologies used by municipalities to address these impacts.

(2) TECHNOLOGY CLEARINGHOUSE.—After transmitting a report under paragraph (1), the Administrator shall maintain a clearinghouse of cost-effective and efficient technologies for addressing human health and environmental impacts due to municipal combined sewer overflows and sanitary sewer overflows.

SEC. 113. FISH PASSAGE DEVICES AT NEW SAVANNAH BLUFF LOCK AND DAM, SOUTH CAROLINA. Section 348(l)(2) of the Water Resources Development Act of 2000 is amended—

(1) in subparagraph (A), by striking "Dam, at Federal expense of an estimated $5,300,000" and inserting "Dam and construct appropriate fish passage devices at the Dam, at Federal expense"; and

(2) in subparagraph (B), by striking "after repair and rehabilitation," and inserting "after carrying out subparagraph (A),".

SEC. 114. (a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to the lands described in the deed described in subsection (b)—

(1) the reversionary interests and the use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area where the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise areas above the standard project flood elevation, without increasing the risk of flooding in or outside of the floodplain, is authorized, except in any area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required.

(b) AFFECTED DEED.—The deed referred to is the deed recorded October 17, 1967, in book 291, page 148, Deed of Records of Umatilla County, Oregon, executed by the United States.

SEC. 115. MURRIETA CREEK, CALIFORNIA. Section 101(b)(6) of the Water Resources Development Act of 2000 is repealed.

SEC. 116. PENN MINE, CALAVERAS COUNTY, CALIFORNIA. (a) IN GENERAL.—The Secretary of the Army shall reimburse East Bay Municipal Water District for the project for aquatic ecosystem restoration, Penn Mine, Calaveras County, California, carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330), $4,100,000 for the Federal share of costs incurred by East Bay Municipal Utility District for work carried out by East Bay Municipal Utility District for the project. Such amounts shall be made available within 90 days of enactment of this provision.

(b) SOURCE OF FUNDING.—Reimbursement under subsection (a) shall be from amounts appropriated before the date of enactment of this Act for the project described in subsection (a).

SEC. 117. The project for flood control, Greers Ferry Lake, Arkansas, authorized by the Rivers and Harbors Act of June 28, 1938 (52 Stat. 1218), is modified to authorize the Secretary of the Army to construct intake facilities for the benefit of Lonoke and White Counties, Arkansas.

SEC. 118. The project for flood control, Chehalis River and Tributaries, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4126), is modified to authorize the Secretary of the Army to provide the non-Federal interest credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest before the date of execution of a cooperation agreement for the project if the Secretary determines that the work is integral to the project.

SEC. 119. Within the funds appropriated to the National Park Service under the heading "Operation of the National Park System" in Public

Law 106–291, the Secretary of the Interior shall provide a grant of $75,000 to the City of Ocean Beach, New York, for repair of facilities at the Ocean Beach Pavilion at Fire Island National Seashore.

SEC. 120. The National Park Service is directed to work with Fort Sumter Tours, Inc., the concessionaire currently providing services at Fort Sumter National Monument in South Carolina, on an amicable solution of the current legal dispute between the two parties. The Director of the Service is directed to extend immediately the current contract through March 15, 2001, to facilitate further negotiations and for 180 days if final settlement of all disputes is agreed to by both parties.

SEC. 121. Title VIII—Land Conservation, Preservation and Infrastructure Improvement of Public Law 106–291 is amended as follows: after the first dollar amount insert: ", to be derived from the Land and Water Conservation Fund".

SEC. 122. GAS TO LIQUIDS. Section 301(2) of the Energy Policy Act of 1992 (Public Law 102–486; 42 U.S.C. 13211(2)) is amended by inserting ", including liquid fuels domestically produced from natural gas" after "natural gas".

SEC. 123. (a) The provisions of H.R. 4904 as passed in the House of Representatives on September 26, 2000 are hereby enacted into law.

SEC. 124. APPALACHIAN NATIONAL SCENIC TRAIL. (a) ACQUISITIONS.—

(1) IN GENERAL.—The Secretary of the Interior shall—

(A) negotiate agreements with landowners setting terms and conditions for the acquisition of parcels of land and interests in land totalling approximately 580 acres at Saddleback Mountain near Rangeley, Maine, for the benefit of the Appalachian National Scenic Trail;

(B) complete the pending environmental compliance process for the acquisitions; and

(C) acquire the parcels of land and interests in land for consideration in the amount of $4,000,000 plus closing costs customarily paid by the United States.

(2) ACCEPTANCE OF DONATIONS.—The Secretary may accept as donations parcels of land and interests in land at Saddleback Mountain, in addition to those acquired by purchase under paragraph (1), for the benefit of the Appalachian National Scenic Trail.

(b) CONVEYANCE TO THE STATE.—The Secretary shall convey to the State of Maine a portion of the land and interests in land acquired under subsection (a) without consideration, subject to such terms and conditions as the Secretary and the State of Maine agree are necessary to ensure the protection of the Appalachian National Scenic Trail.

SEC. 125. The provisions of S. 2273, as passed in the United States Senate on October 5, 2000 and engrossed, are hereby enacted into law.

SEC. 126. Section 116(a)(1)(A) of the Illinois and Michigan Canal National Heritage Corridor Act of 1984 (98 Stat. 1467) is amended by striking "$250,000" and inserting "$1,000,000".

SEC. 127. The provisions of S. 2885, as passed in the United States Senate on October 5, 2000 and engrossed, are hereby enacted into law.

SEC. 128. None of the funds provided in this or any other Act may be used prior to July 31, 2001 to promulgate or enforce a final rule to reduce during the 2000–2001 or 2001–2002 winter seasons the use of snowmobiles below current use patterns at a unit in the National Park System: Provided, That nothing in this section shall be interpreted as amending any requirement of the Clean Air Act: Provided further, That nothing in this section shall preclude the Secretary from taking emergency actions related to snowmobile use in any National Park based on authorities which existed to permit such emergency actions as of the date of enactment of this Act.

SEC. 129. The Secretary of the Interior shall extend until March 31, 2001 the "Extension of Standstill Agreement," entered into on November 22, 1999 by the United States of America and the holders of interests in seven campsite leases in Biscayne Bay, Miami-Dade County, Florida collectively known as "Stiltsville".

SEC. 130. The Secretary of the Interior is authorized to make a grant of $1,300,000 to the State of Minnesota or its political subdivision from funds available to the National Park Service under the heading "Land Acquisition and State Assistance" in Public Law 106–291 to cover the cost of acquisition of land in Lower Phalen Creek near St. Paul, Minnesota in the Mississippi National River and Recreation Area.

SEC. 131. Notwithstanding any provision of law or regulation, funds appropriated in Public Law 106–291 for a cooperative agreement for management of George Washington's Boyhood Home, Ferry Farm, shall be transferred to the George Washington's Fredericksburg Foundation, Inc. (formerly known as Kenmore Association, Inc.) immediately upon signing of the cooperative agreement.

SEC. 132. During the period beginning on the date of the enactment of this Act and ending on June 1, 2001, funds made available to the Secretary of the Interior may not be used to pay salaries or expenses related to the issuance of a request for proposal related to a light rail system to service Grand Canyon National Park.

SEC. 133. None of the funds in this or any other Act may be used by the Secretary of the Interior to remove the five foot tall white cross located within the boundary of the Mojave National Preserve in southern California first erected in 1934 by the Veterans of Foreign Wars along Cima Road approximately 11 miles south of Interstate 15.

SEC. 134. Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y–4(g)) is amended by striking "thirty" and inserting "40".

SEC. 135. Funds provided in Public Law 106–291 for federal land acquisition by the National Park Service in Fiscal Year 2001 for Brandywine Battlefield, Ice Age National Scenic Trail, Mississippi National River and Recreation Area, Shenandoah National Heritage Area, Fallen Timbers Battlefield and Fort Miamis National Historic Site may be used for a grant to a state, local government, or to a land management entity for the acquisition of lands without regard to any restriction on the use of federal land acquisition funds provided through the Land and Water Conservation Act of 1965.

SEC. 136. Notwithstanding any other provision of law, in accordance with Title IV—Wildland Fire Emergency Appropriations, Public Law 106–291, from the $35,000,000 provided for community and private land fire assistance, the Secretary of Agriculture, may use up to $9,000,000 for advance, direct lump sum payments for assistance to eligible individuals, businesses, or other entities, to accomplish the purposes of providing assistance to non-federal entities most affected by fire. To expedite such financial assistance being provided to eligible recipients, the lump sum payments shall not be subject to CFR Title 7 §3015; Title 7 §3019; Title 7 §3052 related to the administration of Federal financial assistance.

SEC. 137. (a) IN GENERAL.—The first section of Public Law 91–660 (16 U.S.C. 459h) is amended—

(1) in the first sentence, by striking "That, in" and inserting the following:

"SECTION 1. GULF ISLANDS NATIONAL SEASHORE.

"(a) ESTABLISHMENT.—In"; and

(2) in the second sentence—

(A) by redesignating paragraphs (1) through (6) as subparagraphs (A) through (F), respectively, and indenting appropriately;

(B) by striking "The seashore shall comprise" and inserting the following:

"(b) COMPOSITION.—

"(1) IN GENERAL.—The seashore shall comprise the areas described in paragraphs (2) and (3).

"(2) AREAS INCLUDED IN BOUNDARY PLAN NUMBERED NS–GI–7100J.—The areas described in this paragraph are": and

(C) by adding at the end the following:

"(3) CAT ISLAND.—Upon its acquisition by the Secretary, the area described in this paragraph is the parcel consisting of approximately 2,000 acres of land on Cat Island, Mississippi, as generally depicted on the map entitled 'Boundary Map, Gulf Islands National Seashore, Cat Island, Mississippi', numbered 635/80085, and dated November 9, 1999 (referred to in this title as the 'Cat Island Map').

"(4) AVAILABILITY OF MAP.—The Cat Island Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.".

(b) ACQUISITION AUTHORITY.—Section 2 of Public Law 91–660 (16 U.S.C. 459h–1) is amended—

(1) in the first sentence of subsection (a), by striking "lands," and inserting "submerged land, land,"; and

(2) by adding at the end the following:

"(e) ACQUISITION AUTHORITY.—

"(1) IN GENERAL.—The Secretary may acquire, from a willing seller only—

"(A) all land comprising the parcel described in subsection (b)(3) that is above the mean line of ordinary high tide, lying and being situated in Harrison County, Mississippi;

"(B) an easement over the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map for the purpose of implementing an agreement with the owners of the parcel concerning the development and use of the parcel; and

"(C)(i) land and interests in land on Cat Island outside the 2,000-acre area depicted on the Cat Island Map; and

"(ii) submerged land that lies within 1 mile seaward of Cat Island (referred to in this title as the 'buffer zone'), except that submerged land owned by the State of Mississippi (or a subdivision of the State) may be acquired only by donation.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Land and interests in land acquired under this subsection shall be administered by the Secretary, acting through the Director of the National Park Service.

"(B) BUFFER ZONE.—Nothing in this title or any other provision of law shall require the State of Mississippi to convey to the Secretary any right, title, or interest in or to the buffer zone as a condition for the establishment of the buffer zone.

"(3) MODIFICATION OF BOUNDARY.—The boundary of the seashore shall be modified to reflect the acquisition of land under this subsection only after completion of the acquisition.".

(c) REGULATION OF FISHING.—Section 3 of Public Law 91–660 (16 U.S.C. 459h–2) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end the following:

"(b) NO AUTHORITY TO REGULATE MARITIME ACTIVITIES.—Nothing in this title or any other provision of law shall affect any right of the State of Mississippi, or give the Secretary any authority, to regulate maritime activities, including nonseashore fishing activities (including shrimping), in any area that, on the date of enactment of this subsection, is outside the designated boundary of the seashore (including the buffer zone).".

(d) AUTHORIZATION OF MANAGEMENT AGREEMENTS.—Section 5 of Public Law 91–660 (16 U.S.C. 459h–4) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Except"; and

(2) by adding at the end the following:

"(b) AGREEMENTS.—

"(1) IN GENERAL.—The Secretary may enter into agreements—

"(A) with the State of Mississippi for the purposes of managing resources and providing law enforcement assistance, subject to authorization by State law, and emergency services on or within any land on Cat Island and any water and submerged land within the buffer zone; and

"(B) with the owners of the approximately 150-acre parcel depicted as the 'Boddie Family Tract' on the Cat Island Map concerning the development and use of the land.

"(2) NO AUTHORITY TO ENFORCE CERTAIN REGULATIONS.—Nothing in this subsection authorizes the Secretary to enforce Federal regulations outside the land area within the designated boundary of the seashore.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 11 of Public Law 91-660 (16 U.S.C. 459h–10) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There"; and

(2) by adding at the end the following:

"(b) AUTHORIZATION FOR ACQUISITION OF LAND.—In addition to the funds authorized by subsection (a), there are authorized to be appropriated such sums as are necessary to acquire land and submerged land on and adjacent to Cat Island, Mississippi.".

SEC. 138. PERCENTAGE LIMITATIONS ON FEDERAL THRIFT SAVINGS PLAN CONTRIBUTIONS. (a) AMENDMENTS RELATING TO FERS.—

(1) IN GENERAL.—Subsection (a) of section 8432 of title 5, United States Code, is amended—

(A) by striking "(a)" and inserting "(a)(1)";

(B) by striking "10 percent" and all that follows through "period." and inserting "the maximum percentage of such employee's or Member's basic pay for such pay period allowable under paragraph (2)."; and

(C) by adding at the end the following:

"(2) The maximum percentage allowable under this paragraph shall be determined in accordance with the following table:

"In the case of a pay period beginning in fiscal year:	**The maximum percentage allowable is:**
2001	11
2002	12
2003	13
2004	14
2005	15
2006 or thereafter	100.".

(2) JUSTICES AND JUDGES.—Paragraph (2) of section 8440a(b) of title 5, United States Code, is amended to read as follows:

"(2) The amount contributed by a justice or judge for any pay period shall not exceed the maximum percentage of such justice's or judge's basic pay for such pay period allowable under section 8440f.".

(3) BANKRUPTCY JUDGES AND MAGISTRATES.—Paragraph (2) of section 8440b(b) of title 5, United States Code, is amended by striking "5 percent" and all that follows through "period." and inserting "the maximum percentage of such bankruptcy judge's or magistrate's basic pay for such pay period allowable under section 8440f.".

(4) COURT OF FEDERAL CLAIMS JUDGES.—Paragraph (2) of section 8440c(b) of title 5, United States Code, is amended by striking "5 percent" and all that follows through "period." and inserting "the maximum percentage of such judge's basic pay for such pay period allowable under section 8440f.".

(5) JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.—The first sentence of section 8440d(b)(2) of title 5, United States Code, is amended to read as follows: "The amount contributed by a judge of the United States Court of Appeals for Veterans Claims for any pay period may not exceed the maximum percentage of such judge's basic pay for such pay period allowable under section 8440f.".

(6) MEMBERS OF THE UNIFORMED SERVICES.—

(A) BASIC PAY.—Subparagraph (A) of section 8440e(d)(1) of title 5, United States Code, is amended by striking "5 percent" and all that follows through "period." and inserting "the maximum percentage of such member's basic pay for such pay period allowable under section 8440f.".

(B) COMPENSATION.—Subparagraph (B) of section 8440e(d)(1) of title 5, United States Code, is amended by striking "5 percent" and all that follows through "period." and inserting "the maximum percentage of such member's compensation for such pay period (received under such section 206) allowable under section 8440f.".

(7) MAXIMUM PERCENTAGE ALLOWABLE.—

(A) IN GENERAL.—Title 5, United States Code, is amended by inserting after section 8440e the following:

"§8440f. Maximum percentage allowable for certain participants

"The maximum percentage allowable under this section shall be determined in accordance with the following table:

"In the case of a pay period beginning in fiscal year:	**The maximum percentage allowable is:**
2001	6
2002	7
2003	8
2004	9
2005	10
2006 or thereafter	100.".

(B) CONFORMING AMENDMENT.—The table of sections for chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8440e the following:

"8440f. Maximum percentage allowable for certain participants.".

(b) AMENDMENTS RELATING TO CSRS.—Paragraph (2) of section 8351(b) of title 5, United States Code, is amended—

(1) by striking "(2)" and inserting "(2)(A)";

(2) by striking "5 percent" and all that follows through "period." and inserting "the maximum percentage of such employee's or Member's basic pay for such pay period allowable under subparagraph (B)."; and

(3) by adding at the end the following:

"(B) The maximum percentage allowable under this subparagraph shall be determined in accordance with the following table:

"In the case of a pay period beginning in fiscal year:	**The maximum percentage allowable is:**
2001	6
2002	7
2003	8
2004	9
2005	10
2006 or thereafter	100.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) COORDINATION WITH ELECTION PERIODS.—The Executive Director shall by regulation determine the first election period in which elections may be made consistent with the amendments made by this section.

(3) DEFINITIONS.—For purposes of this section—

(A) the term "election period" means a period afforded under section 8432(b) of title 5, United States Code; and

(B) the term "Executive Director" has the meaning given such term by section 8401(13) of title 5, United States Code.

SEC. 139. EXCLUSION OF ELEMENTS OF UNITED STATES SECRET SERVICE FROM CERTAIN ACTIVITIES. Section 7103(a)(3) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking "or" at the end;

(2) in subparagraph (G), by striking the period and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(H) the United States Secret Service and the United States Secret Service Uniformed Division.".

SEC. 140. (a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2001 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.7 percent.

(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2001.

SEC. 141. REPEAL OF MANDATORY SEPARATION REQUIREMENT. (a) IN GENERAL.—Section 8335 of title 5, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8339(q) of title 5, United States Code, is amended by striking "8335(d)" and inserting "8335(c)".

SEC. 142. Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(14) as amended, is hereby amended by inserting after the phrase "twenty-four hours" the following new phrase: "(except in the case of Alaska where such time limit may be forty-eight hours in fiscal years 2000 through 2002)".

SEC. 143. (a) Section 336 of the Communications Act of 1934 (47 U.S.C. 336) is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h)(1) Within 60 days after receiving a request (made in such form and manner and containing such information as the Commission may require) under this subsection from a low-power television station to which this subsection applies, the Commission shall authorize the licensee or permittee of that station to provide digital data service subject to the requirements of this subsection as a pilot project to demonstrate the feasibility of using low-power television stations to provide high-speed wireless digital data service, including Internet access to unserved areas.

"(2) The low-power television stations to which this subsection applies are as follows:

"(A) KHLM–LP, Houston, Texas.

"(B) WTAM–LP, Tampa, Florida.

"(C) WWRJ–LP, Jacksonville, Florida.

"(D) WVBG–LP, Albany, New York.

"(E) KHHI–LP, Honolulu, Hawaii.

"(F) KPHE–LP (K19DD), Phoenix, Arizona.

"(G) K34FI, Bozeman, Montana.

"(H) K65GZ, Bozeman, Montana.

"(I) WXOB–LP, Richmond, Virginia.

"(J) WIIW–LP, Nashville, Tennessee.

"(K) A station and repeaters to be determined by the Federal Communications Commission for the sole purpose of providing service to communities in the Kenai Peninsula Borough and Matanuska Susitna Borough.

"(L) WSPY–LP, Plano, Illinois.

"(M) W24AJ, Aurora, Illinois.

"(3) Notwithstanding any requirement of section 553 of title 5, United States Code, the Commission shall promulgate regulations establishing the procedures, consistent with the requirements of paragraphs (4) and (5), governing the pilot projects for the provision of digital *data services by certain low power television licensees within 120 days after the date of enactment of LPTV Digital Data Services Act. The regulations shall set forth—*

"(A) requirements as to the form, manner, and information required for submitting requests to the Commission to provide digital data service as a pilot project;

"(B) procedures for testing interference to digital television receivers caused by any pilot project station or remote transmitter;

"(C) procedures for terminating any pilot project station or remote transmitter or both that causes interference to any analog or digital full-power television stations, class A television station, television translators or any other users of the core television band;

"(D) specifications for reports to be filed quarterly by each low power television licensee participating in a pilot project;

"(E) procedures by which a low power television licensee participating in a pilot project shall notify television broadcast stations in the same market upon commencement of digital data services and for ongoing coordination with local broadcasters during the test period; and

"(F) procedures for the receipt and review of interference complaints on an expedited basis consistent with paragraph (5)(D).

"(4) A low-power television station to which this subsection applies may not provide digital data service unless—

"(A) the provision of that service, including any remote return-path transmission in the case of 2-way digital data service, does not cause any interference in violation of the Commission's existing rules, regarding interference caused by low power television stations to full-service analog or digital television stations, class A television stations, or television translator stations; and

"(B) the station complies with the Commission's regulations governing safety, environmental, and sound engineering practices, and any other Commission regulation under paragraph (3) governing pilot program operations.

"(5)(A) The Commission may limit the provision of digital data service by a low-power television station to which this subsection applies if the Commission finds that—

"(i) the provision of 2-way digital data service by that station causes any interference that cannot otherwise be remedied; or

"(ii) the provision of 1-way digital data service by that station causes any interference.

"(B) The Commission shall grant any such station, upon application (made in such form and manner and containing such information as the Commission may require) by the licensee or permittee of that station, authority to move the station to another location, to modify its facilities to operate on a different channel, or to use booster or auxiliary transmitting locations, if the grant of authority will not cause interference to the allowable or protected service areas of full service digital television stations, National Television Standards Committee assignments, or television translator stations, and provided, however, no such authority shall be granted unless it is consistent with existing Commission regulations relating to the movement, modification, and use of non-class A low power television transmission facilities in order—

"(i) to operate within television channels 2 through 51, inclusive; or

"(ii) to demonstrate the utility of low-power television stations to provide high-speed 2-way wireless digital data service.

"(C) The Commission shall require quarterly reports from each station authorized to provide digital data services under this subsection that include—

"(i) information on the station's experience with interference complaints and the resolution thereof;

"(ii) information on the station's market success in providing digital data service; and

"(iii) such other information as the Commission may require in order to administer this subsection.

"(D) The Commission shall resolve any complaints of interference with television reception caused by any station providing digital data service authorized under this subsection within 60 days after the complaint is received by the Commission.

"(6) The Commission shall assess and collect from any low-power television station authorized to provide digital data service under this subsection an annual fee or other schedule or method of payment comparable to any fee imposed under the authority of this Act on providers of similar services. Amounts received by the Commission under this paragraph may be retained by the Commission as an offsetting collection to the extent necessary to cover the costs of developing and implementing the pilot program authorized by this subsection, and regulating and supervising the provision of digital data service by low-power television stations under this subsection. Amounts received by the Commission under this paragraph in excess of any amount retained under the preceding sentence shall be deposited in the Treasury in accordance with chapter 33 of title 31, United States Code.

"(7) In this subsection, the term 'digital data service' includes—

"(A) digitally-based interactive broadcast service; and

"(B) wireless Internet access, without regard to—

"(i) whether such access is—

"(I) provided on a one-way or a two-way basis;

"(II) portable or fixed; or

"(III) connected to the Internet via a band allocated to Interactive Video and Data Service; and

"(ii) the technology employed in delivering such service, including the delivery of such service via multiple transmitters at multiple locations.

"(8) Nothing in this subsection limits the authority of the Commission under any other provision of law.".

(b) The Federal Communications Commission shall submit a report to the Congress on June 30, 2001, and June 30, 2002, evaluating the utility of using low-power television stations to provide high-speed digital data service. The reports shall be based on the pilot projects authorized by section 336(h) of the Communications Act of 1934 (47 U.S.C. 336(h)).

SEC. 144. (a) The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et. seq.) is amended—

(1) in section 303(d)(1)(A) by striking "October 1, 2000," and inserting "October 1, 2002,";

(2) in section 303(d)(5) by striking "October 1, 2000," and inserting "October 1, 2002,";

(3) in section 407(b) by striking "October 1, 2000," and inserting "October 1, 2002,"; and

(4) in section 407(c)(1) by striking "October 1, 2000," and inserting "October 1, 2002,".

(b) Notwithstanding sections 303(d)(1)(A) and 303(d)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by this section, the Pacific Fishery Management Council may recommend and the Secretary of Commerce may approve and implement any fishery management plan, plan amendment, or regulation, for fixed gear sablefish subject to the jurisdiction of such Council, that—

(1) allows the use of more than one groundfish fishing permit by each fishing vessel; and/or

(2) sets cumulative trip limit periods, up to twelve months in any calendar year, that allow fishing vessels a reasonable opportunity to harvest the full amount of the associated trip limits. Notwithstanding subsection (a), the Gulf of Mexico Fishery Management Council may develop a biological, economic, and social profile of any fishery under its jurisdiction that may be considered for management under a quota management system, including the benefits and consequences of the quota management systems considered. The North Pacific Fishery Management Council shall examine the fisheries under its jurisdiction, particularly the Gulf of Alaska groundfish and Bering Sea crab fisheries, to determine whether rationalization is needed. In particular, the North Pacific Council shall analyze individual fishing quotas, processor quotas, cooperatives, and quotas held by communities. The analysis should include an economic analysis of the impact of all options on communities and processors as well as the fishing fleets. The North Pacific Council shall present its analysis to the appropriations and authorizing committees of the Senate and House of Representatives in a timely manner.

(c)(1) Public Law 101–380, as amended by section 2204 of chapter 2 of title II of Public Law 106–246, is amended further—

(A) by striking the second sentence of section 5008(c) and inserting in lieu thereof "The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Institute.";

(B) by inserting the following sentence at the end of section 5008(e): "The administrative funds of the Institute and the administrative funds of the North Pacific Research Board created under Public Law 105–83 may be used to jointly administer such programs at the discretion of the North Pacific Research Board."; and

(C) in section 5006(c), as amended by this Act or any other Act making appropriations for fiscal year 2001, by striking the colon immediately before the first proviso and inserting in lieu thereof, "of which up to $3,000,000 may be used for the lease payment to the Alaska SeaLife Center under section 5008(b)(2):".

(2) Section 401(e) of Public Law 105–83 is amended—

(A) in paragraph (2) by striking "and recommended for Secretarial approval";

(B) in paragraph (3)(A) by striking ", who shall be a co-chair of the Board";

(C) in paragraph (3)(F) by striking ", who shall be a co-chair of the Board";

(D) in paragraph (4)(A) by striking "and administer";

(E) in paragraph (4)(B) by striking the first sentence;

(F) by adding at the end the following new paragraph:

"(5) All decisions of the Board, including grant recommendations, shall be by majority vote of the members listed in paragraphs (3)(A), (3)(F), (3)(G), (3)(J), and (3)(N), in consultation with the other members. The five voting members may act on behalf of the Board in all matters of administration, including the disposition of research funds not made available by this section, at any time on or after October 1, 2000."; and

(G) in paragraph (3) by adding at the end the following:

"(N) one member who shall represent fishing interests and shall be nominated by the Board and appointed by the Secretary.".

(3) Funds made available for the construction of the NOAA laboratory at Lena Point shall be considered incremental funding for the initial phase of construction at Lena Point for site work and related infrastructure and systems installation.

(4) Notwithstanding any other provision of law, funds made available by this Act or any other Act for the Alaska SeaLife Center shall be considered direct payments for all purposes of applicable law.

(5) Public Law 99–5 is amended—

(A) by inserting after section 3(e) the following:

"(f) The United States shall be represented on the Transboundary Panel by seven panel members, of whom—

"(1) one shall be an official of the United States Government, with salmon fishery management responsibility and expertise;

"(2) one shall be an official of the State of Alaska, with salmon fishery management responsibility and expertise; and

"(3) five shall be individuals knowledgeable and experienced in the salmon fisheries for which the Transboundary Panel is responsible.";

(B) by renumbering the remaining subsections;

(C) in section 3(g), as redesignated by this subsection, by striking "The appointing authorities" and inserting in lieu thereof "For the northern, southern, and Fraser River panels, the appointing authorities"; and

(D) in section 3(h)(3), as redesignated by this subsection, by striking "northern and southern" and inserting in lieu thereof "northern, southern, and transboundary".

(6) The fishery research vessel for which funds were appropriated in Public Law 106–113 shall be homeported in Kodiak, Alaska, and is hereby named "OSCAR DYSON".

(d)(1) The Secretary of Commerce (hereinafter "the Secretary") shall, after notice and opportunity for public comment, adopt final regulations not later than May 1, 2001 to implement a fishing capacity reduction program for crab fisheries included in the Fishery Management Plan for Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands (hereinafter "BSAI crab fisheries"). In implementing the program the Secretary shall—

(A) reduce the fishing capacity in the BSAI crab fisheries by permanently reducing the number of license limitation program crab licenses;

(B) permanently revoke all fishery licenses, fishery permits, area and species endorsements, and any other fishery privileges, for all fisheries subject to the jurisdiction of the United States, issued to a vessel or vessels (or to persons on the basis of their operation or ownership of that vessel or vessels) for which a BSAI crab fisheries reduction permit is surrendered and revoked under section 6011(b) of title 50, Code of Federal Regulations;

(C) ensure that the Secretary of Transportation is notified of each vessel for which a reduction permtt is surrendered and revoked under the program, with a request that such Secretary permanently revoke the fishery endorsement of each such vessel and refuse permission to transfer any such vessel to a foreign flag under paragraph (5);

(D) ensure that vessels removed from the BSAI crab fisheries under the program are made permanently ineligible to participate in any fishery worldwide, and that the owners of such vessels contractually agree that such vessels will operate only under the United States flag or be scrapped as a reduction vessel pursuant to section 600.1011(c) of title 50, Code of Federal Regulations;

(E) ensure that vessels removed from the BSAI crab fisheries, the owners of such vessels, and the holders of fishery permits for such vessels forever relinquish any claim associated with such vessel, permits, and any catch history associated with such vessel or permits that could qualify such vessel, vessel owner, or permit holder for any present or future limited access system fishing permits in the United States fisheries based on such vessel, permits, or catch history;

(F) not include the purchase of Norton Sound red king crab or Norton Sound blue king crab endorsements in the program, though any such endorsements associated with a reduction permit or vessel made ineligible or scrapped under the program shall also be surrendered and revoked as if surrendered and revoked pursuant to section 600.1011(b) of title 50, Code of Federal Regulations;

(G) seek to obtain the maximum sustained reduction in fishing capacity at the least cost by establishing bidding procedures that—

(i) assign a bid score to each bid by dividing the price bid for each reduction permit by the total value of the crab landed in the most recent five-year period in each crab fishery from 1990 through 1999 under that permit, with the value for each year determined by multiplying the average price per pound published by the State of Alaska in each year for each crab fishery included in such reduction permit by the total pounds landed in each crab fishery under that permit in that year; and

(ii) use a reverse auction in which the lowest bid score ranks first, followed by each bid with the next lowest bid score, until the total bid amount of all bids equals a reduction cost that the next lowest bid would cause to exceed $100,000,000;

(H) not waive or otherwise make inapplicable any requirements of the License Limitation Program applicable to such crab fisheries, in particular any requirements in sections 679.4(k) and (l) of title 50, Code of Federal Regulations;

(I) not waive or otherwise make inapplicable any catcher vessel sideboards implemented under the American Fisheries Act (AFA), except that the North Pacific Fishery Management Council shall recommend to the Secretary and to the State of Alaska, not later than February 16, 2001, and the Secretary and the State of Alaska shall implement as appropriate, modifications to such sideboards to the extent necessary to permit AFA catcher vessels that remain in the crab fisheries to share proportionately in any increase in crab harvest opportunities that accrue to all remaining AFA and non-AFA catcher vessels if the fishing capacity reduction program required by this section is implemented;

(J) establish sub-amounts and repayment fees for each BSAI crab fishery prosecuted under a separate endorsement for repayment of the reduction loan, such that—

(i) a reduction loan sub-amount is established for each separate BSAI crab fishery (other than Norton Sound red king crab or Norton Sound blue king crab) by dividing the total value of the crab landed in that fishery under all reduction permits by the total value of all crab landed under such permits in the BSAI crab fisheries (determined using the same average prices and years used under subparagraph (G)(i) of this paragraph), and multiplying the reduction loan amount by the percentage expressed by such ratio; and

(ii) fish sellers who participate in the crab fishery under each endorsement repay the reduction loan sub-amount attributable to that fishery; and

(K) notwithstanding section 1111(b) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f(b)(4)), establish a repayment period for the reduction loan of not less than 30 years.

(2)(A) Only persons to whom a non-interim BSAI crab license and an area/species endorsement have been issued (other than persons to whom only a license and an area/species endorsement for Norton Sound red king crab or Norton Sound blue king crab have been issued) for vessels that—

(i) qualify under the License Limitation Program criteria set forth in section 679.4 of title 50, Code of Federal Regulations, and

(ii) have made at least one landing of BSAI crab in either 1996, 1997, or prior to February 7 in 1998, may submit a bid in the fishing capacity reduction program established by this section.

(B) After the date of enactment of this section—

(i) no vessel 60 feet or greater in length overall may participate in any BSAI crab fishery (other than for Norton Sound red king crab or Norton Sound blue king crab) unless such vessel meets the requirements set forth in subparagraphs (A)(i) and (A)(ii) of this paragraph; and

(ii) no vessel between 33 and 60 feet in length overall may participate in any BSAI crab fishery (other than for Norton Sound red king crab or Norton Sound blue king crab) unless such vessel meets the requirements set forth in subparagraph (A)(i) of this paragraph. Nothing in this paragraph shall be construed to affect the requirements for participation in the fisheries for Norton Sound red king crab or Norton Sound blue king crab. The Secretary may, on a case by case basis and after notice and opportunity for public comment, waive the application of subparagraph (A)(ii) of this paragraph if the Secretary determines such waiver is necessary to implement one of the specific exemptions to the recent participation requirement that were recommended by the North Pacific Fishery Management Council in the record of its October, 1998 meeting.

(3) The fishing capacity reduction program required under this subsection shall be implemented under this subsection and sections 312(b)–(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)–(e)). Section 312 and the regulations found in Subpart L of Part 600 of title 50, Code of Federal Regulations, shall apply only to the extent such section or regulations are not inconsistent with or made inapplicable by the specific provisions of this subsection. Sections 600.1001, 600.1002, 600.1003, 600.1005, 600.1010(b), 600.1010(d)(1), 600.1011(d), the last sentence of 600.1011(a), and the last sentence of 600.1014(f) of such Subpart shall not apply to the program implemented under this subsection. The program shall be deemed accepted under section 600.1004, and any time period specified in Subpart L that would prevent the Secretary from complying with the May 1, 2001 date required by this subsection shall be modified as appropriate to permit compliance with that date. The referendum required for the program under this subsection shall be a post-bidding referendum under section 600.1010 of title 50, Code of Federal Regulations.

(4)(A) The fishing capacity reduction program required under this subsection is authorized to be financed in equal parts through a reduction loan of $50,000,000 under sections 1111 and 1112 of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1279f and 1279g) and $50,000,000 which is authorized to be appropriated for the purposes of such program.

(B) Of the $1,000,000 appropriated in section 120 of Division A of Public Law 105–277 for the cost of a direct loan in the Bering Sea and Aleutian Islands crab fisheries—

(i) $500,000 shall be for the cost of guaranteeing the reduction loan required under subparagraph (A) of this paragraph in accordance with the requirements of the Federal Credit Reform Act; and

(ii) $500,000 shall be available to the Secretary to pay for the cost of implementing the fishing capacity reduction program required by this subsection.

(C) The funds described in this subsection shall remain available, without fiscal year limitation, until expended. Any funds not used for the fishing capacity reduction program required by this subsection, whether due to a rejection by referendum or otherwise, shall be available on or after October 15, 2002, without fiscal year limitation, for assistance to fishermen or fishing communities.

(5)(A) The Secretary of Transportation shall, upon notification and request by the Secretary, for each vessel identified in such notification and request—

(i) permanently revoke any fishery endorsement issued to such vessel under section 12108 of title 46, United States Code; and

(ii) refuse to grant the approval required under section 9(c)(2) of the Shipping Act, 1916 (46 U.S.C. App. 808(c)(2)) for the placement of such vessel under foreign registry or the operation of such vessel under the authority of a foreign country.

(B) The Secretary shall, after notice and opportunity for public comment, adopt final regulations not later than May 1, 2001 to prohibit any vessel for which a reduction permit is surrendered and revoked under the fishing capacity reduction program required by this section from engaging in fishing activities on the high seas or under the jurisdiction of any foreign country while operating under the United States flag.

(6) The purpose of this subsection is to implement a fishing capacity reduction program for the BSAI crab fisheries that results in final action to permanently remove harvesting capacity from such fisheries prior to December 31, 2001. In implementing this subsection the Secretary is directed to use, to the extent practicable, information collected and maintained by the State of Alaska. Any requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, or any Executive Order that would, in the opinion of the Secretary, prevent the Secretary from meeting the deadlines set forth in this subsection shall not apply to the fishing capacity reduction program or the promulgation of regulations to implement such program required by this subsection. Nothing in this subsection shall be construed to prohibit the North Pacific Fishery Management Council from recommending, or the Secretary from approving, changes to any Fishery Management Plan, License Limitation Program, or American Fisheries Act provisions affecting catcher vessel sideboards in accordance with applicable law: Provided, That except as specifically provided in this subsection, such Council may not recommend, and the Secretary may not approve, any action that would have the effect of increasing the number of vessels eligible to participate in the BSAI crab fisheries after March 1, 2001.

(e)(1) This subsection may be referred to as the "Pribilof Islands Transition Act".

(2) The purpose of this subsection is to complete the orderly withdrawal of the National Oceanic and Atmospheric Administration from the civil administration of the Pribilof Islands, Alaska.

(3) Public Law 89–702 (16 U.S.C. 1151 et seq.), popularly known and referred to in this subsection as the Fur Seal Act of 1966, is amended by amending section 206 (16 U.S.C. 1166) to read as follows:

"SEC. 206. (a)(1) Subject to the availability of appropriations, the Secretary shall provide financial assistance to any city government, village corporation, or tribal council of St. George, Alaska, or St. Paul, Alaska.

"(2) Notwithstanding any other provision of law relating to matching funds, funds provided by the Secretary as assistance under this subsection may be used by the entity as non-Federal matching funds under any Federal program that requires such matching funds.

"(3) The Secretary may not use financial assistance authorized by this Act—

"(A) to settle any debt owed to the United States;

"(B) for administrative or overhead expenses; or

"(C) for contributions sought or required from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

"(4) In providing assistance under this subsection the Secretary shall transfer any funds appropriated to carry out this section to the Secretary of the Interior, who shall obligate such funds through instruments and procedures that are equivalent to the instruments and procedures required to be used by the Bureau of Indian Affairs pursuant to title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

"(5) In any fiscal year for which less than all of the funds authorized under subsection (c)(1) are appropriated, such funds shall be distributed under this subsection on a pro rata basis among the entities referred to in subsection (c)(1) in the same proportions in which amounts are authorized by that subsection for grants to those entities.

"(b)(1) Subject to the availability of appropriations, the Secretary shall provide assistance to the State of Alaska for designing, locating, constructing, redeveloping, permitting, or certifying solid waste management facilities on the Pribilof Islands to be operated under permits issued to the City of St. George and the City of St. Paul, Alaska, by the State of Alaska under section 46.03.100 of the Alaska Statutes.

"(2) The Secretary shall transfer any appropriations received under paragraph (1) to the State of Alaska for the benefit of rural and Native villages in Alaska for obligation under section 303 of Public Law 104–182, except that subsection (b) of that section shall not apply to those funds.

"(3) In order to be eligible to receive financial assistance under this subsection, not later than 180 days after the date of enactment of this paragraph, each of the Cities of St. Paul and St. George shall enter into a written agreement with the State of Alaska under which such City shall identify by its legal boundaries the tract or tracts of land that such City has selected as the site for its solid waste management facility and any supporting infrastructure.

"(c) There are authorized to be appropriated to the Secretary for fiscal years 2001, 2002, 2003, 2004, and 2005—

"(1) for assistance under subsection (a) a total not to exceed—

"(A) $9,000,000, for grants to the City of St. Paul;

"(B) $6,300,000, for grants to the Tanadgusix Corporation;

"(C) $1,500,000, for grants to the St. Paul Tribal Council;

"(D) $6,000,000, for grants to the City of St. George;

"(E) $4,200,000, for grants to the St. George Tanaq Corporation; and

"(F) $1,000,000, for grants to the St. George Tribal Council; and

"(2) for assistance under subsection (b), for fiscal years 2001, 2002, 2003, 2004, and 2005 a total not to exceed—

"(A) $6,500,000 for the City of St. Paul; and

"(B) $3,500,000 for the City of St. George.

"(d) None of the funds authorized by this section may be available for any activity a purpose of which is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments, agencies, or commissions from communicating to Members of Congress, through proper channels, requests for legislation or appropriations that they consider necessary for the efficient conduct of public business.

"(e) Neither the United States nor any of its agencies, officers, or employees shall have any liability under this Act or any other law associated with or resulting from the designing, locating, contracting for, redeveloping, permitting, certifying, operating, or maintaining any solid waste management facility on the Pribilof Islands as a consequence of—

"(1) having provided assistance to the State of Alaska under subsection (b); or

"(2) providing funds for, or planning, constructing, or operating, any interim solid waste management facilities that may be required by the State of Alaska before permanent solid waste management facilities constructed with assistance provided under subsection (b) are complete and operational.

"(f) Each entity which receives assistance authorized under subsection (c) shall submit an audited statement listing the expenditure of that assistance to the Committee on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate, on the last day of fiscal years 2002, 2004, and 2006.

"(g) Amounts authorized under subsection (c) are intended by Congress to be provided in addition to the base funding appropriated to the National Oceanic and Atmospheric Administration in fiscal year 2000.".

(4) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165) is amended—

(A) by amending subsection (c) to read as follows:

"(c) Not later than 3 months after the date of the enactment of the Pribilof Islands Transition Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that includes—

"(1) a description of all property specified in the document referred to in subsection (a) that has been conveyed under that subsection;

"(2) a description of all Federal property specified in the document referred to in subsection (a) that is going to be conveyed under that subsection; and

"(3) an identification of all Federal property on the Pribilof Islands that will be retained by the Federal Government to meet its responsibilities under this Act, the Convention, and any other applicable law."; and

(B) by striking subsection (g).

(5)(A)(i) The Secretary of Commerce shall not be considered to have any obligation to promote or otherwise provide for the development of any form of an economy not dependent on sealing on the Pribilof Islands, Alaska, including any obligation under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note).

(ii) This subparagraph shall not affect any cause of action under section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166) or section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note)—

(I) that arose before the date of the enactment of this title; and

(II) for which a judicial action is filed before the expiration of the 5-year period beginning on the date of the enactment of this title.

(iii) Nothing in this subsection shall be construed to imply that—

(I) any obligation to promote or otherwise provide for the development in the Pribilof Islands of any form of an economy not dependent on sealing was or was not established by section 206 of the Fur Seal Act of 1966 (16 U.S.C. 1166), section 3(c)(1)(A) of Public Law 104–91 (16 U.S.C. 1165 note), or any other provision of law; or

(II) any cause of action could or could not arise with respect to such an obligation.

(iv) Section 3(c)(1) of Public Law 104–91 (16 U.S.C. 1165 note) is amended by striking subparagraph (A) and redesignating subparagraphs (B) through (D) in order as subparagraphs (A) through (C).

(B)(i) Subject to paragraph (5)(B)(ii), there are terminated all obligations of the Secretary of Commerce and the United States to—

(I) convey property under section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165); and

(II) carry out cleanup activities, including assessment, response, remediation, and monitoring, except for postremedial measures such as monitoring and operation and maintenance activities related to National Oceanic and Atmospheric Administration administration of the Pribilof Islands, Alaska, under section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996.

(ii) Paragraph (5)(B)(i) shall apply on and after the date on which the Secretary of Commerce certifies that—

(I) the State of Alaska has provided written confirmation that no further corrective action is required at the sites and operable units covered by the Pribilof Islands Environmental Restoration Agreement between the National Oceanic and Atmospheric Administration and the State of Alaska, signed January 26, 1996, with the exception of postremedial measures, such as monitoring and operation and maintenance activities;

(II) the cleanup required under section 3(a) of Public Law 104–91 (16 U.S.C. 1165 note) is complete;

(III) the properties specified in the document referred to in subsection (a) of section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165(a)) can be unconditionally offered for conveyance under that section; and

(IV) all amounts appropriated under section 206(c)(1) of the Fur Seal Act of 1966, as amended by this title, have been obligated.

(iii)(I) On and after the date on which section 3(b)(5) of Public Law 104–91 (16 U.S.C. 1165 note) is repealed pursuant to subparagraph (C), the Secretary of Commerce may not seek or require financial contribution by or from any local governmental entity of the Pribilof Islands, any official of such an entity, or the owner of land on the Pribilof Islands, for cleanup costs incurred pursuant to section 3(a) of Public Law 104–91 (as in effect before such repeal), except as provided in subparagraph (B)(iii)(II).

(II) Subparagraph (B)(iii)(I) shall not limit the authority of the Secretary of Commerce to seek or require financial contribution from any person for costs or fees to clean up any matter that was caused or contributed to by such person on or after March 15, 2000.

(iv) For purposes of paragraph (2)(C), the following requirements shall not be considered to be conditions on conveyance of property:

(I) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration continued access to the property to conduct environmental monitoring following remediation activities.

(II) Any requirement that a potential transferee must allow the National Oceanic and Atmospheric Administration access to the property to continue the operation, and eventual closure, of treatment facilities.

(III) Any requirement that a potential transferee must comply with institutional controls to ensure that an environmental cleanup remains protective of human health or the environment that do not unreasonably affect the use of the property.

(IV) Valid existing rights in the property, including rights granted by contract, permit, right-of-way, or easement.

(V) The terms of the documents described in subparagraph (d)(2).

(C) Effective on the date on which the Secretary of Commerce makes the certification described in subparagraph (b)(2), the following provisions are repealed:

(i) Section 205 of the Fur Seal Act of 1966 (16 U.S.C. 1165).

(ii) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note).

(D)(i) Nothing in this subsection shall affect any obligation of the Secretary of Commerce, or of any Federal department or agency, under or with respect to any document described in subparagraph (D)(ii) or with respect to any lands subject to such a document.

(ii) The documents referred to in subparagraph (D)(i) are the following:

(I) The Transfer of Property on the Pribilof Islands: Description, Terms, and Conditions, dated February 10, 1984, between the Secretary of Commerce and various Pribilof Island entities.

(II) The Settlement Agreement between Tanadgusix Corporation and the City of St. Paul, dated January 11, 1988, and approved by the Secretary of Commerce on February 23, 1988.

(III) The Memorandum of Understanding between Tanadgusix Corporation, Tanaq Corporation, and the Secretary of Commerce, dated December 22, 1976.

(E)(i) Except as provided in subparagraph (E)(ii), the definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this paragraph.

(ii) For purposes of this paragraph, the term "Natives of the Pribilof Islands" includes the Tanadgusix Corporation, the St. George Tanaq Corporation, and the city governments and tribal councils of St. Paul and St. George, Alaska.

(6)(A) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) are amended by—

(i) striking "(d)" and all that follows through the heading for subsection (d) of section 3 of Public Law 104–91 and inserting "SEC. 212."; and

(ii) moving and redesignating such subsection so as to appear as section 212 of the Fur Seal Act of 1966.

(B) Section 201 of the Fur Seal Act of 1966 (16 U.S.C. 1161) is amended by striking "on such Islands" and insert "on such property".

(C) The Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.) is amended by inserting before title I the following:

"SECTION 1. This Act may be cited as the 'Fur Seal Act of 1966'.".

(7) Section 3 of Public Law 104–91 (16 U.S.C. 1165 note) is amended—

(A) by striking subsection (f) and inserting the following:

"(f)(1) There are authorized to be appropriated $10,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005 for the purposes of carrying out this section.

"(2) None of the funds authorized by this subsection may be expended for the purpose of cleaning up or remediating any landfills, wastes, dumps, debris, storage tanks, property, hazardous or unsafe conditions, or contaminants, including petroleum products and their derivatives, left by the Department of Defense or any of its components on lands on the Pribilof Islands, Alaska."; and

(B) by adding at the end the following:

"(g)(1) Of amounts authorized under subsection (f) for each of fiscal years 2001, 2002, 2003, 2004, and 2005, the Secretary may provide to the State of Alaska up to $2,000,000 per fiscal year to capitalize a revolving fund to be used by the State for loans under this subsection.

"(2) The Secretary shall require that any revolving fund established with amounts provided under this subsection shall be used only to provide low-interest loans to Natives of the Pribilof Islands to assess, respond to, remediate, and monitor contamination from lead paint, asbestos, and petroleum from underground storage tanks.

"(3) The definitions set forth in section 101 of the Fur Seal Act of 1966 (16 U.S.C. 1151) shall apply to this section, except that the term 'Natives of the Pribilof Islands' includes the Tanadgusix and Tanaq Corporations.

"(4) Before the Secretary may provide any funds to the State of Alaska under this section, the State of Alaska and the Secretary must agree in writing that, on the last day of fiscal year 2011, and of each fiscal year thereafter until the full amount provided to the State of Alaska by the Secretary under this section has been repaid to the United States, the State of Alaska shall transfer to the Treasury of the United States monies remaining in the revolving fund, including principal and interest paid into the revolving fund as repayment of loans.".

(f)(1) The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall—

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding $4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (5) to be reflected in the Budget of the United States Government.

(g) Section 111(b)(1) of the Sustainable Fisheries Act (16 U.S.C. 1855 nt) is amended by striking the last sentence and inserting, "There are authorized to be appropriated to carry out this subsection $500,000 for each fiscal year.".

SEC. 145. (a) Section 4(b)(1) of the Department of State Special Agents Retirement Act of 1998 (22 U.S.C. 4044 note; Public Law 105–382; 112 Stat. 3409) is amended by inserting "or participant who was serving as of January 1, 1997" after "employed participant".

(b) The amendment made by this section shall take effect on January 1, 2001.

SEC. 146. (a) Congress makes the following findings:

(1) Total steel imports in 2000 will be over $2\frac{1}{2}$ times higher than in 1991, continuing the alarming trend of sharply increasing steel imports over the past decade.

(2) Unprecedented levels of steel imports flooded the United States market in 1998 and 1999, causing a crisis in which thousands of steelworkers were laid off and 6 steel companies went bankrupt.

(3) The domestic steel industry still has not had an opportunity to recover from the 1998–1999 steel import crisis, and steel imports are again causing serious injury to United States steel producers and workers.

(4) Total steel imports through August 2000 are 17 percent higher than over the same period in 1999 and greater even than imports over the same period in 1998, a record year.

(5) Steel prices continue to be depressed, with hot-rolled steel prices 12 percent lower in August 2000 than in the first quarter of 1998, and average import customs values for all steel products more than 15 percent lower over the same period.

(6) The United States Government must maintain and fully enforce all existing relief against foreign unfair trade.

(7) The United States steel industry is a clean, highly efficient industry having modernized itself at great human and financial cost, shedding over 330,000 jobs and investing more than $50,000,000,000 over the last 20 years.

(8) Capacity utilization in the United States steel industry has fallen sharply since the beginning of the year and the market capitalization and debt ratings of the major United States steel firms are at precarious levels.

(9) The Department of Commerce recently documented the underlying market-distorting practices and longstanding structural problems that plague the global steel trade with excess capacity and cause diversion of unfairly traded foreign steel to the United States.

(10) The President recognized that unfair trade played a significant role in the devastating import surge of steel and recognized the need to vigorously enforce the trade laws.

(b) Congress calls upon the President—

(1) to take all appropriate action within his power to provide relief from injury caused by steel imports; and

(2) to immediately request the United States International Trade Commission to commence an expedited investigation for positive adjustment under section 201 of the Trade Act of 1974 of such steel imports.

SEC. 147. Section 5(b)(1) of the Act of January 2, 1951 (15 U.S.C. 1175(b)(1); popularly known as the "Johnson Act") is amended by inserting "for a voyage or a segment of a voyage that begins and ends in the State of Hawaii, or" after "Except".

SEC. 148. (a) Section 312(a)(7) of the Communications Act of 1934 (47 U.S.C. 312(a)(7)) is amended by inserting ", other than a non-commercial educational broadcast station," after "use of a broadcasting station".

(b) The Federal Communications Commission shall take no action against any non-commercial educational broadcast station which declines to carry a political advertisement.

SEC. 149. The Small Business Innovation Research program, otherwise expiring at the end of fiscal year 2000, is authorized to continue in effect during fiscal year 2001.

SEC. 150. There is hereby appropriated for payment to the Ricky Ray Hemophilia Relief Fund, as provided by Public Law 105–369, $105,000,000, of which notwithstanding any other provision of law $10,000,000 shall be for program management of the Health Resources and Services Administration, to remain available until expended.

SEC. 151. (a) There is hereby appropriated to a separate account to be established in the Department of Labor for expenses of administering the Energy Employees Occupational Illness Compensation Act, $60,400,000, to remain available until expended: Provided, That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, such sums as may be necessary in FY 2001 to carry out those authorities.

(b) For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, amounts appropriated under subsection (a) shall be direct spending: Provided, That amounts appropriated annually thereafter for such administrative expenses shall be direct spending.

SEC. 152. TREATMENT OF CERTAIN CANCER HOSPITALS. (a) IN GENERAL.—Section 1886(d)(1)(B)(v) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(v)) is amended—

(1) in subclause (I) by striking "or" at the end;

(2) in subclause (II) by striking the semicolon at the end and inserting ", or"; and

(3) by adding at the end the following:

"(III) a hospital that was recognized as a clinical cancer research center by the National Cancer Institute of the National Institutes of Health as of February 18, 1998, that has never been reimbursed for inpatient hospital services pursuant to a reimbursement system under a demonstration project under section 1814(b), that is a freestanding facility organized primarily for treatment of and research on cancer and is not a unit of another hospital, that as of the date of the enactment of this subclause, is licensed for 162 acute care beds, and that demonstrates for the 4-year period ending on June 30, 1999, that at least 50 percent of its total discharges have a principal finding of neoplastic disease, as defined in subparagraph (E);" and

(b) CONFORMING AMENDMENT.—Section 1886(d)(1)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(E)) is amended by striking "For purposes of subparagraph (B)(v)(II)" and inserting "For purposes of subclauses (II) and (III) of subparagraph (B)(v)".

(c) PAYMENT.—

(1) APPLICATION TO COST REPORTING PERIODS.—Any classification by reason of section 1886(d)(1)(B)(v)(III) of the Social Security Act (as added by subsection (a)) shall apply to 12-month cost reporting periods beginning on or after July 1, 1999.

(2) BASE YEAR.—Notwithstanding the provisions of section 1886(b)(3)(E) of such Act (42 U.S.C. 1395ww(b)(3)(E)) or other provisions to the contrary, the base cost reporting period for purposes of determining the target amount for any hospital classified by reason of section 1886(d)(1)(B)(v)(III) of such Act (as added by subsection (a)) shall be the 12-month cost reporting period beginning on July 1, 1995.

(3) DEADLINE FOR PAYMENTS.—Any payments owed to a hospital by reason of this subsection shall be made expeditiously, but in no event later than 1 year after the date of the enactment of this Act.

SEC. 153. (a) Section 4(2) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460) is amended—

(1) by inserting "Alabama," before "Arkansas";

(2) in paragraph (G), by striking "and" at the end;

(3) in paragraph (H)—

(A) by striking "and" before "such"; and

(B) by inserting "and" after the semicolon at the end; and

(4) by adding at the end the following:

"(I) the Alabama counties of Pickens, Greene, Sumter, Choctaw, Clarke, Washington, Marengo, Hale, Perry, Wilcox, Lowndes, Bullock, Macon, Barbour, Russell, and Dallas;";

(b) At the end of section 382A of "The Delta Regional Authority Act of 2000" as incorporated in this Act, insert the following:

"(4) Notwithstanding any other provision of law, the State of Alabama shall be a full member of the Delta Regional Authority and shall be entitled to all rights and privileges that said membership affords to all other participating States in the Delta Regional Authority.".

SEC. 154. NORTHERN WISCONSIN.

(a) DEFINITION OF NORTHERN WISCONSIN.—In this section, the term "northern Wisconsin" means the counties of Douglas, Ashland, Bayfield, and Iron, Wisconsin.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of the Army may establish a pilot program to provide environmental assistance to non-Federal interests in northern Wisconsin.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and reconstruction assistance or water-related environmental infrastructure and resource protection and development projects in northern Wisconsin, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) PUBLIC OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) LOCAL COOPERATION AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or restructure protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR DESIGN WORK.—The non-Federal interest shall receive credit for the reasonable costs of design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project. The credit for the design work shall not exceed 6 percent of the local construction costs of the project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of the costs of a project that is the subject of an agreement under this subsection, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and reductions toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of the total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) REPORT.—Not later than December 31, 2001, the Secretary shall transmit to Congress a report on the results of the pilot program carried out under this section, including recommendations concerning whether the program should be implemented on a national basis.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

TITLE II—VIETNAM EDUCATION FOUNDATION ACT OF 2000

SECTION 201. SHORT TITLE.

This title may be cited as the "Vietnam Education Foundation Act of 2000".

SEC. 202. PURPOSES.

The purposes of this title are the following:

(1) To establish an international fellowship program under which—

(A) Vietnamese nationals can undertake graduate and post-graduate level studies in the sciences (natural, physical, and environmental), mathematics, medicine, and technology (including information technology); and

(B) United States citizens can teach in the fields specified in subparagraph (A) in appropriate Vietnamese institutions.

(2) To further the process of reconciliation between the United States and Vietnam and the building of a bilateral relationship serving the interests of both countries.

SEC. 203. DEFINITIONS.

In this title:

(1) BOARD.—The term "Board" means the Board of Directors of the Foundation.

(2) FOUNDATION.—The term "Foundation" means the Vietnam Education Foundation established in section 204.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(4) UNITED STATES-VIETNAM DEBT AGREEMENT.—The term "United States-Vietnam debt agreement" means the Agreement Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Regarding the Consolidation and Rescheduling of Certain Debts Owed to, Guaranteed by, or Insured by the United States Government and the Agency for International Development, dated April 7, 1997.

SEC. 204. ESTABLISHMENT.

There is established the Vietnam Education Foundation as an independent establishment of the executive branch under section 104 of title 5, United States Code.

SEC. 205. BOARD OF DIRECTORS.

(a) IN GENERAL.—The Foundation shall be subject to the supervision and direction of the Board of Directors, which shall consist of 13 members, as follows:

(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

(2) Two members of the Senate, appointed by the President pro tempore, one of whom shall be appointed upon the recommendation of the Majority Leader and one of whom shall be appointed upon the recommendation of the Minority Leader, and who shall serve as ex officio, nonvoting members.

(3) Secretary of State.

(4) Secretary of Education.

(5) Secretary of Treasury.

(6) Six members to be appointed by the President from among individuals in the nongovernmental sector who have academic excellence or experience in the fields of concentration specified in section 202(1)(A) or a general knowledge of Vietnam, not less than three of whom shall be drawn from academic life.

(b) ROTATION OF MEMBERSHIP.—(1) The term of office of each member appointed under subsection (a)(6) shall be 3 years, except that of the members initially appointed under that subsection, two shall serve for terms of one year, two shall serve for terms of two years, and two shall serve for terms of three years.

(2) A member of Congress appointed under subsection (a)(1) or (2) shall not serve as a member of the Board for more than a total of six years.

(c) CHAIR.—The Board shall elect one of the members appointed under subsection (a)(6) to serve as Chair.

(d) MEETINGS.—The Board shall meet upon the call of the Chair but not less frequently than twice each year. A majority of the voting members of the Board shall constitute a quorum.

(e) DUTIES.—The Board shall—

(1) select the individuals who will be eligible to serve as Fellows; and

(2) provide overall supervision and direction of the Foundation.

(f) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Board shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 206. FELLOWSHIP PROGRAM.

(a) AWARD OF FELLOWSHIPS.—

(1) IN GENERAL.—To carry out the purposes of this title, the Foundation shall award fellowships to—

(A) Vietnamese nationals to study at institutions of higher education in the United States at graduate and post-graduate levels in the following fields: physical sciences, natural sciences, mathematics, environmental sciences, medicine, technology, and computer sciences; and

(B) United States citizens to teach in Vietnam in appropriate Vietnamese institutions in the fields of study described in subparagraph (A).

(2) SPECIAL EMPHASIS ON SCIENTIFIC AND TECHNICAL VOCABULARY IN ENGLISH.—Fellowships awarded under paragraph (1) may include funding for the study of scientific and technical vocabulary in English.

(b) CRITERIA FOR SELECTION.—Fellowships under this title shall be awarded to persons who meet the minimum criteria established by the Foundation, including the following:

(1) VIETNAMESE NATIONALS.—Vietnamese candidates for fellowships shall have basic English proficiency and must have the ability to meet the criteria for admission into graduate or post-graduate programs in United States institutions of higher learning.

(2) UNITED STATES CITIZEN TEACHERS.—American teaching candidates shall be highly competent in their fields and be experienced and proficient teachers.

(c) IMPLEMENTATION.—The Foundation may provide, directly or by contract, for the conduct of nationwide competition for the purpose of selecting recipients of fellowships awarded under this section.

(d) AUTHORITY TO AWARD FELLOWSHIPS ON A MATCHING BASIS.—The Foundation may require, as a condition of the availability of funds for the award of a fellowship under this title, that an institution of higher education make available funds for such fellowship on a matching basis.

(e) FELLOWSHIP CONDITIONS.—A person awarded a fellowship under this title may receive payments authorized under this title only during such periods as the Foundation finds that the person is maintaining satisfactory proficiency and devoting full time to study or teaching, as appropriate, and is not engaging in gainful employment other than employment approved by the Foundation pursuant to regulations of the Board.

(f) FUNDING.—

(1) FISCAL YEAR 2001.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Foundation $5,000,000 for fiscal year 2001 to carry out the activities of the Foundation.

(B) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) are authorized to remain available until expended.

(2) FISCAL YEAR 2002 AND SUBSEQUENT FISCAL YEARS.—Effective October 1, 2001, the Foundation shall utilize funds transferred to the Foundation under section 07.

SEC. 207. VIETNAM DEBT REPAYMENT FUND.

(a) ESTABLISHMENT.—Notwithstanding any other provision of law, there is established in the Treasury a separate account which shall be known as the Vietnam Debt Repayment Fund (in this subsection referred to as the "Fund").

(b) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all payments (including interest payments) made by the Socialist Republic of Vietnam under the United States-Vietnam debt agreement.

(c) AVAILABILITY OF THE FUNDS.—

(1) FISCAL YEAR LIMITATION.—Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, $5,000,000 of the amounts deposited into the Fund (or accrued interest) each fiscal year shall be available to the Foundation, without fiscal year limitation, under paragraph (2).

(2) DISBURSEMENT OF FUNDS.—The Secretary of the Treasury, at least on a quarterly basis, shall transfer to the Foundation amounts allotted to the Foundation under paragraph (1) for the purpose of carrying out its activities.

(3) TRANSFER OF EXCESS FUNDS TO MISCELLANEOUS RECEIPTS.—Beginning with fiscal year 2002, and each subsequent fiscal year through fiscal year 2018, the Secretary of the Treasury shall withdraw from the Fund and deposit in the Treasury of the United States as miscellaneous receipts all moneys in the Fund in excess of amounts made available to the Foundation under paragraph (1).

(d) ANNUAL REPORT.—The Board shall prepare and submit annually to Congress statements of financial condition of the Fund, including the beginning balance, receipts, refunds to appropriations, transfers to the general fund, and the ending balance.

SEC. 208. FOUNDATION PERSONNEL MATTERS.

(a) APPOINTMENT BY BOARD.—There shall be an Executive Secretary of the Foundation who shall be appointed by the Board without regard to the provisions of title 5, United States Code, or any regulation thereunder, governing appointment in the competitive service. The Executive Director shall be the Chief Executive Officer *of the Foundation and shall carry out the functions of the Foundation subject to the supervision and direction of the Board. The Executive Director shall carry out such other functions consistent with the provisions of this title as the Board shall prescribe. The decision to employ or terminate an Executive Director shall be made by an affirmative vote of at least 6 of the 9 voting members of the Board.*

(b) PROFESSIONAL STAFF.—The Executive Director shall hire Foundation staff on the basis of professional and nonpartisan qualifications.

(c) EXPERTS AND CONSULTANTS.—The Executive Director may procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code to carry out the purposes of the Foundation.

(d) COMPENSATION.—The Board may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title V, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 209. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—In order to carry out this title, the Foundation may—

(1) prescribe such regulations as it considers necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than it be used for the purposes of the Foundation, and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) accept and use the services of voluntary and noncompensated personnel;

(4) enter into contracts or other arrangements, or make grants, to carry out the provisions of this title, and enter into such contracts or other arrangements, or make such grants, with the concurrence of a majority of the members of the Board, without performance or other bonds and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(5) rent office space in the District of Columbia; and

(6) make other necessary expenditures.

(b) ANNUAL REPORT.—The Foundation shall submit to the President and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an annual report of its operations under this title.

SEC. 210. TERMINATION.

(a) IN GENERAL.—The Foundation may not award any new fellowship, or extend any existing fellowship, after September 30, 2016.

(b) ABOLISHMENT.—Effective 120 days after the expiration of the last fellowship in effect under this title, the Foundation is abolished.

TITLE III—COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

SECTION 301. SHORT TITLE; FINDINGS; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "Colorado Ute Settlement Act Amendments of 2000".

(b) FINDINGS.—Congress makes the following findings:

(1) In order to provide for a full and final settlement of the claims of the Colorado Ute Indian Tribes on the Animas and La Plata Rivers, the Tribes, the State of Colorado, and certain of the non-Indian parties to the Agreement have proposed certain modifications to the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) The claims of the Colorado Ute Indian Tribes on all rivers in Colorado other than the Animas and La Plata Rivers have been settled in accordance with the provisions of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) The Indian and non-Indian communities of southwest Colorado and northwest New Mexico will be benefited by a settlement of the tribal claims on the Animas and La Plata Rivers that provides the Tribes with a firm water supply without taking water away from existing uses.

(4) The Agreement contemplated a specific timetable for the delivery of irrigation and municipal and industrial water and other benefits to the Tribes from the Animas-La Plata Project, which timetable has not been met. The provision of irrigation water can not presently be satisfied under the current implementation of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(5) In order to meet the requirements of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and in particular the various biological opinions issued by the Fish and Wildlife Service, the amendments made by this title are needed to provide for a significant reduction in the facilities and water supply contemplated under the Agreement.

(6) The substitute benefits provided to the Tribes under the amendments made by this title, including the waiver of capital costs and the provisions of funds for natural resource enhancement, result in a settlement that provides the Tribes with benefits that are equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(7) The requirement that the Secretary of the Interior comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other national environmental laws before implementing the proposed settlement will ensure that the satisfaction of the tribal water rights is accomplished in an environmentally responsible fashion.

(8) In considering the full range of alternatives for satisfying the water rights claims of the Southern Ute Indian Tribe and Ute Mountain Ute Indian Tribe, Congress has held numerous legislative hearings and deliberations, and reviewed the considerable record including the following documents:

(A) The Final EIS No. INT–FES–80–18, dated July 1, 1980.

(B) The Draft Supplement to the FES No. INT–DES–92–41, dated October 13, 1992.

(C) The Final Supplemental to the FES No. 96–23, dated April 26, 1996;

(D) The Draft Supplemental EIS, dated January 14, 2000.

(E) The Final Supplemental EIS, dated July 2000.

(F) The Record of Decision for the Settlement of the Colorado Ute Indian Waters, September 25, 2000.

(9) In the Record of Decision referred to in paragraph (8)(F), the Secretary determined that the preferred alternative could only proceed if Congress amended the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) so as to satisfy the Tribal water rights claim through the construction of the features authorized by this title. The amendments to the Colorado Ute Indian Water Rights Settlement Act of 1988 set forth in this title will provide the Ute Tribes with substitute benefits equivalent to those that the Tribes would have received under the Colorado Ute Indian Water Rights Settlement Act of 1988, in a manner consistent with paragraph (8) and the Federal Government's trust obligation.

(10) Based upon paragraph (8), it is the intent of Congress to enact legislation that implements the Record of Decision referred to in paragraph (8)(F).

(c) DEFINITIONS.—In this title:

(1) AGREEMENT.—The term "Agreement" has the meaning given that term in section 3(1) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(2) ANIMAS-LA PLATA PROJECT.—The term "Animas-La Plata Project" has the meaning given that term in section 3(2) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973).

(3) DOLORES PROJECT.—The term "Dolores Project" has the meaning given that term in section 3(3) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

(4) TRIBE; TRIBES.—The term "Tribe" or "Tribes" has the meaning given that term in section 3(6) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2974).

SEC. 302. AMENDMENTS TO SECTION 6 OF THE COLORADO UTE INDIAN WATER RIGHTS SETTLEMENT ACT OF 1988.

Subsection (a) of section 6 of the Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2975) is amended to read as follows:

"(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL WATER.—

"(1) FACILITIES.—

"(A) IN GENERAL.—After the date of enactment of this subsection, but prior to January 1, 2005, or the date established in the Amended Final Decree described in section 18(c), the Secretary, in order to settle the outstanding claims of the Tribes on the Animas and La Plata Rivers, acting through the Bureau of Reclamation, is specifically authorized to—

"(i) complete construction of, and operate and maintain, a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply, which facilities shall—

"(I) be designed and operated in accordance with the hydrologic regime necessary for the recovery of the endangered fish of the San Juan River as determined by the San Juan River Recovery Implementation Program;

"(II) be operated in accordance with the Animas-La Plata Project Compact as approved by Congress in Public Law 90-537;

"(III) include an inactive pool of an appropriate size to be determined by the Secretary following the completion of required environmental compliance activities; and

"(IV) include those recreation facilities determined to be appropriate by agreement between the State of Colorado and the Secretary that shall address the payment of any of the costs of such facilities by the State of Colorado in addition to the costs described in paragraph (3); and

"(ii) deliver, through the use of the project components referred to in clause (i), municipal and industrial water allocations—

"(I) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Southern Ute Indian Tribe for its present and future needs;

"(II) with an average annual depletion not to exceed 16,525 acre-feet of water, to the Ute Mountain Ute Indian Tribe for its present and future needs;

"(III) with an average annual depletion not to exceed 2,340 acre-feet of water, to the Navajo Nation for its present and future needs;

"(IV) with an average annual depletion not to exceed 10,400 acre-feet of water, to the San Juan

Water Commission for its present and future needs;

"(V) with an average annual depletion of an amount not to exceed 2,600 acre-feet of water, to the Animas-La Plata Conservancy District for its present and future needs;

"(VI) with an average annual depletion of an amount not to exceed 5,230 acre-feet of water, to the State of Colorado for its present and future needs; and

"(VII) with an average annual depletion of an amount not to exceed 780 acre-feet of water, to the La Plata Conservancy District of New Mexico for its present and future needs.

"(B) APPLICABILITY OF OTHER FEDERAL LAW.—The responsibilities of the Secretary described in subparagraph (A) are subject to the requirements of Federal laws related to the protection of the environment and otherwise applicable to the construction of the proposed facilities, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Water Act (42 U.S.C. 7401 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Nothing in this Act shall be construed to predetermine or otherwise affect the outcome of any analysis conducted by the Secretary or any other Federal official under applicable laws.

"(C) LIMITATION.—

"(i) IN GENERAL.—If constructed, the facilities described in subparagraph (A) shall constitute the Animas-La Plata Project. Construction of any other project features authorized by Public Law 90-537 shall not be commenced without further express authorization from Congress.

"(ii) CONTINGENCY IN APPLICATION.—If the facilities described in subparagraph (A) are not constructed and operated, clause (i) shall not take effect.

"(2) TRIBAL CONSTRUCTION COSTS.—Construction costs allocable to the facilities that are required to deliver the municipal and industrial water allocations described in subclauses (I), (II) and (III) of paragraph (1)(A)(ii) shall be nonreimbursable to the United States.

"(3) NONTRIBAL WATER CAPITAL OBLIGATIONS.—

"(A) IN GENERAL.—Under the provisions of section 9 of the Act of August 4, 1939 (43 U.S.C. 485h), the nontribal municipal and industrial water capital repayment obligations for the facilities described in paragraph (1)(A)(i) may be satisfied upon the payment in full of the nontribal water capital obligations prior to the initiation of construction. The amount of the obligations described in the preceding sentence shall be determined by agreement between the Secretary of the Interior and the entity responsible for such repayment as to the appropriate reimbursable share of the construction costs allocated to that entity's municipal water storage. Such repayment shall be consistent with Federal reclamation law, including the Colorado River Storage Project Act of 1956 (43 U.S.C. 620 et seq.). Such agreement shall take into account the fact that the construction of certain project facilities, including those facilities required to provide irrigation water supplies from the Animas-La Plata Project, is not authorized under paragraph (1)(A)(i) and no costs associated with the design or development of such facilities, including costs associated with environmental compliance, shall be allocable to the municipal and industrial users of the facilities authorized under such paragraph.

"(B) NONTRIBAL REPAYMENT OBLIGATION SUBJECT TO FINAL COST ALLOCATION.—The nontribal repayment obligation set forth in subparagraph (A) shall be subject to a final cost allocation by the Secretary upon project completion. In the event that the final cost allocation indicates that additional repayment is warranted based on the applicable entity's share of project water storage and determination of overall reimbursable cost, that entity may elect to enter into a new agreement to make the additional payment necessary to secure the full water supply identified in paragraph (1)(A)(ii). If the repayment entity elects not to enter into a new agreement, the portion of project storage relinquished by such election shall be available to the Secretary for allocation to other project purposes. Additional repayment shall only be warranted for reasonable and unforeseen costs associated with project construction as determined by the Secretary in consultation with the relevant repayment entities.

"(C) REPORT.—Not later than April 1, 2001, the Secretary shall report to Congress on the status of the cost-share agreements contemplated in subparagraph (A). In the event that no agreement is reached with either the Animas-La Plata Conservancy District or the State of Colorado for the water allocations set forth in subclauses (V) and (VI) of paragraph (1)(A)(ii), those allocations shall be reallocated equally to the Colorado Ute Tribes.

"(4) TRIBAL WATER ALLOCATIONS.—

"(A) IN GENERAL.—With respect to municipal and industrial water allocated to a Tribe from the Animas-La Plata Project or the Dolores Project, until that water is first used by a Tribe or used pursuant to a water use contract with the Tribe, the Secretary shall pay the annual operation, maintenance, and replacement costs allocable to that municipal and industrial water allocation of the Tribe.

"(B) TREATMENT OF COSTS.—A Tribe shall not be required to reimburse the Secretary for the payment of any cost referred to in subparagraph (A).

"(5) REPAYMENT OF PRO RATA SHARE.—Upon a Tribe's first use of an increment of a municipal and industrial water allocation described in paragraph (4), or the Tribe's first use of such water pursuant to the terms of a water use contract—

"(A) repayment of that increment's pro rata share of those allocable construction costs for the Dolores Project shall be made by the Tribe; and

"(B) the Tribe shall bear a pro rata share of the allocable annual operation, maintenance, and replacement costs of the increment as referred to in paragraph (4).".

SEC. 303. MISCELLANEOUS.

The Colorado Ute Indian Water Rights Settlement Act of 1988 (Public Law 100–585; 102 Stat. 2973) is amended by adding at the end the following:

"SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MATTERS.

"(a) ASSIGNMENT OF WATER PERMIT.—Upon the request of the State Engineer of the State of New Mexico, the Secretary shall, as soon as practicable, in a manner consistent with applicable law, assign, without consideration, to the New Mexico Animas-La Plata Project beneficiaries or to the New Mexico Interstate Stream Commission in accordance with the request of the State Engineer, the Department of the Interior's interest in New Mexico State Engineer Permit Number 2883, dated May 1, 1956, in order to fulfill the New Mexico non-Navajo purposes of the Animas-La Plata Project, so long as the permit assignment does not affect the application of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to the use of the water involved.

"(b) NAVAJO NATION MUNICIPAL PIPELINE.—The Secretary is specifically authorized to construct a water line to augment the existing system that conveys the municipal water supplies, in an amount not less than 4,680 acre-feet per year, to the Navajo Indian Reservation at or near Shiprock, New Mexico. The Secretary shall comply with all applicable environmental laws with respect to such water line. Construction costs allocated to the Navajo Nation for such water line shall be nonreimbursable to the United States.

"(c) PROTECTION OF NAVAJO WATER CLAIMS.—Nothing in this Act, including the permit assignment authorized by subsection (a), shall be construed to quantify or otherwise adversely affect the water rights and the claims of entitlement to water of the Navajo Nation.

"SEC. 16. RESOURCE FUNDS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $8,000,000 for each of fiscal years 2002 through 2006. Not later than 60 days after amounts are appropriated and available to the Secretary for a fiscal year under this paragraph, the Secretary shall make a payment to each of the Tribal Resource Funds established under subsection (b). Each such payment shall be equal to 50 percent of the amount appropriated for the fiscal year involved.

"(b) FUNDS.—The Secretary shall establish a—

"(1) Southern Ute Tribal Resource Fund; and

"(2) Ute Mountain Ute Tribal Resource Fund.

"(c) TRIBAL DEVELOPMENT.—

"(1) INVESTMENT.—The Secretary shall, in the absence of an approved tribal investment plan provided for under paragraph (2), invest the amount in each Tribal Resource Fund established under subsection (b) in accordance with the Act entitled, 'An Act to authorize the deposit and investment of Indian funds' approved June 24, 1938 (25 U.S.C. 162a). With the exception of the funds referred to in paragraph (3)(B)(i), the Secretary shall disburse, at the request of a Tribe, the principal and income in its Resource Fund, or any part thereof, in accordance with a resource acquisition and enhancement plan approved under paragraph (3).

"(2) INVESTMENT PLAN.—

"(A) IN GENERAL.—In lieu of the investment provided for in paragraph (1), a Tribe may submit a tribal investment plan applicable to all or part of the Tribe's Tribal Resource Fund, except with respect to the funds referred to in paragraph (3)(B)(i).

"(B) APPROVAL.—Not later than 60 days after the date on which an investment plan is submitted under subparagraph (A), the Secretary shall approve such investment plan if the Secretary finds that the plan is reasonable and sound. If the Secretary does not approve such investment plan, the Secretary shall set forth in writing and with particularity the reasons for such disapproval. If such investment plan is approved by the Secretary, the Tribal Resource Fund involved shall be disbursed to the Tribe to be invested by the Tribe in accordance with the approved investment plan, subject to subsection (d).

"(C) COMPLIANCE.—The Secretary may take such steps as the Secretary determines to be necessary to monitor the compliance of a Tribe with an investment plan approved under subparagraph (B). The United States shall not be responsible for the review, approval, or audit of any individual investment under the plan. The United States shall not be directly or indirectly liable with respect to any such investment, including any act or omission of the Tribe in managing or investing such funds.

"(D) ECONOMIC DEVELOPMENT PLAN.—The principal and income derived from tribal investments under an investment plan approved under subparagraph (B) shall be subject to the provisions of this section and shall be expended only in accordance with an economic development plan approved under paragraph (3)(B).

"(3) ECONOMIC DEVELOPMENT PLAN.—

"(A) IN GENERAL.—Each Tribe shall submit to the Secretary a resource acquisition and enhancement plan for all or any portion of its Tribal Resource Fund.

"(B) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under subparagraph (A), the Secretary shall approve such plan if it is consistent with the following requirements:

"(i) With respect to at least ¾ of the funds appropriated pursuant to this section and consistent with the long-standing practice of the Tribes and other local entities and communities to work together to use their respective water rights and resources for mutual benefit, at least ¾ of the funds appropriated pursuant to this section shall be utilized to enhance, restore, and utilize the Tribes' natural resources in partnership with adjacent non-Indian communities or entities in the area.

"(ii) The plan must be reasonably related to the protection, acquisition, enhancement, or development of natural resources for the benefit of the Tribe and its members.

"(iii) Notwithstanding any other provision of law and in order to ensure that the Federal Government fulfills the objectives of the Record of Decision referred to in section 301(b)(8)(F) of the Colorado Ute Settlement Act Amendments of 2000 by requiring that the funds referred to in clause (i) are expended directly by employees of the Federal Government, the Secretary acting through the Bureau of Reclamation shall expend not less than ⅓ of the funds referred to in clause (i) for municipal or rural water development and not less than ⅔ of the funds referred to such clause for resource acquisition and enhancement.

"(C) MODIFICATION.—Subject to the provisions of this Act and the approval of the Secretary, each Tribe may modify a plan approved under subparagraph (B).

"(D) LIABILITY.—The United States shall not be directly or indirectly liable for any claim or cause of action arising from the approval of a plan under this paragraph, or from the use and expenditure by the Tribe of the principal or interest of the Funds.

"(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—No part of the principal contained in the Tribal Resource Fund, or of the income accruing to such funds, or the revenue from any water use contract, shall be distributed to any member of either Tribe on a per capita basis.

"(e) LIMITATION ON SETTING ASIDE FINAL CONSENT DECREE.—Neither the Tribes nor the United States shall have the right to set aside the final consent decree solely because the requirements of subsection (c) are not complied with or implemented.

"(f) LIMITATION ON DISBURSEMENT OF TRIBAL RESOURCE FUNDS.—Any funds appropriated under this section shall be placed into the Southern Ute Tribal Resource Fund and the Ute Mountain Ute Tribal Resource Fund in the Treasury of the United States but shall not be available for disbursement under this section until the final settlement of the tribal claims as provided in section 18. The Secretary of the Interior may, in the Secretary's sole discretion, authorize the disbursement of funds prior to the final settlement in the event that the Secretary determines that substantial portions of the settlement have been completed. In the event that the funds are not disbursed under the terms of this section by December 31, 2012, such funds shall be deposited in the general fund of the Treasury.

"SEC. 17. COLORADO UTE SETTLEMENT FUND.

"(a) ESTABLISHMENT OF FUND.—There is hereby established within the Treasury of the United States a fund to be known as the 'Colorado Ute Settlement Fund'.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Colorado Ute Settlement Fund such funds as are necessary to complete the construction of the facilities described in sections 6(a)(1)(A) and 15(b) within 7 years of the date of enactment of this section. Such funds are authorized to be appropriated for each of the first 5 fiscal years beginning with the first full fiscal year following the date of enactment of this section.

"SEC. 18. FINAL SETTLEMENT.

"(a) IN GENERAL.—The construction of the facilities described in section 6(a)(1)(A), the allocation of the water supply from those facilities to the Tribes as described in that section, and the provision of funds to the Tribes in accordance with section 16 and the issuance of an amended final consent decree as contemplated in subsection (c) shall constitute final settlement of the tribal claims to water rights on the Animas and La Plata Rivers in the State of Colorado.

"(b) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to affect the right of the Tribes to water rights on the streams and rivers described in the Agreement, other than the Animas and La Plata Rivers, to receive the amounts of water dedicated to tribal use under the Agreement, or to acquire water rights under the laws of the State of Colorado.

"(c) ACTION BY THE ATTORNEY GENERAL.—The Attorney General shall file with the District Court, Water Division Number 7, of the State of Colorado, such instruments as may be necessary to request the court to amend the final consent decree to provide for the amendments made to this Act under the Colorado Ute Indian Water Rights Settlement Act Amendments of 2000. The amended final consent decree shall specify terms and conditions to provide for an extension of the current January 1, 2005, deadline for the Tribes to commence litigation of their reserved rights claims on the Animas and La Plata Rivers.

"SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF CERTAIN FUNDS.

"(a) IN GENERAL.—Nothing in the amendments made by the Colorado Ute Settlement Act Amendments of 2000 shall be construed to affect the applicability of any provision of this Act.

"(b) TREATMENT OF UNCOMMITTED PORTION OF COST-SHARING OBLIGATION.—The uncommitted portion of the cost-sharing obligation of the State of Colorado referred to in section 6(a)(3) shall be made available, upon the request of the State of Colorado, to the State of Colorado after the date on which payment is made of the amount specified in that section.".

TITLE IV

SECTION 401. DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY.

(a) IN GENERAL.—The Museum—

(1) is designated as the "American Museum of Science and Energy"; and

(2) shall be the official museum of science and energy of the United States.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Museum is deemed to be a reference to the "American Museum of Science and Energy".

(c) PROPERTY OF THE UNITED STATES.—

(1) IN GENERAL.—The name "American Museum of Science and Energy" is declared the property of the United States.

(2) USE.—The Museum shall have the sole right throughout the United States and its possessions to have and use the name "American Museum of Science and Energy".

(3) EFFECT ON OTHER RIGHTS.—This subsection shall not be construed to conflict or interfere with established or vested rights.

SEC. 402. AUTHORITY.

To carry out the activities of the Museum, the Secretary may—

(1) accept and dispose of any gift, devise, or bequest of services or property, real or personal, that is—

(A) designated in a written document by the person making the gift, devise, or bequest as intended for the Museum; and

(B) determined by the Secretary to be suitable and beneficial for use by the Museum;

(2) operate a retail outlet on the premises of the Museum for the purpose of selling or distributing items (including mementos, food, educational materials, replicas, and literature) that are—

(A) relevant to the contents of the Museum; and

(B) informative, educational, and tasteful;

(3) collect reasonable fees where feasible and appropriate;

(4) exhibit, perform, display, and publish materials and information of or relating to the Museum in any media or place;

(5) consistent with guidelines approved by the Secretary, lease space on the premises of the Museum at reasonable rates and for uses consistent with such guidelines; and

(6) use the proceeds of activities authorized under this section to pay the costs of the Museum.

SEC. 403. MUSEUM VOLUNTEERS.

(a) AUTHORITY TO USE VOLUNTEERS.—The Secretary may recruit, train, and accept the services of individuals or entities as volunteers for services or activities related to the Museum.

(b) STATUS OF VOLUNTEERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), service by a volunteer under subsection (a) shall not be considered Federal employment.

(2) EXCEPTIONS.—

(A) FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code, a volunteer under subsection (a) shall be treated as an employee of the Government (as defined in section 2671 of that title).

(B) COMPENSATION FOR WORK INJURIES.—For purposes of subchapter I of chapter 81 of title 5, United States Code, a volunteer described in subsection (a) shall be treated as an employee (as defined in section 8101 of title 5, United States Code).

(c) COMPENSATION.—A volunteer under subsection (a) shall serve without pay, but may receive nominal awards and reimbursement for incidental expenses, including expenses for a uniform or transportation in furtherance of Museum activities.

SEC. 404. DEFINITIONS.

For purposes of this Act:

(1) MUSEUM.—The term "Museum" means the museum operated by the Secretary of Energy and located at 300 South Tulane Avenue in Oak Ridge, Tennessee.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy or a designated representative of the Secretary.

TITLE V—LOWER MISSISSIPPI RIVER REGION

SEC. 501. SHORT TITLE.

This title may be cited as the "Delta Regional Authority Act of 2000".

SEC. 502. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the lower Mississippi River region (referred to in this title as the "region"), though rich in natural and human resources, lags behind the rest of the United States in economic growth and prosperity;

(2) the region suffers from a greater proportion of measurable poverty and unemployment than any other region of the United States;

(3) the greatest hope for economic growth and revitalization in the region lies in the development of transportation infrastructure, creation of jobs, expansion of businesses, and development of entrepreneurial local economies;

(4) the economic progress of the region requires an adequate transportation and physical

infrastructure, a skilled and trained workforce, and greater opportunities for enterprise development and entrepreneurship;

(5) a concerted and coordinated effort among Federal, State, and local agencies, the private sector, and nonprofit groups is needed if the region is to achieve its full potential for economic development;

(6) economic development planning on a regional or multicounty basis offers the best prospect for achieving the maximum benefit from public and private investments; and

(7) improving the economy of the region requires a special emphasis on areas of the region that are most economically distressed.

(b) PURPOSES.—The purposes of this title are—

(1) to promote and encourage the economic development of the region—

(A) to ensure that the communities and people in the region have the opportunity for economic development; and

(B) to ensure that the economy of the region reaches economic parity with that of the rest of the United States;

(2) to establish a formal framework for joint Federal-State collaboration in meeting and focusing national attention on the economic development needs of the region;

(3) to assist the region in obtaining the transportation and basic infrastructure, skills training, and opportunities for economic development that are essential for strong local economies;

(4) to foster coordination among all levels of government, the private sector, and nonprofit groups in crafting common regional strategies that will lead to broader economic growth;

(5) to strengthen efforts that emphasize regional approaches to economic development and planning;

(6) to encourage the participation of interested citizens, public officials, agencies, and others in developing and implementing local and regional plans for broad-based economic and community development; and

(7) to focus special attention on areas of the region that suffer from the greatest economic distress.

SEC. 503. DELTA REGIONAL AUTHORITY.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"Subtitle F—Delta Regional Authority

"SEC. 382A. DEFINITIONS.

"In this subtitle:

"(1) AUTHORITY.—The term 'Authority' means the Delta Regional Authority established by section 382B.

"(2) REGION.—The term 'region' means the Lower Mississippi (as defined in section 4 of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460)).

"(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in—

"(A) acquiring or developing land;

"(B) constructing or equipping a highway, road, bridge, or facility; or

"(C) carrying out other economic development activities.

"SEC. 382B. DELTA REGIONAL AUTHORITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the Delta Regional Authority.

"(2) COMPOSITION.—The Authority shall be composed of—

"(A) a Federal member, to be appointed by the President, with the advice and consent of the Senate; and

"(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority.

"(3) COCHAIRPERSONS.—The Authority shall be headed by—

"(A) the Federal member, who shall serve—

"(i) as the Federal cochairperson; and

"(ii) as a liaison between the Federal Government and the Authority; and

"(B) a State cochairperson, who—

"(i) shall be a Governor of a participating State in the region; and

"(ii) shall be elected by the State members for a term of not less than 1 year.

"(b) ALTERNATE MEMBERS.—

"(1) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be—

"(A) a resident of that State; and

"(B) appointed by the Governor of the State.

"(2) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

"(3) QUORUM.—A State alternate shall not be counted toward the establishment of a quorum of the Authority in any instance in which a quorum of the State members is required to be present.

"(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any Authority member, shall be delegated to any person—

"(A) who is not a Authority member; or

"(B) who is not entitled to vote in Authority meetings.

"(c) VOTING.—

"(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.

"(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

"(A) a modification or revision of a Authority policy decision;

"(B) approval of a State or regional development plan; and

"(C) any allocation of funds among the States.

"(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

"(A) a responsibility of the Authority; and

"(B) conducted in accordance with section 382I.

"(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State representative for which the alternate member is an alternate.

"(d) DUTIES.—The Authority shall—

"(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, and local planning and development activities in the region;

"(2) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional outcome targets);

"(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

"(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation;

"(5) work with State and local agencies in developing appropriate model legislation;

"(6)(A) enhance the capacity of, and provide support for, local development districts in the region; or

"(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

"(7) encourage private investment in industrial, commercial, and other economic development projects in the region; and

"(8) cooperate with and assist State governments with economic development programs of participating States.

"(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

"(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

"(2) authorize, through the Federal or State co-chairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath; and

"(3) request from any Federal, State, or local department or agency such information as may be available to or procurable by the department or agency that may be of use to the Authority in carrying out duties of the Authority;

"(4) adopt, amend, and repeal bylaws and rules governing the conduct of Authority business and the performance of Authority duties;

"(5) request the head of any Federal department or agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

"(6) request the head of any State department or agency or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

"(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

"(A) making arrangements or entering into contracts with any participating State government; or

"(B) otherwise providing retirement and other employee benefit coverage;

"(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

"(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

"(A) any department, agency, or instrumentality of the United States;

"(B) any State (including a political subdivision, agency, or instrumentality of the State); or

"(C) any person, firm, association, or corporation; and

"(10) establish and maintain a central office and field offices at such locations as the Authority may select.

"(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

"(1) cooperate with the Authority; and

"(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

"(g) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Administrative expenses of the Authority (except for the expenses of the Federal cochairperson, including expenses of the alternate and staff of the Federal cochairperson, which shall be paid solely by the Federal Government) shall be paid—

"(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses; and

"(B) by the States in the region participating in the Authority, in an amount equal to 50 percent of the administrative expenses.

"(2) STATE SHARE.—

"(A) IN GENERAL.—The share of administrative expenses of the Authority to be paid by each State shall be determined by the Authority.

"(B) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (A).

"(C) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

"(i) no assistance under this subtitle shall be furnished to the State (including assistance to a political subdivision or a resident of the State); and

"(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

"(h) COMPENSATION.—

"(1) FEDERAL COCHAIRPERSON.—The Federal cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code.

"(2) ALTERNATE FEDERAL COCHAIRPERSON.—The alternate Federal cochairperson—

"(A) shall be compensated by the Federal Government at level V of the Executive Schedule described in paragraph (1); and

"(B) when not actively serving as an alternate for the Federal cochairperson, shall perform such functions and duties as are delegated by the Federal cochairperson.

"(3) STATE MEMBERS AND ALTERNATES.—

"(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by law of the State.

"(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate to the Authority.

"(4) DETAILED EMPLOYEES.—

"(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

"(i) any source other than the State, local, or intergovernmental department or agency from which the person was detailed; or

"(ii) the Authority.

"(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

"(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

"(5) ADDITIONAL PERSONNEL.—

"(A) COMPENSATION.—

"(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

"(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

"(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

"(i) the carrying out of the administrative duties of the Authority;

"(ii) direction of the Authority staff; and

"(iii) such other duties as the Authority may assign.

"(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

"(i) CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—Except as provided under paragraph (2), no State member, alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee—

"(A) the member, alternate, officer, or employee;

"(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

"(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment;

has a financial interest.

"(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, alternate, officer, or employee—

"(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

"(B) makes full disclosure of the financial interest; and

"(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, alternate, officer, or employee.

"(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

"(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4), subsection (i), or sections 202 through 209 of title 18, United States Code.

"SEC. 382C. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

"(a) IN GENERAL.—The Authority may approve grants to States and public and nonprofit entities for projects, approved in accordance with section 382I—

"(1) to develop the transportation infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may only be made to a State or local government);

"(2) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

"(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

"(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

"(5) to otherwise achieve the purposes of this subtitle.

"(b) FUNDING.—

"(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

"(A) entirely from appropriations to carry out this section;

"(B) in combination with funds available under another Federal or Federal grant program; or

"(C) from any other source.

"(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal and State resources in the region, Federal funds available under this subtitle shall be focused on the activities in the following order or priority:

"(A) Basic public infrastructure in distressed counties and isolated areas of distress.

"(B) Transportation infrastructure for the purpose of facilitating economic development in the region.

"(C) Business development, with emphasis on entrepreneurship.

"(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

"(3) FEDERAL SHARE IN GRANT PROGRAMS.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines appropriate.

"SEC. 382D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

"(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

"(1) they lack the economic resources to meet the required matching share; or

"(2) there are insufficient funds available under the applicable Federal grant law authorizing the program to meet pressing needs of the region.

"(b) FEDERAL GRANT PROGRAM FUNDING.—In accordance with subsection (c), the Federal cochairperson may use amounts made available to carry out this subtitle, without regard to any limitations on areas eligible for assistance or authorizations for appropriation under any other Act, to fund all or any portion of the basic Federal contribution to a project or activity under a Federal grant program in the region in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but not to exceed 90 percent of the costs of the project (except as provided in section 382F(b)).

"(c) CERTIFICATION.—

"(1) IN GENERAL.—In the case of any program or project for which all or any portion of the basic Federal contribution to the project under a Federal grant program is proposed to be made under this section, no Federal contribution shall be made until the Federal official administering the Federal law authorizing the contribution certifies that the program or project—

"(A) meets the applicable requirements of the applicable Federal grant law; and

"(B) could be approved for Federal contribution under the law if funds were available under the law for the program or project.

"(2) CERTIFICATION BY AUTHORITY.—

"(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this subtitle in accordance with section 382I—

"(i) shall be controlling; and

"(ii) shall be accepted by the Federal agencies.

"(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—Any finding, report, certification, or documentation required to be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of any Federal grant program shall be accepted by the Federal cochairperson with respect to a supplemental grant for any project under the program.

"SEC. 382E. LOCAL DEVELOPMENT DISTRICTS; CERTIFICATION AND ADMINISTRATIVE EXPENSES.

"(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term 'local development district' means an entity that—

"(1) is—

"(A) a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

"(B) where an entity described in subparagraph (A) does not exist—

"(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

"(ii) governed by a policy board with at least a simple majority of members consisting of elected officials or employees of a general purpose unit of local government who have been appointed to represent the government;

"(iii) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

"(I) by the Governor of each State in which the entity is located; or

"(II) by the State officer designated by the appropriate State law to make the certification; and

"(iv)(I) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

"(II) a nonprofit agency or instrumentality of a State or local government;

"(III) a public organization established before the date of enactment of this subtitle under State law for creation of multi-jurisdictional, area-wide planning organizations; or

"(IV) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subclauses (I) through (III); and

"(2) has not, as certified by the Federal cochairperson—

"(A) inappropriately used Federal grant funds from any Federal source; or

"(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

"(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

"(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section.

"(2) CONDITIONS FOR GRANTS.—

"(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

"(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

"(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

"(1) operate as a lead organization serving multicounty areas in the region at the local level; and

"(2) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

"(A) are involved in multijurisdictional planning;

"(B) provide technical assistance to local jurisdictions and potential grantees; and

"(C) provide leadership and civic development assistance.

"SEC. 382F. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.

"(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this subtitle, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

"(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty or unemployment;

"(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

"(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty or unemployment.

"(b) DISTRESSED COUNTIES.—

"(1) IN GENERAL.—The Authority shall allocate at least 75 percent of the appropriations made available under section 382M for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

"(2) FUNDING LIMITATIONS.—The funding limitations under section 382D(b) shall not apply to a project providing transportation or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

"(c) NONDISTRESSED COUNTIES.—

"(1) IN GENERAL.—Except as provided in this subsection, no funds shall be provided under this subtitle for a project located in a county designated as a nondistressed county under subsection (a)(2).

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 382E(b).

"(B) MULTICOUNTY PROJECTS.—The Authority may waive the application of the funding prohibition under paragraph (1) to—

"(i) a multicounty project that includes participation by a nondistressed county; or

"(ii) any other type of project;

if the Authority determines that the project could bring significant benefits to areas of the region outside a nondistressed county.

"(C) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

"(i) by the most recent Federal data available; or

"(ii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"(d) TRANSPORTATION AND BASIC PUBLIC INFRASTRUCTURE.—The Authority shall allocate at least 50 percent of any funds made available under section 382M for transportation and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 382C(a).

"SEC. 382G. DEVELOPMENT PLANNING PROCESS.

"(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

"(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 382B(d)(2).

"(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

"(1) consult with—

"(A) local development districts; and

"(B) local units of government; and

"(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

"(d) PUBLIC PARTICIPATION.—

"(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

"(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

"SEC. 382H. PROGRAM DEVELOPMENT CRITERIA.

"(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance provided by the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

"(1) the relationship of the project or class of projects to overall regional development;

"(2) the per capita income and poverty and unemployment rates in an area;

"(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

"(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

"(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area served by the project; and

"(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

"(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist a person or entity in relocating from 1 area to another, except that financial assistance may be used as otherwise authorized by this title to attract businesses from outside the region to the region.

"(c) REDUCTION OF FUNDS.—Funds may be provided for a program or project in a State under this subtitle only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

"SEC. 382I. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

"(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Authority.

''(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

''(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

''(1) describes ways in which the project complies with any applicable State development plan;

''(2) meets applicable criteria under section 382H;

''(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

''(4) otherwise meets the requirements of this subtitle.

''(d) VOTES FOR DECISIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 382B(c) shall be required for approval of the application.

"SEC. 382J. CONSENT OF STATES.

''Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

"SEC. 382K. RECORDS.

''(a) RECORDS OF THE AUTHORITY.—

''(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

''(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

''(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report on the transactions and activities to the Authority.

''(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

''(c) ANNUAL AUDIT.—The Inspector General of the Department of Agriculture shall audit the activities, transactions, and records of the Authority on an annual basis.

"SEC. 382L. ANNUAL REPORT.

''Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

"SEC. 382M. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this subtitle $30,000,000 for each of fiscal years 2001 through 2002, to remain available until expended.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

"SEC. 382N. TERMINATION OF AUTHORITY.

''This subtitle and the authority provided under this subtitle expire on October 1, 2002.''.

SEC. 504. AREA COVERED BY LOWER MISSISSIPPI DELTA DEVELOPMENT COMMISSION.

(a) IN GENERAL.—Section 4(2)(D) of the Delta Development Act (42 U.S.C. 3121 note; 102 Stat. 2246) is amended by inserting ''Natchitoches,'' after ''Winn,''.

(b) CONFORMING AMENDMENT.—The matter under the heading ''SALARIES AND EXPENSES'' under the heading ''FARMERS HOME ADMINISTRATION'' in title II of Public Law 100–460 (102 Stat. 2246) is amended in the fourth proviso by striking ''carry out'' and all that follows through ''bills are hereby'' and inserting ''carry out S. 2836, the Delta Development Act, as introduced in the Senate on September 27, 1988, and that bill is''.

TITLE VI—DAKOTA WATER RESOURCES ACT OF 2000

SECTION 601. SHORT TITLE.

This title may be cited as the ''Dakota Water Resources Act of 2000''.

SEC. 602. PURPOSES AND AUTHORIZATION.

Section 1 of Public Law 89–108 (79 Stat. 433; 100 Stat. 418) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''of'' and inserting ''within'';

(B) in paragraph (5), by striking ''more timely'' and inserting ''appropriate''; and

(C) in paragraph (7), by striking ''federally-assisted water resource development project providing irrigation for 130,940 acres of land'' and inserting ''multipurpose federally assisted water resource project providing irrigation, municipal, rural, and industrial water systems, fish, wildlife, and other natural resource conservation and development, recreation, flood control, ground water recharge, and augmented stream flows'';

(2) in subsection (b)—

(A) by inserting '', jointly with the State of North Dakota,'' after ''construct'';

(B) by striking ''the irrigation of 130,940 acres'' and inserting ''irrigation'';

(C) by striking ''fish and wildlife conservation'' and inserting ''fish, wildlife, and other natural resource conservation'';

(D) by inserting ''augmented stream flows, ground water recharge,'' after ''flood control,''; and

(E) by inserting ''(as modified by the Dakota Water Resources Act of 2000)'' before the period at the end;

(3) in subsection (e), by striking ''terminated'' and all that follows and inserting ''terminated.''; and

(4) by striking subsections (f) and (g) and inserting the following:

''(f) COSTS.—

''(1) ESTIMATE.—The Secretary shall estimate—

''(A) the actual construction costs of the facilities (including mitigation facilities) in existence as of the date of enactment of the Dakota Water Resources Act of 2000; and

''(B) the annual operation, maintenance, and replacement costs associated with the used and unused capacity of the features in existence as of that date.

''(2) REPAYMENT CONTRACT.—An appropriate repayment contract shall be negotiated that provides for the making of a payment for each payment period in an amount that is commensurate with the percentage of the total capacity of the project that is in actual use during the payment period.

''(3) OPERATION AND MAINTENANCE COSTS.—Except as otherwise provided in this Act or Reclamation Law—

''(A) The Secretary shall be responsible for the costs of operation and maintenance of the proportionate share of unit facilities in existence on the date of enactment of the Dakota Water Resources Act of 2000 attributable to the capacity of the facilities (including mitigation facilities) that remain unused;

''(B) The State of North Dakota shall be responsible for costs of operation and maintenance of the proportionate share of existing unit facilities that are used and shall be responsible for the full costs of operation and maintenance of any facility constructed after the date of enactment of the Dakota Water Resources Act of 2000; and

''(C) The State of North Dakota shall be responsible for the costs of providing energy to authorized unit facilities.

''(g) AGREEMENT BETWEEN THE SECRETARY AND THE STATE.—The Secretary shall enter into 1 or more agreements with the State of North Dakota to carry out this Act, including operation and maintenance of the completed unit facilities and the design and construction of authorized new unit facilities by the State.

''(h) BOUNDARY WATERS TREATY OF 1909.—

''(1) DELIVERY OF WATER INTO THE HUDSON BAY BASIN.—Prior to construction of any water systems authorized under this Act to deliver Missouri River water into the Hudson Bay basin, the Secretary, in consultation with the Secretary of State and the Administrator of the Environmental Protection Agency, must determine that adequate treatment can be provided to meet the requirements of the Treaty between the United States and Great Britain relating to Boundary Waters Between the United States and Canada, signed at Washington, January 11, 1909 (26 Stat. 2448; TS 548) (commonly known as the Boundary Waters Treaty of 1909).

''(2) COSTS.—All costs of construction, operation, maintenance, and replacement of water treatment and related facilities authorized by this Act and attributable to meeting the requirements of the treaty referred to in paragraph (1) shall be nonreimbursable.''.

SEC. 603. FISH AND WILDLIFE.

Section 2 of Public Law 89–108 (79 Stat. 433; 100 Stat. 419) is amended—

(1) by striking subsections (b), (c), and (d) and inserting the following:

''(b) FISH AND WILDLIFE COSTS.—All fish and wildlife enhancement costs incurred in connection with waterfowl refuges, waterfowl production areas, and wildlife conservation areas proposed for Federal or State administration shall be nonreimbursable.

''(c) RECREATION AREAS.—

''(1) COSTS.—If non-Federal public bodies continue to agree to administer land and water areas approved for recreation and agree to bear not less than 50 percent of the separable costs of the unit allocated to recreation and attributable to those areas and all the costs of operation, maintenance, and replacement incurred in connection therewith, the remainder of the separable capital costs so allocated and attributed shall be nonreimbursable.

''(2) APPROVAL.—The recreation areas shall be approved by the Secretary in consultation and coordination with the State of North Dakota.

''(d) NON-FEDERAL SHARE.—The non-Federal share of the separable capital costs of the unit allocated to recreation shall be borne by non-Federal interests, using the following methods, as the Secretary may determine to be appropriate:

''(1) Services in kind.

''(2) Payment, or provision of lands, interests therein, or facilities for the unit.

''(3) Repayment, with interest, within 50 years of first use of unit recreation facilities.'';

(2) in subsection (e)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting ''(1)'' after ''(e)'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) in the first sentence—

(I) by striking "within ten years after initial unit operation to administer for recreation and fish and wildlife enhancement" and inserting "to administer for recreation"; and

(II) by striking "which are not included within Federal waterfowl refuges and waterfowl production areas"; and

(ii) in the second sentence, by striking "or fish and wildlife enhancement"; and

(D) in the first sentence of paragraph (3) (as redesignated by subparagraph (A))—

(i) by striking ", within ten years after initial operation of the unit,"; and

(ii) by striking "paragraph (1) of this subsection" and inserting "paragraph (2)";

(3) in subsection (f), by striking "and fish and wildlife enhancement"; and

(4) in subsection (j)—

(A) in paragraph (1), by striking "prior to the completion of construction of Lonetree Dam and Reservoir"; and

(B) by adding at the end the following:

"(4) TAAYER RESERVOIR.—Taayer Reservoir is deauthorized as a project feature. The Secretary, acting through the Commissioner of Reclamation, shall acquire (including acquisition through donation or exchange) up to 5,000 acres in the Kraft and Pickell Slough areas and to manage the area as a component of the National Wildlife Refuge System giving consideration to the unique wildlife values of the area. In acquiring the lands which comprise the Kraft and Pickell Slough complex, the Secretary shall acquire wetlands in the immediate vicinity which may be hydrologically related and nearby uplands as may be necessary to provide for proper management of the complex. The Secretary shall provide for appropriate visitor access and control at the refuge.

"(5) DEAUTHORIZATION OF LONETREE DAM AND RESERVOIR.—The Lonetree Dam and Reservoir is deauthorized, and the Secretary shall designate the lands acquired for the former reservoir site as a wildlife conservation area. The Secretary shall enter into an agreement with the State of North Dakota providing for the operation and maintenance of the wildlife conservation area as an enhancement feature, the costs of which shall be paid by the Secretary.".

SEC. 604. INTEREST CALCULATION.

Section 4 of Public Law 89–108 (100 Stat. 435) is amended by adding at the end the following: "Interest during construction shall be calculated only until such date as the Secretary declares any particular feature to be substantially complete, regardless of whether the feature is placed into service.".

SEC. 605. IRRIGATION FACILITIES.

Section 5 of Public Law 89–108 (100 Stat. 419) is amended—

(1) by striking "SEC. 5. (a)(1)" and all that follows through subsection (c) and inserting the following:

"SEC. 5. IRRIGATION FACILITIES.

"(a) IN GENERAL.—

"(1) AUTHORIZED DEVELOPMENT.—In addition to the 5,000-acre Oakes Test Area in existence on the date of enactment of the Dakota Water Resources Act of 2000, the Secretary may develop irrigation in—

"(A) the Turtle Lake service area (13,700 acres);

"(B) the McClusky Canal service area (10,000 acres); and

"(C) if the investment costs are fully reimbursed without aid to irrigation from the Pick-Sloan Missouri Basin Program, the New Rockford Canal service area (1,200 acres).

"(2) DEVELOPMENT NOT AUTHORIZED.—None of the irrigation authorized by this section may be developed in the Hudson Bay/Devils Lake Basin.

"(3) NO EXCESS DEVELOPMENT.—The Secretary shall not develop irrigation in the service areas described in paragraph (1) in excess of the acreage specified in that paragraph, except that the Secretary shall develop up to 28,000 acres of irrigation in other areas of North Dakota (such as the Elk/Charbonneau, Mon-Dak, Nesson Valley, Horsehead Flats, and Oliver-Mercer areas) that are not located in the Hudson Bay/Devils Lake drainage basin or James River drainage basin.

"(4) PUMPING POWER.—Irrigation development authorized by this section shall be considered authorized units of the Pick-Sloan Missouri Basin Program and eligible to receive project pumping power.

"(5) PRINCIPAL SUPPLY WORKS.—The Secretary shall maintain the Snake Creek Pumping Plant, New Rockford Canal, and McClusky Canal features of the principal supply works. Subject to the provisions of section (8) of this Act, the Secretary shall select a preferred alternative to implement the Dakota Water Resources Act of 2000. In making this section, one of the alternatives the Secretary shall consider is whether to connect the principal supply works in existence on the date of enactment.";

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively;

(3) in the first sentence of subsection (b) (as redesignated by paragraph (2)), by striking "(a)(1)" and inserting "(a)";

(4) in the first sentence of subsection (c) (as redesignated by paragraph (2)), by striking "Lucky Mound (7,700 acres), Upper Six Mile Creek (7,500 acres)" and inserting "Lucky Mound (7,700 acres) and Upper Six Mile Creek (7,500 acres), or such other lands at Fort Berthold of equal acreage as may be selected by the tribe and approved by the Secretary,"; and

(5) by adding at the end the following:

"(e) IRRIGATION REPORT TO CONGRESS.—

"(1) IN GENERAL.—The Secretary shall investigate and prepare a detailed report on the undesignated 28,000 acres in subsection (a)(3) as to costs and benefits for any irrigation units to be developed under Reclamation law.

"(2) FINDING.—The report shall include a finding on the economic, financial and engineering feasibility of the proposed irrigation unit, but shall be limited to the undesignated 28,000 acres.

"(3) AUTHORIZATION.—If the Secretary finds that the proposed construction is feasible, such irrigation units are authorized without further Act of Congress.

"(4) DOCUMENTATION.—No expenditure for the construction of facilities authorized under this section shall be made until after the Secretary, in cooperation with the State of North Dakota, has prepared the appropriate documentation in accordance with section 1 and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzing the direct and indirect impacts of implementing the report.".

SEC. 606. POWER.

Section 6 of Public Law 89–108 (79 Stat. 435; 100 Stat. 421) is amended—

(1) in subsection (b)—

(A) by striking "Notwithstanding the provisions of" and inserting "Pursuant to the provisions of"; and

(B) by striking "revenues," and all that follows and inserting "revenues."; and

(2) by striking subsection (c) and inserting the following:

"(c) NO INCREASE IN RATES OR AFFECT ON REPAYMENT METHODOLOGY.—In accordance with the last sentence of section 302(a)(3) of the Department of Energy Organization Act (42 U.S.C. 7152(a)(3)), section 1(e) shall not result in any reallocation of project costs and shall not result in increased rates to Pick-Sloan Missouri Basin Program customers. Nothing in the Dakota Water Resources Act of 2000 alters or affects in any way the repayment methodology in effect as of the date of enactment of that Act for other features of the Pick-Sloan Missouri Basin Program.".

SEC. 607. MUNICIPAL, RURAL, AND INDUSTRIAL WATER SERVICE.

Section 7 of Public Law 89–108 (100 Stat. 422) is amended—

(1) in subsection (a)(3)—

(A) in the second sentence—

(i) by striking "The non-Federal share" and inserting "Unless otherwise provided in this Act, the non-Federal share";

(ii) by striking "each water system" and inserting "water systems";

(iii) by inserting after the second sentence the following: "The State may use the Federal and non-Federal funds to provide grants or loans for municipal, rural, and industrial water systems. The State shall use the proceeds of repaid loans for municipal, rural, and industrial water systems. Proceeds from loan repayments and any interest thereon shall be treated as Federal funds."; and

(iv) by striking the last sentence and inserting the following: "The Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in the State of North Dakota shall be eligible for funding under the terms of this section. Funding provided under this section for the Red River Valley Water Supply Project shall be in addition to funding for that project under section 10(a)(1)(B). The amount of non-Federal contributions made after May 12, 1986, that exceeds the 25 percent requirement shall be credited to the State for future use in municipal, rural, and industrial projects under this section."; and

(2) by striking subsections (b), (c), and (d) and inserting the following:

"(b) WATER CONSERVATION PROGRAM.—The State of North Dakota may use funds provided under subsections (a) and (b)(1)(A) of section 10 to develop and implement a water conservation program. The Secretary and the State shall jointly establish water conservation goals to meet the purposes of the State program and to improve the availability of water supplies to meet the purposes of this Act. If the State achieves the established water conservation goals, the non-Federal cost share for future projects under subsection (a)(3) shall be reduced to 24.5 percent.

"(c) NONREIMBURSABILITY OF COSTS.—With respect to the Southwest Pipeline Project, the Northwest Area Water Supply Project, the Red River Valley Water Supply Project, and other municipal, industrial, and rural water systems in North Dakota, the costs of the features constructed on the Missouri River by the Secretary of the Army before the date of enactment of the Dakota Water Resources Act of 2000 shall be nonreimbursable.

"(d) INDIAN MUNICIPAL RURAL AND INDUSTRIAL WATER SUPPLY.—The Secretary shall construct, operate, and maintain such municipal, rural, and industrial water systems as the Secretary determines to be necessary to meet the economic, public health, and environmental needs of the Fort Berthold, Standing Rock, Turtle Mountain (including the Trenton Indian Service Area), and Fort Totten Indian Reservations and adjacent areas.".

SEC. 608. SPECIFIC FEATURES.

(a) SYKESTON CANAL.—Sykeston Canal is hereby deauthorized.

(b) IN GENERAL.—Public Law 89–108 (100 Stat. 423) is amended by striking section 8 and inserting the following:

"SEC. 8. SPECIFIC FEATURES.

"(a) RED RIVER VALLEY WATER SUPPLY PROJECT.—

"(1) IN GENERAL.—Subject to the requirements of this section, the Secretary shall construct a

feature or features to provide water to the Sheyenne River water supply and release facility or such other feature or features as are selected under subsection (d).

"(2) DESIGN AND CONSTRUCTION.—The feature or features shall be designed and constructed to meet only the following water supply requirements as identified in the report prepared pursuant to subsection (b) of this section: Municipal, rural, and industrial water supply needs; ground water recharge; and streamflow augmentation.

"(3) COMMENCEMENT OF CONSTRUCTION.—(A) If the Secretary selects a project feature under this section that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section, no later than 90 days after the completion of the final environmental impact statement, the Secretary shall transmit to Congress a comprehensive report which provides—

"(i) a detailed description of the proposed project feature;

"(ii) a summary of major issues addressed in the environmental impact statement;

"(iii) likely effects, if any, on other States bordering the Missouri River and on the State of Minnesota; and

"(iv) a description of how the project feature complies with the requirements of section 1(h)(1) of this Act (relating to the Boundary Waters Treaty of 1909).

"(B) No project feature or features that would provide water from the Missouri River or its tributaries to the Sheyenne River water supply and release facility or from the Missouri River or its tributaries to such other conveyance facility as the Secretary selects under this section shall be constructed unless such feature is specifically authorized by an Act of Congress approved subsequent to the Secretary's transmittal of the report required in subparagraph (A). If, after complying with subsections (b) through (d) of this section, the Secretary selects a feature or features using only in-basin sources of water to meet the water needs of the Red River Valley identified in subsection (b), such features are authorized without further Act of Congress. The Act of Congress referred to in this subparagraph must be an authorization bill, and shall not be a bill making appropriations.

"(C) The Secretary may not commence construction on the feature until a master repayment contract or water service agreement consistent with this Act between the Secretary and the appropriate non-Federal entity has been executed.

"(b) REPORT ON RED RIVER VALLEY WATER NEEDS AND OPTIONS.—

"(1) IN GENERAL.—The Secretary of the Interior shall conduct a comprehensive study of the water quality and quantity needs of the Red River Valley in North Dakota and possible options for meeting those needs.

"(2) NEEDS.—The needs addressed in the report shall include such needs as—

"(A) municipal, rural, and industrial water supplies;

"(B) water quality;

"(C) aquatic environment;

"(D) recreation; and

"(E) water conservation measures.

"(3) PROCESS.—In conducting the study, the Secretary through an open and public process shall solicit input from gubernatorial designees from states that may be affected by possible options to meet such needs as well as designees from other federal agencies with relevant expertise. For any option that includes an out-of-basin solution, the Secretary shall consider the effect of the option on other states that may be affected by such option, as well as other appropriate considerations. Upon completion, a draft of the study shall be provided by the Secretary to such states and federal agencies. Such states and agencies shall be given not less than 120 days to review and comment on the study method, findings and conclusions leading to any alternative that may have an impact on such states or on resources subject to such federal agencies' jurisdiction. The Secretary shall receive and take into consideration any such comments and produce a final report and transmit the final report to Congress.

"(4) LIMITATION.—No design or construction of any feature or features that facilitate an out-of-basin transfer from the Missouri River drainage basin shall be authorized under the provisions of this subsection.

"(c) ENVIRONMENTAL IMPACT STATEMENT.—

"(1) IN GENERAL.—Nothing in this section shall be construed to supersede any requirements under the National Environmental Policy Act or the Administrative Procedures Act.

"(2) DRAFT.—

"(A) DEADLINE.—Pursuant to an agreement between the Secretary and State of North Dakota as authorized under section 1(g), not later than 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary and the State of North Dakota shall jointly prepare and complete a draft environmental impact statement concerning all feasible options to meet the comprehensive water quality and quantity needs of the Red River Valley and the options for meeting those needs, including the delivery of Missouri River water to the Red River Valley.

"(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete the draft environmental impact statement within 1 year after the date of enactment of the Dakota Water Resources Act of 2000, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

"(3) FINAL.—

"(A) DEADLINE.—Not later than 1 year after filing the draft environmental impact statement, a final environmental impact statement shall be prepared and published.

"(B) REPORT ON STATUS.—If the Secretary and State of North Dakota cannot prepare and complete a final environmental impact statement within 1 year of the completion of the draft environmental impact statement, the Secretary, in consultation and coordination with the State of North Dakota, shall report to Congress on the status of this activity, including an estimate of the date of completion.

"(d) PROCESS FOR SELECTION.—

"(1) IN GENERAL.—After reviewing the final report required by subsection (b)(1) and complying with subsection (c), the Secretary, in consultation and coordination with the State of North Dakota in, coordination with affected local communities, shall select 1 or more project features described in subsection (a) that will meet the comprehensive water quality and quantity needs of the Red River Valley. The Secretary's selection of an alternative shall be subject to judicial review.

"(2) AGREEMENTS.—If the Secretary selects an option under paragraph (1) that uses only in-basin sources of water, not later than 180 days after the record of decision has been executed, the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features selected. If the Secretary selects an option under paragraph (1) that would require a further act of Congress under the provisions of subsection (a), not later than 180 days after the date of enactment of legislation required under subsection (a) the Secretary shall enter into a cooperative agreement with the State of North Dakota to construct the feature or features authorized by that legislation.

"(e) SHEYENNE RIVER WATER SUPPLY AND RELEASE OR ALTERNATE FEATURES.—The Secretary shall construct, operate, and maintain a Sheyenne River water supply and release feature (including a water treatment plant) capable of delivering 100 cubic feet per second of water or any other amount determined in the reports under this section, for the cities of Fargo and Grand Forks and surrounding communities, or such other feature or features as may be selected under subsection (d).

"(f) DEVILS LAKE.—No funds authorized under this Act may be used to carry out the portion of the feasibility study of the Devils Lake basin, North Dakota, authorized under the Energy and Water Development Appropriations Act of 1993 (Public Law 102–377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River drainage basin into Devils Lake, North Dakota.".

SEC. 609. OAKES TEST AREA TITLE TRANSFER.

Public Law 89–108 (100 Stat. 423) is amended by striking section 9 and inserting the following:

"SEC. 9. OAKES TEST AREA TITLE TRANSFER.

"(a) IN GENERAL.—Not later than 2 years after execution of a record of decision under section 8(d) on whether to use the New Rockford Canal as a means of delivering water to the Red River Basin as described in section 8, the Secretary shall enter into an agreement with the State of North Dakota, or its designee, to convey title and all or any rights, interests, and obligations of the United States in and to the Oakes Test Area as constructed and operated under Public Law 99–294 (100 Stat. 418) under such terms and conditions as the Secretary believes would fully protect the public interest.

"(b) TERMS AND CONDITIONS.—The agreement shall define the terms and conditions of the transfer of the facilities, lands, mineral estate, easements, rights-of-way and water rights including the avoidance of costs that the Federal Government would otherwise incur in the case of a failure to agree under subsection (d).

"(c) COMPLIANCE.—The action of the Secretary under this section shall comply with all applicable requirements of Federal, State, and local law.

"(d) FAILURE TO AGREE.—If an agreement is not reached within the time limit specified in subsection (a), the Secretary shall dispose of the Oakes Test Area facilities under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).".

SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 89–108 (100 Stat. 424; 106 Stat. 4669, 4739) is amended—

(1) in subsection (a)—

(A) by striking "(a)(1) There are authorized" and inserting the following:

"(a) WATER DISTRIBUTION FEATURES.—

"(1) IN GENERAL.—

"(A) MAIN STEM SUPPLY WORKS.—There is authorized";

(B) in paragraph (1)—

(i) in the first sentence, by striking "$270,395,000 for carrying out the provisions of section 5(a) through 5(c) and section 8(a)(1) of this Act" and inserting "$164,000,000 to carry out section 5(a)";

(ii) by inserting after subparagraph (A) (as designated by clause (i)) the following:

"(B) RED RIVER VALLEY WATER SUPPLY PROJECT.—There is authorized to be appropriated to carry out section 8(a)(1) $200,000,000."; and

(iii) by striking "Such sums" and inserting the following:

"(C) AVAILABILITY.—Such sums"; and

(C) in paragraph (2)—

(i) by striking "(2) There is" and inserting the following:

"(2) INDIAN IRRIGATION.—

"(A) IN GENERAL.—There is";

(ii) by striking "for carrying out section 5(e) of this Act" and inserting "to carry out section 5(c)"; and

(iii) by striking "Such sums" and inserting the following:

"(B) AVAILABILITY.—Such sums";

(2) in subsection (b)—

(A) by striking "(b)(1) There is" and inserting the following:

"(b) MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY.—

"(1) STATEWIDE.—

"(A) INITIAL AMOUNT.—There is";

(B) in paragraph (1)—

(i) by inserting before "Such sums" the following:

"(B) ADDITIONAL AMOUNT.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(a) $200,000,000."; and

(ii) by striking "Such sums" and inserting the following:

"(C) AVAILABILITY.—Such sums"; and

(C) in paragraph (2)—

(i) by striking "(2) There are authorized to be appropriated $61,000,000" and all that follows through "Act." and inserting the following:

"(2) INDIAN MUNICIPAL, RURAL, AND INDUSTRIAL AND OTHER DELIVERY FEATURES.—

"(A) INITIAL AMOUNT.—There is authorized to be appropriated—

"(i) to carry out section 8(a)(1), $40,500,000; and

"(ii) to carry out section 7(d), $20,500,000.";

(ii) by inserting before "Such sums" the following:

"(B) ADDITIONAL AMOUNT.—

"(i) IN GENERAL.—In addition to the amount under subparagraph (A), there is authorized to be appropriated to carry out section 7(d) $200,000,000.

"(ii) ALLOCATION.—The amount under clause (i) shall be allocated as follows:

"(I) $30,000,000 to the Fort Totten Indian Reservation.

"(II) $70,000,000 to the Fort Berthold Indian Reservation.

"(IV) $80,000,000 to the Standing Rock Indian Reservation.

"(V) $20,000,000 to the Turtle Mountain Indian Reservation."; and

(ii) by striking "Such sums" and inserting the following:

"(C) AVAILABILITY.—Such sums";

(3) in subsection (c)—

(A) by striking "(c) There is" and inserting the following:

"(c) RESOURCES TRUST AND OTHER PROVISIONS.—

"(1) INITIAL AMOUNT.—There is"; and

(B) by striking the second and third sentences and inserting the following:

"(2) ADDITIONAL AMOUNT.—In addition to amount under paragraph (1), there are authorized to be appropriated—

"(A) $6,500,000 to carry out recreational projects; and

"(B) an additional $25,000,000 to carry out section 11;

to remain available until expended.

"(3) RECREATIONAL PROJECTS.—Of the funds authorized under paragraph (2) for recreational projects, up to $1,500,000 may be used to fund a wetland interpretive center in the State of North Dakota.

"(4) OPERATION AND MAINTENANCE.—

"(A) IN GENERAL.— There are authorized to be appropriated such sums as are necessary for operation and maintenance of the unit (including the mitigation and enhancement features).

"(B) AUTHORIZATION LIMITS.—Expenditures for operation and maintenance of features substantially completed and features constructed before the date of enactment of the Dakota Water Resources Act of 2000, including funds expended for such purposes since the date of enactment of Public Law 99-294, shall not be counted against the authorization limits in this section.

"(5) MITIGATION AND ENHANCEMENT LAND.—On or about the date on which the features authorized by section 8(a) are operational, a separate account in the Natural Resources Trust authorized by section 11 shall be established for operation and maintenance of the mitigation and enhancement land associated with the unit."; and

(4) by striking subsection (e) and inserting the following:

"(e) INDEXING.—The $200,000,000 amount under subsection (b)(1)(B), the $200,000,000 amount under subsection (a)(1)(B), and the funds authorized under subsection (b)(2) shall be indexed as necessary to allow for ordinary fluctuations of construction costs incurred after the date of enactment of the Dakota Water Resources Act of 2000 as indicated by engineering cost indices applicable for the type of construction involved. All other authorized cost ceilings shall remain unchanged.".

SEC. 611. NATURAL RESOURCES TRUST.

Section 11 of Public Law 89-108 (100 Stat. 424) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) CONTRIBUTION.—

"(1) INITIAL AUTHORIZATION.—

"(A) IN GENERAL.—From the sums appropriated under section 10 for the Garrison Diversion Unit, the Secretary shall make an annual Federal contribution to a Natural Resources Trust established by non-Federal interests in accordance with subsection (b) and operated in accordance with subsection (c).

"(B) AMOUNT.—The total amount of Federal contributions under subparagraph (A) shall not exceed $12,000,000.

"(2) ADDITIONAL AUTHORIZATION.—

"(A) IN GENERAL.—In addition to the amount authorized in paragraph (1), the Secretary shall make annual Federal contributions to the Natural Resources Trust until the amount authorized by section 10(c)(2)(B) is reached, in the manner stated in subparagraph (B).

"(B) ANNUAL AMOUNT.—The amount of the contribution under subparagraph (A) for each fiscal year shall be the amount that is equal to 5 percent of the total amount that is appropriated for the fiscal year under subsections (a)(1)(B) and (b)(1)(B) of section 10.".

(2) in subsection (b), by striking "Wetlands Trust" and inserting "Natural Resources Trust"; and

(3) in subsection (c)—

(A) by striking "Wetland Trust" and inserting "Natural Resources Trust";

(B) by striking "are met" and inserting "is met";

(C) in paragraph (1), by inserting ", grassland conservation and riparian areas" after "habitat"; and

(D) in paragraph (2), by adding at the end the following:

"(C) The power to fund incentives for conservation practices by landowners."

TITLE VII

SECTION 701. FINDINGS.

Congress finds that—

(1) there is a continuing need for reconciliation between Indians and non-Indians;

(2) the need may be met partially through the promotion of the understanding of the history and culture of Sioux Indian tribes;

(3) the establishment of a Sioux Nation Tribal Supreme Court will promote economic development on reservations of the Sioux Nation and provide investors that contribute to that development a greater degree of certainty and confidence by—

(A) reconciling conflicting tribal laws; and

(B) strengthening tribal court systems;

(4) the reservations of the Sioux Nation—

(A) contain the poorest counties in the United States; and

(B) lack adequate tools to promote economic development and the creation of jobs;

(5) the establishment of a Native American Economic Development Council will assist in promoting economic growth and reducing poverty on reservations of the Sioux Nation by—

(A) coordinating economic development efforts;

(B) centralizing expertise concerning Federal assistance; and

(C) facilitating the raising of funds from private donations to meet matching requirements under certain Federal assistance programs;

(6) there is a need to enhance and strengthen the capacity of Indian tribal governments and tribal justice systems to address conflicts which impair relationships within Indian communities and between Indian and non-Indian communities and individuals; and

(7) the establishment of the National Native American Mediation Training Center, with the technical assistance of tribal and Federal agencies, including the Community Relations Service of the Department of Justice, would enhance and strengthen the mediation skills that are useful in reducing tensions and resolving conflicts in Indian communities and between Indian and non-Indian communities and individuals.

SEC. 702. DEFINITIONS.

In this Title:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SIOUX NATION.—The term "Sioux Nation" means the Indian tribes comprising the Sioux Nation.

SEC. 703. RECONCILIATION CENTER.

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in cooperation with the Secretary, shall establish, in accordance with this section, a reconciliation center, to be known as "Reconciliation Place".

(b) LOCATION.—Notwithstanding any other provision of law, the Secretary shall take into trust for the benefit of the Sioux Nation the parcel of land in Stanley County, South Dakota, that is described as "The Reconciliation Place Addition" that is owned on the date of enactment of this Act by the Wakpa Sica Historical Society, Inc., for the purpose of establishing and operating The Reconciliation Place.

(c) PURPOSES.—The purposes of Reconciliation Place shall be as follows:

(1) To enhance the knowledge and understanding of the history of Native Americans by—

(A) displaying and interpreting the history, art, and culture of Indian tribes for Indians and non-Indians; and

(B) providing an accessible repository for—

(i) the history of Indian tribes; and

(ii) the family history of members of Indian tribes.

(2) To provide for the interpretation of the encounters between Lewis and Clark and the Sioux Nation.

(3) To house the Sioux Nation Tribal Supreme Court.

(4) To house the Native American Economic Development Council.

(5) To house the National Native American Mediation Training Center to train tribal personnel in conflict resolution and alternative dispute resolution.

(d) GRANT.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development shall offer to award a grant to the Wakpa Sica Historical Society of Fort Pierre, South Dakota, for the construction of Reconciliation Place.

(2) GRANT AGREEMENT.—

(A) IN GENERAL.—As a condition to receiving the grant under this subsection, the appropriate official of the Wakpa Sica Historical Society shall enter into a grant agreement with the Secretary of Housing and Urban Development.

(B) CONSULTATION.—Before entering into a grant agreement under this paragraph, the Secretary of Housing and Urban Development shall consult with the Secretary concerning the contents of the agreement.

(C) DUTIES OF THE WAKPA SICA HISTORICAL SOCIETY.—The grant agreement under this paragraph shall specify the duties of the Wakpa Sica Historical Society under this section and arrangements for the maintenance of Reconciliation Place.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Housing and Urban Development $18,258,441, to be used for the grant under this section.

SEC. 704. SIOUX NATION SUPREME COURT AND NATIONAL NATIVE AMERICAN MEDIATION TRAINING CENTER.

(a) IN GENERAL.—To ensure the development and operation of the Sioux Nation Tribal Supreme Court and the National Native American Mediation Training Center, the Attorney General of the United States shall use available funds to provide technical and financial assistance to the Sioux Nation.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Department of Justice such sums as are necessary.

TITLE VIII—ERIE CANALWAY NATIONAL HERITAGE CORRIDOR

SEC. 801. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This title may be cited as the "Erie Canalway National Heritage Corridor Act".

(b) DEFINITIONS.—For the Purposes of this title, the following definitions shall apply:

(1) ERIE CANALWAY.—The Term "Erie Canalway" means the 524 miles of navigable canal that comprise the New York State Canal System, including the Erie, Cayuga and Seneca, Oswego, and Champlain Canals and the historic alignments of these canals, including the cities of Albany and Buffalo.

(2) CANALWAY PLAN.—The term "Canalway Plan" means the comprehensive preservation and management plan for the Corridor required under section 806.

(3) COMMISSION.—The term "Commission" means the Erie Canalway National Heritage Corridor Commission established under section 804.

(4) CORRIDOR.—The term "Corridor" means the Erie Canalway National Heritage Corridor established under section 803.

(5) GOVERNOR.—The term "Governor" means the Governor of the State of New York.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 802. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the year 2000 marks the 175th Anniversary of New York State's creation and stewardship of the Erie Canalway for commerce, transportation and recreational purposes, establishing the network which made new York the "Empire State" and the Nation's premier commercial and financial center;

(2) the canals and adjacent areas that comprise the Erie Canalway are a nationally significant resource of historic and recreational value, which merit Federal recognition and assistance;

(3) the Erie Canalway was instrumental in the establishment of strong political and cultural ties between New England, upstate New York and the old Northwest and facilitated the movement of ideas and people ensuring that social reforms like the abolition of slavery and the women's rights movement spread across upstate New York to the rest of the country;

(4) the construction of the Erie Canalway was considered a supreme engineering feat, and most American canals were modeled after New York State's canal;

(5) at the time of construction, the Erie Canalway was the largest public works project ever undertaken by a state, resulting in the creation of critical transportation and commercial routes to transport passengers and goods;

(6) the Erie Canalway played a key role in turning New York City into a major port and New York State into the preeminent center for commerce, industry, and finance in North America and provided a permanent commercial link between the Port of New York and the cities of eastern Canada, a cornerstone of the peaceful relationship between the two countries;

(7) the Erie Canalway proved the depth and force of American ingenuity, solidified a national identity, and found an enduring place in American legend, song, and art;

(8) there is national interest in the preservation and interpretation of the Erie Canalway's important historical, natural, cultural, and scenic resources; and

(9) partnerships among Federal, State, and local governments and their regional entities, non-profit organizations, and the private sector offer the most effective opportunities for the preservation and interpretation of the Erie Canalway.

(b) PURPOSES.—The purposes of this title are—

(1) to designate the Erie Canalway National Heritage Corridor;

(2) to provide for and assist in the identification, preservation, promotion, maintenance and interpretation of the historical, natural, cultural, scenic, and recreational resources of the Erie Canalway in ways that reflect its national significance for the benefit of current and future generations;

(3) to promote and provide access to the Erie Canalway's historical, natural, cultural, scenic and recreational resources;

(4) to provide a frame work to assist the State of New York, its units of local government, and the communities within the Erie Canalway in the development of integrated cultural, historical, recreational, economic, and community development programs in order to enhance and interpret the unique and nationally significant resources of the Erie Canalway; and

(5) to authorize Federal financial and technical assistance to the Commission to serve these purposes for the benefit of the people of the State of New York and the nation.

SEC. 803. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—To carry out the purposes of this title there is established the Erie Canalway National Heritage Corridor in the State of New York.

(b) BOUNDARIES.—The boundaries of the Corridor shall include those lands generally depicted on a map entitled "Erie Canalway National Heritage Area" numbered ERIE/80,000 and dated October 2000. This map shall be on file and available for public inspection in the appropriate office of the National Park Service, the office of the Commission, and the office of the New York State Canal Corporation in Albany, New York.

(c) OWNERSHIP AND OPERATION OF THE NEW YORK STATE CANAL SYSTEM.—The New York State Canal System shall continue to be owned, operated, and managed by the State of New York.

SEC. 804. THE ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—There is established the Erie Canalway National Heritage Corridor Commission. The purpose of the Commission shall be—

(1) to work with Federal, State, and local authorities to develop and implement the Canalway Plan; and

(2) to foster the integration of canal-related historical, cultural, recreational, scenic, economic and community development initiatives within the Corridor.

(b) MEMBERSHIP.—The Commission shall be composed of 27 members as follows:

(1) The Secretary of the Interior, ex-officio or the Secretary's designee.

(2) 7 members, appointed by the Secretary after consideration of recommendations submitted by the Governor and other appropriate officials, with knowledge and experience of the following agencies or those agencies' successors: The New York State Secretary of State, the New York State Department of Environment Conservation, the New York State Office of Parks, Recreation and Historic Preservation, the New York State Department of Agriculture and Markets, the New York State Department of Transportation, and the New York State Canal Corporation, and the Empire State Development Corporation.

(3) The remaining 19 members who reside within the Corridor and are geographically dispersed throughout the Corridor shall be from local governments and the private sector with knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resource management, conservation, recreation, and education or museum services. These members will be appointed by the Secretary as follows—

(A) 11 members based on a recommendation from each member of the United States House of Representatives whose district shall encompass the Corridor. Each shall be a resident of the district from which they shall be recommended.

(B) 2 members based on a recommendation from each United States Senator from New York State.

(C) 6 members who shall be residents of any county constituting the Corridor. One such member shall have knowledge and experience of the Canal Recreationway Commission.

(c) APPOINTMENTS AND VACANCIES.—Members of the Commission other than ex-officio members shall be appointed for terms of 3 years. Of the original appointments, 6 shall be for a term of 1 year, 6 shall be for a term of 2 years and 7 shall be for a term of 3 years. Any member of the Commission appointed for a definite term may serve after expiration of the term until the successor of the member is appointed. Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor was appointed. Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(d) COMPENSATION.—Members of the Commission shall receive no compensation for their service on the Commission. Members of the Commission, other than employees of the State and Canal Corporation, while away from their homes or regular places of business to perform services for the Commission, shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are

allowed under section 5703 of title 5, United States Code.

(e) Election of Offices.—The Commission shall elect the chairperson and the vice chairperson on an annual basis. The vice chairperson shall serve as the chairperson in the absence of the chairperson.

(f) Quorum and Voting.—14 members of the Commission shall constitute a quorum but a lesser number may hold hearings. Any member of the Commission may vote by means of a signed proxy exercised by another member of the Commission, however, any member voting by proxy shall not be considered present for purposes of establishing a quorum. For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(g) Meetings.—The Commission shall meet at least quarterly at the call of the chairperson or 14 of its members. Notice of Commission meetings and agendas for the meeting shall be published in local newspapers throughout the Corridor. Meetings of the Commission shall be subject to section 552b of title 5, United States Code (relating to open meetings).

(h) Powers of the Commission.—To the extent that Federal funds are appropriated, the Commission is authorized—

(1) to procure temporary and intermittent services and administrative facilities at rates determined to be reasonable by the Commission to carry out the responsibilities of the Commission;

(2) to request and accept the services of personnel detailed from the State of New York or any political subdivision, and to reimburse the State or political subdivision for such services;

(3) to request and accept the services of any Federal agency personnel, and to reimburse the Federal agency for such services;

(4) to appoint and fix the compensation of staff to carry out its duties;

(5) to enter into cooperative agreements with the State of New York, with any political subdivision of the State, or any person for the purposes of carrying out the duties of the Commission;

(6) to make grants to assist in the preparation and implementation of the Canalway Plan;

(7) to seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services, received from any source. For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift to the Commission shall be deemed to be a gift to the United States;

(8) to assist others in developing educational, informational, and interpretive programs and facilities, and other such activities that may promote the implementation of the Canalway Plan;

(9) to hold hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may consider appropriate; the Commission may not issue subpoenas or exercise any subpoena authority;

(10) to use the United States mails in the same manner as other departments or agencies of the United States;

(11) to request and receive from the Administrator of General Services, on a reimbursable basis, such administrative support services as the Commission may request; and

(12) to establish such advisory groups as the Commission deems necessary.

(i) Acquisition of Property.—Except as provided for leasing administrative facilities under subsection 804(h)(1), the Commission may not acquire any real property or interest in real property.

(j) Termination.—The Commission shall terminate on the day occurring 10 years after the date of the enactment of this title.

SEC. 805. DUTIES OF THE COMMISSION.

(a) Preparation of Canalway Plan.—Not later than 3 years after the Commission receives Federal funding for this purpose, the Commission shall prepare and submit a comprehensive preservation and management Canalway Plan for the Corridor to the Secretary and the Governor for review and approval. In addition to the requirements outlined for the Canalway Plan in section 806, the Canalway Plan shall incorporate and integrate existing federal, state, and local plans to the extent appropriate regarding historic preservation, conservation, education and interpretation, community development, and tourism-related economic development for the Corridor that are consistent with the purpose of this title. The Commission shall solicit public comment on the development of the Canalway Plan.

(b) Implementation of Canalway Plan.—After the Commission receives Federal funding for this purpose, and after review and upon approval of the Canalway Plan by the Secretary and the Governor, the Commission shall—

(1) undertake action to implement the Canalway Plan so as to assist the people of the State of New York in enhancing and interpreting the historical, cultural, educational, natural, scenic, and recreational potential of the Corridor identified in the Canalway Plan; and

(2) support public and private efforts in conservation and preservation of the Canalway's cultural and natural resources and economic revitalization consistent with the goals of the Canalway Plan.

(c) Priority Actions.—Priority actions which may be carried out by the Commission under subsection 805(b), include the following:

(1) assisting in the appropriate preservation treatment of the remaining elements of the original Erie Canal;

(2) assisting the State, and local governments, and nonprofit organizations in designing, establishing and maintaining visitor centers, museums, and other interpretive exhibits in the Corridor;

(3) assisting in the public awareness and appreciation for the historic, cultural, natural, scenic, and recreational resources and sites in the Corridor;

(4) assisting the State of New York, local governments, and nonprofit organizations in the preservation and restoration of any historic building, site, or district in the Corridor;

(5) encouraging, by appropriate means, enhanced economic development in the Corridor consistent with the goals of the Canalway Plan and the purposes of this title; and

(6) ensuring that clear, consistent signs identifying access points and sites of interest are put in place in the Corridor.

(d) Annual Reports and Audits.—For any year in which Federal funds have been received under this title, the Commission shall submit an annual report and shall make available an audit of all relevant records to the Governor and the Secretary identifying its expenses and any income, the entities to which any grants or technical assistance were made during the year for which the report was made, and contributions by other parties toward achieving Corridor purposes.

SEC. 806. CANALWAY PLAN.

(a) Canalway Plan Requirements.—The Canalway Plan shall—

(1) include a review of existing plans for the Corridor, including the Canal Recreationway Plan and Canal Revitalization Program, and incorporate them to the extent feasible to ensure consistence with local, regional and state planning efforts;

(2) provide a thematic inventory, survey, and evaluation of historic properties that should be conserved, restored, developed, or maintained because of their natural, cultural, or historic significance within the Corridor in accordance with the regulations for the National Register of Historic Places;

(3) identify public and private-sector preservation goals and strategies for the Corridor;

(4) include a comprehensive interpretive plan that identifies, develops, supports, and enhances interpretation and education programs within the Corridor that may include—

(A) research related to the construction and history of the canals and the cultural heritage of the canal workers, their families, those that traveled along the canals, the associated farming activities, the landscape, and the communities;

(B) documentation of and methods to support the perpetuation of music, art, poetry, literature and folkways associated with the canals; and

(C) educational and interpretative programs related to the Erie Canalway developed in cooperation with State and local governments, educational institutions, and nonprofit institutions;

(5) include a strategy to further the recreational development of the Corridor that will enable users to uniquely experience the canal system;

(6) propose programs to protect, interpret and promote the Corridor's historical, cultural, recreational, educational, scenic and natural resources;

(7) include an inventory of canal-related natural, cultural and historic sites and resources located in the Area;

(8) recommend Federal, State, and local strategies and policies to support economic development, especially tourism-related development and recreation, consistent with the purposes of the Corridor;

(9) develop criteria and priorities for financial preservation assistance;

(10) identify and foster strong cooperative relationships between the National Parks Service, the New York State Canal Corporation, other Federal and State agencies, and nongovernmental organizations;

(11) recommend specific areas for development of interpretive, educational, and technical assistance centers associated with the Corridor; and

(12) contain a program for implementation of the Canalway Plan by all necessary parties.

(b) Approval of the Canalway Plan.—The Secretary and the Governor shall approve or disapprove the Canalway Plan not later than 90 days after receiving the Canalway Plan.

(c) Criteria.—The Secretary may not approve the plan unless the Secretary finds that the plan, if implemented, would adequately protect the significant historical, cultural, natural, and recreational resources of the Corridor and consistent with such protection provide adequate and appropriate outdoor recreational opportunities and economic activities within the Corridor. In determining whether or not to approve the Canalway Plan, the Secretary shall consider whether—

(1) the Commission has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the Canalway Plan; and

(2) the Secretary has received adequate assurances from the Governor and appropriate state officials that the recommended implementation program identified in the plan will be initiated within a reasonable time after the date of approval of the Canalway Plan and such program will ensure effective implementation of State and local aspects of the Canalway Plan.

(d) Disapproval of Canalway Plan.—If the Secretary or the Governor do not approve the Canalway Plan, the Secretary or the Governor

shall advise the Commission in writing within 90 days the reasons therefore and shall indicate any recommendations for revisions. Following completion of any necessary revisions of the Canalway Plan, the Secretary and the Governor shall have 90 days to either approve or disapprove of the revised Canalway Plan.

(e) Amendments to Canalway Plan.—The Secretary and the Governor shall review substantial amendments to the Canalway Plan. Funds appropriated pursuant to this title may not be expended to implement the changes made by such amendments until the Secretary and the Governor approve the amendments.

SEC. 807. DUTIES OF THE SECRETARY.

(a) In General.—The Secretary is authorized to assist the Commission in the preparation of the Canalway Plan.

(b) Technical Assistance.—Pursuant to an approved Canalway Plan, the Secretary is authorized to enter into cooperative agreements with, provide technical assistance to and award grants to the Commission to provide for the preservation and interpretation of the natural, cultural, historical, recreational, and scenic resources of the Corridor, if requested by the Commission.

(c) Early Actions.—Prior to approval of the Canalway Plan, with the approval of the Commission, the Secretary may provide technical and planning assistance for early actions that are important to the purposes of this title and that protect and preserve resources.

(d) Canalway Plan Implementation.—Upon approval of the Canalway Plan, the Secretary is authorized to implement those activities that the Canalway Plan has identified that are the responsibility of the Secretary or agent of the Secretary to undertake in the implementation of the Canalway Plan.

(e) Detail.—Each fiscal year during the existence of the Commission and upon the request of the Commission, the Secretary shall detail to the Commission, on a nonreimbursable basis, 2 employees of the Department of the Interior to enable the Commission to carry out the Commission's duties with regard to the preparation and approval of the Canalway Plan. Such detail shall be without interruption or loss of civil service status, benefits, or privileges.

SEC. 808. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting any activity directly affecting the Corridor, and any unit of government acting pursuant to a grant of Federal funds or a Federal permit or agreement conducting or supporting such activities may—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this title and coordinate such activities with the carrying out of such duties; and

(3) conduct or support such activities in a manner consistent with the Canalway Plan unless the Federal entity, after consultation with the Secretary and the Commission, determines there is no practicable alternative.

SEC. 809. SAVINGS PROVISIONS.

(a) Authority of Governments.—Nothing in this title shall be construed to modify, enlarge, or diminish any authority of the Federal, State, or local governments to regulate any use of land as provided for by law or regulation.

(b) Zoning or Land.—Nothing in this title shall be construed to grant powers of zoning or land use to the Commission.

(c) Local Authority and Private Property.—Nothing in this title shall be construed to affect or to authorize the Commission to interfere with—

(1) the rights of any person with respect to private property;

(2) any local zoning ordinance or land use plan of the State of New York or political subdivision thereof; or

(3) any State or local canal related development plans including but not limited to the Canal Recreationway Plan and the Canal Revitalization Program.

(d) Fish and Wildlife.—The designation of the Corridor shall not be diminish the authority of the State of New York to manage fish and wildlife, including the regulation of fishing and hunting within the Corridor.

SEC. 810. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—

(1) Corridor.—There is authorized to be appropriated for the Corridor not more than $1,000,000 for any fiscal year. Not more than a total of $10,000,000 may be appropriated for the Corridor under this title.

(2) Matching requirement.—Federal funding provided under this paragraph may not exceed 50 percent of the total cost of any activity carried out with such funds. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions, fairly valued.

(b) Other Funding.—In addition to the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary of the Interior such sums as are necessary for the Secretary for planning and technical assistance.

TITLE IX—LAW ENFORCEMENT PAY EQUITY

SEC. 901. SHORT TITLE

This title may be cited as the "Law Enforcement Pay Equity Act of 2000".

SEC. 902. ESTABLISHMENT OF UNIFORM SALARY SCHEDULE FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION AND UNITED STATES PARK POLICE.

(a) In General.—Section 501(c)(1) of the District of Columbia Police and Firemen's Salary Act of 1958 (sec. 4-416(c)(1), DC Code) is amended to read as follows:

"(c)(1) The annual rates of basic compensation of officers and members of the United States Secret Service Uniformed Division and the United States Park Police, serving in classes corresponding or similar to those in the salary schedule in section 101, shall be fixed in accordance with the following schedule of rates:

"Salary class and title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Time between steps	52 weeks			104 weeks			
Years in service		1	2	3	5	7	9
1: Private	32,623	34,587	36,626	38,306	41,001	43,728	45,407
3: Detective			42,378	44,502	46,620	48,746	50,837
4: Sergeant				46,151	48,446	50,746	53,056
5: Lieutenant [1]					50,910	53,462	56,545
7: Captain [1]						59,802	62,799
8: Inspector/Major [1]						69,163	72,760
9: Deputy Chief [1]						79,768	85,158
10: Assistant Chief [2]							
11: Chief, United States Secret Service Uniformed Division, United States Park Police [3]							

[1] The rate of basic pay for positions in Salary Class 5, 7, 8, and 9 is limited to 95 percent of the rate of pay for level V of the Executive Schedule.

[2] The rate of basic pay for positions in Salary Class 10 will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.

[3] The rate of basic pay for positions in Salary Class 11 will be equal to the rate of pay for level V of the Executive Schedule.

"Salary class and title	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
Time between steps	104 weeks		208 weeks				
Years in service	11	13	15	18	22	26	30
1: Private	47,107	48,801	50,498	53,448	55,394	57,036	58,746
3: Detective	52,972	55,086	57,204	61,212	63,337	65,462	67,426
4: Sergeant	55,372	57,691	59,999	63,558	65,867	68,176	70,221
5: Lieutenant [1]	59,120	61,688	64,258	68,197	70,744	73,290	75,489
7: Captain [1]	65,797	68,757	71,747	76,292	79,309	82,325	84,796
8: Inspector/Major [1]	76,542	80,524	83,983	87,645	91,827	95,464	99,075
9: Deputy Chief [1]	90,578	95,980	99,968	103,957	107,945	111,933	115,291
10: Assistant Chief [2]							

"Salary class and title	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14
11: Chief, United States Secret Service Uniformed Division, United States Park Police[3]							

[1] The rate of basic pay for positions in Salary Class 5, 7, 8, and 9 is limited to 95 percent of the rate of pay for level V of the Executive Schedule.

[2] The rate of basic pay for positions in Salary Class 10 will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.

[3] The rate of basic pay for positions in Salary Class 11 will be equal to the rate of pay for level V of the Executive Schedule.

(b) FREEZE OF CURRENT RATE FOR LOCALITY-BASED COMPARABILITY ADJUSTMENTS.—Notwithstanding any other provision of law, including this title or any provision of law amended by this title, no officer or member of the United States Secret Service Uniformed Division or the United States Park Police may be paid locality pay under section 5304 or section 5304a of title 5, United States Code, at a percentage rate for the applicable locality in excess of the rate in effect for pay periods during calendar year 2000.

(c) CONFORMING AMENDMENTS.—

(1) APPLICATION OF PROVISIONS TO PARK POLICE.—Section 501(c) of such Act (sec. 4–416(c), DC Code) is amended—

(A) in paragraph (2), by striking "Treasury" and inserting the following: "Treasury, and the annual rates of basic compensation of officers and members of the United States Park Police shall be adjusted by the Secretary of the Interior,";

(B) in paragraph (5), by inserting after "Uniformed Division" the following: "or officers and members of the United States Park Police";

(C) in paragraph (6)(A), by inserting after "Uniformed Division" the following: "or the United States Park Police"; and

(D) in paragraph (7)(A), by inserting after "Uniformed Division" the following: "or the United States Park Police".

(2) TERMINATION OF CURRENT ADJUSTMENT AUTHORITY.—Section 501(b) of such Act (sec. 4–416(b), DC Code) is amended by adding at the end the following new paragraph:

"(4) This subsection shall not apply with respect to any pay period for which the salary schedule under subsection (c) applies to the United States Park Police.".

SEC. 903. REVISION OF CAPS ON MAXIMUM COMPENSATION.

(a) ANNUAL SALARY UNDER SCHEDULE.—Section 501(c)(2) of the District of Columbia Police and Firemen's Salary Act of 1958 (sec. 4–416(c)(2), DC Code) is amended by striking the period at the end and inserting the following: ", except that in no case may the annual rate of basic compensation for any such officer or member exceed the rate of basic pay payable for level IV of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code.".

(b) REPEAL OF CAP ON COMBINED BASIC PAY AND LONGEVITY PAY.—Section 501(c) of such Act (sec. 4–416(c), DC Code) is amended by striking paragraph (4).

(c) LIMITATION ON PAY PERIOD EARNINGS FOR COMP TIME.—Section 1(h) of the Act entitled "An Act to provide a five-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes", approved August 15, 1950 (sec. 4–1104(h), DC Code), is amended—

(1) in paragraphs (1) and (2), by striking "Metropolitan Police force; or of the Fire Department of the District of Columbia; or of the United States Park Police" each place it appears and inserting "Metropolitan Police force or of the Fire Department of the District of Columbia"; and

(2) in paragraph (3), by inserting after "United States Secret Service Uniformed Division" each place it appears the following: "or of the United States Park Police".

SEC. 904. DETERMINATION OF SERVICE STEP ADJUSTMENTS.

(a) METHOD FOR DETERMINATION OF ADJUSTMENTS.—Section 303(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (sec. 4–412(a), DC Code) is amended—

(1) in the matter preceding paragraph (1), by "Each" and inserting "Except as provided in paragraph (5), each"; and

(2) by adding at the end the following new paragraph:

"(5) Each officer and member of the United States Secret Service Uniformed Division and the United States Park Police with a current performance rating of 'satisfactory' or better, shall have a service step adjustment in the following manner:

"(A) Each officer and member in service step 1, 2, or 3 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 52 calendar weeks of active service in the officer's or member's service step.

"(B) Each officer and member in service step 4, 5, 6, 7, 8, or 9 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 104 calendar weeks of active service in the officer's or member's service step.

"(C) Each officer and member in service step 10 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 156 calendar weeks of active service in the officer's or member's service step.

"(D) Each officer and member in service steps 11 or 12, or 13 shall be advanced in compensation successively to the next higher service step at the beginning of the 1st pay period immediately subsequent to the completion of 208 calendar weeks of active service in the officer's or member's service step.".

(b) USE OF TOTAL CREDITABLE SERVICE TO DETERMINE STEP PLACEMENT.—Section 304 of such Act (sec. 4–413, DC Code) is amended—

(1) in subsection (a), by striking "(b)" and inserting "(b) or (c)"; and

(2) by adding at the end the following new subsection:

"(c)(1) Each officer and member of the United States Secret Service Uniformed Division or the United States Park Police who is promoted or transferred to a higher salary shall receive basic compensation in accordance with the officer's or member's total creditable service.

"(2) For purposes of this subsection, an officer's or member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, United States Park Police, or Metropolitan Police Department.".

(c) CONFORMING AMENDMENT.—Section 401(a) of such Act (sec. 4–415(a), DC Code) is amended by adding at the end the following new paragraph:

"(4) This subsection shall not apply to officers and members of the United States Secret Service Uniformed Division or the United States Park Police.".

SEC. 905. CONVERSION TO NEW SALARY SCHEDULE.

(a) IN GENERAL.—

(1) DETERMINATION OF RATES OF BASIC PAY.—Effective on the 1st day of the 1st pay period beginning six months after the date of enactment of this Act, the Secretary of the Treasury shall fix the rates of basic pay for officers and members of the United States Secret Service Uniformed Division, and the Secretary of the Interior shall fix the rates of basic pay for officers and members of the United States Park Police, in accordance with this subsection.

(2) PLACEMENT ON REVISED SALARY SCHEDULE.—

(A) IN GENERAL.—Each officer and member shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) in accordance with the member's total years of creditable service, receiving credit for all service step adjustments. If the scheduled rate of pay for the step to which the officer or member would be assigned in accordance with this paragraph is lower than the officer's or member's salary immediately prior to the enactment of this paragraph, the officer or member will be placed in and receive compensation at the next higher service step.

(B) CREDIT FOR INCREASES DURING TRANSITION.—Each member whose position is to be converted to the salary schedule under section 501(b) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by subsection (a)) and who, prior to the effective date of this section has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before such member is placed in the corresponding service step in the salary schedule under section 501(b).

(C) CREDITABLE SERVICE DESCRIBED.—For purposes of this paragraph, an officer's or member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, United States Park Police, or Metropolitan Police Department.

(b) HOLD HARMLESS FOR CURRENT TOTAL COMPENSATION.—Notwithstanding any other provision of law, if the total rate of compensation for an officer or employee for any pay period occurring after conversion to the salary schedule pursuant to subsection (a) (determined by taking into account any locality-based comparability adjustments, longevity pay, and other adjustments paid in addition to the rate of basic compensation) is less than the officer's or employee's total rate of compensation (as so determined) on the date of enactment, the rate of compensation for the officer or employee for the pay period shall be equal to—

(1) the rate of compensation on the date of enactment (as so determined); increased by

(2) a percentage equal to 50 percent of sum of the percentage adjustments made in the rate of basic compensation under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by subsection (a)) for pay periods occurring after the date of enactment and prior to the pay period involved.

(c) CONVERSION NOT TREATED AS TRANSFER OR PROMOTION.—The conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) and the initial adjustments of rates of basic pay of those *positions and individuals in accordance with subsection (a) shall not be considered to be transfers or promotions within the meaning of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (sec. 4–413, DC Code).*

(d) TRANSFER OF CREDIT FOR SATISFACTORY SERVICE.—Each individual whose position is converted to the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) in accordance with subsection (a) shall be granted credit for purposes of such individual's first service step adjustment under the salary schedule in such section 501(c) for all satisfactory service performed by the individual since the individual's last increase in basic pay prior to the adjustment under that section.

(e) ADJUSTMENT TO TAKE INTO ACCOUNT GENERAL SCHEDULE ADJUSTMENTS DURING TRANSITION.—The rates provided under the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, which takes effect during the period which begins on the date of the enactment of this Act and ends on the 1st day of the 1st pay period beginning six months after the date of enactment of this Act.

(f) CONVERSION NOT TREATED AS SALARY INCREASE FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—The conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 2(a)) and the initial adjustments of rates of basic pay of those positions and individuals in accordance with subsection (a) shall not be treated as an increase in salary for purposes of section 3 of the Act entitled "An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia", approved August 4, 1949 (sec. 4–604, DC Code), or section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (sec. 4–605, DC Code).

SEC. 906. PAY ADJUSTMENTS FOR CERTAIN POSITIONS.

(a) TECHNICIAN DUTY.—Section 302 of the District of Columbia Police and Firemen's Salary Act of 1958 (sec. 4–411, DC Code) is amended—

(1) in subsection (b), by striking "$810 per annum" and inserting the following: "$810 per annum, except in the case of an officer or member of the United States Secret Service Uniformed Division or the United States Park Police, who shall receive a per annum amount equal to 6 percent of the sum of such officer's or member's rate of basic compensation plus locality pay adjustments";

SEC. 907. CONFORMING PROVISIONS RELATING TO FEDERAL LAW ENFORCEMENT PAY REFORM ACT.

(a) TERMINATION OF EXISTING SPECIAL SALARY RATES AND ADJUSTMENTS.—Beginning on the effective date of this Act—

(1) no existing special salary rates shall be authorized for members of the United States Park Police under section 5305 of title 5, United States Code (or any previous similar provision of law); and

(2) no special rates of pay or special pay adjustments shall be applicable to members of the United States Park Police pursuant to section 405 of the Federal Law Enforcement Pay Reform Act of 1990.

(b) CONFORMING AMENDMENTS.—(1) Section 405(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5303 note) is amended to read as follows:

"(b) This subsection applies with respect to any—

"(1) special agent within the Diplomatic Security Service;

"(2) probation officer (referred to in section 3672 of title 18, United States Code); or

"(3) pretrial services officer (referred to in section 3153 of title 18, United States Code).".

(2) Section 405(c) of such Act (5 U.S.C. 5303 note) is amended to read as follows:

"(c) For purposes of this section, the term 'appropriate agency head' means—

"(1) with respect to any individual under subsection (b)(1), the Secretary of State; or

"(2) with respect to any individual under subsection (b)(2) or (b)(3), the Director of the Administrative Office of the United States Courts.".

SEC. 908. SERVICE LONGEVITY PAYMENTS FOR METROPOLITAN POLICE DEPARTMENT.

(a) INCLUSION OF SERVICE LONGEVITY PAYMENTS IN AMOUNT OF FEDERAL BENEFIT PAYMENTS MADE TO METROPOLITAN POLICE DEPARTMENT OFFICERS AND MEMBERS.—Section 11012 of the District of Columbia Retirement Protection Act of 1997 (Public Law 105–33; 111 Stat. 718; D.C. Code, sec. 1–762.2) is amended by adding at the end the following new subsection:

"(e) TREATMENT OF INCREASES IN CERTAIN POLICE SERVICE LONGEVITY PAYMENTS.—For purposes of subsection (a), in determining the amount of a Federal benefit payment made to an officer or member of the Metropolitan Police Department, the benefit payment to which the officer or member is entitled under the District Retirement Program shall include any amounts which would have been included in the benefit payment under such Program if the amendments made by the Police Recruiting and Retention Enhancement Amendment Act of 1999 had taken effect prior to the freeze date.".

(b) CONFORMING AMENDMENT.—Section 11003(5) of such Act (Public Law 105–33; 111 Stat. 717; D.C. Code, sec. 1–761.2(5)) is amended by inserting after "except as" the following: "provided under section 11012(e) and as".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to Federal benefit payments made after the date of the enactment of this Act.

SEC. 909. EFFECTIVE DATE.

Except as provided in section 908(c), this title and the amendments made by this title shall become effective on the 1st day of the 1st pay period beginning 6 months after the date of enactment.

TITLE X—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATIVE PROVISIONS

SEC. 1001. Section 206(d) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (42 U.S.C. 12701 note) is amended—

(1) in paragraph (1), by striking "V" and inserting "III"; and

(2) in paragraph (4), by striking "reimbursable" and inserting "non-reimbursable".

SEC. 1002. For purposes of Part 2, Subpart B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Public Law 102–550), notwithstanding any other provision of law or regulation, for purposes of measuring the extent of compliance with the housing goals for the years 2001, 2002, and 2003, the Secretary of Housing and Urban Development shall assign, in the case of the Federal Home Loan Mortgage Corporation, 1.35 units of credit toward achievement of each housing goal for each unit of multifamily housing (excepting units located in properties having between five and fifty units) qualifying as affordable under such housing goal.

SEC. 1003. Notwithstanding any other provision of law, neither the City of Toledo, Ohio, nor the Secretary of Housing and Urban Development (HUD) is required to enforce any requirements associated with Housing Development Grant number 00H006H6402 provided to the City of Toledo, Ohio, that prohibit or restrict the conversion of the rental units in the Beacon Place project to condominium ownership: Provided, that the City of Toledo and the Secretary of HUD are authorized to take any actions necessary to cause any such prohibition or restriction to be removed from the appropriate land records and otherwise terminated: Provided further, That converted units shall remain available as rental housing to those persons, including low- and very-low income persons who presently reside in the units: Provided further, That the conversion proposal for Beacon Place apartments shall not reduce the number of affordable housing units in Toledo: Provided further, That any and all proceeds from such conversion are used to retire debt associated with the Beacon Place project or to rehabilitate the properties known as the Cubbon Properties.

SEC. 1004. The Comptroller General of the United States shall conduct a study on the following topics—

(a)(1) The adequacy of the capital structure of the Federal Home Loan Bank (FHLB) System as it relates to the risks posed by: (A) the traditional advances business of the FHLB System; (B) the expanded collateral provisions and permissible uses of advances under the Gramm-Leach-Bliley Act of 1999; and (C) the MPF, and other programs providing for the direct acquisition of mortgages. The analysis should examine the credit risk, interest rate risk, and operations risk associated with each structure;

(2) The risks associated with further growth in the direct acquisition of mortgages by the Federal Home Loan Bank System; and

(3) A comparison of the risk-based capital standard proposed by the Federal Housing Finance Board for the Federal Home Loan Bank System to the standard proposed by the Office of Federal Housing Enterprise Oversight for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives a report on the study required under subsection (a).

TITLE XI—DEPARTMENT OF THE TREASURY

ADMINISTRATIVE PROVISION

SEC. 1102. HONORING THE NAVAJO CODE TALKERS.

(a) Congress finds that—

(1) On December 7, 1941, the Japanese Empire attacked Pearl Harbor and war was declared by Congress the following day;

(2) The military code, developed by the United States for transmitting messages, had been deciphered by the Japanese, and a search by United States Intelligence was made to develop new means to counter the enemy;

(3) The United States government called upon the Navajo Nation to support the military effort by recruiting and enlisting twenty-nine Navajo men to serve as Marine Corps Radio Operators;

(4) the number of Navajo enlistees later increased to more than three hundred and fifty;

(5) at the time, the Navajos were often treated as second-class citizens, and they were a people who were discouraged from using their own native language;

(6) the Navajo Marine Corps Radio Operators, who became known as the "Navajo Code Talkers", were used to develop a code using their native language to communicate military messages in the Pacific;

(7) to the enemy's frustration, the code developed by these Native Americans proved to be unbreakable, and was used extensively throughout the Pacific theater;

(8) the Navajo language, discouraged in the past, was instrumental in developing the most significant and successful military code of the time;

(9) at Iwo Jima alone, the Navajo Code Talkers passed over 800 error-free messages in a 48-hour period;

(10) Use of the Navajo Code was so successful, that—

(A) military commanders credited it in saving the lives of countless American soldiers and in the success of the engagements of the United States in the battles of Guadalcanal, Tarawa, Saipan, Iwo Jima, and Okinawa;

(B) some Code Talkers were guarded by fellow marines, whose role was to kill them in case of imminent capture by the enemy; and

(C) the Navajo code was kept secret for 23 years after the end of World War II;

(11) following the conclusion of World War II, the Department of Defense maintained the secrecy of the Navajo code until it was declassified in 1968; and

(12) only then did a realization of the sacrifice and valor of these brave Native Americans emerge from history.

(b)(1) To express recognition by the United States and its citizens in honoring the Navajo Code Talkers, who distinguished themselves in performing a unique, highly successful communications operation that greatly assisted in saving countless lives and hastening the end of World War II in the Pacific, the President is authorized—

(A) to award to each of the original twenty-nine Navajo Code Talkers, or a surviving family member, on behalf of the Congress, a gold medal of appropriate design, honoring the Navajo Code Talkers; and

(B) to award to each person who qualified as a Navajo Code Talker (MOS 642), or a surviving family member, on behalf of the Congress, a silver medal of appropriate design, honoring the Navajo Code Talkers.

(2) For purposes of the awards authorized by paragraph (l), the Secretary of the Treasury (in this section referrd to as the "Secretary") shall strike gold and silver medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) The Secretary may strike and sell duplicates in bronze of the medals struck pursuant to this section, under such regulations as the Secretary may prescribe, and a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the medals.

(d) The medals struck pursuant to this section are national medals for purposes of chapter 51, of title 31, United States Code.

(e)(1) There is authorized to be charged against the United States Mint Public Enterprise Fund, such sums as may be necessary to pay for the costs of the medals authorized by this section.

(3) Amounts received from the sale of duplicate medals under this section shall be deposited in the United States Mint Public Enterprise Fund.

TITLE XII—ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISION

SEC. 1201. ABOVEGROUND STORAGE TANK GRANT PROGRAM.

(a) DEFINITIONS.—In this provision:

(1) ABOVEGROUND STORAGE TANK.—The term "aboveground storage tank" means any tank or combination of tanks (including any connected pipe)—

(A) that is used to contain an accumulation of regulated substances; and

(B) the volume of which (including the volume of any connected pipe) is located wholly above the surface of the ground.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(3) DENALI COMMISSION.—The term "Denali Commission" means the commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note).

(4) FEDERAL ENVIRONMENTAL LAW.—The term "Federal environmental law" means—

(A) the Oil Pollution Control Act of 1990 (33 U.S.C. 2701 et seq.);

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(C) the Soild Waste Disposal Act (42 U.S.C. 6901 et seq.); or

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(E) any other Federal law that is applicable to the release into the environment of a regulated substance, as determined by the Administrator.

(5) NATIVE VILLAGE.—The term "Native village" has the meaning given the term in section 11(b) in Public Law 92-203 (85 Stat. 688).

(6) PROGRAM.—The term "program" means the Aboveground Storage Tank Grant Program established by subsection (b)(1).

(7) REGULATED SUBSTANCE.—The term "regulated substance" has the meaning given the term in section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991).

(8) STATE.—The term "State" means the State of Alaska.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a grant program to be known as the "Aboveground Storage Tank Grant Program".

(2) GRANTS.—Under the program, the Administrator shall award a grant to—

(A) the State, on behalf of a Native village; or

(B) the Denali Commission.

(c) USE OF GRANTS.—The State or the Denali Commission shall use the funds of a grant under subsection (b) to repair, upgrade, or replace 1 or more aboveground storage tanks that—

(l) leaks or poses an imminent threat of leaking, as certified by the Administrator, the Commandant of the Coast Guard, or any other appropriate Federal or State agency (as determined by the Administrator); and

(2) is located in a Native village—

(A) the median household income of which is less than 80 percent of the median household income in the State;

(B) that is located—

(i) within the boundaries of—

(I) a unit of the National Park System;

(II) a unit of the National Wildlife Refuge System; or

(III) a National Forest; or

(ii) on public land under the administrative jurisdiction of the Bureau of Land Management; or

(C) that receives payments from the Federal Government under chapter 69 of title 31, United States Code (commonly known as "payments in lieu of taxes").

(d) REPORTS.—Not later than 1 year after the date on which the State or the Denali Commission receives a grant under subsection (c), and annually thereafter, the State or the Denali Commission, as the case may be, shall submit a report describing each project completed with grant funds and any projects planned for the following year, to—

(1) the Administrator;

(2) the Committee on Resources of the House of Representatives;

(3) the Committee on Environment and Public Works of the Senate;

(4) the Committee on Appropriations of the House of Representatives; and

(5) the Committee on Appropriations of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act, to remain available until expended—

(1) $20,000,000 for year 2001; and

(2) such sums as are necessary for each fiscal year thereafter.

TITLE XIII—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ADMINISTRATIVE PROVISION

SEC. 1301. Of the proceeds in any fiscal year from the sale of timber on Federal property at the John C. Stennis Space Center, or on additional real property within the restricted easement area adjacent to the Center, any funds that are in excess of the amount necessary for the expenses of commonly accepted forest management practices on such properties may be retained and used by the National Aeronautics and Space Administration for the acquisition from willing sellers of up to a total of 500 acres of real property to establish education and visitor programs and facilities that promote and preserve the regional and national history of the area, including the contributions of Stennis Space Center, and, as necessary, for wetlands mitigation.

TITLE XIV—CERTAIN ALASKAN CRUISE SHIP OPERATIONS

SECTION 1401. PURPOSE.

The purpose of this Title is to—

(a) Ensure that cruise vessels operating in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska and within the Kachemak Bay National Estuarine Research Reserve comply with all applicable environmental laws, including, but not limited to, the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Act to Prevent Pollution from Ships, as amended (33 U.S.C. 1901 et seq.), and the protections contained within this Title.

(b) Ensure that cruise vessels do not discharge untreated sewage within the waters of the Alexander Archipelago, the navigable waters of the United States in the State of Alaska, or within the Kachemak Bay National Estuarine Research Reserve.

(c) Prevent the unregulated discharge of treated sewage and graywater while in ports in the State of Alaska or traveling near the shore in the Alexander Archipelago and the navigable waters of the United States in the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

(d) Ensure that discharges of sewage and graywater from cruise vessels operating in the Alexander Archipelago and the navigable waters of the United States in the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve can be monitored for compliance with the requirements contained in this Title.

SEC. 1402. APPLICABILITY.

(a) This Title applies to all cruise vessels authorized to carry 500 or more passengers for hire.

SEC. 1403. PROHIBITION ON DISCHARGE OF UNTREATED SEWAGE.

No person shall discharge any untreated sewage from a cruise vessel into the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1404. LIMITATIONS ON DISCHARGE OF TREATED SEWAGE OR GRAYWATER.

(a) No person shall discharge any treated sewage or graywater from a cruise vessel into the

waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve unless—

(1) the cruise vessel is underway and proceeding at a speed of not less than six knots;

(2) the cruise vessel is not less than one nautical mile from the nearest shore, except in areas designated by the Secretary, in consultation with the State of Alaska;

(3) the discharge complies with all applicable cruise vessel effluent standards established pursuant to this Title and any other applicable law; and

(4) the cruise vessel is not in an area where the discharge of treated sewage or graywater is prohibited.

(b) The Administrator, in consultation with the Secretary, may promulgate regulations allowing the discharge of treated sewage or graywater, otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, where the discharge meets effluent standards determined by the Administrator as appropriate for discharges into the marine environment. In promulgating such regulations, the Administrator shall take into account the best available scientific information on the environmental effects of the regulated discharges. The effluent discharge standards promulgated under this section shall, at a minimum, be consistent with all relevant State of Alaska water quality standards in force at the time of the enactment of this Title.

(c) Until such time as the Administrator promulgates regulations under paragraph (b) of this section, treated sewage and graywater may be discharged from vessels subject to this Title in circumstances otherwise prohibited under paragraphs (a)(1) and (a)(2) of this section, provided that—

(1) the discharge satisfies the minimum level of effluent quality specified in 40 CFR 133.102, as in effect on the date of enactment of this Section;

(2) the geometric mean of the samples from the discharge during any 30-day period does not exceed 20 fecal coliform/100 ml and not more than 10 percent of the samples exceed 40 fecal coliform/100 ml;

(3) concentrations of total residual chlorine may not exceed 10.0 µg/l; and,

(4) prior to any such discharge occurring, the owner, operator or master, or other person in charge of a cruise vessel, can demonstrate test results from at least five samples taken from the vessel representative of the effluent to be discharged, on different days over a 30-day period, conducted in accordance with the guidelines promulgated by the Administrator in 40 CFR Part 136, which confirm that the water quality of the effluents proposed for discharge is in compliance with paragraphs (1), (2) and (3) of this subsection. To the extent not otherwise being done by the owner, operator, master or other person in charge of a cruise vessel pursuant to section 1406, the owner, operator, master or other person in charge of a cruise vessel shall demonstrate continued compliance through periodic sampling. Such sampling and test results shall be considered environmental compliance records that must be made available for inspection pursuant to section 1406(d) of this Title.

SEC. 1405. SAFETY EXCEPTION.

Sections 1403 and 1404 of this Title shall not apply to discharges made for the purpose of securing the safety of the cruise vessel or saving life at sea, provided that all reasonable precautions have been taken for the purpose of preventing or minimizing the discharge.

SEC. 1406. INSPECTION AND SAMPLING REGIME.

(a) The Secretary shall incorporate into the commercial vessel examination program an inspection regime sufficient to verify that cruise vessels visiting ports in the State of Alaska or operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve are in full compliance with this Title, the Federal Water Pollution Control Act, as amended, and any regulations issued thereunder, other applicable Federal laws and regulations, and all applicable international treaty requirements.

(b) The inspection regime shall, at a minimum, include—

(1) examination of environmental compliance records and procedures;

(2) inspection of the functionality and proper operation of installed equipment for abatement and control of any discharge;

(c) The inspection regime may—

(1) include unannounced inspections of any aspect of cruise vessel operations, equipment or discharges pertinent to the verification under subsection (a) of this section; and

(2) require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to maintain and produce a logbook detailing the times, types, volumes or flow rates and locations of any discharges of sewage or graywater under this Title.

(d) The inspection regime shall incorporate a plan for sampling and testing cruise vessel discharges to ensure that any discharges of sewage or graywater are in compliance with this Title, the Federal Water Pollution Control Act, as amended, and any other applicable laws and regulations, and may require the owner, operator or master, or other person in charge of a cruise vessel subject to this Title to conduct such samples or tests, and to produce any records of such sampling or testing at the request of the Secretary or Administrator.

SEC. 1407. CRUISE VESSEL EFFLUENT STANDARDS.

Pursuant to this Title and the authority of the Federal Water Pollution Control Act, as amended, the Administrator may promulgate effluent standards for treated sewage and graywater from cruise vessels operating in the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve. Regulations implementing such standards shall take into account the best available scientific information on the environmental effects of the regulated discharges and the availability of new technologies for wastewater treatment. Until such time as the Administrator promulgates such effluent standards, treated sewage effluent discharges shall not have a fecal coliform bacterial count of greater than 200 per 100 milliliters nor suspended solids greater than 150 milligrams per liter.

SEC. 1408. REPORTS.

(a) Any owner, operator or master, or other person in charge of a cruise vessel who has knowledge of a discharge from the cruise vessel in violation of section 1403 or 1404 or pursuant to section 1405 of this Title, or any regulations promulgated thereunder, shall immediately report that discharge to the Secretary, who shall provide a copy to the Administrator upon request.

(b) The Secretary may prescribe the form of reports required under this section.

SEC. 1409. ENFORCEMENT.

(a) Administrative Penalties.—

(1) Violations.—Any person who violates section 1403, 1404, 1408, or 1413 of this Title, or any regulations promulgated pursuant to this Title may be assessed a class I or class II civil penalty by the Secretary or the Administrator.

(2) Classes of penalties.—

(A) Class I.—The amount of a class I civil penalty under this section may not exceed $10,000 per violation, except that the maximum amount of any class I civil penalty under this section shall not exceed $25,000. Before assessing a civil penalty under this clause, the Secretary or Administrator, as the case may be, shall give to the person to be assessed such penalty written notice of the Secretary's or Administrator's proposal to assess the penalty and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed penalty. Such hearing shall not be subject to section 554 or 556 of Title 5, but shall provide a reasonable opportunity to be heard and to present evidence.

(B) Class II.—The amount of a class II civil penalty under this section may not exceed $10,000 per day for each day during which the violation continues, except that the maximum amount of any class II civil penalty under this section shall not exceed $125,000. Except as otherwise provided in this subsection, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions as in the case of civil penalties assessed and collected after notice and an opportunity for a hearing on the record in accordance with section 554 of Title 5, United States Code. The Secretary and Administrator may issue rules for discovery procedures for hearings under this paragraph.

(3) Rights of interested persons.—

(A) Public notice.—Before issuing an order assessing a class II civil penalty under this section, the Secretary or Administrator, as the case may be, shall provide public notice of and reasonable opportunity to comment on the proposed issuance of each order.

(B) Presentation of evidence.—Any person who comments on a proposed assessment of a class II civil penalty under this section shall be given notice of any hearing held under this paragraph and of the order assessing such penalty. In any hearing held under this paragraph, such person shall have a reasonable opportunity to be heard and present evidence.

(C) Rights of interested persons to a hearing.—If no hearing is held under subsection (2) before issuance of an order assessing a class II civil penalty under this section, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such order, the Administrator or Secretary, as the case may be, to set aside such order and to provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator or Secretary shall immediately set aside such order and provide a hearing in accordance with subsection (2)(B). If the Administrator or Secretary denies a hearing under this clause, the Administrator or Secretary shall provide to the petitioner, and publish in the Federal Register, notice of and the reasons for such denial.

(4) Finality of order.—An order assessing a class II civil penalty under this paragraph shall become final 30 days after its issuance unless a petition for judicial review is filed under subparagraph (6) or a hearing is requested under subsection (3)(C). If such a hearing is denied, such order shall become final 30 days after such denial.

(5) Effect of action on compliance.—No action by the Administrator or Secretary under this paragraph shall affect any person's obligation to comply with any section of this Title.

(6) Judicial review.—Any person against whom a civil penalty is assessed under this paragraph or who commented on the proposed assessment of such penalty in accordance with subsection (3) may obtain review of such assessment—

(A) in the case of assessment of a class I civil penalty, in the United States District Court for

the District of Columbia or in the District of Alaska, or

(B) in the case of assessment of a class II civil penalty, in United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Administrator or Secretary, as the case may be, and the Attorney General. The Administrator or Secretary shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the Administrator's or Secretary's assessment of the penalty constitutes an abuse of discretion.

(7) COLLECTION.—If any person fails to pay an assessment of a civil penalty—

(A) after the assessment has become final, or

(B) after a court in an action brought under subsection (6) has entered a final judgment in favor of the Administrator or Secretary, as the case may be, the Administrator or Secretary shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this subparagraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

(8) SUBPOENAS.—The Administrator or Secretary, as the case may be, may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with hearings under this section. In case of contumacy or refusal to obey a subpoena issued pursuant to this subsection and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator or Secretary or to appear and produce documents before the Administrator or Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) CIVIL PENALTIES.—

(1) GENERALLY.—Any person who violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title shall be subject to a civil penalty not to exceed $25,000 per day for each violation. Each day a violation continues constitutes a separate violation.

(2) JURISDICTION.—An action to impose a civil penalty under this section may be brought in the district court of the United States for the district in which the defendant is located, resides, or transacts business, and such court shall have jurisdiction to assess such penalty.

(3) LIMITATION.—A person is not liable for a civil judicial penalty under this paragraph for a violation if the person has been assessed a civil administrative penalty under paragraph (a) for the violation.

(c) DETERMINATION OF AMOUNT.—In determining the amount of a civil penalty under paragraphs (a) or (b) of this section, the court, the Secretary or the Administrator, as the case may be, shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and other such matters as justice may require.

(d) CRIMINAL PENALTIES.—

(1) NEGLIGENT VIOLATIONS.—Any person who negligently violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class A misdemeanor.

(2) KNOWING VIOLATIONS.—Any person who knowingly violates section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title commits a Class D felony.

(3) FALSE STATEMENTS.—Any person who knowingly makes any false statement, representation, or certification in any record, report or other document filed or required to be maintained under this Title or the regulations issued thereunder, or who falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be maintained under this Title, or the regulations issued thereunder, commits a Class D felony.

(e) AWARDS.—

(1) The Secretary, the Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay from any fines or civil penalties collected under this section an amount not to exceed one-half of the penalty or fine collected, to any individual who furnishes information which leads to the payment of the penalty or fine. If several individuals provide such information, the amount shall be divided equitably among such individuals. No officer or employee of the United States, the State of Alaska or any Federally recognized Tribe who furnishes information or renders service in the performance of his or her official duties shall be eligible for payment under this subsection.

(2) The Secretary, Administrator or the court, when assessing any fines or civil penalties, as the case may be, may pay, from any fines or civil penalties collected under this section, to the State of Alaska or to any Federally recognized Tribe providing information or investigative assistance which leads to payment of the penalty or fine, an amount which reflects the level of information or investigative assistance provided. Should the State of Alaska or a Federally recognized Tribe and an individual under paragraph (1) of this section be eligible for an award, the Secretary, the Administrator or the court, as the case may be, shall divide the amount equitably.

(f) LIABILITY IN REM.—A cruise vessel operated in violation of this Title or the regulations issued thereunder is liable in rem for any fine imposed under subsection (d) of this section or for any civil penalty imposed under subsections (a) or (b) of this section, and may be proceeded against in the United States district court of any district in which the cruise vessel may be found.

(g) COMPLIANCE ORDERS.—

(1) IN GENERAL.—Whenever on the basis of any information available to him the Administrator finds that any person is in violation of section 1403, 1404, 1408 or 1413 of this Title, or any regulations promulgated pursuant to this Title, the Administrator shall issue an order requiring such person to comply with such section or requirement, or shall bring a civil action in accordance with subsection (b).

(2) COPIES OF ORDERS, SERVICE.—A copy of any order issued under this subsection shall be sent immediately by the Administrator to the State of Alaska. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be served on any appropriate corporate officer. Any order issued under this subsection shall be by personal service, shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance not to exceed thirty days in the case of a violation of an interim compliance schedule or operation and maintenance requirement and not to exceed a time the Administrator determines to be reasonable in the case of a violation of a final deadline, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

(h) CIVIL ACTIONS.—The Administrator is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under this subsection. Any action under subsection (h) may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the State of Alaska.

SEC. 1410. DESIGNATION OF CRUISE VESSEL NO-DISCHARGE ZONES.

If the State of Alaska determines that the protection and enhancement of the quality of some or all of the waters of the Alexander Archipelago or the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve require greater environmental protection, the State of Alaska may petition the Administrator to prohibit the discharge of graywater and sewage from cruise vessels operating in such waters. The establishment of such a prohibition shall be achieved in the same manner as the petitioning process and prohibition of the discharge of sewage pursuant to Section 312(f) of the Federal Water Pollution Control Act, as amended, and the regulations promulgated thereunder.

SEC. 1411. SAVINGS CLAUSE.

(a) Nothing in this Title shall be construed as restricting, affecting or amending any other law or the authority of any department, instrumentality or agency of the United States.

(b) Nothing in this Title shall in any way affect or restrict, or be construed to affect or restrict, the authority of the State of Alaska or any political subdivision thereof—

(1) to impose additional liability or additional requirements; or

(2) to impose, or determine the amount of an fine or penalty (whether criminal or civil in nature) for any violation of law; relating to the discharge of sewage (whether treated or untreated) or graywater in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska or within the Kachemak Bay National Estuarine Research Reserve.

SEC. 1412. REGULATIONS.

The Secretary and the Administrator each may prescribe any regulations necessary to carry out the provisions of this Title.

SEC. 1413. INFORMATION GATHERING AUTHORITY.

The authority of Sections 308(a) and (b) of the Federal Water Pollution Control Act, as amended, shall be available to the Administrator to carry out the provisions of this Title. The Administrator and the Secretary shall minimize, to the extent practicable, duplication of or inconsistency with the inspection, sampling, testing, record-keeping and reporting requirements established by the Secretary under section 1406 of this Title.

SEC. 1414. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(2) CRUISE VESSEL.—The term "cruise vessel" means a passenger vessel as defined in section 2101(22) of Title 46, United States Code. The term "cruise vessel" does not include a vessel of the United States operated by the Federal Government or a vessel owned and operated by the government of a State.

(3) DISCHARGE.—The term "discharge" means any release however caused from a cruise vessel, and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.

(4) GRAYWATER.—The term "graywater" means only galley, dishwasher, bath, and laundry waste water. The term does not include other wastes or waste streams.

(5) NAVIGABLE WATERS.—The term "navigable waters" has the same meaning as in section 502 of the Federal Water Pollution Control Act, as amended.

(6) PERSON.—The term "person" means an individual, corporation, partnership, limited liability company, association, State, municipality, commission or political subdivision of a State, or any Federally recognized Tribe.

(7) SECRETARY.—The term "Secretary" means the Secretary of the department in which the United States Coast Guard is operating.

(8) SEWAGE.—The term "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

(9) TREATED SEWAGE.—The term "treated sewage" means sewage meeting all applicable effluent limitation standards and processing requirements of the Federal Water Pollution Control Act, as amended and of this Title, and regulations promulgated under either.

(10) UNTREATED SEWAGE.—The term "untreated sewage" means sewage that is not treated sewage.

(11) WATERS OF THE ALEXANDER ARCHIPELAGO.—The term "waters of the Alexander Archipelago" means all waters under the sovereignty of the United States within or near Southeast Alaska, beginning at a point 58°11′41″N, 136°39′25″W [near Cape Spencer Light], thence southeasterly along a line three nautical miles seaward of the baseline from which the breadth of the territorial sea is measured in the Pacific Ocean and the Dixon Entrance, except where this line intersects geodesics connecting the following five pairs of points:

(1) 58°05′17″N, 136°33′49″W and 58°11′41″N, 136°39′25″W [Cross Sound]

(2) 56°09′40″N, 134°40′00″W and 55°49′15″N, 134°17′40″W [Chatham Strait]

(3) 55°49′15″N, 134°17′40″W and 55°50′30″N, 133°54′15″W [Sumner Strait]

(4) 54°41′30″N, 132°01′00″W and 54°51″30″N, 131°20′45″W [Clarence Strait]

(5) 54°51′30″N, 131°20′45″W and 54°46′15″N, 130°52′00″W [Revillagigedo Channel]

The portion of each such geodesic situated beyond 3 nautical miles from the baseline from which the breadth of the territorial sea is measured forms the outer limit of the waters of the Alexander Archipelago in those five locations.

TITLE XV—LIFE ACT AMENDMENTS

SEC. 1501. SHORT TITLE.

This title may be cited as the "LIFE Act Amendments of 2000".

SEC. 1502. SUBSTITUTION OF ALTERNATIVE ADJUSTMENT PROVISION.

(a) EXTENDED APPLICATION OF SECTION 245(i).—

(1) IN GENERAL.—Paragraph (1) of section 245(i) of the Immigration and Nationality Act (8 U.S.C. 1255(i)) is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B)(i), by striking "January 14, 1998" and inserting "April 30, 2001";

(C) in subparagraph (B), by adding "and" at the end; and

(D) by inserting after subparagraph (B) the following new subparagraph:

"(C) who, in the case of a beneficiary of a petition for classification, or an application for labor certification, described in subparagraph (B) that was filed after January 14, 1998, is physically present in the United States on the date of the enactment of the LIFE Act Amendments of 2000;".

(2) MODIFICATION IN USE OF FUNDS.—Paragraph (3)(B) of such section is amended by inserting before the period the following: ", except that in the case of fees attributable to applications for a beneficiary with respect to whom a petition for classification, or an application for labor certification, described in paragraph (1)(B) was filed after January 14, 1998, one-half of such remaining portion shall be deposited by the Attorney General into the Immigration Examinations Fee Account established under section 286(m)".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (m) of section 245 of the Immigration and Nationality Act, as added by section 1102(c) of the Legal Immigration Family Equity Act, is repealed.

(2) Section 245 of the Immigration and Nationality Act, as amended by section 1102(d)(2) of the Legal Immigration Family Equity Act, is amended by striking "or (m)" each place it appears.

SEC. 1503. MODIFICATION OF SECTION 1104 ADJUSTMENT PROVISIONS.

(a) INCLUSION OF ADDITIONAL CLASS.—Section 1104(b) of the Legal Immigration Family Equity Act is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) Zambrano v. INS, vacated sub nom. Immigration and Naturalization Service v. Zambrano, 509 U.S. 918 (1993).".

(b) CONFORMING APPLICATION OF CONSENT PROVISION.—Section 1104(c) of the Legal Immigration Family Equity Act is amended by adding at the end the following new paragraph:

"(10) CONFORMING APPLICATION OF CONSENT PROVISION.—In addition to the waivers provided in subsection (d)(2) of such section 245A of the Immigration and Nationality Act, the Attorney General may grant the alien a waiver of the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)). In granting such waivers, the Attorney General shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section.".

(c) INAPPLICABILITY OF REMOVAL ORDER REINSTATEMENT.—Section 1104 of such Act is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) INAPPLICABILITY OF REMOVAL ORDER REINSTATEMENT.—Section 241(a)(5) of the Immigration and Nationality Act shall not apply with respect to an alien who is applying for adjusmtent of status under this section.".

SEC. 1504. APPLICATION OF FAMILY UNITY PROVISIONS TO SPOUSES AND UNMARRIED CHILDREN OF CERTAIN LIFE ACT BENEFICIARIES.

(a) IMMIGRATION BENEFITS.—Except as provided in subsection (d), in the case of an eligible spouse or child (as described in subsection (b)), the Attorney General—

(1) shall not remove the alien on a ground specified in paragraph (1)(A), (1)(B), (1)(C), or (3)(A) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)), other than so much of paragraph (1)(A) of such section as relates to a ground of inadmissibility described in paragraph (2) or (3) of section 212(a) of such Act (8 U.S.C. 1182(a)); and

(2) shall authorize the alien to engage in employment in the United States during the period of time in which protection is provided under paragraph (1) and shall provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment.

(b) ELIGIBLE SPOUSES AND CHILDREN.—For purposes of this section, the term "eligible spouse or child" means an alien who is the spouse or unmarried child of an alien described in section 1104(b) of the Legal Immigration Family Equity Act if the spouse or child—

(1) entered the United States before December 1, 1988; and

(2) resided in the United States on such date.

(c) PROCESS FOR RELIEF FOR ELIGIBLE SPOUSES AND CHILDREN OUTSIDE THE UNITED STATES.—If an alien has obtained lawful permanent resident status under section 1104 of the Legal Immigration Family Equity Act and the alien has an eligible spouse or child who is no longer physically present in the United States, the Attorney General shall establish a process under which the eligible spouse or child may be paroled into the United States in order to obtain the benefits of subsection (a) unless the Attorney General finds that the spouse or child would be inadmissible or deportable on any ground, other than a ground for which the alien would not be subject to removal under subsection (a)(1). An alien so paroled shall not be treated as paroled into the United States for purposes of section 201(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(4)).

(d) EXCEPTION.—An alien is not eligible for the benefits of this section if the Attorney General finds that—

(1) the alien has been convicted of a felony or three or more misdemeanors in the United States; or

(2) the alien is described in section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)).

(e) APPLICATION OF DEFINITIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section.

SEC. 1505. MISCELLANEOUS AMENDMENTS TO VARIOUS ADJUSTMENT AND RELIEF ACTS.

(a) NICARAGUAN ADJUSTMENT AND CENTRAL AMERICAN RELIEF ACT.—

(1) IN GENERAL.—Section 202(a) of the Nicaraguan Adjustment and Central American Relief Act is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) RULES IN APPLYING CERTAIN PROVISIONS.—In the case of an alien described in subsection (b) or (d) who is applying for adjustment of status under this section—

"(A) the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply; and

"(B) the Attorney General may grant the alien a waiver of the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act.

In granting waivers under subparagraph (B), the Attorney General shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).".

(2) PERMITTING MOTION TO REOPEN.—Notwithstanding any time and number limitations imposed by law on motions to reopen exclusion, removal, or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined by section 101(a) of the Immigration and Nationality Act)), a national of Cuba or Nicaragua who has become eligible for adjustment of status under the Nicaraguan Adjustment and Central American Relief Act as a result of the amendments made by paragraph (1), may file one motion to reopen exclusion, deportation, or removal proceedings to apply for such adjustment under that Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under that Act. All such motions shall be filed within 180 days of the date of the enactment of this Act.

(b) HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.—

(1) INAPPLICABILITY OF CERTAIN PROVISIONS.—Section 902(a) of the Haitian Refugee Immigration Fairness Act of 1998 is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—In the case of an alien described in subsection (b) or (d) who is applying for adjustment of status under this section—

"(A) the provisions of section 241(a)(5) of the Immigration and Nationality Act shall not apply; and

"(B) the Attorney General may grant the alien a waiver of the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act.

In granting waivers under subparagraph (B), the Attorney General shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).".

(2) PERMITTING MOTION TO REOPEN.—Notwithstanding any time and number limitations imposed by law on motions to reopen exclusion, removal, or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined by section 101(a) of the Immigration and Nationality Act)), a national of Haiti who has become eligible for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 as a result of the amendments made by paragraph (1), may file one motion to reopen exclusion, deportation, or removal proceedings to apply for such adjustment under that Act. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for adjustment of status under that Act. All such motions shall be filed within 180 days of the date of the enactment of this Act.

(c) SECTION 309 OF IIRIRA.—Section 309 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by adding at the end the following new subsection:

"(h) RELIEF AND MOTIONS TO REOPEN.—

"(1) RELIEF.—An alien described in subsection (c)(5)(C)(i) who is otherwise eligible for—

"(A) suspension of deportation pursuant to section 244(a) of the Immigration and Nationality Act, as in effect before the title III–A effective date; or

"(B) cancellation of removal, pursuant to section 240A(b) of the Immigration and Nationality Act and subsection (f) of this section;

shall not be barred from applying for such relief by operation of section 241(a)(5) of the Immigration and National Act, as in effect after the title III–A effective date.

"(2) ADDITIONAL MOTION TO REOPEN PERMITTED.—Notwithstanding any limitation imposed by law on motions to reopen removal or deportation proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined by section 101(a) of the Immigration and Nationality Act)), any alien who is described in subsection (c)(5)(C)(i) and who has become eligible for cancellation of removal or suspension of deportation as a result of the enactment of paragraph (1) may file one motion to reopen removal or deportation proceedings in order to apply for cancellation of removal or suspension of deportation. The scope of any proceeding reopened on this basis shall be limited to a determination of the alien's eligibility for cancellation of removal or suspension of deportation. The Attorney General shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this subsection and shall extend for a period not to exceed 240 days.

"(3) CONSTRUCTION.—Nothing in this subsection shall preclude an alien from filing a motion to reopen pursuant to section 240(b)(5)(C)(ii) of the Immigration and Nationality Act, or section 242B(c)(3)(B) of such Act (as in effect before the title III–A effective date).".

SEC. 1506. EFFECTIVE DATE.

This title shall take effect as if included in the enactment of the Legal Immigration Family Equity Act.

TITLE XVI—IMPROVING LITERACY THROUGH FAMILY LITERACY PROJECTS

SEC. 1601. SHORT TITLE.

This title may be cited as the "Literacy Involves Families Together Act".

SEC. 1602. AUTHORIZATION OF APPROPRIATIONS.

Section 1002(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(b)) is amended by striking "$118,000,000 for fiscal year 1995" and inserting "$250,000,000 for fiscal year 2001".

SEC. 1603. IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1111(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) the State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.".

SEC. 1604. EVEN START FAMILY LITERACY PROGRAMS.

(a) PART HEADING.—The part heading for part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended to read as follows:

"PART B—WILLIAM F. GOODLING EVEN START FAMILY LITERACY PROGRAMS".

(b) STATEMENT OF PURPOSE.—Section 1201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361) is amended—

(1) in paragraph (1), by inserting "high quality" after "build on"; and

(2) by amending paragraph (2) to read as follows:

"(2) promote the academic achievement of children and adults;";

(3) by striking the period at the end of paragraph (3) and inserting "; and"; and

(4) by adding at the end the following:

"(4) use instructional programs based on scientifically based reading research (as defined in section 2252) and the prevention of reading difficulties for children and adults, to the extent such research is available.".

(c) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "(or, if such appropriated amount exceeds $200,000,000, 6 percent of such amount)" after "1002(b)";

(B) in paragraph (2), by striking "If the amount of funds made available under this subsection exceeds $4,600,000," and inserting "After the date of the enactment of the Literacy Involves Families Together Act,"; and

(C) by adding at the end the following:

"(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high quality family literacy programs serving American Indians.".

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(b)) is amended to read as follows:

"(b) RESERVATION FOR FEDERAL ACTIVITIES.—

"(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts for purposes of—

"(A) carrying out the evaluation required by section 1209; and

"(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

"(2) RESEARCH.—In the case of fiscal years 2001 through 2004, if the amount appropriated under section 1002(b) for any of such years—

"(A) is equal to or less than the amounts appropriated for the preceding fiscal year, the Secretary may reserve from such amount only the amount necessary to continue multi-year activities carried out pursuant to section 1211(b) that began during or prior to the preceding fiscal year; or

"(B) exceeds the amount appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount $2,000,000 or 50 percent, whichever is less, to carry out section 1211(b).".

(d) RESERVATION FOR GRANTS.—Section 1202(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended—

(1) by striking "From funds reserved under section 2260(b)(3), the Secretary shall award grants," and inserting "For any fiscal year for which at least one State applies and submits an application that meets the requirements and goals of this subsection and for which the amount appropriated under section 1002(b) exceeds the amount appropriated under such section for the preceding fiscal year, the Secretary shall reserve, from the amount of such excess remaining after the application of subsection (b)(2), the amount of such remainder or $1,000,000, whichever is less, to award grants,"; and

(2) by adding at the end "No State may receive more than one grant under this subsection.".

(e) ALLOCATIONS.—Section 1202(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(d)(2)) is amended by striking "that section" and inserting "that part".

(f) STATE LEVEL ACTIVITIES.—Section 1203(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(a)) is amended—

(1) by striking "5 percent" and inserting "a total of 6 percent"; and

(2) in paragraph (1), by inserting before the semicolon the following: ", not to exceed half of such total".

(g) SUBGRANTS FOR LOCAL PROGRAMS.—Section 1203(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(b)(2)) is amended to read as follows:

"(2) MINIMUM SUBGRANT AMOUNTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State shall award a subgrant under paragraph (1) in an amount less than $75,000.

"(B) SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.—No State shall award a subgrant under paragraph (1) in an amount less than $52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this part or its predecessor authority for the ninth (or any subsequent) fiscal year.

"(C) EXCEPTION FOR SINGLE SUBGRANT.—A State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than $75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in accordance with subparagraphs (A) and (B), less than $75,000 is available to the State to award such subgrants.".

(h) USES OF FUNDS.—Section 1204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6364) is amended—

(1) in subsection (a), by striking "family-centered education programs" and inserting "family literacy services"; and

(2) by adding at the end the following:

"(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

"(1) IN GENERAL.—From funds reserved under 1203(a), a State may use a portion of such funds to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

"(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

"(3) TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying out paragraph (1), a State may use the funds referred to in such paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists, including requesting and applying for non-Federal resources.

"(4) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.".

(i) PROGRAM ELEMENTS.—Section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365) is amended—

(1) by redesignating paragraphs (9) and (10) as paragraphs (14) and (15), respectively;

(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(3) by inserting after paragraph (4) the following:

"(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this part, ensure that—

"(A) not later than 4 years after the date of the enactment of the Literacy Involves Families Together Act—

"(i) a majority of the individuals providing academic instruction—

"(I) shall have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary or secondary school education, or adult education; and

"(II) if applicable, shall meet qualifications established by the State for early childhood education, elementary or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;

"(ii) the individual responsible for administration of family literacy services under this part has received training in the operation of a family literacy program; and

"(iii) paraprofessionals who provide support for academic instruction have a high school diploma or its recognized equivalent; and

"(B) beginning on the date of the enactment of the Literacy Involves Families Together Act, all new personnel hired to provide academic instruction—

"(i) have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary or secondary school education, or adult education; and

"(ii) if applicable, meet qualifications established by the State for early childhood education, elementary or secondary school education, or adult education provided as part of an Even Start program or another family literacy program;";

(4) in paragraph (8) (as so redesignated by paragraph (2), by striking "or enrichment" and inserting "and enrichment".

(5) by inserting after paragraph (9) (as so redesignated by paragraph (2)) the following:

"(10) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and adults, to the extent such research is available;

"(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;

"(12) include reading readiness activities for preschool children based on scientifically based reading research (as defined in section 2252), to the extent available, to ensure children enter school ready to learn to read;

"(13) if applicable, promote the continuity of family literacy to ensure that individuals retain and improve their educational outcomes"; and

(5) in paragraph (14) (as so redesignated), by striking "program." and inserting "program to be used for program improvement.".

(j) ELIGIBLE PARTICIPANTS.—Section 1206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6366) is amended—

(1) in subsection (a)(1)(B) by striking "part;" and inserting "part, or who are attending secondary school;"; and

(2) in subsection (b), by adding at the end the following:

"(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program contribute to paying the cost of providing programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older if the focus of the program continues to remain on families with young children.".

(k) PLAN.—Section 1207(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "and continuous improvement" after "plan of operation";

(B) in subparagraph (A), by striking "goals;" and inserting "objectives, strategies to meet such objectives, and how they are consistent with the program indicators established by the State;";

(C) in subparagraph (E), by striking "and" at the end;

(D) in subparagraph (F)—

(i) by striking "Act, the Goals 2000: Educate America Act," and inserting "Act"; and

(ii) by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement."; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "(1)(A)" and inserting "(1)".

(l) AWARD OF SUBGRANTS.—Section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B)—

(i) by striking "including a high" and inserting "such as a high"; and

(ii) by striking "part A;" and inserting "part A, a high number or percentage of parents who have been victims of domestic violence, or a high number or percentage of parents who are receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);";

(B) in paragraph (1)(F), by striking "Federal" and inserting "non-Federal";

(C) in paragraph (1)(H), by inserting "family literacy projects and other" before "local educational agencies"; and

(D) in paragraph (3), in the matter preceding subparagraph (A), by striking "one or more of the following individuals:" and inserting "one individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following:"; and

(2) in subsection (b)—

(A) by striking paragraph (3) and inserting the following:

"(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210."; and

(B) by amending paragraph (5)(B) to read as follows:

"(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).".

(m) RESEARCH.—Section 1211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369b) is amended—

(1) in subsection (b), by striking "subsection (a)" and inserting "subsections (a) and (b)";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—

"(1) IN GENERAL.—From amounts reserved under section 1202(b)(2), the National Institute for Literacy, in consultation with the Secretary, shall carry out research that—

"(A) is scientifically based reading research (as defined in section 2252); and

"(B) determines—

"(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

"(ii) how family literacy services can best provide parents with the knowledge and skills they need to support their children's literacy development.

"(2) Use of expert entity.—The National Institute for Literacy, in consultation with the Secretary, shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.".

(n) Indicators of Program Quality.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall notify each State that receives funds under part B of title I of the Elementary and Secondary Education Act of 1965 that to be eligible to receive fiscal year 2001 funds under part B, such State shall submit to the Secretary, not later than June 30, 2001, its indicators of program quality as described in section 1210 of the Elementary and Secondary Education Act of 1965. A State that fails to comply with this subsection shall be ineligible to receive funds under such part in subsequent years unless such State submits to the Secretary, not later than June 30 of the year in which funds are requested, its indicators of program quality as described in section 1210 of the Elementary and Secondary Education Act of 1965.

SEC. 1605. EDUCATION OF MIGRATORY CHILDREN.

Section 1304(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.".

SEC. 1606. DEFINITIONS.

(a) In General.—Section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) is amended—

(1) by redesignating paragraphs (15) through (29) as paragraphs (16) through (30), respectively; and

(2) by inserting after paragraph (14) the following:

"(15) Family literacy services.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

"(C) Parent literacy training that leads to economic self-sufficiency.

"(D) An age-appropriate education to prepare children for success in school and life experiences.".

(b) Conforming Amendments.—

(1) Even start family literacy programs.—Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Reading and literacy grants.—(A) Section 2252 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661a) is amended—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(B) Section 2260 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661i) is amendmed—

(i) in subsection (a), by striking "and section 1202(c)" each place it appears, and

(ii) in subsection (b)—

(I) in paragraph (1), by inserting "and" after the semicolon;

(II) in paragraph (2), by striking "; and " and inserting a period; and

(III) by striking paragraph (3).

SEC. 1607. INDIAN EDUCATION.

(a) Early Childhood Development Program.—Section 1143 of the Education Amendments of 1978 (25 U.S.C. 2023) is amended—

(1) in subsection (b)(1), in the matter preceding subparagraph (A)—

(A) by striking "(f)" and inserting "(g)"; and

(B) by striking "(e))" and inserting "(f))";

(2) in subsection (d)(1)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(B) by inserting after subparagraph (C) the following:

"(D) family literacy services,";

(3) in subsection (e), by striking "(f)," and inserting "(g),";

(4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(5) by inserting after subsection (d) the following:

"(e) Family literacy programs operated under this section, and other family literacy programs operated by the Bureau of Indian Affairs, shall be coordinated with family literacy programs for American Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving American Indians.".

(b) Definitions.—Section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026) is amended—

(1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) the term 'family literacy services' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);".

TITLE XVII—CHILDREN'S INTERNET PROTECTION

SEC. 1701. SHORT TITLE.

This title may be cited as the "Children's Internet Protection Act".

SEC. 1702. DISCLAIMERS.

(a) Disclaimer Regarding Content.—Nothing in this title or the amendments made by this title shall be construed to prohibit a local educational agency, elementary or secondary school, or library from blocking access on the Internet on computers owned or operated by that agency, school, or library to any content other than content covered by this title or the amendments made by this title.

(b) Disclaimer Regarding Privacy.—Nothing in this title or the amendments made by this title shall be construed to require the tracking of Internet use by any identifiable minor or adult user.

SEC. 1703. STUDY OF TECHNOLOGY PROTECTION MEASURES.

(a) In General.—Not later than 18 months after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available technology protection measures, including commercial Internet blocking and filtering software, adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of measures that meet such needs; and

(3) evaluating the development and effectiveness of local Internet safety policies that are currently in operation after community input.

(b) Definitions.—In this section:

(1) Technology protection measure.—The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are—

(A) obscene, as that term is defined in section 1460 of title 18, United States Code;

(B) child pornography, as that term is defined in section 2256 of title 18, United States Code; or

(C) harmful to minors.

(2) Harmful to minors.—The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that—

(A) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

(B) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

(C) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(3) Sexual act; sexual contact.—The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18, United States Code.

Subtitle A—Federal Funding for Educational Institution Computers

SEC. 1711. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

"PART F—LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS

"SEC. 3601. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR SCHOOLS.

"(a) Internet Safety.—

"(1) In general.—No funds made available under this title to a local educational agency for an elementary or secondary school that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934, as added by section 1721 of Children's Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school both—

"(A)(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(I) obscene;

"(II) child pornography; or

"(III) harmful to minors; and

"(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

"(B)(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(I) obscene; or

"(II) child pornography; and

"(ii) is enforcing the operation of such technology protection measure during any use of such computers.

"(2) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

"(A) IN GENERAL.—The local educational agency with responsibility for a school covered by paragraph (1) shall certify the compliance of such school with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effective date of this section, and for each subsequent program funding year thereafter.

"(B) PROCESS.—

"(i) SCHOOLS WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

"(ii) SCHOOLS WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A local educational agency with responsibility for a school covered by paragraph (1) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)—

"(I) for the first program year after the effective date of this section in which the local educational agency is applying for funds for such school under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

"(II) for the second program year after the effective date of this section in which the local educational agency is applying for funds for such school under this Act, shall certify that such school is in compliance with such requirements.

Any school covered by paragraph (1) for which the local educational agency concerned is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this title for such second program year and all subsequent program years until such time as such school comes into compliance with such requirements.

"(iii) WAIVERS.—Any school subject to a certification under clause (ii)(II) for which the local educational agency concerned cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The local educational agency concerned shall notify the Secretary of the applicability of that clause to the school. Such notice shall certify that the school will be brought into compliance with the requirements in paragraph (1) before the start of the third program year after the effective date of this section in which the school is applying for funds under this title.

"(3) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or person authorized by the responsible authority under paragraph (1) may disable the technology protection measure concerned to enable access for bona fide research or other lawful purposes.

"(4) NONCOMPLIANCE.—

"(A) USE OF GENERAL EDUCATION PROVISIONS ACT REMEDIES.—Whenever the Secretary has reason to believe that any recipient of funds under this title is failing to comply substantially with the requirements of this subsection, the Secretary may—

"(i) withhold further payments to the recipient under this title,

"(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

"(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements,

in same manner as the Secretary is authorized to take such actions under sections 455, 456, and 457, respectively, of the General Education Provisions Act (20 U.S.C. 1234d).

"(B) RECOVERY OF FUNDS PROHIBITED.—The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a school to comply substantially with a provision of this subsection, and the Secretary shall not seek a recovery of funds from the recipient for such failure.

"(C) RECOMMENCEMENT OF PAYMENTS.—Whenever the Secretary determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Secretary shall cease the withholding of payments to the recipient under that subparagraph.

"(5) DEFINITIONS.—In this section:

"(A) COMPUTER.—The term 'computer' includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

"(B) ACCESS TO INTERNET.—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet.

"(C) ACQUISITION OR OPERATION.—A elementary or secondary school shall be considered to have received funds under this title for the acquisition or operation of any computer if such funds are used in any manner, directly or indirectly—

"(i) to purchase, lease, or otherwise acquire or obtain the use of such computer; or

"(ii) to obtain services, supplies, software, or other actions or materials to support, or in connection with, the operation of such computer.

"(D) MINOR.—The term 'minor' means an individual who has not attained the age of 17.

"(E) CHILD PORNOGRAPHY.—The term 'child pornography' has the meaning given such term in section 2256 of title 18, United States Code.

"(F) HARMFUL TO MINORS.—The term 'harmful to minors' means any picture, image, graphic image file, or other visual depiction that—

"(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

"(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

"(G) OBSCENE.—The term 'obscene' has the meaning given such term in section 1460 of title 18, United States Code.

"(H) SEXUAL ACT; SEXUAL CONTACT.—The terms 'sexual act' and 'sexual contact' have the meanings given such terms in section 2246 of title 18, United States Code.

"(b) EFFECTIVE DATE.—This section shall take effect 120 days after the date of the enactment of the Children's Internet Protection Act.

"(c) SEPARABILITY.—If any provision of this section is held invalid, the remainder of this section shall not be affected thereby.".

SEC. 1712. LIMITATION ON AVAILABILITY OF CERTAIN FUNDS FOR LIBRARIES.

(a) AMENDMENT.—Section 224 of the Museum and Library Services Act (20 U.S.C. 9134(b)) is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following new paragraph:

"(6) provide assurances that the State will comply with subsection (f); and"; and

(2) by adding at the end the following new subsection:

"(f) INTERNET SAFETY.—

"(1) IN GENERAL.—No funds made available under this Act for a library described in section 213(2)(A) or (B) that does not receive services at discount rates under section 254(h)(6) of the Communications Act of 1934, as added by section 1721 of this Children's Internet Protection Act, may be used to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such library unless—

"(A) such library—

"(i) has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(I) obscene;

"(II) child pornography; or

"(III) harmful to minors; and

"(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors; and

"(B) such library—

"(i) has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(I) obscene; or

"(II) child pornography; and

"(ii) is enforcing the operation of such technology protection measure during any use of such computers.

"(2) ACCESS TO OTHER MATERIALS.—Nothing in this subsection shall be construed to prohibit a library from limiting Internet access to or otherwise protecting against materials other than those referred to in subclauses (I), (II), and (III) of paragraph (1)(A)(i).

"(3) DISABLING DURING CERTAIN USE.—An administrator, supervisor, or other authority may disable a technology protection measure under paragraph (1) to enable access for bona fide research or other lawful purposes.

"(4) TIMING AND APPLICABILITY OF IMPLEMENTATION.—

"(A) IN GENERAL.—A library covered by paragraph (1) shall certify the compliance of such library with the requirements of paragraph (1) as part of the application process for the next program funding year under this Act following the effective date of this subsection, and for each subsequent program funding year thereafter.

"(B) PROCESS.—

"(i) LIBRARIES WITH INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by paragraph (1) that has in place an Internet safety policy meeting the requirements of paragraph (1) shall certify its compliance with paragraph (1) during each annual program application cycle under this Act.

"(ii) LIBRARIES WITHOUT INTERNET SAFETY POLICIES AND TECHNOLOGY PROTECTION MEASURES IN PLACE.—A library covered by paragraph

(I) that does not have in place an Internet safety policy meeting the requirements of paragraph (1)—

"(I) for the first program year after the effective date of this subsection in which the library applies for funds under this Act, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy that meets such requirements; and

"(II) for the second program year after the effective date of this subsection in which the library applies for funds under this Act, shall certify that such library is in compliance with such requirements.

Any library covered by paragraph (1) that is unable to certify compliance with such requirements in such second program year shall be ineligible for all funding under this Act for such second program year and all subsequent program years until such time as such library comes into compliance with such requirements.

"(iii) Waivers.—Any library subject to a certification under clause (ii)(II) that cannot make the certification otherwise required by that clause may seek a waiver of that clause if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by that clause. The library shall notify the Director of the Institute of Museum and Library Services of the applicability of that clause to the library. Such notice shall certify that the library will comply with the requirements in paragraph (1) before the start of the third program year after the effective date of this subsection for which the library is applying for funds under this Act.

"(5) Noncompliance.—

"(A) Use of general education provisions act remedies.—Whenever the Director of the Institute of Museum and Library Services has reason to believe that any recipient of funds this Act is failing to comply substantially with the requirements of this subsection, the Director may—

"(i) withhold further payments to the recipient under this Act,

"(ii) issue a complaint to compel compliance of the recipient through a cease and desist order, or

"(iii) enter into a compliance agreement with a recipient to bring it into compliance with such requirements.

"(B) Recovery of funds prohibited.—The actions authorized by subparagraph (A) are the exclusive remedies available with respect to the failure of a library to comply substantially with a provision of this subsection, and the Director shall not seek a recovery of funds from the recipient for such failure.

"(C) Recommencement of payments.—Whenever the Director determines (whether by certification or other appropriate evidence) that a recipient of funds who is subject to the withholding of payments under subparagraph (A)(i) has cured the failure providing the basis for the withholding of payments, the Director shall cease the withholding of payments to the recipient under that subparagraph.

"(6) Separability.—If any provision of this subsection is held invalid, the remainder of this subsection shall not be affected thereby.

"(7) Definitions.—In this section:

"(A) Child pornography.—The term 'child pornography' has the meaning given such term in section 2256 of title 18, United States Code.

"(B) Harmful to minors.—The term 'harmful to minors' means any picture, image, graphic image file, or other visual depiction that—

"(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

"(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

"(C) Minor.—The term 'minor' means an individual who has not attained the age of 17.

"(D) Obscene.—The term 'obscene' has the meaning given such term in section 1460 of title 18, United States Code.

"(E) Sexual act; sexual contact.—The terms 'sexual act' and 'sexual contact' have the meanings given such terms in section 2246 of title 18, United States Code.".

(b) Effective Date.—The amendment made by this section shall take effect 120 days after the date of the enactment of this Act.

Subtitle B—Universal Service Discounts

SEC. 1721. REQUIREMENT FOR SCHOOLS AND LIBRARIES TO ENFORCE INTERNET SAFETY POLICIES WITH TECHNOLOGY PROTECTION MEASURES FOR COMPUTERS WITH INTERNET ACCESS AS CONDITION OF UNIVERSAL SERVICE DISCOUNTS.

(a) Schools.—Section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (7); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) Requirements for certain schools with computers having internet access.—

"(A) Internet safety.—

"(i) In general.—Except as provided in clause (ii), an elementary or secondary school having computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the school, school board, local educational agency, or other authority with responsibility for administration of the school—

"(I) submits to the Commission the certifications described in subparagraphs (B) and (C);

"(II) submits to the Commission a certification that an Internet safety policy has been adopted and implemented for the school under subsection (l); and

"(III) ensures the use of such computers in accordance with the certifications.

"(ii) Applicability.—The prohibition in clause (i) shall not apply with respect to a school that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

"(iii) Public notice; hearing.—An elementary or secondary school described in clause (i), or the school board, local educational agency, or other authority with responsibility for administration of the school, shall provide reasonable public notice and hold at least 1 public hearing or meeting to address the proposed Internet safety policy. In the case of an elementary or secondary school other than an elementary or secondary school as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), the notice and hearing required by this clause may be limited to those members of the public with a relationship to the school.

"(B) Certification with respect to minors.—A certification under this subparagraph is a certification that the school, school board, local educational agency, or other authority with responsibility for administration of the school—

"(i) is enforcing a policy of Internet safety for minors that includes monitoring the online activities of minors and the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(I) obscene;

"(II) child pornography; or

"(III) harmful to minors; and

"(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors.

"(C) Certification with respect to adults.—A certification under this paragraph is a certification that the school, school board, local educational agency, or other authority with responsibility for administration of the school—

"(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(I) obscene; or

"(II) child pornography; and

"(ii) is enforcing the operation of such technology protection measure during any use of such computers.

"(D) Disabling during adult use.—An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

"(E) Timing of implementation.—

"(i) In general.—Subject to clause (ii) in the case of any school covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

"(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

"(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

"(ii) Process.—

"(I) Schools with internet safety policy and technology protection measures in place.—A school covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

"(II) Schools without internet safety policy and technology protection measures in place.—A school covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)—

"(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

"(bb) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any school that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such school comes into compliance with this paragraph.

"(III) Waivers.—Any school subject to subclause (II) that cannot come into compliance with subparagraphs (B) and (C) in such second year program may seek a waiver of subclause (II)(bb) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A school, school board, local educational agency, or other authority with responsibility for administration of the school shall notify the Commission of the applicability of such subclause to the school. Such notice shall certify that the school in question will be brought into compliance before the start of the third program year after the effective date of this subsection in which the school is applying for funds under this subsection.

"(F) Noncompliance.—

"(i) Failure to submit certification.—Any school that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

"(ii) Failure to comply with certification.—Any school that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraphs (B) and (C) shall reimburse any funds and discounts received under this subsection for the period covered by such certification.

"(iii) Remedy of noncompliance.—

"(I) Failure to submit.—A school that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the school shall be eligible for services at discount rates under this subsection.

"(II) Failure to comply.—A school that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the school shall be eligible for services at discount rates under this subsection.".

(b) Libraries.—Such section 254(h) is further amended by inserting after paragraph (5), as amended by subsection (a) of this section, the following new paragraph:

"(6) Requirements for certain libraries with computers having Internet access.—

"(A) Internet safety.—

"(i) In general.—Except as provided in clause (ii), a library having one or more computers with Internet access may not receive services at discount rates under paragraph (1)(B) unless the library—

"(I) submits to the Commission the certifications described in subparagraphs (B) and (C); and

"(II) submits to the Commission a certification that an Internet safety policy has been adopted and implemented for the library under subsection (l); and

"(III) ensures the use of such computers in accordance with the certifications.

"(ii) Applicability.—The prohibition in clause (i) shall not apply with respect to a library that receives services at discount rates under paragraph (1)(B) only for purposes other than the provision of Internet access, Internet service, or internal connections.

"(iii) Public notice; hearing.—A library described in clause (i) shall provide reasonable public notice and hold at least 1 public hearing or meeting to address the proposed Internet safety policy.

"(B) Certification with respect to minors.—A certification under this subparagraph is a certification that the library—

"(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(I) obscene;

"(II) child pornography; or

"(III) harmful to minors; and

"(ii) is enforcing the operation of such technology protection measure during any use of such computers by minors.

"(C) Certification with respect to adults.—A certification under this paragraph is a certification that the library—

"(i) is enforcing a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are—

"(I) obscene; or

"(II) child pornography; and

"(ii) is enforcing the operation of such technology protection measure during any use of such computers.

"(D) Disabling during adult use.—An administrator, supervisor, or other person authorized by the certifying authority under subparagraph (A)(i) may disable the technology protection measure concerned, during use by an adult, to enable access for bona fide research or other lawful purpose.

"(E) Timing of implementation.—

"(i) In general.—Subject to clause (ii) in the case of any library covered by this paragraph as of the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certification under subparagraphs (B) and (C) shall be made—

"(I) with respect to the first program funding year under this subsection following such effective date, not later than 120 days after the beginning of such program funding year; and

"(II) with respect to any subsequent program funding year, as part of the application process for such program funding year.

"(ii) Process.—

"(I) Libraries with Internet safety policy and technology protection measures in place.—A library covered by clause (i) that has in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C) shall certify its compliance with subparagraphs (B) and (C) during each annual program application cycle under this subsection, except that with respect to the first program funding year after the effective date of this paragraph under section 1721(h) of the Children's Internet Protection Act, the certifications shall be made not later than 120 days after the beginning of such first program funding year.

"(II) Libraries without Internet safety policy and technology protection measures in place.—A library covered by clause (i) that does not have in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C)—

"(aa) for the first program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is undertaking such actions, including any necessary procurement procedures, to put in place an Internet safety policy and technology protection measures meeting the requirements necessary for certification under subparagraphs (B) and (C); and

"(bb) for the second program year after the effective date of this subsection in which it is applying for funds under this subsection, shall certify that it is in compliance with subparagraphs (B) and (C).

Any library that is unable to certify compliance with such requirements in such second program year shall be ineligible for services at discount rates or funding in lieu of services at such rates under this subsection for such second year and all subsequent program years under this subsection, until such time as such library comes into compliance with this paragraph.

"(III) Waivers.—Any library subject to subclause (II) that cannot come into compliance with subparagraphs (B) and (C) in such second year may seek a waiver of subclause (II)(bb) if State or local procurement rules or regulations or competitive bidding requirements prevent the making of the certification otherwise required by such subclause. A library, library board, or other authority with responsibility for administration of the library shall notify the Commission of the applicability of such subclause to the library. Such notice shall certify that the library in question will be brought into compliance before the start of the third program year after the effective date of this subsection in which the library is applying for funds under this subsection.

"(F) Noncompliance.—

"(i) Failure to submit certification.—Any library that knowingly fails to comply with the application guidelines regarding the annual submission of certification required by this paragraph shall not be eligible for services at discount rates or funding in lieu of services at such rates under this subsection.

"(ii) Failure to comply with certification.—Any library that knowingly fails to ensure the use of its computers in accordance with a certification under subparagraphs (B) and (C) shall reimburse all funds and discounts received under this subsection for the period covered by such certification.

"(iii) Remedy of noncompliance.—

"(I) Failure to submit.—A library that has failed to submit a certification under clause (i) may remedy the failure by submitting the certification to which the failure relates. Upon submittal of such certification, the library shall be eligible for services at discount rates under this subsection.

"(II) Failure to comply.—A library that has failed to comply with a certification as described in clause (ii) may remedy the failure by ensuring the use of its computers in accordance with such certification. Upon submittal to the Commission of a certification or other appropriate evidence of such remedy, the library shall be eligible for services at discount rates under this subsection.".

(c) Definitions.—Paragraph (7) of such section, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following:

"(D) Minor.—The term 'minor' means any individual who has not attained the age of 17 years.

"(E) Obscene.—The term 'obscene' has the meaning given such term in section 1460 of title 18, United States Code.

"(F) Child pornography.—The term 'child pornography' has the meaning given such term in section 2256 of title 18, United States Code.

"(G) Harmful to minors.—The term 'harmful to minors' means any picture, image, graphic image file, or other visual depiction that—

"(i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

"(ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

"(iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

"(H) SEXUAL ACT; SEXUAL CONTACT.—The terms 'sexual act' and 'sexual contact' have the meanings given such terms in section 2246 of title 18, United States Code.

"(I) TECHNOLOGY PROTECTION MEASURE.—The term 'technology protection measure' means a specific technology that blocks or filters Internet access to the material covered by a certification under paragraph (5) or (6) to which such certification relates.".

(d) CONFORMING AMENDMENT.—Paragraph (4) of such section is amended by striking "paragraph (5)(A)" and inserting "paragraph (7)(A)".

(e) SEPARABILITY.—If any provision of paragraph (5) or (6) of section 254(h) of the Communications Act of 1934, as amended by this section, or the application thereof to any person or circumstance is held invalid, the remainder of such paragraph and the application of such paragraph to other persons or circumstances shall not be affected thereby.

(f) REGULATIONS.—

(1) REQUIREMENT.—The Federal Communications Commission shall prescribe regulations for purposes of administering the provisions of paragraphs (5) and (6) of section 254(h) of the Communications Act of 1934, as amended by this section.

(2) DEADLINE.—Notwithstanding any other provision of law, the Commission shall prescribe regulations under paragraph (1) so as to ensure that such regulations take effect 120 days after the date of the enactment of this Act.

(g) AVAILABILITY OF CERTAIN FUNDS FOR ACQUISITION OF TECHNOLOGY PROTECTION MEASURES.

(1) IN GENERAL.—Notwithstanding any other provision of law, funds available under section 3134 or part A of title VI of the Elementary and Secondary Education Act of 1965, or under section 231 of the Library Services and Technology Act, may be used for the purchase or acquisition of technology protection measures that are necessary to meet the requirements of this title and the amendments made by this title. No other sources of funds for the purchase or acquisition of such measures are authorized by this title, or the amendments made by this title.

(2) TECHNOLOGY PROTECTION MEASURE DEFINED.—In this section, the term "technology protection measure" has the meaning given that term in section 1703.

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect 120 days after the date of the enactment of this Act.

Subtitle C—Neighborhood Children's Internet Protection

SEC. 1731. SHORT TITLE.

This subtitle may be cited as the "Neighborhood Children's Internet Protection Act".

SEC. 1732. INTERNET SAFETY POLICY REQUIRED.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

"(l) INTERNET SAFETY POLICY REQUIREMENT FOR SCHOOLS AND LIBRARIES.—

"(1) IN GENERAL.—In carrying out its responsibilities under subsection (h), each school or library to which subsection (h) applies shall—

"(A) adopt and implement an Internet safety policy that addresses—

"(i) access by minors to inappropriate matter on the Internet and World Wide Web;

"(ii) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

"(iii) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

"(iv) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

"(v) measures designed to restrict minors' access to materials harmful to minors; and

"(B) provide reasonable public notice and hold at least one public hearing or meeting to address the proposed Internet safety policy.

"(2) LOCAL DETERMINATION OF CONTENT.—A determination regarding what matter is inappropriate for minors shall be made by the school board, local educational agency, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

"(A) establish criteria for making such determination;

"(B) review the determination made by the certifying school, school board, local educational agency, library, or other authority; or

"(C) consider the criteria employed by the certifying school, school board, local educational agency, library, or other authority in the administration of subsection (h)(1)(B).

"(3) AVAILABILITY FOR REVIEW.—Each Internet safety policy adopted under this subsection shall be made available to the Commission, upon request of the Commission, by the school, school board, local educational agency, library, or other authority responsible for adopting such Internet safety policy for purposes of the review of such Internet safety policy by the Commission.

"(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries on or after the date that is 120 days after the date of the enactment of the Children's Internet Protection Act.".

SEC. 1733. IMPLEMENTING REGULATIONS.

Not later than 120 days after the date of enactment of this Act, the Federal Communications Commission shall prescribe regulations for purposes of section 254(l) of the Communications Act of 1934, as added by section 1732 of this Act.

Subtitle D—Expedited Review

SEC. 1741. EXPEDITED REVIEW.

(a) THREE-JUDGE DISTRICT COURT HEARING.—Notwithstanding any other provision of law, any civil action challenging the constitutionality, on its face, of this title or any amendment made by this title, or any provision thereof, shall be heard by a district court of 3 judges convened pursuant to the provisions of section 2284 of title 28, United States Code.

(b) APPELLATE REVIEW.—Notwithstanding any other provision of law, an interlocutory or final judgment, decree, or order of the court of 3 judges in an action under subsection (a) holding this title or an amendment made by this title, or any provision thereof, unconstitutional shall be reviewable as a matter of right by direct appeal to the Supreme Court. Any such appeal shall be filed not more than 20 days after entry of such judgment, decree, or order.

This Act may be cited as the "Miscellaneous Appropriations Act, 2001".

MISCELLANEOUS APPROPRIATIONS

Following is explanatory language on H.R. 5666, as introduced on December 15, 2000.

The conferees on H.R. 4577 agree with the matter included in H.R. 5666 and enacted in this conference report by reference and the following description of it.

DIVISION A

CHAPTER 1

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes language which: provides that not more than $100,000 shall be available for guarantees of private sector rural electrification and telecommunications loans; clarifies that a housing demonstration program is to be carried out in Mississippi and Alaska; clarifies that the Initiative for Future Agriculture and Food Systems shall be used to make grants only to colleges, universities, or research foundations maintained by a college or university; makes a technical correction to the Rural Community Advancement Program to specify that funds may be used in counties which have received an emergency designation after January 1, 2000; provides certain transfers under the livestock assistance program; clarifies eligibility for quality losses; clarifies that Emergency Conservation Program funds previously appropriated for the Cerro Grande fire can be made available for drought benefits; clarifies a provision regarding payments to producers that suffered losses because of the insolvency of an agriculture cooperative in the State of California; provides that Burley, Flue-cured, and Cigar Binder Type 54–55 tobacco will be treated identically for loan forfeiture purposes; and establishes an effective date for a provision of the Agricultural Risk Protection Act of 2000 regarding limitations on Burley tobacco quota adjustments. The effective date of these provisions is the date of enactment of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001.

The conference agreement includes a section maintaining the eligibility of certain rural areas for U.S. Department of Agriculture rural housing programs.

The conference agreement includes a section that authorizes a study on the feasibility of including ethanol, biodiesel, and other bio-based fuels as part of the Strategic Petroleum Reserve.

The conference agreement includes a section that makes the City of Wilson, NC, eligible for certain U.S. Department of Agriculture rural development programs.

The conference agreement includes a section that provides $26,000,000 for the Environmental Quality Incentives Program.

The conference agreement includes a section regarding the operation of the ongoing bovine tuberculosis eradication program. The intent of the conferees is that funding for this program, which is financed through the Commodity Credit Corporation, shall provide a total of not less than $60,259,000.

The conferees expect that, in developing any consumer guidance regarding mercury exposure from seafood consumption, the Department of Health and Human Services will rely upon the results of more than one relevant study. The Secretary is directed to submit a report to the Committees on Appropriations by February 28, 2001, on any actions regarding a consumer advisory on this subject.

The conferees urge USDA's Animal and Plant Health Inspection Service (APHIS) to uphold approved sanitary and phytosanitary measures in relation to shipping and cargo materials returning to the United States as a result of trade with Cuba. The conferees urge APHIS to exercise vigilance in the adoption of internal measures to insure that returning containers and shipping materials do not present sanitary or phytosanitary risks to American agriculture or the environment, and to explore the formation of a bilateral cooperative agreement with Cuba to provide for pre-departure inspections of containers leaving Cuba. The conferees also encourage APHIS to work in cooperation with the Departments of Agriculture of the states which will serve as the ports of reentry for these shipping materials and containers.

The conference agreement includes a section that makes funding provided in Section 211(b) of the Agriculture Risk Protection Act of 2000 (P.L. 106–224) available for the Farmland Protection Program.

The conference agreement provides an additional $500,000 to hire additional attorneys for the Trade Practices Division of the Office of the General Counsel to enforce the Packers and Stockyards Act.

The conference agreement provides an additional $200,000 for the Grain Inspection, Packers and Stockyards Administration to establish a hog contract library.

The conference agreement includes language making available funds of the Emergency Watershed Program to accelerate completion of the Hamakua Ditch project in Hawaii.

CHAPTER 2

DEPARTMENT OF JUSTICE

Federal Prison System

SALARIES AND EXPENSES

The conference agreement includes $500,000 for the National Institute of Corrections (NIC) for a comprehensive assessment of medical care and incidents of inmate mortality in the Wisconsin State Prison System.

Office of Justice Programs

JUSTICE ASSISTANCE

The conference agreement includes $300,000 to expand the collection of data on prisoner deaths while in law enforcement custody.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $3,080,000 under this heading, of which $1,880,000 is for a grant to the Pasadena, California, Police Department for equipment; $200,000 is for a grant to the City of Signal Hill, California, for equipment and technology for an emergency operations center; and of which $1,000,000 is for a grant to the State of Alabama Department of Forensic Sciences for equipment.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $1,000,000 for a grant to Mobile County, Alabama, for a juvenile court network program.

General Provisions

Sec. 201. The conference agreement includes a provision making technical changes to Chapter 2 of title II of division B of Public Law 106–246.

Sec. 202. The conference agreement includes a provision appropriating $10,000,000 to the State of Texas and $2,000,000 to the State of Arizona to reimburse county and municipal governments only for Federal costs associated with the handling and processing of illegal immigration and drug and alien smuggling cases.

Sec. 203. The conference agreement includes $9,000,000 to establishment of the Strom Thurmond Boy & Girls Club National Training Center.

Sec. 204. The conference agreement includes $500,000 for the New Hampshire Department of Safety to investigate and support the prosecution of violations of federal trucking laws.

Sec. 205. The conference agreement includes $4,000,000 for the State of South Dakota to establish a regional radio system.

DEPARTMENT OF COMMERCE

Economic and Statistical Analysis

SALARIES AND EXPENSES

The conference agreement includes $200,000 for the establishment of satellite accounts for the travel and tourism industry.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement includes $750,000 for a study by the National Academy of Sciences pursuant to H.R. 2090, as passed by the House of Representatives on September 12, 2000.

In addition, the conferees encourage the National Oceanic and Atmospheric Administration (NOAA) and the Federal Maritime Administration (FMA) to work collaboratively with the Great Lakes Science Center in Cleveland, Ohio in support of its Great Lakes Tour simulator and related education programming.

The conferees also direct the National Oceanic and Atmospheric Administration (NOAA) to develop a plan to establish a program for migrating the 8 mm NEXRAD Level II data archives onto a modern retrievable media, and to report back to the Committees on Appropriations by February 1, 2001.

Sec. 206. The conference agreement includes a technical change to funding provided to the National Marine Fisheries Management Service regarding Stellar sea lion related funding.

Sec. 207. The conference agreement includes $7,500,000 for assistance to certain Alaska fisheries.

Sec. 208. The conference agreement includes $3,000,000 for assistance to certain Hawaii fisheries.

Sec. 209. The conference agreement includes a provision regarding the Bering Sea/Aleutian Island and Gulf of Alaska fisheries.

Sec. 210. The conference agreement includes $500,000 for the Irish Institute.

Sec. 211. The conference agreement includes $5,000,000 to increase coverage and hours of Radio Free Europe/Radio Liberty (RFE/RL) and Voice of America (VOA) broadcasts to Russia and surrounding areas affected by the recent restrictions on media instituted by the Putin regime. In addition, the conference agreement includes $5,000,000 for Radio Free Asia and the Voice of America to increase both the quantity and quality of their broadcasts to China, in accordance with authorization contained in the China PNTR enacting legislation, Section 701(b)(2) of H.R. 4444.

Before using any of the transfer authority provided in this section and within sixty days of enactment of this act, the Broadcasting Board of Governors shall provide to the Committees on Appropriations a spending plan for the total amount provided. This plan should emphasize new RL and VOA Russian and related broadcasts in specific areas most impacted by the recent media restrictions. Also included in the spending plan should be a projection concerning shortwave and medium wave technology needs in this newly closed environment. Amounts proposed for transfer to the Broadcasting Capital Improvements account should be based solely on increased broadcasting to Russia and surrounding areas and to China.

RELATED AGENCIES

Commission on Online Child Protection

The conference agreement includes $750,000 for the Commission on Online Child Protection.

Small Business Administration

SALARIES AND EXPENSES

The conference agreement includes $1,000,000 for a grant to establish an electronic commerce technology distribution center in Scranton, Pennsylvania.

Sec. 212. The conference agreement includes $1,000,000 for the National Museum of Jazz.

General Provision—This Chapter

Sec. 213. The conference agreement includes a provision striking sections 406, 635 and 636, and making technical changes to H.R. 5548.

CHAPTER 3

DEPARTMENT OF DEFENSE

INDIRECT AIRFREIGHT CARRIERS

The conferees urge the Air Mobility Command (AMC) to ensure that military air freight is moved in the most time efficient manner possible. In furtherance of that goal, the conferees believe that the Civil Reserve Air Fleet (CRAF) program should admit and encourage indirect airfreight carriers which have demonstrated ability to provide efficient, cost effective service.

DISTRIBUTIVE TRAINING TECHNOLOGY PROGRAM

Public Law 106–259 provided $29,100,000 in "Other Procurement, Army" and $65,700,000 in "Operation and Maintenance, Army National Guard" for the National Guard Distance Learning Program. It is the conferees' intention that the funds appropriated for this program shall also be available for courseware development and commercial off-the-shelf (COTS) management system software and hardware.

BIOLOGICAL WARFARE DEFENSE

The conferees direct that of the funds appropriated in the Department of Defense Appropriations Act, 2001 (Public Law 106–259) for the Biological Warfare Defense program, under "Research, Development, Test and Evaluation, Defense-Wide", $2,000,000 shall be used only for sensor development in the Defense Advanced Research Projects Agency's Standoff/Bioagent Pathogen Detector System program.

CANCER RESEARCH

The conferees direct that, using funds appropriated in the Department of Defense Appropriations Act, 2001 for medical research programs, the Assistant Secretary of Defense (Health Affairs) conduct a study on whether environmental factors, such as air pollutants and electromagnetic radiation, contribute to a higher than usual rate of incidence of breast cancer in large populations.

BALLISTIC MISSILE DEFENSE ORGANIZATION

In the Department of Defense Appropriations Act, 2001 (Public Law 106–259), the Congress provided additional funds for National Missile Defense risk reduction activities. The Defense Department is reviewing carefully potential enhancements to the NMD test program, including the addition of flight tests as well as the collection of data on various targets and countermeasures. To support these flight test program enhancements, the conferees direct that $3,000,000 of the NMD risk reduction increase be allocated to sensor enhancements and flight test activities outlined in the Arctic Missile Signature Measurement Program (AMSP).

General Provisions—This Chapter

The conference agreement includes a general provision (section 301) allowing obligation of a portion of the fiscal year 2001 procurement funds for the F–22 aircraft, under specified circumstances.

The conference agreement includes a general provision (section 302) which transfers primary jurisdiction over Shemya Island.

The conference agreement includes a general provision (section 303) requiring the Ballistic Missile Defense Organization to purchase no less than 40 PAC–3 missiles, the budgeted quantity, with fiscal year 2001 appropriated funds.

The conference agreement includes a general provision (section 304) which amends section 8133 of the Department of Defense Appropriations Act, 2001 (Public Law 106–259), regarding the amount of transfer authority available to the Secretary of the Navy for ship cost changes.

The conference agreement includes a general provision (section 305) which provides the Secretary of a military department with authority to transfer funds in support of Fisher Houses and Fisher Suites.

The conference agreement includes a general provision (section 306) providing such sums as required to the Defense Vessel Transfer Program Account for the costs of the lease-sale transfers authorized by the National Defense Authorization Act, 2001.

The conference agreement includes a general provision (section 307) clarifying congressional intent concerning a Gulf War illness research program.

The conference agreement includes a general provision (section 308) providing $150,000,000 in emergency appropriations to the Department of Defense, for "Operation and Maintenance, Navy", for the repair of the U.S.S. Cole, which was severely damaged in a terrorist attack in the port of Aden, Yemen, on October 12, 2000. These funds are in addition to any amounts appropriated in the Department of Defense Appropriations Act, 2001 (Public Law 106–259), and are designated as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. In addition to the repair, the Navy may expend necessary amounts from these funds for the necessary stabilization of the vessel and its transportation to the United States.

The conference agreement includes a general provision (section 309) making technical corrections to Section 1092 of the National Defense Authorization Act, 2001, regarding the establishment of an Aerospace Commission.

The conference agreement includes a general provision (section 310) which provides $2,000,000 only for planning and National Environmental Protection Act documentation for the proposed airfield and heliport at the Marine Corps Air Ground Task Training Command.

The conference agreement includes a general provision (section 311) which transfers $5,000,000 to carry out the provisions of the Minuteman Missile National Historic Site Establishment Act of 1999 (Public Law 106–115; 113 Stat. 1540).

The conference agreement includes a general provision (section 312) providing the Secretary of the Air Force with authority to transfer certain excess property.

The conference agreement includes a general provision (section 313) providing $100,000,000 in emergency appropriations for the Overseas Contingency Operations Transfer Fund, to meet classified requirements requested by the Administration. Further details are provided in a classified annex to the Statement of Managers.

The conference agreement includes a general provision (section 314) providing for the use of up to $3,000,000 for Marine Corps research into nanotechnology for consequence management.

The conference agreement includes a general provision (section 315) specifying the use of funds made available in the Department of Defense Appropriations Act, 2000, for certain defense medical initiatives.

The conference agreement includes a general provision (section 316) providing for the acquisition of certain real property by the Secretary of the Navy.

The conference agreement includes a general provision (section 317) regarding the establishment of Marine Fire Training Centers.

The conference agreement includes a general provision (section 318) providing the Navy authority to use funds provided in the Department of Defense Appropriations Act, 2001, for the repair of the ex-Turner Joy.

The conference agreement includes a general provision (section 319) providing funds to accelerate transition of the information technology and information services outsourcing activity within the National Imagery and Mapping Agency.

The conference agreement includes a general provision (section 320) restricting the use of funds provided in the Department of Defense Appropriations Act, 2001 for Air Force radar operations maintenance and support programs or contracts.

The conference agreement includes a general provision (section 321) providing $1,000,000 for "Research, Development, Test and Evaluation, Air Force", to develop rapid diagnostic and fingerprinting techniques along with molecular monitoring systems for the detection of nosocomial infections.

The conference agreement includes a general provision (section 322), making technical adjustments associated with funding provided in the Department of Defense Appropriations Act, 2001 for the C3RP initiative.

The conference agreement includes a general provision (section 323) which establishes procedures under which the Departments of Defense and Interior shall provide the Congress with a comprehensive plan and proposed legislation for expansion of the U.S. Army's National Training Center at Fort Irwin, California. These procedures, including specific timelines for developing and implementing a proposed expansion plan and meeting the requirements of the Endangered Species and National Environmental Policy Acts, are the joint recommendations of the Secretaries of Defense and Interior to the Congress.

The Secretaries have informed the Congress that, given the urgency of the national security considerations involved and the significant amount of research and analysis which has already been conducted, their Departments can expedite the various substantive and procedural reviews required to implement this expansion. The conferees commend the Secretaries of Defense and Interior for the considerable progress made in recent months amongst the various executive branch agencies involved in this process, and for committing their Departments to meet the specific objectives contained in the general provision.

CHAPTER 4

DISTRICT OF COLUMBIA FEDERAL FUNDS

FEDERAL PAYMENT OF THE DISTRICT OF COLUMBIA COURTS

The conference agreement appropriates $400,000 in Federal funds to the District of Columbia courts to cover the costs of a fire that broke out on November 22, 2000, in the H. Carl Moultrie I Courthouse. The appropriation includes $350,000 for capital repairs and $50,000 for miscellaneous operating expenses in connection with the fire damage. The conference agreement also includes language that allows the courts to reallocate not more than $1,000,000 of funds already appropriated for fiscal year 2001 in the event the $400,000 is not sufficient to cover the costs. The fire caused extensive damage to the Superior Court's Family Division Quality Control Office and less severe damage to six adjacent judges' chambers, electrical damage to the court's cell block area, and damage to electrical and communications wiring.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 401. The conference agreement inserts a new section concerning water and sewer payments by Federal agencies to the District of Columbia and requires the inspector general of each Federal entity to submit quarterly reports to the House and Senate Committees on Appropriations on the promptness of payment by the agency for water and sewer services furnished by the District.

Sec. 402. The conference agreement inserts a new section as requested by District officials that repeals a Federal statute enacted in 1866 to convey certain parcels of land to the District to be used solely for schools. The property is at 12th and E Streets, N.E., in the North Lincoln Park neighborhood of Capitol Hill and is the site of the Lovejoy School which ceased being used as a school in 1984, 118 years after the land was conveyed. The DC public school system is under contract to sell the property and although the City Council has passed local legislation to repeal the 1866 law, Federal legislation in necessary because the District government does not have the authority to pass legislation affecting a Federal land interest.

Sec. 403. The conference agreement inserts a new section that amends language in section 160 of the FY 2000 DC Appropriations Act concerning the Victims of Violent Crime Compensation Act of 1996 that would have required any unobligated balance in excess of $250,000 to be transferred to miscellaneous receipts of the U.S. Treasury. The new section allows the use of $250,000 at the discretion of District officials and requires that amounts in excess of $250,000 be used in accordance with a plan developed by the District and approved by the House and Senate Committees on Appropriations, the House Committee on Government Reform, and the Senate Committee on Governmental Affairs. The language also requires that not less than 80 percent of the amounts in excess of $250,000 be used for direct compensation payments to crime victims.

Sec. 404. The conference agreement includes a new section concerning the Reserve Fund for the District of Columbia established pursuant to the District of Columbia Appropriations Act, 2001 (Public Law 106–522, approved November 22, 2000).

Sec. 405. The conference agreement includes a new section that conforms the enrollment count of the District of Columbia charter schools with existing District of Columbia law.

Sec. 406. The conference agreement amends H.R. 4942 by repealing the District of Columbia Appropriations Act, 2001, as contained therein. Since this appropriations Act has already been enacted in H.R. 5633 (Public Law 106–428) including it in H.R. 4942 is no longer necessary.

CHAPTER 5

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement includes an additional $900,000 for General Investigations. Of the funds provided, $100,000 is for a reconnaissance study of shore protection needs at North Topsail Beach, North Carolina;

$100,000 is for a reconnaissance study for a water infrastructure project in Passaic County, New Jersey; $100,000 is for a reconnaissance study of flooding, drainage, and other related problems in the Cayuga Creek Watershed, New York; and $600,000 is for a cost-shared feasibility study of the restoration of the lower St. Anthony's Falls natural rapids in Minnesota.

CONSTRUCTION, GENERAL

The conference agreement includes an additional $2,750,000 for Construction, General. Of the funds provided, $75,000 shall be available for planning and design of a project to provide for floodplain evacuation in the watershed of Pond Creek, Kentucky; $100,000 shall be available for the design of recreation and access features at the Louisville Waterfront Park in Kentucky; $75,000 shall be available for research on the eradication of Eurasian water milfoil in Houghton Lake, Michigan; and $500,000 shall be available for a Limited Reevaluation Report for the Central Boca Raton segment of the Palm Beach County, Florida, shore protection project. The conferees are concerned that the utter lack of sand on some stretches of beach in Boca Raton is negatively impacting the local economy that is dependent on tourism. Therefore, the conferees recommend that the Corps of Engineers proceed as expeditiously as possible to renourish the beach in Boca Raton.

In addition, $2,000,000 of the funds provided shall be available to initiate design and construction of the Hawaii Water Management Project, including Waiahole Ditch on Oahu, Kau Ditch on Maui, Pioneer Mill Ditch on Hawaii, and the complex system on the west side of Kauai.

In addition, language has been included which provides that the Secretary of the Army may use up to $5,000,000 of previously appropriated funds to carry out the Abandoned and Inactive Noncoal Mine Restoration program authorized by section 560 of Public Law 106–53.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

The conference agreement includes an additional $3,500,000 for Flood Control, Mississippi River and Tributaries to be used for the repair, restoration or maintenance of Mississippi River levees and for the correction of deficiencies in the mainline Mississippi River levees.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

The conference agreement includes an additional $2,000,000 for Water and Related Resources for construction of the Mid-Dakota Rural Water System project in South Dakota.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

The conference agreement includes an additional $800,000 for Energy Supply for the Prime, LLC, of central South Dakota, for final engineering and project development of the integrated ethanol complex, including an ethanol unit, waste treatment system, and enclosed cattle feed lot.

SCIENCE

The conference agreement includes an additional $1,000,000 for Science for high temperature superconducting research and development at Boston College.

CHATPER 6

GENERAL PROVISIONS—THIS CHAPTER

Sec. 601. The conference agreement mandates that not less than $1,350,000 from funds appropriated under this heading in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, shall be available only for the Protection Project to continue its study of international trafficking, prostitution, slavery, debt bondage and other abuses of women and children.

Sec. 602. Embassy Compensation Authority.—The conference agreement contains language that authorizes the use of funds appropriated to the account "Economic Support Fund" in Public Law 106–429 for payment to the government of the People's Republic of China for property loss and damage arising out of the May 7, 1999 incident in Belgrade, Federal Republic of Yugoslavia. These funds may be made available notwithstanding any other provision of law.

CHAPTER 7

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

LAND ACQUISITION

The conference agreement provides $5,000,000 for land exchanges authorized by Title VI of the Steens Mountain Cooperative Management and Protection Act.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $500,000 for a grant to the Center for Reproductive Biology at Washington State University for basic research on reproduction abnormalities that could be causing reductions in salmon in the Columbia/Snake River system due to presence of high estrogen levels in the water. The research may also be beneficial to human health conditions affected by the same water borne chemicals.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $750,000 for recently authorized Great Ape conservation activities.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $100,000 for the National Capital Region to complete a feasibility study and select a preferred alternative site for constructing a boathouse in Arlington County, Virginia.

The Department of Justice, in cooperation with the City of Alexandria and the National Park Service, is encouraged to seek expeditious settlement with the remaining six landowners on the Alexandria, Virginia waterfront to achieve the urban land use and design objectives of the city and the National Park Service in bringing this longstanding lawsuit to resolution. In settling these claims, the Justice Department should use, to the extent authorized by law, the permanent judgment appropriation established pursuant to 31 U.S.C. 1304 as the source of any compensation to the landowners that may be required.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $1,600,000 for National Recreation and Preservation. Within the statutory aid account, $500,000 is specifically for continued activities at the National Constitution Center in Philadelphia, Pennsylvania. The remaining $1,100,000 is for a grant to the Historic New Bridge Landing Park Commission for acquisition of land immediately adjacent to the Historic New Bridge Landing, which is a site listed on the National Register of Historic Places and is a site of historic significance in the revolutionary war.

HISTORIC PRESERVATION FUND

The conference agreement provides $100,000 to be provided to the Massillon Heritage Foundation, Inc. in Massillon, Ohio. The Secretary is directed to provide this grant as soon as possible for critical repair and replacement needs.

CONSTRUCTION

The conference agreement provides $3,500,000 for construction. Within that amount $1,500,000 is for reconstruction and renovation at the Stones River National Battlefield and $2,000,000 is for the Millennium Cultural Cooperative Park in Ohio.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

The conference agreement provides $300,000 for a grant to the Oak Ridge National Laboratory/Nevada Test Site Development Corporation. These funds will be used to develop cooling, refrigeration, and thermal energy management equipment capable of using natural gas or hydrogen fuels, and to improve the reliability of heat-activated cooling, refrigeration, and thermal energy management equipment used in combined heating, cooling, and power applications.

RELATED AGENCY

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

PAYMENT TO ENDOWMENT FUND

The conference agreement provides $5,000,000 for the endowment fund of the Woodrow Wilson International Center for Scholars.

GENERAL PROVISION—THIS CHAPTER

Section 701 appropriates $30 million to the Indian Health Service, of which $15 million is for Alaska Native alcohol control and sobriety programs and $15 million is for drug and alcohol prevention and treatment for non-Alaska tribes.

CHAPTER 8

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement provides funding to the Health Resources and Services Administration in the Department of Health and Human Services, for the construction of the Christian Nurses Hospice in Brentwood, New York ($400,000).

The conference agreement provides funding to the Institute of Museum and Library Services, for expansion of the marine biology program at the Long Island Maritime Museum ($250,000).

CHAPTER 9

LEGISLATIVE BRANCH

CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECREASED MEMBERS OF CONGRESS

The conference agreement includes the traditional death gratuity for the widow of Herbert H. Bateman, late a Representative from the State of Virginia, the widow of Bruce F. Vento, late a Representative from the State of Minnesota, and the widow of Julian C. Dixon, late a Representative from the State of California.

ARCHTECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SALARIES AND EXPENSES

An amount of $1,033,000 is provided to construct an emergency egress stair from the fourth floor of the Capitol. These funds are designated as an emergency requirement.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

The agreement provides $100,000,000 to the Library of Congress to establish a national digital information infrastructure and preservation program. Of this amount, $25,000,000 is provided immediately and remains available until expended. An additional amount up to $75,000,000 is provided to match dollar-for-dollar any non-federal contributions to this program, including in-kind contributions, that are received before March 31, 2003. The information and technology industry that has created this new medium should be a contributing partner in addressing digital access and preservation issues inherent in the new digital information environment. This program is a major undertaking to develop standards and a nationwide collecting strategy to build a national repository of digital materials.

The Library is directed to develop a phased implementation plan for this program jointly with Federal entities with expertise in telecommunications technology and electronic commerce policy and with participation of other Federal and non-Federal entities. After consultation with the Joint Committee on the Library, membership of which is changed to include the chair of the Legislative Subcommittee of the Committee on Appropriations of the House of Representatives, the Library shall seek approval of the program plan from the Committee on House Administration, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate. The Library of Congress is authorized to expend up to $5,000,000, before approval of the plan, for the development of the plan and for collecting or preserving digital information that may otherwise vanish during the plan development and approval cycle.

The overall plan should set forth a strategy for the Library of Congress, in collaboration with other Federal and non-Federal entities, to identify a national network of libraries and other organizations with responsibilities for collecting digital materials that will provide access to and maintain those materials. In addition to developing this strategy, the plan shall set forth, in concert with the Copyright Office, the policies, protocols, and strategies for the long-term preservation of such materials, including the technological infrastructure required at the Library of Congress. In developing the plan, the Library should be mindful of the conclusions drawn in a recent National Academy of Sciences report concerning the Library's trend toward insularity and isolation from its clients and peers in the transition toward digital content.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a section concerning the Civil Service Retirement System and the Federal Employees Retirement System. Under current law, certain service as an employee of a congressional campaign committee performed before December 12, 1980 is creditable under the Civil Service Retirement System (CSRS), provided that the applicant makes the required employee contributions to the Civil Service Retirement and Disability Fund. The conference report extends the date of eligible service to December 31, 1990 and allows service that began after 1983 to be creditable under the Federal Employees Retirement System (FERS). The provision also permits an employee of a legislative service organization of the House of Representatives to have such service credited under CSRS or FERS (as applicable), upon payment of the required employee contributions to the retirement fund.

The conference agreement amends, at the request of the managers on the part of the Senate, the amount provided for Senate "miscellaneous items" in the 2001 Legislative Branch Appropriations Act by striking "$8,655,000" and inserting "$25,155,000". The managers on the part of the House have receded to the request of the Senate.

The conferees have included a new provision relating to the application of Senate procedure to conference reports.

CHAPTER 10

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

The conferees provide a total of $443,500,000 to the Department of Defense for Planning and Design, Military Construction, and Family Housing. These amounts are provided as follows:

Account/location/facility	*Amount*
Military Construction, Army:	
Planning and Design for Efficient Basing in Europe	$25,000,000
Presido of Monterey: Information Management Computer Center	2,000,000
Military Construction, Air Force: MacDill AFB, Florida: Runway Improvements	12,000,000
Military Construction, Army National Guard:	
Helena, Montana: Fixed Wing Parking Apron	3,000,000
Fort Lewis, Washington: Planning and Design for 66th Aviation Brigade Readiness Center	1,500,000
Total	43,500,000

LAND TRANSFERS

The conferees include two provisions, sections 1002 and 1003 which direct the Department of Interior to transfer, without consideration, parcels of public domain land to the Department of the Army and the Department of the Air Force. Section 1003 transfers land surrounding the Yakima Training Center in Washington to the Department of the Army, and section transfers land located near Cannon AFB in New Mexico to the Department of the Air Force. Both transfers will facilitate military training exercises.

CHAPTER 11

DEPARTMENT OF TRANSPORTATION

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes a provision that clarifies that the Dulles corridor project shall include a rail extension from the West Falls Church, Virginia metrorail station to Tysons Corner, Virginia.

The conference agreement includes a provision that amends item 630 of section 1602 of Public Law 105-178 regarding a highway project in Buffalo, New York.

The conference agreement directs the Secretary of Transportation to credit the State of Arkansas with the fair market value of land in Fort Chaffee, Arkansas, incorporated as right of way on the U.S. 71 relocation project, for the state share of the relocation project.

The conference agreement includes an appropriation of $2,500,000 from the airport and airway trust fund for various airport improvements at the Huntsville International Airport in Alabama.

The conference agreement includes an appropriation of $1,000,000 from the mass transit account of the highway trust fund for the Southeast Corridor light rail project in Dallas, Texas.

The conference agreement includes a provision that would designate the Ports-to-Plains corridor within the State of Texas if the Texas Transportation Commission does not designate that corridor within the State of Texas by June 30, 2001. The Federal Highway Administration is expected to submit to the House and Senate Committees on Appropriations, the Senate Environment and Public Works Committee, and the House Transportation and Infrastructure Committee a recommendation for the remaining elements of the Ports-to-Plains corridor by September 30, 2001 should the states of New Mexico, Colorado, Oklahoma and Texas not reach a unified consensus on the designation of the Ports-to-Plains corridor from Dumas, Texas to Denver, Colorado. The Federal Highway Administration's recommendation shall also include the basis for its recommendation.

The conference agreement includes an appropriation of $3,000,000 from the mass transit account of the highway trust fund for the Newark-Elizabeth rail link project in New Jersey.

The conference agreement includes a provision that waives the requirements of section 5309(m)(3)(C) of title 49, United States Code, for the capital investment grants made available in the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106-346). The provision also makes eligible for highway bridge replacement and rehabilitation program funds in fiscal year 2001 those projects specified in House report 106-940, the conference report accompanying the Department of Transportation and Related Agencies Appropriations Act, 2001 (Public Law 106-346). The provision also amends section 378 of the Department of Transportation and Related Agencies Appropriations Act, 2001 by inserting after "U.S. 101" the following: "and Interstate 5 Trade Corridor".

The conference agreement includes an appropriation of $4,000,000 from the highway trust fund for commercial remote sensing products and spatial information technologies authorized in section 5113 of Public Law 105-178, as amended.

The conference agreement includes a provision that permits Amtrak to continue leasing vehicles from the General Services Administration's interagency fleet management system in fiscal year 2001 and for each fiscal year thereafter that Amtrak continues to receive a federal operating grant.

The conference agreement includes a provision which clarifies financial and project management authority for a project funded in the Department of Transportation and Related Agencies Appropriations Act, 2001. The agreement requires the Secretary of Transportation to transfer to the City of Oshkosh, Wisconsin the $575,000 previously appropriated for removal of the Fox River Bridge, and to assume no management responsibility for this project.

The conference agreement includes a provision authorizing the Secretary of Transportation to issue a certificate of documentation with endorsement for employment in the coastwise trade for the M/V *Wells Gray* and the *Annandale*.

The conference agreement includes a provision authorizing the Administrator of the General Services Administration to convey Coast Guard property in Middletown, California to Lake County, California.

The conference agreement includes a provision authorizing the Administrator of the General Services Administration or the Commandant of the U.S. Coast Guard to convey to the Town of Nantucket, Massachusetts part of U.S. Coast Guard LORAN Station Nantucket and additional land located in Nantucket.

The conference agreement includes a provision authorizing the Administrator of the General Services Administration or the Commandant of the U.S. Coast Guard to convey to the City of Newburyport, Massachusetts the Plum Island Boat House and the Plum Island Lighthouse, located in Essex County, Massachusetts.

The conference agreement includes a provision authorizing the Administrator of General Services Administration to transfer to the National Oceanic and Atmospheric Administration the property known as Coast Guard Station Scituate in Massachusetts, contingent upon the relocation of Coast Guard Station Scituate to a suitable site.

The conference agreement includes a provision which extends from 2002 to 2004 the Coast Guard's current practice relating to the disposal of dry bulk cargo residue on the Great Lakes; requires a study on the effectiveness of the current practice; and authorizes the promulgation of regulations to regulate incidental discharges of such cargo into the Great Lakes, taking into account the findings of the study required in this section.

The conference agreement includes a provision that amends the appointment process and qualifications for individuals serving on the Great Lakes Pilotage Advisory Committee.

The conference agreement includes a provision that requires only a vessel of the United States may perform certain specified escort operations and towing assistance, except for a vessel in distress.

The conference agreement includes a provision authorizing the expenditure of $100,000 in fiscal year 2001 funding for Coast Guard environmental compliance and restoration to reimburse the owner of the former Coast Guard lighthouse facility in Cape May, New Jersey for costs incurred for cleanup of lead contaminated soil. The Department of Transportation and Related Agencies Appropriations Act, 2001 included $100,000 for this purpose.

The conference agreement includes an appropriation of $2,400,000 to be derived from the Highway Trust Fund, for the planning, development and construction of rural farm-to-market roads in Tulare County, California. The non-federal share of such improvements shall be 20 percent.

The Department of Transportation is instructed that the grantee for the Nashua, New Hampshire project identified in section 378 of Public Law 106–346 shall be the City of Nashua, New Hampshire.

The conference agreement includes a provision authorizing the Coast Guard to transfer not to exceed $200,000 to the Traverse City Area Public School District for the demolition and removal of Building 402 at former Coast Guard property in Traverse City, Michigan. The provision makes the transfer contingent upon receipt by the Coast Guard of a detailed, fixed price estimate for this work. Funding in the amount of $200,000 was appropriated for this purpose in the Department of Transportation and Related Agencies Appropriations Act, 2001.

The conference agreement includes an appropriation of $500,000 from the mass transit account of the highway trust fund for buses and bus facilities at Alabama A&M University. These funds are to be available until expended.

The conference agreement includes a provision which directs the Federal Transit Administration to distribute $7,047,502 to an urbanized area over 200,000 in population which did not receive fiscal year 1999, 2000 and 2001 fixed guideway modernization funds to which it was lawfully entitled, prior to the formula apportionment of "Fixed guideway modernization" funds in fiscal year 2002.

The conference agreement includes a provision that requires that airport improvement program formula changes provided under Public Law 106–181 and defined in section 104 of that Act shall be applied without regard to the overall funding levels for the airport improvement program in fiscal year 2001.

The conference agreement includes a provision that amends item number 473 contained in section 1602 of the Transportation Equity Act for the 21st Century relating to a high priority project in Minnesota.

The conference agreement includes a provision that delays the issuance of the final train horn rule until July 1, 2001. This issue will not be addressed again in subsequent legislation.

The conference agreement provides $8,700,000 for four transportation projects in Texas, Minnesota, Wisconsin, Indiana and Colorado.

CHAPTER 12

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

The conference agreement includes a new provision providing $2,070,000 for the renovation and redevelopment of portions of the historic Federal building in Terre Haute, Indiana. The conferees direct the General Services Administration to report to the Committees on Appropriations by March 15, 2001 on steps it will take to ensure long-term Federal occupancy of this building.

DEPARTMENT OF THE TREASURY

UNITED STATES CUSTOMS SERVICE

OPERATIONS, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

The conference agreement includes $7,000,000 for necessary expenses related to the procurement of two aircraft and related equipment expenses at the Customs National Aviation Center in Oklahoma City, Oklahoma. The conference agreement provides that none of the funds shall be available for obligation until an expenditure plan is submitted for approval to the Committees on Appropriations.

UNITED STATES POSTAL SERVICE

TINTON FALLS, NEW JERSEY

The conferees are aware that the Postal Service has identified Tinton Falls, New Jersey as a town to receive a new postal facility, but are concerned that this need for a new postal facility is not being addressed in a timely manner. The conferees urge the Postal Service to give this project a high priority in its capital facility plan for the next fiscal year.

CHAPTER 13

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

The conferees have included $8,840,000 for Construction, minor projects. Of this amount, $8,440,000 is recommended for projects related to the integration of facilities at the Boston VA Medical Center. These funds are to supplement amounts previously provided for minor construction projects in fiscal year 2001 in Veterans Integrated Service Network 1.

In addition, the conferees recommend $400,000 to be used towards construction costs of a cover for the Riverside National Cemetery amphitheater.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

EMPOWERMENT ZONES/ENTERPRISE COMMUNITIES

Provides an additional $110,000,000 for urban empowerment zones, as authorized by the Taxpayer Relief Act of 1997.

COMMUNITY DEVELOPMENT FUND

Language is included which makes a technical amendment to an economic development initiative grant provided in Public Law 106–377.

Language is included which transfers unobligated grant funds from a specific city to a county in order to carry out the purposes for which the grant was made.

The conferees have amended Public Law 106–377 to provide an additional $66,128,000 for targeted Economic Development Initiative grants under the terms and conditions as provided in Public Law 106–377, as follows:

—$425,000 for Project Home, Allied-Dunn's Marsh Neighborhood Center and Prairie Crossing low income housing rehabilitation project in Wisconsin;

—$1,000,000 for F.E.A.T. for the establishment of the Merle Travis Park in Muhlenberg County, Kentucky;

—$750,000 for the Washington County Commission for the World Wildlife Educational Museum addition to the Dixie Chapter in St. George, Utah;

—$250,000 for the Henry Ford Museum—Greefield Village in Dearborn, Michigan for expenses related to the design, planning and construction of the "Great American Road Exhibit";

—$6,000,000 for Shepherd College in Shepherdstown, West Virginia for construction, related activities, and programs at the Scarborough Library;

—$633,000 for the State of Nevada to establish a state-wide computer database of utilities and infrastructure needs for rural communities and Indian reservations;

—$850,000 for the University of South Carolina for the operation of an historical archive at the University of South Carolina, Department of Archives, South Carolina;

—$500,000 for the Idaho City Parks and Recreation Commission for the Idaho City Mien Tailings Site Restoration Project and Park in Idaho City, Idaho;

—$250,000 for the Swiss Center of North America, New Glarus, Wisconsin;

—$750,000 for the City of Madison, Wisconsin for the Troy Housing and Gardens Development;

—$750,000 for the City of New Loft, Wisconsin for acquisition and restoration of a teen facility;

—$2,000,000 for the City of Pasadena, Texas for a Police Academy driver training track;

—$1,300,000 for the City of Baytown, Texas for its Emergency Operations Center;

—$750,000 for the City of Las Vegas, Nevada for downtown development initiatives;

—$800,000 to support the Innovative Brownfields Site Assessment and Remediation Technology Demonstration at the Defense Fuel Support Point, in Lynn Haven, Florida;

—$200,000 for the Tri-County Agricultural Complex in Calhoun, Gulf, and Liberty Counties, Florida

—**$100,000** for the CCTV Central Coast partnership (California) to promote environmentally friendly, sustainable agriculture practices;

—**$600,000** for the Central California Coast Research Partnership;

—**$500,000** for the Santa Barbara County, California Water Agency for costs associated with emergency sediment removal in the Twitchell Reservoir;

—**$500,000** for the City of Paso Robles, California for the Oak Parks Housing Project for modernization and rehabilitation projects;

—**$100,000** for the Cambridge, Massachusetts Redevelopment Authority public spaces initiative;

—**$1,000,000** for the Sidney R. Yates and Addie Yates Exhibition Center at the Field Museum in Chicago, Illinois;

—**$750,000** for the Greater Dwight Development Corporation in New Haven, Connecticut for its child care center and offices;

—**$500,000** for methamphetamine site clean-up activities of the Fresno, California Sheriff's Department;

—**$3,000,000** to the Cross Valley Rail Corridor Joint Powers Authority, California for rehabilitation of the San Joaquin Railroad;

—**$1,000,000** to the City of Monterrey, California to upgrade 911 emergency response services;

—**$2,035,000** for Eastern Connecticut University for upgrade of its technology systems;

—**$500,000** for the City of Vernon, Connecticut for brownfields remediation activities;

—**$1,000,000** for the Mystic Seaport Maritime Education and Research Center in Mystic, Connecticut;

—**$2,700,000** for the Southeastern Pennsylvania Consortium on Higher Education for a collaborative Math and Science Institute;

—**$900,000** for the Town of Towamencin, Pennsylvania for its urban park and recreation recovery project;

—**$1,400,000** for Temple University, Pennsylvania for its Center for a Sustainable Environment;

—**$600,000** for the Township of Plainsboro, New Jersey for its Nature and Education Center;

—**$300,000** for the Saint Mary's County, Maryland River Project;

—**$450,000** for the Truitt Laboratory of the Chesapeake Biological Laboratory for the Bayscapes Habitat Reconstruction Project, Maryland;

—**$800,000** for the Edmonds Community College Foundation, Washington for a Center on Families;

—**$400,000** for the Access Community Health Network in Chicago, Illinois;

—**$500,000** for the City of Seymour, Connecticut Police Department for upgrades of law enforcement technology;

—**$2,500,000** for the Town of Beacon Falls, Connecticut for the Pinebridge Industrial Park;

—**$150,000** for the City of Sacramento, California for the Emerging Technology Institute;

—**$200,000** for the Kansas City, Kansas foresics crime laboratory;

—**$700,000** for the Kansas City, Kansas Humane Society for expenses associated with relocation of its facilities;

—**$350,000** for the expansion of the Dunbar Community Center in Springfield, Massachusetts;

—**$500,000** to the West Virginia High Technology Consortium Foundation, Inc. for high priority economic development initiatives including land acquisition;

—**$1,000,000** for the Medford Area School District, Wisconsin for after-school programs;

—**$300,000** for the North Central Wisconsin Workforce Development Board for education, training, counseling, emergency assistance and related services for displaced workers and their families in central Wisconsin;

—**$250,000** for the Portage County, Wisconsin Business Council Foundation in Stevens Point for activities including construction and training related to a business education and training center and a regional training clearinghouse;

—**$200,000** for the Development Association of Superior/Douglas Counties, Wisconsin for a microenterprise loan and technical assistance fund;

—**$500,000** for the Chippewa County Economic Corporation in Wisconsin for construction of a workforce development center;

—**$365,000** for the City of Wausau, Wisconsin for brownfields remediation in Marathon County;

—**$1,000,000** for the Unity School District, Balsam Lake, Wisconsin for after-school activities;

—**$100,000** for the Marathon County, Wisconsin Sheriff's Department for Central Wisconsin drug prevention initiatives;

—**$500,000** for the Santa Ana, California Police Department crime analysis unit;

—**$1,300,000** for the City of Jackson, Mississippi for its brownfields clean-up activities;

—**$500,000** for Essex County, Massachusetts for its wastewater and combined sewer overflow program;

—**$500,000** for Pacific Union College, California for the Napa Valley Resource in Napa County, California

—**$400,000** for the establishment of the Wolfe Center for teen substance abuse in Napa County, California;

—**$500,000** for Dyer, Indiana for a water diversion project;

—**$500,000** for the Community and Family Resource Center renovation project in Newberg, Oregon;

—**$2,000,000** for the George Meany Center for Labor Studies in Silver Spring, Maryland;

—**$1,000,000** for the Rhode Island State Police for technology upgrade initiatives;

—**$2,000,000** for the War Memorial Museum in Milwaukee, Wisconsin;

—**$500,000** for the Mott Community College Workforce Development Institute in Michigan;

—**$1,000,000** for Maricopa County Community College for the Achieving a College Education Initiative (ACE) in Arizona;

—**$1,000,000** to Coffee County, Tennessee for the Coffee County Industrial Park;

—**$1,500,000** to the Tennessee Fire Services and Codes Enforcement Academy in Bedford County, Tennessee;

—**$600,000** to the 21st Century Council of Lawrence for the Lawrence County Industrial Park in Tennessee;

—**$350,000** to the Fayetteville-Lincoln County Library Board in Tennessee for the Lincoln County Library;

—**$150,000** to the University of Tennessee Center for Business and Economic Research to study the economic impact of alternative management policies of TVA-managed lakes in rural East Tennessee;

—**$2,500,000** to Winston-Salem University in Winston-Salem, North Carolina for the reconstruction of St. Phillips Church (**$2,000,000**) and Atkins House (**$500,000**);

—**$1,575,000** to Escambia County in Florida for development costs for infrastructure of Central Commerce Park;

—**$1,000,000** to Ashland University in Ashland, Ohio for rehabilitation and expansion of the Kettering Science Center;

—**$640,000** to Waukegan, Illinois for renovation of the historic Genesee Theater;

—**$1,155,000** to the Tampa Housing Authority in Tampa, Florida for costs associated with the Tom Dyer Elderly Housing Redevelopment Project.

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Increases the cap on administrative expenses by **$1,000,000**, in order to accommodate increased responsibilities assigned to the Fund by the New Markets Initiative. The conferees direct the CDFI Fund to submit a report to the Committees on Appropriations within 60 days of enactment describing plans for carrying out these responsibilities, including staffing and resource requirements. The conferees would consider supplemental appropriations for this purpose if CDFI demonstrates that additional funds are needed.

Environmental Protection Agency

SCIENCE AND TECHNOLOGY

Language is included which provides **$1,000,000** in additional appropriations for the continuation of the South Bronx Air Pollution Study being conducted by New York University.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Language is included which makes a technical correction to a grant provided to the San Bernardino Valley Municipal Water District in Public Law 106–377.

STATE AND TRIBAL ASSISTANCE GRANTS

Language is included which clarifies that funds appropriated for infrastructure needs in the New York City watershed shall be awarded under section 1443(d) of the Safe Drinking Water Act, as amended.

Language is included which makes funds appropriated in Public Law 106–377 for a specific project in Indiana available for an alternative project.

The conferees have amended Public Law 106–377 to include an additional **$20,630,000** to communities or other entities for construction of water and wastewater treatment facilities. Cost share requirements and all other terms and conditions provided in Public Law 106–377 for these grants shall also apply to these grants, distributed as follows:

1. **$1,000,000** for combined sewer overflow infrastructure improvements on the Connecticut River.

2. **$7,280,000** to Grand Rapids, Michigan for combined sewer overflow infrastructure improvements.

3. **$3,000,000** for water delivery system infrastructure improvements for the cities of Arcadia and Sierra Madre, California.

4. **$7,850,000** for wastewater facility, drinking water, and water system delivery infrastructure improvements in Milton Township (**$5,000,000**), the Village of McDonald (**$350,000**), and the Village of Wellsville (**$2,500,000**), Ohio.

5. **$1,000,000** for wastewater treatment infrastructure improvements in Carmel, Indiana.

Federal Emergency Management Agency

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

Language is included which provides **$100,000,000** for new fire fighting programs as authorized by the Federal Fire Prevention and Control Act, as amended.

CHAPTER 14

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes the adoption of H. Con. Res. 234 by the Senate.

The conference agreement includes a new provision relating to the application of the Federal Reports Elimination and Sunset Act of 1995 to certain reports.

The conferees direct the Comptroller General of the United States to (1) ascertain the ownership of the West Campus Buildings of the Saint Elizabeth's Hospital complex in the District of Columbia; (2) review and comment on existing cost estimates for mothballing/stabilization, phase II environmental mediation, phase II archaeological study, environmental impact study, and land use study; (3) report on any existing historic designations and corresponding responsibilities; and (4) identify action required to facilitate transfer of the property. The conferees request that the report be completed and submitted to the House and Senate Committees on Appropriations within 45 days of the enactment of this Act.

The conference agreement includes a new provisions rescinding 0.22 percent of the discretionary budget authority provided (or obligation limit imposed) for fiscal year 2001, except for those programs, projects, and activities which are specifically exempted. The provision exempts from rescission the Military Personnel accounts of the of the Department of Defense Appropriations Act, 2001, and fiscal year 2001 amounts for activities funded in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

DIVISION B

TITLE I

The conference agreement includes a section that provides greater availability of food assistance in day care centers by modifying eligibility criteria in the Child and Adult Care Food Program.

The conference agreement includes a section to authorize a pilot program through the Summer Food Service Program to examine whether reducing burdensome paperwork would increase the availability of food assistance for children during the summer who, during the school year, have access to meals through the School Lunch Program.

The conference agreement includes language which authorizes the Secretary of the Interior to conduct a feasibility study for a Sacramento River, California, diversion project.

The conference agreement includes language which modifies the authorization for the Saint Francis River Basin, Missouri and Arkansas, project to expand the boundaries of the project to include Ten- and Fifteen-Mile Bayous near West Memphis, Arkansas.

The conference agreement includes language which authorizes the Secretary of the Army to enter into an agreement to permit the City of Alton, Illinois, to construct recreational facilities at the Melvin Price Lock and Dam.

The conference agreement includes language which authorizes the Secretary of the Interior, in cooperation with Washoe County, Nevada, to participate in the planning, design, and construction of the Truckee Watershed Reclamation Project.

The conference agreement includes language which authorizes the Secretary of the Army to widen and deepen the Alafia Channel in Tampa Harbor, Florida.

The conference agreement includes language which authorizes a number of environmental infrastructure projects.

The conference agreement includes language which authorizes the Secretary of the Army to provide technical and financial assistance to carry out projects to improve the water quality in the Florida Keys National Marine Sanctuary.

The conference agreement includes language to provide for the restoration of the San Gabriel Basin in California.

The conference agreement includes language which authorizes the Secretary of the Army to participate in studies and the planning and design of projects which offer a long-term solution to the problem of groundwater pollution caused by perchlorates.

The conference agreement includes language which authorizes the construction of fish passage facilities at the New Savannah Bluff Lock and Dam in Georgia and South Carolina.

The conference agreement includes language which provides for the extinguishment of reversionary interests and use restrictions at the Port of Umatilla, Oregon.

The conference agreement includes language which repeals section 101(b)(6) of the Water Resources Development Act of 2000.

The conference agreement includes language which directs the Secretary of the Army to reimburse the East Bay Municipal Water District for the Federal share of costs incurred by the district for the Penn Mine, Calaveras County, California, aquatic ecosystem restoration project.

The conference agreement includes language which authorizes the Secretary of the Army to construct intake facilities at Greer Ferry Lake, Arkansas, for the benefit of Lonoke and White Counties in Arkansas.

The conference agreement includes language which authorizes the Secretary of the Army to provide the non-Federal sponsor of the Chehalis River and Tributaries, Washington, project credit toward the non-Federal share of the cost of the project for work carried out by the non-Federal sponsor before the date of enactment of a project cooperation agreement.

Section 119 includes a technical correction to permit the National Park Service to issue a grant to the city of Ocean Beach, New York.

Section 120 directs the National Park Service to work with Fort Sumter Tours, Inc., the concessionaire at Fort Sumter National Monument in South Carolina, on an amicable solution to the current legal dispute. In addition, the Director shall immediately extend the current contract through March 15, 2001, and for 180 days if the final settlement is agreed to by both parties.

Section 121 amends title VIII of the Department of the Interior and Related Agencies Appropriations Act, 2001 to derive funding under that title from the Land and Water Conservation Fund. This reference was inadvertently omitted from the original legislation.

Section 122 amends the Energy Policy Act of 1992 to include a reference to liquid fuels domestically produced from natural gas.

Section 123 incorporates by reference the text of the bill H.R. 4904, as passed by the House of Representatives on September 26, 2000, expressing the policy of the United States regarding the U.S. relationship with Native Hawaiians. The text of H.R. 4904 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for five purposes, one of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians

on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for five purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.

(2) ADULT MEMBERS.—The term "adult members" means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the final roll, as provided in section 7(a)(3) of this Act.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103–150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) CEDED LANDS.—The term "ceded lands" means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86–3; 73 Stat. 4).

(5) COMMISSION.—The term "Commission" means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term "Native Hawaiian" means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term "Native Hawaiian" shall have the meaning given to such term in the organic governing documents of the Native Hawaiian government.

(8) NATIVE HAWAIIAN GOVERNMENT.—The term "Native Hawaiian government" means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term "Native Hawaiian Interim Governing Council" means the interim governing council that is organized under section 7(c) of this Act.

(10) ROLL.—The term "roll" means the roll that is developed under the authority of section 7(a) of this Act.

(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(12) TASK FORCE.—The term "Task Force" means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian government and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with

the Native Hawaiian people prior to taking any actions that may affect traditional or current Native Hawaiian practices and matters that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(c) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) AUTHORITY.—The United States Office for Native Hawaiian Affairs is authorized to enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of the enactment of this Act.

SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the rights of the Native Hawaiian government and its political, legal, and trust relationship with the United States.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the "Native Hawaiian Interagency Task Force".

(b) COMPOSITION.—The Task Fórce shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.

(a) ROLL.—

(1) PREPARATION OF ROLL.—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to participate in the reorganization of a Native Hawaiian government in preparing a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of the—

(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—

(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago; or

(ii) Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—

(i) IN GENERAL.—There is authorized to be established a Commission to be composed of nine members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act.

(ii) MEMBERSHIP.—

(I) APPOINTMENT.—The Secretary shall appoint the members of the Commission in accordance with subclause (II). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(II) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(III) CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.—In appointing members of the Commission, the Secretary may choose such members from among—

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of candidates provided to such leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking member of the Committee on Resources of the House of Representatives.

(iii) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) CERTIFICATION.—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.

(3) SECRETARY.—

(A) CERTIFICATION.—The Secretary shall review the Commission's certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.

(B) PUBLICATION.—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.

(C) APPEAL.—

(i) ESTABLISHMENT OF MECHANISM.—The Secretary is authorized to establish a mechanism for an appeal of the Commission's determination as it concerns—

(I) the exclusion of the name of a person who meets the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act, from the roll; or

(II) a challenge to the inclusion of the name of a person on the roll on the grounds that the person does not meet the definition of Native Hawaiian, as so defined.

(ii) PUBLICATION; UPDATE.—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.

(D) FAILURE TO ACT.—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.

(4) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.

(b) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(c) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(1) ORGANIZATION.—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—

(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(B) determine the structure of the Native Hawaiian Interim Governing Council; and

(C) elect members to the Native Hawaiian Interim Governing Council.

(2) ELECTION.—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Affairs may assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

(3) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) FUNDING.—The Native Hawaiian Interim Governing Council is authorized to enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).

(C) ACTIVITIES.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:

(I) The proposed elements of the organic governing documents of a Native Hawaiian government.

(II) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(III) The proposed civil rights and protection of such rights of the citizens of a Native Hawaiian government and all persons subject to the authority of a Native Hawaiian government.

(ii) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(iii) DISTRIBUTION.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(iv) CONSULTATION.—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

(D) ELECTIONS.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of the organic governing documents, to hold elections for the officers of the Native Hawaiian government.

(ii) ASSISTANCE.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.—

(1) PROCESS FOR RECOGNITION.—

(A) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—The duly elected officers of the Native Hawaiian government shall submit the organic governing documents of the Native Hawaiian government to the Secretary.

(B) CERTIFICATIONS.—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members listed on the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government, and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide authority for the Native Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) FAILURE TO ACT.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submitted the organic governing documents of the Native Hawaiian government to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) FEDERAL RECOGNITION.—

(A) RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (1), Federal recognition is hereby extended to the Native Hawaiian government as the representative governing body of the Native Hawaiian people.

(B) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian government pursuant to section 7(d)(2) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian government regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of the enactment of this Act to the Native Hawaiian government.

SEC. 10. DISCLAIMER.

Nothing in this Act is intended to serve as a settlement of any claims against the United States, or to affect the rights of the Native Hawaiian people under international law.

SEC. 11. REGULATIONS.

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

SEC. 12. SEVERABILITY.

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

Section 124 includes a technical correction to allow the use of National Park Service funds for the acquisition of lands near Saddleback Mountain, Maine for inclusion in the Appalachian National Scenic Trail.

Section 125 incorporates by reference the text of the bill S. 2273, the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000, as passed by the United States Senate on October 5, 2000. The text of S. 2273 is as follows:

AN ACT To establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and high Rock Canyon areas

from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843–44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, wooly mammoth sites, some of the largest natural potholes of North America, and a remnant dry Pleistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "public lands" has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term "conservation area" means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES.—In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED.—The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled "Black Rock Desert Emigrant Trail National Conservation Area" and dated July 19, 2000.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT.—The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) ACCESS.—

(1) IN GENERAL.—The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND.—The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS.—The Secretary is authorized to maintain existing public access within the boundaries of the conservation area in a manner consistent with the purposes for which the conservation area was established.

(c) USES.—

(1) IN GENERAL.—The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE.—Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS.—The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING.—Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN.—Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING.—Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES.—The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

SEC. 6. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 et seq.), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled "Black Rock Desert Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled "Pahute Peak Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled "North Black Rock Range Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled "East Fork High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled "High Rock Lake Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled "Little High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Little High Rock Canyon Wilderness.

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted

on a map entitled "High Rock Canyon Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain lands in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled "Calico Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled "South Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled "North Jackson Mountains Wilderness—Proposed" and dated July 19, 2000, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING.—Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101–628.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Section 126 increases the annual authorized funding level for the Illinois and Michigan Canal National Heritage Corridor Commission from $250,000 to $1,000,000.

Section 127. The bill S. 2885, the Jamestown 400th Commemoration Commission Act of 2000, as passed in the United States Senate on October 5, 2000, is incorporated by reference. The text of S. 2885 is as follows:

An Act to establish the Jamestown 400th Commemoration Commission, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jamestown 400th Commemoration Commission Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the founding of the colony at Jamestown, Virginia in 1607, the first permanent English colony in the New World, and the capital of Virginia for 92 years, has major significance in the history of the United States;

(2) the settlement brought people from throughout the Atlantic Basin together to form a multicultural society, including English, other Europeans, Native Americans, and Africans;

(3) the economic, political, religious, and social institutions that developed during the first 9 decades of the existence of Jamestown continue to have profound effects on the United States, particularly in English common law and language, cross cultural relationships, and economic structure and status;

(4) the National Park Service, the Association for the Preservation of Virginia Antiquities, and the Jamestown-Yorktown Foundation of the Commonwealth of Virginia collectively own and operate significant resources related to the early history of Jamestown; and

(5) in 1996—

(A) the Commonwealth of Virginia designated the Jamestown-Yorktown Foundation as the State agency responsible for planning and implementing the Commonwealth's portion of the commemoration of the 400th anniversary of the founding of the Jamestown settlement;

(B) the Foundation created the Celebration 2007 Steering Committee, known as the Jamestown 2007 Steering Committee; and

(C) planning for the commemoration began.

(b) PURPOSE.—The purpose of this Act is to establish the Jamestown 400th Commemoration Commission to—

(1) ensure a suitable national observance of the Jamestown 2007 anniversary by complementing the programs and activities of the Commonwealth of Virginia;

(2) cooperate with and assist the programs and activities of the State in observance of the Jamestown 2007 anniversary;

(3) assist in ensuring that Jamestown 2007 observances provide an excellent visitor experience and beneficial interaction between visitors and the natural and cultural resources of the Jamestown sites;

(4) assist in ensuring that the Jamestown 2007 observances are inclusive and appropriately recognize the experiences of all people present in 17th century Jamestown;

(5) provide assistance to the development of Jamestown-related programs and activities;

(6) facilitate international involvement in the Jamestown 2007 observances;

(7) support and facilitate marketing efforts for a commemorative coin, stamp, and related activities for the Jamestown 2007 observances; and

(8) assist in the appropriate development of heritage tourism and economic benefits to the United States.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMEMORATION.—The term "commemoration" means the commemoration of the 400th anniversary of the founding of the Jamestown settlement.

(2) COMMISSION.—The term "Commission" means the Jamestown 400th Commemoration Commission established by section 4(a).

(3) GOVERNOR.—The term "Governor" means the Governor of Virginia.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the Commonwealth of Virginia, including agencies and entities of the Commonwealth.

SEC. 4. JAMESTOWN 400TH COMMEMORATION COMMISSION.

(a) IN GENERAL.—There is established a commission to be known as the "Jamestown 400th Commemoration Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(A) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Chairperson of the Jamestown 2007 Steering Committee;

(B) 4 members shall be appointed by the Secretary, taking into consideration the recommendations of the Governor;

(C) 2 members shall be employees of the National Park Service, of which—

(i) 1 shall be the Director of the National Park Service (or a designee); and

(ii) 1 shall be an employee of the National Park Service having experience relevant to the commemoration, to be appointed by the Secretary; and

(D) 5 members shall be individuals that have an interest in, support for, and expertise appropriate to, the commemoration, to be appointed by the Secretary.

(2) TERM; VACANCIES.—

(A) TERM.—A member of the Commission shall be appointed for the life of the Commission.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(ii) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(3) MEETINGS.—

(A) IN GENERAL.—The Commission shall meet—

(i) at least twice each year; or

(ii) at the call of the Chairperson or the majority of the members of the Commission.

(B) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(4) VOTING.—

(A) IN GENERAL.—The Commission shall act only on an affirmative vote of a majority of the members of the Commission.

(B) QUORUM.—A majority of the Commission shall constitute a quorum.

(5) CHAIRPERSON.—The Secretary shall appoint a Chairperson of the Commission, taking into consideration any recommendations of the Governor.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the founding of Jamestown;

(B) generally facilitate Jamestown-related activities throughout the United States;

(C) encourage civic, patriotic, historical, educational, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the founding and early history of Jamestown;

(D) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, Jamestown; and

(E) ensure that the 400th anniversary of Jamestown provides a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities.

(2) PLANS; REPORTS.—

(A) STRATEGIC PLAN; ANNUAL PERFORMANCE PLANS.—In accordance with the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), the Commission shall prepare a strategic plan and annual performance plans for the activities of the Commission carried out under this Act.

(B) FINAL REPORT.—Not later than September 30, 2008, the Commission shall complete a final report that contains—

(i) a summary of the activities of the Commission;

(ii) a final accounting of funds received and expended by the Commission; and

(iii) the findings and recommendations of the Commission.

(d) POWERS OF THE COMMISSION.—The Commission may—

(1) accept donations and make dispersions of money, personal services, and real and personal property related to Jamestown and of the significance of Jamestown in the history of the United States;

(2) appoint such advisory committees as the Commission determines to be necessary to carry out this Act;

(3) authorize any member or employee of the Commission to take any action that the Commission is authorized to take by this Act;

(4) procure supplies, services, and property, and make or enter into contracts, leases or other legal agreements, to carry out this Act (except that any contracts, leases or other legal agreements made or entered into by the Commission shall not extend beyond the date of termination of the Commission);

(5) use the United States mails in the same manner and under the same conditions as other Federal agencies;

(6) subject to approval by the Commission, make grants in amounts not to exceed $10,000 to communities and nonprofit organizations to develop programs to assist in the commemoration;

(7) make grants to research and scholarly organizations to research, publish, or distribute information relating to the early history of Jamestown; and

(8) provide technical assistance to States, localities, and nonprofit organizations to further the commemoration.

(e) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS OF THE COMMISSION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(C) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—On the request of the Commission, the head of any Federal agency may detail, on a reimbursable or non-reimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this Act.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from States (including subdivisions of States); and

(ii) reimburse States for services of detailed personnel.

(5) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(6) SUPPORT SERVICES.—The Director of the National Park Service shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(g) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) NO EFFECT ON AUTHORITY.—Nothing in this section supersedes the authority of the State, the National Park Service, or the Association for the Preservation of Virginia Antiquities, concerning the commemoration.

(i) TERMINATION.—The Commission shall terminate on December 31, 2008.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Section 128 provides guidance to the National Park Service on restricting the use of snowmobiles in units of the National Park System.

Section 129 extends an agreement, through March 31, 2001, dealing with seven campsite leases in the Biscayne Bay, Miami/Dade County area of Florida, collectively known as "Stiltsville".

Section 130 authorizes a grant of $1.3 million for the National Park Service to acquire land in Lower Phalen Creek near St. Paul, Minnesota for the Mississippi National River and Recreation Area. The land is for a trail that is being named after the late Congressman Bruce Vento,

Section 131 authorizes the transfer of funds to the George Washington's Fredericksburg Foundation, Inc. for a cooperative agreement to manage Ferry Farm, which was George Washington's boyhood home.

Section 132 prohibits the Secretary of the Interior from using funds to pay the salaries or expenses related to the issuance of a request for proposal related to a light rail system at Grand Canyon National Park until June 1, 2001. In addition, the Secretary is directed to report directly to the Committee prior to any additional action regarding a request for proposal on alternative transportation options for the park. These options should include a phase-in period based on newly updated visitation numbers. The report should also address using a bus/transit option only during high peak visitation months. Alternatives to be analyzed and costed in the report include: (1) an alternative fueled bus alternative with parking outside the park; (2) a rapid transit alternative and (3) a combination bus/rapid transit alternative.

Section 133 prohibits the Secretary of the Interior from removing a white cross erected in 1934 by the Veterans of Foreign Wars to honor the memory of fallen World War I veterans. The cross is located within the boundary of the Mojave National Preserve along Cima Road, approximately 11 miles south of Interstate 15.

Section 134 extends the term of the Chesapeake and Ohio Canal National Historical Park Commission.

Section 135 allows funds provided in Public Law 106–291 for land acquisition by the National Park Service in fiscal year 2001 for Brandywine Battlefield, Ice Age National Scenic Trail, Mississippi National River and Recreation Area, Shenandoah National Heritage Area, and Fallen Timbers Battlefield and Fort Miamis National Historic Site to be used for a grant to a state, local government, or to a land management entity.

Section 137 extends the boundary of Gulf Islands National Seashore in Mississippi to include Cat Island.

Section 138. The conference agreement includes a new provision regarding limitations on Federal Thrift Savings Plan contributions.

Section 139. The conference agreement includes a new provision regarding the exclusion of elements of the United States Secret Service from certain activities.

Section 140. The conference agreement includes a new provision providing for an average 3.7 percent salary adjustment for Federal employees in January, 2001, consistent with the alternative pay plan submitted by the Administration on November 30, 2000.

Section 141. The conference agreement includes a new provision repealing mandatory retirement for the Alaska Railroad.

Section 142. The conference agreement includes a provision amending the Juvenile Justice and Delinquency Prevention Act to allow a two year exception for the State of Alaska with respect to the holding of juveniles in adult facilities.

Section 143. The conference agreement contains the "LPTV Pilot Project Digital Data Services Act".

Section 144. The conference agreement includes a provision to amend the following: the Magnuson-Stevens Fishery Conservation and Management Act; P.L. 106–246; P.L. 105–83; P.L. 99–5; P.L. 106–113 regarding a fishery research vessel; the implementation of a fishing capacity reduction program for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands; P.L. 89–702 to be referred to as the Fur Seal Act of 1966; the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434); and the Sustainable Fisheries Act (16 U.S.C. 1855 note).

Section 145. The conference agreement includes language amending the Department of State Special Agents Retirment Act of 1998 to allow agents who retired between January 1, 1997, and the enactment of the Act on November 13, 1998, to also be eligible for the increased benefits provided by the Act.

Section 146. The conference agreement includes a provision expressing the sense of Congress calling upon the President of the United States to take action to provide relief from injury caused by steel imports.

Section 147. The conference agreement includes a provision amending the Johnson Act to prohibit gambling on peri-Hawaiian cruises.

Section 148. The conference agreement includes language to ban political advertising by public broadcasters.

Section 149. The conference agreement includes language extending a certain small business program, which would otherwise expire.

Section 150. The conference agreement includes $105,000,000 in direct spending to the Department of Health and Human Services for the Ricky Ray Hemophilia Relief Fund, of which $10,000,000 is for program management.

Section 151. The conference agreement includes $60,400,000 in direct spending to the Department of Labor for costs related to administering the Energy Employees Occupational Illness Compensation Program enacted as Title XXXVI of the Defense Authorization Act of 2000. This program was established to compensate individuals who have suffered disabling and potentially fatal illnesses as a result of their work in the Department of Energy's nuclear weapons complex. The Secretary of Labor is authorized to transfer these funds to other federal agencies to the extent necessary to implement the Energy Employees Occupational Illness Compensation Act.

Section 152. The conference agreement includes a provision to make certain technical and conforming amendments to the Medicare/PPS law to allow the Moffit Cancer Research and Treatment Center to be treated under existing law the same as the other ten Medicare/PPS exempt institutions in the United States.

The conference agreement includes language which provides that the Secretary of the Army may establish a pilot program to provide environmental assistance to non-Federal interests in northern Wisconsin.

TITLE II—VIETNAM EDUCATION FOUNDATION ACT OF 2000

This title enacts a bill to establish a Vietnam Education Foundation, to provide fellowships for Vietnamese to study in the United States at the graduate and post-graduate level in the sciences, math, and medicine. It would also support American professors to teach these subjects in appropriate Vietnamese institutions. The bill authorizes an appropriation of $5,000,000 in fiscal year 2001. Beginning in FY2002, the Secretary of the Treasury would transfer $5,000,000 annually to the Foundation from debt repayments that Vietnam has agreed to make to the United States in settlement of debt incurred prior to 1976 by the Republic of South Vietnam. The Foundation can also solicit and accept private funds.

TITLE III—COLORADO UTE SETTLEMENT ACT AMENDMENTS OF 2000

The conference agreement includes the text of S. 2508, the Colorado Ute Settlement Act Amendments of 2000.

TITLE IV—DESIGNATION OF AMERICAN MUSEUM OF SCIENCE AND ENERGY

The conference agreement includes language which will permit the American Museum of Science and Energy located in Oak Ridge, Tennessee, to accept and use donations, fees, and gifts to offset the cost of operating the facility.

TITLE V—DELTA REGIONAL AUTHORITY ACT OF 2000

The conference agreement includes language which authorizes the Delta Regional Authority.

TITLE VI—DAKOTA WATER RESOURCES ACT OF 2000

The conference agreement includes the text of S. 623, the Dakota Water Resources Act of 2000.

TITLE VII

The conference agreement includes an Act authorizing the construction of a Reconciliation Place in Fort Pierre, South Dakota.

TITLE VIII—ERIE CANALWAY NATIONAL

HERITAGE CORRIDOR

The conference agreement includes an Act to designate the Erie Canalway a National Heritage Corridor.

TITLE IX—LAW ENFORCEMENT PAY EQUITY ACT

The conference agreement includes a new provision regarding pay comparability for the United States Park Police, the Uniformed Division of the United States Secret Service, and the D.C. Metropolitan Police Department.

TITLE X—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ADMINISTRATIVE PROVISIONS

Language is included which makes technical changes to the fiscal year 2000 Appropriations Act regarding the Millennial Housing Commission.

Language is included which codifies the multiplier the Federal Home Loan Mortgage Corporation can use for reaching the multifamily affordable housing goal.

Language is included to allow the conversion of a HUD rental housing project in Toledo, Ohio to condominiums as long as the housing remains affordable, either as rental or homeownership housing, to low- and very-low income families that currently reside in the apartments.

Language has been included which directs the General Accounting Office to study and report on financial standards related to the Federal Home Loan Bank System.

TITLE XI—DEPARTMENT OF THE TREASURY

ADMINISTRATIVE PROVISION

Language is included which honors the Navajo Code Talkers of World War II by authorizing the striking and presentation of a gold medal of appropriate design to each of the original 29 Navajo Code Talkers or a surviving family member, striking and presentation of a silver medal to each man or surviving family member qualified as a Navajo Code Talker, and by further authorizing the striking of duplicate medals in bronze for sale to the general public.

TITLE XII—ENVIRONMENTAL PROTECTION AGENCY

ADMINISTRATIVE PROVISIONS

Language is included authorizing the aboveground storage tank grant program.

TITLE XIII—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ADMINISTRATIVE PROVISION

Language is included which permits NASA to use certain proceeds from the sale of timber on lands associated with the John C. Stennis Space Center for the purchase of additional property to establish education and visitor programs and facilities, and for wetlands mitigation.

TITLE XIV—CERTAIN ALASKAN CRUISE SHIP OPERATIONS

Language is included which regulates the discharge of sewage and wastewater from cruise ships in certain waters in and adjacent to the State of Alaska.

TITLE XV—LIFE ACT AMENDMENTS

The conference agreement includes a new title, titled the LIFE Act Amendments of 2000.

TITLE XVI—IMPROVING LITERACY THROUGH FAMILY LITERACY PROJECTS

The conference agreement includes the Literacy Involves Families Together Act of 2000.

TITLE XVII—CHILDREN'S INTERNET PROTECTION

The conference agreement includes the Children's Internet Protection Act of 2000.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

The conference agreement would enact the provisions of H.R. 5660, as introduced on December 14, 2000. The text of that bill follows:

A BILL To reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Commodity Futures Modernization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—COMMODITY FUTURES MODERNIZATION

Sec. 101. Definitions.
Sec. 102. Agreements, contracts, and transactions in foreign currency, government securities, and certain other commodities.
Sec. 103. Legal certainty for excluded derivative transactions.
Sec. 104. Excluded electronic trading facilities.
Sec. 105. Hybrid instruments; swap transactions.
Sec. 106. Transactions in exempt commodities.
Sec. 107. Application of commodity futures laws.
Sec. 108. Protection of the public interest.
Sec. 109. Prohibited transactions.
Sec. 110. Designation of boards of trade as contract markets.
Sec. 111. Derivatives transaction execution facilities.
Sec. 112. Derivatives clearing.
Sec. 113. Common provisions applicable to registered entities.
Sec. 114. Exempt boards of trade.
Sec. 115. Suspension or revocation of designation as contract market.
Sec. 116. Authorization of appropriations.
Sec. 117. Preemption.
Sec. 118. Predispute resolution agreements for institutional customers.
Sec. 119. Consideration of costs and benefits and antitrust laws.
Sec. 120. Contract enforcement between eligible counterparties.
Sec. 121. Special procedures to encourage and facilitate bona fide hedging by agricultural producers.
Sec. 122. Rule of construction.
Sec. 123. Technical and conforming amendments.
Sec. 124. Privacy.
Sec. 125. Report to Congress.
Sec. 126. International activities of the Commodity Futures Trading Commission.

TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS

SUBTITLE A—SECURITIES LAW AMENDMENTS

Sec. 201. Definitions under the Securities Exchange Act of 1934.
Sec. 202. Regulatory relief for markets trading security futures products.
Sec. 203. Regulatory relief for intermediaries trading security futures products.
Sec. 204. Special provisions for interagency cooperation.
Sec. 205. Maintenance of market integrity for security futures products.
Sec. 206. Special provisions for the trading of security futures products.
Sec. 207. Clearance and settlement.
Sec. 208. Amendments relating to registration and disclosure issues under the Securities Act of 1933 and the Securities Exchange Act of 1934.
Sec. 209. Amendments to the Investment Company Act of 1940 and the Investment Advisers Act of 1940.
Sec. 210. Preemption of State laws.

SUBTITLE B—AMENDMENTS TO THE COMMODITY EXCHANGE ACT

Sec. 251. Jurisdiction of Securities and Exchange Commission; other provisions.
Sec. 252. Application of the Commodity Exchange Act to national securities exchanges and national securities associations that trade security futures.
Sec. 253. Notification of investigations and enforcement actions.

TITLE III—LEGAL CERTAINTY FOR SWAP AGREEMENTS

Sec. 301. Swap agreement.
Sec. 302. Amendments to the Securities Act of 1933.
Sec. 303. Amendments to the Securities Exchange Act of 1934.
Sec. 304. Savings provision.

TITLE IV—REGULATORY RESPONSIBILITY FOR BANK PRODUCTS

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Exclusion of identified banking products commonly offered on or before December 5, 2000.
Sec. 404. Exclusion of certain identified banking products offered by banks after December 5, 2000.
Sec. 405. Exclusion of certain other identified banking products.
Sec. 406. Administration of the predominance test.
Sec. 407. Exclusion of covered swap agreements.
Sec. 408. Contract enforcement.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to reauthorize the appropriation for the Commodity Futures Trading Commission;

(2) to streamline and eliminate unnecessary regulation for the commodity futures exchanges and other entities regulated under the Commodity Exchange Act;

(3) to transform the role of the Commodity Futures Trading Commission to oversight of the futures markets;

(4) to provide a statutory and regulatory framework for allowing the trading of futures on securities;

(5) to clarify the jurisdiction of the Commodity Futures Trading Commission over certain retail foreign exchange transactions and bucket shops that may not be otherwise regulated;

(6) to promote innovation for futures and derivatives and to reduce systemic risk by enhancing legal certainty in the markets for certain futures and derivatives transactions;

(7) to reduce systemic risk and provide greater stability to markets during times of market disorder by allowing the clearing of transactions in over-the-counter derivatives through appropriately regulated clearing organizations; and

(8) to enhance the competitive position of United States financial institutions and financial markets.

TITLE I—COMMODITY FUTURES MODERNIZATION

SEC. 101. DEFINITIONS.

Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraphs (1) through (7), (8) through (12), (13) through (15), and (16) as paragraphs (2) through (8), (16) through (20), (22) through (24), and (28), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

"(1) ALTERNATIVE TRADING SYSTEM.—The term 'alternative trading system' means an organization, association, or group of persons that—

"(A) is registered as a broker or dealer pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof);

"(B) performs the functions commonly performed by an exchange (as defined in section 3(a)(1) of the Securities Exchange Act of 1934);

"(C) does not—

"(i) set rules governing the conduct of subscribers other than the conduct of such subscribers' trading on the alternative trading system; or

"(ii) discipline subscribers other than by exclusion from trading; and

"(D) is exempt from the definition of the term 'exchange' under such section 3(a)(1) by rule or regulation of the Securities and Exchange Commission on terms that require compliance with regulations of its trading functions.";

(3) by striking paragraph (2) (as redesignated by paragraph (1)) and inserting the following:

"(2) BOARD OF TRADE.—The term 'board of trade' means any organized exchange or other trading facility.";

(4) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following:

"(9) DERIVATIVES CLEARING ORGANIZATION.—

"(A) IN GENERAL.—The term 'derivatives clearing organization' means a clearinghouse, clearing association, clearing corporation, or similar entity, facility, system, or organization that, with respect to an agreement, contract, or transaction—

"(i) enables each party to the agreement, contract, or transaction to substitute, through novation or otherwise, the credit of the derivatives clearing organization for the credit of the parties;

"(ii) arranges or provides, on a multilateral basis, for the settlement or netting of obligations resulting from such agreements, contracts, or transactions executed by participants in the derivatives clearing organization; or

"(iii) otherwise provides clearing services or arrangements that mutualize or transfer among participants in the derivatives clearing organization the credit risk arising from such agreements, contracts, or transactions executed by the participants.

"(B) EXCLUSIONS.—The term 'derivatives clearing organization' does not include an entity, facility, system, or organization solely because it arranges or provides for—

"(i) settlement, netting, or novation of obligations resulting from agreements, contracts, or transactions, on a bilateral basis and without a central counterparty;

"(ii) settlement or netting of cash payments through an interbank payment system; or

"(iii) settlement, netting, or novation of obligations resulting from a sale of a commodity in a transaction in the spot market for the commodity.

"(10) ELECTRONIC TRADING FACILITY.—The term 'electronic trading facility' means a trading facility that—

"(A) operates by means of an electronic or telecommunications network; and

"(B) maintains an automated audit trail of bids, offers, and the matching of orders or the execution of transactions on the facility.

"(11) ELIGIBLE COMMERCIAL ENTITY.—The term 'eligible commercial entity' means, with respect to an agreement, contract or transaction in a commodity—

"(A) an eligible contract participant described in clause (i), (ii), (v), (vii), (viii), or (ix) of paragraph (12)(A) that, in connection with its business—

"(i) has a demonstrable ability, directly or through separate contractual arrangements, to make or take delivery of the underlying commodity;

"(ii) incurs risks, in addition to price risk, related to the commodity; or

"(iii) is a dealer that regularly provides risk management or hedging services to, or engages in market-making activities with, the foregoing entities involving transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity;

"(B) an eligible contract participant, other than a natural person or an instrumentality, department, or agency of a State or local governmental entity, that—

"(i) regularly enters into transactions to purchase or sell the commodity or derivative agreements, contracts, or transactions in the commodity; and

"(ii) either—

"(I) in the case of a collective investment vehicle whose participants include persons other than—

"(aa) qualified eligible persons, as defined in Commission rule 4.7(a) (17 C.F.R. 4.7(a));

"(bb) accredited investors, as defined in Regulation D of the Securities and Exchange Commission under the Securities Act of 1933 (17 C.F.R. 230.501(a)), with total assets of $2,000,000; or

"(cc) qualified purchasers, as defined in section 2(a)(51)(A) of the Investment Company Act of 1940;

in each case as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000, has, or is one of a group of vehicles under common control or management having in the aggregate, $1,000,000,000 in total assets; or

"(II) in the case of other persons, has, or is one of a group of persons under common control or management having in the aggregate, $100,000,000 in total assets; or

"(C) such other persons as the Commission shall determine appropriate and shall designate by rule, regulation, or order.

"(12) ELIGIBLE CONTRACT PARTICIPANT.—The term 'eligible contract participant' means—

"(A) acting for its own account—

"(i) a financial institution;

"(ii) an insurance company that is regulated by a State, or that is regulated by a foreign government and is subject to comparable regulation as determined by the Commission, including a regulated subsidiary or affiliate of such an insurance company;

"(iii) an investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. 80a–1 et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the investment company or the foreign person is itself an eligible contract participant);

"(iv) a commodity pool that—

"(I) has total assets exceeding $5,000,000; and

"(II) is formed and operated by a person subject to regulation under this Act or a foreign *person performing a similar role or function subject as such to foreign regulation (regardless of whether each investor in the commodity pool or the foreign person is itself an eligible contract participant);*

"(v) a corporation, partnership, proprietorship, organization, trust, or other entity—

"(I) that has total assets exceeding $10,000,000;

"(II) the obligations of which under an agreement, contract, or transaction are guaranteed or otherwise supported by a letter of credit or keepwell, support, or other agreement by an entity described in subclause (I), in clause (i), (ii), (iii), (iv), or (vii), or in subparagraph (C); or

"(III) that—

"(aa) has a net worth exceeding $1,000,000; and

"(bb) enters into an agreement, contract, or transaction in connection with the conduct of the entity's business or to manage the risk associated with an asset or liability owned or incurred or reasonably likely to be owned or incurred by the entity in the conduct of the entity's business;

"(vi) an employee benefit plan subject to the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), a governmental employee benefit plan, or a foreign person performing a similar role or function subject as such to foreign regulation—

"(I) that has total assets exceeding $5,000,000; or

"(II) the investment decisions of which are made by—

"(aa) an investment adviser or commodity trading advisor subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or this Act;

"(bb) a foreign person performing a similar role or function subject as such to foreign regulation;

"(cc) a financial institution; or

"(dd) an insurance company described in clause (ii), or a regulated subsidiary or affiliate of such an insurance company;

"(vii)(I) a governmental entity (including the United States, a State, or a foreign government) or political subdivision of a governmental entity;

"(II) a multinational or supranational government entity; or

"(III) an instrumentality, agency, or department of an entity described in subclause (I) or (II);

except that such term does not include an entity, instrumentality, agency, or department referred to in subclause (I) or (III) of this clause unless (aa) the entity, instrumentality, agency, or department is a person described in clause (i), (ii), or (iii) of section 1a(11)(A); (bb) the entity, instrumentality, agency, or department owns and invests on a discretionary basis $25,000,000 or more in investments; or (cc) the agreement, contract, or transaction is offered by, and entered into with, an entity that is listed in any of subclauses (I) through (VI) of section 2(c)(2)(B)(ii);

"(viii)(I) a broker or dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the broker or dealer or foreign person is a natural person or proprietorship, the broker or dealer or foreign person shall not be considered to be an eligible contract participant unless the broker or dealer or foreign person also meets the requirements of clause (v) or (xi);

"(II) an associated person of a registered broker or dealer concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h));

"(III) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i));

"(ix) a futures commission merchant subject to regulation under this Act or a foreign person performing a similar role or function subject as such to foreign regulation, except that, if the futures commission merchant or foreign person is a natural person or proprietorship, the futures commission merchant or foreign person shall not be considered to be an eligible contract participant unless the futures commission merchant or foreign person also meets the requirements of clause (v) or (xi);

"(x) a floor broker or floor trader subject to regulation under this Act in connection with any transaction that takes place on or through the facilities of a registered entity or an exempt board of trade, or any affiliate thereof, on which such person regularly trades; or

"(xi) an individual who has total assets in an amount in excess of—

"(I) $10,000,000; or

"(II) $5,000,000 and who enters into the agreement, contract, or transaction in order to manage the risk associated with an asset owned or liability incurred, or reasonably likely to be owned or incurred, by the individual;

"(B)(i) a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), acting as broker or performing an equivalent agency function on behalf of another person described in subparagraph (A) or (C); or

"(ii) an investment adviser subject to regulation under the Investment Advisers Act of 1940, a commodity trading advisor subject to regulation under this Act, a foreign person performing a similar role or function subject as such to foreign regulation, or a person described in clause (i), (ii), (iv), (v), (viii), (ix), or (x) of subparagraph (A) or in subparagraph (C), in any such case acting as investment manager or fiduciary (but excluding a person acting as broker or performing an equivalent agency function) for another person described in subparagraph (A) or (C) and who is authorized by such person to commit such person to the transaction; or

"(C) any other person that the Commission determines to be eligible in light of the financial or other qualifications of the person.

"(13) EXCLUDED COMMODITY.—The term 'excluded commodity' means—

"(i) an interest rate, exchange rate, currency, security, security index, credit risk or measure, debt or equity instrument, index or measure of inflation, or other macroeconomic index or measure;

"(ii) any other rate, differential, index, or measure of economic or commercial risk, return, or value that is—

"(I) not based in substantial part on the value of a narrow group of commodities not described in clause (i); or

"(II) based solely on 1 or more commodities that have no cash market;

"(iii) any economic or commercial index based on prices, rates, values, or levels that are not within the control of any party to the relevant contract, agreement, or transaction; or

"(iv) an occurrence, extent of an occurrence, or contingency (other than a change in the price, rate, value, or level of a commodity not described in clause (i)) that is—

"(I) beyond the control of the parties to the relevant contract, agreement, or transaction; and

"(II) associated with a financial, commercial, or economic consequence.

"(14) EXEMPT COMMODITY.—The term 'exempt commodity' means a commodity that is not an excluded commodity or an agricultural commodity.

"(15) FINANCIAL INSTITUTION.—The term 'financial institution' means—

"(A) a corporation operating under the fifth undesignated paragraph of section 25 of the Federal Reserve Act (12 U.S.C. 603), commonly known as 'an agreement corporation';

"(B) a corporation organized under section 25A of the Federal Reserve Act (12 U.S.C. 611 et seq.), commonly known as an 'Edge Act corporation';

"(C) an institution that is regulated by the Farm Credit Administration;

"(D) a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752));

"(E) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

"(F) a foreign bank or a branch or agency of a foreign bank (each as defined in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101(b)));

"(G) any financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

"(H) a trust company; or

"(I) a similarly regulated subsidiary or affiliate of an entity described in any of subparagraphs (A) through (H).";

(5) by inserting after paragraph (20) (as redesignated by paragraph (1)) the following:

"(21) HYBRID INSTRUMENT.—The term 'hybrid instrument' means a security having 1 or more payments indexed to the value, level, or rate of, or providing for the delivery of, 1 or more commodities.";

(6) by striking paragraph (24) (as redesignated by paragraph (1)) and inserting the following:

"(24) MEMBER OF A CONTRACT MARKET; MEMBER OF A DERIVATIVES TRANSACTION EXECUTION FACILITY.—The term 'member' means, with respect to a contract market or derivatives transaction execution facility, an individual, association, partnership, corporation, or trust—

"(A) owning or holding membership in, or admitted to membership representation on, the contract market or derivatives transaction execution facility; or

"(B) having trading privileges on the contract market or derivatives transaction execution facility.

"(25) NARROW-BASED SECURITY INDEX.—

"(A) The term 'narrow-based security index' means an index—

"(i) that has 9 or fewer component securities;

"(ii) in which a component security comprises more than 30 percent of the index's weighting;

"(iii) in which the 5 highest weighted component securities in the aggregate comprise more than 60 percent of the index's weighting; or

"(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting have an aggregate dollar value of average daily trading volume of less than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

"(B) Notwithstanding subparagraph (A), an index is not a narrow-based security index if—

"(i)(I) it has at least 9 component securities;

"(II) no component security comprises more than 30 percent of the index's weighting; and

"(III) each component security is—

"(aa) registered pursuant to section 12 of the Securities Exchange Act of 1934;

"(bb) 1 of 750 securities with the largest market capitalization; and

"(cc) 1 of 675 securities with the largest dollar value of average daily trading volume;

"(ii) a board of trade was designated as a contract market by the Commodity Futures Trading Commission with respect to a contract of sale for future delivery on the index, before the date of enactment of the Commodity Futures Modernization Act of 2000;

"(iii)(I) a contract of sale for future delivery on the index traded on a designated contract market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery on an index that was not a narrow-based security index; and

"(II) it has been a narrow-based security index for no more than 45 business days over 3 consecutive calendar months;

"(iv) a contract of sale for future delivery on the index is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Securities and Exchange Commission;

"(v) no more than 18 months have passed since the date of enactment of the Commodity Futures Modernization Act of 2000 and—

"(I) it is traded on or subject to the rules of a foreign board of trade;

"(II) the offer and sale in the United States of a contract of sale for future delivery on the index was authorized before the date of the enactment of the Commodity Futures Modernization Act of 2000; and

"(III) the conditions of such authorization continue to be met; or

"(vi) a contract of sale for future delivery on the index is traded on or subject to the rules of a board of trade and meets such requirements as are jointly established by rule, regulation, or order by the Commission and the Securities and Exchange Commission.

"(C) Within 1 year after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission jointly shall adopt rules or regulations that set forth the requirements under subparagraph (B)(iv).

"(D) An index that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iii) of subparagraph (B) shall not be a narrow-based security index for the 3 following calendar months.

"(E) For purposes of subparagraphs (A) and (B)—

"(i) the dollar value of average daily trading volume and the market capitalization shall be calculated as of the preceding 6 full calendar months; and

"(ii) the Commission and the Securities and Exchange Commission shall, by rule or regulation, jointly specify the method to be used to determine market capitalization and dollar value of average daily trading volume.

"(26) OPTION.—The term 'option' means an agreement, contract, or transaction that is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'.

"(27) ORGANIZED EXCHANGE.—The term 'organized exchange' means a trading facility that—

"(A) permits trading—

"(i) by or on behalf of a person that is not an eligible contract participant; or

"(ii) by persons other than on a principal-to-principal basis; or

"(B) has adopted (directly or through another nongovernmental entity) rules that—

"(i) govern the conduct of participants, other than rules that govern the submission of orders or execution of transactions on the trading facility; and

"(ii) include disciplinary sanctions other than the exclusion of participants from trading."; and

(7) by adding at the end the following:

"(29) REGISTERED ENTITY.—The term 'registered entity' means—

"(A) a board of trade designated as a contract market under section 5;

"(B) a derivatives transaction execution facility registered under section 5a;

"(C) a derivatives clearing organization registered under section 5b; and

"(D) a board of trade designated as a contract market under section 5f.

"(30) SECURITY.—The term 'security' means a security as defined in section 2(a)(1) of the Securities Act of 1933 (15 U.S.C. 77b(a)(1)) or section 3(a)(10) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

"(31) SECURITY FUTURE.—The term 'security future' means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982). The term 'security future' does not include any agreement, contract, or transaction excluded from this Act under section 2(c), 2(d), 2(f), or 2(g) of this Act (as in effect on the date of the enactment of the Commodity Futures Modernization Act of 2000) or title IV of the Commodity Futures Modernization Act of 2000.

"(32) SECURITY FUTURES PRODUCT.—The term 'security futures product' means a security future or any put, call, straddle, option, or privilege on any security future.

"(33) TRADING FACILITY.—

"(A) IN GENERAL.—The term 'trading facility' means a person or group of persons that constitutes, maintains, or provides a physical or electronic facility or system in which multiple participants have the ability to execute or trade agreements, contracts, or transactions by accepting bids and offers made by other participants that are open to multiple participants in the facility or system.

"(B) EXCLUSIONS.—The term 'trading facility' does not include—

"(i) a person or group of persons solely because the person or group of persons constitutes, maintains, or provides an electronic facility or system that enables participants to negotiate the terms of and enter into bilateral transactions as a result of communications exchanged by the parties and not from interaction of multiple bids and multiple offers within a predetermined, nondiscretionary automated trade matching and execution algorithm;

"(ii) a government securities dealer or government securities broker, to the extent that the dealer or broker executes or trades agreements, contracts, or transactions in government securities, or assists persons in communicating about, negotiating, entering into, executing, or trading an agreement, contract, or transaction in government securities (as the terms 'government securities dealer', 'government securities broker', and 'government securities' are defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))); or

"(iii) facilities on which bids and offers, and acceptances of bids and offers effected on the facility, are not binding.

Any person, group of persons, dealer, broker, or facility described in clause (i) or (ii) is excluded from the meaning of the term 'trading facility' for the purposes of this Act without any prior specific approval, certification, or other action by the Commission.

"(C) SPECIAL RULE.—A person or group of persons that would not otherwise constitute a trading facility shall not be considered to be a trading facility solely as a result of the submission to a derivatives clearing organization of transactions executed on or through the person or group of persons.".

SEC. 102. AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is amended by adding at the end the following:

"(c) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN FOREIGN CURRENCY, GOVERNMENT SECURITIES, AND CERTAIN OTHER COMMODITIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in—

"(A) foreign currency;

"(B) government securities;

"(C) security warrants;

"(D) security rights;

"(E) resales of installment loan contracts;

"(F) repurchase transactions in an excluded commodity; or

"(G) mortgages or mortgage purchase commitments.

"(2) COMMISSION JURISDICTION.—

"(A) AGREEMENTS, CONTRACTS, AND TRANSACTIONS TRADED ON AN ORGANIZED EXCHANGE.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction described in paragraph (1) that is—

"(i) a contract of sale of a commodity for future delivery (or an option on such a contract), or an option on a commodity (other than foreign currency or a security or a group or index of securities), that is executed or traded on an organized exchange; or

"(ii) an option on foreign currency executed or traded on an organized exchange that is not a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934.

"(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

"(i) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934); and

"(ii) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

"(I) a financial institution;

"(II) a broker or dealer registered under section 15(b) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5) or a futures commission merchant registered under this Act;

"(III) an associated person of a broker or dealer registered under section 15(b) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5), or an affiliated person of a futures commission merchant registered under this Act, concerning the financial or securities activities of which the registered person makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–5(b), 78q(h)) or section 4f(c)(2)(B) of this Act;

"(IV) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

"(V) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956); or

"(VI) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934).

"(C) Notwithstanding subclauses (II) and (III) of subparagraph (B)(ii), agreements, contracts, or transactions described in subparagraph (B) shall be subject to sections 4b, 4c(b), 6(c) and 6(d) (to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity, in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, and 8(a) if they are entered into by a futures commission merchant or an affiliate of a futures commission merchant that is not also an entity described in subparagraph (B)(ii) of this paragraph.".

SEC. 103. LEGAL CERTAINTY FOR EXCLUDED DERIVATIVE TRANSACTIONS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

"(d) EXCLUDED DERIVATIVE TRANSACTIONS.—

"(1) IN GENERAL.—Nothing in this Act (other than section 5b or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in an excluded commodity if—

"(A) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

"(B) the agreement, contract, or transaction is not executed or traded on a trading facility.

"(2) ELECTRONIC TRADING FACILITY EXCLUSION.—Nothing in this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)(B)) governs or applies to an agreement, contract, or transaction in an excluded commodity if—

"(A) the agreement, contract, or transaction is entered into on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii);

"(B) the agreement, contract, or transaction is entered into only between persons that are eligible contract participants described in subparagraph (A), (B)(ii), or (C) of section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction; and

"(C) the agreement, contract, or transaction is executed or traded on an electronic trading facility.".

SEC. 104. EXCLUDED ELECTRONIC TRADING FACILITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

"(e) EXCLUDED ELECTRONIC TRADING FACILITIES.—

"(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or is applicable to an electronic trading facility that limits transactions authorized to be conducted on its facilities to those satisfying the requirements of section 2(d)(2), 2(g), or 2(h)(3).

"(2) EFFECT ON AUTHORITY TO ESTABLISH AND OPERATE.—Nothing in this Act shall prohibit a board of trade designated by the Commission as a contract market or derivatives transaction execution facility, or operating as an exempt board of trade from establishing and operating an electronic trading facility excluded under this Act pursuant to paragraph (1).

"(3) EFFECT ON TRANSACTIONS.—No failure by an electronic trading facility to limit transactions as required by paragraph (1) of this subsection or to comply with section 2(h)(5) shall in itself affect the legality, validity, or enforceability of an agreement, contract, or transaction entered into or traded on the electronic trading facility or cause a participant on the system to be in violation of this Act.

"(4) SPECIAL RULE.—A person or group of persons that would not otherwise constitute a trading facility shall not be considered to be a trading facility solely as a result of the submission to a derivatives clearing organization of transactions executed on or through the person or group of persons.".

SEC. 105. HYBRID INSTRUMENTS; SWAP TRANSACTIONS.

(a) HYBRID INSTRUMENTS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

"(f) EXCLUSION FOR QUALIFYING HYBRID INSTRUMENTS.—

"(1) IN GENERAL.—Nothing in this Act (other than section 12(e)(2)(B)) governs or is applicable to a hybrid instrument that is predominantly a security.

"(2) PREDOMINANCE.—A hybrid instrument shall be considered to be predominantly a security if—

"(A) the issuer of the hybrid instrument receives payment in full of the purchase price of the hybrid instrument, substantially contemporaneously with delivery of the hybrid instrument;

"(B) the purchaser or holder of the hybrid instrument is not required to make any payment to the issuer in addition to the purchase price paid under subparagraph (A), whether as margin, settlement payment, or otherwise, during the life of the hybrid instrument or at maturity;

"(C) the issuer of the hybrid instrument is not subject by the terms of the instrument to mark-to-market margining requirements; and

"(D) the hybrid instrument is not marketed as a contract of sale of a commodity for future delivery (or option on such a contract) subject to this Act.

"(3) MARK-TO-MARKET MARGINING REQUIREMENTS.—For the purposes of paragraph (2)(C), mark-to-market margining requirements do not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the secured debt instrument to secure the repayment obligations of the issuer under the secured debt instrument.".

(b) SWAP TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

"(g) EXCLUDED SWAP TRANSACTIONS.—No provision of this Act (other than section 5a (to the extent provided in section 5a(g)), 5b, 5d, or 12(e)(2)) shall apply to or govern any agreement, contract, or transaction in a commodity other than an agricultural commodity if the agreement, contract, or transaction is—

"(1) entered into only between persons that are eligible contract participants at the time they enter into the agreement, contract, or transaction;

"(2) subject to individual negotiation by the parties; and

"(3) not executed or traded on a trading facility.".

(c) STUDY REGARDING RETAIL SWAPS.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System, the Secretary of the Treasury, the Commodity Futures Trading Commission, and the Securities and Exchange Commission shall conduct a study of issues involving the offering of swap agreements to persons other than eligible contract participants (as defined in section 1a of the Commodity Exchange Act).

(2) MATTERS TO BE ADDRESSED.—The study shall address—

(A) the potential uses of swap agreements by persons other than eligible contract participants;

(B) the extent to which financial institutions are willing to offer swap agreements to persons other than eligible contract participants;

(C) the appropriate regulatory structure to address customer protection issues that may arise in connection with the offer of swap agreements to persons other than eligible contract participants; and

(D) such other relevant matters deemed necessary or appropriate to address.

(3) REPORT.—Before the end of the 1-year period beginning on the date of enactment of this Act, a report on the findings and conclusions of the study required by paragraph (1) shall be submitted to Congress, together with such recommendations for legislative action as are deemed necessary and appropriate.

SEC. 106. TRANSACTIONS IN EXEMPT COMMODITIES.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following.

"(h) LEGAL CERTAINTY FOR CERTAIN TRANSACTIONS IN EXEMPT COMMODITIES.—

"(1) Except as provided in paragraph (2), nothing in this Act shall apply to a contract, agreement or transaction in an exempt commodity which—

"(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction; and

"(B) is not entered into on a trading facility.

"(2) An agreement, contract, or transaction described in paragraph (1) of this subsection shall be subject to—

"(A) sections 5b and 12(e)(2)(B);

"(B) sections 4b, 4o, 6(c), 6(d), 6c, 6d, and 8a, and the regulations of the Commission pursuant to section 4c(b) proscribing fraud in connection with commodity option transactions, to the extent the agreement, contract, or transaction is not between eligible commercial entities (unless 1 of the entities is an instrumentality, department, or agency of a State or local governmental entity) and would otherwise be subject to such sections and regulations; and

"(C) sections 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and the agreement, contract, or transaction would otherwise be subject to such sections.

"(3) Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity which is—

"(A) entered into on a principal-to-principal basis solely between persons that are eligible commercial entities at the time the persons enter into the agreement, contract, or transaction; and

"(B) executed or traded on an electronic trading facility.

"(4) An agreement, contract, or transaction described in paragraph (3) of this subsection shall be subject to—

"(A) sections 5a (to the extent provided in section 5a(g)), 5b, 5d, and 12(e)(2)(B);

"(B) sections 4b and 4o and the regulations of the Commission pursuant to section 4c(b) proscribing fraud in connection with commodity option transactions to the extent the agreement, contract, or transaction would otherwise be subject to such sections and regulations;

"(C) sections 6(c) and 9(a)(2), to the extent such sections prohibit manipulation of the market price of any commodity in interstate commerce and to the extent the agreement, contract, or transaction would otherwise be subject to such sections; and

"(D) such rules and regulations as the Commission may prescribe if necessary to ensure timely dissemination by the electronic trading facility of price, trading volume, and other trading data to the extent appropriate, if the Commission determines that the electronic trading

facility performs a significant price discovery function for transactions in the cash market for the commodity underlying any agreement, contract, or transaction executed or traded on the electronic trading facility.

"(5) An electronic trading facility relying on the exemption provided in paragraph (3) shall—

"(A) notify the Commission of its intention to operate an electronic trading facility in reliance on the exemption set forth in paragraph (3), which notice shall include—

"(i) the name and address of the facility and a person designated to receive communications from the Commission;

"(ii) the commodity categories that the facility intends to list or otherwise make available for trading on the facility in reliance on the exemption set forth in paragraph (3);

"(iii) certifications that—

"(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the facility is a person described in any of subparagraphs (A) through (H) of section 8a(2);

"(II) the facility will comply with the conditions for exemption under this paragraph; and

"(III) the facility will notify the Commission of any material change in the information previously provided by the facility to the Commission pursuant to this paragraph; and

"(iv) the identity of any derivatives clearing organization to which the facility transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the facility in reliance on the exemption set forth in paragraph (3);

"(B)(i)(I) provide the Commission with access to the facility's trading protocols and electronic access to the facility with respect to transactions conducted in reliance on the exemption set forth in paragraph (3); or

"(II) provide such reports to the Commission regarding transactions executed on the facility in reliance on the exemption set forth in paragraph (3) as the Commission may from time to time request to enable the Commission to satisfy its obligations under this Act;

"(ii) maintain for 5 years, and make available for inspection by the Commission upon request, records of activities related to its business as an electronic trading facility exempt under paragraph (3), including—

"(I) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the facility conducted in reliance on the exemption set forth in paragraph (3); and

"(II) the name and address of each participant on the facility authorized to enter into transactions in reliance on the exemption set forth in paragraph (3); and

"(iii) upon special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information related to its business as an electronic trading facility exempt under paragraph (3), including information relating to data entry and transaction details in respect of transactions entered into in reliance on the exemption set forth in paragraph (3), as the Commission may determine appropriate—

"(I) to enforce the provisions specified in subparagraphs (B) and (C) of paragraph (4);

"(II) to evaluate a systemic market event; or

"(III) to obtain information requested by a Federal financial regulatory authority in order to enable the regulator to fulfill its regulatory or supervisory responsibilities;

"(C)(i) upon receipt of any subpoena issued by or on behalf of the Commission to any foreign person who the Commission believes is conducting or has conducted transactions in reliance on the exemption set forth in paragraph (3) on or through the electronic trading facility relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner reasonable under the circumstances, or as specified by the Commission; and

"(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission pursuant to clause (i), and the Commission in writing has directed that a facility relying on the exemption set forth in paragraph (3) deny or limit further transactions by the person, the facility shall deny that person further trading access to the facility or, as applicable, limit that person's access to the facility for liquidation trading only;

"(D) comply with the requirements of this paragraph applicable to the facility and require that each participant, as a condition of trading on the facility in reliance on the exemption set forth in paragraph (3), agree to comply with all applicable law;

"(E) have a reasonable basis for believing that participants authorized to conduct transactions on the facility in reliance on the exemption set forth in paragraph (3) are eligible commercial entities; and

"(F) not represent to any person that the facility is registered with, or designated, recognized, licensed or approved by the Commission.

"(6) A person named in a subpoena referred to in paragraph (5)(C) that believes the person is or may be adversely affected or aggrieved by action taken by the Commission under this section, shall have the opportunity for a prompt hearing after the Commission acts under procedures that the Commission shall establish by rule, regulation, or order.".

SEC. 107. APPLICATION OF COMMODITY FUTURES LAWS.

Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 3, 4, 4a) is further amended by adding at the end the following:

"(i) APPLICATION OF COMMODITY FUTURES LAWS.—

"(1) No provision of this Act shall be construed as implying or creating any presumption that—

"(A) any agreement, contract, or transaction that is excluded from this Act under section 2(c), 2(d), 2(e), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act; or

"(B) any agreement, contract, or transaction, not otherwise subject to this Act, that is not so excluded or exempted,

is or would otherwise be subject to this Act.

"(2) No provision of, or amendment made by, the Commodity Futures Modernization Act of 2000 shall be construed as conferring jurisdiction on the Commission with respect to any such agreement, contract, or transaction, except as expressly provided in section 5a of this Act (to the extent provided in section 5a(g) of this Act), 5b of this Act, or 5d of this Act.".

SEC. 108. PROTECTION OF THE PUBLIC INTEREST.

The Commodity Exchange Act is amended by striking section 3 (7 U.S.C. 5) and inserting the following:

"SEC. 3. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The transactions subject to this Act are entered into regularly in interstate and international commerce and are affected with a national public interest by providing a means for managing and assuming price risks, discovering prices, or disseminating pricing information through trading in liquid, fair and financially secure trading facilities.

"(b) PURPOSE.—It is the purpose of this Act to serve the public interests described in subsection (a) through a system of effective self-regulation of trading facilities, clearing systems, market participants and market professionals under the oversight of the Commission. To foster these public interests, it is further the purpose of this Act to deter and prevent price manipulation or any other disruptions to market integrity; to ensure the financial integrity of all transactions subject to this Act and the avoidance of systemic risk; to protect all market participants from fraudulent or other abusive sales practices and misuses of customer assets; and to promote responsible innovation and fair competition among boards of trade, other markets and market participants.".

SEC. 109. PROHIBITED TRANSACTIONS.

Section 4c of the Commodity Exchange Act (7 U.S.C. 6c) is amended by striking "SEC. 4c." and all that follows through subsection (a) and inserting the following:

"SEC. 4c. PROHIBITED TRANSACTIONS.

"(a) IN GENERAL.—

"(1) PROHIBITION.—It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of a transaction described in paragraph (2) involving the purchase or sale of any commodity for future delivery (or any option on such a transaction or option on a commodity) if the transaction is used or may be used to—

"(A) hedge any transaction in interstate commerce in the commodity or the product or byproduct of the commodity;

"(B) determine the price basis of any such transaction in interstate commerce in the commodity; or

"(C) deliver any such commodity sold, shipped, or received in interstate commerce for the execution of the transaction.

"(2) TRANSACTION.—A transaction referred to in paragraph (1) is a transaction that—

"(A)(i) is, is of the character of, or is commonly known to the trade as, a 'wash sale' or 'accommodation trade'; or

"(ii) is a fictitious sale; or

"(B) is used to cause any price to be reported, registered, or recorded that is not a true and bona fide price.".

SEC. 110. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

The Commodity Exchange Act is amended—

(1) by redesignating section 5b (7 U.S.C. 7b) as section 5e; and

(2) by striking sections 5 and 5a (7 U.S.C. 7, 7a) and inserting the following:

"SEC. 5. DESIGNATION OF BOARDS OF TRADE AS CONTRACT MARKETS.

"(a) APPLICATIONS.—A board of trade applying to the Commission for designation as a contract market shall submit an application to the Commission that includes any relevant materials and records the Commission may require consistent with this Act.

"(b) CRITERIA FOR DESIGNATION.—

"(1) IN GENERAL.—To be designated as a contract market, the board of trade shall demonstrate to the Commission that the board of trade meets the criteria specified in this subsection.

"(2) PREVENTION OF MARKET MANIPULATION.—The board of trade shall have the capacity to prevent market manipulation through market surveillance, compliance, and enforcement practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

"(3) FAIR AND EQUITABLE TRADING.—The board of trade shall establish and enforce trading rules to ensure fair and equitable trading through the facilities of the contract market, and the capacity to detect, investigate, and discipline any person that violates the rules. The rules may authorize—

"(A) transfer trades or office trades;

"(B) an exchange of—

"(i) futures in connection with a cash commodity transaction;

"(ii) futures for cash commodities; or

"(iii) futures for swaps; or

"(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the contract market or a derivatives clearing organization.

"(4) TRADE EXECUTION FACILITY.—The board of trade shall—

"(A) establish and enforce rules defining, or specifications detailing, the manner of operation of the trade execution facility maintained by the board of trade, including rules or specifications describing the operation of any electronic matching platform; and

"(B) demonstrate that the trade execution facility operates in accordance with the rules or specifications.

"(5) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules and procedures for ensuring the financial integrity of transactions entered into by or through the facilities of the contract market, including the clearance and settlement of the transactions with a derivatives clearing organization.

"(6) DISCIPLINARY PROCEDURES.—The board of trade shall establish and enforce disciplinary procedures that authorize the board of trade to discipline, suspend, or expel members or market participants that violate the rules of the board of trade, or similar methods for performing the same functions, including delegation of the functions to third parties.

"(7) PUBLIC ACCESS.—The board of trade shall provide the public with access to the rules, regulations, and contract specifications of the board of trade.

"(8) ABILITY TO OBTAIN INFORMATION.—The board of trade shall establish and enforce rules that will allow the board of trade to obtain any necessary information to perform any of the functions described in this subsection, including the capacity to carry out such international information-sharing agreements as the Commission may require.

"(c) EXISTING CONTRACT MARKETS.—A board of trade that is designated as a contract market on the date of the enactment of the Commodity Futures Modernization Act of 2000 shall be considered to be a designated contract market under this section.

"(d) CORE PRINCIPLES FOR CONTRACT MARKETS.—

"(1) IN GENERAL.—To maintain the designation of a board of trade as a contract market, the board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which it complies with the core principles.

"(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce compliance with the rules of the contract market, including the terms and conditions of any contracts to be traded and any limitations on access to the contract market.

"(3) CONTRACTS NOT READILY SUBJECT TO MANIPULATION.—The board of trade shall list on the contract market only contracts that are not readily susceptible to manipulation.

"(4) MONITORING OF TRADING.—The board of trade shall monitor trading to prevent manipulation, price distortion, and disruptions of the delivery or cash-settlement process.

"(5) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the board of trade shall adopt position limitations or position accountability for speculators, where necessary and appropriate.

"(6) EMERGENCY AUTHORITY.—The board of trade shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority to—

"(A) liquidate or transfer open positions in any contract;

"(B) suspend or curtail trading in any contract; and

"(C) require market participants in any contract to meet special margin requirements.

"(7) AVAILABILITY OF GENERAL INFORMATION.—The board of trade shall make available to market authorities, market participants, and the public information concerning—

"(A) the terms and conditions of the contracts of the contract market; and

"(B) the mechanisms for executing transactions on or through the facilities of the contract market.

"(8) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for actively traded contracts on the contract market.

"(9) EXECUTION OF TRANSACTIONS.—The board of trade shall provide a competitive, open, and efficient market and mechanism for executing transactions.

"(10) TRADE INFORMATION.—The board of trade shall maintain rules and procedures to provide for the recording and safe storage of all identifying trade information in a manner that enables the contract market to use the information for purposes of assisting in the prevention of customer and market abuses and providing evidence of any violations of the rules of the contract market.

"(11) FINANCIAL INTEGRITY OF CONTRACTS.—The board of trade shall establish and enforce rules providing for the financial integrity of any contracts traded on the contract market (including the clearance and settlement of the transactions with a derivatives clearing organization), and rules to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

"(12) PROTECTION OF MARKET PARTICIPANTS.—The board of trade shall establish and enforce rules to protect market participants from abusive practices committed by any party acting as an agent for the participants.

"(13) DISPUTE RESOLUTION.—The board of trade shall establish and enforce rules regarding and provide facilities for alternative dispute resolution as appropriate for market participants and any market intermediaries.

"(14) GOVERNANCE FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members of the contract market, and any other persons with direct access to the facility (including any parties affiliated with any of the persons described in this paragraph).

"(15) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decisionmaking process of the contract market and establish a process for resolving such conflicts of interest.

"(16) COMPOSITION OF BOARDS OF MUTUALLY OWNED CONTRACT MARKETS.—In the case of a mutually owned contract market, the board of trade shall ensure that the composition of the governing board reflects market participants.

"(17) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the contract market in a form and manner acceptable to the Commission for a period of 5 years.

"(18) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

"(A) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

"(B) imposing any material anticompetitive burden on trading on the contract market.

"(e) CURRENT AGRICULTURAL COMMODITIES.—

"(1) Subject to paragraph (2) of this subsection, a contract for purchase or sale for future delivery of an agricultural commodity enumerated in section 1a(4) that is available for trade on a contract market, as of the date of the enactment of this subsection, may be traded only on a contract market designated under this section.

"(2) In order to promote responsible economic or financial innovation and fair competition, the Commission, on application by any person, after notice and public comment and opportunity for hearing, may prescribe rules and regulations to provide for the offer and sale of contracts for future delivery or options on such contracts to be conducted on a derivatives transaction execution facility.".

SEC. 111. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5 (as amended by section 110(2)) the following:

"SEC. 5a. DERIVATIVES TRANSACTION EXECUTION FACILITIES.

"(a) IN GENERAL.—In lieu of compliance with the contract market designation requirements of sections 4(a) and 5, a board of trade may elect to operate as a registered derivatives transaction execution facility if the facility is—

"(1) designated as a contract market and meets the requirements of this section; or

"(2) registered as a derivatives transaction execution facility under subsection (c) of this section.

"(b) REQUIREMENTS FOR TRADING.—

"(1) IN GENERAL.—A registered derivatives transaction execution facility under subsection (a) may trade any contract of sale of a commodity for future delivery (or option on such a contract) on or through the facility only by satisfying the requirements of this section.

"(2) REQUIREMENTS FOR UNDERLYING COMMODITIES.—A registered derivatives transaction execution facility may trade any contract of sale of a commodity for future delivery (or option on such a contract) only if—

"(A) the underlying commodity has a nearly inexhaustible deliverable supply;

"(B) the underlying commodity has a deliverable supply that is sufficiently large that the contract is highly unlikely to be susceptible to the threat of manipulation;

"(C) the underlying commodity has no cash market;

"(D)(i) the contract is a security futures product, and (ii) the registered derivatives transaction execution facility is a national securities exchange registered under the Securities Exchange Act of 1934;

"(E) the Commission determines, based on the market characteristics, surveillance history, self-regulatory record, and capacity of the facility that trading in the contract (or option) is highly unlikely to be susceptible to the threat of manipulation; or

"(F) except as provided in section 5(e)(2), the underlying commodity is a commodity other than an agricultural commodity enumerated in section 1a(4), and trading access to the facility is limited to eligible commercial entities trading for their own account.

"(3) ELIGIBLE TRADERS.—To trade on a registered derivatives transaction execution facility, a person shall—

"(A) be an eligible contract participant; or

"(B) be a person trading through a futures commission merchant that—

"(i) is registered with the Commission;

"(ii) is a member of a futures self-regulatory organization or, if the person trades only security futures products on the facility, a national securities association registered under section 15A(a) of the Securities Exchange Act of 1934;

"(iii) is a clearing member of a derivatives clearing organization; and

"(iv) has net capital of at least $20,000,000.

"(4) TRADING BY CONTRACT MARKETS.—A board of trade that is designated as a contract market shall, to the extent that the contract market also operates a registered derivatives transaction execution facility—

"(A) provide a physical location for the contract market trading of the board of trade that is separate from trading on the derivatives transaction execution facility of the board of trade; or

"(B) if the board of trade uses the same electronic trading system for trading on the contract market and derivatives transaction execution facility of the board of trade, identify whether the electronic trading is taking place on the contract market or the derivatives transaction execution facility.

"(c) CRITERIA FOR REGISTRATION.—

"(1) IN GENERAL.—To be registered as a registered derivatives transaction execution facility, the board of trade shall be required to demonstrate to the Commission only that the board of trade meets the criteria specified in subsection (b) and this subsection.

"(2) DETERRENCE OF ABUSES.—The board of trade shall establish and enforce trading and participation rules that will deter abuses and has the capacity to detect, investigate, and enforce those rules, including means to—

"(A) obtain information necessary to perform the functions required under this section; or

"(B) use technological means to—

"(i) provide market participants with impartial access to the market; and

"(ii) capture information that may be used in establishing whether rule violations have occurred.

"(3) TRADING PROCEDURES.—The board of trade shall establish and enforce rules or terms and conditions defining, or specifications detailing, trading procedures to be used in entering and executing orders traded on the facilities of the board of trade. The rules may authorize—

"(A) transfer trades or office trades;

"(B) an exchange of—

"(i) futures in connection with a cash commodity transaction;

"(ii) futures for cash commodities; or

"(iii) futures for swaps; or

"(C) a futures commission merchant, acting as principal or agent, to enter into or confirm the execution of a contract for the purchase or sale of a commodity for future delivery if the contract is reported, recorded, or cleared in accordance with the rules of the registered derivatives transaction execution facility or a derivatives clearing organization.

"(4) FINANCIAL INTEGRITY OF TRANSACTIONS.—The board of trade shall establish and enforce rules or terms and conditions providing for the financial integrity of transactions entered on or through the facilities of the board of trade, and rules or terms and conditions to ensure the financial integrity of any futures commission merchants and introducing brokers and the protection of customer funds.

"(d) CORE PRINCIPLES FOR REGISTERED DERIVATIVES TRANSACTION EXECUTION FACILITIES.—

"(1) IN GENERAL.—To maintain the registration of a board of trade as a derivatives transaction execution facility, a board of trade shall comply with the core principles specified in this subsection. The board of trade shall have reasonable discretion in establishing the manner in which the board of trade complies with the core principles.

"(2) COMPLIANCE WITH RULES.—The board of trade shall monitor and enforce the rules of the facility, including any terms and conditions of any contracts traded on or through the facility and any limitations on access to the facility.

"(3) MONITORING OF TRADING.—The board of trade shall monitor trading in the contracts of the facility to ensure orderly trading in the contract and to maintain an orderly market while providing any necessary trading information to the Commission to allow the Commission to discharge the responsibilities of the Commission under the Act.

"(4) DISCLOSURE OF GENERAL INFORMATION.—The board of trade shall disclose publicly and to the Commission information concerning—

"(A) contract terms and conditions;

"(B) trading conventions, mechanisms, and practices;

"(C) financial integrity protections; and

"(D) other information relevant to participation in trading on the facility.

"(5) DAILY PUBLICATION OF TRADING INFORMATION.—The board of trade shall make public daily information on settlement prices, volume, open interest, and opening and closing ranges for contracts traded on the facility if the Commission determines that the contracts perform a significant price discovery function for transactions in the cash market for the commodity underlying the contracts.

"(6) FITNESS STANDARDS.—The board of trade shall establish and enforce appropriate fitness standards for directors, members of any disciplinary committee, members, and any other persons with direct access to the facility, including any parties affiliated with any of the persons described in this paragraph.

"(7) CONFLICTS OF INTEREST.—The board of trade shall establish and enforce rules to minimize conflicts of interest in the decision making process of the derivatives transaction execution facility and establish a process for resolving such conflicts of interest.

"(8) RECORDKEEPING.—The board of trade shall maintain records of all activities related to the business of the derivatives transaction execution facility in a form and manner acceptable to the Commission for a period of 5 years.

"(9) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the board of trade shall endeavor to avoid—

"(A) adopting any rules or taking any actions that result in any unreasonable restraint of trade; or

"(B) imposing any material anticompetitive burden on trading on the derivatives transaction execution facility.

"(e) USE OF BROKER-DEALERS, DEPOSITORY INSTITUTIONS, AND FARM CREDIT SYSTEM INSTITUTIONS AS INTERMEDIARIES.—

"(1) IN GENERAL.—With respect to transactions other than transactions in security futures products, a registered derivatives transaction execution facility may by rule allow a broker-dealer, depository institution, or institution of the Farm Credit System that meets the requirements of paragraph (2) to—

"(A) act as an intermediary in transactions executed on the facility on behalf of customers of the broker-dealer, depository institution, or institution of the Farm Credit System; and

"(B) receive funds of customers to serve as margin or security for the transactions.

"(2) REQUIREMENTS.—The requirements referred to in paragraph (1) are that—

"(A) the broker-dealer be in good standing with the Securities and Exchange Commission, or the depository institution or institution of the Farm Credit System be in good standing with Federal bank regulatory agencies (including the Farm Credit Administration), as applicable; and

"(B) if the broker-dealer, depository institution, or institution of the Farm Credit System carries or holds customer accounts or funds for transactions on the derivatives transaction execution facility for more than 1 business day, the broker-dealer, depository institution, or institution of the Farm Credit System is registered as a futures commission merchant and is a member of a registered futures association.

"(3) IMPLEMENTATION.—The Commission shall cooperate and coordinate with the Securities and Exchange Commission, the Secretary of the Treasury, and Federal banking regulatory agencies (including the Farm Credit Administration) in adopting rules and taking any other appropriate action to facilitate the implementation of this subsection.

"(f) SEGREGATION OF CUSTOMER FUNDS.—Not later than 180 days after the date of the enactment of the Commodity Futures Modernization Act of 2000, consistent with regulations adopted by the Commission, a registered derivatives transaction execution facility may authorize a futures commission merchant to offer any customer of the futures commission merchant that is an eligible contract participant the right to not segregate the customer funds of the customer that are carried with the futures commission merchant for purposes of trading on or through the facilities of the registered derivatives transaction execution facility.

"(g) ELECTION TO TRADE EXCLUDED AND EXEMPT COMMODITIES.—

"(1) IN GENERAL.—Notwithstanding subsection (b)(2) of this section, a board of trade that is or elects to become a registered derivatives transaction execution facility may trade on the facility any agreements, contracts, or transactions involving excluded or exempt commodities other than securities, except contracts of sale for future delivery of exempt securities under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982, that are otherwise excluded from this Act under section 2(c), 2(d), or 2(g) of this Act, or exempt under section 2(h) of this Act.

"(2) EXCLUSIVE JURISDICTION OF THE COMMISSION.—The Commission shall have exclusive jurisdiction over agreements, contracts, or transactions described in paragraph (1) to the extent that the agreements, contracts, or transactions are traded on a derivatives transaction execution facility.".

SEC. 112. DERIVATIVES CLEARING.

(a) IN GENERAL.—Subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 is amended—

(1) by inserting before the section heading for section 401, the following new heading:

"CHAPTER 1—BILATERAL AND CLEARING ORGANIZATION NETTING";

(2) in section 402, by striking "this subtitle" and inserting "this chapter"; and

(3) by inserting after section 407, the following new chapter:

"CHAPTER 2—MULTILATERAL CLEARING ORGANIZATIONS

"SEC. 408. DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

"(1) MULTILATERAL CLEARING ORGANIZATION.—The term 'multilateral clearing organization' means a system utilized by more than 2 participants in which the bilateral credit exposures of participants arising from the transactions cleared are effectively eliminated and replaced by a system of guarantees, insurance, or mutualized risk of loss.

"(2) OVER-THE-COUNTER DERIVATIVE INSTRUMENT.—The term 'over-the-counter derivative instrument' includes—

"(A) any agreement, contract, or transaction, including the terms and conditions incorporated by reference in any such agreement, contract, or transaction, which is an interest rate swap, option, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, and forward rate agreement; a same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, or forward agreement; an equity index or equity swap, option, or forward agreement; a debt index or debt swap, option, or forward agreement; a credit spread or credit swap, option, or forward agreement; a commodity index or commodity swap, option, or forward agreement; and a weather swap, weather derivative, or weather option;

"(B) any agreement, contract or transaction similar to any other agreement, contract, or transaction referred to in this clause that is presently, or in the future becomes, regularly entered into by parties that participate in swap transactions (including terms and conditions incorporated by reference in the agreement) and that is a forward, swap, or option on 1 or more occurrences of any event, rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, economic or other indices or measures of economic or other risk or value;

"(C) any agreement, contract, or transaction excluded from the Commodity Exchange Act under section 2(c), 2(d), 2(f), or 2(g) of such Act, or exempted under section 2(h) or 4(c) of such Act; and

"(D) any option to enter into any, or any combination of, agreements, contracts or transactions referred to in this subparagraph.

"(3) OTHER DEFINITIONS.—The terms 'insured State nonmember bank', 'State member bank', and 'affiliate' have the same meanings as in section 3 of the Federal Deposit Insurance Act.

"SEC. 409. MULTILATERAL CLEARING ORGANIZATIONS.

"(a) IN GENERAL.—Except with respect to clearing organizations described in subsection (b), no person may operate a multilateral clearing organization for over-the-counter derivative instruments, or otherwise engage in activities that constitute such a multilateral clearing organization unless the person is a national bank, a State member bank, an insured State nonmember bank, an affiliate of a national bank, a State member bank, or an insured State nonmember bank, or a corporation chartered under section 25A of the Federal Reserve Act.

"(b) CLEARING ORGANIZATIONS.—Subsection (a) shall not apply to any clearing organization that—

"(1) is registered as a clearing agency under the Securities Exchange Act of 1934;

"(2) is registered as a derivatives clearing organization under the Commodity Exchange Act; or

"(3) is supervised by a foreign financial regulator that the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, or the Commodity Futures Trading Commission, as applicable, has determined satisfies appropriate standards.".

(b) RESOLUTION OF CLEARING BANKS.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended by inserting after section 9A the following new section:

"SEC. 9B. RESOLUTION OF CLEARING BANKS.

"(a) CONSERVATORSHIP OR RECEIVERSHIP.—

"(1) APPOINTMENT.—The Board may appoint a conservator or receiver to take possession and control of any uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank.

"(2) POWERS.—The conservator or receiver for an uninsured State member bank referred to in paragraph (1) shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

"(b) BOARD AUTHORITY.—The Board shall have the same authority with respect to any conservator or receiver appointed under subsection (a), and the uninsured State member bank for which the conservator or receiver has been appointed, as the Comptroller of the Currency has with respect to a conservator or receiver for a national bank and the national bank for which the conservator or receiver has been appointed.

"(c) BANKRUPTCY PROCEEDINGS.—The Board (in the case of an uninsured State member bank which operates, or operates as, such a multilateral clearing organization) may direct a conservator or receiver appointed for the bank to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the bank in lieu of otherwise applicable Federal or State insolvency law.".

(c) TECHNICAL AND CONFORMING AMENDMENTS TO TITLE 11, UNITED STATES CODE.—

(1) BANKRUPTCY CODE DEBTORS.—Section 109(b)(2) of title 11, United States Code, is amended by striking "; or" and inserting the following: ", except that an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor if a petition is filed at the direction of the Board of Governors of the Federal Reserve System; or".

(2) CHAPTER 7 DEBTORS.—Section 109(d) of title 11, United States Code, is amended to read as follows:

"(d) Only a railroad, a person that may be a debtor under chapter 7 of this title (except a stockbroker or a commodity broker), and an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991 may be a debtor under chapter 11 of this title.".

(3) DEFINITION OF FINANCIAL INSTITUTION.—Section 101(22) of title 11, United States Code, is amended to read as follows:

"(22) the term 'financial institution'—

"(A) means—

"(i) a Federal reserve bank or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, or receiver or conservator for such entity and, when any such Federal reserve bank, receiver, conservator, or entity is acting as agent or custodian for a customer in connection with a securities contract, as defined in section 741 of this title, the customer; or

"(ii) in connection with a securities contract, as defined in section 741 of this title, an investment company registered under the Investment Company Act of 1940; and

"(B) includes any person described in subparagraph (A) which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991;".

(4) DEFINITION OF UNINSURED STATE MEMBER BANK.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (54) the following new paragraph—

"(54A) the term 'uninsured State member bank' means a State member bank (as defined in section 3 of the Federal Deposit Insurance Act) the deposits of which are not insured by the Federal Deposit Insurance Corporation; and".

(5) SUBCHAPTER V OF CHAPTER 7.—

(A) IN GENERAL.—Section 103 of title 11, United States Code, is amended—

(i) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(ii) by inserting after subsection (d) the following new subsection:

"(e) SCOPE OF APPLICATION.—Subchapter V of chapter 7 of this title shall apply only in a case under such chapter concerning the liquidation of an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.".

(B) CLEARING BANK LIQUIDATION.—Chapter 7 of title 11, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER V—CLEARING BANK LIQUIDATION

"§ 781. Definitions

"For purposes of this subchapter, the following definitions shall apply:

"(1) BOARD.—The term 'Board' means the Board of Governors of the Federal Reserve System.

"(2) DEPOSITORY INSTITUTION.—The term 'depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

"(3) CLEARING BANK.—The term 'clearing bank' means an uninsured State member bank, or a corporation organized under section 25A of the Federal Reserve Act, which operates, or operates as, a multilateral clearing organization pursuant to section 409 of the Federal Deposit Insurance Corporation Improvement Act of 1991.

"§ 782. Selection of trustee

"(a) IN GENERAL.—

"(1) APPOINTMENT.—Notwithstanding any other provision of this title, the conservator or receiver who files the petition shall be the trustee under this chapter, unless the Board designates an alternative trustee.

"(2) SUCCESSOR.—The Board may designate a successor trustee if required.

"(b) AUTHORITY OF TRUSTEE.—Whenever the Board appoints or designates a trustee, chapter 3 and sections 704 and 705 of this title shall apply to the Board in the same way and to the same extent that they apply to a United States trustee.

"§ 783. Additional powers of trustee

"(a) DISTRIBUTION OF PROPERTY NOT OF THE ESTATE.—The trustee under this subchapter has power to distribute property not of the estate, including distributions to customers that are mandated by subchapters III and IV of this chapter.

"(b) DISPOSITION OF INSTITUTION.—The trustee under this subchapter may, after notice and a hearing—

"(1) sell the clearing bank to a depository institution or consortium of depository institutions (which consortium may agree on the allocation of the clearing bank among the consortium);

"(2) merge the clearing bank with a depository institution;

"(3) transfer contracts to the same extent as could a receiver for a depository institution under paragraphs (9) and (10) of section 11(e) of the Federal Deposit Insurance Act;

"(4) transfer assets or liabilities to a depository institution;

"(5) transfer assets and liabilities to a bridge bank as provided in paragraphs (1), (3)(A), (5), (6), of section 11(n) of the Federal Deposit Insurance Act, paragraphs (9) through (13) of such section, and subparagraphs (A) through (H) and subparagraph (K) of paragraph (4) of such section 11(n), except that—

"(A) the bridge bank to which such assets or liabilities are transferred shall be treated as a clearing bank for the purpose of this subsection; and

"(B) any references in any such provision of law to the Federal Deposit Insurance Corporation shall be construed to be references to the appointing agency and that references to deposit insurance shall be omitted.

"(c) Certain Transfers Included.—Any reference in this section to transfers of liabilities includes a ratable transfer of liabilities within a priority class.

"§784. Right to be heard

"The Board or a Federal reserve bank (in the case of a clearing bank that is a member of that bank) may raise and may appear and be heard on any issue in a case under this subchapter.".

(6) Definitions of Clearing Organization, Contract Market, and Related Definitions.—

(A) Section 761(2) of title 11, United States Code, is amended to read as follows:

"(2) 'clearing organization' means a derivatives clearing organization registered under the Act;".

(B) Section 761(7) of title 11, United States Code, is amended to read as follows:

"(7) 'contract market' means a registered entity;".

(C) Section 761(8) of title 11, United States Code, is amended to read as follows:

"(8) 'contract of sale', 'commodity', 'derivatives clearing organization', 'future delivery', 'board of trade', 'registered entity', and 'futures commission merchant' have the meanings assigned to those terms in the Act;".

(d) Clerical Amendment.—The table of sections for chapter 7 of title 11, United States Code, is amended by adding at the end the following new items:

"SUBCHAPTER V—CLEARING BANK LIQUIDATION

"Sec.
"781. Definitions.
"782. Selection of trustee.
"783. Additional powers of trustee.
"784. Right to be heard.".

(e) Resolution of Edge Act Corporations.—The 16th undesignated paragraph of section 25A of the Federal Reserve Act (12 U.S.C. 624) is amended to read as follows:

"(16) Appointment of Receiver or Conservator.—

"(A) In General.—The Board may appoint a conservator or receiver for a corporation organized under the provisions of this section to the same extent and in the same manner as the Comptroller of the Currency may appoint a conservator or receiver for a national bank, and the conservator or receiver for such corporation shall exercise the same powers, functions, and duties, subject to the same limitations, as a conservator or receiver for a national bank.

"(B) Equivalent Authority.—The Board shall have the same authority with respect to any conservator or receiver appointed for a corporation organized under the provisions of this section under this paragraph and any such corporation as the Comptroller of the Currency has with respect to a conservator or receiver of a national bank and the national bank for which a conservator or receiver has been appointed.

"(C) Title 11 Petitions.—The Board may direct the conservator or receiver of a corporation organized under the provisions of this section to file a petition pursuant to title 11, United States Code, in which case, title 11, United States Code, shall apply to the corporation in lieu of otherwise applicable Federal or State insolvency law.".

(f) Derivatives Clearing Organizations.—The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5a, as added by section 111 of this Act, the following:

"SEC. 5b. DERIVATIVES CLEARING ORGANIZATIONS.

"(a) Registration Requirement.—It shall be unlawful for a derivatives clearing organization, unless registered with the Commission, directly or indirectly to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a derivatives clearing organization described in section 1a(9) of this Act with respect to a contract of sale of a commodity for future delivery (or option on such a contract) or option on a commodity, in each case unless the contract or option—

"(1) is excluded from this Act by section 2(a)(1)(C)(i), 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act; or

"(2) is a security futures product cleared by a clearing agency registered under the Securities Exchange Act of 1934.

"(b) Voluntary Registration.—A derivatives clearing organization that clears agreements, contracts, or transactions excluded from this Act by section 2(c), 2(d), 2(f) or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act, or other over-the-counter derivative instruments (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991) may register with the Commission as a derivatives clearing organization.

"(c) Registration of Derivatives Clearing Organizations.—

"(1) Application.—A person desiring to register as a derivatives clearing organization shall submit to the Commission an application in such form and containing such information as the Commission may require for the purpose of making the determinations required for approval under paragraph (2).

"(2) Core Principles.—

"(A) In General.—To be registered and to maintain registration as a derivatives clearing organization, an applicant shall demonstrate to the Commission that the applicant complies with the core principles specified in this paragraph. The applicant shall have reasonable discretion in establishing the manner in which it complies with the core principles.

"(B) Financial Resources.—The applicant shall demonstrate that the applicant has adequate financial, operational, and managerial resources to discharge the responsibilities of a derivatives clearing organization.

"(C) Participant and Product Eligibility.—The applicant shall establish—

"(i) appropriate admission and continuing eligibility standards (including appropriate minimum financial requirements) for members of and participants in the organization; and

"(ii) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the applicant.

"(D) Risk Management.—The applicant shall have the ability to manage the risks associated with discharging the responsibilities of a derivatives clearing organization through the use of appropriate tools and procedures.

"(E) Settlement Procedures.—The applicant shall have the ability to—

"(i) complete settlements on a timely basis under varying circumstances;

"(ii) maintain an adequate record of the flow of funds associated with each transaction that the applicant clears; and

"(iii) comply with the terms and conditions of any permitted netting or offset arrangements with other clearing organizations.

"(F) Treatment of Funds.—The applicant shall have standards and procedures designed to protect and ensure the safety of member and participant funds.

"(G) Default Rules and Procedures.—The applicant shall have rules and procedures designed to allow for efficient, fair, and safe management of events when members or participants become insolvent or otherwise default on their obligations to the derivatives clearing organization.

"(H) Rule Enforcement.—The applicant shall—

"(i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of the applicant and for resolution of disputes; and

"(ii) have the authority and ability to discipline, limit, suspend, or terminate a member's or participant's activities for violations of rules of the applicant.

"(I) System Safeguards.—The applicant shall demonstrate that the applicant—

"(i) has established and will maintain a program of oversight and risk analysis to ensure that the automated systems of the applicant function properly and have adequate capacity and security; and

"(ii) has established and will maintain emergency procedures and a plan for disaster recovery, and will periodically test backup facilities sufficient to ensure daily processing, clearing, and settlement of transactions.

"(J) Reporting.—The applicant shall provide to the Commission all information necessary for the Commission to conduct the oversight function of the applicant with respect to the activities of the derivatives clearing organization.

"(K) Recordkeeping.—The applicant shall maintain records of all activities related to the business of the applicant as a derivatives clearing organization in a form and manner acceptable to the Commission for a period of 5 years.

"(L) Public Information.—The applicant shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) available to market participants.

"(M) Information Sharing.—The applicant shall—

"(i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and

"(ii) use relevant information obtained from the agreements in carrying out the clearing organization's risk management program.

"(N) Antitrust Considerations.—Unless appropriate to achieve the purposes of this Act, the derivatives clearing organization shall avoid—

"(i) adopting any rule or taking any action that results in any unreasonable restraint of trade; or

"(ii) imposing any material anticompetitive burden on trading on the contract market.

"(3) Orders Concerning Competition.—A derivatives clearing organization may request the Commission to issue an order concerning whether a rule or practice of the applicant is the least anticompetitive means of achieving the objectives, purposes, and policies of this Act.

"(d) Existing Derivatives Clearing Organizations.—A derivatives clearing organization shall be deemed to be registered under this section to the extent that the derivatives clearing organization clears agreements, contracts, or transactions for a board of trade that has been designated by the Commission as a contract market for such agreements, contracts, or transactions before the date of enactment of this section.

“(e) APPOINTMENT OF TRUSTEE.—

“(1) IN GENERAL.—If a proceeding under section 5e results in the suspension or revocation of the registration of a derivatives clearing organization, or if a derivatives clearing organization withdraws from registration, the Commission, on notice to the derivatives clearing organization, may apply to the appropriate United States district court where the derivatives clearing organization is located for the appointment of a trustee.

“(2) ASSUMPTION OF JURISDICTION.—If the Commission applies for appointment of a trustee under paragraph (1)—

“(A) the court may take exclusive jurisdiction over the derivatives clearing organization and the records and assets of the derivatives clearing organization, wherever located; and

“(B) if the court takes jurisdiction under subparagraph (A), the court shall appoint the Commission, or a person designated by the Commission, as trustee with power to take possession and continue to operate or terminate the operations of the derivatives clearing organization in an orderly manner for the protection of participants, subject to such terms and conditions as the court may prescribe.

“(f) LINKING OF REGULATED CLEARING FACILITIES.—

“(1) IN GENERAL.—The Commission shall facilitate the linking or coordination of derivatives clearing organizations registered under this Act with other regulated clearance facilities for the coordinated settlement of cleared transactions.

“(2) COORDINATION.—In carrying out paragraph (1), the Commission shall coordinate with the Federal banking agencies and the Securities and Exchange Commission.”.

SEC. 113. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5b (as added by section 112(f)) the following:

“SEC. 5c. COMMON PROVISIONS APPLICABLE TO REGISTERED ENTITIES.

“(a) ACCEPTABLE BUSINESS PRACTICES UNDER CORE PRINCIPLES.—

“(1) IN GENERAL.—Consistent with the purposes of this Act, the Commission may issue interpretations, or approve interpretations submitted to the Commission, of sections 5(d), 5a(d), and 5b(d)(2) to describe what would constitute an acceptable business practice under such sections.

“(2) EFFECT OF INTERPRETATION.—An interpretation issued under paragraph (1) shall not provide the exclusive means for complying with such sections.

“(b) DELEGATION OF FUNCTIONS UNDER CORE PRINCIPLES.—

“(1) IN GENERAL.—A contract market or derivatives transaction execution facility may comply with any applicable core principle through delegation of any relevant function to a registered futures association or another registered entity.

“(2) RESPONSIBILITY.—A contract market or derivatives transaction execution facility that delegates a function under paragraph (1) shall remain responsible for carrying out the function.

“(3) NONCOMPLIANCE.—If a contract market or derivatives transaction execution facility that delegates a function under paragraph (1) becomes aware that a delegated function is not being performed as required under this Act, the contract market or derivatives transaction execution facility shall promptly take steps to address the noncompliance.

“(c) NEW CONTRACTS, NEW RULES, AND RULE AMENDMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), a registered entity may elect to list for trading or accept for clearing any new contract or other instrument, or may elect to approve and implement any new rule or rule amendment, by providing to the Commission (and the Secretary of the Treasury, in the case of a contract of sale of a government security for future delivery (or option on such a contract) or a rule or rule amendment specifically related to such a contract) a written certification that the new contract or instrument or clearing of the new contract or instrument, new rule, or rule amendment complies with this Act (including regulations under this Act).

“(2) PRIOR APPROVAL.—

“(A) IN GENERAL.—A registered entity may request that the Commission grant prior approval to any new contract or other instrument, new rule, or rule amendment.

“(B) PRIOR APPROVAL REQUIRED.—Notwithstanding any other provision of this section, a designated contract market shall submit to the Commission for prior approval each rule amendment that materially changes the terms and conditions, as determined by the Commission, in any contract of sale for future delivery of a commodity specifically enumerated in section 1a(4) (or any option thereon) traded through its facilities if the rule amendment applies to contracts and delivery months which have already been listed for trading and have open interest.

“(C) DEADLINE.—If prior approval is requested under subparagraph (A), the Commission shall take final action on the request not later than 90 days after submission of the request, unless the person submitting the request agrees to an extension of the time limitation established under this subparagraph.

“(3) APPROVAL.—The Commission shall approve any such new contract or instrument, new rule, or rule amendment unless the Commission finds that the new contract or instrument, new rule, or rule amendment would violate this Act.

“(d) VIOLATION OF CORE PRINCIPLES.—

“(1) IN GENERAL.—If the Commission determines, on the basis of substantial evidence, that a registered entity is violating any applicable core principle specified in section 5(d), 5a(d), or 5b(d)(2), the Commission shall—

“(A) notify the registered entity in writing of the determination; and

“(B) afford the registered entity an opportunity to make appropriate changes to bring the registered entity into compliance with the core principles.

“(2) FAILURE TO MAKE CHANGES.—If, not later than 30 days after receiving a notification under paragraph (1), a registered entity fails to make changes that, in the opinion of the Commission, are necessary to comply with the core principles, the Commission may take further action in accordance with this Act.

“(e) RESERVATION OF EMERGENCY AUTHORITY.—Nothing in this section shall limit or in any way affect the emergency powers of the Commission provided in section 8a(9).”.

SEC. 114. EXEMPT BOARDS OF TRADE.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5c (as added by section 113) the following:

“SEC. 5d. EXEMPT BOARDS OF TRADE.

“(a) ELECTION TO REGISTER WITH THE COMMISSION.—A board of trade that meets the requirements of subsection (b) of this section may operate as an exempt board of trade on receipt from the board of trade of a notice, provided in such manner as the Commission may by rule or regulation prescribe, that the board of trade elects to operate as an exempt board of trade. Except as otherwise provided in this section, no provision of this Act (other than subparagraphs (C) and (D) of section 2(a)(1) and section 12(e)(2)(B)) shall apply with respect to a contract of sale of a commodity for future delivery (or option on such a contract) traded on or through the facilities of an exempt board of trade.

“(b) CRITERIA FOR EXEMPTION.—To qualify for an exemption under subsection (a), a board of trade shall limit trading on or through the facilities of the board of trade to contracts of sale of a commodity for future delivery (or options on such contracts or on a commodity)—

“(1) for which the underlying commodity has—

“(A) a nearly inexhaustible deliverable supply;

“(B) a deliverable supply that is sufficiently large, and a cash market sufficiently liquid, to render any contract traded on the commodity highly unlikely to be susceptible to the threat of manipulation; or

“(C) no cash market;

“(2) that are entered into only between persons that are eligible contract participants at the time at which the persons enter into the contract; and

“(3) that are not contracts of sale (or options on such a contract or on a commodity) for future delivery of any security, including any group or index of securities or any interest in, or based on the value of, any security or any group or index of securities.

“(c) ANTIMANIPULATION REQUIREMENTS.—A party to a contract of sale of a commodity for future delivery (or option on such a contract or on a commodity) that is traded on an exempt board of trade shall be subject to sections 4b, 4c(b), 4o, 6(c), and 9(a)(2), and the Commission shall enforce those provisions with respect to any such trading.

“(d) PRICE DISCOVERY.—If the Commission finds that an exempt board of trade is a significant source of price discovery for transactions in the cash market for the commodity underlying any contract, agreement, or transaction traded on or through the facilities of the board of trade, the board of trade shall disseminate publicly on a daily basis trading volume, opening and closing price ranges, open interest, and other trading data as appropriate to the market.

“(e) JURISDICTION.—The Commission shall have exclusive jurisdiction over any account, agreement, contract, or transaction involving a contract of sale of a commodity for future delivery, or option on such a contract or on a commodity, to the extent that the account, agreement, contract, or transaction is traded on an exempt board of trade.

“(f) SUBSIDIARIES.—A board of trade that is designated as a contract market or registered as a derivatives transaction execution facility may operate an exempt board of trade by establishing a separate subsidiary or other legal entity and otherwise satisfying the requirements of this section.

“(g) An exempt board of trade that meets the requirements of subsection (b) shall not represent to any person that the board of trade is registered with, or designated, recognized, licensed, or approved by the Commission.”.

SEC. 115. SUSPENSION OR REVOCATION OF DESIGNATION AS CONTRACT MARKET.

Section 5e of the Commodity Exchange Act (7 U.S.C. 7b) (as redesignated by section 20(1)) is amended to read as follows:

“SEC. 5e. SUSPENSION OR REVOCATION OF DESIGNATION AS REGISTERED ENTITY.

“The failure of a registered entity to comply with any provision of this Act, or any regulation or order of the Commission under this Act, shall be cause for the suspension of the registered entity for a period not to exceed 180 days, or revocation of designation as a registered entity in accordance with the procedures and subject to the judicial review provided in section 6(b).”.

SEC. 116. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended by striking “2000” and inserting “2005”.

SEC. 117. PREEMPTION.

Section 12 of the Commodity Exchange Act (7 U.S.C. 16(e)) is amended by striking subsection (e) and inserting the following:

"(e) RELATION TO OTHER LAW, DEPARTMENTS, OR AGENCIES.—

"(1) Nothing in this Act shall supersede or preempt—

"(A) criminal prosecution under any Federal criminal statute;

"(B) the application of any Federal or State statute (except as provided in paragraph (2)), including any rule or regulation thereunder, to any transaction in or involving any commodity, product, right, service, or interest—

"(i) that is not conducted on or subject to the rules of a registered entity or exempt board of trade;

"(ii) (except as otherwise specified by the Commission by rule or regulation) that is not conducted on or subject to the rules of any board of trade, exchange, or market located outside the United States, its territories or possessions; or

"(iii) that is not subject to regulation by the Commission under section 4c or 19; or

"(C) the application of any Federal or State statute, including any rule or regulation thereunder, to any person required to be registered or designated under this Act who shall fail or refuse to obtain such registration or designation.

"(2) This Act shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of—

"(A) an electronic trading facility excluded under section 2(e) of this Act;

"(B) an agreement, contract, or transaction that is excluded from this Act under section 2(c), 2(d), 2(f), or 2(g) of this Act or title IV of the Commodity Futures Modernization Act of 2000, or exempted under section 2(h) or 4(c) of this Act (regardless of whether any such agreement, contract, or transaction is otherwise subject to this Act).".

SEC. 118. PREDISPUTE RESOLUTION AGREEMENTS FOR INSTITUTIONAL CUSTOMERS.

Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended by striking subsection (g) and inserting the following:

"(g) PREDISPUTE RESOLUTION AGREEMENTS FOR INSTITUTIONAL CUSTOMERS.—Nothing in this section prohibits a registered futures commission merchant from requiring a customer that is an eligible contract participant, as a condition to the commission merchant's conducting a transaction for the customer, to enter into an agreement waiving the right to file a claim under this section.".

SEC. 119. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS.

Section 15 of the Commodity Exchange Act (7 U.S.C. 19) is amended by striking "SEC. 15. The Commission" and inserting the following:

"SEC. 15. CONSIDERATION OF COSTS AND BENEFITS AND ANTITRUST LAWS.

"(a) COSTS AND BENEFITS.—

"(1) IN GENERAL.—Before promulgating a regulation under this Act or issuing an order (except as provided in paragraph (3)), the Commission shall consider the costs and benefits of the action of the Commission.

"(2) CONSIDERATIONS.—The costs and benefits of the proposed Commission action shall be evaluated in light of—

"(A) considerations of protection of market participants and the public;

"(B) considerations of the efficiency, competitiveness, and financial integrity of futures markets;

"(C) considerations of price discovery;

"(D) considerations of sound risk management practices; and

"(E) other public interest considerations.

"(3) APPLICABILITY.—This subsection does not apply to the following actions of the Commission:

"(A) An order that initiates, is part of, or is the result of an adjudicatory or investigative process of the Commission.

"(B) An emergency action.

"(C) A finding of fact regarding compliance with a requirement of the Commission.

"(b) ANTITRUST LAWS.—The Commission".

SEC. 120. CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.

Section 22(a) of the Commodity Exchange Act (7 U.S.C. 25(a)) is amended by adding at the end the following:

"(4) CONTRACT ENFORCEMENT BETWEEN ELIGIBLE COUNTERPARTIES.—No agreement, contract, or transaction between eligible contract participants or persons reasonably believed to be eligible contract participants, and no hybrid instrument sold to any investor, shall be void, voidable, or unenforceable, and no such party shall be entitled to rescind, or recover any payment made with respect to, such an agreement, contract, transaction, or instrument under this section or any other provision of Federal or State law, based solely on the failure of the agreement, contract, transaction, or instrument to comply with the terms or conditions of an exemption or exclusion from any provision of this Act or regulations of the Commission.".

SEC. 121. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

The Commodity Exchange Act, as otherwise amended by this Act, is amended by inserting after section 4o the following:

"SEC. 4p. SPECIAL PROCEDURES TO ENCOURAGE AND FACILITATE BONA FIDE HEDGING BY AGRICULTURAL PRODUCERS.

"(a) AUTHORITY.—The Commission shall consider issuing rules or orders which—

"(1) prescribe procedures under which each contract market is to provide for orderly delivery, including temporary storage costs, of any agricultural commodity enumerated in section 1a(4) which is the subject of a contract for purchase or sale for future delivery;

"(2) increase the ease with which domestic agricultural producers may participate in contract markets, including by addressing cost and margin requirements, so as to better enable the producers to hedge price risk associated with their production;

"(3) provide flexibility in the minimum quantities of such agricultural commodities that may be the subject of a contract for purchase or sale for future delivery that is traded on a contract market, to better allow domestic agricultural producers to hedge such price risk; and

"(4) encourage contract markets to provide information and otherwise facilitate the participation of domestic agricultural producers in contract markets.

"(b) REPORT.—Within 1 year after the date of enactment of this section, the Commission shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the steps it has taken to implement this section and on the activities of contract markets pursuant to this section.".

SEC. 122. RULE OF CONSTRUCTION.

Except as expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, affects, or otherwise limits or expands the scope and applicability of laws governing the Securities and Exchange Commission.

SEC. 123. TECHNICAL AND CONFORMING AMENDMENTS.

(a) COMMODITY EXCHANGE ACT.—

(1) Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) (as amended by section 101) is amended—

(A) in paragraphs (5), (6), (16), (17), (20), and (23), by inserting "or derivatives transaction execution facility" after "contract market" each place it appears; and

(B) in paragraph (24)—

(i) in the paragraph heading, by striking "CONTRACT MARKET" and inserting "REGISTERED ENTITY";

(ii) by striking "contract market" each place it appears and inserting "registered entity"; and

(iii) by adding at the end the following: "A participant in an alternative trading system that is designated as a contract market pursuant to section 5f is deemed a member of the contract market for purposes of transactions in security futures products through the contract market.".

(2) Section 2 of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4, 4a, 3) is amended—

(A) by striking "SEC. 2. (a)(1)(A)(i) The" and inserting the following:

"SEC. 2. JURISDICTION OF COMMISSION; LIABILITY OF PRINCIPAL FOR ACT OF AGENT; COMMODITY FUTURES TRADING COMMISSION; TRANSACTION IN INTERSTATE COMMERCE.

"(a) JURISDICTION OF COMMISSION; COMMODITY FUTURES TRADING COMMISSION.—

"(1) JURISDICTION OF COMMISSION.—

"(A) IN GENERAL.—The"; and

(B) in subsection (a)(1)—

(i) in subparagraph (A) (as amended by subparagraph (A) of this paragraph)—

(II) by striking "subparagraph (B) of this subparagraph" and inserting "subparagraphs (C) and (D) of this paragraph and subsections (c) through (i) of this section";

(III) by striking "contract market designated pursuant to section 5 of this Act" and inserting "contract market designated or derivatives transaction execution facility registered pursuant to section 5 or 5a";

(IV) by striking clause (ii); and

(V) in clause (iii), by striking "(iii) The" and inserting the following:

"(B) LIABILITY OF PRINCIPAL FOR ACT OF AGENT.—The"; and

(ii) in subparagraph (B)—

(I) by striking "(B)" and inserting "(C)";

(II) in clause (v)—

(aa) by striking "section 3 of the Securities Act of 1933"; and

(bb) by inserting "or subparagraph (D)" after "subparagraph"; and

(III) by moving clauses (i) through (v) 4 ems to the right;

(C) in subsection (a)(7), by striking "contract market" and inserting "registered entity";

(D) in subsection (a)(8)(B)(ii)—

(i) in the first sentence, by striking "designation as a contract market" and inserting "designation or registration as a contract market or derivatives transaction execution facility";

(ii) in the second sentence, by striking "designate a board of trade as a contract market" and inserting "designate or register a board of trade as a contract market or derivatives transaction execution facility"; and

(iii) in the fourth sentence, by striking "designating, or refusing, suspending, or revoking the designation of, a board of trade as a contract market involving transactions for future delivery referred to in this clause or in considering possible emergency action under section 8a(9) of this Act" and inserting "designating, registering, or refusing, suspending, or revoking the designation or registration of, a board of trade as a contract market or derivatives transaction execution facility involving transactions for future delivery referred to in this clause or in considering any possible action under this

Act (including without limitation emergency action under section 8a(9))", and by striking "designation, suspension, revocation, or emergency action" and inserting "designation, registration, suspension, revocation, or action"; and

(E) in subsection (a), by moving paragraphs (2) through (9) 2 ems to the right.

(3) Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "designated by the Commission as a 'contract market' for" and inserting "designated or registered by the Commission as a contract market or derivatives transaction execution facility for";

(ii) in paragraph (2), by striking "member of such"; and

(iii) in paragraph (3), by inserting "or derivatives transaction execution facility" after "contract market"; and

(B) in subsection (c)—

(i) in paragraph (1)—

(I) by striking "designated as a contract market" and inserting "designated or registered as a contract market or derivatives transaction execution facility"; and

(II) by striking "section 2(a)(1)(B)" and inserting "subparagraphs (C)(ii) and (D) of section 2(a)(1), except that the Commission and the Securities and Exchange Commission may by rule, regulation, or order jointly exclude any agreement, contract, or transaction from section 2(a)(1)(D)"; and

(ii) in paragraph (2)(B)(ii), by inserting "or derivatives transaction execution facility" after "contract market".

(4) Section 4a of the Commodity Exchange Act (7 U.S.C. 6a) is amended—

(A) in subsection (a)—

(i) in the first sentence, by inserting "or derivatives transaction execution facilities" after "contract markets"; and

(ii) in the second sentence, by inserting "or derivatives transaction execution facility" after "contract market";

(B) in subsection (b)—

(i) in paragraph (1), by inserting ", or derivatives transaction execution facility or facilities," after "markets"; and

(ii) in paragraph (2), by inserting "or derivatives transaction execution facility" after "contract market"; and

(C) in subsection (e)—

(i) by striking "contract market or" each place it appears and inserting "contract market, derivatives transaction execution facility, or";

(ii) by striking "licensed or designated" each place it appears and inserting "licensed, designated, or registered"; and

(iii) by striking "contract market, or" and inserting "contract market or derivatives transaction execution facility, or".

(5) Section 4b(a) of the Commodity Exchange Act (7 U.S.C. 6b(a)) is amended by striking "contract market" each place it appears and inserting "registered entity".

(6) Sections 4c(g), 4d, 4e, and 4f of the Commodity Exchange Act (7 U.S.C. 6c(g), 6d, 6e, 6f) are amended by inserting "or derivatives transaction execution facility" after "contract market" each place it appears.

(7) Section 4g of the Commodity Exchange Act (7 U.S.C. 6g) is amended—

(A) in subsection (b), by striking "clearinghouse and contract market" and inserting "registered entity"; and

(B) in subsection (f), by striking "clearinghouses, contract markets, and exchanges" and inserting "registered entities".

(8) Section 4h of the Commodity Exchange Act (7 U.S.C. 6h) is amended by striking "contract market" each place it appears and inserting "registered entity".

(9) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting "or derivatives transaction execution facility" after "contract market".

(10) Section 4l of the Commodity Exchange Act (7 U.S.C. 6l) is amended by inserting "or derivatives transaction execution facilities" after "contract markets" each place it appears.

(11) Section 4p of the Commodity Exchange Act (7 U.S.C. 6p) is amended—

(A) in the third sentence of subsection (a), by striking "Act or contract markets" and inserting "Act, contract markets, or derivatives transaction execution facilities"; and

(B) in subsection (b), by inserting "derivatives transaction execution facility," after "contract market,".

(12) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 9a, 9b, 13b, 15) is amended—

(A) in subsection (a)—

(i) in the first sentence—

(I) by striking "board of trade desiring to be designated a 'contract market' shall make application to the Commission for such designation" and inserting "person desiring to be designated or registered as a contract market or derivatives transaction execution facility shall make application to the Commission for the designation or registration";

(II) by striking "above conditions" and inserting "conditions set forth in this Act"; and

(III) by striking "above requirements" and inserting "the requirements of this Act";

(ii) in the second sentence, by striking "designation as a contract market within one year" and inserting "designation or registration as a contract market or derivatives transaction execution facility within 180 days";

(iii) in the third sentence—

(I) by striking "board of trade" and inserting "person"; and

(II) by striking "one-year period" and inserting "180-day period"; and

(iv) in the last sentence, by striking "designate as a 'contract market' any board of trade that has made application therefor, such board of trade" and inserting "designate or register as a contract market or derivatives transaction execution facility any person that has made application therefor, the person";

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking "designation of any board of trade as a 'contract market' upon" and inserting "designation or registration of any contract market or derivatives transaction execution facility on";

(II) by striking "board of trade" each place it appears and inserting "contract market or derivatives transaction execution facility"; and

(III) by striking "designation as set forth in section 5 of this Act" and inserting "designation or registration as set forth in sections 5 through 5b or section 5f";

(ii) in the second sentence—

(I) by striking "board of trade" the first place it appears and inserting "contract market or derivatives transaction execution facility"; and

(II) by striking "board of trade" the second and third places it appears and inserting "person"; and

(iii) in the last sentence, by striking "board of trade" each place it appears and inserting "person";

(C) in subsection (c)—

(i) by striking "contract market" each place it appears and inserting "registered entity";

(ii) by striking "contract markets" each place it appears and inserting "registered entities"; and

(iii) by striking "trading privileges" each place it appears and inserting "privileges";

(D) in subsection (d), by striking "contract market" each place it appears and inserting "registered entity"; and

(E) in subsection (e), by striking "trading on all contract markets" each place it appears and inserting "the privileges of all registered entities".

(13) Section 6a of the Commodity Exchange Act (7 U.S.C. 10a) is amended—

(A) in the first sentence of subsection (a), by striking "designated as a 'contract market' shall" and inserting "designated or registered as a contract market or a derivatives transaction execution facility"; and

(B) in subsection (b), by striking "designated as a contract market" and inserting "designated or registered as a contract market or a derivatives transaction execution facility".

(14) Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(A) by striking "contract market" each place it appears and inserting "registered entity";

(B) in the first sentence, by striking "designation as set forth in section 5 of this Act" and inserting "designation or registration as set forth in sections 5 through 5c"; and

(C) in the last sentence, by striking "the contract market's ability" and inserting "the ability of the registered entity".

(15) Section 6c(a) of the Commodity Exchange Act (7 U.S.C. 13a–1(a)) by striking "contract market" and inserting "registered entity".

(16) Section 6d(1) of the Commodity Exchange Act (7 U.S.C. 13a–2(1)) is amended by inserting "derivatives transaction execution facility," after "contract market,".

(17) Section 7 of the Commodity Exchange Act (7 U.S.C. 11) is amended—

(A) in the first sentence—

(i) by striking "board of trade" and inserting "person";

(ii) by inserting "or registered" after "designated";

(iii) by inserting "or registration" after "designation" each place it appears; and

(iv) by striking "contract market" each place it appears and inserting "registered entity";

(B) in the second sentence—

(i) by striking "designation of such board of trade as a contract market" and inserting "designation or registration of the registered entity"; and

(ii) by striking "contract markets" and inserting "registered entities"; and

(C) in the last sentence—

(i) by striking "board of trade" and inserting "person"; and

(ii) by striking "designated again a contract market" and inserting "designated or registered again a registered entity".

(18) Section 8(c) of the Commodity Exchange Act (7 U.S.C. 12(c)) is amended in the first sentence by striking "board of trade" and inserting "registered entity".

(19) Section 8a of the Commodity Exchange Act (7 U.S.C. 12a) is amended—

(A) by striking "contract market" each place it appears and inserting "registered entity", and

(B) in paragraph (2)(F), by striking "trading privileges" and inserting "privileges".

(20) Sections 8b and 8c(e) of the Commodity Exchange Act (7 U.S.C. 12b, 12c(e)) are amended by striking "contract market" each place it appears and inserting "registered entity".

(21) Section 8e of the Commodity Exchange Act (7 U.S.C. 12e) is repealed.

(22) Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended by striking "contract market" each place it appears and inserting "registered entity".

(23) Section 14 of the Commodity Exchange Act (7 U.S.C. 18) is amended—

(A) in subsection (a)(1)(B), by striking "contract market" and inserting "registered entity"; and

(B) in subsection (f), by striking "contract markets" and inserting "registered entities".

(24) Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by striking "contract market" each place it appears and inserting "registered entity".

(25) Section 22 of the Commodity Exchange Act (7 U.S.C. 25) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking "contract market, clearing organization of a contract market, licensed board of trade," and inserting "registered entity"; and

(II) in subparagraph (C)(i), by striking "contract market" and inserting "registered entity";

(ii) in paragraph (2), by striking "sections 5a(11)," and inserting "sections 5(d)(13), 5b(b)(1)(E),"; and

(iii) in paragraph (3), by striking "contract market" and inserting "registered entity"; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) by striking "contract market or clearing organization of a contract market" and inserting "registered entity";

(II) by striking "section 5a(8) and section 5a(9) of this Act" and inserting "sections 5 through 5c";

(III) by striking "contract market, clearing organization of a contract market, or licensed board of trade" and inserting "registered entity"; and

(IV) by striking "contract market or licensed board of trade" and inserting "registered entity";

(ii) in paragraph (3)—

(I) by striking "a contract market, clearing organization, licensed board of trade," and inserting "registered entity"; and

(II) by striking "contract market, licensed board of trade" and inserting "registered entity";

(iii) in paragraph (4), by striking "contract market, licensed board of trade, clearing organization," and inserting "registered entity"; and

(iv) in paragraph (5), by striking "contract market, licensed board of trade, clearing organization," and inserting "registered entity".

(b) FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.—Section 402(2) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402(2)) is amended by striking subparagraph (B) and inserting the following:

"(B) that is registered as a derivatives clearing organization under section 5b of the Commodity Exchange Act.".

SEC. 124. PRIVACY.

The Commodity Exchange Act (7 U.S.C. 1 et seq.) is amended by inserting after section 5f (as added by section 252) the following:

"SEC. 5g. PRIVACY.

"(a) TREATMENT AS FINANCIAL INSTITUTIONS.—Notwithstanding section 509(3)(B) of the Gramm-Leach-Bliley Act, any futures commission merchant, commodity trading advisor, commodity pool operator, or introducing broker that is subject to the jurisdiction of the Commission under this Act with respect to any financial activity shall be treated as a financial institution for purposes of title V of such Act with respect to such financial activity.

"(b) TREATMENT OF CFTC AS FEDERAL FUNCTIONAL REGULATOR.—For purposes of title V of such Act, the Commission shall be treated as a Federal functional regulator within the meaning of section 509(2) of such Act and shall prescribe regulations under such title within 6 months after the date of enactment of this section.".

SEC. 125. REPORT TO CONGRESS.

(a) The Commodity Futures Trading Commission (in this section referred to as the "Commission") shall undertake and complete a study of the Commodity Exchange Act (in this section referred to as "the Act") and the Commission's rules, regulations and orders governing the conduct of persons required to be registered under the Act, not later than 1 year after the date of the enactment of this Act. The study shall identify—

(1) the core principles and interpretations of acceptable business practices that the Commission has adopted or intends to adopt to replace the provisions of the Act and the Commission's rules and regulations thereunder;

(2) the rules and regulations that the Commission has determined must be retained and the reasons therefor;

(3) the extent to which the Commission believes it can effect the changes identified in paragraph (1) of this subsection through its exemptive authority under section 4(c) of the Act; and

(4) the regulatory functions the Commission currently performs that can be delegated to a registered futures association (within the meaning of the Act) and the regulatory functions that the Commission has determined must be retained and the reasons therefor.

(b) In conducting the study, the Commission shall solicit the views of the public as well as Commission registrants, registered entities, and registered futures associations (all within the meaning of the Act).

(c) The Commission shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report of the results of its study, which shall include an analysis of comments received.

SEC. 126. INTERNATIONAL ACTIVITIES OF THE COMMODITY FUTURES TRADING COMMISSION.

(a) FINDINGS.—The Congress finds that—

(1) derivatives markets serving United States industry are increasingly global in scope;

(2) developments in data processing and communications technologies enable users of risk management services to analyze and compare those services on a worldwide basis;

(3) financial services regulatory policy must be flexible to account for rapidly changing derivatives industry business practices;

(4) regulatory impediments to the operation of global business interests can compromise the competitiveness of United States businesses;

(5) events that disrupt financial markets and economies are often global in scope, require rapid regulatory response, and coordinated regulatory effort across international jurisdictions;

(6) through its membership in the International Organisation of Securities Commissions, the Commodity Futures Trading Commission has promoted beneficial communication among market regulators and international regulatory cooperation; and

(7) the Commodity Futures Trading Commission and other United States financial regulators and self-regulatory organizations should continue to foster productive and cooperative working relationships with their counterparts in foreign jurisdictions.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that, consistent with its responsibilities under the Commodity Exchange Act, the Commodity Futures Trading Commission should, as part of its international activities, continue to coordinate with foreign regulatory authorities, to participate in international regulatory organizations and forums, and to provide technical assistance to foreign government authorities, in order to encourage—

(1) the facilitation of cross-border transactions through the removal or lessening of any unnecessary legal or practical obstacles;

(2) the development of internationally accepted regulatory standards of best practice;

(3) the enhancement of international supervisory cooperation and emergency procedures;

(4) the strengthening of international cooperation for customer and market protection; and

(5) improvements in the quality and timeliness of international information sharing.

TITLE II—COORDINATED REGULATION OF SECURITY FUTURES PRODUCTS

Subtitle A—Securities Law Amendments

SEC. 201. DEFINITIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934.

Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended—

(1) in paragraph (10), by inserting "security future," after "treasury stock,";

(2) by striking paragraph (11) and inserting the following:

"(11) The term 'equity security' means any stock or similar security; or any security future on any such security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Commission shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security.";

(3) in paragraph (13), by adding at the end the following: "For security futures products, such term includes any contract, agreement, or transaction for future delivery.";

(4) in paragraph (14), by adding at the end the following: "For security futures products, such term includes any contract, agreement, or transaction for future delivery."; and

(5) by adding at the end the following:

"(55)(A) The term 'security future' means a contract of sale for future delivery of a single security or of a narrow-based security index, including any interest therein or based on the value thereof, except an exempted security under section 3(a)(12) of the Securities Exchange Act of 1934 as in effect on the date of enactment of the Futures Trading Act of 1982 (other than any municipal security as defined in section 3(a)(29) as in effect on the date of enactment of the Futures Trading Act of 1982). The term 'security future' does not include any agreement, contract, or transaction excluded from the Commodity Exchange Act under section 2(c), 2(d), 2(f) or 2(g) of the Commodity Exchange Act (as in effect on the date of enactment of the Commodity Futures Modernization Act of 2000) or title IV of the Commodity Futures Modernization Act of 2000.

"(B) The term 'narrow-based security index' means an index—

"(i) that has 9 or fewer component securities;

"(ii) in which a component security comprises more than 30 percent of the index's weighting;

"(iii) in which the 5 highest weighted component securities in the aggregate comprise more than 60 percent of the index's weighting; or

"(iv) in which the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting have an aggregate dollar value of average daily trading volume of less than $50,000,000 (or in the case of an index with 15 or more component securities, $30,000,000), except that if there are two or more securities with equal weighting that could be included in the calculation of the lowest weighted component securities comprising, in the aggregate, 25 percent of the index's weighting, such securities shall be ranked from lowest to highest dollar value of average daily trading volume and shall be included in the calculation based on their ranking starting with the lowest ranked security.

"(C) Notwithstanding subparagraph (B), an index is not a narrow-based security index if—

"(i)(I) it has at least 9 component securities;

"(II) no component security comprises more than 30 percent of the index's weighting; and

"(III) each component security is—

"(aa) registered pursuant to section 12 of the Securities Exchange Act of 1934;

"(bb) 1 of 750 securities with the largest market capitalization; and

"(cc) 1 of 675 securities with the largest dollar value of average daily trading volume;

"(ii) a board of trade was designated as a contract market by the Commodity Futures Trading Commission with respect to a contract of sale for future delivery on the index, before the date of enactment of the Commodity Futures Modernization Act of 2000;

"(iii)(I) a contract of sale for future delivery on the index traded on a designated contract market or registered derivatives transaction execution facility for at least 30 days as a contract of sale for future delivery on an index that was not a narrow-based security index; and

"(II) it has been a narrow-based security index for no more than 45 business days over 3 consecutive calendar months;

"(iv) a contract of sale for future delivery on the index is traded on or subject to the rules of a foreign board of trade and meets such requirements as are jointly established by rule or regulation by the Commission and the Commodity Futures Trading Commission;

"(v) no more than 18 months have passed since the date of enactment of the Commodity Futures Modernization Act of 2000 and—

"(I) it is traded on or subject to the rules of a foreign board of trade;

"(II) the offer and sale in the United States of a contract of sale for future delivery on the index was authorized before the date of the enactment of the Commodity Futures Modernization Act of 2000; and

"(III) the conditions of such authorization continue to be met; or

"(vi) a contract of sale for future delivery on the index is traded on or subject to the rules of a board of trade and meets such requirements as are jointly established by rule, regulation, or order by the Commission and the Commodity Futures Trading Commission.

"(D) Within 1 year after the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Commodity Futures Trading Commission jointly shall adopt rules or regulations that set forth the requirements under clause (iv) of subparagraph (C).

"(E) An index that is a narrow-based security index solely because it was a narrow-based security index for more than 45 business days over 3 consecutive calendar months pursuant to clause (iii) of subparagraph (C) shall not be a narrow-based security index for the 3 following calendar months.

"(F) For purposes of subparagraphs (B) and (C) of this paragraph—

"(i) the dollar value of average daily trading volume and the market capitalization shall be calculated as of the preceding 6 full calendar months; and

"(ii) the Commission and the Commodity Futures Trading Commission shall, by rule or regulation, jointly specify the method to be used to determine market capitalization and dollar value of average daily trading volume.

"(56) The term 'security futures product' means a security future or any put, call, straddle, option, or privilege on any security future.

"(57)(A) The term 'margin', when used with respect to a security futures product, means the amount, type, and form of collateral required to secure any extension or maintenance of credit, or the amount, type, and form of collateral required as a performance bond related to the purchase, sale, or carrying of a security futures product.

"(B) The terms 'margin level' and 'level of margin', when used with respect to a security futures product, mean the amount of margin required to secure any extension or maintenance of credit, or the amount of margin required as a performance bond related to the purchase, sale, or carrying of a security futures product.

"(C) The terms 'higher margin level' and 'higher level of margin', when used with respect to a security futures product, mean a margin level established by a national securities exchange registered pursuant to section 6(g) that is higher than the minimum amount established and in effect pursuant to section 7(c)(2)(B).".

SEC. 202. REGULATORY RELIEF FOR MARKETS TRADING SECURITY FUTURES PRODUCTS.

(a) EXPEDITED REGISTRATION AND EXEMPTION.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding at the end the following:

"(g) NOTICE REGISTRATION OF SECURITY FUTURES PRODUCT EXCHANGES.—

"(1) REGISTRATION REQUIRED.—An exchange that lists or trades security futures products may register as a national securities exchange solely for the purposes of trading security futures products if—

"(A) the exchange is a board of trade, as that term is defined by the Commodity Exchange Act (7 U.S.C. 1a(2)), that—

"(i) has been designated a contract market by the Commodity Futures Trading Commission and such designation is not suspended by order of the Commodity Futures Trading Commission; or

"(ii) is registered as a derivative transaction execution facility under section 5a of the Commodity Exchange Act and such registration is not suspended by the Commodity Futures Trading Commission; and

"(B) such exchange does not serve as a market place for transactions in securities other than—

"(i) security futures products; or

"(ii) futures on exempted securities or groups or indexes of securities or options thereon that have been authorized under section 2(a)(1)(C) of the Commodity Exchange Act.

"(2) REGISTRATION BY NOTICE FILING.—

"(A) FORM AND CONTENT.—An exchange required to register only because such exchange lists or trades security futures products may register for purposes of this section by filing with the Commission a written notice in such form as the Commission, by rule, may prescribe containing the rules of the exchange and such other information and documents concerning such exchange, comparable to the information and documents required for national securities exchanges under section 6(a), as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. If such exchange has filed documents with the Commodity Futures Trading Commission, to the extent that such documents contain information satisfying the Commission's informational requirements, copies of such documents may be filed with the Commission in lieu of the required written notice.

"(B) IMMEDIATE EFFECTIVENESS.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if such registration would be subject to suspension or revocation.

"(C) TERMINATION.—Such registration shall be terminated immediately if any of the conditions for registration set forth in this subsection are no longer satisfied.

"(3) PUBLIC AVAILABILITY.—The Commission shall promptly publish in the Federal Register an acknowledgment of receipt of all notices the Commission receives under this subsection and shall make all such notices available to the public.

"(4) EXEMPTION OF EXCHANGES FROM SPECIFIED PROVISIONS.—

"(A) TRANSACTION EXEMPTIONS.—An exchange that is registered under paragraph (1) of this subsection shall be exempt from, and shall not be required to enforce compliance by its members with, and its members shall not, solely with respect to those transactions effected on such exchange in security futures products, be required to comply with, the following provisions of this title and the rules thereunder:

"(i) Subsections (b)(2), (b)(3), (b)(4), (b)(7), (b)(9), (c), (d), and (e) of this section.

"(ii) Section 8.

"(iii) Section 11.

"(iv) Subsections (d), (f), and (k) of section 17.

"(v) Subsections (a), (f), and (h) of section 19.

"(B) RULE CHANGE EXEMPTIONS.—An exchange that registered under paragraph (1) of this subsection shall also be exempt from submitting proposed rule changes pursuant to section 19(b) of this title, except that—

"(i) such exchange shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for security futures products for persons who effect transactions in security futures products, or rules effectuating such exchange's obligation to enforce the securities laws pursuant to section 19(b)(7);

"(ii) such exchange shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

"(iii) such exchange shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

"(5) TRADING IN SECURITY FUTURES PRODUCTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), it shall be unlawful for any person to execute or trade a security futures product until the later of—

"(i) 1 year after the date of enactment of the Commodity Futures Modernization Act of 2000; or

"(ii) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.

"(B) PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.—Notwithstanding subparagraph (A), a person may execute or trade a security futures product transaction if—

"(i) the transaction is entered into—

"(I) on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii) of the Commodity Exchange Act; and

"(II) only between eligible contract participants (as defined in subparagraphs (A), (B)(ii), and (C) of such section 1a(12)) at the time at which the persons enter into the agreement, contract, or transaction; and

"(ii) the transaction is entered into on or after the later of—

"(I) 8 months after the date of enactment of the Commodity Futures Modernization Act of 2000; or

"(II) such date that a futures association registered under section 17 of the Commodity Exchange Act has met the requirements set forth in section 15A(k)(2) of this title.".

(b) COMMISSION REVIEW OF PROPOSED RULE CHANGES.—

(1) EXPEDITED REVIEW.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by adding at the end the following:

"(7) SECURITY FUTURES PRODUCT RULE CHANGES.—

"(A) FILING REQUIRED.—A self-regulatory organization that is an exchange registered with the Commission pursuant to section 6(g) of this title or that is a national securities association registered pursuant to section 15A(k) of this title

shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule change or any proposed change in, addition to, or deletion from the rules of such self-regulatory organization (hereinafter in this paragraph collectively referred to as a 'proposed rule change') that relates to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for securify futures products, sales practices for security futures products for persons who effect transactions in security futures products, or rules effectuating such self-regulatory organization's obligation to enforce the securities laws. Such proposed rule change shall be accompanied by a concise general statement of the basis and purpose of such proposed rule change. The Commission shall, upon the filing of any proposed rule change, promptly publish notice thereof together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission shall give interested persons an opportunity to submit data, views, and arguments concerning such proposed rule change.

"(B) FILING WITH CFTC.—A proposed rule change filed with the Commission pursuant to subparagraph (A) shall be filed concurrently with the Commodity Futures Trading Commission. Such proposed rule change may take effect upon filing of a written certification with the Commodity Futures Trading Commission under section 5c(c) of the Commodity Exchange Act, upon a determination by the Commodity Futures Trading Commission that review of the proposed rule change is not necessary, or upon approval of the proposed rule change by the Commodity Futures Trading Commission.

"(C) ABROGATION OF RULE CHANGES.—Any proposed rule change of a self-regulatory organization that has taken effect pursuant to subparagraph (B) may be enforced by such self-regulatory organization to the extent such rule is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal law. At any time within 60 days of the date of the filing of a written certification with the Commodity Futures Trading Commission under section 5c(c) of the Commodity Exchange Act, the date the Commodity Futures Trading Commission determines that review of such proposed rule change is not necessary, or the date the Commodity Futures Trading Commission approves such proposed rule change, the Commission, after consultation with the Commodity Futures Trading Commission, may summarily abrogate the proposed rule change and require that the proposed rule change be refiled in accordance with the provisions of paragraph (1), if it appears to the Commission that such proposed rule change unduly burdens competition or efficiency, conflicts with the securities laws, or is inconsistent with the public interest and the protection of investors. Commission action pursuant to the preceding sentence shall not affect the validity or force of the rule change during the period it was in effect and shall not be reviewable under section 25 of this title nor deemed to be a final agency action for purposes of section 704 of title 5, United States Code.

"(D) REVIEW OF RESUBMITTED ABROGATED RULES.—

"(i) PROCEEDINGS.—Within 35 days of the date of publication of notice of the filing of a proposed rule change that is abrogated in accordance with subparagraph (C) and refiled in accordance with paragraph (1), or within such longer period as the Commission may designate up to 90 days after such date if the Commission finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall—

"(I) by order approve such proposed rule change; or

"(II) after consultation with the Commodity Futures Trading Commission, institute proceedings to determine whether the proposed rule change should be disapproved. Proceedings under subclause (II) shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within 180 days after the date of publication of notice of the filing of the proposed rule change. At the conclusion of such proceedings, the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the self-regulatory organization consents.

"(ii) GROUNDS FOR APPROVAL.—The Commission shall approve a proposed rule change of a self-regulatory organization under this subparagraph if the Commission finds that such proposed rule change does not unduly burden competition or efficiency, does not conflict with the securities laws, and is not inconsistent with the public interest or the protection of investors. The Commission shall disapprove such a proposed rule change of a self-regulatory organization if it does not make such finding. The Commission shall not approve any proposed rule change prior to the 30th day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so finding.".

(2) DECIMAL PRICING PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (7), as added by paragraph (1), the following:

"(8) DECIMAL PRICING.—Not later than 9 months after the date on which trading in any security futures product commences under this title, all self-regulatory organizations listing or trading security futures products shall file proposed rule changes necessary to implement decimal pricing of security futures products. The Commission may not require such rules to contain equal minimum increments in such decimal pricing.".

(3) CONSULTATION PROVISIONS.—Section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) is amended by inserting after paragraph (8), as added by paragraph (2), the following:

"(9) CONSULTATION WITH CFTC.—

"(A) CONSULTATION REQUIRED.—The Commission shall consult with and consider the views of the Commodity Futures Trading Commission prior to approving or disapproving a proposed rule change filed by a national securities association registered pursuant to section 15A(a) or a national securities exchange subject to the provisions of subsection (a) that primarily concerns conduct related to transactions in security futures products, except where the Commission determines that an emergency exists requiring expeditious or summary action and publishes its reasons therefor.

"(B) RESPONSES TO CFTC COMMENTS AND FINDINGS.—If the Commodity Futures Trading Commission comments in writing to the Commission on a proposed rule that has been published for comment, the Commission shall respond in writing to such written comment before approving or disapproving the proposed rule. If the Commodity Futures Trading Commission determines, and notifies the Commission, that such rule, if implemented or as applied, would—

"(i) adversely affect the liquidity or efficiency of the market for security futures products; or

"(ii) impose any burden on competition not necessary or appropriate in furtherance of the purposes of this section,

the Commission shall, prior to approving or disapproving the proposed rule, find that such rule is necessary and appropriate in furtherance of the purposes of this section notwithstanding the Commodity Futures Trading Commission's determination.".

(c) REVIEW OF DISCIPLINARY PROCEEDINGS.—Section 19(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(d)) is amended by adding at the end the following:

"(3) The provisions of this subsection shall apply to an exchange registered pursuant to section 6(g) of this title or a national securities association registered pursuant to section 15A(k) of this title only to the extent that such exchange or association imposes any final disciplinary sanction for—

"(A) a violation of the Federal securities laws or the rules and regulations thereunder; or

"(B) a violation of a rule of such exchange or association, as to which a proposed change would be required to be filed under section 19 of this title, except that, to the extent that the exchange or association rule violation relates to any account, agreement, contract, or transaction, this subsection shall apply only to the extent such violation involves a security futures product.".

SEC. 203. REGULATORY RELIEF FOR INTERMEDIARIES TRADING SECURITY FUTURES PRODUCTS.

(a) EXPEDITED REGISTRATION AND EXEMPTIONS.—

(1) AMENDMENT.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by adding at the end the following:

"(11) BROKER/DEALER REGISTRATION WITH RESPECT TO TRANSACTIONS IN SECURITY FUTURES PRODUCTS.—

"(A) NOTICE REGISTRATION.—

"(i) CONTENTS OF NOTICE.—Notwithstanding paragraphs (1) and (2), a broker or dealer required to register only because it effects transactions in security futures products on an exchange registered pursuant to section 6(g) may register for purposes of this section by filing with the Commission a written notice in such form and containing such information concerning such broker or dealer and any persons associated with such broker or dealer as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. A broker or dealer may not register under this paragraph unless that broker or dealer is a member of a national securities association registered under section 15A(k).

"(ii) IMMEDIATE EFFECTIVENESS.—Such registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission, except that such registration shall not be effective if the registration would be subject to suspension or revocation under paragraph (4).

"(iii) SUSPENSION.—Such registration shall be suspended immediately if a national securities association registered pursuant to section 15A(k) of this title suspends the membership of that broker or dealer.

"(iv) TERMINATION.—Such registration shall be terminated immediately if any of the above stated conditions for registration set forth in this paragraph are no longer satisfied.

"(B) EXEMPTIONS FOR REGISTERED BROKERS AND DEALERS.—A broker or dealer registered pursuant to the requirements of subparagraph (A) shall be exempt from the following provisions of this title and the rules thereunder with respect to transactions in security futures products:

"(i) Section 8.

"(ii) Section 11.

"(iii) Subsections (c)(3) and (c)(5) of this section.

"(iv) Section 15B.

"(v) Section 15C.

"(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.".

(2) CONFORMING AMENDMENT.—Section 28(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(e)) is amended by adding at the end the following:

"(4) The provisions of this subsection shall not apply with regard to securities that are security futures products.".

(b) FLOOR BROKERS AND FLOOR TRADERS.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) is amended by inserting after paragraph (11), as added by subsection (a), the following:

"(12) EXEMPTION FOR SECURITY FUTURES PRODUCT EXCHANGE MEMBERS.—

"(A) REGISTRATION EXEMPTION.—A natural person shall be exempt from the registration requirements of this section if such person—

"(i) is a member of a designated contract market registered with the Commission as an exchange pursuant to section 6(g);

"(ii) effects transactions only in securities on the exchange of which such person is a member; and

"(iii) does not directly accept or solicit orders from public customers or provide advice to public customers in connection with the trading of security futures products.

"(B) OTHER EXEMPTIONS.—A natural person exempt from registration pursuant to subparagraph (A) shall also be exempt from the following provisions of this title and the rules thereunder:

"(i) Section 8.

"(ii) Section 11.

"(iii) Subsections (c)(3), (c)(5), and (e) of this section.

"(iv) Section 15B.

"(v) Section 15C.

"(vi) Subsections (d), (e), (f), (g), (h), and (i) of section 17.".

(c) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by adding at the end the following:

"(k) LIMITED PURPOSE NATIONAL SECURITIES ASSOCIATION.—

"(1) REGULATION OF MEMBERS WITH RESPECT TO SECURITY FUTURES PRODUCTS.—A futures association registered under section 17 of the Commodity Exchange Act shall be a registered national securities association for the limited purpose of regulating the activities of members who are registered as brokers or dealers in security futures products pursuant to section 15(b)(11).

"(2) REQUIREMENTS FOR REGISTRATION.—Such a securities association shall—

"(A) be so organized and have the capacity to carry out the purposes of the securities laws applicable to security futures products and to comply, and (subject to any rule or order of the Commission pursuant to section 19(g)(2)) to enforce compliance by its members and persons associated with its members, with the provisions of the securities laws applicable to security futures products, the rules and regulations thereunder, and its rules;

"(B) have rules that—

"(i) are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest, including rules governing sales practices and the advertising of security futures products reasonably comparable to those of other national securities associations registered pursuant to subsection (a) that are applicable to security futures products; and

"(ii) are not designed to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the association;

"(C) have rules that provide that (subject to any rule or order of the Commission pursuant to section 19(g)(2)) its members and persons associated with its members shall be appropriately disciplined for violation of any provision of the securities laws applicable to security futures products, the rules or regulations thereunder, or the rules of the association, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction; and

"(D) have rules that ensure that members and natural persons associated with members meet such standards of training, experience, and competence necessary to effect transactions in security futures products and are tested for their knowledge of securities and security futures products.

"(3) EXEMPTION FROM RULE CHANGE SUBMISSION.—Such a securities association shall be exempt from submitting proposed rule changes pursuant to section 19(b) of this title, except that—

"(A) the association shall file proposed rule changes related to higher margin levels, fraud or manipulation, recordkeeping, reporting, listing standards, or decimal pricing for security futures products, sales practices for, advertising of, or standards of training, experience, competence, or other qualifications for security futures products for persons who effect transactions in security futures products, or rules effectuating the association's obligation to enforce the securities laws pursuant to section 19(b)(7);

"(B) the association shall file pursuant to sections 19(b)(1) and 19(b)(2) proposed rule changes related to margin, except for changes resulting in higher margin levels; and

"(C) the association shall file pursuant to section 19(b)(1) proposed rule changes that have been abrogated by the Commission pursuant to section 19(b)(7)(C).

"(4) OTHER EXEMPTIONS.—Such a securities association shall be exempt from and shall not be required to enforce compliance by its members, and its members shall not, solely with respect to their transactions effected in security futures products, be required to comply, with the following provisions of this title and the rules thereunder:

"(A) Section 8.

"(B) Subsections (b)(1), (b)(3), (b)(4), (b)(5), (b)(8), (b)(10), (b)(11), (b)(12), (b)(13), (c), (d), (e), (f), (g), (h), and (i) of this section.

"(C) Subsections (d), (f), and (k) of section 17.

"(D) Subsections (a), (f), and (h) of section 19.".

(d) EXEMPTION UNDER THE SECURITIES INVESTOR PROTECTION ACT OF 1970.—

(1) Section 16(14) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78lll(14)) is amended by inserting "or any security future as that term is defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934," after "certificate of deposit for a security,".

(2) Section 3(a)(2)(A) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78ccc(a)(2)(A)) is amended—

(A) in clause (i), by striking "and" after the semicolon;

(B) in clause (ii), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(iii) persons who are registered as a broker or dealer pursuant to section 15(b)(11)(A) of the Securities Exchange Act of 1934.".

SEC. 204. SPECIAL PROVISIONS FOR INTERAGENCY COOPERATION.

Section 17(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(b)) is amended—

(1) by striking "(b) All" and inserting the following:

"(b) RECORDS SUBJECT TO EXAMINATION.—

"(1) PROCEDURES FOR COOPERATION WITH OTHER AGENCIES.—All";

(2) by striking "prior to conducting any such examination of a registered clearing" and inserting the following: "prior to conducting any such examination of a—

"(A) registered clearing";

(3) by redesignating the last sentence as paragraph (4)(C);

(4) by striking the period at the end of the first sentence and inserting the following: "; or

"(B) broker or dealer registered pursuant to section 15(b)(11), exchange registered pursuant to section 6(g), or national securities association registered pursuant to section 15A(k) gives notice to the Commodity Futures Trading Commission of such proposed examination and consults with the Commodity Futures Trading Commission concerning the feasibility and desirability of coordinating such examination with examinations conducted by the Commodity Futures Trading Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for such broker or dealer or exchange.";

(5) by adding at the end the following new paragraphs:

"(2) FURNISHING DATA AND REPORTS TO CFTC.—The Commission shall notify the Commodity Futures Trading Commission of any examination conducted of any broker or dealer registered pursuant to section 15(b)(11), exchange registered pursuant to section 6(g), or national securities association registered pursuant to section 15A(k) and, upon request, furnish to the Commodity Futures Trading Commission any examination report and data supplied to, or prepared by, the Commission in connection with such examination.

"(3) USE OF CFTC REPORTS.—Prior to conducting an examination under paragraph (1), the Commission shall use the reports of examinations, if the information available therein is sufficient for the purposes of the examination, of—

"(A) any broker or dealer registered pursuant to section 15(b)(11);

"(B) exchange registered pursuant to section 6(g); or

"(C) national securities association registered pursuant to section 15A(k);

that is made by the Commodity Futures Trading Commission, a national securities association registered pursuant to section 15A(k), or an exchange registered pursuant to section 6(g).

"(4) RULES OF CONSTRUCTION.—

"(A) Notwithstanding any other provision of this subsection, the records of a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) described in this subparagraph shall not be subject to routine periodic examinations by the Commission.

"(B) Any recordkeeping rules adopted under this subsection for a broker or dealer registered pursuant to section 15(b)(11), an exchange registered pursuant to section 6(g), or a national securities association registered pursuant to section 15A(k) shall be limited to records with respect to persons, accounts, agreements, contracts, and transactions involving security futures products."; and

(6) in paragraph (4)(C) (as redesignated by paragraph (3) of this section), by striking "Nothing in the proviso to the preceding sentence" and inserting "Nothing in the proviso in paragraph (1)".

SEC. 205. MAINTENANCE OF MARKET INTEGRITY FOR SECURITY FUTURES PRODUCTS.

(a) ADDITION OF SECURITY FUTURES PRODUCTS TO OPTION-SPECIFIC ENFORCEMENT PROVISIONS.—

(1) PROHIBITION AGAINST MANIPULATION.—Section 9(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(b)) is amended—

(A) in paragraph (1)—

(i) by inserting "(A)" after "acquires"; and

(ii) by striking "; or" and inserting "; or (B) any security futures product on the security; or";

(B) in paragraph (2)—

(i) by inserting "(A)" after "interest in any"; and

(ii) by striking "; or" and inserting "; or (B) such security futures product; or"; and

(C) in paragraph (3)—

(i) by inserting "(A)" after "interest in any"; and

(ii) by inserting "; or (B) such security futures product" after "privilege".

(2) MANIPULATION IN OPTIONS AND OTHER DERIVATIVE PRODUCTS.—Section 9(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(g)) is amended—

(A) by inserting "(1)" after "(g)";

(B) by inserting "other than a security futures product" after "future delivery"; and

(C) by adding at the end following:

"(2) Notwithstanding the Commodity Exchange Act, the Commission shall have the authority to regulate the trading of any security futures product to the extent provided in the securities laws.".

(3) LIABILITY OF CONTROLLING PERSONS AND PERSONS WHO AID AND ABET VIOLATIONS.—Section 20(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(d)) is amended by striking "or privilege" and inserting ", privilege, or security futures product".

(4) LIABILITY TO CONTEMPORANEOUS TRADERS FOR INSIDER TRADING.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1(a)(1)) is amended by striking "standardized options, the Commission—" and inserting "standardized options or security futures products, the Commission—".

(5) ENFORCEMENT CONSULTATION.—Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended by adding at the end the following:

"(i) INFORMATION TO CFTC.—The Commission shall provide the Commodity Futures Trading Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any broker or dealer registered pursuant to section 15(b)(11), any exchange registered pursuant to section 6(g), or any national securities association registered pursuant to section 15A(k).".

SEC. 206. SPECIAL PROVISIONS FOR THE TRADING OF SECURITY FUTURES PRODUCTS.

(a) LISTING STANDARDS AND CONDITIONS FOR TRADING.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after subsection (g), as added by section 202, the following:

"(h) TRADING IN SECURITY FUTURES PRODUCTS.—

"(1) TRADING ON EXCHANGE OR ASSOCIATION REQUIRED.—It shall be unlawful for any person to effect transactions in security futures products that are not listed on a national securities exchange or a national securities association registered pursuant to section 15A(a).

"(2) LISTING STANDARDS REQUIRED.—Except as otherwise provided in paragraph (7), a national securities exchange or a national securities association registered pursuant to section 15A(a) may trade only security futures products that (A) conform with listing standards that such exchange or association files with the Commission under section 19(b) and (B) meet the criteria specified in section 2(a)(1)(D)(i) of the Commodity Exchange Act.

"(3) REQUIREMENTS FOR LISTING STANDARDS AND CONDITIONS FOR TRADING.—Such listing standards shall—

"(A) except as otherwise provided in a rule, regulation, or order issued pursuant to paragraph (4), require that any security underlying the security future, including each component security of a narrow-based security index, be registered pursuant to section 12 of this title;

"(B) require that if the security futures product is not cash settled, the market on which the security futures product is traded have arrangements in place with a registered clearing agency for the payment and delivery of the securities underlying the security futures product;

"(C) be no less restrictive than comparable listing standards for options traded on a national securities exchange or national securities association registered pursuant to section 15A(a) of this title;

"(D) except as otherwise provided in a rule, regulation, or order issued pursuant to paragraph (4), require that the security future be based upon common stock and such other equity securities as the Commission and the Commodity Futures Trading Commission jointly determine appropriate;

"(E) require that the security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on one market and offset on another market that trades such product;

"(F) require that only a broker or dealer subject to suitability rules comparable to those of a national securities association registered pursuant to section 15A(a) effect transactions in the security futures product;

"(G) require that the security futures product be subject to the prohibition against dual trading in section 4j of the Commodity Exchange Act (7 U.S.C. 6j) and the rules and regulations thereunder or the provisions of section 11(a) of this title and the rules and regulations thereunder, except to the extent otherwise permitted under this title and the rules and regulations thereunder;

"(H) require that trading in the security futures product not be readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities;

"(I) require that procedures be in place for coordinated surveillance among the market on which the security futures product is traded, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading;

"(J) require that the market on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the coordinated surveillance required in subparagraph (I);

"(K) require that the market on which the security futures product is traded has in place procedures to coordinate trading halts between such market and any market on which any security underlying the security futures product is traded and other markets on which any related security is traded; and

"(L) require that the margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B), except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security futures product when it deems such action to be necessary or appropriate.

"(4) AUTHORITY TO MODIFY CERTAIN LISTING STANDARD REQUIREMENTS.—

"(A) AUTHORITY TO MODIFY.—The Commission and the Commodity Futures Trading Commission, by rule, regulation, or order, may jointly modify the listing standard requirements specified in subparagraph (A) or (D) of paragraph (3) to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(B) AUTHORITY TO GRANT EXEMPTIONS.—The Commission and the Commodity Futures Trading Commission, by order, may jointly exempt any person from compliance with the listing standard requirement specified in subparagraph (E) of paragraph (3) to the extent such exemption fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(5) REQUIREMENTS FOR OTHER PERSONS TRADING SECURITY FUTURE PRODUCTS.—It shall be unlawful for any person (other than a national securities exchange or a national securities association registered pursuant to section 15A(a)) to constitute, maintain, or provide a marketplace or facilities for bringing together purchasers and sellers of security future products or to otherwise perform with respect to security future products the functions commonly performed by a stock exchange as that term is generally understood, unless a national securities association registered pursuant to section 15A(a) or a national securities exchange of which such person is a member—

"(A) has in place procedures for coordinated surveillance among such person, the market trading the securities underlying the security future products, and other markets trading related securities to detect manipulation and insider trading;

"(B) has rules to require audit trails necessary or appropriate to facilitate the coordinated surveillance required in subparagraph (A); and

"(C) has rules to require such person to coordinate trading halts with markets trading the securities underlying the security future products and other markets trading related securities.

"(6) DEFERRAL OF OPTIONS ON SECURITY FUTURES TRADING.—No person shall offer to enter. into, enter into, or confirm the execution of any put, call, straddle, option, or privilege on a security future, except that, after 3 years after the date of enactment of this subsection, the Commission and the Commodity Futures Trading Commission may by order jointly determine to permit trading of puts, calls, straddles, options, or privileges on any security future authorized to be traded under the provisions of this Act and the Commodity Exchange Act.

"(7) DEFERRAL OF LINKED AND COORDINATED CLEARING.—

"(A) Notwithstanding paragraph (2), until the compliance date, a national securities exchange or national securities association registered pursuant to section 15A(a) may trade a security futures product that does not—

"(i) conform with any listing standard promulgated to meet the requirement specified in subparagraph (E) of paragraph (3); or

"(ii) meet the criterion specified in section 2(a)(1)(D)(i)(IV) of the Commodity Exchange Act.

"(B) The Commission and the Commodity Futures Trading Commission shall jointly publish in the Federal Register a notice of the compliance date no later than 165 days before the compliance date.

"(C) For purposes of this paragraph, the term 'compliance date' means the later of—

"(i) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all national securities exchanges,

any national securities associations registered pursuant to section 15A(a), and all other persons equals or exceeds 10 percent of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges and any national securities associations registered pursuant to section 15A(a); or

"(ii) 2 years after the date on which trading in any security futures product commences under this title.".

(b) MARGIN.—Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended—

(1) in subsection (a), by inserting "or a security futures product" after "exempted security";

(2) in subsection (c)(1)(A), by inserting "except as provided in paragraph (2)," after "security),";

(3) by redesignating paragraph (2) of subsection (c) as paragraph (3) of such subsection; and

(4) by inserting after paragraph (1) of such subsection the following:

"(2) MARGIN REGULATIONS.—

"(A) COMPLIANCE WITH MARGIN RULES REQUIRED.—It shall be unlawful for any broker, dealer, or member of a national securities exchange to, directly or indirectly, extend or maintain credit to or for, or collect margin from any customer on, any security futures product unless such activities comply with the regulations—

"(i) which the Board shall prescribe pursuant to subparagraph (B); or

"(ii) if the Board determines to delegate the authority to prescribe such regulations, which the Commission and the Commodity Futures Trading Commission shall jointly prescribe pursuant to subparagraph (B).

If the Board delegates the authority to prescribe such regulations under clause (ii) and the Commission and the Commodity Futures Trading Commission have not jointly prescribed such regulations within a reasonable period of time after the date of such delegation, the Board shall prescribe such regulations pursuant to subparagraph (B).

"(B) CRITERIA FOR ISSUANCE OF RULES.—The Board shall prescribe, or, if the authority is delegated pursuant to subparagraph (A)(ii), the Commission and the Commodity Futures Trading Commission shall jointly prescribe, such regulations to establish margin requirements, including the establishment of levels of margin (initial and maintenance) for security futures products under such terms, and at such levels, as the Board deems appropriate, or as the Commission and the Commodity Futures Trading Commission jointly deem appropriate—

"(i) to preserve the financial integrity of markets trading security futures products;

"(ii) to prevent systemic risk;

"(iii) to require that—

"(I) the margin requirements for a security future product be consistent with the margin requirements for comparable option contracts traded on any exchange registered pursuant to section 6(a) of this title; and

"(II) initial and maintenance margin levels for a security future product not be lower than the lowest level of margin, exclusive of premium, required for any comparable option contract traded on any exchange registered pursuant to section 6(a) of this title, other than an option on a security future;

except that nothing in this subparagraph shall be construed to prevent a national securities exchange or national securities association from requiring higher margin levels for a security future product when it deems such action to be necessary or appropriate; and

"(iv) to ensure that the margin requirements (other than levels of margin), including the type, form, and use of collateral for security futures products, are and remain consistent with the requirements established by the Board, pursuant to subparagraphs (A) and (B) of paragraph (1).".

(c) INCORPORATION OF SECURITY FUTURES PRODUCTS INTO THE NATIONAL MARKET SYSTEM.—Section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k–1) is amended by adding at the end the following:

"(e) NATIONAL MARKETS SYSTEM FOR SECURITY FUTURES PRODUCTS.—

"(1) CONSULTATION AND COOPERATION REQUIRED.—With respect to security futures products, the Commission and the Commodity Futures Trading Commission shall consult and cooperate so that, to the maximum extent practicable, their respective regulatory responsibilities may be fulfilled and the rules and regulations applicable to security futures products may foster a national market system for security futures products if the Commission and the Commodity Futures Trading Commission jointly determine that such a system would be consistent with the congressional findings in subsection (a)(1). In accordance with this objective, the Commission shall, at least 15 days prior to the issuance for public comment of any proposed rule or regulation under this section concerning security futures products, consult and request the views of the Commodity Futures Trading Commission.

"(2) APPLICATION OF RULES BY ORDER OF CFTC.—No rule adopted pursuant to this section shall be applied to any person with respect to the trading of security futures products on an exchange that is registered under section 6(g) unless the Commodity Futures Trading Commission has issued an order directing that such rule is applicable to such persons.".

(d) INCORPORATION OF SECURITY FUTURES PRODUCTS INTO THE NATIONAL SYSTEM FOR CLEARANCE AND SETTLEMENT.—Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(b)) is amended by adding at the end the following:

"(7)(A) A clearing agency that is regulated directly or indirectly by the Commodity Futures Trading Commission through its association with a designated contract market for security futures products that is a national securities exchange registered pursuant to section 6(g), and that would be required to register pursuant to paragraph (1) of this subsection only because it performs the functions of a clearing agency with respect to security futures products effected pursuant to the rules of the designated contract market with which such agency is associated, is exempted from the provisions of this section and the rules and regulations thereunder, except that if such a clearing agency performs the functions of a clearing agency with respect to a security futures product that is not cash settled, it must have arrangements in place with a registered clearing agency to effect the payment and delivery of the securities underlying the security futures product.

"(B) Any clearing agency that performs the functions of a clearing agency with respect to security futures products must coordinate with and develop fair and reasonable links with any and all other clearing agencies that perform the functions of a clearing agency with respect to security futures products, in order to permit, as of the compliance date (as defined in section 6(h)(6)(C)), security futures products to be purchased on one market and offset on another market that trades such products.".

(e) MARKET EMERGENCY POWERS AND CIRCUIT BREAKERS.—Section 12(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(k)) is amended—

(1) in paragraph (1), by adding at the end the following: "If the actions described in subparagraph (A) or (B) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission."; and

(2) in paragraph (2)(B), by inserting after the first sentence the following: "If the actions described in subparagraph (A) involve a security futures product, the Commission shall consult with and consider the views of the Commodity Futures Trading Commission.".

(f) TRANSACTION FEES.—Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended—

(1) in subsection (a), by inserting "and assessments" after "fees";

(2) in subsections (b), (c), and (d)(1), by striking "and other evidences of indebtedness" and inserting "other evidences of indebtedness, and security futures products";

(3) in subsection (f), by inserting "or assessment" after "fee";

(4) in subsection (g), by inserting "and assessment" after "fee";

(5) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(6) by inserting after subsection (d) the following new subsection:

"(e) ASSESSMENTS ON SECURITY FUTURES TRANSACTIONS.—Each national securities exchange and national securities association shall pay to the Commission an assessment equal to $0.02 for each round turn transaction (treated as including one purchase and one sale of a contract of sale for future delivery) on a security future traded on such national securities exchange or by or through any member of such association otherwise than on a national securities exchange, except that for fiscal year 2007 or any succeeding fiscal year such assessment shall be equal to $0.0075 for each such transaction. Assessments collected pursuant to this subsection shall be deposited and collected as general revenue of the Treasury.".

(g) EXEMPTION FROM SHORT SALE PROVISIONS.—Section 10(a) of the Securities Exchange Act of 1934 (15 U.S.C 78j(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Paragraph (1) of this subsection shall not apply to security futures products.".

(h) RULEMAKING AUTHORITY TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 15(c)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(3))is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following:

"(B) Consistent with this title, the Commission, in consultation with the Commodity Futures Trading Commission, shall issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of (i) the provisions of section 8, section 15(c)(3), and section 17 of this title and the rules and regulations thereunder related to the treatment of customer funds, securities, or property, maintenance of books and records, financial reporting, or other financial responsibility rules, involving security futures products and (ii) similar provisions of the Commodity Exchange Act and rules and regulations thereunder involving security futures products.".

(i) OBLIGATION TO ADDRESS DUPLICATIVE REGULATION OF DUAL REGISTRANTS.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C 78f) is amended by inserting after subsection (h), as added by subsection (a) of this section, the following:

"(i) Consistent with this title, each national securities exchange registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

(1) rules of such national securities exchange of the type specified in section 15(c)(3)(B) involving security futures products; and

(2) similar rules of national securities exchanges registered pursuant to section 6(g) and national securities associations registered pursuant to section 15A(k) involving security futures products.".

(j) Obligation To Address Duplicative Regulation of Dual Registrants.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C 78o–3) is amended by inserting after subsection (k), as added by section 203, the following:

"(l) Consistent with this title, each national securities association registered pursuant to subsection (a) of this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any broker or dealer registered with the Commission pursuant to section 15(b) (except paragraph (11) thereof), that is also registered with the Commodity Futures Trading Commission pursuant to section 4f(a) of the Commodity Exchange Act (except paragraph (2) thereof), with respect to the application of—

"(1) rules of such national securities association of the type specified in section 15(c)(3)(B) involving security futures products; and

"(2) similar rules of national securities associations registered pursuant to subsection (k) of this section and national securities exchanges registered pursuant to section 6(g) involving security futures products.".

(k) Obligation To Put in Place Procedures and Adopt Rules.—

(1) National securities associations.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) is amended by inserting after subsection (l), as added by subsection (j) of this section, the following new subsection:

"(m) Procedures and Rules for Security Future Products.—A national securities association registered pursuant to subsection (a) shall, not later than 8 months after the date of enactment of the Commodity Futures Modernization Act of 2000, implement the procedures specified in section 6(h)(5)(A) of this title and adopt the rules specified in subparagraphs (B) and (C) of section 6(h)(5) of this title.".

(2) National securities exchanges.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by inserting after subsection (i), as added by subsection (i) of this section, the following new subsection:

"(j) Procedures and Rules for Security Future Products.—A national securities exchange registered pursuant to subsection (a) shall implement the procedures specified in section 6(h)(5)(A) of this title and adopt the rules specified in subparagraphs (B) and (C) of section 6(h)(5) of this title not later than 8 months after the date of receipt of a request from an alternative trading system for such implementation and rules.".

(l) Obligation To Address Security Futures Products Traded on Foreign Exchanges.—Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended by adding after subsection (i), as added by subsection (k) of this section, the following—

"(k)(1) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with the promotion of market efficiency, innovation, and expansion of investment opportunities, the protection of investors, and the maintenance of fair and orderly markets, the Commission and the Commodity Futures Trading Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

"(2) The rules, regulations, or orders adopted under paragraph (1) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflect.".

SEC. 207. CLEARANCE AND SETTLEMENT.

Section 17A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1(b)) is amended—

(1) in paragraph (3)(A), by inserting "and derivative agreements, contracts, and transactions" after "prompt and accurate clearance and settlement of securities transactions";

(2) in paragraph (3)(F), by inserting "and, to the extent applicable, derivative agreements, contracts, and transactions" after "designed to promote the prompt and accurate clearance and settlement of securities transactions"; and

(3) by inserting after paragraph (7), as added by section 206(d), the following:

"(8) A registered clearing agency shall be permitted to provide facilities for the clearance and settlement of any derivative agreements, contracts, or transactions that are excluded from the Commodity Exchange Act, subject to the requirements of this section and to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.".

SEC. 208. AMENDMENTS RELATING TO REGISTRATION AND DISCLOSURE ISSUES UNDER THE SECURITIES ACT OF 1933 AND THE SECURITIES EXCHANGE ACT OF 1934.

(a) Amendments to the Securities Act of 1933.—

(1) Treatment of security futures products.—Section 2(a) of the Securities Act of 1933 (15 U.S.C. 77b(a)) is amended—

(A) in paragraph (1), by inserting "security future," after "treasury stock,";

(B) in paragraph (3), by adding at the end the following: "Any offer or sale of a security futures product by or on behalf of the issuer of the securities underlying the security futures product, an affiliate of the issuer, or an underwriter, shall constitute a contract for sale of, sale of, offer for sale, or offer to sell the underlying securities.";

(C) by adding at the end the following:

"(16) The terms 'security future', 'narrow-based security index', and 'security futures product' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.".

(2) Exemption from registration.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following:

"(14) Any security futures product that is—

"(A) cleared by a clearing agency registered under section 17A of the Securities Exchange Act of 1934 or exempt from registration under subsection (b)(7) of such section 17A; and

"(B) traded on a national securities exchange or a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.".

(3) Conforming amendment.—Section 12(a)(2) of the Securities Act of 1933 (15 U.S.C. 77l(a)(2)) is amended by striking "paragraph (2)" and inserting "paragraphs (2) and (14)".

(b) Amendments to the Securities Exchange Act of 1934.—

(1) Exemption from registration.—Section 12(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(a)) is amended by adding at the end the following: "The provisions of this subsection shall not apply in respect of a security futures product traded on a national securities exchange.".

(2) Exemptions from reporting requirement.—Section 12(g)(5) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)(5)) is amended by adding at the end the following: "For purposes of this subsection, a security futures product shall not be considered a class of equity security of the issuer of the securities underlying the security futures product.".

(3) Transactions by corporate insiders.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following:

"(f) Treatment of Transactions in Security Futures Products.—The provisions of this section shall apply to ownership of and transactions in security futures products.".

SEC. 209. AMENDMENTS TO THE INVESTMENT COMPANY ACT OF 1940 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) Definitions Under the Investment Company Act of 1940 and the Investment Advisers Act of 1940.—

(1) Section 2(a)(36) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(36)) is amended by inserting "security future," after "treasury stock,".

(2) Section 202(a)(18) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(18)) is amended by inserting "security future," after "treasury stock,".

(3) Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended by adding at the end the following:

"(52) The terms 'security future' and 'narrow-based security index' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.".

(4) Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended by adding at the end the following:

"(27) The terms 'security future' and 'narrow-based security index' have the same meanings as provided in section 3(a)(55) of the Securities Exchange Act of 1934.".

(b) Other Provision.—Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) by striking "or" at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting "; or"; and

(3) by adding at the end the following:

"(6) any investment adviser that is registered with the Commodity Futures Trading Commission as a commodity trading advisor whose business does not consist primarily of acting as an investment adviser, as defined in section 202(a)(11) of this title, and that does not act as an investment adviser to—

"(A) an investment company registered under title I of this Act; or

"(B) a company which has elected to be a business development company pursuant to section 54 of title I of this Act and has not withdrawn its election.".

SEC. 210. PREEMPTION OF STATE LAWS.

Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended—

(1) in the last sentence—

(A) by inserting "subject to this title" after "privilege, or other security"; and

(B) by striking "any such instrument, if such instrument is traded pursuant to rules and regulations of a self-regulatory organization that are filed with the Commission pursuant to section 19(b) of this Act" and inserting "any such security"; and

(2) by adding at the end the following new sentence: "No provision of State law regarding the offer, sale, or distribution of securities shall apply to any transaction in a security futures product, except that this sentence shall not be construed as limiting any State antifraud law of general applicability.".

Subtitle B—Amendments to the Commodity Exchange Act

SEC. 251. JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION; OTHER PROVISIONS.

(a) JURISDICTION OF SECURITIES AND EXCHANGE COMMISSION.—

(1) Section 2(a)(1)(C) of the Commodity Exchange Act (7 U.S.C. 2a) (as redesignated by section 34(a)(2)(C)) is amended—

(A) in clause (ii)—

(i) by inserting "or register a derivatives transaction execution facility that trades or executes," after "contract market in,";

(ii) by inserting after "contracts) for future delivery" the following: ", and no derivatives transaction execution facility shall trade or execute such contracts of sale (or options on such contracts) for future delivery,";

(iii) by striking "making such application demonstrates and the Commission expressly finds that the specific contract (or option on such contract) with respect to which the application has been made meets" and inserting "or the derivatives transaction execution facility, and the applicable contract, meet";

(iv) by striking subclause (III) of clause (ii) and inserting the following:

"(III) Such group or index of securities shall not constitute a narrow-based security index.";

(B) by striking clause (iii);

(C) by striking clause (iv) and inserting the following:

"(iii) If, in its discretion, the Commission determines that a stock index futures contract, notwithstanding its conformance with the requirements in clause (ii) of this subparagraph, can reasonably be used as a surrogate for trading a security (including a security futures product), it may, by order, require such contract and any option thereon be traded and regulated as security futures products as defined in section 3(a)(56) of the Securities Exchange Act of 1934 and section 1a of this Act subject to all rules and regulations applicable to security futures products under this Act and the securities laws as defined in section 3(a)(47) of the Securities Exchange Act of 1934."; and

(D) by redesignating clause (v) as clause (iv).

(2) Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, 4) is amended by adding at the end the following:

"(D)(i) Notwithstanding any other provision of this Act, the Securities and Exchange Commission shall have jurisdiction and authority over security futures as defined in section 3(a)(55) of the Securities Exchange Act of 1934, section 2(a)(16) of the Securities Act of 1933, section 2(a)(52) of the Investment Company Act of 1940, and section 202(a)(27) of the Investment Advisers Act of 1940, options on security futures, and persons effecting transactions in security futures and options thereon, and this Act shall apply to and the Commission shall have jurisdiction with respect to accounts, agreements (including any transaction which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty'), contracts, and transactions involving, and may designate a board of trade as a contract market in, or register a derivatives transaction execution facility that trades or executes, a security futures product as defined in section 1a of this Act: Provided, however, That, except as provided in clause (vi) of this subparagraph, no board of trade shall be designated as a contract market with respect to, or registered as a derivatives transaction execution facility for, any such contracts of sale for future delivery unless the board of trade and the applicable contract meet the following criteria:

"(I) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, any security underlying the security future, including each component security of a narrow-based security index, is registered pursuant to section 12 of the Securities Exchange Act of 1934.

"(II) If the security futures product is not cash settled, the board of trade on which the security futures product is traded has arrangements in place with a clearing agency registered pursuant to section 17A of the Securities Exchange Act of 1934 for the payment and delivery of the securities underlying the security futures product.

"(III) Except as otherwise provided in a rule, regulation, or order issued pursuant to clause (v) of this subparagraph, the security future is based upon common stock and such other equity securities as the Commission and the Securities and Exchange Commission jointly determine appropriate.

"(IV) The security futures product is cleared by a clearing agency that has in place provisions for linked and coordinated clearing with other clearing agencies that clear security futures products, which permits the security futures product to be purchased on a designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 and offset on another designated contract market, registered derivatives transaction execution facility, national securities exchange registered under section 6(a) of the Securities Exchange Act of 1934, or national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

"(V) Only futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators or associated persons subject to suitability rules comparable to those of a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 solicit, accept any order for, or otherwise deal in any transaction in or in connection with the security futures product.

"(VI) The security futures product is subject to a prohibition against dual trading in section 4j of this Act and the rules and regulations thereunder or the provisions of section 11(a) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, except to the extent otherwise permitted under the Securities Exchange Act of 1934 and the rules and regulations thereunder.

"(VII) Trading in the security futures product is not readily susceptible to manipulation of the price of such security futures product, nor to causing or being used in the manipulation of the price of any underlying security, option on such security, or option on a group or index including such securities;

"(VIII) The board of trade on which the security futures product is traded has procedures in place for coordinated surveillance among such board of trade, any market on which any security underlying the security futures product is traded, and other markets on which any related security is traded to detect manipulation and insider trading, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has in place such procedures.

"(IX) The board of trade on which the security futures product is traded has in place audit trails necessary or appropriate to facilitate the coordinated surveillance required in subclause (VIII), except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has rules to require such audit trails.

"(X) The board of trade on which the security futures product is traded has in place procedures to coordinate trading halts between such board of trade and markets on which any security underlying the security futures product is traded and other markets on which any related security is traded, except that, if the board of trade is an alternative trading system, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 or national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 of which such alternative trading system is a member has rules to require such coordinated trading halts.

"(XI) The margin requirements for a security futures product comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934, except that nothing in this subclause shall be construed to prevent a board of trade from requiring higher margin levels for a security futures product when it deems such action to be necessary or appropriate.

"(ii) It shall be unlawful for any person to offer, to enter into, to execute, to confirm the execution of, or to conduct any office or business anywhere in the United States, its territories or possessions, for the purpose of soliciting, or accepting any order for, or otherwise dealing in, any transaction in, or in connection with, a security futures product unless—

"(I) the transaction is conducted on or subject to the rules of a board of trade that—

"(aa) has been designated by the Commission as a contract market in such security futures product; or

"(bb) is a registered derivatives transaction execution facility for the security futures product that has provided a certification with respect to the security futures product pursuant to clause (vii);

"(II) the contract is executed or consummated by, through, or with a member of the contract market or registered derivatives transaction execution facility; and

"(III) the security futures product is evidenced by a record in writing which shows the date, the parties to such security futures product and their addresses, the property covered, and its price, and each contract market member or registered derivatives transaction execution facility member shall keep the record for a period of 3 years from the date of the transaction, or for a longer period if the Commission so directs, which record shall at all times be open to the inspection of any duly authorized representative of the Commission.

"(iii)(I) Except as provided in subclause (II) but notwithstanding any other provision of this Act, no person shall offer to enter into, enter into, or confirm the execution of any option on a security future.

"(II) After 3 years after the date of the enactment of the Commodity Futures Modernization Act of 2000, the Commission and the Securities and Exchange Commission may by order jointly determine to permit trading of options on any security future authorized to be traded under

the provisions of this Act and the Securities Exchange Act of 1934.

"(iv)(I) All relevant records of a futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f shall be subject to such reasonable periodic or special examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this Act, and the Commission, before conducting any such examination, shall give notice to the Securities and Exchange Commission of the proposed examination and consult with the Securities and Exchange Commission concerning the feasibility and desirability of coordinating the examination with examinations conducted by the Securities and Exchange Commission in order to avoid unnecessary regulatory duplication or undue regulatory burdens for the registrant or board of trade.

"(II) The Commission shall notify the Securities and Exchange Commission of any examination conducted of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f, and, upon request, furnish to the Securities and Exchange Commission any examination report and data supplied to or prepared by the Commission in connection with the examination.

"(III) Before conducting an examination under subclause (I), the Commission shall use the reports of examinations, unless the information sought is unavailable in the reports, of any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f that is made by the Securities and Exchange Commission, a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(a)), or a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(a)).

"(IV) Any records required under this subsection for a futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), associated person exempt from registration pursuant to section 4k(6), or board of trade designated as a contract market in a security futures product pursuant to section 5f, shall be limited to records with respect to accounts, agreements, contracts, and transactions involving security futures products.

"(v)(I) The Commission and the Securities and Exchange Commission, by rule, regulation, or order, may jointly modify the criteria specified in subclause (I) or (III) of clause (i), including the trading of security futures based on securities other than equity securities, to the extent such modification fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(II) The Commission and the Securities and Exchange Commission, by order, may jointly exempt any person from compliance with the criterion specified in clause (i)(IV) to the extent such exemption fosters the development of fair and orderly markets in security futures products, is necessary or appropriate in the public interest, and is consistent with the protection of investors.

"(vi)(I) Notwithstanding clauses (i) and (vii), until the compliance date, a board of trade shall not be required to meet the criterion specified in clause (i)(IV).

"(II) The Commission and the Securities and Exchange Commission shall jointly publish in the Federal Register a notice of the compliance date no later than 165 days before the compliance date.

"(III) For purposes of this clause, the term 'compliance date' means the later of—

"(aa) 180 days after the end of the first full calendar month period in which the average aggregate comparable share volume for all security futures products based on single equity securities traded on all designated contract markets and registered derivatives transaction execution facilities equals or exceeds 10 percent of the average aggregate comparable share volume of options on single equity securities traded on all national securities exchanges registered pursuant to section 6(a) of the Securities Exchange Act of 1934 and any national securities associations registered pursuant to section 15A(a) of such Act; or

"(bb) 2 years after the date on which trading in any security futures product commences under this Act.

"(vii) It shall be unlawful for a board of trade to trade or execute a security futures product unless the board of trade has provided the Commission with a certification that the specific security futures product and the board of trade, as applicable, meet the criteria specified in subclauses (I) through (XI) of clause (i), except as otherwise provided in clause (vi).".

(b) MARGIN ON SECURITY FUTURES.—Section 2(a)(1)(C)(vi) of the Commodity Exchange Act (7 U.S.C. 2a(vi)) (as redesignated by section 34) is amended—

(1) by redesignating subclause (V) as subclause (VI); and

(2) by striking "(vi)(I)" and all that follows through subclause (IV) and inserting the following:

"(v)(I) Notwithstanding any other provision of this Act, any contract market in a stock index futures contract (or option thereon) other than a security futures product, or any derivatives transaction execution facility on which such contract or option is traded, shall file with the Board of Governors of the Federal Reserve System any rule establishing or changing the levels of margin (initial and maintenance) for such stock index futures contract (or option thereon) other than security futures products.

"(II) The Board may at any time request any contract market or derivatives transaction execution facility to set the margin for any stock index futures contract (or option thereon), other than for any security futures product, at such levels as the Board in its judgment determines are appropriate to preserve the financial integrity of the contract market or derivatives transaction execution facility, or its clearing system, or to prevent systemic risk. If the contract market or derivatives transaction execution facility fails to do so within the time specified by the Board in its request, the Board may direct the contract market or derivatives transaction execution facility to alter or supplement the rules of the contract market or derivatives transaction execution facility as specified in the request.

"(III) Subject to such conditions as the Board may determine, the Board may delegate any or all of its authority, relating to margin for any stock index futures contract (or option thereon), other than security futures products, under this clause to the Commission.

"(IV) It shall be unlawful for any futures commission merchant to, directly or indirectly, extend or maintain credit to or for, or collect margin from any customer on any security futures product unless such activities comply with the regulations prescribed pursuant to section 7(c)(2)(B) of the Securities Exchange Act of 1934.

"(V) Nothing in this clause shall supersede or limit the authority granted to the Commission in section 8a(9) to direct a contract market or registered derivatives transaction execution facility, on finding an emergency to exist, to raise temporary margin levels on any futures contract, or option on the contract covered by this clause, or on any security futures product.".

(c) DUAL TRADING.—Section 4j of the Commodity Exchange Act (7 U.S.C. 6j) is amended to read as follows:

"SEC. 4j. RESTRICTIONS ON DUAL TRADING IN SECURITY FUTURES PRODUCTS ON DESIGNATED CONTRACT MARKETS AND REGISTERED DERIVATIVES TRANSACTION EXECUTION FACILITIES.

"(a) The Commission shall issue regulations to prohibit the privilege of dual trading in security futures products on each contract market and registered derivatives transaction execution facility. The regulations issued by the Commission under this section—

"(1) shall provide that the prohibition of dual trading thereunder shall take effect upon issuance of the regulations; and

"(2) shall provide exceptions, as the Commission determines appropriate, to ensure fairness and orderly trading in security futures product markets, including—

"(A) exceptions for spread transactions and the correction of trading errors;

"(B) allowance for a customer to designate in writing not less than once annually a named floor broker to execute orders for such customer, notwithstanding the regulations to prohibit the privilege of dual trading required under this section; and

"(C) other measures reasonably designed to accommodate unique or special characteristics of individual boards of trade or contract markets, to address emergency or unusual market conditions, or otherwise to further the public interest consistent with the promotion of market efficiency, innovation, and expansion of investment opportunities, the protection of investors, and with the purposes of this section.

"(b) As used in this section, the term 'dual trading' means the execution of customer orders by a floor broker during the same trading session in which the floor broker executes any trade in the same contract market or registered derivatives transaction execution facility for—

"(1) the account of such floor broker;

"(2) an account for which such floor broker has trading discretion; or

"(3) an account controlled by a person with whom such floor broker has a relationship through membership in a broker association.

"(c) As used in this section, the term 'broker association' shall include two or more contract market members or registered derivatives transaction execution facility members with floor trading privileges of whom at least one is acting as a floor broker, who—

"(1) engage in floor brokerage activity on behalf of the same employer,

"(2) have an employer and employee relationship which relates to floor brokerage activity,

"(3) share profits and losses associated with their brokerage or trading activity, or

"(4) regularly share a deck of orders.".

(d) EXEMPTION FROM REGISTRATION FOR INVESTMENT ADVISERS.—Section 4m of the Commodity Exchange Act (7 U.S.C. 6m) is amended by adding at the end the following:

"(3) Subsection (1) of this section shall not apply to any commodity trading advisor that is registered with the Securities and Exchange Commission as an investment adviser whose business does not consist primarily of acting as a commodity trading advisor, as defined in section 1a(6), and that does not act as a commodity trading advisor to any investment trust, syndicate, or similar form of enterprise that is engaged primarily in trading in any commodity for future delivery on or subject to the rules of any contract market or registered derivatives transaction execution facility.".

(e) Exemption From Investigations of Markets in Underlying Securities.—Section 16 of the Commodity Exchange Act (7 U.S.C. 20) is amended by adding at the end the following:

"(e) This section shall not apply to investigations involving any security underlying a security futures product.".

(f) Rulemaking Authority To Address Duplicative Regulation of Dual Registrants.—Section 4d of the Commodity Exchange Act (7 U.S.C. 6d) is amended—

(1) by inserting "(a)" before the first undesignated paragraph;

(2) by inserting "(b)" before the second undesignated paragraph; and

(3) by adding at the end the following:

"(c) Consistent with this Act, the Commission, in consultation with the Securities and Exchange Commission, shall issue such rules, regulations, or orders as are necessary to avoid duplicative or conflicting regulations applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act (except paragraph (11) thereof), involving the application of—

"(1) section 8, section 15(c)(3), and section 17 of the Securities Exchange Act of 1934 and the rules and regulations thereunder related to the treatment of customer funds, securities, or property, maintenance of books and records, financial reporting or other financial responsibility rules (as defined in section 3(a)(40) of the Securities Exchange Act of 1934), involving security futures products; and

"(2) similar provisions of this Act and the rules and regulations thereunder involving security futures products.".

(g) Obligation To Address Duplicative Regulation of Dual Registrants.—Section 17 of the Commodity Exchange Act (7 U.S.C. 21) is amended by adding at the end the following:

"(r) Consistent with this Act, each futures association registered under this section shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) of this Act (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities and Exchange Act of 1934 (except paragraph (11) thereof), with respect to the application of—

"(1) rules of such futures association of the type specified in section 4d(3) of this Act involving security futures products; and

"(2) similar rules of national securities associations registered pursuant to section 15A(a) of the Securities and Exchange Act of 1934 involving security futures products.".

(h) Obligation to Address Duplicative Regulation of Dual Registrants.—Section 5c of the Commodity Exchange Act (as added by section 114) is amended by adding at the end the following:

"(f) Consistent with this Act, each designated contract market and registered derivatives transaction execution facility shall issue such rules as are necessary to avoid duplicative or conflicting rules applicable to any futures commission merchant registered with the Commission pursuant to section 4f(a) of this Act (except paragraph (2) thereof), that is also registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (except paragraph (11) thereof) with respect to the application of—

"(1) rules of such designated contract market or registered derivatives transaction execution facility of the type specified in section 4d(3) of this Act involving security futures products; and

"(2) similar rules of national securities associations registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 and national securities exchanges registered pursuant to section 6(g) of such Act involving security futures products.".

(i) Obligation To Address Security Futures Products Traded on Foreign Exchanges.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4)) is amended by adding at the end the following:

"(E)(i) To the extent necessary or appropriate in the public interest, to promote fair competition, and consistent with promotion of market efficiency, innovation, and expansion of investment opportunities, the protection of investors, and the maintenance of fair and orderly markets, the Commission and the Securities and Exchange Commission shall jointly issue such rules, regulations, or orders as are necessary and appropriate to permit the offer and sale of a security futures product traded on or subject to the rules of a foreign board of trade to United States persons.

"(ii) The rules, regulations, or orders adopted under clause (i) shall take into account, as appropriate, the nature and size of the markets that the securities underlying the security futures product reflects.".

(j) Security Futures Products Traded on Foreign Boards of Trade.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2, 2a, and 4) is amended by adding at the end the following:

"(F)(i) Nothing in this Act is intended to prohibit a futures commission merchant from carrying security futures products traded on or subject to the rules of a foreign board of trade in the accounts of persons located outside of the United States.

"(ii) Nothing in this Act is intended to prohibit any eligible contract participant located in the United States from purchasing or carrying securities futures products traded on or subject to the rules of a foreign board of trade, exchange, or market to the same extent such person may be authorized to purchase or carry other securities traded on a foreign board of trade, exchange, or market so long as any underlying security for such security futures products is traded principally on, by, or through any exchange or market located outside the United States.".

SEC. 252. APPLICATION OF THE COMMODITY EXCHANGE ACT TO NATIONAL SECURITIES EXCHANGES AND NATIONAL SECURITIES ASSOCIATIONS THAT TRADE SECURITY FUTURES.

(a) Notice Designation of National Securities Exchanges and National Securities Associations.—The Commodity Exchange Act is amended by inserting after section 5e (7 U.S.C. 7b), as redesignated by section 21(1), the following:

"SEC. 5f. DESIGNATION OF SECURITIES EXCHANGES AND ASSOCIATIONS AS CONTRACT MARKETS.

"(a) Any board of trade that is registered with the Securities and Exchange Commission as a national securities exchange, is a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934, or is an alternative trading system shall be a designated contract market in security futures products if—

"(1) such national securities exchange, national securities association, or alternative trading system lists or trades no other contracts of sale for future delivery, except for security futures products;

"(2) such national securities exchange, national securities association, or alternative trading system files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of customers; and

"(3) the registration of such national securities exchange, national securities association, or alternative trading system is not suspended pursuant to an order by the Securities and Exchange Commission.

Such designation shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

"(b)(1) A national securities exchange, national securities association, or alternative trading system that is designated as a contract market pursuant to section 5f shall be exempt from the following provisions of this Act and the rules thereunder:

"(A) Subsections (c), (e), and (g) of section 4c.

"(B) Section 4j.

"(C) Section 5.

"(D) Section 5c.

"(E) Section 6a.

"(F) Section 8(d).

"(G) Section 9(f).

"(H) Section 16.

"(2) An alternative trading system that is a designated contract market under this section shall be required to be a member of a futures association registered under section 17 and shall be exempt from any provision of this Act that would require such alternative trading system to—

"(A) set rules governing the conduct of subscribers other than the conduct of such subscribers' trading on such alternative trading system; or

"(B) discipline subscribers other than by exclusion from trading.

"(3) To the extent that an alternative trading system is exempt from any provision of this Act pursuant to paragraph (2) of this subsection, the futures association registered under section 17 of which the alternative trading system is a member shall set rules governing the conduct of subscribers to the alternative trading system and discipline the subscribers.

"(4)(A) Except as provided in subparagraph (B), but notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any designated contract market in security futures subject to the designation requirement of this section from any provision of this Act or of any rule or regulation thereunder, to the extent such exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

"(B) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section is granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

"(C) An alternative trading system shall not be deemed to be an exchange for any purpose as a result of the designation of such alternative trading system as a contract market under this section.".

(b) Notice Registration of Certain Securities Broker–Dealers; Exemption From Registration for Certain Securities Broker-Dealers.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), and except as provided in paragraph (3), any broker or dealer that is registered with the Securities and Exchange Commission shall be registered as a futures commission merchant or introducing broker, as applicable, if—

"(A) the broker or dealer limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market or registered derivatives transaction execution facility to security futures products;

"(B) the broker or dealer files written notice with the Commission in such form as the Commission, by rule, may prescribe containing such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors;

"(C) the registration of the broker or dealer is not suspended pursuant to an order of the Securities and Exchange Commission; and

"(D) the broker or dealer is a member of a national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934.

The registration shall be effective contemporaneously with the submission of notice, in written or electronic form, to the Commission.

"(3) A floor broker or floor trader shall be exempt from the registration requirements of section 4e and paragraph (1) of this subsection if—

"(A) the floor broker or floor trader is a broker or dealer registered with the Securities and Exchange Commission;

"(B) the floor broker or floor trader limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market to security futures products; and

"(C) the registration of the floor broker or floor trader is not suspended pursuant to an order of the Securities and Exchange Commission.".

(c) EXEMPTION FOR SECURITIES BROKER-DEALERS FROM CERTAIN PROVISIONS OF THE COMMODITY EXCHANGE ACT.—Section 4f(a) of the Commodity Exchange Act (7 U.S.C. 6f(a)) is amended by inserting after paragraph (3), as added by subsection (b) of this section, the following:

"(4)(A) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2), or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall be exempt from the following provisions of this Act and the rules thereunder:

"(i) Subsections (b), (d), (e), and (g) of section 4c.

"(ii) Sections 4d, 4e, and 4h.

"(iii) Subsections (b) and (c) of this section.

"(iv) Section 4j.

"(v) Section 4k(1).

"(vi) Section 4p.

"(vii) Section 6d.

"(viii) Subsections (d) and (g) of section 8.

"(ix) Section 16.

"(B)(i) Except as provided in clause (ii) of this subparagraph, but notwithstanding any other provision of this Act, the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any broker or dealer subject to the registration requirement of paragraph (2), or any broker or dealer exempt from registration pursuant to paragraph (3), from any provision of this Act or of any rule or regulation thereunder, to the extent the exemption is necessary or appropriate in the public interest and is consistent with the protection of investors.

"(ii) The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

"(C)(i) A broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3), shall not be required to become a member of any futures association registered under section 17.

"(ii) No futures association registered under section 17 shall limit its members from carrying an account, accepting an order, or transacting business with a broker or dealer that is registered as a futures commission merchant or introducing broker pursuant to paragraph (2) or an associated person thereof, or that is a floor broker or floor trader exempt from registration pursuant to paragraph (3).".

(d) EXEMPTIONS FOR ASSOCIATED PERSONS OF SECURITIES BROKER-DEALERS.—Section 4k of the Commodity Exchange Act (7 U.S.C. 6k), is amended by inserting after paragraph (4), as added by subsection (c) of this section, the following:

"(5) Any associated person of a broker or dealer that is registered with the Securities and Exchange Commission, and who limits its solicitation of orders, acceptance of orders, or execution of orders, or placing of orders on behalf of others involving any contracts of sale of any commodity for future delivery or any option on such a contract, on or subject to the rules of any contract market or registered derivatives transaction execution facility to security futures products, shall be exempt from the following provisions of this Act and the rules thereunder:

"(A) Subsections (b), (d), (e), and (g) of section 4c.

"(B) Sections 4d, 4e, and 4h.

"(C) Subsections (b) and (c) of section 4f.

"(D) Section 4j.

"(E) Paragraph (1) of this section.

"(F) Section 4p.

"(G) Section 6d.

"(H) Subsections (d) and (g) of section 8.

"(I) Section 16.".

SEC. 253. NOTIFICATION OF INVESTIGATIONS AND ENFORCEMENT ACTIONS.

(a) Section 8(a) of the Commodity Exchange Act (7 U.S.C. 12(a)) is amended by adding at the end the following:

"(3) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.".

(b) Section 6 of the Commodity Exchange Act (7 U.S.C. 8, 9, 9a, 9b, 13b, 15) is amended by adding at the end the following:

"(g) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission pursuant to subsections (c) and (d) of this section against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.".

(c) Section 6c of the Commodity Exchange Act (7 U.S.C. 13a–1) is amended by adding at the end the following:

"(h) The Commission shall provide the Securities and Exchange Commission with notice of the commencement of any proceeding and a copy of any order entered by the Commission against any futures commission merchant or introducing broker registered pursuant to section 4f(a)(2), any floor broker or floor trader exempt from registration pursuant to section 4f(a)(3), any associated person exempt from registration pursuant to section 4k(6), or any board of trade designated as a contract market pursuant to section 5f.".

TITLE III—LEGAL CERTAINTY FOR SWAP AGREEMENTS

SEC. 301. SWAP AGREEMENT.

(a) AMENDMENT.—Title II of the Gramm-Leach-Bliley Act (Public Law 106–102) is amended by inserting after section 206 the following new sections:

"SEC. 206A. SWAP AGREEMENT.

"(a) IN GENERAL.—Except as provided in subsection (b), as used in this section, the term 'swap agreement' means any agreement, contract, or transaction between eligible contract participants (as defined in section 1a(12) of the Commodity Exchange Act as in effect on the date of enactment of this section), other than a person that is an eligible contract participant under section 1a(12)(C) of the Commodity Exchange Act, the material terms of which (other than price and quantity) are subject to individual negotiation, and that—

"(1) is a put, call, cap, floor, collar, or similar option of any kind for the purchase or sale of, or based on the value of, one or more interest or other rates, currencies, commodities, indices, quantitative measures, or other financial or economic interests or property of any kind;

"(2) provides for any purchase, sale, payment or delivery (other than a dividend on an equity security) that is dependent on the occurrence, non-occurrence, or the extent of the occurrence of an event or contingency associated with a potential financial, economic, or commercial consequence;

"(3) provides on an executory basis for the exchange, on a fixed or contingent basis, of one or more payments based on the value or level of one or more interest or other rates, currencies, commodities, securities, instruments of indebtedness, indices, quantitative measures, or other financial or economic interests or property of any kind, or any interest therein or based on the value thereof, and that transfers, as between the parties to the transaction, in whole or in part, the financial risk associated with a future change in any such value or level without also conveying a current or future direct or indirect ownership interest in an asset (including any enterprise or investment pool) or liability that incorporates the financial risk so transferred, including any such agreement, contract, or transaction commonly known as an interest rate swap, including a rate floor, rate cap, rate collar, cross-currency rate swap, basis swap, currency swap, equity index swap, equity swap, debt index swap, debt swap, credit spread, credit default swap, credit swap, weather swap, or commodity swap;

"(4) provides for the purchase or sale, on a fixed or contingent basis, of any commodity, currency, instrument, interest, right, service, good, article, or property of any kind; or

"(5) is any combination or permutation of, or option on, any agreement, contract, or transaction described in any of paragraphs (1) through (4).

"(b) EXCLUSIONS.—The term 'swap agreement' does not include—

"(1) any put, call, straddle, option, or privilege on any security, certificate of deposit, or

group or index of securities, including any interest therein or based on the value thereof;

"(2) any put, call, straddle, option, or privilege entered into on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934 relating to foreign currency;

"(3) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a fixed basis;

"(4) any agreement, contract, or transaction providing for the purchase or sale of one or more securities on a contingent basis, unless such agreement, contract, or transaction predicates such purchase or sale on the occurrence of a bona fide contingency that might reasonably be expected to affect or be affected by the creditworthiness of a party other than a party to the agreement, contract, or transaction;

"(5) any note, bond, or evidence of indebtedness that is a security as defined in section 2(a)(1) of the Securities Exchange Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934; or

"(6) any agreement, contract, or transaction that is—

"(A) based on a security; and

"(B) entered into directly or through an underwriter (as defined in section 2(a) of the Securities Act of 1933) by the issuer of such security for the purposes of raising capital, unless such agreement, contract, or transaction is entered into to manage a risk associated with capital raising.

"(c) RULE OF CONSTRUCTION REGARDING MASTER AGREEMENTS.—As used in this section, the term 'swap agreement' shall be construed to include a master agreement that provides for an agreement, contract, or transaction that is a swap agreement pursuant to subsections (a) and (b), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement, contract, or transaction that is not a swap agreement pursuant to subsections (a) and (b), except that the master agreement shall be considered to be a swap agreement only with respect to each agreement, contract, or transaction under the master agreement that is a swap agreement pursuant to subsections (a) and (b).

"SEC. 206B. SECURITY-BASED SWAP AGREEMENT.

"As used in this section, the term 'security-based swap agreement' means a swap agreement (as defined in section 206A) of which a material term is based on the price, yield, value, or volatility of any security or any group or index of securities, or any interest therein.

"SEC. 206C. NON-SECURITY-BASED SWAP AGREEMENT.

"As used in this section, the term 'non-security-based swap agreement' means any swap agreement (as defined in section 206A) that is not a security-based swap agreement (as defined in section 206B).".

(b) SECURITY DEFINITION.—As used in the amendment made by subsection (a), the term "security" has the same meaning as in section 2(a)(1) of the Securities Act of 1933 or section 3(a)(10) of the Securities Exchange Act of 1934.

SEC. 302. AMENDMENTS TO THE SECURITIES ACT OF 1933.

(a) ENFORCEMENT FOCUS.—The Securities Act of 1933 is amended by inserting after section 2 (15 U.S.C.77b) the following new section:

"SEC. 2A. SWAP AGREEMENTS.

"(a) NON-SECURITY-BASED SWAP AGREEMENTS.—The definition of 'security' in section 2(a)(1) of this title does not include any non-security-based swap agreement (as defined in section 206C of the Gramm-Leach-Bliley Act).

"(b) SECURITY-BASED SWAP AGREEMENTS.—

"(1) The definition of 'security' in section 2(a)(1) of this title does not include any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

"(2) The Commission is prohibited from registering, or requiring, recommending, or suggesting, the registration under this title of any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act). If the Commission becomes aware that a registrant has filed a registration statement with respect to such a swap agreement, the Commission shall promptly so notify the registrant. Any such registration statement with respect to such a swap agreement shall be void and of no force or effect.

"(3) The Commission is prohibited from—

"(A) promulgating, interpreting, or enforcing rules; or

"(B) issuing orders of general applicability;

under this title in a manner that imposes or specifies reporting or recordkeeping requirements, procedures, or standards as prophylactic measures against fraud, manipulation, or insider trading with respect to any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

"(4) References in this title to the 'purchase' or 'sale' of a security-based swap agreement shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act), as the context may require.".

(b) ANTI-FRAUD AND ANTI-MANIPULATION ENFORCEMENT AUTHORITY.—Section 17(a) of the Securities Act of 1933 (15 U.S.C. 77q(a)) is amended to read as follows:

"(a) It shall be unlawful for any person in the offer or sale of any securities or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly—

"(1) to employ any device, scheme, or artifice to defraud, or

"(2) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

"(3) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.".

(c) LIMITATION.—Section 17 of the Securities Act of 1933 is amended by adding at the end the following new subsection:

"(d) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 2A(b) of this title.".

SEC. 303. AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.

(a) ENFORCEMENT FOCUS.—The Securities Exchange Act of 1934 is amended by inserting after section 3 (15 U.S.C. 78c) the following new section:

"SEC. 3A. SWAP AGREEMENTS.

"(a) NON-SECURITY-BASED SWAP AGREEMENTS.—The definition of 'security' in section 3(a)(10) of this title does not include any non-security-based swap agreement (as defined in section 206C of the Gramm-Leach-Bliley Act).

"(b) SECURITY-BASED SWAP AGREEMENTS.—

"(1) The definition of 'security' in section 3(a)(10) of this title does not include any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

"(2) The Commission is prohibited from registering, or requiring, recommending, or suggesting, the registration under this title of any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act). If the Commission becomes aware that a registrant has filed a registration application with respect to such a swap agreement, the Commission shall promptly so notify the registrant. Any such registration with respect to such a swap agreement shall be void and of no force or effect.

"(3) Except as provided in section 16(a) with respect to reporting requirements, the Commission is prohibited from—

"(A) promulgating, interpreting, or enforcing rules; or

"(B) issuing orders of general applicability;

under this title in a manner that imposes or specifies reporting or recordkeeping requirements, procedures, or standards as prophylactic measures against fraud, manipulation, or insider trading with respect to any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act).

"(4) References in this title to the 'purchase' or 'sale' of a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be deemed to mean the execution, termination (prior to its scheduled maturity date), assignment, exchange, or similar transfer or conveyance of, or extinguishing of rights or obligations under, a security-based swap agreement, as the context may require.".

(b) ANTI-FRAUD, ANTI-MANIPULATION ENFORCEMENT AUTHORITY.—Paragraphs (2) through (5) of section 9(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78i(a)(2)–(5)) are amended to read as follows:

"(2) To effect, alone or with one or more other persons, a series of transactions in any security registered on a national securities exchange or in connection with any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security creating actual or apparent active trading in such security, or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

"(3) If a dealer or broker, or other person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to induce the purchase or sale of any security registered on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security by the circulation or dissemination in the ordinary course of business of information to the effect that the price of any such security will or is likely to rise or fall because of market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.

"(4) If a dealer or broker, or the person selling or offering for sale or purchasing or offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to make, regarding any security registered on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, for the purpose of inducing the purchase or sale of such security or such security-based swap agreement, any statement which was at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, and which he knew or had reasonable ground to believe was so false or misleading.

"(5) For a consideration, received directly or indirectly from a dealer or broker, or other person selling or offering for sale or purchasing or

offering to purchase the security or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security, to induce the purchase of any security registered on a national securities exchange or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security by the circulation or dissemination of information to the effect that the price of any such security will or is likely to rise or fall because of the market operations of any one or more persons conducted for the purpose of raising or depressing the price of such security.".

(c) LIMITATION.—Section 9 of the Securities Exchange Act of 1934 is amended by adding at the end the following new subsection:

"(i) The authority of the Commission under this section with respect to security-based swap agreements shall be subject to the restrictions and limitations of section 3A(b) of this title.".

(d) REGULATIONS ON THE USE OF MANIPULATIVE AND DECEPTIVE DEVICES.—Section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) is amended—

(1) in subsection (b), by inserting "or any securities-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)," before "any manipulative or deceptive device"; and

(2) by adding at the end the following:

"Rules promulgated under subsection (b) that prohibit fraud, manipulation, or insider trading (but not rules imposing or specifying reporting or recordkeeping requirements, procedures, or standards as prophylactic measures against fraud, manipulation, or insider trading), and judicial precedents decided under subsection (b) and rules promulgated thereunder that prohibit fraud, manipulation, or insider trading, shall apply to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) to the same extent as they apply to securities. Judicial precedents decided under section 17(a) of the Securities Act of 1933 and sections 9, 15, 16, 20, and 21A of this title, and judicial precedents decided under applicable rules promulgated under such sections, shall apply to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) to the same extent as they apply to securities.".

(e) BROKER, DEALER ANTI-FRAUD, ANTI-MANIPULATION ENFORCEMENT AUTHORITY.—Section 15(c)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(c)(1)) is amended to read as follows:

"(c)(1)(A) No broker or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange of which it is a member, or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act), by means of any manipulative, deceptive, or other fraudulent device or contrivance.

"(B) No municipal securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a municipal security by means of any manipulative, deceptive, or other fraudulent device or contrivance.

"(C) No government securities broker or government securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or to attempt to induce the purchase or sale of, any government security or any security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving a government security by means of any manipulative, deceptive, or other fraudulent device or contrivance.".

(f) LIMITATION.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

"(i) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.".

(g) ANTI-INSIDER TRADING ENFORCEMENT AUTHORITY.—Subsections (a) and (b) of section 16 (15 U.S.C. 78p(a), (b)) of the Securities Exchange of 1934 are amended to read as follows:

"(a) Every person who is directly or indirectly the beneficial owner of more than 10 per centum of any class of any equity security (other than an exempted security) which is registered pursuant to section 12 of this title, or who is a director or an officer of the issuer of such security, shall file, at the time of the registration of such security on a national securities exchange or by the effective date of a registration statement filed pursuant to section 12 (g) of this title, or within ten days after he becomes such beneficial owner, director, or officer, a statement with the Commission (and, if such security is registered on a national securities exchange, also with the exchange) of the amount of all equity securities of such issuer of which he is the beneficial owner, and within ten days after the close of each calendar month thereafter, if there has been a change in such ownership or if such person shall have purchased or sold a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving such equity security during such month, shall file with the Commission (and if such security is registered on a national securities exchange, shall also file with the exchange), a statement indicating his ownership at the close of the calendar month and such changes in his ownership and such purchases and sales of such security-based swap agreements as have occurred during such calendar month.

"(b) For the purpose of preventing the unfair use of information which may have been obtained by such beneficial owner, director, or officer by reason of his relationship to the issuer, any profit realized by him from any purchase and sale, or any sale and purchase, of any equity security of such issuer (other than an exempted security) or a security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involving any such equity security within any period of less than six months, unless such security or security-based swap agreement was acquired in good faith in connection with a debt previously contracted, shall inure to and be recoverable by the issuer, irrespective of any intention on the part of such beneficial owner, director, or officer in entering into such transaction of holding the security or security-based swap agreement purchased or of not repurchasing the security or security-based swap agreement sold for a period exceeding six months. Suit to recover such profit may be instituted at law or in equity in any court of competent jurisdiction by the issuer, or by the owner of any security of the issuer in the name and in behalf of the issuer if the issuer shall fail or refuse to bring such suit within sixty days after request or shall fail diligently to prosecute the same thereafter; but no such suit shall be brought more than two years after the date such profit was realized. This subsection shall not be construed to cover any transaction where such beneficial owner was not such both at the time of the purchase and sale, or the sale and purchase, of the security or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) involved, or any transaction or transactions which the Commission by rules and regulations may exempt as not comprehended within the purpose of this subsection.".

(h) LIMITATION.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following new subsection:

"(g) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.".

(i) MATERIAL NONPUBLIC INFORMATION.—Section 20(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78t(d)) is amended to read as follows:

"(d) Wherever communicating, or purchasing or selling a security while in possession of, material nonpublic information would violate, or result in liability to any purchaser or seller of the security under any provisions of this title, or any rule or regulation thereunder, such conduct in connection with a purchase or sale of a put, call, straddle, option, privilege or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act) with respect to such security or with respect to a group or index of securities including such security, shall also violate and result in comparable liability to any purchaser or seller of that security under such provision, rule, or regulation.".

(j) LIMITATION.—Section 20 of the Securities Exchange Act of 1934 (15 U.S.C. 78t) is amended by adding at the end the following new subsection:

"(f) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.".

(k) CIVIL PENALTIES.—Section 21A(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1)a)(1)) is amended by inserting after "purchasing or selling a security" the following: "or security-based swap agreement (as defined in section 206B of the Gramm-Leach-Bliley Act)".

(l) LIMITATION.—Section 21A of the Securities Exchange Act of 1934 (15 U.S.C. 78u–1) is amended by adding at the end the following new subsection:

"(g) The authority of the Commission under this section with respect to security-based swap agreements (as defined in section 206B of the Gramm-Leach-Bliley Act) shall be subject to the restrictions and limitations of section 3A(b) of this title.".

SEC. 304. SAVINGS PROVISIONS.

Nothing in this Act or the amendments made by this Act shall be construed as finding or implying that any swap agreement is or is not a security for any purpose under the securities laws. Nothing in this Act or the amendments made by this Act shall be construed as finding or implying that any swap agreement is or is not a futures contract or commodity option for any purpose under the Commodity Exchange Act.

TITLE IV—REGULATORY RESPONSIBILITY FOR BANK PRODUCTS

SEC. 401. SHORT TITLE.

This title may be cited as the "Legal Certainty for Bank Products Act of 2000".

SEC. 402. DEFINITIONS.

(a) BANK.—In this title, the term "bank" means—

(1) any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act);

(2) any foreign bank or branch or agency of a foreign bank (each as defined in section 1(b) of the International Banking Act of 1978);

(3) any Federal or State credit union (as defined in section 101 of the Federal Credit Union Act);

(4) any corporation organized under section 25A of the Federal Reserve Act;

(5) any corporation operating under section 25 of the Federal Reserve Act;

(6) any trust company; or

(7) any subsidiary of any entity described in paragraph (1) through (6) of this subsection, if the subsidiary is regulated as if the subsidiary were part of the entity and is not a broker or dealer (as such terms are defined in section 3 of the Securities Exchange Act of 1934) or a futures commission merchant (as defined in section 1a(20) of the Commodity Exchange Act).

(b) Identified Banking Product.—In this title, the term "identified banking product" shall have the same meaning as in paragraphs (1) through (5) of section 206(a) of the Gramm-Leach-Bliley Act, except that in applying such section for purposes of this title—

(1) the term "bank" shall have the meaning given in subsection (a) of this section; and

(2) the term "qualified investor" means eligible contract participant (as defined in section 1a(12) of the Commodity Exchange Act, as in effect on the date of enactment of the Commodity Futures Modernization Act of 2000).

(c) Hybrid Instrument.—In this title, the term "hybrid instrument" means an identified banking product not excluded by section 403 of this Act, offered by a bank, having 1 or more payments indexed to the value, level, or rate of, or providing for the delivery of, 1 or more commodities (as defined in section 1a(4) of the Commodity Exchange Act).

(d) Covered Swap Agreement.—In this title, the term "covered swap agreement" means a swap agreement (as defined in section 206(b) of the Gramm-Leach-Bliley Act), including a credit or equity swap, based on a commodity other than an agricultural commodity enumerated in section 1a(4) of the Commodity Exchange Act if—

(1) the swap agreement—

(A) is entered into only between persons that are eligible contract participants (as defined in section 1a(12) of the Commodity Exchange Act, as in effect on the date of enactment of the Commodity Futures Modernization Act of 2000) at the time the persons enter into the swap agreement; and

(B) is not entered into or executed on a trading facility (as defined in section 1a(33) of the Commodity Exchange Act); or

(2) the swap agreement—

(A) is entered into or executed on an electronic trading facility (as defined in section 1a(10) of the Commodity Exchange Act);

(B) is entered into on a principal-to-principal basis between parties trading for their own accounts or as described in section 1a(12)(B)(ii) of the Commodity Exchange Act;

(C) is entered into only between persons that are eligible contract participants as described in subparagraphs (A), (B)(ii), or (C) of section 1a(12) of the Commodity Exchange Act, as in effect on the date of enactment of the Commodity Futures Modernization Act of 2000, at the time the persons enter into the swap agreement; and

(D) is an agreement, contract or transaction in an excluded commodity (as defined in section 1a(13) of the Commodity Exchange Act).

SEC. 403. EXCLUSION OF IDENTIFIED BANKING PRODUCTS COMMONLY OFFERED ON OR BEFORE DECEMBER 5, 2000.

No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, an identified banking product if—

(1) an appropriate banking agency certifies that the product has been commonly offered, entered into, or provided in the United States by any bank on or before December 5, 2000, under applicable banking law; and

(2) the product was not prohibited by the Commodity Exchange Act and not regulated by the Commodity Futures Trading Commission as a contract of sale of a commodity for future delivery (or an option on such a contract) or an option on a commodity, on or before December 5, 2000.

SEC. 404. EXCLUSION OF CERTAIN IDENTIFIED BANKING PRODUCTS OFFERED BY BANKS AFTER DECEMBER 5, 2000.

No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, an identified banking product which had not been commonly offered, entered into, or provided in the United States by any bank on or before December 5, 2000, under applicable banking law if—

(1) the product has no payment indexed to the value, level, or rate of, and does not provide for the delivery of, any commodity (as defined in section 1a(4) of the Commodity Exchange Act); or

(2) the product or commodity is otherwise excluded from the Commodity Exchange Act.

SEC. 405. EXCLUSION OF CERTAIN OTHER IDENTIFIED BANKING PRODUCTS.

(a) In General.—No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, a banking product if the product is a hybrid instrument that is predominantly a banking product under the predominance test set forth in subsection (b).

(b) Predominance Test.—A hybrid instrument shall be considered to be predominantly a banking product for purposes of this section if—

(1) the issuer of the hybrid instrument receives payment in full of the purchase price of the hybrid instrument substantially contemporaneously with delivery of the hybrid instrument;

(2) the purchaser or holder of the hybrid instrument is not required to make under the terms of the instrument, or any arrangement referred to in the instrument, any payment to the issuer in addition to the purchase price referred to in paragraph (1), whether as margin, settlement payment, or otherwise during the life of the hybrid instrument or at maturity;

(3) the issuer of the hybrid instrument is not subject by the terms of the instrument to mark-to-market margining requirements; and

(4) the hybrid instrument is not marketed as a contract of sale of a commodity for future delivery (or option on such a contract) subject to the Commodity Exchange Act.

(c) Mark-to-Market Margining Requirement.—For purposes of subsection (b)(3), mark-to-market margining requirements shall not include the obligation of an issuer of a secured debt instrument to increase the amount of collateral held in pledge for the benefit of the purchaser of the secured debt instrument to secure the repayment obligations of the issuer under the secured debt instrument.

SEC. 406. ADMINISTRATION OF THE PREDOMINANCE TEST.

(a) In General.—No provision of the Commodity Exchange Act shall apply to, and the Commodity Futures Trading Commission shall not regulate, a hybrid instrument, unless the Commission determines, by or under a rule issued in accordance with this section, that—

(1) the action is necessary and appropriate in the public interest;

(2) the action is consistent with the Commodity Exchange Act and the purposes of the Commodity Exchange Act; and

(3) the hybrid instrument is not predominantly a banking product under the predominance test set forth in section 405(b) of this Act.

(b) Consultation.—Before commencing a rulemaking or making a determination pursuant to a rule issued under this title, the Commodity Futures Trading Commission shall consult with and seek the concurrence of the Board of Governors of the Federal Reserve System concerning—

(1) the nature of the hybrid instrument; and

(2) the history, purpose, extent, and appropriateness of the regulation of the hybrid instrument under the Commodity Exchange Act and under appropriate banking laws.

(c) Objection to Commission Regulation.—

(1) Filing of Petition for Review.—The Board of Governors of the Federal Reserve System may obtain review of any rule or determination referred to in subsection (a) in the United States Court of Appeals for the District of Columbia Circuit by filing in the court, not later than 60 days after the date of publication of the rule or determination, a written petition requesting that the rule or determination be set aside. Any proceeding to challenge any such rule or determination shall be expedited by the court.

(2) Transmittal of Petition and Record.—A copy of a petition described in paragraph (1) shall be transmitted as soon as possible by the Clerk of the court to an officer or employee of the Commodity Futures Trading Commission designated for that purpose. Upon receipt of the petition, the Commission shall file with the court the rule or determination under review and any documents referred to therein, and any other relevant materials prescribed by the court.

(3) Exclusive Jurisdiction.—On the date of the filing of a petition under paragraph (1), the court shall have jurisdiction, which shall become exclusive on the filing of the materials set forth in paragraph (2), to affirm and enforce or to set aside the rule or determination at issue.

(4) Standard of Review.—The court shall determine to affirm and enforce or set aside a rule or determination of the Commodity Futures Trading Commission under this section, based on the determination of the court as to whether—

(A) the subject product is predominantly a banking product; and

(B) making the provision or provisions of the Commodity Exchange Act at issue applicable to the subject instrument is appropriate in light of the history, purpose, and extent of regulation under such Act, this title, and under the appropriate banking laws, giving deference neither to the views of the Commodity Futures Trading Commission nor the Board of Governors of the Federal Reserve System.

(5) Judicial Stay.—The filing of a petition by the Board pursuant to paragraph (1) shall operate as a judicial stay, until the date on which the determination of the court is final (including any appeal of the determination).

(6) Other Authority to Challenge.—Any aggrieved party may seek judicial review pursuant to section 6(c) of the Commodity Exchange Act of a determination or rulemaking by the Commodity Futures Trading Commission under this section.

SEC. 407. EXCLUSION OF COVERED SWAP AGREEMENTS.

No provision of the Commodity Exchange Act (other than section 5b of such Act with respect to the clearing of covered swap agreements) shall apply to, and the Commodity Futures Trading Commission shall not exercise regulatory authority with respect to, a covered swap agreement offered, entered into, or provided by a bank.

SEC. 408. CONTRACT ENFORCEMENT.

(a) Hybrid Instruments.—No hybrid instrument shall be void, voidable, or unenforceable, and no party to a hybrid instrument shall be entitled to rescind, or recover any payment made

with respect to, a hybrid instrument under any provision of Federal or State law, based solely on the failure of the hybrid instrument to satisfy the predominance test set forth in section 405(b) of this Act or to comply with the terms or conditions of an exemption or exclusion from any provision of the Commodity Exchange Act or any regulation of the Commodity Futures Trading Commission.

(b) COVERED SWAP AGREEMENTS.—No covered swap agreement shall be void, voidable, or unenforceable, and no party to a covered swap agreement shall be entitled to rescind, or recover any payment made with respect to, a covered swap agreement under any provision of Federal or State law, based solely on the failure of the covered swap agreement to comply with the terms or conditions of an exemption or exclusion from any provision of the Commodity Exchange Act or any regulation of the Commodity Futures Trading Commission.

(c) PREEMPTION.—This title shall supersede and preempt the application of any State or local law that prohibits or regulates gaming or the operation of bucket shops (other than antifraud provisions of general applicability) in the case of—

(1) a hybrid instrument that is predominantly a banking product; or

(2) a covered swap agreement.

MEDICARE, MEDICAID, AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000

The conference agreement would enact the provisions of H.R. 5661, as introduced on December 14, 2000. The text of that bill follows:

A BILL To amend titles XVIII, XIX, and XXI of the Social Security Act to provide benefits improvements and beneficiary protections in the Medicare and Medicaid Programs and the State child health insurance program (SCHIP), as revised by the Balanced Budget Act of 1997 and the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES TO OTHER ACTS; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO OTHER ACTS.—In this Act:

(1) BALANCED BUDGET ACT OF 1997.—The term "BBA" means the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

(2) MEDICARE, MEDICAID, AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999.—The term "BBRA" means the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (Appendix F, 113 Stat. 1501A–321), as enacted into law by section 1000(a)(6) of Public Law 106–113.

(d) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references to other Acts; table of contents.

TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improved Preventive Benefits

Sec. 101. Coverage of biennial screening pap smear and pelvic exams.
Sec. 102. Coverage of screening for glaucoma.
Sec. 103. Coverage of screening colonoscopy for average risk individuals.
Sec. 104. Modernization of screening mammography benefit.
Sec. 105. Coverage of medical nutrition therapy services for beneficiaries with diabetes or a renal disease.

Subtitle B—Other Beneficiary Improvements

Sec. 111. Acceleration of reduction of beneficiary copayment for hospital outpatient department services.
Sec. 112. Preservation of coverage of drugs and biologicals under part B of the medicare program.
Sec. 113. Elimination of time limitation on medicare benefits for immunosuppressive drugs.
Sec. 114. Imposition of billing limits on drugs.
Sec. 115. Waiver of 24-month waiting period for medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS).

Subtitle C—Demonstration Projects and Studies

Sec. 121. Demonstration project for disease management for severely chronically ill medicare beneficiaries.
Sec. 122. Cancer prevention and treatment demonstration for ethnic and racial minorities.
Sec. 123. Study on medicare coverage of routine thyroid screening.
Sec. 124. MedPAC study on consumer coalitions.
Sec. 125. Study on limitation on State payment for medicare cost-sharing affecting access to services for qualified medicare beneficiaries.
Sec. 126. Studies on preventive interventions in primary care for older Americans.
Sec. 127. MedPAC study and report on medicare coverage of cardiac and pulmonary rehabilitation therapy services.
Sec. 128. Lifestyle modification program demonstration.

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

Subtitle A—Critical Access Hospital Provisions

Sec. 201. Clarification of no beneficiary cost-sharing for clinical diagnostic laboratory tests furnished by critical access hospitals.
Sec. 202. Assistance with fee schedule payment for professional services under all-inclusive rate.
Sec. 203. Exemption of critical access hospital swing beds from SNF PPS.
Sec. 204. Payment in critical access hospitals for emergency room on-call physicians.
Sec. 205. Treatment of ambulance services furnished by certain critical access hospitals.
Sec. 206. GAO study on certain eligibility requirements for critical access hospitals.

Subtitle B—Other Rural Hospitals Provisions

Sec. 211. Treatment of rural disproportionate share hospitals.
Sec. 212. Option to base eligibility for medicare dependent, small rural hospital program on discharges during 2 of the 3 most recently audited cost reporting periods.
Sec. 213. Extension of option to use rebased target amounts to all sole community hospitals.
Sec. 214. MedPAC analysis of impact of volume on per unit cost of rural hospitals with psychiatric units.

Subtitle C—Other Rural Provisions

Sec. 221. Assistance for providers of ambulance services in rural areas.
Sec. 222. Payment for certain physician assistant services.
Sec. 223. Revision of medicare reimbursement for telehealth services.
Sec. 224. Expanding access to rural health clinics.
Sec. 225. MedPAC study on low-volume, isolated rural health care providers.

TITLE III—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

Sec. 301. Revision of acute care hospital payment update for 2001.
Sec. 302. Additional modification in transition for indirect medical education (IME) percentage adjustment.
Sec. 303. Decrease in reductions for disproportionate share hospital (DSH) payments.
Sec. 304. Wage index improvements.
Sec. 305. Payment for inpatient services of rehabilitation hospitals.
Sec. 306. Payment for inpatient services of psychiatric hospitals.
Sec. 307. Payment for inpatient services of long-term care hospitals.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities

Sec. 311. Elimination of reduction in skilled nursing facility (SNF) market basket update in 2001.
Sec. 312. Increase in nursing component of PPS Federal rate.
Sec. 313. Application of SNF consolidated billing requirement limited to part A covered stays.
Sec. 314. Adjustment of rehabilitation RUGs to correct anomaly in payment rates.
Sec. 315. Establishment of process for geographic reclassification.

Subtitle C—Hospice Care

Sec. 321. 5 percent increase in payment base.
Sec. 322. Clarification of physician certification.
Sec. 323. MedPAC report on access to, and use of, hospice benefit.

Subtitle D—Other Provisions

Sec. 331. Relief from medicare part A late enrollment penalty for group buy-in for State and local retirees.

TITLE IV—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

Sec. 401. Revision of hospital outpatient PPS payment update.
Sec. 402. Clarifying process and standards for determining eligibility of devices for pass-through payments under hospital outpatient PPS.
Sec. 403. Application of OPD PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report.
Sec. 404. Application of rules for determining provider-based status for certain entities.
Sec. 405. Treatment of children's hospitals under prospective payment system.
Sec. 406. Inclusion of temperature monitored cryoablation in transitional pass-through for certain medical devices, drugs, and biologicals under OPD PPS.

Subtitle B—Provisions Relating to Physicians' Services

Sec. 411. GAO studies relating to physicians' services.
Sec. 412. Physician group practice demonstration.
Sec. 413. Study on enrollment procedures for groups that retain independent contractor physicians.

Subtitle C—Other Services

Sec. 421. 1-year extension of moratorium on therapy caps; report on standards for supervision of physical therapy assistants.

Sec. 422. Update in renal dialysis composite rate.

Sec. 423. Payment for ambulance services.

Sec. 424. Ambulatory surgical centers.

Sec. 425. Full update for durable medical equipment.

Sec. 426. Full update for orthotics and prosthetics.

Sec. 427. Establishment of special payment provisions and requirements for prosthetics and certain custom-fabricated orthotic items.

Sec. 428. Replacement of prosthetic devices and parts.

Sec. 429. Revised part B payment for drugs and biologicals and related services.

Sec. 430. Contrast enhanced diagnostic procedures under hospital prospective payment system.

Sec. 431. Qualifications for community mental health centers.

Sec. 432. Payment of physician and nonphysician services in certain Indian providers.

Sec. 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants.

Sec. 434. MedPAC study and report on medicare reimbursement for services provided by certain providers.

Sec. 435. MedPAC study and report on medicare coverage of services provided by certain nonphysician providers.

Sec. 436. GAO study and report on the costs of emergency and medical transportation services.

Sec. 437. GAO studies and reports on medicare payments.

Sec. 438. MedPAC study on access to outpatient pain management services.

TITLE V—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

Sec. 501. 1-year additional delay in application of 15 percent reduction on payment limits for home health services.

Sec. 502. Restoration of full home health market basket update for home health services for fiscal year 2001.

Sec. 503. Temporary two-month periodic interim payment.

Sec. 504. Use of telehealth in delivery of home health services.

Sec. 505. Study on costs to home health agencies of purchasing nonroutine medical supplies.

Sec. 506. Treatment of branch offices; GAO study on supervision of home health care provided in isolated rural areas.

Sec. 507. Clarification of the homebound definition under the medicare home health benefit.

Sec. 508. Temporary increase for home health services furnished in a rural area.

Subtitle B—Direct Graduate Medical Education

Sec. 511. Increase in floor for direct graduate medical education payments.

Sec. 512. Change in distribution formula for Medicare+Choice-related nursing and allied health education costs.

Subtitle C—Changes in Medicare Coverage and Appeals Process

Sec. 521. Revisions to medicare appeals process.

Sec. 522. Revisions to medicare coverage process.

Subtitle D—Improving Access to New Technologies

Sec. 531. Reimbursement improvements for new clinical laboratory tests and durable medical equipment.

Sec. 532. Retention of HCPCS level III codes.

Sec. 533. Recognition of new medical technologies under inpatient hospital PPS.

Subtitle E—Other Provisions

Sec. 541. Increase in reimbursement for bad debt.

Sec. 542. Treatment of certain physician pathology services under medicare.

Sec. 543. Extension of advisory opinion authority.

Sec. 544. Change in annual MedPAC reporting.

Sec. 545. Development of patient assessment instruments.

Sec. 546. GAO report on impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments.

Sec. 547. Clarification of application of temporary payment increases for 2001.

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

Sec. 601. Increase in minimum payment amount.

Sec. 602. Increase in minimum percentage increase.

Sec. 603. Phase-in of risk adjustment.

Sec. 604. Transition to revised Medicare+Choice payment rates.

Sec. 605. Revision of payment rates for ESRD patients enrolled in Medicare+Choice plans.

Sec. 606. Permitting premium reductions as additional benefits under Medicare+Choice plans.

Sec. 607. Full implementation of risk adjustment for congestive heart failure enrollees for 2001.

Sec. 608. Expansion of application of Medicare+Choice new entry bonus.

Sec. 609. Report on inclusion of certain costs of the Department of Veterans Affairs and military facility services in calculating Medicare+Choice payment rates.

Subtitle B—Other Medicare+Choice Reforms

Sec. 611. Payment of additional amounts for new benefits covered during a contract term.

Sec. 612. Restriction on implementation of significant new regulatory requirements midyear.

Sec. 613. Timely approval of marketing material that follows model marketing language.

Sec. 614. Avoiding duplicative regulation.

Sec. 615. Election of uniform local coverage policy for Medicare+Choice plan covering multiple localities.

Sec. 616. Eliminating health disparities in Medicare+Choice program.

Sec. 617. Medicare+Choice program compatibility with employer or union group health plans.

Sec. 618. Special medigap enrollment antidiscrimination provision for certain beneficiaries.

Sec. 619. Restoring effective date of elections and changes of elections of Medicare+Choice plans.

Sec. 620. Permitting ESRD beneficiaries to enroll in another Medicare+Choice plan if the plan in which they are enrolled is terminated.

Sec. 621. Providing choice for skilled nursing facility services under the Medicare+Choice program.

Sec. 622. Providing for accountability of Medicare+Choice plans.

Sec. 623. Increased civil money penalty for Medicare+Choice organizations that terminate contracts mid-year.

Subtitle C—Other Managed Care Reforms

Sec. 631. 1-year extension of social health maintenance organization (SHMO) demonstration project.

Sec. 632. Revised terms and conditions for extension of medicare community nursing organization (CNO) demonstration project.

Sec. 633. Extension of medicare municipal health services demonstration projects.

Sec. 634. Service area expansion for medicare cost contracts during transition period.

TITLE VII—MEDICAID

Sec. 701. DSH payments.

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TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

Subtitle A—Improved Preventive Benefits

SEC. 101. COVERAGE OF BIENNIAL SCREENING PAP SMEAR AND PELVIC EXAMS.

(a) IN GENERAL.—

(1) BIENNIAL SCREENING PAP SMEAR.—Section 1861(nn)(1) (42 U.S.C. 1395x(nn)(1)) is amended by striking "3 years" and inserting "2 years".

(2) BIENNIAL SCREENING PELVIC EXAM.—Section 1861(nn)(2) (42 U.S.C. 1395x(nn)(2)) is amended by striking "3 years" and inserting "2 years".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to items and services furnished on or after July 1, 2001.

SEC. 102. COVERAGE OF SCREENING FOR GLAUCOMA.

(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (S);

(2) by inserting "and" at the end of subparagraph (T); and

(3) by adding at the end the following:

"(U) screening for glaucoma (as defined in subsection (uu)) for individuals determined to be at high risk for glaucoma, individuals with a family history of glaucoma and individuals with diabetes;".

(b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Screening for Glaucoma

"(uu) The term 'screening for glaucoma' means a dilated eye examination with an intraocular pressure measurement, and a direct ophthalmoscopy or a slit-lamp biomicroscopic examination for the early detection of glaucoma which is furnished by or under the direct supervision of an optometrist or ophthalmologist who is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished, as would otherwise be covered if furnished by a physician or as an incident to a physician's professional service, if the individual involved has not had such an examination in the preceding year.".

(c) CONFORMING AMENDMENT.—Section 1862(a)(1)(F) (42 U.S.C. 1395y(a)(1)(F)) is amended—

(1) by striking "and,"; and

(2) by adding at the end the following: "and, in the case of screening for glaucoma, which is performed more frequently than is provided under section 1861(uu),".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2002.

SEC. 103. COVERAGE OF SCREENING COLONOSCOPY FOR AVERAGE RISK INDIVIDUALS.

(a) IN GENERAL.—Section 1861(pp) (42 U.S.C. 1395x(pp)) is amended—

(1) in paragraph (1)(C), by striking "In the case of an individual at high risk for colorectal cancer, screening colonoscopy" and inserting "Screening colonoscopy"; and

(2) in paragraph (2), by striking "In paragraph (1)(C), an" and inserting "An".

(b) FREQUENCY LIMITS FOR SCREENING COLONOSCOPY.—Section 1834(d) (42 U.S.C. 1395m(d)) is amended—

(1) in paragraph (2)(E)(ii), by inserting before the period at the end the following: "or, in the case of an individual who is not at high risk for colorectal cancer, if the procedure is performed within the 119 months after a previous screening colonoscopy"; and

(2) in paragraph (3)—

(A) in the heading by striking "FOR INDIVIDUALS AT HIGH RISK FOR COLORECTAL CANCER";

(B) in subparagraph (A), by striking "for individuals at high risk for colorectal cancer (as defined in section 1861(pp)(2))"; and

(C) in subparagraph (E), by inserting before the period at the end the following: "or for other individuals if the procedure is performed within the 119 months after a previous screening colonoscopy or within 47 months after a previous screening flexible sigmoidoscopy".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to colorectal cancer screening services provided on or after July 1, 2001.

SEC. 104. MODERNIZATION OF SCREENING MAMMOGRAPHY BENEFIT.

(a) INCLUSION IN PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) (42 U.S.C. 1395w–4(j)(3)) is amended by inserting "(13)," after "(4),".

(b) CONFORMING AMENDMENT.—Section 1834(c) (42 U.S.C. 1395m(c)) is amended to read as follows:

"(c) PAYMENT AND STANDARDS FOR SCREENING MAMMOGRAPHY.—

"(1) IN GENERAL.—With respect to expenses incurred for screening mammography (as defined in section 1861(jj)), payment may be made only—

"(A) for screening mammography conducted consistent with the frequency permitted under paragraph (2); and

"(B) if the screening mammography is conducted by a facility that has a certificate (or provisional certificate) issued under section 354 of the Public Health Service Act.

"(2) FREQUENCY COVERED.—

"(A) IN GENERAL.—Subject to revision by the Secretary under subparagraph (B)—

"(i) no payment may be made under this part for screening mammography performed on a woman under 35 years of age;

"(ii) payment may be made under this part for only one screening mammography performed on a woman over 34 years of age, but under 40 years of age; and

"(iii) in the case of a woman over 39 years of age, payment may not be made under this part for screening mammography performed within 11 months following the month in which a previous screening mammography was performed.

"(B) REVISION OF FREQUENCY.—

"(i) REVIEW.—The Secretary, in consultation with the Director of the National Cancer Institute, shall review periodically the appropriate frequency for performing screening mammography, based on age and such other factors as the Secretary believes to be pertinent.

"(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which screening mammography may be paid for under this subsection.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to screening mammographies furnished on or after January 1, 2002.

(d) PAYMENT FOR NEW TECHNOLOGIES.—

(1) TESTS FURNISHED IN 2001.—

(A) SCREENING.—For a screening mammography (as defined in section 1861(jj) of the Social Security Act (42 U.S.C. 1395x(jj))) furnished during the period beginning on April 1, 2001, and ending on December 31, 2001, that uses a new technology, payment for such screening mammography shall be made as follows:

(i) In the case of a technology which directly takes a digital image (without involving film), in an amount equal to 150 percent of the amount of payment under section 1848 of such Act (42 U.S.C. 1395w–4) for a bilateral diagnostic mammography (under HCPCS code 76091) for such year.

(ii) In the case of a technology which allows conversion of a standard film mammogram into a digital image and subsequently analyzes such resulting image with software to identify possible problem areas, in an amount equal to the limit that would otherwise be applied under section 1834(c)(3) of such Act (42 U.S.C. 1395m(c)(3)) for 2001, increased by $15.

(B) BILATERAL DIAGNOSTIC MAMMOGRAPHY.—For a bilateral diagnostic mammography furnished during the period beginning on April 1, 2001, and ending on December 31, 2001, that uses a new technology described in subparagraph (A), payment for such mammography shall be the amount of payment provided for under such subparagraph.

(C) ALLOCATION OF AMOUNTS.—The Secretary shall provide for an appropriate allocation of the amounts under subparagraphs (A) and (B) between the professional and technical components.

(D) IMPLEMENTATION OF PROVISION.—The Secretary of Health and Human Services may implement the provisions of this paragraph by program memorandum or otherwise.

(2) CONSIDERATION OF NEW HCPCS CODE FOR NEW TECHNOLOGIES AFTER 2001.—The Secretary shall determine, for such mammographies performed after 2001, whether the assignment of a new HCPCS code is appropriate for mammography that uses a new technology. If the Secretary determines that a new code is appropriate for such mammography, the Secretary shall provide for such new code for such tests furnished after 2001.

(3) NEW TECHNOLOGY DESCRIBED.—For purposes of this subsection, a new technology with respect to a mammography is an advance in technology with respect to the test or equipment that results in the following:

(A) A significant increase or decrease in the resources used in the test or in the manufacture of the equipment.

(B) A significant improvement in the performance of the test or equipment.

(C) A significant advance in medical technology that is expected to significantly improve the treatment of medicare beneficiaries.

(4) HCPCS CODE DEFINED.—The term "HCPCS code" means a code under the Health Care Financing Administration Common Procedure Coding System (HCPCS).

SEC. 105. COVERAGE OF MEDICAL NUTRITION THERAPY SERVICES FOR BENEFICIARIES WITH DIABETES OR A RENAL DISEASE.

(a) COVERAGE.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)), as amended by section 102(a), is amended—

(1) in subparagraph (T), by striking "and" at the end;

(2) in subparagraph (U), by inserting "and" at the end; and

(3) by adding at the end the following new subparagraph:

"(V) medical nutrition therapy services (as defined in subsection (vv)(1)) in the case of a beneficiary with diabetes or a renal disease who—

"(i) has not received diabetes outpatient self-management training services within a time period determined by the Secretary;

"(ii) is not receiving maintenance dialysis for which payment is made under section 1881; and

"(iii) meets such other criteria determined by the Secretary after consideration of protocols established by dietitian or nutrition professional organizations;".

(b) SERVICES DESCRIBED.—Section 1861 (42 U.S.C. 1395x), as amended by section 102(b), is amended by adding at the end the following:

"Medical Nutrition Therapy Services; Registered Dietitian or Nutrition Professional

"(vv)(1) The term 'medical nutrition therapy services' means nutritional diagnostic, therapy, *and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional (as defined in paragraph (2)) pursuant to a referral by a physician (as defined in subsection (r)(1)).*

"(2) Subject to paragraph (3), the term 'registered dietitian or nutrition professional' means an individual who—

"(A) holds a baccalaureate or higher degree granted by a regionally accredited college or university in the United States (or an equivalent foreign degree) with completion of the academic requirements of a program in nutrition or dietetics, as accredited by an appropriate national accreditation organization recognized by the Secretary for this purpose;

"(B) has completed at least 900 hours of supervised dietetics practice under the supervision of a registered dietitian or nutrition professional; and

"(C)(i) is licensed or certified as a dietitian or nutrition professional by the State in which the services are performed; or

"(ii) in the case of an individual in a State that does not provide for such licensure or certification, meets such other criteria as the Secretary establishes.

"(3) Subparagraphs (A) and (B) of paragraph (2) shall not apply in the case of an individual who, as of the date of the enactment of this subsection, is licensed or certified as a dietitian or nutrition professional by the State in which medical nutrition therapy services are performed.".

(c) PAYMENT.—Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking "and" before "(S)"; and

(2) by inserting before the semicolon at the end the following: ", and (T) with respect to medical nutrition therapy services (as defined in section 1861(vv)), the amount paid shall be 80 percent of the lesser of the actual charge for the services or 85 percent of the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician".

(d) APPLICATION OF LIMITS ON BILLING.—Section 1842(b)(18)(C) (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

"(vi) A registered dietitian or nutrition professional.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after January 1, 2002.

(f) STUDY.—Not later than July 1, 2003, the Secretary of Health and Human Services shall submit to Congress a report that contains recommendations with respect to the expansion to other medicare beneficiary populations of the medical nutrition therapy services benefit (furnished under the amendments made by this section).

Subtitle B—Other Beneficiary Improvements

SEC. 111. ACCELERATION OF REDUCTION OF BENEFICIARY COPAYMENT FOR HOSPITAL OUTPATIENT DEPARTMENT SERVICES.

(a) REDUCING THE UPPER LIMIT ON BENEFICIARY COPAYMENT.—

(1) IN GENERAL.—Section 1833(t)(8)(C) (42 U.S.C. 1395l(t)(8)(C)) is amended to read as follows:

"(C) LIMITATION ON COPAYMENT AMOUNT.—

"(i) TO INPATIENT HOSPITAL DEDUCTIBLE AMOUNT.—In no case shall the copayment amount for a procedure performed in a year exceed the amount of the inpatient hospital deductible established under section 1813(b) for that year.

"(ii) TO SPECIFIED PERCENTAGE.—The Secretary shall reduce the national unadjusted copayment amount for a covered OPD service (or group of such services) furnished in a year in a manner so that the effective copayment rate (determined on a national unadjusted basis) for that service in the year does not exceed the following percentage:

"(I) For procedures performed in 2001, on or after April 1, 2001, 57 percent.

"(II) For procedures performed in 2002 or 2003, 55 percent.

"(III) For procedures performed in 2004, 50 percent.

"(IV) For procedures performed in 2005, 45 percent.

"(V) For procedures performed in 2006 and thereafter, 40 percent.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to services furnished on or after April 1, 2001.

(b) CONSTRUCTION REGARDING LIMITING INCREASES IN COST-SHARING.—Nothing in this Act or the Social Security Act shall be construed as preventing a hospital from waiving the amount of any coinsurance for outpatient hospital services under the medicare program under title XVIII of the Social Security Act that may have been increased as a result of the implementation of the prospective payment system under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

(c) GAO STUDY OF REDUCTION IN MEDIGAP PREMIUM LEVELS RESULTING FROM REDUCTIONS IN COINSURANCE.—The Comptroller General of the United States shall work, in concert with the National Association of Insurance Commissioners, to evaluate the extent to which the premium levels for medicare supplemental policies reflect the reductions in coinsurance resulting from the amendment made by subsection (a). Not later than April 1, 2004, the Comptroller General shall submit to Congress a report on such evaluation and the extent to which the reductions in beneficiary coinsurance effected by such amendment have resulted in actual savings to medicare beneficiaries.

SEC. 112. PRESERVATION OF COVERAGE OF DRUGS AND BIOLOGICALS UNDER PART B OF THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2) (42 U.S.C. 1395x(s)(2)) is amended, in each of subparagraphs (A) and (B), by striking "(including drugs and biologicals which cannot, as determined in accordance with regulations, be self-administered)" and inserting "(including drugs and biologicals which are not usually self-administered by the patient)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs and biologicals administered on or after the date of the enactment of this Act.

SEC. 113. ELIMINATION OF TIME LIMITATION ON MEDICARE BENEFITS FOR IMMUNOSUPPRESSIVE DRUGS.

(a) IN GENERAL.—Section 1861(s)(2)(J) (42 U.S.C. 1395x(s)(2)(J)) is amended by striking ", but only" and all that follows up to the semicolon at the end.

(b) CONFORMING AMENDMENTS.—

(1) EXTENDED COVERAGE.—Section 1832 (42 U.S.C. 1395k) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsection (c) as subsection (b).

(2) PASS-THROUGH; REPORT.—Section 227 of BBRA is amended by striking subsection (d).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to drugs furnished on or after the date of the enactment of this Act.

SEC. 114. IMPOSITION OF BILLING LIMITS ON DRUGS.

(a) IN GENERAL.—Section 1842(o) (42 U.S.C. 1395u(o)) is amended by adding at the end the following new paragraph:

"(3)(A) Payment for a charge for any drug or biological for which payment may be made under this part may be made only on an assignment-related basis.

"(B) The provisions of subsection (b)(18)(B) shall apply to charges for such drugs or biologicals in the same manner as they apply to services furnished by a practitioner described in subsection (b)(18)(C).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to items furnished on or after January 1, 2001.

SEC. 115. WAIVER OF 24-MONTH WAITING PERIOD FOR MEDICARE COVERAGE OF INDIVIDUALS DISABLED WITH AMYOTROPHIC LATERAL SCLEROSIS (ALS).

(a) IN GENERAL.—Section 226 (42 U.S.C. 426) is amended—

(1) by redesignating subsection (h) as subsection (j) and by moving such subsection to the end of the section; and

(2) by inserting after subsection (g) the following new subsection:

"(h) For purposes of applying this section in the case of an individual medically determined to have amyotrophic lateral sclerosis (ALS), the following special rules apply:

"(1) Subsection (b) shall be applied as if there were no requirement for any entitlement to benefits, or status, for a period longer than 1 month.

"(2) The entitlement under such subsection shall begin with the first month (rather than twenty-fifth month) of entitlement or status.

"(3) Subsection (f) shall not be applied.".

(b) CONFORMING AMENDMENT.—Section 1837 (42 U.S.C. 1395p) is amended by adding at the end the following new subsection:

"(j) In applying this section in the case of an individual who is entitled to benefits under part A pursuant to the operation of section 226(h), the following special rules apply:

"(1) The initial enrollment period under subsection (d) shall begin on the first day of the first month in which the individual satisfies the requirement of section 1836(1).

"(2) In applying subsection (g)(1), the initial enrollment period shall begin on the first day of the first month of entitlement to disability insurance benefits referred to in such subsection.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for months beginning July 1, 2001.

Subtitle C—Demonstration Projects and Studies

SEC. 121. DEMONSTRATION PROJECT FOR DISEASE MANAGEMENT FOR SEVERELY CHRONICALLY ILL MEDICARE BENEFICIARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a demonstration project under this section (in this section referred to as the "project") to demonstrate the impact on costs and health outcomes of applying disease management to medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease. In no case may the number of participants in the project exceed 30,000 at any time.

(b) VOLUNTARY PARTICIPATION.—

(1) ELIGIBILITY.—Medicare beneficiaries are eligible to participate in the project only if—

(A) they meet specific medical criteria demonstrating the appropriate diagnosis and the advanced nature of their disease;

(B) their physicians approve of participation in the project; and

(C) they are not enrolled in a Medicare+Choice plan.

(2) BENEFITS.—A beneficiary who is enrolled in the project shall be eligible—

(A) for disease management services related to their chronic health condition; and

(B) for payment for all costs for prescription drugs without regard to whether or not they relate to the chronic health condition, except that

the project may provide for modest cost-sharing with respect to prescription drug coverage.

(c) Contracts With Disease Management Organizations.—

(1) In general.—The Secretary of Health and Human Services shall carry out the project through contracts with up to three disease management organizations. The Secretary shall not enter into such a contract with an organization unless the organization demonstrates that it can produce improved health outcomes and reduce aggregate medicare expenditures consistent with paragraph (2).

(2) Contract provisions.—Under such contracts—

(A) such an organization shall be required to provide for prescription drug coverage described in subsection (b)(2)(B);

(B) such an organization shall be paid a fee negotiated and established by the Secretary in a manner so that (taking into account savings in expenditures under parts A and B of the medicare program under title XVIII of the Social Security Act) there will be a net reduction in expenditures under the medicare program as a result of the project; and

(C) such an organization shall guarantee, through an appropriate arrangement with a reinsurance company or otherwise, the net reduction in expenditures described in subparagraph (B).

(3) Payments.—Payments to such organizations shall be made in appropriate proportion from the Trust Funds established under title XVIII of the Social Security Act.

(d) Application of Medigap Protections to Demonstration Project Enrollees.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to enrollment (and termination of enrollment) in the demonstration project under this section, in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

(2) In applying paragraph (1)—

(A) any reference in clause (v) or (vi) of section 1882(s)(3)(B) of such Act to 12 months is deemed a reference to the period of the demonstration project; and

(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Health and Human Services.

(e) Duration.—The project shall last for not longer than 3 years.

(f) Waiver.—The Secretary of Health and Human Services shall waive such provisions of title XVIII of the Social Security Act as may be necessary to provide for payment for services under the project in accordance with subsection (c)(3).

(g) Report.—The Secretary of Health and Human Services shall submit to Congress an interim report on the project not later than 2 years after the date it is first implemented and a final report on the project not later than 6 months after the date of its completion. Such reports shall include information on the impact of the project on costs and health outcomes and recommendations on the cost-effectiveness of extending or expanding the project.

SEC. 122. CANCER PREVENTION AND TREATMENT DEMONSTRATION FOR ETHNIC AND RACIAL MINORITIES.

(a) Demonstration.—

(1) In general.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct demonstration projects (in this section referred to as "demonstration projects") for the purpose of developing models and evaluating methods that—

(A) improve the quality of items and services provided to target individuals in order to facilitate reduced disparities in early detection and treatment of cancer;

(B) improve clinical outcomes, satisfaction, quality of life, and appropriate use of medicare-covered services and referral patterns among those target individuals with cancer;

(C) eliminate disparities in the rate of preventive cancer screening measures, such as pap smears and prostate cancer screenings, among target individuals; and

(D) promote collaboration with community-based organizations to ensure cultural competency of health care professionals and linguistic access for persons with limited English proficiency.

(2) Target individual defined.—In this section, the term "target individual" means an individual of a racial and ethnic minority group, as defined by section 1707 of the Public Health Service Act, who is entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act.

(b) Program Design.—

(1) Initial design.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall evaluate best practices in the private sector, community programs, and academic research of methods that reduce disparities among individuals of racial and ethnic minority groups in the prevention and treatment of cancer and shall design the demonstration projects based on such evaluation.

(2) Number and project areas.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall implement at least 9 demonstration projects, including the following:

(A) 2 projects for each of the 4 following major racial and ethnic minority groups:

(i) American Indians, including Alaska Natives, Eskimos, and Aleuts.

(ii) Asian Americans and Pacific Islanders.

(iii) Blacks.

(iv) Hispanics.

The 2 projects must target different ethnic subpopulations.

(B) 1 project within the Pacific Islands.

(C) At least 1 project each in a rural area and inner-city area.

(3) Expansion of projects; implementation of demonstration project results.—If the initial report under subsection (c) contains an evaluation that demonstration projects—

(A) reduce expenditures under the medicare program under title XVIII of the Social Security Act; or

(B) do not increase expenditures under the medicare program and reduce racial and ethnic health disparities in the quality of health care services provided to target individuals and increase satisfaction of beneficiaries and health care providers;

the Secretary shall continue the existing demonstration projects and may expand the number of demonstration projects.

(c) Report to Congress.—

(1) In general.—Not later than 2 years after the date the Secretary implements the initial demonstration projects, and biannually thereafter, the Secretary shall submit to Congress a report regarding the demonstration projects.

(2) Contents of report.—Each report under paragraph (1) shall include the following:

(A) A description of the demonstration projects.

(B) An evaluation of—

(i) the cost-effectiveness of the demonstration projects;

(ii) the quality of the health care services provided to target individuals under the demonstration projects; and

(iii) beneficiary and health care provider satisfaction under the demonstration projects.

(C) Any other information regarding the demonstration projects that the Secretary determines to be appropriate.

(d) Waiver Authority.—The Secretary shall waive compliance with the requirements of title XVIII of the Social Security Act to such extent and for such period as the Secretary determines is necessary to conduct demonstration projects.

(e) Funding.—

(1) Demonstration projects.—

(A) State projects.—Except as provided in subparagraph (B), the Secretary shall provide for the transfer from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Insurance Trust Fund under title XVIII of the Social Security Act, in such proportions as the Secretary determines to be appropriate, of such funds as are necessary for the costs of carrying out the demonstration projects.

(B) Territory projects.—In the case of a demonstration project described in subsection (b)(2)(B), amounts shall be available only as provided in any Federal law making appropriations for the territories.

(2) Limitation.—In conducting demonstration projects, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the sum of the amount which the Secretary would have paid under the program for the prevention and treatment of cancer if the demonstration projects were not implemented, plus $25,000,000.

SEC. 123. STUDY ON MEDICARE COVERAGE OF ROUTINE THYROID SCREENING.

(a) Study.—The Secretary of Health and Human Services shall request the National Academy of Sciences, and as appropriate in conjunction with the United States Preventive Services Task Force, to conduct a study on the addition of coverage of routine thyroid screening using a thyroid stimulating hormone test as a preventive benefit provided to medicare beneficiaries under title XVIII of the Social Security Act for some or all medicare beneficiaries. In conducting the study, the Academy shall consider the short-term and long-term benefits, and costs to the medicare program, of such addition.

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report on the findings of the study conducted under subsection (a) to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate.

SEC. 124. MEDPAC STUDY ON CONSUMER COALITIONS.

(a) Study.—The Medicare Payment Advisory Commission shall conduct a study that examines the use of consumer coalitions in the marketing of Medicare+Choice plans under the medicare program under title XVIII of the Social Security Act. The study shall examine—

(1) the potential for increased efficiency in the medicare program through greater beneficiary knowledge of their health care options, decreased marketing costs of Medicare+Choice organizations, and creation of a group market;

(2) the implications of Medicare+Choice plans and medicare supplemental policies (under section 1882 of the Social Security Act (42 U.S.C. 1395ss)) offering medicare beneficiaries in the same geographic location different benefits and premiums based on their affiliation with a consumer coalition;

(3) how coalitions should be governed, how they should be accountable to the Secretary of Health and Human Services, and how potential conflicts of interest in the activities of consumer coalitions should be avoided; and

(4) how such coalitions should be funded.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a). The report shall include a recommendation on whether and how a demonstration project might be conducted for the operation of consumer coalitions under the medicare program.

(c) CONSUMER COALITION DEFINED.—For purposes of this section, the term "consumer coalition" means a nonprofit, community-based group of organizations that—

(1) provides information to medicare beneficiaries about their health care options under the medicare program; and

(2) negotiates benefits and premiums for medicare beneficiaries who are members or otherwise affiliated with the group of organizations with Medicare+Choice organizations offering Medicare+Choice plans, issuers of medicare supplemental policies, issuers of long-term care coverage, and pharmacy benefit managers.

SEC. 125. STUDY ON LIMITATION ON STATE PAYMENT FOR MEDICARE COST-SHARING AFFECTING ACCESS TO SERVICES FOR QUALIFIED MEDICARE BENEFICIARIES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study to determine if access to certain services (including mental health services) for qualified medicare beneficiaries has been affected by limitations on a State's payment for medicare cost-sharing for such beneficiaries under section 1902(n) of the Social Security Act (42 U.S.C. 1396a(n)). As part of such study, the Secretary shall analyze the effect of such payment limitation on providers who serve a disproportionate share of such beneficiaries.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study under subsection (a). The report shall include recommendations regarding any changes that should be made to the State payment limits under section 1902(n) for qualified medicare beneficiaries to ensure appropriate access to services.

SEC. 126. STUDIES ON PREVENTIVE INTERVENTIONS IN PRIMARY CARE FOR OLDER AMERICANS.

(a) STUDIES.—The Secretary of Health and Human Services, acting through the United States Preventive Services Task Force, shall conduct a series of studies designed to identify preventive interventions that can be delivered in the primary care setting and that are most valuable to older Americans.

(b) MISSION STATEMENT.—The mission statement of the United States Preventive Services Task Force is amended to include the evaluation of services that are of particular relevance to older Americans.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the conclusions of the studies conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

SEC. 127. MEDPAC STUDY AND REPORT ON MEDICARE COVERAGE OF CARDIAC AND PULMONARY REHABILITATION THERAPY SERVICES.

(a) STUDY.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study on coverage of cardiac and pulmonary rehabilitation therapy services under the medicare program under title XVIII of the Social Security Act.

(2) FOCUS.—In conducting the study under paragraph (1), the Commission shall focus on the appropriate—

(A) qualifying diagnoses required for coverage of cardiac and pulmonary rehabilitation therapy services;

(B) level of physician direct involvement and supervision in furnishing such services; and

(C) level of reimbursement for such services.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a) together with such recommendations for legislation and administrative action as the Commission determines appropriate.

SEC. 128. LIFESTYLE MODIFICATION PROGRAM DEMONSTRATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall carry out the demonstration project known as the Lifestyle Modification Program Demonstration, as described in the Health Care Financing Administration Memorandum of Understanding entered into on November 13, 2000, and as subsequently modified, (in this section referred to as the "project") in accordance with the following requirements:

(1) The project shall include no fewer than 1,800 medicare beneficiaries who complete under the project the entire course of treatment under the Lifestyle Modification Program.

(2) The project shall be conducted over a course of 4 years.

(b) STUDY ON COST-EFFECTIVENESS.—

(1) STUDY.—The Secretary shall conduct a study on the cost-effectiveness of the Lifestyle Modification Program as conducted under the project. In determining whether such Program is cost-effective, the Secretary shall determine (using a control group under a matched paired experimental design) whether expenditures incurred for medicare beneficiaries enrolled under the project exceed expenditures for the control group of medicare beneficiaries with similar health conditions who are not enrolled under the project.

(2) REPORTS.—

(A) INITIAL REPORT.—Not later that 1 year after the date on which 900 medicare beneficiaries have completed the entire course of treatment under the Lifestyle Modification Program under the project, the Secretary shall submit to Congress an initial report on the study conducted under paragraph (1).

(B) FINAL REPORT.—Not later that 1 year after the date on which 1,800 medicare beneficiaries have completed the entire course of treatment under such Program under the project, the Secretary shall submit to Congress a final report on the study conducted under paragraph (1).

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

Subtitle A—Critical Access Hospital Provisions

SEC. 201. CLARIFICATION OF NO BENEFICIARY COST-SHARING FOR CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED BY CRITICAL ACCESS HOSPITALS.

(a) PAYMENT CLARIFICATION.—Section 1834(g) (42 U.S.C. 1395m(g)) is amended by adding at the end the following new paragraph:

"(4) NO BENEFICIARY COST-SHARING FOR CLINICAL DIAGNOSTIC LABORATORY SERVICES.—No coinsurance, deductible, copayment, or other cost-sharing otherwise applicable under this part shall apply with respect to clinical diagnostic laboratory services furnished as an outpatient critical access hospital service. Nothing in this title shall be construed as providing for payment for clinical diagnostic laboratory services furnished as part of outpatient critical access hospital services, other than on the basis described in this subsection.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraphs (1)(D)(i) and (2)(D)(i) of section 1833(a) (42 U.S.C. 1395l(a)) are each amended by striking "or which are furnished on an outpatient basis by a critical access hospital".

(2) Section 403(d)(2) of BBRA (113 Stat. 1501A-371) is amended by striking "The amendment made by subsection (a) shall apply" and inserting "Paragraphs (1) through (3) of section 1834(g) of the Social Security Act (as amended by paragraph (1)) apply".

(c) EFFECTIVE DATES.—The amendment made—

(1) by subsection (a) shall apply to services furnished on or after the date of the enactment of BBRA;

(2) by subsection (b)(1) shall apply as if included in the enactment of section 403(e)(1) of BBRA (113 Stat. 1501A–371); and

(3) by subsection (b)(2) shall apply as if included in the enactment of section 403(d)(2) of BBRA (113 Stat. 1501A–371).

SEC. 202. ASSISTANCE WITH FEE SCHEDULE PAYMENT FOR PROFESSIONAL SERVICES UNDER ALL-INCLUSIVE RATE.

(a) IN GENERAL.—Section 1834(g)(2)(B) (42 U.S.C. 1395m(g)(2)(B)) is amended by inserting "115 percent of" before "such amounts".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to items and services furnished on or after July 1, 2001.

SEC. 203. EXEMPTION OF CRITICAL ACCESS HOSPITAL SWING BEDS FROM SNF PPS.

(a) IN GENERAL.—Section 1888(e)(7) (42 U.S.C. 1395yy(e)(7)) is amended—

(1) in the heading, by striking "TRANSITION FOR" and inserting "TREATMENT OF";

(2) in subparagraph (A), by striking "IN GENERAL.—The" and inserting "TRANSITION.—Subject to subparagraph (C), the";

(3) in subparagraph (A), by inserting "(other than critical access hospitals)" after "facilities described in subparagraph (B)";

(4) in subparagraph (B), by striking ", for which payment" and all that follows before the period; and

(5) by adding at the end the following new subparagraph:

"(C) EXEMPTION FROM PPS OF SWING-BED SERVICES FURNISHED IN CRITICAL ACCESS HOSPITALS.—The prospective payment system established under this subsection shall not apply to services furnished by a critical access hospital pursuant to an agreement under section 1883.".

(b) PAYMENT ON A REASONABLE COST BASIS FOR SWING BED SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.—Section 1883(a) (42 U.S.C. 1395tt(a)) is amended—

(1) in paragraph (2)(A), by inserting "(other than a critical access hospital)" after "any hospital"; and

(2) by adding at the end the following new paragraph:

"(3) Notwithstanding any other provision of this title, a critical access hospital shall be paid for covered skilled nursing facility services furnished under an agreement entered into under this section on the basis of the reasonable costs of such services (as determined under section 1861(v)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to cost reporting periods beginning on or after the date of the enactment of this Act.

SEC. 204. PAYMENT IN CRITICAL ACCESS HOSPITALS FOR EMERGENCY ROOM ON-CALL PHYSICIANS.

(a) IN GENERAL.—Section 1834(g) (42 U.S.C. 1395m(g)), as amended by section 201(a), is further amended by adding at the end the following new paragraph:

"(5) COVERAGE OF COSTS FOR EMERGENCY ROOM ON-CALL PHYSICIANS.—In determining the reasonable costs of outpatient critical access hospital services under paragraphs (1) and (2)(A), the Secretary shall recognize as allowable costs, amounts (as defined by the Secretary) for reasonable compensation and related costs for emergency room physicians who are on-call (as defined by the Secretary) but who are not present on the premises of the critical access hospital involved, and are not otherwise furnishing physicians' services and are not on-call at any other provider or facility.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to cost reporting periods beginning on or after October 1, 2001.

SEC. 205. TREATMENT OF AMBULANCE SERVICES FURNISHED BY CERTAIN CRITICAL ACCESS HOSPITALS.

(a) IN GENERAL.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

"(8) SERVICES FURNISHED BY CRITICAL ACCESS HOSPITALS.—Notwithstanding any other provision of this subsection, the Secretary shall pay the reasonable costs incurred in furnishing ambulance services if such services are furnished—

"(A) by a critical access hospital (as defined in section 1861(mm)(1)), or

"(B) by an entity that is owned and operated by a critical access hospital,

but only if the critical access hospital or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of such critical access hospital.".

(b) CONFORMING AMENDMENT.—Section 1833(a)(1)(R) (42 U.S.C. 1395l(a)(1)(R)) is amended—

(1) by striking "ambulance service," and inserting "ambulance services, (i)"; and

(2) by inserting before the comma at the end the following: "and (ii) with respect to ambulance services described in section 1834(l)(8), the amounts paid shall be the amounts determined under section 1834(g) for outpatient critical access hospital services".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date of the enactment of this Act.

SEC. 206. GAO STUDY ON CERTAIN ELIGIBILITY REQUIREMENTS FOR CRITICAL ACCESS HOSPITALS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the eligibility requirements for critical access hospitals under section 1820(c) of the Social Security Act (42 U.S.C. 1395i–4(c)) with respect to limitations on average length of stay and number of beds in such a hospital, including an analysis of—

(1) the feasibility of having a distinct part unit as part of a critical access hospital for purposes of the medicare program under title XVIII of such Act; and

(2) the effect of seasonal variations in patient admissions on critical access hospital eligibility requirements with respect to limitations on average annual length of stay and number of beds.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a) together with recommendations regarding—

(1) whether distinct part units should be permitted as part of a critical access hospital under the medicare program;

(2) if so permitted, the payment methodologies that should apply with respect to services provided by such units;

(3) whether, and to what extent, such units should be included in or excluded from the bed limits applicable to critical access hospitals under the medicare program; and

(4) any adjustments to such eligibility requirements to account for seasonal variations in patient admissions.

Subtitle B—Other Rural Hospitals Provisions

SEC. 211. TREATMENT OF RURAL DISPROPORTIONATE SHARE HOSPITALS.

(a) APPLICATION OF UNIFORM THRESHOLD.—Section 1886(d)(5)(F)(v) (42 U.S.C. 1395ww(d)(5)(F)(v)) is amended—

(1) in subclause (II), by inserting "(or 15 percent, for discharges occurring on or after April 1, 2001)" after "30 percent";

(2) in subclause (III), by inserting "(or 15 percent, for discharges occurring on or after April 1, 2001)" after "40 percent"; and

(3) in subclause (IV), by inserting "(or 15 percent, for discharges occurring on or after April 1, 2001)" after "45 percent".

(b) ADJUSTMENT OF PAYMENT FORMULAS.—

(1) SOLE COMMUNITY HOSPITALS.—Section 1886(d)(5)(F) (42 U.S.C. 1395ww(d)(5)(F)) is amended—

(A) in clause (iv)(VI), by inserting after "10 percent" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (x)"; and

(B) by adding at the end the following new clause:

"(x) For purposes of clause (iv)(VI) (relating to sole community hospitals), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(I) is less than 19.3, the disproportionate share —adjustment percentage is determined in accordance with the following formula: (P–15)(.65) + 2.5;

"(II) is equal to or exceeds 19.3, but is less than 30.0, such adjustment percentage is equal to 5.25 percent; or

"(III) is equal to or exceeds 30, such adjustment percentage is equal to 10 percent,

where 'P' is the hospital's disproportionate patient percentage (as defined in clause (vi)).".

(2) RURAL REFERRAL CENTERS.—Such section is further amended—

(A) in clause (iv)(V), by inserting after "clause (viii)" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xi)"; and

(B) by adding at the end the following new clause:

"(xi) For purposes of clause (iv)(V) (relating to rural referral centers), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(I) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P–15)(.65) + 2.5;

"(II) is equal to or exceeds 19.3, but is less than 30.0, such adjustment percentage is equal to 5.25 percent; or

"(III) is equal to or exceeds 30, such adjustment percentage is determined in accordance with the following formula: (P–30)(.6) + 5.25,

where 'P' is the hospital's disproportionate patient percentage (as defined in clause (vi)).".

(3) SMALL RURAL HOSPITALS GENERALLY.—Such section is further amended—

(A) in clause (iv)(III), by inserting after "4 percent" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xii)"; and

(B) by adding at the end the following new clause:

"(xii) For purposes of clause (iv)(III) (relating to small rural hospitals generally), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(I) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P–15)(.65) + 2.5; or

"(II) is equal to or exceeds 19.3, such adjustment percentage is equal to 5.25 percent,

where 'P' is the hospital's disproportionate patient percentage (as defined in clause (vi)).".

(4) HOSPITALS THAT ARE BOTH SOLE COMMUNITY HOSPITALS AND RURAL REFERRAL CENTERS.—Such section is further amended, in clause (iv)(IV), by inserting after "clause (viii)" the following: "or, for discharges occurring on or after April 1, 2001, the greater of the percentages determined under clause (x) or (xi)".

(5) URBAN HOSPITALS WITH LESS THAN 100 BEDS.—Such section is further amended—

(A) in clause (iv)(II), by inserting after "5 percent" the following: "or, for discharges occurring on or after April 1, 2001, is equal to the percent determined in accordance with clause (xiii)"; and

(B) by adding at the end the following new clause:

"(xiii) For purposes of clause (iv)(II) (relating to urban hospitals with less than 100 beds), in the case of a hospital for a cost reporting period with a disproportionate patient percentage (as defined in clause (vi)) that—

"(I) is less than 19.3, the disproportionate share adjustment percentage is determined in accordance with the following formula: (P–15)(.65) + 2.5; or

"(II) is equal to or exceeds 19.3, such adjustment percentage is equal to 5.25 percent,

where 'P' is the hospital's disproportionate patient percentage (as defined in clause (vi)).".

SEC. 212. OPTION TO BASE ELIGIBILITY FOR MEDICARE DEPENDENT, SMALL RURAL HOSPITAL PROGRAM ON DISCHARGES DURING 2 OF THE 3 MOST RECENTLY AUDITED COST REPORTING PERIODS.

(a) IN GENERAL.—Section 1886(d)(5)(G)(iv)(IV) (42 U.S.C. 1395ww(d)(5)(G)(iv)(IV)) is amended by inserting ", or 2 of the 3 most recently audited cost reporting periods for which the Secretary has a settled cost report," after "1987".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to cost reporting periods beginning on or after April 1, 2001.

SEC. 213. EXTENSION OF OPTION TO USE REBASED TARGET AMOUNTS TO ALL SOLE COMMUNITY HOSPITALS.

(a) IN GENERAL.—Section 1886(b)(3)(I)(i) (42 U.S.C. 1395ww(b)(3)(I)(i)) is amended—

(1) in the matter preceding subclause (I), by striking "that for its cost reporting period beginning during 1999" and all that follows through "for such target amount" and inserting "there shall be substituted for the amount otherwise determined under subsection (d)(5)(D)(i), if such substitution results in a greater amount of payment under this section for the hospital";

(2) in subclause (I), by striking "target amount otherwise applicable" and all that follows through "target amount')" and inserting "the amount otherwise applicable to the hospital under subsection (d)(5)(D)(i) (referred to in this clause as the 'subsection (d)(5)(D)(i) amount')"; and

(3) in each of subclauses (II) and (III), by striking "subparagraph (C) target amount" and inserting "subsection (d)(5)(D)(i) amount".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 405 of BBRA (113 Stat. 1501A–372).

SEC. 214. MEDPAC ANALYSIS OF IMPACT OF VOLUME ON PER UNIT COST OF RURAL HOSPITALS WITH PSYCHIATRIC UNITS.

The Medicare Payment Advisory Commission, in its study conducted pursuant to subsection (a) of section 411 of BBRA (113 Stat. 1501A–377), shall include—

(1) in such study an analysis of the impact of volume on the per unit cost of rural hospitals with psychiatric units; and

(2) in its report under subsection (b) of such section a recommendation on whether special treatment for such hospitals may be warranted.

Subtitle C—Other Rural Provisions

SEC. 221. ASSISTANCE FOR PROVIDERS OF AMBULANCE SERVICES IN RURAL AREAS.

(a) TRANSITIONAL ASSISTANCE IN CERTAIN MILEAGE RATES.—Section 1834(l) (42 U.S.C. 1395m(l)) is amended by adding at the end the following new paragraph:

"(8) TRANSITIONAL ASSISTANCE FOR RURAL PROVIDERS.—In the case of ground ambulance services furnished on or after July 1, 2001, and before January 1, 2004, for which the transportation originates in a rural area (as defined in section 1886(d)(2)(D)) or in a rural census tract of a metropolitan statistical area (as determined under the most recent modification of the Goldsmith Modification, originally published in the Federal Register on February 27, 1992 (57 Fed. Reg. 6725)), the fee schedule established under this subsection shall provide that, with respect to the payment rate for mileage for a trip above 17 miles, and up to 50 miles, the rate otherwise established shall be increased by not less than ½ of the additional payment per mile established for the first 17 miles of such a trip originating in a rural area.".

(b) GAO STUDIES ON THE COSTS OF AMBULANCE SERVICES FURNISHED IN RURAL AREAS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on each of the matters described in paragraph (2).

(2) MATTERS DESCRIBED.—The matters referred to in paragraph (1) are the following:

(A) The cost of efficiently providing ambulance services for trips originating in rural areas, with special emphasis on collection of cost data from rural providers.

(B) The means by which rural areas with low population densities can be identified for the purpose of designating areas in which the cost of providing ambulance services would be expected to be higher than similar services provided in more heavily populated areas because of low usage. Such study shall also include an analysis of the additional costs of providing ambulance services in areas designated under the previous sentence.

(3) REPORT.—Not later than June 30, 2002, the Comptroller General shall submit to Congress a report on the results of the studies conducted under paragraph (1) and shall include recommendations on steps that should be taken to assure access to ambulance services in rural areas.

(c) ADJUSTMENT IN RURAL RATES.—In providing for adjustments under subparagraph (D) of section 1834(l)(2) of the Social Security Act (42 U.S.C. 1395m(l)(2)) for years beginning with 2004, the Secretary of Health and Human Services shall take into consideration the recommendations contained in the report under subsection (b)(2) and shall adjust the fee schedule payment rates under such section for ambulance services provided in low density rural areas based on the increased cost (if any) of providing such services in such areas.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001. In applying such amendment to services furnished on or after such date and before January 1, 2002, the amount of the rate increase provided under such amendment shall be equal to $1.25 per mile.

SEC. 222. PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.

(a) PAYMENT FOR CERTAIN PHYSICIAN ASSISTANT SERVICES.—Section 1842(b)(6)(C) (42 U.S.C. 1395u(b)(6)(C)) is amended—

(1) by striking "for such services provided before January 1, 2003,"; and

(2) by striking the semicolon at the end and inserting a comma.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 223. REVISION OF MEDICARE REIMBURSEMENT FOR TELEHEALTH SERVICES.

(a) TIME LIMIT FOR BBA PROVISION.—Section 4206(a) of BBA (42 U.S.C. 1395l note) is amended by striking "Not later than January 1, 1999" and inserting "For services furnished on and after January 1, 1999, and before October 1, 2001".

(b) EXPANSION OF MEDICARE PAYMENT FOR TELEHEALTH SERVICES.—Section 1834 (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

"(m) PAYMENT FOR TELEHEALTH SERVICES.—

"(1) IN GENERAL.—The Secretary shall pay for telehealth services that are furnished via a telecommunications system by a physician (as defined in section 1861(r)) or a practitioner (described in section 1842(b)(18)(C)) to an eligible telehealth individual enrolled under this part notwithstanding that the individual physician or practitioner providing the telehealth service is not at the same location as the beneficiary. For purposes of the preceding sentence, in the case of any Federal telemedicine demonstration program conducted in Alaska or Hawaii, the term 'telecommunications system' includes store-and-forward technologies that provide for the asynchronous transmission of health care information in single or multimedia formats.

"(2) PAYMENT AMOUNT.—

"(A) DISTANT SITE.—The Secretary shall pay to a physician or practitioner located at a distant site that furnishes a telehealth service to an eligible telehealth individual an amount equal to the amount that such physician or practitioner would have been paid under this title had such service been furnished without the use of a telecommunications system.

"(B) FACILITY FEE FOR ORIGINATING SITE.—With respect to a telehealth service, subject to section 1833(a)(1)(U), there shall be paid to the originating site a facility fee equal to—

"(i) for the period beginning on October 1, 2001, and ending on December 31, 2001, and for 2002, $20; and

"(ii) for a subsequent year, the facility fee specified in clause (i) or this clause for the preceding year increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) for such subsequent year.

"(C) TELEPRESENTER NOT REQUIRED.—Nothing in this subsection shall be construed as requiring an eligible telehealth individual to be presented by a physician or practitioner at the originating site for the furnishing of a service via a telecommunications system, unless it is medically necessary (as determined by the physician or practitioner at the distant site).

"(3) LIMITATION ON BENEFICIARY CHARGES.—

"(A) PHYSICIAN AND PRACTITIONER.—The provisions of section 1848(g) and subparagraphs (A) and (B) of section 1842(b)(18) shall apply to a physician or practitioner receiving payment under this subsection in the same manner as they apply to physicians or practitioners under such sections.

"(B) ORIGINATING SITE.—The provisions of section 1842(b)(18) shall apply to originating sites receiving a facility fee in the same manner as they apply to practitioners under such section.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) DISTANT SITE.—The term 'distant site' means the site at which the physician or practitioner is located at the time the service is provided via a telecommunications system.

"(B) ELIGIBLE TELEHEALTH INDIVIDUAL.—The term 'eligible telehealth individual' means an individual enrolled under this part who receives a telehealth service furnished at an originating site.

"(C) ORIGINATING SITE.—

"(i) IN GENERAL.—The term 'originating site' means only those sites described in clause (ii) at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system and only if such site is located—

"(I) in an area that is designated as a rural health professional shortage area under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A));

"(II) in a county that is not included in a Metropolitan Statistical Area; or

"(III) from an entity that participates in a Federal telemedicine demonstration project that has been approved by (or receives funding from) the Secretary of Health and Human Services as of December 31, 2000.

"(ii) SITES DESCRIBED.—The sites referred to in clause (i) are the following sites:

"(I) The office of a physician or practitioner.

"(II) A critical access hospital (as defined in section 1861(mm)(1)).

"(III) A rural health clinic (as defined in section 1861(aa)(s)).

"(IV) A Federally qualified health center (as defined in section 1861(aa)(4)).

"(V) A hospital (as defined in section 1861(e)).

"(D) PHYSICIAN.—The term 'physician' has the meaning given that term in section 1861(r).

"(E) PRACTITIONER.—The term 'practitioner' has the meaning given that term in section 1842(b)(18)(C).

"(F) TELEHEALTH SERVICE.—

"(i) IN GENERAL.—The term 'telehealth service' means professional consultations, office visits, and office psychiatry services (identified as of July 1, 2000, by HCPCS codes 99241–99275, 99201–99215, 90804–90809, and 90862 (and as subsequently modified by the Secretary)), and any additional service specified by the Secretary.

"(ii) YEARLY UPDATE.—The Secretary shall establish a process that provides, on an annual basis, for the addition or deletion of services (and HCPCS codes), as appropriate, to those specified in clause (i) for authorized payment under paragraph (1).".

(c) CONFORMING AMENDMENT.—Section 1833(a)(1) (42 U.S.C. 1395l(1)), as amended by section 105(c), is further amended—

(1) by striking "and (T)" and inserting "(T)"; and

(2) by inserting before the semicolon at the end the following: ", and (U) with respect to facility fees described in section 1834(m)(2)(B), the amounts paid shall be 80 percent of the lesser of the actual charge or the amounts specified in such section".

(d) STUDY AND REPORT ON ADDITIONAL COVERAGE.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study to identify—

(A) settings and sites for the provision of telehealth services that are in addition to those permitted under section 1834(m) of the Social Security Act, as added by subsection (b);

(B) practitioners that may be reimbursed under such section for furnishing telehealth services that are in addition to the practitioners that may be reimbursed for such services under such section; and

(C) geographic areas in which telehealth services may be reimbursed that are in addition to the geographic areas where such services may be reimbursed under such section.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation that the Secretary determines are appropriate.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) shall be effective for services furnished on or after October 1, 2001.

SEC. 224. EXPANDING ACCESS TO RURAL HEALTH CLINICS.

(a) IN GENERAL.—The matter in section 1833(f) (42 U.S.C. 1395l(f)) preceding paragraph (1) is amended by striking "rural hospitals" and inserting "hospitals".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after July 1, 2001.

SEC. 225. MEDPAC STUDY ON LOW-VOLUME, ISOLATED RURAL HEALTH CARE PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the effect of low patient and procedure volume on the financial status of low-volume, isolated rural health care providers participating in the medicare program under title XVIII of the Social Security Act.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a) indicating—

(1) whether low-volume, isolated rural health care providers are having, or may have, significantly decreased medicare margins or other financial difficulties resulting from any of the payment methodologies described in subsection (c);

(2) whether the status as a low-volume, isolated rural health care provider should be designated under the medicare program and any criteria that should be used to qualify for such a status; and

(3) any changes in the payment methodologies described in subsection (c) that are necessary to provide appropriate reimbursement under the medicare program to low-volume, isolated rural health care providers (as designated pursuant to paragraph (2)).

(c) PAYMENT METHODOLOGIES DESCRIBED.—The payment methodologies described in this subsection are the following:

(1) The prospective payment system for hospital outpatient department services under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)).

(2) The fee schedule for ambulance services under section 1834(l) of such Act (42 U.S.C. 1395m(l)).

(3) The prospective payment system for inpatient hospital services under section 1886 of such Act (42 U.S.C. 1395ww).

(4) The prospective payment system for routine service costs of skilled nursing facilities under section 1888(e) of such Act (42 U.S.C. 1395yy(e)).

(5) The prospective payment system for home health services under section 1895 of such Act (42 U.S.C. 1395fff).

TITLE III—PROVISIONS RELATING TO PART A

Subtitle A—Inpatient Hospital Services

SEC. 301. REVISION OF ACUTE CARE HOSPITAL PAYMENT UPDATE FOR 2001.

(a) IN GENERAL.—Section 1886(b)(3)(B)(i) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in subclause (XVI), by striking "minus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas, and the market basket percentage increase for sole community hospitals," and inserting "for hospitals in all areas,";

(2) in subclause (XVII)—

(A) by striking "minus 1.1 percentage points" and inserting "minus 0.55 percentage points; and

(B) by striking "and" at the end;

(3) by redesignating subclause (XVIII) as subclause (XIX);

(4) in subclause (XIX), as so redesignated, by striking "fiscal year 2003" and inserting "fiscal year 2004"; and

(5) by inserting after subclause (XVII) the following new subclause:

"(XVIII) for fiscal year 2003, the market basket percentage increase minus 0.55 percentage points for hospitals in all areas, and".

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding the amendment made by subsection (a), for purposes of making payments for fiscal year 2001 for inpatient hospital services furnished by subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)), the "applicable percentage increase" referred to in section 1886(b)(3)(B)(i) of such Act (42 U.S.C. 1395ww(b)(3)(B)(i))—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be determined in accordance with subclause (XVI) of such section as in effect on the day before the date of the enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall be equal to—

(A) the market basket percentage increase plus 1.1 percentage points for hospitals (other than sole community hospitals) in all areas; and

(B) the market basket percentage increase for sole community hospitals.

(c) CONSIDERATION OF PRICE OF BLOOD AND BLOOD PRODUCTS IN MARKET BASKET INDEX.—The Secretary of Health and Human Services shall, when next (after the date of the enactment of this Act) rebasing and revising the hospital market basket index (as defined in section 1886(b)(3)(B)(iii) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(iii))), consider the prices of blood and blood products purchased by hospitals and determine whether those prices are adequately reflected in such index.

(d) MEDPAC STUDY AND REPORT REGARDING CERTAIN HOSPITAL COSTS.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on—

(A) any increased costs incurred by subsection (d) hospitals (as defined in paragraph (1)(B) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d))) in providing inpatient hospital services to medicare beneficiaries under title XVIII of such Act during the period beginning on October 1, 1983, and ending on September 30, 1999, that were attributable to—

(i) complying with new blood safety measure requirements; and

(ii) providing such services using new technologies;

(B) the extent to which the prospective payment system for such services under such section provides adequate and timely recognition of such increased costs;

(C) the prospects for (and to the extent practicable, the magnitude of) cost increases that hospitals will incur in providing such services that are attributable to complying with new blood safety measure requirements and providing such services using new technologies during the 10 years after the date of the enactment of this Act; and

(D) the feasibility and advisability of establishing mechanisms under such payment system to provide for more timely and accurate recognition of such cost increases in the future.

(2) CONSULTATION.—In conducting the study under this subsection, the Commission shall consult with representatives of the blood community, including—

(A) hospitals;

(B) organizations involved in the collection, processing, and delivery of blood; and

(C) organizations involved in the development of new blood safety technologies.

(3) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under paragraph (1) together with such recommendations for legislation and administrative action as the Commission determines appropriate.

(e) ADJUSTMENT FOR INPATIENT CASE MIX CHANGES.—

(1) IN GENERAL.—Section 1886(d)(3)(A) (42 U.S.C. 1395ww(d)(3)(A)) is amended by adding at the end the following new clause:

"(vi) Insofar as the Secretary determines that the adjustments under paragraph (4)(C)(i) for a previous fiscal year (or estimates that such adjustments for a future fiscal year) did (or are likely to) result in a change in aggregate payments under this subsection during the fiscal year that are a result of changes in the coding or classification of discharges that do not reflect real changes in case mix, the Secretary may adjust the average standardized amounts computed under this paragraph for subsequent fiscal years so as to eliminate the effect of such coding or classification changes.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to discharges occurring on or after October 1, 2001.

SEC. 302. ADDITIONAL MODIFICATION IN TRANSITION FOR INDIRECT MEDICAL EDUCATION (IME) PERCENTAGE ADJUSTMENT.

(a) IN GENERAL.—Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(5)(B)(ii)) is amended—

(1) in subclause (V) by striking "and" at the end;

(2) by redesignating subclause (VI) as subclause (VII);

(3) in subclause (VII) as so redesignated, by striking "2001" and inserting "2002"; and

(4) by inserting after subclause (V) the following new subclause:

"(VI) during fiscal year 2002, 'c' is equal to 1.6; and".

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding paragraph (5)(B)(ii)(V) of section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(ii)(V)), for purposes of making payments for subsection (d) hospitals (as defined in paragraph (1)(B) of such section) with indirect costs of medical education, the indirect teaching adjustment factor referred to in paragraph (5)(B)(ii) of such section shall be determined, for discharges occurring on or after April 1, 2001, and before October 1, 2001, as if "c" in paragraph (5)(B)(ii)(V) of such section equalled 1.66 rather than 1.54.

(c) CONFORMING AMENDMENT RELATING TO DETERMINATION OF STANDARDIZED AMOUNT.—Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended by inserting "or of section 302 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000" after "Balanced Budget Refinement Act of 1999".

(d) CLERICAL AMENDMENTS.—Section 1886(d)(5)(B) (42 U.S.C. 1395ww(d)(5)(B)), as amended by subsection (a), is further amended by moving the indentation of each of the following 2 ems to the left:

(1) Clauses (ii), (v), and (vi).

(2) Subclauses (I) (II), (III), (IV), (V), and (VII) of clause (ii).

(3) Subclauses (I) and (II) of clause (vi) and the flush sentence at the end of such clause.

SEC. 303. DECREASE IN REDUCTIONS FOR DISPROPORTIONATE SHARE HOSPITAL (DSH) PAYMENTS.

(a) IN GENERAL.—Section 1886(d)(5)(F)(ix) (42 U.S.C. 1395ww(d)(5)(F)(ix)) is amended—

(1) in subclause (III), by striking "each of" and by inserting "and 2 percent, respectively" after "3 percent"; and

(2) in subclause (IV), by striking "4 percent" and inserting "3 percent".

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding the amendment made by subsection (a)(1), for purposes of making disproportionate share payments for subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) for fiscal year 2001, the additional payment amount otherwise determined under clause (ii) of section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F))—

(1) for discharges occurring on or after October 1, 2000, and before April 1, 2001, shall be adjusted as provided by clause (ix)(III) of such

section as in effect on the day before the date of the enactment of this Act; and

(2) for discharges occurring on or after April 1, 2001, and before October 1, 2001, shall, instead of being reduced by 3 percent as provided by clause (ix)(III) of such section as in effect after the date of the enactment of this Act, be reduced by 1 percent.

(c) Conforming Amendments Relating to Determination of Standardized Amount.—Section 1886(d)(2)(C)(iv) (42 U.S.C. 1395ww(d)(2)(C)(iv)), is amended—

(1) by striking "1989 or" and inserting "1989,"; and

(2) by inserting ", or the enactment of section 303 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000" after "Omnibus Budget Reconciliation Act of 1990".

(d) Technical Amendment.—

(1) In general.—Section 1886(d)(5)(F)(i) (42 U.S.C. 1395ww(d)(5)(F)(i)) is amended by striking "and before October 1, 1997,".

(2) Effective date.—The amendment made by paragraph (1) is effective as if included in the enactment of BBA.

(e) Reference to Changes in DSH for Rural Hospitals.—For additional changes in the DSH program for rural hospitals, see section 211.

SEC. 304. WAGE INDEX IMPROVEMENTS.

(a) Duration of Wage Index Reclassification; Use of 3-Year Wage Data.—Section 1886(d)(10)(D) (42 U.S.C. 1395ww(d)(10)(D)) is amended by adding at the end the following new clauses:

"(v) Any decision of the Board to reclassify a subsection (d) hospital for purposes of the adjustment factor described in subparagraph (C)(i)(II) for fiscal year 2001 or any fiscal year thereafter shall be effective for a period of 3 fiscal years, except that the Secretary shall establish procedures under which a subsection (d) hospital may elect to terminate such reclassification before the end of such period.

"(vi) Such guidelines shall provide that, in making decisions on applications for reclassification for the purposes described in clause (v) for fiscal year 2003 and any succeeding fiscal year, the Board shall base any comparison of the average hourly wage for the hospital with the average hourly wage for hospitals in an area on—

"(I) an average of the average hourly wage amount for the hospital from the most recently published hospital wage survey data of the Secretary (as of the date on which the hospital applies for reclassification) and such amount from each of the two immediately preceding surveys; and

"(II) an average of the average hourly wage amount for hospitals in such area from the most recently published hospital wage survey data of the Secretary (as of the date on which the hospital applies for reclassification) and such amount from each of the two immediately preceding surveys.".

(b) Process To Permit Statewide Wage Index Calculation and Application.—

(1) In general.—The Secretary of Health and Human Services shall establish a process (based on the voluntary process utilized by the Secretary of Health and Human Services under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for purposes of computing and applying a statewide geographic adjustment factor) under which an appropriate statewide entity may apply to have all the geographic areas in a State treated as a single geographic area for purposes of computing and applying the area wage index under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)). Such process shall be established by October 1, 2001, for reclassifications beginning in fiscal year 2003.

(2) Prohibition on individual hospital reclassification.—Notwithstanding any other provision of law, if the Secretary applies a statewide geographic wage index under paragraph (1) with respect to a State, any application submitted by a hospital in that State under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)) for geographic reclassification shall not be considered.

(c) Collection of Information on Occupational Mix.—

(1) In general.—The Secretary of Health and Human Services shall provide for the collection of data every 3 years on occupational mix for employees of each subsection (d) hospital (as defined in section 1886(d)(1)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(D))) in the provision of inpatient hospital services, in order to construct an occupational mix adjustment in the hospital area wage index applied under section 1886(d)(3)(E) of such Act (42 U.S.C. 1395ww(d)(3)(E)).

(2) Application.—The third sentence of section 1886(d)(3)(E) (42 U.S.C. 1395ww(d)(3)(E)) is amended by striking "To the extent determined feasible by the Secretary, such survey shall measure" and inserting "Not less often than once every 3 years the Secretary (through such survey or otherwise) shall measure".

(3) Effective date.—By not later than September 30, 2003, for application beginning October 1, 2004, the Secretary shall first complete—

(A) the collection of data under paragraph (1); and

(B) the measurement under the third sentence of section 1886(d)(3)(E), as amended by paragraph (2).

SEC. 305. PAYMENT FOR INPATIENT SERVICES OF REHABILITATION HOSPITALS.

(a) Assistance With Administrative Costs Associated With Completion of Patient Assessment.—Section 1886(j)(3)(B) (42 U.S.C. 1395ww(j)(3)(B)) is amended by striking "98 percent" and inserting "98 percent for fiscal year 2001 and 100 percent for fiscal year 2002".

(b) Election To Apply Full Prospective Payment Rate Without Phase-in.—

(1) In general.—Paragraph (1) of section 1886(j) (42 U.S.C. 1395ww(j)) is amended—

(A) in subparagraph (A), by inserting "other than a facility making an election under subparagraph (F)" before "in a cost reporting period";

(B) in subparagraph (B), by inserting "or, in the case of a facility making an election under subparagraph (F), for any cost reporting period described in such subparagraph," after "2002,"; and

(C) by adding at the end the following new subparagraph:

"(F) Election to apply full prospective payment system.—A rehabilitation facility may elect, not later than 30 days before its first cost reporting period for which the payment methodology under this subsection applies to the facility, to have payment made to the facility under this subsection under the provisions of subparagraph (B) (rather than subparagraph (A)) for each cost reporting period to which such payment methodology applies.".

(2) Clarification.—Paragraph (3)(B) of such section is amended by inserting "but not taking into account any payment adjustment resulting from an election permitted under paragraph (1)(F)" after "paragraphs (4) and (6)".

(c) Effective Date.—The amendments made by this section take effect as if included in the enactment of BBA.

SEC. 306. PAYMENT FOR INPATIENT SERVICES OF PSYCHIATRIC HOSPITALS.

With respect to hospitals described in clause (i) of section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) and psychiatric units described in the matter following clause (v) of such section, in making incentive payments to such hospitals under section 1886(b)(1)(A) of such Act (42 U.S.C. 1395ww(b)(1)(A)) for cost reporting periods beginning on or after October 1, 2000, and before October 1, 2001, the Secretary of Health and Human Services, in clause (ii) of such section, shall substitute "3 percent" for "2 percent".

SEC. 307. PAYMENT FOR INPATIENT SERVICES OF LONG-TERM CARE HOSPITALS.

(a) Increased Target Amounts and Caps for Long-Term Care Hospitals Before Implementation of the Prospective Payment System.—

(1) In general.—Section 1886(b)(3) (42 U.S.C. 1395ww(b)(3)) is amended—

(A) in subparagraph (H)(ii)(III), by inserting "subject to subparagraph (J)," after "2002,"; and

(B) by adding at the end the following new subparagraph:

"(J) For cost reporting periods beginning during fiscal year 2001, for a hospital described in subsection (d)(1)(B)(iv)—

"(i) the limiting or cap amount otherwise determined under subparagraph (H) shall be increased by 2 percent; and

"(ii) the target amount otherwise determined under subparagraph (A) shall be increased by 25 percent (subject to the limiting or cap amount determined under subparagraph (H), as increased by clause (i)).".

(2) Application.—The amendments made by subsection (a) and by section 122 of BBRA (113 Stat. 1501A–331) shall not be taken into account in the development and implementation of the prospective payment system under section 123 of BBRA (113 Stat. 1501A–331).

(b) Implementation of Prospective Payment System for Long-Term Care Hospitals.—

(1) Modification of requirement.—In developing the prospective payment system for payment for inpatient hospital services provided in long-term care hospitals described in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)) under the medicare program under title XVIII of such Act required under section 123 of BBRA, the Secretary of Health and Human Services shall examine the feasibility and the impact of basing payment under such a system on the use of existing (or refined) hospital diagnosis-related groups (DRGs) that have been modified to account for different resource use of long-term care hospital patients as well as the use of the most recently available hospital discharge data. The Secretary shall examine and may provide for appropriate adjustments to the long-term hospital payment system, including adjustments to DRG weights, area wage adjustments, geographic reclassification, outliers, updates, and a disproportionate share adjustment consistent with section 1886(d)(5)(F) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(F)).

(2) Default implementation of system based on existing DRG methodology.—If the Secretary is unable to implement the prospective payment system under section 123 of the BBRA by October 1, 2002, the Secretary shall implement a prospective payment system for such hospitals that bases payment under such a system using existing hospital diagnosis-related groups (DRGs), modified where feasible to account for resource use of long-term care hospital patients using the most recently available hospital discharge data for such services furnished on or after that date.

Subtitle B—Adjustments to PPS Payments for Skilled Nursing Facilities

SEC. 311. ELIMINATION OF REDUCTION IN SKILLED NURSING FACILITY (SNF) MARKET BASKET UPDATE IN 2001.

(a) In General.—Section 1888(e)(4)(E)(ii) (42 U.S.C. 1395yy(e)(4)(E)(ii)) is amended—

(1) by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively;

(2) in subclause (III), as so redesignated—

(A) by striking "each of fiscal years 2001 and 2002" and inserting "each of fiscal years 2002 and 2003"; and

(B) by striking "minus 1 percentage point" and inserting "minus 0.5 percentage points"; and

(3) by inserting after subclause (I) the following new subclause:

"(II) for fiscal year 2001, the rate computed for the previous fiscal year increased by the skilled nursing facility market basket percentage change for the fiscal year;".

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for covered skilled nursing facility services under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for fiscal year 2001, the Federal per diem rate referred to in paragraph (4)(E)(ii) of such section—

(1) for the period beginning on October 1, 2000, and ending on March 31, 2001, shall be the rate determined in accordance with the law as in effect on the day before the date of the enactment of this Act; and

(2) for the period beginning on April 1, 2001, and ending on September 30, 2001, shall be the rate that would have been determined under such section if "plus 1 percentage point" had been substituted for "minus 1 percentage point" under subclause (II) of such paragraph (as in effect on the day before the date of the enactment of this Act).

(c) RELATION TO TEMPORARY INCREASE IN BBRA.—The increases provided under section 101 of BBRA (113 Stat. 1501A–325) shall be in addition to any increase resulting from the amendments made by subsection (a).

(d) GAO REPORT ON ADEQUACY OF SNF PAYMENT RATES.—Not later than July 1, 2002, the Comptroller General of the United States shall submit to Congress a report on the adequacy of medicare payment rates to skilled nursing facilities and the extent to which medicare contributes to the financial viability of such facilities. Such report shall take into account the role of private payors, medicaid, and case mix on the financial performance of these facilities, and shall include an analysis (by specific RUG classification) of the number and characteristics of such facilities.

(e) HCFA STUDY OF CLASSIFICATION SYSTEMS FOR SNF RESIDENTS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study of the different systems for categorizing patients in medicare skilled nursing facilities in a manner that accounts for the relative resource utilization of different patient types.

(2) REPORT.—Not later than January 1, 2005, the Secretary shall submit to Congress a report on the study conducted under subsection (a). Such report shall include such recommendations regarding changes in law as may be appropriate.

SEC. 312. INCREASE IN NURSING COMPONENT OF PPS FEDERAL RATE.

(a) IN GENERAL.—The Secretary of Health and Human Services shall increase by 16.66 percent the nursing component of the case-mix adjusted Federal prospective payment rate specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 31, 2000 (65 Fed. Reg. 46770) and as subsequently updated, effective for services furnished on or after April 1, 2001, and before October 1, 2002.

(b) GAO AUDIT OF NURSING STAFF RATIOS.—

(1) AUDIT.—The Comptroller General of the United States shall conduct an audit of nursing staffing ratios in a representative sample of medicare skilled nursing facilities. Such sample shall cover selected States and shall include broad representation with respect to size, ownership, location, and medicare volume. Such audit shall include an examination of payroll records and medicaid cost reports of individual facilities.

(2) REPORT.—Not later than August 1, 2002, the Comptroller General shall submit to Congress a report on the audits conducted under paragraph (1). Such report shall include an assessment of the impact of the increased payments under this subtitle on increased nursing staff ratios and shall make recommendations as to whether increased payments under subsection (a) should be continued.

SEC. 313. APPLICATION OF SNF CONSOLIDATED BILLING REQUIREMENT LIMITED TO PART A COVERED STAYS.

(a) IN GENERAL.—Section 1862(a)(18) (42 U.S.C. 1395y(a)(18)) is amended by striking "or of a part of a facility that includes a skilled nursing facility (as determined under regulations)," and inserting "during a period in which the resident is provided covered post-hospital extended care services (or, for services described in section 1861(s)(2)(D), which are furnished to such an individual without regard to such period),".

(b) CONFORMING AMENDMENTS.—(1) Section 1842(b)(6)(E) (42 U.S.C. 1395u(b)(6)(E)) is amended—

(A) by inserting "by, or under arrangements made by, a skilled nursing facility" after "furnished";

(B) by striking "or of a part of a facility that includes a skilled nursing facility (as determined under regulations)"; and

(C) by striking "(without regard to whether or not the item or service was furnished by the facility, by others under arrangement with them made by the facility, under any other contracting or consulting arrangement, or otherwise)".

(2) Section 1842(t) (42 U.S.C. 1395u(t)) is amended by striking "by a physician" and "or of a part of a facility that includes a skilled nursing facility (as determined under regulations),".

(3) Section 1866(a)(1)(H)(ii)(I) (42 U.S.C. 1395cc(a)(1)(H)(ii)(I)) is amended by inserting after "who is a resident of the skilled nursing facility" the following: "during a period in which the resident is provided covered post-hospital extended care services (or, for services described in section 1861(s)(2)(D), that are furnished to such an individual without regard to such period)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to services furnished on or after January 1, 2001.

(d) OVERSIGHT.—The Secretary of Health and Human Services, through the Office of the Inspector General in the Department of Health and Human Services or otherwise, shall monitor payments made under part B of the title XVIII of the Social Security Act for items and services furnished to residents of skilled nursing facilities during a time in which the residents are not being provided medicare covered post-hospital extended care services to ensure that there is not duplicate billing for services or excessive services provided.

SEC. 314. ADJUSTMENT OF REHABILITATION RUGS TO CORRECT ANOMALY IN PAYMENT RATES.

(a) ADJUSTMENT FOR REHABILITATION RUGs.—

(1) IN GENERAL.—For purposes of computing payments for covered skilled nursing facility services under paragraph (1) of section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) for such services furnished on or after April 1, 2001, and before the date described in section 101(c)(2) of BBRA (113 Stat. 1501A–324), the Secretary of Health and Human Services shall increase by 6.7 percent the adjusted Federal per diem rate otherwise determined under paragraph (4) of such section (but for this section) for covered skilled nursing facility services for RUG–III rehabilitation groups described in paragraph (2) furnished to an individual during the period in which such individual is classified in such a RUG–III category.

(2) REHABILITATION GROUPS DESCRIBED.—The RUG–III rehabilitation groups for which the adjustment described in paragraph (1) applies are RUC, RUB, RUA, RVC, RVB, RVA, RHC, RHB, RHA, RMC, RMB, RMA, RLB, and RLA, as specified in Tables 3 and 4 of the final rule published in the Federal Register by the Health Care Financing Administration on July 31, 2000 (65 Fed. Reg. 46770).

(b) CORRECTION WITH RESPECT TO REHABILITATION RUGs.—

(1) IN GENERAL.—Section 101(b) of BBRA (113 Stat. 1501A–324) is amended by striking "CA1, RHC, RMC, and RMB" and inserting "and CA1".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after April 1, 2001.

(c) REVIEW BY OFFICE OF INSPECTOR GENERAL.—The Inspector General of the Department of Health and Human Services shall review the medicare payment structure for services classified within rehabilitation resource utilization groups (RUGs) (as in effect after the date of the enactment of the BBRA) to assess whether payment incentives exist for the delivery of inadequate care. Not later than October 1, 2001, the Inspector General shall submit to Congress a report on such review.

SEC. 315. ESTABLISHMENT OF PROCESS FOR GEOGRAPHIC RECLASSIFICATION.

(a) IN GENERAL.—The Secretary of Health and Human Services may establish a procedure for the geographic reclassification of a skilled nursing facility for purposes of payment for covered skilled nursing facility services under the prospective payment system established under section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)). Such procedure may be based upon the method for geographic reclassifications for inpatient hospitals established under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)).

(b) REQUIREMENT FOR SKILLED NURSING FACILITY WAGE DATA.—In no case may the Secretary implement the procedure under subsection (a) before such time as the Secretary has collected data necessary to establish an area wage index for skilled nursing facilities based on wage data from such facilities.

Subtitle C—Hospice Care

SEC. 321. 5 PERCENT INCREASE IN PAYMENT BASE.

(a) IN GENERAL.—Section 1814(i)(1)(C)(ii)(VI) (42 U.S.C. 1395f(i)(1)(C)(ii)(VI)) is amended by inserting ", plus, in the case of fiscal year 2001, 5.0 percentage points" before the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to hospice care furnished on or after April 1, 2001. In applying clause (ii) of section 1814(i)(1)(C) of the Social Security Act (42 U.S.C. 1395f(i)(1)(C)) beginning with fiscal year 2002, the payment rates in effect under such section during the period beginning on April 1, 2001, and ending on September 30, shall be treated as the payment rates in effect during fiscal year 2001.

(c) NO EFFECT ON BBRA TEMPORARY INCREASE.—The provisions of this section shall have no effect on the application of section 131 of BBRA.

(d) APPLICATION OF WAGE INDEX.—Notwithstanding section 1814(i) of the Social Security

Act (42 U.S.C. 1395f(i)), the Secretary of Health and Human Services shall use 1.0043 as the hospice wage index value for the Wichita, Kansas Metropolitan Statistical Area in calculating payments under such section for a hospice program providing hospice care in such area during fiscal year 2000. The Secretary may provide for an appropriate timely lump sum payment to reflect the application of the previous sentence.

(e) Technical Amendment.—Section 1814(a)(7)(A)(ii) (42 U.S.C. 1395f(a)(7)(A)(ii)) is amended by striking the period at the end and inserting a semicolon.

SEC. 322. CLARIFICATION OF PHYSICIAN CERTIFICATION.

(a) Certification Based on Normal Course of Illness.—

(1) In general.—Section 1814(a) (42 U.S.C. 1395f(a)) is amended by adding at the end the following new sentence: "The certification regarding terminal illness of an individual under paragraph (7) shall be based on the physician's or medical director's clinical judgment regarding the normal course of the individual's illness.".

(2) Effective date.—The amendment made by paragraph (1) shall apply to certifications made on or after the date of the enactment of this Act.

(b) Study and Report on Physician Certification Requirement for Hospice Benefits.—

(1) Study.—The Secretary of Health and Human Services shall conduct a study to examine the appropriateness of the certification regarding terminal illness of an individual under section 1814(a)(7) of the Social Security Act (42 U.S.C. 1395f(a)(7)) that is required in order for such individual to receive hospice benefits under the medicare program under title XVIII of such Act. In conducting such study, the Secretary shall take into account the effect of the amendment made by subsection (a).

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under paragraph (1), together with any recommendations for legislation that the Secretary deems appropriate.

SEC. 323. MEDPAC REPORT ON ACCESS TO, AND USE OF, HOSPICE BENEFIT.

(a) In General.—The Medicare Payment Advisory Commission shall conduct a study to examine the factors affecting the use of hospice benefits under the medicare program under title XVIII of the Social Security Act, including a delay in the time (relative to death) of entry into a hospice program, and differences in such use between urban and rural hospice programs and based upon the presenting condition of the patient.

(b) Report.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission deems appropriate.

Subtitle D—Other Provisions

SEC. 331. RELIEF FROM MEDICARE PART A LATE ENROLLMENT PENALTY FOR GROUP BUY-IN FOR STATE AND LOCAL RETIREES.

(a) In General.—Section 1818 (42 U.S.C. 1395i–2) is amended—

(1) in subsection (c)(6), by inserting before the semicolon at the end the following: "and shall be subject to reduction in accordance with subsection (d)(6)"; and

(2) by adding at the end of subsection (d) the following new paragraph:

"(6)(A) In the case where a State, a political subdivision of a State, or an agency or instrumentality of a State or political subdivision thereof determines to pay, for the life of each individual, the monthly premiums due under paragraph (1) on behalf of each of the individuals in a qualified State or local government retiree group who meets the conditions of subsection (a), the amount of any increase otherwise applicable under section 1839(b) (as applied and modified by subsection (c)(6) of this section) with respect to the monthly premium for benefits under this part for an individual who is a member of such group shall be reduced by the total amount of taxes paid under section 3101(b) of the Internal Revenue Code of 1986 by such individual and under section 3111(b) by the employers of such individual on behalf of such individual with respect to employment (as defined in section 3121(b) of such Code).

"(B) For purposes of this paragraph, the term 'qualified State or local government retiree group' means all of the individuals who retire prior to a specified date that is before January 1, 2002, from employment in 1 or more occupations or other broad classes of employees of—

"(i) the State;

"(ii) a political subdivision of the State; or

"(iii) an agency or instrumentality of the State or political subdivision of the State.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to premiums for months beginning with January 1, 2002.

TITLE IV—PROVISIONS RELATING TO PART B

Subtitle A—Hospital Outpatient Services

SEC. 401. REVISION OF HOSPITAL OUTPATIENT PPS PAYMENT UPDATE.

(a) In General.—Section 1833(t)(3)(C)(iii) (42 U.S.C. 1395l(t)(3)(C)(iii)) is amended by striking "in each of 2000, 2001, and 2002" and inserting "in each of 2000 and 2002".

(b) Adjustment for Case Mix Changes.—

(1) In general.—Section 1833(t)(3)(C) (42 U.S.C. 1395l(t)(3)(C)) is amended—

(A) by redesignating clause (iii) as clause (iv); and

(B) by inserting after clause (ii) the following new clause:

"(iii) Adjustment for service mix changes.—Insofar as the Secretary determines that the adjustments for service mix under paragraph (2) for a previous year (or estimates that such adjustments for a future year) did (or are likely to) result in a change in aggregate payments under this subsection during the year that are a result of changes in the coding or classification of covered OPD services that do not reflect real changes in service mix, the Secretary may adjust the conversion factor computed under this subparagraph for subsequent years so as to eliminate the effect of such coding or classification changes.".

(2) Effective date.—The amendments made by paragraph (1) shall take effect as if included in the enactment of BBA.

(c) Special Rule for Payment for 2001.—Notwithstanding the amendment made by subsection (a), for purposes of making payments under section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) for covered OPD services furnished during 2001, the medicare OPD fee schedule amount under such section—

(1) for services furnished on or after January 1, 2001, and before April 1, 2001, shall be the medicare OPD fee schedule amount for 2001 as determined under the provisions of law in effect on the day before the date of the enactment of this Act; and

(2) for services furnished on or after April 1, 2001, and before January 1, 2002, shall be the fee schedule amount (as determined taking into account the amendment made by subsection (a)), increased by a transitional percentage allowance equal to 0.32 percent (to account for the timing of implementation of the full market basket update).

SEC. 402. CLARIFYING PROCESS AND STANDARDS FOR DETERMINING ELIGIBILITY OF DEVICES FOR PASS-THROUGH PAYMENTS UNDER HOSPITAL OUTPATIENT PPS.

(a) In General.—Section 1833(t)(6) (42 U.S.C. 1395l(t)(6)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) Use of categories in determining eligibility of a device for pass-through payments.—The following provisions apply for purposes of determining whether a medical device qualifies for additional payments under clause (ii) or (iv) of subparagraph (A):

"(i) Establishment of initial categories.—

"(I) In general.—The Secretary shall initially establish under this clause categories of medical devices based on type of device by April 1, 2001. Such categories shall be established in a manner such that each medical device that meets the requirements of clause (ii) or (iv) of subparagraph (A) as of January 1, 2001, is included in such a category and no such device is included in more than one category. For purposes of the preceding sentence, whether a medical device meets such requirements as of such date shall be determined on the basis of the program memoranda issued before such date.

"(II) Authorization of implementation other than through regulations.—The categories may be established under this clause by program memorandum or otherwise, after consultation with groups representing hospitals, manufacturers of medical devices, and other affected parties.

"(ii) Establishing criteria for additional categories.—

"(I) In general.—The Secretary shall establish criteria that will be used for creation of additional categories (other than those established under clause (i)) through rulemaking (which may include use of an interim final rule with comment period).

"(II) Standard.—Such categories shall be established under this clause in a manner such that no medical device is described by more than one category. Such criteria shall include a test of whether the average cost of devices that would be included in a category and are in use at the time the category is established is not insignificant, as described in subparagraph (A)(iv)(II).

"(III) Deadline.—Criteria shall first be established under this clause by July 1, 2001. The Secretary may establish in compelling circumstances categories under this clause before the date such criteria are established.

"(IV) Adding categories.—The Secretary shall promptly establish a new category of medical devices under this clause for any medical device that meets the requirements of subparagraph (A)(iv) and for which none of the categories in effect (or that were previously in effect) is appropriate.

"(iii) Period for which category is in effect.—A category of medical devices established under clause (i) or (ii) shall be in effect for a period of at least 2 years, but not more than 3 years, that begins—

"(I) in the case of a category established under clause (i), on the first date on which payment was made under this paragraph for any device described by such category (including payments made during the period before April 1, 2001); and

"(II) in the case of any other category, on the first date on which payment is made under this paragraph for any medical device that is described by such category.

"(iv) Requirements treated as met.—A medical device shall be treated as meeting the

requirements of subparagraph (A)(iv), regardless of whether the device meets the requirement of subclause (I) of such subparagraph, if—

"(I) the device is described by a category established and in effect under clause (i); or

"(II) the device is described by a category established and in effect under clause (ii) and an application under section 515 of the Federal Food, Drug, and Cosmetic Act has been approved with respect to the device, or the device has been cleared for market under section 510(k) of such Act, or the device is exempt from the requirements of section 510(k) of such Act pursuant to subsection (l) or (m) of section 510 of such Act or section 520(g) of such Act.

Nothing in this clause shall be construed as requiring an application or prior approval (other than that described in subclause (II)) in order for a covered device described by a category to qualify for payment under this paragraph.

"(C) LIMITED PERIOD OF PAYMENT.—

"(i) DRUGS AND BIOLOGICALS.—The payment under this paragraph with respect to a drug or biological shall only apply during a period of at least 2 years, but not more than 3 years, that begins—

"(I) on the first date this subsection is implemented in the case of a drug or biological described in clause (i), (ii), or (iii) of subparagraph (A) and in the case of a drug or biological described in subparagraph (A)(iv) and for which payment under this part is made as an outpatient hospital service before such first date; or

"(II) in the case of a drug or biological described in subparagraph (A)(iv) not described in subclause (I), on the first date on which payment is made under this part for the drug or biological as an outpatient hospital service.

"(ii) MEDICAL DEVICES.—Payment shall be made under this paragraph with respect to a medical device only if such device—

"(I) is described by a category of medical devices established and in effect under subparagraph (B); and

"(II) is provided as part of a service (or group of services) paid for under this subsection and provided during the period for which such category is in effect under such subparagraph.".

(b) CONFORMING AMENDMENTS.—Section 1833(t) (42 U.S.C. 1395l(t)) is further amended—

(1) in paragraph (6)(A)(iv)(II), by striking "the cost of the device, drug, or biological" and inserting "the cost of the drug or biological or the average cost of the category of devices";

(2) in paragraph (6)(D) (as redesignated by subsection (a)(1)), by striking "subparagraph (D)(iii)" in the matter preceding clause (i) and inserting "subparagraph (E)(iii)"; and

(3) in paragraph (12)(E), by striking "additional payments (consistent with paragraph (6)(B))" and inserting "additional payments, the determination and deletion of initial and new categories (consistent with subparagraphs (B) and (C) of paragraph (6))".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date of the enactment of this Act.

(d) TRANSITION.—

(1) IN GENERAL.—In the case of a medical device provided as part of a service (or group of services) furnished during the period before initial categories are implemented under subparagraph (B)(i) of section 1833(t)(6) of the Social Security Act (as amended by subsection (a)), payment shall be made for such device under such section in accordance with the provisions in effect before the date of the enactment of this Act. In addition, beginning on the date that is 30 days after the date of the enactment of this Act, payment shall be made for such a device that is not included in a program memorandum described in such subparagraph if the Secretary of Health and Human Services determines that the device (including a device that would have been included in such program memoranda but for the requirement of subparagraph (A)(iv)(I) of that section) is likely to be described by such an initial category.

(2) APPLICATION OF CURRENT PROCESS.—Notwithstanding any other provision of law, the Secretary shall continue to accept applications with respect to medical devices under the process established pursuant to paragraph (6) of section 1833(t) of the Social Security Act (as in effect on the day before the date of the enactment of this Act) through December 1, 2000, and any device—

(A) with respect to which an application was submitted (pursuant to such process) on or before such date; and

(B) that meets the requirements of clause (ii) or (iv) of subparagraph (A) of such paragraph (as determined pursuant to such process),

shall be treated as a device with respect to which an initial category is required to be established under subparagraph (B)(i) of such paragraph (as amended by subsection (a)(2)).

SEC. 403. APPLICATION OF OPD PPS TRANSITIONAL CORRIDOR PAYMENTS TO CERTAIN HOSPITALS THAT DID NOT SUBMIT A 1996 COST REPORT.

(a) IN GENERAL.—Section 1833(t)(7)(F)(ii)(I) (42 U.S.C. 1395l(t)(7)(F)(ii)(I)) is amended by inserting "(or in the case of a hospital that did not submit a cost report for such period, during the first subsequent cost reporting period ending before 2001 for which the hospital submitted a cost report)" after "1996".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of BBRA.

SEC. 404. APPLICATION OF RULES FOR DETERMINING PROVIDER-BASED STATUS FOR CERTAIN ENTITIES.

(a) GRANDFATHER.—Notwithstanding any other provision of law, effective October 1, 2000, for purposes of provider-based status under title XVIII of the Social Security Act—

(1) any facility or organization that is treated as provider-based in relation to a hospital or critical access hospital under such title as of such date shall continue to be treated as provider-based in relation to such hospital or critical access hospital under such title until October 1, 2002; and

(2) the requirements, limitations, and exclusions specified in subsections (d), (e), (f), and (h) of section 413.65 of title 42, Code of Federal Regulations, shall not apply to such facility or organization in relation to such hospital or critical access hospital until October 1, 2002.

(b) CONTINUING CRITERIA FOR MEETING GEOGRAPHIC LOCATION REQUIREMENT.—Except as provided in subsection (a), in making determinations of provider-based status on or after October 1, 2000, the following rules shall apply:

(1) The facility or organization shall be treated as satisfying any requirements and standards for geographic location in relation to a hospital or a critical access hospital if the facility or organization—

(A) satisfies the requirements of section 413.65(d)(7) of title 42, Code of Federal Regulations; or

(B) is located not more than 35 miles from the main campus of the hospital or critical access hospital.

(2) The facility or organization shall be treated as satisfying any of the requirements and standards for geographic location in relation to a hospital or a critical access hospital if the facility or organization is owned and operated by a hospital or critical access hospital that—

(A) is owned or operated by a unit of State or local government, is a public or private nonprofit corporation that is formally granted governmental powers by a unit of State or local government, or is a private hospital that has a contract with a State or local government that includes the operation of clinics located off the main campus of the hospital to assure access in a well-defined service area to health care services for low-income individuals who are not entitled to benefits under title XVIII (or medical assistance under a State plan under title XIX) of the Social Security Act; and

(B) has a disproportionate share adjustment percentage (as determined under section 1886(d)(5)(F) of such Act (42 U.S.C. 1395ww(d)(5)(F))) greater than 11.75 percent or is described in clause (i)(II) of such section.

(c) TEMPORARY CRITERIA.—For purposes of title XVIII of the Social Security Act, a facility or organization for which a determination of provider-based status in relation to a hospital or critical access hospital is requested on or after October 1, 2000, and before October 1, 2002, shall be treated as having provider-based status in relation to such a hospital or a critical access hospital for any period before a determination is made with respect to such status pursuant to such request.

(d) DEFINITIONS.—For purposes of this section, the terms "hospital" and "critical access hospital" have the meanings given such terms in subsections (e) and (mm)(1), respectively, of section 1861 of the Social Security Act (42 U.S.C. 1395x).

SEC. 405. TREATMENT OF CHILDREN'S HOSPITALS UNDER PROSPECTIVE PAYMENT SYSTEM.

(a) IN GENERAL.—Section 1833(t) (42 U.S.C. 1395l(t)) is amended—

(1) in the heading of paragraph (7)(D)(ii), by inserting "AND CHILDREN'S HOSPITALS" after "CANCER HOSPITALS"; and

(2) in paragraphs (7)(D)(ii) and (11), by striking "section 1886(d)(1)(B)(v)" and inserting "clause (iii) or (v) of section 1886(d)(1)(B)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply as if included in the enactment of section 202 of BBRA (113 Stat. 1501A–342).

SEC. 406. INCLUSION OF TEMPERATURE MONITORED CRYOABLATION IN TRANSITIONAL PASS-THROUGH FOR CERTAIN MEDICAL DEVICES, DRUGS, AND BIOLOGICALS UNDER OPD PPS.

(a) IN GENERAL.—Section 1833(t)(6)(A)(ii) (42 U.S.C. 1395l(t)(6)(A)(ii)) is amended by inserting "or temperature monitored cryoablation" after "device of brachytherapy".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to devices furnished on or after April 1, 2001.

Subtitle B—Provisions Relating to Physicians' Services

SEC. 411. GAO STUDIES RELATING TO PHYSICIANS' SERVICES.

(a) STUDY OF SPECIALIST PHYSICIANS' SERVICES FURNISHED IN PHYSICIANS' OFFICES AND HOSPITAL OUTPATIENT DEPARTMENT SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study to examine the appropriateness of furnishing in physicians' offices specialist physicians' services (such as gastrointestinal endoscopic physicians' services) which are ordinarily furnished in hospital outpatient departments. In conducting this study, the Comptroller General shall—

(A) review available scientific and clinical evidence about the safety of performing procedures in physicians' offices and hospital outpatient departments;

(B) assess whether resource-based practice expense relative values established by the Secretary of Health and Human Services under the medicare physician fee schedule under section 1848 of the Social Security Act (42 U.S.C. 1395w-4) for such specialist physicians' services furnished in physicians' offices and hospital outpatient departments create an incentive to furnish such services in physicians' offices instead of hospital outpatient departments; and

(C) assess the implications for access to care for medicare beneficiaries if the medicare program were not to cover such services in physicians' offices.

(2) REPORT.—Not later than July 1, 2001, the Comptroller General shall submit to Congress a report on such study and include such recommendations as the Comptroller General determines to be appropriate.

(b) STUDY OF THE RESOURCE-BASED PRACTICE EXPENSE SYSTEM.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the refinements to the practice expense relative value units during the transition to a resource-based practice expense system for physician payments under the medicare program under title XVIII of the Social Security Act. Such study shall examine how the Secretary of Health and Human Services has accepted and used the practice expense data submitted under section 212 of BBRA (113 Stat. 1501A–350).

(2) REPORT.—Not later than July 1, 2001, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations regarding—

(A) improvements in the process for acceptance and use of practice expense data under section 212 of BBRA;

(B) any change or adjustment that is appropriate to ensure full access to a spectrum of care for beneficiaries under the medicare program; and

(C) the appropriateness of payments to physicians.

SEC. 412. PHYSICIAN GROUP PRACTICE DEMONSTRATION.

(a) IN GENERAL.—Title XVIII is amended by inserting after section 1866 the following new sections:

"DEMONSTRATION OF APPLICATION OF PHYSICIAN VOLUME INCREASES TO GROUP PRACTICES

"SEC. 1866A. (a) DEMONSTRATION PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall conduct demonstration projects to test and, if proven effective, expand the use of incentives to health care groups participating in the program under this title that—

"(A) encourage coordination of the care furnished to individuals under the programs under parts A and B by institutional and other providers, practitioners, and suppliers of health care items and services;

"(B) encourage investment in administrative structures and processes to ensure efficient service delivery; and

"(C) reward physicians for improving health outcomes.

Such projects shall focus on the efficiencies of furnishing health care in a group-practice setting as compared to the efficiencies of furnishing health care in other health care delivery systems.

"(2) ADMINISTRATION BY CONTRACT.—Except as otherwise specifically provided, the Secretary may administer the program under this section in accordance with section 1866B.

"(3) DEFINITIONS.—For purposes of this section, terms have the following meanings:

"(A) PHYSICIAN.—Except as the Secretary may otherwise provide, the term 'physician' means any individual who furnishes services which may be paid for as physicians' services under this title.

"(B) HEALTH CARE GROUP.—The term 'health care group' means a group of physicians (as defined in subparagraph (A)) organized at least in part for the purpose of providing physicians' services under this title. As the Secretary finds appropriate, a health care group may include a hospital and any other individual or entity furnishing items or services for which payment may be made under this title that is affiliated with the health care group under an arrangement structured so that such individual or entity participates in a demonstration under this section and will share in any bonus earned under subsection (d).

"(b) ELIGIBILITY CRITERIA.—

"(1) IN GENERAL.—The Secretary is authorized to establish criteria for health care groups eligible to participate in a demonstration under this section, including criteria relating to numbers of health care professionals in, and of patients served by, the group, scope of services provided, and quality of care.

"(2) PAYMENT METHOD.—A health care group participating in the demonstration under this section shall agree with respect to services furnished to beneficiaries within the scope of the demonstration (as determined under subsection (c))—

"(A) to be paid on a fee-for-service basis; and

"(B) that payment with respect to all such services furnished by members of the health care group to such beneficiaries shall (where determined appropriate by the Secretary) be made to a single entity.

"(3) DATA REPORTING.—A health care group participating in a demonstration under this section shall report to the Secretary such data, at such times and in such format as the Secretary requires, for purposes of monitoring and evaluation of the demonstration under this section.

"(c) PATIENTS WITHIN SCOPE OF DEMONSTRATION.—

"(1) IN GENERAL.—The Secretary shall specify, in accordance with this subsection, the criteria for identifying those patients of a health care group who shall be considered within the scope of the demonstration under this section for purposes of application of subsection (d) and for assessment of the effectiveness of the group in achieving the objectives of this section.

"(2) OTHER CRITERIA.—The Secretary may establish additional criteria for inclusion of beneficiaries within a demonstration under this section, which may include frequency of contact with physicians in the group or other factors or criteria that the Secretary finds to be appropriate.

"(3) NOTICE REQUIREMENTS.—In the case of each beneficiary determined to be within the scope of a demonstration under this section with respect to a specific health care group, the Secretary shall ensure that such beneficiary is notified of the incentives, and of any waivers of coverage or payment rules, applicable to such group under such demonstration.

"(d) INCENTIVES.—

"(1) PERFORMANCE TARGET.—The Secretary shall establish for each health care group participating in a demonstration under this section—

"(A) a base expenditure amount, equal to the average total payments under parts A and B for patients served by the health care group on a fee-for-service basis in a base period determined by the Secretary; and

"(B) an annual per capita expenditure target for patients determined to be within the scope of the demonstration, reflecting the base expenditure amount adjusted for risk and expected growth rates.

"(2) INCENTIVE BONUS.—The Secretary shall pay to each participating health care group (subject to paragraph (4)) a bonus for each year under the demonstration equal to a portion of the medicare savings realized for such year relative to the performance target.

"(3) ADDITIONAL BONUS FOR PROCESS AND OUTCOME IMPROVEMENTS.—At such time as the Secretary has established appropriate criteria based on evidence the Secretary determines to be sufficient, the Secretary shall also pay to a participating health care group (subject to paragraph (4)) an additional bonus for a year, equal to such portion as the Secretary may designate of the saving to the program under this title resulting from process improvements made by and patient outcome improvements attributable to activities of the group.

"(4) LIMITATION.—The Secretary shall limit bonus payments under this section as necessary to ensure that the aggregate expenditures under this title (inclusive of bonus payments) with respect to patients within the scope of the demonstration do not exceed the amount which the Secretary estimates would be expended if the demonstration projects under this section were not implemented.

"PROVISIONS FOR ADMINISTRATION OF DEMONSTRATION PROGRAM

"SEC. 1866B. (a) GENERAL ADMINISTRATIVE AUTHORITY.—

"(1) BENEFICIARY ELIGIBILITY.—Except as otherwise provided by the Secretary, an individual shall only be eligible to receive benefits under the program under section 1866A (in this section referred to as the 'demonstration program') if such individual—

"(A) is enrolled under the program under part B and entitled to benefits under part A; and

"(B) is not enrolled in a Medicare+Choice plan under part C, an eligible organization under a contract under section 1876 (or a similar organization operating under a demonstration project authority), an organization with an agreement under section 1833(a)(1)(A), or a PACE program under section 1894.

"(2) SECRETARY'S DISCRETION AS TO SCOPE OF PROGRAM.—The Secretary may limit the implementation of the demonstration program to—

"(A) a geographic area (or areas) that the Secretary designates for purposes of the program, based upon such criteria as the Secretary finds appropriate;

"(B) a subgroup (or subgroups) of beneficiaries or individuals and entities furnishing items or services (otherwise eligible to participate in the program), selected on the basis of the number of such participants that the Secretary finds consistent with the effective and efficient implementation of the program;

"(C) an element (or elements) of the program that the Secretary determines to be suitable for implementation; or

"(D) any combination of any of the limits described in subparagraphs (A) through (C).

"(3) VOLUNTARY RECEIPT OF ITEMS AND SERVICES.—Items and services shall be furnished to an individual under the demonstration program only at the individual's election.

"(4) AGREEMENTS.—The Secretary is authorized to enter into agreements with individuals and entities to furnish health care items and services to beneficiaries under the demonstration program.

"(5) PROGRAM STANDARDS AND CRITERIA.—The Secretary shall establish performance standards for the demonstration program including, as applicable, standards for quality of health care items and services, cost-effectiveness, beneficiary satisfaction, and such other factors as the Secretary finds appropriate. The eligibility of individuals or entities for the initial award, continuation, and renewal of agreements to provide health care items and services under the program shall be conditioned, at a minimum, on performance that meets or exceeds such standards.

"(6) ADMINISTRATIVE REVIEW OF DECISIONS AFFECTING INDIVIDUALS AND ENTITIES FURNISHING SERVICES.—An individual or entity furnishing services under the demonstration program shall be entitled to a review by the program administrator (or, if the Secretary has not contracted with a program administrator, by the Secretary) of a decision not to enter into, or to terminate, or not to renew, an agreement with the entity to provide health care items or services under the program.

"(7) SECRETARY'S REVIEW OF MARKETING MATERIALS.—An agreement with an individual or entity furnishing services under the demonstration program shall require the individual or entity to guarantee that it will not distribute materials that market items or services under the program without the Secretary's prior review and approval.

"(8) PAYMENT IN FULL.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an individual or entity receiving payment from the Secretary under a contract or agreement under the demonstration program shall agree to accept such payment as payment in full, and such payment shall be in lieu of any payments to which the individual or entity would otherwise be entitled under this title.

"(B) COLLECTION OF DEDUCTIBLES AND COINSURANCE.—Such individual or entity may collect any applicable deductible or coinsurance amount from a beneficiary.

"(b) CONTRACTS FOR PROGRAM ADMINISTRATION.—

"(1) IN GENERAL.—The Secretary may administer the demonstration program through a contract with a program administrator in accordance with the provisions of this subsection.

"(2) SCOPE OF PROGRAM ADMINISTRATOR CONTRACTS.—The Secretary may enter into such contracts for a limited geographic area, or on a regional or national basis.

"(3) ELIGIBLE CONTRACTORS.—The Secretary may contract for the administration of the program with—

"(A) an entity that, under a contract under section 1816 or 1842, determines the amount of and makes payments for health care items and services furnished under this title; or

"(B) any other entity with substantial experience in managing the type of program concerned.

"(4) CONTRACT AWARD, DURATION, AND RENEWAL.—

"(A) IN GENERAL.—A contract under this subsection shall be for an initial term of up to three years, renewable for additional terms of up to three years.

"(B) NONCOMPETITIVE AWARD AND RENEWAL FOR ENTITIES ADMINISTERING PART A OR PART B PAYMENTS.—The Secretary may enter or renew a contract under this subsection with an entity described in paragraph (3)(A) without regard to the requirements of section 5 of title 41, United States Code.

"(5) APPLICABILITY OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall apply to program administration contracts under this subsection.

"(6) PERFORMANCE STANDARDS.—The Secretary shall establish performance standards for the program administrator including, as applicable, standards for the quality and cost-effectiveness of the program administered, and such other factors as the Secretary finds appropriate. The eligibility of entities for the initial award, continuation, and renewal of program administration contracts shall be conditioned, at a minimum, on performance that meets or exceeds such standards.

"(7) FUNCTIONS OF PROGRAM ADMINISTRATOR.—A program administrator shall perform any or all of the following functions, as specified by the Secretary:

"(A) AGREEMENTS WITH ENTITIES FURNISHING HEALTH CARE ITEMS AND SERVICES.—Determine the qualifications of entities seeking to enter or renew agreements to provide services under the demonstration program, and as appropriate enter or renew (or refuse to enter or renew) such agreements on behalf of the Secretary.

"(B) ESTABLISHMENT OF PAYMENT RATES.—Negotiate or otherwise establish, subject to the Secretary's approval, payment rates for covered health care items and services.

"(C) PAYMENT OF CLAIMS OR FEES.—Administer payments for health care items or services furnished under the program.

"(D) PAYMENT OF BONUSES.—Using such guidelines as the Secretary shall establish, and subject to the approval of the Secretary, make bonus payments as described in subsection (c)(2)(A)(ii) to entities furnishing items or services for which payment may be made under the program.

"(E) OVERSIGHT.—Monitor the compliance of individuals and entities with agreements under the program with the conditions of participation.

"(F) ADMINISTRATIVE REVIEW.—Conduct reviews of adverse determinations specified in subsection (a)(6).

"(G) REVIEW OF MARKETING MATERIALS.—Conduct a review of marketing materials proposed by an entity furnishing services under the program.

"(H) ADDITIONAL FUNCTIONS.—Perform such other functions as the Secretary may specify.

"(8) LIMITATION OF LIABILITY.—The provisions of section 1157(b) shall apply with respect to activities of contractors and their officers, employees, and agents under a contract under this subsection.

"(9) INFORMATION SHARING.—Notwithstanding section 1106 and section 552a of title 5, United States Code, the Secretary is authorized to disclose to an entity with a program administration contract under this subsection such information (including medical information) on individuals receiving health care items and services under the program as the entity may require to carry out its responsibilities under the contract.

"(c) RULES APPLICABLE TO BOTH PROGRAM AGREEMENTS AND PROGRAM ADMINISTRATION CONTRACTS.—

"(1) RECORDS, REPORTS, AND AUDITS.—The Secretary is authorized to require entities with agreements to provide health care items or services under the demonstration program, and entities with program administration contracts under subsection (b), to maintain adequate records, to afford the Secretary access to such records (including for audit purposes), and to furnish such reports and other materials (including audited financial statements and performance data) as the Secretary may require for purposes of implementation, oversight, and evaluation of the program and of individuals' and entities' effectiveness in performance of such agreements or contracts.

"(2) BONUSES.—Notwithstanding any other provision of law, but subject to subparagraph (B)(ii), the Secretary may make bonus payments under the demonstration program from the Federal Health Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund in amounts that do not exceed the amounts authorized under the program in accordance with the following:

"(A) PAYMENTS TO PROGRAM ADMINISTRATORS.—The Secretary may make bonus payments under the program to program administrators.

"(B) PAYMENTS TO ENTITIES FURNISHING SERVICES.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary may make bonus payments to individuals or entities furnishing items or services for which payment may be made under the demonstration program, or may authorize the program administrator to make such bonus payments in accordance with such guidelines as the Secretary shall establish and subject to the Secretary's approval.

"(ii) LIMITATIONS.—The Secretary may condition such payments on the achievement of such standards related to efficiency, improvement in processes or outcomes of care, or such other factors as the Secretary determines to be appropriate.

"(3) ANTIDISCRIMINATION LIMITATION.—The Secretary shall not enter into an agreement with an entity to provide health care items or services under the demonstration program, or with an entity to administer the program, unless such entity guarantees that it will not deny, limit, or condition the coverage or provision of benefits under the program, for individuals eligible to be enrolled under such program, based on any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(d) LIMITATIONS ON JUDICIAL REVIEW.—The following actions and determinations with respect to the demonstration program shall not be subject to review by a judicial or administrative tribunal:

"(1) Limiting the implementation of the program under subsection (a)(2).

"(2) Establishment of program participation standards under subsection (a)(5) or the denial or termination of, or refusal to renew, an agreement with an entity to provide health care items and services under the program.

"(3) Establishment of program administration contract performance standards under subsection (b)(6), the refusal to renew a program administration contract, or the noncompetitive award or renewal of a program administration contract under subsection (b)(4)(B).

"(4) Establishment of payment rates, through negotiation or otherwise, under a program agreement or a program administration contract.

"(5) A determination with respect to the program (where specifically authorized by the program authority or by subsection (c)(2))—

"(A) as to whether cost savings have been achieved, and the amount of savings; or

"(B) as to whether, to whom, and in what amounts bonuses will be paid.

"(e) APPLICATION LIMITED TO PARTS A AND B.—None of the provisions of this section or of the demonstration program shall apply to the programs under part C.

"(f) REPORTS TO CONGRESS.—Not later than two years after the date of the enactment of this section, and biennially thereafter for six years, the Secretary shall report to Congress on the use of authorities under the demonstration program. Each report shall address the impact of the use of those authorities on expenditures, access, and quality under the programs under this title.".

(b) GAO REPORT.—Not later than 2 years after the date on which the demonstration project under section 1866A of the Social Security Act, as added by subsection (a), is implemented, the Comptroller General of the United States shall submit to Congress a report on such demonstration project. The report shall include such recommendations with respect to changes to the demonstration project that the Comptroller General determines appropriate.

SEC. 413. STUDY ON ENROLLMENT PROCEDURES FOR GROUPS THAT RETAIN INDEPENDENT CONTRACTOR PHYSICIANS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the current medicare enrollment process for groups that retain independent contractor physicians with particular emphasis on hospital-based physicians, such as emergency department staffing groups. In conducting the evaluation, the Comptroller General shall consult with groups that retain independent contractor physicians and shall—

(1) review the issuance of individual medicare provider numbers and the possible medicare program integrity vulnerabilities of the current process;

(2) review direct and indirect costs associated with the current process incurred by the medicare program and groups that retain independent contractor physicians;

(3) assess the effect on program integrity by the enrollment of groups that retain independent contractor hospital-based physicians; and

(4) develop suggested procedures for the enrollment of these groups.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

Subtitle C—Other Services

SEC. 421. 1-YEAR EXTENSION OF MORATORIUM ON THERAPY CAPS; REPORT ON STANDARDS FOR SUPERVISION OF PHYSICAL THERAPY ASSISTANTS.

(a) IN GENERAL.—Section 1833(g)(4) (42 U.S.C. 1395l(g)(4)) is amended by striking "2000 and 2001." and inserting "2000, 2001, and 2002.".

(b) CONFORMING AMENDMENT TO CONTINUE FOCUSED MEDICAL REVIEWS OF CLAIMS DURING MORATORIUM PERIOD.—Section 221(a)(2) of BBRA (113 Stat. 1501A–351) is amended by striking "(under the amendment made by paragraph (1)(B))".

(c) STUDY ON STANDARDS FOR SUPERVISION OF PHYSICAL THERAPIST ASSISTANTS.—

(1) STUDY.—The Secretary of Health and Human Services shall conduct a study of the implications—

(A) of eliminating the "in the room" supervision requirement for medicare payment for services of physical therapy assistants who are supervised by physical therapists; and

(B) of such requirement on the cap imposed under section 1833(g) of the Social Security Act (42 U.S.C. 1395l(g)) on physical therapy services.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 422. UPDATE IN RENAL DIALYSIS COMPOSITE RATE.

(a) UPDATE.—

(1) IN GENERAL.—The last sentence of section 1881(b)(7) (42 U.S.C. 1395rr(b)(7)) is amended by striking "for such services furnished on or after January 1, 2001, by 1.2 percent" and inserting "for such services furnished on or after January 1, 2001, by 2.4 percent".

(2) PROHIBITION ON EXCEPTIONS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary of Health and Human Services may not provide for an exception under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)) on or after December 31, 2000.

(B) DEADLINE FOR NEW APPLICATIONS.—In the case of a facility that during 2000 did not file for an exception rate under such section, the facility may submit an application for an exception rate by not later than July 1, 2001.

(C) PROTECTION OF APPROVED EXCEPTION RATES.—Any exception rate under such section in effect on December 31, 2000 (or, in the case of an application under subparagraph (B), as approved under such application) shall continue in effect so long as such rate is greater than the composite rate as updated by the amendment made by paragraph (1).

(b) DEVELOPMENT OF ESRD MARKET BASKET.—

(1) DEVELOPMENT.—The Secretary of Health and Human Services shall collect data and develop an ESRD market basket whereby the Secretary can estimate, before the beginning of a year, the percentage by which the costs for the year of the mix of labor and nonlabor goods and services included in the ESRD composite rate under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)) will exceed the costs of such mix of goods and services for the preceding year. In developing such index, the Secretary may take into account measures of changes in—

(A) technology used in furnishing dialysis services;

(B) the manner or method of furnishing dialysis services; and

(C) the amounts by which the payments under such section for all services billed by a facility for a year exceed the aggregate allowable audited costs of such services for such facility for such year.

(2) REPORT.—The Secretary of Health and Human Services shall submit to Congress a report on the index developed under paragraph (1) no later than July 1, 2002, and shall include in the report recommendations on the appropriateness of an annual or periodic update mechanism for renal dialysis services under the medicare program under title XVIII of the Social Security Act based on such index.

(c) INCLUSION OF ADDITIONAL SERVICES IN COMPOSITE RATE.—

(1) DEVELOPMENT.—The Secretary of Health and Human Services shall develop a system which includes, to the maximum extent feasible, in the composite rate used for payment under section 1881(b)(7) of the Social Security Act (42 U.S.C. 1395rr(b)(7)), payment for clinical diagnostic laboratory tests and drugs (including drugs paid under section 1881(b)(11)(B) of such Act (42 U.S.C. 1395rr(b)(11)(B)) that are routinely used in furnishing dialysis services to medicare beneficiaries but which are currently separately billable by renal dialysis facilities.

(2) REPORT.—The Secretary shall include, as part of the report submitted under subsection (b)(2), a report on the system developed under paragraph (1) and recommendations on the appropriateness of incorporating the system into medicare payment for renal dialysis services.

(d) GAO STUDY ON ACCESS TO SERVICES.—

(1) STUDY.—The Comptroller General of the United States shall study access of medicare beneficiaries to renal dialysis services. Such study shall include whether there is a sufficient supply of facilities to furnish needed renal dialysis services, whether medicare payment levels are appropriate, taking into account audited costs of facilities for all services furnished, to ensure continued access to such services, and improvements in access (and quality of care) that may result in the increased use of long nightly and short daily hemodialysis modalities.

(2) REPORT.—Not later than January 1, 2003, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

(e) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendment made by subsection (a)(1), for purposes of making payments under section 1881(b) of the Social Security Act (42 U.S.C. 1395rr(b)) for dialysis services furnished during 2001, the composite rate payment under paragraph (7) of such section—

(1) for services furnished on or after January 1, 2001, and before April 1, 2001, shall be the composite rate payment determined under the provisions of law in effect on the day before the date of the enactment of this Act; and

(2) for services furnished on or after April 1, 2001, and before January 1, 2002, shall be the composite rate payment (as determined taking into account the amendment made by subsection (a)(1)) increased by a transitional percentage allowance equal to 0.39 percent (to account for the timing of implementation of the CPI update).

SEC. 423. PAYMENT FOR AMBULANCE SERVICES.

(a) RESTORATION OF FULL CPI INCREASE FOR 2001.—

(1) IN GENERAL.—Section 1834(l)(3) (42 U.S.C. 1395m(l)(3)) is amended by striking "reduced in the case of 2001 and 2002" each place it appears and inserting "reduced in the case of 2002".

(2) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendment made by paragraph (1), for purposes of making payments for ambulance services under part B of title XVIII of the Social Security Act, for services furnished during 2001, the "percentage increase in the consumer price index" specified in section 1834(l)(3)(B) of such Act (42 U.S.C. 1395m(l)(3)(B))—

(A) for services furnished on or after January 1, 2001, and before July 1, 2001, shall be the percentage increase for 2001 as determined under the provisions of law in effect on the day before the date of the enactment of this Act; and

(B) for services furnished on or after July 1, 2001, and before January 1, 2002, shall be equal to 4.7 percent.

(b) MILEAGE PAYMENTS.—

(1) IN GENERAL.—Section 1834(l)(2)(E) (42 U.S.C. 1395m(l)(2)(E)) is amended by inserting before the period at the end the following: ", except that such phase-in shall provide for full payment of any national mileage rate for ambulance services provided by suppliers that are paid by carriers in any of the 50 States where payment by a carrier for such services for all such suppliers in such State did not, prior to the implementation of the fee schedule, include a separate amount for all mileage within the county from which the beneficiary is transported".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services furnished on or after July 1, 2001.

SEC. 424. AMBULATORY SURGICAL CENTERS.

(a) DELAY IN IMPLEMENTATION OF PROSPECTIVE PAYMENT SYSTEM.—The Secretary of Health and Human Services may not implement a revised prospective payment system for services of ambulatory surgical facilities under section 1833(i) of the Social Security Act (42 U.S.C. 1395l(i)) before January 1, 2002.

(b) EXTENDING PHASE-IN TO 4 YEARS.—Section 226 of the BBRA (113 Stat. 1501A–354) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) in the first year of its implementation, only a proportion (specified by the Secretary and not to exceed ¼) of the payment for such services shall be made in accordance with such system and the remainder shall be made in accordance with current regulations; and

"(2) in each of the following 2 years a proportion (specified by the Secretary and not to exceed ½, and ¾, respectively) of the payment for such services shall be made under such system and the remainder shall be made in accordance with current regulations.".

(c) DEADLINE FOR USE OF 1999 OR LATER COST SURVEYS.—Section 226 of BBRA (113 Stat. 1501A–354) is amended by adding at the end the following:

"By not later than January 1, 2003, the Secretary shall incorporate data from a 1999 medicare cost survey or a subsequent cost survey for purposes of implementing or revising such system.".

SEC. 425. FULL UPDATE FOR DURABLE MEDICAL EQUIPMENT.

(a) IN GENERAL.—Section 1834(a)(14) (42 U.S.C. 1395m(a)(14)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (F);

(2) in subparagraph (C)—

(A) by striking "through 2002" and inserting "through 2000"; and

(B) by striking "and" at the end; and

(3) by inserting after subparagraph (C) the following new subparagraphs:

"(D) for 2001, the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with June 2000;

"(E) for 2002, 0 percentage points; and".

(b) SPECIAL RULE FOR PAYMENT FOR 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for durable medical equipment under section 1834(a) of the Social Security Act (42 U.S.C. 1395m(a)), other than for oxygen and oxygen equipment specified in paragraph (9) of such section, the payment basis recognized for 2001 under such section—

(1) for items furnished on or after January 1, 2001, and before July 1, 2001, shall be the payment basis for 2001 as determined under the provisions of law in effect on the day before the date of the enactment of this Act (including the application of section 228(a)(1) of BBRA); and

(2) for items furnished on or after July 1, 2001, and before January 1, 2002, shall be the payment basis that is determined under such section 1834(a) if such section 228(a)(1) did not apply and taking into account the amendment made by subsection (a), increased by a transitional percentage allowance equal to 3.28 percent (to account for the timing of implementation of the CPI update).

SEC. 426. FULL UPDATE FOR ORTHOTICS AND PROSTHETICS.

(a) In General.—Section 1834(h)(4)(A) (42 U.S.C. 1395m(h)(4)(A)) is amended—

(1) by redesignating clause (vi) as clause (viii);

(2) in clause (v)—

(A) by striking "through 2002" and inserting "through 2000"; and

(B) by striking "and" at the end; and

(3) by inserting after clause (v) the following new clause:

"(vi) for 2001, the percentage increase in the consumer price index for all urban consumers (U.S. city average) for the 12-month period ending with June 2000;

"(vii) for 2002, 1 percent; and".

(b) Special Rule for Payment for 2001.—Notwithstanding the amendments made by subsection (a), for purposes of making payments for prosthetic devices and orthotics and prosthetics (as defined in subparagraphs (B) and (C) of paragraph (4) of section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) under such section, the payment basis recognized for 2001 under paragraph (2) of such section—

(1) for items furnished on or after January 1, 2001, and before July 1, 2001, shall be the payment basis for 2001 as determined under the provisions of law in effect on the day before the date of the enactment of this Act; and

(2) for items furnished on or after July 1, 2001, and before January 1, 2002, shall be the payment basis that is determined under such section taking into account the amendments made by subsection (a), increased by a transitional percentage allowance equal to 2.6 percent (to account for the timing of implementation of the CPI update).

SEC. 427. ESTABLISHMENT OF SPECIAL PAYMENT PROVISIONS AND REQUIREMENTS FOR PROSTHETICS AND CERTAIN CUSTOM-FABRICATED ORTHOTIC ITEMS.

(a) In General.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)) is amended by adding at the end the following:

"(F) Special payment rules for certain prosthetics and custom-fabricated orthotics.—

"(i) In general.—No payment shall be made under this subsection for an item of custom-fabricated orthotics described in clause (ii) or for an item of prosthetics unless such item is—

"(I) furnished by a qualified practitioner; and

"(II) fabricated by a qualified practitioner or a qualified supplier at a facility that meets such criteria as the Secretary determines appropriate.

"(ii) Description of custom-fabricated item.—

"(I) In general.—An item described in this clause is an item of custom-fabricated orthotics that requires education, training, and experience to custom-fabricate and that is included in a list established by the Secretary in subclause (II). Such an item does not include shoes and shoe inserts.

"(II) List of items.—The Secretary, in consultation with appropriate experts in orthotics (including national organizations representing manufacturers of orthotics), shall establish and update as appropriate a list of items to which this subparagraph applies. No item may be included in such list unless the item is individually fabricated for the patient over a positive model of the patient.

"(iii) Qualified practitioner defined.—In this subparagraph, the term 'qualified practitioner' means a physician or other individual who—

"(I) is a qualified physical therapist or a qualified occupational therapist;

"(II) in the case of a State that provides for the licensing of orthotics and prosthetics, is licensed in orthotics or prosthetics by the State in which the item is supplied; or

"(III) in the case of a State that does not provide for the licensing of orthotics and prosthetics, is specifically trained and educated to provide or manage the provision of prosthetics and custom-designed or -fabricated orthotics, and is certified by the American Board for Certification in Orthotics and Prosthetics, Inc. or by the Board for Orthotist/Prosthetist Certification, or is credentialed and approved by a program that the Secretary determines, in consultation with appropriate experts in orthotics and prosthetics, has training and education standards that are necessary to provide such prosthetics and orthotics.

"(iv) Qualified supplier defined.—In this subparagraph, the term 'qualified supplier' means any entity that is accredited by the American Board for Certification in Orthotics and Prosthetics, Inc. or by the Board for Orthotist/Prosthetist Certification, or accredited and approved by a program that the Secretary determines has accreditation and approval standards that are essentially equivalent to those of such Board.".

(b) Effective Date.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate revised regulations to carry out the amendment made by subsection (a) using a negotiated rulemaking process under subchapter III of chapter 5 of title 5, United States Code.

(c) GAO Study and Report.—

(1) Study.—The Comptroller General of the United States shall conduct a study on HCFA Ruling 96–1, issued on September 1, 1996, with respect to distinguishing orthotics from durable medical equipment under the medicare program under title XVIII of the Social Security Act. The study shall assess the following matters:

(A) The compliance of the Secretary of Health and Human Services with the Administrative Procedures Act (under chapter 5 of title 5, United States Code) in making such ruling.

(B) The potential impact of such ruling on the health care furnished to medicare beneficiaries under the medicare program, especially those beneficiaries with degenerative musculoskeletal conditions.

(C) The potential for fraud and abuse under the medicare program if payment were provided for orthotics used as a component of durable medical equipment only when made under the special payment provision for certain prosthetics and custom-fabricated orthotics under section 1834(h)(1)(F) of the Social Security Act, as added by subsection (a) and furnished by qualified practitioners under that section.

(D) The impact on payments under titles XVIII and XIX of the Social Security Act if such ruling were overturned.

(2) Report.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 428. REPLACEMENT OF PROSTHETIC DEVICES AND PARTS.

(a) In General.—Section 1834(h)(1) (42 U.S.C. 1395m(h)(1)), as amended by section 427(a), is further amended by adding at the end the following new subparagraph:

"(G) Replacement of prosthetic devices and parts.—

"(i) In general.—Payment shall be made for the replacement of prosthetic devices which are artificial limbs, or for the replacement of any part of such devices, without regard to continuous use or useful lifetime restrictions if an ordering physician determines that the provision of a replacement device, or a replacement part of such a device, is necessary because of any of the following:

"(I) A change in the physiological condition of the patient.

"(II) An irreparable change in the condition of the device, or in a part of the device.

"(III) The condition of the device, or the part of the device, requires repairs and the cost of such repairs would be more than 60 percent of the cost of a replacement device, or, as the case may be, of the part being replaced.

"(ii) Confirmation may be required if device or part being replaced is less than 3 years old.—If a physician determines that a replacement device, or a replacement part, is necessary pursuant to clause (i)—

"(I) such determination shall be controlling; and

"(II) such replacement device or part shall be deemed to be reasonable and necessary for purposes of section 1862(a)(1)(A);

except that if the device, or part, being replaced is less than 3 years old (calculated from the date on which the beneficiary began to use the device or part), the Secretary may also require confirmation of necessity of the replacement device or replacement part, as the case may be.".

(b) Preemption of Rule.—The provisions of section 1834(h)(1)(G) as added by subsection (a) shall supersede any rule that as of the date of the enactment of this Act may have applied a 5-year replacement rule with regard to prosthetic devices.

(c) Effective Date.—The amendment made by subsection (a) shall apply to items replaced on or after April 1, 2001.

SEC. 429. REVISED PART B PAYMENT FOR DRUGS AND BIOLOGICALS AND RELATED SERVICES.

(a) Recommendations for Revised Payment Methodology for Drugs and Biologicals.—

(1) Study.—

(A) In general.—The Comptroller General of the United States shall conduct a study on the reimbursement for drugs and biologicals under the current medicare payment methodology (provided under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o))) and for related services under part B of title XVIII of such Act. In the study, the Comptroller General shall—

(i) identify the average prices at which such drugs and biologicals are acquired by physicians and other suppliers;

(ii) quantify the difference between such average prices and the reimbursement amount under such section; and

(iii) determine the extent to which (if any) payment under such part is adequate to compensate physicians, providers of services, or other suppliers of such drugs and biologicals for costs incurred in the administration, handling, or storage of such drugs or biologicals.

(B) Consultation.—In conducting the study under subparagraph (A), the Comptroller General shall consult with physicians, providers of services, and suppliers of drugs and biologicals under the medicare program under title XVIII of such Act, as well as other organizations involved in the distribution of such drugs and biologicals to such physicians, providers of services, and suppliers.

(2) REPORT.—Not later than 9 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress and to the Secretary of Health and Human Services a report on the study conducted under this subsection, and shall include in such report recommendations for revised payment methodologies described in paragraph (3).

(3) RECOMMENDATIONS FOR REVISED PAYMENT METHODOLOGIES.—

(A) IN GENERAL.—The Comptroller General shall provide specific recommendations for revised payment methodologies for reimbursement for drugs and biologicals and for related services under the medicare program. The Comptroller General may include in the recommendations—

(i) proposals to make adjustments under subsection (c) of section 1848 of the Social Security Act (42 U.S.C. 1395w–4) for the practice expense component of the physician fee schedule under such section for the costs incurred in the administration, handling, or storage of certain categories of such drugs and biologicals, if appropriate; and

(ii) proposals for new payments to providers of services or suppliers for such costs, if appropriate.

(B) ENSURING PATIENT ACCESS TO CARE.—In making recommendations under this paragraph, the Comptroller General shall ensure that any proposed revised payment methodology is designed to ensure that medicare beneficiaries continue to have appropriate access to health care services under the medicare program.

(C) MATTERS CONSIDERED.—In making recommendations under this paragraph, the Comptroller General shall consider—

(i) the method and amount of reimbursement for similar drugs and biologicals made by large group health plans;

(ii) as a result of any revised payment methodology, the potential for patients to receive inpatient or outpatient hospital services in lieu of services in a physician's office; and

(iii) the effect of any revised payment methodology on the delivery of drug therapies by hospital outpatient departments.

(D) COORDINATION WITH BBRA STUDY.—In making recommendations under this paragraph, the Comptroller General shall conclude and take into account the results of the study provided for under section 213(a) of BBRA (113 Stat. 1501A–350).

(b) IMPLEMENTATION OF NEW PAYMENT METHODOLOGY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, based on the recommendations contained in the report under subsection (a), the Secretary of Health and Human Services, subject to paragraph (2), shall revise the payment methodology under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o)) for drugs and biologicals furnished under part B of the medicare program. To the extent the Secretary determines appropriate, the Secretary may provide for the adjustments to payments amounts referred to in subsection (a)(3)(A)(i) or additional payments referred to in subsection (a)(2)(A)(ii).

(2) LIMITATION.—In revising the payment methodology under paragraph (1), in no case may the estimated aggregate payments for drugs and biologicals under the revised system (including additional payments referred to in subsection (a)(3)(A)(ii)) exceed the aggregate amount of payment for such drugs and biologicals, as projected by the Secretary, that would have been made under the payment methodology in effect under such section 1842(o).

(c) MORATORIUM ON DECREASES IN PAYMENT RATES.—Notwithstanding any other provision of law, effective for drugs and biologicals furnished on or after January 1, 2001, the Secretary may not directly or indirectly decrease the rates of reimbursement (in effect as of such date) for drugs and biologicals under the current medicare payment methodology (provided under section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o))) until such time as the Secretary has reviewed the report submitted under subsection (a)(2).

SEC. 430. CONTRAST ENHANCED DIAGNOSTIC PROCEDURES UNDER HOSPITAL PROSPECTIVE PAYMENT SYSTEM.

(a) SEPARATE CLASSIFICATION.—Section 1833(t)(2) (42 U.S.C. 1395l(t)(2)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) the Secretary shall create additional groups of covered OPD services that classify separately those procedures that utilize contrast agents from those that do not.".

(b) CONFORMING AMENDMENT.—Section 1861(t)(1) (42 U.S.C. 1395x(t)(1)) is amended by inserting "(including contrast agents)" after "only such drugs".

(c) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after July 1, 2001.

SEC. 431. QUALIFICATIONS FOR COMMUNITY MENTAL HEALTH CENTERS.

(a) MEDICARE PROGRAM.—Section 1861(ff)(3)(B) (42 U.S.C. 1395x(ff)(3)(B)) is amended by striking "entity" and all that follows and inserting the following: "entity that—

"(i)(I) provides the mental health services described in section 1913(c)(1) of the Public Health Service Act; or

"(II) in the case of an entity operating in a State that by law precludes the entity from providing itself the service described in subparagraph (E) of such section, provides for such service by contract with an approved organization or entity (as determined by the Secretary);

"(ii) meets applicable licensing or certification requirements for community mental health centers in the State in which it is located; and

"(iii) meets such additional conditions as the Secretary shall specify to ensure (I) the health and safety of individuals being furnished such services, (II) the effective and efficient furnishing of such services, and (III) the compliance of such entity with the criteria described in section 1931(c)(1) of the Public Health Service Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to community mental health centers with respect to services furnished on or after the first day of the third month beginning after the date of the enactment of this Act.

SEC. 432. PAYMENT OF PHYSICIAN AND NON-PHYSICIAN SERVICES IN CERTAIN INDIAN PROVIDERS.

(a) IN GENERAL.—Section 1880 (42 U.S.C. 1395qq) is amended—

(1) by redesignating subsection (e), as added by section 3(b)(1) of the Alaska Native and American Indian Direct Reimbursement Act of 2000 (Public Law 106–417), as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1)(A) Notwithstanding section 1835(d), subject to subparagraph (B), the Secretary shall make payment under part B to a hospital or an ambulatory care clinic (whether provider-based or freestanding) that is operated by the Indian Health Service or by an Indian tribe or tribal organization (as defined for purposes of subsection (a)) for services described in paragraph (2) furnished in or at the direction of the hospital or clinic under the same situations, terms, and conditions as would apply if the services were furnished in or at the direction of such a hospital or clinic that was not operated by such Service, tribe, or organization.

"(B) Payment shall not be made for services under subparagraph (A) to the extent that payment is otherwise made for such services under this title.

"(2) The services described in this paragraph are the following:

"(A) Services for which payment is made under section 1848.

"(B) Services furnished by a practitioner described in section 1842(b)(18)(C) for which payment under part B is made under a fee schedule.

"(C) Services furnished by a physical therapist or occupational therapist as described in section 1861(p) for which payment under part B is made under a fee schedule.

"(3) Subsection (c) shall not apply to payments made under this subsection.".

(b) CONFORMING AMENDMENTS.—

(1) COVERAGE AMENDMENT.—Section 1862(a)(3) (42 U.S.C. 1395y(a)(3)) is amended—

(A) by striking the second comma after "1861(aa)(1)"; and

(B) by inserting "in the case of services for which payment may be made under section 1880(e)," after "as defined in section 1861(aa)(3),".

(2) DIRECT PAYMENT AMENDMENT.—The first sentence of section 1842(b)(6) (42 U.S.C. 1395u(b)(6)) is amended—

(A) by striking "and (F)" and inserting "(F)"; and

(B) by inserting before the period the following: ", and (G) in the case of services in a hospital or clinic to which section 1880(e) applies, payment shall be made to such hospital or clinic".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 2001.

SEC. 433. GAO STUDY ON COVERAGE OF SURGICAL FIRST ASSISTING SERVICES OF CERTIFIED REGISTERED NURSE FIRST ASSISTANTS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effect on the medicare program under title XVIII of the Social Security Act and on medicare beneficiaries of coverage under the program of surgical first assisting services of certified registered nurse first assistants. The Comptroller General shall consider the following when conducting the study:

(1) Any impact on the quality of care furnished to medicare beneficiaries by reason of such coverage.

(2) Appropriate education and training requirements for certified registered nurse first assistants who furnish such first assisting services.

(3) Appropriate rates of payment under the program to such certified registered nurse first assistants for furnishing such services, taking into account the costs of compensation, overhead, and supervision attributable to certified registered nurse first assistants.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a).

SEC. 434. MEDPAC STUDY AND REPORT ON MEDICARE REIMBURSEMENT FOR SERVICES PROVIDED BY CERTAIN PROVIDERS.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the appropriateness of the current payment rates under the medicare program under title XVIII of the Social Security Act for services provided by a—

(1) certified nurse-midwife (as defined in subsection (gg)(2) of section 1861 of such Act (42 U.S.C. 1395x));

(2) physician assistant (as defined in subsection (aa)(5)(A) of such section);

(3) nurse practitioner (as defined in such subsection); and

(4) clinical nurse specialist (as defined in subsection (aa)(5)(B) of such section).

The study shall separately examine the appropriateness of such payment rates for orthopedic physician assistants, taking into consideration the requirements for accreditation, training, and education.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 435. MEDPAC STUDY AND REPORT ON MEDICARE COVERAGE OF SERVICES PROVIDED BY CERTAIN NONPHYSICIAN PROVIDERS.

(a) STUDY.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission shall conduct a study to determine the appropriateness of providing coverage under the medicare program under title XVIII of the Social Security Act for services provided by a—

(A) surgical technologist;

(B) marriage counselor;

(C) marriage and family therapist;

(D) pastoral care counselor; and

(E) licensed professional counselor of mental health.

(2) COSTS TO PROGRAM.—The study shall consider the short-term and long-term benefits, and costs to the medicare program, of providing the coverage described in paragraph (1).

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a), together with any recommendations for legislation that the Commission determines to be appropriate as a result of such study.

SEC. 436. GAO STUDY AND REPORT ON THE COSTS OF EMERGENCY AND MEDICAL TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for any changes in methodology or payment level necessary to fairly compensate suppliers of emergency and medical transportation services and to ensure the access of beneficiaries under the medicare program under title XVIII of the Social Security Act.

SEC. 437. GAO STUDIES AND REPORTS ON MEDICARE PAYMENTS.

(a) GAO STUDY ON HCFA POST-PAYMENT AUDIT PROCESS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the post-payment audit process under the medicare program under title XVIII of the Social Security Act as such process applies to physicians, including the proper level of resources that the Health Care Financing Administration should devote to educating physicians regarding—

(A) coding and billing;

(B) documentation requirements; and

(C) the calculation of overpayments.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with specific recommendations for changes or improvements in the post-payment audit process described in such paragraph.

(b) GAO STUDY ON ADMINISTRATION AND OVERSIGHT.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the aggregate effects of regulatory, audit, oversight, and paperwork burdens on physicians and other health care providers participating in the medicare program under title XVIII of the Social Security Act.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1) together with recommendations regarding any area in which—

(A) a reduction in paperwork, an ease of administration, or an appropriate change in oversight and review may be accomplished; or

(B) additional payments or education are needed to assist physicians and other health care providers in understanding and complying with any legal or regulatory requirements.

SEC. 438. MEDPAC STUDY ON ACCESS TO OUTPATIENT PAIN MANAGEMENT SERVICES.

(a) STUDY.—The Medicare Payment Advisory Commission shall conduct a study on the barriers to coverage and payment for outpatient interventional pain medicine procedures under the medicare program under title XVIII of the Social Security Act. Such study shall examine—

(1) the specific barriers imposed under the medicare program on the provision of pain management procedures in hospital outpatient departments, ambulatory surgery centers, and physicians' offices; and

(2) the consistency of medicare payment policies for pain management procedures in those different settings.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study.

TITLE V—PROVISIONS RELATING TO PARTS A AND B

Subtitle A—Home Health Services

SEC. 501. 1-YEAR ADDITIONAL DELAY IN APPLICATION OF 15 PERCENT REDUCTION ON PAYMENT LIMITS FOR HOME HEALTH SERVICES.

(a) IN GENERAL.—Section 1895(b)(3)(A)(i) (42 U.S.C. 1395fff(b)(3)(A)(i)) is amended—

(1) by redesignating subclause (II) as subclause (III);

(2) in subclause (III), as redesignated, by striking "described in subclause (I)" and inserting "described in subclause (II)"; and

(3) by inserting after subclause (I) the following new subclause:

"(II) For the 12-month period beginning after the period described in subclause (I), such amount (or amounts) shall be equal to the amount (or amounts) determined under subclause (I), updated under subparagraph (B).".

(b) CHANGE IN REPORT.—Section 302(c) of BBRA (113 Stat. 1501A–360) is amended—

(1) by striking "Not later than" and all that follows through "(42 U.S.C. 1395fff)" and inserting "Not later than April 1, 2002"; and

(2) by striking "Secretary" and inserting "Comptroller General of the United States".

(c) CASE MIX ADJUSTMENT CORRECTIONS.—

(1) IN GENERAL.—Section 1895(b)(3)(B) (42 U.S.C. 1395fff(b)(3)(B)) is amended by adding at the end the following new clause:

"(iv) ADJUSTMENT FOR CASE MIX CHANGES.—Insofar as the Secretary determines that the adjustments under paragraph (4)(A)(i) for a previous fiscal year (or estimates that such adjustments for a future fiscal year) did (or are likely to) result in a change in aggregate payments under this subsection during the fiscal year that are a result of changes in the coding or classification of different units of services that do not reflect real changes in case mix, the Secretary may adjust the standard prospective payment amount (or amounts) under paragraph (3) for subsequent fiscal years so as to eliminate the effect of such coding or classification changes.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to episodes concluding on or after October 1, 2001.

SEC. 502. RESTORATION OF FULL HOME HEALTH MARKET BASKET UPDATE FOR HOME HEALTH SERVICES FOR FISCAL YEAR 2001.

(a) IN GENERAL.—Section 1861(v)(1)(L)(x) (42 U.S.C. 1395x(v)(1)(L)(x)) is amended—

(1) by striking "2001,"; and

(2) by adding at the end the following: "With respect to cost reporting periods beginning during fiscal year 2001, the update to any limit under this subparagraph shall be the home health market basket index.".

(b) SPECIAL RULE FOR PAYMENT FOR FISCAL YEAR 2001 BASED ON ADJUSTED PROSPECTIVE PAYMENT AMOUNTS.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), for purposes of making payments under section 1895(b) of the Social Security Act (42 U.S.C. 1395fff(b)) for home health services furnished during fiscal year 2001, the Secretary of Health and Human Services shall—

(A) with respect to episodes and visits ending on or after October 1, 2000, and before April 1, 2001, use the final standardized and budget neutral prospective payment amounts for 60-day episodes and standardized average per visit amounts for fiscal year 2001 as published by the Secretary in the Federal Register on July 3, 2000 (65 Fed. Reg. 41128–41214); and

(B) with respect to episodes and visits ending on or after April 1, 2001, and before October 1, 2001, use such amounts increased by 2.2 percent.

(2) NO EFFECT ON OTHER PAYMENTS OR DETERMINATIONS.—The Secretary shall not take the provisions of paragraph (1) into account for purposes of payments, determinations, or budget neutrality adjustments under section 1895 of the Social Security Act.'

SEC. 503. TEMPORARY TWO-MONTH PERIODIC INTERIM PAYMENT.

(a) IN GENERAL.—Notwithstanding the amendments made by section 4603(b) of BBA (42 U.S.C. 1395fff note), in the case of a home health agency that was receiving periodic interim payments under section 1815(e)(2) of the Social Security Act (42 U.S.C. 1395g(e)(2)) as of September 30, 2000, and that is not described in subsection (b), the Secretary of Health and Human Services shall, as soon as practicable, make a single periodic interim payment to such agency in an amount equal to four times the last full fortnightly periodic interim payment made to such agency under the payment system in effect prior to the implementation of the prospective payment system under section 1895(b) of such Act (42 U.S.C. 1395fff(b)). Such amount of such periodic interim payment shall be included in the tentative settlement of the last cost report for the home health agency under the payment system in effect prior to the implementation of such prospective payment system, regardless of the ending date of such cost report.

(b) EXCEPTIONS.—The Secretary shall not make an additional periodic interim payment under subsection (a) in the case of a home health agency (determined as of the day that such payment would otherwise be made) that—

(1) notifies the Secretary that such agency does not want to receive such payment;

(2) is not receiving payments pursuant to section 405.371 of title 42, Code of Federal Regulations;

(3) is excluded from the medicare program under title XI of the Social Security Act;

(4) no longer has a provider agreement under section 1866 of such Act (42 U.S.C. 1395cc);

(5) is no longer in business; or

(6) is subject to a court order providing for the withholding of medicare payments under title XVIII of such Act.

SEC. 504. USE OF TELEHEALTH IN DELIVERY OF HOME HEALTH SERVICES.

Section 1895 (42 U.S.C. 1395fff) is amended by adding at the end the following new subsection:

"(e) CONSTRUCTION RELATED TO HOME HEALTH SERVICES.—

"(1) TELECOMMUNICATIONS.—Nothing in this section shall be construed as preventing a home health agency furnishing a home health unit of service for which payment is made under the prospective payment system established by this section for such units of service from furnishing services via a telecommunication system if such services—

"(A) do not substitute for in-person home health services ordered as part of a plan of care certified by a physician pursuant to section 1814(a)(2)(C) or 1835(a)(2)(A); and

"(B) are not considered a home health visit for purposes of eligibility or payment under this title.

"(2) PHYSICIAN CERTIFICATION.—Nothing in this section shall be construed as waiving the requirement for a physician certification under section 1814(a)(2)(C) or 1835(a)(2)(A) of such Act (42 U.S.C. 1395f(a)(2)(C), 1395n(a)(2)(A)) for the payment for home health services, whether or not furnished via a telecommunications system.".

SEC. 505. STUDY ON COSTS TO HOME HEALTH AGENCIES OF PURCHASING NONROUTINE MEDICAL SUPPLIES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on variations in prices paid by home health agencies furnishing home health services under the medicare program under title XVIII of the Social Security Act in purchasing nonroutine medical supplies, including ostomy supplies, and volumes of such supplies used, shall determine the effect (if any) of variations on prices and volumes in the provision of such services.

(b) REPORT.—Not later than August 15, 2001, the Comptroller General shall submit to Congress a report on the study conducted under subsection (a), and shall include in the report recommendations respecting whether payment for nonroutine medical supplies furnished in connection with home health services should be made separately from the prospective payment system for such services.

SEC. 506. TREATMENT OF BRANCH OFFICES; GAO STUDY ON SUPERVISION OF HOME HEALTH CARE PROVIDED IN ISOLATED RURAL AREAS.

(a) TREATMENT OF BRANCH OFFICES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in determining for purposes of title XVIII of the Social Security Act whether an office of a home health agency constitutes a branch office or a separate home health agency, neither the time nor distance between a parent office of the home health agency and a branch office shall be the sole determinant of a home health agency's branch office status.

(2) CONSIDERATION OF FORMS OF TECHNOLOGY IN DEFINITION OF SUPERVISION.—The Secretary of Health and Human Services may include forms of technology in determining what constitutes "supervision" for purposes of determining a home heath agency's branch office status under paragraph (1).

(b) GAO STUDY.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study of the provision of adequate supervision to maintain quality of home health services delivered under the medicare program under title XVIII of the Social Security Act in isolated rural areas. The study shall evaluate the methods that home health agency branches and subunits use to maintain adequate supervision in the delivery of services to clients residing in those areas, how these methods of supervision compare to requirements that subunits independently meet medicare conditions of participation, and the resources utilized by subunits to meet such conditions.

(2) REPORT.—Not later than January 1, 2002, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations on whether exceptions are needed for subunits and branches of home health agencies under the medicare program to maintain access to the home health benefit or whether alternative policies should be developed to assure adequate supervision and access and recommendations on whether a national standard for supervision is appropriate.

SEC. 507. CLARIFICATION OF THE HOMEBOUND DEFINITION UNDER THE MEDICARE HOME HEALTH BENEFIT.

(a) CLARIFICATION.—

(1) IN GENERAL.—Sections 1814(a) and 1835(a) (42 U.S.C. 1395f(a) and 1395n(a)) are each amended—

(A) in the last sentence, by striking ", and that absences of the individual from home are infrequent or of relatively short duration, or are attributable to the need to receive medical treatment"; and

(B) by adding at the end the following new sentences: "Any absence of an individual from the home attributable to the need to receive health care treatment, including regular absences for the purpose of participating in therapeutic, psychosocial, or medical treatment in an adult day-care program that is licensed or certified by a State, or accredited, to furnish adult day-care services in the State shall not disqualify an individual from being considered to be 'confined to his home'. Any other absence of an individual from the home shall not so disqualify an individual if the absence is of infrequent or of relatively short duration. For purposes of the preceding sentence, any absence for the purpose of attending a religious service shall be deemed to be an absence of infrequent or short duration.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to home health services furnished on or after the date of the enactment of this Act.

(b) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct an evaluation of the effect of the amendment on the cost of and access to home health services under the medicare program under title XVIII of the Social Security Act.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 508. TEMPORARY INCREASE FOR HOME HEALTH SERVICES FURNISHED IN A RURAL AREA.

(a) 24-MONTH INCREASE BEGINNING APRIL 1, 2001.—In the case of home health services furnished in a rural area (as defined in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D))) on or after April 1, 2001, and before April 1, 2003, the Secretary of Health and Human Services shall increase the payment amount otherwise made under section 1895 of such Act (42 U.S.C. 1395fff) for such services by 10 percent.

(b) WAIVING BUDGET NEUTRALITY.—The Secretary shall not reduce the standard prospective payment amount (or amounts) under section 1895 of the Social Security Act (42 U.S.C. 1395fff) applicable to home health services furnished during a period to offset the increase in payments resulting from the application of subsection (a).

Subtitle B—Direct Graduate Medical Education

SEC. 511. INCREASE IN FLOOR FOR DIRECT GRADUATE MEDICAL EDUCATION PAYMENTS.

Section 1886(h)(2)(D)(iii) (42 U.S.C. 1395ww(h)(2)(D)(iii)) is amended—

(1) in the heading, by striking "IN FISCAL YEAR 2001 AT 70 PERCENT OF" and inserting "FOR"; and

(2) by inserting after "70 percent" the following: ", and for the cost reporting period beginning during fiscal year 2002 shall not be less than 85 percent,".

SEC. 512. CHANGE IN DISTRIBUTION FORMULA FOR MEDICARE+CHOICE-RELATED NURSING AND ALLIED HEALTH EDUCATION COSTS.

(a) IN GENERAL.—Section 1886(l)(2)(C) (42 U.S.C. 1395ww(l)(2)(C)) is amended by striking all that follows "multiplied by" and inserting the following: "the ratio of—

"(i) the product of (I) the Secretary's estimate of the ratio of the amount of payments made under section 1861(v) to the hospital for nursing and allied health education activities for the hospital's cost reporting period ending in the second preceding fiscal year, to the hospital's total inpatient days for such period, and (II) the total number of inpatient days (as established by the Secretary) for such period which are attributable to services furnished to individuals who are enrolled under a risk sharing contract with an eligible organization under section 1876 and who are entitled to benefits under part A or who are enrolled with a Medicare+Choice organization under part C; to

"(ii) the sum of the products determined under clause (i) for such cost reporting periods.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to portions of cost reporting periods occurring on or after January 1, 2001.

Subtitle C—Changes in Medicare Coverage and Appeals Process

SEC. 521. REVISIONS TO MEDICARE APPEALS PROCESS.

(a) CONDUCT OF RECONSIDERATIONS OF DETERMINATIONS BY INDEPENDENT CONTRACTORS.—Section 1869 (42 U.S.C. 1395ff) is amended to read as follows:

"DETERMINATIONS; APPEALS

"SEC. 1869. (a) INITIAL DETERMINATIONS.—

"(1) PROMULGATIONS OF REGULATIONS.—The Secretary shall promulgate regulations and make initial determinations with respect to benefits under part A or part B in accordance with those regulations for the following:

"(A) The initial determination of whether an individual is entitled to benefits under such parts.

"(B) The initial determination of the amount of benefits available to the individual under such parts.

"(C) Any other initial determination with respect to a claim for benefits under such parts, including an initial determination by the Secretary that payment may not be made, or may no longer be made, for an item or service under such parts, an initial determination made by a utilization and quality control peer review organization under section 1154(a)(2), and an initial determination made by an entity pursuant to a contract (other than a contract under section 1852) with the Secretary to administer provisions of this title or title XI.

"(2) DEADLINES FOR MAKING INITIAL DETERMINATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), in promulgating regulations under paragraph (1), initial determinations shall be concluded by not later than the 45-day period beginning on the date the fiscal intermediary or the carrier, as the case may be, receives a claim for benefits from an individual as described in paragraph (1). Notice of such determination shall be mailed to the individual filing the claim before the conclusion of such 45-day period.

"(B) CLEAN CLAIMS.—Subparagraph (A) shall not apply with respect to any claim that is subject to the requirements of section 1816(c)(2) or 1842(c)(2).

"(3) REDETERMINATIONS.—

"(A) IN GENERAL.—In promulgating regulations under paragraph (1) with respect to initial determinations, such regulations shall provide for a fiscal intermediary or a carrier to make a redetermination with respect to a claim for benefits that is denied in whole or in part.

"(B) LIMITATIONS.—

"(i) APPEAL RIGHTS.—No initial determination may be reconsidered or appealed under subsection (b) unless the fiscal intermediary or carrier has made a redetermination of that initial determination under this paragraph.

"(ii) DECISIONMAKER.—No redetermination may be made by any individual involved in the initial determination.

"(C) DEADLINES.—

"(i) FILING FOR REDETERMINATION.—A redetermination under subparagraph (A) shall be available only if notice is filed with the Secretary to request the redetermination by not later than the end of the 120-day period beginning on the date the individual receives notice of the initial determination under paragraph (2).

"(ii) CONCLUDING REDETERMINATIONS.—Redeterminations shall be concluded by not later than the 30-day period beginning on the date the fiscal intermediary or the carrier, as the case may be, receives a request for a redetermination. Notice of such determination shall be mailed to the individual filing the claim before the conclusion of such 30-day period.

"(D) CONSTRUCTION.—For purposes of the succeeding provisions of this section a redetermination under this paragraph shall be considered to be part of the initial determination.

"(b) APPEAL RIGHTS.—

"(1) IN GENERAL.—

"(A) RECONSIDERATION OF INITIAL DETERMINATION.—Subject to subparagraph (D), any individual dissatisfied with any initial determination under subsection (a)(1) shall be entitled to reconsideration of the determination, and, subject to subparagraphs (D) and (E), a hearing thereon by the Secretary to the same extent as is provided in section 205(b) and to judicial review of the Secretary's final decision after such hearing as is provided in section 205(g). For purposes of the preceding sentence, any reference to the 'Commissioner of Social Security' or the 'Social Security Administration' in subsection (g) or (l) of section 205 shall be considered a reference to the 'Secretary' or the 'Department of Health and Human Services', respectively.

"(B) REPRESENTATION BY PROVIDER OR SUPPLIER.—

"(i) IN GENERAL.—Sections 206(a), 1102, and 1871 shall not be construed as authorizing the Secretary to prohibit an individual from being represented under this section by a person that furnishes or supplies the individual, directly or indirectly, with services or items, solely on the basis that the person furnishes or supplies the individual with such a service or item.

"(ii) MANDATORY WAIVER OF RIGHT TO PAYMENT FROM BENEFICIARY.—Any person that furnishes services or items to an individual may not represent an individual under this section with respect to the issue described in section 1879(a)(2) unless the person has waived any rights for payment from the beneficiary with respect to the services or items involved in the appeal.

"(iii) PROHIBITION ON PAYMENT FOR REPRESENTATION.—If a person furnishes services or items to an individual and represents the individual under this section, the person may not impose any financial liability on such individual in connection with such representation.

"(iv) REQUIREMENTS FOR REPRESENTATIVES OF A BENEFICIARY.—The provisions of section 205(j) and of section 206 (other than subsection (a)(4) of such section) regarding representation of claimants shall apply to representation of an individual with respect to appeals under this section in the same manner as they apply to representation of an individual under those sections.

"(C) SUCCESSION OF RIGHTS IN CASES OF ASSIGNMENT.—The right of an individual to an appeal under this section with respect to an item or service may be assigned to the provider of services or supplier of the item or service upon the written consent of such individual using a standard form established by the Secretary for such an assignment.

"(D) TIME LIMITS FOR FILING APPEALS.—

"(i) RECONSIDERATIONS.—Reconsideration under subparagraph (A) shall be available only if the individual described in subparagraph (A) files notice with the Secretary to request reconsideration by not later than the end of the 180-day period beginning on the date the individual receives notice of the redetermination under subsection (a)(3), or within such additional time as the Secretary may allow.

"(ii) HEARINGS CONDUCTED BY THE SECRETARY.—The Secretary shall establish in regulations time limits for the filing of a request for a hearing by the Secretary in accordance with provisions in sections 205 and 206.

"(E) AMOUNTS IN CONTROVERSY.—

"(i) IN GENERAL.—A hearing (by the Secretary) shall not be available to an individual under this section if the amount in controversy is less than $100, and judicial review shall not be available to the individual if the amount in controversy is less than $1,000.

"(ii) AGGREGATION OF CLAIMS.—In determining the amount in controversy, the Secretary, under regulations, shall allow two or more appeals to be aggregated if the appeals involve—

"(I) the delivery of similar or related services to the same individual by one or more providers of services or suppliers, or

"(II) common issues of law and fact arising from services furnished to two or more individuals by one or more providers of services or suppliers.

"(F) EXPEDITED PROCEEDINGS.—

"(i) EXPEDITED DETERMINATION.—In the case of an individual who has received notice from a provider of services that such provider plans—

"(I) to terminate services provided to an individual and a physician certifies that failure to continue the provision of such services is likely to place the individual's health at significant risk, or

"(II) to discharge the individual from the provider of services,

the individual may request, in writing or orally, an expedited determination or an expedited reconsideration of an initial determination made under subsection (a)(1), as the case may be, and the Secretary shall provide such expedited determination or expedited reconsideration.

"(ii) EXPEDITED HEARING.—In a hearing by the Secretary under this section, in which the moving party alleges that no material issues of fact are in dispute, the Secretary shall make an expedited determination as to whether any such facts are in dispute and, if not, shall render a decision expeditiously.

"(G) REOPENING AND REVISION OF DETERMINATIONS.—The Secretary may reopen or revise any initial determination or reconsidered determination described in this subsection under guidelines established by the Secretary in regulations.

"(c) CONDUCT OF RECONSIDERATIONS BY INDEPENDENT CONTRACTORS.—

"(1) IN GENERAL.—The Secretary shall enter into contracts with qualified independent contractors to conduct reconsiderations of initial determinations made under subparagraphs (B) and (C) of subsection (a)(1). Contracts shall be for an initial term of three years and shall be renewable on a triennial basis thereafter.

"(2) QUALIFIED INDEPENDENT CONTRACTOR.—For purposes of this subsection, the term 'qualified independent contractor' means an entity or organization that is independent of any organization under contract with the Secretary that makes initial determinations under subsection (a)(1), and that meets the requirements established by the Secretary consistent with paragraph (3).

"(3) REQUIREMENTS.—Any qualified independent contractor entering into a contract with the Secretary under this subsection shall meet all of the following requirements:

"(A) IN GENERAL.—The qualified independent contractor shall perform such duties and functions and assume such responsibilities as may be required by the Secretary to carry out the provisions of this subsection, and shall have sufficient training and expertise in medical science and legal matters to make reconsiderations under this subsection.

"(B) RECONSIDERATIONS.—

"(i) IN GENERAL.—The qualified independent contractor shall review initial determinations. Where an initial determination is made with respect to whether an item or service is reasonable and necessary for the diagnosis or treatment of illness or injury (under section 1862(a)(1)(A)), such review shall include consideration of the facts and circumstances of the initial determination by a panel of physicians or other appropriate health care professionals and any decisions with respect to the reconsideration shall be based on applicable information, including clinical experience and medical, technical, and scientific evidence.

"(ii) EFFECT OF NATIONAL AND LOCAL COVERAGE DETERMINATIONS.—

"(I) NATIONAL COVERAGE DETERMINATIONS.—If the Secretary has made a national coverage determination pursuant to the requirements established under the third sentence of section 1862(a), such determination shall be binding on the qualified independent contractor in making a decision with respect to a reconsideration under this section.

"(II) LOCAL COVERAGE DETERMINATIONS.—If the Secretary has made a local coverage determination, such determination shall not be binding on the qualified independent contractor in making a decision with respect to a reconsideration under this section. Notwithstanding the previous sentence, the qualified independent contractor shall consider the local coverage determination in making such decision.

"(III) ABSENCE OF NATIONAL OR LOCAL COVERAGE DETERMINATION.—In the absence of such a national coverage determination or local coverage determination, the qualified independent contractor shall make a decision with respect to the reconsideration based on applicable information, including clinical experience and medical, technical, and scientific evidence.

"(C) DEADLINES FOR DECISIONS.—

"(i) RECONSIDERATIONS.—Except as provided in clauses (iii) and (iv), the qualified independent contractor shall conduct and conclude a reconsideration under subparagraph (B), and mail the notice of the decision with respect to the reconsideration by not later than the end of *the 30-day period beginning on the date a request for reconsideration has been timely filed.*

“(ii) CONSEQUENCES OF FAILURE TO MEET DEADLINE.—In the case of a failure by the qualified independent contractor to mail the notice of the decision by the end of the period described in clause (i) or to provide notice by the end of the period described in clause (iii), as the case may be, the party requesting the reconsideration or appeal may request a hearing before the Secretary, notwithstanding any requirements for a reconsidered determination for purposes of the party's right to such hearing.

“(iii) EXPEDITED RECONSIDERATIONS.—The qualified independent contractor shall perform an expedited reconsideration under subsection (b)(1)(F) as follows:

“(I) DEADLINE FOR DECISION.—Notwithstanding section 216(j) and subject to clause (iv), not later than the end of the 72-hour period beginning on the date the qualified independent contractor has received a request for such reconsideration and has received such medical or other records needed for such reconsideration, the qualified independent contractor shall provide notice (by telephone and in writing) to the individual and the provider of services and attending physician of the individual of the results of the reconsideration. Such reconsideration shall be conducted regardless of whether the provider of services or supplier will charge the individual for continued services or whether the individual will be liable for payment for such continued services.

“(II) CONSULTATION WITH BENEFICIARY.—In such reconsideration, the qualified independent contractor shall solicit the views of the individual involved.

“(III) SPECIAL RULE FOR HOSPITAL DISCHARGES.—A reconsideration of a discharge from a hospital shall be conducted under this clause in accordance with the provisions of paragraphs (2), (3), and (4) of section 1154(e) as in effect on the date that precedes the date of the enactment of this subparagraph.

“(iv) EXTENSION.—An individual requesting a reconsideration under this subparagraph may be granted such additional time as the individual specifies (not to exceed 14 days) for the qualified independent contractor to conclude the reconsideration. The individual may request such additional time orally or in writing.

“(D) LIMITATION ON INDIVIDUAL REVIEWING DETERMINATIONS.—

“(i) PHYSICIANS AND HEALTH CARE PROFESSIONAL.—No physician or health care professional under the employ of a qualified independent contractor may review—

“(I) determinations regarding health care services furnished to a patient if the physician or health care professional was directly responsible for furnishing such services; or

“(II) determinations regarding health care services provided in or by an institution, organization, or agency, if the physician or any member of the family of the physician or health care professional has, directly or indirectly, a significant financial interest in such institution, organization, or agency.

“(ii) FAMILY DESCRIBED.—For purposes of this paragraph, the family of a physician or health care professional includes the spouse (other than a spouse who is legally separated from the physician or health care professional under a decree of divorce or separate maintenance), children (including stepchildren and legally adopted children), grandchildren, parents, and grandparents of the physician or health care professional.

“(E) EXPLANATION OF DECISION.—Any decision with respect to a reconsideration of a qualified independent contractor shall be in writing, and shall include a detailed explanation of the decision as well as a discussion of the pertinent facts and applicable regulations applied in making such decision, and in the case of a determination of whether an item or service is reasonable and necessary for the diagnosis or treatment of illness or injury (under section 1862(a)(1)(A)) an explanation of the medical and scientific rationale for the decision.

“(F) NOTICE REQUIREMENTS.—Whenever a qualified independent contractor makes a decision with respect to a reconsideration under this subsection, the qualified independent contractor shall promptly notify the entity responsible for the payment of claims under part A or part B of such decision.

“(G) DISSEMINATION OF DECISIONS ON RECONSIDERATIONS.—Each qualified independent contractor shall make available all decisions with respect to reconsiderations of such qualified independent contractors to fiscal intermediaries (under section 1816), carriers (under section 1842), peer review organizations (under part B of title XI), Medicare+Choice organizations offering Medicare+Choice plans under part C, other entities under contract with the Secretary to make initial determinations under part A or part B or title XI, and to the public. The Secretary shall establish a methodology under which qualified independent contractors shall carry out this subparagraph.

“(H) ENSURING CONSISTENCY IN DECISIONS.—Each qualified independent contractor shall monitor its decisions with respect to reconsiderations to ensure the consistency of such decisions with respect to requests for reconsideration of similar or related matters.

“(I) DATA COLLECTION.—

“(i) IN GENERAL.—Consistent with the requirements of clause (ii), a qualified independent contractor shall collect such information relevant to its functions, and keep and maintain such records in such form and manner as the Secretary may require to carry out the purposes of this section and shall permit access to and use of any such information and records as the Secretary may require for such purposes.

“(ii) TYPE OF DATA COLLECTED.—Each qualified independent contractor shall keep accurate records of each decision made, consistent with standards established by the Secretary for such purpose. Such records shall be maintained in an electronic database in a manner that provides for identification of the following:

“(I) Specific claims that give rise to appeals.

“(II) Situations suggesting the need for increased education for providers of services, physicians, or suppliers.

“(III) Situations suggesting the need for changes in national or local coverage policy.

“(IV) Situations suggesting the need for changes in local medical review policies.

“(iii) ANNUAL REPORTING.—Each qualified independent contractor shall submit annually to the Secretary (or otherwise as the Secretary may request) records maintained under this paragraph for the previous year.

“(J) HEARINGS BY THE SECRETARY.—The qualified independent contractor shall (i) prepare such information as is required for an appeal of a decision of the contractor with respect to a reconsideration to the Secretary for a hearing, including as necessary, explanations of issues involved in the decision and relevant policies, and (ii) participate in such hearings as required by the Secretary.

“(4) NUMBER OF QUALIFIED INDEPENDENT CONTRACTORS.—The Secretary shall enter into contracts with not fewer than 12 qualified independent contractors under this subsection.

“(5) LIMITATION ON QUALIFIED INDEPENDENT CONTRACTOR LIABILITY.—No qualified independent contractor having a contract with the Secretary under this subsection and no person who is employed by, or who has a fiduciary relationship with, any such qualified independent contractor or who furnishes professional services to such qualified independent contractor, shall be held by reason of the performance of any duty, function, or activity required or authorized pursuant to this subsection or to a valid contract entered into under this subsection, to have violated any criminal law, or to be civilly liable under any law of the United States or of any State (or political subdivision thereof) provided due care was exercised in the performance of such duty, function, or activity.

“(d) DEADLINES FOR HEARINGS BY THE SECRETARY.—

“(1) HEARING BY ADMINISTRATIVE LAW JUDGE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an administrative law judge shall conduct and conclude a hearing on a decision of a qualified independent contractor under subsection (c) and render a decision on such hearing by not later than the end of the 90-day period beginning on the date a request for hearing has been timely filed.

“(B) WAIVER OF DEADLINE BY PARTY SEEKING HEARING.—The 90-day period under subparagraph (A) shall not apply in the case of a motion or stipulation by the party requesting the hearing to waive such period.

“(2) DEPARTMENTAL APPEALS BOARD REVIEW.—

“(A) IN GENERAL.—The Departmental Appeals Board of the Department of Health and Human Services shall conduct and conclude a review of the decision on a hearing described in paragraph (1) and make a decision or remand the case to the administrative law judge for reconsideration by not later than the end of the 90-day period beginning on the date a request for review has been timely filed.

“(B) DAB HEARING PROCEDURE.—In reviewing a decision on a hearing under this paragraph, the Departmental Appeals Board shall review the case de novo.

“(3) CONSEQUENCES OF FAILURE TO MEET DEADLINES.—

“(A) HEARING BY ADMINISTRATIVE LAW JUDGE.—In the case of a failure by an administrative law judge to render a decision by the end of the period described in paragraph (1), the party requesting the hearing may request a review by the Departmental Appeals Board of the Department of Health and Human Services, notwithstanding any requirements for a hearing for purposes of the party's right to such a review.

“(B) DEPARTMENTAL APPEALS BOARD REVIEW.—In the case of a failure by the Departmental Appeals Board to render a decision by the end of the period described in paragraph (2), the party requesting the hearing may seek judicial review, notwithstanding any requirements for a hearing for purposes of the party's right to such judicial review.

“(e) ADMINISTRATIVE PROVISIONS.—

“(1) LIMITATION ON REVIEW OF CERTAIN REGULATIONS.—A regulation or instruction that relates to a method for determining the amount of payment under part B and that was initially issued before January 1, 1981, shall not be subject to judicial review.

“(2) OUTREACH.—The Secretary shall perform such outreach activities as are necessary to inform individuals entitled to benefits under this title and providers of services and suppliers with respect to their rights of, and the process for, appeals made under this section. The Secretary shall use the toll-free telephone number maintained by the Secretary under section 1804(b) to provide information regarding appeal rights and respond to inquiries regarding the status of appeals.

“(3) CONTINUING EDUCATION REQUIREMENT FOR QUALIFIED INDEPENDENT CONTRACTORS AND ADMINISTRATIVE LAW JUDGES.—The Secretary shall provide to each qualified independent contractor, and, in consultation with the Commissioner of Social Security, to administrative law

judges that decide appeals of reconsiderations of initial determinations or other decisions or determinations under this section, such continuing education with respect to coverage of items and services under this title or policies of the Secretary with respect to part B of title XI as is necessary for such qualified independent contractors and administrative law judges to make informed decisions with respect to appeals.

"(4) REPORTS.—

"(A) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress an annual report describing the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including any recommendations of the Secretary with respect to such actions. The Secretary shall include in such report an analysis of determinations by qualified independent contractors with respect to inconsistent decisions and an analysis of the causes of any such inconsistencies.

"(B) SURVEY.—Not less frequently than every 5 years, the Secretary shall conduct a survey of a valid sample of individuals entitled to benefits under this title who have filed appeals of determinations under this section, providers of services, and suppliers to determine the satisfaction of such individuals or entities with the process for appeals of determinations provided for under this section and education and training provided by the Secretary with respect to that process. The Secretary shall submit to Congress a report describing the results of the survey, and shall include any recommendations for administrative or legislative actions that the Secretary determines appropriate.".

(b) APPLICABILITY OF REQUIREMENTS AND LIMITATIONS ON LIABILITY OF QUALIFIED INDEPENDENT CONTRACTORS TO MEDICARE+CHOICE INDEPENDENT APPEALS CONTRACTORS.—Section 1852(g)(4) (42 U.S.C. 1395w–22(g)(4)) is amended by adding at the end the following: "The provisions of section 1869(c)(5) shall apply to independent outside entities under contract with the Secretary under this paragraph.".

(c) CONFORMING AMENDMENT.—Section 1154(e) (42 U.S.C. 1320c–3(e)) is amended by striking paragraphs (2), (3), and (4).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to initial determinations made on or after October 1, 2002.

SEC. 522. REVISIONS TO MEDICARE COVERAGE PROCESS.

(a) REVIEW OF DETERMINATIONS.—Section 1869 (42 U.S.C. 1395ff), as amended by section 521, is further amended by adding at the end the following new subsection:

"(f) REVIEW OF COVERAGE DETERMINATIONS.—

"(1) NATIONAL COVERAGE DETERMINATIONS.—

"(A) IN GENERAL.—Review of any national coverage determination shall be subject to the following limitations:

"(i) Such a determination shall not be reviewed by any administrative law judge.

"(ii) Such a determination shall not be held unlawful or set aside on the ground that a requirement of section 553 of title 5, United States Code, or section 1871(b) of this title, relating to publication in the Federal Register or opportunity for public comment, was not satisfied.

"(iii) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services. In conducting such a review, the Departmental Appeals Board—

"(I) shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination, if the Board determines that the record is incomplete or lacks adequate information to support the validity of the determination;

"(II) may, as appropriate, consult with appropriate scientific and clinical experts; and

"(III) shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

"(iv) The Secretary shall implement a decision of the Departmental Appeals Board within 30 days of receipt of such decision.

"(v) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(B) DEFINITION OF NATIONAL COVERAGE DETERMINATION.—For purposes of this section, the term 'national coverage determination' means a determination by the Secretary with respect to whether or not a particular item or service is covered nationally under this title, but does not include a determination of what code, if any, is assigned to a particular item or service covered under this title or a determination with respect to the amount of payment made for a particular item or service so covered.

"(2) LOCAL COVERAGE DETERMINATION.—

"(A) IN GENERAL.—Review of any local coverage determination shall be subject to the following limitations:

"(i) Upon the filing of a complaint by an aggrieved party, such a determination shall be reviewed by an administrative law judge of the Social Security Administration. The administrative law judge—

"(I) shall review the record and shall permit discovery and the taking of evidence to evaluate the reasonableness of the determination, if the administrative law judge determines that the record is incomplete or lacks adequate information to support the validity of the determination;

"(II) may, as appropriate, consult with appropriate scientific and clinical experts; and

"(III) shall defer only to the reasonable findings of fact, reasonable interpretations of law, and reasonable applications of fact to law by the Secretary.

"(ii) Upon the filing of a complaint by an aggrieved party, a decision of an administrative law judge under clause (i) shall be reviewed by the Departmental Appeals Board of the Department of Health and Human Services.

"(iii) The Secretary shall implement a decision of the administrative law judge or the Departmental Appeals Board within 30 days of receipt of such decision.

"(iv) A decision of the Departmental Appeals Board constitutes a final agency action and is subject to judicial review.

"(B) DEFINITION OF LOCAL COVERAGE DETERMINATION.—For purposes of this section, the term 'local coverage determination' means a determination by a fiscal intermediary or a carrier under part A or part B, as applicable, respecting whether or not a particular item or service is covered on an intermediary- or carrier-wide basis under such parts, in accordance with section 1862(a)(1)(A).

"(3) NO MATERIAL ISSUES OF FACT IN DISPUTE.—In the case of a determination that may otherwise be subject to review under paragraph (1)(A)(iii) or paragraph (2)(A)(i), where the moving party alleges that—

"(A) there are no material issues of fact in dispute, and

"(B) the only issue of law is the constitutionality of a provision of this title, or that a regulation, determination, or ruling by the Secretary is invalid,

the moving party may seek review by a court of competent jurisdiction without filing a complaint under such paragraph and without otherwise exhausting other administrative remedies.

"(4) PENDING NATIONAL COVERAGE DETERMINATIONS.—

"(A) IN GENERAL.—In the event the Secretary has not issued a national coverage or noncoverage determination with respect to a particular type or class of items or services, an aggrieved person (as described in paragraph (5)) may submit to the Secretary a request to make such a determination with respect to such items or services. By not later than the end of the 90-day period beginning on the date the Secretary receives such a request (notwithstanding the receipt by the Secretary of new evidence (if any) during such 90-day period), the Secretary shall take one of the following actions:

"(i) Issue a national coverage determination, with or without limitations.

"(ii) Issue a national noncoverage determination.

"(iii) Issue a determination that no national coverage or noncoverage determination is appropriate as of the end of such 90-day period with respect to national coverage of such items or services.

"(iv) Issue a notice that states that the Secretary has not completed a review of the request for a national coverage determination and that includes an identification of the remaining steps in the Secretary's review process and a deadline by which the Secretary will complete the review and take an action described in subclause (I), (II), or (III).

"(B) DEEMED ACTION BY THE SECRETARY.—In the case of an action described in clause (i)(IV), if the Secretary fails to take an action referred to in such clause by the deadline specified by the Secretary under such clause, then the Secretary is deemed to have taken an action described in clause (i)(III) as of the deadline.

"(C) EXPLANATION OF DETERMINATION.—When issuing a determination under clause (i), the Secretary shall include an explanation of the basis for the determination. An action taken under clause (i) (other than subclause (IV)) is deemed to be a national coverage determination for purposes of review under subparagraph (A).

"(5) STANDING.—An action under this subsection seeking review of a national coverage determination or local coverage determination may be initiated only by individuals entitled to benefits under part A, or enrolled under part B, or both, who are in need of the items or services that are the subject of the coverage determination.

"(6) PUBLICATION ON THE INTERNET OF DECISIONS OF HEARINGS OF THE SECRETARY.—Each decision of a hearing by the Secretary with respect to a national coverage determination shall be made public, and the Secretary shall publish each decision on the Medicare Internet site of the Department of Health and Human Services. The Secretary shall remove from such decision any information that would identify any individual, provider of services, or supplier.

"(7) ANNUAL REPORT ON NATIONAL COVERAGE DETERMINATIONS.—

"(A) IN GENERAL.—Not later than December 1 of each year, beginning in 2001, the Secretary shall submit to Congress a report that sets forth a detailed compilation of the actual time periods that were necessary to complete and fully implement national coverage determinations that were made in the previous fiscal year for items, services, or medical devices not previously covered as a benefit under this title, including, with respect to each new item, service, or medical device, a statement of the time taken by the Secretary to make and implement the necessary coverage, coding, and payment determinations, including the time taken to complete each significant step in the process of making and implementing such determinations.

"(B) PUBLICATION OF REPORTS ON THE INTERNET.—The Secretary shall publish each report submitted under clause (i) on the medicare Internet site of the Department of Health and Human Services.

"(8) CONSTRUCTION.—Nothing in this subsection shall be construed as permitting administrative or judicial review pursuant to this section insofar as such review is explicitly prohibited or restricted under another provision of law.".

(b) ESTABLISHMENT OF A PROCESS FOR COVERAGE DETERMINATIONS.—Section 1862(a) (42 U.S.C. 1395y(a)) is amended by adding at the end the following new sentence: "In making a national coverage determination (as defined in paragraph (1)(B) of section 1869(f)) the Secretary shall ensure that the public is afforded notice and opportunity to comment prior to implementation by the Secretary of the determination; meetings of advisory committees established under section 1114(f) with respect to the determination are made on the record; in making the determination, the Secretary has considered applicable information (including clinical experience and medical, technical, and scientific evidence) with respect to the subject matter of the determination; and in the determination, provide a clear statement of the basis for the determination (including responses to comments received from the public), the assumptions underlying that basis, and make available to the public the data (other than proprietary data) considered in making the determination.".

(c) IMPROVEMENTS TO THE MEDICARE ADVISORY COMMITTEE PROCESS.—Section 1114 (42 U.S.C. 1314) is amended by adding at the end the following new subsection:

"(i)(1) Any advisory committee appointed under subsection (f) to advise the Secretary on matters relating to the interpretation, application, or implementation of section 1862(a)(1) shall assure the full participation of a nonvoting member in the deliberations of the advisory committee, and shall provide such nonvoting member access to all information and data made available to voting members of the advisory committee, other than information that—

"(A) is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section (relating to trade secrets); or

"(B) the Secretary determines would present a conflict of interest relating to such nonvoting member.

"(2) If an advisory committee described in paragraph (1) organizes into panels of experts according to types of items or services considered by the advisory committee, any such panel of experts may report any recommendation with respect to such items or services directly to the Secretary without the prior approval of the advisory committee or an executive committee thereof.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) a review of any national or local coverage determination filed,

(2) a request to make such a determination made, and

(3) a national coverage determination made, on or after October 1, 2001.

Subtitle D—Improving Access to New Technologies

SEC. 531. REIMBURSEMENT IMPROVEMENTS FOR NEW CLINICAL LABORATORY TESTS AND DURABLE MEDICAL EQUIPMENT.

(a) PAYMENT RULE FOR NEW LABORATORY TESTS.—Section 1833(h)(4)(B)(viii) (42 U.S.C. 1395l(h)(4)(B)(viii)) is amended by inserting before the period at the end the following: "(or 100 percent of such median in the case of a clinical diagnostic laboratory test performed on or after January 1, 2001, that the Secretary determines is a new test for which no limitation amount has previously been established under this subparagraph)".

(b) ESTABLISHMENT OF CODING AND PAYMENT PROCEDURES FOR NEW CLINICAL DIAGNOSTIC LABORATORY TESTS AND OTHER ITEMS ON A FEE SCHEDULE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish procedures for coding and payment determinations for the categories of new clinical diagnostic laboratory tests and new durable medical equipment under part B of title XVIII of the Social Security Act that permit public consultation in a manner consistent with the procedures established for implementing coding modifications for ICD–9–CM.

(c) REPORT ON PROCEDURES USED FOR ADVANCED, IMPROVED TECHNOLOGIES.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report that identifies the specific procedures used by the Secretary under part B of title XVIII of the Social Security Act to adjust payments for clinical diagnostic laboratory tests and durable medical equipment which are classified to existing codes where, because of an advance in technology with respect to the test or equipment, there has been a significant increase or decrease in the resources used in the test or in the manufacture of the equipment, and there has been a significant improvement in the performance of the test or equipment. The report shall include such recommendations for changes in law as may be necessary to assure fair and appropriate payment levels under such part for such improved tests and equipment as reflects increased costs necessary to produce improved results.

SEC. 532. RETENTION OF HCPCS LEVEL III CODES.

(a) IN GENERAL.—The Secretary of Health and Human Services shall maintain and continue the use of level III codes of the HCPCS coding system (as such system was in effect on August 16, 2000) through December 31, 2003, and shall make such codes available to the public.

(b) DEFINITION.—For purposes of this section, the term "HCPCS Level III codes" means the alphanumeric codes for local use under the Health Care Financing Administration Common Procedure Coding System (HCPCS).

SEC. 533. RECOGNITION OF NEW MEDICAL TECHNOLOGIES UNDER INPATIENT HOSPITAL PPS.

(a) EXPEDITING RECOGNITION OF NEW TECHNOLOGIES INTO INPATIENT PPS CODING SYSTEM.—

(1) REPORT.—Not later than April 1, 2001, the Secretary of Health and Human Services shall submit to Congress a report on methods of expeditiously incorporating new medical services and technologies into the clinical coding system used with respect to payment for inpatient hospital services furnished under the medicare program under title XVIII of the Social Security Act, together with a detailed description of the Secretary's preferred methods to achieve this purpose.

(2) IMPLEMENTATION.—Not later than October 1, 2001, the Secretary shall implement the preferred methods described in the report transmitted pursuant to paragraph (1).

(b) ENSURING APPROPRIATE PAYMENTS FOR HOSPITALS INCORPORATING NEW MEDICAL SERVICES AND TECHNOLOGIES.—

(1) ESTABLISHMENT OF MECHANISM.—Section 1886(d)(5) (42 U.S.C. 1395ww(d)(5)) is amended by adding at the end the following new subparagraphs:

"(K)(i) Effective for discharges beginning on or after October 1, 2001, the Secretary shall establish a mechanism to recognize the costs of new medical services and technologies under the payment system established under this subsection. Such mechanism shall be established after notice and opportunity for public comment (in the publications required by subsection (e)(5) for a fiscal year or otherwise).

"(ii) The mechanism established pursuant to clause (i) shall—

"(I) apply to a new medical service or technology if, based on the estimated costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate otherwise applicable to such discharges under this subsection is inadequate;

"(II) provide for the collection of data with respect to the costs of a new medical service or technology described in subclause (I) for a period of not less than two years and not more than three years beginning on the date on which an inpatient hospital code is issued with respect to the service or technology;

"(III) subject to paragraph (4)(C)(iii), provide for additional payment to be made under this subsection with respect to discharges involving a new medical service or technology described in subclause (I) that occur during the period described in subclause (II) in an amount that adequately reflects the estimated average cost of such service or technology; and

"(IV) provide that discharges involving such a service or technology that occur after the close of the period described in subclause (II) will be classified within a new or existing diagnosis-related group with a weighting factor under paragraph (4)(B) that is derived from cost data collected with respect to discharges occurring during such period.

"(iii) For purposes of clause (ii)(II), the term 'inpatient hospital code' means any code that is used with respect to inpatient hospital services for which payment may be made under this subsection and includes an alphanumeric code issued under the International Classification of Diseases, 9th Revision, Clinical Modification ('ICD–9–CM') and its subsequent revisions.

"(iv) For purposes of clause (ii)(III), the term 'additional payment' means, with respect to a discharge for a new medical service or technology described in clause (ii)(I), an amount that exceeds the prospective payment rate otherwise applicable under this subsection to discharges involving such service or technology that would be made but for this subparagraph.

"(v) The requirement under clause (ii)(III) for an additional payment may be satisfied by means of a new-technology group (described in subparagraph (L)), an add-on payment, a payment adjustment, or any other similar mechanism for increasing the amount otherwise payable with respect to a discharge under this subsection. The Secretary may not establish a separate fee schedule for such additional payment for such services and technologies, by utilizing a methodology established under subsection (a) or (h) of section 1834 to determine the amount of such additional payment, or by other similar mechanisms or methodologies.

"(vi) For purposes of this subparagraph and subparagraph (L), a medical service or technology will be considered a 'new medical service or technology' if the service or technology meets criteria established by the Secretary after notice and an opportunity for public comment.

"(L)(i) In establishing the mechanism under subparagraph (K), the Secretary may establish new-technology groups into which a new medical service or technology will be classified if, based on the estimated average costs incurred with respect to discharges involving such service or technology, the DRG prospective payment rate otherwise applicable to such discharges under this subsection is inadequate.

"(ii) Such groups—

"(I) shall not be based on the costs associated with a specific new medical service or technology; but

"(II) shall, in combination with the applicable standardized amounts and the weighting factors assigned to such groups under paragraph (4)(B),

reflect such cost cohorts as the Secretary determines are appropriate for all new medical services and technologies that are likely to be provided as inpatient hospital services in a fiscal year.

"(iii) The methodology for classifying specific hospital discharges within a diagnosis-related group under paragraph (4)(A) or a new-technology group shall provide that a specific hospital discharge may not be classified within both a diagnosis-related group and a new-technology group.".

(2) Prior Consultation.—The Secretary of Health and Human Services shall consult with groups representing hospitals, physicians, and manufacturers of new medical technologies before publishing the notice of proposed rulemaking required by section 1886(d)(5)(K)(i) of the Social Security Act (as added by paragraph (1)).

(3) Conforming Amendment.—Section 1886(d)(4)(C)(i) (42 U.S.C. 1395ww(d)(4)(C)(i)) is amended by striking "technology," and inserting "technology (including a new medical service or technology under paragraph (5)(K)),".

Subtitle E—Other Provisions

SEC. 541. INCREASE IN REIMBURSEMENT FOR BAD DEBT.

Section 1861(v)(1)(T) (42 U.S.C. 1395x(v)(1)(T)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) in clause (iii)—

(A) by striking "during a subsequent fiscal year" and inserting "during fiscal year 2000"; and

(B) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following new clause:

"(iv) for cost reporting periods beginning during a subsequent fiscal year, by 30 percent of such amount otherwise allowable.".

SEC. 542. TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

(a) In General.—When an independent laboratory furnishes the technical component of a physician pathology service to a fee-for-service medicare beneficiary who is an inpatient or outpatient of a covered hospital, the Secretary of Health and Human Services shall treat such component as a service for which payment shall be made to the laboratory under section 1848 of the Social Security Act (42 U.S.C. 1395w–4) and not as an inpatient hospital service for which payment is made to the hospital under section 1886(d) of such Act (42 U.S.C. 1395ww(d)) or as an outpatient hospital service for which payment is made to the hospital under section 1833(t) of such Act (42 U.S.C. 1395l(t)).

(b) Definitions.—For purposes of this section:

(1) Covered Hospital.—The term "covered hospital" means, with respect to an inpatient or an outpatient, a hospital that had an arrangement with an independent laboratory that was in effect as of July 22, 1999, under which a laboratory furnished the technical component of physician pathology services to fee-for-service medicare beneficiaries who were hospital inpatients or outpatients, respectively, and submitted claims for payment for such component to a medicare carrier (that has a contract with the Secretary under section 1842 of the Social Security Act, 42 U.S.C. 1395u) and not to such hospital.

(2) Fee-for-Service Medicare Beneficiary.—The term "fee-for-service medicare beneficiary" means an individual who—

(A) is entitled to benefits under part A, or enrolled under part B, or both, of such title; and

(B) is not enrolled in any of the following:

(i) A Medicare+Choice plan under part C of such title.

(ii) A plan offered by an eligible organization under section 1876 of such Act (42 U.S.C. 1395mm).

(iii) A program of all-inclusive care for the elderly (PACE) under section 1894 of such Act (42 U.S.C. 1395eee).

(iv) A social health maintenance organization (SHMO) demonstration project established under section 4018(b) of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203).

(c) Effective Date.—This section shall apply to services furnished during the 2-year period beginning on January 1, 2001.

(d) GAO Report.—

(1) Study.—The Comptroller General of the United States shall conduct a study of the effects of the previous provisions of this section on hospitals and laboratories and access of fee-for-service medicare beneficiaries to the technical component of physician pathology services.

(2) Report.—Not later than April 1, 2002, the Comptroller General shall submit to Congress a report on such study. The report shall include recommendations about whether such provisions should be extended after the end of the period specified in subsection (c) for either or both inpatient and outpatient hospital services, and whether the provisions should be extended to other hospitals.

SEC. 543. EXTENSION OF ADVISORY OPINION AUTHORITY.

Section 1128D(b)(6) (42 U.S.C. 1320a–7d(b)(6)) is amended by striking "and before the date which is 4 years after such date of enactment".

SEC. 544. CHANGE IN ANNUAL MEDPAC REPORTING.

(a) Revision of Deadlines for Submission of Reports.—

(1) In General.—Section 1805(b)(1)(D) (42 U.S.C. 1395b–6(b)(1)(D)) is amended by striking "June 1 of each year (beginning with 1998)," and inserting "June 15 of each year,".

(2) Effective Date.—The amendment made by paragraph (1) shall apply beginning with 2001.

(b) Requirement for on the Record Votes on Recommendations.—Section 1805(b) (42 U.S.C. 1395b–6(b)) is amended by adding at the end the following new paragraph:

"(7) Voting and Reporting Requirements.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation.".

SEC. 545. DEVELOPMENT OF PATIENT ASSESSMENT INSTRUMENTS.

(a) Development.—

(1) In General.—Not later than January 1, 2005, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the development of standard instruments for the assessment of the health and functional status of patients, for whom items and services described in subsection (b) are furnished, and include in the report a recommendation on the use of such standard instruments for payment purposes.

(2) Design for Comparison of Common Elements.—The Secretary shall design such standard instruments in a manner such that—

(A) elements that are common to the items and services described in subsection (b) may be readily comparable and are statistically compatible;

(B) only elements necessary to meet program objectives are collected; and

(C) the standard instruments supersede any other assessment instrument used before that date.

(3) Consultation.—In developing an assessment instrument under paragraph (1), the Secretary shall consult with the Medicare Payment Advisory Commission, the Agency for Healthcare Research and Quality, and qualified organizations representing providers of services and suppliers under title XVIII.

(b) Description of Services.—For purposes of subsection (a), items and services described in this subsection are those items and services furnished to individuals entitled to benefits under part A, or enrolled under part B, or both of title XVIII of the Social Security Act for which payment is made under such title, and include the following:

(1) Inpatient and outpatient hospital services.

(2) Inpatient and outpatient rehabilitation services.

(3) Covered skilled nursing facility services.

(4) Home health services.

(5) Physical or occupational therapy or speech-language pathology services.

(6) Items and services furnished to such individuals determined to have end stage renal disease.

(7) Partial hospitalization services and other mental health services.

(8) Any other service for which payment is made under such title as the Secretary determines to be appropriate.

SEC. 546. GAO REPORT ON IMPACT OF THE EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT (EMTALA) ON HOSPITAL EMERGENCY DEPARTMENTS.

(a) Report.—The Comptroller General of the United States shall submit a report to the Committee on Commerce and the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate by May 1, 2001, on the effect of the Emergency Medical Treatment and Active Labor Act on hospitals, emergency physicians, and physicians covering emergency department call throughout the United States.

(b) Report Requirements.—The report should evaluate—

(1) the extent to which hospitals, emergency physicians, and physicians covering emergency department call provide uncompensated services in relation to the requirements of EMTALA;

(2) the extent to which the regulatory requirements and enforcement of EMTALA have expanded beyond the legislation's original intent;

(3) estimates for the total dollar amount of EMTALA-related care uncompensated costs to emergency physicians, physicians covering emergency department call, hospital emergency departments, and other hospital services;

(4) the extent to which different portions of the United States may be experiencing different levels of uncompensated EMTALA-related care;

(5) the extent to which EMTALA would be classified as an unfunded mandate if it were enacted today;

(6) the extent to which States have programs to provide financial support for such uncompensated care;

(7) possible sources of funds, including medicare hospital bad debt accounts, that are available to hospitals to assist with the cost of such uncompensated care; and

(8) the financial strain that illegal immigration populations, the uninsured, and the underinsured place on hospital emergency departments, other hospital services, emergency physicians, and physicians covering emergency department call.

(c) Definition.—In this section, the terms "Emergency Medical Treatment and Active Labor Act" and "EMTALA" mean section 1867 of the Social Security Act (42 U.S.C. 1395dd).

SEC. 547. CLARIFICATION OF APPLICATION OF TEMPORARY PAYMENT INCREASES FOR 2001.

(a) Inpatient Hospital Services.—The payment increase provided under the following sections shall not apply to discharges occurring after fiscal year 2001 and shall not be taken into account in calculating the payment amounts

applicable for discharges occurring after such fiscal year:

(1) Section 301(b)(2)(A) (relating to acute care hospital payment update).

(2) Section 302(b) (relating to IME percentage adjustment).

(3) Section 303(b)(2) (relating to DSH payments).

(b) SKILLED NURSING FACILITY SERVICES.—The payment increase provided under section 311(b)(2) (relating to covered skilled nursing facility services) shall not apply to services furnished after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for services furnished after such fiscal year.

(c) HOME HEALTH SERVICES.—

(1) TRANSITIONAL ALLOWANCE FOR FULL MARKETBASKET INCREASE.—The payment increase provided under section 502(b)(1)(B) shall not apply to episodes and visits ending after fiscal year 2001 and shall not be taken into account in calculating the payment amounts applicable for subsequent episodes and visits.

(2) TEMPORARY INCREASE FOR RURAL HOME HEALTH SERVICES.—The payment increase provided under section 508(a) for the period beginning on April 1, 2001, and ending on September 30, 2002, shall not apply to episodes and visits ending after such period, and shall not be taken into account in calculating the payment amounts applicable for episodes and visits occurring after such period.

(d) CALENDAR YEAR 2001 PROVISIONS.—The payment increase provided under the following sections shall not apply after calendar year 2001 and shall not be taken into account in calculating the payment amounts applicable for items and services furnished after such year:

(1) Section 401(c)(2) (relating to covered OPD services).

(2) Section 422(e)(2) (relating to renal dialysis services paid for on a composite rate basis).

(3) Section 423(a)(2)(B) (relating to ambulance services).

(4) Section 425(b)(2) (relating to durable medical equipment).

(5) Section 426(b)(2) (relating to prosthetic devices and orthotics and prosthetics).

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

Subtitle A—Medicare+Choice Payment Reforms

SEC. 601. INCREASE IN MINIMUM PAYMENT AMOUNT.

(a) IN GENERAL.—Section 1853(c)(1)(B) (42 U.S.C. 1395w–23(c)(1)(B)) is amended—

(1) by redesignating clause (ii) as clause (iv);

(2) by inserting after clause (i) the following new clauses:

"(ii) For 1999 and 2000, the minimum amount determined under clause (i) or this clause, respectively, for the preceding year, increased by the national per capita Medicare+Choice growth percentage described in paragraph (6)(A) applicable to 1999 or 2000, respectively.

"(iii)(I) Subject to subclause (II), for 2001, for any area in a Metropolitan Statistical Area with a population of more than 250,000, $525, and for any other area $475.

"(II) In the case of an area outside the 50 States and the District of Columbia, the amount specified in this clause shall not exceed 120 percent of the amount determined under clause (ii) for such area for 2000."; and

(3) in clause (iv), as so redesignated—

(A) by striking "a succeeding year" and inserting "2002 and each succeeding year"; and

(B) by striking "clause (i)" and inserting "clause (iii)".

(b) SPECIAL RULE FOR JANUARY AND FEBRUARY OF 2001.—

(1) IN GENERAL.—Notwithstanding the amendments made by subsection (a), for purposes of making payments under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) for January and February 2001, the annual Medicare+Choice capitation rate for a Medicare+Choice payment area shall be calculated, and the excess amount under section 1854(f)(1)(B) of such Act (42 U.S.C. 1395w–24(f)(1)(B)) shall be determined, as if such amendments had not been enacted.

(2) CONSTRUCTION.—Paragraph (1) shall not be taken into account in computing such capitation rate for 2002 and subsequent years.

SEC. 602. INCREASE IN MINIMUM PERCENTAGE INCREASE.

(a) IN GENERAL.—Section 1853(c)(1)(C) (42 U.S.C. 1395w–23(c)(1)(C)) is amended—

(1) by redesignating clause (ii) as clause (iv);

(2) by inserting after clause (i) the following new clauses:

"(ii) For 1999 and 2000, 102 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for the previous year.

"(iii) For 2001, 103 percent of the annual Medicare+Choice capitation rate under this paragraph for the area for 2000."; and

(3) in clause (iv), as so redesignated, by striking "a subsequent year" and inserting "2002 and each succeeding year".

(b) APPLICATION OF SPECIAL RULE FOR JANUARY AND FEBRUARY OF 2001.—The provisions of section 601(b) shall apply with respect to the amendments made by subsection (a) in the same manner as they apply to the amendments made by section 601(a).

SEC. 603. PHASE-IN OF RISK ADJUSTMENT.

Section 1853(a)(3)(C) (42 U.S.C. 1395w–23(a)(3)(C)) is amended—

(1) in clause (ii)—

(A) in subclause (I), by striking "and 2001" and inserting "and each succeeding year through 2003" and by striking "and" at the end; and

(B) by striking subclause (II) and inserting the following new subclauses:

"(II) 30 percent of such capitation rate in 2004;

"(III) 50 percent of such capitation rate in 2005;

"(IV) 75 percent of such capitation rate in 2006; and

"(V) 100 percent of such capitation rate in 2007 and succeeding years."; and

(2) by adding at the end the following new clause:

"(iii) DATA FOR RISK ADJUSTMENT METHODOLOGY.—Such risk adjustment methodology for 2004 and each succeeding year, shall be based on data from inpatient hospital and ambulatory settings.".

SEC. 604. TRANSITION TO REVISED MEDICARE+CHOICE PAYMENT RATES.

(a) ANNOUNCEMENT OF REVISED MEDICARE+CHOICE PAYMENT RATES.—Within 2 weeks after the date of the enactment of this Act, the Secretary of Health and Human Services shall determine, and shall announce (in a manner intended to provide notice to interested parties) Medicare+Choice capitation rates under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) for 2001, revised in accordance with the provisions of this Act.

(b) REENTRY INTO PROGRAM PERMITTED FOR MEDICARE+CHOICE PROGRAMS.—A Medicare+Choice organization that provided notice to the Secretary of Health and Human Services before the date of the enactment of this Act that it was terminating its contract under part C of title XVIII of the Social Security Act or was reducing the service area of a Medicare+Choice plan offered under such part shall be permitted to continue participation under such part, or to maintain the service area of such plan, for 2001 if it submits the Secretary with the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)) within 2 weeks after the date revised rates are announced by the Secretary under subsection (a).

(c) REVISED SUBMISSION OF PROPOSED PREMIUMS AND RELATED INFORMATION.—If—

(1) a Medicare+Choice organization provided notice to the Secretary of Health and Human Services as of July 3, 2000, that it was renewing its contract under part C of title XVIII of the Social Security Act for all or part of the service area or areas served under its current contract, and

(2) any part of the service area or areas addressed in such notice includes a payment area for which the Medicare+Choice capitation rate under section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) for 2001, as determined under subsection (a), is higher than the rate previously determined for such year,

such organization shall revise its submission of the information described in section 1854(a)(1) of the Social Security Act (42 U.S.C. 1395w–24(a)(1)), and shall submit such revised information to the Secretary, within 2 weeks after the date revised rates are announced by the Secretary under subsection (a). In making such submission, the organization may only reduce beneficiary premiums, reduce beneficiary cost-sharing, enhance benefits, utilize the stabilization fund described in section 1854(f)(2) of such Act (42 U.S.C. 1395w–24(f)(2)), or stabilize or enhance beneficiary access to providers (so long as such stabilization or enhancement does not result in increased beneficiary premiums, increased beneficiary cost-sharing, or reduced benefits).

(d) WAIVER OF LIMITS ON STABILIZATION FUND.—Any regulatory provision that limits the proportion of the excess amount that can be withheld in such stabilization fund for a contract period shall not apply with respect to submissions described in subsections (b) and (c).

(e) DISREGARD OF NEW RATE ANNOUNCEMENT IN APPLYING PASS-THROUGH FOR NEW NATIONAL COVERAGE DETERMINATIONS.—For purposes of applying section 1852(a)(5) of the Social Security Act (42 U.S.C. 1395w–22(a)(5)), the announcement of revised rates under subsection (a) shall not be treated as an announcement under section 1853(b) of such Act (42 U.S.C. 1395w–23(b)).

SEC. 605. REVISION OF PAYMENT RATES FOR ESRD PATIENTS ENROLLED IN MEDICARE+CHOICE PLANS.

(a) IN GENERAL.—Section 1853(a)(1)(B) (42 U.S.C. 1395w–23(a)(1)(B)) is amended by adding at the end the following: "In establishing such rates, the Secretary shall provide for appropriate adjustments to increase each rate to reflect the demonstration rate (including the risk adjustment methodology associated with such rate) of the social health maintenance organization end-stage renal disease capitation demonstrations (established by section 2355 of the Deficit Reduction Act of 1984, as amended by section 13567(b) of the Omnibus Budget Reconciliation Act of 1993), and shall compute such rates by taking into account such factors as renal treatment modality, age, and the underlying cause of the end-stage renal disease.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments for months beginning with January 2002.

(c) PUBLICATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall publish for public comment a description of the appropriate adjustments described in the last sentence of section 1853(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–23(a)(1)(B)), as *added by subsection (a). The Secretary shall publish such adjustments in final form by not later than July 1, 2001, so that the amendment made by subsection (a) is implemented on a timely basis consistent with subsection (b).*

SEC. 606. PERMITTING PREMIUM REDUCTIONS AS ADDITIONAL BENEFITS UNDER MEDICARE+CHOICE PLANS.

(a) IN GENERAL.—

(1) AUTHORIZATION OF PART B PREMIUM REDUCTIONS.—Section 1854(f)(1) (42 U.S.C. 1395w–24(f)(1)) is amended—

(A) by redesignating subparagraph (E) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following new subparagraph:

"(E) PREMIUM REDUCTIONS.—

"(i) IN GENERAL.—Subject to clause (ii), as part of providing any additional benefits required under subparagraph (A), a Medicare+Choice organization may elect a reduction in its payments under section 1853(a)(1)(A) with respect to a Medicare+Choice plan and the Secretary shall apply such reduction to reduce the premium under section 1839 of each enrollee in such plan as provided in section 1840(i).

"(ii) AMOUNT OF REDUCTION.—The amount of the reduction under clause (i) with respect to any enrollee in a Medicare+Choice plan—

"(I) may not exceed 125 percent of the premium described under section 1839(a)(3); and

"(II) shall apply uniformly to each enrollee of the Medicare+Choice plan to which such reduction applies.".

(2) CONFORMING AMENDMENTS.—

(A) ADJUSTMENT OF PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS.—Section 1853(a)(1)(A) (42 U.S.C. 1395w–23(a)(1)(A)) is amended by inserting "reduced by the amount of any reduction elected under section 1854(f)(1)(E) and" after "for that area,".

(B) ADJUSTMENT AND PAYMENT OF PART B PREMIUMS.—

(i) ADJUSTMENT OF PREMIUMS.—Section 1839(a)(2) (42 U.S.C. 1395r(a)(2)) is amended by striking "shall" and all that follows and inserting the following: "shall be the amount determined under paragraph (3), adjusted as required in accordance with subsections (b), (c), and (f), and to reflect 80 percent of any reduction elected under section 1854(f)(1)(E).".

(ii) PAYMENT OF PREMIUMS.—Section 1840 (42 U.S.C. 1395s) is amended by adding at the end the following new subsection:

"(i) In the case of an individual enrolled in a Medicare+Choice plan, the Secretary shall provide for necessary adjustments of the monthly beneficiary premium to reflect 80 percent of any reduction elected under section 1854(f)(1)(E). To the extent to which the Secretary determines that such an adjustment is appropriate, with the concurrence of any agency responsible for the administration of such benefits, such premium adjustment may be provided directly, as an adjustment to any social security, railroad retirement, or civil service retirement benefits, or, in the case of an individual who receives medical assistance under title XIX for medicare costs described in section 1905(p)(3)(A)(ii), as an adjustment to the amount otherwise owed by the State for such medical assistance.".

(C) INFORMATION COMPARING PLAN PREMIUMS UNDER PART C.—Section 1851(d)(4)(B) (42 U.S.C. 1395w–21(d)(4)(B)) is amended—

(i) by striking "PREMIUMS.—The" and inserting "PREMIUMS.—

"(i) IN GENERAL.—The"; and

(ii) by adding at the end the following new clause:

"(ii) REDUCTIONS.—The reduction in part B premiums, if any.".

(D) TREATMENT OF REDUCTION FOR PURPOSES OF DETERMINING GOVERNMENT CONTRIBUTION UNDER PART B.—Section 1844 (42 U.S.C. 1395w) is amended by adding at the end the following new subsection:

"(c) The Secretary shall determine the Government contribution under subparagraphs (A) and (B) of subsection (a)(1) without regard to any premium reduction resulting from an election under section 1854(f)(1)(E).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning with 2003.

SEC. 607. FULL IMPLEMENTATION OF RISK ADJUSTMENT FOR CONGESTIVE HEART FAILURE ENROLLEES FOR 2001.

(a) IN GENERAL.—Section 1853(a)(3)(C) (42 U.S.C. 1395w–23(a)(3)(C)) is amended—

(1) in clause (ii), by striking "Such risk adjustment" and inserting "Except as provided in clause (iii), such risk adjustment"; and

(2) by adding at the end the following new clause:

"(iii) FULL IMPLEMENTATION OF RISK ADJUSTMENT FOR CONGESTIVE HEART FAILURE ENROLLEES FOR 2001.—

"(I) EXEMPTION FROM PHASE-IN.—Subject to subclause (II), the Secretary shall fully implement the risk adjustment methodology described in clause (i) with respect to each individual who has had a qualifying congestive heart failure inpatient diagnosis (as determined by the Secretary under such risk adjustment methodology) during the period beginning on July 1, 1999, and ending on June 30, 2000, and who is enrolled in a coordinated care plan that is the only coordinated care plan offered on January 1, 2001, in the service area of the individual.

"(II) PERIOD OF APPLICATION.—Subclause (I) shall only apply during the 1-year period beginning on January 1, 2001.".

(b) EXCLUSION FROM DETERMINATION OF THE BUDGET NEUTRALITY FACTOR.—Section 1853(c)(5) (42 U.S.C. 1395w–23(c)(5)) is amended by striking "subsection (i)" and inserting "subsections (a)(3)(C)(iii) and (i)".

SEC. 608. EXPANSION OF APPLICATION OF MEDICARE+CHOICE NEW ENTRY BONUS.

(a) IN GENERAL.—Section 1853(i)(1) (42 U.S.C. 1395w–23(i)(1)) is amended in the matter preceding subparagraph (A) by inserting ", or filed notice with the Secretary as of October 3, 2000, that they will not be offering such a plan as of January 1, 2001" after "January 1, 2000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply as if included in the enactment of BBRA.

SEC. 609. REPORT ON INCLUSION OF CERTAIN COSTS OF THE DEPARTMENT OF VETERANS AFFAIRS AND MILITARY FACILITY SERVICES IN CALCULATING MEDICARE+CHOICE PAYMENT RATES.

The Secretary of Health and Human Services shall report to Congress by not later than January 1, 2003, on a method to phase-in the costs of military facility services furnished by the Department of Veterans Affairs, and the costs of military facility services furnished by the Department of Defense, to medicare-eligible beneficiaries in the calculation of an area's Medicare+Choice capitation payment. Such report shall include on a county-by-county basis—

(1) the actual or estimated cost of such services to medicare-eligible beneficiaries;

(2) the change in Medicare+Choice capitation payment rates if such costs are included in the calculation of payment rates;

(3) one or more proposals for the implementation of payment adjustments to Medicare+Choice plans in counties where the payment rate has been affected due to the failure to calculate the cost of such services to medicare-eligible beneficiaries; and

(4) a system to ensure that when a Medicare+Choice enrollee receives covered services through a facility of the Department of Veterans Affairs or the Department of Defense there is an appropriate payment recovery to the medicare program under title XVIII of the Social Security Act.

Subtitle B—Other Medicare+Choice Reforms

SEC. 611. PAYMENT OF ADDITIONAL AMOUNTS FOR NEW BENEFITS COVERED DURING A CONTRACT TERM.

(a) IN GENERAL.—Section 1853(c)(7) (42 U.S.C. 1395w–23(c)(7)) is amended to read as follows:

"(7) ADJUSTMENT FOR NATIONAL COVERAGE DETERMINATIONS AND LEGISLATIVE CHANGES IN BENEFITS.—If the Secretary makes a determination with respect to coverage under this title or there is a change in benefits required to be provided under this part that the Secretary projects will result in a significant increase in the costs to Medicare+Choice of providing benefits under contracts under this part (for periods after any period described in section 1852(a)(5)), the Secretary shall adjust appropriately the payments to such organizations under this part. Such projection and adjustment shall be based on an analysis by the Chief Actuary of the Health Care Financing Administration of the actuarial costs associated with the new benefits.".

(b) CONFORMING AMENDMENT.—Section 1852(a)(5) (42 U.S.C. 1395w–22(a)(5)) is amended—

(1) in the heading, by inserting "AND LEGISLATIVE CHANGES IN BENEFITS" after "NATIONAL COVERAGE DETERMINATIONS";

(2) by inserting "or legislative change in benefits required to be provided under this part" after "national coverage determination";

(3) in subparagraph (A), by inserting "or legislative change in benefits" after "such determination";

(4) in subparagraph (B), by inserting "or legislative change" after "if such coverage determination"; and

(5) by adding at the end the following: "The projection under the previous sentence shall be based on an analysis by the Chief Actuary of the Health Care Financing Administration of the actuarial costs associated with the coverage determination or legislative change in benefits.".

(c) EFFECTIVE DATE.—The amendments made by this section are effective on the date of the enactment of this Act and shall apply to national coverage determinations and legislative changes in benefits occurring on or after such date.

SEC. 612. RESTRICTION ON IMPLEMENTATION OF SIGNIFICANT NEW REGULATORY REQUIREMENTS MIDYEAR.

(a) IN GENERAL.—Section 1856(b) (42 U.S.C. 1395w–26(b)) is amended by adding at the end the following new paragraph:

"(4) PROHIBITION OF MIDYEAR IMPLEMENTATION OF SIGNIFICANT NEW REGULATORY REQUIREMENTS.—The Secretary may not implement, other than at the beginning of a calendar year, regulations under this section that impose new, significant regulatory requirements on a Medicare+Choice organization or plan.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 613. TIMELY APPROVAL OF MARKETING MATERIAL THAT FOLLOWS MODEL MARKETING LANGUAGE.

(a) IN GENERAL.—Section 1851(h) (42 U.S.C. 1395w–21(h)) is amended—

(1) in paragraph (1)(A), by inserting "(or 10 days in the case described in paragraph (5))" after "45 days"; and

(2) by adding at the end the following new paragraph:

"(5) SPECIAL TREATMENT OF MARKETING MATERIAL FOLLOWING MODEL MARKETING LANGUAGE.—In the case of marketing material of an

organization that uses, without modification, proposed model language specified by the Secretary, the period specified in paragraph (1)(A) shall be reduced from 45 days to 10 days.''.

(b) Effective Date.—The amendments made by subsection (a) shall apply to marketing material submitted on or after January 1, 2001.

SEC. 614. AVOIDING DUPLICATIVE REGULATION.

(a) In General.—Section 1856(b)(3)(B) (42 U.S.C. 1395w–26(b)(3)(B)) is amended—

(1) in clause (i), by inserting ''(including cost-sharing requirements)'' after ''Benefit requirements''; and

(2) by adding at the end the following new clause:

''(iv) Requirements relating to marketing materials and summaries and schedules of benefits regarding a Medicare+Choice plan.''.

(b) Effective Date.—The amendments made by subsection (a) take effect on the date of the enactment of this Act.

SEC. 615. ELECTION OF UNIFORM LOCAL COVERAGE POLICY FOR MEDICARE+CHOICE PLAN COVERING MULTIPLE LOCALITIES.

Section 1852(a)(2) (42 U.S.C. 1395w–22(a)(2)) is amended by adding at the end the following new subparagraph:

''(C) Election of uniform coverage policy.—In the case of a Medicare+Choice organization that offers a Medicare+Choice plan in an area in which more than one local coverage policy is applied with respect to different parts of the area, the organization may elect to have the local coverage policy for the part of the area that is most beneficial to Medicare+Choice enrollees (as identified by the Secretary) apply with respect to all Medicare+Choice enrollees enrolled in the plan.''.

SEC. 616. ELIMINATING HEALTH DISPARITIES IN MEDICARE+CHOICE PROGRAM.

(a) Quality Assurance Program Focus on Racial and Ethnic Minorities.—Subparagraphs (A) and (B) of section 1852(e)(2) (42 U.S.C. 1395w–22(e)(2)) are each amended by adding at the end the following:

''Such program shall include a separate focus (with respect to all the elements described in this subparagraph) on racial and ethnic minorities.''.

(b) Report.—Section 1852(e) (42 U.S.C. 1395w–22(e)) is amended by adding at the end the following new paragraph:

''(5) Report to congress.—

''(A) In general.—Not later than 2 years after the date of the enactment of this paragraph, and biennially thereafter, the Secretary shall submit to Congress a report regarding how quality assurance programs conducted under this subsection focus on racial and ethnic minorities.

''(B) Contents of report.—Each such report shall include the following:

''(i) A description of the means by which such programs focus on such racial and ethnic minorities.

''(ii) An evaluation of the impact of such programs on eliminating health disparities and on improving health outcomes, continuity and coordination of care, management of chronic conditions, and consumer satisfaction.

''(iii) Recommendations on ways to reduce clinical outcome disparities among racial and ethnic minorities.''.

SEC. 617. MEDICARE+CHOICE PROGRAM COMPATIBILITY WITH EMPLOYER OR UNION GROUP HEALTH PLANS.

(a) In General.—Section 1857 (42 U.S.C. 1395w–27) is amended by adding at the end the following new subsection:

''(i) Medicare+Choice Program Compatibility With Employer or Union Group Health Plans.—To facilitate the offering of Medicare+Choice plans under contracts between Medicare+Choice organizations and employers, labor organizations, or the trustees of a fund established by 1 or more employers or labor organizations (or combination thereof) to furnish benefits to the entity's employees, former employees (or combination thereof) or members or former members (or combination thereof) of the labor organizations, the Secretary may waive or modify requirements that hinder the design of, the offering of, or the enrollment in such Medicare+Choice plans.''.

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to years beginning with 2001.

SEC. 618. SPECIAL MEDIGAP ENROLLMENT ANTIDISCRIMINATION PROVISION FOR CERTAIN BENEFICIARIES.

(a) Disenrollment Window in Accordance With Beneficiary's Circumstance.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)) is amended—

(1) in subparagraph (A), in the matter following clause (iii), by striking '', subject to subparagraph (E), seeks to enroll under the policy not later than 63 days after the date of the termination of enrollment described in such subparagraph'' and inserting ''seeks to enroll under the policy during the period specified in subparagraph (E)''; and

(2) by striking subparagraph (E) and inserting the following new subparagraph:

''(E) For purposes of subparagraph (A), the time period specified in this subparagraph is—

''(i) in the case of an individual described in subparagraph (B)(i), the period beginning on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if no such notice is received, notice that a claim has been denied because of such a termination or cessation) and ending on the date that is 63 days after the applicable notice;

''(ii) in the case of an individual described in clause (ii), (iii), (v), or (vi) of subparagraph (B) whose enrollment is terminated involuntarily, the period beginning on the date that the individual receives a notice of termination and ending on the date that is 63 days after the date the applicable coverage is terminated;

''(iii) in the case of an individual described in subparagraph (B)(iv)(I), the period beginning on the earlier of (I) the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or other such similar notice, if any, and (II) the date that the applicable coverage is terminated, and ending on the date that is 63 days after the date the coverage is terminated;

''(iv) in the case of an individual described in clause (ii), (iii), (iv)(II), (iv)(III), (v), or (vi) of subparagraph (B) who disenrolls voluntarily, the period beginning on the date that is 60 days before the effective date of the disenrollment and ending on the date that is 63 days after such effective date; and

''(v) in the case of an individual described in subparagraph (B) but not described in the preceding provisions of this subparagraph, the period beginning on the effective date of the disenrollment and ending on the date that is 63 days after such effective date.''.

(b) Extended Medigap Access for Interrupted Trial Periods.—Section 1882(s)(3) (42 U.S.C. 1395ss(s)(3)), as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

''(F)(i) Subject to clause (ii), for purposes of this paragraph—

''(I) in the case of an individual described in subparagraph (B)(v) (or deemed to be so described, pursuant to this subparagraph) whose enrollment with an organization or provider described in subclause (II) of such subparagraph is involuntarily terminated within the first 12 months of such enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, such subsequent enrollment shall be deemed to be an initial enrollment described in such subparagraph; and

''(II) in the case of an individual described in clause (vi) of subparagraph (B) (or deemed to be so described, pursuant to this subparagraph) whose enrollment with a plan or in a program described in such clause is involuntarily terminated within the first 12 months of such enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, such subsequent enrollment shall be deemed to be an initial enrollment described in such clause.

''(ii) For purposes of clauses (v) and (vi) of subparagraph (B), no enrollment of an individual with an organization or provider described in clause (v)(II), or with a plan or in a program described in clause (vi), may be deemed to be an initial enrollment under this clause after the 2-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan, or program.''.

SEC. 619. RESTORING EFFECTIVE DATE OF ELECTIONS AND CHANGES OF ELECTIONS OF MEDICARE+CHOICE PLANS.

(a) Open Enrollment.—Section 1851(f)(2) (42 U.S.C. 1395w–21(f)(2)) is amended by striking '', except that if such election or change is made after the 10th day of any calendar month, then the election or change shall not take effect until the first day of the second calendar month following the date on which the election or change is made''.

(b) Effective Date.—The amendment made by this section shall apply to elections and changes of coverage made on or after June 1, 2001.

SEC. 620. PERMITTING ESRD BENEFICIARIES TO ENROLL IN ANOTHER MEDICARE+CHOICE PLAN IF THE PLAN IN WHICH THEY ARE ENROLLED IS TERMINATED.

(a) In General.—Section 1851(a)(3)(B) (42 U.S.C. 1395w–21(a)(3)(B)) is amended by striking ''except that'' and all that follows and inserting the following: ''except that—

''(i) an individual who develops end-stage renal disease while enrolled in a Medicare+Choice plan may continue to be enrolled in that plan; and

''(ii) in the case of such an individual who is enrolled in a Medicare+Choice plan under clause (i) (or subsequently under this clause), if the enrollment is discontinued under circumstances described in section 1851(e)(4)(A), then the individual will be treated as a 'Medicare+Choice eligible individual' for purposes of electing to continue enrollment in another Medicare+Choice plan.''.

(b) Effective Date.—

(1) In general.—The amendment made by subsection (a) shall apply to terminations and discontinuations occurring on or after the date of the enactment of this Act.

(2) Application to prior plan terminations.—Clause (ii) of section 1851(a)(3)(B) of the Social Security Act (as inserted by subsection (a)) shall also apply to individuals whose enrollment in a Medicare+Choice plan was terminated or discontinued after December 31, 1998, and before the date of the enactment of this Act. In applying this paragraph, such an individual shall be treated, for purposes of part C of title XVIII of the Social Security Act, as having discontinued enrollment in such a plan as of the date of the enactment of this Act.

SEC. 621. PROVIDING CHOICE FOR SKILLED NURSING FACILITY SERVICES UNDER THE MEDICARE+CHOICE PROGRAM.

(a) In General.—Section 1852 (42 U.S.C. 1395w–22) is amended by adding at the end the following new subsection:

"(l) RETURN TO HOME SKILLED NURSING FACILITIES FOR COVERED POST-HOSPITAL EXTENDED CARE SERVICES.—

"(1) ENSURING RETURN TO HOME SNF.—

"(A) IN GENERAL.—In providing coverage of post-hospital extended care services, a Medicare+Choice plan shall provide for such coverage through a home skilled nursing facility if the following conditions are met:

"(i) ENROLLEE ELECTION.—The enrollee elects to receive such coverage through such facility.

"(ii) SNF AGREEMENT.—The facility has a contract with the Medicare+Choice organization for the provision of such services, or the facility agrees to accept substantially similar payment under the same terms and conditions that apply to similarly situated skilled nursing facilities that are under contract with the Medicare+Choice organization for the provision of such services and through which the enrollee would otherwise receive such services.

"(B) MANNER OF PAYMENT TO HOME SNF.—The organization shall provide payment to the home skilled nursing facility consistent with the contract or the agreement described in subparagraph (A)(ii), as the case may be.

"(2) NO LESS FAVORABLE COVERAGE.—The coverage provided under paragraph (1) (including scope of services, cost-sharing, and other criteria of coverage) shall be no less favorable to the enrollee than the coverage that would be provided to the enrollee with respect to a skilled nursing facility the post-hospital extended care services of which are otherwise covered under the Medicare+Choice plan.

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to do the following:

"(A) To require coverage through a skilled nursing facility that is not otherwise qualified to provide benefits under part A for medicare beneficiaries not enrolled in a Medicare+Choice plan.

"(B) To prevent a skilled nursing facility from refusing to accept, or imposing conditions upon the acceptance of, an enrollee for the receipt of post-hospital extended care services.

"(4) DEFINITIONS.—In this subsection:

"(A) HOME SKILLED NURSING FACILITY.—The term 'home skilled nursing facility' means, with respect to an enrollee who is entitled to receive post-hospital extended care services under a Medicare+Choice plan, any of the following skilled nursing facilities:

"(i) SNF RESIDENCE AT TIME OF ADMISSION.—The skilled nursing facility in which the enrollee resided at the time of admission to 'he hospital preceding the receipt of such post-hospital extended care services.

"(ii) SNF IN CONTINUING CARE RETIREMENT COMMUNITY.—A skilled nursing facility that is providing such services through a continuing care retirement community (as defined in subparagraph (B)) which provided residence to the enrollee at the time of such admission.

"(iii) SNF RESIDENCE OF SPOUSE AT TIME OF DISCHARGE.—The skilled nursing facility in which the spouse of the enrollee is residing at the time of discharge from such hospital.

"(B) CONTINUING CARE RETIREMENT COMMUNITY.—The term 'continuing care retirement community' means, with respect to an enrollee in a Medicare+Choice plan, an arrangement under which housing and health-related services are provided (or arranged) through an organization for the enrollee under an agreement that is effective for the life of the enrollee or for a specified period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contracts entered into or renewed on or after the date of the enactment of this Act.

(c) MEDPAC STUDY.—

(1) STUDY.—The Medicare Payment Advisory Commission shall conduct a study analyzing the effects of the amendment made by subsection (a) on Medicare+Choice organizations. In conducting such study, the Commission shall examine the effects (if any) such amendment has had—

(A) on the scope of additional benefits provided under the Medicare+Choice program;

(B) on the administrative and other costs incurred by Medicare+Choice organizations; and

(C) on the contractual relationships between such organizations and skilled nursing facilities.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit to Congress a report on the study conducted under paragraph (1).

SEC. 622. PROVIDING FOR ACCOUNTABILITY OF MEDICARE+CHOICE PLANS.

(a) MANDATORY REVIEW OF ACR SUBMISSIONS BY THE CHIEF ACTUARY OF THE HEALTH CARE FINANCING ADMINISTRATION.—Section 1854(a)(5)(A) (42 U.S.C. 1395w–24(a)(5)(A)) is amended—

(1) by striking "value" and inserting "values"; and

(2) by adding at the end the following: "The Chief Actuary of the Health Care Financing Administration shall review the actuarial assumptions and data used by the Medicare+Choice organization with respect to such rates, amounts, and values so submitted to determine the appropriateness of such assumptions and data.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to submissions made on or after May 1, 2001.

SEC. 623. INCREASED CIVIL MONEY PENALTY FOR MEDICARE+CHOICE ORGANIZATIONS THAT TERMINATE CONTRACTS MID-YEAR.

(a) IN GENERAL.—Section 1857(g)(3) (42 U.S.C. 1395w–27(g)(3)) is amended by adding at the end the following new subparagraph:

"(D) Civil monetary penalties of not more than $100,000, or such higher amount as the Secretary may establish by regulation, where the finding under subsection (c)(2)(A) is based on the organization's termination of its contract under this section other than at a time and in a manner provided for under subsection (a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to terminations occurring after the date of the enactment of this Act.

Subtitle C—Other Managed Care Reforms

SEC. 631. 1-YEAR EXTENSION OF SOCIAL HEALTH MAINTENANCE ORGANIZATION (SHMO) DEMONSTRATION PROJECT.

Section 4018(b)(1) of the Omnibus Budget Reconciliation Act of 1987, as amended by section 531(a)(1) of BBRA (113 Stat. 1501A–388), is amended by striking "18 months" and inserting "30 months".

SEC. 632. REVISED TERMS AND CONDITIONS FOR EXTENSION OF MEDICARE COMMUNITY NURSING ORGANIZATION (CNO) DEMONSTRATION PROJECT.

(a) IN GENERAL.—Section 532 of BBRA (113 Stat. 1501A–388) is amended—

(1) in subsection (a), by striking the second sentence; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) TERMS AND CONDITIONS.—

"(1) JANUARY THROUGH SEPTEMBER 2000.—For the 9-month period beginning with January 2000, any such demonstration project shall be conducted under the same terms and conditions as applied to such demonstration during 1999.

"(2) OCTOBER 2000 THROUGH DECEMBER 2001.—For the 15-month period beginning with October 2000, any such demonstration project shall be conducted under the same terms and conditions as applied to such demonstration during 1999, except that the following modifications shall apply:

"(A) BASIC CAPITATION RATE.—The basic capitation rate paid for services covered under the project (other than case management services) per enrollee per month and furnished during—

"(i) the period beginning with October 1, 2000, and ending with December 31, 2000, shall be determined by actuarially adjusting the actual capitation rate paid for such services in 1999 for inflation, utilization, and other changes to the CNO service package, and by reducing such adjusted capitation rate by 10 percent in the case of the demonstration sites located in Arizona, Minnesota, and Illinois, and 15 percent for the demonstration site located in New York; and

"(ii) 2001 shall be determined by actuarially adjusting the capitation rate determined under clause (i) for inflation, utilization, and other changes to the CNO service package.

"(B) TARGETED CASE MANAGEMENT FEE.—Effective October 1, 2000—

"(i) the case management fee per enrollee per month for—

"(I) the period described in subparagraph (A)(i) shall be determined by actuarially adjusting the case management fee for 1999 for inflation; and

"(II) 2001 shall be determined by actuarially adjusting the amount determined under subclause (I) for inflation; and

"(ii) such case management fee shall be paid only for enrollees who are classified as moderately frail or frail pursuant to criteria established by the Secretary.

"(C) GREATER UNIFORMITY IN CLINICAL FEATURES AMONG SITES.—Each project shall implement for each site—

"(i) protocols for periodic telephonic contact with enrollees based on—

"(I) the results of such standardized written health assessment; and

"(II) the application of appropriate care planning approaches;

"(ii) disease management programs for targeted diseases (such as congestive heart failure, arthritis, diabetes, and hypertension) that are highly prevalent in the enrolled populations;

"(iii) systems and protocols to track enrollees through hospitalizations, including pre-admission planning, concurrent management during inpatient hospital stays, and post-discharge assessment, planning, and follow-up; and

"(iv) standardized patient educational materials for specified diseases and health conditions.

"(D) QUALITY IMPROVEMENT.—Each project shall implement at each site once during the 15-month period—

"(i) enrollee satisfaction surveys; and

"(ii) reporting on specified quality indicators for the enrolled population.

"(c) EVALUATION.—

"(1) PRELIMINARY REPORT.—Not later than July 1, 2001, the Secretary of Health and Human Services shall submit to the Committees on Ways and Means and Commerce of the House of Representatives and the Committee on Finance of the Senate a preliminary report that—

"(A) evaluates such demonstration projects for the period beginning July 1, 1997, and ending December 31, 1999, on a site-specific basis with respect to the impact on per beneficiary spending, specific health utilization measures, and enrollee satisfaction; and

"(B) includes a similar evaluation of such projects for the portion of the extension period that occurs after September 30, 2000.

"(2) FINAL REPORT.—The Secretary shall submit a final report to such Committees on such demonstration projects not later than July 1, 2002. Such report shall include the same elements as the preliminary report required by paragraph (1), but for the period after December 31, 1999.

"(3) METHODOLOGY FOR SPENDING COMPARISONS.—Any evaluation of the impact of the demonstration projects on per beneficiary spending *included in such reports shall include a comparison of—*

"(A) data for all individuals who—

"(i) were enrolled in such demonstration projects as of the first day of the period under evaluation; and

"(ii) were enrolled for a minimum of 6 months thereafter; with

"(B) data for a matched sample of individuals who are enrolled under part B of title XVIII of the Social Security Act and are not enrolled in such a project, or in a Medicare+Choice plan under part C of such title, a plan offered by an eligible organization under section 1876 of such Act, or a health care prepayment plan under section 1833(a)(1)(A) of such Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of section 532 of BBRA (113 Stat. 1501A–388).

SEC. 633. EXTENSION OF MEDICARE MUNICIPAL HEALTH SERVICES DEMONSTRATION PROJECTS.

Section 9215(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1395b–1 note), as amended by section 6135 of the Omnibus Budget Reconciliation Act of 1989, section 13557 of the Omnibus Budget Reconciliation Act of 1993, section 4017 of BBA, and section 534 of BBRA (113 Stat. 1501A–390), is amended by striking "December 31, 2002" and inserting "December 31, 2004".

SEC. 634. SERVICE AREA EXPANSION FOR MEDICARE COST CONTRACTS DURING TRANSITION PERIOD.

Section 1876(h)(5) (42 U.S.C. 1395mm(h)(5)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A), the following new subparagraph:

"(B) Subject to subparagraph (C), the Secretary shall approve an application for a modification to a reasonable cost contract under this section in order to expand the service area of such contract if—

"(i) such application is submitted to the Secretary on or before September 1, 2003; and

"(ii) the Secretary determines that the organization with the contract continues to meet the requirements applicable to such organizations and contracts under this section.".

TITLE VII—MEDICAID

SEC. 701. DSH PAYMENTS.

(a) MODIFICATIONS TO DSH ALLOTMENTS.—

(1) INCREASED ALLOTMENTS FOR FISCAL YEARS 2001 AND 2002.—

(A) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396r–4(f)) is amended—

(i) in paragraph (2), by striking "The DSH allotment" and inserting "Subject to paragraph (4), the DSH allotment";

(ii) by redesignating paragraph (4) as paragraph (6); and

(iii) by inserting after paragraph (3) the following new paragraph:

"(4) SPECIAL RULE FOR FISCAL YEARS 2001 AND 2002.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), the DSH allotment for any State for—

"(i) fiscal year 2001, shall be the DSH allotment determined under paragraph (2) for fiscal year 2000 increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2000; and

"(ii) fiscal year 2002, shall be the DSH allotment determined under clause (i) increased, subject to subparagraph (B) and paragraph (5), by the percentage change in the consumer price index for all urban consumers (all items; U.S. city average) for fiscal year 2001.

"(B) LIMITATION.—Subparagraph (B) of paragraph (3) shall apply to subparagraph (A) of this paragraph in the same manner as that subparagraph (B) applies to paragraph (3)(A).

"(C) NO APPLICATION TO ALLOTMENTS AFTER FISCAL YEAR 2002.—The DSH allotment for any State for fiscal year 2003 or any succeeding fiscal year shall be determined under paragraph (3) without regard to the DSH allotments determined under subparagraph (A) of this paragraph.".

(2) SPECIAL RULE FOR MEDICAID DSH ALLOTMENT FOR EXTREMELY LOW DSH STATES.—

(A) IN GENERAL.—Section 1923(f) (42 U.S.C. 1396r–4(f)), as amended by paragraph (1), is amended by inserting after paragraph (4) the following new paragraph:

"(5) SPECIAL RULE FOR EXTREMELY LOW DSH STATES.—In the case of a State in which the total expenditures under the State plan (including Federal and State shares) for disproportionate share hospital adjustments under this section for fiscal year 1999, as reported to the Administrator of the Health Care Financing Administration as of August 31, 2000, is greater than 0 but less than 1 percent of the State's total amount of expenditures under the State plan for medical assistance during the fiscal year, the DSH allotment for fiscal year 2001 shall be increased to 1 percent of the State's total amount of expenditures under such plan for such assistance during such fiscal year. In subsequent fiscal years, such increased allotment is subject to an increase for inflation as provided in paragraph (3)(A).".

(B) CONFORMING AMENDMENT.—Section 1923(f)(3)(A) (42 U.S.C. 1396r–4(f)(3)(A)) is amended by inserting "and paragraph (5)" after "subparagraph (B)".

(3) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) take effect on the date the final regulation required under section 705(a) (relating to the application of an aggregate upper payment limit test for State medicaid spending for inpatient hospital services, outpatient hospital services, nursing facility services, intermediate care facility services for the mentally retarded, and clinic services provided by government facilities that are not State-owned or operated facilities) is published in the Federal Register.

(b) ASSURING IDENTIFICATION OF MEDICAID MANAGED CARE PATIENTS.—

(1) IN GENERAL.—Section 1932 (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

"(g) IDENTIFICATION OF PATIENTS FOR PURPOSES OF MAKING DSH PAYMENTS.—Each contract with a managed care entity under section 1903(m) or under section 1905(t)(3) shall require the entity either—

"(1) to report to the State information necessary to determine the hospital services provided under the contract (and the identity of hospitals providing such services) for purposes of applying sections 1886(d)(5)(F) and 1923; or

"(2) to include a sponsorship code in the identification card issued to individuals covered under this title in order that a hospital may identify a patient as being entitled to benefits under this title.".

(2) CLARIFICATION OF COUNTING MANAGED CARE MEDICAID PATIENTS.—Section 1923 (42 U.S.C. 1396r–4) is amended—

(A) in subsection (a)(2)(D), by inserting after "the proportion of low-income and medicaid patients" the following: "(including such patients who receive benefits through a managed care entity)";

(B) in subsection (b)(2), by inserting after "a State plan approved under this title in a period" the following: "(regardless of whether such patients receive medical assistance on a fee-for-service basis or through a managed care entity)"; and

(C) in subsection (b)(3)(A)(i), by inserting after "under a State plan under this title" the following: "(regardless of whether the services were furnished on a fee-for-service basis or through a managed care entity)".

(3) EFFECTIVE DATES.—

(A) The amendment made by paragraph (1) shall apply to contracts as of January 1, 2001.

(B) The amendments made by paragraph (2) shall apply to payments made on or after January 1, 2001.

(c) APPLICATION OF MEDICAID DSH TRANSITION RULE TO PUBLIC HOSPITALS IN ALL STATES.—

(1) IN GENERAL.—During the period described in paragraph (3), with respect to a State, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 514), as amended by section 607 of BBRA (113 Stat. 1501A–396), shall be applied as though—

(A) "September 30, 2002" were substituted for "July 1, 1997" each place it appears;

(B) "hospitals owned or operated by a State (as defined for purposes of title XIX of such Act), or by an instrumentality or a unit of government within a State (as so defined)" were substituted for "the State of California";

(C) paragraph (3) were redesignated as paragraph (4);

(D) "and" were omitted from the end of paragraph (2); and

(E) the following new paragraph were inserted after paragraph (2):

"(3) '(as defined in subparagraph (B) but without regard to clause (ii) of that subparagraph and subject to subsection (d))' were substituted for '(as defined in subparagraph (B))' in subparagraph (A) of such section; and".

(2) SPECIAL RULE.—With respect to California, section 4721(e) of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 514), as so amended, shall be applied without regard to paragraph (1).

(3) PERIOD DESCRIBED.—The period described in this paragraph is the period that begins, with respect to a State, on the first day of the first State fiscal year that begins after September 30, 2002, and ends on the last day of the succeeding State fiscal year.

(4) APPLICATION TO WAIVERS.—With respect to a State operating under a waiver of the requirements of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) under section 1115 of such Act (42 U.S.C. 1315), the amount by which any payment adjustment made by the State under title XIX of such Act (42 U.S.C. 1396 et seq.), after the application of section 4721(e) of the Balanced Budget Act of 1997 under paragraph (1) to such State, exceeds the costs of furnishing hospital services provided by hospitals described in such section shall be fully reflected as an increase in the baseline expenditure limit for such waiver.

(d) ASSISTANCE FOR CERTAIN PUBLIC HOSPITALS.—

(1) IN GENERAL.—Beginning with fiscal year 2002, notwithstanding section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) and subject to paragraph (3), with respect to a State, payment adjustments made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to a hospital described in paragraph (2) shall be made without regard to the DSH allotment limitation for the State determined under section 1923(f) of that Act (42 U.S.C. 1396r–4(f)).

(2) HOSPITAL DESCRIBED.—A hospital is described in this paragraph if the hospital—

(A) is owned or operated by a State (as defined for purposes of title XIX of the Social Security Act), or by an instrumentality or a unit of government within a State (as so defined);

(B) as of October 1, 2000—

(i) is in existence and operating as a hospital described in subparagraph (A); and

(ii) is not receiving disproportionate share hospital payments from the State in which it is located under title XIX of such Act; and

(C) has a low-income utilization rate (as defined in section 1923(b)(3) of the Social Security Act (42 U.S.C. 1396r–4(b)(3))) in excess of 65 percent.

(3) LIMITATION ON EXPENDITURES.—

(A) IN GENERAL.—With respect to any fiscal year, the aggregate amount of Federal financial participation that may be provided for payment adjustments described in paragraph (1) for that fiscal year for all States may not exceed the amount described in subparagraph (B) for the fiscal year.

(B) AMOUNT DESCRIBED.—The amount described in this subparagraph for a fiscal year is as follows:

(i) For fiscal year 2002, $15,000,000.

(ii) For fiscal year 2003, $176,000,000.

(iii) For fiscal year 2004, $269,000,000.

(iv) For fiscal year 2005, $330,000,000.

(v) For fiscal year 2006 and each fiscal year thereafter, $375,000,000.

(e) DSH PAYMENT ACCOUNTABILITY STANDARDS.—Not later than September 30, 2002, the Secretary of Health and Human Services shall implement accountability standards to ensure that Federal funds provided with respect to disproportionate share hospital adjustments made under section 1923 of the Social Security Act (42 U.S.C. 1396r–4) are used to reimburse States and hospitals eligible for such payment adjustments for providing uncompensated health care to low-income patients and are otherwise made in accordance with the requirements of section 1923 of that Act.

SEC. 702. NEW PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) IN GENERAL.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (13)—

(A) in subparagraph (A), by adding "and" at the end;

(B) in subparagraph (B), by striking "and" at the end; and

(C) by striking subparagraph (C); and

(2) by inserting after paragraph (14) the following new paragraph:

"(15) provide for payment for services described in clause (B) or (C) of section 1905(a)(2) under the plan in accordance with subsection (aa);".

(b) NEW PROSPECTIVE PAYMENT SYSTEM.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following:

"(aa) PAYMENT FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.—

"(1) IN GENERAL.—Beginning with fiscal year 2001 with respect to services furnished on or after January 1, 2001, and each succeeding fiscal year, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by a Federally-qualified health center and services described in section 1905(a)(2)(B) furnished by a rural health clinic in accordance with the provisions of this subsection.

"(2) FISCAL YEAR 2001.—Subject to paragraph (4), for services furnished on and after January 1, 2001, during fiscal year 2001, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center or clinic of furnishing such services during fiscal years 1999 and 2000 which are reasonable and related to the cost of furnishing such services, or based on such other tests of reasonableness as the Secretary prescribes in regulations under section 1833(a)(3), or, in the case of services to which such regulations do not apply, the same methodology used under section 1833(a)(3), adjusted to take into account any increase or decrease in the scope of such services furnished by the center or clinic during fiscal year 2001.

"(3) FISCAL YEAR 2002 AND SUCCEEDING FISCAL YEARS.—Subject to paragraph (4), for services furnished during fiscal year 2002 or a succeeding fiscal year, the State plan shall provide for payment for such services in an amount (calculated on a per visit basis) that is equal to the amount calculated for such services under this subsection for the preceding fiscal year—

"(A) increased by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for that fiscal year; and

"(B) adjusted to take into account any increase or decrease in the scope of such services furnished by the center or clinic during that fiscal year.

"(4) ESTABLISHMENT OF INITIAL YEAR PAYMENT AMOUNT FOR NEW CENTERS OR CLINICS.—In any case in which an entity first qualifies as a Federally-qualified health center or rural health clinic after fiscal year 2000, the State plan shall provide for payment for services described in section 1905(a)(2)(C) furnished by the center or services described in section 1905(a)(2)(B) furnished by the clinic in the first fiscal year in which the center or clinic so qualifies in an amount (calculated on a per visit basis) that is equal to 100 percent of the costs of furnishing such services during such fiscal year based on the rates established under this subsection for the fiscal year for other such centers or clinics located in the same or adjacent area with a similar case load or, in the absence of such a center or clinic, in accordance with the regulations and methodology referred to in paragraph (2) or based on such other tests of reasonableness as the Secretary may specify. For each fiscal year following the fiscal year in which the entity first qualifies as a Federally-qualified health center or rural health clinic, the State plan shall provide for the payment amount to be calculated in accordance with paragraph (3).

"(5) ADMINISTRATION IN THE CASE OF MANAGED CARE.—

"(A) IN GENERAL.—In the case of services furnished by a Federally-qualified health center or rural health clinic pursuant to a contract between the center or clinic and a managed care entity (as defined in section 1932(a)(1)(B)), the State plan shall provide for payment to the center or clinic by the State of a supplemental payment equal to the amount (if any) by which the amount determined under paragraphs (2), (3), and (4) of this subsection exceeds the amount of the payments provided under the contract.

"(B) PAYMENT SCHEDULE.—The supplemental payment required under subparagraph (A) shall be made pursuant to a payment schedule agreed to by the State and the Federally-qualified health center or rural health clinic, but in no case less frequently than every 4 months.

"(6) ALTERNATIVE PAYMENT METHODOLOGIES.—Notwithstanding any other provision of this section, the State plan may provide for payment in any fiscal year to a Federally-qualified health center for services described in section 1905(a)(2)(C) or to a rural health clinic for services described in section 1905(a)(2)(B) in an amount which is determined under an alternative payment methodology that—

"(A) is agreed to by the State and the center or clinic; and

"(B) results in payment to the center or clinic of an amount which is at least equal to the amount otherwise required to be paid to the center or clinic under this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 4712 of the BBA (Public Law 105–33; 111 Stat. 508) is amended by striking subsection (c).

(2) Section 1915(b) (42 U.S.C. 1396n(b)) is amended by striking "1902(a)(13)(C)" and inserting "1902(a)(15), 1902(aa),".

(d) GAO STUDY OF FUTURE REBASING.—The Comptroller General of the United States shall provide for a study on the need for, and how to, rebase or refine costs for making payment under the medicaid program for services provided by Federally-qualified health centers and rural health clinics (as provided under the amendments made by this section). The Comptroller General shall provide for submittal of a report on such study to Congress by not later than 4 years after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2001, and shall apply to services furnished on or after such date.

SEC. 703. STREAMLINED APPROVAL OF CONTINUED STATE-WIDE SECTION 1115 MEDICAID WAIVERS.

(a) IN GENERAL.—Section 1115 (42 U.S.C. 1315) is amended by adding at the end the following new subsection:

"(f) An application by the chief executive officer of a State for an extension of a waiver project the State is operating under an extension under subsection (e) (in this subsection referred to as the 'waiver project') shall be submitted and approved or disapproved in accordance with the following:

"(1) The application for an extension of the waiver project shall be submitted to the Secretary at least 120 days prior to the expiration of the current period of the waiver project.

"(2) Not later than 45 days after the date such application is received by the Secretary, the Secretary shall notify the State if the Secretary intends to review the terms and conditions of the waiver project. A failure to provide such notification shall be deemed to be an approval of the application. .

"(3) Not later than 45 days after the date a notification is made in accordance with paragraph (2), the Secretary shall inform the State of proposed changes in the terms and conditions of the waiver project. A failure to provide such information shall be deemed to be an approval of the application.

"(4) During the 30-day period that begins on the date information described in paragraph (3) is provided to a State, the Secretary shall negotiate revised terms and conditions of the waiver project with the State.

"(5)(A) Not later than 120 days after the date an application for an extension of the waiver project is submitted to the Secretary (or such later date agreed to by the chief executive officer of the State), the Secretary shall—

"(i) approve the application subject to such modifications in the terms and conditions—

"(I) as have been agreed to by the Secretary and the State; or

"(II) in the absence of such agreement, as are determined by the Secretary to be reasonable, consistent with the overall objectives of the waiver project, and not in violation of applicable law; or

"(ii) disapprove the application.

"(B) A failure by the Secretary to approve or disapprove an application submitted under this subsection in accordance with the requirements of subparagraph (A) shall be deemed to be an approval of the application subject to such modifications in the terms and conditions as have been agreed to (if any) by the Secretary and the State.

"(6) An approval of an application for an extension of a waiver project under this subsection shall be for a period not to exceed 3 years.

"(7) An extension of a waiver project under this subsection shall be subject to the final reporting and evaluation requirements of paragraphs (4) and (5) of subsection (e) (taking into account the extension under this subsection with respect to any timing requirements imposed under those paragraphs).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests for extensions of demonstration projects pending or *submitted on or after the date of the enactment of this Act.*

SEC. 704. MEDICAID COUNTY-ORGANIZED HEALTH SYSTEMS.

(a) In General.—Section 9517(c)(3)(C) of the Comprehensive Omnibus Budget Reconciliation Act of 1985 is amended by striking "10 percent" and inserting "14 percent".

(b) Effective Date.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 705. DEADLINE FOR ISSUANCE OF FINAL REGULATION RELATING TO MEDICAID UPPER PAYMENT LIMITS.

(a) In General.—Not later than December 31, 2000, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), notwithstanding any requirement of the Administrative Procedures Act under chapter 5 of title 5, United States Code, or any other provision of law, shall issue under sections 447.272, 447.304, and 447.321 of title 42, Code of Federal Regulations (and any other section of part 447 of title 42, Code of Federal Regulations that the Secretary determines is appropriate), a final regulation based on the proposed rule announced on October 5, 2000, that—

(1) modifies the upper payment limit test applied to State medicaid spending for inpatient hospital services, outpatient hospital services, nursing facility services, intermediate care facility services for the mentally retarded, and clinic services by applying an aggregate upper payment limit to payments made to government facilities that are not State-owned or operated facilities; and

(2) provides for a transition period in accordance with subsection (b).

(b) Transition Period.—

(1) In general.—The final regulation required under subsection (a) shall provide that, with respect to a State described in paragraph (3), the State shall be considered to be in compliance with the final regulation required under subsection (a) so long as, for each State fiscal year during the period described in paragraph (4), the State reduces payments under a State medicaid plan payment provision or methodology described in paragraph (3) (including a payment provision or methodology described in that paragraph that was approved under a waiver of such plan), or reduces the actual dollar payment levels described in paragraph (3)(B), so that the amount of the payments that would otherwise have been made under such provision, methodology, or payment levels by the State for any State fiscal year during such period is reduced by 15 percent in the first such State fiscal year, and by an additional 15 percent in each of the next 5 State fiscal years.

(2) Requirement.—Notwithstanding paragraph (1), the final regulation required under subsection (a) shall provide that, for any period (or portion of a period) that occurs on or after October 1, 2008, medicaid payments made by a State described in paragraph (3) shall comply with such final regulation.

(3) State described.—A State described in this paragraph is a State with a State medicaid plan payment provision or methodology (including a payment provision or methodology approved under a waiver of such plan) which—

(A) was approved, deemed to have been approved, or was in effect on or before October 1, 1992 (including any subsequent amendments or successor provisions or methodologies and whether or not a State plan amendment was made to carry out such provision or methodology after such date) or under which claims for Federal financial participation were filed and paid on or before such date; and

(B) provides for payments that are in excess of the upper payment limit test established under the final regulation required under subsection (a) (or which would be noncompliant with such final regulation if the actual dollar payment levels made under the payment provision or methodology in the State fiscal year which begins during 1999 were continued).

(4) Period described.—The period described in this paragraph is the period that begins on the first State fiscal year that begins after September 30, 2002, and ends on September 30, 2008.

SEC. 706. ALASKA FMAP.

Notwithstanding the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), only with respect to each of fiscal years 2001 through 2005, for purposes of titles XIX and XXI of the Social Security Act, the State percentage used to determine the Federal medical assistance percentage for Alaska shall be that percentage which bears the same ratio to 45 percent as the square of the adjusted per capita income of Alaska (determined by dividing the State's 3-year average per capita income by 1.05) bears to the square of the per capita income of the 50 States.

SEC. 707. 1-YEAR EXTENSION OF WELFARE-TO-WORK TRANSITION.

(a) In General.—Section 1925(f) (42 U.S.C. 1396r–6(f)) is amended by striking "2001" and inserting "2002".

(b) Conforming Amendment.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking "2001" and inserting "2002".

SEC. 708. ADDITIONAL ENTITIES QUALIFIED TO DETERMINE MEDICAID PRESUMPTIVE ELIGIBILITY FOR LOW-INCOME CHILDREN.

(a) In General.—Section 1920A(b)(3)(A)(i) (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended—

(1) by striking "or (II)" and inserting ", (II)"; and

(2) by inserting "eligibility of a child for medical assistance under the State plan under this title, or eligibility of a child for child health assistance under the program funded under title XXI, (III) is an elementary school or secondary school, as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801), an elementary or secondary school operated or supported by the Bureau of Indian Affairs, a State or tribal child support enforcement agency, an organization that is providing emergency food and shelter under a grant under the Stewart B. McKinney Homeless Assistance Act, or a State or tribal office or entity involved in enrollment in the program under this title, under part A of title IV, under title XXI, or that determines eligibility for any assistance or benefits provided under any program of public or assisted housing that receives Federal funds, including the program under section 8 or any other section of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) or under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), or (IV) any other entity the State so deems, as approved by the Secretary" before the semicolon.

(b) Technical Amendments.—Section 1920A (42 U.S.C. 1396r–1a) is amended—

(1) in subsection (b)(3)(A)(i), by striking "42 U.S.C. 9821" and inserting "42 U.S.C. 9831";

(2) in subsection (b)(3)(A)(ii), by striking "paragraph (1)(A)" and inserting "paragraph (2)"; and

(3) in subsection (c)(2), in the matter preceding subparagraph (A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(2)".

SEC. 709. DEVELOPMENT OF UNIFORM QMB/SLMB APPLICATION FORM.

(a) In General.—Section 1905(p) (42 U.S.C. 1396d(p)) is amended by adding at the end the following new paragraph:

"(5)(A) The Secretary shall develop and distribute to States a simplified application form for use by individuals (including both qualified medicare beneficiaries and specified low-income medicare beneficiaries) in applying for medical assistance for medicare cost-sharing under this title in the States which elect to use such form. Such form shall be easily readable by applicants and uniform nationally.

"(B) In developing such form, the Secretary shall consult with beneficiary groups and the States.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 1 year after the date of the enactment of this Act, regardless of whether regulations have been promulgated to carry out such amendment by such date. The Secretary of Health and Human Services shall develop the uniform application form under such amendment by not later than 9 months after the date of the enactment of this Act.

SEC. 710. TECHNICAL CORRECTIONS.

(a) In General.—Section 1903(f)(4) (42 U.S.C. 1396b(f)(4)) is amended—

(1) by inserting "1902(a)(10)(A)(ii)(XVII)," after "1902(a)(10)(A)(ii)(XVI),"; and

(2) by inserting "1902(a)(10)(A)(ii)(XVIII)," after "1902(a)(10)(A)(ii)(XVII),".

(b) Effective Dates.—(1) The amendment made by subsection (a)(1) shall be effective as if included in the enactment of section 121 of the Foster Care Independence Act of 1999 (Public Law 106–169).

(2) The amendment made by subsection (a)(2) shall be effective as if included in the enactment of the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (Public Law 106–354).

TITLE VIII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM

SEC. 801. SPECIAL RULE FOR REDISTRIBUTION AND AVAILABILITY OF UNUSED FISCAL YEAR 1998 AND 1999 SCHIP ALLOTMENTS.

(a) Change in Rules for Redistribution and Retention of Unused SCHIP Allotments for Fiscal Years 1998 and 1999.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

"(g) Rule for Redistribution and Extended Availability of Fiscal Years 1998 and 1999 Allotments.—

"(1) Amount redistributed.—

"(A) In general.—In the case of a State that expends all of its allotment under subsection (b) or (c) for fiscal year 1998 by the end of fiscal year 2000, or for fiscal year 1999 by the end of fiscal year 2001, the Secretary shall redistribute to the State under subsection (f) (from the fiscal year 1998 or 1999 allotments of other States, respectively, as determined by the application of paragraphs (2) and (3) with respect to the respective fiscal year) the following amount:

"(i) State.—In the case of 1 of the 50 States or the District of Columbia, with respect to—

"(I) the fiscal year 1998 allotment, the amount by which the State's expenditures under this title in fiscal years 1998, 1999, and 2000 exceed the State's allotment for fiscal year 1998 under subsection (b); or

"(II) the fiscal year 1999 allotment, the amount by which the State's expenditures under this title in fiscal years 1999, 2000, and 2001 exceed the State's allotment for fiscal year 1999 under subsection (b).

"(ii) Territory.—In the case of a commonwealth or territory described in subsection (c)(3), an amount that bears the same ratio to 1.05 percent of the total amount described in paragraph (2)(B)(i)(I) as the ratio of the commonwealth's or territory's fiscal year 1998 or 1999 allotment under subsection (c) (as the case may be) bears to the total of all such allotments for such fiscal year under such subsection.

"(B) Expenditure rules.—An amount redistributed to a State under this paragraph with respect to fiscal year 1998 or 1999—

"(i) shall not be included in the determination of the State's allotment for any fiscal year under this section;

"(ii) notwithstanding subsection (e), shall remain available for expenditure by the State through the end of fiscal year 2002; and

"(iii) shall be counted as being expended with respect to a fiscal year allotment in accordance with applicable regulations of the Secretary.

"(2) EXTENSION OF AVAILABILITY OF PORTION OF UNEXPENDED FISCAL YEARS 1998 AND 1999 ALLOTMENTS.—

"(A) IN GENERAL.—Notwithstanding subsection (e):

"(i) FISCAL YEAR 1998 ALLOTMENT.—Of the amounts allotted to a State pursuant to this section for fiscal year 1998 that were not expended by the State by the end of fiscal year 2000, the amount specified in subparagraph (B) for fiscal year 1998 for such State shall remain available for expenditure by the State through the end of fiscal year 2002.

"(ii) FISCAL YEAR 1999 ALLOTMENT.—Of the amounts allotted to a State pursuant to this subsection for fiscal year 1999 that were not expended by the State by the end of fiscal year 2001, the amount specified in subparagraph (B) for fiscal year 1999 for such State shall remain available for expenditure by the State through the end of fiscal year 2002.

"(B) AMOUNT REMAINING AVAILABLE FOR EXPENDITURE.—The amount specified in this subparagraph for a State for a fiscal year is equal to—

"(i) the amount by which (I) the total amount available for redistribution under subsection (f) from the allotments for that fiscal year, exceeds (II) the total amounts redistributed under paragraph (1) for that fiscal year; multiplied by

"(ii) the ratio of the amount of such State's unexpended allotment for that fiscal year to the total amount described in clause (i)(I) for that fiscal year.

"(C) USE OF UP TO 10 PERCENT OF RETAINED 1998 ALLOTMENTS FOR OUTREACH ACTIVITIES.—Notwithstanding section 2105(c)(2)(A), with respect to any State described in subparagraph (A)(i), the State may use up to 10 percent of the amount specified in subparagraph (B) for fiscal year 1998 for expenditures for outreach activities approved by the Secretary.

"(3) DETERMINATION OF AMOUNTS.—For purposes of calculating the amounts described in paragraphs (1) and (2) relating to the allotment for fiscal year 1998 or fiscal year 1999, the Secretary shall use the amounts reported by the States not later than December 15, 2000, or November 30, 2001, respectively, on HCFA Form 64 or HCFA Form 21, as approved by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 4901 of BBA (111 Stat. 552).

SEC. 802. AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATION.

(a) AUTHORITY TO PAY MEDICAID EXPANSION SCHIP COSTS FROM TITLE XXI APPROPRIATION.—Section 2105(a) (42 U.S.C. 1397ee(a)) is amended—

(1) by redesignating subparagraphs (A) through (D) of paragraph (2) as clauses (i) through (iv), respectively, and indenting appropriately;

(2) by redesignating paragraph (1) as subparagraph (C), and indenting appropriately;

(3) by redesignating paragraph (2) as subparagraph (D), and indenting appropriately;

(4) by striking "(a) IN GENERAL.—" and the remainder of the text that precedes subparagraph (C), as so redesignated, and inserting the following:

"(a) PAYMENTS.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this section, the Secretary shall pay to each State with a plan approved under this title, from its allotment under section 2104, an amount for each quarter equal to the enhanced FMAP (or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b))) of expenditures in the quarter—

"(A) for child health assistance under the plan for targeted low-income children in the form of providing medical assistance for which payment is made on the basis of an enhanced FMAP under the fourth sentence of section 1905(b);

"(B) for the provision of medical assistance on behalf of a child during a presumptive eligibility period under section 1920A;"; and

(5) by adding after subparagraph (D), as so redesignated, the following new paragraph:

"(2) ORDER OF PAYMENTS.—Payments under paragraph (1) from a State's allotment shall be made in the following order:

"(A) First, for expenditures for items described in paragraph (1)(A).

"(B) Second, for expenditures for items described in paragraph (1)(B).

"(C) Third, for expenditures for items described in paragraph (1)(C).

"(D) Fourth, for expenditures for items described in paragraph (1)(D).".

(b) ELIMINATION OF REQUIREMENT TO REDUCE TITLE XXI ALLOTMENT BY MEDICAID EXPANSION SCHIP COSTS.—Section 2104 (42 U.S.C. 1397dd) is amended by striking subsection (d).

(c) AUTHORITY TO TRANSFER TITLE XXI APPROPRIATIONS TO TITLE XIX APPROPRIATION ACCOUNT AS REIMBURSEMENT FOR MEDICAID EXPENDITURES FOR MEDICAID EXPANSION SCHIP SERVICES.—Notwithstanding any other provision of law, all amounts appropriated under title XXI and allotted to a State pursuant to subsection (b) or (c) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal years 1998 through 2000 (including any amounts that, but for this provision, would be considered to have expired) and not expended in providing child health assistance or related services for which payment may be made pursuant to subparagraph (C) or (D) of section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)) (as amended by subsection (a)), shall be available to reimburse the Grants to States for Medicaid account in an amount equal to the total payments made to such State under section 1903(a) of such Act (42 U.S.C. 1396b(a)) for expenditures in such years for medical assistance described in subparagraphs (A) and (B) of section 2105(a)(1) of such Act (42 U.S.C. 1397ee(a)(1)) (as so amended).

(d) CONFORMING AMENDMENTS.—

(1) Section 1905(b) (42 U.S.C. 1396d(b)) is amended in the fourth sentence by striking "the State's allotment under section 2104 (not taking into account reductions under section 2104(d)(2)) for the fiscal year reduced by the amount of any payments made under section 2105 to the State from such allotment for such fiscal year" and inserting "the State's available allotment under section 2104".

(2) Section 1905(u)(1)(B) (42 U.S.C. 1396d(u)(1)(B)) is amended by striking "and section 2104(d)".

(3) Section 2104 (42 U.S.C. 1397dd), as amended by subsection (b), is further amended—

(A) in subsection (b)(1), by striking "and subsection (d)"; and

(B) in subsection (c)(1), by striking "subject to subsection (d),".

(4) Section 2105(c) (42 U.S.C. 1397ee(c)) is amended—

(A) in paragraph (2)(A), by striking all that follows "Except as provided in this paragraph," and inserting "the amount of payment that may be made under subsection (a) for a fiscal year for expenditures for items described in paragraph (1)(D) of such subsection shall not exceed 10 percent of the total amount of expenditures for which payment is made under subparagraphs (A), (C), and (D) of paragraph (1) of such subsection.";

(B) in paragraph (2)(B), by striking "described in subsection (a)(2)" and inserting "described in subsection (a)(1)(D)"; and

(C) in paragraph (6)(B), by striking "Except as otherwise provided by law," and inserting "Except as provided in subparagraph (A) or (B) of subsection (a)(1) or any other provision of law,".

(5) Section 2110(a) (42 U.S.C. 1397jj(a)) is amended by striking "section 2105(a)(2)(A)" and inserting "section 2105(a)(1)(D)(i)".

(e) TECHNICAL AMENDMENT.—Section 2105(d)(2)(B)(ii) (42 U.S.C. 1397ee(d)(2)(B)(ii)) is amended by striking "enhanced FMAP under section 1905(u)" and inserting "enhanced FMAP under the fourth sentence of section 1905(b)".

(f) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of section 4901 of the BBA (111 Stat. 552).

SEC. 803. APPLICATION OF MEDICAID CHILD PRESUMPTIVE ELIGIBILITY PROVISIONS.

Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(D) Section 1920A (relating to presumptive eligibility for children).".

TITLE IX—OTHER PROVISIONS

Subtitle A—PACE Program

SEC. 901. EXTENSION OF TRANSITION FOR CURRENT WAIVERS.

Section 4803(d)(2) of BBA is amended—

(1) in subparagraph (A), by striking "24 months" and inserting "36 months";

(2) in subparagraph (A), by striking "the initial effective date of regulations described in subsection (a)" and inserting "July 1, 2000"; and

(3) in subparagraph (B), by striking "3 years" and inserting "4 years".

SEC. 902. CONTINUING OF CERTAIN OPERATING ARRANGEMENTS PERMITTED.

(a) IN GENERAL.—Section 1894(f)(2) (42 U.S.C. 1395eee(f)(2)) is amended by adding at the end the following new subparagraph:

"(C) CONTINUATION OF MODIFICATIONS OR WAIVERS OF OPERATIONAL REQUIREMENTS UNDER DEMONSTRATION STATUS.—If a PACE program operating under demonstration authority has contractual or other operating arrangements which are not otherwise recognized in regulation and which were in effect on July 1, 2000, the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the State to be reasonably consistent with the objectives of the PACE program.".

(b) CONFORMING AMENDMENT.—Section 1934(f)(2) (42 U.S.C. 1396u-4(f)(2)) is amended by adding at the end the following new subparagraph:

"(C) CONTINUATION OF MODIFICATIONS OR WAIVERS OF OPERATIONAL REQUIREMENTS UNDER DEMONSTRATION STATUS.—If a PACE program operating under demonstration authority has contractual or other operating arrangements which are not otherwise recognized in regulation and which were in effect on July 1 2000, the Secretary (in close consultation with, and with the concurrence of, the State administering agency) shall permit any such program to continue such arrangements so long as such arrangements are found by the Secretary and the

State to be reasonably consistent with the objectives of the PACE program.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as included in the enactment of BBA.

SEC. 903. FLEXIBILITY IN EXERCISING WAIVER AUTHORITY.

In applying sections 1894(f)(2)(B) and 1934(f)(2)(B) of the Social Security Act (42 U.S.C. 1395eee(f)(2)(B), 1396u–4(f)(2)(B)), the Secretary of Health and Human Services—

(1) shall approve or deny a request for a modification or a waiver of provisions of the PACE protocol not later than 90 days after the date the Secretary receives the request; and

(2) may exercise authority to modify or waive such provisions in a manner that responds promptly to the needs of PACE programs relating to areas of employment and the use of community-based primary care physicians.

Subtitle B—Outreach to Eligible Low-Income Medicare Beneficiaries

SEC. 911. OUTREACH ON AVAILABILITY OF MEDICARE COST-SHARING ASSISTANCE TO ELIGIBLE LOW-INCOME MEDICARE BENEFICIARIES.

(a) OUTREACH.—

(1) IN GENERAL.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1143 the following new section:

''OUTREACH EFFORTS TO INCREASE AWARENESS OF THE AVAILABILITY OF MEDICARE COST-SHARING

''SEC. 1144. (a) OUTREACH.—

''(1) IN GENERAL.—The Commissioner of Social Security (in this section referred to as the 'Commissioner') shall conduct outreach efforts to—

''(A) identify individuals entitled to benefits under the medicare program under title XVIII who may be eligible for medical assistance for payment of the cost of medicare cost-sharing under the medicaid program pursuant to sections 1902(a)(10)(E) and 1933; and

''(B) notify such individuals of the availability of such medical assistance under such sections.

''(2) CONTENT OF NOTICE.—Any notice furnished under paragraph (1) shall state that eligibility for medicare cost-sharing assistance under such sections is conditioned upon—

''(A) the individual providing to the State information about income and resources (in the case of an individual residing in a State that imposes an assets test for such eligibility); and

''(B) meeting the applicable eligibility criteria.

''(b) COORDINATION WITH STATES.—

''(1) IN GENERAL.—In conducting the outreach efforts under this section, the Commissioner shall—

''(A) furnish the agency of each State responsible for the administration of the medicaid program and any other appropriate State agency with information consisting of the name and address of individuals residing in the State that the Commissioner determines may be eligible for medical assistance for payment of the cost of medicare cost-sharing under the medicaid program pursuant to sections 1902(a)(10)(E) and 1933; and

''(B) update any such information not less frequently than once per year.

''(2) INFORMATION IN PERIODIC UPDATES.—The periodic updates described in paragraph (1)(B) shall include information on individuals who are or may be eligible for the medical assistance described in paragraph (1)(A) because such individuals have experienced reductions in benefits under title II.''.

(2) AMENDMENT TO TITLE XIX.—Section 1905(p) (42 U.S.C. 1396d(p)), as amended by section 710(a), is amended by adding at the end the following new paragraph:

''(6) For provisions relating to outreach efforts to increase awareness of the availability of medicare cost-sharing, see section 1144.''.

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study of the impact of section 1144 of the Social Security Act (as added by subsection (a)(1)) on the enrollment of individuals for medicare cost-sharing under the medicaid program. Not later than 18 months after the date that the Commissioner of Social Security first conducts outreach under section 1144 of such Act, the Comptroller General shall submit to Congress a report on such study. The . report shall include such recommendations for legislative changes as the Comptroller General deems appropriate.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

Subtitle C—Maternal and Child Health Block Grant

SEC. 921. INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.

(a) IN GENERAL.—Section 501(a) (42 U.S.C. 701(a)) is amended in the matter preceding paragraph (1) by striking ''$705,000,000 for fiscal year 1994'' and inserting ''$850,000,000 for fiscal year 2001''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2000.

Subtitle D—Diabetes

SEC. 931. INCREASE IN APPROPRIATIONS FOR SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b) of the Public Health Service Act (42 U.S.C. 254c–2(b)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) TRANSFERRED FUNDS.—Notwithstanding''; and

(2) by adding at the end the following:

''(2) APPROPRIATIONS.—For the purpose of making grants under this section, there is appropriated, out of any funds in the Treasury not otherwise appropriated—

''(A) $70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal years); and

''(B) $100,000,000 for fiscal year 2003.''.

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c) of such Act (42 U.S.C. 254c–3(c)) is amended—

(1) by striking ''Notwithstanding'' and inserting the following:

''(1) TRANSFERRED FUNDS.—Notwithstanding''; and

(2) by adding at the end the following:

''(2) APPROPRIATIONS.—For the purpose of making grants under this section, there is appropriated, out of any money in the Treasury not otherwise appropriated—

''(A) $70,000,000 for each of fiscal years 2001 and 2002 (which shall be combined with amounts transferred under paragraph (1) for each such fiscal years); and

''(B) $100,000,000 for fiscal year 2003.''.

(c) EXTENSION OF FINAL REPORT ON GRANT PROGRAMS.—Section 4923(b)(2) of BBA is amended by striking ''2002'' and inserting ''2003''.

SEC. 932. APPROPRIATIONS FOR RICKY RAY HEMOPHILIA RELIEF FUND.

Section 101(e) of the Ricky Ray Hemophilia Relief Fund Act of 1998 (42 U.S.C. 300c–22 note) is amended by adding at the end the following: ''There is appropriated to the Fund $475,000,000 for fiscal year 2001, to remain available until expended.''.

Subtitle E—Information on Nurse Staffing

SEC. 941. POSTING OF INFORMATION ON NURSING FACILITY STAFFING.

(a) MEDICARE.—Section 1819(b) (42 U.S.C. 1395i–3(b)) is amended by adding at the end the following new paragraph:

''(8) INFORMATION ON NURSE STAFFING.—

''(A) IN GENERAL.—A skilled nursing facility shall post daily for each shift the current number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. The information shall be displayed in a uniform manner (as specified by the Secretary) and in a clearly visible place.

''(B) PUBLICATION OF DATA.—A skilled nursing facility shall, upon request, make available to the public the nursing staff data described in subparagraph (A).''.

(b) MEDICAID.—Section 1919(b) (42 U.S.C. 1395r(b)) is amended by adding at the end the following new paragraph:

''(8) INFORMATION ON NURSE STAFFING.—

''(A) IN GENERAL.—A nursing facility shall post daily for each shift the current number of licensed and unlicensed nursing staff directly responsible for resident care in the facility. The information shall be displayed in a uniform manner (as specified by the Secretary) and in a clearly visible place.

''(B) PUBLICATION OF DATA.—A nursing facility shall, upon request, make available to the public the nursing staff data described in subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2003.

Subtitle F—Adjustment of Multiemployer Plan Benefits Guaranteed

SEC. 951. MULTIEMPLOYER PLAN BENEFITS GUARANTEED.

(a) IN GENERAL.—Section 4022A(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322a(c)) is amended—

(1) by striking ''$5'' each place it appears in paragraph (1) and inserting ''$11'';

(2) by striking ''$15'' in paragraph (1)(A)(i) and inserting ''$33''; and

(3) by striking paragraphs (2), (5), and (6) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any multiemployer plan that has not received financial assistance (within the meaning of section 4261 of the Employee Retirement Income Security Act of 1974) within the 1-year period ending on the date of the enactment of this Act.

MEDICARE, MEDICAID, AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT OF 2000

Following is explanatory language on H.R. 5661, as introduced on December 14, 2000. The conferees on H.R. 4577 agree with the matter included in H.R. 5661 and enacted in this conference report by references and the following description of it.

TITLE I—MEDICARE BENEFICIARY IMPROVEMENTS

SUBTITLE A—IMPROVED PREVENTIVE BENEFITS

Section 101. Coverage of biennial screening pap smear and pelvic exams

The provision modifies current law to provide Medicare coverage for biennial screening pap smears and pelvic exams, effective July 1, 2001.

Section 102. Coverage of screening for glaucoma

The provision would add Medicare coverage for annual glaucoma screenings, beginning January 1, 2002, for persons determined to be at high risk for glaucoma, individuals with a family history of glaucoma, and individuals with diabetes. The service would have to be furnished by or under the supervision of an optometrist or ophthalmologist who is legally authorized to perform such services in the state where the services are furnished.

Section 103. Coverage of screening colonoscopy for average risk individuals

The provision would authorize coverage for screening colonscopies, beginning July 1, 2001, for all individuals, not just those at high risk. For persons not at high risk, payments could not be made for such procedures if performed within 10 years of a previous screening colonscopy or within 4 years of a screening flexible sigmoidoscopy.

Section 104. Modernization of screening mammography benefit

Beginning in 2002, the provision would eliminate the statutorily prescribed payment rate for screening mammography payments and specify that the services are to be paid under the physician fee schedule. The provision would specify two new payment rates for mammographies that utilize advanced new technology for the period April 1, 2001 to December 31, 2001. Payment for technologies that directly take digital images would equal 150% of what otherwise be paid for a bilateral diagnostic mammography. For technologies that convert standards film images to digital form, an additional payment of fifteen dollars would be authorized. The Secretary would be required to determine whether a new code is required for tests furnished after 2001.

Section 105. Coverage of medical nutrition therapy services for beneficiaries within diabetes or a renal disease

The provision would establish, effective January 1, 2002, Medicare coverage for medical nutrition therapy services for beneficiaries who have diabetes or a renal disease. Medical nutrition therapy services would be defined as nutritional diagnostic, therapy and counseling services for the purpose of disease management which are furnished by a registered dietitian or nutrition professional, pursuant to a referral by a physician. The provision would specify that the amount paid for medical nutrition therapy services would equal the lesser of the actual charge for the service or 85% of the amount that would be paid under the physician fee schedule if such services were provided by a physician. Assignment would be required for all claims. The Secretary would be required to submit a report to Congress that contains an evaluation of the effectiveness of services furnished under this provision.

SUBTITLE B—OTHER BENEFICIARY IMPROVEMENTS

Section 111. Acceleration of reduction of beneficiary copayment for hospital outpatient department services

Effective April 1, 2000, the provision would modify current law by limiting the amount of a beneficiary copayment for a procedure in a hospital outpatient department to the hospital inpatient deductible applicable in that year.

In addition, starting in April 2001, the provisions would require the Secretary of HHS to reduce the effective copayment rate for outpatient services to a maximum rate of 57% for the remainder of 2001, 55% in 2002 and 2003, 50% in 2004, 45% in 2005, and 40% in 2006 and subsequent years. As stated in BBA 97, hospitals may waive any increase in coinsurance that may have arisen from the implementation of the outpatient prospective payment system (PPS).

The Comptroller General would be required to work with the National Association of Insurance Commissioners (NAIC) to evaluate the extent to which premiums for supplemental policies reflect the acceleration of the reduction in beneficiary coinsurance of hospital outpatient services and result in saving to beneficiaries and to report to the Congress by April 1, 2004.

Section 112. Preservation of coverage of drugs and biologicials under part B of the Medicare Program

The provision would clarify policy with regard to coverage of drugs, provided incident to physicians services, that cannot be self-administered. The provision would specify that such drugs are covered when they are not usually self-administered by the patient.

Section 113. Elimination of time limitation on Medicare benefits for immunosuppressive drugs

The provision would eliminate the current time limitations on the coverage of immunosuppressive drugs for beneficiaries would have received a covered organ transplant. The provision would apply to drugs furnished, on or after the date enactment.

Section 114. Imposition of billings limits on drugs

The provision would specify that payment for drugs under Part B must be made on the basis of assignment.

Section 115. Waiver of 24-month waiting period for Medicare coverage of individuals disabled with amyotrophic lateral sclerosis (ALS)

The provision would waive the 24-month waiting period (otherwise required for an individual to establish Medicare eligibility on the basis of a disability) for persons medically determined to have amyotrophic lateral sclerosis (ALS). The provision would be effective July 1, 2001.

SUBTITLE C—DEMONSTRATION PROJECTS AND STUDIES

Section 121. Demonstration project for disease management for severely chronically ill Medicare beneficiaries

The Secretary would be required to conduct a demonstration project to illustrate the impact on costs and health outcomes of applying disease management to Medicare beneficiaries with diagnosed, advanced-stage congestive heart failure, diabetes, or coronary heart disease. Up to 30,000 beneficiaries would be able to enroll, on a voluntary basis, for disease management services related to their chronic health condition. In addition, contractors providing disease management services would be responsible for providing beneficiaries enrolled in the project with prescription drugs.

Section 122. Cancer prevention and treatment demonstration for ethnic and racial minorities

The provision would require the Secretary to conduct demonstration projects for the purpose of developing models and evaluating methods that improve the quality of cancer prevention services, improve clinical outcomes, eliminates disparities in the rate of preventative screening measures, and promote collaboration and community-based organizations for ethnic and racial minorities.

Section 123. Study on Medicare coverage of routine tyroid screening

The provision would require the Secretary to request the National Academy of Sciences, and as appropriate in conjunction with the United States Preventive Services Task Force, to analyze the addition of routine thyroid screening under Medicare. The analysis would consider the short term and long term benefits, and cost to Medicare, of adding such coverage for some or all beneficiaries.

Section 124. MedPAC study on consumer coalitions

The provision would require MedPAC to conduct a study that examines the use of consumer coalitions in the marketing of Medicare+Choice plans. A consumer coalition would be defined as a non-profit community-based organization that provides information to beneficiaries about their health options under Medicare and negotiates with Medicare+Choice plans on benefits and premiums for beneficiaries who are members of the coalition or otherwise affiliated with it.

Section 125. Study on limitation on State payment for Medicare cost-sharing affecting access to services for qualified Medicare beneficiaries

The provision would require the Secretary of HHS to conduct a study to determine if access to certain services (including mental health services) has been affected by a specific provision in law. The provision specifies that states are not required to pay Medicare cost-sharing charges for QMBs to the extent these payments would result in a total payment in excess of the Medicaid level.

Section 126. Studies on preventive interventions in primary care for older Americans

The provision would require the Secretary, acting through the United States Preventive Services Task Force, to conduct a series of studies designed to identify preventive interventions in primary care for older Americans.

Section 127. MedPAC study and report on Medicare coverage of cardiac and pulmonary rehabilitation and therapy services

The provision would require MedPAC to conduct a study on coverage of cardiac and pulmonary rehabilitation therapy services under Medicare.

Section 128. Lifestyle modification program demonstration

The provision modifies the current medicare demonstration project, known as the Lifestyle Modification Program. It would extent the project to 4 years and to assure 1,800 beneficiaries complete the Program in order to provide a statistically valid sample. The provision requires a study of its cost-effectiveness and provides for an initial report after 900 beneficiaries complete the Program and a final report after 1,800 beneficiaries complete the Program.

TITLE II—RURAL HEALTH CARE IMPROVEMENTS

SUBTITLE A—CRITICAL ACCESS HOSPITAL PROVISIONS

Section 201. Clarification of no beneficiary cost-sharing for clinical diagnostic laboratory tests furnished by critical access hospitals

Effective for services furnished on or after the enactment of BBRA99, Medicare beneficiaries would not be liable for any coinsurance deductible, copayment, or other cost sharing amount with respect to clinical diagnostic laboratory services furnished as an outpatient critical access hospital (CAH) service. Conforming changes that clarify that CAHs are reimbursed on a reasonable cost basis for outpatient clinical diagnostic laboratory services are also included.

Section 202. Assistance with fee schedule payment for professional services under all-inclusive rate

Effective for items and services furnished on or after July 1, 2001, Medicare would pay a CAH for outpatient services based on reasonable costs or, at the election of an entity, would pay the CAH a facility fee based on reasonable costs plus an amount based on

115% of Medicare's fee schedule for professional services.

Section 203. Exemption of critical access hospital swing beds from SNF PPS

Swing beds in critical access hospitals (CAHs) would be exempt from the SNF prospective payment system. CAHs would be paid for covered SNF services on a reasonable cost basis.

Section 204. Payment in critical access hospitals for emergency room on-call physicians

When determining the allowable, reasonable cost of outpatient CAH services, the Secretary would recognize amounts for the compensation and related costs for on-call emergency room physicians who are not present on the premises, are not otherwise furnishing services, and are not on-call at any other provider or facility. The Secretary would define the reasonable payment amounts and the meaning of the term "on-call." The provision would be effective for cost reporting periods beginning on or after October 1, 2001.

Section 205. Treatment of ambulance services furnished by certain critical access hospitals

Ambulance services provided by a critical access hospital (CAH) or provided by an entity that is owned or operated by a CAH would be paid on a reasonable cost basis if the CAH or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of the CAH. The provision would be effective for services furnished on or after enactment.

Section 206. GAO study on certain eligibility requirements for critical access hospitals

Within one year of enactment, GAO would be required to conduct a study on the eligibility requirements for critical access hospitals (CAHs) with respect to limitations on average length of stay and number of beds, including an analysis of the feasibility of having a distinct part unit as part of a CAH and the effect of seasonal variations in CAH eligibility requirements. GAO also would be required to analyze the effect of seasonal variations in patient admissions on critical access hospital eligibility requirements with respect to limits on average annual length of stay and number of beds.

SUBTITLE B—OTHER RURAL HOSPITALS PROVISIONS

Section 211. Treatment of rural disproportionate share hospitals

For discharges occurring on or after April 1, 2001, all hospitals would be eligible to receive DSH payments when their DSH percentage (threshold amount) exceeds 15%. The DSH payment formulas for sole community hospitals (SCHs), rural referral centers (RRCs), rural hospitals that are both SCHs and RRCs, small rural hospitals and urban hospitals with less than 100 beds would be modified.

Section 212. Option to base eligibility for Medicare dependent, small rural hospital program on discharges during 2 of the 3 most recent audited cost reporting periods

An otherwise qualifying small rural hospital would be able to be classified as an MDH if at least 60% of its days or discharges were attributable to Medicare Part A beneficiaries in at least two of the three most recent audited cost reporting periods for which the Secretary has a settled cost report.

Section 213. Extension of option to use rebased target amounts to all sole community hospitals

Any SCH would be able to elect payment based on hospital specific, updated FY1996 costs if this target amount resulted in higher Medicare payments. There would be a transition period with Medicare payment based completely on updated FY1996 hospital specific costs for discharges occurring after FY2003.

Section 214. MedPAC analysis of impact of volume on per unit cost of rural hospitals with psychiatric units

MedPAC would be required to report on the impact of volume on the per unit cost of rural hospitals with psychiatric units and include in its report a recommendation on whether special treatment is warranted.

SUBTITLE C—OTHER RURAL PROVISIONS

Section 221. Assistance for providers of ambulance services in rural areas

The provision would make additional payments to providers of ground ambulance services for trips, originating in rural areas, that are greater than 17 miles and up to 50 miles. The payments would be made for services furnished on or after July 1, 2001 and before January 1, 2004. The provision would require the Comptroller General to conduct a study to examine both the costs of efficiently providing ambulance services for trips originating in rural areas and the means by which rural areas with low population densities can be identified for the purpose of designating areas in which the costs of ambulance services would be expected to be higher. The Comptroller General would submit a report to Congress by June 30, 2002 on the results of the study, together with recommendations on steps that should be taken to assure access to ambulance services for trips originating in rural areas. The Secretary would be required to take these findings into account when establishing the fee schedule, beginning with 2004.

Section 222. Payment for certain physician assistant services

This provision would give permanent authority to physician assistants who owned rural health clinics that lost their designation as such to bill Medicare directly.

Section 223. Expansion of Medicare payment for telehealth services

The provision would establish revised payment provisions, effective no later than October 1, 2001, for services that are provided via a telecommunications system by a physician or practitioner to an eligible beneficiary in a rural area. The Secretary would be required to make payments for telehealth services to the physician or practitioner at the distant site in an amount equal to the amount that would have been paid to such physician or practitioner if the service had been furnished to the beneficiary without the use of a telecommunications system. A facility fee would be paid to the originating site. Originating sites would include a physician or practitioner office, a critical access hospital, a rural health clinic, a Federally qualified health center or a hospital. The Secretary would be required to conduct a study, and submit recommendations to Congress, that identify additional settings, sites, practitioners and geographic areas that would be appropriate for telehealth services. Entities participating in Federal demonstration projects approved by, or receiving funding from, the Secretary as of December 31, 2000 would be qualified sites.

Section 224. Expanding access to rural health clinics

All hospitals of less than 50 beds that own rural health clinics would be exempt from the per visit limit.

Section 225. MedPAC study on low-volume, isolated rural health providers

MedPAC would be required to study the effect of low patient and procedure volume on the financial status and Medicare payment methods for hospital outpatient services, ambulance services, hospital inpatient services, skilled nursing facility services, and home health services in isolated rural health care providers.

TITLE III—PROVISIONS RELATING TO PART A

SUBTITLE A—INPATIENT HOSPITAL SERVICES

Section 301. Revision of acute care hospital payment update for 2001

All hospitals would receive the full market basket index (MBI) as an update for FY2001. In order to implement this increase for hospitals other than sole community hospitals (SCH), those hospitals would receive the MBI minus 1.1 percentage points (the current statutory provision) for discharges occurring on or after October 1, 2000 and before April 1, 2001; these non-SCH hospitals would receive the MBI plus 1.1 percentage points for discharges occurring on or after April 1, 2001 and before October 1, 2001. As indicated by section 547(a), this payment increase would not apply to discharges occurring after FY2001. For FY2002 and FY2003, hospitals would receive the MBI minus .55 percentage points. For FY2004 and subsequently, hospitals would receive the MBI.

The Secretary is directed to consider the prices of blood and blood products purchased by hospitals in the next rebasing and revision of the hospital market basket to determine whether those prices are adequately reflected in the market basket index. MedPAC is directed to conduct a study on increased hospital costs attributable to complying with new blood safety measures and providing such services using new technologies among other issues.

For discharges occurring on or after October 1, 2001, the Secretary would be able to adjust the standardized amount in future fiscal years to correct for changes in the aggregate Medicare payments caused by adjustments to the DRG weighting factors in a previous fiscal year (or estimates that such adjustments for a future fiscal year) that did not take into account coding improvements or changes in discharge classifications and did not accurately represent increases in the resource intensity of patients treated by PPS hospitals.

Section 302. Additional modification in transition for indirect medical education (IME) percentage adjustment

Teaching hospitals would receive 6.25% IME payment adjustment (for each 10% increase in teaching intensity) for discharges occurring on or after October 1, 2001 and before April 1, 2001. The IME adjustment would increase to 6.75% for discharges on or after April 1, 2001 and before October 1, 2001. As indicated in Section 547(a), the payment increase would not apply to discharges after FY2001. The IME adjustment would be 6.5% in FY2002 and 5.5% in FY2003 and in subsequent years.

Section 303. Decrease in reductions for disproportionate share hospital (DSH) payments

Reductions in the DSH payment formula amounts would be 2% in FY2001, 3% in FY2002, and 0% in FY2003 and subsequently. To implement the FY2001 provision, DSH amounts for discharges occurring on or after October 1, 2000 and before April 1, 2001, would be reduced by 3% which was the reduction in effect prior to enactment of this provision. DSH amounts for discharges occurring on or after April 1, 2001 and before October 1, 2001 would be reduced by only 1 percentage point. As indicated by Section 547(a), this payment adjustment would not apply to discharges after FY2001.

Section 304. Wage index improvements

For FY2001 or any fiscal year thereafter, a Medicare Geographic Classification Review Board (MGCRB) decision to reclassify a prospective payment system hospital for use of a different area's wage index would be effective for 3 fiscal years. The Secretary would establish procedures whereby a hospital could elect to terminate this reclassification decision before the end of such period. For FY2003 and subsequently, MGCRB would base any comparison of the average hourly wage of the hospital with the average hourly wage for hospitals in the area using data from the each of the two immediately preceding surveys as well as data from the most recently published hospital wage survey.

The Secretary would establish a process which would first be available for discharges occurring on or after October 1, 2001 where a single wage index would be computed for all geographic areas in the state. If the Secretary applies a statewide geographic index, an application by an individual hospital would not be considered. The Secretary would also collect occupational data every three years in order to construct an occupational mix adjustment for the hospital area wage index. The first complete data collection effort would occur no later than September 30, 2003 for application beginning October 1, 2004.

Section 305. Payment for inpatient services in rehabilitation hospitals

Total payments for rehabilitation hospitals in FY2002 would equal the amounts of payments that would have been made if the rehabilitation prospective payment system (PPS) had not been enacted. A rehabilitation facility would be able to make a one-time election before the start of the PPS to be paid based on a fully phased-in PPS rate.

Section 306. Payment for inpatient services of psychiatric hospitals

The provision would increase the incentive payments for psychiatric hospitals and distinct part units of 3% for cost reporting periods beginning on or after October 1, 2000.

Section 307. Payment for inpatient services of long-term care hospitals

For cost reporting periods beginning during FY2001, long term hospitals would have the national cap increased by 2% and the target amount increased by 25%. Neither these payments nor the increased bonus payments provided by BBRA 99 would be factored into the development of the prospective payment system (PPS) for long term hospitals. When developing the PPS for inpatient long term hospitals, the Secretary would be required to examine the feasibility and impact of basing payment on the existing (or refined) acute hospital DRGs and using the most recently available hospital discharge data. If the Secretary is unable to implement a long term hospital PPS by October 1, 2002, the Secretary would be required to implement a PPS for these hospitals using the existing acute hospital DRGs that have been modified where feasible.

SUBTITLE B—ADJUSTMENTS TO PPS PAYMENTS FOR SKILLED NURSING FACILITIES

Section 311. Elimination of reduction in skilled nursing facility (SNF) market basket update in 2001

The provision would modify the schedule and rates according to which federal per diem payments are updated. In FY2002 and FY2003 the updates would be the market basket index increase minus 0.5 percentage point. The update rate for the period October 1, 2000, through March 31, 2001, would be the market basket index increase minus 1 percentage point; the update rate for the period April 1, 2001, through September 30, 2001, would be the market basket index increase plus one percentage point (this increase would not be included when determining payment rates for the subsequent period). Temporary increases in the federal per diem rates provided by BBRA 99 would be in addition to the increases in this provision. By July 1, 2002, the Comptroller General would be required to submit a report to Congress on the adequacy of Medicare payments to SNFs, taking into account the role of private payers, medicaid, and case mix on the financial performance of SNFs and including an analysis, by RUG classification, of the number and characteristics of such facilities. By January 1, 2005, the Secretary would be required to submit a report to Congress on alternatives for classification of SNF patients.

Section 312. Increase in nursing component of PPS Federal rate

The provision would increase the nursing component of each RUG by 16.66 percent over current law for SNF care furnished after April 1, 2001, and before October 1, 2002.

The Comptroller General would be required to conduct an audit of nurse staffing ratios in a sample of SNFs and to report to Congress by August 1, 2002, on the results of the audit of nurse staffing ratios and recommend whether the additional 16.66 percent payment should be continued.

Section 313. Application of SNF consolidated billing requirement limited to part A covered stays

Effective January 1, 2001, the provision would limit the current law consolidated billing requirement to services and items furnished to SNF residents in a Medicare part A covered stay and to therapy services furnished in part A and part B covered stays.

The Inspector General of HHS would be required to monitor part B payments to SNFs on behalf of residents who are not in a part A covered stay.

Section 314. Adjustment of rehabilitation RUGS to correct anomaly in payment rates

Effective for skilled nursing facility (SNF) services furnished on or after April 1, 2002, the provision would increase by 6.7 percent certain federal per diem payments to ensure that Medicare payments for SNF residents with "ultra high" and "high" rehabilitation therapy needs are appropriate in relation to payments for residents needing "medium" or "low" levels of therapy. The 20 percent additional payment that was provided in BBRA 99 for certain RUGS is removed to make this provision budget neutral.

The Inspector General of HHS would be required to review and report to Congress by October 1, 2001, regarding whether the RUG payment structure as in effect under the BBRA 99 includes incentives for the delivery of inadequate care.

Section 315. Establishment of process for geographic reclassification

The provision would permit the Secretary to establish a process for geographic reclassification of skilled nursing facilities based upon the method used for inpatient hospitals. The Secretary may implement the process upon completion of the data collection necessary to calculate an area wage index for workers in skilled nursing facilities.

SUBTITLE C—HOSPICE CARE

Section 321. 5 Percent increase in payment base

The provision would increase, effective April 1, 2001, the base Medicare daily payment rates for hospice care for fiscal year 2001 by 5 percentage points over the rates otherwise in effect. This increase would continue to apply after fiscal year 2001. The temporary increase in payment rates provided in BBRA 99 for FY2001 and FY2002 (.5 percent and .75 percent, respectively) would not be affected. In addition, the hospice wage index for one Metropolitan Statistical Area for fiscal year 2000 would be adjusted.

Section 322. Clarification of physician certification

Effective for certifications of terminal illness made on or after the date of enactment, the provision would modify current law to specify that the physician's or hospice medical director's certification of terminal illness would be based on his/her clinical judgment regarding the normal course of the individual's illness. The Secretary would be required to study and report to Congress within 2 years of enactment on the appropriateness of certification of terminally ill individuals and the effect of this provision on such certification.

Section 323. MedPAC report on access to, and use of, hospice benefit

The provision would require MedPAC to examine the factors affecting the use of Medicare hospice benefits, including delay of entry into the hospice program and urban and rural differences in utilization rates. The provision would require a report on the study to be submitted to Congress 18 months after enactment.

SUBTITLE D—OTHER PROVISIONS

Section 331. Relief from Medicare Part A late enrollment penalty for group buy-in for state and local retirees

The provision would exempt certain state and local retirees, retiring prior to January 1, 2002, from the Part A delayed enrollment penalties. These would be groups of persons for whom the state or local government elected to pay the delayed Part A enrollment penalty for life. The amount of the delayed enrollment penalty which would otherwise be assessed would be reduced by an amount equal to the total amount of Medicare payroll taxes paid by the employee and the employer on behalf of the employee. The provision would apply to premiums for months beginning with January 1, 2002.

TITLE IV—PROVISIONS RELATING TO PART B

SUBTITLE A—HOSPITAL OUTPATIENT SERVICES

Section 401. Revision of hospital outpatient PPS payment update

The provision would modify the current law update rates applicable to the hospital outpatient PPS by providing in FY2001 an update equal to the full rate of increase in the market basket index. As under current law, the increase in FY 2002 would be the market basket index increase minus one percentage point.

A special rule applies to the OPD PPS rates in 2001: For the period January 2, 2001 through March 31, 2001, the PPS amounts shall be those in effect on the day before implementation of the new law. For the periods April 2001, through December 31, 2001, the PPS amounts in effect during the prior period shall be increased by 0.32%.

Effective as if enacted with BBA 97, if the Secretary determines that updates to the adjustment factor used to convert the relative utilization weights under the PPS into payment amounts have, or are likely to, result in hospitals' changing their coding or classification of covered services, thereby changing aggregate payments, the Secretary would be authorized to adjust the conversion factor in later years to eliminate the effect of coding or classification changes.

Section 402. Clarifying process and standards for determining eligibility of devices for pass-through payments under hospital outpatient PPS

The provision would modify the procedures and standards by which certain medical devices are categorized and determined eligible for pass-through payments under the PPS. Through public rule-making procedures, the Secretary would be required to establish criteria for defining special payment categories under the PPS for new medical devices. The Secretary would be required to promulgate, through the use of a program memorandum, initial categories that would encompass each of the individual devices that the Secretary had designated as qualifying for the pass-through payments to date. In addition, similar devices not so designated because they were payable under Medicare prior to December 31, 1996, would also be included in initial categories. The Secretary would be required to create additional new categories in the future to acommodate new technologies meeting the "not insignificant cost" test established in BBRA 99.

Once the categories were established, pass-through payments currently authorized under section 1833(t)(b) of the Social Security Act would proceed on a category-specific, rather than device-specific basis. These payments would be designated as "category-based pass-through payments." These payments would be continued to be made for the 2 to 3 years payment period originally specified in BBRA 99, and, for each given category, would begin when the first such payment is made for any device included in a specified category. At the conclusion of this transitional payment period, categories would sunset and payment for the device would be included in the underlying PPS payment for the related service.

Section 403. Application of OPD PPS transitional corridor payments to certain hospitals that did not submit a 1996 cost report

Effective as if enacted with BBRA 99, the provision would modify current law as enacted in BBA 99 to enable all hospitals, not just those hospitals filing 1996 cost reports, to be eligible for transitional payments under the PPS.

Section 404. Application of rules for determining provider-based status for certain entities

The provision would grandfather existing arrangements whereby certain entities (such as outpatient clinics, skilled nursing facilities, etc.) are considered "provider-based" entities, meaning they are affiliated financially and clinically with a hospital. Existing provider-based status designations would continue for two years beginning October 1, 2000. If a facility or organization requests approval for provider-based status during the period October 1, 2000, through September 31, 2002, it could not be treated as if it did not have such status during the period of time the determination is pending. In making such a status determination on or after October 1, 2000, HCFA would treat the applicant as satisfying any requirements or standards for geographic location if it satisfied geographic location requirements in regulations or is located not more than 35 miles from the main campus of the hospital.

An applicant facility or organization would be treated as satisfying all requirements for provider-based status if it is owned or operated by a unit of State or local government or is a public or private nonprofit corporation that is formally granted governmental powers by a unit of State or local government, or is a private hospital that, under contract, serves certain low income households or has a certain disproportionate share adjustment.

These provisions are in effect during a two-year period beginning on October 1, 2000.

Section 405. Treatment of children's hospitals under prospective payment system

The BBRA 99 provides special "hold harmless" payments to ensure that cancer hospitals would receive no less under the hospital outpatient PPS than they would have received, in aggregate, under the "pre-BBA" system, that is, the pre-PPS payment system. Effective as if included in the BBRA 99, the provision would extend this hold harmless protection to children's hospitals.

Section 406. Inclusion of temperature monitored cryoablation

The provision would include temperature monitored cryoablation as part of the transitional pass-through for certain medical devices, drugs, and biologicals under the hospital outpatient prospective payment system, effective April 1, 2001.

SUBTITLE B—PROVISIONS RELATING TO PHYSICIANS SERVICES

Section 411. GAO studied relating to physicians' services

The provision would require the GAO to conduct a study on the appropriateness of furnishing in physicians offices specialist services (such as gastrointestinal endoscopic physicians services) which are ordinarily furnished in hospital outpatient departments. The GAO would not be required to study the refinements to the practice expense relative value made during the transition to the resource-based system.

Section 412. Physician group practice demonstration

The provision would require the Secretary to conduct demonstration projects to test, and if proven effective, expand the use of incentives to health care groups participating under Medicare. Such incentives would be designed to encourage coordination of care furnished under Medicare Parts A and B by institutional and other providers and practitioners; to encourage investment in administrative structures and processes to encourage efficient service delivery; and to reward physicians for improving health outcomes. The Secretary would establish for each group participating in a demonstration, a base expenditure amount and an expenditure target (reflecting base expenditures adjusted for risk and expected growth rates). The Secretary would pay each group a bonus for each year equal to a portion of the savings for the year relative to the target. In addition, at such time as the Secretary had developed appropriate criteria, the Secretary would pay an additional bonus related to process and outcome improvements. Total payments under demonstrations could not exceed what the Secretary estimates would be paid in the absence of the demonstration program.

Section 413. Study on enrollment procedures for groups that retain independent contractor physicians.

The provision would require the Comptroller General to conduct a study of the current Medicare enrollment process for groups that retain independent contractor physicians; particular emphasis would be placed on hospital-based physicians, such as emergency department staffing groups.

SUBTITLE C—OTHER SERVICES

Section 421. One-year extension of moratorium on therapy caps; report on standards for supervision of physical therapy assistants

The provision would extend the moratorium on the physical therapy and occupational therapy caps for 1 year through 2002; it would also extend the requirement for focused reviews of therapy claims for the same period. The Secretary would be required to conduct a study on the implications of eliminating the "in the room" supervision requirements for Medicare payment for physical therapy assistants who are supervised by physical therapists and the implications of this requirement on the physical therapy cap.

Section 422. Update in renal dialysis composite rate

The provision would specify that the composite rate payment for renal dialysis service would be increased by 2.4% for 2001. The provision would require the Secretary to collect data and develop an end-stage renal disease (ESRD) market basket whereby the Secretary could estimate before the beginning of a year the percentage increase in costs for the mix of labor and non-labor goods and services included in the composite rate. The Secretary would report to Congress on the index together with recommendations on the appropriateness of an annual or periodic update mechanism for dialysis services. The Comptroller General would be required to study the access of beneficiaries to dialysis services. There is a hotel harmless provision for facilities who received exceptions for their 2000 rates. In addition, facilities which did not apply for an exception in 2000 would have the opportunity to apply during the first 6 months of 2001. Exceptions granted under the hold harmless or granted during the extension period, would continue to apply so long as they provide for higher payment rates. The provision would specify that for the period January 1, 2001–March 31, 2001, the applicable composite rate is the rate in effect before enactment of this provision. The rate in effect for the period April 1, 2001–December 31, 2001 is the rate established under this section increased by a transitional percentage allowance equal to 0.39 percent.

Section 423. Payment for ambulance services

The provision would provide for the full inflation update in ambulance payments for 2001. It would also specify that any phase-in of the ambulance fee schedule would provide for full payment of national mileage rates in states where separate mileage payments were not made prior to implementation of the fee schedule. The provision would specify that for the period January 1, 2001–June 30, 2001, the inflation update would be that determined prior to enactment of this provision. For services furnished from July 1, 2001–December 31, 2001, the update would be 4.7%. The provision relating to mileage payments would be effective July 1, 2001.

Section 424. Ambulatory surgical centers

The provision would delay implementation of proposed regulatory changes to the ambulatory payment classification system, which are based on 1994 cost data, until January 1, 2002. At that time, such changes would be phased in over 4 years: in the first year the payment amounts would be 25 percent of the revised rates and 75 percent of the prior system rates; in the second year payments would be 50 percent of the revised rate and 50 percent of the prior system rates, etc. The provision also requires that the revised system, based on 1999 (or later) cost data, be implemented January 1, 2003. (The phase-in of the revised system and 1994 data would end when the system with 1999 or later data was implemented.)

Section 425. Full updated for durable medical equipment

The provision would modify updates to payments for durable medical equipment. For 2001, the payments for covered DME would be increased by the full increase in the consumer price index for urban consumers (CPI–U) during the 12-month period ending June 2000. In general, in 2002 and thereafter, the annual update would equal the full increase in the CPI–U for the 12 months ending the previous June. The provision specify that fir the period January 1, 2001, through June 30 2000, the applicable amounts paid for DME are the amounts in effect before enactment of the provision. The amounts in effect for the period July 1, 2001, through December 31, 2001 would be the amounts established under this section increased by a transitional allowance of 3.28%.

Section 426. Full update for orthotics and prosthetics

The provision would modify updates to payments for orthotics and prosthetics. In 2000, the rates would be increased by one percent. In 2001, the increase would be equal to the percentage increase in the CPI–U during the 12-month period ending with June, 2000. For 2002, payments would be increased by one percent over the prior year's amounts. The provision would specify that for the period January 1, 2001, through June 30, 2001, the applicable amounts paid for these items would be the amounts in effect before enactment of this provision. The amounts in effect for the period July 1, 2001, through December 31, 2001, would be amounts established under this section increased by a transitional allowance of 2.6%.

Section 427. Establishment of special payment provisions and requirement for prosthetics and certain custom fabricated orthotic items

Under the provision, certain prosthetics or custom fabricated orthotics would be covered by Medicare if furnished by a qualified practitioner and fabricated by a qualified practitioner or qualified supplier. The Secretary would be required to establish a list of such items in consultation with experts. Within one year of enactment, the Secretary would be required to promulgate regulations to provide these items, using negotiated rulemaking procedures.

Not later than 6 months from enactment, the Comptroller General would be required to submit to Congress a report on the Secretary's compliance with the Administrative Procedures Act with regard to HCFA Ruling 96–1; certain impacts of that ruling; the potential for fraud and abuse in provision of prosthetics and orthotics under special payment rules and for custom fabricated items; and the effect on Medicare payments if that ruling were overturned.

Section 428. Replacement of prosthetic devices and parts

The provision would authorize Medicare coverage for replacement of artificial limbs, or replacement parts for such devices, if ordered by a physician for specified reasons. Effective for items furnished on or after enactment, coverage would apply to prosthetic items 3 or more years old, and would supersede any 5-year age rules for such item under current law.

Section 429. Revised part B payment for drugs and bioliogicals and related services

The provision would require the Comptroller General to study and submit a report to Congress and the Secretary on the reimbursement for drugs and biologicals and for related services under Medicare; the report would include specific recommendations for revised payment methodologies. The Secretary would revise the current payment methodologies for covered drugs and biologicals and related services based on these recommendations; however, total payments under the revised methodologies could not exceed the aggregate payments the Secretary estimates would have been made under the current law. The provision would establish a moratorium on reductions in payment rates, in effect on January 1, 2001, until the Secretary reviewed the GAO report.

Section 430. Contrast enhanced diagnostic procedures under hospital prospective Payment system

The provision would require the Secretary to create under the hospital outpatient PPS additional and separate groups of covered services which include procedures that utilize contrast agents and would include contrast agents within the definition of "drugs" for purposes of the medicare title. The provision would apply to items and services furnished on or after July 1, 2001.

Section 431. Qualification for community mental health centers

The provision would clarify the qualifications for community mental health centers providing partial hospitalization services under Medicare.

Section 432. Modification of Medicare billing requirements for certain Indian providers

The provision would authorize hospitals and free-standing ambulatory care clinics of the Indian Health Service or operated by a tribe or tribal organization to bill Medicare Part B for certain services furnished at the direction of the hospital or clinic. Services covered under the provision are those furnished under the physician fee schedule, and services furnished by a practitioner or therapist under a fee schedule. The provision would be effective July 1, 2001.

Section 433. GAO study on coverage of surgical first assisting services of certified registered nurse first assistants

The provision would require the Comptroller General to conduct a study on the effect on both the program and beneficiaries of covering surgical first assisting services of certified registered nurse first assistants.

Section 434. MedPAC study and report on Medicare reimbursement for services provided by certain providers.

The provision would require MedPAC to conduct a study on the appropriateness of current payment rates for services provided by a certified nurse midwife, physician assistant, nurse practitioner, and clinical nurse specialist, including specifically for orthopedic physician assistants.

Section 435. MedPAC study and report on Medicare coverage of services provided by certain non-physician providers

The provision would require MedPAC to conduct a study to determine the appropriateness of Medicare coverage of the services provided by a surgical technologist, marriage counselor, pastoral care counselor, and licensed professional counselor of mental health.

Section 436. GAO study and report on the costs of emergency and medical transportation services

The provision would require the Comptroller General to conduct a study of the costs of providing emergency and medical transportation services across the range of acuity levels of conditions for which such transportation services are provided.

Section 437. GAO studies and reports on Medicare payments

The provision would require the Comptroller General to conduct a study on the post-payment audit process for physicians services. The study would include the proper level of resources HCFA should devote to educating physicians regarding coding and billing, documentation requirements, and calculation of overpayments. The Comptroller General would also be required to conduct a study of the aggregate effects of regulatory, audit, oversight and paperwork burdens on physicians and other health care providers participating in Medicare.

Section 438. MedPAC study on access to outpatient plan management services

The provision would require MedPAC to conduct a study on the barriers to coverage and payment for outpatient intervention pain medicine procedures under Medicare.

TITLE V—PROVISION RELATING TO PARTS A AND B

SUBTITLE A—HOME HEALTH SERVICES

Section 501. 1-Year additional delay in application of 15 percent reduction on payment limits of home health services

The provision would require that the aggregate amount of Medicare payments to home health agencies in the second year of the PPS (FY 2002) shall be the aggregate payments in the first year of the PPS, updated by the market basket index (MBI) increase minus 1.1 percentage points. The 15 percent reduction to aggregate PPS amounts, which, under current law, would go into effect October 1, 2001, would be delayed until October 1, 2002.

The Comptroller General (rather than the Secretary) would be required to submit, by April 1, 2002, a report analyzing the need for the 15 percent or other reduction.

If the Secretary determines that updates to the PPS system for a previous fiscal year (or estimates of such adjustments for a future fiscal year) did (or are likely to) result in a change in aggregate payments due to changes in coding or classification of beneficiaries' service needs that do not reflect real changes in case mix, effective for home health episodes concluding on or after October 1, 2001, the Secretary may adjust PPS amounts to eliminate the effect of such coding or classification changes.

Section 502. Restoration of full home health market basket update for home health services for fiscal year 2001

The provision would modify the home health PPS updates. During the period October 1, 2000, through March 31, 2001, the rates promulgated in the home health PPS regulations on July 3, 2000, would apply for 60-day episodes of care (or visits) ending in that period. For the period April 1, 2001, through September 31, 2001, those rates would be increased by 2.2 percent for 60-day episodes (or visits) ending in that time period. This increase would be included in determining subsequent payment amounts.

Section 503. Temporary two-month periodic interim payment

The provision would provide for a one-time payment for certain home health agencies that were receiving periodic interim payments under current law. Home health agencies that were receiving such payments as of September 30, 2000, receive a one-time payment equal to four times the last 2-week payment the agency received before implementation of the home health PPS on October 1, 2000. The amounts would be included in the agency's last settled cost report before implementation of the PPS.

Section 504. Use of telehealth in delivery of home health services

The provision would clarify that the telecommunications provisions should not be construed as preventing a home health agency from providing a service, for which payment is made under the prospective payment system, via a telecommunications system, provided that the services do not substitute for "in-person" home health services ordered by a physician as part of a plan of care or are not considered a home health visit for purposes of eligibility or payment.

Section 505. Study on costs to home health agencies of purchasing nonroutine medical supplies

The provision would require that, not later than August 15, 2001, the Comptroller General shall submit to Congress a report regarding the variation in prices home health agencies pay for nonroutine supplies, the volume of supplies used, and what effect the variations have on the provision of services. The Secretary would be required to make recommendations on whether Medicare payment for those supplies should be made separately from the home health PPS.

Section 506. Treatment of branch offices; GAO study on supervision of home health care provided in isolated rural areas

The provision would clarify that neither time nor distance between a home health agency parent office and a branch office shall be the sole determinant of a home health agency's branch office status. The Secretary would be authorized to include forms of technology in determining "supervision" for purposes of determining a home health agency's branch office status.

Not later than January 1, 2002, the Comptroller General would be required to submit to Congress a report regarding the adequacy of supervision and quality of home health services provided by home health agency branch offices and submits in isolated rural areas and to make recommendations on whether national standards for supervision would be appropriate in assuring quality.

Section 507. Clarification of the homebound benefit

The provision clarifies that the need for adult day care for a patient's plan of treatment does not preclude appropriate coverage for home health care for other medical conditions. The provision also clarifies the ability of homebound beneficiaries to attend religious services without being disqualified from receiving home health benefits.

Section 508. Temporary increase for home health services furnished in a rural area

For home health services furnished in certain rural areas during the 2-year period beginning April 1, 2001, Medicare payments are increased by 10%, without regard to budget neutrality for the overall home health prospective payment system. This temporary increase would not be included in determining subsequent payments.

SUBTITLE B—DIRECT GRADUATE MEDICAL EDUCATION

Section 511. Increase in floor for direct graduate medical education payments

A hospital's approved per resident amount for cost reporting periods beginning during FY 2002 would not be less than 85% of the locality adjusted national average per resident amount.

Section 512. Change in distribution formula for Medicare+Choice related nursing and allied health education costs

A hospital would receive nursing and allied health payments for Medicare managed care enrollees based on its per day cost of allied and nursing health programs and number of days attributed to Medicare enrollees in comparison to that in all other hospitals. The provision would be effective for portions of cost reporting periods occurring on or after January 1, 2001.

SUBTITLE C—CHANGES IN MEDICARE COVERAGE AND APPEALS PROCESS

Section 521. Revisions to Medicare appeals process

The provision would modify the Medicare appeals process. Generally, initial determinations by the Secretary would be concluded no later than 45 days from the date the Secretary received a claim for benefits. Any individual dissatisfied with the initial determination would be entitled to a redetermination by the carrier or fiscal intermediary would made the initial determination. Such redetermination would be required to be completed within 30 days of a beneficiary's request. Beneficiaries could appeal the outcome of a redetermination by seeking a reconsideration. Generally, a request for a reconsideration must be initiated no later than 180 days after the date the individual receives the notice of an adverse redetermination. In addition, if contested amounts are greater than $100, an individual would be able to appeal an adverse reconsideration decision by requesting a hearing by the Secretary (for a hearing by an administrative law judge, then in certain circumstances, for a hearing before the Department of Appeals Board). If the dispute is not satisfactorily resolved through this administrative process, and if contested amounts are greater than $1,000, the individual would be able to request judicial review of the Secretary's final decision. Aggregation of claims to meet these thresholds would be permitted.

An expedited determination would be available for a beneficiary who receive notice: 1) that a provider plans to terminate services and a physician certifies that failure to continue the provisions of the services is likely to place the beneficiary's health at risk; or 2) that the provider plans to discharge the beneficiary.

The Secretary would enter into 3-year contracts with at least 12 qualified independent contractors (QICs) to conduct reconsiderations. A QIC would promptly notify beneficiaries and Medicare claims processing contractors of its determinations. A beneficiary could appeal the decision of a QIC to an ALJ. In cases where the ALJ decision is not rendered within the 90-day deadline, the appealing party would be able to request a DAB hearing.

The Secretary would perform outreach activities to inform beneficiaries, providers, and suppliers of their appeal rights and procedures. The Secretary would submit to Congress an annual report including information on the number of appeals for the previous year, identifying issues that require administrative or legislative actions, and including recommendations for change as necessary. The report would also contain an analysis of the consistency of the QIC determinations as well as the cause for any identified inconsistencies.

Section 522. Revisions to Medicare coverage process

The provision would clarify when and under what circumstances Medicare coverage policy could be challenged. An aggrieved party could file a complaint concerning a national coverage decision. Such complaint would be reviewed by the Department Appeals Board (DAB) of HHS. The provision would also permit an aggrieved party to file a complaint concerning a local coverage determination. In this case, the determination would be reviewed by an administrative law judge. If unsatisfied, complainants could subsequently seek review of such a local policy by the DAB. In both cases, a DAB decision would constitute final HHS action, and would be subject to judicial review. The Secretary would be required to implement DAB decisions and ALJ decisions (in the case of a local coverage policy) within 30 days. The provision would also permit an affected party to submit a request to the Secretary to issue a national coverage or noncoverage determination if one has not been issued. The Secretary would have 90 days to respond. HHS would be required to prepare an annual report on national coverage determinations.

SUBTITLE D—IMPROVING ACCESS TO NEW TECHNOLOGIES

Section 531. Reimbursement improvements for new clinical laboratory tests and durable medical equipment

The provision would specify that the national limitation amount for a new clinical laboratory test would equal 100% of the national median for such test. The Secretary would be required to establish procedures that permit public consultation for coding and payment determinations for new clinical diagnostic laboratory tests and new durable medical equipment. The Secretary would be required to report to Congress on specific procedures used to adjust payments for advanced technologies; the report would include recommendations for legislative changes needed to assure fair and appropriate payments.

Section 532. Retention of HCPCS level III codes

The provision would extend the time for the use of local codes (known as HCPCS level III codes) through December 21, 2003; the Secretary would be required to make the codes available to the public.

Section 533. Recognition of new medical technologies under Medicare inpatient hospital PPS

The Secretary would be required to submit a report to Congress no later than April 1, 2001, on potential methods for more rapidly incorporating new medical services and technologies used in the inpatient setting in the clinical coding system used with respect to payment for inpatient services. The Secretary would be required to identify the preferred methods for expediting these coding modifications in her report, and to implement such method by October 1, 2001. Additional hospital payments could be made by means of a new technology group (DRG), an add-on payment, payment adjustment or other mechanism. However, separate fee schedules for additional new technology payments would not be permitted. The Secretary would implement the new mechanism on a budget neutral basis. The total amount of projected additional payments under the mechanism would be limited to an amount not greater than the Secretary's annual estimation of the costs attributable to the introduction of new technology in the hospital sector as a whole (as estimated for purposes of the annual hospital update calculation).

SUBTITLE E—OTHER PROVISIONS

Section 541. Increase in reimbursement for bad debt

Effective beginning with cost reports starting in FY2001, the provision would increase the percentage of the reasonable costs associated with beneficiaries' bad debt in hospitals that Medicare would reimburse to 70%.

Section 542. Treatment of certain physician pathology services under Medicare

The provision would permit independent laboratories, under a grandfather arrangement to continue, for a 2-year period (2001–2002), direct billing for the technical component of pathology services provided to hospital inpatients and hospital outpatients. The Comptroller General would be required to conduct a study of the effect of these provisions on hospitals and laboratories and access of fee-for-service beneficiaries to the technical component of physician pathology services. The report would include recommendations on whether the provisions should continue after the 2-year period for either (or both) inpatient and outpatient hospital services and whether the provision should be extended to other hospitals.

Section 543. Extension of advisory opinion authority

The Office of the Inspector General's authority to issue advisory opinions to outside parties who request guidance on the applicability of the anti-kickback statute, safe harbor provisions and other OIG health care fraud and abuse sanctions would be made permanent.

Section 544. Change in annual MedPAC reporting

The provision would delay the reporting date for the MedPAC report on issues affecting the Medicare program by 15 days to June 15. The provision would also require record votes on recommendations contained both in this report and the March report on payment policies.

Section 545. Development of patient assessment instruments

The provision would require the Secretary to report to the Congress on the development of standard instruments for the assessment of the health and functional status of patients and make recommendations on the use of such standard instruments for payment purposes.

Section 546. GAO report on impact of the Emergency Medical Treatment and Active Labor Act (EMTALA) on hospital emergency departments

GAO would be required to evaluate the impact of the Emergency Medical Treatment and Active Labor Act on hospitals, emergency physicians, and on-call physicians covering emergency departments and to submit a report to Congress by May 1, 2001.

Section 547. Clarification of application of temporary payment increases for 2001

The special increases and adjustments of the acute hospital payment update, the indirect medical education adjustment, and the disproportionate share hospital adjustment that are in effect between April and October 2001 do not apply to discharges after FY 2001 and are not included in determining subsequent payments.

Special update payments under the skilled nursing facility prospective payment system between April and October 2001 would not apply to SNF services furnished after that period and would not be included when determining payments for the subsequent period.

Special market basket update payments under the home health prospective payment system between April and October 2001 would not be included in determining subsequent payments. Also, temporary payments to certain rural home health agencies from April 1, 2001, through September 30, 2002, would not be included in determining subsequent payments.

TITLE VI—PROVISIONS RELATING TO PART C (MEDICARE+CHOICE PROGRAM) AND OTHER MEDICARE MANAGED CARE PROVISIONS

SUBTITLE A—MEDICARE+CHOICE PAYMENT REFORMS

Section 601. Increase in minimum payment amount

The provision would set the minimum payment amount for aged enrollees *within* the 50 states and the District of Columbia in a Metropolitan Statistical Area with a population of more than 250,000 at $525 in 2001. For all other areas *within* the 50 States and the District of Columbia, the minimum would be $475. For any area *outside* the 50 States and the District of Columbia, the $525 and $475 minimum amounts would also be applied, except that the 2001 minimum payment amount could not exceed 120% of the 2000 minimum payment amount. This increase would go into effect March 1, 2001.

Section 602. Increase in minimum percentage increase

This provision would apply a 3% minimum update in 2001 and return to the current law minimum update of 2% thereafter. This increase would go into effect March 1, 2001.

Section 603. Phase in of risk adjustment

The current risk adjustment methodology (in which 10% of payments would be based on risk-adjusted inpatient data built on the 15 principal inpatient diagnostic cost groups (PIP-DCGs) and 90% would be adjusted solely using the older demographic method) would continue through 2003. Beginning in 2004, the risk adjustment would be based on data from inpatient hospital and ambulatory settings and the risk adjustment would be phased in at 30% for 2004, 50% for 2005, 75% for 2006, and 100% for 2007 and subsequent years.

Section 604. Transition to revised Medicare+Choice payment rates

Within 2 weeks after the date of enactment of the Act, the Secretary must announce revised M+C capitation rates for 2001, due to changes from this Act. Plans that previously provided notice of their intention to terminate contracts or reduce their service area for 2001 would have 2 weeks after announcement of the revised rates to rescind their notice and submit ACR information. Further, any M+C organization that would receive higher capitation payments as a result of this Act must submit revised ACR information within 2 weeks after announcement of the revised rates. Plans may only reduce premiums, reduce cost sharing, enhance benefits, or utilize stabilization funds. Any regulations that limit stabilization fund amounts would be waived, with respect to ACR submissions under this section of the bill. Notwithstanding the issuance of revised rates, M+C organizations would continue to be paid on a fee-for-service basis for costs associated with new national coverage determinations that are made mid-year.

Section 605. Revision of payment rates for ESRD patients enrolled in Medicare+Choice plans

This provision would require that the Secretary increase the M+C payment rates for enrollees with ESRD. The revised rates would reflect the demonstration rate (including the risk-adjustment methodology) of social health maintenance organizations' ESRD capitation demonstrations. The revised rates would include adjustments for factors such as renal treatment modality, age, and underlying cause of the disease. These revised rates would be effective beginning in January 2002, and the Secretary of HHS would be required to publish the adjustments in final form by July 1, 2001.

Section 606. Permitting premium reductions as additional benefits under Medicare+Choice plans

This provision would permit M+C plans to offer reduced Medicare Part B premiums to their enrollees as part of providing any required additional benefits or reduced cost-sharing. An M+C organization could elect a reduction in its M+C payment up to 125% of the annual Part B premium. However, only 80% of this amount could be used to reduce an enrollee's actual Part B premium. This would have the effect of returning up to 100% of the beneficiary's Part B premium. The reduction would apply uniformly to each enrollee of the M+C plan. Plans would include information about Part B premium reductions as part of the required information that is provided to enrollees for comparing plan options. This provision would be effective beginning in 2003.

Section 607. Full implementation of risk adjustment for congestive heart failure enrollees for 2001

This provision would fully implement risk adjustment based on inpatient hospital diagnoses for an individual who had a qualifying congestive heart failure inpatient diagnosis between July 1, 1999 and June 30, 2000, if that individual was enrolled in a coordinated care plan offered on January 1, 2001. This would apply for only 1 year, beginning on January 1, 2001. This payment amount would be excluded from the determination of the budget neutrality factor.

Section 608. Expansion of application of Medicare+Choice new entry bonus

This provision would expand the application of the new entry bonus for M+C plans to include areas for which notification had been provided, as of October 3, 2000, that no plans would be available January 1, 2001.

Section 609. Report on inclusion of certain costs of the Department of Veterans Affairs and Military Facility Services in calculating Medicare+Choice payment rates

The Secretary shall report to Congress by January 1, 2003, on a method to phase-in the costs of military facility services furnished by the Department of Veterans Affairs or the Department of Defense to Medicare-eligible beneficiaries in the calculation of an area's M+C capitation payment. This report would include, on a county-by-county basis: the actual or estimated costs of such services to Medicare-eligible beneficiaries; the change in M+C capitation payment rates if such costs were included in the calculation of payment rates; one or more proposals for the implementation of payment adjustments to M+C plans in counties where the payment rate has been affected due to failure to account for the cost of such services; and a system to ensure that when a M+C enrollee receives covered services through a facility of these Departments, there is an appropriate payment recovery to the Medicare program.

SUBTITLE B—OTHER MEDICARE+CHOICE REFORMS

Section 611. Payments of additional amounts for new benefits covered during a contract term

The provision would require payment adjustments to M+C plans if a legislative change resulted in significant increased costs, similar to the current law requirements for adjusting payments due to significant increased costs resulting from National Coverage Determination (NCDs). In addition, this provision would require that cost projections and payment adjustments be based on actuarial estimates provided by the Chief Actuary of the Health Care Financing Administration.

Section 612. Restriction on implementation of significant new regulatory requirements mid-year

The provision would preclude the Secretary from implementing, other than at the beginning of a calendar year, regulations that impose new, significant regulatory requirements on M+C organizations.

Section 613. Timely approval of marketing material that follows model marketing language

The provision would require the Secretary to make decisions, within 10 days, approving or modifying marketing material used by M+C organizations, provided that the organization uses model language specified by the Secretary. This provision would apply to marketing material submitted on or after January 1, 2001.

Section 614. Avoiding duplicative regulation

This provision would further stipulate when Medicare law preempts State law or regulation from applying to M+C plans, by specifying that the term benefit requirements includes cost-sharing requirements. Second, the provision would stipulate that State laws and regulations affecting marketing materials, and summaries and schedules of benefits regarding an M+C plan, would also be preempted by Medicare law.

Section 615. Election of uniform local coverage policy for Medicare+Choice plan covering multiple localities

An M+C organization offering a plan in an area with more than one local coverage policy would be able to elect to have the local coverage policy for the part of the area that is most beneficial to M+C enrollees (as identified by the Secretary) apply to all M+C enrollees enrolled in the plan.

Section 616. Eliminating health disparities in Medicare+Choice Program

This provision would expand the M+C quality assurance programs for M+C plans to include a separate focus on racial and ethnic minorities. The Secretary would also be required to report to Congress how the quality assurance programs focus on racial and ethnic minorities, within 2 years after enactment and biennially thereafter.

Section 617. Medicare+Choice Program compatibility with employer or union group health plans

In order to make the M+C program compatible with employer or union group health plans, this provision would allow the Secretary to waive or modify requirements that hinder the design of, offering of, or enrollment in certain M+C plans. Plans included in the category are M+C plans under contract between M+C organizations and employers, labor organizations, or trustees of a fund established by employers and/or labor organizations.

Section 618. Special Medigap enrollment antidiscrimination provision for certain beneficiaries

This provision would extend the period for Medigap enrollment for certain M+C enrollees affected by termination of coverage. For individuals enrolled in an M+C plan during a 12-month trial period, their trial period would begin again if they re-enrolled in another M+C plan because of an involuntary termination. During this new trial period, they would retain their rights to enroll in a Medigap policy; however, the total time for a trial period could not exceed 2 years from the time they first enrolled in an M+C plan.

Section 619. Restoring effective date of elections and changes of elections of Medicare+Choice plans

This provision would allow individuals who enroll in an M+C plan after the 10th day of the month to receive coverage beginning on the first day of the next calendar month, effective June 1, 2001.

Section 620. Permitting ESRD beneficiaries to enroll in another Medicare+Choice plan if the plan in which they are enrolled is terminated

This provision would permit ESRD beneficiaries to enroll in another M+C plan if they lost coverage when their plan terminated its contract or reduced its service area. This provision would also be retroactive, to include individuals whose enrollment in an M+C plan was terminated involuntarily on or after December 31, 1998.

Section 621. Providing Choice for skilled nursing facility services under the Medicare+Choice Program

Effective for M+C contracts entered into or renewed on or after the date of enactment, the provision would require an M+C plan to cover post-hospitalization skilled nursing care through an enrollee's "home skilled nursing facility" if the plan has a contract with the facility or if the home facility agrees to accept substantially similar payment under the same terms and conditions that apply to similarly situated SNFs that are under contract with the plan. A "home skilled nursing facility" is defined as (a) one in which the enrollee resided at the time of the hospital admission that triggered eligibility for SNF care upon discharge, or (b) is the facility that is providing such services through the continuing care retirement community in which the enrollee resided at the time of hospital admission, or (c) is the facility in which the spouse of the enrollee is residing at the time of the enrollee's hospital discharge. The beneficiary would be required to receive coverage for SNF care at the home facility that is no less favorable than he or she would receive otherwise in another SNF that has a contract with the plan.

Home skilled nursing facilities are permitted to refuse to accept Medicare+Choice enrollees or to impose conditions on their acceptance of such an enrollee.

The provision would require the Medicare Payment Advisory Commission (MedPAC) to analyze and, within 2 years of enactment, report to Congress on the effects of this provision on the scope of benefits, administrative and other costs incurred by M+C organizations, and the contractual relationships between those plans and SNFs.

Section 622. Providing for accountability of Medicare+Choice plans

The provision would mandate review of ACR submissions by the HCFA Chief Actuary with respect to submissions for ACRs filed on or after May 1, 2001.

Section 623. Increased civil money penalties for Medicare+Choice organizations that terminate contracts mid-year

The provision would increase to $100,000 (or such higher level as the Secretary of Health and Human Services) the maximum civil money penalty that could be imposed for a Medicare+Choice organization that terminates its Medicare+Choice contract, other than at an appropriate time after providing appropriate notice.

SUBTITLE C—OTHER MANAGED CARE REFORMS

Section 631. 1-Year extension of social health maintenance organization (SHMO) demonstration project

The provision would extend SHMO waivers until 30 months after the Secretary submits a report with a plan for integration and transition of SHMOs into an option under the M+C program. This 30-month extension would supersede the 18-month extension in BBRA 99.

Section 632. Revised terms and conditions for extension of Medicare community nursing organization (CNO) demonstration project

Effective as if enacted with BBRA99, the provision would eliminate the requirement that CNO capitated payments be reduced to ensure budget neutrality. Through December 2001, the projects would operate under the same terms and conditions applicable during 1999, but with modification to the capitation rates. From October 1, 2000, through December 31, 2000, the capitation rates would be adjusted for inflation since 1999 and for changes in service packages, but reduced by 10 percent for in projects in Arizona, Minnesota, and Illinois and by 15 percent in New York. In 2001, the rates would be determined by actuarially adjusting the rates in the prior period for inflation, utilization, and changes to the service package. Adjustments would be made to case management fees for certain frail enrollees, and requirements would be imposed to create greater uniformity in clinical features among participating sites and to improve quality and enrollee satisfaction.

By July 1, 2001, the Secretary would be required to submit to the House Committees on Ways and Means and Commerce and the Senate Committee on Finance a report evaluating the projects for the period July 1997 through December 1999 and for the extension period after September 30, 2000. A final report would be required by July 1, 2002. The provision would require certain methods to be used to compare spending per beneficiary under the projects.

Section 633. Extension of Medicare municipal health services demonstration projects

The provision would extend the Medicare municipal health services demonstration projects for 2 additional years, through December 31, 2004.

Section 634. Service area expansion for Medicare cost contracts during transition period

This provision would allow service area expansion for Medicare cost contracts, if the request was submitted to the Secretary before September 1, 2003.

TITLE VII—MEDICAID

Section 701. DSH payments

(a) Modifications to DSH allotments

For FY2001, the provision would set each state's DSH allotment equal to its allotment for FY2000 increased by the percentage change in the consumer price index for that year, subject to a ceiling that would be equal to 12% of that state's total medical assistance payments in that year.

For FY2002, the provision would set each state's DSH allotment equal to its allotment for 2001 as determined above, increased by the percentage change in the consumer price index for FY2001, subject to a ceiling equal to 12% of that state's total medical assistance payments in that year.

For extremely low DSH states, states whose FY1999 federal and state DSH expenditures (as reported to HCFA on August 31, 2000) are greater than zero but less than one percent of the state's total medical assistance expenditures during that fiscal year, the DSH allotments for FY2001 would be equal to 1 percent of the state's total amount of expenditures under their plan for such assistance during that fiscal year. For subsequent fiscal years, the allotments for extremely low DSH states would be equal to their allotment for the previous year, increased by the percentage change in the consumer price index for the previous year, subject to a ceiling of 12% of that state's total medical assistance payments in that year.

Effective on the date that the final regulation for Medicaid upper payment limits is published in the Federal Register.

(b) Assuring identification of Medicaid managed care patients

Effective for Medicaid managed care contracts in effect on January 1, 2000, the provision would clarify that Medicaid enrollees of managed care organizations and primary care case management organizations are to be included for the purposes of calculating the Medicaid impatient utilization rate and the low-income utilization rate. Also effective January 1, 2001, states must include in their MCO contracts information that allows the state to determine which hospital services are provided to Medicaid beneficiaries through managed care, and would also require states to include a sponsorship code for the managed care entity on the Medicaid beneficiary's identification card.

(c) Application of Medicaid DSH transition rule to public hospitals in all states

The provision would revise BBA97, as modified by BBRA 99, so that the 175% hospital-specific DSH limit would apply to qualifying public hospitals in all states. (The limit currently applies only to certain public hospitals in California.) The limit, allowing DSH payments of up to 175% of each hospital's cost of unreimbursed care, would apply for two state fiscal years beginning on the first day of the state fiscal year that begins after September 30, 2002, and ends on the last day of the succeeding state fiscal year. Hospitals that would qualify for the higher hospital-specific limit would be those owned or operated by a state and meet the minimum federal requirements for disproportionate share hospitals. The permanent ceiling for California would not be affected.

For states operating under waivers approved under section 1115 of the Social Security Act, increase payments for public hospitals under this provision would be included in the baseline expenditure limit for the purposes of determining budget neutrality.

(d) Assistance for certain public hospitals

The provision would provide additional funds for certain public hospitals that are: owned or operated by a state (or by an instrumentality or unit of government within a state); are not receiving DSH payments as of October 1, 2000; and have a lot-income utilization rate in excess of 65% as of the same date. Funds provided under this section to states with eligible hospitals are in addition to DSH allotments. The total assistance under this section for all states cannot exceed the following amounts: $15 million for FY2002; $176 million for 2003; $269 million for 2004; $330 million for 2005 and for FY 2006 and each fiscal year thereunder, $375 million.

(e) DSH payment accountability standards

The provision would require the Secretary to implement accountability standards to ensure that DSH payments are used to reimburse States and hospitals that are eligible for such payments and are otherwise in accordance with Medicaid statutory requirements.

Section 702. New prospective payment system for Federally-qualified health centers and rural health clinics

The provision would create a new Medicaid prospective payment system for federally qualified health centers (FQHCs) and rural health centers (RHCs) beginning in January of FY2001. Existing FQHCs and RHCs would be paid per visit payments equal to 100% of the average costs incurred during 1999 and 2000 adjusted to take into account any increase or decrease in the scope of services furnished. For entities first qualifying as FQHCs or RHCs after 2000, the year visit payments would begin in the first year that the center or clinic attains qualification and would be based on 100% of the costs incurred during that year based on the rates established for similar centers or clinics with similar caseloads in the same or adjacent geographic area. In the absence of such similar centers or clinics, the methodology would be based on that used for developing rates for established FQHCs or RHCs or such methodology or reasonable specifications as established by the Secretary. For each fiscal year thereafter, per visit payments for all FQHCs and RHCs would be equal to amounts for the preceding fiscal year increased by the percentage increase in the Medicare Economic Index applicable to primary care services for that fiscal year, and adjusted for any increase or decrease in the scope of Services furnished during the fiscal year. In managed care contracts, States must make supplemental payments to the center or clinic that would be equal to the difference between contracted amounts and the cost-based amounts. Those payments would be paid on a schedule mutually agreed to by the State and the FQHC or RHC. Alternative payment methods would be permitted only when payments are at least equal to amounts otherwise provided.

The provision would also direct the Comptroller General to provide for a study on how to rebase or refine cost payment methods for the services of FQHCs and RHCs. The report would be due to Congress no later than 4 years after the date of enactment.

Section 703. Streamlined approval of continued state-wide 1115 Medicaid waivers

The provision would define the process for submitting requests for and receiving extensions of Medicaid demonstration waivers authorized under Section 1115 of the Social Security Act that have already received initial 3-year extensions. It would require each state requesting such an extension to submit an application at least 120 days prior to the expiration date of the existing extension to submit an application at least 120 days prior to the expiration date of the existing waiver. No later than 45 days after the Secretary receives such application, the Secretary would be required to notify the State if she intends to review the existing terms and conditions of the project and would inform the State of proposed changes in the terms and conditions of the waiver. If the Secretary fails to provide such notification, the request would be deemed approved. During the 30-day period beginning after the Secretary provides the proposed terms and conditions to the state, those terms and conditions would be negotiated. No later than 120 days after the date that the request for extension was submitted (or such later date as agreed to by the chief executive officer of the State) the Secretary would be required to approve the application subject to the agreed upon terms and conditions or, in the absence of an agreement, such terms and conditions that are determined by the Secretary to be reasonably consistent with the overall objective of the waiver, or disapprove the application. If the waiver is not approved or disapproved during this period, the request would be deemed approved in the terms and conditions as have been agreed to (if any) by the Secretary and the State. Approvals would be for periods not to exceed 3 year and would be subject to the final reporting and evaluation requirements in current law.

Section 704. Medicaid county-organized health systems

The provision would allow the current exemption for certain Health Insuring Organizations (HIOs) from certain Medicaid HMO contracting requirements to apply as long as no more than 14% of all Medicaid beneficiaries in the state are enrolled in those HIOs. This provision would be effective as if included in the enactment of the Consolidated Omnibus Budget Reconciliation Act of 1985.

Section 705. Deadline for issuance of final regulation relating to Medicaid upper payment limits

The provision would require the Secretary to issue final regulations governing upper payment limits (UPLs) for inpatient and outpatient services provided by certain types of facilities no later than December 31, 2000. It would also require that the final regulation establish a separate UPL for non-state-owned or operated government facilities based on a proposed rule announced in October, 2000.

The proposed rule would specify two transition periods for states with payment arrangements that are noncompliant, one for states with such arrangements effective on or after October 1, 1999 and the other for those states with arrangements that were effective before that date. The starting point of the phase-out of existing payment arrangements, the percentage reduction in payments each year, and the overall length of time permitted for full phase-out would vary for the two transition periods.

The provision also requires the final regulation to stipulate a third set of rules governing the transition period for certain states. This additional set of rules would apply to states with payment arrangements approved or in effect on or before October 1, 1992, or under which claims for federal matching were paid on or before that date, and for which such payments exceed the UPLs established under the final regulation. For these states, a 6-year transition period would apply, beginning with the period that begins on the first state fiscal year that starts after September 30, 2002 and ends on September 30, 2008. For each year during the transition period, applicable states must reduce excess payments by 15%. Full compliance with final regulations is required by October 1, 2008.

Section 706. Alaska FMAP

The provision would change the formula for calculating the state percentage and thus the federal matching percentage for Alaska for fiscal years 2001 through 2005. The state percentage for Alaska would be calculated by using an adjusted per capita income calculation instead of the state-wide average per capita income calculation generally used. The adjusted per capita income for Alaska would be calculated as the three year average per capita income for the state divided by 1.05.

Section 707. 1-Year extension of welfare-to-work transition

This provision extends by 1 year the sunset on transitional medical assistance for families no longer eligible for welfare from September 30, 2001 to September 30, 2002.

Section 708. Additional entities qualified to determine Medicaid presumptive eligibility for low-income children

Under Medicaid presumptive eligibility rules, States are allowed to temporarily enroll children whose family income appears to be below Medicaid income standards, until a final formal determination of eligibility is made.

The provision adds several entities to the list of those qualified to make Medicaid presumptive eligibility determinations for children. These new entities include agencies that determine eligibility for Medicaid or the State Children's Health Insurance program; or certain elementary and secondary schools, including those operated or supported by the Bureau of Indian Affairs.

Section 709. Development of uniform QMB/SLMB application form

This provision requires the secretary of Health and Human Services to develop a simplified national application form for States, at their option, to use for individuals who apply for medical assistance for medicare cost-sharing under the medicaid program.

Section 710. Technical corrections

This provision makes technical medicaid amendments that exempt from certain upper income limitations individuals made eligible for medical assistance, at a State's option, under the Foster Care Independence Act of 1999 and under the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

TITLE VIII—STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Section 801. Special rule for redistribution and availability of unused fiscal year 1998 and 1999 SCHIP allotments

The provision would establish a new method for distributing unspent FY1998 and FY1999 allotments. States that use all their SCHIP allotments (for each of those years) would receive an amount equal to estimated spending in excess of their original exhausted allotment. Each territory that spends its original allotment would receive an amount that bears the same ratio to 1.05% of the total amount available for redistribution as the ratio of its original allotment to the total allotment for all territories.

States that do not use all their SCHIP allotment would receive an amount equal to the total amount of unspent funds, less amounts distributed to states that fully exhausted their original allotments, multiplied by the ratio of a state's unspent original allotment to the total amount of unspent funds. States may use up to 10% of the retained FY1998 funds for outreach activities.

To calculate the amounts available for redistribution in each formula described above, the Secretary would use amounts reported by states not later than December 15, 2000 for the FY1998 redistribution and November 30, 2001 for the FY1999 redistribution as reported on HCFA Form 64 or HCFA Form 21, as approved by the Secretary. Redistributed funds would be available through the end of FY2002.

Section 802. Authority to pay Medicaid expansion SCHIP costs from title XXI appropriation

This provision provides a technical accounting clarification requested by the Health Care Financing Administration. It would authorize the payment of the costs of SCHIP Medicaid expansions and costs of benefits provided during periods of presumptive eligibility from the SCHIP appropriation rather than from the Medicaid appropriation, with a subsequent offset. In addition, the provision would codify proposed rules regarding the order of payments for benefits and administrative costs from state-specific SCHIP allotments.

Section 803. Application of Medicaid child presumptive eligibility provisions

Under Medicaid presumptive eligibility rules, states are allowed to temporarily enroll children whose family income appears to be below Medicaid income standards, until a final formal determination of eligibility is made. There is no express provision for presumptive eligibility under separate (non-Medicaid) SCHIP programs. However, the Secretary of HHS permits states to develop, for separate (non-Medicaid) SCHIP programs, procedures that are similar to those permitted under Medicaid.

The provision clarifies states' authority to conduct presumptive eligibility determinations, as defined in Medicaid law, under separate (non-Medicaid) SCHIP programs.

TITLE IX—OTHER PROVISIONS

SUBTITLE A—PACE PROGRAM

Section 901. Extension of transition for current waivers

The provision would permit the Secretary to continue to operate the Program of All-Inclusive Care for the Elderly (PACE) under waivers for a period of 36 months (rather than 24 months), and States may do so for 4 years (rather than 3 years). OBRA 86 required the Secretary to grant waivers of certain Medicare and Medicaid requirements to not more than 10 public or non-profit private community-based organizations to provide health and long-term care services on a capitated basis to frail elderly persons at risk of institutionalization. BBA 97 established PACE as a permanent provider under Medicare and as a special benefit under Medicaid.

Section 902. Continuing of certain operating arrangements permitted

If prior to becoming a permanent component of Medicare, a PACE demonstration project had contractual or other operating arrangements that are not recognized under permanent program regulations, the provision would require the Secretary, in consultation with the state agency, to permit it to continue under such arrangements as long as it is consistent with the objectives of the PACE program.

Section 903. Flexibility in exercising waiver authority

The provision would enable the Secretary to exercise authority to modify or waive Medicare or Medicaid requirements to respond to the needs of PACE programs related to employment and the use of community care physicians. The Secretary must approve requests for such waivers within 90 days of the date the request for waiver is received.

SUBTITLE B—OUTREACH TO ELIGIBLE LOW-INCOME MEDICARE BENEFICIARIES

Section 911. Outreach on availability of Medicare cost-sharing assistance to eligible low-income Medicare beneficiaries

The provision would require the Commissioner of the Social Security Administration to conduct outreach efforts to identify individuals who may be eligible for Medicaid payment of Medicare cost sharing and to notify these persons of the availability of such assistance. The Commissioner would also be required to furnish, at least annually, a list of such individuals who reside in each state to that state's agency responsible for administering the Medicaid program as well as to any other appropriate state agency. The list should include the name and address, and whether such individuals have experienced reductions in Social Security benefits. The provision would also require the General Accounting Office to conduct a study of the impact of the outreach activities of the Commissioner to submit to Congress no later than 18 months after such outreach begins. The provision would be effective one year after date of enactment.

SUBTITLE C—MATERNAL AND CHILD HEALTH BLOCK GRANT

Section 921. Increase in authorization of appropriations for the maternal and child health services block grant

The provision would increase the authorization of appropriations for the Maternal and Child Health Services Block Grant under Title V from $705,000,000 to $850,000,000 for fiscal year 2001 and each fiscal year thereafter.

SUBTITLE D—DIABETES

Section 931. Increase in appropriations for special diabetes programs for type I diabetes and Indians

The provision would extend for 1 year, to FY2003, the authority for grants to be made for both the Special Diabetes Program for Type I Diabetes and for the Special Diabetes Programs for Indians under the Public Health Service Act. The provision would also expand funding available for these programs. For each grant program, the provision would increase total funding to $100 million each for FY2001, FY2002 and FY2003. For FY2001 and FY2002, $30 million of the $100 million for each program would be transferred from SCHIP as set forth in the Balanced Budget Act of 1997; the remaining $70 million would be drawn from the Treasury out of funds not otherwise appropriated. In FY2003, the entire $100 million would be drawn from the Treasury out of funds not otherwise appropriated. In addition, the provision would extend the due date on final evaluation reports for these two grant programs from January 1, 2002 to January 1, 2003.

Section 932. Appropriations for Ricky Ray Hemophilia Relief Fund

This provision provides for a direct appropriation of $475 million for FY2001. Funds would be available until expended.

SUBTITLE E—INFORMATION ON NURSING FACILITY STAFFING

Section 941. Posting of information on nursing facility staffing

The provision would require medicare skilled nursing facilities and medicaid nursing facilities to post nurse staffing information daily for each shift in the facility, effective January 1, 2003.

SUBTITLE F—ADJUSTMENT OF MULTIEMPLOYER PLAN BENEFITS GUARANTEED

Section 951. Adjustment of multiemployer plan benefits guaranteed

The provision adjusts the level of multiemployer pension plan benefits guaranteed under title IV of ERISA.

COMMUNITY RENEWAL TAX RELIEF ACT OF 2000

The conference agreement would enact the provisions of H.R. 5662, as introduced on December 14, 2000. The text of that bill follows:

A BILL To amend the Internal Revenue Code of 1986 to provide for community revitalization and a 2-year extension of medical saving accounts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Community Renewal Tax Relief Act of 2000".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

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TITLE I—COMMUNITY RENEWAL AND NEW MARKETS

Subtitle A—Tax Incentives for Renewal Communities

SEC. 101. DESIGNATION OF AND TAX INCENTIVES FOR RENEWAL COMMUNITIES.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter X—Renewal Communities

"Part I. Designation.
"Part II. Renewal community capital gain; renewal community business.
"Part III. Additional incentives.

"PART I—DESIGNATION

"Sec. 1400E. Designation of renewal communities.

"SEC. 1400E. DESIGNATION OF RENEWAL COMMUNITIES.

"(a) DESIGNATION.—

"(1) DEFINITIONS.—For purposes of this title, the term 'renewal community' means any area—

"(A) which is nominated by 1 or more local governments and the State or States in which it is located for designation as a renewal community (hereafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Housing and Urban Development designates as a renewal community, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury; the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior.

"(2) NUMBER OF DESIGNATIONS.—

"(A) IN GENERAL.—Not more than 40 nominated areas may be designated as renewal communities.

"(B) MINIMUM DESIGNATION IN RURAL AREAS.—Of the areas designated under paragraph (1), at least 12 must be areas—

"(i) which are within a local government jurisdiction or jurisdictions with a population of less than 50,000,

"(ii) which are outside of a metropolitan statistical area (within the meaning of section 143(k)(2)(B)), or

"(iii) which are determined by the Secretary of Housing and Urban Development, after consultation with the Secretary of Commerce, to be rural areas.

"(3) AREAS DESIGNATED BASED ON DEGREE OF POVERTY, ETC.—

"(A) IN GENERAL.—Except as otherwise provided in this section, the nominated areas designated as renewal communities under this subsection shall be those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (B), (C), and (D) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) EXCEPTION WHERE INADEQUATE COURSE OF ACTION, ETC.—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action described in subsection (d)(2) with respect to such area is inadequate.

"(C) PREFERENCE FOR ENTERPRISE COMMUNITIES AND EMPOWERMENT ZONES.—With respect

to the first 20 designations made under this section, a preference shall be provided to those nominated areas which are enterprise communities or empowerment zones (and are otherwise eligible for designation under this section).

"(4) LIMITATION ON DESIGNATIONS.—

"(A) PUBLICATION OF REGULATIONS.—The Secretary of Housing and Urban Development shall prescribe by regulation no later than 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of a renewal community, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) TIME LIMITATIONS.—The Secretary of Housing and Urban Development may designate nominated areas as renewal communities only during the period beginning on the first day of the first month following the month in which the regulations described in subparagraph (A) are prescribed and ending on December 31, 2001.

"(C) PROCEDURAL RULES.—The Secretary of Housing and Urban Development shall not make any designation of a nominated area as a renewal community under paragraph (2) unless—

"(i) the local governments and the States in which the nominated area is located have the authority—

"(I) to nominate such area for designation as a renewal community,

"(II) to make the State and local commitments described in subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination regarding such area is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe, and

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate.

"(5) NOMINATION PROCESS FOR INDIAN RESERVATIONS.—For purposes of this subchapter, in the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be treated as being both the State and local governments with respect to such area.

"(b) PERIOD FOR WHICH DESIGNATION IS IN EFFECT.—

"(1) IN GENERAL.—Any designation of an area as a renewal community shall remain in effect during the period beginning on January 1, 2002, and ending on the earliest of—

"(A) December 31, 2009,

"(B) the termination date designated by the State and local governments in their nomination, or

"(C) the date the Secretary of Housing and Urban Development revokes such designation.

"(2) REVOCATION OF DESIGNATION.—The Secretary of Housing and Urban Development may revoke the designation under this section of an area if such Secretary determines that the local government or the State in which the area is located—

"(A) has modified the boundaries of the area, or

"(B) is not complying substantially with, or fails to make progress in achieving, the State or local commitments, respectively, described in subsection (d).

"(3) EARLIER TERMINATION OF CERTAIN BENEFITS IF EARLIER TERMINATION OF DESIGNATION.—If the designation of an area as a renewal community terminates before December 31, 2009, the day after the date of such termination shall be substituted for 'January 1, 2010' each place it appears in sections 1400F and 1400J with respect to such area.

"(c) AREA AND ELIGIBILITY REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate a nominated area as a renewal community under subsection (a) only if the area meets the requirements of paragraphs (2) and (3) of this subsection.

"(2) AREA REQUIREMENTS.—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of one or more local governments,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population of not more than 200,000 and at least—

"(I) 4,000 if any portion of such area (other than a rural area described in subsection (a)(2)(B)(i)) is located within a metropolitan statistical area (within the meaning of section 143(k)(2)(B)) which has a population of 50,000 or greater, or

"(II) 1,000 in any other case, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) ELIGIBILITY REQUIREMENTS.—A nominated area meets the requirements of this paragraph if the State and the local governments in which it is located certify in writing (and the Secretary of Housing and Urban Development, after such review of supporting data as he deems appropriate, accepts such certification) that—

"(A) the area is one of pervasive poverty, unemployment, and general distress,

"(B) the unemployment rate in the area, as determined by the most recent available data, was at least 1½ times the national unemployment rate for the period to which such data relate,

"(C) the poverty rate for each population census tract within the nominated area is at least 20 percent, and

"(D) in the case of an urban area, at least 70 percent of the households living in the area have incomes below 80 percent of the median income of households within the jurisdiction of the local government (determined in the same manner as under section 119(b)(2) of the Housing and Community Development Act of 1974).

"(4) CONSIDERATION OF OTHER FACTORS.—The Secretary of Housing and Urban Development, in selecting any nominated area for designation as a renewal community under this section—

"(A) shall take into account—

"(i) the extent to which such area has a high incidence of crime, or

"(ii) if such area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas, and

"(B) with respect to 1 of the areas to be designated under subsection (a)(2)(B), may, in lieu of any criteria described in paragraph (3), take into account the existence of outmigration from the area.

"(d) REQUIRED STATE AND LOCAL COMMITMENTS.—

"(1) IN GENERAL.—The Secretary of Housing and Urban Development may designate any nominated area as a renewal community under subsection (a) only if—

"(A) the local government and the State in which the area is located agree in writing that, during any period during which the area is a renewal community, such governments will follow a specified course of action which meets the requirements of paragraph (2) and is designed to reduce the various burdens borne by employers or employees in such area, and

"(B) the economic growth promotion requirements of paragraph (3) are met.

"(2) COURSE OF ACTION.—

"(A) IN GENERAL.—A course of action meets the requirements of this paragraph if such course of action is a written document, signed by a State (or local government) and neighborhood organizations, which evidences a partnership between such State or government and community-based organizations and which commits each signatory to specific and measurable goals, actions, and timetables. Such course of action shall include at least 4 of the following:

"(i) A reduction of tax rates or fees applying within the renewal community.

"(ii) An increase in the level of efficiency of local services within the renewal community.

"(iii) Crime reduction strategies, such as crime prevention (including the provision of crime prevention services by nongovernmental entities).

"(iv) Actions to reduce, remove, simplify, or streamline governmental requirements applying within the renewal community.

"(v) Involvement in the program by private entities, organizations, neighborhood organizations, and community groups, particularly those in the renewal community, including a commitment from such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents from the renewal community.

"(vi) The gift (or sale at below fair market value) of surplus real property (such as land, homes, and commercial or industrial structures) in the renewal community to neighborhood organizations, community development corporations, or private companies.

"(B) RECOGNITION OF PAST EFFORTS.—For purposes of this section, in evaluating the course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(3) ECONOMIC GROWTH PROMOTION REQUIREMENTS.—The economic growth promotion requirements of this paragraph are met with respect to a nominated area if the local government and the State in which such area is located certify in writing that such government and State (respectively) have repealed or reduced, will not enforce, or will reduce within the nominated area at least 4 of the following:

"(A) Licensing requirements for occupations that do not ordinarily require a professional degree.

"(B) Zoning restrictions on home-based businesses which do not create a public nuisance.

"(C) Permit requirements for street vendors who do not create a public nuisance.

"(D) Zoning or other restrictions that impede the formation of schools or child care centers.

"(E) Franchises or other restrictions on competition for businesses providing public services, including taxicabs, jitneys, cable television, or trash hauling.

This paragraph shall not apply to the extent that such regulation of businesses and occupations is necessary for and well-tailored to the protection of health and safety.

"(e) COORDINATION WITH TREATMENT OF EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES.—For purposes of this title, the designation under section 1391 of any area as an empowerment zone or enterprise community shall cease to be in effect as of the date that the designation of any portion of such area as a renewal community takes effect.

"(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this subchapter—

"(1) GOVERNMENTS.—If more than one government seeks to nominate an area as a renewal community, any reference to, or requirement of, this section shall apply to all such governments.

"(2) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development.

"(3) APPLICATION OF RULES RELATING TO CENSUS TRACTS.—The rules of section 1392(b)(4) shall apply.

"(4) CENSUS DATA.—Population and poverty rate shall be determined by using 1990 census data.

"PART II—RENEWAL COMMUNITY CAPITAL GAIN; RENEWAL COMMUNITY BUSINESS

"Sec. 1400F. Renewal community capital gain.
"Sec. 1400G. Renewal community business defined.

"SEC. 1400F. RENEWAL COMMUNITY CAPITAL GAIN.

"(a) GENERAL RULE.—Gross income does not include any qualified capital gain from the sale or exchange of a qualified community asset held for more than 5 years.

"(b) QUALIFIED COMMUNITY ASSET.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified community asset' means—

"(A) any qualified community stock,

"(B) any qualified community partnership interest, and

"(C) any qualified community business property.

"(2) QUALIFIED COMMUNITY STOCK.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified community stock' means any stock in a domestic corporation if—

"(i) such stock is acquired by the taxpayer after December 31, 2001, and before January 1, 2010, at its original issue (directly or through an underwriter) from the corporation solely in exchange for cash,

"(ii) as of the time such stock was issued, such corporation was a renewal community business (or, in the case of a new corporation, such corporation was being organized for purposes of being a renewal community business), and

"(iii) during substantially all of the taxpayer's holding period for such stock, such corporation qualified as a renewal community business.

"(B) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this paragraph.

"(3) QUALIFIED COMMUNITY PARTNERSHIP INTEREST.—The term 'qualified community partnership interest' means any capital or profits interest in a domestic partnership if—

"(A) such interest is acquired by the taxpayer after December 31, 2001, and before January 1, 2010, from the partnership solely in exchange for cash,

"(B) as of the time such interest was acquired, such partnership was a renewal community business (or, in the case of a new partnership, such partnership was being organized for purposes of being a renewal community business), and

"(C) during substantially all of the taxpayer's holding period for such interest, such partnership qualified as a renewal community business. A rule similar to the rule of paragraph (2)(B) shall apply for purposes of this paragraph.

"(4) QUALIFIED COMMUNITY BUSINESS PROPERTY.—

"(A) IN GENERAL.—The term 'qualified community business property' means tangible property if—

"(i) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010,

"(ii) the original use of such property in the renewal community commences with the taxpayer, and

"(iii) during substantially all of the taxpayer's holding period for such property, substantially all of the use of such property was in a renewal community business of the taxpayer.

"(B) SPECIAL RULE FOR SUBSTANTIAL IMPROVEMENTS.—The requirements of clauses (i) and (ii) of subparagraph (A) shall be treated as satisfied with respect to—

"(i) property which is substantially improved by the taxpayer before January 1, 2010, and

"(ii) any land on which such property is located.

The determination of whether a property is substantially improved shall be made under clause (ii) of section 1400B(b)(4)(B), except that 'December 31, 2001' shall be substituted for 'December 31, 1997' in such clause.

"(c) QUALIFIED CAPITAL GAIN.—For purposes of this section—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'qualified capital gain' means any gain recognized on the sale or exchange of—

"(A) a capital asset, or

"(B) property used in the trade or business (as defined in section 1231(b)).

"(2) GAIN BEFORE 2002 OR AFTER 2014 NOT QUALIFIED.—The term 'qualified capital gain' shall not include any gain attributable to periods before January 1, 2002, or after December 31, 2014.

"(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (3), (4), and (5) of section 1400B(e) shall apply for purposes of this subsection.

"(d) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of paragraphs (5), (6), and (7) of subsection (b), and subsections (f) and (g), of section 1400B shall apply; except that for such purposes section 1400B(g)(2) shall be applied by substituting 'January 1, 2002' for 'January 1, 1998' and 'December 31, 2014' for 'December 31, 2008'.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section, including regulations to prevent the abuse of the purposes of this section.

"SEC. 1400G. RENEWAL COMMUNITY BUSINESS DEFINED.

"For purposes of this subchapter, the term 'renewal community business' means any entity or proprietorship which would be a qualified business entity or qualified proprietorship under section 1397C if references to renewal communities were substituted for references to empowerment zones in such section.

"PART III—ADDITIONAL INCENTIVES

"Sec. 1400H. Renewal community employment credit.
"Sec. 1400I. Commercial revitalization deduction.
"Sec. 1400J. Increase in expensing under section 179.

"SEC. 1400H. RENEWAL COMMUNITY EMPLOYMENT CREDIT.

"(a) IN GENERAL.—Subject to the modification in subsection (b), a renewal community shall be treated as an empowerment zone for purposes of section 1396 with respect to wages paid or incurred after December 31, 2001.

"(b) MODIFICATION.—In applying section 1396 with respect to renewal communities—

"(1) the applicable percentage shall be 15 percent, and

"(2) subsection (c) thereof shall be applied by substituting '$10,000' for '$15,000' each place it appears.

"SEC. 1400I. COMMERCIAL REVITALIZATION DEDUCTION.

"(a) GENERAL RULE.—At the election of the taxpayer, either—

"(1) one-half of any qualified revitalization expenditures chargeable to capital account with respect to any qualified revitalization building shall be allowable as a deduction for the taxable year in which the building is placed in service, or

"(2) a deduction for all such expenditures shall be allowable ratably over the 120-month period beginning with the month in which the building is placed in service.

"(b) QUALIFIED REVITALIZATION BUILDINGS AND EXPENDITURES.—For purposes of this section—

"(1) QUALIFIED REVITALIZATION BUILDING.—The term 'qualified revitalization building' means any building (and its structural components) if—

"(A) the building is placed in service by the taxpayer in a renewal community and the original use of the building begins with the taxpayer, or

"(B) in the case of such building not described in subparagraph (A), such building—

"(i) is substantially rehabilitated (within the meaning of section 47(c)(1)(C)) by the taxpayer, and

"(ii) is placed in service by the taxpayer after the rehabilitation in a renewal community.

"(2) QUALIFIED REVITALIZATION EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified revitalization expenditure' means any amount properly chargeable to capital account for property for which depreciation is allowable under section 168 (without regard to this section) and which is—

"(i) nonresidential real property (as defined in section 168(e)), or

"(ii) section 1250 property (as defined in section 1250(c)) which is functionally related and subordinate to property described in clause (i).

"(B) CERTAIN EXPENDITURES NOT INCLUDED.—

"(i) ACQUISITION COST.—In the case of a building described in paragraph (1)(B), the cost of acquiring the building or interest therein shall be treated as a qualified revitalization expenditure only to the extent that such cost does not exceed 30 percent of the aggregate qualified revitalization expenditures (determined without regard to such cost) with respect to such building.

"(ii) CREDITS.—The term 'qualified revitalization expenditure' does not include any expenditure which the taxpayer may take into account in computing any credit allowable under this title unless the taxpayer elects to take the expenditure into account only for purposes of this section.

"(c) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified revitalization expenditures with respect to any qualified revitalization building shall not exceed the lesser of—

"(1) $10,000,000, or

"(2) the commercial revitalization expenditure amount allocated to such building under this section by the commercial revitalization agency for the State in which the building is located.

"(d) COMMERCIAL REVITALIZATION EXPENDITURE AMOUNT.—

"(1) IN GENERAL.—The aggregate commercial revitalization expenditure amount which a commercial revitalization agency may allocate for any calendar year is the amount of the State commercial revitalization expenditure ceiling determined under this paragraph for such calendar year for such agency.

"(2) STATE COMMERCIAL REVITALIZATION EXPENDITURE CEILING.—The State commercial revitalization expenditure ceiling applicable to any State—

"(A) for each calendar year after 2001 and before 2010 is $12,000,000 for each renewal community in the State, and

"(B) for each calendar year thereafter is zero.

"(3) COMMERCIAL REVITALIZATION AGENCY.—For purposes of this section, the term 'commercial revitalization agency' means any agency authorized by a State to carry out this section.

"(4) TIME AND MANNER OF ALLOCATIONS.—Allocations under this section shall be made at the same time and in the same manner as under paragraphs (1) and (7) of section 42(h).

"(e) RESPONSIBILITIES OF COMMERCIAL REVITALIZATION AGENCIES.—

"(1) PLANS FOR ALLOCATION.—Notwithstanding any other provision of this section, the commercial revitalization expenditure amount with respect to any building shall be zero unless—

"(A) such amount was allocated pursuant to a qualified allocation plan of the commercial revitalization agency which is approved (in accordance with rules similar to the rules of section 147(f)(2) (other than subparagraph (B)(ii) thereof)) by the governmental unit of which such agency is a part, and

"(B) such agency notifies the chief executive officer (or its equivalent) of the local jurisdiction within which the building is located of such allocation and provides such individual a reasonable opportunity to comment on the allocation.

"(2) QUALIFIED ALLOCATION PLAN.—For purposes of this subsection, the term 'qualified allocation plan' means any plan—

"(A) which sets forth selection criteria to be used to determine priorities of the commercial revitalization agency which are appropriate to local conditions,

"(B) which considers—

"(i) the degree to which a project contributes to the implementation of a strategic plan that is devised for a renewal community through a citizen participation process,

"(ii) the amount of any increase in permanent, full-time employment by reason of any project, and

"(iii) the active involvement of residents and nonprofit groups within the renewal community, and

"(C) which provides a procedure that the agency (or its agent) will follow in monitoring compliance with this section.

"(f) SPECIAL RULES.—

"(1) DEDUCTION IN LIEU OF DEPRECIATION.—The deduction provided by this section for qualified revitalization expenditures shall—

"(A) with respect to the deduction determined under subsection (a)(1), be in lieu of any depreciation deduction otherwise allowable on account of one-half of such expenditures, and

"(B) with respect to the deduction determined under subsection (a)(2), be in lieu of any depreciation deduction otherwise allowable on account of all of such expenditures.

"(2) BASIS ADJUSTMENT, ETC.—For purposes of sections 1016 and 1250, the deduction under this section shall be treated in the same manner as a depreciation deduction. For purposes of section 1250(b)(5), the straight line method of adjustment shall be determined without regard to this section.

"(3) SUBSTANTIAL REHABILITATIONS TREATED AS SEPARATE BUILDINGS.—A substantial rehabilitation (within the meaning of section 47(c)(1)(C)) of a building shall be treated as a separate building for purposes of subsection (a).

"(4) CLARIFICATION OF ALLOWANCE OF DEDUCTION UNDER MINIMUM TAX.—Notwithstanding section 56(a)(1), the deduction under this section shall be allowed in determining alternative minimum taxable income under section 55.

"(g) TERMINATION.—This section shall not apply to any building placed in service after December 31, 2009.

"SEC. 1400J. INCREASE IN EXPENSING UNDER SECTION 179.

"(a) IN GENERAL.—For purposes of section 1397A—

"(1) a renewal community shall be treated as an empowerment zone,

"(2) a renewal community business shall be treated as an enterprise zone business, and

"(3) qualified renewal property shall be treated as qualified zone property.

"(b) QUALIFIED RENEWAL PROPERTY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified renewal property' means any property to which section 168 applies (or would apply but for section 179) if—

"(A) such property was acquired by the taxpayer by purchase (as defined in section 179(d)(2)) after December 31, 2001, and before January 1, 2010, and

"(B) such property would be qualified zone property (as defined in section 1397D) if references to renewal communities were substituted for references to empowerment zones in section 1397D.

"(2) CERTAIN RULES TO APPLY.—The rules of subsections (a)(2) and (b) of section 1397D shall apply for purposes of this section.".

(b) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION FROM PASSIVE LOSS RULES.—

(1) Paragraph (3) of section 469(i) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) EXCEPTION FOR COMMERCIAL REVITALIZATION DEDUCTION.—Subparagraph (A) shall not apply to any portion of the passive activity loss for any taxable year which is attributable to the commercial revitalization deduction under section 1400I.".

(2) Subparagraph (E) of section 469(i)(3), as redesignated by subparagraph (A), is amended to read as follows:

"(E) ORDERING RULES TO REFLECT EXCEPTIONS AND SEPARATE PHASE-OUTS.—If subparagraph (B), (C), or (D) applies for a taxable year, paragraph (1) shall be applied—

"(i) first to the portion of the passive activity loss to which subparagraph (C) does not apply,

"(ii) second to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

"(iii) third to the portion of such credit to which subparagraph (B) applies,

"(iv) fourth to the portion of such loss to which subparagraph (C) applies, and

"(v) then to the portion of such credit to which subparagraph (D) applies.".

(3)(A) Subparagraph (B) of section 469(i)(6) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) any deduction under section 1400I (relating to commercial revitalization deduction).".

(B) The heading for such subparagraph (B) is amended by striking "OR REHABILITATION CREDIT" and inserting ", REHABILITATION CREDIT, OR COMMERCIAL REVITALIZATION DEDUCTION".

(c) AUDIT AND REPORT.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the renewal community program established under section 1400E of the Internal Revenue Code of 1986 (as added by subsection (a)) and the empowerment zone and enterprise community program under subchapter U of chapter 1 of such Code, report to Congress on such program and its effect on poverty, unemployment, and economic growth within the designated renewal communities, empowerment zones, and enterprise communities.

(d) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter X. Renewal Communities.".

SEC. 102. WORK OPPORTUNITY CREDIT FOR HIRING YOUTH RESIDING IN RENEWAL COMMUNITIES.

(a) HIGH-RISK YOUTH.—Subparagraphs (A)(ii) and (B) of section 51(d)(5) are each amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(b) QUALIFIED SUMMER YOUTH EMPLOYEE.—Clause (iv) of section 51(d)(7)(A) is amended by striking "empowerment zone or enterprise community" and inserting "empowerment zone, enterprise community, or renewal community".

(c) HEADINGS.—Paragraphs (5)(B) and (7)(C) of section 51(d) are each amended by inserting "OR COMMUNITY" in the heading after "ZONE".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after December 31, 2001.

Subtitle B—Extension and Expansion of Empowerment Zone Incentives

SEC. 111. AUTHORITY TO DESIGNATE 9 ADDITIONAL EMPOWERMENT ZONES.

Section 1391 is amended by adding at the end the following new subsection:

"(h) ADDITIONAL DESIGNATIONS PERMITTED.—

"(1) IN GENERAL.—In addition to the areas designated under subsections (a) and (g), the appropriate Secretaries may designate in the aggregate an additional 9 nominated areas as empowerment zones under this section, subject to the availability of eligible nominated areas. Of that number, not more than seven may be designated in urban areas and not more than 2 may be designated in rural areas.

"(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 2002. Subject to subparagraphs (B) and (C) of subsection (d)(1), such designations shall remain in effect during the period beginning on January 1, 2002, and ending on December 31, 2009.

"(3) MODIFICATIONS TO ELIGIBILITY CRITERIA, ETC.—The rules of subsection (g)(3) shall apply to designations under this subsection.

"(4) EMPOWERMENT ZONES WHICH BECOME RENEWAL COMMUNITIES.—The number of areas which may be designated as empowerment zones under this subsection shall be increased by 1 for each area which ceases to be an empowerment zone by reason of section 1400E(e). Each additional area designated by reason of the preceding sentence shall have the same urban or rural character as the area it is replacing."

SEC. 112. EXTENSION OF EMPOWERMENT ZONE TREATMENT THROUGH 2009.

Subparagraph (A) of section 1391(d)(1) (relating to period for which designation is in effect) is amended to read as follows:

"(A)(i) in the case of an empowerment zone, December 31, 2009, or

"(ii) in the case of an enterprise community, the close of the 10th calendar year beginning on or after such date of designation,".

SEC. 113. 20 PERCENT EMPLOYMENT CREDIT FOR ALL EMPOWERMENT ZONES.

(a) 20 PERCENT CREDIT.—Subsection (b) of section 1396 (relating to empowerment zone employment credit) is amended to read as follows:

"(b) APPLICABLE PERCENTAGE.—For purposes of this section, the applicable percentage is 20 percent.".

(b) ALL EMPOWERMENT ZONES ELIGIBLE FOR CREDIT.—Section 1396 is amended by striking subsection (e).

(c) CONFORMING AMENDMENT.—Subsection (d) of section 1400 is amended to read as follows:

"(d) SPECIAL RULE FOR APPLICATION OF EMPLOYMENT CREDIT.—With respect to the DC Zone, section 1396(d)(1)(B) (relating to empowerment zone employment credit) shall be applied by substituting 'the District of Columbia' for 'such empowerment zone'.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid or incurred after December 31, 2001.

SEC. 114. INCREASED EXPENSING UNDER SECTION 179.

(a) IN GENERAL.—Subparagraph (A) of section 1397A(a)(1) is amended by striking "$20,000" and inserting "$35,000".

(b) EXPENSING FOR PROPERTY USED IN DEVELOPABLE SITES.—Section 1397A is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 115. HIGHER LIMITS ON TAX-EXEMPT EMPOWERMENT ZONE FACILITY BONDS.

(a) IN GENERAL.—Paragraph (3) of section 1394(f) (relating to bonds for empowerment zones designated under section 1391(g)) is amended to read as follows:

"(3) EMPOWERMENT ZONE FACILITY BOND.—For purposes of this subsection, the term 'empowerment zone facility bond' means any bond which would be described in subsection (a) if—

"(A) in the case of obligations issued before January 1, 2002, only empowerment zones designated under section 1391(g) were taken into account under sections 1397C and 1397D, and

"(B) in the case of obligations issued after December 31, 2001, all empowerment zones (other than the District of Columbia Enterprise Zone) were taken into account under sections 1397C and 1397D.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2001.

SEC. 116. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

(a) IN GENERAL.—Part III of subchapter U of chapter 1 is amended—

(1) by redesignating subpart C as subpart D,

(2) by redesignating sections 1397B and 1397C as sections 1397C and 1397D, respectively, and

(3) by inserting after subpart B the following new subpart:

"Subpart C—Nonrecognition of Gain on Rollover of Empowerment Zone Investments

"Sec. 1397B. Nonrecognition of gain on rollover of empowerment zone investments.

"SEC. 1397B. NONRECOGNITION OF GAIN ON ROLLOVER OF EMPOWERMENT ZONE INVESTMENTS.

"(a) NONRECOGNITION OF GAIN.—In the case of any sale of a qualified empowerment zone asset held by the taxpayer for more than 1 year and with respect to which such taxpayer elects the application of this section, gain from such sale shall be recognized only to the extent that the amount realized on such sale exceeds—

"(1) the cost of any qualified empowerment zone asset (with respect to the same zone as the asset sold) purchased by the taxpayer during the 60-day period beginning on the date of such sale, reduced by

"(2) any portion of such cost previously taken into account under this section.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED EMPOWERMENT ZONE ASSET.—

"(A) IN GENERAL.—The term 'qualified empowerment zone asset' means any property which would be a qualified community asset (as defined in section 1400F) if in section 1400F—

"(i) references to empowerment zones were substituted for references to renewal communities,

"(ii) references to enterprise zone businesses (as defined in section 1397C) were substituted for references to renewal community businesses, and

"(iii) the date of the enactment of this paragraph were substituted for 'December 31, 2001' each place it appears.

"(B) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this section.

"(2) CERTAIN GAIN NOT ELIGIBLE FOR ROLLOVER.—This section shall not apply to—

"(A) any gain which is treated as ordinary income for purposes of this subtitle, and

"(B) any gain which is attributable to real property, or an intangible asset, which is not an integral part of an enterprise zone business.

"(3) PURCHASE.—A taxpayer shall be treated as having purchased any property if, but for paragraph (4), the unadjusted basis of such property in the hands of the taxpayer would be its cost (within the meaning of section 1012).

"(4) BASIS ADJUSTMENTS.—If gain from any sale is not recognized by reason of subsection (a), such gain shall be applied to reduce (in the order acquired) the basis for determining gain or loss of any qualified empowerment zone asset which is purchased by the taxpayer during the 60-day period described in subsection (a). This paragraph shall not apply for purposes of section 1202.

"(5) HOLDING PERIOD.—For purposes of determining whether the nonrecognition of gain under subsection (a) applies to any qualified empowerment zone asset which is sold—

"(A) the taxpayer's holding period for such asset and the asset referred to in subsection (a)(1) shall be determined without regard to section 1223, and

"(B) only the first year of the taxpayer's holding period for the asset referred to in subsection (a)(1) shall be taken into account for purposes of paragraphs (2)(A)(iii), (3)(C), and (4)(A)(iii) of section 1400F(b).".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (23) of section 1016(a) is amended—

(A) by striking "or 1045" and inserting "1045, or 1397B", and

(B) by striking "or 1045(b)(4)" and inserting "1045(b)(4), or 1397B(b)(4)".

(2) Paragraph (15) of section 1223 is amended to read as follows:

"(15) Except for purposes of sections 1202(a)(2), 1202(c)(2)(A), 1400B(b), and 1400F(b), in determining the period for which the taxpayer has held property the acquisition of which resulted under section 1045 or 1397B in the nonrecognition of any part of the gain realized on the sale of other property, there shall be included the period for which such other property has been held as of the date of such sale.".

(3) Paragraph (2) of section 1394(b) is amended—

(A) by striking "section 1397C" and inserting "section 1397D", and

(B) by striking "section 1397C(a)(2)" and inserting "section 1397D(a)(2)".

(4) Paragraph (3) of section 1394(b) is amended—

(A) by striking "section 1397B" each place it appears and inserting "section 1397C", and

(B) by striking "section 1397B(d)" and inserting "section 1397C(d)".

(5) Sections 1400(e) and 1400B(c) are each amended by striking "section 1397B" each place it appears and inserting "section 1397C".

(6) The table of subparts for part III of subchapter U of chapter 1 is amended by striking the last item and inserting the following new items:

"Subpart C. Nonrecognition of gain on rollover of empowerment zone investments.

"Subpart D. General provisions.".

(7) The table of sections for subpart D of such part III is amended to read as follows:

"Sec. 1397C. Enterprise zone business defined.

"Sec. 1397D. Qualified zone property defined.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to qualified empowerment zone assets acquired after the date of the enactment of this Act.

SEC. 117. INCREASED EXCLUSION OF GAIN ON SALE OF EMPOWERMENT ZONE STOCK.

(a) IN GENERAL.—Subsection (a) of section 1202 is amended to read as follows:

"(a) EXCLUSION.—

"(1) IN GENERAL.—In the case of a taxpayer other than a corporation, gross income shall not include 50 percent of any gain from the sale or exchange of qualified small business stock held for more than 5 years.

"(2) EMPOWERMENT ZONE BUSINESSES.—

"(A) IN GENERAL.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph in a corporation which is a qualified business entity (as defined in section 1397C(b)) during substantially all of the taxpayer's holding period for such stock, paragraph (1) shall be applied by substituting '60 percent' for '50 percent'.

"(B) CERTAIN RULES TO APPLY.—Rules similar to the rules of paragraphs (5) and (7) of section 1400B(b) shall apply for purposes of this paragraph.

"(C) GAIN AFTER 2014 NOT QUALIFIED.—Subparagraph (A) shall not apply to gain attributable to periods after December 31, 2014.

"(D) TREATMENT OF DC ZONE.—The District of Columbia Enterprise Zone shall not be treated as an empowerment zone for purposes of this paragraph.".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (8) of section 1(h) is amended by striking "means" and all that follows and inserting "means the excess of—

"(A) the gain which would be excluded from gross income under section 1202 but for the percentage limitation in section 1202(a), over

"(B) the gain excluded from gross income under section 1202.".

(2) The section heading for section 1202 is amended by striking "**50-percent**" and inserting "**partial**".

(3) The table of sections for part I of subchapter P of chapter 1 is amended by striking "50-percent" and inserting "Partial".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

Subtitle C—New Markets Tax Credit

SEC. 121. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45D. NEW MARKETS TAX CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—For purposes of section 38, in the case of a taxpayer who holds a qualified equity investment on a credit allowance date of such investment which occurs during the taxable year, the new markets tax credit determined under this section for such taxable year is an amount equal to the applicable percentage of the amount paid to the qualified community development entity for such investment at its original issue.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage is—

"(A) 5 percent with respect to the first 3 credit allowance dates, and

"(B) 6 percent with respect to the remainder of the credit allowance dates. .

"(3) CREDIT ALLOWANCE DATE.—For purposes of paragraph (1), the term 'credit allowance date' means, with respect to any qualified equity investment—

"(A) the date on which such investment is initially made, and

"(B) each of the 6 anniversary dates of such date thereafter.

"(b) QUALIFIED EQUITY INVESTMENT.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified equity investment' means any equity investment in a qualified community development entity if—

"(A) such investment is acquired by the taxpayer at its original issue (directly or through an underwriter) solely in exchange for cash,

"(B) substantially all of such cash is used by the qualified community development entity to make qualified low-income community investments, and

"(C) such investment is designated for purposes of this section by the qualified community development entity.

Such term shall not include any equity investment issued by a qualified community development entity more than 5 years after the date that such entity receives an allocation under subsection (f). Any allocation not used within such 5-year period may be reallocated by the Secretary under subsection (f).

"(2) LIMITATION.—The maximum amount of equity investments issued by a qualified community development entity which may be designated under paragraph (1)(C) by such entity shall not exceed the portion of the limitation amount allocated under subsection (f) to such entity.

"(3) SAFE HARBOR FOR DETERMINING USE OF CASH.—The requirement of paragraph (1)(B) shall be treated as met if at least 85 percent of the aggregate gross assets of the qualified community development entity are invested in qualified low-income community investments.

"(4) TREATMENT OF SUBSEQUENT PURCHASERS.—The term 'qualified equity investment' includes any equity investment which would (but for paragraph (1)(A)) be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

"(5) REDEMPTIONS.—A rule similar to the rule of section 1202(c)(3) shall apply for purposes of this subsection.

"(6) EQUITY INVESTMENT.—The term 'equity investment' means—

"(A) any stock (other than nonqualified preferred stock as defined in section 351(g)(2)) in an entity which is a corporation, and

"(B) any capital interest in an entity which is a partnership.

"(c) QUALIFIED COMMUNITY DEVELOPMENT ENTITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified community development entity' means any domestic corporation or partnership if—

"(A) the primary mission of the entity is serving, or providing investment capital for, low-income communities or low-income persons,

"(B) the entity maintains accountability to residents of low-income communities through their representation on any governing board of the entity or on any advisory board to the entity, and

"(C) the entity is certified by the Secretary for purposes of this section as being a qualified community development entity.

"(2) SPECIAL RULES FOR CERTAIN ORGANIZATIONS.—The requirements of paragraph (1) shall be treated as met by—

"(A) any specialized small business investment company (as defined in section 1044(c)(3)), and

"(B) any community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)).

"(d) QUALIFIED LOW-INCOME COMMUNITY INVESTMENTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified low-income community investment' means—

"(A) any capital or equity investment in, or loan to, any qualified active low-income community business,

"(B) the purchase from another qualified community development entity of any loan made by such entity which is a qualified low-income community investment,

"(C) financial counseling and other services specified in regulations prescribed by the Secretary to businesses located in, and residents of, low-income communities, and

"(D) any equity investment in, or loan to, any qualified community development entity.

"(2) QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—

"(A) IN GENERAL.—For purposes of paragraph (1), the term 'qualified active low-income community business' means, with respect to any taxable year, any corporation (including a nonprofit corporation) or partnership if for such year—

"(i) at least 50 percent of the total gross income of such entity is derived from the active conduct of a qualified business within any low-income community,

"(ii) a substantial portion of the use of the tangible property of such entity (whether owned or leased) is within any low-income community,

"(iii) a substantial portion of the services performed for such entity by its employees are performed in any low-income community,

"(iv) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to collectibles (as defined in section 408(m)(2)) other than collectibles that are held primarily for sale to customers in the ordinary course of such business, and

"(v) less than 5 percent of the average of the aggregate unadjusted bases of the property of such entity is attributable to nonqualified financial property (as defined in section 1397C(e)).

"(B) PROPRIETORSHIP.—Such term shall include any business carried on by an individual as a proprietor if such business would meet the requirements of subparagraph (A) were it incorporated.

"(C) PORTIONS OF BUSINESS MAY BE QUALIFIED ACTIVE LOW-INCOME COMMUNITY BUSINESS.—The term 'qualified active low-income community business' includes any trades or businesses which would qualify as a qualified active low-income community business if such trades or businesses were separately incorporated.

"(3) QUALIFIED BUSINESS.—For purposes of this subsection, the term 'qualified business' has the meaning given to such term by section 1397C(d); except that—

"(A) in lieu of applying paragraph (2)(B) thereof, the rental to others of real property located in any low-income community shall be treated as a qualified business if there are substantial improvements located on such property, and

"(B) paragraph (3) thereof shall not apply.

"(e) LOW-INCOME COMMUNITY.—For purposes of this section—

"(1) IN GENERAL.—The term 'low-income community' means any population census tract if—

"(A) the poverty rate for such tract is at least 20 percent, or

"(B)(i) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or

"(ii) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income.

Subparagraph (B) shall be applied using possessionwide median family income in the case of census tracts located within a possession of the United States.

"(2) TARGETED AREAS.—The Secretary may designate any area within any census tract as a low-income community if—

"(A) the boundary of such area is continuous,

"(B) the area would satisfy the requirements of paragraph (1) if it were a census tract, and

"(C) an inadequate access to investment capital exists in such area.

"(3) AREAS NOT WITHIN CENSUS TRACTS.—In the case of an area which is not tracted for population census tracts, the equivalent county divisions (as defined by the Bureau of the Census for purposes of defining poverty areas) shall be used for purposes of determining poverty rates and median family income.

"(f) NATIONAL LIMITATION ON AMOUNT OF INVESTMENTS DESIGNATED.—

"(1) IN GENERAL.—There is a new markets tax credit limitation for each calendar year. Such limitation is—

"(A) $1,000,000,000 for 2001,

"(B) $1,500,000,000 for 2002 and 2003,

"(C) $2,000,000,000 for 2004 and 2005, and

"(D) $3,500,000,000 for 2006 and 2007.

"(2) ALLOCATION OF LIMITATION.—The limitation under paragraph (1) shall be allocated by the Secretary among qualified community development entities selected by the Secretary. In making allocations under the preceding sentence, the Secretary shall give priority to any entity—

"(A) with a record of having successfully provided capital or technical assistance to disadvantaged businesses or communities, or

"(B) which intends to satisfy the requirement under subsection (b)(1)(B) by making qualified low-income community investments in 1 or more businesses in which persons unrelated to such entity (within the meaning of section 267(b) or 707(b)(1)) hold the majority equity interest.

"(3) CARRYOVER OF UNUSED LIMITATION.—If the new markets tax credit limitation for any calendar year exceeds the aggregate amount allocated under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be carried under the preceding sentence to any calendar year after 2014.

"(g) RECAPTURE OF CREDIT IN CERTAIN CASES.—

"(1) IN GENERAL.—If, at any time during the 7-year period beginning on the date of the original issue of a qualified equity investment in a qualified community development entity, there is a recapture event with respect to such investment, then the tax imposed by this chapter for the taxable year in which such event occurs shall be increased by the credit recapture amount.

"(2) CREDIT RECAPTURE AMOUNT.—For purposes of paragraph (1), the credit recapture amount is an amount equal to the sum of—

"(A) the aggregate decrease in the credits allowed to the taxpayer under section 38 for all prior taxable years which would have resulted if no credit had been determined under this section with respect to such investment, plus

"(B) interest at the underpayment rate established under section 6621 on the amount determined under subparagraph (A) for each prior taxable year for the period beginning on the due date for filing the return for the prior taxable year involved.

No deduction shall be allowed under this chapter for interest described in subparagraph (B).

"(3) RECAPTURE EVENT.—For purposes of paragraph (1), there is a recapture event with respect to an equity investment in a qualified community development entity if—

"(A) such entity ceases to be a qualified community development entity,

"(B) the proceeds of the investment cease to be used as required of subsection (b)(1)(B), or

"(C) such investment is redeemed by such entity.

"(4) SPECIAL RULES.—

"(A) TAX BENEFIT RULE.—The tax for the taxable year shall be increased under paragraph (1) only with respect to credits allowed by reason of this section which were used to reduce tax liability. In the case of credits not so used to reduce tax liability, the carryforwards and carrybacks under section 39 shall be appropriately adjusted.

"(B) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.

"(h) BASIS REDUCTION.—The basis of any qualified equity investment shall be reduced by the amount of any credit determined under this section with respect to such investment. This subsection shall not apply for purposes of sections 1202, 1400B, and 1400F.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations—

"(1) which limit the credit for investments which are directly or indirectly subsidized by other Federal tax benefits (including the credit under section 42 and the exclusion from gross income under section 103),

"(2) which prevent the abuse of the purposes of this section,

"(3) which provide rules for determining whether the requirement of subsection (b)(1)(B) is treated as met,

"(4) which impose appropriate reporting requirements, and

"(5) which apply the provisions of this section to newly formed entities.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 38 is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the new markets tax credit determined under section 45D(a).".

(2) LIMITATION ON CARRYBACK.—Subsection (d) of section 39 is amended by adding at the end the following new paragraph:

"(9) NO CARRYBACK OF NEW MARKETS TAX CREDIT BEFORE JANUARY 1, 2001.—No portion of the unused business credit for any taxable year which is attributable to the credit under section 45D may be carried back to a taxable year ending before January 1, 2001.".

(c) DEDUCTION FOR UNUSED CREDIT.—Subsection (c) of section 196 is amended by striking "and" at the end of paragraph (7), by striking the period at the end of paragraph (8) and inserting ", and", and by adding at the end the following new paragraph:

"(9) the new markets tax credit determined under section 45D(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45D. New markets tax credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to investments made after December 31, 2000.

(f) GUIDANCE ON ALLOCATION OF NATIONAL LIMITATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury or the Secretary's delegate shall issue guidance which specifies—

(1) how entities shall apply for an allocation under section 45D(f)(2) of the Internal Revenue Code of 1986, as added by this section;

(2) the competitive procedure through which such allocations are made; and

(3) the actions that such Secretary or delegate shall take to ensure that such allocations are properly made to appropriate entities.

(g) AUDIT AND REPORT.—Not later than January 31 of 2004, 2007, and 2010, the Comptroller General of the United States shall, pursuant to an audit of the new markets tax credit program established under section 45D of the Internal Revenue Code of 1986 (as added by subsection (a)), report to Congress on such program, including all qualified community development entities that receive an allocation under the new markets credit under such section.

Subtitle D—Improvements in Low-Income Housing Credit

SEC. 131. MODIFICATION OF STATE CEILING ON LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Clauses (i) and (ii) of section 42(h)(3)(C) (relating to State housing credit ceiling) are amended to read as follows:

"(i) the unused State housing credit ceiling (if any) of such State for the preceding calendar year,

"(ii) the greater of—

"(I) $1.75 ($1.50 for 2001) multiplied by the State population, or

"(II) $2,000,000,".

(b) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Paragraph (3) of section 42(h) (relating to housing credit dollar amount for agencies) is amended by adding at the end the following new subparagraph:

"(H) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of a calendar year after 2002, the $2,000,000 and $1.75 amounts in subparagraph (C) shall each be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—

"(I) In the case of the $2,000,000 amount, any increase under clause (i) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

"(II) In the case of the $1.75 amount, any increase under clause (i) which is not a multiple of 5 cents shall be rounded to the next lowest multiple of 5 cents.".

(c) CONFORMING AMENDMENTS.—

(1) Section 42(h)(3)(C), as amended by subsection (a), is amended—

(A) by striking "clause (ii)" in the matter following clause (iv) and inserting "clause (i)"; and

(B) by striking "clauses (i)" in the matter following clause (iv) and inserting "clauses (ii)".

(2) Section 42(h)(3)(D)(ii) is amended—

(A) by striking "subparagraph (C)(ii)" and inserting "subparagraph (C)(i)"; and

(B) by striking "clauses (i)" in subclause (II) and inserting "clauses (ii)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2000.

SEC. 132. MODIFICATION OF CRITERIA FOR ALLOCATING HOUSING CREDITS AMONG PROJECTS.

(a) SELECTION CRITERIA.—Subparagraph (C) of section 42(m)(1) (relating to certain selection criteria must be used) is amended—

(1) by inserting ", including whether the project includes the use of existing housing as part of a community revitalization plan" before the comma at the end of clause (iii); and

(2) by striking clauses (v), (vi), and (vii) and inserting the following new clauses:

"(v) tenant populations with special housing needs,

"(vi) public housing waiting lists,

"(vii) tenant populations of individuals with children, and

"(viii) projects intended for eventual tenant ownership.".

(b) PREFERENCE FOR COMMUNITY REVITALIZATION PROJECTS LOCATED IN QUALIFIED CENSUS TRACTS.—Clause (ii) of section 42(m)(1)(B) is amended by striking "and" at the end of subclause (I), by adding "and" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) projects which are located in qualified census tracts (as defined in subsection (d)(5)(C)) and the development of which contributes to a concerted community revitalization plan,".

SEC. 133. ADDITIONAL RESPONSIBILITIES OF HOUSING CREDIT AGENCIES.

(a) MARKET STUDY; PUBLIC DISCLOSURE OF RATIONALE FOR NOT FOLLOWING CREDIT ALLOCATION PRIORITIES.—Subparagraph (A) of section 42(m)(1) (relating to responsibilities of housing credit agencies) is amended by striking "and" at the end of clause (i), by striking the period at the end of clause (ii) and inserting a comma, and by adding at the end the following new clauses:

"(iii) a comprehensive market study of the housing needs of low-income individuals in the area to be served by the project is conducted before the credit allocation is made and at the developer's expense by a disinterested party who is approved by such agency, and

"(iv) a written explanation is available to the general public for any allocation of a housing credit dollar amount which is not made in accordance with established priorities and selection criteria of the housing credit agency.".

(b) SITE VISITS.—Clause (iii) of section 42(m)(1)(B) (relating to qualified allocation plan) is amended by inserting before the period "and in monitoring for noncompliance with habitability standards through regular site visits".

SEC. 134. MODIFICATIONS TO RULES RELATING TO BASIS OF BUILDING WHICH IS ELIGIBLE FOR CREDIT.

(a) ADJUSTED BASIS TO INCLUDE PORTION OF CERTAIN BUILDINGS USED BY LOW-INCOME INDIVIDUALS WHO ARE NOT TENANTS AND BY PROJECT EMPLOYEES.—Paragraph (4) of section 42(d) (relating to special rules relating to determination of adjusted basis) is amended—

(1) by striking "subparagraph (B)" in subparagraph (A) and inserting "subparagraphs (B) and (C)";

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) INCLUSION OF BASIS OF PROPERTY USED TO PROVIDE SERVICES FOR CERTAIN NONTENANTS.—

"(i) IN GENERAL.—The adjusted basis of any building located in a qualified census tract (as defined in paragraph (5)(C)) shall be determined by taking into account the adjusted basis of property (of a character subject to the allowance for depreciation and not otherwise taken into account) used throughout the taxable year in providing any community service facility.

"(ii) LIMITATION.—The increase in the adjusted basis of any building which is taken into account by reason of clause (i) shall not exceed 10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of the preceding sentence, all community service facilities which are part of the same qualified low-income housing project shall be treated as one facility.

"(iii) COMMUNITY SERVICE FACILITY.—For purposes of this subparagraph, the term 'community service facility' means any facility designed to serve primarily individuals whose income is 60 percent or less of area median income (within the meaning of subsection (g)(1)(B)).".

(b) CERTAIN NATIVE AMERICAN HOUSING ASSISTANCE DISREGARDED IN DETERMINING WHETHER BUILDING IS FEDERALLY SUBSIDIZED FOR PURPOSES OF THE LOW-INCOME HOUSING CREDIT.—Subparagraph (E) of section 42(i)(2) (relating to determination of whether building is federally subsidized) is amended—

(1) in clause (i), by inserting "or the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) (as in effect on October 1, 1997)" after "this subparagraph)"; and

(2) in the subparagraph heading, by inserting "OR NATIVE AMERICAN HOUSING ASSISTANCE" after "HOME ASSISTANCE".

SEC. 135. OTHER MODIFICATIONS.

(a) Allocation of Credit Limit to Certain Buildings.—

(1) The first sentence of section 42(h)(1)(E)(ii) is amended by striking "(as of" the first place it appears and inserting "(as of the later of the date which is 6 months after the date that the allocation was made or".

(2) The last sentence of section 42(h)(3)(C) is amended by striking "project which" and inserting "project which fails to meet the 10 percent test under paragraph (1)(E)(ii) on a date after the close of the calendar year in which the allocation was made or which".

(b) Determination of Whether Buildings Are Located in High Cost Areas.—The first sentence of section 42(d)(5)(C)(ii)(I) is amended—

(1) by inserting "either" before "in which 50 percent"; and

(2) by inserting before the period "or which has a poverty rate of at least 25 percent".

SEC. 136. CARRYFORWARD RULES.

(a) In General.—Clause (ii) of section 42(h)(3)(D) (relating to unused housing credit carryovers allocated among certain States) is amended by striking "the excess" and all that follows and inserting "the excess (if any) of—

"(I) the unused State housing credit ceiling for the year preceding such year, over

"(II) the aggregate housing credit dollar amount allocated for such year.".

(b) Conforming Amendment.—The second sentence of section 42(h)(3)(C) (relating to State housing credit ceiling) is amended by striking "clauses (i) and (iii)" and inserting "clauses (i) through (iv)".

SEC. 137. EFFECTIVE DATE.

Except as otherwise provided in this subtitle, the amendments made by this subtitle shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2000; and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

Subtitle E—Other Community Renewal and New Markets Assistance

PART I—PROVISIONS RELATING TO HOUSING AND SUBSTANCE ABUSE PREVENTION AND TREATMENT

SEC. 141. TRANSFER OF UNOCCUPIED AND SUBSTANDARD HUD-HELD HOUSING TO LOCAL GOVERNMENTS AND COMMUNITY DEVELOPMENT CORPORATIONS.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking "Flexible Authority.—" and inserting "Disposition of HUD-Owned Properties. (a) Flexible Authority for Multifamily Projects.—"; and

(2) by adding at the end the following new subsection:

"(b) Transfer of Unoccupied and Substandard Housing to Local Governments and Community Development Corporations.—

"(1) Transfer authority.—Notwithstanding the authority under subsection (a) and the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g)), the Secretary of Housing and Urban Development shall transfer ownership of any qualified HUD property, subject to the requirements of this section, to a unit of general local government having jurisdiction for the area in which the property is located or to a community development corporation which operates within such a unit of general local government in accordance with this subsection, but only to the extent that units of general local government and community development corporations consent to transfer and the Secretary determines that such transfer is practicable.

"(2) Qualified HUD properties.—For purposes of this subsection, the term 'qualified HUD property' means any property for which, as of the date that notification of the property is first made under paragraph (3)(B), not less than 6 months have elapsed since the later of the date that the property was acquired by the Secretary or the date that the property was determined to be unoccupied or substandard, that is owned by the Secretary and is—

"(A) an unoccupied multifamily housing project;

"(B) a substandard multifamily housing project; or

"(C) an unoccupied single family property that—

"(i) has been determined by the Secretary not to be an eligible asset under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)); or

"(ii) is an eligible asset under such section 204(h), but—

"(I) is not subject to a specific sale agreement under such section; and

"(II) has been determined by the Secretary to be inappropriate for continued inclusion in the program under such section 204(h) pursuant to paragraph (10) of such section.

"(3) Timing.—The Secretary shall establish procedures that provide for—

"(A) time deadlines for transfers under this subsection;

"(B) notification to units of general local government and community development corporations of qualified HUD properties in their jurisdictions;

"(C) such units and corporations to express interest in the transfer under this subsection of such properties;

"(D) a right of first refusal for transfer of qualified HUD properties to units of general local government and community development corporations, under which—

"(i) the Secretary shall establish a period during which the Secretary may not transfer such properties except to such units and corporations;

"(ii) the Secretary shall offer qualified HUD properties that are single family properties for purchase by units of general local government at a cost of $1 for each property, but only to the extent that the costs to the Federal Government of disposal at such price do not exceed the costs to the Federal Government of disposing of property subject to the procedures for single family property established by the Secretary pursuant to the authority under the last sentence of section 204(g) of the National Housing Act (12 U.S.C. 1710(g));

"(iii) the Secretary may accept an offer to purchase a property made by a community development corporation only if the offer provides for purchase on a cost recovery basis; and

"(iv) the Secretary shall accept an offer to purchase such a property that is made during such period by such a unit or corporation and that complies with the requirements of this paragraph; and

"(E) a written explanation, to any unit of general local government or community development corporation making an offer to purchase a qualified HUD property under this subsection that is not accepted, of the reason that such offer was not acceptable.

"(4) Other disposition.—With respect to any qualified HUD property, if the Secretary does not receive an acceptable offer to purchase the property pursuant to the procedure established under paragraph (3), the Secretary shall dispose of the property to the unit of general local government in which property is located or to community development corporations located in such unit of general local government on a negotiated, competitive bid, or other basis, on such terms as the Secretary deems appropriate.

"(5) Satisfaction of indebtedness.—Before transferring ownership of any qualified HUD property pursuant to this subsection, the Secretary shall satisfy any indebtedness incurred in connection with the property to be transferred, by canceling the indebtedness.

"(6) Determination of status of properties.—To ensure compliance with the requirements of this subsection, the Secretary shall take the following actions:

"(A) Upon enactment.—Upon the enactment of this subsection, the Secretary shall promptly assess each residential property owned by the Secretary to determine whether such property is a qualified HUD property.

"(B) Upon acquisition.—Upon acquiring any residential property, the Secretary shall promptly determine whether the property is a qualified HUD property.

"(C) Updates.—The Secretary shall periodically reassess the residential properties owned by the Secretary to determine whether any such properties have become qualified HUD properties.

"(7) Tenant leases.—This subsection shall not affect the terms or the enforceability of any contract or lease entered into with respect to any residential property before the date that such property becomes a qualified HUD property.

"(8) Use of property.—Property transferred under this subsection shall be used only for appropriate neighborhood revitalization efforts, including homeownership, rental units, commercial space, and parks, consistent with local zoning regulations, local building codes, and subdivision regulations and restrictions of record.

"(9) Inapplicability to properties made available for homeless.—Notwithstanding any other provision of this subsection, this subsection shall not apply to any properties that the Secretary determines are to be made available for use by the homeless pursuant to subpart E of part 291 of title 24, Code of Federal Regulations, during the period that the properties are so available.

"(10) Protection of existing contracts.—This subsection may not be construed to alter, affect, or annul any legally binding obligations entered into with respect to a qualified HUD property before the property becomes a qualified HUD property.

"(11) Definitions.—For purposes of this subsection, the following definitions shall apply:

"(A) Community development corporation.—The term 'community development corporation' means a nonprofit organization whose primary purpose is to promote community development by providing housing opportunities for low-income families.

"(B) Cost recovery basis.—The term 'cost recovery basis' means, with respect to any sale of a residential property by the Secretary, that the purchase price paid by the purchaser is equal to or greater than the sum of: (i) the appraised value of the property, as determined in accordance with such requirements as the Secretary shall establish; and (ii) the costs incurred by the Secretary in connection with such property during the period beginning on the date on which the Secretary acquires title to the property and ending on the date on which the sale is consummated.

"(C) Multifamily housing project.—The term 'multifamily housing project' has the *meaning given the term in section 203 of the Housing and Community Development Amendments of 1978.*

"(D) RESIDENTIAL PROPERTY.—The term 'residential property' means a property that is a multifamily housing project or a single family property.

"(E) SECRETARY.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(F) SEVERE PHYSICAL PROBLEMS.—The term 'severe physical problems' means, with respect to a dwelling unit, that the unit—

"(i) lacks hot or cold piped water, a flush toilet, or both a bathtub and a shower in the unit, for the exclusive use of that unit;

"(ii) on not less than three separate occasions during the preceding winter months, was uncomfortably cold for a period of more than 6 consecutive hours due to a malfunction of the heating system for the unit;

"(iii) has no functioning electrical service, exposed wiring, any room in which there is not a functioning electrical outlet, or has experienced three or more blown fuses or tripped circuit breakers during the preceding 90-day period;

"(iv) is accessible through a public hallway in which there are no working light fixtures, loose or missing steps or railings, and no elevator; or

"(v) has severe maintenance problems, including water leaks involving the roof, windows, doors, basement, or pipes or plumbing fixtures, holes or open cracks in walls or ceilings, severe paint peeling or broken plaster, and signs of rodent infestation.

"(G) SINGLE FAMILY PROPERTY.—The term 'single family property' means a 1- to 4-family residence.

"(H) SUBSTANDARD.—The term 'substandard' means, with respect to a multifamily housing project, that 25 percent or more of the dwelling units in the project have severe physical problems.

"(I) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' has the meaning given such term in section 102(a) of the Housing and Community Development Act of 1974.

"(J) UNOCCUPIED.—The term 'unoccupied' means, with respect to a residential property, that the unit of general local government having jurisdiction over the area in which the project is located has certified in writing that the property is not inhabited.

"(12) REGULATIONS.—

"(A) INTERIM.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall issue such interim regulations as are necessary to carry out this subsection.

"(B) FINAL.—Not later than 60 days after the date of the enactment of this subsection, the Secretary shall issue such final regulations as are necessary to carry out this subsection.".

SEC. 142. TRANSFER OF HUD ASSETS IN REVITALIZATION AREAS.

In carrying out the program under section 204(h) of the National Housing Act (12 U.S.C. 1710(h)), upon the request of the chief executive officer of a county or the government of appropriate jurisdiction and not later than 60 days after such request is made, the Secretary of Housing and Urban Development shall designate as a revitalization area all portions of such county that meet the criteria for such designation under paragraph (3) of such section.

SEC. 143. RISK-SHARING DEMONSTRATION.

Section 249 of the National Housing Act (12 U.S.C. 1715z–14) is amended—

(1) by striking the section heading and inserting the following:

"RISK-SHARING DEMONSTRATION";

(2) by striking "reinsurance" each place such term appears and insert "risk-sharing";

(3) in subsection (a)—

(A) in the first sentence, by inserting "and with insured community development financial institutions" after "private mortgage insurers";

(B) in the second sentence—

(i) by striking "two" and inserting "four"; and

(ii) by striking "March 15, 1988" and inserting "the expiration of the 5-year period beginning on the date of the enactment of the Community Renewal Tax Relief Act of 2000"; and

(C) in the third sentence—

(i) by striking "insured" and inserting "for which risk of nonpayment is shared"; and

(ii) by striking "10 percent" and inserting "20 percent";

(4) in subsection (b)—

(A) in the first sentence—

(i) by striking "to provide" and inserting ", in providing";

(ii) by striking "through" and inserting ", to enter into"; and

(iii) by inserting "and with insured community development financial institutions" before the period at the end;

(B) in the second sentence, by inserting "and insured community development financial institutions" after "private mortgage insurance companies";

(C) by striking paragraph (1) and inserting the following new paragraph:

"(1) assume a secondary percentage of loss on any mortgage insured pursuant to section 203(b), 234, or 245 covering a one- to four-family dwelling, which percentage of loss shall be set forth in the risk-sharing contract, with the first percentage of loss to be borne by the Secretary;"; and

(D) in paragraph (2)—

(i) by striking "carry out (under appropriate delegation) such" and inserting "perform or delegate underwriting,";

(ii) by striking "function as the Secretary pursuant to regulations," and inserting "functions as the Secretary"; and

(iii) by inserting before the period at the end the following: "and shall set forth in the risk-sharing contract";

(5) in subsection (c)—

(A) in the first sentence—

(i) by striking "of" the first place it appears and inserting "for";

(ii) by inserting "received by the Secretary with a private mortgage insurer or insured community development financial institution" after "sharing of premiums";

(iii) by striking "insurance reserves" and inserting "loss reserves";

(iv) by striking "such insurance" and inserting "such risk-sharing contract"; and

(v) by striking "right" and inserting "rights"; and

(B) in the second sentence—

(i) by inserting "or insured community development financial institution" after "private mortgage insurance company"; and

(ii) by striking "for insurance" and inserting "for risk-sharing";

(6) in subsection (d), by inserting "or insured community development financial institution" after "private mortgage insurance company"; and

(7) by adding at the end the following new subsection:

"(e) INSURED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—For purposes of this section, the term 'insured community development financial institution' means a community development financial institution, as such term is defined in section 103 of Reigle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702) that is an insured depository institution (as such term is defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or an insured credit union (as such term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).".

SEC. 144. PREVENTION AND TREATMENT OF SUBSTANCE ABUSE; SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following part:

"PART G—SERVICES PROVIDED THROUGH RELIGIOUS ORGANIZATIONS

"SEC. 581. APPLICABILITY TO DESIGNATED PROGRAMS.

"(a) DESIGNATED PROGRAMS.—Subject to subsection (b), this part applies to discretionary and formula grant programs administered by the Substance Abuse and Mental Health Services Administration that make awards of financial assistance to public or private entities for the purpose of carrying out activities to prevent or treat substance abuse (in this part referred to as a 'designated program'). Designated programs include the program under subpart II of part B of title XIX (relating to formula grants to the States).

"(b) LIMITATION.—This part does not apply to any award of financial assistance under a designated program for a purpose other than the purpose specified in subsection (a).

"(c) DEFINITIONS.—For purposes of this part (and subject to subsection (b)):

"(1) The term 'designated program' has the meaning given such term in subsection (a).

"(2) The term 'financial assistance' means a grant, cooperative agreement, or contract.

"(3) The term 'program beneficiary' means an individual who receives program services.

"(4) The term 'program participant' means a public or private entity that has received financial assistance under a designated program.

"(5) The term 'program services' means treatment for substance abuse, or preventive services regarding such abuse, provided pursuant to an award of financial assistance under a designated program.

"(6) The term 'religious organization' means a nonprofit religious organization.

"SEC. 582. RELIGIOUS ORGANIZATIONS AS PROGRAM PARTICIPANTS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a religious organization, on the same basis as any other nonprofit private provider—

"(1) may receive financial assistance under a designated program; and

"(2) may be a provider of services under a designated program.

"(b) RELIGIOUS ORGANIZATIONS.—The purpose of this section is to allow religious organizations to be program participants on the same basis as any other nonprofit private provider without impairing the religious character of such organizations, and without diminishing the religious freedom of program beneficiaries.

"(c) NONDISCRIMINATION AGAINST RELIGIOUS ORGANIZATIONS.—

"(1) ELIGIBILITY AS PROGRAM PARTICIPANTS.—Religious organizations are eligible to be program participants on the same basis as any other nonprofit private organization as long as the programs are implemented consistent with the Establishment Clause and Free Exercise Clause of the First Amendment to the United States Constitution. Nothing in this Act shall be construed to restrict the ability of the Federal Government, or a State or local government receiving funds under such programs, to apply to religious organizations the same eligibility conditions in designated programs as are applied to any other nonprofit private organization.

"(2) NONDISCRIMINATION.—Neither the Federal Government nor a State or local government receiving funds under designated programs shall discriminate against an organization that is or

applies to be a program participant on the basis that the organization has a religious character.

"(d) Religious Character and Freedom.—

"(1) Religious organizations.—Except as provided in this section, any religious organization that is a program participant shall retain its independence from Federal, State, and local government, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

"(2) Additional safeguards.—Neither the Federal Government nor a State shall require a religious organization to—

"(A) alter its form of internal governance; or

"(B) remove religious art, icons, scripture, or other symbols,

in order to be a program participant.

"(e) Employment Practices.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal or State law or regulation that relates to discrimination in employment. A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by its participation in, or receipt of funds from, a designated program.

"(f) Rights of Program Beneficiaries.—

"(1) In general.—If an individual who is a program beneficiary or a prospective program beneficiary objects to the religious character of a program participant, within a reasonable period of time after the date of such objection such program participant shall refer such individual to, and the appropriate Federal, State, or local government that administers a designated program or is a program participant shall provide to such individual (if otherwise eligible for such services), program services that—

"(A) are from an alternative provider that is accessible to, and has the capacity to provide such services to, such individual; and

"(B) have a value that is not less than the value of the services that the individual would have received from the program participant to which the individual had such objection.

Upon referring a program beneficiary to an alternative provider, the program participant shall notify the appropriate Federal, State, or local government agency that administers the program of such referral.

"(2) Notices.—Program participants, public agencies that refer individuals to designated programs, and the appropriate Federal, State, or local governments that administer designated programs or are program participants shall ensure that notice is provided to program beneficiaries or prospective program beneficiaries of their rights under this section.

"(3) Additional requirements.—A program participant making a referral pursuant to paragraph (1) shall—

"(A) prior to making such referral, consider any list that the State or local government makes available of entities in the geographic area that provide program services; and

"(B) ensure that the individual makes contact with the alternative provider to which the individual is referred.

"(4) Nondiscrimination.—A religious organization that is a program participant shall not in providing program services or engaging in outreach activities under designated programs discriminate against a program beneficiary or prospective program beneficiary on the basis of religion or religious belief.

"(g) Fiscal Accountability.—

"(1) In general.—Except as provided in paragraph (2), any religious organization that is a program participant shall be subject to the same regulations as other recipients of awards of Federal financial assistance to account, in accordance with generally accepted auditing principles, for the use of the funds provided under such awards.

"(2) Limited audit.—With respect to the award involved, a religious organization that is a program participant shall segregate Federal amounts provided under award into a separate account from non-Federal funds. Only the award funds shall be subject to audit by the government.

"(h) Compliance.—With respect to compliance with this section by an agency, a religious organization may obtain judicial review of agency action in accordance with chapter 7 of title 5, United States Code.

"SEC. 583. LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.

"No funds provided under a designated program shall be expended for sectarian worship, instruction, or proselytization.

"SEC. 584. EDUCATIONAL REQUIREMENTS FOR PERSONNEL IN DRUG TREATMENT PROGRAMS.

"(a) Findings.—The Congress finds that—

"(1) establishing unduly rigid or uniform educational qualification for counselors and other personnel in drug treatment programs may undermine the effectiveness of such programs; and

"(2) such educational requirements for counselors and other personnel may hinder or prevent the provision of needed drug treatment services.

"(b) Nondiscrimination.—In determining whether personnel of a program participant that has a record of successful drug treatment for the preceding three years have satisfied State or local requirements for education and training, a State or local government shall not discriminate against education and training provided to such personnel by a religious organization, so long as such education and training includes basic content substantially equivalent to the content provided by nonreligious organizations that the State or local government would credit for purposes of determining whether the relevant requirements have been satisfied.".

PART II—ADVISORY COUNCIL ON COMMUNITY RENEWAL

SEC. 151. SHORT TITLE.

This part may be cited as the "Advisory Council on Community Renewal Act".

SEC. 152. ESTABLISHMENT.

There is established an advisory council to be known as the "Advisory Council on Community Renewal" (in this part referred to as the "Advisory Council").

SEC. 153. DUTIES OF ADVISORY COUNCIL.

The Advisory Council shall advise the Secretary of Housing and Urban Development (in this part referred to as the "Secretary") on the designation of renewal communities pursuant to the amendment made by section 101 and on the exercise of any other authority granted to the Secretary pursuant to the amendments made by this title.

SEC. 154. MEMBERSHIP.

(a) Number and Appointment.—The Advisory Council shall be composed of 7 members appointed by the Secretary.

(b) Chairperson.—The Chairperson of the Advisory Council (in this part referred to as the "Chairperson") shall be designated by the Secretary at the time of the appointment.

(c) Terms.—Each member shall be appointed for the life of the Advisory Council.

(d) Basic Pay.—

(1) Chairperson.—The Chairperson shall be paid at a rate equal to the daily rate of basic pay for level III of the Executive Schedule for each day (including travel time) during which the Chairperson is engaged in the actual performance of duties vested in the Advisory Council.

(2) Other members.—Members other than the Chairperson shall each be paid at a rate equal to the daily rate of basic pay for level IV of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Advisory Council.

(e) Travel Expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(f) Quorum.—Four members of the Advisory Council shall constitute a quorum but a lesser number may hold hearings.

(g) Meetings.—The Advisory Council shall meet at the call of the Secretary or the Chairperson.

SEC. 155. POWERS OF ADVISORY COUNCIL.

(a) Hearings and Sessions.—The Advisory Council may, for the purpose of carrying out this part, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Advisory Council considers appropriate. The Advisory Council may administer oaths or affirmations to witnesses appearing before it.

(b) Powers of Members and Agents.—Any member or agent of the Advisory Council may, if authorized by the Advisory Council, take any action which the Advisory Council is authorized to take by this section.

(c) Obtaining Official Data.—The Advisory Council may secure directly from any department or agency of the United States information necessary to enable it to carry out this part. Upon request of the Chairperson of the Advisory Council, the head of that department or agency shall furnish that information to the Advisory Council.

SEC. 156. REPORTS.

(a) Annual Reports.—The Advisory Council shall submit to the Secretary an annual report for each fiscal year.

(b) Interim Reports.—The Advisory Council may submit to the Secretary such interim reports as the Advisory Council considers appropriate.

(c) Final Report.—The Advisory Council shall transmit a final report to the Secretary not later September 30, 2003. The final report shall contain a detailed statement of the findings and conclusions of the Advisory Council, together with any recommendations for legislative or administrative action that the Advisory Council considers appropriate.

SEC. 157. TERMINATION.

(a) In General.—The Advisory Council shall terminate 30 days after submitting its final report under section 156(c).

(b) Extension.—Notwithstanding subsection (a), the Secretary may postpone the termination of the Advisory Council for a period not to exceed 3 years after the Advisory Council submits its final report under section 156(c).

SEC. 158. APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Council.

SEC. 159. RESOURCES.

The Secretary shall provide to the Advisory Council appropriate resources so that the Advisory Council may carry out its duties and fuctions under this part.

SEC. 160. EFFECTIVE DATE.

This part shall be effective 30 days after the date of its enactment.

Subtitle F—Other Provisions

SEC. 161. ACCELERATION OF PHASE-IN OF INCREASE IN VOLUME CAP ON PRIVATE ACTIVITY BONDS.

(a) In General.—Paragraphs (1) and (2) of section 146(d) (relating to State ceiling) are amended to read as follows:

"(1) In general.—The State ceiling applicable to any State for any calendar year shall be the greater of—

"(A) an amount equal to $75 ($62.50 in the case of calendar year 2001) multiplied by the State population, or

"(B) $225,000,000 ($187,500,000 in the case of calendar year 2001).

"(2) COST-OF-LIVING ADJUSTMENT.—In the case of a calendar year after 2002, each of the dollar amounts contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2001' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $5 ($5,000 in the case of the dollar amount in paragraph (1)(B)), such increase shall be rounded to the nearest multiple thereof.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to calendar years after 2000.

SEC. 162. MODIFICATIONS TO EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) EXPENSING NOT LIMITED TO SITES IN TARGETED AREAS.—Subsection (c) of section 198 is amended to read as follows:

"(c) QUALIFIED CONTAMINATED SITE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified contaminated site' means any area—

"(A) which is held by the taxpayer for use in a trade or business or for the production of income, or which is property described in section 1221(a)(1) in the hands of the taxpayer, and

"(B) at or on which there has been a release (or threat of release) or disposal of any hazardous substance.

"(2) NATIONAL PRIORITIES LISTED SITES NOT INCLUDED.—Such term shall not include any site which is on, or proposed for, the national priorities list under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as in effect on the date of the enactment of this section).

"(3) TAXPAYER MUST RECEIVE STATEMENT FROM STATE ENVIRONMENTAL AGENCY.—An area shall be treated as a qualified contaminated site with respect to expenditures paid or incurred during any taxable year only if the taxpayer receives a statement from the appropriate agency of the State in which such area is located that such area meets the requirement of paragraph (1)(B).

"(4) APPROPRIATE STATE AGENCY.—For purposes of paragraph (3), the chief executive officer of each State may, in consultation with the Administrator of the Environmental Protection Agency, designate the appropriate State environmental agency within 60 days of the date of the enactment of this section. If the chief executive officer of a State has not designated an appropriate environmental agency within such 60-day period, the appropriate environmental agency for such State shall be designated by the Administrator of the Environmental Protection Agency.".

(b) EXTENSION OF TERMINATION DATE.—Subsection (h) of section 198 is amended by striking "2001" and inserting "2003".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act.

SEC. 163. EXTENSION OF DC HOMEBUYER TAX CREDIT.

Section 1400C(i) (relating to application of section) is amended by striking "2002" and inserting "2004".

SEC. 164. EXTENSION OF DC ZONE THROUGH 2003.

(a) IN GENERAL.—The following provisions are amended by striking "2002" each place it appears and inserting "2003":

(1) Section 1400(f).

(2) Section 1400A(b).

(b) ZERO CAPITAL GAINS RATE.—Section 1400B (relating to zero percent capital gains rate) is amended—

(1) by striking "2003" each place it appears and inserting "2004", and

(2) by striking "2007" each place it appears and inserting "2008".

SEC. 165. EXTENSION OF ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY.

(a) EXPANSION OF COMPUTER TECHNOLOGY DONATIONS TO PUBLIC LIBRARIES.—

(1) IN GENERAL.—Paragraph (6) of section 170(e) (relating to special rule for contributions of computer technology and equipment for elementary or secondary school purposes) is amended by striking "qualified elementary or secondary educational contribution" each place it occurs in the headings and text and inserting "qualified computer contribution".

(2) EXPANSION OF ELIGIBLE DONEES.—Clause (i) of section 170(e)(6)(B) (relating to qualified elementary or secondary educational contribution) is amended by striking "or" at the end of subclause (I), by adding "or" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) a public library (within the meaning of section 213(2)(A) of the Library Services and Technology Act (20 U.S.C. 9122(2)(A)), as in effect on the date of the enactment of the Community Renewal Tax Relief Act of 2000, established and maintained by an entity described in subsection (c)(1),".

(3) EXTENSION OF DONATION PERIOD.—Clause (ii) of section 170(e)(6)(B) is amended by striking "2 years" and inserting "3 years".

(b) CONFORMING AMENDMENTS.—

(1) Section 170(e)(6)(B)(iv) is amended by striking "in any grades of the K–12".

(2) The heading of paragraph (6) of section 170(e) is amended by striking "ELEMENTARY OR SECONDARY SCHOOL PURPOSES" and inserting "EDUCATIONAL PURPOSES".

(c) EXTENSION OF DEDUCTION.—Section 170(e)(6)(F) (relating to termination) is amended by striking "December 31, 2000" and inserting "December 31, 2003".

(d) STANDARDS AS TO FUNCTIONALITY AND SUITABILITY.—Subparagraph (B) of section 170(e)(6) is amended by striking "and" at the end of clause (vi), by striking the period at the end of clause (vii) and inserting ", and", and by adding at the end the following new clause:

"(viii) the property meets such standards, if any, as the Secretary may prescribe by regulation to assure that the property meets minimum functionality and suitability standards for educational purposes."

(e) DONATIONS OF COMPUTERS REACQUIRED BY MANUFACTURER.—Paragraph (6) of section 170(e) is further amended by redesignating subparagraphs (D), (E), and (F) as subparagraphs (E), (F), and (G), respectively, and by inserting after subparagraph (C) the following new subparagraph:

"(D) DONATIONS OF PROPERTY REACQUIRED BY MANUFACTURER.—In the case of property which is reacquired by the person who constructed the property—

"(i) subparagraph (B)(ii) shall be applied to a contribution of such property by such person by taking into account the date that the original construction of the property was substantially completed, and

"(ii) subparagraph (B)(iii) shall not apply to such contribution."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2000.

SEC. 166. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER FEDERAL UNEMPLOYMENT TAX ACT.

(a) IN GENERAL.—Section 3306(c)(7) (defining employment) is amended—

(1) by inserting "or in the employ of an Indian tribe," after "service performed in the employ of a State, or any political subdivision thereof,"; and

(2) by inserting "or Indian tribes" after "wholly owned by one or more States or political subdivisions".

(b) PAYMENTS IN LIEU OF CONTRIBUTIONS.—Section 3309 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended—

(1) in subsection (a)(2) by inserting ", including an Indian tribe," after "the State law shall provide that a governmental entity";

(2) in subsection (b)(3)(B) by inserting ", or of an Indian tribe" after "of a State or political subdivision thereof";

(3) in subsection (b)(3)(E) by inserting "or tribal" after "the State"; and

(4) in subsection (b)(5) by inserting "or of an Indian tribe" after "an agency of a State or political subdivision thereof".

(c) STATE LAW COVERAGE.—Section 3309 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended by adding at the end the following new subsection:

"(d) ELECTION BY INDIAN TRIBE.—The State law shall provide that an Indian tribe may make contributions for employment as if the employment is within the meaning of section 3306 or make payments in lieu of contributions under this section, and shall provide that an Indian tribe may make separate elections for itself and each subdivision, subsidiary, or business enterprise wholly owned by such Indian tribe. State law may require a tribe to post a payment bond or take other reasonable measures to assure the making of payments in lieu of contributions under this section. Notwithstanding the requirements of section 3306(a)(6), if, within 90 days of having received a notice of delinquency, a tribe fails to make contributions, payments in lieu of contributions, or payment of penalties or interest (at amounts or rates comparable to those applied to all other employers covered under the State law) assessed with respect to such failure, or if the tribe fails to post a required payment bond, then service for the tribe shall not be excepted from employment under section 3306(c)(7) until any such failure is corrected. This subsection shall apply to an Indian tribe within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

(d) DEFINITIONS.—Section 3306 (relating to definitions) is amended by adding at the end the following new subsection:

"(u) INDIAN TRIBE.—For purposes of this chapter, the term 'Indian tribe' has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), and includes any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.".

(e) EFFECTIVE DATE; TRANSITION RULE.—

(1) EFFECTIVE DATE.—The amendments made by this section shall apply to service performed on or after the date of the enactment of this Act.

(2) TRANSITION RULE.—For purposes of the Federal Unemployment Tax Act, service performed in the employ of an Indian tribe (as defined in section 3306(u) of the Internal Revenue Code of 1986 (as added by this section)) shall not be treated as employment (within the meaning of section 3306 of such Code) if—

(A) it is service which is performed before the date of the enactment of this Act and with respect to which the tax imposed under the Federal Unemployment Tax Act has not been paid, and

(B) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

TITLE II—2-YEAR EXTENSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS

SEC. 201. 2-YEAR EXTENSION OF AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) In General.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2000" each place it appears and inserting "2002".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 220(j) is amended—

(A) by striking "1998 or 1999" each place it appears and inserting "1998, 1999, or 2001",

(B) by striking "600,000 (750,000 in the case of 1999)" and inserting "750,000 (600,000 in the case of 1998)", and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) No limitation for 2000.—The numerical limitation shall not apply for 2000."

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 1999" and inserting "1999, and 2001".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 202. MEDICAL SAVINGS ACCOUNTS RENAMED AS ARCHER MSAS.

(a) In General.—The following provisions are amended by striking "medical savings account" each place it appears in the text and inserting "Archer MSA":

(1) Section 26(b)(2)(Q).

(2) Section 106(b).

(3) Section 138(b).

(4) Section 220.

(5) Section 848(e)(1)(B)(iv).

(6) Subsections (a)(2) and (d) of section 4973.

(7) Subsections (c)(4) and (e)(1)(D) of section 4975.

(8) Subsections (a) and (d)(2)(B) of section 4980E.

(9) Section 6051(a)(11).

(b) Other Amendments.—

(1) Paragraph (16) of section 62(a) is amended to read as follows:

"(16) Archer MSAs.—The deduction allowed by section 220."

(2) The following provisions are each amended by striking "medical savings accounts" each place it appears in the text and inserting "Archer MSAs":

(A) Paragraphs (4) and (7) of section 106(b).

(B) Subsections (c)(1)(D), (e)(2), (f)(3)(A), (i)(4)(B), and (j) of section 220.

(C) Section 4973(d).

(D) Subsections (b) and (d)(1) of section 4980E.

(E) Section 6693(a)(2)(B).

(3) Paragraph (1) of section 220(d) is amended by inserting "as a medical savings account" after "United States".

(4) The heading for section 220(d) is amended by striking "Medical Savings Account" and inserting "Archer MSA".

(5) The headings for sections 220(d)(1) and 3231(e)(10) are each amended by striking "Medical savings account" and inserting "Archer MSA".

(6) The headings for sections 106(b), 138(f), 220(i), and 4973(d) are each amended by striking "Medical Savings Accounts" and inserting "Archer MSAs".

(7) The headings for section 220(c)(1)(C) and 4975(c)(4) are each amended by striking "Medical savings accounts" and inserting "Archer MSAs".

(8) The section heading for section 220 is amended to read as follows:

"SEC. 220. ARCHER MSAS."

(9) The item relating to section 220 in the table of sections for part VII of subchapter B of chapter 1 is amended to read as follows:

"Sec. 220. Archer MSAs."

(10) The provisions amended by the preceding provisions of this section are further amended by striking "a Archer" each place it appears and inserting "an Archer".

(11) Section 220(e)(1) is further amended by striking "A Archer" and inserting "An Archer".

TITLE III—ADMINISTRATIVE AND TECHNICAL PROVISIONS

Subtitle A—Administrative Provisions

SEC. 301. EXEMPTION OF CERTAIN REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under any of the following provisions of law:

(1) Section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)).

(2) Section 16(c) of the Foreign Trade Zones Act (19 U.S.C. 81p(c)).

(3) The following provisions of the Tariff Act of 1930:

(A) Section 330(c)(1) (19 U.S.C. 1330(c)(1)).

(B) Section 607(c) (19 U.S.C. 1607(c)).

(4) Section 5 of the International Coffee Agreement Act of 1980 (19 U.S.C. 1356n).

(5) Section 351(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1981(a)(2)).

(6) Section 502 of the Automotive Products Trade Act of 1965 (19 U.S.C. 2032).

(7) Section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081).

(8) The following provisions of the Trade Act of 1974 (19 U.S.C. 2101 et seq.):

(A) Section 102(b)(4)(A)(ii)(I) (19 U.S.C. 2112(b)(4)(A)(ii)(I)).

(B) Section 102(e)(1) (19 U.S.C. 2112(e)(1)).

(C) Section 102(e)(2) (19 U.S.C. 2112(e)(2)).

(D) Section 104(d) (19 U.S.C. 2114(d)).

(E) Section 125(e) (19 U.S.C. 2135(e)).

(F) Section 135(e)(1) (19 U.S.C. 2155(e)(1)).

(G) Section 141(c) (19 U.S.C. 2171(c)).

(H) Section 162 (19 U.S.C. 2212).

(I) Section 163(b) (19 U.S.C. 2213(b)).

(J) Section 163(c) (19 U.S.C. 2213(c)).

(K) Section 203(b) (19 U.S.C. 2253(b)).

(L) Section 302(b)(2)(C) (19 U.S.C. 2412(b)(2)(C)).

(M) Section 303 (19 U.S.C. 2413).

(N) Section 309 (19 U.S.C. 2419).

(O) Section 407(a) (19 U.S.C. 2437(a)).

(P) Section 502(f) (19 U.S.C. 2462(f)).

(Q) Section 504 (19 U.S.C. 2464).

(9) The following provisions of the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.):

(A) Section 2(b) (19 U.S.C. 2503(b)).

(B) Section 3(c) (19 U.S.C. 2504(c)).

(C) Section 305(c) (19 U.S.C. 2515(c)).

(10) Section 303(g)(1) of the Convention on Cultural Property Implementation Act (19 U.S.C. 2602(g)(1)).

(11) The following provisions of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701 et seq.):

(A) Section 212(a)(1)(A) (19 U.S.C. 2702(a)(1)(A)).

(B) Section 212(a)(2) (19 U.S.C. 2702(a)(2)).

(12) The following provisions of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2901 et seq.):

(A) Section 1102 (19 U.S.C. 2902).

(B) Section 1103 (19 U.S.C. 2903).

(C) Section 1206(b) (19 U.S.C. 3006(b)).

(13) Section 123(a) of the Customs and Trade Act of 1990 (Public Law 101–382) (19 U.S.C. 2083).

(14) Section 243(b)(2) of the Caribbean Basin Economic Recovery Expansion Act of 1990 (Public Law 101–382).

(15) The following provisions of the Internal Revenue Code of 1986:

(A) Section 6103(p)(5).

(B) Section 7608.

(C) Section 7802(f)(3).

(D) Section 8022(3).

(E) Section 9602(a).

(16) The following provisions relating to the revenue laws of the United States:

(A) Section 1552(c) of the Tax Reform Act of 1986 (100 Stat. 2753).

(B) Section 231 of the Deficit Reduction Act of 1984 (26 U.S.C. 801 note).

(C) Section 208 of the Tax Treatment Extension Act of 1977 (26 U.S.C. 911 note).

(D) Section 7105 of the Technical and Miscellaneous Revenue Act of 1988 (45 U.S.C. 369).

(17) Section 4008 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1308).

(18) Section 426 of the Black Lung Benefits Act (30 U.S.C. 936(b)).

(19) Section 7502(g) of title 31, United States Code.

(20) The following provisions of the Social Security Act:

(A) Section 215(i)(2)(C)(i) (42 U.S.C. 415(i)(2)(C)(i)).

(B) Section 221(i)(2) (42 U.S.C. 421(i)(2)).

(C) Section 221(i)(3) (42 U.S.C. 421(i)(3)).

(D) Section 233(e)(1) (42 U.S.C. 433(e)(1)).

(E) Section 452(a)(10) (42 U.S.C. 652(a)(10)).

(F) Section 452(g)(3)(B) (42 U.S.C. 652(g)(3)(B)).

(G) Section 506(a)(1) (42 U.S.C. 706(a)).

(H) Section 908 (42 U.S.C. 1108).

(I) Section 1114(f) (42 U.S.C. 1314(f)).

(J) Section 1120 (42 U.S.C. 1320).

(K) Section 1161 (42 U.S.C. 1320c–10).

(L) Section 1875(b) (42 U.S.C. 1395ll(b)).

(M) Section 1881 (42 U.S.C. 1395rr).

(N) Section 1882 (42 U.S.C. 1395ss(f)(2)).

(21) Section 104(b) of the Social Security Independence and Program Improvements Act of 1994 (42 USC 904 note).

(22) Section 10 of the Railroad Retirement Act of 1937 (45 U.S.C. 231f).

(23) The following provisions of the Railroad Retirement Act of 1974:

(A) Section 22(a)(1) (45 U.S.C. 231u(a)(1)).

(B) Section 22(b)(1) (45 U.S.C. 231u(b)(1)).

(24) Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1).

(25) Section 47121(c) of title 49, United States Code.

(26) The following provisions of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100–203; 101 Stat. 1330–182):

(A) Section 4007(c)(4) (42 U.S.C. 1395ww note).

(B) Section 4079 (42 U.S.C. 1395mm note).

(C) Section 4205 (42 U.S.C. 1395i–3 note).

(D) Section 4215 (42 U.S.C. 1396r note).

(27) The following provisions of the Inspector General Act of 1978 (Public Law 95–452):

(A) Section 5(b).

(B) Section 5(d).

(28) The following provisions of the Public Health Service Act:

(A) In section 308(a) (42 U.S.C. 242m(a)), subparagraphs (A), (B), (C), and (D) of paragraph (1).

(B) Section 403 (42 U.S.C. 283).

(29) Section 404 of the Health Services and Centers Amendments of 1978 (42 U.S.C. 242p) (Public Law 95–626).

(30) The following provisions of the Older Americans Act of 1965:

(A) Section 206(d) (42 U.S.C. 3017(d)).

(B) Section 207 (42 U.S.C. 3018).

(31) Section 308 of the Age Discrimination Act of 1975 (42 U.S.C. 6106a(b)).

(32) Section 509(c)(3) of the Americans with Disabilities Act Of 1990 (42 U.S.C. 12209(c)(3)).

(33) Section 4207(f) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–1 note).

SEC. 302. EXTENSION OF DEADLINES FOR IRS COMPLIANCE WITH CERTAIN NOTICE REQUIREMENTS.

(a) Annual Installment Agreement Notice.—Section 3506 of the Internal Revenue

Service Restructuring and Reform Act of 1998 is amended by striking "July 1, 2000" and inserting "September 1, 2001".

(b) NOTICE REQUIREMENTS RELATING TO COMPUTATION OF PENALTY.—Subsection (c) of section 3306 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended—

(1) by striking "December 31, 2000" and inserting "June 30, 2001", and

(2) by adding at the end the following: "In the case of any notice of penalty issued after June 30, 2001, and before July 1, 2003, the requirements of section 6751(a) of the Internal Revenue Code of 1986 shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's assessment and payment history with respect to such penalty.".

(c) NOTICE REQUIREMENTS RELATING TO INTEREST IMPOSED.—Subsection (c) of section 3308 of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended—

(1) by striking "December 31, 2000" and inserting "June 30, 2001", and

(2) by adding at the end the following: "In the case of any notice issued after June 30, 2001, and before July 1, 2003, to which section 6631 of the Internal Revenue Code of 1986 applies, the requirements of section 6631 of such Code shall be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's payment history relating to interest amounts included in such notice.".

SEC. 303. EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6), and the last sentence, of section 7608(c) are each amended by striking "January 1, 2001" and inserting "January 1, 2006".

SEC. 304. CONFIDENTIALITY OF CERTAIN DOCUMENTS RELATING TO CLOSING AND SIMILAR AGREEMENTS AND TO AGREEMENTS WITH FOREIGN GOVERNMENTS.

(a) CLOSING AND SIMILAR AGREEMENTS TREATED AS RETURN INFORMATION.—Paragraph (2) of section 6103(b) (defining return information) is amended by striking "and" at the end of subparagraph (B), by inserting "and" at the end of subparagraph (C), and by inserting after subparagraph (C) the following new subparagraph:

"(D) any agreement under section 7121, and any similar agreement, and any background information related to such an agreement or request for such an agreement,".

(b) AGREEMENTS WITH FOREIGN GOVERNMENTS.—

(1) IN GENERAL.—Subchapter B of chapter 61 (relating to miscellaneous provisions) is amended by inserting after section 6104 the following new section:

"SEC. 6105. CONFIDENTIALITY OF INFORMATION ARISING UNDER TREATY OBLIGATIONS.

"(a) IN GENERAL.—Tax convention information shall not be disclosed.

"(b) EXCEPTIONS.—Subsection (a) shall not apply—

"(1) to the disclosure of tax convention information to persons or authorities (including courts and administrative bodies) which are entitled to such disclosure pursuant to a tax convention,

"(2) to any generally applicable procedural rules regarding applications for relief under a tax convention, or

"(3) in any case not described in paragraphs (1) or (2), to the disclosure of any tax convention information not relating to a particular taxpayer if the Secretary determines, after consultation with each other party to the tax convention, that such disclosure would not impair tax administration.

"(c) DEFINITIONS.—For purposes of this section—

"(1) TAX CONVENTION INFORMATION.—The term 'tax convention information' means any—

"(A) agreement entered into with the competent authority of one or more foreign governments pursuant to a tax convention,

"(B) application for relief under a tax convention,

"(C) any background information related to such agreement or application,

"(D) document implementing such agreement, and

"(E) any other information exchanged pursuant to a tax convention which is treated as confidential or secret under the tax convention.

"(2) TAX CONVENTION.—The term 'tax convention' means—

"(A) any income tax or gift and estate tax convention, or

"(B) any other convention or bilateral agreement (including multilateral conventions and agreements and any agreement with a possession of the United States) providing for the avoidance of double taxation, the prevention of fiscal evasion, nondiscrimination with respect to taxes, the exchange of tax relevant information with the United States, or mutual assistance in tax matters.

"(d) CROSS REFERENCES.—

"For penalties for the unauthorized disclosure of tax convention information which is return or return information, see sections 7213, 7213A, and 7431.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 61 is amended by inserting after the item relating to section 6104 the following new item:

"Sec. 6105. Confidentiality of information arising under treaty obligations.".

(c) EXCEPTION FROM PUBLIC INSPECTION AS WRITTEN DETERMINATION.—

(1) CLOSING AND SIMILAR AGREEMENTS.—Paragraph (1) of section 6110(b) is amended to read as follows:

"(1) WRITTEN DETERMINATION.—

"(A) IN GENERAL.—The term 'written determination' means a ruling, determination letter, technical advice memorandum, or Chief Counsel advice.

"(B) EXCEPTIONS.—Such term shall not include any matter referred to in subparagraph (C) or (D) of section 6103(b)(2).".

(2) AGREEMENTS WITH FOREIGN GOVERNMENTS.—Paragraph (1) of section 6110(l) is amended by inserting "or 6105" after "6104".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 305. INCREASE IN THRESHOLD FOR JOINT COMMITTEE REPORTS ON REFUNDS AND CREDITS.

(a) GENERAL RULE.—Subsections (a) and (b) of section 6405 are each amended by striking "$1,000,000" and inserting "$2,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, except that such amendment shall not apply with respect to any refund or credit with respect to a report that has been made before such date of the enactment under section 6405 of the Internal Revenue Code of 1986.

SEC. 306. TREATMENT OF MISSING CHILDREN WITH RESPECT TO CERTAIN TAX BENEFITS.

(a) IN GENERAL.—Subsection (c) of section 151 (relating to additional exemption for dependents) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF MISSING CHILDREN.—

"(A) IN GENERAL.—Solely for the purposes referred to in subparagraph (B), a child of the taxpayer—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer, and

"(ii) who was (without regard to this paragraph) the dependent of the taxpayer for the portion of the taxable year before the date of the kidnapping,

shall be treated as a dependent of the taxpayer for all taxable years ending during the period that the child is kidnapped.

"(B) PURPOSES.—Subparagraph (A) shall apply solely for purposes of determining—

"(i) the deduction under this section,

"(ii) the credit under section 24 (relating to child tax credit), and

"(iii) whether an individual is a surviving spouse or a head of a household (such terms are defined in section 2).

"(C) COMPARABLE TREATMENT FOR EARNED INCOME CREDIT.—For purposes of section 32, an individual—

"(i) who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such individual or the taxpayer, and

"(ii) who had, for the taxable year in which the kidnapping occurred, the same principal place of abode as the taxpayer for more than one-half of the portion of such year before the date of the kidnapping, shall be treated as meeting the requirement of section 32(c)(3)(A)(ii) with respect to a taxpayer for all taxable years ending during the period that the individual is kidnapped.

"(D) TERMINATION OF TREATMENT.—Subparagraphs (A) and (C) shall cease to apply as of the first taxable year of the taxpayer beginning after the calendar year in which there is a determination that the child is dead (or, if earlier, in which the child would have attained age 18)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 307. AMENDMENTS TO STATUTES REFERENCING YIELD ON 52-WEEK TREASURY BILLS.

(a) AMENDMENT TO THE ACT OF FEBRUARY 26, 1931.—Section 6 of the Act of February 26, 1931 (40 U.S.C. 258e–1) (relating to the interest rate on compensation owed for takings of property) is amended—

(1) in paragraph (1), by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before" and inserting "the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding"; and

(2) in paragraph (2), by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before" and inserting "the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding".

(b) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 3612(f)(2)(B) of title 18, United States Code (relating to the interest rate on unpaid criminal fines and penalties of more than $2,500) is amended by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled before" and inserting 'the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.".

(c) AMENDMENT TO THE INTERNAL REVENUE CODE.—Section 995(f)(4) (relating to the interest rate on tax-deferred liability of shareholders of domestic international sales corporations) is amended by striking "the average investment yield of United States Treasury bills with maturities of 52 weeks which were auctioned during the 1-year period" and inserting "the average of the 1-year constant maturity Treasury yields, as published by the Board of Governors of the Federal Reserve System, for the 1-year period".

(d) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) AMENDMENT TO SECTION 1961.—Section 1961(a) of title 28, United States Code (relating to the interest rate on money judgments in civil cases recovered in Federal district court) is amended by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to" and inserting "the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.".

(2) AMENDMENT TO SECTION 2516.—Section 2516(b) of title 28, United States Code (relating to the interest rate on a judgment against the United States affirmed by the Supreme Court after review on petition of the United States) is amended by striking "the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately before" and inserting "the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding".

SEC. 308. ADJUSTMENTS FOR CONSUMER PRICE INDEX ERROR.

(a) DETERMINATIONS BY OMB.—As soon as practicable after the date of the enactment of this Act, the Director of the Office of Management and Budget shall determine with respect to each applicable Federal benefit program whether the CPI computation error for 1999 has or will result in a shortfall in payments to beneficiaries under such program (as compared to payments that would have been made if the error had not occurred). As soon as practicable after the date of the enactment of this Act, but not later than 60 days after such date, the Director shall direct the head of the Federal agency which administers such program to make a payment or payments that, insofar as the Director finds practicable and feasible—

(1) are targeted to the amount of the shortfall experienced by individual beneficiaries, and

(2) compensate for the shortfall.

(b) COORDINATION WITH FEDERAL AGENCIES.—As soon as practicable after the date of the enactment of this Act, each Federal agency that administers an applicable Federal benefit program shall, in accordance with such guidelines as are issued by the Director pursuant to this section, make an initial determination of whether, and the extent to which, the CPI computation error for 1999 has or will result in a shortfall in payments to beneficiaries of an applicable Federal benefit program administered by such agency. Not later than 30 days after such date, the head of such agency shall submit a report to the Director and to each House of the Congress of such determination, together with a complete description of the nature of the shortfall.

(c) IMPLEMENTATION PURSUANT TO AGENCY REPORTS.—Upon receipt of the report submitted by a Federal agency pursuant to subsection (b), the Director shall review the initial determination of the agency, the agency's description of the nature of the shortfall, and the compensation payments proposed by the agency. Prior to directing payment of such payments pursuant to subsection (a), the Director shall make appropriate adjustments (if any) in the compensation payments proposed by the agency that the Director determines are necessary to comply with the requirements of subsection (a) and transmit to the agency a summary report of the review, indicating any adjustments made by the Director. The agency shall make the compensation payments as directed by the Director pursuant to subsection (a) in accordance with the Director's summary report.

(d) INCOME DISREGARD UNDER FEDERAL MEANS-TESTED BENEFIT PROGRAMS.—A payment made under this section to compensate for a shortfall in benefits shall, in accordance with guidelines issued by the Director pursuant to this section, be disregarded in determining income under title VIII of the Social Security Act or any applicable Federal benefit program that is means-tested.

(e) FUNDING.—Funds otherwise available under each applicable Federal benefit program for making benefit payments under such program are hereby made available for making compensation payments under this section in connection with such program.

(f) NO JUDICIAL REVIEW.—No action taken pursuant to this section shall be subject to judicial review.

(g) DIRECTOR'S REPORT.—Not later than April 1, 2001, the Director shall submit to each House of the Congress a report on the activities performed by the Director pursuant to this section.

(h) DEFINITIONS.—For purposes of this section:

(1) APPLICABLE FEDERAL BENEFIT PROGRAM.—The term "applicable Federal benefit program" means any program of the Government of the United States providing for regular or periodic payments or cash assistance paid directly to individual beneficiaries, as determined by the Director of the Office of Management and Budget.

(2) FEDERAL AGENCY.—The term "Federal agency" means a department, agency, or instrumentality of the Government of the United States.

(3) CPI COMPUTATION ERROR FOR 1999.—The term "CPI computation error for 1999" means the error in the computation of the Consumer Price Index announced by the Bureau of Labor Statistics on September 28, 2000.

(i) TAX PROVISIONS.—In the case of taxable years (and other periods) beginning after December 31, 2000, if any Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) reflects the CPI computation error for 1999—

(1) the correct amount of such Index shall (in such manner and to such extent as the Secretary of the Treasury determines to be appropriate) be taken into account for purposes of such Code, and

(2) tables prescribed under section 1(f) of such Code to reflect such correct amount shall apply in lieu of any tables that were prescribed based on the erroneous amount.

SEC. 309. PREVENTION OF DUPLICATION OF LOSS THROUGH ASSUMPTION OF LIABILITIES GIVING RISE TO A DEDUCTION.

(a) IN GENERAL.—Section 358 (relating to basis to distributees) is amended by adding at the end the following new subsection:

"(h) SPECIAL RULES FOR ASSUMPTION OF LIABILITIES TO WHICH SUBSECTION (d) DOES NOT APPLY.—

"(1) IN GENERAL.—If, after application of the other provisions of this section to an exchange or series of exchanges, the basis of property to which subsection (a)(1) applies exceeds the fair market value of such property, then such basis shall be reduced (but not below such fair market value) by the amount (determined as of the date of the exchange) of any liability—

"(A) which is assumed in exchange for such property, and

"(B) with respect to which subsection (d)(1) does not apply to the assumption.

"(2) EXCEPTIONS.—Except as provided by the Secretary, paragraph (1) shall not apply to any liability if—

"(A) the trade or business with which the liability is associated is transferred to the person assuming the liability as part of the exchange, or

"(B) substantially all of the assets with which the liability is associated are transferred to the person assuming the liability as part of the exchange.

"(3) LIABILITY.—For purposes of this subsection, the term 'liability' shall include any fixed or contingent obligation to make payment, without regard to whether the obligation is otherwise taken into account for purposes of this title."

(b) DETERMINATION OF AMOUNT OF LIABILITY ASSUMED.—Section 357(d)(1) is amended by inserting "section 358(h)," after "section 358(d),".

(c) APPLICATION OF COMPARABLE RULES TO PARTNERSHIPS AND S CORPORATIONS.—The Secretary of the Treasury or his delegate—

(1) shall prescribe rules which provide appropriate adjustments under subchapter K of chapter 1 of the Internal Revenue Code of 1986 to prevent the acceleration or duplication of losses through the assumption of (or transfer of assets subject to) liabilities described in section 358(h)(3) of such Code (as added by subsection (a)) in transactions involving partnerships, and

(2) may prescribe rules which provide appropriate adjustments under subchapter S of chapter 1 of such Code in transactions described in paragraph (1) involving S corporations rather than partnerships.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to assumptions of liability after October 18, 1999.

(2) RULES.—The rules prescribed under subsection (c) shall apply to assumptions of liability after October 18, 1999, or such later date as may be prescribed in such rules.

SEC. 310. DISCLOSURE OF CERTAIN INFORMATION TO CONGRESSIONAL BUDGET OFFICE.

(a) DISCLOSURE OF CERTAIN TAX INFORMATION.—

(1) IN GENERAL.—Subsection (j) of section 6103 (relating to statistical use) is amended by adding at the end the following new paragraph:

"(6) CONGRESSIONAL BUDGET OFFICE.—Upon written request by the Director of the Congressional Budget Office, the Secretary shall furnish to officers and employees of the Congressional Budget Office return information for the purpose of, but only to the extent necessary for, long-term models of the social security and medicare programs."

(2) RECORDKEEPING SAFEGUARDS.—Section 6103(p) is amended—

(A) in paragraph (4)—

(i) in the matter preceding subparagraph (A), by inserting "the Congressional Budget Office," after "General Accounting Office,",

(ii) in subparagraph (E), by striking "commission or the General Accounting Office" and inserting "commission, the General Accounting Office, or the Congressional Budget Office",

(iii) in subparagraph (F)(ii), by striking "or the General Accounting Office," and inserting "the General Accounting Office, or the Congressional Budget Office,", and

(iv) in the matter following subparagraph (F), by inserting "or the Congressional Budget Office" after "General Accounting Office" both places it appears,

(B) in paragraph (5), by striking "commissions and the General Accounting Office" and inserting "commissions, the General Accounting Office, and the Congressional Budget Office", and

(C) in paragraph (6)(A), by inserting "and the Congressional Budget Office" after "commissions".

(b) CONFIDENTIALITY OF RECORDS.—

(1) IN GENERAL.—Section 203 of the Congressional Budget Act of 1974 (2 U.S.C: 603) is amended by adding at the end the following:

"(e) LEVEL OF CONFIDENTIALITY.—With respect to information, data, estimates, and statistics obtained under sections 201(d) and 201(e), the Director shall maintain the same level of confidentiality as is required by law of the department, agency, establishment, or regulatory agency or commission from which it is obtained. Officers and employees of the Congressional Budget Office shall be subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the department, agency, establishment, or regulatory agency or commission from which it is obtained.".

(2) CONFORMING AMENDMENT.—Subsection (a) of section 203 of such Act is amended by striking "subsections (c) and (d)" and inserting "subsections (c), (d), and (e)".

Subtitle B—Technical Corrections

SEC. 311. AMENDMENTS RELATED TO TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999.

(a) AMENDMENTS RELATED TO SECTION 502 OF THE ACT.—

(1) Section 280C(c)(1) is amended by striking "or credit" after "deduction" each place it appears.

(2) Section 30A is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) DENIAL OF DOUBLE BENEFIT.—Any wages or other expenses taken into account in determining the credit under this section may not be taken into account in determining the credit under section 41."

(b) AMENDMENT RELATED TO SECTION 545 OF THE ACT.—Clause (ii) of section 857(b)(7)(B) is amended to read as follows:

"(ii) EXCEPTION FOR CERTAIN AMOUNTS.—Clause (i) shall not apply to amounts received directly or indirectly by a real estate investment trust—

"(I) for services furnished or rendered by a taxable REIT subsidiary that are described in paragraph (1)(B) of section 856(d), or

"(II) from a taxable REIT subsidiary that are described in paragraph (7)(C)(ii) of such section."

(c) CLARIFICATION RELATED TO SECTION 538 OF THE ACT.—The reference to section 332(b)(1) of the Internal Revenue Code of 1986 in Treasury Regulation section 1.1502–34 shall be deemed to include a reference to section 732(f) of such Code.

(d) EFFECTIVE DATE.—Subsection (c) and the amendments made by this section shall take effect as if included in the provisions of the Ticket to Work and Work Incentives Improvement Act of 1999 to which they relate.

SEC. 312. AMENDMENTS RELATED TO TAX AND TRADE RELIEF EXTENSION ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 1004(b) OF THE ACT.—Subsection (d) of section 6104 is amended by adding at the end the following new paragraph:

"(6) APPLICATION TO NONEXEMPT CHARITABLE TRUSTS AND NONEXEMPT PRIVATE FOUNDATIONS.—The organizations referred to in paragraphs (1) and (2) of section 6033(d) shall comply with the requirements of this subsection relating to annual returns filed under section 6033 in the same manner as the organizations referred to in paragraph (1).".

(b) AMENDMENT RELATED TO SECTION 4003 OF THE ACT.—Subsection (b) of section 4003 of the Tax and Trade Relief Extension Act of 1998 is amended by inserting "(7)(A)(i)(II)," after "(5)(A)(ii)(I),".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax and Trade Relief Extension Act of 1998 to which they relate.

SEC. 313. AMENDMENTS RELATED TO INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENTS RELATED TO INNOCENT SPOUSE RELIEF.—

(1) ELECTION MAY BE MADE ANY TIME AFTER DEFICIENCY ASSERTED.—Subparagraph (B) of section 6015(c)(3) is amended by striking "shall be made" and inserting "may be made at any time after a deficiency for such year is asserted but".

(2) CLARIFICATION REGARDING DISALLOWANCE OF REFUNDS AND CREDITS UNDER SECTION 6015(c).—

(A) IN GENERAL.—Section 6015 is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) CREDITS AND REFUNDS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), notwithstanding any other law or rule of law (other than section 6511, 6512(b), 7121, or 7122), credit or refund shall be allowed or made to the extent attributable to the application of this section.

"(2) RES JUDICATA.—In the case of any election under subsection (b) or (c), if a decision of a court in any prior proceeding for the same taxable year has become final, such decision shall be conclusive except with respect to the qualification of the individual for relief which was not an issue in such proceeding. The exception contained in the preceding sentence shall not apply if the court determines that the individual participated meaningfully in such prior proceeding.

"(3) CREDIT AND REFUND NOT ALLOWED UNDER SUBSECTION (c).—No credit or refund shall be allowed as a result of an election under subsection (c).".

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 6015(e) is amended to read as follows:

"(3) LIMITATION ON TAX COURT JURISDICTION.—If a suit for refund is begun by either individual filing the joint return pursuant to section 6532—

"(A) the Tax Court shall lose jurisdiction of the individual's action under this section to whatever extent jurisdiction is acquired by the district court or the United States Court of Federal Claims over the taxable years that are the subject of the suit for refund, and

"(B) the court acquiring jurisdiction shall have jurisdiction over the petition filed under this subsection.".

(3) CLARIFICATIONS REGARDING REVIEW BY TAX COURT.—

(A) Paragraph (1) of section 6015(e) is amended in the matter preceding subparagraph (A) by inserting after "individual" the following: "against whom a deficiency has been asserted and".

(B) Subparagraph (A) of section 6015(e)(1) is amended to read as follows:

"(A) IN GENERAL.—In addition to any other remedy provided by law, the individual may petition the Tax Court (and the Tax Court shall have jurisdiction) to determine the appropriate relief available to the individual under this section if such petition is filed—

"(i) at any time after the earlier of—

"(I) the date the Secretary mails, by certified or registered mail to the taxpayer's last known address, notice of the Secretary's final determination of relief available to the individual, or

"(II) the date which is 6 months after the date such election is filed with the Secretary, and

"(ii) not later than the close of the 90th day after the date described in clause (i)(I).".

(C) Subparagraph (B)(i) of section 6015(e)(1) is amended—

(i) by striking "until the expiration of the 90-day period described in subparagraph (A)" and inserting "until the close of the 90th day referred to in subparagraph (A)(ii)", and

(ii) by inserting "under subparagraph (A)" after "filed with the Tax Court".

(D)(i) Subsection (e) of section 6015 is amended by adding at the end the following new paragraph:

"(5) WAIVER.—An individual who elects the application of subsection (b) or (c) (and who agrees with the Secretary's determination of relief) may waive in writing at any time the restrictions in paragraph (1)(B) with respect to collection of the outstanding assessment (whether or not a notice of the Secretary's final determination of relief has been mailed).".

(ii) Paragraph (2) of section 6015(e) is amended to read as follows:

"(2) SUSPENSION OF RUNNING OF PERIOD OF LIMITATIONS.—The running of the period of limitations in section 6502 on the collection of the assessment to which the petition under paragraph (1)(A) relates shall be suspended—

"(A) for the period during which the Secretary is prohibited by paragraph (1)(B) from collecting by levy or a proceeding in court and for 60 days thereafter, and

"(B) if a waiver under paragraph (5) is made, from the date the claim for relief was filed until 60 days after the waiver is filed with the Secretary.".

(b) AMENDMENTS RELATED TO PROCEDURE AND ADMINISTRATION.—

(1) DISPUTES INVOLVING $50,000 OR LESS.—Section 7463 is amended by adding at the end the following new subsection:

"(f) ADDITIONAL CASES IN WHICH PROCEEDINGS MAY BE CONDUCTED UNDER THIS SECTION.—At the option of the taxpayer concurred in by the Tax Court or a division thereof before the hearing of the case, proceedings may be conducted under this section (in the same manner as a case described in subsection (a)) in the case of—

"(1) a petition to the Tax Court under section 6015(e) in which the amount of relief sought does not exceed $50,000, and

"(2) an appeal under section 6330(d)(1)(A) to the Tax Court of a determination in which the unpaid tax does not exceed $50,000.".

(2) AUTHORITY TO ENJOIN COLLECTION ACTIONS.—

(A) Section 6330(e)(1) is amended by adding at the end the following: "Notwithstanding the provisions of section 7421(a), the beginning of a levy or proceeding during the time the suspension under this paragraph is in force may be enjoined by a proceeding in the proper court, including the Tax Court. The Tax Court shall have no jurisdiction under this paragraph to enjoin any action or proceeding unless a timely appeal has been filed under subsection (d)(1) and then only in respect of the unpaid tax or proposed levy to which the determination being appealed relates.".

(B) Section 7421(a) is amended by inserting "6330(e)(1)," after "6246(b),".

(3) CLARIFICATION.—Paragraph (3) of section 6331(k) is amended by striking "(3), (4), and (5)" and inserting "(3) and (4)".

(c) AMENDMENT RELATED TO SECTION 1103 OF THE ACT.—Paragraph (6) of section 6103(k) is amended—

(1) by inserting "and an officer or employee of the Office of Treasury Inspector General for Tax Administration" after "internal revenue officer or employee", and

(2) by striking "INTERNAL REVENUE" in the heading and inserting "CERTAIN".

(d) Amendment Related to Section 3401 of the Act.—Section 6330(d)(1)(A) is amended by striking "to hear" and inserting "with respect to".

(e) Amendment Related to Section 3509 of the Act.—Subparagraph (A) of section 6110(g)(5) is amended by inserting ", any Chief Counsel advice," after "technical advice memorandum".

(f) Effective Dates.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act. The amendments made by subsections (c), (d), and (e) shall take effect as if included in the provisions of the Internal Revenue Service Restructuring and Reform Act of 1998 to which they relate.

SEC. 314. AMENDMENTS RELATED TO TAXPAYER RELIEF ACT OF 1997.

(a) Amendment Related to Section 101 of the Act.—Paragraph (4) of section 6211(b) is amended by striking "sections 32 and 34" and inserting "sections 24(d), 32, and 34".

(b) Amendment Related to Section 302 of the Act.—The last sentence of section 3405(e)(1)(B) is amended by inserting "(other than a Roth IRA)" after "individual retirement plan".

(c) Amendment to Section 311 of the Act.—Paragraph (3) of section 311(e) of the Taxpayer Relief Act of 1997 (relating to election to recognize gain on assets held on January 1, 2001) is amended by adding at the end the following new sentence: "Such an election shall not apply to any asset which is disposed of (in a transaction in which gain or loss is recognized in whole or in part) before the close of the 1-year period beginning on the date that the asset would have been treated as sold under such election."

(d) Amendment Related to Section 402 of the Act.—The flush sentence at the end of clause (ii) of section 56(a)(1)(A) is amended by inserting before "or to any other property" the following: "(and the straight line method shall be used for such 1250 property)".

(e) Amendments Related to Section 1072 of the Act.—

(1) Clause (ii) of section 415(c)(3)(D) and subparagraph (B) of section 403(b)(3) are each amended by striking "section 125 or" and inserting "section 125, 132(f)(4), or".

(2) Paragraph (2) of section 414(s) is amended by striking "section 125, 402(e)(3)" and inserting "section 125, 132(f)(4), 402(e)(3)".

(f) Amendment Related to Section 1454 of the Act.—Subsection (a) of section 7436 is amended by inserting before the period at the end of the first sentence "and the proper amount of employment tax under such determination".

(g) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief of 1997 to which they relate.

SEC. 315. AMENDMENTS RELATED TO BALANCED BUDGET ACT OF 1997.

(a) Amendments Related to Section 9302 of the Act.—

(1) Paragraph (1) of section 9302(j) of the Balanced Budget Act of 1997 is amended by striking "tobacco products and cigarette papers and tubes" and inserting "cigarettes".

(2)(A) Subsection (h) of section 5702 is amended to read as follows:

"(h) Manufacturer of Cigarette Papers and Tubes.—'Manufacturer of cigarette papers and tubes' means any person who manufactures cigarette paper, or makes up cigarette paper into tubes, except for his own personal use or consumption."

(B) Section 5702, as amended by subparagraph (A), is amended by striking subsection (f) and by redesignating subsections (g) through (p) as subsections (f) through (o), respectively.

(3) Subsection (c) of section 5761 is amended by adding at the end the following: "This subsection and section 5754 shall not apply to any person who relands or receives tobacco products in the quantity allowed entry free of tax and duty under chapter 98 of the Harmonized Tariff Schedule of the United States, and such person may voluntarily relinquish to the Secretary at the time of entry any excess of such quantity without incurring the penalty under this subsection. No quantity of tobacco products other than the quantity referred to in the preceding sentence may be relanded or received as a personal use quantity.".

(b) Effective Date.—The amendments made by this section shall take effect as if included in section 9302 of the Balanced Budget Act of 1997.

SEC. 316. AMENDMENTS RELATED TO SMALL BUSINESS JOB PROTECTION ACT OF 1996.

(a) Amendment Related to Section 1201 of the Act.—Subparagraph (B) of section 51(d)(2) is amended—

(1) by striking "plan approved" and inserting "program funded", and

(2) by striking "(relating to assistance for needy families with minor children)".

(b) Amendment Related to Section 1302 of the Act.—Clause (i) of section 1361(e)(1)(A) is amended by striking "or" before "(III)" and by adding at the end the following: "or (IV) an organization described in section 170(c)(1) which holds a contingent interest in such trust and is not a potential current beneficiary,".

(c) Amendment Related to Section 1401 of the Act.—Clause (ii) of section 401(k)(10)(B) is amended by adding at the end the following new sentence: "Such term includes a distribution of an annuity contract from—

"(I) a trust which forms a part of a plan described in section 401(a) and which is exempt from tax under section 501(a), or

"(II) an annuity plan described in section 403(a).".

(d) Amendment Related to Section 1427 of the Act.—Clause (ii) of section 219(c)(1)(B) is amended by striking "and" at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

"(II) the amount of any designated nondeductible contribution (as defined in section 408(o)) on behalf of such spouse for such taxable year, and".

(e) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Small Business Job Protection Act of 1996 to which they relate.

SEC. 317. AMENDMENT RELATED TO REVENUE RECONCILIATION ACT OF 1990.

(a) Amendment Related to Section 11511 of the Act.—Subparagraph (C) of section 43(c)(1) is amended—

(1) by inserting "(as defined in section 193(b))" after "expenses", and

(2) by striking "under section 193".

(b) Effective Date.—The amendment made by this section shall take effect as if included in section 11511 of the Revenue Reconciliation Act of 1990.

SEC. 318. OTHER TECHNICAL CORRECTIONS.

(a) Modified Endowment Contracts.—

(1) Paragraph (2) of section 7702A(a) is amended by inserting "or this paragraph" before the period.

(2) Clause (ii) of section 7702A(c)(3)(A) is amended by striking "under the contract" and inserting "under the old contract".

(3) The amendments made by this subsection shall take effect as if included in the amendments made by section 5012 of the Technical and Miscellaneous Revenue Act of 1988.

(b) Affiliated Corporations in Context of Worthless Securities.—

(1) Subparagraph (A) of section 165(g)(3) is amended to read as follows:

"(A) the taxpayer owns directly stock in such corporation meeting the requirements of section 1504(a)(2), and".

(2) Paragraph (3) of section 165(g) is amended by striking the last sentence.

(3) The amendments made by this subsection shall apply to taxable years beginning after December 31, 1984.

(c) Certain Annuities Issued by Tax-Exempt Organizations Not Treated as Debt Instruments under Original Issue Discount Rules.—

(1) Clause (ii) of section 1275(a)(1)(B) is amended by striking "subchapter L" and inserting "subchapter L (or by an entity described in section 501(c) and exempt from tax under section 501(a) which would be subject to tax under subchapter L were it not so exempt)".

(2) The amendment made by this subsection shall take effect as if included in the amendments made by section 41 of the Tax Reform Act of 1984.

(d) Tentative Carryback Adjustments of Losses From Section 1256 Contracts.—

(1) Subsection (a) of section 6411 is amended by striking "section 1212(a)(1)" and inserting "subsection (a)(1) or (c) of section 1212".

(2) The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 504 of the Economic Recovery Tax Act of 1981.

(e) Correction of Calculation of Amounts to be Deposited in Highway Trust Fund.—

(1) Subsection (b) of section 9503 is amended by striking paragraph (5) and redesignating paragraph (6) as paragraph (5).

(2) The amendment made by paragraph (1) shall apply with respect to taxes received in the Treasury after the date of the enactment of this Act.

(f) Expenditures From Vaccine Injury Compensation Trust Fund.—Section 9510(c)(1)(A) is amended by striking "December 31, 1999" and inserting "October 18, 2000".

SEC. 319. CLERICAL CHANGES.

(1) Clause (i) of section 45(d)(7)(A) is amended by striking "paragraph (3)(A)" and inserting "subsection (c)(3)(A)".

(2) Subsection (f) of section 67 is amended by striking "the last sentence" and inserting "the second sentence".

(3) The heading for paragraph (5) of section 408(d) is amended to read as follows:

"(5) DISTRIBUTIONS OF EXCESS CONTRIBUTIONS AFTER DUE DATE FOR TAXABLE YEAR AND CERTAIN EXCESS ROLLOVER CONTRIBUTIONS.—".

(4) Paragraph (3) of section 475(g) is amended by striking "267(b) of" and inserting "267(b) or".

(5) The heading for subparagraph (B) of section 529(e)(3) is amended by striking "UNDER GUARANTEED PLANS".

(6) Clause (iii) of section 530(d)(4)(B) is amended by striking "; or" at the end and inserting ", or".

(7) Paragraphs (1)(C) and (2)(C) of section 664(d) are each amended by striking the period after "subsection (g))".

(8)(A) Subsection (e) of section 678 is amended by striking "an electing small business corporation" and inserting "an S corporation".

(B) Clause (v) of section 6103(e)(1)(D) is amended to read as follows:

"(v) if the corporation was an S corporation, any person who was a shareholder during any part of the period covered by such return during which an election under section 1362(a) was in effect, or".

(9) Paragraph (7) of section 856(c) is amended by striking "paragraph (4)(B)(ii)(III)" and inserting "paragraph (4)(B)(iii)(III)"

(10) Subparagraph (A) of section 856(l)(4) is amended by striking "paragraph (9)(D)(ii)" and inserting "subsection (d)(9)(D)(ii)".

(11) Subparagraph (B) of section 871(f)(2) is amended by striking "19 U.S.C." and inserting "(19 U.S.C.".

(12) Subparagraph (B) of section 995(b)(3) is amended by striking "the Military Security Act of 1954 (22 U.S.C. 1934)" and inserting "section 38 of the International Security Assistance and Arms Export Control Act of 1976 (22 U.S.C. 2778)".

(13) Section 1391(g)(3)(C) is amended by striking "paragraph (1)(B)" and inserting "paragraph (1)".

(14)(A) Paragraph (2) of section 2035(c) is amended by striking "paragraph (1)" and inserting "subsection (a)".

(B) Subsection (d) of section 2035 is amended by inserting "and paragraph (1) of subsection (c)" after "Subsection (a)".

(15) Paragraph (5) of section 3121(a) is amended by striking the semicolon at the end of subparagraph (G) and inserting a comma.

(16) Subparagraph (B) of section 4946(c)(3) is amended by striking "the lowest rate of compensation prescribed for GS–16 of the General Schedule under section 5332" and inserting "the lowest rate of basic pay for the Senior Executive Service under section 5382".

(17) Subsection (p) of section 6103 is amended—

(A) in paragraph (4), in the matter preceding subparagraph (A)—

(i) by striking the second comma after "(13)", and

(ii) by striking "(7)" and all that follows through "shall, as a condition" and inserting "(7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16) shall, as a condition", and

(B) in paragraph (4)(F)(ii), by striking the second comma after "(14)".

(18) Paragraph (5) of section 6166(k) is amended by striking "2035(d)(4)" and inserting "2035(c)(2)".

(19) Subsection (a) of section 6512 is amended by striking "; and" at the end of paragraphs (1), (2), and (5) and inserting ", and".

(20) Paragraph (1) of section 6611(g) is amended by striking the comma after "(b)(3)".

(21) Subparagraphs (A) and (B) of section 6655(e)(5) are amended by striking "subsections (d)(5) and (l)(3)(B)" and inserting "subsection (d)(5)".

(22) The subchapter heading for subchapter D of chapter 67 is amended by capitalizing the first letter of the second word.

(23)(A) Section 6724(d)(1)(B) is amended by striking clauses (xiv) through (xvii) and inserting the following:

"(xiv) subparagraph (A) or (C) of subsection (c)(4) of section 4093 (relating to information reporting with respect to tax on diesel and aviation fuels),

"(xv) section 4101(d) (relating to information reporting with respect to fuels taxes),

"(xvi) subparagraph (C) of section 338(h)(10) (relating to information required to be furnished to the Secretary in case of elective recognition of gain or loss), or

"(xvii) section 264(f)(5)(A)(iv) (relating to reporting with respect to certain life insurance and annuity contracts), and".

(B) Section 6010(o)(4)(C) of the Internal Revenue Service Restructuring and Reform Act of 1998 is amended by striking "inserting 'or', and by adding at the end" and inserting "inserting ', or', and by adding after subparagraph (Z)".

(24) Subsection (a) of section 7421 is amended by striking "6672(b)" and inserting "6672(c)".

(25) Paragraph (3) of section 7430(c) is amended—

(A) in the paragraph heading, by striking "ATTORNEYS" and inserting "ATTORNEYS' ", and

(B) in subparagraph (B), by striking "attorneys fees" each place it appears and inserting "attorneys' fees".

(26) Paragraph (2) of section 7603(b) is amended by striking the semicolon at the end of subparagraphs (A), (B), (C), (D), (E), (F), and (G) and inserting a comma.

(27) Clause (ii) of section 7802(b)(2)(B) is amended by striking "; and" at the end and inserting ", and".

(28) Paragraph (3) of section 7811(a) is amended by striking "taxpayer assistance order" and inserting "Taxpayer Assistance Order".

(29) Paragraph (1) of section 7811(d) is amended by striking "Ombudsman's" and inserting "National Taxpayer Advocate's".

(30) Paragraph (3) of section 7872(f) is amended by striking "foregoing" and inserting "forgoing".

TITLE IV—TAX TREATMENT OF SECURITIES FUTURES CONTRACTS

SEC. 401. TAX TREATMENT OF SECURITIES FUTURES CONTRACTS.

(a) IN GENERAL.—Subpart IV of subchapter P of chapter 1 (relating to special rules for determining gains and losses) is amended by inserting after section 1234A the following new section:

"SEC. 1234B. GAINS OR LOSSES FROM SECURITIES FUTURES CONTRACTS.

"(a) TREATMENT OF GAIN OR LOSS.—

"(1) IN GENERAL.—Gain or loss attributable to the sale or exchange of a securities futures contract shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by the taxpayer).

"(2) NONAPPLICATION OF SUBSECTION.—This subsection shall not apply to—

"(A) a contract which constitutes property described in paragraph (1) or (7) of section 1221(a), and

"(B) any income derived in connection with a contract which, without regard to this subsection, is treated as other than gain from the sale or exchange of a capital asset.

"(b) SHORT-TERM GAINS AND LOSSES.—Except as provided in the regulations under section 1092(b) or this section, if gain or loss on the sale or exchange of a securities futures contract to sell property is considered as gain or loss from the sale or exchange of a capital asset, such gain or loss shall be treated as short-term capital gain or loss.

"(c) SECURITIES FUTURES CONTRACT.—For purposes of this section, the term 'securities futures contract' means any security future (as defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this section).

"(d) CONTRACTS NOT TREATED AS COMMODITY FUTURES CONTRACTS.—For purposes of this title, a securities futures contract shall not be treated as a commodity futures contract.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to provide for the proper treatment of securities futures contracts under this title."

(b) TERMINATIONS, ETC.—Section 1234A is amended—

(1) by inserting "(other than a securities futures contract, as defined in section 1234B)" after "right or obligation" in paragraph (1),

(2) by striking "or" at the end of paragraph (1),

(3) by adding "or" at the end of paragraph (2), and

(4) by inserting after paragraph (2) the following new paragraph:

"(3) a securities futures contract (as so defined) which is a capital asset in the hands of the taxpayer,".

(c) NONRECOGNITION UNDER SECTION 1032.—The second sentence of section 1032(a) is amended by inserting ", or with respect to a securities futures contract (as defined in section 1234B)," after "an option".

(d) TREATMENT UNDER WASH SALES RULES.—Section 1091 is amended by adding at the end the following new subsection:

"(f) CASH SETTLEMENT.—This section shall not fail to apply to a contract or option to acquire or sell stock or securities solely by reason of the fact that the contract or option settles in (or could be settled in) cash or property other than such stock or securities."

(e) TREATMENT UNDER STRADDLE RULES.—Clause (i) of section 1092(d)(3)(B) is amended by striking "or" at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

"(II) a securities futures contract (as defined in section 1234B) with respect to such stock or substantially identical stock or securities, or".

(f) TREATMENT UNDER SHORT SALES RULES.—Paragraph (2) of section 1233(e) is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; and", and by adding at the end the following:

"(D) a securities futures contract (as defined in section 1234B) to acquire substantially identical property shall be treated as substantially identical property."

(g) TREATMENT UNDER SECTION 1256.—

(1)(A) Subsection (b) of section 1256 is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following:

"(5) any dealer securities futures contract.

The term 'section 1256 contract' shall not include any securities futures contract or option on such a contract unless such contract or option is a dealer securities futures contract."

(B) Subsection (g) of section 1256 is amended by adding at the end the following new paragraph:

"(9) DEALER SECURITIES FUTURES CONTRACT.—

"(A) IN GENERAL.—The term 'dealer securities futures contract' means, with respect to any dealer, any securities futures contract, and any option on such a contract, which—

"(i) is entered into by such dealer (or, in the case of an option, is purchased or granted by such dealer) in the normal course of his activity of dealing in such contracts or options, as the case may be, and

"(ii) is traded on a qualified board or exchange.

"(B) DEALER.—For purposes of subparagraph (A), a person shall be treated as a dealer in securities futures contracts or options on such contracts if the Secretary determines that such person performs, with respect to such contracts or options, as the case may be, functions similar to the functions performed by persons described in paragraph (8)(A). Such determination shall be made to the extent appropriate to carry out the purposes of this section.

"(C) SECURITIES FUTURES CONTRACT.—The term 'securities futures contract' has the meaning given to such term by section 1234B."

(2) Paragraph (4) of section 1256(f) is amended—

(A) by inserting ", or dealer securities futures contracts," after "dealer equity options" in the text, and

(B) by inserting "AND DEALER SECURITIES FUTURES CONTRACTS" after "DEALER EQUITY OPTIONS" in the heading.

(3) Paragraph (6) of section 1256(g) is amended to read as follows:

"(6) EQUITY OPTION.—The term 'equity option' means any option—

"(A) to buy or sell stock, or

"(B) the value of which is determined directly or indirectly by reference to any stock or any narrow-based security index (as defined in section 3(a)(55) of the Securities Exchange Act of 1934, as in effect on the date of the enactment of this paragraph).

The term 'equity option' includes such an option on a group of stocks only if such group meets the requirements for a narrow-based security index (as so defined)."

(4) The Secretary of the Treasury or his delegate shall make the determinations under section 1256(g)(9)(B) of the Internal Revenue Code of 1986, as added by this Act, not later than July 1, 2001.

(h) CONFORMING AMENDMENTS.—

(1) Section 1223 is amended by redesignating paragraph (16) as paragraph (17) and by inserting after paragraph (15) the following new paragraph:

"(16) If the security to which a securities futures contract (as defined in section 1234B) relates (other than a contract to which section 1256 applies) is acquired in satisfaction of such contract, in determining the period for which the taxpayer has held such security, there shall be included the period for which the taxpayer held such contract if such contract was a capital asset in the hands of the taxpayer.".

(2) The table of sections for subpart IV of subchapter P of chapter 1 is amended by inserting after the item relating to section 1234A the following new item:

"Sec. 1234B. Securities futures contracts."

(i) DESIGNATION OF CONTRACT MARKETS.—Section 7701 is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) DESIGNATION OF CONTRACT MARKETS.—Any designation by the Commodity Futures Trading Commission of a contract market which could not have been made under the law in effect on the day before the date of the enactment of the Commodity Futures Modernization Act of 2000 shall apply for purposes of this title except to the extent provided in regulations prescribed by the Secretary."

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

COMMUNITY RENEWAL TAX RELIEF ACT OF 2000

Following is explanatory language on H.R. 5662, as introduced on December 14, 2000.

The conferees on H.R. 4577 agree with the matter included in H.R. 5659 and enacted in this conference report by reference and the following description of it.

TITLE I. COMMUNITY RENEWAL PROVISIONS

A. RENEWAL COMMUNITY PROVISIONS (SECS. 101–102 OF THE BILL AND SECS. 51, 469, AND NEW SECS. 1400E-J OF THE CODE)

PRESENT LAW

In recent years, provisions have been added to the Internal Revenue Code that target specific geographic areas for special Federal income tax treatment. For example, empowerment zones and enterprise communities generally provide tax incentives for businesses that locate within certain geographic areas designated by the Secretaries of Housing and Urban Development ("HUD") and Agriculture.

HOUSE BILL

No provision. However, H.R. 5542[1] authorizes the designation of 40 "renewal communities" within which special tax incentives would be available. The following is a description of the designation process and the tax incentives that would be available within the renewal communities.

Designation process

Designation of 40 renewal communities.—The Secretary of HUD,[2] is authorized to designate up to 40 "renewal communities" from areas nominated by States and local governments. At least 12 of the designated communities must be in rural areas. Of the 12 rural renewal communities, one shall be an area within Mississippi, designated by the State of Mississippi, that includes at least one census tract within Madison County, Mississippi.

The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal communities are to be made during the period beginning on the first day of the first month after the regulations are published and ending on December 31, 2001. The designation of an area as a renewal community generally will be effective on January 1, 2002, and will terminate after December 31, 2009.[3]

Elibility criteria.—To be designated as a renewal community, a nominated area must meet the following criteria: (1) each census tract must have a poverty rate of at least 20 percent,[4] (2) in the case of an urban area, at least 70 percent of the households have incomes below 80 percent of the median income of households within the local government jurisdiction; (3) the unemployment rate is at least 1.5 times the national unemployment rate; and (4) the area is one of pervasive poverty, unemployment, and general distress. Those areas with the highest average ranking of eligibility factors (1), (2), and (3) above would be designated as renewal communities. One nominated area within the District of Columbia becomes a renewal community (without regard to its ranking of eligibility factors) provided that it satisfies the area and eligibility requirements and the required State and local commitments described below.[5] The Secretary of HUD shall take into account in selecting areas for designation the extent to which such areas have a high incidence of crime, as well as whether the area has census tracts identified in the May 12, 1998, report of the General Accounting Office regarding the identification of economically distressed areas. In lieu of the poverty, income, and unemployment criteria, outmigration may be taken into account in the designation of one rural renewal community.

There are no geographic size limitations placed on renewal communities. Instead, the boundary of a renewal community must be continuous. In addition, the renewal community must have a minimum population of 4,000 if the community is located within a metropolitan statistical area (at least 1,000 in all other cases), and a maximum population of not more than 200,000. The population limitations do not apply to any renewal community that is entirely within an Indian reservation.

Required State and local commitments.—In order for an area to be designated as a renewal community, State and local governments are required to submit a written course of action in which the State and local governments promise to take at least four of the following governmental actions within the nominated area: (1) a reduction of tax rates or fees; (2) an increase in the level of efficiency of local services; (3) crime reduction strategies; (4) actions to remove or streamline governmental requirements; (5) involvement by private entities and community groups, such as to provide jobs and job training and financial assistance; and (6) the gift (or sale at below fair market value) of surplus realty by the State or local government to community organizations or private companies.

In addition, the nominating State and local governments must promise to promote economic growth in the nominated area by repealing or not enforcing four of the following: (1) licensing requirements for occupations that do not ordinarily require a professional degree; (2) zoning restrictions on home-based businesses that do not create a public nuisance; (3) permit requirements for street vendors who do not create a public nuisance; (4) zoning or other restrictions that impede the formation of schools or child care centers; and (5) franchises or other restrictions on competition for businesses providing public services, including but not limited to taxicabs, jitneys, cable television, or trash hauling, unless such regulations are necessary for and well-tailored to the protection of health and safety.

Empowerment zones and enterprise communities seeking designation as renewal communities.—With respect to the first 20 designations of nominated areas as renewal communities, preference will be given to nominated areas that are enterprise communities and empowerment zones under present law that otherwise meet the requirements for designation as a renewal community. An empowerment zone or enterprise community can apply for designation as a renewal community. If a renewal community designation is granted, then an area's designation as an empowerment zone enterprise community ceases as of the date the area's designation as a renewal community takes effect.

Tax incentives for renewal communities

The following tax incentives generally are available during the period beginning January 1, 2002, and ending December 31, 2009.[6]

Zero-percent capital gain rate.—A zero-percent capital gains rate applies with respect to gain from the sale of a qualified community asset acquired after December 31, 2001, and before January 1, 2010, and held for more than five years. A "qualified community asset" includes: (1) qualified community stock (meaning original-issue stock purchased for cash in a renewal community business); (2) a qualified community partnership interest (meaning a partnership interest acquired for cash in a renewal community business); (3) qualified community business property (meaning tangible property originally used in a renewal community business by the taxpayer) that is purchased or substantially improved after December 31, 2001.

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[1] H.R. 5542 was incorporated by reference into the conference agreement that accompanied H.R. 2614 (H. Rpt. 106-1004), which was passed by the House of Representatives on October 26, 2000.

[2] In making the designations, the Secretary of HUD must consult with the Secretaries of Agriculture, Commerce, Labor, Treasury, the Director of the Office of Management and Budget; and the Administrator of the Small Business Administration (and the Secretary of the Interior in the case of an area within an Indian reservation).

[3] The designation would terminate earlier than December 31, 2009, if (1) an earlier termination date is designated by the State or local government in their designation, or (2) the Secretary of HUD revokes the designation as of an earlier date.

[4] Determined using 1990 census data.

[5] The designation of a nominated area within the District of Columbia as a renewal community becomes effective on January 1, 2003 (upon the expiration of the designation of the District of Columbia Enterprise Zone).

[6] If a renewal community designation is terminated prior to December 31, 2009, the tax incentives would cease to be available as of the termination date.

A "renewal community business" is similar to the present-law definition of an enterprise zone business.[7] Property will continue to be a qualified community asset if sold (or otherwise transferred) to a subsequent purchaser, provided that the property continues to represent an interest in (or tangible property used in) a renewal community business. The termination of an area's status as a renewal community will not affect whether property is a qualified community asset, but any gain attributable to the period before January 1, 2002, or after December 31, 2014, will not be eligible for the zero-percent rate.

Renewal community employment credit.—A 15-percent wage credit is available to employers for the first $10,000 of qualified wages paid to each employee who (1) is a resident of the renewal community, and (2) performs substantially all employment services within the renewal community in a trade or business for the employer.

The wage credit rate applies to qualifying wages paid after December 31, 2001, and before January 1, 2010. Wages that qualify for the credit are wages that are considered "qualified zone wages" for purposes of the empowerment zone wage credit (including coordination with the Work Opportunity Tax Credit). In general, any taxable business carrying out activities in the renewal community may claim the wage credit.

Commercial revitalization deduction.—Each State is permitted to allocate up to $12 million of "commercial revitalization expenditures" to each renewal community located within the State for each calendar year after 2001 and before 2010. The appropriate State agency will make the allocations pursuant to a qualified allocation plan.

A "commercial revitalization expenditure" means the cost of a new building or the cost of substantially rehabilitating an existing building. The building must be used for commercial purposes and be located in a renewal community. In the case of the rehabilitation of an existing building, the cost of acquiring the building will be treated as qualifying expenditures only to the extent that such costs do not exceed 30 percent of the other rehabilitation expenditures. The qualifying expenditures for any building cannot exceed $10 million.

A taxpayer can elect either to (a) deduct one-half of the commercial revitalization expenditures for the taxable year the building is placed in service or (b) amortize all the expenditures ratably over the 120-month period beginning with the month the building is placed in service. No depreciation is allowed for amounts deducted under this provision. The adjusted basis is reduced by the amount of the commercial revitalization deduction, and the deduction is treated as a depreciation deduction in applying the depreciation recapture rules (e.g., sec. 1250). The commercial revitalization deduction is treated in the same manner as the low-income housing credit in applying the passive loss rules (sec. 469). Thus, up to $25,000 of deductions (together with the other deductions and credits not subject to the passive loss limitation by reason of section 469(i)) are allowed to an individual taxpayer regardless of the taxpayer's adjusted gross income. The commercial revitalization deduction is allowed in computing a taxpayer's alternative minimum taxable income.

Additional section 179 expensing.—A renewal community business is allowed an additional $35,000 of section 179 expensing for qualified renewal property placed in service after December 31, 2001, and before January 1, 2010. The section 179 expensing allowed to a taxpayer is phased out by the amount by which 50 percent of the cost of qualified renewal property placed in service during the year by the taxpayer exceeds $200,000. The term "qualified renewal property" is similar to the definition of "qualified zone property" used in connection with empowerment zones.

Extension of work opportunity tax credit ("WOTC").—The bill expands the high-risk youth and qualified summer youth categories in the WOTC to include qualified individuals who live in a renewal community.

GAO report

The General Accounting Office will audit and report to Congress on January 31, 2004, and again in 2007 and 2010, on the renewal community program and its effect on poverty, unemployment, and economic growth within the designated renewal communities.

Effective date

Renewal communities must be designated during the period beginning on the first day of the first month after the publication of regulations by HUD and ending on December 31, 2001. The tax benefits available in renewal communities are effective for the period beginning January 1, 2002, and ending December 31, 2009.

SENATE AMENDMENT

No provision. However, S. 3152[8] authorizes the Secretaries of HUD and Agriculture to designate up to 30 renewal zones from areas nominated by States and local governments. At least six of the designated renewal zones must be in rural areas. The Secretary of HUD is required to publish (within four months after enactment) regulations describing the nomination and selection process. Designations of renewal zones must be made before January 1, 2002, and the designations are effective for the period beginning on January 1, 2002 through December 31, 2009.

The eligibility criteria (as well as the population and geographic limitations) are similar to those for renewal communities in the House bill, except that S. 3152 provides that any State without any empowerment zone would be given priority in the designation process. Also, the designations of renewal zones must result in (after taking into account existing empowerment zones) each State having at least one zone designation (empowerment or renewal zone). In addition, S. 3152 provides that, in lieu of the poverty, income, and unemployment criteria, outmigration may be taken into account in the designation of one rural renewal zone. Under a separate provision in S. 3152, the designation of the District of Columbia Enterprise Zone is entended through December 31, 2006.

In order for an area to be designated as a renewal zone, State and local governments are required to submit a written course of action in which the State and local governments promise to take at least four of the governmental actions described in the House bill with respect to renewal communities. However, S. 3152 does not contain any of the economic growth provision requirements described in the House bill.

Tax incentives for renewal zones.—Under S. 3152, businesses in renewal zones would be eligible for the following tax incentives during the period beginning January 1, 2002 and ending December 31, 2009: (1) a zero-percent capital gains rate for qualifying assets limited to an aggregate amount not to exceed $25 million of gain per taxpayer;[9] (2) a 15-percent wage credit for the first $15,000 of qualifying wages; (3) $35,000 in additional 179 expensing for qualifying property; (4) and the enhanced tax-exempt bond rules that currently apply to businesses in the Round II empowerment zones.

GAO report.—The General Accounting Office will audit and report to Congress every three years (beginning on January 31, 2004) on the renewal zone program and its effect on poverty, unemployment, and economic growth within the designated renewal zones.

Effective date.—The 30 renewal zones must be designated by January 1, 2002, and the tax benefits are available for the period beginning January 1, 2002, and ending December 31, 2009.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542 with the following modifications. The conference agreement does not include the rural renewal community designation with respect to an area within the State of Mississippi. The conference agreement does not include the special rule that provides that one nominated area within the District of Columbia becomes a renewal community (without regard to its ranking of eligibility factors).

B. Empowerment Zone Tax Incentives

1. Extension and expansion of empowerment zones (secs. 111–115 of the bill and secs. 1391, 1394, 1396, and 1397A of the Code)

PRESENT LAW

Round I empowerment zones

The Omnibus Budget reconciliation Act of 1993 ("OBRA 1993") authorized the designation of nine empowerment zones ("Round I empowerment zones") to provide tax incentives for businesses to locate within targeted areas designated by the Secretaries of HUD and Agriculture. The Taxpayer Relief Act of 1997 ("1997 Act") authorized the designation of two additional Round I urban empowerment zones.

Businesses in the 11 Round I empowerment zones qualify for the following tax incentives: (1) a 20-percent wage credit for the first $15,000 of wages paid to a zone resident who works in the empowerment zone,[10] (2) an additional $20,000 of section 179 expensing for qualifying zone property, and (3) tax-exempt financing for certain qualifying zone facilities. The tax incentives with respect to the empowerment zones designated by OBRA 1993 generally are available during the 10-year period of 1995 through 2004. The tax incentives with respect to the two additional Round I empowerment zones generally are available during the 10-year period of 2000 through 2009.[11]

Round II empowerment zones

The 1997 Act also authorized the designation of 20 additional empowerment zones ("Round II empowerment zones"), of which 15 are located in urban areas and five are located in rural areas. Businesses in the Round II empowerment zones are not eligible for the wage credit, but are eligible to receive up to $20,000 of additional section 179 expensing. Businesses in the Round II empowerment zones also are eligible for more generous tax-exempt financing benefits than those available in the Round I empowerment zones. Specifically, the tax-exempt financing benefits for the Round II empowerment zones are not subject to the State private activity bond volume caps (but are subject to separate per-zone volume limitations), and the per-business size limitations that apply to the Round I empowerment zones and enterprise communities (i.e., $3 million for each qualified enterprise zone business with a maximum of $20 million for each principal user for all zones and communities) do not apply to qualifying bonds issued for Round II empowerment zones. The tax incentives with respect to the Round II empowerment zones generally are available during the 10-year period of 1999 through 2008.

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[7] An "enterprise zone business" is defined in section 1397B.

[8] S. 3152 was introduced by Senator Roth and others on October 3, 2000.

[9] Any gain attributable to the period before January 1, 2002, or after December 31, 2014, would not be eligible for the zero-percent capital gains rate.

[10] For wages paid in calendar years during the period 1994 through 2001, the credit rate is 20 percent. The credit rate is reduced to 15 percent for calendar year 2002, 10 percent for calendar year 2003, and 5 percent for calendar year 2004. No wage credit is available after 2004 in the original nine empowerment zones.

[11] Except for the wage credit, which is reduced to 15 percent for calendar year 2005, and then reduced by five percentage points in each year in 2006 and 2007, with no wage credit available after 2007.

HOUSE BILL

No provision. However, H.R. 5542 conforms and enhances the tax incentives for the Round I and Round II empowerment zones and extends their designations through December 31, 2009. The bill also authorizes the designation of nine new empowerment zones ("Round III empowerment zones").

Extension of tax incentives for Round I and Round II empowerment zones

The designation of empowerment zones status for Round I and II empowerment zones (other than the District of Columbia Enterprise Zone) is extended through December 31, 2009. In addition, the 20-percent wage credit is made available in all Round I and II empowerment zones for qualifying wages paid or incurred after December 31, 2001. The credit rate remains at 20 percent (rather than being phased down) through December 31, 2009, in Round I and Round II empowerment zones.

In addition, $35,000 (rather than $20,000) of additional section 179 expensing in available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified business in any of the empowerment zones.[12] Businesses in the D.C. Enterprise Zone are entitled to the additional section 179 expensing until the termination of the D.C. Enterprise zone designation.

Businesses located in Round I empowerment zones (other than the D.C. Enterprise Zone[13] also are eligible for the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)). The bill applies to tax-exempt bonds issued after December 31, 2001. Bonds that have been issued by businesses in Round I zones before January 1, 2002, are not taken into account in applying the limitations on the amount of new empowerment zone facility bonds that can be issued under the bill.

Nine new empowerment zones

The Secretaries of HUD and Agriculture are authorized to designate nine additional empowerment zones ("Round III empowerment zones"). Seven of the Round III empowerment zones will be located in urban areas, and two will be located in rural areas.

The eligibility and selection criteria for the Round III empowerment zones are the same as the criteria that applied to the Round II Round empowerment zones. The Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009.

Businesses in the Round III empowerment zones are eligible for the same tax incentives that, under the bill, are available to Round I and Round II empowerment zones (i.e., a 20 percent wage credit, an additional $35,000 of section 179 expensing, and the enhanced tax-exempt financing benefits presently available to Round II empowerment zones).

GAO report

The bill provides that the GAO will audit and report to Congress on January 31, 2004, and again in 2007 and 2010, on the empowerment zone and enterprise community program and its effect on poverty, unemployment, and economic growth within the designated areas.

Effective date

The extension of the existing empowerment zone designations is effective after the date of enactment. The extension of the tax benefits to existing empowerment zones (i.e., the expanded wage credit, the additional section 179 expensing, and the more generous tax-exempt bond rules) generally is effective after December 31, 2001. The new Round III empowerment zones must be designated by January 1, 2002, and the tax incentives with respect to the Round III empowerment zones generally are available during the period beginning on January 1, 2002, and ending on December 31, 2009.

SENATE AMENDMENT

No provision. However, S. 3152 contains a provision that conforms and enhances incentives of existing empowerment zones. Specifically, the provision extends the designation of empowerment zone status for Round I and II empowerment zones through December 31, 2009. In addition, a 15-percent wage credit is made available in all Round I and II empowerment zones, effective in 2002 (except in the case of the two additional Round I empowerment zones added by the 197 Act, for which the 15-percent wage credit takes effect in 2005 as scheduled under present law). For all the empowerment zones, the 15-percent wage credit expires on December 31, 2009.

As in the House bill, $35,000 (rather than $20,000) in additional section 179 expensing is made available for qualified zone property placed in service in taxable years beginning after December 31, 2001, by a qualified business in any of the empowerment zones. Similarly, S. 3152 extends to businesses located in Round I empowerment zones the more generous tax-exempt bond rules that apply under present law to businesses in the Round II empowerment zones (sec. 1394(f)) for bonds issued after December 31, 2001.

Businesses located in any empowerment zone also qualify for a zero-percent capital gains rate for gain from the sale of a qualifying zone assets acquired after date of enactment and before January 1, 2010, and held more than five years. Assets that qualify for this incentive are similar to the types of assets that qualify for the present-law zero percent capital gains rate for qualifying D.C. Zone assets. The zero-percent capital gains rate is limited to an aggregate amount not to exceed $25 million of gain per taxpayer. Gain attributable to the period before the date of enactment or after December 31, 2014, is not eligible for the zero-percent rate.

Effective date.—The extension of the existing empowerment zone designations is effective after the date of enactment. The additional section 179 expensing and the more generous tax-exempt bond rules for the existing empowerment zones is effective after December 31,2001. The zero-percent capital gains rate applies to qualifying property purchased after the date of enactment. The 15-percent wage credit generally is effective for qualifying wages paid after December 31, 2001 (December 31, 2004 for the two additional Round I empowerment zones).

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542. The conference agreement also provides that the Secretaries of HUD and Agriculture are authorized to designate a replacement empowerment zone for each empowerment zone that becomes a renewal community. The replacement empowerment zone will have the same urban or rural character as the empowerment zone that it is replacing.

2. Rollover of gain from the sale of qualified empowerment zone investments (sec. 116 of the bill and new sec. 1397B of the Code)

PRESENT LAW

In general, gain or loss is recognized on any sale, exchange, or other disposition of property. A taxpayer (other than a corporation) may elect to roll over without payment of tax any capital gain realized upon the sale of qualified small business stock held for more than six months where the taxpayer uses the proceeds to purchase other qualified small business stock within 60 days of the sale of the original stock.

HOUSE BILL

No provision. However, H.R. 5542 provides that a taxpayer can elect to roll over capital gain from the sale or exchange of any qualified empowerment zone asset purchased after the date of enactment and held for more than one year ("original zone asset") where the taxpayer uses the proceeds to purchase other qualifying empowerment zone assets in the same zone ("replacement zone asset") within 60 days of the sale of the original zone asset. The holding period of the replacement zone asset includes the holding period of the original zone asset, except that the replacement asset must actually be held for more than one year to qualify for another tax-free rollover. The basis of the replacement zone asset is reduced by the gain not recognized on the rollover. However, if the replacement zone asset is qualified small business stock (as defined in sec. 1202), the exclusion under section 1202 would not apply to gain accrued on the original zone asset.[14] A "qualified empowerment zone asset" means an asset that would be a qualified community asset if the empowerment zone were a renewal community (and the asset is acquired after the date of enactment of the bill). Assets in the D.C. Enterprise Zone are not eligible for the tax-free rollover treatment.[15]

Effective date.—The provision is effective for qualifying assets purchased after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

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[12] The additional $35,000 of section 179 expensing is available throughout all areas that are part of a designated empowerment zone, including the non-contiguous "developable sites" that were allowed to be part of the designated Round II empowerment zones under the 1997 Act.

[13] The present-law rules of sections 1394 and 1400A continue to apply with respect to the D.C. Enterprise Zone.

[14] See section 1045 for rollover of qualified small business stock to other small business stock.

[15] However, a qualifying D.C. Zone asset held for more than five years is eligible for a 100-percent capital gains exclusion (sec. 1400B).

3. Increased exclusion of gain from the sale of qualifying empowerment zone stock (sec. 117 of the bill and sec. 1202 of the Code)

PRESENT LAW

Under present law, an individual, subject to limitations, may exclude 50 percent of the gain[16] from the sale of qualifying small business stock held for more than five years (sec. 1202).

HOUSE BILL

No provision. However, H.R. 5542 increases the exclusion for small business stock to 60 percent for stock purchased after the date of enactment in a corporation that is a qualified business entity and that is held for more than five years. A "qualified business entity" means a corporation that satisfies the requirements of a qualifying business under the empowerment zone rules during substantially all the taxpayer's holding period.

Effective Date.—The provision is effective for qualified stock purchased after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

C. NEW MARKETS TAX CREDIT (SEC. 121 OF THE BILL AND NEW SEC. 45D OF THE CODE)

PRESENT LAW

Tax incentives are available to taxpayers making investments and loans in low-income communities. For example, tax incentives are available to taxpayers that invest in specialized small business investment companies licensed by the SBA to make loans to, or equity investments in, small businesses owned by persons who are socially or economically disadvantaged.

HOUSE BILL

No provision. However, H.R. 5542 includes a provision that creates a new tax credit for qualified equity investments made to acquire stock in a selected community development entity ("CDE"). The maximum annual amount of qualifying equity investments is capped as follows:

Calendar year	Maximum qualifying equity investment
2001	$1.0 billion
2002–2003	$1.5 billion per year
2004–2005	$2.0 billion per year
2006–2007	$3.5 billion per year

The amount of the new tax credit to the investor (either the original purchaser or a subsequent holder) is (1) a five-percent credit for the year in which the equity interest is purchased from the CDE and the first two anniversary dates after the interest is purchased from the CDE, and (2) a six percent credit on each anniversary date thereafter for the following four years.[17] The taxpayer's basis in the investment is reduced by the amount of the credit (other than for purposes of calculating the capital gain exclusion under sections 1202, 1400B, and 1400F). The credit is subject to the general business credit rules.

A CDE is any domestic corporation or partnership (1) whose primary mission is serving or providing investment capital for low-income communities or low-income persons, (2) that maintains accountability to residents of low-income communities by their representation on any governing board or on any advisory board of the CDE, and (3) is certified by the Treasury Department as an eligible CDE.[18] No later than 120 days after enactment, the Treasury Department shall issue regulations that specify objective criteria to be used by the Treasury to allocate the credits among eligible CDEs. In allocating the credits, the Treasury Department will give priority to entities with records of having successfully provided capital or technical assistance to disadvantaged businesses or communities,[19] as well as to entities that intend to invest substantially all of the proceeds from their investors in businesses in which persons unrelated to the CDE hold the majority of the equity interest.

If a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department can authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2014.

A "qualified equity investment" is defined as stock or a similar equity interest acquired directly from a CDE in exchange for cash. Substantially all of the investment proceeds must be used by the CDE to make "qualified low-income community investments." Qualified low-income community investments include: (1) capital or equity investments in, or loans to, qualified active businesses located in low-income communities,[20] (2) certain financial counseling and other services specified in regulations to businesses and residents in low-income communities, (3) the purchase from another CDE of any loan made by such entity that is a qualified low income community investment, or (4) an equity investment in, or loans to, another CDE.[21] Treasury Department regulations will provide guidance with respect to the "substantially all" standard.

The stock or equity interest cannot be redeemed (or otherwise cashed out) by the CDE for at least seven years. If an entity fails to be a CDE during the seven-year period following the taxpayer's investment, or if the equity interest is redeemed by the issuing CDE during that seven-year period, then any credits claimed with respect to the equity interest are recaptured (with interest) and no further credits are allowed.

A "low-income community" is defined as census tracts with either (1) poverty rates of at least 20 percent (based on the most recent census data), or (2) median family income which does not exceed 80 percent of the greater of metropolitan area income or statewide median family income (for a non-metropolitan census tract, 80 percent of non-metropolitan statewide median family income). In addition, the Secretary may designate any area within any census tract as a "low income community" provided that (1) the boundary of the area is continuous,[22] (2) the area (if it were a census tract) would satisfy the poverty rate or median income requirements within the targeted area, and (3) an inadequate access to investment capital exists in the area.

A "qualified active business" is defined as a business which satisfies the following requirements: (1) at least 50 percent of the total gross income of the business is derived from the active conduct of trade or business activities in low-income communities; (2) a substantial portion of the use of the tangible property of such business is used in low-income communities; (3) a substantial portion of the services performed for such business by its employees is performed in low-income communities; and (4) less than 5 percent of the average aggregate of unadjusted bases of the property of such business is attributable to certain financial property or to collectibles (other than collectibles held for sale to customers). There is no requirement that employees of the business be residents of the low-income community.

Rental of improved commercial real estate located in a low-income community is a qualified active business, regardless of the characteristics of the commercial tenants of the property. The purchase and holding of unimproved real estate is not a qualified active business. In addition, a qualified active business does not include (a) any business consisting predominantly of the development or holding of intangibles for sale or license; or (b) operation of any facility described in sec. 144(c)(6)(B). A qualified active business can include an organization that is organized on a non-profit basis.

The GAO will audit and report to Congress by January 31, 2004, and again in 2007 and 2010, on the new markets tax credit program, including on all qualified community development entities that receive an allocation under the new markets tax credit program.

Effective date.—The provision is effective for qualified investments made after December 31, 2000.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that creates a new markets tax credit is similar to the provision in H.R. 5542. However, under S. 3152, the maximum annual amount of qualifying equity investments is capped as follows:

Calendar year	Maximum qualifying equity investment
2002	$1.0 billion
2003–2006	$1.5 billion per year

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[16] The portion of the capital gain included in income is subject to a maximum regular tax rate of 28 percent, and 42 percent of the excluded gain is a minimum tax preference.

[17] Thus, a credit would be available on the date on which the investment is made and for each of the six anniversary dates thereafter.

[18] A specialized small business investment company and a community development financial institution are treated as satisfying the requirements for a CDE.

[19] A record of having successfully provided capital or technical assistance to disadvantaged businesses or communities could be demonstrated by the past actions of the CDE itself or an affiliate (e.g., in the case where a new CDE is established by a nonprofit organization with a history of providing assistance to disadvantaged communities).

[20] Thus, a qualified low-income community investment may include an investment in a qualifying business in which the CDE (or a related party) holds a significant interest. However, as previously mentioned, in allocating the credits among eligible CDEs, the Treasury Department will give priority to CDEs that intend to invest substantially all of the proceeds from their investors in businesses in which persons unrelated to the CDE hold the majority of the equity interest. Persons are related to each other if they are described in sections 267(b) or 707(b)(1).

[21] If at least 85 percent of the aggregate gross assets of the CDE are invested (directly or indirectly) in equity interest in, or loans to, qualified active businesses located in low-income communities, then there would be no need to trace the use of the proceeds from the particular stock (or other equity ownership) issuance with respect to which the credit is claimed.

[22] It is intended that the continuous boundary that delineate the portion of the census tract as a "low-income community" should be a pre-existing boundary (such as an established neighborhood, political, or geographic boundary).

Under S. 3152, if a CDE fails to sell equity interests to investors up to the amount authorized within five years of the authorization, then the remaining authorization is canceled. The Treasury Department can authorize another CDE to issue equity interests for the unused portion. No authorization can be made after 2013.

Effective date.—The provision is effective for qualified investments made after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542. The conference agreement also clarifies that a low-income community can include a possession of the United States[23] (and thus investments in a U.S. possession may qualify for the new markets tax credit).

D. INCREASE THE LOW-INCOME HOUSING TAX CREDIT CAP AND MAKE OTHER MODIFICATIONS (SECS. 131–137 OF THE BILL AND SEC. 42 OF THE CODE)

PRESENT LAW

In general

The low-income housing tax credit may be claimed over a 10-year period for the cost of rental housing occupied by tenants having incomes below specified levels. The credit percentage for newly constructed or substantially rehabilitated housing that is not Federally subsidized is adjusted monthly by the Internal Revenue Service so that the 10 annual installments have a present value of 70 percent of the total qualified expenditures. The credit percentage for new substantially rehabilitated housing that is Federally subsidized and for existing housing that is substantially rehabilitated is calculated to have a present value of 30 percent qualified expenditures.

Credit cap

The aggregate credit authority provided annually to each State is $1.25 per resident, except in the case of projects that also receive financing with proceeds of tax-exempt bonds issued subject to the private activity bond volume limit and certain carry-over amounts.

Expenditure test

Generally, the building must be placed in service in the year in which it receives an allocation to qualify for the credit. An exception is provided in the case where the taxpayer has expended an amount equal to 10-percent or more of the taxpayer's reasonably expected basis in the building by the end of the calendar year in which the allocation is received and certain other requirements are met.

Basis of building eligible for the credit

Buildings receiving assistance under the HOME investment partnerships act ("HOME") are not eligible for the enhanced credit for buildings located in high cost areas (i.e., qualified census tracts and difficult development areas). Under the enhanced credit, the 70-percent and 30-percent credit are increased to a 91-percent and 39-percent credit, respectfully.

Eligible basis is generally limited to the portion of the building used by qualified low-income tenants for residential living and some common areas.

State allocation plan

Each State must develop a plan for allocating credits and such plan must include certain allocation criteria including: (1) project location; (2) housing needs characteristics; (3) project characteristics; (4) sponsor characteristics; (5) participation of local tax-exempts; (6) tenant populations with special needs; and (7) public housing waiting lists. The State allocation plan must also give preference to housing projects: (1) that serve the lowest income tenants; and (2) that are obligated to serve qualified tenants for the longest periods.

Credit administration

There are no explicit requirements that housing credit agencies perform a comprehensive market study of the housing needs of the low-income individuals in the area to be served by the project, nor that such agency conduct site visits to monitor for compliance with habitability standards.

Stacking rule

Authority to allocate credits remains at the State (as opposed to local) government level unless State law provides otherwise.[24] Generally, credits may be allocated only from volume authority arising during the calendar year in which the building is placed in service, except in the case of: (1) credits claimed on additions to qualified basis; (2) credits allocated in a later year pursuant to an earlier binding commitment made no later than the year in which the building is placed in service; and (3) carryover allocations.

Each State annually receives low-income housing credit authority equal to $1.25 per State resident for allocation to qualified low-income projects.[25] In addition to this $1.25 per resident amount, each State's "housing credit ceiling" includes the following amounts: (1) the unused State housing credit ceiling (if any) of such State for the preceding calendar year;[26] (2) the amount of the State housing credit ceiling (if any) returned in the calendar year;[27] and (3) the amount of the national pool (if any) allocated to such State by the Treasury Department.

The national pool consists of States' unused housing credit carryovers. For each State, the unused housing credit carryover for a calendar year consists of the excess (if any) of the unused State housing credit ceiling for such year over the excess (if any) of the aggregate housing credit dollar amount allocated for such year over the sum of $1.25 per resident and the credit returns for such year. The amounts in the national pool are allocated only to a State which allocated its entire housing credit ceiling for the preceding calendar year, and requested a share in the national pool not later than May 1 of the calendar year. The national pool allocation to qualified States is made on a pro rata basis equivalent to the fraction that a State's population enjoys relative to the total population of all qualified States for that year.

The present-law stacking rule provides that a State is treated as using its annual allocation of credit authority ($1.25 per State resident) and any returns during the calendar year followed by any unused credits carried forward from the preceding year's credit ceiling and finally any applicable allocations from the National pool.

HOUSE BILL

No provision. However, H.R. 5542 makes the following changes in the low-income housing credit.

Credit cap

The bill increases the per-capita low-income housing credit cap from $1.25 per capita to $1.50 per capita in calendar year 2001 and to $1.75 per capita in calendar year 2002. Beginning in calendar year 2003, the per-capita portion of the credit cap will be adjusted annually for inflation. For small States, a minimum annual cap of $2 million is provided for calendar years 2001 and 2002. Beginning in calendar year 2003, the small State minimum is adjusted for inflation.

Expenditure test

The bill allows a building which receives an allocation in the second half of a calendar to qualify under the 10-percent test if the taxpayer expends an amount equal to 10-percent or more of the taxpayer's reasonably expected basis in the building within six months of receiving the allocation regardless of whether the 10-percent test is met by the end of the calendar year.

Basis of building eligible for the credit

The bill makes three changes to the basis rules of the credit. First, the definition of qualified census tracts for purposes of the enhanced credit is expanded to include any census tracts with a poverty rate of 25 percent or more. Second, the bill extends the credit to a portion of the building used as a community service facility not in excess of 10 percent of the total eligible basis in the building. A community service facility is defined as any facility designed to serve primarily individuals whose income is 60 percent or less of area median income. Third, the bill provides that assistance received under the Native American Housing Assistance and Self-Determination Act of 1996 is not taken into account in determining whether a building is Federally subsidized for purposes of the credit. This allows such buildings to qualify for something other than the 30-percent credit generally applicable to Federally subsidized buildings.

State allocation plans

The bill strikes the plan criteria relating to participation of local tax-exempts, replacing it with two other criteria: tenant populations of individuals with children and projects intended for eventual tenant ownership. It also provides that the present-law criteria relating to sponsor characteristics include whether the project involves the use of existing housing as part of a community revitalization plan. The bill adds a third category of housing projects to the preferential list, for projects located in qualified census tracts which contribute to a concerted community revitalization plan.

Credit administration

The bill requires a comprehensive market study of the housing needs of the low-income individuals in the area to be served by the project and a written explanation available to the general public for any allocation not made in accordance with the established priorities and selection criteria of the housing credit agency. They also require site inspections by the housing credit agency to monitor compliance with habitability standards applicable to the project.

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[23] For this purpose, a U.S. possession means Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

[24] For example, constitutional home rule cities in Illinois are guaranteed their proportionate share of the $1.25 amount, based on their population relative to that of the State as a whole.

[25] A State's population, for these purposes, is the most recent estimate of the State's population released by the Bureau of the Census before the beginning of the year to which the limitation applies. Also, for these purposes, the District of Columbia and the U.S. possessions (i.e., Puerto Rico, the Virgin Islands, Guam, the Northern Marianas and American Samoa) are treated as States.

[26] The unused State housing credit ceiling is the amount (if positive) of the previous year's annual credit limitation plus credit returns less the credit actually allocated in that year.

[27] Credit returns are the sum of any amounts allocated to projects within a State which fail to become a qualified low-income housing project within the allowable time period plus any amounts allocated to a project within a State under an allocation which is canceled by mutual consent of the housing credit agency and the allocation recipient.

Stacking rule

The bill modifies the stacking rule so that each State is treated as using its allocation of the unused State housing credit ceiling (if any) from the preceding calendar before the current year's allocation of credit (including any credits returned to the State) and then finally any National pool allocations.

Effective date

The provision is generally effective for calendar years beginning after December 31, 2000, and buildings placed-in-service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds subject to the private activity bond volume limit which are issued after such date

SENATE AMENDMENT

Credit cap

No provision. However, S. 3152 increases the annual State credit caps from $1.25 to $1.75 per resident beginning in 2001. Also, beginning in 2001 the per capita cap for each State is modified so that small population States are given a minimum of $2 million of annual credit cap. The $1.75 per capita cap and the $2 million amount are indexed for inflation beginning in calendar 2002.

Expenditure test

No provision.

Basis of building eligible for the credit

The provisions in S. 3152 relating to the treatment of buildings receiving assistance under the Native American Housing Assistance and Self-Determination Act of 1996 is the same as one of the provisions in H.R. 5542.

State allocation plans

No provision.

Credit administration

No provision.

Stacking rule

Same as H.R. 5542.

Effective date

The provisions are effective for calendar years beginning after December 31, 2000 and buildings placed-in-service after such date in the case of projects that also receive financing with proceeds of tax-exempt bonds which are issued after such date subject to the private activity bond volume limit.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

E. ACCELERATE SCHEDULED INCREASE IN STATE VOLUME LIMITS ON TAX-EXEMPT PRIVATE ACTIVITY BONDS (SEC. 151 OF THE BILL AND SEC. 146 OF THE CODE)

PRESENT LAW

Interest on bonds issued by States and local governments is excluded from income if the proceeds of the bonds are used to finance activities conducted and paid for by the governmental units (sec. 103). Interest on bonds issued by these governmental units to finance activities carried out and paid for by private persons ("private activity bonds") is taxable unless the activities are specified in the Internal Revenue Code. Private activity bonds on which interest may be tax-exempt include bonds for privately operated transportation facilities (airports, docks and wharves, mass transit, and high speed rail facilities), privately owned and/or provided municipal services (water, sewer, solid waste disposal, and certain electric and heating facilities), economic development (small manufacturing facilities and redevelopment in economically depressed areas), and certain social programs (low-income rental housing, qualified mortgage bonds, student loan bonds, and exempt activities of charitable organizations described in sec. 501(c)(3)).

The volume of tax-exempt private activity bonds that States and local governments may issue for most of these purposes in each calendar year is limited by State-wide volume limits. The current annual volume limits are $50 per resident of the State or $150 million if greater. The volume limits do not apply to private activity bonds to finance airports, docks and wharves, certain governmentally owned, but privately operated solid waste disposal facilities, certain high speed rail facilities, and to certain types of private activity tax-exempt bonds that are subject to other limits on their volume (qualified veterans' mortgage bonds and certain "new" empowerment zone and enterprise community bonds).

The current annual volume limits that apply to private activity tax-exempt bonds increase to $75 per resident of each State or $225 million, if greater, beginning in calendar year 2007. The increase is, ratably phased in, beginning with $55 per capita or $165 million, if greater, in calendar year 2003.

HOUSE BILL

No provision. However, H.R. 5542 increases the State volume limits from the greater of $50 per resident or $150 million to the greater of $62.50 per resident or $187.5 million in calendar year 2001. The volume limit will increase further, to the greater of $75 per resident or $225 million in calendar year 2002. Beginning in calendar year 2003, the volume limit will be adjusted annually for inflation.

Effective date.—The provision is effective beginning in calendar year 2001.

SENATE AMENDMENT

No provision. However, S. 3152 increases the present-law annual State private activity bond volume limits to $75 per resident of each State or $225 million (if greater) beginning in calendar year 2001. In addition, the $75 per resident and the $225 million State limit will be indexed for inflation beginning in calendar year 2002.

Effective date.—The provisions are effective beginning in calendar year 2001.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

F. EXTENSION AND MODIFICATION TO EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS (SEC. 152 OF THE BILL AND SEC. 198 OF THE CODE)

PRESENT LAW

Taxpayers can elect to treat certain environmental remediation expenditures that would otherwise be chargeable to capital account as deductible in the year paid or incurred (sec. 198). The deduction applies for both regular and alternative minimum tax purposes. The expenditure must be incurred in connection with the abatement or control of hazardous substances at a qualified contaminated site.

A "qualified contaminated site" generally is any property that (1) is held for use in a trade or business, for the production of income, or as inventory; (2) is certified by the appropriate State environmental agency to be located within a targeted area; and (3) contains (or potentially contains) a hazardous substance (so-called "brownfields"). Targeted areas are defined as: (1) empowerment zones and enterprise communities as designated under present law; (2) sites announced before February 1997, as being subject to one of the 76 Environmental Protection Agency ("EPA") Brownfields Pilots; (3) any population census tract with a poverty rate of 20 percent or more; and (4) certain industrial and commercial areas that are adjacent to tracts described in (3) above. However, sites that are identified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 cannot qualify as targeted areas.

Eligible expenditures are those paid or incurred before January 1, 2002.

HOUSE BILL

No provision. However, H.R. 5542 extends the expiration date for eligible expenditures to include those paid or incurred before January 1, 2004.

In addition, the bill eliminates the targeted area requirement, thereby, expanding eligible sites to include any site containing (or potentially containing) a hazardous substance that is certified by the appropriate State environmental agency. However, expenditures undertaken at sites that are identified on the national priorities list under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 would continue to not qualify as eligible expenditures.

By extending and expanding section 198, the bill is not intended to displace the general tax law principle regarding expensing versus capitalization of expenditures which continues to apply to environmental remediation efforts not specifically covered under section 198.

Effective date.—The provision to extend the expiration date if effective upon the date of enactment. The provision to expand the class of eligible sites is effective for expenditures paid or incurred after the date of enactment.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision identical to that of the House bill provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

G. EXPANSION OF DISTRICT OF COLUMBIA HOMEBUYER TAX CREDIT (SEC. 153 OF THE BILL AND SEC. 1400C OF THE CODE)

PRESENT LAW

First-time homebuyers of a principal residence in the District of Columbia are eligible for a nonrefundable tax credit of up to $5,000 of the amount of the purchase price. The $5,000 maximum credit applies both to individuals and married couples. Married individuals filing separately can claim a maximum credit of $2,500 each. The credit phases out for individual taxpayers with adjusted gross income between $70,000 and $90,000 ($110,000–$130,000 for joint filers). For purposes of eligibility, "first-time homebuyer" means any individual if such individual did not have a present ownership interest in a principal residence in the District of Columbia in the one year period ending on the date of the purchase of the residence to which the credit applies. The credit is scheduled to expire for residences purchased after December 31, 2001.

HOUSE BILL

No provision. However, H.R. 5542 extends the first-time homebuyer credit for two years (through December 31, 2003).

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that extends the first-time homebuyer credit for two years, through December 31, 2003. The provision also extends the phase-out range for married individuals filing a joint return so that it is twice that of individuals. Thus, under the provision, the District of Columbia homebuyer credit is phased out for joint filers with adjusted gross income between $140,000 and $180,000.

Effective date.—The provision is effective for taxable years beginning after December 31, 2000.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

H. EXTENSION OF D.C. ENTERPRISE ZONE (SEC. 154 OF THE BILL AND SECS. 1400, 1400A AND 1400B OF THE CODE)

PRESENT LAW

The Taxpayer Relief Act of 1997 designated certain economically depressed census tracts within the District of Columbia as the District of Columbia Enterprise Zone (the "D.C. Zone"), within which businesses and individual residents are eligible for special tax incentives. The D.C. Zone designation remains in effect for the period from January 1, 1998, through December 31, 2002. In addition to the tax incentives available with respect to a Round I empowerment zone (including a 20-percent wage credit), the D.C. Zone also has a zero-percent capital gains rate that applies to gain from the sale of certain qualified D.C. Zones assets acquired after December 31, 1997 and held for more than five years.

With respect to the tax-exempt financing incentives, the D.C. Zone generally is treated like a Round I empowerment zone; therefore, the issuance of such bonds is subject to the District of Columbia's annual private activity bond volume limitation. However, the aggregate face amount of all outstanding qualified enterprise zone facility bonds per qualified D.C. Zone business may not exceed $15 million (rather than $3 million, as is the case for Round I empowerment zones).[28]

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that extends the D.C. Zone designation through December 31, 2006.

CONFERENCE AGREEMENT

The conference agreement follows S. 3152, except that the D.C. Zone designation is extended for one year (through December 31, 2003).

I. EXTENSION AND MODIFICATION OF ENHANCED DEDUCTION FOR CORPORATE DONATIONS OF COMPUTER TECHNOLOGY (SEC. 155 OF THE BILL AND SEC. 170(e)(6) OF THE CODE)

PRESENT LAW

The maximum charitable contribution deduction that may be claimed by a corporation for any one taxable year is limited to 10 percent of the corporation's taxable income for that year (disregarding charitable contributions and with certain other modifications) (sec. 170(b)(2)). Corporations also are subject to certain limitations based on the type of property contributed. In the case of a charitable contribution of short-term gain property, inventory, or other ordinary income property, the amount of the deduction generally is limited to the taxpayer's basis (generally, cost) in the property. However, special rules in the Code provide an augmented deduction for certain corporate contributions. Under these special rules, the amount of the augmented deduction is equal to the lesser of (1) the basis of the donated property plus one-half of the amount of ordinary income that would have been realized if the property had been sold, or (2) twice the basis of the donated property.

Section 170(e)(6) allows corporate taxpayers an augmented deduction for qualified contributions of computer technology and equipment (i.e., computer software, computer or peripheral equipment, and fiber optic cable related to computer use) to be used within the United States for educational purposes in grades K–12. Eligible donees are: (1) any educational organization that normally maintains a regular faculty and curriculum and has a regularly enrolled body of pupils in attendance at the place where its educational activities are regularly carried on; and (2) tax-exempt charitable organizations that are organized primarily for purposes of supporting elementary and secondary education. A private foundation also is an eligible donee, provided that, within 30 days after receipt of the contribution, the private foundation contributes the property to an eligible donee described above.

Qualified contributions are limited to gifts made no later than two years after the date the taxpayer acquired or substantially completed the construction of the donated property. In addition, the original use of the donated property must commence with the donor or the donee. Accordingly, qualified contributions generally are limited to property that is no more than two years old. Such donated property could be computer technology or equipment that is inventory or depreciable trade or business property in the hands of the donor.

Donee organizations are not permitted to transfer the donated property for money or services (e.g., a donee organization cannot sell the computers). However, a donee organization may transfer the donated property in furtherance of its exempt purposes and be reimbursed for shipping, installation, and transfer costs. For example, if a corporation contributes computers to a charity that subsequently distributes the computers to several elementary schools in a given area, the charity could be reimbursed by the elementary schools for shipping, transfer, and installation costs.

The special treatment applies only to donations made by C corporations. S corporations, personal holding companies, and service organizations are not eligible donors.

The provision is scheduled to expire for contributions made in taxable years beginning after December 31, 2000.

HOUSE BILL

No provision. However, H.R. 5542 includes a provision that extends the current enhanced deduction for donations of computer technology and equipment through December 31, 2003, and expands the enhanced deduction to include donations to public libraries. H.R. 5542 provides that qualified contributions include gifts made no later than three years after the date the taxpayer acquired or substantially completed the construction of the donated property.

Effective date.—The provision is effective for contributions made after December 31, 2000.

SENATE AMENDMENT

No provision. However, S. 3152 includes a provision that extends the current enhanced deduction for donations of computer technology and equipment through December 31, 2003. In addition, S. 3152 expands the enhanced deduction to include donations to public libraries.

Effective date.—The provision is effective upon the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542 with a modification that contributions may be made by a person that has reacquired the property (i.e., if a computer manufacturer reacquires the computer from the original user and then contributes it). Such reacquired property must be contributed within 3 years of the date the original construction of the property was substantially completed. The conferees anticipate that for purposes of computing the enhanced deduction for a reacquirer, the Secretary will provide guidance in determining the retail value of donated computers (or other computer technology) in situations in which the number of actual retail sales of used computers similar to those donated is small in relation to the number of such computers that are donated.

In addition, the conference agreement provides that the Secretary may prescribe by regulation standards to ensure that the donations meet minimum functionality and suitability standards for educational purposes.

J. TREATMENT OF INDIAN TRIBES AS NON-PROFIT ORGANIZATIONS AND STATE OR LOCAL GOVERNMENTS FOR PURPOSES OF THE FEDERAL UNEMPLOYMENT TAX ("FUTA") (SEC. 156 OF THE BILL AND SEC. 3306 OF THE CODE)

PRESENT LAW

Present law imposes a net tax on employers equal to 0.8 percent of the first $7,000 paid annually to each employee. The current gross FUTA tax is 6.2 percent, but employers in States meeting certain requirements and having no delinquent loans are eligible for a 5.4 percent credit making the net Federal tax rate 0.8 percent. Both non-profit organizations and State and local governments are not required to pay FUTA taxes. Instead they may elect to reimburse the unemployment compensation system for unemployment compensation benefits actually paid to their former employees. Generally, Indian tribes are not eligible for the reimbursement treatment allowable to non-profit organizations and State and local governments.

HOUSE BILL

No provision. However, H.R. 5542 provides that an Indian tribe (in including any subdivision, subsidiary, or business enterprise chartered and wholly owned by an Indian tribe) is treated like a non-profit organization or State or local government for FUTA purposes (i.e., given an election to choose the reimbursement treatment).

Effective date.—The provision generally is effective with respect to service performed beginning on or after the date of enactment. Under a transition rule, service performed in the employ of an Indian tribe is not treated as employment for FUTA purposes if: (1) it is service which is performed before the date of enactment and with respect to which FUTA tax has not been paid; and (2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

SENATE AMENDMENT

No provision. However, S. 3152 is the same as H.R. 5542.

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[28] Section 1400A(a).

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542 and S. 3152.

TITLE II. MEDICAL SAVINGS ACCOUNTS ("MSAs")

(SEC. 201 OF THE BILL AND SEC. 220 OF THE CODE)

PRESENT LAW

Within limits, contributions to a medical savings account ("MSA")[29] are deductible in determining adjusted gross income ("AGI") if made by an eligible individual and are excludable from gross income and wages for employment tax purposes if made by the employer of an eligible individual. Earnings on amounts in an MSA are not currently taxable. Distributions from an MSA for medical expenses are not taxable. Distributions not used for medical expenses are taxable. In addition, distributions not used for medical expenses are subject to an additional 15-percent tax unless the distribution is made after age 65, death, or disability.

MSAs are available to self-employed individuals[30] and to employees covered under an employer-sponsored high deductible plan of a small employer. An employer is a small employer if it employed, on average, no more than 50 employees on business day during either the preceding or the second preceding year.

In order for an employee of a small employer to be eligible to make MSA contributions (or to have employer contributions made on his or her behalf), the employee must be covered under an employer-sponsored high deductible health plan (see the definition below) and must not be covered under any other health plan (other than a plan that provides certain permitted coverage).

Similarly, in order to be eligible to make contributions to an MSA, a self-employed individual must be covered under a high deductible health plan and no other health plan (other than a plan that provides certain permitted coverage). A self-employed individual is not an eligible individual (by reason of being self-employed) if the high deductible plan under which the individual is covered is established or maintained by an employer of the individual (or the individual's spouse).

The maximum annual contribution that can be made to an MSA for a year is 65 percent of the deductible under the high deductible plan in the case of individual coverage and 75 percent of the deductible in the case of family coverage.

A high deductible plan is a health plan with an annual deductible of at least $1,550 and no more than $2,350 in the case of individual coverage and at least $3.100 and no more than $4,650 in the case of family coverage. In addition, the maximum out-of-pocket expenses with respect to allowed costs (including the deductible) must be no more than $3,100 in the case of individual coverage and no more than $5,700 in the case of family coverage.[31] A plan does not fail to qualify as a high deductible plan merely because it does not have a deductible for preventive care as required by State law. A plan does not qualify as a high deductible health plan if substantially all of the coverage under the plan is for permitted coverage. In the case of a self-insured plan, the plan must in fact be insurance (e.g., there must be appropriate risk shifting) and not merely a reimbursement arrangement.

The number of taxpayers benefiting annually from an MSA contribution is limited to a threshold level (generally 750,000 taxpayers). If it is determined in a year that the threshold level has been exceeded (called a "cut-off" year) then, in general, for succeeding years during the 4-year pilot period 1997–2000, only those individuals who (1) made an MSA contribution or had an employer MSA contribution for the year or a preceding year (i.e., are active MSA participants) or (2) are employed by a participating employer, is eligible for an MSA contribution. In determining whether the threshold for any year has been exceeded, MSAs of individuals who were not covered under a health insurance plan for the six month period ending on the date on which coverage under a high deductible plan commences would not be taken into account.[32] However, if the threshold level is exceeded in a year, previously uninsured individuals are subject to the same restriction on contributions in succeeding years as other individuals. That is, they would not be eligible for an MSA contribution for a year following a cut-off year unless they are an active MSA participant (i.e., had an MSA contribution for the year or a preceding year) or are employed by a participating employer.

The number of MSAs established has not exceeded the threshold level.

After December 31, 2000, no new contributions may be made to MSAs except by or on behalf of individuals who previously had MSA contributions and employees who are employed by a participating employer. An employer is a participating employer if (1) the employer made any MSA contributions for any year to an MSA on behalf of employees or (2) at least 20 percent of the employees covered under a high deductible plan made MSA contributions of at least $100 in the year 2000.

Self-employed individuals who made contributions to an MSA during the period 1997–2000 also may continue to make contributions after 2000.

HOUSE BILL

No provision. However, H.R. 5542 extends the MSA program through 2002. The same rules that apply to the limit on MSAs for 1999 apply to 2000, and 2001. Thus, for example, the threshold level in those years is 750,000 taxpayers.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference report follows H.R. 5542, except that MSAs are renamed as Archer MSAs. The conference agreement clarifies that, as under present law, the cap and reporting requirements do not apply for 2000.

TITLE III. ADMINISTRATIVE AND TECHNICAL CORRECTIONS PROVISIONS

Subtitle A. Administrative Provisions

A. EXEMPT CERTAIN REPORTS FROM ELIMINATION UNDER THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT OF 1995 (SEC. 301 OF THE BILL)

PRESENT LAW

Section 303 of the Federal Reports Elimination and Sunset Act of 1995 eliminates many periodic Federal reporting requirements, effective May 15, 2000.

HOUSE BILL

No provision. However, H.R. 5542 exempts certain reports from elimination and sunset pursuant to the Federal Reports Elimination and Sunset Act of 1995.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

B. EXTENSION OF DEADLINES FOR IRS COMPLIANCE WITH CERTAIN NOTICE REQUIREMENTS (SEC. 302 OF THE BILL AND SECS. 6631 AND 6751(a) OF THE CODE)

PRESENT LAW

The Internal Revenue Service Restructuring and Reform Act of 1998 ("IRS Restructing Act of 1998") imposed several notice requirements relating to penalties, interest and installment agreements. Section 6715 of the Code, added by section 3306 of the IRS Restructing Act of 1998, requires that each notice imposing a penalty include the name of the penalty, the Code section under which the penalty is imposed, and a computation of the penalty.[33] This requirement applies to notices issued, and penalties assessed, after December 31, 2000.[34]

Section 6631 of the Code, added by section 3308 of the IRS Restructuring Act of 1998, requires that every IRS notice sent to an individual taxpayer that includes an amount of interest required to be paid by the taxpayer also include a detailed computation of the interest charged and a citation of the Code section under which such interest is imposed. The provision is effective for notices issued after December 31, 2000.

Section 3506 of the IRS Restructuring Act of 1998 requires the IRS to send every taxpayer in an installment agreement an annual statement of the initial balance owed, the payments made during the year, and the remaining balance. The provision became effective on July 1, 2000.

HOUSE BILL

No provision. However, H.R. 5542 extend the deadlines for complying with the penalty, interest, and installment agreement notice requirements. Specifically, the annual installment agreement notice requirement is extended from July 1, 2000, to September 1, 2001. The deadlines for complying with the notice requirements relating to the computation of penalties and interest[35] are both extended to June 30, 2001. In addition, for penalty notices issued after June 30, 2001, and before July 1, 2003, the notice requirements will be treated as met if the notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's assessment and payment history with respect to such penalty. Similarly, for interest notices issued after June 30, 2001, and before July 1, 2003, the notice requirements will be treated as met if such notice contains a telephone number at which the taxpayer can request a copy of the taxpayer's payment history relating to interest amounts included in such notice.

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[29] In general, an MSA is a trust or custodial account created exclusively for the benefit of the account holder and is subject to rules similar to those applicable to individual retirement arrangements. The trustee of an MSA can be a bank, insurance company, or other person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with applicable requirements.

[30] Self-employed individuals include more than 2-percent shareholders of S corporations who are treated as partners for purposes of fringe benefit rules pursuant to section 1372. Self-employed individuals are eligible for an MSA regardless of the size of the entity for which the individual performs services.

[31] These dollar amounts are for 2000. These amounts are indexed for inflation in $50 increments.

[32] permitted coverage does not constitute coverage under a health insurance plan for this purpose.

[33] Sec. 6715(a).

[34] P.L. 105-206, sec. 3306.

[35] Secs. 6715(a) and 6631.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

C. EXTENSION OF AUTHORITY FOR UNDERCOVER OPERATIONS (SEC. 303 OF THE BILL AND SEC. 7608 OF THE CODE)

PRESENT LAW

The Anti-Drug Abuse Act of 1988 exempted IRS undercover operations from the otherwise applicable statutory restrictions controlling the use of Government funds (which generally provide that all receipts must be deposited in the general fund of the Treasury and all expenses be paid out of appropriated funds). In general, the exemption permits the IRS to "churn" the income earned by an undercover operation to pay additional expenses incurred in the undercover operation. The IRS is required to conduct a detailed financial audit of large undercover operations in which the IRS is churning funds and to provide an annual audit report to the Congress on all such large undercover operations. The exemption originally expired on December 31, 1989, and was extended by the Comprehensive Crime Control Act of 1990 to December 31, 1991. In the Taxpayer Bill of Rights II (Public Law 104-168), the authority to churn funds from undercover operations was extended for five years, through 2000.

HOUSE BILL

No provision. However, H.R. 5542 extends the authority of the IRS to "churn" the income earned from undercover operations for an additional five years, through 2005.

Effective date.—The provision is effective on the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

D. COMPETENT AUTHORITY AND PRE-FILING AGREEMENTS (SEC. 304 OF THE BILL AND SECS. 6103, 6110, AND NEW SEC. 6105 OF THE CODE)

PRESENT LAW

Section 6103

Section 6103 of the Code sets forth the general rule that returns and return information are confidential. A return is any tax return, information return, declaration of estimated tax, or claim for refund filed under the Code on behalf of or with respect to any person. The term return also includes any amendment or supplement, including supporting schedules or attachments or lists, which are supplemental to or are part of a filed return. Return information is defined broadly. It includes the following information:

A taxpayer's identity, the nature, source or amount of income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability, tax withheld, deficiencies, over assessments, or tax payments;

Whther the taxpayer's return was, is being, or will be examined or subject to other investigations or processing;

Any other data, received by, recorded by, prepared by, furnished to, or collected by the Secretary with respect to a return or with respect to the determination of the existence, or possible existence, of liability (or the amount thereof) of any person under this title for any tax, penalty, interest, fine, forfeiture, or other imposition, or offense;[36]

Any part of any written determination or any background file document relating to such written determination which is not open to the public inspection under section 6110,[37] and

Any advance pricing agreement entered into by a taxpayer and the Secretary and any background information related to the agreement or any application for an advance pricing agreement.

The term "return information" does not include data in a form that cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer.

Secrecy of information exchanged under tax treaties

U.S. tax treaties typically contain articles governing the exchange of information. These articles generally provide for the exchange of information between the tax authorities articles generally provide for the exchange of information between the tax authorities of the two countries when such information is necessary for carrying out provisions of the treaty or of the countries' domestic tax laws. Individuals referred to as "competent authorities" are designated by each country to make written requests for information and to receive information.[38]

The exchange of information articles typically cover information relating to taxes to which the treaty applies, but can also apply to other taxes(e.g., excise taxes) not covered by the treaty. Many of the treaties permit the exchange of information even if the taxpayer involved is not a resident of one of the treaty countries. The exchange of information articles may be similar to, or represent a variation on, Article 26 of the 1996 U.S. model income tax treaty.

Information that is received under the exchange of information articles is subject to secrecy clauses contained in the treaties. In this regard, the country requesting information under the treaties typically is require to treat any information received as secret in the same manner as information obtained under its domestic laws. In general, disclosure is not permitted other than to persons or authorities involved in the administration assessment collection or enforcement of taxes to which the treaty applies. For example, disclosure generally can be made to legislative bodies, such as the tax-writing committees of the Congress, and the General Accounting Officer for purposes of overseeing the administration of U.S. tax laws.

In addition to the exchange of information articles in U.S. tax treaties, exchange of information provisions are contained in tax information exchange agreements entered into between the United States and another country.[39] In addition, information may be exchanged pursuant to the Convention on Mutual Administrative Assistance in Tax Matters developed by the Council of Europe and the Organization for Economic Cooperation and Development (the "Multilateral Mutual Assistance Convention"), which limits the use of exchanged information and permits disclosure of such information only with the prior authorization of the competent authority of the country providing the information.[40] The United States has also entered into a number of implementation and coordination agreements with possessions that provide for the exchange of tax information. Moreover, the United States has entered into various mutual legal assistance treaties with other countries, some of which can be used to obtain tax information in criminal investigations.

Both the confidentiality provisions of section 6103, as well as treaty secrecy provisions can cover return information.

Section 6110 and section 7121

Section 6110 of the Code provides for disclosure of written determinations. With certain exceptions, section 6110 makes the text of any written determination the Internal Revenue Service ("IRS") issues available for pubic inspection. A written determination is any ruling, determination letter, technical advice memorandum, or Chief Counsel advice. The IRS is required to redact certain material before making these documents publicly available.[41] Among the information to be redacted is information specifically exempted from disclosure by any statute (other than Title 26) that is applicable to the IRS. Once the IRS makes the written determination publicly available, the background file documents associated with such written determination are available for public inspection upon written request. Section 6110 defines "background file documents" as any written material submitted by the taxpayer or other requester in support of the request. Background file documents also include any communications between the IRS and persons outside the IRS concerning such written determination that occur before the IRS issues the determination.

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[36] Sec. 6103(b)(2)(A).

[37] Sec. 6103(b)(2)(B).

[38] The U.S. competent authority is the Secretary of the Treasury or his delegate. The U.S. competent authority function has been delegated to the Commissioner of Internal Revenue, who has redelegate the authority to the Director, International. On interpretive issues, the latter acts with the concurrence of the Associate Chief Counsel (International) of the IRS.

[39] Sections 274(h)(6)(C) and 927(e)(3) specifically provide the Secretary of the Treasury the authority to enter into tax information exchange agreements. This eliminates the need for Senate ratification, which is required for a tax treaty. In addition, all tax information exchange agreements are required to include specific non-disclosure provisions which provide that "information received by either country will be disclosed only to persons or authorities (including courts and administrative bodies) involved in the administration or oversight of, or in the determination of appeals in respect of, taxes of the United States, or the beneficiary country and will be used by such persons or authorities only for such purposes." Sec. 274(h)(6)C)(i).

[40] The U.S. Senate ratified the Multilateral Mutual Assistance Convention, subject to certain reservations, in September 1990. The Multilateral Mutual Assistance Convention entered into force on April 1, 1995, and has been signed by the following countries: Denmark, Finland, Iceland, the Netherlands, Norway, Sweden, and the United States.

[41] For rulings, determination letters and technical advice memorandum, section 6110(c) provides the following exemptions from disclosure:

(1) The names, address, and other identifying details of the person to whom the written determination pertains and of any other person, other than a person with respect to whom a notation is made under subsection(d)(1) (relating to third party contacts), identified in the written determination or any background file document;

(2) Information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and which is in fact properly classified pursuant to such Executive order;

(3) Information specifically exempted from disclosure by any statute (other than[Title 26] which is applicable to the Internal Revenue Service;

(4) Trade secrets and commercial or financial information obtained from a person and privileges or confidential;

(5) Information the disclosure or which would constitute a clearly unwarranted invasion of personal privacy;

(6) Information contained in or related to examination, operating, or condition reports prepared by, or on behalf of, or for use of an agency responsible for the regulation or supervision of financial institutions; and

(7) Geological and geophysical information and data, including maps, concerning wells.

For Chief Counsel Advice, paragraphs 2 through 7 do not apply, however, material may be deleted in accordance with subsections (b) and(c) of the FOIA (except that in applying Exemption 3 of the FOIA, no statutory provision of the Code is to be taken into account.) See sec. 6110(i)(3).

Section 6110 was added to the Code in 1976. The legislative history provided that a written determination would not be considered a ruling, technical advice memorandum, or determination letter, unless the document satisfies three criteria:

(1) The document recites the relevant facts;

(2) The document explains the applicable provisions of law; and

(3) The document shows the application of law to the facts.[42]

The legislative history further provided that section 6110 "does not require public disclosure of a closing agreement entered into between the IRS and a taxpayer which finally determines the taxpayer's tax liability with respect to a taxable year... Your committee understands that a closing agreement is generally the result of a negotiated settlement and, as such, does not necessarily represent the IRS view of the law. Your committee intends, however, that the closing agreement exception is not to be used as a means of avoiding pubic disclosure of determinations which, under present practice, would be issued in a form which would be open to pubic inspection [under the bill]."[43]

Closing agreements are entered into under the authority of section 7121. Closing agreements finally and conclusively settle a tax between the IRS and a taxpayer. Closing agreements may: (1) determine a taxpayer's entire tax liability for a previous tax period; or (2) fix the tax treatment of one or more specific items affecting tax liability or any tax period. Thus, closing agreements may settle the treatment of a specific item for periods ending after the execution of the agreement. A single closing agreement may cover both the determination of a taxpayer's entire tax liability for a previous tax period and fix the tax treatment of specific items for any tax period.

Freedom of Information Act

The Freedom of Information Act ("FOIA"), enacted in 1966, established a statutory right to access government information. While the purpose of section 6103 is to restrict access to returns and return information, the basic purpose of the FOIA is to ensure that the public has access to government documents. In general, the FOIA provides that any person has a right of access to Federal agency records, except to the extent that such records (or portions thereof) are protected from disclosure by one of nine exemptions or by one of three special law enforcement record exclusions. Exemption 3 of the FOIA allows the withholding of information prohibited from disclosure by another statue if certain requirements are met.[44] The right of access is enforceable in court.

Pending FOIA requests and litigation involving IRS records

Records covered by treaty secrecy clauses

A publisher of tax related material and commentary has made a FOIA request for the disclosure of competent authority agreements. The request has been pending since March 14, 2000.[45] The IRS has not denied the request, nor has it produced any documents responsive to the request. At this time, no suit has been filed to compel disclosure of these documents, although such a suit may be brought in the future.

In connection with a separate request, the IRS was sued under the FOIA to compel disclosure of Field Service Advice memoranda ("FSAs").[46] FSAs are prepared by attorneys in the IRS National Office of the Office of Chief Counsel. They are prepared in response to requests from IRS field personnel for legal guidance, usually with respect to issues relating to a particular taxpayer. FSAs usually contain a statement of issues, facts, legal analysis and conclusions. The primary purpose of FSAs is to ensure that IRS field personnel apply the law correctly and uniformly. The D.C. Circuit determined that FSAs are subject to disclosure. However, the court remanded the case to district court to address assertions of privilege, including those based on treaty secrecy. A decision on this issue by the district court is still pending.[47]

Pre-filing agreements

On February 11, 2000, the IRS issued Notice 2000–12, in which the IRS established a pilot program for "Pre-filing Agreements." Under this program, large businesses may request a review and resolution of specific issues relating to tax returns they expect to file between September and December of 2000. The purpose of the program is to enable taxpayers and the IRS to resolve issues that are likely to be disputed in post-filing audits. Examples of such issues include: (1) asset valuation and the allocation of a business's purchase or sale price among the assets acquired or sold; (2) the identification and documentation of hedging transactions; and (3) the determination of "market" for taxpayers using the lower of cost or market method of inventory valuation in situations involving the inactive markets. The program is intended to address issues for which the law is settled.

In Notice 2000–12, the IRS stated that pre-filing agreements are closing agreements entered into pursuant to section 7121. As such, the notice provides that the information generated or received by the IRS during the pre-filing agreement process constitutes return information. The notice further provides that pre-filing agreements are not written determinations as defined in section 6110, nor are they subject to disclosure under the FOIA.

HOUSE BILL

No provision. However, H.R. 5542 affirms that closing and similar agreements, and information exchanged and agreements reached pursuant to a tax treaty, are confidential. Further, the provision clarifies that such protected documents are not to be disclosed under the FOIA or section 6110.

Clarification that return information includes closing agreements and similar dispute resolution agreements

Protection for closing agreements, pre-filing agreements and similar agreements not containing an exposition of the tax law

The bill provides that agreements entered into under section 7121 or similar agreements are confidential return information. Similar agreements are intended to include negotiated agreements that (1) are the result of an alternative dispute resolution or dispute avoidance process relating to liability of any person under the Code for any tax, penalty, interest, fine or forfeiture or other imposition or offense and (2) do not establish, set forth, or resolve the government's interpretation of the relevant tax law. This is not meant to preclude citation, or repetition of, the Code, Treasury regulations, or other published rules.

It is intended that pre-filing agreements be covered by this provision. It is the understanding of the conferees that pre-filing agreements do not explain the applicable provisions of law or otherwise contain any exposition of the tax law or the position of the IRS. In addition, it is not intended that the closing and similar agreement exception be used as a means of avoiding public disclosure of determinations that, under present law, would be issued in a form that would be open to public inspection. Thus, technical advice memoranda, chief counsel advice or other material clearly available to the public under present law section 6110, would not be exempt from disclosure by virtue of the fact that such material is contained in a background file for a closing agreement. For example, if a revenue agent seeks technical advice in connection with a pre-filing agreement, such technical advice would remain subject to the requirements of section 6110. Since the pre-filing agreement program involves only settled issues of law, it is the understanding of the conferees that documents of this nature generally would not be generated in the pre-filing agreement process.

The provision is not intended to foreclose the disclosure of tax-exempt organization closing agreements to the extent such disclosure is authorized under section 6104.[48] Since section 6103 permits the disclosure of return information as authorized by title 26, a disclosure authorized by section 6104 is permissible, notwithstanding the fact that a closing agreement is return information.

Report on pre-filing agreement program

It is intended that the Secretary make publicly available an annual report relating to the pre-filing agreement program operations for the preceding calendar year. The annual reporting requirement is for five years, or the duration of the program, whichever is shorter. The report is to include (1) the number of pre-filing agreements completed, (2) the number of applications received, (3) the number of applications withdrawn, (4) the types of issues which are resolved by completed agreements, (5) whether the program is being utilized by taxpayers who were previously subject to audit by the IRS, (6) the average length of time required to complete an agreement, (7) the number, if any, and subject of technical advice and chief counsel advice memoranda issued to address issues arising in connection with any pre-filing agreement, (8) any model agreements,[49] and (9) any other information the Secretary deems appropriate. The first report, covering the calendar year 2000, is to be issued no later than March 30, 2001. The information required for the annual report is subject to the restrictions of section 6103. Therefore, the Secretary will disclose information only in a form that cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer. The Joint Committee on Taxation periodically may review pre-filing agreements to determine whether they contain legal interpretations that should be disclosed to the public.

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[42] H.R. Rep. 94-658, at 315 (1976).

[43] Id. at 316.

[44] 5 U.S.C. sec. 552(b)(3).

[45] The initial FOIA request of March 14, 2000, covered all competent authority agreements executed for the United States from January 1, 1990, to date. In response to a request from the Department of Treasury, by letter dated April 17, 2000, the FOIA request was narrowed to cover competent authority agreements executed between 1997 and 1999. The right to pursue the 1990 through 1996 agreements, however, was reserved.

[46] *Tax Analysts* v. *IRS*, 117 F.3d 607 (D.C. Cir. 1997).

[47] *Tax Analysts* v. *IRS*, No. 94-CV-923 (GK) (D.D.C.).

[48] The D.C. Circuit recently remanded to the district court for factual development the issue of whether the closing agreement in that case was submitted in support of an exemption application, and therefore, subject to disclosure under section 6104. *Tax Analysts* v. *IRS*, 214 F.3d 179 (D.C. Cir 2000), vacating and remanding 99-2 U.S.T.C. (CCH) 794 (D.D.C. 1999).

Clarification that information protected by treaty is confidential

Protection for agreements and information exchanged pursuant to tax treaty

The provision adds a new Code section 6105, which provides that tax convention information, with limited exceptions, cannot be disclosed. Thus, the provision confirms that agreements concluded under, and information received pursuant to, a tax convention are confidential and can only be disclosed as provided in such tax convention.

Under the provision, a tax convention is defined to include any income tax or gift and estate tax convention, or any other convention or bilateral agreement (including multilateral conventions and agreements and any agreement with a possession of the United States) providing for the avoidance of double taxation, the prevention of fiscal evasion, nondiscrimination with respect to taxes, the exchange of tax relevant information with the United States, or mutual assistance in tax matters.

It is the understanding of the conferees that competent authority agreements (also referred to as mutual agreements) generally do not contain an explanation of the law or application of law to facts. Instead, such agreements are negotiated arrangements to resolve issues of double taxation. Thus, the term tax convention information for purposes of the provision includes: (1) any agreement entered into with the competent authority of one or more foreign governments pursuant to a tax convention; (2) an application for relief under a tax convention (sought by either a taxpayer or another competent authority); (3) any background information related to such agreement or application; (4) documents implementing such agreement; and (5) any other information exchanged pursuant to a tax convention that is treated as confidential or secret under such tax convention. The conferees intend that tax convention information would include documents and any other information that reflects tax convention information, including the association of a particular treaty partner with a specific issue.or matter.

The general rule that tax convention information cannot be disclosed does not apply to the disclosure of tax convention information to persons or authorities (including courts and administrative bodies) that are entitled to disclosure under the tax convention. It also does not apply to any generally applicable procedural rules regarding applications for relief under a tax convention. This exception is intended to ensure that there is no restriction on the release by the Secretary of publicly available procedural rules concerning matters such as how or when to make a request for competent authority assistance. Thus, certain material generated by IRS, i.e., its Competent Authority procedures (primarily reflected in Rev. Proc. 96–13), or similar material produced by a treaty partner (for example, an Information Circular produced and published by the Canadian tax authority) may be made available to the public. The general rule does not apply to the disclosure of information not relating to a particular taxpayer if, after consultation with the parties to a tax convention, the Secretary determines that such disclosure would not impair tax administration. This is consistent with current practice. An example of a general agreement that could be disclosed under this provision is the agreement between the competent authorities of Mexico and the United States regarding the maquiladora industry. That agreement, which was not taxpayer specific, was publicized by press release IR–INT–1999–13. The conferees intend that the "impairment of tax administration" for purposes of this provision include, but not be limited to, the release of documents that would adversely affect the working relationship of the treaty partners. Under the provision, except as otherwise provided, taxpayer-specific tax convention information could not be publicly disclosed, even if it would not impair tax administration.

A taxpayer-specific competent authority agreement that relates to the existence or possible existence of liability (or amount thereof) of any person for any tax, penalty, interest, fine, forfeiture, or other imposition or offense under the Code is return information under section 6103. It is also an agreement pursuant to a tax convention under section 6105. Return information, including taxpayer-specific competent authority agreements, remains subject to the confidentiality provisions of section 6103. Thus, civil and criminal penalties for the unauthorized disclosure of returns and return information continue to apply to return information that is also covered by section 6105. However, tax convention information that is return information may only be disclosed to the extent provided in, and subject to the terms and conditions of, the relevant tax convention.

Interaction with FOIA and section 6110

Under the provision, closing agreements and similar agreements would not be considered written determinations for purposes of section 6110 and, thus, would not be subject to public disclosure. Such agreements would be defined as return information under section 6103 and, therefore, such documents would be protected from disclosure pursuant to Exemption 3 of the FOIA in conjunction with section 6103.

In addition, under the provision, section 6110 would not apply to material covered by section 6105. In the litigation over FSAs, there has been some dispute as to whether treaties qualify as statutes for purposes of withholding information pursuant to Exemption 3 of the FOIA. The conferees believe that treaties are the equivalent of statutes for purposes of Exemption 3 of the FOIA. Section 6105 satisfies Exemption 3 of the FOIA. Taxpayer-specific tax convention information concerning a taxpayer's tax liability, such as taxpayer-specific competent authority agreements, would be exempt from the FOIA as both return information under section 6103 and information protected from disclosure by tax convention under section 6105. Agreements not relating to a particular taxpayer, and other tax convention information related to such agreements, could be disclosed under FOIA if it is determined that the disclosure would not impair tax administration.

Effective date

The provision applies to disclosures on, or after, the date of enactment, and thus, applies to all documents in existence on, or created after, the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

E. INCREASE JOINT COMMITTEE ON TAXATION REFUND REVIEW THRESHOLD TO $2 MILLION (SEC. 305 OF THE BILL AND SEC. 6405 OF THE CODE)

PRESENT LAW

No refund or credit in excess of $1,000,000 of any income tax, estate or gift tax, or certain other specified taxes, may be made until 30 days after the date a report on the refund is provided to the Joint Committee on Taxation (sec. 6405). A report is also required in the case of certain tentative refunds. Additionally, the staff of the Joint Committee on Taxation conducts post-audit reviews of large deficiency cases and other select issues.

HOUSE BILL

No provision. However, H.R. 5542 increases the threshold above which refunds must be submitted to the Joint Committee on Taxation for review from $1,000,000 to $2,000,000. The staff of the Joint Committee on Taxation would continue to exercise its existing statutory authority to conduct a program of expanded post-audit reviews of large deficiency cases and other select issues, and the IRS is expected to cooperate fully in this expanded program.

Effective date.—The provision is effective on the date of enactment, except that the higher threshold does not apply to a refund or credit with respect to which a report was made before the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

F. CLARIFYING THE ALLOWANCE OF CERTAIN TAX BENEFITS WITH RESPECT TO KIDNAPPED CHILDREN (SEC. 306 OF THE BILL AND SECS. 2, 24, 32, AND 151 OF THE CODE)

PRESENT LAW

The Code generally requires that a taxpayer provide over one-half of the support for each individual claimed as that taxpayer's dependent. Similarly, the child credit, the surviving spouse filing status, and the head of household filing status require that a taxpayer satisfy certain requirements with regard to individuals that qualify as the taxpayer's dependent(s). Finally, the earned income credit for taxpayers with qualifying children generally is available only if the taxpayer has the same principal place of abode for more than one-half the taxable year with an otherwise qualifying child.

Recently published IRS guidance first denied a dependency exemption to certain taxpayers with kidnapped children (TAM 200034029), then allowed such tax benefits to such taxpayers (TAM 200038059).

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[49] See e.g., Appendix A of Rev. Proc. 2000-38 which is a model "Closing Agreement on Final Determination Covering Specific Matters" regarding method of accounting for distributor commissions. Rev. Proc. 2000-38, 2000-40 I.R.B. 314-315 (October 2, 2000). That model agreement does not identify any particular taxpayer but sets forth the substance of the agreement.

HOUSE BILL

No provision. However, H.R. 5542 clarifies that the dependency exemption, the child credit, the surviving spouse filing status, the head of household filing status, and the earned income credit are available to an otherwise qualifying taxpayer with respect to a child who is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of the family of such child or the taxpayer. Generally, this treatment continues for all taxable years ending during the period that the child is kidnapped. However, this treatment ends for the taxable year ending after the calendar year in which it is determined that the child is dead (or, if earlier, in which the child would have attained age 18).

Effective date.—The provision is effective for taxable years ending after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

G. CONFORMING CHANGES TO ACCOMMODATE REDUCED ISSUANCES OF CERTAIN TREASURY SECURITIES (SEC. 307 OF THE BILL AND SEC. 995(f)(4) OF THE CODE)

PRESENT LAW

Code section 995(f)(4) dealing with the interest charge on the deferred tax liability of the shareholders of a domestic international sales corporation provides that the interest rate be determined by reference to the average investment yield on United States Treasury bills with maturities of 52 weeks. In addition, provisions of Federal law relating to interest on monetary judgments in civil cases recovered in Federal district court and on a judgment against the United States affirmed by the Supreme Court (Title 28), interest on certain unpaid criminal fines and penalties (Title 18), and interest on compensation for certain takings of property (Title 40) determine the applicable interest rate by reference to 52-week Treasury bills.

As a result of prior Congressional efforts at budgetary control, current and projected Federal budget surpluses are reducing the need of the Treasury Department to issue certain securities. The Treasury Department has informed the Congress that on grounds of efficient debt management, and predictability and liquidity for the financial markets, the Treasury Department has announced it is likely to cease issuing 52-week Treasury bills.

HOUSE BILL

No provision. However, H.R. 5542 modifies the Code (sec. 995(f)(4)) and certain other parts of Federal law relating to interest on monetary judgments in civil cases recovered in Federal district court and on a judgment against the United States affirmed by the Supreme Court (Title 28), interest on certain unpaid criminal fines and penalties (Title 18), and interest on compensation for certain takings of property (Title 40) that make specific reference to yields on 52-week Treasury bills. H.R. 5542 generally replaces the reference to 52-week Treasury bills with a reference to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System.

Effective date.—The provision is effective upon the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

H. AUTHORIZATION OF AGENCIES TO USE CORRECTED CONSUMER PRICE INDEX (SEC. 308 OF THE BILL)

PRESENT LAW

Code section 1(f) provides for adjustments in the tax tables so that inflation will not result in tax increases. Numerous other provisions of the Code are indexed as well. Section 1(f) provides that inflation is measured by changes in the consumer price index ("CPI") for the preceding year as published by the Department of Labor compared to the CPI for the calendar year 1992. Section 1(f) directs the Secretary to publish tables with applicable tax rates based upon calculated inflation adjustments by December 15 of the year before the year to which the tables are to apply.

In addition, payments made under Social Security, certain Federal employee retirement programs, and certain payments to individuals under various welfare and income support programs are adjusted annually by changes in the CPI.

On September 28, 2000, the Bureau of Labor Statistics ("BLS") announced that the agency had discovered a computational error in quality adjustments of air conditioning as a part of the cost of housing resulting in errors in the reported CPI between January 1999 and August 2000. The BLS reported that the CPI levels starting in January 1999 have been either 0.0, 0.1, or 0.2 index points lower than the levels that would have been published without the error. Consistent with agency guidelines and past practices, the BLS announced that it is revising the reported CPI back to January 2000 to the fully correct levels. The BLS will make no changes to reported levels for January through December 1999. However, the BLS will make the corrected levels of the CPI for 1999 available upon request.

HOUSE BILL

No provision. However, H.R. 5542 authorizes the Secretary of the Treasury to use the corrected levels of the CPI for 1999 and 2000 for all purposes of the Code to which they might apply. H.R. 5542 directs the Secretary to prescribe new tables reflecting the correct levels of the 1999 CPI for the 2000 tax year.

In addition, H.R. 5542 provides that the Director of the Office of Management and Budget ("OMB") shall assess Federal benefit programs to ascertain the extent to which the CPI error has or will result in a shortfall in program payments to individuals for 2000 and future years. The Director is directed to issue guidelines to agency administrators to determine the extent, if any, of such shortfalls in payments to individuals. The agency administrators are to report their findings to the Director and to Congress within 30 days. H.R. 5542 provides that, within 60 days of the date of enactment, the Director instruct the head of any Federal agency which administers an affected program to make a payment or payments to compensate for the shortfall and that such payments are targeted to the amount of the shortfall experienced by individual beneficiaries. Applicable Federal benefit programs include the old-age and survivors insurance program, the disability insurance program and the supplemental security income program under the Social Security Act and other programs as determined by the Director. H.R. 5542 directs the Director to report to the Congress on the activities performed pursuant to this provision by April 1, 2001.

Effective date.—The provision is effective on the date of enactment.

SENATE BILL

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542, except that the conference agreement directs the Secretary to prescribe new tables reflecting the correct levels of the CPI for the 2001 tax year.

The conferees note that error in the CPI was computational in nature. The conferees support the BLS's policy to incorporate methodological changes only on a prospective basis. The conferees also understand that BLS policy provides that published indices generally not be revised except for those found to be in error for the year in which the error was discovered or within the past twelve months. The conferees recognize that the errors in the CPI date to as long as 20 months prior to the announcement of the error. The conferees recognize that the BLS's policy of not publishing corrected index numbers, beyond those provided as described above, has been applied in those rare cases where an error has been discovered in the past. However, the conferees understand that in the past 25 years the few errors that have been discovered have involved sub-indices and have not affected the level of the CPI itself. The last time the U.S. City Average All Items CPI was revised was in December 1974, when the values for the months of April through October 1974 were recalculated and released with issuance of the November CPI. Therefore, past precedent does not strictly apply to the present situation.

The conferees believe that integrity of official government data is vital to policymakers and private individuals and businesses throughout the country. The conferees emphasize that the CPI plays an important role in economic planning. For this reason the conferees are concerned that, while the BLS has published corrected CPI numbers for 2000, the BLS does not intend to publish correct CPI numbers for 1999 as part of the official CPI series. To its credit, the BLS announced the error publicly. The national press reported the error.[50] In the absence of a correction to the official CPI series, the Federal government will be left in the position of maintaining, as an official data series, index numbers that the Federal government has admitted are incorrect. The conferees believe that the public's trust in the integrity of official government data is a paramount goal and the conferees strongly encourage the Commissioner of the Bureau of Labor Statistics to review carefully the agency's current policy with the respect to publishing as part of an official series corrections to data found to be in error for reasons of computational error. The conferees believe such a review should be made both with respect of computational error. The conferees believe such a review should be made both with respect to the error announced on September 28, 2000, and as a matter for the future for those rate circumstances when such a similar computational error might once again arise.

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[50] For example, John M. Berry, "Inflation Higher Than Reported," The Washington Post, September 27, 2000, p. E-1, John M. Berry, "Rent Error Leads to Revision Of the CPI," The Washington Post, September 29, 2000, p. E-3. Nicholas Kulish, "Major Price Index Is Revised Upward As Result of Error," The Wall Street Journal, September 28, 2000, p. A2, and Nicholas Kulish, "Second-Period GDP Rose at 5.6% Annual Rate," The Wall Street Journal, September 29, 2000, p. A2. The conferees observe that these press reports highlight the potential confusion for the public regarding these data. The Washington Post reported that "the CPI figures for 1999 were not revised" (September 29, 2000 story) while The Wall Street Journal reported that "[t]he BLS said a complete revision of all the data sets would be released" (September 28, 2000 story) and "it [BLS] announced that it would revise the index" (September 29, 2000 story.

I. PREVENT DUPLICATION OR ACCELERATION OF LOSS THROUGH ASSUMPTION OF CERTAIN LIABILITIES (SEC. 309 OF THE BILL AND SEC. 358 OF THE CODE)

PRESENT LAW

Generally, no gain or loss is recognized when one or more persons transfer property to a corporation in exchange for stock and immediately after the exchange such person or persons control the corporation. However, a transfer recognizes gain to the extent it receives money or other property ("boot") as part of the exchange (sec. 351).

The assumption of liabilities by the controlled corporation generally is not treated as boot received by the transferor,[51] except that the transferor recognizes gain to the extent that the liabilities assumed exceed the total of the adjusted basis of the property transferred to the controlled corporation pursuant to the exchange (sec. 357(c)).

The assumption of liabilities by the controlled corporation generally reduces the transferor's basis in the stock of the controlled corporation that assumed the liabilities. The transferor's basis in the stock of the controlled corporation is the same as the basis of the property contributed to the controlled corporation, increased by the amount of any gain (or dividend) recognized by the transferor on the exchange, and reduced by the amount of any money or property received, and by the amount of any loss recognized by the transferor (sec. 358). For this purpose, the assumption of a liability is treated as money received by the transferor.

An exception to the general treatment of assumption of liabilities applies to assumptions of liabilities that would give rise to a deduction, provided the incurrence of such liabilities did not result in the creation or increase of basis of any property. The assumption of such liabilities is not treated as money received by the transferor in determining whether the transferor has gain on the exchange. Similarly, the transferor's basis in the stock of the controlled corporation is not reduced by the assumption of such liabilities. The Internal Revenue Service has ruled that the assumption by an accrual basis corporation of certain contingent liabilities for soil and groundwater remediation would be covered by this exception.[52]

HOUSE BILL

No provision. However, H.R. 5542 contains a provisions to limit the acceleration or duplication of losses through assumptions of liabilities.

Under H.R. 5542, if the basis of stock (determined without regard to this provision) received by a transferor as part of a tax-free exchange with a controlled corporation exceeds the fair market value of the stock, then the basis of the stock received is reduced (but not below the fair market value) by the amount (determined as of the date of the exchange) of any liability that (1) is assumed in exchange for such stock, and (2) did not otherwise reduced the transferor's basis of the stock by reason on the assumption. Except as provided by the Secretary of the Treasury, this provision does not apply where the trade or business with which the liability is associated is transferred to the corporation as part of the exchange, or where substantially all the assets which the liability is associated are transferred to the corporation as part of the exchange.

The exception for transfers of a trade or business, or substantially all the assets with which a liability is associated, are intended to obviate the need for valuation or basis reduction in such cases. The exceptions are not intended to apply to situation involving the selective transfer of assets that may bear some relationship to the liability, but that do not represent the full scope of the trade or business, (or substantially all the assets) with which the liability is associated.

For purposes of the provision, the term "liability" includes fixed or contingent obligation to make payments, without regard to whether such obligation or potential obligation is otherwise taken into account under the Code. The determination whether a liability (as more broadly defined for purposes of this provision) has been assumed is made in accordance with the provisions of section 357(d)(1) of the Code. Under the standard of 357(d)(1), a recourse liability is treated as assumed if, based on all the facts and circumstances, the transferee has agreed to and is expected to satisfy such liability (or portion thereof), whether or not the transferor has been relieved of the liability. For example, if a transferee corporation does not formally assume a recourse obligation or potential obligation of the transferor, but instead agrees and is expected to indemnify the transferor with respect to all or a portion of a such an obligation, then the amount that is agreed to be indemnified is treated as assumed for purposes of the provision, whether or not the transferor has been relieved of such liability. Similarly, a nonrecourse liability is treated as assumed by the transferee of any asset subject to such liability.[53]

The application of the provision is illustrated in the following example: Assume a taxpayer transfers assets with an adjusted basis and fair market value of $100 to its wholly-owned corporation and the corporation assumes $40 of liabilities (the payment of which would give rise to a deduction). Thus, the value of the stock received by the transferor is $60. Under present law, the basis of the stock would be $100. The provision requires that the basis of the stock be reduced to $60 (i.e., a reduction of $40). Except is provided by the Secretary, no basis reduction is required if the transferred assets consisted of the trade or business, or substantially all the assets, with which the liability associated.

The provision does not change the tax treatment with respect to the transferee corporation.

The Secretary of the Treasury is directed to prescribe rules providing appropriate adjustments to prevent the acceleration or duplication of losses through the assumption of liabilities (as defined in the provision) in transactions involving partnerships. The Secretary may also provide appropriate adjustments in the case of transactions involving S. corporations. In the case of S corporations, such rules may be applied instead of the otherwise applicable basis reduction rules.

Effective Date.—The provision is effective for assumption of liabilities on or after October 19, 1999. Except as provided by the Secretary, the rule addressing transactions involving partnerships are effective with the same effective date. Any rules addressing transactions involving S corporations may likewise be effective for assumptions of liabilities on or after October 19, 1999, or such later date as may be prescribed in such rules.

SENATE AMENDMENT

No provision. On April 4, 2000, Senators Roth and Moynihan introduced a bill (S. 2354) that is the same as the provision in H.R. 5542.

CONFERENCE AGREEMENT

The conference agreement follow H.R. 5542.

J. DISCLOSURE OF RETURN INFORMATION TO THE CONGRESSIONAL BUDGET OFFICE (SEC. 310 OF THE BILL AND NEW SEC. 6103(J)(6) OF THE CODE)

PRESENT LAW

Federal tax returns and return information are confidential and cannot be disclosed unless authorized by the Code. Section 6103 authorizes certain agencies to receive tax returns and return information for statistical use and for other specified purposes.[54] Section 6103 also permits the Secretary of the Treasury ("the Secretary") to provide return information to any person authorized to receive it by any mode or means that the Secretary determines necessary or appropriate.[55] Persons making unauthorized disclosures or inspections of tax returns and return information are subject to criminal and civil penalties.[56]

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

Disclosure of return information

The Congressional Budget Office ("CBO") is in the process of developing the capability to make projections of the Social Security and Medicare programs over long periods of time. To facilitate the development and operation of long-term models of Social Security and Medicare, CBO needs continuing access to records from the IRS. Specifically, CBO seeks two SSA files that contain return information—the Social Security Earnings Record and the Master Beneficiary Record. These files contain individual earnings data compiled from tax returns (Forms W-2), which are protected from disclosure by section 6103. In addition, CBO may request other records, including those matched with survey data.

The conference agreement amends section 6103 to permit the Secretary to furnish to CBO return information to the extent such information is necessary for purposes of CBO's long-term models of Social Security and Medicare. This authority extends to the development, operation, and maintenance by CBO of its long-term models of Social Security and Medicare. It is the intent of Congress that all requests for information made by CBO under this provision be made to the Secretary and that the Secretary use his authority under section 6103(p)(2) such that the SSA or other agency can furnish directly to CBO, for purposes of CBO's long-term models of Social Security and Medicare, the files they possess that incorporate return information. It is also the intent of Congress that the Secretary furnish such other return information under this provision as is necessary for purposes of CBO's Social Security and Medicare long-term models.

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[51] The assumption of liabilities is treated as boot if it can be shown that "the principal purpose" of the assumption is tax avoidance on the exchange, or is a non-bona fide business purpose (sec. 357(b)).

[52] Rev. Rul. 95-74, 1995-2 C.B. 36. The ruling addressed a parent corporation's transfer to a subsidiary of substantially all the assets of a manufacturing business, in exchange for stock and the assumption of liabilities associated with the business, including certain contingent environmental remediation liabilities. These liabilities arose due to contamination of land during the parent corporation's operation of the manufacturing business. The transferor has no plan or intention to dispose of (or to have the subsidiary issue) any subsidiary stock. The IRS ruled that the contingent liabilities would not reduce the transferor's basis in the stock of the subsidiary because the liabilities would not reduce the transferor's basis in the stock of the subsidiary because the liabilities had not been taken into account by the transfer prior to the transfer and had not given rise to deductions or basis for the transferor.

[53] Section 357(d)(2) contains a limitation in the case of certain non recourse liabilities. Also, under section 357, regulations if issued, may provide for different results.

[54] E.g., sec. 6103(j), and 6103(1)(1) and (5).

[55] Sec. 6103(p)(2)(B).

[56] Sec. secs. 7431, 7213, and 7213A.

Under the provision, CBO is subject to the present-law safeguard requirements for tax returns and return information.[57] Further, CBO is prohibited from disclosing any tax returns and return information received under this provision except in a form that cannot be associated with, or otherwise identify, directly or indirectly a particular taxpayer. Present-law civil and criminal penalties apply to the unauthorized disclosure or inspection of tax returns or return information.[58]

Addition of general CBO confidentiality provisions

The conference agreement adds to the Congressional Budget Act of 1974[59] additional confidentiality provisions which would require CBO to provide the same level of confidentiality to data it obtains from other agencies as that to which the agencies themselves are subject. Officials and employees of CBO would be subject to the same statutory penalties for unauthorized disclosure as the employees of the agencies from which CBO obtain the data.

Subtitle B.—Tax Technical Corrections
(secs. 311–319 of the bill)

HOUSE BILL

No provision. However, H.R. 5542 includes tax technical corrections.[60] Except as otherwise provided, the technical corrections contained in the bill generally are effective as if included in the originally enacted related legislation. The provisions under the IRS Restructuring Act of 1998 relating to innocent spouse and to procedural and administrative issues (other than the provision relating to clarification of Tax Court authority to issue appealable decisions) are effective upon the date of enactment of the bill.

AMENDMENTS RELATING TO THE TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT OF 1999

Research credit.—The provision clarifies the anti-double dip rule coordinating the research credit (sec. 41) and the Puerto Rico economic activity credit (sec. 30A). It is arguable that the present-law provisions could be construed so that the amount of wages on which a taxpayer could claim the section 30A credit is reduced only by the amount of credit claimed under section 41, rather than by the amount of wages upon which the section 41 credit is based. This result is inconsistent with the legislative history of the original provisions. The provision deletes the words "or credit" after "deduction" in section 280C(c)(1), and adds a new subsection in section 30A specifying that wages or other expenses taken into account for section 30A may not be taken into account for section 41.

Taxable REIT subsidiaries.—The provision clarifies that a REIT's redetermined rents (described in sec. 857(b)(7)(B)) that are subject to tax under section 857(b)(7)(A) do not include amounts received from a taxable REIT subsidiary that would be excluded from unrelated business taxable income (under sec. 512(b)(3), relating to certain rents, if received by certain types of organizations described in sec. 511(a)(2)).

Partnership basis adjustments.—The provision provides that the rule in the consolidated return regulations (Treas. Reg. sec. 1.1502–34) aggregating stock ownership for purposes of section 332 (relating to complete liquidation of a subsidiary that is a controlled corporation) also applies for purposes of section 732(f) (relating to basis adjustments to assets of a controlled corporation received in a partnership distribution).

Amendments related to the Tax and Trade Relief Extension Act of 1998

Exempt organizations.—The provision clarifies that nonexempt charitable trusts and nonexempt private foundations are subject to the public disclosure requirements of section 6104(d).

Capital gains.—The provision clarifies that if (1) a charitable remainder trust sold section 1250 property after July 28, 1997, and before January 1, 1998, (2) the property was held more than one year but not more than 18 months, and (3) the capital gain is distributed after December 31, 1997, then any capital gain attributable to depreciation will be taxed at 25 percent (rather than 28 percent). Treasury has published a notice (Notice 99–17, 1999–14 I.R.B., April 5, 1999) providing that the gain is taxed at 25 percent.

Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998

Innocent spouse

Timing of request for relief.—Confusion currently exists as to the appropriate point at which a request for innocent spouse relief should be made by the taxpayer and considered by the IRS. Some have read the statute to prohibit consideration by the IRS of requests for relief until after an assessment has been made, i.e., after the examination has been concluded, and if challenged, judicially determined. Others have read the statute to permit claims for relief from deficiencies to be made upon the filing of the return before any preliminary determination as to whether a deficiency exists or whether the return will be examined. The consideration of innocent spouse relief requires that the IRS focus on the particular items causing a deficiency; until such items are identified, the IRS cannot consider these claims. Congress did not intend that taxpayers be prohibited from seeking innocent spouse relief until after an assessment has been made; Congress intended the proper time to raise and have the IRS consider a claim to be at the same point where a deficiency is being considered and asserted by the IRS. This is the least disruptive for both the taxpayer and the IRS since it allows both to focus on the innocent spouse issue while also focusing on the items that might cause a deficiency. It also permits every issue, including the innocent spouse issue, to be resolved in single administrative and judicial process. The bill clarifies the intended time by permitting the election under (b) and (c) to be made at any point after a deficiency has been asserted by the IRS. A deficiency is considered to have been asserted by the IRS at the time the IRS states that additional taxes may be owed. Most commonly, this occurs during the Examination process. It does not require an assessment to have been made, nor does it require the exhaustion of administrative remedies in order for a taxpayer to be permitted to request innocent spouse relief.

Allowance of refunds.—The current placement in the statute of the provision for allowance of refunds may inappropriately suggest that the provision applies only to the United States Tax Court, whereas it was intended to apply administratively and in all courts. The bill clarifies this by moving the provision to its own subsection.

Non-exclusivity of judicial remedy.—Some have suggested that the IRS Restructuring Act administrative and judicial process for innocent spouse relief was intended to be the exclusive avenue by which relief could be sought. The bill clarifies Congressional intent that the procedures of section 6015(e) were intended to be additional, non-exclusive avenues by which innocent spouse relief could be considered.

Time for filing a petition with the Tax Court.—As enacted, the time period for seeking a redetermination in the Tax Court of innocent spouse relief begins on the date of the determination as opposed to the day after the determination. This period is one day shorter than that generally applicable to petition the Tax Court with respect to a deficiency notice (sec. 6213) and the period during which collection activities are prohibited and the limitations period is suspended. The bill clarifies the computation of this period and conforms it to the generally applicable 90-day period for petitioning the Tax Court. Conforming amendments are made as to the period for which collection activities are prohibited and collection limitations suspended.

Waiver of final determination upon agreement as to relief.—Congress intended in enacting section 6015 to provide a simple and efficient procedure by which the IRS could consider relief, and if relief was denied (in whole or in part) and the spouse requesting such relief did not agree with such denial, such issue could be considered by the Tax Court. Congress did not intend to require a rigid formal process when the IRS and the spouse requesting relief agreed on the extent of relief to be granted. However, the provisions of section 6015(e) have been interpreted as requiring the issuance in all circumstances of a formal "Notice of Determination," which contains a statement of the time period within which a petition may be filed with the Tax Court and which delays final resolution of the request for relief until the expiration of the period for filing a petition with the Tax Court. The issuance of the Notice of Determination is confusing to the taxpayer when the requested relief was fully granted or when the IRS and the taxpayer otherwise agreed on the application of the innocent spouse provisions to the taxpayer's case. It also may cause unnecessary filings with the

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[57] Sec. 6103(p)(4).

[58] See secs. 7431, 7213, and 7213A.

[59] 2 U.S.C. sec. 601(d).

[60] In addition to other tax technical corrections, the bill contains the technical corrections contained in H.R. 2488, the Financial Freedom Act of 1999 (106th Cong. 1st Sess., reported by the House Committee on Ways and Means, H. Rept. 106–238, July 16, 1999, 393–397), as passed by the House, and S. 1429, the Taxpayer Refund Act of 1999 (reported by the Senate Committee on Finance, S. Rept. 106–120, July 23, 1999, 221–225), as passed by the Senate. (The technical corrections were not included in the conference agreement to H.R. 2488, the Taxpayer Refund and Relief Act of 1999 (106th Cong., 1st Sess., H. Rept. 106–289, Aug. 4, 1999, 542–543). The Taxpayer Refund and Relief Act of 1999 was vetoed by President Clinton.) However, the bill does not include the following provisions enacted in other legislation: sections 1601(b)(2) and (c) of H.R. 2488 (and section 504(c) of S. 1429), relating to the Vaccine Trust Fund, which were enacted in the "Ticket to Work and Work Incentives Improvement Act of 1999" (P.L. 106–170, sec. 523(b)).

Tax Court and delay the closing of the case until the time for filing with the Tax Court expires.

Congress has addressed the analogous situation in the deficiency context in section 6213(d). In such situations, upon written agreement, the IRS may adjust the taxpayer's liability as agreed, and no additional formal notice is necessary. The bill reflects that an analogous waiver was intended to apply in the innocent spouse context. The bill consequently permits taxpayers and the IRS to enter into a similar written agreement in innocent spouse cases, which allows for the taxpayer's liability to be immediately adjusted as agreed, and makes unnecessary a formal Notice of Determination or Tax Court review. This written agreement is to specify the details of the agreement between the IRS and the taxpayer as to the nature and extent of innocent spouse relief that will be provided. Conforming amendments are made as to the period for which collection activities are prohibited and collection limitations suspended.

Procedural and administrative issues

Disputes involving $50,000 or less.—The provision clarifies that the small case procedures of the Tax Court are available with respect to innocent spouse disputes and disputes continuing from the pre-levy administrative due process hearing. The small case procedures provide an accessible forum for taxpayers who have small claims with less formal rules of evidence and procedure. Use of the procedure is optional to the taxpayer, with the concurrence of the Tax Court. In view of the recent enactment of the innocent spouse and pre-levy administrative due process hearing provisions, it is anticipated that the Tax Court will give careful consideration to (1) a motion by the Commissioner of Internal Revenue to remove the small case designation (as authorized by Rules 172 and 173 of the Tax Court Rules) when the orderly conduct of the work of the Court or the administration of the tax laws would be better served by a regular trial of the case, as well as (2) the financial impact upon the taxpayer, including additional legal fees and costs, of not utilizing small case treatment. For example, removing the small case designation may be appropriate when a decision in the case will provide a precedent for the disposition of a substantial number of other cases. It is anticipated that motions by the Commissioner to remove the small case designation will be made infrequently.

Authority to enjoin collection actions.—While a dispute is pending under the pre-levy administrative due process hearing procedures, levy action is statutorily suspended for that period. The Tax Court and district courts are expressly granted authority to enjoin improper levy action in general, but that authority does not explicitly extend to improper levy action that occurs during the period when levy action is statutorily suspended under the administrative due process provisions. The provision clarifies the ability of the courts (including the Tax Court) to enjoin levy during the period that levy is required to be suspended with respect to a dispute under the pre-levy administrative due process hearing procedures.

Clarification of permissible extension of limitations period for installment agreements.—Uncertainty exists as to whether the permissible extension of the period of limitations in the context of installment agreements is governed by reference to an agreement of the parties pursuant to section 6502 or by reference to the period of time during which the installment agreement is in effect pursuant to sections 6331(k)(3) and (i)(5). The provision clarifies that the permissible extension of the period of limitations in the context of installment agreements is governed by the pertinent provisions of section 6502.

Clarification of Tax Court authority to issue appealable decisions.—The statutory provision for judicial review of a dispute concerning the pre-levy administrative due process hearing may be unclear as to whether a determination of the Tax Court is an appealable decision. The provision clarifies that the determination of the Tax Court (other than under the small case procedures) in a dispute concerning the pre-levy administrative due process hearing is a decision of the Tax Court and would be reviewable as such.

Other issues

IRS restructuring.—When the Office of the Chief Inspector was replaced by the Treasury Inspector General for Tax Administration (TIGTA) under the IRS Restructuring and Reform Act of 1998, Inspection's responsibilities were assigned to the TIGTA. TIGTA personnel are Treasury, rather than IRS, personnel. TIGTA personnel still need to make investigative disclosures to carry out the duties they took over from Inspection and their additional tax administration responsibilities. However, section 6103(k)(6) refers only to "internal revenue" personnel. The provision clarifies that section 6103(k)(6) permits TIGTA personnel to make investigative disclosures.

Compliance.—Section 3509 of the IRS Restructuring and Reform Act of 1998 expanded the disclosure rules of section 6110 to also cover Chief Counsel advice (sec. 6110(i)). This is a conforming change related to ongoing investigations. The provision adds to section 6110(g)(5)(A), after the words technical advice memorandum, "or Chief Counsel advice."

Amendments related to the Taxpayer Relief Act of 1997

Deficiency created by overstatement of refundable child credit.—The provision treats the refundable portion of the child credit under section 24(d) as part of a "deficiency." Thus, the usual assessment procedures applicable to income taxes will apply to both the nonrefundable and the refundable portions of the child credit. (This will reverse the conclusion reached by Internal Revenue Service Chief Counsel Memorandum 199948027 interpreting present law.)

Roth IRAs.—Code section 3405 provides for withholding with respect to designated distributions from certain tax-favored arrangements, including IRAs. In general, section 3405(e)(1)(B)(ii) excludes from the definition of a designated distribution the portion of any distribution which it is reasonable to believe is excludable from gross income. However, all distributions from IRAs are treated as includible in income. The exception was consistent with prior law when all IRA distributions were taxable, but does not account for the tax-free nature of certain Roth IRA distributions. The provision extends the exception to Roth IRAs.

Capital gain election.—The provision provides that an election to recognize gain or loss made pursuant to section 311(e) of the Taxpayer Relief Act of 1997 does not apply to assets disposed of in a recognition transaction within one year of the date the election would otherwise have been effective. Thus, for example, if an asset is sold in 2001, no election may be made with respect to that asset. In addition, it is clarified that the deemed sale and repurchase by reason of the election is not taken into account in applying the wash sales rules of section 1091.

Straight-line depreciation under AMT.—The provision clarifies that the Taxpayer Relief Act of 1997 did not change the requirement that the straight-line method of depreciation be used in computing the alternative minimum tax ("AMT") depreciation allowance for section 1250 property. It is arguable that the changes made by that Act could be read as inadvertently allowing accelerated depreciation under the AMT for section 1250 property which is allowed accelerated depreciation under the regular tax.

Transportation benefits.—Under present law, salary reduction amounts are generally treated as compensation for purposes of the limits on contributions and benefits under qualified plans. In addition, an employer can elect whether or not to include such amounts for nondiscrimination testing purposes. The IRS Reform Act permitted employers to offer a cash option in lieu of qualified transportation benefits. The provision treats salary reduction amounts used for qualified transportation benefits the same as other salary reduction amounts for purposes of defining compensation under the qualified plan rules.

Tax Court jurisdiction.—The Tax Court recently held that its jurisdiction pursuant to section 7436 extends only to employment status, not to be amount of employment tax in dispute (*Henry Randolph Consulting* v. *Comm'r*, 112 T.C. #1. Jan. 6, 1999). The provision provides that the Tax Court also has jurisdiction over the amount.

Amendments related to the Balanced Budget Act of 1997

Tobacco floor stocks tax.—The provision clarifies that the floor stocks taxes imposed on January 1, 2000, and January 1, 2002, apply only to cigarettes rather than to all tobacco products. As enacted, the law could be construed as ambiguous, referring to imposition on all tobacco products but imposing liability only with respect to cigarettes.

Tobacco excise tax.—Conforming amendments are provided to two provisions to reflect the fact that the tax on cigarette papers is not imposed on "books" or papers since January 1, 2000.

Coordination of trade rules and tobacco excise tax.—Clarification is provided that the penalty on reimporting cigarettes other than for return to a manufacturer (effective January 1, 2000) does not apply to cigarettes re-imported by individuals to the extent those cigarettes can be entered into the U.S. without duty or tax under the Harmonized Tariff Schedule.

Amendment related to the Small Business Job Protection Act of 1996

Work opportunity tax credit.—Section 51(d)(2) refers to eligibility for the work opportunity tax credit with respect to certain welfare recipients without taking into account the enactment of the temporary assistance for needy families ("TANF") program. The provisions conform references in the work opportunity tax credit to the operation of TANF.

Electing small business trusts holding S corporation stock.—The provision allows an electing small business trust (sec. 1361(e)) to have an organization described in section 170(c)(1) (relating to State and local governments) as a beneficiary if the organization holds a contingent interest and is not a potential current beneficiary.

Definition of lump-sum distribution.—Section 1401(b) of the Small Business Job Protection Act of 1996 Act repealed 5-year averaging for lump-sum distributions. The definition of lump-sum distribution was preserved for other provisions, primarily those relating to NUA in employer securities. The definition was moved from section 402(d)(4)(A) to section 402(e)(4)(D)(i). This definition included the following sentence: "A distribution of an annuity contract from a trust or annuity plan referred to in the first sentence of this subparagraph shall be treated as a lump sum distribution." The provision adds this language back into the definition of lump-sum distribution. The sentence is relevant to section 401(k)(1)(B), which permits certain distributions if made as a "lump-sum distribution."

IRAs for nonworking spouses.—Section 1427 of the Small Business Job Protection Act of 1996 expanded the IRA deduction for nonworking spouses. The maximum permitted IRA contributions is generally limited by the individual's earned income. However, under present law, it is possible for a nonworking (or lesser earning) spouse to make IRA contributions in excess of the couple's combined earned income. The following example illustrates present law.

Example: Suppose H and W retire in the middle of January, 1999. In that year, H earns $1,000 and W earns $500. Both are active participants in an employer-sponsored retirement plan. Their modified AGI is $60,000. They make no Roth IRA contributions. Before application of the income phase-out rules, the maximum deductible IRA contribution that H can make is $1,000 (sec. 219(b)(1)). After application of the income phase-out rule in section 219(g), H's maximum contribution is $200, and H contributes that amount to an IRA. Under 408(o)(2)(B), H can make nondeductible contributions of $800 ($1,000–$200).

W's maximum permitted deductible contribution under section 219(c)(1)(B), before the income phase-out, is $1,300 (the sum of H and W's earned income ($1,500), less H's deductible IRA contribution ($200)). Under the income phase-out, W's deductible contribution is limited to $200, and she can make a nondeductible contribution of $1,000 ($1,300–$200).

The total permitted contributions for H and W are $2,300 ($1,000 for H plus $1,300 for W). The combined contribution should be limited to $1,500, their combined earned income of the spouses.

The provision provides that the contributions for the spouse with the lesser income cannot exceed the combined earned income of the spouses.

Amendment related to the Revenue Reconciliation Act of 1990

Qualified tertiary injectant expenses.—The provision clarifies that the enhanced oil recovery credit (sec. 43) applies with respect to qualified tertiary injectant expenses described in section 193(b) that are paid or incurred in connection with a qualified enhanced oil recovery project, and that are deductible for the taxable year (regardless of the provision allowing the deduction). Purchased and self-produced injectants are treated the same for purposes of the section 43 credit.

Amendments to other Acts (sec. 318 of the bill)

Insurance.—The legislative history of section 7702A(a) (enacted in the Technical and Miscellaneous Revenue Act of 1988) indicated that if a life insurance contract became a modified endowment contract ("MEC"), then the MEC status could not be eliminated by exchanging the MEC for another contract. Section 7702A(a)(2), however, arguably might be read to allow a policyholder to exchange a MEC for a contract that does not fail the 7-pay test of section 7702A(b), then exchange the second contract for a third contract, which would not literally have been received in exchange for a contract that failed to meet the 7-pay test. The provision clarifies section 7702A(a)(2) to correspond to the legislative history, effective as if enacted with the Technical and Miscellaneous Revenue Act of 1988 (generally, for contracts entered into on or after June 21, 1988).

Insurance.—Under section 7702A, if a life insurance contract that is not a modified endowment contract is actually or deemed exchanged for a new life insurance contract, then the 7-pay limit under the new contract is first be computed without reference to the premium paid using the cash surrender value of the old contract, and then would be reduced by $1/7$ of the premium paid taking into account the cash surrender value of the old contract. For example, if the old contract had a cash surrender value of $14,000 and the 7-pay premium on the new contract would equal $10,000 per year but for the fact that there was an exchange, the 7-pay premium on the new contract would equal $8,000 ($10,000–$14,000/7). However, section 7702A(c)(3)(A) arguably might be read to suggest that if the cash surrender value on the new contract was $0 in the first two years (due to surrender charges), then the 7-pay premium might be $10,000 in this example, unintentionally permitting policyholders to engage in a series of "material changes" to circumvent the premium limitations in section 7702A. The provision clarifies section 7702A(c)(3)(A) to refer to the cash surrender value of the old contract, effective as if enacted with the Technical and Miscellaneous Revenue Act of 1988 (generally, for contracts entered into on or after June 21, 1988).

Worthless securities.—Section 165(g)(3) provides a special rule for worthless securities of an affiliated corporation. The test for affiliation in section 165(g)(3)(A) is the 80-percent vote test for affiliated groups under section 1504(a) that was in effect prior to 1984. When section 1504(a) was amended in the Deficit Reduction Act of 1984 to adopt the vote and value test of present law, no corresponding change was made to section 165(g)(3)(A), even though the tests had been identical until then. The provision conforms the affiliation test of section 165(g)(3)(A) to the test in section 1504(a)(2), effective for taxable years beginning after December 31, 1984.

Exception for certain annuities under OID rules.—The Deficit Reduction Act of 1984 expanded the prior—law rules for inclusion in income of original issue discount ("OID") on debt instruments. That Act provided an exception from the definition of a debt instrument for certain annuity contracts, including any annuity contract to which section 72 applies and that is issued by an insurance company subject to tax under subchapter L of the Code (and meets certain other requirements) (sec. 1275(a)(1)(B)(ii)). The provision clarifies that an annuity contract otherwise meeting the applicable requirements also comes within the exception of section 1275(a)(1)(B)(ii) if it is issued by an entity described in section 501(c) and exempt from tax under section 501(a), that would be subject to tax as an insurance company under subchapter L if it were not exempt under section 501(a). For example, the provision clarifies that an annuity contract otherwise meeting the requirements that is issued by a fraternal beneficiary society which is exempt from Federal income tax under section 501(a), and which is described in section 501(c)(8), comes within the exception under section 1275(a)(1)(B)(ii). It is understood that charitable gift annuities (as defined in sec. 501(m)) depend (in whole or in substantial part) on the life expectancy of one or more individuals, and thus come within the exception under section 1275(a)(1)(B)(i). The provision is effective as if included with section 41 of the Deficit Reduction Act of 1984 (i.e., for taxable years ending after July 18, 1984).

Losses from section 1256 contracts.—Section 6411 allows tentative refunds for NOL carrybacks, business credit carrybacks and, for corporations only, capital loss carrybacks. Individuals normally cannot carry back a capital loss. However, section 1212(c) does allow a carryback of section 1256 losses, if elected by the taxpayer. The provision amends section 6411(a) by including a reference to section 1212(c), effective as if included with section 504 of the Economic Recovery Tax Act of 1981.

Highway Trust Fund.—The provision modifies administrative procedures of the Highway Trust Fund to conform to the 1993 repeal of the special tax rate applicable to ethanol prior to 1994. The provision is effective for taxes received after the date of enactment. This ensures that retroactive adjustments, if any, are not made to the Highway Trust Fund.

Conforming amendment for expenditures from Vaccine Injury Compensation Trust Fund.—The provision makes a conforming amendment to the expenditure purposes of the Vaccine Injury Compensation Trust Fund to enable certain payments to be made from the Trust Fund.

Clerical changes

The bill makes a number of clerical and typographical amendments to the Code.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows H.R. 5542.

TITLE IV. TAX TREATMENT OF SECURITIES FUTURES CONTRACTS

(SEC. 401 OF THE BILL AND SECS. 1234B AND 1256 OF THE CODE)

PRESENT LAW

In general

Generally, gain or loss from the sale of property, including stock, is recognized at the time of sale or other disposition of the property, unless there is a specific statutory provision of nonrecognition (sec. 1001).

Gains and losses from the sale or exchange of capital assets are subject to special rules. In the case of individuals, net capital gain is generally subject to a maximum tax rate of 20 percent (sec. 1(h)). Net capital gain is the excess of net long-term capital gains over net short-term capital losses. Also, capital losses are allowed only to the extent of capital gains plus, in the case of individuals, $3,000 (sec. 1211). Capital losses of individuals may be carried forward indefinitely and capital losses of corporations may be carried back three years and forward five years (sec. 1212).

Generally, in order for gains or losses on a sale or exchange of a capital asset to be long-term capital gains or losses, the asset must be held for more than one year (sec. 1222).[61]

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[61] The holding period for futures transactions in a commodity is 6 months. The 6-month holding period does not apply to futures which are subject to the mark-to-market rules of section 1256, discussed below.

A capital asset generally includes all property held by the taxpayer except certain enumerated types of property such as inventory (sec. 1221).

Section 1256 contracts

Special rules apply to "section 1256 contracts," which include regulated futures contracts, certain foreign currency contracts, nonequity options, and dealer equity options. Each section 1256 contract is treated as if it were sold (and repurchased) for its fair market value on the last business day of the year (i.e., "marked to market"). Any gain or loss with respect to a section 1256 contract which is subject to the mark-to-market rule is treated as if 40 percent of the gain or loss were short-term capital gain or loss and 60 percent were long-term capital gain or loss. This results in a maximum rate of 27.84 percent on any gain for taxpayers other than corporations. The mark-to-market rule (and the special 60/40 capital treatment) is inapplicable to hedging transactions.

A "regulated futures contract" is a contract (1) which is traded on or subject to the rules of a national securities exchange registered with the Securities Exchange Commission, a domestic board of trade designated a contract market by the Commodities Futures Trading Commission, or similar exchange, board of trade, or market, and (2) with respect to which the amount required to be deposited and which may be withdrawn depends on a system of marking to market.

A "dealer equity option" means, with respect to an options dealer, an equity option purchased in the normal course of the activity of dealing in options and listed on the qualified board or exchange on which the options dealer is registered. An equity option is an option to buy or sell stock or an option the value of which is determined by reference to any stock, group or stocks, or stock index, other than an option on certain broad-based groups of stock or stock index.[62] An options dealer is any person who is registered with an appropriate national securities exchange as a market maker or specialist in listed options, or who the Secretary of the Treasury determines performs functions similar to market makers and specialists.[63]

Mark to market accounting for dealers in securities

Under present law, a dealer in securities must compute its income from dealer in securities pursuant to mark-to-market of accounting (sec. 475). Gains and losses are treated as ordinary income and loss. Traders in securities, and dealers and traders in commodities may elect to use this method of accounting, including the ordinary income treatment. Section 1256 contracts are not treated as securities for purposes of section 475.[64]

Short sales

In the case of a "short sale" (i.e., where he taxpayer sells borrowed property and later closes the sale by repaying the lender with substantially identical property), any gain or loss on the closing transaction is considered gain or loss from the sale or exchange of a capital asset if the property used to close the short sale is a capital asset in the hands of the taxpayer, but the gain is ordinarily treated as short-term gain (sec. 1233(a)).

The Internal Revenue Code (the "Code") also contains several rules intended to prevent the transformation of short-term capital gain into long-term capital gain or long-term capital loss into short-term loss by simultaneously holding property and selling short substantially identical property (sec. 1233(b) and (d)). Under these rules, if taxpayer holds property for less than the long-term holding period and sells short substantially identical property, any gain or loss upon the closing of the short sale is considered short-term capital gain, and the holding period of the substantially identical property is generally considered to begin on the date of the closing of the short sale. Also, if a taxpayer has held property for more than the long-term holding period and sells short substantially identical property, any loss on the closing of the short sale is considered a long-term capital loss.

For purposes of these short sale rules, property includes stock, securities, and commodity futures, but commodity futures are not considered substantially identical if they call for delivery in different months.

For purposes of the short-sale rules relating to short-term gains, the acquisition of an option to sell at a fixed price is treated as a short sale, and the exercise or failure to exercise the option is considered a closing of the short sale.[65]

The Code also treats a taxpayer as recognizing gain where the taxpayer holds appreciated property and enters into a short sale of the same or substantially identical property, or enters into a contract to sell that same or substantially identical property (sec. 1259).

Wash sales

The wash-sale rule (sec. 1091) disallows certain losses from the disposition of stock or securities if substantially identical stock or securities (or an option or contract to acquire such property) are acquired by the taxpayer during the period beginning 30 days before the date of sale and ending 30 days after such date of sale. Commodity futures are not treated as stock or securities for purposes of this rule. The basis of the substantially identical stock or securities is adjusted to include the disallowed loss.

Similar rules apply to disallow any loss realized on the closing of a short sale of stock or securities where substantially identical stock or securities are sold (or a short sale, option or contract to sell is entered into) during the applicable period before and after the closing of the short sale.

Straddle rules

If a taxpayer realizes a loss with respect to a position in a straddle, the taxpayer may recognize that loss for the taxable year only to the extent that the loss exceeds the unrecognized gain (if any) with respect to offsetting positions in the straddle (sec. 1092). Disallowed losses are carried forward to the succeeding taxable year and are subject to the same limitation in that taxable year.

A "straddle" generally refers to offsetting positions with respect to actively traded personal property. Positions are offsetting if there is a substantial diminution of risk of loss from holding one position by reason of holding one or more other positions in personal property. A "position" in personal property is an interest (including a futures or forward contract or option) in personal property.

The straddle rules provide that the Secretary of the Treasury may issue regulations applying the short sale holding period rules to positions in a straddle. Temporary regulations have been issued setting forth the holding period rules applicable to positions in a straddle.[66] To the extent these rules apply to a position, the rules in section 1233(b) and (d) do not apply.

The straddle rules generally do not apply to positions in stock. However the straddle rules apply if one of the positions is stock and at least one of the offsetting positions is either (1) an option with respect to stock or (2) a position with respect to substantially similar or related property (other than stock) as defined in Treasury regulations. Under property Treasury regulations, a position with respect to substantially similar or related property does not include stock or a short sale of stock, but includes any other position with respect to substantially similar or related property.[67]

If a straddle consists of both positions that are section 1256 contracts and positions that are not such contracts, the taxpayer may designate the positions as a mixed straddle. Positions in a mixed straddle are not subject to the mark-to-market rule of section 1256, but instead are subject to rules written under regulations to prevent the deferral of tax or the conversion of short-term capital gain to long-term capital gain or long-term capital loss into short-term capital loss.

Transactions by a corporation in its own stock

A corporation does not recognize gain or loss on the receipt of money or other property in exchange for its own stock. Likewise, a corporation does not recognize gain or loss when it redeems its stock with cash, for less or more than it received when the stock was issued. In addition, a corporation does not recognize gain or loss on any lapse or acquisition or an option to buy or sell its stock (sec. 1032).

HOUSE BILL

No provision. However, section 124(c) and (d) of H.R. 4541[68] contained the following provisions:

In general

Except in the case of dealer securities futures contracts described below, securities futures contracts are not treated as section 1256 contracts. Thus, holders of these contracts are not subject to the mark-to-market rules of section 1256 and are not eligible for 60-percent long-term capital gain treatment under section 1256. Instead, gain or loss on these contracts will be recognized under the general rules relating to the disposition of property.[69]

A securities futures contract is defined in section 3(a)(55)(A) of the Securities Exchange Act of 1934, as added by the bill. In general, that definition provides that a securities futures contract means a contract of sale for future delivery of a single security or a narrow-based security index. A securities futures contract will not be treated as a commodities futures contract for purposes of the Code.

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[62] Rev. Rul. 94-63, 1994-2 C.B. 188, provides that the determination made by the Securities and Exchange Commission will determine whether or not an option is "broad based".

[63] A special rule provides that any gain or loss with respect to dealer equity options, which are allocable to limited partners or limited entrepreneurs are treated as short-term capital gain or loss and do not qualify for the 60 percent long-term, 40 percent short-term capital gain or loss treatment of section 1256(a)(3).

[64] As discussed above, dealers in equity options are subject to mark-to-market accounting and the special capital gain rules of section 1256.

[65] An exception applies to sell acquired on the same day as the property identified as intended to be used (and is so used) in exercising the option is acquired (sec. 1233(c)).

[66] Reg. sec. 1.1092(b)—2T.

[67] Prop. Reg. sec. 1.1092(d)—2(c).

[68] H.R. 4541 passed the House of Representatives on October 19, 2000.

[69] Any securities futures contract which is not a section 1256 contract will be treated as a "security" for purposes of section 475. Thus, for example, traders in securities futures contracts

Treatment of gains and losses

The bill provides that any gain or loss from the sale or exchange of a securities futures contract (other than a dealer securities futures contract) will be considered as gain or loss from the sale or exchange of property which has the same character as the property to which the contract relates has (or would have) in the hands of the taxpayer. Thus, if the underlying security would be a capital asset in the taxpayer's hands, then gain or loss from the sale or exchange of the securities futures contract would be capital gain or loss. The bill also provides that the termination of a securities futures contract which is a capital asset will be treated as a sale or exchange of the contract.

Capital gain treatment will not apply to contracts which themselves are not capital assets because of the exceptions to the definition of a capital asset relating to inventory (sec. 1221(a)(1)) or hedging (sec. 1221(a)(7)), or to any income derived in connection with a contract which would otherwise be treated as ordinary income.

Except as otherwise provided in regulations under section 1092(b) (which treats certain losses from a straddle as long-term capital losses) and section 1234B, as added by the bill, any capital gain or loss from the sale or exchange of a securities futures contract to sell property (i.e., the short side of a securities futures contract) will be short-term capital gain or loss. In other words, a securities futures contract to sell property is treated as equivalent to a short sale of the underlying property.

Wash sale rules

The bill clarifies that, under the ash sale rules, a contract or option to acquire or sell stock or securities shall include options and contracts that are (or may be) settled in cash or property other than the stock or securities to which the contract relates. Thus, for example, the acquisition, within the period set forth in section 1091, of a securities futures contract to acquire stock of a corporation could cause the taxpayer's loss on the sale of stock in that corporation to be disallowed, notwithstanding that the contract may be settled in cash.

Short sale rules

In applying the short sale rules, a securities futures contract to acquire property will be treated in manner similar to the property itself. Thus, for example, the holding of a securities futures contract to acquire property and the short sale of property which is substantially identical to the property under the contract will result in the application of the rules of section 1233(b).[70] In addition, as stated above, a securities futures contract to sell is treated in a manner similar to a short sale of the property.

Straddle rules

Stock which is part of a straddle at least one of the offsetting positions of which is a securities futures contract with respect to the stock or substantially identical stock will be subject to the straddle rules of section 1092. Treasury regulations under section 1092 applying the principles of the section 1233(b) and (d) short sale rules to positions in a straddle will also apply.

For example, assume a taxpayer holds a long-term position in actively traded stock (which is a capital asset in the taxpayer's hands) and enters into a securities futures contract to sell substantially identical stock (at a time when the position in the stock has not appreciated in value so that the constructive sale rules of section 1259 do not apply). The taxpayer has a straddle. Treasury regulations prescribed under section 1092(b) applying the principles of section 1233(d) will apply, so that any loss on closing the securities futures contract will be a long-term capital loss.

Section 1032

A corporation will not recognize gain or loss on transactions in securities futures contracts with respect to its own stock.

Holding period

If property is delivered in satisfaction of a securities futures contract to acquire property (other than a contract to which section 1256 applies), the holding period for the property will include the period the taxpayer held the contract, provided that the contract was a capital asset in the hands of the taxpayer.

Regulations

The Secretary of the Treasury or his delegate has the authority to prescribe regulations to provide for the proper treatment of securities futures contracts under provisions of the Internal Revenue Code.

Dealers in securities futures contracts

In general, the bill provides that securities futures contracts and options on such contracts are not section 1256 contracts. The bill provides, however, that "dealer securities futures contracts" will be treated as section 1256 contracts.

The term "dealer securities futures contract" means a securities futures contract which is entered into by a dealer in the normal course of his or her trade or business activity of dealing in such contracts, and is traded on a qualified board of trade or exchange. The term also includes any option to enter into securities futures contracts purchased or granted by a dealer in the normal course of his or her trade or business activity of dealing in such options. The determination of who is to be treated as a dealer in securities futures contracts is to be made by the Secretary of the Treasury or his delegate not later than July 1, 2001. Accordingly, the bill authorizes the Secretary to treat a person as a dealer in securities futures contracts or options on such contracts if the Secretary determines that the person performs, with respect to such contracts or options, functions similar to an equity options dealer, as defined under present law.

The determination of who is a dealer in securities futures contracts is to be made in a manner that is appropriate to carry out the purposes of the provision, which generally is to provide comparable tax treatment between dealers in securities futures contracts, on the one hand, and dealers in equity options, on the other. Although traders in securities futures contracts (and options on such contracts) may not have the same market-making obligations as market makers or specialists in equity options, many traders are expected to perform analogous functions to such market makers or specialists by providing market liquidity for securities futures contracts (and options) even in the absence of a legal obligation to do so. Accordingly, the absence of market-making obligations is not inconsistent with a determination that a class of traders are dealers in securities futures contracts (and options), if the relevant factors, including providing market liquidity for such contracts (and options), indicate that the market functions of the traders is comparable to that of equity options dealers.

As in the case of dealer equity options, gains and losses allocated to any limited partner or limited entrepreneur with respect to a dealer securities futures contract will be treated as short-term capital gain or loss.

Treatment of options under section 1256

The bill modifies the definition of "equity option" for purposes of section 1256 to take into account changes made by the non-tax provisions of the bill. Only options dealers are eligible for section 1256 with respect to equity options. The term "equity option" is modified to include an option to buy or sell stock, or an option the value of which is determined, directly or indirectly, by reference to any stock, or any "narrow-based security index," as defined in section 3(a)(55) of the Securities Exchange Act of 1934 (as modified by the bill). An equity option includes an option with respect to a group of stocks only if the group meets the requirements for a narrow-based security index.

As under present law, listed options that are not "equity options" are considered "nonequity options" to which section 1256 applies for all taxpayers. For example, options relating to broad-based groups of stocks and broad based stock indexes will continue to be treated as nonequity options under section 1256.

Definition of contract markets

The non-tax provisions of the bill designate certain new contract markets. The new contract markets will be contract markets for purposes of the Code, except to the extent provided in Treasury regulations.

Effective Date

These provisions will take effect on the date of enactment of the bill.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the tax provisions contained in H.R. 4541.

TAX COMPLEXITY ANALYSIS

Section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998 (the "IRS Reform Act") requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the House Committee on Ways and Means, the Senate Committee on Finance, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code and has widespread applicability to individuals or small businesses.

The staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that amend the Internal Revenue Code and that have "widespread applicability" to individuals or small businesses.

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[70] Because securities futures contracts are not treated as futures contracts with respect to commodities, the rule providing that commodity futures are not substantially identical if they call for delivery in different months does not apply.

ESTIMATED REVENUE EFFECTS OF
THE "COMMUNITY RENEWAL TAX RELIEF ACT OF 2000"

Fiscal Years 2001 - 2010

[Millions of Dollars]

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
I. Community Revitalization Provisions													
A. Tax Incentives for Renewal Communities and Empowerment Zones													
1. Designate 40 renewal communities,12 of which are in rural areas, to receive the following tax benefits: a wage credit of 15% on first $10,000 of qualified wages; an additional $35,000 of section 179 expensing; deduction for qualified revitalization expenditures, capped at $12 million per community; and 0% capital gains tax rate on qualifying assets held more than 5 years	DOE [1]	---	-364	-591	-564	-579	-624	-701	-910	-950	-369	-2,099	-5,654
2. Designate 9 new empowerment zones, extend present-law empowerment zone designations through 12/31/09, expand the 20% wage credit to all empowerment zones, increase the additional section 179 expensing to $35,000 for all empowerment zones including D.C. in 2002 and 2003, and extend the more favorable round II tax exempt financing rules to all existing and new empowerment zones excluding D.C.	DOE [2]	---	-243	-470	-470	-537	-592	-599	-615	-783	-239	-1,721	-4,548
3. Capital gain rollover of empowerment zone assets and increased exclusion of gain on sale of certain empowerment zone investments	ima DOE	[3]	-3	-15	-32	-52	-71	-93	-118	-152	-202	-102	-738
B. New Markets Tax Credit - provide new markets tax credit with allocation authority of $1.0 billion in 2001, $1.5 billion in 2002 and 2003, $2.0 billion in 2004 and 2005, and $3.5 billion in 2006 and 2007	ima 12/31/00	-2	-18	-115	-246	-365	-531	-725	-813	-828	-747	-747	-4,391
C. Increase the Low-Income Housing Tax Credit and Make Other Modifications - increase per capita credit to $1.50 in 2001, $1.75 in 2002, and indexed for inflation thereafter; $2 million small State minimum in 2001 and 2002 and index for inflation thereafter; modify stacking rules and credit allocation rules; certain Native American housing assistance disregarded in determining whether building is Federally subsidized for purposes of the low-income housing credit	generally cyba 12/31/00	-9	-52	-148	-282	-433	-598	-779	-976	-1188	-1416	-924	-5,880

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
D. Private Activity Bond State Volume Limits - increase annual State volume cap to the greater of: $62.50 per resident or $187.5 million in 2001, and $75 per resident or $225 million in 2002; index for inflation thereafter	cyba 12/31/00	-16	-95	-195	-284	-361	-425	-473	-513	-557	-600	-951	-3,519
E. Expensing of Environmental Remediation Expenditures and Expansion of Qualifying Sites - for expenditures incurred before 2004 ("Brownfields")	DOE & epoia DOE	-13	-97	-225	-165	-39	-1	5	17	17	12	-538	-489
F. Extend the D.C. Homebuyer Credit Through 12/31/03	DOE	[4]	-7	-25	-14	[3]	[3]	[3]	[3]	[3]	[3]	-46	-46
G. Extend the D.C. Enterprise Zone Through 12/31/03	DOE	---	---	-42	-26	-15	-15	-16	-19	-34	-36	-83	-203
H. Extend Present-Law Section 170(e)(6) Relating to Corporate Contributions of Computer Equipment Through 12/31/03; Expand List of Eligible Donees to Include Public Libraries; Expand to Include 3-Year Property; Include Reacquired Computers	cma 12/31/00	-63	-118	-126	-63	-3	---	---	---	---	---	-373	-373
I. Treatment of Indian tribes as Non-Profit Organizations and State or Local Governments for Purposes of the Federal Unemployment Tax [5]	[6]	-20	-10	-9	25	2	2	[3]	2	1	[4]	-14	-9
Total of Community Revitalization Provisions		**-123**	**-1,007**	**-1,961**	**-2,121**	**-2,382**	**-2,855**	**-3,381**	**-3,945**	**-4,474**	**-3,597**	**-7,598**	**-25,850**
II. Two-Year Extension of Availability of Medical Savings Accounts	**DOE**	**[1]**	**-3**	**-4**	**-4**	**-4**	**-4**	**-4**	**-3**	**-3**	**-3**	**-16**	**-33**
III. Administrative and Technical Provisions													
A. Administrative Provisions													
1. Exempt certain reports from elimination under the Federal Reports Elimination And Sunset Act of 1995	DOE	*No Revenue Effect*											
2. Extension of deadlines for IRS compliance with certain notice requirements	DOE	*No Revenue Effect*											
3. 5-year extension of authority for IRS undercover operations	1/1/01	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]	[8]	[9]
4. Confidentiality of certain documents relating to closing and similar agreements and to agreements with foreign governments	DOE	*Negligible Revenue Effect*											
5. Increase in Joint Committee on Taxation refund review threshold	DOE	*Negligible Revenue Effect*											
6. Clarify dependency deduction for kidnapped children	tyea DOE	*Negligible Revenue Effect*											
7. Conforming changes to accommodate reduced issuances of certain treasury securities	DOE	*Negligible Revenue Effect*											
8. Authorization to Use Corrected Consumer Price Index [5]:													
a. Tax revenues [10]	DOE	-9	-20	---	---	---	---	---	---	---	---	-29	-29
b. Outlays [11] [12]	DOE	-970	-570	-560	-550	-550	-540	-520	-520	-510	-500	-3,200	-5,790
9. Prevent duplication or acceleration of loss through assumption of certain liabilities	aolo/a 10/19/99	13	15	17	19	21	23	25	27	29	31	85	220

Provision	Effective	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2001-05	2001-10
10. Disclosure of certain return information to the Congressional Budget Office	DOE	No Revenue Effect											
B. Technical Correction Provisions	---	No Revenue Effect											
Total of Administrative and Technical Provisions		-966	-575	-543	-531	-529	-517	-495	-493	-481	-469	-3,142	-5,594
IV. Tax Treatment of Securities Futures Contracts	DOE	Negligible Revenue Effect											
NET TOTAL		-1,089	-1,585	-2,508	-2,656	-2,915	-3,376	-3,880	-4,441	-4,958	-4,069	-10,756	-31,477

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:
aolo/a = assumption of liabilities on or after
cma = contributions made after
cyba = calendar years beginning after
DOE = date of enactment
epoia = expenditures paid or incurred after
ima = investments made after
tyea = taxable years ending after

[1] The Secretary of Housing and Urban Development must prescribe regulations for the nomination process no later than 4 months after the date of enactment. The tax benefits for the designated communities generally are effective beginning on 1/1/02, and terminating on 12/31/09.

[2] Area may be designated as an empowerment zone any time after the date of enactment and before 1/1/02. The tax benefits generally become effective after 12/31/01 and terminate on 12/31/09.

[3] Loss of less than $500,000.

[4] Gain of less than $500,000.

[5] Estimate provided by the Congressional Budget Office.

[6] The proposal generally would be effective with respect to service performed beginning on or after the date of enactment. Under a transition rule, service performed in the employ of an Indian tribe would not be treated as employment for FUTA purposes if: (1) it is service which is performed before the date of enactment and with respect to which FUTA tax has not been paid; and (2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

[7] Gain of less than $1 million.

[8] Gain of less than $5 million.

[9] Gain of less than $10 million.

[10] Estimate for fiscal year 2002 includes an increase in EIC outlays of $17 million.

[11] Negative numbers indicate a increase in Federal outlays.

[12] Estimate includes a loss of $4,100 million over the Federal fiscal year period 2001 - 2010 to the Social Security trust fund.

NEW MARKETS VENTURE CAPITAL PROGRAM ACT OF 2000

The conference agreement would enact the provisions of H.R. 5663, as introduced on December 14, 2000. The text of that bill follows:

A BILL to provide for community renewal and new markets initiatives

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "New Markets Venture Capital Program Act of 2000".

(b) NEW MARKETS VENTURE CAPITAL PROGRAM.—Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(1) in the heading for the title, by striking "SMALL BUSINESS INVESTMENT COMPANIES" and inserting "INVESTMENT DIVISION PROGRAMS";

(2) by inserting before the heading for section 301 the following:

"PART A—SMALL BUSINESS INVESTMENT COMPANIES";

and

(3) by adding at the end the following:

"PART B—NEW MARKETS VENTURE CAPITAL PROGRAM

"SEC. 351. DEFINITIONS.

"In this part, the following definitions apply:

"(1) DEVELOPMENTAL VENTURE CAPITAL.—The term 'developmental venture capital' means capital in the form of equity capital investments in businesses made with a primary objective of fostering economic development in low-income geographic areas. For the purposes of this paragraph, the term 'equity capital' has the same meaning given such term in section 303(g)(4).

"(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual whose income (adjusted for family size) does not exceed—

"(A) for metropolitan areas, 80 percent of the area median income; and

"(B) for nonmetropolitan areas, the greater of—

"(i) 80 percent of the area median income; or

"(ii) 80 percent of the statewide nonmetropolitan area median income.

"(3) LOW-INCOME GEOGRAPHIC AREA—the term 'low-income geographic area' means—

"(A) any population census tract (or in the case of an area that is not tracted for population census tracts, the equivalent county division, as defined by the Bureau of the Census of the Department of Commerce for purposes of defining poverty areas), if—

"(i) the poverty rate for that census tract is not less than 20 percent;

"(ii) in the case of a tract—

"(I) that is located within a metropolitan area, 50 percent or more of the households in that census tract have an income equal to less than 60 percent of the area median gross income; or

"(II) that is not located within a metropolitan area, the median household income for such tract does not exceed 80 percent of the statewide median household income; or

"(iii) as determined by the Administrator based on objective criteria, a substantial population of low-income individuals reside, an inadequate access to investment capital exists, or other indications of economic distress exist in that census tract; or

"(B) any area located within—

"(i) a HUBZone (as defined in section 3(p) of the Small Business Act and the implementing regulations issued under that section);

"(ii) an urban empowerment zone or urban enterprise community (as designated by the Secretary of Housing and Urban Development); or

"(iii) a rural empowerment zone or rural enterprise community (as designated by the Secretary of Agriculture).

"(4) NEW MARKETS VENTURE CAPITAL COMPANY.—The term 'New Markets Venture Capital company' means a company that—

"(A) has been granted final approval by the Administrator under section 354(e); and

"(B) has entered into a participation agreement with the Administrator.

"(5) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

"(6) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company granted final approval under section 354(e), that—

"(A) details the company's operating plan and investment criteria; and

"(B) requires the company to make investments in smaller enterprises at least 80 percent of which are located in low-income geographic areas.

"(7) SPECIALIZED SMALL BUSINESS INVESTMENT COMPANY.—The term 'specialized small business investment company' means any small business investment company that—

"(A) invests solely in small business concerns that contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages;

"(B) is organized or chartered under State business or nonprofit corporations statutes, or formed as a limited partnership; and

"(C) was licensed under section 301(d), as in effect before September 30, 1996.

"(8) STATE.—The term 'State' means such of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States;

"SEC. 352. PURPOSES.

"The purposes of the New Markets Venture Capital Program established under this part are—

"(1) to promote economic development and the creation of wealth and job opportunities in low-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas; and

"(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises located in low-income geographic areas, to be administered by the Administrator—

"(A) to enter into participation agreements with New Markets Venture Capital companies;

"(B) to guarantee debentures of New Markets Venture Capital companies to enable each such company to make developmental venture capital investments in smaller enterprises in low-income geographic areas; and

"(C) to make grants to New Markets Venture Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

"SEC. 353. ESTABLISHMENT.

"In accordance with this part, the Administrator shall establish a New Markets Venture Capital Program, under which the Administrator may—

"(1) enter into participation agreements with companies granted final approval under section 354(e) for the purposes set forth in section 352;

"(2) guarantee the debentures issued by New Markets Venture Capital companies as provided in section 355; and

"(3) make grants to New Markets Venture Capital companies, and to other entities, under section 358.

"SEC. 354. SELECTION OF NEW MARKETS VENTURE CAPITAL COMPANIES.

"(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a New-Markets Venture Capital company, in the program established under this part if—

"(1) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

"(2) the company has a management team with experience in community development financing or relevant venture capital financing; and

"(3) the company has a primary objective of economic development of low-income geographic areas.

"(b) APPLICATION.—To participate, as a New Markets Venture Capital company, in the program established under this part a company meeting the eligibility requirements set forth in subsection (a) shall submit an application to the Administrator that includes—

"(1) a business plan describing how the company intends to make successful developmental venture capital investments in identified low-income geographic areas;

"(2) information regarding the community development finance or relevant venture capital qualifications and general reputation of the company's management;

"(3) a description of how the company intends to work with community organizations and to seek to address the unmet capital needs of the communities served;

"(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals, when necessary, on the company's staff or from an outside entity;

"(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

"(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the objectives of the program established under this part;

"(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the company's business plan; and

"(8) such other information as the Administrator may require.

"(c) CONDITIONAL APPROVAL.—

"(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall, in accordance with this subsection, conditionally approval companies to participate in the New Markets Venture Capital Program.

"(2) SELECTION CRITERIA.—In selecting companies under paragraph (1), the Administrator shall consider the following:

"(A) The likelihood that the company will meet the goal of its business plan.

"(B) The experience and background of the company's management team.

"(C) The need for developmental venture capital investments in the geographic areas in which the company intends to invest.

"(D) The extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest.

"(E) The likelihood that the company will be able to satisfy the conditions under subsection (d).

"(F) The extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest.

"(G) The strength of the company's proposal to provide operational assistance under this part as the proposal relates to the ability of the applicant to meet applicable cash requirements and properly utilize in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided by persons on the company's staff or by persons outside of the company.

"(H) Any other factors deemed appropriate by the Administrator.

"(3) NATIONWIDE DISTRIBUTION.—The Administrator shall select companies under paragraph (1) in such a way that promotes investment nationwide.

"(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL—The Administrator shall grant each conditionally approved company a period of time, not to exceed 2 years, to satisfy the following requirements:

"(1) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than $5,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who met criteria established by the Administrator.

"(2) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—

"(A) IN GENERAL.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company—

"(i) shall have binding commitments (for contribution in cash or in kind)—

"(I) from any sources other than the Small Business Administration that meet criteria established by the Administrator;

"(II) payable or available over a multiyear period acceptable to the Administrator (not to exceed 10 years); and

"(III) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1);

"(ii) shall have purchased an annuity—

"(I) from an insurance company acceptable to the Administrator;

"(II) using funds (other than the funds raised under paragraph (1)), from any source other than the Administrator; and

"(III) that yields cash payments over a multiyear period acceptable to the Administrator (not to exceed 10 years) in an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1); or

"(iii) shall have binding commitments (for contributions in cash or in kind) of the type described in clause (i) and shall have purchased an annuity of the type described in clause (ii), which in the aggregdte make available, over a multiyear period acceptable to the Administrator (not to exceed 10 years), an amount not less than 30 percent of the total amount of capital and commitments raised under paragraph (1).

"(B) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant has—

"(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in-kind) required under subparagraph (A); and

"(ii) binding commitments in an amount equal to not less than 20 percent of the total amount required under paragraph (A).

"(C) LIMITATION.—In order to comply with the requirements of subparagraphs (A) and (B), the total amount of a company's in-kind contributions may not exceed 50 percent of the company's total contributions.

"(e) FINAL APPROVAL; DESIGNATION—The Administrator shall, with respect to each applicant conditionally approved to operate as a New Markets Venture Capital company under subsection (c), either—

"(1) grant final approval to the applicant to operate as a New Markets Venture Capital company under this part and designate the applicant as such a company, if the applicant—

"(A) satisfies the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

"(B) enters into a participation agreement with the Administrator; or

"(2) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in that subsection, revoke the conditional approval granted under that subsection.

"SEC. 355. DEBENTURES.

"(a) IN GENERAL.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any New Markets Venture Capital company.

"(b) TERMS AND CONDITIONS.—The Administrator may make guarantees under this section on such terms and conditions as it deems appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

"(d) MAXIMUM GUARANTEE.—

"(1) IN GENERAL.—Under this section, the Administrator may guarantee the debentures issued by a New Markets Venture Capital company only to be extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

"(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than an agency or department of the Federal Government.

"SEC. 356. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

"(a) ISSUANCE.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a New Markets Venture Capital company and guaranteed by the Administrator under this part, if such certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

"(b) GUARANTEE.—

"(1) IN GENERAL.—The Administrator may, under such terms and conditions as it deems appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

"(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

"(3) PREPAYMENT OR DEFAULT.—In the event that a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

"(d) FEES.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

"(e) SUBROGATION AND OWNERSHIP RIGHTS.—

"(1) SUBROGATION.—In the event the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

"(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

"(f) MANAGEMENT AND ADMINISTRATION.—

"(1) REGISTRATION.—The Administrator may provide for a central registration of all trust certificates issued under this section.

"(2) CONTRACTING OF FUNCTIONS.—

"(A) IN GENERAL.—The Administrator may contract with an agent or agents to carry out on behalf of the Administrator the pooling and the central registration functions provided for in this section including, notwithstanding any other provision of law—

"(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

"(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

"(B) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Administrator under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interests of the United States.

"(3) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

"(4) ELECTRONIC REGISTRATION.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

"SEC. 357. FEES.

"Except as provided in section 356(d), the Administrator may charge such fees as it deems appropriate with respect to any guarantee or grant issued under this part.

"SEC. 358. OPERATIONAL ASSISTANCE GRANTS.

"(a) IN GENERAL.—

"(1) AUTHORITY.—In accordance with this section, the Administrator may make grants to New Markets Venture Capital companies and to other entities, as authorized by this part, to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

"(2) TERMS.—Grants made under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

"(3) GRANTS TO SPECIALIZED SMALL BUSINESS INVESTMENT COMPANIES.—

"(A) AUTHORITY.—In accordance with this section, the Administrator may make grants to

specialized small business investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies after the effective date of the New Markets Venture Capital Program Act of 2000.

“(B) USE OF FUNDS.—The proceeds of a grant made under this paragraph may be used by the company receiving such grant only to provide operational assistance in connection with an equity investment (made with capital raised after the effective date of the New Markets Venture Capital Program Act of 2000) in a business located in a low-income geographic area.

“(C) SUBMISSION OF PLANS.—A specialized small business investment company shall be eligible for a grant under this section only if the company submits to the Administrator, in such form and manner as the Administrator may require, a plan for use of the grant.

“(4) GRANT AMOUNT.—

“(A) NEW MARKETS VENTURE CAPITAL COMPANIES.—The amount of a grant made under this subsection to a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the company under section 354(d)(2).

“(B) OTHER ENTITIES.—The amount of a grant made under this subsection to any entity other than a New Markets Venture Capital company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to New Market Venture Capital companies set forth in section 354(d)(2).

“(5) PRO RATA REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (4), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

“(b) SUPPLEMENTAL GRANTS.—

“(1) IN GENERAL.—The Administrator may make supplemental grants to New Markets Venture Capital companies and to other entities, as authorized by this part under such terms as the Administrator may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

“(2) MATCHING REQUIREMENT.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in a cash or in kind), other then those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

“(c) LIMITATION.—None of the assistance made available under this section may be used for any overhead or general and administrative expense of a New Markets Venture Capital company or a specialized small business investment company.

“SEC. 359. BANK PARTICIPATION.

“(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any New Markets Venture Capital company, or in any entity established to invest solely in New Markets Venture Capital companies.

“(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

“SEC. 360. FEDERAL FINANCING BANK.

“Section 318 shall not apply to any debenture issued by a New Markets Venture Capital company under this part.

“SEC. 361. REPORTING REQUIREMENT.

“Each New Markets Venture Capital company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

“(1) information related to the measurement criteria that the company proposed in its program application; and

“(2) in each case in which the company under this part makes an investment in, or a loan or grant to, a business that is not located in a low-income geographic area, a report on the number and percentage of employees of the business who reside in such areas.

“SEC. 362. EXAMINATIONS.

“(a) IN GENERAL.—Each New Markets Venture Capital company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Small Business Administration in accordance with this section.

“(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

“(c) COSTS.—

“(1) ASSESSMENT.—

“(A) IN GENERAL.—The Administrator may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

“(B) PAYMENT.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

“(d)DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Small Business Administration.

“SEC. 363. INJUNCTIONS AND OTHER ORDERS.

“(a) IN GENERAL.—Whenever, in the judgment of the Administrator, a New Markets Venture Capital company or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, or of any rule or regulation under this Act, or of any order issued under this Act, the Administrator may make application to the proper district court of the United States or a United States court of any place subject to the jurisdiction of the United States for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order, and such courts shall have jurisdiction of such actions and, upon a showing by the Administrator that such New Markets Venture Capital company or other person has engaged or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

“(b) JURISDICTION.—In any proceeding under subsection (a), the court as a court of equity may, to such extent as it deems necessary, take exclusive jurisdiction of the New Market Venture Capital company and the assets thereof, wherever located, and the court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

“(c) ADMINISTRATOR AS TRUSTEE OR RECEIVER.—

“(1) AUTHORITY.—The Administrator may act as trustee or receiver of a New Markets Venture Capital company.

“(2) Appointment.—Upon request of the Administrator, the court may appoint the Administrator to act as a trustee or receiver of a New Markets Venture Capital company unless the court deems such appointment inequitable or otherwise inappropriate by reason of the special circumstances involved.

“SEC. 364. ADDITIONAL PENALTIES FOR NONCOMPLIANCE

“(a) IN GENERAL.—With respect to any New Markets Venture Capital company that violates or fails to comply with any of the provisions of this Act, of any regulation issued under this Act, or of any participation agreement entered into under this Act, the Administrator may in accordance with this section—

“(1) void the participation agreement between the Administrator and the company; and

(2) cause the company to forfeit all of the rights and privileges derived by the company from this Act.

“(b) ADJUDICATION OF NONCOMPLIANCE.—

“(1) IN GENERAL.—Before the Administrator may cause a New Markets Venture Capital company to forfeit rights or privileges under subsection (a), a court of the United States of competent jurisdiction must find that the company committed a violation, or failed to comply, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the company is located.

“(2) PARTIES AUTHORIZED TO FILE CAUSES OF ACTION.—Each cause of action brought by the United States under this subsection shall be brought by the Administrator or by the Attorney General.

“SEC. 365. UNLAWFUL ACTS AND OMISSIONS; BREACH OF FIDUCIARY DUTY.

“(a) PARTIES DEEMED TO COMMIT A VIOLATION.—Whenever any New Markets Venture Capital company violates any provision of this Act, of a regulation issued under this Act, or of a participation agreement entered into under this Act, by reason of its failure to comply with its terms or by reason of its engaging in any act or practice that constitutes or will constitute a violation thereof, such violation shall also be deemed to be a violation and an unlawful act committed by any person who, directly or indirectly, authorizes, orders, participates in, causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

“(b) FIDUCIARY DUTIES.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a New Markets Venture Capital company to engage in any act or practice, or to omit any act or practice, in breach of the person's fiduciary duty as such officer, director, employee, agent, or participant if, as a result thereof, the company suffers or is in imminent danger of suffering financial loss or other damage.

“(c) UNLAWFUL ACTS.—Except with the written consent of the Administrator, it shall be unlawful—

“(1) for any person to take office as an officer, director, or employee of any New Markets Venture Capital company, or to become an agent or participant in the conduct of the affairs or management of such a company, if the person—

“(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust, or

“(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, or breach of trust; and

“(2) for any person continue to serve in any of the capacities described in paragraph (1), if—

“(A) the person is convicted of a felony, or any other criminal offense involving dishonesty or breach of trust, or

“(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined *by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.*

"SEC. 366. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

"Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any New Markets Venture Capital company.

"SEC. 367. REGULATIONS.

"The Administrator may issue such regulations as it deems necessary to carry out the provisions of this part in accordance with its purposes.

"SEC. 368. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for fiscal years 2001 through 2006, to remain available until expended, the following sums:

"(1) Such subsidy budget authority as may be necessary to guarantee $150,000,000 of debentures under this part.

"(2) $30,000,000 to make grants under this part.

"(b) FUNDS COLLECTED FOR EXAMINATIONS.—Funds deposited under section 362(c)(2) are authorized to be appropriated only for the costs of examinations under section 362 and for the costs of other oversight activities with respect to the program established under this part."

(c) CONFORMING AMENDMENT.—Section 20(e)(1)(C) of the Small Business Act (15 U.S.C. 631 note) is amended by inserting 'part A of' before "title III".

(d) CALCULATION OF MAXIMUM AMOUNT OF SBIC LEVERAGE.—

(1) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended to read as follows:

"(2) MAXIMUM LEVERAGE.—

"(A) IN GENERAL.—After March 31, 1993, the maximum amount of outstanding leverage made available to a company licensed under section 301(c) of this Act shall be determined by the amount of such company's private capital—

"(i) if the company has private capital of not more than $15,000,000, the total amount of leverage shall not exceed 300 percent of private capital;

"(ii) if the company has private capital of more than $15,000,000 but not more than $30,000,000, the total amount of leverage shall not exceed $45,000,000 plus 200 percent of the amount of private capital over $15,000,000; and

"(iii) if the company has private capital of more than $30,000,000, the total amount of leverage shall not exceed $75,000,000 plus 100 percent of the amount of private capital over $30,000,000 but not to exceed an additional $15,000,000.

"(B) ADJUSTMENTS.—

"(i) IN GENERAL.—The dollar amounts in clauses (i), (ii), and (iii) of subparagraph (A) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

"(ii) INITIAL ADJUSTMENTS.—The initial adjustments made under this subparagraph after the date of the enactment of the Small Business Reauthorization Act of 1937 shall reflect only increases from March 31, 1993.

"(C) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.".

(2) MAXIMUM AGGREGATE LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(4)) is amended by adding at the end the following new subparagraph:

"(D) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—In calculating the aggregate outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital."

(e) BANKRUPTCY EXEMPTION FOR NEW MARKETS VENTURE CAPITAL COMPANIES.—Section 109(b)(2) of title 11, United States Code, is amended by inserting "a New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958," after "homestead association,".

(f) FEDERAL SAVINGS ASSOCIATIONS.—Section 5(c)(4) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(4)) is amended by adding at the end the following:

"(F) NEW MARKETS VENTURE CAPITAL COMPANIES.—A Federal savings association may invest in stock, obligations, or other securities of any New Markets Venture Capital company as defined in section 351 of the Small Business Investment Act of 1958, except that a Federal savings association may not make any investment under this subparagraph if its aggregate outstanding investment under this subparagraph would exceed 5 percent of the capital and surplus of such savings association.".

SEC. 102. BUSINESSLINC GRANTS AND COOPERATIVE AGREEMENTS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

"(n) BUSINESS GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) IN GENERAL.—In accordance with this subsection, the Administrator may make grants to and enter into cooperative agreements with any coalition of private entities, public entities, or any combination of private and public entities—

"(A) to expand business-to-business relationships between large and small businesses; and

"(B) to provide businesses, directly or indirectly, with online information and a database of companies that are interested in mentor-protege programs or community-based, statewide, or local business development programs.

"(2) MATCHING REQUIREMENT.—Subject to subparagraph (B), the Administrator may make a grant to a coalition under paragraph (1) only if the coalition provides for activities described in paragraph (1)(A) or (1)(B) an amount, either in kind or in cash, equal to the grant amount.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $6,600,000, to remain available until expended, for each of fiscal years 2001 through 2006.".

SMALL BUSINESS REAUTHORIZATION ACT OF 2000

The conference agreement would enact the provisions of H.R. 5667, as introduced on December 15, 2000. The text of that bill follows:

To provide for reauthorization of small business loan and other programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Small Business Reauthorization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Extension of SBIR program.
Sec. 104. Annual report.
Sec. 105. Third phase assistance.
Sec. 106. Report on programs for annual performance plan.
Sec. 107. Output and outcome data.
Sec. 108. National Research Council reports.
Sec. 109. Federal agency expenditures for the SBIR program.
Sec. 110. Policy directive modifications.
Sec. 111. Federal and State technology partnership program.
Sec. 112. Mentoring networks.
Sec. 113. Simplified reporting requirements.
Sec. 114. Rural outreach program extension.

TITLE II—BUSINESS LOAN PROGRAMS

Sec. 201. Short title.
Sec. 202. Levels of participation.
Sec. 203. Loan amounts.
Sec. 204. Interest on defaulted loans.
Sec. 205. Prepayment of loans.
Sec. 206. Guarantee fees.
Sec. 207. Lease terms.
Sec. 208. Appraisals for loans secured by real property.
Sec. 209. Sale of guaranteed loans made for export purposes.
Sec. 210. Microloan program.

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

Sec. 301. Short title.
Sec. 302. Women-owned businesses.
Sec. 303. Maximum debenture size.
Sec. 304. Fees.
Sec. 305. Premier certified lenders program.
Sec. 306. Sale of certain defaulted loans.
Sec. 307. Loan liquidation.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Investment in small business investment companies.
Sec. 404. Subsidy fees.
Sec. 405. Distributions.
Sec. 406. Conforming amendment.

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

Sec. 501. Short title.
Sec. 502. Reauthorization of small business programs.
Sec. 503. Additional reauthorizations.
Sec. 504. Cosponsorship.

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

Sec. 601. Short title.
Sec. 602. HUBZone small business concern.
Sec. 603. Qualified HUBZone small business concern.
Sec. 604. Other definitions.

Subtitle B—Other HUBZone Provisions

Sec. 611. Definitions.
Sec. 612. Eligible contracts.
Sec. 613. HUBZone redesignated areas.
Sec. 614. Community development.
Sec. 615. Reference corrections.

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

Sec. 701. Short title.
Sec. 702. Membership of the Council.
Sec. 703. Repeal of procurement project.
Sec. 704. Studies and other research.
Sec. 705. Authorization of appropriations.

TITLE VIII—MISCELLANEOUS PROVISIONS
Sec. 801. Loan application processing.
Sec. 802. Application of ownership requirements.
Sec. 803. Subcontracting preference for veterans.
Sec. 804. Small Business Development Center Program funding.
Sec. 805. Surety bonds.
Sec. 806. Size standards.
Sec. 807. Native Hawaiian organizations under section 8(a).
Sec. 808. National Veterans Business Development Corporation correction.
Sec. 809. Private sector resources for SCORE.
Sec. 810. Contract data collection.
Sec. 811. Procurement program for women-owned small business concerns.

TITLE I—SMALL BUSINESS INNOVATION RESEARCH PROGRAM

SECTION 101. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the "Small Business Innovation Research Program Reauthorization Act of 2000".

SEC. 102. FINDINGS.

Congress finds that—

(1) the small business innovation research program established under the Small Business Innovation Development Act of 1982, and reauthorized by the Small Business Research and Development Enhancement Act of 1992 (in this title referred to as the "SBIR program") is highly successful in involving small businesses in federally funded research and development;

(2) the SBIR program made the cost-effective and unique research and development capabilities possessed by the small businesses of the Nation available to Federal agencies and departments;

(3) the innovative goods and services developed by small businesses that participated in the SBIR program have produced innovations of critical importance in a wide variety of high-technology fields, including biology, medicine, education, and defense;

(4) the SBIR program is a catalyst in the promotion of research and development, the commercialization of innovative technology, the development of new products and services, and the continued excellence of this Nation's high-technology industries; and

(5) the continuation of the SBIR program will provide expanded opportunities for one of the Nation's vital resources, its small businesses, will foster invention, research, and technology, will create jobs, and will increase this Nation's competitiveness in international markets.

SEC. 103. EXTENSION OF SBIR PROGRAM.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended to read as follows:

"(m) TERMINATION.—The authorization to carry out the Small Business Innovation Research Program established under this section shall terminate on September 30, 2008.".

SEC. 104. ANNUAL REPORT.

Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)) is amended by striking "and the Committee on Small Business of the House of Representatives" and inserting ", and to the Committee on Science and the Committee on Small Business of the House of Representatives,".

SEC. 105. THIRD PHASE ASSISTANCE.

Section 9(e)(4)(C)(i) of the Small Business Act (15 U.S.C. 638(e)(4)(C)(i)) is amended by striking "; and" and inserting "; or".

SEC. 106. REPORT ON PROGRAMS FOR ANNUAL PERFORMANCE PLAN.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(9) include, as part of its annual performance plan as required by subsections (a) and (b) of section 1115 of title 31, United States Code, a section on its SBIR program, and shall submit such section to the Committee on Small Business of the Senate, and the Committee on Science and the Committee on Small Business of the House of Representatives; and".

SEC. 107. OUTPUT AND OUTCOME DATA.

(a) COLLECTION.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 106 of this Act, is further amended by adding at the end the following:

"(10) collect, and maintain in a common format in accordance with subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k).".

(b) REPORT TO CONGRESS.—Section 9(b)(7) of the Small Business Act (15 U.S.C. 638(b)(7)), as amended by section 104 of this Act, is further amended by inserting before the period at the end ", including the data on output and outcomes collected pursuant to subsections (g)(10) and (o)(9), and a description of the extent to which Federal agencies are providing in a timely manner information needed to maintain the database described in subsection (k)".

(c) DATABASE.—Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended to read as follows:

"(k) DATABASE.—

"(1) PUBLIC DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall develop, maintain, and make available to the public a searchable, up-to-date, electronic database that includes—

"(A) the name, size, location, and an identifying number assigned by the Administrator, of each small business concern that has received a first phase or second phase SBIR award from a Federal agency;

"(B) a description of each first phase or second phase SBIR award received by that small business concern, including—

"(i) an abstract of the project funded by the award, excluding any proprietary information so identified by the small business concern;

"(ii) the Federal agency making the award; and

"(iii) the date and amount of the award;

"(C) an identification of any business concern or subsidiary established for the commercial application of a product or service for which an SBIR award is made; and

"(D) information regarding mentors and Mentoring Networks, as required by section 35(d).

"(2) GOVERNMENT DATABASE.—Not later than 180 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator, in consultation with Federal agencies required to have an SBIR program pursuant to subsection (f)(1), shall develop and maintain a database to be used solely for SBIR program evaluation that—

"(A) contains for each second phase award made by a Federal agency—

"(i) information collected in accordance with paragraph (3) on revenue from the sale of new products or services resulting from the research conducted under the award;

"(ii) information collected in accordance with paragraph (3) on additional investment from any source, other than first phase or second phase SBIR or STTR awards, to further the research and development conducted under the award; and

"(iii) any other information received in connection with the award that the Administrator, in conjunction with the SBIR program managers of Federal agencies, considers relevant and appropriate;

"(B) includes any narrative information that a small business concern receiving a second phase award voluntarily submits to further describe the outputs and outcomes of its awards;

"(C) includes for each applicant for a first phase or second phase award that does not receive such an award—

"(i) the name, size, and location, and an identifying number assigned by the Administration;

"(ii) an abstract of the project; and

"(iii) the Federal agency to which the application was made;

"(D) includes any other data collected by or available to any Federal agency that such agency considers may be useful for SBIR program evaluation; and

"(E) is available for use solely for program evaluation purposes by the Federal Government or, in accordance with policy directives issued by the Administration, by other authorized persons who are subject to a use and nondisclosure agreement with the Federal Government covering the use of the database.

"(3) UPDATING INFORMATION FOR DATABASE.—

"(A) IN GENERAL.—A small business concern applying for a second phase award under this section shall be required to update information in the database established under this subsection for any prior second phase award received by that small business concern. In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

"(B) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving a second phase award under this section shall—

"(i) update information in the database concerning that award at the termination of the award period; and

"(ii) be requested to voluntarily update such information annually thereafter for a period of 5 years.

"(4) PROTECTION OF INFORMATION.—Information provided under paragraph (2) shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code.

"(5) RULE OF CONSTRUCTION.—Inclusion of information in the database under this subsection shall not be considered to be publication for purposes of subsection (a) or (b) of section 102 of title 35, United States Code.".

SEC. 108. NATIONAL RESEARCH COUNCIL REPORTS.

(a) STUDY AND RECOMMENDATIONS.—The head of each agency with a budget of more than $50,000,000 for its SBIR program for fiscal year 1999, in consultation with the Small Business Administration, shall, not later than 6 months after the date of enactment of this Act, cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to—

(1) conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs, including—

(A) a review of the value to the Federal research agencies of the research projects being conducted under the SBIR program, and of the quality of research being conducted by small businesses participating under the program, including a comparison of the value of projects conducted under the SBIR program to those funded by other Federal research and development expenditures;

(B) to the extent practicable, an evaluation of the economic benefits achieved by the SBIR program, including the economic rate of return, and a comparison of the economic benefits, including the economic rate of return, achieved by the SBIR program with the economic benefits, including the economic rate of return, of other Federal research and development expenditures;

(C) an evaluation of the noneconomic benefits achieved by the SBIR program over the life of the program;

(D) a comparison of the allocation for fiscal year 2000 of Federal research and development funds to small businesses with such allocation for fiscal year 1983, and an analysis of the factors that have contributed to such allocation; and

(E) an analysis of whether Federal agencies, in fulfilling their procurement needs, are making sufficient effort to use small businesses that have completed a second phase award under the SBIR program; and

(2) make recommendations with respect to—

(A) measures of outcomes for strategic plans submitted under section 306 of title 5, United States Code, and performance plans submitted under section 1115 of title 31, United States Code, of each Federal agency participating in the SBIR program;

(B) whether companies who can demonstrate project feasibility, but who have not received a first phase award, should be eligible for second phase awards, and the potential impact of such awards on the competitive selection process of the program;

(C) whether the Federal Government should be permitted to recoup some or all of its expenses if a controlling interest in a company receiving an SBIR award is sold to a foreign company or to a company that is not a small business concern;

(D) how to increase the use by the Federal Government in its programs and procurements of technology-oriented small businesses; and

(E) improvements to the SBIR program, if any are considered appropriate.

(b) PARTICIPATION BY SMALL BUSINESS.—

(1) IN GENERAL.—In a manner consistent with law and with National Research Council study guidelines and procedures, knowledgeable individuals from the small business community with experience in the SBIR program shall be included—

(A) in any panel established by the National Research Council for the purpose of performing the study conducted under this section; and

(B) among those who are asked by the National Research Council to peer review the study.

(2) CONSULTATION.—To ensure that the concerns of small business are appropriately considered under this subsection, the National Research Council shall consult with and consider the views of the Office of Technology and the Office of Advocacy of the Small Business Administration and other interested parties, including entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns.

(c) PROGRESS REPORTS.—The National Research Council shall provide semiannual progress reports on the study conducted under this section to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate.

(d) REPORT.—The National Research Council shall transmit to the heads of agencies entering into an agreement under this section and to the Committee on Science and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business of the Senate—

(1) not later than 3 years after the date of enactment of this Act, a report including the results of the study conducted under subsection (a)(1) and recommendations made under subsection (a)(2); and

(2) not later than 6 years after that date of enactment, an update of such report.

SEC. 109. FEDERAL AGENCY EXPENDITURES FOR THE SBIR PROGRAM.

Section 9(i) of the Small Business Act (15 U.S.C. 638(i)) is amended—

(1) by striking "(i) Each Federal" and inserting the following:

"(i) ANNUAL REPORTING.—

"(1) IN GENERAL.—Each Federal"; and

(2) by adding at the end the following:

"(2) CALCULATION OF EXTRAMURAL BUDGET.—

"(A) METHODOLOGY.—Not later than 4 months after the date of enactment of each appropriations Act for a Federal agency required by this section to have an SBIR program, the Federal agency shall submit to the Administrator a report, which shall include a description of the methodology used for calculating the amount of the extramural budget of that Federal agency.

"(B) ADMINISTRATOR'S ANALYSIS.—The Administrator shall include an analysis of the methodology received from each Federal agency referred to in subparagraph (A) in the report required by subsection (b)(7).".

SEC. 110. POLICY DIRECTIVE MODIFICATIONS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

"(3) ADDITIONAL MODIFICATIONS.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall modify the policy directives issued pursuant to this subsection—

"(A) to clarify that the rights provided for under paragraph (2)(A) apply to all Federal funding awards under this section, including the first phase (as described in subsection (e)(4)(A)), the second phase (as described in subsection (e)(4)(B)), and the third phase (as described in subsection (e)(4)(C));

"(B) to provide for the requirement of a succinct commercialization plan with each application for a second phase award that is moving toward commercialization;

"(C) to require agencies to report to the Administration, not less frequently than annually, all instances in which an agency pursued research, development, or production of a technology developed by a small business concern using an award made under the SBIR program of that agency, and determined that it was not practicable to enter into a follow-on non-SBIR program funding agreement with the small business concern, which report shall include, at a minimum—

"(i) the reasons why the follow-on funding agreement with the small business concern was not practicable;

"(ii) the identity of the entity with which the agency contracted to perform the research, development, or production; and

"(iii) a description of the type of funding agreement under which the research, development, or production was obtained; and

"(D) to implement subsection (v), including establishing standardized procedures for the provision of information pursuant to subsection (k)(3).".

SEC. 111. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) programs to foster economic development among small high-technology firms vary widely among the States;

(2) States that do not aggressively support the development of small high-technology firms, including participation by small business concerns in the SBIR program, are at a competitive disadvantage in establishing a business climate that is conducive to technology development; and

(3) building stronger national, State, and local support for science and technology research in these disadvantaged States will expand economic opportunities in the United States, create jobs, and increase the competitiveness of the United States in the world market.

(b) FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 34 as section 36; and

(2) by inserting after section 33 the following:

"SEC. 34. FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM.

"(a) DEFINITIONS.—In this section and section 35, the following definitions apply:

"(1) APPLICANT.—The term 'applicant' means an entity, organization, or individual that submits a proposal for an award or a cooperative agreement under this section.

"(2) BUSINESS ADVICE AND COUNSELING.—The term 'business advice and counseling' means providing advice and assistance on matters described in section 35(c)(2)(B) to small business concerns to guide them through the SBIR and STTR program process, from application to award and successful completion of each phase of the program.

"(3) FAST PROGRAM.—The term 'FAST program' means the Federal and State Technology Partnership Program established under this section.

"(4) MENTOR.—The term 'mentor' means an individual described in section 35(c)(2).

"(5) MENTORING NETWORK.—The term 'Mentoring Network' means an association, organization, coalition, or other entity (including an individual) that meets the requirements of section 35(c).

"(6) RECIPIENT.—The term 'recipient' means a person that receives an award or becomes party to a cooperative agreement under this section.

"(7) SBIR PROGRAM.—The term 'SBIR program' has the same meaning as in section 9(e)(4).

"(8) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(9) STTR PROGRAM.—The term 'STTR program' has the same meaning as in section 9(e)(6).

"(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a program to be known as the Federal and State Technology Partnership Program, the purpose of which shall be to strengthen the technological competitiveness of small business concerns in the States.

"(c) GRANTS AND COOPERATIVE AGREEMENTS.—

"(1) JOINT REVIEW.—In carrying out the FAST program under this section, the Administrator and the SBIR program managers at the National Science Foundation and the Department of Defense shall jointly review proposals submitted by applicants and may make awards or enter into cooperative agreements under this section based on the factors for consideration set forth in paragraph (2), in order to enhance or develop in a State—

"(A) technology research and development by small business concerns;

"(B) technology transfer from university research to technology-based small business concerns;

"(C) technology deployment and diffusion benefiting small business concerns;

"(D) the technological capabilities of small business concerns through the establishment or operation of consortia comprised of entities, organizations, or individuals, including—

"(i) State and local development agencies and entities;

"(ii) representatives of technology-based small business concerns;

"(iii) industries and emerging companies;

"(iv) universities; and

"(v) small business development centers; and

"(E) outreach, financial support, and technical assistance to technology-based small business concerns participating in or interested in participating in an SBIR program, including initiatives—

"(i) to make grants or loans to companies to pay a portion or all of the cost of developing SBIR proposals;

"(ii) to establish or operate a Mentoring Network within the FAST program to provide business advice and counseling that will assist small business concerns that have been identified by FAST program participants, program managers of participating SBIR agencies, the Administration, or other entities that are knowledgeable about the SBIR and STTR programs as good candidates for the SBIR and STTR programs, and that would benefit from mentoring, in accordance with section 35;

"(iii) to create or participate in a training program for individuals providing SBIR outreach and assistance at the State and local levels; and

"(iv) to encourage the commercialization of technology developed through SBIR program funding.

"(2) SELECTION CONSIDERATIONS.—In making awards or entering into cooperative agreements under this section, the Administrator and the SBIR program managers referred to in paragraph (1)—

"(A) may only consider proposals by applicants that intend to use a portion of the Federal assistance provided under this section to provide outreach, financial support, or technical assistance to technology-based small business concerns participating in or interested in participating in the SBIR program; and

"(B) shall consider, at a minimum—

"(i) whether the applicant has demonstrated that the assistance to be provided would address unmet needs of small business concerns in the community, and whether it is important to use Federal funding for the proposed activities;

"(ii) whether the applicant has demonstrated that a need exists to increase the number or success of small high-technology businesses in the State, as measured by the number of first phase and second phase SBIR awards that have historically been received by small business concerns in the State;

"(iii) whether the projected costs of the proposed activities are reasonable;

"(iv) whether the proposal integrates and coordinates the proposed activities with other State and local programs assisting small high-technology firms in the State; and

"(v) the manner in which the applicant will measure the results of the activities to be conducted.

"(3) PROPOSAL LIMIT.—Not more than 1 proposal may be submitted for inclusion in the FAST program under this section to provide services in any one State in any 1 fiscal year.

"(4) PROCESS.—Proposals and applications for assistance under this section shall be in such form and subject to such procedures as the Administrator shall establish.

"(d) COOPERATION AND COORDINATION.—In carrying out the FAST program under this section, the Administrator shall cooperate and coordinate with—

"(1) Federal agencies required by section 9 to have an SBIR program; and

"(2) entities, organizations, and individuals actively engaged in enhancing or developing the technological capabilities of small business concerns, including—

"(A) State and local development agencies and entities;

"(B) State committees established under the Experimental Program to Stimulate Competitive Research of the National Science Foundation (as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g));

"(C) State science and technology councils; and

"(D) representatives of technology-based small business concerns.

"(e) ADMINISTRATIVE REQUIREMENTS.—

"(1) COMPETITIVE BASIS.—Awards and cooperative agreements under this section shall be made or entered into, as applicable, on a competitive basis.

"(2) MATCHING REQUIREMENTS.—

"(A) IN GENERAL.—The non-Federal share of the cost of an activity (other than a planning activity) carried out using an award or under a cooperative agreement under this section shall be—

"(i) 50 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 18 States receiving the fewest SBIR first phase awards (as described in section 9(e)(4)(A));

"(ii) except as provided in subparagraph (B), 1 dollar for each Federal dollar, in the case of a recipient that will serve small business concerns located in one of the 16 States receiving the greatest number of such SBIR first phase awards; and

"(iii) except as provided in subparagraph (B), 75 cents for each Federal dollar, in the case of a recipient that will serve small business concerns located in a State that is not described in clause (i) or (ii) that is receiving such SBIR first phase awards.

"(B) LOW-INCOME AREAS.—The non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 50 cents for each Federal dollar that will be directly allocated by a recipient described in subparagraph (A) to serve small business concerns located in a qualified census tract, as that term is defined in section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986. Federal dollars not so allocated by that recipient shall be subject to the matching requirements of subparagraph (A).

"(C) TYPES OF FUNDING.—The non-Federal share of the cost of an activity carried out by a recipient shall be comprised of not less than 50 percent cash and not more than 50 percent of indirect costs and in-kind contributions, except that no such costs or contributions may be derived from funds from any other Federal program.

"(D) RANKINGS.—For purposes of subparagraph (A), the Administrator shall reevaluate the ranking of a State once every 2 fiscal years, beginning with fiscal year 2001, based on the most recent statistics compiled by the Administrator.

"(3) DURATION.—Awards may be made or cooperative agreements entered into under this section for multiple years, not to exceed 5 years in total.

"(f) REPORTS.—

"(1) INITIAL REPORT.—Not later than 120 days after the date of enactment of the Small Business Innovation Research Program Reauthorization Act of 2000, the Administrator shall prepare and submit to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives a report, which shall include, with respect to the FAST program, including Mentoring Networks—

"(A) a description of the structure and procedures of the program;

"(B) a management plan for the program; and

"(C) a description of the merit-based review process to be used in the program.

"(2) ANNUAL REPORTS.—The Administrator shall submit an annual report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives regarding—

"(A) the number and amount of awards provided and cooperative agreements entered into under the FAST program during the preceding year;

"(B) a list of recipients under this section, including their location and the activities being performed with the awards made or under the cooperative agreements entered into; and

"(C) the Mentoring Networks and the mentoring database, as provided for under section 35, including—

"(i) the status of the inclusion of mentoring information in the database required by section 9(k); and

"(ii) the status of the implementation and description of the usage of the Mentoring Networks.

"(g) REVIEWS BY INSPECTOR GENERAL.—

"(1) IN GENERAL.—The Inspector General of the Administration shall conduct a review of—

"(A) the extent to which recipients under the FAST program are measuring the performance of the activities being conducted and the results of such measurements; and

"(B) the overall management and effectiveness of the FAST program.

"(2) REPORT.—During the first quarter of fiscal year 2004, the Inspector General of the Administration shall submit a report to the Committee on Small Business of the Senate and the Committee on Science and the Committee on Small Business of the House of Representatives on the review conducted under paragraph (1).

"(h) PROGRAM LEVELS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out the FAST program, including Mentoring Networks, under this section and section 35, $10,000,000 for each of fiscal years 2001 through 2005.

"(2) MENTORING DATABASE.—Of the total amount made available under paragraph (1) for fiscal years 2001 through 2005, a reasonable amount, not to exceed a total of $500,000, may be used by the Administration to carry out section 35(d).

"(i) TERMINATION.—The authority to carry out the FAST program under this section shall terminate on September 30, 2005.".

(c) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(u) COORDINATION OF TECHNOLOGY DEVELOPMENT PROGRAMS.—

"(1) DEFINITION OF TECHNOLOGY DEVELOPMENT PROGRAM.—In this subsection, the term 'technology development program' means—

"(A) the Experimental Program to Stimulate Competitive Research of the National Science Foundation, as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g);

"(B) the Defense Experimental Program to Stimulate Competitive Research of the Department of Defense;

"(C) the Experimental Program to Stimulate Competitive Research of the Department of Energy;

"(D) the Experimental Program to Stimulate Competitive Research of the Environmental Protection Agency;

"(E) the Experimental Program to Stimulate Competitive Research of the National Aeronautics and Space Administration;

"(F) the Institutional Development Award Program of the National Institutes of Health; and

"(G) the National Research Initiative Competitive Grants Program of the Department of Agriculture.

"(2) COORDINATION REQUIREMENTS.—Each Federal agency that is subject to subsection (f) and that has established a technology development program may, in each fiscal year, review for funding under that technology development program—

"(A) any proposal to provide outreach and assistance to 1 or more small business concerns interested in participating in the SBIR program, including any proposal to make a grant or loan to a company to pay a portion or all of the cost of developing an SBIR proposal, from an entity, organization, or individual located in—

"(i) a State that is eligible to participate in that program; or

"(ii) a State described in paragraph (3); or

"(B) any proposal for the first phase of the SBIR program, if the proposal, though meritorious, is not funded through the SBIR program for that fiscal year due to funding restraints, from a small business concern located in—

"(i) a State that is eligible to participate in a technology development program; or

"(ii) a State described in paragraph (3).

"(3) ADDITIONALLY ELIGIBLE STATE.—A State referred to in subparagraph (A)(ii) or (B)(ii) of paragraph (2) is a State in which the total value of contracts awarded to small business concerns under all SBIR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2000, based on the most recent statistics compiled by the Administrator.".

SEC. 112. MENTORING NETWORKS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 34, as added by section 111(b)(2) of this Act, the following:

"SEC. 35. MENTORING NETWORKS.

"(a) FINDINGS.—Congress finds that—

"(1) the SBIR and STTR programs create jobs, increase capacity for technological innovation, and boost international competitiveness;

"(2) increasing the quantity of applications from all States to the SBIR and STTR programs would enhance competition for such awards and the quality of the completed projects; and

"(3) mentoring is a natural complement to the FAST program of reaching out to new companies regarding the SBIR and STTR programs as an effective and low-cost way to improve the likelihood that such companies will succeed in such programs in developing and commercializing their research.

"(b) AUTHORIZATION FOR MENTORING NETWORKS.—The recipient of an award or participant in a cooperative agreement under section 34 may use a reasonable amount of such assistance for the establishment of a Mentoring Network under this section.

"(c) CRITERIA FOR MENTORING NETWORKS.—A Mentoring Network established using assistance under section 34 shall—

"(1) provide business advice and counseling to high technology small business concerns located in the State or region served by the Mentoring Network and identified under section 34(c)(1)(E)(ii) as potential candidates for the SBIR or STTR programs;

"(2) identify volunteer mentors who—

"(A) are persons associated with a small business concern that has successfully completed one or more SBIR or STTR funding agreements; and

"(B) have agreed to guide small business concerns through all stages of the SBIR or STTR program process, including providing assistance relating to—

"(i) proposal writing;

"(ii) marketing;

"(iii) Government accounting;

"(iv) Government audits;

"(v) project facilities and equipment;

"(vi) human resources;

"(vii) third phase partners;

"(viii) commercialization;

"(ix) venture capital networking; and

"(x) other matters relevant to the SBIR and STTR programs;

"(3) have experience working with small business concerns participating in the SBIR and STTR programs;

"(4) contribute information to the national database referred to in subsection (d); and

"(5) agree to reimburse volunteer mentors for out-of-pocket expenses related to service as a mentor under this section.

"(d) MENTORING DATABASE.—The Administrator shall—

"(1) include in the database required by section 9(k)(1), in cooperation with the SBIR, STTR, and FAST programs, information on Mentoring Networks and mentors participating under this section, including a description of their areas of expertise;

"(2) work cooperatively with Mentoring Networks to maintain and update the database;

"(3) take such action as may be necessary to aggressively promote Mentoring Networks under this section; and

"(4) fulfill the requirements of this subsection either directly or by contract.".

SEC. 113. SIMPLIFIED REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following:

"(v) SIMPLIFIED REPORTING REQUIREMENTS.—The Administrator shall work with the Federal agencies required by this section to have an SBIR program to standardize reporting requirements for the collection of data from SBIR applicants and awardees, including data for inclusion in the database under subsection (k), taking into consideration the unique needs of each agency, and to the extent possible, permitting the updating of previously reported information by electronic means. Such requirements shall be designed to minimize the burden on small businesses.".

SEC. 114. RURAL OUTREACH PROGRAM EXTENSION.

(a) EXTENSION OF TERMINATION DATE.—Section 501(b)(2) of the Small Business Reauthorization Act of 1997 (15 U.S.C. 638 note; 111 Stat. 2622) is amended by striking "2001" and inserting "2005".

(b) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—Section 9(s)(2) of the Small Business Act (15 U.S.C. 638(s)(2)) is amended by striking "for fiscal year 1998, 1999, 2000, or 2001"" and inserting "for each of the fiscal years 2000 through 2005,".

TITLE II—BUSINESS LOAN PROGRAMS

SEC. 201. SHORT TITLE.

This title may be cited as the "Small Business Loan Improvement Act of 2000".

SEC. 202. LEVELS OF PARTICIPATION.

Section 7(a)(2)(A) of the Small Business Act (15 U.S.C. 636(a)(2)(A)) is amended—

(1) in paragraph (i) by striking "$100,000" and inserting "$150,000"; and

(2) in paragraph (ii)—

(A) by striking "80 percent" and inserting "85 percent"; and

(B) by striking "$100,000" and inserting "$150,000".

SEC. 203. LOAN AMOUNTS.

Section 7(a)(3)(A) of the Small Business Act (15 U.S.C. 636(a)(3)(A)) is amended by striking "$750,000," and inserting, "$1,000,000 (or if the gross loan amount would exceed $2,000,000),".

SEC. 204. INTEREST ON DEFAULTED LOANS.

Section 7(a)(4)(B) of the Small Business Act (15 U.S.C. 636(a)(4)(B)) is amended by adding at the end the following:

"(iii) APPLICABILITY.—Clauses (i) and (ii) shall not apply to loans made on or after October 1, 2000.".

SEC. 205. PREPAYMENT OF LOANS.

Section 7(a)(4) of the Small Business Act (15 U.S.C. 636(a)(4)) is further amended—

(1) by striking "(4) INTEREST RATES AND FEES.—" and inserting "(4) INTEREST RATES AND PREPAYMENT CHARGES.—"; and

(2) by adding at the end the following:

"(C) PREPAYMENT CHARGES.—

"(i) IN GENERAL.—A borrower who prepays any loan guaranteed under this subsection shall remit to the Administration a subsidy recoupment fee calculated in accordance with clause (ii) if—

"(I) the loan is for a term of not less than 15 years;

"(II) the prepayment is voluntary;

"(III) the amount of prepayment in any calendar year is more than 25 percent of the outstanding balance of the loan; and

"(IV) the prepayment is made within the first 3 years after disbursement of the loan proceeds.

"(ii) SUBSIDY RECOUPMENT FEE.—The subsidy recoupment fee charged under clause (i) shall be—

"(I) 5 percent of the amount of prepayment, if the borrower prepays during the first year after disbursement;

"(II) 3 percent of the amount of prepayment, if the borrower prepays during the second year after disbursement; and

"(III) 1 percent of the amount of prepayment, if the borrower prepays during the third year after disbursement.".

SEC. 206. GUARANTEE FEES.

Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended to read as follows:

"(18) GUARANTEE FEES.—

"(A) IN GENERAL.—With respect to each loan guaranteed under this subsection (other than a loan that is repayable in 1 year or less), the Administration shall collect a guarantee fee, which shall be payable by the participating lender, and may be charged to the borrower, as follows:

"(i) A guarantee fee equal to 2 percent of the deferred participation share of a total loan amount that is not more than $150,000.

"(ii) A guarantee fee equal to 3 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

"(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.

"(B) RETENTION OF CERTAIN FEES.—Lenders participating in the programs established under this subsection may retain not more than 25 percent of a fee collected under subparagraph (A)(i).".

SEC. 207. LEASE TERMS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is further amended by adding at the end the following:

"(28) LEASING.—In addition to such other lease arrangements as may be authorized by the Administration, a borrower may permanently lease to one or more tenants not more than 20 percent of any property constructed with the proceeds of a loan guaranteed under this subsection, if the borrower permanently occupies *and uses not less than 60 percent of the total business space in the property.".*

SEC. 208. APPRAISALS FOR LOANS SECURED BY REAL PROPERTY.

(a) Small Business Act.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(29) Real Estate Appraisals.—With respect to a loan under this subsection that is secured by commercial real property, an appraisal of such property by a State licensed or certified appraiser—

"(A) shall be required by the Administration in connection with any such loan for more than $250,000; or

"(B) may be required by the Administration or the lender in connection with any such loan for $250,000 or less, if such appraisal is necessary for appropriate evaluation of creditworthiness.".

(b) Small Business Investment Act of 1958.—Section 502(3)(E) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(E)) is amended—

(1) by striking "The collateral" and inserting the following:

"(i) In general.—The collateral"; and

(2) by adding at the end the following:

"(ii) Appraisals.—With respect to commercial real property provided by the small business concern as collateral, an appraisal of the property by a State licensed or certified appraiser—

"(I) shall be required by the Administration before disbursement of the loan if the estimated value of that property is more than $250,000; or

"(II) may be required by the Administration or the lender before disbursement of the loan if the estimated value of that property is $250,000 or less, and such appraisal is necessary for appropriate evaluation of creditworthiness.".

SEC. 209. SALE OF GUARANTEED LOANS MADE FOR EXPORT PURPOSES.

Section 5(f)(1)(C) of the Small Business Act (15 U.S.C. 634(f)(1)(C)) is amended to read as follows:

"(C) each loan, except each loan made under section 7(a)(14), shall have been fully disbursed to the borrower prior to any sale.".

SEC. 210. MICROLOAN PROGRAM.

(a) In General.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended—

(1) in paragraphs (1)(B)(iii) and (3)(E), by striking "$25,000" each place it appears and inserting "$35,000";

(2) in paragraphs (1)(A)(iii)(I), (3)(A)(ii), and (4)(C)(i)(II), by striking "$7,500" each place it appears and inserting "$10,000";

(3) in paragraph (3)(E), by striking "$15,000" and inserting "$20,000";

(4) in paragraph (5)(A)—

(A) by striking "25 grants" and inserting "55 grants"; and

(B) by striking "$125,000" and inserting "$200,000";

(5) in paragraph (6)(B), by striking "$10,000" and inserting "$15,000"; and

(6) in paragraph (7), by striking subparagraph (A) and inserting the following:

"(A) Number of participants.—Under the program authorized by this subsection, the Administration may fund, on a competitive basis, not more than 300 intermediaries.".

(b) Conforming Amendments.—Section 7(m)(11)(B) of the Small Business Act (15 U.S.C. 636(m)(11)(B)) is amended by striking "$25,000" and inserting "$35,000".

TITLE III—CERTIFIED DEVELOPMENT COMPANY PROGRAM

SEC. 301. SHORT TITLE.

This title may be cited as the "Certified Development Company Program Improvements Act of 2000".

SEC. 302. WOMEN-OWNED BUSINESSES.

Section 501(d)(3)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(C)) is amended by inserting before the comma "or women-owned business development".

SEC. 303. MAXIMUM DEBENTURE SIZE.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended to read as follows:

"(2) Loans made by the Administration under this section shall be limited to $1,000,000 for each such identifiable small business concern, except loans meeting the criteria specified in section 501(d)(3), which shall be limited to $1,300,000 for each such identifiable small business concern.".

SEC. 304. FEES.

Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) is amended to read as follows:

"(f) Effective Date.—The fees authorized by subsections (b) and (d) shall apply to financings approved by the Administration on or after October 1, 1996, but shall not apply to financings approved by the Administration on or after October 1, 2003.".

SEC. 305. PREMIER CERTIFIED LENDERS PROGRAM.

Section 217(b) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403, 15 U.S.C. 697 note) (relating to section 508 of the Small Business Investment Act of 1958) is repealed.

SEC. 306. SALE OF CERTAIN DEFAULTED LOANS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended—

(1) in subsection (a), by striking "On a pilot program basis, the" and inserting "The";

(2) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively;

(3) in subsection (f) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)";

(4) in subsection (h) (as redesignated by paragraph (2)), by striking "subsection (f)" and inserting "subsection (g)"; and

(5) by inserting after subsection (c) the following:

"(d) Sale of Certain Defaulted Loans.—

"(1) Notice.—If, upon default in repayment, the Administration acquires a loan guaranteed under this section and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financings, it shall give prior notice thereof to any certified development company which has a contingent liability under this section. The notice shall be given to the company as soon as possible after the financing is identified, but not less than 90 days before the date the Administration first makes any records on such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

"(2) Limitations.—The Administration shall not offer any loan described in paragraph (1) as part of a bulk sale unless it—

"(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

"(B) provides the notice required by paragraph (1).".

SEC. 307. LOAN LIQUIDATION.

(a) Liquidation and Foreclosure.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

"SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

"(a) Delegation of Authority.—In accordance with this section, the Administration shall delegate to any qualified State or local development company (as defined in section 503(e)) that meets the eligibility requirements of subsection (b)(1) the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administration under section 503.

"(b) Eligibility for Delegation.—

"(1) Requirements.—A qualified State or local development company shall be eligible for a delegation of authority under subsection (a) if—

"(A) the company—

"(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), as in effect on the day before promulgation of final regulations by the Administration implementing this section;

"(ii) is participating in the Premier Certified Lenders Program under section 508; or

"(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under section 503; and

"(B) the company—

"(i) has one or more employees—

"(I) with not less than 2 years of substantive, decision-making experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under section 503; and

"(II) who have completed a training program on loan liquidation developed by the Administration in conjunction with qualified State and local development companies that meet the requirements of this paragraph; or

"(ii) submits to the Administration documentation demonstrating that the company has contracted with a qualified third-party to perform any liquidation activities and secures the approval of the contract by the Administration with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

"(2) Confirmation.—On request the Administration shall examine the qualifications of any company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administration determines that a company is not eligible, the Administration shall provide the company with the reasons for such ineligibility.

"(c) Scope of Delegated Authority.—

"(1) In general.—Each qualified State or local development company to which the Administration delegates authority under section (a) may with respect to any loan described in subsection (a)—

"(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administration under paragraph (2)(A);

"(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administration may—

"(i) defend or bring any claim if—

"(I) the outcome of the litigation may adversely affect the Administration's management of the loan program established under section 502; or

"(II) the Administration is entitled to legal remedies not available to a qualified State or local development company and such remedies will benefit either the Administration or the qualified State or local development company; or

"(ii) oversee the conduct of any such litigation; and

"(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administration under paragraph (2)(C).

"(2) ADMINISTRATION APPROVAL.—

"(A) LIQUIDATION PLAN.—

"(i) IN GENERAL.—Before carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a proposed liquidation plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a liquidation plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(iii) ROUTINE ACTIONS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may undertake routine actions not addressed in a liquidation plan without obtaining additional approval from the Administration.

"(B) PURCHASE OF INDEBTEDNESS.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company shall submit to the Administration a request for written approval before committing the Administration to the purchase of any other indebtedness secured by the property securing a defaulted loan.

"(ii) ADMINISTRATION ACTION ON REQUEST.—

"(I) TIMING.—Not later than 15 business days after receiving a request under clause (i), the Administration shall approve or deny the request.

"(II) NOTICE OF NO DECISION.—With respect to any request that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the request.

"(C) WORKOUT PLAN.—

"(i) IN GENERAL.—In carrying out functions described in paragraph (1)(C), a qualified State or local development company shall submit to the Administration a proposed workout plan.

"(ii) ADMINISTRATION ACTION ON PLAN.—

"(I) TIMING.—Not later than 15 business days after a workout plan is received by the Administration under clause (i), the Administration shall approve or reject the plan.

"(II) NOTICE OF NO DECISION.—With respect to any workout plan that cannot be approved or denied within the 15-day period required by subclause (I), the Administration shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

"(D) COMPROMISE OF INDEBTEDNESS.—In carrying out functions described in paragraph (1)(A), a qualified State or local development company may—

"(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

"(ii) pursuant to such an offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administration.

"(E) CONTENTS OF NOTICE OF NO DECISION.—Any notice provided by the Administration under subparagraph (A)(ii)(II), (B)(ii)(II), or (C)(ii)(II)—

"(i) shall be in writing;

"(ii) shall state the specific reason for the Administration's inability to act on a plan or request;

"(iii) shall include an estimate of the additional time required by the Administration to act on the plan or request; and

"(iv) if the Administration cannot act because insufficient information or documentation was provided by the company submitting the plan or request, shall specify the nature of such additional information or documentation.

"(3) CONFLICT OF INTEREST.—In carrying out functions described in paragraph (1), a qualified State or local development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third party lender, associate of a third party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

"(d) SUSPENSION OR REVOCATION OF AUTHORITY.—The Administration may revoke or suspend a delegation of authority under this section to any qualified State or local development company, if the Administration determines that the company—

"(1) does not meet the requirements of subsection (b)(1);

"(2) has violated any applicable rule or regulation of the Administration or any other applicable law; or

"(3) fails to comply with any reporting requirement that may be established by the Administration relating to carrying out of functions described in paragraph (1).

"(e) REPORT.—

"(1) IN GENERAL.—Based on information provided by qualified State and local development companies and the Administration, the Administration shall annually submit to the Committees on Small Business of the House of Representatives and of the Senate a report on the results of delegation of authority under this section.

"(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

"(A) With respect to each loan foreclosed or liquidated by a qualified State or local development company under this section, or for which losses were otherwise mitigated by the company pursuant to a workout plan under this section—

"(i) the total cost of the project financed with the loan;

"(ii) the total original dollar amount guaranteed by the Administration;

"(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

"(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

"(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

"(B) With respect to each qualified State or local development company to which authority is delegated under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(C) With respect to all loans subject to foreclosure, liquidation, or mitigation under this section, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

"(D) A comparison between—

"(i) the information provided under subparagraph (C) with respect to the 12-month period preceding the date on which the report is submitted; and

"(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administration during the same period.

"(E) The number of times that the Administration has failed to approve or reject a liquidation plan in accordance with subparagraph (A)(i), a workout plan in accordance with subparagraph (C)(i), or to approve or deny a request for purchase of indebtedness under subparagraph (B)(i), including specific information regarding the reasons for the Administration's failure and any delays that resulted.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 150 days after the date of enactment of this Act, the Administrator shall issue such regulations as may be necessary to carry out section 510 of the Small Business Investment Act of 1958, as added by subsection (a) of this section.

(2) TERMINATION OF PILOT PROGRAM.—Beginning on the date on which final regulations are issued under paragraph (1), section 204 of the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note) shall cease to have effect.

TITLE IV—CORRECTIONS TO THE SMALL BUSINESS INVESTMENT ACT OF 1958

SEC. 401. SHORT TITLE.

This title may be cited as the "Small Business Investment Corrections Act of 2000".

SEC. 402. DEFINITIONS.

(a) SMALL BUSINESS CONCERN.—Section 103(5)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)(A)(i)) is amended by inserting before the semicolon at the end the following: "regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment".

(b) LONG TERM.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (15), by striking "and" at the end;

(2) in paragraph (16), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(17) the term 'long term', when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year.".

SEC. 403. INVESTMENT IN SMALL BUSINESS INVESTMENT COMPANIES.

Section 302(b) of the Small Business Investment Act of 1958 (15 U.S.C. 682(b)) is amended—

(1) by striking "(b) Notwithstanding" and inserting the following:

"(b) FINANCIAL INSTITUTION INVESTMENTS.—

"(1) CERTAIN BANKS.—Notwithstanding"; and

(2) by adding at the end the following:

"(2) CERTAIN SAVINGS ASSOCIATIONS.—Notwithstanding any other provision of law, any Federal savings association may invest in any 1 or more small business investment companies, or in any entity established to invest solely in small business investment companies, except that in no event may the total amount of such investments by any such Federal savings association exceed 5 percent of the capital and surplus of the Federal savings association.".

SEC. 404. SUBSIDY FEES.

(a) DEBENTURES.—Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for debentures obligated after September 30, 2000, an additional charge, in an amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing debentures under this Act, which shall be paid to and retained by the Administration".

(b) PARTICIPATING SECURITIES.—Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking "plus an additional charge of 1 percent per annum which shall be paid to and retained by the Administration" and inserting "plus, for participating securities obligated after September 30, 2000, an additional charge, in an

amount established annually by the Administration, of not more than 1 percent per year as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) to the Administration of purchasing and guaranteeing participating securities under this Act, which shall be paid to and retained by the Administration".

SEC. 405. DISTRIBUTIONS.

Section 303(g)(8) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(8)) is amended—

(1) by striking "subchapter s corporation" and inserting "subchapter S corporation";

(2) by striking "the end of any calendar quarter based on a quarterly" and inserting "any time during any calendar quarter based on an"; and

(3) by striking "quarterly distributions for a calendar year," and inserting "interim distributions for a calendar year,".

SEC. 406. CONFORMING AMENDMENT.

Section 310(c)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 687b(c)(4)) is amended by striking "five years" and inserting "1 year".

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

SEC. 501. SHORT TITLE.

This title may be cited as the "Small Business Programs Reauthorization Act of 2000".

SEC. 502. REAUTHORIZATION OF SMALL BUSINESS PROGRAMS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(g) FISCAL YEAR 2001.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2001:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $45,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $60,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $19,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $14,500,000,000 in general business loans as provided in section 7(a);

"(ii) $4,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $2,500,000,000 in purchases of participating securities; and

"(ii) $1,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $4,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $5,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2001 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2001—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(h) FISCAL YEAR 2002.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2002:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $60,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $80,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $20,050,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $15,000,000,000 in general business loans as provided in section 7(a);

"(ii) $4,500,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $3,500,000,000 in purchases of participating securities; and

"(ii) $2,500,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $5,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter cooperative agreements for a total amount of $6,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2002 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2002—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.

"(i) FISCAL YEAR 2003.—

"(1) PROGRAM LEVELS.—The following program levels are authorized for fiscal year 2003:

"(A) For the programs authorized by this Act, the Administration is authorized to make—

"(i) $70,000,000 in technical assistance grants as provided in section 7(m); and

"(ii) $100,000,000 in direct loans, as provided in 7(m).

"(B) For the programs authorized by this Act, the Administration is authorized to make $21,550,000,000 in deferred participation loans and other financings. Of such sum, the Administration is authorized to make—

"(i) $16,000,000,000 in general business loans as provided in section 7(a);

"(ii) $5,000,000,000 in financings as provided in section 7(a)(13) of this Act and section 504 of the Small Business Investment Act of 1958;

"(iii) $500,000,000 in loans as provided in section 7(a)(21); and

"(iv) $50,000,000 in loans as provided in section 7(m).

"(C) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make—

"(i) $4,000,000,000 in purchases of participating securities; and

"(ii) $3,000,000,000 in guarantees of debentures.

"(D) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $6,000,000,000 of which not more than 50 percent may be in bonds approved pursuant to section 411(a)(3) of that Act.

"(E) The Administration is authorized to make grants or enter into cooperative agreements for a total amount of $7,000,000 for the Service Corps of Retired Executives program authorized by section 8(b)(1).

"(2) ADDITIONAL AUTHORIZATIONS.—

"(A) There are authorized to be appropriated to the Administration for fiscal year 2003 such sums as may be necessary to carry out the provisions of this Act not elsewhere provided for, including administrative expenses and necessary loan capital for disaster loans pursuant to section 7(b), and to carry out title IV of the Small Business Investment Act of 1958, including salaries and expenses of the Administration.

"(B) Notwithstanding any other provision of this paragraph, for fiscal year 2003—

"(i) no funds are authorized to be used as loan capital for the loan program authorized by section 7(a)(21) except by transfer from another Federal department or agency to the Administration, unless the program level authorized for general business loans under paragraph (1)(B)(i) is fully funded; and

"(ii) the Administration may not approve loans on its own behalf or on behalf of any other Federal department or agency, by contract or otherwise, under terms and conditions other than those specifically authorized under this Act or the Small Business Investment Act of 1958, except that it may approve loans under section 7(a)(21) of this Act in gross amounts of not more than $1,250,000.".

SEC. 503. ADDITIONAL REAUTHORIZATIONS.

(a) DRUG-FREE WORKPLACE PROGRAM.—Section 27 of the Small Business Act (15 U.S.C. 654) is amended—

(1) in the section heading, by striking "**DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM**" and inserting "**PAUL D.**

COVERDELL DRUG-FREE WORKPLACE PROGRAM*"; and*

(2) in subsection (g)(1), by striking "$10,000,000 for fiscal years 1999 and 2000" and inserting "$5,000,000 for each of fiscal years 2001 through 2003".

(b) HUBZone Program.—Section 31 of the Small Business Act (15 U.S.C. 657a) is amended by adding at the end the following:

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out the program established by this section $10,000,000 for each of fiscal years 2001 through 2003.".

(c) Very Small Business Concerns Program.—Section 304(i) of the Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103–403; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(d) Socially and Economically Disadvantaged Businesses Program.—Section 7102(c) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 15 U.S.C. 644 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

(e) SBDC Services.—Section 21(c)(3)(T) of the Small Business Act (15 U.S.C. 648(c)(3)(T)) is amended by striking "2000" and inserting "2003".

SEC. 504. COSPONSORSHIP.

(a) In General.—Section 8(b)(1)(A) of the Small Business Act (15 U.S.C. 637(b)(1)(A)) is amended to read as follows:

"(1)(A) to provide—

"(i) technical, managerial, and informational aids to small business concerns—

"(I) by advising and counseling on matters in connection with Government procurement and policies, principles, and practices of good management;

"(II) by cooperating and advising with—

"(aa) voluntary business, professional, educational, and other nonprofit organizations, associations, and institutions (except that the Administration shall take such actions as it determines necessary to ensure that such cooperation does not constitute or imply an endorsement by the Administration of the organization or its products or services, and shall ensure that it receives appropriate recognition in all printed materials); and

"(bb) other Federal and State agencies;

"(III) by maintaining a clearinghouse for information on managing, financing, and operating small business enterprises; and

"(IV) by disseminating such information, including through recognition events, and by other activities that the Administration determines to be appropriate; and

"(ii) through cooperation with a profit-making concern (referred to in this paragraph as a 'cosponsor'), training, information, and education to small business concerns, except that the Administration shall—

"(I) take such actions as it determines to be appropriate to ensure that—

"(aa) the Administration receives appropriate recognition and publicity;

"(bb) the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor;

"(cc) unnecessary promotion of the products or services of the cosponsor is avoided; and

"(dd) utilization of any 1 cosponsor in a marketing area is minimized; and

"(II) develop an agreement, executed on behalf of the Administration by an employee of the Administration in Washington, the District of Columbia, that provides, at a minimum, that—

"(aa) any printed material to announce the cosponsorship or to be distributed at the cosponsored activity, shall be approved in advance by the Administration;

"(bb) the terms and conditions of the cooperation shall be specified;

"(cc) only minimal charges may be imposed on any small business concern to cover the direct costs of providing the assistance;

"(dd) the Administration may provide to the cosponsorship mailing labels, but not lists of names and addresses of small business concerns compiled by the Administration;

"(ee) all printed materials containing the names of both the Administration and the cosponsor shall include a prominent disclaimer that the cooperation does not constitute or imply an endorsement by the Administration of any product or service of the cosponsor; and

"(ff) the Administration shall ensure that it receives appropriate recognition in all cosponsorship printed materials.".

(b) Extension of Cosponsorship Authority.—Section 401(a)(2) of the Small Business Administration Reauthorization and Amendments Act of 1994 (15 U.S.C. 637 note) is amended by striking "September 30, 2000" and inserting "September 30, 2003".

TITLE VI—HUBZONE PROGRAM

Subtitle A—HUBZones in Native America

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "HUBZones in Native America Act of 2000".

SEC. 602. HUBZONE SMALL BUSINESS CONCERN.

Section 3(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)) is amended to read as follows:

"(3) HUBZone Small Business Concern.—The term 'HUBZone small business concern' means—

"(A) a small business concern that is owned and controlled by 1 or more persons, each of whom is a United States citizen;

"(B) a small business concern that is—

"(i) an Alaska Native Corporation owned and controlled by Natives (as determined pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1))); or

"(ii) a direct or indirect subsidiary corporation, joint venture, or partnership of an Alaska Native Corporation qualifying pursuant to section 29(e)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(1)), if that subsidiary, joint venture, or partnership is owned and controlled by Natives (as determined pursuant to section 29(e)(2)) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)(2))); or

"(C) a small business concern—

"(i) that is wholly owned by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments; or

"(ii) that is owned in part by 1 or more Indian tribal governments, or by a corporation that is wholly owned by 1 or more Indian tribal governments, if all other owners are either United States citizens or small business concerns.".

SEC. 603. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.

(a) In General.—Section 3(p)(5)(A)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(A)(i)) is amended by striking subclauses (I) and (II) and inserting the following:

"(I) it is a HUBZone small business concern—

"(aa) pursuant to subparagraph (A) or (B) of paragraph (3), and that its principal office is located in a HUBZone and not fewer than 35 percent of its employees reside in a HUBZone; or

"(bb) pursuant to paragraph (3)(C), and not fewer than 35 percent of its employees engaged in performing a contract awarded to the small business concern on the basis of a preference provided under section 31(b) reside within any Indian reservation governed by 1 or more of the tribal government owners, or reside within any HUBZone adjoining any such Indian reservation;

"(II) the small business concern will attempt to maintain the applicable employment percentage under subclause (I) during the performance of any contract awarded to the small business concern on the basis of a preference provided under section 31(b); and".

(b) Clarifying Amendment.—Section 3(p)(5)(D)(i) of the Small Business Act (15 U.S.C. 632(p)(5)(D)(i)) is amended by inserting "once the Administrator has made the certification required by subparagraph (A)(i) regarding a qualified HUBZone small business concern and has determined that subparagraph (A)(ii) does not apply to that concern," before "include".

SEC. 604. OTHER DEFINITIONS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended by adding at the end the following:

"(6) Native American Small Business Concerns.—

"(A) Alaska Native Corporation.—The term 'Alaska Native Corporation' has the same meaning as the term 'Native Corporation' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(B) Alaska Native Village.—The term 'Alaska Native Village' has the same meaning as the term 'Native village' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

"(C) Indian Reservation.—The term 'Indian reservation'—

"(i) has the same meaning as the term 'Indian country' in section 1151 of title 18, United States Code, except that such term does not include—

"(I) any lands that are located within a State in which a tribe did not exercise governmental jurisdiction on the date of enactment of this paragraph, unless that tribe is recognized after that date of enactment by either an Act of Congress or pursuant to regulations of the Secretary of the Interior for the administrative recognition that an Indian group exists as an Indian tribe (part 83 of title 25, Code of Federal Regulations); and

"(II) lands taken into trust or acquired by an Indian tribe after the date of enactment of this paragraph if such lands are not located within the external boundaries of an Indian reservation or former reservation or are not contiguous to the lands held in trust or restricted status on that date of enactment; and

"(ii) in the State of Oklahoma, means lands that—

"(I) are within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

"(II) are recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).".

Subtitle B—Other HUBZone Provisions

SEC. 611. DEFINITIONS.

(a) Qualified Census Tract.—Section 3(p)(4)(A) of the Small Business Act (15 U.S.C. 632(p)(4)(A)) is amended by striking "(i)".

(b) Qualified Nonmetropolitan County.—Section 3(p)(4) of the Small Business Act (15 U.S.C. 632(p)(4)) is amended by striking subparagraph (B) and inserting the following:

"(B) Qualified Nonmetropolitan County.—The term 'qualified nonmetropolitan county' means any county—

"(i) that was not located in a metropolitan statistical area (as defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986) at the time of the most recent census taken for purposes of selecting qualified census tracts under section 42(d)(5)(C)(ii) of the Internal Revenue Code of 1986; and

"(ii) in which—

"(I) the median household income is less than 80 percent of the nonmetropolitan State median household income, based on the most recent

data available from the Bureau of the Census of the Department of Commerce; or

"(II) the unemployment rate is not less than 140 percent of the Statewide average unemployment rate for the State in which the county is located, based on the most recent data available from the Secretary of Labor.".

SEC. 612. ELIGIBLE CONTRACTS.

(a) COMMODITIES CONTRACTS.—Section 31(b)(3) of the Small Business Act (15 U.S.C. 657a(b)(3)) is amended—

(1) by striking "In any" and inserting the following:

"(A) IN GENERAL.—Subject to subparagraph (B), in any"; and

(2) by adding at the end the following:

"(B) PROCUREMENT OF COMMODITIES.—For purchases by the Secretary of Agriculture of agricultural commodities, the price evaluation preference shall be—

"(i) 10 percent, for the portion of a contract to be awarded that is not greater than 25 percent of the total volume being procured for each commodity in a single invitation;

"(ii) 5 percent, for the portion of a contract to be awarded that is greater than 25 percent, but not greater than 40 percent, of the total volume being procured for each commodity in a single invitation; and

"(iii) zero, for the portion of a contract to be awarded that is greater than 40 percent of the total volume being procured for each commodity in a single invitation.

"(C) TREATMENT OF PREFERENCE.—A contract awarded to a HUBZone small business concern under a preference described in subparagraph (B) shall not be counted toward the fulfillment of any requirement partially set aside for competition restricted to small business concerns.".

(b) DEFINITIONS.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (5)(A)(i)(III)—

(A) in item (aa), by striking "and" at the end; and

(B) by adding at the end the following:

"(cc) in the case of a contract for the procurement by the Secretary of Agriculture of agricultural commodities, none of the commodity being procured will be obtained by the prime contractor through a subcontract for the purchase of the commodity in substantially the final form in which it is to be supplied to the Government; and"; and

(2) by adding at the end the following:

"(7) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the same meaning as in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).".

SEC. 613. HUBZONE REDESIGNATED AREAS.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) redesignated areas."; and

(2) in paragraph (4), by adding at the end the following:

"(C) REDESIGNATED AREA.—The term 'redesignated area' means any census tract that ceases to be qualified under subparagraph (A) and any nonmetropolitan county that ceases to be qualified under subparagraph (B), except that a census tract or a nonmetropolitan county may be a 'redesignated area' only for the 3-year period following the date on which the census tract or nonmetropolitan county ceased to be so qualified.".

SEC. 614. COMMUNITY DEVELOPMENT.

Section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act, is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by striking "or" at the end;

(B) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(D) a small business concern that is—

"(i) wholly owned by a community development corporation that has received financial assistance under Part 1 of Subchapter A of the Community Economic Development Act of 1981 (42 U.S.C. 9805 et seq.); or

"(ii) owned in part by 1 or more community development corporations, if all other owners are either United States citizens or small business concerns."; and

(2) in paragraph (5)(A)(i)(I)(aa), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (D)".

SEC. 615. REFERENCE CORRECTIONS.

(a) SECTION 3.—Section 3(p)(5)(C) of the Small Business Act (15 U.S.C. 632(p)(5)(C)) is amended by striking "subclause (IV) and (V) of subparagraph (A)(i)" and inserting "items (aa) and (bb) of subparagraph (A)(i)(III)".

(b) SECTION 8.—Section 8(d)(4)(D) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended by inserting "qualified HUBZone small business concerns," after "small business concerns,".

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the "National Women's Business Council Reauthorization Act of 2000".

SEC. 702. MEMBERSHIP OF THE COUNCIL.

Section 407 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended—

(1) in subsection (a), by striking "Not later" and all that follows through "the President" and inserting "The President";

(2) in subsection (b)—

(A) by striking "Not later" and all that follows through "the Administrator" and inserting "The Administrator"; and

(B) by striking "the Assistant Administrator of the Office of Women's Business Ownership and";

(3) in subsection (d), by striking ", except that" and all that follows through the end of the subsection and inserting a period; and

(4) in subsection (h), by striking "Not later" and all that follows through "the Administrator" and inserting "The Administrator".

SEC. 703. REPEAL OF PROCUREMENT PROJECT.

Section 409 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is repealed.

SEC. 704. STUDIES AND OTHER RESEARCH.

Section 410 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 409. STUDIES AND OTHER RESEARCH.

"(a) IN GENERAL.—The Council may conduct such studies and other research relating to the award of Federal prime contracts and subcontracts to women-owned businesses, to access to credit and investment capital by women entrepreneurs, or to other issues relating to women-owned businesses, as the Council determines to be appropriate.

"(b) CONTRACT AUTHORITY.—In conducting any study or other research under this section, the Council may contract with 1 or more public or private entities.".

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

Section 411 of the Women's Business Ownership Act of 1988 (15 U.S.C. 631 note) is amended to read as follows:

"SEC. 410. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $1,000,000 for each of fiscal years 2001 through 2003, of which $550,000 shall be available in each such fiscal year to carry out section 409.

"(b) BUDGET REVIEW.—No amount made available under this section for any fiscal year may be obligated or expended by the Council before the date on which the Council reviews and approves the operating budget of the Council to carry out the responsibilities of the Council for that fiscal year.".

TITLE VIII—MISCELLANEOUS PROVISIONS

SEC. 801. LOAN APPLICATION PROCESSING.

(a) STUDY.—The Administrator of the Small Business Administration shall conduct a study to determine the average time that the Administration requires to process an application for each type of loan or loan guarantee made under the Small Business Act (15 U.S.C. 631 et seq.).

(b) TRANSMITTAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress the results of the study conducted under subsection (a).

SEC. 802. APPLICATION OF OWNERSHIP REQUIREMENTS.

(a) SMALL BUSINESS ACT.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(30) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this Act shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.".

(b) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

"(6) OWNERSHIP REQUIREMENTS.—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.".

SEC. 803. SUBCONTRACTING PREFERENCE FOR VETERANS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1), by inserting "small business concerns owned and controlled by veterans," after "small business concerns," the first place that term appears in each of the first and second sentences;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans," in each of the first and second sentences; and

(B) in subparagraph (F), by inserting "small business concern owned and controlled by service-disabled veterans," after "small business concern owned and controlled by veterans,"; and

(3) in each of paragraphs (4)(D), (4)(E), (6)(A), (6)(C), (6)(F), and (10)(B), by inserting "small business concerns owned and controlled by service-disabled veterans," after "small business concerns owned and controlled by veterans,".

SEC. 804. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM FUNDING.

(a) AUTHORIZATION.—

(1) IN GENERAL.—Section 20(a)(1) of the Small Business Act (15 U.S.C. 631 note) is amended by striking "For fiscal year 1985" and all that follows through "expended." and inserting the following: "For fiscal year 2000 and each fiscal

year thereafter, there are authorized to be appropriated such sums as may be necessary and appropriate, to remain available until expended, and to be available solely—

"(A) to carry out the Small Business Development Center Program under section 21, but not to exceed the annual funding level, as specified in section 21(a);

"(B) to pay the expenses of the National Small Business Development Center Advisory Board, as provided in section 21(i);

"(C) to pay the expenses of the information sharing system, as provided in section 21(c)(8);

"(D) to pay the expenses of the association referred to in section 21(a)(3)(A) for conducting the certification program, as provided in section 21(k)(2); and

"(E) to pay the expenses of the Administration, including salaries of examiners, for conducting examinations as part of the certification program conducted by the association referred to in section 21(a)(3)(A).".

(2) TECHNICAL AMENDMENT.—Section 20(a) of the Small Business Act (15 U.S.C. 631 note) is amended by moving the margins of paragraphs (3) and (4), including subparagraphs (A) and (B) of paragraph (4), 2 ems to the left.

(b) FUNDING FORMULA.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended to read as follows:

"(C) FUNDING FORMULA.—

"(i) IN GENERAL.—Subject to clause (iii), the amount of a formula grant received by a State under this subparagraph shall be equal to an amount determined in accordance with the following formula:

"(I) The annual amount made available under section 20(a) for the Small Business Development Center Program, less any reductions made for expenses authorized by clause (v) of this subparagraph, shall be divided on a pro rata basis, based on the percentage of the population of each State, as compared to the population of the United States.

"(II) If the pro rata amount calculated under subclause (I) for any State is less than the minimum funding level under clause (iii), the Administration shall determine the aggregate amount necessary to achieve that minimum funding level for each such State.

"(III) The aggregate amount calculated under subclause (II) shall be deducted from the amount calculated under subclause (I) for States eligible to receive more than the minimum funding level. The deductions shall be made on a pro rata basis, based on the population of each such State, as compared to the total population of all such States.

"(IV) The aggregate amount deducted under subclause (III) shall be added to the grants of those States that are not eligible to receive more than the minimum funding level in order to achieve the minimum funding level for each such State, except that the eligible amount of a grant to any State shall not be reduced to an amount below the minimum funding level.

"(ii) GRANT DETERMINATION.—The amount of a grant that a State is eligible to apply for under this subparagraph shall be the amount determined under clause (i), subject to any modifications required under clause (iii), and shall be based on the amount available for the fiscal year in which performance of the grant commences, but not including amounts distributed in accordance with clause (iv). The amount of a grant received by a State under any provision of this subparagraph shall not exceed the amount of matching funds from sources other than the Federal Government, as required under subparagraph (A).

"(iii) MINIMUM FUNDING LEVEL.—The amount of the minimum funding level for each State shall be determined for each fiscal year based on the amount made available for that fiscal year to carry out this section, as follows:

"(I) If the amount made available is not less than $81,500,000 and not more than $90,000,000, the minimum funding level shall be $500,000.

"(II) If the amount made available is less than $81,500,000, the minimum funding level shall be the remainder of $500,000 minus a percentage of $500,000 equal to the percentage amount by which the amount made available is less than $81,500,000.

"(III) If the amount made available is more than $90,000,000, the minimum funding level shall be the sum of $500,000 plus a percentage of $500,000 equal to the percentage amount by which the amount made available exceeds $90,000,000.

"(iv) DISTRIBUTIONS.—Subject to clause (iii), if any State does not apply for, or use, its full funding eligibility for a fiscal year, the Administration shall distribute the remaining funds as follows:

"(I) If the grant to any State is less than the amount received by that State in fiscal year 2000, the Administration shall distribute such remaining funds, on a pro rata basis, based on the percentage of shortage of each such State, as compared to the total amount of such remaining funds available, to the extent necessary in order to increase the amount of the grant to the amount received by that State in fiscal year 2000, or until such funds are exhausted, whichever first occurs.

"(II) If any funds remain after the application of subclause (I), the remaining amount may be distributed as supplemental grants to any State, as the Administration determines, in its discretion, to be appropriate, after consultation with the association referred to in subsection (a)(3)(A).

"(v) USE OF AMOUNTS.—

"(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

"(aa) not more than $500,000 may be used by the Administration to pay expenses enumerated in subparagraphs (B) through (D) of section 20(a)(1); and

"(bb) not more than $500,000 may be used by the Administration to pay the examination expenses enumerated in section 20(a)(1)(E).

"(II) LIMITATION.—No funds described in subclause (I) may be used for examination expenses under section 20(a)(1)(E) if the usage would reduce the amount of grants made available under clause (i)(I) of this subparagraph to less than $85,000,000 (after excluding any amounts provided in appropriations Acts for specific institutions or for purposes other than the general small business development center program) or would further reduce the amount of such grants below such amount.

"(vi) EXCLUSIONS.—Grants provided to a State by the Administration or another Federal agency to carry out subsection (a)(6) or (c)(3)(G), or for supplemental grants set forth in clause (iv)(II) of this subparagraph, shall not be included in the calculation of maximum funding for a State under clause (ii) of this subparagraph.

"(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $125,000,000 for each of fiscal years 2001, 2002, and 2003.

"(viii) STATE DEFINED.—In this subparagraph, the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.".

SEC. 805. SURETY BONDS.

(a) CONTRACT AMOUNTS.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) in subsection (a)(1), by striking "$1,250,000" and inserting "$2,000,000"; and

(2) in subsection (e)(2), by striking "$1,250,000" and inserting "$2,000,000".

(b) EXTENSION OF CERTAIN AUTHORITY.—Section 207 of the Small Business Administration Reauthorization and Amendment Act of 1988 (15 U.S.C. 694b note) is amended by striking "2000" and inserting "2003".

SEC. 806. SIZE STANDARDS.

(a) INDUSTRY CLASSIFICATIONS.—Section 15(a) of the Small Business Act (15 U.S.C. 644(a)) is amended in the eighth sentence, by striking "four-digit standard" and all that follows through "published" and inserting "definition of a 'United States industry' under the North American Industry Classification System, as established".

(b) ANNUAL RECEIPTS.—Section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)) is amended by striking "$500,000" and inserting "$750,000".

SEC. 807. NATIVE HAWAIIAN ORGANIZATIONS UNDER SECTION 8(a).

Section 8(a)(15)(A) of the Small Business Act (15 U.S.C. 637(a)(15)(A)) is amended to read as follows:

"(A) is a nonprofit corporation that has filed articles of incorporation with the director (or the designee thereof) of the Hawaii Department of Commerce and Consumer Affairs, or any successor agency.".

SEC. 808. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION CORRECTION.

Section 33(k) of the Small Business Act (15 U.S.C. 657c(k)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to the Corporation to carry out this section—

"(A) $4,000,000 for fiscal year 2001;

"(B) $4,000,000 for fiscal year 2002;

"(C) $2,000,000 for fiscal year 2003; and

"(D) $2,000,000 for fiscal year 2004.";

(2) in paragraph (2)(A), by striking "2001" each place it appears and inserting "2002"; and

(3) in paragraph (2)(B), by striking "2002 or 2003" and inserting "2003 or 2004".

SEC. 809. PRIVATE SECTOR RESOURCES FOR SCORE.

Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B)) is amended by adding at the end the following: "Notwithstanding any other provision of law, SCORE may solicit cash and in-kind contributions from the private sector to be used to carry out its functions under this Act, and may use payments made by the Administration pursuant to this subparagraph for such solicitation.".

SEC. 810. CONTRACT DATA COLLECTION.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end the following new subsection:

"(p) DATABASE, ANALYSIS, AND ANNUAL REPORT WITH RESPECT TO BUNDLED CONTRACTS.—

"(1) BUNDLED CONTRACT DEFINED.—In this subsection, the term 'bundled contract' has the meaning given such term in section 3(o)(1).

"(2) DATABASE.—

"(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Administrator of the Small Business Administration shall develop and shall thereafter maintain a database containing data and information regarding—

"(i) each bundled contract awarded by a Federal agency; and

"(ii) each small business concern that has been displaced as a prime contractor as a result of the award of such a contract.

"(3) ANALYSIS.—For each bundled contract that is to be recompeted as a bundled contract, the Administrator shall determine—

"(A) the amount of savings and benefits (in accordance with subsection (e)) achieved under the bundling of contract requirements; and

“(B) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns.

“(4) ANNUAL REPORT ON CONTRACT BUNDLING.—

“(A) In General.—Not later than 1 year after the date of the enactment of this paragraph, and annually in March thereafter, the Administration shall transmit a report on contract bundling to the Committees on Small Business of the House of Representatives and the Senate.

“(B) Contents.—Each report transmitted under subparagraph (A) shall include—

“(i) data on the number, arranged by industrial classification, of small business concerns displaced as prime contractors as a result of the award of bundled contracts by Federal agencies; and

“(ii) a description of the activities with respect to previously bundled contracts of each Federal agency during the preceding year, including—

“(I) data on the number and total dollar amount of all contract requirements that were bundled; and

“(II) with respect to each bundled contract, data or information on—

“(aa) the justification for the bundling of contract requirements;

“(bb) the cost savings realized by bundling the contract requirements over the life of the contract;

“(cc) the extent to which maintaining the bundled status of contract requirements is projected to result in continued cost savings;

“(dd) the extent to which the bundling of contract requirements complied with the contracting agency's small business subcontracting plan, including the total dollar value awarded to small business concerns as subcontractors and the total dollar value previously awarded to small business concerns as prime contractors; and

“(ee) the impact of the bundling of contract requirements on small business concerns unable to compete as prime contractors for the consolidated requirements and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.

“(5) ACCESS TO DATA.—

“(A) FEDERAL PROCUREMENT DATA SYSTEM.—To assist in the implementation of this section, the Administration shall have access to information collected through the Federal Procurement Data System.

“(B) AGENCY PROCUREMENT DATA SOURCES.—To assist in the implementation of this section, the head of each contracting agency shall provide, upon request of the Administration, procurement information collected through existing agency data collection sources.”.

SEC. 811. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8 of the Small Business Act (15 U.S.C. 637) is amended by adding at the end the following:

“(m) Procurement Program for Women-owned Small Business Concerns.—

“(1) Definitions.—In this subsection, the following definitions apply:

“(A) Contracting officer.—The term ‘contracting officer’ has the meaning given such term in section 27(f)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(f)(5)).

“(B) SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY WOMEN.—The term ‘small business concern owned and controlled by women’ has the meaning given such term in section 3(n), except that ownership shall be determined without regard to any community property law.

“(2) AUTHORITY TO RESTRICT COMPETITION.—In accordance with this subsection, a contracting officer may restrict competition for any contract for the procurement of goods or services by the Federal Government to small business concerns owned and controlled by women, if—

“(A) each of the concerns is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law);

“(B) the contracting officer has a reasonable expectation that 2 or more small business concerns owned and controlled by women will submit offers for the contract;

“(C) the contract is for the procurement of goods or services with respect to an industry identified by the Administrator pursuant to paragraph (3);

“(D) the anticipated award price of the contract (including options) does not exceed—

“(i) $5,000,000, in the case of a contract assigned an industrial classification code for manufacturing; or

“(ii) $3,000,000, in the case of all other contracts;

“(E) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price; and

“(F) each of the concerns—

“(i) is certified by a Federal agency, a State government, or a national certifying entity approved by the Administrator, as a small business concern owned and controlled by women; or

“(ii) certifies to the contracting officer that it is a small business concern owned and controlled by women and provides adequate documentation, in accordance with standards established by the Administration, to support such certification.

“(3) Waiver.—With respect to a small business concern owned and controlled by women, the Administrator may waive subparagraph (2)(A) if the Administrator determines that the concern is in an industry in which small business concerns owned and controlled by women are substantially underrepresented.

“(4) Identification of Industries.—The Administrator shall conduct a study to identify industries in which small business concerns owned and controlled by women are underrepresented with respect to Federal procurement contracting.

“(5) Enforcement; PENALTIES.—

“(A) Verification of Eligibility.—In carrying out this subsection, the Administrator shall establish procedures relating to—

“(i) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this subsection (including a challenge, filed by an interested party, relating to the veracity of a certification made or information provided to the Administration by a small business concern under paragraph (2)(F)); and

“(ii) verification by the Administrator of the accuracy of any certification made or information provided to the Administration by a small business concern under paragraph (2)(F).

“(B) Examinations.—The procedures established under subparagraph (A) may provide for program examinations (including random program examinations) by the Administrator of any small business concern making a certification or providing information to the Administrator under paragraph (2)(F).

“(C) Penalties.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a small business concern owned and controlled by women for purposes of this subsection, shall be subject to—

“(i) section 1001 of title 18, United States Code; and

“(ii) sections 3729 through 3733 of title 31, United States Code.

“(6) Provision of data.—Upon the request of the Administrator, the head of any Federal department or agency shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.”.

John Edward Porter,
C.W. Bill Young,
Henry Bonilla,
Ernest J. Istook, Jr.,
Dan Miller,
Jay Dickey,
Roger F. Wicker,
Anne M. Northup,
Randy “Duke” Cunningham,
David R. Obey,
Steny H. Hoyer,
Nancy Pelosi,
Nita M. Lowey,
Rosa L. DeLauro,
Jesse L. Jackson, Jr.,
(Except elimination of LIHEAP and CCDBG advanced funding; immigration and charitable choice provisions),
Managers on the Part of the House.

Arlen Specter,
Thad Cochran,
Slade Gorton,
Judd Gregg,
Kay Bailey Hutchison,
Ted Stevens,
Pete V. Domenici,
Tom Harkin,
Ernest F. Hollings,
Daniel K. Inouye,
Harry Reid,
Herb Kohl,
Patty Murray,
Dianne Feinstein,
Robert C. Byrd
Managers on the Part of the Senate.

PROVIDING FOR ADJOURNMENT SINE DIE ON DECEMBER 15, 2000; DECEMBER 16, 2000; OR DECEMBER 17, 2000

Mr. YOUNG of Florida. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 446) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 446

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 2001, and for other purposes, to the end that the joint resolution be hereby passed; and that a motion to reconsider be hereby laid on the table.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 133 is as follows:

H.J. RES. 133

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275 is further amended by striking the date specified in section 106(c) and inserting "December 21, 2000" and by adding the following before the period in section 113: ", and in addition, from within the amount provided by section 101, $217,000,000: *Provided*, That of these funds, $100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2000 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000–2001 of $2,535,700,000".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of December 15, 2000, to consider the conference report to accompany the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes; that the conference report be considered as read; that all points of order against the conference report and against its consideration be waived; and that the conference report be debatable for 90 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. TOOMEY. Mr. Speaker, reserving the right to object, I am concerned about what we are doing here today. We are being asked to vote on a huge package of bills that we have not seen, we have not read, and we certainly do not know what is in them. We are being asked to agree to dispense with the regular order of the House and simply vote "yes" on a combination of bills, despite the fact that we do not know for sure what bills they are, we do not know how they may or may not have been changed if we did know them, and we do not know what private dealings were struck and may have been inserted into those bills as recently as this afternoon.

Now, many of us support some of the elements that we think are in this package, such as the Medicare addbacks, which our hospitals badly need and which I support; but we do not support other elements of this package. Nevertheless, we are going to be forced to vote on the whole package up or down.

I know this certainly is not the first time we have been asked to vote on a package of bills that we have not seen, but that does not make it right. And I know we all want to go home. We all want to be with our families for the holidays. I certainly also want to do that. But do we not have a responsibility to our constituents to at least know what we are voting on when we vote on the largest nondefense appropriation bill in the Federal Government?

We are going to vote on one element of this package which alone is $109 billion of taxpayer money. I think it is disturbing that we are going to vote on that without knowing the details. But what is almost as disturbing as what we do not know is the things that we do know, or at least I think we know, about what is in this package. Mr. Speaker, we know that the spending on the Labor-HHS portion of that appropriation bill is, frankly, out of control. Using the Committee on Appropriations' own numbers, the budget deal that we are going to vote on today increases spending by $12 billion, or nearly 12 percent or nearly 5 times the rate of inflation. And if we take into account all the funding gimmicks, like advanced funding, and we look on an apples-to-apples basis, the actual money that will be spent is $23 billion more than in this previous year, an over-26 percent increase, nine times the rate of inflation. Frankly, we are squandering too much of the budget surplus that could be used for other purposes.

The bill apparently is going to create untold new programs, and I do not know how many earmarks. It is $7 billion higher than what the House approved; it is $4 billion more than what the Senate approved; it is even $3 billion higher than the President's request. And of course, we are not sure exactly how all that money has been spent.

Now, despite all of these big spending increases, some are probably going to come to this floor and say this is a cut of $3.6 billion from previously agreed-upon levels. Let me remind my colleagues that the so-called agreement was to an arbitrary number by a handful of Members under the duress of a threatened veto which never was agreed to by either Chamber.

If I went ahead and objected, Mr. Speaker, I am afraid that would not accomplish much. I know a rule could be brought up, it would be debated, it would be passed, and we would only be delaying the inevitable. But I will urge my colleagues to vote against final passage on this bill. Vote against the huge spending increase that is in this bill; vote against joining all these unrelated bills in one package; vote against a package the contents of which are a mystery to most of us.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, December 15, 2000.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 15, 2000 at 4:09 p.m.

That the Senate agreed to Conference Report H.R. 4942.

With best wishes, I am.

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

CONFERENCE REPORT ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 45 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would just briefly like to mention the fact that we have produced a four-page legal-sized document that identifies the highlights of this bill. This has been available now for more than 2 days for Members to look at to get a really good understanding of what is in the bill. I would suggest that anyone who wants to find some reason to oppose this bill, they can find it. It is a huge bill. It required hours and days and weeks of negotiation to get us to the point that we are.

Mr. Speaker, this bill should be passed today, and the House should conclude its business. I am going to ask shortly that the gentleman from Illinois (Mr. PORTER), who is the chairman of the subcommittee, manage the balance of the debate, inasmuch as he is the chairman of the Subcommittee on Labor, Health and Human Resources, and Education, and Related Agencies; but before I do, Mr. Speaker, I want to ask Members to adopt this legislation and to get quickly to a vote.

I have a brief statement I would like to read before I turn this time over but before that I want to talk with the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would like to at this point engage the chairman of the committee in a colloquy on the Low Income Energy Assistance Program, which I hope will address the concerns many Members have regarding the lack of an advanced appropriation for fiscal year 2000 in this bill.

We are all aware of the drastic spike in price fuels that has occurred in the past year. Home heating fuels have doubled in the past year in many regions. In some areas it has increased fivefold. For many seniors and families who are struggling, that spike in energy costs have dealt a crushing blow to their family budgets just to provide the basic essentials of heating their homes.

The LIHEAP program helps over 4 million low-income households by paying on average about half their home heating bills. But due to a lack of funds, this program has been serving only about 15 percent of federally income-eligible households. The recent jump in fuel costs will mean the relative value of that assistance will be cut in half this winter.

Earlier this year, Congress provided an extra $600 million in the LIHEAP emergency fund that was required by the President in the 2000 supplemental appropriation bill. About $450 million of those extra dollars were released by September for this winter, and I hope that the administration will release the balance soon.

The conference agreement for fiscal year 2001 contains $1.4 billion for LIHEAP, an increase of 27 percent, plus an additional $300 million for the LIHEAP emergency fund. Now, normally this appropriation bill would also provide an advance appropriation for LIHEAP for the next fiscal year so that States have time to plan their programs prior to the time that funds become available. However, as the gentleman knows, due to a provision in the budget resolution which places a cap on the total for advance appropriations, we were not able to include LIHEAP funding for the next fiscal year as an advance appropriation.

□ 1700

It is my hope and understanding that next year we will finish our work on the Committee on Appropriations before the fiscal year starts on October 1. But in the event that we do not, I think we need to signal our intentions to the States now so that they can be assured that LIHEAP funds will be there when they need them despite the lack of an advanced appropriation in this bill.

So I would, therefore, ask the chairman of the committee, is it your intention that we provide at least the same level of support for LIHEAP next year as is included in this bill?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman from Wisconsin (Mr. OBEY) for raising this issue because it has been a big concern for many Members on my side of the aisle as well.

I want to assure Members that LIHEAP is a very high priority for the Committee on Appropriations and we will do everything we can to maintain, at a minimum, the current level of support for this program next year.

Mr. OBEY. Mr. Speaker, I thank the chairman for that response.

Mr. Speaker, if the gentleman will continue to yield, let me ask further, in the event that we do not complete the Labor-H bill next year by October 1 and have to pass a continuing resolution after that date, is it your intention to include adequate funding in the first CR for LIHEAP so that States can adequately run their systems programs through the next winter heating season?

If the committee can offer that commitment, I think Members on this side of the aisle will feel much more comfortable in supporting this conference agreement knowing that the normal operations of this program will not be interrupted.

Mr. YOUNG of Florida. Mr. Speaker, let me respond to the gentleman that while I hope a continuing resolution would not be necessary next October, I would certainly support including funding for the full winter heating season in the first CR should we find ourselves in that position.

Mr. OBEY. Mr. Speaker, I thank the chairman of the committee for his strong support for the program and for his commitment to ensure that this lack of an advance appropriation in this bill will not result in the interruption of this critical assistance.

I also want to take this opportunity to thank him for the patience that he has shown as we worked our way through some very troubling difficulties. Thank goodness that they now appear to be behind us, at least for a month.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for his comments. We have had differences throughout the appropriations process, but we were able to come together. This is a good bipartisan bill. The gentleman from Wisconsin (Mr. OBEY) and I spent a lot of time in the wee hours of this morning trying to bring this bill to the floor today.

Before I turn my time over to the gentleman from Illinois (Mr. PORTER) who is the chairman of the subcommittee, I wanted to say, Mr. Speaker, that we are at that time of the year when holiday thoughts enter our mind; and I recall one of my predecessors who one time made a very, very aggressive wish to the Members for a Merry Christmas after a rather heated discussion. I also want to leave a message about the holiday season if the Members would indulge me for about another minute. It goes like this:

Twas the week before Christmas and all through the House, appropriators were working but beginning to grouse.
The big day was coming but no end in sight.
If only we had a number, we could finish tonight.
When back from the White House there came such a clatter, I sprang from my office to see what was the matter.
When what to my pleasant surprise did I see?
Speaker Hastert with a number and a look of sheer glee.
Here is what you told me you needed, he said,
And quickly he turned with a nod of his head:
I think Obey and Clinton and Daschle and Lott
Will all be pleased with the number we got.
As I turned I was amazed at what did transpire,
13 Cardinals all ready to file . . .
Now Packard! Now Porter! Now Hobson and Taylor!
On Lewis! On Rogers! On Jim Walsh and Kolbe!
From H-218 to the Committee on Rules
It is time to wrap up and not a moment too soon . . .
Our job here is done; now let us clear the hall
Let us vote and then dash away, dash away all.

And I wish everyone a very happy, safe holiday season.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would also like to take this opportunity, and I know he has to leave to take a plane for a very important event which his wife has set up involving a number of Florida children, but in addition to thanking the gentleman for his good cheer and courtesy throughout a tough year, I also want to take this opportunity to wish him in advance a happy birthday, which I understand is tomorrow.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman very much.

I recall late one night we were here and the gentleman from Wisconsin (Mr. OBEY) missed his wedding anniversary because of a late night session. And if we do not soon get out of here tonight, he is going to miss being awarded a very, very prestigious and impressive honorary degree at an institution of education that he founded back in Wisconsin.

So I wish him the best of luck and congratulations.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, before I get into my explanation of this bill, I want to take a moment to do something I think is very important. This institution takes a lot of abuse but there are some people in this institution who do a tremendous job on behalf of the taxpayers and they deserve, no matter how rushed the Members are, they deserve to be recognized.

I want to start by thanking the committee staff on our side of the aisle, Mark Mioduski and Cheryl Smith, who have worked so incredibly hard all year on the Labor-Health bill. Cheryl not only handles education programs for the minority, but she does the transportation bill, as well. And I know that there were occasions when they went 2½ days or more without a single hour's sleep in order to serve this House, this committee, and its members; and I am very grateful.

I want to thank Mark Murray, who does a terrific job handling both the Foreign Operations bill and the Legislative Branch appropriations bill; Dave Kilian, who has virtually single handedly handled the Defense bill on our side of the aisle; Tom Forhan, who handles both the Military Construction bill and the District of Columbia bill; Dave Reich and Mike Stephens, who worked together on VA-HUD. And, in addition, Dave handles the Agriculture bill and Mike handles the Interior bill. Sally Chadbourne and Pat Schlueter worked together on the Commerce-Justice-State bill. Sally also does the Energy and Water bill, and Pat does the Treasury-Postal bill.

None of these people would be nearly as effective if it were not for the tireless efforts of Mr. Bonner, who undoubtedly works as hard as any human being on Capitol Hill, and Jade Brennan, who was been here early in the morning until early the next morning day after day and night after night. And I would also like to thank Kori Bernards, who has coordinated our communications efforts too and Norris Cochran and Christina Hamilton, who have helped out in numerous ways.

This small group of people had to deal literally with every funding issue in every department and agency and program of the entire Federal Government. They have had to help Members with their particular problems with government programs and very often have had to deal with the wrath of authorizing issues that have nothing to do with the appropriations but nonetheless get dumped into our bills as a means of clearing them through both Houses. I think that the effort they put forth on behalf of this institution and particularly Members on my side of the aisle is remarkable, and I want to thank them from the bottom of my heart for their long hours, their tremendous knowledge of our Government and legislative process and the enormous commitment that they have made to making this Government and this country a better place.

I also want to pay special thanks to the clerk of the committee, Jim Dyer. I do not think there is a single person on Capitol Hill who is more patient, more fair or more pleasant to deal with on a daily basis in and out. I can say without reservation that, had it not been for his commitment and personal skill, this agreement and many others would never have come together.

Also helping the chairman and the entire committee in the front office are John Mikel, a first rate professional, who for more than a decade has pulled the committee and the House through the thorny thickets of process and budget rules. And Chuck Parkinson has helped schedule our bills and coordinate with the Committee on Rules; and the leadership minority, Dale Oak, who manage the massive job of tracking the hundreds of extraneous items that various Members and other committees attempted to attach to this legislation; and Elizabeth Morra and John Schofield who have handled press for the majority.

Dianne Kane, Sandy Farrow, Brian Mabry, and Theo Powell really make the committee work; and they are a big help not only to the majority but to all of us on the committee. And I want to especially recognize Tony McCann, the Subcommittee on Labor-Health clerk; Carol Murphy; Susan Firth; Geoff Kenyon; Francine Mack-Salvador; and Tom Kelly of the Subcommittee on Labor-HHS staff and all of the associate staff of the members of the Labor-HHS subcommittee on both sides of the aisle. And I also thank Steve Cartesi, the majority clerk on the Senate side, and Jim English on the minority side and all of the other clerks and ranking members' assistants as well on all of the other subcommittees who deal so well and with so much dedication.

I know that there are few people in this country who appreciate how hard all of these people work and how much of a contribution they make to their country and this institution, but I want to say "thank you" to all of them. And I am sure that that feeling is shared on both sides of the aisle.

Now I would simply like to say this, and I will say one more thing about one person before I move to substance: The gentleman from Illinois (Mr. PORTER) is leaving this institution after a distinguished career which would make any American proud; and I have to say that, whether I have served with him on the Subcommittee on Foreign Operations or on the Subcommittee on Labor, Health and Education, he has invariably brought a high degree of thoughtfulness, a high degree of fairness, uncommon good judgment and good sense, and immense dedication to the public good.

I can think of no better phrase than to repeat the phrase that we have heard so often, "Well done, good and faithful servant."

John has truly been a credit to this institution, to his party, to his country and to his district. I want to lead us all in a round of applause for the wonderful work that he has done while he has been with us in this institution.

And now, Mr. Speaker, on to the substance.

On Wednesday night, the country heard two very good speeches on reconciliation from Mr. GORE and Mr. Bush. Both emphasized a need for bipartisanship.

Unfortunately, we serve in the institution which has suffered the greatest erosion of bipartisanship in recent years. But this institution does, in my opinion, have a very good model for bipartisanship and that is the Committee on Appropriations.

Even during the last 6 years, we have been able to produce a significant number of bills on a bipartisan basis. In all but one year, the Labor-HHS Education bill has not been one of those bills. That has not been the fault of the distinguished gentleman and my good friend the gentleman from Illinois (Mr. PORTER), the subcommittee chairman. Nor has it been the fault of the gentleman from Florida (Mr. YOUNG) or his predecessor as full committee chair, Bob Livingston. They have struggled in the best traditions of this committee to reach across the aisle and to build the broadest possible consensus for each bill. But because of the restrictions placed on them by the Committee on the Budget and their leadership, their efforts have not often succeeded in my judgment.

This bill has been a poster child on how not to run a legislative body. And, in fact, in this process, a Member of the majority side of the aisle earlier correctly noted that there are dozens of items in this bill that have nothing whatsoever to do with the appropriations bill.

In fact, there are well over a hundred different authorizations that are being added to this bill by reference. We did not negotiate those items. We are not responsible for them. All we can try to do with our limited staff is to try to make certain that they were not supremely objectionable to this or that faction in the House. And I have to say that this is a spectacular example of how not to run a railroad.

This year has been especially frustrating to those of us who would like to see some of the most critical functions of Government funded on a bipartisan consensus. And the fact is that for 9 months of this year the deliberations of this committee were wasted on phoney budget resolutions that held funding for education, held research, worker protection and other critical programs in this bill at virtually last year's funding level with no adjustment for inflation, with no recognition of the new challenges facing this country and yet the majority passed the bill.

□ 1715

The Senate recognized that was an unrealistic package when they passed a bill somewhat more in line with the Nation's needs. In October, we reached a bipartisan agreement that in my view met the needs of a changing and growing country, but then that bill was blocked from coming to the floor by the majority party leadership. Both parties then went out and campaigned for the education and the health and worker protection programs that were in this bill. But after the election, the majority party leaders then demanded that this bill be cut by more than $3.7 billion before it could be brought back to the floor. That is a demand they did not make of the interior bill that was almost 15 percent above last year, or the transportation bill that was similarly way above last year, and also a bill such as the energy and water bill which was substantially above last year.

To get an agreement in the last week, we had to cut $3.7 billion from the earlier agreement, we had to take $1.4 billion from advance funding for LIHEAP, we had to take $257 million out of handicapped education, $127 million out of efforts to reduce class size, $180 million out of after-school programs and $200 million out of biomedical research. I dislike all of those cuts and would point out that they were unnecessary both in terms of meeting the budget limits that Congress imposed on itself in October and they were unnecessary in terms of passing this bill.

But nonetheless, even with these changes, I will support this bill for two reasons: one, because I have in essence a ministerial duty to do so. Sooner or later we have to resolve our differences and this is the day; and, secondly, I think there are other good reasons to vote for this bill. It now provides funding on a program basis that is nearly 15 percent higher than last year for critical education and health programs. Some people are alarmed by that. I am delighted by it. The overall increase in education in this bill is 18 percent. It is a major step forward in providing local schools with the kind of resources that will facilitate the kind of change and improvement in our schools that the American people are anxious to see.

Class size reduction efforts are increased 25 percent. Teacher quality efforts are increased 50 percent. School renovation is funded at a $1.2 billion level. For Pell grants, and I think this is perhaps the most important issue in the area of higher education in this bill, we have the biggest increase in 25 years, the Pell grant going from a maximum grant of $3,300 to $3,750. To the very deep regret of our friend, the gentleman from Illinois (Mr. PORTER), we did not provide the 15 percent increase for NIH that we had hoped to see. We provided almost that much, about 14 percent; and I am hopeful we will ultimately see our efforts against disease doubled within the 5-year time frame that will end in fiscal 2003.

The most troubling cut in this bill for many Members on this side of the aisle is the advance funding for the low-income fuel assistance program which I just mentioned. Members need to recognize, however, that fuel assistance is funded for the current year not only at the full level provided last year, not only at the request, but at $300 million above the request. I am convinced that will not be enough, given current energy price increases and long-term weather forecasts; but it is 25 percent more than would be available if we had to go to a continuing resolution. The deletion of that advance funding is unfortunate. It carries with it certain risks that I am uncomfortable about. It does not give State and local governments as much assurance about program levels for next year as would be desirable for planning purposes. It does not assure that all of the money will be allocated next fall before cold weather hits. But we have in the statement of the managers very firm commitments to work to overcome those problems, and I intend to see that the leadership in Congress and the new President will keep those commitments.

I would also note that there were over 400 authorizations which one party or another attempted to add to this bill. We rejected almost 300 of them. And of those that are in the bill, you will have to talk to the authorizing committees to get a balanced evaluation, because they largely negotiated them. I have just one additional statement to make. I love this institution. I respect every Member in it. I love what it can do when it is at its best in doing things that are needed to help the people we represent, but I honestly do believe that the way this bill was produced is a model of how not to proceed in the future. But in the end finally it has produced an honest product with honest numbers. I think it makes a significant advance forward in meeting the needs that it is supposed to meet.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the time allocated to the gentleman from Florida (Mr. YOUNG) will be controlled by the gentleman from Illinois (Mr. PORTER).

There was no objection.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sorry that the gentleman from Pennsylvania, who earlier had reserved the right to object and then criticized the bill, might have stayed on the floor because I am directing this portion of my remarks to him. In early 1988, Ronald Reagan came to the floor of this House to give his State of the Union address and slammed down on the Clerk's desk a bill that was probably twice the size of the one that is sitting there right now. It was an omnibus bill that had been passed about this time of year in 1987. President Reagan said, "Never again." In his remarks to the Congress at that time, he lifted words out of a letter that I had written with 147 Members of the House of Representatives saying that this is not the way we ought to do the House's business.

Very frankly, the gentleman from Pennsylvania is correct. Omnibus bills are never a proper way to legislate. But let me say to the gentleman that the Labor, Health and Human Services and Education appropriation bill was conferenced. We completed the conference on July 27. Appropriators would have brought that measure to the floor right away. Yes, it might have been vetoed by the President, it probably would have been, but we would have started those negotiations with the White House long ago and would have completed them presumably before the end of the fiscal year. We do not support delay in the consideration of this conference report. This is an idea that comes from outside the appropriations process.

I would say to the gentleman, if he were here, one other thing. It echoes the words that my colleague from Wisconsin mentioned a moment ago. We must have, early in the legislative process, a budget resolution adopted on a bipartisan basis. The White House needs to be on board. The Republicans in the Congress of both Houses need to be on board. The Democrats need to be on board, we must have an agreed number. We need not have all the detail. All we need is two lines: one that defines total spending for the government and one that defines total discretionary spending. That is all we need. Appropriators can then get started.

If you do not have an agreed bipartisan budget resolution early in the process, you have no fiscal discipline. That is exactly what we had this year and in several past fiscal years—no fiscal discipline. We need to get such direction early. We need to get an agreement. We need to make the allocations between the Senate and the House appropriations subcommittees early in the process. Once that is accomplished we can achieve fiscal discipline. You do not end up with these kind of bills done where, he is right, nobody knows quite everything that is in it.

I would add one other thing. Many things that are in this measure were well known on July 27. There are some changes in the appropriation numbers since that time, but they have been available to all Members. Most of the changes that are in the document sitting on the desk have occurred because authorizing measures have been added to the bill. Most of the delay all day yesterday and all day today have come not from appropriation matters but from authorizing matters that should have been dealt with long ago.

I would say to the gentleman, he is on the right track. I commend to him Ronald Reagan's statement. I commend to all Members that statement. We need to do these things on a bipartisan basis, and let appropriators get their work done with some fiscal discipline involved.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in support of this legislation. Included in this bill is a waiver of Medicare's 24-month waiting period for persons disabled by ALS, Lou Gehrig's Disease. This terrible disease leaves its victims totally unable to care for themselves. Tragically, their life expectancy is often less than the waiting period itself. Medicare coverage will ease their suffering and provide support for their families and friends. This provision comes from a bill authored by my husband, Walter Capps, which I reintroduced and which now has 282 House cosponsors. I want to thank these cosponsors.

While recovering from a car accident, Walter received his physical rehab with a friend suffering from ALS, Tom Rogers. Towards the end of the rehab, Tom arrived one day with a pair of tennis shoes. He gave them to Walter saying he had no further use for them, he was now confined to a wheelchair. Walter wore these shoes throughout his campaign for this House. He never forgot the struggle that is Tom's and thousands of other ALS victims.

This victory today is for ALS patients and their families who built support for our bill.

Mr. PORTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. ROGERS. Mr. Speaker, I submit the following material that updates the statement of the managers to accompany the Commerce, Justice, State Appropriations Act for fiscal year 2001 to reflect changes made by the pending bill and other minor technical corrections. It has the support of my good friend, our ranking member, the gentleman from New York (Mr. SERRANO). This matter should be used to determine questions of intent with respect to our bill.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS

Following is explanatory language on H.R. 5548, as introduced on October 25, 2000, and subsequent amendments.

The conferees on H.R. 4942 agree with the matter included in H.R. 5548 and enacted in this conference report by reference and the following description of it. The bill was developed through negotiations by subcommittee members of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Subcommittees of the House and Senate on the differences in the House passed and Senate reported versions of H.R. 4690. References in the following description to the "conference agreement" mean the matter included in the introduced bill enacted by this conference report, and subsequent amendments. References to the House bill mean the House passed version of H.R. 4690. References to the Senate reported amendment mean the Senate reported version of H.R. 4690.

The House passed H.R. 4690 on June 26, 2000. The Senate reported from Committee a Senate amendment to H.R. 4690 on July 21, 2000. References in the following statement to appropriations amounts or other items proposed by the House bill or the Senate-reported amendment refer only to those amounts and items recommended in the House-passed and Senate-reported versions of H.R. 4690. Any reference to appropriations amounts or other items included in the conference agreement reflects the final agreement on H.R. 4690. This statement reflects how the funds provided in the conference agreement are to be spent.

Senate-reported amendment: The Senate Appropriations Committee considered H.R. 4690 as passed by the House, struck all after the enacting clause, and inserted the text of the Senate-reported amendment. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $88,713,000 for General Administration, instead of $83,713,000 as proposed in the Senate-reported amendment and $84,177,000 as proposed in the House bill.

The conference agreement adopts by reference the House report language regarding budget "shortfalls" and racial disparities in Federal capital prosecutions.

The conference agreement includes a $5,000,000 transfer from the Immigration and Naturalization Service Salaries and Expenses account to continue the planned integration of the Immigration and Naturalization Service (INS) IDENT system and the Federal Bureau of Investigation (FBI) IAFIS system.

The conference agreement includes a $5,000,000 increase for the Office of Intelligence Policy and Review for Foreign Intelligence Surveillance Act applications.

The conference agreement includes bill language contained in the House bill specifying the amount of funding provided for the Department Leadership Program and the Offices of Legislative and Public Affairs.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes $15,915,000 for the Joint Automated Booking System (JABS) program as proposed in the Senate-reported amendment, instead of $1,800,000 as proposed in the House bill.

NARROWBAND COMMUNICATIONS

The conference agreement includes $205,000,000 for narrowband communications conversion activities as proposed in the Senate-reported amendment, instead of $95,445,000 as proposed in the House bill. The conference agreement provides funding necessary to continue implementation of the Department of Justice Wireless Network (JWN), and for operations and maintenance of legacy systems. The Wireless Management Office (WMO) is directed to submit quarterly status reports on implementation of the JWN, with the first such report due no later than February 15, 2001.

The conference agreement deletes a citation included in the House bill but not included in the Senate-reported amendment.

COUNTERTERRORISM FUND

The conference agreement includes $5,000,000 for the Counterterrorism Fund as proposed in the Senate-reported amendment, instead of $10,000,000 as proposed in the House bill. When combined with $32,844,150 in prior year carryover, a total of $37,844,150 will be available in the Fund in fiscal year 2001 to cover unanticipated, extraordinary expenses incurred as a result of a terrorist threat or incident.

The conference agreement retains language, included in the House bill and carried in previous Acts, authorizing the Attorney General to make expenditures from the fund, subject to section 605 of this Act. The Senate-reported amendment proposed to give this authority to a new Deputy Attorney General.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement includes $201,420,000 for the Telecommunications Carrier Compliance program for implementation of the Communications Assistance for Law Enforcement Act of 1994 (CALEA), instead of $278,021,000 as proposed in the House bill. The Senate-reported amendment did not include funding for this activity. This amount, when combined with funds previously made available, will provide the full $500,000,000 authorized and required to implement CALEA.

The conference agreement concurs with the direction in the House report that the Department and the Federal Bureau of Investigation (FBI) are to remain focused on the timely implementation of CALEA, and have therefore included $17,300,000 within the FBI Salaries and Expenses account for CALEA implementation. The Department of Justice is directed to submit a reorganization proposal no later than November 15, 2000, to ensure coordination of CALEA implementation and other related electronic surveillance issues.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $161,062,000 for Administrative Review and Appeals, instead of $159,570,000 as proposed in the House bill and $112,814,000 as proposed in the Senate-reported amendment. Of the total amount provided, $159,335,000 is for the Executive Office for Immigration Review (EOIR) and $1,727,000 is for the Office of the Pardon Attorney.

The conference agreement includes $9,566,000 for adjustments to base, and $3,000,000, 37 positions and 19 full-time equivalent workyears (FTE) to address the increased Immigration Judge and appellate caseload. In addition, EOIR is directed to provide such sums as necessary for point-to-point installation of video-conferencing equipment in accordance with EOIR's plan and the Senate report. The conference agreement also includes direction under the INS Examinations Fees account regarding continued support for contract court interpreter services.

DETENTION TRUSTEE

The conference agreement includes $1,000,000 to establish a new Federal Detention Trustee within the Department of Justice as proposed in the House bill. The Senate-reported amendment did not address this matter. The conference agreement reflects the concerns expressed in the House report regarding the planning and management of detention space in the Department of Justice. Therefore, the direction included in the House report regarding the authorities and duties of this new Trustee, and the establishment of regional pilot projects to test better mechanisms for addressing detention needs, is adopted by reference. Further, the Department of Justice is expected to consolidate all detention resources under the Trustee as part of the fiscal year 2002 budget submission.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $41,575,000 for the Office of Inspector General (OIG) instead of $41,825,000 as proposed in the House bill and $42,192,000 as proposed in the Senate-reported amendment. The conference agreement also assumes that $1,500,000 in INS fees will be available to the OIG.

The conference agreement directs the Department of Justice to review its procedures for releasing OIG investigatory material and findings and inform the Committees on Appropriations by June 1, 2001, if any procedures should be modified.

The OIG is directed to submit future budget requests separating OIG Leadership Offices and OIG Operational Offices. The OIG Leadership Offices decision unit should include the following: the Inspector General, the Deputy Inspector General, the Counselor to the Inspector General, the Special Counsel, and the Special Investigations and Review Unit. The Operational Offices decision unit should include the following offices: the Audit Division, the Investigations Division, the Inspections Division, and the Management and Planning Division.

The conference agreement directs that the OIG submit a detailed financial plan to the Committees on Appropriations by December 1, 2000.

United States Parole Commission

SALARIES AND EXPENSES

The conference agreement includes $8,855,000 for the U.S. Parole Commission, as proposed in the House bill, instead of the $7,380,000 as proposed in the Senate-reported amendment. The conference agreement adopts by reference the recommendation in the Senate report on detailing attorneys.

Legal Activities

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $535,771,000 for General Legal Activities, instead of $523,228,000 as proposed in the House bill, and $494,310,000 as proposed in the Senate-reported amendment.

The recommendation includes base adjustments for all divisions, but does not include an undefined base restoration. The distribution of funding provided is as follows:

Office of the Solicitor General	$7,118,000
Tax Division	70,991,000
Criminal Division	110,851,000
Civil Division	154,092,000
Environment and Natural Resources	68,703,000
Office of Legal Counsel	4,967,000
Civil Rights Division	92,166,000
Interpol—USNCB	7,686,000
Legal Activities Office Automation	18,877,000
Office of Dispute Resolution	320,000
Total	535,771,000

The conference agreement includes a $3,000,000 increase for the Civil Rights Division, including funding for civil enforcement for police misconduct, and other highest priority initiatives.

The conference agreement provides $18,877,000 to remain available until expended for office automation costs as proposed in the House bill, instead of $18,571,000 as proposed in the Senate-reported amendment. The conference agreement adopts language included in the Senate-reported amendment which limits the use of these funds to automation costs and allows such funds to be used for the United States Trustees Program. The conference agreement adopts by reference the Senate report language regarding the Office of Special Investigations, and the House report language regarding extradition reporting and extradition treaties.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 2001 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in the House bill and the Senate-reported amendment.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $120,838,000 for the Antitrust Division as proposed in the Senate-reported amendment, instead of $113,269,000 as proposed in the House bill. The conference agreement assumes that of the amount provided, $95,838,000 will be derived from current year fee collections and $25,000,000 from estimated unobligated fee collections available from prior years, resulting in a net direct appropriation of $0. The use of any remaining unobligated fees balances from prior years is subject to the reprogramming requirements outlined in section 605 of this Act.

Appropriations for both the Division and the Federal Trade Commission are financed with Hart-Scott-Rodino Act pre-merger filing fees. Section 630 of this Act modifies the Hart-Scott-Rodino Act to include a three-tiered fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. It is anticipated that the increase in the filing threshold will reduce the number of mergers requiring review by approximately 50 percent.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,250,382,000 for the U.S. Attorneys, instead of $1,247,416,000 as proposed in the House bill, and $1,159,014,000 as proposed in the Senate-reported amendment. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The conference agreement provides a net increase of $59,896,000 for pay and inflationary adjustments to enable the U.S. Attorneys to maintain the current operating level. The conference agreement does not include $7,425,000 requested as base adjustments to substitute direct appropriations for activities previously supported from the Health Care Fraud and Abuse Control (HCFAC) account. The Department of Justice is directed to continue to provide funding for not less than 177 positions and 177 FTE to the U.S. Attorneys from the HCFAC account to support health care fraud activities.

The conference agreement also includes the following program increases:

Firearms Prosecutions.—$15,259,000, 163 positions and 82 FTE, including 113 attorneys, to augment prosecutions under existing firearms statutes. This amount, when combined with base resources of $7,125,000, will provide a total of $22,384,000 for intensive firearms prosecution projects. The direction included in the House report regarding the criteria and process for allocation of these funds is adopted by reference. Further, the Executive Office of U.S. Attorneys is directed not to set aside any portion of these funds for headquarters priorities, but rather is to allocate these funds in accordance with the priorities identified by the local districts which will result in a direct increase in prosecutions under existing gun laws. In addition, the conference agreement adopts the Senate direction requiring the annualization of funds provided in fiscal year 2000 for firearms prosecutions, and the reporting requirement regarding panel attorney costs.

Cyber Crime and Intellectual Property.—$3,974,000, 50 positions and 25 FTE, including 28 attorneys, to augment the investigation and prosecution of computer and intellectual property crimes, including crimes identified in the No Electronic Theft (NET) Act, the National Information Infrastructure Assurance Act, and the Economic Espionage Act. The direction included in the Senate report regarding submission of a report on copyright enforcement is adopted by reference.

Immigration.—$1,974,000, 24 positions and 12 FTE, including 13 attorneys, to address the growing criminal immigration caseload along the Southwest Border, with particular emphasis to be placed on prosecutions of individuals involved in alien smuggling, document fraud, and illegal aliens with multiple deportations. The conference agreement adopts by reference the direction included in the House report regarding submission of a spending plan for these resources.

Indian Country.—$5,000,000, 60 positions and 30 FTE, including 33 attorneys, to enhance Federal investigation and prosecution activities in Indian Country to meet Federal statutory responsibilities related to Indian Country.

Legal Education.—$2,300,000 to continue establishment of a distance learning facility at the National Advocacy Center (NAC). This amount, when combined with $15,316,000 in base resources, provides a total of $17,616,000 under this account for legal education at the National Advocacy Center (NAC). These funds are to be spent in accordance with the direction included in the Senate report.

Within the total amount available to the U.S. Attorneys, the conference agreement includes $2,612,000 for technology demonstration projects, and adopts by reference the direction included in the Senate report regarding distribution of these resources. In addition, $1,000,000 is included from within base resources to continue a violent crime task force demonstration project, as proposed in the Senate-reported amendment. The conference agreement also adopts by reference the direction included in the House and Senate reports regarding the unstaffed offices report, as well as the direction included in the Senate report regarding an office in Western Kentucky. In addition, the Senate report language regarding property flipping, computer network privatization, and a fiscal year 1995 quarterly reporting requirement are adopted by reference.

The conference agreement does not adopt the recommendations included in the Senate report regarding the reallocation of existing staffing to the Southwest border and within the Missouri River Valley, spending freezes among object classifications, elimination of base funds for office relocations, limitations on expansion of gun prosecution initiatives, or pre-trial sentencing guidelines.

In addition to identical provisions that were included in both the House bill and Senate-reported amendment, the conference agreement includes the following provisions: (1) providing for 9,439 positions and 9,557 workyears for the U.S. Attorneys, instead of 9,381 positions and 9,529 workyears as proposed in the House bill, and 9,120 positions and 9,398 workyears as proposed in the Senate-reported amendment; (2) allowing not to exceed $2,500,000 for the National Advocacy Center as proposed in the Senate-reported amendment; and (3) providing $1,000,000 for violent crime task forces to remain available until expended as proposed in the Senate-reported amendment. The conference agreement does not include language proposed in the Senate bill withholding 50 percent of funds available to U.S. Attorneys until the Attorney General establishes certain rules and penalties in accordance with the Senate version of the fiscal year 2000 appropriations bill.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $125,997,000 for the U.S. Trustees for fiscal year 2001, to be entirely funded from offsetting collections, instead of $126,242,000 proposed in the House bill and $127,212,000 proposed in the Senate-reported amendment. The conference agreement does not provide amounts the budget request assumed would carry forward to fiscal year 2002. The conference agreement adopts by reference the Senate report language on the National Advocacy Center (NAC). The conference agreement also adopts House report language on the reprogramming of offsetting collections.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,107,000 for the Foreign Claims Settlement Commission, instead of $1,000,000 as proposed in the House bill and $1,214,000 as proposed in the Senate-reported amendment.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $572,695,000 for the U.S. Marshals Service Salaries and Expenses account, instead of $560,438,000 as proposed in the House bill and $550,472,000 as proposed in the Senate-reported amendment. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The amount included in the conference agreement includes a $4,713,000 net increase in base adjustments, as follows: $19,774,000 for pay and inflationary increases, offset by decreases of $4,852,000 for one-time equipment purchases and $10,209,000 from the transfer of the Seized Assets Management Program to the Assets Forfeiture Fund. Within the amount provided, a total of $1,735,000 is included for the Warrant Information Network and other networks and online services, and $725,000 is for recurring costs of the Electronic Surveillance Unit as directed in the Senate report. The conference agreement does not adopt the recommendation included in the Senate-reported amendment to transfer funding from this account for U.S. Marshals Service costs associated with the Justice Prisoner Alien Transportation System (JPATS), but instead provides $25,503,000 for U.S. Marshals Service requirements under this account.

In addition, the conference agreement includes $27,389,000 in program increases for the following:

Courthouse Security Staffing and Equipment.—$21,211,000, for courthouse security personnel and equipment. Of this amount, $6,711,000, 89 positions and 45 FTE are provided for courthouse security personnel at new and expanded courthouses expected to open in fiscal year 2001. Language included in the House report regarding the submission of a spending plan and allocation of resources in excess of requirements is adopted by reference.

In addition, $14,500,000 is provided for courthouse security equipment, as follows:

USMS Courthouse Security Equipment

[In thousands of dollars]

New Courthouses	$8,173
Las Vegas, NV	*(1,023)*
Cleveland, OH	*(1,012)*
Columbia, SC	*(1,122)*
Greenville, TN	*(353)*
Corpus Christi, TX	*(1,078)*
Laredo, TX	*(989)*
Providence, RI	*(920)*
Helena, MT	*(658)*
Wheeling, WV	*(245)*
Denver, CO	*(773)*
Other Security Requirements	5,684
Nationwide Equipment Maintenance Requirement	643
Total, USMS Security Equipment	14,500

The Marshals Service is directed to use the $5,684,000 provided for Other Security Requirements to address the highest priority security equipment needs for existing courthouses and new courthouses with the greatest deficiencies, and to submit a spending plan for these funds no later than December 1, 2000.

Electronic Surveillance Unit.—$3,150,000, and up to 6 positions and 3 FTE, for personnel and equipment for the Electronic Surveillance Unit.

Special Assignments.—$2,500,000 for security at high threat and/or high profile trials and for protective details for judicial personnel involved in these trials, including the World Trade Center bombing trial. The Marshals Service is directed to annualize this increase in fiscal year 2002. Concerns have been expressed regarding the exclusion of the Marshals Service from the threat assessment and decision-making process regarding certain special and other protective assignments. In addition, the level of protection at Federal facilities by the General Services Administration (GSA) is inadequate relative to the amount the Marshals Service and other agencies are charged by GSA for these services. The Department is directed to report to the Committees on Appropriations no later than December 15, 2000, on the role afforded to the Marshals Service in the threat assessment and decision-making process for special and other protective assignments, and to provide recommendations to augment the Marshals Service's role in this activity. Further, the Department is directed to provide a report on the adequacy of support provided by GSA for facility protection, relative to the amount GSA is charging for these services.

Financial Management.—$378,000, 8 positions and 4 FTE to improve financial management.

Cost Saving Initiatives.—$150,000 for implementation and support of a variety of cost saving initiatives as directed in the Senate report. Should additional funds become available through savings achieved, the Marshals Service may use those funds for additional staff only in accordance with Section 605 of this Act.

The conference agreement adopts by reference the concerns expressed in the Senate report regarding the Special Operations Group (SOG) and directs the Marshals Service to provide a report to the Committees on Appropriations no later than January 15, 2001, on the utilization of the SOG, as well as the resource requirements necessary to ensure that the SOG can fulfill its intended mission.

The conference agreement includes language providing not to exceed 4,034 positions and 3,895 FTE for the Marshals Service, instead of 4,168 positions and 3,892 FTE as proposed in the House bill. The Senate-reported amendment did not include a similar provision. The conference agreement does not include a provision proposed in the Senate-reported amendment prohibiting the Marshals Service from providing a protective vehicle for the Director of the Office of National Drug Control Policy (ONDCP) unless certain conditions are met. A similar provision was not included in the House bill. However, the Marshals Service is directed to provide a report to the Committees on Appropriations no later than January 15, 2001, on the usage of a protective vehicle by the Director of ONDCP.

CONSTRUCTION

The conference agreement includes $18,128,000 in direct appropriations for the U.S. Marshals Service Construction account, instead of $6,000,000 as proposed in the House bill, and $25,100,000 as proposed in the Senate-reported amendment. The conference agreement includes the following distribution of funds:

USMS Construction

[In thousands of dollars]

Birmingham, AL	$472
Fort Smith, AR	400
Hartford, CT	200
Wilmington, DE	100
Bowling Green, KY	300
Boston, MA	650
Ann Arbor, MI	200
Detroit, MI	650
Wilmington, NC	775
Buffalo, NY	150
Tulsa, OK	300
Philadelphia, PA	400
Hato Rey, PR	793
Spartanburg, SC	1,441
Greenville, MS	1,187
Other Renovation Projects	9,500
Security Specialists/Construction Engineers	610
Total, Construction	18,128

The Marshals Service is directed to use the $9,500,000 provided for Other Renovation Projects for the highest priority security construction needs in locations with a security score of 50 or less, and to submit a spending plan for these funds no later than December 1, 2000.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND

The conference agreement includes language, as proposed in the House bill, to continue the operations of JPATS on a revolving fund basis through reimbursements from participating agencies, instead of through a direct appropriation under this account as proposed in the Senate-reported amendment. The conference agreement does include a direct appropriation of $13,500,000 for a one-time capitalization of the Fund to procure two Sabreliner-class aircraft as proposed in the Senate-reported amendment.

FEDERAL PRISONER DETENTION

The conference agreement provides $597,402,000 for Federal Prisoner Detention as proposed in both the House bill and the budget request, instead of $539,022,000 as proposed in the Senate-reported amendment, an increase of $72,402,000 over the fiscal year 2000 direct appropriation. The increase has been provided as follows: (1) $63,180,000 is for increased jail days; (2) $675,000 is for increased medical costs; and (3) $500,000 is for prisoner medical guard services.

The conference agreement does not include language in this section proposed in both the House bill and Senate-reported amendment regarding contracts with private entities for the confinement of Federal detainees, but instead addresses this matter as a new general provision under Title I of this Act. Language is included, as proposed in the House bill, permanently making available amounts appropriated under this account to be used to reimburse the Federal Bureau of Prisons for certain costs associated with providing medical care to certain pre-trial and pre-sentenced detainees. The Senate-reported amendment addressed this matter elsewhere under Title I of this Act.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $125,573,000 for Fees and Expenses of Witnesses, instead of $95,000,000 as proposed in the House bill, and $156,145,000 as proposed in the Senate-reported amendment.

Language is included allowing not to exceed $5,000,000 to be made available for secure telecommunications equipment and networks related to protected witnesses, as proposed in the House bill. The conference agreement does not include a provision allowing up to $77,067,000 to be transferred from this account to the Federal Prisoner Detention account as proposed in the Senate-reported amendment.

COMMUNITY RELATIONS SERVICE

The conference agreement includes $8,475,000 for the Community Relations Service as proposed in the Senate-reported amendment, instead of $7,479,000 as proposed in the House bill. The conference agreement adopts the funding increases provided in the Senate report. In addition, the conference agreement includes a provision allowing the Attorney General to transfer up to $1,000,000 of funds available to the Department of Justice to this program, as proposed in the House bill. The Attorney General is expected to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised. In addition, a provision is included allowing the Attorney General to transfer additional resources, subject to reprogramming procedures, upon a determination that emergent circumstances warrant additional funding, as proposed in both the House bill and the Senate-reported amendment.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in Senate-reported amendment, instead of no funding as proposed in the House bill.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes $2,000,000 for administrative expenses for fiscal year 2001, the full amount requested and the same amount proposed in both the House bill and the Senate-reported amendment. The conference agreement adopts the bill language in the House bill.

PAYMENT TO RADIATION COMPENSATION EXPOSURE TRUST FUND

The conference agreement provides $10,800,000 for the compensation trust fund, instead of $3,200,000 provided in the House bill and $14,400,000 in the Senate-reported amendment. The conference agreement includes bill language from the Senate-reported amendment allowing claimants who qualify under the original statute to be paid and does not provide funding for the expansion of the program authorized under Public Law 106-245.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement provides a total of $328,898,000 for Interagency Crime and Drug Enforcement as proposed in the House bill, of which $325,898,000 is derived from direct appropriations, and $3,000,000 is from prior year carryover. The House bill included $328,898,000 in direct appropriations, while the Senate-reported amendment proposed $316,792,000. The distribution of the total available funding is as follows:

Reimbursements by Agency

[In thousands of dollars]

Drug Enforcement Administration	$108,190
Federal Bureau of Investigation	112,468
Immigration and Naturalization Service	15,808
Marshals Service	1,984
U.S. Attorneys	86,582
Criminal Division	814
Tax Division	1,380
Administrative Office	1,672
Total	328,898

The conferees note that the report requested in fiscal year 2000 has not yet been delivered to the Committees on Appropriations.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes a total of $3,235,600,000 for the Federal Bureau of Investigation (FBI) Salaries and Expenses account, instead of $3,229,505,000 as proposed in the House bill, and $3,077,581,000 as recommended in the Senate-reported amendment. Of this amount, the conference agreement provides that not less than $437,650,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of $400,650,000 as proposed in the Senate-reported amendment, and $159,223,000 as proposed in the House bill. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The conference agreement includes a net increase of $136,080,000 for adjustments to base as follows: increases totaling $137,219,000 for pay and inflationary increases, including $27,711,000 for increased costs associated with the transfer of Civil Service Retirement System (CSRS) employees to the Federal Employee Retirement System (FERS), increased Federal health insurance premium costs, and continued direct funding for the National Instant Check System; offset by decreases totaling $1,139,000 for non-recurring equipment purchases.

The conference agreement adopts the concerns and direction included in the House report regarding the FBI's inability to execute its budget within the funding levels provided. The conference agreement provides the full amount requested for base adjustments to support the FBI's current staffing and operating level as reflected in the budget request. The conference agreement also includes a provision that identifies the funded position and FTE levels provided in the bill, which are consistent with the full base funding requested and program increases provided in the conference agreement. The FBI is directed to continue to provide quarterly reports to the Committees on Appropriations which delineate by direct and reimbursable the funded and actual agent and non-agent staffing level for each decision unit, with the first report to be provided no later than January 15, 2001.

The following distribution represents the conference agreement:

FBI SALARIES AND EXPENSES, FISCAL YEAR 2001

[In thousands of dollars]

Activity	Pos.	FTE	Amount
Criminal, Security and Other Investigations:			
Organized Criminal Enterprises	3,984	3,993	450,678
White Collar Crime	4,284	4,184	483,273
Other Field Programs	10,551	10,304	1,307,024
Subtotal	18,819	18,481	2,240,975
Law Enforcement Support:			
Training, Recruitment, and Applicant	1,003	984	120,454
Forensic Services	692	680	156,004
Information, Management, Automation & Telecommunications	569	562	166,121
Technical Field Support & Services	232	229	141,642
Criminal Justice Services	2,171	2,182	216,957
Subtotal	4,667	4,637	801,178
Program Direction: Management and Administration	2,083	2,024	193,447
Total, Direct Appropriations	25,569	25,142	3,235,600

The FBI is reminded that changes in this distribution are subject to the reprogramming requirements in section 605 of this Act.

In addition, the conference agreement includes a total of $59,712,000 in program enhancements for the FBI, of which $58,348,000 is for initiatives to enhance the FBI's ability to investigate threats related to domestic terrorism and cyber crime, as follows:

$25,000,000 is for Digital Storm and digital collection for foreign counter-intelligence. The FBI is directed to provide a spending plan to the Committees on Appropriations, no later than December 15, 2000, for Digital Storm.

$2,000,000 is for Joint Terrorism Task Forces. The FBI is directed to provide a report and spending plan to the Committees on Appropriations, no later than December 15, 2000, on this program.

$10,000,000 is for intelligence gathering and analysis, of which $1,305,000 (24 positions and 12 FTE) is for FISA preparation; $5,606,000 is for contract translation services; and $3,089,000 (55 positions and 28 FTE) is for intelligence research specialists. The conference agreement does not adopt the recommendation included in the Senate report to require the conversion of special agents to 55 intelligence research specialists. While the conference agreement does provide an enhancement for this activity, the FBI is directed to use attrition to convert support positions to intelligence research specialist positions to meet additional requirements in this area.

$20,000,000 is for other activities, of which the FBI may spend up to $1,364,000 for National Integrated Ballistics Network (NIBIN) Connectivity; $3,700,000 (26 positions and 13 FTE) for a counterintelligence initiative; $3,936,000 for the Automated Computer Examination System (ACES) and Computer Analysis and Response Team equipment; $5,500,000 for the Special Technologies and Applications Unit; and $5,500,000 for Digital Storm. Should the FBI require additional resources to address personnel requirements, the Committees would be willing to entertain a reprogramming under Section 605 from funding provided for these enhancements.

$612,000 (8 positions and 4 workyears, including 2 agents) is for the Intellectual Property Rights Center, as provided for in the House report, to improve intelligence and analysis related to intellectual property. The reporting requirement included in Senate report regarding copyright enforcement is adopted by reference.

$2,100,000 is for implementation of the Communications Assistance for Law Enforcement Act (CALEA), for a total of not less than $17,300,000 within the FBI to be used for this purpose. The conference agreement adopts the direction in the House report that the Department and the FBI remain focused on the timely implementation of CALEA, and therefore the Department of Justice is directed to submit a reorganization proposal to address coordination of CALEA implementation and other related electronic surveillance issues no later than November 15, 2000. This reorganization is expected to ensure continued coordination between the Department and the FBI on all matters involving CALEA implementation, as well as to ensure prioritization of financial and personnel resources required for a continued and sustained implementation effort.

National Instant Check System (NICS).—The conference agreement includes $67,735,000 in direct appropriations to continue operations of the NICS, as well as to provide system enhancements, including funds for "hot" backup for the Interstate Identification Index (III) and other system availability improvements.

The fiscal year 2001 budget request for the FBI included no direct funding for the NICS, and instead proposed to finance the costs of this system through a user fee. The conference agreement includes a provision under Title VI of this Act which prohibits the FBI from charging a fee for NICS checks, and instead provides funding to the FBI for its costs to operate the NICS.

FBI Technology Upgrade Plan.—The conference agreement includes total funding of $100,700,000, 14 positions and 7 FTE, for this initiative (previously referred to as the Information Sharing Initiative/e-FBI). This amount is to be derived from $80,000,000 made available in prior years, and $20,700,000 in fiscal year 2001 base funding. The House bill proposed a total of $139,344,000 for this initiative, to be derived from $80,000,000 in prior year funds, $20,000,000 in fiscal year 2001 base funds, and $39,344,000 in fiscal year 2001 program increases. The Senate-reported amendment proposed a total of $40,000,000 for this initiative, to be derived from prior year funds, and eliminated $20,000,000 in fiscal year 2001 base funding for this activity. The conference agreement does not include the rescission of $40,000,000 in prior year funds for these activities as proposed under Title VII of the Senate-reported amendment.

The conference agreement approves the plan dated September 2000, entitled "FBI Technology Upgrade Plan, Reprioritized Three Year Implementation Plan." Therefore, the conference agreement includes the full amount necessary for year one costs as identified on page 47 of the September 2000 implementation plan. The FBI is directed to provide quarterly status reports to the Committees on implementation of this plan, including funding obligations, with the first such report due no later than February 15, 2001.

National Infrastructure Protection/Computer Analysis Response Teams (CART).—The FBI is directed to convert 14 part-time positions for Computer Analysis Response Teams (CART) examiners to full-time positions from personnel not currently assigned to computer intrusion/infrastructure protection squads, similar to direction included in the Senate report. The conference agreement also adopts the direction included in the Senate report regarding training, promotion and retention of CART members and computer intrusion/infrastructure protection squads. The Senate direction regarding development of a cadre of computer experts from other agencies and the private sector is adopted by reference.

Victim/Witness Specialists.—The conference agreement includes a new general provision under Title I of this Act authorizing funds to be provided to the FBI to improve services for crime victims from the Crime Victims Fund. These services are to be limited to victim assistance as described in the Victims of Crime Act and shall not cover non-victim witness activities such as witness protection or non-victim witness management services, paralegal duties or community outreach. The FBI is further directed to work with the Office of Victims of Crime (OVC) in developing position descriptions, grade level and hiring requirements, training and annual reporting requests for these specialists. The conference agreement assumes $7,400,000 will be needed to support 112 victim/witness specialists to be distributed as directed in the Senate report. The Committees on Appropriations expect to be notified of the final distribution of these specialists.

Other.—The Senate report language regarding copyright enforcement, continued collaboration with the Southwest Surety Institute, the Northern New Mexico anti-drug initiative, mitochondrial DNA, crimes against children, and background checks for school bus drivers is adopted by reference. The conference agreement also adopts by reference the House report language regarding the Housing Fraud Initiative, the Jewelry and Gem program, and submission of a comprehensive information technology report.

In addition, the FBI is directed to fully reimburse the private ambulance providers for their costs in support of Hostage Rescue Team operations in St. Martin Parish, Louisiana, in December, 1999.

In addition to identical provisions that were included in both the House bill and the Senate-reported amendment, the conference agreement includes a provision, modified from language proposed in the House bill, providing not to exceed 25,569 positions and 25,142 FTE for the FBI from funds appropriated in this Act. The Senate-reported amendment did not include a similar provision.

CONSTRUCTION

The conference agreement includes $16,687,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), instead of $1,287,000 as proposed in the House bill, and $42,687,000 as proposed in the Senate-reported amendment. The agreement provides an increase of $15,400,000 over the fiscal year 2000 level for the FBI Academy firearms range modernization project, as follows: $1,900,000 for relocation and consolidation of an ammunition storage facility and for lead abatement at existing outdoor ranges; and $13,500,000 for completion of Phase I and Phase II of this project.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,363,309,000 for the Drug Enforcement Administration (DEA) Salaries and Expenses account, instead of $1,362,309,000 as proposed in the House bill, and $1,345,655,000 as proposed in the Senate-reported amendment. In addition, $83,543,000 is derived from the Diversion Control Fund for diversion control activities. The following narrative reflects how the funds provided in the conference agreement are to be spent.

Budget and Financial Management.—The conference agreement adopts by reference the concerns and direction included in both the House and Senate reports regarding budget and financial management. The conference agreement also includes a provision that identifies the funded position and FTE levels provided in the bill, which are consistent with the full base funding requested and program increases provided in the conference agreement.

The following table represents funding provided under this account:

DEA SALARIES AND EXPENSES

[In thousands of dollars]

Activity	Pos.	FTE	Amount
Enforcement:			
Domestic Enforcement	2,252	2,183	$407,261
Foreign Cooperative Investigation	732	699	206,644
Drug and Chemical Diversion	142	143	16,156
State and Local Task Forces	1,678	1,675	242,257
Subtotal	4,804	4,700	872,318
Investigative Support:			
Intelligence	883	900	112,904
Laboratory Services	381	378	44,463
Training	99	98	20,309
RETO	355	353	85,190
ADP	133	130	140,479
Subtotal	1,851	1,859	403,345
Management and Administration	865	853	87,646
Total, DEA	7,520	7,412	1,363,309

DEA is reminded that any deviation from the above distribution is subject to the reprogramming requirements of section 605 of this Act.

The conference agreement provides a net increase of $43,616,000 for base adjustments, as follows: increases totaling $48,293,000 for pay and other inflationary costs to maintain current operations, offset by decreases totaling $4,677,000 for costs associated with one-time and non-recurring equipment purchases, GSA rent decreases, and the transfer of funding for a demand reduction project to the Office of Justice Programs.

In addition, the conference agreement includes program increases totaling $64,200,000, as follows:

Investigative and Intelligence Requirements.—$48,100,000 is provided for the following investigative and intelligence enhancements:

$3,100,000, 19 positions (11 agents) and 9 FTE within Domestic Enforcement for the Special Operations Division (SOD) to expand support for the Southwest Border Initiative and to address money laundering and financial investigations.

$43,000,000, 2 positions and 1 FTE within Automated Data Processing to continue deployment of Phase II of FIREBIRD. When combined with $44,870,000 in existing base resources, a total of $87,870,000 is available for this program in fiscal year 2001 to enable FIREBIRD to be fully deployed to all domestic offices and Western Hemisphere offices. Of this amount, $28,000,000 is for deployment, $10,477,000 is for technology renewal, and $49,393,000 is for operations and maintenance and telecommunications costs. DEA is directed to continue to provide quarterly FIREBIRD status and obligation reports to the Committees on Appropriations.

$2,000,000 within Intelligence, of which $1,800,000 is for enhancements to the El Paso Intelligence Center (EPIC), and $200,000 is to meet expanded participation in the National Drug Pointer Index (NDPIX) information system. The House direction regarding a comprehensive report on participation and utilization of EPIC is adopted by reference.

Domestic Enhancements.— $14,600,000 is provided for the following domestic counter-drug enhancements:

$4,600,000, 25 positions (15 agents) and 13 FTE within Domestic Enforcement to establish an additional Regional Enforcement Team (RET). This amount, when combined with existing base resources, provides a total of $24,195,000 for RETS in fiscal year 2001.

$1,500,000, 14 positions (9 agents) and 7 FTE within Domestic Enforcement to enhance heroin enforcement, providing a total of $30,291,000 in fiscal year 2001 for this effort, as recommended in the Senate report. The Senate direction regarding black tar heroin is adopted by reference.

$1,500,000 within Domestic Enforcement to enhance methamphetamine enforcement, providing a total of $27,459,000 in fiscal year 2001 for this effort, as recommended in the Senate report.

$1,000,000 within State and Local Task Forces to enhance State and local methamphetamine training activities, as recommended in the Senate report.

$6,000,000 within Research, Engineering and Technical Operations (RETO) to procure three additional single-engine helicopters for drug enforcement activities along the Southwest border.

In addition, the conference agreement includes a total of $20,000,000 under the Community Oriented Policing Services Methamphetamine/Drug "Hot Spots" program to assist State and local law enforcement agencies with the costs associated with methamphetamine clean-up.

Budget and Financial Management.—$1,500,000, 8 positions and 4 FTE within Program Management and Administration to improve DEA's financial and resource management oversight, including funds to support DEA's Federal Financial System and for additional staffing for Finance and Resource Management.

Other.—The conference agreement includes a total of $20,000,000 for the special investigative unit (SIU) program. Within the amount available, DEA may establish a joint Haitian/Dominican Republic SIU on the island of Hispaniola. DEA is reminded that the Committees on Appropriations are to be notified in accordance with section 605 of this Act prior to the expansion of this program to any additional countries. There are continued concerns about endemic corruption within the Mexico SIU program which has severely limited its effectiveness. DEA is directed to report to the Committees on Appropriations no later than February 1, 2001, on progress made in resolving these problems and recommendations to make the Mexico program effective.

The conference agreement adopts by reference the direction included in the House report regarding continued participation in the HIDTA program, quarterly reports on source and transit countries, quarterly reports on implementation of the Caribbean initiative, and a report on requirements in the region. The conference agreement does not include funding under DEA for continuation of the demand reduction initiative recommended in the House report, but has instead transferred base funding for this program from DEA Domestic Enforcement to the Office of Justice Programs. DEA is also directed to better coordinate its operations with other Federal agencies, including INS and the FBI, along the Southwest Border, and to pursue co-location of offices whenever practical. The direction included in the Senate report regarding DEA's presence in Chile is adopted by reference. Within the amounts provided under this account, DEA may use up to $500,000 for a study on methods to eliminate the effectiveness of anhydrous ammonia in methamphetamine production, as authorized.

Drug Diversion Control Fee Account.—The conference agreement provides $83,543,000 for DEA's Drug Diversion Control Program for fiscal year 2001, as provided in the House bill and the Senate-reported amendment. This amount includes an increase of $3,213,000 for adjustments to base, including the annualization of 25 positions provided in fiscal year 2000 for customer service improvements and drug data analysis. The conference agreement assumes that the level of balances in the Fee Account are sufficient to fully support diversion control programs in fiscal year 2001. As was the case in fiscal years 1999 and 2000, no funds are provided in the DEA Salaries and Expenses appropriation for this account in fiscal year 2001.

The conference agreement includes bill language, modified from language proposed in the House bill, providing not to exceed 7,520 positions and 7,412 FTE for DEA from funds provided in this Act. The Senate-reported amendment did not include a similar provision.

CONSTRUCTION

The conference agreement includes no new funding for this account as proposed in the Senate-reported amendment, instead of $5,500,000 as proposed in the House bill. A total of $19,500,000 in prior year carryover balances is available to fund planned fiscal year 2001 expenditures.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $3,125,876,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $3,121,213,000 as provided in the House bill, and $2,895,397,000 as provided in the Senate-reported amendment. In addition to the amounts appropriated, the conference agreement assumes that $1,549,480,000 will be available from offsetting fee collections instead of $1,438,812,000 as proposed by the House and $1,524,771,000 as proposed by the Senate. Thus, including resources provided under the Construction account, the conference agreement provides a total operating level of $4,808,658,000 for INS, instead of $4,670,689,000 as proposed by the House and $4,553,470,000 as proposed by the Senate, representing a $548,242,000 (13%) increase over fiscal year 2000. The following narrative reflects how funds provided in the conference agreement are to be spent.

INS Organization and Management.—The conference agreement incorporates concerns expressed in the House report that a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities. The conference agreement includes the establishment of clearer chains of command—one for enforcement activities and one for services to noncitizens—as one step towards making the INS a more efficient, accountable, and effective agency. Consistent with the concept of separating immigration enforcement from services, the conference agreement continues to provide for a separation of funds, as in the fiscal year 1999 and 2000 Appropriations Acts. The conference agreement separates funds into two accounts, as requested in the budget and proposed in the House bill: Enforcement and Border Affairs, and Citizenship and Benefits, Immigration Support and Program Direction. INS enforcement funds are provided in the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support and program resources are provided in the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities for both enforcement and services functions, which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to be provided in the INS Construction account.

The conference agreement includes bill language which provides authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

The conference agreement includes $2,547,057,000 for Enforcement and Border Affairs, and $578,819,000 for Citizenship and Benefits, Immigration Support and Program Direction.

Base adjustments.—The conference agreement provides a total increase of $101,008,000 and 641 FTE for adjustments to base for INS salaries and expenses, offset by a $89,000,000 and 404 FTE transfer to the INS Exams Fees account for the naturalization and backlog reduction initiatives, as proposed in the budget request. The conference agreement does not include transfers to the Exams Fees account, the Breached/Bond Detention account, and the Justice Prisoner Alien Transportation System (JPATS) Fund, as proposed in the Senate-reported amendment.

For the Enforcement and Border Affairs account, the conference agreement provides an increase of $86,255,000 and 889 FTE for pay and inflationary adjustments for Border Patrol, Investigations, Detention and Deportation, and Intelligence. This represents the full amount requested less $11,770,000 for the annualization of border patrol agents not yet hired, and $3,343,000 for the portion of the fiscal year 2000 annualized pay raise which has already been paid in the current fiscal year. Funds have not been included for the proposed increase in the journeyman level for border patrol agents and immigration inspectors.

For the Citizenship and Benefits, Immigration Support and Program Direction account, the conference agreement includes an increase of $14,752,000 for pay and inflationary adjustments for the existing activities of Citizenship and Benefits, Immigration Support, and Management and Administration; offset by a transfer of $89,000,000 in naturalization and backlog reduction activities to the Exams Fees account, as proposed in the budget. The amount provided for base adjustments represents the full amount requested less $690,000 for the portion of the fiscal year 2000 annualized pay raise which has already been paid in the current fiscal year. In addition, $35,000,000 is continued within the base to support naturalization and other benefits processing backlog reduction activities.

None of these amounts include offsetting fees, which are used to fund both enforcement and services functions.

In addition, program increases totaling $222,768,000 are provided, as follows:

Border Control and Management.—$100,612,000 is provided for additional border patrol staffing, technology, land border inspections, and Joint Terrorism Task Forces, as follows:

$52,000,000, 430 positions and 215 FTE, are for new border patrol agents. It is noted that again in fiscal years 1999 and 2000, the INS has failed to hire the 1,000 new border patrol agents provided in each of those years. Should the INS be unable to recruit the required agents again in fiscal year 2001, the INS is to submit a reprogramming in accordance with section 605 of this Act, prior to expenditure of the funds provided for the hiring of border patrol agents for any other purpose.

While some level of border control is being witnessed on parts of the Southwest border, particularly in San Diego, as a result of increased border patrol agents and technology, in other areas of the country border control remains a growing problem, particularly in the Northwest, Southeast, and other areas of the Southwest border. The House report language regarding consultation and submission of a deployment plan for new border patrol agents and direction in the House report regarding quarterly hiring status reports are adopted by reference. Senate report language prohibiting the transfer of any border patrol agents or technology from the Northwest border to the Southwest border is also adopted by reference.

$33,835,000 is for additional border patrol equipment and technology, for the following activities:

- $598,000 is for replacement patrol boats to combat alien smuggling on the Great Lakes, the Detroit River, Lake St. Clair, and the St. Lawrence Seaway.
- $17,500,000 is for the deployment of additional Integrated Surveillance Intelligence Systems (ISIS) along the Northern and Southern borders. When combined with existing base funds, a total of $35,500,000 is available for ISIS. INS is directed to consult with the Committees on Appropriations and provide a deployment plan for these systems no later than December 15, 2000, which reflects the highest priority locations on both the Northern and Southern borders.
- $15,737,000 is for additional border patrol equipment and technology. The conference agreement includes a total of $30,737,000 for additional border patrol equipment and technology, of which $15,737,000 is provided as a program increase and $15,000,000 is to be derived from within existing base resources. Funding provided is to be used for high priority equipment, including fiber optic scopes, hand-held search lights, vehicle infrared cameras, Global Positioning Systems, infrared scopes, night vision goggles, hand-held range-finder night vision binoculars, and pocket scopes. INS is directed to provide a spending plan for these funds to the Committees on Appropriations no later than December 15, 2000.

$6,277,000, 72 positions and 36 FTE are for additional inspectors at land border Ports of Entry (POE). INS is directed to consult with the Committees on Appropriations and provide a deployment plan no later than December 15, 2000 which reflects the highest priority locations for distribution of these resources.

$7,000,000, 58 positions and 29 FTE are for additional investigators and operational costs associated with INS participation in Joint Terrorism Task Forces to address immigration-related issues in terrorism cases.

Additionally, the conference agreement includes a $1,500,000 increase for the Law Enforcement Support Center (LESC), providing a total of $12,500,000 for the LESC in fiscal year 2001.

The conference agreement adopts by reference the House report language regarding the relocation of Tucson Sector helicopter operations and related housing costs, a joint plan on combating illegal immigration through Federal lands and parks, and establishment of a joint task force to study emergency medical services for illegal aliens.

Interior Enforcement/Removal of Deportable Aliens.—$120,856,000 is provided for interior enforcement, including the tracking, detention, and removal of aliens, as follows:

$87,306,000, 120 positions and 60 FTE are for an additional 1,167 detention beds, including 1,000 beds in State and local facilities, and 120 juvenile detention beds, as proposed in the House report.

$15,550,000 is for additional JPATS movements, as proposed in the House report. The conference agreement does not include the proposed transfer of funds from INS to the JPATS Fund for this activity which was recommended in the Senate report.

$11,000,000, 100 positions and 50 FTE are for 23 additional Quick Response Teams, as proposed in the House report. The House report language regarding consultation and submission of a deployment plan and direction regarding quarterly status reports are adopted by reference.

In addition, the conference agreement includes an additional $3,000,000 under the Community Oriented Policing Services program to expand the program to provide video-teleconferencing equipment and technology to allow State and local law enforcement to confirm the status of an alien suspected of criminal activity.

$3,000,000, 28 positions and 14 FTE are for expansion of the on-going Criminal Alien Apprehension Program (CAAP), pursuant to Public Law 105–141. The Senate report language regarding Salt Lake City is adopted by reference, and INS is directed to report its intention regarding this matter to the Committees on Appropriations no later than December 1, 2000. The House report language regarding consultation and submission of a deployment plan is adopted by reference.

$4,000,000, 26 positions and 13 FTE are for INS to enter INS criminal alien records into the National Criminal Information Center (NCIC) in order to address the current backlog and to ensure that INS does not lose its NCIC privileges. The direction included in the House report regarding development of a comprehensive plan to address this problem is adopted by reference.

Concerns have been expressed regarding the adequacy of the current training course for Detention Enforcement Officers (DEO) in light of the increasingly violent detainee population and other factors. INS is directed to complete a comprehensive assessment of its current DEO training course and provide a report to the Committees on Appropriations no later than July 1, 2001, with recommendations for improvements.

The conference agreement reflects concerns regarding INS' failure to vigorously pursue an effective interior enforcement strategy, and adopts by reference the direction included in the House report regarding quarterly reporting on detention and removal orders. The Senate report language regarding tuberculosis monitoring is also adopted by reference.

Professionalism and Infrastructure.—The conference agreement includes an increase of $1,300,000 for the Debt Management Center, as proposed in the Senate report. INS is expected to follow the direction included in the Senate report regarding annualization of this increase in fiscal year 2002.

IAFIS/IDENT.—The conference agreement adopts the recommendation included in the House report directing that $5,000,000 from within existing INS base funds available for IDENT be transferred to the Justice Management Division to continue the planned IAFIS/IDENT integration project, including systems design and development work and additional operational testing. INS is directed to comply with the direction in the House report regarding further deployment of IDENT.

Within the total amount available to INS, $2,103,000 is to be used to establish the task force required by Public Law 106–215.

Services/Benefits.—The Congress has provided significant additional resources to the INS over the past three years to address the naturalization backlog, improve the integrity of the naturalization process, and improve services. The conference agreement provides a total of $1,004,851,000 for these activities, $70,134,000 (7%) over the amount requested in the budget, and $135,222,000 (16%) over the fiscal year 2000 level. However, serious concerns remain about the INS' failure to manage its resources, and the Committees continue to receive complaints from Members of Congress and their constituents about the problems of backlogs in application processing and casework, and deficiencies in other services. Again this year, the conference agreement includes significant additional resources, over and above the President's budget request, for benefits and services. Therefore, INS is directed to conduct a complete review of staffing and resource needs to improve benefits and services in all current INS offices, as well as the need for additional offices, particularly in rural areas. INS is directed to complete this review and report its findings to the Committees on Appropriations, including a proposal to reallocate resources as warranted, no later than December 15, 2000. As part of this review, the INS is directed to pay particular attention to the following areas: Fort Smith, Arkansas; Adak, Alaska: San Francisco, California; Ventura, California; Washington, D.C.; Des Moines, Iowa; Louisville, Kentucky; the Bronx, New York; New York, New York; Omaha, Nebraska; Northern New Jersey; Las Vegas, NV; Greer, South Carolina; Nashville, Tennessee; Roanoke, Virginia; and Milwaukee, Wisconsin. In addition, the conferees are concerned with the diversion of resources from smaller rural offices and direct INS to notify the Committees prior to the reallocation of resources, including the temporary reassignment of personnel, from the area identified in the Senate report.

The conference agreement adopts by reference the direction included in the House report regarding monthly reports on the status of processing immigration benefits applications, continuation of the San Jose customer service pilot, and a report on unreviewed Citizenship USA cases, which is to be submitted no later than November 1, 2000.

In addition to identical provisions included in both the House bill and the Senate-reported amendment, the conference agreement includes the following additional provisions, as follows: (1) a limitation of $30,000 per individual employee for overtime payments, as proposed in the House bill, instead of $20,000 as proposed in the Senate-reported amendment; (2) a limitation on funding and staffing available to the Offices of Legislative and Public Affairs, as proposed in the House bill; (3) a prohibition on the use of funds to operate the San Clemente and Temecula traffic checkpoints unless certain conditions are met, as proposed in the House bill; and (4) limitations on the number of positions and FTE provided to INS in this Act, modified from language proposed in the House bill.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes $1,549,480,000 will be available from offsetting fee collections, instead of $1,438,812,000 as proposed in the House bill and $1,524,771,000 as proposed in the Senate-reported amendment, to support activities related to the legal admission of persons into the United States. These activities are funded entirely by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following levels are recommended:

Immigration Inspections User Fees.—The conference agreement includes $494,384,000 of spending from offsetting collections in this account, the same amount proposed in Senate report, and $15,505,000 above the amount included in the House report. This amount represents a $38,999,000 increase over fiscal year 2000 spending, and does not assume the addition of any new or increased fees on airline or cruise ship passengers. The conference agreement includes $18,489,000 for adjustments to base, the full amount requested. In addition, program increases are provided as follows: $12,186,000, 154 positions and 77 FTE to increase primary inspectors at new airport terminals; and $8,324,000 to address additional staffing and other requirements. Funding is not included for the proposed change in the journeyman level for inspectors. INS is directed to consult with Committees on Appropriations and to submit a spending and deployment plan no later than December 1, 2000, which allocates these additional resources to the highest priority locations. Should additional fees become available, the INS may submit a reprogramming in accordance with section 605 of this Act.

Immigration Examinations Fees.—The conference agreement includes a total of $1,004,851,000 to support the adjudication of applications for immigration benefits, instead of $918,717,000 as proposed in the House bill, $841,017,000 as proposed in the Senate-reported amendment, and $934,617,000 as requested in the budget. These funds are derived from offsetting collections in the Examinations Fees account from persons applying for immigration benefits, including collections from a new voluntary premium processing fee as proposed in the House bill and the budget request, and $35,000,000 in continued direct appropriations under the Citizenship and Benefits, Immigration Support, and Program Direction account. The conference agreement reflects the INS' revised revenue estimates for collections from existing fees which is $107,534,000 higher than the amount assumed in the budget request, and $144,534,000 above the amount available in fiscal year 2000. When combined with additional revenues estimated from the new voluntary premium processing fee, the total amount of collections available in the Examinations Fees account for adjudication of immigration benefits is $224,534,000 over the amount available in fiscal year 2000. When combined with direct appropriations, the total amount included in the conference agreement for benefits processing, adjudication, and backlog reduction is an increase of $70,134,000 (7%) above the budget request and $135,222,000 (16%) above the amount provided in fiscal year 2000. Therefore, the conference agreement does not include the reinstatement of section 245(i) as proposed in the Senate-reported amendment. In addition, the conference agreement does not adopt the transfer of $49,741,000 from Examinations Fees funding to the Executive Office of Immigration Review (EOIR); and the transfer of $50,000,000 in non-adjudication related activities from the Salaries and Expenses account to the Examinations Fees account which were proposed in the Senate-reported amendment.

Within the Examinations Fees account, the conference agreement provides the following: $25,676,000 for adjustments to base; and program enhancements totaling $94,841,000, as proposed in the House report, for the following activities: (1) $16,000,000 for implementing premium business service processing; (2) $7,500,000 for anti-fraud investigations related to business-related visa applications and marriage fraud; (3) $13,000,000 for the telephone customer service center, for a total of $43,000,000, the full amount requested; (4) $4,200,000 for the indexing and conversion of INS microfilm images, for a total of $7,200,000; and (5) $53,641,000 for replacement of the case tracking system and hardware in field offices and continued development and installation of digital photography and signature capabilities in the Application Support Centers. Included within these amounts is $6,000,000 for installation of the CLAIMS 4 system in the Los Angeles, California district office which will complete nationwide deployment of the system. INS is directed to submit a spending plan in accordance with the reprogramming procedures set forth in section 605 of this Act which allocates the remaining $51,134,000 in additional resources made available in the Exams Fees account, and the $35,000,000 in continued direct appropriations provided for backlog reduction initiatives.

The INS is directed to make available to EOIR from the INS Examinations Fees account not less than $1,000,000 to be applied toward expenditures related to EOIR's acquisition of contract court interpreter services for immigration court proceedings.

Land Border Inspections Fees.—The conference agreement includes $1,670,000 in spending from the Land Border Inspection Fund, as proposed in the Senate report, instead of $1,641,000 as proposed in the House report. The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California, and from Automated Permit Ports that provide pre-screened local border residents' border crossing privileges by means of automated inspections.

Immigration Breached Bond/Detention Fund.—The conference agreement includes $80,600,000 in spending from the Breached Bond/Detention Fund, as proposed in the House report, instead of $130,634,000 as proposed in the Senate report, and reflects the current estimate of revenues available in the Fund in fiscal year 2001 based upon current law. The conference agreement does not assume the reinstatement of Section 245(i), which was proposed in the Senate-reported amendment and the budget request. Instead, the conference agreement provides a $37,480,000 increase in the INS Salaries and Expenses account to fully fund the detention requirements requested in the Fund, but for which revenues are insufficient in fiscal year 2001. The agreement does not include the base transfer to the Breached Bond/Detention Fund account, as proposed in the Senate report.

Immigration Enforcement Fines.—The conference agreement includes $1,850,000 in spending from Immigration Enforcement fines, the amount requested and proposed in the House report, instead of $5,593,000 as proposed in the Senate report.

H-1B Fees.—The conference agreement includes $1,125,000 in spending from the H-1B Fee account, the amount requested and the amount proposed in the House report, instead of $1,473,000 as proposed in the Senate report.

CONSTRUCTION

The conference agreement includes $133,302,000 for construction for INS, as proposed in the Senate-reported amendment, instead of $110,664,000 as proposed in the House bill. This amount fully funds the Administration's request, funds $5,000,000 in habitability, life safety, and other improvements at the Charleston Border Patrol Academy, and provides increases over the requested amount of $7,353,000 for one-time build out and $9,814,000 for maintenance, repair, and alteration to accelerate these programs.

The conference agreement includes language, as proposed in the House bill and carried in prior Appropriations Acts, prohibiting funds from being used for site acquisition, design, or construction of a checkpoint in the Tucson Sector. The Senate-reported amendment did not include a similar provision.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $3,476,889,000 for the salaries and expenses of the Federal Prison System, instead of $3,430,596,000 as proposed in the House bill and $3,573,729,000 as proposed in the Senate-reported amendment. The agreement assumes that, in addition to the amounts appropriated, $31,000,000 will be available for necessary operations from unobligated carryover balances from the prior year.

The conference agreement includes funding to begin and or complete the activation of the following facilities:

Victorville, CA	$5,882,000
Houston, TX	637,000
Brooklyn, NY	8,131,000
Philadelphia, PA	5,718,000
Butner, NC	11,808,000
Loretto, PA expansion	613,000
Pollock, LA	33,511,000
Atwater, CA	22,316,000
Coleman, FL	10,235,000
Honolulu, HI	14,119,000
Ft. Dix, NJ expansion	4,893,000
Yazoo City, MS expansion	674,000
Lompoc, CA expansion	907,000
El Paso, TX expansion	2,357,000
Seagoville, TX expansion	1,208,000
Jesup, GA expansion	200,000

The conference agreement provides an additional $500,000 for the National Institute of Corrections (NIC) to study whether the location of illegal alien holding facilities along the Southern border of the United States contributes to the illegal immigration problems in this country. The conference agreement includes $4,000,000 for the NIC to address issues related to children of prisoners, as described in the Senate report. Of the amounts provided, up to $1,000,000 shall be for the NIC to address the issue of staff sexual misconduct involving female inmates as described in the Senate report.

The conference agreement provides $100,000 for implementation of a pilot internship program at the Federal Correctional Institution in Yazoo City, MS as described in the Senate report. The conference agreement adopts the Senate report language directing BOP to continue to assess the feasibility of construction of a high security facility in Yazoo City, MS as described in the Senate report.

The conference agreement includes a $3,000,000 enhancement for education programming instead of the $7,433,000 requested. If additional resources become available either through prior year unobligated balances or as a result of savings in fiscal year 2001, BOP is expected to fund these additional costs.

BUILDINGS AND FACILITIES

The conference agreement includes $835,660,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, the same level as provided in the House bill, instead of $724,389,000 as provided in the Senate-reported amendment. The conference agreement provides $681,271,000 for construction of new facilities as outlined below:

[In thousands of dollars]

Facility	*Amount*
Facilities with prior funding:	
FCI Forrest City, AR	$95,814
FCI Yazoo City, MS	86,884
USP Lompoc, CA	118,111
FCI Butner, NC	83,111
FCI Victorville, CA	116,838
FCI Herlong/Sierra, CA	116,861
Facilities with no prior funding:	
USP Western	11,930
USP Southeastern	11,931
FCI Southeastern	5,430
FCI Mid-Atlantic	5,430
FCI Midwestern	5,431
FCI Western	6,000
FCI South Central	5,000
FCI Northeast	5,000
FCI Mid-Atlantic	5,000
Mid-Atlantic Female	2,000
Alaska Prison Study	500
Total	681,271

After reviewing numerous sites in South Carolina, the Bureau of Prisons (BOP) narrowed its focus on four potential locations that would be suitable for the construction of correctional facilities. Following a comprehensive Environmental Impact Study completed in April, 2000, the BOP identified two preferred sites in Williamsburg and Marlboro Counties. A Record of Decision (ROD) for the Salters site, Williamsburg County was signed by the Director, BOP on July 19, 2000. On the same date, the ROD was signed for the Bennetsville site, Marlboro County. The BOP is in the process of procuring a design/build contract for the Salters site and is proceeding with the second preferred site, consistent with the ROD and the fiscal year 2001 request.

The Senate provided $7,954,000 to plan and design a prison in Alaska while the House included no such funding. The managers note that there is no Federal prison in Alaska and State prisons are severely overcrowded and are operating under a court order requiring some prisoners to be transported to lower 48 State prisons. Likewise, Federal prisoners in Alaska must be transported by commercial air to Federal facilities thousands of miles away at a huge cost to taxpayers.

The Director of the Bureau of Prisons is directed to prepare a feasibility study on the need for a new prison in Alaska including the number of Federal prisoners who would be housed, the types of detention, rehabilitation, vocational and educational facilities that would be required, and the potential to lease surplus beds to the State of Alaska to reduce its prison overcrowding. The report should also analyze the costs of construction, the cost savings that would be realized from reduced prisoner transportation costs, and potential financing options, including State contributions and private financing and operation. The managers have provided $500,000 for the study which should be conducted in consultation with the U.S. Marshal for Alaska, the Chief Judge of the United States District Court, the Alaska Commissioner of Corrections and private parties or non-profit corporations with an interest in prison issues. The report should be submitted to the House and Senate Committees on Appropriations by March 15, 2001.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,429,000, as requested and as proposed in both the House bill and the Senate-reported amendment.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $418,219,000 for Justice Assistance, instead of $307,611,000 as proposed in the House bill and $426,403,000 as proposed in the Senate-reported amendment. The conference agreement includes the following:

National Institute of Justice	$70,000,000
Defense/Law Enforcement Technology Transfer	*(12,277,000)*
Bureau of Justice Statistics	28,755,000
Missing Children	23,048,000
Regional Information Sharing System	25,000,000
National White Collar Crime Center	9,250,000
Management and Administration	41,186,000
Subtotal	197,239,000
Counterterrorism Programs:	
Equipment	109,400,000
Nunn-Lugar-Domenici Program	20,980,000
Training	45,500,000
Exercises	7,000,000
Technical Assistance	2,000,000
Counterterrorism Research and Development	36,100,000
Subtotal	220,980,000
Total, Bureau of Justice Assistance	418,219,000

National Institute of Justice (NIJ).—The conference agreement provides $70,000,000 for the National Institute of Justice, instead of

$41,448,000 as proposed in the House bill and $46,000,000 as proposed in the Senate-reported amendment. Additionally, $5,200,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Grants program; $17,500,000 is provided from within technology funding in the Community Oriented Policing Services account to be available to NIJ to develop new, more effective safety technologies for safe schools; and $20,000,000 is provided to NIJ, as was provided in previous fiscal years, within the Local Law Enforcement Block Grant for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The conference agreement adopts by reference the following recommendations in the House report which are within the overall amounts provided to NIJ. The Office of Justice Programs is expected to review proposals, provide grants if warranted, and report to the Committees on its intentions regarding: a grant at the current year level for information technology applications for High Intensity Drug Trafficking Areas; a grant for the Snohomish County Medical Examiner's Office to assist in the development of a new death investigation module for the FBI's ViCAP system; and a $1,800,000 grant for facial recognition.

The conference agreement adopts the following recommendations in the Senate report that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide grants if warranted, and report to the Committees on Appropriations on its intentions regarding: a $400,000 grant for continued research into non-toxic drug detection and identification aerosol technology; a $300,000 grant for Washington State Breaking the Cycle; and a $100,000 grant for perfluorocarbon tracer.

Within the amount provided, the conference agreement directs that increased amounts over fiscal year 2000 be made available for computerized identification systems and the DNA Research Technology and Development Program, as proposed in the Senate report.

The conference agreement provides $15,000,000 for an education and development initiative to promote criminal justice excellence at Eastern Kentucky University in conjunction with the University of Kentucky.

The conference agreement includes $600,000 for NIJ to develop, test, and validate a prototype national Vulnerability Assessment (VA) methodology for assessing the security of chemical facilities against terrorist and criminal attacks, consistent with the requirements of Public Law 106-40. This report is expected to include recommendations for the Attorney General on the appropriate security classification and public release of information likely to be generated by a national VA of chemical facilities, including an analysis of expected risks and benefits. One year after enactment of this Act, the Attorney General shall provide to the Committees on Appropriations a comprehensive report on the findings derived from the development of the VA methodology. The information contained in this report will be used only to describe and validate conditions at chemical facilities in general and will contain no identifications of specific chemical facilities.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes $12,277,000 to assist NIJ, in conjunction with the Department of Defense, in converting non-lethal defense technology to law enforcement use. Within the amount provided is funding for the continuation of the law enforcement technology center network, which provides States with information on new equipment and technologies, as well as assisting law enforcement agencies in locating high cost/low use equipment for use on a temporary or emergency basis. The current year level is provided for the technology commercialization initiative at the National Technology Transfer Center and other law enforcement technology centers. The current year level is provided for the Center for Rural Law Enforcement Technology and Training to evaluate and assist in providing technology needs of rural State and local law enforcement officers, as part of the National Law Enforcement and Corrections Technology Center (NLECTC) system. $1,500,000 is also provided to develop plans to establish a National Law Enforcement and Corrections Technology Center in Alaska as described in the Senate report.

The conference agreement includes an $8,000,000 increase for smart gun technology research and development.

Bureau of Justice Statistics (BJS).—The conference agreement provides $28,755,000 for the Bureau of Justice Statistics, instead of $25,505,000 as proposed in the House bill and $27,305,000 as proposed by the Senate-reported amendment. The recommendation includes $500,000 for inflationary cost increases, $725,000 to collect Computer Crime and Cyber-Fraud Statistics as described in the Senate report and $2,000,000 for tribal criminal justice statistics.

Missing Children.—The conference agreement provides $23,048,000 for the Missing Children Program instead of $25,473,000 as proposed in the Senate-reported amendment and $19,952,000 as proposed in the House bill. Within the amounts provided the conference agreement assumes the following:

(1) $9,298,000 for the Missing Children Program within the Office of Justice Programs, Justice Assistance, including the following: $6,500,000 for State and local law enforcement to continue specialized cyberunits and to form new units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children.

(2) $11,450,000 for the National Center for Missing and Exploited Children, of which $100,000 is provided for a case manager as described in the Senate report; $2,250,000 is for CyberTipline, Cyperspace training and continuation of a study regarding the victimization of children on the Internet as described in the Senate report. Additional funding is also provided for a legal and technical assistance section. OJP is directed to work with the National Center for Missing and Exploited Children to identify law enforcement agencies which currently utilize computers in their patrol vehicles and create a program to use computers to disseminate information on missing children as described in the Senate report.

(3) $2,300,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases.

Regional Information Sharing System (RISS).—The conference agreement includes $25,000,000 for RISS, instead of $20,000,000 and a $5,000,000 transfer from the COPS program as proposed in the House bill and $30,000,000 as proposed in the Senate-reported amendment.

White Collar Crime Information Center.—The conference agreement includes $9,250,000 for the National White Collar Crime Center (NWCCC), as proposed in the House bill, instead of no funding as proposed in the Senate-reported amendment.

Counterterrorism Assistance.—The conference agreement includes a total of $220,980,000 to continue the initiative to prepare, equip, and train State and local entities to respond to incidents of chemical, biological, radiological, and other types of domestic terrorism, instead of $152,000,000 as proposed in the House bill and $257,000,000 as proposed in the Senate-reported amendment. Funding is provided as follows:

Equipment.—$109,400,000 is provided for grants to equip State and local first responders, including, but not limited to, firefighters and emergency services personnel, as follows:

- $97,000,000 for Domestic Preparedness Equipment Grants to be used to procure specialized equipment required by State and local first responders to respond to terrorist incidents involving chemical, biological, radiological, and explosive weapons of mass destruction (WMD). The conference agreement continues the direction included in the fiscal year 2000 Appropriations Act, allowing funds to be allocated only in accordance with an approved State plan, and adopts the direction included in the Senate report requiring 80 percent of each State's funding to be provided to local communities with the greatest need. Within the total amount provided for these grants, up to $2,000,000 shall be made available for continued support of the Domestic Preparedness Equipment Technical Assistance program at the Pine Bluff Arsenal;
- $5,000,000 is for equipment grants for State and local bomb technicians, instead of $10,000,000 as proposed in the House report; and
- $7,400,000 is for pre-positioned equipment, as proposed in the Senate report.

Nunn-Lugar-Domenici Program (NLD).—$20,980,000 is for the NLD Domestic Preparedness Program authorized under the National Defense Authorization Act, 1997, and previously funded by the Department of Defense, to provide training and other assistance to the 120 largest U.S. cities. On April 6, 2000, the President proposed the transfer of responsibility for completion of the NLD program to the Department of Justice. The conference agreement provides the full amount necessary to complete the NLD program, of which $8,100,000 is for training and $6,880,000 is for exercises for the remainder of the 120 cities; $3,000,000 is for Improved Response Plans; and $3,000,000 is for management and administrative costs associated with this program. Within the amounts provided for Domestic Preparedness Equipment grants, the Office of Justice Programs may provide equipment to NLD cities if such equipment is necessary to fulfill the requirements of the program. The conference agreement includes a series of new programs to address training and exercise requirements on a national basis, and expects the Office of Justice Programs to provide any future training and exercises assistance through these programs. The Senate report language regarding administration of this program is adopted by reference.

Training.—$45,500,000 is for training programs for State and local first responders, to be distributed as follows:

- $33,500,000 is for the National Domestic Preparedness Consortium, of which $15,500,000 is for the Center for Domestic Preparedness at Ft. McClellan, Alabama, including $500,000 for management and administration of the Center; $5,250,000 is for the Texas Engineering Extension Service at Texas A&M; and $12,750,000 is to be equally divided among the three other Consortium members;
- $8,000,000 is for additional training programs to address emerging training needs not provided for by the Consortium or elsewhere. In distributing these funds, OJP is expected to consider the needs of firefighters and emergency services personnel, and State and local law enforcement;
- $3,000,000 is for continuation of distance learning training programs at the National Terrorism Preparedness Institute at the Southeastern Public Safety Institute to provide training through advanced distributive learning technology and other mechanisms; and
- $1,000,000 is for continuation of the State and Local Antiterrorism Training Program.

Exercises.—$7,000,000 is for exercise programs, of which $4,000,000 is for grants to assist State and local jurisdictions in planning and conducting exercises to enhance their response capabilities, and $3,000,000 is for planning, execution, and analysis of TOPOFF II. The direction included in the Senate report regarding distribution of exercises grants in accordance with approved State plans is adopted by reference.

Technical Assistance.—$2,000,000 is for technical assistance to States and localities, as proposed in the Senate report.

Counterterrorism Research and Development.—$36,100,000 is for counterterrorism research and development, of which $18,000,000 is for the Dartmouth Institute for Security Technology Studies (ISTS), $18,000,000 is for the Oklahoma City National Memorial Institute for the Prevention of Terrorism (MIPT), and $100,000 is for a pilot project to develop an RDT&E system similar to the Department of Defense System, as proposed in the Senate report. Within the amount provided for MIPT, up to $4,000,000 is to be used to support the development of performance standards in a biological and chemical environment for respirators and personal protective garments. The MIPT and the ISTS are directed to work with the Technical Support Working Group and the National Domestic Preparedness Office to develop and implement a process whereby WMD equipment is standardized.

The conference agreement includes language modified from language included in the House bill and the Senate-reported amendment providing funding for counterterrorism programs.

Management and Administration.—The conference agreement includes $41,186,000 for Management and Administration, instead of $39,456,000 as proposed by the House, and $40,125,000 as proposed by the Senate. The conference agreement adopts the House report language concerning the reorganization of the Office of Justice Programs and the submission of a report on the implementation of the reorganization by December 31, 2000.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $2,848,929,000 for State and Local Law Enforcement Assistance, instead of $2,823,950,000 as proposed in the House bill, and $1,475,254,000 as proposed in the Senate-reported amendment. The conference agreement provides for the following programs:

Local Law Enforcement Block Grant	$523,000,000
Boys and Girls Clubs	*(60,000,000)*
Law Enforcement Technology	*(20,000,000)*
State Prison Grants	686,500,000
Cooperative Agreement Program	*(35,000,000)*
Indian Country Earmark	*(34,000,000)*
Alien Incarceration	*(165,000,000)*
State Environmental Impact Statements	*(2,000,000)*
State Criminal Alien Assistance Program	400,000,000
Indian Tribal Courts Program	8,000,000
Byrne Discretionary Grants	69,050,000
Byrne Formula Grants	500,000,000
Drug Courts	50,000,000
Juvenile Crime Block Grant	250,000,000
Violence Against Women Act Programs	288,679,000
State Prison Drug Treatment	63,000,000
Indian Country Alcohol and Crime Prevention	5,000,000
Missing Alzheimer's Patient Program	900,000
Law Enforcement Family Support Programs	1,500,000
Motor Vehicle Theft Prevention	1,300,000
Senior Citizens Against Marketing Scams	2,000,000
Total	2,848,929,000

Local Law Enforcement Block Grant.—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $400,000,000, as proposed in the Senate-reported amendment, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing $60,000,000 to the Boys and Girls Clubs of America. In addition, the conference agreement extends the set-aside for law enforcement technology, as proposed in both the House bill and the Senate-reported amendment.

State Prison Grants.—The conference agreement includes $686,500,000 for State Prison Grants as proposed in the House bill, instead of $76,000,000 as proposed in the Senate-reported amendment. Of the amount provided, $450,500,000 is available to States to build and expand prisons, $165,000,000 is available to States for the reimbursement of the costs of incarceration of criminal aliens, $35,000,000 is available for the Cooperative Agreement Program, $34,000,000 is available for Indian tribes, and $2,000,000 is available for review of State environmental impact statements to determine compliance with Federal requirements and ensure that State projects are not delayed.

State Criminal Alien Assistance Program.—The conference agreement provides a total of $565,000,000 for the State Criminal Alien Assistance Program for payment to the States for the costs of incarceration of criminal aliens, instead of $50,000,000, as proposed in the Senate-reported amendment and $585,000,000 as proposed in the House bill. Of the total amount, the conference agreement includes $400,000,000 under this account for the State Criminal Alien Assistance Program and $165,000,000 for this purpose under the State Prison Grants program, as proposed by the House bill.

Indian Tribal Courts.—The conference agreement includes $8,000,000, instead of $5,000,000 as proposed in the Senate-reported amendment, and no funding in the House bill, to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems by providing resources for the necessary tools to sustain safer and more peaceful communities.

Edward Byrne Grants to States.—The conference agreement provides $569,050,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $69,050,000 is for discretionary grants and $500,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides $69,050,000 for discretionary grants under the Edward Byrne Memorial State and Local Assistance Program to be administered by Bureau of Justice Assistance (BJA), instead of $52,000,000 as proposed in the House bill and the Senate-reported amendment. Within the amount provided for discretionary grants, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

- $2,000,000 for the Drug Abuse Resistance Education (DARE AMERICA) program;
- $1,600,000 for continued support for the expansion of Search Group, Inc. and the national Technical Assistance and Training Program to assist States, such as West Virginia, to accelerate the automation of fingerprint identification processes;
- $4,400,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign, McGruff;
- $800,000 for the Haymarket Center;
- $5,000,000 for Project HomeSafe for safety packets which include a gun locking device and information on how to handle and store guns safely as described in the Senate report;
- $150,000 for the Ottawa County, MI, Sheriff's Department to support crime fighting technologies;
- $1,000,000 for the Tools for Tolerance Program;
- $500,000 for the Littleton Area Learning Center;
- $4,500,000 for the Executive Office of U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;
- $2,000,000 for the Youth Safe Haven program;
- $1,900,000 for the Families and Schools Together (FAST) program;
- $1,500,000 for Project Return in New Orleans, LA;
- $2,000,000 for the Alaska Native Justice Center;
- $400,000 for the Ridge House in Reno, NV;
- $3,000,000 for a grant to the National Center for Justice and the Rule of Law at the University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for judges, court personnel, prosecutors, police agencies, and attorneys;
- $350,000 for a grant to Turtle Mountain Community College's Department of Justice for "Project Peacemaker";
- $300,000 for the Chattanooga Endeavors program;
- $750,000 for a grant to the University of Kentucky College of Law for teleconferencing equipment for prosecutor training;

- $1,000,000 for the Fels Center at the University of Pennsylvania for a demonstration fellowship project;
- $1,400,000 for rural alcohol interdiction, investigations, and prosecutions in the State of Alaska;
- $150,000 for the MUSC Innovative Alternatives for Women program;
- $750,000 for the Nevada National Judicial College;
- $3,000,000 for a grant for the National Fatherhood Initiative;
- $190,000 to the Hampshire County, MA, TRIAD project;
- $450,000 for the Gospel Rescue Mission;
- $2,250,000 the Washington Metropolitan Area Drug Enforcement Task Force and for expansion of the regional gang tracking system;
- $2,000,000 for the Rural Crime Prevention and Prosecution program;
- $1,000,000 for the Night Light program in San Bernardino, CA to assign probation officers to patrol with law enforcement during peak crime hours;
- $800,000 for the Illegal Firearms Reduction Program in Illinois;
- $850,000 for the DuPage County Children's Sexual Abuse Center;
- $1,000,000 for Operation NITRO (Narcotics Interdiction To Reduce Open-Air Drug Markets) in Newark, NJ;
- $1,800,000 for the Center for Rural Law Enforcement Technology and Training;
- $2,505,000 for Kentucky Child Advocacy Centers;
- $1,000,000 for a community court pilot project in Los Angeles, CA;
- $1,000,000 for a Neighborhood Policing Initiative for the Homeless in Clearwater, FL;
- $1,000,000 for the National Children's Advocacy Center in Huntsville, Alabama for a Child Abuse Investigation and Prosecution Enhancement Initiative;
- $1,100,000 for the National Training and Information Center;
- $1,000,000 for the Doe Fund's Ready, Willing and Able program;
- $30,000 for the Crimestoppers program in Lexington, KY, to expand its efforts to involve citizens in crime prevention;
- $1,000,000 for the Ben Clark Public Safety Training program for law enforcement officers;
- $3,000,000 for the Regional Mobile Gang Task Force Enforcement Team in Orange County, CA;
- $500,000 for the Local Initiative Support Corporation;
- $300,000 for the National Association of Town Watch's National Night Out crime prevention program;
- $2,000,000 for a Spokane County crime task force for costs associated with State and local investigations;
- $750,000 for Operation Child Haven;
- $150,000 for the Samantha Reid Foundation;
- $500,000 for the Sunflower House in Shawnee, KS; and
- $400,000 for the Domestic Violence Services for Women in Substance Abuse Treatment and Substance Abuse Treatment for Women in Domestic Violence Shelters project at the University of Northern Iowa.

The conference agreement adopts the Senate report language supporting the national motor vehicle title information system. Within available resources for Byrne discretionary grants, OJP is urged to review proposals, and provide grants if warranted, to the Alaska Federation of Natives and the Alaska court system for an alcohol law offenders program using Naltrexone and other drug therapies.

Byrne Formula Grants.—The conference agreement provides $500,000,000 for the Byrne Formula Grant program as proposed in the House bill, instead of $400,000,000 as proposed in the Senate-reported amendment.

Drug Courts.—The conference agreement includes $50,000,000 for drug courts, instead of $40,000,000 as proposed in the Senate-reported amendment and the House bill. Localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant program and the Juvenile Accountability Incentive Block Grant program.

The conference agreement recognizes that there are currently over 480 drug courts in the United States. These drug courts play an important role in controlling the behavior and drug addiction of drug-using offenders across the Nation. Among these courts, there are only three comprehensive drug court systems in the country, one of which is in Denver, Colorado. Denver's adult drug court was established in 1994 and recently a juvenile drug court was established. The conference agreement recognizes the Denver concept has demonstrated its efficacy and, with sufficient resources, could serve as a model for other drug courts.

Juvenile Accountability Incentive Block Grant.—The conference agreement provides $250,000,000 for the Juvenile Accountability Incentive Block Grant program to address the problem of juvenile crime as proposed in the House bill instead of $100,000,000 as proposed in the Senate-reported amendment.

Violence Against Women Act Grants.—The conference agreement includes $288,679,000 for grants to support the Violence Against Women Act, instead of $283,750,000 as proposed in the House bill, and $284,854,000 as proposed in the Senate-reported amendment. The conference agreement provides funding under this account as follows:

General Grants	$210,179,000
Civil Legal Assistance	*(31,625,000)*
National Institute of Justice	*(5,200,000)*
OJJDP-Safe Start Program	*(10,000,000)*
Violence on College Campuses	*(11,000,000)*
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	11,500,000
Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	34,000,000
Rural Domestic Violence	25,000,000
Trainipg Programs	5,000,000
Total	288,679,000

State Prison Drug Treatment.—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House bill and the Senate-reported amendment. The conference agreement prohibits funding in this program from being used for aftercare programs.

Indian Country Alcohol and Crime Prevention.—The conference agreement includes $5,000,000 for demonstration grants on alcohol abuse and crime in Indian country. No funding was proposed for this program in either the House bill or the Senate-reported amendment. These funds are only available for law enforcement activities.

Safe Return Program.—The conference agreement includes $900,000 as proposed in both the House bill and the Senate-reported amendment.

Law Enforcement Family Support.—The conference agreement includes $1,500,000 for law enforcement family support programs, as proposed in both the Senate-reported amendment and the House bill.

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed by both the House bill and the Senate-reported amendment. The conference agreement adopts by reference the Senate report language on the National Advocacy Center and coordinating with the Federal Trade Commission.

Motor Vehicle Theft Prevention.—The conference agreement includes $1,300,000 for grants to combat motor vehicle theft as proposed in the House bill.

The conference agreement adopts the House report language by reference concerning false residential and commercial alarms. The conference agreement also includes language proposed in the House bill providing for Guam to be considered a State under the Local Law Enforcement Block Grant program and the Juvenile Accountability Incentive Block Grant program.

WEED AND SEED PROGRAM

The conference agreement includes a direct appropriation of $34,000,000 for the Weed and Seed program, instead of $33,500,000 proposed by the House bill and $40,000,000 as proposed by the Senate-reported amendment. The conference agreement includes the expectation that an additional $6,500,000 will be made available from the Assets Forfeiture Super Surplus Fund.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $1,032,325,000 for the Community Oriented Policing Services (COPS) program, instead of $812,025,000 in the Senate-reported amendment and $595,000,000 in the House bill. This conference agreement assumes that $5,000,000 will be available to the program in unobligated balances, providing for a total program level of $1,037,325,000.

Police Hiring Initiatives.—The conference agreement includes $470,000,000 for police hiring initiatives. Of this amount $180,000,000 is provided specifically for school resource officers and $35,000,000 is provided specifically for hiring police officers for Indian Country, with an additional $5,000,000 from unobligated carryover balances from fiscal year 2000 for Indian Country grants. Since fiscal year 1998, the COPS program has recovered over $100,000,000 per year in prior year funds. The conference agreement includes a provision requiring the COPS program office to submit a reprogramming request to the Committees on Appropriations before spending any funds made available through prior year deobligations, with an exception for program management and administration funding.

Safe Schools Initiative (SSI).—To address the issue of violence in our schools, the conference agreement includes $227,500,000 for the Safe Schools Initiative (SSI), including funds for technology development, prevention, community planning and school safety officers. Within this total, $180,000,000 is from the COPS hiring program to provide school resource officers who will work in partnership with schools and other community-based entities to develop programs to improve the safety of elementary and secondary school children and educators in and around schools; $15,000,000 is from the Juvenile Justice At-Risk Children's Program and $15,000,000 is from the COPS program ($30,000,000 total) for programs aimed at preventing violence in schools through partnerships with schools and community-based organizations; and $17,500,000 is provided from the Crime Identification Technology Program to NIJ to develop technologies to improve school safety.

Indian Country.—The conference agreement includes a total of $40,000,000 to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for new and existing officers, as proposed by the Senate. Of the $40,000,000 for this program, $35,000,000 is from direct appropriations and $5,000,000 is from unobligated balances.

Management and Administration.—The conference agreement includes language that provides that not to exceed $31,825,000 shall be expended for management and administration of the program.

Non-Hiring Initiatives.—The COPS program reached its original goal of funding 100,000 officers in May of 1999. Accordingly, the conference agreement funds initiatives to ensure there is adequate infrastructure for the new police officers, similar to the focus that has been provided Federal law enforcement. This will enable police officers to work more efficiently, equipped with the protection, tools, and technology they need; to address crime in and around schools; to provide law enforcement technology for local law enforcement; to combat the emergence of methamphetamine in new areas and police "hot spots" of drug market activity; and to make more bullet proof vests available for local law enforcement officers and correctional officers. In addition, the conference agreement provides funding for Community and Gun Violence Prosecutors, law enforcement costs associated with Offender Reentry programs and Police Integrity training. The conference agreement includes funding for the following non-hiring grant programs:

1. COPS Technology Program.—The conference agreement includes $140,000,000 to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, it supports the sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conference agreement includes the expectation that the COPS office will award grants for the following technology proposals:

$3,000,000 for a grant for the Law Enforcement On-Line Program (LEO). The conference agreement directs the Department of Justice to submit a report to the Committees on Appropriations by February 1, 2001, on the future of the LEO system. The report shall present the Department's vision for LEO, interoperability of LEO with other FBI and Departmental systems, and the relationship of LEO to the Global Justice Information Network. The report should also include funding requirements and a project time line for achieving the Department's vision and address whether management of LEO should remain with the FBI, or be transferred to JMD;

$500,000 for a grant to Delaware County, IN, for mobile data terminals for law enforcement vehicles;

$250,000 for a grant to Clackamas County, OR, for police communications equipment;

$1,000,000 for a grant to Jackson, MS, for law enforcement technologies and equipment;

$5,000,000 for a grant to the National Center for Missing and Exploited Children to continue the program created in fiscal year 2000 that provides targeted technology to police departments for the specific purpose of child victimization prevention and response. The technology available to help law enforcement find missing children is not at the level it needs to be. Most police departments across the United States do not have personal computers, modems, and scanners. The departments that do rarely have them in areas focusing on crimes against children;

Up to $3,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol. One camera may be used in each vehicle which is used primarily for patrols. These cameras are only to be used by State and local law enforcement on patrol;

$800,000 for a grant to the National Center for Victims of Crime—INFOLINK;

$3,000,000 for a grant to allow the Utah Olympic Public Safety Command to implement the public safety master plan for the 2002 Winter Olympic Games;

$300,000 for a grant to the Kansas City Community Security Initiative to continue developing community policing models in Kansas City neighborhoods;

$150,000 for a grant to establish a Computer Crime Unit within the Montana Board of Crime Control;

$1,500,000 for a grant to the New Hampshire Department of Safety to support Operation Streetsweeper;

$400,000 for a grant to the Western Missouri Public Safety Training Institute for classroom and training equipment to facilitate the training of public safety officers;

$3,500,000 for a grant to continue the Consolidated Advanced Technologies for Law Enforcement Program at the University of New Hampshire and the New Hampshire Department of Safety, in cooperation with the National Resource Center and the National Institute of Justice;

$400,000 for a grant to Mountain Village, CO, for public safety information management systems related to law enforcement;

$500,000 for a grant to Washington State for an electronic jail booking and reporting system;

$850,000 for a grant to the South Carolina Law Enforcement Division for a high technology crime investigative unit;

$500,000 for a grant to the National Center for Rural Law Enforcement in Little Rock, AR, to continue providing management education, research, forensics, computer, and technical assistance and training to rural law enforcement agencies, tribal police, and railroad police throughout the Nation;

$130,000 for a grant to Jackson County, MS, for public safety and automated system technologies related to law enforcement;

$750,000 for grants to the Bennington, Brattleboro, Newport, Montpelier, and Winooski, VT, for police technology systems and equipment;

$900,000 for a grant to Billings, MT, for patrol car mobile data terminals;

$100,000 for a grant to the Inglewood, CA, police department for technology systems;

$600,000 for a grant for telecommunications upgrades in rural areas of Montana to improve law enforcement response times;

$750,000 for a grant to the Macon, GA, Police Department for technology equipment and software;

$700,000 for a grant for a voice trunking system to assist law enforcement in eastern North Carolina;

$1,000,000 for a grant to the North Star Borough for centralized and computer aided dispatch equipment and a study of needs;

$60,000 for a grant to Monroe County, MI, for a data transmission mechanism for squad cars;

$600,000 for a grant to the State Police of Virginia for computers and related equipment;

$5,000,000 for a grant for the Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure to assist with the law enforcement needs arising from the 2002 Winter Olympics;

$250,000 for a grant to Lane County, OR, for an area information records system;

$550,000 for a grant to the Clearwater Economic Development Association to provide funding to sheriffs' offices in Clearwater, Idaho, Lemhi, Lewis and Nez Perce counties, ID, to buy radio communications equipment;

$200,000 for a grant to the Pawtucket, RI, Police Department for patrol car mobile data terminals;

$150,000 for a grant to Bolivar County, MS, for public safety equipment and automated system technologies to improve county law enforcement;

$500,000 for a grant to the Maine State Police to upgrade their police radio system;

$350,000 for a grant to Huntingdon County, PA, for rural law enforcement technology needs;

$2,200,000 for a grant to the Alaska Department of Public Safety for technology, policing, and enforcement initiatives;

$2,500,000 for a grant to the Virginia Department of State Police for law enforcement technologies;

$200,000 for a grant to the Easley, SC, Police Department for policing equipment upgrades and computer enhancements;

$110,000 for a grant to the Scotts Bluff County, NE, consolidated communications center to improve law enforcement response times;

$250,000 for a grant to the Vermont State Police for computer and radio system upgrades and integration;

$3,000,000 for a grant for the Southeastern Law Enforcement Technology Center's Coastal Plain Police Communications initiative for regional law enforcement communications equipment;

$1,300,000 for a grant to the Alaska Department of Public Safety for the law enforcement photo network to provide statewide access to the Alaska booking, driver, and ID photographic information throughout the State;

$100,000 for a grant to the Lawrence, MA, Police Department for a police identification management system;

$300,000 for a grant to Grand Rapids, MI, for computer equipment for police officer vehicles;

$3,000,000 for a grant to the Milwaukee, WI, police department for communications infrastructure equipment;

$500,000 for a grant to Nye County, NV, for computer upgrades and other technologies;

$750,000 for a grant to the Vermont Department of Public Safety for mobile communications technology upgrades for law enforcement;

$1,650,000 for a grant to the South Carolina Law Enforcement Division for emergency response technology equipment, including datamasters;

$100,000 for a grant to Deschutes County, OR, for mobile data and radio communications upgrades;

$750,000 for a grant to the City of Paducah and McCracken County, KY, for a Public

Safety Mobile Data System to assist law enforcement;

$400,000 for a grant to the Arkansas Crime Information Center to address software and hardware requirements;

$500,000 for a grant to the City of Seattle and King County, WA, for technology upgrades and to assist with inter-jurisdictional investigations;

$1,800,000 for a grant to the State of Alaska for the training of Village Public Safety Officers and the purchase of emergency response equipment;

$500,000 for a grant to Madison, WI, for communications upgrades needed to address police radio transmitting capacity and interagency communications;

$150,000 for a grant to the Yellowstone County, MT, Sheriff's office for training technologies upgrades;

$1,500,000 for a grant to Baltimore, MD, for police training programs and equipment;

$2,000,000 for a grant to Clark County, NV, to upgrade mobile and in-vehicle computers;

$1,400,000 for a grant to the Virginia State Police's Bureau of Criminal Intelligence Division for technical equipment;

$500,000 for a grant to the Johnson County, KS, Sheriff's Department for a countywide public safety radio network;

$400,000 for a grant to the Montgomery, AL, Police Department for an integrated communications system;

$150,000 for a grant to the Bozeman, MT, police department for high risk activity training equipment;

$100,000 for a grant to St. Clair County, MI, to assist with law enforcement data needs;

$600,000 for a grant to the Alabama Department of Public Safety for technology and automated systems to assist law enforcement;

$3,000,000 for a grant for the continuation of the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of the technology network between all State and local law enforcement agencies in the four Southwest Border States;

$200,000 for a grant to Hall County, NE, for mobile data computers for law enforcement;

$100,000 for a grant to Burrillville, RI, for a communications system to assist law enforcement;

$200,000 for a grant to Irvington, NJ, for police technology needs;

$3,000,000 for a grant for videoteleconferencing equipment necessary to assist State and local law enforcement in contacting the Immigration and Naturalization Service to allow them to confirm the identification and status of illegal and criminal aliens in their custody;

$2,000,000 for a grant to Ventura County, CA, for an integrated justice information system;

$3,000,000 for a grant for the Southwest Alabama Justice Integration Project;

$5,000,000 for a grant for the Ohio WEBCHECK system;

$1,750,000 for a grant to the Missouri State Highway Patrol for an integration technology program;

$1,750,000 for a grant to the California Highway Patrol for a communications system;

$3,000,000 for a grant for SmartCOP in Alabama;

$3,000,000 for a grant for Project Hoosier SAFE-T;

$2,920,000 for a grant for the Access to Court Electronic Data for Criminal Justice Agencies project;

$600,000 for a grant to modernize and update law enforcement technologies and equipment in East Baton Rouge Parish, Livingston Parish and Ascension Parish, LA;

$1,000,000 for a grant to the Riverside, CA, police department for mobile data terminals;

$1,000,000 for a grant to Orange County, CA, for a seamless, integrated communications technology system;

$260,000 for a grant to Shively, KY, for police department communications improvements;

$1,500,000 for a grant for the Citrus Heights, CA, police force for computer networking and radios;

$250,000 for a grant for the Suffolk County, NY, Police Department Technology Crimes Initiative;

$750,000 for a grant for Riviera Beach, FL, for a police mobile radio system;

$750,000 for a grant for Clearwater, FL, for laptop computers and printers for police vehicles and network operations;

$750,000 for a grant for the cities of Arcadia, and Sierra Madre, CA, to improve crime technology and communications between the cities;

$600,000 for a grant for a computer-aided dispatch and records management system for the Bells Garden, CA, police department;

$3,000,000 for a grant for the Chattanooga, TN, Police Department to improve information sharing;

$3,000,000 for a grant for the purchase and installation of mobile data computers for the Huntsville, AL, police department;

$83,000 for a grant for the Long County, GA, police department for a communications system;

$3,500,000 for a grant for Pinellas County, FL, law enforcement agencies to demonstrate with the Florida Department of Motor Vehicles how facial recognition technology may be used by police;

$1,300,000 for a grant for vehicle-mounted cameras and equipment for the Jefferson County, KY, police department;

$3,000,000 for a grant for the Lexington, KY, police department for communications equipment to improve officer safety and effectiveness;

$350,000 for a grant for the Daviess County, KY, sheriff's department for a wireless mobile information system;

$250,000 for a grant for the City of Falls Church, VA, police department for a computer-aided dispatch and records management system;

$3,000,000 for a grant for Yuma, AZ, for telecommunications and technology infrastructure for law enforcement officers;

$152,000 for a grant for Mexico Beach, FL, to upgrade its dispatch communications service;

$1,500,000 for a grant for an integrated public safety records management and document imaging system for the Wichita Police Department (KS);

$500,000 for a grant for the East Valley Regional Community Analysis Center for a data warehousing project;

$7,500,000 for a grant for a regional law enforcement technology program in Kentucky;

$1,235,000 for a grant for the Virgin Islands for technology equipment and upgrades;

$1,500,000 for a grant for a justice tracking information system (JUSTIS) for San Francisco, CA;

$230,000 for a grant for Glendale, CA, for police training equipment and technologies;

$1,190,000 for a grant for Pasadena, CA, for a computerized geographic information system;

$152,000 for a grant for the New Jersey State Police's High-tech Crime Unit for technology equipment;

$50,000 for a grant for the Tuckahoe, NY, police department for technology upgrades;

$1,000,000 for a grant for the Greater Atlanta Data Center;

$300,000 for a grant for the Berkshire County Regional Strategic Response Team in Pittsfield, MA;

$500,000 for a grant for mobile data terminals for Louisville, KY, to improve information retrieval on-scene and greatly reduce time used to complete paperwork off-scene;

$750,000 for a grant for the Louisiana State Police for communications and computer system upgrades for the Public Safety Emergency Services Training Center;

$50,000 for a grant for the Bound Brook, NJ, police department for law enforcement technologies;

$500,000 for a grant for the Tampa, FL, police department for in-vehicle video cameras;

$750,000 for a grant for the North Carolina State Highway Patrol for mobile data terminals;

$1,000,000 for the Center for Criminal Justice Technology;

$500,000 for a grant for the San Joaquin County, CA, sheriff's office for technology enhancements; and

$1,000,000 for a grant for Minnesota for a radio system to improve law enforcement communications in rural Minnesota.

2. COPS Methamphetamine/Drug "Hot Spots" Program.—The conference Agreement provides $48,500,000 for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The monies may also be used for policing initiatives in "hot spots" of drug market activity. The House bill proposed $45,675,000 and the Senate-reported amendment proposed $41,700,000 for this purpose.

Within the amount provided, the conference agreement includes $20,000,000 to be reimbursed to the Drug Enforcement Administration as described above. The conference agreement expects the COPS office to award grants for the following programs:

$2,000,000 to the Washington State Methamphetamine Initiative for a comprehensive program to address methamphetamine enforcement, treatment, and cleanup efforts;

$2,500,000 to the Midwest (Missouri) Methamphetamine Initiative to train and provide related equipment to State and local law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

$2,000,000 to the Kansas Bureau of Investigation to combat methamphetamine and to train officers in those types of investigations;

$750,000 to the Indiana State Police for a methamphetamine program to address training, equipment, and removal requirements;

$250,000 to the State Police of Virginia for an intensified methamphetamine enforcement program;

$800,000 to Southern Utah law enforcement agencies to be used to purchase remote methamphetamine detection laboratories to identify infrastructure decay caused by the disposal of hazardous and toxic chemicals;

$1,000,000 for the Mississippi Bureau of Narcotics to combat methamphetamine and to train officers on the proper recognition, collection, removal, and destruction of methamphetamine;

$600,000 for the South Dakota Division of Alcohol and Drug Abuse to expand its Community Mobilization Project to include a methamphetamine prevention project;

$500,000 to the State of Illinois to combat methamphetamine and to train officers in those type of investigations;

$800,000 to the State of Idaho to train State and local law enforcement officers in the proper recognition, collection, removal, and destruction of methamphetamine;

$1,000,000 for the Iowa Methamphetamine Clandestine Lab Task Force;

$1,500,000 for the Arkansas Methamphetamine Law Enforcement Initiative, of which, $150,000 is for the Arkansas State Crime Lab to hire three additional chemists and $1,350,000 is for the Arkansas State Police for training, enforcement, and cleanup efforts;

$350,000 to the Nebraska Clan Lab Team for the Nebraska Methamphetamine Fighting Initiative;

$1,000,000 for the Western Wisconsin Methamphetamine Law Enforcement Initiative;

$1,000,000 for personnel, equipment, and training for Arizona law enforcement to combat methamphetamine;

$250,000 for the Nye County, NV, Methamphetamine Initiative;

$750,000 to the Alabama Department of Public Safety to combat methamphetamine production and distribution;

$250,000 for the Hawaii Department of Public Safety, Narcotics Enforcement Division to address methamphetamine diversion, production, distribution, and enforcement efforts;

$400,000 for the Vermont State Multi-Jurisdictional Drug Task Force;

$2,200,000 for the Tri-State Methamphetamine Training Program (IA/SD/NE) to train officers from rural areas on methamphetamine interdiction, covert operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

$1,000,000 to form a Western Kentucky Methamphetamine training program and provide equipment and personnel;

$1,000,000 for the Eastern Appalachian Taskforce on Methamphetamine Eradication in Tennessee, including $100,000 to establish videoconferencing with the Hamilton County District Attorney's Office;

$250,000 for the Polk County, FL, sheriff's office to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs for an expanded methamphetamine program;

$750,000 for Central Kentucky to assist local police and sheriffs' departments with costs associated with combating the production and distribution of methamphetamine;

$1,500,000 for the Oklahoma State Bureau of Investigation for costs associated with combating the production and distribution of methamphetamine; and

$300,000 for the Ascension Parish, LA, sheriff's office to support officer training and outreach programs.

The conference agreement expects the COPS office to review requests from the California Bureau of Narcotics Enforcement's Methamphetamine Strategy and Merced County, CA, and provide grants, if warranted.

3. COPS Safe Schools Initiative (SSI)/School Prevention Initiatives.—The conference agreement includes $15,000,000 to provide resources for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities, as proposed in the House bill and the Senate-reported amendment. Within the overall amounts recommended for this program, the conference agreement includes the expectation that the COPS office will examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

$3,000,000 for training by the National Center for Missing and Exploited Children for law enforcement officers selected to be part of the Safe Schools Initiative;

$541,000 for the Milwaukee schools' Summer Stars program;

$250,000 for the Sioux Falls, SD, school district to expand an alternative educational support program for at-risk youth;

$250,000 for the Safe Schools program at the University of Montana;

$500,000 for the School Security and Technology Center in New Mexico;

$375,000 for the Kenosha County, WI, Sheriff's Department to address school resource officer needs;

$350,000 for Berkeley, CA, for an intercom and surveillance safety system;

$250,000 for the King County, WA, school resource officer program;

$750,000 to the University of Louisville Center for the Study and Prevention of Violence in Urban Schools;

$350,000 for Bennington, VT, for a teen delinquency prevention project;

$1,500,000 for the Youth Advocacy Program;

$350,000 for the Alaska Community in Schools Mentoring program;

$750,000 for Compton, CA, for the Youth Center and After School Initiative;

$2,000,000 for the National Center for Rural Law Enforcement for the school violence research center;

$375,000 for the Waukesha, WI, Police Department to address school resource officer requirements;

$150,000 for the Nevada Foundation for Youth Development;

$495,000 for the Home Run Program;

$500,000 for the Safer School Initiative in Maricopa County, AZ;

$1,300,000 to setup the Aggressors, Victims and Bystanders Demonstration Project for Palm Beach County, FL, middle schools;

$120,000 for the Copiague School District School Safety Program; and

$80,000 for the Lindenhurst School Violence Program.

4. COPS Bullet-Proof Vests Initiative.—The conference agreement includes $25,500,000 to provide State and local law enforcement officers with bullet-proof vests. The House bill provided $25,000,000 for this program and the Senate-reported amendment provided $26,000,000.

5. Police Corps.—The conference agreement includes $29,500,000 for the Police Corps as proposed in the Senate-reported amendment instead of $15,000,000 as proposed in the House bill.

6. Crime Identification Technology Act Program [CITA].—As included in both the House bill and the Senate-reported amendment, the conference agreement provides $130,000,000 for the CITA program, to be used and distributed pursuant to the Crime Identification Technology Act of 1998, Public Law 105–251. Under that Act, eligible uses of the funds are (1) upgrading criminal history and criminal justice record systems; (2) improvement of criminal justice identification, including fingerprint-based systems; (3) promoting compatibility and integration of national, State, and local systems for criminal justice purposes, firearms eligibility determinations, identification of sexual offenders, identification of domestic violence offenders, and background checks for other authorized purposes; (4) capture of information for statistical and research purposes; (5) developing multi-jurisdictional, multi-agency communications systems; and (6) improvement of capabilities in forensic sciences, including DNA.

Jennifer's Law (P.L. 106–177) authorizes funds for States to apply for competitive grants to cover the costs associated with entering complete files on unidentified victims into the FBI's National Crime Information Center (NCIC). This law provides incentives for States to report to the NCIC information on unidentified, deceased persons and will give law enforcement officials the opportunity to identify missing children who are reported as "unidentified". The conference agreement notes that funding provided under CITA is authorized to fund these costs and encourages States to use CITA funds for this purpose.

Within the amounts provided, the Office of Justice Programs is directed to provide grants to the following:

$500,000 for Hamilton County, OH, for a juvenile case management system and integrated automated fingerprint information system;

$150,000 for Kalamazoo County, MI, to integrate its criminal justice system data online;

$100,000 for Ogden, UT, for public safety and automated system technologies;

$2,500,000 for the Missouri State Court Administrator for the Juvenile Justice Information System to enhance communication and collaboration between juvenile courts, law enforcement, schools, and other agencies;

$1,250,000 for the Alaska Department of Public Safety for an information network;

$150,000 for Logan County, OH, to support a regional planning criminal information infrastructure system;

$4,000,000 for the State Police of NH, for a VHF trunked digital radio system;

$4,700,000 for the State of Minnesota for a criminal justice integrated information system, of which $700,000 shall be allocated to Hennepin County;

$2,000,000 to automate the criminal records management system in San Diego, CA;

$1,500,000 to upgrade the Indianapolis Automated Fingerprint Identification System; and

$1,500,000 for an information technology project in Wayne County, MI, to improve communications and information sharing between local, State and Federal law enforcement.

Safe Schools Technology.—Within the amounts available for crime identification technology, the conference agreement includes $17,500,000 for Safe Schools technology to continue funding NIJ's development of new, more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information systems that provide communities quick access to information they need to identify potentially violent youth. The conference agreement adopts by reference the Senate report language regarding a competitive grant to a university based technology center.

Upgrade Criminal History Records (Brady Act).—Within the amounts available for crime identification technology, the conference agreement provides $35,000,000 for States to upgrade criminal history records so that these records can interface with other databases holding information on other categories of individuals who are prohibited from purchasing firearms under Federal or State statute. Additionally, the national sexual offender registry (NSOR) component of the Criminal History Records Upgrade Program has two principal objectives.

The registry assists States in developing complete and accurate in-State registries. It will also assist States in sharing their registry information with the FBI system which identifies those offenders for whom special law enforcement interest has been noted.

DNA Backlog Grants/Crime Laboratory Improvement Program (CLIP).—Within the amounts available for crime identification technology, the conference agreement includes $30,000,000 for grants to reduce DNA backlogs and for the Crime Laboratory Improvement Program (CLIP). The CLIP/DNA Program supports State and local government crime laboratories to develop or improve the capability to analyze DNA in a forensic laboratory, as well as other general forensic science capabilities. Within the amounts provided under CITA, it is expected that the Office of Justice Programs will provide grants to the following programs: $400,000 to the Southeast Missouri Crime Laboratory; $450,000 to the Rhode Island State Crime Laboratory; $650,000 to the Georgia State Crime Laboratory; $950,000 to the Iowa Forensic Science Improvement Initiative; $2,500,000 to the South Carolina Law Enforcement Division's forensic laboratory; $2,000,000 to the Marshall University Forensic Science program; $4,000,000 to the West Virginia University Forensic Identification Program; $500,000 to the Vermont Forensic Laboratory; $2,500,000 to the National Center for Forensic Science at the University of Central Florida; $500,000 to the National Academy for Forensic Computing and Investigation in Charlotte, NC; $500,000 to Ohio forensic science laboratory improvements; $150,000 to the Kansas Bureau of Investigations for a new latent fingerprint examination instrument; $650,000 to the Bellevue, WA, Police Department's Forensic Services Unit; $700,000 to the Arizona Department of Public Safety Southern Regional Crime Laboratory for forensic equipment; and $2,600,000 to the National Forensic Science Technology Center.

The conference agreement encourages the CLIP/DNA program to support within existing funds the Mississippi Crime Lab in improving its capacity to analyze and process forensic, DNA and toxicology evidence and in upgrading its technology.

The conference agreement adopts the Senate report language directing OJP to conduct a study of the funding requirements for the operation of forensic science laboratories given the caseload growth and backlog.

7. *Community Prosecutors.*—The conference agreement includes $100,000,000 for the Community Prosecutors program. The House bill and the Senate-reported amendment did not include funding for this program Of the funds provided, $25,000,000 is for continuation of the current community prosecutors program and $75,000,000 is for community prosecutors in high gun violence areas. The $75,000,000 is to be used exclusively for community prosecutors to prosecute cases involving violent crimes committed with guns, and violations of gun statutes in cases involving drug trafficking and gang-related crime in high gun violence areas. The Department of Justice is directed to submit a report to the Committees on Appropriations by December 15, 2000, outlining how the $75,000,000 for community prosecutors in high gun violence areas will be spent. The report shall include but not be limited to the following information: (1) a definition of a high gun violence area; (2) the amount of funding per prosecutor that will be provided; and (3) an explanation of how local communities will be able to continue to employ the prosecutors that are hired after the grant has expired.

8. *Offender Reentry.*—In recognition of the public safety issues generated by the increasing number of offenders who have served their sentences and are returning from jails and prisons to our communities, the conference agreement includes $30,000,000 for the law enforcement costs related to establishing offender reentry programs. The House bill did not include funding for this program and the Senate-reported amendment included $7,000,000 for this program within State Prison Grants.

Offender reentry programs establish partnerships among institutional corrections, community corrections, social services programs, community policing and community leaders to prepare for more successful returns of inmates to their home neighborhoods. The $30,000,000 provided is intended to fund law enforcement participation and coordination of offender reentry programs. These funds are not provided to teach job training skills or provide alcohol or drug abuse treatment. The Department of Justice is directed to submit an implementation plan to the Committees on Appropriations by December 15, 2000, outlining how the funds will be spent. The report shall include the following: (1) a description of the law enforcement costs that will be funded; (2) an explanation of how the non-law enforcement costs such as job training, education, and drug treatment will be funded; (3) an explanation of how this program is being coordinated with the Departments of Labor and Health and Human Services; and (4) an explanation of how local communities will be able to fund the operational costs of this program after their grants expire.

9. *Police Integrity Program.*—The conference agreement provides $17,000,000 for police integrity training to provide training and technical assistance grants to develop and implement new policing methods and strategies. Neither the House bill nor the Senate-reported amendment included funding for this initiative.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $298,597,000 for Juvenile Justice programs, instead of $287,097,000 as proposed in the House bill and $279,697,000 as proposed in the Senate-reported amendment. The conference agreement includes the understanding that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conference agreement provides funding consistent with the current Juvenile Justice and Delinquency Prevention Act. The conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, $279,097,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $6,847,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $89,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. $50,250,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, OJJDP is directed to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

$3,000,000 for Parents Anonymous, Inc., to develop partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency. The conference agreement directs Parents Anonymous to open up an active dialog with those organizations no longer associated with the program. With a concerted effort by all parties, problematic issues can be resolved which will ultimately benefit the cause of child abuse prevention;

$1,000,000 to continue the Achievable Dream after-school program for at-risk youth;

$3,000,000 to continue funding for the National Council of Juvenile and Family Courts which provides continuing legal education for family and juvenile law;

$1,900,000 for continued support of law-related education;

$1,500,000 for continuation of the Center for Research on Crimes Against Children which focuses on improving the handling of child crime victims by the justice system;

$1,500,000 for equipment and programming costs at the Brown County, SD, Juvenile Detention Center;

$750,000 for juvenile drug treatment services in Cook County, IL;

$250,000 to the Low Country Children's Center;

$1,500,000 to expand the Milwaukee Safe and Sound Program to other Milwaukee neighborhoods;

$150,000 to the Mel Blount Youth Home;

$300,000 to the New Mexico PAL program;

$250,000 to the juvenile assessment center in Billings, MT, for child and family intervention programs;

$150,000 to Sioux Falls, SD, Turning Point locations, including the Bowden Youth Center;

$300,000 to the New Mexico Cooperative Extension Service 4-H Youth Development Program;

$1,000,000 for Project Escape;

$400,000 to the Institute for Character Development, Civic Responsibility, and Leadership at Neumann College;

$750,000 to Utah State University's Youth and Families with a Promise program;

$120,000 to the South Dakota Unified Judicial System to continue the Intensive Juvenile Probation program;

$250,000 to the Hawaii Navigator Project;

$500,000 to the North Eastern Massachusetts Law Enforcement Council;

$150,000 to the Vermont Coalition of Teen Centers;

$250,000 to the Better Way program in Muncie, IN;

$350,000 to drug prevention programs in Shelby County, KY;

$150,000 to the South Dakota Network Against Family Violence and Sexual Assault;

$100,000 to the Alfred University Coordinating County Services for Families and Youth program;

$500,000 to the Kansas YouthFriends program;

$500,000 to perform a national demonstration of the Learning for Life Program which is then to be replicated by the Gulf Ridge Council and others;

$1,500,000 to the State of Alaska for a child abuse investigation program;

$1,250,000 to Aberdeen, SD, for a youth enrichment program;

$438,000 to the National Association of State Fire Marshals for implementing a national juvenile fire-setter intervention mobilization plan that will facilitate and promote the establishment of juvenile fire-setter intervention programs based on existing model programs at the State and local level;

$3,000,000 for the "Innovative Partnerships for High Risk Youth" demonstration;

$7,500,000 for the Youth ChalleNGe Program;

$300,000 to Prevent Child Abuse America for the programs of the National Family Support Roundtable;

$2,000,000 to continue the L.A.'s Best youth program;

$500,000 to the Culver City Juvenile Crime Diversion Initiative;

$275,000 to the Sports Foundation to work with at-risk youth;

$300,000 to the No Workshops * * * No Jump Shots program to provide case management, counseling and mandatory workshops for at-risk youth;

$1,000,000 to the Greater Heights program to provide at-risk youth with mentoring, positive activities, networking and alternatives to incarceration;

$500,000 to Our Next Generation;

$1,000,000 to the Youth Crime Watch of America;

$150,000 to Operation Quality Time;

$1,300,000 to the Suffolk University Center for Juvenile Justice;

$1,000,000 for Drug Free America;

$750,000 to New Mexico State University to establish an After School Services Pilot Program for at-risk youth;

$250,000 for the Culinary Education Training for At-Risk Youth in Miami-Dade, FL;

$1,000,000 to Mount Vernon, NY, to provide after-school services to at-risk youth;

$500,000 to the Lourdes Health Network in Pasco, WA, for extension of the school year program for youth and adolescents at risk of delinquency;

$250,000 to the Ella H. Baker House to support its juvenile delinquency intervention and prevention programs;

$365,000 to Project Bridge to continue to assist at-risk youths in Riverside County, CA;

$500,000 to Wichita State University for a juvenile justice program;

$500,000 to the Wayne County Department of Community Justice for an at-risk youth program including prevention and intervention services;

$1,000,000 for the West Farms program to assist at-risk youth; and

$50,000 for the Maryhurst Youth Center.

The conference agreement recognizes Project CRAFT (Community Restitution and Apprenticeship-Focused Training) as a successful model and proven intervention technique in the rehabilitation and reduced recidivism of accused and adjudicated juvenile offenders. The OJP is encouraged to work in cooperation with the Department of Labor to replicate Project CRAFT in order to offer at-risk and adjudicated youth pre-apprenticeship training and job placement in the residential construction trades.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $16,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth by bringing young people in high crime areas together with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. OJJDP is directed to provide a $3,000,000 grant for the Big Brothers/Big Sisters of America program.

7. $95,000,000 for the At Risk Children's Program (Title V). Under Title V juvenile justice programs, the At Risk Children's Program provides funding to support comprehensive delinquency prevention plans formulated at the community level. The program targets truancy and school violence; gangs, guns, and drugs; and other influences that lead juveniles to delinquency and criminality.

Safe School Initiative (SSI).—The conference agreement includes $15,000,000 within Title V grants for the Safe School initiative as proposed in the Senate report. Within the amount provided, OJJDP is directed to review the following proposals, provide grants if warranted, and submit a report to the Committees on Appropriations on its intentions regarding:

$3,600,000 to the Hamilton Fish National Institute on School and Community Violence;

$1,250,000 to the Teens, Crime, and Community Program;

$200,000 to the Decatur Mentoring Project in Decatur, IL;

$250,000 to an Allegheny County, PA, youth development program;

$1,000,000 to establish and enhance after-school programs for at-risk youth in Baltimore, MD;

$750,000 to the University of South Alabama for Youth Violence Prevention Research;

$900,000 to the Stop Truancy Outreach program;

$58,000 to the Southern Kentucky Truancy Diversion program;

$1,000,000 to the "I Have a Dream" foundation for at-risk youth program;

$500,000 to the Family, Career, and Community Leaders of America (FCCLA), STOP the Violence—Students Taking On Prevention Project; and

$1,000,000 to the Little Rock School District to create a safe, secure and healthy school environment.

Tribal Youth Program.—The conference agreement includes $12,500,000 within the Title V grants for programs to reduce, control and prevent crime, as proposed in the Senate report.

Enforcing the Underage Drinking Laws Program.—The conference agreement includes $25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed in the Senate report. Within the amounts provided for underage drinking, OJP shall make awards of $700,000 to expand Oregon Partnership programs and $500,000 to the Sam Houston State University and Mothers Against Drunk Driving for the National Institute of Victims Studies.

Drug Prevention Program.—The conference agreement includes $11,000,000 as proposed in the House bill to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, or unattractive.

Victims of Child Abuse Act.—The conference agreement includes $8,500,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in the House bill. The following programs are included in the agreement:

$1,250,000 to Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

$5,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

$750,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $35,624,000, instead of $33,224,000 as proposed in the House bill and the Senate-reported amendment. This includes $33,224,000 for the death benefits program and $2,400,000 for the disability benefits program. In addition to the $2,400,000 appropriated for disability benefits, it is estimated there will be $500,000 in available disability carryover balances for a total of $2,900,000 for disability payments in fiscal year 2001.

In addition, the conferees understand that there is an estimated $2,300,000 unobligated balance available for the Education Assistance to Dependents Program in fiscal year 2001. This amount is estimated to be sufficient to cover the cost of this program, which has recently been expanded to provide benefits to the children and spouses of Federal, State and local public safety officers permanently disabled in the line of duty as long ago as 1978.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101, identical in the House bill and the Senate-reported amendment, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102, modified from language proposed in the House bill and the Senate-reported amendment, which continues certain authorities for the Department of Justice contained in the Department of Justice Appropriation Authorization Act, fiscal year 1980, until enactment of subsequent authorization legislation.

Sec. 103.—The conference agreement includes section 103, as proposed in the House bill, which prohibits the use of funds to perform abortions in the Federal Prison System. The Senate-reported amendment did not include a similar provision.

Sec. 104.—The conference agreement includes section 104, as proposed in the House bill, which prohibits the use of funds to require any person to perform, or facilitate the performance of, an abortion. The Senate-reported amendment did not include a similar provision.

Sec. 105.—The conference agreement includes section 105, as proposed in the House bill, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility. The Senate-reported amendment did not include a similar provision.

Sec. 106.—The conference agreement includes section 106, identical in both the

House bill and the Senate-reported amendment, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107, as proposed in the House bill, which continues the current 5 percent and 10 percent limitations on transfers among Department of Justice accounts. The Senate-reported amendment included a minor technical difference in the language.

Sec. 108.—The conference agreement includes section 108, as proposed in the House bill, which sets forth the grant authority of the Assistant Attorney General for the Office of Justice Programs and makes these authorities permanent. The Senate-reported amendment included such authorities only for fiscal year 2001.

Sec. 109.—The conference agreement includes section 109, as proposed in the House bill, which continues a provision in the fiscal year 2000 Appropriations Act to allow assistance and services to be provided to the families of the victims of Pan Am 103. The Senate-reported amendment did not include a similar provision.

Sec. 110.—The conference agreement includes a new provision, numbered as section 110, which modifies section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) to reduce the fees charged to au pairs, camp counselors, and participants in summer work travel programs for collection of certain information. The Senate-reported amendment included a provision to repeal section 641 and section 110 of the IIRIRA, while the House bill did not address this matter.

Sec. 111.—The conference agreement includes section 111, modified from language proposed in the House bill, which relates to the payment of certain compensation from funds appropriated to the Department of Justice. A similar provision was included as section 113 of the Senate-reported amendment.

Sec. 112.—The conference agreement includes section 112, as proposed in the House bill, which establishes fees for genealogy services and voluntary premium processing for Immigration and Naturalization Service activities. The Senate-reported amendment did not include a similar provision.

Sec. 113.—The conference agreement includes section 114, proposed as section 110 in the Senate-reported amendment, which allows funds to be provided to the FBI from the Crime Victims Fund to improve services to crime victims. Additional direction regarding implementation of this provision is included under the FBI Salaries and Expenses account. In addition, the conference agreement assumes that funding will continue to be provided to the U.S. Attorneys to support the current number of victim witness coordinators in fiscal year 2001, as was provided from the Fund in fiscal year 2000.

Sec. 114.—The conference agreement includes section 115, proposed as section 112 in the Senate-reported amendment, which permanently allows funds appropriated to the Federal Bureau of Prisons (BOP) to be used to place prisoners in privately operated prisons provided that the Director of BOP determines such placement is consistent with Federal classification standards. The House bill did not include a similar provision.

Sec. 115.—The conference agreement includes section 116, proposed as section 114 in the Senate-reported amendment, which makes available up to $1,000,000 for technical assistance from funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The House bill did not include a similar provision.

Sec. 116.—The conference agreement includes section 117, as proposed as section 115 in the Senate-reported amendment, which makes available funds provided in fiscal year 2000 for certain activities. The House bill did not include a similar provision.

Sec. 117.—The conference agreement includes section 118, proposed as section 116 in the Senate-reported amendment, which permanently prohibits funds from being provided to any local jail that runs a "pay to stay" program. The House bill did not include a similar provision.

Sec. 118.—The conference agreement includes a new provision which allows the Attorney General to enter into contracts and other agreements for detention and incarceration space and facilities on any reasonable basis. The House bill and the Senate-reported amendment included similar language elsewhere in Title I of this Act.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

Office of the United States Trade Representative

SALARIES AND EXPENSES

The conference agreement includes $29,517,000 for the salaries and expenses of the Office of the United States Trade Representative (USTR) instead of $29,433,000 as proposed in the House bill and $29,600,000 as proposed in the Senate-reported amendment. The USTR is directed to provide the necessary space within its Geneva offices for use by Department of Commerce Import Administration personnel working with the USTR on issues related to antidumping and countervailing duties.

International Trade Commission

SALARIES AND EXPENSES

The conference agreement includes $48,100,000 for the salaries and expenses of the International Trade Commission (ITC) instead of $46,995,000 as proposed in the House bill and $49,100,000 as proposed in the Senate-reported amendment. The conference agreement incorporates by reference report language in both the Senate and House reports.

DEPARTMENT OF COMMERCE

International Trade Administration

OPERATIONS AND ADMINISTRATION

The conference agreement includes $337,444,000 in new budgetary resources for the operations and administration of the International Trade Administration (ITA) for fiscal year 2001, of which $3,000,000 is derived from fee collections, instead of $321,448,000 as proposed by the House bill, and $318,686,000 as proposed by the Senate-reported amendment. The conference agreement does not include Senate-reported amendment language regarding Executive Direction and Administration funding. ITA is, however, directed to adhere to the reprogramming procedures set forth in section 605 of this Act, and to submit a spending plan.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	$64,747,000
Market Access and Compliance	25,555,000
Import Administration	40,645,000
U.S. & F.C.S	194,638,000
Executive Direction and Administration	11,859,000
Fee Collections	*(3,000,000)*
Total, ITA	334,444,000

Trade Development (TD).—The conference agreement provides $64,747,000 for this activity. Of the amounts provided, $50,992,000 is for the TD base program, $9,750,000 is for the National Textile Consortium, $3,000,000 is for the Textile/Clothing Technology Corporation, and $250,000 is for the requested export database. Existing members of the National Textile Consortium should receive funding at the fiscal year 2000 level and the remaining $750,000 is available for new members on a competitive basis. Further, the conference agreement includes $255,000 for the Access Mexico program and $500,000 for continuation of the international global competitiveness initiative as recommended in the House report.

Market Access and Compliance (MAC).—The conference agreement includes a total of $25,555,000 for this activity. Of the amounts provided, $18,755,000 is for the base program, $500,000 is for the strike force teams initiative as provided in the current year, and $6,300,000 is for the trade enforcement and compliance initiative, the full amount requested in the budget. Senate report language regarding the Mid-American Regional Council is incorporated by reference.

Import Administration.—The conference agreement provides $40,645,000 for the Import Administration. Requested program increases are included as follows: $1,250,000 for overseas compliance; $2,225,000 for China and Japan compliance; and $3,000,000 for import surge monitoring enforcement. Funding for a trade-law technical assistance center and a World Trade Organization initiative is not included. Senate report language on ITA and USTR work is included by reference.

U.S. and Foreign Commercial Service (US & FCS).—The conference agreement includes $194,638,000 for the programs of the US & FCS, the same amount provided in the House bill and $23,923,000 above the Senate-reported amendment. House report language regarding the Rural Export Initiative, the Global Diversity Initiative, and base resources is adopted by reference. Senate report language regarding the US & FCS's work on the Appalachian-Turkish Trade Project is adopted by reference.

Executive Direction and Administration.—The conference agreement includes $11,859,000 in direct appropriations and $847,000 in prior year carryover, providing total availability of $12,706,000 for the administrative and policy functions of the ITA. The conference agreement does not include Senate-reported amendment language regarding Executive Direction and Administration funding.

House report language regarding trade missions, buying power maintenance, and trade show revenues is included by reference.

Export Administration

OPERATIONS AND ADMINISTRATION

The conference agreement includes $64,854,000 for the Bureau of Export Administration (BXA) instead of $53,833,000 as proposed in the House bill and $61,037,000 as proposed in the Senate-reported amendment. The conference agreement assumes $425,000 will be available from prior year carryover. Of the amount provided, $31,328,000 is for Export Administration base, including Chemical Weapons Convention (CWC) implementation and $7,250,000 is for CWC inspections; $25,033,000 is for Export Enforcement, including $500,000 for computer export verification as in the current year and $1,000,000 for the Chemical Weapons Convention Treaty; $4,051,000 is for Management and Policy Coordination; and $4,867,000 is for the Critical Infrastructure Assurance Office (CIAO). The House report language regarding the final year of operation for the CIAO is incorporated by reference.

The conference agreement does not include under this heading, a provision proposed in the House bill regarding the processing of licenses for the export of satellites to the People's Republic of China. The conference agreement includes an identical provision under "Department of State, Diplomatic and Consular Programs", as proposed in the Senate-reported amendment.

Economic Development Administration

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $411,879,000 for Economic Development Administration (EDA) grant programs instead of $361,879,000 as proposed in the House bill and $218,000,000 as proposed in the Senate-reported amendment.

Of the amounts provided, $286,700,000 is for Public Works and Economic Development, $49,629,000 is for Economic Adjustment Assistance, $31,450,000 is for Defense Conversion, $24,000,000 is for Planning, $9,100,000 is for Technical Assistance, including University Centers, $10,500,000 is for Trade Adjustment Assistance, and $500,000 is for Research. EDA is expected to allocate the funding as directed in the House report. The conference agreement does not include set-aside funding for specific sectors or populations that was requested in the budget. The authorized, traditional programs provide support for all communities facing economic hardship. Within the funding for Economic Adjustment Assistance, EDA is expected to increase funding for assistance to the timber and coal industries above fiscal year 2000 levels. In addition, EDA is expected to provide resources for communities affected by economic downturns due to United States-Canadian trade-related issues, New England fisheries impacted by regulations, and communities impacted by NAFTA, as directed in the Senate report.

The conference agreement makes funding under this account available until expended, as proposed in both the House bill and the Senate-reported amendment.

SALARIES AND EXPENSES

The conference agreement includes $28,000,000 for salaries and expenses of the EDA instead of $26,499,000 as proposed in the House bill and $31,542,000 as proposed in the Senate-reported amendment. This funding will allow EDA to increase its level of administrative operations to manage increased program funding levels. The EDA is directed to aggressively pursue all opportunities for reimbursement, deobligations, and use of non-appropriated resources to achieve efficient and effective control of EDA programs.

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $27,314,000 for the programs of the Minority Business Development Agency (MBDA), as proposed in the House bill, instead of $27,000,000 as proposed in the Senate-reported amendment. House report language regarding the Entrepreneurial Technology Apprenticeship Program is included by reference.

ECONOMIC AND INFORMATION INFRASTRUCTURE

Economic and Statistical Analysis

SALARIES AND EXPENSES

The conference agreement includes $53,745,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $49,499,000 as proposed in the House bill and $53,992,000 as proposed in the Senate-reported amendment. Funding is included to begin the necessary task of updating and improving statistical measurements of the U.S. economy, international transactions, and the effects of e-business, as referenced in the Senate report. House report language regarding the Integrated Environmental-Economic Accounting initiative is included by reference.

Bureau of the Census

The conference agreement provides total spending of $733,633,000 for the Bureau of the Census for fiscal year 2001, instead of a direct appropriation of $670,867,000 as proposed in the House bill, and a direct appropriation of $693,610,000 as proposed in the Senate-reported amendment.

SALARIES AND EXPENSES

The conference agreement includes $157,227,000 for the Salaries and Expenses of the Bureau of the Census for fiscal year 2001, instead of $140,000,000 as proposed in the House bill, and $158,386,000 as proposed in the Senate-reported amendment. The agreement represents a $17,227,000 increase over the fiscal year 2000 level. The distribution of funding is as follows:

Current Economic Statistics	$103,228,000
Current Demographic Statistics	50,100,000
Survey Development and Data Surveys	3,899,000
Total	157,227,000

For current economic statistics programs, the conference agreement provides a total of $103,228,000, of which $11,295,000 is for adjustments to base, and $3,000,000 is for program enhancements for the following initiatives: $2,000,000 to begin the measurement of electronic businesses, and $1,000,000 to support efforts to improve the timeliness, quality and coverage of export trade statistics. The conference agreement fully funds base requirements for these programs to ensure that key reports on manufacturing, general economic and foreign trade statistics are maintained and issued on a timely basis. The conference agreement does not include additional funding requested to begin funding a specialized Survey of Minority Owned Business Enterprises under this account, because such action is inconsistent with the long-standing practice of requiring specialized surveys to be funded by an affected agency or entity. The conference agreement adopts the Senate report language requiring a report on reimbursements to be submitted with the fiscal year 2002 budget request.

The Bureau of the Census is directed to make the following changes beginning with the data collection on or after October 1, 2000, to the monthly report entitled "Preliminary: U.S. Imports for Consumption of Steel Products": (1) to delineate all products listed in such report into the following categories: alloy steel products, stainless steel products, and carbon steel products; (2) to add the following specialty steel categories to the report: alloy steel and silicon electrical steel; and (3) to divide in the report all steel line pipe products into the following categories: line pipe products 16 inches or less in diameter, and line pipe products over 16 inches in diameter.

Concerns have been expressed regarding recent actions taken by the Bureau of the Census to change the manner in which data are collected from the Shipper's Export Declaration, and the burden this may impose on some shippers. The Bureau is requested to provide a report on this matter to the Committees on Appropriations no later than December 15, 2000.

It is the Congress' understanding that the Office of Management and Budget (OMB) will not be designating or defining any changes to metropolitan areas during fiscal year 2001. In order to ensure public acceptance of revised standards for defining metropolitan areas, OMB will continue to work with the Congress to resolve outstanding issues before adopting revised standards. With respect to the titling of Combined Areas that may be defined in 2003, OMB is urged to adopt a standard as follows: (1) the name of the largest principal city of the largest Core Based Statistical Area should appear first in the Combined Area title; and (2) in accordance with local opinion, up to two additional names could be included in the Combined Area title, provided that the additional names are the names of principal cities in the Combined Area or suitable regional names; and the resulting title of the Combined Area would be distinct from the title of any Metropolitan Area, Micropolitan Area, or Metropolitan Division defined in 2003 or beyond. With respect to titling of Metropolitan Areas, OMB is urged to continue to work with the Congress to address local concerns.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides a total spending level of $576,406,000 for periodic censuses and programs, of which $276,406,000 is provided as a direct appropriation, and $300,000,000 is from prior year unobligated balances, instead of a direct appropriation of $530,867,000 as proposed in the House bill, and a direct appropriation of $535,224,000 as proposed in the Senate-reported amendment.

Decennial Census Programs.—The conference agreement includes a total of $390,898,000 for completion of the 2000 decennial census, of which $130,898,000 is provided as a direct appropriation, and $260,000,000 is derived from prior year carryover, instead of a direct appropriation of $392,898,000 as proposed in the House bill, and a direct appropriation of $389,716,000 as proposed in the Senate-reported amendment. The following represents the distribution of total funds provided for the 2000 Census in fiscal year 2001:

Program Development and Management	$24,055,000
Data Content and Products	55,096,000
Field Data Collection and Support Systems	122,000,000
Address List Development	1,500,000
Automated Data Process and Telecommunications Support	115,038,000
Testing and Evaluation	55,000,000
Puerto Rico, Virgin Islands and Pacific Areas	5,512,000
Marketing, Communications and Partnerships	9,197,000
Census Monitoring Board	3,500,000
Total, Decennial Census	390,898,000

The Bureau is directed to continue to provide monthly reports on the obligation of funds against each framework. Reallocation of resources among the frameworks listed above is subject to the requirements of section 605 of this Act, as is allocation of any additional unobligated balances not allocated in this conference agreement.

The conference agreement includes language designating the amounts provided for each decennial framework, modified from language proposed in the House bill. Should the operational needs of the decennial census necessitate the transfer of funds between these frameworks, the Bureau may transfer such funds as necessary subject to the standard transfer and reprogramming procedures set forth in section 605 of this Act. In addition, the conference agreement includes language designating funding under this account for the expenses of the Census Monitoring Board as proposed in the House bill. The Senate bill did not include a similar provision.

Other Periodic Programs.—The conference agreement includes a total of $185,508,000 for other periodic censuses and programs, of which $40,000,000 is derived from prior year unobligated balances available from the decennial census, instead of a direct appropriation of $137,969,000 as proposed in the House bill, and $145,508,000 as proposed in the Senate-reported amendment. The following table represents the distribution of funds provided for non-decennial periodic censuses and related programs:

Economic Statistics Programs	$45,928,000
Economic Censuses	*(42,846,000)*
Census of Governments	*(3,082,000)*
Demographic Statistics Programs	96,380,000
Intercensal Demographic Estimates	*(5,583,000)*
Continuous Measurement	*(21,615,000)*
Demographic Survey Sample Redesign	*(4,769,000)*
Electronic Information Collection (CASIC)	*(6,000,000)*
Geographic Support	*(35,108,000)*
Data Processing Systems	*(23,305,000)*
Suitland Federal Center	43,200,000
Total	185,508,000

The Secretary of Commerce is directed to submit to the Congress, no later than September 30, 2001, a written report on any methodological, logistical, and other issues associated with the inclusion in future decennial censuses of American citizens and their dependents living abroad, for apportionment, redistricting, and other purposes for which decennial census results are used. This report shall include estimates of the number of Americans living abroad in the following categories: Federal civilian employees, military personnel, employees of business enterprises, employees of non-profit entities, and individuals not otherwise described.

Suitland Federal Center.—The conference agreement includes a total of $43,200,000 for activities related to renovation of Census Bureau facilities at the Suitland Federal Center, of which $40,000,000 is provided from prior year unobligated balances and $3,200,000 is provided from direct appropriations. This amount represents the Census Bureau's costs associated with renovation of this facility, as follows: $3,200,000 for planning and design work, and $40,000,000 for above-standard costs. The construction and tenant build-out costs for this facility are to be funded by the General Services Administration (GSA), not the Census Bureau, and the conference agreement includes new language prohibiting Census Bureau funds from being used for these purposes. Language is also included, as proposed in the Senate-reported amendment, requiring quarterly reports from the Census Bureau and GSA on this project.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $11,437,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA) as provided in the Senate-reported amendment, instead of $10,975,000 as proposed in the House bill. The conference agreement includes, by reference, Senate report language regarding funding for the critical infrastructure program, and House report language regarding reimbursements.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $43,500,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of $31,000,000 as proposed in the House bill and $50,000,000 as proposed in the Senate-reported amendment. NTIA is expected to use this funding for the existing equipment and facilities replacement program, and to maintain an appropriate balance between traditional grants and those to stations converting to digital broadcasting. NTIA is directed to place emphasis on distance learning initiatives targeting rural areas, as described in Senate report.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $45,500,000 for NTIA's Information Infrastructure Grants program, instead of $15,500,000 as proposed in both the House bill and the Senate-reported amendment. Senate report language regarding the overlap of funding under this heading with funding for the Department of Justice, Office of Justice Programs, with respect to law enforcement communication and information networks is included by reference. The conference agreement includes language proposed in the Senate-reported amendment regarding uses of spectrum. The House bill did not include a provision on this matter. Senate report language regarding proposals for several grant programs is not included in the conference agreement. House report language regarding telecommunications research is included by reference.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $1,038,732,000 for the Patent and Trademark Office (PTO) as proposed in the Senate-reported amendment and requested in the budget, instead of $904,924,000 as proposed in the House bill. Of the amount provided in the conference agreement, $783,843,000 is to be derived from fiscal year 2001 offsetting fee collections, and $254,889,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of $167,732,000, or 19 percent, above the fiscal year 2000 operating level for the PTO. The PTO has experienced significant growth in recent years due to increased application filings for patents and trademarks, and funding is provided to address these increased filings.

The conference agreement includes bill language limiting the amount of carryover that may be obligated in fiscal year 2001, as proposed in the House bill.

The conference agreement includes House report language concerning PTO's partnership with the National Inventor's Hall of Fame and Inventure Place, and Senate report language concerning the official insignias of Native American Tribes, and agency budget forecasts.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $8,080,000 for the Technology Administration, instead of $7,945,000 as proposed in the House bill, and $8,216,000 as proposed in the Senate-reported amendment. The conference agreement continues direction as in fiscal years 1998, 1999, and 2000 regarding the use of Technology Administration and Department of Commerce resources to support foreign policy initiatives and programs.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $312,617,000 for the internal (core) research account of the National Institute of Standards and Technology (NIST), instead of $292,056,000 as proposed in the House bill, and $305,003,000 as proposed in the Senate-reported amendment.

The conference agreement provides funds for the core research programs of NIST as follows:

Electronics and Electrical Engineering	$40,127,000
Manufacturing Engineering	19,821,000
Chemical Science and Technology	33,360,000
Physics	31,556,000
Material Sciences and Engineering	54,658,000
Building and Fire Research	17,124,000
Computer Science and Applied Mathematics	52,551,000
Technology Assistance	17,349,000
Baldrige Quality Awards	5,205,000
Research Support	36,599,000
Infrastructure Protection Research Grants	5,000,000
Subtotal	313,350,000
Deobligations	*(733,000)*
Total	312,617,000

In addition, the conference agreement includes funding for the Physics program as referenced in the Senate report. Of the funding provided for Computer Science and Applied Mathematics, $3,000,000 is for expert review teams, and $4,000,000 is for internal critical infrastructure protection activities. Funding is included for the Building and Fire Program at $1,192,000 above the budget request, and $2,000,000 is to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998. A total of $282,000 is authorized to be transferred to the NIST working capital fund, as referenced in the House bill instead of $6,200,000 as referenced in the Senate-reported amendment. Language regarding the placement of NIST personnel overseas is included as in the House report.

Funding of $5,000,000 is provided for a new program to award research grants for critical infrastructure protection. NIST is required to submit an implementation plan for this new, competitive grant program, prior to obligation of funding.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $250,837,000 for the NIST external research account, instead of $104,836,000 as proposed in the House bill, and $262,737,000 as proposed in the Senate-reported amendment.

Manufacturing Extension Partnership Program.—The conference agreement includes $105,137,000 for the Manufacturing Extension Partnership Program (MEP), instead of $104,836,000 as proposed in the House bill, and $109,137,000 as proposed in the Senate-reported amendment. The conference agreement includes no funding for new initiatives. Additional funding is provided for the centers. The conference agreement incorporates direction in the Senate report that the Northern Great Plains Initiative e-commerce project should assist small manufacturers with marketing and business development purposes in rural areas.

Advanced Technology Program.—The conference agreement includes $145,700,000 for the Advanced Technology Program (ATP), instead of $153,600,000 as proposed in the Senate-reported amendment, and no funding as proposed in the House bill. The amount of carryover funding available in fiscal year 2001 is $45,000,000, providing total available funding of $190,700,000 for fiscal year 2001.

The recommendation provides the following: (1) $84,800,000 for continued funding requirements for awards made in fiscal years 1996, 1997, 1998, 1999, and 2000; (2) $60,700,000 for new awards in fiscal year 2001; and (3) $45,200,000 for administration, internal NIST lab support and Small Business Innovation Research requirements.

The conference agreement includes bill language, modified from the Senate language, designating $60,700,000 for new ATP awards.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $34,879,000 for construction, renovation and maintenance of NIST facilities, instead of $26,000,000 as proposed in the House bill, and $28,879,000 as proposed in the Senate-reported amendment.

Of the amount provided, $14,000,000 is for grants and cooperative agreements as referenced in Section 209 of this Act; and $20,879,000 is for safety, capacity, maintenance, and repair projects at NIST, including funding to address electrical service issues at NIST's Boulder campus.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding level of $2,627,500,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $2,230,959,000 as proposed in the House bill, and $2,687,070,000 as proposed in the Senate-reported amendment. Of these amounts, the conference agreement includes $1,869,170,000 in the Operations, Research, and Facilities (ORF) account, $682,899,000 in the Procurement, Acquisition and Construction (PAC) account, and $75,431,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,869,170,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,608,125,000 as proposed in the House bill, and $1,958,046,000 as proposed in the Senate-reported amendment.

In addition to the new budget authority provided, the conference agreement allows a transfer of $68,000,000 from balances in the account entitled "Promote and Develop Fishery Products and Research Related to American Fisheries", as proposed in the House bill, instead of $72,828,000 as proposed in the Senate-reported amendment. In addition, the conference agreement assumes prior year deobligations totaling $16,650,000, $4,000,000 in offsets from fee collections, and $3,200,000 to be transferred from the Coastal Zone Management Fund to the ORF account.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA lines offices. The Senate-reported amendment contained no similar provision.

The conference agreement includes language, similar to language proposed in the House bill and carried since the 1999 Appropriations Act, designating the amount available for Executive Direction and Administration and prohibiting augmentation of specified offices through formal or informal personnel details, transfers, or reimbursements above 42 personnel. The Senate-reported amendment contained no such provision.

The conference agreement includes language proposed in the House bill making the use of deobligated balances subject to standard reprogramming procedures. NOAA is directed that any use of deobligations above $16,650,000 is subject to the procedures set forth in section 605 of this Act. In addition, the conference agreement includes House bill language limiting administrative charges assessed on assigned activities, as in the current year. The Senate-reported amendment included no similar provisions.

The conference agreement does not include language in the Senate-reported amendment regarding lawsuits. The House bill did not address this matter.

The conference agreement does not include $34,000,000 in controversial new fisheries and navigation safety fees that were proposed in the budget request. House and Senate report language regarding these fees is incorporated by reference.

The conference agreement does not include a provision, as proposed in the Senate-reported amendment, permitting the Secretary to have NOAA occupy and operate research facilities at Lafayette, Louisiana.

The following table reflects the distribution of the funds provided in this conference agreement.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	35,298	38,456	32,718	40,256	37,437
Address Survey Backlog	18,900	18,000	18,900	22,000	20,450
Subtotal	54,198	56,456	51,618	62,256	57,887
Geodesy	20,159	20,206	21,159	21,134	22,384
Tide and Current Data	12,390	15,089	15,089	12,293	15,089
Acquisition of Data	15,546	17,246	14,546	18,246	18,246
NOAA Corps strength increase				1,000	1,000
Total, Navigation Services	102,293	108,997	102,412	114,929	114,606
Ocean Resources Conservation and Assessment:					
Ocean Assessment Program	44,846	41,465	34,348	49,515	49,956
GLERL		6,085		7,000	
Response and Restoration	15,329	20,149	10,991	19,884	11,600
Oceanic and Coastal Research	8,470	8,500	5,410	10,500	9,500
Subtotal—Estuarine & Coastal Assessment	68,645	76,199	50,749	86,899	71,056
Coastal Ocean Program	17,200	18,232	17,087	19,432	18,287
Total, Ocean Resources Conservation & Assessment	85,845	94,431	67,836	106,331	89,343
Ocean and Coastal Management:					
CZM Grants	54,700	147,400	54,700	60,000	52,000
Program Administration	4,500	6,608	4,500	4,500	4,500
Estuarine Research Reserve System	6,000	12,000	6,000	12,000	9,750
Nonpoint Pollution Control	2,500	4,500	2,500		
Subtotal, Coastal Management	67,700	170,508	67,700	76,500	66,250
Marine Sanctuary Program	23,000	32,000	22,500	23,500	20,500
Total, Ocean & Coastal Management	90,700	202,508	90,200	100,000	86,750
Total, NOS	278,838	405,936	260,448	321,260	290,699
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	107,848	101,988	100,100	117,795	119,945
Antarctic Research	1,234	1,200	1,200	2,000	1,500

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
Chesapeake Bay Office	2,390	1,500	2,390	3,000	2,500
Right Whale Research		200			
MARFIN	2,750	2,750	2,500	3,500	3,500
SEAMAP	1,200	1,200	1,200	1,200	1,400
Alaskan Groundfish Surveys	900	661	661	900	900
Bering Sea Pollock Research	945	945	945	945	945
West Coast groundfish	820	780	820	780	820
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan	500		500	500	500
Yukon River Chinook Salmon	1,200	700		1,500	1,500
Atlantic Salmon Research	710	710	710	710	710
Gulf of Maine Groundfish Survey	567	567	567	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Pacific Salmon Treaty Program	17,431	10,587	5,587	10,587	7,456
Red Snapper Monitoring and Research				7,500	4,500
SE Cooperative Research					2,500
Hawaiian Monk Seals	750	500	500	800	800
Steller Sea Lion Recovery Plan	4,000	1,440	1,440	12,300	12,300
Hawaiian Sea Turtles	285	248	248	300	300
Bluefish/Striped Bass	1,000		1,000		1,500
Halibut/Sablefish	1,200	1,200	1,200	1,200	1,200
Subtotal	146,980	128,426	122,818	167,334	166,593
Fishery Industry Information:					
Fish Statistics	13,000	18,871	13,000	21,871	17,680
Alaska Groundfish Monitoring	5,500	5,200	5,200	7,100	6,750
PACFIN/Catch Effort Data	3,000	3,000	4,700	3,700	3,000
AKFIN (Alaska Fishery Information Network)	2,500			3,400	3,000
RECFIN	3,700	3,100	3,100	3,700	3,700
GULF FIN Data Collection Effort	3,500		3,000		3,500
Subtotal	31,200	30,171	29,000	39,771	37,630
Information Analyses and Dissemination	20,900	21,403	20,400	21,403	21,150
Computer Hardware and Software	3,500	3,500	750	3,500	3,500
Subtotal	24,400	24,903	21,150	24,903	24,650
Acquisition of Data	25,943	25,944	25,943	26,944	26,900
Total, Information, Collection, and Analyses	228,523	209,444	198,911	258,952	255,773
Conservation and Management Operations:					
Fisheries Management Programs	38,830	37,825	34,680	79,295	62,888
Columbia River Hatcheries	12,055	15,212	12,055	15,742	14,055
Columbia River Endangered Species	288	288	288	288	288
Regional Councils	13,150	13,100	13,150	15,100	13,150
International Fisheries Commissions	400	400	400	400	400
Management of George's Bank	478	478	478	478	478
Pacific Tuna Management/Pelagic Fisheries	2,300	1,250	1,250	3,000	2,650
Fisheries Habitat Restoration	2,000	4,000	2,000	2,000	2,000
NE Fisheries Management	6,000	11,980	6,000	3,980	
NE Consortium				5,000	5,000
NE Cooperative		15,000	15,000	15,000	15,000
Norton Sound Fisheries		5,000	5,000	5,000	5,000
Coral Reefs		5,000		3,000	
Subtotal, Fisheries Mgmt. Programs	75,501	109,533	90,301	143,283	120,909
Protected Species Management	6,200	8,988	6,950	11,288	9,038
Dolphin Encirclement	3,300	3,300	3,300	3,300	3,300
Driftnet Act Implementation	3,439	3,278	3,278	5,250	3,775
Marine Mammal Protection Act	7,583	7,225	7,225	8,225	8,125
Endangered Species Act Recovery Plan	43,500	55,450	42,800	47,765	55,338
Native Marine Mammals	950	700	200	1,200	950
Observers/Training	2,650	4,500	5,700	4,925	6,475
Subtotal	67,622	83,441	69,453	81,953	87,001
Habitat Conservation	9,200	11,079	9,200	11,079	10,140
Enforcement & Surveillance	17,950	22,354	17,950	22,354	22,354
Total, Conservation, Management & Operations	170,273	226,407	186,904	258,669	240,404
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,590	2,590	2,590	2,590
Anadromous Grants	2,100	2,100	2,100	2,100	2,100
Interstate Fish Commissions	7,750	4,000	7,750	8,750	8,000
Subtotal	12,450	8,690	12,440	13,440	12,690
Fisheries Development Program:					
Product Quality and Safety/Seafood Inspection	9,500	8,328	8,328	8,778	8,328
Hawaiian Fisheries Development	750			750	750
Alaska Fisheries Development Foundation				300	
Subtotal	10,250	8,328	8,328	9,828	9,078
Total, State and Industry Programs	22,700	17,018	20,768	23,268	21,768
Total, NMFS	421,496	452,870	406,583	540,889	517,945
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	16,900	14,986	12,900	14,986	14,943
Climate & Global Change Research	67,000	67,095	63,000	68,895	68,500
GLOBE	3,000	5,000			3,000
Climate Observations & Services		24,000		14,000	12,250
Subtotal	86,900	111,081	75,900	97,881	98,693
Long-term Climate & Air Quality Research	30,000	30,525	29,409	33,025	33,019
Information Technology/High Performance Computing	12,750	12,750	12,000	12,750	12,750

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
Subtotal	42,750	43,275	41,409	45,775	45,769
Total, Climate and Air Quality Research	129,650	154,356	117,309	143,656	144,462
Atmospheric Programs:					
Weather Research	37,350	37,075	35,850	38,075	37,500
STORM	2,000			1,000	350
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	43,700	41,425	40,200	43,425	42,200
Solar/Geomagnetic Research	7,000	6,182	6,000	6,182	6,000
Total, Atmospheric Programs	50,700	47,607	46,200	49,607	48,200
Ocean and Great Lakes Programs:					
Marine Prediction Research	27,325	22,595	19,725	30,245	32,525
GLERL	6,825		7,125		7,000
Sea Grant Program	59,250	59,250	61,250	64,750	62,250
National Undersea Research Program	13,800	5,750		17,000	15,800
Total, Ocean and Great Lakes Programs	107,200	87,595	88,100	111,995	117,575
Acquisition of Data	12,952	12,952	12,952	12,952	12,952
Total, OAR	300,502	302,510	264,561	318,210	323,189
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	444,487	466,471	459,252	463,237	462,180
Susquehanna River Basin flood system	1,125	619	1,250	1,500	1,313
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Advanced Hydrological Prediction System	1,000	1,000	1,000	1,000	1,000
WFO Maintenance	3,250	5,250	3,250	5,250	4,250
Weather Radio Transmitters			3,000		4,308
Subtotal	480,758	508,936	503,348	505,403	508,647
Central Forecast Guidance	37,081	38,001	37,081	38,001	37,500
Atmospheric and Hydrological Research	3,000	3,068	3,000	3,068	3,034
Total, Operations and Research	520,839	550,005	543,429	546,472	549,181
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	38,836	38,802	38,802	38,802	38,802
ASOS	7,345	7,423	7,345	7,423	7,423
AWIPS/NOAA Port	32,150	38,642	32,150	38,642	35,396
Total, Systems Acquisition	78,331	84,867	78,297	84,867	81,621
Total, NWS	599,170	634,872	621,726	631,339	630,802
NAT'L ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE					
Satellite Observing Systems:					
Ocean Remote Sensing	4,000	4,000		4,000	4,000
Environmental Observing Systems	53,300	53,912	50,800	56,412	53,300
Global Disaster Information Network		5,500			3,000
Total, Satellite Observing Systems	57,300	63,412	50,800	60,412	60,300
Data and Information Services	38,700	32,454	40,700	35,754	49,700
Environmental Data Management Systems	12,335	12,335	12,335	12,335	12,335
Regional Climate Centers	2,750		2,750	3,600	2,900
Total, EDMS	53,785	44,789	55,785	51,689	64,935
Total, NESDIS	111,085	108,201	106,585	112,101	125,235
PROGRAM SUPPORTS					
Administration and Services:					
Executive Direction and Administration	19,387	19,902	19,902	19,902	19,902
Systems Acquisition Office	712	712	700	712	712
NMFS Study				750	750
Subtotal	20,099	20,614	19,900	21,364	21,364
Central Administrative Support	31,850	33,132	31,850	33,132	33,132
Minority Serving Institutions		17,000			15,000
Total, Administration and Services	51,949	53,746	51,750	54,496	69,496
Aircraft Services	10,760	11,009	11,000	14,309	11,809
Rent Savings (Transferred to ATB)	(4,656)		(4,656)		
Total, Program Support	58,053	64,755	58,094	68,805	81,305
Fleet Planning and Maintenance	13,243	9,294	7,000	19,004	11,010
Facilities:					
NOAA Facilities Maintenance	1,809	1,941	1,800	1,941	1,870
Environmental Compliance	2,000	3,899	2,000	3,899	2,000
Suitland				14,700	
Columbia River Facilities	3,365		3,365	3,465	3,365
NERRS Construction				3,000	
Boulder Facilities (GSA) Operations	3,850	5,350	3,850	4,000	4,000
NARA Records Mgmt		262		262	
Total, Facilities	11,024	11,452	11,015	31,267	11,235
Direct Obligations	1,793,411	1,989,890	1,736,012	2,042,875	1,991,420
Offset for Fee Collections (Adjustment)	(4,000)		4,000	4,000	4,000
Reimbursable Obligations	195,767	204,400	204,400	204,400	204,400
Offsetting Collections (data sales)	3,600	3,600	3,600	3,600	3,600
Offsetting Collections (fish fees/IFQ CDQ)	4,000				
Subtotal, Reimbursables	199,367	208,000	212,000	212,000	212,000

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
Total, Obligations	1,992,778	2,197,890	1,948,012	2,254,875	2,203,420
Financing:					
Deobligations (Prior year recoveries)	(36,000)	(36,000)	(36,000)	(10,000)	(16,650)
Unobligated Balance transferred, net					
Offsetting Collections (data sales)	(3,600)	(3,600)	(3,600)	(3,600)	(3,600)
Offsetting Collections (fish fees/IFQ CDQ)	(4,000)		(4,000)		(4,000)
Federal Funds	(134,927)	(147,700)	(147,700)	147,700)	(147,700)
Non-federal Funds	(60,840)	(56,700)	(56,700)	(56,700)	(56,700)
Subtotal, Financing	(239,367)	(244,000)	(248,000)	(218,000)	(228,650)
Budget Authority	1,753,411	1,953,890	1,700,012	2,036,875	1,974,770
Financing From:					
Promote and Develop American Fisheries	(68,000)	(68,000)	(68,000)	(66,278)	(68,000)
Coastal Zone Management Fund	(4,000)	(3,200)	(4,000)	(3,200)	(3,200)
Anticipated Offsetting Collections (fish fees)		(20,000)			
Anticipated Offsetting Collections (navigation fees)		(14,000)			
Disaster Relief—Norton Sound		(5,000)	(5,000)	(5,000)	(5,000)
Disaster Relief—NE Fisheries		(15,000)	(15,000)	(15,000)	(15,000)
Subtotal, ORF	1,310,677	1,501,890	1,240,012	1,610,875	1,883,570
Additional Adjustments:					
Domestic Travel					(4,000)
Foreign Travel					(2,400)
General Office Supplies					(5,000)
Non-Maritime/Non-capitalized equipment					(3,000)
Subtotal, ORF	1,681,411	1,828,690	1,608,012	1,947,397	1,869,170
Total, ORF	1,681,411	1,828,690	1,608,012	1,947,397	1,869,170
PROCUREMENT, ACQUISITION AND CONSTRUCTION					
Systems Acquisition:					
CAMS		15,823	4,500	17,823	19,823
AWIPS	16,000	17,300	16,000	17,300	16,300
ASOS	3,855	5,125	3,855	5,125	3,855
NEXRAD	8,280	9,580	8,280	9,580	8,280
Computer Facilities Upgrades	11,100	15,085	11,100	15,085	15,085
Polar Spacecraft and Launching	190,979	213,619	206,965	213,639	210,310
Geostationary Spacecraft and Launching	266,615	290,824	290,824	290,824	290,824
Radiosonde Replacement	7,000	7,000	2,000	7,000	5,000
GFDL Supercomputer	5,000	7,000	5,000	7,000	4,000
Evansville Dopple Radar		5,500	5,500		5,500
NOAA Weather Radio Expansion/Enhancement		6,244		6,244	
National Data Archive [NEDAAS]		4,000		4,000	2,000
Subtotal, Systems Acquisition	508,829	597,100	554,024	593,620	580,977
Construction:					
WFO Construction	9,526	9,526	9,136	9,526	9,526
NERRS Construction	6,750	8,000	6,000	8,000	7,500
Botanical Gardens	1,500				3,500
Alaska Facilities	9,750	1,000		19,000	19,000
National Marine Life Center				1,000	800
Great Bay NERRS, NH					5,000
Kasitsna Bay Lab/Kachemak Bay					5,000
NORC Rehabilitation (Suitland)	3,045				
Marine Sanctuaries	3,000	3,000	3,000		
Suitland Facility	3,000				15,000
Norman, OK		3,000		3,000	3,000
LaJolla Bluffs, CA		4,600		4,600	
Western Region Consolidation		200		200	
Coastal Service Center Wing (SC)				4,000	
Aquatic Resources					5,000
Pribilof Island Cleanup (AK)				7,000	6,000
Folly Beach Seabrook Tract (SC)				2,000	2,000
Subtotal, Construction	36,571	29,326	18,136	57,326	81,326
Fleet Replacement					
Fishery Research Vessel Placement	51,567	8,300		8,300	8,300
Adventurous Refurbishment		8,000		8,000	8,000
Fairweather Refurbishment					6,800
Naval Surplus vessels for coastal research (YTT)					5,000
Subtotal, Fleet Replacement	51,567	16,300		16,300	28,100
Deobligations (PAC)	(7,400)	(7,504)	(8,704)	(7,504)	(7,504)
Offset from House floor action:					
Total, PAC	589,567	635,222	563,456	659,742	682,899
Pacific Coast Salmon Recovery	58,000	160,000	58,000	58,000	74,000
Coastal Impact Assistance Fund		100,000			
Fisheries Assistance Fund		10,000			
Fisherman's Contingency	953	951	951	953	952
Foreign Fish. Observer Fund	189	191	189	191	191
Fisheries Finance Program	338	6,628	238	338	288
(Individual Fisheries Quota)	(100)	(100)			
Total, NOAA	2,330,458	2,741,682	2,230,846	2,666,621	2,627,500

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $290,699,000 under this account for the activities of the National Ocean Service, instead of $260,448,000 as recommended in the House bill and $321,260,000 as proposed in the Senate-reported amendment.

Mapping and Charting.—The conference agreement provides $37,437,000 for NOAA's mapping and charting programs, reflecting continued commitment to the navigation safety programs of the NOS and concerns about the ability of the NOS of continue to meet its mission requirements over the long term. Within the total funding provided under Mapping and Charting, the conference agreement includes $2,580,000 for the joint hydrographic center established in fiscal year 1999, one-time funding of $300,000 for the Seacoast Science Center, and $1,500,000 for shoreline mapping as requested in the budget.

The conference agreement also includes $20,450,000 within the line item Address Survey Backlog/Contracts exclusively for contracting with the private sector for data acquisition needs. This is $2,450,000 above the request and is intended to increase efforts to address the backlog through contract support.

Geodesy.—The conference agreement provides $22,384,000 for geodesy programs, including $19,634,000 for the base program; not less than $500,000 for the South Carolina Geodetic Survey as referenced in the Senate report; not less than $1,000,000 for the implementation of the National Height Modernization (NHM) system in North Carolina; not less than $1,000,000 for the California Spatial Reference Center; and not less than $250,000 for the National Geodetic Survey to implement the NHM study.

Tide and Current Data.—The conference agreement includes $15,089,000 for this activity, including $12,293,000 for the base program and $2,796,000 for the continued implementation of the Physical Oceanographic Real-Time System (PORTS) program, as referenced in the House report.

The conference agreement includes $2,000,000 above the request for data acquisition and for building NOAA corps officer strength and for additional days at sea.

Ocean Assessment Program.—The conference agreement includes $49,956,000 for the activity, including the following: $12,658,000 for the base program; $5,800,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; $900,000 for the South Florida ecosystem restoration program; $2,000,000 to support coral reef studies in the Pacific and Southeast, of which $1,000,000 is for Hawaiian coral reef monitoring, $500,000 is for reef monitoring in Florida, and $500,000 is for reef monitoring in Puerto Rico through the Department of Natural Resource; $4,425,000 for pfisteria and other harmful algal bloom research and monitoring, of which $500,000 is for a pilot project to preemptively address emerging problems prior to the occurrence of harmful blooms, to be carried out by the South Carolina Department of Marine Resources; $2,500,000 for the JASON project; and $2,923,000 for the NOAA Beaufort/Oxford Laboratory. In addition, the conference agreement includes $18,750,000 for the Coastal Services Center, including funds for initiation of a collaborative program in Hawaii for the U.S. Pacific Basin, consistent with activities identified in the fiscal year 2000 conference report, and funding for planning and design for additional space at the Coastal Services Center.

Office of Response and Restoration.—The conference agreement includes $11,600,000 for the activity, including: $2,674,000 for the Estuarine and Coastal Assessment program, $5,210,000 for the Damage Assessment program, $1,000,000 in accordance with the Oil Pollution Act of 1990, and $2,716,000 for a new base program to provide greater flexibility for program managers to address response and restoration functions. No funding is provided for coral restoration.

Oceanic and Coastal Research.—The conference agreement includes $9,500,000 for this activity, which includes $6,970,000 for base, $1,250,000 for fish forensics and enforcement, and $1,280,000 for the Marine Environmental Health Research Laboratory (MEHRL). The conference agreement includes language as proposed in the Senate report regarding national overhead costs associated with managing the missions and operations of the research facilities funded in the Oceanic and Coastal Research activity and the National Ocean Service is directed to transfer budget and management operations for the MEHRL and the Charleston Lab to the Coastal Services Center.

The conference agreement does not include the proposed transfer of the Great Lakes Environmental Research Laboratory (GLERL) from Oceanic and Atmospheric Research to NOS, as proposed in the Senate report.

Coastal Ocean Program (COP).—The conference agreement provides $18,287,000 for the Coastal Ocean Program, of which $5,287,000 is provided for research related to hypoxia, pfistereia, and other harmful algal blooms, including the "dead-zone" in the Gulf of Mexico, as referenced in the House report. The managers of COP are directed to follow the direction included in the Senate report concerning research on small high-salinity estuaries and the land use-coastal ecosystem study. The conference agreement also assumes continued funding at the current level for restoration of the South Florida ecosystem.

Coastal Zone Management.—The conference agreement includes $66,250,000 for this activity, of which $52,000,000 is for grants under sections 306, 306A, and 309 of the Coastal Zone Management Act (CZMA), and $4,500,000 is for program administration. NOAA is directed to prepare an assessment of the National impact of this program and submit such assessment to the Committees on Appropriations no later than March 15, 2001. The conference agreement does not include funding for the Non-Point Pollution program authorized under section 6217 of the CZMA. The conference agreement also includes $9,750,000 for the National Estuarine Research Reserve System (NERRS) operations and maintenance program, an increase of $3,750,000 above the current year level.

Marine Sanctuary Program.—The conference agreement includes $20,500,000 for the National Marine Sanctuary Program. Of this amount, $500,000 is provided to support the activities of the Northwest Straits Citizens Advisory Commission as outlined in the House and Senate reports.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $517,945,000 for the National Marine Fisheries Service (NMFS), instead of $406,583,000, as recommended in the House bill and $540,889,000, as recommended in the Senate report.

In addition, the conference agreement includes $4,000,000 to be collected under the Magnuson-Stevens Act to support the Community and Individual Fishery Quota Program.

Resource Information.—The conference agreement provides $119,945,000 for fisheries resource information. Within the funds provided for resource information, $88,145,000 is provided for the base programs. The conference agreement includes $4,250,000 for west coast groundfish. NMFS is directed to distribute this funding to appropriate labs based on the current year distribution, and no labs should receive less than current year funding. Funding above the amounts for the base program is as follows: $1,700,000 is to expand stock assessments; $850,000 is for MARMAP; $2,500,000 is for the Gulf of Mexico consortium; and $200,000 is for the Atlantic Herring and Mackerel initiative. In addition, NMFS is expected to continue to provide onsite technical assistance to the National Warmwater Aquaculture Research Center and provide $250,000 from base resources for the harvest technology unit under this direction included in the Senate report. In addition, $500,000 is provided for the Hawaiian Community Development Program and fishery demonstration projects for native fisheries, as referenced in the Senate report.

In addition, within the total funds provided for resource information, the conference agreement includes: $6,500,000 for the Gulf of Alaska for continued implementation of the Magnuson-Stevens Act, as referenced in the Senate report; $1,000,000 for research on Alaska near shore fisheries, to be distributed as in the current year; $850,000 for the Chesapeake Bay oyster recovery partnership; $300,000 for research on the Charleston bump; $300,000 for research on shrimp pathogens; $150,000 for lobster sampling; $600,000, for bluefin tuna tagging initiative for the New England Aquarium; $300,000 for Chinook Salmon research in the NMFS Auke Bay laboratory; $750,000 for Magnuson-Stevens Act implementation; $200,000 for the Northeast Fisheries Science Center for the Cooperative Marine Education and Research Program, under the direction in the Senate report; $300,000 for research on Southeastern sea turtles; $200,000 for the Kotzebue Sound test fishery for king crab and sea snail; $1,000,000 for the State of Alaska for the Bering Sea crab; $350,000 for the South Carolina Department of Natural Resources Biological Identification Program; and $1,000,000 for the Tri-Coastal Marine Stock Assessment. In addition, within the amounts provided for Resource Information, $8,000,000 is included to continue the aquatic resources environmental initiative. NOAA is directed to continue working with the Xiphophorus Genetic Stock Center to improve the understanding of fish genetics and evolution.

NMFS is directed to continue collaborative research with the Center for Shark Research and other qualified institutions to provide the information necessary for effective management of the highly migratory shark fishery and conservation of shark fishery resources.

Funding for the Chesapeake Bay Multi-Species Management Strategy has been moved to the Chesapeake Bay Office line, for a total of $2,500,000 for the office, of which $500,000 is for multi-species management, including blue crabs.

Under the MARFIN line, $3,250,000 is provided for base activities, including $750,000 for activities relating to red snapper research, and $250,000 is provided for Northeast activities.

Funding for right whale research and recovery activities is provided under the Endangered Species line. Under the Yukon River Chinook Salmon line, $1,000,000 is provided for base activities, and $500,000 is provided for the Yukon River Drainage Fisheries Association. Under the Pacific Salmon Treaty Program, $5,587,000 is provided for base activities, $1,844,000 is provided for the Chinook Salmon Agreement, and funding is provided for the North Pacific Research Board, as referenced in the Senate report. The conference agreement includes $12,300,000 for Steller sea lion recovery, to be allocated according to the direction in the Senate report. Senate language regarding the Administration's reduction of funding for Steller sea lion recovery is included by reference.

Senate language regarding computer hardware and software funding is included by reference.

Funding for bluefish/striped bass has been provided as follows: $450,000 for the NMFS base research program, $800,000 for the Cooperative Marine Education and Research Program in New Jersey, and $250,000 for other existing bluefish/striped bass research.

Funding of $2,500,000 is provided for a cooperative research program to address the lack of sufficient funding for research for the southeast.

Fishery Industry Information.—The conference agreement provides $37,630,000 for this activity. Within the $6,750,000 provided for Alaska groundfish monitoring, the conference agreement includes $3,125,000 for the base program, of which $1,600,000 is to implement requirements of the American Fisheries Act and the crab and scallop fisheries management plans; $1,000,000 for a winter pollock survey in Alaska; and current year levels for NMFS rockfish research, crab management, and external rockfish research. In addition, the conference agreement provides $175,000 for the Gulf of Alaska Coastal Communities Coalition, $300,000 for the NMFS Alaska region infield monitoring program, and $150,000 for the Bering Sea Fisherman's Association CDQ.

Within the funds provided for fish statistics, the conference agreement provides $13,180,000 for the base program, $1,000,000 for the National Standard 8 program, $2,000,000 for research and data collection on fishing communities and economics; and $1,500,000 for the Atlantic States Marine Fishery Commission as referenced by the Senate report. Of the $3,700,000 for recreational fishery harvest monitoring, $500,000 is for the annual collection of data on marine recreational fishing, with the balance to be expended in accordance with the direction included in the Senate report. Funds are also appropriated under the Fish Industry Information activity for the Pacific Fisheries Information Network, including Hawaii, and the Alaska Fisheries Information Network as two separate lines, in accordance with the direction included in the Senate report. In addition, of the funding, $3,500,000 is provided for the Gulf of Mexico Fisheries Information Network.

Under the Acquisition of Data line, within the total of $26,900,000, $957,000 is provided for additional days at sea for data acquisition.

Fisheries Management Programs.—The conference agreement includes $62,888,000 for this activity. Within this amount, $29,288,000 is provided for base activities, and $4,000,000 is for NMFS facilities maintenance. In addition, $21,000,000 is included to provide increases for data collection on fishery management programs, including $8,000,000 to respond to lawsuits under the National Environmental Policy Act (NEPA), $3,000,000 for research regarding Hawaiian sea turtles related lawsuits, and $10,000,000 for research regarding the Alaska Steller sea lion and pollock lawsuit. Of the $10,000,000 provided for research regarding litigation concerning Alaska Stellar sea lion and Bearing Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries, $6,000,000 is for the Office of Oceanic and Atmospheric Research, $2,000,000 is for the National Ocean Service, and $2,000,000 is for the North Pacific Fishery Management. The requested levels for the Atlantic Salmon Recovery Plan, the State of Maine Recovery Plan, and Rancho Nuevo sea turtles are included. Funding is included for continuation of the Bronx River recovery and restoration project as referenced in the House report; $300,000 for the Connecticut River Partnership; and $150,000 for Chinook Salmon management; and $6,700,000 is for American Fisheries Act Implementation, including $500,000 each for the North Pacific Fishery Management Council and the State of Alaska.

The conference agreement appropriates a total of $14,055,000 for NMFS support of the Columbia River hatcheries program. NMFS is expected to support base hatchery operations at a level of $11,400,000, $600,000 is for fall chinook rearing, $1,700,000 is provided for monitoring and evaluation efforts, and $300,000 is for conservation marking as referenced in the Senate report.

Under the Pacific Tuna Management line, $400,000 is for swordfish research as referenced in the Senate report and the balance is for JIMAR.

For New England Fisheries Management, $5,000,000 is provided as proposed in the Senate-reported amendment. The conference agreement also includes a transfer of $15,000,000 from USDA (P.L. 106–78) for NE cooperative fisheries.

Protected Species Management.—Within the funds provided for protected species management, $750,000 is for continuation of a study on the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem, $1,500,000 is provided for the State of Maine salmon recovery, and $750,000 is for bottle-nosed dolphins.

Driftnet Act Implementation.—Within the funds provided for Driftnet Act Implementation, $150,000 is for Pacific Rim Fisheries Program, $200,000 is for Washington and Alaska participation, and $250,000 is for Russian EEZ observers.

Marine Mammal Protection Act.—Within funds provided, $900,000 is for harbor seal research in Alaska.

Endangered Species Recovery Plans.—A total of $55,338,000 is provided for this activity. Of these amounts, $1,500,000 is for technical support to the State of Washington, $850,000 is for Alaskan Steller sea lion recovery, $2,700,000 is for other species, $3,338,000 is for sea turtles, $36,450,000 is for the Pacific salmon recovery initiative, $3,500,000 is for marine mammals, $2,000,000 for Atlantic Salmon recovery, and $5,000,000 is for right whales. Within the amount provided for right whales, NMFS is directed to make tagging whales a priority. NMFS is directed to make $2,900,000 available to the Northeast Consortium to administer a competitive grants program, open to all Atlantic coastal States, using an independent review panel of experts and scientists in the field, to fund research on whale-friendly fishing gear and operations, surveys and studies to reduce potential conflicts between right whales and local industries, and other research including tagging, acoustic studies, habitat research and hydrodynamic modeling studies. Of the funding provided, $2,100,000 is to help meet its responsibilities for the implementation of programs, research, and enforcement activities for the recovery of the right whale, including the use of aerial surveys, of which no more than 30 percent can be used for salaries. Due to the Department of Commerce's delay in providing a spending plan and allocating right whale funds in fiscal year 2000, NMFS is directed to provide the Committees on Appropriations no later than January 30, 2001, with a spending plan for fiscal year 2001. In addition, the Committee expects NMFS to develop and submit by July 31, 2001, a five-year research and management plan to facilitate right whale recovery.

Native Marine Mammal Commissions.—The conference agreement recommends that funding be distributed at current year levels.

Observers and Training.—The conference agreement distributes funding as follows: (1) $425,000 for the North Pacific fishery observer training program; (2) $1,875,000 for North Pacific marine resources observers; (3) $350,000 for east coast observers; (4) $2,275,000 for west coast observers; (5) $1,200,000 for observers for Hawaii; and (6) $350,000 for Atlantic coast observers. NMFS is directed to submit a spending plan prior to allocation of funding. Senate language regarding enforcement and surveillance is adopted by reference.

Interstate Fish Commissions.—The conference agreement includes $8,000,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $7,250,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, NMFS is directed to provide to the Alaska Fisheries Development Foundation funding to be used in accordance with the direction included in the Senate report, and to provide funds pursuant to the direction included in the House report to support ongoing efforts related to Vibrio vulnificus. Senate report language regarding the Hawaiian fisheries development program and the Oceanic Institute is adopted by reference.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $323,189,000 for Oceanic and Atmospheric Research activities, instead of $264,561,000 as recommended in the House bill and $318,210,000 as recommended in the Senate-reported amendment.

Interannual and Seasonal Climate Research.—The conference agreement includes $14,943,000 for interannual and seasonal climate research, of which $2,000,000 is for the Institute for the Study of Earth, Oceans, and Space.

Climate and Global Change Research.—The conference agreement includes $68,500,000 for the Climate and Global Change research program, of which $750,000 is above base resources for the International Research Institute for Climate Prediction to restore it to the fiscal year 2000 appropriated level of funding. Of the amounts provided, $1,000,000 is for the variability beyond ENSO activity, $1,000,000 is the climate forming agents activity, and $2,000,000 is for refinement of climate models.

Climate Observations & Services.—The conference agreement includes $1,000,000 for climate data and information; $2,000,000 for baseline observations; $5,000,000 for ocean observations; $3,000,000 for the climate reference network; and $1,250,000 for an ice research program at the Thayer School of Engineering.

Long-Term Climate and Air Quality Research.—The conference agreement provides $33,019,000 for this activity. Funding is distributed as follows: $27,850,000 for base; $500,000 for the California ozone study; and $4,669,000 for the Health of the Atmosphere initiative.

Atmospheric Programs.—The conference agreement provides $37,500,000 for this activity. Of this amount, $1,000,000 is provided for research related to wind-profile data in accordance with the direction provided in the Senate report. In addition, $1,500,000 is provided for the U.S. Weather Research Program for hurricane-related research.

STORM.—The conference agreement includes $350,000 for the Science Center for Teaching, Outreach and Research on Meteorology for the collection and analysis of weather data in the Midwest.

Marine Prediction Research.—The conference agreement includes $32,525,000 for marine prediction research. Within this amount, the following is provided: $9,825,000 for the base program; $1,650,000 for Arctic research; $2,400,000 for the Open Ocean Aquaculture program; $3,300,000 for tsunami mitigation, of which $1,000,000 is for TWEAK; $150,000 for a Lake Champlain Study; $2,100,000 for the VENTS program; $4,300,000 for continuation of the initiative on aquatic ecosystems, including $300,000 for a nitrogen study; $1,650,000 for implementation of the National Invasive Species Act, of which $850,000 is for the Chesapeake Bay and Great Lakes ballast water demonstrations; $100,000 for the Lake Champlain Canal Barrier Demonstration, as referenced in Senate report; $500,000 for additional resources to support Hypoxia research; $2,600,000 for mariculture research; and $450,000 for the Pacific tropical fish program to be administered by HIEDA. The conference agreement includes $2,000,000 for the ocean exploration initiative, as referenced in Senate report; $500,000 for the International Pacific Research Center at the University of Hawaii, and $1,000,000 for the SE Atlantic Marine monitoring and prediction center at the University of North Carolina, as referenced in the Senate report.

GLERL.—Within the $7,000,000 provided for the Great Lakes Environmental Research Laboratory, the conference agreement assumes continued support for the Great Lakes nearshore and zebra mussel research programs at current levels.

Sea Grant.—The conference agreement includes $62,250,000 for the National Sea Grant program, of which $56,250,000 is for the base program. Sea Grant is directed to fund the oyster disease research program at $2,000,000, an increase of $500,000, and to maintain current levels for the zebra mussel research program and the Gulf of Mexico oyster program. The Sea Grant program is directed to develop a research plan to address the causes of harmful algal blooms and a monitoring and prevention program and submit to the Committees on Appropriations by June 30, 2001.

National Undersea Research Program (NURP).—The conference agreement includes $15,800,000 for the National Undersea Research Program (NURP). The Senate report included $17,800,000 for this program; the House did not include funding for this program. Of the amount provided, $6,900,000 is for research conducted through the east coast NURP centers and $6,900,000 is for the west coast NURP centers, including Hawaiian and Pacific center and the west coast and polar regions center. The conferees expect level funding will be available for Aquarius, ALVIN, and program administration. Of the amount provided, $2,000,000 is for the National Center for Natural Products.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $630,802,000 for the National Weather Service (NWS), instead of $621,726,000 as proposed in the House bill, and $631,339,000 as proposed in the Senate-reported amendment.

Local Warnings and Forecasts.—The conference agreement includes $462,180,000 for this activity, including $452,280,000 for base, $4,790,000 for mitigation activities, and $400,000 for the Cooperative Observers Network. The NWS is directed to submit a spending plan to the Committees on Appropriations for the Cooperative Observers Network. Within the total amount provided for Local Warnings and Forecasts, $270,000 is for the North Dakota Agricultural Weather Network, $590,000 is for the University of Utah for support to the Winter Olympics; and $500,000 is for the Mount Washington Observatory, as directed in Senate report. The NWS is directed to follow direction in the Senate report relating to "the 1995 Secretary's Report to Congress on the Adequacy of NEXRAD Coverage and Degradation of Weather Services", and to make appropriate arrangements for Erie, PA and Williston, ND. Of the funds provided for Local Warnings and Forecasts, $3,350,000 is provided for data buoys, of which $1,700,000 is for Alaska.

Weather Radio Transmitters.—Of the amount provided, $2,323,000 is provided for base; $500,000 is for the sate of Illinois, to complete state-wide implementation; $77,000 is for a transmitter in Mason County, Kentucky; $100,000 is for Melba, Mississippi transmitters; $100,000 is for Barrow, Alaska; $125,000 is for New Hampshire; $855,000 is for Kentucky, including Elizabethtown; $150,000 is for South Dakota; and $78,000 is for a transmitter in Steuben County, Indiana.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $125,235,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $580,977,000 under the NOAA PAC account for satellite systems acquisition and related activities.

Satellite Observing Systems.—The conferees have included $60,300,000 for this activity, an increase of $3,000,000 for the Global Disaster Information Network (GDIN). Funding for other services is consistent with current year levels. Funding for the wind demonstration project is to be provided in accordance with the direction in the Senate report.

Environmental Data Management.—The conference agreement includes: $64,935,000 for EDMS activities. For EDMS base activities, the conference agreement includes $25,000,000. No funds are included to continue weather record rescue and preservation activities or the environmental data rescue program. The conference agreement includes $500,000 for the Cooperative Observers Network modernization. In addition, $6,000,000 is included for the Coastal Ocean Data Development Center and $2,500,000 for the Center for Spatial Data Research at Jackson State University. The conference agreement provides $15,700,000 to continue the multi-year program of climate database modernization and utilization, as referenced in the House report. The conference agreement includes $2,900,000 for the Regional Climate Centers.

PROGRAM SUPPORT

The conference agreement provides $81,305,000 for NOAA program support, instead of $58,094,000 as provided in the House report, and $68,805,000, as provided in the Senate-reported amendment. Included in this total is $11,809,000 for Aircraft Services, including an increase to base of $800,000 for increased fuel costs. Included in the amount provided, $15,000,000 is for the new educational program with Minority Serving Institutions. Under Departmental Management, the Commerce Department is directed to submit reports on the Commerce Administrative Management System (CAMS) implementation, as referenced in the Senate report.

The conference agreement includes $750,000 to fund a study to review the ability of NMFS to adequately meet its legal missions and requirements. NOAA is expected to have the review headed by an individual from outside the agency who is familiar with oceans and fishery management issues. The individual selected must seek the assistance of the National Academy of Sciences and the American Society of Public Administration in conducting a top to bottom review of NMFS programs, budgetary requirements, management, and constituent relations. This review must be completed within one year. NOAA is expected to give regular progress reports to the Committees on Appropriations prior to submitting the final written report outlining the findings and recommendations for the future.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes $11,010,000 for this activity, instead of $7,000,000 in the House report, and $19,004,000 in the Senate-reported amendment. The amount provided includes $9,294,000 for base and $1,716,000 for additional days at sea and general maintenance.

FACILITIES

The conference agreement includes $11,235,000 for facilities maintenance, lease costs, and environmental compliance, instead of $11,015,000 as proposed in the House report, and $31,267,000 as recommended in the Senate report. The Department of Commerce is directed to continue working with the General Services Administration (GSA) to address the 39 percent increase in GSA rental charges for the Boulder facility, as referenced in the Senate report language.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $682,899,000 in direct appropriations for the Procurement, Acquisition and Construction account, and assumes $7,504,000 in deobligations from this account. The following distribution reflects the fiscal year 2001 funding provided for activities within this account:

Systems Acquisition:	
CAMS	$19,823,000
ASOS	3,855,000
NEXRAD	8,280,000
Computer Facilities Upgrade	15,085,000
Evansville Doppler	5,500,000
Polar Spacecraft and Launching	210,310,000
Geostationary Spacecraft and Launching	290,824,000
Radiosonde Replacement	5,000,000
AWIPS	16,300,000
National Data Archives	2,000,000
GFDL Supercomputer	4,000,000
Subtotal, Systems Acquisition	580,977,000
Construction:	
WFO Construction	9,526,000
NERRS Construction	7,500,000
N.Y. Botanical Garden	3,500,000
Alaska Facilities	19,000,000
National Marine Life Center	800,000
Norman, Oklahoma	3,000,000
Aquatic Resources	5,000,000
Pribilof Cleanup	6,000,000
Folley Beach Tract	2,000,000
Suitland Facility	15,000,000
Kasitsna Bay Lab/Kachemak Bay	5,000,000
Great Bay	5,000,000
Subtotal, Construction	81,326,000
Fleet Replacement:	
Fishery Research Vessel Replacement	8,300,000
ADVENTUROUS Refurbishment	8,000,000
FAIRWEATHER Refurbishment	6,800,000

Navy Surplus Coastal Research Vessel	5,000,000
Subtotal, Fleet Replacement	28,100,000

Systems Acquisition.—Of the funding provided for Polar Spacecraft and Launching, $73,325,000 is for Polar Convergence. A total of $290,824,000 for the Geostationary Spacecraft and Launching line is provided as requested in the budget.

Construction.—The funds appropriated for National Estuarine Research Reserve construction are to be distributed as follows: $7,000,000 is for overall NERRS requirements, and $500,000 is for the Jacques Cousteau NERRS. The funds appropriated for Alaska facilities are to be distributed as follows: $15,000,000 is for the Juneau Lab, and $4,000,000 is for the SeaLife Center. The conference agreement includes $3,000,000 for architecture and engineering of a building for the University of Oklahoma. The conference agreement assumes that funding for NOAA's occupancy of the proposed building will be based on an operating lease arrangement once the building has been constructed by the University of Oklahoma and is ready for NOAA occupancy.

In addition, the conference agreement includes $15,000,000 for NOAA's Suitland, Maryland facility. Funding is provided to cover those costs in addition to the basic building costs provided by the GSA. Bill language is included to prohibit the Department of Commerce from paying the traditional GSA building requirements for the Suitland facility.

Fleet Replacement.—The conference agreement includes funding for the refurbishment of the *Fairweather* in Alaska and the Navy Surplus YTT vessel, other than baseline operations, in South Carolina.

COASTAL AND OCEAN ACTIVITIES

In addition to the funds provided to the National Oceanic and Atmospheric Administration in the above table and narrative, the conference agreement includes an additional $420,000,000 for special purposes. Of this amount, $150,000,000 is for coastal impact assistance as authorized by section 31 of the Outer Continental Shelf Act for fiscal year 2001 only and does not alter the underlying authorization; $135,000,000 is for ocean, coastal and conservation programs, and $135,000,000 is for National Oceanic and Atmospheric Administration programs. Of the funds provided for ocean, coastal and conservation programs, $10,000,000 is provided for implementation of Sate nonpoint pollution control plans pursuant to section 6217 of the Coastal Zone Act, as amended, other than Alaska; $30,000,000 is for competitive grants for coastal communities in the Great Lakes region; $14,000,000 is for the University of New Hampshire marine facilities program; $1,000,000 is for the Sea Coast Science Center; $3,000,000 is for the Great Bay Partnership; $1,000,000 is for the New Hampshire Department of Environmental Services Marsh Restoration initiative; $1,000,000 is for the Mississippi Laboratories at Pascagoula, $8,000,000 is for the ACE Basin NERRS Research Center construction, $2,500,000 is for Winyah Bay land acquisition, $2,000,000 is for ACE Basin Land Acquisition, $10,000,000 is for the Sealife Center, $4,000,000 is for Kachameck Bay NERRS research center construction; $1,000,000 is for the Raritan, N.J. NERRS land acquisition; $10,000,000 is for DuPage River restoration; $1,000,000 if for Detroit River restoration, $500,000 is for lower Rouge River restoration; $8,500,000 is for Bronx River restoration and land acquisition; $16,000,000 is for a grant for Eastern Kentucky Pride, Inc., of which $11,000,000 is for design and construction of facilities for water protection and related environmental infrastructure, and $5,000,000 is for the aquatic resources environmental initiative; $3,000,000 is for a grant to the Louisiana Department of Natural Resources for brown marsh research, mitigation and nutria control; $2,000,000 is for land acquisition in southern Orange County, California for conservation of coastal sage scrub and riparian habitats; $3,000,000 is for planning, renovation and construction of facilities for a new national estuarine research reserve in San Francisco, California; $2,000,000 is for a grant to the National Fish and Wildlife Foundation for species management and esturaine habitat conservation; and $1,500,000 is for a grant to the Pinellas County Environmental Foundation for the Tampa Bay watershed. Of the funds provided for the National Oceanic and Atmospheric Administration programs, $5,000,000 is for National Estuarine Research Reserve operations, $12,000,000 is for Marine Sanctuary operations, $8,500,000 for Coastal Zone Management, $1,500,000 for CZMA Program Administration, $4,000,000 is for marine mammal strandings, $14,000,000 is for the National Ocean Service's protection of coral reefs program, $11,000,000 is for the National Marine Fisheries Service's Coral reefs program, $36,000,000 is for additional amounts for the purpose of the Pacific Coastal Salmon Recovery account, $6,000,000 is for fisheries habitat restoration, $15,000,000 is for NOAA's Cooperative Enforcement initiative, $3,000,000 is for Atlantic coast observers, $3,000,000 is for Cooperative Research, $3,000,000 is for Red Snapper research, $3,000,000 is for Aquaculture, $5,000,000 is for Harmful Algal Bloom research, $2,000,000 is for the Ocean Exploration initiative, and $3,000,000 is for Marine Sanctuary construction. The amounts provided under this heading for certain activities for ocean, coastal and waterway conservation programs are in addition to amounts provided elsewhere in this bill.

Of the $135,000,000 provided for NOAA programs, NOAA is directed to develop and submit to the Committees on Appropriations an implementation plan for the additional funding initiatives by February 28, 2001.

Great Lakes Coastal Restoration Grants.—The conference agreement includes a new appropriation of $30,000,000 for matching grants to be awarded competitively to state and local governments to undertake coastal and water quality restoration projects in the Great Lakes region. Proposals funded under this program should be consistent with a Great Lakes State's approved coastal management program under section 306 of the Coastal Zone Management Act. Restoration projects eligible for funding would include contaminated site cleanup, stormwater controls, wetland restoration, acquisition of greenways and buffers, and other projects designed to control polluted runoff and protect and restore coastal resources. NOAA is directed to develop and submit to the Committees on Appropriations an implementation plan for this initiative no later than January 15, 2001.

PACIFIC SALMON COASTAL RECOVERY

In fiscal year 2000, funding for the Southern Fund was provided under the NOAA, ORF account heading. The conference agreement includes funding for the Northern Transboundary Fund and Southern Transboundary Fund under this heading, in addition to funding provided within the Department of State. The conference agreement includes the full amount requested for the funds and for a payment to the State of Washington.

In addition, the conference agreement includes $54,000,000 for salmon habitat restoration, stock enhancement, and research. Of this amount, $18,000,000 is provided to the State of Washington, $10,000,000 is provided to the State of Alaska, $9,000,000 is provided to the State of Oregon, and $9,000,000 is provided to the State of California. In addition, $6,000,000 is provided for coastal tribes, and $2,000,000 for river tribes. Of the funds made available to the State of Washington, $4,000,000 shall be allocated through the Salmon Recovery Funding Board directly to the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish Report. The monies shall be spent in accordance with the terms and conditions of the Forest and Fish Report and consistent with the requirements of the Endangered Species Act and Clean Water Act. Of the funding made available to the State of Alaska, $350,000 shall be used to continue the operation of the Crystal Lake hatchery in Petersburg, and $1,000,000 for the Metlakatla hatchery. None of the $54,000,000 shall be used for the buy back of commercial fishing licenses or vessels.

The conference agreement includes language proposed in the House bill making funding under this heading subject to express authorization. The Senate-reported amendment did not include this language.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $3,200,000 as provided in the Senate-reported amendment, instead of $4,000,000 as provided in the House bill. This amount is reflected under the National Ocean Service within the Operations, Research, and Facilities account.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $952,000 for the Fishermen's Contingency Fund. The House bill included $951,000 and the Senate-reported amendment included $953,000 for this program.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $191,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in the Senate-reported amendment. The House bill included $189,000 for this program.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $288,000 in subsidy amounts for the Fisheries Finance Program Account, instead of $238,000 as provided in the House bill and $338,000 as provided in the Senate-reported amendment. Funding is provided in accordance with the Senate-reported amendment.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $35,920,000 for the departmental management of the Commerce Department, instead of $28,392,000, as proposed in the House bill, and $32,340,000, as proposed in the Senate-reported amendment; of which $4,000,000 is provided for the Department's re-wiring initiative. No funding is provided for the security initiative. Funding of $19,823,000 is provided within NOAA for the Commerce Administrative Management System (CAMS). The Commerce Department is directed to submit quarterly reports for implementation of CAMS, the initial report should include an overview of planned CAMS implementation, including milestones, and cost estimates for each stage of deployment. All subsequent reports should outline progress in meeting the milestones and spending targets.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,000,000 for the Commerce Department Inspector General, instead of $21,000;000 as recommended in the House bill and $19,000,000 as recommended in the Senate-reported amendment. The Inspector General is reminded that office closings, staff reductions, or reorganizations are subject to the reprogramming procedures outlined in section 605 of this Act.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Sec. 201.—The conference agreement includes section 201, included in both the House bill and the Senate-reported amendment, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in the House bill and the Senate-reported amendment, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in the House bill and the Senate-reported amendment, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in the House bill and the Senate-reported amendment, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers. The Senate-reported amendment included a provision prohibiting reimbursements in relation to the 1990 decennial census.

Sec. 205.—The conference agreement includes section 205, as proposed in the House bill, regarding transfer authority among Commerce Department appropriation accounts. The Senate-reported amendment proposed to increase the percentage of funding available for transfer.

The conference agreement does not include section 206 of the House bill providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce. The Senate bill did not contain a provision on this matter.

Sec. 206.—The conference agreement includes section 206, included in both the House bill and the Senate-reported amendment, requiring that any costs related to personnel actions incurred by a department or agency funded in title II of the accompanying Act be absorbed within the total budgetary resources available to such department or agency, with a modification to include loan collateral and grants protection.

Sec. 207.—The conference agreement includes section 207, as proposed in both the House bill and the Senate-reported amendment, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 208.—The conference agreement includes section 208, as proposed in both the House bill and the Senate-reported amendment with minor technical changes, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided.

Sec. 209.—The conference agreement includes section 209, modified from a provision in the Senate-reported amendment, to provide $14,000,000 within the "National Institute of Standards and Technology, Construction of Research Facilities" account, for four construction projects. Of this amount, $4,000,000 is appropriated to the Institute at Saint Anselm College, $4,000,000 is for a cooperative agreement with the Medical University of South Carolina, $3,000,000 is for the Thayer School of Engineering for the biocommodity and biomass research initiative, and $3,000,000 is appropriated to establish the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies. In addition, of the amounts provided within the NOAA PAC account, $5,000,000 is provided for a grant to Pride, Inc.

Sec. 210.—The conference agreement includes a new provision, numbered as section 210, which establishes the Dr. Nancy Foster Memorial Scholarship program for advanced degrees in marine studies, as part of the National Marine Sanctuary Program.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $37,591,000 for the salaries and expenses of the Supreme Court, as provided in the Senate-reported amendment, instead of $36,782,000 as provided in the House bill.

House report language with respect to law clerk selection is adopted by reference.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $7,530,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill and the Senate-reported amendment. This is the amount the Architect of the Capitol currently estimates is required for fiscal year 2001.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $17,930,000 for the U.S. Court of Appeals for the Federal Circuit as provided in the Senate-reported amendment, instead of $17,846,000 as provided in the House bill. This provides funding for base adjustments and two additional assistants. No funding is provided for additional staff in the Clerk's office.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $12,456,000 for the U.S. Court of International Trade as provided in the Senate-reported amendment, instead of $12,299,000 as provided in the House bill.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $3,359,725,000 for the salaries and expenses of the Federal Judiciary as provided in the Senate-reported amendment, instead of $3,328,778,000 as provided in the House bill.

House report language with respect to the Southwest Border is adopted by reference.

An April 2000 review of Federal judges sharing of courtrooms prepared by the Congressional Budget Office (CBO) indicated that courtroom sharing by judges should not cause trial delays for a significant number of trials, and that for the few that might be delayed the waiting time would be less than half a day. The CBO study also found that many courtrooms are in use for a small percentage of the available workdays. A study of the Judiciary's space and facilities program recently completed by Ernst and Young, however, suggested that requiring judges to share courtrooms is not practical. The Ernst and Young report stated that current court records do not adequately track courtroom usage, making it difficult to determine if courtroom sharing by Federal judges is a viable option. The conference agreement directs CBO to review and comment on the Ernst and Young report, and to provide the Committees on Appropriations with its findings no later than February 1, 2001. The Administrative Office of the U.S. Courts shall provide such assistance as may be necessary to CBO to complete its review. This issue is of great importance because any reduction in the number of courtrooms and associated court space could significantly reduce rental payments, which continue to consume an inordinate amount of the Judiciary's available resources.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement provides $2,602,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986 as provided in the Senate-reported amendment, instead of $2,600,000 as provided in the House bill.

DEFENDER SERVICES

The conference agreement includes $435,000,000 for the Federal Judiciary's Defender Services account, instead of $420,338,000 as provided in the House bill, and $416,368,000 as provided in the Senate-reported amendment. The conference agreement directs that a portion of the funds made available be used for an increase to $75 an hour for in-court time and $55 an hour for out-of-court time for Criminal Justice Act panel attorneys.

Language relating to capital habeas corpus costs in the House report is adopted by reference.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $59,567,000 for Fees of Jurors and Commissioners, as proposed in the Senate-reported amendment, instead of $60,821,000 as provided in the House bill.

COURT SECURITY

The conference agreement includes $199,575,000 for the Federal Judiciary's Court Security account as provided in the Senate-reported amendment, instead of $198,265,000 as proposed in the House bill. Of the amount provided, $10,000,000 for security system funding shall remain available until expended.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $58,340,000 for the Administrative Office of the United States Courts as provided in the House bill, instead of $50,000,000 as provided in the Senate-reported amendment.

Language in the introductory section relating to the Federal Judiciary in the House report with respect to the Optimal Utilization of Judicial Resources report is adopted by reference.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $18,777,000 for fiscal year 2001 salaries and expenses of the Federal Judicial Center as provided in the House bill, instead of $19,215,000 as proposed in the Senate-reported amendment. Of the amount provided, $1,000 shall be available for official reception and representation expenses, as provided in the House bill, instead of $1,500 as proposed in the Senate-reported amendment.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

The conference agreement includes $35,700,000 for payment to the various judicial retirement funds, as provided in both the House bill and the Senate-reported amendment.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $9,931,000 for the U.S. Sentencing Commission, as provided in the Senate-reported amendment, instead of $9,615,000 as provided in the House bill.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes a provision included in both the House bill and the Senate-reported amendment allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes a provision as proposed in the House bill related to the transfer of funds, instead of the modification proposed in the Senate-reported amendment. The House report language with respect to section 302 is incorporated by reference.

Sec. 303.—The conference agreement includes a provision included in both the House bill and the Senate-reported amendment allowing up to $11,000 of salaries and expenses provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 304.—The conference agreement includes a provision included in the House bill to authorize the Judiciary to appoint statutory certifying officers who will be responsible for verifying the receipt of and payment for goods and services. This authority is currently available to the Executive Branch. The Senate-reported amendment did not contain a similar provision.

Sec. 305.—The conference agreement includes a new provision authorizing ten district judgeships, one for each of the following states: Arizona, Florida, Kentucky, Nevada, New Mexico, South Carolina, Virginia, and Wisconsin; and two additional district judgeships for Texas. In addition, the section directs the Chief Judge of the Eastern District of Wisconsin to designate one judge who shall hold court for such district in Green Bay, Wisconsin.

Sec. 306.—The conference agreement includes a new provision that allows the United States Court of Appeals for the Federal Circuit to appoint a circuit executive or a clerk, but not both, or to appoint a combined circuit executive/clerk.

Sec. 307.—The conference agreement includes a new provision to extend to the Judiciary authority currently available to the Legislative and Executive branches of Government, to use appropriated funds to pay for the employment of personal assistants. The language will allow the judicial branch to hire readers for the blind, interpreters for the deaf, and other personal assistants as may be necessary for judges and other employees with disabilities.

Sec. 308.—The conference agreement includes a new provision to bring the Supreme Court Police into parity with the retirement benefits provided to the United States Capitol Police and other Federal law enforcement agencies.

Sec. 309.—The conference agreement includes a provision, modified from a provision proposed as section 304 in the Senate-reported amendment. The modified language authorizes Justices and judges of the United States to receive a salary adjustment only if under each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), adjustments under 5 U.S.C. 5305 shall take effect in fiscal year 2001. If such adjustments are made, then $8,801,000 is appropriated for the cost of adjustments under this Title. The House bill did not include a similar provision on this matter.

The conference agreement does not include the Senate provision related to honoraria or outside earnings limits for Federal judges.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $3,168,725,000 for Diplomatic and Consular Programs, instead of $3,089,325,000 as included in the House bill and $3,148,494,000 as included in the Senate-reported amendment. The conference agreement includes $2,718,725,000 for State Department activities under this account, $40,000,000 related to the implementation of the 1999 Pacific Salmon Treaty, and an additional $410,000,000 to remain available until expended for worldwide security upgrades.

The conference agreement includes language in this account, and throughout this Title, that modifies citations of authorization legislation carried in previous years. These changes are intended to simplify and streamline bill language, and are not intended to modify the authorities for the use of funds under any account.

The conference agreement does not include language proposed in the Senate-reported amendment to modify the purposes for which funds transferred from this account to the "Emergencies in the Diplomatic and Consular Service" account may be used.

The conference agreement includes language, not included in the House bill or the Senate-reported amendment, transferring $1,400,000 to the Presidential Advisory Commission on Holocaust Assets in the United States.

The conference agreement includes language, as proposed in the House bill, which makes fees collected in fiscal year 2001 related to affidavits of support available until expended. The Senate-reported amendment gave the Department permanent authority to use such fee collections.

The conference agreement includes language designating $246,644,000 for public diplomacy international information programs as proposed in the House bill. The Senate-reported amendment did not contain a similar provision. This amount represents the full requested funding level for these program activities.

The conference agreement includes language under this account allowing the Department to collect and use reimbursements for services provided to the press. This language was proposed in the Senate-reported amendment under "Representation Allowances". The House bill did not contain a provision on this matter.

The conference agreement does not include language proposed in the Senate-reported amendment to place limitations on certain details of State Department senior executives to other agencies or organizations. The House bill did not include a similar provision.

The conference agreement does not include an earmark of $5,000,000 under this account, as proposed in the Senate-reported amendment, for a payment to the City of Seattle for costs incurred as host of the WTO Ministerial Conference. The House bill did not include a provision on this matter. The conference agreement addresses this issue under the "Protection of Foreign Missions and Officials" account.

The conference agreement does not adopt a Senate provision providing $1,000,000 to establish an Ambassador's Fund for Cultural Preservation. Instead, the Department shall identify up to $1,000,000 from funds provided under this account for an Ambassador's Fund for Cultural Preservation as described in the Senate report. United States Ambassadors in less-developed countries may submit competitive proposals for one-time or recurring projects with awards based on the importance of the site, object, or form of expression, the country's need, the impact of the United States contribution to the preservation of the site, object, or form of expression, and the anticipated benefit to the advancement of United States diplomatic goals. The Department is directed to submit an annual report to the House and Senate Committees on Appropriations on the selection process used, and on the expenditure of funds by project.

The conference agreement includes language making $5,000,000 available for overseas continuing language education, instead of $10,000,000 as proposed in the Senate-reported amendment. The House bill did not include a similar provision. Language in the Senate report requiring a report on the distribution of this funding is adopted by reference.

The conference agreement does not include language earmarking $12,500,000 for the East-West Center, as proposed in the Senate-reported amendment. The House bill did not contain a similar provision. Funding for the East-West Center is addressed under a separate heading in this Title.

The conference agreement does not include language earmarking $1,350,000 for the Protection Project as proposed in the Senate-reported amendment. The House bill did not contain a similar provision. The Department is directed to continue support for this activity.

The conference agreement includes language allowing certain advances for services related to the Panama Canal Commission to be credited to this account and to remain available until expended, as proposed in the House bill. The Senate-reported amendment did not include a similar provision.

The conference agreement includes a provision, modified from language included in the Senate-reported amendment, designating $40,000,000 under this account to implement the 1999 Pacific Salmon Treaty. The Senate-reported amendment provided $60,000,000 for this purpose, and the House bill did not contain a similar provision. Of the amount provided, $10,000,000 is for further capitalizing the Northern Boundary Fund, $10,000,000 is for further capitalizing the Southern Boundary Fund, and $20,000,000 is for the State of Washington Department of Fish and Wildlife as authorized under section 628 of this Act.

The conference agreement does not include a provision proposed in the Senate-reported amendment regarding funding for the Office of Defense Trade Controls. The Office is expected to review applications, regardless of identified end user, with the utmost scrutiny.

The conference agreement includes language requiring the Department to notify Congress fifteen days in advance of processing licenses for the export of satellites to the People's Republic of China, as proposed in the Senate-reported amendment. The House bill included an identical provision under the Department of Commerce, Bureau of Export Administration.

The conference agreement includes a provision, not in the House bill or the Senate-reported amendment, to allow the Department to collect and deposit Machine Readable Visa fees as offsetting collections to this account in fiscal years 2001 and 2002 to recover costs. The conference agreement does not include provisions to limit the use of Machine Readable Visa fees in fiscal year 2001 and to make excess collections available in the subsequent fiscal year, as carried in both the House bill and the Senate-reported amendment. The House bill included a fiscal year 2001 spending limitation of $342,667,000. The Senate-reported amendment included a limitation of $267,000,000.

The conference agreement does not include language proposed in the Senate-reported amendment earmarking funds for the Office of the Coordinator for Counterterrorism and for the preparation of a study on the U.S. Government response to an international WMD terrorist event. The House bill did not include a similar provision.

The conference agreement includes $410,000,000 for worldwide security upgrades under this account as proposed in the House bill, instead of $272,736,000 as proposed in the Senate-reported amendment. The Department shall submit a detailed spending plan by December 31, 2000, for the entire amount provided for worldwide security upgrades. The House report designated $66,000,000 for a perimeter security initiative, and $16,000,000 to support additional staffing for the Bureau of Diplomatic Security, as requested. Since the time of the budget request, the Department has notified the Committees of increasing requirements to implement perimeter security upgrades. The Department is expected to reflect this development in the spending plan, increasing the amount for perimeter security and decreasing the amount for staffing. Any amount exceeding $8,000,000 for increased staffing will be subject to reprogramming. The conference agreement adopts, by reference, language in the Senate report regarding bomb detection equipment and a report on certain security issues.

The Committees acknowledge the Department's continuing efforts to increase minority recruitment and diversity in the Foreign Service and commend the Department for its ongoing efforts to partner with Howard University and other institutions. For fiscal year 2001 the Department is directed to supplement its minority recruitment activities by initiating a model program to facilitate the entry of non-traditional and minority students into foreign policy careers. This program would provide a continuum of education and support for successful students at two- and four-year colleges to continue their studies at a university that provides undergraduate programs for non-traditional students and graduate studies in international and public affairs. The Department is directed to provide $1,000,000 to the educational partnership between Hostos Community College and Columbia University in New York to establish such a model program. It is expected that this new program would assist members of minority groups in pursuing careers in the Foreign Service and the State Department.

Within the amount provided under this account, and including any savings the Department identifies, the Department will have the ability to propose that funds be used for purposes not specifically funded by the conference agreement through the normal reprogramming process.

Extended tours, particularly at language incentive posts, could improve efficiency and reduce costs. The Department is directed to report to the Committees, not later than February 15, 2001 on: 1) cost savings by subaccount that would result from four-year tours being adopted; 2) proposed changes to promotion criteria necessary to accommodate four-year tours; and 3) proposed four-year assignments by job description and post with full justification.

The conference agreement does not adopt language in the Senate report allocating additional funds to certain geographic regions, but commends the Department's operations in Buenos Aires, Argentina; Montevideo, Uruguay; and Sao Paulo, Brazil. These posts are well run, language skills are uniformly excellent, and personnel are genuinely enthusiastic about, and deeply involved in, the local government, community and culture. These posts serve as model embassies to be emulated. The Department is urged to devote the necessary resources to these posts to maintain the high caliber of operation's at each.

Questions have been raised concerning the adequacy of current U.S. representation in Equatorial Guinea. Therefore, the Department is directed to explore the establishment, within resources currently available, of an American Presence Post in Equatorial Guinea and to report to the Committees no later than December 1, 2000, on the costs, staffing, and need for such a post.

Increasing amounts of funding are requested under this title for costs related to the absence or inadequacy of democratic governance in Kosovo, East Timor, Sierra Leone, and the Democratic Republic of the Congo. United Nations peacekeeping missions in Kosovo and East Timor are, in fact, surrogate governments, for which the United States is assessed over thirty percent of the total costs. In order to ensure that adequate and coordinated efforts are underway to develop effective democratic governance, the Department is directed to submit to the Committees a plan describing all such U.S. Government-sponsored activities in these four locations, and the anticipated results from these activities, not later than May 1, 2001. The Department is directed to coordinate closely with other U.S. Government agencies, the United Nations, the National Endowment for Democracy, and relevant non-governmental organizations in compiling the plan.

The conference agreement adopts, by reference, language in the House report regarding: reform and restructuring, including the submission of a reorganization plan corresponding with general provisions included in this title; carrying out the recommendations of the Overseas Presence Advisory Panel including the submission of a report; the submission of a minority recruitment and hiring plan; the Overseas Schools Advisory Council; the negotiation of effective extradition treaties; and unfair treatment of U.S. companies in Peru.

The conference agreement adopts, by reference, language in the Senate report regarding: the Department's budget justification books; amounts to be provided for the Arctic Council and the Bering Straits Commission; the submission of a plan regarding information about biotechnology abroad; and a report on international sea turtle conservation efforts.

The conference agreement does not include language in the Senate report on Sierra Leone and the Department's Bureau of African Affairs.

CAPITAL INVESTMENT FUND

The conference agreement includes $97,000,000 for the Capital Investment Fund, instead of $79,670,000 as proposed in the House bill and $104,000,000 as proposed in the Senate-reported amendment. The conference agreement does not include language as proposed in the Senate-reported amendment allowing the Department to retain control of its overseas telecommunications infrastructure in the event that the current joint management is abolished or dissolved.

Within the amount provided in this account, $17,000,000 shall be for a pilot project to establish a common technology platform at overseas posts pursuant to the recommendations of the Overseas Presence Advisory Panel. The conference agreement includes the direction in the House report requiring the submission of a spending plan for this pilot project.

The conference agreement also includes, by reference, the report on modernization projects and resulting efficiencies requested in the House report.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $28,490,000 for the Office of Inspector General as proposed in the House bill, instead of $29,395,000 as proposed in the Senate-reported amendment. The conference agreement includes, by reference, the guidance included in both the House and Senate reports.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $231,587,000 for Educational and Cultural Exchange Programs of the Department of State, instead of $213,771,000 as proposed in the House bill and $225,000,000 as proposed in the Senate-reported amendment. The conference agreement makes the funds provided under this account available until expended as in previous years, and as proposed in the House bill.

The following chart displays the conference agreement on the distribution of funds by program or activity under this account:

[In thousands of dollars]

	Amount
Academic Programs:	
Fulbright Program	114,000
Regional Scholars Program	2,000
Foreign Study Grants for U.S. Undergraduates ...	1,500
College and University Affiliations Program ...	1,000
Educational Advising and Student Services ...	3,200
English Language Programs	2,600
Hubert H. Humphrey Fellowships	6,100
Edmund S. Muskie Fellowship Program	500
American Overseas Research Centers	2,280
South Pacific Exchanges	500
Tibet Exchanges	500

	Amount
East Timor Exchanges ...	500
Disability Exchange Clearinghouse	500
Subtotal, Academic Programs	135,180
Professional and Cultural Programs:	
International Visitor Program	46,500
Citizen Exchange Program	15,000
Congress Bundestag Youth Exchange	2,857
Mike Mansfield Fellowship Program	2,200
Olympic/Paralympic Exchanges	1,000
Special Olympic Exchanges	500
Youth Science Leadership Institute of the Americas	100
Irish Institute	500
Montana International Business Exchange	100
University of Akron Global Business Exchange	100
Interparliamentary Exchanges with Asia	150
Subtotal, Professional and Cultural Exchanges	69,007
North/South Center	1,400
Exchanges Support	26,000
Total	231,587

Deviations from this distribution of funds will be subject to the normal reprogramming procedures under section 605 of this Act. Significant carryover and recovered balances are often available under this account, and the Department is directed to submit a proposed spending plan for such balances, subject to the regular reprogramming procedures. To the extent such balances are available, the Department is encouraged to give priority to providing additional support for the Muskie Fellowship Program, and supporting the Central European Executive Exchange Program and the Institute for Representative Government.

The conference agreement includes only $500,000 in new appropriations under this account for Muskie Fellowships for graduate student exchanges with the former Soviet Union. In addition to the amounts provided under this account for nations of the former Soviet Union, the Department expects to receive transfers from appropriations for Freedom Support Act exchange programs. In fiscal year 2000, an additional $93,000,000 was transferred to this account for exchanges with the former Soviet Union, including $18,309,000 for graduate student exchanges. A similar amount is expected to be available for such exchanges in fiscal year 2001. In its graduate exchange programs with the former Soviet Union, the Department shall emphasize Masters in Business Administration programs in such areas as marketing, distribution, and finance.

Should balances become available, the Department is expected to consider awarding a grant for the Central European Executive Exchange Program. The Committees expect that the proposal submitted for this project will include participation from Central European countries in addition to Hungary and the Czech Republic, and will contain a plan to continue the project in future years without Federal financial support.

The conference agreement includes, by reference, the program guidance contained in both the House and Senate reports.

REPRESENTATION ALLOWANCES

The conference agreement includes $6,499,000 for Representation Allowances instead of $5,826,000 as proposed in the House bill, and $6,773,000 as proposed in the Senate-reported amendment. The conference agreement does not include language under this account allowing the Department to collect and use reimbursement for services provided to the press as proposed in the Senate-reported amendment. This language is instead included under the "Diplomatic and Consular Programs" account.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $15,467,000 for Protection of Foreign Missions and Officials, instead of $8,067,000 as provided in the House bill and $10,490,000 as proposed in the Senate-reported amendment. Of the amount provided, $5,000,000 is designated for reimbursement to the City of Seattle. Similar language was included in the Senate-reported amendment under "Diplomatic and Consular Programs". The House bill did not address this matter. The direction included in the House and Senate reports regarding the review of reimbursement claims is adopted by reference.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $1,079,976,000 for this account, instead of $1,064,976,000 as proposed in the House bill and $782,004,000 as proposed in the Senate-reported amendment.

The conference agreement does not include language proposed in the Senate-reported amendment adding "Centers for Antiterrorism and Security Training" to the allowable uses of funding under this account. The House bill had no similar language.

The conference agreement does not include a Senate provision stating that certain proceeds of sales shall be available only for a new embassy facility in the Republic of Korea. Proceeds realized from the sale of the diplomatic facility in Seoul known as "Compound II" shall only be available for the site acquisition and preparation, design, or construction of diplomatic facilities, housing, or Marine security guard quarters in the Republic of Korea. These funds shall be available for obligation and expenditure until all proceeds from the sale of "Compound II" are exhausted. The Committees expect the Department to provide an update every January 1 on construction projects in the Republic of Korea.

The conference agreement includes $663,000,000 for the costs of worldwide security upgrades, including $515,000,000 for capital security projects. The conferees direct the Department to comply with the direction in the House report regarding the submission of a spending plan within sixty days of the date of enactment of this Act. In proposing such a spending plan, the Department shall include an assessment of need, and such funding as is appropriate, for security upgrades related to existing housing, schools, and Marine quarters, as well as the acquisition of new secure Marine quarters.

The conference agreement does not include new appropriations for non-security capital projects. The Department has indicated that $30,500,000 is available from previous appropriations and proceeds to pay all anticipated site acquisition and related costs of the new Beijing chancery project in fiscal year 2001. The conference agreement includes, by reference, the direction in the Senate report regarding the Beijing chancery project. The ongoing costs of housing projects in Chengdu and Shenyang are included in amounts provided for facilities rehabilitation under this account.

The budget request included planned expenditures of $67,000,000 from proceeds of sale of surplus property for opportunity purchases and capital projects. The conference agreement anticipates that the amount of funds available for such purchases will be much greater, and directs the Department to submit a spending plan for these funds that includes: at least $19,000,000 for opportunity purchases to replace uneconomical leases; at least $25,000,000 for capital security projects; and $20,000,000 for continuing costs of the Taiwan project. Any additional use of these funds is subject to reprogramming.

The conference agreement includes, by reference, language in the House report under "Worldwide Security Upgrades" and "Responding to the Recommendations of the Overseas Presence Advisory Panel", and language in the Senate report on joint ventures and a General Accounting Office review of a property issue in Paris. Within the amount provided under this account, the Department is expected to support the rehabilitation projects in Moscow and Istanbul described in the Senate report.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The overall spending plan shall include project-level detail, and shall be provided to the Appropriations Committees not later than 60 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than $500,000 or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the rebaselining of a given project's cost estimate, schedule, or scope of work.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,477,000 for the Emergencies in the Diplomatic and Consular Service account, as provided in the House bill, instead of $11,000,000, as provided in the Senate-reported amendment.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1.195.000 for the Repatriation Loans Program account as provided in the House bill, instead of $1,200,000 as provided in the Senate-reported amendment.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $16,345,000 for the Payment to the American Institute in Taiwan account, as provided in both the House bill and the Senate-reported amendment. The conference agreement includes, by reference, language in both the House and Senate reports. Funding for the relocation of the Institute is discussed under the "Embassy Security, Construction, and Maintenance" account.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $131,224,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House bill and the Senate-reported amendment.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $870,833,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $880,505,000 as proposed in the House bill, and $943,944,000 as proposed in the Senate-reported amendment.

The conference agreement includes language requiring that $100,000,000 may be made available to the United Nations only pursuant to a certification that the U.N. has taken no action during calendar year 2000 prior to the enactment of this Act to cause the U.N. to exceed the adopted budget for the biennium 2000–2001. Similar language was included in the House bill. The Senate-reported amendment did not include a provision on this matter.

The conference agreement does not include an additional $64,800,000 for the United States share of the new North Atlantic Treaty Organization headquarters as proposed in the Senate-reported amendment. The House bill did not have a similar provision. Within the amount provided under this heading, $8,000,000 is included for the first incremental payment for the U.S. share of the new headquarters building, as requested.

The amount provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. The conference agreement anticipates that the Department has prepaid $32,600,000 of the fiscal year 2001 assessment for the United Nations regular budget, using excess fiscal year 2000 funds. In addition, the Department's recalculation of its fiscal year 2001 request for this account has resulted in a lowering of the request by an additional $37,908,000, resulting primarily from exchange rate fluctuations. In recognition of the prepayment and the recalculation of the request, the conference agreement assumes an adjusted request level of $875,552,000. The conference agreement does not include requested funding for the Interparliamentary Union and the Bureau of International Expositions, and anticipates additional savings related to requested programs that are terminating or have not yet begun.

Provisions in the House report relating to reports on reforms in international organizations, and Senate report language relating to reporting on War Crimes Tribunals are adopted by reference. The conference agreement does not include an additional $13,000,000, as proposed in the Senate report, for Pan American Health Organization (PAHO) disease prevention and control programs. The Department is encouraged to pursue appropriate funding for such an initiative in the future. The conference agreement adopts, by reference, language in the House report concerning PAHO, and directs the Department to provide PAHO with its full United States assessment level for fiscal year 2001.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $846,000,000 for Contributions for International Peacekeeping Activities, instead of $500,000,000 as proposed in the Senate-reported amendment and $498,100,000 as proposed in the House bill.

The conference agreement provides that, of the total funding provided under this heading, not to exceed fifteen percent shall remain available until September 30, 2002. The Senate-reported amendment made all funding available until expended, and the House bill had no provision on the matter. The conferees expect that before any excess funding is carried over into fiscal year 2002 in this account, the Department shall transfer the maximum allowable amount to the Contributions to International Organizations account to prepay the fiscal year 2002 assessment for the United Nations regular budget.

The conference agreement includes, by reference, language in the House report requiring a Department report to the Committees related to the costs of continuing UN activities in Angola and Haiti from the UN regular budget, requiring a report on peacekeeping assessment rate reform, and directing the Department to support the work of the UN Office of Internal Oversight Services. The conference agreement also includes, by reference, language in the Senate report regarding the investigation of charges against those responsible for the planning and execution of the air war over Serbia and Kosovo.

The establishment of several large and complex missions over the past year has overtaken the capacity of the UN to successfully plan and manage such activities. The Department is directed to allocate available funds in this account on a priority basis, and to take no action to extend or expand missions or create new missions for which funding is not available. The conference agreement does not include funding for the MINURSO mission in Western Sahara. In addition to the notification requirements under this account, the Department is directed to submit a proposed distribution of the total resources available under this account no later than December 31, 2000, through the normal reprogramming process.

ARREARAGE PAYMENTS

The conference agreement does not include funding for arrearage payments in this Act. The Senate-reported amendment provided $102,000,000 for additional arrearage payments above the $926,000,000 authorized and appropriated in previous years, subject to certain conditions. The House bill did not include new funding for arrearage payments.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $7,142,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC) as proposed in the Senate-reported amendment, instead of $19,470,000 as proposed in the House bill. The conference agreement includes, by reference, language in the House report regarding the South Bay International Wastewater Treatment Plant.

CONSTRUCTION

The conference agreement includes $22,950,000 for the Construction account of the IBWC instead of $26,747,000 as proposed in the Senate-reported amendment and $6,415,000 as proposed in the House bill. The conference agreement provides funding for the following activities: facilities renovation—$425,000; heavy equipment replacement—$1,000,000; land mobile radio systems replacement—$500,000; hydrologic data collection system rehabilitation—$500,000; Rio Grande construction—$2,685,000; Colorado River construction—$805,000; a feasibility study for the construction of a diversionary structure to control sewage flows in the flood control channel of the Tijuana River—$500,000; and operations and maintenance—$16,535,000. The conference agreement adopts, by reference, language in the House report regarding the reallocation of funds subject to reprogramming. The conferees also expect the Commission to submit to the Committees, not later than November 15, 2001, an end-of-year report on operations and maintenance spending. This report shall include actual obligations, and balances carried forward, by project.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $6,741,000 for the U.S. share of expenses of the International Boundary Commission; the International Joint Commission, United States and Canada; and the Border Environment Cooperation Commission, as proposed in the Senate-reported amendment, instead of $5,710,000 as proposed in the House bill. The conference level will provide funding at the following levels for the three commissions: International Boundary Commission—$970,000; International Joint Commission—$3,771,000; and Border Environment Cooperation Commission—$2,000,000.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $19,392,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate-reported amendment, instead of $15,485,000 as proposed in the House bill.

The conference agreement includes the funding distribution requested in the President's budget and adopts, by reference, language in the Senate report on treating Lake Champlain with lampricide, and giving priority to States providing matching funds.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $9,250,000 for the Payment to the Asia Foundation account, instead of $8,216,000 as provided in the House bill, and instead of no funding as provided in the Senate-reported amendment. The conferees support the work of the Asia Foundation on democracy and the rule of law in the Asia-Pacific region. Since the establishment of multi-party democracy in 1990, Nepal continues to struggle with political instability, weak legal institutions and economic stagnation. Increased funding in this account is expected to allow the Foundation to expand law reform activities in Nepal.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House bill and the Senate-reported amendment allowing all interest and earnings accruing to the Trust Fund in fiscal year 2001 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House bill and the Senate-reported amendment allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 2001 to be used for necessary expenses of the Israeli Arab Scholarship Program.

EAST-WEST CENTER

The conference agreement includes $13,500,000 for operations of the East-West

Center as proposed in the Senate-reported amendment, instead of no funds as proposed in the House bill. The conference agreement does not include an additional earmark of $12,500,000 from the Department of State, Diplomatic and Consular Programs account, as proposed in the Senate-reported amendment.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $30,999,000 for the National Endowment for Democracy as proposed in the Senate-reported amendment, instead of $30,872,000 as proposed in the House bill. The Endowment shall submit to the Committees, not later than February 1, 2001, a detailed program plan for NED activities in East Timor, Kosovo, Sierra Leone and the Democratic Republic of the Congo.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $398,971,000 for International Broadcasting Operations, instead of $419,777,000 as proposed in the House bill and $388,421,000 as proposed in the Senate-reported amendment. Rather than funding broadcasting to Cuba under this account, as proposed by the House, all funding for broadcasting to Cuba is included under a separate account, as proposed in the Senate-reported amendment, and as enacted in previous years.

The conference agreement includes language in this and other broadcasting accounts that modifies citations of authorization legislation as carried in previous years. These changes are intended to simplify and streamline bill language, and are not intended to modify the authorities for the use of funds under any account.

The conference agreement includes, by reference, language in the House report on the review of television-related programs, Radio Free Asia, further consolidation and streamlining within international broadcasting, and reprogramming requirements. The conference agreement also includes, by reference, language in the Senate report on the VOA charter requirements, and on the initiation of RFE/RL broadcasting in Avar, Chechen and Circassian.

The Broadcasting Board of Governors (BBG) is expected to devote a proportionate and reasonable share of total VOA programming to the charter requirements of explaining American foreign policy and explaining American values, institutions, and thought. Should the BBG determine that organizational changes would facilitate the achievement of this goal, such proposed changes shall be submitted to the Committees through the regular reprogramming process.

The conference agreement provides inflationary adjustments to base funding levels for all broadcasting entities. Within the amount provided, $1,000,000 shall be for Uighur language broadcasting by Radio Free Asia. The BBG is directed to provide an allocation plan for all available funding under this account to the Committees within sixty days from the enactment of this Act.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000, to remain available until expended, for Broadcasting to Cuba under a separate account as proposed in the Senate-reported amendment, instead of $22,806,000 within the total for International Broadcasting Operations as proposed in the House bill. The conference agreement does not include language proposed in the Senate-reported amendment, providing that funds may be used for aircraft to house television broadcasting equipment. The House bill did not contain a provision on this matter.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $20,358,000 for the Broadcasting Capital Improvements account, instead of $18,358,000 as proposed in the House bill, and $31,075,000 as proposed in the Senate-reported amendment. The conference agreement does not include language proposed in the Senate-reported amendment making a specific amount under this account available for the costs of overseas security upgrades.

The conference agreement includes, by reference, language in the House report on digital development and conversion, security upgrades, relocation of the Poro Point medium wave transmitter, and the submission of a spending plan through the reprogramming process. The conference agreement also includes, by reference, language in the Senate report on the notification of the Committees prior to the release of funds for security upgrades.

The BBG may propose through the reprogramming process to allocate funds under this account for rotatable antennas, or for other infrastructure improvements at the Greenville, NC, transmitting station, as discussed in the Senate report.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

Section 401.—The conference agreement includes section 401, as proposed in the House bill, permitting use of funds for allowances, differentials, and transportation. The Senate-reported amendment included a similar provision with minor technical differences related to the citation of authorizing provisions.

Sec. 402.—The conference agreement includes section 402, as provided in both the House bill and the Senate-reported amendment, dealing with transfer authority.

Sec. 403.—The conference agreement includes section 403, proposed as section 404 in both the House bill and the Senate-reported amendment, prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors (BBG) to provide certain types of assistance to the Palestinian Broadcasting Corporation (PBC). The conference agreement does not include training that supports accurate and responsible broadcasting among the types of assistance prohibited. The conferees agree that neither the Department of State, nor the BBG, shall provide any assistance to the PBC that could support restrictions of press freedoms or the broadcasting of inaccurate, inflammatory messages. The conferees further expect the Department and the BBG to submit a report to the Committees, before December 15, 2000, detailing any programs or activities involving the PBC in fiscal year 2000, and any plans for such programs in fiscal year 2001.

Sec. 404.—The conference agreement includes section 404, proposed as section 405 in the House bill, creating the position of Deputy Secretary of State for Management and Resources. The Senate-reported amendment did not include a provision on this matter. The conference agreement adopts, by reference, the guidance on this matter provided in the House report under the "Diplomatic and Consular Programs" account.

Sec. 405.—The conference agreement includes section 405, as proposed in the Senate bill, prohibiting the use of funds made available in this Act by the United Nations for activities authorizing the United Nations or any of its specialized agencies or affiliated organizations to tax any aspect of the Internet.

Sec. 406.—The conference agreement includes section 407, not included in either the House bill or the Senate-reported amendment, extending authorities to provide protective services to departing and incoming Secretaries of State.

Sec. 407.—The conference agreement includes section 408, not included in either the House bill or the Senate-reported amendment, waiving provisions of existing legislation that require authorizations to be in place for the State Department and the Broadcasting Board of Governors prior to the expenditure of any appropriated funds.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $98,700,000 for the Maritime Security Program as proposed in both the House bill and the Senate-reported amendment.

OPERATIONS AND TRAINING

The conference agreement includes $86,910,000 for the Maritime Administration Operations and Training account instead of $84,799,000 as proposed in the House bill and $80,240,000 as proposed in the Senate-reported amendment. Within this amount, $47,236,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, including $13,000,000 above base funding levels for further deferred maintenance and renovation requirements as described in the House report. The conferees adopt, by reference, language in the House report regarding the submission of a spending plan for this initiative.

The conference agreement includes $7,473,000 for the State Maritime Academies. Within the amount for State Maritime Academies, $1,200,000 shall be for student incentive payments, the same amount as provided in fiscal year 2000.

The conference agreement also includes, by reference, language in the House report on submission of a report on maritime education and training.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $30,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $10,621,000 as proposed in the House bill and $20,221,000 as proposed in the Senate-reported amendment. The conference agreement adopts the Senate approach of dropping a limitation on the loan program level of not to exceed $1,000,000,000. The House bill included this provision, which has also been carried in previous years. MARAD shall not make commitments exceeding $1,000,000,000 in fiscal year 2001, including commitments made with appropriations from previous fiscal years, without prior notification to the Committees in accordance with section 605 reprogramming procedures.

The conference agreement also includes an additional $3,987,000 for administrative expenses associated with the Maritime Guaranteed Loan Program instead of $3,795,000 as proposed in the House bill, and $4,179,000 as proposed in the Senate-reported amendment. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

MARAD has indicated to the Committees that it expects to carry over approximately

$10,000,000 in this account which may be used as additional subsidy budget authority in fiscal year 2001.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions, as proposed in both the House bill and the Senate-reported amendment, involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $490,000 for the Commission for the Preservation of America's Heritage Abroad, as proposed in the Senate-reported amendment, instead of $390,000 as proposed in the House bill.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in the Senate-reported amendment, instead of $8,866,000 as proposed in the House bill.

The conference agreement includes language allowing the Chairperson to be reimbursed for 125 billable days, as proposed in the House bill, and as carried in previous years. The Senate-reported amendment included language limiting all commissioners to not more than 75 billable days.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

The conference agreement includes $1,000,000 for the Commission on Ocean Policy as proposed in the Senate-reported amendment, instead of no funding as proposed in the House bill.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,370,000 for the Commission on Security and Cooperation in Europe as proposed in the Senate-reported amendment, instead of $1,182,000 as proposed in the House bill.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

The conference agreement includes $500,000 for the Congressional-Executive Commission on the People's Republic of China. Neither the House bill nor the Senate-reported amendment included funding for this new Commission.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $303,864,000 for the salaries and expenses of the Equal Employment Opportunity Commission, instead of $290,928,000 as proposed in the House bill, and $294,800,000 as proposed in the Senate-reported amendment.

Within the total amount, the conference agreement includes $30,000,000 for payments to State and local Fair Employment Practices Agencies (FEPAs) for specific services to the Commission, instead of $29,000,000 as proposed in the House bill, and $31,000,000 as proposed in the Senate-reported amendment. The conference agreement includes, by reference, language in the House report regarding submission of a spending plan, reducing the backlog of private sector charges, and utilizing the experience the FEPAs have in mediation as the Commission implements its alternative dispute resolution programs.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total of $230,000,000 for the salaries and expenses of the Federal Communications Commission (FCC), instead of $207,909,000 as provided in the House bill, and $237,188,000 as proposed in the Senate-reported amendment. Of the amounts provided, $200,146,000 is to be derived from offsetting fee collections, as provided in both the House bill and the Senate-reported amendment, resulting in a net direct appropriation of $29,854,000, instead of $7,763,000 included in the House bill, and $37,042,000 included in the Senate-reported amendment. Receipts in excess of $200,146,000 shall remain available until expended but shall not be available for obligation until October 1, 2001.

The conference agreement directs the Commission to submit, no later than December 15, 2000, a financial plan proposing a distribution of all the funds in this account, subject to the reprogramming requirements under section 605 of this Act.

From within the funds provided, the FCC is urged to support public safety, emergency preparedness and telecommunications functions of the 2002 Olympic Winter Games.

The Senate report included language on public broadcasting stations' access to spectrum. The House included no similar language. The FCC is examining this issue, which is also pending in the Court of Appeals. The conference agreement reflects the belief that this issue can be resolved through the administrative or judicial process, so no legislative action is required at this time. The Chairman of the FCC should report to the House and Senate Committees on Appropriations on any action the Commission takes on this issue by April 1, 2001.

The FCC shall take all actions necessary to complete the processing of applications for licenses or other authorizations for facilities that would provide services covered by the Satellite Home Viewers Improvement Act (Public Law 106-113, 113 Stat. 1501), specifically to deliver multi-channel video services including all local broadcast television station signals and broadband services in unserved and underserved local television markets by November 29, 2000, as required by Public Law 106–113, 113 Stat. 1501.

The Senate report language with respect to a broadcast industry code of conduct for the content of programming is incorporated by reference.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $15,500,000 for the salaries and expenses of the Federal Maritime Commission, instead of $14,097,000 as proposed in the House bill and $16,222,000 as proposed in the Senate-reported amendment.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $147,154,000 for the Federal Trade Commission, instead of $134,807,000 as proposed in the House bill and $159,500,000 as proposed in the Senate-reported amendment. The conference agreement assumes that, of the amount provided, $145,254,000 will be derived from fees collected in fiscal year 2001 and $1,900,000 will be derived from estimated unobligated fee collections available from fiscal year 2000. These actions result in a final appropriation of $0. Any use of remaining unobligated fee collections from prior years are subject to the reprogramming requirements outlined in section 605 of this Act.

The conference agreement adopts by reference the Senate report language on slotting allowances, identity theft and Internet fraud.

Appropriations for both the Antitrust Division of the Department of Justice and the Federal Trade Commission are financed with Hart-Scott-Rodino Act pre-merger filing fees. Section 630 of this Act modifies the Hart-Scott-Rodino Act to establish a three-tiered fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. Both the House bill and the Senate-reported amendment included in the Federal Trade Commission's appropriation language similar language to create a three tiered fee structure and raise the filing threshold to $35,000,000. It is anticipated that the increase in the filing threshold will reduce the number of mergers requiring review by approximately 50 percent. This should allow the Commission to focus more resources on the review of complex mergers and non-merger activities such as consumer protection.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $330,000,000 for the payment to the Legal Services Corporation, instead of $300,000,000 as proposed in the Senate-reported amendment, and $275,000,000 as proposed in the House bill. The conference agreement provides $310,000,000 for grants to basic field programs and independent audits, $10,800,000 for management and administration, $2,200,000 for the Office of Inspector General, and $7,000,000 for client self-help and information technology. The conference agreement also includes $31,625,000 for civil legal assistance under the Violence Against Woman Act programs funded under Title I of this Act. In addition, according to LSC-released statistics, grantees received over $605,000,000 of funding during 1999.

Within the amounts provided for management and administration, the Corporation is expected to hire at least seven investigators for the Compliance and Enforcement Division to investigate field grantees' compliance with the regulations grantees agreed to abide by when accepting Federal funding.

The conference agreement adopts by reference the House report language on class action suits and the Senate report language on travel.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement includes language to continue the terms and conditions included under this section in the fiscal year 2000 Act, as proposed in both the House bill and the Senate-reported amendment.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,700,000 for the salaries and expenses of the Marine Mammal Commission, as proposed in both the House bill and the Senate-reported amendment.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $422,800,000 for the Securities and Exchange Commission (SEC), instead of $392,624,000 as proposed in the House bill and $489,652,000 as proposed in the Senate-reported amendment.

The conference agreement includes bill language appropriating separate amounts from offsetting fee collections from fiscal years 1999 and 2001, as proposed in both the House bill and the Senate-reported amendment. The conference agreement appropriates $295,000,000 from fees collected in fiscal year 1999, and $127,800,000 from fees to be collected in fiscal year 2001.

The conference agreement provides for the Commission's adjustments to base and requested program increases for additional staff, information systems, and a special pay rate. Within the increased funding provided for information systems, the Commission shall identify $2,000,000 for additional information systems support to help investigate and prosecute Internet fraud cases, as described in the Senate report. The conference agreement does not include language in Title VI of this Act, nor additional funding above the request under this heading, as proposed in the Senate-reported amendment, for the exemption of the SEC from Federal pay regulations.

Any offsetting fee collections in fiscal year 2001 in excess of $127,800,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conference agreement includes, by reference, language in the Senate report on the Office of Economic Analysis, the implementation of a new fee collection system, recommendations for increased civil penalties, and the need to educate investors regarding Internet securities fraud.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $331,635,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $304,094,000 as proposed in the House bill and $143,475,000 as proposed in the Senate-reported amendment. The conference agreement does not split funding for non-credit business assistance programs into a separate account, as proposed in the budget request and the Senate-reported amendment, but rather includes funding for such programs under this account.

In addition, the conference agreement includes $37,000,000 for programs related to the New Markets Venture Capital Program subject to the authorization of that program, including $7,000,000 for BusinessLINC and $30,000,000 for technical assistance.

The conference agreement includes language, as proposed in the Senate-reported amendment, allowing SBA to use five percent, or not to exceed $3,000,000, of increased collections of delinquent non-tax debt to reimburse for qualified expenses of such collections. The House bill did not contain language on this matter.

In addition to amounts made available under this heading, the conference agreement includes $129,000,000 for administrative expenses under the Business Loans Program account. This amount is transferred to and merged with amounts available under Salaries and Expenses. The conference agreement also includes an additional $108,354,000 for administrative expenses under the Disaster Loans Program account, which may under certain conditions be transferred to and merged with amounts available under Salaries and Expenses. These conditions are described under the Disaster Loans Program account.

The conference agreement provides a total of $166,541,000 for SBA's regular operating expenses under this account. This amount includes $2,000,000 for expenses of the HUBZone program, and $8,000,000 for systems modernization initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. This amount also includes $2,000,000 to assist the SBA in transforming its workforce to meet changes in the way its programs are carried out. The SBA shall submit a plan, prior to the expenditure of resources provided for systems modernization and workforce transformation, in accordance with section 605 of this Act.

The conference agreement includes the following amounts for non-credit programs:

Small Business Development Centers	$88,000,000
7(j) Technical Assistance	3,600,000
Microloan Technical Assistance	20,000,000
SCORE	3,750,000
Business Information Centers	500,000
Women's Business Centers	12,000,000
Survey of Women-Owned Businesses	694,000
National Women's Business Council	750,000
One Stop Capital Shops	3,100,000
US Export Assistance Centers	3,100,000
Advocacy Research	1,100,000
National Veterans Business Development Corp	4,000,000
SBIR Rural Outreach Program	5,000,000
ProNet	500,000
Drug-free Workplace Grants	3,500,000
PRIME	15,000,000
New Markets Technical Assistance	30,000,000
BusinessLINC	7,000,000
Regulatory Fairness Boards	500,000
Total	202,094,000

Small Business Development Centers (SBDCs).—Of the amounts provided for SBDCs, the conference agreement includes $2,000,000 to continue the SBDC Defense transition program, and $1,000,000 to continue the Environmental Compliance Project, as directed in the House report. In addition, the conference agreement includes language, similar to that proposed in the Senate-reported amendment under "Non-Credit Business Assistance Programs" making funds for the SBDC program available for two years.

National Veterans Business Development Corporation.—The conference agreement includes language, as proposed in the House bill, designating $4,000,000 for the National Veterans Business Development Corporation. The Senate-reported amendment did not include a provision on this matter, but Senate report language designated $4,000,000 for the same purpose.

Microloan Technical Assistance.—The conference agreement includes $20,000,000 for the Microloan Technical Assistance program. Should savings occur during fiscal year 2001 in this account, the SBA may propose to allocate an additional amount for the Microloan Technical Assistance program through the regular reprogramming process. The SBA was unable to obligate approximately $3,500,000 allocated to this program in fiscal year 2000, which was transferred to the Business Loans Program account.

The conference agreement adopts language included in the House report directing the SBA to fully fund LowDoc Processing Centers, and to continue activities assisting small businesses to adapt to a paperless procurement environment.

NON-CREDIT BUSINESS ASSISTANCE PROGRAMS

The conference agreement adopts the approach in the House bill of not including funding under a separate heading for the non-credit business assistance programs of the SBA. Instead, funding for these programs is included under "Salaries and Expenses", as in previous years. The Senate-reported amendment included $153,690,000 for such programs under this separate account.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $11,953,000 for the SBA Office of Inspector General, instead of $10,905,000 as proposed in the House bill and $13,000,000 as proposed in the Senate-reported amendment.

An additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program account to be made available to the Office of Inspector General for work associated with oversight of the Disaster Loans Program. The conference agreement does not include direction provided in the Senate report.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $294,410,000 under the SBA Business Loans Program Account, instead of $269,300,000 as proposed in the House bill, and $296,200,000 as proposed in the Senate-reported amendment. The conference agreement includes language, as proposed in the House bill, making $45,000,000 of the amount included for guaranteed loans available for two fiscal years. The Senate-reported amendment did not contain a similar provision. Within the amount provided, $22,000,000 shall be available only for the New Markets Venture Capital Program, subject to the enactment of authorizing legislation in fiscal year 2001.

The conference agreement includes $2,250,000 for the costs of direct loans, instead of $2,500,000 as proposed in the House bill and $2,600,000 as proposed in the Senate-reported amendment. The conferees understand that $300,000 in carryover is available for the Microloan Direct Loan Program, and, together with the appropriated amount, will support an estimated fiscal year 2001 program level of over $28,400,000.

Not including the funding provided for the New Markets Venture Capital Program, the conference agreement includes $141,160,000 for the costs of guaranteed loans, including the following programs:

7(a) General Business Loans.—The conference agreement provides $114,960,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $114,500,000 as proposed in the House bill and $134,000,000 as proposed in the Senate-reported amendment. When combined with an estimated $14,000,000 in available carryover balances and recoveries, this amount will subsidize an estimated fiscal year 2001 program level of up to $10,400,000,000, assuming a subsidy rate of 1.24%. In addition, the conference agreement includes a provision, as proposed in both the House bill and the Senate-reported amendment, requiring the SBA to notify the Committees in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000.

Small Business Investment Companies (SBIC).—The conference agreement provides $26,200,000 for the SBIC participating securities program as proposed in the Senate-reported amendment, instead of $23,300,000 as proposed in the House bill. This amount will result in an estimated total program level of $2,000,000,000 in fiscal year 2001. No appropriation is required for the SBIC debentures program, as the program will operate with a zero subsidy rate in fiscal year 2001.

The conference agreement includes required language, as proposed in the House bill, limiting the 504 CDC and the SBIC debentures program levels, instead of similar language in the Senate-reported amendment.

In addition, the conference agreement includes $129,000,000 for administrative expenses to carry out the direct and guaranteed loan programs as proposed in the House bill, instead of $130,800,000 as proposed in the Senate-reported amendment, and makes such funds available to be transferred to and merged with appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of $184,494,000 for this account, of which $76,140,000 is for the subsidy costs for disaster loans and $108,354,000 is for administrative expenses associated with the disaster loans program. The House bill proposed $140,400,000 for loans and $136,000,000 for administrative expenses. The Senate-reported amendment provided $142,100,000 for loans and $139,000,000 for administrative expenses.

For disaster loans, the conference agreement assumes that the $76,140,000 subsidy appropriation, when combined with $71,000,000 in carryover balances and $10,000,000 in recoveries, will provide a total disaster loan program level of $900,000,000.

The conference agreement includes language, as proposed in the House bill, designating amounts for direct and indirect administrative expenses, and allowing appropriations for indirect administrative costs to be transferred to and merged with appropriations for Salaries and Expenses under certain conditions. The conference agreement includes $98,000,000 for direct administrative expenses instead of $125,646,000 as proposed in the House bill, and $9,854,000 for indirect administrative expenses as proposed in the House bill. The amount provided for direct administrative expenses, when combined with an estimated $26,000,000 in carryover balances, will provide the requested level for this activity. The conference agreement includes a provision that any amount in excess of $9,854,000 to be transferred to Salaries and Expenses from the Disaster Loans Program account for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act, as proposed in the House bill. In addition, any such reprogramming shall be accompanied by a report from the Administrator on the anticipated effect of the proposed transfer on the ability of the SBA to cover the full annual requirements for direct administrative costs of disaster loan-making and -servicing.

Of the amounts provided for administrative expenses under this heading, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts as proposed in the House bill, instead of a similar provision in the Senate-reported amendment.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the State Justice Institute as proposed in the Senate-reported amendment, instead of $4,500,000 as proposed in the House bill. The conference agreement does not include the transfer of an additional $8,000,000 to this account from the Courts of Appeals, District Courts, and Other Judicial Services account in Title III as proposed in the Senate-reported amendment.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Sec. 601.—The conference agreement includes section 601, identical in both the House bill and the Senate-reported amendment, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House bill and the Senate-reported amendment, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House bill and the Senate-reported amendment, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, as proposed in the House bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected. The Senate-reported amendment did not include this provision, which has been carried in previous years.

Sec. 605.—The conference agreement includes section 605, as included in the Senate-reported amendment, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes, instead of the version in the House bill which contained minor differences.

Sec. 606.—The conference agreement includes section 606, identical in both the House bill and the Senate-reported amendment, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607, as proposed in the House bill, regarding the purchase of American-made products. The Senate-reported amendment did not include this provision, which has been carried in previous years.

Sec. 608.—The conference agreement includes section 608, identical in both the House bill and the Senate-reported amendment, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission similar to proposed guidelines covering harassment based on religion published by the EEOC in October, 1993.

Sec. 609.—The conference agreement includes section 609, as proposed in the House bill, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest. The Senate-reported amendment did not contain a provision on this matter.

Sec. 610.—The conference agreement includes section 610, identical to the House bill and section 609 in the Senate-reported amendment, that prohibits use of funds to expand the U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues.

Sec. 611.—The conference agreement includes section 611, as proposed in the House bill, which prohibits the use of funds to provide certain amenities for Federal prisoners. The Senate-reported amendment included a similar provision as section 612, but proposed to make the prohibition permanent.

Sec. 612.—The conference agreement includes section 612, as proposed in the House bill, restricting the use of funds provided under the National Oceanic and Atmospheric Administration for fleet modernization activities. The Senate-reported amendment did not contain a provision on this matter.

Sec. 613.—The conference agreement includes section 613, identical in both the House bill and the Senate-reported amendment, which requires agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or department.

Sec. 614.—The conference agreement includes section 614, as proposed in the Senate-reported amendment, which permanently prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material that is sexually explicit or features nudity to a prisoner. The House bill included a similar provision as section 614, but did not propose to make the prohibition permanent.

Sec. 615.—The conference agreement includes section 615, as proposed in the House bill, which limits funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty, and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The Senate-reported amendment did not include a similar provision.

Sec. 616.—The conference agreement includes section 616, as proposed in the House bill, which prohibits funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate-reported amendment did not contain a provision on this matter.

Sec. 617.—The conference agreement includes section 617, modified from language proposed as section 615 in the Senate-reported amendment, which extends the prohibition in last year's bill on use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti. The provision also adds eight individuals to the list of victims, and extends the exemption and reporting requirements from last year's provision. The House bill did not contain a provision on this matter.

Sec. 618.—The conference agreement includes section 618, identical, but proposed as section 617 in the House bill and section 616 in the Senate-reported amendment, which prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information.

Sec. 619.—The conference agreement includes section 619, modified from language proposed as section 618 in the House bill and section 619 in the Senate-reported amendment, which delays obligation of any receipts deposited or available in the Crime

Victims Fund in excess of $537,500,000 until the following fiscal year. The conferees have taken this action to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years.

Sec. 620.—The conference agreement includes section 620, proposed as section 619 in the House bill, which prohibits the use of Department of Justice funds for programs which discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs. The Senate-reported amendment did not contain a provision on this matter.

Sec. 621.—The conference agreement includes section 621, identical in both the House bill and the Senate-reported amendment, but proposed as section 620 in the House bill, which prohibits the use of funds to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens.

Sec. 622.—The conference agreement includes section 622, proposed as section 621 in the House bill, which prohibits the use of Department of Justice funds to transport a maximum or high security prisoner to any facility other than to a facility certified by the Bureau of Prisons as appropriately secure to house such a prisoner. The Senate-reported amendment did not contain a similar provision.

Sec. 623.—The conference agreement includes section 623, modified from language proposed as section 622 in the House bill, regarding the Kyoto Protocol on Climate Change. The Senate-reported amendment did not include a provision on this matter. The conference agreement does not adopt the report language contained in the House report.

Sec. 624.—The conference agreement includes section 624, modified from language proposed as section 623 in the House bill, which prohibits funds from being used for the participation of United States delegates to the Standing Consultative Commission unless the President submits a certification that the U.S. Government is not implementing a 1997 memorandum of understanding regarding the 1972 Anti-Ballistic Missile Treaty between the U.S. and the U.S.S.R., or the Senate ratifies the memorandum of understanding. The Senate-reported amendment did not include a provision on this matter.

Sec. 625.—The conference agreement includes section 625, proposed as section 624 in the House bill, which prohibits the use of funds for the State Department to approve the purchase of property in Arlington, Virginia, by the Xinhua News Agency. The Senate-reported amendment did not include a provision on this matter.

Sec. 626.—The conference agreement includes section 626, proposed in the Senate-reported amendment as section 623, amending existing law related to certain medical costs to apply to suspects in the custody of the Federal Bureau of Investigation. The House bill did not include a provision on this matter.

Sec. 627.—The conference agreement includes section 627, proposed in the Senate-reported amendment as section 624, amending a fiscal year 1999 supplemental appropriations provision to permanently extend the time period in which certain takings of Cook Inlet Beluga Whales would be considered violations of the Marine Mammal Protection Act. The House bill did not include a provision on this matter.

Sec. 628.—The conference agreement includes section 628, modified from language proposed in the Senate-reported amendment as section 625, amending Public Law 106–113 to extend the authorization for Pacific Salmon Treaty and Recovery efforts. The House bill did not include a provision on these matters.

Sec. 629.—The conference agreement includes a new section 629, to clarify the Interstate Horseracing Act regarding certain parimutuel wagers.

Sec. 630.—The conference agreement includes a new section 630, which modifies existing law to include a three-tiered Hart-Scott-Rodino fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. Similar language was included under the "Federal Trade Commission, Salaries and Expenses" heading in Title V of both the House bill and the Senate-reported amendment.

Sec. 631.—The conference agreement includes a new section 631, authorizing the stabilization and renovation of a certain lock and dam.

Sec. 632.—The conference agreement includes a new section 632, requiring the Federal Communications Commission to take certain actions regarding Low-Power FM regulations.

Sec. 633.—The conference agreement includes a new section 633, providing additional amounts for the Small Business Administration, Salaries and Expenses account for a number of small business initiatives.

Sec. 634.—The conference agreement includes a new section 634, prohibiting the use of funds in this, or any previous Act, or hereinafter made available to the Department of Commerce, to allow fishing vessels to use aircraft to assist in the fishing of Atlantic bluefin tuna.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $8,000,000 from the amounts otherwise available for obligation in fiscal year 2001 for the "Drug Diversion Control Fee Account", as proposed in the Senate-reported amendment. The House bill did not include a rescission from this account.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $7,644,000 from unobligated balances under this heading, as proposed in the House bill. The Senate-reported amendment did not include a rescission from this account.

The conference agreement does not include a title providing contingent emergency funds for a "Southwest Border Initiative" for certain Department of Justice and Federal Judiciary accounts, as proposed in the Senate-reported amendment.

These needs are instead addressed in the regular accounts for such programs in Title I and Title III of this Act.

TITLE VIII—DEBT REDUCTION

DEPARTMENT OF TREASURY

BUREAU OF THE PUBLIC DEBT

Gifts to the United States for Reduction of the Public Debt

The conference agreement includes a new title depositing an additional amount in fiscal year 2001 into the account established under 31 U.S.C. section 3113(d), to reduce the public debt.

TITLE IX—WILDLIFE, OCEAN AND COASTAL CONSERVATION

Secs. 901–902.—The conference agreement includes $50,000,000 for formula grants to the States for wildlife conservation and restoration programs. Funding is provided through the U.S. Fish and Wildlife Service in the Department of Interior. This amount is in addition to funds provided for new, competitively awarded and cost-shared wildlife programs in the FY 2001 Interior Appropriations Act. This action recognizes wildlife conservation as a critical component of a nationwide strategy and supports state efforts in wildlife conservation and restoration. The conference agreement includes authorization language for this program.

Funding has been provided for the development, revision, and implementation of wildlife conservation and restoration programs and plans to address the unmet needs for a diverse array of wildlife and associated habitats. Funds provided to states or territories may be used for planning and implementation of wildlife conservation programs and conservation strategies, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects, for new programs and projects as well as to enhance existing programs and projects.

Each state's apportionment is determined by formula which considers the total area of the state (1/3 of the formula) and the population (2/3 of the formula). No state will receive an amount that is less than one percent of the amount available or more than five percent for any fiscal year. Puerto Rico and the District of Columbia each receive a sum equal to not more than one-half of one percent and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands each receive a sum equal to not more than one-fourth of one percent. The conference agreement requires States and other jurisdiction to have or agree to develop a wildlife conservation strategy and plan as a condition for receiving a federal grant under this program.

Sec. 903.—The conference agreement includes language authorizing a coastal impact assistance program for fiscal year 2001.

TITLE X

The conference agreement includes a new title X to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

TITLE XI

The conference agreement includes a new title XI, the Legal Immigration Family Equity Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$39,600,967
Budget estimates of new (obligational) authority, fiscal year 2001	50,932,968
House bill, fiscal year 2001	37,394,617
Senate bill, fiscal year 2001	36,689,955

Conference agreement, fiscal year 2001	39,868,390
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+267,423
Budget estimates of new (obligational) authority, fiscal year 2001	−11,064,578
House bill, fiscal year 2001	+2,473,773
Senate bill, fiscal year 2001	+3,178,435

Mr. OBEY. Mr. Speaker, I know that Members are anxious to leave, but we have one Member of this institution who is leaving for good. I feel that we are all going to miss him. I think he has a right to say to the House whatever is in his heart in this his last day of service in this institution.

I yield 10 minutes to the distinguished gentleman from Minnesota (Mr. MINGE), who has served his district and his country very well in the years that he has been in this institution.

Mr. MINGE. Mr. Speaker, I thank my colleague from Wisconsin for yielding me this time.

Almost 8 years ago, I first addressed this body. Today I speak on the floor for what may be the last time. As has everyone in this House, I have been elected by folks at home to represent them in this, the people's Chamber. It is an honor. It is a privilege. I participated in the 103rd Congress when the Democrats controlled both Chambers and the White House. I served in the 104th, the 105th, and the 106th Congresses with Republican majorities and a Democrat in the White House. I have seen bitter party differences and shared the frustration of stalemate and even shutdown. However, I have also felt the occasional sense of cooperation and accomplishment. I do not wish to review the score card of this game of power over the last 8 years. Rather, I wish to speak to the challenges that Congress and America face in the years to come.

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First, for the health and perhaps for the survival of our system of government, we must rehabilitate the way we finance political campaigns. I recognize we will never achieve perfection in campaign finance reform. Money always will undoubtedly be the most seamy side of politics. However, right now we face a veritable political hell. The insidious effect of raising money on policy and even process is tearing at the integrity of our system. By most accounts, over $3 billion has been spent on the year 2000 elections. And what has all this money brought us? It has spawned national cynicism, public despair and increasing apathy among voters. We must have a fix for this process.

Unless good government groups like the League of Women Voters, Common Cause, Public Citizen and others have confidence that we are sincerely doing the best we can to enact reforms, our institutions will suffer.

In 1993, as a new Member of Congress, I was asked by an interviewer from a religious radio station what I thought was the most important problem facing our country. Despite our preoccupation with health care, the deficit, family values, and other matters, I said campaign finance reform. It goes to the heart of the democratic process.

Second, our national and global economies are becoming increasingly concentrated. Fewer and fewer businesses dominate more and more sectors of the economy. This threatens our ability to maintain a free market system, the cornerstone of our economy. Antitrust laws and their enforcement are controversial. However, if we do not maintain a commitment to the principle of competition, the dynamics of a vibrant marketplace will be eroded.

All of us have heard promises of savings but also read about the loss of jobs and endless disappointments with mergers. Congress holds one of the keys to enforcement of the principles of competition. Antitrust, fair trade, regulated industries, deregulation, route awarding guidelines, intellectual property, government trade and government contracts and numerous other areas are contributing components to a competition policy. Consumers, suppliers, and small businesses, including farmers, are at risk in the long-term if we are not more vigilant.

Third, just as private sector concentration creates problems, unchecked power in government is a threat to the well-being of our society. The perceived problems of a national health care system resulted in health insurance companies and others raising the specter of runaway government power.

Fairness, lack of effective competition and stifling of new ideas are problems. The unjust regional disparities in Federal health care financing are an example of a continuing and unjust feature of the massive Medicare program. A free society, like a free economy, is threatened by too great a concentration of power in any entity. Countervailing forces are needed.

Our challenge in Congress is to structure public programs so such countervailing forces exist without destroying the effectiveness of the programs. Built-in checks are necessary for the long-term effectiveness and fairness of government programs.

This problem of power in government extends to elected officials and legislative bodies. Early on, we developed a tradition, now a constitutional rule, that Presidents cannot serve more than two consecutive terms. Like the executive, the legislative branch can have problems of concentration of power that must be addressed. The term limit movement grew out of the unhappiness of many opponents to 40 years of Democrat majorities in Congress and the seniority system. The 3-year term limit on committee chairs currently in effect in the House is an effort to break up the legislative power. This effort should not be abandoned.

Fourth, we must better address the fundamental problem of the difficulty of reforming public programs under current legislative procedures. It takes enormous efforts to pass legislation with a bicameral legislative branch, a complex committee system, Senate holds, the filibuster, a Presidential veto, and often politically divided leadership. Once created, programs are even more difficult to reform. Virtual consensus is needed. The low visibility of most reforms makes them less than exciting and makes it very difficult to attract the national attention and the public support needed for their adoption.

Efforts to give agencies discretion to reform themselves through rulemaking is not adequate. Nor are judicial review or 5-year reauthorizing bills effective.

The result is that, once created, Federal programs tend to be on automatic pilot. For programs to work effectively, Congress needs to craft a better framework for encouraging needed structural changes. The Federal Government's far flung activities and programs have become too significant a part of our Nation's economy to be hobbled with this handicap. The process for consideration of reform legislation should be simplified or quasi-independent status like the Postal Service should be considered for more operations.

Fifth and finally, we need to constantly recommit ourselves to maintaining respect for one another. The bitter divides in Northern Ireland, in the Balkans, in the Middle East, in Africa, and in the Indian subcontinent are examples of how supposedly self-governing societies are consumed and can be destroyed by internal animosities.

The 1990s have been a turbulent and all too often bitter time here in Congress. We cannot allow our all too genetic predisposition for pride, animosity, jealousy and bickering to destroy us and our institutions. We must allow the healing process to work. Respect and trust must be constantly nourished. Competition, self-righteousness, negative zeal, political campaigns and partisanship constantly drags us back into bitter disagreements, often unnecessarily.

Testosterone routinely trumps conciliation. Healthy disagreement and a loyal opposition cannot be allowed to degenerate and destroy working relationships. Hopefully it will not take an external enemy to unite us. We must rise above our differences.

Every day I have walked over to this Capitol, seen the dome, and realized that this is where our Nation's elective representatives meet, deliberate and make decisions, I am awed. I have pinched myself that I am here. I urge that we in Congress never allow ourselves to forget that we have a stewardship responsibility for the survival of our political institutions.

Self-governance and personal freedom are the core principles that we as Americans often take for granted. Our 220-year-old system of broad-based self-governance and individual rights is the longest running democracy in the history of our civilization and perhaps the history of mankind.

It is fragile. It is dependent on the trust of our people and our institutions, and we as political leaders must renew the process. We must make it work. We have a stewardship obligation to our children, grandchildren and future generations to enrich and strengthen this grand experiment and pass it on strong and intact.

This will be our generation's greatest success. We cannot afford to fail.

I appreciate the opportunity to serve with my colleagues. I am honored and humbled to have been elected by a free people. I wish success for the work of the 107th Congress. I hope and pray this body and our system of self-governance and our freedoms continue for countless generations to come.

Mr. PORTER. Mr. Speaker, I inquire of the Chair how much time remains on both sides.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Illinois (Mr. PORTER) has 30 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 21 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the consideration of my friend, the gentleman from Wisconsin (Mr. OBEY), and the consideration from the gentleman from Illinois (Mr. PORTER).

Mr. Speaker, I want to express my appreciation to the Members of the Committee on Appropriations who worked so hard given the unfortunate context which was created through no fault of theirs, and there is a great deal in this bill that I admire. Indeed it is to some extent a pleasant surprise in some respects. But there is one aspect which disappointments me greatly, and I feel the need to comment on it.

In 1996, again as part of an overall appropriations bill, this House passed an immigration bill which included one of the cruelest, most unfair provisions this Congress has legislated in my memory. It was one which retroactively subjected people who had committed minor crimes mandatorily to deportation. In the ensuing years, its implementation has ruined families; it has destroyed lives; it has inflicted on innocent children more pain than almost any other single act I can think of in a concentrated way. People who were the age of 18 or 19 or 20 who committed a minor offense and who had turned their lives around and had become responsible members of their community, responsible parents, have found themselves ripped from the communities where they have been living, ripped from their families and sent back.

We worked, those of us on the Committee on the Judiciary, in a bipartisan way to try to deal with that.

The gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary; the gentleman from Florida (Mr. McCOLLUM); and I and others worked and put together a bipartisan bill to relieve some, albeit not all, of the damage that bill does to people and it went through this House unanimously. It went to the other body, and we had hoped, given the difficulty that sometimes occurs there of getting separate legislation passed, that it would be included in this final bill, just as the bill that was seeking to amend had been included in this final bill.

We had agreement from the White House. We had, as I said, Republican and Democratic support here. At the last minute, the negotiations to include that vital humanitarian measure, supported by many Members of both sides of the aisle, was killed by the objection of the senior Senator from Texas. I do not think we have seen more cruelty inflicted on well-intentioned and well-behaved people than by that act.

So while I congratulate the Committee on Appropriations for the work they have done on the appropriations, I do have to note that a stunning piece of cruelty is left uncorrected by this bill.

Mr. PORTER. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, how sad I would have been if on my last day, after 26 years in this Congress, I would not have had an opportunity to vote on this legislation. I certainly want to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Illinois (Chairman PORTER) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for giving me that opportunity.

As I have said many times, priorities are very important when we talk about funding, and for many years I asked us to please think about children with special needs and I am happy to say that in the last 5 years, after the President signs this legislation, they will have increased spending 175 percent in the areas of IDEA. What that means to local school districts is the fact that they can do the modernization and the renovation; they can reduce class size; they can do all sorts of things, if they have that kind of money.

I want to thank them also for including funding increases for Even Start and including the Literacy That Involves Families Together Act in the conference report.

□ 1745

All of the reports that we have at this point show that teaching parents literacy and parents skills so they can be their child's first and most important teacher has improved their opportunity greatly to succeed.

I am also happy to report that under this proposal, we have worked out an agreement on renovation. I still believe that renovation, building and so on, is the responsibility of the State and local government, except when they talk about mandates that have come from the Federal level. That is what we have done in this legislation, tried to deal with those particular mandates.

There is also $25 million for a charter school demonstration project. I hope the gentlewoman from New Mexico (Mrs. WILSON) is listening. That will be very important when we talk about effective ways of leveraging private capital for charter schools.

On class size reduction, we have worked out and added to what we were able to do last year, which indicates that if we have 10 percent or more of unqualified teachers in the school district, they can use 100 percent of all this money in order to better prepare the existing teaching force they have. As I have tried to point out so many times, it does not matter what the class size is if we cannot put a quality teacher in that classroom.

I am also happy to point out that the conference hopes to open the doors even more in post-secondary education for our Nation's poor students with, again, the highest Pell grant award ever. I commend the Committee on Appropriations for maintaining our effort to increase this opportunity for people with low income.

Again, I want to merely thank the gentleman from Illinois (Chairman PORTER), who also is spending his last day here. I do not know if he got up at 3 o'clock this morning and started playing solitaire on the computer, as I did, because all of a sudden I realized at that hour, this was my last trip around that Baltimore beltway. I am very happy that that is true, and unhappy that I am leaving such a wonderful group of people, but it was my choice.

Again, I thank all Members for this piece of legislation. I think it is an outstanding accomplishment.

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in strong support of this legislation, and I want to thank my colleagues for their hard work on reaching this agreement.

I want to talk today about the Medicare provisions of this package, the portion of the bill that will help many health care providers and beneficiaries whose needs were not met by the current Medicare program.

This Congress passed the Balanced Budget Act in 1997 to save Medicare from insolvency. Now it is time to add some funds and benefits to the program to ensure it keeps up with the needs of those we serve. This bill effectively does that.

We have updated hospital payments so our hospitals nationwide can continue to provide the quality care we expect from them. We have also added and expanded preventive benefits for beneficiaries, including screening for glaucoma.

I introduced with my colleague, the gentleman from Georgia (Mr. LEWIS), medical nutrition therapy, and expanded coverage of pap smears and pelvic exams.

The bill also eliminates the time limit for immunosuppressant drugs cosponsored by the gentlewoman from Florida (Ms. THURMAN) for Medicare beneficiaries who have had an organ transplant, and waives the 24-month waiting period for those who suffer from ALS. These are provisions that have had our strong support this year.

The bill addresses our Nation's rural hospital crisis, and incorporates many of the provisions of H-CARE, which I introduced this year with bipartisan and bicameral support. So often, these small and isolated hospitals serve a disproportionate share of Medicare beneficiaries with special needs. Our rural communities need this coverage, and have been supported by people like the gentleman from Arkansas (Mr. DICKEY) and others of this Congress, and the gentleman from Oklahoma (Mr. WATKINS).

Finally, the bill updates payments to the Medicare+Choice program so beneficiaries can continue to have a low-cost alternative to traditional Medicare. Much has been said about the funding in this bill for the HMOs that provide this coverage, but this is something of utmost importance to my constituents and to many seniors across the country.

We have all heard about the planned withdrawals from the Medicare plus Choice program. This bill takes a first step towards bringing stability to this program and to the beneficiaries who depend on it.

I also want to thank our colleagues in the Committee on Commerce and those on the Committee on Ways and Means who have worked valiantly to get this bill produced. I think the seniors of our Nation will greatly benefit from this, and I again urge my colleagues to support us in this effort as we prepare to finish the 106th Congress on what I believe will be a very positive note, which is additional health care for our seniors. Hopefully, we can continue to work for health care for all Americans.

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, one of the things that this bill does have in it that is from the authorizing side is the Commodity Futures Modernization Act of 2000. This is not some insignificant piece of legislation, this is something that has been worked on for the last 2 years, very difficult to get through a number of committees in both the House and Senate.

I can speak at length on the bill. I will not. What I do want to say is this would not have happened had it not been for the leadership of our colleague, the gentleman from Illinois (Mr. EWING), who will be leaving the Congress of his own choice at the end of this year. This is something that I think he will be able to take with him as one of the major accomplishments that he made.

I cannot thank him enough, number one, for his work and effort in seeing this come to fruition, as well as thanking him for his friendship.

Mr. PORTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business.

Mr. TALENT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the conference before us enacts by reference H.R. 5667, the Small Business Reauthorization Act of 2000. That bill will reauthorize the SBA for 3 years, and continue and improve a number of important small business programs.

It contains the provisions of H.R. 2392, which reauthorizes and improves the Small Business Innovation and Research Program, or the SBIR program. I know many Members in the House will be pleased that we are getting that done on the last day.

The bill also contains provisions of a number of pieces of legislation which overwhelmingly passed this House and which reauthorize and improve the 7(a) program, the 504 program, and the SBIC program. We made a lot of progress in strengthening those programs in the 4 years of my chairmanship, and I believe strongly in all of them. I urge my colleagues to support them in the conference report.

Mr. Speaker, the bill also contains another measure which many people, including the President, have called the most significant anti-poverty legislation in the last 30 years, the American Community Renewal Act. Provisions in the bill will offer hope and opportunity to thousands of Americans who are living in economically underserved and blighted communities in our Nation. It will provide them and their communities tools, proven tools that are working in neighborhoods around the country already to fight the neglect, remove the scourge of drug abuse, and lift the pall of poverty that darkens the lives of so many of our fellow Americans.

The American Community Renewal Act will provide tax incentives to build businesses in these communities. In these communities, there will be a zero percent capital gains tax. It will require HUD to cooperate with neighborhood development groups so people can build homes and we can improve home ownership, provide assistance to fight the problems of drug abuse, allowing faith-based groups to participate in Federal drug and alcohol programs, and it will assist people in savings, allowing them to put up money from their earned income tax credit, with the government matching it.

It will give these communities things many of the rest of us take for granted: safe streets, a vital economy, and good schools, and things like hope and dignity.

Mr. Speaker, for several years my colleagues, the gentleman from Oklahoma (Mr. WATTS), the gentleman from Illinois (Mr. DAVIS), and our former colleague, Mr. Flake, and I have struggled to build this legislation in a bipartisan fashion. I am greatly pleased that on the final day and in the final hour of this Congress, we are succeeding. I am glad not just for us, but for those in the communities we visited around the country who will be helped by that legislation.

Mr. Speaker, this is my last speech and my last vote as a Member of this body. I am privileged to be able to cast it on behalf of this compromise measure, and in particular, on behalf of the American Community Renewal Act and its provisions.

I urge all my friends and colleagues in the House to support the bill.

Mr. PORTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise in support of the conference report and urge its passage. The report before us will enact by reference H.R. 5667, which contains the provisions of the Small Business Reauthorization Act of 2000. This is the 3-year authorization for Small Business Administration, and it will continue to improve an array of important small business programs that have the overwhelming support of this body.

H.R. 5667 contains the provisions of H.R. 2392, which reauthorizes and improves the Small Business Innovation and Research Program. This program authorizes millions of dollars of research funds for small businesses on the cutting edge of technology.

It also contains the provisions of H.R. 2614, H.R. 2615, H.R. 3845, and H.R. 3843, which reauthorize and improve the 7(a), 504, and SBIC programs. These programs represent over $11 billion in guarantees to ensure that small business has access to the financing necessary to create jobs and build our economy.

Mr. Speaker, all these provisions passed the House earlier this year by overwhelming margins, and I am certain they will retain the support of this body. I believe strongly in all these SBA provisions, and I urge my colleagues to support them and this conference report.

I also want to simply take a moment to thank the gentleman from Missouri (Chairman TALENT) for his very hard work as chairman of the Committee on Small Business. All of us in small business owe him a great debt of gratitude for his tremendously good work.

Mr. PORTER. Mr. Speaker, I am very pleased to yield 3 minutes to my colleague, the gentleman from Texas (Mr. ARCHER), the distinguished chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for the 6th year in a row this Congress is cutting taxes for the American people. Six consecutive years of tax relief, not tax increases; 6 years of a growing economy, a balanced budget, and a Federal budget surplus for the first time in a generation; 6 years of letting Americans keep just a little more of their money.

That is an amazing record of bipartisan achievement for which we can all be proud. Without question, I would like to have done more for the American taxpayers. However, I am pleased with the progress we have made We have advanced the cause of tax relief for American families and small businesses in a bipartisan fashion, and I am hopeful that we can see more enacted into law next year.

While this tax relief package consists mostly of a community renewal bill that the gentleman from Illinois (Speaker HASTERT), the conference chairman, the gentleman from Oklahoma (Mr. WATTS), and the chairman of the Committee on Small Business (Mr. TALENT), put together, it also contains a very important extension of medical savings accounts, our MSAs, a new idea in health care that I launched in the eighties and that can be expanded in future years.

MSAs have been available now for only a limited period of time, but they are the best patients' rights and checks on HMOs, and will greatly strengthen the doctor-patient relationship.

Second, MSAs are the right medicine at the right time for millions of Americans who have no insurance coverage. Almost one-third of MSA purchasers up to now have been people who previously had no insurance.

Third, MSAs are a natural antidote to the problems of affordable prescription drug coverage and long-term health care for the elderly.

Finally, President-elect Bush is a strong supporter of MSAs, so in passing this bill today, we are laying a foundation for the expansion in the future.

Mr. Speaker, this is the last time I will address my colleagues from the floor of this House as chairman of the Committee on Ways and Means. I am proud of my record, and proud of the things that we have accomplished together for the American people.

Our record on tax relief is historic: as I mentioned, 6 consecutive years of tax relief, including the largest tax cut since 1981. But we did so much more. We balanced the budget. We liberated millions of families from welfare dependency. We ended the social security earnings penalty once and for all, and we did so many more important things that time prevents me from listing all of them tonight.

These are the priorities for which I fought for 30 years. As I took the gavel of the Committee in 1995, the experts said they could not be done, but we did them. I am proud of these and so many other historic legislative accomplishments.

Today some of those same experts say Congress will never be able to save social security or eliminate the income tax.

□ 1800

They use the same Shermanesque statements that it will never be done that saturated the media in 1995 when we set our sights on changing the way Washington worked.

So I, for one, do not put much stock in their predictions, because they usually have been wrong. I have been in the arena, and I have great optimism and faith in our public servants who have served alongside me. My colleagues, we have changed the way Washington works. We did it together. It was extremely difficult, but we did it.

Mr. PORTER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to mention an important piece of legislation that the Speaker of the House was responsible for bringing into this bill. The Community Renewal Tax Relief Act, I think is going to make a great difference for communities like North Chicago in my district.

Mr. Speaker, people may think that my district is a wealthy district, and on average, it is; but we have very, very poor communities. North Chicago is a prime example. It has the lowest per capita sales tax revenue in the county. It is one of the poorest communities in Illinois.

It has an unemployment and poverty rate that is three times the national average. It has commercial and industrial property with a vacancy rate of over 50 percent. This is exactly the kind of community that will benefit from this legislation.

Mr. Speaker, I want to commend the Speaker of the House for insisting that we pass this legislation, enact it into law and benefit communities like North Chicago.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in strong support of this conference report.

Mr. Speaker, I want to commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member.

It certainly has been very interesting that we have had a number of people who have spoken on this bill in a glowing fashion who will not be with us in the next Congress, the gentleman from Missouri (Mr. TALENT), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Texas (Mr. ARCHER); and I know there are a number of others who will be very much missed, but I particularly want to single out the gentleman from Illinois (Mr. PORTER) because he has done so much for medical research, as well as for education.

Since I have the National Institutes of Health in my district, I have seen firsthand the kind of exemplary work he has done. He will be, indeed, missed; and this bill is going to reflect his work.

I particularly wanted to point out in my 1 minute that I am pleased that the legislation includes a waiver of Medicare's 24-month waiting period for ALS patients. ALS is Lou Gehrig's disease. It is a crippling disease.

It affects 25,000 to 30,000 families across America. They are struck with a crippling and creeping paralysis that eventually leaves them not even able to eat or breathe.

I wanted to also point out that I rise in tribute of a constituent, a former councilwoman, Betty Ann Krahnke, who found out she had ALS, a debilitating disease, and continued to serve until she could no longer. She and her husband and the ALS foundation have worked indefatigably on behalf of this legislation knowing that people do not live very often more than 19 months. So the 24-month waiver is important.

I salute those who have put it together. I am so pleased that the provision is in this, and I hope that we will all vote for this bill.

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I thank the gentleman from Illinois (Mr. PORTER) for yielding the time to me.

Mr. Speaker, I rise today in support of this conference report and also in support of H.R. 5660, which will be included in this package by reference.

This is a bill that culminates 4 years of work by the Committee on Commerce, the Committee on Agriculture, the Committee on Banking and Financial Services, and by our colleagues in the Senate. And it is, in fact, a legal modernization bill of enormous proportions which will affect all of the financial industry in this country.

First and foremost, it is intended to keep America on the competitive edge with our trading partners in this world economy; and it also modernizes the system here, so that not only can we be competitive in our financial industry, but we can be profitable.

I want to thank all that have taken part in it, the staff on the Committee on Agriculture, Senator GRAMM in the other body. Everyone has worked tirelessly on this, and I appreciate their support. I ask my colleagues for their consideration on this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that pursuant to clause 5 of rule XVII, the use of personal electronic equipment on the floor of the House is not allowed. Members will please disable their cellular phones.

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, I rise to thank our colleagues on the Committee on Appropriations, because we have a historic event that will take place when we pass this bill.

We have supported the law enforcement community in America. We have supported teachers in America; but in this bill, for the first time, the Congress will provide $100 million of appropriated monies for the 1.2 million men and women who serve every one of our districts as paid and volunteer firefighters.

The $80 million in grants will be matched by local funding, $10 million will go for burn research, and $10 million will go to rural fire departments and those communities across the country that are desperately in need of new equipment. This is historic. To help these volunteers to continue to protect their towns is one of the most important things that we can do as a body.

Mr. Speaker, I am so happy to stand here, to thank my colleagues. The gentleman from Florida (Mr. YOUNG) made a commitment to us a long time ago. I want to thank him.

I want to thank the gentleman from Illinois (Mr. PORTER). I want to thank our distinguished staff director, Mr. Dyer, the gentleman from Maryland (Mr. HOYER) on the other side, all the Members who were involved in this because of the historic nature of this funding.

Mr. PORTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. PORTER) for yielding the time to me.

Mr. Speaker, I just want to commend the gentleman from Pennsylvania (Mr. WELDON) for his outstanding work on behalf of our fire paramedic volunteers, something that was long overdue and something that will help protect lives and property throughout our Nation.

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. DICKEY).

Mr. DICKEY. Mr. Speaker, I am in support of this bill, with reservations.

Today, I will vote for the final appropriation bill of this 106th session of Congress, but with some sadness. The regret because in the Labor HHS and Education portion of these bills $4 million of projects in the 4th District have at the last minute been removed from the bill. These dollars had been placed in the bill to benefit educational institutions in the 4th District as well as hospitals, agencies for the aging, volunteer fire departments, bridges, boys and girls clubs, and other well deserved projects. I did everything I could to stop this from happening, but matters after the election were out of my control.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding this time to me.

Mr. Speaker, being cognizant of the approaching storm, let me very quickly thank the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) for their leadership and the gentleman from Illinois (Mr. PORTER) for his leadership. I spent many hours in front of his committee, and I thank him.

There has been much talk about the whole idea of bipartisanship, maybe even the word "compromise," but I believe that bipartisanship encourages one to put your feet in the shoes of the other fellow, put your feet in the shoes of central Americans or Haitians and Liberians who have worked so hard in this Nation, contributing taxpayers and homeowners who by this bill have been denied a simple access to legalization, individuals who came to this country, fleeing persecution seeking the freedom that we would offer; what a shame.

So we know what kind of bipartisanship we can expect in the next Congress. I would hope as well that we would have looked more favorably at allowing those who might have committed offenses as juveniles not to be deported and separated from their families, but that means that you have to step in the other fellow's shoes.

I do, however, want to note the good works that have been done for the hospitals and Medicaid payments and the $12 billion to help our hospitals, and I would hope that this bill will pass on that basis.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this conference report and would simply like to reference two parts. Especially, I strongly support the fix that has been provided for the teaching disproportionate share in public hospitals, and I also want to reference the American Community Renewal Act and New Markets Initiative. I want to commend the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business, for the hard work that he did on making sure that we get to this point with that legislation, he and the gentleman from Oklahoma (Mr. WATTS).

Mr. Speaker, I also want to thank the gentleman from Illinois (Speaker HASTERT) and President Clinton for making sure that this legislation became a part, and remained a part, of the package. It is a good bill. It is good legislation.

I commend the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), and all of those who framed it and the gentleman from Illinois (Mr. PORTER) and say thank you to a great Congress.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, first of all, Mr. Speaker, I want to take note of the fact that the gentleman in the chair, the gentleman from Indiana (Mr. PEASE), is also leaving this institution. He has not served with us very long, but he has served with us very well.

I was just remarking with one Member on the majority side of the aisle about the grace with which he handles his duties in the chair, which he does often. He handles the gavel lightly but firmly. I think everyone who has gotten to know him appreciates his character, his goodwill, and the quality of service to this institution.

Secondly, I want to add one word about one additional staffer: Scott Lilly has served as my right arm for many years. He is the staff director on the Committee on Appropriations on the minority side. I do not know anyone who I have ever worked with who has had better judgment or is more dedicated both to this institution and to what this country is supposed to stand for.

He has worked tirelessly on behalf of each and every Member on this side of the aisle, and I would also say on many occasions people on both sides of the aisle. I am profoundly grateful to the service he has provided this body.

Lastly, I simply want to say that there are a number of items in this bill that Members will not agree with. There are many items that I do not agree with. There are a number of authorizations that have been added that I think are ill advised. There are some changes in the appropriation items themselves to which I do not agree.

An example, in October, we had an agreement on snowmobiles; that has now, I understand today, been changed because the administration negotiated a new arrangement with the Senate leadership. I do not like it, but also at this late date there is not much that I can do about it. We certainly cannot hold up the entire bill because of it.

Mr. Speaker, I simply want to urge every Member to recognize that the education funding, the health funding and the worker protection funding in this bill makes this a worthy enterprise; and even though the process by which we arrived here was one that I would recommend to absolutely no one in the future, I think that the contents are something which we can go home with justifiable pride, because they will, in fact, help meet the needs of a changing and growing Nation.

Mr. Speaker, I yield back the balance of my time.

☐ 1815

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief. I realize Members have planes to catch.

But I want to take a moment to thank the gentleman from Florida (Mr. YOUNG), my chairman, who has worked tirelessly to bring this legislation to fruition. He is wonderful to work with, a man of good humor and goodwill, great patience, a true leader in the House of Representatives.

I want to thank the gentleman from Wisconsin (Mr. OBEY.) It has been one of my real pleasures to work with him. I have great respect for him. We have worked well together. It has been a tremendous pleasure to have been able to work with him all these years and to share in many respects, although we have certainly had our differences, many of the same agenda items.

Let me say that I have been pleased to have a subcommittee staff that has been absolutely outstanding, the best on the Hill, led by Tony McCann, our clerk; and Francine Salvador; Carol Murphy; Susan Firth; Jeff Kenyon; and Tom Kelly, our detailees. They have done an absolutely outstanding job throughout this year and previous years in bringing this bill to fruition.

I want to thank my administrative assistant, Katherine Fisher. I want to thank our front office staff, led by Jim Dyer, including John Mikel and Chuck and Dale and Brian and Elizabeth and John. They all do a magnificent job for the people of this country and for this Congress.

I want to thank Scott Lilly, as the gentleman from Wisconsin (Mr. OBEY) has said, Cheryl Smith, Mark Mioduski, and Christina Hamilton. All of them do a tremendous job and work well with us to get the work of the Congress done.

Mr. Speaker, as Bill Natcher would have said, this is a good bill, and I commend it to all of the Members.

I have said my farewells to this body long ago, but let me just say in closing it has been a tremendous honor and privilege to serve with all of the Members of this body. I have served. I have counted them up, I have served with 1,346 different Members over my 21 years.

I wish all the Members of this Congress a very Merry Christmas and a Happy New Year. I wish them a wonderful new 107th Congress. I hope our paths will cross many times in the years ahead.

Mr. SALMON. Mr. Speaker, I rise to urge my colleagues to vote in favor of the Computer Crime Enforcement Act of 2000. The bill provides $25 million in grants (from the Department of Justice) to local law enforcement officials to combat computer crime. Specifically, the grants will be used to: teach state and city law enforcement agents how to investigate hi-tech crimes; purchase the necessary equipment to assist in the investigation of computer crimes; and train prosecutors to conduct investigations and forensic analysis of evidence in prosecutions of computer crime.

As you know, many businesses, educational institutions, banks, hospitals, and other information-intensive entities have fallen prey to hi-tech criminals who illegally break into computer systems and steal sensitive information.

A recent poll conducted by the Information Technology Association of America (who endorse my bill) found that 61 percent of consumers questioned are less likely to shop over the Internet as a result of the rise in cybercrimes. Clearly, e-commerce and e-crime cannot co-exist.

The FBI refers many of these cases to local law enforcement agencies. Unfortunately, local law enforcement agents have not had the necessary equipment or training to protect the public from hi-tech thieves. At a cybercrime summit I hosted in Phoenix this summer, many local law enforcement officials told me that they do not have the necessary equipment nor have they received adequate training to protect the public from hi-tech thieves.

As a follow-up to my cybercrime summit, I asked several law enforcement agencies from Arizona to respond to a questionnaire regarding computer crime. Forty-three percent of the agencies do not have funds specifically set aside for computer crime investigations even though 50 percent of the agencies investigate more than 10 cases a month. More frightening is the fact that 43 percent of the agencies have personnel who are only moderately trained in computer crime investigation.

Computer crime has been on the rise for some time. And companies are requiring more federal assistance. According to a recent report released by the FBI and the Computer Security Institute, 32 percent of companies surveyed required help from law enforcement agencies—up 17 percent from the prior year. And, according to a recent report by San Francisco's Computer Security Institute, nearly a third of U.S. companies, financial institutions, government agencies and universities say their computer systems were penetrated by outsiders last year. More than half of the organizations said their computer systems were subject to unauthorized access by insiders, and 57 percent said the Internet was a "frequent point of attack" by hackers, up 37.5 percent from three years ago.

We can no longer afford to be mystified by those who commit these hi-tech crimes. The small network that once was the electronic home to a few scientists has become an electronic labyrinth where hundreds of millions of people regularly pay taxes, trade stock, bank, buy goods, and send intensely personal information. When criminals gain access to this sensitive information, the consequences can be devastating.

Computer criminals know no boundaries. And they are becoming sophisticated to the point that most companies aren't even aware that they are under attack. Therefore, it is imperative that Congress address the needs of local police officers who are fighting this new wave of crime on the front lines. To have a successful, national cybercrime strategy, the FBI's expertise in fighting hi-tech crimes will need to filter down to the states. I urge my colleagues to vote for this bill.

Ms. PELOSI. Mr. Speaker, I rise in support of this omnibus measure, which includes funding for many programs of vital importance to the American people. The programs funded within the Labor-HHS-Education Appropriations bill are so important because they affect families at work, in school, at home, and in their communities. I commend Chairman PORTER and Ranking Member OBEY for negotiating a strong bill that reflects our national values. In particular, I would like to thank Chairman PORTER for his many years of dedicated service on our subcommittee and in Congress. His knowledge, dedication, and ability to reach across party lines will be sorely missed. DAVID OBEY's hard work, commitment, and advocacy for Democratic priorities must also be recognized. In addition, I commend the Clinton Administration for holding firm on its initiatives and funding priorities, which helped us provide the largest single year increase for health and education programs in our nation's history.

Funding for health programs is increased significantly over the measure passed by the House in June. The increase of $6.6 billion, 16 percent over fiscal year 2000, includes significant increases for HIV/AIDS programs, community health centers, biomedical research, substance abuse treatment, breast and cervical cancer screening, and programs that reduce the harmful impacts of environmental pollutants on human health. The bill also increases education programs $6.5 billion or 18 percent above last year, significantly increasing funding for Class Size Reduction, Title I grants for disadvantaged students, teacher quality improvement programs, and student financial aide assistance, including Pell Grants, and providing $1.2 billion for a new School Renovation Program. It also helps children's programs, including Head Start, the Community Child Care Block Grant, After School Centers, and campus based child care [CAMPUS]. To further address the nation's shortage of high quality child care facilities, I also pushed to create a new $2.5 million demonstration program to provide technical assistance to child care providers in low-income communities, which is included in the final bill. The $664 million increase for the Labor Department is 6 percent more than last year's funding level and increases Youth Job Training Programs and worker protection programs, including OSHA and the International Labor Affairs Bureau. These are great accomplishments, and we should all be very proud.

I am especially pleased that we were able to substantially increase funds for HIV/AIDS prevention, care, and research. My community in San Francisco has been devastated by this terrible epidemic, but we have seen tremendous progress over the past decade as the resources available to fight HIV/AIDS have been increased. The Ryan White CARE Act, which was reauthorized for 5 additional years earlier this session, will receive $1.808 billion this year, an increase of $213 million over last year. Approximately two-thirds of the people living with HIV/AIDS in this country receive CARE Act services, and the recent declines in AIDS deaths are a direct result of the therapies and services made more widely available through this vital program. In addition, we have provided a combined increase of $159 million for our global and domestic HIV prevention programs. This investment, which now totals $923 million, will allow greater access to voluntary counseling and testing, stronger linkages between prevention and treatment, and a reduction in the number of the new HIV infections worldwide. Finally, we have succeeded in securing a substantial increase of $100 million for the Minority HIV/AIDS Initiative. The impact of HIV/AIDS on communities of color has steadily increased in recent years, and now the majority of people living with AIDS are people of color. This initiative will provide $350 million to enhance existing systems of HIV/AIDS care in minority communities.

For the third year in a row, we have provided dramatic increases in biomedical research at the National Institutes of Health. In addition to progress in the search for better treatments and, eventually, a vaccine for AIDS, these investments are yielding phenomenal progress in our understanding of the human body and how we are affected by our environment. One of the great achievements in the history of science, the mapping of the human genome, was completed by NIH researchers earlier this year. The potential impact on human health cannot be over-exaggerated. This map will soon enable scientists to identify genetic causes and develop precise medical interventions for Alzheimer's, cancer, heart disease, and many other health conditions that adversely affect millions of Americans each year.

We have also dramatically strengthened our commitment to understanding and preventing illnesses that result from environmental pollutants. The Center for Disease Control and Prevention will receive nearly $47 million to assess human exposures to toxic substances, screen newborns for treatable conditions linked to such exposures, and respond to emerging environmental health threats as they develop.

Access to quality health care for the uninsured has been improved in a number of important ways. Funding for the National Breast and Cervical Cancer Early Detection Program at the CDC has been increased $18 million to $174 million. This program provides lifesaving screening to uninsured and underinsured women, and prevents thousands of cases of cancer each year. Currently, these programs reach only 12–15 percent of the women eligible for services in each state. This year's increases will allow more at-risk women to be reached, but clearly we must further expand this program in fiscal year 2002. An increase of $150 million was also included for the nation's community health centers. The number of uninsured individuals in need of health care continues to increase and community health centers provide high quality primary and preventive care that would otherwise be obtained through costly emergency room visits, or not at all. An additional $125 million has been included for the Community Access Program which provides funds that community health centers across the country use to streamline administrative procedures and expand crucial primary care services.

This omnibus measure also includes important provisions that correct changes to reimbursement rates in the Balanced Budget Act of 1997 which drastically reduced payments for Medicare and other federally funded health care programs. These refinements will help hospitals, nursing homes, and academic health centers continue to provide the high quality care that beneficiaries deserve.

Although funding for the Substance Abuse Block Grant increased by $65 million above last year's level, it is disappointing that the leadership did not support a larger increase. An estimated 3.6 million Americans do not receive the substance abuse treatment they need. Earlier this year, to address the treatment gap, I offered a $1.3 billion amendment to increase treatment and prevention, the most effective means to address abuse. In that debate, we cited a Rand Corporation study sponsored by the Office of Drug Control Policy and the United States Army which demonstrated that to reduce cocaine consumption funds invested in drug treatment were 23 times more effective than source country control, 11 times more effective than interdiction, and 7 times more effective than law enforcement. It is unfortunate that on party lines, the Republicans nonetheless voted in Committee to oppose increased treatment and prevention funds, and voted in the Rules Committee to prevent my amendment from being offered on the House floor. I urge the 107th Congress to address this treatment and increase funding.

This bill takes important needed steps to address America's troubling child care crisis by significantly increasing funding for child care programs. The bill substantially increases the Community Child Care Block Grant by 70 percent or $817 million above last year and increases Head Start $933 million or 18 percent. Funding for After School Centers will nearly double, increasing $393 million, and the Child Care Access Means Parents in School program will increase 400 percent from $5 million to $25 million. This small, but important program supports and enhances campus based child care opportunities for low-income parents. We must grow this program and work to ensure all parents attending school have access to child care on campus so they are able to pursue their educational goals. While I commend these significant and much needed increases, we must recognize the gravity of America's child care problems.

To address the nation's shortage of child care facilities, I pushed to create a new $2.5 million demonstration program that will provide technical assistance to child care providers to improve the quality and supply of child care facilities in low-income communities. America's child care facilities are inadequate and many low-income communities face a severe shortage of quality child care space and equipment. This crisis is expected to worsen as increasing numbers of welfare recipients enter the workforce, and it threatens the ability of parents to find and maintain stable employment. This demonstration will provide grant funds to nonprofit intermediaries to deliver technical assistance to home and center-based child care providers to strengthen the physical infrastructure of child care facilities and enhance business management and entrepreneurial skills to ensure the long-term viability of their centers. This federal investment would leverage funds from the private sector, stimulate valuable public/private partnerships, and provide small, seed-money investments to leverage existing community resources. While this demonstration starts small, I know it will succeed and expect that we will increase this funding in subsequent years.

I commend the bill for its large funding increase for education and know that local school districts will put their Class Size Reduction and new School Renovation Program funds to excellent use. There is no more important priority than educating our children and passing our knowledge and values to the next generation. These funds will help local schools recruit, hire, and retain more quality teachers and enhance the school learning environment for both teachers and students. Teacher quality improvement funds also ensure that new teachers, as well as seasoned veterans, may enhance their professional development. The increases for Title I grants, Special Education, and student financial assistance increase access at all educational levels for students with low-incomes, learning disabilities, or social disadvantages. Together, this bill ensures that teachers can teach, students can learn, and parents can participate in the learning process.

I am pleased that this agreement deletes a GOP rider to stop the Department of Labor from moving forward with and enforcing its recently published final Ergonomics Standard. This Standard is vitally important to protect America's working men and women and will annually prevent 460,000 workplace injuries. The final standard requires employers to identify and fix workplace hazards that cause ergonomic injuries and follows the existing business practices of competitive firms such as the Ford Motor Company and Xerox. It provides Work Restriction Protection to workers suffering on the job injuries and enables them to maintain their earnings and full benefits for a limited period while it is unsafe to return to work. After years of Republican-led delays, it is significant that Congress will now permit the Labor Department to enforce ergonomics protections. This success demonstrates the value we place on safeguarding America's workers. It is my hope that Congress will not revisit this issue in our next session, and that the Labor Department will fully enforce these important workplace protections.

Programs dedicated to the education, health, and working conditions of America's families are among our most important responsibilities in the Congress. This bill responds to these responsibilities, and I urge my colleagues to support it.

Mr. EWING. Mr. Speaker, today, I am introducing the Commodity Futures Modernization Act of 2000 which provides us with an historic opportunity to modernize the U.S. futures and over-the-counter market laws. The time is now to ensure that the United States continues to be the world's financial leader. We have two of the three largest futures exchanges in the world, however, our antiquated laws and regulations prevent them from being as efficient and effective as possible to compete in global markets. The legal uncertainty surrounding the U.S. over-the-counter markets must be removed to prevent domestic business from migrating overseas and causing our share of these $90 trillion markets to shrink.

The Commodity Futures Modernization Act of 2000 contains the major provisions of the House passed H.R. 4541. These provisions are in titles I and II of the legislation and provide regulatory relief for the domestic futures exchanges, legal certainty for over-the-counter products, and allow for the trading of single stock futures. The bill promotes innovation and competition by giving exchanges, banks, brokerage firms and others involved in derivatives markets the flexibility to decide how best to structure their businesses with legal certainty as to the regulatory implications of those decisions. It provides unbiased guidelines on what kinds of activities are subject to and excluded from the Commodity Exchange Act. Further, the legislation makes those exclusions available to transactions in financial interests or securities that do not occur on trading facilities or occur on excluded electronic trading facilities, no matter who operates those facilities.

By breaking down the Shad-Johnson barrier, the bill will foster a healthy competitive environment for futures on single stock and narrow-based futures indices, risk-management instruments that heretofore have been prohibited by an outdated U.S. law. Because foreign competitors have already focused considerable resources to attract these markets to their shores, I would urge all agencies involved in administering the new framework for single stock futures to act as expeditiously as possible to ensure that our markets in single stock futures and narrow-based futures indices are able to meet this competition promptly and not suffer from regulatory arbitrage with overseas markets.

By refraining from altering certain sections of the Act, this legislation reaffirms the importance of specific authorities granted the CFTC, including its anti-fraud and anti-manipulation powers. Section 4b is the principal anti-fraud provision of the Act and the Commission has consistently used Section 4b to combat fraudulent conduct by bucket shops and boiler rooms that entered into transactions directly with their customers and thus did not involve a traditional broker-client type of relationship. See, e.g., CFTC v. P.I.E., Inc., 853 F.2d 721 (9th Cir. 1988) (fraudulent sale of illegal precious metals futures contracts marketed as cash-forward transactions); CFTC v. Wellington Precious Metals, Inc., 950 F.2d 1525 (11th Cir.), cert. denied, 113 S. Ct. 66 (1992) (boiler room operation fraudulently selling illegal precious metals contracts to members of the general public). This is consistent with both Congress' understanding of and past Congressional amendments to Section 4b that confirmed the applicability of Section 4b to fraudulent boiler rooms and bucket shops that enter into transactions directly with their customers.

It is the intent of Congress in retaining Section 4b of the Act that the provision not be limited to fiduciary, broker/customer or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework. This latest version of the legislation adds two new titles not included in the original House passed bill. Title III, Legal Certainty for Swap Agreements, provides guidelines for the SEC's role in regulating swaps.

Title IV, the "Legal Certainty for Bank Products Act of 2000", excludes identified banking products from the Commodity Exchange Act. It provides guidelines to determine the proper regulator for hybrid products. If the regulators do not agree on who should regulate a product, the court will decide.

Senator LUGAR and Senator GRAMM have worked tirelessly in the Senate, with the House, and with the Administration to make this bill possible. Secretary Summers in coordination with Chairman Rainer and Chairman Levitt and countless numbers of their staff put in many hours working through this language to reach agreement. Finally, I would like to thank Chairman COMBEST, Chairman LEACH, Chairman BLILEY and all the Ranking Members who have worked so hard on this legislation, particularly to pass the H.R. 4541 version of this bill through the House, and to produce the final package we have presented today. Everyone involved and their staff should be commended for their extraordinary efforts.

It is my hope that this legislation will enable America to continue being the world leader in financial markets for decades to come.

Mr. TOWNS. Mr. Speaker, while this legislation contains many positive restorations in terms of Medicare beneficiaries and providers, I deeply regret that we did not permit the states to offer health coverage for lawful immigrant pregnant women and children through Medicaid and the State Child Health Insurance program (SCHIP).

Because of our inaction, many hard working, tax paying, lawfully present immigrants will remain ineligible for basic health care. We had an opportunity to restore the human rights to lawfully present children and pregnant women; yet, we failed to take this first step to make health care available to a group of taxpayers who have no other affordable access to health services. It is a shortfall that I hope we can remedy in the next Congress.

Ms. DEGETTE. Mr. Speaker, this Congress is considering legislation which would authorize the construction of a dam and reservoir that will implement the Colorado Ute Indian Water Rights Settlement Act of 1988. The Settlement Act, through the construction of the Animas La-Plata project, (ALP) is intended to provide the Colorado Southern Ute and Ute Mountain Ute Indian Tribes an assured long-term water supply in order to satisfy the Tribes' senior water rights.

That said, what we really are addressing is justice. The Ute Tribes once held the majority of the Western Slope of Colorado, but that land was slowly and systematically taken from them by the United States Government. For over one hundred and thirty years, the Ute Tribes have been denied their rights as stewards of the land. Some object to the ALP project in any form because of its environmental impacts or cost to the taxpayer. I understand and share those concerns. However, it is time to right the past wrongs that the federal government inflicted upon the Ute people. It is unjust to delay this settlement any longer, for doing so would continue a cycle of broken promises to the Ute Tribes that is far too familiar.

The Utes have been extraordinarily patient. Thirty-two years of debate and delay have brought us numerous versions of this project—ALP, ALP-Lite, ALP Ultra-lite—it has become difficult to keep track. The project has been evaluated by numerous federal and state agencies, and subject to multiple lawsuits and negotiation sessions. All of which have brought us here today to vote on this proposal, which is vastly different from the original Animas La-Plata project put forth in 1968. It is narrowly tailored and significantly downsized. In fact, it cannot even be called Animas La-Plata anymore because the La-Plata River has been taken out of the equation. Yet, this project still satisfies the senior water rights of the Southern Ute and Ute Mountain Ute Tribes and finally fulfills our promises to them.

I also am pleased that this bill instructs the Department of the Interior to complete a thorough environmental analysis of the current proposal. Previous versions of ALP were appropriately delayed in order to fully assess the impact on endangered species and the environment. The resulting discussions and additional research contributed to the redesigned project proposed today. Since the final proposal of ALP is vastly different from previous designs, it is critical that the environmental impacts of this new version continue to be carefully evaluated in order to ensure adequate protection of the environment.

I support the Animas La Plata project as outlined in this legislation as the most viable manner in which to satisfy the Ute Tribes' water rights that were established under their 1868 treaty with the United States, and subsequently upheld by the Supreme Court decision in Winters v. United States (1908). Colorado's Ute Tribes have waited long enough for the fulfillment of that treaty. I urge passage of this bill so that the tribes may regain some of what we have taken from them.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the Omnibus package before us. Let me highlight a few matters:

COMMERCE-JUSTICE-STATE

Provides $1 billion for the COPS program, which is $437 million above the Y 2000 level. This total includes $535 million for core COPS program, $100 million for community prosecutors, and $140 million for a new COPS technology initiative.

State and local law enforcement assistance program—Provides $2.8 million for state and local law enforcement block grants, $687 for state prison grants, $228 million for violence against women grants, $250 million for juvenile crime block grants, and 569 million for Byrne grants.

FBI—Provides $3.3 billion for the FBI, which is $161 million above the FY 2000 level.

Drug Enforcement Administration—Provides $1.4 billion for the DEA, which is $82 million more than last year.

Commerce Department—Provides for a total of $5.2 for the Commerce Department and related agencies.

State Department—Provides a total of 6.6 billion for State Department programs, which is $729 million more than in the FY 2000 budget. This includes $3.2 billion for diplomatic and consular programs and some $871 million for international peacekeeping operations.

Mr. Speaker, I would like to take opportunity to express my appreciation to the Clinton Administration, House and Senate Leadership for working to finally complete the business of the 106th Congress. This bill before the House will provide appropriations for several separate appropriations bills, which have been combined to speed their adoption into law.

In my testimony to the Appropriations Subcommittee on Labor/HHS, I urged the committee to increase the funding for children's mental health services, which they have done through the appropriation of a Mental Health Block Grant program in the amount of $240 million, $63 million more than last year's funding.

As for my request for additional funding for HIV/AIDS this appropriation measure will place an additional $97 million over the amount initially requested by the Administration bring their appropriation to $767 million for Fiscal year 2001. It is my hope that this additional funding will go those who are in greatest need minority HIV/AIDS programs. Minority AIDS programs have been woefully under funded over the last few Congresses, despite the fact that minorities are the fastest growing population infected with AIDS/HIV.

I thank the Clinton Administration for taking the bold step of formally recognizing that the spread of HIV/AIDS in the world today is an international crisis, through his declaration of HIV/AIDS to be a National Security threat. I am pleased to see that funding for the Ryan White AIDS program has been increased by 13% to $2.5 billion for the next fiscal year. Further, funding for the National Institutes of Medicine has been increased to $2.4 billion, which is 14% over last year's appropriations. 13.7 million children suffer from mental health problems. The National Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. The most common is depression and although one in five children and adolescents had a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

This bill will also fund education for our nation's children at $6.5 billion, which is 18% more than was appropriated last year, and is in fact the largest annual increase in the history of the Department of Education. This legislation will allow school districts throughout the United States to work on reducing class sizes in the early grades, create small, successful, safer schools, renovate over 3,500 schools, and increase the number of children who have access to Head Start by an additional 600,000.

This bill also incorporates the Fiscal Year 2001 appropriations for the Department of Labor at $664 million or 64 percent over last year's funding. I am very pleased to see that the funding for the Health and Human Services Department is at $48.8 billion, which is $6.6 billion over last year's appropriations. After the years of cuts to this vital program today we are finally recognizing that the health safety and welfare of America's disadvantaged should be addressed with adequate resources by the agency charged with providing care to them.

Many Houstonians' lives were saved by the additional funding from LIHEAP and this appropriations will provide $1.4 billion for the coming year. I thank my colleagues and urge them to support this appropriation measure.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the omnibus appropriations legislation that includes funding for the Departments of Labor, Health and Human Services (HHS), and Education, Treasury, and Legislative appropriations bill as well as $35 billion for the Medicare and Medicaid programs. This comprehensive legislation is critically important and will ensure that all Federal agencies receive sufficient federal funds for Fiscal Year 2001. I am also pleased that legislation includes tax provisions as well as provisions to modernize the Commodity Futures Trade Commission, and reauthorize the Small Business Administration.

I am especially pleased that this legislation includes provisions similar to legislation which I sponsored (H.R. 1298) which would allow schools, homeless shelters, and housing program agencies to presumptively enroll those children who are eligible for either Medicaid or the State Children's Health Insurance Program (SCHIP). It is estimated that up to 800,000 of the 1.4 million uninsured children in Texas are eligible for, but not enrolled, in the Medicaid program. This provision will speed up the application process and ensure that these children are immediately enrolled in Medicaid to get the services that they need. I believe that this provision is the right thing for these children and will actually save taxpayer funds by ensuring that these children get the preventive care they need. It is cheaper to provide health care for these children rather than to pay for their care in emergency rooms. I also pleased that these provisions ensure that states will not be penalized if they expand their presumptive eligibility program. Under current law, states are required to deduct any costs related to this presumptive program from their SCHIP allotment. These provisions would correct this inequity by permitting states to simply expand this program without a penalty.

A second priority item in this omnibus appropriations bill is the $20.3 billion NIH budget included in this bill. As a Co-Chair for the Congressional Biomedical Research Caucus, maximizing the NIH budget is one of my highest priorities. This $20.3 billion is 14 percent higher than last year's budget and is our third installment in doubling the NIH's budget over five years. This additional funding will help to ensure that more than one third of the peer-reviewed, meritorious grants will be funded to help find a cure for such diseases as AIDS, cancer, Alzheimer's, and diabetes.

Another important provision would provide $235 million for pediatric graduate medical education for independent childrens' hospitals such as Texas Children's Hospital in my district for next year. This provision is similar to legislation I have cosponsored to provide guaranteed Federal funding to train pediatricians. Under current law, independent children's hospitals are not eligible for much graduate medical education funding. This provision would correct this inequity.

This bill also provides $18.4 billion over ten years in Medicare reimbursements for Medicare managed care plans. Just this week, Congressman BENTSEN sponsored a Town Hall in Houston to inform seniors of their health care options in the wake of the massive Medicare HMO withdrawal from Texas on January 1, 2001. This critical funding will establish two minimum floor payments of $475 per person for rural areas and $525 for urban areas to help ensure that Medicare beneficiaries will continue to have health care options. It also provides a ten-year risk adjuster for Medicare managed care plans to ensure higher payments. With higher reimbursements, more managed care plans will remain part of the Medicare program. •

I am also pleased that this bill includes provisions to improve and strengthen the Medicare and Medicaid programs. The Medicare provisions will save hospitals $10.7 billion over ten years. The first provisions will increase Medicare reimbursements for Indirect Medical Education (IME) payments to teaching hospitals such as those at the Texas Medical Center which I represent. This provision will restore $600 million for teaching hospitals by providing an average 6.5 percent IME payment in Fiscal Year 2001, a 6.375 IME payment for Fiscal Year 2002 and 5.5 IME payment for Fiscal Year 2003. This bill also includes provisions to add $100 million to the Medicare disproportionate share hospitals (DSH) program for those hospitals which serve a disproportionate share of the uninsured and underserved communities. This bill would also provide a full annual inflation update for hospitals prospective payment system (PPS) payments in Fiscal Year 2001. In Fiscal Year 2002 and Fiscal Year 2003, the update will be Market Basket Index minus .55 percent. These two provisions will save hospitals

$9.5 billion over ten years and are similar to legislation which I have cosponsored to protect our nations' hospitals.

This legislation also includes Medicaid provisions to save hospitals $7.2 billion over ten years. The first provision will increase Medicaid DSH payments, similar to legislation which I have cosponsored. These provisions will also give the state of Texas two extra years to spend their $446 million SCHIP allotment for Fiscal Year 1998 and 1999. Since Texas has only recently begun to enroll children in their SCHIP program, the state of Texas did not spend all of their FY 1998 and FY 1999 allotments in a timely manner. These provisions are critically important to enrolling all of the children who will benefit from this health insurance program.

I am also pleased that this bill includes a provision similar to legislation which I have cosponsored to help patients with Amyotrophic Lateral Sclerosis (ALS) or Lou Gehrig's disease. This provision requires the Institute of Medicine to conduct a study on the 24-month waiver in the Medicare disability program. Since many ALS patients do not live for more than 24 months, the current system prevents many patients from enrolling in Medicare. With more information, it is my hope that we will have the research available to convince our colleagues that this waiver should be granted.

I am also pleased that this bill includes several benefits for beneficiaries. I am especially pleased that this bill eliminates the time limits for immunosuppressive drugs. For Medicare patients who have had transplants, these lifesaving drugs are critically important. Under current law, we provide limited coverage for these immunosuppressive drugs. Yet many of these patients must take these immunosuppressive drugs for the rest of their lives to ensure that their transplanted organs are not rejected. This bill also would modernize the mammography benefits for Medicare beneficiaries by ensuring access to cutting-edge digital mammograms. This bill provides higher reimbursements for these digital mammograms and ensures that Medicare reimbursements will be based upon the physician fee schedule rather the current fixed rate system. It also provides coverage for colon cancer tests for all Medicare beneficiaries, instead of only high-risk individuals. With proper screenings, these preventive benefits can save lives and reduce health care costs. I also support provisions that will provide coverage for medical nutritional therapy for beneficiaries with diabetes. For many diabetics, maintaining their diet is part of their treatment and nutritional therapy has been shown to reduce complications from this disease. This provision is based upon legislation which I have cosponsored and will help many diabetics to get proper nutritional training.

I also want to highlight several local projects included in this bill. I am especially pleased that this conference report includes $850,000 for the Center for Excellence in Minority Health Research (CERMH) at MD Anderson Cancer Center. This is the second installment in my efforts to ensure that we have provided sufficient federal funding for research on the high rate of cancer among minorities and underserved patients. With more information on cancer, we will learn more about how to reduce these high rates and how to provide cutting-edge treatments for these patients.

I am gratified that the 106th Congress' final piece of legislation includes $1.75 million in very important funding for the revitalization of Houston's urban center. These funds will enable the Mainstreet Coalition, a unique city-county-private sector partnership, to continue effectively addressing Houston's urgent urban public transportation, development planning, and aesthetic design needs.

I am very pleased that the final appropriations agreement provides $2 million for the construction of a police training driving track for the Pasadena Police department. Many are aware of the public dangers posed by high-speed police chases. Since 30 percent of peace officer deaths occur in motor vehicle accidents, it is critical for the Pasadena Police Academy to have access to a quality training facility, and the Houston Police Department facility is mostly unavailable. Thousands of current and future officers and tens of thousands of residents in southeast Harris County will benefit from increased public safety.

I am also pleased that this measure provides $1.3 million for the construction of an Emergency Operations Center (EOC) by local emergency management authorities in Baytown, Texas. Under this provision, the EOC would be a secure location from which public safety officials can direct a safe and orderly evacuation during disaster situations such as industrial accidents and hurricanes.

For all of these reasons, I strongly support this conference report and urge my colleagues to also vote for it.

Mr. STENHOLM. Mr. Speaker, I rise in support of provisions contained in the Conference Report on H.R. 4577 that will enact legislation to reform the Commodity Exchange Act.

It is a great accomplishment that an agreement has been reached on this matter. It would not have occurred without the dedication and determination of the gentleman from Illinois, Mr. EWING.

Mr. Speaker, the agreement tackles and accomplishes the three main tasks the Agriculture Committee set for itself at the beginning of our CEA reform process:

Modernizing our Commodity Exchange Act regulatory system;

Providing legal certainty for our over-the-counter derivatives market; and

Repealing the outdated prohibition on the trading of single stock futures in the U.S.

Mr. Speaker, the agreement is broadly supported by the Administration, by the President's Working Group on Financial Markets, and by the financial services industry.

Mr. Speaker, the portions of this bill that reform our regulation of trading on futures exchanges will hopefully bring about opportunities for great improvement in the efficiency of our markets. The Commodity Futures Trading Commission deserves the credit for the design of these provisions. As included in this bill, the reform provisions serve as our acknowledgment that as technology and research transform our trading systems, Congress must ensure that regulatory statutes are well-suited to helpful innovations.

Mr. Speaker, the CFTC's role in preventing and detecting fraudulent activity will continue under its new system of regulation. The legislation before us deliberately retains the authority of the Commission to punish those who commit fraud in violation of section 4b of the Commodity Exchange Act. While section 4b makes it a crime for a futures commission merchant or other fiduciary to defraud a customer in connection with a futures trade, it also is intended to make criminal the type of fraud that may occur when a bucket shop or boiler room defrauds a customer and no agent-principal relationship is present.

Mr. Speaker, again i want to clarify that with this bill, section 4b is retained in its entirety. It will continue to be a crime for anyone to commit fraud in connection with a futures contract—whether or not an agency relationship is established. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework.

Mr. Speaker, again I support the inclusion of CEA reform in this bill, and I congratulate Chairman EWING for his achievement.

Mr. UDALL of Colorado. Mr. Speaker, while I have some serious reservations about this conference report, I will vote for it.

One of my concerns relates to the way this bill has been brought to the floor of the House.

We all expect that this will be the last real appropriations bill—as opposed to a continuing resolution—of the year, and that when it is enacted funding will be available to keep all federal agencies running.

This is the good news about the parliamentary situation in which we find ourselves.

The bad news is that we must vote yes or no, up or down, on an omnibus bill that few if any of us have had much time to review and that includes many substantive provisions that have little or nothing to do with appropriations and that may well be contrary to good public policy in several areas, including protection of the environment.

This is not the way the Congress should do its business.

It is not the fault of the House—we completed action on all the appropriations bills in a relatively timely way. But regardless of how we got here, this is not where we should be.

From my perspective, there is also both good news and bad news about the bill's specific provisions.

The good news is that the bill includes many provisions that will greatly benefit the nation as a whole and Colorado in particular. The bad news is that it includes some things that should not be included and omits some things that should be part of the conference report.

Let me first mention some of the good news about the conference report.

EDUCATION

While not all I would have liked, the conference report will allow for $6.5 billion increase over last year in education spending, with increased funding for Special Education Grants, the TRIO Program for minority and disadvantaged students and Head Start. The bill allows for an increase in Pell Grants, bringing the maximum award to $3,750. The conference report also provides $1.2 billion for school modernization.

I think we should be doing more in several areas, including assisting school districts to repair schools and build new ones, but overall this is part of the good news.

HEALTH CARE PROVISIONS

The conference report will increase the National Institutes of Health budget $2.5 billion. It also restores funding to health care service providers and managed care plans that provide health care services to Medicare beneficiaries that have been hard hit by the Balanced Budget Act of 1997.

This is also good news, although more remains to be done.

In 1997, Congress passed and the President signed into law the Balanced Budget Act, which made cuts in Medicare and Medicaid in order to balance the budget and secure the solvency of these two critical health care programs. However, these cuts have left America's hospitals in a state of crisis. Cuts in funding for disproportionate share hospitals (DSH), coupled with the skyrocketing costs for prescription drugs, have left some of the Nation's premier hospitals operating in the red and at the brink of bankruptcy.

In late January 2000, the Congressional Budget Office (CBO) released its revised baselines for fiscal year 2001 spending programs and projections for fiscal year 2001 through 2005. Budget officials project that Federal health program spending will be cut by more than $226 billion—approximately $123 billion more than Congress or the Administration ever intended. In addition, the BBA 97 backloaded the cuts in Medicaid, so the real hemorrhaging hospitals will experience will be in 2001 and 2002.

During 1999 total Medicare spending fell by almost one percent—the first absolute spending reduction in Medicare history. And the Medicare Hospital Insurance Trust Fund (which provides payment for inpatient hospital and nursing home services) fell by 4.4 percent. Simultaneously, our Nation's uninsured rate continues to climb, to the tune of 100,000 people every month. Cutting DSH payments while the uninsured rate increases does not make sense. At a time of budget surpluses, Congress should provide relief to our Nation's safety net hospitals that provide critical health care access to the uninsured, and I'm pleased we've addressed this is the bill.

Also, the bill provides more funding for Medicare managed care organizations. Since the inception of the Medicare HMO Program three years ago, managed care companies have discontinued participation in the program, leaving many seniors scrambling to find another managed care plan or enrolling in traditional Medicare. Many HMOs argue that the reimbursement rates are not adequate enough for them to continue to provide coverage to Medicare beneficiaries. In fact, in the last two years in my district, the number of Medicare HMOs has dropped from five to one. Many seniors rely on managed care plans for affordable and quality health care.

While I believe the funding in this bill for Medicare HMOs is only a band-aid solution to a growing problem, I think it's an acceptable move at this point. But I think we need to think seriously about how we will continue to provide quality health care coverage for our current and future retirees.

NOAA FUNDING

Another part of the good news is that the conference report is a definite improvement over the House bill in terms of the funding it provides for the National Oceanic and Atmospheric Administration (NOAA).

NOAA operates six of its twelve environmental research laboratories in Colorado, and Boulder has the largest concentration of NOAA research staff in the nation—300—as well as the largest concentration of university staff funded by NOAA research. We in Colorado are proud to be the home of so many top-quality scientists engaged in unraveling the secrets of the Earth.

Earlier this year, the work of NOAA's scientists and researchers was threatened by much reduced FY 2001 funding levels in the House. Particularly devastating would have been cuts to NOAA's Office of Oceanic and Atmospheric Research. So, it is definitely good news that in the course of the conference process, funding was increased—almost to the higher Senate-passed levels. Although we can and should do better next year, I am glad that conferees were able to realize the value of NOAA's programs.

NIST FUNDING

It is also good news that the conference report includes increased the funding levels for the National Institute of Standards and Technology (NIST).

The earlier House-passed bill not only would have cut NIST's science programs, but also would have provided inadequate funding for critically needed repairs and maintenance for NIST's laboratories in my hometown of Boulder, Colorado.

About 530 scientists, engineers, technicians, and visiting researchers are based at NIST-Boulder, where they conduct research in a wide range of chemical, physical, materials, and information sciences and engineering. But NIST's deteriorating labs—most of them 45 years old—mean that scientists can't do their work. So I am pleased that maintenance funds for NIST—Boulder have been increased in the final bill. I am hopeful that this is only the beginning of what must be a long-term commitment to maintenance and construction funding for NIST-Boulder. I will continue to fight to ensure NIST's needs are addressed.

SBIR REAUTHORIZATION

I am also pleased that the conferees saw fit to include the reauthorization of the Small Business Innovation Research (SBIR) Program in this omnibus legislation. This has been a long time in coming—the Senate and the House have spent most of the 106th Congress finetuning the SBIR reauthorization language. But we finally have a reauthorization bill that all parties can support and that will extend this important program through 2008.

I come from an area of the country that is home to many innovative small businesses at the cutting edge in a number of fields. As creative as these companies are, they often struggle to come up with the funds necessary to refine their ideas, turn them into products, and to take those products to the commercial marketplace.

This SBIR Program has filled a real need for these companies over the years, giving them easier access to capital and functioning as a seal of approval. It is an important source of funding for the ideas that will lead to our future prosperity, and I welcome the inclusion of its reauthorization in this omnibus bill.

BROOMFIELD INTERCHANGE

I also want to express my appreciation to the Appropriations Committee for allocating $1 million to the City of Broomfield, Colorado to complete an environmental impact study on the U.S. 36—Wadsworth Blvd. Interchange. This will be an important step towards relieving traffic gridlock along this seriously overcrowded route that serves an area where growth and development have been occurring at a fast pace, and in particular a complex intersection that serves the Interlocken business park, the Jefferson County Airport, the Flatirons Crossing Mall, and the city—soon to be the county—of Broomfield. I greatly appreciated being able to work with the committee and with Broomfield to help provide this federal assistance to begin to unclog this transportation "bottleneck."

NAVAJO CODE TALKERS

I also am very pleased that the conference report includes legislative language similar to H.R. 4527, authorizing the President to present a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation. Last year, a high school history teacher in my district, Jim Hamilton of Centarus High School in Lafayette, Colorado brought a group of students to Washington. Through meeting with Mr. Hamilton and his students, I learned that for several years he has been teaching his classes at Centarus High School the history of the Navajo Code Talkers service in World War II. Like many other Westerners, I am very familiar with the inspiring story of these Navajo Code Talkers, whose unique and highly successful communications operation greatly assisted in saving countless lives and in hastening the end of World War II in the Pacific. So, I am happy to have played a role in drawing our colleagues attention to the appropriateness of their receiving this long overdue honor.

Now I have to mention some of the bad news about this conference report.

Part of the bad news is that there are areas where the amounts included are short of what is needed.

RECA SHORTFALLS

One important example of a shortcoming is the funding for awards under the Radiation Exposure Compensation Act (RECA).

RECA provides for payments to individuals who contracted certain cancers and other serious diseases as a result of their exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment in underground uranium mines. Some of my constituents are covered by RECA, as are many other Coloradans as well as residents of New Mexico and other states. On July 10th of this year, RECA was amended to cover more people and additional compensable diseases, to lower radiation exposure thresholds, to modify the medical documentation requirements, and to remove certain disease restrictions. These are improvements that I supported.

Unfortunately, Congress has not appropriated sufficient money to pay all the awards that have been made under RECA. As a result, the Justice Department has had to send successful claimants letters—IOUs, in effect—indicating that payments must await further appropriations. And while this conference report does provide some $10 million for RECA payments, that still is far from adequate. In fact, the Justice Department tells me that an additional $70 million to $80 million would be required just to pay what the government already owes RECA claimants.

We need to do better. We need to provide all the needed funds—but that is not all. We should act so that RECA payments will no longer be subject to appropriations, but instead will be paid automatically in the way that we now have provided for payments under the new compensation program for certain nuclear-weapons workers made sick by exposure to radiation, beryllium, and other hazards.

OTHER LEGISLATION PROVISIONS

Finally, another part of the bad news about this conference report is that it also includes a number of legislative items that more properly should be considered on their own rather than as part of this appropriations bill.

I want to highlight one of those provisions that is of particular importance to Colorado.

ANIMAS-LA PLATA PROJECT

The conference report includes legislation to authorize a revised version of the Animas-La Plata project, in southwestern Colorado. In our state, few things have been so controversial for so long. The original authorization for an Animas-La Plata Project dates back more than thirty years, but for many years it seemed that nothing would ever come of that authorization.

The idea was given new life in 1988 by enactment of the Colorado Ute Indian Water Rights Settlement Act. By that Act, Congress ratified an agreement under which the two Ute tribes agreed that water from the project would resolve their water-rights claims and they and the other parties could dispense with litigation.

However, since then more than a dozen more years have gone by without a resolution—and unless the current law is changed the tribes will have to decide either to go back into court or to continue to wait.

So, I fully understand why the tribes and many others said it is time to resolve this matter. Like them, I am troubled about the time that has already elapsed without achieving a final resolution of these tribal claims and I am very uncomfortable with the prospect of reopening litigation that could be very long and costly for all concerned.

In addition, the project that would be authorized by this legislation is not the same as the original proposal and in its revised form it has the support of the Clinton Administration.

Still, while I think notable progress has been made, it is clearer that there is not—and may never be—complete consensus on either the environmental issues or the fiscal questions that over the years have been part of the debate about this contentious matter.

Personally, I have serious concerns about the very idea of constructing a large water storage project as a way to resolve the kinds of water-rights claims that are involved here.

I think that over the past century we have learned—or should have learned—that water projects like the one proposed here represent an old approach that is not very well-tuned to today's realities. They are costly, environmentally disruptive, and inefficient for many reasons, including the amount of water they simply lose through evaporation.

In fact, it is because we have learned about these shortcomings that across the country we are seeing a greater emphasis on removing dams than on building new ones.

In addition, as I said earlier I find it very unsatisfactory that the House must today vote on this strictly on a take-it-or-leave-it basis, with no opportunity to consider amendments or even a separate up-or-down vote on this or any other part of the overall conference report.

It would have been much better if the House had had a chance to consider this matter separately under an open rule, to permit full debate on the legislation and consideration of amendments.

We could have done that if the similar bill reported by the Resources Committee had ever been brought to the floor.

When the Resources Committee debated that bill, I voted "present" even though, as I said, I found—and still find—it very hard to support even the scaled-down water project now being proposed.

My vote in the committee was based on three things.

First, because while I had—and still have—serious doubts about this project, I was persuaded that the time has come for the Congress to resolve this matter.

Second, I recognized the West-wide significance of this project and believed the Congress in its entirety—and not just one Committee—should have an opportunity to debate and vote on this matter.

And there was a third reason—perhaps the most important one. It has to do with the involvement of the Ute tribes.

If it were up to me alone, the Resources Committee would have considered a different bill and neither the bill the committee approved nor the Animas-La Plata provisions of this conference report would be before us.

As I told the Resources Committee, I am hard pressed to see how the project that would be authorized by this bill can adequately provide the tribes with "wet" water, barring some future distribution system that will have significant environmental consequences—consequences that it may not be possible to fully and adequately mitigate.

But it was my view—it is still my view—that I must take very seriously the fact that the tribes have asked for this project. I thought then—and I still think—it would not be right for me to substitute my judgment for theirs when it comes to the option they prefer. Whatever I may think about the merits of the project, I feel that I must respect their decision about what is best for them and their future.

So, I did not oppose the action of the Resources Committee in ordering the bill reported to the House. I expected that the reported bill would by now have been brought up for debate. But, for whatever reasons, that did not happen.

The Senate did give separate consideration to a similar measure, which it passed in October. Prior to passage, the Senate revised the bill, and I think the result was to improve it—particularly by making it even less likely that the bill could be construed as somehow waiving any of the requirements of applicable environmental laws or as limiting any judicial review in connection with this project.

Had that Senate bill been considered separately here in the House, it would have been possible to amend it further to make this absolutely clear—something that I think would have been desirable even though perhaps not absolutely necessary.

But, on balance, I support resolving this contentious matter in a way that is finally acceptable to the Tribes rather than allowing this issue to continue to languish. While I would have preferred that this Animas-La Plata legislation not be included in this conference report, I think it is sufficiently acceptable—particularly considering the desirable provisions of the conference report I have already mentioned—that I will support the conference report even though it is included.

Mr. JACKSON of Illinois. Mr. Speaker, although I have very serious concerns, I rise today in support of this conference report. It is not a perfect product, but I believe it is a compromise we can all live with. By passing this conference report, Congress demonstrates its commitment to the employment, education and health needs of all Americans. So much is at stake. I urge you to support it.

I want to commend Chairman JOHN PORTER, Ranking Member OBEY, my other colleagues on the Labor-HHS-Education Appropriations Subcommittee and the subcommittee staff for their tireless work to get us here today. I want to especially thank the Chairman and the Ranking Member for working with me to address the needs of my constituents and all Americans.

For some in America, the economy is booming and unemployment is at its lowest rate in 30 years. But there are others.

In the congressional districts on the north side of the Chicago metro area, there are more jobs than people. In my district, the south side of Chicago and south suburbs, there are more people than jobs. And what about health care? While the economy was booming, the number of Americans uninsured or under-insured has increased by several million. We should not, and cannot settle for this! This conference report provides the opportunity for us to leverage our resources and the benefits of this booming economy, to ensure that no American is left behind.

There may be some members of this House who disagree with the programs that Labor-H provides, but it is in our national interest to help those we represent receive skills training to move into an economy that is becoming less industrial and more service oriented. It is in our national interest to provide educational opportunities so every American has a strong foundation that will serve them as they pursue their dreams. But education in the head and money in the bank mean nothing if there is no health in the body. So it is most definitely in our national interest to ensure that every American has the health care they need by increasing investment in research, prevention and treatment.

However, as I stated when I began, despite some of the positive aspects of this bill, there are four areas which I find problematic.

(1) The FY 2002 advance for LIHEAP was eliminated. Advance appropriations for

LIHEAP are vitally necessary so states like Illinois can properly plan before the summer and winter for any severe weather that puts some of our most vulnerable citizens at risk. No one ever wants to be put in the position of deciding between food for their children and heat for their homes.

(2) The FY 2002 advance for the Child Care and Development Block Grant was eliminated. This is a missed opportunity to show "family values," especially to parents who are making the transition from welfare to work.

(3) The immigration amnesty provisions in the Commerce-Justice-State portion of the conference report are inadequate. In whole, the Latino Immigration and Fairness Act simply tries to bring fairness and justice to our nation's immigration laws by keeping families together, especially the families of Central American and Carribean refugees who fled civil unrest in their homelands.

(4) Although I support the New Markets initiative attached to this omnibus conference report, I object to the charitable choice language because it allows for federally funded employment discrimination. Despite the fact that charitable choice provisions were included in legislation signed in October, I still believe civil rights and constitutional problems exist, and we should not overlook them.

Even with these objections, I can think of 108.9 billion reasons to support this conference report.

The budget authority for the Labor-HHS-Education bill is $108.910 billion. Education funding is $42.1 billion, a $6.5 billion or 18 percent increase over FY2000. Funding to train America's workforce is $11.9 billion, a $664 million of 6 percent increase over FY2000. Funding for the Department of Health and Human Services is $48.8 billion, a $6.6 billion or 16 percent increase over 2000. Specifically, this omnibus conference report contains:

$2.9 billion to expand Youth Job Training Programs, $175 million or 7 percent over last year—which will train 812,000 disadvantaged youth, an increase of 78,000 over last year.

$3.2 billion for Adult Job Training Programs, $63 million or 2 percent over last year—which will train 1.6 million adults who need skills training—223,000 more than were trained last year.

$20.5 billion for NIH, a $2.5 billion or 14 percent increase over last year to expand the federal investment in biomedical research.

$1.8 billion for Ryan White AIDS Programs, a $213 million or 13 percent increase; and $767 million for CDC AIDS prevention, an increase of $147 million or 24 percent.

$350 million for the Minority HIV/AIDS Initiative, an increase of $99.1 million.

$1.7 billion for Community Health Centers, an increase of $150 million or 15 percent; plus an additional $125 million for the Community Access Program.

$185 million for Historically Black Colleges and Universities, an increase of $37 million over FY 2000.

$45 million for Historically Black Graduate Institutions, an increase of $14 million over FY 2000.

Again, I want to reiterate my support for this omnibus conference report.

I want to thank Chairman PORTER and Ranking Member OBEY and their staffs for working with me. Mr. Chairman, I am disappointed to see you retiring from Congress, but I want to congratulate you on the work you have done as a legislator, on your distinguished career and your dedication to public service. I wish you and your family well in your future endeavors.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this conference report that incorporates the four outstanding FY 2001 appropriations bills—Labor-HHS-Education, Commerce-Justice-State, Legislative Branch, and Treasury-Postal Service—as well as $550 million in across-the-board cuts from all non-defense discretionary accounts except Labor-HHS, and $450 million in defense cuts.

In addition, this conference report incorporates: (1) various immigration provisions; (2) the Medicare, Medicaid, and S–CHIP Benefits Improvement and Protection Act; (3) the New Markets Initiative; and (4) the Commodity Futures Modernization Act.

The version of the FY 2001 Treasury-Postal Service/Legislative Branch Appropriations conference agreement included in this legislative package is identical to the one vetoed by the President on October 30, except that it does not include repeal of the telephone tax.

Following are highlights of the various key components of this omnibus legislative package being brought to the House Floor.

LABOR-HHS-EDUCATION APPROPRIATIONS •

The Clinton Administration and Congressional Democrats were disappointed that the Republican leadership scuttled a bipartisan agreement on the Labor-HHS-Education bill that was reached by negotiators on the night of October 30. However, it is important to note that, through their efforts, the Administration and Congressional Democrats were able to secure in this final conference report an historic increase in education funding—providing an increase of $6.5 billion (or 18 percent) in education funding over FY 2000. Indeed, the final education funding bill has received the support of the National Education Association and other education groups. Following are highlights of the final conference report on the Labor-HHS-Education bill.

Class Size Reduction—Provides $1.623 billion for the Class Size Reduction Initiative, which is $323 million above the FY 2000 level and $127 million less than the President's request.

Urgent School Renovation—Provides $1.2 billion for President Clinton's new Urgent School Renovation Program, providing support for short-term emergency repairs at schools, which is $100 million less than the President's request.

Title I Accountability—Provides $225 million for the Title I Accountability Fund, which strengthens accountability by accelerating state and local efforts to turn around the lowest-performing Title I schools, which is $91 million above the FY 2000 level.

After-School Programs—Provides $846 million for After-School Programs, which is $393 million above the FY 2000 level.

Teacher Quality—Provides $692 million to improve teacher quality, an increase of $244 million or 54 percent over FY 2000, to provide training in core academic subjects to up to 1 million teachers, reduce the number of uncertified teachers, and provide technology training to 110,000 future teachers.

Pell Grants—Provides $8.756 billion for the Pell Grant Program, which is $1.116 billion above the FY 2000 level. Also provides for a maximum Pell Grant of $3,750, an increase of $450 over the maximum grant in FY 2000.

GEAR-UP—Provides $295 million for the GEAR-UP Program, providing college preparation for low-income middle school and high school students, which is $95 million above the FY 2000 level.

Head Start—Provides $6.2 billion for Head Start, which is $933 million above the FY 2000 level.

LIHEAP—Provides $1.4 billion for the Low-Income Home Energy Assistance Program, which is $300 million above the FY 2000 level. (The agreement does not include the FY 2002 advance appropriation for LIHEAP that had been included in the October 30th tentative conference agreement.)

NIH—Provides $20.3 billion for the National Institutes of Health, which is $2.5 billion or 14 percent above the FY 2000 level.

Ryan White AIDS Programs—Provides $1.8 billion for Ryan White AIDS programs, which is $213 million above the FY 2000 level.

No Ergonomics Rider—Contains no policy riders regarding ergonomics, unlike the original House-passed bill.

COMMERCE-JUSTICE-STATE APPROPRIATIONS

Following are highlights of the final conference report on Commerce-Justice-State Appropriations (the funding levels in the conference report are identical to those in the conference report adopted by the House back on October 26).

COPS—Provides $1 billion for the COPS program, which is $437 million above the FY 2000 level. This total includes $535 million for the core COPS program, $100 million for community prosecutors, and $140 million for a new COPS technology initiative.

State and Local Law Enforcement Assistance Programs—Provides $2.8 billion for state and local law enforcement assistance programs, slightly more than the FY 2000 level—including $523 million for local law enforcement block grants, $687 million for state prison grants, $288 million for violence against women grants, $250 million for juvenile crime block grants, and $569 million for Byrne grants.

INS—Provides $4.8 billion for the Immigration and Naturalization Service (INS), which is $548 million above the FY 2000 level.

FBI—Provides $3.3 billion for the Federal Bureau of Investigation (FBI), which is $161 million above the FY 2000 level.

Drug Enforcement Administration—Provides $1.4 billion for the Drug Enforcement Administration, which is $82 million above the FY 2000 level.

Commerce Department—Provides a total of $5.2 billion for the Commerce Department and related agencies. This includes $3.1 billion for programs of the National Oceanic & Atmospheric Administration; $1 billion for the Patent and Trademark Office; $563 million for the National Institute of Standards and Technology; $146 million for the Advanced Technology Program; $440 million for the Economic Development Administration; and $337 million for the International Trade Administration.

State Department—Provides a total of $6.6 billion for State Department programs, which is $729 million above the FY 2000 level. This includes $3.2 billion for diplomatic and consular programs; $1.1 billion for embassy security, construction and maintenance; $871 million for membership in international organizations; and $846 million for international peacekeeping.

IMMIGRATION PROVISIONS

Democrats advocated the inclusion in this final appropriations conference report of immigration provisions found in the Latino and Immigrant Fairness Act (LIFA) that would have provided fair treatment for individuals fleeing political violence and instability in their home countries, relief for individuals who have been left in legal limbo because of the Immigration and Naturalization Service's misinterpretation of immigration law, and relief for individuals who are eligible for permanent residency. Instead, the Republicans have included a package of immigration provisions that provide limited relief and fail to address due process concerns or fairness for Central Americans, Haitians and Liberians who have fled persecution. The immigration package includes:

Restoring the 245(i) adjustment of status mechanism (under which a person eligible for an immigrant visa and for whom a visa is currently available can get permanent resident status in the U.S. rather than having to return abroad to get a visa) available to anyone who is the beneficiary of a petition for an immigrant visa or application for labor certification filed before April 30, 2001, provided that the beneficiary is physically present in the U.S. on the date of enactment of the Act.

Providing relief to immigrants who have been here since 1982 and who were prevented from adjusting their status under a one-time amnesty program passed in 1986. Specifically, this provision would provide permanent residency to individuals who were members of the classes in the lawsuits Catholic Social Services, Inc. v. Meese, League of United Latin American Citizens v. INS and Zebrano v. INS. The spouses and minor children of these individuals will be allowed to stay in the country and work while their immigrant visas are being processed.

Amending the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugee Immigration Fairness Act (HRIFA)—two laws which passed in the mid-1990s to provide relief for refugees—to ensure that qualifying applicants for relief are not turned away because of previous deportation orders.

MEDICARE, MEDICAID AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT

The final package includes the Medicare, Medicaid and SCHIP Benefits Improvement Act—a revised version of provisions that were included in the tax cut bill passed by the House on October 26. This legislation invests about $35 billion over five years to restore Medicare and Medicaid health care provider payments; add preventive benefits and reduce beneficiary cost sharing under Medicare; and improve health insurance options for low-income children, families and seniors. The total of $35 billion includes restored Medicare and Medicaid health care provider payments of approximately $12 billion for hospitals, $11 billion for managed care plans, $2 billion for nursing homes, $2 billion for home health agencies, and $3 billion for other providers. The total also includes approximately $5 billion for Medicare and Medicaid beneficiary improvements.

The Clinton Administration and Congressional Democrats are particularly pleased that over the last few weeks they have been successful in adding to the bill passed in October increased payment restorations for rural and teaching hospitals, hospices, and home health agencies. They are also pleased about being successful in adding a number of other provisions including: (1) extending for a year provisions allowing welfare families who leave the rolls for jobs to retain Medicaid coverage temporarily; (2) allowing states the option of enrolling eligible uninsured children in Medicaid and the State Children's Health Insurance Program (SCHIP) through schools, child support enforcement agencies, and other sites; (3) suspending the normal 24-month waiting period for Medicare for individuals disabled by Lou Gehrig's disease; and 4) simplifying enrollment of low-income Medicare beneficiaries for Medicaid assistance with premiums and cost-sharing.

COMMUNITY RENEWAL AND NEW MARKETS TAX PROVISIONS

The legislative package contains community renewal and New Markets tax provisions, similar to those passed by the House twice earlier this year. These provisions expand the community renewal efforts undertaken in the Empowerment Zone legislation first enacted in 1993 and expanded in 1997. The provisions include those that:

Create nine additional empowerment zones and forty "renewal communities" which are eligible for a number of tax incentives for investment and job creation;

Provide the President's "New Markets" tax credit;

Increase the per-capita annual volume cap on the low-income housing tax credit and the per capita state volume cap on tax-exempt private activity bonds and extends the tax benefits for existing zones through 2009; and

Extend the Brownfields tax incentive.

In addition, the bill extends the availability of Medical Savings Accounts (MSAs) for two years through 2002, corrects the effect of an error in the Consumer Price Index on a number of Federal benefit programs and indexing of tax brackets and exemptions, and provides an extension and enhancement of the charitable deduction for corporate contributions of computers and other high-tech equipment to schools and public libraries. The tax provisions needed to implement the newly authorized single-stock futures contracts in the Commodity Futures Modernization Act of 2000 (also incorporated in this conference report) are contained in the bill. There are also numerous technical corrections and administrative provisions.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

Finally, the legislative package includes the language of the Commodity Futures Modernization Act of 2000, legislation that makes major changes in the regulatory structure of the commodity futures and financial derivatives markets. The bill is similar to H.R. 4541 that was passed by the House on October 19, but it contains revisions based on negotiations between Senate Banking Committee Chairman Gramm, House Republicans and the Treasury, SEC and CFTC. It reauthorizes the funding for the Commodity Futures Trading Commission, incorporates many of the recommendations of the President's Working Group on Financial Markets regarding the regulation of financial derivatives, lifts the ban on trading of single-stock and narrowly-based index futures, and updates the regulatory structure for financial and commodity futures and options markets. The tax provisions needed to implement creation of single-stock futures are contained in the Community Renewal and New Markets tax bill that is also included in the conference report.

This version of the bill is acceptable to the Treasury Department, Securities and Exchange Commission and the Commodity Futures Trading Commission. Basic investor protections in current law and regulations are preserved. However, some consumer advocates have expressed concern that the deregulation of derivatives markets in this bill weakens the protections against fraud and manipulation and could lead to future instability of the financial markets.

Mr. DAVIS of Florida. Mr. Speaker, as we all know, we are approaching an education crisis in our country. Over the next decade, school districts throughout the country will need to hire over 2 million new teachers. Four months after the school year started, my school district, Hillsborough County, Florida, still needs to hire over 150 new teachers. Over the next decade, our school district will need more than 7,000 new teachers. To meet this need and address this critical shortage of teachers that our school districts are facing, talented Americans of all ages should be recruited to become successful, qualified teachers. That's why I, along with Representative TIM ROEMER, introduced the Transition to Teaching Act.

I am pleased to stand here today in support of the provisions in this Omnibus Appropriations Bill, which will provide $34 million over the next fiscal year to help us recruit quality teachers through the Transition to Teaching program. This money will allow us to begin to develop this program to train mid-career professionals who want to become teachers.

Our bill is intended to help people get the training they need to become teachers. The funding in this bill will help us move people from the boardroom to the classroom, from the firehouse to the schoolhouse or from the police station on Main Street to the classroom on Main Street.

Under this program, we will encourage professional associations, business and trade groups, unions and other organizations to follow the military's example and encourage their retiring employees to become teachers. Under the bill before us tonight, these groups, along with institutions of higher learning, would be awarded grants to design a program, modeled after Troops to Teachers, to train these targeted individuals to teach our children. The institutions of higher learning would tailor the program to meet the particular needs of the professionals who are leaving their previous career to become teachers.

In addition, to help the individuals with the educational cost of becoming a qualified teacher, the bill provides a stipend of up to

$5,000 per participant. In exchange for the stipend, the individuals must agree to teach in a high-need school district for at least three years.

In closing, I would like to thank Mr. OBEY, the Ranking Democrat on the Appropriations Committee, Chairman YOUNG, and Chairman PORTER for their help in funding this important program.

The time is now for us to do more to encourage additional talented people to consider the call of the classroom. I encourage my colleagues to support the bill before us.

Mr. EVANS. Mr. Speaker, I rise today in support of this omnibus bill. I am pleased that after months of hard work, we are prepared to pass a Balanced Budget Act (BBA) package that will bring long awaited relief to our nation's hospitals.

It has long been apparent that the savings that have resulted from the 1997 BBA package have far exceeded expectations. These savings have been realized at the expense of the health care industry, particularly hospitals. I have seen the effects of these cuts first hand in the hospitals of western Illinois, where hospitals are in danger of closing their doors to those in need. Today, we are taking action to lift this financial burden from the backs of hospitals. I am particularly pleased to see that this bill includes provisions to address the unique needs of rural hospitals.

Of particular importance to patients in Illinois is the increase in DSH payments to public hospitals who serve a disproportionate share of Medicaid patients. Without these provisions, the state of Illinois was poised to lose $500 million per year in federal Medicaid funding. The inclusion of this provision will allow Illinois' hospitals to continue their mission of expanding health care services to low income and underserved populations.

While this bill makes great strides in restoring the cuts made by the 1997 BBA bill, we still have work to do. This year, I have heard from hundreds of Medicare patients and their health care providers who have suffered from severe lung and heart disorders and are unable to get the treatment that they need to restore their health because Medicare does not cover cardiac and pulmonary rehabilitation.

Evidence is ample that cardiac and pulmonary rehabilitation services result in increased longevity and quality of life. But even more telling are the stories that I have heard from cardiac and pulmonary rehabilitation patients, who are discarding their wheelchairs and canes to resume the lives they enjoyed before being afflicted with their conditions. It is for those patients that have not been able to benefit from these services that I will continue my work in the 107th Congress to bring this sensible coverage to the Medicare program.

On the whole, this bill will bring meaningful relief to our nation's health care institutions and move us closer to a day when every American will have access to affordable, quality care. I am proud to support this bill.

Mr. KLECZKA. Mr. Speaker, the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (H.R. 5561), which passed as part of the final Omnibus Appropriations package, contains important provisions (Title III, Section 301) needed by institutions that provide blood and blood products to the nation's hospitals.

The legislation directs the Health Care Financing Agency (HCFA) to consider the prices of blood and blood products purchased by hospitals in the next rebasing and revision of the hospital market basket to determine if prices are adequately reflected. In addition, the bill requires that Medicare Payment Advisory Commission (MedPAC) to analyze the increased hospital costs attributable to new blood technologies and to recommend necessary changes to provide fair reimbursement.

These provisions are greatly needed because two recent technologies have been introduced to increase the safety of our nation's blood supply, Nucleic Acid Testing and Leukoreduction. Nucleic Acid Testing allows for the early detection of infectious diseases, such as HIV and Hepatitis C, by detecting the genetic material of the viruses, while Leukoreduction removes white cells and has the potential to shorten the severity of the illness and duration of hospital stays for patients who receive blood.

In its first 15 months of implementation, the nucleic acid test detected and intercepted four HIV-positive donations and more than 57 Hepatitis C-positive donations. This means that roughly 150 potential HIV and Hepatitis C infections were prevented, and lives were saved. While these new technologies are remarkable, these innovations have significantly increased costs. Nationally, these new blood safety procedures add approximately 40 percent to the cost of blood.

The purpose of the blood-related provisions in this legislation is to determine how much of an update increase may be needed to defray these costs that markedly improve the quality of our blood supply. By restoring the full inflationary update to the market basket index, Congress is providing the nation's hospitals with the means to afford new blood therapies and to ensure that patients are treated with the safest possible products.

All Americans deserve the peace of mind of safe blood and blood products, and I am pleased these provisions were included in the final Medicare relief package.

Mr. GREEN of Texas. Mr. Speaker, I rise today to voice my opinions on the Labor-HHS-Education portion of the Omnibus package.

Now that we have reached an agreement on this bill, I suggest that we take a look at what has changed from the bill that was practically a "done deal" in October to the piece of legislation that is before us.

While the overall funding for education has risen approximately $6.5 to $6.6 billion over FY 2000, which would be the largest increase in education funding ever, funding was cut by over $1.3 billion from the figures agreed to in the October version of the budget.

The whole Labor-HHS bill was cut approximately $2.5 billion from that agreement, so over half of the cuts to this bill come from education funding. Here is a sampling of the final funding levels for education programs in this bill: $1.2 billion for the School Renovation Initiative; funding for Head Start is at $6.2 billion, an increase of $933 million over FY 2000; $851 billion for 21st Century Community Learning Centers, an increase of $372 million; $1.62 billion for the Class Size Reduction and Teacher Assistance program; $8.8 billion for Pell Grants, which would set the maximum award at $3,750, an increase of $450 from FY 2000; and $295 million for GEAR UP, an increase of $100 million over FY 2000.

While I applaud the increases in education funding that this bill represents, I am saddened that we have chosen to cut education funding from the agreement we reached in October 2000. By leaving this important bill until the final days of the 106th Congress, we have subjected these programs to more scrutiny than other appropriations, and have chosen to cut the hopes and dreams of future generations.

Mr. Speaker, while I plan to vote in favor of this bill, I do so with a heavy heart. I only hope that this Congress is not remembered as the Grinch that stole the Christmas gift of education that our children have been waiting for all year long.

Ms. JACKSON-LEE of Texas. I rise mainly to state that I have some concerns about what is not in the Immigration proposal that we will vote to add in this final appropriations bill.

The proposed "V" nonimmigrant visitor's visa would allow the spouses and children of lawful permanent residents to live and work in the United States while they are waiting for a immigrant visa that would enable them to become permanent residents. This would make a compassionate change in the law that would unite families that have been separated by the long waiting lines for immigrant visas.

I am disappointed though that the visa would only be available to spouses and children who have waited three years or longer for an immigrant visa. The United States government does not benefit from keeping these families apart for three years, and it would work a great hardship on the people in these families.

The bill also provides relief for some other applicants for visas. For the next three years, it would establish a waiver of certain grounds of inadmissibility for individuals who are otherwise qualified for a "V" or "K" visa and who are already physically present in the United States. The waiver would apply to inadmissibility on account of prior unlawful entry or for overstaying as a visitor for more than six months.

Once again, I welcome a compassionate change in the law, and once again, I am concerned that the change would not go far enough. The waiver only applies to people who are already physically present in the United States. Those bars to admissibility would continue to separate the families whose foreign members are identically situated in every respect except that they are outside of the United States.

This bill also has a "late amnesty fix" which would provide assistance for people who were wrongly prevented from applying for amnesty under the Immigration Reform and Control Act of 1986. This is good start, but it still misses the mark Mr. Chairman.

Many of the late amnesty applicants already have a court ordered right to apply for amnesty. We need to do more. We need to change the registry date.

The "registry" provision gives long-time foreign residents who have been here without proper documents an opportunity to adjust to permanent status if they have nothing in their background that would disqualify them from immigrant status. The registry date is currently set at 1972.

The majority of immigrants who would benefit from updating the registry date are the late amnesty applicants, but a change in the registry date also would help other deserving groups such as the 15,000 Liberian nationals in this country who came to the United States ten years ago because of the civil unrest in Liberia. The situation of the Liberians is typical of the long time residents of this country who would benefit from a change in the registry date. They have had children who are citizens of the United States, purchased homes, and become upstanding members of American communities. They have fully assimilated into our society.

If the registry date is not changed, thousands of people will be forced to abandon their homes, will have to separate from their families, move out of their communities, be removed from their jobs, and return to countries where they no longer have ties.

Mr. WELDON of Florida. Mr. Speaker, I am pleased that the bill before us would add an additional $35 billion to Medicare's budget over the next five years. As you may recall, the principle reason I voted against the 1997 Balanced Budget Agreement (BBA) was my concern that the budget restraints on the Medicare budget included in that bill were unsustainable. That has proven to be the case and that is why we are moving forward with legislation to add money to the Medicare budget.

I have cosponsored legislation that would add billions of dollars to Medicare, and I was pleased to vote for this legislation when it was before the House a few months ago. I am glad that this bill will also increase spending on Medicare+Choice HMOs. I have heard from many of my constituents who are enrolled in these plans and who have become increasingly concerned about the availability of these plans in their communities. This funding will help ensure that these plans remain available to seniors. Given the opportunity to vote separately on this additional Medicare funding, I would again vote in favor of it.

While I am very supportive of this additional funding for Medicare and have recently voted in favor of this added funding, I am disappointed that Congressional leaders and President Clinton have chosen to lump this provision into a single catchall omnibus bill with hundreds of billions of dollars in spending and a various unrelated legislative provisions. This omnibus bill was just finalized earlier this morning and no one member of Congress is quite sure what is in the bill.

We do know of several things that are in the bill. Some of these are troubling. I understand that the omnibus bill would provide a 26 percent increase in funding for programs funded under the Labor, Health and Human Services (Labor/HHS) Appropriations bill, increasing funding from $85 billion in fiscal year 2000 to over $111 billion in 2001. This will result in additional spending of at least $180 billion over the next ten years for these programs. I also understand that this bill may have several hundred million dollars in last minute pork barrel spending. I am concerned that spending this money here will make it more difficult to find the money needed to pay for Medicare prescription drugs plans, a tax deduction for health insurance and long-term care insurance, and other important initiatives.

Also, dropped from the bill is a provision that was adopted by the Senate and supported by the House on a 250–170 vote. This provision would have prohibited taxpayer funding from being used to provide the morning after abortion pill to school age children at school based health clinics. Without this provision, federally funded school clinics will be able to distribute morning after abortion pills to 12 and 15 year old children without their parents permission. This undermines the rights of parents and should not be allowed to continue. It will also foster promiscuity among teenagers and contribute to the rapid progression of sexually transmitted diseases among teenagers. It was wrong to drop this provision due to President Clinton's objections.

This bill also creates a new federal school construction program but does so in a way that will force school construction in Florida to increase between 15 and 30 percent. President Clinton insisted that Florida school construction projects funded under this program be subject to the more expensive Davis-Bacon, prevailing union wage requirements. This means that the taxpayers will get 15 to 30 percent fewer classrooms for the same amount of money. I believe that if the federal government is going to return tax dollars to Florida, the people of Florida should determine what rules will apply to school construction. I could not in good conscience agree to the creation of a new federal government program under these conditions.

I am also very troubled that the bill before us would cut national defense spending by $500 million from what was recently enacted into law. Defense spending is being cut to fund Labor/HHS programs at a time when our military leaders tell us they do not have enough money to meet their demands and provide adequate training to our men and women in uniform.

I am sure that over the next few weeks we will discover additional objectionable provisions in this bill. It is for the reasons listed above that I rise in opposition to this bill.

Ms. DELAURO. Mr. Speaker, I rise in support of the bill, and I want to thank Chairman YOUNG, Mr. OBEY, and Chairman PORTER for their tireless work in getting us, finally, to this day. They are not to blame for why it took so long, but they deserve our thanks for delivering a bill that, while it is not everything I had hoped, makes a number of critical investments in America's children and health research.

Because we worked together, this bill will make the largest single investment in education in a generation, helping reduce class size with funds to renovate and repair 3,500 schools and to hire 8,000 new teachers. And it will help prepare those teachers with a more than 50 percent increase in funding for teacher training. These are important steps toward strengthening America's public schools and make every classroom a place of learning and discipline.

Child care also receives a tremendous boost with a 70 percent increase in the Child Care Development Block grant program. By lifting funding to $2 billion, more families will have access to high quality, affordable child care. How much more information do we need about the critical zero to five years of a child's life before we ensure that EVERY child in America will learn and grow in an enriching child care environment. By supporting child care in America—and by providing a nearly $1 billion increase for Head Start—we help ensure that every child in America gets the right start in life.

The bill before us will also support a number of organizations in my district that help to make our community stronger and more caring. I am particularly grateful that the Committee chose to support the efforts of Connecticut Children's Hospice, which provides much needed help and care to families and their children in very difficult and tragic times.

And because of a bipartisan commitment to health research, this bill keeps us on track to doubling research at the National Institutes of Health with a 14 percent increase this year. That is a tribute to the members of the subcommittee, and particularly, to our chairman, JOHN PORTER. He leaves behind a great legacy, and I thank him.

We should be proud of the achievements in this bill, but a great deal of work remains. Even with this record investment, too many children and families will not have access to high quality child care. Medical research into chronic disease remains underfunded. Bipartisan legislation to support school modernization efforts with construction bonds should be on this floor. Yet I am pleased with the progress we have made, and I will support the bill. It represents progress, but we can, and should, do more.

Mr. COMBEST. Mr. Speaker, I concur with the remarks of the gentleman from Virginia, Mr. BLILEY, concerning title II of H.R. 5660, the Commodity Futures Modernization Act.

It is my understanding as well that nothing in title II of the bill would: Authorize any bank or similar institution to engage in any activity or transaction, or hold any asset, that the institution is not authorized to engage in or hold under its chartering or authorizing statute; authorize depository institutions either to take delivery of equity securities under a security futures product or under any other circumstance, or otherwise to invest in any equity security, otherwise prohibited for depository institutions; and allow a depository institution to use single stock futures to circumvent restrictions in the law on ownership of equity securities under its chartering or authorizing statute.

Mr. DINGELL. Mr. Speaker, I support H.R. 5660, the Commodity Futures Modernization Act, despite the curious process that produced this final version of the bill. The critical investor protection and market integrity provisions approved overwhelmingly by the House in October remain intact, making it possible for many Democrats to support this important legislation.

The fundamental purposes of this bill are to modernize the regulation of our futures markets, to provide legal certainty for the over-the-counter derivatives market, and to authorize the trading of security futures products, consistent with maintaining the innovation, efficiency, transparency, honesty, and integrity of these vital markets.

Title I on commodity futures modernization places greater responsibility on contract markets and execution facilities to regulate themselves and their members. However, the CFTC is charged with supervising the exercise of this self-regulatory power in order to assure that it is used effectively to fulfill the responsibilities assigned to these organizations and that it is not used in a manner inimical to the public interest. The Congress intends that the CFTC use its oversight and enforcement powers to correct self-regulatory lapses where they occur. Although self-regulation has not always performed up to expectations, on the whole it has worked well, and we believe it should be preserved and strengthened under strong CFTC oversight.

Title II creates a coordinated regulatory structure for SEC and CFTC regulation of securities-based futures. I have significant reservations about the efficacy and wisdom of single stock futures. These products will most likely be used by day traders and other speculators and raise concerns about excessive speculation and excessive volatility in the underlying securities markets. However, this legislation provides a strong framework for the prudential regulation of these products. We intend a high degree of cooperation and coordination between the SEC and CFTC. With respect to volatility, this bill provides that single stock futures are subject to the same rules that cover other securities, including circuit breakers and market emergency rules. With respect to excessive speculation and leverage, the bill requires that margin treatment of stock futures must be consistent with the margin treatment for comparable exchange-traded options. This ensures that margin levels will not be set dangerously low and that stock futures will not have an unfair competitive advantage vis-a-vis stock options. Most importantly, single stock futures are subjected by this bill to protections to curb the potential for market manipulation, insider trading, and other fraudulent schemes. We expect these requirements to be vigorously enforced for the protection of investors and to maintain the integrity and efficiency of these markets.

One of the most important provisions of the bill, Title III, gives the SEC antifraud authority over securities-based swap agreements. By authorizing the SEC to apply Section 10(b) of the Securities Exchange Act of 1934 to these swap agreements, the bill provides important additional protections to the vital and dynamic markets for these instruments. In extending these protections, the bill explicitly makes rules adopted under Section 10(b) to address fraud, manipulation, or insider trading applicable to securities-based swap agreements. Thus, the antifraud rules currently in existence—and those needed in the future—apply to such swap agreements to the same extent that they apply to securities. This permits the SEC to use its tested methods to enhance the protection in theses markets and to respond as necessary to developments in the future. The bill also explicitly makes judicial precedent relating to Section 10(b), as well as Section 17(a) of the Securities Act, applicable to securities-based swaps, to the same extent as it applies to securities. Thus, for example, cases establishing theories of liability and private rights of actions will apply directly to securities-based swaps.

Section 4b is the principal antifraud provision of the Commodity Exchange Act. It is the intent of Congress in retaining Section 4b in this bill that the provision be given its broadest reading for the protection of investors and these markets. Thus, Section 4b provides the CFTC with broad authority to police fraudulent conduct within its jurisdiction, whether the transactions are directly with customers or involve a traditional broker-client relationship, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework.

The purpose of Title IV of this bill is clear: to clarify what is already the current state of the law that the CFTC does not regulate the traditional array of products that banks have been offering for years, or in the words of the Gramm-Leach-Bliley statute, identified—banking products. These products are deposit accounts, savings accounts, CDs, banker's acceptances, letters of credit, loans, credit card accounts, and loan participation.

The language of Title IV is very tightly worded. Title IV requires that, to obtain this bill's exclusion, a bank must first obtain a certification from its regulator that the identified banking product was commonly offered by that bank prior to December 5, 2000. This means that the product was actively bought, sold, purchased or offered—not just a customized deal that the bank may have done for a handful of clients. Also, the product cannot be a product that was either prohibited by the Commodity Exchange Act or regulated by the CFTC.

In other words—a bank can't try to sneak futures contracts out of regulation by using this provision.

With respect to new products, Title IV is also abundantly clear: the Commodity Exchange Act doesn't apply to new bank products that are not indexed to the value of a commodity. Again, the plain language is clear: Congress' intent is that no bank use this exclusion for products that are properly regulated under the Commodity Exchange Act.

Lastly, Title IV allows hybrid products to be excluded from the Commodity Exchange Act if, and only if, they pass a "predominance test" that indicates that they are primarily an identified banking product and not a contract, agreement or transaction appropriately regulated by the CFTC. While the statute provides a mechanism for resolving disputes about the application of this test, there is no intent that a product which flunks this test not be regulated by the CFTC.

Finally, I received a letter dated December 14, 2000, from the Chairman of the New York Mercantile Exchange stating that: "The New York Mercantile Exchange has serious concerns regarding provisions . . . that would have the effect of removing energy trades conducted on electronic trading systems from nearly all public scrutiny and accountability." On December 12, 2000, a coalition that includes the Consumer Federation of America, the Derivatives Study Center, and the Economic Policy Institute wrote to Members of the Senate and the House, complaining that this bill "goes too far in deregulating derivatives markets" and "recklessly reduces market protections." I want to assure these groups that I have heard their concerns. The changes made by this legislation do not need to yield the dire results that they predict. A great deal will depend on how the law is implemented and enforced by the federal financial regulators and the self-regulatory organizations.

The importance of these markets cannot be underestimated. It is our intent, with the passage of this legislation, that these markets be regulated and supervised in the public interest. It is not the job of government to protect fools from themselves, but it is the job of government to protect the rest of us from the dangerous machinations of fools, knaves and scoundrels. I pledge my vigorous efforts to seeing that this legislation accomplishes that result.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 4577, the FY 2001 Appropriations for the Departments of Labor, Health and Human Services, Education and Related Agencies. This Member strongly supports the funding level for the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) givebacks, the increase in spending for education, and the tax assistance for affordable housing.

First, under the Balanced Budget Act of 1997, cuts were made that put a great deal of stress on many Medicare and Medicaid providers, particularly in rural areas. In a predominately rural state, such as Nebraska, a growing elderly population greatly relies upon the services Medicare and Medicaid reimburse. Hospitals and other health service providers throughout my district have been in constant communication with my office describing the financial stress that they have been put under as a result of these cuts. This Member strongly supports the "givebacks" provided in the bill that will not only shore up the financial stability of our health service providers but also extend the benefits that Medicare will be able to provide our senior population as a result of its enactment.

Second, this Member supports the $44.5 billion that the bill provides for education spending. This is a $6.5 billion increase over last year's education funding level and is $2 billion more than the President's request. Specifically, this Member supports the $1.34 billion increase in special education grants, the $994 million allocated for Impact Aid, and the increase in the funding level for Pell grants.

However, the Member believes we are setting a bad precedent by beginning grant programs for school modernization. Obviously, this money can be well used by a number of school districts; however, funding public school buildings and renovation is a responsibility of states and local school districts and not the Federal Government. Once we start funding school renovation, this effort could possibly extend to construction of new schools with no end expected. The Federal Government thus would provide a reward for those states who have not kept up with their responsibilities for their school buildings; sometimes because they lack the will to raise the revenue locally. The school districts in my state and many others have generally met their responsibilities and should not be expected to have resources from their Federal income taxes subsidize states and school districts that are not meeting their responsibilities.

Mr. Speaker, the funding of public elementary and secondary schools, under the U.S.

Constitution, is primarily the responsibilities of the states. We should not start this Federal grant program.

Lastly, this Member supports the essential tax assistance for affordable housing in this legislation. In particular, the measure increases the highly successful Federal Low Income Housing Tax Credit from $1.25 per capita to $1.75 per capita in 2002. This tax credit provides an essential incentive to developers to construct affordable housing. In addition, this legislation increases the Private Activity Bond Cap from the current $50 per capita to $75 per capita and it increases the small state bond cap limit from $150 million to $225 million in 2002. The private activity bond cap in Nebraska provides tax exempt financing for, among other things, single and multifamily housing.

Mr. Speaker, for these reasons and others, this Member encourages his colleagues to support H.R. 4577. The measure provides a necessary increase in the essential services upon which so many Nebraskans and others throughout the country rely.

Mr. LEACH. Mr. Speaker, last year, after nearly two decades of work, the U.S. Congress passed the Financial Modernization Act to bring our nation's banking and securities laws in line with the realities of the marketplace. Today, an analogous opportunity presents itself to modernize the Commodity Exchange Act (CEA) that governs the trading of futures and options.

The important role of the over-the-counter derivatives industry in the historic economic expansion of the last decade is largely unchronicled. These contracts, which allow manufacturers, multi-national corporations, energy producers, governments and others to hedge themselves against the risk of financial calamity, ensure that unforeseen market movements do not bankrupt business and thus constrain economic productivity.

Because of anachronistic constraints established under the CEA, however, legal uncertainty exists for trillions of dollars of existing contractual obligations.

The issue facing the Congress has been whether an appropriate regulatory framework can be established to deal not only with certain problems that confront today's risk management markets, but new dilemmas that appear to be on the horizon. The compromise language before us today as a part of this appropriations bill largely accomplishes our goals.

The fact is that the Commodity Exchange Act (CEA) is an awkward legislative vehicle designed in an era in which financial products of a nature now in place were neither in existence, nor much contemplated. Indeed, the Commodity Futures Trading Commission (CFTC) was fundamentally designed to supervise agriculture and commodities markets, not financial institutions.

Legislation of this nature involves different committees with different concerns and sometimes-competitive jurisdictional interests. From the Banking Committee's perspective, I would like to make clear my respect for the work of the Agriculture Committee, led by Chairmen COMBEST and EWING, which produced a bill that reflected a credible way of dealing with the concerns that had developed during much of the last decade as derivatives-related products have grown.

Nonetheless, the Banking Committee in July adopted on a bipartisan manner a number of clarifying amendments, and this fall the House approved H.R. 4541 with only a handful of dissenting votes. After continued negotiation, involving the other body and the Administration, further modifications have been made to the legislation to provide an even greater level of assurance that over-the-counter derivatives will continue to be a vital part of America's financial innovation and continued success.

The legislation will ensure that most over-the-counter derivatives offered by banks and other financially sophisticated parties are legal and enforceable. It provides that these contracts will be allowed to be negotiated via new means of electronic commerce. While retaining the role of the Federal financial regulators, it will allow these new contracts to be offered, sold and cleared without having to jump through new, unwarranted bureaucratic processes.

While this legislation represents a great leap forward there remain issues that will require the further scrutiny and due diligence of this body and it will be necessary to closely monitor the application of this bill, with a mindful eye on further innovation, to ensure that the genius of our financial services industry is not again restricted by outdated and overly burdensome laws.

In this regard, H.R. 5660 contains several provisions which require further clarification. Title II of the legislation empowers the Securities and Exchange Commission (SEC) to regulate certain securities-based futures contracts. It is important to note that excluded from the definition of "security future," contained in section 201 of the legislation, and thus from the jurisdiction of the SEC, are contracts excluded from the Commodity Exchange Act under section 2(c), (d), (f) and (g) of that Act, and those products excluded under Title IV of the Commodity Futures Modernization Act of 2000.

These exclusions are intended to clarify that over-the-counter derivatives transactions among eligible contract participants related to the prices of securities are outside the jurisdiction of the SEC, and the SEC is not to use the new authority granted the agency by this act to attempt to regulate over-the-counter derivatives activities. The jurisdiction granted the SEC by this Act, like that granted to the Commodity Futures Trading Commission (CFTC) under the Commodity Exchange Act, is limited to transactions conducted on organized exchanges otherwise regulated by the respective agency. Over-the-counter derivatives transactions offered by banks and other highly sophisticated end users remain outside the jurisdiction of the SEC.

Additionally, Title III of the act contains further limitations on the authority of the SEC with respect to the jurisdiction of that agency related to swap agreements. As Title III makes clear, "security based swap agreements" are not securities, and the SEC is prohibited from regulating them as such.

In general, it should be clear that nothing in this legislation is intended to permit the SEC to regulate equity securities derivative transactions entered into by banks. The exclusions from the definition of "security future," as well as Title III, are designed to ensure that the regulatory reach of the SEC is limited to entities over which the securities laws explicitly require registration. Banks have been engaging in equity related derivatives for well over a decade, under the supervision of the appropriate banking regulators. Nothing in this legislation is intended to alter that regulatory structure, nor to place new regulatory burdens on banks.

A separate matter which requires attention is the treatment to be afforded "principal-to-principal" transactions. Section 101 of the legislation contains a definition of "organized exchange" which incorporates this "principal-to-principal" concept. Under this legislation, whether an entity is an organized exchange or not has ramifications as to whether the entity might be regulated by the CFTC and, in some cases, the SEC. Additionally, sections 103, 106, 202, and 402 of the legislation utilize this "principal-to-principal" concept in providing exemptions and exclusions from the jurisdiction of the CFTC and SEC.

A "principal-to-principal" transaction includes any transaction whereby a party to the transaction books the transaction for the party's own account. It includes "riskless principal" transactions, whereby one party enters into a transaction and thereafter or contemporaneously enters into an offsetting transaction so that the risk or payments under the transactions net out. The fact that the party has entered into off-setting transactions in no way alters the "principal-to-principal" nature of the transaction, and any party that has entered into a "riskless principal" transaction may be assured that its contracts remain legally enforceable and excluded or exempted from the jurisdiction of the CFTC and/or SEC, as applicable.

A final matter which deserves attention is the definition of "trading facility" contained in section 103 of the legislation. Whether an entity is a "trading facility" has ramifications as to whether or not the entity might be regulated by the CFTC and/or the SEC. It should be made clear that the definition of "trading facility" is not to be construed so broadly as to include existing and developing electronic systems which permit parties to negotiate and enter into over-the-counter derivatives transactions.

For instance, Derivatives Net Inc., which maintains the "Blackbird" electronic trading system, operates a facility whereby parties may meet in a centralized electronic forum to conduct over-the-counter derivatives transactions. The swap agreements entered into by participants entered into on this system are themselves excluded from the jurisdiction of the CFTC, and will remain excluded from the jurisdiction of the SEC under the new powers granted that agency under this bill. Nothing in the definition of "trading facility," nor anything else in this legislation, is intended to provide authority to either the CFTC or the SEC to exercise jurisdiction over entities such as Blackbird.

Mr. Speaker, I congratulate all who worked from so many different perspectives to develop this landmark legislation and urge its passage.

Mr. CONYERS. Mr. Speaker, I rise in opposition to this piece of legislation because, among other things, it fails to correct some of the most basic inequities in our immigration code. For months, we have worked to obtain passage of the Latino and Immigrant Fairness Act. Unfortunately, the Republican Leadership has been held hostage by a small group of anti-immigrant members within their caucus.

The result of the Presidential election has hardened this groups' determination to keep immigrants, particularly people of color, out of this country. If this is the spirit of compassionate conservatism and bipartisanship we have to look forward to under a Republican Administration, then I am not at all impressed.

First, we sought to establish legal parity among Central American, Liberian and Carribean refugees—so that all refugees that fled political turmoil in the 1980s and early 1990s are treated the same. In 1997, the Republicans gave the "right" type of immigrants—Cubans and Nicaraguans—immigration relief, leaving behind immigrants from other countries who did not have the same political influence.

The Republicans have completely refused to even meet in good faith to discuss the issue.

Second, we sought to update what's known as the "registry" date, so that all immigrants who have lived in this country since 1986 qualify to remain here. This provision would have helped people who were eligible under the Reagan era legalization program but were improperly denied permanent residency by the INS in the late 1980s. It also would have reinforced our long held belief that long time immigrants in America should be given the opportunity to solidify their families and economic stability by becoming permanent residents.

The Republicans begrudgingly have agreed to help only a small class of people who have lived in the United States since 1982 and are covered by a class action suit.

Third, we sought to restore section 245(i) of the Immigration Act. This would let all immigrants who have a legal right to seek permanent resident status to stay in this country with their families while they await a decision. Because Congress failed to extend section 245(i) in 1997, families who have a right to be together here in the United States are being torn apart for up to 10 years.

Instead of restoring section 245(i), the Republicans have merely agreed to re-authorize section 245(i) for four months from the date this bill is enacted.

Fourth, we sought inclusion of H.R. 5062, legislation which had bipartisan support and passed the House under suspension of the rules. The bill was a modest step towards addressing the most widely recognized injustices of the overly harsh 1996 law, and in particular, eliminating the retroactivity of the 1996 law's deportation legislation.

After reaching an agreement on these provisions, the Republicans caved to anti-immigrant members of their caucus, and refused to include any part of H.R. 5062 in this legislation.

Finally, and most offensive to me, there appeared to be bipartisan agreement to include certain technical fixes to the 1997 Nicaraguan Adjustment and Central American Relief Act and the 1998 Haitian Refugee Immigration Fairness Act. These provisions would not have allowed into the country a single person that Congress intended to cover in the original bills.

The Republicans have agreed to provide relief to affected Central Americans but have refused similar assistance to Haitian refugees. There is no principled, intellectual or rational reason for not assisting Haitians and other persons of color who were originally covered by the 1998 legislation.

One of the greatest measures of our Nation's strength is the diversity of our people. If we look above us we see inscribed our national motto—e pluribus unum—"Out of many, one." It reminds us that we are a Nation of immigrants. Because this bill fails to uphold the principles that are most dear to us as a Nation, I must oppose this legislation and will continue to seek a fairer and more decent piece of legislation—it is long overdue.

Mr. CLAY. Mr. Speaker, I rise in support of this historic $6.5 billion increase in education spending and several important initiatives included in this conference report. While I am disappointed that the Republican leadership insisted on reducing the amount of education funding in an earlier bipartisan deal reached in late October, this conference report still provides significant increases for programs that serve some of our most vulnerable populations.

I want to start by highlighting the inclusion of the $1.2 billion school modernization initiative. Modeled after the proposal announced by President Clinton in his last State of the Union address and a bill I introduced earlier this year, this initiative will provide much needed assistance to renovate and repair our crumbling and overcrowded public schools. This proposal will provide $900 million for school renovation and $300 million for technology and special education costs. I have long known that the Federal Government has a very important role to play in ensuring that our children do not learn in crumbling and overcrowded schools with health and safety violations. The enactment and funding of this proposal shows that Congress as a whole finally recognizes the importance of a Federal role in this area.

The need for this program is well documented. From GAO's 1995 report which found $112 billion in school construction needs to a recent analysis by the National Education Association, which found over $300 billion in renovation needs, our schools, and in turn our children, are suffering in outdated buildings which are in a state of horrible disrepair.

I also want to express by support for continued funding of the Clinton/Clay Class Size Reduction Program. This initiative, first enacted in the 1999 Omnibus Appropriation package, has helped communities hire close to 38,000 teachers to reduce class size in the early grades. This year's increase of $323 million over last year will approximately 8,000 additional fully qualified teachers to be hired—reducing class size for thousands of young children. Nothing in our educational system can substitute for the individual attention a child receives in a small class from a fully qualified teacher.

This Appropriations Conference Report also provides much needed increases for other vital education programs. The cornerstone of our Federal education effort, Title I, will receive a $661 million increase over last year. After-school programs, through the 21st Century Community Learning Centers Program, will receive a $393 million boost over last year. Also, the Eisenhower Professional Development Program and other teacher quality initiative will receive nearly $200 million in additional funding.

I am pleased that this bill recognize that the Federal Government has an active and vital role in helping improve education—a reality that I have been advocating throughout my time in Congress. This legislation represents what I hope will be a continued effort to expand and enhance the role of the Federal Government in a way that ensures educational excellence for all our school children.

Mr. WELLER. Mr. Speaker, than you for this opportunity to offer my support and thanks for a provision included in H.R. 5662 which extends the existing brownfields cleanup tax incentive through January 1, 2004, and removes the targeting requirement. My colleagues Nancy Johnson, Bill Coyne and I have worked hard to ensure that the current law tax provision be extended and made eligible for brownfield cleanups in all communities across the nation. I am pleased that we have accomplished this in this bill and I urge my colleagues to support this legislation.

Brownfield sites exist throughout our districts—abandoned eyesores that blight our communities and drag down local economies. Many brownfield properties are located in prime business locations near critical infrastructure, including transportation, and close to a productive workforce. These sites need to be put back into productive use, contributing to the economy and producing good paying jobs where they are needed most.

The first step towards doing this is to remediate these sites environmentally. This U.S. Conference of Mayors estimates that there are over 400,000 brownfields sites across the country. We clearly should not limit the treatment of Section 198 to merely targeted areas. Development of these sites will help restore many blighted areas, create jobs where unemployment is high and ease pressure to develop beyond the fringes of communities. Small, urban centered businesses often benefit most directly by this redevelopment. Currently, many of these brownfield sites do not meet the existing targeting requirements and are not cleaned up because they cannot take advantage of the Section 198 brownfields expensing provision. U.S. EPA estimates that the existing provision will ultimately clean-up only 14,000 brownfields nationwide, but GAO estimates that more than 420,000 brownfields exist. Clearly, the current provision needs to reach further into our communities. I am pleased that H.R. 5662 will solve this problem.

By expanding the existing provision, more disadvantaged communities in urban, suburban and rural areas can take advantage of the expensing provision and revitalize their brownfield sites. This would offer important economic and environmental improvements for these communities. The U.S. Conference of Mayors recently completed a survey of 187 large and small cities throughout the Nation, including Chicago, Houston, New York and Miami. According to the responses to this survey, the 187 cities estimated that if their 21,000 existing brownfield sites were redeveloped, this would bring additional tax revenues of up to $2.4 billion annually and could create up to 550,000 jobs. In Chicago alone, developing 2,000 brownfield sites would mean $78 million in additional tax revenue to the city and 34,000 new jobs.

Mr. Speaker, I applaud the inclusion of this provision in H.R. 5662 which will extend the existing brownfields expensing provision through January 1, 2004, and remove the targeting requirement. This provision is pro-environmental and pro-community legislation and I urge my colleagues to support this legislation.

Mr. BARCIA. Mr. Speaker, I am extremely pleased that H.R. 828, the Wet Weather Water Quality Act of 2000, has been included in this measure. I would like to thank Chairman SHUSTER, Ranking Member OBERSTAR and my Subcommittee Chairman Mr. BOEHLERT, and Ranking member Mr. BORSKI for their support and dedication in moving this important legislation forward. H.R. 828 enjoys strong, national bipartisan support, with almost 70 cosponsors.

As the primary sponsor of H.R. 828, I am pleased to have played a role in halting and reversing the Federal Government's decade-long disinvestment in municipal water quality infrastructure needs nationwide. While the funding this important legislation calls for will be helpful, it is only a start given the immense water quality infrastructure needs that we face as a nation. My hope is that the 107th Congress will continue to address this critical issue which affects all Americans—in as strong a bipartisan manner as we witness today in passing H.R. 828 as part of the last Act of the 106th.

In addition to authorizing infrastructure funding for CSO and Sanitary Sewer Overflow control programs nationwide, H.R. 828 also will codify EPA's 1994 National Combined Sewer Overflow Policy. This is a step that has been proposed by both sides of the aisle since 1995. I am pleased it will become a reality today. The National CSO Policy provides a proven roadmap for America's communities with combined sewers to follow as they strive to implement CSO controls. It offers important flexibility for CSO communities to develop individually tailored control programs. In addition to the reasonable amount of time to implement CSO controls that is implicit in the Act, it will also require EPA to complete an important guidance document on the required step of developing, as appropriate, wet weather designated uses and water quality standards to be achieved by CSO control programs.

This important Act marks the first time that the Clean Water Act will speak to the issue of CSO control—a major environmental problem and challenge in my district, the Great State of Michigan, and in 34 states nationwide. In taking this bold step, Congress has set out nation on a course to finally resolve sewer overflow problems which have persisted in our nation for more than one hundred years.

Mr. BONIOR. Mr. Speaker, today's education funding bill will repair crumbling schools, hire 8,000 new teachers, open 3,100 new after school centers, and help send 100,000 more needy students to college.

For students in Macomb and St. Clair Counties, we are providing $850,000 for our school districts to develop after-school programs. The network of "Kids Klubs," as they are known, in our community provides a safe-haven for our children and a great service for our families. For schools which need repair, this bill provides $1.2 billion to renovate 1,200 schools nationwide. We also continue our commitment to reducing class size in the early grades and making schools safer by providing $1.6 billion to hire new teachers. Further, our bill will increase federal funding for financial aid by 15%—including raising the maximum Pell Grant award to $3,750.

The enactment of this historic bill, renews our commitment to our students, teachers and families—the pillars of our community, and the pillars of our future.

Mr. MOAKLEY. Mr. Speaker, at long last, the end is in sight. Today's Omnibus Appropriations bill contains all the major unfinished business remaining this session. It contains the Labor-Health and Human Services Appropriations bill the Commerce-Justice-State Appropriations changes the Legislative Branch Appropriations bill. The Treasury-Postal Appropriations bill, the reform of the Commodities Exchange markets, the balanced budget amendment fix for Medicare, the new market initiative and a whole lot else.

In fact the bill is right here next to me on the desk. I hear the three people who carried it up here are in traction. But, despite its size all in all. I am pleased with the bill and I congratulate my colleagues for their hard work. However, Mr. Speaker, I want to point out one major problem in this bill the Low Income Home Energy Assistance Program, or LIHEAP.

Although the bill includes $1.4 billion for LIHEAP funding in this fiscal year, it cuts the advanced appropriations for next fiscal year.

Mr. Speaker, hundreds of thousands of Massachusetts residents, not to mention millions of other Americans, rely on LIHEAP to help heat their homes during the freezing winter months. If the advanced funding is cut, states will be unable to get their programs in place before the cold hits and millions of Americans could be faced with the horrible choice between heating their homes and putting food on the table.

Mr. Speaker, no one should have to make that choice and if we wait too long to pass this funding, they might have to. I certainly hope appropriations will include full funding for LIHEAP during next year's appropriations debate. Americans everywhere are facing record high fuel prices and they are looking to Congress to do the right thing.

Mr. L'ARGENT. Mr. Speaker, I want to offer my strong support for those provisions of H.R. 4577 that send much needed relief to the Medicare program. By passing this legislation, Congress will improve health care for millions of Americans by strengthening Medicare, Medicaid, and the Children's Health Insurance Program (S–CHIP).

Over three years ago, Congress made important changes to the Medicare and Medicaid programs when the Balanced Budget Act of 1997 was passed and signed into law. At the time, the Medicare program was facing bankruptcy and changes were needed to keep this vital program for our Nation's seniors.

As those changes were implemented, many hospitals, home health facilities, and outpatient health service professionals expressed concerns to me about low reimbursements from HCFA for their services.

In response to those concerns, Congress passed legislation last fall, the Balanced Budget Refinement Act (BBRA), to fix some of the unintended consequences of the BBA by returning some $16 billion to hospitals and other providers.

Throughout this year, I have received considerable feedback from hospitals, home health care companies, and nursing home providers concerned that BBRA did not go far enough in adjusting current reimbursement rates. I have been closely watching these developments and have urged my fellow members of Congress to support this important legislation.

In particular, I am pleased with several of the legislation's important provisions, including those addressing the Medicare+Choice program. The Medicare+Choice program was created as part of the 1997 Balanced Budget Act to increase health care options for Medicare beneficiaries by allowing them to enroll in private plans, such as HMOs or PPOs. While the majority of beneficiaries remain in the traditional fee-for-service Medicare, enrollment in managed care plans has grown in recent years. Many seniors enrolled in Medicare+Choice have come to enjoy greater benefits than traditional Medicare such as prescription drug coverage, eyeglasses, and dental care.

Unfortunately, the Medicare+Choice program has been grossly mismanaged and underfunded by the Health Care Financing Administration (HCFA). In the last year alone, 41 plans terminated service to Medicare beneficiaries in 58 service areas, forcing 327,000 seniors to choose a new plan or to move back into traditional Medicare.

Fortunately, the legislation before us today will send billions of dollars to the Medicare+Choice program. Much of this new funding will be directed toward raising the minimum "floor payment," which will greatly aid Oklahoma's rural areas that have been most affected by low reimbursement rates.

Additionally, I am pleased to see increased funding for our community health centers and hospitals. This will also particularly benefit Oklahoma's rural areas and areas with large uninsured populations.

I also support increasing drug coverage for patients with life threatening diseases. Congress worked hard last year to ensure that we committed funds in the Balanced Budget Refinement Act to extend coverage of immunosuppressive drugs for Medicare patients beyond the previous 36 month time limit. We all know how important these drugs are to persons with organ transplants. I do not believe it is a wise policy to cut them off from the coverage. I'm delighted that this legislation removes the time limitation on immunosuppressive drug coverage.

Furthermore, many of Oklahoma's seniors lack adequate access to first rate medical facilities because they live in areas that are medically underserved. Innovative health delivery and education programs using telemedicine can go a long way to addressing those unmet needs. I am pleased that we are able to incorporate provisions in this legislation that allow for Medicare reimbursement of telehealth services in certain settings. I believe these provision will have a positive impact on the delivery of health care to Oklahoma seniors.

The American people can be proud of the hard work that has gone into the product we have today. It's a good bill, that not only makes health coverage for all seniors more affordable, but improves health care for millions of Americans. Today, I am proud to see Congress and the Administration put politics aside and come together to support these important programs.

Mr. BLILEY. Mr. Speaker, as you know, H.R. 5660, the Commodity Futures Modernization Act of 2000, is incorporated by reference into the conference report to accompany H.R. 4577, the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act for 2001. In order to clarify the legislative history of this legislation, I want to clarify some of the language of this legislation.

It is my understanding that nothing in title II of the House bill would authorize any bank or similar institution to engage in any activity or transaction, or hold any asset, that the institution is not authorized to engage in or hold under its chartering or authorizing statute; authorize depository institutions either to take delivery of equity securities under a security futures product or under any other circumstance, or otherwise to invest in any equity security, otherwise prohibited for depository institutions; or allow a depository institution to use single stock futures to circumvent restrictions in the law on ownership of equity securities under its chartering or authorizing statute.

Mr. MURTHA. Mr. Speaker, there is no more important part of this year's final budget negotiations than the provisions we debate today on Medicare reimbursement levels.

This debate is not about dollars or statistics. It's about the toll that past cutbacks have taken on our health care system.

I've visited with hospital CEO's and workers throughout Western Pennsylvania and seen their frustration at not being able to provide the full care their patients need. I've gone on home health care visits where citizens simply can't understand the cutbacks that make it harder for them to stay in their homes. I've exchanged emails with families of organ transplant recipients who can't understand why immunosuppressive drugs are only covered for a limited time period. And in our largely rural area, I've spoken with citizens who are concerned about the loss of their neighborhood hospital, who fear a longer trip to an emergency center that can literally mean the difference between life and death, and who can't understand why the health care professionals at area hospitals are so stretched and lacking Medicare support.

People understand that we have the finest health care system in the world and the finest-trained professionals. But we must not hinder that system—we must provide the support that allows those professionals to do their jobs fully. The Medicare relief legislation helps to move us toward that goal.

In no area more than health care does our debate need to be nonpartisan and goal-oriented. Today's bill is not the end of the fiscal battle for Medicare; we will need further steps. Let us not assign blame, but rather let us aim at streamlining the increasingly complex health care system, at providing the support needed by our medical professionals. Let's build on this step in the coming months to expand health care coverage, preventive care coverage in Medicare and make sure Senior Citizens can afford their prescription drugs, streamline the paperwork bureaucracy, and get health care decision-making back into the hands of the patients and medical professionals.

We have more to do—on reimbursements and on health care overall—but this Medicare reimbursement improvement provides a key step in the right direction, a step we can build on, and a step toward the partnership we need to assure that all Americans, of all ages, have access to the full health care they need. Moreover, it's a step toward creating the partnership we need with our hospitals, home health care personnel and other medical care providers to help our citizens receive quality health care and have a better quality of life.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to take this opportunity to express my appreciation to the Clinton Administration, House and Senate Leadership for working to finally complete the business of the 106th Congress. This bill before the House will provide appropriations for several separate appropriations bills, which have been combined to speed their adoption into law.

In my testimony to the Appropriations Subcommittee on Labor/HHS, I urged the committee to increase the funding for children's mental health services, which they have done through the appropriation of a Mental Health Block Grant program in the amount of $420 million, $63 million more than last year's funding.

As for my request for additional funding for HIV/AIDS this appropriation measure will place an additional $97 million over the amount initially requested by the Administration bringing their appropriation to $767 million for Fiscal Year 2001. It is my hope that this additional funding will go to those who are in greatest need minority HIV/AIDS programs. Minority AIDS programs have been woefully under funded over the last few Congresses, despite the fact that minorities are the fastest growing population infected with AIDS/HIV.

I thank the Clinton Administration for taking the bold step of formally recognizing that the spread of HIV/AIDS in the world today is an international crisis, through his declaration of HIV/AIDS to be a National Security threat.

I am pleased to see that funding for the Ryan White AIDS program has been increased by 13 percent to $2.5 billion for the next fiscal year. Further, funding for the National Institutes of Medicine has been increased to $2.4 billion, which is 14 percent over last year's appropriations.

Over 13 million children suffer form mental health problems. The National Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. The most common is depression and although one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

This bill will also fund education for our nation's children at $6.5 billion, which is 18% more than was appropriated last year, and is in fact the largest annual increase in the history of the Department of Education.

This legislation will allow school districts throughout the United States to work on reducing class sizes in the early grades, create small, successful, safer schools, renovate over 3,500 schools, and increase the number of children who have access to Head Start by an additional 600,000.

This bill also incorporates the Fiscal Year 2001 appropriations for the Department of Labor at $664 million or 64 percent over last year's funding.

I am very pleased to see that the funding for the Health and Human Services Department is at $48.8 billion, which is $6.6 billion over year's appropriations. After the years of cuts to this vital program today we are finally recognizing that the health safety and welfare of America's disadvantaged should be addressed with adequate resources by the agency charged with providing care to them.

Many Houstonians' lives were saved by the additional funding from LIHEAP and this appropriations will provide $1.4 billion for the coming year.

I thank my colleagues and urge them to support this appropriation measure.

Mr. PORTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 292, nays 60, not voting 80, as follows:

[Roll No. 603]

YEAS—292

Abercrombie
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Boehner
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman

Gonzalez
Goode
Goodling
Gordon
Goss
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kuykendall
LaHood
Lampson
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Miller (FL)
Minge
Mink
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pomeroy
Porter
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (TX)
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—60

Aderholt
Barr
Bartlett
Barton
Blunt
Boswell
Burton
Cannon
Chabot
Chenoweth-Hage
Cook
Cox
Crane
Deal
DeFazio
DeLay
DeMint
Duncan
Frank (MA)
Goodlatte
Graham
Granger
Green (WI)
Hayworth
Herger
Hoekstra
Hostettler
Inslee
Johnson, Sam
Jones (NC)
Kind (WI)
Kingston
Kucinich
Manzullo
Metcalf
Paul
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sensenbrenner
Sessions
Smith (MI)
Smith (NJ)
Smith (WA)
Stark
Stearns
Tancredo
Terry
Thurman
Toomey
Vitter
Weldon (FL)
Wicker

NOT VOTING—80

Ackerman
Baker
Ballenger
Berman
Bilbray
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Brown (FL)
Callahan
Calvert
Campbell
Clay
Coburn
Conyers
Danner
Delahunt
Dooley
Eshoo
Everett
Farr
Fattah
Filner
Forbes
Gejdenson
Gillmor
Gutierrez
Hansen
Hastings (FL)
Hefley
Hill (MT)
Hobson
Holt
Houghton
Klink
Kolbe
LaFalce
Lantos
Largent
Latham
Lofgren
McDermott
McInnis
McIntosh
McKeon
McKinney
Meek (FL)
Mica
Millender-McDonald
Miller, Gary
Miller, George
Moakley
Mollohan
Moran (VA)
Napolitano
Norwood
Oberstar
Ortiz
Pelosi
Peterson (PA)
Pickett
Portman
Price (NC)
Rogers
Ros-Lehtinen
Sanchez
Sandlin
Scarborough
Schaffer
Shadegg
Shuster
Snyder
Souder
Walden
Walsh
Waters
Waxman
Young (FL)

□ 1839

Mr. TERRY and Mr. BURTON of Indiana changed their vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BONIOR. Mr. Speaker, on rollcall No. 603, I was not able to vote on this important legislation because of my son's college graduation. Had I been here, I would have voted "yea" because of the dramatic increases for public education.

Ms. BROWN of Florida. Mr. Speaker, on rollcall No. 603, had I been present, I would have voted "yea."

Mr. DOOLEY of California. Mr. Speaker, I was unavoidably detained during the vote on the conference report on H.R. 4577 on December 15, 2000. Had I been present, I would have voted "yea" on the measure.

Mr. PORTMAN. Mr. Speaker, because I was unavoidably detained, I was absent for rollcall vote No. 603. Had I been present, I would have voted "yea."

Mr. WALDEN of Oregon. Mr. Speaker, I regret that I was not able to be present for the rollcall vote on H.R. 4577, the FY 2001 Labor, Health and Human Services, and Education Appropriations bill on December 15, 2000. Unfortunately inclement weather prevented me from returning to Washington, DC. Had I been present for this vote, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 603, I am on "leave of absence" for the week of December 11. Had I been present, I would have voted "nay."

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote the evening of December 15, 2000. I would have voted against H.R. 4577 (rollcall No. 603).

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2570. An act to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4020. An act to authorize the addition of land to Sequoia National Park, and for other purposes.

PROVIDING FOR PRINTING AND BINDING OF REVISED EDITION OF RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. McCOLLUM. Mr. Speaker, I offer a resolution (H. Res. 678) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 678

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Seventh Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution and a concurrent resolution of the House of the following titles:

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H. Con. Res. 446. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Sixth Congress.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS

Mr. McCOLLUM. Mr. Speaker, I call up a privileged resolution (H. Res. 679) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 679

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

□ 1845

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE COMMITTEE TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION AND ARE READY TO ADJOURN

The SPEAKER pro tempore. Pursuant to House Resolution 679, the Chair appoints the following Members of the House to the Committee to notify the President:

The gentleman from Texas, Mr. ARMEY,

The gentleman from Missouri, Mr. GEPHARDT.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR HOUSE NOT WITHSTANDING SINE DIE ADJOURNMENT

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the second session of the 106th Congress, the Speaker, the majority leader and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXPRESSING COMMITMENT OF MEMBERS OF HOUSE TO FOSTERING PRODUCTIVE AND COLLEGIAL PARTNERSHIP WITH 43RD PRESIDENT

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 677) expressing the commitment of the Members of the House of Representatives to fostering a productive and collegial partnership with the 43rd President, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Ms. DUNN. Mr. Speaker, reserving the right to object, nearly 2 years ago I pledged to dedicate my energies toward electing George W. Bush as the 43rd President of the United States.

It is a commitment that many of us in this body make. Whether we are Democrats or Republicans, we are drawn to a candidate with whom we share values, somebody we can trust to carry the burdens of a large and diverse Nation.

It is not a commitment we make lightly.

Being a Member of Congress is an all-consuming lifestyle and often we find it difficult to even find time for families and friends.

Yet we sacrifice because the cause compels us to do so.

My colleague and good friend, the gentleman from Washington State (Mr. DICKS) made a similar sacrifice for Vice President AL GORE.

We saw firsthand the energy and dedication that a campaign can instill in the American people.

People from every walk of life and every background came together to comprise the large enthusiastic crowds that brought spirit and life to a movement.

We all experienced the ebb and flow of a long campaign and felt the exhilaration of its highs and the disappointments of its lows. We felt it deeply because it was inseparable from our own spirit and because our investment was in human capital, time away from family and time away from friends.

But the campaign ended. And when the campaign ends, governing begins.

This treasured body is the soul of governance. Our Founding Fathers intended for the House of Representatives to reflect the will of the people.

I believe the will of the people is progress.

The American people showed extraordinary patience and faith in its governing institutions during this long and uncertain Presidential election. Let us reward them with progress.

Today we pledge to form a productive and collegial relationship with President-elect Bush.

Just two nights ago, both President-elect Bush and Vice President GORE urged us to put the campaign behind us and begin to develop the relationships that will lead to the progress the American people deserve.

I am grateful for their words, and I am encouraged by my colleagues' commitment to fostering this relationship.

Many challenges lie ahead, and I do not assume that all of our differences can be easily bridged, yet there is a remarkable agreement on the important issues that we must address.

Mr. Speaker, campaigns end and governing begins.

I wish all of my colleagues best wishes in this holiday season.

When we return in the new year, let us begin the work of addressing the needs of this great Nation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 677

Whereas the Presidential election in 2000 was the closest in the Nation's history;

Whereas both Governor George W. Bush and Vice President Albert Gore campaigned admirably for the Presidency;

Whereas the closeness of the election led to a long and trying process to determine the winner;

Whereas both Governor George W. Bush and Vice President Albert Gore have called for national unity;

Whereas, during this time of uncertainty, the American people have showed extraordinary patience and confidence in the Nation's system of government;

Whereas it is incumbent upon the Members of the House of Representatives, as elected officials, to demonstrate that the faith of the American people in the Nation's governing institutions is warranted; and

Whereas the many issues confronting the Nation must be addressed for the benefit of those who have entrusted the Government with their voice, the American people: Now, therefore, be it

Resolved, That the Members of the House of Representatives are committed to fostering a productive and collegial partnership with the 43rd President in order to bring comity to the Government and progress to the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH THE REMAINDER OF THE SECOND SESSION OF THE 106TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 15, 2000.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Sixth Congress.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

RE-REFERRAL OF H.R. 420 AND H.R. 4694 TO COMMITTEE ON BUDGET AND RE-REFERRAL OF H.R. 167 TO COMMITTEE ON BUDGET AND COMMITTEE ON WAYS AND MEANS

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that the bills, H.R. 420 and H.R. 4694 be re-referred to the Committee on the Budget and that the bill, H.R. 167 be re-referred to the Committee on the Budget, and in addition the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Senate Amendment to House Amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assistance for International Malaria Control Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Assistance for malaria prevention, treatment, control, and elimination.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

Sec. 201. Short title.
Sec. 202. Findings and declarations; sense of Congress.
Sec. 203. Continued application of United States law.
Sec. 204. Reporting requirement.
Sec. 205. Definitions.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Agreement for a United States-Canada bilateral commission.
Sec. 304. Composition of Commission.
Sec. 305. Governance and staffing of Commission.
Sec. 306. Duties.
Sec. 307. Commencement and termination of Commission.
Sec. 308. Funding.
Sec. 309. Definitions.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Establishment of commission.
Sec. 404. Duties of Commission.
Sec. 405. Membership of Commission.
Sec. 406. Powers of Commission.
Sec. 407. Staff and support services of Commission.
Sec. 408. Termination.
Sec. 409. Authorization of appropriations.
Sec. 410. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Assistance efforts in Sudan.
Sec. 502. Authority to provide towing assistance.
Sec. 503. Sense of Congress on the American University in Bulgaria.

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Designation of Paul D. Coverdell World Wise Schools Program.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

SEC. 101. SHORT TITLE.

This title may be cited as the "International Malaria Control Act of 2000".

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) "Airport malaria", the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) DISSEMINATION OF INFORMATION REQUIREMENT.—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of the fiscal years 2001 and 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SEC. 201. SHORT TITLE.

This title may be cited as the "United States-Macau Policy Act of 2000".

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF CONGRESS.

(a) FINDINGS AND DECLARATIONS.—Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau's continued economic prosperity, and Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) JOINT DECLARATION.—The term "Joint Declaration" means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

(2) MACAU.—The term "Macau" means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the "Rails to Resources Act of 2000".

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the "Rails to Resources Fund".

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term "Agreement" means an agreement described in section 303.

(2) COMMISSION.—The term "Commission" means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

SEC. 401. SHORT TITLE.

This title may be cited as the "Pacific Charter Commission Act of 2000".

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to assist in combating terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—The President is authorized to establish a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the "Commission").

(b) EXPIRATION OF AUTHORITY.—The authority to establish the Commission under this section shall expire at the close of December 31, 2002.

SEC. 404. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission should establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission should monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission should evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission should, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the establishment of the

Commission, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and Congress a report that contains the findings of the Commission, in the case of the initial report, during the period since the date of establishment of the Commission, or, in the case of each subsequent report, during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year or, in the case of the initial report, since the date of establishment of the Commission; and

(3) a complete accounting of the expenditures made by the Commission during the prior year or, in the case of the initial report, since the date of establishment of the Commission.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—If established pursuant to section 403, the Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

(d) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission who shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

(d) EXPERTS AND CONSULTANTS.—The chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 408. TERMINATION.

The Commission shall terminate not later than 6 years after the date of the establishment of the Commission.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In the event the Commission is established, there are authorized to be appropriated to carry out this title $2,500,000 for the initial 24-month period of the existence of the Commission.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 410. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ASSISTANCE EFFORTS IN SUDAN.

(a) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is authorized to undertake appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

(b) EXCEPTION TO EXPORT PROHIBITIONS.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 of November 3, 1997 (62 Fed. Register 59989) shall not apply to any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export, if the President determines that the export or related transaction, as the case may be, would directly benefit the economic development of that area and its people.

SEC. 502. AUTHORITY TO PROVIDE TOWING ASSISTANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States LST Association (in this section referred to as the "Association") is a patriotic organization dedicated to honoring the memories of those brave American servicemen who selflessly served, and often made the ultimate sacrifice, in the defense of the United States, its allies, and the principles of democracy and freedom.

(2) The Association is currently engaged in efforts to return to the United States the former United States warship, Landing Ship Tank 325 (LST 325) to serve as a memorial to those American servicemen who went into harm's way aboard and from such warships.

(b) AUTHORIZATION.—The Secretary of the Navy is authorized to provide towing services from a suitable vessel of the Unites States Navy to tow the former LST 325 from its present location, or a location to be determined by the Secretary, to a port on the East Coast of the United States to be determined by the Secretary. The Secretary of the Navy may not provide such services unless the Secretary finds that the provision of such services will not interfere with military operations, military readiness, naval force presence requirements, or the accomplishment of the specific missions of the vessel providing the towing services.

(c) LIMITATIONS.—The services authorized by subsection (b) may not be provided except as part of a regular rotation of the vessel providing the services back to the United States. Such services may be provided only after—

(1) the former LST 325 has been determined by a professional marine survey or by the United States Coast Guard to be seaworthy for towing and meeting requirements for entry into a United States port; and

(2) the Association has named the United States Navy as an additional insured party to the tow hull policy covering the former LST 325, including a waiver of subrogation.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Navy may require such additional terms and conditions in connection with the provision of towing services under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 503. SENSE OF CONGRESS ON THE AMERICAN UNIVERSITY IN BULGARIA.

(a) FINDINGS.—Congress finds that the American University in Bulgaria—

(1) is a fine educational institution that has received generous and well-deserved financial assistance from the United States Government;

(2) has a successful track record and is educating a generation of leaders who will shape and determine the future of their own societies;

(3) has instilled in students in the Balkan region of Europe the intellectual rigor of the American system of higher education;

(4) promotes the study and understanding of democratic governance principles;

(5) maintains entrance and academic standards that are exemplary and has a commitment to providing educational opportunities that is based upon merit rather than solely on the ability of students to bear the entire cost of their education; and

(6) is a cost-effective institution of higher learning and offers a high-quality education.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist the American University in Bulgaria to become *a self-sustaining institution of higher education in the Balkan region of Europe.*

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 601. SHORT TITLE.

This title may be cited as the "Paul D. Coverdell World Wise Schools Act of 2000".

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, "to promote a better understanding of the people served among people of the United States".

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, "It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership.".

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 603. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the "World Wise Schools Program" is redesignated as the "Paul D. Coverdell World Wise Schools Program".

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

Mr. GILMAN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I rise in support of S. 2943, a bill that authorizes the appropriation of $50 million for each of fiscal years 2001 and 2002 to combat malaria in the developing world.

The International Malaria Control Act of 2000 establishes a program to combat the spread of malaria in the developing world and encourage other governments and nongovernmental organizations to join the United States in this effort.

I commend Senator HATCH, the Senate sponsor of this legislation, for his efforts to stem the spread of malaria and eradicate this disease that kills over one million people annually.

This bill also contains a title, H.R. 825, sponsored by the gentleman from Nebraska, Mr. BEREUTER, the distinguished Chairman of the Subcommittee on Asia and the Pacific Affairs of the International Relations Committee, that provides for the continued application of U.S. laws and treaties to Macau in the same manner as prior to December 20, 1999, when Macau was a Portuguese dependency. This title would also apply U.S. export control laws and practices with regard to Macau in the same manner as the People's Republic of China.

The title contains no authorization of appropriations but is an important policy statement on the relationship of the U.S. with regard to Macau.

Title III of the bill contains the The Rails to Resources Act of 2000, S. 2253, a bill introduced by Senator MURKOWSKI, which authorizes to be appropriated $6 million for the establishment of the Rails to Resources Fund and urges the President to enter into an agreement with the government of Canada to establish a joint commission of 20 members to study the technological and economic feasibility of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

Mr. Speaker, title IV of the bill authorizes the establishment of a Pacific Charter Commission to carry out the monitor projects in the Pacific region of Asia with regard to human rights, rule of law, and security issues and to advise the Congress of the United States on significant foreign policy issues of interests of the United States.

Title V of the measure contains three miscellaneous provisions. First, it provides the authorities needed to ensure that the Agency for International Development pursues development-oriented activities inside Sudan and enables U.S. government agencies, including AID and USDA, to provide assistance designed to rebuild sustainable agriculture inside Sudan. Second, it authorizes the President to provide towing services for the former LST 325 from its present location to one deemed suitable by the Secretary of the Navy. Third, it expresses the sense of Congress that the U.S. should continue to assist the American University in Bulgaria to become a self-sustaining institution.

Finally, Mr. Speaker, title VI of the bill would re-designate the Peace Corps World Wise Schools Program as the Paul D. Coverdell World Wise Schools Program.

It incorporates H.R. 5357, a bill introduced by the gentleman from Georgia, Mr. LEWIS, and is a fitting tribute to our late colleagues, the distinguished senior Senator form Georgia, Paul D. Coverdell, who also served as Peace Corps Director with great distinction.

Mr. Speaker, I urge my colleagues to support and pass S. 2943.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT DAY OF PEACE AND SHARING SHOULD BE ESTABLISHED AT BEGINNING OF EACH YEAR

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 138) expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 138

Whereas human progress in the 21st century will depend upon global understanding and cooperation in finding positive solutions to hunger and violence;

Whereas the turn of the millennium offers unparalleled opportunity for humanity to examine its past, set goals for the future, and establish new patterns of behavior;

Whereas the people of the United States and the world observed the day designated by the United Nations General Assembly as "One Day in Peace, January 1, 2000" (General Assembly Resolution 54/29);

Whereas the example set on that day ought to be recognized globally and repeated each year;

Whereas the people of the United States seek to establish better relations with one another and with the people of all countries; and

Whereas celebration by the breaking of bread together traditionally has been the means by which individuals, societies, and nations join together in peace: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) each year should begin with a day of peace and sharing during which—

(A) people around the world should gather with family, friends, neighbors, their faith community, or people of another culture to pledge nonviolence in the new year and to share in a celebratory new year meal; and

(B) Americans who are able should match or multiply the cost of their new year meal with a timely gift to the hungry at home or abroad in a tangible demonstration of a desire for increased friendship and sharing among people around the world; and

(2) the President should issue a proclamation each year calling on the people of the United States and interested organizations to observe such a day with appropriate programs and activities.

Mr. GILMAN. Mr. Speaker, I have been delighted to meet over the past several weeks with proponents of this resolution and the movement they represent. Their energy and dedication to the cause of peace is commendable.

The idea of an annual meal with someone of another culture is patently a good one. It should lead, of course, to more such meals over the course of a year as people throughout the world get to know fellow-humans of other backgrounds.

I hope that Members of our House and of the public will carefully consider the sense of the House and the Senate as expressed in this resolution and if they feel it is appropriate that they will act accordingly.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING APPROPRIATE ACTIONS OF UNITED STATES GOVERNMENT TO FACILITATE SETTLEMENT OF CLAIMS OF FORMER MEMBERS OF ARMED FORCES AGAINST JAPANESE COMPANIES

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 158) expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 158

Whereas from December 1941 to April 1942, members of the United States Armed Forces fought valiantly against overwhelming Japanese military forces on the Bataan peninsula of the Island of Luzon in the Philippines, thereby preventing Japan from accomplishing strategic objectives necessary for achieving early military victory in the Pacific during World War II;

Whereas after receiving orders to surrender on April 9, 1942, many of those valiant combatants were taken prisoner of war by Japan and forced to march 85 miles from the Bataan peninsula to a prisoner-of-war camp at former Camp O'Donnell;

Whereas, of the members of the United States Armed Forces captured by Imperial Japanese forces during the entirety of World War II, a total of 36,260 of them survived their capture and transit to Japanese prisoner-of-war camps to be interned in those camps, and 37.3 percent of those prisoners of war died during their imprisonment in those camps;

Whereas that march resulted in more than 10,000 deaths by reason of starvation, disease, and executions;

Whereas many of those prisoners of war were transported to Japan where they were forced to perform slave labor for the benefit of private Japanese companies under barbaric conditions that included torture and inhumane treatment as to such basic human needs as shelter, feeding, sanitation, and health care;

Whereas the private Japanese companies unjustly profited from the uncompensated labor cruelly exacted from the American personnel in violation of basic human rights;

Whereas these Americans do not make any claims against the Japanese Government or the people of Japan, but, rather, seek some measure of justice from the Japanese companies that profited from their slave labor;

Whereas they have asserted claims for compensation against the private Japanese companies in various courts in the United States;

Whereas the United States Government has, to date, opposed the efforts of these Americans to receive redress for the slave labor and inhumane treatment, and has not made any efforts to facilitate discussions among the parties;

Whereas in contrast to the claims of the Americans who were prisoners of war in Japan, the Department of State has facilitated a settlement of the claims made against private German businesses by individuals who were forced into slave labor by the Government of the Third Reich of Germany for the benefit of the German businesses during World War II: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is in the interest of justice and fairness that the United States, through the Secretary of State or other appropriate officials, put forth its best efforts to facilitate discussions designed to resolve all issues between former members of the Armed Forces of the United States who were prisoners of war forced into slave labor for the benefit of Japanese companies during World War II and the private Japanese companies who profited from their slave labor.

Mr. GILMAN. Mr. Speaker, this resolution sets out the sense of Congress that the United States Government should support ex-Prisoners of War held by Japan who were slave laborers in their effort to obtain an apology and just compensation for the period they suffered in Japan.

They suffered months of forced labor, beatings, and starvation; many of their fellow-prisoners, of course, did not survive.

As a veteran of the Japanese theater in World War II, I, together with my contemporaries look at our comrades who were held as slave laborers and readily say "there but for the grade of God to I."

But everyone who values freedom should put themselves in the shoes of those valiant survivors. I am gratified that my friend, the gentleman from California (Mr. HUNTER), has led this fight. What would we ask for in their position?

We are not legislating a solution. We are asking that the Administration devote itself, in the time remaining in the lives of these brave men, to facilitating the discussions they are seeking.

I hope that the strong support that this resolution will surely gain today will send a signal both to the Administration and to Tokyo.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2943, S. Con. Res. 138, and S. Con. Res. 158.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks).

EXPRESSING THANKS TO COMMITTEE ON INTERNATIONAL RELATIONS

Mr. GILMAN. Mr. Speaker, these were the last three bills I will bring to the floor in my capacity as chairman of the Committee on International Relations, and I would like to express my thanks to all of the members of the committee and all of our colleagues for their constructive cooperation over these past years.

I have some additional remarks that I would like to insert in the RECORD.

The House leadership, for whom we have great regard, has made it possible to bring our bills and resolutions to the floor and I appreciate their support and understanding of our concerns.

I would like to thank the gentleman from Indiana (Mr. PEASE) in particular. Through him and the other presiding officers who stood in the place of the Speaker, we have brought innumerable matters to the floor. And I would like to say to the leadership staff, to those who work on the floor and in the leadership offices our particular thanks. We have had able help over the years from the Office of the House Legislative Counsel, especially from Mark Synnes, Yvonne Haywood, Sandy Stokfoff, the unsung heroes.

Our chief of staff, Dr. Garon, has coordinated the work of a wonderful group of professionals; and we thank all of them for their good work.

I particularly want to wish the gentleman from Indiana (Mr. PEASE) well in the days ahead.

COMPUTER CRIME ENFORCEMENT ACT

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 2816) to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. MCCOLLUM) for an explanation of the bill.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I am offering a bill tonight, H.R. 2816, the Computer Crime Enforcement Act of 2000, which was introduced by the gentleman from Arizona (Mr. SALMON).

The bill would authorize $25 million in grants to be awarded by the Department of Justice to local law enforcement agencies in order to assist them in combatting computer crime. Crime committed by computers is one of the most rapidly growing areas. With ever-innovating computers come new innovations and crimes committed by those computers.

Of course, to fight this crime, law enforcement agencies must have equipment that is equal of that used by criminals and the training to effectively use that equipment. Much of the investigation of this type of crime has been done at the Federal level, but there is simply not sufficient resources for the Federal Government to do all the work.

State and local law enforcement agencies stand ready to investigate these crimes but often the financial resources are lacking to do so. This bill will help address the problem.

According to a recent report released by the FBI and the Computer Security Institute, 32 percent of companies surveyed required assistance from law enforcement agencies, up 17 percent from the prior year. And according to a recent report by the San Francisco Computer Security Institute, nearly a third of U.S. companies, financial institutions and Government agencies and universities say their computer systems were penetrated by outsiders last year.

A recent poll conducted by the Information Technology Association of America found that 61 percent of consumers questioned are less likely to shop over the Internet as a result of a rise in cyber crimes.

Mr. Speaker, we simply cannot allow this type of crime to hinder a robust expansion in this new area of commerce. The bill before us will help put more law enforcement agencies on the trail of these criminals. It will make our business in other commercial activities more secure. And so, I strongly urge support of the bill.

As introduced, it authorizes award of grants from fiscal year 2002 to 2003. Because we are now well into the 2000 fiscal year, the amendment that I offer will start the 4-year authorization in fiscal year 2001.

I want to thank the gentleman from Arizona (Mr. SALMON) for his leadership in introducing this bill. I urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Crime Enforcement Act".

SEC. 2. STATE GRANT PROGRAM FOR TRAINING AND PROSECUTION OF COMPUTER CRIMES.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof in accordance with subsection (b).

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as criminal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading "Violent Crime Reduction Programs, State and Local Law Enforcement Assistance" of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the costs of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2000 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM:

Page 4, line 17, strike "2000 through 2003" and insert the following: "2001 through 2004".

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2816.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 604) to amend the charter of the AMVETS organization, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman for an explanation of the bill.

Mr. McCOLLUM. I thank the gentleman from Virginia (Mr. SCOTT) for yielding to me on this bill.

Mr. Speaker, H.R. 604 would amend the Federal charter for the American Veterans of World War II, Korea and Vietnam, the AMVETS. At the 1998 AMVETS annual convention, the delegates voted to change the name of the American Veterans of World War II, Korea and Vietnam to American Veterans to more accurately reflect the membership of AMVETS.

AMVETS membership now includes not only veterans from those three wars but also anyone who served honorably after 1940 and national guardsmen and reservists. At that convention, the AMVETS also voted to change the structure of their governing body. H.R. 604 contains language to reflect the structure change in the statute.

Also, because AMVETS moved the location of their headquarters from the District of Columbia to Lanham, Maryland, the headquarters and principal place of business section of their charter needs to be changed to indicate that they are now located in Maryland. In order for these changes to be recognized by the Department of Veterans Affairs, the AMVETS Federal charter must be amended.

There were technical errors in the original bill. The committee amendment that we have changed the headquarters location from the Baltimore-Washington area to Maryland because a federally chartered organization must be incorporated in a specific State or the District of Columbia. Additionally, there were errors in the governing body language. That provision has been changed to accurately reflect the structure agreed to by the convention. And so I urge this corrective bill, which is what it is, to be passed.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking "AMVETS (American Veterans of World War II, Korea, and Vietnam)" and inserting "AMVETS (American Veterans)".

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

"CHAPTER 227—AMVETS (AMERICAN VETERANS)".

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

"227. AMVETS (AMERICAN VETERANS) .... 22701".

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking "seven national vice commanders" and all that follows through "a judge advocate," and inserting "two national vice commanders, a finance officer, a judge advocate, a deputy judge advocate, a chaplain, a VAVS representative, six national district commanders,".

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking "the District of Columbia" in the first sentence and inserting "the Washington/Baltimore Metropolitan area"; and

(2) by striking "the District of Columbia" in the second sentence and inserting "that metropolitan area".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Speaker, I offer a committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute offered by Mr. MCCOLLUM:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking "AMVETS (American Veterans of World War II, Korea, and Vietnam)" and inserting "AMVETS (American Veterans)".

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

"CHAPTER 227—AMVETS (AMERICAN VETERANS)".

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

"227. AMVETS (AMERICAN VETERANS) .... 22701".

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking "seven national vice commanders" and all that follows through "a judge advocate," and inserting "two national vice commanders and six national district commanders, at least one of whom shall be a woman, a finance officer, a judge advocate, a chaplain,".

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking "the District of Columbia" in the first sentence and inserting "Maryland"; and

(2) by striking "the District of Columbia" in the second sentence and inserting "Maryland".

Mr. McCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2924) to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman to explain the purpose of the bill and his proposed amendment.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, S. 2924, the Internet False Identification Prevention Act of 2000, which passed the other body by unanimous consent on October 31, 2000, concerns something that is very important to us. Over the last several years, Congress has become increasingly aware of the problem of crime committed by persons who use the identity of others to obtain goods and services. In fact, in 1998 Congress passed the Identity Theft and Assumption Deterrence Act of 1998 to toughen our laws against this type of crime.

S. 2924 recognizes that the crime of identity theft has entered the Internet Age and it makes important improvements to our laws against the distribution and use of false identification documents. Our current laws have unfortunately done little to stop a growing Internet market in every imaginable type of false identification. S. 2924 will put a stop to this widespread distribution of false identification, which can be used to commit identity theft, serious financial crimes, and to facilitate the underage purchase of alcohol and tobacco. The new law will make it clear that it is a crime to transfer false identification documents by electronic means, and that those documents can be in the form of computer files, disks or templates. S. 2924 will also close a loophole in current law that permits manufacturers of false identification documents to escape liability.

I am offering an amendment, in consultation with Senator COLLINS, that addresses several concerns that were raised by the intellectual property community after the bill passed the other body. The amendment deletes the section of the bill that had caused those concerns.

Mr. Speaker, Congress must do all it can to fight the growing incidence of identity thefts and the criminals who use the Internet to make it easy to create false identification documents. S. 2924 will make needed changes to current law. I urge my colleagues to support this bill.

Mr. SCOTT. Mr. Speaker, reclaiming my time, based on the explanation of the bill and the amendment, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet False Identification Prevention Act of 2000".

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) In General.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) Membership.—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) Term.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) Report.—

(1) In general.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) Contents.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "or" after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

"(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or";

(2) in subsection (b)(1)(D), by striking "(7)" and inserting "(8)";

(3) in subsection (b)(2)(B), by striking "or (7)" and inserting ", (7), or (8)";

(4) in subsection (c)(3)(A), by inserting ", including the making available of a document by electronic means" after "commerce";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(D) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;"; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

"(7) the term 'transfer' includes making available for acquisition or use by others; and"; and

(6) by adding at the end the following:

"(i) Exception.—

"(1) In general.—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

"(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

"(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

"(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

"(2) Definition.—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

"(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

"(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. McCollum:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet False Identification Prevention Act of 2000".

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) In General.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents (as defined in section 1028(d)(3) of title 18, United States Code, as added by section 3(2) of this Act) is vigorously investigated and prosecuted.

(b) Membership.—The coordinating committee shall consist of the Director of the United States Secret Service, the Director of the Federal Bureau of Investigation, the Attorney General, the Commissioner of Social Security, and the Commissioner of Immigration and Naturalization, or their respective designees.

(c) Term.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) Report.—

(1) In general.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the activities of the committee.

(2) Contents.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions;

(E) specification of the sentence imposed as a result of each guilty plea and conviction; and

(F) recommendations, if any, for legislative changes that could facilitate more effective investigation and prosecution of the creation and distribution of false identification documents.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (c)(3)(A), by inserting ", including the transfer of a document by electronic means" after "commerce"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) in paragraph (5), by striking "and" after the semicolon;

(C) by redesignating paragraph (6) as paragraph (8);

(D) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(E) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;"; and

(F) by inserting after paragraph (6), as redesignated, the following:

"(7) the term 'transfer' includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others; and".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, and the item relating to that section in the table of contents for chapter 83 of that title, are repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Mr. McCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MULTIDISTRICT LITIGATION ACT OF 2000

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5562) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman to explain the bill and his proposed amendment.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, the bill that is under consideration is derived from the base text of section 2 of H.R. 2112, which the House passed by voice vote under suspension of the rules on September 13, 1999. I should therefore note that the relevant legislative history of H.R. 2112, section 2, as set forth in House Report 106-276, serves as a legislative history for H.R. 5562.

H.R. 5562 responds to a 1998 Supreme Court decision pertaining to multidistrict litigation, the so-called Lexecon case. The bill would simply amend the multidistrict litigation statute by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial for the purposes of determining liability and punitive damages, or to refer them to other districts as it sees fit. Compensatory damages would still be determined by the State or Federal referral courts pursuant to compromise language developed by the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN). The legislation is wholly consistent with past judicial practice of nearly 30 years under the multidistrict litigation statute.

This legislation obviously promotes judicial administrative efficiency without compromising the rights of litigants and their counsel to due process and appropriate compensation. It is strongly endorsed by the Administrative Office of the U.S. Courts. I urge my colleagues to support it as well.

As a final point, Mr. Speaker, I will shortly offer a technical amendment to the bill based on an observation by counsel for the ranking member. H.R. 5562 as introduced inadvertently references a nonexistent subsection of title 28 of the U.S. Code. The amendment simply strikes this reference.

I might add that this is the last bill that I will get to manage or comment on in this body while I am a Member of Congress. I have enjoyed again working with the gentleman from Virginia (Mr. SCOTT). It has been a great privilege to be a Member of the House, and it has been a great privilege to have been chairman of the Subcommittee on Crime of the Committee on the Judiciary during this Congress. And during the last 20 years it has been a great honor to be here.

Mr. SCOTT. Mr. Speaker, under my reservation, I would want to express my appreciation as I did the last time we were here with what we thought was the last piece of legislation that we would be considering. The gentleman and I have worked together on the Subcommittee on Crime. I have enjoyed that work. We worked in a bipartisan way. Even when we did not agree, we were able to constructively work and try to come to as much consensus as we could. I wish the gentleman from Florida well in the future. Again, I want to express my appreciation for the way we were able to work together.

Mr. BERMAN. Mr. Speaker, I wish to express my support for H.R. 5562.

H.R. 5562 consists of Section 2 of H.R. 2112, which the House passed by voice vote under suspension of the rules on September 13, 1999. Previously, on July 27, 1999 and also by a voice vote, the Committee on the Judiciary favorably reported H.R. 2112, including language identical to H.R. 5562. On June 16, 1999, the House Judiciary Subcommittee on Courts and Intellectual Property held a hearing on H.R. 2112, and Section 2, on which H.R. 5562 is based, was fully vetted and discussed. Therefore, in essence, the House has already fully considered H.R. 5562, found it non-controversial, and passed it.

H.R. 5562 has a very narrow purpose and effect—it would overturn the 1998 decision of the U.S. Supreme Court in Lexecon v. Milberg Weiss. The Lexecon decision held that a multidistrict litigation transferred to a federal court for pretrial proceedings under Section 1407 of the Judicial Code cannot be retained by that court for trial purposes under Section 1404(a). In so holding, the Lexecon decision upset decades of practice by the Multidistrict Litigation Panel and federal district courts. The Lexecon decision also increases the cost and complexity of such multidistrict litigations by requiring courts other than the transferee court, which has overseen discovery and other pretrial proceedings, to conduct the trial.

H.R. 5562 overturns the Lexecon decision in a carefully calibrated manner. While H.R. 5562 allows a transferee court to retain a case for trial on liability issues and, when appropriate, on punitive damages, it creates a presumption that the trial of compensatory damages will be remanded to the transferor court. In so doing, H.R. 5562 is careful to overturn the Lexecon decision without expanding the power previously exercised by transferee courts. More importantly, the presumption regarding the trial of compensatory damages ensures that plaintiffs will not be unduly burdened in pursuit of their claims.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Multidistrict Litigation Act of 2000".

SEC. 2. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting "or ordered transferred to the transferee or other district under subsection (i)" after "terminated"; and

(2) by adding at the end the following new subsection:

"(i)(1) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section by the panel may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

“(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.”.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM:

Page 2, lines 7 and 8, strike “and except as provided in subsection (j)”.

Mr. McCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. MCCOLLUM).

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING ADDITION OF LAND TO SEQUOIA NATIONAL PARK

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4020) to authorize the addition of land to Sequoia National Park, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled “Dillonwood”, numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) the Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

Mr. RADANOVICH (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 2049) to rename Wolf Trap Farm Park for the Performing Arts as “Wolf Trap National Park for the Performing Arts,” and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. DAVIS of Virginia. Mr. Speaker, I reserve the right to object.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to support a bill that has been more than two years in the making. Just several hours ago compromise substitute language was agreed to that will allow the Wolf Trap Farm Park to become Wolf Trap National Park for the Performing Arts.

Despite the relative straight-forwardness of this bill, it has taken my staff more than two years of careful negotiation and innumerable drafts to reach a consensus between the Park Service, the Department of the Interior, the Wolf Trap Foundation and the Resources Committee. I am extremely pleased to say that on this, the final day of the 106th Congress, that consensus has been reached.

As many of my colleagues undoubtedly know, Wolf Trap is one of the premier venues for the performing arts anywhere. Nestled in a beautifully wooded site just outside Vienna, Virginia, Wolf Trap plays host to every conceivable type of preforming arts. From Native American folk festivals to Interpretive Dance Recitals, Rock Concerts and Classical Symphony, Wolf Trap is home to all the cultural diversity found in our great nation.

While I am very disappointed that it has taken this long to elevate Wolf Trap to the level of federal recognition it naturally deserves, I am very satisfied that one of the final acts of the 106th Congress will finally accomplish that goal. I would like to thank my fellow Virginians, FRANK WOLF and JIM MORAN for their tireless efforts in this endeavor. Without bipartisan support, I am confident we would be revisiting this again in the 107th.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENAMING.

The park in Fairfax County, Virginia, established under Public Law 89-671 (16 U.S.C. 284 et seq.) and known as Wolf Trap Farm Park for the Performing Arts, is hereby renamed “Wolf Trap National Park for the Performing Arts”. Any reference to such park in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the “Wolf Trap National Park for the Performing Arts”.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. RADANOVICH

Mr. RADANOVICH. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. RADANOVICH:

Strike out all after the enacting clause and insert:

SECTION 1. RENAMING.

The Act entitled “An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes”, P.L. 89-671 (16 U.S.C. 284) is amended in the first section and in Section 11(2) by striking “Wolf Trap Farm Park” and inserting “Wolf Trap National Park for the Performing Arts”. Any reference to such park in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the “Wolf Trap National Park for the Performing Arts”.

SEC. 2. USE OF NAME.

The Act entitled “An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes”, P.L. 89-671 (16 U.S.C. 284) is amended by adding at the end the following:

“SEC. 14. Any reference to the park other than by the name “Wolf Trap National Park for the Performing Arts” shall be prohibited.”.

SEC. 3. APPLICABILITY OF OTHER LAWS.

Any laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a “National Park” shall not apply to “Wolf Trap National Park for the Performing Arts” nor to any other units designated as a “National Park for the Performing Arts”.

SEC. 4. TECHNICAL CORRECTION.

Section 4(c)(3) of “An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes”, P.L. 89-671 (16 U.S.C. 284) is amended by striking “Funds” and inserting “funds”.

Mr. RADANOVICH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HONORING HENRY B. GONZALEZ

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 445) honoring Henry B. Gonzalez, former United States Representative from Texas, and extending the condolences of the Congress on his death, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 445

Whereas Henry B. Gonzalez served his Nation and the people of the 20th District of Texas in San Antonio with honor and distinction for 37 years as a Member of the United States House of Representatives.

Whereas Henry B. Gonzalez became an internationally recognized leader in the fields of banking and housing, having held more than 500 hearings as Chairman of the Committee on Banking and Urban Affairs, and having shepherded more than 70 bills from introduction to enactment into law, including landmark legislation to revamp and rescue the United States savings and loan industry;

Whereas Henry B. Gonzalez focused the attention of the House of Representatives on solving numerous and challenging public policy problems, especially the needs of the poor and the powerless, including making affordable housing available to the poor, making credit more readily available to underprivileged communities and small businesses, making the Board of Governors of the Federal Reserve System more transparent and accountable to the United States public, and strengthening civil rights for all Americans;

Whereas Henry B. Gonzalez represents the quintessential American success story by virtue of having become the first American of Mexican descent in Texas history to represent Texas in the United States House of Representatives, and one of the first Mexican-Americans to rise to the position of Chairman of a major congressional committee of the House of Representatives;

Whereas Henry B. Gonzalez served his country in World War II in military intelligence, and taught math to veterans and citizenship classes to resident immigrants seeking American citizenship;

Whereas Henry B. Gonzalez leaves a proud legacy to his hometown of San Antonio (in whose public schools he was educated), encouraged the development of public housing, 2 major medical centers, numerous development projects, and the public laws he authored that brought the HemisFair '68 World Fair to San Antonio, thereby making the city a recognized center for international conventions and tourism;

Whereas Henry B. Gonzalez a champion for the downtrodden and the poor (exemplified, among other things, by his 22-hour long filibuster of segregationist bills in the Texas Senate in the 1950's), consistently brought his skill and passion to bear on behalf of the underprivileged, thereby making our Nation a much better place;

Whereas Henry B. Gonzalez a modest man of great popularity and of a fervently independent character, was awarded the John F. Kennedy Profile in Courage Award for his display of political courage as a leader who acted on principle throughout his multifaceted career, without fear or favor;

Whereas Henry B. Gonzalez will always remain an enduring symbol of integrity, independence, solid principles, and strength of character, and will always remind us of what it means to give honorable public service, as he did to his San Antonio constituents, the State of Texas, and to all Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

That the Congress—

(1) has learned with profound sorrow of the death of the Honorable Henry Barbosa Gonzalez on November 28, 2000, and extends condolences to the Gonzalez family, and especially to his wife Bertha and their 8 children;

(2) expresses its profound gratitude to the Honorable Henry Barbosa Gonzalez and his family for the service that he rendered to his country; and

(3) recognizes with appreciation and respect the Honorable Henry Barbosa Gonzalez's commitment to and example of leadership and commitment to public service and to his constituents, and his serving as a role model for generations to come.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION

The Clerk of the House of Representatives shall transmit an enrolled copy of this Concurrent Resolution to the family of the Honorable Henry Barbosa Gonzalez.

Mr. GONZALEZ. Mr. Speaker, I rise today to insert into the RECORD material prepared by one of my employees, Susana Benavidez, in support of H. Con. Res. 445 regarding my father, former Chairman Henry B. Gonzalez.

IN HONOR OF THE LATE HENRY B. OR HENRY B. GONZALEZ

(By Susana Benavidez, former employee of the late Chairman Henry B. Gonzalez, Current Caseworker and Service Academies Coordinator for his son, Representative CHARLIE GONZALEZ)

Americans are joined by people from other countries in remembering the many contributions that Congressman Henry B. Gonzalez made in improving the human conditions in this country. In the late 1960s Anglo-Saxons in South Texas were saying that history would prove that one of the greatest American statesmen would be a Texan by the name of Henry B. Gonzalez.

Henry B. Gonzalez will always be remembered for his intelligence, wisdom, strength, honesty, integrity and dignity. Never forgotten will be his ability to treat every human being with respect. He had the talent of taking the time to remember the name of each and every person whom he met, it did not matter if that person was a child, a janitor, or waiter/waitress. One of his many gifts was the ability to see the "holiness" in just about every individual whom he ever met. Long remembered will be his compassionate and caring manner. Congressman Gonzalez was a great man perhaps born way ahead of his time. He gave far more genuine love than what he may have received.

I first met Congressman Gonzalez in 1976 while I was working for his colleague the late Congressman Abraham (Chick) Kazen. It was my honor and privilege to have worked for the honorable Henry B. Gonzalez from 1993–1998. He was an exemplary human being. Congressman Gonzalez definitely left the world a better place not only for people like me but for all Americans. He will always be remembered with abundant love, admiration and respect.

Mr. FROST. Mr. Speaker, I thank the gentleman from Maryland for yielding to me. Mr. Speaker, I rise in support of this resolution which honors the life and service of Henry B. Gonzalez who died on November 28 of this year. As Members know, Henry B. as he was affectionately known, served in this body for 37 years and during that time earned a well-deserved reputation as a champion of the little people.

Henry B. Gonzalez dedicated his life to lifting the least among us out of poverty and ensuring that the poor had decent housing, good education, and access to health care. He was a man of strength and integrity and championed the cause of civil rights for all people, but most especially for those Americans who face discrimination because of their race, gender, or ethnicity. He was one of the last of a generation of legislators, but in his honor and in his memory, none of us should ever forget the valuable lessons he taught us.

Mr. Speaker, I have offered this resolution as a token of respect for a man who was the embodiment of character and political courage, a man who was proud to serve as a servant of the people.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

URGING SUPPORT OF MENTORING PROGRAMS

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the resolution (H. Res. 552) urging the House to support mentoring programs such as Saturday Academy at the Oregon Graduate Institute of Science and Technology, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WU. Mr. Speaker, reserving the right to object, I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I rise in support of H. Res. 552 offered by the gentleman from Oregon (Mr. WU). It urges the House to support mentoring and enrichment programs that promote and encourage young people to enter mathematics, science, engineering and technology fields of study. Young people in our Nation are not making the grade when it comes to mathematics and science achievement. Mentoring is one of those ways that we can encourage success in those areas.

Mr. WU. Mr. Speaker, further reserving the right to object, I would just like to say very briefly with respect to this resolution that I have seen the program at the Oregon Graduate Institute work on several occasions. I have met with the students, I have met with the professors who teach in it, the professionals who teach in it, and I have seen the wondrous things that it can do for young women and young men learning science, mathematics and other technical subjects which are by their nature quite difficult, people from all income ranges and backgrounds. It is a terrific private-public partnership. It is something that we should try to replicate. It is something that we should try to replicate in other places around the country. I am delighted that this Congress on this date has chosen to recognize this program and other similar programs.

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On a more personal note, I would like to thank the chairman of the House Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), for his many kindnesses during this my first term in the United States Congress. I would like to thank him for his great service to this institution, to the Nation and especially to its young people. I wish him well for whatever his future plans are, and I especially appreciate his personal recognition in the committee and in the hallways and byways of this Congress.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 552

Whereas exceptional opportunities should be provided for students in grades 4 through 12 to learn from accomplished professionals through hands-on, practical, and intellectual learning experiences;

Whereas workshops, internships, and laboratories are offered during and after-school hours, weekends, and summers;

Whereas Saturday Academy links universities, private companies and their resources, staff, laboratories, classrooms, and equipment with students to provide the opportunity to use real tools to solve real life problems;

Whereas opportunities provided by programs such as Saturday Academy bridge the gap between the classroom and the real world;

Whereas students from low-income families and groups underrepresented in science and engineering are actively recruited and supported by Saturday Academy;

Whereas nearly 99,000 students since 1983 have received Saturday Academy instruction in rural, urban, and suburban areas;

Whereas Saturday Academy received the Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring by the President in 1996;

Whereas the 1995 Third International Mathematics and Science Study found that in the final year of secondary school, the performance of the United States was among the lowest in both science and mathematics;

Whereas, the United States is facing a shortage of qualified professionals in science, technology, and engineering; and

Whereas Saturday Academy places special emphasis on science, mathematics, and technology: Now, therefore, be it

Resolved, That the House of Representatives supports and encourages programs such as Saturday Academy to help students enter mathematics, science, and engineering fields.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GOODLING:

Strike the resolved clause and insert the following:

Now, therefore, be it

Resolved, That the House of Representatives supports and encourages mentoring and enrichment programs that encourage young people to enter mathematics, science, engineering, and technology fields.

Mr. GOODLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment in the nature of a substitute was agreed to.

Amend the title so as to read:

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Pennsylvania (Mr. GOODLING).

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. GOODLING:

Strike the preamble and insert the following resolution:

Whereas exceptional opportunities should be provided for students to learn from accomplished professionals through hands-on, practical, and intellectual learning experiences;

Whereas mentoring and other enrichment programs offer workshops, internships, and laboratories to students during and after-school hours, on weekends, and during summers;

Whereas mentoring programs and other enrichment programs may link universities, private companies and their resources, staff, laboratories, classrooms, and equipment with students and provide them with the opportunity to use real tools to solve real life problems;

Whereas opportunities provided by mentoring and other enrichment programs help bridge the gap between the classroom and the real world;

Whereas students from low-income families and groups underrepresented in mathematics, science, engineering, and technology are actively recruited and

Whereas the 1998 Third International Mathematics and Science Study found that in the final year of secondary school, the performance of the United States was among the lowest in both science and mathematics;

Whereas the United States is facing a shortage of qualified professionals in mathematics, science, engineering, and technology related fields; and

Whereas mentoring and enrichment programs such as Saturday Academy at the Oregon Graduate Institute of Science and Technology, Texas STARBASE at Ellington Field Air National Guard Base, Regional Math and Science Center at Grand Valley State University, and Georgia Youth Science and Technology Center at Southern Polytechnic State University emphasize mathematics, science, engineering, and technology to encourage students to pursue studies and careers in these subject areas:

Mr. GOODLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment to the preamble was agreed to.

AMENDMENT TO THE TITLE OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. GOODLING:

Amend the title so as to read: "Urging the House to support mentoring and enrichment programs that promote and encourage young people to enter mathematics, science, engineering, and technology fields.".

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

PAT KING POST OFFICE BUILDING

Mr. GOODLING. Mr. Speaker, I ask unanimous consent the Committee on Government Reform and Oversight be discharged from further consideration of the bill (H.R. 3488) to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the Pat King Post Office Building, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to request of the gentleman from Pennsylvania?

Mr. PALLONE. Mr. Speaker, reserving the right to object, and I will not object, I would like to make some remarks.

Mr. Speaker, I rise in support of H.R. 3488 to name the Long Branch, New Jersey Post Office after a hero, Detective Sergeant Pat King. Long Branch is my hometown and November 20, 1997, was a very sad day for us in the City of Long Branch. On that day, Officer Pat King was killed by a career criminal from out of state who made his living promoting prostitution and selling drugs. On this particular day, the assailant went gunning for a police officer, any police officer, and he found Pat King.

Sergeant King was killed because he was simply wearing an officer's uniform. Following the shooting, the assailant went on an hour long crime spree, including a chase and exchange of gunfire that injured other officers. He finally shot himself with a second gun, Officer King's gun.

Mr. Speaker, my bill, H.R. 3488, names the Long Branch Post Office after Pat King. Officer King, 45 years old at the time, was the most decorated police officer in the history of the City of Long Branch. By passing this bill, this body not only pays tribute to Pat King it honors all 305 police officers across the country who died last year at the hands of vicious criminals.

Mr. Speaker, for a police officer, the mere act of donning a uniform makes him an immediate target for sick and criminal minds. Each call presents dangers and threats that we cannot begin to imagine. It is my hope that in naming the post office after Pat King we will be paying tribute to individuals so dedicated to their fellow human beings that they are willing to die to protect our safety. It is a way to honor bravery and unselfishness at a time when we question whether it still exists and it is a way to remind young people that dedicating a career to helping others is still a path deeply admired by their community.

To Pat's widow, Maureen, and her sons Patrick and Todd, I say that I hope this tribute provides them with some small comfort that their husband and father will not be forgotten, not by the people of Long Branch and not by the Congress of the United States.

Mr. Speaker, if I could, I wanted to thank the majority leader, the gentleman from Texas (Mr. ARMEY), for helping me bring this bill to the floor this evening on unanimous consent.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there further objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, shall be known and designated as the "Pat King Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the "Pat King Post Office Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAYING ON THE TABLE HOUSE RESOLUTION 674, HOUSE RESOLUTION 675, HOUSE RESOLUTION 676

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following resolutions be laid on the table, H. Res. 674, H. Res. 675 and H. Res. 676.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL MOMENT OF REMEMBERANCE ACT

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3181) to establish the White House Commission on the National Moment of Remembrance, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, and under my reservation I would yield to the gentleman from Florida (Mr. McCOLLUM) to explain the purpose of his motion.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, this is a very simple bill to do what it says literally on the face, of it, establish a national moment of remembrance and that is all that it is, and I would encourage it to be adopted.

Mr. ROHRABACHER. Mr. Speaker, I am pleased that the Congress has passed S. 3181, the National Moment of Remembrance Act, which calls for the creation of a White House Commission to honor men and women of the United States who have died while in service to their country while defending freedom and peace. In May 2000, both Houses of Congress passed a bi-partisan bill to establish a moment of Remembrance at 3 p.m. on each and every Memorial Day. The concurrent resolution to create a National Moment of Remembrance was introduced by Senator CHUCK HAGEL, Senator BOB KERRY, myself and Congressman JOHN MURTHA.

S. 3181 was authored by Senator HAGEL and was passed unanimously in the Senate, while I introduced a similar version in the House. The bill will establish a White House public and private sector commission to organize and coordinate national and local Memorial Day observances to honor the brave men and women who have made the ultimate sacrifice in service to their country.

The National Moment of Remembrance is a symbolic act of unity to bring together Americans of all walks of life to respect our democratic heritage and to dedicate ourselves to the values and principles for which our citizen-soldiers gave their lives. The National Moment of Remembrance and other commemorative events are needed to reclaim the true meaning of Memorial Day.

I commend our House leadership for bringing this Act to the floor. And I am grateful to Senator HAGEL and BOB KERREY for their leadership. I also thank Carmella LaSpada, Chairperson of the No Greater Love organization for initiating the National Moment of Remembrance and encouraging lawmakers to make this Act a reality. I also thank those who crafted the language of this Act: James Dean of the General Services Administration, Carmella LaSpada, Mike Coulter with Senator HAGEL and my Special Assistant, Al Santoli, who is a Vietnam Veteran.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there further objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3181

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Moment of Remembrance Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is essential to remember and renew the legacy of Memorial Day, which was established in 1868 to pay tribute to individuals who have made the ultimate sacrifice in service to the United States and their families;

(2) greater strides must be made to demonstrate appreciation for those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States;

(3) the Federal Government has a responsibility to raise awareness of and respect for the national heritage, and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died;

(4) the relevance of Memorial Day must be made more apparent to present and future generations of people of the United States through local and national observances and ongoing activities;

(5) in House Concurrent Resolution 302, agreed to May 25, 2000, Congress called on the people of the United States, in a symbolic act of unity, to observe a National Moment of Remembrance to honor the men and

women of the United States who died in the pursuit of freedom and peace;

(6) in Presidential Proclamation No. 7315 of May 26, 2000 (65 Fed. Reg. 34907), the President proclaimed Memorial Day, May 29, 2000, as a day of prayer for permanent peace, and designated 3:00 p.m. local time on that day as the time to join in prayer and to observe the National Moment of Remembrance; and

(7) a National Moment of Remembrance and other commemorative events are needed to reclaim Memorial Day as the sacred and noble event that that day is intended to be.

SEC. 3. DEFINITIONS.

In this Act:

(1) Alliance.—The term "Alliance" means the Remembrance Alliance established by section 9(a).

(2) Commission.—The term "Commission" means the White House Commission on the National Moment of Remembrance established by section 5(a).

(3) Executive director and white house liaison.—The term "Executive Director and White House Liaison" means the Executive Director and White House Liaison appointed under section 10(a)(1).

(4) Memorial day.—The term "Memorial Day" means the legal public holiday designated as Memorial Day by section 6103(a) of title 5, United States Code.

(5) Tribal government.—The term "tribal government" means the governing body of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4. NATIONAL MOMENT OF REMEMBRANCE.

The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the "National Moment of Remembrance".

SEC. 5. ESTABLISHMENT OF WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE.

(a) Establishment.—There is established a commission to be known as the "White House Commission on the National Moment of Remembrance".

(b) Membership.—

(1) Composition.—The Commission shall be composed of the following:

(A) 4 members appointed by the President, including at least 1 representative of tribal governments.

(B) The Secretary of Defense (or a designee).

(C) The Secretary of Veterans Affairs (or a designee).

(D) The Secretary of the Smithsonian Institution (or a designee).

(E) The Director of the Office of Personnel Management (or a designee).

(F) The Administrator of General Services (or a designee).

(G) The Secretary of Transportation (or a designee).

(H) The Secretary of Education (or a designee).

(I) The Secretary of the Interior (or a designee).

(J) The Executive Director of the President's Commission on White House Fellows (or a designee).

(K) The Secretary of the Army (or a designee).

(L) The Secretary of the Navy (or a designee).

(M) The Secretary of the Air Force (or a designee).

(N) The Commandant of the Marine Corps (or a designee).

(O) The Commandant of the Coast Guard (or a designee).

(P) The Executive Director and White House Liaison (or a designee).

(Q) The Chief of Staff of the Army.

(R) The Chief of Naval Operations.

(S) The Chief of Staff of the Air Force.

(T) Any other member, the appointment of whom the Commission determines is necessary to carry out this Act.

(2) Nonvoting members.—The members appointed to the Commission under subparagraphs (K) through (T) of paragraph (1) shall be nonvoting members.

(3) Date of appointments.—All appointments under paragraph (1) shall be made not later than 90 days after the date of enactment of this Act.

(c) Term; Vacancies.—

(1) Term.—A member shall be appointed to the Commission for the life of the Commission.

(2) Vacancies.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) Initial Meeting.—Not later than 30 days after the date specified in subsection (b)(3) for completion of appointments, the Commission shall hold the initial meeting of the Commission.

(e) Meetings.—The Commission shall meet at the call of the Chairperson.

(f) Quorum.—A majority of the voting members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairperson and Vice Chairperson.—The Commission shall select a Chairperson and a Vice Chairperson from among the members of the Commission at the initial meeting of the Commission.

SEC. 6. DUTIES.

(a) In General.—The Commission shall—

(1) encourage the people of the United States to give something back to their country, which provides them so much freedom and opportunity;

(2) encourage national, State, local, and tribal participation by individuals and entities in commemoration of Memorial Day and the National Moment of Remembrance, including participation by—

(A) national humanitarian and patriotic organizations;

(B) elementary, secondary, and higher education institutions;

(C) veterans' societies and civic, patriotic, educational, sporting, artistic, cultural, and historical organizations;

(D) Federal departments and agencies; and

(E) museums, including cultural and historical museums; and

(3) provide national coordination for commemorations in the United States of Memorial Day and the National Moment of Remembrance.

(b) Reports.—

(1) In general.—For each fiscal year in which the Commission is in existence, the Commission shall submit to the President and Congress a report describing the activities of the Commission during the fiscal year.

(2) Contents.—A report under paragraph (1) may include—

(A) recommendations regarding appropriate activities to commemorate Memorial Day and the National Moment of Remembrance, including—

(i) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(ii) bibliographical and documentary projects and publications;

(iii) conferences, convocations, lectures, seminars, and other similar programs;

(iv) the development of exhibits for libraries, museums, and other appropriate institutions;

(v) ceremonies and celebrations commemorating specific events that relate to the history of wars of the United States; and

(vi) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to commemoration of Memorial Day and the National Moment of Remembrance;

(B) recommendations to appropriate agencies or advisory bodies regarding the issuance by the United States of commemorative coins, medals, and stamps relating to Memorial Day and the National Moment of Remembrance;

(C) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of Memorial Day and the National Moment of Remembrance;

(D) an accounting of funds received and expended by the Commission in the fiscal year covered by the report, including a detailed description of the source and amount of any funds donated to the Commission in that fiscal year; and

(E) a description of cooperative agreements and contracts entered into by the Commission.

SEC. 7. POWERS.

(a) Hearings.—

(1) In general.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) Public participation.—The Commission shall provide for reasonable public participation in matters before the Commission.

(b) Information From Federal Agencies.—

(1) In general.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) Provision of information.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) Gifts.—The Commission may solicit, accept, use, and dispose of, without further Act of appropriation, gifts, bequests, devises, and donations of services or property.

(e) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(f) Authority To Procure and To Make Legal Agreements.—

(1) In general.—Subject to the availability of appropriations, to carry out this Act, the Chairperson or Vice Chairperson of the Commission or the Executive Director and White House Liaison may, on behalf of the Commission—

(A) procure supplies, services, and property; and

(B) enter into contracts, leases, and other legal agreements.

(2) Restrictions.—

(A) Who may act on behalf of commission.—Except as provided in paragraph (1), nothing in this Act authorizes a member of the Commission to procure any item or enter into any agreement described in that paragraph.

(B) Duration of legal agreements.—A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

(3) Supplies and property possessed by commission at termination.—Any supply, property, or other asset that is acquired by, and, on the date of termination of the Commission, remains in the possession of, the Commission shall be considered property of the General Services Administration.

(g) Exclusive Right to Name, Logos, Emblems, Seals, and Marks.—

(1) In general.—The Commission may devise any logo, emblem, seal, or other designating mark that the Commission determines—

(A) to be required to carry out the duties of the Commission; or

(B) to be appropriate for use in connection with the commemoration of Memorial Day or the National Moment of Remembrance.

(2) Licensing.—

(A) In general.—The Commission—

(i) shall have the sole and exclusive right to use the name "White House Commission on the National Moment of Remembrance" on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts; and

(ii) shall have the sole and exclusive right to allow or refuse the use by any other entity of the name "White House Commission on the National Monument of Remembrance" on any logo, emblem, seal, or descriptive or designating mark.

(B) Transfer on termination.—Unless otherwise provided by law, all rights of the Commission under subparagraph (A) shall be transferred to the Administrator of General Services on the date of termination of the Commission.

(3) Effect on other rights.—Nothing in this subsection affects any right established or vested before the date of enactment of this Act.

(4) Use of funds.—The Commission may, without further Act of appropriation, use funds received from licensing royalties under this section to carry out this Act.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—

(1) Non-federal employees.—A member of the Commission who is not an officer or employee of the Federal Government may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) Federal employees.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) Travel Expenses.—A member of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) Staff.—The Chairperson of the Commission or the Executive Director and White House Liaison may, without regard to the civil service laws (including regulations), appoint and terminate such additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) Compensation.—

(A) In general.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the Executive Director and White House Liaison and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) Maximum rate of pay.—The rate of pay for the Executive Director and White House Liaison and other personnel shall not exceed the rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(d) Detail of Federal Government Employees.—

(1) In general.—In addition to the details under paragraph (2), on request of the Chairperson, the Vice Chairperson, or the Executive Director and White House Liaison, an employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) Detail of specific employees.—

(A) Military details.—

(i) Army; air force.—The Secretary of the Army and the Secretary of the Air Force shall each detail a commissioned officer above the grade of captain to assist the Commission in carrying out this Act.

(ii) Navy.—The Secretary of the Navy shall detail a commissioned officer of the Navy above the grade of lieutenant and a commissioned officer of the Marine Corps above the grade of captain to assist the Commission in carrying out this Act.

(B) Veterans affairs; education.—The Secretary of Veterans Affairs and the Secretary of Education shall each detail an officer or employee compensated above the level of GS-12 in accordance with subchapter III of chapter 53 of title 5, United States Code to assist the Commission in carrying out this Act.

(3) Civil service status.—The detail of any officer or employee under this subsection shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) Cooperative Agreements.—

(1) In general.—The Commission may enter into a cooperative agreement with another entity, including any Federal agency, State or local government, or private entity, under which the entity may assist the Commission in—

(A) carrying out the duties of the Commission under this Act; and

(B) contributing to public awareness of and interest in Memorial Day and the National Moment of Remembrance.

(2) Administrative support services.—On the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services and any property, equipment, or office space that the Commission determines to be necessary to carry out this Act.

(g) Support From Nonprofit Sector.—The Commission may accept program support from nonprofit organizations.

SEC. 9. REMEMBRANCE ALLIANCE.

(a) Establishment.—There is established the Remembrance Alliance.

(b) Composition.—

(1) Members.—The Alliance shall be composed of individuals, appointed by the Commission, that are representatives or members of—

(A) the print, broadcast, or other media industry;

(B) the national sports community;

(C) the recreation industry;

(D) the entertainment industry;

(E) the retail industry;

(F) the food industry;

(G) the health care industry;

(H) the transportation industry;

(I) the education community;

(J) national veterans organizations; and

(K) families that have lost loved ones in combat.

(2) Honorary members.—On recommendation of the Alliance, the Commission may appoint honorary, nonvoting members to the Alliance.

(3) Vacancies.—Any vacancy in the membership of the Alliance shall be filled in the same manner in which the original appointment was made.

(4) Meetings.—The Alliance shall conduct meetings in accordance with procedures approved by the Commission.

(c) Term.—The Commission may fix the term of appointment for members of the Alliance.

(d) Duties.—The Alliance shall assist the Commission in carrying out this Act by—

(1) planning, organizing, and implementing an annual White House Conference on the National Moment of Remembrance and other similar events;

(2) promoting the observance of Memorial Day and the National Moment of Remembrance through appropriate means, subject to any guidelines developed by the Commission;

(3) establishing necessary incentives for Federal, State, and local governments and private sector entities to sponsor and participate in programs initiated by the Commission or the Alliance;

(4) evaluating the effectiveness of efforts by the Commission and the Alliance in carrying out this Act; and

(5) carrying out such other duties as are assigned by the Commission.

(e) Alliance Personnel Matters.—

(1) Compensation of members.—A member of the Alliance shall serve without compensation for the services of the member to the Alliance.

(2) Travel expenses.—A member of the Alliance may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(f) Termination.—The Alliance shall terminate on the date of termination of the Commission.

SEC. 10. EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.

(a) Appointment.—

(1) In general.—The Director of the Committee Management Secretariat Staff of the

General Services Administration shall appoint an individual as Executive Director and White House Liaison.

(2) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and White House Liaison may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b) DUTIES.—The Executive Director and White House Liaison shall—

(1) serve as a liaison between the Commission and the President;

(2) serve as chief of staff of the Commission; and

(3) coordinate the efforts of the Commission and the President on all matters relating to this Act, including matters relating to the National Moment of Remembrance.

(c) COMPENSATION.—The Executive Director and White House Liaison may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the Executive Director and White House Liaison is engaged in the performance of the duties of the Commission.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall audit, on an annual basis, the financial transactions of the Commission (including financial transactions involving donated funds) in accordance with generally accepted auditing standards.

(b) ACCESS.—The Commission shall ensure that the Comptroller General, in conducting an audit under this section, has—

(1) access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(2) full ability to verify the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, to remain available until expended—

(1) $500,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2009.

SEC. 13. TERMINATION.

The Commission shall terminate on the earlier of—

(1) a date specified by the President that is at least 2 years after the date of enactment of this Act; or

(2) the date that is 10 years after the date of enactment of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(Mr. SCOTT asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks.)

THANKS TO EDWARD PEASE FOR HIS DISTINGUISHED SERVICE

Mr. SCOTT. Mr. Speaker, I ask for this time just to thank the Speaker for the distinguished manner in which he has presided today and on previous days. Much has been made about the acrimony of the House of Representatives, and I can say that if more Members behaved as the Speaker has in the honorable and distinguished way that he has conducted his legislative affairs, very little would have been heard about acrimony.

So I want to join the gentleman from California in thanking the Speaker for his fine service.

COMMENDING PRESENT ARMY NURSE CORPS FOR EXTENDING EQUAL OPPORTUNITIES TO MEN AND WOMEN

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on Armed Service be discharged from further consideration of the resolution (H. Res. 476) commending the present Army Nurse Corps for extending equal opportunities to men and women, and recognizing the brave and honorable service during and before 1955 of men who served as Army hospital corpsmen and women who served in the Army Nurse Corps, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 476

Whereas in 1901, in the Act popularly known as the Army Reorganization Act, the Congress established the Army Nurse Corps as a permanent corps of the Medical Department of the Army;

Whereas 2001 is the centennial of the Army Nurse Corps;

Whereas the law establishing the Army Nurse Corps designated it as a female unit;

Whereas men, whatever their qualifications or accomplishments, could not enter the Army Nurse Corps because of its designation as a female unit;

Whereas more than 59,000 women bravely served in the Army Nurse Corps during World War II, and more than 5,000 woman served during the Korean War;

Whereas some male nurses who might have served in the Army in officer grades instead, due to the exclusion of males from the Army Nurse Corps, served in enlisted grades as Army hospital corpsmen in World War II and the Korean War;

Whereas male nurses expressed concern about this situation to the Surgeon General, their congressional representatives, and newspapers;

Whereas the Congress opened the Army Nurse Corps to males in August 1955, thereby allowing male nurses in the Army to be commissioned as officers, and the Army Nurse Corps became the first gender integrated corps in the Army that year;

Whereas today the Army Nurse Corps is open to both men and women; and

Whereas men and women have bravely served in the Army Nurse Corps in Vietnam, Desert Storm, and other military engagements since 1955: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the present Army Nurse Corps for extending equal opportunities to men and women; and

(2) recognizes the brave and honorable service during and before 1955 of—

(A) men who served as Army hospital corpsmen; and

(B) women who served in the Army Nurse Corps.

Mr. HOLT. Mr. Speaker, I rise today in strong support of H. Res. 476, which commends the present Army Nurse Corps for extending equal opportunities to men and women, and recognizes the brave and honorable service of the men and women who have served in the Army Nurse Corps and as Army hospital corpsmen.

From the earliest days of this great country, whenever our army was needed, nurses have served. During the Revolutionary and Civil Wars and other times of need, nurses have been there with the soldiers.

Congress officially established the U.S. Army Nurse Corps on February 2, 1901, with 202 nurses serving on active duty. During World War II, the Corps swelled to over 59,000 nurses, all of whom served their country valiantly and honorably.

Indeed, Army Corps Nurses received 1,619 medals, citations, and commendations during World War II, reflecting their courage and dedication. Sixteen medals were awarded posthumously to nurses who died as a result of enemy fire. These included the 6 nurses who died at Anzio, 6 who died when the Hospital Ship Comfort was attacked by a Japanese suicide plane, and 4 flight nurses. Overall, 201 nurses died while serving in the Army during the war.

In 1947, another act of Congress established the Army Nurse Corps as part of the Medical Department of the active army. In 1950, when hostilities broke out in South Korea, 3,460 Army Nurses were on active duty. Many of them were assigned to field, evacuation and new Mobile Army Surgical Hospitals (MASH), only minutes from the battle areas by helicopter.

Unfortunately, due to the gender discrimination of the Army Nurse Corps during World War II, men, regardless of their training and accomplishments, could not receive officer's commissions in the Nurse Corps and thus often had to enlist as hospital corpsmen, subordinate in rank to female nurses.

One of my constituents, Sam Landis, was one of these men. Mr. Landis served as a surgical technician in the Pacific theater during World War II. During the battle of Okinawa, Mr. Landis placed himself at extreme personal risk in tending to anesthetized casualties while his field hospital was being shelled. He was awarded the Bronze Star for his heroic service.

I am proud to offer this resolution which recognizes men like Sam Landis and which commends the Army Nurse Corp for allowing men into this brave and honorable service.

In 1955, Congress opened the Army Nurse Corps to males, thereby allowing male nurses in the Army to be commissioned as officers, and the Army Nurse Corps became the first gender integrated corps in the Army that year.

From the battlefields of the Civil War to the foreign lands of Asia, these Army Nurses and

Army hospital corpsmen sought to relieve the pain and suffering of war. And their mission is no less vital in peacetime. Army Nurses perform in a range of medical situations and emergencies. The extensive training, the sense of proud tradition and the strong commitment to help mankind, have made the Army Nurse not only a valuable asset to the Army, but to our country as well.

I urge my colleagues to join me in support of H. Res. 476.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE FOUR MEMBERS OF THE UNITED STATES MARINE CORPS WHO DIED ON DECEMBER 11, 2000, IN OSPREY AIRCRAFT CRASH

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 673) honoring the four members of the United States Marine Corps who died on December 11, 2000, and extending the condolences of the House of Representatives on their deaths, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 673

Whereas on December 11, 2000, an MV-22 Osprey aircraft crashed during a training mission near Jacksonville, North Carolina, killing all four members of the United States Marine Corps onboard;

Whereas the Marines who lost their lives in the crash made the ultimate sacrifice in the service of the United States and the Marine Corps;

Whereas the families of these proud Marines have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this terrible loss will resonate through Marine Helicopter Squadron 1 based at Quantico, Virginia, Marine Medium Tiltrotor Training Squadron 204 based at Marine Corps Air Station New River, North Carolina, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the entire Marine Corps and the Marine Corps in mourning their loss; and

Whereas the Marines killed in the accident were—

(1) Lieutenant Colonel Keith M. Sweaney, 42, of Richmond, Virginia, assigned to Marine Helicopter Squadron 1, based at Quantico, Virginia;

(2) Major Michael L. Murphy, 38, of Blauvelt, New York, assigned to Marine Medium Tiltrotor Training Squadron 204, based at Marine Corps Air Station New River, North Carolina;

(3) Staff Sergeant Avely W. Runnels, 25, of Morven, Georgia, assigned to Marine Medium Tiltrotor Training Squadron 204, based at Marine Corps Air Station New River, North Carolina; and

(4) Sergeant Jason A. Buyck, 24, of Sodus, New York, assigned to Marine Medium Tiltrotor Training Squadron 204, based at Marine Corps Air Station New River, North Carolina: Now therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the deaths of four members of the United States Marine Corps in the crash of an MV-22 Osprey aircraft on December 11, 2000, during a training mission near Jacksonville, North Carolina, and extends condolences to the families of those four members of the Marine Corps;

(2) recognizes that those four members of the Marine Corps embodied the credo of the Marine Corps, "Semper Fidelis";

(3) expresses its profound gratitude to those four members of the Marine Corps for the dedicated and honorable service they rendered to the United States and the Marine Corps; and

(4) recognizes with appreciation and respect the loyalty and sacrifice their families have demonstrated in support of the Marine Corps.

SEC. 2. The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the Commandant of the Marine Corps and to the families of each member of the Marine Corps killed in the accident referred to in the first section of this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1930

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair is prepared to move to special orders, but without prejudice to resumption of legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO THE LATE BISHOP JAMES T. McHUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, today a great man of God, a brilliant writer of homilies and incisive commentary, an extraordinary humanitarian, a courageous defender of human life, Bishop James T. McHugh, was buried.

After a long battle with cancer, Bishop McHugh passed away on December 10. Consistent with how he lived his life, Bishop McHugh faced death like he faced life, with courage, dignity, and an unwavering faith that inspires us all.

Prior to his assignment at Rockville Center, New York, Bishop McHugh served with dedication and effectiveness as Bishop of the Diocese of Camden, New Jersey, an area just south of my district.

Mr. Speaker, I have had the privilege of knowing this holy man of God and calling him friend for over 25 years. By his words and extraordinary example, Bishop McHugh lived the gospel of Christ with unpretentious passion and humility. Bishop McHugh radiated Christ. He recognized evil and deceit in the world for what it was, yet he never ceased to proclaim reconciliation and renewal through Christ, the sacraments, and the church.

Clearly among the best and brightest and clearly among the most wise, Bishop McHugh nevertheless was humble and soft-spoken. His courage to press on against any and all odds was without peer. He was a spiritual giant, and we will miss him dearly.

A graduate of Seton Hall University and the Immaculate Conception Seminary in Darlington, New Jersey, Bishop McHugh began his service to the church early in his life. Ordained in 1957, Bishop McHugh's impact has been felt in countless ways. His constant and unyielding defense of the unborn will serve as a pillar of strength to all of us who carry on the fight for life.

At the time of his death, Bishop McHugh was a member of the U.S. Bishops Committee on Pro-Life Activities, as well as a consultor to the Pontifical Council on the Family. His dedication to the family and the pro-life movement knew no bounds, and his representation of the Vatican at international meetings at the United Nations on population control and pro-life matters served not only as an inspiration for myself and many others, but he upheld the convictions and beliefs of the church and believers worldwide, and did it with great distinction.

Bishop McHugh's courage and convictions could not have been more evident, again, as he entered his final days in life. He spoke up on behalf of all of those who are disenfranchised and dispossessed. Again, he preached reconciliation and love. I ask that we all remember him.

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Bishop McHugh's courage and courage and convictions could not have been more evident than just recently, when he ordered that no public officials or candidates who supported abortion be permitted to appear at Catholic perishes. Although Bishop McHugh was critized by the media, he was upheld in high esteem among those of us who hold that all human life is precious. Bishop McHugh held strong to clear Christian teaching on the sanctity of human life and the duty of all men and women of goodwill, especially politicians, to protect the vulnerable from the violence of abortion.

Early in his career, Bishop McHugh worked on staff of the National Conference of Catholic Bishops and was named director of the Division for Family Life in 1967 and director of the bishops' Secretariat for Pro-Life activities in 1972. Bishop McHugh did advanced theological studies at the Angelicum in Rome and earned his doctorate in sacred theology in 1981.

Bishop McHugh must be commended for this outstanding work as Vatican delegate to numerous international conferences, including the 1974 International Conference on Population in Bucharest, Romania, the 1980 UN World Conference on Women in Copehagen, Denmark; the 1984 UN World Population Conference in Mexico City; the 1990 World Summit for Children in New York; the 1992 International Earth Summit in Rio de Janiero, Brazil, and the 1994 International Conference on Population and Development in Cairo, Egypt.

SUPREME COURT'S DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I feel compelled to note my strong objection to the U.S. Supreme Court's decision on the matter of the State of Florida's recount of undercounted ballots in the November 7th, 2000 Presidential election. I believe that it was wrong for the U.S. Supreme Court to overrule the decision rendered by the Supreme Court of Florida in a matter that was strictly within the law and purview of the law of the State of Florida.

The principles of equal protection of the law have never required the U.S. Supreme Court to intervene to provide uniformity in the form of the ballot, within a state or among the states, nor has it required uniformity in the method used to tally the votes cast.

The State of Florida as elsewhere in the country has allowed each county or similar political subdivision to determine on its own the form of the ballot, and the manner of machine or handcount that is to be used.

If standards or requirements of uniformity are needed to conform to equal protection requirements, then all ballots and all counts in Florida are null and void. There were no standards and certainly no uniformity in how the counts were established by initio.

The Court examined the recount process in an effort to find some way to invalidate what the Florida court has ordered.

Had the U.S. Supreme Court been interested in making every vote count in Florida, it could have easily remanded the case back to the Florida Supreme Court, established the uniform standard to be used, and allowed the count to proceed.

Instead, in remanding the matter to the Florida Supreme Court it noted that the time had run out.

There was no basis for the U.S. Supreme Court's ruling that December 12 was an absolute deadline. If it had to rely on a deadline why not December 18. It didn't use December 18 because that would have allowed enough time for the recount to have been completed.

Even December 18 is not a real deadline. In 1960, Hawaii Democrats went to court to ask for a recount, after the Lt. Governor had certified the results of the Presidential election. The Court ordered a statewide recount which took until December 27 to complete. It was not transmitted to Washington, D.C. until early January. When the Joint Session met on January 6, 1961, there were three certifications on the Speaker's desk. One sent from Hawaii on November 28, the one announced by the electors on December 19, and the one sent by the Court after the recount.

On election night 1960 Hawaii throught that Kennedy had won by 92 votes. The next morning the "final" tabulation had Nixon winning by 142 votes. After the court ordered recount Kennedy was ahead by 115 votes.

Vice President Nixon presided over the Joint Session on January 6, 1961 and declared that Kennedy had won Hawaii.

As Justice Stevens noted in his dissent, the Hawaii court ordered recount took precedence over the State's Lt. Governor's certification done pursuant to state law, and even took precedence over the electors announced vote on December 18.

In the Hawaii case, December 12, and December 18 were not regarded as deadlines that would interfere with the state Judiciary's power and responsibility to make sure that all of the votes were properly counted. The Republican Governor William Quinn, the Republican Lt. Governor James Kealoha, and the Republican United States Senator Hiram Fong all agreed that Kennedy had indeed carried the state of Hawaii in the 1960 Presidential election.

I see no justification for the U.S. Supreme Court's interference in the 2000 presidential election.

Florida could have taken until December 31st to recount all of its ballots. The December 12th deadline was arbitrary.

The people of America have been cheated of a full and fair outcome.

I especially resent those who asked that Vice President GORE not contest the outcome in Florida. Without Florida he was the clear winner. He had won 267 electoral votes. Bush only had 246 votes without Florida. In addition GORE had won the nationwide popular vote as well. GORE had the duty to defend the outcome, not as he wished, but as the voters all across the country had determined. He had no right to concede the outcome without a fierce defense. It was not his to concede. Fifty million voters had expressed their will. A Florida recount was needed to validate their choice.

THE INSPIRATION OF THE U.S. CAPITOL, AND ITS LESSONS FOR THE NEXT GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. McCOLLUM) is recognized for 5 minutes.

Mr. McCOLLUM. Mr. Speaker, last evening I looked out upon this Capitol from my office window in the Rayburn Building. The Capitol dome was lighted. It was a cool evening. The flags were flying, and the lights were on the Capitol dome.

I paused to look about 10 p.m. because I thought that was going to be my last evening in office as I retire from this United States House of Representatives. I had virtually cleaned out my office. I just sat there for a few minutes, having a very beautiful view of this Capitol.

It occurred to me that we often look at the Capitol, but we do not see it. As Members of Congress, we are often in another world in our minds, doing things of the people's work that we should be doing, making decisions and doing all the things we are involved with. Very often we do not get off the train and smell the roses and really look around us. It is difficult to do, living these busy lives that we do.

But our Capitol represents that which is the greatest in America. It represents the history of this Nation, the greatest free nation in the history of the world. It represents and symbolizes lots of things.

It is a wonderful piece of architecture. Those of us who have had the privilege of taking the architect's tour and taking constituents to the top of the dome know it intimately from that standpoint.

But just looking at it from the outside, and looking at its intricate workings under those beautiful lights, makes us in awe of it as a building and a structure, and realizing that structure was conceived years and years ago before we had all of the modern technology we have today.

But it is far more than an architectural structure, it is a symbol of this great free Nation. It is, like our Constitution and our Bill of Rights, a part of our heritage. We have this greatest free Nation because we had Founding Fathers with the wisdom to adopt a Constitution and the Bill of Rights that protect us from government, that require government to be closest to the people in the States and local communities, where they can, and have a Federal or central government only to do those things of national security and matters which really cannot be done by an individual one of the 50 States.

We have also a check and balance system, where the legislative branch, the executive branch, and the judicial branch of governments work together in harmony to produce outcomes that sometimes, upon their initial appearances, look messy, untidy, and difficult, but they are not. They are actually things that can resolve, because of those mechanisms, great crisis problems in ways that do not involve bloodshed, that do not involve riot in the streets, that simply involve a serious debate and serious consideration; in ways that engage the American public in a democratic fashion.

We just witnessed one of those great moments in our history: a presidential election that went on for days after the balloting, in which we had lots of partisan views and personal opinions, and engaged the American people.

Some thought that the election should have been resolved sooner; some thought it should have gone on beyond the Supreme Court decision of this past few days. But the reality is that our system worked. The beauty of it is that our Founding Fathers' gift to us has indeed shown forth again in bringing about in a fashion that our republic is proud of the resolution of the issue of who will be the next president of the United States and the next Vice President, George W. Bush and Richard Cheney, Dick Cheney.

I am honored to have served in this body, to have been a Member over the last 20 years of this House of Representatives; to have been a party to a small piece of history for events that have unfolded here in my time.

During that tenure lots of things have happened: We have seen the end of the Cold War. We have seen the fall of the Berlin Wall. We have seen the balancing of the Federal budget. We have seen the advent of the age of the Internet. We have seen vast changes in our lives.

But it is the future to which we should turn. It is to the next generation. It is to the children who are in school today that we will look to leadership. I would remind them that there is no finer place to look than in history and on the Constitution, and all that this Capitol represents, and to the structures that were set up by our Founding Fathers.

Learn discipline, learn history, study great literature, get a good education, and participate in government. Participate at any level, whether that is running for office oneself, or simply getting out and voting and encouraging others to get out and vote, or working in campaigns. But show that interest.

Learn, study, do what others who having gone before you have done, and be interested enough to protect these freedoms, protect our structure, protect the strongest military in the world to keep America safe while we are strong, and to protect these institutions that are valuable, so our children and grandchildren for years to come will be able to have these great freedoms that were given to us.

Again, it has been my great privilege to have served the U.S. House of Representatives and the people of this Nation in this office. As I leave tonight and say farewell in my last moment on the House of Representatives floor, I want to thank all that I have served with, both the Members and the staff and those who are here tonight, those who work in the U.S. House, work on the floor of this House, work in the cloakrooms of both parties. We owe a debt of gratitude. I want to thank those people.

It has been a great privilege. It will be a great honor to look from the outside as a private citizen and watch the workings of this body, for I know not only what a great institution this is, but what a great institution it will continue to be because of the people who are here, because of the interests served, and because our young people, generation after generation, will continue to revitalize our system of government and make this continue to be the greatest free nation in the history of the world.

THE INDIAN AMERICAN FRIENDSHIP COUNCIL AND STRENGTHENING INDIA-AMERICA TIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I just want to take some of the time this evening before I yield to my colleague, the gentleman from California (Mr. SHERMAN), to talk about the activities of the Indian American Friendship Council.

I noticed that the previous speaker, and I guess he is now in the Chair, I wanted to say that the gentleman from Florida (Mr. McCOLLUM) who is now presiding over the House of Representatives as the Speaker was, with myself, the founder of the Indian American Caucus and the Indian American Friendship Council which the gentleman from California (Mr. SHERMAN) and I are about to talk about, and worked very closely with the Congressional Caucus on India and Indian-Americans from the beginning when it was founded to try to bring the United States and India closer together, and to also deal with some of the concerns and issues that the Indian-American community had here in the United States.

One of the accomplishments that the gentleman from Florida (Mr. McCOLLUM) made, and I am sure he is very proud of, is the fact that the Congressional Caucus on India and Indian-Americans has grown now. It is actually the largest caucus in the House of Representatives. The gentleman's involvement with it from the very beginning was a very important part of its success.

Let me say that not only do I appreciate the gentleman's contribution, but I know that the Indian-American community appreciates it a great deal. Whenever I go to any event whether there is an Indian-American community, they constantly make reference to the fact that the caucus has been successful, what we have accomplished, and talk about the various things we have done.

I just wanted to pay tribute to the gentleman as well this evening on another aspect of the many things the gentleman did during his career here in the House of Representatives.

Let me say, the reason that the gentleman from California (Mr. SHERMAN) and I are talking specifically about the Indian American Friendship Council is because this session of Congress, which will close this evening here in the House, I think was one of the most successful Congresses in terms of trying to bring the United States and India closer together, and making not only our colleagues in the government but I think the American people in general aware of the need to increase warm relations between the United States and India.

When I was about to get up this evening and mention the contributions of the Indian American Friendship Council, and I looked on their website, I noticed that the lead theme, if you will, was "Bridging the world's two greatest democracies." That is what the Friendship Council is all about.

trying to bring the world's two greatest democracies together.

Over the 7 or 8 years now that we have had the Congressional Caucus on India and Indian-Americans, I think we have accomplished a lot in that regard. If I go back 7 or 8 years, at that time many people I think both in India and in the United States thought of the two countries as not only not partners, but maybe even I would not say enemies, certainly, but maybe on opposite sides of the fence on many issues, whether it was the economy or the development of trade or security issues, or whatever.

Certainly over that last 7 or 8 years we have accomplished a lot to change that, and the Indian American Friendship Council has played a role.

I wanted to give particular thanks this evening to Dr. Krishna Reddy, the founder and still the president of the Friendship Council. One of the things that Members of Congress on both sides of the aisle certainly cannot forget is that every year in the summer, usually I think it is in July, the Indian American Friendship Council has a big event, basically a day-long conference, which concludes with a banquet in the evening where many Members of Congress participate.

I think there is more participation by Members of Congress in that conference and in that banquet than any other event put on by the Indian-American community here in Washington.

□ 1945

It is because Dr. Reddy and the people involved in the Indian American Friendship Council who really go out of their way to make it clear that Congressmen and Senators are important, and that the only way, if you will, that we can accomplish the goals of bringing the United States and India closer together is by having the community work with Congress and work with their Members of Congress to accomplish that goal and to basically say what their concerns are.

I went through again the Web site of the Friendship Council, and I saw a list of about 10 goals that the Friendship Council tries to achieve, and every one of these is, I think, very significant in terms of U.S.-India affairs, as well as the role of the Indian American community.

I just wanted to, if I could, very quickly list these. The goals basically say, and the first one is to forge better overall ties with an emerging power that is the world's largest democracy, better ties within the United States and India. That is in general.

Second, to give concrete expression to our shared democratic values and our interests in strengthening evolving democracies. What they mean by that is that the council has played a major role in getting the Indian American community involved in government, involved in civic affairs, whether that means registering to vote, getting out to vote, or working for candidates, or lobbying in a positive way in Washington or a State capital for candidates.

The third goal is to urge Indian progress towards global nonproliferation and security norms; very important, and not an easy task, because we know that with the detonating of nuclear weapons or the testing, I should say, of nuclear weapons in India a few years ago, there was a major concern about whether India will continue on the path towards nonproliferation.

The council has made it clear that that is the path that both the Indian government, the U.S. Government and all governments should proceed down. Nonproliferation is a goal. I commend the Friendship Council for having that goal.

Fourth is to maximize our partnership and trade investment and information technology exchanges with one of the world's largest economies, and one of the world's largest middle classes. We do not even need to comment on that one. Obviously, there has been a tremendous growth in trade between our two counties. There are tremendous opportunities in the information technology field. Indian Americans have played a major role obviously in the information technology field here in the United States as well as in India.

Next is to broaden and deepen our relations with the world class Indian players in the vital area of information technology. Again, we have explained that, and, furthermore, to enhance our joint efforts on urgent global issues including terrorism and narcotics.

When President Clinton went to India in March, and in that historic visit, which the council had been urging for a long time and Dr. Reddy have been preparing the way for for a long time, one of the major issues that was addressed was terrorism. And it was also addressed when Prime Minister Vajpayee came here to the United States before the House of Representatives in September, and significant progress has been made between the two countries on the goal of trying to get rid or trying to address international terrorism.

And another goal was team up to protect the global environment with clean energy and other initiatives where Indian leadership is essential. When I was in India with the President in March, we made some major progress with regard to environmental concerns.

We were at a hotel next to the Taj Mahal when an agreement was signed between the United States and India to try to improve the environment, to improve access to energy. And, again, the Friendship Council had been in the forefront of trying to stress the environmental and energy needs and the fact that our two countries, one, the United States, being the leader in the developed world and the other, India, being a leader in the developing world on these environmental and energy issues.

Finally is to join hands in the global campaign against polio, HIV/AIDS and other public health problems. Dr. Reddy, himself, is a dentist. He is very concerned about public health. He has been honored by the Indian government and by other organizations here in the United States, because of his concern, his public health concerns; and obviously, this is another area where the Friendship Council has been playing a major role and many members of the Indian caucus have taken the leadership in trying to improve the public health environment in India.

Let me just say that I just want to conclude my portion, if you will, of the Special Order by saying that I really admire the work of Dr. Reddy and the Indian American Friendship Council. I know that many of my colleagues do.

This is a bipartisan organization that works with Democrats and Republicans and certainly will continue to do the excellent job they do in the next Congress.

Mr. Speaker, I yield the balance to the gentleman from California (Mr. SHERMAN).

THE INDIAN AMERICAN FRIENDSHIP COUNCIL AND STRENGTHENING INDIA-AMERICA TIES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for the remainder of the minority leader's hour.

Mr. SHERMAN. Mr. Speaker, it has been a pleasure to work with the gentleman from New Jersey (Mr. PALLONE) on strengthening the ties between the United States and Israel.

I want to join with him in praising the Indian American Friendship Council and discussing how important U.S.-India relations are for the people of the United States and the important work of the Indian-American Friendship Council in strengthening those ties.

Mr. Speaker, just a few years ago, half a billion Indians went to the polls to choose a new parliament, five times as many people who participated last month in the U.S. Presidential election. Frankly, a higher level of participation in democracy than we enjoy here in the United States.

India has demonstrated to the world that democracy is not just a system of government for the developed world, but, in fact, is a system of government that can work anywhere. Where else would democracy face such incredible challenges? A Nation of a billion people, perhaps the most ethnically and religiously diverse nation on the face of the earth, with one democratically elected parliament.

India has surprised the world, not only with its ability to maintain and strength its democratic institutions but also with its economic growth. It serves as a model to the entire world.

The Indian-American community has also served as a model. It is now the most highly educated of all of America's ethnic groups. Forty years ago, there were 35,000 Indo-Americans. Today, there are 35,000 Indo-American physicians, not to mention the tens of thousands of Indo-Americans who are in the various other professions who have succeeded in business, particularly information technology and who have participated in the cultural and political life of America.

Clearly strengthening ties between India and the United States is an important mission, and no organization performs that mission to a greater degree and with more finesse and capacity than the Indian-American Friendship Council.

The Indian-American Friendship Council has prominent chapters in networking groups, in many cities and States across this country. As the gentleman from New Jersey (Mr. PALLONE) pointed out, every year the council hosts a major annual event here in Washington, which attracts scores of Members of the House and of the Senate and serves as a platform for discussion between the Indo-American community and other supporters of the U.S.-India relationship and elected Members of the Congress.

Mr. Speaker, not only does the Indian-American Friendship Council serve as a bridge to those who serve in Congress, but it also serves as a bridge to the State Department and the other departments involved in international economic and diplomatic policy of this country.

I am particularly proud of Dr. Krishna Reddy, the founder of the Indian-American Friendship Council, who I am proud to say is a Southern Californian. So while the gentleman from New Jersey (Mr. PALLONE) has accomplished much for the Indo-American relationship, he cannot claim that his region is the home of Dr. Reddy, whereas we, in Southern California, can.

With that in mind and knowing of all the gentleman has done for the U.S.-India relationship and to support the Indian-American Friendship Council, I would at this point, yield to the gentleman from New Jersey (Mr. PALLONE), for any parting words about the importance of the Indian-American Friendship Council.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California (Mr. SHERMAN), and I agree that I cannot lay claim to Dr. Reddy, because he is from the gentleman's part of the country. I will say that about a year or two ago, Dr. Reddy started a chapter of the Indian-American Friendship Council in New Jersey. They are now very active, and I have been to some of their meetings where there were maybe 200 or 300 people, and so even though he is from California, his name and his activities have now spread to my great State as well.

Mr. SHERMAN. Mr. Speaker, I am glad to see that Southern California is spreading wisdom to the far shores of New Jersey.

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. PALLONE), who has been here long before I was involved in the India Caucus and in strengthening ties between the world's richest democracy and the world's largest democracy.

ISSUES THAT WE NEED TO CONFRONT TO AVOID CONSTITUTIONAL CRISIS OF COMING DECADES

Mr. SHERMAN. Mr. Speaker, I would like to begin the speech I had planned to give tonight.

Mr. Speaker, you have been here on many occasions when I have addressed the House late at night, and this is the last speech of the 106th Congress, as I understand it, the last three quarters of an hour which you will be presiding over this House.

I wish the gentleman tremendous luck and tremendous good fortune as the gentleman leaves this House. I want to thank the gentleman for his service to this House and to this Nation, and particularly his service as a presiding officer over this House, which he has done so many times.

Mr. Speaker, I especially want to thank you in advance for your indulgence during the next three quarters of an hour.

I also want to thank the House for this opportunity to address the House in the closing minutes of the 106th Congress and take this opportunity to wish all of my colleagues happy holidays and a happy and productive new year.

Mr. Speaker, we come to the end of the 106th Congress; and we come to the conclusion of the selection of the 43rd President of the United States, perhaps more in exhaustion than in glee, having severely tested our constitutional structure. When we come back next year, we need to do so in the spirit of bipartisanship; and I think in that spirit, we need to address some of the issues as to which there is no Democrat policy, no Republican policy, but issues that go to the structure of our democracy, issues that we need to confront now to avoid the constitutional crisis of coming decades, issues that go to the structure of our government and go to protecting the Presidency from challenges that it could face in the decades to come.

I have been asked who could have imagined the problems that we have faced over the last month. The fact of the matter is anyone with a good imagination could have imagined these problems and hundreds of others.

We simply need to look at the technical mechanisms for our government, for our Constitution. And for our democracy in order to identify those issues that could present crisis in the future.

Now, there are a variety of different kinds of problems this country faces as to which Members of Congress are not to be expected to have in-depth expertise. In my own State, there are tremendous problems dealing with the generation and distribution of electric power. And few Members of the State legislature of this Congress have in-depth expertise or experience in matters of electric power; but when it comes to government and politics and voting, that is the one area where we are experts. It is time that we turn that expertise to making sure that all of the foreseeable problems that could go to the structure of our government are given attention and hopefully are solved.

These are problems, and I will address nine different problems in the remainder of any speech, that have not gotten much attention. They are problems that we are not lobbied by the insurance industry or the physicians. The NIFB has no position, nor does the AFL–CIO; neither the sugar producers, nor the candy makers have a stake in the outcome directly.

□ 2000

None of the hundreds of lobbyists and constituent groups that have come to our office in the last 2 years have even addressed these issues. Given what has happened in Florida, we will begin to hear of one or two of them, but we should address them all and others besides, because I am not confident that I have the right answers, I am not confident that I have identified all of the relevant questions. But I am sure that it is time for this House to imagine those mechanical threats, those threats to the mechanics to our democracy that could occur, not just in the next few years, but in the coming many decades.

Mr. Speaker, if I had come to this floor 6 months ago and said that chad posed a risk to our democracy, a member of the Committee on National Security would have responded that the West African nation of Chad posed no threat to us, that it was not the site of terrorism nor military threat. Yet, we must defend our democracy, not only from the most obscure sources of international attack, but from those things that could undermine faith in our institutions.

We have learned that the word chad does not only apply to a nation in West Africa, but refers to just one of many mechanical problems that could undermine our faith in those institutions.

Mr. Speaker, it is not enough for us to address just what happened in Florida, because tomorrow's constitutional crisis will not be the same as yesterday's. The crisis that we have just faced will inspire us to close the barn door now that the horse is departed. But it is not enough to close the door through which one horse escaped, we must, instead, examine the barn and close every window and every door and make sure that the walls are structurally sound.

We must identify as many possible constitutionally undefined areas and address those areas long before they become sources of major partisan controversy. We must imagine all the problems that we can and not scoff at those who would solve "imaginary problems."

The first of these issues that I would like to address is one that has not been discussed, I believe, on this floor for at least a decade; and that is the issue of Presidential succession. We all know that, if the President is impaired or becomes deceased, the Vice President succeeds to that office. We all know that a Vice President who then becomes President can appoint a successor to the Vice Presidential office.

We all know if things go smoothly, there will always be a President and a Vice President and a Vice President ready to take over if the President, God forbid, is deceased. But, Mr. Speaker, there could come times when we go for months or years without a Vice President. We did when Gerald Ford became President after the resignation of Richard Nixon. One could have imagined the crisis we might have faced had President Ford faced some untoward calamity.

See, Mr. Speaker, we have laws that provide for succession to the Presidency. Such laws ought to provide two things, certainty and continuity. The present statute does provide certainty. For if there is a vacancy in both the Presidency and the Vice Presidency, the next person in line is the Speaker of the House and then the President Pro Tempore of the Senate followed by the various cabinet officials in order of the seniority of their departments. That will provide for certainty as to who holds the office of President.

But it is not enough for us to have certainty. We also need continuity; and by this, I mean continuity of policy. If, for example, the Vice President has become President and there is a vacancy in the Vice Presidency, the stock markets should know that, if that Vice President who has become President were to die, that our national policies would remain pretty much the same, that our economic policies would remain the same.

Our adversaries and our friends around the world should know that, even if there is no one currently serving as Vice President, that the next person in line will carry on pretty much the same policies. No one should have any belief that a change in who is President except at a national election could radically change our policy.

Most important, it is key that any potential assassin not believe that they can radically change America's foreign or domestic policies with a bullet. They can change the person but hopefully not radically change the policies.

Unfortunately, our present statute does not meet that standard of providing for continuity, continuity of policy. Because the person in line after the Vice President may or may not be of the same party.

Our old system was, I think, superior. The statute, until a couple of decades ago, provided that, if there was a vacancy in both the President and the Vice President, the next person in line was the Secretary of State, and I believe after that the Secretary of the Treasury, individuals who had been confirmed by the Senate, individuals of high integrity and very substantial governmental responsibility, individuals, though, most importantly who would share a general philosophy with the President of the United States.

Today, we have a very different system, a system where we could have a change in the party in the White House, not as a result of an election, but just as a result of succession. One could have imagined in the 1970s with Gerald Ford serving as President that the country would wonder what if something happened to President Ford? Would that mean that we would pull out of Vietnam? Who knows? No one should have doubted during that time, but anyone looking at the Constitution and our statutes would have doubted that a change in the person of the President would change the policies of the Presidency.

Now I should point out that we changed our statute several decades ago because it was believed that the first four persons in line to succeed to the Presidency should be elected officials. I do not find that incredibly compelling, but I can understand why others do.

So let us maintain that policy should others think it important, but let us provide that every President may file with the Clerk of the House and the Clerk of the Senate an official document indicating who shall be third and fourth in line in succession; that they would designate that the person third in line would either be the Speaker of the House or the Minority Leader of the House, and the person fourth in line would either be the Majority Leader in the Senate or the Minority Leader in the Senate.

Under those circumstances, we would know that a Member of Congress would be third and a Member of Congress would be fourth in line. Then no matter what is likely to happen, an elected official held in high esteem by their colleagues in the Congress would serve as third and fourth in line. At the same time, we would know that the party in the White House is not subject to change except through election.

If we fail to do so, then some time in the next century, we will face months, if not years, when our allies and enemies around the world wonder whether there could be a radical change in our policies due only to a sad death or incapacity. Assassins or potential assassins may be inspired to their evil deed by the belief that they are, not only committing a heinous act against this country, but in the misbegotten belief that that is an appropriate way to change radically America's foreign or domestic policy. Mr. Speaker, we have not addressed this issue, I believe, for decades. We ought to.

Let us move on, though, to another issue that is also important; and that is one that has been discussed at great length, and that is the need for voting machines around this country or vote tabulation systems that are worthy of the 21st Century and worthy of the world's most powerful democracy.

There have been several bills introduced that provide for at least a study of what can be done to improve our vote tabulation system. But let me describe how important that is. Thirty-one percent of this country uses the punch card system which we became all too aware of in Southern Florida. That system is used, for example, in Los Angeles and Ventura Counties, major counties which I partially represent.

One out of every 66 persons voting for President in Florida in a punch card county had their vote unregistered for President, an undervote. Now, you may say perhaps 1 out of every 66 Floridians did not care to register a vote for President. But in the adjoining counties where optical scanners are used, only 1 out of every 250 voters chose to skip that office. We know from our own experience that the vast majority of people who go to the polls at a Presidential election cast a vote for President, especially when they are given, not only the two major choices, but several other choices besides.

In fact, experience in Florida shows that it is not the case that there are just certain counties in Florida where people want to skip the office of President, because several counties have moved from one vote casting system to the other from 1996 to the year 2000. When they did so, they went from roughly 1 out of every 66 ballots missing a vote for President to 1 out of every 250.

So we see that the tendency to vote for President, when accurately tabulated using the best machines available, that 249 out of 250 people cast a vote, that squares with our experience, and that, in fact, the vote tabulating machines used in punch card counties are ignoring almost 1 percent of the votes cast for President. This needs to be changed, and we need to do more than just have a Band-Aid.

Yes, we could provide Federal funds on a pilot basis to a dozen counties around the country. We could provide $50 million or $70 million. We could stand in front of a few fancy machines in a few counties. But 31 percent of all Americans are using this punch card system. Other Americans are using equally bad systems. And 1 percent of that 31 percent are being disenfranchised. That is wrong.

We should provide $1 billion a year for several years, real money for a real problem, because there are 180,000 precincts in this country, and each one has half a dozen or more voting booths with tabulation devices. Every county has to be able to count the ballots. This is a big deal and cannot be dealt with by a few pilot programs that solve the problem in just a few counties.

What we ought to do is provide grants to counties and other local jurisdictions responsible for elections, grants of between 50 percent and 80 percent of the cost of new vote tabulation and vote casting machinery and the cost of implementing the systems and training the employees involved.

What we ought to do is commission the Federal Election Commission with the responsibility of identifying one, two or three of the best vote tabulation systems for large counties, perhaps a different list of one, two or three systems for medium-sized counties, and perhaps a different list of the best systems to be used in small counties. Then we should turn to every county in America that does not have one of these good systems and offer between 50 and 80 percent of the cost of buying the new equipment. To do otherwise is to say that democracy is worth a quarter trillion dollars a year to defend from foreign threats, but not even a tiny, tiny portion of that to defend from constitutional crisis from unintentional disenfranchisement.

Furthermore, the Supreme Court, whether one agrees with it or not, has just enumerated or identified an equal protection right for votes to be counted accurately.

□ 2015

Now, it is possible that this court will never find another circumstance in which to apply that new constitutional right. It is possible that this court found that new right to apply it only to this election and now will want to seal it and never use it again, but that is just this court. One can imagine a court inspired by more liberal values that would rely on this case to question or invalidate elections from coast to coast if there was a denial of equal protection of the right to cast one's vote in a way in which it would be accurately counted.

The fact is these old vote tabulation systems are found often, and to a greater extent and a greater proportion, in urban counties, with previously disenfranchised minorities, disadvantaged minorities, using systems that throw out 1 percent of their vote, while adjoining more economically upscale counties use new upscale vote tabulation systems. I am not sure this court would use the Equal Protection Clause to deal with that issue, but I do know that in other courts in other decades this issue may rise to the level of constitutional scrutiny, and at that point, at that point we may face another constitutional crisis as some other court examines whether it is fair to use accurate systems in upscale counties and decrepit systems for those who are poor and those in traditionally discriminated against racial minorities.

I also, though, want to point out another issue, and that is if we do have a Federal right, an equal protection right to accurate voting, that we establish some rules that require that those rights be raised on a timely basis. I cite the butterfly ballot, now famous from Palm Beach County. Certainly we ought to have a rule that says that that ballot needs to be challenged 30 days before the election or 3 days after it is known or should be known to the candidates involved in the election so that we do not have a Federal Court invalidating an election weeks or months afterwards because it finds that the butterfly ballot denies equal protection to those who use it.

We must have a system that puts the onus on candidates to bring to the attention their objections first to county election officials and then, if they feel they have a constitutional claim, to the Federal courts. The butterfly ballot should have been objected to long ago, long before the election.

Mr. Speaker, let me turn to a third issue, and one that has also gotten some attention, and that is the electoral college system. When the electoral college was first instituted, democracy was a newfangled dangerous idea that our Founding Fathers did not want to fully embrace, but which other modern countries have more fully embraced than we have because it is now a proven idea, and American values require that the President of the United States be elected by the people. Now, the values of the 1700s may have been different; but until recently, virtually no American could have conceived of the idea, was even aware of the existence of the electoral college.

Secondly, Mr. Speaker, I would point out that at the time our Constitution was signed, the States really were independent countries. When they were independent countries, we used the following terminology. We would say the United States are going to do something. Today we say the United States is going to do something, because we are now one Nation, with one President that presides over one people. We are both a Republic and a democracy. The distinction between a democracy and a Republic is now, I believe, outmoded because we are a Republic that should be guided by democratic values, particularly in the selection of a President.

Now, in this election, the person who will be in the White House did not get a plurality of the votes, but that was by a mere 300,000 to 400,000 votes. Imagine if by 1 million votes or 2 million votes or perhaps 3, 4, or 5 million votes one person is installed in the White House while the other won the popular vote. Would that President have all of the legitimacy that we would like the President to have? What is worse, what happens if there is a tie?

I know we just lived through one crisis. But what if Ralph Nader had won Florida? Not this election, maybe next election. If that would have occurred, then none of the Presidential candidates would have had 270 electoral college votes, and the Presidency would have been decided here in the House of Representatives. So far that sounds reasonably fair. But we in this House would vote by States. North Dakota and South Dakota would have as much influence as New York and California combined. Would the country really accept a President who had been chosen by a majority of the States, representing only a fraction of the Nation's population? I think such a President might have been accepted in the 1700s. In fact, that is how Thomas Jefferson was selected. But I am not at all sure that a President selected through such a manner would have legitimacy today.

Finally, the maintenance of the electoral college means that there could just be a few dozen votes in one State that could decide an election and could be the subject of a recount, or more than one recount.

The solution is clear. We ought to elect a President by national vote. But one issue then arises. What if no Presidential candidate receives 50 percent of the vote? I suggest that we draw the line at 40 percent, since throughout the last hundred years every President we have installed, I believe, has received 40 percent of the popular vote; yet in contrast, no President in the last 12 years has received over 50 percent of the vote. But if we had a situation with three, four or five viable candidates for President and none of them got over 40 percent of the vote, then I would suggest a national runoff.

For those who disagree with the cost of such an enterprise, even in those incredibly rare occasions when a leading candidate failed to receive even 40 percent, then perhaps the House of Representatives could select the President, with each Member of the House having an equal vote.

Mr. Speaker, we may not abolish the electoral college; but if we do not, it is time for us to stop playing with the excitement of wondering if we will have faithless electors. Now, I am confident on December 18 we will not have faithless electors; that every elector will cast their vote for the slate to which they are pledged. But just because it does not happen next week, does not mean we can sleep and wait for when it does happen. There have been faithless electors in the past.

If we cannot agree to abolish the electoral college, let us at least abolish electoral college members and use a point system that is automatic. If we like the pageantry, then we could have electoral college members, but their votes should be tabulated for the candidate to which they are pledged, unless that candidate releases them by a formal notarized document. If we do otherwise, then we will take a breath, we will relax on December 18, when faithless electors do not control the outcome of the Presidency, and we will leave it to our children and grandchildren to experience the constitutional crisis that we could prevent today by eliminating the risk of faithless electors.

Now, there is another issue I would like to discuss, and that is the statutory interpretation. It is by no means clear whether this is the law of the land, but it is the belief of some that a candidate for President cannot tell the people of the country who would serve in his or her cabinet. There is discussion that our various anti-bribery statutes, et cetera, indicate that no candidate for office can indicate who will get an appointment should he or she be successful. Now, I agree we should not be selling appointments, and that would never be legal; but we should certainly clarify the law so that if a Presidential candidate chose to announce who would serve in this or that position, and announced it publicly, that the country would take that into consideration.

No candidate should risk the violation of Federal law. One could even postulate the idea of a criminal conviction just for telling us what some of us want to know. Now, as a politically involved individual, I would advise most Presidential candidates not to tell us who they would appoint to the cabinets. But any Presidential candidate who chose to do so should not face any retribution.

Now, Mr. Speaker, the next time bomb which we have not bothered to listen to is the method of amending our Constitution by holding a Constitutional Convention. We have never amended our Constitution that way, and so we have tremendous questions as to how such a Constitutional Convention would work. The last time Congress dealt with this, I believe, was in the 102nd Congress, when there was a Constitutional Convention Implementation Act introduced but basically ignored by the House and the Senate. Here are a few of the issues.

Let me cite article 5 of our Constitution, first of all, which says that with the application of the legislatures of two-thirds of the States, there shall be a convention for proposing amendments to the Constitution, which would then have to be ratified by the legislatures in three-quarters of the States. In fact, quite a number of States, at times in the past, sometimes 50 or 100 years in the past, have passed the necessary resolution to call for a Constitutional Convention. Usually, they have called for a Constitutional Convention to deal with this or that problem. Some States have called for constitutional conventions to deal with a balanced budget amendment or with term limits. But if a Constitutional Convention were called, or purportedly called, perhaps called in the opinion of some and not called in the opinion of others, the Congressional Research Service outlines quite a number of questions that have not been settled.

For example, on question yet to be settled is whether or not the petitions to call that convention must all be the same document or whether some can call for a convention to deal with term limits and others a convention to deal with balancing the budget, and a bunch of others calling for a convention to completely revise the Constitution. What are the scope and limitations of any such Constitutional Convention? Once assembled, for example assembled for the purpose of passing term limitations, is the convention free to propose to the several States the complete revision of our constitution? What is the validity of any rescission of a petition by a State legislature? If a legislature called for a Constitutional Convention to deal with the adverse consequences of prohibition and passed that resolution in the first half of the last century, is that State, one, counted toward the calling of a Constitutional Convention included in the tally of modern States that have called for a Constitutional Convention to deal with such modern concepts as term limits?

□ 2030

Do State petitions have to be contemporaneous? Another unsettled issue? There are many others.

And yet, our entire Constitution could be revised from the beginning through the most recent amendment by a constitutional convention which may or may not be legitimate because it may or may not conform on one of these issues.

It is time for Congress to either abolish the entire concept of a constitutional convention or at least clarify how it would be called and what would be the scope of its powers.

I might add that perhaps we should move to a system where Congress can propose or State legislatures can propose amendments to our Constitution either two-thirds of both Houses of Congress or two-thirds of the State legislatures who could then see that amendment approved at a referendum by two-thirds of the people of the country. It may be time to look to the referendum as a way to ratify amendments to our Constitution.

Those are at least issues that we should talk about as much as we talk about the issues that pit Republicans against Democrats. We should deal at length with the structure of our democracy.

We also, of course, should deal with campaign finance reform. And then we should deal with an issue put before us by the Supreme Court decision in Jones v. Clinton. You will remember that that is the decision in which the Court decided that anyone could sue the President for any reason, that the lawsuit would go forward, the President could be deposed.

And fortunately, in the last 4 years only one party, only one individual, has sued the President. It had very significant consequences.

I would cite the House to the last paragraph of the Supreme Court's decision where it says, "If Congress deems it appropriate to afford the President stronger protection, it may respond with appropriate legislation."

We ought to take the court up on that. And here is why: anyone with sufficient financing could sue the incoming President and we could have dozens and dozens of lawsuits financed by people who simply are angry with President-elect Bush or then-President Bush. Slander lawsuits, sexual harassment lawsuits, job discrimination lawsuits, Federal lawsuits, State lawsuits.

Could $10 million be raised from highly partisan Democrats for the purpose of financing dozens of lawsuits resulting in dozens and dozens of depositions of the incoming President? Perhaps. I do not want to find out. And even if that is not the state to which our country has yet sunk in levels of partisanship, do we want to wait a decade or two or three until there is an organized effort to sue whoever is then President as many times as possible and take as many depositions as possible on as many salacious topics as possible?

I suggest, instead, that we indicate that any lawsuit against the President is suspended, that the statute of limitations is told, that the rights of the plaintiffs are preserved until that Presidency is completed, and that any depositions necessary to preserve evidence, any documents that are necessary to be preserved are preserved so that trial can go forward after the defendant in that lawsuit leaves the White House. To do otherwise is to invite anti-Presidential retribution by lawsuits.

There is another issue that I hesitate to bring before the House but one that we might be able to deal with, and that is the ongoing investigation begun by Kenneth Starr. Most of this country knows that we have failed to reauthorize, that we have squelched the Independent Counsel statute. Much of the country does not know that the Independent Counsel's Office of Ken Starr continues to operate and is allowed to continue to operate as long as it wishes to or until we in this Congress by statute pull the plug, padlock the office, and send the files to the Justice Department.

Now we have a particular reason to do so. The Justice Department, on January 21, will be in Republican hands; and if there is anything in those files which even a Republican administration using reasonable discretion determines to prosecute, they are free to do so. But we allowed the Independent Counsel statute to expire because we know that it does not operate with discretion, that an office that exists only to prosecute one individual and it is terminated if it fails to prosecute will find some reason to prosecute, at least find some reason to continue to investigate.

And if you think that partisan tensions are now as high in Washington as they could ever be, imagine how this country will react if a Republican Congress allows to continue the Ken Starr investigation.

Will we just be viewed as another Pakistan, another troubled democracy or an occasional democracy if we begin the process of indicting our former Presidents?

I suggest that the continued failure of this Congress to act, the continued allowance of this Congress to fund Robert Ray's operation has the seeds for raising partisanship to one unnecessary level.

We have heard as much as we need to about Monica Lewinsky, and Federal dollars should no longer be spent to finance an office that has nothing to do, that loses its power, that loses its payment as soon as they decide that the Lewinsky matter is no longer worthy of investigation.

Mr. Speaker, I have brought up bipartisanship quite a number of times in this presentation. Let me just take a minute to talk about what I think bipartisanship means.

Bipartisanship, when it comes to legislation, means working together to obtain bills that have substantial support on both sides of the aisle, working with the leadership and the mainstream Members on both sides of the aisle to put together bills that solve problems for America.

Alternatively, it could mean working through the committee process, and should mean working through the committee process, on bills that obtain the support of the ranking member and the chairperson of the subcommittee that is relevant and/or the committee that is relevant or obtain substantial support from Democrats and Republicans on the relevant committee.

My fear is that we will deal with bipartisanship by finding a bill that is purely partisan and then reaching out to one or two Members of the other party and saying a bill that is 99 and three-quarters percent Republican and one-tenth of one percent Democrat is a bipartisan bill. That would be a betrayal of the consents of bipartisanship.

I commend President-elect Bush for reaching out to Democrats to appoint to his administration, just as President Clinton has appointed a Republican who now serves as Secretary of Defense. But it would be a bitter form of bipartisanship if the appointment process was used cynically to appoint a sitting U.S. Senator that is a Democrat not to bring bipartisanship to the administration but to change the partisan makeup of the United States Senate.

There are many retired Democratic U.S. Senators and House Members that would make excellent members of President-elect Bush's cabinet. He should not use bipartisanship as a tool for partisanship as a device cynically used to appoint and thereby alter the effects of the congressional election.

Mr. Speaker, I thank you for your indulgence. I thank you for the hours that we have spent together in this hall from time to time. I thank you for your indulgence. And I thank the House for giving me the opportunity to be the last to address the 106th Congress. I know that when we return we will reach across the aisle to begin solving the problems of America, and I hope that that process is aided by focusing on those problems as to which there is no Democratic or Republican view.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1795. An act to amend the public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 162. Concurrent Resolution to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes."

CORRECTING ENROLLMENT OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 162) to the end that the concurrent resolution be hereby adopted; and a motion to reconsider be hereby laid on the table.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 162

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: ", except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)".

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family business.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. SNYDER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. BOEHLERT (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. MICA (at the request of Mr. ARMEY) for today and the balance of the week on account of official business.

Mr. WALDEN of Oregon (at the request of Mr. ARMEY) for today on account of inclement weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KNOLLENBERG, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $988.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1653. An act to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

H.R. 4577. An act making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building".

H.R. 5528. An act to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SINE DIE ADJOURNMENT

Mr. MCCOLLUM. Mr. Speaker, pursuant to House Concurrent Resolution 446, One Hundred Sixth Congress, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with the provisions of House Concurrent Resolution 446, One Hundred Sixth Congress, the Chair declares the second session of the One Hundred Sixth Congress adjourned sine die.

Thereupon (at 8 o'clock and 41 minutes p.m.) pursuant to House Concurrent Resolution 446, the House adjourned.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the fourth quarter of 2000 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 17 AND NOV. 21, 2000

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Doug Bereuter	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Sherwood Boehlert	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Porter Goss	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Michael Bilirakis	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Vernon Ehlers	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Scott McInnis	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Norm Sisisky	11/17	11/21	Germany		972.00		(3)				972.00
Hon. John Tanner	11/17	11/21	Germany		972.00		(3)				972.00
Susan Olson	11/17	11/21	Germany		972.00		(3)				972.00
Robin Evans	11/17	11/21	Germany		972.00		(3)				972.00
John Herzberg	11/17	11/21	Germany		972.00		(3)				972.00
David Hobbs	11/17	11/21	Germany		972.00		(3)				972.00
Scott Palmer	11/17	11/21	Germany		972.00		(3)				972.00
Linda Pedigo	11/17	11/21	Germany		972.00		(3)				972.00
J. Walker Roberts	11/17	11/21	Germany		972.00		(3)				972.00
Josephine Weber	11/17	11/21	Germany		972.00		(3)				972.00
Committee total					15,477.00						15,477.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

DOUGLAS BEREUTER, December 12, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11385. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Increased Assessment Rate [Docket No. FV00–929–5 FR] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11386. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Increased Assessment Rate [Docket No. FV00–984–2 FR] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11387. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerances for Emergency Exemptions [OPP-301080; FRL–6755–7] (RIN: 2070–AB78) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11388. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerances for Emergency Exemptions [OPP–301084; FRL–6756–1] (RIN: 2070–AB78) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11389. A letter from the Acting Assistant Secretary, Health Affairs, Department of Defense, transmitting a semiannual Report on Pharmaceutical Benefits; to the Committee on Armed Services.

11390. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the amount of Department of Defense purchases from foreign entities for Fiscal Year 2000 pursuant to Section 827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201) as amended by Section 812 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public law 105-261); to the Committee on Armed Services.

11391. A letter from the Director, Office of Management and Budget, transmitting a report on the OMB Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

11392. A letter from the Acting General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule—AmeriCorps Education Awards (RIN: 3045-AA09) received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11393. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Device: Exemption From Premarket Notification; Class II Devices; Barium Enema Retention Catheters and Tips With or Without a Bag [Docket No. OOP-1343] received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11394. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Colorado Springs Revised Carbon Monoxide Maintenance Plan, and Approval of a Related Revision [CO-001-0044a; FRL-6875-5] received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11395. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Wyoming; Revisions to Air Pollution Regulations [WY-001-0006a; FRL-6886-8] received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11396. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update [FRL-6918-2] received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11397. A letter from the Director, Office of National Drug Control Policy, transmitting the reports entitled "National Survey of Parents and Youth Questionnaires for Waves 1 and 2" and "Evaluation of the National Youth Anti-Drug Media Campaign: Campaign Exposure and Baseline Measurement of Correlates of Illicit Drug Use From November 1999 Through May 2000"; to the Committee on Commerce.

11398. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment sold under a contract to Turkey [Transmittal No. DTC 065-00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11399. A letter from the Deputy Independent Counsel, Office of the Independent Counsel, transmitting the FY 2000 report pursuant to the Federal Managers' Financial Integrity, Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11400. A letter from the Acting General Counsel, Office of Management and Budget, transmitting the Office's final rule—Prompt Payment—received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11401. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV-086-FOR] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11402. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Plant Lesquerella thamnophila (Zapata Bladderpod) (RIN: 1018-AG24) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11403. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan [Docket No. 000105004-0260-02; I.D. 063099A] (RIN: 0648-AI78) received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11404. A letter from the Senior Counsel for Dispute Resolution, Department of Transportation, transmitting the Department's final rule—Interim Statement of Policy on Alternative Dispute Resolution [Docket OST-2000-7800] (RIN: 2105-AC94) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11405. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2000-NM-121-AD; Amendment 39-11958; AD 2000-22-12] (RIN: 2120-AA64) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11406. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Series Airplanes [Docket No. 2000-NM-132-AD; Amendment 39-11950; AD 2000-22-04] (RIN: 2120-AA64) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11407. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New Bern, NC [Airspace Docket No. 00-ASO-41] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11408. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E4 Airspace; Meridian NAS-McCain Field, MS [Airspace Docket No. 00-ASO-40] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11409. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2000-NM-130-AD; Amendment 39-11954; AD 2000-22-08] (RIN: 2120-AA64) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11410. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision to the Legal Description of the Shaw Air Force Base Class C Airspace Area; SC [Airspace Docket No. 00-AWA-2] (RIN: 2120-AA66) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11411. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines on Awarding Section 319 Grants to Indian Tribes in FY 2001 [FRL-6919-8] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11412. A letter from the Administrator, General Services Administration, transmitting a report on an interim lease prospectus for the Bureau of Alcohol, Tobacco, and Firearms; to the Committee on Transportation and Infrastructure.

11413. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Relief for Service in Combat Zone and for Presidentially Declared Disaster [TD 8911] (RIN: 1545-AV92) received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11414. A letter from the Chairman, The Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, transmitting the Panel's second annual report entitled, "Toward a National Strategy for Combating Terrorism"; jointly to the Committees on Armed Services and Transportation and Infrastructure.

11415. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled "Energy Policy Act Transportation Rate Study: Final Report on Coal Transportation," pursuant to 42 U.S.C. 13369(c); jointly to the Committees on Commerce and Transportation and Infrastructure.

11416. A letter from the Administrator, U.S. Agency for International Development, transmitting the quarterly update of the report required by Section 653(a) of the Foreign Assistance Act of 1961, as amended, entitled "Development Assistance and Child Survival/Diseases Program Allocations-FY 2000"; jointly to the Committees on International Relations and Appropriations.

11417. A letter from the Secretary, Department of the Interior, transmitting a report entitled "Barry M. Goldwater Range Non-Renewed Parcels Study"; jointly to the Committees on Resources and Armed Services.

11418. A letter from the Director, Office of Management and Budget, transmitting a report that identifies accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

11419. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled "Effectiveness of HIPAA and State-Laws in Ensuring Access to Health Insurance in the Small Group and Individual Markets"; jointly to the Committees on Commerce, Education and the Workforce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[December 15 (legislative day of December 14), 2000]

Mr. LINDER: Committee on Rules. House Resolution 674. Resolution providing for consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–1030). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 675. Resolution providing for consideration of the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–1031). Referred to the House Calendar.

[Submitted December 15, 2000]

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 4577. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–1033). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Florida:

H.R. 5666. A bill making miscellaneous appropriations for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. TALENT (for himself and Ms. VELÁZQUEZ):

H.R. 5667. A bill to provide for reauthorization of small business loan and other programs, and for other purposes; to the Committee on Small Business.

By Mr. KNOLLENBERG:

H.R. 5668. A bill to repeal provisions of Federal law requiring labeling on saccharin containing foods; to the Committee on Commerce.

By Mr. KASICH:

H.R. 5669. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KASICH:

H.R. 5670. A bill to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget; to the Committee on the Budget.

By Ms. JACKSON-LEE of Texas:

H.R. 5671. A bill to amend title 5, United States Code, to establish election day in Presidential election years as a legal public holiday by moving the legal public holiday known as Veterans Day to election day in such years, and for other purposes; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas:

H.R. 5672. A bill to establish a commission to develop uniform standards which may be adopted by States for the administration of elections for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 5673. A bill to amend title 18, United States Code, to provide a safe harbor for voluntary monitoring by e-commerce sites; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia (for himself, Mr. ROTHMAN, Mr. KENNEDY of Rhode Island, and Mrs. WILSON):

H.R. 5674. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHRLICH:

H.R. 5675. A bill to amend title 39, United States Code, with respect to "cooperative mailings"; to the Committee on Government Reform.

By Mr. GREENWOOD (for himself, Mr. FROST, Mr. HUTCHINSON, and Mr. HASTINGS of Florida):

H.R. 5676. A bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 5677. A bill to establish a Commission to study and make recommendations on the implementation of standardized voting procedures in the Federal, State and local electoral process, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. TAUZIN, Mr. DINGELL, Mr. LATOURETTE, Ms. ESHOO, Mr. FROST, Mr. COX, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURR of North Carolina, Mr. MCGOVERN, Mr. OLVER, Mr. HASTINGS of Florida, Mr. HORN, Mr. PHELPS, Mr. GEORGE MILLER of California, Mr. CLYBURN, Mr. BOEHLERT, Mr. DEAL of Georgia, Mr. BARTON of Texas, Mr. UDALL of Colorado, Mr. RILEY, and Mr. BURTON of Indiana):

H.R. 5678. A bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time for Presidential general elections; to the Committee on House Administration, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY:

H.R. 5679. A bill to provide that a State may use a proportional voting system for multiseat congressional districts; to the Committee on the Judiciary.

By Mr. NADLER (for himself and Mr. SHERMAN):

H.R. 5680. A bill to require the Federal Election Commission to study voting procedures in Federal elections, award Voting Improvement Grants to States, and for other purposes; to the Committee on House Administration.

By Mr. WALDEN of Oregon:

H.R. 5681. A bill regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; to the Committee on Resources.

By Mr. YOUNG of Florida:

H. Con. Res. 446. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Sixth Congress; considered and agreed to

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 447. Concurrent resolution expressing the sense of the Congress that the States should adopt uniform voting procedures to carry out the election of the President and Vice President; to the Committee on House Administration.

By Ms. DUNN (for herself, Mr. DICKS, Mr. HASTERT, and Mr. ARMEY):

H. Res. 677. A resolution expressing the commitment of the Members of the House of Representatives to fostering a productive and collegial partnership with the 43rd President; to the Committee on Government Reform.

By Mr. MCCOLLUM:

H. Res. 678. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Seventh Congress.; considered and agreed to.

By Mr. MCCOLLUM:

H. Res. 679. A resolution providing for a committee of two Members to be appointed by the House to inform the President; considered and agreed to.

By Mr. GRAHAM:

H. Res. 680. A resolution expressing the sense of the House with respect to the request of Leonard Peltier for executive clemency; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 792: Mr. BARR of Georgia.

H.R. 2817: Mr. STUPAK.

H.R. 4415: Ms. DELAURO and Ms. SCHAKOWSKY.

H.R. 4571: Mr. GUTIERREZ.

H.R. 4707: Mr. ANDREWS.

H.R. 5265: Mr. BISHOP.

H.R. 5268: Mr. MCHUGH.

H.R. 5405: Mr. MCGOVERN.

H.R. 5499: Mr. OXLEY and Mr. EHRLICH.

H.R. 5642: Mr. GOODLATTE and Mr. MANZULLO.

H.R. 5653: Mr. HASTINGS of Florida, Mr. UDALL of Colorado, and Mr. FOLEY.

H. Con. Res. 337: Mr. FOSSELLA.

H. Con. Res. 363: Mr. LAFALCE.

H. Con. Res. 444: Mr. WATTS of Oklahoma, Mr. POMBO, and Mr. BARTON of Texas.

H. Res. 672: Mr. STARK, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. WEINER, Mr. FROST, Mrs. MORELLA, Mr. REYES, and Ms. CARSON.

H. Res. 673: Mr. KUYKENDALL, Mr. EVANS, and Mr. BISHOP.

PETITIONS, ETC.

Under clause 3 of rule XII.

124. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 606 of 2000 petitioning the United States Congress to condemn the terrorist attack on the United States Naval vessel the U.S.S. *Cole* and urges President William Jefferson Clinton to use all the resources of the United States government to speedily bring those responsible for the terrorist attack to justice; to the Committee on Armed Services.

SENATE—*Friday, December 15, 2000*

(Legislative day of Friday, September 22, 2000)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, fill our minds and flood our hearts with Your peace. May we hear Your message: "Peace on earth, good will to all people" above the discordant voices of these turbulent times. Give us Your peace that calms our nerves, conditions our thinking, and clears our vision. Your peace is the serenity of heaven provided for the loved and forgiven. It is the assurance that we will receive all that we need to meet the challenges of this day. Your peace comes to us when we commit our responsibilities to You and then work with Your guidance and grace.

Help the Senators to be peacemakers as they finish the work of this 106th Congress. Bear on their hearts and minds the words of Thomas Jefferson after the contentious election of 1800: "The greatest good we can do our country is to heal its party divisions and make them one people." So we all dedicate ourselves to be peacemakers as You continue to heal our land. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. L. CHAFEE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 10 minutes each, and with time to be equally divided in the usual form.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The able acting majority leader is recognized.

PRAISE FOR THE CHAPLAIN

Mr. WARNER. Mr. President, I say with gratitude that we have such a marvelous Chaplain, one who with great skill and such strength of feeling and emotion is able to deliver the message of prayer and incorporate those historic moments of history.

That election of Thomas Jefferson was one, fortunately, we avoided this time around; for Congress was involved, as our distinguished Chaplain and others know, and the vote in Congress was razor thin.

SCHEDULE

Mr. WARNER. Mr. President, as the Chair has advised, the Senate will be in a period of morning business today while awaiting the final appropriations bill from the House. The Senate was expected to consider the final package shortly after noon today. However, the vote is now expected to occur sometime later this afternoon. Senators will be updated throughout the day on the voting schedule.

Following the vote, the Senate is expected to complete its business to wrap up the 106th Congress. On behalf of the distinguished majority leader and the Democratic leader, we thank our colleagues for their patience and cooperation.

SENATOR CHARLES S. ROBB

Mr. WARNER. Mr. President, Virginia has had a long history of distinguished citizens of our great Commonwealth who come forward to serve Virginia. Among them in this long line of distinguished individuals will be CHARLES S. ROBB.

We started our careers together when he served in the Marine Corps. That was back during the period of Vietnam. I was then serving—for over 5 years—as Under Secretary and Secretary of the Navy. I was privileged, of course, to serve with the Presiding Officer's father, Senator Chafee. At the time he was Secretary of the Navy; I served as his Under Secretary.

Senator ROBB had served his tour in Vietnam in 1961 through 1970 and then he remained in the Marine Corps Reserves from 1970 to 1991. I was privileged to wear the marine green during the Korean conflict and served for a very brief period in the Marines. However, I assure Members that the career of Senator ROBB was far more distinguished than the career of the senior Senator, myself. I am pleased to acknowledge that. He then went on to serve as Lieutenant Governor from 1977 to 1981, and Governor from 1982 to 1986.

His two terms in the Senate began in 1988. He has been a Member of the Senate Armed Services Committee, a committee which I have been privileged to chair since 1993. Throughout this distinguished record, it has been my good fortune to share a very warm friendship with the Senator and with his lovely wife and his children. We all know when we take the oath of office as U.S. Senator, the family plays the key role. I could not count the number of times I have been in matters relating to the Senate, trips relating to the Senate, our frequent joint appearances throughout the Commonwealth of Virginia these many years, beginning back when he was Lieutenant Governor, and there was Mrs. Robb, a daughter of a most distinguished American public servant, former President Lyndon Johnson and a former Member of the Senate.

So I wish him well. It was a difficult task in this past election. He respects both of us as marines. We have duties to perform. I hope the RECORD reflects that I performed that responsibility I felt very sincerely was necessary, but I did it in a spirit that preserved our friendship.

When I think back on his work, I think of the many times Senator ROBB came from that side of the aisle to this side of the aisle to join others in working on pieces of legislation which he felt, and indeed others felt, were in the best interests of this country. He was a bridgebuilder. He served that purpose on the Senate Armed Services Committee. He stood by my side as chairman these past 2 years, supported me, I think, almost in every instance. And he had very keen insight into the life of the men and women of the Armed Forces who serve today. He worked very hard on their behalf.

I hope history will reflect that his contributions directly benefited those who serve today and who will serve tomorrow. He also was quite active in working with me on the retirement benefits, particularly the medical benefits, for those who have served in years past.

Virginia is privileged to have one of the greatest shipyards—we like to think the greatest shipyard—in America. We have the naval shipyard as well as private shipyards. In those yards are built some of the finest ships that sail the seven seas today on behalf of our

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Navy. Senator ROBB was always there to work with not only me but a strong bipartisan Virginia congressional delegation, Senate and House, on matters of national defense since our State is privileged to be preeminent in the field of national defense, having a number of the major bases and a number of men and women in uniform who are stationed there. Of course, the Pentagon is the core of this complex throughout Virginia. But there was Senator ROBB on all occasions, and particularly as it related to our naval shipbuilding program.

I am joined on the floor today by two very able members of my staff. Ann Loomis is the chief of our legislative staff; Susan Magill, with whom I consulted early this morning in preparing these remarks, is my chief of staff. They would want it known that, through the years, the staff working relationship between Senator ROBB's office and my office was always excellent. We looked upon our duties as serving the Commonwealth of Virginia and the people of that State; therefore, our staffs did everything they could to prepare the two Senators to meet that challenge and that responsibility.

He is a man of principle. I think that is unquestioned by those of us who watched him. Indeed, at times we differed on very fundamental policy issues, and that is reflected in our voting records. But he was always a man of principle and he stood by those principles. As I listened to him, my reaction sometimes bordered on disbelief because I so disagreed with him, but he stood by those principles no matter what the cost to his professional career as a public servant. He stood by what he believed.

So I say to my good friend, I shall remember him in many ways but above all for his friendship and his always senatorial courtesy. As we laugh around here and joke: The title senior Senator and perhaps a dollar or so will get you a cup of coffee. But he never tried one-upmanship and he always addressed me as his senior in the Senate. I thank him. I wish him and his family well in their next career. I am confident there are many challenges that await this distinguished American public servant.

I note my distinguished friend from Pennsylvania is on the floor. I yield the floor at this time, and I thank the Chair for his indulgence.

The PRESIDING OFFICER. The Senator from Pennsylvania.

SENATOR ROBB

Mr. SPECTER. Mr. President, I commend my distinguished colleague from Virginia for those fine remarks about Senator ROBB. I associate myself with Senator WARNER on his best wishes to Senator ROBB, acknowledging his very distinguished service in the Senate for 12 years. I might add, his distinguished wife, Lynda Johnson Robb, was a regular at the Old Testament Bible class conducted in my office over the past decade, presided over by a very distinguished Biblical scholar, Naomi Rosenblatt. But CHUCK and Lynda Robb will still be around and we will have the benefit of their company, although his Senate career, at least, is over at the moment.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

Mr. SPECTER. Mr. President, I have sought recognition to comment about the pending appropriations bill on Labor, Health and Human Services, and Education, which comes from the appropriations subcommittee which I chair. There has been an extraordinarily rocky road for this bill this year. I think it is very regrettable that on December 15 we are still debating that bill and the entire package is as yet unsettled, although hopefully it will be resolved before the end of the day. But there have been many days when we have been hopeful about resolving matters before the end of the day and that has not occurred.

Without going into the background on prior years, it has been a very difficult matter to get the bill on Labor, Health and Human Services, and Education to the President for signature and to resolve the controversies. This year, my ranking member on the subcommittee, Senator TOM HARKIN, and I have worked as partners on this matter. When he chaired the subcommittee, I was ranking, or when I have chaired the subcommittee, he has been ranking. Both of us understand—and have for a long time—that if you want to get something done in Washington, you have to cross party lines. That is more true today than ever. It will be even more true in the 107th Congress when we have a 50–50 split.

But we brought that bill to conclusion on the Senate vote on June 30 of this year, which tied the record going back to 1976. We completed a conference report on July 27, the last Thursday before we adjourned for the Republican convention and the August recess. We did that with a lot of extra effort, hard work by our staffs led by Bettilou Taylor on my staff, so we could get the bill to the President right after Labor Day. There is no use sending it in August, but we were prepared to submit it to the President the day after Labor Day.

We had met the President's figure of $106 billion, which was a $10 billion increase over the program authority from last year. We did that because the experience in the past had been that when we quarreled with the President about the total figure, invariably there were add-ons at the end when the issue went beyond September 30 into October or November.

Candidly, it was difficult to get the Republican caucus to agree to $106 billion in the Senate and in the House, but we did that. But in presenting the bill, the conference report, we had some priorities which were somewhat different from those of the President. We had, for example, added $2.7 billion for the National Institutes of Health because we thought that was a very high priority item. We had also made some changes on the $2.7 billion which the President had requested for school construction and additional teachers, giving him that money but adding a provision that if the local boards of education wanted to use the money for something else after fulfilling very stringent requirements, that they could use it for local control.

When we sat down to negotiate with the White House, the President and the Democrats in the House upped the ante and asked for an additional $6 billion. From my way of thinking, that was totally unacceptable because we had provided the $106 billion which the President had initially requested. After all, it is the congressional prerogative to set the priorities on appropriations. That is spelled out in the Constitution. The President has to sign the bill but we have the lion's share of responsibility, in my view, to establish the priorities.

Those negotiations degenerated—at least in my opinion—until there was an inclination by some in the conference to pay $114 billion. I refused to be a party to that amount of money because I had fought hard to raise the figure to $106 billion and I felt there would be no credibility in what I would present as chairman of the subcommittee if I would be a will-o'-the-wisp and raise it to any figure to satisfy the demands of the White House and the House Democrats. There was a tentative agreement of $114 billion and I declined to sign any conference report which reflected that figure.

Ultimately that arrangement broke down. Now we have come to the point where the negotiations have produced a figure of $108.9 billion, which is still more than the $106 billion we had originally projected, but in the spirit of accommodation, trying to finish the business of the Congress, I am prepared to go along with that figure although very reluctantly.

There have been changes in the bill which I find totally unacceptable. The National Institutes of Health has had an increase of $2.7 billion over fiscal year 2000, which had been in all along, now cut by $200 million to $2.5 billion. I believe that the National Institutes of Health is the crown jewel of the Federal Government. It may be the only jewel of the Federal Government. We have added almost $9 billion to the funding on NIH in the last five cycles. The Senate, in one of the first years under my chairmanship, came in at the figure of a $950 million increase. The House would not go along. We compromised out at $907 million. The next year we added $1 billion; the year after, $2 billion; the year after that, $2.3 billion, which was cut a little on an across-the-board cut. This year we put in $2.7 billion, now reduced to $2.5 billion. But we have a total of almost $9 billion added in these last five cycles and they have made tremendous strides on the most dreaded diseases—Parkinson's and Alzheimer's and cancer and heart ailments and the whole range.

It is my hope in the future that whoever chairs the subcommittee will have better cooperation on all sides to present the bill to the President before the fiscal year ends. I think, had that been done, we could have mustered a very strong position that our priorities were superior to what the President had in mind, and that if he were going to veto the bill, we ought not to be fearful of his veto but we ought to accept it as his view and then take the case to the American public. I think, had the bill been submitted to the President on September 5, we would have won that fight. Or if we had not won it outright, we would have compromised in terms so we wouldn't be here on December 15, still arguing about this Labor-HHS-Education bill as the principal source of contention.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 3280 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, I again thank my distinguished ranking member, Senator JAY ROCKEFELLER, who works collaboratively on veterans affairs matters and all members of the Veterans' Affairs Committee. It is a committee which has worked in a bipartisan way. It has a very excellent staff, with staff director Bill Tuerk. I thank the staff for their assistance and commend to the public and the CONGRESSIONAL RECORD the legislation which has been passed during the 106th Congress.

I know my time has expired, and I note the presence on the floor of a distinguished Senator, Ms. COLLINS. I yield the floor. I was about to say "another distinguished Senator," but I modified that to "a distinguished Senator."

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before the Senator from Pennsylvania leaves the floor, if that is his intention, I thank him for the exceptional job he has done in ensuring that we do have funding increases for critical programs such as those at the National Institutes of Health.

I heard the Senator from Pennsylvania, the chairman of the subcommittee, describe it as the crown jewel of the Federal Government, and I totally agree with his comments. He has also been an advocate for more education funding, combined with more flexibility. I wish we had followed his advice earlier this year and sent the appropriations bill down to the White House, completing his work in a very timely fashion back in July, I believe it was.

I commend the Senator for being an outstanding chairman. I am a great admirer of his and appreciate all of his hard work.

Mr. SPECTER. Mr. President, I express my thanks to Senator COLLINS. We work very closely together with a very distinguished group of Senators—Senator JEFFORDS, Senator SNOWE, and who is the fifth member? Yes, Senator CHAFEE, who is presiding. I thank the Chair and thank Senator COLLINS.

EXTENSION OF MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that morning business be extended until 1:30 p.m., with the time equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE STEEP COST OF A MAINE WINTER

Ms. COLLINS. Mr. President, I rise today to speak on the importance of the Low Income Home Energy Assistance Program known as LIHEAP in helping low-income Maine families cope with the high cost of our long Maine winters.

As Callie Parker from Little Deer Isle, Maine, so eloquently testified before the Senate Health, Education, Labor, and Pensions Committee earlier this year, heating your home during a Maine winter is a matter of life and death. When the cold reaches into the very marrow of one's bones, when a glass of water you left on a night stand freezes during the night should your furnace go out, you simply cannot get by without heat.

Unfortunately, not everyone has enough money to buy the fuel necessary to heat their home. Far too many Maine families have had to choose whether to buy groceries or to pay their rent or mortgage or to keep warm. These are choices that no one should be forced to make, but unless we increase funding for energy assistance now, these choices will become increasingly common.

Winter has not even officially begun, although you would not know that in the area of the country from which the Presiding Officer and I come. The high price of fuel and cold temperatures have already driven a record number of households in Maine to seek home heating assistance. Already the Community Action Program agencies in Maine have identified 28,000 households in need of LIHEAP funds to get through this winter. That compares to only 10,000 applicants at this time last year; in other words, it has more than doubled the amount of households seeking this kind of assistance. Another 19,000 families are waiting to be reviewed by the CAP agencies.

The problem is, there is simply not sufficient money. As this chart shows, a Maine winter exacts a steep toll. Today, in Maine, a gallon of home heating oil, on average, costs $1.56. Last year at this time, home heating oil in Maine went for $1.03 a gallon—and we thought that was very high. That number is high because just two years ago the average price of home heating oil in Maine was just 78 cents a gallon. In short, home heating oil prices have increased by 100 percent in just two years. For the 75 percent of Mainers who rely on home heating oil to keep their homes warm, this is a steep price to pay indeed. Those heating their homes with natural gas also are facing difficulties. Consumer prices for natural gas have shot up over 50 percent compared to last year.

As the second column on this chart shows, last year Maine's CAP agencies distributed an average of $488 to each household. That was the average LIHEAP benefit. Despite the rising costs of fuel, this year the Maine CAP agencies are able to distribute an average benefit of only $350.

So you see the situation we have, Mr. President, and see why it is such a problem. We have the price of home heating oil far higher than last year, and more than double what it was two years ago. The high cost of fuel has put more strain on more families, and as a result many more households need assistance. That has caused the average LIHEAP benefit to be cut significantly.

What does this mean? When the price of oil is 50 percent higher than last year, and the LIHEAP benefit is $138 less than last year, it means that people are not able to buy very many gallons of oil to heat their homes. Last year's LIHEAP benefit purchased 474 gallons of home heating oil. This year's benefit will purchase less than half that amount—a mere 224 gallons of oil.

So we have the worst of all situations. We have the price of home heating oil at record highs; we have the benefit amount having to be cut to less than last year's; and the result is that low-income families are able to purchase far less home heating oil.

And this year's winter is already shaping up to be colder than last year's. Mainers will need more oil to keep warm this winter, not less. When the furnace remains silent no matter how far you turn the thermostat dial, we need to be there to put oil in the tank.

The bottom line is we need to provide more assistance to more families.

The legislation before us today will provide an extra $300 million in

LIHEAP assistance to be used this winter. And that is very helpful. It is almost a 30-percent increase above last year's funding level. I know how hard Senator SPECTER and Senator STEVENS have fought for this significant increase. I thank them for their efforts on behalf of the thousands of Maine residents who will benefit greatly from these much needed funding increases. Yet it simply is not enough. With the price of fuel 50 percent higher this year than last, and with almost three times as many families in need of LIHEAP assistance this year compared to just 1 year ago, even a 30-percent increase will only go so far. It is certainly needed, and we are grateful for it, but we are still going to have a shortfall.

I am also concerned and disappointed that by placing the year 2002 funding for LIHEAP on the chopping block, the Clinton administration lacked the foresight to realize the obvious: This is not our Nation's last winter. There will be another winter next year; I can guarantee it. We must lay the groundwork now to allow the planning to occur that will ensure that people stay warm next year, too.

By eliminating the "advance appropriation" for LIHEAP for the next fiscal year, this appropriations bill has not laid any of the necessary groundwork for next year's winter. That will contribute to a supply crunch next fall, I fear.

I call on the President and the congressional leadership to make LIHEAP a top priority, not only this year but next year as well. I am pleased to see and applaud the language that was included in the managers' statement pledging to fund LIHEAP in the next fiscal year at this year's level or at a greater level. I would have preferred to see a commitment for advance funding, but I know the conferees will keep the commitment they have made.

Finally, I pledge my personal efforts to ensure that low-income families in Maine and throughout the Nation stay warm through our long winters.

I yield the floor.

Mr. President, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont is informed we are in a period of morning business with speakers not to exceed 5 minutes.

Mr. LEAHY. Mr. President, I do not see others seeking the floor. I ask unanimous consent I be allowed to speak for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOHNNY PAUL PENRY

Mr. LEAHY. Mr. President, during the past year there has been an extraordinary amount written and spoken in this country about the death penalty—actually more than I can recollect having seen before. We have learned that the system of administering capital punishment is gravely flawed, and that scores of people have ended up on death row, often for many years, even though they were completely innocent of the crime for which they were sentenced to death.

We have seen how the justice system has serious flaws at every stage, and especially if the accused is poor, as are most criminal defendants who are sentenced to death. Lawyers defending people whose lives are at stake are often inexperienced or incompetent, and poorly paid. Two thirds of death penalty trials nationwide are marred by serious constitutional errors, according to reviewing courts.

We have seen public support for the death penalty decrease significantly. It is still over 50 percent nationally, but it falls below 50 percent if the alternative is life in prison with no opportunity for parole.

We have seen Governor Ryan of Illinois appoint a commission of experts, both supporters and opponents of capital punishment, to determine whether the death penalty can, under any circumstances, be administered reliably so innocent people will never be executed. The findings and recommendations of that commission will be important for the entire country.

In Virginia, a State with many people on death row, the legislature recently took note of the growing concerns surrounding capital punishment, and decided to review the administration of the death penalty in Virginia where there have been serious mistakes.

In October, the Virginia Governor pardoned Earl Washington, a mentally retarded farmhand, after new DNA tests cleared him of the rape and murder that once brought him within 9 days of execution.

Just this morning, the Washington Post reported that DNA tests had cleared another death row inmate—unfortunately, too late to be of any help. Before dying of cancer earlier this year, Frank Lee Smith spent 14 years on Florida's death row for a rape and murder that it now appears he did not commit.

I have introduced legislation with Senators GORDON SMITH, SUSAN COLLINS, and 12 other Senators, to address some of these most egregious flaws. I have spoken many times about our bill, the Innocence Protection Act, which we plan to pursue in the 107th Congress.

Our legislation addresses the horrendous problem of innocent people being condemned to death. But today I want to mention briefly a related issue which is illustrated by a case in Texas, the State which this year has executed more people than any other State in the post-war era.

The Supreme Court stayed the execution of Johnny Paul Penry on November 16, 2000, less than four hours before he was scheduled to die by lethal injection in Texas. The Court has now scheduled the case for argument.

Johnny Penry, who in 1979 raped and murdered a 22 year old woman, has been on death row for twenty years. He committed a terrible crime; there has never been any doubt about that. But besides the crime itself, what makes Johnny Penry's case so disturbing is that he has an IQ of 56. What that means is that he has the intelligence of a 6-year old child.

Mr. President, 11 years ago the Supreme Court ruled that it is not cruel and unusual punishment to execute the mentally retarded. I disagree with that decision. But more importantly, despite the Supreme Court ruling, 13 States with capital punishment and the Federal Government have forbidden execution of the mentally retarded, and a clear majority of Americans oppose the practice.

The State Senator who in 1998 sponsored Nebraska's bill to prohibit execution of the mentally retarded later said that it should not have been necessary because "no civilized, mature society would ever entertain the possibility of executing anybody who was mentally retarded."

Executing the mentally retarded is wrong; it is immoral. People with mental retardation have a diminished capacity to understand right from wrong. As Justice Brennan wrote:

> The impairment of a mentally retarded offender's reasoning ability, control over impulsive behavior, and moral development . . . limits his or her culpability so that, whatever other punishment might be appropriate, the ultimate penalty of death is always and necessarily disproportionate to his or her blameworthiness.

Proponents of the death penalty argue that it "saves lives," but executing the mentally retarded cannot be justified on the grounds of deterrence. Let me again quote Justice Brennan, writing in 1989:

> The very factors that make it disproportionate and unjust to execute the mentally retarded also make the death penalty of the most minimal deterrent effect so far as retarded potential offenders are concerned. Intellectual impairments in logical reasoning, strategic thinking, and foresight, the lack of the intellectual and developmental predicates of an ability to anticipate consequences, and impairment in the ability to control impulsivity, mean that the possibility of receiving the death penalty will not

> in the case of a mentally retarded person figure in some careful assessment of different courses of action. In these circumstances, the execution of mentally retarded individuals is nothing more than the purposeless and needless imposition of pain and suffering.

People with mental retardation are also more prone to make false confessions simply to please their interrogators, and they are often unable to assist their lawyer in preparing a defense.

We saw this with Earl Washington, who had an IQ of 69. Arrested for breaking into a neighbor's home during a drinking spree and hitting her with a chair, Washington readily confessed to a series of unsolved murders that he could not have committed.

Beyond all of this, executing the mentally retarded severely damages the standing of the United States in the international community. The United Nations has long condemned this practice. Just last year, the U.N. Commission on Human Rights called on nations "not to impose the death penalty on a person suffering from any form of mental disorder." We should join the overwhelming majority of nations who do not execute the mentally retarded.

Johnny Penry suffered relentless and severe physical and psychological abuse as a child, spends his time in prison coloring with crayons and looking at comic books he cannot read, and still believes in Santa Claus. I remember reading that when they stayed his execution he said, "Does this mean I'm not allowed to have the special meal I was supposed to have?"—The last meal of the condemned man. He could not possibly have assisted meaningfully in his own defense.

No one can excuse Johnny Penry's crime, and no one suggests that he should be set free. But the question is what is the appropriate punishment for a defendant who is mentally retarded.

Neither our Constitution nor our national conscience permits the execution of a 6-year-old child for committing a heinous crime, and neither should we execute a person with the mental capacity of a 6-year-old. It offends the very idea of justice.

I yield the floor.

The **PRESIDING OFFICER**. The Senator from Virginia.

Mr. **ROBB**. Mr. President, first I inquire, is there any limitation on the length of time to speak?

The **PRESIDING OFFICER**. The Chair informs the Senator from Virginia that we are in a period for morning business with Senators to speak not to exceed 5 minutes.

Mr. **ROBB**. I do not believe I will exceed 5 minutes, but I ask unanimous consent to proceed for such time as I may use, consistent with the order for morning business.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **ROBB**. I thank the Chair.

THE SENATE EXPERIENCE

Mr. **ROBB**. Mr. President, I thought I would take this opportunity for just a very few minutes to say thank you. I will be leaving the Senate at the end of this Congress. I had assumed, as many of our colleagues had, that this would be the last day of the session. That assumption is very much in question at this point. I just left a conference with members of my caucus, and there are clearly some deeply held convictions and passions that are still unresolved. It may be that we will be here for hours or days. I hope that is not the case, but there frequently are at this particular time in the session those who hold convictions and beliefs so deeply that they do not believe under any circumstance they should leave any stone unturned or any avenue unexplored to advance those convictions and beliefs.

While some of those issue are being resolved, I want to take a minute to say thank you, first of all, to the people of Virginia who were kind enough to honor me with 12 years of their representation in the Senate of the United States.

I thank my colleagues on both sides of the aisle who have given to me and my wife Lynda and members of our family an experience we will treasure for the rest of our lives. The personal interaction with colleagues has been a part of the Senate experience that I will always enjoy, remember, and revere. I express to colleagues again on both sides of the aisle how much I appreciate the many considerations they have shown me.

I understand my senior colleague from Virginia took the floor while we were in the caucus. I did not hear his words, but I appreciate his cooperation on many issues, and I appreciate his friendship. We have had some differences; certainly, we have had some political differences; but the degree of cooperation between our offices has always been good and strong when it came to working on behalf of our Commonwealth.

The Senate is, for many of us, like a family. That sentiment has been expressed before. It is an extended family, and I say to all of those members of that extended family a very sincere thank you. I thank the floor staff and the officers of the Senate for the cooperation that has been extended to me over the past 12 years.

I thank the Cloakroom staff from both sides, particularly my own Cloakroom, who work so closely with us on a regular basis to make sure the institution functions, and that we are here when necessary in order to conduct the nation's business.

I express my appreciation to all of those who make this institution work. Some of them are visible, such as our friends of the Capitol Police who are here around the clock in a position, as we learned to our regret and sorrow, to put their lives on the line to provide safety and security.

There are many other officers of the Senate and employees of the Senate who are not as visible to the public, but are just as crucial to the operation of the Senate. The employees who work for the Architect of the Capitol who take care of many of the duties that are required to make the institution run. We see and work with them on a daily basis. Many of them have extended courtesies and kindnesses to me over a long period of time that I will long remember.

There are the many often unheralded folks who help with the phones, who operate the Capitol switchboard, who handle the maintenance, and who work in the food service we do not see but who make it possible for all of us to do our jobs as effectively as possible. These people keep the institution functioning, like the maintenance crews who make the repairs and changes that are frequently required and who always seem able to accommodate—all of their good will is very much appreciated.

I thank the pages, too, who work and do all of the things they are required to do during the daytime and then get their studies done at night. We frequently see them working on their studies at the same time they are helping to make life a little easier for us.

I also express my appreciation to the committee staffs, the professional staffs who work with each of the committees and help me and all of you on a regular basis. We develop personal friendships with many of these individuals whom we will long remember.

Finally, I want to say a very personal thank you to the members of my own staff. I have been extraordinarily well served by some very able professionals who have served their Commonwealth and their country in ways that I will always appreciate and for which they can always be very proud.

There have been many, and I am not going to attempt to list them all. It occurred to me that maybe, because I have been so fortunate and so well served, I should mention the names only of those who have been with me continuously helping and assisting me my entire term in the Senate, serving with me over the last 12 years. Two of those professionals actually have been with me through my gubernatorial service: Pat Mayer and Susan Albert, now Susan Albert Carr as of last weekend, have been with me for the full 12 years and then some. Matt McGowan, Jim Connell, JoAnn Pulliam, Anne Geyer, Debbie Lawson-Goins, and Jim O'Quinn have all been kind enough to provide for me the kind of professional staff assistance that has made my job easier. We will remain friends. The members of my staff have helped make this an experience I will cherish.

I have undoubtedly left out a number of individuals whom I want to thank and I have tried to thank.

I also thank the people who have made this a very good experience for my wife Lynda, particularly the prayer groups. She has been associated with several of those. I understand she gets to continue her membership in the prayer groups and the spouses group, even though I will become a former Member and will leave these premises.

Mr. President, I say to all of my colleagues that they are a group of principled, compassionate, caring men and women, many of them friends. We may have disagreements. Some of those are principled disagreements. In fact, I just attended what may be the last Democratic conference called by our leader. I say once again, I heard members express in passionate terms their commitment to doing what they believe is in the best interest of their State and the Nation, and I think that is something that may not always be apparent. Again, that occurs on both sides of the aisle. I am particularly grateful to many who have demonstrated the courage to stand up and be counted when it was not always politically popular.

Finally, I want to make a brief comment about the leadership. I thank the majority leader for the courtesies he and the members of his staff have extended to me.

I conclude with a special note of thanks to someone I consider an extraordinary leader, who is kind enough to be here for these couple of minutes, TOM DASCHLE, the current Democratic and minority leader who will become on January 3 through January 20 the majority leader. As a point of personal privilege, I look forward to that time.

He and the team that he has put together have been exceptional leaders. I see the distinguished whip HARRY REID on the floor, as well. They have led by example. They have led by inclusion. And they have led by listening. They have been friends. They have been effective. They have been leaders in the truest sense in that they have caused us to want to work with them to make the institution run and to get the job done.

So, Mr. President, to you, as a personal friend, and as a representative of our colleagues, and to all of our friends who have been kind to me and have supported some of the things I have done over the years, may I express my profound thanks.

I take leave of the Senate proud to have had the opportunity to serve in this great institution.

Mr. President, I thank the Chair and yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. I will use my leader time, if I may, at this time.

TRIBUTE TO SENATOR CHARLES ROBB

Mr. DASCHLE. Mr. President, I congratulate Senator ROBB on his remarks. I thank him very much for sharing them with all of us.

These past elections brought our caucus nine new members and we hope many new opportunities to address America's priorities. But they also handed us a great disappointment, the loss of our friend and colleague, CHUCK ROBB.

I am appreciative of the opportunity that I had just now to listen to Senator ROBB, maybe for the last time on this Senate floor. I had feared he might leave without giving us a chance to thank him for his remarkable service to the Senate. It would have been like him to do so; he is an enormously modest man.

In an editorial the day before the election, the Washington Post wrote:

> Even in the final days of a nip-and-tuck campaign, Senator Chuck Robb seems uncomfortable singing his own praises. While some voters may find this quality refreshing, Senator Robb's reluctance to tout his accomplishments hides them too effectively in a tight race.

CHUCK ROBB's reluctance to promote himself—his commitment to sound policies over sound bites—may have cost him reelection, but they have earned him the respect of his peers and this Nation.

In 12 years in this Senate—and for 8 years before that as Lieutenant Governor and then Governor of Virginia—CHUCK ROBB rarely spoke about himself. He has always been more comfortable speaking on behalf of others—the people whose voices too often are not heard at all.

Today, on what we hope could be the last day of this Senate, I want to say just a few things about him that he will not say about himself, just to remind us what a good man—what a good man—with whom it has been our good fortune to work.

As we all recall, he was elected to the Senate in 1988, with the largest vote total for any office in Virginia's history. It was the first time in 22 years that Virginia had not sent a Republican to the Senate.

He has spent his Senate career working for Virginia and for what he calls the "long-range, big picture, important issues": national security, a balanced budget, education, and civil rights—for all Americans.

He is a member of the Finance Committee and the Joint Economic Committee. He is the only Member of the Senate ever to serve simultaneously on all three national security committees: Intelligence, Armed Services, and Foreign Relations.

He is a former member of the Budget and Commerce Committees, as well as the Select Committee on POW/MIA Affairs, where he cochaired a task force that declassified and released vast quantities of information on missing U.S. service members.

Quietly, with little fanfare, he has provided a steady leadership that has helped keep our Nation safe and move us forward.

He is a lifelong fiscal conservative.

In 1993, he voted for the deficit reduction plan that launched the strongest economic recovery in our Nation's history. He remains an important part of the Senate's economic conscience, always reminding us that our job isn't finished, that we must pay down our national debt.

He has been a tireless fighter for education, the chief sponsor of our proposal to help States and local school districts build and renovate 6,000 schools.

He fought to reduce class sizes by hiring 100,000 teachers and to make America's schools safer and stronger.

He helped create new partnerships to connect every school in America to the Internet.

He is as hard a worker as you will find in this body.

In 12 years as a Senator, incredibly, he has missed only 10 votes.

As chairman of the Democratic Senatorial Campaign Committee in 1991 and 1992, CHUCK ROBB shattered fundraising records and ended his term with the strongest majority for our party in 20 years.

He cares deeply about the values on which our party is founded. But there are values he holds even more dearly than party loyalty. A reporter asked him recently who his political heroes are. He listed two. One was the late Bill Spong, another thoughtful, effective Virginian, who served one term in this Senate and was the first southern Senator from a State covered by the Voting Rights Act to vote for the act.

He said his other political hero was a man we all knew, our friend, John Chafee, "because he worried about women's health, poor children, and the environment, and reached across party lines to find solutions."

Reaching across party lines, being willing to work and look in new places for new solutions—that is something Senator ROBB has done his entire life.

He grew up in a Republican family. He is a founder and past chairman of the centrist Democratic Leadership Committee, and one of the original architects for what we now know and call "the third way" in politics.

His ground-breaking ideas on the changing economy, new models of governing, and other ideas helped transform political thinking—not only in this country but in England and in nations all over the world.

Quietly, modestly, throughout his career, he has tried to reach honest, bipartisan compromise on an array of issues.

Here in the Senate, he has worked closely with his colleague, Senator

WARNER, on issues of importance to Virginia and our national security.

As a member of our caucus' Centrist Coalition, he has helped us all try to find a middle ground.

I would be sorry to see CHUCK ROBB leave the Senate at any time. The fact that he is leaving now—when we so desperately need people who are able to see beyond the usual party divisions—makes his leaving doubly sad.

CHUCK ROBB only lost one other political contest in his life, when he ran for senior class president at the University of Wisconsin at Madison. Speaking about that loss later to a reporter, he said it gave him something important. As he put it: "I needed a little taking down. Anybody who goes too long without some setback in life tends to lose an important perspective."

One of the things CHUCK ROBB came to understand about himself back then was how much he loved this Nation and how much he felt he owed it.

It was that sense of patriotism that compelled him to enter the Marines after graduating from college. It was that sense of patriotism, too, that made him volunteer to go to Vietnam. He didn't have to go; he could have served stateside. In fact, the Pentagon brass would have preferred it. They worried about what might happen if a President's son-in-law were taken captive and used to extract concessions from the United States. But CHUCK ROBB insisted.

In April of 1968, 2 months after the Tet offensive, he landed in Vietnam, commander of an infantry company. Two weeks later, he was in combat.

In Vietnam, he earned the Bronze Star with the Combat V, the Vietnamese Cross of Gallantry with the Silver Star, and the rank of major.

Most people who knew him, including his extraordinary wife Lynda, expected Major ROBB to make a career of the military. And he did remain in the Marine Reserves for a long period of time, all the way until 1991, serving a total of 34 years in uniform.

But he also found another way to serve his Nation.

In 1977, the people of Virginia chose CHUCK ROBB as their Lieutenant Governor—the only Democrat elected that year to statewide office. Four years later, they made him Virginia's 64th Governor—the first Virginian Democrat elected Governor in 16 years.

As Governor, he championed many of the same causes he would later fight for in this Chamber. He invested $1 billion in Virginia's schools—without raising taxes.

He fought for civil rights.

As President, his father-in-law, Lyndon Johnson, appointed the first African American to the U.S. Supreme Court—Thurgood Marshall.

As Governor, CHUCK ROBB appointed the first African American to the Virginia Supreme Court, as well.

He signed the legislation adding Martin Luther King's name to a State holiday that had formerly honored only Confederate Civil War heroes.

His fellow Governors recognized his exceptional talents. He served as chairman of the Southern Governors' Association and the Democratic Governors' Association.

He chaired the Education Commission of the States and the Council of State Governments.

Even during the toughest political fights of his life, CHUCK ROBB did not like to tell people these things about himself.

When others praised him for his accomplishments, he was always quick to say that it was "we" who deserved the praise, not "he."

His genuine modesty is one of the things that makes CHUCK ROBB a Senator's Senator.

Another is his courage to fight for principle, even when he knows it will cost him politically. CHUCK ROBB has done that over and over and over again in this Chamber.

One instance I will always remember came last March when he stood on this floor and explained—in a deeply personal, eloquent way—why he opposed amending our Constitution to make flag burning a crime.

As someone who saw too many good men die for what our flag represents, he said he felt a sense of revulsion when he saw the flag treated disrespectfully.

But—in Senator ROBB's words—"they died for liberty and tolerance, for Justice and equality. They died for that which can never burn. They died for ideals that can only be desecrated by our failure to defend them."

Someone once asked Senator ROBB why he took such politically risky stands—especially in an election year.

He said that—because he had been in combat—"I thought that I could speak out on some issues with less concern about the downside than some other Senators might have to think about."

I don't know if he was right in that calculation.

I do know this: On this day in 1791, the Bill of Rights was ratified when Virginia approved it.

One reason it has never once been weakened—in all these years—is the brave and principled stand of Virginia's Senator, CHUCK ROBB.

There are many things about the next Senate which I look forward to.

I deeply regret, however, that CHUCK ROBB will not be with us. His departure is a loss not only for our caucus but for this entire Senate and for our Nation.

Our Senate family will also deeply miss Lynda Johnson Robb, who is here today.

She has given so much to our Nation throughout her life. And she continues to serve America as the National Chair of Reading is FUNdamental, and as Vice Chairman of America's Promise, the national service partnership.

Last week, CHUCK and Lynda celebrated their 33rd wedding anniversary. I'm sure I speak for all of us when I say we wish them belated congratulations—and best wishes on their future endeavors.

In that same interview in which Senator ROBB listed his political heroes, he was also asked: What is your most inspirational quotation?

He cited the words of Teddy Roosevelt:

> The credit belongs to the man who is actually in the arena—whose face is marred by dust and sweat and blood . . . who knows the great enthusiasms, the great devotions—and spends himself on a worthy cause—who at best, if he wins, knows the thrill of high achievement—and if he fails, at least he fails while daring greatly—so that his place will never be with those cold and timid souls who know neither victory, nor defeat.

Throughout his career, CHUCK ROBB has lived up to those words.

He has been in the arena.

He has fought for worthy causes.

And he has inspired us all to be better Senators.

I am proud to call him a friend. We will all miss him.

Let me also take this opportunity to say thank you, and best wishes, to our other fellow Senators who will not be rejoining us next year: On our side of the aisle: Senator DICK BRYAN, Senator BOB KERREY, Senator FRANK LAUTENBERG, and Senator DANIEL PATRICK MOYNIHAN.

And our friends across the aisle. . . . Senators ABRAHAM, ASHCROFT, GORTON, GRAMS, MACK, and ROTH.

It's an honor to have served with all of them. I wish them well in all of their future pursuits.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of all the Democratic Senators, I express our appreciation for the kind words about our friend CHUCK ROBB. I sent him a note after the election, and he, of course, in his typical fashion responded. But I so much appreciate the Democratic leader covering his extraordinary life. One thing the leader didn't mention is that he is really a son of the West. He was born in Arizona. Of course, he went to high school in Fairfax and did a great job there.

One reason I so admire CHUCK ROBB—and the leader touched upon that—is his military record. I have not served in the U.S. military. I look at CHUCK ROBB with so much admiration. He went to the jungles of Vietnam. He didn't have to go, but he did. Not only did he go there, but he served in combat and was given a medal for valor. That says it all about CHUCK ROBB.

CHUCK ROBB's service for the 12 years he has been in the Senate has been one of valor. We have asked him to take credit for things he did, and he would not take credit. We have asked him to come forward on issues in which maybe he just had some tangential involvement. He said: No, that is not my legislation; I am not going to do it.

He is a man of great integrity. As the leader indicated, he doesn't promote himself. Of course, he doesn't do that.

But the thing I admire about CHUCK ROBB more than any other—more than his public service and more than his military record—is how he treats and talks to his family. He has three daughters and a wonderful wife.

With a heavy heart, I look at CHUCK ROBB here on the Senate floor for one of the last times. My life is better because of CHUCK ROBB. He has made me look better personally. He is a man of great integrity and a man of character. I will never forget the things he has done for me personally.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I would like to thank Senator ROBB. He is truly one of the most honorable individuals I have ever met in my life. I thank him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I will just take one minute to thank my friends and colleagues for their eloquent and very greatly appreciated words. I have never been very good at showing emotion. I am not very good at saying thank you. But I want you to know that your words, your friendship, your leadership and your example have always been appreciated well beyond my ability to express it.

Thank you, Mr. President. I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 2:30 with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

TRIBUTE TO SENATOR CHUCK ROBB

Mr. KENNEDY. Mr. President, during the last few moments, several of our colleagues gave tribute to our friend. He is my friend and is someone so many of us admire here in the Senate. He is someone who has made a difference in this body and this country with his deep commitment to public service.

Reference was made this afternoon to Senator ROBB and his service in Vietnam. He fought for our country and served in the Armed Forces. Because of his strong beliefs and commitments to the values of the Nation, he made it his responsibility to respond to the Nation's call.

This is a real reflection of the strong commitment and the basic integrity of this extraordinary Senator and friend. He fought in Vietnam for the values he believed in deeply. He came back to this country served as a distinguished Governor of a great State, the State of Virginia. And he continued that service in the Senate.

CHUCK ROBB was a neighbor of mine. We have lived as neighbors for a number of years. He and Lynda have been good and valued friends over a great many years.

I have enjoyed working with him in the area of education. He has a fierce passion to try to make sure every child in this country is going to have a good quality education. Even though he is not a member of the education committee, he mastered this subject and also provided very important leadership in it.

I think so much of what is included in this dual appropriations legislation—which we hope we will have an opportunity to address in these next several hours and days—is really a tribute to the strong stands he took on good quality education for the children not just of Virginia but the children of this country.

I think he was always concerned about the balance between the expenditures and what the economy could stand. He is in every respect a fiscal conservative. He believed deeply in making sure we had a budget that was going to reflect our values, but also that we were going to take care that our resources were going to be well spent in the national interest.

Finally, I want to mention an additional field where his leadership was very much in evidence; that is, in knocking down the walls of discrimination in all of the forms and shapes that have been presented in recent years. That is a defining issue for our country. America will never be America until we free ourselves from all types and all forms of discrimination.

There was never a battle in any of the areas involving discrimination in which CHUCK ROBB was not a leader. I will miss him on this Senate floor.

I join with my other colleagues in paying tribute to his service to the Senate, but most importantly to his State and also to our Nation. He has a great opportunity in the future for continued service. I think all Members in this body wish him well and look forward to opportunities of work with him closely again.

The PRESIDING OFFICER. The Senator from Michigan.

THE HISTORY OF OLDSMOBILE

Mr. ABRAHAM. Mr. President, today I rise to comment on a development that took place in my State this week. It was with great sadness that I heard of the phasing out of the Oldsmobile line of cars within the General Motors family. Over the last 105 years, Oldsmobile has been a Lansing, MI, and a State institution and, obviously, a national and international one as well. It was started 105 years ago when Ransom Eli Olds of Lansing, MI, teamed with Frank Clark, the son of a small carriage shop operator, to achieve what many believed impossible. They successfully produced a self-contained gasoline-powered carriage, and with it Oldsmobile was officially born in 1897.

Throughout its history, Oldsmobile has enjoyed a number of firsts: the first assembly line; and with the production of the curved dash, the first mass producer of gasoline cars; in 1905, two Oldsmobiles finished the very first transcontinental race from New York to Portland, OR, in 45 days; in 1940, models featured the Hydra-Matic drive, making this lineup the first vehicles with fully automatic transmissions; in 1966, Oldsmobile introduced the Toronado, the first modern-day front-wheel drive car; in 1974, that Toronado became the first American car to offer a driver's side airbag.

Millions of Americans have come to love their Oldsmobiles. An Olds convertible was the standard for transporting a Homecoming queen or a float parade when I was growing up. And an Oldsmobile sedan was the epitome of the middle-class family dream. All of this was made possible by the hard work and the commitment to affordable quality that was the hallmark of Oldsmobile in that division of General Motors.

On a personal level, I have a special stake in all of this, as well. Not only did I grow up in Lansing, MI, the home of Oldsmobile, but for almost 20 years my dad worked on the line at the Oldsmobile main assembly plant there. It is where he got his start, where my family came to truly appreciate how much the automobile industry means, not just to families such as ours but to our State, and especially how much the Oldsmobile meant to Michigan—Lansing, in particular.

I am sad, therefore, to see the Oldsmobile go, as we have known it, but I am confident General Motors will continue to make quality, safe automobiles for generations to come. As we bring down the curtain on the Oldsmobile, I rise today to offer my praise to that company, to those who started it, and their families and descendents who still remain in the Lansing area and in Michigan; also, to all those workers who, as my father, worked over the years for that Oldsmobile division of General Motors. I think each and every one of them took to their jobs a great satisfaction, a commitment to hard work, and a tremendous pride in the craftsmanship that went into making the automobile for many generations one of this country's favorite lines of vehicles.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, I inquire of the Chair, are we still in morning business?

The PRESIDING OFFICER. The Chair informs the Senator from Michigan we are in a period of morning business until the hour of 2:30.

PROUD ARAB AMERICAN HERITAGE

Mr. ABRAHAM. Mr. President, I will comment briefly on a matter of relevance both personally to me and to my State. Since the election, as a consequence of my defeat, I have heard from a number of people from the Arab American community, both in Michigan and across the United States. As a Lebanese American myself, I have been very proud to be, at least for the last several years, the only Arab American Member of this Chamber.

A number of folks from that community expressed their disappointment in the results of the campaign. I take the floor today to thank so many people who have been in touch, but also to make several points that I hope will be heard by members of the community, to be taken into account as they consider the results of this election, as well as the future.

First, I note that in recent years I believe the Arab American community has become a key part of the American political process. The participation of the community has continued to increase both in my State of Michigan as well as across the country. Not only are people voting in greater numbers as a percentage of the community, and for many taking the first step of participating in the elections, but their activism in Michigan and other States has grown considerably. I take great pride in seeing that happen.

In addition, we have seen a number of Arab Americans rise to leadership positions at the local level of government all the way up to statewide offices. In the Congress itself we have several Members of Arab heritage on the House side who were elected in the most recent campaigns.

Much of this progress, I think, has translated into progress on issues of importance to the Arab American community in the last 6 years. I have been proud during my term in the Senate to have worked on behalf of a number of important issues relevant to the community. One has been to see the travel ban to Lebanon lifted in 1997, which has opened more opportunities for better relations between the United States and Lebanon, and also for more commercial activity between the two countries.

This Chamber passed a resolution decrying intolerance toward people of Islamic faith in this country, a much needed statement, I think, for the Congress to make so we can be on record consistently as opposing intolerance toward people of any religious faith. We have supported important programs that have affected the Middle East. One that we have worked on in our office with Senator FEINSTEIN and others is the Seeds of Peace Program, which I believe will have a long-term and positive impact on the relationships between countries in the Middle East, including Lebanon, Israel, Jordan, Egypt, Yemen, as well as the Palestinians.

I think the potential for the future is even greater. I think it is very likely in the area of public policy that the people from the Arab American community will rise and play an ever active role and a greater role, as they have done in other fields of endeavor. In America's business community, we have many Arab American leaders today who are heading up important companies from one end of the country to the other. In sports and entertainment and the arts, we likewise have seen Arab Americans excel. In education, the same is true. Indeed, the level of educational attainment by young people of Arab American background continues to be one of the most important components of the Arab American ethnic communities' contribution to the United States.

I am very proud of my heritage. I have talked to many other Members of this Chamber about my background over the years. I am glad to have helped in a small way—to have played a role in moving forward some of the policy objectives I mentioned a few minutes ago. I hope, to some extent, that has helped encourage others in their own communities, States, or even perhaps at the Federal level to do so, as well.

Recently in Dearborn, MI, home to the largest concentration of Arab Americans in the United States, I was approached by a woman who had a young son in the seventh grade, saying how happy he was to know a Senator shared his Arab American heritage. I hope that in my brief career in the Senate maybe there are others who have similarly sparked an interest in government because they happen to be part of that same community to which I belong.

My message is to praise the community, especially, but also to say to any who have harbored a sense of disappointment with the results of the election, I hope that disappointment will not be long standing. It certainly isn't the case for myself. I encourage people in the community to continue to play an active role in politics. Obviously, our political process inevitably produces success and failure from election to election.

For people new to the process, sometimes they misunderstand and treat a setback as something that should discourage future involvement. I hope that across the Arab American community, and especially for those who first got active in the political process with this election, that they will continue to play an active role, even increase their involvement, and hopefully encourage others to do likewise. That would be invaluable to the community, and certainly from my point of view, it would be the preferable outcome.

My grandparents came a century ago from Lebanon, where they left behind everything to risk their fortunes on America. As is the case with people not just from the Arab American community but so many other immigrant communities, they came here with very little in the way of material possessions, but they came with a great deal of desire and energy and the hope that by working hard and playing by the rules they could make a contribution.

As I have said to the others on this floor in the past, they did not necessarily come here assuming they would have a grandson who would be in the Senate, but they wanted to live in a country where that was possible. Indeed, that is what our country always will be. And I think it always will. I am proud to have had the opportunity to fulfill, probably in the utmost way, the hopes that were brought here by my grandparents when they arrived.

I think, as I look back on my service in the Senate, perhaps more than anything else, will be the source of pride that I take with me as I leave the Chamber today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

SENATOR ABRAHAM

Mr. KENNEDY. Mr. President, I did want to take a moment, as someone who has been involved in immigration issues over some 38 years in the Senate, and someone who has worked with colleagues in a bipartisan way. I wanted to let my friend from Michigan know something which I hope he already does know. I wanted to share the great respect I have for him and his leadership on immigration issues, as the chairman of the Subcommittee on Immigration.

Immigration issues bring out, really, the best and the worst in our colleagues. These are emotional issues for many of us. We have a Senate and House of Representatives that have strong views on these issues. His hand has been a steady, guiding one of leadership over this period of time, and one I thought showed enormous sensitivity in helping to guide immigration policy in a way that respects the strong tradition of people in this Nation to acknowledge and continually work to remedy the very significant inequities that are still a part of our policy.

I also point out what I think all of us in this body remember, his strong leadership in helping us work through the skill shortage in our high-tech industries. He led the Judiciary Committee and the Senate in the development of that program. What certainly impressed me during that period of time was his constant willingness to look at different ideas, different approaches, and differing views, and to always try to reach out to find some common understanding in these areas in order to move the process forward—a real legislator.

I know he is proud of many different aspects of his service in the Senate, but I wanted to express from this side of the aisle the affection and friendship of those of us who have worked with him in some very important areas of public policy, and the high regard and respect we have for him. We are hopeful that we'll have a chance to work with him on public policy in the future.

Mr. ABRAHAM. Mr. President, if I might, I thank the Senator from Massachusetts for his kind remarks. I had occasion a couple of days ago to speak to the Senate. At that time I expressed publicly my thanks to him. He was not in the Chamber at the time, so I reiterate it here. We worked, I think, in a very constructive way on a number of issues as members of the Subcommittee on Immigration and on a variety of other issues he has mentioned here as well. I thank him for his remarks today.

The PRESIDING OFFICER. The Senator from Massachusetts.

OMNIBUS APPROPRIATIONS BILL

Mr. KENNEDY. Mr. President, I expect to support the omnibus legislation that will implement the final appropriations agreement for this Congress because it makes the kinds of investments in education, health, and work opportunities that are needed by all American families. In the long run, only through these basic investments can we preserve our capacity to keep our nation strong. I commend my colleagues for their diligence in crafting legislation that respects the highest priorities of the American people. Senator HARKIN and Senator SPECTER have shown the power of bipartisan cooperation throughout their work on this legislation. We have all benefitted from the example and leadership of Senator STEVENS and Senator BYRD as well.

While this legislation is not perfect and certainly is no substitute for the unfinished work of the 106th Congress, it is good for the American people, and it shows what is possible when we resolve to work together. In this sense, it offers considerable hope for the 107th Congress.

EDUCATION

In the critical area of education and the nation's schools, this appropriations agreement is a resounding victory for parents and communities across the country. Congress has lived up to its commitment to increase education funding. We are taking a giant step forward to ensure that children across the country receive the support they need to succeed in school and to make college more affordable for every qualified student. I'm proud to highlight a few of the key education accomplishments.

For the first time, communities across the country will qualify for over $1.2 billion in federal aid to address their most urgent school building repair needs, such as fixing roofs, plumbing and electrical systems, and meeting fire and safety codes.

Schools across the country will receive $1.623 billion, a 25 percent increase over last year, to continue hiring and training new teachers to reduce class sizes in the early grades. This year's funding increase will place 8,000 more teachers in classrooms, placing the goal of 100,000 new teachers well within reach.

Teacher quality will improve as well this year. Schools will receive $485 million, a 45 percent increase over last year, to help teachers improve their skills through professional development activities, reducing the number of uncertified and out-of-field teachers.

Title I of the Elementary and Secondary Education Act, which helps disadvantaged students master the basics and achieve to high standards, is increased by $506 million, for a total of $8.4 billion.

We know that children are most likely to engage in risky behavior in the hours just after school. Congress has responded by increasing support for after-school programs by 87 percent this year, to $851 million. This increase will help more children stay out of trouble after school and get extra help with their schoolwork.

The bill also provides an additional $91 million, for a total of $225 million, to support state and local efforts to turn around low-performing schools.

Vocational and technical education programs received $1.240 billion, a $48 million increase, to improve programs that give students skills they need in order to meet the demands of the new high tech workforce.

College students will also receive much needed support under this bill. The GEAR UP programs will receive $295 million, an increase of $95 million, and TRIO programs will receive $730 million, a $85 million increase, to help more low-income and minority middle and high school students prepare for college and succeed in college.

Of all high school students in Boston, 80 percent of them now are tied into colleges. We have 12 different colleges that are tied into the high schools, where they are not just taking the individuals who show promise, which the TRIO Program does and does with extraordinary success, but to try to take the whole class together and move the whole class up. It is a relatively new concept and one which has worked very successfully in the several pilot areas where it has been tried. We are finding extraordinary response, positive response from colleges that engage in this undertaking, and extraordinary response from the schools. I think it will be one of the more important programs to enhance academic achievement for high school students.

This legislation will also enable more undergraduate and graduate students to pay for college through part-time work assistance because the Federal Work Study program received a $77 million increase.

This bill also strengthens Pell Grants, enabling many more students to take advantage of them. The maximum grant is increasing by $450—from $3,300 to $3,750. Because there are so many young people who, even though they are eligible for the maximum Pell Grant, just couldn't make it with the lower maximum, this is perhaps the most important educational enhancement we have. It recognizes that many children are advantaged in their academic achievement and accomplishment but disadvantaged in the amount of resources they have.

EARLY LEARNING

As we strengthen our commitment to quality education at the elementary, secondary, and college levels, a strong body of research challenges us to broaden our commitment to education as well. Education is a continuum that begins at birth and continues long after graduation. On the birth-to-kindergarten side, we have much work to do. For the sake of each child, the nation, and our education system itself, all children must have access to the early learning opportunities that will enable them to enter school ready to learn.

Today, 12 million children under age five have mothers who work outside the home. Yet many of these children are assigned to waiting lists instead of quality early learning programs because federal funding isn't adequate to meet existing needs, and more and more parents are accepting the responsibility of work under welfare reform. In Massachusetts, 14,000 children are wait-listed, as are 200,000 children in California. Today's minimum wage for a full-time worker is $10,720 per year. This doesn't begin to cover the cost of quality early learning opportunities.

which can be as high as ten thousand dollars a year.

All of us remember a number of years ago when the Governors, Republicans and Democrats, met in Charlottesville and announced goals for the Nation in education. Their first goal is to have children ready to learn when they enter kindergarten and first grade, to build the skills they bring to school. The skills that little children need to develop as infants and toddlers self-confidence, self-awareness, some degree of self-esteem, inquisitiveness in academics, and, interestingly enough, a sense of humor.

Eleven years ago, Senator McCAIN and I introduced the Military Child Care Act, which turned military child care into an early learning model for the nation. Today's legislation takes three important steps toward building on that success in civilian America.

First, it increases federal child care subsidies by 69 percent, enabling states to remove 150,000 children from waiting lists next year. This increase was very much patterned upon the child care initiatives of our colleague, Senator DODD, and I am deeply grateful for his leadership on this issue.

Next, this legislation enables 70,000 of the nation's most at-risk children to participate in Head Start, which is highly regarded because it delivers the promise of early learning so effectively. The legislation also begins implementing the Early Learning Opportunities Act, which Senator STEVENS, Senator JEFFORDS, and Senator DODD and I supported over the past two years. This new law provides for parental education and support services, increased collaboration among early leaning providers, and incentives to improve the quality of early learning services. Its goal is to help the nation build an effective infrastructure of local councils to help each community evaluate how best to put the research on infant and toddler brain development into practice.

The Head Start Program, the Early Head Start Program, and the new Early Learning Opportunities Act included in this appropriations bill will improve early learning in important ways. The Carnegie Commission and other experts who have studied the development of a child's brain in the early years, and made a series of recommendations. With this legislation we are beginning now to follow up on these recommendations by investing in children at early ages. That is extremely important.

These steps show important momentum toward turning the research on children's brain development into sensible national policy, and we should build on this momentum in the next Congress. We can learn much more from the military's experience with early learning. We can build these lessons into the Child Care and Development Block Grant when it is reauthorized in the next Congress. We can pass additional legislation to turn the current patchwork of federal child care and early learning programs into a seamless structure directed at one goal—quality services to ensure that children enter school ready to learn. We also must continue expanding Head Start until it is available to all children who need it.

The health funding in this bill is also a win for the American people.

GRADUATE MEDICAL EDUCATION

I will now address the excellent work that has been done under the balanced budget act, or BBA, programs, in particular the funding level for pediatric graduate medical education. This is not an area that has a history of proper federal attention. Last year, it received $40 million and virtually no funding prior to that time.

The Medicare Program has provided the funding for the training of much of the American medical personnel who, without question, are the best trained medical personnel in the country. It was funded through the Medicare system. The area of pediatrics never made it, so these children's hospitals, which train the majority of pediatricians, had to provide the additional training services and educational services without the support available to every other physician training program.

That has been significantly corrected with this legislation. There are over 50 major children's hospitals across this country that will benefit from this program. We can be sure that as a result of today's work, the part of the medical profession that is focused upon caring for children will be significantly advanced, and I commend the appropriators for this.

I am particularly pleased with the funding level for pediatric graduate medical education. The legislation allocates $235 million to support medical education costs incurred by freestanding children's hospitals. This figure is nearly a 500 percent increase over last year's appropriation of $40 million, and puts us much closer to fully funding the program.

This program was created last year to address the historical inequities in federal support for graduate medical education activities occurring at independent children's hospitals. Until last year, the federal government has paid for hospital costs related to physician training from Medicare. However, because children's hospitals generally treat very few Medicare patients, they were historically and dramatically underpaid for teaching activities. Prior to enactment of this program, children's hospitals were given just $\frac{1}{200}$th of the federal support for teaching activities that other teaching hospitals received.

Children's hospitals, which represent less than one percent of all hospitals in the country, train approximately 30 percent of the nation's pediatricians and the majority of many pediatric specialists. It is long past time for the federal government to support these activities. Next year, it is my hope that we will achieve permanent, full funding for this essential program.

Children's hospitals around the country will benefit from the increased funds in this legislation. It will enable these important institutions to continue to be regional and national referral centers for children around the country. It will support new and continuing research activities that benefit children and adults alike. And, most importantly, it will help assure a steady supply of pediatricians and pediatric specialists to treat the nation's children now and in the future.

With approximately 200 full-time employees in training at any one time, Boston Children's Hospital has the largest teaching program among independent children's hospitals. It has a top-notch faculty, and provides excellent teaching, research and patient care. These funds will assure its continued contribution to health of children in Massachusetts, the nation, and the world.

NATIONAL INSTITUTES OF HEALTH

This bill also includes an increase of 13 percent for the National Institutes of Health, raising the NIH budget to more than $20 billion. These new resources will enable NIH to increase its support for the medical research that is urgently needed to develop new cures for the diseases that afflict millions of Americans.

Massachusetts is a leader in medical science. It receives more than one out of every ten dollars that NIH spends on research grants—more than any other state except California—and Boston receives more NIH grant money than any other city in the nation.

Last year alone, doctors and scientists in Massachusetts were awarded more than $1.5 billion in research grants from NIH. The new appropriations bill will increase this already impressive total by more than $180 million, so that Massachusetts will receive an estimated $1.7 billion in NIH research grants in the coming year.

NIH supports essential research across the state. In Boston, research supported by NIH very recently discovered an important relationship between the immune system and the brain that may lead to better treatments for diseases like multiple sclerosis. In Worcester, NIH funds are helping to build a new center for cancer research that will become a leader in this important field. In Cambridge, NIH will help support a major new center to study the nervous system, so that we can better understand brain diseases like Alzheimer's, schizophrenia and depression. NIH grants are essential for funding the basic research that is often considered too risky to be funded by private companies, and ensure that the results of this work are available to all researchers.

The investment that NIH makes in medical research is the foundation on which the nation's thriving biotechnology industry is built. More than 250 biotech companies in Massachusetts provide good jobs for thousands of professionals across the state, and contribute millions of dollars every year to the state's economy. New partnerships between universities and biotechnology companies form almost every day, embarking research ideas from the academic world to be developed rapidly into new medical breakthroughs that will improve the health of patients across the nation.

By helping develop new cures for deadly diseases and by fostering the important new industry of biotechnology, the renewed commitment to the NIH that we make here today is an investment that will pay dividends now and for many years to come.

BALANCED BUDGET REFORM ACT

This legislation provides "financial CPR" for hospitals, home health agencies, nursing homes, and other important Medicare providers around the country. It also takes important steps to improve access to health care through CHIP and Medicaid, though more is needed.

Nearly one million senior citizens and persons with disabilities depend on Medicare to provide high-quality care in Massachusetts. The health care industry is a critical component of the state economy. Today, we are saying that help is on the way.

The Medicare, Medicaid and CHIP Beneficiary Improvement and Protection Act is the most significant relief package since passage of the Balanced Budget Act in 1997. Medicare spending will total $30 billion over five years, and spending for Medicaid and the Children's Health Insurance Program will total $6 billion. In fact, the net cost of the entire package is likely to be closer to $15 billion over five years, because of the offsetting effect of savings achieved by a forthcoming regulation limiting the ability of states to obtain union funded Medicaid payments.

The savings from the Medicaid regulation should be used to expand coverage to low-income populations. I strongly support the provider relief in this package, but I am disappointed that the Republican leadership opposed bipartisan efforts to enable states to extend health benefits to low-income pregnant women and children who are legal immigrants, but who would otherwise be eligible for CHIP and Medicaid. In addition, the Republican leadership refused to include the bipartisan Grassley-Kennedy Family Opportunity Act, which would have enabled children with disabilities to obtain or maintain health coverage through Medicaid.

Massachusetts providers have estimated that they will receive approximately $450 million—close to half a billion dollars—over the next five years as a result of this legislation. While it is the most significant step Congress has taken to date to restore the unintended cuts made by the Balanced Budget Act of 1997, this Congress failed to finish the job, and we will be back at it again in the 107th Congress.

The record budget surpluses now and projected for the years ahead are largely due to the savings achieved by cutting Medicare payments in the Balanced Budget Act of 1997. Those cuts were expected to total $116 billion over five years, and nearly $400 billion over ten years—more than double the amount ever enacted in any previous legislation.

In reality, these cuts are now estimated to total $200 billion over five years and more than $600 billion over 10 years. These excessive cuts, combined with low payments from private payors and Medicaid programs, have placed many outstanding health care institutions at risk, and threaten quality of care for millions of elderly, disabled and low-income Americans.

In Massachusetts, two out of every three hospitals are losing money on patient care. Community hospitals across the state are struggling to survive. Key providers are questioning whether to participate in HMOs, and HMOs are deciding to cut benefits and trim service areas.

Twenty-five percent of home health agencies in the state no longer serve Medicare patients, and 20 agencies have closed their doors since the BBA was enacted. The remainder see fewer patients, and see them less often.

Forty-three nursing homes have closed in Massachusetts since 1998. One in four are in bankruptcy. One in seven nursing positions are unfilled, because Massachusetts nursing homes are unable to compete for staff.

Congress has been slowly restoring these Medicare cuts year-by-year. In 1998, we included $1.65 billion in the FY99 Omnibus Appropriations bill for Medicare home health agencies as a stop-gap measure. The Balanced Budget Refinement Act of 1999 restored $16 billion over five years. And the legislation we are voting on today takes an even more significant step toward fixing the problems created by the BBA. But it does not finish the job. In fact, it contains new cuts for hospitals and nursing homes. Clearly, we will need to revisit this issue in the 107th Congress. There is no need to turn funding for entitlement programs into an annual appropriations process, but that is precisely what this annual exercise has unfortunately become.

In addition to the much-needed provider relief contained in this legislation, it also includes two other important improvements in Medicare benefits. First, it requires Medicare coverage of drugs that are not usually self-administered by a patient. This change restores and preserves coverage for certain drugs that are vital for senior citizens and persons with debilitating chronic illnesses. This provision will ensure that in determining whether a drug is usually self-administered, HCFA should only consider whether a majority of Medicare patients with the disease or condition actually administer the drug to themselves, reversing a contrary 1997 policy. This improvement will help assure that millions of elderly and disabled Americans have continued access to life-saving and life-improving drugs.

Second, the bill improves coverage for immunosuppressive drugs for Medicare patients who have had an organ transplant. These drugs are needed to prevent rejection of the transplanted organ. Assuring permanent coverage will improve the quality of life for transplant patients, and assure a wiser use of scarce resources and scarce organs by helping patients to remain healthy after transplantation.

CHIP AND MEDICAID

This legislation also includes several provisions that are important to working families whose children are eligible for CHIP or Medicaid.

First, the legislation includes a redistribution mechanism to assure use of the funds allocated to insure low-income children through CHIP and Medicaid. The formula is fair, and it allows all states to benefit from unspent FY98 dollars in a manner that will assure continued enrollment of eligible children. Those states that have been slow to spend their initial CHIP allocation will now have additional time to spend their FY98 funds by reaching out and enrolling more children in these programs. Those states that spent all of their FY98 dollars because they were able to get their programs up and running early will obtain additional funds to continue their momentum. The result is a win-win for America's children.

The legislation also enables states to immediately enroll uninsured children who are potentially eligible for CHIP or Medicaid in the proper program, while awaiting confirmation of actual eligibility. This step is important for improving enrollment rates. Unfortunately, the bill limits its applicability to children found only through outreach in primary and secondary schools. There is bipartisan support for a broader proposal that would have extended presumptive eligibility to a variety of other programs where uninsured eligible children or their parents are likely to be identified, including child care resource centers, child support agencies, housing agencies, and homeless shelters. We will pursue this and other CHIP and Medicaid outreach and enrollment improvements next year.

Finally, the legislation extends for one additional year the Transitional Medical Assistance program, which allows families who are leaving welfare for work to maintain Medicaid coverage during the transition. Most post-welfare jobs do not offer health insurance. We must do all we can to see that "ending welfare as we knew it" does not contribute to America's already shameful uninsured rate.

LOW INCOME HOME ENERGY ASSISTANCE

I'm pleased that this year's final budget agreement includes $1.4 billion to help families heat their homes this winter under the Low Income Home Energy Assistance Program. Massachusetts needs this 28 percent increase in its block grant to help more families cope with higher heating costs this winter. Combined with LIHEAP emergency funds that the Clinton Administration has already made available in anticipation of this winter's needs, I am hopeful that the regular and emergency LIHEAP funding contained in this budget deal should enable low-income families to heat their homes throughout the winter that is already upon us. I regret that this year's budget agreement does not contain expected advance funding for the winter of 2002, so that families can plan ahead for heating assistance next year. I intend to do all I can to see that Congress corrects this omission as part of a supplemental spending bill early next year or as part of the broader national energy policy reevaluation likely to begin in the new Congress. For this winter, though, today's budget agreement remains a significant step forward for LIHEAP and the families who depend on it.

NEW MARKETS INITIATIVE

The New Markets Initiative is another key bipartisan agreement included in this legislation. I am pleased that the Congress has joined President Clinton in his efforts to revitalize those communities that have been left behind at this time of record prosperity, and I commend Speaker HASTERT for his leadership in reaching this agreement.

This initiative increases the low-income housing tax credit, which is long overdue in light of its strong bipartisan support. With the growing regional and national economy, housing prices are rising faster in Massachusetts than in any other state. We must increase production in new affordable housing units to meet the overwhelming demand, and an increase in the credit is critical. The agreement also accelerates the private activity bond cap, which will also support increased development of affordable housing, as well as industrial development.

The initiative also creates 40 Renewal Communities and 9 new Empowerment Zones—all of which provide tax incentives for development in those parts of the country that have struggled while others have prospered.

Overall, this final budget agreement includes so many major achievements—from Class Size reduction to Pediatric Graduate Medical Education to dislocated worker assistance to New Markets development—that the value of each part will only become apparent over time. Yet even as we celebrate the progress made by this legislation, we must also recognize that it is only a small part of the work that the public expects us to complete. I share the concern of many of my colleagues that the unfinished agenda of the 106th Congress is so long.

We still lack a Patients' Bill of Rights, leaving HMO's free to sacrifice families' health needs in favor of their own economic interests.

We still lack a prescription drug benefit for seniors, leaving our parents and grandparents vulnerable to drug-company extortion for drugs they need to stay alive.

We still lack a plan to reduce medical errors, leaving thousands of hospital patients to die needlessly each year.

We still lack a fair minimum wage, leaving people who work full time all year in difficult jobs to raise their children in poverty.

We still lack common-sense gun laws, leaving school children vulnerable to ambush.

We still lack strong laws against hate crimes, leaving the most vulnerable people in our society open to the most brutal acts imaginable.

We still lack basic fairness in many of our immigration laws, leaving our proud heritage and noble ideals out in the cold with so many huddled masses.

We still lack the most basic protection for women's work, leaving more women to raise their children in poverty because they consistently earn less than their male colleagues.

We still lack a plan to protect people's privacy in the digital age, leaving our medical, consumer, and other personal information exposed to market demands.

Also left unresolved are major Medicare and Social Security reforms that must be enacted now if we are to avoid a crisis for the seniors of 2025 and beyond. I also believe that we should still address how to provide some tax relief for many families who bear a particular financial burden because they need to provide long term care for their loved ones.

Every item on this list remains of vital importance to the nation. I must elaborate on a several of them.

Unfortunately, the leadership of the 106th Congress turned its back on America's families who are raising children with disabilities. The Family Opportunity Act has sweeping bipartisan support in both chambers, including more than three-fourths of the Senate. There is no reason that this legislation should not have become law this year. Although Congress let American families down this year, I look forward to working with Senator GRASSLEY again next year to ensure that no family in this nation has to turn down jobs, turn down raises, or give up custody of their disabled child to get the health care each child deserves.

Few issues touch Americans more deeply than quality health care for themselves and their loved ones. This Congress failed to fulfill its responsibility to act on three great health issues. It did not pass a strong, effective patients' bill of rights to end the abuses of managed care and other insurance programs. It did not provide coverage of prescription drugs under Medicare. And it did not significantly expand insurance coverage for the uninsured. Now it is up to the new Congress that will assemble in January to do better. These three issues should be top priorities.

Prompt passage of a patients' bill of rights is critical for every one of the 161 million Americans with private health insurance coverage. Every day that Congress fails to act more patients suffer.

A survey by the School of Public Health at the University of California found that every day—each and every day—50,000 patients endure added pain and suffering because of their actions of their health plan. For 35,000 patients, needed care is delayed, or even denied all together. Thirty-five thousand patients have a specialty referral delayed or denied. Thirty-one thousand patients are forced to change doctors. Eighteen thousand patients are forced to change medications because of HMO abuses.

A survey of physicians by the Kaiser Family Foundation and the Harvard School of Public Health found similar results. Every day, tens of thousands of patients suffer serious declines in the their health as the result of the action—or inaction—of their health plan.

Whether the issue is diagnostic tests, specialty care, emergency room care, access to clinical trials, availability of needed drugs, protection of doctors who give patients their best possible advice, or women's ability to obtain gynecological services—too often, in all these cases, HMOs and managed care plans make the company's bottom line more important than the patient's vital signs. These abuses should have no place in American medicine. Every doctor knows it. Every patient knows it. And in their hearts, every member of Congress knows it.

The House passed a Patient Bill of Rights—the Norwood-Dingell bill—that effectively addressed these abuses. A solid bi-partisan majority of Congress supported the legislation. It is endorsed by 300 groups representing doctors, nurses, patients and advocates for women, children, and families. But in the Senate, it has been blocked by the insurance industry and the Republican leadership. The new Senate, the new Congress, and the new President have an obligation to pass this legislation into law.

This is an issue which hopefully, given the strong voting and interests of our colleagues and their constituents, we will be able to resolve in a bipartisan way during the next Congress.

The Congress' failure to provide prescription drug coverage to our nation's senior citizens is also unacceptable. Senior citizens need a strong drug benefit under Medicare. They earned it by a lifetime of hard work. They deserve it. And Congress and the new President owe it to them to act.

Too many elderly Americans today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many senior citizens take half the pills their doctor prescribes, or don't even fill needed prescriptions —because they can't afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts. Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or can't afford to take them correctly. Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases, but millions of senior citizens are being left out and left behind because Congress fails to act.

The crisis that senior citizens face today will only worsen if we refuse to act, because insurance coverage continues to go down, and drug costs continue to go up.

Twelve million senior citizens—one third of the total—have no prescription drug coverage at all. Surveys indicate that only half of all senior citizens have prescription drug coverage throughout the year. Coverage through employer retirement plans is plummeting. Medicare HMOs are drastically cutting back. Medigap plans are priced out of reach of most seniors. The sad fact is that the only senior citizens who have stable, reliable, affordable drug coverage are the very poor on Medicaid.

Prescription drug costs themselves are out of control. Since 1996, costs have grown at double-digit rates every year. Last year, the increase was an unacceptable 16 percent, while the increase in the CPI was only 2.7 percent. No wonder access to affordable prescription drugs has become a crisis for so many elderly Americans

In the face of this declining coverage and soaring cost, more and more senior citizens are being left out and left behind. The vast majority of the elderly are of moderate means. They cannot possibly afford to purchase the prescription drugs they need if serious illness strikes.

Fifty-seven percent of seniors have incomes below $15,000 a year, and 78 percent have incomes below $25,000. Only 7 percent have incomes above $50,000 a year. The older they are, the more likely they are to be in poor health—and the more likely they are to have very limited income to meet their health needs.

Few if any issues facing the next Congress are more important than giving the nation's senior citizens the health security they have been promised. The promise of Medicare will not be fulfilled until Medicare protects senior citizens against the high cost of prescription drugs, in the same way that it protects them against the high cost of hospital and doctor care.

Despite the gaps in Medicare and the abuses of many private insurance plans, those who have insurance coverage from these sources are still more fortunate than the 43 million of their fellow citizens who have no health insurance at all.

It's a national disgrace that so many Americans find the quality of their health determined by the quantity of their wealth. In this age of the life sciences, the importance of good medical care in curing disease and improving and extending life is more significant than ever. Denying any family the health care they need is unacceptable.

Every other industrialized society in the world except South Africa achieved that goal in the 20th century—and under Nelson Mandela and Thabo Mbeki, South Africa has taken giant steps toward universal health care today. But in our country, the law of the jungle still too often prevails. Forty-three million of our fellow citizens are left out and left behind when it comes to health insurance.

The dishonor roll of suffering created by this national problem is a long one.

Children fail to get a healthy start in life because their parents cannot afford the eyeglasses or hearing aids or doctor's visits they need.

A young family loses its chance to participate in the American dream, when a breadwinner is crippled or dies because of lack of timely access to medical care.

A teenager is condemned to go without a college education, because the family's income and energy are sucked away by the high financial and emotional cost of uninsured illness.

An older couple sees its hope for a dignified retirement dashed, when the savings of a lifetime are washed away by a tidal wave of medical debt.

Even in this time of unprecedented prosperity, more than 200,000 Americans annually file for bankruptcy because of uninsured medical costs. And the human costs of being uninsured are often just as devastating.

In any given year, one third of the uninsured go without needed medical care.

Eight million uninsured Americans fail to take the medication that their doctor prescribes, because they cannot afford to fill the prescription.

Four hundred thousand children suffer from asthma but never see a doctor. Five hundred thousand children with recurrent earaches never see a doctor. Another five hundred thousand children with severe sore throats never see a doctor.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty—because they are uninsured.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment before their cancer has already spread to other parts of their bodies. As a result, they are 50 percent more likely to die of the disease.

Overall, eighty-three thousand Americans die each year because they have no insurance. The lack of insurance is the seventh leading cause of death in America today. Our failure to provide health insurance for every citizen kills more people than kidney disease, liver disease, and AIDS combined.

Passage of the CHIP program in 1997 opened the door of health insurance to a large majority of the 10 million uninsured children—but too many children eligible for CHIP and Medicaid have still not been enrolled. Legislation I sponsored with Congressman John Dingell would have substantially increased enrollment of eligible children in CHIP. It would have encouraged states to make more children eligible, and would have provided assistance to the low and moderate income uninsured parents of these uninsured children. This legislation received a vote of the majority of the members of the Senate, but it was defeated on a procedural motion.

Today, our opportunity to end these millions of American tragedies is greater than ever before. Our prosperous economy gives us large new resources to invest in meeting this critical need. Recently, some Republicans in Congress have finally joined Democrats in urging our country to meet the challenge of providing health coverage to the 43 million Americans who are left out and left behind. President-elect George Bush and Vice President AL GORE both campaigned on a pledge to expand health insurance coverage for the uninsured. I regret that this Congress did not take substantial steps to end this American tragedy, but it should be at the top of the agenda of the new Congress and the new Administration.

The minimum wage ranks at the top of the list as well. Our leader, in a meeting of our Democratic caucus, indicated this afternoon that one of his great disappointments in this session is failing to provide an increase in the minimum wage for the 13 million Americans who need and deserve an increase. The last time we increased it was 1997. We have had unparalleled economic prosperity before and since. We have had record low unemployment. We have had stability in inflation. It is inexcusable that we have not increased the minimum wage for these workers. I am strongly committed to working with our colleagues to address that situation in the new Congress.

I join our Democratic leader in expressing my deep disappointment in the failure of this Congress to increase the minimum wage. A fair increase is long overdue. It is urgently needed to improve the lives of over ten million hard-working, low-wage earners in this country. It is shameful that Congress is holding the increase hostage to tax cuts for the wealthy. It is even more shameful that Congress recently acted to raise its own pay for the third time in four years—yet they have not found time in the past three years to give any pay increase at all to the lowest paid workers.

The long period of inaction comes at a time when the country as a whole is enjoying unprecedented prosperity—the longest period of economic growth in the nation's history and the lowest unemployment rate in three decades. In these strong economic times, Congress should not be acting like Scrooge.

Millions of low income workers have dedicated their lives to building this strong economy. Yet, in many cases they have been forced to labor for increasingly longer and longer hours, with less and less time to spend with their families, and without sharing fairly in the nation's prosperity. Poverty has almost doubled among full-time, year-round workers since the late 1970s—from about 1.5 million then to almost 3 million in 1998—and an unacceptably low minimum wage is part of the problem.

Minimum wage employees working 40 hours a week, 52 weeks a year, earn only $10,700 a year—$3,400 below the poverty line for a family of three. At that rate, minimum wage workers now fail to earn enough to afford adequate housing in any area of this country. Waitresses, teacher's aides, child care workers, elder care workers and all other employees deserve to be paid fairly for the work they do. No one who works for a living should have to live in poverty.

By failing to increase the minimum wage, Congress has broken its promise to American workers. We are denying them just compensation for their many contributions to building a strong nation and a strong economy.

We have broken our promise to women, since 60 percent of minimum wage earners are women.

We have broken our promise to people of color, because 16 percent of those who would benefit from a minimum wage increase are African American and 20 percent of those who would be helped are Hispanic.

We have broken our promise to children, because 33 percent of minimum wage earners are parents with children. In America today, 4.3 million children live in poverty, despite living in a family where someone works full-time, year-round.

And we have broken our promise to the American family, because too many parents are required to spend more and more time away from their families to make ends meet. On average, Americans are working 416 more hours in 1999 then they were in 1979.

Each year we fail to act on the minimum wage, families across the country fall farther behind. As the result of not implementing the dollar increase we first proposed three years ago, when the clock strikes midnight on the December 31st, minimum wage workers will have lost over $3000 because of the inaction by Congress. Today, the real value of the minimum wage is now $2.90 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be at least $8.05 an hour today, not $5.15.

We will never give up or give in on this issue, because it is an issue of fundamental fairness. We will be back next year with a new bill to raise the minimum wage. I hope that the new Congress will act as quickly as possible to pass a fair increase that reflects the losses suffered as the result of our shameful inaction this year.

President-Elect Bush has emphasized many of these priorities, and I look forward to working with him. The lesson of the legislation before us today is that when we fail to consider each other's ideas, only gridlock results—but when we work together for the nation's good, the result is the kind of progress that makes us all proud to serve the American people.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Nevada.

ORDER FOR RECESS

Mr. REID. Mr. President, due to the delay in consideration of the final appropriations bill, I ask unanimous consent that the Senate stand in recess until the hour of 4 p.m., following the remarks of Senator TORRICELLI from New Jersey.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ASSISTANCE FOR ALS PATIENTS

Mr. TORRICELLI. Mr. President, 3 years ago, during a visit by a constituent, I met a young man from southern New Jersey named Kevin O'Donnell. I have shared his story with the Senate before. But on this day, having met with some success, I share it with you again.

Five years ago, Kevin was 31 years old. He was a young father, a husband of a lovely woman, and in perfect health. He took his daughter skiing one day and upon returning home felt a pain in his leg. It continued over a period of time, bothering him, so he went to visit the doctor. You can only imagine the shock when this perfectly healthy young man—father of this little girl—discovered he had been stricken with ALS, known to most of us as Lou Gehrig's disease.

Since that day, Kevin O'Donnell's wife and daughter have watched the life flow out of his body. Going from a healthy young man, they watched him lose control of his legs and arms, the ability to speak, and even the ability to breathe. Life simply evaporated from Kevin O'Donnell's body.

When he came in to see me those years ago, he had a very simple request—so logical I could not conceive of an argument against it. While he was waiting to die, not only was his life leaving him but the financial security of his family. Nursing care, medical assistance, things to ease the pain, to maintain some dignity in life, to provide relief for his wife and his family, were costing thousands of dollars.

But under the rules of Medicare, he could not begin to receive any assistance for 2 years. The life expectancy for 90 percent of ALS sufferers is only 3 years, 4 years. Most of the people who have ALS do not live beyond the waiting period in Medicare to get help. This never could have been anticipated. It never could have been even imagined by people in Medicare when these regulations were written. And because there is no other disease quite like it, the regulations have never been changed.

A person can have heart disease or cancer, and they may be at great risk, but they can live 2 years. With the right treatment, they can live 5, 10, 20 years; at least the chances are always good. With ALS, the outcome of the disease is nearly certain that the life expectancy is not long and most will not live to ever see their first dollar of Government help.

I brought this cause to many of my colleagues in the Congress. There are 28 Members in the Senate—16 Democrats and 12 Republicans—and over 280

Democrats and Republicans in the House of Representatives who have joined in this effort to help those people around the country who are stricken with Lou Gehrig's disease.

Today, I rise to thank Senator LOTT and Speaker HASTERT for their generous help, and Congressman GEPHARDT, Senator DASCHLE, Senator BYRD, Senator REID—the bipartisan leadership—for offering some help to those who suffer from this disease in this country.

But most importantly, I am also very indebted to President Clinton, who made this a critical priority in budget negotiations. Specifically, I thank members of the White House staff, Chris Jennings and Rich Tarplin, who, under the President's direction, fought to give some help to these Lou Gehrig's disease patients.

I have spoken on this floor many times about this cause. For me, this was a victory that was going to be won before this session of Congress ended—no matter what.

When I began this effort some years ago, I stood outside the Senate Chamber with people in wheelchairs, stricken with ALS, in a variety of conditions. As I stand here today to declare victory, I am mindful of the fact that most of those who stood with me when this effort began are now deceased. With their own lives, they proved the importance of the legislation. They said they could not live the 2 years to ever receive the Medicare assistance to help ease the financial burden on their families. Most of them proved it with their lives.

Today, the CBO estimates that there are 17,000 ALS patients waiting to become eligible for Medicare. With the passage of this bill, their wait will end, and with it the anguish of calculating how to afford the $250,000 in annual medical bills while they are also dealing with the anguish of their disease.

For me, it is the end of a long fight, where I can tell Kevin O'Donnell: You began it, you fought it, and we won. And in your victory comes relief for 17,000 people just like you.

To all my colleagues who have helped, I give you my most sincere thanks and leave you with the words of former President Thomas Jefferson, in 1809, who said about service in Government:

> The care of human life and happiness . . . is the first and only legitimate object of good government.

Mr. President, there is relief for ALS patients in this bill. That is good government.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 4 p.m.

Thereupon, at 2:43 p.m., the Senate recessed until 4:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. KYL).

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF SENATOR DANIEL PATRICK MOYNIHAN

Mr. LEAHY. Mr. President, it is with great sorrow, but also great pride, that this Senate retires one of its most eloquent, learned, and successful Members—the senior Senator from New York, DANIEL PATRICK MOYNIHAN.

I have known my distinguished colleague for over two decades, admiring his compassion, his dedication, and his acumen on key issues, from environmental protection to social, racial, and economic justice for all. It has been an honor and education to have worked with him on the critical issues of eradicating poverty, elevating human rights, and promoting peace around the world. He and I have also worked together closer to home, protecting and restoring the precious waters of Lake Champlain—a glacially-carved jewel of New England that spans 120 northern miles between our neighboring states, half claimed on my side, half claimed on his.

Twenty-four years of distinguished service in the United States Senate would be a legacy in and of itself for any man. Yet my colleague, Senator MOYNIHAN, has done so much more. He served our country for a full twenty years in the Naval Reserve, with three years of active Navy duty at the end of the second World War. He has been a Fulbright Scholar and a professor of government at Harvard University. He has the unique distinction of serving in four successive Presidential administrations—the only person in American history to have ever done so. He represented our country as a distinguished Ambassador to India, a representative to the United Nations, and President of the U.N. Security Council. He has served on countless public and private sector commissions, committees, and panels, addressing issues from education to science to finance. Most recently, he chaired the Commission on Protecting and Reducing Government Secrecy—a key commission that examined our nation's secrecy laws and led to his authorship of "Secrecy: The American Experience." This book joins the seventeen other works of literature that my friend and colleague has written or edited.

What I will miss in many ways are those special times we would have when some Members would gather in the Senate dining room and a person would bring up a question of history; then we would receive a tutorial from Professor MOYNIHAN. I see my good friend, the deputy Democratic leader, on the floor, the Senator from Nevada, smiling because he knows what those were like. I recall a couple times when we had so many Democrats and Republicans crowded into the Democratic part of the dining room to hear Senator MOYNIHAN tie together something from the time of Franklin Roosevelt through Ronald Reagan, to the current time, and show what the connection was, somebody would have to call up to the Senate Chamber and explain, keep the rollcall going a bit longer; at least a quorum of the Senate has to hear the end of this story before we can come to vote.

My good friend will be missed in the Senate, but I wish him well and envy him the time he will now have to spend with his lovely wife of 44 years, Liz, his three wonderful children, and his precious grandchildren. I join the entire Senate and this Nation in wishing Senator MOYNIHAN well in his new life and commending him for his tireless dedication and service to the people of this country and our world.

LINCOLN HIGHWAY STUDY ACT OF 1999

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed en bloc to the following two bills: H.R. 2570 and H.R. 4020.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2570) to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that compromise the Lincoln Highway, and for other purposes;

A bill (H.R. 4020) to authorize the addition of land to Sequoia National Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bills.

Mr. DOMENICI. Mr. President, I ask consent that the amendment No. 4365 to H.R. 4020 be agreed to, the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. (4365) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

The bills (H.R. 2570 and H.R. 4020, as amended) were read the third time and passed.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF SENATOR BOB KERREY

Mr. LEAHY. Mr. President, last January we were told that Senator BOB KERREY was going to retire from the Senate this year. I remember saying to him that I wished it were not so, but knowing BOB as well as I did, I understood the reasons.

BOB KERREY has been an invaluable Member of this body. He has advocated for improvements in education. He has worked in a bipartisan way to reform Medicare and has been willing to speak up about the things necessary to reform it. He has helped to improve the lives of farmers in Nebraska. And he has been a forceful voice on America's role throughout the world.

But I understand and respect his desire to fulfill those spiritual needs that are often ignored in politics and to focus more on his personal and family life. As a proud father and grandfather, I, too, want to spend time with family. So we can all respect and appreciate his decision, though we are going to miss his candor, his wit, and his strong advocacy for families and children in the Senate. I will miss one who was willing to stand up on the most explosive issues of our time and speak out forthrightly, whether popular or not.

He served this country well as a member of the elite Navy Seals in Vietnam, was Governor of Nebraska, and a U.S. Senator for two terms.

I once heard him refer to it modestly as "whatever," but the "whatever" was the Congressional Medal of Honor he earned for service in Vietnam. It is a testament to his strength in the face of adversity and intense love he has for this country. It is a call he brought with him to the Senate.

A photograph I took once sticks in my mind. It was of BOB KERREY at the Inaugural, standing—suit, tie, overcoat, hat—and around his neck was something that very few Americans ever got to wear, the Congressional Medal of Honor. It is not something about which any of us ever heard BOB brag. But it has been my experience that people who win the Congressional Medal of Honor are really never the people who do brag.

I thought that here, in these extraordinary times of our Nation's history, every 4 years the Inauguration of a President, what BOB was saying was: I am standing up as an American saying how proud we are of this democracy as we go forward with our form of government—a government and a country he risked his life to defend.

What has he accomplished at this short time? Vice chairman of the Senate Select Committee on Intelligence where he protected and defended our national security interests and fought for issues from encryption to better intelligence. As cochairman of the IRS restructuring committee, BOB spearheaded reform legislation designed to improve the relationships between taxpayers and the IRS, something that affects every single American. On the Agriculture Committee, he and I fought hard to protect family farmers in our Nation. Even if we had regional differences which might divide us, his advocacy was always so strong, you had to listen.

His next move is north, actually getting a little closer to my home, where he is going to become president of the New School University in New York. The New School has a reputation for intellectual freedom and innovation, the belief that education can be used as a tool to produce positive changes in society. There cannot be a better leader for the New School. This really is a case where the Senate's loss is the New School's gain.

I first met BOB KERREY when he was running for the Senate and I went out to Nebraska as chairman of the Senate Agriculture Committee to campaign for him along with the Senator from Nebraska, Mr. Jim Exon. When we went out—BOB KERREY probably won't mind me mentioning this—we were using Willie Nelson's airplane. BOB KERREY was the former Governor of Nebraska, extremely popular, well known, running for the U.S. Senate; Jim Exon, then the senior Senator of Nebraska, former Governor; and of course in farm country. I was there wearing my hat as chairman of the Senate Agriculture Committee.

We flew up to a small town in Nebraska in Willie Nelson's airplane. The tail insignia was well known. When we got off that airplane, a huge crowd was gathered. We thought: Boy, this is it: Former Governor KERREY, Senator Jim Exon, Chairman PATRICK LEAHY. Man, no wonder they turned out.

As we got off the plane, they kept looking and kept looking, until finally it was obvious we were all off the plane. There was a look of disappointment in the crowd. Finally, somebody expressed the disappointment: Where's Willie Nelson? I thought you guys had Willie Nelson with you.

But, notwithstanding the fact that I was partially responsible for disappointing the crowd, BOB KERREY's abilities and brilliance were so well known in Nebraska that he survived my campaigning for him and he won that seat resoundingly and served his second term. We have been friends ever since.

I admire him as I have admired few people in my public career. I hate to see him go.

As I said, I was saddened to learn that BOB KERREY was retiring from the Senate this year. BOB KERREY has been an invaluable Member of this body, advocating for improvements in education, working to reform Medicare, and helping to improve the lives of farmers in Nebraska. But I understand and respect his desire to fulfill spiritual needs that are often ignored in politics and to focus more on his personal and family life. As a proud father and grandfather, I know what it's like to long to spend time with family. We can all respect and appreciate his decision, though we will miss his candor, his wit, and his strong advocacy for families and children in the Senate.

BOB KERREY has served his country well as a member of the elite Navy SEALs in Vietnam, as Governor of Nebraska, and as a United States Senator for two terms. Though I once heard him refer to it modestly as "whatever," the Congressional Medal of Honor he earned for service in Vietnam is a testament to his strength in the face of adversity and an intense love for this country, qualities he has brought with him to the Senate.

In this body, he has accomplished a great deal in a short time. As the vice chairman of the Senate Select Committee on Intelligence, BOB continued to protect and defend our national security interests, fighting for strong encryption measures. As a co-chairman of the IRS Restructuring Committee, BOB spearheaded reform legislation designed to improve the relationship between taxpayers and the IRS. On the Agriculture Committee, BOB and I fought hard together to protect family farmers in our Nation. Though regional differences sometimes divided us, I respected BOB's strong advocacy for farmers in Nebraska.

BOB's next move is north, where he will plan to become president of New School University in New York. The New School has a reputation for intellectual freedom, innovation and the belief that education can be used as a tool to produce positive changes in society. I could not think of a better leader for the New School. The Senate's loss is their gain.

SENATOR CHUCK ROBB

Mr. LEAHY. Mr. President, earlier today Senator CHUCK ROBB of Virginia spoke on this floor. I worked with him. I have admired him since he came to the Senate over 12 years ago. I talked with this former marine at the time my own son joined the Marine Corps and was touched that he always asked for progress reports on his career in the Marines.

He is only the fourth person from the State of Virginia to serve as both Governor and U.S. Senator, and he came to Washington ready to build on a distinguished career in public service. In 1961, he joined the Marines as an infantry company commander in Vietnam, saw combat, and was in harm's way time and time again. He demonstrated the kind of determination and stamina that would characterize his political career. In Vietnam, people depended on his leadership for their life, literally. He then served Virginia as Lieutenant Governor and Governor before being elected to the U.S. Senate. In fact, it is fair to say his tenure as Governor laid the basis for Virginia to become such a leader today in the high-tech industry.

During his time here in Washington, he has shown his dedication and concern for our men and women in the military, fighting for a strong defense while advocating fiscal responsibility. He has been a proponent for improvement in our Nation's public schools, fighting for more teachers, increased school construction, and school safety. He has also been a champion against discrimination. He led the fight to end injustice to African American farmers who faced discrimination by the Agriculture Department and voted against moves to end affirmative action programs by the Federal Government. In all these things, he showed the same dedication to his country in a legislative position that he had shown to his State in his executive position as Governor, as a member of the Armed Services Committee, Foreign Relations and Finance Committees, and the Joint Economic Committee and Select Committee on Intelligence. He served this body, the Senate, so well, and in turn our whole Nation.

I think of the tough political battles he has faced. I think of the difficult votes during his time in office, how he had to balance the interests of his State with the well-being of the Nation. But I can remember so many times on this floor when a vote would come up where, politically, CHUCK ROBB could have ducked and ran and voted a different way. He did not, anymore than he would have when he was in combat in Vietnam. He would stay on the floor, he would state his position, and you would see the marine; you would see the character; you would see the steel. He would stand up and do what his conscience told him was the right thing.

Mr. President, I pay tribute to a man I have worked with and admired since he came to the Senate over twelve years ago. As only the fourth person from the state of Virginia to serve as both Governor and U.S. Senator CHUCK ROBB came to Washington ready to build on a distinguished career in public service. Beginning in 1961 when he joined the Marines, and through his days as an infantry company commander in Vietnam, CHUCK ROBB demonstrated the kind of determination and stamina that would characterize his political career. He later served Virginia as Lieutenant Governor and Governor before being elected to the United States Senate.

During his time here in Washington he has shown his dedication and concern for our men and women in the military, fighting for a strong defense while advocating fiscal responsibility. He has been a proponent for improving our nation's public schools, fighting for more teachers, increased school construction and school safety. He has also been a champion in the battle to end discrimination. He led the fight to bring justice to African American farmers who had faced discrimination by the Agriculture Department, and he voted against a move to end affirmative action programs by the federal government. As a member of the Armed Services Committee, Foreign Relations, Finance Committee, the Joint Economic Committee and the Select Committee on Intelligence he has served the Senate well.

Senator ROBB has faced several tough political battles and cast many difficult votes during his time in office—all the while he has been determined to balance the interests of his state with the well-being of the nation.

It has been an honor and privilege to work with him over the last years. I know he is going to be sorely missed by our colleagues in the Senate.

I will miss having the chance to get advice and encouragement from him on the Senate floor, but I know I will still have that available to me throughout the remaining years of my Senate career.

Mr. President, what is the parliamentary situation now, as we go down to these waning hours and we hear the choral group downstairs practicing Christmas carols?

The PRESIDING OFFICER. I would like to advise the Senator from Vermont that earlier the Senate had been conducting morning business. That order has expired.

Mr. LEAHY. Is my understanding correct, though, that I am still able to maintain the floor without slowing down the vital business of the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Am I also correct there is no particular vital business pending at the moment?

The PRESIDING OFFICER. At the moment, the Senator is correct.

WRAPPING UP THE SESSION

Mr. LEAHY. Mr. President, you know I think the world of all my colleagues. The distinguished Chair right now is one of my best friends in the Senate and one who deserves congratulations on—actually, they didn't have to have an election in his State; he wins by so much. I love being with him, as I do my dear friend from Nevada, the deputy Democratic whip. But I hope that neither of my colleagues takes it at all personally when I say I would probably rather be at home with my family at this time of the year. But then I suspect they would, too. I hope this means we are soon to wrap things up, possibly this evening or Sunday or Monday or sometime. We seem to be in a situation where wrapping up the session is like wrapping up the Presidential election this year. I am beginning to feel a little bit like a hanging chad of some sort.

I thought of some of the other terms that have been used, but I am afraid sometime somebody might pull that out of context and I will be reminded that I will not be forgiven for what I may say because of my Irish nature.

Let us hope we can wrap it up. I say that also for the sake of the President-elect and the leadership, both Republican and Democrat, in the Senate. All of us have a lot of work to do before January 3 when the Senate comes back into session with a number of new Senators and in a unique situation of a 50-50 Senate.

Governor Bush and former Secretary Cheney need time to work with the Republicans in the Senate and the House as they put together their administration. Of course, I hope and expect they will also be in contact with those of us on this side of the aisle. There is a lot facing this Nation, and we have to work on that.

VISIT TO IRELAND

I was privileged this week to spend 48 hours out of the country with some other Members of the Senate and the House accompanying President Clinton on a visit to the Republic of Ireland and Northern Ireland. It was remarkable to see how people reacted to the President. He was accompanied by one of our Senators-elect, in this case the Senator-elect from New York, HILLARY RODHAM CLINTON, although I think she was there more in her capacity as First Lady.

It was interesting to see the reaction of the people in Ireland, both in the Republic and in Northern Ireland, both in the Catholic community and the Protestant community. The President was greeted as he should be, as a hero in Ireland because more than any President perhaps since John Fitzgerald Kennedy, he has shown a real interest in Ireland.

He has become personally and intimately involved in trying to stop the sectarian damage, carnage, killings, and murders in Northern Ireland. He sent our distinguished former colleague and former majority leader of the Senate, George Mitchell, on countless trips to Northern Ireland helping to broker the peace agreement which became known as the Good Friday accords.

Whether it was standing in the small town on the northern border of the Republic of Ireland, bordering Northern Ireland, a town of just a few thousand people but where 50,000 to 60,000 people from the whole area came and stood in the cold, the rain, and the fog for hour after hour waiting for the President and those accompanying him to arrive, and then giving him a hero's welcome and not wanting him to leave.

I saw the faces of those people. I saw the children who looked out to him with hope in their eyes. I saw the older people who said he sought to bring prosperity to this area because he helped us stop the fighting that goes back and forth across the border. He has brought hope for our children and grandchildren.

I saw the same thing in Northern Ireland in Belfast the next day where those who had been sworn enemies a few years ago were joining in meetings with the President, encouraging him to stay involved and asking him to please come back even after his Presidency. It had to be an emotional time for President Clinton, but it was very much for the people there.

I talked with several who again told me he brought hope for them and brought an understanding that their children could live in a world they had not known, a world where they could go to school, where they would not be defined by their religion but defined by who they are.

What an improvement that was and how grateful I am for the opportunity to have been there, not just as an Irish American but one who holds deeply our sense of freedom, our sense of democracy, and our sense that people do not get excluded because of their religious faith or their ethnic background or who their parents were but are included because they are human beings and because they have intrinsic worth.

RETIREMENT OF SENATOR RICHARD H. BRYAN

Mr. LEAHY. Mr. President, with my dear friend from Nevada, Senator REID, on the floor, I want to talk about his colleague, also my friend, RICHARD BRYAN, who announced his plans to retire from the Senate. When he did, he said very simply and earnestly: It's time to come home.

I have known DICK and Bonnie BRYAN since they came here. I say DICK and Bonnie BRYAN because, like Marcelle and me, we think of them as one person because usually at events outside work, when you see one you see the other. In fact, that is what I cherish about both my colleagues from Nevada. I cherish their family life.

DICK said it is time to go home, and I am disappointed to learn we are going to lose a good humored and skillful colleague. As a Vermonter, I have to empathize with that deep-rooted impulse to go home. Everything DICK BRYAN has accomplished here paves the way for his return to a better Nevada, something all of us hope for because all of us will leave this body at one time or another.

Most of the time, the strength of our Nation stood resolutely with the welfare of Nevada in Senator BRYAN's mind. As Democratic cochair of the Senate National Guard Caucus, he blocked unwise and unjustifiable cuts in our citizen-soldier force. He brought us together so the Guard's voice could be heard, and his persistence has positioned this invaluable force to prepare for the new, continually emerging strategic landscape. Under his watch, Nellis Air Force Base became a national treasure, where our best, most skilled pilots mastered the art of war so that our country would never have to call on them for the real thing.

Senator BRYAN guaranteed the credibility of the institution of the Senate. I think of the Senate as being the conscience of the Nation, and we should be the guardians of it. Those who abused the public's trust and the powers of office, as Senators knew they would, received intense scrutiny when Senator BRYAN chaired the Ethics Committee in 1993 and 1994. None of us will forget his calm and dexterous handling of numerous sensitive investigations, something he could do because he was trusted by both Republicans and Democrats to do the right thing.

It had to be one of the most difficult times, requiring arduous work by any Senator, but never once did any of us hear Senator BRYAN complain about the difficult task, nor did he swerve from the steady course toward fairness and justice.

Indeed, in so many areas, RICHARD BRYAN made a difference whether in preserving the fragile desert environment or modernizing our commercial aviation system. The list is long, and if he stayed, he would have accomplished even more.

Senator BRYAN has made a choice that deserves only accolades and respect. He is going home, and Nevada is a fortunate State for it. It is also fortunate that he has left his partner, HARRY REID, here to carry on his battles. My wife Marcelle and I wish DICK and his wife Bonnie all the best, but I am going to miss some of our late night conversations and some of the humor and good will he has shown to all Senators.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. LOTT. Mr. President, I have just spoken to Senator DASCHLE. We have been communicating with our colleagues on the other side of the Capitol. I understand the Senate will shortly receive from the House the appropriations bill containing the final appropriations measures, and we hope to have some agreement on how to proceed shortly.

We will notify Senators and hotline that information. Once Senator DASCHLE arrives on the floor, hopefully we can move forward with that. In the meantime, there are just a couple of bits of information for our colleagues about the remainder of this session and the dates for activities we will have next year.

Of course, we hope to have the sine die adjournment resolution here shortly.

Senator DASCHLE and I jointly will have resolutions thanking the officers of the Senate, the staff of the Senate who do just a magnificent job on our behalf and on behalf of the American people quite often during long and weird hours. They really do a magnificent job, and we thank all of them for what they do.

Also, I see Senator REID is here, the assistant Democratic leader. He has really made a difference since he has been in his leadership position. He is always calm and always diligent. He works on both sides of the aisle. I want to acknowledge that and thank him for all of his work. I will not overdo it now because I don't want to get him into trouble as we approach the last few minutes of the session.

I want to inform the Members of some important dates and events of interest concerning the beginning of the 107th Congress. I see Senator DASCHLE is here. He can communicate with the staff. I will run over these dates quickly, and then we can visit.

Of course, at 12 noon on Wednesday, January 3, the 107th Congress will convene with an immediate live quorum, to be followed by the swearing-in ceremonies for the newly elected Senators.

I want to emphasize that. That is on January 3. It is at 12 noon. There will be a live quorum, and all Senators are required by law, if they want to be sworn in and receive pay, to be here for that occasion.

On Saturday, January 6, the Senate will proceed as a body to the Hall of the House of Representatives for the official counting of the electoral college votes.

The Senate has passed a resolution that would move that to January 5, which would be a Friday, instead of Saturday, January 6. The House has not yet passed that resolution. But they have indicated that they may pass a resolution changing the date to Friday, January 5, for the counting of the electoral college votes. We will let all of our colleagues know exactly about that.

I believe we are required to proceed at 1 p.m. on either Friday, January 5, or, as it now stands, January 6. We will make that clear later on. Senators will be notified if there is a date change, if and when it is confirmed.

Of course, Inauguration of the 43rd President of the United States will occur at 12 noon on Saturday, January 20.

Furthermore, because a Senate committee is a continuing body, committees may begin working on committee nominations on January 5 or 6. Senator DASCHLE and I will be working on that. But there is the possibility, between January 3 and the Inauguration, that there could be some committee hearings on nominations. We will have to work through that. Of course, it will depend on the receipt of those nominations once the investigations have been completed. We will work through what committees and how that will be handled. Members who might be involved will be notified as early as possible, and hopefully that will be even before the end of the year.

Votes on confirmations may take place even on Saturday, January 20. I believe that has been the case in the past—if not January 20, certainly beginning on Monday, January 22. We will want to move forward very quickly on actually confirming the nominations. Senators will be further notified on January 3.

Regarding the Cabinet nominations schedule, when we receive those nominations, again we will work together on what that schedule may be.

Again, I want to thank the Senate officers, Senators, and leadership on both sides of the aisle for what I believe has been a very productive session and for the dedication of Senators to the American people.

I see Senator DASCHLE is here. We have some resolutions we can do if we have a break here in a moment. Then we will have some that we want to do at the very end of the session.

At this point, I yield the floor if Senator LAUTENBERG wishes to make any comments.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the majority leader and the Chair for recognition.

SERVING IN THE SENATE

Mr. LAUTENBERG. Mr. President, I want to be sure before I go into my remarks that neither of the leaders, the majority leader or the Democratic leader, is waiting for some floor time for some special things they want to go ahead with because I hope not to cover every day of the 18 years I have served here.

But I do want to make some remarks about this moment in time —a moment that I have kind of looked at with some amount of trepidation because this is the end for me, at the bottom of the ninth inning, and we have a couple of things to do before it is pretty much all over.

I am probably speaking now for the last time in the U.S. Senate. After 18 years as a Member of this institution, some time ago I made a reluctant decision to step down—not to try again after three terms. And, to be perfectly honest, there are those moments when I look at that decision not to run for a fourth term with considerable regret. This has been an incredible experience—an experience that so few ever get to have and such a worthwhile thing to do.

While my friends, the Democratic leader and the Democratic whip, are on the floor, I want to express to each one of them how deep my appreciation is for the cooperation and the ability to work together on issues of concern—not just for my State but for the country at large—and how helpful Senator DASCHLE, our leader, has been; and my good friend HARRY REID from Nevada, the only State that really competes with New Jersey in the hospitality of the gaming industry. I hope we will continue to do more business than Nevada.

In all seriousness, these are States that have a certain kinship that is not always easy to recognize because our coast is far larger than their coast, and sometimes we differ on issues but never on intent.

This is a job that has been the highlight of my life, next to my family—my children, my grandchildren, eight of them; the oldest is seven. I want to make sure they understood what their grandfather did when he was spending time in Washington. They are too young to really know what the job is about. But they know who the President of the United States is. Some of them knew because the oldest one is seven. There are eight of them, obviously, and one is just 2 months old. The little one could not understand what I have done. I was lucky and brought all of them down for Father's Day. I was able to take them to the White House and take some pictures with the President. They will look at these pictures one day and say, OK, that is where our grandfather spent his time when we didn't see much of him. I hope they will feel the same kind of pride and love for country as I do.

This job, one of some 1,850 people who ever served in the Senate, is such an honor to have. It is such an exciting place to be. I look at my desk now as a reminder of why I had this desk moved as my seniority improved from the far corner next to where it is now. I brought it with me wherever I went. It was a fairly easy task. I don't want the citizens to think I had people put to work for little reason; just a couple of screws lift out of the floor and we move it over here.

When I think of my parents and what this country meant to my grandparents when they brought my parents as little children to these shores, I open the desk. As everyone here knows but the public probably doesn't, there is something one could call "graffiti" in these desks—a signature, a carving, a writing in indelible ink that gives a name and the State that the individual represented. I never got discouraged about this job, but anytime I needed a little stimulation about how important the work we were doing was outside of the legislative routine, I looked in this desk and I seen "Truman, Missouri." Harry Truman sat at this desk when he served in the Senate. It is such an honor for me to be able to fill the seat, not the shoes, as they say.

Every day I came to work here was a privilege, even when the day didn't turn out as one expected. The people of New Jersey sent me here to accomplish things that affected their lives and their families, and it is not easy to relinquish those duties. I hope they will believe that FRANK LAUTENBERG served them honestly and diligently. I will leave it to them to mark the report card to see how we did.

My service was a way for me to give something back. I had a successful business career, and I spent 30 years doing that, but there was something more that was needed as far as my life was concerned. I am so grateful my grandparents, in their wisdom in the earliest part of the last century, decided to pack up bag and baggage—they didn't have much baggage, I can tell you that; all they had was the spirit and desire to live free—and come to this country, my mother a year old from Russia, and my father 6 years old from Poland. They believed so much in America. They were so sensitive about things. For my grandparents, whose native tongues were reflective of the country they came from, anything but English was almost prohibited in the house. They wanted to talk English. They wanted to speak the language that their friends and their neighbors believed should be used as Americans. Now we understand people can live in multiple cultures and continue to treasure the language that they or their parents had before they came to America. In those days, any indication they could get that they were truly Americans meant so much.

So they came and worked hard, with no education. My father went to the sixth grade only; he had to help his parents. But they never dreamed their children would have the opportunities that were so robust and so fulfilling.

I spent 30 years in the computer business, running a company called ADP, Automatic Data Processing. The company started with two boyhood friends of mine. We started without any money of our own, without any outside financing. The company today has 33,000 people and is one of America's best performing companies in terms of its products and the stock market's response.

I got there because this government was there to render service to our people. The one thing that bothers me when we get into political campaigns and speeches are made on the stump and people talk about the government and how small it ought to be and why it is too big and the loaded bureaucracies, I can't stand it. Honest to goodness, I work with the people who populate this place day in and day out—not the Senators exclusively but those who work here on both sides, Democrat and Republican. I see how diligent they are in trying to get their day's work done and how committed they are in the service of the people. I respect them. Of course, those whom I have gotten to know in my office, I love them as well. One develops a respect and almost a reverence for people who will come in and go to work at 8 o'clock or 9 o'clock in the morning and stay; if we stay until 2 o'clock in the morning, they stay until 2 o'clock in the morning. For many years, until very recently, there was never any compensation for overtime; that was considered part of the job. For those in the management of the office, and the leadership position among the staff, there is still nothing like overtime. They do it because they feel the responsibility. It has made an enormous difference in the way we conduct ourselves.

Mr. President, the bottom line view that I bring is one that has developed as a result of the opportunities that were afforded me. I know I probably have said it too many times, but I ask my colleagues to indulge me once again when I talk about my family.

My father died a very young man, at age 43. I had enlisted in the Army and was given the benefit of the GI bill. The GI bill made the difference in my life, enabling me to use the knowledge and programs I studied and learned to start a business that became an industry. It is the computing industry, as contrasted to the computer industry, the hardware industry. To me it was a great example of the way government can empower individuals and families to improve their lives.

It is a lesson I will never forget. The education I got through the GI bill set the foundation for me to build that business. When I look at what happened with ADP and the number of people it has put together, 33,000 employees, processing paychecks for 33 million people across our country and others.

When I was finishing my 30th year in business, I thought there were other things I ought to try to do to help pay back what I thought was a unique opportunity. I wanted to make sure that it continued to exist for others, as well. I came to the Senate. I ran in 1982 and was elected then. I brought what was a fairly unique perspective because there weren't, at that time, as there are now, so many businesspeople who came from not having had an elective office experience but came in fresh from the business to the Senate.

When I got here, my goals were to try again to permit people to think independently, to make sure that the rights and the freedoms we enjoyed would be protected, to make sure there would be an opportunity for those who could learn without having, necessarily, the financing to do it. That is what the GI bill taught me. It has been my hope that people would understand that these opportunities must continue to exist. That is why we have these discussions about investing in education, making sure children have the appropriate nutrition, and that people can count on getting their health protected when they have a problem, or at least making certain as they grow and mature that they know they don't have to worry about an illness wiping out not only their assets but also demolishing their health.

Just so everybody knows, I am going to take some time here. Therefore, it may take a little time for me to do the whole story. I see the majority leader either looking at me so anxious to hear the whole story that he wanted to ask me what it was.

Mr. LOTT. Mr. President, if the distinguished Senator from New Jersey would yield, perhaps that is a good point. Yes, I would like to hear the story uninterrupted. If the Senator would allow us to do a little bit of leadership business—one of which, or both of which I know the Senator would be very interested in—I ask, with the agreement of the Senator from New Jersey, that his statement appear in the RECORD as if uninterrupted, and the exchange with Senator DASCHLE, our colloquy, appear after his remarks.

Mr. LAUTENBERG. I am happy to cooperate because I have a sense that the subject to be included in their remarks is one with which I have intense fascination.

I am happy to yield to the distinguished leaders.

The PRESIDING OFFICER. Is it the majority leader's intention the Senator from New Jersey will hold the floor, following the business?

Mr. LOTT. That would be my request.

The PRESIDING OFFICER. Yes.

Mr. LOTT. I yield to Senator DASCHLE.

THE OMNIBUS APPROPRIATIONS BILL

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, although there are a lot of good things in the bill we are about to debate, there is one glaring omission—legislation to provide Amtrak with the authority to issue tax credit bonds for capital improvements. This bonding authority is critical to Amtrak's future and to the economic health of the northeast and many other areas of the country.

I have discussed this issue with members of my caucus. We had a very spirited discussion in our caucus this morning, and I know how strongly they support Amtrak and this legislation. We are very disappointed this provision was not included in this otherwise praiseworthy legislation. Amtrak supporters will not give up on passing it. In order to help them secure enactment of this important measure next year, the majority leader and I have discussed and agreed on how best to proceed. I yield the floor to allow the majority leader to describe what that understanding is at this time.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the Democratic leader for his fine work on this issue. I know there is a lot of passion, a lot of support for Amtrak. But let me remind my colleagues, I am one of those supporters. I have been an active supporter of the national rail passenger system and was very much involved a couple of years ago when we passed the Amtrak legislation. I had some strong opposition on our side of the aisle. I think we need it.

Now, I must confess one of the reasons I think we need it is I want us to have good service, not just in the northeast but I also would like to have access from my own State of Mississippi to be able to get to Atlanta and Washington and Boston, and we are the beneficiaries of Amtrak service. I think we have to do it. I have pledged if it can't run efficiently, if it cannot run without going into debt, at some point we may want to say we just can't do that and decide what is going to be the successor program.

But I also think it is guaranteed and doomed to failure if we don't give it an opportunity to succeed. If you don't have modern equipment, if you don't have the new fast trains, if you don't have a rapid rail system, it will not work.

So I support this legislation. I want to commit to our colleagues here that I will join with Senator DASCHLE in cosponsoring this legislation next year. We will work together to get the appropriate hearings in the Finance Committee and hopefully in the Commerce Committee, too—even though this bill is under the Finance subcommittee jurisdiction because of the tax aspects of it—but the Amtrak part of it, of course, would fall under Commerce. I am on both committees and Senator DASCHLE will probably be on the Finance Committee, too. We will work with the ranking member and the chairman to get hearings and move this legislation.

I cannot guarantee we will have the votes or that it will not be filibustered or that we can break a filibuster, but I think it is the right thing to do. I might just add, the chairman of the Amtrak board, Governor Tommy Thompson of Wisconsin, has been very actively involved. He supports this legislation. He has called me personally about this legislation. He really cares about it.

When we talk about bipartisanship, transportation is an issue on which we have been able to work together in a bipartisan way, whether it is roads, AIR-21, TEA-21, Amtrak, rapid rail system. We can do it again.

Maybe we can improve on this bill. We talked about that in an exchange yesterday. Maybe there are some things we can do, some tweaks that would make it better and resolve some of the concerns. And we will try to do that. I am prepared to make that commitment. I believe we can do it early next year. I am not talking about having it languish; I am trying to get movement on it in the first 3 months, 6 months of the session, so those who have reservations can offer amendments and we will vote on them. Hopefully, we can get it done, and I commit to do that.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have long been a supporter of Amtrak. I was chairman of the Appropriations Subcommittee on Transportation before my friend, Mr. LAUTENBERG, swore to support and defend the Constitution of the United States against all enemies of the United States, foreign and domestic. I was for it then. I am for it now. We had some problems in connection with putting this measure into this bill. I don't need to go into those problems here.

But I want to assure Mr. BIDEN and I want to assure Mr. LAUTENBERG, and assure both leaders, that I will do anything I can next year to support this legislation. I am a cosponsor of the bill, and I will do my best to help enact it at the earliest possible date in the coming Congress. Like the distinguished majority leader, I can't guarantee anything except that I will do my best to be helpful. Certainly on the Appropriations Committee, if there is an appropriations item, as always, I will support it. Amtrak comes to West Virginia. It comes 3 days a week. I wish it came more often.

But I support Amtrak as much as anybody in this Chamber. We don't have large airports in West Virginia; all we have is highways. We certainly are grateful for and certainly very supportive of the limited amount of rail transportation we have. We used to have the Hilltopper; we used to have the Mountaineer in West Virginia. I have been a supporter of the Cardinal longer than I can remember.

So Senators may be reassured that I shall do everything I can within my power next year to be helpful.

The principal cosponsors, Mr. LAUTENBERG and Mr. BIDEN, made a strong case for the importance of this vital legislation. It will be a central part of our efforts to ensure that our Amtrak system not only is maintained but is also able to make necessary improvements in the future to ensure its continued success.

I thank all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I have been here, not as many years by far as most everyone on this floor right now, but it is not often that you see the two leaders and our longtime leader Senator BYRD, stand and say they will support a piece of legislation. I have never seen it happen before. I think this is to show the intensity of the feelings of the people who support this legislation, led by Senator JOE BIDEN. So I am really pleased it appears at this stage that the three leaders, Senator LOTT, Senator DASCHLE, and Senator BYRD, have agreed to do this.

I was at lunch today with Senator HOLLINGS, who is the ranking Democrat on the committee of jurisdiction that may have something to do with this, the Commerce Committee. He said he will do everything he can to move this matter along. I know I will. Senator SPECTER, on the other side of the aisle, said he would do anything possible to move this along. This is a rare occasion in the Senate that you see this much support for a piece of legislation.

Mr. LOTT. Mr. President, if I could ask my colleagues to defer just a moment, Senator DASCHLE and I would like to get one more unanimous consent agreement in. Then I would like to yield to the Senators who are on their feet.

Mr. LAUTENBERG. Mr. President, may I, with all due respect, remind the majority leader and the President that I yielded time based on the fact that I would recover the floor.

Mr. LOTT. There is no question about it. I thought perhaps the Senator would want to comment, too, on what has just transpired. But I do want to include in the RECORD the fact that Senator STEVENS also has assured our colleagues, and has reminded me again, he also commits, as chairman of the Appropriations Committee, his continued support for Amtrak.

Mr. LAUTENBERG. I thank the majority leader.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. With that, I do understand the Senate will shortly receive from the House the appropriations bill containing the final appropriations measures. I ask unanimous consent that notwithstanding receipt of the papers, the Senate proceed to vote immediately on adoption of the conference report and, following passage, there be 40 minutes of explanation to be equally divided between the two leaders, with 20 minutes additional under the control of Senator BYRD, 45 minutes under the control of Senator GRAHAM of Florida, and 10 minutes of Senator LOTT's time to be controlled by Senator SPECTER.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want to, before the majority leader leaves the floor, thank him.

Mr. LOTT. Mr. President, if I could confirm, the unanimous consent was agreed to?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. No objection was heard. I recognized the Senator from Delaware thinking he wished to object.

Is there objection?

Mr. BIDEN. No, I beg your pardon, I do not wish to object or seek recognition.

The PRESIDING OFFICER. Under parliamentary procedure, the Senator from New Jersey has the floor. He yielded it to the majority leader and the Democratic leader for the conduct of certain items of business. Following that point, Senators seeking to speak will have to receive the approval or approbation of the Senator from New Jersey.

Mr. BIDEN. Mr. President, I ask the Senator to yield me a very brief time.

Mr. LAUTENBERG. Mr. President, I thank the Chair for that recollection. I will be happy to yield to our friend from Delaware.

Mr. BIDEN. Before the majority leader leaves the floor, I want to personally thank him. I want to thank the minority leader, the Democratic leader, and I guess most of all I want to thank Senator BYRD and Senator STEVENS as well.

I have been here for 28 years. I have never once come to the floor to threaten to engage in an extended debate on a matter. I did that this morning in our caucus. I am not suggesting my colleagues responded because I did that. I am suggesting that I believed my colleagues who are on their feet felt extremely strongly about what was about to happen; that is, Amtrak cannot make it through the year 2001 and meet the obligation that has been imposed upon it without being brought up to speed, figuratively and literally, in terms of equipment, track, and the like.

When this proposal that had 56 cosponsors and passed in another vehicle with 60-some votes and with 260-some votes in the House was not going to be included in this omnibus bill, I must tell my colleagues, I was very upset.

In light of the fact that the leadership of the Appropriations Committee of the Senate as a whole and of the Commerce Committee, at least on one side of the Commerce Committee, have indicated to me they will introduce and move rapidly, as best they can, funding for Amtrak—I will not take the time to go into what it all does and what it means—then that is good enough for me. I will withdraw any attempt to delay consideration of this final bill.

Also, I know Senator MOYNIHAN and Senator LAUTENBERG are leaving. Senator LAUTENBERG has been Mr. Amtrak. Senator LAUTENBERG, since he has been here, in large part because of his disposition and in no small part because of the particular position of authority he occupied on the Appropriations Committee, has been—I ride a train every day and people say to me: You know, JOE, thanks for defending Amtrak.

I say: No, don't thank me, call Senator LAUTENBERG. I literally say that because it is true.

Also on the floor is a Senator who is Mr. Transportation. He has given us all a lesson, as only he can, for the past 18 years on the necessity of Amtrak not merely in the Northeast corridor, but there is no alternative in this Nation to not have a mass transit interstate system.

I want everybody to understand—again, I will put something in the RECORD; I won't take the time now—this is not just parochially important to the Senators from Delaware, New Jersey, Vermont, Massachusetts, all of whom are on the floor. This is important to Florida; it is important to the Southeast corridor; it is important to Oregon, Washington, Nevada. This is the only alternative we have.

It seems to me, after discussion with the men I have named today—the distinguished Senator from West Virginia, the Senator from Mississippi, the Senator from North Dakota, and others—that we are all singing from the same hymnal now. There seems to be for the first time in my recollection, I say to my friend from New York who is standing, a genuine acknowledgment that there is no transportation scheme in America that will serve America without a major component of it being a rapid transit interstate system for passengers.

I am looking forward to this being the first bipartisan effort next year. I sincerely hope the incoming President will understand our regional needs.

I conclude by saying I thought federalism was about one section of the Nation helping other sections of the Nation that, in fact, had needs but needed additional assistance. There would be no water flowing in Arizona were it not for the people of Massachusetts, the people of New York, the people of New Jersey, Delaware, and other States subsidizing that water extensively to the tune of probably somewhere above $16 billion over time, and we should do that.

Mr. MOYNIHAN. The Arizona project.

Mr. BIDEN. We should do that. I get the feeling—maybe because it is the Christmas season and I want to believe it—there is a growing recognition that rail service in our neck of the woods, as well as other parts of the country, are as essential to our interests as water is to the far west. It is as essential.

I thank my colleagues for their commitment and absolutely close by saying to Senator BYRD that I appreciate the fact that he understands, maybe better than anyone in this place, when another colleague cares about an issue that he believes is absolutely indispensable for his region. I thank him for acknowledging that.

I thank him for his—it is no new commitment; he has always been committed to Amtrak—acknowledgment of that and for his continued pledge of commitment to Amtrak. With this combination of the majority leader, the Democratic leader, the chairman of the Appropriations Committee, the ranking member of the Appropriations Committee, and the ranking member of the Commerce Committee, if we cannot get it done, then shame on us.

I thank all of my colleagues. Sorry to have taken so much time, but as my colleagues said all day, this is a big, big, big deal to me personally, to my State, and I think to the Nation.

I yield the floor.

The PRESIDING OFFICER. Under the current situation, the Senator from New Jersey has the floor. He has yielded to the majority leader and the Democratic leader to conduct business. If they are through with their business, the Senator from New Jersey is recognized.

Mr. LOTT. Mr. President, with their indulgence, we do have a couple more consent requests, plus we may need to modify the earlier agreement.

Mr. LAUTENBERG. Mr. President, I am happy to yield to the majority leader for conducting further business provided, of course, that the recognition continues. I thank the Presiding Officer for being so careful in his statement.

PROVIDING FOR SINE DIE ADJOURNMENT OF THE SECOND SESSION OF THE 106TH CONGRESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the adjournment resolution calling for a sine die adjournment of the 106th Congress just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 446) providing for the sine die adjournment of the second session of the One Hundred Sixth Congress.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 446) was agreed to, as follows:

H. CON. RES. 446

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the technical continuing resolution, H.J. Res. 133.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

> A joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be read the third time and passed and the motion to reconsider be laid upon the table, all without intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 133) was read the third time and passed.

Mr. LOTT. Mr. President, I have one further clarification. It seems there is an objection, notwithstanding the receipt of the papers, that we have a vote and then go to debate, but we are working on an arrangement that will allow us to proceed with debate and get some certainty about how the vote will be dispensed with. We should be able to get that clarified in a few minutes. I would hate to ask the Senator to yield again in a few minutes, but in view of the importance of the issue, I might do that. For now, that is all the business Senator DASCHLE and I have.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey has the floor.

Mr. LAUTENBERG. I thank the Chair. I yield 3 minutes to the Senator from Massachusetts, again with it understood that I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from New Jersey. He is very gracious in doing so. I know he wants to make some important comments that summarize his 18 years of work and commitment on this issue. He is generous to allow us to intervene.

I join in thanking the majority leader and the minority leader, Senator DASCHLE, Senator REID, particularly Senator BYRD and Senator STEVENS for responding to the request of a number of us from our region. I thank Senator BIDEN and Senator LAUTENBERG for their leadership again on this issue.

There was a lot of passion in our caucus earlier this afternoon, and the minority leader listened to all of us very carefully. Our caucus, I must say, was united in its commitment to the notion that those of us who cared about this issue needed to have some kind of response on the floor that indicated where we will go. I am grateful for this response.

The commitment on the floor openly, as it has been given, to proceed as we will proceed, particularly from the distinguished ranking member of the Appropriations Committee and the chairman, is as good a commitment as one can get in the Senate.

We have 56 sponsors of this legislation today in the Senate. With the new Senators coming in, I am absolutely confident we will have more than 60 sponsors of this legislation. I look forward to building on the legacy of Senator MOYNIHAN and Senator LAUTENBERG and completing what is absolutely essential for this country, which is a rail system of which the Nation can be proud.

I am very grateful to all those who have made this effort. I particularly say about the Senator from New Jersey and the Senator from New York, the two of them will be so missed with respect to their leadership and the vision they have expressed with respect to transportation issues as a whole, but particularly for those of us in the Northeast, what voices they have been in the Senate with respect to their vision for how we can more inexpensively and capably move people from here to there and increase the productivity of our country. I pledge, along with my other colleagues, to build on their example and on that vision. The day will come when we will all have a better transportation network as a consequence of their leadership.

Mr. President, I know that every member of the Congress is anxious to end this session and get back to our states. We all have work to do and families waiting to celebrate the holidays. However, my colleagues Senator LAUTENBERG and Senator BIDEN are right to be angry and frustrated with this legislation.

There is a small but extremely significant item missing from this legislation—the High-Speed Rail Investment Act. The Act would allow Amtrak to sell $10 billion in bonds over the next decade and provide tax credits to bondholders in lieu of interest payments. Amtrak would use this money to upgrade existing rail lines to high-speed rail capability. The Joint Committee on Taxation estimates that the bill would cost just $95 million over 2 years. Over 5 years, the bill would still cost only $762 million.

The High-Speed Rail Investment Act has 56 co-sponsors in the Senate. This is not a partisan issue. It is not a regional issue. It is not an urban issue. The High-Speed Rail Investment Act has the support of the National Governors Association, the U.S. Conference of Mayors and the National Conference of State Legislatures. Nineteen newspapers, from the New York Times and Providence Journal, to the Houston Chronicle and Seattle Post Intelligencer, have called for the enactment of this legislation.

Let me explain why so many people and organizations support this legislation:

It is in our national interest to construct a national infrastructure that is truly intermodal. Rail transportation helps alleviate the stress placed on our environment by air and highway transportation. It is a sad fact that America's rail transportation, and its lack of a national high-speed rail system, lags well behind rail transportation in most other nations—we spend less, per capita, on rail transportation than Estonia, Myanmar, and Botswana.

There is a compelling need to invest in high-speed rail. Our highways and skyways are overburdened. Intercity passenger miles have increased 80 percent since 1988, but only 5.5 percent of that has come from increased rail travel. Meanwhile, our congested skies have become even more crowded. The result, predictably, is that air travel delays are up 58 percent since 1995.

In the air travel industry, bad weather in one part of the country very often results in delays in other parts of the country. There is consumer demand for more flights. But we know that our skyways and air traffic control systems are finite and that the system is overloaded.

Amtrak ridership is on the rise. More than 22.5 million passengers rode Amtrak in Fiscal Year 2000, a million more than the previous year. FY 2000 was the fourth consecutive year that ridership has increased. We should welcome that increased use and support it by giving Amtrak the resources it needs to provide high-quality, dependable service.

High-Speed Rail Investment Act is critical to the future of Amtrak. For half the cost of constructing the new Woodrow Wilson Bridge linking Maryland and Virginia, we can create 10 high-speed rail corridors in 28 states. For the cost of the St. Louis Airport expansion, we can improve intercity transportation in 28 states. In October we passed a $58 billion transportation appropriations bill for this fiscal year. What we are talking about today is an additional $95 million over the next two years, which will leverage $2 billion in funding. This is a sound investment.

There is an alarming misconception among some members of this body and around the country that Amtrak is a money pit, where taxpayer dollars simply disappear. Nothing could be further from the truth. In fact, the federal government has invested $380 billion in our highways and $160 billion in airports since Amtrak was created. By contrast, the federal government has spent only $23 billion on Amtrak. We have spent just 4 percent of our transportation budget on rail transportation in the last 30 years.

Those who criticize Amtrak for not "turning a profit" employ a double standard—a double standard that is misleading, unfair and unwise. Between 1985–1995, this country spent $17 billion more on federal highways than it raised through the federal gas tax and highway trust fund. During the same period, the nation spent $30 billion more on aviation expenditures than it received through the aviation trust fund. By their misguided logic, there can be only one solution: since neither of those trust funds operated at cost, we should eliminate these programs. That's nonsense. So why are we failing to adequately invest in rail transportation?

Mr. President, high-speed rail is a viable transportation alternative. There is a large and growing demand for rail service in the Northeast Corridor. Amtrak captures almost 70 percent of the business rail and air travel market between Washington and New York and 30 percent of the market share between New York and Boston. High-speed rail will undoubtedly increase that market share.

These new trains, like the Acela Express that debuted in the Northeast this year, currently run at an average of only 82 miles per hour, but with track improvements, will run at 130 miles per hour.

As a Nation, we have recognized the importance of having the very best communication system, and ours is the envy of the world. That investment is one of reasons our economy is the strongest in the world. And we should do the same for our transportation system. It should be equally modern and must be fully intermodal. And in order to do that, we must invest in rail transportation, invest in Amtrak and be certain to include this inexpensive legislation in the last bill of the 106th Congress.

Mr. LAUTENBERG. Mr. President, before I yield, and I will continue to do so throughout the night, I say to my friends, my colleagues from Massachusetts and Delaware, that I am grateful for their comments. I am sure we will see, and I am particularly grateful to the majority leader and Democratic leader, an Amtrak bill on the floor early in the next session. I am sorry I will not be here, but in the meanwhile, I will yield to the majority leader.

Mr. LOTT. Mr. President, again I thank the Senator.

UNANIMOUS CONSENT AGREEMENT VITIATED

Mr. LOTT. Mr. President, I ask unanimous consent that the earliest unanimous consent which was agreed to with regard to the time for handling the appropriations conference report be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding the receipt of the papers, the Senate now proceed to the debate relative to the appropriations conference report and that there be up to 40 minutes for explanation to be divided between the two leaders, with 45 additional minutes under the control of Senator GRAHAM of Florida, an additional 20 minutes under the control of Senator BYRD, and an additional 10 minutes under the control of Senator SPECTER. I further ask unanimous consent that once the Senate receives the conference report, the conference report be considered agreed to and the motion to reconsider be laid upon the table, all this immediately after the remarks of the Senator from New Jersey, Mr. LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank Senator LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to yield up to 5 minutes to the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMTRAK

Mr. MOYNIHAN. Mr. President, I will not require more than a few moments to thank my friend from New Jersey and express confidence in the Senators from Massachusetts and Delaware who have just spoken, to thank the distinguished chairman of the Appropriations Committee and my revered friend, the ranking member, the Senator from West Virginia, and the majority leader.

May I say, sir—something we often lose sight of—this is a national issue and ought to be addressed by the Congress. We are the only major industrial state in the world that has not sought to recreate and revivify its rail system in the last generation.

The Committee on Environment and Public Works in the last 20 years has turned to this. In 1989, we passed the Intermodal Surface Transportation Efficiency Act, calling for just such measures—later the Transportation Efficiency Act. We created financial instruments and the possibility of investments to be involved.

We can do this. We are on the verge of it. To miss it at this moment would be to miss a moment in history for which I think we will not be happy. But I am so confident, from what I have heard today, that I leave the Senate yet more proud of having been here 24 years, thanking all—thanking particularly the Presiding Officer for his friendship and leadership in so many important matters.

I yield the floor with great satisfaction of what has just transpired. If this is the kind of mode we enter into in January, there is much to expect from the 107th.

Thanks to my friend from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from New York.

The majority leader made a private statement to me, which I will state publicly. He said, as we ready for my departure, bipartisanship is breaking out all over. And I am not quite sure how that is meant. But I yield up to 3 minutes to the Senator from Pennsylvania, with the understanding I retain the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished Senator from New Jersey for yielding to me. I compliment him for his leadership on Amtrak generally and especially on this current plan for financing.

I support Amtrak and believe the proposal to provide this additional funding is very much in the national interest. I think it is a very salutary thing, as some have already commented, that we have people extending their hands across the aisle on a matter of great national importance.

The Senator from Delaware, I think, characterized the situation very aptly when he talked about federalism; and that is, one region helping another region.

There is no doubt that those of us who live in the eastern corridor—and I am a beneficiary of Amtrak. It is 1 hour and 37 civilized minutes from Washington, DC, to 30th Street Station in Philadelphia. But it is more than my convenience; it is the infrastructure of the country.

I think this is very good for the country that we are going to be moving ahead with this legislation next year, and a very good sign for the 107th Congress that hands are being extended across the aisle to show bipartisanship. If this carries forward in the next year generally, it will be very good for the American people.

I, again, thank my colleague from New Jersey.

Mr. LAUTENBERG. I thank the Senator from Pennsylvania for not only his comments but for his help. He is someone we counted on to work so closely with us, to bring seriously a bipartisan aspect to the protection that we are looking for to make sure that Amtrak—the national goal for railroading all across this country—will be able to continue.

It is obvious to me, as we have listened to the comments, that unless these investments are made now, or very soon, we will be unable to fulfill the objectives of having Amtrak as a self-sufficient entity operating with its operating budget met by the revenues that it derives. The funds that we will be able to get from this proposed bond issue will enable it to make the capital investment it so desperately needs.

SERVING IN THE SENATE

Mr. LAUTENBERG. Mr. President, one of the things I wanted to do, as I tried to plan my Senate objectives, was to make sure the children of our country were as protected as they could be by legislation that we developed in the Congress.

Under Republican leadership, when President Reagan was the President in 1984—Elizabeth Dole was the Secretary of Transportation—we were able to write a bill and create a law that made the 21-year-old drinking age the minimum drinking age for serving liquor across the country. Since that time, 17,000 families have been spared the need to mourn the loss of a child.

Mr. President, 17,000 youngsters, that is enough to fill a large arena. If one looked at the number of young people who would fill that arena, you would say: My Lord, are we lucky that these children have lived and will survive to their adulthood and through their full life because we were able to restrict their access to alcohol.

Therefore, it was appropriate, toward the later days of my career, that we were able to add another item of protection by lowering the blood-alcohol level to .08, a standard which will save an additional 500 to 700 lives a year. President Clinton recently signed that into law, as well. So I am pleased with the fact we were able to get that done. My team and I worked very hard to make that happen. It took several years for it to be accomplished, but accomplished it was.

A large part of that accomplishment, I must say, was because of our distinguished friend and leader—I think they would have a reference in totalitarian governments, but I mean it in the kindest way—as a leader for life, that Senator BYRD has brought to us, not only with his knowledge, his understanding of the process, but he is virtually the historian of the Senate. The thing that has always amazed me is he can do it virtually from memory, and bring us all to our senses about how we conduct ourselves and how we process legislation. I am not only so delighted and honored to have been able to serve with him as a mentor but as a friend as well.

We learn on a continuing basis in this place that Senator BYRD is someone to whom we can always turn, not only to understand his thinking on issues, and the decisions that he provides, but also his leadership.

We saw it manifest again this day because he wanted to help us out of the dilemma with which we were struggling, to find a way to get Amtrak the strength and resources that it needs, but reminding us at this moment there were so many things in front of us that it was not the time, but nevertheless was helpful in his reassurance that he, too, would help process this early in the next Congress. I just am sorry I will not be here to see the day when that takes place.

But I am grateful for the friendship and guidance that the distinguished senior Senator from West Virginia has given me, and all of us, over these many years.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. LAUTENBERG. I am happy to yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his remarks. I shall miss him. We shall all miss him. He has served on the Appropriations Committee, and served well, served as chairman of the Transportation Appropriations Subcommittee, and served well.

He has the highest interests of the Nation always at heart. He has been a very capable Senator. He is never one to forget his obligations, his responsibilities, his duties to the people who have sent him here. I have considered it to be a great honor and high privilege to serve with the Senator. I shall miss him. I am sure he will continue to serve his country in some way.

But I do hope the Senator will come back and visit with us from time to time. May the Creator of the universe, Father of all of us, watch over and guide FRANK LAUTENBERG and his family. He is so proud of his family. He often speaks of his children, his grandchildren. I know they love him. He will always be in our recollection. May heavenly angels always attend him in whatever he endeavors.

I thank the Senator.

Mr. LAUTENBERG. Mr. President, I thank the Senator from West Virginia. All of us look to him for his guidance and wisdom.

I have said about Senator BYRD in the past that he is a model for what a computer might do, and he does it without all of the transistors and switches and chips, and all of that. If anyone doubts Senator BYRD's capacity, let them attend one of his lectures on the kings of England or the development of government in the Roman Empire. One will be astounded. I have always felt a little bit like a student when I listened to Senator BYRD. I thank him for his warm comments.

Mr. McCAIN. Mr. President, will the Senator from New Jersey yield to me for a question of him?

Mr. LAUTENBERG. I am happy to yield to our colleague from Arizona.

Mr. McCAIN. First of all, I thank the Senator from New Jersey for his advocacy and his strong and heartfelt support about the need for a viable railway system in the Northeast and around America. There has been no one in this body who has been more committed to that proposition than the Senator from New Jersey. I congratulate him. As I said before, we will miss him very much in this body.

I would like to make one additional comment, if I may, to the Senator from New Jersey.

We will go through a regular process next year to bring up an authorization bill for Amtrak which would then be followed by appropriations.

I objected to an appropriation this year because it was $10 billion over 10 years stuck into an appropriations bill for which there had never been a hearing. I hope the Senator from New Jersey can understand that.

The second point is, I urge the Senator from New Jersey to consider that we have to make a fundamental choice about the national rail system in America—not just an east coast rail system but a national rail system.

There are many countries in the world, including European countries, that regularly subsidize their railway systems. I understand that. I don't dispute it. Perhaps that decision has to be made in the United States of America and in the Congress of the United States with the cooperation of the administration.

I remind the Senator from New Jersey that a few short years ago the decision was made to make Amtrak completely independent. Maybe that was not a wise decision.

Last year, Amtrak lost, I think, 900 million and some dollars, and will lose another $900 million, or so.

I think we need to make a fundamental decision: Is it a high enough national priority?

I am not prepared to make a decision yet that the taxpayers of America should subsidize a rail system for America. I think the Senator from New Jersey would agree with me that the west coast needs one probably almost as much as the east coast does.

We need to make a fundamental decision about what the Government's role will be in a national railway system, and then we need to decide to what degree it is subsidized.

I think a strong argument can be made by anyone who has tried to fly to Newark, or to LaGuardia, or Kennedy lately that they recognize the difficulties in relying simply on air transportation. I think an argument can be made. But I think it deserves full debate and discussion.

I thank the Senator from New Jersey. I understand his disappointment on this issue. But I would like to make a personal commitment that his spirit will live on, and we will fully examine and fully ventilate this issue and try to come up with a proposal that will satisfy the needs of his constituents and Americans all over this country. Again, I say that with profound admiration and respect for the Senator from New Jersey.

Could I make one final comment? I hope to get a recorded vote on this bill. I will be recorded as voting against it for the usual reasons, and will have a statement included in the RECORD.

I thank the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Arizona for his laudatory comments. It is nice to hear that one will be missed. We haven't discussed the degree, but nevertheless being missed counts.

I wish to say one thing in response to the thoughtful statement of the Senator from Arizona about Amtrak and a national railroad. I am glad that he did it, because I misunderstood. Frankly, perhaps it is something I thought I heard the Senator from Arizona say in times past about the fact that he would resist advancing resources to Amtrak. I think it was described in terms of a "cash guzzler," if I am correct in that recognition. But I am glad to hear the Senator from Arizona.

Let it not ever be mistaken that Senator JOHN MCCAIN and I have had some differences on the floor and off the floor, but the fact is that I believe there is mutual respect. Certainly, I respect him for his contributions to America and for his contributions to this body.

If anyone has any doubts about JOHN MCCAIN's capacity to deliver a message, one only need to look at the recent election to see that with very limited resources JOHN MCCAIN was able to influence the direction of policy that we are going to be witnessing in the next administration.

But I also hope that Senator JOHN MCCAIN, the Senator from Arizona, and the Senator from Wisconsin, Mr. FEINGOLD, will be able to accomplish something that has been lingering over this place. It is overdue. It has been talked about forever, and it has never been accomplished. The reason I made a decision to leave this body that I love dearly was because I didn't want to go out and raise that money.

The Senator from Arizona and the Senator from Wisconsin, Mr. FEINGOLD, have done a masterful job in working inch by inch to get to the place where we examine as a proposal for the near future, I hope, how we ought to finance Senate races. I think the moment is near at hand. I hope that examination, frankly, obviously without my participation, will be taken. I will be encouraging you from the sidelines.

Mr. LOTT. Mr. President, will the Senator yield again?

Mr. LAUTENBERG. Boy, I could really carve out a few chips if I were going to remain here. I am happy to yield, provided I recover the floor.

Mr. LOTT. I thank the Senator.

EXECUTIVE CALENDAR

EXECUTIVE NOMINATIONS

Mr. LOTT. Mr. President, I now have a list of Executive nominations which have been cleared on both sides.

We have been working on this for several days. A number of these nominations were running the risk of not being confirmed, or possibly having recess appointments, which we would like to avoid. This list includes Executive calendar nominations and nominations to be discharged from several committees and confirmed.

In executive session, I ask unanimous consent that the nominations I send to the desk be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

I add that this list is comprised of approximately 41 nominations, plus an additional list of almost 400 Foreign Service career officers.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed en bloc, as follows:

Claude A. Allen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Foreign Service nominations beginning Avis T. Bohlen, and ending Mark Young, which nominations were received by the Senate and appeared in the Congressional Record on October 6, 2000.

John M. Reich, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade.

Marjory E. Searing, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Michael Prescott Goldwater, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Frederick G. Slabach, of California, to be a Member of the Board of Trustees of the Harry S. Truman Scholarship Foundation for a term expiring December 10, 2005.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005.

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

DEPARTMENT OF JUSTICE

Randolph D. Moss, of Maryland, to be an Assistant Attorney General.

DEPARTMENT OF JUSTICE

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Daniel Marcus, of Maryland, to be Associate Attorney General.

UNITED STATES INSTITUTE OF PEACE

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Marc E. Leland, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Harriet M. Zimmerman, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

Donald J. Sutherland, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2002.

DEPARTMENT OF COMMERCE

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development.

APPALACHIAN REGIONAL COMMISSION

Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

DEPARTMENT OF STATE

Richard A. Boucher, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Public Affairs).

DEPARTMENT OF THE TREASURY

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF TREASURY

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

DEPARTMENT OF THE TREASURY

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development.

DEPARTMENT OF JUSTICE

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

DEPARTMENT OF LABOR

Gordon S. Heddell, of Virginia, to be Inspector General, Department of Labor.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years.

NATIONAL SCIENCE FOUNDATION

Mark S. Wrighton, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

DEPARTMENT OF LABOR

Leslie Beth Kramerich, of Virginia, to be an Assistant Secretary of Labor.

UNITED STATES INSTITUTE OF PEACE

Seymour Martin Lipset, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

DEPARTMENT OF STATE

Luis J. Lauredo, of Florida, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

Rust Macpherson Deming, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Ronald D. Godard, of Texas, a Career Member of the Senior Foreign service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

Michael J. Senko, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati.

Howard Franklin Jeter, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Lawrence George Rossin, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Brian Dean Curran, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

INTERNATIONAL MONETARY FUND

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary Fund for a term of two years.

DEPARTMENT OF JUSTICE

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years.

DEPARTMENT OF THE TREASURY

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

FOREIGN SERVICE

PN1176 Foreign Service nominations (84) beginning John F. Aloia, and ending Paul G. Churchill, which nominations were received by the Senate and appeared in the Congressional Record of July 26, 2000.

PN1220 Foreign Service nominations (104) beginning Guy Edgar Olson, and ending Deborah Anne Bolton, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

PN1221 Foreign Service nominations (20) beginning James A. Hradsky, and ending Michael J. Williams, which nominations were received by the Senate and appeared in the Congressional Record of September 7, 2000.

Mr. LOTT. I thank Senator DASCHLE, Senator HARKIN, Senator MACK, Senator HELMS, and a number of others who have worked to get this list cleared.

RECESS APPOINTMENTS

Mr. LOTT. Mr. President, one note on these nominations and appointments:

I understand that United States Presidents have for years had the ability to recess appoint nominations. I know of many instances going back at least to the 1950s. I also understand that many majority leaders—including Senator BYRD and Senator Mitchell—have had words of caution for Presidents of the United States when they were majority leader with respect to recess appointments. I know that this majority leader, as well as Senator BYRD, are very much concerned about recess appointments—especially appointments to the Federal judiciary—during a period of time after we adjourn sine die, or at the beginning, frankly, of the year right as we go into the new administration. Congress has seen this area to continue to erode. I think we need to deal very aggressively with it. The Vacancy Act that Senator BYRD has worked on is something about which we need to be very serious. I hope this administration will heed these words of caution and understand the concerns of the whole Senate.

I yield the floor.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LOTT. I would be glad to yield the floor before we return it to Senator LAUTENBERG, if I might.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Mr. President, you do that job perfectly with diligence, for the record.

I am happy to yield. In fact, I would be afraid not to yield to our distinguished Senator, my friend from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I will not speak long.

Mr. President, the distinguished majority leader has made reference to recess appointments. Let me read what is in the Constitution. I read from section 2 of article II of the Constitution:

> The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Having been the majority leader in the Senate earlier in my years here, I have been very careful to caution Presidents not to make recess appointments during the recess of the Senate unless there is indeed an emergency that arises.

That is the purpose of this. That provision in the United States Constitution is not put in there to enable any President, Republican or Democrat, to play games with the Senate, or to attempt to do a one-upmanship simply because the Senate is out of session.

I hope that Presidents, Democratic and Republican, will be very careful in filling a vacancy that "may happen" during a recess. That is the way the Constitution reads.

I hope there is no effort to take advantage of those words by appointing someone to fill vacancies that have been in existence for some time. I especially hope that no administration will attempt to fill a Federal judgeship during the recess of the Senate. After all, a Federal judgeship is an appointment for life. That is not an appointment just until the end of the next session. Federal judgeships are, through the Constitution, for life tenure if they conduct themselves appropriately while in office.

I want to say this: I am opposed to judgeship appointments during a recess. I hope that any President will proceed very cautiously and not attempt to take advantage of the situation by appointing judgeships during the recess of the Senate.

How long will this Senate be in recess?

Mr. LOTT. I say to the Senator from West Virginia, I believe we will be in recess slightly over 2 weeks, probably 17 days, until the new Congress comes in on January 23.

Mr. BYRD. I can only see through my own eyes, but I don't consider that to be too long a time to await the appointment of a Federal judgeship or any other office, unless it should be Secretary of Defense or perhaps Secretary of State. But it is certain that there is no need to fill judgeships during this 2 weeks, or whatever it is. We will be back here. I will not support any administration, Democratic or Republican, that attempts to fill Federal judgeships while the Senate is in recess. I think that is playing politics. We all play politics some, but we are fooling around a little too deeply with the fountain of politics. I hope we don't poison that well by attempting to pull a fast one here. Is that what the Senator is talking about?

Mr. LOTT. I understand, of course, that is a possibility. We have not been notified of any recess appointments or any Federal judicial appointment during this recess period. However, I note it has been done in the past, and there has been some suggestion it could occur during the next 6 weeks before the next Inauguration.

I want to check on exactly what would be the situation. I understand even a Federal judge's term would expire, depending on when it happened, at the end of the Congress, but there would be tremendous pressure then to reappoint that person. I agree with the Senator that any appointment of a Federal judge during a recess should be opposed, regardless of who they are or whether it is Republican or Democrat. I commit myself now to remember that when there is a Republican administration, as well as a Democratic administration.

I do know there were Federal judges back in the early 1950s appointed by President Eisenhower. That was a mistake then, and it would be one now. I understand that could be contemplated. This word of caution on your behalf and on mine on behalf of the Senate, hopefully, will cause that not to happen.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield further.

Mr. LOTT. I am happy to yield to the Senator.

Mr. BYRD. I presume to offer the majority leader a suggestion, what I would do if I were in his place. I would write to the President and urge that no such recess appointment be made, and put it in writing, make a record of it. Furthermore, if I were the majority leader, I would talk with the administration.

Mr. LOTT. I appreciate that.

Mr. BYRD. I am not trying to tell the Senator what to do, but this is a serious thing with me. As for the politics of it, I am not talking Democratic politics or Republican. But there is such a thing as comity between the executive branch and the legislative branch. There is such a thing as the Constitution, and I happen to hold a copy in my hand right now. There is also such a thing as the prerogatives of the Senate. I try to defend those prerogatives.

The Senator made a comment about recess appointments. I hope he will get some assurance. If there is any doubt in his mind—any doubt—that this administration or any other is going to try to make a recess appointment, especially of a Federal judgeship, while the Senate is out for these two or three weeks. I hope the Senator will get a commitment out of the administration, if he can, that that will not happen.

That is going pretty far, in my judgment—to appoint a Federal judge for life "during good behavior." I don't know whether there have been judges appointed during a recess of the Senate in the face of this provision which I have just read, to wit:

> The President shall have power to fill up all vacancies that may happen during recess of the Senate by granting commissions which shall expire at the end of their next session.

That is all I have to say. I have been concerned about that, I say to the distinguished majority leader. I have worked with the distinguished Senator from Tennessee, Mr. THOMPSON, and his committee, and a former Senator, who was the ranking member of that committee, John Glenn. We hammered out some legislation. I was concerned about the fact that the administration was appointing people who stayed in those positions for a year, for 2 years, for longer than 2 years, so we hammered out legislation and passed it in the Senate—the Vacancies Act.

About 6 months ago, I asked Senator THOMPSON how the law was working. He indicated he would get back to me in answering my question at some point.

I just happened to be here on this floor, during the comments of the majority leader and I can't stress too greatly my concern about recess appointments of Federal judges.

I hope the majority leader, if he will pardon my presumptuousness, will try to get some understanding with the administration about that. That is the way I always did when I was majority leader: I got some understanding.

Mr. LOTT. Mr. President, I say to the distinguished Senator from West Virginia, that is very good counsel. I will do that on a personal basis. I will also follow an example that I believe has been carried out in the past by Senator BYRD, maybe even by Senator Dole: In writing, get an understanding or some clarification. I will do that letter, and it will include this colloquy which just occurred.

I thank the Senator for his comments, and I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I suspect you are getting weary of issuing that statement.

Mr. President, just because I want to talk about 18 years of service doesn't mean I have to take 18 hours to do it. I will try to consolidate it.

I have been talking about things that meant so much to me in the Senate and about the honor given when one is elected to this office. Too often it is denigrated in the heat of battle for victory in elections and again criticism of government and the bureaucrats, and so forth. It gets to a point where I must say I am very defensive, particularly for the staff who give so much of themselves to make things happen.

Part of the work we have done over these years has proven to be of benefit. I hope I will be forgiven for taking some minutes to talk about things that can happen. I am proud of the work I did on gun safety, especially the law which takes guns away from domestic violence offenders who abuse their wives and their children. I am disappointed that more wasn't done to close the gun show loophole which permits people to buy weapons without any identification. I hope in the 107th Congress, with the new Members on both sides of the aisle, people who come here with good credentials, with those who have been here in the past from the 106th Congress, we will pass that law.

Tobacco. Often when I am on an airplane, I am thanked by flight attendants and passengers for writing the ban on smoking in airplanes. It was a move that changed our country's cultural attitude on smoking. The tobacco industry has to understand that. I hope scientists have seen signs of understanding and cooperation that will lead them to work with us, through the FAA, to try to come to some kind of reconciliation of the position they are in where smoking brings so much damage and costs to our society. They are beginning to know that, and I hope they come up with something to permit citizens to avoid the poisons, the addiction that results from cigarette smoking.

The Superfund is another program on which I worked fairly diligently for a long time without success, so far, in terms of getting it reauthorized, as it should be with a tax income that has those responsible, who could be responsible for that pollution, pay for the cleanups. We missed passing a bipartisan brownfields bill this year and hope that will take place next year.

As we have reviewed tonight, transportation is one of my deepest interests. In working the bill to maintain our mass transit system, highways, airports, and ports have been a top priority for me as chairman and ranking member of the Appropriations Transportation Subcommittee. I believe we will face a serious transportation crunch in the future, as discussed, unless we develop high-speed rail wherever we can throughout this country. That is why this passage of the High Speed Rail Investment Act is so critical. And, once again, I thank the leaders for agreeing. I include the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member, Senator BYRD, for their willingness to cooperate getting that Amtrak bill in place next year.

Also, I am delighted to have served with our friend, Senator CONNIE MACK from Florida, who is also in the process of retiring from the Senate. He and I worked very hard to get passage of a bill that punishes those who would commit terrorist acts and to help the victims of terrorism. We came to a conclusion, before we left on our last break, that we will have these people receive compensation directed at having those nations that support terrorism pay for it. We are trying to get an understanding that, no matter what you do, if you support terrorism or you commit an act of terrorism, you are going to have to pay for it, and pay severely.

I am proud of the work, also, I was able to do on the Budget Committee, especially the 1997 balanced budget agreement that laid the foundation for some of the surpluses we are now enjoying. I must say, when I walked across the lawn with the President of the United States and watched him sign that bill, I thought it was a moment I only wished my parents could have seen.

I have served with many great men and women in the Senate. I have respect for all of them. I cannot name them all at this time, but I do want to mention some of the special ones. I worked with great majority and minority leaders. When I came here in 1983, Senator Howard Baker was the majority leader. I found him to be one of the most honorable people I have met. His word was his bond, and he taught me some early lessons when I asked him for a letter confirming a statement he had made to me, a promise he had made to me about a piece of legislation. So I said: May I have a letter to that effect? He said: If you need a letter from me, we are all in trouble.

I was startled for a moment. But I could see then that Senator Howard Baker was a man of his word, as I have seen with other leaders on both sides.

Senator ROBERT BYRD was minority leader when I came; later in the 1980s, Senator George Mitchell, Senator Bob Dole, distinguished leaders of our two parties. In the 1990s, I had the privilege to work under the stewardship of Senator TRENT LOTT and my good friend Senator TOM DASCHLE, among the very good people who served in leadership roles. It is not an easy place to manage. I don't know whether there is ever going to be a school of hard knocks that is going to teach people how to run the Senate. But I think it has to be learning under fire with an occasional singeing here and there.

As a long-time member of the Appropriations Committee, I served under terrific leadership: Senator Hatfield, Senator Stennis, Senator STEVENS, and Senator BYRD. I don't think anyone of either party would quibble with my opinion that our friend Senator BYRD has been one of the great Senators in the history of this Republic.

I have served for almost 16 years on the Senate Environment and Public Works Committee. That committee was led by extraordinary leadership, Senators such as Bob Stafford, Lloyd Bentsen, Quentin Burdick, John Chafee, PAT MOYNIHAN; and BOB SMITH has taken over the reins there. MAX BAUCUS is the ranking member, and their leadership has been excellent. We worked hard to get things done. The funny thing is, it seemed that a spirit of bipartisanship just emerged without it being put into a record book or a program design. It just worked that way.

I served on the Budget Committee. I did see Senator PETE DOMENICI here. I did that for 16 years. I worked with the best. PETE DOMENICI is an outstanding chairman. We disagree on some of the policy things, but I wanted Senator DOMENICI to know how much I respected his work as chairman of the Budget Committee. I finally got his attention.

Senator DOMENICI and I had some disagreements—we had many agreements. But above all, we maintained respect for one another. That even developed, if I might describe it, as affection for one another, a respect for the turn our lives have taken and the problems we both would like to solve in our society.

We had Jim Exon, Jim Sasser, Senator STEVENS, we had some really good people—Lawton Chiles—who worked to chair these committees. There are others who left us with a memory of some greatness: People such as TED KENNEDY, PAT MOYNIHAN, fighters such as Howard Metzenbaum, Dale Bumpers, statesmen such as JOE BIDEN, Lloyd Bentsen, and my colleague Bill Bradley; and American heroes such as DANNY INOUYE, Bob Dole, BOB KERREY, and John Glenn—people who paid, in many cases, steep prices for their service to country.

We worked with Presidents from both parties. Despite our differences, I was able to get things done with Presidents Reagan and Bush. Particularly with President Reagan, as I noted, I was able to get the legislation in place that raised the legal drinking age to 21. President Bush signed my legislation to ban smoking on all domestic airlines. I don't know whether that says something about the old saw that divided leadership in the various parts of government maybe produces good results. I wish I could have tried it all my way, but it did not get to work. But the system does work.

I cannot leave this place with any criticism of the place not working or so forth. Sometimes the work goes slower than you would like. Sometimes it is more painful than you would like. But the fact is, this institution of government does work, and the people across the country have to know that, even as we looked at this kind of torturous process that followed the election we just completed. We are on to a new Presidency. We are on to the hope for the next century, for the next administration at least, that America will be able to continue to enforce its leadership in the world, not only militarily or functionally, but morally as well.

So, Mr. President, it has been quite a go that I have had, to use the expression. I worked very hard for my State. I love New Jersey. I was born there. We have had Members in Congress there from both parties, and we worked together on a variety of joint Federal and State matters such as transportation, health care, and welfare. We had Governors such as Tom Kean, Jim Florio, and the present Governor Christine Todd Whitman. We were able to put politics aside and work together for the good of the people of the State of New Jersey. I am deeply grateful to the people of New Jersey. I thank them for putting their trust in me by sending me to the U.S. Senate for three terms. I hope I have made good on their trust and did the job they elected me to do.

I welcome JOHN CORZINE, who is going to take this seat in the 107th Congress. He is a terrific fellow. He is going to do an excellent job, in my view. I was pleased to work with him in the election and, as a matter of fact, through these past couple of weeks as well, to see if I could be of help to him as he gets himself established, ready to take on the assignments of the Senate as Senator from New Jersey.

I also extend my thanks to President Bill Clinton and Vice President AL GORE. Their leadership in the past 8 years has resulted in unprecedented growth and prosperity for our country. For that I am grateful. Their leadership also helped us solve some of the problems that beset the world, whether it was in Kosovo or Ireland, where division and torment and violence existed for so many years. It is working its way slowly to a peaceful coexistence between the parties there. President Clinton deserves enormous credit for that and our intervention in Kosovo to stop the killing and abuse of people there.

We look at the Clinton years as years of good government, of good accomplishment, to say President Clinton and Vice President GORE will be remembered for the good things they brought to this country.

I thank my staff, perhaps the most loyal anyone could have, and many of them are here tonight and have stayed with me, as they say, to the end. Many of them have their own concerns, their own families, their own futures, their own careers to look after, but they stuck by, and we continued to get things accomplished—even this, though it is my last active day as a Senator, though I will be a Senator until January 3. My staff and I are showing we are still fighting to get things done.

I was pleased with the outcome for Amtrak. Our people have worked long hours with great energy. They are talented, professional, bright, skilled people who are totally committed to our common view of public service. Whether it was in my personal office, State offices, Budget or Appropriations Committees, my people made enormous contributions day in and day out, and my service has been enriched and made more effective by their contribution.

I have had some great people on the staff over the years who have dedicated their time and energy to advance our agenda. They have been outstanding public servants, anonymously serving the public interest, not elected but just as dedicated as anyone who has been elected to office.

I want to take a few minutes to name for the RECORD people such as Eve Lubalin, my first legislative director, who served for many years as my chief of staff and campaign manager as well. She worked on so many of our accomplishments in 17 years in my office.

Mitchell Oster worked on my 1982 campaign and later was my legislative director. He was an excellent, smart, aggressive staffer.

A friend of mine who worked with me as a press secretary and State director is Jim McQueeny.

James Carville and Paul Begala managed my campaign in 1988. I hope that was part of the propulsion that led them to the lofty positions they had in campaign logistics and successes.

Karin Elkis has been on my staff since 1983.

Bruce King is the staff director of the Senate Budget Committee.

Sandy Lurie, my current chief of staff, has been on the staff for 10 years and has been involved in so many of my initiatives.

Maggie Moran is my State director.

Dan Katz, my outstanding legislative director, has helped me with so many public health issues.

Tom Dosh has worked for me for 18 years, skillfully running the administrative and financial management side of all my offices.

And my long-time assistant Eleanor Popeck has worked for me for over 35 years. She was with me as an assistant when I ran ADP and has worked in my Washington office and Newark office as well. She is an outstanding public servant. Her contributions have been significant.

Peter Rogoff has worked with me on the Appropriations Transportation Subcommittee for over 10 years and has assisted me with so many major transportation accomplishments.

There are many others over the years, and I wish I had time to mention them all. That would be disagreeable with some of the people in the Chamber. I ask unanimous consent to print in the RECORD a list of my key staffers over the years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF SINCE JANUARY 1999 AND OTHER KEY STAFF

Amy Abraham, Jeff Acconzo, Sharon Anderson, Nisha Antony, Claudia Arko, Renee Ashe, Bill Ayala, John Bang, Lisa Baranello, Frederic Baron.

Karyn Barr, Gabrielle Batkin, Steve Benson, Maggie Bierwith, Patrick Bogenberger, Natalie Broadnax, Dana Brookes, Aaron Brusch, Scott Campbell, Cathy Carpino.

Rock Chueng, Sally Cluthe, Todd Coleman, Bill Crawley, Debbie Curto, Christy Davis, Sallie Derr, Nicole Di Lella, Tom Dosh, Andrea Edwards.

Karin Elkis, Val Ellicott, Rob Elliott, Ron Eritano, Jim Esquea, Kyra Fischbeck, Alex Formuzis, Alison Fox, Lorenzo Goco, Lisa Haage.

Heidi Hess, Melissa Holsinger, David Hoover, Louis Imhof, Dan Katz, Bruce King, Lisa Konwinski, Peter Kurdock, Lou Januzzi, Andrew Larkin.

Vanessa Lawson, Josh Lease, Steve Leraris, Mada Liebman, Julie Lloyd, Ruth Lodder, Eve Lubalin, Sander Lurie, Amy Maron, Colleen Mason.

Denise Matthews, Katie Melone, Melissa Miller, Maggie Moran, Courtenay Morris, Marty Morris, John Mruz, Sue Nelson, Mark Nevins, Liz O'Donoghue.

Tony Orza, Deborah Perugini, Blenda Pinto, Lisa Plevin, Michael Pock, Ellie Popeck, Peter Rogoff, Mike Rose, Nadine Rosenbaum, Jon Rosenwasser.

Nikki Roy, Peter Saharko, Laurie Saroff, Dawn Savarese, Jack Schnirman, Paul Seltman, Jeff Siegel, Retha Sherrod, Tralonne Shorter, Lisa Singleton.

Monica Slater Stokes, Arvind Swamy, Beth Tarczynski, Keith Totaro, Kathy Unzicker-Byrd, Chip Unruh, Raj Wadhwani, Barbara Wallace, Mitch Warren, Sharon Waxman, Ted Zegers.

Mr. LAUTENBERG. Finally, Mr. President, this is not a day without emotion. Eighteen years of my life have been spent here, 18 of the most satisfying years one could imagine. Couple that with some 3 years in the Army, and I have served the Government for 20 years.

I have enjoyed it all. It has been an incredible learning experience for me, but I owe a special thanks to four people: My four children, Ellen, Nan, Lisa, and Josh. I asked them in the early stages what they thought about my running for office. I was chairman of a very large company, and life was pretty good. They all agreed that it was something I ought to do. We did not realize at the time what kind of an interference with normal family life it would be. It has taken lots of time away from our enjoyment of doing things together.

I came to the Senate because I love them so dearly that I wanted to make sure their lives would be safer and fuller. How was that to be accomplished? It was not by earning more assets and resources. I knew my children and my grandchildren could never be as safe as I would like them to be unless everybody's children were as safe as they should be by getting rid of violence in the streets, in the communities, in the neighborhoods, in the schools.

How does one do that? I could not single my kids out and say, OK, let's make sure they are safe and protected. No, I had to say all people's children have to be safe and protected, and that is what I have tried to do here.

That was my inspiration. That outlined the goals I set for myself. That is why I wanted to raise the drinking age, lower the blood alcohol content, get guns out of people's houses, reduce smoking in public areas, make sure toxic chemicals were known throughout the communities in the Right To Know Act, and make sure terrorists did not run freely through our society or through the world chasing American citizens, abusing them, killing them.

I tried. I have not accomplished all of those things, but a lot of them have been accomplished. I wanted the highways to be safer and the skyways to be safer because of the belief I had that people around the country would share my view on that.

Now the pictures are off the wall, the furniture is moved out, the day is closing for the end of my Senate service. I will acknowledge that it was more than skills and knowledge that brought me here. Some of that was the pure good fortune of the people of New Jersey electing me the first time I went out to run for office. They did not know me from anybody else, but they looked at the record my company had and how we built it from nothing to something important. They looked at my service as commissioner of the Port Authority of New Jersey and New York that controls the bridges, tunnels, terminals, and buildings in New York that was an appointed post. People looked at me and said: Well, we don't know this guy, but it looks like he has done some things correctly. They saw pictures of my family. They know how devoted I am to them. I also was chairman of one of the largest charities of the world for 3 years. They entrusted me with this seat, the New Jersey seat, that I occupied for 18 years. I always refrain from calling it "my seat" because it is not; I filled it for a while.

In closing, I thank the occupant of the chair for the opportunities we have had to share common goals and for his decency in reviewing those with me and having an open mind on many of the issues. I thank my friend from Nevada who stands as the guardsman of the floor in his assignment for the Democrats as the whip, and I note the respect I felt for him when I saw how arduously he worked to protect his State from becoming a nuclear dump, even when we struggled to find a place to put that material —and we do have to find a place. The fact of the matter is, if we defend the interests of our States in concert with the interests of our country, we will have done our jobs correctly.

I hope the legacy I leave will create a brighter future for the people who sent me here, for my eight wonderful grandchildren, and for all of those I took the oath to serve.

Mr. President, I yield the floor.

REMINISCENCE AND FAREWELL

Mr. MOYNIHAN. Mr. President, on this last day of the 106th Congress I would ask to be allowed a moment of reminiscence and farewell.

Come January 3—deo voluntus, as the Brothers used to teach us—I will have served four terms in the United States Senate, a near quarter century. In our long history only one other New Yorker, our beloved Jacob K. Javits, has served four terms. I had the fortune of joining the Finance Committee from the outset, and served for a period as chairman, the first New Yorker since before the Civil War. I was also, at one point, chair of Environment and Public Works. I have been on Rules and Administration for the longest while, and for a period was also on Foreign Relations. Senators will know that it would be most unusual for someone to serve on both Finance and Foreign Relations at the same time. An account of how this came about may be of interest.

The elections of 1986 returned a Democratic majority to the Senate and the Democratic Steering Committee, of which I was then a member, began its biannual task of filling Democratic vacancies in the various standing committees. There are four "Super A" committees as we term them. In order of creation they are Foreign Relations, Finance, Armed Services and Appropriations. With the rarest exceptions, under our caucus rules a Senator may only serve on one of these four.

There were three vacancies on Foreign Relations. In years past these would have been snapped up. Foreign Relations was a committee of great prestige and daunting tasks. Of a sudden however, no one seemed interested. The Senate was already experiencing what the eminent statesman James Schlesinger describes in the current issue of The National Interest as "the loss of interest in foreign policy by the general public" (p. 110). Two newly-elected Senators were more or less persuaded to take seats. At length the Steering Committee turned to me, as a former ambassador. I remained on Finance.

And so I served six years under the chairmanship of the incomparable Claiborne Pell of Rhode Island. I treasure the experience—the signing and ratification of the Strategic Arms Reduction Treaty (START I), the final days of the Cold War. But I continue to be puzzled and troubled by our inattention to foreign affairs. To be sure, the clearest achievement of this Congress has been in the field of foreign trade, with major enactments regarding Africa, the Caribbean, and China. These, however, have been the province of the Finance Committee, and it was with great difficulty and at most partial success did Chairman BILL ROTH and I make the connection between world trade and world peace. This would have been self-evident at mid-century. I remark, and I believe there is a case, that any short list of events that led to the Second World War would include the aftermath of the Smoot-Hawley Tariff of 1930. Indeed, in the course of the ceremony at which the President signed the measure naming possible permanent normal trade relations with China in connection with its admission to the World Trade Organization, I observed that the 1944 Bretton Woods Conference, which conceived the World Bank, the International Monetary Fund and anticipated an international trade organization, opened on the day I joined the Navy. For certain there was no connection, but my point was simply that in the midst of war the Allies were looking to a lasting peace that might follow, and this very much included the absence of trade wars.

But again, how to account for the falling-off of congressional involvement in foreign affairs. I offer the thought that the failure of our intelligence, in the large sense of term, to foresee—forsooth to conceive!—the collapse of the Soviet Union has brought forth a psychology of denial and avoidance. We would as soon not think too much about all, thank you very much.

I have recounted elsewhere the 1992 hearings of the Foreign Relations Committee on the START I Treaty. Our superb negotiators had mastered every mind-numbing detail of this epic agreement. With one exception. They had negotiated the treaty with a sovereign nation, the Union of Soviet Socialist Republics. Now they brought to us a treaty signed with four quite different nations: Russia, Ukraine, Belarus, and Kazakhstan. When asked when this new set of signatories was agreed to, the Committee was informed that this had just recently taken place at a meeting in Lisbon. An observer might well have wondered if this was the scenario of a Humphrey Bogart movie. The negotiators were admirably frank. The Soviet Union had broken up in December 1991. Few, if any, at their "end of the street" had predicted the collapse. Let me correct the record: None had.

As to the record, I would cite the 1991 article in Foreign Affairs by the estimable Stansfield Turner. The Admiral had served as Director of Central Intelligence and knew the record. He was blunt, as an admiral ought. I cite a passage in Secrecy:

[Turner wrote,] "We should not gloss over the enormity of this failure to forecast the magnitude of the Soviet crisis. We know now that there were many Soviet academics, economists and political thinkers, other than those officially presented to us by the Soviet government, who understood long before 1980 that the Soviet economic system was broken and that it was only a matter of time before someone had to try and repair it, as had Khrushchev. Yet I never heard a suggestion from the CIA, or the intelligence arms of the departments of defense or state, that numerous Soviets recognized a growing systemic economic problem." Turner acknowledged the "revisionist rumblings" claiming that the CIA had in fact seen the collapse coming, but he dismissed them: "If some individual CIA analysts were more prescient than the corporate view, their ideas were filtered out in the bureaucratic process; and it is the corporate view that counts because that is what reaches the president and his advisors. On this one, the corporate view missed by a mile. Why were so many of us insensitive to the inevitable?

Just as striking is the experience of General George Lee Butler, Commander of the U.S. Strategic Command (STRATCOM) from 1990 to 1994. Again to cite from Secrecy.

As the one responsible for drafting the overall U.S. strategy for nuclear war, Butler had studied the Soviet Union with an intensity and level of detail matched by few others in the West. He had studied the footage of the military parades and the Kremlin, had scrutinized the deployments of Soviet missiles and other armaments: "In all, he thought of the Soviet Union as a fearsome garrison state seeking global domination and preparing for certain conflict with the West. The only reasonable posture for the United States, he told colleagues, was to keep thousands of American nuclear weapons at the ready so that if war broke out, Washington could destroy as much of the Soviet nuclear arsenal as possible. It was the harrowing but hallowed logic of nuclear deterrence." But Butler began having doubts about this picture, upon which so much of U.S. foreign policy was based, by the time of his first visit to the Soviet Union, on December 4, 1988. When he landed at Sheremetyevo Airport, on the outskirts of Moscow, he thought at first that the uneven, pockmarked runway was an open field. The taxiways were still covered with snow from a storm two days earlier, and dozens of the runway lights were broken. Riding into downtown Moscow in an official motorcade, Butler noticed the roads were ragged, the massive government buildings crumbling. He was astonished when the gearshift in his car snapped off in his driver's hand. After pouring over thousands of satellite photos and thirty years' worth of classified reports, Butler had expected to find a modern, functional industrialized country; what he found instead was "severe economic deprivation." Even more telling was "the sense of defeat in the eyes of the people. . . . It all came crashing home to me that I really had been dealing with a caricature all those years."

General Butler was right. More than he might have known. This fall former

National Security Advisor Zbigniew Brzezinski estimated that the economy of "Russia is one-tenth the size of America and its industrial plant is about three times older than the OECD average." The population has dropped from 151 million in 1990 to 146 million in 1999. Infant mortality is devastating. Far from overwhelming the West, it is problematic as to whether Russia can maintain a presence east of the Ural Mountains. If you consider that the empire of the Czars once extended to San Francisco we can judge the calamity brought about by sixty-some years of Marxist-Leninism.

And yet we did not judge. To say again, the United States government had no sense of what was coming, not the least preparation for the implosion of 1991.

In 1919, John Reed, a Harvard graduate, and later a Soviet agent wrote Ten Days that Shook the World, his celebrated account of the Russian Revolution, as it would come to be known, in October 1917. In no time these events acquired mythic dimension for intellectuals and others the world over. At Harvard, Daniel Bell would patiently guide students through the facts that there were two Russian Revolutions; the first democratic, the second in effect totalitarian. But this was lost on all but a few.

It would appear that the Soviet collapse was so sudden, we were so unprepared for it, that we really have yet to absorb the magnitude of the event. It was, after all, the largest peaceful revolution in history. Not a drop of blood was shed as a five hundred year old empire broke up into some twelve nations, Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan, the Kyrgyz Republic, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine, whilst formerly independent nations absorbed into the Soviet Bloc, Poland, the Czech Republic, Lithuania, Latvia, Estonia et al., regained their independence. In the aftermath there has been no book, no movie, no posters, no legend.

To the contrary, weak Russia grows steadily weaker—possibly to the point of instability, as shown in the miserable events in Chechnya. We see a government of former agents of the intelligence services and the secret police. We see continued efforts at increasing armament. Witness the sinking of the nuclear submarine Kursk. We see the return of the red flag. We see little engagement with the West, much less the East where China looms with perhaps ten times the population and far more economic strength.

And the United States? Apart from a few perfunctory measures, and one serious, the Nunn-Lugar program, almost no response. To the contrary, at this moment we have, as we must assume, some 6,000 nuclear weapons targeted on Russia, a number disproportionate at the height of the Cold War, and near to lunacy in the aftermath. When, as Senator LUGAR estimates, the Russian defense budget has declined to $5 billion a year.

What is more, other than the highest echelon of the Pentagon, no doubt some elements of the intelligence community, possibly the Department of State, no American knows what the targeting plan is. In particular, Members of Congress, possibly with very few exceptions, do not know. Are they refused information? Just recently, our esteemed colleague, J. ROBERT KERREY of Nebraska, wrote the Secretary of Defense, William S. Cohen, a former colleague of ours, to set forth the facts of this insane situation.

There are signs that an open debate concerning nuclear weapons may be afoot. In The Washington Post recently, we learn of the response to a proposal by Stephen M. Younger, associate director of Los Alamos National Laboratory and head of its nuclear weapons work, proposing a great reduction in the number of massive weapons now in our arsenal in favor of smaller devices intended to deal with much smaller engagements than those envisioned during the Cold War. The Post reports that we now have some 7,982 warheads linked to nine different delivery systems, ICBMs, SLBMs and bombers. These are scheduled to decline to 3,500, half on Trident II submarines, under the Start II agreement. Younger argues that still fewer are needed. Any one of which would wipe out any large city on earth. It appears that other experts believe that a few dozen to several hundred of today's high-yield warheads would suffice to manage the standoff with Russia or China. There is, perhaps more urgently, the matter of nuclear weapons in what are for some reason still called Third World nations, a relic of Cold War usage. Nuclear standoff has settled into the South Asian subcontinent. The prospect that an "Islamic Bomb" will migrate westwards from Pakistan is real enough. It may be happening at this moment. The more then do we need open debate. The more urgent then is Senator KERREY's assertion that Congress be involved. His profound observation that "Sometimes secrecy produces its opposite; less safety and security."

I have remarked on how little notice has been taken of the Russian revolution of 1989–91. By contrast, the "information revolution" has become a fixture of our vocabulary and our pronouncements on the widest range of subjects, and at times would seem to dominate political discourse. It might do well to make a connection as Francis Fukuyama does in the current issue of Commentary. In his review of a new book by George Gilder with the suggestive title Telecom: How Infinite Bandwidth Will Revolutionize Our World, Fukuyama makes the connection.

Why, then, do those convinced that the revolution is already triumphant shake their heads so sadly at those of us who "just don't get it?" True, people want to feel good about themselves, and it helps to believe that one is contributing to some higher social purpose while pursuing self-enrichment. But it must also be conceded that the information-technology revolution really does have more going for it than previous advances in, say, steam or internal combustion (or, one suspects, than the coming revolution in biotechnology).

The mechanization of production in the 19th and early 20th centuries rewarded large-scale organization, routinization, uniformity, and centralization. Many of the great works of imagination that accompanied this process, from Charlie Chaplin's Modern Times to Aldous Huxley's Brave New World, depicted individuals subsumed by huge machines, often of a political nature. Not so the information revolution, which usually punishes excessively large scale, distributes information and hence power to much larger groups of people, and rewards intelligence, risk, creativity and education rather than obedience and regimentation. Although one would not wish to push this too far, it is probably no accident that the Soviet Union and other totalitarian regimes did not survive the transition into the information age.

Is it possible to hope that we might give some serious thought to the possible connection? And to ask ourselves just how we measure up in this regard?

That said, is it not extraordinary and worrying that of a sudden we find ourselves in a state of great agitation concerning security matters all across our government, from our nuclear laboratories at home to embassies abroad to the topmost reaches of government? The late Lars-Erik Nelson described it as "spy panic." In the process the possibility emerges that our national security will be compromised to a degree unimaginable by mere espionage. The possibility is that we could grievously degrade the most important institutions of foreign and defense policy—our capacity for invention and innovation—through our own actions.

Take the matter of the loss, and evident return in clouded circumstances of two hard drives containing sensitive nuclear information from the Nuclear Energy Search Team at Los Alamos National Laboratory. This June, Secretary of Energy Bill Richardson asked two of our wisest statesmen, the Honorable Howard H. Baker, Jr., and the Honorable Lee H. Hamilton, to enquire into the matter. Here are the Key Findings of their report of September 25th.

While it is unclear what happened to the missing hard drives at Los Alamos

National Laboratory, it is clear that there was a security lapse and that the consequences of the loss of the data on the hard drives would be extremely damaging to the national security.

Among the known consequences of the hard-drive incident, the most worrisome is the devastating effect on the morale and productivity of LANL, which plays a critical national-security role for the Nation.

The current negative climate is incompatible with the performance of good science. A perfect security system at a national laboratory is of no use if the laboratory can no longer generate the cutting-edge technology that needs to be protected from improper disclosure.

It is critical to reverse the demoralization at LANL before it further undermines the ability of that institution both to continue to make its vital contributions to our national security, and to protect the sensitive national-security information that is critical to the fulfillment of its responsibilities.

Urgent action should be taken to ensure that Los Alamos National Laboratory gets back to work in a reformed security structure that will allow the work there to be successfully sustained over the long term.

Almost alone among commentators, Lars-Erik Nelson pursued the matter, describing the interviews Senator Baker and Representative Hamilton had with lab personnel.

They now report that "the combined effects of the Wen Ho Lee affair, the recent fire at [Los Alamos] and the continuing swirl around the hard-drive episode have devastated morale and productivity at [Los Alamos].

The employees we met expressed fear and deep concern over the . . . yellow crime-scene tape in their workspace, the interrogation of their colleagues by . . . federal prosecutors before a grand jury and the resort of some of their colleagues to taking a second mortgage on their homes to pay for attorney fees.

There is no denying that Lee and whoever misplaced the computer drives committed serious breaches of security. But the resulting threat to our safety is only theoretical; the damage to morale, productivity and recruitment is real.

Employees were furious at being forced to take routine lie-detector tests, a requirement imposed on them by a panicky Secretary of Energy. . . .

Obviously, there is a need for security in government. A Los Alamos employee gave Baker and Hamilton an obvious, easy solution. Unfortunately, it will be the one most likely to be adopted: "The safest and most secure way to do work is not to do any work at all."

In the course of the Commission on Protecting and Reducing Government Secrecy (of which more later), a Commission member, then-Director of Central Intelligence John M. Deutch, revealed to the American people the extraordinary work of the VENONA project, an enterprise of the Army Security Agency during and after World War II. During the war the agency began to copy KGB traffic from and to the United States. On December 20, 1946, Meredith K. Gardner—I am happy to say still with us, buoyant and brilliant as ever—"broke" the first. Dated 2 December 1944, it was a list of the principal nuclear scientists at Los Alamos. Bethe, Bohr, Fermi, Newman, Rossi, Kistiakowsky, Segre, Taylor, Penney, Compton, Lawrence and so on. The Soviets knew, and in time stole essentials of the early atom bomb. But what they could not do, was to slow down or deter the work of these great men, who would take us further into the age of the hydrogen bomb. Next, their successors to yet more mind-bending feats. The Soviets could not stop them. Would it not be the final triumph of the defunct Cold War if we stopped them ourselves?

Do not dismiss this thought. If you happen to know a professor of physics, enquire as to how many "post-docs" are interested in weapons research, given the present atmosphere. To work at one-third the salary available elsewhere, and take lie detector tests.

And then there is intelligence. Nelson quotes a "former top intelligence official" who told him, "If you're not taking secrets home, you're not doing your job." And yet here we are harassing John M. Deutch, a scientist of the greatest achievement, a public servant of epic ability for—working at home after dinner. Would it be too far-fetched to ask when will the next Provost of the Massachusetts Institute of Technology choose to leave the banks of the Charles River for the swamps of the Potomac?

Now I don't doubt that, as opposed to an intelligence official, there are ambassadors who don't take their work home at night. Over the years the United States has created a number of postings with just that attraction. But these are few. The great, overwhelming number of our ambassadors and their embassy associates are exceptional persons who have gone in harm's way to serve their country. I was ambassador to India at the time our ambassador to Sudan and an aide were abducted from a reception by Islamic terrorists, spirited away and murdered. Some days later the Egyptian envoy in New Delhi asked to see me. He had a message from then-Egyptian President Anwar Sadat to tell me that their intelligence sources reported I would be next. It is a not uncommon occurrence. But nothing so common as taking work home, or working in a—usually heavily armored—embassy limousine. Ask any former ambassador to Israel. Our embassy in Tel Aviv is an hour's drive from the capital in Jerusalem. The drive up and back is routinely used to dictate memoranda of conversation, type them on a laptop. Whatever. This fall, the superbly qualified, many would say indispensable ambassador to Israel, Martin S. Indyk, was stripped of his security clearances for just such actions. I cite Al Kamen's account in The Washington Post.

Just the other day, ambassador to Israel Martin S. Indyk was deep into the State Department doghouse for "suspected violations" of security regulations. His security clearance was suspended, so he couldn't handle classified materials. He needed an escort while in the State Department building. The department's diplomatic security folks wanted him to stay in this country until their investigation was completed.

At a White House briefing Monday, a reporter asked if Indyk could "function as ambassador? Do we have a functioning ambassador?"

"Not at the moment," press secretary Jake Siewert said.

Allow me to cite a report by the redoubtable Jane Perlez, who was just recently reporting from Pyongyang on the psychotic security measures in the capital of North Korea. Eerily similar antics were to be encountered on September 30, Ms. Perlez reported:

STATE DEPT. UNFREEZES HUNDREDS OF PROMOTIONS AFTER DELAY FOR SECURITY REVIEW

WASHINGTON, Sept. 29.—A continuing security crackdown at the State Department led to the freezing of promotions for more than 200 senior officials, pending a review of their security records, department officials said today.

The director general of the Foreign Service, Marc Grossman, said he was assessing the promotion files for security violations before sending the promotions to the White House, which then dispatches them to Congress for approval.

The release of the list was delayed after the suspension of the security clearance of one of the department's most senior officials, Martin S. Indyk, ambassador to Israel, and a sudden vigilance by Secretary of State Madeleine K. Albright, who is under pressure from Congress on security problems.

This evening, the department said that "under 10" officials had been barred from promotions after Mr. Grossman's review of 400 candidates. The nearly 400 people included 200 midlevel officials, whose promotions were released today after a weeklong delay.

As word of the latest action spread through the department, an assistant secretary of state complained at a senior staff meeting this week that management faced "rage" in the building and increasingly demoralized employees, according to several accounts of the session.

Others, as well as diplomats abroad, complained of a poisonous atmosphere in the department created, in part, by security officials who grilled junior Foreign Service officers about their superiors. One senior official said the obsession with security had created a "monster" out of the bureau of diplomatic security, which Congress generously finances to the detriment of other areas of the department.

In a yet more eerie analogy, one department employee described the situation as a "security jihad."

> It doesn't stop. It accelerates! Just this month The Washington Post reported the resignation of senior diplomats, the suspension of another, the firing of a further two over security matters.
>
> J. Stapleton Roy, one of the nation's two most senior foreign service officers and a three-time U.S. ambassador, has resigned in protest after Secretary of State Madeleine K. Albright suspended his deputy without pay and fired two other long-time State Department officials over a missing top-secret laptop computer. . . .
>
> The departure of Roy and the reassignment of [Donald] Keyser will rob the department of two of its top China experts. The son of a missionary, Roy grew up in China, returned to the United States to go to Princeton University, then joined the foreign service. He later served as ambassador to China, Indonesia and Singapore. Keyser had served in Beijing three times, had been the State Department's director of Chinese and Mongolian affairs, and most recently held the rank of ambassador as a special negotiator for conflicts in Nagorno-Karabakh and former Soviet republics.
>
> "That's a lot of brainpower suddenly removed from the State Department," said William C. McCahill, a recently retired foreign service officer who served as the deputy chief of mission in Beijing. "Keyser is a brilliant analyst and a person of great intellectual honesty and rigor. Stape is the kind of person you want in INR, someone who can think beyond today and tomorrow, who can think beyond established policy."—The Washington Post, December 5, 2000.

With some hesitation I would call to mind the purge of the "China hands" from the Department of State during the McCarthy era. As our Commission established with finality, there was indeed a Soviet attack on American diplomacy and nuclear development during and after World War II. There were early and major successes. The design of the first atom bomb. But not much else, and for not much longer. The real damage—the parallels are eerie—to American security came from the disinclination of the intelligence community—then largely in the Army—to share information with "civilians." Specifically, documents obtained from the F.B.I. indicate that President Truman was never told of the Army Signals Security Agency's decryptions of Soviet cables during and after the war. He thought the whole business of Communist spying was a "red herring." In 1953 he termed Whittaker Chambers and Elizabeth Bentley "a crook and a louse." American diplomacy and the Department of State in particular were for years haunted by charges they could readily have dealt with had they but known what their own government knew. And who issued the instruction that the President was not to be told? General Omar N. Bradley whom the President had made Chairman of the Joint Chiefs of Staff. (Admittedly it is hard to prove a negative.) But I was reassured by an article in the Summer edition of the "Bulletin" of the CIA's Center for the Study of Intelligence. In it, Deputy CIA historian Michael Warner votes with the judgment I offered earlier in my book "Secrecy."

What might it be that Secretary Albright needs to know today but has not been told? A generation hence we might learn. If, that is, the current secrecy regime goes unaltered.

For the moment, however, I have further distressing news for Ambassador Stapleton if he should have occasion to return to the Department of State main building for one or another reason. I have just received a copy of a letter sent to David G. Carpenter, Assistant Secretary of State for the Bureau of Diplomatic Security. Another recently retired Ambassador, a statesman of large achievement and impeccable reputation recently called at Main State, to use their term. He was frisked at the entrance. He was allowed into the building, but assigned an "escort," who accompanied wherever he went. Including, the ambassador writes, "the men's room."

It is difficult not to agree with the Ambassador's assessment that "the 'escort' policy is insulting and totally out of proportion to any desired enhancement of security." But then so is so much of security policy as it has evolved over the past sixty years.

What is to be done? Surely we must search for a pattern in all this. Our Commission proposed a simple, direct formation. Secrecy is a form of regulation.

In the previous Congress, legislation was prepared to embody the essentials of the Commission recommendations. All classified materials would bear the name and position of the person assigning the classification and the date, subject to review, that the classification would expire. It is not generally realized, but apart from atomic matters, under the Atomic Energy Act of 1954 and a few other areas there is no law stipulating what is to be classified Confidential, Secret, Top Secret—and there are numerous higher designations. It is simply a matter of judgement for anyone who has a rubber stamp handy. Our bill was unanimously reported from the Committee on Governmental Affairs, under the fine chairmanship of Senator FRED THOMPSON, with the full support of the then-ranking Committee member, our revered John Glenn. But nothing came of it. The assorted government agencies, covertly if you like, simply smothered it. The bureaucracy triumphed once more. Thomas Jefferson's dictum that "An informed citizenry is vital to the functioning of a democratic society" gave way before the self-perpetuating interests of bureaucracy.

I am pleased to report that this year's Intelligence Authorization bill, which is now at the White House awaiting President Clinton's signature, includes the Public Interest Declassification Act. The measure establishes a nine-member "Public Interest Declassification Board" of "nationally recognized experts" who will advise the President and pertinent executive branch agencies on which national security documents should be declassified first. Five members of the Board will be appointed by the President and four members will be appointed by the Senate and the House.

The Board's main purpose will be to help determine declassification priorities. This is especially important during a time of Congress' continual slashing of the declassification budgets. In addition to the routine systematic work required by President Clinton's Executive Order 12958, the intelligence community is also required to process Freedom of Information Act requests, Privacy Act requests, and special searches levied primarily by members of Congress and the administration.

There is a need to bring order to this increasingly chaotic process. This Board may just provide the necessary guidance and will help determine how our finite declassification resources can best be allocated among all these competing demands.

My hope is that the Board will be a voice within the executive branch urging restraint in matters of secrecy. I have tried to lay out the organizational dynamics which produce ever larger and more intrusive secrecy regimes. I have sought to suggest how damaging this can be to true national security interests. But this is a modest achievement given the great hopes with which our Commission concluded its work. I fear that rationality is but a weak foil to the irrational. In the end we shall need character as well as conviction. We need public persons the stature of George P. Shultz, who when in 1986 learned of plans to begin giving lie detector tests for State Department employees, calmly announced that the day that program began would be the day he submitted his resignation as Secretary of State. And so of course it did not begin. And yet with him gone, the bureaucratic imperative reappears.

And so Mr. President, I conclude my remarks, thanking all my fellow Senators present and past for untold courtesies over these many years.

RETIREMENT OF SENATOR DANIEL PATRICK MOYNIHAN

Mr. LEVIN. Mr. President, it saddens me to note that the Senate will soon lose one of its most visionary and accomplished members, a great American, Senator DANIEL PATRICK MOYNIHAN.

It boggles the mind just to think of all of the important positions that PAT MOYNIHAN has held, including cabinet or subcabinet posts under four presidents: John Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford. He served as Ambassador to India in the 1970's and then as U.S. Ambassador to the United Nations. He came to the

United States Senate in 1977 already a scholar, author and public official of great distinction and renown. In the 24 years he has spend here, he has only greatly expanded his enormous reputation and body of work. PAT MOYNIHAN is a Senator's Senator. Over the years, he has earned the respect of every member of the Senate.

PAT MOYNIHAN is a person who has shown tremendous vision throughout his life. He has shown foresight about the importance of a strong family and about the importance of strong communities in America. He raised the critical important of these basic values and concerns about the deterioration of these family values, long before others. He has shown great foresight about our Constitution. One of the highlights for me in my service in the Senate was joining Senator MOYNIHAN and Senator ROBERT BYRD in fighting against the line item veto as a violation of our Constitution. And, he has shown great foresight about the world and the role of the United States in international affairs. His work at the United Nations and in the Senate, as a former Chairman of the Senate Select Committee on Intelligence, and as Chairman of the Finance Committee have been marked by his perceptive, analytical, and worldly view on trade, foreign policy, and intelligence matters. Long before others, Senator MOYNIHAN was speaking of the economic and ultimately military weaknesses of the Soviet Union and predicting its collapse.

It is virtually impossible to list all of PAT MOYNIHAN's accomplishments in the U.S. Senate. Among the most lasting, however, will be his efforts on behalf of architectural excellence in the nation's capital. He was a crucial force behind the return to greatness of the Pennsylvania Avenue corridor between the U.S. Capital and the White House, the restoration of Washington's beautiful, elegant, and historic Union Station, and the construction of the Thurgood Marshall Judiciary Building here on Capitol Hill.

The author or editor of eighteen books, Senator MOYNIHAN has been at the forefront of the national debate on issues ranging from welfare reform, to tax policy to international relations. His most recent book, written in 1998, "Secrecy: The American Experience" expands on the report of the Commission on Protecting and Reducing Government Secrecy of which he was the Chairman. This is a fascinating and provocative review of the history of the development of secrecy in the government since World War I and argument for an "era of openness".

At home in New York, in a state which is known for its rough and tumble politics, he has shown leadership again and again, demonstrating the power of intellect and the ability to rise above the fray. That has been a wonderful contribution not just to New York but to all of America.

As they leave the Senate family, which will never forget their huge contribution, we salute PAT and Elizabeth MOYNIHAN.

Mr. WARNER. Mr. President, in the 211-year history of the United States Senate, the State of New York has one of the richest and most storied legacies.

Since 1789, New York has sent to the Senate 63 Senators. I have had the distinct privilege of serving with four of them, most memorably, Senator DANIEL PATRICK MOYNIHAN.

When the people of New York elected PAT MOYNIHAN to represent them nearly 25 years ago, they sent to Washington a uniquely gifted and talented man. Those are the reasons, Senator MOYNIHAN is one of only two, out of 63 Senators from New York, to have been elected to four consecutive terms in the United States Senate.

Senator MOYNIHAN began his service to this nation more than 50 years ago when he served in the United States Navy from 1944–1947—and he never stopped being "Mr. Public Servant." He served one governor, New York's Averell Harriman, and four United States Presidents: two Democrats, Presidents Kennedy and Johnson, and two Republicans, Presidents Nixon and Ford.

What a record. PAT MOYNIHAN has given more than three quarters of his life to his nation and his state. This country, the United States Senate, and New York are joyously thankful.

He has been a leader in so many areas that it challenges one to list them all. But his impact on public architecture, monuments for future generations, are the hallmarks which this quiet gentleman reveres.

For over fifteen years now, I have had the privilege of serving with PAT on the Senate's Environment and Public Works Committee. I have been fortunate to work closely with him and observe his tireless effort and commitment to maintaining the architectural integrity of our great public institutions.

Some 40 years ago, the Kennedy Administration made the decision to revive Pennsylvania Avenue and restore the Federal Triangle. It was an extraordinary stroke of fortune that PAT MOYNIHAN, a deputy to Labor Secretary Goldberg who played a primary role in the effort, had the responsibility to draft a report that contained core ideas for redevelopment. The Federal Triangle, including the Ronald Reagan Building, and the Judiciary Building—to mention just a few—are dramatic evidence of his contributions that will live for years to come in the foundation of these magnificent buildings.

I cannot resist the temptation to recall that Senator MOYNIHAN was fond of noting that it was Treasury Secretary Andrew Mellon who initially championed the idea of reviving the Federal Triangle and establishing it as an international trade and cultural center. It took a man of PAT MOYNIHAN's talent, character and foresight to pick up and finish that vision, started in the early 1930s, in such a grand manner.

I would be remiss were I not to take a minute to thank Senator MOYNIHAN for his leadership and the personal courtesies he extended to me, as he took the initiative to name the departmental auditorium at the Commerce Department building, the Andrew Mellon Auditorium. It truly is a remarkable structure and aptly named.

Over 200 years ago, Pierre L'Enfant, as he laid plans for the new United States capital, could only hope that a man like Senator MOYNIHAN would one day work with such compassion and perseverance to keep alive the true spirit and design envisioned in the original blueprints of George Washington's federal city.

One of the most rewarding assignments in my own career in public service, has been the opportunity to serve with Senator MOYNIHAN as a member of the Smithsonian's Board of Regents. The talented men and women who have served on the Board are unquestionably committed to the arts and preserving this nation's cultural heritage. And I am certain, that all of them who have served with him would agree that PAT MOYNIHAN's leadership and guiding wisdom have been indispensable.

Beyond the physical monuments to his achievements, I will always remember PAT MOYNIHAN for his humor, his intellect, his grace, his eloquence, and his humility.

All of us here, before we cast the first vote, before we discharge the first responsibility, take the oath of office. We solemnly commit "to support and defend the constitution. . . ." "Against all enemies. . . ." we commit "to bear true faith and allegiance" and we undertake "to faithfully discharge" our duty. Senator MOYNIHAN was a man of his word and here in the Senate he has always been true to his principles and true to his oath.

PAT MOYNIHAN has been a giant in the Senate for some time. I only hope that the years ahead give him the time he has always wanted to do those things he has never quite had the time to do.

The Senate and the nation know Senator MOYNIHAN as a true patriot, a gentlemen, and a statesman. His legacy is a remarkable gift we will benefit from for years to come.

In closing, I would like to submit for the RECORD two articles that appeared in the Washington Post—one, written by George Will and the other by Benjamin Forgery. I ask to have printed in the RECORD these articles, so all citizens can read of the enormous contributions Senator MOYNIHAN has made to this institution, his home State of New York, and, indeed, this country.

The Nation's Capital—in the words that Navy men and women understand—bids you a final "Well done, Sir. We salute you as the L'Enfant of this century."

There being no objection, the material ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 17, 2000]

FAREWELL, MR. MOYNIHAN

(By George F. Will)

When this Congress ends, so will one of the broadest and deepest public careers in American history. Daniel Patrick Moynihan—participant in John Kennedy's New Frontier, member of Lyndon Johnson's White House staff, Richard Nixon's domestic policy adviser, Gerald Ford's ambassador to India and the United Nations, four-term senator—will walk from the Senate and political life, leaving both better for his having been in them, and leaving all who observe them berefit of the rare example of a public intellectual's life lived well—adventurously, bravely and leavened by wit.

The intellectual polarities of his life have been belief in government's ameliorative powers—and in William Butler Yeats's deflation of expectations for politics:

Parnell came down the road, he said to a cheering man:

Ireland shall get her freedom and you will still break stone.

Having served four presidents, Moynihan wrote that he did not remember ever having heard at a Cabinet meeting "a serious discussion of political ideas—one concerned with how men, rather than markets, behave." Regarding the complexities of behavior, Moynihan has stressed the importance of ethnicity—the Balkans, the Bronx, come to that. Moynihan knew how wrong Marx was in asserting the lost saliency of pre-industrial factors, such as ethnicity and religion, in the modern age.

His gift for decorous disruptions was apparent early, when, during a 1965 audience with Pope Paul VI, at a time when the Church was reconsidering its doctrine of the collective guilt of Jews for Christ's crucifixion, Moynihan, a Catholic, shattered protocol by addressing the pope: "Holy Father, we hope you will not forget our friends the Jews." Later, an unsettled member of the audience, the bishop of Chicago, said, "We need a drink." Moynihan said, "If they're going to behave like a Medieval court, they must expect us to take an opportunity to petition him."

During his U.N. service he decided that U.S. foreign policy elites were "decent people, utterly unprepared for their work" because "they had only one idea, and that was wrong." It was that the bad behavior of other nations was usually a reaction to America's worse behavior. He has been a liberal traditionalist, keeper of Woodrow Wilson's crusade for lawful rather than normless dealings among nations.

"Everyone," says Moynihan the social scientist, "is entitled to his own opinion but not his own facts." When in 1993 the Clinton administration's Goals 2000 asserted that by 2000 America's high school graduation rate would be 90 percent and American students would lead the world in mathematics and science achievements, Moynihan acidly compared these goals to the old Soviet grain production quotas. Of the projected 2000 outcome, Moynihan said: "That will not happen." It didn't.

Moynihan has written much while occupying the dark and bloody ground where social science and policymaking intersect. Knowing that the two institutions that most shape individuals are the family and the state, he knows that when the former weakens, the latter strengthens. And family structure is "the principal conduit of class structure." Hence Moynihan's interest in government measures to strengthen families.

Moynihan understands that incantations praising minimalist government are America's "civic religion, avowed but not constraining." Government grows because of the ineluctable bargaining process among interest groups that favor government outlays that benefit them. And government grows because knowledge does, and knowledge often grows because of government.

Knowledge, says Moynihan, is a form of capital, much of it formed by government investment in education. And knowledge begets government. He says: Behold California's Imperial Valley, unchanged since "the receding of the Ice Age." Only God can make an artichoke, but government—specifically, the Bureau of Reclamation—made the valley a cornucopia. Time was, hospitals' biggest expense was clean linen. Then came technologies—diagnostic, therapeutic, pharmacological—that improved health, increased costs and expanded government.

"Not long ago," Moynihan has written, "it could be agreed that politics was the business of who gets what, when, where, how. It is now more than that. It has become a process that also deliberately seeks to effect such outcomes as who thinks what, who acts when, who lives where, who feels how." Moynihan appreciates the pertinence of political philosopher Michael Oakshott's cautionary words: "To try to do something which is inherently impossible is always a corrupting enterprise."

The 14-year-old Moynihan was shining shoes on Central Park West when he heard about Pearl Harbor. In the subsequent six decades he has been more conversant with, and more involved in, more of the nation's transforming controversies than anyone else. Who will do what he has done for the intellectual nutritiousness of public life? The nation is not apt to see his like again, never having seen it before him.

[From the Washington Post, Oct. 7, 2000]

MOYNIHAN'S LEGACY IS WRITTEN IN STONE

(By Benjamin Forgey)

Sen. Daniel Patrick Moynihan, on the edge of retirement as the 106th Congress argues its way to a finish, tells the story whenever he feels the audience is right. And why not? It is a true-life Washington legend.

Time: Summer 1961. Place: The White House. Scene: A Cabinet meeting with President John F. Kennedy. The nation's chief policymakers are busily deliberating foreign affairs but pause, Moynihan says, "when the next-most-important issue in government comes up—which, of course, is office space."

That line always gets a laugh. Moynihan knows Washington and knows what people think about Washington—one-liners at the expense of the bureaucracy never miss. But what comes afterward is the true beginning of the legend.

The president appoints Labor Secretary Arthur J. Goldberg to co-chair "something with the unpromising title of Ad Hoc Committee on Federal Office Space." To Moynihan, then Goldberg's 34-year-old deputy, falls the duty of finding out exactly how much space is needed, and writing the report.

It is far-fetched to imagine a 15-page committee report about government office space having much significance for even 38 minutes after being written. This one, completed in the spring of 1962, has had a far-reaching impact across 38 years, for it contained, improbably, the genesis of a plan to redevelop Pennsylvania Avenue.

The opportunistic idea was Goldberg's—he had decided to try to do something about the avenue when surveying its fragmented, decaying north side from a slow-moving limousine during Kennedy's inaugural parade. But the brilliant words were Moynihan's.

He vividly sketched the "scene of desolation" on the northern side, opposite the impressive classic revival buildings of the 1930s Federal Triangle. He sensitively summarized the avenue's history, showing a rare understanding of the crucial role assigned to it in Pierre Charles L'Enfant's 1791 plan—"symbolizing," Moynihan wrote, "at once the separation of powers and the fundamental unity in the American Government."

Above all, Moynihan showed that he understood cities. The avenue's poor state meant that private capital soon would begin the process of tearing down and building anew. The opportunity had arisen, he wrote, "to design and construct what would, in effect, be a new avenue," and the federal government had a historic duty "to maintain standards of buildings and architecture in the nation's capital."

Moynihan's vision was humane and, for its time, exceptionally urbane. "Care should be taken," he admonished, "not to line the north side with a solid phalanx of public and private office buildings which close down completely at night and on weekends. . . . Pennsylvania Avenue should be lively, friendly, and inviting, as well as dignified and impressive."

More than any other American politician of the second half of the 20th century, Moynihan has engaged the issue of architecture, urban design and infrastructure. He has used his intellectual prowess, political skills and sheer power to establish meaningful rules, to save historic buildings, to improve federal architecture, to get buildings built. Washington has been the great beneficiary of these involvements—most dramatically on the section of the great boulevard linking the Capitol and the White House.

There is a sense in which the rebuilding of Pennsylvania Avenue became Moynihan's destiny. Partly by chance, partly by design, he has been around to persuade, push and prod a vision into reality. And, for the last 10 years, he has been able to watch it happen with his wife, Elizabeth, from their apartment above the Navy Memorial and Market Square, on the avenue between Ninth and Seventh Streets NW.

Soon after the report was published, Goldberg was appointed to the Supreme Court. Moynihan thus inherited responsibility for shepherding the avenue dream in the Kennedy administration. He became great pals with Nathaniel Owings, the celebrated architect Kennedy chose to come up with a plan. The pair would walk the avenue in the evenings and talk excitedly of its past and future while sitting, recalls Moynihan, on "those nice, strong benches next to the National Archives."

Then, after Kennedy was assassinated, Moynihan helped keep the project alive during the Lyndon Johnson presidency—nothing had been built. He had the enthusiastic collaboration of White House counsel Harry McPherson Jr., and an invaluable plug from Jacqueline Kennedy, who "saved the undertaking in a farewell call on President Johnson," Moynihan recalls. Thereafter, he says, Johnson "took Mrs. Kennedy's wishes as something of a command."

Moynihan admits that, as much as he liked and admired Nat Owings, he did not care for Owings's formidable first plan. It was a "terrible plan," he now says, though he did not say so at the time. The young politician was perhaps a bit in awe of the elder Great Architect—lots of people were. The firm that Owings had started in the 1930s—Skidmore, Owings & Merrill—was by then world-renowned.

How flawed was that first plan? Well, typical of its time, it called for massive demolitions—including the National Press Club building and the Willard and Washington hotels. These were to be replaced by an impressively bloated National Square or by massive buildings all in a row.

Fortunately, time was not kind to this vision. We can judge how lucky we are by pondering the one building that actually got built: the FBI headquarters, that odd-looking, off-putting giant facing the avenue between Ninth and 10th streets NW.

It is possible that, even them, Moynihan suspected he was in this for the long haul. As it happened, he left Washington in 1965 but was backed by 1969—shockingly, to his liberal-Democrat colleagues—as top urban affairs adviser to Republican President Richard Nixon.

Once again, Moynihan had lots to say about Pennsylvania Avenue. It is no coincidence that during Nixon's first term the avenue plan was given real teeth in the 1972 legislation creating the Pennsylvania Avenue Development Corp. And it was a very different, less destructive plan—much more in keeping with Moynihan's original admonishment to be "lively, friendly and inviting."

Nothing much got build during the '70s, but the PADC was quietly preparing the groundwork. By the time building got started in the early '80s, Moynihan was back in town, this time as a senator from New York. Since then, he has been there tirelessly for the avenue—out front or behind the scenes, in large matters or small.

How large? The Ronald Reagan Building and International Trade Center—the big mixed-use federal building at Pennsylvania and 13th Street NW—is one of his enthusiasms. Back in the Kennedy years, Moynihan's Labor Department office in the Federal Triangle had looked out on parking lot of "surpassing ugliness." He never forgot, and that lot is where the Reagan Building stands.

How small? Moynihan never forgot, either, that the Ariel Rios Building, at 13th Street, had been left incomplete when work on the Federal Triangle ceased; its brick sidewall was left exposed "just like an amputated limb," in the words of J. Carter Brown, chairman of the federal Commission of Fine Arts. Moynihan, Brown believes, was the "eminence grise who was able to shake the General Services Administration by the lapels and get that thing finished."

But if in one way or another Moynihan had a hand in practically everything that was built—or saved—on this crucial stretch of Pennsylvania Avenue, he also worked for Washington in other ways. He helped mightily to preserve and find new uses for three of Washington's most notable historic structures—the Old Patent Office (now housing two Smithsonian museums), the Old Post Office (a mixed-use building because of a law Moynihan pushed through) and the Old Pension Building (now the National Building Museum).

Just about single-handedly did Moynihan arrange for the construction of the distinguished U.S. Judiciary Building next to Union Station. He was a crucial negotiator in the brilliant deal by which New York and Washington each get a share of the National Museum of the American Indian. Moynihan fought to get cars off Frederick Law Olmsted's Capitol grounds. He continues to wage an enlightened campaign for reasonableness about security in federal buildings. The list could go on.

Of course, it isn't simply Washington that has benefited. As might be expected, Moynihan's own state has profited immensely as well.

The new Penn Station—a complex, ongoing project involving federal, state and city bureaucracies and private enterprise—is just the latest of dozens of important examples. There's much talk of calling it "Moynihan Station" because he was its "guiding light and soul," says chief architect David Childs.

Nor is it just Washington and New York. It is the nation. Two examples of many: The Intermodal Surface Transportation and Efficiency Act of 1991 and its successor, the Transportation Equity Act for the 21st Century ("Ice Tea" and "Tea 21" for short), are Moynihan bills through and through and through. By encouraging mass transit and loosening the highway lobby's decades-old stranglehold on the nation's transportation policy, these laws do the country an estimable service.

And then there are his "Guiding Principles of Federal Architecture." They are straightforward and smart: There should be no official style; the architecture should embody the "finest contemporary American architectural thought." Regional characteristics should be kept in mind. Sites should be selected with care. Landscape architecture also is important.

The principles take us back to that committee report of 38 years ago. Nobody asked for a Pennsylvania Avenue plan and no one asked for architectural guidelines. Moynihan simply invented them and attached them to the report, and they have functioned as a beacon for high-quality federal architecture ever since.

Moynihan's act is almost impossible to follow. In the phrase of Rep. Earl Blumenauer (D–Oregon), another architecture fan, Moynihan possesses "a bundle of qualities" seldom found in a single politician: a good eye, a first-rate mind, a passion for the subject, lots of power, long experience, a certain flamboyance, a canny sense of timing.

Nor is there likely to be another politician alive whose favorite quotation is Thomas Jefferson's statement: "Design activity and political thought are indivisible."

Mr. CONRAD. Mr. President, today, I wish to pay tribute to the very distinguished Senator from New York, who will be retiring at the end of this Congressional session.

Senator MOYNIHAN, as his recent biography makes clear, has been an intellectual giant in the Senate and throughout his service to our nation. The breadth of his interests—and his knowledge—is extraordinary. From questions about the architecture and urban development of Washington, D.C. to the problems created by single parent families to the workings of the International Labor Organization, Senator MOYNIHAN has thought deeply and designed policy answers. I don't think there's a Senator who hasn't learned something from Senator MOYNIHAN's vast stock of personal experience, understanding of history, and ability to draw parallels between seemingly unrelated topics to enlighten our understanding of both.

I have had the particular pleasure of serving with Senator MOYNIHAN on the Finance Committee for eight years. As Chairman and as ranking member of the Finance Committee, Senator MOYNIHAN has been a true leader. Starting in 1993, when I took Senator Bentsen's seat on the Committee and Senator MOYNIHAN claimed his chairmanship, Chairman MOYNIHAN successfully guided the 1993 economic plan through the committee and the Senate. That budget, which I was proud to help shape and support, laid the foundation for our current record economic expansion. That same year, we worked together to expose the shortcomings of the North American Free Trade Agreement.

After Republicans took control of the Senate in the 1994 election, Senator MOYNIHAN was a fierce critic of their excessive budget proposals. We joined in opposing shortsighted proposals to have Medicare "wither on the vine," turn Medicaid into a block grant, and destroy welfare rather than reforming it. Senator MOYNIHAN was, as always, an especially passionate defender of teaching hospitals, warning that the plan to slash spending for Medicare's graduate medical education would threaten medical research in this country—a fear that has proved well-founded as teaching hospitals have struggled to survive the much smaller changes enacted as part of the compromise Balanced Budget Act that emerged in 1997.

The Finance Committee—and the Senate—will not be the same without him. Who else will be able to gently tutor witnesses on the importance of the grain trade in upstate New York in the early nineteenth century to a current debate about health care policy? Who else will call for the Boskin and Secrecy Commissions of the future? And who else will educate his colleagues on the inequitable distribution of federal spending and taxation among the various states?

Mr. President, I will miss PAT MOYNIHAN. But I have no doubt that he will continue to be part of the debate. As Senator MOYNIHAN retires to his beloved farm in upstate New York, I join my colleagues in looking forward to more and more insightful treaties on new and complicated policy issues.

RETIREMENT OF SENATOR J. ROBERT KERREY

Mr. LEVIN. Mr. President, when the Senate adjourns Senator BOB KERREY will be retiring from the Senate.

BOB KERREY served his beloved state of Nebraska as a highly popular and successful governor from 1982 to 1987. As governor, he was widely credited for his efforts to balance the budget and for educational and welfare reform. In 1988, he was elected to the Senate. But, BOB KERREY established himself as a man of great courage and intellect long before he was elected governor or entered the U.S. Senate. He was an American hero long before he became a Senate hero. Now he's both. Time and time again, he earned his reputation as one of the most courageous members of this body by taking on the toughest issues around—from entitlements to health care, and speaking his mind no matter what. He took on sacred cows where others feared to act. He did so with tremendous dash and daring, with a wonderful youthfulness and enthusiasm. His speeches against amending the First Amendment of our Constitution relative to flag burning, for instance, have been speeches which I have often used as a resource back home to prove that the most courageous among us—those that have put their lives on the line for this country—also believe in its Constitution with great passion and believe we must not reduce its protections of our freedoms in response to the behavior of a few misguided or extreme individuals.

As a member of the Senate Finance Committee and the Senate Agriculture Committee, BOB has earned a reputation as a proponent of tax reform, Medicare and Social Security reform, and as a tireless advocate for the nations' farmers.

The Senate will sorely miss Senator BOB KERREY's wise and experienced voice on national security matters. And, I will deeply miss his presence, although I trust that we will see him often and that his new role at the New School University will not keep him from weighing in on public policy issues that so need his special touch.

I have often thought, only half in jest, that Senator KERREY should be awarded a second Congressional Medal of Honor for his many brave stands in the Senate to match the one he won in war. It has truly been a privilege to serve with BOB KERREY and I will miss the noble passion and purpose he has brought to so many causes.

Mr. CONRAD. Mr. President, I rise today to pay tribute to my good friend Senator BOB KERREY. I have mixed emotions knowing that the United States Senate, the State of Nebraska, and the nation are losing a valued public servant at a time when we can ill afford to lose a person of such great talent. I am saddened thinking about the loss of his valued presence in this chamber. But, I also recognize that my friend is leaving by his own choice to take on the challenges of a new adventure as president of the New School University of New York City. New challenges and new accomplishments are about to be added to his already legendary list of achievements that include Medal of Honor recipient, entrepreneur, governor, and Senator.

I smile as I think about the good company my colleague has been at the Senate Committee on Agriculture. I always felt as if the hearing room brightened up a notch when Senator KERREY entered the room. I appreciated greatly the fact that we never failed to share a few light moments together, even as we worked to help the farmers and ranchers we represent. His collegial approach crossed the aisle, too. Senator KERREY moved landmark agricultural legislation to passage with hard work and the respect he garnered from his colleagues on both sides of the aisle, as he did this session with the crop insurance reform bill.

We also served together on the Senate Finance Committee, where Senator CONRAD has been an absolute bulldog on the issue of entitlement reform. Senator KERREY headed up the bipartisan entitlement commission and served on the Medicare Commission. He was a particularly active participant in the centrist coalition, which worked to find common ground on budget issues during the partisan stalemate in 1995 and 1996—an effort that helped produce the 1997 Balanced Budget Act. On these very difficult issues, Senator KERREY has always been willing to consider policies that make sense for the long term even when these policies carry a high political price in the short term. He was a leader in insisting that the Senate version of the Balanced Budget Act contain long term Medicare reforms as well as short term fixes. Yet throughout these discussions, Senator KERREY has also been a strong defender of the most vulnerable among us—from children in low income families struggling to get by with cash assistance, food stamps and Medicaid to rural seniors who depend on adequate Medicare reimbursement to maintain health care in their local community.

All of us will miss his keen intellect, his insight and his candor. We will miss his terrific sense of humor. We will miss his positive attitude. We will miss the unique perspective he brings to every discussion. We will miss his integrity and his courage. But most of all, we will miss the boundless enthusiasm he brings to public service. There is no question the Senate will soon be made poorer by his departure, and there is no doubt Senator KERREY will make the university community he now joins richer by brining these wonderful attributes to his new position.

We thank you Senator KERREY for your service to the United State Senate.

And I thank you for your friendship.

Mr. WARNER. Mr. President. I rise today to pay tribute to Senator ROBERT KERREY of Nebraska. As Undersecretary, then Secretary of Navy for over five years during the war in Vietnam, I learned first hand the courage and sacrifice of the men and women of the armed forces who served our Nation. Lieutenant, USN, BOB KERREY earned our nation's highest recognition for his valor and unwavering leadership during that conflict. Those same extraordinary personal attributes BOB KERREY brought to the Senate.

Serving with BOB is a reward all Senators will cherish. Though the challenges of education will be his next call to duty, I predict he will someday soon be back in public office. Enjoy this respite, my friend, but harken to the bugle-call in years to come for another career to strengthen our nation with your "brand" of leadership.

I shall miss our vigorous floor debates, our trips abroad to visit our troops, our moments of levity as two old bachelors.

As we sailors say, "well done sir"!

RETIREMENT OF SENATOR SLADE GORTON

Mr. LEVIN. Mr. President, as this session of Congress ends, Senator SLADE GORTON of Washington will leave the Senate. Senator GORTON has long been a leader among the Republicans and a thoughful voice in the Senate.

Senator GORTON, a hard-worker, has served not only on the Senate Approriations Committee, where he chairs the Interior Appropriations Subcommittee, but on the Budget Committee, the Commerce, Science and Transportation Committee, the Energy and Natural Resources Committee, and the Indian Affairs Committee. He has carried an impressive workload.

In addition, SLADE GORTON, a former Attorney General in the State of Washington, earned a reputation as a tough proponent of fighting violent crime, particularly international terrorism.

While proud of his conservative credentials, SLADE GORTON was often willing to reach across party lines to work with Democrats on issues like consumer affairs and an increase in the minimum wage .

I admired SLADE GORTON's work along with Senator Joe LIEBERMAN to fashion a sensible, balanced and expeditious way to consider the impeachment resolution sent to the Senate by the House of Representatives in 1998. While the plan was ultimately not adopted by the Senate, the careful and judicious effort to put such a plan forward reflected SLADE's commitment to the dignity of the United States Senate.

As this year winds to an end, I know that I am joined by my colleagues in the Senate in wishing SLADE GORTON and his wife, Sally, their three children and seven grandchildren, the very best in the years ahead.

Mr. CONRAD. Mr. President, I rise today to add my voice to those paying tribute to Senator SLADE GORTON upon his departure from the Senate.

I have had the privilege of serving with Senator GORTON on the Senate

Budget Committee for the past eight years. During this time, Senator GORTON has fought hard for the principles he believes in: a stable economy and a balanced budget. He has made a significant contribution to bringing fiscal discipline to our nation. As part of that effort, in 1996 Senator GORTON and I, as part of the Centrist Coalition, worked with many other Senators to forge a compromise budget resolution that balanced fiscal responsibility with our nation's discretionary spending needs. Senator GORTON can be proud of his contribution to ending the deficits of the 1980s and early 1990s.

Senator GORTON has been a leader in the Senate by focusing on the high-tech revolution that has dramatically changed our economy. He has fought to ensure that we are teaching the next generation of high-tech workers in our schools and has fought to keep our high-tech sector the best-trained in the world. He has also been a champion of providing tax incentives for companies to conduct the basic research and development that has helped fuel the dramatic growth of the high-tech industry in recent years.

Finally, let me recognize the work Senator GORTON has done as Chairman of the Interior Appropriations Subcommittee. Every year he has had a difficult task developing a spending bill for the Interior Department and related agencies. He has also helped other Senators to meet needs in their own states, and I appreciate all of Senator GORTON's help over the years to meet particular needs in North Dakota. Even when Senator GORTON could not meet all the requests his colleagues presented, he was always fair in his consideration of each Senator's needs.

Senator GORTON's dedication to the long-term health of our economy, his work for the high-tech sector, and his leadership on the Interior Appropriations Subcommittee are but just a few examples of his work that have produced clear results not only in Washington state, but also for our entire nation. He will be missed here in the Senate, and I wish him all the best in his future endeavors.

Mr. WARNER. Mr. President, I rise to pay tribute to a genuine leader in the United States Senate, my colleague and friend—Senator SLADE GORTON.

We have served together over his entire 18 year career in the Senate. Of the 23 men and women who have served the State of Washington in the Senate, SLADE has earned a ranking commensurate with those classic giants Senator Henry "Scoop" Jackson and Senator Warren Magnuson.

SLADE has served the State of Washington with distinction, but he has also served the nation, exceptionally well. Beginning with his service in the United States Army in 1946, SLADE has served his state and the country for nearly 40 years in a number of elected offices.

He has fought for balanced budgets, tax relief, and health care reforms. We served together on the Armed Services Committee, and I, as Ranking Member, was the beneficiary of his wise and steadfast counsel.

SLADE, you are a valued friend. I wish you and your wife Sally well in the years ahead.

THE RETIREMENT OF SENATOR FRANK LAUTENBERG

Mr. THURMOND. Mr. President, I rise today to pay tribute to a fine individual and distinguished colleague upon his retirement. At the close of the 106th Congress, Senator FRANK LAUTENBERG will step down from his position as a United States Senator after 18 years of dutiful service to the people of New Jersey and the citizens of the United States of America.

Senator LAUTENBERG has truly lived the American Dream. The son of immigrants, Senator LAUTENBERG, was born in the hard working town of Paterson, New Jersey in 1924. During his childhood his family moved some twelve times in search of employment, and his father spent a majority of his time working in the Paterson silk mills.

After his high school graduation, Senator LAUTENBERG answered his country's call to duty when he enlisted and served in the Army Signal Corps in Europe during World War II. Following his military service, he enrolled in Columbia University on the G.I. Bill, and graduated with a degree in economics in 1949.

Senator LAUTENBERG then began a very successful business career. He and two of his childhood friends founded Automatic Data Processing (ADP). ADP, a payroll services company, developed into one of the largest computer service companies in the world.

FRANK LAUTENBERG worked very hard to achieve success in the business world. Many individuals would have simply stepped away to a more relaxing and slow paced life, but not Senator LAUTENBERG. Throughout his tenure, FRANK LAUTENBERG has exhibited the characteristics of patriotism, hard work, and service to others that define great Americans.

In 1982, he decided to begin a new career in public service, and for the past 18 years he has represented the people of New Jersey in the United States Senate. Senator LAUTENBERG wanted to give back to the state and Nation that gave him the opportunity to rise to great heights, and he has worked diligently to make America a better country for her citizens and future generations.

It has been a pleasure working alongside Senator LAUTENBERG, especially on such issues as reducing alcohol abuse. We shall miss him in the Senate chamber, and I wish Senator FRANK LAUTENBERG and his entire family health, happiness, and continued success.

Mr. LEAHY. Mr. President, one of the greatest pleasures of being a Senator is working with fellow-members like FRANK LAUTENBERG. Few Senators have brought more dedication and experience to their service in this body.

I will never forget how excited my father was to meet Senator LAUTENBERG when he first came here almost 18 years ago. My father of proud Irish decent followed FRANK's first campaign. There was a wonderful connection between the two of them, and I am forever grateful to Senator LAUTENBERG for the lovely letter of condolence that he sent me when my father passed away. FRANK LAUTENBERG is first and foremost a good friend.

Of course, Senator LAUTENBERG is also a skilled legislator. We served together for years on the Appropriations Committee. Recently, the committee debated an amendment to the Defense bill that would lead to the withdrawal of U.S. troops to Kosovo. A veteran of the European theater in World War II and the builder of a data processing empire, Senator LAUTENBERG understood that democratic stability could come only through a long-term and patient investment in peace.

What made Senator LAUTENBERG's argument so effective was not just the ideas he possessed but the way he delivered them. He has a rhetorical force that I have always admired, and I think that this ability to marry sound ideas with effective speech-making is what makes him such a stellar member.

Of course, Senator LAUTENBERG had a number of legislative accomplishments. He helped make our democracy more transparent, opposing confusing smoke and mirrors as a Chairman and Ranking Member of the Senate Budget Committee. He promoted international justice, fervently urging the prosecution of war criminals. Senator LAUTENBERG understood that reconciliation and economic growth could not come until these perpetrators are held responsible and punished for their actions. At home, Senator LAUTENBERG laid the foundation for our strong economic growth of the last decade. Amtrak and commercial aviation had no greater friend than Senator LAUTENBERG, who confidently chaired the Senate Appropriations Subcommittee on Transportation. And he has improved the public's health, encouraging restrictions on tobacco use and ensuring the cleanup of hazardous waste sites.

In his 18 years here, Senator LAUTENBERG had an impact that goes beyond his important votes and the bills he sponsored. Through his experience and knowledge, he was steadfast advocate for freedom, fairness, and responsibility. He kept these ideal on an unalterable course, and we are all in his debt for it.

Mr. CONRAD. Mr. President, before Congress adjourns for the year, I wanted to take a moment to pay tribute to Senator FRANK LAUTENBERG of New Jersey, who is retiring this year.

Senator LAUTENBERG served our nation in World War II, and later became a successful businessman. He helped to found a payroll services company, Automatic Data Processing (ADP), and built it into one of the largest computing services companies in the world.

In 1982 FRANK LAUTENBERG launched a new career, in public service, when he was elected to the United States Senate. He has represented his state well. FRANK LAUTENBERG has been a leader on budget issues, a good friend to the environment, and an accomplished legislator in the areas of transportation and health care.

I have served on the Senate Budget Committee with FRANK LAUTENBERG since 1987; he became Ranking Member of the Committee in 1997. Senator LAUTENBERG played a key role in the 1997 negotiations on the bipartisan Balanced Budget Act, which completed the work of balancing the federal budget. That legislation provided important resources for education and health care, while cutting taxes for millions of Americans.

Senator LAUTENBERG has also been a good friend to the environment, serving as the top Democrat on the Environment and Public Works Committee's Subcommittee on Superfund. Throughout his time in the Senate, Senator LAUTENBERG has fought to improve the Superfund program, and has worked for legislation preventing pollution, and ensuring clear water and clean air.

Senator LAUTENBERG's accomplishments in the area of transportation are impressive. He serves as the top Democrat on the Appropriations Committee's Subcommittee on Transportation. Senator LAUTENBERG authored laws establishing the legal drinking age at 21, and was successful just this year in encouraging states to reduce legal blood alcohol limits to .08. He worked successfully to ban smoking on airplanes, and has championed funding for Amtrak and mass transit.

Senator LAUTENBERG has also worked for some time on health care, including tobacco policy issues. He is a nationally recognized leader in the fight to protect our young people from the health consequences of cigarettes. In 1997, I was extremely fortunate that Senator LAUTENBERG was chosen to cochair the Senate Democratic Task Force on Tobacco. Senator LAUTENBERG was a particularly strong proponent of provisions on second-hand smoke and the so-called "look-back" enforcement mechanism to reduce youth smoking rates.

FRANK LAUTENBERG's dedication and expertise on many issues will be missed greatly in the United States Senate, even as New Jersey natives welcome him home. I will miss my good friend and colleague.

RETIREMENT OF SENATOR WILLIAM ROTH

Mr. LEVIN. Mr. President, I want to join my colleagues in bidding good wishes and God speed to Senator WILLIAM ROTH, the distinguished senior senator of Delaware. I have served with Senator ROTH for most of my career on the Governmental Affairs Committee. For a significant period of that time, Senator ROTH chaired that committee and its Permanent Subcommittee on Investigations.

Senator ROTH proved an able and dedicated advocate of government reform, guiding our committee through oversight hearings and investigations into how our Federal programs were or were not working. He also spearheaded a number of key efforts—many of which were successful—to change our laws to reduce opportunities for waste, fraud and abuse.

When I sat in my seat on the dais of the Governmental Affairs Committee, I often heard Senator ROTH argue passionately and convincingly for the enhancement of the M, or management responsibilities, in OMB, the Office of Management and Budget. As much as anyone in this body, Senator ROTH truly cared about the efficiency and effectiveness of government programs. He has my deep respect and the gratitude of all of us for his efforts in this area.

In addition, Senator ROTH distinguished himself as a gentleman in a chamber that has sometimes lost its gentlemanly manner. Senator ROTH could be tough, there's no doubt about that, on issues about which he cared, as well he should be, but he was always civil.

We will miss his gentlemanly ways and his guiding hand on the important but not-always-so-visible issues of government management. I wish him well and hope he enjoys an active but less hectic life which he so clearly deserves.

Mr. WARNER. Mr. President, I rise to pay tribute to a man I have worked with my entire Senate career: Senator BILL ROTH. He is a true friend and gentleman, as well as a superb legislator whose contributions to the nation are many.

Senator ROTH will likely be best remembered as the co-author of the famous Kemp-Roth tax cuts, initiated during President Reagan's tenure and for the Roth IRAs which have made it possible for millions around the country to invest taxable income that can be withdrawn tax-free in their retirement.

Senator ROTH has represented Delaware for 29 years, making him the longest serving Senator in our "First State's" storied history.

Senator ROTH is a decorated veteran of World War II, and began his Congressional service in 1966. He has served his country for almost 40 years. We all are indebted to him for his remarkable service.

I wish Senator ROTH and his wife, Jane, well and hope that they will cherish the years to come in the same way they have those that have past.

BILL ROTH's gentlemanly nature, his quietness and his humility were his hallmarks and strength.

Mr. CONRAD. Mr. President, when this Congress finishes its work it will also mark the end of a particularly distinguished 30-year career in this body. I rise to pay tribute to my chairman on the Finance Committee and my friend, BILL ROTH.

No Senator could hope to serve under a more thoughtful and considerate Chairman than those of us on the Finance Committee have experienced over the last five years. BILL is a true gentleman who works as hard as any Senator I know to make sure that issues under his control have the broadest possible consensus. He has consistently reached out to members on our side of the aisle in order to make law in a way that honors the Senate's best traditions.

Like BILL, I represent a small state. He knows, as I know, what a special responsibility that is. People in a small state expect to have a personal relationship with their Senators, and I know from the times I have taken short vacations in his beautiful state the deep affection BILL inspires all over Delaware.

I am grateful for the opportunity I have had to work so closely with him on the important tax, health, and trade issues we deal with in the Finance Committee. BILL has a natural appreciation for the strong roles agriculture and tourism play in the economy of my state of North Dakota because they are such important components of Delaware's economy as well. He knows instinctively the value of looking for common ground.

Even as he leaves the Senate, however, one thing will set BILL apart. Many Senators are well known among the public at large, but very few have their names become household words. Senator ROTH earned his membership in that tiny elite. BILL's deep commitment to retirement security and savings led directly to the establishment of the Roth IRA, a retirement savings vehicle that will give savers decades from now a reason to be grateful to our beloved colleague from Delaware.

When we consider the departure of Senator ROTH in conjunction with the simultaneous retirement of the Senator from New York, the Committee on Finance is losing more than half a century of institutional memory and experience. That is a loss not only for our committee, but for the country as well.

We wish BILL ROTH all the best as he leaves us, but he will be greatly missed by his many friends and colleagues in the Senate.

RETIREMENT OF SENATOR CONNIE MACK

Mr. LEVIN. Mr. President, I want to pay tribute today to a colleague and good friend who will be leaving the Senate when the 106th Congress adjourns sine die, CONNIE MACK, the junior senator from Florida.

I have served with CONNIE MACK on the Senate Select Committee on Intelligence where, on the important issues of national security it considers, he can be counted upon to set partisanship aside, roll up his sleeves and get to work.

In the United States Senate we are called upon to work with colleagues of many differing points of view. While CONNIE MACK has served as a key member of the Republican leadership as Republican Conference Chairman, and he and I often disagree on the issues before the Senate, it has always been a pleasure to deal with him. Always an able advocate for his point of view, he is a willing listener, open to compromise and when an opponent, always gracious, reasonable and fair.

CONNIE MACK has made a name for himself in the Senate on public housing and health care issues, particularly his efforts to make FDA-approved drugs available for other uses, especially in the fight against cancer. He and his wife, Priscilla, both cancer survivors, have been inspirational in their dedication to delivering the message to all Americans that early detection of cancer is a life-saver.

CONNIE MACK and I have shared a special bond, one of those inside jokes which create strong personal ties. Whenever I hear of someone making a great speech, I shall smile inwardly, think of CONNIE and miss his warm smile and the kind word he has for all of his Senate colleagues. I hope that in the years ahead, CONNIE and Priscilla will visit often.

Mr. CONRAD. Mr. President, I want to pay a tribute to my friend and colleague from the State of Florida who has decided to leave the Senate after a distinguished 12-year career here. It has been my pleasure to work with Senator MACK during that time on a number of important issues.

He has always been willing to reach across the aisle when bipartisan cooperation can make the difference. As colleagues on the Finance Committee, we have cosponsored each other's bills on such varied subjects as benefits for retired coal miners, fairer treatment for real estate under the Internal Revenue Code, and keeping gray market cigarettes out of the U.S. market. Senator MACK has been a generous, thoughtful, and constructive member of our committee, and we will miss his presence there every much.

Year in and year out, I am constantly impressed with the energy, intelligence, and commitment that CONNIE MACK brings to the challenging job of representing such a large and diverse State Floridians have been privileged to have the benefit of his effective advocacy for their concerns.

I am confident that a man with public policy interests over as wide a range as CONNIE has shown during his tenure in the body is still going to be checking in with his old friends in the Senate to let us know what he's thinking. I hope we will see him often in the coming years.

I am happy to join my colleagues in wishing only the best for CONNIE and Priscilla as they move on to the next chapter in their lives.

Mr. WARNER. Mr. President, I rise today to pay tribute to Senator CONNIE MACK of Florida. There are many ways to discern the character of a Senator. CONNIE MACK has made his mark with strong leadership coupled with an unusual quality of gentleness. A true gentleman of the Senate. Senatorial courtesy was his hallmark. He loved this institution; it loved him.

One unique, but subtle mannerism reveals the inner security of this great man—how he handled the gavel. The gavel is that symbol of authority so coveted by all Senators. As we all know, a gavel consists of two parts: the relatively small handle to hold, and the large hammer-like head to strike the blow. Senate Chairmen love the sharp "bang" connoting authority and decision.

Senator MACK is the only Senator, the only Chairman, whom I have observed in my 22 years of service who simply used the hammer head for the grip and conveyed his authority by gently tapping the end of the handle.

"May we have order, please." Immediately following was always quiet acceptance.

This symbolized to me how this elegant man commanded the great respect of all in the Senate. As with the gavel, his voice was always firm, and always with the soft tone of confidence.

We wish him well, together with his wife and family, as they accept life's next challenge.

RETIREMENT OF SENATOR RICHARD BRYAN

Mr. THURMOND. Mr. President, I rise today to recognize the selfless and noteworthy service of our esteemed colleague from Nevada, Senator RICHARD BRYAN. At the close of the 106th Congress, Senator BRYAN will retire from public service, and will end the final chapter in a most glorious and dedicated career as a servant of the people.

Even at an early age, RICHARD BRYAN displayed the leadership, sense of caring, and charisma that make for a successful public servant. Throughout his education he served as the president of many of his classes, including as the student body president his senior year at the University of Nevada-Reno.

After graduating, Senator BRYAN was commissioned a Second Lieutenant in the United States Army and served his country on active duty from 1959 to 1960. He then entered the University of California, Hastings College of Law, and graduated with honors in 1963.

Senator BRYAN returned home to Nevada and began a career in public service that would, to the benefit of the citizens of Nevada, span more than three decades. From 1964 to 1978, he served as a Deputy District Attorney, a Public Defender, a State Assemblyman, and a State Senator. In 1978, Senator BRYAN won his first state wide election when the people elected him Attorney General. Four years later RICHARD BRYAN became Nevada's 26th Governor. After two terms as Governor, in 1988, he won election to the United States Senate. Richard BRYAN is the only Nevadan to have served as the state's Attorney General, Governor, and United States Senator.

Clearly, Senator RICHARD BRYAN has always kept in mind the best interests of the people of Nevada and they have consistently asked him to represent these concerns. Additionally, over the last twelve years, Senator BRYAN has become one of the Nation's leading consumer advocates. His deep concern for the consumer was evident by his successful campaign to require the installation of passenger side air bags in all cars sold in the United States. Many lives have been saved because of Senator BRYAN's promotion of this legislation.

It has been a pleasure getting to know Senator RICHARD BRYAN these past twelve years, and I wish he, and his fine wife Bonnie, the best of luck in the future. I know they will enjoy all the benefits of retirement, especially the opportunity to spend more time with their family.

Mr. CONRAD. Mr. President, I would like to recognize the leadership and accomplishments of an esteemed colleague who will be retiring at the end of this term. Senator RICHARD BRYAN has served in the Congress as a representative of Nevada for more than a decade. During his tenure, he has been a tireless advocate of a wide range of legislative reform activities.

Throughout his career, Senator BRYAN has fought for improving natural resources, enhancing the quality of the nation's classrooms, and protecting privacy on the Internet. Senator BRYAN has also been nationally recognized for his efforts on behalf of consumers.

As the former Chairman of the Senate Consumer Affair Subcommittee, Senator BRYAN was responsible for enacting laws to give consumers new powers to correct errors found on their credit reports and led the fight against telemarketing fraud. Perhaps most notably, DICK BRYAN was a champion of 1993 legislation that required air bags be installed in every new car sold in the U.S. These are important accomplishments that benefit consumers across the nation.

As colleagues on the Finance Committee, we have fought to address the challenges facing Social Security and Medicare. Just this year, we worked closely to develop a proposal to provide prescription drug coverage for all Medicare beneficiaries. I am proud to say that this proposal would provide much needed drug coverage to millions of seniors citizens and disabled individuals.

I have also had the opportunity to work with Senator BRYAN to address a very important priority for the nation—balancing the federal budget. We enjoy federal budget surpluses today because of the efforts of members like Senator BRYAN who supported measures to cut government waste and get our fiscal house in order.

For these and many other reasons, I have been honored to serve with DICK BRYAN. I would like to join my colleagues in wishing the Senator and his family the best in the future and in paying tribute to DICK BRYAN's lifelong commitment to public service. I wish him well.

SENATOR CHARLES S. ROBB

Mrs. BOXER. Mr. President, today I wish to pay tribute to my colleague from Virginia, Senator CHUCK ROBB, who will leave the Senate in January after 12 years of exemplary service to his state as a member of this body.

As others have noted, CHUCK ROBB has had a long and distinguished career in public service. He served his country for 34 years in the Marine Corps and reserves, and he is a highly decorated combat veteran. He was a widely popular governor of Virginia, who increased the state's education budget by $1 billion, and appointed many women and minorities to top government jobs. And he has now served two terms as a United States Senator, where he has been praised for his leadership on national security, education, and the budget.

But I would like to note several aspects of CHUCK ROBB's Senate tenure that may not be quite as familiar, but for which I will always remember him and be grateful to him. The fact is that he was a hero on many issues: civil rights, human rights, and a woman's right to choose.

Time and time and time again, even in the most difficult and politically charged debates, Senator ROBB was steadfast in his support for the precious right of women to control their own bodies without interference from government.

He led the fight in the Senate to bring justice to African-American farmers throughout the nation who had been discriminated against by the Department of Agriculture. His legislation helped lead to the largest civil rights settlement in our history.

And then, in February 1993, he delivered a powerful and moving speech on the floor of the Senate, the message of which was that all of God's children, regardless of sexual orientation, should be treated equally in the military.

I will always remember Senator ROBB's eloquent words:

> The issue should be not what kind of person you are but what kind of soldier, sailor, airman, or marine you are. . . . I would suggest to you, Mr. President, morale is in the heart of each service person. The threat to morale comes not from the orientation of a few but from the closed minds of many.

I was deeply touched by these words of tolerance and understanding, particularly because they came from one who had served so gallantly in the Marine Corps.

So I salute you and I thank you, CHUCK, and send you my very best wishes as you move on to new challenges.

Mr. President, I ask unanimous consent that the full text of the statement be printed in the RECORD.

There being no objection, the material ordered to be printed in the RECORD, as follows:

FAMILY AND MEDICAL LEAVE ACT OF 1993

(Senate—February 4, 1993)

Mr. MITCHELL. Mr. President, I yield 5 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank the chair.

What is it that makes an excellent soldier? I submit to you that it five basic virtues: Devotion to duty; loyalty to country, commanders, and comrades; skill in military arts; personal integrity; and courage. If you have these qualities, you can be an excellent soldier, whether your name of Manursky or Jefferson, Goldberg or Nguyen, Warner, Dole, Kerrey, or McCain.

A number of Americans who have these qualities, however, are being excluded from serving their country in the military for reasons beyond fitness or performance.

People have told me for some time that they cannot understand how someone who thinks of himself as a gung-ho marine can march to the music of a drummer that I do not hear.

Mr. President, the drummer I hear plays the Marine Corps Hymn. It still gives me a chill, and I still stand when it is played. I certainly do not want to detract in any way from the military's effectiveness or performance.

Because of that, I cannot stand by and let a policy that I consider less than perfect keep our services from attracting the best and most competent people. The issue should be not what kind of person you are but what kind of soldier, sailor, airman, or marine you are.

As a former marine who considers his 34-plus years in uniform and in the reserve to be the proudest affiliation of my life, I well understand those who argue the importance of maintaining morale and good discipline in the ranks.

But I would suggest to you, Mr. President, morale is in the heart of each service person. The threat to morale comes not from the orientation of a few but from the closed minds of many. President Truman recognized that when he ordered the services to be integrated by race despite the racial animosity of many then in service.

Do some of today's soldiers fear what they do not understand? Certainly, they do. Obviously. But should America's policy be guided by fear, or should be work to overcome prejudice by showing that merit and behavior, not orientations, are what counts in the military?

I have spent a great deal of time discussing this with a number of friends, including the Chairman of the Joint Chiefs, Gen. Colin Powell. Some think that I am simply on the wrong side of this issue, and I understand this and other objections to the proposal.

General Powell recently drew a difference between discrimination based on sexuality, which he called a behavior, and that based on race, which he called a benign characteristic. But I submit to you that race is obvious, until and unless it is expressed in conduct. And if that sexuality is expressed, it is no longer benign. Then it will run into the existing regulations of the Uniform Code of Military Justice.

The code offers sufficient protections against much of the conduct that supporters of this amendment fear. And it can certainly be expanded to prevent breaches of decorum or good order.

The specter of drill sergeants dancing together is unsettling, to say the least, Mr. President. But some of the amendment's supporters fail to note it is just the kind of behavior already prohibited by the Uniform Code, as is almost all of the conduct presented as a concern by those who are in favor of this particular amendment.

The President is the Commander in Chief of the Armed Services, and he sets the goals. Just as many military men were given the goal of ejecting Iraqi forces from Kuwait, and led the plan and implemented that goal, I believe that the military should also be cast with making the President's goal a reality.

As a former military commander, I can tell you that if a goal of truly equal access to military service is to be reached, I believe that the military itself will have to come to terms with it.

That will best be done if given the proper role of implementing the President's directive. The hearings announced actually last year by the distinguished chairman of the Armed Services Committee will add information and understanding to that process and will let us fulfill the Congress' proper role of ensuring that readiness is maintained while achieving the President's goal. But I ask we not let fear govern our actions. While we may not perfectly understand what motivates individual sexuality, we cannot allow that lack of understanding to block deserving patriotic Americans from service.

Mr. President, I hope that my colleagues will oppose the amendment offered by my distinguished and very respected colleague, the Republican leader, in this particular instance.

I yield the floor.

● Mr. FEINGOLD. Mr. President, I rise today to pay tribute to CHUCK ROBB, a friend and colleague whom I deeply admire. Throughout our service together in the U.S. Senate, I have observed Senator ROBB's unfailing commitment to principle. CHUCK ROBB served his country courageously in Vietnam, and he served the Commonwealth of Virginia just as courageously in the U.S. Senate. Time and again, he voted his conscience, despite pressures to the contrary. Senator ROBB let principle, not politics, be his guide during his service in the body. His conduct should give every American faith that legislators can conduct themselves in a way that does honor to our democracy.

Senator ROBB opposed the flag desecration constitutional amendment, opposed the Defense of Marriage Act, and supported spending cuts while opposing the politically popular tax cuts. He did what he thought was in the best interest of Virginians and the nation, and I thank him for that. The Senate is a better place for Senator ROBB's service, and I join my colleagues in wishing him and his family all the best as he moves on to new endeavors.●

Mr. CONRAD. Mr. President, I would like to recognize the leadership and accomplishments of a respected colleague who will be departing at the end of this term. Senator CHUCK ROBB has served in the Senate as a representative of Virginia for more than a decade. During his tenure, he has been a strong advocate for a wide range of important legislative reform activities.

During his time in the Senate, Senator ROBB has fought to strengthen national security, maintain fiscal responsibility, and protect the environment. He has also been widely recognized for his longstanding commitment to improving education.

As a former Governor of Virginia, Senator ROBB was instrumental in increasing resources for schools. Building on these efforts, he spearheaded efforts to help states and localities build and renovate schools, promoted legislation to put 100,000 new teachers in the classroom, fought for school safety initiatives, and championed measures to wire schools to the Internet. These are important efforts that have benefited children and teachers across the nation.

As colleagues on the Finance Committee, we have fought to address the challenges facing Social Security and Medicare. Just this year, we worked closely to develop a proposal to provide prescription drug coverage for all Medicare beneficiaries. I am proud to say that this proposal would provide much needed drug coverage to millions of seniors citizens and disabled individuals.

I would also like to note that I am proud to have worked with a colleague with such a distinguished military background. Senator ROBB served our nation for more than 34 years, during which time he received national honors for his leadership and commitment to serving our nation.

For these and many other reasons, I have been honored to serve with CHUCK ROBB. I would like to join my colleagues in wishing him and his family all the best in the future.

RETIREMENT OF SENATOR JOHN ASHCROFT

Mr. LEVIN. Mr. President, as we conclude the 107th Congress, we will be saying goodbye to our colleague and friend, Senator JOHN ASHCROFT of Missouri.

A former two-term Governor, JOHN ASHCROFT has earned a reputation in the Senate for his principled pursuit of conservative issues. He is also recognized as a strong proponent of the wide use of the internet by federal agencies as a way to make the government more responsive and accountable. As a leader in the term-limits movement, he carried out the innovative online petition drive.

Senator ASHCROFT served on the Senate Foreign Relations Committee, as well as the Commerce and Judiciary Committees. He established himself as a leader among Republicans on a range of issues from term limits to tax reform and welfare reform. While in many instances I have found myself on the opposite side of issues from John, I have always respected his intellect, his integrity, his principled positions and his ability to disagree without being disagreeable.

Since 1995, JOHN ASHCROFT and I have co-chaired the Senate Auto Caucus. In this capacity, we have worked together to provide Senators with up to date information on issues affecting the automotive industry and its employees. Through the Auto Caucus we organized informational briefings to give Senators and their staff and opportunity to better understand the auto industry's remarkable progress as well as the challenges it faces. The Caucus provides a forum for Senators to exchange ideas on issues affecting the industry such as transportation, environment, trade, technology and health care.

Working together with Senator ASHCROFT's, we were able to increase membership in the Auto Caucus from six Senators to twenty-eight. The Auto Caucus played a leadership role in pressing the Administration to negotiate market opening trade agreements with Japan and Korea in the automotive sector and continues to weigh in on and monitor those agreements. In addition, the Caucus hosts meetings between Senators and Automotive CEOs, provides timely briefings on US-Japan and US-Korea automotive trade negotiations, and encourages the Administration to fight to open markets to U.S. vehicles and auto parts.

Last year, Senator ASHCROFT and I worked together to urge the National Highway Traffic Safety Administration to use an unbelted 25 mph barrier test instead of a 30 mph test to design air bags that will help better protect children, teenagers and small adults. Our work on this very complicated and controversial issue brought the Administration and Auto industry together to reach a result that will increase automobile safety.

We also worked together to continue the moratorium on unfair and ineffective increases in Corporate Average Fuel Economy standards and worked toward a compromise in the Senate to ensure that a National Academy of Sciences study of the effectiveness and impacts of CAFE standards will include the effect of those standards on motor vehicle safety as well as discriminatory impacts of those standards on the U.S. auto industry.

Also, we have worked together in the past to ensure that environmental regulations recognize and reinforce the voluntary environmental improvements and technological achievements of the automobile industry.

Not only will JOHN's contribution be missed in debate on the Senate floor, but his voice will be sorely missed, I suspect, by the "Singing Senators", the wonderful quartet in which he has joined with Senators LOTT, CRAIG and JEFFORDS. My wife and family, join me in wishing the best in the years ahead for JOHN, his loving wife (and co-author), Janet, and their family.

Mr. CONRAD. Mr. President, I rise today to pay tribute to Senator JOHN ASHCROFT as he prepares to leave the Senate.

For the past six years, Senator ASHCROFT has done important work as a member of the Commerce, Judiciary, and Foreign Relations Committees in the United States Senate. For example, Senator ASHCROFT has focused on reforming our nation's use of agricultural sanctions during foreign trade disputes. We share a common vision that we must not use food as a weapon in our disputes with other nations, and Senator ASHCROFT has made a high priority of changing this policy. His work is important both domestically and internationally, and he can be proud of his contributions.

I also appreciate Senator ASHCROFT's recent work with Senator DORGAN, Senator BOND, and me on the Dakota Water Resources Act. This legislation is critical for the economic future of North Dakota, and I greatly appreciate the constructive role Senator ASHCROFT played in representing the interests of his state. During discussions on this bill he was a tenacious advocate for his state's interests. His diligence in representing his state's interests, coupled with his willingness to gain an understanding of the water needs of my state, ultimately helped us reach a compromise acceptable to both states. The people of Missouri can be proud of his work fighting for their interests.

More generally, Senator ASHCROFT has been a man of his word who served his state and his country with distinction. I join my colleagues on both sides of the aisle in wishing him well in his future endeavors.

Mr. WARNER. Mr. President, I rise to pay tribute to a colleague and friend who will be greatly missed by the United States Senate—Senator JOHN ASHCROFT.

Senator ASHCROFT, served Missouri and the nation with distinction.

In the Senate, he was a leader in passage of landmark welfare reform legislation, authoring the Charitable Choice provision. He fought for lower taxes, a strong national defense, greater local control of education, and enhanced law enforcement.

A popular, former two term governor of his home state, JOHN brought a real "can-do" sense of purpose to his work in the Senate. I have always felt that those who come to the Senate with experience as governor, have especially valuable experience that the entire nation benefits from.

There is a term used throughout the 211 year history of the Senate called "Senatorial courtesy." JOHN won the admiration of his colleagues in many ways, especially his caring tradition of writing wonderful personal notes—not by computer—but always taking time to write them by hand.

We wish you, your wife and family well as you take on your new challenges.

RETIREMENT OF SENATOR ROD GRAMS

Mr. LEVIN. Mr. President, as this session of Congress comes to an end, I want to speak about my friend and colleague from the State of Minnesota, Senator ROD GRAMS.

A former television news personality, ROD GRAMS, in his term in the House of Representatives and in the Senate, quickly established himself as a proponent of assistance to farmers and as an advocate for the establishment of a national nuclear waste repository.

As a member of the Senate Foreign Relations Committee, he has been an opponent of international agricultural sanctions and a strong supporter of vigorous foreign trade. He supported IMF funding, trade with China and review of the U.S.-Cuba relationship.

He joined the bipartisan effort to enact strong brownfields cleanup legislation. ROD GRAMS earned a reputation as a strong supporter of tax relief, favoring elimination of the marriage penalty and other tax cut proposals.

While ROD GRAMS and I have disagreed on a number of issues, I respect the commitment which he has brought to policy debate. Where we disagreed, I found ROD GRAMS to be a straight-talking and agreeable adversary. I wish him and his family well in the future.

Mr. CONRAD. Mr. President, for the past six years, I have had the privilege of serving in the Senate with ROD GRAMS, a colleague who has distinguished himself on a number of important issues including budget, tax policy, and agriculture. He has served Minnesota with distinction as a member of the Senate Foreign Relations Committee, the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Budget committee, and the Joint Economic Committee.

On a national level, Senator GRAMS is perhaps best known for his "Families First" plan, first discussed as part of the 1994 Republican budget alternative. This plan included a $500 per-child tax credit, a recommendation that eventually became part of the 1997 Balanced Budget Act.

On a more parochial level, I have worked closely with Senator GRAMS on issues affecting our farm communities, and in 1997 to help our states recover from the disastrous floods along the Red River Valley. Communities along the Red River were devastated by this 500 year flood which disrupted business and forced thousands of families from their homes.

Senator GRAMS worked closely with delegations from North Dakota and South Dakota to make certain that the urgent needs of so many families and communities were met. He played an important role in ensuring bipartisan support and passage of the disaster relief legislation that was so critical for our states at that time. I know that many North Dakota families and businesses are very grateful for his support.

I extend my best wishes to Senator GRAMS, and his family, and my appreciation for his support on critical agricultural, budget, and disaster issues that we have worked together on in committee and on the Senator floor together.

TRIBUTE TO SENATOR SPENCER ABRAHAM

Mr. CONRAD. Mr. President, I rise today to pay tribute and recognize the accomplishments of a colleague, Senator SPENCER ABRAHAM of Michigan. Since joining the Senate in 1995, he has served with honesty, dedication, and integrity.

As members of the Budget Committee, I had the opportunity to work with Senator ABRAHAM on a number of important issues. A fiscal conservative, Senator ABRAHAM work to balance the federal budget and cut government waste. He has also been a champion of keeping our Social Security dollars locked away. This is an interest in which Senator ABRAHAM and I share a keen interest.

Most recently, Senator ABRAHAM was the lead sponsor of the American Competitiveness in the 21st Century Act, legislation that will help ensure our nation's continued growth and leadership in information technology (IT). The bill authorized visas for 195,000 high-tech professionals to work in the U.S. to meet the growing demand for skilled IT workers throughout our economy. During consideration of the bill, I was pleased to work with Senator ABRAHAM and his staff to include in the legislation long-term initiatives to ensure that Americans of all ages are trained to fill critical IT positions in our Information Age economy.

During his time in the Senate, Senator ABRAHAM also worked to curb unfunded mandates, stiffen sentences for cocaine dealers, and advocated stronger privacy protections for consumers on the Internet. His work has been thoughtful and our nation is a better place because of his efforts.

Mr. President, it has been a pleasure to serve in the Senate with SPENCE. I have the utmost respect for my friend and colleague from Michigan, and appreciate all of his contributions to the United States Senate and our nation. I would like to join with my colleagues in wishing the Senator and his family the best in the future.

Mr. WARNER. Mr. President, I rise today to recognize the accomplishments of my colleague and friend, Senator SPENCER ABRAHAM from Michigan.

Senator ABRAHAM began his service in government in Washington, DC in 1990, when he had the honor of serving in President Bush's Administration as Deputy Chief to Vice President Dan Quayle. In 1993, SPENCER ABRAHAM returned to Michigan to run for the United States Senate seat vacated by Senator Don Riegle who was retiring. Senator ABRAHAM won that Senate seat in 1994 and became the first Michigan Republican elected to the United States Senate in 22 years.

I have had the pleasure of working with Senator ABRAHAM on a number of issues including high technology and immigration over the last six years. Not only is Senator ABRAHAM a colleague of mine, SPENCE and his family are friends as well.

SPENCE ABRAHAM is a dedicated public servant, and he has represented the state of Michigan well in the United States Senate. During the past six years, Senator ABRAHAM took the lead in the Senate on high tech issues and immigration. He has been a strong supporter of tax cuts. Senator ABRAHAM has also played a prominent role in trying to protect our Social Security Trust Fund—having fought hard for a Social Security Lock Box.

The Senate is going to miss SPENCER ABRAHAM's leadership. And, those of us who know him well are going to miss his friendship in the Senate.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND ENGINEERING ESTABLISHMENT ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 1795, which is at the desk, having been received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1795) to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, many of us have worked throughout this Congress to bring greater fairness to our immigration laws. The Legal Immigration Family Equity Act and its amendments are a constructive compromise worked out between members of both parties to address a number of the injustices in current law that have harshly affected many immigrant families. Included in the final legislative package are three provisions that will provide long overdue relief to valued members of our communities and their families.

First, the legislation includes the partial restoration of section 245(i) for individuals who are physically present in the U.S. by the date the legislation is enacted into law. Spouses, children, parents and siblings of permanent residents or U.S. citizens will now be able to adjust their status in the U.S. and avoid needless separation from their loved ones. Similarly, persons who benefit from employer-based petitions will also be helped by the restoration of section 245(i).

Second, this legislation will benefit many of the "late amnesty" class members who have been in legal limbo for close to 15 years. Their spouses and children will be able to remain in the United States until they become eligible for permanent residence.

Finally, this legislation provides desperately needed technical corrections that will benefit persons eligible for relief under the Nicaraguan Adjustment and Central American Relief Act and the Haitian Refugee Immigrant Fairness Act.

Because these provisions were developed outside the usual committee process, they are not accompanied by committee reports on the background and purpose of the provisions. Therefore, as the chairman and the ranking member of the Subcommittee on Immigration, Senator ABRAHAM and I are submitting a detailed memorandum explaining the provisions, which I ask unanimous consent be printed in the RECORD at the closing of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See Exhibit 2.]

Mr. KENNEDY. Our action today is a significant step in the right direction, but this legislation is far from perfect. Critical pieces are missing.

We must continue to work for full parity for Central Americans, Haitians, and Liberians. It is unjust to treat refugees fleeing repression by left-wing dictators better than those fleeing repression by right-wing dictators. Congress must create a fair, uniform set of procedures for all of these refugees.

We also must continue to work for relief for permanent residents unfairly affected by the 1996 immigration law. The 1996 law contains some of the harshest provisions that Congress has enacted in many years. Their scope is sweeping. They hurt thousands of immigrants. They have taken immigrants away from their U.S. citizen families, without giving them even an opportunity to have their day in court. Next year, Congress must pass new legislation to correct the harsh provisions of these unfair laws.

It is also unfortunate that the legislation does not include far-reaching agreement on agricultural farmworkers. Senator GRAHAM, Congressman BERMAN, and many others worked skillfully to achieve this agreement. They proposed an excellent compromise that would have benefitted both the agricultural workers and the farm owners.

These further reforms deserve high priority by the next Congress, and I look forward to working with my colleagues and with the administration of President-elect Bush to enact them into law.

EXHIBIT 1

JOINT MEMORANDUM CONCERNING THE LEGAL IMMIGRATION FAMILY EQUITY ACT OF 2000 AND THE LIFE ACT AMENDMENTS OF 2000.

The pending legislation contains certain immigration provisions worked out between members of both parties to further address certain issues addressed in the first instance in the Legal Immigration Family Equity Act of 2000, or LIFE Act, which is contained in the Commerce Justice State Appropriations bill being transmitted to the President. Because both the original LIFE ACT and this legislation were developed outside the ordinary Committee process, they were not accompanied by the usual reports elaborating on the background and purpose of their provisions. This memorandum is accordingly submitted on behalf of the Chairman and Ranking Member of the Subcommittee on Immigration of the Senate Committee on the Judiciary to provide such elaboration in somewhat abbreviated form.

The original LIFE Act sought to address two problems. First, it sought to provide a new mechanism to address the problem created by the long backlog of immigrant visa applications for spouses and minor children of lawful permanent residents, who are currently having to wait many years for a visa to become available to them. Right now, many of these individuals are even precluded from visiting their spouse or parent in the United States on account of an administrative interpretation that the filing of their petition cases doubt on the bona fides of their applications for visitors visas, indicating that instead they are intending immigrants.

The LIFE Act creates a new temporary "V" visa under which these spouses (and their children) can come to the United States and wait for their visa here, if their immigrant visa petitions have been pending for more than three years. It also expands the criteria for "K" visas to include spouses and minor children of U.S. citizens. The purpose of the "V" and "K" visas is to provide a speedy mechanism by which family members may be reunited. We expect the Department of State and the INS to work together to create a process in keeping with the temporary nature of the visa that does not require potential beneficiaries to wait for months before their visas are approved. Like the existing Finance visa, the new "K" visa is not intended to be a prerequisite for the admission of citizen spouses, but a speedy mechanism for the spouses and minor children of U.S. citizens to obtain their immigrant visas in the U.S., rather than wait for long periods of time outside the U.S.

Second, the LIFE Act sought to correct past administrative mistakes that resulted in the wrongful denial of adjustment of status to hundreds of thousands of persons who should have qualified for permanent residence under the Immigration Reform and Control Act of 1986. It directs the Immigration and Naturalization Service (INS) to adjudicate the applications of individuals in two class action lawsuits on the merits, rather than continuing to litigate whether they were timely filed.

The LIFE Act Amendments make three significant additions to the provisions in the LIFE Act. First, they delete the LIFE Act's special mechanism for "V" and "K" visa holders to adjust to lawful permanent residence, and instead add a new provision modifying section 245(i), a mechanism by which anyone eligible for an immigrant visa and for whom a visa is currently available can adjust his or her status to that of lawful permanent residence in the U.S., rather than have to return abroad for consular processing. That mechanism was reauthorized in 1996, but only for individuals who were beneficiaries of immigrant visa petitions or labor certification applications filed by January 14, 1998. The LIFE amendments move the date by which such petitions or applications must be filed forward in time to April 30, 2001.

They also add a new requirement that for all beneficiaries whose application was filed after January 14, 1998, the principal beneficiary must have been physically present in the U.S. on the date of enactment of the LIFE Act Amendments of 2000. The function of this last requirement is to make sure that the renewed availability of section 245(i) does not operate to encourage anyone to violate our immigration laws. Accordingly, it should be interpreted with common sense.

It may be difficult for an individual physically present on the day of enactment to establish his or her presence on that precise date to qualify for 245(i). The Immigration and Naturalization Service (INS) should therefore be flexible in the types of evidence it will accept to establish physical presence on the day of enactment. For example, the kind of evidence of physical presence INS ordinarily accepts demonstrating that the applicant has been physically present during a reasonable period preceding that date, accompanied by an affidavit or declaration that the person was present on the date itself, should ordinarily suffice. We also note that this new requirement is applicable only to principal applicants for 245(i), and not to derivatives, who continue to be allowed to "follow to join" if they otherwise qualify.

In order to ensure that persons who may benefit from this provision are aware of this legislation, we strongly encourage the INS to conduct a broad outreach program within the immigrant communities. Additionally, to ensure that all potentially eligible persons have an opportunity to qualify for 245(i), if necessary the INS should accept petitions and applications before the April 30, 2001 sunset date that do not contain all necessary supporting documents, and allow additional documents to be filed after the deadline.

Second, the legislation adds the members of a third class action law suit, Zambrano v. INS, to those covered by the LIFE Act's provisions concerning adjustment of status under the Immigration Reform and Control Act of 1986 (IRCA). We note that persons eligible for adjustment pursuant to the combined LIFE provisions include everyone who has "filed with the Attorney General a written claim of class membership", that is all registered class members, not only those who have been issued employment authorization pursuant to a screening that did not reliably distinguish between potentially meritorious and non-meritorious applications.

We understand that several other class action lawsuits are still pending in the federal courts challenging other INS interpretations of the 1986 adjustment provisions. The precise posture of one of these cases, Perales v. Thornburgh, came to our attention after the legislation had been finalized. We understand that a class of about 200 identified plaintiffs in Perales challenged the same regulation whose illegality the INS has conceded in Zambrano. We would encourage the Attorney General to provide a just resolution for the Perales class members in light of the legislation enacted today.

Other cases that have come to our attention, such as Proyecto San Pablo v. INS, and Immigrant Assistance Project v. INS, are in a different posture from those addressed by the LIFE Act and these amendments, in that they do not involve regulations that INS has conceded were illegal. At the same time, however, it is now almost 2001, that is, almost 15 years after the enactment of IRCA, and these cases remain unresolved. We encourage the plaintiffs and the Attorney General to explore the possibility of settling these cases and bringing to an end the years of bitter and costly litigation. Nothing in this legislation is intended to preclude this option, or to preclude the Attorney General from resolving any other IRCA adjustment applications on the merits.

In that connection, we also note that when the 1986 legalization program was enacted, the Attorney General, pursuant to section 245A of the INA, was authorized to work in conjunction with voluntary organizations and other qualified State, local and community organizations to broadly disseminate information about the legalization program. The INS helped provide funding to these organizations to assist with the outreach effort, as well as with the preparation and submission of the applications for adjustment of status. A similar outreach campaign should be conducted to disseminate information about the opportunity to apply for adjustment of status under this Act. As noted above, almost 15 years have elapsed since the original legalization program was enacted, therefore the need to publicize the resolution of these issues reached by the LIFE Act and amendments thereto is critical to ensure that eligible persons are notified and have an opportunity to obtain the benefits of this Act. Moreover, nothing in the Act should be construed to preclude the Attorney General from providing funding to organizations qualified and experienced in the preparation and submission of adjustment applications.

Third, the amendments clarify that the spouses and unmarried children of the beneficiaries of Section 1104 of the LIFE Act are eligible for the Family Unity provisions of the Immigration Act of 1990. By enacting this provision, our objective is to ensure that these family members are treated in the same manner as the family members of those who adjusted their status under IRCA.

In addition, the amendments address two, more technical issues. Section 1104 LIFE Act applicants, as well as beneficiaries under the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugee Immigrant Fairness Act (HRIFA) are made eligible for certain waivers of grounds of inadmissibility. These waivers are ordinarily available only to persons who are outside the U.S. The amendments to the LIFE Act allow the covered individuals to apply for these waivers in the U.S.

Finally, the LIFE amendments clarify that section 241(a)(5) of the INA which bars anyone who has been ordered removed and who subsequently reenters the U.S. from obtaining any relief under the INA. Because adjustment under section 245A, NACARA, and HRIFA is not "relief under" the Act, LIFE amendments specify that this bar does not apply to LIFE section 1104 beneficiaries, or NACARA or HRIFA applicants.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be advanced to third reading and passed and the motion to reconsider be laid upon the table, all without intervening action, motion, or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1795) was read the third time and passed.

Mr. LOTT. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, Senator DASCHLE is here. We have a few resolutions we can offer at this point.

THANKING THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 388) tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 388) was agreed to, as follows:

S. RES. 388

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

Mr. LOTT. Let me note, Mr. President, that the distinguished Senator from South Carolina, Senator STROM THURMOND, has been very diligent in his duties over the past 2 years. No matter what hour of the day the Senate came in, Senator THURMOND was in the chair and recognized the Chaplain and called on a Senator to lead the Pledge of Allegiance. On a few occasions, I even suggested a substitute could fill in, but on rare occasions did that ever happen.

He has set a tremendous example for all of us in the Senate. He continues the tradition that Senator BYRD of West Virginia also exhibited when he was President pro tempore. So I am sincere when I say we extend our appreciation to Senator THURMOND for his diligence as our President pro tempore.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I associate myself with the remarks of the distinguished majority leader.

I have admired the distinguished President pro tempore for a lot of reasons. But his diligence in opening the session every day, and his willingness to be as prompt as he always is, is something admired on both sides of the aisle.

So for all of his effort, for all of his service, for his willingness to serve as he has, we thank him.

I thank the majority leader for yielding.

THANKING THE VICE PRESIDENT

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 389) tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 389) was agreed to, as follows:

S. RES. 389

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

Mr. LOTT. Mr. President, let me note that the Vice President, AL GORE, a former Member of this body, served the Senate. I served with him here. I served with him in the House. He has served his country so well for a long time. He, probably more than most Vice Presidents, did spend time up here. On a few occasions, he did have to come and break ties. Generally, I did not like that, but he was prepared to do that.

He served his country so well, and a simple resolution of this nature is not adequate to express the appreciation of the Senate and of our Nation.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I will have more to say about that matter at another time. But let me also, again, associate myself with the remarks of the majority leader, except to say I was delighted he was there in the chair to break those tie votes on occasion.

He has served his country well in so many roles over the years, including his years in the Senate, both as a Senator and as the President of the Senate. We congratulate him and thank him for his work, as well.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 390) to commend the exemplary leadership of the Democratic Leader.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 390) was agreed to, as follows:

S. RES. 390

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

Mr. LOTT. Mr. President, I could go on for quite some time about my colleague from South Dakota. He does a magnificent job as the Democratic leader. He is thoughtful. He is accessible. He is tenacious. He is committed. He is courteous. And while, as leaders of our respective parties in the Senate, we sometimes disagree and sometimes even clash publicly—it has been rare—we have a very good working relationship. When the day is done and we have conversations, they are quite often personal and very kind. I appreciate his courtesies. I look forward to working with him in the next Congress.

It is going to surely test us in every way, every day, but I hope and pray we will be up to the task. I will certainly try to fulfill that new, challenging role. And I know I can count on my friend and partner to do his part on the other side of the aisle.

So I am delighted to be able to offer this resolution of commendation to Senator DASCHLE.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

COMMENDING THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER

Mr. DASCHLE. Mr. President, I have a resolution at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 391) to commend the exemplary leadership of the Majority Leader.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, this resolution is offered in the most heartfelt and sincere way. These last 2 years have been very difficult. There have been times when it has tested all of us. But no one has been more tested than the majority leader. No one has been called upon to lead in more arduous circumstances, on more occasions, than the majority leader. And as he has just noted, there have been times when we have had our differences. But I have always admired him for his remarkable ability to put aside those differences, to come to my office, to invite me to his, to talk in the most affable and personal way when the day is done. I admire that and many other of his remarkable talents. We are fortunate to have his leadership. We are fortunate to have his service to this country. And I am fortunate to have his friendship.

So I congratulate him on his successful tenure as majority leader. And as he noted, our times in the future will become even more arduous, even more tested. I look forward to taking on those challenges with the same degree of enthusiasm, the same degree of willingness, to work in a partnership that I hope we can continually demonstrate. So I thank him. I wish him well and look forward to our service together in the next 2 years.

Mr. REID. Mr. President, the American public, the people from South Dakota, the people from Mississippi, do not know how hard these two men work for their States and their country. They probably have some idea because they are both so popular in their respective States, but from someone who sits and watches these two men every day we are in session—and many of the days we are not in session—I am in awe as to the work they do and the difficult situations they get us out of.

If someone had said this morning at 10 o'clock that we would be in the position we are in today—being able to go home for Christmas—I would have laughed at them. I thought it was impossible for us to do that. But these two men, working together, were able to put together a package of about $500 billion involving the most important things this country deals with on a daily basis. They did this. They did it alone. There were others on the outside helping a little bit, but this is just an example.

But I have been able, from my perspective here for 2 years, to watch them, and I am tremendously impressed. I want this RECORD spread with the fact that these resolutions do not in any way connote the really good work they do. On paper it says they did a good job, but it takes someone who works with these two gentlemen on a daily basis to see the sacrifices they make for their States and for the country.

Their families should be so proud of what they do. The people of their States should be so proud of what they do. And I, speaking on behalf of Americans, after this bitter election, say here are examples of everything that is good about the American political system—Senators DASCHLE and LOTT.

The PRESIDING OFFICER. Is there further debate on the resolution?

Without objection, the resolution is agreed to.

The resolution (S. Res. 391) was agreed to, as follows:

S. RES. 391

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

Mr. LOTT. I appreciate very much the kind remarks of Senator DASCHLE and also our good friend, Senator REID of Nevada. He has been very generous, and we appreciate it. He makes our jobs easier. Sometimes when we are out there having meetings or taking incoming shots from various places, in a quiet, humble, self-effacing, diligent way, HARRY REID is out there finding a solution. I sincerely appreciate the work he has given us and the entire institution over the last year. I enjoy working with him very much.

I am very proud, too, while we have big States, very important States, the little States of Nevada, Mississippi, and South Dakota are hanging in there. We are glad to be able to fill these positions of responsibility.

So I thank them both very sincerely.

THANKING SENATE STAFF

Mr. LOTT. Mr. President, I send another resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 392) tendering the thanks of the Senate to the Senate Staff for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 392) was agreed to, as follows:

S. RES. 392

Resolved, That the thanks of the Senate are hereby tendered to the Secretary of the Senate, the Sergeant at Arms of the Senate, the Secretary for the Majority, the Secretary for the Minority, and the floor staff of the two parties for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate during the second session of the One Hundred Sixth Congress.

Mr. LOTT. Mr. President, I want to just expound a bit on this resolution. We are deeply indebted to these staff members, including those at the table in front of us. They are so efficient. They are so informed. They save us many times from ourselves. They are here early. They are here late. And, of course, all of the clerks, the Parliamentarians, and the representatives who are here do a magnificent job. We do not always say we appreciate it enough, but we do. We could not make it without them.

This resolution is the very least we could do to say we appreciate them.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, again, I want to identify myself with the remarks of the majority leader. These staff are the best there could be. I thank them, on behalf of the entire Senate, for their hard work, for their professionalism, for the level of commitment they make each and every time they come to work. I thank them for what they do. There are so many ways we ought to stop throughout the year and express ourselves in as heartfelt a way as we can, but at least now at the end of this Congress, we ought to say—with an exclamation point—thank you.

Thank you for what you do. Thank you for who you are. Thank you for what you give each and every day.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that I be added as a cosponsor to each of these resolutions that have just been offered: S. Res. 388, S. Res. 389, S. Res. 390, S. Res. 391, and S. Res. 392.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada will be added as a cosponsor to the resolutions.

Mr. LOTT. Mr. President, those are all of the resolutions we have at this time.

I know the distinguished Senator from Alaska, the chairman of the Appropriations Committee, will probably have some remarks about the bill we have been working on for so long now.

We have a few other items.

CONGRATULATING SENATOR STEVENS AND SENATOR BYRD

Mr. LOTT. Mr. President, let me take this occasion to thank the distinguished chairman of the Appropriations Committee and, in his absence, Senator BYRD for his cooperation with Senator STEVENS. They work together as a team every day. They do an incredible job. They have one of the toughest jobs in the Congress.

I have been working in budget processes now directly for I guess about 20 years. When I was in the House as the whip, I sometimes reluctantly became a participant in those budget renegotiations. They were never easy. But I don't think I have ever seen more fire, lightning, and thunder than we had on this bill, when you compare it to bills of the past that were relatively small in size and various parts.

It was very tough. Everything was fought over so aggressively. Things didn't get in, such as Amtrak, and things got in, such as Medicare adjustments. But we found a way to make it happen. We found it very hard to let go. But the Senator from Alaska hung in there. I know he was working at 2 o'clock this morning, and I know he was back at the office today at 6:30. I talked to him sometime between 6:30 and 8 o'clock this morning. The amazing thing was he was sweet and charming and pleasant.

Is this the deed? Is this what we have here?

Mr. MOYNIHAN. I dare not ask a World War II pilot veteran to lift this or the rules on ergonomics might be contradicted.

But I congratulate you, sir.

Mr. LOTT. It probably violates the rules of ergonomics, I would like to say, if that is the package.

Finally, all of us learned in the last 2 days more than we ever wanted to know about the Steller sea lion. What is it, and what are they? Whatever they are, I am sure they are beautiful, and I know they appreciate the effort of the Senator from Alaska. I know about 10,000 Alaskans appreciate the fact that their jobs will not be wiped out almost instantly.

The administration was very tough, but they were protecting the Endangered Species Act. I don't know quite how Senator STEVENS found common ground. But he did. Thank goodness for all of the persistence. He is affectionately known as "The Tasmanian Devil." But today he did this job without his Tasmanian necktie.

While we get very testy with each other sometimes, we still really appreciate the work that is done.

Senator STEVENS, congratulations, and I look forward to someday being able to know all that is in the bill.

The PRESIDING OFFICER (Mr. ABRAHAM). The Democratic leader.

Mr. DASCHLE. Mr. President, this will be the last time, because I know others want to speak.

I, too, want to congratulate the chairman and ranking member. This has been a really difficult experience. He knows it. No one knows it better than he because he had to experience it as late as 3:30 last night and as early as 6:30 this morning. We know because of a very intense debate we had within our caucus. It would not have happened without his leadership. It would not have happened without his persistence and the work of his staff—and the staff whom both the majority leader and I have been fortunate to have serve with us as we have attempted to put this package together.

I congratulate him. I thank him. I also congratulate the people of Alaska for the kind of representation they sent to Washington in the person of TED STEVENS.

I yield the floor.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I know others are going to take the floor.

While the two leaders are here, I thank each of them for their comments. Nothing is done in the Senate without the concurrence of the leadership. I know full well the help they have given us in the past days and weeks which led to the final solution. I will be speaking about that later.

I thank the Senator from Mississippi and also my friend, the Senator from

South Dakota, for their help and for the sincere comments they made today. They are very welcome, as far as I am concerned, and I am humbled by them. I thank them very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I appreciate the positive remarks that have just been made about our leadership and those who have supported them throughout these difficult 2 years, and look forward at an appropriate time to hearing the comments of the chairman of the Appropriations Committee on this legislation.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 4577, which the clerk will report.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) "making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes", having met, have agreed: that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same; that the House agree to the title of the bill, with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of today, December 15, 2000.)

Mr. STEVENS. Mr. President, the fiscal year 2001 Labor/HHS Appropriations Conference Report is now before the Senate.

This conference report serves to wrap up work on all fiscal year 2001 appropriations bills, as it includes the Treasury-General Government and legislative branch bills. Those two bills were previously passed by the Congress, but were vetoed by the President.

The only significant change to the bills previously passed by Congress is the deletion of the telephone tax provision in the Treasury bill. The conference report includes other appropriations matters, which emerged subsequent to the completion of the other fiscal year 2001 bills.

Significant items include $150 million for repair of the U.S.S. *Cole*, $100 million for intelligence activities requested by the White House, $110 million for the new markets initiative, $100 million for volunteer firefighter grants sought by our colleague from Delaware, Senator ROTH, and $100 million for the Library of Congress to enhance the National Digital Library.

I want to also thank all my colleagues for their patience as I worked with the White House for a compromise on the Alaskan Fishery/Sea Lion protection issue. Through the hard work of many here in Congress and at the White House, OMB and the Department of Commerce, we achieved a compromise that meets the priorities of all parties—who share the goal of protecting the sea lion population, and the economic well being and viability of the commercial fishing industry in my State.

There are many specific issues that I could comment on today, but I had the opportunity to brief members of this side of the aisle at a conference this afternoon, and the bill is available in the Cloakroom for review.

I urge all my colleagues to support this conference report, which completes the work of this Congress, during this Congress. Next month, when the 107th Congress convenes, and a new President is inaugurated, they will both start with no carryover from this Congress.

Mr. BYRD. Mr. President, as has been the case on far too many occasions in the past number of years, the Senate finds itself today in the position of having to deal with a massive omnibus appropriations bill. We have had to pass a record number—21—of Continuing Resolutions in order to keep the Federal Government operating since the fiscal year began on October 1st. These Continuing Resolutions were necessary because we in the Congress and the Administration could not resolve our differences on a myriad of issues, most of which have not involved funding levels at all. Rather, the haggling for the past many weeks has been over issues such as ergonomics regulations, immigration, and certain regulatory matters; all of which would be more appropriately handled by the authorizing committees with jurisdiction over them. Instead of following the established practices and the regular order of enacting the thirteen annual appropriations bills, we have in recent years, chosen to delay appropriations bills until it is too late to do anything other than to package them in a manner that causes such packages to be used as vehicles for all manner of non-appropriations issues. This has necessitated the adoption of late-year omnibus appropriations packages well after the start of the fiscal year, such as the one before the Senate today. This is a practice that should never have been started and which, if not discontinued, I fear will gravely diminish the Senate as an institution. Senators are being denied the right to debate and amend appropriations bills, all of which contain billions of taxpayer dollars, and literally thousands of funding issues affecting their constituents. Instead, we are being presented with unamendable omnibus appropriations packages, which contain many, many matters that have not had any Senate consideration at all. In the next Congress, the 107th Congress, we should strive mightily, on a bipartisan basis, to return to regular order in taking up each of the thirteen annual appropriations bills. The Appropriations Committee has marked up each of the thirteen appropriations bills in a timely manner every year under our distinguished Chairman, Senator STEVENS. He is indeed masterful in his handling of appropriations matters and he is very knowledgeable on the issues that come before the Appropriations Committee. He is also one who leads the Committee in a bipartisan manner at all times. He gives the same consideration to requests of Members of the Committee on both sides of the aisle, and I am honored to serve as Ranking Member of the Committee under his chairmanship. It has not been the fault of TED STEVENS that the appropriations bills have, too often, been lumped together into omnibus packages, such as the one before the Senate.

In an effort to facilitate a return to the regular order in the Senate's handling of the thirteen annual appropriations bills, I was pleased to have the support of both Leaders, Mr. DASCHLE and Mr. LOTT, in my amendment to the Commerce/Justice/State Appropriations bill for Fiscal Year 2001 to restore Senate Rule XXVIII, Paragraph 2. That provision makes it out of order for extraneous matters to be included in conference reports. Several years ago, in connection with the Senate's consideration of an FAA conference report, the Senate voted to overturn the Chair when it ruled that there was extraneous matter in that conference report. The effect of that vote to overturn the Chair was to negate Rule XXVIII, Paragraph 2. Consequently, it has not been out of order for any matter to be inserted in any conference report since that time. Upon enactment of the Commerce/Justice/State Appropriations bill, and as a result of my amendment thereto,

Rule XXVIII, Paragraph 2 will be restored. This will mean that in the 107th Congress, it will not be in order for extraneous matters to be placed in a conference report. Upon a point of order's being made in that regard, if sustained, such a conference report will be rejected. I believe that restoration of this rule will go a long way toward eliminating these annual omnibus appropriations measures that the Senate has had to deal with in the past several years and is again being asked to adopt here today.

Having said that, Mr. President, I shall vote for the pending conference report. It contains the Fiscal Year 2001 appropriations bills for the Departments of Labor, Health and Human

Services, and Education, for the Department of the Treasury and General Government, and for the Legislative Branch. By far, the largest of these appropriations bills is the Labor/HHS Appropriations bill.

In the agreement reached on the Labor/HHS bill, the funding totals some $108.9 billion in budget authority for Fiscal Year 2001. This is an increase of almost $12 billion from last year and represents the largest ever one-year increase for the Labor/HHS Appropriations bill. This amounts to more than a 12 percent increase above last year's level, and will enable funding levels for education to be increased by almost 15 percent, including an appropriation of more than $1 billion for a new school renovation program. The Labor/HHS Appropriations bill also includes critical funding for many health programs such as the Ryan White AIDS program, NIH, child immunization, substance abuse prevention, and mental health programs. All of these programs are funded at levels substantially higher than last year. As Members are aware, the bill also funds the Head Start program, and the low income home energy assistance program, LIHEAP. I recognize that a number of Senators believe that we should have insisted upon even higher levels for the Labor/HHS bill. While I might agree with those Senators, and although a tentative agreement in October would have funded the Labor/HHS Appropriations bill at a level of over $112 billion, that agreement fell through over a legislative rider involving ergonomics.

After weeks of haggling over the ergonomics issue, as well as other issues such as immigration, and overall funding levels, I feel that we have no other choice than to accept this compromise that is before the Senate today. As I say, it does not fully please any Senator. I am sure there are some who feel that the funding levels are too high; but the time has long since passed for us to complete our work and get this final appropriations package to the President's desk.

In addition to the Labor/HHS Appropriations bill, this package contains funding for the Legislative Branch, and the Department of the Treasury and General Government, which measure funds a number of programs for law enforcement, as well as the U.S. Customs Service—the federal agency with responsibility for border patrol and enforcement of our immigration laws.

There is also a division of this omnibus package that includes a number of non-appropriations matters. Those matters were considered carefully by Chairman STEVENS, Chairman YOUNG, Mr. OBEY and myself, at the request of Members of the House and Senate. There were many more such matters that were considered, but were not included in this final package.

Finally, the package contains a division relating to tax matters, including the so-called Balanced Budget Act, BBA, Medicare fix. Those tax matters were inserted into the omnibus package by the Leadership, and they fall into the jurisdiction of the Ways and Means and Finance Committees. Accordingly, we Appropriations Members were not involved in that process.

In conclusion, Mr. President, I urge my colleagues to vote for this conference agreement. Despite its having all the flaws that we have seen in previous omnibus appropriations bills, the time has come to finish the work of the 106th Congress. In that way, we will have a clean slate for the new Congress, the 107th Congress, when it convenes on January 3rd, and for the new Administration, when our new President, George W. Bush, is sworn into office on January 20th.

While I recognize that there are those who predict a continuation of the gridlock that we have seen in the recent past, or perhaps greater gridlock in the next Congress, as it struggles to work with the Bush Administration; I hope and believe that there will be unprecedented opportunities for bipartisan efforts to prevail in solving the Nation's most pressing problems: to maintain a vital national defense, and to find solutions which ensure that our Medicare and Social Security programs can sustain the promised for our citizens over the coming century. I am optimistic that the new Congress will be prepared to work with the Bush Administration. I know that the overwhelming number of Members of the House and Senate, on a bipartisan basis, join me in pledging our best efforts to do so, and our good faith commitment to achieve results in these critical areas, on behalf of the American people.

Mr. STEVENS. Mr. President, after protracted negotiations, the Administration and I have reached an agreement that provides the necessary protections for the Steller sea lion while allowing for the needs of fishermen who depend on the robust and healthy groundfish stocks off Alaska. I believe the Senate knows my personal feelings, and the feelings of practically all those who are involved in the harvesting, processing, and subsequent marketing of the millions of tons of seafood that come from the North Pacific and Bering Sea, on this matter. While we recognize that the Steller sea lion deserves protection, we are not convinced that the Commerce Department has proven, let alone adequately tested, its hypothesis that fishing contributes to the sea lions' decline. A few minutes spent skimming the biological opinion reveals the lack of science underlying the proposed actions it contains. For example, the Commerce Department states in its biological opinion that it does not know if fishing impacts sea lions, or that sea lions would likely continue to decline even if all fishing were halted.

Nonetheless, the lives of our fishermen will continue to be affected by this opinion. Our agreement provides a three-step phase-in process for fishery restrictions proposed to be implemented by the National Marine Fisheries Service (NMFS) in the Alaska groundfish fisheries under Endangered Species Act (ESA) requirements. This section is intended to lessen the negative economic consequences to the fishing community caused by the restrictions and to ensure that any Steller sea lion protective measures do not create negative consequences for the conservation of the fisheries and ecosystem. This is accomplished by requiring the Secretary to rely on the fishery management provisions in the Magnuson-Stevens Act, including the regional council processes, when implementing reasonable and prudent alternatives under the Endangered Species Act.

Unfortunately, work on this provision was not completed until shortly before the conference agreement was filed on the final day of this session. I ask unanimous consent that the section-by-section analysis of this provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Subsection (a) includes findings by Congress concerning the decline of the Steller sea lion and need for scientists to study the relationship between commercial fisheries and sea lions. It also includes findings confirming that the authority to manage federal fisheries lies with the regional councils created under the Magnuson-Stevens Act. It clarifies that the Secretary is required to comply with, and use the procedures established under, the Magnuson-Stevens Act when implementing measures to comply with the Endangered Species Act. This finding recognizes that the Administration should not use the Endangered Species Act to implement fishery management measures without respect to the Magnuson-Stevens Act, particularly the processes by which the councils develop, review, and promulgate fishery management measures. The appropriate forum to develop fishery management measures, including those measures necessary to protect threatened and endangered species, are the regional councils.

Subsection (b) requires the North Pacific Fishery Management Council to conduct an independent scientific review of the November 30, 2000 biological opinion (hereafter the "Opinion") issued by NMFS for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries, drawing upon the expertise of the National Academy of Sciences. This subsection reflects the Congress's deep concerns over the validity and objectivity of the science relied on in the biological opinion and the process by which the Commerce Department developed this opinion. It directs the Secretary of Commerce to cooperate with the North Pacific Council's scientific review, and requests the National Academy of Sciences to give the review its highest priority.

Subsection (c)(1) directs the Secretary to submit proposed Magnuson-Stevens Act fishery conservation and management measures to implement the reasonable and prudent alternatives (RPAs) to the North Pacific Council immediately or as soon as possible, and then tasks the Council with preparing a fishery management amendment or amendments under the Magnuson-Stevens Act to implement such conservation and management measures. While the amendments must implement the measures necessary to protect sea lions and, it is equally important that such measures provide for the conservation and safe conduct of the fisheries, as required in the Magnuson-Stevens Act. Congress remains concerned that the proposed closures would have forced small vessels to fish in dangerous waters during the winter storm season, a prospect specifically commented upon by our Coast Guard.

Subsection (c)(2) requires the RPAs, as developed by the North Pacific Council under subsection (c)(1), to become effective on January 1, 2002. To address Congress' concerns about the objectivity and validity of the scientific conclusions of this opinion the opinion must incorporate changes warranted by the scientific review required under subsection (b) or other new information that comes to the Secretary or Council's attention. The Council and Secretary are directed to jointly develop a schedule for the development of FMP amendment or amendments to implement the RPAs beginning in the 2002 fisheries. Subsection (c)(2) specifies that the RPAs shall not go into effect immediately, but shall be phased in according to subsection (c)(3) during the 2001 fisheries.

Subsection (c)(3) requires the 2001 Bering Sea/Aleutian Island and Gulf of Alaska groundfish fisheries to be managed in accordance with the regulations promulgated for the 2000 fisheries prior to the issuance of the July 19, 2000 court injunction in those fisheries (which has since been lifted). The 2000 regulations provide substantial protections for Steller sea lions, while maintaining the comprehensive and proven framework that has protected the marine resources of the North Pacific and been fine-tuned for more than two decades. These regulations for the first months of the 2001 fisheries are to be implemented by emergency rule so that the fisheries can begin by January 20, 2001.

Subsection (c)(4) requires the Secretary of Commerce to amend regulations based on the 2000 regulations, but which are consistent to the extent practicable with the RPA's, by January 20, 2001. The Secretary is to consult with the North Pacific Council in preparing these draft regulations, with the goal of incorporating some of the protective concepts in the RPAs for these regulations, in time for the fisheries to open no later than January 20, 2001. Under paragraph (7) of subsection (c), the draft regulations amended upon the recommendation of the North Pacific Council until March 15, 2001. As soon after March 15, 2001 as possible, the Secretary of Commerce will publish and implement the regulations, and these regulations shall then govern the Bering Sea/Aleutian Island and Gulf of Alaska fisheries for the remainder of 2001, consistent with all the requirements of the Magnuson-Stevens Act. It is our intent that the Secretary provide ample opportunity for the public to comment on these regulations before the regulations take effect.

Subsection (c)(5) requires that the "Global Control Rule" from the RPA's take effect immediately in the fisheries, this is particularly important during the period during the Spring and/or early summer of 2001 when the fisheries are being managed under the 2000 regulations. Paragraph (5) modifies the Global Control Rule during 2001 to limit any reduction to not more than ten percent of the total allowable catch in any of the fisheries.

Subsection (c)(6) provides the North Pacific Council with the authority to recommend, and the Secretary of Commerce with the authority to approve, modifications to the RPAs contained in the regulations that will take effect in the Spring or early-summer of the 2001 fisheries. These modifications may include the opening of additional designated Steller sea lion critical habitat for fishing by small boats, the postponement of seasonal catch levels inside critical habitat for small boats, or other measures to ensure that small boat fishermen and on-shore processors in Alaska are not adversely affected during 2001 as compared to the fisheries before the July 19, 2000 injunction. This was specifically agreed to by both the Congressional and Administration negotiators to allow coastal Alaskan fishermen to fish in the safer waters closer to shore.

Subsection (d) appropriates $20 million to the Secretary of Commerce to develop and implement a comprehensive research and recovery program for the Steller sea lion, and to study the myriad of factors which may be causing the decline of the Steller sea lion. Subsection (d) specifically requires that the theories of nutritional stress, localized depletion, and food competition with the fisheries be tested to determine their validity. This subsection also directs the Secretary of Commerce to implement non-lethal measures on a pilot basis to protect Steller sea lions from marine mammal predation, including killer whales, and to determine the extent to which predation may be causing the decline or preventing recovery. The Secretary is strongly encouraged to cooperate with the Alaska SeaLife Center, the North Pacific Universities Marine Mammal Consortium, the University of Alaska, and the North Pacific Council in the development and use of these funds. The Alaska SeaLife Center should receive $5,000,000 of these funds to continue their important work on Steller sea lion science.

Subsection (e) provides $30 million as a direct payment to the Southwest Alaska Municipal Conference to distribute to the fishing communities, businesses, western Alaska community development quota program groups, individuals, and other entities that have been hurt by the economic losses already inflicted as a result of Steller sea lion restrictions. The President of SWAMC is required to submit a written report to the Secretary of Commerce and the U.S. Senate and House appropriations committees within six months after receiving the funds to indicate how they have been distributed.

Mr. BYRD. Mr. President, in these waning days and hours of the 106th Congress, the focus in Washington is naturally on what action is taking place to resolve the remaining fiscal year 2001 appropriations bills and concluding the business of this Congress. However, all around us, life goes on. Our constituents in the steel industry must be among the few in America who will not be happy to see the 106th Congress adjourn sine die. Our constituents in the steel industry will see Congress's adjournment as a thinning of the bucket brigade that has spent the last two years trying to bail out an industry being flooded by cheap, illegally dumped steel. These people, our constituents from Weirton and Wheeling, West Virginia, from Pennsylvania, Illinois, Alabama, Maryland, Utah—their arms are tired, their voices hoarse from the effort of keeping their heads above water and shouting for help. As we look forward to adjournment, they are continuing to face a flood whose undertow threatens to pull them under. Today, as a result of this continuing crisis in steel, imports make up almost 40 percent of the U.S. market, compared to a historical rate of approximately 18 percent.

Congress has tried to respond. Members have supported individual companies and groups in filing trade cases with the Administration, attempting to use our anti-dumping and countervailing duty laws as they were intended, to thwart illegal actions by foreign competitors. Members of Congress, myself included, have introduced, supported, and fought for passage of legislation to help this core American industry. But the flood of illegally dumped steel continues, fed by the Asian economic crisis, the failure of the Russian economy, and foreign competitors seeking to gain a competitive edge with the help of illegal government subsidies. When one trade case is filed with regard to one type of steel, these competitors switch to another type of steel, forcing affected U.S. companies to bear the cost of their sales losses combined with the cost and time of collecting data and building their legal cases. The overall effect is to grind small companies down to the verge of collapse.

In 1977, there were 16,961 steelworkers on the payroll in West Virginia. In March 2000, there were just 6,857, a loss of 10,104 good-paying jobs. That's a 60 percent loss. So you understand why I am concerned. The national picture is no brighter. In 1980, there were 1,142,000 workers nationwide in the primary metals industry, which includes steel. As of September 2000, that total employment number had dropped to just 692,000, a drop of approximately 39 percent.

In the last two years, thousands of steelworkers have been laid off, some for considerable periods. Six steel companies have declared bankruptcy since 1998. But total steel imports in 2000 will be over 2½ times higher than in 1991. Total steel imports through August 2000 are 17 percent higher than over the same period in 1999 and are greater even than imports over the same period in 1998, a record year. At the same time, steel prices continue to be depressed, with hot-rolled steel prices 12 percent lower in August 2000 than in the first quarter of 1998, and average import customs values for all steel products more than 15 percent lower over the same period.

Is this how we want to end an era of American history? Do we want to watch the linchpin of the American industrial revolution—our steel industry—be felled by government subsidized foreign competition, aided and abetted by indifferent application of the very trade laws implemented to protect American companies and American workers from illegal competition? I certainly hope not. When our crippled Aegis destroyer, the ill-fated U.S.S. *Cole*, is brought home for repairs, I would like American steel to bind up those wounds. I don't want to be dependent on foreign sources of steel for critical national defense needs. During World War II, I was a welder, helping to build the ships that supported our forces in that war. Today, I am a legislator, and I want to help the industry that supports our forces in war and in other critical missions.

I had prepared a resolution, cosponsored by Senators SPECTER, ROCKEFELLER, ABRAHAM, BAUCUS, BAYH, DEWINE, DURBIN, HOLLINGS, KOHL, LEVIN, LINCOLN, LUGAR, MIKULSKI, SANTORUM, SARBANES, SCHUMER, SESSIONS, SHELBY, THURMOND, VOINOVICH, and WELLSTONE, that would be a Senate companion to H. Res. 635. H. Res. 635 was introduced on October 18, and currently has 237 cosponsors. This resolution would call upon the President to take all appropriate action within his power to provide relief to the steel industry injured by these unfair actions of our trading partners. It would request an immediate and expedited U.S. International Trade Commission investigation for positive adjustment under Section 201 of the Trade Act of 1974. I am pleased that my resolution was, instead, accepted and included in the conference report to accompany the Labor/HHS appropriations bill.

This action by the Administration is necessary. We need a broad-based, comprehensive approach to dealing with this crisis in the domestic steel industry. Fighting this war one skirmish at a time, on one product type at a time by one company at a time, is simply and slowly bleeding our steel companies dry. We cannot let them continue to pick our steel companies off one at a time. We need to put the full weight of our attention and our resources on dealing comprehensively with this matter. We need to be vigilant across all fronts, and we need to develop longer strategic vision if we are to preserve this vital domestic industry.

We need a level playing field. I have no doubt that American steel companies can compete on a level playing field. But they cannot compete against steel that is priced at or below the cost of production by foreign companies subsidized by governments who seek not only to preserve their own steel production capacity, but to profit by gaining U.S. market share and putting our companies into bankruptcy. I am, unfortunately, confident that the International Trade Commission's investigation will find that the steel crisis of 1998 is far from over. In fact, steel imports are on track to match or possibly exceed the record figures of 1998. So, sadly, our domestic steel producers should have no problem meeting the stringent standards of proof required under section 201 of the Trade Act of 1974 to prove that an injury has or can be expected to occur.

I commend the many Members of the Senate who join me in calling for this action to be taken, for standing up for steel and the men and women and families who depend on steel jobs. I also commend the Senate for including this provision in this bill. I urge the Administration to proceed immediately to initiate a Section 201 investigation of steel dumping. It is urgently needed.

Mr. McCAIN. Mr. President, 70 days and 20 continuing resolutions after what was supposed to be our October 6 adjournment date, the 106th Congress is coming to an end. Let us hope the upcoming New Year brings with it a renewed spirit of bipartisan cooperation.

This year, such cooperation took a back seat to partisan bickering and ill-advised parliamentary tactics that had the effect of further polarizing this body. How many mornings did Americans awake to newspaper headlines reporting that Congress and the president still, weeks and months after we were to adjourn, had not finished their work?

There are many good provisions in the legislation soon to be sent to the President and I want to thank all those who put in long hours to bring this Congress to a close. I am particularly supportive of the Medicare changes that will strengthen the quality of health care for our seniors.

In 1997, Congress made some difficult, but necessary, changes in the financial structure of the Medicare system as part of the Balanced Budget Act. These changes were needed to preserve and protect the system and delay its impending bankruptcy from 2001 until 2015, while also increasing choice and expanding benefits for beneficiaries.

Despite the changes, there has been increasing concern that certain reimbursement reductions and caps contained in the Budget Act are resulting in access problems for our seniors. Personally, I have grown concerned about the potentially negative impact on the delivery of health care in our rural communities and for our most frail elderly if we do not make certain adjustments.

I am also pleased this legislation addresses many of the concerns raised by my constituents and the Arizona health care community. This proposal improves senior health care by increasing access to critical preventative benefits—including bi-annual pap smear screenings and pelvic exams, glaucoma screenings, colon cancer screening, and medical nutrition therapy for patients with diabetes and renal disease. Rural hospitals are strengthened by updating reimbursement policies and increasing access for seniors to emergency and ambulatory services in rural areas. And this legislation significantly lowers co-payments for out-patient hospital visits.

I am also pleased that Native Americans will not be overlooked in this legislative package, but instead will receive an economic boost through equitable treatment of tribal governments for unemployment tax purposes, a change to the tax law that I have been advocating for nearly a decade. An important stimulus to economic development in Indian country is to provide employment tax credits and incentives, including unemployment compensation benefits. This change to the Federal Unemployment Tax Act, FUTA, will correct an uneven interpretation in the tax law by finally including tribal employees in the Nation's comprehensive unemployment benefit system.

Unfortunately, I must oppose this legislation for a variety of reason. Once again, I must object to the pork barrel spending in this year-end legislative package and in all of the appropriations bills that have become law. Regrettably, the process that got us to this point led to what a New York Times headline aptly characterized as "The Politics of the Surplus." In other words, we paved our way home by spending billions of taxpayers' dollars on budget items that never went through a merit-based review process.

In the run-up to this final agreement, over $24 billion in pork barrel spending (a list of this spending may be found on my Senate Web site) was doled out and that figure will surely climb once we get a good look at the bills before us. Mr. President, our appetite for pork barrel spending was so large this year, in fact, that NBC News highlighted our feast on their Nightly News segment, "The Fleecing of America."

Who among us will ever forget the 1.5 million taxpayer dollars we have already approved to restore "a 56-foot iron rendition of the Roman god of fire and metalworking, Vulcan"?

Or the $1.5 million for sunflower research?

Or the $400,000 for the Southside Sportsman Club?

Or the $250,000 to develop improved varieties of potatoes"?

Or the $100,000 for the "Trees Forever Program"?

Or the $176,000 for the Reindeer Herders Association?

Or Or the $5 million for insect rearing?

But, there is more to come in this year-end budget deal, which has at least $1.9 billion in pork. For instance, in the Conference Report for the Commerce, State, and Justice Appropriations bill, some examples of earmarks having never undergone the appropriate merit-review process include: $3 million for Red Snapper research, $1 million for Hawaiian coral reef monitoring, $500,000 for the California Ozone study, $200,000 for the Kotzebue Sound test fishery for king crab and sea snail, $600,000 for fall chinook rearing for the Columbia River hatcheries program, $750,000 for bottle-nosed dolphins, $3,338,000 for sea turtles, $1 million for winter pollack survey in Alaska, $1 million for the implementation of the National Height Modernization, NHM, system in North Carolina, $300,000 for research on the Charleston bump, and $150,000 for lobster sampling.

The pork barrel spending adds up. Look at the numbers.

Last spring, Republicans outlined our spending plans calling for about $600 billion in so-called discretionary spending—that is, spending on programs other than Social Security, Medicare, and interest on our $5.7 trillion debt. The President's budget requested about $623 billion in discretionary spending. We'll end up spending in the neighborhood of $650 billion—some $100 billion over the discretionary spending caps set by the 1997 Balanced Budget Act.

According to Robert Reischauer, former head of the Congressional Budget Office, this will be the third year in a row in which the budget, excluding Social Security, "has been in surplus." The last time this happened, Reischauer says, was over 70 years ago. This is why I believe, Mr. President, we should take advantage of our robust economy and make significantly paying down our national debt one of our top priorities.

I must also once again express my disappointment over the narrow scope of the immigration provisions contained in this bill. I support the Latino and Immigrant Fairness Act, LIFA. Negotiations between the White House and the leadership, which endorsed more limited immigration reform, have resulted in a compromise that makes progress but falls far short of the Fairness provisions we never had a chance to vote on.

In particular, this bill makes meaningful but insufficient progress on amnesty for those wrongly denied it, and does not address legitimate concerns about Central American refugee parity. Fortunately, negotiators have agreed to temporarily restore Section 245(i), which allows immigrants with family or employer sponsors to adjust their status in the United States, rather than return to their countries of origin and face the threat of 10 years of separation from family and work in the United States before returning. This bill also contains important provisions encouraging family unification through the creation of several new visa categories. That said, it will fall to supporters of the Latino and Immigrant Fairness Act in the 107th Congress to advance that bill's intent to allow long-term residents who have developed deep roots in our country and contributed to our economy for many years to remain legally, and to establish parity for Central American and other refugees not afforded the same status as refugees from other, similarly troubled countries. I am sorry we could not have better addressed these concerns in this bill, but I appreciate the progress we are making and hope that we can take up these issues during the 107th Congress.

I remain optimistic, Mr. President, that we will be able to work together in the 107th Congress to accomplish great things.

We all should be proud of the recent election. Obviously, it wasn't perfect. Democracy never is. Yet, major issues important to all Americans were discussed and debated. In fact, a post-election survey by Pew Charitable Trusts found that a high percentage of voters believed there was "more discussion of issues than four years ago." And 83 percent of voters said they learned enough "to make an informed choice."

No doubt voters have different opinions on how we should deal with these issues. But, they did not disagree on which issues need to be tackled by Congress and our President.

In national pre-election polls, Americans consistently ranked Social Security, health care, and education among the issues they worry most about. But they also know that little gets done because too much special-interest money is infecting our political process, resulting in the kind of gridlock we have witnessed over the last year. A Newsweek poll found nearly 60 percent of Americans agreeing with the statement that political contributions have "too much influence on elections and government policy." Only ten percent disagreed.

The way we do business must change.

If we have the will, we can begin to repair Americans' cynical perception of our government by working together, in bipartisan fashion, on campaign finance reform, a real Patient's Bill of Rights, Social Security reform, and badly needed reform of the tax system.

We must also do our work in the open with due process and appropriate discussion.

This is why, I must also object to a provision inserted by Senator INOUYE, who has once again gone to great lengths to provide protectionist legislation to the lone U.S. operator of large cruise ships in Hawaii. In the 106th's closing hours, the Senator has had a legislative provision inserted in the final appropriations measure that will prohibit any cruise ship operator from allowing gaming on board any vessel that departs from and returns to Hawaii. This provides American Classic Voyages with the protection they need to keep other cruise operators who depend on gaming to attract passengers and provide an additional revenue stream from entering the Hawaii market and prohibit other vessels currently departing from other U.S. port cities from sailing among the Hawaiian islands. In the end, the American consumer is the loser.

While Hawaii law currently prohibits any gaming within the state, including its waters, U.S., state, and international law allows gaming on vessels more than three miles from shore. I have no argument against Hawaii's gambling prohibition. But the amendment authored by Senator INOUYE is aimed at keeping planed operations by international cruise operators out of Hawaii and preserving the monopoly created for American Classic Voyages as part of special interest legislation he sponsored and which became law in 1998. The language will result in fewer large cruise ship operators serving the Hawaiian Islands and drastically restricting consumer choice for cruise vacations in Hawaii.

What is most amazing is this measure, like so many others in this bill, was never discussed publicly, with the administration, or with any Committee of jurisdiction in Congress. This type of closed door, special interest legislation should concern every Member. To deny the American public the freedom of choice in cruising vacations and restrict international trade without one moment of debate is very troubling.

In light of this and other such inappropriate legislating, we must enact institutional reforms to put an end to the rampant abuse of the budget process.

If we are to hold any hope for reforming the budgetary process in this body, fundamental changes to the rules governing the appropriations process must be made. The two Rules of the Senate designed to impose discipline on the appropriations process are Rule 16, and Rule 28. Rule 16 is designed to block legislative riders on appropriations bills coming out of Committee, and Rule 28 is designed to accomplish the same goal on Conference Reports. Unfortunately, due to the fact that Rule 16 points of order only require a simple majority to over-rule the Chair, it has proven ineffective in stripping riders. And, as we all know, Rule 28 is effectively moot at this point.

As such, when the Senate reconvenes next year, it is my intention to offer an amendment to the Rules of the Senate designed to toughen Rule 16, and to reaffirm and toughen Rule 28. This amendment would do the following:

Rule 16 would be modified to require a three-fifths vote to over-rule a point of order against a legislative item inserted into a general appropriations bill by the appropriations committee. Further, a single point of order may be raised against each legislative item, and each point of order would be debatable and subject to a roll call vote.

Rule 28 would be modified, blocking Conferees to a general appropriations bill from inserting in their Report any matter not committed to them by either House, or striking from the bill matter agreed to by both Houses. Conferees to a general appropriations bill would be prohibited from increasing an appropriation for any item committed to them by either House to a level exceeding the highest appropriated level for such item presented to them by either House, and reducing an appropriated level for any item committed to them below the lowest appropriated level for such item committed to them by either House.

Further, Conferees to a general appropriations bill would be restricted from modifying any item committed to them by either House where such modification is not germane to the item being modified. In any case, no matter may be inserted into the Report that is not germane to the general appropriations bill committed to the Conferees.

The result of these changes would be to impose a strict "scope of conference" rule on appropriations Conferees.

A point of order may be made by any Senator against any general appropriations bill Conference Report for any violation of the restrictions set forth by this rule. In such cases where a single restriction has been violated more than once within a Conference Report, or where more than one restriction has been violated within a single Conference Report, each violation may be treated individually, and may be subject to a specific point of order. In the event that a single, or multiple points of order, are made against a general appropriations bill Conference Report for reasons set forth under these new restrictions, a three-fifths vote of the Senate is required to over-rule the Chair. Each appeal of the ruling of the Chair of each respective point of order is debatable and must be voted on separately.

Mr. President, before I end, I want to wish everyone a happy holiday season and New Year.

Mr. LAUTENBERG. Mr. President, I would like to take some time to discuss the importance of investing in our Nation's high-speed rail infrastructure.

We have what could fairly be termed a looming transportation crisis in the United States. Business and personal travelers are overwhelmingly relying on air travel to get from city to city, and the system is plagued with delays and congestion which is not only undermining people's personal plans but also harming the business community.

Air travel has become so inconvenient and unreliable, the public needs alternatives. According to the Federal Aviation Administration, aviation delays increased 58 percent between 1995 and 1999. And to add to passengers' frustration, the average delay is getting longer each year—averaging 50 minutes in 1999.

Even worse, flight cancellations increased 68 percent over that same period—1995—1999. Overall, nearly one in four flights was either delayed or canceled in 1999.

The summer of 1999 was the most delayed summer in aviation history. That is until this summer, which blew past last year's delay record.

The number of delays, the number of cancellations, and the length of delays all have continued to go up so far in 2000. And consumer complaints more than doubled in 1999 and are up almost another 50 percent so far this year.

With aviation travel expected to increase more than 50 percent over the next decade, we have a crisis looming.

The Federal Aviation Administration estimates that boardings will increase to 917 million by 2008. Our current aviation system can't handle this demand.

Fortunately, we have a solution to this problem right before our eyes. A solution that we have ignored and neglected for too long—high-speed passenger rail.

Nineteen of the 20 most-delayed airports in the United States are located on potential high-speed corridors. And high-speed rail can provide a competitive travel alternative, particularly over distances less than 500 miles.

The situation on our roads is almost as dire as the problems in our skies. One study estimated that $72 billion dollars was lost in 1997 as a result of traffic congestion through lost productivity and wasted fuel. And this situation continues to deteriorate. People now spend 50 percent more time stuck in traffic than they did in 1990 and triple the time they did in 1982.

Critics have complained about Amtrak receiving $23 billion federal subsidies since 1971. But this is pocket change compared with the funding we have provided other modes over that same period. Since 1971, we have spent over $160 billion on aviation programs and over $380 billion on highways.

The High-Speed Rail Investment Act can is the vehicle for giving Americans more transportation options. This legislation would allow Amtrak to sell $10 billion in high-speed rail bonds over ten years. The Federal Government would leverage private sector investment in our rail infrastructure by providing tax credits to bondholders.

States would be full partners in this effort and would have to put up a 20 percent match which would go into an escrow account to be used to repay the bond principal.

These funds would enable high-speed rail projects to go forward in the Midwest, the Southeast, the Gulf Coast, and along the Pacific Coast.

And it would allow us to finish the Northeast Corridor high-speed rail project.

High-speed rail means better, faster, more competitive rail service. It means a comfortable travel alternative to those who want to avoid congested highways and cramped and delayed planes.

The High-Speed Rail Investment Act, S. 1900, is supported by a bipartisan group of 57 Senators representing all regions of the country. And companion House legislation, H.R. 3700, introduced by Congressmen AMO HOUGHTON and JAMES OBERSTAR, now has over 150 cosponsors.

Our Nation's governors, state legislators, and mayors understand our transportation problems and see high-speed rail as a vital part of the solution to our transporatation woes. Newspapers from across the Nation have come out in support of investing in high-speed rail.

Mr. President, the benefits of High Speed Rail Service are clear. High-speed rail is the future of transportation in America. We cannot maintain a productive and efficient transportation system without modernizing our rail infrastructure and providing a competitive alternative means of transportation on our rails.

I am therefore pleased that I have the commitment of my colleagues to provide resources for high speed rail next year. While I won't be in the Senate, I know the Senator from Delaware and other colleagues will work relentlessly toward this goal.

Mr. HATCH. Mr. President, as the Senate considers the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000, I want to take this opportunity to comment about several of the provisions included in the bill. This bill contains many important health care provisions affecting both Medicare providers and Medicare beneficiaries. Accordingly, I am delighted that a final agreement has been reached with the White House on these provisions and that the measure is now ready for passage.

I also want to take this opportunity to commend the distinguished Chairman of the Finance Committee, Senator ROTH, for his leadership and persistence over the past several months in moving this critically important legislation. On a personal note, I would be remiss if I did not say that I will miss my colleague and good friend BILL ROTH. I am very sorry that he will not be returning to the next Congress to continue the work on which he has labored for so many years.

BILL ROTH has made a real difference to Americans—he was one of the original believers in across-the-board tax cuts. President Reagan seized on this idea as the way to get our nation out of "stagflation." The tax policy worked and produced one of the longest periods of prosperity in history. BILL ROTH was also a father of the individual retirement account, which is a simple way that Americans can help themselves save for retirement. Senator ROTH worked tirelessly over the years to expand IRAs, make them even more available and more workable. I greatly admire BILL ROTH's understanding of the tax code and tax policy, and we are going to miss his continued contributions to this complex issue area.

But, Chairman ROTH has also been a champion on the Finance Committee and in the Senate for his commitment in addressing the critical structural and financing problems facing the Medicare program. Indeed, his work over the past several years as Chairman of the Finance Committee has dramatically improved the prospects that meaningful Medicare reform can be accomplished, in a bipartisan fashion, in the next Congress. Moreover, because of his efforts, the foundation has been laid for a workable and much-needed Medicare drug benefit that I am hopeful Congress will enact with the leadership of President-elect Bush.

For now, I would like to comment briefly on several provisions which I authored, or strongly supported, that are included in this legislation.

First, I am pleased the legislation contains provisions to create a prospective payment system for federally qualified health centers in every state of the country. Betty Vierra, who serves as the Executive Director of the Association for Utah Community Health, advised me that this is one of the top priorities of community health centers in Utah and across the nation. Community health centers have been working on this issue since 1997, and I am pleased they have finally won their hard-fought battle.

The bill also contains provisions from the Medicare Access to Technology Act of 2000, legislation that I introduced earlier this year. Last year, provisions were included in the omnibus budget legislation for fiscal year 2000 that addressed some of the outstanding problems concerning access issues for Medicare beneficiaries. Unfortunately, we were to able to resolve all of the issues last year. As a result, Medicare beneficiaries continue to have trouble gaining access to many new medical technologies that are already reimbursed by private insurance plans.

That is why I introduced the Medicare Patient Access to Technology Act of 2000. I believe we must eliminate the delays and barriers to access that have arisen in the way Medicare decides to cover, code and pay for new medical devices and diagnostics. Last year's legislation, which was included in the Balanced Budget Relief Act (BBRA), represented an important first step in modernizing the Medicare program to provide timely access to needed medical treatments provided in the hospital outpatient setting.

Briefly, my legislation requires the Health Care Financing Administration (HCFA) to implement the OPPS pass-through payment program on the basis of categories starting April 1, 2001. The bill includes a provision which changes the way in which HCFA reimburses for clinical laboratory services including the establishment of a specific process for clinical laboratory payments, and to report to Congress on this issue. Finally, the legislation requires the maintenance of local codes by Medicare contractors for three years and also requires HCFA by October 1, 2001 to provide for the inclusion of new technologies and devices more quickly in the Medicare inpatient hospital payment program.

On another matter, I have been deeply concerned about the safety of our nation's blood supply. Patient access to a safe and adequate blood supply is a national health priority, however, many of us have heard from the American Red Cross, America's blood centers, and the American Association of Blood Banks about hospitals having trouble paying for new blood therapies. Additional funding is needed if we are to remain committed to the safest blood supply possible.

The blood banking and transfusion medicine communities are constantly working to assure that safety improvements for blood are implemented as soon as they are available. Unfortunately, these measures significantly increase the cost of blood products—over 40 percent for the two latest technologies—for both the hospital and blood bank.

While blood is donated by volunteers, nonprofit blood centers must recover the costs associated with providing a safe product. Nonprofit blood centers pass these charges onto hospitals, which in turn, must get timely and adequate reimbursement for these life-saving and life-enhancing products. Unfortunately, the current system by which HCFA determines inpatient reimbursement rates does not account for these safety improvements a timely manner.

The bill directs HCFA and MedPAC to review how hospitals are being reimbursed for blood. It also asks both entities to recommend necessary changes to provide fair and timely reimbursement. While these recommendations will not be completed until late next year, I will continue to work on guaranteeing that patients are receiving the safest possible blood products as soon as possible.

I am also very pleased that the legislation before the Senate today contains additional funding for our nation's skilled facilities (SNFs). In September, I introduced legislation, S. 3030, along with my colleague Senator DOMENICI, to increase Medicare reimbursements for skilled nursing facilities.

Nursing homes across our country continue to struggle under the enormous demands of complying with the implementation of the prospective payment system as authorized pursuant to the Balanced Budget Act of 1997 (BBA). In an effort to address this problem, Congress passed legislation last year to restore nearly $2.7 billion for the care of nursing home patients. This action provided much needed relief to an industry that is facing extraordinarily financial difficulties as a result of the spending reductions provided under the BBA as well as implementation by HCFA.

Unfortunately, the problem is not fixed and more needs to be done. That is why Senator DOMENICI and I introduced the Skilled Nursing Facility Care Act of 2000 so that seniors can rest assured that they will have access to this important Medicare benefit.

In Utah, there are currently 93 nursing homes serving nearly 5,800 residents. I understand that seven of these 93 facilities, which are operated by Vencor, have filed for Chapter 11 protection. These seven facilities care for approximately 800 residents. Clearly, we need to be concerned about the prospect of these nursing homes going out of business, and the dramatic consequences that such action would have on all residents—no matter who pays the bill.

I am pleased that the bill before the Senate contains provisions from the Skilled Nursing Facility Care Act to ensure patient access to nursing home care. Medicare's skilled nursing benefit provides life enhancing care following a hospitalization to nearly two million seniors annually. Unless Congress and HCFA take the necessary steps to ensure proper payments, elderly patients will be at risk, especially in rural, underserved and economically disadvantaged areas.

Specifically, the bill provides approximately $1.6 billion to SNFs over the next five years. The legislation repeals the minus one percent decrease in the SNF market basket for FY 2001 thereby providing the full market basket update. In FY 2002 and 2003 the updates would be the market basket index increase minus 0.5 percentage points.

Moreover, temporary increases in the federal per diem rates provided by last year's increases would be in addition to the increases in this provision. The bill also increases the nursing component for each Resource Utilization Group (RUG) by 16.66% over current law for SNF care furnished after April 1, 2001 and before October 1, 2002. Clearly, these additional dollars will help ensure the continuity of beneficiary care in our nation's nursing homes.

Another issue that I worked hard to get into the legislation is the financial commitment made for the treatment and research on diabetes. I am extremely pleased that the bill provides a substantial increase in appropriations for special diabetes programs for children with Type 1 Diabetes as well as for Native Americans with diabetes. As my colleagues recall, the BBA created two new grant programs under which the Secretary of Health and Human Services could make grants to support prevention and treatment services of diabetes for children and for Native Americans, respectively.

Specifically, Congress committed $30 million each for Native American diabetes care and for NIH research of Type 1 Diabetes in children. This program was authorized for five years—FY 1998 through FY 2002. I am very pleased the legislation increases the appropriated funds available for these two programs by raising the amount from $30 million to $100 million for FY 2001 and FY 2002, respectively. Moreover, the bill appropriates $100 million for each program for FY 2003.

These dollars have been extremely helpful in Indian Country where Native Americans suffer the highest rate of diabetes than any other segment of our population. I want to commend the Republican leadership for ensuring that these dollars were included in the bill—this commitment is truly making positive difference in the lives of millions of Americans who suffer from this deadly disease.

With respect to home health care, the legislation protects funding for home health care services by delaying until October 1, 2002 a BBA-scheduled 15 percent cut in Medicare payments. I sponsored legislation earlier this year that addresses the issue of the 15 percent cut. And, while I hoped we could repeal the 15% cut provision altogether, I can appreciate the difficulty the conferees faced in resolving this complicated and costly provision. Delaying the cut for another year will provide Congress additional time to address this controversial issue.

Moreover, the bill provides for a full medical inflation update for home health. I am particularly pleased the bill contains a provision that enhances the use of telehealth medicine in the delivery of home health care services. This enhancement will be especially helpful to those individuals who live in the rural and remote parts of Utah where medical specialists are not readily available. As a result, Utahns who live in these areas will not have improved access to the best doctors and medical care specialists regardless of where they live.

The bill also contains a provision on adult day care. This provision clarifies that the need for adult day care for a patient's plan of treatment does not preclude appropriate coverage for home health care. It also clarifies the ability of homebound beneficiaries to attend religious services without being disqualified from receiving home health care benefits. As one of the Senate's strongest supporters of home health care, I believe these provisions will enhance substantially the home health care benefit.

As far as hospitals are concerned, the legislation provides a substantial amount of new funding for our nation's hospitals. I have been particularly concerned about the financial impact of the BBA's provisions on rural hospitals. As I travel across Utah, I am constantly reminded by hospital administrators about the serious financial pressures many of these institutions currently face with increased demands for care while coping with reduced reimbursements from Medicare. Clearly, Congress needs to act now to ensure the financial viability of our nation's hospitals.

The bill also addresses the problem by providing equitable treatment for rural disproportionate share hospitals (DSHs) which care for a disproportionate share of poor Medicare patients. The bill extends the Medicare Dependent Hospital program for rural areas; it updates target amounts for sole community hospitals; and increases rural patients' access to emergency and ambulance services.

Moreover, the bill ensures continued access to hospital services nationwide by providing a full inflation market basket update for fiscal year 2001. The plan also ensures the financial stability of teaching hospitals by increasing payments related to physician training. This provision is especially important to Utah's University Hospital which has been hard hit in the past year by the BBA reductions.

With regard to Native Americans, the legislation contains an extremely important provision regarding Indian health care. The bill authorizes, for the first time, the Indian Health Service (IHS) and tribally operated clinics and hospitals to receive Medicare Part B reimbursement for services provided under the physician fee schedule. This proposal would enhance the access of Medicare-eligible Native Americans to affordable, quality health care and improve the ability of these clinics and hospitals to serve the Native American population.

Another important Medicare issue I want to raise involves providing appropriate coverage for certain injectable drugs and biologicals that are critical to many Medicare beneficiaries. To resolve this issue, the legislation has a provision which addresses this important issue.

The Medicare Carriers Manual specifies that a drug or biological is covered under this provision if it is "usually" not self-administered. Under this standard, Medicare for many years covered drugs and biological products administered by physicians in their offices and other outpatient settings. In August 1997, however, HCFA issued a memorandum that had the effect of eliminating coverage for certain products that could be self-administered. This resulted in patients suddenly losing their Medicare coverage for these products, thus limiting access to drugs and biologicals for many seniors and disabled individuals.

The legislation's language clarifies Medicare reimbursement policy to guarantee that physicians and hospitals will be reimbursed for injectable drugs and biologicals. The new language requires coverage of "drugs and biologicals which are not usually self-administered by the patient," thus restoring the coverage policy that was in effect before the August 1997 HCFA memorandum was issued.

When HCFA considers whether a drug or biological is usually self-administered, I feel HCFA should determine whether a majority of Medicare beneficiaries can actually self-administer the drug. HCFA should assume, as it did for many years, that Medicare patients do not usually administer injections or infusions to themselves, while oral medications usually are self-administered.

I believe that it would be appropriate for HCFA to issue guidelines for its contractors to clarify the intent of the legislation. In addition, HCFA should instruct its contractors not to exclude a drug or biological without making an explicit finding supported by evidence that the product is usually self-administered by most Medicare patients.

This issue is an important step to provide our seniors and persons with disabilities with the prescription drugs and biologicals that they deserve. I look forward to working with HCFA to ensure that our Medicare beneficiaries receive adequate and appropriate coverage for these drugs and biologicals.

On another matter Mr. President, I would also like to state that as the Medicare provisions of this legislation are implemented, I urge the Secretary of Health and Human Services to review policies that affect the order of services provided to home health beneficiaries to assure that, under the prospective payment system, home health agencies are given maximum flexibility to provide services in a clinically appropriate and efficient order.

In this connection, I believe the Secretary should also review the role of occupational therapists in conducting the initial Outcome and Assessment Information Set (OASIS) even when occupational therapy is not the therapy service that initially qualifies the beneficiary for covered home health services.

For example, when patients are prescribed home health solely for rehabilitation, the review should include whether or not it would be clinically appropriate for occupational therapy to be the first service provided to the patient. Another factor to be considered is whether or not it may be appropriate for an occupational therapist to conduct the initial OASIS. I am hopeful that the prospective payment system implemented by the Secretary will not restrict the ability of home health agencies to fully utilize the unique skills of covered therapists.

Once again, Mr. President, I am pleased the Congress and President Clinton have come together in reaching agreement on this legislation. It is vital that these provisions become enacted this year; they will help many people across our country. I look forward to the President signing this measure into law at the earliest possible date.

I also want to take this opportunity to thank the numerous individuals across the great state of Utah who took the time to meet with me here in Washington and in Utah over the past year regarding many of the health provisions included in this bill. I value the input and expertise I received from health care providers and consumers in may state, and especially from the elderly whose views have been particularly helpful to me in the development of this legislation.

Seniors in Utah and across our country depend on Medicare. We must ensure this program provides the highest quality of health care to beneficiaries. Moreover, I am hopeful that in the next Congress, with the leadership from President-elect Bush, we will be able to build on today's work and further improve the quality of services to beneficiaries and, especially, provide for a new outpatient prescription drug benefit.

Mr. KERRY. Mr. President, let me say a few words about the Small Business Reauthorization Act of 2000 and the process to bring this legislation to the floor as part of the Fiscal Year 2001 Omnibus Appropriations bill. First, however, I would like to thank Senate Committee on Small Business Chairman KIT BOND, House Small Business Committee Chairman JIM TALENT, House Small Business Committee Ranking Member NYDIA VELÁZQUEZ, our staffs, Laura Ayoud with Senate Legislative Counsel and John Ratliff with the House Legislative Counsel's office for their efforts on reauthorizing programs vital to America's small businesses. We have all worked long and hard to get to this point.

The Small Business Reauthorization Act of 2000, H.R. 5667, as included in the Fiscal Year 2001 Omnibus Appropriations bill, contains a good portion of the conference report negotiated by the Senate and House Committees on Small Business. Despite the rough start, partisan wrangling over unrelated issues, broken deals and lengthy delays, I am pleased that we can at last pass this legislation so critical to our nation's small businesses. Unfortunately, it is our small businesses that have suffered the most in this climate of uncertainty, waiting, anticipating and hoping that the Congress would complete its work and pass this reauthorization package.

While I am pleased that we have reached an agreement that will ensure continuation of valuable Small Business Administration (SBA) programs, I am greatly concerned with the breakdown in the legislative process that has prevented what is normally a bi-partisan reauthorization bill from passing in a timely manner.

To briefly elaborate on this, when the original agreement between the Senate and the House was concluded, our bipartisan legislation was commandeered by the Republican leadership and provisions dealing with tax cuts, assisted suicide and medicare give-backs to HMOs were added without my knowledge or consent. The President threatened to veto such a package.

Additionally, a Wellstone provision agreed to during negotiations was removed. The Wellstone provision would have created a 3 year $9 million pilot project to build the capacity of community development venture capital firms through research, training and management assistance. Senator WELLSTONE had already agreed to make this program a three year pilot project and cut the funding down from $20 million over four years. But the provision was removed from the Conference Report without consulting either of us.

I am also disappointed that some provisions included in the Senate passed version of the Small Business Reauthorization Act, as well as in the Administration's budget request, were not included in the final version of this legislation. The original Senate version contained several provisions important to the Administration, Members of the Senate Small Business Committee and the Senate in general. In the spirit of compromise, the Senate agreed to drop several of these important provisions, with an understanding, in many cases, to revisit these issues in the 107th Congress.

Chairman BOND agreed to remove his provision regarding the "Independent Office of Advocacy Act," which I cosponsored, and which passed the Senate as a separate bill. This Committee has heard on more than one occasion that providing separate funding for the Office of Advocacy is the best means to ensure its autonomy. I look forward to working with the Chairman on this issue in the next Congress. A provision requested by Senator TED STEVENS setting up a HUBZone pilot program in Alaska and a provision requested by Senator DIANNE FEINSTEIN to allow fruit and vegetable packing houses hit by the 1998 freeze to participate in the SBA's Disaster Loan program were removed as well. I have assured Senator FEINSTEIN that the Committee will look further into this matter in the next Congress in an effort to allow the SBA to provide relief if it is warranted.

A provision requested by the Administration and strongly supported by Senator PAUL WELLSTONE and myself was also dropped. This provision would have created a Native American Small Business Development Center (SBDC) Network that would have worked together with the traditional SBDC Network, but would have been separately funded. I have received assurances from both Chairman BOND and the House Committee on Small Business that this issue will be addressed in the next Congress, along with concerns raised by Senator INOUYE about the participation of Native Hawaiian Organizations in the 8(a) program. The Senate and House Committees on Small Business are in agreement that this is an important issue for Native Americans, considered a disadvantaged group for the purposes of SBA programs, and one that needs greater focus.

Provisions regarding the Quadrennial Small Business Summit, the Small Business Advocacy Review Panel Technical Amendments Act, Development Company Debenture Interest Rates, Fraud and False Statements and Financial Institution Civil Penalties were also removed.

The final version of this legislation does include some of the provisions I requested regarding improvements to the Microloan program. The changes to the Microloan program stemmed from the President's Fiscal Year 2001 budget request and had broad support in the Senate, as well the support of several Members of the House Committee on Small Business. I have long been a firm believer in microloans and their power to help people gain economic independence while improving the communities in which they live. With a relatively small investment, the Microloan program helps turn ideas into small businesses adding up to sel-sufficiency for many families and big returns for the taxpayers.

Changes to the program, which resulted from a roundtable Committee meeting in the Senate and discussions with the Administration and users of the Microloan program, will be a great boon to the effectiveness and availability of Microloans. Specifically, provisions increasing the maximum loan amount from $25,000 to $35,000 and increasing the average loan size to $15,000 were included. However, changes to make the program more effective, such as increasing the number of intermediaries or authorizing reimbursement for peer-to-peer mentoring, were weakened or removed because the House did not have time to hold hearings and study them thoroughly.

I believe all of the changes in the Senate bill make sense, have broad bipartisan and bicameral support, and would go a long way toward providing increased access to capital, especially for minority entrepreneurs. I want to make it clear to my colleagues who support the Microloan program that I will continue my efforts to strengthen this program and will work with Chairman BOND and our House counterparts to make these remaining improvements in the next Congress. I also intend to revisit the Microloan funding issue before the end of the three-year reauthorization period if the level authorized is inadequate to meet program needs.

While I am disappointed that some of the Senate changes were not included in the final compromise, this legislation is crucial for our nation's small businesses. It reauthorizes all of the SBA's programs, setting the funding levels for the credit and business development programs, and making selected improvements. Without this legislation, the 504 loan program and the Small Business Innovation Research program would shut down; the venture capital debenture program would shut down; and funding to the states for their small business development centers would be in jeopardy.

The SBA's contribution is significant. In the past eight years, the SBA has helped almost 375,000 small businesses get more than $80 billion in loans. That's double what small businesses had received in the preceding 40 years since the agency's creation. The SBA is better run than ever before, with four straight years of clean financial audits; it has a quarter less staff, but guarantees twice as many loans; and its credit and finance programs are a bargain. For a relatively small investment, taxpayers are leveraging their money to help thousands of small businesses every year and fuel the economy.

Let me just give you one example. In the 7(a) program, taxpayers spend only $1.24 for every $100 loaned to small business owners. Well known successes like Winnebago and Ben & Jerry's are clear examples of the program's effectiveness.

Overall, I agree with the program levels in the three-year reauthorization bill. As I said during the Small Business Committee's hearing on SBA's budget earlier in the year, I believe the program levels are realistic and appropriate based on the growing demand for the programs and the prosperity of the country. I also think they are adequate should the economy slow down and lenders have less cash to invest. Consistent with SBA's mission, in good times or bad, we need to make sure that small businesses have access to credit and capital so that our economy benefits from the services, products and jobs they provide. As First Lady and Senator-elect HILLARY RODHAM CLINTON says, we don't want good ideas dying in the parking lot of banks. We also want a safety net when our states are hit hard by a natural disaster. There are many members of this Chamber, and their constituents, who know all too well the value of SBA disaster loans after floods, fires and tornadoes.

Mr. President, I am extremely pleased that we included legislation to extend the Small Business Innovation Research (SBIR) program for 8 more years as part of this comprehensive SBA reauthorization bill. While I am very sorry the process has taken this long, in no way should that imply that there is not strong support for the SBIR program, the Small Business Administration, or our nation's innovative small businesses.

The SBIR program is of vital importance to the high-technology sector throughout the country. For the past decade, growth in the high-technology field has been a major source of the resurgence of the American economy we now enjoy. While many Americans know of the success of Microsoft, Oracle, and many of the dot.com companies, few realize that it is America's small businesses, working in industries like software, hardware, medical research, aerospace technologies, and bio-technology, that are helping to fuel this resurgence—and that it is the SBIR program that makes much of this possible. By setting aside Federal research and development dollars specifically for small high-tech businesses, the SBIR program is making important contributions to our economy.

These companies have helped launch the space shuttle; conducted research on Hepatitis C; and made B-2 Bomber missions safer and more effective.

Since the start of the SBIR program in 1983, more than 17,600 firms have received over $9.8 billion in SBIR funding agreements. In 1999 alone, nearly $1.1 billion was awarded to small high-tech firms through the SBIR program, assisting more than 4,500 firms.

The SBIR program has been, and remains, an excellent example of how government and small business can work together to advance the cause of both science and our economy. Access to risk capital is vital to the growth of small high technology companies, which accounted for more then 40 percent of all jobs in the high technology sector of our economy in 1998. The SBIR program gives these companies access to Federal research and development money and encourages those who do the research to commercialize their results. Because research is crucial to ensuring that our nation is the leader in knowledge-based industries, which will generate the largest job growth in the next century, the SBIR program is a good investment for the future.

I am proud of the many SBIR successes that have come from my state of Massachusetts. Companies like Advanced Magnetics of Cambridge, Massachusetts, illustrate that success. Advanced Magnetics used SBIR funding to develop a drug making it easier for hospitals to find tumors in patients. The development of this drug increased company sales and allowed Advanced Magnetics to hire additional employees. This is exactly the kind of economic growth we need in this nation, because jobs in the high-technology field pay well and raise everyone's standard of living. That is why I am such a strong supporter and proponent of the SBIR program and fully support its reauthorization.

This legislation also includes my legislation establishing a New Markets Venture Capital program at SBA. This small business legislation is designed to promote economic development, business investment, productive wealth and stable jobs in "new markets," low-, and moderate-income communities where there is little to no sustainable economic activity but many overlooked business opportunities. The venture capital program is modeled after the Small Business Administration's successful Small Business Investment Company program. The SBIC program has been so successful that it has generated more than $19 billion in investments in more than 13,000 businesses since 1992.

With the passage of the "New Markets" legislation, low- and moderate-income areas will have increased opportunities to join the economic boom in America and this targeted venture capital will make a powerful difference in places like the inner-city areas of Boston's Roxbury or New York's East Harlem, and rural areas like Kentucky's Appalachia or the Mississippi's Delta region.

This legislation also contains H.R. 2614, which reauthorizes SBA's 504 loan program, which passed the Senate on June 14, 2000. The bill and our improvements make common-sense changes to this critical economic development tool. These changes will greatly increase the opportunity for small business owners to build a facility, buy more equipment, or acquire a new building. In turn, small business owners will be able to expand their companies and hire new workers, ultimately resulting in an improved local economy.

Since 1980, over 25,000 businesses have received more than $20 billion in fixed-asset financing through the 504 program. In my home state of Massachusetts, over the last decade small businesses have received $318 million in 504 loans that created more than 10,000 jobs. The stories behind those numbers say a lot about how SBA's 504 loans help business owners and communities. For instance, in Fall River, Massachusetts, owners Patricia Ladino and Russell Young developed a custom packing plant for scallops and shrimp that has grown from ten to 30 employees in just two short years and is in the process of another expansion that will add as many as 25 new jobs.

Under this reauthorization bill, the maximum debenture size for Section 504 loans has been increased from $750,000 to $1 million. For loans that meet special public policy goals, the maximum debenture size has been increased from $1 million to $1.3 million.

It has been a decade since we increased the maximum guarantee amount. If we were to change it to keep pace with inflation, the maximum guarantee would be approximately $1.25 million instead of $1 million. By not implementing such a sharp increase, we are striking a balance between rising costs and increasing the government's exposure.

I am pleased to say that this legislation also includes a provision assisting women-owned businesses, which I first introduced in 1998 as part of S. 2448, the Small Business Loan Enhancement Act. This provision adds women-owned businesses to the current list of businesses eligible for the larger public policy loans. As the role of women-owned businesses in our economy continues to increase, we would be remiss if we did not encourage their growth and success by adding them to this list.

Mr. President, the 504 loan program gets results. It expands the opportunities of small businesses, creates jobs and improves communities. It is crucial that it be reauthorized, I am pleased this legislation has been included in this package.

Small Business Development Centers (SBDC) are also reauthorized under this legislation. SBDCs serve tens of thousands of small business owners and prospective owners every year. This bill takes a giant step to retool the formula that determines how much funding each state receives. This is an important program for all of our states and we want no confusion about its funding. Without this change, some states would have suffered sharp decreases in funding, disproportionate to their needs. I appreciate and am glad that the SBA and the Association of Small Business Development Centers worked with me to develop an acceptable formula so that small businesses continue to be adequately served. As I said previously, I plan to revisit the Native American SBDC Network issue next Congress.

This legislation also reauthorized the National Women's Business Council. For such a tiny office, with minimal funding and staff, it has managed to make a significant contribution to our understanding of the impact of women-owned businesses in our economy. It has also done pioneer work in raising awareness of business practices that work against women-owned business, such as some in the area of Federal procurement. Recently, the Council completed two studies that documented the world of Federal procurement and its impact on women-owned businesses.

According to the National Foundation for Women Business Owners, over the past decade, the number of women-owned businesses in this country has grown by 103 percent to an estimated 9.1 million firms. These firms generate almost $3.6 trillion in sales annually and employ more than 27.5 million workers. With the impact of women-owned businesses on our economy increasing at an unprecedented rate, Congress relies on the National Women's Business Council to serve as its eyes and ears as it anticipates the needs of this burgeoning entrepreneurial sector. Since it was established in 1988, the bipartisan Council has provided important unbiased advice and counsel to Congress.

This Act recognizes the Council's work and re-authorizes it for three years, from FY 2001 to 2003. It also increases the annual appropriation from $600,000 to $1 million, which will allow the council to support new and ongoing research, and produce and distribute reports and recommendations prepared by the Council.

The Historically Underutilized Business Zone, or "HUBZone" program, which passed this Committee in 1997, has tremendous potential to create economic prosperity and development in those areas of our Nation that have not seen great rewards, even in this time of unprecedented economic health and stability. This program is similar to my New Markets legislation in that it creates an incentive to hire from, and perform work in, areas of this country that need assistance the most. This bill would authorize the HUBZone program at $10 million for the next 3 years, which is $5 million above the Administration's request.

Additionally, this legislation includes very important provisions to allow those groups which were inadvertently missed when this legislation was crafted—namely Indian tribal governments and Alaska Native Corporations—to participate in the program. I appreciate the willingness of the Committee on Indian Affairs to work with our Committee to create increased HUBZone opportunities for Native Americans.

As I stated, the HUBZone section does not contain any provision addressing the interaction of the HUBZone and 8(a) minority contracting programs. I believe that the 8(a) program is an important and necessary tool to help minority small businesses receive access to government contracts. The Chairman and I agree that there is a need to enhance the participation of both 8(a) and HUBZone companies in Federal procurement. It is my intention that the Senate Committee on Small Business consider the issue of enhancing small business procurement in the next Congress.

This legislation also includes a provision relating to SBA's cosponsorship authority. This authority allows SBA and its programs to cosponsor events and activities with private sector entities, thus leveraging the Agency's limited resources. The legislation extends this authority for three additional years.

Mr. President, let me conclude by reminding my colleagues that all of our states benefit from the success and abundance of small businesses. This legislation makes their jobs a little easier. I ask my colleagues for their support of this important legislation.

Mr. THURMOND. Mr. President, as we draw the 106th Congress to a close, I wish only to take a moment to express my appreciation to Senator STEVENS and others who concluded the negotiations on this final appropriations bill. They have worked under difficult circumstances, and I commend them for their accomplishment. I particularly acknowledge the effort of the Senator STEVENS. He is an outstanding chairman. He has devoted months of effort to this bill at great personal sacrifice. He is extremely capable and is always courteous and I express my personal thanks to him for his good work.

I am particularly gratified that the Appropriations Committee found a way to fund a leadership development program for the Boys and Girls Clubs of America. I have a long held interest in and concern for the young people of our Nation. The funding contained in this bill for a National Training Center will assist this worldwide organization in its mission of serving youth. The Center will offer a full array of programs, training, and research for participants from across the entire Nation. As a result, significant progress will be make toward the goals of promoting citizenship, leadership, and character development; the prevention of drug and alcohol abuse; and similar initiatives. On behalf of the youth of this Nation, I again express my appreciation for the Congress supporting this measure.

Mr. BIDEN. Mr. President, I want to take a few minutes to speak to the Commerce-Justice-State appropriations legislation that is contained in this bill. Unfortunately, I've got some good news and some bad news. The good news is that this bill recognizes the need to dedicate more resources to foreign policy needs; the bad news is that the bill fails to contain funding for three important programs in the Justice portion of this legislation.

The State Department does important work—protecting our citizens and pursuing our foreign policy objectives—in some of the most dangerous and difficult places in the world. Unlike the U.S. military, State Department employees go into areas of conflict unarmed, and generally unprotected. We have State Department officials in Sierra Leone, in Syria, in Lebanon and Liberia, and throughout the war-torn corners of the former Yugoslavia.

That is why I am particularly pleased to see that funding for embassy security in the Commerce-Justice-State bill is at the levels requested by the Administration. I strongly support full funding of two critical accounts—embassy security and maintenance, and embassy security equipment and personnel—in the legislation to authorize

State Department activities which was initiated by the Committee on Foreign Relations last year.

Failure to fully fund the State Department's security account would have had a devastating effect on the safety of the Americans who serve us overseas, both in the number of security agents who protect them against terrorist threats and construction of new, safe embassies. Fortunately both these security programs will be well-funded. I regret, however, that agreement was not reached to fund a new Center for Anti-terrorism and Security Training. I hope we can give this careful consideration next year.

In addition, after many years of decline, funding for the State Department's most basic needs—including salaries and administrative expenses—has been increased. The final funding for this account exceeds the Administration's original request by $65 million, which should help offset the many reductions in the State Department budget during the 1990s.

As the Secretary of State has said numerous times, diplomats are our first line of defense. Just as we are concerned about military readiness, so we must be attentive to diplomatic readiness overseas. We need to do as much as we can—and in my opinion, this funding goes only part way—to ensure that we retain the best and the brightest in our Foreign Service.

I am pleased that the amount of money dedicated to United Nations Peacekeeping operations exceeds the Administration's original request. The final figure is based on more recent calculations of the U.S. dues to the United Nations and will allow us to help fund these important missions, thereby alleviating suffering and improving stability around the world.

I understand the frustration that many of my colleagues feel toward the United Nations. Earlier this week, I visited the UN. I want to assure my colleagues that reform is happening. Ambassador Holbrooke has kept his commitment, made to the Committee on Foreign Relations during his confirmation hearings, that reform will be his "highest sustained priority." He and his team in New York continue to push effectively for needed reforms in the areas of peacekeeping and general operations. The recommendations made by the Brahimi panel, in particular, will result in better focused, trained and equipped peacekeeping missions—changes I believe that we all agree are needed.

I wish that I could be as positive about the Justice Department portion of the bill, but I cannot. I am disheartened that the legislation does not contain three crucial provisions—reauthorization of the COPS program, the Violent Crime Reduction Trust Fund, and full funding for the Violence Against Women Act.

Although we have 49 co-sponsors from both sides of the aisle and letters of support from every major law enforcement organization, a few powerful members on the other side have refused to allow a vote on the continuation of the COPS program.

In 1994, we set a goal of funding 100,000 police officers by the year 2000. We met that goal months ahead of schedule. As of today, there have been 109,000 officers funded and 68,100 officers deployed to the streets.

Because of COPS, the concept of community policing has become law enforcement's principal weapon in fighting crime. Community policing has redefined the relationship between law enforcement and the public. But, more importantly, it has reduced crime. And that is what we attempted to do.

All across the country, from Wilmington to Washington—from Connecticut to California, we are seeing a dramatic decline in crime. Just a few weeks ago, the FBI released its annual crime statistics which showed that once again, for the eighth year in a row, crime is down. In fact, crime was down 7 percent from last year and 16 percent since 1995. But we can't become complacent. We have to continue to help state and local law enforcement by putting more cops on the street. Mark my words, the day we become complacent is the day that crime rates go up again. And refusing to even allow a vote on this bill is even worse than complacency—it is irresponsible.

And I will say again that I firmly believe that reauthorization of the Violent Crime Reduction Trust Fund is the single most significant thing that we can do to continue the war on crime.

Since the Fund was established in the 1994 Crime Act, Congress has appropriated monies from the fund for programs including the Local Law Enforcement Block Grant Program and numerous programs contained in the Violence Against Women Act. The money has gone to hire more cops and it has brought unprecedented resources to defending our southwest border. It has funded runaway youth prevention programs and numerous innovative crime prevention programs. And there are many more.

The results of these efforts have taken hold. Crime is down—way down. And we didn't add 1 cent to the deficit or the debt.

This was the single most important paragraph in the 1994 Crime bill because no one can touch this money for any other purpose. It can't be spent on anything else but crime reduction. It is the one place where no one can compete. It is set aside. It is a savings account to fight crime.

This fund works. It ensures that the crime reduction programs that we pass will be funded. It ensures that the crime rate will continue to go down instead of up. It ensures that our kids will have a place to go after school instead of hanging out on the street corners. It ensures that violent crimes against women get the individualized attention that they need and deserve. It gives States money to hire more cops and get better technology.

This bill also is unsatisfactory because it leaves the landmark Violence Against Women Act underfunded, seriously jeopardizing the tremendous strides we have made in every State across this country to reduce domestic violence and sexual assault against women. Congress originally approved this legislation in 1994 and then reauthorized it unanimously this past October. In the bill before us, however, Congress fails to live up to its commitment to women and children who are the victims of domestic violence and sexual assault by not appropriating the necessary funds authorized in the Violence Against Women Act of 2000.

Reauthorization of the COPS program, the Trust Fund, and full funding for the Violence Against Women Act should have been a part of this package, and I'm disappointed that some on the other side have decided to put politics ahead of the people.

Mr. GRAMM. Mr. President, today I am proud to add my voice in support of the Commodity Futures Modernization Act of 2000. This legislation represents the end product of work that began in S. 2697, which Senator LUGAR and I introduced on June 8. The Commodity Futures Modernization Act of 2000 completes the work of last year's financial services modernization law, bringing our financial regulation in line with the rapid pace of developments in the global marketplace. The Commodity Futures Modernization Act of 2000 will now allow new and important financial products—single stock futures—to be sold in America. It protects financial institutions from over-regulation, and provides legal certainty for the $60 trillion market in swaps.

Significant portions of this legislation, particularly in Titles II, III and IV of the Act, concern issues within the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

Title II establishes the authority and framework for the offering of single stock futures, removing the ban embodied in the so-called Shad-Johnson Accord. I would like to take this opportunity to echo the views expressed by my colleague, Congressman BLILEY, Chairman of the Committee on Commerce of the House of Representatives, at the time of House adoption of this bill. It is my understanding that nothing in Title II of H.R. 5660 would (i) authorize any bank or similar institution to engage in any activity or transaction, or hold any asset, that the institution is not authorized to engage in or hold under its chartering or authorizing statute; (ii) authorize depository institutions either to take delivery of equity securities under a single stock future or under any other circumstance, or otherwise to invest in any equity security otherwise prohibited for depository institutions; or (iii) allow a depository institution to use single stock futures to circumvent restrictions in the law on ownership of equity securities under its chartering or authorizing statute.

Under Title III of the bill, the SEC is granted new authority to undertake certain enforcement actions in connection with security-based swap agreements. It is important to emphasize that nothing in the title should be read to imply that swap agreements are either securities or futures contracts. To emphasize that point, the definition of a "swap agreement" is placed in a neutral statute, the Gramm-Leach-Bliley Act, that is, legislation that is not specifically part of a banking, securities, or commodities law. However, drawing upon the SEC's enforcement experience, the SEC is permitted, on a case-by-case basis, with respect to security-based swap agreements (as defined in the legislation) to take action against fraud, manipulation, and insider trading abuses.

Title III makes it clear that the SEC is not to impose regulations on such instruments as prophylactic measures. Banks are already heavily regulated institutions. Further regulatory burden, rather than discouraging wrongdoing, would be more likely to discourage development and innovation, during business overseas instead. The SEC is directed to focus on the wrong doers rather than provide new paperwork burden and regulatory costs on the law abiding investors and financial services providers. For example, the SEC is directed not to require the registration of security-based swap agreements. If a registration statement is submitted to the SEC and accepted by the SEC, the agency is required promptly to notify the registrant of the error, and the registration statement will be null and void.

Insider trading provisions of the Securities Exchange Act will be applied to single stock futures transactions as well.

Title IV of the Commodity Futures Modernization Act of 2000 contains the Legal Certainty for Bank Products Act of 2000. This title is a free standing provision of law, part of neither the banking statutes not the commodities statutes. The provisions of this title clarify the jurisdictional line between the regulation of banking products and futures products.

Under section 403 of Title IV, no provision of the Commodity Exchange Act (CEA) may apply to, and the CFTC is prohibited from exercising regulatory authority with respect to, an "identified banking product" if: (1) an appropriate banking agency certifies that the product has been commonly offered, entered into, or provided in the United States by any bank on or before December 5, 2000, and (2) the product was not prohibited by the CEA and was not in fact regulated by the CFTC as a contract of sale of a commodity for future delivery (or an option on such a contract or on a commodity) on or before December 5, 2000. This provision is intended to provide legal certainty for existing banking products so that they can continue to be offered, entered into, or provided by banks without being subject to CFTC regulation.

An existing banking product is one that is certified by the appropriate banking regulator as being a product is "commonly" offered, entered into, or provided, on or before December 5, 2000, in the U.S. by any bank. To rely upon that test a particular bank would not need to have certified that the particular bank had offered the product. The certification would apply if it or any other bank had offered such a product on or before December 5, 2000. The term "commonly offered" means, in effect, that the product was not obscure, or offered only briefly. It is not to be construed to mean that the product must be of a type that is appropriate or suitable for any and all users, since many common bank products are tailored for specific customers, small business loans or low cost checking accounts for seniors being two such examples.

New banking products not excluded from the CFTC's jurisdiction under Title IV will be, if indexed to a commodity, subject to a test to determine whether they are predominantly banking products, in which case, the CFTC is precluded from exercising regulatory authority over them. The predominance test is a self test. Banks themselves may apply the factors of the predominance test with respect to the development of new products, without making prior application to any regulator. The predominance test as contained in the law is intended to replace regulatory provisions under the Commodity Exchange Act concerning the application of a predominance test with respect to hybrid instruments.

Under the predominance test, a hybrid instrument will be considered to be predominantly a banking product if (1) the issuer of the instrument receives payment in full of the purchase price of the instrument substantially contemporaneously with its delivery, (2) the purchaser or holder of the hybrid is not required to make any payment to the issuer in addition to the purchase price during the life of the instrument or at maturity, (3) the issuer is not subject to mark-to-market margining requirements, and (4) the hybrid is not marketed as a contract of sale of a commodity for future delivery or an option subject to the CEA.

If a bank, having applied the predominance test to a new product, determines that the product is predominantly a banking product not subject to CFTC regulation, and the CFTC later challenges the bank's conclusion, the CFTC is still prohibited from exercising regulatory authority over the product unless the Commission obtains the concurrence of the Board of Governors of the Federal Reserve Board (Board). If the Board does not concur in the CFTC's decision, the Board may submit the controversy for determination by the United States Court of Appeals for the District of Columbia Circuit.

The CFTC is expected to be circumspect in applying the predominance test. For example, it does not necessarily follow that a hybrid instrument not satisfying the predominance test is inevitably a futures contract subject to CFTC regulation. The CFTC must not interpret normal or traditional banking practices and activities, or prudent actions taken by a bank to maintain safety and soundness, to be hybrid instruments that the CFTC may regulate. For example, a loan made by a bank is an identified banking product under section 206(a)(3) of the Gramm-Leach-Bliley Act. Some may argue that a new loan product offered after December 5, 2000, may be interpreted to be covered by the definition of a hybrid instrument if it has one or payments indexed to the value of, or provides for the delivery of, one or more commodities. However, there would be little justification for the CFTC to construe the pledging of a commodity as collateral for a loan, or that providing that a commodity may be offered as part or full satisfaction of a loan, to be representative of a futures contract over which the CFTC may exert jurisdiction. No such result is contemplated under this legislation.

Moreover, the fact that a loan may be renegotiated or sold, or that a loan or other identified banking product may not be held until maturity, is not a violation of the predominance test. These are merely examples of the reasonable interpretations that the CFTC must adhere to when it applies the predominance test for purposes of the statute.

The Commodity Futures Modernization Act of 2000 excludes from its coverage agreements, contracts or transactions in an excluded commodity entered into on an electronic trading facility provided that such agreements, contracts or transactions are entered into only by eligible contract participants on a principal-to-principal basis trading for their own accounts. In some cases, a party may enter into an agreement, contact or transaction on an electronic trading facility that mirrors another agreement, contract or transaction entered into at about the same time with a customer. The risk of one transaction may be largely or completely offset by the other; and that may be the purpose for entering into both transactions. But the party entering into both transactions remains liable to each of its counterparties throughout the life of the transaction. That party is similarly exposed to the credit risk of each of its counterparties. The fact that a party has entered into back-to-back transactions as described above does not alter the principal-to-principal nature of each of the transactions and must not be construed to affect the eligibility of either transaction for the electronic trading facility exclusion.

Mr. President, enactment of the Commodity Futures Modernization Act of 2000 will be noted as a major achievement by the 106th Congress. Taken together with the Gramm-Leach-Bliley Act, the work of this Congress will be seen as a watershed, where we turned away from the outmoded, Depression-era approach to financial regulation and adopted a framework that will position our financial services industries to be world leaders into the new century.

Mr. KENNEDY. Mr. President, I join in commending the Democratic and Republican leaders for reaching this bipartisan agreement to give early, full and fair consideration to the Amtrak bond proposal in the next Congress.

The legislation is needed to ensure that Amtrak has the resources to maintain passenger rail service across the country.

This funding will undoubtedly strengthen train service in the Northeast Corridor. But this financing package can do much more to provide similar service to communities throughout the country. It will provide the financial stability that Amtrak needs to plan adequately for the future.

With the increasing congestion and delays we're seeing at major airports across the country, we need other options for transportation in the 21st century.

I look forward to the enactment of this important legislation early in the next Congress, so that passenger rail service will continue to be a key component of our transportation network.

Amtrak helps states meet clean air requirements by giving people a viable alternative to driving and flying. It's more energy efficient, which is particularly important for the New England region.

For many business commuters and vacationers, it's a more appealing way to travel. And for many workers, it's their chosen profession to which they've devoted years of their lives, and their families depend on it to pay the bills.

As a nation, we need a firm commitment to support passenger rail service, just as we do for highways and airports.

So again, I commend the leaders for the commitments made today for a financing plan to strengthen passenger rail service in the United States.

Mr. THOMPSON. Mr. President, I am pleased that the Senate-House conferees have adopted an amendment I sponsored to inform Congress and our citizens about potential violations of their privacy on Federal agency Web sites. The public has a right to know whether the Federal Government is respecting personal privacy. This amendment would require all Inspectors General to report to Congress within 60 days on how each department or agency collects and reviews personal information on its web site. The amendment is based on similar language offered by Congressman JAY INSLEE in the House that would have applied exclusively to the agencies funded by the Treasury-Postal Appropriations bill. Our final language was adopted by the Senate-House conferees in the bill providing appropriations for the Legislative Branch and Treasury-Postal Appropriations Act, and it was included in the Omnibus Appropriations Act.

The Internet has brought great benefits to our society, but understandably, the public is becoming more and more concerned about the way personal information is collected and handled on the Internet. The Federal Government should set an example for how personal privacy is handled in cyberspace. But unfortunately, concerns have been raised that some Federal agencies may be engaging in information-gathering practices that could only further deepen the public's distrust of government. We need to find out whether these concerns are real, and if they are, we need to decide what do about it.

Although the Clinton Administration established a privacy policy in June 1999 to guide the agencies, it is not clear whether the policy did much to protect privacy. In particular, the policy seemed to condone agencies' use of "cookies"—small bits of software placed on web users' hard drives to collect personal information. The policy stated, "In the course of operating a web site, certain information may be collected automatically in logs or by cookies." It also stated that "some agencies may be able to collect a great deal of information," but went on to state that some agencies might make a policy decision to limit the information collected. Under the Paperwork Reduction Act, OMB is supposed to direct the agencies on privacy policy, but OMB's original privacy guidance seemed to give the agencies free rein to decide their own privacy policy for themselves. But OMB's original guidance did require the agencies to post privacy policies making clear whether they were collecting information.

Earlier this year, it was revealed that the White House Office of National Drug Control Policy had contracted with a private company to use cookies to track users of the ONDCP web site. ONDCP failed to warn the public about this practice in its privacy policy.

When the press reported ONDCP's practices, there was a swift and sharp public outcry. The White House's Office of Management and Budget quickly shifted into damaged control mode and issued a June 22 memorandum reversing its previous guidance and creating a presumption against the use of cookies on Federal web sites. However, more recently GAO reported to me that a number of agencies continued to use cookies, and it was not clear how these cookies were being used. This whole episode raises questions about the Federal Government's commitment to citizens' privacy. It also could undermine citizens' trust in government Web site.

I am not suggesting that cookies are inherently bad devices under all circumstances. Cookies can perform beneficial tasks on the Internet, such as counting the number of visitors to a site, assessing the popularity of certain Web pages, and briefly storing information already entered into to a form so that users don't have to enter the same information multiple times. At the same time, cookies can be used to identify specific computers and track a user's actions all over the Internet. The real questions I have are, "What are cookies on Federal agency web sites being used for, and what are the information-gathering practices of the agencies?" Right now, I don't know. And the American people don't know.

I have asked GAO to investigate which agencies are using cookies, how they are using them, and whether the practice violates the law and Administration policy. The amendment I have sponsored will provide further information from the Inspectors General on how agencies collect and use personal information. The language is based on a similar amendment that was offered to the House Treasury-Postal bill by Democratic Congressman JAY INSLEE. I want to thank Congressman INSLEE for working in a bipartisan way to protect citizens' personal privacy.

Mr. President, the American people have a right to know what information is being collected about them on Federal Web sites. This amendment would ensure that we know agencies' data collection practices so that we in Congress can make sure that privacy rights of citizens are not being violated.

Mr. HARKIN. Mr. President, we are finally at the finish line at the end of a legislative triathalon.. It's been a long, difficult road, but we've finally come up with a health and education appropriations bill for this fiscal year. It truly was a test of endurance. Not only can we take pride in having survived the experience, but, even more importantly, we've produced a bipartisan agreement that is a victory for the health and education of our nation.

This agreement is not only a model for giving our nation the building blocks we need for a strong and secure future. It is a model of how Democrats and Republicans can work together across party lines to do what is the best interest of the American people.

Believe me, it hasn't been easy. Before the election, Senator STEVENS, Senate BYRD, Senator SPECTER, and I, along with Congressmen BILL YOUNG, DAVE OBEY, and JOHN PORTER worked for months to craft a solid bipartisan agreement. At times the negotiations got heated, but both sides hung in there, and in the end we came up with a good compromise.

That bipartisan agreement would have passed overwhelmingly in both the House and the Senate—which is why we were all just baffled when, less than 12 hours after we had signed our names to the bill, a tiny faction of the House Republican leadership decided to kill it.

As a result, some reductions had to be made, some of which were very disappointing. I hope that in the next Congress, a spirit of cooperation and civility will prevail and prevent these sort of last-minute, partisan maneuvers.

That being said, I believe that the version of our bill that we have here today is a very, very good one. It maintains most of our hard fought gains and provides critical investments to improve health care, education, and labor conditions for all Americans.

I want to extend my sincere thanks and commendation to my long-time partner, Senator ARLEN SPECTER and his staff. We have had a great bipartisan partnership on this bill for a decade. Year after year, Senator SPECTER has done yeoman's work, and it is a pleasure to work with him. This is always a difficult bill to maneuver and this year may have been our toughest.

I also want thank and commend our chairman, Senator STEVENS, and ranking member Senator BYRD for their great work. This bill would not be possible without their outstanding and steadfast efforts.

Finally, I want to thank our colleagues on the House side, Congressman OBEY, Congressman PORTER, and Chairman BILL YOUNG. I especially want to commend Congressman PORTER who is retiring this year.

Here are some of the reasons why I urge all of my colleagues to support this important bipartisan agreement.

Education funding: $1.6 billion to lower class sizes, up from $1.3 billion last year; $900 million to repair and modernize crumbling schools: should result in over $5 billion in school repairs, based on successful Iowa model; and increase to $3,750 for the maximum Pell grant—that's a record increase in the grants to make college more affordable; and $6.2 billion for Head Start: that's a $933 million increase from last year which will allow thousands of additional children to be served.

Afterschool care: $850 million for after school care: nearly 50 percent increase.

Home heating: $1.4 billion for LIHEAP to help low-income Americans heat their homes this winter: a $300 million increase.

Health care: $20.3 billion for NIH funding: $2.5 billion increase, the largest increase ever; thousands of new research projects on Alzheimer's, cancer, childhood diabetes, HIV, Parkinson's disease, cerebral palsy, and others; $125 million for new program to assist family caregivers struggling to keep elderly loved ones in their homes—provide respite and other needed services.

I am also especially excited about the funding in this bill for the Medical Errors Reduction Act of 2000 which Senator SPECTER and I introduced. Medical errors are estimated to be the 5th leading cause of death in this country. In fact, more people die from medical errors each year than from motor vehicles accidents (43,458), breast cancer (42,297), or AIDS (16,516). Our bill gives grants to states to establish reporting systems designed to reduce medical errors. It also calls for better research, training and public information on the issue of medical errors.

I'm also very proud of the funding in this bill for numerous programs that will give people with disabilities a real choice to live in their own communities near their families and friends. Most notably, this bill includes $50 million for systems change grants to help states reform their long-term care systems and make it easier for people with disabilities and the elderly to live at home.

This is just the beginning of our work to help states meet their so-called Olmstead obligation to provide services and supports to people with disabilities in the most integrated settings appropriate and feasible. This year is the 10th anniversary of the Americans with Disabilities Act, and these provisions are a great way to implement the ADA's ideals of independence and justice for all.

Finally, I would like to mention how pleased I am with the FAIR Act—the Medicare Fairness in Reimbursement Act—that is attached to the LHHS Appropriations Bill, I, Senator THOMAS, and several other Members of Congress introduced this bipartisan bill to provide Medicare providers relief from the excessive payment reductions resulting from the 1997 Balanced Budget Act. This bill will allow approximately 30 states, including Iowa, to benefit from fairer Medicare payments to states below the national average.

This bill allots approximately $35 billion over 5 years for reimbursement improvements to hospitals, home health agencies, nursing facilities, rural health providers and Medicare managed care. It will help our struggling rural hospitals, nursing facilities and home health agencies continue to provide quality care to seniors in Iowa and across the nation.

The bill will also help to improve enrollment rates for families and children in Medicaid and the Children's Health Insurance Program.

While I'm disappointed that our original LHHS Appropriations compromise was derailed, this bill is still a major step forward. It provides important investments in the health, education and productivity of all Americans.

This bill would not have been possible without the tireless, often heroic work of my staff. They's worked late nights and long weekends, and I am incredibly grateful for their expertise and excellent advice. I would especially like to thank Ellen Murray, Lisa Bernhardt, Peter Reinecke, Katie Corrigan, Sabrina Corlette, and Bev Schroeder for their outstanding work.

In passing this bill, I am hopeful that we will move beyond the partisan bickering that stalled our negotiations for so long.

With this year's elections, the American people sent us a strong message. They gave us one of the closest Presidential elections in history along with an evenly divided Senate and a closely divided House.

Clearly, they are tired of the bickering and bitterness that have characterized our politics, and they want us to bridge our differences and work together for their best interests. It is now time for us to come together and heed their call.

Mr. ENZI. Mr. President, I rise today to discuss the passage of the FY 2001 Omnibus Appropriations bill. Had I been given the opportunity to cast a recorded vote on this legislation, I would have voted "no."

There were a lot of things slipped in without prior authorization for the spending. I hope in the next Congress we can work with a new administration to clean up the process. Projects should go through a separate authorization process. All Members should have the same opportunity to review the projects in the bill and the public should know what is being funded. There are a number of us who would also like to see biennial budgeting so we have a chance to really evaluate how taxpayer money is being used.

We didn't even have a final funding total available to us before the vote. I know funding for labor and health and other related areas increased dramatically in this deal to nearly $13 billion more than last year's levels. These significant funding levels are not a one-time activity in the Congress—it has become an annual ritual. It's just too much. This is money that should be going to pay off the national debt. We must break the pattern of spending our children's future.

Some increases in the overall spending package were needed, including more support for education and nearly $36 billion in Medicare payments to healthcare providers. Wyoming rural hospitals and nursing homes will benefit from this effort. There are some very good things in this bill, but looking at the whole picture, the bad outweighed the good.

I am also very displeased that budget negotiators left out of the package a previously passed amendment which would have prevented the Occupational Safety and Health Administration (OSHA) from going forward with a massive new repetitive stress injury rule. The ergonomics rule could leave injured workers' compensation systems in ruin, close nursing homes and overshadow existing safety needs. The Senate and House agreed by a bipartisan vote on identical language that would require OSHA to slow its furious rush. The amendment would give the agency time to go back and fix the terrible flaws with this rule that have been brought to light. This new regulation will affect the whole of workplaces in America. It carries serious consequences. I am most displeased that this rule will be finalized and I will work with my colleagues to overturn it.

Mr. BAUCUS. Although I am unable to vote for or against the omnibus legislation before the Senate today, I would like to comment on the process that brought us here. In an effort to improve the economy of my state and to facilitate trade between America and its East Asian trading partners, I have led a trade mission of Montanans to East Asia for the last several days, meeting with trade officials in Japan, China and Korea.

Mr. President, I am extremely concerned about the process that has brought about this omnibus bill's passage. It is unfortunate that the Senate finds itself in virtually the same position as it did the last two years with appropriations matters. As my colleagues will recall, in 1998 we voted on a giant omnibus appropriations bill which contained eight appropriations bills, plus numerous other authorizing legislation. It ran on for nearly 4,000 pages and was called a "gargantuan monstrosity" by the distinguished Senator from West Virginia, Senator BYRD.

Unfortunately, we did not learn our lesson in 1998. Last year Congress wrapped Medicare provider payments into appropriations for Commerce-State-Justice, Foreign Operations Appropriations, Interior and Labor-HHS, again passing it in omnibus fashion without time for senators to read through the bill and raise concerns about its contents.

I voted against the 1998 and 1999 omnibus bills, not because they did not contain good provisions for the country and my State of Montana. They did. I opposed these bills because I believed—as I do now—that writing such legislation behind closed doors among a small group of people dangerously disenfranchises most senators, House members, and the American people.

And here we are again, passing Labor-HHS along with Treasury-Postal and Legislative Appropriations—all in one bill, with the input of very few members of Congress. Despite statements in 1998 and 1999 that such a process would not happen again, we find ourselves in the same position as the last two years. Mr. President, we already face a population that is increasingly cynical of government and those who serve it, and the wrangling over the presidential election that just ended has not helped matters. People believe more and more that government does not look after their interests, but only after special interests. And the more we operate behind closed doors, without an open, public process, the more we feed that cynicism. That is not healthy for our democracy or our people, and it's why I cannot support this omnibus bill.

That said, Mr. President, there is good news for Montana health care in this bill, provisions that I have fought for all year. In particular, I want to reiterate my support for year-long efforts to restore funding to health care providers negatively impacted by the Balanced Budget Act, BBA, of 1997.

When the BBA was passed in 1997, it was heralded as landmark legislation to extend the life of Medicare's trust fund and impose some much-needed fiscal discipline on the program. Indeed, just eight years ago, estimates indicated that Medicare's hospital trust fund would run dry in 1999. But a strong economy and reductions in payments to Medicare providers through the BBA have extended the life of the Part A Trust Fund for probably a couple of decades. Unfortunately, access to quality health care may have been compromised in the process.

For example, the BBA included new prospective payment systems for Medicare providers of hospital, skilled nursing and home health care. While these payment systems are intended to introduce efficiency to Medicare and ultimately increase the quality and availability of patient care, in some cases they may not make sense. I am concerned that PPSs may be ill-applied in the case of small, rural facilities, which do not have the patient volume to survive under a system of flat-rate payments.

Consider home health care, for example. As costs for this important benefit spiraled out of control, and as reports circulated of fly-by-night home care agencies defrauding the government and harming patients, Congress passed a home health prospective payment system as part of the BBA. Payments were reduced drastically. While these cuts were justified in regions of the US with too many home care providers, they also took effect where there was not a redundancy of agencies. Now there are some Montana counties lacking home care providers altogether. Montana has lost seven home health agencies, and there are currently three counties in my state with no home care provider at all. Together these three counties—Rosebud, Treasure and Big Horn—have an area over 23,000 square miles, an area nearly the size of West Virginia.

I believe BBA changes have gone too far in the area of hospital care as well. Last year I pushed legislation to spare small rural hospitals drastic cuts in Medicare reimbursement to their outpatient departments by exempting them from the negative impacts of the outpatient prospective payment system. Based on estimates from the Health Care Financing Administration, the effects of the outpatient PPS would have been devastating on small Montana hospitals. Madison Valley Hospital in Ennis, Montana, for example, would have lost an estimated 62 percent of its outpatient Medicare payments without an exemption from the outpatient PPS; Liberty County Hospital in Chester would have lost over 50 percent.

I was pleased that Congress acted to prevent cuts to these outpatient facilities last year, through passage of the Balanced Budget Refinement Act of 1999, BBRA, legislation restoring $16 billion in Medicare and Medicaid payments over a five-year period.

This year's budget bill has significant BBA relief as well. Although I believe too much of the funding is directed toward Medicare+Choice plans, there is significant help in the package for the well-being of Montana health care and Medicare in general. These provisions include increased reimbursement for telemedicine; special payments for rural home care agencies and rural disproportionate hospitals; correction of a mistake affecting Critical Access Hospitals' outpatient lab facilities; relief for community health centers and rural health clinics; and redistribution of unspent funding from the State Children's Health Program, SCHIP. In short, I am pleased that BBA relief is set for passage, and I commend the Administration and my colleagues for setting aside politics to get this bill done.

I would also like to make a couple of comments about the tax legislation in this omnibus bill. In this area too, I object not so much to what is in this bill as I do to what is not. The tax title of the bill includes a number of provisions to encourage economic development in distressed communities, the so-called Community Renewal and New Markets provisions. I support these provisions because I believe they can help spur economic development in many areas in the country, including in my own home State of Montana. I also support the language that allows Indian tribes to be treated like state and local governments in their payment of Federal unemployment taxes.

However, in this closed process of negotiation by the few, several good ideas that were in the Senate version of the Community Renewal bill somehow never made it into this conference report. There is not one single dollar in this bill to help Americans save for their retirement, which is a high priority of mine because I believe our country needs to begin preparing for the wave of baby boom retirements. The Senate bill included a wide-ranging farm package that is very important for rural areas that you won't see in this bill. It also included environmental and energy incentives that were designed to help us plan for the future. The loss of these provisions will become much more noticeable as our land and energy needs keep growing.

The bottom line is that there is a reason that tax items should not be included in an appropriations omnibus bill at the last minute, particularly when the tax-writing committees are left out of the process of writing the bill. That is exactly what has happened again this year, and I again voice my objections to the process.

Ms. COLLINS. I rise in support of the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act which we are considering as part of this omnibus package and which provides over $30 billion in much needed financial relief to our nation's beleaguered hospitals, home health agencies, hospices and other Medicare providers over the next five years.

In 1997, Congress and the White House faced a large and seemingly intractable federal budget deficit and projection that the Medicare Trust Fund would be bankrupt by 2002 unless Congress acted. The rapid growth in Medicare spending and pending insolvency of the trust fund understandably prompted the Congress and the Administration, as part of the Balanced Budget Act of 1997, to initiate changes that were intended to allow the spending growth and make Medicare more cost-effective and efficient.

These measures, however, have inadvertently produced cuts in Medicare spending far beyond what Congress intended. In 1997, the Congressional Budget Office estimated that the BBA would cut Medicare spending by $116 billion from 1998 to 2002. It now appears that the five-year impact of the BBA for hospitals, home health agencies and other Medicare providers is closer to $227 billion—almost twice the original estimates.

These deeper than expected cuts in Medicare spending, coupled with onerous regulatory requirements imposed by the Clinton Administration, are inhibiting the ability of hospitals, home health agencies, and other providers to deliver much-needed care, particularly to chronically-ill patients with complex care needs. While the Balanced Budget Refinement Act of 1999 did provide some relief, I believe that it is imperative that we do more. As we approach the end of the 106th Congress, we should have no higher priority.

I am particularly pleased that the package we are considering today provides overdue relief for our nation's rural hospitals. Small, rural hospitals in Maine and elsehwere face unique challenges in the delivery of health care services. Shortages of physicians, nurses and other health professionals make it difficult to ensure that rural residents have access to all of the care that they need. Moreover, Medicare reimbursement policies tend to favor urban areas and often fail to take the special needs of rural providers into account.

One relatively simple, but nevertheless important step we can take is to enable more small, rural hospitals in Maine and elsewhere to qualify for enhanced Medicare payments under the Medicare Dependent, Small Rural Hospital Program. I am therefore pleased that this bill includes legislation that I introduced, the Small Rural Hospital Program Improvement Act, to update the antiquated and arbitrary classification requirements that prevent otherwise-qualified hospitals from receiving assistance under this program.

Despite the fact that most of the small rural hospitals in Maine treat a disproportionate share of Medicare beneficiaries, none of them currently qualifies for this program. Not a single one. If updated in the way that this bill proposes, as many as nine Maine hospitals will be eligible for the program, which will qualify them to receive over $9 million in additional Medicare dollars each year.

The bill also includes legislation introduced by the senior Senator from Maine, Senator SNOWE, to correct a drafting error that precluded some of Maine's sole community hospitals from benefiting from the rebasing provisions in the Balancing Budget Refinement Act. This provision will bring an additional $2.8 million in Medicare reimbursements to Maine's hospitals each year.

In addition, the legislation corrects the current inequity in the Medicare Disproportionate Share Hospital program that discriminates against rural hospitals that care for proportionately greater numbers of low-income patients. By treating rural hospitals the same as urban hospitals, as this bill would do, we will increase Medicare disproportionate share payments to at least 18 of Maine's hospitals by more than $8 million a year.

And finally, the legislation will provide increased Medicare payments to all Maine hospitals by providing them with a full 3.4 percent inflation increase in FY 2001, up from the 2.3 percent they would receive under current law.

Increasing Medicare payments rates is critically important to the hospitals in Maine. For the past several years, Maine has ranked 49th or 50th in the nation in terms of Medicare reimbursement-to-cost ratios. While hospitals in some states receive more than it costs them to provide care to older and disabled patients, Maine's hospitals are only reimbursed about 80 cents for every $1.00 they actually spend caring for Medicare beneficiaries.

As a consequence, Maine's hospitals have experienced a serious Medicare shortfall in recent years. The Maine Hospital Association anticipates a $174 million Medicare shortfall in 2002, which will force Maine's hospitals to shift costs on to other payers in the form of higher hospital charges. This Medicare shortfall is one of the reasons that Maine has among the highest insurance premiums in the nation. These provisions will not solve all of Maine's Medicare shortfall problems, but they will help to close the gap.

I am also pleased that this bill extends and increases funding for two diabetes research programs created by the Balanced Budget Act of 1997, one focused on juvenile diabetes and the other focused on diabetes in Native Americans. These two programs are currently only funded through 2002. The Medicare, Medicaid and S-CHIP Benefits Improvement and Protection Act would extend funding for these two programs for one year and increase their funding levels from $30 million a year to $100 million a year.

As the founder and Co-Chair of the Senate Diabetes Caucus, I have learned a great deal about this serious disease and the difficulties and heartbreak that it causes for so many Americans and their families as they await a cure. We were all encouraged by the news earlier this year that twelve individuals from Canada appear to have been cured of their diabetes through an experimental treatment involving the transplantation of islet cells, and I believe that it is becoming increasingly clear that diabetes is a disease that can be cured, and will be cured in the near future, if sufficient funding is made available.

Last year, the Senate Permanent Subcommittee on Investigations, which I chair, held an oversight hearing to determine if the funding levels for diabetes research at the National Institutes of Health (NIH) are sufficient. At the hearing, the Committee heard testimony from the Diabetes Research Working Group (DRWG), an expert panel that studied the status of diabetes research at the NIH and across the country. The study revealed that diabetes research has been seriously underfunded. According to the DRWG, diabetes research represents only about 3 percent of the NIH research budget, which is clearly too small an investment for a disease that affects 16 million Americans and accounts for more than 10 percent of all health care dollars and nearly a quarter of all Medicare expenditures. Moreover, the DRWG report found that "many scientific opportunities are not being pursued due to insufficient funding," and that the current "funding level is far short of what is required to make progress on this complex and difficult problem." According to the DRWG, the funding levels for diabetes at the NIH are roughly $300 million short of what is necessary to ensure that the promising scientific opportunities in diabetes research are realized.

The legislation we are considering today will help to close that gap and will make an enormous difference to the millions of Americans whose lives are affected every day by diabetes. By extending and increasing the funding for these two important research programs, we are providing the additional resources necessary to take advantage of the unprecedented opportunities for medical advances that should lead to better treatments, a means of prevention, and eventually a cure for this devastating disease.

Finally, I am pleased that the bill we are considering today does provide a small measure of relief to our nation's struggling home health agencies, and in particular to those agencies that serve patients in rural areas. I am, however, disappointed that it does not do more. I will therefore continue to push not just for a delay—as this measure proposes—but for a full repeal of the automatic 15 percent reduction in home health payments that is currently scheduled to go into effect on October 1, 2001.

The Medicare home health benefit has already been cut far more deeply and abruptly than any other benefit in the history of the Medicare program. An additional 15 percent cut in Medicare home health payments would ring the death knell for those low-cost agencies that are struggling to hang on and would further reduce our senior's access to critical home health services.

Moreover, the savings goals set for home health in the Balanced Budget Act of 1997 have not only been met, but far surpassed. The CBO projects that the post-BBA reductions in home health will be about $69 billion between fiscal years 1998 and 2002. This is over four times the $16 billion that Congress expected to save when it passed the 1997 law. Further cuts clearly are not necessary and the 15 percent cut should be repealed. To simply delay the cut for an additional year is to leave this "sword of Damocles" hanging over the head of our nation's home health agencies.

I have also been disappointed that the process under which we are considering this critical piece of legislation has not allowed for any amendments. The Home Health Payment Fairness Act, which I introduced with my colleague from Missouri, Senator BOND, to repeal the 15 percent cut currently has 55 Senate cosponsors. If I had been allowed to offer my bill as an amendment, as I had planned, it almost certainly would have passed.

Thank you, Mr. President, and I urge my colleagues to join me in voting for this important legislation.

Mr. KOHL. Mr. President, I rise today in support of the Hart-Scott-Rodino Act reform included in the Commerce-Justice-State appropriations bill. Our provision updates the law, which hadn't been adjusted for inflation since it was enacted in 1976, and makes several improvements to the merger review process undertaken by the Antitrust Division of the Department of Justice and the Federal Trade Commission. It is a bipartisan measure, authored by Senators HATCH, LEAHY, DEWINE, and myself and Representatives HYDE and CONYERS, and it deserves our support.

The Hart-Scott-Rodino Act is crucial to the enforcement of competition policy in today's economy—it ensures that the antitrust agencies have sufficient time to review mergers and acquisitions prior to their completion. The statute requires that, prior to consummating a merger or acquisition of a certain minimum size, the companies involved must formally notify the antitrust agencies and must provide certain information regarding the proposed transaction. For those transactions covered by the Act, the parties to a merger or acquisition may not close their transaction until the expiration of a waiting period after making their Hart-Scott-Rodino Act filing. It also authorizes the government to subpoena additional information from merging parties so that the government has sufficient information to complete its merger analysis.

While this statute has a very laudable purpose, especially with the tremendous numbers of mergers and acquisitions taking place in recent years, some of its provisions are in need of revision. Most importantly, while inflation has caused the value of a dollar to drop by more than a half in the past 25 years, the monetary test that subjects a transaction to the provisions of the statute has not been revised since the law's enactment in 1976. As a result, many transactions that are of a relatively small size and pose little antitrust concerns are nevertheless swept into the ambit of the Hart-Scott-Rodino review process. This legislation updates this statute to better fit into today's economy by raising the minimum size of transaction covered by the Hart-Scott-Rodino Act from $15 million to $50 million. This will both lessen the agencies' burden of reviewing small transactions unlikely to seriously affect competition and enable the agencies to allocate their resources to properly focus on those transactions most worthy of scrutiny.

Further, exempting small transactions from the Hart-Scott-Rodino process will significantly lessen regulatory burdens and expenses imposed on small businesses. The parties to these smaller transactions will no longer need to pay the $45,000 filing fee—or face the often even more onerous legal fees and other expenses typically incurred in preparing a Hart-Scott-Rodino filing—for mergers and acquisitions that usually don't pose any competitive concerns.

In exempting this class of transactions from Hart-Scott-Rodino review, however, it is important that we not cause the antitrust agencies to lose the funding they need to carry out their increasingly demanding mission of enforcing the nation's antitrust laws. This bill will reduce the number of Hart-Scott-Rodino filings and therefore reduce the revenues generated by these filings if the filing fees were kept at their present level. Of course, in a perfect world, we wouldn't finance the Antitrust Division and the FTC on the backs of these filing fees. But because they are a fact of life, the antitrust agencies should not be penalized by these reforms by suffering such a reduction in revenues. As a result, in order to assure that this reform is revenue neutral, we have worked with the Appropriations Committee to ensure that this bill raises the filing fees for the largest transactions. Consequently, filing fees are to be increased for transactions valued at over $100,000,000, which makes sense because these transactions require more scrutiny.

This legislation makes other changes designed to enhance the efficiency of the pre-merger review process. The waiting period has been extended from twenty to thirty days after the parties' compliance with the government's request for additional information, a more realistic waiting period in this era of increasingly complex mergers generating enormous amounts of relevant information and documents. And, as in the Federal Rules of Civil Procedure, when a deadline for governmental action occurs on a weekend or holiday, the deadline is extended to the next business day. This simple provision will eliminate gamesmanship by parties who currently may time their compliance so that the waiting period ends on a weekend or holiday, effectively shortening the waiting period to the previous business day.

Finally, in recent years may have expressed concerns regarding the difficulties and expense imposed on business in complying with allegedly overly burdensome or duplicative government request for additional information. So our legislation also contains carefully crafted provisions to ensure that business is not faced with unduly burdensome or overbroad requests for information, while assuring that the antitrust agencies' ability to obtain the information necessary to carry out a merger investigation is not hampered. Specifically, our legislation mandates that the FTC and Antitrust Division designate a senior official who does not have direct authority for the review of any enforcement recommendation to be designated to hear appeals to the appropriateness of the government's information request (the so called "Second Requests"). The bill also sets forth the specific standards that this senior official is to utilize when considering such an appeal and mandates that these appeals be heard in an expedited manner.

In sum, I believe this legislation to be a reasonable and well balanced reform of our government's vital merger review procedures. It will make long overdue adjustments in the filing thresholds—ensuring review of those mergers in most need of governmental scrutiny while reducing the burden and expense on government and private parties by exempting smaller transactions from often expensive and time consuming pre-merger filings. It will also significantly reform the merger review process to ensure that the government has sufficient time to analyze increasing complex merger transactions, while also adding protections so that private parties do not face unduly burdensome or duplicative information request. I urge swift passage of this measure.

Ms. SNOWE. Mr. President, I rise today to express my concerns about the lack of commitment for forward funding for the Low Income Heating Energy Assistance Program for fiscal year 2002. Mr. President, as you know, LIHEAP is a block grant program to the states to assist needy households with energy assistance. Since FY1999, the program has been funded at $1.1 billion, plus $300 million for weather emergencies. I am pleased to note that, through our efforts, the Labor-HHS Conference Report provides $1.4 billion for FY2001, with a contingency fund of $300 million for emergencies. To my great dismay, however, the $1.4 million provided to help the States budget for next winter—the winter of 2001-2002—was cut from the final package.

We need to face the fact that our nation is budgeting by emergency when it comes to making sure that our low-income citizens, particularly the elderly, can keep warm in the winter. This past year, there were four different releases of the FY2000 emergency funds, most of which were released by mid-February, 2000. Currently, there is only $155,650,000 remaining in the FY2000 emergency funds and I am aware that the White House is coming to a decision soon as to how to dispense these much-needed funds. I have joined many of my colleagues at different times over the past year urging these releases along with the currently needed release.

I have also urged an increase in the regular funding for the States programs, along with forward funding for the next fiscal year so that the States can appropriately budget for each successive year so as to extend the benefits to as many eligible people in need as possible.

Currently, Mr. President, Maine's LIHEAP program has borrowed from the State's "rainy day fund" in the hopes that the State would ultimately get paid back. Today is December 15—two and a half months into the fiscal year—and they are still waiting. Because the Legislature had the foresight to lend out this money, the Community Action Agencies were able to get funding to LIHEAP beneficiaries last July so they could buy home heating oil when it was cheaper.

Like last winter, Maine's LIHEAP program is currently receiving an extraordinary amount of applications for help. Anticipating a colder winter and higher prices this winter, the State has budgeted to accommodate more applications—they have already processed over 26,000—but to do this, they have had to reduce the benefit from $488 last year down to $350 currently. They are hearing that, because of the high prices—as high as $1.63 per gallon—the $350 does not allow LIHEAP recipients to fill their oil tank even once as we move into the colder New England winter months ahead.

We have a critical problem facing the country in the upcoming winter months, Mr. President. It is said that misery loves company, and it is my sense that, given the skyrocketing natural gas prices being experienced by all parts of the country, the Northeast will have lots of company this winter as more and more constituents with low incomes, particularly the fixed-income elderly, worry about where the money will come from to pay their heating bills to keep warm. This is a very unhealthy situation.

I have spent this entire year appealing for more LIHEAP funding to protect the most vulnerable members of our society so they will have energy assistance when they need it most. I will continue to do so in the next Congress in the hopes that we will all step up to the plate and not only increase the overall LIHEAP funding but to forward fund the program so the states an be fiscally responsible and accommodate as many people as possible with this vital benefit.

The ongoing problem continues to be one of supply and demand as natural gas and heating oil inventories remain historically low, and the increased costs caused by this imbalance will not right itself in time for the cold winter weather when demand will rise sharply. This situation prices the low-income households right out of the market and they find themselves making "Solomon choices" for heating or eating, or by cutting down on necessary and costly prescription drugs.

It is logical that when costs are doubled, those served by the LIHEAP program are decreased by the same amount. And, we should keep in mind that only around 13 percent of households that are eligible for the LIHEAP program actually even receive Federal assistance. Colder weather, higher costs and tighter budgets could have the effect of raising this percentage upward.

Because Maine received over $5.3 million in emergency LIHEAP funds this past winter, my State was able to increase the income limits to serve more eligible residents with their high energy costs. Maine was able to increase the income guidelines to 170 percent of the Federal Poverty Guidelines and assist over 50,400 households with a fuel assistance benefit averaging $488, almost twice last year's $261.

Mr. President, I look forward to working with you on increased long-range funding that will allow the Community Action Agencies in Maine and other States' LIHEAP programs to plan and budget in advance, so that as many energy needs are addressed as possible. I hope my colleagues will join me next year in efforts for increasing funds so that our States can budget for a safety net that can be extended to as many low-income citizens as possible—and to make sure they do not find themselves literally out in the cold.

Mr. KERRY. Mr. President, I rise today in support of provisions in the Consolidated Appropriations bill for fiscal year 2001 that would transfer a Coast Guard lighthouse on Plum Island to the city of Newburyport, Massachusetts and land on Nantucket Island from the Coast Guard Loran station to the town of Nantucket, Massachusetts. I wish to thank the conferees for including these provisions in this bill.

Mr. President, the Plum Island lighthouse is a national treasure. This conveyance ensures that this historic treasure will be preserved and protected for generations to come. This was included at the request of my constituents in the area. The Coast Guard has always been a good friend and neighbor in Massachusetts. I am pleased that this historic landmark will transferred to Newburyport so that it can be preserved and protected for the citizens and visitors of the City to enjoy for years to come.

Mr. President, the town of Nantucket needs a small amount of property from the Coast Guard Loran Station to build a sewage treatment plant. The Coast Guard has been working with local government officials on the Island to find a solution to this problem. Initially the Coast Guard considered leasing this property to Nantucket, however the Coast Guard later determined that a conveyance was the better solution. I applaud the Coast Guard for working with Nantucket to develop this workable solution.

Mr. THOMPSON. Mr. President, I am pleased that today the Senate passed regulatory accounting legislation in the Treasury-Postal title of the Omnibus Appropriations Act, section 624, also known as the Regulatory Right-to-Know Act. I want to thank Chairman TED STEVENS and Senator JOHN BREAUX for helping me pass this important legislation. We have worked together over the last several years to further some basic important goals: to promote the public's right to know about the costs and benefits of regulatory programs; to increase the accountability of government to the people it serves; and ultimately, to improve the quality of our regulatory programs. This legislation will help us assess what regulatory programs cost, what benefits we are getting in return, and what we need to do to improve agency performance.

By any measure, the burdens of Federal regulation are enormous. By some estimates, Federal rules and paperwork cost about $700 billion per year, or $7,000 for the average American household. I hear concerns about unnecessary regulatory burdens and red tape from people all across the country and from all walks of life—small business owners, governors, state legislators, local officials, farmers, corporate leaders, government reformers, school officials, and parents.

There is strong public support for sensible regulations that can help ensure cleaner water, quality products, safer workplaces, reliable economic markets, and the like. But there is substantial evidence that the current regulatory system is missing important opportunities to achieve these goals in a more cost-effective manner. The depth of this problem is not appreciated fully because the costs of regulation are not as apparent as other costs of government, such as taxes, and the benefits of regulation often are diffuse. The bottom line is that the American people deserve better results from the vast resources and time spent on regulation. We've got to be smarter.

We often debate the costs and benefits of on-budget programs, but we are just breaking ground on creating a system to scrutinize Federal regulation. This legislation will provide better information to help us answer some important questions: How much do regulatory programs cost each year? Are we spending the right amount, particularly compared to on-budget spending and private initiatives? Are we setting sensible priorities among different regulatory programs? As the Office of Management and Budget stated in its first "Report to Congress on the Costs and Benefits of Federal Regulations":

> [R]egulations (like other instruments of government policy) have enormous potential for both good and harm....The only way we know how to distinguish between the regulations that do good and those that cause harm is through careful assessment and evaluation of their benefits and costs. Such analysis can also often be used to redesign harmful regulations so they produce more good than harm and redesign good regulations so they produce even more net benefits.

This legislation continues the efforts of my precedessors. Senator BILL ROTH proposed a regulatory accounting provision in a broader reform measure that he worked on when he chaired the Governmental Affairs Committee in 1995. In 1996, when TED STEVENS became our chairman, he passed a one-time regulatory accounting amendment on the Omnibus Appropriations Act. After I became the chairman of Governmental Affairs, I supported Senator STEVENS' amendment when it passed again in 1997. In 1998, I sponsored an amendment to strengthen the Stevens provision with the support of Senators LOTT, BREAUX, SHELBY, and ROBB, as well as a bipartisan coalition in the House. This year, I worked with Senators STEVENS and BREAUX to make this legislation permanent.

This legislation continues the requirement that OMB shall report to Congress on the costs and benefits of regulatory programs, which began with the Stevens amendment. This legislation also adds to previous initiatives in several respects. First, it will finally make regulatory accounting a permanent statutory requirement. Regulatory accounting will become a regular exercise to help ensure that regulatory programs are cost-effective, sensible, and fair. The costs and benefits of regulation can become a regular part of the annual debate between the Congress and the executive branch on the Federal budget. Second, this legislation will require OMB to provide a more complete picture of the regulatory system, including the incremental costs and benefits of particular programs and regulations, as well as an analysis of regulatory impacts on State, local, and tribal government, small business, wages, and economic growth. Finally, this legislation will help ensure that OMB will provide better information as time goes on. Requirements for OMB guidelines and independent peer review should continually improve future regulatory accounting reports.

The government has an obligation to think carefully and be accountable for requirements that impose costs on people and limit their freedom. We should pull together to contribute to the success of responsible government programs that the public values, while enhancing the economic security and well-being of our families and communities.

Mr. President, I ask unanimous consent that a copy of the Regulatory Right-to-Know Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 624. (a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Mr. KERRY. Mr. President, I rise today in support of a provision in the Consolidated Appropriations bill for fiscal year 2001 that would transfer Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration, NOAA. NOAA will use the facility to serve as the headquarters for the Gerry E. Studds Stellwagen Bank National Marine Sanctuary. Since the mid-90s the Coast Guard has shared the facility with both NOAA and the Massachusetts Environmental Police, MEP. Once the Coast Guard has relocated to a new facility NOAA and the MEP will jointly use the facility to both manage and study the marine sanctuary and to perform cooperative enforcement on the water. I am happy to report that NOAA is teaming with the MEP to share resources and facilities to improve fisheries and sanctuary enforcement. It is my understanding that NOAA will be offering the same working and living spaces to the MEP that have been provided in the past by the U.S. Coast Guard. In addition the MEP will have the same berthing and dock space for their vessels. Furthermore it is my understanding that this agreement between the two agencies will mirror the current U.S. Coast Guard agreement with the MEP with respect to terms and conditions.

The Stellwagen Bank Sanctuary is located at the mouth of Massachusetts Bay. It was first described in the diary of Captain Henry Stellwagen, a hydrographer for the U.S. Navy, as "an important discovery in the location of a fifteen fathom bank lying in a line between Cape Cod and Cape Ann." The wealth of sea life that moved below the surface of Captain Stellwagen's vessel has drawn commercial fishing fleets for centuries. The continued use for maritime commerce, whether shipping, fishing or whale watching excursions, presents a major challenge in the enforcement of sanctuary rules.

Today the sanctuary draws as many as one million visitors a year, many of them whale watchers, intent on experiencing a close encounter with a whale—particularly the gregarious and acrobatic humpback. While its numbers at Stellwagen Bank are relatively strong, the species is nevertheless listed as endangered based on its worldwide numbers. The Endangered Species Act and the Marine Mammal Protection Act have been enacted to help protect this and other species; but the oceans are large and enforcement is difficult. I applaud the cooperation shown by NOAA and the MEP to address this critical issue in the sanctuary. This conveyance of property form the Coast Guard to NOAA will solidify this relationship between the MEP and NOAA and will at the same time provide office space and research facilities for teams of scientists to study one of the true treasures of New England, the Stellwagen Bank National Marine Sanctuary.

Mr. CRAPO. Mr. President, in the final days of the 106th Congress, I wanted to take this opportunity to speak about the issue of debt relief and reform of the International Monetary Fund (IMF) and the World Bank.

A great deal of attention has been paid recently to a complicated issue that has faced Congress—the international lending practices of the World Bank group and the IMF. The complexity increases when you factor in calls for the United States to contribute to efforts to write off debt owed by the world's heavily indebted poor countries (HIPCs).

As vice chairman of the Senate Banking Subcommittee on International Trade and Finance, I have conducted a series of oversight hearings on the functioning of the IMF and World Bank. These hearings have only strengthened my belief that the evidence is clear—we should not grant debt relief without demanding that the international lending institutions such as the World Bank and IMF change their current practices.

I supported Senate passage of the fiscal year 2001 foreign operations appropriations conference report with much reservation.

The bill collectively provides about $435 million toward debt forgiveness for the HIPCs. Of this money, $210 million comes disguised as "emergency" spending.

Regrettably, this all goes without any link between relief and reform. The legislation calls for a couple of reports to Congress and a few policy suggestions that the U.S. ought to urge these institutions to adopt, but it has no teeth to force change. The lending institutions pay no consequences for failing to mend their ways . . . this means the consequences of inaction will be borne by, among others, American taxpayers and people in need.

Essentially, the IMF, World Bank, and other international lending institutions are supposed to improve economies of impoverished countries and the health and well-being of people throughout the world.

In the U.S., we are a compassionate people; we share our bounty with many other countries. But many question the effectiveness of how the World Bank and the IMF perform their missions.

The World Bank and IMF lend money to certain countries to use for various purposes—improving infrastructure needs, feeding and immunizing children, and stabilizing the economy, to name a few. But these noble goals have been stymied by corruption, greed, and poor management. What has developed is sadly lacking in results and in much need of reform.

Some advocates of debt relief have tried to delink the issue of debt relief from the issue of reform. I agree with recent remarks that these lending institutions are at the "root" of the debt problem. And if we are to weed out the problem, we must pull it up by its roots. We all know that, if you don't pull up weeds by their roots, they merely sprout up again. This serves nobody's interest—least of all the people currently suffering.

We need transparency, accountability, and effectiveness. We need to know where the money is being spent, who is spending it, and how it is benefiting that country and achieving the goals of the World Bank and the IMF.

A General Accounting Office (GAO) report on the World Bank concluded "[management] controls are not yet strong enough to provide reasonable assurance that project funds are spent according to the Bank's guidelines."

Simply put, the World Bank can't tell us with any reasonable level of certainty that funds are being spent efficiently and as they are intended to be spent. Other reports have questioned the IMF's practices.

Senate Banking Committee Chairman PHIL GRAMM spoke eloquently about this issue recently on the Senate floor. I know he talked about the Uganda situation at some length. And keep in mind that Uganda has been used as the "poster child" of success. It has qualified for debt relief under the original and enhanced HIPC initiatives.

Let me echo the chairman. In May, I wrote Treasury Secretary Lawrence Summers about the Ugandan Government's multi-million dollar expenditure on a presidential Gulfstream jet. As I noted in my letter, Idahoans and others throughout this country sympathize with the plight facing impoverished Ugandans whose annual per capita income is roughly $330. People throughout the world deserve the chance to succeed and thrive. What troubled me was the Ugandan Government's failure to place a high priority on reducing poverty and choosing to expend millions on a luxury aircraft, then essentially asking for and receiving millions in debt relief.

This situation has deeply troubled me. I was even more troubled by Secretary Summers' reply. Secretary Summers basically said the purchase of the plane was not out of the ordinary and he was satisfied that Uganda didn't take money from poverty relief programs to pay for it. As he stated, "The Ugandan authorities have committed to offset the cost of the aircraft against defense and other non-priority, non-wage expenditures." But to me, money is money; if Uganda can find money in its budget to pay for an extravagant jet, it should be able to find money to help its own people in poverty. I imagine $37 million would go a long way toward helping people in a country where the average per capita income is less than $350 a year.

As I have repeatedly noted, when the U.S. Federal Government helped bail out Chrysler, former chairman Lee Iacocca was required to sell the company jets.

And there is another problem—"moral hazard." In simple terms, people must be made to bear the consequences of their decisions. If not, they have less incentive to act prudently. If a country knows the IMF will come in and bail them out after making bad decisions, there is little incentive for the country to change its decisionmaking process. Or, if the country knows it will receive IMF funding, perhaps it uses other monies to prop up companies that should be allowed to fail. The moral hazard problem pervades this system. We might all like someone to step in and alleviate the negative impact of bad decisions we make, but this would not encourage us to act wisely. Furthermore, someone else bears those consequences. In the case of troubled countries and the international lending institutions, it is contributors such as U.S. taxpayers who bear the burden. And, honestly, the citizens of the country in question whose situation fails to improve.

So, while we are and should continue to be a compassionate nation, I also recognize the duty of Congress to set good public policy and represent the interests of hard-working Americans.

Chairman GRAMM and I, along with others, only asked that we adopt a proposal that recognizes all of these goals. This was achievable if everyone had been willing to work together.

Unfortunately, the Treasury Department refused to engage in meaningful dialog and compromise with Congress on this issue.

What is even more amazing is that the Treasury Department fought for this spending when estimates suggest that the maximum amount that would be necessary for the U.S. to fund its obligations to the HIPC Trust for this year and next is less than $100 million.

We should not be granting relief without reform.

I assure you that follow-up will be done during the next Congress to illustrate the continued need for Congress and the next administration to alter current U.S. policies and practices.

I completely agree with an editorial in the October 12 Wall Street Journal which stated that "Any debt write-off that doesn't include radical reform of the international financial institutions . . . will renew the cycle of non-performance."

Mrs. MURRAY. Mr. President, I want the RECORD to reflect my strong support for the final appropriations measure that we are completing today.

Since the first day I walked into this distinguished Chamber, I have been fighting to bring the priorities of our budget closer to the priorities of America's families. As I talk to parents and students in my State about what would improve their lives, over and over, I hear that a quality education for our students is a top priority for families across this country.

Today is a victory for families. The Labor-HHS-Education appropriations bill shows this Congress is listening to people across this country. It provides a $6.5 billion increase in education spending. This is a 17 percent increase. It makes an investment in the things that matter—reducing class size, improving teacher quality, and repairing and constructing schools. This bill gives the Congress a benchmark to work with the new President who has made education a personal priority.

I have come to the Senate floor numerous times over the years to ask for an investment in reducing class size. This is something that matters to parents, teachers and students across this country. After a year long battle against efforts to eliminate class size reduction funds, this bill provides $1.62 billion final appropriations bill for the purpose of reducing class size.

By making this investment, we are sending an important message to every community in this Nation. Class size reduction is important because it makes a tangible difference in real-world public schools.

I've talked to teachers in my State about class size reduction. These teachers told me the benefits of smaller class size. They say that when class sizes are smaller, they see better student achievement, fewer discipline problems, more individual attention, better parent-teacher communication, and dramatic results for poor and minority students.

These are the kinds of things we need in our public schools. Our kids deserve this investment.

In Washington State, the funds included in this bill will provide over $25 million to the State for the purpose of reducing class size. Currently, over 600 teachers have been hired with Federal class size reduction funds across the State to reduce class size. With the funds secured this year, Washington State will be able to hire approximately additional 130 new teachers to reduce class size.

This appropriations agreement also makes an important investment in school construction. Students across this country are going to school in inadequate facilities. The majority of students in this country attend schools that are over 40 years old. These have leaky roofs, inadequate heating and cooling, and are not the type of learning environment that goes hand in hand with expecting our students to achieve high standards. This bill makes an investment in school construction, providing $1.2 billion for this purpose.

In addition, it makes an investment in teacher quality. Our districts need help in the area of teacher quality. The districts need to be able to provide teachers the support they need, and make efforts to reach out and bring more highly qualified people into the teaching profession. This appropriations bill provides a $150 million increase over last year in our investment to improve teacher quality.

This bill provides more than a 30-percent increase for IDEA, the biggest increase in the program history. I'm sure there is not a member of this Senate who has not visited a school district and heard the struggles the district faces in funding special education services. This bill provides $1.35 billion more for IDEA than last year. We should not back down from this commitment to our schools.

The bill provides close to a 50-percent increase for after school programs. The funding is raised from $435 million to $851 million.

There is a much needed investment in child care. There is a 70-percent increase in child care funding, bringing the funding up to $2 billion. With these additional funds, nearly 150,000 children will receive child care subsidies.

An increase of over $1 billion in Head Start: These funds would allow an additional 70,000 children to participate in Head Start.

The bill invests in college opportunities for students. The $450 increase in the Pell Grant Program and the substantial increase for SEOG, LEAP, and Federal work-study will give more families the ability to send their children to college.

While I am extremely disappointed that this Congress failed to finish consideration of the Elementary and Secondary Education Act, I am glad we were able to make a commitment to kids through this appropriations bill. Investing in reducing class size, teacher quality, college affordability, and things to help our young children like Head Start and child care are the kind of investments we need in this country.

While these investments are not quite as high as the ones agreed to in October, I still believe we are moving the right direction in this bill by investing in the things that we know work. Kids, teachers and parents across this country deserve these investments.

And while I have focused my remarks on education, I should note that this bill contains vital investments in many key areas like health care. I am immensely proud of the increased investments we are making in health care research at the National Institutes of Health and the Centers for Disease Control. These investments represent our strong commitment to finding cures to life threatening ailments like breast and prostrate cancer, Parkinson's disease, and multiple sclerosis. This bill funds key health projects in Washington State like Children's Hospital and others.

This bill makes an essential investment in health care with $35 billion for BBRA relief. These improvements are imperative for access to quality health care for people everywhere. I cannot emphasize enough the importance of these changes to hospitals, home health, skilled nursing facilities which serve the elderly. Ensuring this population has high quality health care is high priority, and I commend my colleagues for recognizing this pressing need.

As a member of the Labor-HHS-Education Subcommittee, I urge my colleagues to join in support for this bill.

Mr. INHOFE. Mr. President, I rise today to lodge my objection to H.R. 4577. I understand that there will not be a rollcall vote but if there were to be a rollcall vote I would vote "no."

Mr. WELLSTONE. Mr. President I want to voice my strong objection to the process by which this legislation is being passed by the Senate. The Omnibus Appropriations conference report—containing numerous other pieces of unrelated legislation—is being passed by the Senate tonight under a consent agreement that was entered suddenly by the Majority Leader without the normal notification process. We should have had a recorded vote. Since I first came to the Senate 9 years ago I have felt that it does the Senate no credit to pass such significant budgetary legislation—literally hundreds of billions of dollars—without a recorded vote. We cannot be held accountable as Senators to our constituents when such bills are passed in this manner. I want to make it clear; I oppose this legislation and I would like the RECORD to show that I would have voted no had there been a recorded vote.

Mr. L. CHAFEE. Mr. President, today we consider legislation that addresses crucial areas of our Nation's tax and health care policy. I applaud the hard work of appropriators and President Clinton in coming to a hard-won agreement on this year's final spending bill. And, I am pleased that we can finally wrap up the business of the 106th Congress and clear the deck for our new President and the 107th Congress.

This bill includes many of my legislative priorities, which I believe will benefit Rhode Islanders, and all Americans.

First: let's focus on those in the area of health care. The health care portion of this measure includes two legislative proposals I authored, and for which I worked hard to build bipartisan support this year: a version of the State Children's Health Insurance Program Preservation Act, and the Medicaid Disproportionate Share Hospital Preservation Act.

The SCHIP provision allows 40 states—including Rhode Island—to retain for two more years $1.2 billion in children's health insurance funds. In extending the deadline for states to spend these federal dollars, we give eligible children in 40 states the opportunity to receive health insurance. In Rhode Island, our state's low-income health care program—known as RIte Care—may be able to retain as much a $8 million in federal funds. That amount would go a long way to cover uninsured children between the ages of eight and 18 in my home state.

My second priority—The Medicaid Disproportionate Share Hospital Preservation Act—would benefit hospitals that serve a disproportionate share of America's 43 million uninsured. It would increase Medicaid DSH payments to these hospitals to defray their costs of treating Medicaid patients—particularly indigent patients with complex medical needs. In all, it would strengthen the safety net for Rhode Island's hospitals—that are struggling as a result of the budget cuts instituted by the Balanced Budget Act of 1997. Indeed, this proposal could save Rhode Island hospitals $10 million over the next two years.

What's more, the initiative before us increases Medicare reimbursements for teaching hospitals, and scales back deep cuts to the home health care industry. And, it bolsters the ability of nursing homes and community health clinics to provide high quality service to those in need. Together, these provisions will go a long way to improve the health care received by the children, the elderly, and the uninsured of our nation.

Turning to the tax provisions, I am heartened that this bill contains many incentives to rebuild distressed communities, both in urban and rural areas. I've cosponsored legislation to foster urban renewal, and I am pleased that this package contains a version of it. Specifically, this measure would establish 40 renewal communities and designate 9 new empowerment zones that would be eligible for tax breaks.

I am particularly heartened that this measure increases the low-income housing tax credit caps over the next two years. Along with the Rhode Island Housing Authority, I am an ardent supporter of this increase because it will help many low-income families gain access to affordable housing.

What's more, the initiative we consider today accelerates a scheduled increase in the state volume limits on tax-exempt private activity bonds. This provision has broad, bipartisan support, and I am glad we are moving forward with it.

Finally, many of you know that, as a member of the Environment and Public Works Committee, I have worked to win passage of legislation to spur cleanup of lightly contaminated industrial sites—so-called brownfields sites. This bill contains a brownfields expensing provision that promotes the cleanup of environmental contaminants. This is a modest step in the direction of the wholesale reform I've been pressing, but it is an important step towards that eventual goal.

I am pleased that we have finally reached agreement with our counterparts on the other side of the aisle here in the Senate; with our colleagues in the House of Representatives; and most importantly, with the Clinton administration on this broad spending package.

In that spirit of constructive compromise, I will vote in favor of this bill. I urge my colleagues to do the same. I thank the Chair.

THE CULTURAL PROPERTY PROCEDURAL REFORM ACT

Mr. MOYNIHAN. Mr. President, in 1972, the Senate gave its advice and consent to ratification of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, but subject to the passage of implementing legislation by Congress. The implementing legislation—the Convention on Cultural Property Implementation Act (CCPIA)—became law in 1983. I wrote this legislation in the Senate in cooperation with Senators Robert J. Dole and Spark M. Matsunaga. It is technically a revenue measure and came under the jurisdiction of the Senate Finance Committee of which I was then a senior member, later chairman. Earlier I had been Ambassador to India and to the United Nations and was much aware of the issues surrounding cultural property. As Ambassador in Delhi I was responsible for negotiating the return of the Shiva Nataraja. I also was serving at the time as chairman of the board of trustees of the Hirshhorn Museum and Sculpture Garden, and in that capacity I dealt at length with similar issues.

The CCPIA sets forth our national policy concerning the importation of cultural property. As part of the statute, we created the Cultural Property Advisory Committee (CPAC), an 11-member body appointed by the President to advise him concerning foreign government requests that import restrictions be placed on certain archaeological and ethnological material. The statute specified that each member should represent one of four categories: museums (two members), archaeologists/anthropologists (three members), dealers (three members), and the public (three members). There are different interests here, and my purpose was to see that these were represented in any recommendation the CPAC would make. In addition, the CCPIA explicitly states that the CPAC is subject generally to the Federal Advisory Committee Act provisions relating to open meetings, public notice, and public participation in its proceedings. As the last of the authors of the CCPIA remaining in the Senate, it fell to me to keep an eye on its implementation.

Earlier this session I introduced S. 1696, the Cultural Property Procedural Reform Act. Joining me as cosponsors on the bill are Chairman ROTH, and Senators SCHUMER, GRAMM, and BREAUX. Congressman RANGEL introduced companion legislation on the House side. I have pressed this legislation because I feel it provides an essential clarification of the CCPIA.

Unfortunately, time has run out in this session of Congress to pass S. 1696. Although some halting progress has been made by the executive branch in responding to the problems that S. 1696 sought to address, it is clear that the fundamental issues of procedural reform raised by S. 1696 have not been resolved. Therefore, it is imperative that congressional oversight continue in an effort to ensure that the implementation of the Act is faithful to the terms Congress promulgated.

We have seen a number of serious shortcomings in the administration of the CCPIA which led to the introduction of S. 1696. A central concern has been that the procedures of the CPAC remain essentially closed to nonmembers of the committee despite the provisions of the 1983 Act, such as 19 U.S.C. section 2605(h), that generally require open meetings and transparent procedures. I remain concerned that past proceedings before the CPAC and the administering agency have been conducted in almost total secrecy, thus denying interested parties a meaningful opportunity to respond to evidence presented by foreign nations concerning alleged pillage and with respect to the statutory requirements that must be satisfied. The result is that the CPAC is denied a full, unbiased record upon which to make its decisions. A central goal of S. 1696 is to open those proceedings.

The initial step in a CPAC proceeding is the publication of a notice in the Federal Register informing the public of the filing of an application by a foreign government. However, that notice of the request is often so cursory as to effectively deny interested persons an opportunity to contribute meaningfully to CPAC proceedings. An adequate notice should provide descriptive information from the foreign nation about the archaeological or ethnological materials, the pillage of which the requesting country claims is placing its cultural patrimony in jeopardy. This information is particularly important because the 1983 act explicitly authorizes the President to impose import restrictions only on particular archaeological and ethnological materials that are the subject of pillage, which, in turn, is jeopardizing the cultural patrimony of a requesting state.

Any notice of a foreign government's request should, at a minimum, put on the public record the approximate dates during which the cultural material at issue was produced, the approximate dates during which that material is alleged to have been pillaged, the cultural group with respect to which the material is associated (if available), the medium, and representative categories or types of cultural material that the foreign nation asked by barred from import into this country. This information will permit interested parties to prepare themselves to participate in an informed fashion in proceedings before the CPAC.

Requiring the approximate dates of the alleged pillage is essential to carry out the purposes of the statute. Evidence of contemporary pillage is central to the goals of the 1983 act, which is based on the concept that a U.S. import restriction is justified only if it will have a meaningful effect on an ongoing situation of pillage. It is quite obvious that an import restriction in the year 2000 cannot deter pillage that took place decades or even centuries ago. Thus, the approximate dates of the pillage, which a fair notice would provide, is imperative to ensure that the administrative process is faithful to the goals of the CCPIA.

A second concern that led to the introduction of S. 1696 was the absence of meaningful art dealer participation in the proceedings of the CPAC. This year, in fact, art dealers have not been represented at all on the CPAC—all three dealer slots have been and continue to be vacant. This state of affairs is inconsistent with the CCPIA, which established an elaborate process to ensure that the views of archaeologists, art dealers, museums, and the public were taken fully into account when a foreign government asked us to prohibit the importation of archaeological and ethnological materials.

It is reported that the White House is now moving forward to fill all these are dealer vacancies and perhaps the introduction of S. 1696 helped move that process along. To ensure that in the future all interested constituencies are represented on the CPAC, it would be desirable to modify the CPAC quorum provisions to require the presence of at least one member from each statutory category. Moreover, the language describing the CPAC members should be made consistent across all four categories and consistent with Senate report language stating that the members are to be "knowledgeable representatives of the private sector."

Further, discussions on the bill have revealed that the process whereby the Executive Branch reports to the Congress on its actions under the 1983 act needs to be strengthened. Under current law, the CPAC and the State Department are to provide copies of their reports to Congress. These reports have not been transmitted to the Senate Finance Committee, the committee of jurisdiction in the Senate. Significantly, consultations have not occurred routinely on these matters since the original statute was enacted in 1983.

To implement the goals of the 1983 Act for open proceedings, the reporting requirements in the CCPIA should be made more consistent with the traditional consultation and layover provisions used by Congress to ensure adequate consultation. Thus, reports of the CPAC and State Department action should be sent to appropriate jurisdictional committees with a traditional layover period to permit consultation, as appropriate, between Congress and the executive branch. Consultation provisions can be developed that will not impair the executive branch's ability to proceed with import restrictions, after there is an opportunity for consultation with Congress. Such consultation would help ensure that executive branch procedures and actions do not stray from Congress' intent in passing the 1983 act, and would thus help allay concerns of interested persons that the statutory criteria are not being met.

One concern that I have heard repeatedly is that the CPAC and the agencies to which it reports have simply disregarded the multinational response requirement in recent actions imposing far-reaching restrictions on cultural property. Central to our intention in drafting the CCPIA was the principle that the United States will act to bar the import of particular antiquities, but only as part of a concerted international response to a specific, severe problem of pillage. The rationale for this requirement is that one cannot effectively deter a serious situation of pillage of cultural properties if the United States unilaterally closes its borders to the import of those properties, and they find their way to markets in London, Munich, Tokyo, or other art importing centers. Congress intended that the multinational response requirement be taken seriously—indeed its inclusion ensured the passage of the 1983 Act. I am concerned that the executive branch may not be giving serious weight to this requirement.

I am distressed that the procedural changes proposed in S. 1696 cannot be made in this Congress. A fair administration of the 1983 act is vitally important to our citizens and our cultural life. The United States has long encouraged free trade in artistic and cultural objects which has helped create a museum community in our Nation that has no equal. That policy of free interchange of cultural objects was narrowly modified in the 1983 act to respond to specific, severe problems of pillage. A diversion from this posture, which the current administration of the law suggests, can deny the American public the opportunity to view, study, and appreciate cultural antiquities that reflect the multicultural heritage that is the essence of our nation.

I trust, and urge, that the next Congress will address these issues vigorously.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. FITZGERALD. Mr. President, I rise in support of the Commodity Futures Modernization Act of 2000 ("CFMA"), the proposed legislation to reauthorize the Commodity Futures Trading Commission ("CFTC") and to amend the Commodity Exchange Act ("CEA"). This legislation is the Senate companion of H.R. 5660, which Congressman THOMAS EWING introduced yesterday in the House of Representatives and which is part of the final appropriations measure. As an original co-sponsor of the CFMA, I am proud to join Chairmen GRAMM and LUGAR in supporting legislation to provide much needed regulatory relief to the United States futures exchanges, to remove the eighteen-year-old ban on single stock futures, and to bring legal certainty in the multi-trillion dollar derivatives markets.

The CFMA gives a substantial boost to Chicago's futures industry and the 200,000 jobs that depend on it. The Chicago futures exchanges will be given an opportunity to compete on a level playing field with the world markets. Burdensome federal regulations will be removed and a new regulatory structure will be implemented that will give our nation's most important futures exchanges the ability to compete equally with world markets in product innovation and the ever-changing demands of the marketplace. Chicago's exchanges will now have the opportunity to offer single stock futures so that they can compete with global markets already trading those types of futures. This is potentially an enormous market for Chicago's exchanges and U.S. investors. It goes without saying that this market is absolutely necessary for Chicago to remain the center for world futures trading.

I commend Chairman LUGAR on his efforts to act swiftly to modernize the CEA and to implement the recommendations of the President's Working Group on Financial Markets ("PWG"). The challenges involved in such an undertaking are enormous and I appreciate Chairman LUGAR's thoughtful and comprehensive approach to this complex task. As Chairman of the Subcommittee on Research, Nutrition, and General Legislation, I have been actively involved in the evolution of the CFMA and am committed to working closely with Chairman LUGAR, Chairman GRAMM, and my other colleagues to ensure that the United States derivatives markets remain strong, competitive, and viable. The CFMA codifies the recommendations of the PWG to enhance legal certainty for over-the-counter ("OTC") derivatives by excluding from the CEA certain bilateral swaps entered into on a principal-to-principal basis by eligible participants. The market for OTC derivatives has exploded over the past two decades into a multi-trillion dollar industry. These large and sophisticated markets play an important role in the global economy and legal certainty is a critical consideration for parties to OTC derivative contracts. Accordingly, the CFMA recognizes that legal certainty for OTC derivatives is vital to the continued competitiveness of the United States markets and achieves this certainty by excluding these transactions from the CEA.

The provisions of the CFMA also address the problem that federal regulation has not adapted to the rapid growth of the financial markets and today serves as a substantial restriction on market competitiveness and modernization. In order for the United States to maintain the most efficient markets in the world, regulatory barriers to fair competition must be removed. The CFMA reduces the inefficiencies of the CEA by removing constraints on innovation and competitiveness and by transforming the CFTC into an oversight agency with less front-line regulatory functions. The provisions for three kinds of trading facilities with varying levels of regulation provide needed flexibility to both traditional exchanges and electronic trading facilities by basing oversight of the futures markets on the types of products they trade and on the investors they serve.

Finally, the CFMA removes the Accord's prohibitions on the trading of single stock futures and small indices. Stock index futures have matured into vital financial management tools that enable a wide variety of investment concerns to manage their risk of adverse price movements. The options markets and swaps dealers offer customers risk management tools and investment alternatives involving both sector indexes and single stock derivatives. It seems only fair that futures exchanges be allowed to compete in this important market.

The CFMA lifts the ban on single and index stock futures restrictions to allow the marketplace to decide whether these instruments would be useful risk management tools and to enhance the ability of the U.S. financial markets to compete in the global marketplace. The bill reforms the Accord to allow both futures and securities exchanges to trade these products under the jurisdiction of their current regulators. The CFMA also allows both the SEC and the CFTC to enforce violations of their respective laws regardless of whether the products are traded on a futures or securities exchange and requires that the agencies share necessary information for enforcement purposes.

The CFMA represents an arduous effort to remove burdensome regulatory structures and provide much needed legal certainty to the United States derivatives markets. This effort has produced comprehensive legislation that is designed to remove impediments to innovation and regulatory barriers to fair competition for the United States financial markets. The positive impact of this legislation on Chicago's futures markets cannot be overstated. The CFMA is vital to Chicago remaining the derivatives capital of the world and gives Chicago's futures exchanges the ability to lead the way in the potentially explosive single-stock futures market.

RESTRICTING CRUISE SHIP GAMBLING

Mr. STEVENS. Mr. President, I would like to engage the Senator from Hawaii in a colloquy regarding a provision of interest to him, that would restrict cruise ships from gambling in the State of Hawaii. For the benefit of our colleagues, I would like to ask the Senator if he would explain the clear intent of this provision.

Mr. INOUYE. Mr. President, I would be happy to have a brief discussion with Chairman STEVENS on this matter. As he knows, on many occasions I have expressed to my colleagues in this Chamber my strong opposition to gambling in the Hawaiian Islands. Our State of Hawaii is one of only two states in the entire country that prohibits gambling of all kinds. When Federal laws, including the Gambling Devices Transportation Act, more commonly known as the Johnson Act, affecting the ability of cruise ships to conduct gambling operations were relaxed over the past decade, I was involved in drafting those provisions to be sure that the longstanding Federal prohibition against the possession and operation of gambling devices be maintained with respect to the State of Hawaii. Unfortunately, I understand that a foreign cruise line seeks to exploit a loophole in Federal law and circumvent this long standing prohibition. This legislation closes this loophole.

This recent announcement by a foreign cruise line—that is substantially owned by foreign gambling interests—to permanently based a large cruise ship with an extensive casino on board in Hawaii for year-round operation on cruises that will begin and end in Honolulu has prompted this amendment. This amendment ensure that there is no ambiguity in the intent of the Johnson Act's application to the State of Hawaii by expressly preserving the act's original prohibition of the transportation, possession, repair, and use of any gambling devices aboard vessels that embark and disembark passengers in the State of Hawaii, as defined in 19 C.F.R. 4.80a(a)4.

I want to make clear to my colleagues that this provision would not affect any State other than Hawaii. Moreover, it would not prohibit current gambling operations on board cruise ships that, for example, begin or end their cruises on the mainland or in foreign countries, even if they call at multiple ports in Hawaii, so long as the gambling facilities are closed when the vessel is in Hawaii and the passengers do not begin and end their trip in Hawaii. Passengers could either begin or end their trip in the State, but could not do both. A vessel that is operating in dedicated service in Hawaii, however, cannot escape the Johnson Act's broad prohibitions simply by calling at Christmas Island or some other similar foreign port.

I have made clear that I do not want gambling in Hawaii any time and in particular on the occasions that we have debated the Johnson Act and gambling on cruise ships. I have been unwavering in my position that gambling on voyages beginning and ending in Hawaii will not be accepted practice. This provision should clarify any ambiguity in the Johnson Act as to what types of gambling operations on board vessels are allowed and not allowed in Hawaii. I can assure my colleagues that if gambling interests believe they can exploit and circumvent the spirit and intent of Federal laws prohibiting gambling in Hawaii, I will be back in this Chamber to attempt to make the necessary changes to continue our State's longstanding prohibition on such activities.

Mr. STEVENS. Mr. President, we all recognize the Senator's diligence in keeping the gambling industry out of Hawaii. Would I be correct then saying this provision would not have any impact on those cruise ships that begin or end their voyages in a foreign port or on the mainland so long as they don't gamble while in Hawaii?

Mr. INOUYE. The Senator is correct.

Mr. STEVENS. I thank the Senator for his explanation.

Mr. INOUYE. I appreciate the opportunity to explain this matter for our colleagues.

COAL WASTE IMPOUNDMENT STUDY CLARIFICATION

Mr. BYRD. Mr. President, conference report language has been added to H.R. 4577, the fiscal year 2001 Labor/HHS Appropriations bill to address concerns about the safety of coal waste impoundments. A study, which is to be completed by the National Academy of Sciences (NAS) in nine months, will be funded by monies included in the Mine Safety and Health Administration's (MSHA) Fiscal Year 2001 appropriations. Because MSHA has regulatory authority for coal waste impoundment oversight, I hope that MSHA officials will play an active role throughout the course of the study. The NAS study is intended to review the coal waste impoundments and report on viable methods and alternatives to prevent another dam failure like the one that occurred in Martin County, Kentucky, in October of this year.

I would like to clarify the understanding of the chairman and ranking member of the Senate Labor/HHS Appropriations subcommittee regarding this conference report language. Is it their understanding that the NAS study should involve the participation of experts to include, but not be limited to, members of relevant state and federal agencies, such as the Mine Safety and Health Administration, the Office of Surface Mining and Enforcement, the Environmental Protection Agency, as well as industry, labor, citizen, and environmental groups, which have either been, or may be, impacted by impoundments in their areas? Further, in addition to addressing how best to assure the stability of existing impoundments, is it the understanding of my distinguished colleagues that this NAS study should also address alternative methods of coal mine waste disposal and placement in the future?

Mr. SPECTER. As I, too, have had a long-running interest in coal mining and health and safety matters, I thank the Senator for his interest in this important coal matter. Yes, I believe that it is important for a range of stakeholders to be involved in this study as well as to look at both the current and future issues related to coal waste impoundments.

Mr. HARKIN. I would like to thank the Senator from West Virginia for his leadership on this subject. It is also my understanding that relevant federal, state, industry, labor, citizen, and environmental parties should participate in this study so as to gain a broader range of views and recommendations on the current problem and future solutions in order to prevent such problems as he has described from occurring again.

SWAN LAKE-TYEE INTERTIE

Mr. STEVENS. Mr. President, I would like to engage the distinguished chairman of the Senate Interior Appropriations subcommittee in a short discussion on an item which is included on page 171 of the conference report on the recently passed Interior appropriations bill, H.R. 4578. In that bill, there is a reference to utilizing the Alaska "Job in the Woods" program for projects "that enhance the southeast Alaska economy, such as the southeast Alaska intertie." May I inquire of the distinguished chairman if that language refers specifically to the currently proposed Swan Lake-Lake Tyee Intertie project for which the Forest Service completed its final environmental impact statement and issued its record of decision on August 29, 1997?

Mr. GORTON. The distinguished chairman of the Appropriations Committee is correct. That reference is specifically intended to refer to the Swan Lake-Tyee Intertie project and was inadvertently referred to as the southeast Alaska intertie. I hope the RECORD will reflect this clarification and will result in an expeditious use of the funds.

LIHEAP

Mr. HARKIN. Mr. Chairman, as you know, many members on both sides of the aisle have concerns about the Low-Income Home Energy Assistance Program (LIHEAP) and the lack of an advance appropriation for that program in fiscal year 2002. As you know, home heating costs have skyrocketed over the past year in many areas of the country. The LIHEAP program helps over four million low-income households with their heating bills. Usually this appropriations bill includes advance funding for LIHEAP so that states have time to plan their program, but due to a provision in the budget resolution capping advance appropriations we were not able to do so this year.

I hope, as I know you do, that we finish our work on this bill before October 1 next year. But if we do not, I think we should do everything we can to see that any continuing resolution for fiscal year 2002 would include sufficient funds for States to properly run their LIHEAP programs.

Mr. SPECTER. As you know, I have been a strong supporter of the LIHEAP program and I am aware of how essential the program becomes in times of high fuel prices. While I hope that a continuing resolution will not be necessary next year, I would certainly support including funding for the full winter season in the first continuing resolution for fiscal year 2002, if that is necessary.

CATHOLIC SOCIAL SERVICES

Mr. STEVENS. Mr. President, I would like to engage the distinguished chairman of the Senate VA-HUD Appropriations subcommittee in a short discussion on an item which is included on page 79 of the Conference Report H. Rept. 106-988 (H.R. 4635) for the VA-HUD appropriations bill. In that bill, there is funding available for Catholic Community Services. I am told that reference is incorrect and that the funding should actually be made available for Catholic Social Services for renovations and construction at the Brother Francis Shelter and AWAIC's transitional housing. I would ask the distinguished subcommittee chairman whether it was his understanding that Catholic Social Services was the intended recipient of this funding rather than Catholic Community Services, and if so, would the chairman make note of this for the RECORD?

Mr. BOND. The distinguished chairman of the Appropriations Committee is correct. That reference is specifically intended to refer to Catholic Social Services for renovations and construction at the Brother Francis Shelter and AWAIC's transitional housing and was inadvertently referred to as Catholic Community Services. I hope the RECORD will reflect this clarification and will result in an expeditious use of the funds.

Mr. STEVENS. I thank my colleague.

AUTHORITATIVE ROOT SERVER

Mr. BURNS. Will the chairman yield for purposes of a colloquy?

Mr. GREGG. I yield to the Senator from Montana.

Mr. BURNS. I understand that the Internet Corporation for Assigned Names and Numbers, ICANN, intends to request that the Department of Commerce transfer the Internet's authoritative root server to ICANN's control. The authoritative root server is the foundation of the Internet, which cannot function without it. Would the chairman agree that the Department of Commerce should retain control of the authoritative root server until the appropriate committees of Congress have reviewed the legality, appropriateness and implications of such a transfer?

Mr. GREGG. I agree with the Senator from Montana that Congress should be given the opportunity to exercise its oversight responsibility over this important issue.

Mr. HOLLINGS. Will the chairman yield to me on this issue?

Mr. GREGG. I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. Chairman, I would like to join you in supporting the statements made by the Senator from Montana. As managers of the Commerce, Justice, State bill, you and I have the responsibility and expectation of providing agencies under our jurisdiction with congressional input and guidance. On an issue of this great importance—transferring the a-root server to ICANN—it is critical we carefully look at the implications a decision like this would have.

Mrs. MURRAY. Will the chairman yield to me on this issue?

Mr. GREGG. I yield to the Senator from Washington.

Mrs. MURRY. I share the concerns expressed by the Senators from Montana and South Carolina about the premature transfer of the authoritative root server to ICANN. Control of this root server includes the power to dramatically affect all aspects of Internet activity, including e-commerce and our national security. The Department of Commerce should not transfer the root server to ICANN until Congress has had the opportunity to review the wisdom of such a transfer.

Mr. GREGG. I agree with the views expressed by my ranking member, Senator HOLLINGS, and the Senators from Washington and Montana on this matter.

ANTIDUMPING DUTIES

Mr. DURBIN. Mr. President, I would like to commend the chairman of the Finance Committee for his bipartisan efforts which resulted in the passage of section 1425 of H.R. 4868, the Miscellaneous Tariff Act. This section is intended to address an unfortunate situation involving the imposition of antidumping duties on a number of entries of conveyor chain from Japan. At the time of these entries, the applicable antidumping duty cash deposit rate was 0 percent. As a result, no cash deposits were made on these entries by the U.S. importer. Through no fault of the U.S. Customs Service, the antidumping duties and interest subsequently imposed when these entries were liquidated as a result of the Department of Commerce administrative review process now represents a severe and unanticipated hardship on the U.S. importer, Drives, Inc., based in Fulton, Illinois. This legislation is intended to address this situation by having the Customs Service reliquidate the entries at the antidumping duty cash deposit rate in effect at the time of entry.

Mr. ROTH. The senior Senator from Illinois is correct and I thank him for his kind words. He is correct with regard to the purpose and intended effect of this section. My understanding is that the antidumping duty order covering these entries has recently been revoked. I also understand that the domestic industry association that was the complainant in the dumping proceedings is aware of this legislation and does not object.

Mr. DURBIN. That is correct. In accordance with this legislation, the identified entries will be re-liquidated with no antidumping duties assessed. Moreover, no interest charges which relate in any way to antidumping duties will be assessed. Since the deposit rate at the time of entry of all of the identified entries was 0 percent, this will have the effect of liquidating the entries at the cash deposit rate in effect at the time of entry.

Mr. ROTH. We should note for the record that during the drafting of this legislation, a few words were inadvertently left out, with the unintended consequence of the language being not as clear as we would like for Customs' interpretation. It was our intent with this legislation that re-liquidation should occur within 90 days of enactment. This was the intent of the Congress when it reviewed and passed this section.

Mr. DURBIN. The senior Senator from Delaware is correct. There was a mistake made in drafting the language. Regardless, the intent of the original legislation, and the intent that can still be interpreted from the law as enacted, is to have the Customs Service re-liquidate the entries at the antidumping duty cash deposit rate in effect at the time of entry. I thank the Senator from Delaware for his guidance and appreciate working with him on a bipartisan basis.

Mr. ROTH. I thank the Senator from Illinois.

ASBESTOS VICTIMS

Mr. DEWINE. I notice my colleague from Ohio, Senator VOINOVICH is on the floor as well as the majority leader. I think I speak for my colleague when I say we are extremely disappointed that our bill, S. 2955, was not able to be passed in this Congress. That bill is very important to asbestos victims and two of our State's largest employers. As we all probably know, our nation is facing an asbestos litigation crisis. A crisis for which the federal government, in my opinion, shares responsibility. From World War II through the Vietnam war, the government mandated the use of asbestos to insulate our naval fleet from secondary fires. This mandate is the cause of many tragic disabilities. Unfortunately, while the federal government would be one of the largest asbestos defenders due to this mandate, an aggressive and successful litigation strategy to assert sovereign immunity has allowed them to evade any monetary culpability.

Since the federal government is not paying their fair share of the costs, the former asbestos manufacturers are burdened with asbestos claims. Of the approximately 30 original core defendants, over two dozen have gone bankrupt, in large part due to asbestos claims. The situation has reached the crisis stage. Good companies, providing good jobs, and providing payments to victims, are in significant peril. The recent bankruptcies of several former asbestos manufacturers have placed an even more overwhelming burden on the remaining defendants. Due to joint and several liability, the remaining defendant companies are now paying an even higher share of asbestos claims. The markets have taken note. Stock market values are declining, making it more and more difficult for these companies to receive the financing they need to survive. The very future of these companies, the very future of these jobs are at stake.

But, it is not just the companies who are suffering. Asbestos victims are also suffering greatly. They are not receiving the awards to which they are entitled. If something is not done to correct this situation, good companies will continue to go bankrupt, good jobs will continue to be lost, and asbestos victims will not receive any compensation.

We must act now to do this. I understand the majority leader understands and appreciates the urgency of this situation. I would ask that the bill that Senator VOINOVICH and I have introduced would be one of the first bills considered when we return for the 107th.

Mr. VOINOVICH. I wholeheartedly agree with my colleague, Senator DEWINE. I do not think we can stress enough that this really is a matter of survival for these companies and their employees. The government bears some responsibility here, we simply must get this bill done as soon as possible. The companies, their workers, and asbestos victims—after all when the companies go bankrupt it affects payments to victims—need certainty that this will be brought to the Senate floor at the earliest possible date next year. We need to work to keep these companies afloat.

Mr. LOTT. I appreciate the concerns of the two Senators from Ohio. They have made a very strong and convincing case on the need for a solution to this problem. I pledge to work with them to see that this issue is addressed as early as possible in the 107th Congress.

DISASTER-RESISTANT WOOD CONSTRUCTION PROGRAM

Ms. COLLINS. Mr. President, as you know, natural disasters exact a tremendous toll on our nation. In just two decades (1975–1994), 24,000 individuals nationwide lost their lives to natural disasters. An additional 100,000 were injured, and the resulting property damage reached a staggering $500 billion.

Hurricanes are responsible for 80 percent of these $500 billion in damages. The continued rapid building of homes and commercial facilities along our coastlines increases the potential for even higher natural disaster costs in the future. Since Congress often responds to these disasters with emergency supplemental appropriations, it makes sense to also support the development of technologies and building techniques to mitigate damage resulting from hurricanes and other natural disasters.

Mr. GREGG. I agree with my distinguished colleague from Maine that we need to do what we can to mitigate the devastation caused each year by natural disasters. Exciting new building techniques and technologies hold promise in this regard.

Ms. COLLINS. They certainly do. And one of the most exciting technologies involve wood composites. The fact is, most natural disasters directly affect wood construction, which is used for 99 percent of houses constructed nationally. The University of Maine Advanced Engineered Wood Composites Center (AEWC) has developed new technologies to reinforce wood construction materials with fiberglass material. These fiberglass-reinforced wood composites are two to three times stronger, more impact resistant and more ductile than their unreinforced counterparts. Homes and buildings constructed with these advanced materials should greatly enhance occupant protection from hurricanes, earthquakes, tornadic missiles, and other natural threats. In addition to their benefits in new construction, these technologies can be used to retrofit and strengthen existing wood buildings. The University of Maine and its industry partners require $4 million in fiscal year 2001 funds to complete material and wood panel testing on these technologies, and to start developing building code provisions to transition the new disaster resistant panels into residential and commercial construction.

I commend my good friends, Chairman GREGG and the subcommittee's ranking member, Senator HOLLINGS, for their efforts thus far to allocate additional funds to the National Institute of Standards Scientific and Technical Research Services programs. I am particularly pleased with the additional funds that have been allocated to the NIST Building and Fire Research Laboratory, which is ideally suited to develop improved building technologies resistant to natural disaster.

I would strongly encourage the NIST Building and Fire Research Lab to support development work on advanced wood composites, demonstrate the performance of reinforced-wood composites under simulated hurricane wind conditions, and introduce the new construction materials into national building codes and standards.

Mr. HOLLINGS. I thank my good friend and colleague, Senator COLLINS, for her kind remarks regarding this subcommittee's work on the FY '01 Commerce, Justice, State, and judiciary appropriations bill. I recognize the importance of investing in advanced building technologies that can resist damage from hurricanes. As you know, South Carolina has experienced several costly and disastrous hurricanes. Yet our coastal economy continues to expand and to serve as a commercial and recreation resource to our State and the Nation.

I agree with my colleague that development of fiberglass-reinforced wood composites is important, and I also encourage the National Institute of Standards and Technology to support the development and deployment of these materials. Improvements to wood building materials will result in direct benefits to the people of South Carolina and all other coastal communities in the United States.

Mr. GREGG. I thank my distinguished colleague from Maine as well and share her concerns about the impact of natural disasters on the lives of people and on the economy. In the past, government has worked effectively with the building industry to make homes and commercial buildings better and safer through building codes and standards, and by supporting improvements in building technology.

The subcommittee is very interested in the contributions that the NIST Building and Fire Research Laboratory can make to improve the quality of building products. Fiberglass-reinforced wood composites can greatly increase the safety of homes subjected to natural disasters. I agree that the National Institute of Standards should pursue with the University of Maine the development and demonstration of fiberglass-reinforced wood composites for improved building materials.

EXPANSION OF A SUCCESSFUL EXECUTIVE MBA PROGRAM

Mr. L. CHAFEE. Mr. President, I would like to clarify the intent of the conferees regarding a provision in the conference report accompanying H.R. 4576, FY01 Defense appropriations bill (H. Rept. 106–754). Within this legislation is $2 million for the expansion of a successful Executive MBA program, jointly administered by the Naval Undersea Warfare Center (NUWC), Newport, Rhode Island and Bryant College, Smithfield, Rhode Island. The funding will be used to expand the current student enrollment from 30 to 60 Navy personnel and to expand and upgrade Bryant's technical capabilities. Specifically, funds will be used to expand and upgrade Bryant's network bandwidth to gigabit speed, as well as fund technological enhancements to Bryant's new Bello Center for Information and Technology, allowing Executive MBA students better access to valuable information resources. This, in turn, will assist them in their studies at Bryant. The $2 million for the expansion of this program will not only allow 30 more military/government personnel to earn an MBA at Bryant, but will link those students with expanded technical resources at Bryant. This linkage will allow Executive MBA students access to all information available within Bryant's resources and create the capability to interact with each other and with other students on and off campus.

Is this description what the conferees intend?

Mr. STEVENS. Yes, that is correct.

Mr. GRAHAM. Mr. President, I do not mean to be the skunk at the picnic party, but I believe there are some realities to be faced. Those realities are that we are establishing on the last evening of the 106th Congress some standards that are going to be either positive paths towards greater cooperation in the next Congress or will be impediments to achieving success in what will be the most divided National Government in our Nation's history.

I am afraid what we are doing tonight will not make a positive contribution. The fact is that at 7:08 p.m. on a Friday evening, we are taking up in one enormous piece of legislation—a piece of legislation which dwarfs the New York City telephone directory in size, a piece of legislation which not one single Member of this body or the House of Representatives has ever had an opportunity to read.

The fact that we are about to adopt this legislation without the normal debate and opportunity to understand what is in this bill is not a positive sign because, in my judgment, the kinds of bipartisan cooperation that we will require in the future are going to be based upon respect, understanding, and a due regard for our constituents who also deserve to be served better than we are doing this evening.

It also, frankly, has to be based on a level of trust among Members when commitments are made, that there is a sense of a solemn obligation. This body cannot function, as no human institution can function, unless there is a fundamental level of trust and regard among its membership. This document does not reflect that trust.

My fundamental concern about this appropriations bill, which will expend approximately $180 billion of our taxpayers' money, is that it takes the wrong fundamental path.

Contrary to myth, the 21st century has not begun. The new century will actually commence at 12:01 a.m. on January 1, 2001. The first Congress of the new millennium, the 107th Congress, will convene on January 3. This historic Congress will find itself at the proverbial commencement of the century and a fork in the road. Two very different fiscal paths will lie in front of it.

The path we select will play a major role in shaping our country's future in the 21st century. One path maintains the fiscal discipline that has marked the latter half of this decade. It has played an integral part in creating the longest economic expansion in U.S. history. This expansion has created over 20 million jobs since 1993. It has reduced unemployment to a 30-year low of 3.9 percent in October of this year. During all of this, inflation has remained at its lowest core rate since 1965. Those are all achievements for which we can take considerable pride.

This first path views the projected budget surplus as a means to continue this economic success by continuing to pay down the national debt.

This first path also recognizes that a portion of the surplus should be used to address some of the long-time intergenerational challenges which are confronting our Nation—securing Social Security's future and modernizing Medicaid. Social Security is in fine shape today. Payroll tax revenues exceed the funds needed to pay current benefits by record amounts.

This positive cash-flow, however, will not last long. In just 15 years, payroll tax revenue will no longer be sufficient to pay benefits. We need to act now to strengthen the program's finances so that today's workers and tomorrow's retirees will have the security of knowing that their Social Security benefits will also be paid.

Medicare faces a similar long-term funding shortfall, only it begins 5 years earlier, in 2010. In addition, Medicare has one substantial deficiency. That is its focus on sickness rather than wellness. Thus, Medicare needs to be fundamentally reformed to conform with modern medicine and the desires of its beneficiaries. That will require the inclusion in Medicare of a prescription drug benefit. Virtually every preventive program currently in use has prescription drugs as a substantial component of its treatment modality. A portion of the surplus should be devoted to fixing these deficiencies in Social Security and Medicare.

I just described the first path. There is a second path. That alternate path veers off to a far different destination. That path focuses on short-term desires, the here and now, and foregoes fiscal discipline in favor of new spending programs and tax cuts. It views the surplus as a giant windfall to be doled out to favored constituencies as if Christmas lasted 365 days. In short, this is a path back to the past.

This final bill of the 106th Congress represents another step down the wrong path, the path to the past. The Senate is considering the final 2001 appropriations bill, a bill that combines the Department of Labor and HHS, the Departments of Treasury, Postal, and the legislative branch. This agreement also clears the Department of Commerce, Department of State, and Department of Justice bill for signature.

Discretionary spending in these combined bills totals nearly $182 billion. This bill follows the pattern established by most of the previous appropriations bills considered by the Senate. Its total spending greatly exceeds the standard established by the Senate in the budget resolution adopted in April of this year. Section 206 of the budget resolution proposed a cap on discretionary appropriation spending for the fiscal year 2001 at $600 billion. That level would have allowed discretionary spending to grow at a rate that was above inflation, a rate of approximately 3.5 percent. What do we have before the Senate at 7:15 in the evening of December 15? We have a bill which allows spending to grow by 8 percent, more than twice that tolerated under the budget resolution.

I admit I support many of the programs funded in this bill, but we must exercise restraint. We must establish some sense of priorities. I have spoken on the Senate floor on several occasions earlier this year to decry specific appropriations bills as they were being considered. The common complaint I have had with each of these bills has been that they have been crafted in a vacuum without a clearly defined blueprint to give Congress the full picture of the implications of its actions before it acts. It is as if a carpenter about to build a home would start to build the living room without any awareness of what the rest of the house was going to look like.

The budget resolution should have provided exactly such a blueprint. But it has failed to do so. A good part of the reason it has failed to do so is that it was developed without the full participation of all Members of the Senate. It was a partisan document, representing one point of view but not providing the context around which all Members of this body as reflective of the public of the United States could give their support. In addition, it was crafted with wholly unrealistic expectations of where we were headed.

Let me demonstrate in this chart back to the year 1997. In 1997, we passed a budget resolution that capped discretionary spending at $528 billion; we actually spent $538 billion. By 1998, our commitment to fiscal discipline had grown stronger and we only exceeded the budget resolution by $2 billion. Since that year, every year, we have had substantial deviations from our budget resolution. In every year, we have spent substantially more than we had committed ourselves to do in our budget resolution.

To go back to that example of the carpenter and the house, it is as if the family said: we have a budget. We can afford, based on our income, to build a $100,000 house. But they build a $125,000 house which stretches their financial capability.

This year we had a resolution that said we spent $600 billion; with this legislation tonight, we will spend $634 billion. We have overspent our budget by $34 billion. This chart exposes the failure of our current budget process. Each year we pass a budget resolution which establishes limits, and each year we break the resolution.

The fiscal year 1999 budget resolution which was supposed to be a spending limit of $533 billion had a final tally of $583 billion. In the year 2000, the limit was supposed to be $540 billion and the final tally was $587 billion. As I indicated, this year was supposed to be $600 billion and we have concluded now at $634 billion.

The last 3 years highlight the dangers of considering spending bills without a credible budget, one that establishes reasonable parameters and results from the participation of both parties.

While that is my fundamental objection to this budget and why I will request to be counted as voting no when we take the final voice vote on this matter, this legislation also includes changes to the Medicare program that will result in greater payments to providers. This bill increases payments to Medicare providers by $35 billion over the next 5 years, $85 billion over the next 10 years. My primary objection to these changes is that too much of the $35 billion for the first 5 years and $85 billion for the next decade is funneled into one aspect of the Medicare program—health maintenance organizations, HMOs. In my opinion, and more importantly, in the opinion of the experts, the HMOs do not need and cannot justify the level of additional appropriations which they are about to receive.

While I appreciate the modest improvements for beneficiaries which are included in this bill, the fact remains that HMOs, which enroll less than one out of six Medicare beneficiaries, will receive almost one-third of the overall funding. I am alarmed by increasing payments to HMOs because we are told by the experts that the payments are already too high. The General Accounting Office says under current law:

> Medicare's overly generous payment rates to HMOs well exceed what Medicare would have paid had these individuals remained in the traditional fee-for-service program.

The General Accounting Office concluded that Medicare HMOs have never been a bargain for the taxpayers. Increasing HMO payments will not keep them from leaving the markets where they are most needed.

One of the several outrages in this area is the requests that were made that if we were going to provide this generous additional payment to HMOs, one-third of the money for less than one-sixth of the Medicare beneficiaries, that they would have to commit they would not, as they have done in many areas in my State and virtually every other State, pack up leaving beneficiaries without coverage.

Or in other areas, as I recently experienced in the city of Jacksonville, HMOs have been driving down the benefits within their plans. I found while working at a pharmacy in Jacksonville earlier this year, most of the HMOs in that city have now put a cap on the annual payments of prescription drugs, and that cap is $500. As anyone who knows about the cost of prescription drugs, a $500 annual limit, particularly for an elderly population, is a very meager benefit. If you take this overly generous additional payment, you have to make some commitments to the beneficiaries relative to your willingness to stay and serve in the communities where you are currently providing services and to maintain your service benefit level. None of that is in this final bill. This is a check being written with no response, in terms of protection for beneficiaries.

According to the testimony from Gail Wilensky, chair of the Medicare Payment Advisory Commission, she states that plan withdrawals—that is, withdrawals from HMOs:

> . . . have been disproportionately lower in counties where payment growth has been the most constrained.

What Ms. Wilensky is saying is that where you have constrained reimbursements to HMOs, you have less withdrawals than you do where you are, as we proposed to be in this legislation, excessively generous.

It comes down to priorities. Should we spend billions on HMOs or try to help frail and low-income seniors, people with disabilities and children?

The managed care industry and its advocates in Congress have thwarted every effort to reform the Medicare+Choice Program so that it does what it was designed to do—save money while providing reliable, effective health care services.

A prime example of this occurred almost a year ago in this Chamber. In 1997, under the Balanced Budget Act, we provided for two demonstration projects to provide for the outrageous idea that there be competitive bidding among HMOs, to let the marketplace—which we all laud as being the best distributor of resources—let the marketplace decide what should an HMO be paid. This happens to be the same practice which is used in the private sector in its selection of HMOs and in some of the largest public employee HMO plans. Implementation of such a process had the potential of saving taxpayers and the Medicare program millions of dollars. It could have ensured that HMOs with the best bids were awarded contracts. It would have eliminated the discrimination against rural and smaller communities vis-a-vis the large communities which now get the largest HMO reimbursement.

Unfortunately for the American public, last year the managed care industry convinced their friends in Congress to beat back even these two demonstration projects. In so doing, they assured that we would not have a competitive system, a system that based contracts on merit. In fact, they would not have to compete at all. In fact, there would be no basis by demonstration of what would be the potential benefits to competition.

This year the HMOs have launched a multimillion-dollar lobbying effort to pressure Congress to increase their payment rates, and they have been successful. The HMOs are claiming that their current rates are too low, yet these are the same HMOs that committed congressional homicide when they killed a proposal that would have allowed a more market oriented system which would have resulted in higher reimbursement rates if the market indicated that was appropriate. This is the equivalent of a man shooting his mother and father and throwing himself on the mercy of the court because he is an orphan.

Worse yet, the bill fails to provide adequate accountability requirements for these plans. The House bill, when it was originally passed, required that any new funds be used for beneficiary improvements. This bill, this conference bill, contains no such requirement.

To be honest, there are some high points in this bill, as few and far between as they might be. I was pleased to learn the bill being considered added new preventive benefits for Medicare beneficiaries.

I strongly believe Medicare must be reformed from a system based on illness to one based on maintaining the highest standard of health. I have introduced legislation to this effect. The benefits I included were based on recommendations made by the experts in the field: the United States Preventive Services Task Force. Therefore, I was disappointed to find that this bill fails to provide Medicare coverage for hypertension screening and smoking cessation counseling, which are the highest two priorities as identified by the United States Prevention Services Task Force in its "Guide to Clinical Preventive Services."

This bill also provides access to nutrition therapy for people with renal disease and diabetes, but leaves out the largest group of individuals for whom the Institute of Medicine recommends nutrition therapy, people with cardiovascular disease. This is the recommendation of the Institute of Medicine, a recommendation which has been politically rejected.

I believe strongly that additions to the Medicare program must be based on scientific evidence and medical science, not on the power of a particular lobbying group or the bias of a single Member. It appears to me that instead of taking a rational, scientific approach to prevention, the Members who constructed this Medicare add-back provision used a "disease of the month" philosophy, leaving those who need help the most without relevant new Medicare services.

When I asked why did the authors of this bill ignore the expert recommendations, why did they provide that seniors with cardiovascular disease could not take advantage of the nutrition therapy, what was the answer? I was told that it was excluded because it was too expensive.

It does not take a Sherlock Holmes, or even a Dr. Watson, to understand what is happening. This bill provides $1.5 billion over 5 years for prevention services to our older citizens. It provides a whopping $11.1 billion for the HMO industry. Clearly, the money is there but the real goal is not to direct it to the greatest need. It is, rather, to herd seniors into HMOs as a means of avoiding the addition of a meaningful Medicare prescription drug benefit for our Nation's seniors.

Whether you believe in the broad Government subsidization of the managed care industry or in providing benefits to seniors and children, we should all agree that taxpayers' money should be spent responsibly. This legislation does not meet that test. Congress has the responsibility to make certain that the payment increases we offer are based on actual data rather than anecdotal evidence or speculation. How can we justify that over the next 10 years the managed care industry—Mr. President, I ask you and our Members to listen to this startling fact—over the next 10 years the HMO industry will walk away with almost the same amount of funding increase as hospitals, home health care centers, skilled nursing facilities, community health centers, and the beneficiaries combined. That allocation makes no sense.

One of the most appalling omissions of this bill is the exclusion of a provision which would have given the States the option, under another important program, Medicaid and children's health insurance coverage, to make that coverage available to legal immigrant children and pregnant women.

Current census data shows us that last year nearly half of low-income immigrant children in America had no health coverage. Congressional Republicans and Democrats, Governors—and I am proud to say including Gov. Jeb Bush of the State of Florida, Christie Todd Whitman of New Jersey, Paul Cellucci of Massachusetts, and the Clinton administration—have been advocating for the inclusion of this commonsense provision in this balanced budget add-back bill. But some in Congress have opposed the inclusion of a provision that will provide health care coverage for indigent immigrant women and children, arguing that the welfare reform law removed legal immigrants from the health rolls.

There was a reason why they were removed, and that reason was money. By limiting the number of people eligible for Medicaid and children's health insurance, the Federal Government was able to save some dollars. This provision had nothing to do with the overall worthy goals of welfare reform, which were encouraging self-reliance, self-sufficiency, and discouraging single parenting. There is no evidence that legal immigrants come to the United States to secure health benefits. In fact, in the last decade immigrants have been moving from high benefit States such as California and New York to low benefit States such as North Carolina and Virginia.

There is also no denying that the money to cover this population of approximately 200,000 persons is available if we choose to use it. The proof is covering children and pregnant women is not only humane, it is fiscally responsible. The Medicare "give back" package is aimed at keeping strapped hospitals solvent. These same struggling hospitals bear the brunt of providing uncompensated emergency room care for children without health insurance whose families cannot afford to pay. Taxpayers are eventually going to wind up paying the cost of citizen children born prematurely because their legal immigrant mothers could not get prenatal care.

This bill is disturbing for both what it has and what it does not have. As I said, it does not have a clear blueprint towards a path of sustained fiscal responsibility.

Mr. President, I ask unanimous consent that at the conclusion of my remarks an article written by Dr. Robert Reischauer entitled "Bye-Bye Surplus" be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Dr. Reischauer outlines the four ingredients present in today's political environment that are likely to lead to a feeding frenzy that will lay waste to the surplus that we have until now guarded. Those ingredients are: No. 1, the need for the next President to affirm his administration's legitimacy; No. 2, even larger budget provisions; and a compliant Congress, and finally a weakening economy.

Why should we worry about all this? Why should we at this stage, at 7:35 on a Friday evening, suddenly become exercised about the issue of fiscal discipline? Some budget observers believe the Federal surplus may be revised upward by as much as $1 trillion when the new budget estimates are revealed. If that is the case, the unified budget surplus for the next 10 years will rise to roughly $5.5 trillion.

Given these larger surplus projections, one may ask why Americans should be concerned with the deterioration of budget discipline. Americans should worry because Congress is frittering away the hard-won surplus without a real plan for utilizing those surpluses, without addressing the long-term, major challenges facing Americans—Social Security, Medicare, and paying down a $5.5 trillion national debt. Americans should care because we are sleepwalking through the surplus. We are denying ourselves the chance to face major national challenges. We are leaving to our grandchildren the credit card bills that our generation has accumulated.

The Congressional Budget Office recently released its long-term budget outlook. The findings in that report are not encouraging, but they are not surprising. That may explain why the report garnered such little attention.

What were the Congressional Budget Office findings?

The Federal Government spending on health and retirement programs—Medicare, Medicaid, Social Security—will dominate the long-term budget outlook. Spending on major health and retirement programs will more than double, rising from 7.5 percent of gross domestic product today to 16.7 percent 40 years from now. Why? The retirement of the baby boom generation will drastically increase the number of Americans receiving retirement and health care benefits, and the cost of providing health care is growing faster than the overall economy.

Saving most or all of the budget surpluses that CBO projects over the next 10 years—using them to pay down the debt—would have a positive impact on these projections and substantially delay the emergence of a serious fiscal imbalance.

There could be no more clear delineation of the long-term problem. Equally clear is the proffered outline of the short-term steps Congress can take to begin to address this problem: Save the surplus; pay down the debt.

Yet despite the obvious, Congress seems content to take the easier path and to fritter away the surplus. We have an obligation not to let this happen.

The ugly days of deficits taught Congress some very valuable lessons. One of those lessons was the need to prioritize. We all have expectations. We all are representing our constituents to the best of our ability. We all have a sense of our national responsibility. But the tool that forced us to do what was required was the one that said that for each additional dollar of spending, a dollar of spending had to be reduced or a dollar of taxes had to be raised. That is what discipline is about.

The surplus has eroded that discipline. We are failing the American public by not having honest, open debate about the tradeoffs that are necessary if we create programs, build projects, or cut taxes.

Few Congresses in the history of this Nation have squandered their opportunities as much as the 106th. Few Congresses in the history of this Nation have had the opportunity of redemption that awaits the 107th Congress. Few Congresses will be judged more harshly for avoiding, trivializing, and ultimately failing to seize that opportunity.

For those reasons, I have asked that I be recorded as "no" on the final vote on the omnibus appropriations bill.

I thank the Chair.

EXHIBIT 1

[From the Washington Post, Dec. 5, 2000]

BYE-BYE, SURPLUS

(By Robert D. Reischauer)

A president with no mandate to pursue his campaign promises. A Congress hardened by four years of partisan combat, scarred by a bitter election and immobilized by the lack of a party with a clear majority. Isn't this the recipe for continued gridlock? Won't legislative paralysis leave the growing budget surpluses safe from plunder for another two years?

Don't bet on it. A torrent of legislation that squanders much of the projected surplus is much more likely than continued gridlock, because four key ingredients needed to cook up a fiscal feast of historic proportions will all be present next year.

First, there will be the new president's desperate need to affirm his administration's legitimacy. There's no better way to do this than to quickly build a solid record of legislative accomplishment, one that convinces Americans that the era of partisan gridlock is over and the new occupant of the Oval Office deserves to be president of all the people, even if he didn't win a convincing majority of the popular vote.

The second ingredient will be new and even larger projections of future surpluses. These will make the president's legislative agenda look like the well-deserved reward for a decade of fiscal fasting rather than a return to reckless budget profligacy. During the presidential campaign, the two candidates debated how best to divide an estimated $2.2 trillion 10-year surplus among tax cuts, spending increases and debt reduction. The budget offices' new projections, which will be released early next year, will almost certainly promise even fatter, juicier surpluses, surpluses that will boost the expectations of all of the greedy supplicants.

Rather than being bound by gridlock, the 107th Congress will be poised for a feeding frenzy, the third ingredient for the fiscal feast. Nervously eyeing the 2002 election, when each party will have a reasonable shot at gaining effective control of Congress, Democrats and Republicans will curry favor with all important—and many not so important—interest groups. While the election campaign underscored the different priorities of the two parties, it also revealed many areas where there was bipartisan agreement that more should be spent. Education, the top priority of both candidates and the public's primary concern, could benefit from a bidding war if each side tries to prove that it is the "Education Party." Increases in defense spending also have broad bipartisan support. And then there is the irresistible impulse to shower resources on health research (NIH), Medicare providers and farmers, to name but a few.

The size of the projected surpluses, the uncertain political environment, and the argument that those surpluses are "the hard-working people of America's money . . . not the government's money" will make a large tax cut almost inevitable. No one will stop to ask whose money it was when the hard-working people's representatives racked up $3.7 trillion in deficits between 1980 and 1998 or whether we owe it to our kids to pay down the increased public debt these deficits generated. Instead, large bipartisan majorities will rally around and add to a presidential proposal that includes marriage penalty relief, rate cuts, tax credits for health insurance, new incentives for retirement saving, and an easing of the estate tax for struggling millionaires who have had to suffer through a period of unprecedented prosperity and soaring stock values.

A weakening economy—the final ingredient—will wipe away any lingering qualms lawmakers may have about wallowing again in waters of fiscal excess. No matter that the vast majority of economists welcome slower growth because they believe that the current 4 percent unemployment rate is incompatible with price stability. If the unemployment rate drifts up close to 5 percent—a level that labor, business and the Fed considered unattainable as recently as 1995—the summer soldiers of fiscal prudence will cut and run, slashing taxes and boosting spending, claiming as they retreat that these actions are the only way to save the nation from another Great Depression.

The current fiscal year will be the third consecutive one in which the budget, excluding Social Security, has been in surplus. The last time such a record was achieved was 1928 to 1930. If the new president and the 107th Congress do what comes most naturally, we may have to wait another 70 years to celebrate such an accomplishment. Worse yet, we will wake up after the fiscal feast to discover that the surplus has been squandered while the nation's foremost fiscal challenge—providing for the baby boomers' retirement—has not been addressed because that required difficult choices and political courage.

The PRESIDING OFFICER. Under the previous order, the conference report is agreed to.

Ms. COLLINS. Mr. President, the Appalachian National Scenic Trail is a treasure that thousands of Americans enjoy every year. From day hikers to adventures making the 2,167 mile trip from Georgia to Maine, all who travel the footpath enjoy a remarkable wilderness experience.

The National Trails System Act of 1968 designated the Appalachian Trail as one of our nation's first scenic trails and authorized the Secretary of Interior to protect the trail through the acquisition of land along the trail or by other means. Over the years, Congress has supported this important effort through appropriations that have enabled the National Park Service to acquire more than 3000 parcels of land, protecting ninety-nine percent of the trail for future generations.

Despite the success of the last thirty years, more work needs to be done to ensure that the trail is preserved in its entirety. The longest remaining unprotected segment of the Appalachian Trail crosses Saddleback Mountain, in the Rangeley Region of western Maine. The 3.1 miles that traverse the Saddleback Mountain range is one of the trail's highest stretches, offering hikers an alpine wilderness trek and extraordinary vistas. The mountain is also home to Saddleback Ski Area, which draws skiers to an area of Maine where many are employed in the tourism industry.

For nearly twenty years, the National Park Service and the owners of the ski area have sought an agreement that balances the preservation of the trail experience as it exists today and development opportunities at the mountain that would draw additional skiers to the resort and the region. Some have been inclined to suggest that skiers and hikers cannot share Saddleback Mountain, but I have always maintained that with careful planning, preservation and economic development can coexist. Consequently, I have long urged both sides to work together to find a resolution that satisfies the interests of those who cherish the Appalachian Trail, as well as those who live and work in the Rangeley Region.

Mr. President, the impasse between the National Park Service and the owners of Saddleback Mountain is drawing to a close. The agreement so many have labored to achieve has been all but finalized, and with the passage of the bill before us today, Congress will establish the framework by which this matter can be resolved. Included in the bill is a provision proposed by me and Senator SNOWE directing the Secretary of Interior to acquire the land necessary to protect the Appalachian Trail as agreed to by both the Department and the owners of Saddleback Mountain. The language also directs the Secretary to convey the land to the State of Maine.

I would like to express my appreciation to Appropriations Committee Chairman STEVENS and Subcommittee Chairman SPECTER for working with Senator SNOWE and I on this matter of importance to our State. I would also like to thank Interior Subcommittee Chairman GORTON for including the Saddleback acquisition in the list of projects approved for Title VIII funds in the FY 2001 Interior Appropriations bill. Their support, along with the dedication of many others who have been involved in the negotiations, will ensure that skiers and hikers can share in the enjoyment of the natural beauty and wonders of Saddleback Mountain for generation to come.

• Mr. FEINGOLD. Mr. President, I oppose the conference report of the Labor, Health and Human Services appropriations bill, which has become the vehicle for the final budget agreement for fiscal year 2001, and I regret the need to do so for there are many laudable provisions included in this package. I was particularly pleased with the boost in funding for Pell grants, an absolutely critical program that ensures lower income students have the opportunity to go to college. Welcome, too, was the additional support for class size reduction and special education funding. This latter program, though, is still far short of where it ought to be. While this spending package brings funding for the Federal share of the Individuals with Disabilities Education Act to 15 percent, the highest it has ever been, it is still far short of the 40 percent which represents the maximum Federal contribution under IDEA. I was proud to join with my colleague from Vermont, Mr. JEFFORDS, in offering an amendment to the budget resolution earlier this year which would have provided that full funding for IDEA, and though we were not successful, I very much hope my colleagues will make full funding of this program a high priority.

I was also pleased that this measure includes needed increases in support for Social Services Block Grants, a vitally important program that helps counties and social service providers serve our most vulnerable citizens and that had been drastically cut in earlier versions of the Labor, Health and Human Services spending bill. As well, I was glad that additional funding was provided to the National Institutes of Health and the Centers for Disease Control, and that additional resources were included to relieve funding pressures on those who provide Medicare services. In this last area, I was especially pleased that the legislation will provide relief for Medicare services delivered in rural areas and that it will delay for one year the scheduled 15 percent cut to home health care agencies.

Unfortunately, this massive spending bill also includes a number of highly questionable provisions. I am deeply concerned that the Medicare package is disproportionately skewed toward HMOs, providers that do not serve the vast majority of Wisconsinites. The underlying reimbursement formula for Medicare HMOs is grossly unfair, punishing those areas, like Wisconsin, with efficient, low-cost health care providers. Significant reform is needed for the Medicare HMO reimbursement formula, and until that reform is undertaken, we should not pour billions and billions more into a Medicare HMO system that is so fundamentally unfair. Instead, those funds should have been targeted toward provisions to ensure adequate access to home health care and funding a significant prescription drug benefit. In this regard, I am particularly disappointed that Congress only delayed, and did not eliminate, the 15 percent reduction in payments to home health care agencies and only ordered a study of the inclusion of medical supplies in new payment system.

More broadly, this measure contains the same defects that previous large end-of-session omnibus spending bills have contained; namely, special interest provisions that are slipped into the must-pass bill to avoid the usual committee scrutiny and full review on the floors of the House and Senate. My good friend and colleague, the senior Senator from Arizona, Mr. McCain, has identified at least $1.9 billion in pork barrel spending in this year's version of the omnibus spending bill. He notes that in the conference report for the Commerce, State, and Justice appropriations bill, itself an add-on to the Labor, Health, and Social Services appropriations bill, are many earmarked spending provisions that have never undergone appropriate review, including: $200,000 for the Kotzebue Sound test fishery for king crab and sea snail; $3 million for Red Snapper research; $300,000 for research on the Charleston bump; $150,000 for lobster sampling; $1 million for Hawaiian coral reef monitoring; and $1 million for the implementation of the National Height Modernization system in North Carolina.

I am willing to concede that some of these programs may have merit. But if they do have merit, those who advocate funding for them ought to make their case before the appropriate authorizing committees and submit their case to the floor of the House and Senate in the normal way. That they chose instead to slip these matters secretly into a massive, must-pass spending bill at least suggests that some of these programs would not have withstood thorough scrutiny.

Mr. President, these special interest provisions continue to be one of the best arguments for reforming an appropriations and budget process that has led to an annual, end of the fiscal year budget wreck. Unwarranted and wasteful special interest provisions flourish in such an environment, and fundamental reform, including moving to a biennial budget process, is the only solution. I very much hope such reform will be the very highest priority of this body during the 107th Congress and that this year's pork-laden omnibus appropriations bill will be the last of its kind.•

CORRECTING THE ENROLLMENT OF H.R. 4577

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 162.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 162) to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 162) was agreed to, as follows:

S. Con. Res. 162

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: ", except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)".

Mr. STEVENS. Mr. President, I regret deeply that last concurrent resolution, and at some time in the future I will explain it.

I am awaiting some other papers. For the time being, let me say this. I have stood on the Senate floor several times talking about the Steller sea lion problem. I personally thank Mr. John Podesta, the President's assistant, for talking to me for so long and working with our staff and myself for so long, into the early hours this morning and through the day, to bring about a resolution of the problem I have been discussing.

I cannot say we won this argument, but I can say we have reached a conclusion that will allow a substantial portion, approximately 90 percent, of the fishermen affected by this issue to return to fishing next January. These are people who live along a stretch of coastline and on islands, as I said, that are the same distance as from this city to the end of the Florida chain. They are people who live in very harsh circumstances and have one basic source of income, and that is fishing.

We have been able now to agree on a process by which the fishing season will commence on January 20. Incidentally, it has nothing to do with the Inauguration; it just happens to be the first day of fishing season. We are delighted we have found a way to resolve the conflict. It still means there is a long hard task ahead of not only this Secretary of Commerce and his personnel but the next Secretary of Commerce and personnel to carry out the agreement we have crafted and to see that it works.

I am pleased to say we have had a great many people who have assisted us. As I said earlier, the distinguished majority leader and minority leader were personally involved, as were their staffs, along with the staff of the Assistant to the President, and the Office of Management and Budget. I cannot leave out, and would not leave out, the distinguished chairman of the House Appropriations Committee, the Honorable Bill Young, a Representative from Florida, who waited for this resolution.

I know it was a harsh task he had, and there are many Members in both the House and Senate who were inconvenienced by this delay. I can only thank them for their cooperation. As I have said before, not one Member of Congress argued with me about the delay. They all understood that we had a substantial problem.

It is not easy to represent a State and people who live closer to Tokyo than Washington, DC. These people really have but three spokesmen in Washington compared to the many that other States have. They rely on us to convey their wishes and to convey their dilemmas over potential Federal actions and to seek solutions.

I am delighted we have received the cooperation that led to a consensus today that I believe will assist them and will start the resolution of this problem and bring it to a conclusion where we can abide by the Magnuson-Stevens Act that governs the fisheries off our shores and, at the same time, respect the findings that are made under the Endangered Species Act.

I thank Sylvia Matthews, Office of Management and Budget; Michael Deitch, Office of Management and Budget; Penny Dalton of NOAA; Mark Childress of Senator Daschle's office; Dave Hoppe of Senator Lott's office; and Lisa Sutherland and David Russell of my office for their hard work on the issue pertaining to Steller sea lions.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 46 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 46) to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today we consider three bipartisan measures offered together as a package: the Public Safety Officer Medal of Valor Act, H.R. 46; the Computer Crime Enforcement Act, which I introduced as S. 1314, on July 1, 1999, with Senator DeWine and is now also co-sponsored by Senators Robb, Hatch and Abraham; and a Hatch-Leahy-Schumer "Internet Security Act" amendment. I thank my colleagues for their hard work on these pieces of legislation, each of which I will discuss in turn.

I support the Public Safety Officer Medal of Valor Act. I cosponsored the Stevens bill, S. 39, to establish a Public Safety Medal of Valor. In April and May, 1999, I made sure that the Senate acted on Senator STEVENS' bill, S. 39.

On April 22, 1999, the Senate Judiciary Committee took up that measure in regular order and reported it unanimously. At that time I congratulated Senator STEVENS and thanked him for his leadership. I noted that we had worked together on a number of law enforcement matters and that the senior Senator from Alaska is a stalwart supporter of the men and women who put themselves at risk to protect us all. I said that I looked forward to enactment of this measure and to seeing the extraordinary heroism of our police, firefighters and correctional officers recognized with the Medal of Valor.

On May 18, 1999, I was privileged to be on the floor of the Senate when we proceeded to consider S. 39 and passed it unanimously. I took that occasion to commend Senator STEVENS and all who had worked so hard to move this measure in a timely way. That was over one year ago, during National Police Week last year. The measure was sent to the House where it lay dormant for the rest of last year and most of this one.

The President of the United States came to Capitol Hill to speak at the Law Enforcement Officers Memorial Service on May 15, 2000, and said on that occasion that if Congress would not act on the Medal of Valor, he was instructing the Attorney General to explore ways to award such recognition by Executive action.

Unfortunately, these calls for action did not waken the House from its slumber on this matter and the House of Representatives refused to pass the Senate-passed Medal of Valor bill. Instead, over the past year, the House has insisted that the Senate take up, fix and pass the House-passed version of this measure if it is to become law. House members have indicated that they are now prepared to accept most of the Senate-passed text, but insist that it be enacted under the House bill number. In order to get this important measure to the President, that is what we are doing today. We are discharging the House-passed version of that bill, H.R. 46, from the Judiciary Committee, adopting a complete substitute, and sending it back to the House.

I have worked with Senator HATCH, Senator STEVENS and others to perfect the final version of this bill. We have crafted bipartisan improvements to ensure that the Medal of Valor Board will worked effectively and efficiently with the National Medal of Valor Office within the Department of Justice. Our legislation establishes both of these entities and it is essential that they work well together to design the Medal of Valor and to create the criteria and procedures for recommendations of nominees for the award. The men and women who will be honored by the Medal of Valor for their brave deeds deserve nothing less.

The information age is filled with unlimited potential for good, but it also creates a variety of new challenges for law enforcement. A recent survey by the FBI and the Computer Security Institute found that 62 percent of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of information, sabotage, computer viruses, and stolen laptops. Computer crime has become a multi-billion dollar problem.

Many of us have worked on these issues for years. In 1984, we passed the Computer Fraud and Abuse Act to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act (ECPA), which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In 1994, the Violent Crime Control and Law Enforcement Act included the Computer Abuse Amendments which I authored to make illegal the intentional transmission of computer viruses.

In the 104th Congress, Senators KYL, GRASSLEY and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met. In the 105th Congress, Senators KYL and I also worked together on criminal copyright amendments that became law to enhance the protection of copyrighted works online.

The Congress must be constantly vigilant to keep the law up-to-date with technology. The Computer Crime Enforcement Act, S. 1314, and the Hatch-Leahy-Schumer "Internet Security Act" amendment are part of that ongoing effort. These complementary pieces of legislation reflect twin-track progress against computer crime: More tools at the federal level and more resources for local computer crime enforcement. The fact that this is a bipartisan effort is good for technology policy.

But make no mistake about it: even with passage of this legislation, there is more work to be done—both to assist law enforcement and to safeguard the privacy and other important constitutional rights of our citizens. I wish that the Congress had also tackled online privacy in this session, but that will now be punted into the next congressional session.

The legislation before us today does not attempt to resolve every issue. For example, both the Senate and the House held hearings this session about the FBI's Carnivore program. Carnivore is a computer program designed to advance criminal investigations by capturing information in Internet communications pursuant to court orders. Those hearings sparked a good debate about whether advances in technology, like Carnivore, require Congress to pass new legislation to assure that our private Internet communications are protected from government over-reaching while protecting the government's right to investigate crime. I look forward to our discussion of these privacy issues in the next Congress.

The Computer Crime Enforcement Act is intended to help states and local agencies in fighting computer crime. All 50 states have now enacted tough computer crime control laws. They establish a firm groundwork for electronic commerce, an increasingly important sector of the nation's economy.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statutes. Earlier this year, I released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98 percent of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement. My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence.

According to my survey, 83 percent of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52 percent of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Without the necessary education, training and technical support, our law enforcement officers are and will continue to be hamstrung in their efforts to crack down on computer crimes.

I crafted the Computer Crime Enforcement Act, S. 1314, to address this problem. The bill would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and the Fraternal Order of Police. This is an important bipartisan effort to provide our state and local partners in crime-fighting with the resources they need to address computer crime.

The Internet Security Act of 2000 makes progress to ensure that we are properly dealing with the increase in computer crime. I thank and commend Senators HATCH and SCHUMER for working with me and other Members of the Judiciary Committee to address some of the serious concerns we had with the first iteration of their bill, S. 2448, as it was originally introduced.

Specifically, as introduced, S. 2448 would have over-federalized minor computer abuses. Currently, federal jurisdiction exists for a variety of computer crimes if, and only if, such criminal offenses result in at least $5,000 of damage or cause another specified injury, including the impairment of medical treatment, physical injury to a person or a threat to public safety. S. 2448, as introduced, would have eliminated the $5,000 jurisdictional threshold and thereby criminalized a variety of minor computer abuses, regardless of whether any significant harm resulted.

For example, if an overly-curious college sophomore checks a professor's unattended computer to see what grade he is going to get and accidently deletes a file or a message, current Federal law does not make that conduct a crime. That conduct may be cause for discipline at the college, but not for the FBI to swoop in and investigate. Yet, under the original S. 2448, as introduced, this unauthorized access to the professor's computer would have constituted a federal crime.

Another example is that of a teenage hacker, who plays a trick on a friend by modifying the friend's vanity Web page. Under current law, no federal crime has occurred. Yet, under the original S. 2448, as introduced, this conduct would have constituted a federal crime.

As America Online correctly noted in a June, 2000 letter, "eliminating the $5,000 threshold for both criminal and civil violations would risk criminalizing a wide range of essentially benign conduct and engendering needless litigation. . . ." Similarly, the Internet Alliance commented in a June, 2000 letter that "[c]omplete abolition of the limit will lead to needless federal prosecution of often trivial offenses that can be reached under state law. . . ."

Those provisions were overkill. Our federal laws do not need to reach each and every minor, inadvertent and harmless computer abuse—after all, each of the 50 states has its own computer crime laws. Rather, our federal laws need to reach those offenses for which federal jurisdiction is appropriate.

Prior Congresses have declined to over-federalize computer offenses as originally proposed in S. 2448, as introduced, and sensibly determined that not all computer abuses warrant federal criminal sanctions. When the computer crime law was first enacted in 1984, the House Judiciary Committee reporting the bill stated:

> The Federal jurisdictional threshold is that there must be $5,000 worth of benefit to the defendant or loss to another in order to concentrate Federal resources on the more substantial computer offenses that affect interstate or foreign commerce. (H.Rep. 98-894, at p. 22, July 24, 1984).

Similarly, the Senate Judiciary Committee under the chairmanship of Senator THURMOND, rejected suggestions in 1986 that "the Congress should enact as sweeping a Federal statute as possible so that no computer crime is potentially uncovered." (S. Rep. 99-432, at p. 4, September 3, 1986).

The Hatch-Leahy-Schumer substitute amendment to S. 2448, which was reported unanimously by the Judiciary Committee on October 5th, addresses those federalism concerns by retaining the $5,000 jurisdictional threshold in current law. That Committee-reported substitute amendment, with the additional refinements reflected in the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46, which the Senate considers today, makes other improvements to the original bill and current law, as summarized below.

First, titles II, III, IV and V of the original bill, S. 2448, about which various problems had been raised, are eliminated. For example, title V of the original bill would have authorized the Justice Department to enter into Mutual Legal Assistance Treaties (MLAT) with foreign governments that would allow the Attorney General broad discretion to investigate lawful conduct in the U.S. at the request of foreign governments without regard to whether the conduct investigated violates any Federal computer crime law. In my view, that discretion was too broad and troubling.

Second, the amendment includes an authorization of appropriations of $5 million to the Computer Crime and Intellectual Property (CCIP) section within the Justice Department's Criminal Division and requires the Attorney General to make the head of CCIP a "Deputy Assistant Attorney General," which is not a Senate-confirmed position, in order to highlight the increasing importance and profile of this position. This authorized funding level is consistent with an amendment I sponsored and circulated to Members of the Judiciary Committee to improve S. 2448 and am pleased to see it incorporated into the Internet Security Act amendment to H.R. 46.

Third, the amendment modifies section 1030 of title 18, United States Code, in several important ways, including providing for increased and enhanced penalties for serious violations of federal computer crime laws, clarifying the definitions of "loss" to ensure that the full costs to a hacking victim are taken into account and of "protected computer" to facilitate investigations of international computer crimes affecting the United States, and preserving the existing $5,000 threshold and other jurisdictional prerequisites for violations of section 1030(a)(5)—i.e., no Federal crime has occurred unless the conduct (1) causes loss to 1 or more persons during any 1-year period aggregating at least $5,000 in value, (2) impairs the medical care of another person, (3) causes physical injury to another person, (4) threatens public health or safety, or (5) causes damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

The amendment clarifies the precise elements of the offense the government must prove in order to establish a violation by moving these prerequisites from the current definition of "damage" to the description of the offense. In addition, the amendment creates a new category of felony violations where a hacker causes damage to a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

Currently, the Computer Fraud and Abuse Act provides for federal criminal penalties for those who intentionally access a protected computer or cause an unauthorized transmission to a protected computer and cause damage. "Protected computer" is defined to include those that are "used in interstate or foreign commerce." See 18 U.S.C. 1030(e)(2)(B). The amendment would clarify the definition of "protected computer" to ensure that computers which are used in interstate or foreign commerce but are located outside of the United States are included within the definition of "protected computer" when those computers are used in a manner that affects interstate or foreign commerce or communication of this country. This will ensure that our government will be able to conduct domestic investigations and prosecutions against hackers from this country who hack into foreign computer systems and against those hacking though the

United States to other foreign venues. Moreover, by clarifying the fact that a domestic offense exists, the United States will be able to use speedier domestic procedures in support of international hacker cases, and create the option of prosecuting such criminals in the United States.

The amendment also adds a definition of “loss” to the Computer Fraud and Abuse Act. Current law defines the term “damage” to include impairment of the integrity or availability of data, programs, systems or information causing a “loss aggregating at least $5,000 in value during any 1-year period to one or more individuals.” See 18 U.S.C. §1030(e)(8)(A). The new definition of “loss” to be added as section 1030(e)(11) will ensure that the full costs to victims of responding to hacking offenses, conducting damage assessments, restoring systems and data to the condition they were in before an attack, as well as lost revenue and costs incurred because of an interruption in service, are all counted. This statutory definition is consistent with the definition of “loss” appended by the U.S. Sentencing Commission to the Federal Sentencing Guidelines (see U.S.S.G. §2B1.1 Commentary, Application note 2), and will help reconcile procedures by which prosecutors value loss for charging purposes and by which judges value loss for sentencing purposes. Getting this type of true accounting of “loss” is important because loss amounts can be used to calculate restitution and to determine the appropriate sentence for the perpetrator under the sentencing guidelines.

Fourth, section 303(e) of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 clarifies the grounds for obtaining damages in civil actions for violations of the Computer Fraud and Abuse Act. Current law authorizes a person who suffers “damage or loss” from a violation of section 1030 to sue the violator for compensatory damages or injunctive or other equitable relief, and limits the remedy to “economic damages” for violations “involving damage as defined in subsection (e)(8)(A),” relating to violations of 1030(a)(5) that cause loss aggregating at least $5,000 during any 1-year period. Current law does not contain a definition of “loss,” which is being added by this amendment.

To take account of both the new definition of “loss” and the incorporation of the requisite jurisdictional thresholds into the description of the offense (rather than the current definition of “damage”), the amendment to subsection (g) makes several changes. First, the amendment strikes the reference to subsection (e)(8)(A) in the current civil action provision and retains Congress' previous intent to allow civil plaintiffs only economic damages for violations of section 1030(a)(5) that do not also affect medical treatment, cause physical injury, threaten public health and safety or affect computer systems used in furtherance of the administration of justice, the national defense or national security.

Second, the amendment clarifies that civil actions under section 1030, and not just 1030(a)(5), are limited to conduct that involves one of the factors enumerated in new subsection (a)(5)(B), namely, the conduct (1) causes loss to 1 or more persons during any 1-year period aggregating at least $5,000 in value, (2) impairs the medical care of another person, (3) causes physical injury to another person, (4) threatens public health or safety, or (5) causes damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security. This clarification is consistent with judicial constructions of the statute, requiring proof of the $5,000 loss threshold as a prerequisite for civil suit, for example, under subsection 1030(a)(2)(C). See, e.g., *America Online, Inc.* v. *LCGM, Inc.*, 46 F.Supp. 2d 444, 450 (E.D. Va. 1998) (court granted summary judgment on claim under 1030(a)(2)(C), stating, “[p]laintiff asserts that as a result of defendants' actions, it suffered damages exceeding $5,000, the statutory threshold requirement”).

While proof of “loss” is required, this amendment preserves current law that civil enforcement of certain violations of section 1030 is available without requiring proof of “damage,” which is defined in the amendment to mean “any impairment to the integrity or availability of data, a program, a system, or information.” In fact, only subsection 1030(a)(5) requires proof of “damage”; civil enforcement of other subsections of this law may proceed without such proof. Thus, only the factors enumerated in new subsection (a)(5)(B), and not its introductory language referring to conduct described in subsection (a)(5)(A), constitute threshold requirements for civil suits for violations of section 1030 other than subsection 1030(a)(5).

Finally, the amendment adds a new sentence to subsection 1030(g) clarifying that civil actions may not be brought “for the negligent design or manufacture of computer hardware, computer software, or firmware.”

The Congress provided this civil remedy in the 1994 amendments to the Act, which I originally sponsored with Senator Gordon Humphrey, to enhance privacy protection for computer communications and the information stored on computers by encouraging institutions to improve computer security practices, deterring unauthorized persons from trespassing on computer systems of others, and supplementing the resources of law enforcement in combating computer crime. [See The Computer Abuse Amendments Act of 1990: Hearing Before the Subcomm. On Technology and the Law of the Senate Comm. On the Judiciary, 101st Cong., 2nd Sess., S. Hrg. 101-1276, at pp. 69, 88, 92 (1990); see also Statement of Senator Humphrey, 136 Cong. Rec. S18235 (1990) (“Given the Government's limited capacity to pursue all computer crime cases, the existence of this limited civil remedy will serve to enhance deterrence in this critical area.”)]. The “new, civil remedy for those harmed by violations of the Computer Fraud and Abuse Act” was intended to “boost the deterrence of the statute by allowing aggrieved individuals to obtain relief.” [S. Rep. No. 101-544, 101st Cong., 2d Sess., p. 6-7 (1990); see also Statement of Senator LEAHY, 136 Cong. Rec. S18234 (1990)]. We certainly and expressly did not want to “open the floodgates to frivolous litigation.” [Statement of Senator LEAHY, 136 Cong. Rec. S4614 (1990)].

At the time the civil remedy provision was added to the Computer Fraud and Abuse Act, this Act contained no prohibition against negligently causing damage to a computer through unauthorized access, reflected in current law, 18 U.S.C. § 1030(a)(5)(C). That prohibition was added only with subsequent amendments made in 1996, as part of the National Information Infrastructure Protection Act. Nevertheless, the civil remedy has been interpreted in some cases to apply to the negligent manufacture of computer hardware or software. See, e.g., *Shaw* v. *Toshiba America Information Systems, Inc.*, NEC, 91 F.Supp. 2d 926 (E.D. TX 1999) (court interpreted the term transmission to include sale of computers with a minor design defect).

The Hatch-Leahy-Schumer Internet Security Act amendment to subsection 1030(g) is intended to ensure that the civil remedy is a robust option for private enforcement actions, while limiting its applicability to negligence cases that are more appropriately governed by contractual warranties, state tort law and consumer protection laws.

Fifth, sections 304 and 309 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 authorize criminal forfeiture of computers, equipment, and other personal property used to violate the Computer Fraud and Abuse Act, as well as real and personal property derived from the proceeds of computer crime. Property, both real and personal, which is derived from proceeds traceable to a violation of section 1030, is currently subject to both criminal and civil forfeiture. See 18 U.S.C. § 981(a)(1)(C) and 982(a)(2)(B). Thus, the amendment would clarify in section 1030 itself that forfeiture applies and extend the application of forfeiture to property that is used or intended to be used to commit or to facilitate the commission of a computer crime. In addition, to deter and prevent piracy, theft and counterfeiting of intellectual property, the section 309 of the amendment allows forfeiture of devices, such as replicators or other devices used to copy or produce computer programs to which counterfeit labels have been affixed.

The criminal forfeiture provision in section 304 specifically states that only the "interest of such person," referring to the defendant who committed the computer crime, is subject to forfeiture. Moreover, the criminal forfeiture authorized by Sections 304 and 309 is made expressly subject to Section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, but subsection (d) of section 413 is expressly exempted from application to Section 304 and 309. That subsection (d) creates a rebuttable presumption of forfeiture in favor of the government where a person convicted of a felony acquired the property during the period that the crime was committed or within a reasonable time after such period and there was no likely source for such property other than the criminal violation. Thus, by making subsection (d) inapplicable, Sections 304 and 309 make it more difficult for the government to prove that the property should be forfeited.

Sixth, unlike the version reported by the Judiciary Committee, the amendment does not require that prior delinquency adjudications of juveniles for violations of the Computer Fraud and Abuse Act be counted under the definition of "conviction" for purposes of enhanced penalties. This is an improvement that I urged since juvenile adjudications simply are not criminal convictions. Juvenile proceedings are more informal than adult prosecutions and are not subject to the same due process protections. Consequently, counting juvenile adjudications as a prior conviction for purposes of the recidivist sanctions under the amendment would be unduly harsh and unfair. In any event, prior juvenile delinquency adjudications are already subject to sentencing enhancements under certain circumstances under the Sentencing Guidelines. See, e.g., U.S.S.G. § 411.2(d) (upward adjustments in sentences required for each juvenile sentence to confinement of at least sixty days and for each juvenile sentence imposed within five years of the defendant's commencement of instant offense).

Seventh, the amendment changes a current directive to the Sentencing Commission enacted as section 805 of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104–132, that imposed a 6-month mandatory minimum sentence for any conviction of the sections 1030(a)(4) or (a)(5) of title 18, United States code. The Administration has noted that "[i]n some instances, prosecutors have exercised their discretion and elected not to charge some defendants whose actions otherwise would qualify them for prosecution under the statute, knowing that the result would be mandatory imprisonment." Clearly, mandatory imprisonment is not always the most appropriate remedy for a federal criminal violation, and the ironic result of this "get tough" proposal has been to discourage prosecutions that might otherwise have gone forward. The amendment eliminates that mandatory minimum term of incarceration for misdemeanor and less serious felony computer crimes.

Eighth, section 310 of the amendment directs the Sentencing Commission to review and, where appropriate, adjust sentencing guidelines for computer crimes to address a variety of factors, including to ensure that the guidelines provide sufficiently stringent penalties to deter and punish persons who intentionally use encryption in connection with the commission or concealment of criminal acts.

The Sentencing Guidelines already provide for enhanced penalties when persons obstruct or impede the administration of justice, see U.S.S.G. §3C1.1, or engage in more than minimal planning, see U.S.S.G. §2B1.1(b)(4)(A). As the use of encryption technology becomes more widespread, additional guidance from the Sentencing Commission would be helpful to determine the circumstances when such encryption use would warrant a guideline adjustment. For example, if a defendant employs an encryption product that works automatically and transparently with a telecommunications service or software product, an enhancement for use of encryption may not be appropriate, while the deliberate use of encryption as part of a sophisticated and intricate scheme to conceal criminal activity and make the offense, or its extent, difficult to detect, may warrant a guideline enhancement either under existing guidelines or a new guideline.

Ninth, the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 would eliminate certain statutory restrictions on the authority of the United States Secret Service ("Secret Service"). Under current law, the Secret Service is authorized to investigate offenses under six designated subsections of 18 U.S.C. § 1030, subject to agreement between the Secretary of the Treasury and the Attorney General: subsections (a)(2)(A) (illegally accessing a computer and obtaining financial information); (a)(2)(B) (illegally accessing a computer and obtaining information from a department or agency of the United States); (a)(3) (illegally accessing a non-public computer of a department or agency of the United States either exclusively used by the United States or used by the United States and the conduct affects that use by or for the United States); (a)(4) (accessing a protected computer with intent to defraud and thereby furthering the fraud and obtaining a thing of value, unless the object of the fraud and the thing obtained consists only of the use of the computer and the value of such use is not more than $5,000 in a one-year period); (a)(5) (knowingly causing the transmission of a program, information, code or command and thereby intentionally and without authorization causing damage to a protected computer; and illegally accessing a protected computer and causing damage recklessly or otherwise); and (a)(6) (trafficking in a password with intent to defraud).

Under current law, the Secret Service is not authorized to investigate offenses under subsection (a)(1) (accessing a computer and obtaining information relating to national security with reason to believe the information could be used to the injury of the United States or to the advantage of a foreign nation and willfully retaining or transmitting that information or attempting to do so); (a)(2)(C) (illegally accessing a protected computer and obtaining information where the conduct involves an interstate or foreign communication); and (a)(7) (transmitting a threat to damage a protected computer with intent to extort).

The Internet Security Act removes these limitations on the authority of the Secret Service and authorizes the Secret Service to investigate any offense under Section 1030 relating to its jurisdiction under 18 U.S.C. § 3056 and subject to agreement between the Secretary of the Treasury and the Attorney General. This provision also makes clear that the FBI retains primary authority to investigate offenses under subsection 1030(a)(1).

Prior to 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate all violations of Section 1030. According to the 1996 Committee Reports of the 104th Congress, 2nd Session, the 1996 amendments attempted to concentrate the Secret Service's jurisdiction on certain subsections considered to be within the Secret Service's traditional jurisdiction and not grant authority in matters with a national security nexus. According to the Administration, which first proposed the elimination of these statutory restrictions in connection with transmittal of its comprehensive crime bill, the "21st Century Law Enforcement and Public Safety Act," however, these specific enumerations of investigative authority "have the potential to complicate investigations and impede interagency cooperation." (See Section-by-section Analysis, SEC. 3082, for "21st Century Law Enforcement and Public Safety Act").

The current restrictions, for example, risk hindering the Secret Service from investigating "hacking" into White House computers or investigating threats against the President that may be delivered by such a "hacker," and fulfilling its mission to protect financial institutions and the nation's financial infrastructure. The provision thus modifies existing law to restore the Secret Service's authority to investigate violations of Section 1030, leaving it to the Departments of Treasury and Justice to determine between them how to allocate workload and particular cases. This arrangement is consistent with other jurisdictional grants of authority to the Secret Service. See, e.g., 18 U.S.C. §§ 1029(d), 3056(b)(3).

Tenth, section 307 of the Hatch-Leahy-Schumer Internet Security Act amendment would provide an additional defense to civil actions relating to preserving records in response to government requests. Current law authorizes civil actions and criminal liability for unauthorized interference with or disclosures of electronically stored wire or electronic communications under certain circumstances. 18 U.S.C. §§ 2701, et seq. A provision of that statutory scheme makes clear that it is a complete defense to civil and criminal liability if the person or entity interfering with or attempting to disclose a communication does so in good faith reliance on a court warrant or order, grand jury subpoena, legislative or statutory authorization. 18 U.S.C. § 2707(e)(1).

Current law, however, does not address one scenario under which a person or entity might also have a complete defense. A provision of the same statutory scheme currently requires providers of wire or electronic communication services and remote computing services, upon request of a governmental entity, to take all necessary steps to preserve records and other evidence in its possession for a renewal period of 90 days pending the issuance of a court order or other process requiring disclosure of the records or other evidence. 18 U.S.C. § 2703(f). Section 2707(e)(1), which describes the circumstances under which a person or entity would have a complete defense to civil or criminal liability, fails to identify good faith reliance on a governmental request pursuant to Section 2703(f) as another basis for a complete defense. Section 307 modifies current law by addressing this omission and expressly providing that a person or entity who acts in good faith reliance on a governmental request pursuant to Section 2703(f) also has a complete defense to civil and criminal liability.

Finally, the bill authorizes construction and operation of a National Cyber Crime Technical Support Center and 10 regional computer forensic labs that will provide education, training, and forensic examination capabilities for State and local law enforcement officials charged with investigating computer crimes. The section authorizes a total of $100 million for FY 2001, of which $20 million shall be available solely for the 10 regional labs and would complement the state computer crime grant bill, S. 1314, with which this bill is offered.

AMENDMENT NO. 4366

(Purpose: To enhance computer crime enforcement and Internet security, and for other purposes)

Mr. STEVENS. Mr. President, Senator HATCH has an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 4366.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4366) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 46), as amended, was read the third time and passed.

The title was amended so as to read:

To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, to enhance computer crime enforcement and Internet security, and for other purposes.

MAKING TECHNICAL CORRECTIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3276 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3276) to make technical corrections to the College Scholarship Fraud Prevention Act of 2000 and certain amendments made by that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I commend the current occupant of the chair who introduced this measure.

Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3276) was read the third time and passed, as follows:

S. 3276

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL CORRECTIONS TO THE COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 2000.

(a) SENTENCING ENHANCEMENT GUIDELINES.—Section 3 of the College Scholarship Fraud Prevention Act of 2000 (Public Law 106–420) is amended—

(1) by striking "obtaining or providing of" and inserting "the obtaining of, the offering of assistance in obtaining"; and

(2) by striking "base offense level for misrepresentation" and inserting "enhanced penalties provided for in the Federal sentencing guidelines for an offense involving fraud or misrepresentation".

(b) LIMITATION ON EXEMPT PROPERTY.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000, is amended—

(1) by striking "in the obtaining or providing of" and inserting "or misrepresentation in the providing of, the offering of assistance in obtaining, or the furnishing of information to a consumer on,"; and

(2) by striking "(20 U.S.C. 1001)".

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on November 1, 2000.

(2) APPLICATION OF SECTION 552(C)(4) OF TITLE 11, UNITED STATES CODE.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000 and as amended by subsection (b) of this section, shall apply only with respect to cases commenced under title 11, United States Code, on or after November 1, 2000.

CONGRATULATIONS TO JOSH HEUPEL

Mr. DASCHLE. Mr. President, I rise today to congratulate South Dakota's Josh Heupel, quarterback of the Oklahoma Sooners, on his incredible season leading his top-ranked and undefeated football team to the National Championship game. I am tremendously proud of the achievements of a fellow South Dakotan and Aberdeen Central graduate.

I am not the first and certainly will not be the last to praise Josh for his accomplishments. Josh passed for 3,392 yards and 20 touchdowns this season and led his team through a difficult schedule of worthy opponents. It is no surprise that Josh received so many honors this year: he was named Player of the Year by the Walter Camp Football Foundation; College Football Player of the Year by the Associated Press; and College Football Player of the Year by the Sporting News.

Most recently he was the runner-up for the Heisman Trophy, South Dakota's first Heisman Finalist. While he may have felt some disappointment in not winning, Josh handled himself with the maturity and grace that has molded him into a fine young leader and allows him to put team accomplishments and goals before his personal feats.

I believe Josh's success at the national level is the result of natural ability coupled with hard work and drive. But he has not been content with excellence simply in the athletic realm. He has also committed himself to civic duty, visiting sick children in hospitals and coordinating food drives, and has been a dedicated student. More than that, he lives by ideals instilled in him by his family—his parents Ken and Cindy, and sister Andrea—and the values and life experiences gained in South Dakota. He is an inspiration to all of us, young and old, teaching us to follow our dreams but stay close to our values.

I speak for South Dakota when I say that we proud of Josh Heupel and we wish him the best of luck as he leads his team into the National Championship game on January 3d and in his future athletic and academic endeavors.

TRIBUTE TO SECRETARY OF DEFENSE BILL COHEN

Mr. WARNER. Mr. President, I rise today to pay tribute to Secretary of Defense Bill Cohen and Mrs. Janet Langhart Cohen. As Secretary of Defense for almost four years, Bill Cohen has led the Defense Department and the military services with leadership and a strong commitment.

In contemporary political history, persons of a political party other than the party of the Administration, have offered to serve this Nation. It takes a special courage; Bill Cohen has that courage. He has earned—with distinction—a place in history.

Bill Cohen and I were first elected to the Senate in 1978. We served together on the Armed Services Committee from 1979 until Bill retired from the Senate in 1996. Throughout his service with the Senate, he was recognized as a leader.

A prodigious student of history, diplomacy, foreign policy and national security, he was recognized as one of the most able and productive members of the Armed Services Committee. He worked hard to develop and maintain a bipartisan consensus on national security policy. For Bill Cohen, partisan politics—in the words of the famous Republican senator from Michigan, Senator Arthur Vandenberg—"stopped at the water's edge."

Fortunately, the President recognized the wealth of knowledge and experience Bill had developed during his service in the Congress.

Bill Cohen also had the good fortune of being the son of parents he loved and admired. That gave him inner strength.

In December 1996, he was nominated to be Secretary of Defense and was promptly confirmed by the Senate.

When Bill Cohen accepted the nomination, he undestood the extraordinary challenges that lay ahead. He understood that he would be responsible for a department and for military services that had undergone, and were undergoing, the most significant reduction in force and personnel and equipment in almost thirty years.

The problems associated with these reductions were compounded by increasing operational commitments. Comparing the period between the end of the Vietnam War and the beginning of Operation Desert Storm to the period between Operation Desert Storm to today, these commitments have increased by over 400 percent. And there would be no foreseeable end to our extended commitments in many parts of the world.

It was at such a critical crossroad in the history of the U.S. Armed Forces that a leader with a strong sense of purpose and keen intellect was needed at the helm of the Department of Defense. That leader was Bill Cohen. We, in this chamber, knew very well the profound depth of his intellect and leadership through his oratory, his writings, his poems and, yes, his occasional "doodles" on the notepad. Like Colonel Joshua Chamberlain, a Union Army soldier and son of Maine, that Cohen revered, he likewise accepted the daunting challenge with which he was presented.

Upon taking the helm at the Department of Defense, Bill Cohen quickly identified those key areas that required his immediate attention. Shortly after his confirmation hearing, Secretary Cohen stated that he would dedicate his time in office to working on the quality of life for military personnel and their families and to addressing continuing shortfalls in readiness and modernization of the Armed Forces.

So began his four years of labor to lead the largest agency in the Federal Government—one of the largest organizations in the world. But this was a labor of love for the new secretary. Bill Cohen recently described his tenure as "the most demanding, exhilarating experience" he has ever had—work he would do "forever."

Sharing this experience with Bill Cohen is his wife, Janet Langhart Cohen. She has been equally enthusiastic in her role supporting him—and military personnel throughout the world—as a "First Lady of the Pentagon."

Janet Langhart Cohen's tireless and selfless work for our men and women in uniform, and their families, has been remarkable. She has been committed to making sure that the American people's hearts and minds are fully joined with those who are wearing the uniform. Thanks to Janet Langhart Cohen, soldiers, sailors, airmen and Marines have come to know how much they are appreciated by their fellow Americans.

To this end, Janet Langhart Cohen called on the USO—and their volunteer entertainers—to bring the message from the homefront to our forward deployed military men and women. She recognized that the USO helped those in the military who are far from home give in to laughter rather than give way to loneliness and despair. With the USO, Janet Langhart Cohen reinvigorated the spirit of our warriors.

Understanding the important relationship between the men and women of the Armed Forces and the USO, Janet Langhart Cohen led the effort to build a lasting exhibit to the USO in the Pentagon. Thanks to her, the tribute was unveiled just a few short weeks ago. To many, she is now also recognized as the "First Lady of the USO."

Together, Bill and Janet have been a dynamic team. They have tackled many of the problems facing military families today. They have also circled the globe together to demonstrate their combined conviction and support for our men and women in uniform wherever they are deployed. Only recently, Bill and Janet completed their third trip to Kosovo since the June 1999 end of the air campaign.

In our brief years, Secretary Cohen, through tireless work, study, and travel, has continued to develop his already formidable understanding of global, economic and national security issues. And as had been the case during his 24 years of service in the Congress, Secretary Cohen's conviction for supporting the troops continued without question.

Anyone who has been privileged to serve in the Department of Defense, especially as the "Top Gun," knows there is no more difficult a job in the Executive Branch of our government. Bill Cohen earned his place in history, alongside the best, and the men and women in uniform render a respectful "hand salute."

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

December 15, 1999:

Jerome Anderson, 26, Washington, DC; Danta Dandridge, 17, Washington, DC; Diane Gibbs, 39, Atlanta, GA; Jimmy Gibbs, 21, Atlanta, GA; Kasmas Hall, 18, Miami-Dade County, FL; Byron Johnson, 21, Pittsburgh, PA; Antoine Omar, 19, Boston, MA; Glenn Roundtree, 29, Chicago, IL; Oscar Segura Nieto-Lopez, 32, St. Paul, MN; Ricky Truss, 27, Detroit, MI; William Wilder, 39, New Orleans, LA; Venis Woods, 29, Philadelphia, PA; and Unidentified Male, 24, Newark, NJ.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

TRIBUTE TO CONGRESSMAN JULIAN DIXON

Mr. SHELBY. Mr. President, I rise in tribute to a friend and colleague, Julian Dixon. Congressman Dixon honorably represented the 32nd District of California for more than 22 years. Julian and I were members of the Congressional Freshman Class of 1978. It was my pleasure to serve with him for more than two decades.

Everyone in the Senate knew him and I know no member of the House or Senate who did not like him, as well as respect him. His life exemplified public service and his actions were always motivated by truth, justice and compassion. He was without question a Distinguished Gentlemen.

During his tenure in office, Congressman Dixon accomplished many things. He was always magnanimous in victory and gracious in defeat and accepted difficult assignments, such as the Chairmanship of the House Ethics Committee in 1989. It is a responsibility that few members seek and only the most selfless accept. Congressman Dixon did so, and the House of Representatives is a better place for his service.

From 1957 to 1960, he served as an enlisted man in the United States Army, rising to the rank of sergeant. This experience made him a life long advocate for the men and women in the Armed Forces. He understood their hardships and needs as well as any member of the Congress. The military services have lost a good friend.

At the conclusion of the Cold War, our defense expenditures were cut dramatically. Literally, hundreds of military installations, large and small, around the Nation were slated for closure. Thousands of small businesses depended entirely, or mostly on work generated by the defense industry, and they were in danger of failure.

In an effort to help these businesses, Congressman Dixon sponsored legislation to assist small businesses in making the difficult transition to new markets. His efforts saved innumerable small businesses from going under and now many are thriving because of his foresight and stewardship. Most recently he was the very able Ranking Member of the House Permanent Select Committee on Intelligence. He was a voice of reason and restraint in an arena that often lends itself to hyperbole and grandstanding. Julian served his country well in this capacity.

Congressman Dixon was known for his intelligence, political savvy and strong character. While Julian surely had much lift to accomplish, he truly made a difference while he walked among us. He was a family man and a man of the people. He will be missed. Our prayers are with his family, friends and people he served so well.

DRUG ADDICTION TREATMENT ACT OF 2000

Mr. LEVIN. Mr. President, I rise today with my colleague, Senator HATCH, Chairman of the Judiciary Committee, to comment on a provision of the recently enacted omnibus children's health legislation (H.R. 4365; Public Law 106-310) that established a number of excellent children's health programs. The bill also included important new legislation, the Drug Addiction Treatment Act [DATA], which I authored along with Senator HATCH, working with our colleagues Senators BIDEN and MOYNIHAN. It will make a revolutionary difference in the way in which we battle heroin and other opiate addiction.

Mr. HATCH. Mr. President, my colleague from Michigan is correct. Additionally, as my colleagues are aware, the bill reauthorized the operation of the Substance Abuse and Mental Health Services Administration, and established and reinforced penalties for illegal manufacture, sale, and possession of certain illicit drugs.

Mr. LEVIN. Mr. President, when implemented, the DATA bill, as we call it, will change significantly the way opiate addiction is addressed by allowing qualified physicians, for the first time, to prescribe in their private offices, substances which block the craving for heroin and otherwise address this deadly addiction.

Mr. HATCH. Mr. President, as Senator LEVIN knows, the DATA bill includes a provision similar to one applicable for many years to both the Medicaid and Medicare programs, which makes clear that basic decisions about the way medicine is practiced are to be made by physicians and patients, not by the federal government.

Mr. LEVIN. In other words, it is our intent that with respect to the amendments to the Controlled Substances Act made by the provisions incorporated in H.R. 4365, decisions by qualified physicians about the appropriate means to treat their patients and to prescribe and dispense medications are not a proper matter for government regulation.

While the bill clearly provides authority for the Department of Health and Human Services to issue regulations to expand the pool of qualified physicians, it is not the intention of our legislation that those regulations extend to the practice of medicine.

Mr. HATCH. I certainly agree with that. Indeed, such an interpretation is expressly prohibited by the language: "Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided."

Mr. LEVIN. This clarification is important, both for the qualified physicians who wish to participate in this new approach to addiction treatment and for patients for whom a new treatment option may present a life-changing possibility. I know my colleague from Utah agrees that we want this legislation to work. An unauthorized and ill-advised attempt to regulate the practice of medicine, including the practice of prescribing anti-addiction medication, would make it unworkable.

Mr. HATCH. I do agree wholeheartedly. I feel compelled to add, however, that as the Chairman of the Committee of jurisdiction, it was important to me to make certain that the bill in no way impedes the Drug Enforcement Administration [DEA] from vigorously enforcing the Controlled Substances Act. Specifically, the DATA legislation is not intended to prevent the DEA from its historic role of prosecuting physicians for dispensing controlled substances without a legitimate medical purpose.

Mr. LEVIN. I agree with my colleague. I believe we successfully balanced both interests in the DATA bill. It is important legislation and I am pleased to have had the support of the Chairman of the Judiciary Committee and Senators BIDEN and MOYNIHAN as we successfully moved this bipartisan legislation to enactment.

Ms. SNOWE. Mr. President, I rise in support of the passage of H.R. 1653, which includes the Pribilof Islands Transition Act and the Coral Reef Conservation Act of 2000. This bill contains a number of ocean, coastal, and fisheries related titles that will result in major conservation gains for our nation's marine resources at a time when we are placing enormous demands on them. The bill not only attempts to provide additional environmental protections through a number of state and local programs, but also tools for better management.

Title I of this bill is the Pribilof Islands Transition Act. The Alaskan

Pribilof Islands in the Bering Sea were a former reserve for harvesting fur seals. The Commerce Department, acting through the National Oceanic and Atmospheric Administration (NOAA), has been involved in municipal and social services on the islands since 1910. In 1983, NOAA tried to remove themselves from administering these programs. However, despite the $20 million in funds the Pribilof Islands received to replace future annual Federal appropriations, the Pribilof Islanders claim that the terms of the transition process were not met and the withdrawal failed.

This title authorizes $28 million over five years to again attempt to achieve the orderly withdrawal of NOAA from the civil administration of the Pribilof Islands. Additionally, it authorizes $10 million a year for five years for NOAA to complete its environmental cleanup and landfill closure obligations prior to the final transfer of federal property to the six local entities. The Pribilof Islands have historically been a very expensive program to the American taxpayers. Congress expects that this title will provide a final termination of NOAA's municipal and social service responsibilities on the islands and a distinct end to federal taxpayer funding of those services.

Title II of this bill is the Coral Reef Conservation Act of 2000. It is based on legislation that I first introduced over three years ago and S. 725, a bill that I introduced earlier in the 106th Congress along with Senator MCCAIN, the Chairman of the Commerce Committee.

Over the last decade, the United States had been leading a focused effort to conserve and manage coral reef ecosystems. The plight of coral reefs, both in the United States and internationally, gained much attention in 1997, the International Year of the Reef. One very successful program undertaken during the year-long event involved grants to local groups to build grassroots support for coral reef conservation, management, and educational programs. Since that time, NOAA has steadily improved coral reef management programs utilizing the full range of existing statutory authorities including the Coastal Zone Management Act, the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act. These complementary authorities provide the framework for comprehensive coral reef conservation and management. Working in partnership with the States and other agencies, NOAA has demonstrated its unique ability among the federal agencies to effectively manage these valuable resources.

This title will augment the tools already available and provides an outline to assist NOAA as it moves forward with coral reef ecosystem management plans. It requires the creation of a national coral reef action strategy. Of particular note is the use of marine protected areas to serve as replenishment zones. The U.S. Coral Reef Task Force has called for setting aside 20 percent of coral reefs in each region of the United States that contains reefs as no-take areas. However, many of the U.S. islands that have coral reefs have significant cultural ties to these reefs. It is imperative that any new marine protected areas are developed in close cooperation with the people of these islands and account for traditional and cultural uses of these resources. Without such cooperation, there will not be public support. The national strategy will address how such traditional uses will be incorporated into these replenishment zones.

The national program will also incorporate such important topics as mapping; research, monitoring, and assessment; international and regional management; outreach and education; and restoration. According to NOAA, the majority of our nation's coral reefs are within federal waters, therefore it is expected that NOAA will continue to work cooperatively with the states, territories, and commonwealths in the development and implementation of coral reef management plans and not shift the burden of responsibility onto these states, territories, and commonwealths. It is particularly important that NOAA not let recent activities in the Northwestern Hawaiian Islands consume too much of the agency's personnel and financial resources at the expense of the rest of the nation's reefs. While the Northwestern Hawaiian Islands Coral Reef Reserve will provide protection for the majority of reefs within our borders, it will not provide protection for our most heavily degraded reefs. NOAA must work collaboratively with our island partners to implement meaningful coral reef management strategies that target the full range of problems.

The title also creates a new coral reef conservation program, which will provide grants to states, governmental authorities, educational institutions, and non-governmental organizations. This is intended to foster locally based coral reef conservation and management. Creation of a coral reef conservation fund is also authorized. This fund would allow the Administration to enter into agreements with nonprofit organizations to support partnerships between the public and private sectors to further the conservation of coral reefs and help raise the matching funds required as part of the new grants program.

The title authorizes a total of $16 million a year for fiscal years 2001 through 2004 to be spilt equally between the local coral reef conservation program and national coral reef activities. It is our expectation that this money will be utilized in such a way that builds upon partnerships with the U.S. islands.

Title III of the bill makes a number of minor technical changes to fisheries laws. The fourth title of the bill authorizes the study of biological and environmental factors that are responsible for an increase in deaths in the eastern gray whale population. Two-hundred ninety thousand dollars is authorized for fiscal year 2001, and $500,000 is authorized for each of fiscal years 2002 through 2004.

Title V of the bill makes a technical correction to the American Fisheries Act (AFA) with regard to two fishing vessels, the *Providian* (United States Official Number 1062183) and the *Hazel Lorraine* (United States Official Number 592211). The 1998 AFA authorized the participation of certain US-owned fishing vessels in the Bering Sea pollock fishery. The AFA was designed to work in conjunction with the license limitation provisions of the fishery management plan developed by the North Pacific Fishery Management Council. Certain "qualifying years" were established in order to determine which vessels had earned a "fishing history" to allow them future access to pollock-fishing quotas. During the consideration of the AFA, the special circumstances of many vessels were taken into account. At that time, the fishing vessel *Providian* was being built in a U.S. shipyard as a replacement vessel for the pollock-fishing vessel *Ocean Spray*.

In 1994, the *Ocean Spray* was lost at sea—fortunately without the loss of a single life. Had the *Ocean Spray* not been lost, the vessel would have continued to fish for Bering Sea pollock during the years leading up to the development of the AFA. After the loss of the *Ocean Spray*, the owner-operator followed the replacement guidelines in order to secure his federal fishing permits and endorsement for his new vessel, the *Providian*. According to landing records, it appears that the average pollock harvest of the *Ocean Spray* during the years 1992 through 1994, exceeded 2000 metric tons.

Since the construction on the *Providian* was completed, the owner decided to bring his vessel to Bath, Maine to work in the Maine herring fishery. The current location of this vessel does not eliminate the need to establish fairness and restore the vessel owner's pollock-fishing rights earned with the *Ocean Spray* during 1992–1994. This amendment to the AFA is intended to provide the North Pacific Fishery Management Council and the National Marine Fisheries Service with the authority to qualify the *Providian* under the AFA with directed onshore pollock-fishing rights equivalent to those earned by the *Ocean Spray* during the years 1992–1994.

Mr. President, the authors of the AFA certainly took into account the particular circumstances of other vessel owners and companies. This technical amendment simply qualifies two vessels, the *Providian* and the *Hazel Lorraine* under the AFA for fishing rights that they otherwise should have received allow for the participation of two additional catcher vessels in the Alaskan pollock fishery. These vessels were able to demonstrate that they should have been included in the Act when it passed in 1998.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUYE for his support, particularly for his contributions to the coral reef conservation section of the bill. In addition, I would like to thank Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our nation's ability to conserve and manage our marine resources and I urge the Senate to pass H.R. 1653, as amended.

RECOGNITION OF CONGRESSMAN NEIL STAEBLER

Mr. LEVIN. Mr. President, I rise today to acknowledge the life and accomplishments of a distinguished and principled public servant who served as a Member of Congress from my home state of Michigan, Neil Staebler. For nearly six decades, Neil embodied the very ideals on which this nation was founded. Born in 1905, Neil Staebler is widely credited as a founder of the modern Michigan Democratic Party. However, Neil's greatest desire was to make our government work for all its citizens.

Throughout his life, Neil dedicated himself to serving the United States of America. At the age of thirty-seven, he joined the World War II effort by enlisting in the United States Navy, where he served as a lieutenant.

After the conclusion of the war, Neil and a group of other distinguished citizens from Michigan, including former Governor G. Mennen Williams, former Congresswoman and Lieutenant Governor Martha Griffiths, and Martha's husband Hicks, helped to re-shape the Michigan Democratic Party and alter the landscape of Michigan politics. They sought to reinvigorate the Democratic Party and make it more responsive to the will and the needs of Michigan's citizens. Their efforts led to a renewed vibrancy within the Michigan Democratic Party, and propelled Neil to the chairmanship of the Party.

Neil served as state chairman for over a decade, and was able to use his position to encourage active political participation by all people. In addition to serving as state chairman and winning a seat to Congress in 1962, he ran an unsuccessful but hard fought challenge of Governor George Romney in 1964.

While he was a loyal member of the Democratic Party, Neil Staebler was first and foremost committed to our nation's institutions and the need for all citizens to participate in the democratic process. President Gerald Ford recognized Neil's commitment to civic participation when he appointed him to serve on the first Federal Elections Commission.

Throughout this year's election, people of differing political allegiances have remarked on the stable and resilient nature of our nation's institutions. Our health as a democracy is due, in a large part, to the dedication and efforts of individuals like Neil Staebler. Neil Staebler was one of the true lions of Michigan and American politics. I am sure that my Senate colleagues will join me in honoring the memory of Neil Staebler, and in wishing his wife Burnette and their family well in the years ahead.

THE MILLENNIUM HOLIDAY TREE

Mr. ALLARD. Mr. President, the wonderful tree currently gracing the West lawn of this Capitol is from Colorado. I have had the pleasure of working towards getting this tree to DC for 2½ years, and I wanted to share with my colleagues a little about my home state's gift to the nation.

The Millennium Holiday Tree is a gift from the entire state of Colorado to our nation. It is a celebration of all that is Colorado: natural beauty, many cultures, cities and rural communities, and our rich history. The Colorado tree will be shining through early January 2001. The Millennium Holiday Tree is a native Colorado Blue Spruce which stands 65' tall and was projected to be 77 years old at the time of cutting. It was grown on the Pike National Forest near the community of Woodland Park. The tree was selected from this area because it is in the shadow of Pikes Peak, often referred to as "America's Mountain".

The Colorado State Forest Service is growing seedlings from the "grandma" tree. Seedlings from the Millennium Holiday Tree will be replanted at the cutting site. The Governor and Francis Owens were among the first to receive a Holiday Tree seedling for their support of this project. Hundreds of seedlings will also be planted in memorial forests around the state as part of Holiday Tree celebrations.

Colorado school children made over 4,000 ornaments for the tree. They each depict the theme: "Valuing the Past—Looking to the Future". Each county had the opportunity to supply 100 ornaments for the Millennium Holiday Tree and the companion trees.

Through the many community events, we celebrated the richness of Colorado. Each reflected the wide range of cultural and historical influences present in our communities—Native American, Hispanics, pioneers, and others. Local celebrations were encouraged in each of Colorado's 64 counties and at each of the 10 stops along the Tree route. Santa Fe Trail communities in Kansas and Missouri joined the celebrations too, including one in St. Louis at a National Park Service historic site. After the cutting ceremony on November 20th, the tree was moved indoors where the limbs were drawn up and secured for the long journey. A 65-foot trailer, designed to look like a historic Conestoga pioneer wagon, hauled the tree. Organizers used an experimental shrink wrap method to keep the tree fresh and secure from weather damage. The tree traveled caravan-style here to our nation's Capitol following the Santa Fe Trail, a historic trade route through Colorado, Kansas and Missouri. My friend and our colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, actually drove the tree carrying truck all the way out here. He told me he had a great time, and I believe him.

Sixty four smaller companion trees, one from each county, traveled with the Millennium Holiday Tree and were placed in various government offices throughout DC.

This entire project was made possible through generous financial and in-kind support from the many sponsors. Volunteers, donations, and sponsorships made it all possible. Unused surpluses from this project will be set aside for a rural endowment fund. The year 2000 will be the 31st year a tree has been provided by the U.S. Forest Service and its partners. And I want to especially thank Dr. Raitano and Bill Nelson for their incredible work on this. They "parented" the project for years and it is due to their efforts it all turned out so well.

"SHALL ISSUE" LEGISLATION IN MICHIGAN

Mr. LEVIN. Mr. President, late Wednesday night, the Michigan Legislature passed a bill that, if signed, will have a negative impact on public safety in my home state. The legislature passed the "shall issue" bill which would require that local licensing authorities "shall" or must issue a concealed handgun license to a person who passes a background check and a safety course. Notably, the legislature waited until after the election to pass the legislation.

The current law in our state now gives local gun boards discretion to issue concealed gun licenses where a need is shown. Current law allows local gun boards—each made up of a local sheriff, a county prosecutor and a designee of the State police—to determine who should be allowed to carry a concealed handgun. The legislation before the state legislature would take discretion away from local law enforcement and allow virtually any applicant to carry a concealed handgun.

In May of 1999, when the State Legislature last took up this bill, a coalition of law enforcement groups led the fight against it. Law enforcement soundly rejects the proliferation of concealed weapons in our communities and have warned that this legislation will move Michigan in a dangerous direction.

The Michigan Law Enforcement Coalition issued the following statement about the bill:

> Current law authorizes a local gun board made up of local law enforcement officials to issue CCW [Carry Concealed Weapons] licenses to those citizens who show a demonstrated need to carry a concealed weapon. Legislation that would shift the burden of proof, requiring the board to issue a permit unless it can state a reason, is a state-mandated "shall issue" bill and eliminates local control.
>
> The Michigan Law Enforcement Coalition opposes any legislation which strips local gun boards of their discretion and shifts the burden of proof from the applicant to the gun board.

The Michigan Association of Chiefs of Police issued this statement:

> This bill not only puts citizens at risk but will also effect law enforcement officers trying to do a difficult and dangerous job. Officers, already concerned due to the proliferation of handguns, would have even more apprehension knowing that the odds of confronting a concealed weapon have been multiplied. The presence of a gun can make any situation more dangerous. A gun can turn routine arguments into episodes of serious injury or death. During stressful times reasonable people do unreasonable things. The shouting match over a parking space or the fist fight at a sporting event can escalate into a shoot-out when guns are more accessible. Already nearly one-third of all murders committed are the result of an argument according to the FBI's Uniform Crime Report.
>
> The Michigan Association of Chiefs of Police urges the Michigan Legislature to refrain from allowing the proliferation of concealed weapons without adequate safeguards by county licensing authorities. An armed society is a frightened and dangerous society.

Law enforcement groups were joined in their opposition to this bill by religious leaders, child advocates, and community leaders. Groups such as the Michigan Catholic Conference, Michigan PTA, Michigan Municipal League, Michigan's Children, Michigan Library Association, Michigan Association of Elementary and Middle School Principals, Michigan Association of Nonpublic Schools-Parent Network, Michigan Partnership to Prevent Gun Violence, Michigan Association of Theatre Owners, and National Conference for Community and Justice are unified against the "shall issue" standard.

Mr. President, I am disappointed that the Michigan Legislature passed this bill. I believe "shall issue" is wrong for Michigan and I have urged the Governor to veto the bill. I ask unanimous consent to have printed in the RECORD the letter I sent to the Governor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 13, 2000.

Hon. JOHN ENGLER,
Governor of the State of Michigan,
Lansing, MI.

DEAR GOVERNOR ENGLER: I am writing to urge you to veto the "shall issue" legislation which recently passed the Michigan Legislature.

The "shall issue" legislation would make us less safe according to those best in a position to know. That's why it is opposed by a broad coalition of law enforcement groups such as the Michigan Association of Chiefs of Police and the Michigan Police Legislative Coalition (which includes the Michigan State Police Troopers Association, the Michigan State Police Command Officers Association, the Michigan Association of Police, the Police Officers Labor Council, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association, Warren Police Officers Association, and Flint Police Officers Association).

Law enforcement officers, who undergo an initial 72 hours of firearms training as well as annual re-training, have warned that allowing thousands more private citizens to carry concealed handguns would pose significant threats to public safety. It is unrealistic to expect citizens with a fraction of the training to demonstrate the same precautions and the same judgment as police officers. There is no justification for making the already difficult and dangerous job of an officer even more difficult and dangerous by increasing the number of concealed handguns on the streets.

I am also concerned that an increase in concealed weapons licenses will effectively expand an exception in the Brady background check system. The "Brady Law" provides that licensed gun dealers are not required to initiate criminal background checks if the purchaser presents a state-issued license to carry a firearm which was issued within five years. This would mean that people who have committed crimes after they have received concealed carry licenses would be able to purchase additional guns with no background checks unless and until their licenses are revoked.

Although the "shall issue" legislation allows the State to suspend or revoke a license if the license holder has committed a potentially disqualifying crime, the experiences of other states with such laws show that revocation doesn't happen instantly or always successfully. Some states with "shall issue" laws have acknowledged mistakenly issuing hundreds of licenses to applicants with prior convictions. Once those persons manage to slip through the screening process for concealed gun licenses that one time, they are then able to buy guns without further background checks for five years.

Earlier this year, all eyes turned to Michigan after the tragic shooting death of Kayla Rolland. Now, nearly ten months later, the people of Michigan want all of us to work toward decreasing the amount of gun violence in their schools and community places, not increasing the proliferation of guns in our neighborhoods and on our streets. The people of Michigan reject the notion that they will be unsafe in public places if not armed. I urge you to do the same and to veto the "shall issue" legislation, leaving local gun boards in charge of these often life and death decisions.

Sincerely,

CARL LEVIN.

CONFIRMATION OF GLENN A. FINE

Mr. KOHL. Mr. President, I want to applaud the Senate's confirmation today of Glenn Fine, who will truly be an outstanding Inspector General at the Department of Justice. As you know, the Inspector General is charged with investigating waste, fraud, abuse and corruption. As such, it is a position of critical importance that we needed to fill as soon as possible—and I'm glad we did so before adjournment—to ensure accountable and effective oversight of the DOJ.

Mr. Fine has been dealing with corruption ever since the Harvard-Boston College basketball game on December 16, 1978, in which he scored 19 points and had 14 assists—perhaps his best performance in college—only to discover later that this particular game was part of a notorious point-shaving scandal. No doubt this first-hand experience drove him in his later quest to weed out corruption at the Department of Justice.

I ask unanimous consent that two related articles be included in the RECORD immediately following the conclusion of my remarks.

More seriously, though, Mr. Fine has served in a variety of professional roles and always in an exemplary fashion. He is currently the Acting Inspector General, and previously, he served as the Director of the Special Investigations and Review Unit in the Department of Justice's Office of the Inspector General, supervised a variety of sensitive internal investigations, including the FBI's handling of the Aldrich Ames case. He also worked as an Assistant U.S. Attorney for the District of Columbia, where he prosecuted more than 35 criminal jury trials. His academic credentials are stellar as well. He is a Rhodes Scholar and he was graduated magna cum laude from Harvard Law School. Finally, though this is a political appointment, Mr. Fine is non-partisan—exactly the type of appointee that a Republican President might very well consider keeping on. He worked as an Assistant U.S. Attorney during the Reagan and Bush administrations, and has never been involved in a political campaign.

I'm pleased that Congress recognized the importance of the Inspector General of the Department of Justice by filling the position before adjourning. An individual as outstanding as Mr. Fine certainly merited prompt confirmation.

[From the Boston Herald American, Dec. 19, 1978]

AN AUTHENTIC STUDENT-ATHLETE

It was a crazy week, an impossible week, but somehow Glenn Fine survived.

On Tuesday night the Harvard basketball co-captain played a game against Dartmouth then caught a plane to Philadelphia. On Wednesday, the former Cheltenham High School athlete went through Rhodes Scholarship interviews then rushed back to Boston. There was a game against Wagner College the next night.

Harvard lost, Glenn Fine had nine turnovers. He was upset. Very upset.

On Friday, he was getting ready to fly to Baltimore for a reception and more interviews when Frank McLaughlin, the Harvard coach, asked him to stop in the office.

What did you think of the game last night? McLaughlin asked him.

"It was all my fault," the player replied.

"Wait a minute," McLaughlin told him. "You've been traveling all week. You've got a cold. You're a Rhodes finalist. How can you blame yourself?"

But Glenn Fine could. And he did. That's the way he is.

"He's unbelievably intense. McLaughlin knew. "He's a perfectionist."

TOUGHEST TEST

And the most difficult test of all was still ahead of him. His bid for a Rhodes Scolarship was in the final stages. More interviews. More pressures. And Harvard had a baskeball game against Boston College on Saturday night.

"They (the Rodes people) let me go at 3 p.m. Saturday." Fine said "I rushed to the airport. Mr. George Piszek (of the Mrs. Paul's frozen foods Piszeks) let me have an airplane, a Lear jet. We got to Boston and the state police were waiting. They rushed me to the Garden at 7:00 for a 7:15 game."

You wonder how anybody could play a basketball game under those circumstances. Here he was, worrying about the Rhodes. Had he handled himself all right? Had he said the right things?

And suddently there was a game to play. "I got to the Garden and the adrenalin took over." Glenn said "Playing before all those people . . ."

The adrenalin must have serged through all 5 feet, 9¾ inches of Glenn Fine, because he threw in 19 points and handed off 14 assists in a tough three-point defeat.

The week he called, "one of the most gruelling of my life" was over, except for one last call to find out how the other, even tougher competition had come out.

Still wearing his Harvard basketball uniform, he walked into the corridor and found a phone booth. People were milling around, drinking beer, laughing. "Oh my God," a man howled, "it's the guy from Harvard. Say hello to . . .

Finally, Fine tore himself away, and placed the phone call.

"Hello, this is Gleen Fine."

"Well, Mr. Fine. Congratulations."

He had won.

The term "student-athlete" keeps popping up in the NCAA handbook. So often it's a hollow term; pro teams are filled with former "student-athletes" who neglected to graduate. But sometimes a Glenn Fine happens along to give it meaning.

"He seems so relaxed now," Frank McLaughlin was saying yesterday. "Maybe he feels he's proved himself. He's a Rhodes scholar now. His whole life he's been knocked. 'You're too small. You can't do this. You can't do that.' But now he's gotten recognition."

IT CAN BE DONE

This young man from Melrose Park is a better advertisement for college athletics than many of the All-Americans, many of the high draft choices. He proved that somebody who isn't quite 5 feet, 10 inches tall can play quality basketball. And he proved as such past Rhodes winners as Penn's John Wideman, Princeton's Bill Bradley, Columbia's Heyward Dotson and Yale's Mike Orstaglio and Jim McGuire proved before him that full commitment to college basketball and classwork is possible.

"Basketball was very important to me in terms of growth, shaping my character," Glenn said. "Just the fact that I'm small, playing in a big man's game showed me the value of determination, how to overcome adversity."

"I think everyone had reservations about Glenn Fine based on his size." Penn Coach Bob Weinbaner said, "but some kids overcome that. We tried to recruit him real hard. He's a super kid. A super kid."

He's what college athletics are, or at least should be, all about.

[From Harvard Varsity Club Sports Review, Dec. 20, 1978]

BASKETBALL—THE MEN

(By John Ledecky)

At first, you couldn't tell most of the Harvard hoopsters without a scorecard, but their exciting brand of a fast-break offense and tenacious defense have quickly made them household names in phase two of the Frank McLaughlin era in Cambridge.

Three veterans comprise the nucleus of a squad dominated by underclassmen. Co-captain Glenn Fine (Cheltenham, Pa.) has picked up where he left off last season, leading the Crimson in assists and steals while averaging 11 points per contest. The flashy All-Ivy playmaker had 19 points, 14 assists and eight steals against undefeated Boston College—and on the same day also won the prestigious Rhodes Scholarship to Oxford!

Fellow senior co-captain Bob Hooft (Winnemucca, Nv.) continues his "Mr. Steady" role, occupying the second-leading scorer slot (12.3 ppg.) on the squad for the third straight season. Harvard's top scorer is the other returning letterwinner—and lone junior—Bob Allen (Thomaston, Ct.), who had a career-high 26 points in Harvard's first win of the campaign against Bentlay. The burly forward has hit in double-digits in each of Harvard's first seven outings enroute to a 14.6 ppg. clip.

McLaughlin did have 11 returning letterwinners on hand, but decided to remodel with youth instead. With freshmen now eligible for Ivy varsity play, the second year mentor has stacked his combined varsity-jayvee roster with 25 Yardlings and six sophomores. New comer Dave Coastsworth (Bellevue, Wa.) has performed admirably in the pivot and stands second in rebounds (6.0 avg.).

Harvard covets the big man in the middle, but still doesn't have him. 6–10 fresh Bob McCabe (Winchester, Ma.) has been sidelined with knee problems, an ailment that has already forced 6–10 soph in topremature retirement, Mark Harris (Wilmington, De.) and third leading scorer (11.5 ppg.), and has provided sophomore stability up-front, but he only stands 6–3. Yardling Kirk Mundy (Minot, ND) has averaged eight points in spot duty, but McLaughlin is hoping the 6–7 prospect will blossom with experience.

The lack of size up-front has put a premium on speed and quickness in the Harvard attack, and freshman Donald Fleming (New Haven, Ct.) and Robert Taylor (Seattle, Wa.) have plenty of both. Sophomores Tom Mannix (Briarchff, NY), last year's leading freshmen scorer, has also seen duty as a corner guard. Mannix's long-range bombs have frustrated opposition zones throughout the season.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. HARKIN. Mr. President, I want to thank and commend Chairman LUGAR for all of his hard work and leadership in bringing the Commodity Futures Modernization Act to the point of this final, agreed upon bill, which will be a part of the appropriations measure passed later today. I am pleased to have had the opportunity to work with Chairman LUGAR on this important legislation and to cosponsor it.

This bill will bring much-needed modernization, legal certainty, clarification and reform to the regulation of futures, options and over-the-counter financial derivatives. At the same time, it maintains regulatory oversight of the agricultural futures and options markets and continues and improves protections for investors and the public interest with regard to futures, options and derivatives.

The legislation carries out the recommendations of the President's Working Group on Financial Markets. Members and staff of the Working Group, especially the Department of the Treasury, the Commodity Futures Trading Commission and the Securities and Exchange Commission, were instrumental in helping to craft the bill. And it is significant that this final version of the bill is strongly supported by all members of President's Working Group on Financial Markets. I ask unanimous consent that a letter from the Working Group be printed in the RECORD at the conclusion of this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HARKIN. After many years of effort, this legislation resolves a number of very difficult issues regarding the trading of futures on securities—issues that have caused a great many headaches as well as disparities in the markets over the years. I am pleased that we have been able to arrive at solutions that clear away regulatory impediments to market development, while maintaining and strengthening investor protections and addressing margin and tax issues in order to avoid giving any market an inappropriate competitive advantage over others involved in related transactions.

Clearly, modernizing the regulatory scheme for futures and derivatives must be balanced with maintaining and strengthening protection for individual investors and the public interest. The principal anti-fraud provision of the Commodity Exchange Act is section 4b, which the Commodity Futures Trading Commission has consistently relied upon to combat fraudulent conduct, such as by bucket shops and boiler rooms that enter into transactions directly with their customers, even though such conduct does not involve a traditional broker-client relationship. Reliance on section 4b in such circumstances has been supported in federal courts that have examined the issue, and is fully consistent with the understanding of Congress and with past amendments to Section 4b, which confirmed the applicability of Section 4b to fraudulent actions by parties that enter transactions directly with customers. It is the intent of Congress in retaining Section 4b in this bill that the provision not be limited to fiduciary, broker-client or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce and other markets that will develop under this new statutory framework.

I would also like to discuss my views regarding the substantial regulatory changes for electronic markets in derivatives relating to non-agricultural commodities. Essentially, those commodities are energy and metals. With particular regard to energy, given the recent high volatility in energy markets—with dramatic price increases for gasoline, heating oil, natural gas and electricity—we must take great care in whatever Congress does affecting the way in which markets in energy function. In the Agriculture Committee, I worked to remove an outright exclusion from the bill and basically to continue with the substantial exemption the Commodity Futures Trading Commission had already granted for energy and metal derivatives. Later, there were further negotiations to arrive at the provisions on this subject that are in this bill.

While I still have certain reservations about the energy and metals markets, I recognize the need for compromise, particularly in considering the overall importance and positive features of this legislation. This bill's language and Congressional intent is clear that the Commodity Futures Trading Commission retains a substantial role in ensuring the honesty, integrity and transparency of these markets. For exempt commodities that are traded on a trading facility, this bill clearly specifies that if the Commission determines that the facility performs a significant cash market price discovery function, the Commission will be able to ensure that price, trading volume and any other appropriate trading data will be disseminated as determined by the Commission. This bill also clearly continues in full effect the Commission's anti-fraud and anti-manipulation authority with regard to exempt transactions in energy and metals derivatives markets.

I also want to mention and express appreciation for the cooperation of Chairman GRAMM and Ranking Member SARBANES of the Banking Committee in completing this bill. With respect to banking products, the language of the bill clarifies what is already the current state of the law. The Commodity Futures Trading Commission does not regulate traditional banking products: deposit accounts, savings accounts, certificates of deposit, banker's acceptances, letters of credit, loans, credit card accounts and loan participations.

The language of Title IV of this bill is very clear and very tightly worded. It requires that to qualify for the exclusion, a bank must first obtain a certification from its regulator that the identified bank product was commonly offered by that bank prior to December 5, 2000. The product must have been actively bought, sold, purchased or offered—and not be just a customized deal that the bank may have done for a handful of clients. The product cannot be one that was either prohibited by the Commodity Exchange Act or regulated by the Commodity Futures Trading Commission. In other words—a bank cannot pull a futures product out of regulation by using this provision.

For new products, Title IV is also abundantly clear: the Commodity Exchange Act does not apply to new bank products that are not indexed to the value of a commodity. Again, the plain language is clear and the intent of Congress is clear that no bank may use this exclusion to remove products from proper regulation under the Commodity Exchange Act.

Lastly, Title IV allows hybrid products to be excluded from the Commodity Exchange Act if, and only if, they pass a "predominance test" that indicates that they are primarily an identified banking product and not a contract, agreement or transaction appropriately regulated by the CFTC. While the statute provides a mechanism for resolving disputes about the application of this test, there is no intent that a product which flunks this test be regulated by anyone other than the CFTC.

Once again, I commend Chairman LUGAR and Congressman TOM EWING, the Chairman of the Subcommittee on Risk Management, Research and Specialty Crops, as well as all staff involved for their outstanding work in making this important legislation a reality.

EXHIBIT 1

DECEMBER 15, 2000.

Hon. TOM HARKIN,
Ranking Member, Committee on Agriculture, Nutrition, and Forestry U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: The Members of the President's Working Group on Financial Markets strongly support the Commodities Futures Modernization Act. This important legislation will allow the United States to maintain its competitive position in the over-the-counter derivative markets by providing legal certainty and promoting innovation, transparency and efficiency in our financial markets while maintaining appropriate protections for transactions in non-financial commodities and for small investors.

Sincerely,

LAWRENCE H. SUMMERS,
Secretary, Department of the Treasury.
ARTHUR LEVITT,
Chairman, Securities and Exchange Commission.
ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve.
WILLIAM J. RAINER,
Chairman, Commodity Futures Trading Commission.

INCREASING THE FEDERAL DEPOSIT INSURANCE LEVEL

Mr. JOHNSON. Mr. President, I rise today to briefly discuss S. 2589, the Meeting America's Investment Needs in Small Towns Act, or the MAIN Street Act as I call it. Not only is Main Street the acronym formed by this title, but it goes to the heart of why this legislation is necessary.

As we move into the new economy, money is flowing from our small towns and communities to the larger financial markets. While each individual investment decision may make sense, the cumulative effect is a wealth drain from rural America. Money invested in Wall Street is not invested on Main Street. Wall Street wizards can work wonders with a portfolio, but they don't fund a new hardware store down the street. They don't go the extra mile to help a struggling farmer whose family they have served for years. And they don't sponsor the local softball team.

By increasing the federally insured deposit level, we can help community banks and thrifts compete for scarce deposits. My legislation will account for the erosion to FDIC-insured levels from 1980. It will index these levels into the future, protecting against further erosions.

Under current calculations, the immediate impact would be to almost double the insured funds, from $100,000 to approximately $197,000. The long range impact of this legislation would be to make locally based financial institutions more competitive for deposits, help stem the dwindling deposit base many areas face, and lead to new investments in our communities.

Congress last addressed the issue of a deposit insurance increase in 1980. At that time, we increased the insured level from $40,000 to $100,000. Congress has not adjusted that level since 1980. In real terms, inflation has eroded almost half of that protection.

Every bank or thrift customer knows that the FDIC insures deposits up to

$100,000. For many people, that notice symbolizes that the financial might of the United States government stands behind their banking institution. We learned the hard lessons of the 1930s, and created the FDIC to protect and strengthen our financial system.

In rural communities across America, local banks serve as the hub of the town. Every business in town relies on the bank for funding. The banker knows the town, and the town knows the banker. In many ways, each knows it disappears without the other.

Individuals in these towns like to know who is handling their money. They like the idea that their funds are secure in their home town. And, they like the fact that their money can be leveraged into other investments that will improve their communities. The more deposits a bank has, the more loans it can make. These loans are made locally, and serve as an investment in local communities.

The MAIN Street Act will help preserve these small towns and communities. It will bring greater liquidity to community banks and promote growth and development. I look forward to working with the FDIC and other banking leaders as we seek to update our banking insurance protections to allow small banks to compete with other investment opportunities available. I ask unanimous consent to have printed in the RECORD an article by Bill Seidman which further outlines some of the issues surrounding federal deposit insurance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$200,000 OF FDIC INSURANCE? THE BATTLE HAS JUST BEGUN

The battle is on—in one corner there's the proverbial David in the person of the FDIC Chairman Donna Tanoue, and in the other corner, three giant Goliaths—Senate Banking Committee Chairman Phil Gramm, Treasury Secretary Lawrence Summers, and Federal Reserve Board Chairman Alan Greenspan

Technically the conflict is over the FDIC's Deposit Insurance Option Paper (published in August), which suggested (some said foolishly) that deposit insurance coverage should be increased from $100,000 to $200,000 per depositor. As the paper pointed out, such an increase would compensate for the last 20 years or so of inflation since the insurance level was set at $100,000. The new ceiling might also help to meet an increasingly difficult problem for community banks—obtaining sufficient deposits to meet growing loan demand. Core deposits as a source of funding for community banks have steadily declined and largely are being replaced by loans from the Federal Home Loan Banking System.

Once this idea was floated, , Senator Gramm, and ever-pure free marketer, reacted with a resounding "No way—not on my watch!" At a recent Senate committee hearing (on an unrelated subject) Gramm gained support for his position from the secretary of the Treasury and the Fed chairman. Treasury said it doesn't agree with the proposal because it increases risk taking and possible government liability; Greenspan said "no" because he feels it's a subsidy for the rich. (I guess he's been in government so long that anyone who has over $100,000 is really rich.)

Do these opinions nix the possibility for a change in the deposit insurance ceiling? I don't believe so. This is a complex issue that will require congressional hearings and much research, because it relates to "too big to fail" policies and overall financial reform. Here are some of the important points to be weighed in this debate.

Increasing deposit insurance brings more financial risk to government—Possible, but unlikely, since the bank insurance fund has never cost the Treasury a penny (the thrift insurance fund is the one that went broke. Even Chairman Tanoue and Fed Governor Meyer have pointed out that the greatest risk to the fund is likely to be the failure of a large complex bank. Moreover, the risk is much greater to the federal government when it supports a huge home loan bank financing institution (another quasi-governmental agency such as Fannie Mae or Freddie Mac)—where any trouble means big trouble.

It distorts the operations of the free market—This is also referred to as creating a "morale hazard," the idea being that FDIC depositors won't have to worry about the condition of the bank. Of course, the so-called free market is out of kilter anyway, what with the Federal Reserve's discount window and the Treasury's bailout of Mexico and half of Asia through the IMF. In fact, the government seldom does anything that doesn't impact the free market (think environmental protection, antitrust, regulation of good drugs, bad drugs, and so on). The issue of whether to increase the deposit insurance ceiling has less to do with distortion of the free market than it does with whether this particular action in total is "good for the country." (In the case of Mexico, for instance, the free marketers decided that a U.S. bailout of rich U.S. business leaders was good for the country and the world; bingo, the funds were granted.)

It's a subsidy for the rich—It's debatable whether FDIC insurance is a subsidy at all. Most economists (though not Greenspan) doubt that there is much of a subsidy because the banks have paid for all of the insurance and the insurance fund has covered any losses.

Now that I've laid out the opposing views, here are several good reasons for approving the FDIC deposit guarantee increase:

It will level the competitive playing field—Historically, governments have protected all bank depositors when very large banks are in trouble, thus providing an implicit guarantee of unlimited insurance for those institutions (e.g., Japan, Saudi, Korea, Thailand, and the U.S.). Therefore, at the very least, the increase to $200,00 tends to give community banks a better chance to maintain their deposit base against a too-big-to-fail competitor.

The increase will reduce the risk that smaller banks and the communities they serve will stagnate due to the banks' inability to obtain funding at a reasonable cost—It could also reduce future FDIC insurance payments if these weak banks fail in the next recession. (Incidentally, an FDIC study shows that if the insurance level had been at $200,000 during the problems of the '80s and '90s, it would not have materially increased FDIC insurance costs.)

The increase will help to maintain a banking system that is decentralized and diverse—This type of system helps the economy, boosts productively, and promotes entrepreneurship—important factors in our present prosperity.

It provides a savings incentive—As more baby boomers retire with savings in excess of $100,000, the increased FDIC insurance coverage will provide a convenient and conservative savings option and will encourage savings, which all economists agree would be good for the U.S. economy.

You may have guessed by now that I'm rooting for the corner with little David (Chairman Tanoue) in this important policy showdown—and the battle is far from over. Why? I'll simply use the litmus test that applies to all other proposed reforms: It's good for the country.

RECOGNITION OF SERVICE TO THE STATE OF MICHIGAN

Mr. ABRAHAM. Mr. President, as I leave the service of the Senate, I would like to take a moment and recognize the service of my dedicated staff over these last six years. Pay in a Congressional office is not great, Mr. President, the hours are incredibly long, and often times the work they do goes unheralded. But still these staffers dedicate their time and effort to helping the people of Michigan and advancing their interests.

I would like to take this opportunity, on behalf of the people of the State of Michigan, to thank them all for their dedicated and tireless service.

Mr. President, at this point I would like to enter into the RECORD a list of those people that have served on my staff, both here in Washington and back in Michigan, as a way of thanking them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF OF SENATOR SPENCER ABRAHAM, 1994–2000

Mohammed Abouharb, Staff Assistant; Stuart Anderson, Director of Immigration Policy and Research; Gregory Andrews, Regional Director; Anthony Antone, Deputy Chief of Staff; Sandra Baxter, Assistant to the State Chief of Staff; Beverly Betel, Staff Assistant; Rachael Bohlander, Legislative Assistant.

David Borough, Computer Specialist; Michell Brown, Staff Assistant; Katja Bullock, Office Manager; Carrie Cabelka, Staff Assistant; Cheryl Campbell, Regional Director; Robert H. Carey, Jr., Legislative Director; David Carney, Mail Room Manager.

Joseph Cella, Regional Director; Cesar V. Conda, Administrative Assistant/Legislative Director; Adam Condo, Systems Administrator; Jon Cool, Staff Assistant; Ann H. Coulter, Judiciary Counsel; Majida Dandy, Executive Assistant; Anthony Daunt, Staff Assistant.

Joe Davis, Director of Communications; Nina De Lorenzo, Press Secretary; Larry D. Dickerson, Chief of Staff/Michigan Operations; Joanne Dickow, Legal Advisor; Hope Durant, Executive Assistant to the Chief of Staff; Sharon Eineman, Senior Caseworker.

Paul Erhardt, Special Assistant; Tom Frazier, Regional Director; Bruce Frohnen, Speech Writer; Renee Gauthier, Caseworker; Jessica Gavora, Special Advisor; David Glancy, Staff Assistant; Thomas Glegola, Special Assistant.

Todd Gustafson, Regional Director; Alex Hageli, Staff Assistant; Mary Harden, Staff Assistant; Phil Hendges, Regional Director; Paul Henry, Staff Assistant; Joanna Herman, Special Assistant; Melissa Hess, Staff Assistant.

Stephen Hessler, Deputy Press Secretary; Kate Hinton, Deputy Chief of Staff; David Hoard, Special Assistant; Kevin Holmes, Special Assistant; Kelly Hoskin, Caseworker; Michael J. Hudome, Special Assistant; Randa Fahmy Hudome, Counselor.

F. Chase Hutto, Judiciary Counsel; Michael Ivahnenko, Staff Assistant; Eunice Jeffries, Regional Director; Kaveri Kalia, Press Assistant; Raymond M. Kethledge, Judiciary Counsel; Elizabeth Kessler, General Counsel; Kevin Kolevar, Senior Legislative Assistant.

Jack Koller, Systems Administrator; Kerry Kraklau, Systems Administrator; Peter Kulick, Caseworker; Kristin La Mendola, Staff Assistant; Patricia LaBelle, Regional Director; Brandon L. LaPerriere, Legislative Assistant; Stuart Larkins, Staff Assistant.

Matthew Latimer, Special Assistant; Joseph P. McMonigle, Administrative Assistant/General Counsel; Eileen McNulty, West Michigan Director; Meg Mehan, Special Assistant; Rene Myers, Regional Director; Jennifer Millerwise, Staff Assistant; Denise Mills, Staff Assistant.

Maureen Mitchell, Staff Assistant; Sara Moleski, Regional Director; Jessica Morris, Deputy Press Secretary; Margaret Murphy, Press Secretary; Tom Nank, Southeast Michigan Assistant; James Patrick Neill, Director of Scheduling; Shawn Neville, Northern West Michigan Regional Director.

Na-Rae Ohm, Special Assistant; Lee Liberman Otis, Chief Judiciary Counsel; Kathryn Packer, Director of External Affairs; Chris Pavelich, Regional Director; John Petz, Southeast Michigan Director; James L. Pitts, Chief of Staff; Conley Poole, Staff Assistant.

John Potbury, Regional Director; Tosha Pruden, Caseworker; Laurine Bink Purpuro, Deputy Chief of Staff; Lawrence J. Purpuro, Chief of Staff; Brian Reardon, Legislative Assistant; Elroy Sailor, Special Assistant; David Seitz, Mail Room Manager.

Dan Senor, Director of Communications; Mary Shiner, Regional Director; Anthony Shumsky, Regional Director; Alicia Sikkenga, Special Assistant; Lillian Simon, Staff Assistant; Lillian Smith, Director of Scheduling; Anthony Spearman-Leach, Regional Director.

Robert Steiner, Mail Room Manager; Anne Stevens, Special Assistant; Matthew Suhr, Special Assistant; Julie Teer, Press Secretary; Amanda Trivax, Staff Assistant; Meagan Vargas, Special Assistant; Shawn Vasell, Staff Assistant.

Olivia Joyce Visperas, Staff Assistant; Sue Wadel, Legal Advisor; Seth Waxman, Caseworker; Jeffrey Weekly, Special Assistant; Jennifer Wells, Caseworker; La Tonya Wesley, Special Assistant; Tyler White, Special Assistant; Patricia Wierzbicki, Regional Director; Gregg Willhauck, Legislative Counsel; Billie Kops Wimmer, State Director.

Mr. ABRAHAM. Mr. President, I thank my colleagues for this opportunity, and I yield the floor.

BENEFITS IMPROVEMENT AND PROTECTION ACT

Mr. BAUCUS. Among the most pressing issues facing American senior citizens and persons with disabilities is the need for coverage of prescription drugs under Medicare. While we in Congress continue to work to reach consensus on a Medicare prescription drug benefit, I applaud the bipartisan efforts of my colleagues to restore and preserve Medicare coverage for certain injectable drugs and biologicals that are crucial to seniors and persons with debilitating chronic illnesses. To this end the Act contains a tremendously important provision which amends Section 1861(s)(2) of the Social Security Act relating to coverage under Medicare Part B of certain drugs and biologicals administered incident to a physician's professional service. Because it is expected that the Act will be passed without any accompanying Committee Report language, and due to its importance to thousands of citizens, I rise to explain this statutory language.

The Medicare Carrier Manual specifies that a drug or biological is covered under this provision if it is "usually" not self-administered. Under this standard, Medicare for many years covered drugs and biological products administered by physicians in their offices and in other outpatient settings. In August 1997, however, the Health Care Financing Administration issued a memorandum that had the effect of eliminating coverage for certain products that could be self-administered. This changed policy interpretation resulted in thousands of patients who until that time had had coverage for drugs or biologicals for their illnesses, including intramuscular treatments for multiple sclerosis, being denied coverage for these same drugs and biologicals. At a time when the Congress and the Administration are seeking to expand Medicare prescription drug coverage, this HCFA policy has led to a reduction in coverage of many treatments.

The Act's language clarifies the Medicare reimbursement policy to ensure that HCFA and its contractors will reimburse physicians and hospitals for injectable drugs and biologicals for illnesses such as multiple sclerosis and various types of cancer as they had been reimbursed prior to the 1997 memorandum. The new statutory language contained in the Act requires coverage of "drugs and biologicals which are not usually self-administered by the patient," thus restoring the coverage policy that was in effect prior to the August 1997 HCFA memorandum. In carrying out this provision, HCFA should not narrowly define the word "usually." Nor should HCFA make unsupported determinations that a drug or biological is usually self-administered. In addition, HCFA should assume, as it did for many years, that Medicare patients do not usually administer injections or infusions to themselves, while oral medications usually are self-administered. HCFA should also continue to take into account the circumstances under which the drug or biological is being administered. For example, products that are administered in emergencies should be covered even though self-administration is the usual method of administration, in a non-emergency situation.

I believe that to implement Congressional intent on this provision, HCFA must promptly issue a memorandum to inform its contractors (e.g. carriers and intermediaries) of the change in the law.

I commend the efforts of the bipartisan sponsors of this provision for correctly clarifying the intent of the Medicare reimbursement coverage policy for injectable drugs and biologicals. This issue is of vital importance to thousands of our citizens that are afflicted with debilitating illness such as multiple sclerosis. As Congress and the nation continue to engage in a discussion on expanding prescription drug coverage under Medicare, this is an important step to provide our seniors and persons with disabilities with the lifesaving prescription drugs and biologicals that they deserve. I look forward to continue working with the Administration and HCFA to ensure that our seniors and persons with disabilities receive coverage for injectable drugs and biologicals.

FAREWELL TO MANUS COONEY

Mr. HATCH. Mr. President, I would like to take just a moment to offer my public thanks and appreciation to the Judiciary Committee's chief counsel and staff director, Manus Cooney, for all his dedicated work over the last 7 years he has served on my staff, and for his exemplary 12-year career in the Senate.

Manus has been my right hand. I want to state that for the RECORD so that 10 years from now his daughters—Caitlin, Claire, and Tara—will know why their father was hardly ever home for dinner. Let me say to them that, without his tremendous efforts, we could not have accomplished half as much for our country.

Let me also say to my colleagues that I know Manus was tenacious. Senators and staff alike always took it seriously when Manus was on a mission. Believe me, I got as many orders and assignments as you did.

Seriously, though, it was amazing to me how Manus always kept the faith—he believed in what we were doing and never gave up.

I am going to miss him. He will be leaving my office at the end of the year for a new, exciting opportunity to develop corporate strategy and to head Napster's new Washington office. He is the right guy for this job. He has the energy and the know-how to help Congress understand and connect with the complex and rapidly changing high-tech world. Manus is the kind of person who does not face the challenges of an unknown future with dread, but rather with enthusiasm.

So, as we close out this extraordinary 106th Congress, I hope my colleagues will join me in expressing appreciation to Manus for his loyalty and his tremendous contribution to the Senate and to public service. I wish him all the best in the future.

THE INTERNATIONAL CRIMINAL COURT

Mr. LEAHY. Mr. President, I rise today to voice my strong support for the International Criminal Court, ICC. Like all Senators, indeed like all Americans, I understand the need to safeguard innocent human life in wartime, at the same time that we ensure that the rights of our military personnel are protected. The Rome Treaty establishing the International Criminal Court will achieve both those goals, and I urge President Clinton to sign the Treaty before the December 31 deadline.

The Treaty was approved overwhelmingly two years ago by a vote of 120 to 7. Since then, 117 nations have signed the Treaty—including every one of our NATO allies except Turkey, all of the European Union members, and Russia. Regrettably, the U.S. joined a handful of human rights violators like Libya and Iraq in voting against it. Only one of our democratic allies voted with us, and it is quite possible that we will end up as the only democratic country that is not a party to the Court.

During the last century, an estimated 170 million civilians were the victims of war crimes, crimes against humanity, and genocide. Despite this appalling carnage, the response from the international community has been, at best, sporadic, and at worst, nonexistent.

While there was progress immediately following World War II at Nuremberg and Tokyo, the Cold War saw the international community largely abdicate its responsibility and fail to bring to justice those responsible for unspeakable crimes, from Cambodia to Uganda to El Salvador.

In the 1990s, there was renewed progress. The U.N. Security Council established a tribunal at The Hague to prosecute genocide and other atrocities committed in the Former Yugoslavia. A second tribunal was formed in response to the horrific massacre of more than 800,000 people in Rwanda.

In addition, individual nations have increasingly taken action against those who have committed these crimes.

Spain pursued General Pinochet, and he may yet be prosecuted in Chile. The Spanish Government has requested Mexico to extradite Richardo Miguel Cavallo, a former Argentine naval officer who served under the military junta, on charges that include the torture of Spanish citizens.

A number of human rights cases have also been heard in U.S. civil courts. In August, 2000, $745 million was awarded to a group of refugees from the Balkans who accused Radovan Karadzic of conducting a campaign of genocide, rape, and torture in the early 1990s. Also that month, an organization representing Chinese students who are suing the Chinese Government for its brutality during the 1989 Tiananmen Square protests, successfully served papers on Li Peng, the former Chinese Premier, as part of an ongoing lawsuit.

They are important steps towards holding individuals accountable, deterring future atrocities, and strengthening peace. But the ICC would fill significant gaps in the existing patchwork of ad hoc tribunals and national courts. For example:

A permanent international court sends a clear signal that those who commit war crimes, crimes against humanity, and genocide will be brought to justice.

By eliminating the uncertainty and protracted negotiations that surround the creation of ad hoc tribunals, the Court will be more quickly available for investigations and justice will be achieved sooner.

International crimes tried in national courts can result in conflicting decisions and varying penalties. Moreover, sometimes governments take unilateral actions, even including kidnaping, to enforce prosecutorial and judicial decisions. The Court will help to avoid these problems.

The Court will act in accordance with fundamental standards of due process, allowing the accused to receive fairer trials than in many national courts.

In the past, when the international community established war crimes tribunals, the United States was at the forefront of those efforts. The performance of the U.S. delegation at Rome was no different. The U.S. ensured that the Court will serve our national interests by being a strong, effective institution and one that will not be prone to frivolous prosecutions.

Why then did the United States oppose the Treaty, despite getting almost everything it wanted in the negotiations? Many observers feel that it was because the Administration could not get iron-clad guarantees that no American servicemen and women would ever, under any circumstances, come before the Court. A related concern was that the Treaty empowers the Court to indict and prosecute the nationals of any country, even countries that are not party to the Treaty.

The legitimate concern about prosecutions of American soldiers by the Court, while not trivial, arises from a misunderstanding of the Court's role. The U.S. has been successful in obtaining important safeguards to prevent political prosecutions:

First, the ICC is neither designed nor intended to supplant independent and effective judicial systems such as the U.S. courts. Under the principle of "complementarity", the Court can act only when national courts are either unwilling or unable to prosecute.

Second, the Court would only prosecute the most atrociousinternational crimes such as genocide and crimes against humanity. The U.S. was instrumental in defining the elements of these crimes and in establishing high thresholds to ensure that the Court would deal with only the most egregious offenses.

Third, the Court incorporates the rigorous criteria put forth by the United States for the selection of judges, ensuring that these jurists will be independent and among the most qualified in world. Further, the Rome Treaty provides for high standards for the selection of the prosecutor and deputy prosecutor, who can be removed by a vote of the majority of states parties.

Finally, the Court provides for several checks against spurious complaints, investigations, and prosecutions. Before an investigation can occur, the prosecution must get approval from a three-judge pre-trial chamber, which is then subject to appeal. Moreover, the U.N. Security Council can vote to suspend an investigation or prosecution for up to one year, on a renewable basis, giving the Security Council a collective veto over the Court.

Because of these safeguards, our democratic allies—Canada, England, France, Ireland—with thousands of troops deployed overseas in international peacekeeping and humanitarian missions, have signed the Treaty.

The Pentagon has, from day one, argued that the United States should not sign the Treaty unless we are guaranteed that no United States soldier will ever come before the Court. In other words "we will sign the Treaty, as long as it does not apply to us." That is a totally untenable position, which not surprisingly has not received a shred of support from other governments, including our allies and friends.

There is no doubt that further negotiations can improve the ICC, but it is unrealistic to expect to single out one's own citizens for immunity, in every circumstance, from the jurisdiction of an international court. If that were possible, what would prevent other nations from demanding similar treatment? The Court's effectiveness would be undermined.

Moreover, as the United States—which has refused to sign the treaty banning landmines, or to ratify the comprehensive test ban treaty, or to pay our U.N. dues—is perceived as acting as if it is above the law, nations may begin to think "why should we honor our international commitments?" If the U.S. becomes increasingly isolated, our soldiers will face greater, not less, risk.

Such increasing risk is wholly unnecessary. Our Armed Forces are known globally for their strict adherence to international humanitarian law and conventions governing the conduct of a military in wartime. Signing the Rome Treaty would be the clearest indication possible that we are proud of this record, and are working every day to uphold it.

Mr. President, I too am troubled by the precedent of exerting jurisdiction over non-party nationals. While this is a key component of the Treaty which prevents rogue nations from shielding war criminals from the Court's jurisdiction by refusing to become a party, it could also invite mischief in the future. What if, for example, a dozen states were to join in a treaty that asserts jurisdiction over non-parties for the explicit purpose of targeting the citizens of the United States and its allies? Will the Rome Treaty set a precedent that could make this more likely?

In fact, there is nothing to prevent that from happening today, and it is highly unlikely that such treaties would achieve legitimacy. They would almost certainly not become recognized parts of international law and convention. While it is essential that we do everything possible to protect the rights of American citizens, we also want an effective Court. Indeed, there are almost certainly to be circumstances when we would support ICC jurisdiction over non-party nationals.

Critics argue that the United States should "block" the ICC. They are misinformed. That is not an option. The requisite 60 countries are going to ratify the Treaty, and the Court will have jurisdiction over citizens of non-parties, whether or not the U.S. signs.

The real issue is whether we sign the Treaty and enable the U.S. to continue to play a crucial role in shaping the ICC, ensuring that it serves its intended purpose of prosecuting the most heinous crimes—not the U.S. Air Force pilot who mistakenly bombs the wrong target, a tragic but inevitable consequence of war. It is instructive, for those who raise the specter of political prosecutions, that the Tribunal for the Former Yugoslavia—which, like the ICC, the U.S. had a key role in shaping—declined to investigate allegations of war crimes resulting from NATO bombing of Serbia. We will be in a far better position to protect the rights of American citizens if the Court must answer to the U.S. for its actions.

We can sign the Treaty and make clear that if the Court strays from its intended purpose, we will take what steps are needed, from refusing to ratify to withdrawing from the Treaty. I sincerely doubt, however, that will become necessary. A key part of the Court's ability to function is its legitimacy. As others have said, "the politicization of the Court would quickly end its relevance."

We all know that it is simply not possible to be part of an international regime and get absolutely everything one wants. Nay sayers can always invent implausible scenarios that pose some risk. The key question is: do the benefits of signing the Rome Treaty and throwing our weight and influence behind it, outweigh the risks? I believe the answer is clearly yes.

Mr. President, the Treaty provides an adequate balance of strength and discretion to warrant signature by the United States. On the one hand, the Court is strong enough to bring war criminals to justice and provide a deterrent against future atrocities. On the other, there are important checks in place to minimize the risks of sham prosecutions of American troops. Yet, without the active participation and support of the United States—the oldest and most powerful democracy on Earth committed to the rule of law—the Court will never realize its potential.

I agreed with President Clinton when he stated that, "nations all around the world who value freedom and tolerance [should] establish a permanent international court to prosecute, with the support of the United Nations Security Council, serious violations of humanitarian law."

Those words reminded me of the President's speech at the United Nations six years ago, when he called for an international treaty banning anti-personnel landmines. Two years later, when many of our allies and friends were negotiating such a treaty, the Administration, bowing to the Pentagon, chose to sit on the sidelines. They assumed, wrongly, that without U.S. support the process would run out of steam, and they even tried, at times, to undermine it.

Only in the final days, when the Administration finally realized the mine treaty was going to happen with or without the U.S., did they make several "non-negotiable" demands. Essentially, they said "okay, we will sign the treaty, as long as it does not apply to our landmines." Predictably, that was rejected. Today, 138 nations have signed that treaty and 101 have ratified, including every NATO member except the United States and Turkey, and every Western Hemisphere nation except the United States and Cuba.

One would have thought we would have learned from that experience. The fact is that the United States can no longer singlehandedly determine whether an international treaty comes into force. If we do not sign the Rome Treaty, there is a strong possibility that the Court, its prosecutors and judges will develop from the beginning an unsympathetic view towards the United States and its official personnel. That is especially so if we end up opposing the Court and its legitimacy. Do we want a Court that views itself in opposition to the United States? Or do we want a Court whose prosecutors and judges are selected with the influence of the United States, and a Court that must answer to the United States, as its most significant state party, for its actions? The answer should be obvious to anyone.

Mr. President, it is unacceptable that the world's oldest democracy—the nation whose Bill of Rights was a model for the Universal Declaration of Human Rights, the nation that called for the creation of a permanent, international criminal court and did so much to make it a reality, has shrunk from this opportunity. The President should sign the Rome Treaty.

TRIBUTE TO BOY SCOUTS AND GIRL SCOUTS

Mr. L. CHAFEE. Mr. President, it is with great pleasure that I today pay tribute to the accomplishments of the Girl Scouts and Boy Scouts of Rhode Island. These fine organizations include an admirable group of young men and women who have distinguished themselves as leaders in their communities.

Since the beginning of this century, the Girls Scouts and Boy Scouts of America have provided thousands of youngsters each year with the opportunity to make friends, explore new ideas, and develop leadership skills, along with a sense of determination, self-reliance, and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love for community service. The Silver and Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards. Their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, Scout leaders and countless others who have given generously of their time and energy in support of Scouting.

It is with great pride that I submit a list of the young men and women of Rhode Island who have earned this award.

Mr. President, I ask that the list be printed the RECORD.

The list of follows:

Girls Scout Silver Award Recipients

Barrington, RI: Sarah E. Oberg, Alison Orlando, Shannon Johnston, Sarah Tompkins.

Charlestown, RI: Hillary Gordon.

Chepachet, RI: Margaret Pepper, Rebecca Thurber, Jennifer Tucker.

Coventry, RI: Mandy L. Ponder.

Cranston, RI: Laura R. Gauvin, Tara Tomaselli, Lindsay Wood, Susan Papino, Sarah Watterson.

Exeter, RI: Karissa D'Ambra, Kim McCarthy, Meghan McDermott, Erin Klingensmith.

Foster, RI: Shannon R. Casey.

Glendale, RI: Emily Beauchemin.

Harrisville, RI: Kristin Bowser.

Hope, RI: Meaghan McKenna.

Hope Valley, RI: Jennifer Gregory, Nichole Piacenza.

Kingston, RI: Elizabeth Tarasevich.

Mapleville, RI: Tia Sylvestre, Jessica Wilcox.

Middletown, RI: Kellie Di Palma.

North Kingstown, RI: Kelly-Ann Brooks, Kellie Fitzpatrick, Brittany Kenyon, Elizabeth Mackler, Kelley Barr, Rachel Glidden.

Pascoag, RI: Erin Boucher, Sarah Gautreau, Heather Hopkins, Jennifer Robillard.

Pawtucket, RI: Stephanie Bobola, Emma Locke, Brittany Smith, Allison Arden, Feliscia Facenda, Melissa Perez, Jessica Theroux.

Portsmouth, RI: Rachel Andrews, Laura Cochran, Melissa Baker, Kathryn E. Powell, Sabrina A. Richard.

Wakefield, RI: Lauren Behie, Emily Franco, Kate Danna, Jessica Piemonte.

Warwick, RI: Stephanie Brock, Amanda Miller, Jessica Ogarek, Nicole Patrocelli, Michelle Poirier, Danielle Dufresne, Sarah Pennington.

West Warwick, RI: Kaylin Kurkoski, Alyssa Lavallee, Capria Palmer, Stephanie Danforth.

Woonsocket, RI: Kayla Berard, Erica Laliberte, Melissa Notorango.

Wyoming, RI: Chantal Gagnon.

Girls Scout Gold Award Recipients

Cranston, RI: Bethany Lavigne, Sarah Lavigne.

East Greenwich, RI: Elissa Carter, Rosanna Longenbaker.

Harrisville, RI: Carissa Leal.

Middletown, RI: Merideth Bonvenuto.

North Providence, RI: Bonnie Bryden, Alison Kolc, Bethany Bader, Laura Di Tommaso.

Pawtucket, RI: Alyssa M. Nunes, Nicole D. Gendron.

Warwick, RI: Amanda Cadden, Jeniece Fairbairn, Sara Berman, Dawn Armitage, Kristen Giza, Kathryn Marseglia, Justine Evans, Carolyn Beagan.

West Warwick, RI: Jennifer L. Malaby.

West Kingston, RI: Audra L. Criscione.

Westerly, RI: Heather Norman, Karen McGarth.

Eagle Scout Recipients

Ashaway, RI: Steven Derby, Paul Dumas.

Barrington, RI: Chris Browning, Vincent Crossley, Chris Dewhirst, Jr., David Drew, John Dunn, Jr., Daniel Fitzpatrick, Chris Gempp, Chris Josephson, Patrick Kiely, Brian Mullervy, Anthony Principe, Evan Read, Adam Resmini, Timothy Ryan, Robert Speaker.

Blackstone, RI: Daniel Aleksandrowicz.

Bradford, RI: William Briggs, Jr., Thomas Foley.

Bristol, RI: Chris Cameron, Jason DeRobbio, Thomas DuBios, Matthew Frates, John Maisano IV, Timothy Pray.

Charlestown, RI: Christopher Hyer, Jonathan Lyons, David Piermattei, Jr., Thomas Schipritt.

Chepachet, RI: Eric Ahnrud, Donald Gorrie, Jr., Benjamin King.

Clayville, RI: Geoffrey Lemieux.

Coventry, RI: John Ahern, Nicholas Brown, Michael Camera, James MacDonald.

Cranston, RI: Anthony BaccariThomas Darrow, Erik Fearing, Peter Gogol, Gregory Johnson, Daniel Kittredge, Donald McNally, Gregory Norigian, Matthew Papino, Michael Parent, Ernest Rheaume, Mark Scott II, Marc Sherman, Jonathan Tipton.

Cumberland, RI: Michael DiMeo, Michael Dubois, Timothy Fabrizio, Gregory Hindle, Thomas Parrillo, James Twohey, John Valentine, John Wigmall, Christopher Young.

East Greenwich, RI: Matthew Kazlauskas, Thomas Carbone, Jr., Stuart Fields, Steven Fulks.

Exeter, RI: Warren Halstead III.

Foster, RI: Paul Copp, Robert Schultz, Jr.

Fiskeville, RI: Jonathan Burns.

Glocester, RI: Thomas Cavaliere.

Greene, RI: Steven Autieri, Ryan Hall.

Greenville, RI: Thomas Bowater, Benjamin Folsom, Jason Marrineau, Joseph Stockley.

Harrisville, RI: Davis Jackson, Matthew Kucharski.

Hope Valley, RI: Eben Conopask, John Duell, Nicholas Haberek, Lucas Marland.

Jamestown, RI: Thomas Kelly, Joshua Shea.

Johnston, RI: Jason Cantwell, Geoffrey Garzone, Christopher Lowrey, Anthony Pezza, Michael Wilusz.

Kingston, RI: Robert Dettman, Travis Morello.

Lincoln, RI: Bradford Avenia, Daniel Maynard, Jonathan Toft.

Manville, RI: Peter Rernaud.

Middletown, RI: John Greeley, Andrew Gustafson, Jay Parker, Jr., Alexander Schwarzenberg, Matthew Sullivan, David Tungett.

Newport, RI: Jason Kowrach, James Ross.

North Kingstown, RI: Christopher Nannig, David Piehler, Jason Simeone.

North Providence, RI: Adam Andolfo, Michael Chatwin, Jr., Matthew Konicki.

North Scituate, RI: Alan Campbell, Corey Charest, Jared Leduc, Jason Otto, Stephen Vigliotti.

North Smithfield, RI: Keith Gilmore.

Pawtucket, RI: Brian Gendreau, Peter Blair, Nicholas Cetola, Eric Frati, Christopher Gojcz, Benjamin Sweigart, Alejandro Tobon.

Portsmouth, RI: Mark Dragicevich, James Magrath, Paul Myslinski, Richard Quintal, John Silvia III, Adam Tucker.

Providence, RI: Ashley Oneal, Matthew Dorfman, Jonathan Goulet, Matthew Lynch, John Riley, Matthew Salisbury, Andrew Sawtelle, Stephen Winiarski.

Riverside, RI: Andrew Hurd, William Lange Phillip Olson, Chris Paiva.

Rumford, RI: Jesse Crichton, Chris Jamison.

Smithfield, RI: Charles Ashworth, Brian Twohey, Gerard Lariviere II.

Wakefield, RI: Paul Ayers IV, Joshua Honeyman, Joshua Lamothe, Joshua Rosen, Wyatt Messinger.

Warren, RI: Jonathan Faris, William Kemp IV.

Warwick, RI: Christopher Baker, Richard Agajanian III, Kenneth Arpin, Trevor Byrne-Smith, James Carolan III, Robert Chace III, Jason Christensen, Michael Dean, Timothy Goodwin, Michael Havican, Eric Hayes, Gregory Hughes, Aaron Hughes, Peter Izzi, Thomas Kelley, Daniel Linden, Jeffrey Machado, Robert MacNaught, John Mendonsa.

Westerly, RI: Jonathan Martin, Seth Merkel.

West Greenwich, RI: Jeffrey Bowen.

West Kingston, RI: Joshua McCaughey.

West Warwick, RI: Eric Calcagni, Craig Flanagan, Daniel Flynn, Warrick Monnahan, Chuck Moore.

Wood River Junction, RI: Timothy Brusseau, Scott Morey.

Woonsocket, RI: Michael Minot Matthew Piette, Matthew Soucy, Gary Turner.

Wyoming, RI: Stetson Lee.

PERMANENT RESIDENCY FOR LIBERIANS

Mr. REED. Mr. President, I rise tonight to express my deep disappointment that this final package does not include a provision that allows Liberian nationals living in this country to adjust to permanent residency.

As I have told this body many times, approximately 10,000 Liberians fled to the United States beginning in 1989 when their country became engulfed in a civil war. In 1991, Attorney General Barr granted Liberians Temporary Protected Status (TPS) and renewed it in 1992. Under the Clinton administration, Attorney General Reno continued to renew TPS for Liberians on an annual basis until last year when she granted Deferred Enforced Departure. DED was renewed again this year.

While Liberians can now legally live in the United States for another year, it does not change the fact that they have lived in limbo for almost a decade. The Liberians have lived in a "protected status" longer than any other group in the history of this country. These individuals have played by the rules. From the beginning, they have always lived in this country legally. They have established careers, opened businesses, bought homes, had American-born children, and contributed to our communities. Yet, they are unable to enjoy the basic rights and privileges of U.S. citizenship. These people deserve better.

For several years I have been working to see that the Liberians receive the justice they deserve. In March 1999, I introduced S. 656, the Liberian Refugee Immigration Fairness Act which would allow Liberian nationals who had received TPS to adjust to permanent residency. For almost two years I have been unable to convince my colleagues to hold a hearing, debate this issue on the floor, or pass the bill. I did everything I believed was necessary to garner support for this legislation. I spoke on the floor, I wrote "Dear Colleagues", I gathered cosponsors on both sides of the aisle, I spoke personally with the leadership of both parties and the White House. Despite these efforts, the plight of the Liberians has not been recognized and their status has not been resolved.

The situation facing the Liberians is not a novel issue for Congress. In the time that the Liberians have lived in this country, several other immigrant groups, including 52,000 Chinese, 4,996 Poles, 200,000 El Salvadorans, 50,000 Guatemalans and 150,000 Nicaraguans, who lived in the U.S. under temporary protective status for far less time have been allowed to adjust to permanent status. Just last month we passed a bill adjusting the status of 4,000 Syrian Jews. There are those who have argued that it is time to stop passing "nation specific" immigration fixes and to implement a system that is comprehensive and fair. I fully agree. But until we reach that point and are ready to pass such legislation, I do not believe that we can, in good conscious, arbitrarily deny certain groups a remedy for the unintended and unjust consequences of our immigration law.

I would also like to state that I believe that we have a special obligation to the Liberians because of the special ties the U.S. has with that country. Congress should honor the special relationship that has always existed between the United States and Liberia. In 1822, groups of freed slaves from the U.S. began to settle on the coast of Western Africa with the assistance of private American philanthropic organizations at the behest of the U.S. government. In 1847, these settlers established the republic of Liberia, the first independent country in Africa. Liberians modeled their constitution after the U.S. and named their capital Monrovia after President James Monroe. Mr. President, many of the Liberian nationals in this country can trace their ancestry to American slaves. We owe them more than we are giving them tonight.

When Liberians arrived in this country, they expected to stay only a short time and to return home once it was safe. But one year turned into many and they moved on with their lives. They are now part of our community. They deserve the same benefits that we have given so many others—the rights of citizenship. It is my hope that we can address this grievous situation early in the 107th Congress. We need to right a wrong.

RONALD McDONALD HOUSE CHARITIES' NEW CHILD HEALTH PROGRAM

Mrs. HUTCHISON. Mr. President, I rise to recognize the Houston arrival of a Ronald McDonald Care Mobile—a state-of-the-art pediatric mobile healthcare unit. It is one of the first in an innovative initiative of the Ronald McDonald House Charities, known and respected worldwide for its dedication to improving children's health.

In cooperation with its local affiliates and local hospitals or health systems, RMHC has begun rolling out these Ronald McDonald Care Mobiles to bring free medical and dental services to children in underserved communities. The Houston Ronald McDonald Care Mobile will be operated and staffed by the Harris County Hospital District. It will travel, on a regular schedule, to schools, churches, apartment complexes and other neighborhood sites where need is great. This RMHC partnership will significantly strengthen the District's capacity to serve the county's disadvantaged children and their families.

The Ronald McDonald Care Mobiles are a far cry from the usual converted vans and school buses. They are specially-designed pediatricians' offices on wheels, with two patient examination rooms, a laboratory, reception and medical records areas and, in some cases, a hearing screening booth and dental hygiene room. The units are also staffed to deliver first-rate care. Staffing will vary according to local needs but is likely to include a pediatrician, a pediatric nurse, and a manager. There may also be a social worker, a dental hygienist, an asthma specialist and/or medical residents, nursing students, and interns in training.

The Ronald McDonald Care Mobiles will go directly into underserved communities. They will provide primary care, including immunizations and medical screenings; diagnosis, treatment, referral, and followup for serious medical and dental conditions; and health education for children and their families. Staff will also help eligible families obtain government-assisted health insurance and will partner with communities to address critical local childhood health needs.

Our children are our nation's most precious resource. We are all beholden to the Ronald McDonald House Charities for bringing vital health care to the underserved so that they may learn and play and grow up strong. This truly is giving back to the community at its finest.

PROTECTING THE RIGHTS OF IMMIGRANT WORKERS

Mr. KENNEDY. Mr. President, fourteen years ago, Congress passed the Immigration Reform and Control Act of 1986, IRCA. That Act has had undeniably profound effects on the nation—both positive and negative. IRCA set into motion the current legalization program, which has brought millions of individuals out of the shadows of illegal immigrant status and onto a path of temporary status, permanent status and, ultimately, United States citizenship. At the same time, IRCA authorized employer sanctions which, in addition to not deterring illegal immigration, have led to a false document industry and caused discrimination against Latino, Asian, other immigrant workers, and even United States citizens, who by their accent or appearance are wrongly perceived as being here illegally.

Many of us supported the provision in IRCA which created an office to address cases of discrimination resulting from employer sanctions. Since then, the Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices, OSC, has enforced the anti-discrimination provisions and provided relief to workers who have faced immigration-related job discrimination.

One of the innovative accomplishments of OSC has been to develop effective partnerships with state and local government civil rights agencies. A Memoranda of Understanding enables the civil rights agencies who are supposed to work together to do just that. As a result, all agencies are better equipped to prevent and eradicate discrimination.

Recently, the Massachusetts Commission Against Discrimination joined with the OSC to educate employers, workers and the general public in the state and to work together to address discrimination. The Boston Globe praised the work of the Office of Special Counsel and urged increases in its staff and budget in order for it to keep up with the growing number of newcomers and employers. In the words of the editorial, "This would help immigrants and the economy—a winning move for the United States."

I ask unanimous consent for the Boston Globe editorial, "Protecting Immigrants," to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Sunday Globe, Oct. 19, 2000]

PROTECTING IMMIGRANTS

Working immigrants are like high-octane fuel for the economy. Given the nation's shortage of workers, hiring immigrants is a great way to fill jobs, whether in high-tech or in restaurants.

But immigrants can face serious job discrimination. Some don't know their rights. Others are afraid to complain. That's why federal and state governments must improve enforcement of fair work practices.

One tool is in place, but it needs to grow. In 1986, eager to crack down on illegal immigration, Congress passed the Immigration Reform and Control Act. The law threatened employers with fines unless they verified that new hires were legally eligible to work.

Congress knew that turning employers into immigration cops could lead to more discrimination. So the act also created the Office of Special Counsel for Immigration Related Unfair Employment Practices.

Today, the Office for the Special Counsel fights discrimination based on national origin and citizenship status. It cracks down on "document discimination"—asking for more proof of work status than is legally required—and on rarer cases of employer retaliation. The office also mediates disputes and trains employers and human service providers.

This work goes on in states with large immigrant populations, like New York and California, but also in Arkansas, Oregon, and Nebraska, where immigrant populations are growing. In the last two years, the office has reached settlements with SmithKline Beecham, the pharmaceutical company, the Atlanta Journal Constitution newspaper, and Iowa Beef Packers, a meat packing and processing company in South Dakota.

Last year, the special counsel's office awarded $45,000 to the Massachusetts Immigrant and Refugee Advocacy Coalition, a grant used statewide to education immigrants, train community agency staff, and hold forums. The office recently formed a valuable alliance with the Massachusetts Commission Against Discrimination. Since the office has no local branches, it is building a nationwide web of local contacts whom immigrants can turn to for federal help.

Unfortunately as national immigration rates soar, the Office for the Special Counsel is having trouble keeping up. Its activities are limited by a small staff and a budget of just under $6 million. Doubling the budget would spread the office's reach more evenly across the country. It could take more preventative measures, helping employers before laws are violated, instead of punishing them once the harm is done.

This would help immigrants and the economy—a winning move for the United States.

FEDERAL JUDGESHIP

Mr. KOHL. Mr. President, today this Congress has expanded accessibility to justice for hundreds of thousands of residents of northern Wisconsin by creating a Federal judgeship to sit in Green Bay, WI. Let me explain how this judgeship will alleviate the stress that the current system places on business, law enforcement agents, witnesses, victims and individual litigants in northeastern Wisconsin.

First, while the four full-time district court judges for the Eastern District of Wisconsin currently preside in Milwaukee, for most litigants and witnesses in northeastern Wisconsin. Milwaukee is well over 100 miles away. In fact, as the courts are currently arranged, the northern portion of the Eastern District is more remote from a Federal court than any other major population center, commercial or industrial, in the United States Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed, driving from Green Bay to Milwaukee takes nearly two hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and often the driving time alone actually exceeds the amount of time witnesses spend testifying.

Second, Wisconsin's Federal judges serve a disproportionately large population. I commissioned a study by the General Accounting Office which revealed that Wisconsin Federal judges serve the largest population among all Federal judges. Each sitting Federal judge in Wisconsin serves an average population of 859,966, while the remaining Federal judges across the country—more than 650—serve less than half that number, with an average of 417,000 per judge. For example, while Louisiana has fewer residents than Wisconsin, it has 22 Federal judges, nearly four times as many as our State.

Third, the Federal Government is required to prosecute all felonies committed by Native Americans that occur on the Menominee Reservation. The Reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic, and because the Justice Department compensates attorneys, investigators and sometimes witnesses for travel expenses, the existing system costs all of us. Without an additional judge in Green Bay, the administration of justice, as well as the public's pocketbook, will suffer enormously.

Fourth, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these legitimate cases are never even filed—precisely because the northern part of the State lacks a Federal court. This hurts businesses not only in Wisconsin, but across the Nation.

In conclusion, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most important, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin.

ILO CONVENTION 182 RATIFICATION

Mr. HARKIN. Mr. President, I rise today to commemorate the first anniversary of U.S. ratification of the ILO's newest core human rights convention: ILO Convention #182—the Elimination of the Worst Forms of Child Labor.

Last Friday was not just the first anniversary of ILO Convention #182. It was also the date on which Convention #182 came into effect in the United States. That means the first report on U.S. compliance with the terms of this treaty is due in Geneva by next September.

I have long been deeply involved in the struggle to end abusive child labor. Ten years ago, the scourge of abusive child labor was spreading in the U.S. and throughout the world with little notice or concern from our government.

That is why I supported the first-ever, day-long Capitol Hill forum on the Commercial Exploitation of Children. I had two primary goals in mind back then.

First, I wanted to sound an alarm about the increase in abusive child labor in the U.S. and overseas. Second, I wanted to elevate this human rights and worker rights challenge to a global priority.

I am heartened to report that significant progress has been made in the past decade, even though much remains to be done.

In June of 1999, ILO Convention #182 was adopted unanimously—the first time ever that an ILO convention was approved without one dissenting vote. Just one year ago, the Senate, in record time, ratified ILO Convention #182 with a bipartisan, 96–0 vote.

And today, 41 countries have ratified ILO Convention #182—countries from every region of the world. 12 African nations, 12 European nations, 10 American Caribbean nations, 5 from the Middle East, and 2 from Asia. Since the ILO was established in 1919, never has one of its treaties been ratified so quickly by so many national governments.

In May of 2000, we enacted the Trade and Development Act of 2000. This Act included a provision I authored that requires more than 100 nations that enjoy duty-free access to the American marketplace to implement their legal commitments to eliminate the worst forms of child labor in order to keep these trade privileges.

Since May, the State Department has demanded thorough review of the efforts of over 130 nations to eliminate the worst forms of child labor. The U.S. Labor Department is planning to file its first comprehensive report to Congress on whether countries that enjoy preferential access to our markets are fulfilling their obligations de facto until ILO Convention #182. And they've dispatched fact-finding teams around the world to investigate.

Their findings will be submitted to an inter-agency review process chaired by the Office of the U.S. Trade Representative. Later this year, this process will decide which beneficiary countries should retain their trade privileges and which should not.

Last year, this Congress approved a $30 million U.S. contribution to the ILO's International Program to Eliminate Child Labor (IPEC) for Fiscal Year 2000.

This made our country the single largest contributor to IPEC. And—if and when we finally approve our LHHS Appropriations Bill—our contribution will increase to $45 million in Fiscal Year 2001. This is yet another reason for us to wrap up that legislation before we adjourn.

That's the good news, Mr. President. But we've got a long way to go in our battle to eliminate abusive child labor and open up a bright future for more than 250 million child laborers around the world.

Our first, and perhaps most important step, is to heed ILO Convention #182 in our own country. We have to develop a national action plan to eliminate the worst forms of child labor in our midst—labor which "by its nature or the circumstances in which it is carried out is likely to harm the health, safety or morals of children."

Mr. President, who among us can deny that there are children working under such circumstances in our own country?

In order to be a credible leader in the world struggle against abusive child labor, we've got to do more to eliminate the worst forms of child labor right here in America.

Fortunately, the Child Labor Coalition has recently convened meetings of non-governmental organizations to begin fashioning recommendations for the U.S. national action plan required by ILO Convention #182.

Hopefully, President Clinton will be moved to act on some of these recommendations when they are presented to White House officials today. He has already distinguished himself as a President who has done more than all of his predecessors combined to fight abusive child labor.

I conclude my remarks by describing one glaring example of abusive child labor in our own backyard that cries out for immediate legislative redress.

Right now, as many as 800,000 migrant child laborers toil in the fields of large-scale commercial agriculture picking the produce we eat every day. They are working at younger ages, for longer hours, exposed to more hazardous conditions than minors working in non-agricultural jobs.

Their plight has prompted me to introduce the Children's Act for Responsible Employment (S. 3100—The CARE Act) which I will push hard to enact next year.

This legislation will end our current double standard in employment. It will extend to minors working in large-scale commercial agriculture—corporate farms, if you will—the same rights and legal protections as those working in non-agricultural jobs. It will also: Toughen civil and criminal penalties for willful child labor violators; protect children under 16 from working in peddling or door-to-door sales; strengthen the authority of the U.S. Secretary of Labor to deal with "hot goods" made by children and shipped in interstate commerce; improve coordination and reporting among federal, state, and local governments on injuries and deaths of minors on the job; improve collaboration between the U.S. Labor and Agriculture Departments to enforce federal child labor laws; and preserve exemptions for minors working on family farms as well as those selling door-to-door as volunteers for non-profit organizations like the Girl Scouts of America.

So today, we should all celebrate that day one year ago when we took the high road and ratified ILO Convention #182. But we cannot rest on our laurels. In the next Congress, we've got to re-dedicate ourselves to restoring the childhoods of millions of child laborers and lifting them up from the cruel hand that they and their impoverished families have been dealt.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. ALLARD. Mr. President, on December 7, 2000, the Senate approved H.R. 5640, the American Homeownership and Economic Opportunity Act of 2000. I earlier introduced S. 3274, the Senate companion to this legislation. Title IV of H.R. 5640 included several technical corrections to the Homeowners Protection Act of 1998. These technical corrections have no specific effective date attached to them. In my view, it is the expectation of Congress that lenders impacted by those technical corrections should have a reasonable period of time to make systems changes and conform administrative processes to the new law. This flexibility is important because the Homeowners Protection Act of 1998 does not authorize a Federal agency to provide implementing regulations.

ADDITIONAL STATEMENTS

REMEMBERING ALAN EMORY

• Mr. MOYNIHAN. Mr. President, Alan Emory, who for nearly half a century covered Washington for the Watertown Daily Times, passed away on November 27. Known for years as "the Dean" of the New York press corps, he was an indefatigable and prolific writer who often penned up to six stories a day in addition to a twice-weekly column. Even after retiring as bureau chief in 1998, he pursued stories with the same integrity and determination that first brought him to Washington in 1951. This past July, he broke the news that the Health Care Financing Administration intended to cut Medicare reimbursement for outpatient cancer care. Shortly thereafter, in a great part because of Alan's reporting, the plan was abandoned.

He was a dear friend, and he will be missed. I ask that the obituary from the Associated Press be printed in the RECORD.

The material follows:

Alan Emory, Longtime Washington Correspondent for Watertown Times, Dies

Washington—Alan Emory, Washington correspondent for the Watertown (N.Y.) Daily Times for 49 years, died Monday after a battle with pancreatic cancer.

He was 78.

Emory covered 10 presidential administrations—from Harry Truman to Bill Clinton—during his tenure in Washington. He began his career with the Times in 1947 in Watertown and also worked in the paper's Albany, N.Y., bureau before coming to Washington in 1951.

He specialized in Canadian border issues, founding a group of reporters from northern states that met regularly with Canadian officials. He also covered more than 1,500 White House press conferences, traveling to Russia, China, Canada and South America.

A former president of Washington's famed Gridiron Club, Emory penned many of the songs and skits that were performed in the club's annual spoof of the Washington political scene.

In 1956, he was elected to the Standing Committee of Correspondents of Congressional Press Galleries. He was elected to the Hall of Fame of the Washington chapter of the Society of Professional Journalists in 1979.

Emory graduated from Harvard University and received a master's degree from Columbia University's School of Journalism. He spent almost three years in the U.S. Army.

Emory was diagnosed with pancreatic cancer early in 2000. He continued with his political writing, sometimes also writing about his struggles with the health care system.

Sen. Charles Schumer, D-N.Y., called Emory "a giant."

"He practiced journalism the way it should be practiced with integrity and honesty," Schumer said Monday. "Whether you liked the story he was writing or not, you always knew it was going to be fair and honest."

Emory died at his home in Falls Church, VA.

He is survived by his wife, Nancy Carol Goodman.•

PASSING OF JAMES RUSSELL WIGGINS

• Ms. SNOWE. Mr. President, I rise today to pay tribute to a beloved adopted son of Maine, James Russell Wiggins, whose life brought tremendous pride to our State, credit to the profession of journalism, and joy to all those fortunate to have known him.

For all of us, a great many people pass through our lives. Few clearly and completely present us with the qualities to which we instinctively know we should aspire. Few truly define and embody the standards to which all of us should hold ourselves, and it is a blessing when we find them.

James Russell Wiggins was instantly recognizable as such a person, and I was blessed to have found him nearly 23 years ago. While his heart has ceased to beat after nearly 97 extraordinary years, his spirit continues to enkindle the hearts of all those whose lives he touched with his warmth, his enthusiasm, and his generosity.

Russ Wiggins cast his light most broadly and brightly through the medium of the printed word, and perhaps most prominently in his 20-year career with The Washington Post. Difficult as it may be to believe today, there was a time when the Post was not widely held in high regard, even in its own hometown. That the Post is internationally recognized today is a testament to the vision of a man for whom the public's right to the best possible information was paramount and integral to the health of our democracy.

Eventually reaching the position of editor, Russ Wiggins' stamp remains on every new edition of the Post. As Stephen Rosenfield, former editorial page editor of The Washington Post, wrote after Russ Wiggins' passing, he "brought to the Washington Post a passion for newspapering and an unrelenting dedication to the public good . . . (he) set for his staff an unmatched standard of personal decency and integrity."

Just a few weeks shy of his 65th birthday, and his planned retirement from the Post, Russ Wiggins was tapped by President Johnson to serve as U.S. Ambassador to the United Nations. What would normally be a fitting and distinguished finale to a long and productive working life would become only a prelude to his passion for the years that remained—a weekly newspaper called The Ellsworth American in Ellsworth, Maine.

Russ moved to the state in 1969, and became publisher and editor of The Ellsworth American shortly thereafter, building it into one of the most respected weekly newspapers in Maine and the Nation, and a great treasure for both the community and our state. As if that were not enough for a man "in retirement", he also became an active and integral member of his new community of Brooklin, lending his boundless energy and enthusiasm to a variety of civic causes.

I first met Russ Wiggins during my first campaign for Congress in 1977 at an editorial board meeting at the paper. He put me immediately at ease with his remarkable personality and wit, and I was immensely impressed with his extraordinary depth of knowledge.

As I would come to discover, Russ Wiggins had an appetite for learning for which the term "voracious" may well be an inadequate description. He loved ideas, and loved testing his ideas against the opinion of others. He exemplified the concept of disagreeing without being disagreeable—he was the definition of a gentleman, and a practitioner of the kind of civility that all-too-often seems an old fashioned notion these days but, in reality, is needed now more than ever.

His excitement over knowledge was infectious, never pretentious. If he was energized by a book he had just read, he would implore others to do likewise. He challenged people not only to assess their own beliefs, but to risk undermining those beliefs with the addition of new facts, new arguments, and new ways of seeing the world. In short, he enriched the minds and souls of all those who knew him, and encouraged everyone he met to rise to their potential.

On that day when I first met Russ, an Ellsworth American photographer chronicled our discussion, particularly my reaction to Russ' comments. The images from that meeting later formed the basis of my first campaign poster—which hangs today in my Washington office and serves as a reminder of the time I spent with him and the example he set for the rest of us. And what a tremendous example that was.

Russell never strayed from his beliefs and integrity, as demonstrated by the high regard with which he was held among his contemporaries. And with his unparalleled skill, he captured the essence of the people he called his neighbors.

During his time with the Ellsworth American, he was able to bring out not just the news of Ellsworth and Hancock County, but also to convey the sensibilities and nature of a special region. Perhaps it is the fact that Russ saw and experienced so much of the world, that he continually showed that the rural coastal setting of Downeast Maine is anything but circumstanced. Whatever the reason, those of us in Maine are especially fortunate that he let us see the dynamic world through his eyes.

Throughout it all, James Russell Wiggins was comfortable in any company, not because he changed his stripes to suit the occasion, but because the essence of the man was always his generosity of spirit—and it was apparent for all to see. He shared what he knew not to elevate his own standing, but rather to elevate the standing of others. He voiced his opinions not to hear himself talk, but rather to advance the level of debate. He searched for the truth not in service to his own ends, but rather in service to humankind.

With his life having touched so many so deeply, it is no surprise that his death has done the same. Columns were written by those with whom he had worked. Katherine Graham, chair of the executive committee of The Washington Post, wrote a special piece eulogizing Russ and thanking him for his service. And letters to the editor expressed the sense of loss we all have felt in the wake of this giant's passing.

So it is with a heavy but grateful heart that I pay whatever humble tribute I might to this great man whom I was privileged to know. How fortunate we are that he lived—and how deeply we will miss him in our lives. I ask that a number of articles that have appeared in the newspapers regarding Russ Wiggins be printed in the RECORD.

The articles follow.

[From the Washington Post, Nov. 20, 2000]

THE EVOCATION OF EXCELLENCE

(By Katherine Graham)

Russ Wiggins, good steward, farseeing guide of The Post for 21 years.

Russ Wiggins's death yesterday leaves a large hole, so great was his embracing personality and a life lived vigorously until five months ago, when his brave heart started to weaken and then gave out.

I feel grateful to Russ because he quite literally created The Post we know today. The Pentagon Papers and Watergate received so much attention that most people don't realize what Russ accomplished.

When my father purchased The Post in 1933, it was the fifth newspaper in a five-newspaper town. He set out to improve The Post and make it viable because he believed Washington deserved a top-quality morning newspaper. However, it was difficult to get people to come to work for a paper most people assumed would fail. My father had found a good, old-fashioned, blood-and-guts editor, who began to make some progress. But clearly more was needed.

When my husband, Phil Graham, became publisher after the war, he and my father tried to find a serious editor and leader for the future. They heard of Russ Wiggins, who had been editor of the paper in St. Paul, Minn., where he'd made quite an impression. When some people accused its owner-publisher of being dependent on Russ, the man had walked into the newsroom and summarily fired Russ.

My father and Phil asked Russ to come to The Post, but he elected instead to go to the New York Times as assistant to the publisher. A year later they went back and persuaded Russ to change his mind. He arrived in 1947 and stayed for 21 years.

Russ immediately made several changes that had a significant impact on the quality and integrity of the paper. First, he eliminated taking favors—free tickets for sports reporters, free admissions to theaters for critics and parking tickets fixed by police reporters for people all over the building. This sounds elementary, but in those days it was done everywhere.

One of Russ's most heroic accomplishments was to lead the way in civil rights. He stopped the use of irrelevant racial descriptions. He printed the first picture of an African American bride. He started hiring minority reporters. This took courage in those days.

Despite the paper's precarious financial situation, Russ and Phil together began to assemble a fine staff—attracted by Russ's won professional standards and hard work. He set the example. He worked seven days a week, if necessary, and rarely took vacations.

Over the years, Russ stood up to many threats to the paper, and he and Phil overcame many obstacles. Not the least was my mother, whose correct but inflammatory political passions encouraged charges of red-baiting. As we grew more successful, Russ built up a national and foreign staff.

His ambition for the paper, Russ told me, "was unachievable. But how do you lift an institution except with unachievable ideals? If your ideals are so low you can achieve them, you ought to adjust them," he said.

When my husband became mentally ill with manic depression, Russ had to withstand Phil's destructive impulses. When Phil died, Russ held the staff together and encouraged my coming to work. Then he had to teach me how to understand editorial and news policy, which didn't happen overnight. Russ was very patient.

One of the first major issues we confronted was the Vietnam war. Russ was a thoughtful and sensitive hawk; he believed the country's reputation was at stake if we abandoned our allies. At one point, President Johnson said one of Russ's editorials was worth two divisions. Russ was never personally hostile about issues. This enabled us to get though this difficult period.

At all times, Russ was a voracious and learned reader. He often would thrust books at all of us, tell us we had to read them, and check in a day or two to see if we had finished. Just a few years ago, Russ informed me in a letter that he had just completed Soviet Ambassador Anatoly Dobrynin's autobiography, was up to Volume 4 of Edward Gibbon's "Decline and Fall of the Roman Empire" and also had read the 35,000-word Unabomber manifesto. It was repetitious, Russ commented.

Russ set a deadline for himself to retire at 65. A few months before, President Johnson nominated him as ambassador to the United Nations. Russ insisted on leaving without much ceremony.

Then Russ did the most admirable thing of all: He went to Ellsworth, Maine, where he had vacationed, bought the paper there and built it up into one of the most distinguished small papers in the country. He wrote a poem for it every week. And he never lost his creative editorial spirit. To point out the deficiencies of the post office, for instance, he mailed a letter to Ellsworth from a neighboring town and had two oxen pull a cart that beat the letter.

Even after he'd left The Post, Russ remained one of our most interested readers and staunchest supporters. Shortly after the Janet Cooke story erupted, Russ came to a meeting of the American Society of Newspaper Editors, where we were being drubbed right and left. With his usual wry humor, Russ said, "I feel great about the state of the American press. Every editor I saw assured me this couldn't have happened at his paper."

Russ lived his entire life according to the highest intellectual and moral standards, with great humor and compassion for others, and with panache. He was thoughtful—I would even say brilliant. The words he evokes are "excellence" and "integrity." He had fun and he gave it to others. He was a teacher and a friend to the very end.

[From the Washington Post, Nov. 20, 2000]

JAMES RUSSELL WIGGINS

Almost the minute he took over as managing editor of this newspaper in 1947, James Russell Wiggins jolted the city room staff with his passion for rectitude and integrity. No more freebies, he decreed, not even movie passes for copy aides. No more fixing of tickets at police headquarters. These were not the crotchety preachings of a fuddy-duddy; Russ Wiggins, who died yesterday at the age of 96, was a vigorous and engaged editor who cared deeply about ethical standards, old-fashioned honesty and the importance of a free and independent press. During his 21-year stewardship here, his enthusiasm for the competitive pursuit of information was girded by an insistence on fairness.

Today the news and editorial departments at The Post are independently managed. In Mr. Wiggins' day, though, both fell under his exacting command; he took care to maintain a sharp delineation. "The ideal newspaperman," he told the staff, "is a man who never forgets that he is a reporter . . . not a mover and shaker. . . . Nothing could be more alarming or dismaying to me . . . than to encounter repeatedly the suggestion that the reader knows from the news columns what the views of the newspaper are." The reporter ought to have the commitment "of the honest witness, the fair narrator," he said.

A largely self-educated, extraordinarily well-read man who never went to college, Mr. Wiggins kept reporters and editorial writers alike on their toes—quizzing them on findings, recommending books and suggesting further questions or research. Cartoonist Herblock remembers showing sketches to Mr. Wiggins, who might argue about the views and then say, "God knows, I tried to reason with you"—and let them go.

Mr. Wiggins' own editorial views, often churned out in bunches on a given day, were no fence-sitters. He railed against the evils of gambling, the dangers of a large national debt, restrictions on the press and the slowness of mail service.

Mr. Wiggins left the Post more than three decades ago. But that's not to say he retired. As publisher of the Ellsworth American in Maine, Mr. Wiggins worked and wrote and read on; and he kept up correspondence with this newspaper, exchanging ideas, complimenting an occasional piece and reprimanding us for certain stands taken.

We paid attention, too. To the end, Russ Wiggins was extraordinarily important to this newspaper.•

TRIBUTE TO MICHAEL H. DETTMER

• Mr. LEVIN. Mr. President, I wish to pay tribute to a fine public servant, Michael H. Dettmer, on his retirement.

Since January of 1994, Mike has served diligently as the United States Attorney for the Western District of Michigan. During his seven-year tenure, his office obtained more than 2700 convictions and helped lead numerous crime fighting initiatives in the District involving Federal law enforcement's support, leadership and participation.

Among his impressive accomplishments are the task forces and partnerships he helped create and foster to combat drugs and violent crime. A few of those specialized partnerships are the Methcathinone Task Force, the Benton Harbor Violent Crime Task Force, the Health Care Fraud Task Force, the Western Michigan Environmental Task Force and Project Exile.

Mike is also to be credited for reinvigorating the Law Enforcement Coordinating Committee/Victim-Witness unit of the U.S. Attorney's Office. Since 1994, this unit has adopted an elementary school in the Grand Rapids public school system, participated in the D.A.R.E (Drug Abuse Resistance Education) and D.E.F.Y (Drug Education For Youth) programs, and sponsored more than 80 training programs covering all aspects of law enforcement. In addition, under Mike's leadership, four additional sites to the Weed and Seed Program have been created, making the Western District of Michigan's program one of the largest initiatives among any Federal District in the United States.

In recognition of his efforts, in 1998, Mike was honored by the Department of Justice Programs Director and Assistant Attorney General Laurie Robinson for his work in the area of crime prevention and reduction. In addition, in the year 2000, Mike was honored by the national Executive Office of Weed and Seed with it's "Creating Healthy Communities" Award and by the City of Benton Harbor with the presentation of its "Key to the City" Award.

Of course, his many achievements could not have been attained without the love and support of his wife of more than 30 years, Teckla, and their children, Janna and Bryn. Mr. President, I know that the members of the Senate will join me in congratulating Mike on a job well-done and thanking him for his service to the people of Michigan.•

A TRIBUTE TO PERCY HILL

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Percy Hill, an accomplished school teacher from Andover, NH. Percy was recently honored at the Disney American teacher Awards, as one of the 33 honorees selected from a group of 70,000 who were chosen for their creativity in the classroom as well as their teaching accomplishments.

Growing up in New England, Percy developed his love for athletics as well as children, spending the past 10 years coaching the Unicycle Team. Working around the clock, he has coached these champions to new levels. They have performed in the Macy's Thanksgiving Day Parade, the Fiesta Bowl Parade, the Strawberry Festival of Virginia and even have gone international, performing in Canada.

Not only has Percy given his time and energy to coaching, but he has spent countless hours raising the funds for the team's traveling expenses. Percy has managed to fund one hundred percent of all of the trips through massive fund raising efforts, allowing all children to go regardless of their situations outside of practice. He has proven time and time again to be a valuable asset not only to the team, but the community of Andover as well.

Aside from Percy's work with the unicycle team he also finds time to volunteer referee both basketball and soccer, proving once again, that Percy Hill puts his dedication to the youth of America at the top of his priority list. He is to be commended on his commitment to Andover Elementary and Middle School, and those students which attend it.

The Disney American Teacher Awards were developed as, "A way of honoring members of the teaching profession, whose talent, commitment, and creativity have a profound and lasting impact on our children as well as our society as a whole," according to Michael D. Eisner, CEO of Disney. All of Percy Hill's actions speak volumes of his commitment and impact on the children of Andover, NH. It is an honor to represent him in the Senate.•

HONORING MARILYN HERZ AS SOUTH DAKOTA'S TEACHER OF THE YEAR FOR 2001

• Mr. JOHNSON. Mr. President, it gives me great pleasure to honor Marilyn Herz, a sixth grade language arts teacher from Rapid City, who has recently been named South Dakota's Teacher of the Year for 2001.

Marilyn currently teaches at West Middle School in Rapid City and has taught various grade levels in the Rapid City Area School District since 1983. She has devoted an impressive 22 years of her life to teaching elementary school.

Marilyn's greatest service to our community lies in her devotion as an educator to her students. She deserves the greatest praise both from the families of these young individuals, and from all those whose lives she will touch. Her efforts are an invaluable investment in South Dakota's future and we are all truly blessed to have her in the classroom.

In a true testimony of Marilyn's devotion and love for teaching, she commented that her greatest contribution to education is simply that she has given, and will continue to give, all the caring, commitment, and compassion that she has within her to guide students to succeed academically, emotionally, and socially.

Marilyn also makes extra efforts to see that her classes are learning to their potential and preparing themselves for the demands of the 21st century. A true veteran in the field of education, Marilyn's efforts to increase the credibility of teaching as a profession is designed to entice and encourage a new generation of students into following her in this most honorable profession.

Marilyn will now proceed to the national competition for Teacher of the Year. I express my appreciation for the Rapid City Public School Foundation for sponsoring the Teacher of the Year program in the Rapid City School District. As well, I congratulate all of the South Dakota teachers nominated this year.

I commend Marilyn for her outstanding service to the youth of our community. Congratulations and thank you, Marilyn, for your commitment to excellence and dedicated service to your students, your community, and to South Dakota.•

AMBASSADOR DAVID HERMELIN

• Mr. ABRAHAM. Mr. President, today I rise to pay tribute to the memory of an outstanding leader, a philanthropist who knew no limits, and a distinguished public servant whose integrity and decency made him a role-model to all who knew him. A few weeks ago, we in the State of Michigan mourned the passing of Ambassador David Hermelin. I suppose it is a little presumptuous to suggest that only the State of Michigan beams with pride in our association with Ambassador Hermelin, for the organizations that he led, the political leaders he counseled, and the communities to which he dedicated his life, literally span the globe.

Against that backdrop, I will submit for the RECORD excerpts of eulogies—as they were reported in the Detroit Jewish News—by Rabbi Irwin Groner of Congregation Shaarey Zedek in Michigan, Brian Hermelin, Jon Gundersen, deputy chief of the American Embassy in Norway, and U.S. Agriculture Secretary Daniel Glickman.

But before I submit these eulogies, I would just like to take a moment to reflect on the first time I really had a chance to get to know Ambassador Hermelin and the impact he had on me. It was shortly after President Clinton had nominated him to serve as our nation's top diplomatic representative in Norway. As protocol dictates, David contacted his U.S. Senators to seek our support. And while David Hermelin and I did not always see eye-to-eye on the domestic political issues of the day, we agreed to meet to discuss his confirmation process.

While I had heard many things about David before that meeting—about all the charitable causes he had led, about his close relationships with top government leaders in the United States and Israel, about his successful business career—I never could have expected to be drawn to the orbit of David's warmth, energy, kindness and wisdom, in the way that I was.

From the moment we met that afternoon in my office, we forged a friendship, that developed further during our interactions through his Senate confirmation process, when I was proud to testify on his behalf and urge my Republican colleagues on the Foreign Relations Committee to waste no time in ushering this fine man's nomination through the Senate.

And our friendship even deepened further over time. For even though he and I came from opposite sides of the political aisle, I found myself seeking his advice and counsel from time to time.

Sometimes it was his thought provoking perspective on developments in this Middle East, or the insights he had gained the being an active participant in U.S. foreign policy as Ambassador to Norway. Other times it was his advocacy for both the Detroit and American Jewish communities, or his tireless philanthropic efforts in Michigan. Whatever the topic, no matter when we met, it was impossible to not benefit in some way from David Hermelin's wisdom, or his contagious energy and passion for life.

I feel blessed that I knew David Hermelin for the short time that I did. I cannot begin to even imagine the scope and depth of impact he had on the people closest to him. So my heartfelt sympathies and condolences go out to his dedicated and compassionate wife, Doreen, and his devoted, caring, and decent children, grandchildren, nieces, and nephews, many of whom I have had the pleasure of getting to know as well.

In closing, Mr. President, I would like to refer to the description of James Madison, another great American, by one of his biographers, in which Madison was summed up this way: "When you called on him, he was always home."

Well, I think that's how David Hermelin could be described as well by everyone he touched. No matter who it was that called on his help and on his leadership—the Jewish community, numerous charitable causes, the State of Michigan, the United States Government, the people of Norway, the State of Israel and most importantly, his family—whenever you called on David Hermelin, he always took your call, and he was always ready to lend a hand.

I am better for having known David Hermelin. He was not only an outstanding leader and generous giver in every way possible, but he was also the kind of individual everyone would want as a neighbor. He will be deeply missed.

I ask that the above mentioned excerpts be printed in the RECORD.

The material follows:

Excerpts from the Detroit Jewish News

DAVID B. HERMELIN, SAYING GOODBYE

A BELOVED LEADER GETS AN EMOTIONAL FAREWELL AT SHAAREY ZEDEK

David Hermelin was remembered by more than 2,500 people whose lives he touched at his Nov. 24 funeral. it was held in Southfield at Congregation Shaarey Zedek—the synagogue he had served as president. Afterwards, some 150 cars formed a procession for the interment at Clover Hill Park Cemetery in Birmingham.

Mr. Hermelin, of Bingham Farms, died of brain cancer Nov. 22, 2000 at age 63.

Delivering the eulogy was his friend of 41 years, Shaarey Zedek Rabbi Irwin Groner. Also speaking were Jon Gundersen, deputy chief of the American Embassy in Oslo, Norway, where Mr. Hermelin served as ambassador; U.S. Agriculture Secretary Daniel Glickman; and Mr. Hermelin's son, Brian.

Speaking first, Gundersen said he has just conveyed to Mr. Hermelin's wife, Doreen, messages from the royal family of Norway, from the U.S. Secretary of State Madeleine Albright, from the Norwegian ambassador and consul general, from the prime minister of Norway and from the foreign minister.

"I've just arrived from Norway, and it seems the entire nation sends to David and Doreen their greatest condolences," Gundersen said.

"David and Doreen represented the very best of America and what we stand for. Faith, honesty, openness, tolerance, love. David, your embassy family and indeed an entire nation will miss you. You will be in our hearts forever."

Glickman, like President Bill Clinton, has known the Hermelins for many years. He shared a letter the president sent to Mrs. Hermelin, which read, in part:

"David loved life. And he made sure that everyone around him shared that love. I will always cherish his friendship and support and remember with gratitude his exceptional service as our ambassador to Norway.

"He left the world a better place than he found it. And no one could ask for a finer legacy

"Hillary and I are keeping you and your family in our thoughts and prayers."

Brian Hermelin then gave an emotional, personal tribute to his father.

"The thing about us that made us feel the most special was that he was our dad," Brian said. "Just being able to be with him at the intimate family settings allowed the full bright glow of one of God's brightest lights to shine on us and provided a comfort and security which is irreplaceable."

Brian added, "He just knew how much fun it was to be alive. And he was sure if you were with him, you would know how much fun life could be, too.,

"We took such pride in his accomplishments with him," Brian said. "We were all equally amazed at how far and how much he accomplished because we know how he saw himself, just a regular kid from Pasadena [Avenue in Detroit]. He made it all seem so within our reach—the accomplishments, the friends, the admiration, the fun. Just go out there with that positive, can-do attitude and you can have all that, too."

Rabbi Groner mourned his friend, whose influence was felt from the sanctuary of the synagogue to the far reaches of the world stage.

"When a true leader goes, can he be replaced?" the rabbi asked. "Woe is the army that has lost its captain.

"We will miss him. He will miss his hearty welcome, he warm laugh, his quick wit, his words of encouragement, his shared exuberance.

"When David came into a room, his luminous presence was immediately felt," Rabbi Groner added. "He was so vital, so filled with energy, so magnetic that he seemed indestructible.

"Once you came to know David, your life changed. You laughed more, you felt more, you cared more, you gave more.

"To have known David was to have warmed your hands at the central fire of life.

"For David Hermelin, service, benevolence, mitzvot was the very essence of his life," said the rabbi.

"David gave us a great and blessed gift. He taught us how to dream a glorious dream."

Mr. Hermelin is survived by his wife, Doreen; son and daughter-in-law Brian and Jennifer Hermelin; daughters and sons-in-law Marcie and Rob Orley, Karen Hermelin Borman and Mark Borman, Julie Hermelin Frank and Mitchell Frank, Francine Hermelin Levite and Adam Levite; and grandchildren Matthew, Alex, Jason and Olivia Orley, Max and Isabel Hermelin, Asa Levite and Madeline Borman.

Also suriving are sisters and brother-in-law Henrietta Hermelin Weinberg, Lois Shiffman and Terran and Roger Leemis; brothers-in-law and sisters-in-law Eugene and Suzanne Curtis, Reggie and Dr. Robert Fisher and Mitchell Curtis; and mother-in-law Anna Curtis.●

CAROL BROWNER TRIBUTE

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Carol Browner, the longest-serving Administrator in the history of the U.S. Environmental Protection Agency and one of the people with whom I have been most honored to work. I can think of no finer role model for young women, or young men, considering a career in government today than Carol Browner. Since she came to the EPA seven years ago, she has set a gold standard for public service and for protection of the public's health. A dedicated advocate for the environment, she has never neglected her responsibility to protect and preserve the water, land and air that our childrens' children will inherit from us.

Carol Browner has been a tireless advocate for the environment and made significant contributions in every area that the EPA touches. As just one example, Administrator Browner set up a childrens" office at the EPA for the first time, signaling her commitment to strengthening the ties between the environment and children's health. Under Administrator Browner's control, the EPA began to take children into account when developing air and water safety standards, such as the Safe Drinking Water Act. The Food Quality Protection Act was the first law that made health of children, rather than adult males, the benchmark for evaluating safety. These two acts are monuments to Carol Browner's dedication to the environment and to children.

To better protect our nation's surface waters, Administrator Browner was a principal architect of the Clinton Administration's Clean Water Action Plan. One component of this program was to increase the public's knowledge about the potential health threats from swimming in contaminated waters at our nation's beaches. Under her leadership, EPA established a publicly-accessible Internet site containing information about water quality and beach closings across the nation. Administrator Browner and I worked closely together to strengthen the water quality standards for our nation's coastal recreation waters, and to assist states in setting up beach monitoring and notification programs. Our efforts were successful through the enactment of Public Law 106–284, also known as the "Beach Bill."

Through the Clean Water Action Plan, Administrator Browner demonstrated her ability to take on the tough fights and to do what was right for the environment. Under her leadership, EPA adopted policies to reduce polluted runoff from factory farms and from aging urban wastewater systems, and helped obtain the funding to implement these controls.

As a proponent of corporate responsibility and the citizen's "right to know," an area of particular interest to me, Administrator Browner, the law and EPA's implementation of it, effected a 50 percent drop in the rate of industrial emissions, without creating any new regulatory mandates. As another example, Administrator Browner fought to limit the industrial pollution generated by coal fire plants in Midwestern states that contributed to air pollution in New Jersey. Under Administrator Browner and President Clinton, the EPA has both vigorously enforced environmental laws and reached out to industry to find creative new incentives and environmental results. This is the kind of leadership that Democrats and Republicans can both rally around.

Perhaps most importantly to my home state, during Administrator Browner's nearly eight-year tenure, the Superfund Program has completed three times the number of waste site cleanups than in its previous twelve years. She helped keep Superfund strong, and held fast to the belief that justice and the environment are best served when polluters pay to clean up the messes they create, even while she strove to improve the program and accelerate clean-ups. I was honored to share the stage with Administrator Browner recently at Pepe Field in Boonton, New Jersey, which was Superfund's 750th clean-up. What was once a malodorous eyesore is now a thriving community park. Pepe Field is but one of many Superfund success stories under Administrator Browner's leadership.

With her oversight of the Brownfields program, Carol Browner has demonstrated the vital ties between a healthy environment and a healthy economy. Revitalizing these sites created more than 8,300 construction jobs. And once the work was done, another 22,000 jobs were either created or retained. Much of this economic revitalization happened in communities in need, where per capita incomes averaged just over $10,000 a year, versus a national average of almost $14,500. This program brings both environmental and economic justice to these neighborhoods. Communities once on the verge of despair are back on the road to revitalization, thanks to Carol Browner.

Carol Browner is one of the best friends this nation's environment has ever had. As I prepare to leave the Senate, I will remember her for many things, but most of all for her optimism, her commitment, and her integrity. I thank her for her work and salute her accomplishments.●

FIFTIETH ANNIVERSARY OF THE ABILENE PHILHARMONIC ORCHESTRA

● Mrs. HUTCHISON. Mr. President, I would like to take this opportunity to note a very important event for the city of Abilene, Texas. On December 2 of this year, the Abilene Philharmonic Orchestra celebrated its 50th anniversary. This is one of Abilene's oldest performing arts organizations. This great symphony orchestra enriches the cultural life of this city in a unique way. It has drawn top quality musicians to this wonderful city. Abilene is now a city where talented musicians can also teach and perform. When the Philharmonic started in 1950, concerts were held in the old Abilene High School with audiences of less that 100 people. Now, the Abilene Philharmonic

Orchestra performs in the Abilene Civic Center with crowds averaging 2,000. I would not only like to acknowledge this organization for their 50th anniversary, but also the enormous impact they have had on the Abilene community.•

TRIBUTE TO LIEUTENANT COLONEL MICHAEL BLOOMFIELD, USAF

• Mr. LEVIN. Mr. President, I rise today to recognize and pay tribute to Lieutenant Colonel Michael Bloomfield, USAF. Lieutenant Colonel Bloomfield was the pilot of the space shuttle Endeavor during its recent 11-day mission to make repairs to the International Space Station Alpha. One of the highlights of this mission was the installation of new solar wings to provide electricity for the astronauts and cosmonauts who live and work there. These solar panels are 240 feet from tip to tip, the longest structure deployed in space.

Lieutenant Colonel Bloomfield was born in Flint, Michigan. He graduated from Lake Fenton High School, and still considers Fenton, Michigan, as his hometown. He attended the United States Air Force Academy, where he was captain of the United States Air Force Academy Falcon Football Team. He received a Bachelor of Science Degree in Engineering Mechanics from the Air Force Academy, and a Master of Science Degree in Engineering Management from Old Dominion University.

Lieutenant Colonel Bloomfield was trained as an F-15 Fighter Pilot, and has been assigned to NASA since 1995. This was his second space flight. His first flight was a mission to rendezvous and dock with the Russian Space Station Mir to exchange U.S. crew members.

Mr. President, we in Michigan are proud of Lieutenant Colonel Bloomfield's record as a NASA astronaut. I know my Senate colleagues join me in congratulating Lieutenant Colonel Bloomfield for his outstanding service to our nation.•

CONRAD N. HILTON AWARD FOR CASA ALIANZA

• Mr. KENNEDY. Mr. President, it is a privilege to bring to the attention of the Senate the excellent work that an impressive organization in Costa Rica is doing to address the tragic problem of street children in Central America. The organization, Casa Alianza—a subsidiary of Covenant House in New York—is headquartered in Costa Rica. It was founded in 1981, and provides services for thousands of homeless children, ages six to eighteen, offering shelter, food, medical care, and educational opportunities.

The extraordinary work of Casa Alianza was recently honored by the Hilton Foundation, when it received one of the world's most prestigious humanitarian awards, the Conrad N. Hilton Award.

At the ceremony in Geneva, Switzerland to present the award, Queen Noor of Jordan praised Casa Alianza. As she stated, "The phenomenon of street children is global, alarming and escalating. Estimates are that today are 100 million children living on the world's streets. Casa Alianza deserves the Hilton Humanitarian Prize for being the voice and the defender of this helpless and unprotected segment of society and for its important work to stop the human rights abuses inflicted upon them."

In accepting the award, Bruce Harris, executive director of Casa Alianza, said, "Street children are often the victims of violence, but what is even more hurtful to them is society's indifference. . . . The prize money will feed and shelter many more abandoned children, but the recognition will feed their souls."

Mr. Harris was recently profiled in the book Speak Truth to Power: Human Rights Defenders Who Are Changing Our World, by my niece, Kerry Kennedy Cuomo.

I join in commending Casa Alianza for this well-deserved award and for its pioneering work. These children desperately need help, and Casa Alianza is providing it. At great risk, including facing death threats and armed on its facilities, Casa Alianza and Bruce Harris are acting effectively on behalf of these needy children. They deserve our praise, our thanks, and, most importantly, our support. •

HONORING GERVASE MILLER

• Mr. DORGAN. Mr. President, as America honors and remembers those who have served in our armed forces, I want to recognize the service of Mr. Gervase Miller, a North Dakota native who served his country during World War II. Mr. Miller was drafted into the Army in September 1942 and was away from home while his wife was pregnant with their first child. Although deaf in one ear, Mr. Miller served with distinction for more than three years in China, Burma, and India.

Mr. Miller was a part of the 1575th Heavy Shop Engineers, a group of men who helped to build roads in Burma and then drove heavy supply trucks in this dangerous territory. Throughout his service in the Army, Mr. Miller earned three Battle Stars and one Bronze Star for his heroic actions.

He finally came home for good in December 1945. He was discharged as a Technician, 5th Grade. It is men like Gervase Miller who won World War II for the Allies and helped to guarantee the rights and freedoms that we all enjoy today.

Today, Mr. Miller lives in Parshall, North Dakota, with his wife Bernice. They have four children and 9 grandchildren. As his family gathers for Christmas this year, I want to send out warm holiday greetings to him and a word of appreciation for his service to our country more than 50 years ago.•

THE NATIONAL HUMANITIES MEDAL FOR VIRGINIA DRIVING HAWK SNEVE

• Mr. JOHNSON. Mr. President, I rise to congratulate Virginia Driving Hawk Sneve for being awarded the National Humanities Medal for 2000 presented to her by the President of the United States. Virginia is the first South Dakotan to receive this prestigious award, and I am pleased that she is being recognized for her extraordinary contributions as an author, a counselor, and a teacher.

As you know, the National Humanities Medal honors individuals whose work enhances the nation's understanding of the humanities while also preserving Americans' access to important resources about their history and society. The humanities preserve the voices of generations through history, literature, philosophy, religion, languages, and archaeology. However, the humanities are not simply records of past eras; they are an essential part to the development and understanding of our current culture and definition of who we are as Americans.

Born on the Rosebud Indian Reservation in South Dakota, Virginia Driving Hawk Sneve has become one of the nation's preeminent storytellers. Virginia's stories often come straight from her experiences growing up on the reservation and help give an accurate portrayal of her ancestors' lives in the Dakotas. Her children's books have won numerous awards, including national competitions for minority children's books, because of their unique and poignant mixture of recorded events and imagination.

Virginia has also given us valuable works of literature about the American Indian written from the female perspective. In her award-winning work, Completing the Circle, Virginia breaks the historic mold of denoting Native American women either as "princesses like Pocohonta or noble savages like Sacagawea." The result is an educational account of the strengths and weaknesses of the Sioux culture from the female point of view. Virginia's research and writings have helped others to understand the high level of esteem held by the Sioux for women—a lesson from which Native American society and non-Indian cultures can draw guidance and appreciation.

I applaud Virginia for the literary works she has given us and for her continued teaching, counseling, and mentoring in South Dakota. Virginia's words, either on paper or in person, have opened a nation's eyes to the lives of Native Americans and will prove to be the foundation from which other Native American writers, especially women, will continue to explore their unique heritage and society. Virginia Driving Hawk Sneve is a national treasure and the pride of South Dakota.•

TRIBUTE TO F. FRED GOROSPE

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the life and work of a truly remarkable American and long-time Detroit resident, Fred Gorospe. Born in 1902 in the Philippines, he pursued a dream to journey to America and become part of this great democracy. He overcame many obstacles as a young immigrant, and eventually was able to study mechanical engineering at Purdue University, becoming one of only three minorities hired into the engineering department of the Ford Motor Company not long after the Great Depression. He devoted himself to community and public service, and helped pave the way for many Filipino Americans like himself to assimilate into the mainstream of American life. Fred enjoyed a full life of 97 years and had the good fortune of having a loving wife, Helen, and a caring family that includes four sons and four daughters, and 10 grandchildren. He is well-remembered for his great sense of charity, and his unshakeable faith that people working together can make a difference.

In his lifetime, Fred provided leadership to numerous organizations, including the Federation of Filipinos of Michigan, Michigan Democratic State Central Committee, Advisory Council of Wayne County Community College, Advisory Board and Board of Directors of Detroit Area Agency on Aging, Board of Directors of the International Institute of Metropolitan Detroit, President of Far Eastern Festival of Detroit, Steering Committee of Ethnic Festivals of Detroit, cofounder of Fil-Am Association, and member of the University of Michigan and American Assembly of Columbia University on Philippine-American Relations. Fred made a significant contribution to Detroit's culture, and helped to bridge understanding of and appreciation for diversity. He worked hard to advance equal opportunities for education and social and economic achievement, and promoted the American ideal of social justice.

I would like to express my admiration for the life and accomplishments of Fred Gorospe. We can all benefit from his example of courage, perseverance and leadership. Fred has left an indelible mark on Detroit's history and its community. His family can be proud of his legacy. I know my Senate colleagues will join me in paying tribute to Fred Gorospe, and in congratulating his family on his exemplary and principled dedication to helping and enriching the lives of others.•

TRIBUTE TO JOHN REDNOUR

• Mr. DURBIN. Mr. President, I rise today to recognize John Rednour, who has recently been named the millennium "Outstanding Citizen of the Year" by the Du Quoin Chamber of Commerce.

John Rednour has been a friend of mine for over thirty years. His life story is a fascinating tale of humble origins, a great family, hard work, and success. When others might have relaxed or retired, John and his life's partner Wanda continue to give to others every day. John's record as Mayor of Du Quoin is proof positive of his commitment to public service.

John Rednour has served as the Mayor of the City of Du Quoin, Illinois, for the past 11½ years, and his contributions to the city during his tenure have been outstanding. His hard work and dedication have had a tremendous impact on the city and its people, and it is only fitting that he be singled out for the City of Du Quoin Chamber of Commerce's highest honor.

During his time as Mayor, John Rednour has been instrumental in building new public facilities, including a city hall, library, and police department. These are just the beginning of the list of accomplishments in which Mayor Rednour has played the leading role. The strengthening of the infrastructure through water and sewer improvements may be among the less glamorous projects he has undertaken, but they are very important to Du Quoin. Over the years Mayor Rednour assured the safety of the community by fully staffing the Du Quoin police and fire departments. Also, during his administration, for the first time in the history of the 150-year-old city, Du Quoin has secured city wide fire protection.

John Rednour has also greatly increased the economic vitality of a city that is proud of its mayor. One of the ways in which he was able to boost its economic status was through the construction of the Du Quoin Industrial Park, completed with the aid of the Chamber of Commerce. Over the years, he has also helped to attract numerous businesses to the city, resulting in new jobs to the area. His actions have contributed to a fully staffed tourism commission that has helped to give Du Quoin a firm footing in the tourism industry in Southern Illinois. Mayor Rednour has helped Du Quoin through his ability to gain access to state and federal funding, which has helped the city to complete many of these important projects during his administration. His vision is transforming Du Quoin into a 21st century city.

In closing, Mr. President, all of these achievements, and many more, are the fruits of the labor of John Rednour. His dedication to his job as Mayor and to his city have made his administration a great success. I applaud John Rednour for his achievements and his many successful efforts to improve the quality of life for the citizens of Du Quoin.•

RETIREMENT OF RAY KAMMER

• Mr. HOLLINGS. Mr. President, those of us who have been around this town for a while know how much we and this government depend on our civil servants to get the really tough jobs done, to bring ideas to reality, and sometimes to even tell us when our ideas need some adjusting, shall we say. These people don't get much praise, at least not nearly enough.

One of the classic examples of a dedicated civil servant, Ray Kammer, is about to retire from government service after 31 years. Ray retires on December 29 as Director of the Commerce Department's National Institute of Standards and Technology, where he spent the vast majority of his career. I have known Ray for a good portion of that time, both from his work at NIST and from the time he spent at the Department's headquarters and the National Oceanic and Atmospheric Administration, NOAA.

In the late 1980's, the country called upon NIST, which used to be known as the National Bureau of Standards, to help industry rally and regain its competitiveness. It was a time when we first began facing severe competition from overseas. The Bureau's labs had a long-standing reputation for excellence, impartiality, and for working cooperatively with industry. Ray helped us to expand that mission by establishing NIST and adding the Advanced Technology Program, the Manufacturing Extension Partnership, and the Baldrige National Quality Program. It wasn't easy, but we got it done. Ten years later—with Ray's help—those programs have been tremendously beneficial for this country.

While at NOAA and during his time as Acting Assistant Secretary for Administration at the Commerce Department, Ray helped to stabilize several critical programs that needed the steady hand of an experienced manager. He was the Department's fireman of sorts, always being called on to help put out this fire, put out that fire, and to keep another one from breaking out. Even now, Ray is helping us take a look at how to improve NOAA's fisheries service.

I am sorry that we are losing Ray, especially at a time when NIST is just about to begin its centennial year and the agency will be getting a lot more attention and credit for all of the good work that its staff has done. I want to wish him my very best. I know that I am joined by others in this body who have had the pleasure of working with this dedicated public servant, Ray Kammer.•

CELEBRATING THE ACHIEVEMENTS OF SAINT JOSEPH'S HOSPITAL

• Mr. ROCKEFELLER. Mr. President, I rise today to celebrate the achievement of one of West Virginia's finest healthcare facilities, Saint Joseph's Hospital in Parkersburg, West Virginia. Earlier this month, Saint Joseph's was recognized as one of the top 100 hospitals in the United States in a prestigious study conducted by the HCIA-Sachs Institute in conjunction with the University of Michigan School of Public Health,. This is an enormous honor for one of West Virginia's critical health care providers.

St. Joseph's Hospital is an acute care regional healthcare facility. Located on the western edge of Wood County, the hospital's service area includes three counties in Ohio and eight counties in West Virginia, with a total population of 316,000. With the announcement of the top 100 hospitals, Saint Joseph's became the first facility in West Virginia to receive this great recognition.

I had the pleasure of visiting Saint Joseph's in October 1998, to partake in the ground breaking for their new $20 million extension. This extension has created over 100 new jobs at the hospital, adding to the 860 people already employed by Saint Joseph's. The extension replaced the physical facilities for surgical and emergency services, and consolidated the hospital's heart services.

The HCIA-Sachs study selects the top 100 hospitals based on five categories, depending on the number of beds and teaching status, and ranks them based on seven measures of clinical, operational, and financial performance. Saint Joseph's has been recognized as one of the top twenty large community benchmark hospitals, with more than 250 beds. The list encourages awareness of industry-wide benchmarks and the measurement of performance against peers. For example, the top hospitals have taken median average length of stay to a five-year low this year, and surpassed comparable hospitals in clinical quality measures, such as lower mortality and complications.

I find it highly gratifying that one of West Virginia's finest hospitals has been nationally recognized by this great honor. It is particularly striking that Saint Joseph's has been distinguished by a study with such very high standards as one of the top twenty facilities of its kind. I am so thankful to the Saint Joseph's Hospital's CEO Stephens Mundy, its doctors and nurses, and all of its employees for the amazing work that they continue to do to serve their community. The people of Wood County, West Virginia, and the surrounding areas, are indeed fortunate to have you as part of their community. Congratulations on this great achievement.•

SCIENTISTS AND PUBLIC SERVICE

• Mr. AKAKA. Mr. President, I rise today to call my colleagues' attention to the work of scientists around the country who are involved in guiding the federal government in issues relating to science and technology. As the ranking Democrat on the International Security, Proliferation, and Federal Services Subcommittee, I know the importance of these men and women who support our nation's ability to make informed science policy decisions.

Throughout this Congress, the Governmental Affairs Committee has held extensive hearings on the challenges facing the federal government to ensure adequate staffing levels in the face of aggressive competition from the private sector for skilled employees. A common theme of these hearings is the shortage of information technology employees, and the federal government is taking steps to fill the critical gaps in IT personnel through enhanced recruitment, retention, and training programs. The Office of Personnel Management recently announced new pay schedules for some levels of IT employees, and a new scholarship program will offer financial assistance to undergraduate and graduate students in exchange for a two-year commitment to work for the government in information security. The program was authorized by the FY01 Defense Authorization bill.

However, in the rush to ensure adequate IT and computer information security staffing levels, we should not forget the need to make certain that the federal government continues to attract physical and natural scientists. The November 24, 2000 issue of Science discusses the difficulties and rewards facing scientists who enter public service. These "civic scientists" are employed at all levels of government, as well as serving on federal advisory panels and review groups. Their activities play a critical role in making decisions for funding priorities, new initiatives, and regulatory actions that depend increasingly on scientific expertise.

The scientific community and the federal government have a mutually beneficial relationship, which is nurtured through programs that bring scientists into policy staff positions, both as career employees and as temporary staff. I know my colleagues are well acquainted with the Sea Grant Fellowship program that offers an educational experience to graduate students in marine or aquatic studies to work in a congressional, executive branch, or association office. Nor are we strangers to the American Association for the Advancement of Science (AAAS) Fellowship program that introduces over 100 scientists and engineers from diverse fields to executive and legislative policy positions for one to two years. These fellowship programs provide unique opportunities to scientists and serve as an introduction to working for the federal government.

In addition, many professional science and engineering societies are addressing the importance of these programs to science and the value of the scientists who choose to take on these roles. The scientific community is changing its view of those who work in science policy as digressing from "real science" to instead seeing it as a respectable career path. These programs and others put scientists into staff roles at the federal level and create politically informed citizen-scientists.

Besides bringing scientific expertise and professional service into federal offices for a year or more, these programs provide scientists with a deeper understanding of policy making and the government. It is expected when these "civic scientists" return to their universities, laboratories, and companies that they will share their experiences and understanding with others and encourage their colleagues to become involved. The activities taken by citizen-scientists, both as part of formal fellowship programs, and as employees, advisors, consultants, and individual voters, demonstrate the importance their work plays in our society. I will continue to seek increased opportunities for science fellows and scientific advisors to explore opportunities in federal policymaking, and I ask that the text of the "Science" article be printed in the RECORD.

The material follows:

[From Science Magazine, Nov. 24, 2000]

STAFFING SCIENCE POLICY-MAKING

(By Daryl Chubin and Jane Maienschein)

There are repeated calls for scientists worldwide to become involved in guiding government decisions concerning science. In the United States, science policy-making positions span the gamut from political appointees (through a melange of advisory panels, review groups, and professional associations) to consultants, all of whom provide commentary—solicited and unsolicited—on budgets, programs, and current science and technology issues. Neal Lane, Assistant to the President for Science and Technology Policy, has called for "civic scientists" to enter public service as staff in support of informed science policy-making.

Given the daily decisions affecting the directions and applications of science, the more staff members who understand science the better. Otherwise, valuable time is wasted and risks are taken in making uninformed decisions about funding priorities, new initiatives, and regulatory actions that increasingly depend on considered scientific judgments. One way to add scientific value to decision-making is to bring scientists into staff positions, either within a policy career path or as a temporary assignment. The question is how to attract more scientists to take up this public service and how to prepare them to contribute?

Overcoming the underlying problem of conflicting core values in the scientific and policy cultures presents a challenge. Working individually within a laboratory hierarchy, scientists are rewarded for originality and ownership of ideas. Even in collaborative projects, the leaders typically receive the credit. Despite periodic calls for rewarding departments, multidisciplinary teams, and broader collaborations, an individualistic ethic prevails. Researchers seek credit, and the community practices individual accountability for performance. Priority of discovery, authorship, and invention all circle around the traditional proprietary nature of scientific knowledge.

Scientists who move from the laboratory into public service, and from the foreground into the background, will experience culture shock. An outstanding speech or position paper on which the scientist's name does not appear replaces an article published in a peer-reviewed journal. Ego must fade from view; instead, satisfaction comes from being part of the process and seeing it work. This requires learning to speak for someone else, in someone else's voice, to someone else's credit. Why should any self-respecting scientist want to do this? Because there is more at stake than acclaim by one's professional community. There is a larger public and national interest. Beyond altruism, staff work allows another expression of the competitive values of science. In a high-stakes high-tempo environment, scientists can make a difference by drawing on their research and pedagogical skills while mastering new ones. Many have done so admirably, but we need more scientists who are willing to help staff science policy-making.

In the United States, a number of programs exist to provide orientation and on-the-job training for scientists willing to enter this public role. For example, Research!America connects scientists in all federal legislative districts with representatives there. The Ecological Society of America is cultivating a cohort of Aldo Leopold Fellows. The Congressional Fellows program of the American Association for the Advancement of Science introduces scientists to the policy-making process. Many U.S. universities now offer undergraduate and graduate students a semester in Washington as an intern in an agency, congressional office, or think tank. These programs and others put scientists into staff roles at the federal and local levels and create cohorts of politically informed citizen-scientists. We applaud these efforts and call for more.

In particular, we need more public discussion of what it means to serve as staff and why it is important for science that some scientists take on these roles. We need additional training at all levels to negotiate the clash of cultures. We need rewards for those who undertake staffing roles and do them well. These scientists should not be seen as digressing from "real science" but as facilitating the expanding reach of science as a respectable career path. Staffing science should be embraced as a necessary part of the scientific enterprise, as well as a form of public service that advances interest, appreciation, and understanding of a rapidly changing world.●

TRIBUTE TO ALLAN W. WITTE

● Mr. DURBIN. Mr. President, I rise today to recognize the extraordinary contributions of Allan W. "Buck" Witte to the people of Adams County, Illinois, and to congratulate him on his recent retirement.

One week ago, Al Witte quietly retired as Adams County Treasurer, a post he had held since 1992. But his public service contributions extend far beyond the treasurer's office. Al spent three years on the Adams County Board, winning a district in 1990 that, quite frankly, he wasn't supposed to win.

During his tenure on the County Board and in the treasurer's office, he became one of the most popular public servants in Adams County, drawing the largest vote totals of any county official. He followed in the footsteps of his late father, Art Witte, a hard working Adams County Clerk, who dedicated himself to a lifetime of public service.

Prior to his tenure on the Adams County Board and his service as Treasurer, Al worked for 30 years at Gardner-Denver in industrial engineering, retiring from that post in 1989.

Anyone who knows Al is aware of his strong support for the Democratic Party, an unyielding loyalty that ensured he was the first phone call made by any Democratic politician arranging a visit to Adams County. Although at times a fierce partisan, he kept winning elections by appealing to Democrats, Republicans, and Independents. He was a true bridge builder and an effective county and party official.

Mr. President, I have had the honor of working with Al Witte for most of this past decade, including when I represented Adams County and Quincy in the U.S. House of Representatives. I have always been taken by his dedication, loyalty, and commitment to public service. His will be incredibly big shoes to fill.

In closing, Mr. President, I applaud Al for his commitment and his efforts to improve the quality of life in Adams County, Illinois. I send my best wishes to Al for a happy and healthy retirement that allows him to spend a great deal of time with his wife, Mary, his children, and his grandchildren. We'll miss Buck, but will take comfort in the fact that he is only a phone call away.●

HONORING THE YOUTH MUSEUM OF SOUTHERN WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, today I am especially proud to recognize the achievement of one of my state's most prized organizations, the Youth Museum of Southern West Virginia. Joining only 21 other museums nationwide, the Youth Museum has been selected as a recipient of this year's prestigious Institute of Museum and Library Service National Award for Museum Service. This award highlights the enormous contributions made by the Youth Museum to the growth and development of the children of Southern West Virginia. This organization is truly deserving of this national recognition.

Located in the beautiful mountains of Beckley, West Virginia, the Youth Museum has brought culture, art, and the rich tradition of Appalachian history to West Virginian school children since 1977. Earning the praise of teachers, parents, and school administrators, the Museum has touched the lives of thousands of families across the state. Without the vast resources of more urban contemporaries, the Youth Museum has helped to ensure that West Virginia's children have a sense of the diverse accomplishment and creativity that define their state's heritage.

An example of the unique and significant opportunities offered by the Youth Museum can be found in the Page After Page program. Recognizing the extraordinary number of talented writers to be found in our state, the Museum has brought together teachers, librarians, reading specialists, students, and native authors to create an exhibition that emphasizes literacy and the achievements of West Virginia artists. Combining a focus on improving reading skills with the unique and personal contributions of local writers, this program continues to challenge, stimulate, and inspire young readers across the state.

However, the Page After Page program is just one example of the Museum's commitment to providing positive and significant opportunities for West Virginia's youth. The Artists-in-Residence series, programs for special needs preschoolers, a planetarium, a science room, even a recreated pioneer village—the list of educational resources and activities is endless. Of course, this list reflects the hard work and dedication of an organization that has not wavered in its commitment to our children, or in its celebration of the unique and vital history of West Virginia.

For 23 years, the Youth Museum has been enriching the lives of the children and families in our great state. Truly, it was a privilege to nominate the Youth Museum of Southern West Virginia for this year's Award for Museum Service, and it was no surprise to learn that they were chosen for this prestigious national recognition. I am deeply proud of their accomplishment, and look forward to the many contributions the Museum will continue to make to the education of West Virginia's youth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 15, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment.

S. Con. Res. 161. Concurrent resolution to correct the enrollment of H.R. 5528.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3594. An act to repeal the modification of the installment method.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 15, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1508. An act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

H.R. 2903. An act to reauthorize the Striped Bass Conservation Act, and for other purposes.

H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

Under the authority of the orders of the Senate of January 6, 1999, the enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

At 5:17 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 446. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Sixth Congress.

At 7:01 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1653. An act to approve a governing international fishery agreement between the United States and the Russian Federation.

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5016. An act to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the "J.T. Weeker Service Center."

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the "George Atlee Goodling Post Office Building."

H.R. 5528. An act to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under the authority of the orders of the Senate of December 15, 2000, the enrolled joint resolution was signed subsequently by the Acting President pro tempore (Mr. ABRAHAM).

At 7:58 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 604. An act to amend the charter of the AMVETS organization.

H.R. 2049. An act to rename Wolf Trap Farm Park for the Performing Arts as "Wolf Trap National Park for the Performing Arts."

H.R. 2816. An act to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

H.R. 3488. An act to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building."

H.R. 5562. An act ti amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 445. Concurrent resolution whereas Henry B. Gonzalez served his Nation and the people of the 20th District of Texas in San Antonio with honor and distinction for 37 years as a Member of the United States House of Representatives.

The message further announced that the House has passed the following bill, without amendment:

S. 3181. An act to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 138. Concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

S. Con. Res. 158. Concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

The message also announced that the House agrees to the Senate amendment to the House amendments to the bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 15, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1508. An act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-11876. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Petition By American Samoa for Exemption from Anti-Dumping Requirements for Conventional Gasoline" (FRL #6908-8) received on November 27, 2000; to the Committee on Environment and Public Works.

EC-11877. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Emissions from New Nonroad Spark-Ignition Engines Rated above 19 Kilowatts and New Land-Based Recreational Spark-Ignition Engines" (FRL #6907-5) received on November 27, 2000; to the Committee on Environment and Public Works.

EC-11878. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Withdrawal of District Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District" (FRL #6908-3) received on November 27, 2000; to the Committee on Environment and Public Works.

EC-11879. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Texas; Excess Emissions During Start-up, Shutdown, Malfunction and Maintenance" (FRL #6907-8) received on November 27, 2000; to the Committee on Environment and Public Works.

EC-11880. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Incorporation of Clean Air Act Amendments for Reductions in Class I, Group VI Controlled Substances" (FRL #6906-4) received on November 27, 2000; to the Committee on Environment and Public Works.

EC-11881. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Pinal County Air Quality Control District and Pinal-Gila Counties Air Quality Control District" (FRL #6839-9) received on December 7, 2000; to the Committee on Environment and Public Works.

EC-11882. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources" (FRL #6577-9) received on December 7, 2000; to the Committee on Environment and Public Works.

EC-11883. A communication from the Assistant Chief Counsel for Legislation and Regulations, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Major Capital Investment Projects" (RIN2132-AA63) received on December 7, 2000; to the Committee on Environment and Public Works.

EC-11884. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revisions" (FRL #6915-8) received on December 7, 2000; to the Committee on Environment and Public Works.

EC-11885. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Implementation of Special Apple Loan Program and Emergency Loan for Seed Producers Program" (RIN0560-AG23) received on December 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11886. A communication from the Office of the President, Overseas Private Investment Corporation, transmitting, pursuant to law , a report relative to establishing a council to promote greater investment in sub-Saharan Africa; to the Committee on Foreign Relations.

EC-11887. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the annual report for the period July 1, 1999 through June 30, 2000; to the Committee on Foreign Relations.

EC-11888. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2001-11; Adequate Disclosure" (Revenue Procedure 2001-11) received on December 7, 2000; to the Committee on Finance.

EC-11889. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2001-4" (SPR-128950-00) received on December 8, 2000; to the Committee on Finance.

EC-11890. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Safe Harbor Transfers of REMIC Residuals" (Revenue Procedure 2001-12) received on December 8 , 2000; to the Committee on Finance.

EC-11891. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amended Bond Procedures for Articles Subject to An Exclusion Order Issued by the U.S. International Trade Commission" (RIN1515-AC43) received on December 8, 2000; to the Committee on Finance.

EC-11892. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Export Certificates for Lamb Meat Subject to Tariff-Rate Quota" (RIN1515-AC54) received on December 8, 2000; to the Committee on Finance.

EC-11893. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Civil Asset Forfeiture" (RIN1515-AC69) received on December 11, 2000; to the Committee on Finance.

EC-11894. A communication from the Secretary of Education, transmitting, pursuant to the Federal Advisory Committee Act, a follow-up report on recommendations; to the Committee on Health, Education, Labor, and Pensions.

EC-11895. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Premium Rates; Payment of Premiums" (RIN1212-AA58) received on December 7, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11896. A communication from the Director of the Office of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Outer Burial Receptacles (with a companion Notice)" (RIN2900-AK49) received on December 8, 2000; to the Committee on Veterans' Affairs.

EC-11897. A communication from the Housing and Urban Development Secretary Designee To the Board of Directors, Federal Housing Finance Board, transmitting, pursuant to the Inspector General Act, a report on activities for the six-month period ending September 30, 2000; to the Committee on Governmental Affairs.

EC-11898. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing: Administrative Process for Assessment of Insured and Assisted Properties" (RIN2501-AC45) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11899. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 65 FR 71262" received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11900. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 71260" (Docket No. FEMA-B-7406) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11901. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 65 FR 71258" (Docket No. FEMA-D-7505) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-11902. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Suspension of Community Eligibility 65 FR 75631” (Docket No. FEMA-7747) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11903. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Technical Amendments” received on December 11, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11904. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of State Implementation Plans; Michigan” (FRL #6907–1) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11905. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Georgia: Final Authorization of State Hazardous Waste Management Program” (FRL #6907–3) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11906. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Emission Guidelines for Existing Small Municipal Waste Combustion Units” (FRL #6899–5) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11907. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “New Source Performance Standards for New Small Municipal Waste Combustion Units” (FRL #6899–6) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11908. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update” (FRL #6918–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11909. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Toxic Substances Control Act Test Guidelines” (FRL #6551–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11910. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Santa Barbara and Ventura County Air Pollution Control Districts” (FRL #6895–7) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11911. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “National Emission Standards for hazardous Air Pollutions from the Pulp and Paper Industry” (FRL #6917–1) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11912. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Final Interim Approval of the Operating Permits Program; Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable State Operating Permits; Antelope Valley Air Pollution Control District, California” (FRL #6864–3) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11913. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Clean Air Act Final Full Approval of Operating Permits Program: The U.S. Virgin Islands” (FRL #6916–9) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11914. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Illinois; Post–1996 Rate of Progress Plan for the Chicago Ozone Nonattainment Area” (FRL #6917–7) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11915. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Budget Program” (FRL #6916–8) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11916. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revisions to Stage II Vapor Recovery Program” (FRL #6914–1) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11917. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Acquisition Regulation: Remove Contract Quality Requirements; Miscellaneous Technical Amendment” (FRL #6917–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11918. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Air Quality Implementation Plan Revisions and Section 112(1) Program; Colorado; Issuance of Permits to Limit Potential to Emit Criteria and Hazardous Air Pollutants” (FRL #6875–6) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11919. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a notification of efforts to provide emergency assistance relative to the West Nile Virus; to the Committee on Environment and Public Works.

EC–11920. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the implementation of transfers between the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund; to the Committee on Environment and Public Works.

EC–11921. A communication from the Chairman of the Board of Directors, Corporation for Public Broadcasting, transmitting, pursuant to law, the semiannual report for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11922. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on December 12, 2000; to the Committee on Governmental Affairs.

EC–11923. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report providing comments on the Inspector General Semiannual Report; to the Committee on Governmental Affairs.

EC–11924. A communication from the Secretary of Labor, transmitting, pursuant to the Inspector General Act, the semiannual reports of the Pension Benefit Guaranty Corporation; to the Committee on Governmental Affairs.

EC–11925. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to the Inspector General Act, the semiannual report ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11926. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11927. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11928. A communication from the Director of the National Gallery of Art, transmitting, pursuant to the Inspector General Act and the Federal Managers Financial Integrity Act, a report attesting to the adequacy of management control systems; to the Committee on Governmental Affairs.

EC–11929. A communication from the Secretary of the Treasury, transmitting, pursuant to law, two semiannual reports for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11930. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11931. A communication from the Commissioner of Social Security , transmitting, pursuant law, the performance and accountability report for fiscal year 2000; to the Committee on Governmental Affairs.

EC–11932. A communication from the Comptroller General of the General Accounting Office, transmitting, pursuant to law; a report regarding the failure of the National Security Council to provide the General Accounting Office with full and complete access to 26 unredacted documents; to the Committee on Governmental Affairs.

EC–11933. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11934. A communication from the Assistant Secretary, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operation in the Outer Continental Shelf-Update of Documents Incorporated by Reference-API Specification 14A, Tenth Edition" (RIN1010–AC–66) received on December 11, 2000; to the Committee on Energy and Natural Resources.

EC–11935. A communication from the Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wilderness Management" (RIN1004–AB69) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11936. A communication from the Executive Director, Advisory Council on Historic Preservation, transmitting, pursuant to law, the report of a rule entitled "Protection of Historic Properties (36 C.F.R . Part 800)" (RIN3010–AA05) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11937. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Maryland Regulatory Program" (MD–047–FOR) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11938. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Application and Permit Information Requirements; Permit Eligibility; Definitions of Ownership and Control; the Applicant/Violator System; Alternative Enforcement" (RIN1029–AB94) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11939. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the California wholesale electric market; to the Committee on Energy and Natural Resources.

EC–11940. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulations: Revision of Patent Regulations Relating to DOE Management and Operating Contracts" (RIN1991–AB55) received on December 14, 2000; to the Committee on Energy and Natural Resources.

EC–11941. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulations; Costs Associated with Whistleblower Actions" (RIN1991–AB36) received on December 14, 2000; to the Committee on Energy and Natural Resources.

EC–11942. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Material Management and Accounting Systems" (DFARS Case 2000–D003) received on December 12, 2000; to the Committee on Armed Services.

EC–11943. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "North American Industry Classification System" (DFARS Case 2000–D015) received on December 12, 2000; to the Committee on Armed Services.

EC–11944. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Polyacrylonitrile Carbon Fiber" (DFARS Case 2000–D017) received on December 12, 2000; to the Committee on Armed Services.

EC–11945. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Authority to Indemnify Against Unusually Hazardous or Nuclear Risks" (DFARS Case 2000–D025) received on December 12, 2000; to the Committee on Armed Services.

EC–11946. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Domestic Source Restrictions—Ball and Roller Bearings and Vessel Propellers" (DFARS Case 2000–D301) received on December 12 , 2000; to the Committee on Armed Services.

EC–11947. A communication from the Chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, transmitting, pursuant to law, the second of three annual reports; to the Committee on Armed Services.

EC–11948. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Profit Incentives to Produce Innovative New Technologies" (DFARS Case 2000–D300) received on December 12, 2000; to the Committee on Armed Services.

EC–11949. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modified Styrene-Acrylic Acid and/or Methacrylic Acid Polymers; Tolerance Exemption" (FRL #6755–7) received on December 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11950. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "TD 8902, Electronic Tip Reports" (RIN1545–AV28) received on December 13, 2000; to the Committee on Finance.

EC–11951. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–11952. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a transmittal of the certification of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC–11953. A communication from the Director of Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Immunology and Microbiology Devices; Classification of Anti-Saccaromyces cerevisiae (S. cerevisiae) Antibody (ASCA) Test Systems" (Docket No. 00N–1565) received on December 12, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11954. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the availability of reasonably priced health coverage; to the Committee on Health, Education, Labor, and Pensions.

EC–11955. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Mystic River, CT (CGD01–00–247)" (RIN2115–AE47) (2000–0068) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11956. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders" received on December 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11957. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "National Sea Grant College Program-National Marine Fisheries Service Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics" received on December 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11958. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to activities and operations of the Public Integrity Section; to the Committee on the Judiciary.

EC–11959. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerance for Emergency Exemptions" (FRL #6755–8) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11960. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clomazone; Pesticide Tolerance for Emergency Exemptions", (FRL #6755–8) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11961. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting four items; to the Committee on Environment and Public Works.

EC–11962. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines on Awarding Section 319 Grants to Indian Tribes in fiscal year 2001" (FRL #6919–8); to the Committee on Environment and Public Works.

EC–11963. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in States of Massachusetts, et al.; Increased Assessment Rate" (Docket Number: FV00–929–5 FR) received on December 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11964. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnut Grown in California: Increased Assessment Rate" (Docket Number: FV00-984-2 FR) received on December 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11965. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Artigas, Uruguay, Because of Rinderpest and Foot-and-Mouth Disease" (Docket #00-111-91) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11966. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Specifically Approved States Authorized To Received Mares and Stallions Imported from Regions where CEM Exists" (Docket #00-115-1) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-11967. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, a report relative to accounts containing unvouchered expenditures; to the Committee on Governmental Affairs.

EC-11968. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Relief for Service in Combat Zone and for Presidentially Declared Disaster" (RIN1545-AV92) (TD 8911) received on December 14, 2000; to the Committee on Finance.

EC-11969. A communication from the Deputy Assistant for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement the Atlantic Herring Fishery Management Plan" (RIN0648-AI78) received on December 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11970. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Learjet Model 45 Series Airplanes; docket no. 2000-NM-132 [11-1]" (RIN2120-AA64) (2000-0582) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11971. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica Model EMB-120 Series Airplanes; docket no. 2000-NM-121 [11-7/12-14]" (RIN2120-AA64) (2000-0583) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11972. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB-120 Series Airplanes; docket no. 2000-NM-130 [11-6/12-14]" (RIN2120-AA64) (2000-0587) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11973. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to the Legal Description of the Shaw Air Force Base Class C Airspace; Area; SC; docket no. 00-AWA-2 [11-22/12-14]" (RIN2120-AA66) (2000-0281) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11974. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Removal of Class E Airspace; Meridian NAS— McCain Field, MS; docket no. 00-ASO-40 [11-22/12-14]" (RIN2120&AA66) (2000-0282) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11975. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; New Bern, NC; Docket no. 00-ASO-41 [11-22/12-14]" (RIN2120-AA66) (2000-0283) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC-11976. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-086-FOR) received on December 14, 2000; to the Committee on Energy and Natural Resources.

EC-11977. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Standards for Business Practices of Interstate Natural Gas Pipelines" (Order No. 587-M, Docket RM96-1-015) received on December 15, 2000; to the Committee on Energy and Natural Resources.

EC-11978. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Device; Exemption From Premarket Notification; Class II Devices; Barium Enema Retention Catheters and Tips With or Without a Bag" (Docket No. 00P-1343) received on December 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-11979. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Investment Companies; Management Ownership Diversity" (RIN3245-AE48) received on December 15, 2000; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-643. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the issuance of a postal stamp to honor coal miners; to the Committee on Governmental Affairs.

House Resolution No. 639

Whereas, Our entire Nation owes our coal miners a great deal more than we could ever repay them for the difficult and dangerous job that they performed so that we could have the fuel we needed to operate our industries and to heat our homes; and

Whereas, It would be proper and fitting for our Nation to recognize our coal miners, both past and present, for their contributions to this Nation; therefore be it

Resolved, That the House of Representatives memorialize the United States Postal Service to issue a postage stamp to honor our coal miners and to commemorate their contributions to our Nation and its citizens; and be it further

Resolved, That copies of this resolution be delivered to the United States Postal Service, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-644. A resolution adopted by the Senate of the Legislature of the State of Texas relative to the State Criminal Alien Assistance Program; to the Committee on Appropriations.

Senate Resolution No. 1106

Whereas, The United States Congress has established the State Criminal Alien Assistance Program (SCAAP) to provide federal assistance to states and localities for costs incurred for the imprisonment of undocumented aliens who commit criminal offenses; and

Whereas, The SCAAP program, which is administered by the United States Department of Justice, has a funding level authorized by statute of $650 million per year; actual SCAAP funding for the 1999 fiscal year, however, is only $585 million, an amount that provides state and local governments a mere 30 percent of their total reimbursable costs; and

Whereas, The amount of money spent in Texas by local and state governmental agencies related to incarceration of undocumented aliens charged or convicted with criminal offenses ranks as the third highest in the nation; and

Whereas, Although full funding of the SCAAP program to the $650 million level will not decrease the total number of undocumented aliens held in state or county facilities, increased funding will raise the level of costs reimbursed by the federal government to approximately 40 percent of the costs for incarceration of these prisoners; now, therefore, be it

Resolved, That the Senate of the State of Texas, 76th Legislature, hereby respectfully request the Congress of the United States to fully fund the State Criminal Alien Assistance Program at the authorized level of $650 million; and, be it further

Resolved, That the Secretary of the Senate forward official copies of this Resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this Resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-645. A petition from a citizen of the State of New York relative to primary and general elections; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Report to accompany S. 2508, a bill to amend the Colorado Ute Indian Water Rights

Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes (Rept. No. 106-513).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, Mr. BENNETT, Mr. BREAUX, Mr. HUTCHINSON, and Mr. SANTORUM):

S. 1. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. 3280. A bill to prohibit assistance to the Palestinian Authority unless and until certain conditions are met; to the Committee on Foreign Relations.

By Mr. TORRICELLI:

S. 3281. A bill to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the Pat King Post Office Building; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 3282. A bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. HARKIN, Mr. FITZGERALD, Mr. HAGEL, and Mr. JOHNSON):

S. 3283. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systematic risk in markets for futures and over-the-counter derivatives, and for other purposes; read the first time.

By Mr. DURBIN:

S. 3284. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 3285. A bill to amend the Internal Revenue Code of 1986 to exclude tobacco products from qualifying foreign trade property in the treatment of extraterritorial income; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 3286. A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. INOUYE, and Mr. MURKOWSKI):

S. 3287. A bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time for Presidential general elections; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 388. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 389. A resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT (for himself, Mr. NICKLES, and Mr. REID):

S. Res. 390. To commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. DASCHLE (for himself, Mr. NICKLES, and Mr. REID):

S. Res. 391. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 392. A resolution tendering the thanks of the Senate to the Senate Staff for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate; considered and agreed to.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 393. Considered and agreed to.

By Mr. STEVENS (for himself and Mr. BYRD):

S. Con. Res. 162. A concurrent resolution to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. MCCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, and Mr. BENNETT):

S. 1. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

ELECTION REFORM ACT

Mr. MCCONNELL Mr. President, I rise today to introduce the Election Reform Act. As chairman of the Senate Rules Committee, I am pleased to be introducing along with Senators TORRICELLI, FEINSTEIN, ALLARD, SMITH, and LANDRIEU meaningful, bipartisan legislation to reform the administration of our nation's elections. As we move into the twenty-first century it is inexcusable that the world's most advanced democracy relies on voting systems designed shortly after the Second World War. The Election Reform Act will ensure that our nation's electoral process is brought up to twenty-first century standards.

By combining the Federal Election Commission's Election Clearinghouse and the Department of Defenses' Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, the bill will create one agency that can bring focused expertise to bear on the administration of elections. This Commission will consist of four Commissioners appointed by the President with the advice and consent of the Senate. It will continue to carry out the functions of the two entities that are being combined to create it. These include advising states on the requirements of the Voting Accessibility for the Elderly and Handicapped Act, carrying out the Federal functions under the Uniformed and Overseas Voting Act, and servicing as a clearinghouse for information on federal elections and election administration.

In addition, the new Commission will engage in ongoing study and make periodic recommendations on the best practices relating to voting technology and ballot design as well as polling place accessibility. The Commission will also study and recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls. This is of special urgency in view of the allegations surfacing in this election of hundreds of felons being listed on voting rolls and illegally voting, as reported last week in the Miami Herald, while other law abiding citizens who allegedly registered were not included on the voting rolls and were unable to vote. Such revelations from this year's elections coupled with the well-known report by "60 Minutes" of the prevalence of dead people and pets both registering and voting in past elections make clear the need for thoughtful study and recommendations to ensure that everyone who is legally entitled to vote is able to do so and that everyone who votes is legally entitled to do so—and does so only once. In addition to its studies and recommendations, the Commission will provide matching grants to states working to improve election administration.

I think it is important that this Commission be established as a permanent, ongoing body. Many issues of election administration, such as polling place accessibility and alternative voting methods require ongoing examination in view of ever-changing technology. A permanent Commission will be able to better facilitate timely information about new, cost-effective technologies that can improve election administration, such as technology to enable physically-challenged citizens to vote with the same degree of privacy and dignity enjoyed by other citizens.

In this age of rapid technological innovation, continuous, ongoing assessment of the ways technology can improve election administration serves our nation's interest by ensuring that outmoded technology and procedures never again impede democracy in our great nation.

I am pleased to announce that Representative TOM DAVIS, along with Representatives ROTHMAN and KENNEDY, are introducing the House companion to our bill today. And finally, I would like to mention some of the citizens organizations that have announced their support for our bill. They include the Paralyzed Veterans of America, The Voting Integrity Project, The National Council on Disability, and the National Foundation for the Blind.

Mr TORRICELLI. Mr. President, I am pleased to join Senators MCCONNELL, FEINSTEIN, ALLARD, LANDRIEU, SMITH and BENNETT to introduce the Election Reform Act of 2000, bipartisan legislation that seeks to modernize and improve the nation's election procedures. Although there is much about the aftermath of the November 7th elections upon which Americans can disagree, this much should be clear: the United States is a 21st century democracy with a 19th century election system. In order to maintain the legitimacy of our country's democratic institutions, we must have an election system that is fair and accurate.

The antiquated voting equipment used in most counties around the country is perhaps the most startling revelation from this year's election. Election Data Services reports that eighteen percent of Americans vote using technology that prevailed around the time Thomas Edison invented the lightbulb and nearly thirty-three percent of Americans vote by punching out unpredictable little chads, a system implemented during the Johnson administration. In a nation where people can confidently access the balance in their checking account on any street corner, it is unacceptable to have any less confidence in the exercise of the most fundamental of rights. Many states and localities continue to use outdated systems because of the cost of replacing them. Electronic voting machines with touch screens similar to bank ATMs, which are the most modern and accurate systems, cost about $5,000 each while replacing a punch-card system costs only about $225.

The inequity in quality of voting machines across the country raises fundamental questions of fairness and equal protection. Statistics from Florida demonstrate that those individuals who voted in areas with punch cards had a much higher chance that their vote would not register than those who voted with more modern equipment. For example, in Florida predominantly African-American neighborhoods lost many more presidential votes than other areas largely because of the inferiority of their voting machines. Thus, thousands of legally qualified voters were disenfranchised as a direct result of the financial resources of their community.

Therefore, in order to help improve and modernize the nation's election procedures, the Election Reform Act establishes a permanent, federal commission charged solely with the improvement of election administration. By combining the Federal Election Commission's Office of Election Administration (OEC) and the Department of Defenses' Office of Voting Assistance which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, the bill will create one agency that can bring focused expertise to bear on the administration of elections. This Commission will engage in ongoing study and make periodic, recommendations on the best practices relating to voting technology and ballot design as well as polling place accessibility. The Commission will also study and recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls. Finally, to help diminish the cost to states and localities of updating their election procedures, the Commission will provide at least $100 million a year in matching grants to states working to improve election administration.

There can never be a sense again that an election in the United States is settled on an arbitrary basis or that elections are an approximation. Constitutional guarantees of one person, one vote mean nothing in theory if they do not have any meaning in practice. So long as one voter, whether it be a senior citizen, an African-American, or one in service to their country has doubt about whether their vote was counted, our democracy suffers. That is an American, not a partisan problem. The challenge before Congress is to make sure that the legacy of this election is not the confusion that has reigned for the past five weeks but an enhancement of the legitimacy and credibility of our democratic processes.

Therefore, I look forward to working with the chairman of the Rules Committee as well as my colleagues on both sides of the aisle to see that this bipartisan legislation is the first priority of the 107th Congress. I am encouraged that both Vice-President Elect CHENEY and Senator JOSEPH LIEBERMAN have expressed their strong desire to make election reform legislation their immediate priority in the next administration and Congress. I am also pleased that Representatives ROTHMAN, DAVIS, KENNEDY, and ALCEE HASTINGS are introducing the House companion of this legislation today. Their support along with the endorsements of the Voting Integrity Project, Paralyzed Veterans of America, the National Organization on Disability, and the National Foundation for the Blind gives me great confidence that this legislation will gather strong support progress quickly.

Mrs. FEINSTEIN. Mr. President, I rise today to join with Senators MCCONNELL and TORRICELLI to introduce the Election Reform Act. I believe that this legislation will play an important role in improving elections in the United States.

The situation in Florida with different counties using different equipment, different standards and different methodologies in the conduct of the election is a clear indication that reform is needed. Although elections are within the purview of the states, if the Federal government can provide incentives and financial assistance to update equipment and administration to ensure that every vote counts, that would be a giant step forward.

Our democracy is based on the principle that our political leaders are chosen through a fair and accurate election process. While the aftermath of this year's election brought much disagreement, it is clear that the voting system is antiquated and in need of reform.

This legislation establishes a permanent, federal Commission dedicated to election administration. This Commission will consist of four Commissioners appointed by the President with the advice and consent of the Senate. The Commissioners will serve four-year terms, with no more than two Commissioners affiliated with the same political party.

The Commission would do the following: study various aspects of election administration and make periodic recommendations on such topics as ballot design, accuracy, security, and technological advances in voting equipment; develop and update voluntary standards for voting systems at least every four years; study accessibility to polling places and recommend voluntary guidelines to increase access to polling places; allocate $100 million in matching funds to States and localities that improve their voting systems in a manner consistent with voluntary recommendations developed by the Commission.

This legislation has the support of the Voting Integrity Project, the Committee for the Study of the American Electorate and the National Organization on Disability, the American Foundation for the Blind, and the Paralyzed Veterans of America.

As we move forward in the 21st century, it is essential that the all Americans, and nations throughout the world, continue to have confidence in our electoral process. This means modernizing the system to include new, cost-effective technologies that can improve election administration. The reforms embodied in this legislation will permit these advances. I am hopeful one of the first acts of the 107th Congress will be to pass this legislation.

Mr. SMITH of Oregon. Mr. President, I am pleased today to join Senators MCCONNELL, TORRICELLI, FEINSTEIN, and ALLARD in the introduction of the Election Reform Act. I think this last election made it abundantly clear that the time has come to streamline and update our voting system's outmoded technology and procedures. As my colleague Senator MCCONNELL has pointed out, it is inexcusable that the world's most advanced democracy relies on voting systems designed shortly after the Second World War.

The Election Reform Act will combine the functions of the Federal Election Commission's Election Clearinghouse and the Department of Defense Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into a single Election Administration Commission which will provide grants to states to modernize their voting procedures. It is important to note that the Commission will in no way usurp what is rightfully the responsibility of the states to determine the times, places and manner of holding elections.

The Commission will study Federal, State, and local voting procedures and election administration and will develop, update and adopt every 4 years, voluntary engineering and procedural performance standards for voting systems. In addition, the Commission will engage in ongoing studies of procedures and make periodic recommendations on the best practices relating to voting technology and ballot design. Another very important responsibility of the Commission will be to advise States regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act and develop, update, and adopt voluntary procedures for enhancing voting methods for voters, including disabled voters. It is imperative that, as we pursue improvements in the administration of our elections, we also have the most up-to-date information about new technologies to enable the elderly and the disabled to vote with the same degree of privacy and dignity enjoyed by other citizens.

Mr. President, I believe this legislation will go a long way toward restoring confidence in our voting systems, and I am hopeful that the Senate will pass the Election Reform Act very early in the new Congress.

Mr. SPECTER:

S. 3280. A bill to prohibit assistance to the Palestinian Authority unless and until certain conditions are met; to the Committee on Foreign Relations.

LEGISLATION CONDITIONING ASSISTANCE TO THE PALESTINIAN AUTHORITY

Mr. SPECTER. Mr. President, I rise to introduce legislation at this time which will put on the record factors which have been enormously harmful in the current violence which now occurs in Israel. This bill would prohibit assistance to the Palestinian Authority or Palestinian projects, unless and until certain conditions are met. The Oslo Interim Agreement of 1995 provided that the Palestinian Authority would:

> . . . ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation.

Notwithstanding that commitment, the Palestinian Authority has filled the textbooks with the most vitriolic condemnation of Israel and the Jews. For example, the ninth graders are taught:

> One must beware of the Jews, for they are treacherous and disloyal.

The ninth graders are further instructed:

> One must beware of civil war, which the Jews try to incite, and of scheming against the Muslims.

There are some extraordinarily vitriolic comments which are inciting the young people, the Arabs, to turn to violence in the name of Allah, with the instruction directing them that they will be doing Allah's work, and if they are killed, they will go to heaven as Allah's messengers, as Allah's assistants.

There are reports of 12-year-old boys who leave their homes telling their parents they are off to throw stones and otherwise incite violence. The parents permit this under a fatalistic attitude of "what will be will be," and that it is something to be desired—incite to violence and be killed in doing Allah's work.

The difficulties in the peace process are enormous. They are generational. There is absolutely no likelihood of success if the schoolchildren in the Palestinian Authority schools are going to be taught hatred and violence and the most extraordinary forms of misleading comment—about how to please Allah and how to go to heaven by getting themselves killed in the process of killing others and destroying the peace process.

The United States and our allies have contributed very substantially to projects in the West Bank and Gaza. While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000, the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza. Between 1995 and 1998, international aid provided by 21 countries and 4 international organizations amounted to almost $227 million. Between 1993 and 1999, the international community pledged a total of $5.7 billion for assistance in the West Bank and Gaza, and over $2.7 billion was disbursed by the end of 1999, according to the World Bank. I will go into the funding which the United States has provided and which our allies have provided in greater detail.

This legislation would condition any assistance by the United States to the Palestinian Authority on changing those textbooks in accordance with their commitments under the Oslo agreement, ceasing to publish maps which omit Israel but instead refer only to Palestine, and changing the vitriol which appears on the state-sponsored television. These are absolutely minimal steps which have to be taken if there is to be any opportunity for success in the Mideast peace process.

In 1995, Senator SHELBY and I introduced legislation which was enacted which conditioned U.S. aid on the Palestinian Authority changing its charter which called for the destruction of Israel. That, in fact, did happen and perhaps our legislation was somewhat helpful in getting that done. The legislation also conditioned aid on maximum efforts of the Palestinian Authority and Chairman Arafat to restrain terrorists. For a time, I think there was a real effort by Chairman Arafat and many in the Palestinian Authority to do that, but that has totally broken down.

Notwithstanding those grave difficulties, efforts must continue on the peace process to try to terminate the violence there. I note in this morning's press there are reports of additional meetings. I have both privately and publicly commended President Clinton for his efforts in trying to mediate the difficulties between the Israelis and the Palestinians.

This business about teaching sixth graders, seventh graders, eighth graders, and ninth graders to hate and to incite violence is just absolutely intolerable if there is to be any chance at all for the peace process to succeed, and even in the next generation to find a way for people to live in peace with the Jewish State of Israel, the Palestinian Authority and the Arabs, who are citizens of Israel, for that matter.

I am introducing this bill on what is probably going to be the last day of our session so that these educational tools may become better known. People will understand them and will join the fight to insist that they be terminated.

Mr. President, to reinterate, I have sought recognition today to introduce legislation to condition aid to the Palestinian Authority upon the removal of all anti-Semitic and anti-Israel content from their school textbooks, and radio and television broadcasts at publically funded facilities. The Palestinian Authority deliberately and consciously disseminates messages filled with anti-Semitic and anti-Israel hatred with the clear aim of promoting violence against Israel and the Jewish people. This is a clear violation of the spirit of the peace process.

A study by the Center for Monitoring the Impact of Peace, a Jerusalem-based non-governmental organization, found that there is not one example in the entire Palestinian school system of a positive reference to a Jew, Judaism, or to peace with Israel. I urge the passage of this legislation to send a clear signal to the Palestinian people that the international community will not accept the fostering of hatred in textbooks and broadcast media in the West Bank and Gaza. The United States provides assistance to the region in support of the peace process, and we must condition this assistance upon each party's fulfillment of the commitments made to bring peace to the region. Furthermore, we must vigorously press for our allies to do the same.

In years past, Palestinian schools in the West Bank used Jordanian textbooks and the schools in Gaza used Egyptian textbooks. While the areas were under the control of the Israeli government, these books continued to be used but anti-Semitic and anti-Israel material was removed. As a result of the 1993 Oslo Accords, the responsibility for education in the West Bank and Gaza was transferred from the Israeli government to the Palestinian Ministry of Education. While beginning to develop their own curriculum, the Palestinian Ministry of Education continued to use Egyptian and Jordanian books, but failed to remove the anti-Israel and anti-Semitic material. Currently, the Palestinian Ministry of Education is directly supervising the production of new textbooks which are the first Palestinian-produced textbooks.

As part of a pilot program, the first new textbooks were introduced in the first and sixth grades in September 2000, as part of the new curriculum which the Palestinian Authority plans to expand to cover the grades first through twelfth over the next fours years. Many Israelis and others hoped these books would promote the peace process and teach cooperation and tolerance among the Israelis and the Palestinians. Instead, the new Palestinian textbooks continue to contain anti-Israel material, such as a map denying the existence of Israel. The continued promotion of hatred by the Palestinian Authority is unacceptable, as it not only violates the spirit of the peace process but also the letter of the Oslo Accords. The United States and the rest of the international community must send a message to the Palestinian Authority that this will not be tolerated.

By means of both the new and old textbooks in their schools, the Palestinian Authority is raising an entire generation of Palestinian children to despise Jews and Israel. These teachings foster an environment of hatred and violence, not peace and conciliation. Palestinian school children are actively taught that the Jewish people and Israel are the enemy in a broad range of contexts, and that Jews are not to be trusted. For example, on page 79 of the textbook entitled the Islamic Education for Ninth Grade, the book outlines lessons to be learned by the students. Specifically, it says "One must beware of the Jews, for they are treacherous and disloyal." The book goes on to say on page 94, "one must beware of civil war, which the Jews try to incite, and of scheming against the Muslims." Reinforcing this message, students read on page 182, "The Jews . . . have killed and evicted Muslim and Christian inhabitants of Palestine, whose inhabitants are still suffering oppression and persecution under racist Jewish Administration."

Another textbook, the Islamic Religious Education for Fourth Grade, on page 44, states ". . . the Jews—as is their way—do not want people to live in peace. . ." In the Reader and Literary Texts for Eighth Grade, on pages 96 through 99, students are taught "The Jews have clear greedy designs on Jerusalem." Students are then asked to think about the following question: "What can we do to rescue Jerusalem and to liberate it from the thieving enemy. . .?" The authors of these textbooks clearly intended not to foster an environment of trust between the Palestinian people and their Jewish neighbors. Without a foundation of trust in the hearts and minds of the Palestinian people, the peace process is doomed to failure.

The school books also include lessons equating Zionism with Nazism, Fascism, and racism. For example, the textbook entitled The Contemporary History of the Arabs and the World, on page 123, states "The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism." Lessons such as this one are clearly not intended to support peace between the Palestinians and Israelis.

More alarmingly, in addition to anti-Semitic material, these textbooks also teach children to pursue violence and the destruction of Israel. The calls to fight and eliminate Israel through Jihad, holy war, and martyrdom for Allah, appear frequently in the school textbooks. The need to fight Israel is portrayed as a religious imperative in the books.

For example, a fifth grade textbook, Our Arabic Language for Fifth Grade on page 69 and 70, teaches children that "there will be a Jihad and our country shall be freed. This is our story with the thieving conquerors. You must know, my boy, that Palestine is your grave responsibility." The book also teaches children to "remember: The Arabs and the Muslims are fighting the Jews who fought against them and oppressed them and drove them from their homes unjustly. The final and inevitable result will be the victory of the Muslims over the Jews."

The violent message continues in the seventh grade textbook, Islamic Education for Seventh Grade, on page 108, which states "if the enemy has conquered part of its land and those fighting for it are unable to repel the enemy, then Jihad becomes the individual religious duty of every Muslim man and woman, until the attack is successfully repulsed and the land liberated from conquest and to defend Muslim honor. . .".

In addition to lessons on Jihad, students are instructed to adopt hostile attitudes on a particularly divisive topic—their responsibility regarding holy sites. The seventh grade textbook, Islamic Education for Seventh Grade, on page 184, states "Muslims must protect all mosques. . . They must devote all their efforts and resources to repairing them and to protecting them and must wage a Jihad both of life and property to liberate al-Aqsa Mosque from the Zionist conquest." The inflammatory language is also included on page 50, "The Muslim connects the holiness of al-Aqsa Mosque, and its precincts, with the holiness of the 'Sacred Mosque' and Mecca. Therefore, any aggression against one is an aggression against the other and to defend them is to defend Islam. Disregard of the duty. in respect of them is a crime for which Allah will punish every believer in Allah and His Prophet." The aggressive message clearly encourages the violence which is currently taking place in the Middle East.

The same seventh grade book also teaches children to fight and conquer Israel's capital, Jerusalem. For example, the book contains a composition question which asks: "How are we going to liberate our stolen land? Make use of the following ideas: Arab unity, genuine faith in Allah, most modern weapons and ammunition, using oil and other precious natural resources as weapons in the battle for liberation." It is this type of violent message which leads young children to take to the streets and engage in stone-throwing and other violence.

However, this message is not limited to schoolbooks. The same hateful portrayal of Jews and Israel found in the school books is promoted regularly on Palestinian Television, which is also under direct control of the Palestinian Authority. For example, on May 14, 1998, Palestinian television broadcast statements such as "The Jewish gangs waged racial cleansing wars against innocent Palestinians . . . large scale appalling massacres saving no women or children." On May 14, 1998, Zionism was presented as "a cancer in the body of the nation."

Palestinian television broadcasts a continuous flow of violent images with messages glorifying the children in the streets as martyrs participating in Jihad. For example, television stations around the world broadcast the image of Muhammad al-Durrah, the twelve year old boy who was killed while his father tried to shield him from the crossfire on September 30, 2000. However, the image of the young man, who had no intention when he left his house that day to become a martyr, was instantly the symbol used by Palestinian television of the continued victimization of the Palestinian people at the hands of the so-called Israeli "occupiers."

By continually referring to the occupation of their land, Palestinian television refuses to acknowledge the legitimacy of Israel. On May 19, 1998, Palestinian television reported ". . . the war of 1948 brought about the establishment of the Zionist entity on Palestinian land." The television broadcasts also declared in May 1998: "This is our Palestine. We defend it with blood."

The hate-filled broadcasts further reinforce the anti-Israel and anti-Semitic messages found in the school textbooks and explicitly aim to incite violence. We cannot tolerate this behavior by a society that claims to be committed to pursuing the peace process. These teachings send a direct message to young children to pursue violence and the destruction of Israel, and the message appears to be reaching the children.

On October 6, 2000, the New York Times reported on Muhammad Ibrahim, a Palestinian teenager engaged in the current violence in the streets. Muhammad joins his young friends on the streets and throws stones at Israeli soldiers, even though his father asked him "not to go down that road" and telling him "we do not need another generation of victims." When asked why he engaged in the stone throwing, Muhammad plainly stated, "You want to express your anger. You know your stone might not hit an Israeli soldier or might not even hurt him. But you want to feel you've done something for the homeland." Muhammad made clear where he learned these lessons when he said, "I was raised with stories of how they kicked us off our land." The young people out on the streets today throwing stones have been raised on anti-Israel and anti-Semitic stories, which is formally reinforced in the textbooks used in the schools in the West Bank and Gaza and the television and radio broadcasts. If there is any hope for lasting peace in the region, the next generation of leaders must not be raised on lessons of hatred and violence.

In signing the 1995 Interim Agreement on the West Bank and Gaza, the Israeli government and the Palestinian Authority agreed to use their respective educational systems to support the peace process. Specifically, Article XXII of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995 declares that Israel and the Palestinian Authority will "ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation." The Palestinian Authority should be held to the commitments made in the peace process, not the least of which is to educate the young people of the West Bank and Gaza with a curriculum that will contribute to peace between the Israeli and Palestinian peoples.

The United States provides assistance to the region in support of the peace process, and it is imperative to condition this assistance upon the fulfillment of the commitments made to bring peace to the region. While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000 the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza, including funds for educational programs. It is of the utmost importance that the United States conditions any aid to the Palestinian Authority on their commitment to the peace process, which must be demonstrated by the removal of the anti-Semitic and anti-Israel material from their textbooks and radio and television broadcasts.

It is also imperative that the United States urge our allies to condition their aid to the Palestinian Authority on this issue. Between 1995 and 1998 international aid provided by twenty-one countries and four international organizations provided $226.9 million to educational projects in the Palestinian Territories. Between 1993 and 1999, the international community pledged a total of $5.7 billion in assistance for the West Bank and Gaza, and over $2.7 billion was disbursed by the end of 1999 according to the World Bank. From 1994 to 1999, the European Community committed over $600 million. Recently, on December 6, 2000, the World Bank also agreed to a grant to the Palestinian Authority in the amount of $12 million.

The assistance to the Palestinian Authority, whether through international institutions or our allies, must include conditions which will compel the Palestinian Authority to remove this unacceptable material from the textbooks and the broadcast media. The assistance is given to the Palestinian Authority with the intent to support peace in the region, and therefore, the aid should be conditioned on the removal of material which undermines the peace process from the Palestinian educational system and broadcast media. I urge my colleagues to join me in supporting this legislation which sends a clear signal to the Palestinian Authority that the use of anti-Semitic and anti-Israel material in their schools and television and radio broadcasts will not be tolerated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Today in the West Bank and Gaza, textbooks used in Palestinian schools are teaching hatred towards Jews and the incitement towards violence.

(2) Article XXII of the Israeli-Palestinian Interim Agreement of the West Bank and the Gaza Strip of 1995 declares that Israel and the Palestinian Authority will "ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation".

(3) As a result of the Oslo Accords, the responsibility for education in the West Bank and Gaza was transferred from the Government of Israel to the Palestinian Ministry of Education.

(4) Since the early 1950s, Palestinian schools in the West Bank have used Jordanian textbooks and the schools in Gaza used Egyptian textbooks, but when these areas were under the control of the Israeli government, anti-Semitic and anti-Israel content was removed from the school books.

(5) While beginning to develop their own curriculum, the Palestinian Ministry of Education continued to use Egyptian and Jordanian books, but failed to remove the anti-Israel and anti-Semitic content.

(6) The Palestinian Ministry of Education directly supervised the production of new textbooks which are now used in schools in the West Bank and Gaza.

(7) The new textbooks contain anti-Semitic and anti-Israel content, and the Israeli government no longer has the authority to change the content of the textbooks.

(8) Palestinian Authority school children are actively taught that the Jews and Israel are the enemy in a broad range of contexts, and for example, page 79 of the Islamic Education for Ninth Grade reads, "One must beware of the Jews, for they are treacherous and disloyal".

(9) The Islamic Education for Ninth Grade also instructs that "one must beware of civil war which the Jews try to incite, scheming against the Muslims," on page 94.

(10) On page 182, the text of the Islamic Education for Ninth Grade reads "The Jews—have killed and evicted Muslim and Christian inhabitants of Palestine, whose inhabitants are still suffering oppression and persecution under racist Jewish administration."

(11) The Islamic Religious Education for the Fourth Grade teaches students on page 44, ". . . the Jews—as is their way—do not want people to live in peace."

(12) The books include lessons equating Zionism with Nazism, Fascism, and racism, and for example, The Contemporary History of Arabs and the World, on page 123, states "The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism."

(13) Islamic Education for the Fourth Grade teaches children "the Jews are the enemies" on page 67.

(14) The new textbooks do not acknowledge the State of Israel, but rather the creation of Israel is explained as the Israeli occupation of 1948.

(15) All the maps of "Palestine", be they political, historical, geographical, or natural resource maps in the textbooks, erase mention of Israel.

(16) The calls to fight and eliminate Israel through Jihad (Holy War) and Martyrdom for Allah, appear frequently in the school books.

(17) In addition there is a separate recurring theme: the children are taught to fight and conquer Israel's capital, Jerusalem, and for example, the book Islamic Education for Seventh Grade asks: "How are we going to liberate our stolen land? Make use of the following ideas: Arab unity, genuine faith in Allah, most modern weapons and ammunition, using oil and other precious natural resources as weapons in the battle for liberation" on page 15.

(18) The need to fight Israel, all of which is said to be on "occupied Arab Land" becomes a religious imperative, with teachings like the following from Islamic Education for Seventh Grade, page 108:"if the enemy has conquered part of its land and those fighting for it are unable to repel the enemy, then Jihad becomes the individual religious duty of every Muslim man and woman, until the attack is successfully repulsed and the land liberated from conquest and to defend Muslim honor. . ".

(19) The same message appears in the fifth grade text Our Arabic Language for Fifth Grade on pages 69 and 70. "there will be a Jihad and our country shall be freed. This is our story with the thieving conquerors. You must know, my boy, that Palestine is your grave responsibility.

(20) Children are specifically taught to protect all mosques, and for example, Islamic Education for the Seventh Grade instructs students that "they must devote all their efforts and resources to repairing them and to protecting them and must wage a Jihad both of life and property to liberate al-Aqsa Mosque from the Zionist conquest" on page 184.

(21) Palestinian Authority television is under direct control of the Palestinian Authority.

(22) The same hateful portrayal of Jews and Israel found in the school books is promoted regularly on Palestinian television, and for example, on May 14, 1998, Palestinian television broadcast' statements such as "The Jewish gangs waged racial cleansing wars against innocent Palestinians. . . large scale appalling massacres saving no women or children".

(23) Also, radio and television broadcasts made by publicly funded facilities in the Palestinian Authority-controlled areas of the West Bank and Gaza include programs having an anti-Semitic, anti-Israel content.

(24) On May 14, 1998, on Palestinian Television Zionism was presented as "a cancer in the body of the nation."

(25) The Palestinian Television also refuses to acknowledge the state of Israel, and broadcast in May 1998, "the war of 1948 brought about the establishment of the Zionist entity on Palestinian land."

(26) The message of Jihad is also conveyed on the Palestinian Television, and for example, the broadcasts declared in May 1998, "This is our Palestine. We defend it with blood."

(27) While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000 the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza, including funds for education programs.

(28) Between 1995 and 1998 international aid provided by 21 countries and 4 international organizations provided $226.9 million to educational projects in the Palestinian Territories..

(29) From 1994 to 1999, the European Community committed over $600 million in assistance to the Palestinian Territories, including funds for education programs.

SEC. 2. RESTRICTION ON ASSISTANCE.

(a) RESTRICTION.—No assistance shall be provided to the Palestinian Authority unless and until the President certifies to Congress that the Palestinian Authority has removed the anti-Semitic, anti-Israel content included in the textbooks used in schools, and radio and television broadcasts made by publicly funded facilities, in the Palestinian Authority-controlled areas of the West Bank and Gaza.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should urge allies of the United States to apply an equivalent restriction on assistance as described in subsection (a).

Mr. BINGAMAN:

S. 3282. A bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING ACT

Mr. BINGAMAN. Mr. President. I rise today to introduce a bill authorizing the Secretary of Energy to provide for the Office of Nuclear Science and Technology to reverse a serious decline in our nation's educational capability to produce future nuclear scientists and engineers. Let me outline how serious this decline is, after doing so I will outline its impact on our nation and then discuss how this bill attempts to remedy this situation.

As of this year, the supply of four-year trained nuclear scientists and engineers is at a 35-year low. The number of four-year programs across our nation to train future nuclear scientists has declined to approximately 25—a 50 percent reduction since about 1970. Two-thirds of the nuclear science and engineering faculty are over age 45 with little if any ability to draw new and young talent to replace them. Universities across the United States cannot afford to maintain their small research reactors forcing their closure at an alarming rate. This year there are only 28 operating research and training reactors, over a 50 percent decline since 1980. Most if not all of these reactors were built in the late 1950's and early 60's and were licensed initially for 30 to 40 years. As a result, within the next five years the majority of these 28 reactors will have to be relicensed. Relicensing is a long, lengthy process which most universities cannot and will not afford. Interestingly, the employment demand for nuclear scientists and engineers exceeds our nation's ability to supply them. This year, the demand exceeded supply by 350, by 2003 it will be over 400.

These human resource and educational infrastructure problems are serious. The decline in a competently trained nuclear workforce affects a broad range of national issues.

We need nuclear engineers and health physicists to help design, safely dispose and monitor nuclear waste, both civilian and military.

We rely on nuclear physicists and scientists in the field of nuclear medicine to develop radio isotopes for the thousands of medical procedures performed everyday across our nation—to help save lives.

We must continue to operate and safely maintain our existing supply of fission reactors and respond to any future nuclear crisis worldwide—it takes nuclear scientists, engineers and health physicists to do that.

Our national security and treaty commitments rely on nuclear scientists to help stem the proliferation of nuclear weapons whether in our national laboratories or as part of worldwide inspection teams in such places as Iraq. Nuclear scientists are needed to convert existing reactors worldwide from highly enriched to low enriched fuels.

Nuclear engineers and health physicists are needed to design, operate and maintain future Naval Reactors. The Navy by itself cannot train students for their four year degrees—they only provide advance postgraduate training on their reactor's operation.

Basically, we are looking at the potential loss of a 50 year investment in a field which our nation started and leads the world in. What is worse, this loss is a downward self-feeding spiral. Poor departments cannot attract bright students and bright students will not carry on the needed cutting edge research that leads to promising young faculty members. Our system of nuclear education and training, in which we used to lead the world, is literally imploding upon itself.

I've laid out in this bill some proposals that I hope will seed a national debate in the upcoming 107th Congress on what we as a nation need to do to help solve this very serious problem. It is not a perfect bill, but I think it should start the ball rolling. I welcome all forms of bipartisan input on it. My staff has worked from consensus reports from the scientific community developed by the Nuclear Energy Advisory Committee to the Department of Energy's Office of Nuclear Science and Technology, in particular its Subcommittee on Education and Training. The report is available on the Office's website. I encourage everyone to read and look at these startling statistics.

Here is an outline of what is in the bill.

First and foremost, we need to concentrate on attracting good undergraduate students to the nuclear sciences. I have proposed enhancing the current program which provides fellowships to graduate students and extends that to undergraduate students.

Second, we need to attract new and young faculty. I've proposed a Junior Faculty Research Initiation Grant Program which is similar to the NSF programs targeted only towards supporting new faculty during the first 5 years of their career at a university. These first five years are critical years that either make or break new faculty.

Third, I've proposed enhancing the Office's Nuclear Engineering Education and Research Program. This program is critical to university faculty and graduate students by supporting only the most fundamental research in nuclear science and engineering. These fundamental programs ultimately will strengthen our industrial base and over all economic competitiveness.

Fourth, I've strengthened the Office's applied nuclear science program by ensuring that universities play an important role in collaboration with the national labs and industry. This collaboration is the most basic form of tech transfer, it is face-to-face contact and networking between faculty, students and the applied world of research and industry. This program will ensure a transition between the student and their future employer.

Finally, I've strengthened what I consider the most crucial element of this program—ensuring that future generations of students and professors have well maintained research reactors.

I've proposed to increase the funding levels for refueling and upgrading academic reactor instrumentation.

I propose to start a new program whereby faculty can apply for reactor research and training awards to provide for reactor improvements.

I have proposed a novel program whereby as part of a student's undergraduate and graduate thesis project, they help work on the re-licensing of their own research reactors. This program must be in collaboration with industry which already has ample experience in relicensing. Such a program will once again provide face-to-face networking and training between student, teacher and ultimately their employer.

I have proposed a fellowship program whereby faculty can take their sabbatical year at a DOE laboratory. Under this program DOE laboratory staff can co-teach university courses and give extended seminars. This program also provides for part time employment of students at the DOE labs—we are talking about bringing in new and young talent.

In making all of these proposals, let me emphasize that each one of these programs I have described is intended to be peer reviewed and to have awards made strictly on merit of the proposals submitted. This program is not a hand out. Each element that I am proposing requires that faculty innovate and compete for these funds. If they do not win, then their reactors will simply be shut down by their institutions.

I have outlined a very serious problem that if not corrected now will cost far more to correct later on. If the program I have outlined is implemented, then it will strengthen our reputation as a leader in the nuclear sciences, strengthen our national security and our ability to compete in the world market place.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Department of Energy University Nuclear Science and Engineering Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) U.S. university nuclear science and engineering programs are in a state of serious decline. The supply of bachelor degree nuclear science and engineering personnel in the United States is at a 35-year low. The number of four year degree nuclear engineering programs has declined 50 percent to approximately 25 programs nationwide. Over two-thirds of the faculty in these programs are 45 years or older.

(2) Universities cannot afford to support their research and training reactors. Since 1980, the number of small training reactors in the United States have declined by over 50 percent to 28 reactors. Most of these reactors were built in the late 1950s and 1960s with 30- to 40-year operating licenses, and will require re-licensing in the next several years.

(3) The neglect in human investment and training infrastructure is affecting 50 years of national R&D investment. The decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future waste storage issues, maintain basic nuclear health physics programs, operate existing fission reactors in the United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(4) Further neglect in the nation's investment in human resources for the nuclear sciences will lead to a downward spiral. As the number of nuclear science departments shrink, faculties age, and training reactors close, the appeal of nuclear science will be lost to future generations of students.

(5) The Department of Energy's Office of Nuclear Science and Technology is well suited to help maintain tomorrow's human resource and training investment in the nuclear sciences. Through its support of research and development pursuant to the Department's statutory authorities, the Office of Nuclear Science and Technology is the principal federal agent for civilian research in the nuclear sciences for the United States. The Office maintains the Nuclear Engineering and Education Research Program which funds basic nuclear science and engineering. The Office funds the Nuclear Energy and Research Initiative which funds applied collaborative research among universities, industry and national laboratories in the areas of proliferation resistant fuel cycles and future fission power systems. The Office funds Universities to refuel training reactors from highly enriched to low enriched proliferation tolerant fuels, performs instrumentation upgrades and maintains a program of student fellowships for nuclear science, engineering and health physics.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, through the Office of Nuclear Science and Technology, shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department's statutory authorities related to civilian nuclear research and development.

(b) DUTIES OF THE OFFICE OF NUCLEAR SCIENCE AND TECHNOLOGY.—In carrying out the program under this Act, the Director of the Office of Nuclear Science and Technology shall—

(1) develop a robust graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(c) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 4(b) shall, subject to appropriations, be available for the following research and training reactor infrastructure maintenance and research:

(1) Refueling of research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.

(2) In collaboration with the U.S. nuclear industry, assistance, where necessary, in relicensing and upgrading training reactors as part of a student training program.

(3) A reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-DOE LABORATORY INTERACTIONS.—The Secretary of Energy, through the Office of Nuclear Science and Technology, shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at Department of Energy laboratories in the areas of nuclear science; and

(2) a visiting scientist program in which laboratory staff can spend time in academic nuclear science and engineering departments.

The Secretary shall also provide for fellowships for students to spend time at Department of Energy laboratories in the area of nuclear science.

(e) Merit Review Required.—All grants, contracts, cooperative agreements, or other financial assistance awards under this Act shall be made only after independent merit review.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) Total Authorization.—The following sums are authorized to be appropriated to the Secretary of Energy, to remain available until expended, for the purposes of carrying out this Act:

(1) $44,200,000 for fiscal year 2002.
(2) $56,450,000 for fiscal year 2003.
(3) $63,100,000 for fiscal year 2004.
(4) $61,100,000 for fiscal year 2005.
(5) $71,700,000 for fiscal year 2006.

(b) Graduate and Undergraduate Fellowships.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(1):

(1) $5,000,000 for fiscal year 2002.
(2) $5,100,000 for fiscal year 2003.
(3) $5,200,000 for fiscal year 2004.
(4) $5,200,000 for fiscal year 2005.
(5) $5,200,000 for fiscal year 2006.

(c) Junior Faculty Research Initiation Grant Program.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(2):

(1) $10,000,000 for fiscal year 2002.
(2) $11,000,000 for fiscal year 2003.
(3) $11,500,000 for fiscal year 2004.
(4) $11,500,000 for fiscal year 2005.
(5) $11,500,000 for fiscal year 2006.

(d) Nuclear Engineering and Education Research Program.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(3):

(1) $10,000,000 for fiscal year 2002.
(2) $15,000,000 for fiscal year 2003.
(3) $20,000,000 for fiscal year 2004.
(4) $21,000,000 for fiscal year 2005.
(5) $22,000,000 for fiscal year 2006.

(e) Communication and Outreach Related to Nuclear Science and Engineering.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(5):

(1) $200,000 for fiscal year 2002.
(2) $250,000 for fiscal year 2003.
(3) $300,000 for fiscal year 2004.
(4) $300,000 for fiscal year 2005.
(5) $300,000 for fiscal year 2006.

(f) Refueling of Research Reactors and Instrumentation Upgrades.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(1):

(1) $6,000,000 for fiscal year 2002.
(2) $6,500,000 for fiscal year 2003.
(3) $7,000,000 for fiscal year 2004.
(4) $7,000,000 for fiscal year 2005.
(5) $7,000,000 for fiscal year 2006.

(g) Re-Licensing Assistance.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(2):

(1) $2,000,000 for fiscal year 2002.
(2) $2,500,000 for fiscal year 2003.
(3) $3,000,000 for fiscal year 2004.
(4) $3,000,000 for fiscal year 2005.
(5) $4,500,000 for fiscal year 2006.

(h) Reactor Research and Training Award Program.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(3);

(1) $10,000,000 for fiscal year 2002.
(2) $15,000,000 for fiscal year 2003.
(3) $15,000,000 for fiscal year 2004.
(4) $17,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(i) University-DOE Laboratory Interactions.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(d).

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,100,000 for fiscal year 2004.
(4) $1,100,000 for fiscal year 2005.
(5) $1,200,000 for fiscal year 2006.

By Mr. LUGAR (for himself, Mr. Gramm, Mr. Harkin, Mr. Fitzgerald, Mr. Hagel, and Mr. Johnson):

S. 3283. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systematic risk in markets for futures and over-the-counter derivatives, and for other purposes; read the first time.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. LUGAR. Mr. President, I am pleased to rise today with Senators Gramm, Harkin, Fitzgerald, Hagel, and Johnson to re-introduce the Commodity Futures Modernization Act of 2000. This legislation is the Senate companion to H.R. 5660, which Congressman Thomas Ewing introduced yesterday in the House of Representatives and which will be enacted as part of the final appropriations package today. This monumental legislation is the culmination of two years worth of hearings and hard-fought negotiations, but I am confident that the resulting legislation will greatly benefit the U.S. financial industry. I commend all the Members and staff who have contributed to this bill. In particular, I want to applaud Senator Gramm, Congressman Ewing and Senator Fitzgerald for their stewardship and determination in helping pass a bill this year. Its enactment would not have occurred without their efforts. I also want to recognize Treasury Secretary Summers, Commodity Futures Trading Commission, CFTC, Chairman Bill Rainer and Securities and Exchange Commission, SEC, Chairman Arthur Levitt as well as their staffs, who have played a pivotal role in bringing this bill together and garnering support for its passage.

This bill, which re-authorizes the Commodity Exchange Act for five years, would reform our financial and derivatives laws in five primary ways. First, it would incorporate the unanimous recommendations of the President's Working Group on Financial Markets on the proper legal and regulatory treatment of over-the-counter, OTC, derivatives. Second, it would codify the regulatory relief proposal of the CFTC to ensure that futures exchanges are appropriately regulated and remain competitive. Third, this legislation would repeal the Shad-Johnson jurisdictional accord, which banned single stock futures 18 years ago. Fourth, this legislation provides certainty that products offered by banking institutions will not be regulated as futures contracts. Finally, this bill provides legal certainty for institutional equity swaps by providing the SEC with express but limited authorities over these instruments.

Derivative instruments, both those that are exchange-traded and traded over-the-counter, have played a significant role in our economy's current expansion due to their innovative nature and risk-transferring attributes. The global derivatives market has a notional value that now exceeds $90 trillion. Identified by Federal Reserve Chairman Alan Greenspan as the most significant event in finance of the past decade, the development of the derivatives market has substantially added to the productivity and wealth of our nation.

Derivatives enable companies to unbundle and transfer risk to those entities who are willing and able to accept it. By doing so, efficiency is enhanced as firms are able to concentrate on their core business objective. A farmer can purchase a futures contract, one type of derivative, in order to lock in a price for his crop at harvest. Likewise, automobile manufacturers whose profits earned overseas can fluctuate with changes in currency values, can minimize this uncertainty through derivatives, allowing them to focus on the business of building cars. Banks significantly lessen their exposure to interest rate movements by entering into derivatives contracts known as swaps, which enable these institutions to hedge their risk by exchanging variable and fixed rates of interests.

Signed into law in 1974, the Commodity Exchange Act, CEA, requires that futures contracts be traded on a regulated exchange. As a result, a futures contract that is traded off an exchange is illegal and unenforceable. When Congress enacted the CEA and authorized the CFTC to enforce it, this was not a concern. The meanings of "futures" and "exchange" were relatively apparent. Furthermore, the over-the-counter derivatives business was in its infancy. However, in the 26 years since the statute's enactment, the OTC swaps and derivatives market, sparked by innovation and technology, has significantly outpaced the exchange-traded futures markets. Thus the definitions of a swap and a future began to blur.

In 1998, the CFTC issued a document containing a concept release regarding

OTC derivatives, which was perceived by many as a precursor to regulating these instruments as futures. Just the threat of reaching this conclusion could have had considerable ramifications, given the size and importance of the OTC market. The legal uncertainty interjected by this dispute jeopardized the entirety of the OTC market and threatened to move significant portions of the business overseas. If we were to lose this market, most likely to London, it would take years to bring it back to U.S. soil. The resulting loss of business and jobs would be immeasurable.

This threat led the Treasury Department, the Federal Reserve, and the SEC to oppose the concept release and request that Congress enact a moratorium on the CFTC's ability to regulate these instruments until after the President's Working Group could complete a study on the issue. As a result, Congress passed a six-month moratorium on the CFTC's ability to regulate over-the-counter derivatives. Despite reservations, I supported this moratorium because it brought legal assurance to this skittish market and it allowed the Working Group time to develop recommendations on the most appropriate legal treatment of OTC derivatives. In November 1999, the President's Working Group completed its unanimous recommendations on OTC derivatives and presented Congress with these findings. These recommendations remain the cornerstone of our bill.

Our bill contains several mechanisms for ensuring that legal certainty is attained and that certain transactions remain outside the Commodity Exchange Act. The first, the electronic trading facility exclusion, would exclude transactions in financial commodities from the Act if conducted: (1) on a principal to principal basis; (2) between institutions or sophisticated persons with high net worth; and (3) on an electronic trading facility. The second would exclude these transactions if (1) they are conducted between institutions or sophisticated persons with high net worth; and (2) they are not on a trading facility.

These exclusions attempt to address the advent of electronic trading and the changing and innovating nature of the financial industry. Indeed, we are keenly aware that there are newly emerging electronic systems that provide for the electronic negotiation of swaps agreements between and among large banks and other sophisticated major financial institutions acting as dealers. We do not intend for these systems to come within the definition of trading facilities.

The third exclusion clarifies the Treasury Amendment language already contained in the CEA. It would exclude all transactions in foreign currency and government securities from the Act unless those transactions are futures contracts and traded on an organized exchange. As recommended by the Working Group, the bill would give the CFTC jurisdiction over non-regulated off-exchange retail transactions in foreign currency. Another important recommendation of the PWG was to authorize futures clearing facilities to clear OTC derivatives in an effort to lessen systemic risk and this bill incorporates this finding.

As part of the legal certainty provisions, this legislation also addresses the concern that excluding OTC derivatives from the futures laws will cause these products to be fully regulated as securities. With Senator GRAMM's leadership, this legislation adopts language that would provide the SEC with limited authority over institutional swaps for fraud, manipulation and insider trading. This language will help to provide the legal certainty that these institutional transactions lack under current law.

Title four of this bill also provides legal certainty for banking products. Senator GRAMM has appropriately raised the concern that traditional banking products should not be subject to the CEA. This language provides an exclusion for traditional banking products as well as hybrid products that are predominantly banking in nature. New products offered by banks that are not in existence on December 5, 2000, or are otherwise not excluded from the CEA would fall under a "jump ball" provision of the bill. This section provides a mechanism for the CFTC and the Federal Reserve to determine whether a new non-traditional product offered by a bank should be regulated under the banking laws or the futures laws.

The second major section of this legislation addresses regulatory relief. In February of this year, the CFTC issued a regulatory relief proposal that would provide relief to futures exchanges and their customers. Instead of listing specific requirements for complying with the CEA, the proposal would require exchanges to meet internationally agreed-upon core principals. The CFTC proposal creates tiers of regulation for exchanges based on whether the underlying commodities being traded are susceptible to manipulation or whether the users of the exchange are limited to institutional customers. Unsure of whether this legislation would be enacted, the CFTC went ahead and finalized its regulatory relief proposal on November 20, 2000.

When enacted, this legislation will largely incorporate the CFTC's framework. A board of trade that is designated as a contract market would receive the highest level of regulation due to the fact that these products are susceptible to manipulation or are offered to retail customers. Futures on agricultural commodities would fall into this category. This bill also sets out that in lieu of contract market designation, a board of trade may register as a Derivatives Transaction Execution Facility, DTEF, if the products being offered are not susceptible to manipulation and are traded among institutional customers or retail customers who use large Futures Commission Merchants, FCMs, who are members of a clearing facility.

Also, a board of trade may choose to be an Exempt Board of Trade, XBOT, and not be subject to the Act (except for the CFTC's anti-manipulation authority) if the products being offered are traded among institutional customers only (absolutely no retail) and the instruments are not susceptible to manipulation. Our bill would allow a board of trade that is a DTEF or an XBOT to opt to trade derivatives that are otherwise excluded from the Act on these facilities and to the extent that these products are traded on these facilities, the CFTC would have exclusive jurisdiction over them. With this provision, the intent is to provide these facilities that trade derivatives with a choice—if regulation is beneficial, the facility may choose to be regulated. If not, the facility may choose to be excluded or exempted from the Act.

By refraining from altering certain sections of the Act, this legislation reaffirms the importance of specific authorities granted the CFTC, including its anti-fraud and anti-manipulation powers. Section 4b is the principal anti-fraud provision of the Act and the Commission has consistently used Section 4b to combat fraudulent conduct by bucket shops and boiler rooms that entered into transactions directly with their customers and thus did not involve a traditional broker-client type of relationship. There have been cases involving the fraudulent sale of illegal precious metals futures contracts marketed as cash-forward transactions (*CFTC* v. *P.I.E., Inc.*, 853 F.2d 721 (9th Cir. 1988)) as well as cases involving boiler room operations fraudulently selling illegal precious metals contracts to members of the general public. (*CFTC* v. *Wellington Precious Metals, Inc.*, 950 F.2d 1525 (11th Cir.), cert. denied, 113 S. Ct. 66 (1992)). This reaffirmation is consistent with both Congress' understanding of and past Congressional amendments to Section 4b that confirmed the applicability of Section 4b to fraudulent boiler rooms and bucket shops that enter into transactions directly with their customers.

It is the intent of Congress in retaining Section 4b of the Act that the provision not be limited to fiduciary, broker/customer or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework.

The bill's last section addresses the Shad-Johnson jurisdictional accord. In

1982, SEC Chairman John Shad and CFTC Chairman Phil Johnson reached an agreement on dividing jurisdiction between the agencies for those products that had characteristics of both securities and futures. Known as the Shad-Johnson Accord, this agreement prohibited single stock futures and delineated jurisdiction between the SEC and the CFTC on stock index futures.

Meant as a temporary agreement, many have suggested that the Shad-Johnson accord should be repealed. The President's Working Group unanimously agreed that the Accord should be repealed if regulatory disparities are resolved between the regulation of futures and securities. In March 2000, the General Accounting Office released a report that found that there is no legitimate policy reason for maintaining the ban on single stock futures since these products are being traded in foreign markets, in the OTC market, and synthetically in the options markets. Chairman GRAMM and I sent a letter requesting the CFTC and the SEC to make recommendations on reforming the Shad-Johnson ban. On September 14, 2000, the SEC and CFTC reached an agreement on the proper regulatory treatment of these instruments, and we have incorporated this agreement into our legislation.

Under the legislation, the SEC and the CFTC would jointly regulate the market for single stock futures and narrow-based stock index futures. These products will be allowed to trade on both futures and securities exchanges. Single stock futures and narrow-based stock index futures (i.e., security futures) would be statutorily defined as both securities and futures, allowing the agencies the authority to regulate these instruments. However, to avoid redundancy, our legislation exempts these products from a series of regulations and requirements under both the securities and futures laws.

Margin levels, listing standards, and other key trading practices would be jointly supervised by the SEC and CFTC. At the outset, margin levels for security futures products could not be lower than comparable margin levels required in the options markets. The tax treatment of these products would be comparable to the tax treatment of options on securities to ensure a level playing field between the markets.

Futures on broad-based indices would be under the exclusive jurisdiction of the CFTC. The agreement sets out a "bright-line" formula for determining when an index is broad-based using the number and weighting of the securities contained in the index. This formula would allow a broad-based index to contain as few as 9 securities.

The goal of this legislation is to ensure that the United States remains a global leader in the derivatives marketplace and that these markets are appropriately and effectively regulated. I believe that this legislation meets these objectives while ensuring that the public's interest in the financial markets is protected.

This long legislative journey began two years ago when the Senate and House Agriculture Committees held a two day roundtable, in which distinguished individuals from the financial community participated. One of those individuals was Merton H. Miller, the Nobel Prize winning professor of economics from the University of Chicago, who passed away this summer. Professor Miller, known for his disarming sense of humor, his plain-spokenness and his generosity, is dearly missed by his family, friends and colleagues. The impact of his death has been particularly hard felt by the community of friends at the Chicago futures markets. Professor Miller was the primary intellectual force behind the development of the modern financial futures market and a staunch defender of the free market system. His body of work helped bring academic legitimacy to these markets, and he is sorely missed by them. As part of our roundtable discussion, we allowed each of the participants to make one wish for the coming 106th Congress. True to his life's work in this area, Professor Miller told us that Congress needed to lessen the cost of regulation on the futures and other financial markets in order to allow these markets to survive and compete in the global economy. I find it particularly satisfying that we are able to pass this historic legislation at the end of the 106th Congress and provide Professor Miller with his wish. I am confident that his legacy will live on through the success and growth of the markets that are benefitted by this legislation.

Mr. GRAMM. Mr. President, today I join with Senator LUGAR, Chairman of the Senate Agriculture Committee, and several others of our colleagues to introduce the Commodity Futures Modernization Act of 2000. The formal purpose of this legislation is to reauthorize the Commodity Exchange Act, the legal authority for the Commodity Futures Trading Commission. As important as that is, this legislation does far more.

This is a landmark bill that addresses the two major purposes that Senator LUGAR and I set out to achieve when we first began discussing this legislation. First of all, this bill would repeal the so-called Shad-Johnson Accord, the 18-year-old temporary prohibition on the trading of futures based on individual stocks. Second, the bill eliminates the legal uncertainty that today hangs as an ominous cloud over the $60 trillion financial swaps markets.

We are introducing the bill today as the finished product of years of work involving half a dozen committees in both Houses of Congress, and as many agencies of the Federal government. This bill is identical to, and is the Senate companion to, H.R. 5660, introduced yesterday in the House and which will be approved by the House and the Senate today. We introduce this bill in the Senate to demonstrate the bicameral authorship and support for this important legislation.

For legislative history, I would direct my colleagues to statements made elsewhere in the RECORD in connection with House and Senate action on the House companion, part of the package of legislation approved together with the Labor HHS appropriations bill for fiscal year 2001.

I would take this opportunity to thank Chairman LUGAR and all who had a hand in forming this important legislation. All who had a hand in it deserve to be proud of this product.

Mr. DURBIN:

S. 3284. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personal Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Governmental Affairs.

OPTION ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing legislation to make available to all of our constituents the same range of private health insurance plans available to Members of Congress and other federal employees through the Federal Employees Health Benefits Program, FEHBP.

The OPTION Act—Offering People True Insurance Options Nationwide—would expand insurance options by allowing individuals to enroll in private health insurance plans nearly identical to the plans federal employees currently choose from. Though the OPTION program would be separate from the federal employees program, it would be modeled after FEHBP and would draw from FEHBP's strengths: plan choice, group purchasing savings, comprehensive benefits, and open enrollment periods.

Too many Americans do not have real insurance options. Many individuals lack insurance because no insurer is willing to cover them at a reasonable price. Others work for employers who do not provide health insurance or offer only one insurance provider. The OPTION Act addresses these issues by giving individuals and businesses access to the group purchasing power that undergirds FEHBP and the wide range of health plans in that program.

Under this legislation, all FEHBP health plans would be required to offer an OPTION health plan to non-federal employees with the same benefits they offer federal employees through FEHBP.

OPTION enrollees would be placed in a separate risk pool, to prevent any effect on current FEHBP employees, and the OPTION Act would not result in any changes in the premiums or benefits of today's FEHBP health plans.

One of the few differences from FEHBP is that OPTION plans would be allowed to vary premiums by age, so that younger enrollees would be more likely to enroll. OPTION plans also would be required to offer rebates or lower premiums for longevity of health coverage. These provisions would act as an incentive for people to sign up when they are young and to maintain continuous coverage.

OPTION health plans would not be allowed to impose any preexisting condition exclusions on new OPTION enrollees who have at least one year of health insurance coverage immediately prior to enrollment in an OPTION plan. To prevent people from waiting until they get sick to enroll, health plans would be allowed to exclude coverage for preexisting conditions for up to one year for people without coverage immediately preceding enrollment.

All employers would have the option of voluntarily participating in the OPTION program and providing OPTION health plans to their employees. To be eligible, a business would have to be willing to pay at least a minimum percentage of the premiums, varying from 30 percent to 50 percent depending on the size of the business. This innovative employer option would encourage employer health coverage rather than shifting coverage away from the private sector. I want to emphasize that employer participation would be entirely voluntary.

Opening up these health plans to employers would give small businesses a new opportunity to provide health coverage to their employees. Premiums in today's market can be especially high for small businesses buying insurance on their own. The OPTION program will allow businesses to tap into the type of group buying power in the federal employees program.

Premiums would not be government-subsidized and would instead be the responsibility of the participating enrollees and those employers who choose to participate.

Mr. President, I support efforts to provide financial assistance to those who cannot afford health insurance and I have offered other pieces of legislation to provide that assistance. We need to address the fact that 42.6 million Americans, including 1.7 million Illinoisans, currently lack health insurance—up nearly 25 percent from the 34.4 million in 1990. However, I am offering this measure on its own to focus specifically on expanding health coverage options and encouraging businesses to provide coverage. No one should be living just a serious accident or major illness away from financial ruin. Making more insurance options available to a greater number of people in this country is a good first step toward universal coverage.

The OPTION program would be administered by the Office of Personnel Management, OPM, which administers the FEHBP program, and would generally follow the rules for FEHBP. OPM has developed considerable expertise in negotiating and working with health plans and has shown that it can run a health program well at a minimum of cost. We can build on OPM's expertise to extend the same health insurance options to all Americans.

Finally, once it is up and running, the program would pay for itself. Administrative costs would be covered from a portion of the OPTION premiums. Those who benefit from the program would pay for its overhead costs.

Mr. President, this legislation could open the door for many Americans to obtain good health insurance coverage. I am introducing it at this late point in the session so that it can stimulate discussion over the next few months. I will reintroduce the measure next year. I welcome the input and support of my colleagues and hope the Senate will work next year to reduce the number of uninsured Americans and expand insurance options.

I ask unanimous consent that a fuller summary of the bill and a copy of the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Offering People True Insurance Options Nationwide Act of 2000".

SEC. 2. OPTION HEALTH INSURANCE.

Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 90A—HEALTH INSURANCE FOR NON-FEDERAL EMPLOYEES

"Sec.
"9051. Definitions.
"9052. Health insurance for non-Federal employees.
"9053. Contract requirement.
"9054. Eligibility.
"9055. Alternative conditions to Federal employee plans.
"9056. Coordination with social security benefits.
"9057. Non-Federal employer participation.

"§ 9051. Definitions

"In this chapter—

"(1) the terms defined under section 8901 shall have the meanings given such terms under that section; and

"(2) the term 'Office' means the Office of Personnel Management.

"§ 9052. Health insurance for non-Federal employees

"(a) The Office of Personnel Management shall administer a health insurance program for non-Federal employees in accordance with this chapter.

"(b) Except as provided under this chapter, the Office shall prescribe regulations to apply the provisions of chapter 89 to the greatest extent practicable to eligible individuals covered under this chapter.

"(c) In no event shall the enactment of this chapter result in—

"(1) any increase in the level of individual or Government contributions required under chapter 89, including copayments or deductibles;

"(2) any decrease in the types of benefits offered under chapter 89; or

"(3) any other change that would adversely affect the coverage afforded under chapter 89 to employees and annuitants and members of family under that chapter.

"§ 9053. Contract requirement

"(a) Each contract entered into under section 8902 shall require a carrier to offer to eligible individuals under this chapter, throughout each term for which the contract remains effective, the same benefits (subject to the same maximums, limitations, exclusions, and other similar terms or conditions) as would be offered under such contract or applicable health benefits plan to employees, annuitants, and members of family.

"(b)(1) The Office may waive the requirements of this subsection, if the Office determines, based on a petition submitted by a carrier that—

"(A) the carrier is unable to offer the applicable health benefits plan because of a limitation in the capacity of the plan to deliver services or assure financial solvency;

"(B) the applicable health benefits plan is not sponsored by a carrier licensed under applicable State law; or

"(C) bona fide enrollment restrictions make the application of this chapter inappropriate, including restrictions common to plans which are limited to individuals having a past or current employment relationship with a particular agency or other authority of the Government.

"(2) The Office may require a petition under this subsection to include—

"(A) a description of the efforts the carrier proposes to take in order to offer the applicable health benefits plan under this chapter; and

"(B) the proposed date for offering such a health benefits plan.

"(3) A waiver under this subsection may be for any period determined by the Office. The Office may grant subsequent waivers under this section.

"§ 9054. Eligibility

"An individual shall be eligible to enroll in a plan under this chapter, unless the individual is enrolled or eligible to enroll in a plan under chapter 89.

"§ 9055. Alternative conditions to Federal employee plans

"(a) For purposes of enrollment in a health benefits plan under this chapter, an individual who had coverage under a health insurance plan and is not a qualified beneficiary as defined under section 4980B(g)(1) of the Internal Revenue Code of 1986 shall be treated in a similar manner as an individual who begins employment as an employee under chapter 89.

"(b) In the administration of this chapter, covered individuals under this chapter shall be in a risk pool separate from covered individuals under chapter 89.

"(c)(1) Each contract under this chapter may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

"(2)(A) The preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not more than 1 year after the date of coverage of an individual under a health benefits plan, reduced by 1 month for each month that individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for coverage under this chapter.

"(B) For purposes of this paragraph, a lapse in coverage of not more than 31 days immediately preceding the date of the submission of an application for coverage shall not be considered a lapse in continuous coverage.

"(d)(1) Rates charged and premiums paid for a health benefits plan under this chapter—

"(A) may be adjusted and differ from such rates charged and premiums paid for the same health benefits plan offered under chapter 89;

"(B) shall be negotiated in the same manner as negotiated under chapter 89; and

"(C) shall be adjusted to cover the administrative costs of this chapter.

"(2) In determining rates and premiums under this chapter—

"(A) the age of covered individuals may be considered; and

"(B) rebates or lower rates and premiums shall be set to encourage longevity of coverage.

"(e) No Government contribution shall be made for any covered individual under this chapter.

"(f) If an individual who is enrolled in a health benefits plan under this chapter terminates the enrollment, the individual shall not be eligible for reenrollment until the first open enrollment period following 6 months after the date of such termination.

"§ 9056. Coordination with social security benefits

"Benefits under this chapter shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those social security benefits) to the same extent and in the same manner as if coverage were under chapter 89.

"§ 9057. Non-Federal employer participation

"(a) In this section the term—

"(1) 'employee', notwithstanding section 9051, means an employee of a non-Federal employer; and

"(2) 'non-Federal employer' means an employer that is not the Federal Government.

"(b)(1) The Office shall prescribe regulations providing for non-Federal employer participation under this chapter, including—

"(A) the offering of health benefits plans under this chapter to employees through participating non-Federal employers; and

"(B) a requirement for participating non-Federal employer contributions to the payment of premiums for employees who enroll in a health benefits plan under this chapter.

"(2) A participating non-Federal employer shall pay an employer contribution for the premiums of an employee or other applicable covered individual as follows:

"(A) A non-Federal employer that employs not more than 2 employees shall not be required to pay an employer contribution.

"(B) A non-Federal employer that employs more than 2 and not more than 25 employees shall pay not less than 30 percent of the total premiums.

"(C) A non-Federal employer that employs more than 25 and not more than 50 employees shall pay not less than 40 percent of the total premiums.

"(D) A non-Federal employer that employs more than 50 employees shall pay not less than 50 percent of the total premiums.

"(3) Notwithstanding paragraph (2) (B), (C), or (D), a non-Federal employer that employs more than 2 employees shall pay not less than 20 percent of the total premiums with respect to the first year in which that employer participates under this chapter.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONTRACT REQUIREMENT UNDER CHAPTER 89.—Section 8902 of title 5, United States Code, is amended by adding after subsection (o) the following:

"(p) Each contract under this chapter shall include a provision that the carrier shall offer any health benefits plan as required under chapter 90A.".

(b) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 90 the following:

"90A. Health Insurance for Non-Federal Employees .... 9051".

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2002 and each calendar year thereafter.

THE OFFERING PEOPLE TRUE INSURANCE OPTIONS NATIONWIDE (OPTION) ACT OF 2000—SUMMARY

The OPTION Act (Offering People True Insurance Options Nationwide) would expand health insurance options for all Americans by giving them access to the group purchasing power and same range of private health insurance plans available to Members of Congress and other federal employees. Under the OPTION Act:

All Americans would be eligible to enroll in OPTION health plans nearly identical to the health plans from which federal employees currently choose through the Federal Employees Health Benefits Program (FEHBP).

All FEHBP health plans would be required to offer an OPTION health plan to non-federal employees with the same benefits as they offer federal employees through FEHBP (with the exception of plans designated for a specific federal agency such as the foreign service and plans that apply for and receive an exemption due to special circumstances).

OPTION enrollees would be placed in a separate risk pool, to prevent any effect on current FEHBP employees.

The OPTION Act would not result in any changes in the premiums, copayments, deductibles, or benefits of FEHBP health plans, to avoid any adverse effect on the current FEHBP coverage of federal employees and annuitants and their families.

All employers would have the option of voluntarily participating in the OPTION program and providing OPTION health plans to their employees. To be eligible, a business would have to be willing to pay at least a minimum percentage of the premiums for its employees, with the amount varying depending on the size of the business. A small business with 3–25 employees would have to pay at least 30% of the premium for its employees, a larger business with 26–50 employees would have to pay at least 40%, and a business with more than 50 employees would have to pay at least 50%. Employers would be offered an incentive to begin enrolling their employees by allowing them to pay as little as 20% of the premium for the first year only. This innovative employer option would encourage employer health coverage rather than shifting coverage away from the private sector. Employer participation would be entirely voluntary.

Under the OPTION Act, premiums would not be government-subsidized. Enrollees, and those employers who choose to participate, would be responsible for the cost of the premiums. (Senator Durbin supports and has offered separate legislation to provide financial assistance to those who cannot afford health insurance but is offering this measure on its own to focus specifically on expanding health coverage options and encouraging businesses to provide coverage.)

One of the few differences from FEHBP is that OPTION plans would be allowed to vary premiums by age, so that younger enrollees would be more likely to enroll.

OPTION plans also would be required to offer rebates or lower premiums to encourage and reward longevity of health coverage. This would create an incentive for people to sign up when they are young and maintain continuous coverage.

OPTION health plans would not be allowed to impose any preexisting condition exclusions on new OPTION enrollees who have at least one year of health insurance coverage immediately prior to enrollment in an OPTION plan. To prevent people from waiting until they get sick to enroll, health plans would be allowed to exclude coverage for preexisting conditions for up to one year for people without coverage immediately prior to enrollment (reduced by one month for each month of immediately previous coverage). OPTION enrollees who terminate their coverage mid-year would have to wait to re-join until the next annual open season that is at least six months after the date of termination.

People who lost their previous health coverage and are not eligible for COBRA would be allowed to enroll in an OPTION plan at the start of the next month, just as newly hired federal employees can enroll in FEHBP.

The benefits provided by OPTION plans would be the same as the benefits in the corresponding FEHBP plans. (Current FEHBP benefits include inpatient/outpatient hospital care; physician services; surgical services; diagnostic tests; and emergency care; as well as child immunizations; certain cancer screening tests, including mammography; prescription drugs, including contraceptives; mental health and substance abuse treatment benefits with parity for mental and physical health; organ transplantation; and a 48-hour minimum inpatient stay for childbirth and mastectomies.)

The OPTION program would be administered by the Office of Personnel Management (OPM), which administers the FEHBP program, and would generally follow the rules for FEHBP. For example, OPM would conduct the same annual open season for enrollment and would negotiate premiums and benefits with OPTION health plans as it does with FEHBP plans. OPM has developed considerable expertise in negotiating and working with health plans and has shown that it can run a health program well at a minimum of cost. Its expenses are currently limited to no more than one percent of the total premiums for the FEHBP program. Rather than reinventing the wheel, we can build on OPM's expertise to extend the same health insurance options to all Americans.

Once it is up and running, the program would pay for itself. Administrative costs would be covered from a portion of the OPTION premiums.

By Mr. DURBIN:

S. 3285. A bill to amend the Internal Revenue Code of 1986 to exclude tobacco products from qualifying foreign trade property in the treatment of extraterritorial income; to the Committee on Finance.

STOP GIVING SPECIAL TAX BREAKS TO TOBACCO

Mr. DURBIN. Mr. President, today I am introducing legislation to exclude tobacco from the Extraterritorial Income Exclusion tax benefit, which has replaced the Foreign Sales Corporation tax benefit.

This tax provision provides tax benefits to a variety of companies, including many in Illinois, and I understand how important it is to them. But one product should be clearly, in law, excluded from this benefit, and it is the one product which kills its user when used according to the manufacturer's directions—tobacco.

The FSC replacement law already contains several exclusions from its benefits. Oil, gas, and other primary products are excluded to help ensure that natural resources in the United States are not depleted.

Unprocessed timber is excluded in order to ensure no displacement of U.S. jobs.

The law also excludes certain products in order to promote congruence with other federal government policies. For example, there are exclusions relating to items subject to the Export Administration Act, which prohibits or severely restricts export of certain civilian goods and technology that have military applications. Similarly, we should not be subsidizing tobacco products that are sold overseas while at the same time trying to cut smoking rates in the U.S. Our trade and health priorities should be on the same page.

The biggest tobacco companies in America currently benefit handsomely from the Foreign Sales Corporation tax break and will benefit from the Extraterritorial Income Exclusion tax break. The latest available data from the Statistics of Income Division at the Internal Revenue Service show tobacco products sold through 10 Foreign Sales Corporations for domestic tobacco manufacturers accounted for about $100 million in lost tax revenue in 1996. There is no justification for compelling American taxpayers to support a $100 million tax subsidy annually for the benefit of U.S. tobacco companies.

Since 1990, while Philip Morris's sales have grown minimally in the U.S., they have grown by 80 percent abroad. Smoking currently causes more than 3.5 million deaths each year throughout the world. Within 20 years, that number is expected to rise to 10 million, with 70 percent of all deaths from smoking occurring in developing countries. Tobacco will soon be the leading cause of disease and premature death worldwide—surpassing communicable diseases such as AIDS, malaria, and tuberculosis. American taxpayers should not be partners in this export of disease and death where the result is more children around the globe smoking and more people getting sick and dying.

While it is true that tobacco companies are not receiving any special treatment that other corporations don't get under the old FSC law or its recent replacement, we must remember that tobacco companies are not like any other company. Internal tobacco industry documents have established that, starting as early as the 1950s, cigarette companies intentionally withheld information about smoking, including scientific research about its risks; made false and misleading statements about the harm of tobacco products; attacked research findings despite knowing that the research was valid; failed to take steps to make their products safer; and marketed their products to children and youth.

As a matter of fact, Philip Morris recently posted a statement on its website agreeing that smoking is harmful to your health and that there is no such thing as a safe or safer cigarette. The statement says, "We agree with the overwhelming medical and scientific consensus that cigarette smoking causes lung cancer, heart disease, emphysema and other serious diseases in smokers. Smokers are far more likely to develop serious diseases, like lung cancer, than non-smokers. There is no 'safe' cigarette. These are and have been the messages of public health authorities worldwide. Smokers and potential smokers should rely on these messages in making all smoking-related decisions."

It is about time that the tobacco companies faced up to the fact that their products are harmful and highly addictive. In the U.S. alone, smoking causes more than 400,000 deaths and costs more than $72 billion in health care costs every year.

We should not be subsidizing such an inherently dangerous product that is being promoted and marketed so irresponsibly here and around the world. With its devastating health effects, tobacco should not enjoy the same taxpayer-subsidized federal assistance as other products.

It's time to take another step toward bringing our nation's tax and trade priorities in line with our clear understanding of the health dangers of tobacco. My legislation simply adds one additional category to the list of products excluded from the special tax treatment in the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, which was recently signed into law by the President. It shifts tobacco from being promoted by this tax benefit to being excluded from this tax benefit.

In my legislation, tobacco is defined as it is defined in Section 5702(c) of the Internal Revenue Code, so it includes cigars, cigarettes, smokeless tobacco, and pipe tobacco. It does not apply to raw tobacco, so this legislation will not affect tobacco farmers' ability to sell their product abroad.

Is it fair to exclude a legal product from this tax benefit? Absolutely! Tobacco companies spend over $5 billion each year—that's nearly $14 million every day—in the U.S. alone to promote their products in order to replace the thousands of customers who either die or quit using tobacco products each day. In other countries, U.S. tobacco companies advertise their products near schools and in video-game arcades. They also use children in other countries to peddle their products. Street lights with the Camel logo have been installed in Bucharest, Romania. Toy cars with the Camel insignia are sold to children in Buenos Aires. Children's tatoos sporting the Salem logo are distributed in Hong Kong. Arcade games in the Philippines are plastered with the Marlboro label.

I urge my colleagues to send a message to U.S. tobacco companies as well as the next Administration to take the logical next step and make changes in the way tobacco products are sold and regulated to reflect the magnitude of the danger.

The tobacco prevention agenda has been stalled in this Congress for far too long. Let's work together, in a bipartisan fashion, to stop marketing tobacco products to children, to regulate tobacco products in a sensible way, and to adopt larger and clearer warning labels commensurate with the risks of tobacco products. Let's take a close look at all the forms of tobacco, including the new fad of bidis and the resurgent use of cigars. They all have addictive levels of nicotine and deadly levels of carcinogens. It's time to put people's health ahead of tobacco company profits.

Mr. President, I urge my colleagues to join me in cosponsoring this important legislation, to end the contradiction of using the tax code to continue to enrich U.S. tobacco companies, which export products that addict children abroad to nicotine and push them down a path to disease and death.

I ask unanimous consent that a copy of the legislation be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3285

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF TOBACCO PRODUCTS FROM QUALIFYING FOREIGN TRADE PROPERTY.

(a) IN GENERAL.—Section 943(a)(3) of the Internal Revenue Code of 1986 (relating to excluded property) is amended by striking "or" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by inserting after subparagraph (E) the following new subparagraph:

"(F) any tobacco products (as defined in section 5702(c)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 3(b) of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.

Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 3286. A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; to the Committee on Energy and Natural Resources.

PILT AND REFUGE REVENUE SHARING PERMANENT FUNDING ACT

Mr. BINGAMAN. Mr. President, the bill I am introducing today, the PILT and Refuge Revenue Sharing Permanent Funding Act, deals with an issue that I believe must be addressed in the next Congress. The bill is a measure to make permanent funding for two important programs managed by the Department of the Interior: the Payment in Lieu of Taxes Program (or PILT) in the Bureau of Land Management and the Refuge Revenue Sharing Program in the Fish and Wildlife Service. These programs provide support to local governments in areas in which these two agencies hold land. Under the authorizations for these programs, the funds are to be provided as an offset to the local property tax base lost by virtue of the Federal ownership of these lands.

Federal ownership of lands in the American West, in states like New Mexico, does not come without its share of burdens for local governments. If there is a fire or other emergency, they must help respond. If there is increased traffic to and from the site, they must maintain the public roads that provide the necessary access to the public. In enacting the original authorizing legislation, Congress decided that, as a matter of policy, it was appropriate for the Federal Government to bear a fair share in paying for these costs, in lieu of the taxes that would be levied on any private landowner in these localities.

But in setting up these programs, Congress decided to make them subject to annual appropriations, either partially (in the case of Refuge Revenue Sharing) or completely (in the case of PILT). In retrospect, this was a mistake. The annual appropriations process has never come even close to providing the funds agreed upon by the underlying authorizing law. Moreover, the amount made available has changed significantly from one year to the next, frustrating the ability of localities to plan effectively for the use of these funds. Many of the burdens they face as a result of Federal land ownership require expenditures and commitments that are long-term. If you want to have a reasonable system of country roads, you need to have a consistent multi-year plan. If you want adequate fire protection, you can't be hiring a dozen new firefighters in one year and firing them the next, as appropriation levels gyrate up and down.

The Federal Government needs to be a better neighbor and a more reliable partner to local governments in the rural West. Since the system of meeting our obligations to these localities through the annual appropriations process has not worked, I am proposing that we start treating our payments in lieu of taxes in the same way that we account for incoming tax revenues to the Federal Government—on the mandatory side of the Federal ledger. By making the funding for these crucial programs full and permanent, we will be keeping the commitments to rural communities throughout the West made in the original PILT and Refuge Revenue Sharing authorizing legislation. It's a matter of simple justice to rural communities. I hope that enacting legislation along the lines of what I am proposing today will receive high priority in the next Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "PILT and Refuge Revenue Sharing Permanent Funding Act".

SEC. 2. PERMANENT FUNDING FOR PILT AND REFUGE REVENUE SHARING.

(a) PAYMENTS IN LIEU OF TAXES.—Section 6906 of title 31, United States Code, is amended to read as follows:

"There is authorized to be appropriated such sums as may be necessary to the Secretary of the Interior to carry out this chapter. Beginning in fiscal year 2002 and each year thereafter, amounts authorized under this chapter shall be made available to the Secretary of the Interior, out of any other funds in the Treasury not otherwise appropriated and without further appropriation, for obligation or expenditure in accordance with this chapter.".

(b) REFUGE REVENUE SHARING.—Section 401(d) of the Act of June 15, 1935, as amended (16 U.S.C. 715s(d)) (relating to refuge revenue sharing), is amended by adding at the end thereof:

"Beginning in fiscal year 2002 and each year thereafter, such amount shall be made available to the Secretary, out of any other funds in the Treasury not otherwise appropriated and without further appropriation, for obligation or expenditure in accordance with this section.".

ADDITIONAL COSPONSORS

S. 741

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 3250

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3250, a bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

SENATE CONCURRENT RESOLUTION 162—TO DIRECT THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 4577

Mr. STEVENS (for himelf and Mr. BYRD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 162

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: ", except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)".

SENATE RESOLUTION 388—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH HE HAS PRESIDED OVER THE DELIBERATIONS OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 388

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 389—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH HE HAS PRESIDED OVER THE DELIBERATIONS OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 389

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 390—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER.

Mr. LOTT (for himself, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

SENATE RESOLUTION 391—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER.

Mr. DASCHLE (for himself, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

SENATE RESOLUTION 392—TENDERING THE THANKS OF THE SENATE TO THE SENATE STAFF FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH THEY HAVE ASSISTED THE DELIBERATIONS OF THE SENATE.

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 392

Resolved, That the thanks of the Senate are hereby tendered to the Secretary of the Senate, the Sergeant at Arms of the Senate, the Secretary for the Majority, the Secretary for the Minority, and the floor staff of the two parties for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 393—COMMEMORATING THE LIFE OF GWENDOLYN BROOKS OF CHICAGO, ILLINOIS.

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was considered and agreed to:

S. RES. 393

Whereas Gwendolyn Brooks was born in Topeka, Kansas, on June 7, 1917, and moved one month thereafter to the South Side of Chicago;

Whereas Gwendolyn Brooks was educated in the Chicago public school system, graduating from Englewood High School in 1934;

Whereas Gwendolyn Brooks was the author of over twenty works of poetry spanning 46 years;

Whereas Gwendolyn Brooks in 1950 became the first African-American woman to win the Pulitzer Prize for poetry with her publication, Annie Allen;

Whereas Gwendolyn Brooks was showered with numerous other accolades as a poet and artist, including a lifetime achievement award from the National Endowment for the Arts;

Whereas Gwendolyn Brooks has been poet laureate of Illinois since 1968, succeeding the late Carl Sandburg;

Whereas Gwendolyn Brooks leveraged her prestige as Illinois poet laureate to inspire young writers, establishing the Illinois Poet Laureate Awards in 1969 to encourage elementary and high school students to write;

Whereas Gwendolyn Brooks taught future poets and writers at the University of Wisconsin-Madison, the City College of New York, Columbia College of Chicago, Northeastern Illinois University, Elmhurst College, and Chicago State University; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of Gwendolyn Brooks and celebrates the accomplishments she made not just to the State of Illinois, but to the entire United States of America as a poet and artist; and

(2) extends its deepest sympathies to her daughter Nora and son Henry.

AMENDMENTS SUBMITTED

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4365

Mr. DOMENICI (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 4020) to authorize an expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled "Dillonwood", numbered 102 80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and.

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and.

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1999

HATCH AMENDMENT NO. 4366

Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill (H.R. 46) to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—PUBLIC SAFETY MEDAL OF VALOR

SECTION 101. SHORT TITLE.

This title may be cited as the "Public Safety Officer Medal of Valor Act of 2000".

SEC. 102. AUTHORIZATION OF MEDAL.

After September 1, 2001, the President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty. The Public Safety Medal of Valor shall be the highest national award for valor by a public safety officer.

SEC. 103. MEDAL OF VALOR BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a Medal of Valor Review Board (hereinafter in this title referred to as the "Board"), which shall be composed of 11 members appointed in accordance with subsection (b) and shall conduct its business in accordance with this title.

(b) MEMBERSHIP.—

(1) MEMBERS.—The members of the Board shall be individuals with knowledge or expertise, whether by experience or training, in the field of public safety, of which—

(A) two shall be appointed by the majority leader of the Senate;

(B) two shall be appointed by the minority leader of the Senate;

(C) two shall be appointed by the Speaker of the House of Representatives;

(D) two shall be appointed by the minority leader of the House of Representatives; and

(E) three shall be appointed by the President, including one with experience in firefighting, one with experience in law enforcement, and one with experience in emergency services.

(2) TERM.—The term of a Board member shall be 4 years.

(3) VACANCIES.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(4) OPERATION OF THE BOARD.—

(A) CHAIRMAN.—The Chairman of the Board shall be elected by the members of the Board from among the members of the Board.

(B) MEETINGS.—The initial meeting of the Board shall be conducted within 90 days of the appointment of the last member of the Board. Thereafter, the Board shall meet at the call of the Chairman of the Board. The Board shall meet not less often than twice each year.

(C) VOTING AND RULES.—A majority of the members shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board's business, if such rules are not inconsistent with this title or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal Office. Not more often than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board shall not be required to select any recipients but may not select more than 5 recipients. The Attorney General may in extraordinary cases increase the number of recipients in a given year. The Board shall set an annual timetable for fulfilling its duties under this title.

(d) HEARINGS.—

(1) IN GENERAL.—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

(f) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

SEC. 104. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—(1) Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) All members of the Board who serve as officers or employees of the United States, a State, or a local government, shall serve without compensation in addition to that received for those services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 105. DEFINITIONS.

In this title:

(1) PUBLIC SAFETY OFFICER.—The term "public safety officer" means a person serving a public agency, with or without compensation, as a firefighter, law enforcement officer, or emergency services officer, as determined by the Attorney General. For the purposes of this paragraph, the term "law enforcement officer" includes a person who is a corrections or court officer or a civil defense officer.

(2) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this title.

SEC. 107. NATIONAL MEDAL OF VALOR OFFICE.

There is established within the Department of Justice a national medal of valor office. The office shall provide staff support to the Board to establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor and for the final design of the Medal of Valor.

SEC. 108. CONFORMING REPEAL.

Section 15 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2214) is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

"(a) ESTABLISHMENT.—There is hereby established an honorary award for the recognition of outstanding and distinguished service by public safety officers to be known as the Secretary's Award For Distinguished Public Safety Service ('Secretary's Award').";

(2) in subsection (b)—

(A) by striking paragraph (1); and

(B) by striking "(2)";

(3) by striking subsections (c) and (d) and redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively; and

(4) in subsection (c), as so redesignated—

(A) by striking paragraph (1); and

(B) by striking "(2)".

SEC. 109. CONSULTATION REQUIREMENT.

The Board shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Board may also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

TITLE II—COMPUTER CRIME ENFORCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Computer Crime Enforcement Act".

SEC. 202. STATE GRANT PROGRAM FOR TRAINING AND PROSECUTION OF COMPUTER CRIMES.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) assist in educating and training State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as penal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading "Violent Crime Reduction Programs, State and Local Law Enforcement Assistance" of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the costs of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2001 through 2004.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

TITLE III—INTERNET SECURITY

SEC. 301. SHORT TITLE.

This title may be cited as the "Internet Security Act of 2000".

SEC. 302. DEPUTY ASSISTANT ATTORNEY GENERAL FOR COMPUTER CRIME AND INTELLECTUAL PROPERTY.

(a) ESTABLISHMENT OF POSITION.—(1) Chapter 31 of title 28, United States Code, is amended by inserting after section 507 the following new section:

"§ 507a. Deputy Assistant Attorney General for Computer Crime and Intellectual Property

"(a) The Attorney General shall appoint a Deputy Assistant Attorney General for Computer Crime and Intellectual Property.

"(b) The Deputy Assistant Attorney General shall be the head of the Computer Crime and Intellectual Property Section (CCIPS) of the Department of Justice.

"(c) The duties of the Deputy Assistant Attorney General shall include the following:

"(1) To advise Federal prosecutors and law enforcement personnel regarding computer crime and intellectual property crime.

"(2) To coordinate national and international law enforcement activities relating to combatting computer crime.

"(3) To provide guidance and assistance to Federal, State, and local law enforcement agencies and personnel, and appropriate foreign entities, regarding responses to threats of computer crime and cyber-terrorism.

"(4) To serve as the liaison of the Attorney General to the National Infrastructure Protection Center (NIPC), the Department of Defense, the National Security Agency, and the Central Intelligence Agency on matters relating to computer crime.

"(5) To coordinate training for Federal, State, and local prosecutors and law enforcement personnel on laws pertaining to computer crime.

"(6) To propose and comment upon legislation concerning computer crime, intellectual property crime, encryption, electronic privacy, and electronic commerce, and concerning the search and seizure of computers.

"(7) Such other duties as the Attorney General may require, including duties carried out by the head of the Computer Crime and Intellectual Property Section of the Department of Justice as of the date of the enactment of the Internet Security Act of 2000.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 507 the following new item:

"507a. Deputy Assistant Attorney General for Computer Crime and Intellectual Property.".

(b) FIRST APPOINTMENT TO POSITION OF DEPUTY ASSISTANT ATTORNEY GENERAL.—(1) The individual who holds the position of head of the Computer Crime and Intellectual Property Section (CCIPS) of the Department of Justice as of the date of the enactment of this title shall act as the Deputy Assistant Attorney General for Computer Crime and Intellectual Property under section 507a of title 28, United States Code, until the Attorney General appoints an individual to hold the position of Deputy Assistant Attorney General for Computer Crime and Intellectual Property under that section.

(2) The individual first appointed as Deputy Assistant Attorney General for Computer Crime and Intellectual Property after the date of the enactment of this title may be the individual who holds the position of head of the Computer Crime and Intellectual Property Section of the Department of Justice as of that date.

(c) AUTHORIZATION OF APPROPRIATIONS FOR CCIPS.—There is hereby authorized to be appropriated for the Department of Justice for fiscal year 2001, $5,000,000 for the Computer Crime and Intellectual Property Section of the Department for purposes of the discharge of the duties of the Deputy Assistant Attorney General for Computer Crime and Intellectual Property under section 507a of title 28, United States Code (as so added), during that fiscal year.

SEC. 303. DETERRENCE AND PREVENTION OF FRAUD, ABUSE, AND CRIMINAL ACTS IN CONNECTION WITH COMPUTERS.

(a) CLARIFICATION OF PROTECTION OF PROTECTED COMPUTERS.—Subsection (a)(5) of section 1030 of title 18, United States Code, is amended—

(1) by inserting "(i)" after "(A)";

(2) by redesignated subparagraphs (B) and (C) as clauses (ii) and (iii), respectively, of subparagraph (A);

(3) by adding "and" at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following new subparagraph:

"(B) whose conduct described in clause (i), (ii), or (iii) of subparagraph (A) caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

"(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

"(iii) physical injury to any person;

"(iv) a threat to public health or safety; or

"(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security;".

(b) PROTECTION FROM EXTORTION.—Subsection (a)(7) of that section is amended by striking ", firm, association, educational institution, financial institution, governmental entity, or other legal entity,".

(c) PENALTIES.—Subsection (c) of that section is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting "except as provided in subparagraph (B)," before "a fine";

(ii) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(iii) by striking "and" at the end;

(B) in subparagraph (B), by inserting "or an attempt to commit an offense punishable under this subparagraph," after "subsection (a)(2)," in the matter preceding clause (i); and

(C) in subparagraph (C), by striking "and" at the end;

(2) in paragraph (3)—

(A) by striking ", (a)(5)(A), (a)(5)(B)," both places it appears; and

(B) by striking "(a)(5)(C)" and inserting "(a)(5)(A)(iii)"; and

(3) by adding at the end the following new paragraph:

"(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under this subparagraph;

"(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under this subparagraph; and

"(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under this subparagraph, that occurs after a conviction for another offense under this section.".

(d) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (2)(B), by inserting ", including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication of the United States" before the semicolon;

(2) in paragraph (7), by striking "and" at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

"(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;"

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

"(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

"(11) the term 'loss' means any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service; and

"(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity.".

(e) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of that section is amended—

(1) by striking the second sentence and inserting the following new sentences: "A suit for a violation of this section may be brought only if the conduct involves one of

the factors enumerated in clauses (i) through (v) of subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages."; and

(2) by adding at the end the following new sentence: "No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.".

SEC. 304. CRIMINAL FORFEITURE FOR COMPUTER FRAUD AND ABUSE.

Section 1030 of title 18, United States Code, as amended by section 303 of this Act, is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

"(A) the interest of such person in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(B) any property, whether real or personal, constituting or derived from any proceeds that such person obtained, whether directly or indirectly, as a result of such violation.

"(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding relating thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.".

SEC. 305. ENHANCED COORDINATION OF FEDERAL AGENCIES.

Subsection (d) of section 1030 of title 18, United States Code, is amended to read as follows:

"(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section relating to its jurisdiction under section 3056 of this title and other statutory authorities. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

"(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.".

SEC. 306. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after "or statutory authorization" the following: "(including a request of a governmental entity under section 2703(f) of this title)".

SEC. 307. FORFEITURE OF DEVICES USED IN COMPUTER SOFTWARE COUNTERFEITING AND INTELLECTUAL PROPERTY THEFT.

(a) IN GENERAL.—Section 2318(d) of title 18, United States Code, is amended—

(1) by inserting "(1)" before "When";

(2) in paragraph (1), as so designated, by inserting ", and of any replicator or other device or thing used to copy or produce the computer program or other item to which the counterfeit labels have been affixed or which were intended to have had such labels affixed" before the period; and

(3) by adding at the end the following:

"(2) The forfeiture of property under this section, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).".

(b) CONFORMING AMENDMENT.—Section 492 of such title is amended in the first undesignated paragraph by striking "or 1720," and inserting ", 1720, or 2318".

SEC. 308. SENTENCING DIRECTIVES FOR COMPUTER CRIMES.

(a) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER CRIMES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines and, if appropriate, shall promulgate guidelines or policy statements or amend existing policy statements to address—

(1) the potential and actual loss resulting from an offense under section 1030 of title 18, United States Code (as amended by this title);

(2) the level of sophistication and planning involved in such an offense;

(3) the growing incidence of offenses under such subsections and the need to provide an effective deterrent against such offenses;

(4) whether or not such an offense was committed for purposes of commercial advantage or private financial benefit;

(5) whether or not the defendant involved a juvenile in the commission of such an offense;

(6) whether or not the defendant acted with malicious intent to cause harm in committing such an offense;

(7) the extent to which such an offense violated the privacy rights of individuals harmed by the offense; and

(8) any other factor the Commission considers appropriate in connection with any amendments made by this title with regard to such subsections.

(b) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030(a)(5)(A)(ii) or 1030(a)(5)(A)(iii) of title 18, United States Code (as amended by section 303 of this Act), can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

(c) AMENDMENT OF SENTENCING GUIDELINES RELATING TO USE OF ENCRYPTION.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines and, if appropriate, shall promulgate guidelines or policy statements or amend existing policy statements to ensure that the guidelines provide sufficiently stringent penalties to deter and punish persons who intentionally use encryption in connection with the commission or concealment of criminal acts sentenced under the guidelines.

(d) EMERGENCY AUTHORITY.—The Commission may promulgate the guidelines or amendments provided for under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 309. ASSISTANCE TO FEDERAL, STATE, AND LOCAL COMPUTER CRIME ENFORCEMENT AND ESTABLISHMENT OF NATIONAL CYBER CRIME TECHNICAL SUPPORT CENTER.

(a) NATIONAL CYBER CRIME TECHNICAL SUPPORT CENTER.—

(1) CONSTRUCTION REQUIRED.—The Director of the Federal Bureau of Investigation shall provide for the construction and equipping of the technical support center of the Federal Bureau of Investigation referred to in section 811(a)(1)(A) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1312; 28 U.S.C. 531 note).

(2) NAMING.—The technical support center constructed and equipped under paragraph (1) shall be known as the "National Cyber Crime Technical Support Center".

(3) FUNCTIONS.—In addition to any other authorized functions, the functions of the National Cyber Crime Technical Support Center shall be—

(A) to serve as a centralized technical resource for Federal, State, and local law enforcement and to provide technical assistance in the investigation of computer-related criminal activities;

(B) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(C) to provide training and education for Federal, State, and local law enforcement personnel regarding investigative technologies and forensic analyses pertaining to computer-related crime;

(D) to conduct research and to develop technologies for assistance in investigations and forensic analyses of evidence related to computer-related crimes;

(E) to facilitate and promote efficiencies in the sharing of Federal law enforcement expertise, investigative technologies, and forensic analysis pertaining to computer-related crime with State and local law enforcement personnel, prosecutors, regional computer forensic laboratories, and multijurisdictional computer crime task forces; and

(F) to carry out such other activities as the Director considers appropriate.

(b) DEVELOPMENT AND SUPPORT OF COMPUTER FORENSIC ACTIVITIES.—The Director shall, in consultation with the heads of other Federal law enforcement agencies, take appropriate actions to develop at least 10 regional computer forensic laboratories, and to provide support, education, and assistance for existing computer forensic laboratories, in order that such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity;

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime;

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime

with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(c) Authorization of Appropriations.—

(1) Authorization.—There is hereby authorized to be appropriated for fiscal year 2001, $100,000,000 for purposes of carrying out this section, of which $20,000,000 shall be available solely for activities under subsection (b).

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

Amend the title to read as follows: "To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, to enhance computer crime enforcement and Internet security, and for other purposes.".

HAWAIIAN NATIONAL PARK LANGUAGE CORRECTION ACT OF 1999

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4367

Mr. STEVENS (for Mr. Murkowski and Mr. Bingaman) proposed an amendment to the bill (S. 939) to correct spelling errors in the statutory designations of Hawaiian National Parks; as follows:

On page 2, strike lines 1 and 2 and insert the following:

"TITLE I—CORRECTION IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

"SEC. 101. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.".

On page 4, line 17, strike "SEC. 3" and insert "SEC. 102".

At the end of the bill add the following new titles:

"TITLE II—PEOPLING OF AMERICA THEME STUDY"

SEC. 201. SHORT TITLE.

This title may be cited as the "Peopling of America Theme Study Act".

SEC. 202. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United Sates and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a-5 note; Public Law 101-628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) Purposes.—The purposes of this title are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 203. DEFINITIONS.

In this title:

(1) Secretary.—The term "Secretary" means the Secretary of the Interior.

(2) Theme study.—The term "theme study" means the national historic landmark theme study required under section 4.

(3) Peopling of America.—The term "peopling of America" means the migration to and within, and the settlement of, the United States.

SEC. 204. THEME STUDY.

(a) In General.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) Purpose.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) Idenfification and Designation of Potential New National Historic Landmarks.—

(1) In general.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) List of appropriate sites.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) Designation.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) National Park System.—

(1) Identification of sites within current units.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) Identification of new sites.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) Continuing Authority.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) Public Education and Research.—

(1) Linkages.—

(A) Establishment.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) Purpose.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) Cooperative arrangements.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) Educational initiatives.—

(A) In general.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) Cooperative programs.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 205. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE III—LITTLE SANDY RIVER WATERSHED PROTECTION, OREGON.

SEC. 301. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) In General.—Public Law 95-200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

"SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

"(a) Establishment.—

"(1) In general.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98,272 acres, as depicted on a map dated May 2000, and entitled "Bull Run Watershed Management Unit".

"(2) Map.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the offices of the State Director, Bureau of Land Management, Department of the Interior.

"(3) Boundary adjustments.—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

"(b) Definition of Secretary.—In this Act, the term "Secretary" means—

"(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

"(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.".

(b) Conforming and Technical Amendments.—

(1) Secretary.—Public Law 95-200 (16 U.S.C. 482b note) is amended by striking "Secretary of Agriculture" each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting "Secretary".

(2) Applicable Law.—

(A) In general.—Section 2(a) of Public Law 95-200 (16 U.S.C. 482b note) is amended by striking "applicable to National Forest System lands" and inserting "applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)".

(B) Management Plans.—The first sentence of section 2(c) of Public Law 95-200 (16 U.S.C. 482b note) is amended—

(i) by striking 'subsection (a) and (b)' and inserting 'subsections (a) and (b)'; and

(ii) by striking ", through the maintenance" and inserting "(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance".

SEC. 302. MANAGEMENT.

(a) Timber Harvesting Restrictions.—Section 2(b) of Public Law 95-200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

"(1) In General.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.".

(b) Repeal of Management Exception.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104-208) is amended by striking section 606 (110 Stat. 3009-543).

(c) Repeal of Duplicative Enactment.—Section 1026 of division I of the Omnibus Parks and Public Land Management Act of 1996 (Public Law 104-333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) Water Rights.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 303. LAND RECLASSIFICATION.

(a) Within 6 months of the date of enactment of this title, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181f) within the boundary of the special resources management area described in section 1 of this title.

(b) Within 18 months of the date of enactment of this title, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in subsection (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181a-f). For purposes of this subsection, "public domain lands" shall have the meaning given the term "public lands" in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a-f).

(c) Within 2 years after the date of enactment of this title, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to subsections (a) and (b) of this section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to subsection (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to subsection (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a-f).

SEC. 304. ENVIRONMENTAL RESTORATION.

In order to further the purposes of this title, there is hereby authorized to be appropriated $10,000,000 under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105-277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (P.L. 93-205) near the Bull Run Management Unit.

EXPRESSING THE SUPPORT OF CONGRESS FOR ACTIVITIES TO INCREASE PUBLIC AWARENESS OF MULTIPLE SCLEROSIS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 271, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 271) expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the Record, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 271) was agreed to.

The preamble was agreed to.

HAWAIIAN NATIONAL PARK LANGUAGE CORRECTION ACT OF 1999

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 175, S. 939.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 939) to correct spelling errors in the statutory designations of Hawaiian National Parks.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic.)

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaiian National Park Language Correction Act of 1999".

SEC. 2. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) Hawai‘i Volcanoes National Park—

(1) In general.—Public Law 87-278 (75 Stat. 577) is amended by striking "Hawaii Volcanoes National Park" each place it appears and inserting "Hawai‘i Volcanoes National Park".

(2) References.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Hawaii Volcanoes National Park" shall be considered a reference to "Hawai‘i Volcanoes National Park".

(b) Haleakalā National Park.—

(1) In general.—Public Law 86-744 (74 Stat. 881) is amended by striking "Haleakala National Park" and inserting "Haleakalā National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Haleakala National Park" shall be considered a reference to "Haleakalā National Park".

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking "KALOKO-HONOKOHAU" and inserting "KALOKO-HONOKŌHAU"; and

(B) by striking "Kaloko-Honokohau" each place it appears and inserting "Kaloko-Honokōhau".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Kaloko-Honokohau National Historical Park" shall be considered a reference to "Kaloko-Honokōhau National Historical Park".

(d) PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The [first section of the] Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking "Puuhonua o Honaunau National Historical [Park]" *Park" each place it appears* and inserting "Pu'uhonua o Hōnaunau National Historical Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puuhonua o Honaunau National Historical Park shall be considered a reference to "Pu'uhonua o Hōnaunau National Historical Park".

(e) PU'UKOHOLĀ HEIAU NATIONAL [HISTORICAL SITE] *HISTORIC SITE*.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking "Puukohola Heiau National [Historical Site] *Historic Site*" each place it appears and inserting "Pu'ukoholā Heiau National [Historical Site] *Historic Site*".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puukohola Heiau National Historic Site" shall be considered a reference to "Pu'ukoholā Heiau National [Historical Site] *Historic Site*".

SEC. 3. CONFORMING AMENDMENTS.

[Section] *(a) Section* 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking "Hawaii Volcanoes" each place it appears and inserting "Hawai'i Volcanoes".

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking "Haleakala" each place it appears and inserting "Haleakalā".

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 4367

(Purpose: To add provisions authorizing the Secretary of the Interior to conduct a theme study on the Peopling of America, and to provide further protections for the watershed of the Little Sandy River in Oregon)

Mr. STEVENS. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. MURKOWSKI, for himself and Mr. BINGAMAN, proposes an amendment numbered 4367.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4367) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 939), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

CALIFORNIA TRAIL INTERPRETIVE ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2749) entitled "An Act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States", do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—CALIFORNIA TRAIL INTERPRETIVE CENTER

SEC. 101. SHORT TITLE.

This title may be cited as the "California Trail Interpretive Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth-century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth-century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

(b) PURPOSES.—The purposes of this title are—

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 103. DEFINITIONS.

In this title:

(1) CALIFORNIA TRAIL.—The term "California Trail" means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term "Center" means the California Trail Interpretive Center established under section 104(a).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term "State" means the State of Nevada.

SEC. 104. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the "California Trail Interpretive Center", near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall be established for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106–99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this title; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this title, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of $3,000,000;

(B) Elko County, Nevada, in the amount of $1,000,000; and

(C) the city of Elko, Nevada, in the amount of $2,000,000.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $12,000,000.

TITLE II—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

SEC. 201. SHORT TITLE.

This title may be cited as the "Education Land Grant Act".

SEC. 202. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE III—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY AREA AND THE CROSSROADS OF THE WEST HISTORIC DISTRICT

SEC. 301. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term "Golden Spike Rail Study" means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site", National Park Service, 1993.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) STUDY AREA.—The term "Study Area" means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) IN GENERAL.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) CONSULTATION.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) BOUNDARIES OF STUDY AREA.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) REPORT.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 302. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) DEFINITIONS.—For the purposes of this section:

(1) DISTRICT.—The term "District" means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term "historic infrastructure" means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled "Crossroads of the West Historic District", numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

Amend the title so as to read "An Act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.".

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE FOREST SERVICE TO CONVEY CERTAIN LANDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4656, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and, finally, any statements relating to either of these measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4656) was read the third time and passed.

JAMESTOWN 400TH COMMEMORATION COMMISSION ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4907, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4907) to establish the Jamestown 400th Commemoration Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4907) was read the third time and passed.

LOWER RIO GRANDE VALLEY RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1761).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1761) entitled "An Act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term "Commissioner" means the Commissioner of the Bureau of Reclamation.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner.

(3) STATE.—The term "State" means the Texas Water Development Board and any other authorized entity of the State of Texas.

(4) PROGRAM AREA.—The term "program area" means—

(A) the counties in the State of Texas in the Rio Grande Regional Water Planning Area known as Region "M" as designated by the Texas Water Development Board; and

(B) the counties of Hudspeth and El Paso, Texas.

SEC. 3. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto, shall undertake a program in cooperation with the State, water users in the program area, and other non-Federal entities, to investigate and identify opportunities to improve the supply of water for the program area as provided in this Act. The program shall include the review of studies or planning reports (or both) prepared by any competent engineering entity for projects designed to conserve and transport raw water in the program area. As part of the program, the Secretary shall evaluate alternatives in the program area that could be used to improve water supplies, including the following:

(1) Lining irrigation canals.

(2) Increasing the use of pipelines, flow control structures, meters, and associated appurtenances of water supply facilities.

(b) PROGRAM DEVELOPMENT.—Within 6 months after the date of the enactment of this Act, the Secretary, in consultation with the State, shall develop and publish criteria to determine which projects would qualify and have the highest priority for financing under this Act. Such criteria shall address, at a minimum—

(1) how the project relates to the near- and long-term water demands and supplies in the study area, including how the project would affect the need for development of new or expanded water supplies;

(2) the relative amount of water (acre feet) to be conserved pursuant to the project;

(3) whether the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project; and

(4) if the project proponents have met the requirements specified in subsection (c).

(c) PROJECT REQUIREMENTS.—A project sponsor seeking Federal funding under this program shall—

(1) provide a report, prepared by the Bureau of Reclamation or prepared by any competent engineering entity and reviewed by the Bureau of Reclamation, that includes, among other matters—

(A) the total estimated project cost;

(B) an analysis showing how the project would reduce, postpone, or eliminate development of new or expanded water supplies;

(C) a description of conservation measures to be taken pursuant to the project plans;

(D) the near- and long-term water demands and supplies in the study area; and

(E) engineering plans and designs that demonstrate that the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project;

(2) provide a project plan, including a general map showing the location of the proposed physical features, conceptual engineering drawings of structures, and general standards for design; and

(3) sign a cost-sharing agreement with the Secretary that commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

(d) FINANCIAL CAPABILITY.—Before providing funding for a project to the non-Federal project

sponsor, the Secretary shall determine that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

(e) REVIEW PERIOD.—Within 1 year after the date a project is submitted to the Secretary for approval, the Secretary, subject to the availability of appropriations, shall determine whether the project meets the criteria established pursuant to this section.

(f) REPORT PREPARATION; REIMBURSEMENT.—Project sponsors may choose to contract with the Secretary to prepare the reports required under this section. All costs associated with the preparation of the reports by the Secretary shall be 50 percent reimbursable by the non-Federal sponsor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000.

SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.

(a) PROJECT IMPLEMENTATION.—If the Secretary determines that any of the following projects meet the review criteria and project requirements, as set forth in section 3, the Secretary may conduct or participate in funding engineering work, infrastructure construction, and improvements for the purpose of conserving and transporting raw water through that project:

(1) In the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project.

(2) In the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.

(3) In the Cameron County, Texas Irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48-05540-002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998.

(4) In the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(b) CONSTRUCTION COST SHARE.—The non-Federal share of the costs of any construction carried out under, or with assistance provided under, this section shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State. The remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME ZONE FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 3756 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3756) to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

There being objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R 3756) was read the third time and passed.

AMENDMENT TO TITLE 5, UNITED STATES CODE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 207, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 207) to amend title 5, United States Code, to provide that physicians comparability allowances pay for retirement purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 207) was read the third time and passed.

COMMEMORATING THE LIFE OF GWENDOLYN BROOKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 393 introduced earlier today by Senator Durbin and Senator Fitzgerald.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 393) commemorating the life of Gwendolyn Brooks of Chicago, Illinois, poet laureate of Illinois since 1968.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table with no intervening action, and that any statements relating thereto be printed in the Record

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution with its preamble reads as follows:

S. Res. 393

Whereas Gwendolyn Brooks was born in Topeka, Kansas, on June 7, 1917, and moved one month thereafter to the South Side of Chicago;

Whereas Gwendolyn Brooks was educated in the Chicago public school system, graduating from Englewood High School in 1934;

Whereas Gwendolyn Brooks was the author of over twenty works of poetry spanning 46 years;

Whereas Gwendolyn Brooks in 1950 became the first African-American woman to win the Pulitzer Prize for poetry with her publication, Annie Allen;

Whereas Gwendolyn Brooks was showered with numerous other accolades as a poet and artist, including a lifetime achievement award from the National Endowment for the Arts;

Whereas Gwendolyn Brooks has been poet laureate of Illinois since 1968, succeeding the late Carl Sandburg;

Whereas Gwendolyn Brooks leveraged her prestige as Illinois poet laureate to inspire young writers, establishing the Illinois Poet Laureate Awards in 1969 to encourage elementary and high school students to write;

Whereas Gwendolyn Brooks taught future poets and writers at the University of Wisconsin-Madison, the City College of New York, Columbia College of Chicago, Northeastern Illinois University, Elmhurst College, and Chicago State University; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of Gwendolyn Brooks and celebrates the accomplishments she made not just to the State of Illinois, but to the entire United States of America as a poet and artist; and

(2) extends its deepest sympathies to her daughter Nora and son Henry.

UNANIMOUS CONSENT AGREEMENT—H.R. 3549

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 3549 regarding the repeal of the modification of the installment method, the bill be read the third time and passed, and the motion to reconsider be laid upon the table. I further ask consent that the above occur with no intervening action or debate, and I further ask consent this agreement be vitiated if the text is different than that which is now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the appointment that is at the desk appear separately in the Record as if made by the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–291, announces the appointment of the following individuals to the Advisory Committee on Forest Counties Payments: Tim Creal, of South Dakota; Doug Robertson, of Oregon.

AUTHORIZATION TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the majority leader or Senator ABRAHAM be authorized to sign all duly enrolled bills and resolutions following the sine die adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. STEVENS. I ask unanimous consent that notwithstanding the sine die adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Mr. REID. Reserving the right to object, I have waited around this afternoon, this evening, to have an opportunity to direct a few comments to the Senator from Alaska. I say to my friend from Alaska, I remember about a year ago at this time the Senator from Alaska gave me as a token of recognition a Tasmanian devil tie.

Now, coming from Senator STEVENS, who has such a record in the Senate, that meant a lot to me. In celebration of our ending the session today, I wore this tie. I say this because in all sincerity it meant a lot to me when Senator STEVENS gave me this tie. You have been a role model for me since I came to Washington almost 20 years ago. You have a record that is unsurpassed for doing good things for your State as well as being an effective leader. I have served with the Senator from Alaska my entire time in the Senate on the Appropriations Committee, and I have admired the work done. I respected the tenacity shown, often for the people of the State of Alaska and other causes for which he believes.

I wish to publicly state how appreciative I am of this token, this honor the Senator gave me.

Mr. STEVENS. I am overwhelmed by that statement and my good friend. I noticed the Tasmanian devil tie. I enjoy those ties, and I hope the Senator enjoys his. I certainly enjoy our association.

I served as whip for 8 years. I know the distinguished Senator from Nevada has the same job I had. I was the minority whip for a while and the majority whip for a while; he has, too, served in the capacity. We have a great deal in common, and I am delighted to have him as a friend.

The PRESIDING OFFICER. Is there objection to the previous request made by the Senator from Alaska? Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 3283

Mr. STEVENS. I understand that S. 3283 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3283) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

Mr. STEVENS. Mr. President, on behalf of the leader, I now ask for its second reading, and I object to that.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

THANKING MARSHALL DOVE

Mr. STEVENS. I think we are getting down to the end. Today is not only the last day of the 106th Congress, but it is also the last day of Marshall Dove, who served in the Senate on the Republican Cloakroom staff.

She has been here, now, for close to 3 years and will now change careers. I have asked for this opportunity to wish her the best in all the new challenges she may face. We thank her for her dedication and service in the Senate.

UNANIMOUS CONSENT AGREEMENT—S. 2924

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives the message from the House on S. 2924 the Senate proceed to its immediate consideration and agree to the amendment of the House providing that language is identical to the language I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate concurred in the amendment of the House, as follows:

Resolved, That the bill from the Senate (S. 2924) entitled "An Act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet False Identification Prevention Act of 2000".

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents (as defined in section 1028(d)(3) of title 18, United States Code, as added by section 3(2) of this Act) is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Director of the United States Secret Service, the Director of the Federal Bureau of Investigation, the Attorney General, the Commissioner of Social Security, and the Commissioner of Immigration and Naturalization, or their respective designees.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions;

(E) specification of the sentence imposed as a result of each guilty plea and conviction; and

(F) recommendations, if any, for legislative changes that could facilitate more effective investigation and prosecution of the creation and distribution of false identification documents.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (c)(3)(A), by inserting ", including the transfer of a document by electronic means" after "commerce"; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting "template, computer file, computer disc," after "impression,";

(B) in paragraph (5), by striking "and" after the semicolon;

(C) by redesignating paragraph (6) as paragraph (8);

(D) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(E) by inserting after paragraph (2) the following:

"(3) the term 'false identification document' means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

"(A) is not issued by or under the authority of a governmental entity; and

"(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;"; and

(F) by inserting after paragraph (6), as redesignated, the following:

"(7) the term 'transfer' includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others; and".

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, and the item relating to that section in the table *of contents for chapter 83 of that title, are repealed.*

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I am pleased that the Senate will today give final approval to legislation I introduced to curb the availability of false identification via the Internet.

Let me thank my many colleagues in both the House and Senate for their hard work in moving this measure quickly through the legislative process. In particular, I appreciate the support and assistance of Chairman HENRY HYDE of the House Judiciary Committee, as well as the work of Congressman HOWARD COBLE, Congressman HOWARD BERMAN, Congressman JOHN CONYERS, and Congressman BILL MCCOLLUM. In addition to their efforts, I want to praise the strong support of Congressman MARK GREEN, who introduced a similar bill in the House. Enactment of this bill would not have been possible without the consistent support of the chairman of the Judiciary Committee, Senator HATCH, as well as the assistance of Senators KYL, LEAHY, FEINSTEIN, and DURBIN.

The bill before the Senate today will make important improvements in our laws against the distribution and use of false identification. As I found during a lengthy investigation of the availability of false identification on the Internet, our current laws have done little to stop a growing Internet market in every imaginable type of false identification. Whether via e-mail or from a Web site with a name such as thefakeidshop.com, everything from birth certificates, to Social Security cards, to driver's licenses, are being sold or traded through the ease of cyberspace.

Testimony before the Subcommittee on Investigations demonstrated that the availability of false identification documents from the Internet is a growing problem. Special Agent David Myers, Identification Fraud Coordinator of the State of Florida's Division of Alcoholic Beverages and Tobacco, testified that two years ago only one percent of false identification documents came from the Internet. Last year, he testified, a little less than five percent came from the Internet. Now he estimates that about 30 percent of the false identification documents he seizes comes from the Internet. He predicts that by next year his unit will find at least 60 to 70 percent of the false identification documents they seize will come from the Internet.

S. 2924 will put a stop to this widespread distribution of false identification, which can be used to commit identity theft, to facilitate serious financial crimes, and to facilitate the underage purchase of alcohol and tobacco. The new law will make clear that it is a crime to transfer false identification documents by electronic means, and that those documents can be in the form of computer files, discs, or templates.

I expect strong action by law enforcement agencies to enforce both the existing provisions of title 18, section 1028, and the expanded authority provided by this legislation. The intent of S. 2924 is simple and clear—to stop those who use the Internet to sell, distribute, or make available false identification.

I am pleased that the new law will make it a crime to place false identification, regardless of its format, on an on-line location. Thus, the posting of such tools as scanned false identification documents or templates of state driver's licenses on Web sites will, without doubt, be illegal.

Mr. President, I am pleased that the House retained the provisions that will establish a coordinating committee to concentrate resources of federal agencies on investigating and prosecuting the creation of false identification. This multi-agency effort should draw on the resources of several agencies to investigate and prosecute those who engage in the production and transfer of false identification of any type. I urge the Attorney General and the Secretary of the Treasury to involve all agencies that can assist in curbing the use of false identification.

The House also approved another important portion of the Senate bill—the elimination of a section of law that unfortunately allowed criminals to manufacture, distribute, or sell counterfeit identification documents by using easily removable disclaimers as part of an attempt to shield the illegal conduct from prosecution through a bogus claim of "novelty." No longer will it be acceptable to provide computer templates of government-issued identification containing an easily removable layer saying that it is not a government document.

I thank my colleagues for their support of this important legislation.

COMPUTER CRIME ENFORCEMENT ACT

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2816.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2816) to establish a grant program to permit State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

There being no objection, the Senate proceeded to consider the bill.

H.R. 2816, THE COMPUTER CRIME ENFORCEMENT ACT

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing the Computer Crime Enforcement Act, which is now headed to President Clinton for his signature into law. I introduced the Senate version of this bill, S. 1314, on July 1, 1999, with Senator DEWINE and is now also co-sponsored by Senators ROBB, HATCH and ABRAHAM. This legislation also passed the Senate as part of H.R. 46, the Public Safety Officer Medal of Valor Act. I thank my colleagues for their hard work on the Computer Crime Enforcement Act, especially Representative MATT SALMON, the House sponsor.

The information age is filled with unlimited potential for good, but it also creates a variety of new challenges for law enforcement. A recent survey by the FBI and the Computer Security Institute found that 62 percent of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of information, sabotage, computer viruses, and stolen laptops. Computer crime has become a multi-billion dollar problem.

The Computer Crime Enforcement Act is intended to help states and local agencies in fighting computer crime. All 50 states have now enacted tough computer crime control laws. They establish a firm groundwork for electronic commerce, an increasingly important sector of the nation's economy.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statutes.

Earlier this year, I released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98 percent of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement. My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence.

According to my survey, 83 percent of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52 percent of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Without the necessary education, training and technical support, our law enforcement officers are and will continue to be hamstrung in their efforts to crack down on computer crimes.

I crafted the Computer Crime Enforcement Act, S. 1314, to address this problem. The bill would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and the Fraternal Order of Police. This is an important bipartisan effort to provide our state and local partners in crime-fighting with the resources they need to address computer crime.

Mr. STEVENS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2816) was read the third time and passed.

THANKING OUR CREATOR

Mr. STEVENS. Mr. President, I want to publicly state I think we ought to thank our Creator for giving us the opportunity to serve in this body, and to have a period of time like we have just come through, where I have been able to speak for people of different nationalities, different tongues, who have come to our country and sought freedom and an opportunity to work for themselves, so that they will now be able to continue that work. It really is, to me, a very significant day. To be able to accomplish this is very much a humbling experience.

ADJOURNMENT SINE DIE

Mr. STEVENS. I now ask unanimous consent the Senate stand in adjournment sine die under the provisions of H. Con. Res. 446.

There being no objection, at 8:03 p.m., the Senate adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate December 15, 2000:

DEPARTMENT OF AGRICULTURE

ISLAM A. SIDDIQUI, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE MICHAEL V. DUNN.

ENVIRONMENTAL PROTECTION AGENCY

EDWIN A. LEVINE, OF FLORIDA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE DAVID GARDINER, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SARAH MCCRACKEN FOX, OF NEW YORK, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, VICE STUART E. WEISBERG, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JULIE E. SAMUELS, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE JEREMY TRAVIS, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate December 15, 2000:

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ERIC D. EBERHARD, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002.

UNITED STATES INSTITUTE OF PEACE

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

MARC E. LELAND, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

HARRIET M. ZIMMERMAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

DONALD J. SUTHERLAND, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2002.

DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT.

APPALACHIAN REGIONAL COMMISSION

ELLA WONG-RUSINKO, OF VIRGINIA, TO BE ALTERNATE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION.

DEPARTMENT OF STATE

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS).

DEPARTMENT OF THE TREASURY

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY. RUTH MARTHA THOMAS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

JONATHAN TALISMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

AGENCY FOR INTERNATIONAL DEVELOPMENT

EVERETT L. MOSLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF LABOR

GORDON S. HEDDELL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF TWO YEARS.

NATIONAL SCIENCE FOUNDATION

MARK S. WRIGHTON, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

DEPARTMENT OF LABOR

LESLIE BETH KRAMERICH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

UNITED STATES INSTITUTE OF PEACE

SEYMOUR MARTIN LIPSET, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

DEPARTMENT OF STATE

LUIS J. LAUREDO, OF FLORIDA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

RUST MACPHERSON DEMING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

RONALD D. GODARD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

MICHAEL J. SENKO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

HOWARD FRANKLIN JETER, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

LAWRENCE GEORGE ROSSIN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

BRIAN DEAN CURRAN, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

AGENCY FOR INTERNATIONAL DEVELOPMENT

BARRY EDWARD CARTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

DEPARTMENT OF THE TREASURY

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY.

AFRICAN DEVELOPMENT FOUNDATION

CLAUDE A. ALLEN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005.

WILLIE GRACE CAMPBELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

MICHAEL PRESCOTT GOLDWATER, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005.

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE. MARJORY E. SEARING, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

FEDERAL DEPOSIT INSURANCE CORPORATION

JOHN M. REICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

FREDERICK G. SLABACH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

UNITED STATES INSTITUTE OF PEACE

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED

STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

DEPARTMENT OF JUSTICE

RANDOLPH D. MOSS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

DANIEL MARCUS, OF MARYLAND, TO BE ASSOCIATE ATTORNEY GENERAL.

GLENN A. FINE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

LORETTA E. LYNCH, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING AVIS T. BOHLEN, AND ENDING MARK YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN F. ALOIA, AND ENDING PAUL G. CHURCHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING GUY EDGAR OLSON, AND ENDING DEBORAH ANNE BOLTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING JAMES A. HRADSKY, AND ENDING MICHAEL J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on December 15, 2000, withdrawing from further Senate consideration the following nominations:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, WHICH WAS SENT TO THE SENATE ON FEBRUARY 3, 2000.

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, WHICH WAS SENT TO THE SENATE ON MAY 11, 2000.

EXTENSIONS OF REMARKS

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Ms. BROWN of Florida. Mr. Speaker, I have served with Congressman JULIAN DIXON for the past eight years. I was saddened by the news early Friday morning, December 8, 2000, that JULIAN DIXON is no longer with us. My heartfelt condolences go out to his beloved wife Bettye and son Cary. He will be missed by our colleagues of this United States Congress.

When I thought of JULIAN, I thought of him as an officer and gentleman. JULIAN was an officer. As an officer, he was honorable, noble, trustworthy, and a quiet commander. As a gentleman, he was a man of chivalrous and genuine qualities.

Service was the guiding principle of his life. He was the eminent expression of congenial relationships, and yes character and temperament changed with every activity he was involved with. Lives touched by Representative DIXON became engaged and thereafter empathetic, kindly and honorable.

He worked hard for his constituents of California. He never tired of spreading princely qualities to everyone he met. Yes, he was a consensus builder. He will be missed.

With Representative DIXON, it was never about winning, but it was truly about how you managed the hand you were dealt.

He was an officer. He was a gentleman. He was my colleague.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. TRAFICANT. Mr. Speaker, today, I was deeply saddened to hear of the passing of JULIAN C. DIXON.

Mr. DIXON was a great member of Congress, and is to be commended for his accomplishments as the fifth ranking Democrat on the Appropriations Committee and as the ranking member on the House Permanent Select Committee on Intelligence.

He was well-known for his commitment to our nation's civil rights and for the instrumental role he played in minimizing the effects of natural disasters that struck his community. His leadership in the bipartisan effort to secure federal support for the Alameda Corridor project in Los Angeles and in obtaining federal funds for communities hard hit by cuts in defense spending are to also be commended.

JULIAN C. DIXON will be sorely missed on Capitol Hill. I extend my deepest sympathy to his family.

OSHA ERGO-NONSENSE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BEREUTER. Mr. Speaker, this Member highly commends this December 14, 2000, editorial from the Norfolk Daily News expressing strong concern regarding the new Occupational Safety and Health Administration (OSHA) regulation on ergonomics.

ERGO-NONSENSE

NEW OSHA WORKPLACE REGULATION ISN'T BASED ON A COMPLETED STUDY

The U.S. Occupational Safety and Health Administration calls its new regulation the "Ergonomics Program Standard." The National Federation of Independent Businesses has a different description: "Ergo-nonsense."

"Scheduled to take effect on Jan. 16, 2001, it is, without question, the most burdensome, expensive and intrusive regulation ever to be imposed on the small-business community," said Jack Faris, federation president.

We would have to agree. Ostensibly designed to help prevent repetitive motion injuries, like carpal tunnel syndrome, the new regulation will require employers to alter the workplace in order to do so. It's a noble intent.

But the regulation assumes that employers aren't already doing everything possible to take care of the health and well-being of employees. The regulation also doesn't have a scientific basis, seeing as how the National Academy of Science's study on ergonomics isn't even completed yet.

It's also curious how this 1,688-page regulation was able to be introduced and published in about a year's time, when, on average, it takes OSHA four years to do so with other regulations.

Because President Clinton allowed the regulation to move forward, it now will take legal action to stop it. That's not a sure thing, so business owners everywhere had better start preparing for their own version of "ergo-nonsense."

HONORING ELIZABETH MARQUARDT

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. WOOLSEY. Mr. Speaker, today I recognize Elizabeth Marquardt. Elizabeth Marquardt has served for 22 years as a Governing Member of the Petaluma California School Board, the longest term in its history. Her vision, intelligence, and dedication has impacted the lives of hundreds of thousands of Petaluma students.

During her tenure Elizabeth was instrumental in raising money for schools and cofounding the Petaluma Educational Foundation. From sorting through the budget challenges following the passage of California Proposition 13 to hiring three superintendents, she has given generously her time and energy. Elizabeth has accomplished this while fostering a friendly, cooperative atmosphere that has helped board members work together to reach decisions that are best for the children of Petaluma.

It is my great pleasure to pay tribute to Elizabeth Marquardt. I am very proud to represent such a remarkable woman.

TRIBUTE TO MARIA MAGDA O'KEEFE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a person I am proud to call my friend, Maria Magda O'Keefe of Paterson, New Jersey, who was recognized on Thursday, November 9, 2000 on the occasion of the 25th Anniversary of the Hispanic Multi Purpose Service Center. It is only appropriate that she be honored as she retires from the Paterson City Council, for she has a long history of caring, generosity and commitment to others.

Maria was recognized for her many years of leadership in Paterson, which I have been honored to represent in Congress since 1997, and so it is only fitting that these words are immortalized in the annals of this greatest of all freely elected bodies.

Councilwoman Magda has a varied educational background and has studied in a multitude of fields. The State of New Jersey Department of Law and Public Safety, Division of Consumer Affairs certified her as a Social Worker. Also, the National Association of Forensic Counselors certified her to be a Domestic Violence Counselor. In addition, she is a Registered Nurse having earned her diploma

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

at the Hospital de Damas in San German, Puerto Rico. She is a graduate of Central High School in Santurce, Puerto Rico. Also, she studied Health Education at Columbia University in New York and Cosmetology at the Master Headdresser Academy in Passaic, New Jersey.

Maria has always been an active and involved leader. One of her most important accomplishments was her founding of the Hispanic Multi Purpose Service Center (HMPSC) in Paterson. She is currently the Executive Director of the center. The HMPSC is a highly respected agency that provides free social, educational and recreation services to the residents of Paterson and Passaic County.

This remarkable woman is a trailblazer for Latino elected officials in Passaic County. In her political career she has set many important milestones. In 1989, she became the first Hispanic Woman to be elected as the President of the Paterson City Council. Her vision and leadership has made it easier for all Hispanic Americans to seek and win elected office.

On the Council and in her daily life Maria remained devoted to the City of Paterson and the Hispanic community. She has served as Deputy Mayor of the city, as well as the Administrator of the Mayor's Office Division of Planning. In addition, she was a coordinator of the city's service programs for the Hispanic community and the nutritional programs for the city's Hispanic senior citizens.

Known for a questioning mind and an ability to get things done, Councilwoman Magda has served her community in a variety of positions. She was the Commissioner of the Board of Social Services and the Board of Health in Paterson. She was also a member of the Board of St. Joseph's Hospital and Medical Center in Paterson. She has served as a liaison between the Paterson City Hall and the community at-large. She was a member of Women in Government, the Paterson Chamber of Commerce, the Columbia University Health Panel and the Boy Scouts of America Board of Directors. In addition, she has served as Chairperson of the Paterson Great Falls Committee, and in 1976, she was the President of the Puerto Rican Parade.

Councilwoman Magda continually touches the lives of the people around her. She has received a myriad of awards including recognition from the United States Department of Defense, the Irish Culture Society, the New Jersey State Assembly and the Italiana Society.

Maria Magda O'Keefe was born on July 22, 1938. She has three siblings. Maria has two wonderful children Debra Ann Martinez and John Mitchell Morales. She has four grandchildren and one great granddaughter.

Mr. Speaker, as a former mayor of Paterson that has worked with Maria for many years, I can say that I can think of no elected official who works harder or cares more about her constituents. Perhaps the greatest tribute to her is the unwavering faith of the voters of Paterson. They have demonstrated this by electing her time and again to her position.

Mr. Speaker, I ask that you join our colleagues, Maria's family and friends, the City of Paterson, the State of New Jersey and me in recognizing the outstanding and invaluable service to the community of Maria Magda O'Keefe.

IN HONOR OF THE HONORABLE JOLENE MOLITORIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KUCINICH. Mr. Speaker, today I rise to honor a distinguished public servant and a truly remarkable woman, the current Administrator of the Federal Railroad Administration (FRA), Jolene Molitoris.

A true champion of railroad safety, Jolene Molitoris was appointed by the President of the United States William J. Clinton, to be the first female Administrator of the Federal Railroad Administration in 1993. In her tireless effort to improve safety in the United States and around the world, Administrator Molitoris established zero tolerance for any safety hazard as the industry standard. In addition, she created partnerships with rail labor and management, achieving historic increases in all safety categories. As a testament to the outstanding leadership of Administrator Molitoris, the FRA began its transformation from a traditional regulatory agency into a result and consumer-focused organization.

Under Administrator Molitoris' management (1993–1999), the public enjoyed the safest seven-year period in history. During this period there was a 43-percent reduction in employee injuries and fatalities and a 30-percent reduction in grade crossing injuries and deaths.

Throughout her years of public service, Administrator Molitoris has received many honors, including being named by Railway Age Magazine as one of the 16 most respected and admired "Great Railroaders of the 20th Century." In 1999, Administrator Molitoris received three awards: the Ellis Island Medal of Honor awarded by the National Ethnic Coalition of Organizations Foundation, Inc; and the Jolene M. Molitoris Golden Spike Award created by the Indiana High Speed Rail Association. Also, in 1999, the New Jersey Division of the Polish American Congress honored Administrator Molitoris as their Millennium Woman of the Year.

On a personal note, I have had the wonderful opportunity to work with Jolene Molitoris on a great many initiatives. I have great respect and admiration for her public service career. She is a person of solid integrity who possesses a true desire to serve the public's best interest. She is an individual of tremendous talent and her leadership of the FRA will be long remembered.

I ask my colleagues to join me in rising to honor this truly remarkable public servant for her distinguished years of service, and her dedication to making our Nation's railways safer.

TAX CREDITS WITHOUT HEALTH INSURANCE REFORM WON'T WORK! CHECK OUT THE FACTS ON EHEALTHINSURANCE.COM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. STARK. Mr. Speaker, books, toys, flowers, clothes and insurance? Now you can shop for just about anything on the web, including insurance. I recently window-shopped for insurance using ehealthinsurance.com; the same program Republican health care staffers received a briefing on last week.

My window-shopping included looking at available health insurance options in Florida, Montana, Louisiana and Georgia through the eyes of people who were 25, 35, 45, 55 and 60, both married and single.

The data reiterated our findings from March, which proved that in order to help the uninsured we cannot simply give them refundable tax credits; the tax credits have to be coupled with major insurance reform.

Many people who are uninsured are working poor and may not qualify for Medicaid; therefore if the tax credit does not cover almost the entire cost of insurance they will still not be able to afford it.

The results also proved that with age, tax credit becomes even more useless because health insurance prices rapidly increase as one ages. For example, a 25 year old low income couple in Billings, Montana could initially get by with a $316.00 credit per month, but by the time the couple reached age 60 they would need $1,032.00 per month to sustain the same plan from the same insurance company.

Shopping on the web is like shopping at wholesale; it allows us to buy books, clothes and the like at prices that most people can afford. The same thing cannot be said about insurance: without insurance market reform, health insurance will remain unaffordable for tens of millions.

To view charts relating to this issue, please visit my website at www.house.gov—stark.

TRIBUTE TO THE 75TH ANNIVERSARY OF ALPHA PHI OMEGA

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to the 75th Anniversary of the founding of Alpha Phi Omega National Service Fraternity.

On December 16, 1925, Frank Horton formed Alpha Phi Omega with a group of students at Lafayette College in Easton, Pennsylvania. Horton's service in World War I, and his subsequent introduction to the Scout Oath and Law, helped to inspire him to found the fraternity as a way to encourage young people to help others and to bring about a better, more peaceful world.

Alpha Phi Omega members are united by the principles of leadership, friendship and service. These principles are designed to aid fraternity members in discovering and developing their leadership abilities, not only by making last friendships, but also by planning and providing helpful service to others.

Since its founding, Alpha Phi Omega has chartered chapters at more than 700 campuses nationwide, and more than 300,000 Americans have been inducted into the organization. The fraternity is proud to count Members of Congress and even Presidents of the United States among its many distinguished alumni. Today, Alpha Phi Omega is active on about 350 campuses, large and small, with 18,000 current members throughout the country.

For its members, Alpha Phi Omega is much more than an extracurricular activity. It is a way for members to make their campuses, their communities and their world a better place for all of us. Alpha Phi Omega begins as a college experience, but its members have made it a lifetime commitment to turning Frank Reed Horton's noble ideal of a better and more peaceful world into a reality.

I commend Alpha Phi Omega National Service Fraternity for a successful first 75 years, and I would like to thank my friend and constituent, Mr. Ed Richter of Franklin, Ohio, for bringing this significant milestone to my attention. Mr. Richter currently serves as National Service/Communication Program Director for the organization.

I join my colleagues in wishing continued success to Alpha Phi Omega and its distinguished members and alumni.

THANKS TO MY CONGRESSIONAL AND SUBCOMMITTEE STAFFS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PORTER. Mr. Speaker, I want to pay tribute to the best Congressional staff in America: mine. My outstanding Chief of Staff, Ginny Hotaling, and my staff at home: Linda Maneck, with nineteen years of experience, Ed Kelly, with fourteen years, Carol Joy Cunningham, Dee Jay Kweder, eighteen years with me and five with my predecessor, Bob McClory, Mary Jane Partridge and Nancy Johnson, and my Press Secretary, Linda Mae Carlstone, now in her second tour in that position—all have done superior work in serving me and our constituents. In Washington, my acclaimed Administrative Assistant, Katharine Fisher, my Office Manager, Jerri Lohman, with me for twenty years, my Legislative Director, Spencer Pearlman, the Executive Director of the Human Rights Caucus, Jeanette Windon, my Scheduler Jori Frahler, Mike Liles, Eric Rasmussen, and David Fabrycky—they have also been incredibly responsive to the challenges of a very active and demanding office, and I can never thank each of these wonderful individuals enough.

My subcommittee staff is also simply the best on the Hill. Its exemplary Clerk, Tony McCann, and his colleagues: Carol Murphy, Susan Firth, Francine Salvador, and our detailees, Jeff Kenyon and Tom Kelly, have been knowledgeable, hard working and loyal. It has been a real privilege to work with them and with their predecessors, Bob Knisley, Sue Quantius, and Mike Myers, and I hope we can remain close in the years ahead.

IN HONOR OF WARREN-CENTER-LINE STERLING HEIGHTS CHAMBER OF COMMERCE HALL OF FAME RECOGNITION BANQUET HONOREES TARIK DAOUD, MARK STEENBERGH, AND GERALD ELSON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BONIOR. Mr. Speaker, I rise today not only as a member of the United States House of Representatives but also as a member of the Honorary Committee for the Warren-Center Line-Sterling Heights Hall of Fame Banquet. This is the event's first year, and I am proud to be a part of honoring three exceptional individuals for their commitment to the betterment of their business and civic environments—Mayor Mark Steenbergh, Gerald Elson, and Tarik Daoud. One simply needs to view the landscape to see the tangible evidence of the impact these individuals have had on the economic environment there.

Since Warren Mayor Mark Steenbergh became mayor of Warren, taxes are down, property values are up, and businesses are racing to take root in the city. Mayor Steenbergh's vision of a better Warren is evidence in the hard work and dedication to prosperity that he has put into the city. To many, the closing of the TACOM headquarters on Van Dyke spelled doom for the City of Warren. Mayor Steenbergh did Warren residents proud with his commitment to working with state and local officials to build a successful industrial park on the site. The crown jewel of Warren will shine in 2002, when the new Warren Community Center opens it's doors. As Mayor of Macomb County's largest city, Mark Steenbergh is friend to all those who live and work in the Warren community.

Working his way up from design engineer, to his present position of Vice President of General Motors and GM of Operations for the North American Car Group, Gerald Elson personifies the hard working attitude of Western Macomb. His meteoric rise from the small town of Merrill, Michigan outside Saginaw to one of the highest ranking officials at the top company on Fortune Magazine's Global 500 shows proof of his brilliant ingenuity and business sense. In this capacity, and as Chairperson for the GM Warren County Relations Committee, Elson has served as the architect of General Motor's commitment to the City of Warren. Nowhere else in the world is the economy so reliant upon the auto industry as it is in Michigan, and Elson's committee to keeping GM on top makes him invaluable to the community's neighborhoods and business environment.

Community leader, business owner, and philanthropist, Tarik Daoud has been a part of the Macomb County Community since 1964. As owner of Al Long Ford in Warren, Daoud has recently been named a finalist for the 2000 Time Magazine Quality Dealer Award. This distinguished honor comes as a result of Daoud's tradition of exceptional performance not only as a car dealer, but also to the community. Daoud sits on numerous Boards including Salvation Army and the Warren YWCA, in addition to his work with the International Visitor Council, which hosts foreign visitors to the Metro Area. Tarik Daoud has earned his reputation and respect throughout the community not only for his success as a businessman, but also for his education and charitable contributions.

Please join me in thanking the Chamber of Commerce, and congratulating these three outstanding individuals for their devotion to their work and the bettermen of our communities.

REMEMBERING THE FORGOTTEN OF THE FORGOTTEN WAR: AFRICAN AMERICANS IN KOREA

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. BROWN of Florida. Mr. Speaker, September 13–16, 2000 marked the 30th anniversary of the Congressional Black Caucus Foundation (CBCF) Legislative Conference, the most significant socio-political gathering in the country to discuss issues of importance to the African American community. On September 15, 2000 Representative SANFORD BISHOP, Jr. (D–GA) and I convened, in conjunction with the 50th anniversary of the Korean War Commemoration, another well attended, although highly emotional, 12th Annual Veterans Braintrust forum entitled: "Remembering the Forgotten of the Forgotten War: African Americans in Korea."

For the past several years my distinguished friend and colleague SANFORD BISHOP, Jr. and I have hosted the Annual Veterans Braintrust during the Congressional Black Caucus Foundation Legislative Conference because we both care a great deal about the well-being of America's veterans. Nevertheless, this year I was overwhelmed to be in the room with so many true heroes, and spoke for all my colleagues in thanking them for their service to this great nation. It makes me very proud that the Veterans Braintrust is one of the best attended forums during the Annual Congressional Black Caucus Legislative Conference. This year's event was particularly important because of the limited time we have to set the record straight on the sacrifices and service of African Americans during the Korean War. Because throughout the Korean War, African American soldiers were waging a war on two fronts. They fought gallantly beside their comrades in the most trying conditions, while battling the bigotry and racism that were still prevalent in the United States military. These same veterans continued their fight against racism at home by joining the grassroots of the Civil Rights Movement. Although Korea is known as the "Forgotten War," we told them that we will never forget, and we won't let our colleagues in Congress forget about the brave men and women who made the freedom we enjoy today possible.

Congressman SANFORD BISHOP, Jr., reaffirmed that the Veterans Braintrust is an event which has become one of the traditional highlights of the Congressional Black Caucus Foundation's annual legislative conference, adding that this is a family affair which brings veterans and their families together from throughout the country, and gives us an opportunity to discuss issues of critical concern to us all. To our distinguished panelist, he said, it is because of Korean War veterans, both men and women who have answered the call of duty that we have the strongest military in the world and praised their unselfishness in risking their lives to protect our freedom. Today is their day. African American Korean war veterans are finally receiving the recognition that they truly deserve. With that said, BISHOP introduced our keynote speaker, The Honorable Louis Caldera, Secretary of the Army.

Secretary Caldera began by stating, that this forum was aptly named. "Remembering the Forgotten of the Forgotten War." For many African Americans and for many reasons, Korea truly was the Forgotten War. It came on the heels of an exhausting World War II in which our Army literally led the effort to save the world from tyranny. Americans had expected to enjoy the fruits of this exhausting effort for some time. They had enough of war. But less than five years after V–J Day, they found themselves being asked once again to sacrifice their sons and daughters to help defend freedom in a nation few had ever even heard of. But if Korea is the Forgotten War, then truly the African American soldiers who served in that conflict are the "Forgotten of the Forgotten War," as the title of this forum suggests. They had been set apart and marginalized as a fighting force long before the beginning of the conflict. But by war's end they were integrated into units throughout the Army and involved in the thickest of the fighting. The tremendous contributions our soldiers made in that war have never been fully recognized. And particularly the contributions of our Korean veterans were not recognized in the way we hailed the return of our World War II veterans and certainly even less was made of the service and contributions of our African American veterans who were not fully recognized. Those who were overlooked included men like Congressman CHARLES RANGEL and Congressman JOHN CONYERS, senior Members of the House, founding members of the Congressional Black Caucus, and decorated veterans of that war. Then Sergeant RANGEL was awarded the Bronze Star with "V" while he served with the 503d Field Artillery Battalion. And 2d

Of course there were tens of thousands of other African Americans who served bravely in the Korean War whose actions we must also commemorate and remember. I can tell you that I'm looking forward to next July 23, 2001, when we will lay a memorial wreath in a ceremony at Arlington National Cemetery to pay tribute to the soldiers of the 24th Infantry Regiment and other African American soldiers who bravely fought and fell in that war. They gave their lives for freedom at Yechon, at the Han River, at Kunu-Ri and on many other battlefields where their blood now consecrates that land.

Although there are many lessons that we have learned from our involvement in the Korean War. One of the most important lessons that Korea taught us was that segregation has no place in a modern military (or our society), but especially in the U.S. Armed Forces. We learned that the Army fights best when it is unified. We learned that leadership and bravery and courage knows no color boundary. Until Korea, the Army had reflected America's long and tragic history of racial discrimination by maintaining segregated units. It was costly, irrational, and an inefficient way to do business. It cost us in terms of the combat effectiveness of those segregated units. There were places where soldiers and leaders did not trust each other, held each other in disregard, and were rotated quickly through units where they did not invest time in bringing out the best in their men. The result was an Army where certain units were maligned and their reputations impugned because of unfounded rumors, innuendo and the adverse impacts of a self-defeating policy.

President Truman's historic integration order of 1948 said the Armed Forces were officially integrated. But at the start of the Korean War, they were still segregated. Once we were thrown into that war we had no choice, in the wake of early setbacks, exacerbated by readiness shortcomings, our military leadership was forced to send African American troops to fight side-by-side with white soldiers at the front lines. As Lt. Gen. Julius Becton, one of our Army's most senior leaders and a personal role model when I was a young officer recently recalled that as a young African American officer serving in the early days of the Korean War, the question was put to him, where should we send the replacements who had started to come over to fill the thinning ranks? The idea of sending black soldiers to black units and white soldiers to white units and not putting a white soldier under command of a black officer all of a sudden had no relevancy. They refused to accept that kind of thinking and said "we're going to send these soldiers where they are needed." And so they sent the soldiers to the units where they were taking the highest casualties. As General Becton now puts it "Korea was what broke the eggshell to make the omelet to make integration a reality." Because all of a sudden soldiers were fighting side by side for their well-being, depending on each other, drinking from the same cup, giving blood to one another to save each other's lives and it made all the difference. Today, at a time when diversity is increasing rapidly, the Army is taking full advantage of the trail of opportunity that was first blazed by these African American soldiers. African Americans still comprise 29% of the enlisted ranks and fully 11% of our officer corps. We could not be the world's best land power force without these soldiers and without their leadership. They are integral to all we do, and of the future of this great Army, from our peacekeeping operations in the Balkans to our deterrence Mission on the Korea Peninsula, to the Persian Gulf. In the coming years, when America will need to draw even more on the diversity of her communities to meet the new challenges of the 21st century, we will continue to count on young African American men and women to shoulder the heavy burden of our nation's security. Thank you very much. God bless you and God bless our Korean War veterans.

In addition, the Secretary of Labor paid a very special tribute to Korean War veterans bravery and helped honor those African Americans who served in the Korean War. The Secretary of Labor reminded each of us that the Korean War occurred at a time when African-Americans served in segregated units, and many of those units were in heavy combat. However, the success of the integration of the military enabled African American veterans to return home and become key participants in the success of America's workplace. Lastly, the Secretary asked that all Americans remember the loyalty and valor of African American soldiers who fought bravely in the Korean War, brought change at home, and helped build a bridge to better, and more diverse workplaces.

Next, a poem written and read by SFC Laurence Hogan, USAR, Ret., called "Korea—The Dying Game," dedicated to the men of the 31st Infantry Regiment, 7th Infantry (Bayonet) Division, who fought on Pork Chop Hill, set the tone for hearing a lot about the trials and triumphs of African American Korean war military luminaries like Col. Daniel "Chappie" James, Jr. (and later the first U.S. Air Force African American four-star General) who flew many combat missions during the Korean War and flew missions in Vietnam, as well as combat members of the infantry, artillery, engineers and ranger airborne organizations.

Dr. Edwin R. Parson, noted Psychologist and recent recipient of the NAACP's Jesse Brown Leadership Award moderated our distinguished Korean war panelists Sgt. Eddie Dixon, National Historian, 24th Infantry Regimental Combat Team (RCT) Association; Dr. William Hammond, Author and Historian, US Army Center of Military History; Sgt. Maj. Samuel Gilliam, USA, Ret., Member of the 503d Field Artillery Battalion; Mr. Theodore "Ted" Hudson, Sr., 7th Marines, 1st Marine Division; CSM Samuel Jenkins, USA, Ret., President, 24th Infantry Regiment Combat Team Association; Col. Charles E. McGee, USAF, Ret., President of the Tuskegee Airmen Association, Inc.; Mr. Curtis "KoJo' Morrow, "G" Company, 1st Platoon, 1st Squad, 24th Infantry RCT; Maj. James "Big Jim" Queen, USA, Ret., Executive Officer, 2d Ranger Infantry Company (Airborne), and commentator Dr. William Ball, Professor of Political Science & University Scholar, from the University of Vermont.

Dr. Parson opened by asking and attempting to answer the question, "Why and how did America forget our Korean war veterans?" In his professional experience as a psychologist he was not sure what America's historical lack of memory for the Korean War and its warriors was due to. But, to forget such noble and heroic exploits by these veterans so completely tells an astonishing story of not only national amnesia, but also societal insensitivity. Moreover, many people believe that when it comes to African American contributions for fighting our nation's wars at home and abroad America has always had a bad memory. It had a bad memory in forgetting the 33d US Colored Troops during the Civil War, and showed this same tendency in the forgetting of that war, as noted by Dr. Harvey Black, an African American surgeon in the Army of Northern Virginia. So, American amnesia for the sacrifices of Black Americans who served in the Armed Forces, beginning with the Revolutionary War, War of 1812, Civil War, Indian Campaigns, Spanish-American War, through World War I and II to Korea and Vietnam is by now legendary. Forgetting Korea and its veterans may thus be said to be no exception. It's a tradition. But, despite our nation's historic forgetfulness, we are here today honoring all Korean War veterans. As we believe that this special tribute to our African American war veterans aims to make memory a friend, not foe. To turn off the fear and face our past with renewed courage, like the courage so powerfully and memorably demonstrated by our veterans in places like Inchon, Pusan, Bloody Peak, Old Baldy, Hill 200, Triangle Hill, Hill 440, Hill 666 (or Gung Ho Hill), the Chosin Reservoir, Yalu, Chorwan Valley, Munsan-ni, Kumpchon, Taejon, and other places where war's violence was met by them with the liberating force of sacrifice and valor.

Later that evening, with the gracious assistance of the 50th Anniversary of the Korean War Commemoration Committee, and underwriting by Quality Support, Inc., an SBA 8(a) Vietnam Veteran Owned Firm, we honored those who made the freedom we enjoy today possible. Those brave men and women who laid their lives on the line for a country that too often treated them as second class citizens. The invocation was given by Rev. Nathaniel Nicholson, 24th Infantry Regiment Silver Star winner; opening remarks by Mr. Wayne Gatewood, Jr., President & CEO, Quality Support, Inc.; with my brief introductory remarks for our keynote speaker and awards presenter the champion of America's veterans at the Department of Veterans Affairs, Acting Secretary Hershel Gober with Ron Armstead, Executive Director, CBC Veterans' Braintrust as announcer.

Secretary Gober thanked everyone for their warm welcome and especially thanked the Veterans Braintrust of the Congressional Black Caucus for arranging this event to honor some of our nation's most distinguished veterans—our African American veterans of the Korean War. He applauded the Veterans Braintrust of the Congressional Black Caucus for having worked hand-in-hand with the Department of Veterans Affairs as an advocate for minority veterans. And our Department is proud of our long association with this important group. It is a true partnership, and our nation's veterans have seen real benefits from it.

In addition, he stated, fifty years ago, in response to an invasion by foreign troops, the United States and fifteen other nations sent troops to fight for the Korean Republic. It was the first time in history an international organization sent an international army to preserve democracy, and to fight for the freedom of another nation. 6.8 million Americans served in our military on active duty during the Korean War era; 1.8 million of them in the theater of operations. Nearly 37,000 Americans died; more than 92,000 were wounded. The fates of as many as 8,000 more men have never been accounted for. But thanks to their service and their sacrifices, Korea stands today a free nation, with people proud of their freedom, and grateful to the men and women from the United States who came to stand and fight with them in their hour of crisis. Among the 1.8 million men and women who fought in the Korean War there were more than 100,000 African Americans. Black personnel made up 13% of the total military strength in Korea. Americans of African descent have always served our nation with distinction; from Crispus Attucks at Bunker Hill, to the 54th Massachusetts Volunteer Infantry during the Civil War, to the Tuskegee Airmen of World War II. But before 1948, they fought, when they were allowed to fight, in segregated units—denied the opportunity to show their abilities in an integrated setting. However, after President Truman's 1948 executive order and the armed forces compliance forced by the requirements of war African American soldiers, sailors, airmen and marines were quick to show they were every bit the equal of any soldier in combat, anywhere.

Fifty years after the Korea was began, we know that America is best defended by an armed force that is truly representative of all of our nation's diversity. And it is also best defended by an armed force that is recruited, trained, and led in accordance with our nation's highest ideals—the ideals black veterans fought for in Korea. That knowledge may be the most important legacy that black Korean war veterans have given us. VA is proud to serve the heroes of the Korean war, and of all wars.

The 50th Anniversary of the Korean War Commemorative Awards went to the following (partial list of) brave African American men and women LTC Mary Ellen Anderson, USA, Ret., Mr. Lonnie Ashe, Lt. Gen. Julius Becton, Jr., USA, Ret., Mr. Francis Brown, First Sergeant George Bussey, Sr., USA, Ret., Ens. Jesse L. Brown, USN (Posthumous), Mr. Nathaniel Brunson, Maj. David Carlisle, USA (Posthumous), Mr. Harold Cecil, Sgt. Cornelius Charlton, Congressional Medal of Honor Recipient (Posthumous), Col. Fred Cherry, USAF, Ret., Mr. Earnest Cornish, Mr. Arthur Code, Mr. Samuel Crawford (Posthumous), Sgt. Earl Danzler, Sr., Sgt. Edward Dixon, Mr. Gerald Eldridge, Sr., Mr. Daniel Faulk, Mr. Joseph Frederick, Mr. Willie Wren, Sr., Mr. Albert Gibson, Sgt. Maj. Samuel Gilliam, USA, Ret., SFC. Novel Harris, Mr. Oliver Holiday, SFC. Laurence Hogan, USA, Ret., Mr. Theodore Ted Hudson, Jr., CSM. Samuel Jenkins, USA, Ret., Dr. Edwin Nichols, Dr. Leonard Lockley, Mr. Wilfred Matthews, Col. Charles E. McGee, USAF, Ret., Mr. Jerome Milborne, Mr. Curtis 'KoJo' Morrow, Rev. Nathaniel Nicholson, 1st Lt. Mamie Smith Pierce, USA, Mr. William Ponder, Sr., Gen. Roscoe Robinson, USA, Ret. (Posthumous), Lt. Col. Lyle Rishell, USA, Ret., Sgt. Maj. Lewis Roundtree, USMC, Ret., Lt. Gen. Frank E. Peterson, Jr., USMC, Ret., Mr. Joseph Williams; Dr. Freeman Pollard, Ms. Marcine Shaw, Mr. Halbert Swan (Posthumous), Mr. James Thompson, PFC William Thompson, Congressional Medal of Honor Recipient (Posthumous), Mr. LaVonne Willis, Mr. Robert Fletcher, Mr. Joseph Patterson, Dr. Jerome Long, Mr. Thomas Wynn, Sr., Dr. Charles Johnson, Jr., Mr. Leemon Smith (Posthumous), Mr. Jerry Carter, Mr. Joel Ward, and Sr. Master Sergeant Eddie Wright, USAF, Ret. With special unit awards going to the 503rd Field Artillery Battalion, 2nd Ranger Infantry Company (Airborne), 77th Engineers Combat Company, 159th Field Artillery Battalion, 272nd Field Artillery Battalion (MNG), 24th Infantry Regiment Combat Team Association, Inc., 630th Ordinance Ammunition Company, 231st Transportation Truck Battalion (MNG), 376th Engineer Construction Battalion (MNG), 715th Transportation Truck Battalion, 65th Infantry Regiment, and 65th Infantry Honors Task Force.

For the commemorative forms overwhelming success I would like to give special thanks to Ms. Constance Burns, Curator, US Army Center of Military History; First Sgt. George Bussey, Sr., USA, Ret., Member of the 24th Infantry Regimental Combat Team (RCT); Mr. Leroy Colston, President African American Naval Veterans Association; Mr. Harry A. Davis, Immediate Past President, 24th Infantry RCT Association; Col. William DeShields, USA, Ret., Founder & President, Black Military History Institute of America, Inc.; Dr. Deborah Newman Ham, Professor, Morgan State University, Department of History; Mr. Reginald Lawrence, Team Leader, Jacksonville Vet Center; Dr. Charles Johnson, Jr., Professor, Morgan State University, Department of History; Mr. Wayne Gatewood, Jr., President & CEO, Quality Support, Inc.; Mr. Nicholos Martinelli, Representative CORRINE BROWN'sSANFORD BISHOP, Jr.'s Legislative Staff; Mr. Daniel Smith, Founder & President, Korean War Family Endowment; Mr. Wilson Smith, Founder & President of African American Medal of Honor Memorial Association; Mr. Gabriel Tenabe, Curator, Morgan State University Museum; Mr. Marvin Eason, White House Liaison, Department of Veterans Affairs; Mr. Clifton Toulson, Associate Administrator, U.S. Small Business Administration; Ms. Marilyn Valliant, Catering Manager, Doubletree Park Terrace Hotel, and Mr. Ron E. Armstead, Executive Director, Congressional Black Caucus Foundation Veterans Braintrust.

Once more, we would like to pay a very special tribute to three distinguished current members of Congress and Korean War veterans. Honorable CHARLES B. RANGEL (D-NY), Ranking Member on the House Ways and Means Committee, and Founder of the Congressional Black Caucus Veterans Braintrust; the Honorable JOHN CONYERS (D-MI), Ranking member on the House Judiciary Committee; and the Honorable WILLIAM CLAY (D-MO) Ranking Member on the House Education and the Workforce Committee. Three veterans who have also fought in the long hard battle for social, political and economic justice for all Americans.

Finally, to the families of those killed, wounded, missing in action, or former prisoners of war, and particularly, Mr. Leemon Smith, Mr. Talmadge Foster, Past Director of Alabama's Veterans Leadership Program, Gen. Roscoe Robinson, USA, Ret. and Military Historians Col. David Carlisle and Col. John A. Cash, USA, Ret., speaking on behalf of the entire membership of the Congressional Black Caucus I would like to express our sincerest condolences and appreciation for their commitment, indomitable fortitude and dedicated service to country, community and family that characterized their lives.

We owe you all.

TRIBUTE TO THE LATE DR. SAMUEL F. PETRAGLIA

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. TRAFICANT. Mr. Speaker, today, I was deeply saddened to hear of the passing of my dear friend, Dr. Samuel F. Petraglia.

Dr. Petraglia, a decorated World War II veteran, was a family physician for forty-two years and an upstanding citizen of the community. He was the first Italian doctor to establish a practice in Poland, Ohio.

Dr. Petraglia was a very dedicated physician who never refused to treat a patient because they were unable to afford his services. He was also one of the few remaining physicians willing to make house calls to patients who were incapacitated.

Dr. Petraglia served on the staff of St. Elizabeth Health Care Center and the adjunct staff of Northeast Ohio Universities College of Medicine. I send my deepest regrets and sympathy to his wife and to his family. May God bless them.

HONORING KEITH WOODS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. WOOLSEY. Mr. Speaker, today I recognize Keith Woods. Keith Woods has left the Santa Rosa Chamber of Commerce where he served with distinction—and flair—for 13 years. During his tenure, Mr. Woods made the Chamber into one of the most active in the state with a broad diversity of programs including classes, a speaker series, connections with the Convention and Visitors Bureau, and the creation of the popular Wednesday Night Market.

Keith's strong leadership in the business community and his well-known sense of humor have earned him a national reputation. He is known for the quick quips and insightful jabs that at various times run the gamut from self-depreciation to stinging sarcasm. He is Santa Rosa's toastmaster as well as the city's master of the roast.

He has also been honored three times by the California Association of Chambers of Commerce, including an award for Executive Director of the Year. Even beyond California's borders, Mr. Woods has had an impact, spreading the word at national chamber events about the importance of community involvement.

With Keith Woods at the helm of the Santa Rosa Chamber, there was always excitement, enthusiasm and new ideas in the business community. Thanks to Keith, it was never simply "business as usual." It is my great pleasure to pay tribute to Keith. I am very proud to be representing him.

TRIBUTE TO PASSAIC VALLEY REGIONAL HIGH SCHOOL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the storied history of an important school in my district, Passaic Valley Regional High School in the Township of Little Falls, New Jersey. Saturday, September 16, 2000 marked the 60th anniversary of this fine institution of learning. It is only fitting that this school be honored, for it has a long history of caring and commitment to its students and the community at-large.

Passaic Valley Regional High School was recognized for its many years of leadership in Little Falls, which I have been honored to represent in Congress since 1997, and so it is only appropriate that these words are immortalized in the annals of his greatest of all freely elected bodies.

Passaic Valley Regional High School opened its doors on September 16, 1940, to some 610 students from Totowa, West Paterson and Little Falls, New Jersey. The school is governed by the Passaic Valley Regional High School, District #1 Board of Education which is composed of nine Board members from the three towns.

As a school committed to the development of well-rounded students, Passaic Valley has added many other programs to augment its strong academic curriculum. These include a wide range of athletic, musical and literary activities, which are designed to stimulate and encourage the individual growth of each student.

It should be noted that the remarkable success of the Passaic Valley Regional High School is due to its community support. The Passaic Valley Regional High School, District #1 Board of Education, school administration, teachers and friends of the school have aided and fostered its growth and development. Thanks to the help of these individuals and the collective of their efforts this school is now a stellar force in the community.

I applaud the many outstanding and invaluable contributions that this school has given to the community. Education is one of the cornerstones of our culture. This wonderful school has added much to the rich history of the State of New Jersey, and we all should be proud that we are able to celebrate a day in its honor.

Mr. Speaker, as a former educator in New Jersey, I can say that I can think of no other school or faculty that works harder or care more about the students. Perhaps the greatest tribute Passaic Valley Regional High School is success of its former students. Alumni from this prestigious high school have risen to prominence in a variety of fields.

Mr. Speaker, I ask that you join our colleagues, the Township of Little Falls, Passaic County, the State of New Jersey, the students, teachers, staff, Principal, Passaic Valley Regional High School, District #1 Board of Education, Superintendent and me in recognizing the outstanding and invaluable service to the community and the 6th anniversary of Passaic Valley Regional High School.

NORTH COAST HEALTH MINISTRY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to recognize North Coast Health Ministry for their exemplary work in helping the uninsured and underinsured access health care services. As a volunteer organization, it fills an important need in my district for thousands of working families.

North Coast Health Ministry operates clinics that are staffed by physicians, nurses and other staff who volunteer their time and services to provide comprehensive health care services. Started in 1986, NCHM has established relationships with health care professionals and three local hospitals to treat referred patients when they need additional care and treatment, including surgery and recovery.

Since its inception, it has linked with other free clinics in the area to establish the Ohio Association of Free Clinics. This expanded network improves access to health care for the working poor throughout the state. Through the determination and initiative of the NCHM, the Ohio Association was recently awarded a $600,000 grant to continue and expand its services.

I ask my colleagues to rise in recognizing the exemplary efforts of the North Coast Health Ministry and the many volunteers who have contributed to it. I commend them for their kind works and congratulate them on their grant.

REPUBLICANS GIVE $200 MILLION GIFT TO DRUG INDUSTRY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. STARK. Mr. Speaker, the Medicare bill before us gives a $200 million gift to the nation's drug manufacturers—undoubtedly a payoff for the industry's massive, $80 million contribution to the Republicans and Governor Bush.

In section 429, as passed by the House, and in the versions of the bill circulating as late as December 12, Medicare was prohibited from either increasing or decreasing the rates of reimbursement for drugs. This section blocked an effort by the Justice Department, the HHS Office of the Inspector General and Medicare to save the taxpayer hundreds of millions of dollars a year in overpayments. CBO scored the blockage as costing about $200 million. To offset the cost, the original bill, as passed by the House, also blocked drug companies from increasing their charges to Medicare.

Sometime between December 12th and last evening, someone in the Speaker's office or the Senate Majority Leader's office dropped the word "increase"—thus allowing the drug companies and doctors who profiteer from huge mark-ups on drugs to continue to rip-off patients and taxpayers. The bill before us now only blocks the cuts in reimbursement that had been recommended by the Department of Justice.

What a travesty. Senator McCAIN is right: it is way way past time for campaign finance reform.

TRIBUTE TO THE HONORABLE DEIDRA HAIR

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PORTMAN. Mr. Speaker, today I pay tribute to a distinguished friend, Judge Deidra Hair, who will step down from her service on the Hamilton County Common Pleas Court on December 31, 2000.

In 1995, the Hamilton County Common Pleas Court was founded as Ohio's first drug court. Judge Hair, who helped to establish the drug court, has tirelessly handled about 1,500 cases each year. Her court has become a model across Ohio, and since 1995, ten additional courts in Ohio have been crafted in its likeness.

The goal of the drug court is to rehabilitate substance abusers and keep them out of court and out of prison. Those arrested on drug abuse charges or those who commit a nonviolent felony under the influence of drugs may have their case heard by the drug court. Using strict criteria, the court may accept applicants who do not have a violent criminal background and who have committed a low-level felony that does not require prison time. If accepted, they must plead guilty and enter drug rehabilitation. The goal is to break the cycle of addiction, so the court selects those who are most likely to be helped.

I have been privileged to observe the drug court and to attend an inspiring graduation ceremony for participants who have successfully completed this program. Through that, I've seen firsthand the good work that drug rehabilitation can do.

Judge Hair has literally helped to turn hundreds of lives around in the Cincinnati community, and she will be dearly missed when she steps down from the Hamilton County Common Pleas Court. All of us in the Cincinnati area wish her the very best in her future endeavors.

U.S. SUPREME COURT PREVENTED JUDICIAL INTERVENTION IN THE ELECTION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PORTER. Mr. Speaker, the decision of the U.S. Supreme Court was consistent with common sense and the need to bring finality to a process which, in my judgment, should never have started. By that, I mean the judicial involvement in the election decision.

Before the onset of technology, in the distant past when paper ballots were used in elections, the standards for a valid vote were clear and universally observed. To vote, you placed an "X" in the box by the candidate's name. If you used a check mark or other mark or placed your "X" outside of the box, your vote for that office was invalid and, in the absence of fraud, was not counted.

Voting machines were meant to speed the process of voting and counting the votes cast. But they also have standards. If you do not punch the card in the manner specified, indicating your intended vote, the machine will not count it. If you can't understand the instructions or make a mistake as you vote, you can ask for help or a new ballot. The machine is impartial. It counts all properly cast votes. It does not count those not properly cast, nor should it. Unless there is a challenge to the workings of the machine in counting the vote, or other irregularity or fraud alleged, the count of the voting machine should be the certified or final count in the election.

The judicial challenges in Florida by the Gore campaign were based principally upon the cards that the machine did not count. The Gore contention was not that the machines did not count correctly, but that votes not properly cast by the voter should be counted by hand—somehow by having county election officials divine the voters' intentions. It is fascinating that the standards to do this were never established in two decisions by the Florida Supreme Court. Telling county election officials simply to use their best judgment was clearly unconstitutional, as the U.S. Supreme Court just ruled, since it violates the equal protection clause. It is also plainly an open invitation to manipulation of the results and fraud.

Fortunately, this episode will result in introducing new technologies for voting designed to foreclose any attempt to go outside the machine result in future elections. Once again, perhaps, technology will save us from ourselves. But let's leave this difficult process with several clear understandings. First, votes have to meet some minimum standard and voters have to take the responsibility for their own actions. More than two hundred years ago our new country placed its future on the judgment of individual people, not dictators or kings. But with rights come responsibilities. One is to meet minimum standard of preparation and execution to cast a valid vote.

Second, we should have learned that the judiciary, in the absence of alleged fraud, should not intervene in the political process. For most of our history this has been an unstated part of the separation of powers. The first decision of the Florida Supreme Court should have upheld the Secretary of State's certification. Unfortunately, their desire to intervene in the absence of alleged fraud necessitated not one but two trips to the U.S. Supreme Court. It is instructive that the court in Washington did not itself intervene but prevented the Florida court from doing so.

Finally, it is a testament to the founders of this great Republic that all of us are sufficiently imbued with the rule of law that we sat patiently through this long process and believed that it would be resolved as fairly as is humanly possible within that rule. We did not take to the streets, take the law into our own hands, or threaten to overthrow our system. It is not perfect, and we are not perfect, but we know it is the best system that humankind has ever devised.

IN HONOR OF THE RETIREMENT OF BARBARA B. ASWAD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BONIOR. Mr. Speaker, today I rise to honor one of our country's great scholar-educators, Dr. Barbara B. Aswad of Wayne State University. Dr. Aswad is retiring from Wayne State after 30 years as a professor of Middle Eastern Cultural Anthropology. Her research has focused on peasant culture, women and family studies, and urban anthropology.

Professor Aswad has conducted field studies in Arab villages and Turkish towns in the Middle East as well as in Arab-American communities here in the United States. She is a Fulbright Scholar and has published three books and 32 scholarly articles and chapters in books on Middle Eastern social organization. In 1991 she was elected President of the Middle East Studies Association of North America, the professional association for professors of Middle Eastern disciplines. Dr. Aswad was also a recipient of the prestigious Alumni Faculty Service Award for her service to Wayne State.

In addition to her many contributions to academic research and lengthy service in professional organizations, Dr. Aswad must be recognized for her dedication to her students, her department, and the Arab-American Community. She is widely respected by her peers not only as a fine educator, but as a wonderful person as well.

While Wayne State University may be losing a faculty member, ACCESS and other organizations that Dr. Aswad is so dedicated to will still have a strong voice in our community. Please join me in wishing Dr. Barbara Aswad all the best in her retirement from Wayne State University.

AFRICA AND THE NEXT ADMINISTRATION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WOLF. Mr. Speaker, I want to share with you an outstanding speech by Ambassador Richard T. McCormack titled: The Challenges and Opportunities in Africa. In this speech, Ambassador McCormack's analysis and insight into the the problems and predicaments facing Africa are astute. I am hopeful that Ambassador McCormack's voice on Africa will be heard by both the next Congress and the next Administration.

PRESENTATION TO THE CENTER FOR THE STUDY OF THE PRESIDENCY

THE CHALLENGES AND OPPORTUNITIES IN AFRICA

Every year my work for American companies, investment firms, and think tanks results in a tremendous amount of global travel. I have learned that there is simply no substitute for seeing local circumstances with your own eyes and talking face-to-face with leaders who are struggling to cope with their problems.

Last May I visited China and met with top Chinese leaders to discuss concerns about WTO issues. In June, I visited Bulgaria and the Czech Republic to consult with elected leaders and central bankers concerning economic opportunities and dilemmas. Earlier that year I discussed with central bankers in Europe problems involving the Euro and potential vulnerabilities in the international derivative markets. And I have continued to monitor Japan's ongoing banking and growth problems with close contacts in Japan.

But our chairman was aware of another extensive trip I took this summer to Africa at the request of friends. He suggested that I share with you tonight some of the observations and conclusions from this consultation with Presidents, central bankers, key officials from the African development bank, leaders at the Organization of African Unity, aspiring political leaders, and hundreds of ordinary citizens.

One of the reasons that I agreed to make this trip was my long standing interest in Africa beginning with my Ph.D. dissertation about Kenya many decades ago. I took this trip not because Africa is strategically important to the United States, but rather because there are hundreds of millions of people often in desperate circumstances in that part of the world. These people need our understanding and assistance if they are not to undergo catastrophe on a scale that has not been seen since the plagues and wars of Europe during the Middle Ages.

Furthermore, I knew that Africa has produced a number of leaders who have the right policy instincts and who care about their people, but who need support in implementing their visions.

So what I am going to do in the next few minutes is offer some snap shots of what I saw and heard on this trip to give you some sense of what is happening in parts of Africa today. Then I plan to list some suggestions that could help deal with some of the regional problems.

BENIN

Benin was the first country on the agenda. It is a small county in West Africa led by a remarkable man, President Kerekou. This veteran African leader had for many years followed a Marxist path, but realized at one point the bankruptcy of this approach and voluntarily left office. Years later, he ran for the Presidency on a very different platform and won overwhelmingly.

Benin, of course, was one of the great slave exporting countries in the 17th and 18th centuries. One Sunday morning during a recent trip to Washington, President Kerekou visited one of the largest predominately black churches. To the astonishment of the people, he begged forgiveness on behalf of his ancestors for having participated in the enslavement of their ancestors. I am told that there was hardly a dry eye in the church when the old gentleman finished his plea.

In Benin, there were two kinds of tribes. Some of the coastal tribes were the predators, and many of the tribes in the interior were the prey. The animosity between these two ethnic groups continues to this day to poison political and social life in Benin and elsewhere in West Africa. For the past several years, President Kerekou has organized reconciliation ceremonies to try to heal these wounds. And he has made considerable progress.

Indeed, so great is his stature as a regional moral leader that one of the other neighboring presidents I visited told me that he would happily lay on the ground and let Kerekou walk on him, so great was his respect for his distinguished neighbor.

IVORY COAST

In the Ivory Coast, I had two meetings with President Guei, whose name has recently been on the front pages of many American newspapers due to controversies surrounding the recent presidential election in the Ivory Coast. Indeed since our conversations, President Guei has fled into exile.

But in my meetings with him, it was obvious that he was an exhausted man with no evident ideas on how to deal with his country's multiple problems. he was surrounded by layers of bodyguards to foil assassination attempts. Within weeks of our visit, another coup attempt resulted in a narrow escape for the President and the death of a number of his guards.

I asked friends how he came to be President and was told a story which was largely confirmed later by the American embassy.

It seems that there were several hundred soldiers from Ivory Coast who had been sent on a peace keeping mission to a neighboring country. They had been promised a bonus for this dangerous assignment. When they completed their work and returned home, they applied to the Defense Ministry for their due bonuses, which

They then were told that the Ministry could not give them the bonuses, ostensibly because they were out of funds. The soldiers were told that they would possibly be paid next year.

The men were furious and took to the streets with their guns, firing into the air. Suddenly crowds of people emerged, cheering on the soldiers and thinking that they were part of the coup to remove the increasingly tyrannical incumbent President. The soldiers then moved to take over the television station and sought a replacement President. They realized that unless they found a new President, they would face the wrath of the incumbent as soon as they returned to their homes and barracks.

They first approached the Minister of Sports, who declined the honor. They then went to the farm of a retired general, Mr. Guei, and offered him the Presidency. He too declined. The soldiers then threatened to kill many members of the existing government unless General Guei became the President. Then, holding General Guei's wife hostage on the farm, they escorted the General to the television station. At the station, he announced that he would be the new interim President, but said that he would only hold the job long enough to organize new elections.

After a few months, however, members of General Guei's family discovered that they had an amazing talent for business, hitherto unknown. Somehow, contracts materialized along with a host of other benefits. They were reported to have pressed General Guei to stand for a full term in the upcoming elections. Since the General lacked much in the way of charisma or ideas for dealing with the nation's problems, some of the General's advisors and associates crafted an election procedure that disqualified most of the more popular potential opponents on one pretext or another. One relatively weak opponent remained, however.

Shortly after I left the country, riots broke our between the various factions. General Guei lost the election and was forced to flee the country. But it is not clear what will happen next in Ivory Coast. There are great tensions in the country, where there seems to be as many as 60 tribes and language groups, divisions between Christians, Muslims, and Animists. There is also ill will between the native Ivorians and the more recent immigrants who are attracted by the relative prosperity and stability of the country in past decades. No one thinks that politics are yet settled.

NIGERIA

Nigeria was the next stop. From all the reports, the current President of Nigeria is an honest man with the interests of his people at heart. But there are a number of problems.

One of these is a culture of corruption which took root in part of the society and body politic in years past. A substantial percentage of Nigerian oil production is said to be officially unaccounted for. As you travel around chaotic Lagos, you frequently see warnings on buildings and fences against land scams.

The old agricultural base of the economy was neglected when oil became such a critical part of the economy. This contributed to over urbanization and drained the economy in other ways as well. During times of low oil prices, the lack of a more balanced economy is acutely felt. It also contributes to the high unemployment rate.

Airport security has been a persistent problem in recent years, particularly the smaller domestic airport in Lagos. Even my Nigerian hosts were alarmed as we ran the gauntlet of muggers and panhandlers between the parking lot and the actual terminal building. This, of course, also alarms potential foreign investors and tourists.

The new capital, Abuja, shows the signs of efforts of city planners to avoid the chaotic growth of Lagos. And Nigerians take justifiable pride in some of the new federal buildings. The most conspicuous feature of the local press, however, were articles about the struggle between the President and the new parliament over a self appropriation of $40,000 to each member of Parliament for furnishings for their private residences. The President felt that this was excessive, particularly during a period of budgetary stringency.

Great tensions between Muslim and Christian regions of the country are building again. These tensions have deep historic roots, but have recently worsened due to a campaign to impose Islamic law in areas of mixed populations with Muslim majorities.

You also hear the frequently expressed wish that the President would reach out to include more people in his inner circle, particularly younger people with recognized technical skills.

ETHIOPIA

Ethiopia was a country that I toured extensively when I wrote my Ph.D. dissertation, but I had not visited this country for several decades. I was interested in seeing what 20 years of communist rule and war had wrought in Haile Selasi's ancient kingdom.

My first visit was to the American embassy to seek a briefing on economic and political conditions in this country. To my dismay, the senior political and economic counselor who had served there for three years was unable to tell me even the rate of inflation. It was an extremely depressing visit. Fortunately, in my hotel, I discovered an old friend, a senior IMF official who was consulting with the Ethiopian government. So I did receive an outstanding economic briefing.

I also met with many of the key leaders in Ethiopia, who had just completed a successful defensive war against Eritrea, their neighbor to the north, and who were struggling to get the economy back on track. Many of these people are honest, but a Marxist education is not always the best preparation for organizing an efficient market economy.

In Addis Ababa, we saw a world class hotel, but which is surrounded on all sides by dire poverty. Large numbers of maimed veterans of past wars, street urchins, the aged, and women with babies beg at every opportunity. It is heart rending to see such scenes, and they are poison for the tourist industry, which could become a massive source of jobs and foreign exchange.

Famine stalks the land in part of Ethiopia, even as one drives by vast well watered and fertile agricultural lands which could produce much higher yields with modern agricultural techniques. Unclear land tenure policies, a reaction to the vast feudal holdings of the Imperial era, prevent ownership and consolidation which are necessary to introduce modern farming on an efficient scale.

KENYA

Many years ago I lived in Nairobi, Kenya. When I revisited this capital city, I found it virtually unrecognizable, swollen like many other African cities by weaknesses in the rural economy and the high birth rates. Drought and electrical shortages have caused famine and blackouts. I also saw the scars from the recent bombings of the American embassy. A large distant fortified replacement facility was rising in an isolated area far from the heart of the city. Yet another bunker-like "Festung Amerika", seeking to foil terrorist bombers, will be the inevitable final result.

I met with a number of able and prominent political leaders who were hoping to rise to power in the elections scheduled within the next two years. There was an awareness of the real cost of corruption to the national economy.

Kenya's agriculture is in crisis. Drought is only part of the problem. Kenyan farmers are compelled to sell their coffee, the country's main foreign exchange earner, to the government marketing board. This board has not yet paid the farmers for last year's crop, creating acute hardships and vast resentment. Such farmers are not in a position to make expensive outlays for fertilizer and other needed materials, guaranteeing a smaller crop next year to a country with a foreign exchange shortage and high unemployment.

One bright spot, though, is the vast game parks of Kenya which are a source of great local pride and considerable tourist revenue. During a visit, we actually observed a group in Masai with spears trying to run down a lion, which no doubt has been stalking their cattle. The drought had brought both the cattle and the Masai into the normally forbidden game park.

SOUTH AFRICA

In South Africa, the legacy of decades of apartheid has contributed to tension which are experienced at every hand. Johannesburg, once a vibrant city, has become an urban fortress with electrified fences and military concertina wire surrounding every affluent home and neighborhood. Private security services are one of the few booming businesses. Hotels are being built near the airport because much of the downtown area is no longer safe for visitors. Rural farmers find themselves sometimes virtually under siege. Perhaps as many as 50% of South Africans are unemployed. More than 20% are HIV positive and doomed unless medical assistance can be provided. Many of these stricken young men and women are deeply angry, contributing to the crime and violence. Educated young people are leaving the country in droves, moving to New Zealand, Australia, and elsewhere, and taking with them skills and talents which are desperately needed in South Africa itself.

Tension has arisen between former President Mandella and his successor. His successor is under great pressure to find jobs for black Africans. There is reluctance to confront the AIDS problem with the urgency that is needed. Land seizures supported by President Mugabe in Zimbabwe are putting growing pressures on South African leaders to follow similar policies. In Zimbabwe, such policies have proven catastrophic both for modern agriculture, the national economy itself, and for social peace. But it is not clear how long South African leaders can resist pressures to begin similar policies. There is great apprehension among the commercial farming communities.

Leaders of the South African government greatly resent unfavorable reports about conditions in South Africa since they desperately want to attract foreign investment to create jobs and support the currency. But the truth of the matter is that potential foreign investors always inquire of local contacts about true local conditions.

There is talk in South Africa, strongly opposed by the government, about breaking up the country into zones where racial and tribal concentrations exist. Unless stability is created, the growing anarchy could eventually lead to just such a result.

If the deterioration in South Africa leads to anarchy, civil war, and economic collapse, all neighboring countries with important commercial relationships with South Africa will also suffer. But the reverse is also true. If the South African economy can be stabilized and revived, growth and talent in South Africa will spread gradually throughout the southern region. So the stakes are very high. It is also important to remember that the earlier constructive action takes place, the easier it will be to achieve results.

Concerning South Africa, there are parts of the political class in other parts of the world which viewed their task as finished, once apartheid has been crushed and Mr. Mandella installed in office with a mission to reconcile the nation. But the truth of the matter is that Mr. Mandella is out of office. Many exiles from socialist traditions

The complexities and dilemmas inherent in this situation have caused many people who were involved in the anti-apartheid struggle from Western countries to avert their eyes from the growing unrest in large parts of South Africa. It would be an historic tragedy if the elimination of apartheid only ushered in a new era of economic and political misery, and eventually a new one-party perpetuating misfortune on all citizens, black and white. This would be a collective failure for all of us.

CONGO

Reports on developments in former Zaire, now the Congo, are even more unsettling. These reports estimate that more than two million people have been killed in the war that has been raging throughout the country during the past two years. Here too there is talk about the possible breakup of this vast, potentially rich nation that has deteriorated steadily since 1960. Indeed, 70% of the modern hard surfaced roads built by Belgian colonists in Congo have reverted to bush and jungle and are unusable today.

Some of the world's richest mineral deposits are unworked due to violence, lack of mining machinery, collapsed transportation infrastructure, and poor maintenance of mines and facilities.

Revenues from some of the still working mining operations are being diverted to finance foreign troops defending the regime in Kinshasa against other foreign troops who are penetrating other parts of the country where a spill over from earlier wars had created intolerable conditions for neighboring countries.

Many African leaders have worked hard to bring peace to this wretched country and its 50 million people, but one agreement after another has not been implemented. And the war and killing continue.

WHAT TO DO?

1. It is important to understand that there is no magic wand that can, at a stroke, erase the legacy of decades of misrule, mistakes, injustice, poverty, and violence that have impacted parts of Africa. Many statistics are unreliable, particularly those which quantify bad news. But this knowledge should not paralyze us or prevent us from taking steps that can, in fact, mitigate some of the problems in the region and build a foundation for later growth and development. Furthermore, there are now a number

2. While there are generic problems in sub-Saharan Africa, such as the AIDS crisis and other public health problems of equal concern, each country in sub-Saharan Africa is truly unique in tribal composition, politics, history, traditions, resource base, religion, culture, and all the other factors that contribute to diversity. Without a detailed knowledge of these unique factors, it is difficult for even well-intentioned outsiders to contribute effectively in finding solutions to the problems. In the United States, for example, most parts of Africa lack an informed constituency of sufficient size to serve as a buffer against the mistakes that sometimes occur when policy issues in Washington become a compromise between a junior desk officer at the State Department, and a well-paid, politically connected lobbyist representing the incumbent ruler. Fortunately, America possesses talent and knowledge in depth about most parts of Africa. Some of our experts are in the academic world, some at the World Bank, some are retired diplomats, some sophisticated journalists, and so on. What is needed is an organized consultative process where these experts can be brought together to address the problems of individual African countries. Had such a process existed, it seems doubtful to me that the American government would have thrown its support behind Mr. Kabila, for example, and events in Sierra Leone would have evolved differently. When we make mistakes of this kind, not only do we lose credibility, but we also impose heavier burdens on a region that is already staggering. We owe it to the people of Africa either to send in a varsity team or get off the playing field.

3. Economic development cannot take place where armies are contesting the ground. Prevention and resolution of these conflicts requires a more effective effort.

From the American point of view, the first line of defense in preventing conflict is a vigilant, active, well-connected and supported United States Embassy. It also requires in Washington a back-up chain of command which actually reads the reports from the field and is prepared to act on them in a timely manner. This does not mean dispatching the 82nd airborne division every time the fire bell rings. It does mean rapid and effective coordination with allies and regional powers and organizations, not to mention forceful, private representations to potential malefactors. It is a lot easier to stop a conflict before it is unleashed, than to try to halt one, once blood flows and popular passions rise.

In recent years pan Africa and sub regional African organizations have shown themselves willing to fill part of the vacuum left by former colonial powers' increasing reluctance to engage directly in the affairs of their former subject peoples. Greater international support for the peacekeeping operations, including regional and sub-regional organizations therefore is needed. Similarly when America deploys its prestigious, heavy hitters in diplomatic peace making missions, such efforts need to be supported, first of all, by our own government. Undoubtedly, the United Nations can play a large role in the future in this context if adequately led and supported.

4. Conflicting commercial ambitions by companies and individuals in various African countries have sometimes produced foreign diplomatic support for individual leaders or potential leaders who are viewed as friends. ELF Petroleum's objectives and the multiple rival interests in the diamond industry are some of the many examples of this.

Even where such interests are not directly involved, paranoia about the potential of such sponsorship is helping to prevent advanced countries from working together effectively to support development in Africa. Covert support for this or that potential leader is assumed. The recent election in the Ivory Coast was a case in point, where riots were mobilized by one group to protest alleged French attempts to interfere in the election process.

Yet it is absolutely clear that advanced countries could accomplish much more in Africa by working together than by allowing divisions over conflicting commercial agendas to poison cooperation.

There are a number of highly able African leaders who care about the interests of their peoples, but who sometimes do not have the in depth, local talent needed to craft development strategies that could command wide support.

There is an urgent need for such strategies in sub-Saharan Africa. The best of African talent needs to be engaged with that from cooperating multilateral organizations and individual countries to produce as realistic and comprehensive market based development plan for each country in sub-Saharan Africa.

At its peak, the mineral riches of one province in Congo provided 25% of the GNP of that country. Once peace comes, a high priority should be given to a plan to restore the power and transportation infrastructure to allow these minerals to play their earlier role in the local and global economy.

By the same token, unwise policies, such as the current efforts of President Mugabe to demagogue the issues involved in the commercial farming sector of his country, need to be more strongly discouraged by those in a position to deploy carrots and sticks. Everywhere in Africa there is a need for more intensive commercial farming, which has more than proven its potential in the latter part of the 20th century. The solid results achieved by efficient commercial farmers both in feeding local people and in providing desperately needed jobs and foreign exchange through exports is something that should not be ignored.

5. Delivery of health services is another area where more cost effective distribution systems are needed in some countries. A recent World Bank report suggested that of each $100 appropriated for medicines by national budgets in Africa, only $12 worth of such medicines reach patients. The rest of the money is lost through a combination of spoilage, corruption, and other apparent consequences of gross mismanagement.

The cost of commercially available treatment of HIV positive individuals or those with AIDS is about $15,000/person. This is the approximate cost of educating 100 primary school students for an entire year. Offers by the United States to provide loans to impoverished African countries to allow them to purchase greater quantities of commercially available drugs to prolong the useful lives of the HIV positive will not find many willing takers among governments with unlimited pressing needs and limited resources.

Prevention is obviously the most important first line of defense against this scourge. Senegal does an effective job in this regard, and its HIV positive population is merely 1.8% by comparison with other countries with rates in excess of 20% and growing. Uganda is also now successfully lowering the infected number of their citizens through effective anti-AIDS information campaigns. But the Senegal and Uganda information programs should be put on the road and marketed in all the African countries.

Brazil has successfully begun to attack its own HIV problem with generic drugs produced at a fraction of the $15,000 commercial rate. It did so by simply expropriating the technology and subsidizing the production and dissemination of the drugs.

Clearly, it is in the interest of all that current market-based incentives for research and development of anti-AIDS drugs should continue and intensify. Companies which are successful should be rewarded for their success. The franchises for distribution of HIV/AIDS medicines in Africa should be purchased by donor governments and multilateral health agencies.

Even if not all the millions now infected can be treated with anti-AIDS medicines due to cost factors and distribution complexities, at least the scarcest talent in the country, educated at vast cost, can be treated and their productive lives greatly extended.

6. Better education programs are clearly part of the answer to Africa's multiple problems. But today, less than 2% more women are being educated than was the case during the colonial period. Educational costs are unnecessarily high in some places because of unionized work forces that extract high salaries and benefits. In some places, governments cannot afford to field the number of highly paid teachers who are needed to address the requirements of Africa's children.

American children were educated in the 19th century with very simple structures and facilities. This is an area where friends of Africa in the developed world could perhaps usefully contribute more in talent, funds, and advice. Schools are also

7. Leadership. During the Cold War, the United States mounted an extensive effort to identify and support able, young people from many parts of the world. Large numbers were brought to the United States as visitors and hundreds of thousands were educated here. The AIDS scourge is decapitating large numbers of people, including the educated elites in Africa, and a massive effort to replace these vitally needed trained technical and leadership groups is urgently needed. This will have to be a shared task among many countries that are friends of Africa.

CONCLUSION

This presentation is by no means an attempt at a comprehensive look at Africa's current problems. Those interested in digging deeper into the details should begin by reading some of the useful publications that the World Bank has recently sponsored and examine the writings of other experts on Africa.

Rather this speech is an effort to point out some of the things that I saw myself on a recent tour of part of the continent and some of the conclusions that I reached.

It is intended as an appeal to parts of the policy community who normally have responsibilities far beyond this one isolated region. We all need to look again at what is happening in sub-Saharan Africa and reconsider our overall priorities.

There is plenty of evidence that when the broader policy community focuses its attention on a problem of this kind that it can greatly strengthen the local leadership classes that ultimately bear responsibility for implementing solutions.

In years past, non-profit organizations, scholars, journalists, retired diplomats, and politicians, as well as individuals working within governmental and multilateral organizations have made major contributions in Africa. River blindness, for example, has been almost eliminated from many parts of Africa. New strains of crops have turned some famine prone areas into food-exporting regions. Reconciliation efforts far from the eyes of the public have brought old enemies together. But when governments put their shoulders to the wheel with imagination, resources, and leadership, they can accomplish things that are far beyond what individuals can do.

There is both a need and an opportunity for collective international action in Africa today. The recent debt relief effort needs to be supplemented by programs that deal with other aspects of the continent's urgent needs.

Sometimes even a relatively modest effort in an area which is under-served can yield a disproportionately positive impact on the lives of a great many human beings. The opportunities now in Africa are great for this kind of commitment. I hope that some of you will take up the challenge. Leadership, imagination, and resources are urgently needed in this part of the world.

HONORING JAMES B. ORRELL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. WOOLSEY. Mr. Speaker, today I recognize James B. Orrell. James Orrell has provided invaluable support and leadership to Marin County school districts and the Marin County Office of Education for 35 years. During his many years of service he has demonstrated leadership in public education and dedication to students, parents, teachers and community members.

James had worked in the Office of Education as Assistant to the Marin County Superintendent of Schools, Assistant Superintendent of Student Services, Director of Employer/Employee Relations, Special Education Project Manager, liaison to the Marin County School Boards Association and the Joint Legislative Action Committee, and Administrative Assistant. He has also been a Teacher and Principal at San Quentin and Interim Superintendent of the Reed School District as well as representing Marin for 30 years on the California School Masters Board to promote excellence in education by recognizing outstanding teachers and administrators.

During his long career in public education, Mr. Orrell worked tirelessly to provide high-quality education programs, and services for all students. It is my pleasure to honor James Orrell. I am proud to represent such a dedicated educator.

TRIBUTE TO ANTONIO MEUCCI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, Alexander Graham Bell is the man most commonly given full credit for the invention of the telephone. The courts awarded him one of the most valuable patents in American history, a patent that made him a millionaire and became the foundation for one of America's largest corporations. Certainly, the telephone has become a tool of modern communications so fundamental that many of today's business and social activities would be inconceivable in its absence. However, Bell's claim that he solely engineered the telephone was hotly disputed by a number of other inventors, one of which I wish to speak of here today. My motive is not to disparage or discredit the legend of Mr. Bell's findings, but rather to tell the story of Antonio Meucci, an Italian immigrant little known for his far-reaching contributions to our society.

Antonio Meucci was born in San Frediano, near Florence, in April 1808. He studied design and mechanical engineering at Florence's Academy of Fine Arts and then worked in the Teatro della Pergola and various other theaters as a stage technician until 1835. From there he accepted a job as a scenic designer and stage technician at the Teatro Tacon in Havana, Cuba.

Fascinated by technical research of any kind, Meucci read every scientific missive he could acquire. He spent a great deal of his spare time in Havana on research and he soon gained notoriety for his creative and productive mind. His purported inventions included a new method of galvanizing metal, which was applied to military equipment for the Cuban government. He continued his work in the theater, but science had become his indomitable passion.

One day, in his home, Meucci heard an exclamation of a friend, who was in another room of the house, over a piece of copper wire running between them. He realized immediately that he had something that was more important than any discovery he had ever made. With that realization also came the understanding that to succeed as an inventor, he would need an environment that truly fostered his inquisitive mind and vibrant spirit. He would come to America, to explore this new communication possibility.

He left Cuba for New York in 1850, settling in the Clifton section of Staten Island, a few miles from New York City. Though poor finances and limited English plagued Meucci, he worked tirelessly in his endeavor to bring long distance communication to a practical stage.

In 1855, when his wife became partially paralyzed, Meucci set up a telephone system which joined several rooms of his house with his workshop in another building nearby. This was the first such installation anywhere. In 1860, when the instrument had become practical, Meucci organized a demonstration to attract financial backing in which a singer's voice was clearly heard by spectators a considerable distance away. A description of the apparatus was soon published in one of New York's Italian newspapers and the report with a model of the invention were taken to Italy with the goal of arranging production there. Unfortunately, the promises of financial support, which were so forthcoming after the original demonstration, never materialized.

Antonio Meucci refused to let this set back destroy his vision. Though the years that followed brought increasing poverty, he continued to produce new designs and specifications. Unable to raise the sum for a definitive patent, Meucci filed a caveat, or notice of intent, that was a preliminary description of his invention with the U.S. Patent Office. His teletrofono was registered on December 28, 1871 with the requirement that he file for converting it into a patent in 1874. Fate would deal Meucci a cruel blow, however, as he fell victim to a near fatal boat explosion. While he lay in hospital, destitute and ill, Meucci allowed the provisional patent to lapse.

Two years after the expiration of Meucci's caveat, Bell took out a patent for his voice transmitting electrical device, which he called the telephone. It is possible that sometimes several inventors have the same idea at the same time. In this case, however, what has mattered is not who had the idea for the telephone first, but who first turned the idea into a viable commercial enterprise. As we all know, it was Bell who succeeded in that respect.

For too long Antonio Meucci has been only a footnote in our history books. At many local libraries, a search for Meucci in the card catalogue yields nothing. His legacy deserves more. Remember that a federal court in the 1880's found that Meucci's ideas were significant to the invention of the telephone and the Secretary of State at the time issued a public statement that "there exists sufficient proof to give priority to Meucci in the invention of the telephone."

Mr. Speaker, many people from many different nations have contributed to the greatness of America. Antonio Meucci was indeed one such person. He is an example of someone who worked for the benefit of all. It is fitting that his efforts are recognized here today.

IN HONOR OF TOM SHORT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KUCINICH. Mr. Speaker, President Thomas Short of IATSE, the International Alliance of Theatrical and Stage Employees, ranks as one of the City of Cleveland's favorite sons. Cleveland is proud of his strong, disciplined, patient leadership which has earned him the gratitude of the rank and file of the IATSE, the appreciation of all international labor leaders, and the respect of those who sit across the table from his I/A team.

As a member of the labor committee of the United States Congress and as a member belonging to IATSE Local 660 (when you are in politics it is always good to have another trade) I know first hand the powerful and positive impact Tom Short has had in protecting and advancing the economical, social, and political rights of working men and women. President Short achieves success for his members through making the use of principle, a practical and pragmatic goal.

As a veteran of both labor and politics, I am aware of the challenges which confront my brothers and sisters in the entertainment world. Surely this, the most dynamic of all industries, with so many exceptional individuals blessed with depth of talent and breadth of vision—surely you can call upon the limitless reservation of spiritual and creative energies always available to you, to design an environment of benevolence and co-operation where all are winners in the collective bargaining process.

Over thirty years ago, when I began my career in public service, I worked closely with Tom Short's father, Adrian, who led Cleveland's stage hand union. Adrian Short introduced me back then to his sons, Dale, a labor leader in his own right, and Tom, our honoree.

How very proud your father would be of this well deserved moment of grace, Tom, for you embody every dream he had—in your quest to elevate the dignity of all working people.

THANKS TO THOSE WHO HELP KEEP THE CAPITOL FUNCTIONING II

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PORTER. Mr. Speaker, earlier this year, on October 24, I rose to thank all of the people that make this great institution work. I wish I could have mentioned all of our extended support staff by name. Peggy Sampson has been with the Republican staff almost as long as I've been in Congress. She does a fantastic job playing Mother Superior to all our pages, watching over them, helping to educate them, and generally herding them. This has become an infinitely more complex job when Republicans became the House majority, with the right to name so many more pages on our side. But Peggy not only does her job and does it in exemplary fashion, but she also helps the cloakroom staff in so many ways. She has been and is absolutely invaluable and irreplaceable. I also want to mention the garage attendants who are so friendly and helpful to all of us: Tommy, Dennis, Scotty and so many others are always there on the job and make our tour here safer and more enjoyable.

TRIBUTE TO FATHER JAMES E. HOFF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Father James Hoff, a friend, educator and community leader, who will step down from his service as President of Xavier University on December 31, 2000.

Over the past ten years, Father Hoff has led Xavier to great new heights. In 1992, he began Xavier 2000 which led to the Century Campaign, the most ambitious fundraising campaign in the school's history, raising the endowment from $24 million to $89 million. He has also significantly strengthened the university's curriculum, advanced the quality of its faculty and created a more unified, attractive campus.

Perhaps most telling of Father Hoff's work is the success of Xavier's students. In the 1990's, the average high-school grade-point average of its incoming students rose from 2.9 to 3.49 for the current class. And, in 1998, the school ranked first in the nation for student-athlete graduation rates (100 percent).

In 1995, Xavier was recognized for the first time by U.S. News and World Report as one of "America's Best Colleges," placing fifteenth among Midwest schools. In its 2001 ranking, Xavier climbed to seventh among regional institutions in the Midwest. Xavier has also received recognition from Money magazine and the John Templeton Honor Roll.

Although Father Hoff surely deserves much of the credit, he is modest and quick to recognize Xavier's faculty and staff, Board of Trustees, administration and students—all of whom have helped to raise the level of excellence at the school.

He says his greatest accomplishment during his tenure is defining the school's mission: "to prepare students intellectually, morally and spiritually to take their places in a rapidly changing global society and to work for the betterment of that society." He certainly has done that, and all of us in the Cincinnati area thank him for his vision and goodwill. We look forward to his continued leadership in our area.

RECOGNITION OF THE RETIREMENT OF PAUL SELDENRIGHT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BONIOR. Mr. Speaker, today I rise to honor a good friend of mine, Michigan State AFL–CIO COPE Director Paul Seldenright upon his retirement. Paul Seldenright has been standing up for working men and women for over 40 years, beginning in 1960 as a steelworker in Trenton. Every day during that 40 years, the working families of Michigan have had a champion in Paul. The political battles Paul has fought in Lansing and in the State of Michigan have had a direct impact on the standard of living for the working people in our State.

Paul's interest in politics led him to the position of chairman of his local PAC in 1962. In 1973, after associating himself with several successful political campaigns in Michigan, he began working for the Michigan AFL–CIO. He is a member of the A. Philip Randolph Institute as well as the Coalition of Labor Union Women and a lifetime member of the NAACP.

I want it to be known that Paul Seldenright has dedicated his life to the betterment of the working men and women of the State of Michigan. While I know Paul's retirement is well-deserved, his passion for politics and his dedication to working families will not let retirement take him from the causes he believes in and has fought for all his life.

Please join me in honoring the career of one of Michigan's working heroes as Paul completes his final days as Michigan State AFL–CIO COPE Director. Paul, we wish you all the best.

THE ARMENIAN GENOCIDE

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KNOLLENBERG. Mr. Speaker, in the closing days of the 106th Congress, I rise today to add perspective to the issue of the Armenian Genocide. Like many, I was deeply disappointed that the House did not consider H. Res. 596, the Armenian Genocide Resolution.

As my colleagues are well aware, the resolution was not considered because the Republic of Turkey decided to turn a sense of the House Resolution about the extensive U.S. record on the Armenian Genocide into a litmus test of its relationship with the United States. In an effort to stop the resolution, Turkey made repeated threats. In fact, many newspaper articles covering the progress of H. Res. 596 cited Turkey's, numerous threats should this body move forward.

These threats were not only directed at the United States, but also at Armenia and Armenians living in Turkey. In Istanbul, Turkey, people threw rocks at the windows of the Armenian Church of Samatia, an Armenian priest was subjected to physical attacks, another priest was arrested for referencing the Armenian Genocide, True Path Party leader Tansu Ciller called for the deportation of 30,000 Armenians, military activities increased along the border, and this shocking list goes on.

I regret that the Republic of Turkey opted to use coercion to make its case. However, it is even more regrettable that the United States succumbed to such tactics. I believe that we must remain vigilant in the fact of threats and those who continue to deny the Armenian Genocide.

While the resolution was aborted in Congress, internationally the pace of Genocide affirmation continued. During November alone, despite Turkish threats, the European Parliament, along with France and Italy, all adopted resolutions affirming the Armenian Genocide. In addition, Pope John Paul II recognized the Armenian Genocide. Today I am submitting copies of these documents for the record.

Many experts have called for a dialogue between Turkey and Armenia on this subject. In fact, on October 3rd, the State Department offered to broker a dialogue between these two countries. While Armenia has repeatedly agreed, Turkey has refused. During his address at the Assembly of Turkish-American Associations in Washington, DC last month, Anthony Blinken, U.S. National Security Council European Director, indicated that Turkey had the responsibility to take the first step to start a dialogue with Armenia. Blinken said "as a small, landlocked country suffering from economic problems, Armenia sees Turkey as offering a fist, not a hand."

I agree with Mr. Blinken on this point. From Armenia's perspective, Turkey's ongoing hostile actions and continued violations of international human rights laws and treaties represent a significant security threat. Turkey's defense spending is the highest of any NATO country as a percentage of its Gross National Product (GNP) and over the next 25 years Turkey plans to spend $150 billion modernizing its armed forces—against whom is unclear. Armenia simply does not have the resources to defend its own borders, especially given Turkey's military superiority and defense spending. Turkey's blockade, refusal to establish normal relations, military superiority, refusal to acknowledge the Armenian Genocide, and complete solidarity with Azerbaijan's demands regarding the Nagorno Karabagh conflict has only served to reinforce Armenia's view and has forced Armenia to rely on third parties to buttress its security capacity. As my colleagues know, Armenians faced genocide at the beginning of the 20th Century and the Armenians of Nagorno Karabagh suffered another attack during the end of the 20th Century. It is incumbent on us to ensure that Armenians and others around the world are not subjected to genocide in the 21st Century.

I would like to point out to my colleagues that since gaining its independence Armenia has consistently reached out and sought to normalize relations with Turkey only to be rebuffed at every step. Last year, when Turkey suffered a devastating earthquake, Armenia was one of the first countries to offer assistance. Armenia, having endured a major earthquake years before, has developed an expertise in earthquake response and recovery. Despite Armenia's offer, Turkey initially rejected assistance. In fact, it was reported that Turkey's Minister of Health, Osman Durmus, rejected offers of blood from Armenia because he didn't want Turkish blood mixed with theirs. More recently, Armenia offered earthquake assistance to Azerbaijan. To date, Azerbaijan has not accepted Armenia's offer. Finally, Armenia's President, Robert Kocharian has proposed the creation of a regional security system that will facilitate long-term peace and regional cooperation. President Kocharian stated, "the creation of such a system will allow the states of the region to cast away the current concerns and to overcome the atmosphere of distrust. It will allow [the settlement of] the current conflicts, to avoid the emergence of new dividing lines, to establish long-term peace, and to think about prospects of development and [a] prosperous future." Turkey did not take President Kocharian up on his offer.

Time and time again, Armenia has shown its willingness to normalize relations with its neighbors. However, Armenia's offers have fallen on deaf ears. In my view, if Congress is unwilling to recognize and affirm the U.S. record in response to the Armenian Genocide, why would Turkey feel any obligation to enter into a dialogue with its weaker neighbor Armenia when it has successfully silenced the United States? It is my hope that we can continue to work on these important human rights issues during the 107th Congress and create an atmosphere in the Caucasus region whereby the security of all countries is not at issue and people can exchange views without the fear of retribution.

ITALIAN RESOLUTION

The Italian Chamber of Deputies has observed that on November 15, 2000 the European Parliament approved by a large majority a proposal deriving from the Periodic Review on the progress made by Turkey towards admission to the European Community, a review completed by the European Commission in 1999. The Turkish government has been encouraged to intensify its efforts towards democratization, especially in the fields of criminal law reform, independence of the judiciary, freedom of expression, and the rights of minorities.

The Italian Chamber of Deputies has also observed that the recent resolution deals with questions concerning the Armenian people in three paragraphs of particular significance: "we urge recognition of the genocide inflicted upon the Armenian minority [within the Ottoman Empire] committed before the creation of the modern Republic of Turkey (paragraph 10); improvement of relations with Turkey's neighbors in the Caucasus, as proposed by the Turkish government itself (paragraph 20;" and, in support of the suggestion put forward in paragraph 21 by the Hon. D, Cohn-Bendit, President of the Bipartisan Parliamentary Commission on UE-Turkish relations, "invites the Turkish government to open negotiations with the Republic of Armenia, restore diplomatic relations and trade between the two countries, placing an end to the blockade currently in place."

The Chamber of Deputies therefore urges the Italian Government, in concordance with the proposals described above, to pursue energetically the easing of all tensions between peoples and minorities in that area, [i.e. the Caucasus], in order to create, with due observance of the territorial integrity of the two states, pacific coexistence and respect for human rights, thereby expediting a more rapid integration of Turkey within the European Community.

International Affirmation of the Armenian Genocide—Resolutions and Declarations—Vatican City, November 10, 2000, Joint Communiqué of Pope John Paul II and Catholicos Karekin II

His Holiness Pope John Paul II, Bishop of Rome, and His Holiness Karekin II, Supreme Patriarch and Catholicos of All Armenians, give thanks to the Lord and Saviour Jesus Christ, for enabling them to meet together on the occasion of the Jubilee of the Year 2000 and on the threshold of the 1700th anniversary of the proclamation of Christianity as the state religion of Armenia.

They also give thanks in the Holy Spirit that the fraternal relations between the See of Rome and the See of Etchmiadzin have further developed and deepened in recent years. This progress finds its expression in their present personal meeting and particularly in the gift of a relic of Saint Gregory the Illuminator, the holy missionary who converted the king of Armenia (301 A.D.) and established the line of Catholicoi of the Armenian Church. The present meeting builds upon the previous encounters between Pope Paul VI and Catholicos Vasken I (1970) and upon the two meetings between Pope John Paul II and Catholicos Karekin I (1996 and 1999). Pope John Paul II and Catholicos Karekin II now continue to look forward to a possible meeting in Armenia. On the present occasion, they wish to state together the following.

Together we confess our faith in the Triune God and in one Lord Jesus Christ, the only Son of God, who became man for our salvation. We also believe in One, Catholic, Apostolic and Holy Church. The Church, as the Body of Christ, indeed, is one and unique. This is our common faith, based on the teachings of the Apostles and the Fathers of the Church. We acknowledge furthermore that both the Catholic Church and the Armenian Church have true sacraments, above all—by apostolic succession of bishops—the priesthood and the Eucharist. We continue to pray for full and visible communion between us. The liturgical celebration we preside over together, the sign of peace we exchange and the blessing we give together in the name of our Lord Jesus Christ, testify that we are brothers in the episcopacy. Together we are jointly responsible for what is our common mission: to teach the apostolic faith and to witness to the love of Christ for all human beings, especially those living in difficult circumstances.

The Catholic Church and the Armenian Church share a long history of mutual respect, considering their various theological, liturgical and canonical traditions as complementary, rather than conflicting. Today, too, we have much to receive from one another. For the Armenian Church, the vast resources of Catholic learning can become a treasure and source of inspiration, through the exchange of scholars and students, through common translations and academic initiatives, through different forms of theological dialogue. Likewise for the Catholic Church, the steadfast, patient faith of a martyred nation like America can become a source of spiritual strength, particularly through common prayer. It is our firm desire to see these many forms of mutual exchanged and rapprochement between us improved and intensified.

As we embark upon the third millennium, we look back on the past and forward to the future. As to the past, we thank God for the many blessings we have received from his infinite bounty, for the holy witness given by so many saints and martyrs, for the spiritual and cultural heritage bequeathed by our ancestors. Many times, however, both the Catholic Church and the Armenian Church have lived through dark and difficult periods. Christian faith was contested by atheistic and materialistic ideologies; Christian witness was opposed by totalitarian and violent regimes; Christian love was suffocated by individualism and the pursuit of personal interest. Leaders of nations no longer feared God, nor did they feel ashamed before humankind. For both of us, the 20th century was marked by extreme violence. The Armenian genocide, which began the century, was a prologue to horrors that would follow. Two words wars, countless regional conflicts and deliberately organized campaigns of extermination took the lives of millions of faithful. Nevertheless, without diminishing the horror of these events and their consequences, there may be a kind of divine challenge in them, if in response Christians are persuaded to join together in deeper friendship in the cause of Christian truth and love.

We now look to the future with hope and confidence. At this juncture in history, we see new horizons for us Christians and for the world. Both in the East and West, after having experienced the deadly consequences of godless regimes and lifestyles, many people are yearning for the knowledge of truth and the way of salvation. Together, guided by charity and respect for freedom, we seek to answer their desire, so as to bring them to the sources of authentic life and true happiness. We seek the inercession of the Apostles Peter and Paul, Thaddeus and Bartholomew, of Saint Gregory the Illuminator and all Saintly Pastors of the Catholic Church and the Armenian Church, and pray the Lord to guide our communities so that, with one voice, we may give witness to the Lord and proclaim the truth of salvation. We also pray that around the world, wherever members of the Armenian and the Catholic Church live side by side, all ordained ministers, religious and faithful will "help to carry one another's burdens, and in this way obey the law of Christ" (Gal 6:2). May they mutually sustain and assist one another, in full respect of their particular identities and ecclesiastical traditions, avoiding to prevail one over another: "so then, as often as we have the chance, we should do good to everyone, and especially to those who belong to our family in the faith" (Gal 6:10).

Finally, we seek the intercession of the Holy Mother of God for the sake of peace. May the Lord grant wisdom to the leaders of nations, so that justice and peace may prevail throughout the world. In these days in particular, we pray for peace in the Middle East. May all the children of Abraham grown in mutual respect and find appropriate ways for living peacefully together in this sacred part of the world.

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9. TURKEY'S PROGRESS TOWARDS ACCESSION

EUROPEAN PARLIAMENT RESOLUTION ON THE 1999 REGULAR REPORT FROM THE COMMISSION ON TURKEY'S PROGRESS TOWARDS ACCESSION (COM(1999) 513–C5–0036/2000–2000/2014(COS))

The European Parliament,

—having regard to Turkey's application for accession to the European Union,

—having regard to its resolution of 3 December 1998 on the European Strategy for Turkey,

—having regard to the 1999 Regular Report from the Commission on Turkey's progress towards accession (COM(1999) 513–C5–0036/2000),

—having regard to its resolution of 2 December 1999 on the implementation of measures to intensify the EC-Turkey customs union,

—having regard to Council Regulation (EC) No 764/2000 of 10 April 2000 regarding the implementation of measures to intensify the EC-Turkey Customs Union,

—having regard to its resolution of 6 September 2000 on measures to promote economic and social development in Turkey,

—having regard to its resolution of 7 September 2000 on the Turkish bombardment of northern Iraq,

—having regard to Rule 47(1) of the rules of Procedure,

—having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0297/2000),

A. recalling the decision taken on 13 December 1999 by the European Council meeting in Helsinki to grant Turkey the status of candidate country for accession to the European Union and to establish an accession partnership and a single financial framework with a view to helping Turkey's application to progress in accordance with the Copenhagen Criteria,

B. whereas, following the granting to Turkey of candidate country status, the Union must now, by common agreement with the Turkish Government, devise and implement in an appropriate manner a credible comprehensive strategy with a view to accession,

C. whereas accession negotiations cannot begin until Turkey complies with the Copenhagen criteria,

D. whereas a climate of mutual trust should be created between Turkey and the European Union so that Turkey does not perceive the Union as an "exclusive Christian club" but as a community of shared values which embrace, in particular, tolerance for other religions and cultures, and whereas no formal cultural or religious conditions are attached to accession to the European Union,

E. whereas a clear and detailed programme will be an effective encouragement to accelerate reform in favour of protection of human rights and democracy, and will greatly strengthen the hand of those in the Turkish government, parliament, and civil society institutions who are keen to establish full respect for basic rights in their country,

F. noting the legislative changes carried out along the path towards democratisation since the 1995 constitutional reform and the establishment in the Turkish Grand National Assembly of the Conciliation Committee, which is responsible for reforming the constitution,

G. welcoming the signature by Turkey on 15 August and 8 September 2000 of four important UN conventions, on political, civil, social and cultural rights respectively, which must be ratified as soon as possible so that human rights and democratic pluralism may be guaranteed in that country,

H. emphasising that, despite the progress already achieved along the path towards democratisation, human rights and the situation of minorities must continue to be improved by the implementation of those conventions,

I. whereas, according to Lord Russell-Johnston, President of the Parliamentary Assembly of the Council of Europe, the confirmation by Ankara of the sentence imposed on former Prime Minister Necmettin Erbakan is not in conformity with the principles of democratic pluralism,

J. whereas Resolution 1250 of the UN Security Council called on the Turkish and Greek Cypriot communities to begin negotiations in the autumn of 1999, and whereas no progress in that direction has been recorded, despite the encouraging contacts made under the aegis of the UN Secretary-General in December 1999 and in January 2000; regretting, on the contrary, the violation of the military status quo by Turkish occupation forces in the village of Strovilia since 1 July 2000,

K. whereas the judgment of the European Court of Human Rights in "Lozidou v. Turkey" (No 15318/89), handed down on 28 July 1998 and ruling in favour of the plaintiff, has still not been implemented,

L. whereas the election to the Presidency of the Republic of Mr. Sezer, who has demonstrated his commitment to the rule of law, will make it easier for the necessary reforms to be successfully completed,

M. noting Turkey's place in the economy of Europe—it had a GDP of USD 185 billion in 1999—and the links already established between Turkey and the European Union, with

N. whereas, in December 1999, the package of economic reforms demanded by the IMF with a view to introducing budgetary austerity and to curbing galloping inflation was approved by the Turkish Parliament,

O. encouraging the Turkish Government, on the one hand, to commit itself to carrying out structural reforms which, ranging from dismantling state subsidies to reorganizing pensions and accelerating privatisation, must therefore strengthen the bases of a free market economy accessible to all and, on the other, to continue its efforts to adopt Community legislation,

P. recognizing Turkey's important geostrategic position, having regard to its role within the Atlantic Alliance and its status of WEU associate member, but noting that geopolitical and strategic considerations must not be the decisive factors in negotiations about accession,

Q. welcoming the fact that Turkey has signalled its intention to commit military capabilities under the common European security and defense policy,

R. regretting and unequivocally condemning the recent incursion by the Turkish Air Force into Iraqi airspace when Kendakor was bombed on 15 August 2000,

S. endorsing the view set out in the Commission report that Turkey has undertaken a significant process of self-evaluation as regards the level of harmonisation of its legislation with the acquis communautaire and that it is the only candidate country to have joined the Customs Union,

T. welcoming the decision taken in this spirit on 5 July 2000 by the Turkish Parliament to include in the eighth five-year development plan the principles governing transposition of the acquis communautaire and to establish a Secretariat for the European Union responsible for coordinating the work required for such transposition,

U. emphasizing, however, that a sustained effort is still needed to push through the current reform of the Turkish Civil Code, with particular regard to parental and women's rights,

V. expressing its concern about the bill seeking to make it possible to dismiss civil servants on ideological or religious grounds,

I. Welcomes the resumption of institutional activities and political dialogue in the Association Council, which met on 11 April after being suspended for three years, and welcomes in particular the recent implementation of the Association Council's conclusions with the initiation of an analytical review of the acquis communautaire through the establishment of eight subcommittees entrusted with the task of setting priorities for incorporation of the acquis; notes with satisfaction that the first meetings of three of those subcommittees have been successful and trusts that the remaining subcommittees' meetings will be held by the end of this year;

2. Encourages the Turkish Government to step up its efforts to achieve democratisation, with particular regard to reform of the Penal Code, independence of the judiciary, freedom of expression, the rights of minorities and the separation of powers, and especially the impact of the role of the army on Turkish political life;

3. Calls on the Turkish Government and Parliament to ratify and implement the UN conventions on political, civil, social and cultural rights which it signed recently;

4. Encourages in this respect the Turkish Parliament and Government to incorporate in the government programme the report drawn up by the Secretariat of the Turkish Supreme Coordination Council for Human Rights; welcomes the Turkish Council of Ministers' adoption of this report on 21 September 2000 as a "reference and working document"; and calls for the section on cultural rights to be reinserted into the report, with specific measures to protect the rights of minorities being added thereto;

5. Looks forward to the early abolition of the State Security Courts and welcomes the adoption of the law suspending the prosecution of, and penalties imposed on, press and broadcasting offences;

6. Calls, initially, for an amnesty with a view to achieving a reform of the Penal Code in the medium term so that it complies with the universal principle of freedom of expression;

7. Views the recent decision by the Constitutional Court on the law offering a reprieve to those who have committed press offences as a step that reinforces the rule of law; encourages the competent authorities to take this opportunity to continue their reforms in this direction, knowing that this process will logically lead them to a fundamental reconsideration of Article 312 of the Penal Code;

8. Calls, after the many promises made to this effect, for the death penalty to be abolished as soon as possible as part of the reform of the Penal Code and, pending such abolition, for the current moratorium on executions to be maintained;

9. Recalls the importance it attaches to recognition of the basic rights of the cultural, linguistic and religious groups in Turkey, who make up the country's multifaceted population;

10. Calls, therefore, on the Turkish Government and the Turkish Grand National Assembly to give fresh support to the Armenian minority, as an important part of Turkish society, in particular by public recognition of the genocide which that minority suffered before the establishment of the modern state of Turkey;

11. Notes the decisions taken on 30 November 1999 to lift the state of emergency in the Province of Siirt and on 26 June 2000 in the Province of Van, and calls on the Turkish Government to lift the state of emergency in the other provinces of the south-eastern region as well; calls for a specific solution to be found for the Kurdish people, encompassing the requisite political, economic and social responses;

12. Urges the Turkish Government genuinely to redirect its policy with a view to improving the human rights situation of all its citizens, including those belonging to groups whose roots go back deep into the country's past, by putting an end to the political, social and

13. Demands the release of Leyla Zana, winner of the European Parliament Sakharov Prize, and of the former MPs of Kurdish origin imprisoned because of the views they hold;

14. Welcomes the Turkish Government's adoption in September 2000 of an action plan which aims to restore economic balance with a view to resolving regional disparities by committing appropriate resources, and to promote the reopening of hamlets and the reconstruction of villages so that their inhabitants may return to them, together with other measures aimed at boosting investment in the south-east;

15. Welcomes the decisions taken by the Helsinki European Council to set up a single financial framework, based on an appropriate level of resources, and an accession partnership; calls on the Council and Commission to implement those two decisions as soon as possible and to reassess the amount of the European Union's financial assistance to Turkey, which should meet the needs of the pre-accession strategy on the basis of previous European Council conclusions with particular reference to the issue of human rights as well as the issues referred to in paragraphs 4 and 9(a) of the Helsinki conclusions;

16. Calls on the European Council, in accordance with the provisions of the European Union's political dialogue with the associated countries, to take note of the Turkish Government's request to be involved in one way or another in the process of developing the common foreign and security policy and welcomes Turkey's determination to contribute to improving European capabilities within the framework of the common European security and defence policy; considers that any such contribution has to be preceded by a clearly stated policy of respect for the territorial integrity of Member States;

17. Welcomes the start of negotiations on confidence-building measures agreed on 31 October 2000 by the foreign ministers of both Turkey and Greece;

18. Calls on the Turkish Government, in accordance with Resolution 1250 of the UN Security Council, to contribute towards the creation, without preconditions, of a climate conducive to negotiations between the Greek and Turkish Cypriot communities, with a view to reaching a negotiated, comprehensive, just and lasting settlement which complies with the relevant UN Security Council resolutions and the recommendations of the UN General Assembly, as reaffirmed by the European Council; hopes that this will be possible during the fifth round of proximity talks which will begin on 10 November 2000 and that those talks will result in bilateral negotiations, under the aegis of the UN, which will enable substantial progress to be made;

19. Calls on the Turkish Government to withdraw its occupation forces from northern Cyprus;

20. Calls on the Turkish Government, as it has proposed, to improve its relations with all its neighbours in the Caucasus within the framework of a Stability Pact for the region;

21. Calls in this connection on the Turkish Government to launch a dialogue with Armenia aimed in particular at re-establishing normal diplomatic and trade relations between the two countries and lifting the current blockade;

22. Calls on the Turkish Government, in cooperation with the Commission, to pursue its efforts with a view to enhancing the implementation of the pre-accession strategy as regards the incorporation of the acquis communautaire, notably by improving the situation in fields such as the single market, agriculture, transport, the environment and administrative organisation;

23. Welcomes the Turkish Government's recent statement that the reform process, which covers the amendments to the Turkish Penal and Civil Codes, including parental and women's rights, would be stepped up during the coming year;

24. Calls on the Turkish Government to comply with previous and future decisions of the European Court of Human Rights and to consider the proposals made by the Council of Europe with regard to the training of judges and police officers;

25. Reminds Turkey also of the commitments it has given within the Council of Europe and calls on it to transpose Council of Europe instruments in particular so as to permit more effective monitoring of the application of political measures that are part of the accession partnership;

26. Takes the view that Turkey does not currently meet all the Copenhagen political criteria and reiterates its proposal for the setting up of discussion forums, consisting of eminent politicians from the European Union and Turkey as well as representatives of civil society, in order to promote political dialogue and help Turkey progress along the path towards accession; welcomes the initiative taken by the former President of Turkey, Mr. Demirel, to establish a Europe-Turkey Foundation, which might also be involved in those forums;

27. Calls on the Commission to devise and implement additional programmes in the field of education, given the exceptionally high proportion of the population (50%) under 25, in order to help foster understanding of the basic principles of the shared values of Europe;

28. Calls on the Council and the Commission to find ways to improve the effectiveness of MEDA Programmes for democracy in Turkey with a view to strengthening civil society there, consolidating the democratic system and supporting free and independent media in that country;

29. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States and to the Turkish Government and Grand National Assembly.

CLEVELAND SCHOOL VOUCHER PROGRAM DECLARED UNCONSTITUTIONAL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I am pleased to offer for the record my congratulations to Judge Eric L. Clay of the United States Court of Appeals for the Sixth Circuit, an outstanding judge, and a man who possesses a high degree of common sense and pragmatism. Judge Eric L. Clay ruled that the Cleveland school voucher program was unconstitutional, because it did not present parents with a real set of options, and few nonreligious private schools and no suburban public schools had opened their doors. He wrote, and I quote, "This scheme involves the grant of state aid directly and predominately to the coffers of private, religious, schools, and it is unquestioned that these institutions incorporate religious concepts, motives, and themes into all facets of their educational planning." Judge Clay is a 1997 Clinton appointee.

Given the current national debate around school vouchers, his ruling is of critical importance to a full understanding of the issue. 82% of the citizens of Detroit recently held a referendum, and voted down the use of school vouchers. It is my firm belief all children should have the opportunity to attend first class public schools that have the highest academic standards, and the best learning environment possible. This can be best achieved by reducing class size, hiring more teachers, teaching phonics, implementing mentoring and after school academic enrichment programs, universal Head Start, increasing teacher's salaries, and creating a world class public school infrastructure. School vouchers is a panacea that will only benefit a small percentage of our kids, and therefore, should be discarded as a viable policy alternative once and for all.

A RULING VOIDS USE OF VOUCHERS IN OHIO SCHOOLS

[From the New York Times, Dec. 12, 2000]

By Jodi Wilgoren

A Federal Appeals court declared a Cleveland school voucher program unconstitutional yesterday, upholding a lower court ruling that the use of public money to send thousands of children to parochial schools breaches the First Amendment's separation of church and state.

The 2-to-1 decision, which included a vitriolic exchange among the judges, sets the stage for a United States Supreme Court showdown on one of the most contentious issues in education politics today. It comes a month after voters in Michigan and California roundly rejected school voucher programs in ballot initiatives and is the most significant legal decision yet on the question.

"We certainly hope everyone will get the message," said Robert H. Chanin, general counsel for the National Education Association, the nation's largest teacher's union, who argued the case for a group of parents and teachers challenging the vouchers. "The message is, let's focus on improving the public schools and stop playing around with vouchers as a panacea."

In the ruling, Judge Eric L. Clay of the United States Court of Appeals for the Sixth Circuit said the Cleveland program did not present parents with a real set of options, because few nonreligious private schools and no suburban public schools had opened their doors. In 1999–2000, 96 percent of the 3,761 voucher students attended sectarian schools, receiving up to $2,500 each to offset tuition.

"This scheme involves the grant of state aid directly and predominantly to the coffers of private, religious

"There is no neutral aid when that aid principally flows to religious institutions," the decision said, "nor is there truly 'private choice' when the available choices resulting from the program are predominantly religious."

Voucher supporters promised to appeal the ruling and expressed confidence about their chances at the high court, which has hinted at its openness to vouchers in recent years with several 5-to-4 decisions allowing public money to be used in parochial schools for textbooks, transportation and teachers' aides.

"The day of reckoning is drawing closer," said Clint Bolick, a lawyer for the Washington-based Institute for Justice, which helped defend the voucher program. "This decision is a disaster for every schoolchild in America, but it will be short-lived."

Students in the Cleveland program will probably be allowed to finish the year at their current schools, lawyers for both sides said. The Supreme Court has already intervened once in the case, to allow voucher recipients to remain in parochial schools pending the appeal, and an extension of that order is expected.

"Whatever I have to do to keep her there, I'm going to do that," said Roberta Kitchen, guardian for Toshika Bacon, who uses a voucher to attend a Christian school.

"If it means borrowing, second job, go further into debt, having to juggle my bills around," Ms. Kitchen said, "whatever I need to come up with that tuition."

Cleveland's voucher program, which gives precedence to low-income families, has been in litigation since it began in 1995 and has long been seen by both sides as the likely test case bound for the Supreme Court. The justices have already declined to review the nation's oldest and largest voucher program, which began in Milwaukee in 1990 and was upheld by the State Supreme Court in 1998. In Florida, the legal battle over a statewide voucher program has focused so far on the mandate to provide public education, not the church-state question; a state appellate judge's ruling that the program is acceptable is being appealed to the Florida Supreme Court.

Apart from the constitutional disputes, the battle over vouchers concerns the very definition of the public-school system. A coalition of corporate philanthropists and impoverished parents back vouchers as a free-market solution to what they see as the failure of inner-city schools; the teachers' unions have spent millions of dollars fighting vouchers, which they and many educators believe would drain resources from the schools that most need them.

Vouchers were a main point of fissure in the education debate of this fall's presidential campaign. Vice President Al Gore vehemently opposes the use of any public money for private schools, while Gov. George W. Bush of Texas wants to give children in consistently failing schools $1,500 in federal money to use however they like, including for tuition.

Yesterday's ruling in the Cleveland case, Simmons-Harris v. Zelman, comes a year after a lower-court federal judge struck down the program, saying it had "the effect of advancing religion through government-sponsored religious indoctrination."

Judges Clay and Siler acknowledged in their opinion that vouchers had been "the subject of intense political and public commentary, discussion and attention in recent years" but said they could not take part in the "academic discourse on practical solutions to the problem of failing schools."

Instead, they based their opinion largely on a 1973 Supreme Court ruling in a New York case, Committee for Public Education v. Nyquist, which rejected a tuition-reimbursement program for parents of private school students. Yesterday's ruling also pays close attention to the concurring opinion of Justice Sandra Day O'Connor—widely seen as the swing vote on vouchers—in a case from last term, Mitchell v. Helms, which upheld the purchase of computers for parochial schools.

"The voucher program at issue constitutes the type of 'direct monetary subsidies to religious institutions' that Justice O'Connor found impermissible," the Sixth Circuit judges said. "To approve this program would approve the actual diversion of government aid to religious institutions in endorsement of religious education, something 'in tension' with the precedents of the Supreme Court."

Judge James L. Ryan, appointed to the bench by President Ronald Reagan in 1985, submitted a sharp dissent accusing his fellow judges of "nativist bigotry" and denouncing the quality of Cleveland's public schools. He argued that the Supreme Court's rulings since the Nyquist case suggested a shift in thinking on subsidies to private and parochial schools and called the majority opinion "absurd" and "meritless."

"In striking down this statute today, the majority perpetuates the long history of lower federal court hostility to educational choice," Judge Ryan wrote, going on to call the ruling "an exercise in raw judicial power having no basis in the First Amendment or in the Supreme Court's Establishment Clause jurisprudence."

Judge Ryan's harsh words prompted the same from his colleagues. The majority complained of "hyperbole" and "gratuitous insults," saying "it is the dissent and its rhetoric which should not be taken seriously."

Gov. Bob Taft of Ohio, a Republican, declined to comment on the case, other than to express disappointment, as did the state's top education official, Susan Tave Zelman, who is named as a defendant. Neither Cleveland's mayor, Michael R. White, nor Barbara Byrd-Bennett, the chief executive officer of the Cleveland Municipal School District, could be reached for comment.

Betty D. Montgomery, Ohio's attorney general, released a statement saying, "The voucher pilot program empowers low-income Cleveland-area families whose children are trapped in a failing public school system."

As thousands of Cleveland families wondered how the decision might affect them, the combatants in the nation's voucher wars unleashed a sheaf of faxes celebrating or criticizing the latest legal salvo.

"This is a great early Christmas present for America's public schools and our constitutional principles," Barry W. Lynn, executive director of Americans United for Separation of Church and State, said in a press release.

The Center for Education Reform, a conservative group in Washington, described the Cleveland program as a "lifeline for thousands of disadvantaged young people."

"We've always believed and continue to believe that parents are a child's first teacher," said the group's president, Jeanne Allen. "And as such they and only they should decide where and how their children are educated."

On the other side was Ralph G. Neas, president of People for the American Way Foundation, who hailed the ruling as "a victory for the First Amendment and a victory for public education."

But it was a defeat for Mr. Bolick of the Institute for Justice. "The same Constitution that guarantees educational opportunities has been turned on its head to subvert them," he said.

CONGO: THE HEART OF DARKNESS?

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WOLF. Mr. Speaker, I want to share with you this informative article from The Economist magazine that describes the critical problems facing the Congo and the Great Lakes region of Africa. The humanitarian crisis in the Congo is startling as between 1.7–2 million people have died in the past several months. Thirty percent of those who died were under the age of 5. Clearly, the situation in the Congo deserves the attention of the West and I hope every Member will have an opportunity to read this article.

[From the Economist, Dec. 9, 2000]

IN THE HEART OF DARKNESS

The hefty cargo plane grinds on across Africa, the deafening monotony of its engines never changing. The hold is stuffed with drums of fuel and crates of ammunition, spare parts for weapons and medical supplies. Perched among them are a dozen soldiers, one of whom is carrying a suitcase full of dollars. Three young women, one of them with a child, crouch among the drums with wrapped-up bundles, a couple of live chickens and several bunches of bananas.

The old Russian-made plane is flown by Ukrainians. They and the plane have been rented in Kiev by a Greek entrepreneur who also deals in coffee, timber and arms. This time he has hired it out to the Ugandan army, but it could have been made available to any one of the seven national armies at war in Congo. His business prospects look good. Peace is impossible just now.

Below, the forest stretches to the horizon in all directions, a vast head of dark trees broken only by state-coloured rivers. Look down two hours later, and nothing has changed. It is as if the plane hasn't moved. Congo is big. Lay a map of Europe across Congo, with London at its western end, and the eastern border falls 200 miles beyond Moscow.

War in Congo does not involve huge armies and terrible battles, but a few guns can send hundreds of thousands fleeing their homes. It threatens Congo's nine neighbours with destabilisation, and with thousands of refugees pouring into their border areas. In the first week of December alone, by UN estimates, more than 60,000 refugees fled into Zambia from fighting that has just delivered the town of Pweto to Congo's anti-government rebels. War in Congo means a generation growing up without inoculation or education and the rapid spread of AIDS, the camp-follower of war in Africa. A recent United Nations report described Congo's war as one of the world's worst humanitarian crises, affecting some 16m people.

THE LEGACY OF GREED

Congo was only briefly a nation state. For most of history it was a blank on the map, luring in the greedy and unwary. It was first pillaged by the slave kingdoms and foreign slavers; then by predators looking for ivory, rubber, timber, copper, gold and diamonds.

Leopold, king of the Belgians, grabbed it in 1885 to make himself a private kingdom. That sparked the imperial takeover of Africa by Europeans at the end of the 19th century.

Leopold's agents cut off hands and heads to force the inhabitants to deliver its riches to him. Then came Belgian state rulers. They built some roads and brought in health and education programmes, but blocked any political development. When Congo was pitched into independence in 1960, there was chaos.

Congo nearly broke up; then out of the chaos came Mobutu Sese Seko, one of the more grotesque rulers of independent Africa. America and Europe supported him because he was anti-communist; but he was Leopold's true successor, regarding the country as his personal possession. He renamed it Zaire, used the treasury as his bank account and ruled by allowing supporters and rivals to feed off the state. If they became too greedy or powerful, he would have them thrown into prison for a while before being given another post to plunder. On two occasions he encouraged his unpaid, disgruntled soldiers to satisfy themselves by looting the cities. He built himself palaces and allowed the roads the Belgians had built to disintegrate. This helped break up Congo into fiefs. When Mobutu's rule ended in 1997, the nation state was dead. The only national organisation was the Catholic church.

One of his fiefs was Hutu-ruled Rwanda. Mobutu called its president, Juvenal Habyarimana, his baby brother. In 1994 Habyarimana was killed in a plane crash, and the rump of his regime carried out genocide against Rwanda's Tutsi minority. But, with Ugandan help, the Tutsis triumphed. The old Rwandan army and the gangs of killers fled into Congo, where Mobutu gave them shelter and weapons. In 1996 the new Tutsi-dominated Rwandan army crossed the border and attacked the Hutu camps, intending to set up a buffer zone to protect its western border. The attack worked better than anticipated and the Rwandans, Ugandans and their Congolese allies kept walking westwards until they took the capital, Kinshasa. Mortally ill, Mobutu fled and the Rwandans installed Laurent Kabila as president.

A year later, Mr. Kabila tried to wriggle out of the control of the Rwandans and Ugandans. He allied himself with their enemies, the Hutu militias in eastern Congo. In response they launched another rebellion to try to dislodge him. But this time Angola, Zimbabwe, Namibia, Sudan and Chad sent troops to defend him. They said they were acting on principle, to protect a neighbouring state from invasion. The war reached a stalemate with the country divided. In the western half,

Mr. Kabila was backed by Zimbabwe, Angola and Namibia (Sudan and Chad withdrew). The east was controlled by three rebel movements and their creators and controllers, Uganda and Rwanda. Burundi also has troops in Congo allied to the Rwandans, but these stay close to the Burundi border.

In June and July last year, a peace agreement was signed in Lusaka by the government of Congo, the three rebel groups and five intervening nations. It provided a timetable for a ceasefire, the deployment of African military observers supported by UN monitors, the disarming of "negative forces" (the militia gangs that roam eastern Congo), and the eventual withdrawal of all foreign forces. It also prescribed a national dialogue between Mr. Kabila and the armed and unarmed opposition.

NEIGHBOURS ON THE TAKE

Unsurprisingly, it has not worked. The ceasefire has been persistently broken by all sides, most recently with the fighting around Pweto. Although the defense chiefs of six of the intervening countries, led by Zimbabwe, and several rebel groups signed a deal in Harare on December 6th to pull back their forces from front-line positions, it is still unlikely to happen. The exploitation of the country by the intervening armies reinforces the imperialist nature of the invasion, as do their disparaging comments about the Congo * * * "A hopeless people," remarked one Rwandan. "All they want to do is drink and dance."

Each of the interveners in Congo has complex and different reasons for being there. At one level, they have been sucked into the vacuum; social and population pressure east of Congo has drawn the neighbours towards a country with few people for its size and no state structures. But each also had internal political reasons for going to Congo.

The Rwandans want to track down the perpetrators of genocide and either drive them back to Rwanda or kill them. The success of the 1996 invasion and American support has made them over-confident. President Yoweri Museveni of Uganda also has ambitions bigger than his own country. He wants the economy of eastern Congo to link up with East Africa, and wants to replicate his own political system in Congo. The rebel Movement for the Liberation of Congo (MLC) was created by Uganda, and mimics Mr. Museveni's political analysis and ideology.

On the other side, Mr. Kabila's allies also have domestic reasons for being in Congo. Sudan, engaged in a proxy war with Uganda, wanted another way to attack it. Angola wanted to get into Congo to stop its own rebel movement, UNITA, from using Congolese territory as a supply route and rear base. Namibia got involved because it is indebted to Angola. President Robert Mugabe of Zimbabwe, jealous of South Africa's new power in southern Africa, wanted to make himself the region's military leader. Others loiter in the background: North Korea has sent some 400 soldiers to help train Mr. Kabila's fledgling army and tons of weapons, reportedly in exchange for future sales of copper, cobalt and uranium.

Many western diplomats and analysts, as well as most Congolese, suspect that America is secretly funding Rwanda and Uganda. State Department officials deny this, but it is hard to see how these poor countries can fight without outside resources. Their meagre defence budgets (Uganda's is allegedly $100m this year) cannot possibly sustain their operations in Congo.

Once in Congo, the interveners found commercial reasons to stay. The war has created huge business opportunities which have obscured its primary, political, cause. Hundreds of dodgy businessmen, mercenaries, arms dealers and security companies have come to the region. Diamonds are a big prize and the main source of foreign exchange for Mr. Kabila. It is hardly surprising that the war ground to a halt around Mbuji-Mayi, the main diamond-producing area. Congo pays for Zimbabwe's presence with a diamond-mine concession. It has also formed a joint oil company with Angola.

Senior military officers from all the armies, as well as their political cronies back home, make money trading diamonds, gold, coffee and timber, and from contracts to feed and supply their troops. They have little interest in peace. Local and foreign businessmen often pay them to provide troops to guard a valuable mine or a farm. The Kilo Moto gold mine in Kivu has been taken over by freelance diggers, but the entrance is guarded by Ugandan soldiers who tax them. Kigali and Kampala are crawling with diamond dealers and others looking for Congo's rare minerals, such as tantalite and niobium. The loot is not confined to minerals. One Ugandan unit, returning from Congo, caused fury in both countries by having their newly acquired Congolese wives and girlfriends flown home with them at government expense. War booty, said chauvinistic Ugandan politicians. Rape and theft, said Congolese men.

THE KABILA DISASTER

When Laurent Kabila was catapulted to power by Uganda and Rwanda, everyone thought Congo would change. He could hardly do worse than Mobutu, they argued. Perhaps he would turn into one of the much-vaunted "new leaders" of Africa. He had few enemies. Everyone wanted to help him rebuild Congo. Sadly, he turned out to be little more than an outsize village chief, adept at staying in power, but with no vision and a deep distrust of competence. He has surrounded himself with relatives, friends and oddballs he scooped up on his march to Kinshasa. Mentally he is stuck in the cold war of the early 1960s, imagining global plots against Congo.

The formal economy is dead. Nor far from the central bank in central Kinshasa, carefully tended cabbages have sprung from a small patch of waste ground by the roadside. Nearby, families having moved into the ruins of a half-built office block, hanging their washing over the abandoned concrete pillars and cooking on open fires on the floors of rooms designed for board meetings. Only about 20% of the city's 4m-5m people have jobs. Most of these pay, if at all, about $8 or $9 a month. The city has little fuel, so people get up before dawn to walk to work. Most eat nothing all day, then return on foot to the one daily meal of cassave porridge or bread. Less than 30% of the capital's children are in school and few can afford medicine if they are ill.

Mr. Kabila blames all this on the war. It has more to do with his old-fashioned statist policies and his arbitrary way of handing out contracts and concessions and then canceling them. That has frightened off foreign companies. So has his policy of locking up foreigners and demanding ransom. Heineken, a Dutch brewing company, recently paid $1m in cash to the finance minister to secure the release of its two senior executives in Kinshasa. Maurice Templesman, an American diamond dealer, also lost millions of dollars when his staff were seized and thrown out of the country. One foreign security company in Kinshasa says its best new business is negotiating the release of foreign nationals arrested by the government.

Mobuto played the country and its political elite like a chess master. Mr. Kabila tries the same techniques; putting people in power or in prison and playing the ethnic card. But he is no expert. Long in exile, he barely understands Congo. There have been splits and mutinies in his fledgling army and his ministers are at each other's throats. Only in the south-east, his home territory, does he still have some support. The impoverished people of Kinshasa despise him, but will not demonstrate against him for fear of being accused of supporting the rebel movements—which they do not.

Mr. Kabilia is currently trying to get the Lusaka accord rewritten. He has blocked the development of UN military observers and humiliated and rejected Ketumile Masire, the former Botswanan president, who was appointed to organize a national dialogue. He even failed to turn up at meetings with his backers, Angola and Zimbabwe. President Eduardo dos Santos of Angola warned him in August that he had "had enough of his arrogance", and that the allies would withdraw from Congo if he continued to obstruct the peacemakers. But Mr. dos Santos knows there is, as yet, no alternative to Mr. Kabila and that there would be chaos if the allies withdrew now.

That is the crux of the problem. Mr. Kabila has failed, but there is no one else who enjoys national support or looks remotely capable of pulling the country together. Mobutu ensured that every politician in Congo was smeared with his corruption. Nor do the rebel movements present an alternative. The Congolese Rally for Democracy (RCD) split apart, with one faction supported by Uganda and the other by Rwanda. Uganda then launched the MLC and, in June, the former allies fought a full-scale battle in Kisangani for six days, destroying much of the town's centre and killing 619 civilians. This engagement also destroyed the credibility of the two leaders, Mr. Museveni and Rwanda's president, Paul Kagame, in Congo. America and western countries were furious with them and blocked Uganda's promised debt relief as punishment.

Both factions of the RCD are now deeply unpopular in their own areas. The clumsy intervention of Rwanda and Uganda in South and North Kivu has stirred up bitter ethnic rivalry. Much of this region suffers from the same Hutu-Tutsi divisions that exist in Rwanda and Burundi. The intervention has upset the fragile balance, and the region flares with massacre and counter-massacre.

Local communities have tried to defend themselves against all outsiders by forming self-defense militias, but many of these have degenerated into wandering gangs of mercenaries and bandits, the "negative forces" of the Lusaka accord. Some are linked to Rwandan Hutus, some fight against them. Mr. Kabila is fanning the flames by sending them weapons across Lake Tanganyika. The Kivus are now a horrendous mess of wars and sub-wars that will burn on long after the national war is over.

In northern Congo, the picture is slightly better. Jean-Pierre Bemba, the young MLC leader and a businessman, is popular there because his Ugandan-run army is fairly disciplined and, in Mobutu's home area, he is seen as his successor. It is a label he vigorously rejects, since he knows it will kill support for him in other places.

WHAT HAPPENS NEXT

The present situation is deadlocked and unstable. The UN will not deploy its forces until it is convinced that all parties are serious about peace, but the "negative forces", Hutu militias, gangs and others have signed no ceasefire and have little interest in peace. That means the foreign forces cannot fulfill the Lusaka accord and leave. But their governments, even the oil-rich Angolans, are worried about the cost. They are all engaging in bilateral talks with each other; but that increases mistrust and suspicion.

The Rwandans, realising how unpopular they are in Congo, have given up hope of overthrowing Mr. Kabila and instead have offered to withdraw their troops to the Kivus. Zimbabwe, hard-pressed by domestic problems, wants it 12,000 troops out as soon as there is a face-saving formula. Their departure could destablise Mr. Kabila. Maybe the Angolans, left holding the fort, will remove him. At present they seem to be trying to bring in Mr. Bemba and a representative of the unarmed opposition to create a trumvirate with Mr. Kabila. To achieve this, the Angolans have to trust Mr. Bemba's backer, Uganda. They don't, because Uganda has been a conduit for arms to UNITA rebels in Angola. Besides, the Ugandan army and the MLC are still pushing westwards towards the strategic city of Mbandaka, garrisoned by Angolans.

And what of the Congolese people in all this? Impoverished, disregarded and oppressed, they still give one clear message almost unanimously in every conversation: they do not want Congo to break up. But the long decomposition of this vast country seems inevitable, whoever rules in Kinshasa.

This war could rumble on for years, if not decades. The Lusaka accord, concedes a senior UN representative, is not going to work; but no one has a better plan. The best he can suggest is that outsiders remain engaged, help the victims, try to understand what is happening—and make it worse. Congo's experience of outsiders is, to put it mildly, discouraging.

REPORT ON THE DEPARTMENT OF JUSTICE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WAXMAN. Mr. Speaker, this fall, the House Government Reform Committee majority released a report on the Department of Justice that contains numerous inaccuracies and that unfairly smears several individuals. The minority filed views that discuss the unsubstantiated allegations in the majority's report.

The majority's report prompted letters from one of the individuals named in the report, and from an attorney for another of the individuals named. Both letters take issue with the majority's assertions. In the interest of a complete record on this matter, I submit into the RECORD a December 11, 2000, letter from C. Boyden Gray, and an October 31, 2000, letter from Barry B. Langberg.

WILMER, CUTLER & PICKERING,
Washington, DC, December 11, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We were dismayed to see your Committee Report, "Janet Reno's Stewardship of the Justice Department," made final without providing us with the right to review and comment as promised in response to my letter of September 21, 2000. Accordingly, there is no point in detailing here the errors in that Report that we would otherwise have identified.

We would nevertheless make the following observations which we would hope you could make part of the record: (1) as the Minority Report makes clear, Rebekah Poston never asked her investigators to do anything illegal ("[I]n fact, contrary to the Majority's allegations, no evidence received in the Committee demonstrates that Ms. Poston instructed private investigators to break the law"); (2) throughout the hearing, the two investigators at issue, Philip Manuel and Richard Lucas, each testified under oath that Ms. Poston had never asked them to do anything which they thought was illegal; (3) the Department of Justice ultimately granted her request for information by informing her that here was no information to provide in any event; and (4) it was entirely improper to hold and structure a hearing for the evident and sole purpose of provoking a claim of Fifth Amendment rights in order to create the impression that Ms. Poston had done something improper.

Accordingly, we respectfully request that you include this letter as part of the Congressional RECORD relating to the above-described report.

Sincerely,

C. BOYDEN GRAY.

STROOCK & STROOCK & LAVAN,
Los Angeles, CA, October 31, 2000.

Hon. DAN BURTON,
Committee on Government Reform, Rayburn House Office Building, Washington, DC.

Hon. HENRY A. WAXMAN,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BURTON AND REPRESENTATIVE WAXMAN: I represent Soka Gakkai, a lay Buddhist association with more than 10 million members. Soka Gakkai and I are both mentioned in Chapter IV of the Committee's report on "Janet Reno's Stewardship of the Justice Department." Without waiving any applicable privilege, I write to bring to the Committee's attention serious flaws in Chapter IV, which contains numerous demonstrable factual errors, and recklessly accuses private individuals of criminal wrongdoing without any pretense of due process or any substantive evidence. Chapter IV overstates its conclusions and ignores errors and omissions in the investigation.

The report acknowledges that the issues discussed in Chapter IV relate indirectly to litigation in Japan between Nikken Abe and Nichiren Shoshu, on the one hand and my client, Soka Gakkai, on the other. E.g., p. 161. It appears from various sources, including the report's Exhibit 56, that representatives of Nikken Abe and Nichiren Shoshu have had contact with the Committee staff, in an attempt to have the Committee issue a report that would be helpful to their position in the Japanese litigation. The three-judge panel of the Japanese trial court has already ruled unequivocally in favor of Soka Gakkai in that litigation, finding that the position of Nichiren Shoshu and the testimony of Nikken Abe were not credible. The matter is now on appeal and the efforts of Nichiren Shoshu's representatives to influence the Committee are simply an attempt by the losing side to use the Committee to influence the Japanese appellate process. The Committee should guard against such abuse of its processes.

More specific errors include:

1. The report recklessly accuses several private individuals of crimes, including several whom the staff never interviewed. The report accuses several individuals of committing serious crimes. It also accuses others of misleading the Committee. Such charges, cloaked with the authority of the Committee, are outrageous when made with so little concern for fairness or due process. It is significant that the report modifies many of its charges with qualifiers like "apparently" or "possibly" (e.g., p. 162), but that does not excuse such reckless charges. Simply put, there is no evidence that Soka Gakkai, Jack Palladino or I committed any crime or engaged in any improper activity whatsoever. As the report acknowledges, the staff failed even to interview Mr. Palladino or me about our role in this matter. Id. n. 801. These charges are particularly objectionable because they are not even relevant to the report's central thesis, that Ms. Poston and others working at her direction received favorable treatment at the hands of the Justice Department. E.g., pp. 159–60. Thus, these

serious attacks are made almost casually, without any claim or relevance to any public purpose.

In fact, even a preliminary investigation would have revealed that the so-called "reliable source," Richard Lucas, never met with Mr. Palladino or discussed with him any of the facts or issues concerning this matter. Further, an investigation would also have shown that I had no personal involvement with the activity criticized in the report.

2. The report repeatedly relies on a witness who lacks credibility. Many assertions in the report—including many of the most misleading, erroneous or otherwise objectionable assertions—are cited only to Mr. Lucas. E.g., notes 799, 806, 814, 822–24. Mr. Lucas is not a credible witness for several reasons: much of his story to the Committee is contradicted by his own sworn affidavit; he is apparently engaged in a legal dispute with one of the Committee's other witnesses and thus has an incentive to blame that witness for his own conduct; and he committed a conscious and intentional breach of his contractual and ethical obligations to the Steel Hector & Davis law firm. After having been retained by the law firm, he entered into a relationship with individuals hostile to the firm and the interests of its clients, and repeatedly breached his ethical and contractual obligations by secretly and systematically providing the opposing side in a litigation matter confidential information about the law firm's and client's activities.

A further sign that Mr. Lucas is simply not reliable is that he authored several memoranda under a pseudonym, "Michael Wilson." The report never discloses that fact. The report also frequently relies on these memoranda, without any other corroborating evidence. E.g., notes 831, 832, 837. That Mr. Lucas felt compelled to write memoranda under a pseudonym, in a complete departure from ordinary business practice, seriously undermines his credibility and shows that Mr. Lucas understood there was something about his conduct that needed to be hidden. Moreover, the memoranda themselves demonstrate that Mr. Lucas was violating his contractual and ethical duties to the Steel Hector & Davis law firm, and thus are independently not worthy of belief.

Significantly, the report itself accuses Mr. Lucas of criminal misconduct. E.g., p. 168.

3. The report contains sensational charges that it fails to support. The report's headings repeatedly charge individuals or organizations with illegal acts. E.g., p. 162 ("Soka Gakkai Illegally Obtains Information on Nobuo Abe Through Jack Palladino"); p. 163 ("Poston Requests Her Private Investigators To Break The Law"). Those inflammatory headings are not supported by the text. For example, the passage about Mr. Palladino is modified by the word "apparently," and it is sourced only to Mr. Lucas, the tainted witness; as the report concedes in the very next footnote, it did not even bother to discuss this allegation with Mr. Palladino. Mr. Palladino has publicly stated that he had nothing to do with illegally obtaining any information about Nobuo Abe and had no involvement with obtaining information from any federal source whatsoever. Similarly, Ms. Poston testified that she at no time asked her investigators to break the law.

4. The report lends unmerited credibility to mere speculation. The report seeks to suggest that an employee of the Bureau of Prisons "planted" a fabricated record in the NCIC involving an arrest in Seattle in 1963. The report recognizes this as "speculation," and attributes it to some unnamed "individuals involved in the case," p. 162. There is no evidence to support this speculative theory, and again the staff failed to perform any of the investigative work—such as interviewing knowledgeable law enforcement officials from the Seattle area—that would have helped clarify these facts. The report's careless presentation of the speculation may be injurious to the parties to the lawsuit in Japan—a lawsuit that, once again, the report specifically acknowledges, p. 161.

I ask that the report be corrected in light of this information, or, at a minimum, that this letter be made part of any final report issued by the Committee.

Yours very truly,

BARRY B. LANGBERG.

TRIBUTE TO CHAIRMAN JOHN HICKS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GILMAN. Mr. Speaker, I am honored to pay tribute to a remarkable constituent who has dedicated his life to serving others.

John S. Hicks, an attorney in my Congressional District whose offices are located in Chester, New York, has been Chairman of the Republican County Committee of Orange County, NY, since 1995. In that capacity, he has diligently worked to build a strong two party system in our country. John never lost sight of the fact that his only motivation for politics is good government.

John encouraged delivering the Republican message by providing a full time Republican Party Headquarters, and by publishing a supplement to our local daily newspaper which he entitled "The Eagle" and which has been an effective vehicle to publicize the principles of our party and the activities of our candidates.

John Hicks, who is a native of Fayetteville, North Carolina, has been a resident of Warwick, NY since he was five years old. A product of the public school system of Warwick, and a graduate of Colgate University and Albany Law School, he has been engaged in the practice of law since 1977.

In 1964, John registered to vote as a Republican at the age of 21, and maintained his dedication to Republican policies during and after his three year stint in the Army during the Vietnam era.

John is a Member of the American, New York and Orange County Bar Associations. He is active with the National Federation of Independent Businesses, the U.S. and the Orange County Chambers of Commerce. He is also active in Warwick's Rotary, the Warwick Community Bandwagon, and the Orange County Citizens Foundation. John also serves on the Board of Directors of the Orange County United Way and the Arden Hill Hospital, and is a life member of the American Legion.

John and his lovely wife, Judy, are the proud parents of Michael (a West Point graduate), Deanna, Stephanie, Mark, Lisa and Jeffrey.

On Feb. 2, 2001, the Town of Newburgh Republican Committee at their annual Lincoln Day Dinner will honor John as their designee as the "Republican of the Year". Their recognition is long overdue, for John Hicks has long personified the ideal of political work as a public trust.

Mr. Speaker, I invite our colleagues to join with me in congratulating John S. Hicks, Esq., for this honor and for a job well done.

GEORGIA REGULATOR TO LEAD INVESTIGATION INTO INSURER'S RATES FOR BLACK CUSTOMERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I wish to commend John W. Oxendine, Georgia Insurance Commissioner who will pursue to multistate investigation of Life Insurance Co. of Georgia, which if proven true, represents a very serious matter, and subsequently needs to be dealt with. African-Americans make up a large percentage of the company's policyholders. Evidence gathered by state examiners showed the Atlanta company, a unit of Dutch INC Group NV, continued at least until recently, to charge African-Americans higher rates than whites on identical policies sold as late as the 1980's. Historically, records have shown that through the first half of the century, U.S. life insurers typically either didn't market to African-Americans or charged them higher rates based on mortality tables that showed a shorter life expectancy for African-Americans. The discriminatory treatment however, was through to have been scrapped in the early 1960's, because of U.S. Supreme Court rulings and the impact of the civil rights movement.

I submit the following article from the Wall Street Journal.

[From the Wall Street Journal Dec. 15, 2000]

GEORGIA REGULATORY TO LEAD INVESTIGATION INTO INSURER'S RATES FOR BLACK CUSTOMERS

(By Scot J. Paltrow)

Georgia's insurance department said it will lead a multistate investigation of Life Insurance Co. of Georgia, after initial inquiries showed the company systematically had charged higher, race-based premiums to African-American customers.

Georgia Insurance Commissioner John W. Oxendine said [evidence gathered by state examiners showed the Atlanta company, a unit of Duth ING Group NV, continued at least until recently to charge blacks higher rates than whites on identical policies sold as late as the 1980s.]

Life of Georgia was one of the companies cited in a Wall Street Journal page-one story in April, which reported that some life insurers had continued to charge higher premiums to African-Americans on small policies formally known as "industrial insurance." A former Life of Georgia actuary was quoted as saying discrimination premiums continued to be charged by the company well after most other insurers had halted the practice in the 1960s. Florida regulators earlier this year initiated the inquiry into Life of Georgia as well as more than 25 other companies. A lawsuit on behalf of black policyholders is pending against Life of Georgia in federal court in Florida.

Life of Georgia has strongly denied the allegations. Officials at Life of Georgia, at

ING's North American headquarters in Atlanta and at the parent company's headquarters in Amsterdam, didn't respond to telephone calls. In an interview in April, Life of Georgia Chief Counsel Jeffrey B. McClellan said, "our position is that no discriminatory rates were every employed" by the company.

Historical records show that through the first half of the 20th century, U.S. life insurers typically either didn't market to African-Americans or charged them higher rates based on mortality tables that showed a shorter life expectancy for blacks. The discriminatory treatment, however, was thought to have been scrapped in the early 1960's, because of U.S. Supreme Court rulings and the impact of the civil-rights movement.

In June, Houston's American General Corp. agreed to pay more than $215 million to settle investigations by Florida and other states and a civil lawsuit which alleged the company had continued until this year to charge higher race-based premiums on about 1.2 million policies held by blacks.

Mr. Oxendine said that based on examiners' initial findings, the Life of Georgia investigation will include all types of insurance sold by Life of Georgia. He said it was too early to estimate the number of policies or amount of money involved. [But he said African-Americans make up a large percentage of the company's policyholders.]

The investigation is being conducted on behalf of all 50 states. The company's business is licensed to sell in 30 states and has policyholders in all states, the Georgia department said.

HONORING THE SERVICE OF OCTAVIA LUCINDA OLIVER ROSS AS DISTINGUISHED EDUCATOR AND A COMMUNITY ACTIVIST

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mrs. CHRISTENSEN. Mr. Speaker, today I pay tribute to Octavia Lucinda Oliver Ross, who was a distinguished educator, devoted mother and community activist in my St. Croix district of the Territory of the Virgin Islands.

Octavia Ross was born into and became a part of an outstanding family educational legacy in the Virgin Islands. Her late father, Emanuel Benjamin Oliver was also a teacher, and a school on the island of St. Thomas bears his name. After teaching at the Federal Nursery School, Octavia Ross began her career as an instructor in public school system. She served as a teacher at almost all grade levels, elementary as well as secondary and worked at the junior high and intermediate grade levels. most of her teaching career was spent as a first grade teacher at the Frederiksted Public Grammar School and the Claude O. Markoe School. Mrs. Ross enrolled in various training sessions with the Polytechnic Institute of St. Croix and pursued additional training at Inter American University in Puerto Rico.

On January 25, 1964, Octavia Ross obtained her Bachelor of Science Degree from Hampton University, followed by a period in which she did post graduate work in Supervision and Administration. Upon returning to St. Croix she was instrumental in initiating and directing the Bilingual/Bicultural and the Academically-talented Programs. Mrs. Ross became an assistant principal at the Charles H. Emanuel and the Alexander Henderson Schools. She became the first principal of the Evelyn Williams Elementary School, remaining there until her retirement at the completion of forth two years of meritorious service in the field of education. Octavia Ross, having been a star athlete in her youth, also instructed handicraft and athletics. There are many who strongly feel the sentiment that she devoted her life to the children of St. Croix as a teacher, assistant principal and principal.

Octavia Ross also made varied and vast contributions to the social well being of the Virgin Islands' community. Athletic activities during her youth caused her to participate in numerous inter-island meets, which may have been the beginning of her activity in the community. She has been credited with carrying the banner in the Business and Professional Women's Club, serving as both the local and state president. She was a delegate at the International Business and Professional Women's convention in Houston, Texas. In 1974, she received the Woman of the year Award. Octavia Ross was also the recipient of the Frederiksted Business and Professional Women's Achievement Award. In 1978 she was named the Mother of the Year Award by the Frederiksted Club and later received their Woman of Achievement Award. Octavia Ross was listed in the 1977 International "Who's Who in the West Indies, Bahamas and Bermuda," V. I. Section—Personalities of the Caribbean and was also listed in the 1979 edition of World "Who's Who Dictionary of International Biographies" and received the Paul Harris Fellow from the Rotary Club of St. Croix West.

The Governor of the Virgin Islands described her as having a graceful demeanor, a professional integrity and ladylike deportment that made her an exemplary and model teacher. Further, he stated that not only has Mrs. Ross made a significant contribution to the Virgin Islands as an educator in her own right, but also in the contributions of her offspring in the administrative, legislative, educational, legal, financial, civic, military and industrial areas of the community. Not surprisingly, Octavia Ross was a dedicated member of her church, the Saint Paul's Anglican Church, in addition to being a member of Episcopal Church Women's Organization and Member of the Vestry.

Octavia Ross was appreciated by the many whose lives she touched. Besides her husband Rupert W. Ross, Sr., she leaves to mourn her seven children: Rupert, Edgar, Raymond, James, Edward, Janice and Jewel; two step children, Randolph and Judy-Ann; fourteen grand children, fourteen great grand children; and a community recovering from her sudden passing. On behalf of the Congress of the United States of America, I salute Octavia Lucinda Oliver Ross for her dedicated service to her profession and the Territory of the U.S. Virgin Islands. I thank her husband Rupert, her seven children, two step children, fourteen grand children, fourteen great grand children and a grateful community for sharing her with us.

TRIBUTE TO FATHER HILARY CONTI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable person from my district, Father Hilary Conti of Clifton, New Jersey, who celebrated on Saturday, October 28, 2000 fifty years of service and leadership in Clifton and round the country. It is only fitting that he be honored, for he has a long history of caring, generosity and commitment to others.

Father Hilary Conti was recognized for his many years of leadership in Clifton, which I have been honored to represent in Congress since 1997, and so it is appropriate that these words are immortalized in the annals of this greatest of all freely elected bodies.

Paul Karieakatt chronicled the history of Father Conti's service. As he noted, this year marks the 50th anniversary of Father Hilary Conti's priestly ordination. For fifty years he has engaged himself in the vineyard of the Lord, as a monk and as a priest. This is a truly special achievement.

Father Hilary was born in Fabriano, Italy on May 12, 1925 to Natale and Carmela Conti as their sixth child. Although it was filled with hard work, Father Conti enjoyed a beautiful childhood. On one occasion during WWII, all he had to eat was a discarded carrot. he worked as farmer, and fondly recalls those early days. In his own words he said, "My father went to look not for the lost sheep, but for the lost shepherd. It did not take him too long to find me."

Father Conti joined the monastery as an aspirant on September 29, 1938, made his novitiate in 1943 and his simple profession on October 1, 1944. On October 28, 1950, he was ordained a priest at St. Scholastica in Detroit, Michigan. As a student he helped to found *Inter Fratres* magazine.

Father Hilary taught for a short time at Mercy High School in Detroit. He has always been an active and involved leader. The time spent working in Michigan instilled in Father Conti the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the people that he now serves.

Later he took upon an even greater challenge and pioneered the establishment of a small monastery in Clifton. It is known as the Holy Face Monastery. It nourishes spiritual needs of the soul, gladdens the heart and inspires all those who visit. Of the works of art at the Holy Face Monastery the Shrine of Our Lady of Tears is Father Hilary's favorite. His late close friend, Mr. Canepa, created this masterpiece.

To describe in his own words his accomplished life, Father Conti wrote, "I planted many oak trees and saw them growing big and tall; now I am 70 years old, so I am preoccupied about the future of the monastery." This shows his enduring love and relentless commitment. Many people come to the monastery to search for the meaning of life, healing, peace and consolation.

Father Hilary has traveled around the country conducting seminars and talks explaining the Holy Shroud of Turin and its spirituality. He has also worked in Rome with many scientists, doctors and theologians on the shroud. He recently produced a video that explains the spirituality of the shroud.

Mr. Speaker, I ask that you join our colleagues, Father Hilary's fellow monks, supporters, the Holy Face Monastery, the City of Clifton and me in recognizing the outstanding and invaluable service to the community of Father Hilary Conti.

EUROPEAN UNION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BEREUTER. Mr. Speaker, Benjamin Franklin once wrote in Poor Richard's Almanac, "Don't throw stones at your neighbors', if your own windows are glass." This sage advice written in 1736 is still current today and certainly applicable to those across the Atlantic who have focused on the problems in Florida and mocked the United States electoral system. While the closeness of the vote in Florida resulted in exercise of a constitutional process in the U.S. that has not had to have been used before, the challenges ahead for the European Union as it tries to integrate new members and address its own internal voting system are just beginning and may be far more difficult to resolve. In that regard, this Member recommends to his colleagues I submit the following editorial published by the Omaha World Herald on December 9, 2000, on this subject into the CONGRESSIONAL RECORD.

IF THE SHOE FITS, EU SHOULD WEAR IT

The Florida vote-could mess has triggered a month-long eruption of contemptuous tuttutting from European leaders and commentators. Finger-wagging scolds from London, Paris and other centers of European enlightenment have taken particular aim at the Electoral College.

One columnist grumped in The Times of London: "What moral authority would a man have to hold his finger over the nuclear trigger when he owed his office not to a majority but the byproduct of a bankrupt electoral college?"

A German writer made do by simply calling the Electoral College "idiotic."

Scratch those European criticisms hard enough, however, and you uncover what could be called, at best, inconsistency and at worst hypocrisy.

It turns out that one of Europe's most revered institutions, the European Union, has long governed itself by the very principles associated with the Electoral College. That is, the decision-making process for the EU, an association of 15 European countries linked by close economic and political ties, is structured so that small countries are given tremendous added weight and, thus, influence.

The best illustration is shown by comparing the EU's largest member, Germany, to its smallest, Luxembourg. Germany, with 82 million inhabitants, has a population some 205 times that of Luxembourg's of 400,000 (which, coincidentally, is about the size of Omaha's municipal population).

If the seats that Luxembourg and Germany have on the Council of Ministers, one of the EU's governing bodies, were assigned in proportion to the two countries' actual populations, Luxembourg would control two seats and Germany would control 410. Instead, Luxembourg has two seats and Germany has 10.

The advantage given to smaller states is even greater in another EU institution, the European Commission. There, the five largest countries each have two seats, while the rest have one. That arrangement resembles the situation in the U.S. Senate, where small states are each accorded precisely the same number of seats as big states.

The EU gives its smallest members one more advantage, allowing any country, regardless of its size, to exercise a veto on decisions involving taxation and foreign policy.

In short, if Europeans deride the Electoral College's rules as "idiotic," they should say the same about those of the European Union.

In recent days the EU's governing rules have been under negotiation as part of the organization's plans to expand its membership to former members of the Soviet bloc and other candidate nations. Representatives from the EU's smallest members have put up quite a fight to defend the prerogatives they've traditionally enjoyed, and protesters have demonstrated on behalf of the same cause, although it appears some watering down of the small-state advantages will ultimately result.

If European commentators want to understand many of the arguments behind the Electoral College, they don't have to look to America. The debate over those principles is taking place in their own back yard.

TRIBUTE TO THE LATE GEORGE C. PAGE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WAXMAN. Mr. Speaker, the City of Los Angeles recently lost a generous philanthropist, Mr. George C. Page. Mr. Page was the founder of the George C. Page Museum of La Brea Discoveries and was a generous donor to Children's Hospital and Pepperdine University. I would like to take this opportunity to honor the contributions Mr. Page made to our community, and note in particular how influential his museum has been on the education of children of Los Angeles. I'd also like to submit for the record a copy of an article the Los Angeles Times ran on November 30, shortly after Mr. Page's death.

[From the Los Angeles Times, Nov. 30, 2000]

OBITUARY: GEORGE C. PAGE; PHILANTHROPIST FOUNDED LA BREA MUSEUM

(By Myrna Oliver)

George C. Page, who hitchhiked to Los Angeles as a teenager with $2.30 in his pocket, made a fortune with his Mission Pak holiday fruit gift boxes and land development and then donated millions to house treasures of the La Brea Tar Pits, which fascinated him, has died. He was 99. The founder of the George C. Page Museum of La Brea Discoveries in Hancock Park, he was also a major benefactor of Children's Hospital, Pepperdine University and other institutions that aid young people. He died Tuesday night in Carpinteria, Pepperdine spokesman Jerry Derloshon said Wednesday. An eighth-grade dropout whose two children died as infants, Page, along with his late wife, Julliete, vowed to use what he earned to help children, first to survive and then to get an education.

He gave his money and name to the $9-million George C. Page Building at Childrens Hospital; the George C. Page Youth Center in Hawthorne; the George C. Page Stadium at Loyola Marymount University; numerous buildings at Pepperdine, including two residence halls and a conference room; and programs at the USC School of Fine Arts, as well as the $4-million La Brea museum.

But it was the museum, which opened April 15, 1977, that captured Page's passion and became his permanent monument. "This is so living, so immediate," he told The Times in 1981, stretching his arms wide to indicate the distinctive burial-mound structure. "It's like giving flowers that I can smell while I'm still here." The saga of George C. Page, how he wound up in Los Angeles and how he made the money to put his name on those donations, all started with an orange. The piece of fruit was given to him by his teacher when he was a 12-year-old schoolboy in his native Fremont, Neb. "I was so awed by the beauty of that piece of fruit that I said, 'I hope someday I can live where that came from,'" he recalled.

So at 16, he headed west. He lived in a $3-a-month attic room in downtown Los Angeles, ate Hershey bars and 10-cent bowls of bean soup fortified with crackers and ketchup. He paid for all that—and saved $1,000 in his first year—working days as a busboy (which he first thought meant driving a bus) and nights as a soda jerk. Come Christmas, the youth decided to send some of California's beautiful fruit to his mother and brothers in Nebraska. Innately adept at packaging, he lined the box with red paper and decorated it with tinsel. Thirty-seven other roomers in his boardinghouse offered to pay him if he would fashion similar packages to send to their Midwestern relatives. He was in business. Page launched Mission Pak in 1917, pioneering the now-ubiquitous marketing of California fruit in holiday gift packages in an era when fresh fruit was rarely seen during the frozen winters back East.

Working alone, he bought the fruit, wrote the advertising copy and found new ways to "appeal to the eye to open the purse." One marketing tool was the jingle that became a part of Southern California history: "A gift so bright, so gay, so light. Give the Mission Pak magic way."

On an occasional day off, Page played tourist—going to ostrich races in Pasadena or marveling over the oozing pools of asphalt known around the world as La Brea Tar Pits. Why, he mused, must a person travel seven miles to see the bones removed from those pits, poorly displayed as they were, at the Los Angeles County Museum of Natural History in Exposition Park? It was more than half a century before Page could realize his vision of properly showcasing the 40,000-year-old fossils. In that time, he learned a great deal about packaging.

Visiting France when he was 21, Page encountered newly invented cellophane and began importing it to enhance his gift boxes. During World War II, he became an expert in dehydration, distributing dried fruit and other foods to the armed forces and then to the public. He started a company to make spiffy auto bodies, salvaging battered but functional cars.

After he sold Mission Pak in 1946, Page delved into developing, building industrial and commercial parks and leasing space to the defense and aerospace industries and the federal government. Packaging was even important in real estate, he decided; in the form of fine landscaping to enhance complexes. By the time he was ready to create his museum, Page was already retirement age—so old that some county officials feared he wouldn't finish what he started. But even in his later years, Page walked miles each day, saying a person should take care of his body as one does a fine watch. He bought a motor home and made it his Hancock Park field office, arriving at 7 a.m. daily for three years to supervise the construction of the museum. He studied architectural firms and hired two young men, Willis E. Fagan and Franklin W. Thornton, who proposed a "burial mound," half underground, that would conserve energy and preserve the park's green space. He hired an expert from Brigham Young University and others who had worked on Disneyland attractions to develop steel-rod and wire methods of presenting the prized fossils so that they would not be just "bones, bones, bones." And with a promise of free plane fare, rent and a television set, he lured a Pennsylvania couple to Los Angeles to paint murals of La Brea as it had appeared when the skeletons belonged to live animals roaming the area.

He examined the most comfortable materials—carpet to walk on, not marble—and limited the museum to something that could be easily covered in about an hour. When solving a problem required money, Page gave that as well as his expertise. When his $3-million building threatened to remain empty because of county officials' penury, he donated $1 million more for the exhibits. He even rescued one discarded skeleton of a dire wolf from the trash at the Museum of Natural History. And he paid for the expensive wrought-iron fence constructed a few years after the museum opened to prevent nighttime motorbike riders from scaling the sodded sides of the building, preserving the slopes for children (not to mention adults) to roll down during the day.

Page remained a hands-on patron years after his museum dream was realized. He knew where a photographer could get the best angle for a shot of a giant sloth and could tell at a glance if a plant in the atrium was sickly. And avid benefit-goer himself, Page opened his museum to charities for fund-raisers and found that the well-heeled loved dancing around the imperial mammoth and the 9,000-year-old woman and among the dire wolves, saber-toothed cats and condors.

Although experts initially questioned the self-described museum buff's credentials for creating the facility, they eventually had to admit that Page knew—or at least was willing to learn—what he was doing. Along with the 5 million visitors to the museum in its first 10 years were scores of museum directors from around the world, eager to inspect what the amateur had wrought. "The thing that made me feel awfully good," the dapper, slightly built Page told The Times in 1982, "[was that] they said, 'George Page, we have never been in a museum with things displayed so well.'" The philanthropist is survived by a son, John Haan of Carpinteria, and two grandsons.

FLORIDA LEGISLATURE HAS GONE TO FAR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I commend Bruce Ackerman, a professor at Yale Law School. Mr. Ackerman, in his December 12, 2000 New York Times editorial, points out that the Florida legislature, if allowed to name electors on its own authority would establish a "devastating precedent." His argument is very straight forward and clear: "it is absurd to believe that the United States Constitution would allow one state legislature to usurp a national election." Article II of the Constitution grants Congress power to set the day on which electors are selected. This is why in 1845 Congress established a level playing field among the states by requiring them to hold elections on the same day. Not since 1845, Mr. Ackerman points out, has a state legislature "tried the trick that Florida's legislature is now attempting-intervening to swing the election to its favored candidate." I strongly agree with Mr. Ackerman's argument that the Florida State legislature's attempt to choose it's own electors is illegal under Article II of U.S. Constitution. I submit the following article into the Congressional Record.

[From the New York Times OP-ED Tuesday, December 12, 2000]

AS FLORIDA GOES

(By Bruce Ackerman)

While the Supreme Court may ultimately determine the fate of this election, Florida's Legislature is determining the destiny of future presidential contests.

The constitutional issues raised by the Legislature's impending action to name a slate of presidential electors for Gov. George W. Bush are far more important than whether Mr. Bush or Vice President Al Gore gets to the White House. If the Legislature is allowed to name electors on its own authority, it will establish a devastating precedent.

In the next close presidential election, what is to prevent party leaders in a swing state from deciding the election once the Florida strategy has been legitimized? The dominant party in such a state could simply string out a final tally until the end and then rush into special legislative session to vote in a partisan slate of electors at the finish line. If one state legislature succumbs to this temptation, another legislature—controlled by the opposing party—may well follow suit, creating a partisan battle far worse than what we have already witnessed in Florida.

The Florida Legislature may believe it has the power to name the state's electors. But it is absurd to believe that the United States Constitution would allow one state legislature to usurp a national election. An examination of two provisions in Article II of the Constitution shows why.

One provision grants state legislatures power over the manner in which electors are chosen. A second grants Congress power to set the day on which these electors are selected. The first provision appears to give the Florida Legislature the right to name its own slate. Many legislatures exercised this power during the early decades of the Republic. And as far as the Constitution is concerned, there would be no legal obstacle if Florida's Legislature decided that in future elections it would deprive its citizens of the direct right to vote on Presidential electors.

But the Florida Legislature is perfectly happy to have its citizens vote for President. It simply wants to preempt the Florida Supreme Court's effort to figure out who won the election last month. And in trying to act retroactively, the legislature violates the second constitutional provision, which grants Congress power to set a uniform national day for choosing electors.

Acting under this power in 1845, Congress established a level playing field among the states by requiring them to hold elections on the same day—which is why we all go to the polls on the first Tuesday after the first Monday in November. Before 1845, states competed with one another for influence by setting their election dates as late as possible; thereby swinging close elections by voting last. But since then, nobody has tried the trick that Florida's Legislature is now attempting—intervening to swing the election to its favored candidate.

This effort is illegal under the statute established by Congress in 1845. Congress has allowed one narrow exception to its insistence on a uniform election day: It allows a state legislature to step in only when the state has failed to make a choice of its electors.

That is not the case in Florida. The state made a choice when Gov. Jeb Bush signed a formal notification that the state's 25 votes go to a slate of Republican electors. Since Florida has not failed to choose, its legislature cannot, under federal law, intervene further.

Even if the Florida courts ultimately find that Mr. Gore wins the state's electoral votes, Florida will not have "failed to choose." They will simply have determined that the voters chose him rather than Mr. Bush.

Florida's legislative leaders may want to end the election chaos by fiat. But the vote that occurred on Nov. 7 was properly cast by Floridians on the same day their fellow Americans cast their ballots. If Florida's Legislature is allowed to overrule that vote, other states may ponder the same power play four years from now.

TRIBUTE TO REVEREND PATRICIA BRUGER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable person from my district, the Reverend Patricia Bruger of Dumont, New Jersey, who was recognized on Wednesday, October 25, 2000 because of her many years of service and leadership. It is only fitting that she be honored, for she has a long history of caring, generosity and commitment to others.

Reverend Bruger was recognized for her many years of leadership in Paterson, which I have been honored to represent in Congress since 1997, and so it is appropriate that these words are immortalized in the annals of this greatest of all freely elected bodies.

Born and raised in Washington, DC, Reverend Bruger is a graduate of the University of

Maryland, where she earned her BS in Education in 1969. She then received her Masters of Divinity at the Drew Theological Seminary in 1995. She and her husband of 28 years, Carl, have four special children, Pete, Cassandra, Lynn and Kit. In addition to contributing much to her friends and neighbors, she has been blessed with four wonderful children. I know that they have brought her much pleasure and happiness.

Reverend Bruger has always been an active and involved leader. The time spent at the Drew Theological Seminary and in her early career instilled in her the attributes necessary for her to become a stellar force in the community.

Known for a questioning mind and an ability to get things done, Reverend Bruger began her career in education. From 1969 until 1972 she served as a high school physical education teacher in Silver Spring, Maryland. She later moved to New Jersey and served as a substitute teacher in the Bergen County School System from 1985 to 1991.

Around this time, Reverend Bruger was emerging as an active leader within the United Methodist Church (UMC). From 1984 until 1992 she served as the youth director for the Calvary United Methodist Church in Dumont.

As a religious and spiritual leader, Reverend Bruger currently holds numerous positions. She is the New Jersey Executive Director of CUMAC/ECHO in Paterson. She is also the Pastor of two churches; Madison Park Epoworth UMC and Paterson Avenue UMC.

Reverend Bruger continually touches the lives of the people around her. She currently is a member of the NNJAC Shalom Holy Boldness Task Force. Also, she offers Pastoral Counseling at Shelter Our Sisters of Passaic County, New Jersey on domestic violence by referral. In addition, she is a member of the New Jersey area Bishop's Task Force on Urban Ministries.

Mr. Speaker, I can say that I can think of few people who work harder or care more about others than Reverend Bruger. She served as the President of the Emergency Food Coalition of Passaic County from 1993 to 1996, and is currently the Coordinator of Emergency Assistance System in Paterson. In addition, Reverend Bruger is a member of the Paterson Alliance, a group comprised of nonprofit organizations seeking to enhance the community.

Mr. Speaker, I ask that you join our colleagues, Reverend Bruger's family and friends, CUMAC–ECHO, Inc., United Methodist Urban Ministries, the City of Paterson and me in recognizing the outstanding and invaluable services to the community of Reverend Patricia Bruger.

HONORING THE LATE DR. ANDRÉ ANTHONY GALIBER, SR.

HON. DONNA MC CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mrs. CHRISTENSEN. Mr. Speaker, today I pay tribute to Dr. André Anthony Galiber, Sr., who passed away in September of this year. Dr. Galiber was a great leader in the medical profession, particularly in the field of Radiology, an ideal family man, an outstanding citizen and a great humanitarian in my district, the community of St. Croix and the entire U.S. Virgin Islands.

Dr. Galiber earned his Medical Doctorate in 1957 and completed a diagnostic and therapeutic radiology residency in 1963. His distinctive medical career began with an internship at the Howard University's Freedmen's Hospital, here in Washington, D.C. He also served as a captain in the U.S. Medical Corps and was the Chief Radiologist at Fort Benjamin Harrison Army Hospital in Indianapolis, Indiana.

Dr. Galiber opened his private Radiology office in 1967 and became the first full-time, board certified Radiologist, in the Virgin Islands. He was and remained the only regional Fellow of the American College of Radiology. Dr. Galiber became the Director of the Radiology Department at the Charles Harwood Hospital during the 1960's and 1970's, and became the Director of the Radiology Department when the hospital relocated to the new Governor Juan F. Luis Hospital and Medical Center, serving in that capacity until his "so-called" retirement in 1984.

Dr. Galiber volunteered as a consultant at the new St. Croix Hospital and provided most of the technical training and professional services during the initial ten year growth period of clinical ultrasound. He performed and interpreted the first echocardiograms on St. Croix and was the first Radiologist licensed in Computer Tomography. He was a FDA accredited mammoradiologist and had been performing mammography since he opened his practice in 1964. His untiring dedication to St. Croix was also directed at strengthening and advocating on behalf of the medical community. He was an active member of the Virgin Islands Medical Society for almost forty years, serving as President, Executive Secretary, Treasurer, Delegate to the American Medical Association, as well as Delegate to the National Medical Association.

Dr. Galiber also served as President of the St. Croix Hospital Medical staff, was an elected officer of the Virgin Islands Medical Institute and presented, coordinated and monitored medical education seminars for his peers. He was also the principal supporter of advanced diagnostic imaging capabilities at the Governor Juan Luis Hospital. Recently, he proposed and drafted legislation for the Virgin Islands Medical Institute, to encourage Virgin Islands physicians training in the continental United States, to become licensed in the Territory. Most notably, he was a mentor and ardent supporter of students pursuing health science careers, of which I was one.

Hurricane Hugo introduced several generations of Virgin Islanders to the devastation a hurricane could inflict. While most of the populace remained stunned in the aftermath, Dr. Galiber salvaged his radiological equipment, established electrical power and a safe habitat for essential medical operations and nine days after the hurricane had passed, he started providing full services to his patients. Dr. Galiber was a charter member of the St. Croix Power Squadron. He became a trustee for most of the schools on the island of St. Croix including St. Mary's Catholic School, Country Day School, Good Hope School and St. Dunstan's Episcopal School. Dr. Galiber was chairperson of the St. Croix Hospital Continuing Medical Education Committee which locally certified all eligible post-graduate training programs for physicians, and a member of the Eta Iota Iota Chapter of Omega Psi Phi fraternity.

As an entrepreneur, Dr. Galiber in 1974 became the Project Development Coordinator/Secretary/Treasurer, of the first Medical Office Condominium in the Virgin Islands. He was one of seven owners of Medical offices in Island Medical Center Associates, and supervised the management of the

Dr. Galiber was an avid reader of non-fiction and a World War II history buff, greatly admiring the deeds of Winston Churchill. For recreation he enjoyed golf, tennis, traveling, dancing, and classical music. He and his wife, Edith, were Members of Friends of Denmark, an organization that strives to maintain the links established by more than two centuries of former Danish rule. He and his wife also joined the Landmark Society, which preserves and promotes the various influences of our unique architecture that has developed over the centuries, and our local cultural traditions. He was also a member of the Virgin Islands Lung Association and the St. George's Botanical Garden.

Dr. and Mrs. Galiber collected many local artists' paintings. Some works they commissioned were the product of intense collaborations between Dr. Galiber, Sr., and the artists. He insisted that the images synthesized on canvas authentically portray our past. Leo Carty's "Good Day Ladies" acrylic, with the significant conceptual influences of Dr. Galiber, was selected by the United States Census Bureau as the poster representing minority art for the U.S. Virgin Islands. This was a work-in-progress when the Galibers became enamored with its historical vista and gave it the unofficial title, "Mr. Collins". Dr. Galiber's suggestions influenced Mr. Carty to change and/or include a few features so the painting would more accurately reflect the people and events of the time. Dr. Galiber was the recipient of many honors. He was the Virgin Islands Medical Society's Distinguished Physician in 1986 and an American Cancer Society's Honoree in 1999.

On June 9th of this year, the Governor Juan F. Luis Hospital and Medical Center conducted a dedication ceremony of the André A. Galiber, Sr., FACR, Radiology and Cardiovascular Laboratory Suite. The unit was dedicated in honor of his significant contributions to diagnostic imaging. Some of his peers recognized that he single-handedly established the Radiology Departments at the Charles Harwood and Juan Luis Hospitals and that due to him, the hospitals will soon have MRI capabilities. His legendary diagnostic skills were praised and appreciation was shown for the tireless work he performed in other hospital areas.

Dr. Galiber, Sr., encouraged his children to follow in his footsteps of educational and professional excellence. His oldest child, Lorraine Gundel, served for years as a Virgin Islands educator. His sons have taken up the mantle of his commitment to providing the best in medical services to the Virgin Islands community. He and his namesake and fellow radiologist, André Jr., excelled at golf and were the winners of several tournaments. Son, Angelo, like André Jr., is a board-certified radiologist. Angelo is president of Imaging Center, PC, a position that André Sr., previously held. Angelo is the 1983 Franklin Chambers McLean Scholar (given each year to the highest ranking U.S. minority medical student). Dante is a board certified fellow of the American College of Cardiology. The youngest son, Marcel is a Registered Diagnostic Medical Sonographer/Vascular Technologist and the business manager of the Imaging Center. His daughter Lisa has modeled internationally and has worked in broadcasting. Youngest daughter, Cecile, was a bank senior vice-president. She now heads the Financial Trust Company in St. Thomas and is a licensed realtor.

His wife of forty-four years, Edith Lewis Galiber, is a retired Director of Public Health Nursing in St. Croix. She has been his loving and devoted partner in all that he has achieved and in building the legacy which he leaves.

Dr. André Galiber's death on September 24, 2000, ended an illustrious life and work, but the contributions to his community, its culture and the field of Radiology live on.

Mr. Speaker, I salute Dr. André A. Galiber for his dedicated service to his country, his profession and the Territory of the U.S. Virgin Islands. I thank his wife Edith, their six children and sixteen grandchildren, for sharing him with us.

CONGRATULATING REV. DR. CLAY EVANS ON THE OCCASION OF HIS RETIREMENT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay a special tribute to one of the nation's most dynamic, colorful, well-known, influential and eminent religious leaders in America. One who is of humble origin and yet has been able to influence public decision making, develop programs and activities of enormous impact and to provide motivation, inspiration, spiritual consultation and consolation to millions.

For more than fifty years, Rev. Clay Evans has been the founder, pastor and guiding light for development of the Fellowship Missionary Baptist Church. The ship as it is affectionately known has been a haven for Civil Rights, a home for aspiring clergymen-women, and a place to be for those who wanted to feel the spirit.

Fellowship has been a platform for notables of every color, stripe or hue. It has been a church home for Rev. Jesse L. Jackson and a training ground for renowned clergy and musicians. Of all the decisions made by Rev. Evans over the past fifty years has been the decision to guide the parishioners in the selection of a new pastor so there is an orderly, peaceful and efficient leadership transition.

I commend you, Rev. Evans for your ability to motivate and inspire and for the wisdom of understanding continuity. As you retire from active pastorship, may the Good Lord continue to bless and keep you and may he grant you peace as you enjoy the Golden Years of your life.

WILLIAM DAVERN LEAVES A MARCHING BAND LEGACY TO BE CONTINUED

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WALSH. Mr. Speaker, on January 27, 2001 a Gala Surprise Party will be held to honor the accomplishments of the West Genesee "Wildcat" Marching Band Director William Davern. Bill Davern will retire from this extracurricular activity following 16 years of dedication, hard work and many successes. He will continue to work as a teacher at West Genesee High School in Camillus, New York.

Bill Davern's involvement with the "Wildcat" Marching Band began in 1975 when he participated as a band member from 1975–78. The West Genesee Marching Band has long since established itself as one of the premiere High School Marching Bands in the country. For the past 27 years the band has sustained a level of excellence few marching bands ever achieve in a single season.

As band director for the past 11 years, Bill Davern continued the "Wildcat" tradition of greatness, elevating it to new heights. Prior to becoming Band Director in 1989, he worked as a band instructor since 1984. He leaves the "Wildcats" with 12 straight New York State Band Championships, four National Field Band Championships, a National Parade Championship and a plethora of other victories.

I would like to take this opportunity to commend Bill Davern and the West Genesee Marching Band for their many accomplishments. The "Wildcat" Band has had an outstanding record for the past 27 years. Under the direction of Bill Davern, the band has set precedents in the history of the New York State Field Band Conference. His talent will be sorely missed by current and past band members, parents and school in this capacity.

TRIBUTE TO THE SLOVAK CATHOLIC SOKOL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, Mr. Speaker, I would like to call to your attention the deeds of an important organization from my district that celebrated its 95th year of fraternal service on Sunday, November 12, 2000 because of its many years of service and leadership. It is only fitting that this group is honored, for it has a long history of caring, generosity and commitment to others.

This year marks the 95th anniversary of the establishment of the Slovak Catholic Sokol, a fraternal benefit organization with headquarters in Passaic, New Jersey. It was founded on July 4, 1905 by a group of 48 Slovak immigrants. The organization has grown over the past nine and a half decades and now includes nearly 35,000 members with assets of $52 million.

As a well-known gymnastic and athletic organization of American Catholics of Slovak ancestry, the Sokol places great emphasis on the growth and development of its youth. Various athletic contests on the local, district and national levels are held. The Sokol hosts international tournaments in basketball, volleyball, bowling, softball and golf. In addition, a biennial international track and field competition known as "Slet" is held at various locations across the United States and Canada. Next year, the Sokol will host its 40th Slet at Kutztown University in Kutztown, Pennsylvania.

Concern for higher education among its youth is another priority. To date, nearly $800,000 in scholarship grants have assisted members in the quest for higher education. This year, a total of 86 deserving members received grants on the grade school, high school, and university levels.

In keeping with its emphasis on fraternal benevolence, the Sokol generously supports various religious institutions, churches and centers promoting a greater appreciation for the Slovak heritage as it enriches our American way of life. In keeping with its interest in promoting greater awareness of Slovak culture, it provides regular opportunity for its youth to participate in cultural festivals in Slovakia.

Since 1905, the Sokol has maintained its national headquarters in downtown Passaic. Since 1911 it has published a weekly publication, the Slovak Catholic Falcon. This tabloid, 16-page, bi-lingual publication is mailed to more than 11,000 households throughout the United States, Canada and other nations. This means of communication among the membership provides an excellent opportunity for the members to keep abreast of activities sponsored by the Sokol and to gain a better knowledge of the rich cultural heritage the membership shares.

At the present time, the Sokol has 155 local lodges in 14 states and the province of Ontario in Canada. The Sokol actively promotes various volunteer efforts. It gives strong support to the work of Habitat for Humanity and encourages its members to participate actively in various local community projects including blood drives, tutorial programs for youth, supporting food bands and service to home bound and institution-bound individuals.

Current national officers include the Rev. Msgr. Francis J. Beeda, Supreme Chaplain, Sue Ann M. Seich, Supreme President, Steven M. Pogorelec, Supreme Secretary and Chief Executive Officer, John D. Pogorelec, General Council, Daniel F. Tanzone, Editor, George We. Hizny, Supreme Treasurer, Michael J. Pjontek, Jr., Supreme First Vice President, Albert J. Suess, Supreme Second Vice President, Larry M. Glugosh, Supreme Director of Sports and Athletics, and Carol Ann Wallace, Chairperson on Supreme Officers.

Mr. Speaker, I ask that you join our colleagues and me in recognizing the outstanding and invaluable service to the community of the Slovak Catholic Sokol. In addition, congratulations are due to the entire membership of the

Slovak Catholic Sokol as it observes its nine and a half decades of service in the best traditions of the fraternal benefit system. This special organization will be celebrating its centennial and beyond. In the words of the Sokol, Zdar Boh!

CLOSING THE CHERNOBYL NUCLEAR REACTOR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. LANTOS. Mr. Speaker, today Ukraine took a historic step—closing the Chernobyl nuclear reactor for all time. I welcome this critical step, writing a final chapter to one of mankind's most ominous events. The explosion of the flawed, Soviet-designed nuclear power station in 1986 was a dramatic warning to all of us of the frightening potential for disaster in this nuclear age. It served to underline the cold reality that precise design, continuous careful maintenance and a dedication to safety are essential if we are to avoid nuclear catastrophe.

Ukraine's President, Leonid Kuchma, incurred a substantial political risk with his own people when he negotiated with the European Union and the United States to close the station in exchange for financial pledges to assist in completing two modern nuclear power plants designed to Western standards to replace the lost power production. Even in its damaged condition, Chernobyl is believed to provide approximately 5% of Ukraine's total power production. One of Chernobyl's four graphite reactors was undamaged and has continued to produce power for Ukraine's consumers.

Mr. Speaker, not only is the Chernobyl power source lost—it will be at least a year before either of the two new reactors now under construction comes on line. In the meantime, 16,000 jobs at the Chernobyl station will be lost, although a few hundred workers will remain in order to deal with the high-risk construction of a permanent housing for the damaged, highly radioactive unit. The new city of Slavutich, built with considerable U.S. assistance to provide safe housing for Chernobyl's work force, will be heavily impacted by the shutdown.

In Ukraine there has been criticism of President Kuchma for "knuckling under to the West" and for the hardships the Ukraine people will have to shoulder as the energy supply is reduced and jobs are lost. The obvious benefit to Ukraine and all of mankind by placing their very dangerous reactor in "deep-freeze" seems abstract and distant to the Ukrainian people.

Mr. Speaker, today's decision to close Chernobyl is but the latest courageous action by the government of Ukraine in facing up to the nuclear dangers to civilization. Rarely acknowledged publicly, the newly independent Ukraine joined with the United States and Russia in a dramatic partnership to reduce the danger and threat of nuclear warheads to all of us. Ukraine, in cooperation with the United States, has completely rid its soil of the nuclear warhead inventory from Soviet days—decommissioning weapons on its soil and shipping them to Russia to joint U.S.-Russian controlled facilities for destruction under strict controls.

Mr. Speaker, the world today is safer from nuclear accidents because of Ukraine's leadership, cooperation and sacrifices. I invite my colleagues to join me in saluting President Kuchma for this latest important step.

A TRIBUTE TO JUNE L. HARRIS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CLAY. Mr. Speaker, I rise today to recognize the service that June L. Harris has provided the House for the past 21 years. June, like myself, is retiring at the end of this Congress, and I want to thank her for her many years of service to me and our institution.

June came to work for me in 1979. She has spent nearly her entire career here in Congress working on educational issues, specifically ensuring that educational opportunity exists for the most vulnerable in our society. June has worked in both my personal office and on my Education and the Workforce Committee staff, where she presently serves as Education Coordinator. Prior to her Capitol Hill career, June was a teacher in the Baltimore public schools and the head of a department in a junior high school. June has also earned a Ph.D from the University of Maryland, showing evidence of her own personal pursuit of excellence.

June has always fought to make sure all Americans have the opportunity to succeed. She has represented me well by helping open the doors of educational and economic opportunity for our most disadvantaged citizens. June has always stood for what was right and never compromised her principles. She has provided me with 21 years of invaluable service that has improved the education of the children of St. Louis and the nation. Today, I want to say thank you for all that she has done and wish her well in her retirement.

EXPRESSING CONCERN ABOUT THE COMMUNIST REGIME IN LAOS AND COMMENDING SENATOR BOB SMITH AND THE U.S. CONGRESSIONAL FORUM ON LAOS

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, as this Congress comes to a close, I want to state for the record that I continue to be very troubled about the dreadful situation in Laos and the U.S. Department of State's behavior toward this one-party, Communist regime.

Wisconsin is home to the third largest Hmong and Laotian community in the United States. I am very proud to represent so many of these Americans. Their families and relatives, however, continue to suffer terribly under the current Stalinist regime in Laos.

On October 19, I was pleased to speak once again before the U.S. Congressional Forum on Laos, an excellent forum series organized by the Center for Public Policy Analysis. At this forum, I again stressed my concerns about the disappearance of Messrs. Houa Ly and Michael Vang—two Americans who disappeared in Laos last year—and the ineffective handling of the case by our State Department.

Mr. Speaker, I also would like to thank Senator BOB SMITH for placing a hold on the Administration's nominee for a new ambassador to Laos. I strongly supported Senator SMITH's hold as an important tool in the effort to force significant changes in U.S. policy toward Laos—changes I hope will occur under the next Administration.

I would like to submit this recent Washington Times article about our mutual efforts to enhance understanding about the situation in Laos and work for a positive change in U.S. policy.

[From the Washington Times, Oct. 6, 2000]

NEW LAOS POLICY URGED

Philip Smith has been trying to press the Clinton administration into adopting a tougher policy against Laos and is hopeful that a senator blocking the appointment of a new U.S. ambassador to the isolated communist nation will help the cause.

Mr. Smith, executive director of the Center for Public Policy Analysis, said he has no personal objections to the nominee, Douglas Alan Hartwick, a career Foreign Service officer.

"But we support the holding up of the nomination in the hope this will produce the necessary leverage for a comprehensive review of U.S. policy toward Laos," he said.

Mr. Smith said the administration has failed to support the political opposition in Laos and has made no effort to invite opposition leaders to the United States to meet with groups like the National Democratic Institute or International Republican Institute, which promote democracy in other countries.

Sen. Robert C. Smith, New Hampshire Republican, is blocking Mr. Hartwick's nomination along with several other diplomatic appointments because of his concerns about lax security in the State Department and some U.S. embassies.

Mr. Smith, who is not related to Sen. Smith, is also organizing a congressional forum on Laos that will feature leading Laotian dissidents.

He has invited Laos' highest-ranking defector, Khamxay Souphanouvong, former finance minister and son of the founder of the current Pathet Lao movement that controls the country.

Bounthone Chanthavixay, another leading political exile, has also been invited to address the invited guests at the Oct. 19 forum.

"Laos has become increasingly and precariously unstable with an ongoing string of bombings and political violence seemingly spinning out of control," Mr. Smith said.

TRIBUTE TO MICHAEL HAYES DETTMER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Michael Hayes Dettmer, U.S. Attorney for the Western District of Michigan, who will be return to private practice in January. After six years of service, Mike will leave the job of chief federal law enforcement officers and prosecutor for 49 counties in western Michigan and the Upper Peninsula of Michigan, and return to practice law in Traverse City, a community in my northern Michigan congressional district.

Mike Dettmer's appointment by President Clinton to this position followed a distinguished career in Michigan. A trial lawyer since 1972, he served as the 59th president of the State Bar of Michigan in 1993 and 1994, having been elected to that position by the lawyers throughout Michigan.

Mike served as chairman of the state bar's Professionalism Task Force and he served as co-chairman of the Standing Committee on Professionalism, as well as chairing numerous other bars committees. At the Department of Justice he chairs the Attorney General's policy committee relating to Office of Justice programs, and he is a member of the Committee on Native American Issues and Civil Justice Issues.

My Michigan colleague, FRED UPTON, recently paid public homage to Mike's work, praising in an Associated Press story Mike's efforts in fighting crime in Benton Harbor, a community in Congressman UPTON's district and an area where drugs are a particular problem.

A Michigander through and through, Mike graduated from Michigan State University and received his law degree from the Wayne State University School of Law in 1971.

Mike brought new energy to the position of U.S. Attorney, and I know he is leaving the job in the belief that it demands new blood, fresh ideas and constant renewal.

Mike has always been an avid golfer, but I know that his golf score will greatly benefit from the some additional time on the fairways, time that he may now have, with the demands of his federal job behind him.

Mr. Speaker, I ask you and our colleagues to join me in offering our thanks to this public servant for a job well done. I welcome his return to northern Michigan.

REINTRODUCING H.R. 5669

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KASICH. Mr. Speaker, today I reintroduced a bill, H.R. 5669, that was previously introduced this Congress as H.R. 82 in order to clarify the appropriate referral of comparable legislation in subsequent Congresses. The error in the referral of the original bill resulted from confusion arising from House rule changes during the 104th and 105th Congresses that granted the Budget Committee jurisdiction over budget process legislation.

My staff worked closely with the Office of the Parliamentarian to resolve the jurisdictional issues related to this bill. My introduction of the bill should not be construed as indicating my support for the measure. In fact, I oppose the concept of taking the Civil Service Trust Fund off budget, which this bill would require. I also introduced a new bill, H.R. 5670, to establish the appropriate referral of this type a measure.

TRIBUTE TO THE MEN WHO FLEW EC–121

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BOYD. Mr. Speaker, today I pay tribute to the brave men who flew the EC–121 Lockheed Super Constellation from Otis Air Force Base (AFB), Massachusetts, in the 1950's and 1960's. The 19 member crews of these aircraft flew countless radar surveillance missions to provide early warning radar coverage for the United States during the height of the Cold War and were a first line of defense against a surprise attack. In particular, I want to pay tribute to the fifty officers and airmen who died when three EC–121's crashed in the North Atlantic.

Otis AFB, located on Cape Cod, was the only Air Defense Command base with units performing three of the Air Defense Command's prime missions: radar picket plane surveillance, fighter-interception, and ground-to-air missile operations. With the completion of the Distant Early Warning (DEW) Line in 1958, the northern areas of the United States and Canada were still vulnerable. Consequently, the radar warning networks were extended seaward at Otis AFB on the east by using the 551st Airborne Early Warning and Control (AEW&C) Wing. This wing supplemented the radar protection along the East Coast of the United States.

The 551st Wing at Otis was the only Air Force organization flying the EC–121H "Warning Star" Super Constellation known as Airborne Long Range Input (ALRI) aircraft. Those aircraft carried more than six tons of complex radar and computer communications equipment on each flight and provided instantaneous automated relay of air defense surveillance and early warning information by datalink direct to ground based communications facilities. This information was then passed to high speed Semi-Automatic Ground Environment (SAGE) Air Defense Command and Control computers in the East Coast SAGE Direction Centers and to the North American Air Defense Command (NORAD) Combat Operations Center in Colorado Springs, Colorado, for air defense evaluation and action. It is interesting to note, especially for the younger generation, that the 551st Wing flew their continuous missions over the Atlantic Ocean 24 hours a day.

On March 2, 1965, the 551st AEW&C Wing celebrated its 10th anniversary. It was noted that the 551st Wing had progressed through many changes—some involving electronic equipment and other gear. Still the mission continued to be an effective—although more sophisticated—form of radar surveillance against the enemy. During that decade, the aircraft of the 551st Wing had accumulated more than 350,000 hours of early warning radar surveillance missions over the North Atlantic without an accident involving personal injury or a fatality. However, the fatality-free decade celebration didn't last long.

The ten-year celebration hardly had ended when on July 11, 1965, one of the Super Constellations, the Air Force model EC–121H radar aircraft, developed a fire in the number three engine. The decision was made to try ditching the plane approximately 100 miles from Nantucket, Massachusetts, in the North Atlantic. Unfortunately, touchdown in the nighttime

On Veterans Day 1966 (November 11th) another EC–121H crashed in approximately the same general area as the first one, by unexplained circumstances. This accident was about 125 miles east of Nantucket. All 19 crew members were killed and their bodies were never recovered.

On April 25, 1967, another EC–121H ditched in the North Atlantic approximately one mile off of Nantucket just after having taken off from Otis AFB. There was one survivor, and 15 crew members were lost. Only two bodies were reported by the Air Force as having been recovered. Colonel James P. Lyle, the Commander of the 551st AEW&C Wing to which all the aircraft and crew members were assigned, was piloting this plane when it crashed.

Colonel Lyle had been assigned to take over that command nine months earlier. It is sobering to note that it was he who presented each of the next of kin of the November 11, 1966, crash victims with the United States Flag during that memorial service. Then five months later Colonel Lyle met the same fate.

The EC–121H aircraft was phased out and the 551st Wing was deactivated on December 31, 1969. Later, Otis AFB was renamed Otis Air National Guard Base. Today at that base, Otis Memorial Park is dedicated to the 50 members of the crews of the three aircraft who lost their lives. With the exception of the remaining immediate family members of the flyers and some of the friends of the flyers, few remember these tragic events ever happened.

I admit that I never knew about these events until a constituent of mine from the Second Congressional District of Florida, Senior Master Sergeant A.J. Northup, USAF (Ret.), brought this to my attention. I would be remiss if I didn't recognize MSgt. Northup and his 30 years of service to our nation. He actually spent four years as an Airborne Radio Operator/Electronic Countermeasures Operator aboard the RC–121 at Otis AFB. I thank him for his service to our nation and for working to bring these events to light.

More than half a century ago, President Franklin Roosevelt reminded the American people that, "Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them." I hope that we as a nation, and each of us as individuals, will take to heart President Roosevelt's reminder that it is the sacred duty and great privilege of the living to honor and remember those who have died to protect the American ideals of freedom, democracy and liberty. The men and women who have died in service to America, and especially the 50 heroes aboard these fateful EC–121H flights, deserve no less.

THE DEATH OF MICHAEL P. MORTARA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. LEACH. Mr. Speaker, I wish to note the passing of an individual of considerable stature in the history of this nation's financial system, Michael P. Mortara. Mr. Mortara, who was the victim of an aneurysm last month, was instrumental in the creation of mortgage-backed securities, a market now valued at over $2 trillion. By devising a means for banks to package and sell mortgage loans to the broader capital markets, he helped enlarge the pool of credit available to millions of middle and low income American families, making it possible for them to purchase their first homes at affordable mortgage rates. Asset securitization, as the technique that Mr. Mortara helped pioneer is called, is the primary tool Ginnie Mae, Fannie Mae and Freddie Mac have used the carry out their missions—the establishment and maintenance of a stable and fluid nationwide secondary mortgage market essential to widespread, affordable housing finance. This technique was also adapted with success by the Resolution Trust Company, saving American taxpayers millions of dollars, and it has served as a model for housing finance markets around the world.

In addition to his contribution to our country's economic well-being, Mr. Mortara was dedicated to the community in which he lived, the community in which he worked, as well as to his family—his wife Virginia and his two sons, Michael and Matthew. At his death, Mr. Mortara was a senior member of the Wall Street firm Goldman Sachs. There and wherever he came into contact with them, he mentored and guided hundreds of young men and women throughout their careers. He served on many educational boards, including those of Georgetown University, The Taft School, Rumsey Hall School, and the Connecticut Junior Republic. Mr. Mortara was the embodiment of a free-enterprise minded American citizen—a proponent of free markets, education, and family values.

Mr. Speaker, what Mr. Mortara's life symbolizes is the mark an individual can make in the private sector that has positive ramifications for society as a whole. It is innovations in finance that have helped curb inflation and in the case of the secondary housing securities market made access to home ownership available to millions who would otherwise be precluded from participation in the American dream.

Mr. Mortara will be much missed by this family and colleagues and so many who never knew him but benefited from the innovations in finance that he pioneered.

TRIBUTE TO BISHOP JAMES T. McHUGH

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. SMITH of New Jersey. Mr. Speaker, today, a great man of God, a brilliant writer of homilies and incisive commentary, an extraordinary humanitarian, a courageous defender of human life, Bishop James T. McHugh—will be buried. After a long battle with cancer, Bishop McHugh passed away on December 10th. Consistent with how he lived his life, Bishop McHugh faced death like he faced life—with courage, dignity and an unwavering faith that inspires us all. Prior to his assignment at Rockville Center, Bishop McHugh served with dedication and effectiveness as Bishop of the Diocese of Camden, New Jersey, and area which borders my district.

Mr. Speaker, I have had the privilege of knowing this holy man of God and calling him "friend" for over 25 years. By his words and extraordinary example, Bishop McHugh lived the Gospel of Jesus with unpretentious passion and humility. Bishop McHugh radiated Christ. He recognized evil and deceit in the world for what it was—yet he never ceased to proclaim reconciliation and renewal through Christ, the Sacraments and the Church. Clearly among the best, brightest and most wise, Bishop McHugh nevertheless was humble and soft spoken. His courage to press on against any and all odds was without peer. He was a spiritual giant, and we will miss him dearly.

A graduate of Seton Hall University and the Immaculate Conception Seminary in Darlington, New Jersey, Bishop McHugh began his service to the church early in life. Ordained in 1957, Bishop McHugh's impact has been felt in countless ways. His constant and unyielding defense of the unborn will serve as a pillar of strength to all of us who carry on the fight for life. At the time of his death, Bishop McHugh was a member of the US Bishop's Committee on Pro-Life Activities as well as a consultor to the Pontifical Council on the Family. His dedication to the pro-life movement knew no bounds, and his representation of the Vatican at international meetings and at the United Nations on population control and pro-life matters served as not only an inspiration for myself, but upheld the convictions and beliefs of the Church and believers worldwide.

Bishop McHugh's courage and convictions could not have been more evident than just recently, when he ordered that no public officials or candidates who supported abortion be permitted to appear at Catholic parishes. Although Bishop McHugh was criticized by the media, he was upheld in high esteem among those of us who hold that all human life is precious. Bishop McHugh held strong to clear Christian teaching on the sanctity of human life and the duty of all men and women of goodwill, especially politicians, to protect the vulnerable from the violence of abortion.

Early in his career, Bishop McHugh worked on staff of the National Conference of Catholic Bishops and was named director of the Division for Family Life in 1967 and director of the bishops' Secretariat for Pro-Life activities in 1972. Bishop McHugh did advanced theological studies at the Angelicum in Rome and earned his doctorate in sacred theology in 1981.

Bishop McHugh must be commended for this outstanding work as Vatican delegate to numerous international conferences, including the 1974 International Conference on Population in Bucharest, Romania, the 1980 UN World Conference on Women in Copenhagen, Denmark; the 1984 UN World Population Conference in Mexico City; the 1990 World Summit for Children in New York; the 1992 International Earth Summit in Rio de Janiero, Brazil, and the 1994 International Conference on Population and Development in Cairo, Egypt.

HONORING OKLAHOMA STATE UNIVERSITY

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WATKINS. Mr. Speaker, these are momentous days for academic excellence at Oklahoma State University. Last week, Oklahoma State University (OSU) received national recognition for is outstanding record in producing world-class scholars and leaders.

OSU celebrated being named a Truman Scholarship Honor Institution—an award bestowed on only five universities in the nation this year. OSU is one of only 37 universities in the nation to have ever received this distinction. No other Oklahoma university has ever received the honor. This year's other award recipients are the University of Texas, the University of Kansas, the University of Minnesota, and Willamette University.

The Truman Scholarship Honor Institution award recognizes colleges and universities that have developed a long history of producing outstanding student scholars and leaders. The award specifically recognized OSU for: Exemplary participation in the Truman Scholarship program—six Truman Scholars in the last seven years. Active encouragement of outstanding young people to pursue careers in public service. Special attention to helping the most promising students at OSU achieve their goals through participation in national fellowship competitions such as the Rhodes, Marshall, Truman, Goldwater and Udall scholarship programs.

The Harry S. Truman Scholarship Foundation awards 75 to 80 merit-based scholarships each year to college juniors who wish to attend graduate school in preparation for careers in public service. The merit-based Truman Scholarships are recognized as the most prestigious undergraduate scholarships in America. Each Truman Scholar receives up to $30,000 in scholarship support, plus other academic and career benefits.

Oklahoma State University is rightfully proud of its academic success. OSU has produced 10 Truman Scholars, one Rhodes scholar, six Goldwater scholars, one Marshall scholar and one Udall scholar. Many of these awards were won during the past seven years. OSU student scholar award winners include:

Truman Scholars—Bryan Begley, Shannon Ferrell, Kent Gardner, Wren Hawthorne, Jr., Jeannette Jones-Webb, Kent Major, Angela Robinson, Kim Sasser, Chris Stephens, Carla-Kaye Switzer.

Rhodes Scholar—Blaine Greteman.

Goldwater Scholars—Belinda Bashore, Michael Holcomb, Ross Keener, Michael Oehrtman, Ward Thompson, Mario White.

Marshall Scholar—Chris Stephens.

Udall Scholar—Phoebe Katterhenry.

During last week's festivities, OSU inducted its prestigious scholarship winners into the university's new "Scholars Hall of Fame." As reported in the university's award-winning student newspaper. The Daily O'Collegian, "Flashbulbs and applause erupted Friday as an orange and black ribbon was clipped—unveiling Oklahoma State University's latest tribute to its academic heritage of excellence. OSU President James Halligan and Board of Regents Chairwoman Lou Watkins cut the ribbon and ushered a number of OSU's prestigious scholarship winners into the Scholars Hall of Fame in the Student Union."

Eighteen of OSU's national scholars returned to OSU for last week's festivities, traveling from as far away as England. Included were all ten Truman Scholars.

TRIBUTE TO BUD DEMEREST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the recent passing of one of my truly outstanding constituents.

William McNeal Demerest, known to his may loved ones, friends, and admirers as "Bud", was a school teacher for 37 years. He was respected by his students because he not only taught them that community service is the greatest work of life, but he also led them by example. Bud served as Supervisor of the Town of Chester, N.Y., for twenty years, from 1950 until 1970. In those days, Orange County was governed by a Board of Supervisors and Bud was extremely active in that capacity. He also served as the Board of Supervisors minority leader for most of the years he served on that panel.

Bud will especially be remembered for his extraordinary efforts, after the close of World War II, in establishing the Orange County Community College (OCCC). The movement to establish two-year colleges had not yet caught fire nationwide at that point, but Bud was a prophet in foreseeing the benefit it would present not only for students but also for the economy of the whole region. When OCCC was established in 1950, Bud was appointed to their Board of Directors and served in that capacity for 23 years.

Bud Demerest was a veteran of the U.S. Army Air Corps in World War II. He was also a 50-year member of the Walton Engine and Hose Company, a life member of the Orange County Volunteer Firemen's Association, and the New York State Firemen's Association. He was also active in the American Legion, the Masons and Shriners, the Chester Historical Society, the Chester Little League, and many other community organizations.

Bud was predeceased by his lovely wife Ruth, but is survived by one son, one daughter, six grandchildren, one great-grandchild, and several nieces and nephews. William "Bud" Demerest served the public in many capacities, but each was outstanding as a good neighbor and friend. He will long be missed.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Ms. LEE. Mr. Speaker, I join my colleagues in sharing my deep sense of shock and loss for our beloved JULIAN DIXON.

JULIAN was a warrior and a statesman. I met JULIAN in 1975 when I worked as a member of Congressman Ron Dellums' staff, who I know joins us in remembering this great human being.

I will always remember how JULIAN treated me as a staff member—with respect and dignity. I know today, his staff would want me to say that JULIAN was a wonderful boss and demonstrated with them as he did with us his tough love. His fierce strength kept many of us centered and thinking clear about any issue.

As a member, JULIAN counseled me many times on the tips of the trade. Whenever an issue relating to my district came before appropriations, JULIAN would check up with me first to consider my views. He didn't have to do that. He never let me get blind-sided. Some of my most special moments with JULIAN were riding home with him. We live around the corner from each other.

During these rides we talked about so many things he cared about like his constituents; the people of California; and the people of his native home, Washington, DC. He always reminded me that I should not let the business of my life in Washington, DC get in the way of my personal friendships. All of us need to remember his words of wisdom and I thank him for his friendship. I want to thank Bettye and JULIAN's family and his home district for sharing this great leader with us and wish them God's blessings. May JULIAN's soul rest in peace.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with a heavy heart that I rise to express my deep sadness for the passing of my friend, mentor, and fellow Angeleno, JULIAN DIXON.

I had the privilege of knowing JULIAN DIXON for many years, including the years he served with my father, Congressman Edward R. Roybal, in the 1970s and 80s.

JULIAN served his Los Angeles-area community and the state of California as a member of the California State Assembly and in Congress with distinction.

JULIAN DIXON's achievements during his nearly three-decade tenure as a legislator are too numerous to recount. He was chairman of the House Ethics Committee, maintaining bipartisanship on a traditionally partisan committee. A fighter in the struggle for civil rights, he brought that commitment to his chairmanship of the District of Columbia Appropriations subcommittee where he was a strong advocate for the rights of DC residents. Recognizing his leadership capabilities, JULIAN was elected Chairman of the influential Congressional Black Caucus in the 1980s. More recently, he served as ranking Democrat on the prestigious and demanding Select Intelligence Committee.

When I was appointed to the Appropriations Committee two years ago, I was delighted at the opportunity to serve with JULIAN on the Commerce-Justice-State-Judiciary Subcommittee because I knew my staff and I would benefit greatly from his expertise and knowledge of the agencies, programs and issues that would come before the committee.

JULIAN was extremely skillful at getting straight to the heart of a policy question. While he never hesitated to express his displeasure with any administration official—be they Attorney General or Secretary of State—he always did so in a calm, dignified and respectful manner. He did not view his role on the subcommittee as solely partisan, but rather to make sure that the government was doing its job to serve the interests of his constituents and the American people as a whole.

One anecdote in particular illustrates the way JULIAN worked and the high degree of respect accorded him by Democrats and Republicans alike. Last year, which was my first year on the Appropriations committee, the Los Angeles police department was involved in a series of controversial shootings involving officers. Learning of the incidents, JULIAN immediately understood how critical it was to the future of Los Angeles and law enforcement to ensure that such shootings were thoroughly investigated. As a result, JULIAN worked with city officials and the district attorney's office to develop a program for "roll-out teams" to quickly respond to these shootings and ensure a thorough and impartial investigation.

I still remember when JULIAN asked me to accompany him when he went to Chairman Hal Rogers to describe the problem and to ask for funding for the roll-out teams. That the chairman immediately agreed to include the funding for this critical program in the conference report is indicative of the respect with which JULIAN was held. I don't think JULIAN ever put out a press release about obtaining this important funding, but I know it has had a positive impact in helping us address one of the problems with our troubled police force.

This is just one example of JULIAN's hard work and commitment to his community, and his ability to produce results based on his stature and respect in the House. Whether it was fighting for emergency funding for Los Angeles after the riot in 1992 and the Northridge earthquake in 1994, or advocating on behalf of the Los Angeles public transportation system, JULIAN DIXON was a devoted and effective legislator.

While JULIAN DIXON will undoubtedly be remembered for years to come as an outstanding legislator, I will remember him as a cherished friend and trusted mentor. Whether providing guidance on the rules and procedures of the House, Los Angeles politics, or committee assignments, his advice was always welcome and sound.

In this time of extreme partisanship and legislative gridlock, it is my hope that we can all learn from the example of our friend and colleague, JULIAN DIXON.

While it is clear that JULIAN will be dearly missed, his hard work and dedication, dignity, and bipartisan manner will serve as an enduring model to all.

TRIBUTE TO MASTER SERGEANT ROBERT SMITH

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. SPENCE. Mr. Speaker, I wish today to bring to the attention of the House an article from The Lexington Chronicle, about Army Master Sergeant Robert Smith, which gives an account of his impressive military record. Sergeant Smith is truly a great American

[From the Lexington County Living, November 9, 2000]

A YOUNG WARRIOR'S TALE

ROBERT SMITH ENLISTED IN THE ARMY AT THE AGE OF 14

(By Robert Smith and Mike Rowell)

Early in 1950, the North Koreans invaded South Korea. I had just joined the 511th Airborne Infantry Regiment of the 11th Airborne Division at Fort Campbell, Ky, in April. So I volunteered for duty in the Korea War.

I arrived in Korea in early September, 1950 and was assigned to the intelligence and reconnaissance platoon of the 7th Infantry Division. Most of the time, we just went up the mountains and down the valleys of Korea. I was wounded for the first time while on patrol near Souwan.

Like many boys who grew up during World War II, my dream was to be a soldier. I was especially interested in the paratroopers and Darby's Rangers. I dreamed that the military was the life for me.

Just three months after my fourteenth birthday, I decided start living my lifelong dream. I went and enlisted in the U.S. Army. I lied and gave my age as 17, which required parental consent.

The recruiter said that he would drive me to my house for my mother's signature. However, when we arrived at the end of the twisting road with my house still a mile hike up the mountain side, he stopped the car.

He said, "You go get your mother to sign here."

I had counted on that! My cousin signed it. I was in the Army now.

My basic training was at Camp Pickett, Va. During boot camp, I did something wrong and my platoon sergeant called me down and said, "You little SOB—I know you're not old enough to be in the Army. If I thought you could make a living on the outside, I would have your ass kicked out."

After basic training, I volunteered for the Airborne and completed jump school in March of 1949—it was one day after my fifteenth birthday. At this time the 11th Airborne Division was coming stateside from Japan, and the 82nd Airborne was at full strength. So I was assigned to Germany and flew security on aircraft involved in the Berlin Airlift.

Then came Korea. Just before New Year's Day 1951, the 2nd Airborne Ranger Company was assigned to my division. I volunteered and was assigned to this illustrious Ranger company.

Not long after that, I was wounded a second time and sent to a hospital in Japan. After recovery, I was returned to Korea for a time. But shortly thereafter I was rotated back to the United States at Fort Campbell, Ky.

Incidentally, I bumped into my old basic-training drill sergeant—the one who had threatened to kick me out of the Army. I don't know what he had done, but he had been busted from master sergeant to private first class. My rank was sergeant first class. Revenge is a dish best served cold!

In November 1952, I was assigned to the 32nd Infantry in my old division

After the Korean War, I had to adjust to the peacetime Army. During this period, the Army decided to change the dress uniform from Khaki to green. The orders went out for a group of soldier to model the 'new look.'

The requirements were simple. You had to be at least six feet tall and a combat veteran. I was one of the four men, out of 258 from the 3rd Army who were selected. During the next three and a half years, I traveled throughout the United States, Europe, and Japan, modeling the new uniform. What a change from Korea!

One morning in 1964, I was at the Pentagon at the enlisted branch records department. I signed in, stated my reason for being there, and sat down to wait my turn. A sharp looking sergeant picked up the sign-in sheet, left the room. When he returned he announced,

"There are 28 noncoms in here trying to get out of going to Vietnam. There is only one trying to go there. Sgt. Smith, come with me."

I had my Vietnam assignment within thirty minutes. I went back overseas as an advisor. I was wounded for the fourth time during that tour.

My second Vietnam tour was with the 11th Airborne Cavalry's Long Range Patrol. We were involved in typical Vietnam operations—patrol, search and destroy. On one of those patrols I was wounded for the fifth time.

I retired on December 30, 1969. There was a big ceremony for those who were retiring. I was supposed to be awarded my fifth Purple Heart and the Army Commendation Medal for Valor.

When the major general came to me he said, "Sergeant, how old are you? You look like you should be coming in, not going out."

Instead of pinning my medals on, he handed them to me and said, "You have more medals than I do. Put them on wherever you can!"

Robert "Smitty" Smith earned the Combat Infantryman Badge and was awarded a Bronze Star for Valor and a Purple Heart at age 16. He earned the Silver Star, a second Bronze Star for heroism and two Purple Hearts by age 17, all while serving in Korea.

He also received the U.S. Navy Commendation Medal for leading a squad that assisted the return of a U.S. Marine patrol that had been surrounded by an enemy force.

During his two tours in Vietnam, he received two Purple Hearts, another Combat Infantryman Badge, the Army Commendation Medal for Valor, his third Bronze Star for Valor, the Air Medal, and the Vietnamese Cross of Gallantry with Palm. He proudly wore a Master Parachutists Badge.

Smitty and his wife Ann live in Gilbert, South Carolina. They have three sons, a daughter, and five grandchildren. All three sons served in the Airborne infantry. One son, an underage veteran who joined the Army at age 15, was killed in an automobile accident in 1993.

Sgt. Robert Smith, Ret. is a proud member of the Veterans of Underage Military Service (VUMS). This organization is open to veterans of the Army, Navy, Marines Corps, Air Force, Coast Guard, and the Merchant Marines.

VUMS is actively seeking eligible members. The National Commander is Edward E. Gilley, 4011 Tiger Point Blvd., Gulf Breeze, Florida, 32561–3515. He can be reached at 888-653-8867, FAX at 850-934-1315, or you can e-mail him at ed-bess-gulfbreeze@att.net.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to former Rep. Henry Gonzalez, who passed away on Tuesday, December 5th, at the age of 84.

Throughout his career, Henry Gonzalez was an unwavering champion for equal justice and civil rights and a powerful voice for the disenfranchised. Henry first entered public life in 1953, when he was elected to the San Antonio City Council. The son of Mexican immigrants, he came along when Texas was a black and white society and Hispanics were generally not considered to be a minority group. Nevertheless, he spoke forcefully against segregation of public facilities and helped to shepherd passage of desegregation ordinances. Later, after he became the first Mexican-American to serve in the Texas State Senate, he attracted national attention for successfully filibustering several racial segregation bills that were aimed at circumventing the

U.S. Supreme Court's decision in the *Brown* v. *Board of Education* case.

In 1961, Henry Gonzalez again broke new ground by being elected the first Hispanic Representative from Texas. Ultimately, he served 19 terms, longer than any other Hispanic Member of Congress. More importantly, he never lost touch with his constituents and his community during his tenure in Congress. He demanded that issues affecting the people of San Antonio receive his personal attention.

Throughout his time in Congress, Henry Gonzalez served on the Committee of Banking, Finance, and Urban Affairs. There, he focused his legislative efforts on making credit more accessible to ordinary people, improving public housing, and helping many Americans to become homeowners. Early in his congressional career, he worked for the passage the landmark Housing Act of 1964. Later, when he became Chairman of the Subcommittee on Housing and Community Development in 1981, he was instrumental in getting approval for a program to assist families who faced foreclosure on their homes. He also strongly defended public housing programs when the Reagan Administration proposed to cut them sharply.

In 1989, he became Chairman of the full Banking Committee. His first urgent order of business was to deal with the collapse of the savings and loan industry, a crisis he had predicted throughout the 1980's. As he began working to craft a solution, it became apparent to him that any bailout, although necessary for the nation's banking system, would be extremely unfair to low and moderate income Americans. He realized that they would derive little or no benefit from the bailout even though they had to share in the burden of fashioning a remedy for the excesses and poor decisions of savings and loan managers in the previous decade. The need to make credit more available to low income Americans and to depressed communities laid the groundwork for later legislative efforts and culminated in the enactment of the Community Reinvestment Act.

Overall, the Banking Committee under Henry's leadership held more than 500 hearings and obtained enactment of 71 bills. Among the other major bills that the Committee produced included restructuring the federal deposit insurance system to provide depositors a greater guarantee for their savings, making more credit available to small business, reauthorizing federal housing laws, and strengthening the laws pertaining to financial crimes.

I want to especially thank Representative Martin Frost for leading a special order in honor of Henry Gonzalez. Henry Gonzalez was a giant and true champion of Texas, and it is fitting for a Texas Member who currently serves in the House leadership to lead this tribute. Henry was not just a giant in Texas politics but also a mentor to all of us in the Texas delegation. I am certainly proud to have had an opportunity to serve with him and learn from his example. The people of Texas and his constituents in San Antonio will miss him, and his colleagues here in the Congress will fondly remember his kindness, friendship, and devotion to public service.

FOR CLINTON'S LAST ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, I would like to commend Robert S. McNamara, who served as defense secretary under President John Kennedy and Lyndon Johnson for his editorial that was published in the December 12, 2000 edition of the New York Times. Mr. McNamara is calling on President Clinton to sign a treaty, finalized in Rome in 1998, that would create a permanent International Criminal Court. Senator Jesse Helms has promised to block any attempt to ratify the pact. As Mr. McNamara correctly points out, Senator Helms' justification for not ratifying the treaty are unfounded. The tribunal of 18 world jurists would only have jurisdiction to charge those who commit specific crimes that outrage the international community as a whole, and each nation would retain the right to try its own nationals in a fair trial under its own laws. More than 25 nations have ratified the agreement, but we must have 60 nations to ratify before the court can begin trying cases. Given there is an urgent need to deter future atrocities, I urge President Clinton to sign the International Criminal Court agreement with all deliberate speed, and call on Senator Jesse Helms, in the spirit of justice, freedom, and humanity, not to block the agreement. To do so would be a travesty of justice.

[From the New York Times, Dec. 12, 2000]

FOR CLINTON'S LAST ACT

(By Robert S. McNamara and Benjamin B. Ferencz)

With the stroke of a pen, President Bill Clinton has a last chance to safeguard humankind from genocide, crimes against humanity and the ravages of war itself. He must simply sign a treaty, finalized in Rome in 1998, to create a permanent International Criminal Court.

If he signs the treaty before Dec. 31, the government does not have to ratify the treaty at this time. After that date, any country has to both ratify and sign the treaty to become a member. This is no small consideration, since Senator Jesse Helms, chairman of the Foreign Relations Committee, has promised to block any attempt to ratify the pact.

Why does Mr. Helms object to a permanent international criminal court? He and others are worried that an unchecked international court could infringe on basic American constitutional rights for fair trials. For instance, they want ironclad guarantees that the court would never try American soldiers. Pentagon officials fear that Americans might be falsely accused of crimes, thus inhibiting our humanitarian military missions.

These worries are unfounded. The tribunal of 18 world jurists only have jurisdiction to charge those who commit specific crimes that outrage the international community as a whole.

And most important, each nation retains the primary right to try its own nationals in a fair trial under its own laws. There are some crimes, like sexual slavery and forced pregnancy, that the treaty covers, which are not specifically enunciated in our own country's military laws and manuals. Robinson O. Everett, a former chief judge of the United States Court of Appeals for the Armed Forces, has recommended incorporating these crimes into our federal laws, assuring that any American military personnel charged with a crime could be tried by American courts.

Genocide is universally condemned but there is no universal court competent to try all perpetrators. The Nuremberg war crimes trials, inspired by the United States and affirmed by the United Nations, implied that "never again" would crimes against humanity be allowed to go unpunished.

Today, we have special courts created by the United Nations Security Council that have very limited and retroactive jurisdiction. For instance, war crimes tribunals are now coping with past atrocities in Yugoslavia and Rwanda. But these tribunals are hardly adequate to deter international crimes wherever they occur.

The president must help deter future atrocities. At the United Nations and elsewhere, he and Secretary of State Madeleine Albright have repeatedly called for an international court to carry forward the lessons of Nuremberg. Now, he has a chance to take action. More than 100 nations, including all our NATO allies, have already signed. Some 25 nations have ratified; others are well on the way. The court cannot begin trying cases until at least 60 nations have ratified.

If President Clinton fails to sign the treaty, he will weaken our credibility and moral standing in the world. We will look like a bully who wants to be above the law. If he signs, however, he will reaffirm America's inspiring role as leader of the free world in its search for peace and justice.

IMPROVING AMERICA'S VOTING SYSTEMS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. ROTHMAN. Mr. Speaker, I am proud today to join my colleague and friend, the gentleman from Virginia, Tom Davis, and the gentleman from Rhode Island, Patrick Kennedy, in introducing legislation to improve our Nation's voting systems.

Our message today is simple: While we will never have a perfect system for electing our leaders, we must always seek improvements to that system so the will of the American people always prevails. Improving our voting systems will not be a simple task. But we will achieve our goal in our nation's best traditions of open debate and bipartisan consensus. One encouraging development from this year's Presidential election, is that it has prompted an important debate, about the problems with our various voting systems across the country and how we must work together to improve them. We believe one way to improve the system is by creating a strong, bipartisan council, to be known as the "Commission on Electoral Administration." The Commission would be charged with reviewing how we conduct our elections across the country, and issuing recommendations to make sure that the difficulties experienced by the voters of Florida do not occur again.

The Commission would be funded with $100 million. The money would be dispersed as voluntary matching grants, to states and local communities that choose to implement the commission's modernization recommendations. This effort is in no way an attempt to federalize state or local elections. It is, quite simply, a way to give local communities the financial help they need to purchase better election equipment and to run fairer, more accurate elections. Despite some of the inflammatory rhetoric of the past few weeks, I know that members on both sides of the aisle want to have the best process for voting and the most accurate method of counting those votes.

Our ultimate goal must be to ensure that every American is heard when they go to vote. It is in our national interest to do so. I believe this legislation will take us one step closer to that goal.

TRIBUTE TO KATHERINE WEAVER SCHOMP

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the notable accomplishments and extraordinary life of a woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Katherine Weaver Schomp.

Kay Schomp was a remarkable woman who lived a remarkable life. She touched the lives of many people and made a tremendous impact on our community. Her indomitable spirit sustained her through many challenges and molded a life of notable accomplishment. Born in Pueblo, Colorado, she attended the Pueblo Public Schools and thereafter continued her education at Bossier's, Neuitly-Sur-Seine, France, the University of Colorado at Boulder and George Washington University in Washington DC where she graduated with a Bachelor's Degree in International Relations. She married Ralph Schomp in 1941 and was the mother of six daughters—Sara, Halcyon, Caroline, Lisa, Katherine and Mary Margaret.

Those who knew Kay Schomp understood that her passion was community service. She was well known in the Denver area for her outspoken commentary and for her immeasurable contribution to the life of our community. She has amassed a distinguished record of leadership and has made numerous contributions in many areas. But her contributions to education and children, health care, media and the arts are of particular note.

Kay was a powerful advocate for equal education and in 1973, she was elected to the Denver Public Schools Board of Education where she served in numerous capacities which included chairing the special education, investment and facilities planning committees, and the City-Schools Coordinating Commission. She organized and facilitated the Student Board of Education, the Integrated Arts Program, the Gilpin Extended Day Care School and served on the National School Boards Association. In media and the arts, she served on the Colorado Commission on the Arts, the Council for Educational Television and the Public Broadcasting Service. She was a board member of Denver Community Television, the Five Points Media Association and the Cable Television Coordinating Committee. In health care, she served as a board member for the Denver Mental Health Association, the Denver Board for the Developmentally Disabled, and the Denver Visiting Nurses Association.

Kay Schomp was also a successful businesswoman and was the co-owner and operator of KWS Investments, a firm specializing in urban properties. Kay also found time to serve on the Mayor's Child Care Advisory Commission, the Denver Youth Commission, and serve as a board member of the YMCA of Denver and the League of Women Voters.

It comes as no surprise to our community that Kay Schomp was the recipient of numerous awards including the American Civil Liberties Union Whitehead Award, the Denver Mayor's Commission on the Arts, Culture and Film Award, the International Women Writer's Guild Artist for Life Award, the Bonfils-Stanton Foundation Award for Community Service, the CANPO William Funk Award for Community Activism and the International Women's Forum Life Achievement Award.

Kay Schomp lived a life of meaning and one that was rich in consequence. It is the character and deeds of Kay Schomp, and all Americans like her, which distinguishes us as a nation and ennobles us as a people. Truly, we are all diminished by the passing of this remarkable woman.

Please join me in paying tribute to the life of Kay Schomp. It is the values, leadership and commitment she exhibited during her life that has served to build a better future for all Americans. Her life serves as an example to which we should all aspire.

UKRAINIAN CARDINAL MYROSLAV LUBACHIVSKY (1914-2000)

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. KAPTUR. Mr. Speaker, Ohioans, particularly those of Ukrainian ancestry, were saddened to hear of the passing yesterday of Cardinal Myroslav Lubachivsky, the head of Ukraine's Greek Catholic Church. Cardinal Lubachivsky was born in 1914 in the town of Dolyna in the Western Ukrainian province of Galicia and died not far from there in the city of Lviv, where he served as Archbishop and Metropolitan for millions of Ukrainian Catholics worldwide, including many in Ohio. Although the Cardinal was born in Western Ukraine and served his people as their spiritual leader until his last days, he spent more than half his life outside his native land, including 33 years in the United States.

Cardinal Lubachivsky left Ukraine in 1938 as a young priest to study in Austria. After the Second World War, he came to America where he spent more than twenty years serving as assistant pastor at Sts. Peter & Paul Ukrainian Catholic Church in Cleveland's Tremont neighborhood. There he celebrated mass, presided over the marriages of happy couples, baptized their newly-born infants and spoke the final words over the graves of thousands of his parishioners. He even drove the school bus for children attending the parish grade school. This scholarly, yet humble man seemed content to serve God and his fellow Ukrainian-Americans in this quiet, unassuming way when unexpectedly he was elevated to be the Metropolitan-Archbishop of Philadelphia. In 1980, he moved to the Vatican and in 1984, became worldwide head of the Ukrainian Greek Catholic Church following the death of the saintly Cardinal Joseph Slipy.

Joseph Slipy had become the head of the Ukrainian Greek Catholic Church in 1944 when Western Ukraine was incorporated into the Soviet Union. Prior to that, Western Ukraine had been part of the Austrian Empire and Poland. Almost immediately, the Soviet Secret Police started carrying out Stalin's order to liquidate the Ukrainian Catholic Church. The entire clergy was either arrested or forced to renounce their faith. Most declined to do so and ended up in Siberia or were shot. Archbishop-Metropolitan Slipy spent 17 years in labor camps until Pope John XXIII finally negotiated his release in 1963. As a cardinal of the Catholic Church, Joseph Slipy went to work rebuilding his church in the underground in Ukraine and in places like Cleveland, Ohio where Myroslav Lubachivsky served as assistant pastor.

In 1991 with the collapse of the Soviet Union, His Eminence Myroslav Lubachivsky, a Cardinal and a U.S. citizen, returned in triumph to the city of Lviv to preside over the Ukrainian Catholic Church and its historic St. George's Cathedral. "This native church of mine was resurrected and rose from the grave," he said at the time. Tens of thousands of Ukrainian Catholics, many weeping and singing hymns, lined the streets to greet their Cardinal and Archbishop-Metropolitan.

Cardinal Myroslav Lubachivsky had one of the most extraordinary and fulfilling lives that spanned nearly the entire 20th Century. He served through some of the most difficult periods of that turbulent ear and he lived to see his faith and the faith of millions of his parishioners rewarded with the restoration of his church, which not only survived enormous evil, but ultimately prevailed over it. I join in paying tribute to this great man and offer my condolences to all those in Ohio and throughout the world who benefited from his spiritual guidance and leadership and now mourn his passing.

NO SURPRISE. IT'S AN ACTIVIST COURT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I rise to commend Larry D. Kramer, professor of law at New York University, who eloquently points out in a December 12, 2000 New York Times editorial that the Supreme Court, under the leadership of Chief Justice Rehniquist, has steered the court towards "conservative judicial activism." Mr. Kramer points out that the

Rehnquist Supreme Court's recent decision to step into the Florida Presidential vote controversy should be no surprise, given the recent Supreme Court's past judicial behavior. Mr. Kramer offers a litany of examples that show how the Rehnquist Supreme Court has a conservative judicial activist agenda. For example, the Supreme Court cast aside nearly 70 years of precedent in the area of federalism, by ruling that Congress could no longer address violence against women, could not impose liability on state governments for age discrimination, or could not hold states accountable for violating copyright laws. The Florida case shows that judicial prerogative, not state's rights guides the Rehnquist Supreme Court. The recent Supreme Court ruling to vacate the Florida Supreme Court's decision to allow for the recount of uncounted ballots during the Bush-Gore Presidential election unfortunately will forever taint the Supreme Court as arrogant, impartial, and partisan. Professor Kramer's deserves praise for analyzing the Supreme Court's drift towards "judicial prerogative," and away from a strict constructionist judicial philosophy.

[From the New York Times, Dec. 12, 2000]

NO SURPRISE. IT'S AN ACTIVIST COURT.

(By Larry D. Kramer)

The Supreme Court has reached out aggressively to solve the nation's election problem, inserting itself into a major political controversy. News commentators and legal experts seemed surprised when the court stepped into this thicket. They shouldn't have been.

the Rehnquist Court has been using law to reshape politics for at least a decade. We keep hearing that it consists of "strict constructionists" who (as George W. Bush put it during the debates) oppose "liberal judicial activism." That's because conservative judicial activism is the order of the day. The Warren Court was retiring compared to the present one.

Warren Court activism was largely confined to questions of individual rights, mainly racial equality and the treatment of criminal defendants. The Rehnquist Court has been just as active in this domain. To list a few examples, it has disowned affirmative action, finding no difference between Jim Crow and laws designed to help disadvantaged minorities. It has overturned decades of jurisprudence that protected religious minorities from laws that intruded on their rituals. And it has all but eliminated the right to federal review of state criminal cases.

Individual rights are important, but they actually affect only a small portion of what government does. The real guts of our democracy lie in the system's structure and the way powers are allocated. And here the

The court cast aside nearly 70 years of precedent in the area of federalism, holding that Congress cannot use its powers under the Commerce Clause or the 14th Amendment to regulate matters that touch on state interests, unless the court approves. It has declared, among other things, that Congress could not address violence against women, could not impose liability on state governments for age discrimination, could not hold states accountable for violating copyright laws and more.

But perhaps the most audacious instance of judicial activism is the way the court has extended the doctrine of judicial review itself. It was the Warren Court that first clearly established, in connection with school desegregation, that the Supreme Court has the final word about the meaning of the Constitution. Still, that court usually (though not always) gave great weight to the interpretations of other political actors.

But the Rehnquist Court has no such inclination. Thus the court struck down the Religious Freedom Restoration Act because it was unwilling to give Congress the authority to provide greater protection to religious minorities than the court itself would give.

Many have viewed the court's actions as aimed at protecting states by limiting the federal government. But the Florida case shows that state governments get no more deference than other branches of government when they run afoul of the court's views of what the law ought to be. Judicial prerogative, it seems, not states' rights, has been at the heart of the Rehnquist Court's docket.

The court's confidence in its own supremacy may have propelled it to try to settle this presidential crisis. And if the court succeeds, the nation may well breathe a sign of relief, grateful that someone brought this mess to a close. But the court's credibility will surely suffer. And if that diminishes a confidence that has begun to veer toward arrogance, this may not be such a bad thing.

IN HONOR OF DAVID RIVERA CARRASCO, JR., FOR HIS SERVICE AND DEDICATION TO OUR NATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to David Rivera Carrasco, Jr., in memory of his service to the community as a loyal citizen and as a proud member of our Armed Services.

Mr. Carrasco was born on February 9, 1918 to David and Angelita Rivera Carrasco in El Paso, Texas. The family relocated to Coachella, California in 1920. In January of 1942, Mr. Carrasco was enlisted into the U.S. Army. He served seven months in the Continental Army as a military gunner and search light crew member. As a member of the 349th infantry, Mr. Carrasco was dispatched to New York to protect the Atlantic coast from foreign invasion. In August 1942, Mr. Carrasco was reassigned to serve under General George Patton's forces in Europe and Northern Africa. He served proudly under General Patton for four years as an engineer. His work in the front lines of North Africa helped to turn the tide against the Axis forces and liberate France and Italy. For his bravery and dedication, Mr. Carrasco was awarded the Good Conduct Medal and the European African Middle Eastern Campaign Medal for Bravery.

The bravery and patriotism demonstrated by Mr. Carrasco could also be found in his brothers Joe and Samuel, who also served in the U.S. Armed Forces. Joe served under General Dwight Eisenhower and was among the first wave of soldiers to storm the beaches of Normandy on June 6, 1944. Samuel was dispatched to the Pacific Islands and served his country valiantly. Mr. Carrasco and his family are truly a distinguished part of our nation's military history.

Colleagues, please join me in celebrating the life of a true American hero. Mr. Carrasco will be remembered for his service to our country and the community. He is survived by his sister Antonia Carrasco Cervantes and his brother-in-law Gregorio Cervantes, Sr. As his Representative in Congress and as a member of the Armed Services Committee, I am proud to recognize David Rivera Carrasco, Jr., for his contributions to our nation.

METHAMPHETAMINE LEGISLATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. BERKLEY. Mr. Speaker, I rise to express my strong support for the methamphetamine legislation signed into law this session as part of the Children's Health Act of 2000. I strongly support the provisions of this bill that address the methamphetamine problem and the sale of pseudo-ephedrine, the primary ingredient in the manufacture of methamphetamine.

The production of methamphetamine and the unregulated sale of pseudo-ephedrine is a serious problem in my district of Las Vegas. Local law enforcement agencies work tirelessly to combat the abuse of this drug, and to crack down on the toxic methamphetamine laboratories that inhabit rental properties and hotel rooms that are often used by tourists.

I concur with the provisions in the legislation to reduce the amount of pseudo-ephedrine that can be purchased in a single transaction from 24 grams to 9 grams. At the present time, the 24 grams of pseudo-ephedrine that can be legally purchased equates to about 900 tablets. It seems obvious that a person in need of pseudo-ephedrine for its intended purpose to relieve cold symptoms does not need this quantity of the drug.

I also strongly support the provisions of the bill that strengthen the sentencing penalties for those who manufacture this drug, and the provisions that provide the critical training to local and state law enforcement agencies so they are able to safely and effectively fight this drug. However, I believe that it is equally important that we take the next step and increase regulation of the sale of pseudo-ephedrine.

I have talked with local law enforcement agencies about the unregulated sale of pseudo-ephedrine and I'm all too familiar with the frustrations they face on a daily basis. There is evidence that drug wholesalers from other states come into the State of Nevada and sell pseudo-ephedrine by the caseload to retail outlets. When the distributors are asked why they traveled such distances to sell their drug in Las Vegas, they simply say that their home state "does not have a methamphetamine problem." This is shameful, and the problem must be rectified.

There is no federal law requiring retail outlets that sell limited amounts of pseudo-ephedrine to keep records of transactions. Without federal regulation, there is no uniform, reliable method to track the distribution of this drug. Illegal methamphetamine laboratory operators may continue to buy this drug by the caseload without a single record of transaction being documented. And because there is no federal regulation, law enforcement agencies do not have authority over the exchanges.

Reducing the number of grams for purchase and increasing fines and penalties are a step in the right direction. But more needs to be done. We need to have greater accountability and we need to give law enforcement agencies the authority to intervene when drugs are being purchased for illegal activities.

Methamphetamine is a growing problem already plaguing many cities and it is spreading across the nation. We must make common sense changes in our national policy today, in order to curtail the drug crises of tomorrow. I applaud the recent changes regarding methamphetamine and the sale of pseudo-ephedrine, and I will support future efforts to strengthen these policies.

HONORING BOBBIE HOUSEHOLDER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to recognize an outstanding citizen of East Tennessee, Mrs. Bobbie Householder. She has recently been given the 2001 Pride of Tennessee Award, an award presented annually to a person with a history of dedication to the community of Blount County.

Mr. Speaker, I can think of no better person this could be awarded to than Bobbie Householder. She worked for the Blount County Chamber of Commerce for 33 years, but her service to the people in her community did not end there. Since her retirement, Bobbie has served as President of the Friends of the Library. In addition, she is also a member of the Keep Blount Beautiful Board and a member of the Blount County Bicentennial Committee, just to name a few. I commend Mrs. Householder for her dedication and tireless work for the community in Blount County. This Country would be a better place if there were more people like Bobbie Householder.

Mr. Speaker, I have included a copy of a story that ran in the Daily Times that honors Mrs. Householder and would like to call it to the attention of my fellow colleagues and other readers of the RECORD.

[From The Daily Times, Dec. 5, 2000]

BOBBIE HOUSEHOLDER'S WORK AS VOLUNTEER IS UNEQUALED IN BLOUNT

No one individual's life is as entwined in the history of the Blount County Chamber of Commerce as that of Barbara Ann "Bobbie" Householder and few, if any, have been as involved in the community.

As most of you know, Bobbie is the recipient of the 2001 Pride of Tennessee Award presented annually by Blount County Executive Bill Crisp to someone who has a history of community involvement and always has been willing to work for a better place for all of us to live and work. Bobbie and husband Glen, married for 53 years, have three offspring. Glenda Eastridge is a teacher at Lanier Elementary; Alan, the outdoors man, works at Southern Safari in Asheville, N.C., has hiked the Appalachian Trail, the Pacific Crest Trail, and the Mountain to Sea Trail from Newfound Gap to the Outer Banks in North Carolina, as well as across England; and Gary, a retired Army lieutenant colonel who lives in Louisville, KY. They have four grandchildren, Cindy and Brain Householder in Louisville and Jeff and Amy Eastridge in Alcoa. A native of Knoxville, Bobbie moved to Blount County in 1952,

For many years the chamber staff consisted of the executive director, bookkeeper, and Bobbie who was the jack of all trade, doing office responsibilities plus coordinating chamber projects. For 25 years she was responsible for the United Way campaigns, just part of her responsibilities. In the end the "umbrella" administrative office included the Blount County Chamber of Commerce, Blount County Industrial Board, Chamber Foundation, and the Smoky Mountain Visitors Bureau. She served as vice president of all except the industrial board. Bobbie worked with five executives, Bob Lamb, Wilson Borden, Ken Faulkner, Jim Caldwell and then almost 18 years with Bill Dunavant. During that time she worked with 34 chamber presidents from J.P. Huddleson in 1961 through the first part of the term of Brad Sayles in 1994.

When she began work, the office was in Maryville Municipal Building, then it moved to come out on a Thursday. Then, on Sunday, I read an article about "how the officers involved had been affected by this," McConnell said. "I called the sheriff Sunday afternoon and told him about our idea. He jumped on it. He said he never wanted to cover another case like the one in Townsend." Sheriff James L. Berrong took the "safe place" idea to Attorney General Mike Flynn. A week later, more than a dozen people sat down to talk about changing the idea into reality. Those at the meeting included: State Sen. Bill Clabough; Representative-elect Doug Overbey; Blount County Health Department director and former pediatrician Dr. Ken Marmon; June Love of the Blount County Department of Children's Services; Lynnelle Hammett and Barbara Collins of Child and Family Services; Adina Chumley, public information officer for the sheriff's department and the adoptive mother of two; Knox County District Attorney Randy Nichols; Smid of Hope Resource Center; Flynn, the father of a son and daughter; Berrong, the father of a son and daughter; McConnell and Yount.

SAVING BABIES, MOTHERS

Nichols agree to write the first draft of the proposed legislation using laws from other states as examples. Clabough has agreed to introduce a Secret Safe Place law for Tennessee when the legislature convenes in January. "I can't imagine a valid reason it would not pass," McConnell said. The group discussed the pros and cons of making it possible for a mother to surrender her baby without being identified and without fear of being prosecuted. McConnell and Yount shared the facts and figures they gathered last spring with additional information they collected in the fall.

Alabama was apparently the first to start working on legislation making a "Secret Safe Place for Newborns" possible. The idea was sparked there by a reporter "Jody Brooks" after she covered two cases of babies abandoned and later found dead. Texas was the first state to actually pass legislation to protect mothers who surrender their babies from prosecution and provide them with a way to remain anonymous. The law was passed there after 13 dead babies were discovered in just

McConnell and Yount have also spoken with Terry Little, director of the emergency room at Springhill Memorial Hospital in Mobile, Ala., where Little accepted the first baby surrendered after the legislation passed. Little told the Maryville women since the law provides surrender at hospitals, even the cleaning staff has been trained in how to handle those situations.

Yount said Blount Memorial Hospital has been contacted and will be represented in future meetings about the program.

McConnell said they also discussed how to help frightened young girls unable to get to a hospital without asking someone to drive them. A private hot line is proposed which would allow someone to call and report the location where a baby would be left, allowing an officer to pick up the newborn.

Yount said babies being surrendered must be unharmed and released within 72 hours of birth. However, she said there is a period in which the mother may change her mind and reclaim her child. The mother is also asked to provide a family medical history since many diseases are hereditary, but she is not required to do so.

INFANT NEEDS IMPORTANT

She said babies in Mobile go immediately to adoptive parents to allow them to bond with someone as soon as possible.

Marmon said bonding is important to every child's well-being and must be considered carefully as the Tennessee law is being written.

Flynn said it might be possible to have couples seeking adoption qualified as foster parents so the baby could be placed with them immediately while the necessary paperwork is done to legally end the parental rights of the birth mother and father.

McConnell said in some states, those in the adoption community have expressed concern over the possibility of "unstable adoptions" of abandoned babies. "I don't see it affecting traditional adoptions," McConnell said. "Which is worse" an adoption that might not work out or a dead baby? Our concern is the rights of each child."

Some were concerned the law might relieve young women of responsibility for their actions, but McConnell and Yount said they believe caring for a baby by giving it up for adoption is a responsible option already available.

Others were concerned the new law might cause an epidemic of newborns being surrendered. However, there have only been five surrendered newborns in Alabama since the law took effect in 1996. More importantly, there have been no babies found abandoned and dead in Alabama or Texas since the laws were passed in the two states. "This is a tiny target group the law will affect," McConnell said. "Most pregnancies are found out by someone. It's those few who manage to keep it a secret throughout the pregnancy who may abandon the baby when it's born. "Babies shouldn't be hidden in sheds or dumpsters or under a bed, somewhere they will die."

MOTHERS ARE ANONYMOUS

Yount stresses the importance of allowing the mother surrendering a baby to remain anonymous. "This is a major issue," McConnell said.

She explained there is a fine line parents try to walk, to pressure their children to live up to their expectations as far as behavior but let them know they can come to a parent if they make a even a serious mistake. She said young girls who

She helped establish and coordinated Homecoming '86 for Blount County, including a parade and an all-day celebration in Greenbelt Park, coordinated the dedication of the Fort Craig spring monument, as well as the Adopt A School program, Leadership Blount, and Keep Blount Beautiful. Bobbie was responsible for staffing the Smoky Mountain Visitors Bureau visitors center, advertising in national magazines, represented the organization at travel shows and worked with area tourism groups, kept the visitors centers supplied with brochures, and coordinated the Weekend in the Smokies which was sponsored by the chamber.

She was responsible for the Dogwood Arts Festival from its organization in 1979 through its first festival in 1980, an event sponsored by the Blount Chamber Foundation. She was responsible for starting Dogwood Drives in 1983 and others that followed with the exception of the East Maryville, added since she retired, and the Teacher Mini-grant program. The last five years or so her title was Vice President of Community Development for the Chamber and she worked with all programs involving many community activities as well as other organizations.

While working, Bobbie spent many extra hours on the job because of her devotion to the community. And since retirement she has continued to be active. She has served as President of the Friends of the Library, a member of the Keep Blount Beautiful Board, member of the Blount County Bicentennial Committee and was responsible for a parade for an all-day celebration. She is currently serving as treasurer of Blount County Education Foundation and prior to that served two years as secretary for the Foundation. For four years she has served as chair of Day of Caring for United Way and presently serves as Communications Coordinator for the Holston Conference United Methodist Women. She is a member of Broadway Methodist Church.

She is serving as co-chairman of the Blount County Millennium Committee with activities coordinated with community organizations with a different focus on each month. Members of the committee designed an official Blount County flag which is available for sale in the county executive's office. The Adopt A School sponsors have purchased a flag for their school. This flag is really visible at the Blount County Justice Center.

Along with Bryan Cable, she leads a hike in the Smokies for the Dogwood Arts Festival. Previous winners include 2000—Tutt S. Bradford, 1999—Carmian "Connie" Davis, 1998—Stanley B. "Skeeter" Shields, 1997—Judson B. Murphy, 1996—Garland DeLozier, 1995—Stone Carr, 1994—Dean Stone, and 1993—Elsie Burrell.

The Volunteer State didn't get its nickname by accident. Its volunteers accomplish much of the work needed in communities across the state. Certainly none has done more than Bobbie who continued her volunteer efforts throughout major illness and surgery from which she has recovered.

Our hats are off to Bobbie and her outstanding example of volunteer work in Blount County, building a better community!

Our voice.

On Pride of Tennessee.

DEREGULATION CALLED BLOW TO MINORITIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I rise to voice concern about the increasingly insurmountable barriers that minorities and women in the telecommunications and broadcast marketplace are experiencing since passage of the Telecommunications Act of 1996. Recent studies have shown that since deregulation, minority- and women-owned companies have had a more difficult time getting financing for starting new ventures and expanding, and when they have received financing, it is often on less favorable terms than comparable majority run businesses. Adverse trends in the courts and in Congress have had a negative impact on small minority owned communication companies. It is imperative that Congress, the courts, the F.C.C. and the Bush administration help ensure that minority and women owned communications enterprises have equal opportunities in their abilities to compete in the marketplace. The following New York Times article is an excellent summary of this crisis.

[From the New York Times, Dec. 12, 2000]

DEREGULATION CALLED BLOW TO MINORITIES

(By Stephen Labaton)

Washington, Dec. 11.—The 1996 landmark law that was warmly embraced by the Clinton administration and many Republicans as a way to begin deregulating the nation's telecommunications industry has had the unintended effect of raising substantial new barriers for companies controlled by minorities and women, new independent studies commissioned by the federal government have found.

The studies show that the wave of consolidation in the broadcast, telephone and cable industries prompted by the Telecommunications Act of 1996 had created "nearly insurmountable obstacles" to those seeking to enter those industries and to thrive.

They also found that in general over the last 50 years, companies controlled by minorities and women have been far less likely to win government licenses for telephone service and radio or television stations, even if they are qualified to run those operations. In recent years, the studies found, the 1996 law in combination with changes in tax law and affirmative action rules, had made the problems for small businesses particularly acute.

"Today small firms face barriers erected by deregulation and consolidation in both wireless and broadcast," one of the studies said. "Minorities and women confront those same barriers; and yet those obstacles stand high atop a persistent legacy of discrimination in the capital markets, industry, advertising and community—and prior F.C.C. policies, which worsened the effects of discrimination."

"The barriers to entry have been raised so high that, left standing, they appear virtually insurmountable," the study concluded. "Minority, women and small-business ownership in these industries is diminishing at such an alarming rate that many we spoke with felt we had passed the point of no return."

While it has long been known that minorities and women face difficulties in a wide range of industries, the five studies to be released on Tuesday by the Federal Communications Commission conclude that barriers imposed by both the government and the marketplace have taken a particular toll in telecommunications and the so-called new economy companies, where the lifeblood is the government license to use a part of the airways.

"These studies confirm that small minority and women-owned businesses are encountering significant difficulties in participating in the new economy," said William E. Kennard, chairman of the F.C.C. "With consolidation in the past few years it's clear that it's become harder for any business that is small to participate as an owner of infrastructure, whether it is cable

In his more than seven years as the agency's general counsel and then its chairman, Mr. Kennard, the first African-American to head the F.C.C., has struggled against a hostile Republican Congress and a lukewarm administration in trying to find new opportunities for minorities and women. An earlier study he commissioned showed minority broadcasters often cannot command the same advertising revenues as other broadcasters."

Mr. Kennard said he had hoped that the studies would provide a blue-print for a Gore administration to take new steps on behalf of small companies. He also acknowledged that the prospect of a Bush administration may significantly diminish the impact of the studies on future policy makers.

Regulators and courts have long described the spectrum as a public trust that needs to be managed in the best interests of the public, but the studies conclude that minorities and women have had a difficult time for the last half-century and that it still remains especially difficult for them to win licenses and get financing for their ventures on a footing comparable to their rivals.

In one study, entitled "Whose Spectrum Is It Anyway?" researchers found that the 1996 law, following other adverse trends in the courts and in Congress, had been particularly hard on those small companies.

In 1995 Congress eliminated a tax program intended to encourage investment in small, minority- and women-owned telecommunication companies. Around the same time, the United States Supreme Court and other federal courts began to hand down a series of decisions that made it significantly more difficult for the federal government to carry out affirmative action programs and take steps to assist minority businesses.

The studies concluded that in the area of broadcasting, ownership can have a deep impact on programming, and that the lack of diversity among owners could lead to less diverse kinds of programs. Minority-owned radio stations, for example, were far more likely to choose a programming format that appeals particularly to a minority audience, and were more likely to have greater racial diversity of on-air talent.

The studies show that minority- and women-owned companies have had a more difficult time getting financing for starting new ventures and expanding, and when they have received financing, it is often on less favorable terms that comparable businesses run by white men.

The F.C.C. had earlier encouraged small businesses by permitting them to bid in license auctions and make payments in installments. But after some businesses defaulted on those loans, the rules were changed.

On Tuesday the agency will begin what many expect will be the largest auction in its history, for licenses to operate mobile telephones, and all winners will have to make their payments upfront.

The studies also show that officials at the F.C.C. have been inconsistent in their application of equal opportunity guidelines, and that the agency "often failed in its role of public trustee of the broadcast and wireless spectrum by not properly taking into account the effect of its programs on small, minority- and women-owned businesses."

The studies, which are expected to be made public by the F.C.C. on Tuesday, were conducted by KPMG; Ernst & Young; the Ivy Planning Group, a consulting group based in Rockville, Md.; and researchers from Santa Clara University and the University of Washington.

IN HONOR OF JOHN T. DAUGHERTY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HOYER. Mr. Speaker, I rise today in honor of John T. Daugherty, a distinguished and extraordinary member of the Southern Maryland community and a personal friend for many years. His contributions to his community of Lexington Park and the Southern Maryland area will continue to pay dividends and be fondly remembered for decades to come. Mr. John T. Daugherty was best known as Jack throughout Southern Maryland. He was born January 18, 1919 in Bath County, Kentucky. He went on to attend school at the University of North Carolina, Chapel Hill; Center College in Danville, Kentucky; and Morehead State Teachers College. He later was trained to fly Navy airplanes in Pensacola, Florida. He joined the Marine Corps and saw service in the South Pacific during World War II, where his courageous prowess earned him the Distinguished Flying Cross for a bombing raid on Rabaul Harbor. He went on to become a pioneer and product of the Patuxent River Naval Air Station Test Pilot School even before the first official graduating class was formed. After leaving active duty, he continued to proudly serve his country as a Lieutenant Colonel in the Marine Corps Reserves. Jack Daugherty remained in St. Mary's County to began life as a civilian and his entrepreneurial instincts led him to create many small businesses in Southern Maryland. His early business pursuits were not based on personal gain, rather, he created many new ventures to meet the needs of a fledgling and fast growing upstart Navy town. He is perhaps best known for founding Citizen's Bank, later known as Maryland Bank and Trust. His efforts to bring desperately needed capital resources to the Lexington Park community were critical in building a town to support the growing Navy base at Patuxent. Jack Daugherty became president of this bank and continued to run the local community bank for 35 years. He used the bank to literally help build a town that today is home to one of America's largest and most technologically advanced military bases. His unconventional loan practices enabled hundreds of entrepreneurs to go into business. Today, many small business owners, including a large number of women and minority owned businesses, will tell you how Mr. Daugherty helped them get started in business. Typically, they will tell you, their loans were approved without using any collateral and written on the back of an envelope.

Indicative of Mr. Daugherty's great sense of community spirit and among his greatest contributions to the community, was an early venture to create a local radio station for St. Mary's County. Recognizing the need to create a sense of community, he began and operated the WPTX AM Radio station in Lexington Park, where he and other local business owners took turns announcing local news events, weather, and other items of local interest. Mr. Daugherty himself was an announcer on the station, covering local news and political events. That station has continually served the local community and today is operated as 97.7 WMDM–FM under the ownership of Mr. Ron Walton. Jack Daugherty was also a founder of the St. Mary's County Chamber of Commerce, a member of the Historic St. Mary's City Commission and the founder of the Lexington Park Little League. He was on the Board of Trustees at St. Mary's College of Maryland and is fondly remembered for providing scholarships to many disadvantaged area students.

Mr. Speaker, Jack Daugherty was a unique individual who made contributions to his community that will last for generations to come. He was a giant among his peers whose leadership provided countless opportunities for thousands of individuals, reaching far beyond his local community. His rugged independence and fierce commitment to his community should distinguish him forever for the important role he has had in attracting the very significant U.S. Navy investment at Patuxent River Naval Air Station we have today. Repeatedly, he was a critical force in mobilizing the necessary resources to retain and attract federal investments at Pax River. Whenever a threat appeared on the horizon to either Pax River or St. Inigoes, it was Jack Daugherty who mobilized the local community to fight it.

Mr. Speaker, Jack Daugherty's presence will be sorely missed. Right up until his death on August 10, 2000, he played an active role in the Southern Maryland Navy Alliance, providing the same firm and steady leadership to that organization as he continued to support and protect the interests of Southern Maryland and the U.S. Navy. I ask my colleagues to join with me in honoring a great American whose success and love of life will long be remembered in Southern Maryland. Every community in America needs a Jack Daugherty. He knew the importance of community spirit and set the bar high for others to give back to community in which he lived. I ask my colleagues to join with me in paying tribute to John T. Daugherty, a veteran, a business and community leader and great family man, for his lifetime of service to his family, his neighbors and to his country.

My best wishes go out to his wife Kay, son Tom and daughter Katie who best knew him as an upstanding and decent husband, father, and community leader. I ask that you join me in honoring John T. Daugherty's strength and devotion to a community that will continue to reap the benefits of his work and dedication. His legacy will never be forgotten.

THE OPERATION OF AIMEE'S LAW

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. SALMON. Mr. Speaker, after years of work, and several Congressional Hearings, Aimee's Law passed both the House and Senate overwhelmingly, and was signed into law by President Bill Clinton on October 28, 2000. The bill will take effect on January 1, 2002, giving us more than a year to be sure it is implemented properly. It is essential that we do so, because too many lives are shattered each year at the hands of dangerous predators.

Using a mechanism that is workable, constitutional and respectful of states' rights, Aimee's Law will help to reduce repeat attacks perpetrated by released murderers, rapists, and child molesters that account for over 14,000 crimes of this nature each year.

These crimes share one characteristic: they are all preventable. If we simply keep murderers, rapists, and child molesters behind bars or, at a minimum, properly monitor them upon release, thousands of serious crimes would be prevented. Aimee Willard, the young woman for whom this legislation is named, died with every pint of blood drained from her body because Nevada recklessly released a murderer who reoffended in Pennsylvania. Aimee was a most extraordinary young woman; loved by her family and friends, an All American Athlete, an individual some of her peers believed could one day serve in the United States Congress, or as a teacher to our children. If this law is diminished in any respect it will be an assault on her memory.

I acknowledge that the mechanism used in Aimee's Law is novel—and is now, in some respects, more complex than originally drafted, due to revisions we made at the request of the States—but it is certainly workable. Of course, if those who had opposed Aimee's Law had instead joined us in working for the most straight-forward solution to the crisis we face with dangerous recidivists, application of the legislation would be even easier. If opponents now point to the provisions that were added to address their concerns, and argue that those provisions now make the law unworkable, then Congress should remove the safe-harbor provisions and hold states fully accountable for their errors in releasing murderers and sexual predators, the way the bill was originally introduced.

Let's address the concerns of the bill's critics in further detail. The small band of congressional opponents to the bill, and the state advocacy groups that opposed it, lodge three main arguments against the legislation: (1) the bill is unworkable; (2) the bill runs afoul of the Constitution; and (3) the bill would pressure states to rachet up penalties on murder, rape and child molestation offenses.

I will address the last charge first. Shouldn't we celebrate a law that incentivizes states to increase penalties for violent crimes? We have in the past. The truth in sentencing reforms of the 1980s and early 1990s are at least partially responsible for the dip in violent crime we have seen over the past several years. Keeping violent criminals behind bars reduces crime.

The trend of reduced crime is welcome, but more, much more, needs to be done. According to the FBI's Uniform Crime Report released last month, one violent crime occurs every 22 seconds. A forcible rape occurs every 6 minutes and a murder every 34 minutes. The success enjoyed in reducing crime over the past several years does make further reductions challenging. Targeting recidivist crime among the most dangerous criminals—murderers and rapists—as well as pedophiles, who are most likely to reoffend if given the opportunity, is smart public policy. The time served for these crimes is outrageously low. The average time served by a rapist released from state prison is just 5½ years. For molesting a child it is about 4 years. And for homicide it is 8 years. My constituents and I consider those figures to be shockingly low, and I have no doubt most Americans would agree.

Reasonable people can quibble about the technical operation of the law, but to argue that one of Aimee's Law defects is that it will encourage states to increase these murderously low sentences misses the point—this is one of the central purposes of the legislation. The following comments were offered by opponents of Aimee's Law, and while I do not agree with everything contained within them, they deserve repetition here because they point to the value of the law. It will rachet up sentences.

Senator JOE BIDEN: "As a practical matter, this bill can only promote a 'race to the top' as States feel compelled to rachet up their sentences. . . ."

Senator RUSS FEINGOLD: "Here, of course, we are not preparing to pass a new federal murder, rape, or sexual offense statute. But we might as well do that because in Aimee's Law we are forcing the states through the use of federal law enforcement assistance funds to increase their penalties for these offenses. . . . Basically, this policy could force states to either enact the death penalty or never release a person convicted of murder on parole."

Senator FRED THOMPSON: "If you remember what I said a while ago, the name of the game is for the States to keep ratcheting up their incarceration time so they are within the national average. . . . The safest thing for it to do would be to give life sentences without parole. . . . For some people, I think that is a good idea anyway."

Representative JERROLD NADLER: "Here we are telling them, you had better keep ratcheting up your terms of imprisonment, no matter what you think is right, to match everybody

It's not as if murderers, rapists and child molesters become Boy Scouts after their release from prison. The recidivism rates for sex offenders are especially high. As the best experts who have studied this issue will tell you, "Once a molester, always a molester." The Department of Justice found in 1997 that, within just three years of release from prison, an estimated 52 percent of discharged rapists and 48 percent of other sexual offenders were rearrested for a new crime, often another sex offense.

Of course, states have the right to release convicted murderers, rapists and child molesters into their cities and neighborhoods. However, the question is, who should pay when one of these violent predators commits another murder, rape or sex offense in a different state? Should Pennsylvania, which has already paid a huge human cost with the loss of Aimee Willard, have to pay for the prosecution and incarceration of her killer, Arthur Bomar? Or should Nevada, which knew that Bomar was a vicious killer but decided to release him anyway, pay for the costs wrongfully inflicted on the state of Pennsylvania? The answer is obvious.

And it is not merely a question of fairness. Aimee's Law will also lead to more sensible decisions by states on which criminals to release, and which to keep behind bars. Previously, when a state released a murderer or sexual predator, it actually received at least a perceived economic benefit in the form of reduced incarceration costs. Moreover, since these criminals sometimes left the state, the state was rid of its problem. By reducing this perverse financial incentive, it may focus the decision purely where it should be, on the community safety issue: will release of this prisoner pose a danger to the community?

As to the concern that the bill is unworkable, I ask the critics this: what effort did you make to smooth out the edges you claim are rough? If half the effort spent trying to derail this legislation had been spent on perfecting the bill, I have no doubt a cleaner product would have emerged. But, the perfect should never be the enemy of the good. The bodies continue to pile up and some of the states' groups—the National Governors Association, the National Conference of State Legislatures, and the Council of State Governments—aggressively tried to kill a bill that will protect their citizens. But they failed, in part, because it is clear to the Congress that the states need to do more to protect the public from second attacks committed by convicted murderers, rapists and child molesters.

I will now address the operational and constitutional concerns raised about the bill. I will first begin with the premise behind Aimee's Law.

Aimee's Law targets an extremely narrow category of crimes: murder, rape, and child molestation. We're not targeting jaywalkers, shoplifters, or even drug dealers. We're targeting the worst of the worst. Any opponent of this bill must answer the following: "Should a pedophile have a second chance to live in your neighborhood?" Or, as so often is the case, a

The definitions attached to murder, rape and dangerous sexual offenses could not be clearer. For murder and rape we use the definition of these crimes found in the FBI's Uniform Crime Report. All 50 states are familiar and comfortable with these definitions. Out of recognition that states have varying laws when it comes to child molestation offenses, Aimee's Law adopts the definition for dangerous sexual offense found in chapter 109A of title 18. Given that the U.S. Department of Justice is tasked with administrating the law, using federal definitions for the crimes covered is sensible.

The next issue is when Aimee's Law applies. It was my intent, and is my interpretation, that the law applies to all second convictions that occur after the law takes effect on January 1, 2002. If this is judged not the case I would support the broadest possible reach that respects constitutional boundaries. Applying the law to all second convictions has at least four salutary effects: (1) From this day forward, states will begin the process of reforming their systems to end the revolving door for these most heinous crimes; (2) States will be encouraged to adopt Stephanie's Law, which has been constitutionally upheld as a way for states to keep dangerous sexual predators off of the streets after their prison sentences have expired; (3) States will find it useful to tighten dangerous loopholes in the Interstate Compact for Parole and Probation; for example, including changes consistent with the proposal submitted by the National Institute of Corrections; and (4) States will have a powerful incentive to work with the Department of Justice to better account for and monitor the thousands of murderers and sex predators already roaming the streets. America has been lax for far too long. Delay in implementing the law fully will cost additional lives.

This is how Senate Judiciary Chairman ORRIN HATCH explained the operation of Aimee's Law during Floor debate:

> Aimee's Law operates as follows: In cases in which a State convicts a person of murder, rape, or a dangerous sexual offense, and that person has a prior conviction for any one of those offenses in a designated State, the designated State must pay, from Federal law enforcement assistance funds, the incarceration and prosecution cost of the other State. In such cases, the Attorney General would transfer the Federal law enforcement funds from the designated State to the subsequent State.
>
> A State is a designated State and is subject to penalty under Aimee's Law if (1) the average term of imprisonment imposed by the State on persons convicted of the offense for which that person was convicted is less than the average term of imprisonment imposed for that offense in all States; or (2) that person had served less than 85 percent of the prison term to which he was sentenced for the prior offense.

Senator HATCH also offered this observation: "The purpose of Aimee's Law is to HATCH adds that the effect of truth-in-sentencing and sentencing reform is a more than 12 percent increase in the average time served by violent criminals in state prisons. That, I submit, is a positive development.

All that is needed in determining the expenses involved in a fund transfer is a handheld calculator. The calculations required to determine if a state is exempt from the fund transfer in Aimee's Law is more complicated, but certainly within the grasp of the professionals at the Department of Justice.

The state organizations' claim that the safe harbor provision makes Aimee's Law unworkable rings hollow given their intense lobbying for such protection. The FBI already collects detailed statistics on rape and murder, which make a national average easy to identify. As for dangerous sex offenses against children, this will take additional work, but it's worth it to protect kids from the lifetime devastation caused by molestation. I suspect that nearly all Americans would desire annual reporting of statistics that measure where their state ranks in comparison with other states for the specific crimes covered in Aimee's Law.

I expect that DOJ will annually compile a national average for the crimes of murder, rape and child molestation. DOJ will also compile the average term of imprisonment for those crimes in each state. If a state is above the national average for a particular crime it will be exempt in cases in which the released offender served 85 percent of his sentence. The numbers that DOJ produces for any given year will be the number used for all convictions that occur during that year. Remember, this section was added at the insistence of the states to protect states that are doing at least an average job of protecting their citizens and neighboring citizens. The original bill contained no such language. There is no need or desire on the part of the author of Aimee's Law to make this section any more complicated than necessary.

As an example, let's say Offender 1 commits a covered offense in state A in 1999 and then is released in 2003 and commits a covered offense in state B in 2005 and is convicted in that same year. DOJ should authorize a fund transfer if State A's term of imprisonment for the covered offense was less than the national average, using the latest sentencing data (probably from 2004). I do not expect DOJ to search back to 1999 to determine whether state A was behind the national average. Again, the national average is simply a benchmark to provide some relief to states, that do at least an average job of keeping certain violent offenders behind bars. Even if this state is average or better on sentences imposed, Aimee's Law would apply in this case if the criminal had failed to serve 85 percent of his sentence for his prior offense in 1999.

I'm more interested in murderers, rapists and child molesters serving appropriately long sentences than serving any particular percentage of their term. Most can agree, however, that a murderer, rapist, or child molester released before 85 percent of the expiration of a (minimum)

As to payment schedule, the Attorney General and the state affected have great latitude in arranging the transfer. Any federal crime funds (excluding funds designated to victims) can be used so long as the funds have not already been distributed. There is also flexibility as to the term of the payment.

As has been the case for administering the truth-in-sentencing grant program and other DOJ programs, the agency will presumably need to issue guidelines. I am confident that the U.S. Department of Justice can implement the law in a manner consistent with congressional intent that is both workable and fair.

Unable to defeat Aimee's Law in the court of public opinion or in Congress, some critics are girding for a constitutional challenge. Again, I would implore them not to spend their time on an effort, that if successful, would be welcomed by the child molester community. In any event, a careful review of Supreme Court decisions suggest that a challenge would be futile.

Some critics contend that Aimee's Law could run afoul of the spending clause because it coerces states, is not unambiguous and could induce the states to take action that is unconstitutional. The suggestion has also been raised that there could be a violation of the ex post facto clause.

In upholding the spending power of Congress in South Dakota v. Dole, the Supreme Court did, indeed, place limits on this power: (1) the requirement must be related to the purpose of the funding; (2) the condition can pressure but not coerce; (3) the condition cannot induce unconstitutional behavior; and (4) the condition must be unambiguous. A careful review exonerates Aimee's Law of all raised constitutional issues.

Aimee's Law is clearly related to the source of funding, dollars to fight crime. No one even contests this point.

While Aimee's Law certainly provides encouragement to states to increase sentences and improve post-incarceration policies, it does not rise to the level of coercion. Some opponents of the measure suggest that Aimee's Law does not create a large enough penalty to encourage states to take this action, since roughly seven out of eight repeat offenses occur in the same state as the first offense. I do believe that the transfer mechanism will result in increased public safety efforts on the part of the states, but the bill does so in a fair and reasonable manner.

Aimee's Law does not pressure states to adopt unconditional means to protect public safety, only reasonable ones. There are several constitutional steps states can take to reduce their potential liability under Aimee's Law. The law will provide a powerful incentive for states to better communicate with each other concerning each other's convicts. It should also provide increased incentive for the states to amend the Interstate Compact to give states the right to reject dangerous out-of-state offenders. States can also do a better job of monitoring their own released prisoners. They may also civilly commit certain offenders. I have never suggested nor would I condone a state that took action that exceeded constitutional boundaries.

Finally, Aimee's Law unambiguously imposes a condition on Federal money that passes constitutional muster. The language only affects federal money not yet distributed. The expectations are clear: A state will lose future federal crime dollars if it fails to protect other states from certain released criminals. The mechanism Aimee's Law uses may be novel. But, it is not constitutionally prohibited. The leading Supreme Court case on this matter, *Pennhurst State School and Hospital* v. *Halderman,* 451 U.S. 1 (1981) states: "[L]egislation enacted pursuant to the spending power is much in the nature of a contract: in return for federal funds, the States agree to comply with federally imposed conditions. The legitimacy of Congress' power to legislate under the spending power thus rests on whether the State voluntarily and knowingly accepts the terms of the 'contract.'" Again, Aimee's Law only involves federal crime funds not yet distributed.

Ex post facto concerns are similarly misplaced, since the clause applies to laws criminalizing behavior after that behavior has already taken place. The Supreme Court recently ruled in *Johnson* v. *United States,* 120 S. Ct. 1795 (2000) that for a law to have problems with this clause it must apply to conduct completed before its enactment and raise the penalty from whatever the law provided when he acted. Aimee's Law will have no effect on any particular criminal sentence already meted out. Aimee's Law does create an incentive for states to properly monitor those out of prison still under its jurisdiction. The bill should also spur states to develop laws similar to Stephanie's Law that provide for the post-incarceration civil confinement of certain dangerous sexual predators. Additionally, Aimee's Law should encourage states to increase penalties for crimes not yet committed, which is proper, constitutional, and necessary given the outrageously low sentences currently served by the average murderer, rapist, and child molester.

In conclusion, Aimee's Law will make America safer. While the safe harbor provision—added at the insistence of the states—has added complexity to the legislation, Aimee's Law is still a workable, constitutional effort to protect innocent citizens from a completely preventable type of interstate crime. The safe harbor was added as a way to offer relief to states with an above average criminal sanctioning system. If their is concern about its applicability, it could easily be removed. But perhaps we should watch this law in action before we begin tinkering with it. And for those who would seek to undermine, weaken, or repeal it, be warned that victims from around the country, the National Fraternal Order of Police, and the supermajorities in the House and Senate who support the bill stand ready to expose and block any effort to undo the benefits of Aimee's Law.

ENVIRONMENTAL COMPLIANCE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I would like to share with my colleagues some information about a new approach being explored to transition environmental compliance from what is widely perceived as an adversarial process to a cooperative, results-oriented effort between companies and state regulators.

So far, fourteen states have formed a Multi-State Working Group (MSWG), whose focus is to develop regulatory incentives that get companies to take a more proactive, systematic approach in managing their environmental impacts.

Oregon was one of the first states to implement an incentive-based environmental regulation program, which is uniquely tied to its permitting process. Through its Green Permits Program, Oregon Department of Environmental Quality will be awarding one of its first incentive based permits to a Louisiana Pacific (LP) building products plant in Hines, Oregon.

A key component of the Green Permits program is the adoption of an environmental management system that has enabled LP's facility in Hines to go the extra mile in exceeding the operating standards set by the state of Oregon. The Hines' plant has kept their air emissions to only 10 percent of the total annual levels allowed by its Oregon Department of Environmental Quality air permit and proactively works with a Community Advisory Council in addressing community concerns. In addition, more than $90,000 is generated each year through the plant's planer shavings recycling effort. These improvements have led to better cooperation with Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency.

The Green Permits Program has several benefits including addressing a wider range of potential environmental impacts on a regular basis and increasing communication and involvement between environmental agencies, communities and companies. Also, companies can improve credibility with stakeholders in addition to potential cost saving and operational improvements.

MIT AND CALTECH JOIN FORCES TO LAUNCH ELECTION TECHNOLOGY INITIATIVE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DELAHUNT. Mr. Speaker, as the dust settles over the presidential election of 2000, I hope we will treat our recent experience as an opportunity to adopt long overdue reforms in the way we run our Federal elections. I hope we will enlist our best minds in the effort to develop better systems and procedures that will restore public confidence in the accuracy and integrity of the electoral process.

In this regard, I want to call to the attention of my colleagues an initiative launched just yesterday by the Massachusetts Institute of Technology and Caltech, to develop a new voting machine that will be easy to use, reliable, secure and affordable.

With an initial grant from the Carnegie Corporation, the venture will bring together a team of leading experts in technology, design, and political science to develop technological solutions to the problems that have occurred not only in Florida but throughout the country.

This is a very promising development, Mr. Speaker, and I hope we will do all we can to foster such private sector initiatives. But we must also be sure that State and local election officials have the wherewithal to take advantage of new technologies. That is why when the 107th Congress convenes in January, I will join with Congressman Graham and a number of our colleagues in introducing bipartisan legislation to ensure the accuracy, integrity, and efficiency of future Federal elections.

The "Federal Election Standards Act" would establish a National Advisory Commission on Federal Election Standards to study the accuracy, integrity, and efficiency of Federal election procedures and develop standards of best practice for the conduct of Federal elections. The commission would have one year to complete its work.

Once the commission has issued its report, the bill would authorize Federal grants and technical assistance to States that wish to adopt measures for reform of their election procedures in a manner consistent with the standards.

The Act would not mandate changes in State practices, nor would it federalize election procedures. Rather, it would encourage State election officials to upgrade and modernize their election systems by establishing benchmarks for the conduct of Federal elections and providing the States with the resources needed to meet them.

Mr. Speaker, I hope that the next congress will take prompt action on this legislation, so that the most advanced nation on earth will have an electoral system that is up to the task.

[MIT News Office]

MIT, CALTECH JOIN FORCES TO DEVELOP RELIABLE, UNIFORM US VOTING MACHINE

(By Sarah H. Wright)

CAMBRIDGE, MA, DEC. 14.—The presidents of MIT and Caltech have announced a collaborative project to develop an easy-to-use, reliable, affordable and secure United States voting machine that will prevent a recurrence of the problems that threatened the 2000 presidential election. The announcement was made in a joint video news conferences at MIT and Caltech on Thursday. "It is embarrassing to America when technology fails and puts democracy to such a test as it did this month," said Caltech President David Baltimore, who opened the hour-long live teleconference in Pasadena, California. "Academic institutions have a responsibility to help repair the voting process so that we don't see anything like this again. This project is intended to protect the system from the problems we've seen in the last election," Dr. Baltimore said.

MIT President Charles M. Vest, speaking from Cambridge, echoed Dr. Baltimore's concern for the security and credibility of the voting process. "We must find a solution. Each of us must be confident that his or her vote has been reliably recorded and counted. A country that has put a man on the moon and an ATM machine on every corner has no excuse," said Dr. Vest. "America needs a uniform balloting procedure. This has become painfully obvious in the current national election, but the issue is deeper and broader than one series of events," said Vest and Baltimore in a Dec. 12 letter to President Vartan Gregorian of Carnegie Corporation of New York.

Gregorian said, "I want to congratulate the two presidents of our nation's most distinguished universities for their leadership in this welcome and timely initiative on behalf of our election system. Voting is the fundamental safeguard of our democracy and we have the technological power to ensure that every person's vote does count. MIT and Caltech have assembled a team of America's top technology and political science scholars to deal with an issue no voter wants ignored. This research is certain to ensure that America's voting process is strengthened-" Gregorian said he will recommend the Carnegie Corporation board fund the $250,000 initial phase of the research.

The grant will used by a team of two professors from each university who are experts in technology, design and political science. The four members of the team are Massachusetts Institute of Technology Professors Stephen Ansolabehere of political science and Nicholas Negroponte, chairman of the MIT Media Lab; and Caltech Professors Thomas Palfrey of political science and economics and Jehoshua Bruck of computation and neural systems and electrical engineering.

LESSEN CONFUSION

Professor Ansolabehere, speaking at the teleconference, said, "We are going to consider voting technologies from the paper ballots of the nineteenth century to the latest. First, we'll look, literally, at what people do in the voting booth. There, our goal is to lower voter confusion. "Second, we'll look at how votes are counted, comparing the precinct level to a central counting agency. We will look at the strengths and weaknesses of voting technologies, find the greatest weakness and work from there. Our goal is to find the most reliable among existing technologies." The first phase of the joint project—surveying existing technologies and setting up criteria—would be complete in about six months, Professor Ansolabehere added.

Professor Palfrey of Caltech noted there were "issues that didn't hit the press in Florida but that are critical, including comparing the cost of existing technologies to the cost of standardization and modernization, which could run into several billions of dollars. "But compare that one-time cost to the $300 billion annual defense budget. It's a small price to pay for modernizing democracy," he said. Professor Palfrey also noted other issues for the MIT-Caltech team to explore, such as the impact of the current system of election administration, which is "highly decentralized and fragmented," and the role of absentee voting, with its implied concerns of security, liability, privacy, maintenance and software development.

FEEDBACK

Professor Negroponte, chairman of the MIT Media Lab, spoke to his bi-coastal colleagues and the media about the actual interface between people and any voting machine. "Whatever is invented will include some interface with machines, whether we vote by computer, paper or in a voting booth. The Media Lab intends to make that interface as easy as possible," he said.

Professor Negroponte outlined the goals of the joint project from the perspective of design and feedback by comparing the act of voting with the act of pushing a button to summon an elevator. "Right now, there's no feedback at all in voting. You push the button. Nothing happens. It's like when you push the elevator button and nothing happens: you don't know if the elevator is broken or the light is broken. It would be good to have some degree of feedback in voting. For example, you might get some feedback saying, 'you voted for x,'" he noted.

ATM THE MODEL

The MIT-Caltech faculty team took a generally lighthearted view of the alleged challenges to the public of mastering new voting technology, despite months of. media attention to voter confusion over the various forms of ballots and punch-card machines that didn't punch. "Beware of the assumption that newer technology is more complicated. The trend is the opposite," said Dr. Vest. "Most people have been able to figure out ATMS. That's our model," remarked Dr. Baltimore.

Vest and Baltimore said the new technology "should minimize the possibility of confusion about how to vote, and offer clear verification of what vote is to be recorded. It should decrease to near zero the probability of miscounting votes... The voting technology should be tamper-resistant and should minimize the prospect of manipulation and fraud." The two university presidents proposed that their institutions give the project high priority for two major reasons:

"First, the technologies in wide use today are unacceptably unreliable. This manifests itself in at least three forms: undercounts (failure to correctly record a choice of candidate), overcounts (voting for two candidates), and missed ballots (machine failure or feeding error). Punch cards and optically scanned ballots are two of the most widely used technologies, and both suffer unacceptably high error rates in all three categories. For example, in the recent Florida election, optical scanning technology had an undercount rate of approximately 3 out of 1,000, and the punch card undercount rate was approximately 15 out of 1,000. Including the other two sources of errors, the overall ballot failure rate with machine counting was about three times this.

"Second, some of the most common types of machinery date from the late nineteenth century and have become obsolete. Most notably, many models of lever machines are no longer manufactured, and although spare parts are difficult to obtain, they are still widely used (accounting for roughly 15 percent of all ballots cast).

REPLACING LEVER MACHINES

"States and municipalities using lever machines will have to replace them in the near future, and the two most common alternatives are punch cards and optical scanning devices. Ironically, many localities in Massachusetts have recently opted for lever machines over punch card ballots because of problems with punch cards registering preferences."

Asked to comment on the project as scientists, both university presidents noted the convergence of history and technology as being especially promising for the development of a new voting machine. "This is a project we could have tackled any time, but the truly bizarre circumstances of the recent presidential election put it on the front burner. We are also at a technological point where a solution is highly likely," said Dr. Vest. "There are times when events overtake us. This is a good time and a necessary time to be doing this," said Dr. Baltimore.

The Massachusetts Institute of Technology and the California Institute of Technology have a relationship dating back to 1920 when MIT scientists' helped shape the chemistry and physics departments of the new California Institute of Technology. Dr. Baltimore, a 1975 Nobel laureate, served on the MIT faculty from 1968-90 and 1994-1997, when he was appointed president of Caltech.

THE INTRODUCTION OF THE COMMISSION ON ELECTIONS PROCEDURES ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HOLT. Mr. Speaker, even at the dawn of the twenty-first century, there are many states and localities that conduct their elections in ways that are outdated, slow, unreliable, inaccurate, and inaccessible to many.

One need not look further than the turmoil surrounding the 2000 Presidential election to see the disparities of our electoral process. For instance, while some counties in Florida have modern voting machines that leave little room for error, others use dated punch-card ballots, that can lead to the now-famous hanging and dimpled chads.

That is why I rise to introduce the "Commission on Elections Procedures Act," which establishes a bipartisan commission to study the Federal, State, and local electoral process and to make recommendations on the implementation of standardized voting procedures.

The long national nightmare of the 2000 Presidential vote counting has taught us, Republicans and Democrats alike, that we need to improve the instruments of voting and the means of electing our office holders. Even the Supreme Court Justices spoke of the need for uniform voting procedures.

Let me be clear: unlike some legislation that has been introduced in this regard, this is not a federal mandate of election standards. This bill simply calls for a study to determine if standardization is necessary and to recommend what changes can be made to improve our electoral process.

I understand that a rural state like North Dakota has voting problems that are different than those faced by a more urban state like New Jersey. Urban and rural areas have unique difficulties with voting. My legislation recognizes these differences and will work to find a common solution. While all areas could face problems of the cost of transition to a new system, I am confident that money can be found to assist the states in this area.

By establishing a commission to study the issue and to review the unique circumstances of each state, we have a chance to find a solution that will work for everyone.

I urge my colleagues to join me in supporting this important bill.

RECOGNIZING INTERNATIONAL DAY OF THE VOLUNTEER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. PELOSI. Mr. Speaker, on December 5th, I spoke to volunteers and staff at the Peace Corps headquarters here in Washington, D.C. to mark the International Day of the Volunteer. In 1985, the United Nations General Assembly declared December 5th as "International Volunteer Day" to honor the accomplishments of volunteers and volunteer organizations. It is a day to recognize volunteers, promote the concept of volunteerism, and provide an opportunity for volunteer organizations to come together for joint planning, service, and other activities.

Today I'd like to salute the 161,000 Americans who have served as volunteers in the Peace Corps since 1961. For 40 years, Peace Corps Volunteers have worked in over 130 countries to answer President John F. Kennedy's call to service: "Ask not what your country can do for you, ask what you can do for your country, and to the citizens of the world, ask not what America can do for you, but what we can do working together for the freedom of mankind." Volunteers have answered his call and helped pave the way for progress for countless individuals who want to build a better life for themselves, their children, and their communities.

This year, Peace Corps Volunteers, Trainees, and Peace Corps staff members will be participating in activities with other local and international volunteer organizations in their countries to mark this day, which takes on special significance this year as the launch for the United Nations International Year of Volunteers 2001—a world-wide celebration to recognize, support, and promote volunteering. In Lesotho, a Peace Corps volunteer will speak at a ceremony attended by members of the government. In Tanzania, there will be a special swearing-in ceremony of new volunteers. In Moldova, volunteers will raise funds for children's charities. In Washington, Peace Corps staff from headquarters will volunteer at Food and Friends to help deliver meals and groceries to families of people living with HIV/AIDS.

In honor of the International Year of Volunteers 2001, other international volunteer sending organizations such as Australian Volunteers International, Canada World Youth, United Nations Volunteers, and the United Kingdom's Voluntary Services Overseas are joining with the Peace Corps to make a commitment to expand their HIV/AIDS education efforts throughout the world.

Throughout the world, and particularly Africa, HIV/AIDS is having a devastating effect on people of all ages by threatening the future of development and well being of their communities. This year the Peace Corps launched a special initiative to retrain all 2,400 volunteers serving in Africa to become HIV/AIDS prevention educators. In a sign of solidarity and support, the leaders of Australian Volunteers International, Canada World Youth, United Nations Volunteers and the United Kingdom's Voluntary Services Overseas have joined with the Peace Corps in committing the best and most effective strategies to meet the enormous challenge of halting the spread of HIV/AIDS.

Today, I commend the Peace Corps and other volunteer organizations for being committed to spreading the concept of volunteerism. In honor of International Volunteer Day and the International Year of Volunteers 2001, it is my privilege to salute the important work of the Peace Corps and volunteers throughout the world.

FUNDRAISING SOLICITATIONS BY NONPROFIT ORGANIZATIONS

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. EHRLICH. Mr. Speaker, I wish today to announce the introduction of legislation that will help clarify the law regarding fund-raising solicitations by nonprofit organizations. I also want to recognize the efforts of my colleagues, House Government Reform Chairman DAN BURTON and House Postal Service Subcommittee Chairman JOHN MCHUGH, for their leadership on postal service issues.

Mr. Speaker, as you may know, Congress recognized the many important and worthwhile activities of nonprofits by establishing a nonprofit mail rate for charities, churches, educational, advocacy, and other nonprofit organizations. These are enumerated in the Postal Reorganization Act of 1970. One of Congress' objectives was to make it more affordable for nonprofits to solicit donations to fund their activities.

For a mail piece to be eligible for the lower nonprofit rate, Congress prescribed two requirements: first, the organization or mailer must be qualified to mail at the nonprofit rate; and second, the qualified organization must own the mail piece.

Over the last several years, the United States Postal Service, which has made great strides under Postmasters Runyon and Henderson, has increasingly applied the statutory standard of "ownership" in a way that may have a chilling effect on the use of nonprofit mail rates to solicit donations for charity, education, and advocacy.

The purpose of the bill I am introducing today is to clarify ambiguities existing in both law and Postal Service regulations with respect to fundraising. The bill clarifies the law so the Postal Service should not read the statutory "ownership" test so literally as to disqualify solicitation mail sent by otherwise eligible nonprofit organizations that negotiate a risk-sharing agreement with respect to their solicitation mail.

In my view, it is imperative that otherwise qualified nonprofit organizations be able to solicit donations at the lowest possible cost. When nonprofits conduct activities that further the purposes enumerated in the statute, for example to provide "safety net" social services, it eases the burden on government and taxpayers.

During a time in which Congress is attempting to allow taxpayers to keep more of their hard earned money, it would be advantageous for nonprofits to solicit individuals and families, who thanks to tax relief and their own individual initiative may have an extra few dollars to send to their favorite charity. Likewise, this Republican-led Congress is asking nonprofits to provide services the government has traditionally been ineffective or inefficient in providing.

Given this purpose, it would then be irrational for Congress to limit use of the nonprofit mail rate only to fundraising campaigns that raise donations sufficient to pay all solicitation costs. Otherwise qualified nonprofit organizations need to be able to negotiate the best deal they can for the professional fund-raising services the organization needs—whether it is creative, copyrighting, list analysis, mail piece introduction, or data entry.

It is important to point out the bill I am introducing is not a back door to allow unauthorized parties to mail at the nonprofit rate. Current law restricts an otherwise qualified organization from utilizing the nonprofit rate to sell goods or services. There are restrictions whether the item offered for sale is related to the organization's purpose or unrelated. Soliciting a donation, however, is different from promoting the sale of a product or service.

Furthermore, Congress has instituted reforms limiting a nonprofit's use of the special mail rate to sell products and services. The bill I am introducing today does not affect the reforms Alaska Senator TED STEVENS set in motion in the mid-1980s in this regard.

The bill also recognizes the subsequent reform Congress enacted to require sales promoted at the nonprofit rate to be "substantially related" to the purpose for which the nonprofit qualified for the nonprofit rate.

More importantly, this bill does not limit the Postal Service's authority to enforce any other section of the federal postal statutes. Accordingly, the Postal Service retains all of its tools to discover and prosecute fraud—a mission that I strongly support.

The problem addressed by this bill is the Postal Service's present interpretation of the statutory "ownership" standard, which is causing litigation and inconsistent application in solicitation cases.

I am aware of the ongoing discussions within the Postal Service and with nonprofit organizations to resolve this issue. I remain hopeful the Postal Service can correct this issue without Congressional intervention. Hopefully, this bill will encourage all parties to continue their constructive dialogue and, perhaps, prevent further unnecessary litigation.

INTRODUCTION OF H.R. 5655 TO DESIGNATE THE LANAI POST OFFICE, THE GORO HOKAMA POST OFFICE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mrs. MINK of Hawaii. Mr. Speaker, on December 13, 2000, I introduced H.R. 5655, to designate the Post Office on Lanai as the Goro Hokama Post Office.

Mr. Hokama has dedicated his life to the communities of Lanai and Maui and to the State of Hawaii. Mr. Hokama's leadership abilities and sense of public duty were apparent even in high school, where he was Student Body President. After serving two years in the Army, he returned to Lanai, and in 1954 he began his public service career which continues till this day. He worked for the Dole Pineapple Company from 1946 to 1991 and was a Member of the ILWU. He was elected by his union to serve on the International Executive Board, Division Executive Board and as a division representative steward, and served on the Membership Service Committee as well as actively participating on many negotiating teams.

Mr. Hokama has been involved in nearly every aspect of community life, everything from political offices to volunteering at Little League games. He served a total of 41 years on the Maui County Council and its predecessor, the Maui Board of Supervisors. He was Chairman of the Maui County Council for 16 years. He served as Chairman or Vice-Chairman of the Committee on the Whole, Finance Committee, Legislative Committee, Planning and Land Use Committee, and Federal, State and County Relations Committee.

He was a member of the Hawaii State Association of Counties (HSAC), serving as President 11 times and Vice President 4 times. In 1999 he was appointed to the State Public Employees Appeals Board.

Mr. Hokama was a Board Member of the Western Interstate Region from 1985 to 1994.

Mr. Hokama has been President of the Lanai School PTA, a Lanai Volunteer Fireman, Past Chairman of the Lanai Advisory to the Planning Commission, and was a past President of the Lanai Little League. In 1987, he won the Hawaii State Little League Baseball Outstanding Volunteer Award.

Mr. Hokama is currently the Chairman of the Maui County Hospital Management Advisory Committee and since 1998 has been Vice Chairman of the Maui Civil Service Commission. He also remains on the Board of Directors of the Maui Economic Opportunities, Inc., the Board of Trustees on both the Lanai Community Hospital and Maui Memorial Hospital, and has been President of the HAPCO. Lanai Federal Credit Union for over 30 years.

Goro Hokama has given himself, his time, and his life to our community and to our State. He is married and has two children, Riki and Joy. The naming of the Lanai Post Office as the Goro Hokama Post Office would be a way to honor and pay tribute to a great public servant.

HONORING WILLY AND THEKLA (STEIN) NORDWIND OF KALAMAZOO, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. UPTON. Mr. Speaker, I want to bring to the attention of the House of Representatives a very momentous event which occurred on September 25, 2000 and involved two constituents of mine: Willy and Thekla (Stein) Nordwind of Kalamazoo, Michigan.

After more than five decades of denials, avoidance and legal maneuvering, Germany—for the first time—returned to the rightful heirs, a major work of art previously confiscated by the Third Reich. On September 25, the Lovis Corinth painting, Walchensee, Johannisnacht (The Walchensee on Saint John's Eve) was returned to the heirs of Gustav and Clara Stein Kirstein in a ceremony which took place in the shadow of the Brandenburg Gate in Berlin. Thekla (Stein) Nordwind, niece of the Kirstein's, is the representative of the rightful heirs to whom the art was returned. Both Thekla (Stein) Nordwind and her husband, Willy Nordwind, were in Berlin for the ceremony.

As a result of this event, Ronald S. Lauder, Chairman of the World Jewish Congress' Commission for Art Recovery, stated, "After one year of negotiations, we hope this first step will correct some past injustices and that all works of art belonging to families of Holocaust victims will be returned. We will never forget the millions of lives that were broken or lost. We honor that memory by contributing to closing one of the darkest chapters in 20th-century cultural history."

Thekla (Stein) Nordwind said she accepted the painting, "Not only on behalf of the heirs of her aunt and uncle, but on behalf of so many others who want and need some acknowledgement and recognition of the devastation suffered by their families. Although no one can restore what was truly lost to so many families, the return of this painting is a symbol of the wish of the German Government to atone for the sins of the past."

I commend Willy and Thelka (Stein) Nordwind for their pursuit of justice and their perseverance, and I wish them all the best in the future.

HONORING THE JESUIT HIGH SCHOOL CRUSADERS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WU. Mr. Speaker, today I pay tribute to three great football teams in my district that have taken their respective state titles in the Oregon 2A, 3A and 4A divisions. I am pleased to represent the athletes, their families and their schools as they make the 2000 high school football season one that we will never forget.

Mr. Speaker, the Jesuit High School Crusaders, located in the heart of my district in Beaverton, were able to pull out a 38–28 win over North Medford High School. Led by Coach Ken Potter, the Crusaders captured their third Division 4A state title. The win came on the backs of Jesuit running back K.J. Jackson who rushed for 159 yards and two touchdowns, quarterback Mike McGrain, defenseman Mike Hass who had a 52 yard interception return and kicker John Dailey.

The Scappoose High School Indians, earned their first Division 3A-state title with an unbeaten season and a 28–14 win over Pleasant Hill. With a sensational defense and a star performance by senior quarter Derek Anderson, Scappoose dominated the division and the championship game. Coach Sean McNabb should be extremely proud of his team's achievement and I am sure that this title will be followed by more in the years to come.

Finally Mr. Speaker, the Amity Warriors, won their third straight division 2A-state title with a 49–15 win over Regis High School. This is the only time an Oregon public school has managed to win three straight state championships. The Warriors amassed an amazing 583 yards of total offense and held Regis to 67 rushing yards. I want to extend my warm congratulations to Coach Jeff Flood for another successful year.

The players, their families, their coaches, and their communities have all contributed to this fabulous football season. It is an honor and privilege to represent such talented athletes and I wish them continued success in academics, sports, and their future lives.

TRIBUTE TO DR. ROBERT C. PROPHATER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BARCIA. Mr. Speaker, I rise today to urge my colleagues to join me in honoring the life and work of Dr. Robert C. Prophater following his half-century service to his fellow man, as a physician, a leader and as a father. During his fifty year career, Dr. Prophater worked to improve the health and well-being of his community both as a doctor and as Vice President of Corporate Medical Affairs for Bay Health Systems in his home town of Bay City, Michigan.

For more than five decades, Dr. Prophater has applied his healing hands to the medical needs of those under his care. His dedication and devotion to the precepts of the Hippocratic oath serve as a model for younger physicians and those considering entering this honorable profession. Indeed, one has to look no farther than Dr. Prophater's family to find an example of his influence in drawing others to the medical profession. His son, Dr. Robert C. Prophater Jr., has followed in his footsteps and is also practicing medicine and saving lives.

During his long and venerable career, Dr. Prophater has taken seriously his duty to share his vast knowledge and experience with his colleagues as an active member of numerous medical boards and medical associations throughout the state of Michigan and the entire Midwest. Of all of these honors, perhaps closest to his heart was his tenure on the Board of Directors of the Bay Medical Center in his home town of Bay City, including a four year term as Board President.

While Dr. Prophater above all deserves our praise for his dedication to medicine, he has also made a tremendously positive impact on Bay City, where he has lived and worked since moving from Ohio in 1958. His civic involvement epitomizes the spirit of public service to which all citizens should aspire, but few ever achieve. During his time serving Bay City, Dr. Prophater volunteered his talents and intellect to the Bay Area Chamber of Commerce, the local advisory board for a professional football league, to the board of a local college and a host of other activities. In the classic American civic tradition, he also served his community in the political arena, including a stint as President of the Bay City Commission. His accolades are many, including the Michigan State Medical Society Community Service Award and induction into the Saginaw Valley Chapter of Commerce Hall of Fame in 1989.

Mr. Speaker, I earnestly hope my colleagues will join me today in publicly honoring Dr. Robert C. Prophater with the official gratitude of the United States House of Representatives for a lifetime of contributions to the health and welfare of his community, his state and his family.

CONTINUING HEALTH CARE ACTIVITIES OF THE GOVERNMENT REFORM COMMITTEE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BURTON of Indiana. Mr. Speaker, as we close out the 106th Congress, the Government Reform Committee, which I am proud to serve as Chairman, is continuing several health care oversight activities.

Last year we began a review of this nation's vaccine immunization program. While childhood immunizations have been lauded as one of the greatest advances in public health of the twentieth century, we have learned that there is a paucity of research evaluating the long term safety of these vaccines, particularly as they are currently given to babies, six shots in one day. We also have learned that the epidemic rise in pervasive developmental delays including autism may be unrecognized adverse effect of vaccines. Research conducted in England discovered that autistic children, who also suffer with chronic diarrhea and bowel disorders, have the measles virus in their bowel. We also learned that many of these vaccines are made with the preservative thimerosal. Thimerosal is a derivative of mercury, which is a known neurotoxin. We learned that mercury toxicity has very similar symptoms to autism. Many children who are treated for mercury toxicity show an improvement in the autistic symptoms.

I have asked the Department of Health and Human Services to recall vaccines that contain thimerosal since most of the vaccines on the childhood immunization schedule are now available without thimerosal. However, thus far, they are satisfied with allowing companies to continue to sell these vaccines and putting 8,000 children in the United States at risk for mercury toxicity. As part of this investigation we looked at the advisory committees at the Centers for Disease Control and at the Food and Drug Administration and found that many of the individuals appointed as advisory council members had significant financial ties to the pharmaceutical companies that manufacture the vaccines under consideration. The report of our findings is on the Committee website.

As part of our vaccine investigation, we looked at the Defense Department's Anthrax Vaccine Immunization Program. We found that this well-intentioned program had many problems and I have supported legislation that would halt the program. The existing anthrax vaccine manufactured by Bioport Inc. in Lansing, Michigan was licensed in 1970 to protect against cutaneous exposure to the anthrax. It was not originally licensed to protect against inhalation anthrax. While the label states that less than one percent of individuals who receive the vaccine will suffer an adverse events, each of the prospective studies that have been done have shown that in excess of twenty percent of those who receive the vaccine suffer an adverse event. Many of these events have proven difficult to treat and are very similar to those seen in Gulf War Syndrome. An investigation conducted by the General Accounting Office indicates that the mandatory AVIP program has resulted in a significant morale and retention problem.

There are some that think that because I have dared to initiate an oversight investigation into vaccines, that I am anti-vaccine. Nothing could be further from the truth. I believe that safe and effective vaccines should be made available to everyone with full declaration of the benefits and the risks involved. I also believe that we need to do more research to determine who will be at risk for adverse events and that just because a vaccine is licensed does not mean it needs to be added to the children's immunization schedule to be mandated at the state level. We saw with the rotashield vaccine investigation that the move to put this vaccine on the schedule took place before the vaccine was even licensed. There is concern we have gone too far in our desire to protect the public at large from infectious diseases by mandating every vaccine that is licensed instead of only those that are truly significant health concerns in this country. There is a tremendous difference between the consequences of polio and those of chicken pox.

Also during the 106th Congress, we have conducted an investigation into the role of complementary and alternative medicine in our health care system. Americans are increasingly turning to therapies such as acupuncture, massage therapy, chiropractics, naturopathy, touch and energy therapies, herbal medicine, traditional healing systems such as Ayurveda, Tibetan Medicine, Traditional Chinese Medicine, Native American medicine, mind-body techniques, aromatherapy, nutrition, and music therapy to improve their health. We have conducted numerous hearings looking at ways to improve cancer care through the integration of complementary and alternative medicine in oncology.

I was pleased to introduced H.R. 3677 the Thomas Navarro FDA Patients Rights act this past spring. Four year old Thomas, who was shown to the world by Ambassador Alan Keyes during the Republican debates, was diagnosed with medulloblastoma, was denied access to a non-toxic cancer treatment by the FDA because he had not first gone through and failed chemotherapy and radiation. After his initial surgery, Thomas' parents, Jim and Donna Navarro, looked at the benefits and risks of these two treatments and found that the success rates had been overestimated and that the risks were too much to ask of them without first trying something less risky. We learned that of the three chemotherapy drugs which are routinely recommended to treat this cancer, two of them clearly state on their label that they have not been proven to be safe and effective in the pediatric population. In other words, the drug had not gone through the rigors of an FDA approval process for treating medulloblastoma or for use in children. I am very concerned that the FDA will force cancer patients into treatments they as an agency have not evaluated while denying them access to a clinical trial that the FDA is monitoring. I was pleased that many of my colleagues joined me in support of this legislation. This issue points to something that we are lacking in this country—medical freedom. In the United States, a country based on freedom, we are not guaranteed the freedom to make our own health care choices. Americans are tired of this and I will continue working to change this.

We also looked at the role of improving care at the end of life. We learned that 38,000 World War II veterans die each month. Many of them die alone and in pain. Our veterans deserve better from us and I will continue to work to improve this.

We learned that the hospice approach to care, which many of us know from personal family experience has great benefit, that has been underutilized. We also learned that many complementary therapies such as music therapy, touch therapy, aromatherapy, massage, whole life review, and acupuncture offer a great benefit to the terminally ill. The importance of the hospice team approach was stressed as well. That is a team of patient, and care givers, doctor, nurse, chaplain, home health aid, social worker, and the tireless hospice volunteer working to offer care to the terminally ill and their family. Comfort rather than curative care is offered and oftentimes when spiritual, relationship, and personal healing can take place.

We will continue working on these issues as well as working with the White House Commission on Complementary and Alternative Medicine Policy and improving our health care system with the integration of complementary and alternative therapies.

IN MEMORY OF DR. CONRADT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HALL of Texas. Mr. Speaker, I rise to pay tribute to an outstanding citizen of the Fourth District of Texas, the late Dr. L.W. "Bob" Conradt of Terrell, who died on November 8. Dr. Conradt was an active and beloved member of his community—and he will be dearly missed.

Dr. Bob Conradt served Terrell as an excellent doctor. After closing his office where he practiced medicine for 26 years, he joined Blue Cross-Blue Shield as a Vice-President and medical director and served in that capacity until he retired in 1986. His community endeavors included membership in the Kaufman County Medical Society and the Texas Medical Association, as well as serving as President of the Terrell Independent School District School Board from 1963 to 1970. He also was a member of the Executive Committee of the Texas Association of School Boards, and active member of the Episcopal Church of the Good Shepherd, and a Scout Master for the Terrell Boy Scouts. As evidenced in all of these commitments, Dr. Conradt gave his time and energy to helping make Terrell a better place in which to live.

Dr. Bob Conradt was born in Lometa, Texas on March 9, 1921, to the late Albert Herman and Lennie Mae Cornelius Conradt. He attended Tarleton State University, the University of Texas, Baylor College of Medicine and graduated in the very first class of the University of Texas Southwestern School of Medicine in 1944. He served in the U.S. Army while attending medical school, and upon graduation he was stationed at Fort Bliss in El Paso, Texas as the General Medical Officer. In 1947, his military service was completed and Dr. Conradt moved his family back to Terrell, where he began his medical practice.

Throughout his distinguished career as a doctor in Terrell, Dr. Conradt received many recognitions, including Terrell Rotary Citizen of the Year in 1965, President of the Society of Life Insurance Medical Directors in 1985, and Advisory Trustee to the Episcopal Church and the Diocese of Dallas from 1962 to 1967.

He is preceded in death by his wife, Montie K. Conradt and his daughter, Montie Cathleen Conradt. He is survived by his son, Bill Conradt; a daughter, Patricia Conradt; grandsons, Tracy and Rob Morgan; son-in-law, Joe Morgan; and many other family members and friends.

Mr. Speaker, Bob was one of a kind—and we will miss him. As we adjourn today, let us do so in memory of Dr. L.W. "Bob" Conradt.

TRIBUTE TO CONGRESSMAN CANADY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. ADERHOLT. Mr. Speaker, today I would like to pay tribute to man who has not only been an outstanding Member of the U.S. House of Representatives, but also a good friend and a help to me during my time in Congress. CHARLES CANADY, first elected in 1992, has been a leader on Judiciary issues, and a shining example of a citizen legislator who kept his word, and now returns to his home state of Florida to pursue other endeavors.

There are two issues on which I have especially appreciated Congressman CANADY'S legal knowledge and leadership. The first is the issue of partial-birth abortion. Congressman CANADY has been an eloquent and persistent voice on behalf of the most innocent and defenseless in our society. Although the outcome of his diligent efforts may not yet be what we would have hoped, his vigilance will be the foundation on which we will one day build the law that will outlaw this barbaric procedure.

The other issue is Congressman CANADY'S effort to protect religious liberty in America. Responding to the constant attacks on the free exercise of religion, Congressman CANADY has led the fight to restore the Constitutional protections for religious expression that our Founders intended, and to ensure that people of faith need not live as second class citizens in a nation that was founded on the principle that religion was an integral part of societal life.

For these reasons, and for many more, I thank Congressman CANADY for his service in Congress, and for his friendship. I wish him Godspeed in his pursuits upon his return home to Florida.

COMMEMORATING THE ARDENNES AMERICAN CEMETERY AND MEMORIAL

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KIND. Mr. Speaker, on December 4, 2000, I and my good friend from California, Representative SAM FARR, had the honor and privilege of visiting the Ardennes American Cemetery and Memorial, near the village of Neupre in Belgium. The visit was an extremely moving experience, and I am grateful to have had the opportunity not only to view the beautifully maintained cemetery and memorial, but to lay a wreath in honor of the Americans who gave their lives in protection of their nation and the liberation of Europe.

The Ardennes American Cemetery is one of 14 permanent American World War 11 military cemeteries constructed on foreign soil by the American Battle Monuments Commission. It lies among the battlefields of the Ardennes plateau, across which American and Allied forces courageously fought their way first to the German frontier, then to the Rhine River, and eventually into the very heart of Nazi Germany. On December 16, 1944, a major German counteroffensive stalled the Allied advancement across the Ardennes. The "Battle of the Bulge," as the Ardennes-Alsace Campaign has come to be known, proved to be a furious struggle in bitter cold and harsh conditions, and in the first days of 1945, all attacks ground to a halt. On February 2, 1945, the First U.S. Army struck out to the Roer River. Six days later, the Canadian First Army advanced to the southeast, followed by a converging attack in the northeast by the Ninth U.S. Army. In the following weeks, the Allies found success and continued their march eastward toward the Rhine River. By the end of March, Allied armies, including French forces, advanced into Germany across a broad front.

Allied forces liberated the site of the Ardennes American Cemetery in September 1944, and a temporary cemetery was established on February 8, 1945. After the war, the remains of American military personnel buried in temporary cemeteries were moved to the new permanent foreign cemeteries upon the request of next of kin. Many of those interred at the Ardennes American Cemetery died during the Battle of the Bulge and the subsequent offenses and counter-offenses in the region.

The beauty and grandeur of the cemetery and memorial at Ardennes quietly convey the courage and sacrifice of the Americans who lost their lives on foreign soil while fighting for the highest principles on which their nation was established. The grounds and visitor center are wonderfully maintained by a diligent and knowledgeable staff. In particular, I would like to thank the Cemetery Superintendent, Hans Hooker, and his wife Virginia, for the wonderful treatment our delegation received on our visit. I would also like to recognize Vincent Joris for his valuable contribution in the upkeep of cemetery.

One of the more interesting and heartwarming aspects of the Ardennes cemetery is the support and commitment shown to it by the people of Belgium. In fact, 85 percent of the soldiers' graves at Ardennes are "sponsored" by a Belgian family, who watch over the site, ensure that it is in a good state of repair, and even place flowers or other memorials at the grave on special occasions. All Americans should be very grateful for this outpouring of fellowship and allegiance by the people of Belgium.

Representative FARR and I were honored to be the first members of Congress to visit the Ardennes Cemetery and Memorial in its 55 year history. As we laid a wreath for those who perished during World War 11, and gazed upon the crisp rows of white crosses, I was struck by a sense of awe, pride and humility. Over 5,000 men are buried at Ardennes, more than 100 of which hailed from my home state of Wisconsin. Men from almost every state are buried there, as well soldiers from 11 countries. The unity of effort to defeat Nazism and fascism is reflected in the solemnity of the individual grave markers creating the greater unit of a single, expansive cross.

I encourage all Americans to take advantage of the enriching experience of visiting U.S. battle memorials and cemeteries when traveling overseas. Such excursions give individuals and families an opportunity to reunite with their past—to find and touch the graves of friends and loved ones lost in the great battles of the 20th Century, or simply to study a chapter of American history in surroundings that inspire both pride and reflection. In fact, in Fiscal Year 1999, over 10 million visitors were hosted by the American Battle Monument Commission, at 24 permanent cemeteries and 27 memorials located in 15 countries around the globe.

I also commend the Commission and their staff worldwide for their dedication to the preservation of American graves, American history, and American principles. As the battles of the World Wars begin to fade into history, it is important that we, as a nation, recognize and reflect on our past involvements across the oceans. These experiences shaped the course of our Nation's greatness in the years since, and neither those events, nor the men and women who perished in their making, should ever be forgotten.

HONORING THE ACHIEVEMENTS OF DR. ROBERT ALEXANDER UPON HIS RETIREMENT FROM THE UNIVERSITY OF SOUTH CAROLINA AT AIKEN

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GRAHAM. Mr. Speaker, it is a great honor to recognize the impressive achievements of Dr. Robert Alexander. On June 30, 2000, Dr. Alexander retired from his position as Chancellor of the University of South Carolina at Aiken. He has been a leader in the Aiken community and his retirement leaves a great void in South Carolina Higher Education.

Dr. Alexander was born in the small coastal town of Kinston, North Carolina. A product of the public school system, Dr. Alexander earned a Bachelor of Arts in Political Science from Duke University, and later a Masters of Divinity.

In addition, Dr. Alexander received management certification from the University of South Carolina and the Harvard Business School.

Before earning his Doctorate in Higher Education in 1977 from the University of South Carolina, he held a number of administrative posts in student services. Following receipt of his doctorate he became an Associate Professor in the College of Education and later served as an Associate Vice President of the University of South Carolina system.

In 1983, Dr. Alexander, his wife Leslie, and their son Robert moved to Aiken.

From the beginning, Dr. Alexander used his management expertise and experience to magnify the University of South Carolina at Aiken's (USC-Aiken) already vital role in South Carolina. He worked tirelessly with leaders from business, government, and the education communities to forge new avenues of cooperation that benefited USC-Aiken and the people it serves.

Under Dr. Alexander's leadership, USC-Aiken, once a small branch of the University of South Carolina, is now thriving. Enrollment has doubled, and student/faculty ratios are among the lowest within South Carolina's state assisted four year public institutions. Undergraduate degree programs have tripled, and several graduate programs have become a part of the university.

USC-Aiken has seen dramatic improvements in its infrastructure during Dr. Alexander's tenure. Among them are the expansion of the Gregg-Graniteville Library and the Etherredge Center for Fine Arts in 1986, and the Ruth Patrick Science Education Center and the School of Nursing Building in 1999; construction of a state-of-the-art Sciences Building in 1989; the Children's Center and the Ruth Patrick Science Education Center in 1991; the Business Education Building in 1994; the DuPont Planetarium in 1995; the natatorium in 1997; relocation of the historic Pickens-Salley House to the USC-Aiken Campus; and acquisition of Pacer Downs student apartments.

Due in large part to his efforts, the endowment of USC-Aiken is now more than $11 million with 13 endowed faculty chairs. This endowment allows USC-Aiken to offer programs and services not usually found at state-assisted institutions of similar size.

He worked diligently with the US Department of Commerce and the BellSouth Foundation to create the Rural Alliance for Teaching Enhancement. This Alliance significantly enhances the educational opportunities of students in rural public schools in a 10 county area by providing technological support.

Recently USC-Aiken received significant awards from the National Endowment for Humanities, the John Olin Foundation, and the National Science Foundation. These awards will contribute to the operations of the Ruth Patrick Science Education Center and the Economic Enterprise Institute.

Perhaps the most significant legacy of Dr. Alexander is the enhanced regional, state, and national reputation USC-Aiken has developed during his tenure. In 1999, U.S. News and World Report recognized USC-Aiken as one of the top three regional public liberal arts colleges in the Southeast. In their 2000 rankings, USC-Aiken is ranked second. The Southern Association of Colleges and Schools, the National League of Nursing, and the National Council for Accreditation of Teacher Education also recognize the many quality educational programs offered at USC-Aiken.

Dr. Alexander's commitment to the community does not end with the university. He is an honorary member of the USC-Aiken Alumni Association. He also is an active member in the Aiken Rotary Club where he served as a member of the Rotary International District Scholarship Committee and on its board of directors. He also served on the Executive Committee of Security Federal Bank, the Executive Committee for the Economic Development Partnership of Aiken and Edgefield

Counties, as a member of the board of trustees for Aiken Regional Medical Centers, on the vestry of St. Thaddeus Episcopal Church, and continues his work with the Diocese of Upper South Carolina's youth programs.

He once served as Chairman of the Savannah River Regional Diversification Initiative created by the US Department of Energy. He served on the board of directors for the Greater Aiken Chamber of Commerce where he was president in 1987, the United Way of Aiken County, and the Business Technology Center. Dr. Alexander held positions on the advisory board of Citizens and Southern National Bank of South Carolina, and the Aiken County Commission on the Future. He is also a past trustee of Hopeland Gardens and a chairman of the Peach Belt Athletic Conference.

He served as the Chairman of the South Carolina Council of State College and University Presidents as well as their representative on the Business Advisory Council of the South Carolina Commission on Higher Education, on the executive committee of South Carolina 2000 where he spearheaded the development of the South Carolina University Research Consortium, as a member of the Commission of the Future of South Carolina, South Carolina Council of Economic Education, Vice President of the Strom Thurmond Foundation, Board of Visitors for the Kanuga Conference Center in Hendersonville, North Carolina. Nationally, Dr. Alexander was appointed to the National Advisory Committee of Student Financial Assistance in 1991 and served as the committee chair from 1995–1997, past chair of the Modernization Task Force of the American Association of State Colleges and Universities, past member of board of director for the Institute for Continuing Education for the National University Continuing Education Association, and past member and institutional representative for the Association for Higher Continuing Education.

Through all of his hard work and determination to make a difference, Dr. Alexander has collected many deserving awards and honors.

In 1999, he received the Earl Kaufftman Award from the USC-Aiken Academy for Lifelong Learning for his commitment to providing educational opportunities for senior citizens. The Student Personnel Association at the University of South Carolina awarded him the Distinguished Alumnus of the Year in 1996. In 1990, the University of South Carolina Black Faculty and Professional Staff Association honored him with an honorable mention award for Affirmative Action. The South Carolina Association of Higher Continuing Education presented him with the Outstanding President's Award in 1987. In 1985, Dr. Alexander was selected as Man of the Year by the Greater Aiken Chamber of Commerce.

He reached the pinnacle of service to the State of South Carolina in May of this year when he was bestowed the Order of the Palmetto, the highest designation the governor awards to an individual.

Dr. Alexander's retirement as Chancellor of USC-Aiken closes a successful chapter in the school's history. He developed the university and its students in every way by surpassing his required duties in all areas. His years of service leave an indelible mark on the institution. Dr. Alexander's accomplishments will benefit countless others in the future, and his legacy will be solidified by the successes of future generations. A leader in the higher education field and a dedicated community citizen, Dr. Alexander will be sorely missed as Chancellor of USC-Aiken.

TRIBUTE TO MAJOR MICHAEL L. MURPHY

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. McINTYRE. Mr. Speaker, today I pay tribute to Major Michael L. Murphy of the United States Marine Corps for his distinguished service and courageous leadership on behalf of the citizens of this great nation.

Major Murphy gave his life in the line of duty on the evening of December 11, 2000. By risking his life to ensure the safety of others, he made the ultimate sacrifice that any citizen of this nation can make. He left behind not only a loving family, but also a community and a country who will forever be grateful for his heroism.

As an aviator in the Marine Corps, Major Murphy had dedicated his career to defending the values this nation holds dear. With over 16 years of experience in the military, he had received the Meritorious Service Medal and the Navy and Marine Corps Achievement Medal with a gold star for his integrity and courage.

Major Murphy's valiant actions and his outstanding service to this nation serve to remind us of the gratitude we all feel toward this brave individual, along with all other servicemen and women who have lost their lives serving as guardians of this great country.

President John F. Kennedy once said, "For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?"

Major Michael L. Murphy would truthfully have been able to answer each of these questions in the affirmative. He was indeed a man of courage, judgment, integrity, and dedication. May the memory of this brave individual live on in our hearts, and may God's strength and peace always be with his family and friends.

IN RECOGNITION OF MAJOR EDWARD J. MARTY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HALL of Texas. Mr. Speaker, today I honor and pay tribute to a great American, Major Edward J. Marty of Tyler, TX, to whom I had the privilege recently to present the Purple Heart Medal which he earned more than twenty years ago.

Major Edward Marty proudly and courageously served in the U.S. Army for 20 years, 8 months and 16 days. On January 1, 1969, 1st Lieutenant Edward Marty was wounded by a land mine while leading his platoon of the 1st Calvary Division through the marshlands and rice paddies of Vietnam. Due to fractures in his legs and arms and a traumatic eye injury, Lt. Marty was transferred to multiple hospitals and was never presented the Purple Heart Medal, as is traditional. After many months in hospitals, and exactly two years after he was wounded, Lt. Marty was sent back to Vietnam as an advisor to Vietnamese Rangers, but through some unfortunate oversight, he still never received the much-deserved Purple Heart while on active duty in the Army, or any time shortly following his retirement.

It was not until this year that Major Marty finally received his award, and I was honored to make the presentation on November 10, during a Veterans' Day program at John Tyler High School in Tyler, TX, where Major Marty serves as Smith County Assistant District Attorney. It was a moving moment for Major Marty—and myself—and I believe the ceremony had a special impact on students at John Tyler who know about the Vietnam conflict only through textbooks or personal testimony. Certainly, most of the students had never met a distinguished Purple Heart recipient.

As we all know, the Purple Heart is an honor launched by George Washington to recognize those who gave above and beyond the call of duty and who wear the scar of battle. Major Edward Marty is among this elite group of Purple Heart recipients who risked their lives and suffered injuries for the cause of freedom. So it is with great admiration that I recognize Major Marty today, and as we prepare to adjourn the 106th session of Congress, I ask my colleagues to join me in paying tribute to this true American hero—Major Edward Marty.

THE RESPONSIBLE MONITORING ACT OF 2000

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CANNON. Mr. Speaker, I rise today to introduce the "Responsible Monitoring Act of 2000." This bill is intended to make the Internet a better, safer place by encouraging voluntary efforts to detect and stop illegal activities. This legislation would provide real incentives for responsible monitoring by "E-commerce" businesses that host consumer-to-consumer transactions on their web sites. Allowing e-companies to monitor their sites and remove illegal goods and services offered for sale by others, is the right approach for a better Internet. Unfortunately, current law actually discourages E-commerce companies from even looking for illegal activity on their sites.

Under current law ignorance is bliss, and those companies most active in protecting their users are most at risk. This situation must be changed.

I realize that this bill will not be acted upon in the 106th Congress prior to adjournment, but I believe it is crucial to put the issue before the House now to get members thinking about a solution. As long as e-companies remain under the threat of litigation they will be reluctant to self monitor. I will reintroduce similar legislation in the 107th Congress and request hearings. I am aware, however, that content providers, privacy advocates, and others have concerns about this issue. I would like to invite all concerned parties to work with us in the next Congress to find a workable solution that addresses all concerns and encourages voluntary, responsible monitoring on the Internet.

A TRIBUTE TO TONY RUDY, A GOOD FRIEND AND A TRUE BELIEVER

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DELAY. Mr. Speaker, I rise today to pay tribute to a friend and colleague who, after eight years of service to the House of Representatives, is moving on. Every member of this House knows how important it is to have good staff. These are the people who run this institution from day to day. They are the people who do the grunt work, draft the bills, work long nights—all in service of the American people. And we, as Members of Congress, place our trust and careers in their capable hands every day.

I am very lucky. I have always been blessed with great staff. But every once in a while a truly special person comes along and inspires and energizes an office. I was lucky enough to have one of the best, one of the most committed, one of the brightest staffers on Capitol Hill working for me for the past five and half years. His name is Tony Rudy.

Tony came to work for me in 1995, just as I was beginning my time as Majority Whip in the House of Representatives. Being the Whip is hard work, and a lot of that work falls on my staff. These staffers devote a large part of their lives to making sure we get our work done, pass legislation and make the House of Representatives a livable place for Members of Congress.

And Tony is one of the best. He has held virtually every position in my office as he worked his way up the ladder. He started out as a Press Secretary and moved on to Policy Director and finally Deputy Chief of Staff. And he was superb in each of these positions.

As my Press secretary, Tony's hallmark was his ability to form real friendships with the Washington press corps. The people covering politics and Capitol Hill know that they can call Tony anytime and they can always trust what he has to say. Tony's authenticity and ability to form relationships has been instrumental to his success.

Next, I put Tony's commitment to the conservative cause to good use by making him my Policy Director. One of the things that I have always admired about Tony is his real commitment to the conservative agenda. He is not in Washington, DC for power or personal gain. He is here because he believes in what he is doing and because of his desire to make America a better place. And his commitment was on display every day as he moved through my office like a whirlwind, pressing staffers to do more, to work harder. He is personally responsible for the passage of much good legislation, but more importantly he was on the lookout for bad legislation.

More than a few bad bills found an early grave because of Tony's vigilance. Finally, Tony served as my Deputy Chief of Staff. In that capacity he became a not just great staffer, but a great friend. He was my gatekeeper and my watch-guard. In many ways, too numerous to list here, he made my life in Washington, DC tolerable.

Now, Tony has decided to move on to greener pastures. For five and half years, Tony was always on call. He worked countless late nights and weekends. Now, he has a beautiful new son and is time for him to step back and spend some time with his family.

Tony's departure is a personal loss for me, but I know that it is the right thing for him to do. I wish him the best in his new career and I wish him and his family all the joy and happiness in the world. After all of Tony's hard work for me and the American people, they truly deserve it.

TRIBUTE TO WILFRID A. GRANQUIST, JR. IN HONOR OF HIS 80TH BIRTHDAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to a very special husband, father, and grandfather, Mr. Wilfrid A. "Jay" Granquist, Jr. who celebrated his 80th birthday on November 22, 2000.

Born to Wilfrid A. Granquist, Sr. and Leona Ellis Granquist on November 22, 1920, young Jay became, by necessity, independent at an early age. Using his own resources, he survived and thrived during his adolescent years. Mr. Granquist served his country in defense of freedom in World War II and fought valiantly in the infantry during the Battle of the Bulge. Upon completing his service to our country, he became a metallurgical engineer of quality control with Westinghouse, which later merged with Bendix Corporation in Kansas City. He retired as a senior metallurgical engineer in 1981 after 21 years of service to the company.

Mr. Granquist met and fell in love with Margaret Lang while roller skating in 1939. During their first encounter, he cut his finger and asked his future bride to kiss it and make it better for him. On September 21, 1940 they were married and celebrated 60 years of matrimony this past September. Jay and Margaret have 3 children—Marilyn Leona Watson, John Lang Granquist, and Joyce G. Holland who will commemorate their father's 80th birthday on November 24 along with his 13 grandchildren and 8 great grandchildren.

One remarkable milestone that should be noted is Jay's 3 half siblings who he was recently reunited with—2 sisters and 1 brother. His half brother, James, celebrated his 50th birthday in 1999 and his wife, Rhonda, took it upon herself to invite Jay and Margaret to join them. This was most touching and heartwarming for all of the siblings.

Mr. Granquist has spent much of his retirement years volunteering for organizations such as Seton Center, St. Joseph Hospital, and the Red Bridge Lions Club. He has served as a lay minister in his parish, St. Thomas Moore, and is president of his homes association, Klatte Meyer Estates. His volunteer work at St. Joseph Hospital includes driving the Jitney to transport patients and visitors from the parking lot to the hospital. His friendly manner is appreciated, and it is noteworthy that Jay has never met a stranger. Other volunteers who appreciate his myriad skills fondly refer to Mr. Granquist as a "Jack of All Trades." His efforts at Seton Center include collecting and transporting food and bakery items to the Center for distribution to the needy. As part of the "Share of the Harvest" program for the Missouri Department of Conservation, Mr. Granquist transports fowl and venison for use by the Center. He is an avid woodworker, building food shelves and other essential construction needs at the Center. He revels in restoring airplanes and is a member of Save a Gonnie. Mr. Granquist is an advocate for neighborhood concerns and active in local political campaigns in Kansas City. In his spare time he enjoys square dancing with Margaret, refinishing fine furniture, and creating special gifts for family and friends. His generosity is umatched, and his selfless dedication to the greater good continues to motivate him to help his fellow man.

Mr. Speaker, on behalf of Mr. Wilfrid A. Granquist, Jr., his wife Margaret; his children, Marilyn, John, and Joyce, his grandchildren and great grandchildren, please join me in saluting the life of this remarkable gentleman and in wishing him a happy 80th birthday.

Thank you.

IN MEMORY OF JOHNNY CACE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HALL of Texas. Mr. Speaker, today I speak memory of a legendary East Texan, Johnny Cace of Longview, TX, who died recently at the age of 83. Johnny Cace was a household name in East Texas. His restaurant that bears his name is part of the culture of Longview, and Johnny was known as one of Longview's leading ambassadors of good will.

Johnny was devoted to his family, his community, and his church—and he was a friend to so many from all walks of life. Born Jan. 8, 1917, in New Orleans, he grew up working with his father at their oyster camp between school years, where he learned to harvest oysters and catch fish and cook. After graduating from Buras High School in 1933 as salutatorian of his class, he attended Louisiana State University and then moved with his family to Shreveport to open an oyster and seafood market. Johnny volunteered for the U.S.

Air Force during World War II and served four years as mess sergeant of officers' mess at Moore Field in McAllen.

Following the War, Johnny married Valerie Savony, now deceased, and moved to Longview in 1949, opening Johnny Cace's Seafood & Steak House. The restaurant moved to its present location in 1964 and expanded several times to its current seating capacity of 450. It is a popular location for various civic luncheons and special events in Longview, and its reputation for excellence has attracted patrons from all over the State of Texas.

Johnny was active and involved in the restaurant until his recent hospitalization. He served as president of the Texas Restaurant Association in 1967 and received the distinguished service award that year. He also served on TRA's State Advisory Council and was a longtime member of the board of directors of the East Texas Chapter of TRA and the state board of TRA. He was chosen as Texas Restaurant Association Man of the Year in 1967, was selected as Outstanding Restaurateur in 1961 by the East Texas Restaurant Association and as Outstanding Restaurateur in the State in 1970. In 1985, Johnny was selected as a member of the Texas Restaurant Association Hall of Honor, the highest honor one can receive in TRA.

Johnny's accomplishments in Longview were just as noteworthy. He was a lifetime member of the Longview Chamber of Commerce, having served as president and two terms on the board of directors. He was a founding member of Junior Achievement of East Texas. He served as district chairman of the Sustaining Membership Drive of Boy Scouts of the East Texas area. He was a past vice president of Longview Civitan Club. He served on the board of directors of Longview Bank & Trust Co., the Good Shepherd Hospital Foundation Board and the Operations Committee of St. Anthony's Catholic Church. As a member of the Longview Council of Knights of Columbus, Johnny was a Past Grand Knight of the Third Degree and Past Faithful Navigator of the Fourth Degree.

Johnny's other honors include the Boy Scouts of America Silver Beaver Award for Distinguished Service to Boyhood; the Headliner Award from the Professional Journalists; Man of the Year award by the Longview Federated Club; the East Texas Heritage Award from the Festival in the Pines; and in 1999, the Longview Partnership Chairman's Award. Johnny was an active member of St. Mary's Catholic Church, the Elks Club, Pinecrest Country Club and the Delta Fishing Club.

He is survived by his wife, Margaret Gregory Cace of Longview; son John III and daughter-in-law Linda of San Antonio; son Gerard and daughter-in-law Cathy of Longview; and son Danny and daughter-in-law Sarah of Tyler; seven grandchildren; a sister, Rose Cace Sanders of Shreveport; and numerous nieces, nephews and cousins.

Johnny Cace genuinely liked people and always had a smile and a kind word to say to those he met. He was a friend to so many from all walks of life—and he was liked by all who knew him. He was truly one of Longview's most influential "goodwill ambassadors," and he leaves a legacy of goodwill that will be remembered for many years to come. He also leaves a powerful family legacy in his sons, who are carrying on the family restaurant business and will help keep the Cace legend alive. Gerard operates the Longview establishment; Danny operates the restaurant in Tyler, and John operates the restaurant in San Antonio.

Mr. Speaker, it is an honor for me to pay my last respects in the Congressional Record to an outstanding American and an exemplary individual who was beloved by his family, friends, and the citizens of Longview, and who will be truly missed—Johnny Cace.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. BERMAN. Mr. Speaker, on Wednesday I had the unwelcome honor of participating in the funeral service for our beloved late colleague, Julian Dixon. I submit the remarks I made therein the Record.

It is said that grief and mourning are in reality selfish emotions, because we are really overcome by what we have lost. I'm feeling pretty selfish right now because I've lost my closest friend in public office.

It's a sunny morning in November, 1972 as I board the flight to Sacramento to attend freshman orientation for the newly elected members of the State Assembly. As fate would have it, my seatmate is Julian Dixon, whom I've never met before, also newly elected. It is the start of a deep and enduring friendship, an "odd couple" relationship between the slightly self-righteous Jewish guy from the San Fernando Valley—who cut his political teeth in the left of center reform wing of our party and the more moderate and wise African-American party regular from Central Los Angeles mentored by the late Speaker Jess Unruh and then State Senator Mervyn Dymally.

Together we went through a traumatic Speakership fight, Assembly leadership positions pioneering and often successful legislative initiatives, a wild and crazy Jerry Brown governorship and developed a relationship where we could share the most intimate of details and in subsequent years wonderful social occasions with our wives, Bettye and Janis.

Thomas Jefferson once wrote "on matters of style, swim with the current; on matters of principle, stand like a rock." He describes our friend.

Julian Dixon had the uncanny ability to stake out his position, detach himself from that position, step into the other person's shoes, subordinate his own ego and shrewdly calculate how to address his advisory's concerns in order to attain his original objective. If it meant taking less credit than he deserved, so be it. He surely holds the record for fewest press conferences by a Member of Congress.

But no one who knew him could mistake his calm demeanor, his thoughtful approach and his remarkable efforts at bipartisanship for a lack of passion or commitment to a progressive pro-civil rights, activist agenda.

One of the remarkable scenes on the House floor was watching this serene and sedate man rise to levels of eloquence and controlled anger at a demagogic attack or a rhetorical cheapshot. The hush that would envelope the chamber when Julian's voice rose was palpable. Be it an effort to override the decision of D.C. voters or its City Council through an amendment to his D.C. appropriations bill or an attack on the all too frequent disaster relief appropriations for Los Angeles, when the voting began Members you could never imagine would flock to his position, deferring to his judgment and moved by his passion.

But this was the unusual occasion. While I've chosen not to even attempt to enumerate them, most of his myriad legislative accomplishments were achieved behind the scenes, with little fanfare.

In the Spring, 1999, Justices Thomas and Souter appeared before his subcommittee to testify for the Supreme Court's budget request. The nearly complete absence of minorities and the under-representation of women as law clerks to the Supreme Court justices deeply disturbed Julian. In typical fashion, Julian did not seek to rectify the situation by crafting an amendment (which would never have passed), nor did he hold a high profile press conference. He did not hurl insults. Rather, with appropriate deference and a deft and direct explanation of just why this was so intolerable, he made his case and thanked them for listening. The Justices expressed their appreciation for the way he chose to deliver his message and lo and behold, in the next term the increase in minority and female clerks was dramatic, if not yet adequate—classic Julian Dixon.

As the Cold War ended, Julian left the foreign assistance subcommittee (where he had fought for foreign aid generally and aid to Israel specifically) and joined the defense appropriations subcommittee. As California slid into recession and unemployment in his own

This week's Congressional Quarterly headlined its article on Julian's passing—"Remembered for Selflessness, Taking on Thankless Tasks." He chaired the Ethics Committee for six years and has been the ranking Democrat on the highly sensitive House Intelligence Committee, where he grappled on a bipartisan basis with our country's critical national security issues. Little publicity, less glory and no fund-raising potential. Add to the "thankless tasks" his many years chairing the District of Columbia appropriations subcommittee, where he fought for the city in which he was born and raised, particularly because its residents to this day are denied equal political representation.

Now this latter position did carry some clout. In the mid-1980s, I accompanied Julian to an anti-apartheid demonstration in front of the South African embassy, a sure ticket to jail. When we were booked I remarked the jail looked rather spiffy. Julian indicated that indeed it did, that before the daily demonstrations started he had suggested to key D.C. officials that they might want to give it a new paint job to impress the many Congressmen who would be passing through.

Julian's loyalty to and love for the House was apparent to anyone who knew him. When Minority Leader Dick Gephardt asked me to take a slot on the Ethics Committee, Julian told me I had no choice—it was my obligation to the institution in which I had the honor to serve.

Julian's friends in L.A.—he loved them dearly and they loved him in return. When he first ran for Congress in 1978, he started as a distinct underdog, representing much less of the district than one of his opponents, much less well-known than the other. (Julian had mastered the art of remaining relatively unknown to the general public)—or so I thought until today. His friends came through for him like gangbusters. They set new records for fund-raising within the African-American community, providing the resources and the volunteers to send him to a substantial victory. He never forgot them.

I never met an elected official who was so attentive to people who could do nothing for him politically. He always had time to share a word with the Rayburn subway driver, the elevator operator, the committee secretary. There was always enough time to help the former staffer. He was not one to look over your shoulder to see if someone else in the room had more money, more power, more influence.

One of the true joys of my life in Washington were my frequent dinners with Julian. We glided from House business to local politics to our families effortlessly. From those dinners, Bettye, I know how much you meant to him, how strong you were, how proud he was of your tremendous success in business.

Julian was filled with good advice—but he was not infallible. One evening he indicated that he had begged Johnnie Cochran not to take the O.J. case, there was no way he could win and it would destroy his career.

Julian was a throwback to a different political era, where discourse was civil, where adversaries at work could have a drink together in the evening, where not every interaction was defined by whom was benefitted in the next election.

Perhaps, just perhaps, Julian Dixon's career and life can be instructive to us as we embark on a new Congress with a new President. I think the American people want what Julian offered—true to his beliefs and still able to see the other side, solving problems and working to make our community and country a better place—and even having a little fun while we're doing it. Dr. King once said "If a man is called to be a streetsweeper, he should sweep the streets even as Michelangelo painted or Beethoven composed music or Shakespeare composed poetry. He should sweep streets so well that the hosts of heaven and earth will pause to say, 'here lived a great streetsweeper who did his job well.' "

Julian—you were a great Congressman, and you did your job well. We'll miss you more than you could have imagined.

H.R. 4868

HON. BILL ARCHER

OF TEXAS

HON. PHILIP M. CRANE

OF ILLINOIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. ARCHER. Mr. Speaker, on behalf of myself, and my colleagues, Mr. CRANE and Mr. RANGEL, we would like to submit the following statement for the RECORD.

It has come to our attention that a clerical error occurred during the preparation of the final version of H.R. 4868, the Tariff Suspension and Trade Act of 2000. H.R. 4868 was enacted as Public Law 106–476 in November of this year.

The error occurred in Section 1425 of the bill. Section 1425 was intended to exempt certain entries of roller chain from additional dumping duties assessed by Commerce more than 2 years after importation. Unfortunately, as passed, a phrase was inadvertently omitted from Section 1425. We therefore wish to clarify for the record Congressional intent.

Section 1425 was intended to direct the U.S. Customs Service to liquidate certain entries of roller chain "as the rate of duty in effect at the time of entry." This phrase, "at the rate of duty in effect at the time of entry," was contained in the original draft of Section 1425. That language was omitted in the final version of the bill due to a clerical error.

In passing this provision, we believed that there would be no benefit to the government to collect these supplemental duties because the particular dumping case on these products has been "sunset," or terminated by the government, for any future imports. It was our intent that the entries at issue in Section 1425 be reliquidated by Customs at the rates of duty in effect at the time of entry.

IN HONOR OF THE LATE JUDGE JOSEPH N. FALBO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Judge Joseph N. Falbo, who passed away on October 27, 2000. Mayor Brian Stack and the Union City Board of Commissioners will hold a memorial service today to honor Judge Falbo and his distinguished career.

Judge Joseph N. Falbo was born and raised in Union City. After graduating from John Marshall Law School, he served in the Army Airforce during World War II. In the 1960s, Judge Falbo served as municipal and county prosecutor, and was appointed to serve as municipal judge in 1969 by Mayor William V. Musto.

At 83 years of age, Judge Falbo was one of the oldest judges in the State of New Jersey. While state judges are required to retire at the age of 70, there is no age restriction for municipal judges.

Judge Falbo served with great honor and integrity. Throughout his career, he continually demonstrated the deepest commitment to the laws of the United States and to the residents of Union City. He was a deeply compassionate man, who understood the differences and challenges faced by the people he served.

Today, I ask my colleagues to join me in honoring the life and career of Judge Joseph N. Falbo. This is a great loss for the community, and he will be deeply missed.

THE FARRI FAMILY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HILLEARY. Mr. Speaker, over three years ago I proudly announced the birth of Richard Vincent Farri, born to my good friend, U.S. Capitol Police Officer Vincent Farri and his wife, Christina. I am especially pleased to announce the birth of their second child, Paul Christopher Farri, on November 13, 2000, at 11:54 AM. Paul Christopher weighed 7 pounds, 15 ounces.

As Vincent, Christina and their toddler, Richard, adjust to the new addition to the family, I want wish them the best. Paul Christopher is a lucky young man. Not only does he have a terrific mother and father raising him, but he has a big brother who will be his lifetime friend.

Sgt. Farri is a valued friend. It gives me pleasure to submit these remarks into the CONGRESSIONAL RECORD recognizing the Farri family.

IMPOSING AMERICA'S VOTING SYSTEM

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I, along with my fellow colleagues, Representatives STEVE ROTHMAN, PATRICK KENNEDY and HEATHER WILSON, are pleased to introduce meaningful, bipartisan legislation to reform the administration of our nation's elections. The Election Reform Act will ensure that our nation's electoral prices is brought up to twenty-first century standards.

The Election Reform Act will establish an Election Administration Commission to study federal, state local voting procedures and election administration and provide grants to update voting systems. The legislation combines the Federal Election Commission's Election Clearinghouse and the Department of Defenses' Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, creating one permanent commission charged with electoral administration.

The Commission will be comprised of four individuals appointed by the President, with the advice and consent of the Senate. The Commission will conduct an ongoing study and make recommendations on the "best practices" relating to voting technology, ballot design and polling place accessibility. Under this legislation, the Commission will recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls.

It is vital that we establish this Commission as a permanent body. Many issues and concerns surrounding elections necessitate a continual review of ever-changing technologies. A permanent Commission will be best suited to facilitate the sharing of information about new, cost-effective technologies that can improve the way we administer elections in America.

COMMITTEE STAFF TRIBUTE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. McCOLLUM. Mr. Speaker, on December 7, 2000, I gave remarks reflecting on my years of service on the Judiciary, Banking and Intelligence Committees. Specifically, I paid tribute to the many committee staff members who worked tirelessly and made outstanding contributions during my years of service.

In those remarks, I failed to mention a few of those staff members, and wanted to submit a comprehensive list of those who I had the pleasure of working with in Congress. Without their efforts the work I accomplished would not have been possible. The public owes them many thanks.

COMMITTEE STAFF TRIBUTE: (1981–2000)

Doyle Bartlett, Chris Barton, Anita Bedelis, Yosef Bodansky, Mark Brinton, Aerin Dunkle Bryant, Dan Bryant, Audray Clement, Veronica Eligan, Rick Filkins, Carmel Fisk, John Heasley, Charlene Vanlier Heydinger, Gerry Lynam, Paul McNulty, Nicole Nason, Tom Newcomb, Jim Rybicki, Glenn Schmitt, Kara Norris Smith, Carl Thorsen.

HONORING DOMINIC D. DiFRANCESCO FOR FIVE DECADES OF SERVICE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GEKAS. Mr. Speaker, I rise today to honor Dominic D. DiFrancesco for five decades of service to the United States of America. Dominic served his country as a Korean War veteran and was the past National Commander of the American Legion. He also served as Pennsylvania's National Executive Committeeman.

On the national level of the American Legion, Dominic served as chairman of the Membership and Post Activities Committee and the Legislative Committee. He was also a member of the Public Relations Commission, The National Security Council and the Resolutions Sub-committee. Dominic has been an active participant in veteran affairs in the 17th Congressional District where he has been a strong advocate for the improvement of services to veterans.

Dominic also served as a special representative to Saudi Arabia prior to Desert Storm to gather information about the needs and concerns of U.S. soldiers.

Dominic has recently been honored in my district by having the Dauphin County veterans building named in his honor. The Dominic D. DiFrancesco Veterans Memorial Office Building stands as a testimony of the service of Dominic and the many veterans like him who have given so much to their country.

Dominic, thank you for your service to this great land of ours and to the 17th Congressional District, I know the entire United States House of Representatives joins me in honoring your many accomplishments.

INTRODUCTION OF H.R. 5668, SWEETEST ACT—SACCHARIN WARNING ELIMINATION VIA ENVIRONMENTAL TESTING EMPLOYING SCIENCE AND TECHNOLOGY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KNOLLENBERG. Mr. Speaker, today I submit legislation that would eliminate needless bureaucratic regulations in the labeling of the sweetener saccharin. I've called it the "SWEETEST Act" which stands for Saccharin Warning Elimination via Environmental Testing Employing Science and Technology.

Saccharin was first discovered in 1879 and it has been safely employed as a no-calorie sweetener for over one hundred years now. Concerns over saccharin's safety were first raised twenty years ago after a flawed study that administered huge quantities of the artificial sweetener to laboratory rats produced bladder tumors in rats. New and better scientific research has decisively shown that the earlier rat studies are not at all applicable to humans.

Earlier this year, the National Toxicology Program (NTP) removed saccharin from its 9th Report on Carcinogens. In doing so NTP joined numerous other world health agencies in recognizing the safety of saccharin.

NTP's action negated the need for the current warning label mandated by the Saccharin Study and Labeling Act of 1977 (SSLA) on all products containing saccharin. The Food and Drug Administration recognized that the mandated warning label is inappropriate and agreed to support its repeal.

This legislation removes Section 403, paragraph (o) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 343) and Section 4, paragraph (c) of the Saccharin Study and Labeling Act (P.L. 95–203). Those requirements formed the basis for the unnecessary warning statements found on common packets of sweeteners used every day in thousands of households and restaurants across the nation.

Given saccharin's favorable synergistic properties in combination with other sweeteners and its low cost, many food, beverage, and health care manufacturers are very interested in developing new products utilizing this sweetener.

UKRAINE AT THE DAWN OF THE 21ST CENTURY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. LEVIN. Mr. Speaker, today, as we conclude the work of the 106th Congress, it is appropriate that we mark an important milestone in Ukraine: This afternoon, at 1:16 local time, the Chernobyl nuclear power plant was shut down for good.

On April 26, 1986, Reactor Number Four at the Soviet-designed Chernobyl nuclear facility exploded, releasing more than 100 tons of lethally radioactive material into the environment. The human cost of this disaster is staggering. It is unlikely we will ever know how many deaths can be directly attributed to Chernobyl, but surely the loss of life is measured in the thousands. Hundreds of thousands more were subjected to radiation poisoning.

Nearly 15 years later, the consequences of the world's worst nuclear accident continue to plague Eastern Europe. Ukraine has been especially impacted. Vast tracks of once prime farm land remain dangerously contaminated. Thyroid cancer among children living near Chernobyl has risen to levels 80 times higher than normal. The concrete and steel sarcophagus that encases the ruined Reactor Number Four is leaky and in need of repair. In addition, the loss of Chernobyl's generating capacity exacerbates an already difficult energy shortage in Ukraine, which depends heavily on energy imports, especially during its harsh winters.

It is fitting that the first year of the new century should see the closure of this apparatus from a dangerous past. At the same time, we must be mindful that Chernobyl's legacy remains a heavy burden for the people of Ukraine which does not end with the shutdown of this facility today. The fatally flawed nuclear technology that build Chernobyl was truly a kind of Pandora's Box that, once opened, released lasting harm and grievous sickness into the world. The sole consolation is that we can yet hope to redress the damage.

The final closure of Chernobyl ends a tragic chapter in Ukraine's history, and begins a new one. I call on every member of the House to join with me in remembering the victims of this tragedy. Let us resolve to do our part to help Ukraine build a brighter future.

INTRODUCTION OF UNIFORM POLL CLOSING ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. MARKEY. Mr. Speaker, I am pleased to join today with my colleagues Senator STEVENS and Senator INOUYE, along with Representatives TAUZIN and DINGELL and 20 other Democratic and Republican House and Senate Members to introduce the bipartisan Uniform Poll Closing Act.

Over the years, both the Democratic and Republican parties have been concerned about the fact that the news media frequently projects a particular Presidential candidate to be the victor in key battlegound states before all the polls have closed nationally.

In 1980, many Democrats were outraged when Ronald Reagan was proclaimed the victor of the Presidential race on network television at 5:15 p.m. Pacific time. At that moment, polls were still open in approximately half the states, in every time zone—including many in the eastern and central time zones, and all the polls in the Mountain, Pacific, Alaskan, and Hawaiian time zones. As a result of the networks' decision, many voters felt there was no longer any point in going to the polls, a development which may have affected the outcome of many state and local elections. In 1984 and 1988 many Democrats feared that network's projections in the early evening that the Republican candidate was going to be the overwhelming electoral college winner may have again affected voting in many state and local contests in the west.

This year, many Republicans were angered when the networks projected AL GORE the victor in Florida, prior to the closing of polls in the Florida Panhandle. At the same time, some GOP lawmakers raised concerns that network projections regarding the likely victors in many other key Presidential battleground states in the East or Midwest may have affected voter turnout in other states in which the polls were still open.

I believe that there is a relatively straightforward way to reduce a repeat of these concerns: adoption of a uniform poll closing time for Presidential elections. That is why today, we will introduce legislation which would establish a uniform poll closing time. Under this bill, for Presidential elections, polls in all 50 states would close at 9 p.m. eastern standard time, which is 8 p.m. central standard time and 7 p.m. mountain time. In the Pacific time zone, in Presidential election years only, in order to achieve a 7 p.m. poll closing time, daylight savings time would be extended for two weeks. This will allow the polls on the West Cost to close at 7 p.m. Pacific daylight time.

The House approved identical legislation in 1986, 1987, and 1989, but it was never enacted into law. We have an opportunity now to rectify this situation, establish a uniform poll closing time, and minimize the potential that future premature projections by the television networks regarding the winners of a Presidential election will influence voter behavior in other states.

While the public may be divided over whom they want to see become our next President, both Democratic and Republican votes agree on the need to establish a uniform poll closing time. In fact, a recent CBS poll reports that 71% of the American public would like to see a uniform national poll closing time established. This reflects the public's recognition that standardizing poll closing times for Presidential elections would reduce the likelihood that when the television networks declare a winner in one state, they may depress voter turnout in any remaining precincts in the state in which the polls remain open, or affect voter turnout in other state across the country.

I look forward to working with Senator STEVENS, Representative TAUZIN, DINGELL, and other interested Members to advance this proposal. Over the last several days, I have spoken to Senator STEVENS, who has long been a leader on this issue in the Senate, and who had a strong interest in working out a formulation that would accommodate Alaska and Hawaii. With this bill, we have been able to accomplish that goal by allowing those states to open their polls on Monday afternoon and then bring them into the framework of the nationwide uniform poll closing time we are establishing for election Tuesday at 9:00 p.m. Eastern Standard Time.

In introducing this bill today, we are hoping to begin a debate on this issue by putting onto the table the main proposal that the House has previously approved, and we are open to considering other reasonable alternatives. What we would like to assure, however, is that this time, the Congress acts to reform the rules governing poll closing times in Presidential elections.

UKRAINIAN CARDINAL MYROSLAV LUBACHIVSKY 1914-2000)

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. KAPTUR. Mr. Speaker, Ohioans, particularly those of Ukrainian ancestry, were saddened to hear of the passing yesterday of Cardinal Myroslav Lubachivsky, the head of Ukraine's Greek Catholic Church. Cardinal Lubachivsky was born in 1914 in the town of Dolyna in the Western Ukrainian province of Galicia and died not far from there in the city of Lviv, where he served as Archbishop and Metropolitan for millions of Ukrainian Catholics worldwide, including many in Ohio. Although the Cardinal was born in Western Ukraine and served his people as their spiritual leader until his last days, he spent more than half his life outside his native land, including 33 years in the United States.

Cardinal Lubachivsky left Ukraine in 1938 as a young priest to study in Austria. After the Second World War, he came to America where he spent more than twenty years serving as assistant pastor at Sts. Peter & Paul Ukrainian Catholic Church in Cleveland's Tremont neighborhood. There he celebrated mass, presided over the marriages of happy couples, baptized their newly-born infants and spoke the final words over the graves of thousands of his parishioners. He even drove the school bus for children attending the parish grade school. This scholarly, yet humble man seemed content to serve God and his fellow Ukrainian-Americans in this quiet, unassuming way when unexpectedly he was elevated to be Metropolitan-Archbishop of Philadelphia. In 1980, he moved to the Vatican and in 1984, became worldwide head of the Ukrainian Greek Catholic Church following the death of the saintly Cardinal Joseph Slipy.

Joseph Slipy had become the head of the Ukrainian Greek Catholic Church in 1944 when Western Ukraine was incorporated into the Soviet Union. Prior to that, Western Ukraine had been part of the Austrian Empire and Poland. Almost immediately, the Soviet Secret Police started carrying out Stalin's order to liquidate the Ukrainian Catholic Church. The entire clergy was either arrested or forced to renounce their faith. Most declined to do so and ended up in Siberia or were shot. Archbishop-Metropolitan Slipy spent 17 years in labor camps until Pope John XXIII finally negotiated his release in 1963. As a cardinal of the Catholic Church, Joseph Slipy went to work rebuilding his church in the underground in Ukraine and in places like Cleveland, Ohio where Myroslav Lubachivsky served as assistant pastor.

In 1991 with the collapse of the Soviet Union, His Eminence Myroslav Lubachivsky, a Cardinal and a U.S. citizen, returned in triumph to the city of Lviv to preside over the Ukrainian Catholic Church and its historic St. George's Cathedral. "This native church of mine was resurrected and rose from the grave," he said at the time. Tens of thousands of Ukrainian Catholics, many weeping and singing hymns, lined the streets to greet their Cardinal and Archbishop-Metropolitan.

Cardinal Myroslav Lubachivsky had one of the most extraordinary and fulfilling lives that spanned nearly the entire 20th Century. He served through some of the most difficult periods of that turbulent era and he lived to see his faith and the faith of millions of his parishioners rewarded with the restoration of his church, which not only survived enormous evil, but ultimately prevailed over it. I join in paying tribute to this great man and offer my condolences to all those in Ohio and throughout the world who benefited from his spiritual guidance and leadership and now mourn his passing. With his entire life a prayer, Cardinal Lubachivsky walked in faith and toward the light that now shines over people and leaders that long for a new tomorrow. May he rest in peace.

RECOGNIZING HUGH C. BAILEY OF VALDOSTA, GEORGIA, FOR HIS RETIREMENT FROM VALDOSTA STATE UNIVERSITY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CHAMBLISS. Mr. Speaker, I would like to honor Dr. Hugh C. Bailey an exceptional citizen from Valdosta, Georgia, on his retirement as President of Valdosta State University.

Dr. Hugh Bailey was first appointed president of Valdosta State University in 1978 and has served admirably for twenty-two years. As a long time educator, Dr. Bailey is currently a member of the American History Association, American Red Cross, the South Georgia Chamber of Commerce, the Georgia Council on Economic Education and has served as the national president of Pi Gamma Nu.

Dr. Bailey was born in Berry, Alabama, and earned his master's and doctoral degrees from the University of Alabama. Furthermore, Dr. Bailey presided over the transformation of Valdosta State College into Valdosta State University and he oversaw the growing of Valdosta State University to be one of Georgia's two regional universities. I am very proud that my daughter, Lia, was in the second of Dr. Bailey's Valdosta State Universities graduating classes.

Mr. Speaker, I am proud to recognize Dr. Bailey for his dedication to the future of our young people. He is an extraordinary citizen, and I am proud of his achievements and accomplishments, which have done so much to improve the lives of so many people in the

Valdosta community and throughout Georgia. Dr. Bailey is a very good personal friend and I salute him for his dedicated service to the field of public education in our great state.

AMERICAN DEMOCRACY WAS MUGGED

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. OWENS. Mr. Speaker, the words of William Shakespeare's King Lear are ringing loudly in the ears of many Americans: "Fool me not to bear it tamely; touch me with noble anger." The old trusting king had just been grossly betrayed by two of his daughters. Collectively this nation has reason for an anger comparable to that of King Lear. In America the democratic process has just been mugged by the U.S. Supreme Court.

As loyal citizens we must obey any decision of the court. But we are not required to restrain ourselves from vomiting. Thomas Friedman, on the New York Times Op-Ed page (December 15, 2000) provides a summary of the Supreme Court's election "fix" which is as accurate as any that I have seen thus far:

". . . The five conservative justices essentially ruled that the sanctity of dates, even meaningless ones, mattered more than the sanctity of votes, even meaningful ones. The Rehnquist court now has its legacy: In calendars we trust."

So much was outrageous about this, blatantly partisan decision that it would be unpatriotic if we fail to keep the review and scrutiny of all the factors surrounding this decree alive and active. It is our duty to be conciliatory in going forward with the governance of the nation. It is also our duty to support the peoples "noble anger". I submit that the following RAP poem is one of many literary missiles that should be fired at this evil dragon decision into the CONGRESSIONAL RECORD.

ROBBERS IN ROBES

The Florida mob just made a hit—American Democracy mugged; Scalia was the bulldog in the pit.
Call 911, FBI, the CIA, Priceless voting rights, just been snatched away; By robbers wrapped in fine black robes; decent nations must now launch probes.
Achtung! Now hear this! Attack bulldog Scalia, Unarmed but dangerous; Beware of his tenacious bite, Any good truth may attract his sight.
Right over justice thieves vaulted; Struggling patriots got assaulted.
Tell your kids about the Supreme Court, at supper before they eat; Don't let young minds discover, Obscene decisions out on the street.
Our votes were precious gems, Won with faith and sacred hymns.
Call 911, FBI, the CIA, Priceless voting rights, Just been snatched away.
American Democracy mugged!

SENATE—*Tuesday, January 2, 2001*

(Legislative day of Friday, September 22, 2000)

ACCOMPLISHMENTS OF THE COMMITTEE ON VETERANS' AFFAIRS

• Mr. SPECTER. Mr. President, I have sought recognition today to summarize for my colleagues, and for the public, the activities and accomplishments of the Committee on Veterans' Affairs during the 106th Congress. I am pleased to report, as chairman of the committee, that this Congress has been one of significant accomplishment.

When this Congress convened, it was determined that three veterans' priorities needed to be met. We had to increase the availability of Department of Veterans Affairs (VA)-provided health care services, particularly long-term care services, to World War II veterans. We had to improve educational assistance benefits—so-called Montgomery GI bill or MGIB benefits—made available by VA to veterans, principally young veterans, newly released from service. And we had to address and rectify vestigial elements of discrimination against women contained in veterans' statutes. With the assistance of the committee's ranking minority member, Senator JOHN D. ("JAY") ROCKEFELLER IV, and in bipartisan partnership with all of the committee's members, we have achieved all three of these goals—and more.

First, with the enactment of the Veterans Millennium Health Care and Benefits Act of 1999, Public Law 106-117 (Millennium Act), the Congress provided for the first time that the most deserving of veterans—those with severe service-connected disabilities—will be assured of receiving nursing home care should they need it—and so long as they need it. Under the terms of the Millennium Act, any veteran who needs nursing home care to treat a service-connected disability will get it. Similarly, any veteran who is rated as 70 percent disabled or higher by VA due to a service-connected cause will be provided with needed nursing home care—even if the condition which causes the need for such care is not itself service-connected. Further, all veterans who are enrolled for VA care—even those who do not have service-connected disabilities—will, under the terms of the Millennium Act, receive any and all non-institutional alternatives to inpatient long-term care—services such as home health aide services, adult day health care services, and the like—as they might need to forestall the day on which they will have to resort to inpatient long-term care. Finally, the Millennium Act mandates that VA maintain the nursing home capacity that it now has, and that it initiate pilot programs to determine, first, the most cost-effective ways of providing more nursing home care to more veterans and, second, the feasibility of providing to veterans, and their spouses, assisted living services.

With enactment last month of the Veterans Benefits and Health Care Improvement Act of 2000, Public Law 106-419, the other two priorities which had been identified at the outset of the 106th Congress were also met. Under that statute, a veteran who has served a three-year enlistment and who returns to school after service will be eligible to receive as much as $800 per month in assistance payments while he or she is in school. In January 1997, when I assumed the chairmanship of the committee, veteran-students could receive no more than $427 per month in Montgomery GI bill assistance; thus, in four years, assistance to full time veteran students has been increased by 87 percent.

The Veterans Benefits and Health Care Improvement Act also addressed two issues of importance to women veterans: It provided that special compensation benefits—those provided to male veterans when they lose, due to a service-connected cause, a so-called creative organ—will also be afforded to women veterans who sustain the service-connected loss of a breast. And it provided—based on sound scientific evidence—that children with birth defects of women Vietnam veterans will be provided compensation, health care, and job training benefits.

These three measures—addressing the disparate needs of older, younger, and women veterans—are not the only veterans-related legislative accomplishments of the 106th Congress. To the contrary, the list of other legislative achievements is long. In addition to providing the long-term care benefits I have already outlined, the Millennium Act also specifies that VA will itself provide, or reimburse the uninsured costs of, emergency care needed by any veteran enrolled for VA care. It mandates, further, that VA enhance the services it provides to homeless veterans, and to veterans with post-traumatic stress disorders, drug abuse disorders, and injuries from sexual trauma. It provides, in addition, that higher priority access to VA care will be provided to veterans who were wounded in combat and are, as a consequence, recipients of the Purple Heart. And, finally, it authorizes VA to provide enhanced care, as space is available, to active duty service personnel and military retirees (who normally receive care from their respective military services), and reauthorizes the provision of health care evaluations to the spouses and children of Persian Gulf war veterans.

Further in the area of health care benefits, the Millennium Act and the Veterans Benefits and Health Care Improvement Act jointly enhance services provided to veterans by improving VA assistance to State-run veterans' nursing home facilities; by authorizing 13 major hospital construction projects; by improving provisions of law relating to nurse, dentist, and pharmacist pay and the recruitment of physician assistants, social workers, and medical support staff; by increasing VA incentives to collect reimbursements from non-service-disabled veterans' health insurance carriers—funds that are not remitted to the Treasury but are funneled back into VA hospitals; and by encouraging increased VA and Department of Defense cooperation in the procurement of pharmaceuticals and medical supplies. And last, but surely not least in the area of health care, VA's health care system received the two greatest increases ever in funding for fiscal years 2000 and 2001, increases of $1.7 billion and $1.4 billion respectively. The ranking member and I very much appreciate that the chairman and ranking member of the VA, HUD and Independent Agencies Appropriations Subcommittee, Senators BOND and MIKULSKI, heard our call for such funding increases.

In the area of veterans' readjustment benefits and other non-healthcare-related benefits provided by VA, I have already outlined the significant increases in monthly Montgomery GI bill benefits that have been gained since 1997, and the improvements in women veterans' benefits. Beyond these accomplishments, there is a lengthy and strong record of accomplishment. In addition to increasing veterans' educational assistance allowances, the Veterans Benefits and Health Care Improvement Act also increased education assistance benefits provided to the widows and surviving children of persons who were killed in service or who died after service from service-connected causes. And these survivors' educational assistance benefits were, for the first time, "indexed" by the Veterans Benefits and Health Care Improvement Act so that they will keep pace with inflation. The Veterans Benefits and Health Care Improvement Act

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and the Millennium Act also improved VA educational assistance programs by allowing benefits to be paid to students taking test preparation courses and certification or licensing examinations, and by paying benefits to students during term breaks and, retroactively, to students who are veterans' survivors and who are deemed eligible for such benefits only after their educations have begun. In addition, those statutes also expanded eligibility standards applicable to post-Vietnam era veterans by allowing those who had participated in the less generous Veterans Educational Assistance Program or VEAP program of the late 1970's and early 1980's to convert to Montgomery GI bill eligibility. Finally, the Veterans Benefits and Health Care Improvement Act liberalized MGIB participation rules so that officer candidates and veterans serving second enlistments would not, due to technicalities in the law, be denied Montgomery GI bill eligibility.

Benefits other than educational assistance benefits were also improved by the Veterans Benefits and Health Care Improvement Act, the Millennium Act, and other committee-approved legislation. Compensation benefits provided to radiation-exposed veterans were modified by the addition, under the Millennium Act, of bronchiolo-alveolar cancer to the listing of diseases that are presumed to be service-connected if they are contracted by radiation-exposed veterans. The Veterans Benefits and Health Care Improvement Act specifies that compensation will be provided, for the first time, to reservists who suffer heart attacks or strokes while on active duty and to veterans who are injured while participating in VA-sponsored compensated work therapy programs. In addition, that statute provides for a long-overdue increase in the net worth threshold at which compensation payments are suspended in certain cases involving veterans who are hospitalized on a long term basis, though I hasten to add that a repeal of this limitation—which, under current law, applies to mentally incompetent hospitalized veterans but not to other hospitalized veterans—will remain a top priority of mine. And benefits provided to veterans' widows were improved by liberalizing eligibility for survivors of former prisoners of war and widows who have remarried. In addition, the Veterans Claims Assistance Act of 2000, Public Law 106-475, reinstated and improved court-struck provisions of law requiring that VA assist veterans and other claimants—principally, widows and surviving children—in the preparation of their claims to VA for benefits. And Public Laws 106-118 and 106-413 increased VA compensation, survivors' benefits, and other cash-transfer benefits by 2.4 percent and 3.5 percent, respectively, thereby assuring that VA benefits keep pace with inflation.

In the area of insurance benefits, the Veterans Benefits and Health Care Improvement Act increased the amount of life insurance available to service members from $200,000 to $250,000, and authorized insurance program participation by members of the Reserves. That statute also freezes premiums paid by certain insured veterans who have reached the age of 70. And, in the area of housing benefits, the Veterans Benefits and Health Care Improvement Act improved remodeling grant programs to assist disabled veterans in making their homes accessible, and the Millennium Act extended mortgage loan guarantee benefits to members of the Reserves.

In order to assist veterans in gaining meaningful post-service employment, the Veterans Benefits and Health Care Improvement Act extends eligibility for Federal contractor outreach programs to recently-separated veterans. In addition, the Veterans Entrepreneurship and Small Business Development Act of 1999, Public Law 106-50, provides technical, financial, and procurement assistance to veteran-owned small businesses.

Finally, in the area of memorial affairs, the Millennium Act mandates that VA establish six new national cemeteries in areas which VA had identified as being underserved. In addition, the Millennium Act facilitated last month's dedication of the World War II Memorial on the National Mall by authorizing the American Battle Monuments Commission to borrow funds needed to proceed now while World War II veterans remain alive to see the memorial they earned. Finally, the Veterans Benefits and Health Care Improvement Act extended eligibility for burial, and funeral expense and plot allowances, to certain U.S.-citizen Filipino veterans, improved VA assistance to States in establishing State cemeteries, and extended job-protection benefits to Reserve and Guard members who take leave from their civilian jobs to honor veterans by serving in burial details.

Mr. President, I commend and thank the ranking minority member of the Veterans' Affairs Committee, and all of the committee's members, for their extraordinary diligence and cooperation in assisting me in pressing forward the numerous improvements to veterans programs that I have outlined in this statement. The Veterans' Affairs Committee operates in an unusually bipartisan way—a way that might be a model for constructive activity in the 107th Congress. We will continue to so act, and we anticipate that the 107th Congress will show a record of accomplishment similar to that which characterizes the 106th.•

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

• Mr. SARBANES. Mr. President, I ask to print in the RECORD a letter from the President's Working Group on Financial Markets strongly supporting the Commodity Futures Modernization Act of 2000.

The act provides certainty for over-the-counter swaps and authorizes a new financial product, the "security future," to be traded under a regulatory scheme that protects investors against fraud, market manipulation and insider trading.

The act contains three principal components. It would provide legal certainty that specified types of swaps which are traded over-the-counter are not regulated as futures. The Report of the President's Working Group on Over-the-Counter Derivatives Markets and the Commodity Exchange Act, issued in November 1999, strongly recommended that Congress enact legislation to provide OTC swaps with legal certainty in order to "reduce systemic risk in the U.S. financial markets and enhance the competitiveness of the U.S. financial sector."

In addition the act would authorize trading in futures on single stocks and narrow-based stock indices. These are new investment products which, until now, have been prohibited from trading by the Shad-Johnson Accord, which this act would repeal. By authorizing securities futures, the act would allow financial markets to increase the number of products they trade and give investors additional investment options. The Securities and Exchange Commission and the Commodity Futures Trading Commission negotiated the proposed regulatory regimen over securities futures, which is designed to protect investors against fraud, insider trading and market manipulation. The regulatory regimen will call for joint regulation by both the SEC and CFTC of these markets and the intermediaries that trade in them. Imposing strong investor protections is absolutely necessary if we are to allow trading in these new investment products.

The act also contains regulatory relief provisions for the futures markets that would codify recent CFTC regulations.

I would like to highlight certain important aspects of titles III and IV of the act.

Title III addresses the SEC's authority over security-based swap agreements. It carefully carves out products traditionally viewed as securities in exclusions from the definition of swap agreements. It is important to note that title III does not eliminate the SEC's existing authority to regulate products that are securities.

Title III applies anti-fraud and anti-manipulation provisions of the Federal securities laws to securities-based swap agreements, including those entered into by banks. Title III amends section 10(b) of the Securities Exchange Act of 1934 and its anti-fraud protections to apply to "any securities-based swap agreement." In extending these protections, the act makes explicit that rules promulgated under section 10(b) to address fraud, manipulation, or insider trading apply to securities-based swap agreements. Thus, current and future anti-fraud rules will apply to swap agreements to the same extent as they do to securities. This will enhance protection for investors and for the financial markets, and will permit the SEC to respond as necessary to developments in these markets.

Title III states that existing judicial precedent relating to various securities statutes and rules is applicable to securities-based swaps to the same extent as it is to securities. Thus, for example, cases interpreting these statutory provisions which establish theories of liability and private rights of actions would apply directly to securities-based swaps.

Title IV, Legal Certainty for Bank Products Act of 2000, clarifies the current law, under which the CFTC does not regulate traditional banking products. Such products include deposit accounts, CDs, banker's acceptances, letters of credit, loans, credit card accounts, and loan participations. When a question arises, title IV provides a mechanism for determining whether a product is an "identified," or traditional, banking product. To qualify as an identified banking product, section 403 requires two conditions to be met: (1) that the product cannot have been either prohibited by the Commodity Exchange Act or regulated by the CFTC on or before December 5, 2000, and (2) that the bank has obtained a certification from its regulator that the bank product was commonly offered by any bank prior to December 5, 2000. The latter test requires that the product was actively bought, sold, purchased, or offered by or to multiple customers and is not just a transaction customized for a single client or handful of clients.

Section 405 excludes a hybrid product from the Commodity Exchange Act if under a "predominance test" it is primarily an identified banking product and not a contract, agreement or transaction appropriately regulated by the CFTC. The act dictates how to resolve disputes about the application of this test.

The bill's definition of "security future" does not include products excluded under title IV and other sections of the Commodity Exchange Act, e.g., certain swaps, identified banking products, etc. Thus, the new grants of authority of this act to the SEC would not extend to these products. However, these exclusions do not limit the definition of "security" or the SEC's jurisdiction under existing statutes. For example, the SEC has, and will continue to have, jurisdiction over all over-the counter options.

The act will have a significant impact on the futures markets as well as on the securities markets and investors. The United States investment markets are the envy of the world. This act is intended to strengthen those markets as it provides legal certainly for over-the-counter swaps, authorizes the trading of futures on single stocks and narrow-based stock indices, and gives regulatory relief for the futures markets.

The letter from the President's Working Group on Financial Markets follows:

DECEMBER 15, 2000.

Hon. PAUL S. SARBANES,
Ranking Member, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: The Members of the President's Working Group on Financial Markets strongly support the Commodities Futures Modernization Act. This important legislation will allow the United States to maintain its competitive position in the over-the-counter derivative markets by providing legal certainty and promoting innovation, transparency and efficiency in our financial markets while maintaining appropriate protections for transactions in non-financial commodities and for small investors.

Sincerely,

LAWRENCE H. SUMMERS,
Secretary, Department of the Treasury.
ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve.
ARTHUR LEVITT,
Chairman, Securities and Exchange Commission.
WILLIAM J. RAINER,
Chairman, Commodity Futures Trading Commission.●

HAWAIIAN NATIONAL PARK LANGUAGE CORRECTION ACT OF 2000

On December 15, 2000, the Senate amended and passed S. 939, as follows:

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaiian National Park Language Correction Act of 2000".

TITLE I—CORRECTION IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

SEC. 101. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87-278 (75 Stat. 577) is amended by striking "Hawaii Volcanoes National Park" each place it appears and inserting "Hawai'i Volcanoes National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Hawaii Volcanoes National Park" shall be considered a reference to "Hawai'i Volcanoes National Park".

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86-744 (74 Stat. 881) is amended by striking "Haleakala National Park" and inserting "Haleakalā National Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Haleakala National Park" shall be considered a reference to "Haleakalā National Park".

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking "KALOKO-HONOKOHAU" and inserting "KALOKO-HONOKŌHAU"; and

(B) by striking "Kaloko-Honokohau" each place it appears and inserting "Kaloko-Honokōhau".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Kaloko-Honokohau National Historical Park" shall be considered a reference to "Kaloko-Honokōhau National Historical Park".

(d) PU'UHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking "Puuhonua o Honaunau National Historical Park" each place it appears and inserting "Pu'uhonua o Hōnaunau National Historical Park".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puuhonua o Honaunau National Historical Park shall be considered a reference to "Pu'uhonua o Hōnaunau National Historical Park".

(e) PU'UKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92-388 (86 Stat. 562) is amended by striking "Puukohola Heiau National Historic Site" each place it appears and inserting "Pu'ukoholā Heiau National Historic Site".

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to "Puukohola Heiau National Historic Site" shall be considered a reference to "Pu'ukoholā Heiau National Historic Site".

SEC. 102. CONFORMING AMENDMENTS.

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95-625; 92 Stat. 3489) is amended by striking "Hawaii Volcanoes" each place it appears and inserting "Hawai'i Volcanoes".

(b) The first section of Public Law 94-567 (90 Stat. 2692) is amended in subsection (e) by striking "Haleakala" each place it appears and inserting "Haleakalā".

TITLE II—PEOPLING OF AMERICA THEME STUDY

SEC. 201. SHORT TITLE.

This title may be cited as the "Peopling of America Theme Study Act".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the "peopling of America"; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United States and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;,

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; Public Law 101–628), that "the Secretary shall ensure that the full diversity of American history and prehistory are represented" in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that "people are the primary agents of change" and establishes the theme of human population movement and change—or "peopling places"—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

(b) PURPOSES.—The purposes of this title are—

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 203. DEFINITIONS.

In this title:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) THEME STUDY.—The term "theme study" means the national historic landmark theme study required under section 204.

(3) PEOPLING OF AMERICA.—The term "peopling of America" means the migration to and within, and the settlement of, the United States.

SEC. 204. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENFIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 205. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE III—LITTLE SANDY RIVER WATERSHED PROTECTION, OREGON.

SEC. 301. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) IN GENERAL.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

"SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98,272 acres, as depicted on a map dated May 2000, and entitled 'Bull Run Watershed Management Unit'.

"(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the offices of the State Director, Bureau of Land Management, Department of the Interior.

"(3) BOUNDARY ADJUSTMENTS.—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

"(b) DEFINITION OF SECRETARY.—In this Act, the term 'Secretary' means—

"(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

"(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECRETARY.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking "Secretary of Agriculture" each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting "Secretary".

(2) APPLICABLE LAW.—

(A) IN GENERAL.—Section 2(a) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking "applicable to National Forest System lands" and inserting "applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)".

(B) MANAGEMENT PLANS.—The first sentence of section 2(c) of Public Law 95–200 (16 U.S.C. 482b note) is amended—

(i) by striking "subsection (a) and (b)" and inserting "subsections (a) and (b)"; and

(ii) by striking ", through the maintenance" and inserting "(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance''.

SEC. 302. MANAGEMENT.

(a) TIMBER HARVESTING RESTRICTIONS.—Section 2(b) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.''.

(b) REPEAL OF MANAGEMENT EXCEPTION.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208) is amended by striking section 606 (110 Stat. 3009–543).

(c) REPEAL OF DUPLICATIVE ENACTMENT.—Section 1026 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) WATER RIGHTS.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 303. LAND RECLASSIFICATION.

(a) Within 6 months of the date of enactment of this title, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181f) within the boundary of the special resources management area described in section 301 of this title.

(b) Within 18 months of the date of enactment of this title, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in subsection (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f). For purposes of this subsection, "public domain lands'' shall have the meaning given the term "public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within 2 years after the date of enactment of this title, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to subsections (a) and (b) of this section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to subsection (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181f) and those lands identified pursuant to subsection (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 304. ENVIRONMENTAL RESTORATION.

In order to further the purposes of this title, there is hereby authorized to be appropriated $10,000,000 under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (P.L. 93–205) near the Bull Run Management Unit.

MESSAGE FROM THE HOUSE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 15, 2000, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 4577. An act making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes.

Under the authority of the order of the Senate of December 15, 2000, the enrolled bill was signed subsequent to the sine die adjournment, by the Acting President pro tempore (Mr. ABRAHAM).

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 18, 2000, subsequent to the sine die adjournment of the Senate, received a message from the House of Representatives announcing that the House agreed to the amendment of the Senate to the bill (H.R. 4020) to authorize the addition of land to Sequoia National Park, and for other purposes.

The message also announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 162. A concurrent resolution to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577.

HOUSE MESSAGE RECEIVED SUBSEQUENT TO SINE DIE ADJOURNMENT

The following message was received from the House of Representatives on December 20, 2000, subsequent to the sine die adjournment.

The Speaker signed the following enrolled bills:

S. 1761. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley.

S. 2749. An act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.

S. 2943. An act to authorize additional assistance for international malaria control, and for other purposes.

S. 2924. A bill to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. 3181. A bill to establish the White House commission on the National Moment of Remembrance, and for other purposes.

H.R. 207. An act to amend title 5, United States Code, to provide that physicians comparability allowances be treated as part of basic pay for retirement purposes.

H.R. 1795. An act to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Engineering.

H.R. 2570. An act to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

H.R. 2816. An act to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

H.R. 3594. An act to repeal the modification of the installment method.

H.R. 3756. An act to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4020. An act to authorize an expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove.

H.R. 4656. An act to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

H.R. 4907. An act to establish the Jamestown 400th Commemoration Commission, and for other purposes.

ENROLLED BILLS SIGNED

Under the authority of the order of January 6, 1999,

The foregoing bills were signed by the President pro tempore on Wednesday, December 20, 2000, subsequent to the sine die adjournment.

ENROLLED BILLS PRESENTED SUBSEQUENT TO SINE DIE ADJOURNMENT

The Secretary of the Senate, on December 20, 2000, subsequent to the sine die adjournment of the Senate, presented the following enrolled bills to the President of the United States:

S. 1761. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley.

S. 2749. An act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. 2943. An act to authorize additional assistance for international malaria control, and for other purposes.

S. 3181. An act to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 106TH CONGRESS 2D SESSION

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, December 19, 2000.
Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 18, 2000 at 11:11 a.m.

That the Senate agreed to House amendment S. 1761.

That the Senate agreed to House amendment S. 2749.

That the Senate agreed to House amendment S. 2924.

That the Senate passed without amendment H.R. 207.

That the Senate passed without amendment H.R. 2816.

That the Senate passed without amendment H.R. 3594.

That the Senate passed without amendment H.R. 3756.

That the Senate passed without amendment H.R. 4656.

That the Senate passed without amendment H.R. 4907.

That the Senate passed without amendment H. Con. Res. 271.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker, protempore (Mr. WOLF):

H.R. 207. An act to amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes.

H.R. 1795. An act to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

H.R. 2570. An act to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

H.R. 2816. An act to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

H.R. 3594. An act to repeal the modification of the installment method.

H.R. 3756. An act to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

H.R. 4020. An act to authorize the addition of land to Sequoia National Park, and for other purposes.

H.R. 4656. An act to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

H.R. 4907. An act to establish the Jamestown 400th Commemoration Commission, and for other purposes.

SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1761. An act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley.

S. 2749. An act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

S. 2943. An act to authorize additional assistance for international malaria control, and for other purposes.

S. 3181. An act to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of December 15, 2000]

Mr. BLILEY: Committee on Commerce. H.R. 2441. A bill to amend the Securities Exchange Act of 1934 to reduce fees on securities transactions; with an amendment (Rept. 106–1034). Referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on December 21, 2000]

Mr. ARCHER: Committee on Ways and Means. Report on the Legislative and Oversight Activities of the Committee on Ways and Means during the 106th Congress (Rept. 106–1036). Referred to the Committee of the Whole House on the State of the Union.

[The following action occurred on December 28, 2000]

Mr. BURTON: Committee on Government Reform. The Tragedy at Waco: New Evidence Examined (Rept. 106–1037). Referred to the Committee of the Whole House on the State of the Union.

[Filed on January 2, 2001]

Mr. SHUSTER: Committee on Transportation and Infrastructure. Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure for the 106th Congress (Rept. 106–1038). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on Activities of the Committee on Appropriations, 106th Congress (Rept. 106–1039). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. Report on Activities of the Committee on Education and the Workforce, 106th Congress (Rept. 106–1040). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. Activities Report of the Committee on Veterans' Affairs, 106th Congress (Rept. 106–1041). Referred to the Committee of the Whole House on the State of the Union.

Mr. COMBEST: Committee on Agriculture. Report on the Activities of the Committee on Agriculture during the 106th Congress (Rept. 106–1042). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Armed Services. Report of the Activities of the Committee on Armed Services for the 106th Congress (Rept. 106–1043). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on Standards of Official Conduct. Report on the Activities of the Committee on Standards of Official Conduct, One Hundred Sixth Congress (Rept. 106–1044). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. Report on the Summary of Activities of the Committee on Banking and Financial Services, 106th Congress (Rept. 106–1045). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Report on Legislative and Oversight Activities of the Committee on Resources, 106th Congress (Rept. 106–1046). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. Report on the Activity of the Committee on

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Commerce for the One Hundred Sixth Congress (Rept. 106–1047). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. Report on Activities of the Committee on the Judiciary During the 106th Congress (Rept. 106–1048). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. Legislative Review Activities of the Committee on International Relations During the 106th Congress (Rept. 106–1049). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[Omitted from the Record of December 15, 2000]

Pursuant to clause 5 of rule X the Committee on Commerce discharged. H.R. 4737 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Omitted from the Record of December 15, 2000]

Mr. SPENCE: Committee on Armed Services. H.R. 4737. A bill to require an inventory of documents and devices containing Restricted Data at the national security laboratories of the Department of Energy, to improve security procedures for access to the vaults containing Restricted Data at those laboratories, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than December 15, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X (Rept. 106–1035, Pt. 1).

EXTENSIONS OF REMARKS

HONORING SHERIFF BOB KIMMERLY

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. UPTON. Mr. Speaker, it is my distinct pleasure today to recognize my friend, and one of the most dedicated public servants I know—Berrien County Sheriff Robert Kimmerly. With the retirement of Bob Kimmerly, Berrien County and the entire State of Michigan will lose years of valuable service and experience in law enforcement.

As a resident of Berrien County, I have seen the results of Bob's work firsthand. Since being elected Sheriff in 1992, Bob sought to enforce the laws in our area in a firm, fair and impartial way—and I think he's been successful. In addition to working to upgrade the technology and communication between State and local law enforcement agencies, Bob has also worked to facilitate communication between these agencies and the community.

The close and effective working relationship Bob maintained with the community will clearly be remembered as one of the hallmarks of Bob's service. He worked to foster a close working relationship with senior citizens and law enforcement, implemented e-mail communication between Neighborhood Watch Groups, Senior Citizen Centers and law enforcement and partnered with area schools to provide student violence prevention and response programs.

Bob has worked not only for the safety of our communities, but the officers under his charge. During his tenure, he implemented computer aided dispatching, mobile vehicle locators for patrol vehicles, mobile data terminals and squad car video cameras. These advances, however, were implemented with a keen eye toward fiscal responsibility. As Sheriff, Bob worked to firmly enforce the laws while at the same time reducing the cost of inmate incarceration. Bob was also a creative Sheriff. As such, he implemented a "Work Alternative Program" which provided Berrien County with over 14,000 hours of community service.

Mr. Speaker, I believe I speak for every citizen in Berrien County when I extend our congratulations and best wishes for a retirement filled with happiness and productivity. I submit my remarks into the CONGRESSIONAL RECORD to ensure that this and future generations of Americans have the opportunity to reflect on and know of the significant contributions Bob Kimmerly has made to Berrien County and the entire State of Michigan.

PERSONAL EXPLANATION

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. MILLENDER-McDONALD. Mr. Speaker, I inadvertently missed the vote on H.R. 4577, the Omnibus Appropriations Bill. Had I been present, I would have voted "yea" on H.R. 4577.

HONORING AN OUTSTANDING ELECTION OFFICIAL

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BLUNT. Mr. Speaker, during the last five weeks much of our national attention in the wake of the Presidential Election has been focused on the technology we use to cast our votes. Pundits and politicians have discussed the strengths and weaknesses of paper ballots, voting machines, punch cards, and optically scanned ballots. It's easy in this debate to forget that the real work of elections is not done by technology, but by tens of thousands of local election judges and election officials.

Today I pay tribute to one of those election officials with whom I have had the pleasure of working over the years. I worked with Rosemary Kochner when I was Chief Election Authority of Greene County, Missouri, and later as Secretary of State. I benefited from her advice and example of dedicated service. Rosemary retires next month after 30 years of working for the St. Louis County Board of Election Commissioners. During that period, Rosemary has risen from being an Absentee Ballot Clerk to serving as the Republican Assistant Director of Elections in the largest election jurisdiction in the State of Missouri.

Rosemary is one of a handful of election officials who are selflessly dedicated to doing all they can to ensure that every qualified voter has the opportunity to cast their ballot on election day and to do so in a way that it gets counted. It is her passion and her commitment to that ideal that makes her an inspiration to all around her.

Those of us who know her will tell you that her real love has been working to see that the men and women of the Armed Forces who are registered to vote in St. Louis County are able to participate on Election Day regardless of where they are serving their country.

But Rosemary has excelled in many areas. She is a recognized authority on Missouri Election Law. Rosemary served with distinction on the U.S. Bicentennial Commission. She is the recipient of the "Federal Voting Assistance Award" from the Department of Defense. I was pleased when as Secretary of State I was privileged to present her with the "Rosemary Plitt Award" from the State of Missouri for outstanding service during the 1988 presidential election.

I know my colleagues from Missouri join me in thanking Rosemary for her years of outstanding service to her community and that her seven daughters and thirteen grandchildren join all of us in wishing her the best as she begins her retirement. I am sure we haven't heard the last from her.

UNIVERSITY OF MASSACHUSETTS BIOLOGIC LABORATORIES

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CAPUANO. Mr. Speaker, today I speak on behalf of the University of Massachusetts Biologic Laboratory (MBL). For over 100 years, scientists at the Massachusetts Biologic Laboratory have made great contributions toward improving the public health of the citizens of the Commonwealth of Massachusetts and the Nation. MBL has collaborated with the National Institutes of Health, the Center for Disease Control, the Department of Defense, and state public health departments across the country to develop vaccines, plasma products and monoclonal antibodies. MBL has done this in its unique role as the only publicly owned and operated, FDA-licensed biological manufacturing facility in the United States.

MBL's national contributions include the development of products such as the smallpox vaccine, the typhoid vaccine, the tetanus vaccine and a scarlet fever antitoxin. MBL also specializes in the development and manufacture of orphan biologicals—those life saving products that are either in limited use or for special populations.

Under the leadership of Thomas Manning, MBL plans to build a new facility at the Old Boston State Mental Hospital property in Mattaphan. This new facility will enable MBL to maintain FDA compliance, provide space for new product development and improve operation efficiency of the plant.

This facility will continue the tradition of new and great advancements in the biological community as it provides real opportunity to a community in need of redevelopment and new jobs.

I fully support Massachusetts Biologic Laboratory's plans to develop a facility in Mattaphan for its expanded efforts in applied research, development and the production of biological products. The University of Massachusetts Medical School is prepared to make a large financial commitment to this project. With the benefits that MBL's products have brought to our Nation, I believe the Federal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Government should also contribute to this effort. I look forward to working with Doctors Donna Ambrosino and Jeanne Leszczynski, and Thomas Manning, to secure Federal funding for MBL in fiscal year 2002.

CONFERENCE REPORT ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. TALENT. Mr. Speaker, the following is a summary and explanation to accompany H.R. 5667, the Small Business Reauthorization Act of 2000. It is essentially the same document as that in the Conference Report to accompany H.R. 2614 (Rpt. 106–1004). Unfortunately, H.R. 2614 was never passed by the Senate. However, we were fortunate enough to achieve some compromise and many of the provisions of H.R. 2614 are included with H.R. 4577.

The conferees met to discuss H.R. 2614 which had passed the House, and after Senate amendment, had been returned to the House. The House objected to the Senate amendment and the Senate then requested a conference. The original purpose of H.R. 2614 was solely to make corrections to the Small Business Administration's Certified Development Company loan program. The conferees agreed to include the provisions of several other bills (e.g. H.R. 2615, H.R. 2392, H.R. 3843, H.R. 3845) affecting the Small Business Administration and its programs in order to facilitate the work of both Houses. The provisions of H.R. 5545 are essentially what is included in H.R. 5667 and certain other sections of the American Community Renewal Act provisions also included in this legislation.

The summary of H.R. 5667 follows:

TITLE I—SMALL BUSINESS INNOVATION AND RESEARCH

The Small Business Innovation Research Program Reauthorization Act of 2000 (H.R. 2392) was introduced on June 30, 1999, and referred to the House Committees on Small Business and Science. Both Committees held hearings and the House Committee on Small Business reported H.R. 2392 on September 23, 1999 (H. Rept. 106–329). In the interest of moving the bill to the floor of the House of Representatives promptly, the Committee on Science agreed not to exercise its right to report the legislation, provided that the House Committee on Small Business agreed to add the selected portions of the Science Committee version of the legislation, as Sections 8 through 11 of the House floor text of H.R. 2392. H.R. 2392 passed the House without further amendment on September 27. The Science Committee provisions were explained in floor statements by Congressmen Sensenbrenner, Morella, and Mark Udall.

On March 21, 2000, the Senate Committee marked up H.R. 2392 and on May 10, 2000, reported the bill (S. Rept. 106–289). The Senate Committee struck several of the sections originating from the House Committee on Science and added sections not in the House-passed legislation, including a requirement that Federal agencies with Small Business Innovation Research (SBIR) programs report their methodology for calculating their SBIR budgets to the Small Business Administration (SBA) and a program to assist states in the development of small high-technology businesses. Negotiations then began among the leadership of the Senate and House Committees on Small Businesses and the House Committee on Science (hereinafter referred to as the three committees). The resultant compromise text contains all major House and Senate provisions, some of which have been amended to reflect a compromise position. A section-by-section explanation of the revised text follows. The purposes of this statement, the bill passed by the House of Representatives is referred to as the "House version" and the bill reported by the Senate Committee on Small Business is referred to as the "Senate version."

Section 101. Short Title; Table of Contents

The compromise text uses the Senate short title: "Small Business Innovation Research Program Reauthorization Act of 2000." The table of contents lists the sections in the compromise text.

Section 102. Findings

The House and Senate versions of the findings are very similar. The compromise text uses the House version of the findings.

Section 103. Extension of the SBIR Program

The House version extends the SBIR program for seven years through September 30, 2007. The Senate version extends the program for ten years through September 30, 2010. The compromise text extends the program for eight years through September 30, 2008.

Section 104. Annual Report

The House version provides for the annual report on the SBIR program prepared by the SBA to be sent to the Committee on Science, as well as to the House and Senate Committees on Small Business that currently receive it. The Senate version did not include this section. The compromise text adopts the House language.

Section 105. Third Phase Assistance

The compromise text of this technical amendment is identical to both the House and Senate versions.

Section 106. Report on Programs for Annual Performance Plan

This section requires each agency that participates in the SBIR program to submit to Congress a performance plan consistent with the Government Performance and Results Act. The House and Senate versions have the same intent. The compromise text uses the House version.

Section 107. Output and Outcome Data

Both the House and Senate versions contain sections enabling the collection and maintenance of information from awardees as is necessary to assess the SBIR program. Both the Senate and House versions require the SBA to maintain a public database at SBA containing information on awardees from all SBIR agencies. The Senate version adds paragraphs to the public database section dealing with database identification of businesses or subsidiaries established for the commercial application of SBIR products or services and the inclusion of information regarding mentors and mentoring networks. The House version further requires the SBA to establish and maintain a government database, which is exempt from the Freedom of Information Act and is to be used solely for program evaluation. Outside individuals must sign a non-disclosure agreement before gaining access to the database. The compromise text contains each of these provisions, with certain modifications and clarifications, which are addressed below.

With respect to the public database, the compromise text makes clear that proprietary information, so identified by a small business concern, will not be included in the public database. With respect to the government database, the compromise text clarifies that the inclusion of information in the government database is not to be considered publication for purposes of patent law. The compromise text further permits the SBA to include in the government database any information received in connection with an SBIR award the SBA Administrator, in conjunction with the SBIR agency program managers, consider to be relevant and appropriate or that the Federal agency considers to be useful to SBIR program evaluation.

With respect to small business reporting for the government database, the compromise text directs that when a small business applies for a second phase award it is required to update information in the government database. If an applicant for a second phase award receives the award, it shall update information in the database concerning the award at the termination of the award period and will be requested to voluntarily update the information annually for an additional period of five years. This reporting procedure is similar to current Department of Defense requirements for the reporting of such information. When sales or additional investment information is related to more than one second phase award is involved, the compromise text permits a small business to apportion the information among the awards in any way it chooses, provided the apportionment is noted on all awards so apportioned.

The three committees understand that receiving complete commercialization data on the SBIR program is difficult, regardless of any reasonable time frame that could be established for the reporting of such data. Commercialization may occur many years following the receipt of a research grant and research from an award, while not directly resulting in a marketplace product, may set the groundwork for additional research that leads to such a product. Nevertheless, the three committees believe that the government database will provide useful information for program evaluation.

Section 108. National Research Council Reports

The House version requires the four largest SBIR program agencies to enter into an agreement with the National Research Council (NRC) to conduct a comprehensive study of how the SBIR program has stimulated technological innovation and used small businesses to meet Federal research and development needs and to make

The compromise text makes several changes to the House text. The compromise text adds the National Science Foundation to the agencies entering the agreement with the NRC and requires the agencies to consult with the SBA in entering such agreement. It also expands the House version, which requires a review of the quality of SBIR research, to require a comparison of the value of projects conducted under SBIR with those funded by other Federal research and development expenditures. The compromise text further broadens the House version's review of the economic rate of return of the SBIR program to require an evaluation of the economic benefits of the SBIR program, including economic rate of return, and a comparison of the economic benefits of the SBIR program with that of other Federal research and development expenditures. The compromise text allows the NRC to choose an appropriate time-frame for such analysis that results in a fair comparison.

The three committees believe that a comprehensive report on the SBIR program and its relation to other Federal research expenditures will be useful in program oversight and will provide Congress with an understanding of the effects of extramural Federal research and development funding provided to large and small businesses and universities. The three committees understand, however, that measuring the direct benefits of the nation's economy from the SBIR program and other Federal research expenditures may be difficult to calculate and may not provide a complete portrayal of the benefits achieved by the SBIR program. Accordingly, the legislation requires the NRC also to review the non-economic benefits of the SBIR program, which may include, among other matters, the increase in scientific knowledge that has resulted from the program. The paragraph in the compromise text calling for recommendations remains the same as the House version, except that the bill now asks the NRC to make recommendations, should there by any.

While the study is to be carried out within National Research Council study guidelines and procedures, the compromise text requires the NRC to take the steps necessary to ensure the individuals from the small business community with expertise in the SBIR program are well-represented in the panel established for performing the study and among the peer reviewers of the study. The NRC is to consult with and consider the views of the SBA's Office of Technology and the SBA's Office of Advocacy and to conduct the study in an open manner that makes sure that the views and experiences of small businesses involved in the program are carefully considered in the design and execution of the study. Extension of the SBIR program for eight years rather than the five being contemplated when the House study provision was initially written has necessitated some adjustments in the study. The report is now required three years rather than four years after the date of enactment of the Act and the NRC is to update the report within six years of enactment. The update is intended to bring current, any information from the study relevant to the reauthorization of the SBIR program. It is not intended to be a second full-fledged study. In addition, semiannual progress reports by NRC to the three committees are required.

Section 109. Federal Agency Expenditures for the SBIR Program

The Senate version requires each Federal agency with an SBIR program to provide the SBA with a report describing its methodology for calculating its extramural budget for purposes of SBIR program set-aside and requires the Administrator of the SBA to include an analysis of the methodology from each agency in its annual report to the Congress. The House version has no similar provision. The compromise text follows the Senate text except that it specifies that each agency, rather than the agency's comptroller, shall submit the agency's report to the Administrator. The three committees intend that each agency's methodology include an itemization of each research program that is excluded from the calculation of its extramural budget for SBIR purposes as well as a brief explanation of why the agency feels each excluded program meets a particular exemption.

Section 110. Policy Directive Modifications

The House version includes policy directive modifications in Section 9 and the requirement of a second phase commercial plan in Section 10. The Senate version include policy directive modifications in Section 6. The Senate version and now the compromise text require the Administrator to make modifications to SBA's policy directives 120 days after the date of enactment rather than the 30 days contained in the House version. The compromise text drops the House policy directive dealing with awards exceeding statutory dollar amounts and time limits because this flexibility is already being provided administratively. Addressed below is a description of the policy directive modifications contained in the compromise text that were not included in both the Senate version and the House version.

Section 10 of the House version requires the SBA to modify its policy directives to require that small businesses provide a commercial plan with each application for a second-phase award. The Senate version does not contain a similar provision. The compromise text requires the SBA to modify its policy directives to require that a small businesses provide a "succinct commercialization plan for each second phase award moving towards commercialization." The three committees acknowledge that commercialization is a current element of the SBIR program. The statutory definition of SBIR, which is not amended by H.R. 2392, includes "a second phase, to further develop proposals which meet particular program needs, in which awards shall be made based on the scientific and technical merit and feasibility of the proposals, as evidenced by the first phase, considering among other things the proposal's commercial potential...", and lists evidence of commercial potential as the small business's commercialization record, private sector funding commitments, SBIR Phase III commitments, and the presence of other indicators of the commercial potential. The three committees do not intend that the addition of a commercialization plan either increase or decrease the emphasis an agency places on the commercialization when reviewing second-phase proposals. Rather, the commercialization plan will give SBIR agencies a means of determining the seriousness with which individual applicants approach commercialization.

The commercialization plan, while concise, should show that the business has thought through both the steps it must take to prepare for the fruits of the SBIR award to enter the commercial marketplace or government procurement and the steps to build business expertise as needed during the SBIR second phase time period. The three committees intend that agencies take into consideration the stage of development of the product or process in deciding whether an appropriate commercialization plan has been submitted. In those instances when at the time of the SBIR Phase II proposal, the grantee cannot identify either a product or process with the potential eventually to enter either the commercial or the government marketplace, no commercialization plan is required.

The compromise text also adds new provisions that were not contained in either the Senate version or the House version. Current law (Section 9(j)(3)(C) of the Small Business Act) require that the Administrator put in place procedures to ensure, to the extent practicable, that an agency which intends to pursue research, development or production of a technology developed by a small business concern under an SBIR program enter into follow-on, non-SBIR funding agreements with the small business concern for such research, development, or production.

The three committees are concerned that agencies sometimes provide these follow-on activities to large companies who are in incumbent positions or through contract bundling without written justification or without the statutorily required documentation of the impracticability of using the small business for the work. So that the SBA and the Congress can track the extent of this problem, the compromise text requires agencies to record and report each such occurrence and to describe in writing why it is impractical to provide the research project to the original SBIR company. Additionally, the compromise text directs the SBA to develop policy directives to implement the new subsection (v), Simplified Reporting Requirements. This subsection requires that the directives regarding collection of data be designed to minimize the burden on small businesses; to permit the updating the database by electronic means; and to use standardized procedures for the collection and reporting of data.

Section 103(a)(2) of P.L. 102-564, which reauthorized the SBIR program in 1992, added language to the description of a third phase award which made it clear that the third phase is intended to be a logical conclusion of research projects selected through competitive procedures in phases one and two. The Report to the House Committee on Small Business (H. Rept. 102-554, Pt. I) provide that the purpose of that clarification was to indicate the Committee's intent that an agency which wishes to fund an SBIR project in phase three (with non-SBIR monies) or enter into a follow-on procurement contract with an SBIR company, need not conduct another competition in order to satisfy the Federal Competition in Contracting Act (CICA). Rather, by phase three the project has survived two competitions and thus has already satisfied the requirements of CICA, set forth in section 2302(2)(E) of that Act, as they apply to the SBIR program. As there has been confusion among SBIR agencies regarding the intent of this change, the three committees reemphasize the intent initially set forth in H. Rept. 102-554, Pt. 1, including the clarification that follow-on phase III procurement contracts with an SBIR company may include procurement of products, services, research, or any combination intended for use by the Federal government.

Section 111. Federal and State Technology Partnership Program

This section establishes the FAST program from the Senate version, which is a competitive matching grant program to encourage states to assist in the development of high-technology businesses. The House version does not contain a similar provision. The most significant changes from the Senate version in the compromise text are an extension of the maximum duration of awards from three years to five and the lowering of the matching requirement for funds assisting businesses in low income areas to 50 cents per federal dollar, as advocated by Ranking Member Velázquez of the House Small Business Committee. The compromise text combines the definitions found in the Senate version of this section and the mentoring networks section.

Section 112. Mentoring Networks

The Senate version sets forth criteria for mentoring networks that organizations are encouraged to establish with matching funds from the FAST program and creates a database of small businesses willing to act as mentors. The compromise text, except for relocating the program definitions to Section 111, is the same as the Senate text. The House version did not contain a similar provision.

Section 113. Simplified Reporting Requirements

This section is not in either the House or the Senate versions. It requires the SBA Administrator to work with SBIR program agencies on standardizing SBIR reporting requirements with the ultimate goal of making the SBA's SBIR database more user friendly. This provision requires the SBA to consider the needs of each agency when establishing and maintaining the database. Additionally, it requires the SBA to take measures to reduce the administrative burden on SBIR program participants whenever possible including, for example, permitting updating by electronic means.

Section 114. Rural Outreach Program Extension

This provision, which was not in either the House or the Senate versions, extends the life and authorization for appropriations for the Rural Outreach Program of the Small Business Administration for four additional years through fiscal year 2005. It is the intent of the three committees that this program be evaluated on the same schedule and in the same manner as the FAST program. Among other things, the evaluation should examine the extent to which the programs complement or duplicate each other. The evaluation should also include recommendations for improvements to the program, if any.

TITLE II—GENERAL BUSINESS LOANS

The purpose of Title II is to amend the general business loan program at the Small Business Administration, commonly known as the 7(a) loan program. Title II of H.R. 2392 contains a variety of technical and substantive changes to improve the program and correct problems brought to the Committee's attention through the oversight process and originally passed by the House as H.R. 2615.

Title II will increase the maximum guarantee amount of a 7(a) loan to $1 million from the current limit of $750,000 in order to keep pace with inflation. The guarantee amount was last increased in 1988. It also institutes a cap prohibiting loans with a gross amount in excess of $2 million.

The bill will also remove a provision which reduced SBA's liability for accrued interest on defaulted loans since the provision's intended savings failed to materialize.

Title II also includes three changes designed to encourage the making of smaller loans. The guarantee rate will be expanded to 85% from loans under $100,000 to loans under $150,000. Likewise, the two percent guarantee fee will now apply to loans up to $150,000, which represents a significant savings for these small borrowers.

Finally, for small loans, Title II of H.R. 2392 includes a provision allowing lenders to retain one quarter of the guarantee fee on loans under $150,000 as an incentive to make these loans.

The last part of Title II modifies an SBA regulatory restriction which prohibit loans for passive investment. Title II will permit the financing of projects where no more than 20% of a business location will be rented out provided the small business borrower in question occupies at least 60% of the business space.

Section 201. Short Title

Section 202. Levels of Participation

Increases the guarantee percentage on loans of $150,000 or less to 85%. The current guarantee level of 80% extends only to loans of $100,000 or less. This guarantee increase is one of the changes proposed to encourage the availability of smaller loans.

Section 203. Loan Amounts

This provision will increase the maximum guarantee amount to $1 million. The maximum gross loan amount will be capped at $2 million. The language would prohibit SBA from placing a guarantee on any loan over $2 million regardless of the guaranteed amount. Consequently, the largest loan available would be a $2 million loan with a 50% guarantee.

The largest loan available at the maximum guarantee of 75% would be $1,333,333. The cap on loans over $2 million will effectively remove a number of large loans that have been made with only a minimal guarantee, loans which use up loan authority at a disproportionate rate. In 1998, roughly thirty loans over $2 million were made.

Section 204. Interest on Defaulted Loans

This will remove the provision that reduced SBA's liability for accrued interest on defaulted loans. This provision was added to the program in 1996 as a method of reducing the subsidy cost of the program. It has come to the Committee's attention that the expected savings have not materialized.

Section 205. Prepayment of Loans

This provision will reduce the incentive for early prepayment of 7(a) loans. It will assess a fee to the borrower for early prepayment of any loan with a term in excess of 15 years. Early prepayment will be defined as any prepayment within the first three years after disbursement. The prepayment fee will be determined by the date of the prepayment—5% in the first year, 3% in the second year, 1% in the third year. The fee will be based on "excess prepayment" which is defined as prepayment of more than 25% of the outstanding loan amount. In the event of an excess prepayment the fee would be assessed on the entire outstanding loan amount.

Section 206. Guarantee Fees

This section changes the guarantee fee for loans of $150,000 or less to 2%. Currently, the guarantee fee of 2% is only for loans under $100,000. Loans over $100,000 currently have a guarantee fee of 3%. The section also provides for an incentive for lenders to make smaller loans (under $150,000) by allowing them to retain ¼ of the guarantee fee.

Section 207. Lease Terms

Under existing 7(a) rules, loan proceeds may not be used for investment purposes. This includes purchase or construction of property to be leased to others. Currently, 7(a) loans may be used to construct property which will be used solely by the borrower.

In 1997, Congress modified this rule for the 504 program to allow for projects where a small portion of a property might be rented out permanently, but the borrower's main focus was the construction of a permanent location. This provision would allow the same authority for 7(a) loans. Borrowers would be allowed to lease up to 20% of a property in which they will occupy at least 60% of the business space.

TITLE III—CERTIFIED DEVELOPMENT COMPANIES

The purpose of Title III of H.R. 2392 is to amend the Small Business Investment Act to make changes in the Certified Development Company (CDC) loan program at the Small Business Administration (SBA), commonly known as the 504 loan program. Title III is the substance of H.R. 2614 which passed the House earlier this Congress and contains a variety of technical and substantive changes to improve the program and correct problems brought to the Committee's attention through the oversight process.

Title III will increase the maximum amount of a 504 loan, and its underlying debenture, to $1 million from the current limit of $750,000 in order to keep pace with inflation. The maximum amount for loans with specific public policy purposes (low-income, rural, and minority owned businesses) is increased to $1,300,000. The loan amount was last increased in 1988. Title III will also reauthorize the fees which support the 504 program.

Title III will also add women-owned businesses as a specific public policy goal for the 504 program. Title III will make permanent two pilot programs begun by SBA in 1997 in response to a Congressional mandate. The first pilot program, the Liquidation Pilot Program, enables certain qualified Certified Development Companies to liquidate their own loans rather enduring the usual process of SBA controlled liquidation. The second, the Premier Certified Lenders Program, enables experienced CDCs to use streamlined procedures for loan making and liquidation.

Section 301. Short Title

Section 302. Women-Owned Businesses

Women-owned businesses are added to the list of concerns eligible for the higher debentures available for public policy purposes. Current policy goals include lending to low-income and rural areas, and loans to businesses owned by minorities.

Section 303. Maximum Debenture Size

Maximum loan/debenture size is increased from $750,000 to $1,000,000 for regular debentures. Public policy loan/debentures are increased from $1,000,000 to $1,300,000 for public policy debentures. This increase is commensurate with inflation since the current debenture levels were established.

Section 304. Fees

Currently, the 504 program levies fees on the borrower, CDC, and the participating bank. The bank pays a one-time fee whereas the borrower and CDC pay a percentage of the outstanding balance annually in order to provide operational funding for the 504 program. Currently these fees sunset on October 1, 2000. This legislation would continue the fees through October 1, 2003.

Section 305. Premier Certified Lenders Program

The Premier Certified Lenders Program (PCLP) is granted permanent status. The current demonstration program terminates at the end of FY 2000.

Section 306. Sale of Certain Defaulted Loans

SBA is required to give any certified lender with contingent liability 90 days notice prior to including a defaulted loan in a bulk sale of loans. No loan may be sold without permitting prospective purchasers to examine SBA records on the loan.

Section 307. Loan Liquidation

Section 510 is added to the Small Business Investment Act of 1958 in order to create a program permitting CDCs to handle the liquidation of defaulted loans. This program replaces the pilot program authorized by PL 105–135, the Small Business Reauthorization Act of 1997. A permanent program would permit OMB to score savings achieved by the program when computing the subsidy rate for the 504 program.

In order to participate in the liquidation program, a CDC must have made at least 10 loans per year for the past three years and have at least one employee with 2 years of liquidation experience or be a member of the Accredited Lenders Program with at least one employee with 2 years of liquidation experience. Both groups are required to receive training. PCLP participants and current participants in the pilot program automatically qualify.

CDCs have the authority to litigate as necessary to foreclose and liquidate, but SBA could assume control of the litigation if the outcome might adversely affect SBA's management of the program or if SBA has additional legal remedies not available to the CDC.

All Section 510 participants are required to submit a liquidation plan to SBA for approval, and SBA has 15 days to approve, deny, or express concern with the plan. Further SBA approval of routine liquidation activities is not required.

CDCs are able to purchase indebtedness with SBA approval, and SBA is required to respond to such a request within 15 days. Likewise, CDCs are required to seek SBA approval of any workout plan, and SBA must respond to that request within 15 days. With SBA approval, a CDC may compromise indebtedness. Such approval must be granted, denied, or explained within 15 days of receipt by SBA.

TITLE IV—SMALL BUSINESS INVESTMENT COMPANIES

The purpose of Title IV is to amend the Small Business Investment Act (the Act) to make changes in the Small Business Investment Company (SBIC) program at the SBA. Title IV contains the language from H.R. 3845 which passed the House earlier this Congress and contains four technical changes to improve the program and correct problems brought to the Committee's attention through the oversight process.

H.R. 3845 modifies the definition of control for SBIC investment in small businesses, eliminating a cumbersome five prong test and setting a clear statutory standard. H.R. 3845 will also modify the definition of long term investment under the Act, changing it from five years to one year, in order to harmonize that definition with accepted business practice and the tax and banking laws. Third, the bill allows the Administration to adjust the subsidy fee for the SBIC program to maintain the subsidy rate of the program at zero. Finally, the bill makes a change to the distribution language in the Act, allowing SBICs more flexibility in making distributions to their investors and will simplify the accounting and tax procedures at SBICs.

Section 401. Short Title

Section 402. Definitions

(a) Small Business Concern.—Inserts the following language in section 103(5)(A)(i) of the Small Business Investment Act—"regardless of the allocation of control during the investment period under any investment agreement between the business concern and the entity making the investment". This phrase clarifies that a venture capital investment agreement from an SBIC may cause a change in control of a small business, but that such a change will not affect the eligibility of the small business concern. The Committee does not intend that SBICs become holding companies hence the language references the period of the investment agreement. Further, the Committee retains the authority for SBA examinations to inquire into "illegal control" by SBICs, though the committee expects such control to be that exercised outside an investment agreement.

(b) Long term.—Inserts the following paragraph in section 103 of the Small Business Investment Act,

"(17) the term long term, when used in connection with equity capital or loan funds invested in any small business concern or smaller enterprise, means any period of time not less than 1 year." The language changes the definition of a long term investment to harmonize it with the tax and banking laws.

Section 403. Investment in SBICs

This provision allows federal savings associations to invest in SBICs.

Section 404. Subsidy Fees

This provision amends sections 303(b) and 303(b)(2) of the Small Business Investment Act to allow the Administration to adjust the fee assessed on debentures and participating securities up to a maximum of one percent. The fee will be adjusted to keep the subsidy cost of the programs at zero or as close as possible to zero.

Section 405. Distributions

This section amends section 303(g)(8) of the Small Business Investment Act in order to allow SBICs to make distributions at any time during a calendar quarter based on the maximum estimated tax liability.

Section 406. Conforming Amendment

TITLE V—REAUTHORIZATION OF SMALL BUSINESS PROGRAMS

The purpose of Title V is to reauthorize the programs and operations of the SBA. Title V contains the language from H.R. 3843 which contained the authorization levels for SBA for fiscal year 2001, 2002, and 2003. It contains no technical or substantive changes to any of the programs. The SBA provides a variety of services for small business—financial assistance, technical assistance, and disaster assistance.

Financial Assistance

The SBA provides approximately $11 billion in financing to small business annually. This financing is made available through a variety of programs.

SBA's largest financial program is the Section 7(a) general business loan program. The 7(a) program offers loans to small businesses through local lending institutions. These loans are provided with an SBA guarantee of up to 80 percent and are limited to a maximum of $750,000. The 7(a) program has a subsidy rate of 1.16% for fiscal year 2000 and an appropriation of $107 million, permitting $9.8 billion in lending.

The Section 504 loan program provides construction, renovation and capital investment financing to small businesses through CDCs. These CDCs are SBA licensed, local business development organizations which provide loans of up to $750,000 for small businesses, in cooperation with local banks. CDCs provide 40% of the financing package, while the bank provides 50%, and the small business provides a 10% down payment. CDC funding is obtained through issuance of an SBA guaranteed debenture. The 504 program currently operates at no cost to the taxpayer but does require authorization.

The microloan program provides small loans of up to $25,000 to borrowers in low-income areas. In fiscal year 1999 the program provided $29 million in loans. In addition, the program has a technical assistance aspect that provides managerial and business expertise to microloan borrowers. Microloans are made by intermediary organizations that specialize in local business development. The program has a subsidy rate of 8.54%.

The Small Business Investment Company (SBIC) program provides over $1.5 billion in long term and venture capital financing for small businesses annually. SBICs are venture capital firms that leverage private investment dollars with SBA guaranteed debentures or participating securities. The SBIC debenture program currently operates at a zero subsidy rate and requires no taxpayer subsidy. The participating securities program has a 1.8% subsidy rate.

Technical Assistance

The SBA provides technical and managerial assistance to small businesses through four primary programs—Small Business Development Centers (SBDCs), the Service Corps of Retired Executives (SCORE), the 7(j) technical assistance program, and the Women's Business Center program.

SBDCs are located primarily at colleges and universities and provide assistance through 51 center sites and approximately 970 satellite offices. Through a formula of matching grants and donations SBDCs offer small businesses guidance on marketing, financing, start-up, and other areas. The program currently receives $84 million in appropriations.

SCORE provides small business assistance on-site through the volunteer efforts of its members. SCORE volunteers are retired business men and women who offer their expertise to small businesses. SCORE volunteers are reimbursed for their travel expenses and SCORE receives funding as well for a website and offices in Washington, DC.

The 7(j) program provides financing for technical assistance to the minority contracting community primarily through courses and direct assistance from management consultants. In addition, the program provides assistance for participants to attend business administration classes offered through several colleges and universities.

The Women's Business Center program provides five year grants matched by nonfederal funds to private sector organizations to establish business training centers for women. Depending on the needs of the community, centers teach women the principles of finance, management and marketing as well as specialized topics such government contracting or starting home-based businesses. There are currently 81 centers in 47 states in rural, urban and suburban locations.

Disaster Assistance

The Small Business Administration also provides disaster loan assistance to homeowners and small businesses nationwide. This program is a key component of the overall Federal recovery effort for communities struck by natural disasters. This assistance is authorized by section 7(b) of the Small Business Act which provides authority for reduced interest rate loans. Currently the interest rates fluctuate according to the statutory formula—a lower rate, not to exceed four percent is offered to applicants with no credit available elsewhere, while a rate of a maximum of eight percent is available for other borrowers.

Section 501. Short Title

Section 502. Reauthorization of Small Business Programs

This section provides the authorized appropriation levels for the following programs: Section 7(a) general business loans, Section 504 Certified Development Company loans, direct microloans, guaranteed microloans, microloan technical assistance, Defense Transition (DELTA) loans, Small Business Investment Company debentures, Small Business Investment Company participating securities, Surety Bonds guarantees, SCORE, disaster loans, and salaries and expenses.

The following are the authorizations levels for the financial programs:

[In millions of dollars]

	2001	2002	2003
7(a)	14,500	15,000	16,000
504	4,000	4,500	5,000
Microloan	60	80	100
Microloan TA	45	60	70
Microloan gty.	50	50	50
SBIC debentures	1,500	2,500	3,000
SBIC part. Securities	2,500	3,500	4,000
Surety bonds	4,000	5,000	6,000

This Title also authorizes the Service Corps of Retired Executives (SCORE). SCORE will be authorized at 5, 6, and 7 million dollars for fiscal years 2001, 2002, and 2003, respectively.

Title V also contains provisions authorizing funding for salaries and expenses at the Small Business Administration. These authorizations are established as "such sums as may be necessary".

Section 503. Additional Reauthorizations

This section reauthorizes five programs:

(a) SBDC funding—Increases the authorization from $95,000,000 to $125,000,000.

(b) Drug Free Workplace—Extends authorization through fiscal year 2003 at $5,000,000 per year.

(c) HUBZones—Authorizes appropriations of $10,000,000 per year through fiscal year 2003.

(d) National Women's Business Council—Increases authorizations to $1,000,000 per year and extends authorization through fiscal year 2003.

(e) Very Small Business Concerns—Extends authorization through September 30, 2003.

(f) SDB Certification—Extends authorization through September 30, 2003.

TITLE VI—HUBZONE PROGRAM

The HUBZone program aims to direct portions of Federal contracting dollars into areas of the country that in the past have been out of the economic mainstream. HUBZone areas, which include qualified census tracts, poor rural counties, and Indian reservations, often are relatively out-of-the-way places that the stream of commerce passes by, and thus tend to be in low or moderate income areas. These areas can also include certain rural communities and tend, generally, to be low-traffic areas that do not have a reliable customer base to support business development. As ,a result, business has been reluctant to

The HUBZone Act seeks to overcome this problem by making it possible for the Federal government to become a customer for small businesses that locate in HUBZones. While a small business works to establish its regular customer base, a Federal contract can help it stabilize its revenues and remain profitable. This gives small business a chance to get a foothold and provides jobs to these areas. New business and new jobs mean new life and hope for these communities.

Since the HUBZone Act was adopted in the Small Business Reauthorization Act of 1997, the Small Business Administration has been implementing the program. On March 22, 1999, SBA began accepting applications from interested firms. Experience to date has revealed several difficulties with implementation, which the Senate Committee has sought to rectify in this legislation. The House receded to provisions put forth by the Senate to rectify problems in the HUBZone program.

Subtitle A—HUBZones in Native America Act

Sections 601-04 attempt to resolve problems associated with the operation of HUBZones in regions subject to control of Native Americans and Alaska Native corporations.

One such problem was an unintended consequence of wording in the 1997 legislation that inadvertently excluded Indian Tribal enterprises and Alaska Native corporations from participation. The definition of "HUBZone small business concern" specified that eligible small businesses must be 100% owned and controlled by U.S. citizens. This provision sought to insure that HUBZone benefits, financed by the American taxpayer, should be available only for U.S. beneficiaries.

However, since citizens are "born or naturalized" under the Fourteenth Amendment, ownership by citizens implies ownership by individual flesh-and-blood human beings. Corporate owners and Tribal government owners are not "born or naturalized" in the usual meanings of those terms. Thus, the Small Business Administration found that it had no authority to certify small businesses owned wholly or partly by Alaska Native Corporations and Tribal governments.

Since Native American communities were always intended to benefit from HUBZone opportunities, the Committee has included language to make such firms eligible. On many reservations, particularly the isolated ones, the only investment resources available are the Tribal governments. Excluding those governments from investing in their own reservations means, in practical terms, excluding those reservations from the HUBZone program entirely. Similarly, Alaska Native Corporations have corporate resources that are necessary to make real investments in rural Alaska and to provide jobs to Alaska Natives who currently have no hope of getting them.

The Senate Committee was guided by three broad principles in crafting this legislation. First, no firm should be made eligible solely by virtue of who it is. For example, Alaska Native Corporations will not be eligible solely because they are Alaska Native Corporations. Instead, Alaska Native Corporations and Indian Tribal enterprises should be eligible only if they agree to advance the goals of the HUBZone program—job creation and economic development in the areas that need it most.

Second, the Senate Committee sought to make the HUBZone program conform to existing Native American policy. The Committee is aware of controversy over whether to change Alaska Native policy so that Alaska Natives exercise governmental jurisdiction over their lands, just like Tribes in the Lower 48 States do on both their reservations and trust lands. The Alaska Native Claims Settlement Act (ANCSA) of 1971 deliberately refrained from creating Alaska Native jurisdictions in Alaska, and this Committee's legislation is intended to conform to existing practice in ANCSA.

The third principle underlying this bill is that Alaska Natives and Indian Tribes should participate on as even a playing field as possible. Exact equivalence is not possible because the Federal relationship with Alaska Natives differs significantly from the relationship with Indian Tribes, and also because Alaska is a very different State from the Lower 48. However, ANCSA provided that Alaska Natives should be eligible to participate in Federal Indian programs "on the same basis as other Native Americans."

Subtitle B—Other HUBZone Provisions

Subtitle B contains several technical changes to clarify interpretive issues concerning the original HUBZone Act, as well as new language to correct an unforeseen situation regarding procurement of commodities. Subtitle B makes a further amendment to the categories of eligible HUBZone firms, to include the HUBZone program as one of the tools Community Development Corporations can use in rebuilding their communities and neighborhoods.

Section 611. Definitions

Subtitle B includes a technical correction to the definition of "qualified census tract." It also makes two major substantive changes to the definition of "qualified nonmetropolitan county."

First, the definition is clarified to ensure that nonmetropolitan counties in the HUBZone program are those that were considered to be such as of the time of the last decennial (10 year) census. The HUBZone program relies on census tracts selected in metropolitan areas based on the last census, so that a metropolitan county—in order to have such census tracts—must have been considered metropolitan at that time. A nonmetropolitan county may be eligible as a HUBZone based on income data collected during the census or on unemployment data produced annually by the Bureau of Labor Statistics.

During the ten-year period between each census, some counties become so integrated into the commercial activities of a metropolitan area that they are moved from the nonmetropolitan category to the metropolitan category. Such counties would become ineligible for HUBZone participation. They would not have been metropolitan counties at the time of the last census, so no qualified census tracts would have been selected there. They would also no longer be nonmetropolitan counties, so the income and unemployment tests available to such counties would no longer apply. Thus, counties that change from nonmetropolitan to metropolitan, in the period between each census, would become ineligible until the next census is taken. Subtitle B corrects this problem by freezing, for HUBZone purposes, the categories of metropolitan and nonmetropolitan counties as they stood at the time of the last census.

Section 612. Eligible Contracts

In 1999, the Senate Committee became aware of potential implementation problems in HUBZone procurements of certain commodities, particularly food-aid commodities purchased by the Department of Agriculture (USDA), that could lead to unintended and anti-competitive results. Because bids for commodities generally tend to fall within a narrow range of prices, the 10% price evaluation preference that currently exists could be overwhelmingly decisive. In such purchases, a handful of HUBZone firms could secure significant portions of these markets. This, in turn, could prompt other vendors to abandon these markets, thus reducing USDA's vendor base and reducing competition. These are results that would be contrary to the goals set forth in 2 of the Small Business Act.

To prevent irreparable harm to USDA's vendor base until the matter could be addressed more comprehensively in this legislation, Senator Bond sponsored a proviso in the Fiscal 2000 Agriculture Appropriations

Act. As adopted in the conference report, 751 of that Act limited the price evaluation preference to 5% for up to half of the total dollar value of each commodity in a particular tender (solicitation). It also prohibited contract awards to a HUBZone firm that would be of such magnitude as to require the firm to subcontract to purchase the commodity being procured, since such a scenario would imply allow these firms to purchase commodities from subcontractors and in turn sell them to the Government at inflated prices.

Section 612 seeks to address this issue on a more permanent basis. The Senate and House Small Business Committees are aware that USDA relies upon a complex computer program to evaluate commodities bids, and thus Section 612 seeks to set a long-term policy that will not require frequent and expensive changes to this software. Although the legislation reduces the level of HUBZone program incentives that otherwise would be available under the HUBZone Act, Section 612 still seeks to ensure substantial awards to HUBZone concerns, while protecting existing incentives available to other types of small business concerns. The House and Senate Small Business Committees intend that these incentives help commodities procurements contribute their fair share toward achieving the Government-wide goal of 23% of prime contract dollars to small business concerns, but

Section 613. HUBZone Redesignated Areas

The second major change to the definition of "qualified nonmetropolitan county" is the addition of a grandfathering clause. Because the Bureau of Labor Statistics (BLS) issues new county-level unemployment data annually, nonmetropolitan counties may shift into and out of eligibility on a yearly basis. The Committee believes that this type of movement is too fluid for a program that should be stable in its first few years. Companies will be confused about the merits of the program if firms lose and gain eligibility from year to year. A company will not want to invest in such a county only to have it suddenly become ineligible, due to new BLS data, before the company has even had the opportunity to recoup its investment by participating in the HUBZone program.

Section 613 seeks to stabilize this situation by looking at the unemployment picture over a three-year period for nonmetropolitan counties. It also provides that companies in such a county will have a one year period to pursue HUBZone opportunities and wrap up its activities under the program, after such a county becomes ineligible due to new BLS data. A similar one year period is provided for changes that may result due to enactment of this legislation.

Section 614. Community Development

For reasons similar to the problems preventing HUBZone program participation by Indian Tribal enterprises and Alaska Native Corporations, small businesses owned by Community Development Corporations were also inadvertently made ineligible by the original HUBZone Act. The Conference Report has included a provision to correct this problem. As with Tribal enterprises and Alaska Native Corporations, addressed in Subtitle A of this Title, Community Development Corporations are not made automatically eligible. These firms must agree to advance the job-creation goals of the HUBZone program. Specifically, as other businesses must do, these enterprises must maintain their principal office in a HUBZone and employ 35% of their workforce from one or more HUBZones.

Section 615. Reference Corrections

TITLE VII—NATIONAL WOMEN'S BUSINESS COUNCIL REAUTHORIZATION

Title VII reauthorizes the National Women's Business Council for three years, from FY 2001 to 2003, and to increase the annual appropriation from $600,000 to $1 million. The increase in funding will allow the Council to: support new and ongoing research; produce and distribute reports and recommendations prepared by the Council; and create an infrastructure to assist states in developing women's business advisory councils, coordinate summits and establish an interstate communication network.

The increase will also be used to assist Federal agencies meet the procurement goal for women-owned businesses established by Congress in 1994 under section 15(g) of the Small Business Act. By law, Federal agencies must strive to award women-owned small businesses at least 5 percent of the total amount of Federal prime contract dollars. The House and Senate Small Business Committees feel strongly that Federal agencies should meet the five-percent goal, and it supports the Council's plan to expand its efforts to increase the percentage of prime contracts that go to women-owned businesses. Based on current data, women are not receiving awards proportionate to their presence in the economy. For example, women-owned businesses make up 38 percent of all small businesses, yet women-owned businesses received only 2.42 percent of the $189 billion in Federal prime contracts in FY 1999.

According to the National Foundation for Women Business Owners, over the past decade the number of women-owned businesses in this country has grown by 103 percent to an estimated 9.1 million firms. They generate almost $3.6 trillion in sales annually and employ more than 27.5 million workers. With the impact of women-owned businesses on our economy increasing at an unprecedented rate, Congress relies on the Council to serve as its eyes and ears as it anticipates the needs of this burgeoning entrepreneurial sector. Since it was established in 1988, the Council, which is bi-partisan, has provided important unbiased advice and counsel to Congress.

Title VII allows the Council to continue to perform its duties at the level it has done so far, as well as expand its activities to support initiatives that are creating the infrastructure for women's entrepreneurship at the state and local level.

TITLE VIII—MISCELLANEOUS PROVISIONS

Title VIII contains several miscellaneous authorizations and programs.

Section 801. Loan Application Processing

This section requires a study of the time required for SBA to process loan applications.

Section 802. Application of Eligibility Requirements

This section clarifies that women-owned business, socially and economically disadvantaged business, and veteran owned business status is to be determined without regard for the possible application of state community property laws. Certain SBA offices have been denying loan applications based upon the possibility that qualified individuals may divorce resulting in joint ownership of the small business.

Section 803. Subcontracting Preference for Veterans

This clarifies that the language included in subcontracting plans for small business concerns owned and controlled by veterans and used for the purpose of data collection also includes small business concerns owned and controlled by service disabled veterans.

Section 804. Business Development Center Funding

This section reforms the formula for funding Small Business Development Centers.

Section 805. Surety Bonds

Reauthorizes the Surety Bond financing program.

Section 806. Size Standards

Clarifies the treatment of size standards under the North American Industry Classification system established by NAFTA. Also increases agricultural size standards to $750,000 in gross annual receipts.

Section 807. Native Hawaiian Organizations under Section 8(a)

Clarifies the standards for participation of Native Hawaiian Organizations in the 8(a) contracting program.

Section 808. National Veterans Business Development Corporation Correction

Extends and corrects the authorization language for the NVBDC to correct for a missed appropriation cycle.

Section 809. Private Sector Resources for SCORE

Permits the SCORE program to solicit and expends funds donated by private sector organizations.

Section 810. Data Collection

This provision requires the SBA to develop a database of bundled contracts. The Administrator is then required to assess whether contracts whose terms have expired but will be recompeted as part of bundled contracts have achieved the savings or improvements in quality that the procuring agency anticipated when it initially consolidated the contract requirements. This analysis also will be used by the Administrator in determining the number of small businesses that have been displaced as prime contractors as a result of contract bundling. The provision requires the Administrator to report annually to the House and Senate Small Business Committees on the cost savings from contract bundling and the number of small businesses displaced as prime contractors. The Administrator is required to use the definition of bundled contract set forth in section 3(o) of the Small Business Act to build the database and report to Congress.

The annual report of the Administrator of the Small Business Administration must contain data on the number of small businesses displaced as prime contractors, the number of contracts bundled by agencies, the total dollar value of the bundled contracts, the justification for each bundled contract, the total cost savings realized by the bundled contracts, the Small Business Administration's estimates of whether those total cost savings or other benefits will continue to be achieved under bundled contracts, the total dollar value of contracts previously awarded to small business prime contractors, the total dollar value of contracts awarded by the prime to small business subcontractors, the effect of bundling on the ability of small businesses to complete as prime contractors, and the effect on the industry including the reduction in the number of small businesses in the particular industrial classification.

Section 811. Procurement Program for Women-owned Small Business Concerns

Gives Federal agencies the authority to restrict competition for any contract for the procurement of goods or services by the Federal government to small businesses owned and controlled by women who are economically disadvantaged.

HONORING SENATOR SPENCER ABRAHAM

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. UPTON. Mr. Speaker, today I recognize my good friend from the other body, Senator SPENCER ABRAHAM.

Senator ABRAHAM is a good American and a great Michigander. Over the years, I have gotten to know Senator ABRAHAM well and I can truly say his family has lived the American dream. His maternal grandfather came to America from Lebanon, began a new life in America as a peddler and eventually opened his own grocery store. His paternal grandfather was also a Lebanese immigrant who worked in the West Virginia coal mines before seeking a better life in Michigan as an autoworker and grocery store owner. SPENCE's dad was also an autoworker, and with his wife, owned a small shop in downtown Lansing.

As Michigan's U.S. Senator, SPENCER put the strong values he learned from his family into action. He worked hard and lived his dream. SPENCE was the first member of his family to attend college and went on to earn his law degree. Prior to serving as our Senator, SPENCER served as Michigan's Republican Chairman and in the Reagan Administration.

Since Senator ABRAHAM's election in 1994, I have had the distinct opportunity to work with him on a host of issues of importance both to the people of our state and the nation. And, his record speaks for itself. As a United States Senator, he has truly been a workhorse—and it's paid off. Senator ABRAHAM is one of the few Members of the Senate that can say 16 bills he wrote have been signed into law.

One of the things I am most proud of is our work this past Congress to protect kids across America from the dangers of "date rape" drugs. By working together, we were able to write and pass a bill that outlaws the dangerous substance, GHB, and its close chemical cousins. This legislation was named in memory of Samantha Reid, a southeast Michigan teenager who died in 1999 after drinking from a can of Mountain Dew that was secretly laced with GHB.

I would personally like to thank Senator ABRAHAM for his assistance this past year to secure badly needed funds from Southwest Michigan's farmers whose crops had been devastated by fireblight. By working together we were able to deliver much needed relief to these farmers.

Mr. Speaker, Senator SPENCER ABRAHAM has left a distinct mark on our nation. I submit my remarks into the CONGRESSIONAL RECORD to ensure that future generations have the opportunity to be inspired by the contributions of Senator SPENCER ABRAHAM of Michigan.

TRIBUTE TO THE CITY RESCUE MISSION OF SAGINAW, MICHIGAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BARCIA. Mr. Speaker, I pay tribute to the City Rescue Mission of Saginaw, Michigan. The dedicated support and dependable guidance of this organization has lifted the spirits of many homeless men, women and children for nearly a century.

Since 1905, the City Rescue Mission has stood as a beacon of hope for the homeless and economically disadvantaged throughout Saginaw County. The mission has a proud history of stepping up to the plate to move the less fortunate from dependency to self-sufficiency in a manner that respects individuals by providing them with the resources necessary for them to share in the fortunes of our society and ultimately to contribute back to our community.

The Rescue Mission's light still shines brightly as it continues to develop new and progressive methods to help the less fortunate find paths to success. Recently, the Mission opened the Frank N. Andersen Family Empowerment Center and enhanced its Literacy Education Center with a new computer lab and software programs to tutor users in math, information skills, writing, language arts and reading. As a result, many clients have been able to successfully complete General Education Development certificate requirements as a first step to full and meaningful employment.

Throughout the years, the City Rescue Mission has been blessed by an outpouring of volunteer help and financial assistance from community-minded benefactors who seek to share in caring for the needy and promoting economic and spiritual salvation. Clearly, the Mission is more effective today than at any other time in its long and honorable history.

Mr. Speaker, the City Rescue Mission of Saginaw has transformed for the better the lives of those who cross its threshold and take part in its ministry. It is especially gratifying to have such an organization in Michigan's Fifth Congressional District. It is with great pride that I ask my colleagues to join me in offering a heartfelt thank-you to the Mission for a job well-done and wishing them many years of continued success on behalf of those in need.

TRIBUTE TO MR. ROBERT K. REAVES, OUTSTANDING PUBLIC SERVANT AND CONSERVATION LEADER

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. MOAKLEY. Mr. Speaker, I rise today to salute the leadership and outstanding public service of a member of our federal workforce.

After nearly 45 years of service, Robert K. Reaves will retire on January 3, 2001 from the U.S. Department of Agriculture's Natural Resources Conservation Service. In his role in public service, Bob set an example for everyone with a strong commitment to excellence, dedication to integrity, and an enthusiasm for conservation of natural resources.

Mr. Reaves was born and raised in the Washington, DC area and spent time in his youth working on his Uncle's tobacco farm in North Carolina. He attended George Washington University and received a Bachelor of Science in Business Administration.

In February of 1956 he began federal service with United States Geological Survey as a chemical technician in water quality. In May of 1969, Bob joined the United States Department of Agriculture's Research Service, as a program analyst. He served the Department in several capacities related to the budget development.

In 1981, Bob joined the USDA Natural Resources' Conservation Service (NRCS). For nearly two decades, Bob provided top-level expertise on conservation issues, including serving as the Budget Officer for NRCS. In 1997–98, Mr. Reaves was a key advisor in the USDA Civil Rights review and helped develop budget initiatives to support Civil Rights initiatives and several other key areas of Department Administration.

In his role with the Natural Resources Conservation Service, Mr. Reaves has demonstrated an exceptional commitment to public awareness of conservation issues, and has served as a source of expertise on national issues for executive branch and legislative branch officials alike. He is also a leading advocate for conservation funding, and has appeared before committees of this Congress on several occasions to support private lands conservation. The individual accomplishments of Mr. Reaves are many, but his years of service are a testament to his dedication, integrity and commitment to his work.

After 45 years of federal service, Bob will have a chance to share the fruits of retirement with his wife, Peggy and pursue hobbies including woodworking, and gardening. Although he will be missed by his colleagues at the Department and many friends here on Capitol Hill, we wish him the very best in his future pursuits. We thank him and salute him for a job well done and wish him well as he embarks upon new frontiers and endeavors that retirement will offer.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BALLENGER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 603 (H.R. 4577). Had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. TALENT. Mr. Speaker, I rise to include the following statement in the record to accompany H.R. 5663, the New Markets Venture Capital Program Act of 2000, as enacted by the Conference Report to accompany H.R. 4577. This legislation was originally Title IX of H.R. 5545, as enacted through the conference report accompanying H.R. 2614. Unfortunately, H.R. 2614 did not gain approval in the Senate. However, we were able to save the provisions of H.R. 5545 in H.R. 5663 and H.R. 5667, which were enacted as part of the Conference Report for H.R. 4577, the Consolidated Appropriations Act.

The summary I am inserting is almost identical to the language of the conference report filed with H.R. 5545. The bill language has not changed and neither has the intent of the House and Senate Small Business Committees concerning the New Markets Venture Capital Program Act of 2000. I submit this statement as a Joint Statement of the House Managers in order to provide assistance to the Small Business Administration in implementing this law.

The purpose of H.R. 5663 the "New Markets Venture Capital Program Act of 2000," is to promote economic development, wealth and job opportunities in low income (LI) areas by encouraging venture capital investments and offering technical assistance to small enterprises. The central goal of the legislation is to fulfill the unmet equity investment needs of small enterprises primarily located in LI areas.

The bill creates a developmental venture capital program by amending the Small Business Investment Act to authorize the U.S. Small Business Administration (SBA) to enter into participation agreements with 10 to 20 New Markets Venture Capital (NMVC) companies in a public/private partnership. It further authorizes SBA to guarantee debentures of NMVC companies to enable them to make venture capital investments in smaller enterprises in LI areas. And it authorizes SBA to make grants to NMVC companies, and to other entities, for the purpose of providing technical assistance to smaller enterprises that are financed, or expected to be financed, by such companies.

The Act will also enhance the ability of existing Small Business Investment Companies (SBICs) to invest in LI areas. It allows them to have access to the leverage capital authorized under the program, without entering into a participation agreement with SBA to act as an NMVC company.

Finally, the Act enhances the ability of existing Specialized Small Business Investment Companies (SSBICs) to invest in LI areas. It allows them to have access to the operational assistance grant funds authorized under the program, also without entering into a participation agreement with SBA to act as an NMVC company.

Despite our unprecedented economic prosperity, there remain places in America that have yet to reap the benefits of this prosperity. Although many Americans enjoy strong income and wage growth, millions in underserved areas still do not have access to jobs or entrepreneurial opportunities.

For example, between 1997 and 1998, the median income for the nation's households rose 3.5 percent in real terms. Yet 12.7 percent of Americans (34.5 million people) still live below the poverty level. These 34.5 million people live in the inner cities and rural areas of America, where jobs are scarce and there is little to attract would-be small business investors.

The overall poverty rate for the U.S. in 1998 was 12.7 percent, but the poverty rate among both African American and Latino populations was 26 percent—double the national average. In rural communities, poverty remains a persistent problem. Job growth is well below the national average, with unemployment hovering at or above 14%. Additionally, the unemployment levels in many urban communities range from 7.5% for African Americans to 6.4% for Hispanics. Both are nearly double the national average.

It is not enough to merely create jobs in these pockets of poverty. Rather, we must create a small business backbone, an economic infrastructure to enable these communities to develop their full potential and participate fully in the economic mainstream.

H.R. 5663 uses SBA resources targeted to corporations and small businesses that want to do business in the untapped markets of our underserved communities. It is a wise investment in the hopes of millions of families who are not sharing in the American Dream.

There is a pressing need for this legislation. There are virtually no institutional sources of equity capital in distressed communities. The national venture capital industry for community development comprises only 25 firms managing approximately $157 million. Only 14 of those are capitalized at $5 million or more—the absolute minimum for economic viability.

H.R. 5663 will tap unrealized resources in our nation, thus benefiting our economy as a whole. It will increase the attractiveness of investment in places with high unemployment and too few businesses. The more the business community

SECTION 1. SHORT TITLE.

SECTION 2. NEW MARKETS VENTURE CAPITAL PROGRAM

This Section amends Title III of the Small Business Investment Act of 1958 by adding new Sections 351 through 368 to establish the "New Markets Venture Capital Program."

H.R. 5663 will add the following new sections to the Small Business Investment Act:

Section 351. Definitions

Establishes definitions for developmental venture capital, New Markets Venture Capital Companies, low- or moderate-income geographic area, operational assistance, participation agreement, and Specialized Small Business Investment Companies as used in the legislation.

"Developmental venture capital" is defined as equity capital invested in small businesses, with a primary objective of fostering economic development in low income geographic areas. For the purposes of this Act, the Committee considers equity capital investments to mean stock of any class in a corporation, stock options, warrants, limited partnership interests, membership interests in a limited liability company, joint venture interests, or subordinated debt with equity features if such debt provides only for interest payments contingent upon earnings. Such investments must not require amortization. They may be guaranteed; but neither the Equity capital investment nor the guarantee may be secured.

A "New Markets Venture Capital Company" is defined as a company that has been approved by the Administration to operate under the New Markets Venture Capital Program, and has entered into a participation agreement with the Administration to make equity investments and provide technical assistance to small enterprises located in low- or moderate-income areas.

The term "low income geographic area" means a census tract, or the equivalent county division as defined in the Bureau of the Census for purposes of defining poverty areas, in which the poverty rate is not less than 20 percent. In those areas in a metropolitan area 50 percent or more of the households must have an income equal to less than 60 percent of the median income for the area. In rural areas the median household income for a tract must not exceed 80 percent of the statewide median household income. This definition also includes any area located

The term "low income individual" is included for the purpose of allowing waivers of the low income area requirement for areas of significant economic disadvantage that may not otherwise qualify. A low income individual is defined as someone whose income does not exceed 80 percent of the area median income in metropolitan areas, or 80 percent of either the area or statewide median income in rural areas.

The term "operational assistance" is defined as management, marketing, and other technical assistance that assists a small business concern with business development.

"Participation agreement" is defined as an agreement between the Administration and an NMVC Company detailing the company's operating plan and investment criteria; and requiring that investments be made in smaller enterprises as least 80 percent of which are located in low income geographic areas.

"Specialized Small Business Investment Company" means any small business investment company that was licensed under section 301(d) as in effect before September 30, 1996.

Section 352. Purposes

Describes the purposes of the Act, which are:

(1) to promote economic development and the creation of wealth and job opportunities in low- or moderate-income geographic areas and among individuals living in such areas by encouraging developmental venture capital investments in smaller enterprises primarily located in such areas; and

(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small entrepreneurs located in low- or moderate-income areas; to be administered by the Small Business Administration; to enter into a participation agreement with NMVC companies; to guarantee debentures of NMVC companies to enable each such company to make developmental venture capital

investments in smaller enterprises in low- or moderate-income geographic areas; and to make grants to NMVC companies for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

Section 353. Establishment

Authorizes the SBA to establish the NMVC Program, under which the SBA may form New Markets Venture Capital companies by entering into participation agreements with firms that are granted final approval under the requirements set forth in Section 354 and formed for the purposes outlined in Section 352.

This Section also authorizes SBA to guarantee the debentures issued by the NMVC Companies as provided in Section 355; and to make operational assistance grants to NMVC Companies and other entities in accordance with Section 358.

Section 354. Selection of the New Markets Venture Capital Companies

Establishes the criteria to be followed by SBA in selecting the NMVC Companies. This section provides for specific selection criteria to be developed by the SBA—based on the criteria enumerated in this legislation—and designed to ensure that a variety of investment models are chosen and that appropriate public policy goals are addressed. Geographic dispersion must also be taken into account in the selection process.

H.R. 5663 requires Program participants to satisfy the following application requirements:

(1) Each NMVC must be a newly formed, for-profit entity with at least $5 million of contributed capital or binding capital commitments from non-Federal investors, and with the primary objective of economic development in low- or moderate-income geographic areas.

(2) Each NMVC's management team must be experienced in some form of community development or venture capital financing.

(3) Each NMVC must concentrate its activities on serving its investment areas, and submit a proposal that will expand economic opportunities and address the unmet capital needs within the investment areas.

(4) Each applicant must submit a strong proposal to provide operational assistance, including the possible use of outside, licensed professionals.

(5) Each NMVC must have binding commitments (in cash or in-kind) for operational assistance and overhead, payable or available over a multi-year period not to exceed 10 years, in an amount equal to 30% of its committed and contributed capital. These commitments may be from any non-SBA source and the cash portion may be invested in an annuity payable semi-annually over a multi-year period not to exceed 10 years.

The Committee is well aware that it will be difficult for some NMVCs to raise their entire operational assistance match during the application stage. Those NMVCs that are unable to raise the required match, but have submitted a reasonable plan to the Administrator to meet the requirement, may be granted a conditional approval from the Administrator and be allowed to draw one dollar of federal matching funds for every dollar of private funds raised provided that (for the purpose of final approval) they raise at least 20 percent of the required matching funds, and have at least 20 percent of the match on hand when applying for additional grant funds.

The Committee believes that it is important to give NMVCs the flexibility to obtain the required private operational assistance funds, however, from a safety and soundness standpoint, federal assistance funds should not be placed at greater risk than private assistance funds.

This conditional approval shall be made with the expectation that the required capital funding commitments will be obtained within two years of the conditional approval.

The bill also authorizes SBA to select firms that have experience with investing in enterprises located in low income areas to participate as NMVCs. SBA will enter into an agreement with each NMVC setting forth the specific terms of that firm's participation in the program. Each agreement will be tailored to the particular NMVC's operations and will be based on the NMVC's own proposal, submitted as part of the NMVC's application form. The agreement will require that investments be made by the NMVC in smaller enterprises, at least 80% of which are located in low income geographic areas.

In order for an investment to be counted toward the 80% goal under H.R. 5663, the investment must be made in a small business concern located in an LI area. This ensures that the New Markets Venture Capital Company Program will focus investment capital where it is most needed, rather than duplicating existing SBA programs.

The Committee believes that the targeting of low-income communities is the most important element of H.R. 5663. If Congress and the Administration are serious about helping our nation's low-income cities, towns, and rural areas we should demonstrate our commitment by ensuring that this bill is focused on these areas. The Committee has accomplished this by requiring that 80% of all investment will concentrate on those needing this help the most.

By clearly focusing this legislation on the communities that need assistance the most, the Committee has maximized the impact of this program. It is also the Committee's view that by investing the majority of funds in low income communities, we will not only provide the benefit of increased opportunities for working families, but H.R. 4530 will also provide the benefit of improving the physical community. This double benefit ensures that the resources spent under H.R. 4530 will provide the maximum economic impact on the low- or moderate-income communities to which this bill is targeted.

The Committee recognizes that the legislation may offer some benefits to working families located outside of the LMI areas as defined by the legislation. To address this concern, up to 20% of a New Markets Venture Capital Company's investments are permitted in those businesses that are in need of equity investment, but fall outside the LMI areas as defined by the legislation. However, it is the

Section 355. Debentures

Authorizes SBA to guarantee debentures issued by NMVC companies. The terms of the guaranteed debentures issued under this section may not exceed 15 years and the maximum total guarantee for any NMVC company shall not exceed 150 percent of a company's private capital.

Section 356. Issuance and Guarantee of Trust Certificates

Authorizes SBA to issue and guarantee trust certificates representing ownership of all or part of the debentures issued by an NMVC company and guaranteed by the Administration. Each guarantee issued under this section is limited to the amount of the principal and interest on the guaranteed debentures that compose the trust or pool of certificates.

This section grants SBA subrogation and ownership rights over the trust certificates guaranteed under this section, but prohibits SBA from collecting a fee for any guarantee of a trust certificate issued under this section. Finally, this section allows SBA to contract with an agent to carry out the polling and central registration functions for the trust certificates issued.

Section 357. Fees

Authorizes SBA to charge such fees as it deems appropriate with respect to any guarantee or grant issued to an NMVC company. This authorization is subject to the prohibition contained in Section 356 that prohibits SBA from collecting a fee for any guarantee of a trust certificate issued under the section.

Section 358. Operational Assistant Grants

Authorizes SBA to make operational assistance grants to new Markets Venture Capital Companies established under the legislation and to certain Specialized Small Business Investment Companies.

Each NMVC is eligible for one or more grants, on a matching basis, in an amount equal to the amount the NMVC makes available for operational assistance. The operational assistance grant will be made available to the NMVC semi-annually over a multi-year period not to exceed 10 years. SBA is also authorized to provide supplemental grants to NMVCs.

This section of the bill also allows Specialized Small Business Investment Companies ("SSBICs") access to the operational assistance grants funds authorized under the program without entering into a participation agreement with SBA to act

This section of the bill explicitly prohibits NMVCs and SSBICs from using operational assistance grants, both the federal contribution and the match, to supplement their own bottom line. This prohibition includes items that are not aimed at directly benefiting the small enterprises, such as, but not limited to—the purchase of furniture, office supplies, physical improvements to the NMVCs' or SSBICs' places of business, and marketing services. The Committee included this limitation to ensure that the investments made through this program will be for the benefit of small businesses located in LMI areas, which is the intent of the legislation.

It is the Committee's view that this provision does allow for operational assistance funds under the legislation to be used for salaries of those NMVC or SSBIC employees that are providing direct technical assistance to the small enterprise. NMVCs and SSBICs that use their own staff to provide the necessary direct assistance to smaller enterprises may be reimbursed for the direct cost of staff out of grant funds, but only to the extent such costs are allocable to the operational assistance.

This section also requires the NMVC companies to document in their operation plan the extent to which they intend to use licensed professionals (e.g., licensed attorneys and Certified Public Accountants) when providing technical assistance that requires such expertise. This ensures that the NMVC companies will provide the best assistance possible to the small business concerns. It is not meant to be constructed as requirement that licensed professionals are sole persons to provide such assistance, but their use is encouraged in highly technical situations.

Evidence presented to the Congress by the community development venture capital advocates indicates that providing technical assistance to a small business dramatically increases that business' chance of success. The Congress wishes to ensure that all small businesses receiving technical assistance under this program will receive the best technical assistance available. We believe this will further increase the businesses' chances of success.

Section 359. Bank Participation

Allows any national bank, and any member bank of the Federal Reserve System to invest in an NMVC company formed under this legislation so long as the investment would not exceed 5 percent of the capital and surplus of the bank.

Banks that are not members of the Federal Reserve System are allowed to invest in an NMVC company formed under this legislation so long as such investment is allowed under applicable State law, and so long as the investment would not exceed 5 percent of the capital and surplus of the bank.

Section 360. Federal Financing Bank

Establishes that Section 318 of the Small Business Investment Act does not apply to any NMVC company created under this legislation.

Section 361. Reporting Requirements

Establishes reporting requirements for the NMVC companies.

Specifically, the NMVC companies are required to provide to SBA such information as the Administration requires, including: information related to the measurement criteria that the NMVC proposed in its program application; and, for each case in which the NMVC makes an investment or a grant to a business located outside of an LMI area, a report on the number and percentage of employees of the business who reside in an LMI area.

Section 362. Examinations

Requires that each NMVC company shall be subjected to examinations made at the direction of the Investment Division of SBA. This section allows for examinations to be conducted with the assistance of a private sector entity that has both the necessary qualifications and expertise.

It is the intent of the Committee that the oversight of the NMVC program be modeled after that developed for the SBIC program and administered by SBA's Investment Division. Oversight should include a close working relationship between SBA analysts and NMVC management teams, detailed reporting requirements, frequent on-site examinations to evaluate performance and conformance with the operating plan, and careful analysis of the firm's economic impact.

Section 363. Injunctions and Other Orders

Grants SBA the power of injunction over NMVC companies and the authority to act as a trustee or receiver of a company if appointed by a court.

This section of the legislation closely tracks the existing injunction provision (Section 311) of the Small Business Investment Act of 1958. Again, it is the Committee's intent that oversight of the NMVC program be modeled after that developed for the SBIC program and administered by SBA's Investment Division. This oversight should include a close working relationship between SBA analysts and NMVC management teams, detailed reporting requirements, frequent on-site examination to evaluate performance and conformance with the operating plan, and careful analysis of the firm's economic impact.

Section 364. Additional Penalties for Noncompliance

Grants SBA or the Attorney General the authority to file a cause of action against an NMVC company for noncompliance. Should a court find that a company violated or failed to comply with provisions of this legislation or other provisions of the Small Business Investment Act of 1958, this section grants SBA the authority to void the participation agreement between the company and the SBA.

Section 365. Unlawful Acts and Omissions; Breach of Fiduciary Duty

Defines what is to be considered as a violation of this legislation, who is considered to have a fiduciary duty, and who is ineligible to serve as an officer, director, or employee of any NMVC company because of unlawful acts.

This section of the legislation closely tracks the unlawful acts provision (Section 314) of the Small Business Investment Act of 1958. It is the Committee's intent to grant SBA the same authority over NMVC companies that it has over Small Business Investment Companies with respect to unlawful acts and the breach of fiduciary responsibility.

Section 366. Removal or Suspension of Directors or Officers

Grants SBA the authority to use the procedures set forth in Section 313 of the Small Business Investment Act of 1958 to remove or suspend any director or officer of any NMVC company.

Section 367. Regulations

Authorizes the Small Business Administration to issue such regulations as it deems necessary to carry out the provisions of the legislation.

Section 368. Authorization of Appropriations

Authorizes appropriations for the Program for Fiscal Years 2001 through 2006. This section authorizes such subsidy budget authority as necessary to guarantee $150,000,000 of debentures and $30,000,000 to make operational assistance grants.

The Committee estimates that the Program will only require a one-time appropriation of $45 million—$15 million for loan guarantees and $30 million for operational assistance grants. This $15 million will allow SBA to back $150 million in loans to small business in low- or moderate-income areas.

Section 368(c). Conforming Amendment

Makes a conforming change to the Small Business Investment Act of 1958 to account for the changes made by this legislation.

Section 368(d). Calculation of Maximum Amount of SBIC Leverage

Allows Small Business Investment Companies ("SBICs") to obtain additional access to leverage outside the statutory caps. The exemption of the SBICs, however, is limited only to investments they make in LMI areas.

This section provides that investments made in LMI areas will not apply against the leverage cap of the individual SBIC as long as the total amount invested through the program does not exceed 50% of the SBIC's paid-in capital.

Section 368(e). Bankruptcy Exemption

Adds NMVC companies to the list of entities that may not be considered a debtor under a Title 11 bankruptcy proceeding.

Section 368(f). Federal Savings Associations

Amends the "Home Owners Loan Act" to allow federal savings associations to invest in an NMVC company formed under this legislation so long as the investment would not exceed 5 percent of the capital and surplus of the savings association.

Section 102. BusinessLINC Grants and Cooperative Agreements.

H.R. 5663, also contains section 102 which establishes the BusinessLINC program, designed to promote business growth in inner cities and economically distressed rural areas by matching large and small firms into business-to-business partnering and mentoring relationships. BusinessLINC would accomplish this by providing seed funding to third party entities such as local Chambers of Commerce to promote such relationships. In addition to seed funding, such entities will also receive funds for technical assistance programs to small businesses to supplement the mentor-protege relationships established as a result of BusinessLINC.

BusinessLINC helps businesses by providing online information and a database of companies that are interested in mentor-protege programs.

Grants may be made to a coalition/combination of private and public entities only if the coalition/combination provides an amount, either in kind or in cash, equal to the grant amount for the purposes above.

Despite the unprecedented economic prosperity we are experiencing in this country, there are several areas of the country that have still not achieved parity. These areas are primarily inner cities, rural areas, and Native American communities. BusinessLINC will enable business opportunities for small businesses who would otherwise have no access to outside larger markets. While these small businesses have strong potential, they are located in communities where corporate America would not necessarily look. BusinessLINC will break that barrier. When the BusinessLINC model has been applied in the past, small businesses have seen growth as much as 45 percent. With this assistance, the local community will be charting its own path to recovery. The "LINC" in BusinessLINC stands for "Learning, Information, Networking and Collaboration."

Section 102 adds a new paragraph (n) "BusinessLINC Grants and Cooperative agreements." to section 8 of the Small Business Act.

Paragraph (1) allows the Administrator to make grants or enter into cooperative agreements with any coalition/combination of private and/or public entities to (a) promote business-to-business relationships between large and small businesses and (b) to provide online information and a database of companies that are interested in mentor-protege programs.

It is the opinion of the Committee that private and/or public entities eligible for grants should be limited to chambers of commerce and other not-for-profit business organizations. The Committee intend that grant money be provided to large businesses. Further, if a grant is made to a combination of entities, one entity must take a lead position.

It is further the opinion of the Committee that promotion of business-to-business relationships between large and small businesses referenced in paragraph (a) above should include the facilitation of such relationships as mentor-protege, prime/subcontractor, and teaming.

The Committee intends that an element to be considered by the Administrator when evaluating a grant proposal, shall be the training of small businesses or "proteges." An additional evaluation element intended by the Committee shall be measurable goals to be achieved through the business-to-business partnerships.

The Committee further intends that the online database referenced in paragraph (b) above, should make use of the SBA's current PRO-Net database to the greatest extent practicable. The Committee is concerned that online privacy issues should also be addressed by the SBA in the implementation of the databases. Further, it is the Committee's opinion that the databases should be vigilantly maintained by the SBA to ensure that only firms eligible to be mentors should be included in the mentor database, and only those firms eligible to serve as intermediaries should be included in the intermediary database.

Paragraph (2) specifies that the Administrator may make grants as long as the coalition/combination of public and/or private entities provides an amount, either in kind or in cash, equal to the grant amount for the purposes delineated in paragraph (1) above.

The Committee is well aware that it may be difficult for some entities to raise their entire match during the application stage. Those entities that are unable to raise the required match, but have submitted to the Administrator a reasonable plan to meet the requirement, may be granted a conditional approval from the Administrator and be allowed to draw one dollar of federal matching funds for every dollar of private funds raised. This conditional approval shall be made with the expectation that the required funding commitments will be obtained within two years of the conditional approval.

The Committee believes that it is important to give entities the flexibility to obtain the required private operational assistance funds, however, from a safety and soundness standpoint, federal funds should not be placed at greater risk than private capital.

Paragraph (3) specifies the authorization for the program for fiscal years 2001 through 2003. This amount shall be $6,600,000 for each of the three fiscal years.

TRIBUTE TO MR. J. KEYS WRIGHT OF TRINITY, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CRAMER. Mr. Speaker, today I pay tribute to Mr. J. Keys Wright of Trinity, Alabama. He has captured so poignantly the troubles we face today with explosions of ethnic cleansing and civil warfare across the globe.

Mr. Wright, an established poet in my district, wrote this poem "Sons" in January of 1995. It is especially appropriate to be heard now as we begin this new millennium and we are still plagued with daily new reports tallying the murders and assaults caused by hatred and misunderstanding. I would like for his words of wisdom to be printed, therefore, I submit the following into the CONGRESSIONAL RECORD for others to see and learn.

"Sons"

Sons of Mother Russia, Loyal
Chechens, Brothers of Israel,
Muslim, Christian, Irishman,
Briton, Children of One God.
Run Don't Walk Away from
There, Leave these Fields of Death, Murder No One Else.
Kill no Other Mother's Child
Born of Love and Passion,
Killed by Hate and Greed, To Satisfy an Ambitious Lie.
Fight No More My Brothers,
Our Children, Brothers of My
Soul, Leave Their Killing to Them.
Their Hearts have Drawn and
Withered, Their Minds are Dark
And God, These Ones without A Soul.
Sons of Mother Russia, Loyal
Chechens, Brothers of Israel,
Muslims, Christian, Irishman,
Briton, Children of One God.

NUCLEAR AGE PEACE FOUNDATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mrs. CAPPS. Mr. Speaker, today I bring to the attention of my colleagues, a thoughtful article by David Kreiger which appeared in The Santa Barbara Independent, entitled "An Open Letter to the Next U.S. President: Abolish Nuclear Weapons." I submit the following article into the CONGRESSIONAL RECORD.

[From the Santa Barbara Independent, Oct. 12, 2000]

AN OPEN LETTER TO THE NEXT U.S. PRESIDENT: ABOLISH NUCLEAR WEAPONS

(By David Krieger)

The city of Hiroshima's Peace Declaration on August 6, 2000, stated, "If we had only one pencil we would continue to write first of the sanctity of human life and then of the need to abolish nuclear weapons." The citizens of Hiroshima have horrendous first-hand knowledge of the devastation of nuclear weapons. They become the unwitting ambassadors of the Nuclear Age.

If we wish to prevent Hiroshima's past from becoming our future, there must be leadership to reduce nuclear dangers by vigorous efforts leading to the total elimination of all nuclear weapons from Earth. This will not happen without U.S. leadership, and therefore your leadership, Mr. President, will be essential.

Also in the Peace Declaration of Hiroshima is this promise: "Hiroshima wishes to make a new start as a model city demonstrating the use of science and technology for human purposes. We will create a future in which Hiroshima itself is the embodiment of those 'human purposes.' We will create a 21st century in which Hiroshima's very existence formulates the substance of peace. Such a future would exemplify a genuine reconciliation between humankind and the science and technology that have endangered our continued survival."

With this promise and commitment, Hiroshima challenges not only itself, but all humanity to do more to achieve a "reconciliation between humankind and science and technology." The place where this challenge must begin is with the threat posed by nuclear weapons.

At the 2000 Non-Proliferation Treaty Review Conference, the U.S. and the other nuclear weapons states made an "unequivocal undertaking . . . to accomplish the total elimination of their nuclear arsenals." This commitment is consistent with the obligation in Article VI of the Non-Proliferation Treaty, and with the interpretation of that obligation as set forth unanimously by the International Court of Justice in its landmark 1996 opinion on the illegality of nuclear weapons.

In addition to moral and legal obligations to eliminate nuclear weapons, it is also in our security interests. Nuclear weapons are the greatest threat to the existence of our nation and, for that matter, the rest of the world. The American people and all people would be safer in a world without nuclear weapons. The first step toward achieving such a world is publicly recognizing that it would be in our interest to do so. That would be a big step forward, one that no U.S. president has yet taken.

In the post-Cold War period, U.S. policy on nuclear weapons has been to maintain a two-tier structure of nuclear "haves" and "have-nots." We have moved slowly on nuclear arms reductions and have attempted (unsuccessfully) to prevent nuclear proliferation. We have not given up our own reliance on nuclear weapons, and we have resisted any attempts by NATO members to re-examine NATO nuclear policy.

One of the early decisions you will be asked to make, Mr. President, is on the deployment of a National Missile Defense. While this resurrection of the discredited "Star Wars" system will never be able to actually protect Americans, it will anger the Russians and Chinese, undermine existing arms control agreements, and most likely prevent future progress toward a nuclear weapons-free world. The Russians have stated clearly that if we proceed with deploying a National Missile Defense, they will withdraw from the START II Treaty and the Comprehensive Test Ban Treaty. This would be a major setback in U.S.-Russian relations at a time when Russia has every reason to work cooperatively with us for nuclear arms reductions.

In fact, Russian President Putin has offered to reduce to 1,500 the number of strategic nuclear weapons in START III. Well-informed Russians say that he is prepared to reduce Russia's nuclear arsenal to under 1,000 strategic weapons as a next step. We have turned down this proposal and told the Russian government that we are only prepared to reduce our nuclear arsenal to 2,000-2,500 strategic weapons in START III. This is hard to understand because reductions in nuclear weapons arsenals, particularly the Russian nuclear arsenal, would have such clear security benefits to the United States.

The Chinese currently have some 20 nuclear weapons capable of reaching U.S. territory. If we deploy a National Missile Defense, China has forewarned us that they will expand their nuclear capabilities. This would be easy for them to do, and it will certainly have adverse consequences for U.S.-Chinese relations. Additionally, it could trigger new nuclear arms races in Asia between China and India, and India and Pakistan.

North Korea has already indicated its willingness to cease development of its long-range missile program in exchange for the development assistance that they badly need. We should pursue similar policies with Iraq, Iran, and other potential enemies. We should vigorously pursue diplomacy that seeks to turn potential enemies into friends.

Rather than proceeding with deployment of a National Missile Defense, we should accept President Putin's offer and proceed with negotiations for START III nuclear arms reductions to some 1,000 to 1,500 strategic nuclear weapons on each side. Simultaneously, we should provide leadership for multinational negotiations among all nuclear weapons states for a Comprehensive Treaty to Eliminate Nuclear Weapons. This would be a demonstration of the "good faith" called for in the Non-Proliferation Treaty.

In addition to these steps, there are many more positive steps that require U.S. leadership. Among these steps are de-alerting nuclear forces, separating warheads from delivery vehicles, providing assurances of No First Use of nuclear weapons, establishing an accounting for all nuclear weapons and weapons grade materials in all countries, withdrawing nuclear weapons from foreign soil and international waters, and providing internationally monitored storage of all weapons-grade nuclear materials.

The United States is a powerful country. It will have enormous influence, for better or for worse, on the future of our species and all life. Continuing on with our present policies on nuclear weapons will lead inevitably to disaster. Millions of Americans know that we can do better than this. Because these weapons are in our arsenal now does not mean they must always be, if we act courageously and wisely.

We need to set a course for the 21st century that assures that it will be a peaceful century. The lack of leadership to end the nuclear threat to humanity's future is unfortunately augmented by other unwise policies that we pursue. Our country must stop being the arms salesman to the world, the policeman for the world, and the chief trainer for foreign military and paramilitary forces.

We need to become an exporter and promoter of democracy and decency, human rights and human dignity. If these values are to be taken seriously abroad, we must demonstrate their effect in our own society. To do this, we need to reduce rather than increase military expenditures. We are currently spending more on our military than the next 16 highest military-spending countries combined. This is obscene and yet it goes unchallenged. It is another area where presidential leadership is necessary.

We live in a world in which borders have become incapable of stopping either pollution or projectiles. Our world is interconnected, and our futures are interlinked. We must support the strengthening of international law and institutions. Among the treaties that await our ratification are the Comprehensive Test Ban Treaty, the Land Mine Prohibition Treaty, the Treaty on the Rights of the Child, the Treaty on the Law of the Sea, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Treaty for an International Criminal Court.

Mr. President, I have watched many of your predecessors fail to act on these issues. You have the opportunity to set out on a new path, a path to the future that will bring hope to all humanity. I urge you to accept the challenge and take this path. Be the leader who abolishes nuclear weapons. It would be the greatest possible gift to humanity.

EXPRESSING THANKS TO COMMITTEE ON INTERNATIONAL RELATIONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GILMAN. Mr. Speaker, S. 2943, S. Con. Res. 138, and S. Con. Res. 158 are likely the last matters I will bring to the floor in my capacity as Chairman of the Committee on International Relations. I have had the honor of having served as the Chairman of the Committee for six years, preceded by two years as its Ranking Republican.

I would like to express my thanks to the Members of the Committee for their constructive cooperation over these past years. I will miss those who will be leaving the House—my colleagues Bill Goodling, Matt Salmon, Tom Campbell, Mark Sanford, Sam Gejdenson, and Pat Danner.

I have worked closely with Mr. Gejdenson, who has served as my ranking Democrat for two years, and I will miss him. I look forward to working with Tom Lantos as he takes up the mantle of leadership on the other side of the aisle.

The House leadership has made it possible to bring our bills and resolutions to the floor. I appreciate their support and understanding of our concerns. We have also had great help from the Rules Committee under Mr. Dreier and his predecessor, Mr. Solomon. The cooperation of the Democrats in leadership and Rules has also been indispensable.

Mr. Speaker, I would like to thank you and through you, the other presiding officers who have stood in your place as we have brought innumerable matters to the floor. Your fairness and patience has always been appreciated. I would like to say to the leadership staff to those who work on the floor and in the leadership offices off the floor—especially Brian Gunderson, Shioban McGill, and Kirk Boyle—how much we appreciate your help.

The House Parliamentarian, Mr. Charles Johnson, as well as his deputies, assistants, and clerks have always been available to us with wise advice. The official reporters and transcribers, the staff of the office of legislative operations, the cloakroom staffs, the doorkeepers, and the pages all make this House run. Thus, they are critical to our democracy.

We have had able help over the years from the office of the House Legislative Counsel, especially from Mark Synnes, Yvonne Haywood, Sandy Strokoff, and the unsung heroes of the "Ramseyer section".

Our Committee's chief of staff, Rich Garon, has coordinated the work of a wonderful group of professionals, as has his counterpart on the Democratic side, Kathleen Moazed. None of our work could have been accomplished without them, and I hope that they will continue to serve the country through their work in this House or elsewhere in government. Rather than name them all, Mr. Speaker, I will insert a list of our staff in the Record, with my thanks and, I am certain, the thanks of all of our Members.

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